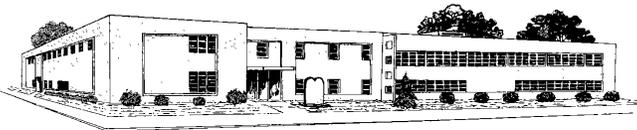


MOWER COUNTY

AUSTIN, MINNESOTA

55912



November 27, 1991

Minutes of 119th Meeting of the Mower County Board of Adjustment

Members Present: Don Olson, Bill Milbrath

Members Absent: Merrill Chesebrough, Ken Trom

Others Present: Daryl W. Franklin, Arthur and Marie Peck,
Mike and Kris Kanne, Dave Foreman, Bruce
Leek, Craig Bishop

The regular meeting of the Mower County Board of Adjustment was called to order by Mr. Olson on Wednesday, November 27, 1991, at 4:00 p.m. in the Conference Room of the Mower County Planning Department in Austin, Minnesota. Minutes of the October 30, 1991, meeting were approved as mailed on a motion made by Mr. Milbrath, seconded by Mr. Olson and passed unanimously.

Variance #234 for an Additional Farm Dwelling in the Quarter-Quarter Section - Arthur and Marie Peck:

Variance #235 from Requirement Non-Farm Dwelling not be Permitted on Land which has been Tilled Within Five Years - Arthur and Marie Peck:

Variance #236 from the Requirement Non-Farm Dwelling not be Permitted on Land with an Agricultural Crop Rating of Sixty or Greater - Arthur and Marie Peck:

The staff report for the variance requests was consolidated into one. The Pecks are requesting the variances on property they own in Udolpho Township (SW corner SW 1/4, Section 33) so that they can market the property as a building site. The existing land use and zoning is agricultural. Surrounding zoning is Agricultural District and land use is agricultural to the north, south and west and residential to the east.

Art and Marie Peck explained that thirty years ago they planted the trees as a windbreak and intended to create a building site. Mr. Peck stated that when they planted the trees it was for a building site and preceded the Zoning Ordinance. Therefore, it was their position that they should be "grandfathered."

Dave Foreman, an attorney representing Mike and Kris Kanne, property owners to the east, explained that his clients purchased the property two years ago and did not want neighbors. He opposed the variances for the following reasons:

- Granting the variance would require fencing of his client's

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property.

- The property in question has been farmed for thirty years.
- The variance would alter the character of the neighborhood.
- If approved, his clients would have a lower property value.
- There are reasonable uses for the property without granting the variances.

Mr. Peck countered the statements. He stated that thirty years ago it was their intention to use the property in question as a building site and there were no regulations that regulated this at that time. Mr. Foreman also stated the land could be rented and used as farm land.

Mr. Olson asked the two township representatives, Bruce Leek and Craig Bishop, for the Township Board position. They said they could see both sides of the issue. Mr. Leek stated that Udolpho Township is a rural township, however, one half of the building sites are now non-farm dwellings. Mr. Leek expressed concern about non-farm and farm conflicts. He especially stated his concern about hog farmers and non-farm dwellings and stated for this reason he would be against granting the variance.

Mr. Olson stated that from his perspective and Mr. Chesebrough's, the property is too small for farm equipment and too large for garden equipment. The planting of the trees thirty years ago has created a building site. Mr. Foreman objected to Mr. Olson's testimony from a third party.

Mr. Olson called upon Mr. Milbrath for his comments. He stated that this is a very difficult situation; however, he is not in favor of granting the variances. He feels the sale to the adjoining property owner is a better solution.

A motion was made by Mr. Milbrath, seconded by Mr. Olson to deny all three variances for the following reasons:

- 1) The property can be put to a reasonable use without granting the variance.
- 2) The granting of the variance is isn't in harmony with the Ordinance's intention of maintaining farm land for farm purposes.

The motion passed unanimously.

There being no further business to discuss, the meeting adjourned at 4:40 p.m. on a motion made by Mr. Milbrath, seconded by Mr. Olson and passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Daryl W. Franklin
Planning Director