

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

Members Present: Gary Braaten, Don Olson

Alternate Present: Mary Kenyon

Members Absent: Joan Roe

Others Present: Citizens, Daryl W. Franklin, Glen Jacobsen, Bill Buckley, Steve Lawler, Len Miller, Lee Bonorden and Amy Fisher

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, December 30, 1998, at 1:00 p.m. at the Mower County Offices, 1105-1/2 NE 8th Avenue, Austin, Minnesota. Minutes of the October 28, 1998, meeting were approved as mailed on a motion by Mary Kenyon, seconded by Gary Braaten. The motion passed unanimously.

Variance #382 – Robert Krueger Variance from Section 14-96(f) of the Mower County Zoning Ordinance to allow a sewer system 35 feet from the OHWL instead of the required 75 feet. Bill Buckley presented the staff report. 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.

Mr. Buckley called upon Steve Lawler, a licensed ISTS sewer designer to explain the uniqueness of the area and why it was necessary to be at 35 feet from the OHWL instead of the required 75 feet. A letter from Bob Bezek of MN DNR was also presented. After some discussion, the testimony of of Mr. Lawler and the letter from Mr. Bezek, a motion was made by Mary Kenyon and seconded by Gary Braaten to approve Variance #382 because it is in harmony with the spirit and intent

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of the ordinance and consistent with the comprehensive plan since the system as proposed protects the ground and surface waters. There are practical difficulties demonstrated by the existing location of the buildings, 1-90, MN Hwy 56 and CSAH 46. Therefore, the variance is approved with the following conditions:

1. Sewer application must be accompanied by a site evaluation, system design and support information sufficient in detail to determine whether the proposed installation will meet standards necessary to protect the health, welfare, and safety of the public.
2. The sewage treatment system plan must be prepared by a state licensed ISTS Designer 1 or Designer 2.
3. Any indication of installed system failure will be addressed immediately and the system brought into compliance through repair or replacement. A replacement system will comply with all requirements of County code and 7080 including set backs. However, expansion of the system will be allowed only within the delineated site, if within the 75ft set back.

The motion passed unanimously. Len Miller, Chair of the Mower County Board of Commissioners presented a certificate of appreciation to Don Olson for his service on the Board of Adjustment.

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

Respectfully submitted:



Daryl W. Franklin
Mower Co. Planning Director