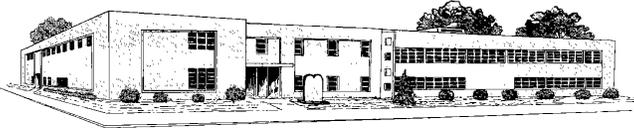


MOWER COUNTY

AUSTIN, MINNESOTA

55912



March 18, 1992

Minutes of the 121st Meeting of the Mower County Board of Adjustment Meeting

Members Present: Bill Milbrath, Merrill Chesebrough, Ken Trom, Don Olson

Members Absent: None

Others Present: Daryl Franklin, Katie Losness-Larson, George Hillberg, Jim Frank

The meeting of the Mower County Board of Adjustment was called to order by Chair Trom on Wednesday, March 18, 1992, at 4:00 p.m. in the Conference Room of the Austin-Mower County Planning Department in Austin, Minnesota. Minutes of the February 25, 1992, meeting were approved on a motion made by Mr. Olson, seconded by Mr. Milbrath, and passed unanimously.

Variance #238 to Allow an Additional Non-Farm Dwelling in the Quarter-Quarter Section - George Hillberg;
Variance #239 From Requirement that No Non-Farm Dwelling is Permitted on Land Which Has Been Tilled Within Five Years - George Hillberg;

The staff report was read. Mr. Hillberg is requesting a variance from the requirement that there shall be no more than one non-farm dwelling per quarter-quarter section and from the requirement that non-farm dwellings are not allowed on land which has been tilled within the last five years. The purpose is 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 of this site prior to their last meeting at which time it was discovered that Mr. Hillberg had put in a row crop in 1991. However, it was referenced that the CER on the property is 48, based upon the Mower County Assessor's records.

Jim Frank, property owner 3/8ths of a mile from the intersection of Mr. Hillberg's property, stated that his concern was that the zoning ordinance regulations were in place to limit density and to encourage orderly growth and the Board should look carefully at when and why they grant variances. The Franks built with the understanding that the density would be strictly regulated; they didn't want a lot of neighbors which is why they built in the

country. He prefers that the county not exceed the quarter-quarter requirement as it would be a cleaner landscape. If the Board grants the variances without a specific purpose or justification, they must second guess why they have regulations in the first place.

The Board decided to rule on the tilling variance first so they reviewed Section 14-50 carefully. After discussing at length, the Board reviewed the state statute and 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 since the CER on this land is 48;
- 2) The variance is consistent with the Mower County Comprehensive Plan for the reason stated above.
- 3) Particular hardships are shown as follows:
 - a. The current site cannot be put to a reasonable use due to the poor soil condition;
 - b. The poor crop rating is unique to the property and not created by the landowner;
 - c. One additional dwelling will not alter the essential character of the neighborhood.

A motion was therefore made by Mr. Milbrath, seconded by Mr. Olson to approve the variance. The motion passed unanimously.

The Board then discussed the quarter-quarter variance. They discussed whether the quarter-quarter section requirement gives a guarantee of privacy to others in the area. Mr. Frank stated that there are not many dwellings once you cross the creek to the north and adding any more, he argued, would lead to a clustered look which would alter the essential character of the neighborhood. If it were a wooded area, that screening would protect the area from a clustered look; but it is not a wooded area.

The Board made the following findings:

- 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 since the CER on this land is 48;
- 2) The variance is consistent with the Mower County Comprehensive Plan for the reason stated above.
- 3) Particular hardships are shown as follows:
 - a. The current site cannot be put to a reasonable use due to the poor soil condition;
 - b. The poor crop rating and topography is unique to the property and not created by the landowner;
 - c. One additional dwelling will not alter the essential character of the neighborhood.

Mr. Olson stated that you cannot expect utter privacy when that close to Austin. Therefore, he made a motion to approve the variance. The motion was seconded by Mr. Millbrath and passed unanimously.

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There being no further business to discuss, the meeting adjourned at 5:10 p.m. on a motion by Mr. Milbrath, seconded by Mr. Olson and passed unanimously.

Respectfully submitted,

Katie Losness-Larson
Katie Losness-Larson