

**RESOLUTION NUMBER \_\_\_\_\_, SECOND SERIES**

**RESOLUTION REVOKING A CONDITIONAL USE PERMIT**

WHEREAS, the property owners of 101 Marlene Street (Parcel Number 27-182003-0), Edward Winn and Lauren Winn (formerly Lauren Kocian), has petitioned the City to revoke the Conditional Use Permit adopted July 21, 1997, permitting a two family dwelling use at 101 Marlene Street in an R-1 One Family Residence District; and

WHEREAS, said Conditional Use Permit (Planning Commission File No. 712) was recorded in the Office of the Lyon County Recorder Book 116 of Miscellaneous, Page 320 on December 23, 1997; and

WHEREAS, Edward Winn and Lauren Winn (formerly Lauren Kocian) indicated that said Conditional Use Permit will cause them to pay additional utility costs; and

WHEREAS, Edward Winn and Lauren Winn (formerly Lauren Kocian) indicated the use is a single family dwelling, and they have no intent to utilize it as a two-family dwelling in the future; and

WHEREAS, research by City staff found no direction in City Code regarding revocation and State Statute 462.3595 provides for the ability to revoke for violations; and

WHEREAS, City Attorney Dennis Simpson directed in the past the revocation occur by City Council resolution.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MARSHALL, MINNESOTA:

1. That the Conditional Use Permit (Planning Commission File No. 712) adopted on July 21, 1997, classifying an existing nonconforming two-family use at 101 Marlene Street in an R-1 One Family Residence District, as conforming and recorded in the Office of the Lyon County Recorder Book 116 of Miscellaneous, Page 320, on December 23, 1997, is hereby revoked.

Passed and adopted by the Common Council this 22<sup>nd</sup> day of October, 2020.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor of the City of Marshall, MN

This Instrument Drafted By:  
Jason R. Anderson, P.E.  
Assistant City Engineer / Zoning Administrator

received  
1-8-98-76

BOOK 116 PAGE 320

0114837

OFFICE OF COUNTY RECORDER }  
County of Lyon, Minn. } ss.

I hereby certify that the within instrument was filed  
in the office for record on the 23rd day of  
Dec. A.D. 1997 at 9:10 o'clock  
A. M. and was duly recorded in Book 116  
of Missi. Page 320

Jeannine M. Barker  
Andy Nichol, deputy  
County Recorder

**CONDITIONAL USE PERMIT**  
City of Marshall, Minnesota

WHEREAS, the Planning Commission of the City of Marshall has held a Public Hearing for a Conditional Use Permit for a two-family under single ownership as follows:

**SOUTH 4.0 FEET OF WEST 70.0 FEET OF LOT 2'  
AND ALL OF DIETZ'S SUBDIVISION OF OUTLOT 6 COUNTRY CLUB ADDITION  
City of Marshall, County of Lyon, State of Minnesota  
(101 Marlene Street)**

in accordance with and pursuant to the provisions of Chapter 11 of the City Code related to zoning; and has written findings that the establishment, maintenance or conducting of the use for which a Conditional Use Permit is sought will not under the circumstances be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to any such use or to the public welfare or injurious to property or improvements in the area adjacent to such use; and

WHEREAS, the Planning Commission has designated certain conditions in the granting of such use permit.

NOW THEREFORE, Be It Resolved by the Common Council of the City of Marshall, Minnesota, that a Conditional Use Permit be granted to Michael LeRoy Ellingson and LaVae M. Ellingson for a two-family dwelling under single ownership in an R-1 One Family Residence District on the premises described herein subject to the following conditions:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the Class of District which such premises are located therein shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit in the event that the applicant has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.
3. That the owner maintain the property to conform with the Housing Code, Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
4. That the owner install a concrete or bituminous surfaced driveway to provide two garage and two driveway parking spaces within one year of the date of this permit.
5. That the owner remove the existing kitchen facilities of the third apartment within one year of the date of this permit.
6. That the owner repair broken and rotten exterior siding, trim, and windows within one year of the date of this permit.

ADOPTED July 21, 1997

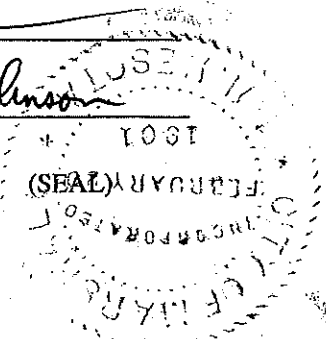
ATTEST:

Thomas M. Deuleboeck  
City Clerk/Financial Director

Paul J. Ly  
Mayor  
Michael J. Johnson  
City Administrator

This Instrument Drafted By:  
Keith A. Nelson, P.E.  
Director of Public Works/Zoning Administrator

File No. 712



## **Ilya Gutman**

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**From:** Lauren Winn <laurenwinn@gmail.com>  
**Sent:** Friday, October 11, 2019 7:28 PM  
**To:** Ilya Gutman  
**Subject:** conditional use permit for duplex

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CITY OF MARSHALL SECURITY NOTICE:** This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact IT support.

Please remove the conditional use permit for duplex for our property at 101 Marlene St, Marshall, MN 56258.

Please let us know this was received and a timeline for approval.

Thank you so much!

Lauren Winn (formerly Lauren Kocian (maiden name))  
Edward Winn