

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, Glen Jacobsen, Citizens

The regular meeting of the Mower County Board of Adjustment was called to order by Chair, Gary Braaten on Wednesday, August 25, 1999, at 2:30 p.m. at the Mower County Courthouse, Courtroom, Commissioners Room, 201 1st Ave NE, Austin, Minnesota.

Minutes of the July 28, 1999 meeting were approved as mailed on a motion by Mary Kenyon, seconded by Joan Roe. The motion passed unanimously.

Variance #399 – Mark Monnier - 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. PIN#06-001-0160 Section 7 of Frankford Township. Reference was made to the site visit by Board of Adjustment members Joan Roe, Mary Kenyon, Gary Braaten. Information was presented on the site in question. *Staff Report* was presented. Mr. Bushman presented several letters and notes from individuals stating that they were opposed to the variance, wanted to keep the area wildlife, and did not want another building in the area. Mr. Monnier stated from his perspective, he was not taking ag land out of production. This was a wooded area that had been previously separated off and was reasonable to build a home. Mr. Bushman was concerned that Mr. Monnier did not prove a hardship. It was explained it could be a practical difficulty or a hardship. He was also concerned about the de-evaluation of his property and taking away his hunting rights. It was stated by the County attorney that hunting rights are not a zoning issue. After some discussion, A motion was made by Harold Boverhuis, seconded by Joan Roe, to approve the variance because:

1. The granting of the variance would be in harmony and the spirit and intent of the Zoning Ordinance. 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 adjacent to other non-farmable dwellings and a church and has unique physical feature's being a wooded area that has not been tilled for years.
2. The variance is consistent with the Comp Plan under the Mower County Comp Plan, Section and Title Protection Urban/Rural Liability because we are not taking ag land out of production.
3. The practical difficulties or particular hardships are shown. This is an area that has previous been separated off, it is wooded, and it is adjacent to other dwellings and a church. If the land were put into farming, the owner would have to totally remove the trees. This is a practical difficulty.

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 3:18 p.m. on a motion by Harold Boverhuis, seconded by Mary Kenyon. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin