

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

Members Present: Joan Roe, Gary Braaten, Harold Boverhuis

Alternate Present: Mary Kenyon.

Members Absent: None.

Others Present:

The regular meeting of the Mower County Board of Adjustment was called to order by Gary Braaten on Wednesday, January 27, 1999, at 4:00 p.m. at the Mower County Offices, 1105- $\frac{1}{2}$ NE 8th Avenue, Austin, Minnesota.

Harold Boverhuis requested a clarification of his position on the Board of Adjustment. It was explained that he replaced Don Olson as a representative from the Mower County Planning Commission. Harold Boverhuis, Gary Braaten and Joan Roe are regular members. Mary Kenyon is an alternate and votes only when one of the others is not present.

Next item of business was the election of a Chair. A motion was made by Joan Roe, seconded by Harold Boverhuis that Gary Braaten be elected Chair and a unanimous ballot be cast for him. Motion passed unanimously.

Minutes of the December 30, 1998 meeting were approved as mailed on a motion by Harold Boverhuis, seconded by Joan Roe. The motion passed unanimously.

Variance #383 – Allen Oehlke- Variance from Section 14-50(h 1) of the Mower County Zoning Ordinance for an additional dwelling per quarter section in Section 5 of Racine Township. Reference was made to the site visit by the Board of Adjustment at 1:45 p.m. on January 27, 1999. Staff report was presented. Feedlot report was presented. It was noted that there are no feedlots within 1,000 feet of the site. The Board of Adjustment discussed the location of the property, and that it was a previous building site and a wooded area. 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. Oehlke explained that the building site was a former building site of his grandparents would not be using Ag land. After some discussion a motion was made by Harold Boverhuis, seconded by Joan Roe to approve because the variance is in harmony with the spirit and intent of the Ordinance, because they are not taking prime Ag land out of production, the variance is consistent with the Comprehensive Plan because the economic liability of the county is being maintained and expanded Practical difficulties or particular hardships are shown because the plight of the landowner are due to circumstances unique to the property not created by the landowner, with the following conditions (1) a the Zoning Permit and ISTS Permit must be issued for the new dwelling by December 31, 2004 or the variances void; (2) no further subdivision of the property is allowed without applying for and receiving a variance. Motion passed unanimously.

Variance #384 – Robert Heiny - Variance from Section 14-50(h 1 & 2) of the Mower County Zoning Ordinance for an additional dwelling per quarter section and additional dwelling per mile length of road in Section 23 of Lansing Township. CER the property is 58. Reference was made to the site visit by the Board of Adjustment at 3:20 p.m. on January 27, 1999. 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.

Mr. Sid Heiny, father of the petitioner, discussed and explained that it is currently grass area delineated by trees. It is proposed to be a residential site considering that there is residential usage's to the East and West and it is too small to farm. After some discussion a motion was made by Joan Roe and seconded by Harold Boverhuis to approve the variance because it is in harmony with the spirit and intent of the Ordinance since prime Ag land isn't being taken out

of production, it is consistent with the Comprehensive Plan since similar uses are combined in a localized area. The property is too small to be farmed with current farm equipment, the smallness of the property isn't the result of the property owner action, and the granting of the Variance is not altering the essential character of the neighborhood, with the following conditions (1) Zoning Permit and ISTS Permit must be issued for the new dwelling by December 31, 2004 or the variances void (2) no further subdivision of the property is allowed without applying for and receiving a variance.

The motion passed unanimously.

Variance #385 – Ken Stockdale- Variance from Section 14-50(h 1 & 4) of the Mower County Zoning Ordinance to locate a new dwelling 200 feet closer to a feedlot than the required 1,000 feet setback in Section 34 of Bennington Township. Reference was made to the site visit by the Board of Adjustment at 2:25 p.m. on January 27, 1999. Staff report was presented. Feedlot report was presented. It was noted that there is an active feedlot, 800 feet from the site. The comments from Veron Siskow, adjoining feedlot property owner who was not able to make the meeting were discussed. Gene Dorneck was present and discussed that he was representing Mr. Stockdale. He did not want to take farm land out of production. The Board of Adjustment was very concerned that the feedlot ordinance and its intent to maintain separation between feedlots and development.

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 a lengthy discussion a motion was made by Harold Boverhuis, seconded by Joan Roe to deny the permit because it is not in harmony with the spirit and intent of the Ordinance, it is not consistent with the Comprehensive Plan, and there are not hardships shown because the property can be put to reasonable use. Motion passed unanimously.

There being no further business, the meeting adjourned at 4:15 p.m. on a motion by Joan Roe, seconded by Harold Boverhuis. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin

