

# FILE

## **MOWER COUNTY BOARD OF ADJUSTMENT**

### **Minutes of the Mower County Board of Adjustment**

Members Present: Joan Roe, Mary Kenyon, Harold Boverhuis, Gary Braaten

Members Absent: None

Others Present: Daryl W. Franklin

The regular meeting of the Mower County Board of Adjustment was called to order by Chair, Gary Braaten on Wednesday, July 28, 1999, at 2:30 p.m. at the Mower County Courthouse, Courtroom, Commissioners Room, 201 1<sup>st</sup> Ave NE, Austin, Minnesota.

Minutes of the June 30, 1999 meeting were approved as mailed on a motion by Harold Boverhuis, seconded by Mary Kenyon. The motion passed unanimously.

**Variance #398 – Charlotte Braaten** - Variance from Section 14-50(h) 1 & 2 of the Mower County Zoning Ordinance to build an additional dwelling per quarter section in a non-tilled wooded area and second dwelling per mile side of road. PIN#18-009-0043 Section 9 of Udolpho Township. Reference was made to the site visit by Board of Adjustment members Joan Roe & Mary Kenyon. Information was presented that in 1995 the Braaten's had the property surveyed for floodplain and where going to build on it. During that time Mr. Braaten's health failed and they did not build. Mrs. Braaten now wants to proceed with the development of a home. *Staff Report* was presented. No citizens were present to speak against it. Mrs. Braaten and her son Ron spoke in favor of it. After some discussion, A motion was made by Harold Boverhuis, seconded by Joan Roe, to approve the variance because:

- 1 & 2.) The variance is in harmony with the spirit and intent of the Ordinance because the proposed Braaten building is located on a wooded parcel, which is not being tilled, the parcel is adjacent to other residential development in the area and is not a area onto itself. It is in accordance with the Comp Plan because it discusses the ag land preservation area. We are not taking ag land out of production, it is a wooded area.
- 3.) Practical difficulty were shown because the difficulties relate to the situation where the Braaten previously applied for this activity completed the flood survey and with the uncertainty of health issues did not go forward. Since that time Mr. Braaten passed away and the ordinance changed.

To approve the variance with the following conditions:

1. A Zoning Permit must be issued for the new building by December 1, 2004 or the variance is void.
  2. No future subdivision of parcel without applying for and receiving a variance.
- Motion passed unanimously.

**Variance #397 – Thomas P Mullenbach & Scott & Michele Merten -** Variance from Section 14-50(h) 1 of the Mower County Zoning Ordinance density requirement. PIN#01-011-0051 Section 12 of Adams Township. Reference was made to the site visit by Board of Adjustment members Joan Roe & Mary Kenyon. Information was presented that there was a well on the property and the property was actually broken off in 1979 and they had applied for a variance at that time. It is a wooded area directly adjacent to the City of Adams. No feedlots in the area. *Staff Report* was presented. No citizens were present to speak against it. After some discussion, A motion was made by Mary Kenyon, seconded by Joan Roe, to approve the variance because:

1 & 2.) The variance is in harmony with the spirit and intent of the Ordinance because the purpose of the agriculture district is intended to provide a district that would allow suitable areas of the county to be retained in agricultural use; regulates scattered non-farmed development, woodland, and wetlands, which because of their unique physical features provide a valuable natural resource and secure economy. This particular area meets these criteria because it is directly adjacent to the City of Adams and has unique physical features being a wooded area and a well on the property.

The variance is consistent with the Comp Plan under the Mower County Comp Plan, Section and Title Protection Urban/Rural Liability. It states that never the less there may be a need for limited growth near some city's that combine job growth with quality job education. Here responsible urban expansion must be accommodated. From the Board's perspective, since this particular property directly adjacent to the City of Adams meets this criteria.

3.) The practical difficulties or particular hardships are shown. This is an area that has previously been separated off, a well on the property, and it is directly adjacent to the City of Adams.

To approve the variance with the following conditions:

1. A Zoning Permit must be issued for the new building by December 1, 2004 or the variance is void.
  2. No future subdivision of parcel without applying for and receiving a variance.
- Motion passed unanimously.

There being no further business, the meeting adjourned at 3:10 p.m. on a motion by Mary Kenyon, seconded by Joan Roe. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin