

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, Daryl W. Franklin, Glen Jacobsen, William Buckley.

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, September 30, 1998, at 1:50 p.m. at the Mower County Offices, 1105-¹/₂ NE 8th Avenue, Austin, Minnesota. Minutes of the August 26, 1998, meeting were approved as mailed on a motion by Mary Kenyon, seconded by Joan Roe. The motion passed unanimously.

Variance #379 – Gary & Louise Andresen Variance from Section 14-50(h1 & 4) of the Mower County Zoning Ordinance for an additional dwelling per quarter section in Section 11 of Austin Township. Reference was made to the site visit by the Board of Adjustment at 1:20 p.m. on September 30, 1998. Staff report was presented. No feedlot report was completed on the property. The Andresen's explained that they want to place a mobile home on their 18 acres for their daughter and family to live in. It was noted that the property is adjacent to the city of Austin. Also, any driveway installed will be the financial responsibility of the property owners. 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.

After consideration of all oral and written testimony, a motion was made by Joan Roe, seconded by Mary Kenyon, to approve Variance #379 because (1) the variance is in harmony with the spirit and intent of the Ordinance because agricultural land is not being taken out of production and the proposed mobile home site is already part of an existing dwelling site; (2) the variance is consistent with the Comprehensive Plan because agricultural land is not being taken out of production; (3) practical difficulties or particular hardships are shown because it not practical to use the site for agricultural production due to the size of the parcel and location near the city of Austin. The motion 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. No future subdivision of parcel without applying for and receiving a variance.
4. Can only be used for family members.

The motion passed unanimously.

Variance #380 – Sun Prairie/National Swine Builders.- Variance from Section 11-1, Subd. 1, of the Mower County Individual Sewage Treatment Ordinance to allow the use of a manure management system as an alternative toilet waste treatment device in Section 25, Lodi Township. Staff report was presented. 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.

Dick Winfield and Ray Bergan were present and questioned why they (Sun Prairie/National Swine Builders) were able to do this and not be required to install a traditional individual sewage treatment system. A consultant, that was hired by Mr. Jon O'Reilly (owner), stated in his report that the possibility of low flows generated at this site may not prevent freezing within a mound system. After consideration of all oral and written testimony, a motion was made by Mary Kenyon, seconded by Joan Roe, to approve Variance #380 because (1) the variance is in harmony with the spirit and intent of the Ordinance because the alternative treatment system is consistent with the Mower County Individual Sewage Treatment System since this type of system is acceptable; (2) the variance is consistent with the Comprehensive Plan because an alternative sewage treatment system is acceptable according to the Mower County Individual Sewage Treatment Ordinance; (3) practical difficulties or particular hardships are shown because of the possibility of low domestic waste flows increasing the likelihood of freezing within a mound and if freezing would occur no on-site disposal of wastewater could occur at this site until thawing occurred in the spring. The motion was approved with the following conditions

1. Installation of a water meter showing domestic water use.
2. Preparation and submission of the following:
 - manure/sewage application plan
 - contingency plan
 - plumbing plan showing how domestic sewage is to be delivered to the manure storage facility
3. Co-mixed waste will be land spread in accordance with all applicable Federal, State and County regulations.
4. Overflow of the manure/septage handling facility will void this variance and result in the installation of a mound sewage treatment system.

The motion passed unanimously.

Other Business:

There being no further business, the meeting adjourned at 2:30 p.m. on a motion by Joan Roe, seconded by Mary Kenyon. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin
Mower Co. Planning Director