

## **MOWER COUNTY BOARD OF ADJUSTMENT**

### **Minutes of the Mower County Board of Adjustment**

Members Present: Gary Braaten, Mary Kenyon, Don Olson.

Members Absent: Joan Roe.

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, January 28, 1998, at 3:45 p.m. at the Mower County Offices, 1105-1/2 NE 8th Avenue, Austin, Minnesota. Minutes of the December 30, 1997, meeting were approved as mailed on a motion by Mary Kenyon, seconded by Gary Braaten. The motion passed unanimously.

**Variance #362 - Leon Holst-** Variance from Section 14-52(b,1 a & b) of the Mower County Zoning Ordinance to locate a house addition closer to the township road than the setback requirement in Section 11, Dexter Township. Reference was made to the site visit by the Board of Adjustment at 1:20 p.m. on this date. Staff report was presented. Mr. Holst stated that due to the driveway, well, and septic system, the only location for an addition is the side facing the township road. At the time of the Board of Adjustment inspection, it was noted that there had been a porch where the proposed addition will be located. Mr. Holst needs a 14-foot variance. The house will be located 26 feet from the ROW instead of the required 40 feet from the ROW. After some discussion, a motion was made by Mary Kenyon, seconded by Gary Braaten, to approve Variance #362 because (1) the variance is in harmony with the spirit and intent of the ordinance because due to the location of the porch, no new setback is being established, (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 house, road, driveway, well, septic system, etc. The variance was approved with the following condition:

1. 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 #363 - David & Rebecca Schulz** Variance from Section 14-50h of the Mower County Zoning Ordinance to allow for a dwelling site in Section 24 of Pleasant Valley 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. Mr. & Mrs. Schulz explained that the 80-acre parcel has been owned by their family for almost 100-years. The Board of Adjustment members observed that the proposed house site was the site a house that had been removed. All the outbuildings were in good shape. There are no feedlots within 1,000 feet of the property according to the Feedlot Officer. After some discussion, a motion was made by Mary Kenyon, seconded by Gary Braaten, to approve Variance #363 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 quality of the existing farmstead is not logically not to use this as a dwelling 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. A zoning permit and ISTS permit be issued for the new dwelling by December 31, 1999, or the variance is void.

The motion passed unanimously.

**Variance #364 - Brian Morger/David & Linda Grabau** Variance from Section 14-50h of the Mower County Zoning Ordinance to sell off the existing dwelling site and build a new dwelling on the remaining land in Section 1, Racine 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. Mr. & Mrs. Grabau and Mr. Brian Morger explained their plans. Chip Bartell, a neighboring property owner stated that he was concerned about the additional dwelling in the area. Mr. Bartell stated that he owns a 20-acre wooded site and he doesn't feel an additional dwelling is beneficial. Mr. Ross Cooper stated that he was concerned about future dwellings in the area and that he wants the area to remain "rural". Mrs. Hanson also stated concern about taking agriculture land out of production for a dwelling site. There is one feedlot within 1,000 feet of the property according to the Feedlot Officer which is the current Grabau feedlot. After some discussion, a motion was made by Gary Braaten, seconded by Mary Kenyon, to deny Variance #364 because (1) the variance is not in harmony with the spirit and intent of the ordinance of one dwelling site per quarter section, (2) the variance is not consistent with the Comprehensive Plan because agricultural land is being taken out of production for the dwelling site and the driveway. The motion passed 3 - 0.

**Other Business:**

There being no further business, the meeting adjourned at 4:35 p.m. on a motion by Mary Kenyon, seconded by Gary Braaten. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin