

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, Daryl W. Franklin.

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, March 26, 1997, at 2:00 p.m. in the Conference Room, Austin City Hall, 500 NE 4th Avenue, Austin, Minnesota. Minutes of the December 18, 1996, meeting were approved as mailed on a motion by Gary Braaten, seconded by Joan Roe. The motion passed unanimously.

Variance #323 - Paul & Mark Meany- 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 14 of Windom Township. Reference was made to the site visit by the Board of Adjustment at 11:15 a.m. on this date. Staff report was presented. Mr. Meany explained that they need a mortgage on the property and bank will not mortgage the entire farm so they need to split off the building site. After some discussion, a motion was made by Gary Braaten, seconded by Mary Kenyon, to approve Variance #323 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 get a mortgage on the entire parcel to build a home. The variance was approved with the following conditions:

1. Property can not be further subdivided in the future without another variance issued by Mower County.
2. An evaluation be conducted by a licensed Designer I or Inspector, on any sewage treatment system serving the property. The evaluation must be submitted to the Mower County Environmental Health Department. 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.
3. No additional residential building on remaining parcel.

The motion passed unanimously.

Variance #324 - Ruthe Gieser- 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 22 of Austin Township. Reference was made to the site visit by the Board of Adjustment at 9:40 a.m. on this date. Staff report was presented. Mrs. Gieser explained that she wished to sell off the farm site from the parcel and move into town. After some discussion, a motion was made by

Joan Roe, seconded by Mary Kenyon, to approve Variance #324 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. Property can not be further subdivided in the future without another variance issued by Mower County.
2. An evaluation be conducted by a licensed Designer I or Inspector, on any sewage treatment system serving the property. The evaluation must be submitted to the Mower County Environmental Health Department. 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.
3. No additional residential building on remaining parcel.

The motion passed unanimously.

Variance #325 - Ralph Bartz Et Al- 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 35 of Austin Township. Reference was made to the site visit by the Board of Adjustment at 10:00 a.m. on this date. Staff report was presented. Mr. Ralph Bartz expressed concern over the condition that the sewer system had to be inspected for compliance. After some discussion, a motion was made by Mary Kenyon, seconded by Joan Roe, to approve Variance #325 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. Property can not be further subdivided in the future without another variance issued by Mower County.
2. An evaluation be conducted by a licensed Designer I or Inspector, on any sewage treatment system serving the property. The evaluation must be submitted to the Mower County Environmental Health Department. 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.
3. No additional residential building on remaining parcel.

The motion passed unanimously.

Variance #326 - Jason & Janice Canterbury- 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 35 of Nevada Township. Reference was made to the site visit by the Board of Adjustment at 10:30 a.m. on this date. Staff report was presented. Mr. Canterbury explained that they had already purchased the property without realizing that they needed a variance. After some discussion, a

motion was made by Gary Braaten, seconded by Joan Roe, to approve Variance #326 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. Property can not be further subdivided in the future without another variance issued by Mower County.
2. An evaluation be conducted by a licensed Designer I or Inspector, on any sewage treatment system serving the property. The evaluation must be submitted to the Mower County Environmental Health Department. 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.
3. No additional residential building on remaining parcel.

The motion passed unanimously.

Variance #327 - Jacqueline Bucher- 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 33 of Pleasant Valley Township. Reference was made to the site visit by the Board of Adjustment at 11:50 a.m. on this date. Staff report was presented. A letter from Pleasant Valley Township regarding the plowing of township roads was presented. After some discussion, a motion was made by Mary Kenyon, seconded by Gary Braaten, to approve Variance #327 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. Property can not be further subdivided in the future without another variance issued by Mower County.
2. An evaluation be conducted by a licensed Designer I or Inspector, on any sewage treatment system serving the property. The evaluation must be submitted to the Mower County Environmental Health Department. 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.
3. No additional residential building on remaining parcel.

The motion passed unanimously.

Variance #329 - Gary & Pat Swenson- 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 26 of Windom Township. Reference was made to the site visit by the Board of Adjustment at 10:50 a.m. on this date. Staff report was presented. Mr. Swenson explained that they were refinancing their home and the bank did not want to mortgage the agricultural land thus they needed to split the

building site off. After some discussion, a motion was made by Joan Roe, seconded by Mary Kenyon, to approve Variance #329 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 to mortgage the entire parcel for the refinancing. The variance was approved with the following conditions:

1. Property can not be further subdivided in the future without another variance issued by Mower County.
2. An evaluation be conducted by a licensed Designer I or Inspector, on any sewage treatment system serving the property. The evaluation must be submitted to the Mower County Environmental Health Department. 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.
3. No additional residential building on remaining parcel.

The motion passed unanimously.

Variance #328 - Tim Koch - Variance from Section 14-50(f-iii4) of the Mower County Zoning Ordinance to locate a feedlot within 1,000 feet of a dwelling site in Section 13 of LeRoy Township. Reference was made to the site visit by the Board of Adjustment 12:30 p.m. on this date. Staff report was presented. A "Memorandum of Law" document was presented by Steve Corson, attorney representing a neighboring property owner. June King, neighboring property owner complained of the devaluation of the neighboring land, smell, and contamination of wells if the variance is approved. Mr. Bill McCloud, LeRoy Township Chair, stated that the township did not have a position on the matter. After some discussion, a motion was made by Gary Braaten, seconded by Joan Roe, to table Variance #328 until an opinion was received from the Mower County Attorney. The motion passed unanimously. A special meeting will be held on Wednesday, April 9, 1997, at 1:00 at Austin City Hall, to decide this variance.

Other Business:

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

Respectfully submitted:



Daryl W. Franklin