



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: David Kasel, Craig Stier, Tracy Clement, Harvey Heimer, Bill Buckley, Daryl Franklin.

The meeting of the Mower County Board of Adjustment was called to order by Acting-Chair Don Olson on Wednesday, July 27, 1994, at 2:30 p.m. in the Conference Room of the Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota.

Minutes of the June 29, 1994, meeting were approved as mailed on a motion by Bill Millbrath, seconded by Joan Roe. The motion passed unanimously.

Variance #267 - David & Barbara Kasel - Variance from the Mower County Sewage Disposal Ordinance (Chapter 11) section 11-1, Appendix A, Section F, to install a holding tank instead of a mound system in section 22, Lodi Township. The Board of Adjustment visited the site prior to the meeting on this date. Staff report was presented. The Kasel's are building a new house and do not want to install a mound system. Bill Buckley explained the situation and the requirements that he would recommend if the variance were approved. In order to grant a variance, the Board of Adjustment must find:

- 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?

(1) Bill Buckley explained that land application is an acceptable means of disposal. (2) It is in accordance with the Comprehensive Plan because they are removing the current illegal discharge to the ditch and installing a holding tank. (3) Particular difficulties are shown because there isn't a reasonable area for the system in existing cattle yard or in the front yard. After some discussion, a motion was made by Joan Roe, seconded by Bill Millbrath, to approve the variance for the holding tank because (1) the variance is in harmony with the spirit and intent of the ordinance because land application is an acceptable means of disposal, (2) the variance is consistent with the Comprehensive Plan for the reasons stated before and they are removing the current illegal discharge to the ditch and installing a holding tank, (3) there are practical difficulties and particular hardships shown because of the existing cattle yard, the homes location in the area and the aesthetics of the mound in the front yard with the following conditions:

1. An alarm system be installed to warn when the tank is near capacity.

2. Water saving devices, such as toilets, shower heads and faucets must be installed in the house.
3. No garbage disposal or water softener discharge is allowed into the system.
4. Septage shall be incorporated into the soil before repeated applications.

The motion passed unanimously.

Variance #271 - Harvey Heimer - Variance from the Mower County Zoning Ordinance Section 14-52(b)1 to build an addition to a dairy barn 32 feet from the right-of-way instead of the 40 foot requirement. The Board of Adjustment visited the site prior to the meeting on this date. Staff report was presented. After some discussion, a motion was made by Bill Millbrath, seconded by Joan Roe, to approve the eight foot variance to allow the setback 32 feet from the right-of-way line because (1) the variance is in harmony with the spirit and intent of the ordinance because no additional farm land is taken out of production and the setback is utilizing an existing farm building site, (2) the variance is consistent with the Comprehensive Plan for the reasons stated above; (3) there are practical difficulties and particular hardships shown because of the layout of the farm and the existing buildings locations. The motion passes unanimously.

Variance #272 - Tracy Clement - Variance from the Mower County Zoning Ordinance Section 14-50(h)1 would like to separate two houses on one farm site to create two separate parcels from the 160 acre farm in section 31, Racine Township. The Board of Adjustment visited the site prior to the meeting on this date. Staff report was presented. After some discussion, a motion was made by Joan Roe, seconded by Bill Millbrath, to approve the variance because (1) the variance is in harmony with the spirit and intent of the ordinance because a new additional building site isn't being created, (2) the variance is consistent with the Comprehensive Plan because housing opportunities are created in the rural area, (3) there are practical difficulties and particular hardships shown because it is difficult to sell a dairy farm with two additional farm sites on it. The motion passed unanimously.

Variance #273 - Craig Stier/Harlan Johnson - Variance from the Mower County Zoning Ordinance Section 14-50(h)1 & 4 to allow an additional non-farm dwelling per quarter quarter and variance from the CER rating. Petitioner would like to purchase a 5.7 acre parcel out of a 76.5 acre parcel to construct a non-farm dwelling. The Board of Adjustment visited the site prior to the meeting on this date. Staff report was presented. Mr. Stier presented testimony from Grand Meadow Township and the Mayor of Grand Meadow concerning their development plans and a petition from area residents. Concern was voiced on taking prime agricultural land out of production. The land has been tilled in the last 5 years and has a high CER rating. After some discussion, a motion was made by Joan Roe, seconded by Bill Millbrath, to recommend approval of the variance because (1) the variance is in harmony with the spirit and intent of the ordinance based upon the correspondence from the City of Grand Meadow concerning annexing the area and the desire of the township for the residential development, (2) the variance is consistent with the Comprehensive Plan because the Plan

encourages the orderly growth of the communities, (3) there are practical difficulties and particular hardships shown because it is a deep well zone and they can share the well with a neighbor. The motion passed with Joan Roe and Bill Millbrath voting yes and Don Olson voting no.

There being no further business, the meeting adjourned at 3:50 p.m. on a motion by Joan Roe, seconded by Bill Millbrath. The motion passed unanimously.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Daryl W. Franklin".

Daryl W. Franklin