

MOWER COUNTY

AUSTIN, MINNESOTA

55912



February 26, 1992

Minutes of the 120th Meeting of the Mower County Board of Adjustment Meeting

Members Present: Merrill Chesebrough, Ken Trom, Don Olson

Members Absent: Bill Milbrath

Others Present: Daryl W. Franklin, Dave Reynan, Lila Sheedy, Jeff Miller, Marvin and Darlene Miller, George Hillberg

The meeting of the Mower County Board of Adjustment was called to order by Mr. Trom on Wednesday, February 26, 1992, at 4:00 p.m. in the Conference Room of the Austin-Mower County Planning Department in Austin, Minnesota. Minutes of the November 27, 1991, meeting were approved with an amendment as follows: that Page 2, Paragraph 3 regarding the Bruce Leek comment, "it was Mr. Leek not Mr. Bishop who expressed his concern about farming 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". The motion was made by Mr. Olson, seconded by Mr. Chesebrough and passed unanimously.

Variance #238 to Allow an Additional Non-Farm Dwelling in the Quarter-Quarter Section - George Hillberg: The staff report was read. Mr. Hillberg is requesting a variance from the requirements that there shall be no more than one non-farm dwelling per quarter-quarter section to allow him to sell a portion of his property to his daughter for a residential building site at property located at 14 acres in S 1/2 SE 1/4, Section 32, Lansing Township. The existing and surrounding land use is agricultural and zoning is Agricultural District.

The Board referenced that they had made an inspection to this site prior to the hearing. Mr. Hillberg stated he was aware that the County does have a requirement for not having tilled the property within the past five years. However, he has had the property previously non-tilled for four years. He put in a row crop in 1991 since he was losing production on the land and needed to do the row cropping for one year. It was brought out that the CER on the property is 48, based upon the Mower County Assessor's records.

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Dave Reynen, citizen, wanted to know what the future of the area would be and what type of restrictions would be placed on any housing. It was explained that they would have to comply with the setbacks from the road, adjoining property and would have to be out of the floodplain.

After some further discussion, a motion was made by Mr. Olson, seconded by Mr. Chesebrough to table the variance and have the petitioner apply for a variance for having the land tilled in the past five year, under Section 14-50, subd. h(4). The motion passed unanimously.

It was discussed that the Board of Adjustment would change their meeting date from the last Wednesday of March to March 18th to allow Mr. Chesebrough to attend. Otherwise, he will be out of town.

Variance #237 to Allow an Additional Farm Dwelling in the Quarter-Quarter Section - Jay Miller: The staff report was read. Owners, Melvin and Darlene Miller, and their son are petitioning to move a mobile home onto the property located at: 10 acres in NE 1/4 SE 1/4 & SE 1/4 NE 1/4, Section 3, Lyle Township. The existing and surrounding land use is agricultural and the zoning is Agricultural District.

The Board referenced the inspection they made at the site prior to the hearing. The Board found that:

- 1) The variance is in harmony with the spirit and intent of the Ordinance as they are not taking prime ag land out of production;
- 2) The variance is consistent with the Mower County Comprehensive Plan because it is not taking farm land out of production.
- 3) Particular hardships are shown as follows:
 - a. The current site cannot be used for any other use;
 - b. Nothing will change on the site;
 - c. Site is currently a residential farm site and they are not creating another farmstead.

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It was also brought out that the Miller's would not be platting and creating a separate legal or additional non-farm. They would simply be allowing their son to move the mobile home onto the site to provide him living arrangements. If and when the parcel is sold it would be sold as one parcel and there would not be two official building sites. A motion was made by Mr. Chesebrough, seconded by Mr. Olson to approve the variance. The motion passed unanimously.

There being no further business to discuss, the meeting adjourned at 4:35 p.m. on a motion by Mr. Olson and seconded by Mr. Chesebrough and passed unanimously.

Respectfully submitted,



Daryl W. Franklin
Planning Director