

## **MOWER COUNTY PLANNING DEPARTMENT**

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Minutes of the 124th meeting of the Mower County Board of Adjustments.

Members Present: Ken Trom, Don Olson, Merrill Chesebrough

Members Absent: Bill Milbrath

Others Present: Bill Buckley, Daryl Franklin, James Connell, Randy Alsleben.

The regular meeting of the Mower County Board of Adjustments was called to order by Chairperson Ken Trom on Wednesday, June 24th, 1992 at 3:15p.m. at the office of Mower County Offices Conference Room in Austin Minnesota. Minutes of the May 27th meeting were approved as mailed and a motion by Mr. Chesebrough, seconded by Mr. Olson, passed unanimously.

Well Variance: A Variance from Minnesota Rules, Chapter 4725 - Terrill Gardner. The variance would allow Mr. Gardner to construct a well into the Galena formation at a depth of approximately 400 feet. Mr. Buckley read the report and referred to a fax he received from the Minnesota Department of Health. Conditions were stated as:

1. This variance is valid only with the written approval of Mower County. Approval must be given prior to construction and is in accordance with the Mower County Water Well Ordinance. All conditions from the granted state approval shall be included within the county's final variance decree.
2. The Galena formation at the well location is overlain by the Cedar Valley, Maquoketa, and Dubuque formations.
3. The well shall not be completed in the Cedar Valley, Maquoketa and Dubuque formations.
4. The static water level in the completed well must be no lower than the elevation of the top of the Maquoketa formation.
5. The well must be cased and grouted a minimum of 15 feet into the Galena formation and at least 10 feet below the pumping level in the well.
6. The well must be constructed in an oversized hole which is at least 3.5 inches larger than the outer diameter of the casing. If couplings are used, the borehole must be at least 3.5 inches larger than the outer diameter of the couplings. The annular space around the casing must be filled with neat cement grout.

7. The well shall be test pumped and the well water sampled prior to grouting. The water sample taken from the well must meet water quality standards for coliform bacteria (less than 1.0 organism/100 millilitre [ml] MF method or less than 2.2 organisms/100 ml MPN method) and nitrate nitrogen (less than 10.0 milligrams/litre [mg/l]). If the water quality in the Galena is unsatisfactory, the well must be cased and grouted into an underlying safe aquifer or be sealed in accordance with Minnesota Rules, Chapter 4725.

8. Water from this well will be tested for nitrate nitrogen for a period of three years. The results of these tests will be forwarded to the Minnesota Department of Health, Southeastern District Office, Campus Center Building, 2116 Campus Drive, Southeast, Rochester, Minnesota 55904-4744, and the Mower County Health Department.

9. Representative samples of drill cuttings shall be collected for each 5-foot drilled interval. These samples shall be collected in bags which will be sent to you under separate cover. The Minnesota Geological Survey (MGS) will pick up the sample bags.

10. The MGS (612/627-4788) shall be contacted after a borehole is drilled so that a gamma log of the well may be obtained. The gamma log and cuttings will be used to produce a map of the depth of the Galena limestone. If it is determined through analysis of the gamma log and cuttings that the borehole has not been extended through the Cedar Valley, Maquoketa, and Dubuque formations, the contractor will be required to extend the oversized hole and casing at least 15 feet into the Galena.

11. The Minnesota Department of Health, Southeastern District Office (MDH), and county shall be notified at least 24 hours prior to the construction of the well.

12. The well must be constructed in accordance with all other provisions of Minnesota Rules, Chapter 4725.

Added. That the well meet any conditions found to be more restrictive in the county code. The nitrate nitrogen will be less than 5.0 milligrams/litre as required in section 6-8 of the county code.

After review of the stated conditions and added conditions, the board reviewed the statutory requirements and found that the variance was in harmony with the spirit and intent of the Ordinance, the board felt that the use is consistent with the comprehensive plan and that a practical hardship does exist.

Motion was made by Mr. Olson to grant the variances and was seconded by Mr. Chesebough. The board passed the variance unanimously.

Variance 240 - Variance from the requirement of one non-farm dwelling per quarter-quarter section. - Allen McAlister. Mr. Daryl Franklin read the staff report. Mr. McAlister is wishing to sell a house he currently owns and construct a home on the property. The property is located in section 5 of Austin township. The current land use is residential and the current zoning is agriculture.

The board referred to the inspection they made of the site prior to the hearing, noting the uniqueness of the property in that it fronts on three right of ways.

The board then reviewed the statutory requirements for granting a variance. The board found that it is in harmony with the spirit and intent of the Ordinance as existing residential uses are occurring in the same area with additional influences from the Interstate. No agriculture land would be taken out of production and the essential nature of the land would not be affected.

Mr. Chesebough made a motion to grant the variance and was seconded by Mr. Olson and passed unanimously.

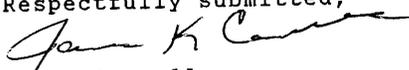
Variance 241 - Variance from the requirement minimum setback of 40 feet from the right of way. - Jack Klaehn  
Mr. Franklin read the staff report. Mr. Klaehn's property is located in section 27 of Dexter township. The current land use of the area is agriculture and is zoned agriculture.

The board referred to the inspection they made of the site prior to the hearing. It was noted that although the right of way exists, the road in which it pertains to is no longer there and a drainage ditch now occupies the right of way.

The board reviewed the statutory requirements for granting a variance and found that the request is in harmony with the spirit and intent of the Ordinance, the essential nature of the property would not be affected and that practical difficulties exist for the land owner.

Mr. Chesebough made a motion to grant the variance requested and was seconded by Mr. Olson. The board passed unanimously. With no further business to discuss, the board adjourned at 4:00 p.m. on a motion by Mr. Olson and seconded by Mr. Chesebough and was passed unanimously.

Respectfully submitted,



James Connell