

# **MOWER COUNTY BOARD OF ADJUSTMENT**

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

Members Present: Don Olson, Joan Roe.

Alternate Present: Mary Kenyon.

Members Absent: Gary Braaten.

Others Present: Citizens, Glen Jacobsen (Mower Co. Asst. Attorney), Lori Amick.

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, July 29, 1998, at 4:00 p.m. at the Mower County Offices, 1105-1/2 NE 8th Avenue, Austin, Minnesota. Minutes of the June 24, 1998, meeting were approved as mailed on a motion by Mary Kenyon, seconded by Joan Roe. The motion passed unanimously.

**Variance #375 - Omer Wangen** - Variance from Section 14-50(h 1 & 4) of the Mower County Zoning Ordinance for an additional dwelling per quarter section in Section 25 of Lansing Township. Reference was made to the site visit by the Board of Adjustment at 3:45 p.m. on July 29, 1998. Staff report was presented. Feedlot report was presented. It was noted that there is one feedlot within 1,000 feet of the site. The Board of Adjustment discussed the location of the feedlot. The feedlot is located across the road from the proposed dwelling site (Edwin Burger farm). To approve a variance, the Board of Adjustment must find:

- 1.) That the variance is in harmony with the spirit and intent of the Ordinance?
- 2.) The variance is consistent with the Comprehensive Plan?
- 3.) Are practical difficulties or particular hardships shown?

Hardships are defined as follows:

- a.) The property can not be put to a reasonable use if used under the conditions allowed by official controls;
- b.) the plight of the landowner is due to circumstances unique to the property that were not created by the landowner;
- c.) the variance will not alter the essential character of the neighborhood;
- d.) economic considerations alone shall not constitute a hardship if a reasonable use of the property exists under the terms of the Ordinance.

The Board of Adjustment had a lengthy discussion on the practical difficulties or particular hardships shown issue. The property is currently in hay production. Mr. Edwin Burger was present and stated that the feedlot is not currently active but is permitted. As such, the

site is considered a feedlot. The Board of Adjustment discussed the fact that the feedlot committee has reconvened to review the feedlot issue. However, no final decisions have been made about changing the requirements. The Board of Adjustment reminded the Wangen's that economic considerations do not constitute a hardship since the property currently has a reasonable use under the terms of the Ordinance. Carlton Thomson, representing Lansing Township, stated that the township felt that the area was residential. Mr. Glen Jacobsen mentioned that the Wangen's may consider plating the land as an alternative. After consideration of all oral and written testimony, a motion was made by Mary Kenyon, seconded by Joan Roe, to deny Variance #375 because the variance is not in harmony with the spirit and intent of the ordinance because {1} it would violate the density requirement of one dwelling per quarter (1/4) section (160 acres), {2} located within 1,000 feet of a permitted feedlot, and {3} land which has been tilled within five years.

The motion passed unanimously.

Mrs. Wangen then questioned where the \$225.00 fee that she paid for the variance application went. The Board of Adjustment questioned Mrs. Wangen if she had received the letter from Daryl Franklin's stating that "payment of fee is no assurance that the variance will be approved". Mrs. Wangen stated that she had received the letter. Mr. Jacobsen stated that the fee went into the County General fund and that she should contact Sherwood Vereide, Mower County Auditor, for more information.

**Variance #376 - Roger Lorenzen** - Variance from Section 14-50(h 1 & 4) of the Mower County Zoning Ordinance for an additional dwelling per quarter section in Section 14 of Frankford Township. Reference was made to the site visit by the Board of Adjustment at 2:45 p.m. on July 29, 1998. Staff report was presented. Feedlot report was presented. It was noted that there are no feedlots within 1,000 feet of the site. To approve a variance, the Board of Adjustment must find:

- 1.) That the variance is in harmony with the spirit and intent of the Ordinance?
- 2.) The variance is consistent with the Comprehensive Plan?
- 3.) Are practical difficulties or particular hardships shown?  
Hardships are defined as follows:
  - a.) The property can not be put to a reasonable use if used under the conditions allowed by official controls;
  - b.) the plight of the landowner is due to circumstances unique to the property that were not created by the landowner;
  - c.) the variance will not alter the essential character of the neighborhood;
  - d.) economic considerations alone shall not constitute a hardship if a reasonable use of the property exists under the terms of the Ordinance.

The Board of Adjustment discussed the fact that no one was present at the property for the site visit and no one showed up for the meeting. The Board of Adjustment discussed the fact that the land was currently in production (beans) and the CER for the property is 67. After consideration of all oral and written testimony, a motion was made by Joan Roe, seconded by Mary Kenyon, to deny Variance #376 because the variance is not in harmony

with the spirit and intent of the ordinance because {1} it would violate the density requirement on one dwelling per quarter (1/4) section (160 acres), {2} land which has been tilled within five years, and {3} has a CER rating of greater than sixty (60).  
The motion passed unanimously.

**Other Business:**

The Board of Adjustment reviewed a different letter that will be sent to people inquiring about variances. The letter has stronger wording explaining the variance procedure and requirements.

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

Respectfully submitted:

  
Glen Jacobsen  
Mower Co. Asst. Attorney