

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

Members Present: Mary Kenyon, Don Olson, Joan Roe

Members Absent: Gary Braaten

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, April 30, 1997, at 3:30 p.m. in the Conference Room, Austin Public Library, 323 NE 4th Avenue, Austin, Minnesota. Minutes of the April 9, 1997, meeting were approved as mailed on a motion by Joan Roe, seconded by Mary Kenyon. The motion passed unanimously.

It was stated that the meeting would deviate from the agenda and hear petition 331 last.

Variance #330 - Matthew M. Ginder- Variance from Section 14-50h(1) of the Mower County Zoning Ordinance to allow for the split of the farm site from a parcel in Section 2 of Frankford Township. Reference was made to the site visit by the Board of Adjustment at 2:15 p.m. on this date. Staff report was presented. Report from the Mower County Feedlot Officer was presented. After some discussion, a motion was made by Mary Kenyon, seconded by Joan Roe, to approve Variance #330 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 Mr. Ginder owns this parcel and it is too small to farm. 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. 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. Inspection form must be forwarded to the Mower County Planning Department upon completion of evaluation.
3. No additional residential building on remaining parcel.

The motion passed unanimously.

Variance #332 - Terry & Sandra Easley- Variance from Section 14-50h(1) of the Mower County Zoning Ordinance to allow for the split of the farm site from a parcel in Section 8 of Waltham Township. Reference was made to the site visit by the Board of Adjustment at 3:10

p.m. on this date. Staff report was presented. Report from the Mower County Feedlot Officer was presented. After some discussion, a motion was made by Joan Roe, seconded by Mary Kenyon, to approve Variance #332 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 and the feedlot which is located within 1,000 feet is not currently an active feedlot, (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. 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. Inspection form must be forwarded to the Mower County Planning Department upon completion of evaluation.
3. No additional residential building on remaining parcel.

The motion passed unanimously.

Variance #333 - Gladys Holst- Variance from Section 14-50h(1) of the Mower County Zoning Ordinance to allow for the split of the farm site from a parcel in Section 20 of Grand Meadow 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. Report from the Mower County Feedlot Officer was presented. After some discussion, a motion was made by Mary Kenyon, seconded by Joan Roe, to approve Variance #333 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 and the feedlot which is less than 1,000 feet from the site however selling off an existing building site, (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. 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. Inspection form must be forwarded to the Mower County Planning Department upon completion of evaluation.
3. No additional residential building on remaining parcel.

The motion passed unanimously.

Variance #334 - Ronald Skjeveland- Variance from Section 14-120c of the Mower County Zoning Ordinance to allow for the building of a building in the floodway in Section 15 of

Austin Township. Reference was made to the site visit by the Board of Adjustment at 12:15 p.m. on this date. Staff report was presented. Mr. Skjeveland reported his proposal for constructing the building and removing the old buildings. After some discussion, a motion was made by Joan Roe, seconded by Mary Kenyon, to approve Variance #334 because (1) the variance is in harmony with the spirit and intent of the ordinance because the gross square footage which is existed prior to the variance is actually greater than the new building's square footage and the new building will be on a plain with the floodplain and at a higher elevation; (2) the variance is consistent with the Comprehensive Plan because the concerns of the floodplain management ordinance are being addressed, (3) there are practical difficulties and particular hardships shown because it is unreasonable to have an individual use inadequate structures when a new one can be built. The variance was approved with the following conditions:

1. Building be in accordance with Mower County Zoning Ordinance standards for building in the floodway.
2. Conditional Use Permit #527 must be approved by Mower County Board of Commissioners to make the variance valid.

The motion passed unanimously.

Variance #335 - Haven Hutterian Brethren- Variance from Section 14-50h of the Mower County Zoning Ordinance to allow for the split of a 120 acre parcel to create an additional non-farm dwelling site from a parcel in Section 12 & 14 of Sargeant Township. Reference was made to the site visit by the Board of Adjustment at 2:45 p.m. on this date. Staff report was presented. Report from the Mower County Feedlot Officer was presented. Mr. Anderson was present and expressed concern about the easement that was on the north part of his property to the parcel in questions. It was explained that the Board of Adjustment does not have any control over the easement and that he should contact the Hutterian Brethren to deal with the issue. It was explained by Mr. Luther Larson that the purchase was contingent on the easement so that his son could have access to the farm land. After some discussion, a motion was made by Mary Kenyon, seconded by Joan Roe, to approve Variance #335 because (1) the variance is in harmony with the spirit and intent of the ordinance because the one parcel has an abandoned farm site on it and you are not creating additional building sites 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 of the location of the creek and it is unreasonable for the Hutterians to maintain this property without crossing. 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. 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. Inspection form must be forwarded to the Mower County Planning Department upon completion of evaluation.

The motion passed unanimously.

Variance #331 - Marjorie Mossyge- Variance from Section 14-50h of the Mower County Zoning Ordinance to allow for the split of 2 acres a parcel in Section 13 of Lodi Township. Reference was made to the site visit by the Board of Adjustment at 1:15 p.m. on this date. Staff report was presented. Report from the Mower County Feedlot Officer was presented. The Board of Adjustment was concerned about the distance between the existing feedlot, which is approximately 860 feet away, and the proposed dwelling site. The Board felt that in their judgment it wasn't an active feedlot and therefore the variance should be approved. After some discussion, a motion was made by Joan Roe, seconded by Mary Kenyon, to approve Variance #331 because (1) the variance is in harmony with the spirit and intent of the ordinance because the proposed home site is not prime ag land but pasture land, (2) the variance is consistent with the Comprehensive Plan because prime ag land is not being taken out of production, (3) there are practical difficulties and particular hardships shown because to build on the North property adjacent to the existing building site would be an area that would be closer to a larger active feedlot facility. 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. Apply for and receive a zoning permit, Individual Sewage Treatment System permit, and well permit from Mower County.
3. No additional residential building on remaining parcel.
4. An evaluation be conducted by a licensed Designer I or 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. Inspection form must be forwarded to the Mower County Planning Department upon completion of evaluation.
5. A survey be completed by a registered land surveyor or engineer showing the floodway, if any, on the property.

The motion passed unanimously.

Other Business:

There being no further business, the meeting adjourned at 4:15 p.m. on a motion by Mary Kenyon, seconded by Joan Roe. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin

After the meeting, cake and coffee was served to honor Mr. William Milbrath for his years of service. Mr. Milbrath's term expired on December 31, 1996.