

RESOLUTION NUMBER 2020-07

SALEM TOWNSHIP  
OLMSTED COUNTY, MINNESOTA

Resolution denying application for a Conditional Use Permit for a home based residential home improvement contracting business by Mickey Elisa.

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WHEREAS, Micky Elias has made an application for a Conditional Use Permit on two Parcels containing approximately 8.5 acres and legally described as;

Parcel #: 650722043839

SECT-07 TWP-106 RANGE-015 5.00 AC BEG AT NWCOR NW1/4 TH S657.17FT TH SE331.6 FT TH N656.85FT TO N LINE SD NW1/4 TH NW AL N LINE 331.6FT TO PT OF BEG SEC 7-106-15

Parcel #: 650722046295

SECT-07 TWP-106 RANGE-015 3.50 AC TH PT N1/2 NW1/4 NW1/4 DES AS FOL COM AT NWCOR SD NW1/4 TH E AL N LINE SD NW1/4 331.61FT TO PT OF BEG TH S PAR WITH W LINE SD NW1/4 655.85FT TO S LINE N1/2 NW1/4 NW1/4 TH SELY 232.57FT TH NLY 655.63FT TO N LINE SD NW1/4 NW1/4 TH NWLY AL SD N LINE 232.57FT TO PT OF BEG SEC 7-106-15

to allow for a home based home improvement contracting business within a proposed new accessory structure within an A-2 Agricultural Protection District via application STCUP 20-02; and

WHEREAS, staff reviewed said application and submitted a report on said matter; and

WHEREAS, a public hearing was held by the Salem Planning Commission on said application on Wednesday, August 19, 2020 after 7:00 pm at the Salem Township Hall, after public input the hearing was closed; and

WHEREAS, a determination must be made on the application pursuant to Minnesota Statute Section 15.99; and

WHEREAS, the Commission makes the following Findings of Fact:

1. The parcel being proposed for the use is considered non-buildable for dwelling purposes, thus a home based business would not be allowed.
2. Storm water management is not addressed by the application for the additional impervious surface created by the building and parking area
3. The proposal creates a parking lot within the front yard of the property which is not allowed by Section 10.04 C Subdivision 1 of the Salem Township Zoning Ordinance.
4. The site is served by crushed rock roadways with the shortest distance to a paved roadway system to be approximately 1.5 miles. Controlling dust during the dry summer months for both public health and safety would need to be overcome.
5. The property is designated as "Resource Protection" on the Olmsted County Land Use Plan and zoned A-2 Agricultural Protection District by Salem Township. The use is not resource or agriculture related. Such uses can create conflicts in such areas.
6. The application is more commercial in nature and does not meet the intent of the ordinance.
7. The commission perceives an untenable burden upon adjacent property owners.
8. The application indicates seven employees. The requirement is no more than 5 FTE would be allowed. The applicant has not provide in his application a means to determine when the 5 FTE would be exceeded.
9. The structure being proposed is specific to the business. Since it is home based no other businesses could be established in the structure without selling the property.
10. A change in use access permit would be required by the township. The application is assuming an additional driveway will be granted for this use. Other such business within the town and county are required to use the residential driveway for access to the commercial business.
11. INCREASE TRAFFIC SAFETY, MAINTENANCE OF ROADWAY, AND SAFETY FOR CURRENT RESIDENTS
12. ~~SETTING A PRECEDENCE WITHIN TOWNSHIP FOR~~


12. \_\_\_\_\_  
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NOW, THEREFORE, BE IT RESOVED that the Salem Township Planning Commission does hereby deny the application for a conditional use permit by Micky Elias.

Adopted this 19 day of August, 2020

  
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Sonya Mansfield, Commission Chair

Attest:

  
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Sharon Peterson, Town Clerk

Resolution hand delivered night of hearing after commission chair signs

