

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

Members Present: Harold Boverhuis, Gary Braaten, Mike Adams, Joan Roe

Members Absent: Mary Kenyon

Others Present: Daryl W. Franklin, Glen Jacobsen, Bill Buckley, and citizens

Chair, Gary Braaten on Wednesday, February 23, 2000, at 2:45 p.m. at the Mower County Courthouse, Courtroom, and Commissioners Room, 201 1st Ave NE, Austin, Minnesota.

Minutes of the January 26th, 2000th. Meetings were approved as mailed on a motion by Harold Boverhuis, seconded by Mike Adams. The motion passed unanimously.

Variance #407 – Terry Miller - Variance from Section 14-12 (b) 4 of the Mower County Zoning Ordinance to construct a 16' high accessory building in a Rural Residential Zone. Section 23 Lansing Township. PIN#08-080-0010. Reference was made to the site by the Board of Adjustment at 1:30 p.m. on January 26, 2000. Staff Report was presented. Mr. Miller presented the attached narrative and drawing showing the proposed structures location on the property and the separation distance from the ISTS. Bill Buckley provided information on the ISTS location and proposed garage. Brian Dolan spoke and stating that he did not have a problem with the size of the garage but was concerned with the height and the impact of the adjacent development. Jan Christenson and Lyle Stoike also voiced their concern about the height. Information was presented to the Board of Adjustment and citizens on the building height definition from the zoning ordinance, **Building Height** – The vertical distance to be measured from the grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof. -After reviewing this information and the statement by Bill Buckley that there is room for a second sewer system east of the current sewer system, if the area is reserved. A motion was made by Harold Boverhuis seconded by Mike Adams to approve the variance because there is the showing of practical difficulty and that the individual is trying to comply with the ordinance, with the following conditions:

1. The accessory building must be constructed according to the letter dated February 21, 2000 from Terry Miller

2. The area east of the current ISTS drainage to the property line must be left as open space and no construction is allowed on it.
3. A zoning permit must be issued for the new building by December 31, 2002, or the variance is void.

The Motion passed unanimously.

Variance #408 -Troy & Tina Nichols & Eugene Jorgenson- Variance applicable to section 14-50h 1,2, & 4 of the Mower County Zoning Ordinance. To construct a new home in section 19 of Lansing Township PIN# 080190050 reference was made to the sight visit of the Board of Adjustment at 1:20 PM. Troy Nichols presented to the Board of Adjustment that they had purchased the existing home and wanted to buy the adjoining property and build a new home. He explained that from their prospective practical difficulty existed that in his business as a wrecker operator he needed to live within so many minutes of his business. Roger Levy from Lansing Township commented that from his prospective the variance was reasonable that they are not taking farmland out of production, that it was a wooded area, and it will help the economic viability of the township. Mr. Levy stated that the town Board had not taken a formal position on it but this was his position. After some discussion a motion was made by Joan Roe seconded by Harold Boverhuis to approve the variance because practical difficulty exists in this particular case in that it is we are not taking farmland out of production and that it is in accordance with the zoning ordinance. The variance was approved with the following conditions.

1. A zoning permit and ISTS permit must be issued for the new dwelling by December 31, 2004, or the variance is void.
2. No future subdivision of parcel without applying for and receiving a variance.
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 Dept. upon completion of evaluation.

The motion passed unanimously.

Variance #409 - Raymond Kiefer and Daniel Kiefer from Section 14-50 (h) 4 of the Mower County Zoning Ordinance to construct a new dwelling on 160 parcel. Section 16 Lodi Township. Petitioners need to construct a farm dwelling on the farmland to be closer to their farm operation. Reference was made to the site visit by the Board of Adjustment at approximately 2:00 p.m. on February 23, 2000. Staff report was presented. Mr. Kiefer explained that from their prospective practical

difficulty existed if they wouldn't be able to build on the south half of section 16 Lodi Township. The 320 acres is all tilled and there are no buildings in the area. They need to be close to their farm operation. They also brought up that there are also no feedlots within a thousand feet of the proposed location. After some discussion a motion was made by Harold Boverhuis seconded by Joan Roe to approve the variance because practical difficulties exist here that these individuals need to be on the farmland, and that it is adjacent to their other farm operation. The variance was approved with the following conditions.

1. A zoning permit and ISTS permit must be issued for the new dwelling by December 31, 2004, or the variance is void.
2. No future subdivision of parcel without applying for and receiving a variance.

The motion passed unanimously

There being no further business, the meeting adjourned at 3:35 p.m. on a motion by Harold Boverhuis, seconded by Joan Roe. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin