

LYNDEN TOWNSHIP
PUBLIC HEARING – VARIANCE
KNEVERDUN LIMITED PARTNERSHIP/FRED KOEHLER
SEPTEMBER 19, 2023

Those present were Supervisors Tom Plaggerman, Dennis Niemi and Scott O’Konek, Clerk Jenny Schmidt and Planning Administrator James Kantor. Chair Plaggerman opened the meeting at 6:00 p.m. and opened the public hearing to hear the variance request.

The purpose of tonight’s meeting is to consider a variance application submitted by Kneverdun Limited Partnership/Fred Koehler for a structure to be placed fifteen (15) feet from the centerline of a platted township road, Belview Road, in an R-1 district. Sixty three (63) feet from the road centerline is required according to Stearns County Zoning Ordinance #439 Section 9.9.9, adopted by reference as Lynden Township Ordinance #7. The subject property is PID # 19.10200.0000 described as 4.17A Beg 1670' E of NW Cor Govt Lot 1 thence E577' - S to Lake - W287' thence N to Pt 219' S of N Line - W290' thence N to POB less .10 AC, Section 06, Township 121, Range 027, with a property address of 900 Belview Rd, South Haven, MN 55382.

Fred Koehler is present and indicates the previous 52x52 shed collapsed in March under the weight of the snow and various valuables were stored inside. Since submitting the application to Lynden Stearns County has combined the original parcel on the application with a 10 acre parcel to the north at his request. He intends to build a 38x62 structure with a 19 ft sidewall for storage on the approximate footprint of the collapsed shed. He is not able to build outside of the variance area due to a large high berm. There have been no previous issues with proximity to the road with his old shed. Based on the recent action of combining parcels, Koehler requests he be allowed to amend his application to PID #19.10200.0005, a 14.17 acre parcel, with a new legal description, and to place a structure 15 feet from the centerline of the road as traveled. Plaggerman makes a motion to allow applicant Koehler to amend his application to PID #19.10200.0005, a 14.17 acre parcel, with a new legal description, and to place a structure 15 feet from the centerline of the road as traveled, seconded by O’Konek, all in favor, motion passed.

Mike and Ester Hanlon, Joanne Koehler, Chip Koehler and Mark Wilkens are present and are in support of the application. Clerk Schmidt received correspondence from Hanlon’s in favor.

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

The Board reviewed the Planning Commission’s (PC) Findings of Fact for the proposed variance. Plaggerman explained the reason for needing a variance for rebuilding this non confirming structure was that Stearns County nor Koehler were able to produce the original building permit showing its location was approved when originally built. Emergency vehicle access, character of the neighborhood, easement considerations and hold harmless were discussed.

O’Konek made a motion adopt the PC’s Finding of Fact other than to amend the PID, change finding #3 to approximate and add permits as a condition, seconded by Plaggerman, all in favor, motion passed.

O’Konek made a motion to approve the variance for PID #19.10200.0005 to allow the replacement of a pole barn within 20 (twenty) feet of the setback, and to allow the Clerk and Chair to sign the recording documents outside of a regularly scheduled monthly meeting as Koehler to obtain the new legal description, and with three conditions, seconded by Niemi, all in favor, motion passed. The three conditions are:

1. Variance of 43 feet, 20 feet from the closest point of the building to the centerline of the road, as traveled.
2. Make proper application for construction site permit, building permits, electrical permits, as well as all county permits as required for any and all structures.
3. The property owners of PID #19.10200.0005 shall indemnify, save, defend and hold harmless from any demands, claims or suits, Lynden Township, it's officials, and employees from any liability for any injury or damage arising out of the actions or omissions of the Variance applicant, it's 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.

Plaggerman made a motion to adjourn the meeting, seconded by O’Konek, all in favor, motion passed. Meeting adjourned at 6:33 p.m.

Respectfully submitted,

Jenny Schmidt, Clerk

Tom Plaggerman, Chair