

## **MOWER COUNTY BOARD OF ADJUSTMENT**

### **Minutes of the Mower County Board of Adjustment – February 27, 2002**

Members Present: Gary Braaten, Mary Kenyon, Michael Adams

Members Absent: Harold Boverhuis, Joan Roe

Others Present: Daryl W. Franklin, Pat Oman

The regular meeting of the Mower County Board of Adjustment was called to order by Gary Braaten on Wednesday, February 27, 2002, at 2:20 p.m. at the Mower County Courthouse, Commissioners Room, 201 1<sup>st</sup> Ave NE, Austin, Minnesota.

Minutes of the November 27, 2001, November 19, 2001 and December 18, 2001 meetings were approved as mailed on a motion by Mike Adams and seconded by Mary Kenyon. The motion passed unanimously.

**Variance #448 – Robert Vaupel** – Variance from Section 14-50(h) 1 of the Mower County Zoning Ordinance to build two additional dwellings per quarter section on property located at: NE ¼ Exc. 15 Ac. SE Corner, Section 10, Pleasant Valley Township, Mower County, Minnesota. PIN #14-004-0040.

Reference was made to the site visit by the Board of Adjustment at approximately 1:35 p.m. Staff Report was presented. Dave Foreman, at attorney representing Mr. Vaupel, discussed the hardship and discussed why they are applying for the variance. He also presented information from the SWCD discussing the CER on the property. He stated that the proposed housing sites are 1,000 feet from any feedlot. Ben Vaupel, son of Robert Vaupel, spoke in favor of it and stated his father would be building on one site and the other site would be sold to Mr. Clark. Robert Kuhlman, representing Pleasant Valley Township, stated the Town Board has not taken a position in regard to this.

**Statements from Public:** Bruce Longworthy spoke against the proposal and stated that it is not in accordance with the County Zoning Ordinance and Comprehensive Plan. He is concerned that Mr. Vaupel would be using the home site as a springboard to develop feedlots on the sites. It was explained that the County does not regulate feedlots beyond the 1,000 feet from dwellings, plus has other requirements.

After some discussion, a motion was made by Mike Adams and seconded by Mary Kenyon to approve Variance #448 with the following conditions based upon the

testimony and the document from Mr. Vaupel 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 dwellings by December 31, 2005 or the variance is void.
- 2) No future subdivision of parcel without applying for and receiving a variance.
- 3) Home must be at least 1,000 feet from any licensed feedlot.

#### **Roll Call**

Gary Braaten - No  
Michael Adams – Yes  
Mary Kenyon – Yes

Summary: 2 Yeas; 1 Nay. Motion passed on a 2-1 vote.

**Variance #449 – William & Linda Boe** – Variance from Section 14-50(h)1 of the Mower County Zoning Ordinance to build an additional dwelling per quarter section on property located at: S 560' N 860' S 990' E 400' W 1700' SW ¼, Section 15, Lodi Township, Mower County, Minnesota. PIN #10-010-0042.

Reference was made to the site visit by the Board of Adjustment at approximately 1:20 p.m. Staff Report was presented. Bill Boe discussed the proposal and explained that their daughter and son-in-law want to build a home on the old homesite and that it already has a well, separate driveway and power source.

After some discussion, a motion was made by Mary Kenyon and seconded by Mike Adams to approve Variance #449 with the following conditions based upon the testimony and document prepared by Paul Sween 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, 2005 or the variance is void.
- 2) No future subdivision of parcel without applying for and receiving a variance.
- 3) Home must be at least 1,000 feet from any licensed feedlot.

#### **Role Call**

Kenyon – Yes  
Michael Adams - Yes  
Mary Kenyon - Yes

Summary: 3 Yeas; 0 Nays Motion passed unanimously.

Lowell Larson briefly discussed with the Board of Adjustment members the actions of Lee Kirchner, where he wants to come in at next month's meeting, but may actually have some of the work started before. Mr. Larson stated he was aware that this needs approval, but just wanted the Board to be aware of what is happening.

There being no further business, the meeting adjourned at 3:15 p.m. on a motion by Mary Kenyon and seconded by Mike Adams. The motion passed unanimously.

Respectfully submitted,

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

/s/ Daryl W. Franklin  
Daryl W. Franklin