

## **MOWER COUNTY BOARD OF ADJUSTMENT**

### **Minutes of the Mower County Board of Adjustment – March 20, 2002**

Members Present: Gary Braaten, Joan Roe, Michael Adams, Harold Boverhuis

Members Absent: Mary Kenyon

Others Present: Daryl W. Franklin, Pat Oman

The special meeting of the Mower County Board of Adjustment was called to order by Gary Braaten on Wednesday, March 20, 2002, at 2:10 p.m. at the Mower County Courthouse, Commissioners Room, 201 1<sup>st</sup> Ave NE, Austin, Minnesota.

Minutes of the February 27, 2002, meeting was approved as mailed on a motion by Mike Adams and seconded by Joan Roe. The motion passed unanimously.

**Variance #450 – John Hoffman (Petitioner) and Ronald H. Weiss (Owner) –**  
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: NW ¼, Section 13, Clayton Township, Mower County, Minnesota. PIN #04-013-0010.

Reference was made to the site visit by the Board of Adjustment at approximately 1:25 p.m. Staff Report was presented. John Hoffman discussed his proposal and explained that he wanted to purchase one acre and build a new home. He will also be working with the farming operation. Mr. Weiss explained that the home will be owned by the farmstead and will not be sold off to another person.

**Statements from Public:** No statements were made from Clayton Township or from the public.

Harold Boverhuis made a motion to deny the variance request as he felt it doesn't meet the conditions for granting a variance. Chair Gary Bratten called for a second three (3) times. Since the motion wasn't seconded the motion died for lack of a second.

After some discussion, a motion was made by Mike Adams and seconded by Joan Roe to approve Variance #450 with the following conditions based upon the testimony and the document from Lee Bjorndal 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) The Owner/Petitioner is responsible for installation of driveway including culvert and fill.
- 4) Home must be at least 1,000 feet from any licensed feedlot.

**Roll Call**

Gary Braaten - Yes	Harold Boverhuis – No
Michael Adams – Yes	Joan Roe - Yes

Summary: 3 Yeas; 1 Nay. Motion passed by a 3-1 vote.

**Variance #451 – Lowell Larson (Petitioner) and Leon Kirchner (Owner** – A fifteen foot variance from Section 14-52(b)1(a) of the Mower County Zoning Ordinance to build an attached garage twenty-five feet from the road right-of-way instead of the required forty feet on property located at: W ½ NE ¼ Exc. .93 Ac., Section 12, Red Rock Township, Mower County, Minnesota. PIN #16-012-0030.

Reference was made to the site visit by the Board of Adjustment at approximately 1:50 p.m. Staff Report was presented. Leon Kirchner discussed the proposal and explained that there is no other area for a garage on the property.

After some discussion, a motion was made by Joan Roe and seconded by Mike Adams to approve Variance #451 with the following Findings of Fact which will become part of the official record showing that the criteria for granting a variance has been met:

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

**Role Call**

Gary Braaten - Yes	Harold Boverhuis – Yes
Michael Adams – Yes	Joan Roe - Yes

Summary: 4 Yeas; 0 Nays Motion passed unanimously.

**Variance #452 – Tim Mullenbach** – A 640 foot variance from Section 14-50(h) of the Mower County Zoning Ordinance to permit a non-permitted feedlot that failed to register under Mower County Zoning Regulations by December 31, 1999 to operate 360 feet from an existing house instead of the required 1,000 feet on property located at: SW ¼ & SE ¼ NW ¼ & SW ¼ NW ¼ Exc. 8.75 Ac. , Section 15, Nevada Township, Mower County, Minnesota. PIN #13-015-0030.

Reference was made to the site visit by the Board of Adjustment at approximately 1:40 p.m. Staff Report was presented. Tim Mullenbach discussed his proposal and explained he would be raising heifers and the area would be limited to the south and east of the existing barn. Mr. Mullenbach referenced his written testimony he prepared regarding the variance request.

**Statements from Public:** Dale Anderson, neighbor, spoke and wanted to know why the variance was being requested and was concerned about the impact on land values.

Paul and Pat Anderson spoke and were concerned about the impact on air and water quality.

Larry Helgeson spoke and stated he sold the property to Mr. Mullenbach. He stated the winds are primarily from the northwest, the area around the site is mostly agricultural and said it would be an open lot with cattle and not hogs.

Harold Boverhuis spoke and feels the variance request doesn't meet the criteria for granting a variance based on the testimony.

After some discussion, a motion was made by Harold Boverhuis and seconded by Mike Adams to deny Variance #452 because the criteria has not been met

#### **Roll Call**

Gary Braaten - Yes  
Michael Adams - Yes  
Joan Roe - Yes

Harold Boverhuis - Yes

Summary: 4 Yeas; 0 Nay. Motion passed unanimously.

There being no further business, the meeting adjourned at 3:50 p.m. on a motion by Joan Roe and seconded by Harold Boverhuis. The motion passed unanimously.

Respectfully submitted,

*/s/ Daryl W. Franklin*  
Daryl W. Franklin