

# MOWER COUNTY

AUSTIN, MINNESOTA

55912



October 28, 1992

Minutes of the 127th Meeting of the Mower County Board of Adjustment

Members Present: Kenneth Trom, William Milbrath, Don Olson, and Merrill Chesebrough.

Members Absent: None.

Others Present: William C. Buckley, Sheryl Taylor, Tony and Maria Diaz.

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Kenneth Trom on Wednesday, October 28, 1992 at 2:00 p.m. in the Conference Room of the Mower County Office Building, Austin, Minnesota.

Minutes of the September 30, 1992 meeting were approved as mailed on a motion made by Merrill Chesebrough and seconded by William Milbrath. The motion passed unanimously.

Septic Variance #1 - Variance from the ten foot setback to allow the use of the existing septic tank under a residential dwelling. Tony and Maria Diaz. The staff report was read. The property consists of lots 1 through 4, Block 2, Village of Lansing, Lansing Township, Mower County, Minnesota.

Maria Diaz explained that they would like to use the existing septic system since a licensed sewer contractor stated that the tank was accessible for pumping purposes, repairs can be made, and the tank is only 10 to 11 years old and is in good condition. She also explained that they do not have a basement so that leakage does not present a hazard and that the tank does not bear the weight of the home. The original home, which was torn down, was located next to the septic tank as well. However, a permit was never obtained when the existing septic system was installed.

Bill Buckley passed out Chapter 7080 of the code. He referred to 7080.0170 sub part IIb, Table IV, requiring the setback from any building to the sewage tank to be ten feet. He was concerned for health and safety reasons and explained that the Minnesota Pollution Control Agency stated that if the tank leaks, raw sewage would be in direct contact with the home; dangerous gases are generated in the tank and could enter the home (methane is explosive, hydrogen sulfide is toxic); and maintenance and repair to the tank would be difficult, if not impossible (the tank should be pumped every one to three years depending on sludge accumulation). Bill also stated that he was present to inspect the system when the Diaz's applied for a zoning permit.

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Don Olson complimented Maria on being well prepared for the request.

Mr. Trom suggested we go through the statutory requirements for granting a variance: 1. The variance was unanimously found not to be in harmony with the spirit and the intent of the ordinance; 2. The Board found the variance was not consistent with the Comprehensive Plan; 3. Yes, there is practical difficulty.

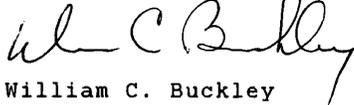
After an extensive discussion, a motion was made by Don Olson and seconded by Bill Milbrath to deny granting of the ten foot variance request, SV #1, from Tony & Maria Diaz because it is not in harmony with the spirit and intent of the ordinance and the variance is not consistent with the Comprehensive Plan. The motion passed unanimously.

Maria asked what they need to do next. Bill stated that the tank should be pumped dry and filled with earthen fill. It would be ideal if the tank could be removed. If the contractor feels that the tank cannot be broke open without risk to the dwelling, it is to be left. Mr. & Mrs. Diaz will have to apply for a permit to install a sewage treatment system. Soil borings will have to be dug and inspected, plans submitted and payment for the sewer permit received. A permit to install a sewage treatment system will then be issued and after the septic system is installed, an inspection made and approval of the system issued.

Changes in setback requirements. A motion was made by Merrill Chesebrough and seconded by Don Olson that the Board of Adjustment send the memo of recommendation, with changes, to the County Board and the County Planning Commission to state that the setback requirements be changed with the requirements of the adjoining communities. The motion passed unanimously.

There being no further business, the meeting adjourned at 2:40 p.m. on a motion by Bill Milbrath and seconded by Don Olson. Motion passed unanimously.

Respectfully submitted,



William C. Buckley