

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

Members Present: Mary Kenyon, Harold Boverhuis, Joan Roe

Members Absent: Gary Braaten

Others Present: Daryl W. Franklin, Glen Jacobsen

The regular meeting of the Mower County Board of Adjustment was called to order by Vice-Chair, Joan Roe on Wednesday, November 24, 1999, at 2:45 p.m. at the Mower County Courthouse, Courtroom, Commissioners Room, 201 1st Ave NE, Austin, Minnesota.

Minutes of the October 27, 1999 meeting were approved as mailed on a motion by Mary Kenyon, seconded by Harold Boverhuis. The motion passed unanimously.

Variance #405 – Wayne & Cynthia Kiehne 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 road. PIN#15-011-0081 & 15-011-0122 Section 11 of Racine Township. Reference was made to the site visit by Board of Adjustment members at 1:45 p.m. *Staff Report* was presented. Representatives of the township were present, Bill Henkee, Dave Geerdes, Bruce Bucknell, and James Christie. It was explained that the Kiehnes have approximately 8 acres where the home is currently located and they have purchased the adjoining abandon RR with approx. 2.5 acres. They want to build a new home on old RR and part of the adjoining home site. It was also explained that they need a minimum of 125' on a township road for each property in question. They explained that they did not want the larger home and that they would not be taking any ag land out of production and there are no feedlots within 1000'. It was also brought up that in the Staff Report that the townboard was concerned on wetlands in the area. Harold Boverhuis stated that it was a similar area there was a house there and building another house on RR ROW wasn't taking land out of production. After some discussion, A motion was made by Mary Kenyon, seconded by Harold Boverhuis, to approve the variance because:

1. The granting of the variance would be in harmony and the spirit and intent of the Zoning Ordinance because they are not taking any ag land out of production,
2. The variance is consistent with the Comprehensive Plan because we are maintaining the agricultural viability of the county,
3. There are practical difficulties shown because we are not taking ag land out of production, it is basically a non-usage piece of RR ROW, and it isn't cost effective to restore the old RR ROW to ag land.

The variance was approved with the following conditions:

1. Property can not be further subdivided in the future without another variance issued by Mower County.
2. A zoning permit and ISTS permit be issued for the new dwelling by December 31, 2004, or the variance is void.
3. 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.

4. A wetland evaluation would be conducted on the North end of the property were the home will be and the wetland evaluation submitted to the Planning Office for review. The home must be out of the wetlands.
5. Each parcel must have 125' frontage on the township road.

The motion passed unanimously.

There being no further business, the meeting adjourned at 3:30 p.m. on a motion by Harold Boverhuis, seconded by Mary Kenyon. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin