

## **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 Tuesday, December 30, 1997, at 3:00 p.m. at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the November 26, 1997, meeting were approved as mailed on a motion by Joan Roe, seconded by Gary Braaten. The motion passed unanimously.

**Variance #361 - Mike Hoffman-** Variance from Section 14-50h of the Mower County Zoning Ordinance to allow for the placement of a mobile home on an existing dwelling site in Section 8 of Udolpho 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. Mr. Hoffman explained their plans. After some discussion, a motion was made by Gary Braaten, seconded by Joan Roe, to approve Variance #361 because (1) the variance is in harmony with the spirit and intent of the ordinance because no additional building site is 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 parents need the assistance of their children to continue to live independently. 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. A zoning permit and ISTS permit be issued for the new dwelling by December 31, 1999, or the variance is void.
3. 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.
4. The mobile home must be removed when the Hoffman's family is no longer in need of it.

The motion passed unanimously.

**Variance #360 - Prairie Pork (Jon O'Reilly) and National Swine Builders-** Variance from the Mower County Individual Sewage Treatment Ordinance to allow for an alternative sewage treatment system in Section 36 of LeRoy Township. Bill Buckley presented the staff report. Mr. Jon O'Reilly stated that they wanted to install this type of system instead of a standard system because of the recommendation of a Minnesota State licensed ISTS Designer. After some discussion, a motion was made by Gary Braaten, to deny variance #360 because it wasn't in accordance with the Comprehensive Plan since in the past farmers have had to install individual

sewage treatment systems and that the County should be consistent. Chair Olson called for a second to the motion. Mr. Buckley stated that the plan submitted by Steve Lawler, the system designer, was designed according to State requirements. Chair Olson stated that in Iowa a standard system is required and that manure pits are not allowed as an alternative. Chair Olson called again for a second on the motion to deny. Chair Olson called a third time for a second to the motion to deny. The motion died due to lack of a second. Joan Roe made a motion, seconded by Mary Kenyon, to approve Variance #360 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. Sewer application must be accompanied by a site plan, system plan and support information sufficient in detail to determine whether the proposed installation will meet standards necessary to protect the health, welfare, and safety of the public including:
  - installation of a water meter
  - estimate of water use
  - an alarm system to warn of pump failure overflow
  - a manure/sewage application plan
  - contingency plan
  - site plan showing how sewage is to be delivered to the manure storage facility
2. Co-mixed waste will be land spread in accordance with all applicable Federal, State and County regulations.
3. Overflow of the manure/septage handling facility will void this variance and result in the installation of a mound sewage treatment system.

The application must demonstrate that the variance will not adversely impact ground or surface water quality.

The sewage treatment system plan must be prepared by a state licensed ISTS Designer 1 or Designer 2.

Roll call on the motion:

Aye: Kenyon, Roe, Olson.

Nay: Braaten

**Other Business:**

There being no further business, the meeting adjourned at 4:00 p.m. on a motion by Mary Kenyon, seconded by Joan Roe. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin