

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

Members Present: Gary Braaten, Don Olson, Joan Roe.

Members Absent: Bill Millbrath.

Others Present: Kathryn Burke, Ralph Noble, Jim Frank, Darrell Pries, William Buckley, Daryl Franklin.

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, April 26, 1995, at 2:45 p.m. in the Conference Room of the Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota.

Minutes of the March 29, 1995, meeting were approved as mailed on a motion by Gary Braaten, seconded by Joan Roe. The motion passed unanimously.

Variance #283 - Vanetta Engelby - Variance from Section 14-50h of the Mower County Zoning Ordinance to allow a daughter to place a mobile home onto the property east of the existing home in Section 28, Sargeant Township. Staff report was presented. 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?

Reference was made to the on-site inspection by the Board of Adjustment and staff members prior to the meeting on this date. Darrell Pries, a neighbor to the Engelby's, spoke in favor of the variance. He encouraged that the existing septic system be utilized for the mobile home. After some discussion, a motion was made by Gary Braaten, seconded by Joan Roe, that Variance #283 for an additional non-farm dwelling be approved because (1.) the variance is in harmony with the spirit and intent of the Ordinance because it will not be creating additional building sites; (2.) the variance is consistent with the Comprehensive Plan because no agricultural land is being removed from production; and (3.) a hardship would exist if the daughter would not be allowed to assist the parents. The motion passed unanimously.

Variance #284 - James Burke & Kathryn Colestock-Burke - Variance from Section 6-82 of the Mower County Well Code to allow the petitioner to drill a cased and grouted Galena limestone well in Section 32, Lansing

Township. Staff report was presented. Jim Frank, a neighbor, had questions about the future land use of the property and the impact on his home. A letter of approval from the Minnesota Department of Health was discussed. After some discussion, a motion was made by Joan Roe, seconded by Gary Braaten, to approve Variance #284 because (1) the variance is in harmony with the spirit and intent of the ordinance because by following the standards of the State Health Department it will insure an adequate and safe supply of water, (2) the variance is consistent with the Comprehensive Plan for the reasons stated above; (3) there are practical difficulties and particular hardships shown because going to the St. Peter Sandstone would not insure any better quality or quantity of water. The variance was approved with the following 11 conditions of the Minnesota Department of Health and a 12th condition added that the well must be conformance with the Mower County nitrate standard:

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 shall be included within the final variance decree of Mower County.
2. The Galena formation at the well location must be overlain by the Spillville, 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 235 feet and 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. If couplings are used, the bore hole must be at least 3.25 inches larger than the outer diameter of the couplings. The annular space around the casing must be filled with neat cement grout in the rock portion of the well.
6. 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 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 (MDH), Southeastern District Office, Campus Center Building, 2116 Campus Drive SE, Rochester, Minnesota, 55904-4744; and the Mower County Environmental Health Department.
 8. 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 the well contractor under separate cover. The MGS will pick up the bagged drill cuttings.
 9. The MGS shall be contacted at 612/627-4788 after the bore hole is drilled so that a gamma-log of the well may be obtained. The gamma log and cuttings will be used to determine the depth to the Galena limestone.
 10. Mr. Chris De Mattos or Mr. Peter Zimmerman at the MDH (507/285-7289) and the County (507/437-9527) shall be notified at least 24 hours prior to the 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.

The motion passed unanimously.

There being no further business, the meeting adjourned at 3:38 p.m. on a motion by Joan Roe, seconded by Gary Braaten. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin