

**LYNDEN TOWNSHIP  
STEARNS COUNTY  
PUBLIC HEARING – VARIANCE  
DONALD HAGMANN, 927 Belview Rd, South Haven, MN 55382  
APRIL 19, 2022**

Those present at the Lynden Town Hall were Supervisors Dave Johnson, Dennis Niemi and Tom Plaggerman, and Clerk Jenny Schmidt. Chair Johnson opened the meeting at 6:00 p.m., led the pledge of allegiance and opened the public hearing to hear the variance request of Donald Hagmann, 927 Belview Rd.

The purpose of tonight's meeting is to consider a variance application submitted by Donald Hagmann to place a 2<sup>nd</sup> story on the existing garage and to bring that garage in to compliance from the road center line and side setback, as a nonconforming structure. Garage is to be placed thirty-four (34) feet from the centerline of a platted township road, Belview Road, and six (6) feet from the east side property line in an R-1 district. Sixty three (63) feet from the road centerline and 10 feet from the side property line is required according to Stearns County Zoning Ordinance #439, Section 9.9.9, adopted by reference as Lynden Township Ordinance #7, and according to Stearns County Zoning Ordinance #439.5.1.2 as a non-conforming structure. The subject property is ID # 19.10204.0000 described as .21 A.FR .21 A. of government Lot 1, Known as Tract 4, within Section 06, Township 121, Range 027, with a property address of 927 Belview Rd, South Haven, MN 55382.

It was noted that the Planning Commission performed a site visit on March 22, 2022. The Planning Commission met that same day to review the application and a proposed findings of fact. At that meeting, the planning commission unanimously recommended approval of the application with conditions.

Applicant Donald Hagmann was present at tonight's public hearing. Hagmann purchased the property 10 years ago and moved there permanently 5 years ago. He wishes to place a 2<sup>nd</sup> story on the existing garage to use for storage and wood shop. The height of the garage will not be more than 24 feet-- Stearns County Zoning Ordinance #439, Section 9.9.9 maximum height is 35 feet. There is a pending hearing with Stearns Co next week re shoreland. Neighbor Fred Koehler was present and supports the request. Stearns Co Environmental Services ("SCES") was notified of the public hearing but did not provide any comment.

Clerk Schmidt received correspondence from Esther and Michael Hanlon of 1033 Belview Rd indicating they have no objection to the variance.

Johnson made a motion to close the public input portion of the hearing at 6:15 p.m. seconded by Niemi, all in favor, motion passed.

Johnson made a motion to grant the variance application to place a 2<sup>nd</sup> story on the existing garage and to bring that garage in to compliance from the road center line, to be placed thirty-four (34) feet from the centerline of a platted township road, Belview Road, and six (6) feet from the east side property line in, subject to conditions, seconded by Plaggerman, all in favor, motion passed.

The Board reviewed the Planning Commission's Findings of Fact for the proposed variance. After reviewing and discussion, Johnson made a motion to adopt the Planning Commission's Findings, including the addition of Stearns County Ordinance #439, Section 5.1.2, and approve the following two (2) conditions, seconded by Niemi, all in favor, motion passed.

1. Make proper application for building permits, electrical permits, as well as all county permits as required for any and all structures.
2. The property owner of ID # 19.10204.0000 shall indemnify, save, defend and hold harmless from any demands, claims or suits, Lynden Township, its officials, and employees from any liability for any injury or damage arising out of the actions or omissions of the Variance applicant, its agents or sub-contractors, in performance of the work; or, arising out of the granting of the Variance; or, any expense whatsoever incurred by the Town, incident to a claim or action brought or commenced by any person or entity arising there from.

The applicant was cautioned that the maximum height limit is 35 feet and that this variance approval only applies to the location of the structure in relation to Belview Road. As this property is located in Shoreland, Stearns County has jurisdiction over all other aspects of the zoning ordinance. The applicants were instructed to contact Stearns County to review their plans with staff in the Environmental Services office. They were also told they must secure all required permits including a construction site permit from Environmental Services and a building permit from Nancy Scott of AllSpec Services (Lynden Township's Building Official) before proceeding with any construction.

Plaggerman made a motion to adjourn the meeting, seconded by Niemi, all in favor, motion passed. Meeting adjourned at 6:20 p.m.

Respectfully submitted,

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Jenny Schmidt, Clerk

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Dave Johnson, Chair