

## **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, Doug Kiser, Mike Bibus, Jeff & Kris Nolte,  
Leslie Tapp, Dave Quinlan, Jerry & Susan Johnson, Citizens,  
Daryl W. Franklin

The regular meeting of the Mower County Board of Adjustment was called to order by Chair, Gary Braaten on Tuesday, September 26, 2000, at 3:20 p.m. at the Mower County Courthouse, Commissioners Room, 201 1<sup>st</sup> Ave NE, Austin, Minnesota.

Minutes of the July 26, 2000 meeting were approved as mailed on a motion by Joan Roe and seconded by Mary Kenyon. The motion passed unanimously.

**Variance #423 – Mike Bibus** - Variance from Section 14-57(b)-1(a) of the Mower County Zoning Ordinance to construct a garage 20 feet from the right-of-way of the township road instead of the required 25 feet; Bellemans Subdivision, Lot 7, Block 1, Section 11, Austin Township, Mower County, Minnesota. PIN #02-042-0080. *Reference* was made to the site visit by the Board of Adjustment at approximately 1:25 p.m. *Staff Report* was presented. Mr. Bibus explained how the variance meets the criteria of the zoning ordinance. He explained that with the limited size and shape of his lot this would be the only place to build a garage if one were to be built. After some discussion a motion was made by Joan Roe and seconded by Mary Kenyon to approve Variance #423 to construct a garage 20 feet from the road right-of-way based upon the the findings of fact as prepared.

*The granting of the variance would be in harmony with the spirit and intent of the zoning ordinance since agricultural land is not being taken out of production and the development is confined to a platted area. The variance is in conformance with the Comprehensive Plan because the development is confined to a residentially platted area. There are practical difficulties shown because of the size of the existing lot and the two township roads to the east and south sides of the property. There is no other reasonable place for the construction of the garage.*

*The neighborhood (locality) is single family dwellings on small platted lots. Granting of the variance will not alter the essential character of this locality. The proposed use is in keeping with the character of the locality.*

Variance #423 was approved with the following condition:

1. A zoning permit must be issued for the garage by December 31, 2002, or the variance is void.

**Roll Call**

Michael Adams – Yes

Mary Kenyon - Yes

Gary Braaten – Yes

Joan Roe – Yes

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

**Variance #424 – Jerry & Susan Johnson** – Variance from Section 14-52(b)1 of the Mower County Zoning Ordinance to construct a garage 20 feet from the road right-of-way instead of the required 40 feet; E 188' S 192' SE ¼ SW ¼, Section 29, Lansing Township, Mower County, Minnesota. PIN #08-029-0070. *Reference* was made to the site visit by the Board of Adjustment at approximately 1:55 p.m. *Staff Report* was presented. The Johnson's presented a drawing and also discussed that their situation was unique in that they have a very small lot with the township right-of-way to the east and the township right-of-way to the south. They explained that the house and garage would someday be connected. They also presented information that shows their sewer system directly behind the garage so it would not be feasible to move the garage further back without impacting on the sewer system. Other sites were rejected because part of it is wetland and the other high side is reserved for a future sewer location. After some discussion a motion was made by Mary Kenyon and seconded by Mike Adams to approve Variance #424 to construct a garage 20 feet from the road right-of-way based upon the findings of fact as prepared.

*The granting of the variance would be in harmony with the spirit and intent of the zoning ordinance because agricultural land would not be taken out of production for the construction of the garage. The lot is very limited in size. Given the location of the sewer system to the west it is not reasonable to have the garage moved further west. The variance is consistent with the Comprehensive Plan because a new dwelling location is not being created in the agricultural zone. Practical difficulties are shown because of the unique circumstance of this small 180' x 190' lot, and a township road to the east and a township road to the south.*

*The neighborhood (locality) is a mixed usage of single family non-farm dwellings, farm dwellings and agricultural land; granting of the variance will not alter the essential character of this locality. The proposed use is in keeping with the character of the locality.*

Variance #424 was approved with the following condition:

1. A zoning permit must be issued for the garage by December 31, 2000, or the variance is void.

**Roll Call**

Michael Adams – Yes

Mary Kenyon – Yes

Gary Braaten – Yes

Joan Roe – Yes

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

**Variance #425 – Jeffrey & Kris Nolte** – Variance from Section 14-50(h)1 of the Mower County Zoning Ordinance to move a home on a wooded farm site 500 feet from an existing feedlot instead of the required 1000 feet; E ½ NW ¼ Exc. 2.8 ac RR & E ½ SW ¼, Section 18, Dexter Township, Mower County, Minnesota. PIN #05-018-0080. *Reference* was made to the site visit by the Board of Adjustment at approximately 2:30 p.m. *Staff Report* was presented. The Nolte's presented a document they prepared which states their desire to build on this parcel, that it is reasonable and the criteria are met. Neighborhood comments were called on. Doug Kiser has a feedlot directly south of the proposed building site. He presented a "no permit" letter from Lowell Franzen, Mower County Feedlot Officer. Dave Quinlan was called upon and explained that the "no permit" letter would allow Mr. Kiser to build a larger feedlot if he wanted to do so. It was asked if Mr. Kiser would surrender his feedlot letter which would allow Nolte's to build; Mr. Kiser declined. Leslie Tapp was concerned because this had been a previous building site and the well is still there. Board of Adjustment members were concerned that the ordinance was established with criteria for a separation distance between feedlots and homes. Leslie Tapp was concerned that if Mr. Kiser would expand his feedlot he would be getting close to the creek. Mike Adams stated that the initial document from the Noltes stated that they would be purchasing a 7 acre parcel and it is actually a 9 acre parcel and that they would not be doing any agriculture, however, they are now planning to grow crops. Gary Braaten stated that he was concerned about granting the variance because of the precedent it may set. Leslie Tapp stated that the area needs new families coming in and that with appropriate conditions this would work. Mike Adams made a motion to approve the variance because of the uniqueness of the area, the wooded lot, the existing building site and, included the document prepared by the Noltes with the following amendments to state that there are 9 acres instead of 7 acres and that some of the land will be used for agriculture for gardening, trees, etc. Approval of Variance # 425 is based on the findings of the Nolte document (Attachment #1) with the conditions as discussed, provided that the home be a minimum of 600 feet from the feedlot and a drawing be presented showing that the house is setback that distance. Motion was seconded by Joan Roe.

Variance #425 was approved with the following conditions:

1. A zoning permit and ISTS permit must be issued for the new dwelling by December 31, 2002, or the variance is void.

2. No future subdivision of parcel without applying for and receiving a variance.
3. Dwelling must be setback a minimum of 600 feet from the existing feedlot.
4. A drawing must be presented showing the setback distance.

**Roll Call**

Michael Adams – Yes                      Mary Kenyon – Yes  
Gary Braaten – No                        Joan Roe – Yes  
*Summary: 3 Yeas – 1 Nays. Motion passed 3-1.*

There being no further business, the meeting adjourned at 4:30 p.m. on a motion by Joan Roe, seconded by Michael Adams. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin

vjk

## **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, Gus & Ann Maxfield, Amy Olson (Austin Post Bulletin) , Citizens, Daryl W. Franklin

The regular meeting of the Mower County Board of Adjustment was called to order by Chair, Gary Braaten on Wednesday, July 26, 2000, at 1:45 p.m. at the Mower County Courthouse, Commissioners Room, 201 1<sup>st</sup> Ave NE, Austin, Minnesota.

Minutes of the June 28, 2000 meeting were approved as mailed on a motion by Mary Kenyon and seconded by Joan Roe. The motion passed unanimously.

**Variance #422 – Gus & Ann Maxfield** - Variance from Section 14-50 (h) 1 & 2 of the Mower County Zoning Ordinance to construct an additional dwelling per 160 acres, E ½ SE ¼ Largely North and East of River, Section 2, Lansing Township, Mower County, Minnesota. PIN #08-002-0008. *Reference* was made to the site visit by the Board of Adjustment at approximately 1:30 p.m. *Staff Report* was presented. The Maxfields presented information as to how the variance meets the criteria of the zoning ordinance with a document prepared by David Hoversten. They explained that they want to build in this area, it is reasonable and the criteria are met. Neighborhood comments were requested, however, none were present. The hearing was closed. A motion was made by Mike Adams, seconded by Joan Roe to approve Variance #422 with the conditions and adopting by reference the findings of fact as prepared by David Hoversten in his letter dated July 25, 2000.

Variance #422 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

Mary Kenyon - Yes

Gary Braaten – Yes

Joan Roe – Yes

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

There being no further business, the meeting adjourned at 2:10 p.m. on a motion by Mary Kenyon, seconded by Joan Roe. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daryl W. Franklin".

Daryl W. Franklin

vjk