

**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.

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The special meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, April 9, 1997, at 1:00 p.m. in the Conference Room, Austin City Hall, 500 NE 4th Avenue, Austin, Minnesota. Minutes of the March 26, 1997, meeting were approved with a change stating that June King is a part property owner instead of neighboring property owner on a motion by Gary Braaten, seconded by Mary Kenyon. 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 March 26, 1997. Staff report was presented. Chair Olson explained that the variance had been tabled to allow for a response from Mower County Attorney regarding a question. Steve Corson, attorney representing a neighboring property owner, expressed concern about the opinion. Mr. Heathman explained that they have used the property during the summer since 1979. Mr. Heathman stated that they are considering moving their house from Rochester to this property. Mr. Heathman stated that he did spend last night at the house and that it was served by electricity, water and sanitary sewer. June King asked the Board of Adjustment "What do you consider a dwelling?" Chair Olson responded "Something that is habitable and that you can live in". Gary Braaten stated that after reviewing the photos and memo from Pat Oman that he feels it is a

building site but that the house on the site is dilapidated and not habitable with parts of the roof collapsing and with trees growing through the roof and foundation, just to mention a few of the deficiencies that it can not be considered a dwelling unit under the Ordinance. After some discussion, a motion was made by Gary Braaten, seconded by Mary Kenyon, to approve variance #328 because (1) the variance is in harmony with the spirit and intent of the ordinance because it was felt that the house is not a dwelling unit, (2) the variance is consistent with the Comprehensive Plan because the house is not a dwelling unit and agricultural is of primary importance, (3) there are practical difficulties and particular hardships shown because it is not feasible to place the feedlot at another site on the parcel due to the natural features of the land. The variance was approved with the following conditions:

1. Entrance to feedlot should be from the east/west road and not from the north/south road.
2. Plant vegetative barrier on west side in accordance with NRCS Standards, Feedlot Windbreak Plan.
3. No manure hauling on Sunday.
4. Construct an enclosed dead animal storage bin on impervious pad with roof.

The motion passed unanimously.

**Other Business:**

There being no further business, the meeting adjourned at 1:28 p.m. on a motion by Joan Roe, seconded by Gary Braaten. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin