

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA



55912

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AUSTIN-MOWER COUNTY PLANNING DEPT.

October 27, 1977

MINUTES OF THE 24th MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

MEMBERS PRESENT: M. E. Chesebrough, Kenneth Trom

MEMBERS ABSENT: Wm. Schlichter

STAFF PRESENT: Chris Huang

OTHERS PRESENT: Arlo Habben

The 24th meeting of the Mower County Board of Adjustment was called to order at 4:00 p.m. on October 27, 1977 by Chairman Chesebrough, in the Commissioners Conference Room of the Mower County Court House. There were two petitions on the agenda.

The first petition was presented by Mr. Alvin Akkerman for a 16' setback variance to allow him to construct a machine shed 74' from T.H. 56 right-of-way. The County Zoning Ordinance requires a 90' setback along T.H. 56. The reason for a 16' setback variance is that the machine shed will not fit existing facilities if it is placed at the required distance from the right-of-way and the proposed site for the new shed is the only alternate site on the property.

The Board of Adjustment reviewed the three criterias of granting a variance. Chairman Chesebrough asked Mr. Trom if he agreed that strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with its general purpose and intent. Mr. Trom said "Yes, according to the investigation on the property, the machine shed will not fit existing facilities if it is placed at the required distance from the right-of-way since proposed site is the only alternate site." The Board also agreed with the petitioner's statement concerning the requirements - 2 and 3 - that the set-up of the existing farm buildings and future proposal of a hog house to be located north of the proposed machine shed site make it impossible to build the shed and meet the 90' requirement. The granting of the variance will not be detrimental to the public welfare in the area since the new shed will be 26' further back from an existing pole shed (26' X 100'), which sets back 22' from the right-of-way. Therefore, no new setback line will be created. Mr. Trom said there will be no problem in granting a 16' variance in this case and moved that the Board approve the variance. The motion was seconded by Chairman Chesebrough and passed unanimously.

The second petition was presented by Mr. George Hillberg for a special use permit to dig a fish pond (approximately 150' X 150' X 14') within the shoreland of Turtle Creek. Mr. Hillberg owns 14 acres located in part of SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 32, Lansing Township.

Section 12-47, 48, 49 Article VI, Shoreland Alterations of Mower County Management Ordinance requires a special permit from the County Board of Adjustment for alterations.

Section 12-5 Definition - Shoreland - "Land located within the following distances from

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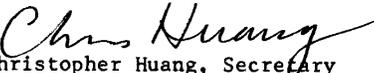
public water three hundred feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, which ever is greater. On Mr. Hillbergs property, the width of designated floodplain is less than 300 feet. Therefore, three hundred feet from Turtle Creek should apply. Chairman Chesebrough read a report of fish pond site evaluations conducted by Arlo Habben, District Conservationist and Carroll Carlson, Soil Scientist. The report recommends that constructing a fish pond in this location should not be attempted for the reason that a pond in this location could not maintain a water depth of 10-14 feet because the water elevation in the pond and Turtle Creek would fluctuate constantly throughout the year. However, if a permit is granted for the pond-construction, the report recommends construction alternatives should be considered such as 2:1 side slopes to reduce aquatic vegetation growth along the banks, 60 feet setback from creek etc. Mr. Habben stated that it is important that the pond in this location should avoid sandy soil in which water will not stay in the pond.

Mr. Hillberg stated that he would not dig a pond without checking into the soil and that it would cost too much to keep water in the pond. Chairman Chesebrough read Shoreland Management Ordinance, Section 12-65 - factors considered in passing a special use permit etc.; and asked Mr. Habben if the soil characteristics in this location were appropriate would it be possible to dig a pond. Mr. Habben said yes. Mr Hillberg stated that he is planning to build a barn and a fish pond on his 14 acre parcel. He would like to live there and have a small horse operation. If the pond will hold water, he would like to dig one. If the pond in this location, due to soil conditions, will not hold water he may give up this idea.

After a short discussion, Mr. Tom moved that the special use permit be granted on the condition that the site of the pond would be outside the 100-year flood plain and that technical specifications should be approved by the Mower County Soil Conservation service office. The motion was seconded by Chairman Chesebrough and carried unanimously.

There being no further business, the meeting adjourned at 5:15 p.m.

Respectfully submitted,


Christopher Huang, Secretary
Mower County Board of Adjustment