

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, April 10, 2023 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN.

MEMBERS PRESENT: DeBaere, Meulebroeck, Louwagie, Sleiter, Olson

OTHERS PRESENT: Biren, Springstead, Crowley, Graupmann, Mark & Laura DeBeer, David & Samantha Fischer and Jeremy Parrie.

ABSENT: None

Olson opened the meeting at 7:00 p.m.

All present recited the Pledge of Allegiance

Identify any conflicts of interest: Louwagie – David Fischer Variance

AMEND/APPROVE AGENDA: Sleiter moved, seconded by Louwagie to approve the agenda as presented. All in favor, motion carried.

Minutes for the March 14, 2023 meeting reviewed. Sleiter moved, seconded by Meulebroeck to approve the minutes as presented. All in favor motion carries.

BOARD OF ADJUSTMENTS:

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Laura & Mark DeBeer for a variance request to construct a Garage Addition, Thirty (30) feet from the road right-of-way of 190th Street. This is a Seventy (70) foot variance request.

The area representing the request is zoned agricultural. The property is described as follows:

All that part of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section Twenty-two (22), Township One Hundred Ten (110) North, Range Forty-two (42) West, Lyons Township, Lyon County, MN.

Biren: Introduces Mark & Laura DeBeer. Biren proceeds to explain project.

Mark DeBeer: Currently we have a single stall garage and we are going to tear down the existing and replace with a newly constructed garage.

Olson: Is it currently an attached garage?

Mark DeBeer: Yes, it is.

Biren: This is a township road as you can see on the map, here is the house and garage.'

Laura DeBeer: On the other side is a walk-out basement, there really isn't any other options or we'd have to change the design of the house.

Olson: Any other questions?

Louwagie: It's going to be closer than it is now?

Mark DeBeer: Yes

Sleiter: Did you just buy this place?

Mark DeBeer: Yes

Sleiter: I know exactly where you are talking about.

Mark DeBeer: The little white shed, we wouldn't need that anymore if we are approved to build.

Olson: All the trees are gone?

Mark DeBeer: Yes

Olson: Any other comments?

Biren: I did receive one phone call. The person expressed that they should be able to do what they want. Township Board did discuss and no concerns by the Lyons Township Board.

Olson: Any other comments or questions? Let's move to Findings of Fact. Read through Findings of Facts. Board agrees with all findings of fact and answers yes to all of the findings of facts.

Biren: Read proposed motion for Board of Adjustments for: Laura & Mark DeBeer for a variance request to construct a Garage Addition, Thirty (30) feet from the road right-of-way of 190th Street. This is a Seventy (70) foot variance request.

The area representing the request is zoned agricultural. The property is described as follows:

All that part of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section Twenty-two (22), Township One Hundred Ten (110) North, Range Forty-two (42) West, Lyons Township, Lyon County, MN.

Sleiter moved, seconded by DeBaere to grant a variance to Laura & Mark DeBeer. They have applied for a variance request to construct a Garage Addition, Thirty (30) feet from the road right-of-way of 190th Street. This is a Seventy (70) foot variance request. The property is described as follows:

All that part of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section Twenty-two (22), Township One Hundred Ten (110) North, Range Forty-two (42) West, Lyons Township, Lyon County, MN.

Applicant to comply with all zoning requirements.

With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Adopt Findings of Fact as part of Motion.
5. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Sleiter, DeBaere, Olson, Meulebroeck, Louwagie

OPPOSED: None

ABSTAINED: None

ABSENT: None

Biren: Introduces Jeremy Parrie. Biren proceeds to explain location and project. Highway Engineer had no comment.

A REQUEST has been made by Jeremy & Polly Parrie for a variance request to construct a Home Addition, Thirty-nine (39) feet from the road right-of-way of County Road 25. This is a Sixty-one (61) foot variance request.

The area representing the request is zoned Rural Residential. The property is described as follows:

That part of the Southwest Quarter (SW1/4) of Section Thirty-three (33), Township One Hundred Eleven (111), Range Forty-two (42), Lynd Township, Lyon County, MN.

Parrie: We want to build out and to the side.

Biren: This property line is not an issue, the road right-of-way is. We issued a variance on neighboring property a number of years ago.

Parrie: We have five children, so we have come up with a plan that we can stay where we are, but gain more room. Only downfall, was we are too close to the road.

Olson: We have a floor plan with green on it, so that is being expanded 10"

Parrie: That is the property line side. The road kind of angles, the porch will be out further to the road. Keeping the existing structure and roofline, but not all of it.

Olson: Any other questions or public comments?

Biren: No comments. It's an area that looks like a development, never officially a development. Probably not an area that the city could extend out to. If this was suburban residence, the setback would be 30'.

Olson: Let's move to Findings of Fact. Read through Findings of Facts. Board agrees with all findings of fact and answers yes to all of the findings of facts.

Biren: Read proposed motion for Board of Adjustments for: Jeremy & Polly Parrie for a variance request to construct a Home Addition, Thirty-nine (39) feet from the road right-of-way of County Road 25. This is a Sixty-one (61) foot variance request.

The area representing the request is zoned Rural Residential. The property is described as follows:

That part of the Southwest Quarter (SW1/4) of Section Thirty-three (33), Township One Hundred Eleven (111), Range Forty-two (42), Lynd Township, Lyon County, MN.

Sleiter moved, seconded by Louwagie to grant a variance to Jeremy & Polly Parrie. They have applied for a variance request to construct a Home Addition, Thirty-nine (39) feet from the road right-of-way of County Road 25. This is a Sixty-one (61) foot variance request. The property is described as follows:

That part of the Southwest Quarter (SW1/4) of Section Thirty-three (33), Township One Hundred Eleven (111), Range Forty-two (42), Lynd Township, Lyon County, MN.

Applicant to comply with all zoning requirements.

With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Adopt Findings of Fact as part of Motion.
5. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Sletier, Louwagie, Olson, Meulebroeck and DeBaere

OPPOSED: None

ABSTAINED: None

ABSENT: None

Biren: Introduces David & Sam Fischer. Biren proceeds to explain location and project.

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by David Fischer for a variance request to construct a Garage Addition, Eighty (80) feet from the road right-of-way of County Road 5. This is a Twenty (20) foot variance request.

The area representing the request is zoned agricultural. The property is described as follows:

All that part of the Northeast Quarter of Section 21, Township 111 North, Range 42 West, Lynd Township, Lyon County, Minnesota.

David Fischer: Planned on moving the existing the garage due to structural issues and foundation issues. Had someone come look at it, and they recommended not using the old one. Looking at constructing a 38'x54' garage for heated storage. Kitchen window is right behind and also stairwell on the other side that would be a challenge.

Louwagie: It won't be any closer than it is now?

David Fischer: It will be 38' deep, but the back wall will be the same.

Olson: 13' closer?

David Fischer: 13' closer and a concrete slab

Olson: Any public comment?

Biren: Highway Engineer had no comment. Nothing from township or neighbors.

Olson: Any other questions? Moving to Findings of Fact. Read through Findings of Facts. Board agrees with all findings of fact and answers yes to all of the findings of facts.

Biren: Read proposed motion for Board of Adjustments for: David Fischer for a variance request to construct a Garage Addition, Eighty (80) feet from the road right-of-way of County Road 5. This is a Twenty (20) foot variance request.

The area representing the request is zoned agricultural. The property is described as follows:

All that part of the Northeast Quarter of Section 21, Township 111 North, Range 42 West, Lynd Township, Lyon County, Minnesota.

Sleiter moved, seconded by Meulebroeck to grant a variance to David Fischer. He has applied for a variance request to construct a Home and Garage Addition, Eighty (80) feet from the road right-of-way of County Road 5. This is a Twenty (20) foot variance request. The property is described as follows:

All that part of the Northeast Quarter of Section 21, Township 111 North, Range 42 West, Lynd Township, Lyon County, Minnesota.

Applicant to comply with all zoning requirements.

With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Adopt Findings of Fact as part of Motion.
5. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Sleiter, Meulebroeck, DeBaere, Olson

OPPOSED: None

ABSTAINED: Louwagie

ABSENT: None

PLANNING COMMISSION: None

Motion to adjourn by Sleiter second by DeBaere. All in favor, motion carried.

Board of Adjustments/Planning Commission
Chair

John Biren, Lyon County P&Z Administrator