

## ***MOWER COUNTY BOARD OF ADJUSTMENT***

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

Members Present: Gary Braaten, Don Olson, Joan Roe.

Alternate Present: Mary Kenyon.

Members Absent: none

Others Present: Citizens, Glen Jacobsen, Daryl W. Franklin.

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, May 27, 1998, at 3:45 p.m. at the Mower County Offices, 1105-<sup>1</sup>/<sub>2</sub> NE 8th Avenue, Austin, Minnesota. Minutes of the March 25, 1998, meeting and the April 1, 1998, meeting were approved as mailed on a motion by Gary Braaten, seconded by Joan Roe. The motion passed unanimously. Glen Jacobsen discussed the voting procedure for the Board of Adjustment. He explained that the alternate can go on the site visit and discuss issues but can not make a motion or vote unless one of the other members is absent. Mary Kenyon is the alternate member.

**Variance #369 - Erwin & Hilda Schmidt** - Variance from Section 14-50(h[1 & 4]) of the Mower County Zoning Ordinance for an additional dwelling per quarter section in Section 6 of Windom Township. Reference was made to the site visit by the Board of Adjustment at 2:30 p.m. on May 27, 1998. Staff report was presented. Feedlot report was presented. Mr. & Mrs. Schmidt were present and explained their plans to sell the approximately 8 acre parcel that is the location of the existing house and build a new home south of this location that is currently a corn field. Mr. & Mrs. Schmidt explained that they like the area and do not want to move into town but that their current house is too large. After some discussion, a motion was made by Gary Braaten, seconded by Joan Roe, to deny Variance #369 because (1) the variance is not in harmony with the spirit and intent of the ordinance because it would violate the density requirement and preservation of farm land. The motion passed unanimously.

**Variance #370 - Theodore & Mary Stuhr** - Variance from Section 14-50(h[1,2, & 4]) of the Mower County Zoning Ordinance for an additional dwelling per quarter section in Section 17 of Lansing Township. Reference was made to the site visit by the Board of Adjustment at 3:00 p.m. on May 27, 1998. Staff report was presented. Feedlot report was presented. Mrs. Stuhr explained their plans to construct a new dwelling and sell off

the existing house. After some discussion, a motion was made by Joan Roe, seconded by Gary Braaten, to deny Variance #370 because (1) the variance is not in harmony with the spirit and intent of the ordinance because it would violate the density requirement and the preservation of agriculture land because of the high CER.

The motion passed unanimously.

**Variance #371 - Clyde Boone** - Variance from Section 14-50(h[1&4]) of the Mower County Zoning Ordinance for an additional dwelling per quarter section in Section 6 of Racine Township. Reference was made to the site visit by the Board of Adjustment at 1:40 p.m. on May 27, 1998. Staff report was presented. Feedlot report was presented. Mr. Boone stated that he wants to construct a building on his farmstead for his son and to convert to a machine shop in the future. Mr. Boone explained that he will not sell off the site where the building is being constructed. After some discussion, a motion was made by Joan Roe, seconded by Gary Braaten, to approved Variance #371 because (1) the variance is in harmony with the spirit and intent of the ordinance because it is not creating any additional dwelling sites; (2) the variance is consistent with the Comprehensive Plan because agricultural land is being preserved and the new dwelling will be constructed on the existing farmstead, (3) there are practical difficulties and particular hardships shown because it is unreasonable for the son to buy another farm when he will eventually own this farm site. The variance was approved with the following conditions:

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.
2. A zoning permit and ISTS permit, if necessary, be issued for the new dwelling by December 31, 2000, or the variance is void.
3. Property can not be split and sold in the future.

The motion passed unanimously.

**Variance #372 - Thomas Finnegan** - Variance from Section 14-50(Fiii[4]) of the Mower County Zoning Ordinance to locate a feedlot 150 feet closer to a dwelling than the required 1,000 foot setback in Section 31 of Red Rock Township. Reference was made to the site visit by the Board of Adjustment at 3:20 p.m. on May 27, 1998. Staff report was presented. Feedlot report was presented. Francis Guiney, representing Red Rock Township, stated that the township did not have any problem with this variance request. Also, Dolly Amand from the Austin Country Club just wanted to make sure the feedlot stay away from the Country Club. It was request that to read the section 14-50Fiii which applied to the variance. Section 14-50Fiii(5) of the Ordinance states that:

- 5) Feedlots shall not be located within  $\frac{1}{2}$  mile of an incorporated city limit.

Mr. Finnegan stated that Lowell Franzen, Feedlot Office, that it was a "reserve area" and not applicable. After some discussion, a motion was made by Gary Braaten, seconded by Joan Roe, to table Variance #372 until June 3, 1998, at 3:30 p.m. to get a clarification on the city of Austin boundary. This will enable the Board of Adjustment to determine if the variance needs to be amended to include being located within  $\frac{1}{2}$  mile of an incorporated city limit.

The motion passed unanimously.

**Other Business:**

There being no further business, the meeting adjourned at 4:30 p.m. on a motion by Gary Braaten, seconded by Joan Roe. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin