

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, Daryl W. Franklin, Glen Jacobsen.

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, October 28, 1998, at 1:40 p.m. at the Mower County Offices, 1105-1/2 NE 8th Avenue, Austin, Minnesota. Minutes of the September 30, 1998, meeting were approved as mailed on a motion by Joan Roe, seconded by Gary Braaten. The motion passed unanimously. It was explained that the Board of Adjustment has three regular members and one alternate. The alternate does not vote if all the regular members are present.

Variance #381 – Randy Schammel/Joe & Irene Schammel Variance from Section 14-50(h1, 2 & 4) of the Mower County Zoning Ordinance for an additional dwelling per quarter section, per mile length of road and CER>60 in Section 9 of Windom Township. Reference was made to the site visit by the Board of Adjustment at 1:15 p.m. on October 28, 1998. Staff report was presented. No feedlot report was completed on the property. The Schammels explained that they wanted their son to build in the wooded area that is part of the farm but has not been tilled for 75 years. It was also reported that there is property in the NE1/4 owned by Mr. Brown that is considered a building site because the dwelling located on the property has had an assessed value in 1998. 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 Gary Braaten, seconded by Joan Roe, to approve Variance #381 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; (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 amount of trees on the parcel. The motion was approved with the following conditions:

1. A zoning permit and ISTS permit, be issued for the new dwelling by December 31, 2001, or the variance is void.
2. Petitioner/owner of the property is financially responsible for the installation of the driveway culvert and fill. (Mower County not financially responsible for the installation.)

The motion passed unanimously.

Other Business:

The Board of Adjustment discussed Section 14-50(h) of the Mower County Zoning Ordinance. The members felt that the following areas should be discussed at a meeting with the Board of Adjustment, Planning Commission and County Board:

1. Establish radius distance from city limits.
2. Lot minimum and lot size.
3. Sales to relatives, i.e. adjacent to existing building site.
4. One dwelling per 160 vs. one dwelling per 80.
5. Number of dwelling along mile length.
6. CER
7. Land in production
8. Abandoned homesteads.

The Board of Adjustment is going to study these areas and come back with ideas for amending the Zoning Ordinance.

There being no further business, the meeting adjourned at 2:20 p.m. on a motion by Joan Roe, seconded by Gary Braaten. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin
Mower Co. Planning Director