

# MOWER COUNTY BOARD OF ADJUSTMENT

## Minutes of the Mower County Board of Adjustment

Members Present: Gary Braaten, Mary Kenyon, Don Olson, Joan Roe

Members Absent: none

Others Present: Citizens, William C. Buckley, Daryl W. Franklin.

The special meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, December 18, 1996, at 3:00 p.m. in the County Office's, Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota. Minutes of the November 13, 1996, meeting were approved as mailed on a motion by Gary Braaten, seconded by Joan Roe. The motion passed unanimously.

**Variance #320 - Faye Houghton**- Variance from Section 14-50h of the Mower County Zoning Ordinance to allow for the split of the farm site from a parcel in Section 25 of Waltham Township. Reference was made to the visit to the site by the Board of Adjustment earlier on this date. Staff report was presented. Ms. Houghton explained that they were purchasing the existing farm site. After some discussion, a motion was made by Joan Roe, seconded by Gary Braaten, to approve Variance #320 because (1) the variance is in harmony with the spirit and intent of the ordinance because additional buildings sites are not being created and farm land is not being taken out of production,, (2) the variance is consistent with the Comprehensive Plan because the economic viability of Mower County is being maintained, (3) there are practical difficulties and particular hardships shown because it is not practical for a person to purchase the entire parcel as a home site. The variance was approved with the following conditions:

1. An evaluation be conducted by a licensed Designer I Inspector, on any sewage treatment system serving the property. If the sewer system is found to be failing as defined in the Mower County Individual Sewage Treatment Ordinance, the system will have to be upgraded or replaced to MPCA 7080 standards as a condition of the variance within one (1) year of approval of the variance.
2. There will be no additional building on the remaining land without an additional variance being applied for and approved.

The motion passed unanimously.

**Variance #321 - MN Family Farms Cooperative**- Variance from Section 11-1, Subd 1, of the Mower County Individual Sewage Treatment Ordinance (MPCA Chapter 7080.0910, Subpart 3g) to allow for the use of a manure management system as an alternative toilet waste treatment system for an office in Section 10 of Clayton Township. Staff report was presented. Mr. Johnson representing Clayton Township stated that the township has no objection. C.W. Krull stated that he was concerned about mixing human waste with hog manure. Mr. Jerry Fischer representing MN Family Farms Cooperative explained their proposal. After some discussion, a motion was made by Gary Braaten, seconded by Joan Roe to approve Variance #321 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 because alternative systems are acceptable under MPCA and County Rules, (3) there are practical difficulties and particular hardships shown because it is not practical to install a sewage treatment system for an office. The variance was approved with the following conditions:

1. Reasonable assurance of performance of the system must be presented to the Mower County Environmental Health Department.
2. The design of the system must be approved by the Mower County Environmental Health Department.

3. There can be no discharge to the ground surface or to surface waters.
4. Treatment and disposal of wastes is completed in a manner that protects the public health and general welfare.
5. System complies with all local codes and ordinances and is subject to periodic inspections by the Mower County Environmental Health Department to assure adherence to specifications.
6. Provide a mitigative plan to the Mower County Environmental Health Department, indicating what will be done if the system fails to provide treatment and disposal.
7. The co-mixed waste will be land spread in accordance with all applicable Federal, State, and County regulations.
8. Overflow of the manure system or run off to surface waters from field spreading will constitute a violation of this variance and Chapter 11 of the Mower County Code.

The motion passed unanimously.

**Variance #322 - Greg Lukes & Randy Lukes** - Variance from Section 14-50h of the Mower County Zoning Ordinance to allow for the split of the farm site from a parcel in Section 28 of Austin Township. Reference was made to the visit to the site by the Board of Adjustment earlier on this date. Staff report was presented. Mr. Randy Lukes and Mr. Greg Lukes explained that they had purchased a farm and did not need the farm site. After some discussion, a motion was made by Gary Braaten, seconded by Joan Roe, to approve Variance #322 because (1) the variance is in harmony with the spirit and intent of the ordinance because additional buildings sites are not being created and farm land is not being taken out of production,, (2) the variance is consistent with the Comprehensive Plan because the economic viability of Mower County is being maintained, (3) there are practical difficulties and particular hardships shown because it is not practical for a person to purchase the entire parcel as a home site. The variance was approved with the following conditions:

1. An evaluation be conducted by a licensed Designer I Inspector, on any sewage treatment system serving the property. If the sewer system is found to be failing as defined in the Mower County Individual Sewage Treatment Ordinance, the system will have to be upgraded or replaced to MPCA 7080 standards as a condition of the variance within one (1) year of approval of the variance.
2. There will be no additional building on the remaining land without an additional variance being applied for and approved.

The motion passed unanimously.

**Other Business:**

Mary Kenyon was welcomed as a new member to the Board of Adjustment.

There being no further business, the meeting adjourned at 2:50 p.m. on a motion by Joan Roe, seconded by Don Olson. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin