

## **MOWER COUNTY BOARD OF ADJUSTMENT**

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

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

Members Absent: None

Others Present: Daryl W. Franklin, Glen Jacobsen, Lee Bonorden, Amy Olson and citizens

The regular meeting of the Mower County Board of Adjustment was called to order by Chair, Gary Braaten on Wednesday, March 29, 2000, at 2:45 p.m. at the Mower County Courthouse, Courtroom, and Commissioners Room, 201 1<sup>st</sup> Ave NE, Austin, Minnesota.

Minutes of the February 23rd, 2000<sup>th</sup> meeting were approved as mailed on a motion by Harold Boverhuis, seconded by Joan Roe. The motion passed unanimously.

**Variance #410 – Nita Bentley & Helen Swendiman**– Variance applicable to Section 14-50(h) 1 & 2 of the Mower County Zoning Ordinance to build a new dwelling and more than two dwellings per mile side of the road. Section 17 of Red Rock Township. PIN #16-017-0060.

Reference was made to the investigating committee's viewing of the site at 12:25 p.m. on today's date. Nita Bentley and Helen Swendiman presented the information as to why there was a need for the variance. Mrs. Bentley's father, Mr. Swendiman, is in the nursing home and the children need to be present to work with their mother and help her with the small farm operation. After reviewing the testimony a motion was made by Joan Roe and seconded by May Kenyon to approve variance # 410 for Nita Bentley and Helen Swendiman. It is according to the comp plan, since prime agricultural land will not be taken out of production. Practical difficulty exists in that the children are needed to help their monther care for the father. 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.

*Note: Feedlot Registration – MOWE-NP-1208 was presented by Helen Swendiman. Document placed in file.*

**Roll Call**

Michael Adams - Yea  
Harold Boverhuis – Yea  
Gary Braaten – Yea

Mary Kenyon – Yea  
Joan Roe – Yea

*Summary: 5 Yeas – 0 Nays. Motion passed unanimously.*

**Variance #411- Larry & Karen Helgeson** - from Section 14-50h 1&2 of the Mower County Zoning Ordinance to build additional dwelling per quarter section on a Rural Agricultural Zone. Section 11 Nevada Township, Mower County, Minnesota. PIN #13-016-0010.

Reference was made to the site visit at 2:45 p.m. Larry Helgeson presented information that his son is assisting him with his dairy operation. They have an area that is wooded and is not taking agricultural land out of production. The building site would not be separated from the farm. He stated that it would not be a permanent dwelling. After some discussion a motion was made by Mary Kenyon and seconded by Mike Adams to approve variance #411 because it is in accordance with the Comprehensive Plan and Zoning Ordinance. Agricultural land would not be taken out of production and agricultural viability of the county would be maintained. Practical difficulties are shown in that Mr. Helgeson needs the assistance of his son for the dairy operation. The variance was approved with the following conditions.

1. A zoning permit must be issued for the new building by December 31, 2002, 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 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.

**Roll Call**

Michael Adams - Yea  
Harold Boverhuis – Yea  
Gary Braaten – Yea

Mary Kenyon – Yea  
Joan Roe – Yea

*Summary: 5 Yeas – 0 Nays. Motion passed unanimously.*

**Variance #412 - Robert Reimers-** Variance applicable to section 14-50(h) of the Mower County Zoning Ordinance. To construct a garage approximately 6 feet from the right of way instead of the required 25 feet. Section 10 of Lansing Township. PIN# 08-039-0260.

Reference was made to the site visit of the Board of Adjustment at 1:10 p.m. Mr. Reimers presented information that he had purchased an adjoining lot to his home where the individuals had removed a house and garage. The former garage wasn't at the required setback; however, Mr. Reimers simply rebuilt his garage on the existing foundation. After some discussion a motion was made by Harold Boverhuis and seconded by Joan Roe to approve variance #412 because the variance is in accordance with the Comprehensive Plan and the zoning ordinance. Practical difficulty exists because of circumstances that were not created by the owner. Mr. Reimers purchased the lot on which the previous owners already had a garage in place. Mr. Reimers did not build any closer to the road. The variance was approved.

**Roll Call**

Michael Adams - Yea  
Harold Boverhuis – Yea  
Gary Braaten – Yea

Mary Kenyon – Yea  
Joan Roe – Yea

*Summary: 5 Yeas – 0 Nays. Motion passed unanimously.*

**Variance #413 - Scott Carroll -** Variance applicable to section 14-52(b) of the Mower County Zoning Ordinance. To construct a new garage to align with house. Section 33 of Red Rock Township located in the Nicolville area, lots 20 & 21. PIN#16-039-0460.

Reference was made to the site visit of the Board of Adjustment at 1:45 p.m. Roger Slindee from the Red Rock Township Board stated that from their perspective the building of the garage to align with the house is not a problem considering all other residences within the area are equally as close to the right of way. Mr. Carroll explained that the garage would align with the existing house and they would remove the old garage and build the new one at this location. Harold Boverhuis stated that he may be involved in this project and would abstain from voting. After some discussion a motion was made by Joan Roe seconded by Mary Kenyon to

approve the variance because we are not establishing a new setback and practical difficulty does exist. The variance was approved with the following conditions.

1. A zoning permit must be issued for the new garage by December 31, 2004, or the variance is void.

**Roll Call**

Michael Adams - Yea

Harold Boverhuis – Abstain

Gary Braaten – Yea

*Summary: 4 Yeas – 1 Abstain*

Mary Kenyon – Yea

Joan Roe – Yea

**Variance #414- Curt & Pamela Lonergan** - from Section 14-50h 1&2 of the Mower County Zoning Ordinance to build additional dwelling per quarter section on a Rural Agricultural Zone. Section 23 of Nevada Township. PIN #13-023-0030.

Reference was made to the site visit by the Board of Adjustment at 2:10 p.m. Mr. Lonergan explained that he needs his son's assistance with the hog farming operation. The proposed area is a grove of trees so agricultural land would not be taken out of production. After some discussion a motion was made by Joan Roe and seconded by Mary Kenyon to approve variance #414. This variance is in accordance with the Comprehensive Plan because agricultural land is not taken out of production and is also in accordance with the zoning ordinance because this is a wooded area adjacent to the existing farm building site. Practical difficulty exists in that Mr. Longergan needs the assistance of his son with the hog 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.)
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.

**Roll Call**

Michael Adams - Yea

Harold Boverhuis – Yea

Gary Braaten – Yea

Mary Kenyon – Yea

Joan Roe – Yea

*Summary: 5 Yeas – 0 Nays. Motion passed unanimously.*

**Variance #415- Mark Hanson** from Section 14-50h 1&2 of the Mower County Zoning Ordinance to build a new dwelling per 160 acres in Rural Residential Zone. Section 28 of Nevada Township. PIN #13-028-0111.

Reference was made to a site visit by the Board of Adjustment at 2:25 p.m. Mr. Hanson presented information as to how the variance would be in accordance with the county zoning ordinance. He presented a letter from his attorney that discussed applicable rules and regulations. Harold Boverhuis stated that from his perspective this is a perfect home site because it is a wooded area and it would be very costly to remove all the trees. It is in accordance with the Comprehensive Plan and zoning ordinance based on the information presented and practical difficulty does exist. A motion was made by Harold Boverhuis and seconded by Mike Adams to approve variance #415. 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.)

**Roll Call**

Michael Adams - Yea  
Harold Boverhuis – Yea  
Gary Braaten – Yea

Mary Kenyon – Yea  
Joan Roe – Yea

*Summary: 5 Yeas – 0 Nays. Motion passed unanimously.*

**Variance #416 – Steve & Robert Ingvalson** - Variance from Section 14-50 (h) 1 of the Mower County Zoning Ordinance to construct a new feedlot 375 feet from another residence. Section 1 of Udolpho Township. PIN#18-001-0030.

Information was presented that the previous owner, Frank Williamson, had failed to apply for a feedlot permit. The Ingvalson's, when they purchased the property were informed that Mr. Williamson did have a permit, therefore they did not make an application by December 31, 1999 for the existing hog facility. They now want to sell the property and it is possible that potential buyers may want to have horses or livestock. However, they would need a variance to use the existing building for the feedlot.

Reference was made to the site visit by the Board of Adjustment at 12:40 p.m. Mr. Ingvalson explained that they would simply use the existing buildings and would not exceed the maximum 180 animal units. Eileen Schmeling, a neighbor who lives across the road, was concerned. She stated that when there were hogs at the

facility, there was an offensive odor and that it was an inconvenience and a nuisance to them. She felt the variance should not be granted. After some discussion a motion was made by Harold Boverhuis and seconded by Mike Adams that variance #416 should be denied. The Board was concerned about approving an open-ended variance. They were also concerned about the fact that the feedlot was a nuisance to the neighbors and should therefore not be allowed to continue.

The motion was denied because it was not in accordance with the Comprehensive Plan and the zoning ordinance.

**Roll Call**

Michael Adams - Yea

Mary Kenyon – Yea

Harold Boverhuis – Yea

Joan Roe – Yea

Gary Braaten – Nay

*Summary: 4 Yeas – 1 Nay*

There being no further business, the meeting adjourned at 4:00 p.m. on a motion by Joan Roe, seconded by Mary Kenyon. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin

vjk