

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

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

Members Absent: Joan Roe

Others Present: Citizens, Mike & Lisa Conway, Wayne Johnson, Lowell Johnson, Rick Masching, Mike Stevens, Ivan Subbert, Richard Moe, Michael Gebhardt, Marvin Foster, Roger Slindee, John Jindra, Nancy VanBuskirk and Daryl W. Franklin

The regular meeting of the Mower County Board of Adjustment was called to order by Chair, Gary Braaten on Wednesday, December 27, 2000, at 2:45 p.m. at the Mower County Courthouse, Commissioners Room, 201 1st Ave NE, Austin, Minnesota.

Minutes of the November 29, 2000 meeting were approved as mailed on a motion by Mike Adams and seconded by Harold Boverhuis. The motion passed unanimously.

Variance #428 – Michael & Lisa Conway - Variance from Section 14-50(h)1 & 2 of the Mower County Zoning Ordinance for an additional dwelling per 160 acres and more than two dwellings per mile length on a single side of the road; W ½ SE ¼ Exc. W 390 ft. E 745 ft. S 318 ft. & SW ¼ NE ¼, Section 5, Red Rock Township, Mower County, Minnesota. PIN #16-005-0080. *Reference* was made to the site visit by the Board of Adjustment at approximately 2:10 p.m. *Staff Report* was presented. Letters of support from Lester Green and Bonnie Williams were read into the record. A letter of objection from John & Marlys Larick was read into the record. A document from Thomas C. Baudler from Baudler, Baudler, Maus & Blahnik was read into the record discussing the granting of the variance. A feedlot finding report from the Mower County Feedlot Office was presented and there are no feedlots within 1000 feet of the proposed building site. Michael & Lisa Conway explained that they purchased the property with the intent of building their home on a small portion of the land and maintain the remainder as agriculture. Gary Braaten asked for others present who were speaking in favor of the petition. Marvin Foster, Mayor, City of Brownsdale, encouraged the Board of Adjustment to approve the variance. Roger Slindee, representing Red Rock Township, stated that the town board supports and endorses the variance stating that it would help the tax base as well as the community. John Jindra was opposed to the petition stating that there are already three homes per mile and since the County has an ordinance it should not grant the variance. Nancy VanBuskirk spoke in support of building the

additional dwelling. Harold Boverhuis stated that from his perspective this is a logical location to build a home and it shows that the current ordinance should be changed. After some discussion a motion was made by Harold Boverhuis and seconded by Mike Adams to approve Variance #428 with the following conditions based upon the testimony and the document from Mr. Baudler which will become part of the official record showing that the criteria for granting a variance has been met.

- 1.) A zoning permit and ISTS permit must be issued for the new dwelling by December 31, 2003 or the variance is void.
- 2.) No future subdivision of parcel without applying for and receiving a variance.
- 3.) The Owner/Petitioner is responsible for installation of driveway including culvert and fill.
- 4.) Home must be at least 1000 feet from any licensed feedlot.
- 5.) Owners must obtain a zoning permit from Red Rock Township prior to applying for the County zoning permit.

Roll Call

Michael Adams – Yes

Gary Braaten – Yes

Harold Boverhuis – Yes

Mary Kenyon – Yes

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

Variance #429 – Lowell Johnson & Wayne Johnson - Variance from Section 14-50(h)1 & 2 of the Mower County Zoning Ordinance for an additional dwelling per 160 acres and more than two dwellings per mile length on a single side of the road; S 1044.8 ft. SE ¼ SE ¼, Section 21, Waltham Township, Mower County, Minnesota. PIN #19-021-0055. *Reference* was made to the site visit by the Board of Adjustment at approximately 1:40 p.m. *Staff Report* was presented. A document from David V. Hoversten, attorney representing the Johnsons from the firm of Hoversten, Johnson, Beckmann & Hovey, discussing the proposal and how this proposal meets the requirements of the Mower County Zoning Ordinance for granting a variance. Richard Masching, realtor representing the Johnsons, spoke in favor of the petition and reaffirmed the position of David Hoversten. Mike Stevens, representing the proposed buyer, also spoke in favor of the petition. Ivan Subbert was concerned that potential buyers may complain about the odor from his feedlot. Richard Moe & Michael Gebhardt, representing Waltham Township, spoke in favor of the petition. After some discussion a motion was made by Mary Kenyon and seconded by Mike Adams to approve Variance #429 with the following conditions and based upon the testimony and the document prepared by David Hoversten which will become part of the official record showing that the criteria for granting a variance has been met. The discussion addressed the fact that since the driveway would not be entering onto a county road, (condition #3 of the Staff Report) the requirement for a driveway and payment by the owner/petitioner is not relevant and

will be handled by Waltham Township or MN DOT. It will be replaced by the condition that the proposed dwelling must be 1000 feet from any licensed feedlot.

1. A zoning permit and ISTS permit must be issued for the new dwelling by December 31, 2003 or the variance is void.
2. No future subdivision of parcel without applying for and receiving a variance.
3. Home must be at least 1000 feet from any licensed feedlot.

Roll Call

Michael Adams – Yes

Gary Braaten – Yes

Harold Boverhuis – Yes

Mary Kenyon – 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 Mary Kenyon, seconded by Harold Boverhuis. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin

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