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MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

Members Present: Joan Roe, Mary Kenyon
Members arrived
at 3:00p.m.: Gary Braaten, Harold Boverhuis

Alternate Present: Mary Kenyon

Members Absent: None.

Others Present: Glen Jacobsen, Daryl Franklin, Bill Buckley

The regular meeting of the Mower County Board of Adjustment was called to order by Joan Roe on Wednesday, March 31, 1999, at 2:20 p.m. at the Mower County Offices, 1105-¹/₂ NE 8th Avenue, Austin, Minnesota.

Minutes of the February 24 , 1999 meeting were approved as mailed on a motion by Mary Kenyon, seconded by Joan Roe. The motion passed unanimously.

Variance #389 – Southern MN Ready Mix Concrete Co. - Variance from Section 14-87(c) of the Mower County Zoning Ordinance for a twenty-five (25) foot variance from the maximum height of forty-five (45) feet, PIN#08-043-0010 in Section 22 & 27 of Lansing Township. Reference was made to the site visit by the Board of Adjustment at 1:15 p.m. on March 31, 1999. Staff report was presented. It was noted that the MN Ready Mix would simply be re-building on the property and the current facility exceeds the height of the zoning ordinance. After some discussion, a motion was made by Mary Kenyon, seconded by Joan Roe to approve the variance because:

- 1.) The variance is in harmony with the spirit and intent of the Ordinance where re-building on an existing site.
 - 2.) The variance is consistent with the Comprehensive Plan for the above reasons.
 - 3.) The hardships or practical difficulty are shown. The hardships are defined that a current facility which is there exceeds the height and will not be increasing the height.
- The motion passed unanimously.

Variance #390 – Russell Roe - Could not be considered since Joan Roe is part of the Roe family farm variance. We needed to wait for the arrival of Mr. Braaten and Mr. Boverhuis. **At 3:00 p.m. Mr. Braaten and Mr. Boverhuis arrived and the Variance #390 Roe Farms for an alternate toilet waste treatment from Section 11-1 Subd. 1 of the Mower County Individual Sewage Treatment Ordinance PIN#10-023-0080 in Section 23 of Lodi Township. Staff Report was presented by Bill Buckley. Mr. Roe and Mr. Buckley explained that what they what to do is dump the waste from the toilet system into the concrete lagoon pit that would be constructed. After considering the oral and written testimony a motion was made by Harold Boverhuis, seconded by Mary Kenyon to approve variance #391 because:

- 1.) The variance is in harmony with the spirit and intent of the Ordinance because the alternate system is consistent with the Mower County ISTS Ordinance.
- 2.) The variance is consistent with the Comprehensive Plan because an alternative system is acceptable to the Mower County ISTS Ordinance.
- 3.) The hardships or practical difficulty are shown. The low domestic water flow makes it difficult for a regular system to function.

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 by votes of Mary Kenyon-yes, Harold Boverhuis-yes, Gary Braaten-yes, Joan Roe-abstain. Voting Procedure: Chair, Gary Braaten stated that after reviewing the State Law with the County Attorney, he was authorizing the alternate to vote on all issues.

Variance #391 – Mark Reinartz- Variance from Section 14-50(h) 1 & 2 of the Mower County Zoning Ordinance for an additional dwelling per quarter section and more than two dwellings per mile side of the road, PIN#13-036-0020 in Section 36 of Marshall Township. Reference was made to the site visit by the Board of Adjustment at 1:45 p.m. on March 31, 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?

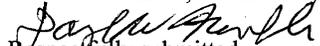
- 2.) The variance is consistent with the Comprehensive Plan?
- 3.) Are practical difficulties or particular hardships shown?
Hardships are defined as follows:
 - a.) The property can not be put to a reasonable use if used under the conditions allowed by official controls;
 - b.) the plight of the landowner 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.

The Board of Adjustment discussed that is had been a previous farm site, the machine build shed was there also the remains of concrete from the foundation. Mr. Reinartz explained that they would be moving the old Adams Funeral Home out there as a residence and he would be living there. After some discussion, a motion was made by Mary Kenyon seconded by Joan Roe to approve the variance because:

- 1.) The variance is in harmony with the spirit and intent of the Ordinance and Ag Land is not being taken out of production.
- 2.) The variance is consistent with the Comprehensive Plan because we are using the previous area. The variance is not altering the essential character of the neighborhood. It was approved with the conditions as listed in the staff report.

The motion passed unanimously.

There being no further business, the meeting adjourned at 3:20 p.m. on a motion by Harold Boverhuis, seconded by Mary Kenyon. The motion passed unanimously.


Respectfully submitted,
Daryl W. Franklin