

# 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, September 29, 1999, at 1:45 p.m. at the Mower County Courthouse, Courtroom, Commissioners Room, 201 1<sup>st</sup> Ave NE, Austin, Minnesota.

Minutes of the August 25, 1999 meeting were approved as mailed on a motion by Joan Roe, seconded by Harold Boverhuis. The motion passed unanimously.

**Variance #401 – Michael Murphy/Avalon Murphy** - Variance from Section 14-50(h) 1,2,&4 of the Mower County Zoning Ordinance to build an additional dwelling per quarter section . PIN#08-019-0010 Section 19 of Lansing Township. Reference was made to the site visit by Board of Adjustment members at 1:15 p.m. *Staff Report* was presented. It was noted that there is a feedlot directly adjacent to the site which is the operators feedlot. The board discuss the location of the property that there was an existing windbreak on the west and north side that had been in pasture area directly adjacent tot he farmstead. Mike Murphy explained that he needs his son to help with the farm operation. Since his father has passed away his mother was living in the house and they needed help with the dairy operation. Harold Boverhuis spoke that he was concerned that granting the variance hardship was not shown. Joan Roe stated that the farming operation of a dairy farm and the death of the father would be a hardship or practical difficulty. After some discussion, A motion was made by Joan Roe, seconded by Mary Kenyon, 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 directly adjacent to an existing dwelling and the site has unique physical feature's being a wooded & pasture 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 Viability because we are not taking ag land out of production and we are encouraging agricultural viability.
3. The practical difficulties or particular hardships are shown. This is an area that is wooded, and it is directly adjacent to the other dwelling. If the variance wasn't approved the owner may have to limit his agricultural activity. This is a practical difficulty.

With the following conditions:

1. An evaluation be conducted by a licensed Designer I or Inspector, on any sewage treatment system serving the property. If the sewer system is found to be failing as defined in the Mower County Individual Sewage Treatment Ordinance, the system will have to be upgraded or replaced to MPCA 7080 standards as a condition of the variance within one (1) year of approval of the variance. Inspection form must be forwarded to the Mower County Planning Department upon completion of evaluation.
2. A zoning permit and ISTS permit, if necessary, be issued for the new dwelling by December 31, 2007, or the variance is void.
3. No future subdivision of parcel without applying for and receiving a variance.
4. This variance is limited to family members and when family members are no longer using the mobile home the home would be removed and the site would revert back to one site.

Roll call was taken on the motion: Mary Kenyon Yes, Joan Roe Yes, Gary Braaten Yes, Harold Boverhuis No; Motion carried.

**Variance #400 – Aaron Mullenbach** - Variance from Section 11-3 Subd. 1 7080.0200 Subp 3 J of the Mower County Sewage Disposal Ordinance. PIN#12-024-0010 Section 24 of Marshall Township. Petitioner does not want to install a complete ISTS for just one bathroom for his shop/storage building but would like a holding tank. *Staff Report* was presented. Mr. Mullenbach stated that there would be limit water usage and Mr. Buckley shared the concern that the low water usage could cause a complete ISTS system to freeze up. After some discussion, A motion was made by Harold Boverhuis, seconded by Mary Kenyon, to approve the variance 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.

With the following conditions:

- 1) The maintenance hole (man hole) shall be covered with at least six (6) inches of earth or otherwise secured to prevent access by children or other unauthorized persons.
- 2) The holding tank shall be monitored to prevent overflow by visual observation or using warning lights or alarms or regularly scheduled pumping.
- 3) Septage shall be pumped and disposed of by a licensed ISTS pumper as required in MPCA Rule 7080 and Mower County Code.

Motion passed unanimously.

The BOA discussed that there is need for a meeting with the Mower County Planning Commission and others to look at Section 14-50(h) the five items and was is happening with the current ordinance. The Meeting will be held at the October 29, 1999 meeting of the Mower County Planning Commission 7 p.m.

There being no further business, the meeting adjourned at 2:30 p.m. on a motion by Joan Roe, seconded by Mary Kenyon. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin