

MOWER COUNTY

AUSTIN, MINNESOTA

55912



Minutes of the Mower County Board of Adjustment

Members Present: Bill Millbrath, Don Olson, Joan Roe.

Members Absent: Kenneth Trom.

Others Present: Bill Buckley, Jeff Boucher, Daryl W. Franklin.

The regular meeting of the Mower County Board of Adjustment was called to order by Acting Chair Don Olson on Wednesday, March 30, 1994, at 4:15 p.m. in the Conference Room of the Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota.

Minutes of the February 16, 1994, meeting were approved as mailed on a motion by Joan Roe, seconded by Bill Millbrath. The motion passed unanimously.

Variance #262 - Jeff Boucher- Variance of five (5) feet to allow an addition to the Boucher home to be constructed 35 feet from the right-of-way instead of the required 40 feet. Reference was made to the on-site inspection that took place at 4:00 p.m. on March 30, 1994. The property is located in the NE1/4 of section 27, Austin Township. The Board of Adjustment referenced their site visit and that the right-of-way of the current county road is at 90 feet and had been expanded from the previous 66 foot right-of-way. It was also stated that if the variance had been applied for earlier it would be acceptable. Also the unusual topography of the land directly west of the house does not facilitate an addition in that direction. The Board of Adjustment discussed the three findings that have to be made:

- 1.) That the variance is in harmony with the spirit and intent of the Ordinance?
- 2.) The variance is consistent with the Comprehensive Plan?
- 3.) Are practical difficulties or particular hardships shown?

After some discussion, a motion was made by Bill Millbrath, seconded by Joan Roe, to approve the variance because (1) the variance is in harmony with the spirit and intent of the ordinance because of the topography of the lot and the recently enlarged right-of-way of the county road, (2) the variance is consistent with the Comprehensive Plan for the reasons stated before, (3) there are practical difficulties and particular

hardships shown because of the topography. The variance was recommended for approval with the condition that the Boucher on-site septic system be inspected to make sure it is up to the current County standards and if it is not it must be updated to current County standards. The motion passed unanimously.

Amend Variance #253 - Kirk Boyd - Bill Buckley presented background information to the Board of Adjustment in regard to this variance.

The amended conditions are:

1. The variance is valid only with the written approval of Mower County (County). Approval must be given prior to construction and in accordance with the Mower County Water Well Ordinance (Article VII). All conditions from the granted state approval must be included within the County's final variance decree.
2. The Galena formation at the well location must be overlain by the Cedar Valley, Maquoketa, and Dubuque formations.
3. The static water level in the completed well must be no lower than the elevation of the top of the Maquoketa formation.
4. The well must be cased and grouted to a minimum depth of 290 feet and must be at least 20 feet below the static water level in the well. If the gamma log and geological cutting samples, analyzed by the Minnesota Geological Survey (MGS), indicate that the top of the Galena formation is at a shallower depth than the required minimum depth given in this condition, the well can be cased and grouted to a depth not less than 10 feet into the Galena formation.
5. The well must be constructed in a bore hole which is at least 3.25 inches larger than the outer diameter of the casing or couplings, whichever is greater. The annular space around the casing must be filled with neat cement grout.
6. The well must 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 milliliter [ml] MF method or less than 2.2 organisms/100 ml MPN method) and nitrate nitrogen (less than 10.0 milligrams/liter [mg/l]). If the water quality in the Galena formation is unsatisfactory, the well must be cased and grouted

into an underlying safe aquifer or be sealed in accordance with Minnesota Rules, Chapter 4725.

7. Water from this well must be tested annually for nitrate nitrogen for a period of three years. The results of these tests must be forwarded to: Minnesota Department of Health, Southeaster District Office, Campus Center Building, 2116 Campus Drive Southeast, Rochester, Minnesota, 55904-4744; and the Mower County Environmental Health Department.
8. Representative samples of drill cuttings must be collected for each 5-foot drilled interval. These samples must be collected in bags which will be sent to you under separate cover. The Minnesota Geological Survey (MGS) will pick up the bagged drill cuttings.
9. The MGS (612/627-4788) must be contacted after the 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 to the Galena limestone.
10. Mr. Chris De Mattos or Mr. Peter Zimmerman of the MDH (507/285-7289) and the County (507/437-9527) must be notified at least 24 hours prior to construction of the well.
11. The well must be constructed in accordance with all other provisions of Minnesota Rules, Chapter 4725.
12. The nitrate-nitrogen concentration of the finished well shall be less than 5 mg/l as required by County Ordinance.

After some discussion, a motion was made by Joan Roe, seconded by Bill Millbrath, to approve the amended variance. The motion passed unanimously.

There being no further business, the meeting adjourned at 5:05 p.m. on a motion by Joan Roe, seconded by Bill Millbrath. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin