

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, May 28, 1997, at 3:30 p.m. in the Conference Room, Mower County Offices, 1105-1/2 NE 8th Avenue, Austin, Minnesota. Minutes of the April 30, 1997, meeting were approved as mailed on a motion by Gary Braaten, seconded by Mary Kenyon, The motion passed unanimously.

It was stated that the meeting would deviate from the agenda and hear petition 339 first.

Variance #339 - Dean Paschke- Variance from Section 14-50h(1) of the Mower County Zoning Ordinance to allow for the split of the existing farm site as a non-farm dwelling from a 76-acre parcel in Section 18 of Red Rock Township. Reference was made to the site visit by the Board of Adjustment at 1:25 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 Gary Braaten, seconded by Joan Roe, to approve Variance #339 because (1) the variance is in harmony with the spirit and intent of the ordinance because an additional building site is not being created, (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 the building site is not needed for the agricultural use of the land for farming. 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 #336 - Richard Brown- Variance from Section 14-50h(1 & 4) of the Mower County Zoning Ordinance to allow for the split of a parcel for an additional non-farm dwelling from a parcel in Section 23 of Windom Township. Reference was made to the site visit by the Board of Adjustment at 2:00 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 #336 because (1) the variance is in harmony with the spirit and intent of the ordinance because the area is located by a stream and grove of trees making it a natural 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 isn't reasonable to require the new property owner to purchase the entire 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 #337 - Barry & Karen Novinger- Variance from Section 14-50h(1 & 4) of the Mower County Zoning Ordinance to allow for an additional non-farm dwelling to be built on a 40-acre parcel in Section 12 of Frankford Township. Reference was made to the site visit by the Board of Adjustment at 2:30 p.m. on this date. Staff report was presented. Report from the Mower County Feedlot Officer was presented. Mr. Bob Baarsch commented on the variance procedure by asking "what is the spirit of intent?". Mr. Baarsch questioned the compatibility of a non-farm dwelling with the feedlots in the area. After some discussion, a motion was made by Mary Kenyon, seconded by Gary Braaten, to approve Variance #337 because (1) the variance is in harmony with the spirit and intent of the ordinance because the area has been a separate 40-acre parcel form many years and it isn't prime agricultural land, (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 the area has been a separate 40-acre parcel form many years and it isn't prime agricultural land. 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 #338 - Holden Farms- Variance from Section 11-3 of the Mower County Individual Sewage Treatment Ordinance for an alternative sewage treatment system in Section 16 of Dexter Township. Staff report was presented. Some conditions recommended by William Buckley, Mower County Environmental Health Director, were discussed. After some discussion, a motion was made by Gary Braaten, seconded by Joan Roe, to table Variance #338 until the June meeting so that a representative from Holden Farms can be present to answer questions. 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