

## ***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, June 24, 1998, at 3:45 p.m. at the Mower County Courthouse, 201 First Avenue NE, Austin, Minnesota. Minutes of the May 27, 1998, meeting were approved as mailed on a motion by Joan Roe, seconded by Gary Braaten. The motion passed unanimously.

**Continuation of 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 and to locate a feedlot 470 feet closer to the city of Austin instead of the required  $\frac{1}{2}$  mile (2,640 feet) 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. A letter from Pat McGarvey, Austin City Administrator, dated June 15, 1998, was presented. A letter from Mike & Julie Bustad was presented. Elaine Quill, representing Red Rock Township, stated that the township does not have any problem with this variance request. Mr. Craig Hoium, Austin Zoning Administrator, represented the city of Austin at the meeting. Mr. Finnegan presented a letter stating that he was willing to put a limit of 75 animal units on his variance and that the animal units would not be swine. Mr. Finnegan stated that he was going to operate a cow/calf facility. Lowell Franzen, Feedlot Officer, stated that if the animals are, representing on pasture they do not need a feedlot permit. After some discussion, a motion was made by Gary Braaten, seconded by Joan Roe, to approve Variance #372 because (1) the variance is in harmony with the spirit and intent of the ordinance because the size of the feedlot is limited to 75 animal units; (2) the variance is consistent with the Comprehensive Plan because agricultural land and usage is being preserved and the size of the feedlot will be controlled, (3) there are practical difficulties and particular hardships shown because it unreasonable to be the required

distance because of the location of the property and it is not abutting a part of the city of Austin that is occupied. The variance was approved with the following conditions:

1. Feedlot is limited to 75 animal units.
2. Feedlot shall not have swine.

The motion passed unanimously (Mary Kenyon did not vote due to being the alternate).

**Variance #373 - Ric Berg** - Variance from Section 14-50(b 2) of the Mower County Zoning Ordinance to construct an attached garage one foot from the property line in Royal Manor Subdivision, Lansing Township. Reference was made to the site visit by the Board of Adjustment at 2:15 p.m. on June 24, 1998. Staff report was presented. Mr. Ric Berg explained his proposal and that due to the layout of the property there was no other way to attach the garage. Mr. Berg stated that his neighbor (Mr. Davis) will give him an easement so that he can construct the addition. Ralph Noble, Lansing Township, stated that the township did not have any problems with the variance application provided it was out of the floodway. After some discussion, a motion was made by Mary Kenyon, seconded by Joan Roe, to approve Variance #373 because (1) the variance is in harmony with the spirit and intent of the ordinance because it is allowing for a home to be improved; (2) the variance is consistent with the Comprehensive Plan because the neighbor will provide an easement to allow for the construction of the addition and the viability of the area is being maintained, (3) there are practical difficulties and particular hardships shown because of the location of the house in relationship to the property lines with the following condition:

1. A zoning permit and ISTS permit, if necessary, be issued for the attached garage by December 31, 2000, or the variance is void.

The motion passed unanimously. (Gary Braaten abstained from voting due to not attending the site investigation.)

**Variance #374 - Karen Inwards and James Pesch** - Variance from Section 14-50(h) and 14-52(a) of the Mower County Zoning Ordinance for an additional dwelling per quarter section and 26 feet of frontage on the township road instead of the 125 feet of frontage required in Section 17 of Waltham Township. Reference was made to the site visit by the Board of Adjustment at 2:50 p.m. on June 24, 1998. Staff report was presented. Feedlot report was presented. Mr. Pesch explained that the site was a previous building site from approximately 60-years ago. A well and some outbuildings are present on the parcel. Ms. Inwards explained that they would locate the house among the outbuildings. The driveway that is existing would be used for access to the building site and no agricultural land will be affected.. After some discussion, a motion was made by Joan Roe, seconded by Mary Kenyon, to approved Variance #374 because (1) the variance is in harmony with the spirit and intent of the ordinance because by using the existing driveway for access and location of existing outbuildings agricultural land is not being taken out of production; (2) the variance is consistent with the Comprehensive Plan because agricultural land is being preserved and the new dwelling will be constructed on land that currently consists of

outbuildings, (3) there are practical difficulties and particular hardships shown because the site is not used for agricultural production now or in the past and it is unreasonable for the Inward's to purchase an entire farm. The variance was approved with the following condition:

1. A zoning permit and ISTS permit, if necessary, be issued for the new dwelling by December 31, 2000, or the variance is void.

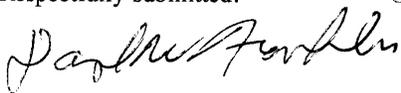
The motion passed unanimously. (Gary Braaten abstained from voting due to not attending the site investigation.)

**Other Business:**

The Board of Adjustment discussed material from Dodge County regarding variances. Glen Jacobsen, Mower Co. Attorney, felt that it is appropriate to put some of the same information in letter to people who are considering applying for a variance. This information will consist of informing people of the fact that the petitioner must provide the reasons and hardships for approving their variance application. The Board of Adjustment also discussed the density requirement and suggestions on changing the Zoning Ordinance. These items will be discussed further at future meetings.

There being no further business, the meeting adjourned at 4:45 p.m. on a motion by Mary Kenyon, seconded by Joan Roe. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin