

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

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

Members Absent: Harold Boverhuis

Others Present: Glen Jacobsen, Hugh & Mary Jo Bird, Bill Buckley, John O'Connell, Citizens, Daryl W. Franklin

The regular meeting of the Mower County Board of Adjustment was called to order by Chair, Gary Braaten on Wednesday, June 28, 2000, at 2:30 p.m. at the Mower County Courthouse, Courtroom, Commissioners Room, 201 1st Ave NE, Austin, Minnesota.

Minutes of the May 31, 2000 meeting were approved as amended. The amendment related to Variance #420; Mary Kenyon was present and voted "yes", and not Joan Roe. That page of the minutes will be amended. A motion was made by Joan Roe and seconded by Mary Kenyon to approve the minutes as amended. The motion passed unanimously.

Variance #420 – Alfred Mullenbach - Variance from Section 14-96 (f) of the Mower County Zoning Ordinance to install a sewage treatment system less than the required 75-foot setback from the Little Cedar River, Section 28 of Adams Township, Mower County, Minnesota. PIN #01-027-0070. *Staff Report* was presented. John O'Connell and Bill Buckley presented information on the proposed variance in question. Mr. Buckley explained that there had been some confusion when the initial application was made. An incorrect section number was used and the creek was not shown on the plans. Upon inspection of the site Mr. Buckley noticed the creek, therefore, a variance was needed. Mr. Buckley also stated that prior to 1990 the setback was 50', however, the ordinance was changed to 75' setback. The correspondence and phone call from Mr. Bob Bezek, Minnesota DNR, were also discussed. Mr. Bezek did not have a problem with granting a variance if the County was comfortable with it. Mr. Mullenbach, the farm owner, informed Mr. O'Connell that there has not been water beyond the fence line. A motion was made by Mary Kenyon, seconded by Mike Adams to approve Variance #420 because it is in harmony with the spirit and intent of the ordinance, and it is consistent with the comprehensive plan since the sewer system as installed protects the ground and surface waters. There are practical difficulties demonstrated by the existing location of the buildings & creek. Variance #420 was approved with the following conditions:

1. The septic tank must be inspected and pumped a minimum of every three (3) years by a licensed septic tank pumper. Pumping receipts shall be kept.
2. Any sign of failure (sewage backup or surface discharge) will require the system to be replaced on the site to the east, using a pumping station if necessary.
3. The site to the east of the existing drainfield will be reserved for a replacement drainfield.
4. The system and property shall be subject to inspection by Mower County Environmental Health Department staff.

Roll Call

Michael Adams – Yes

Joan Roe - Yes

Gary Braaten – Yes

Mary Kenyon – Yes

Summary: 4 Yeas – 0 Nays. Motion passed unanimously.

Variance #421 – Hugh & Mary Jo Bird – Variance from Section 14-50(h) 1 & 2 of the Mower County Zoning Ordinance to construct a new dwelling per quarter section. SW 1/4 Exc 2 Ac Church & Exc 71.36 Ac NW I90 & Exc 41.14 Ac Hwy, Section 13, T104N, R15W, Pleasant Valley Township, Mower County. PIN #14-007-0020. Reference was made to the site visit by the Board of Adjustment at 2:00 p.m., June 28, 2000. *Staff Report* was presented. The Birds presented information as to why the variance was needed and the practical difficulties that exist. They explained that this had been a previous farmstead and a well and septic tank were on this property. They are not taking any agricultural land out of production and they will be building a home within a wooded area. They also explained that they will be cleaning up tires and other debris that have been dumped on the property over the years. Gary Braaten called for comments from the audience. Neighbors who were present stated that they felt this was a reasonable request. A motion was made by Joan Roe, seconded by Mary Kenyon to approve variance # 421 because it is consistent with the Mower County Zoning Ordinance because an existing building site and wooded area is being utilized and agricultural land is not being taken out of production. Variance #421 approved based on following findings of facts:

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 features being a wooded area that has not been tilled for years.

2. The variance is consistent with the Comprehensive Plan under Mower County Comprehensive Plan, Section and Title Protection Urban/Rural Liability because we are not taking agricultural land out of production.
3. The practical difficulties or particular hardships are shown. This is an area that has previously 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.

Variance #421 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 – Yes

Gary Braaten - Yes

Mary Kenyon – Yes

Joan Roe - Yes

Summary: 4 Yeas – 0 Nays. Motion passed unanimously.

There being no further business, the meeting adjourned at 3:20 p.m. on a motion by Joan Roe, seconded by Mike Adams. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin

vjk