

## **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: Glen Jacobsen, Daryl Franklin

The regular meeting of the Mower County Board of Adjustment was called to order by Gary Braaten on Wednesday, February 24, 1999, at 2:40 p.m. at the Mower County Offices, 1105- $\frac{1}{2}$  NE 8th Avenue, Austin, Minnesota.

Minutes of the January 27, 1999 meeting were approved as mailed on a motion by Joan Roe, seconded by Harold Boverhuis. The motion passed unanimously.

**Variance #386 – Newman & Kristi Abuissa-** Variance from Section 14-50(h 1,2,&4) of the Mower County Zoning Ordinance for an additional dwelling per quarter section for more than 2 dwellings per mile side of a road, for a variance for land being tilled PIN#02-024-0105 in Section 27 of Austin Township. Reference was made to the site visit by the Board of Adjustment at 1:15 p.m. on February 24, 1999. Staff report was presented. Feedlot report was presented. It was noted that there are no feedlots within 1,000 feet of the site. It was discussed that the Abuissa's had previously prepared a preliminary plat and had been authorized to do a final platting of the area in question. After some discussion, a motion was made by Joan Roe, seconded by Harold Boverhuis to approve the variance because:

- 1.) The variance is in harmony with the spirit and intent of the Ordinance because the residential development is being limited to a confined area and is adjacent to other residential areas. Also, if the variance was not approved and the petitioner did the final platting would actually have a higher density.
- 2.) The variance is consistent with the Comprehensive Plan since a limited amount of land is being taken out of production.
- 3.) The hardships would be to require platting of an area that isn't needed.

The variance was approved with the conditions that (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 #387 – Wendell W. Schiesher** - Variance from Section 14-50(h) of the Mower County Zoning Ordinance for an additional dwelling per quarter section and building on land which has been tilled PIN#17-027-0030 in Section 27 of Sargeant Township. Reference was made to the site visit by the Board of Adjustment at 2:00 p.m. on February 24 1999. Staff report was presented. Feedlot report was presented. It was noted that there are no feedlots within 1,000 feet of the site. Harold Boverhuis said he was very concerned on this variance. We have the ordinance that says you must meet these criteria to grant the variance. From his perspective, the request does not mean the ordinance. However, he felt the person should be able to give the property to the son or daughter but it doesn't meet the ordinance. A motion was made by Harold Boverhuis that it does not meet the criteria for granting a variance and that it should be denied. The motion was seconded by Gary Braaten. Role call was taken on the motion, Harold Boverhuis-yes, Joan Roe-no, Gary Braaten-yes. Motion passed 2 to 1 to deny variance #387.

**Variance #388 – Leaoon, Helen & Bonnie Broitzman**- Variance from Section 14-50(h 1 & 4) of the Mower County Zoning Ordinance for an additional dwelling per quarter section and dwelling on land that has a CER <60, PIN#08-023-0260 in Section 23 of Lansing Township. Reference was made to the site visit by the Board of Adjustment at 2:30 p.m. on February 24, 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 proposed location that they would be building on the existing farmstead. It would be a non-productive area, it is not in tilled, but simply part of the grove area. After a discussion a motion was made by Joan Roe, seconded by Harold Boverhuis to Approve variance #388 for Leaoon, Helen & Bonnie Broitzman for an additional dwelling because the variance is in harmony with the spirit and intent of the Ordinance since we aren't taking any prime farm land out of production and it is adjacent to a platted area. Variance is consistent with the Comprehensive Plan and we are preserving prime farm land. The difficulties are shown that the area is logical for the residential development. The variance was approved with the condition they follow conditions 1&2. The motion passed unanimously.

There being no further business, the meeting adjourned at 4:00 p.m. on a motion by Joan Roe, seconded by Harold Boverhuis. The motion passed unanimously.

Respectfully submitted,  
Daryl W. Franklin

