

# MOWER COUNTY BOARD OF ADJUSTMENT

## Minutes of the Mower County Board of Adjustment

Members Present: Gary Braaten, Bill Milbrath, Joan Roe.

Members Absent: Don Olson.

Others Present: Daryl W. Franklin.

The regular meeting of the Mower County Board of Adjustment was called to order by Vice-Chair Gary Braaten on Wednesday, May 29, 1996, at 2:30 p.m. in the County Office's, Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota. Minutes of the April 24, 1996, meeting were approved as mailed on a motion by Joan Roe, seconded by Bill Milbrath. The motion passed unanimously.

**Variance #299 - David Bungum.** Variance from Section 14-50(h)(4) of the Mower County Zoning Ordinance for an additional non-farm dwelling on agricultural land in Section 2 of Sargeant Township. Staff report was presented. Reference was made to the on-site visit conducted by the Board of Adjustment at 2:00 p.m. on this date. After some discussion, a motion was made by Bill Milbrath, seconded by Joan Roe, to approve the variance because (1) the variance is in harmony with the spirit and intent of the ordinance because the area is well defined as a building location and is too small to be farmed; (2) the variance is consistent with the Comprehensive Plan, because areas is located adjacent to semi-developed area, i.e. church, cemetery, other homes; (3) there are practical difficulties and particular hardships shown because to require platting of area for one lot doesn't serve the interest of the County or petitioner; with the following conditions:

1. Petitioner apply for and receive a zoning permit from the Mower County Planning Department.
2. Petitioner apply for and receive a sewer permit from the Mower County Environmental Health Department.

The motion passed unanimously.

**Variance #300 - Kelly Lady** - Variance from Section 14-52(b)(1) of the Mower County Zoning Ordinance for an 25 foot front yard setback in Section 31 of Red Rock Township. Staff Report was presented. Reference was made to the on-site visit conducted by the Board of Adjustment at 1:30 p.m. on this date. After some discussion, a motion was made by Bill Milbrath, seconded by Joan Roe, to approve the variance because (1) the variance is in harmony with the spirit and intent of the ordinance because the other homes in the area have a lessor setback and the area is primarily residential; (2) the variance is consistent with the Comprehensive Plan for the same reason as in #1; (3) there are practical difficulties and particular hardships shown because closer setback of adjacent houses on the dead-end road with the following conditions:

1. Secure Mower County Zoning Permit.

The motion passed unanimously.

**Variance #301 - Kristi & Newman Abuissa** - Variance from Section 14-50(h) of the Mower County Zoning Ordinance for an additional non-farm dwelling on agricultural land in Section 27 of Austin Township. Staff Report was presented. Reference was made to the on-site visit conducted by the Board of Adjustment at 1:10 p.m. on this date. Mr. Jovaag was concerned about how the variance would impact on expansion of this feedlot. It was explained that an existing feedlot would be allowed to expand closer to dwellings under the revised zoning ordinance. After some discussion, a motion was made by Joan Roe, seconded by Bill Milbrath, to approve the variance because (1) the variance is in harmony with the spirit and intent of the ordinance because the area is unique due to the quarry operation on two sides of the property; (2) the variance is consistent with the Comprehensive Plan because Mr. & Mrs. Abuissa have a petition to plat the area pending before the Planning Commission; (3) there are practical difficulties and particular hardships shown because this parcel will be part of a larger subdivision and the variance would allow for the sale of this one lot; with the following conditions:

1. A Compliance Certificate be completed on the sewage treatment system serving the house. If the sewer system is found to be failing or non-conforming, it must be brought into conformance with the Mower County Individual Sewage Treatment Ordinance within one year from date of variance approval.

The motion passed unanimously.

There being no further business, the meeting adjourned at 3:15 p.m. on a motion by Joan Roe, seconded by Bill Milbrath. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin