MOWER COUNTY

Board of Adjustment

Wednesday, May 27, 2026
Board Room, Lower Level Government Center

Mower County is providing participation in public hearing meetings BOTH in-person at the Government Center and through virtual meetings (see link below).

Call to order: Scheduled for 2:45 p.m.

Chair to establish a quorum and call the meeting to order;

Approve the agenda;

Approve minutes of previous meeting (2/25/2026);

Public hearings to begin:

Variance #594 Justin Gerber requests a variance for Feedlot within 1000' setback of an existing dwelling. Applicant requesting a variance of 100ft. (To be located 900ft from the dwelling), located in Section 13, Adams Township. Property Owner is: Justin Gerber

- ✓ **Staff Report**
- ✓ **Applicant's presentation**
- ✓ **Public Comments – Supporting**
- ✓ **Public Comments – Against**
- ✓ **Applicant's response to concern**
- ✓ **Conclude public discussion**
- ✓ **Board of Adjustment Discussion**
- ✓ **Board of Adjustment creation of Findings of Facts**
- ✓ **Motion: with / without conditions**

Variance #593 Adam and Ashley Kirchhoff request a setback variance to construct a 36' x 30' detached garage to project 23 feet into the dwelling front yard setback area. Located in Section 7 of Windom Township. Property owners are Adam and Ashley Kirchhoff

- ✓ **Staff Report**
- ✓ **Applicant's presentation**
- ✓ **Public Comments – Supporting**
- ✓ **Public Comments – Against**
- ✓ **Applicant's response to concern**
- ✓ **Conclude public discussion**
- ✓ **Board of Adjustment Discussion**
- ✓ **Board of Adjustment creation of Findings of Facts**
- ✓ **Motion: with / without conditions**

Conclude/Table public hearing(s);

Other business;

Adjourn meeting.

If you require accommodation to participate in this event, please contact Planning and Zoning at 507-437-7718 so necessary arrangements can be.
Join the Public Hearing via TEAMS:
https://teams.microsoft.com/l/meetup-join/19%3ameeting_OGQwMjNiMGMtZDdiOC00ZWQxLWJiZDQtYTE2ODRhZGMzYmZm%40thread.v2/0?context=%7b%22Tid%22%3a%2203ad108c-b1eb-427c-a713-5d96cdada4f3%22%2c%22Oid%22%3a%22c2b4b17e-fb66-43a3-99d3-a942ec0f0163%22%7d
Meeting ID: 215 718 911 565 715
Passcode: wW6sQ3zu

Draft

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment 2/25/2026

Members Present: Nate Toland, Sean Lutz and Ann Reinartz

Members Absent: Steve Gleason and Pete Thome

Others Present: Angie Lipelt – Mower County Environmental Services Director, April Grabau – Mower County, Mindy Williamson – Mower County, Danielle Anderson – Mower County, Tim Freerksen, Tony Arndorfer, Dan Vermilyea, Kayla Stockdale, Cordell Stockdale, Dave Lunning and Bob Grass

A Quorum was established. Chair Toland called the regular meeting to order at 2:57 p.m. on 2/25/2026, Board of Commissioners Room at the Mower Co, Government Center, 201 1st Street NE, Austin, MN.

Motion was made by Lutz and seconded by Reinartz to approve the agenda as printed. Motion carried unanimously.

Minutes of the 1/28/2026, meeting was approved as mailed on a motion made by Lutz and seconded by Reinartz. Motion carried unanimously.

Board of Adjustment

VAR # Cordell and Kayla Stockdale request a dwelling within the 1000' setback from a feedlot. Applicant requesting a setback variance of ~~400'~~ 250 ft. (To be located ~~600~~ 750 feet from adjacent registered feedlot of John Grass Jr. Rev. Liv. Trust) Property is located in Section 26, Leroy Township.

Angie Lipelt reviewed the request going through the background information and the 8 proposed conditions. Lipelt reviewed multiple maps showing different setback options.

Kayla Stockdale stated they have tried to come up with another option for location of the house to make the setback 750'. When they purchased this property they did not fully understand the requirement for the feedlot setbacks. They have had conversations with the nieghboring feedlot owner, John Grass and neither of them realized this approval could negatively affect his feedlot.

Bob Grass said their dad is 84 years old and he does not believe his dad understood the situation. They do not want to cause the Stockdales any problems, but have to think of their property also. His father John is in the hospital, so they are here to represent the Grass family. They do not want a variance to cause the feedlot to be a non compliant property.

Nate asked if the applicant had anything else to present to the board.

Kayla Stockdale stated with the drainage easements going through the land and the topography they are limited on building options and uncertain what to do.

Public speaking for:

Tim Freerksen asked for clarification on the effect for the feedlot if this was approved

Bob Grass stated if the variance is approved they basically transfer the feedlot setback rights to the Stockdales.

Ann Reinartz said the day of the first site visit in October 2025 she asked both property owners if they understood that granting the variance to the Stockdales would transfer the rights of the Grass feedlot. That is when they realized the ramifications to each property.

Public speaking for:

Tony Arndorfer asked if there is something that could be put into place, some kind of agreement between land owners.

Lipelt said the only option is a variance.

Public speaking for:

Cordell Stockdale asked if there is a possiblity of an escrow account for the feedlot to use for future requests.

Lipelt stated that would have no legal binding on the boards decisions.

Reinartz suggested the two applicants may want to work with an attorney and work things out on their own.

Dave Grass said no matter what they work out with the Stockdales, if the variance is approved the feedlot would be in non-compliance.

Danielle Anderson stated noncompliance is different than nonconformity. Any feedlot structure within 1000 feet would be a nonconformity and require a variance. But that is not a feedlot noncompliance with MPCA. It would only be an issue and require a variance if a feedlot structure was damaged and needed to be replaced.

Dave Grass asked if a CUP would be required to rebuild the barn within 1000 feet.

Anderson stated MPCA rules would allow a feedlot structure to be built within 1000 feet. The Mower County Zoning Ordinance is the issue and requires a minimum 1000 feet setback from feedlot structures to dwellings.

Lipelt stated MN Statute 116.0711 for modification or expansion to existing feedlot says if feedlot stays the same size it is permitted, if they wanted to expand, it would require a CUP. If a residence is within 1000 feet is also would require a variance.

Public speaking against.

Dan Vermilyea, stated he was part of the board when the request started in 2025, this is a very complex project. The feedlot ordinance was put into place 30 years ago. The Grass property has been a feedlot since that time. This seems to be a property rights issue. He does not think it is fair for a them to lose their rights due to the ordinance. The Findings of Facts is a very important document and the board has to abide by them. Financial is not a reason to justify a variance. If the decision is not based on the findings of fact the decision is arbitrary. The Board of Adjustments job is to make a decision based on the ordinance, not on our feelings for this young family. He suggested a possible plan B to have the machine

shed placed in front of the house as there is no setback from machine shed to feedlot and it would meet the findings of fact. He asked the county to show good faith and not charge this family another fee to apply for a second variance.

Public speaking against. None

Public speaking against. None

Kayla Stockdale said her understanding of the variance is reasonable use of the land that they purchased and she does not see how they could build on this property without constructing a mountain under ordinance rules.

Toland concluded the public hearing.

Toland stated there has been good discussion with the applicant and the neighboring property owner.

Lipelt referred to the staff report and meeting the criterion for the Finding of Fact.

Toland said we have an established feedlot and an existing building site. Which takes precidence.

Lipelt stated when the original home was removed from the existing building site for 365 days or more, then any new construction must meet current ordinance.

Reinartz asked if they brought in enough fill could the applicant build on the property.

Dave Grass asked if they bought the applicants property, built the house and then sold it back to the applicant would that be allowed.

Lipelt said a feedlot owner is not held to the 1000 foot setback, once the house was habitable you could sell it back.

Danielle Anderson stated the property would have to be in the feedlot owner or childrens name in order to build closer than the 1000 feet.

Cordell Stockdale stated he would like you to waive his 60 day law and postpone this meeting. He put it in writing and gave to the board to.

Toland said the board accepts the extension dated June 1, 2026.

Reinartz made a motion and seconded by Lutz to accept the extension of the Stockdales request. Motion carried unanimously.

Chair Toland called for any other business.

Lutz made a motion and seconded by Reinartz to adjourn the meeting. Motion carried unanimously. Chair Toland adjoured meeting at 4:17p.m.

STAFF REPORT

Application Date:	4/9/2026	**Public Hearing Date:**	5/27/2026
60-day Deadline:	6/8/2026	**Rezone Request?**	No
Variance No.	594	**Conditional Use No.**	n/a

PETITIONER:	Justin Gerber 67893 140th St Austin MN 55912 507-440-2523	**OWNER:**	Justin Gerber 67893 140th St Adams, MN 55909 507-440-2523

LOCATION:	Section 13 Township 101 Range 016 6.20AC BLDG SITE NE1/4 NE1/4; DOC#667942				
PIN	01.012.0030				
SECTION	13	**TOWNSHIP**	101	**RANGE**	16
TOWNSHIP NAME	Adams		MOWER COUNTY, MINNESOTA		

REQUEST / PURPOSE:	Feedlot within 1000' setback of an existing dwelling. Applicant requesting a variance of 100Ft. (To be located 900Ft from the dwelling)

ORDINANCE CITATION	Division 3 Section 14-18.2 (i)

EXISTING LAND USE:	Rural residential farmstead including dwelling, grain bin setup, hog barn and accessory structures.
EXISTING ZONING:	Agricultural

PREVIOUS ZONING REQUESTS:	**REZONE Date / purpose**	**C.U.P. Date / purpose**	**VARIANCE Date / purpose**
	No	No	No

SURROUNDING LAND USE & CURRENT ZONING:	**ZONING**	**LAND USE**
NORTH	Agricultural	Agricultural, farming, farm dwellings, farmsteads
SOUTH	Agricultural	Agricultural, farming, farm dwellings, farmsteads
EAST	Agricultural	Agricultural, farming, farm dwellings, farmsteads
WEST	Agricultural	Agricultural, farming, farm dwellings, farmsteads
OTHER:	City of Adams – 0.84 miles in a westerly direction. Business area to the NW (Mower County Highway shop, Jakes Petroleum LLC)	

SUPPORTING/DENYING A VARIANCE – AKA THE "FINDINGS OF FACT"

1. Is the variance in harmony with the general purposes and intent of the official controls IE: Zoning, Feedlot Septic Ordinances, Shoreland Rules and Comprehensive Plan?
2. Without the variance, is the owner deprived of a reasonable use of the property?
3. Is the alleged practical difficulty due to circumstances unique to this property?

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner or previous landowners?
5. Will the issuance of the variance maintain the essential character of the locality?
6. Does the alleged practical difficulty involve more than economic considerations?

The BOA should weigh and balance each of the elements when deciding whether the variance application should be granted.

****If the County's ordinance articulates other factors to be considered when determining whether to grant or deny a variance request, it would be advisable to add those factors in as additional numbered elements.

BACKGROUND / HISTORICAL INFORMATION.

In 1946 the Gerber family (Raymond and Elvera) obtained the E1/2 (80-acres) of the NE1/4 Section 13, Adams Township. This 80-acres was later transferred to John & Martha Gerber in 1950; then to Robert and Margaret Gerber in 1966. In 1981 it transferred to Richard and Marlys. Richard and Marlys carved out a 1.377-acre residential parcel in 1993. Leaving a remaining 78.623-acre parcel.

April 5, 2022, this subject property, a 6.20-acre parcel was created and transferred from Marlys Gerber (mother) to Justin Gerber (Recorder's Doc 667942). Property includes a dwelling (1970) with single stall attached garage, steel utility building (1990), swing finish/farrow hog barn (1967), pig nursery barn (1980), grainery (1935), machine shed (1960), dryer control structure (2014) bin site (7 bins ranging from 1970-2019).

At one time this 6.20-acre parcel was (supposedly – awaiting Feedlot Officer confirmation) registered as an active feedlot, however I cannot find record of a registration, going back to 2008 for this specific location. Now the owner, Justin Gerber, would like to reestablish this site as an active feedlot to house animals for the grandchildren's 4-H projects, however the 1000-foot setback cannot be met; thus a variance is required. Review of the pit has been completed by Nicholaus J. Rowe, P.E. ProAg Engineering, Inc and has determined *"the pit is of very little risk of pit failure or manure discharge"* and therefore is in adequate condition for reuse.

The closest adjacent residence to the feedlot structure is apx 305 feet, however this dwelling is currently owned by Marlys Gerber, mother of Justin (landowner/applicant). Mower County ordinance exempts setbacks from neighboring property owners if they are related to the feedlot operator. Those familiar relationships are limited by the ordinance as to whom the exemption applies to; however, this familiar relationship does qualify. A signed and recorded document is required by ordinance that this landowner is accepting of the feedlot being closer than 1000-feet.

The next closest dwelling is owned by Garret and Emily Wehner, located at 14002 680th Avenue, Adams MN, located directly E of the subject parcel. The approximate distance between the subject feedlot structure and the closest point of the dwelling is approximately 901.26 feet per GIS measurement. The actual setback distance will need to be determined by survey.

The applicant is planning on having 5 farrowing swine (2AU) along with 40 breeding stock (16AU) and 100 (piglet) swine (5AU) under 55 pounds which will be sold at or before reaching this (55lb) weight. For a total of 23.0 AU. Per Danielle, County Feedlot Officer, Mr. Gerber does not foresee having that many sows – but that is the capacity of barn (at max capacity- which is what he is required to register for.). Mr. Gerber is currently operating a hobby farm as defined by Mower County Ordinance.

> Hobby Farm means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of less than 10 animal units and may be designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots

Mower County staff failed to require a survey prior to application and did not realize the error until after the 15-day time period for notification of additional information (under MN Statute 15.99) had lapsed. This is a procedural error. Mower County has notified the applicant that a survey will be required and that the setback variance, if granted by the Board of Adjustment, will be equal to the distance that currently exists. Mower County Zoning Ordinance requires an as-built survey. This will not be waived in this case. Applicant is agreeable to providing a survey and is agreeable to and is not asking more than the existing distance and is okay with that as a condition.

ORDINANCE CITATION:

New feedlots, except for hobby farms, shall not be located within 1,000 feet of any dwelling, school, church, platted subdivision and/or public park, except for dwelling of the property owner or feedlot operator, or family member based upon the definition of "family" provided the owner of the dwelling and family member, signs a statement that will be recorded stating that they have no objection to the feedlot being closer than the required 1,000 feet. This exception to the 1,000-foot setback is limited to family members to current owner and all other setback requirements shall be adhered to. All "family related feedlots shall be considered separate feedlots in terms of permitting but shall be considered as one feedlot in terms of animal unit limits in accordance with the feedlot ordinance.

ISSUES:

1. Mower County will need a signed, notarized and recorded document from the adjoining family member stating that they do not have issue with Mr. Gerber's new feedlot being closer than 1000 feet from their dwelling.

2. Granting this variance to the applicant will make both adjoining residence non-conforming (not meeting setback from a feedlot). The new feedlot ordinance as it was adopted will not provide relief because that only applies to **existing**, registered feedlots and not to **new** feedlots or dwellings. This is a NEW feedlot. This will put the neighboring dwelling owners at a disadvantage should the dwelling be removed or lost to peril. This means that the dwelling owners will need to obtain a variance to be within 1000 feet of the feedlot or relocate the dwelling to meet the 1000-foot setback without variance.

IF APPROVED, THE FOLLOWING CONDITIONS ARE RECOMMENDED:

1. Applicant shall follow all local, state, and federal regulations regarding the proposed use; and
2. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
3. Feedlot will be limited to a maximum capacity of 23 animal units; and
4. Family member(s) having dwellings within 1000 feet of the proposed feedlot will need to sign a document in front of a notary, record the document stating that they have no objection to the feedlot being within 1000 feet of the newly proposed feedlot and provide a copy to the County Feedlot officer to place on file; and
5. Applicants shall provide a survey before stocking the barn at an amount which exceeds a hobby farm, as defined; and
6. The setback distance shall be limited to the distance reflected in the survey and shall not exceed that amount. The variance amount shall be 1000-feet less the distance shown between the Gerber feedlot and the Wehner dwelling, at its closest point.
7. The Owner/Applicant shall work cooperatively with Mower County to mitigate any issues brought to the attention of the County that are found to be legitimate and valid that may create a nuisance to adjoining landowners from the proposed use, and
8. This variance is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.
9. A violation of any condition set forth in granting a variance shall be in violation of this Ordinance and automatically terminates the variance.

Enclosures:

☒Staff Report
☒Copy of the Application
☒Applicant's response to Findings of Facts
☒Applicant's submittal, *if any-box is checked*
☒Affidavit of Mailing which includes site map
☒Zoning Map – when not addressed by site map
☐Ordinance citations when not incorporated in staff report text
☐Other: SWCD and DNR Responses (email)

Copies

✓ Board of Adjustment
✓ Applicant: ☒ via email ☒ via U.S. mail
✓ Copies will be provided to the public upon request
✓ File of record

Do not write above this line – Recorder Use Only

APPLICATION FOR VARIANCE REQUEST

MOWER COUNTY ZONING ORDINANCE, EFFECTIVE: 1/1/2003

DATE	4/9/2026		VARIANCE#	594

SHORELAND	No	ACREAGE	6.2 Acres	ZONING DISTRICT	Agricultural
SEPTIC INSTALLED	10/13/2021		COC VALID TO	10/12/2026	

PIN #	010120030	PARCEL ADDRESS								
SEC	13	T	101	N	R	16	W	TWP NAME	Adams	
TAX LEGAL DESCRIPTION	See Attached									

OWNER 1:	OWNER 2: If applicable	APPLICANT
Justin Gerber		Justin Gerber
67893 140th St Adams MN 55909		67893 140th St Austin MN 55912
507-440-2523		

PROPOSED USE OF LAND:	Variance request: Feedlot within 1000' setback of an existing dwelling. Applicant requesting a variance of 100Ft. (To be located 900Ft from the dwelling)
ZONING ORD. CITATION	Division 3 Section 14-18.2 (i)

PREVIOUS PUBLIC HEARING REQUESTS (what/when): This information will be available from the Mower County Recorder's Office. Please provide a copy along with this application. If none exists, please indicate "None."

REZONING	VARIANCE	CONDITIONAL USE
No	No	No

Full legal descriptions, of application parcel(s), must be attached for recording.

Signature of Owner/Applicant

STATE OF MN)
) ss.
COUNTY OF Mower)

The foregoing instrument was acknowledged before me, this 9th day of April 2026 by Justin Gerber, Landowner/Applicant.

SARAH E COVERT
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2028

[Notary Public Seal]

Sarah E Covert
Signature of Notary Public
My commission expires. 01/31/2028

Signature of Owner/Applicant

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me, this ____day of April 2026 by Justin Gerber, Landowner/Applicant.

[Notary Public Seal]

Signature of Notary Public
My commission expires. _____

Issued in accordance with the Mower County Zoning Ordinance and decision rendered by the Board of Adjustment.

Date

Environmental Services Supervisor, Mower County, Minnesota

FINDINGS OF FACT
SUPPORTING/DENYING A VARIANCE

1. Is the variance in harmony with the general purposes and intent of the official controls?
IE: Zoning, Feedlot Septic Ordinances, Shoreland Rules and Comprehensive Plan? ☒YES ☐ NO

Why or Why not? I Does not change the look or feel of the neighborhood. We want to use it as it was intended originally It has minimal or no nuisance to the neighbors at 900' Away

2. Without the variance, is the owner deprived of a reasonable use of the property? ☒YES ☐ NO

Why or why not? We cant use the existing Barn without a variance even though it was constructed by the regulations at The time. which were less than it is now.

3. Is the alleged practical difficulty due to circumstances unique to this property? ☒YES ☐ NO

Why or why not? The rules and regulations changed after the Barn were built and we cannot change where the Barn is located and it was the only place for the Barn at the time

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner or previous landowners? ☒YES ☐ NO

Why or why not? Zoning laws were different at the time of construction then they are now.

5. Will the issuance of the variance maintain the essential character of the locality? ☒YES ☐ NO

Why or Why not? Yes Nothing is changing, hogs were previously at this Farm

6. Does the alleged practical difficulty involve more than economic considerations? ☒YES ☐ NO

Why or Why not? we cant use the property at all without a variance based on the current zoning restrictions, it does not Alter the character of the neighborhood.

The BOA should weigh and balance each of the elements when deciding whether the variance application should be granted.

LEGAL DESCRIPTION - 6.20 Acres - Building Site

That part of the East One-Half of the Northeast Quarter (E 1/2 NE 1/4) of Section 13, Township 101 North, Range 16 West, Mower County, Minnesota, described as follows: Commencing at the Northeast Corner of said E 1/2 NE 1/4; thence North 89 degrees 57 minutes 34 seconds West (assumed bearing) along the North line of said E 1/2 NE 1/4, 415.82 feet to the point of beginning of the tract of land to be herein described; thence continuing North 89 degrees 57 minutes 34 seconds West along said North line, 236.04 feet; thence South 02 degrees 11 minutes 02 seconds East, 373.00 feet; thence North 89 degrees 57 minutes 34 seconds West, 212.08 feet; thence South 00 degrees 02 minutes 26 seconds West, 426.15 feet; thence South 89 degrees 57 minutes 34 seconds East, 433.65 feet; thence North 00 degrees 02 minutes 26 seconds East, 798.86 feet to the point of beginning and containing 6.20 acres, more or less. Subject to easement for access purposes across the Northwesterly side thereof. Subject to easement for a Township Road across the Northerly line thereof. Subject to any other easements of record.

ProAg Engineering, Inc.

Nicholaus J. Rowe, P.E.
77402 U.S. Highway 71
P.O. Box 181
Jackson, MN 56143
507-849-7200
nic@proageng.com

Justin D. Sprague, P.E.
302 Broadway Street
Audubon, IA 50025

712-563-2168
justin@proageng.com

April 23, 2026

Ms. Danielle Anderson
Mower County Feedlot Officer
1111 8th Avenue NE
Austin, MN 55912

RE: Justin Gerber
Swine Barn Inspection
Mower County, Minnesota
ProAg Project No: 26-064

Dear Danielle:

Justin Gerber contacted ProAg Engineering, Inc. to provide an assessment on an existing swine confinement barn that hadn't been used for an extended period of time but was recently restocked. Mower County and Minnesota Pollution Control Agency (MPCA) require an engineering assessment that the concrete manure storage pit below the barn's slatted floor is in compliance with current regulations.

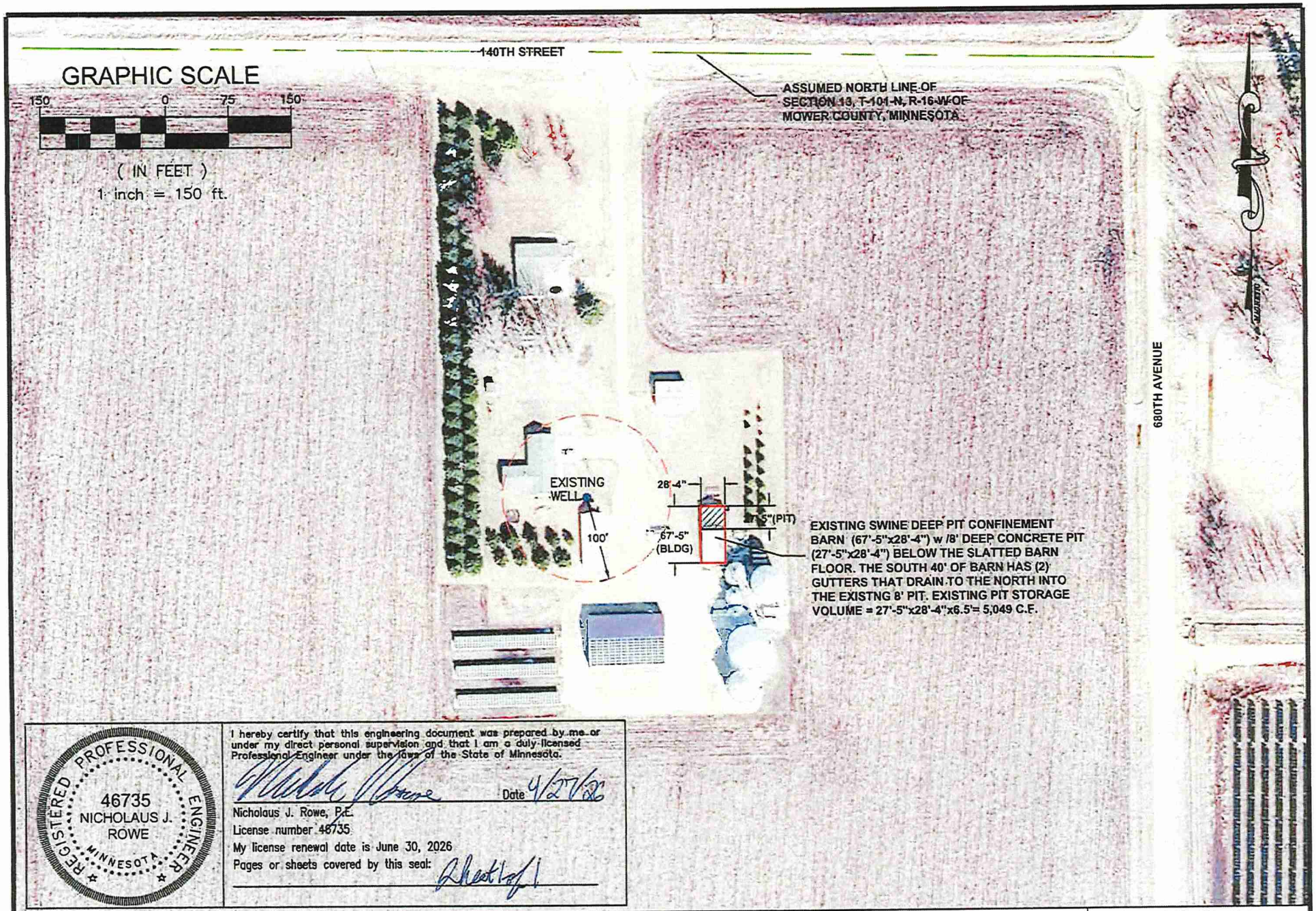
On April 15, 2026, ProAg Engineering, Inc. inspected the existing swine confinement deep pit barn located at 67893 140th Street Adams, MN 55909. The location is on property owned by Justin Gerber and is located in the NE¼, Section 13, T-101-N, R-16-W, Mower County, Minnesota.

ProAg Engineering did a thorough walkaround inspecting the exposed exterior and interior pit walls and cover. The pit interior was completely covered with existing slats and dirt was backfilled around the exterior limiting the outside of pit inspection. The exposed concrete had no visible cracks and the pit looked satisfactory. The owner had kept approximately two feet of water in bottom of the pit to help protect the existing pit from freeze/thaw conditions when it sat empty. Existing slats appeared level and had no indication of heaving in the pit floor. Without having the original design or construction specifications, we feel there is very little risk of pit failure or manure discharges.

We believe there are no concerns with the pit storing manure and meeting MPCA containment and seepage requirements. A few pictures are enclosed for reference. We trust the above information is adequate for your review and approval. Should you have any questions, please do not hesitate to call me at 507-849-7200.

Respectfully Submitted,

Nicholaus J. Rowe, P.E.
ProAg Engineering, Inc.



REGISTERED PROFESSIONAL ENGINEER
46735
NICHOLAUS J. ROWE
MINNESOTA

I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

Date 4/27/26

Nicholaus J. Rowe, P.E.
License number 46735
My license renewal date is June 30, 2026
Pages or sheets covered by this seal: Sheet 1 of 1

REV	DATE	DESCRIPTION	DRN BY	CHK BY
1	4/15/26	FIELD INSPECTION	T.J.A.	N.J.R.

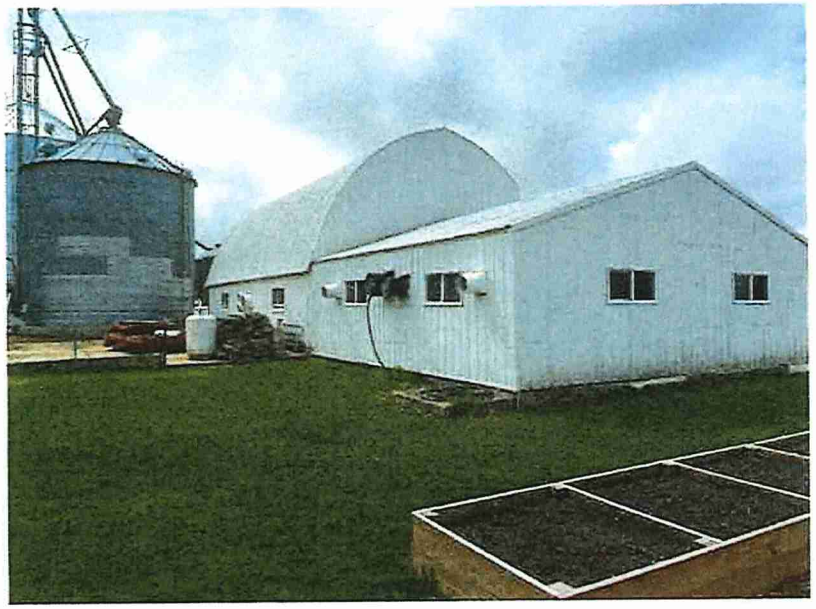
ProAg Engineering, Inc.
77402 U.S. Highway 71, P.O. Box 181
Jackson, MN 56143
(507) 849-7200

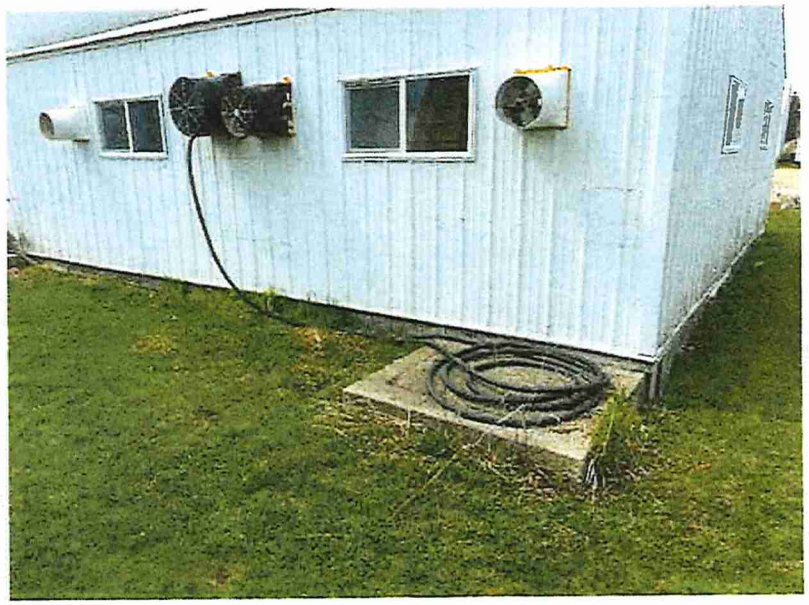
JUSTIN GERBER
67893 140TH STREET
ADAMS, MINNESOTA 55909

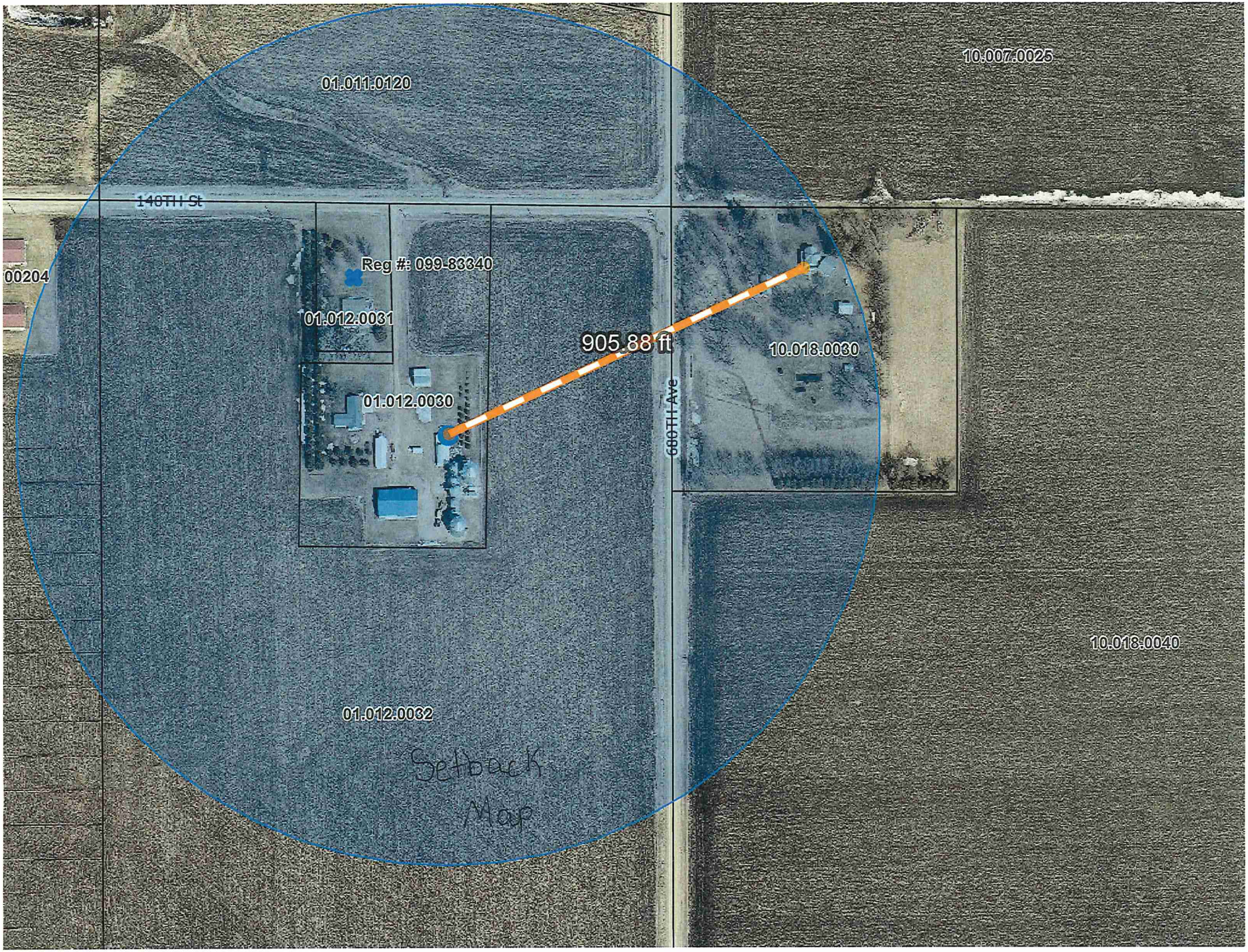
SWINE CONFINEMENT BARN
NE 1/4, SECTION 13, T-101-N, R-16-W
MOWER COUNTY, MINNESOTA

SITE PLAN

PROJECT NO.	SHEET NO.
26-064	1 OF 1



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140TH St
00204
Reg #: 099-83340
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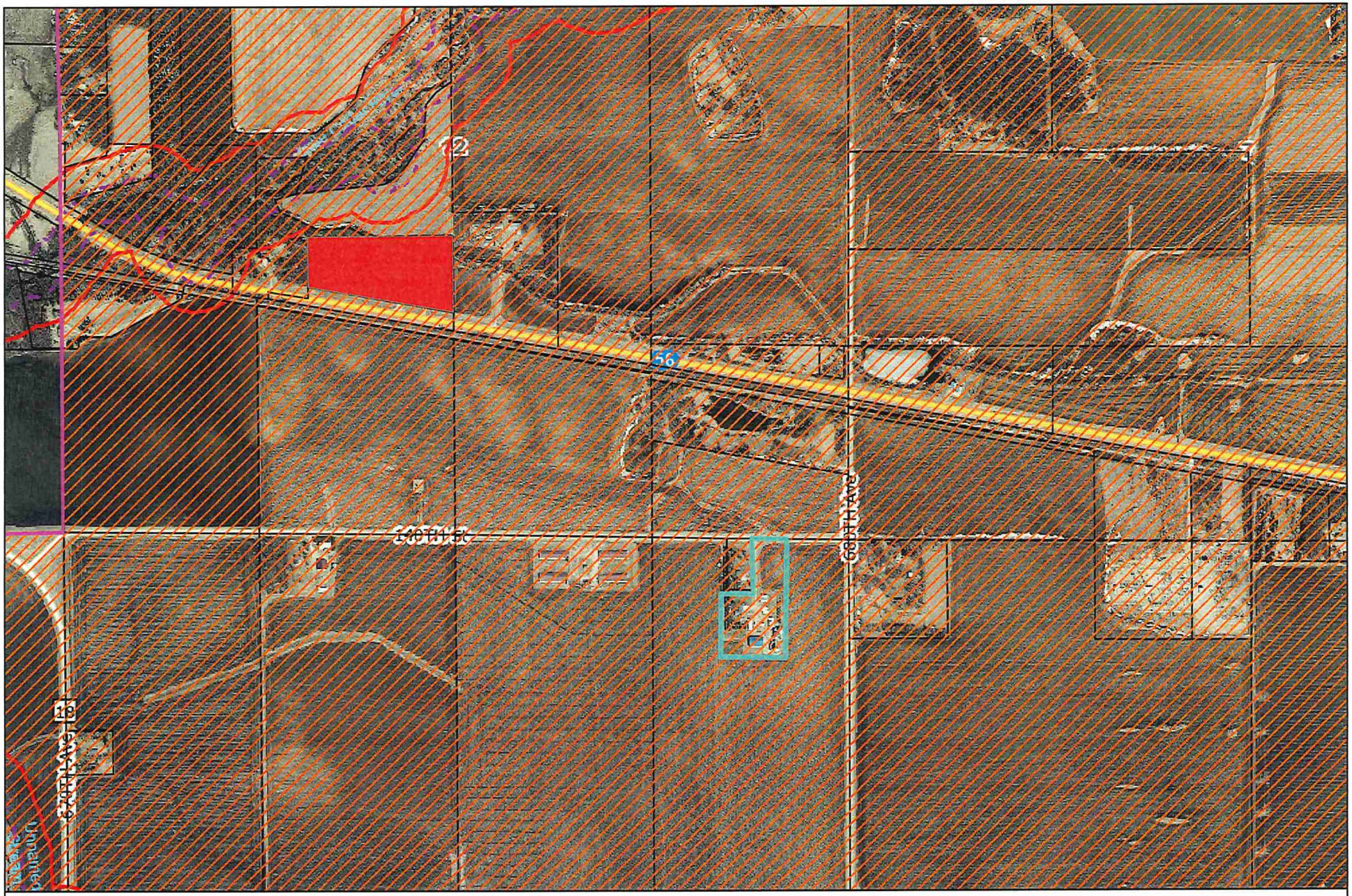
Setback
Map



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MOWER COUNTY

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01.012.0030 zoning map

Date/Time: 5/13/2026 12:47 PM

Affidavit of Mailing

STATE OF MINNESOTA)
SS)
Mower County)

April Grabau being duly sworn, deposes and says: "I am a United States Citizen, over 21 years of age, and am employed by the Public Works Department of Mower County, Minnesota".

On 5/12/2026 acting on behalf of the County, I deposited in the United States Post Office or authorized agent thereof at Austin, Minnesota, the attached **Neighborhood Notice of Public Hearing** for **Variance #594** enclosed in a sealed envelope, postage thereon fully prepaid, addressed to the following persons at the addresses attached.

Attachments: List of residents, township clerks/city clerks

Current Owner Name	Mail Address	Mail Last Line
GERBER JUSTIN L	67893 140TH ST	ADAMS MN 55909
GERBER MARLYS L	67883 140TH ST	ADAMS MN 55909
GORDON DARREL D	14459 680TH AVE	ADAMS MN 55909
WEHNER GARRETT	14002 680TH AVE	ADAMS MN 55909
JOHN W SATHRE REV LIVING TRUST	4200 BADGER HILLS DR NW	ROCHESTER MN 55901
GERBER GERALD J	67319 140TH ST	ADAMS MN 55909
Adams Township	65637 120th St	ADAMS MN 55909

April Grabau

April Grabau
Public Works Department
Mower County, Minnesota

Subscribed and sworn to me on 5/12/2026, by Denny Zweiner.

DENNIS J. ZWIENER
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2027

Notary Public Seal

Notary Public Signature

MOWER COUNTY

Public Works / Environmental Services
1105 8th Avenue NE
Austin, Minnesota 55912
Phone: 507-437-7718 Fax: 507-437-7609

To: Neighboring landowners

From: Angie Lipelt – Environmental Services Supervisor

CC: Justin Gerber

Date: May 12, 2026

Re: Variance request of Justin Gerber, Landowner and Applicant

---

REQUEST IS FOR: Feedlot within 1000' setback of an existing dwelling. Applicant requesting a variance of 100Ft. (To be located 900Ft from the dwelling).

SITE IS ZONED: Agricultural
The site address is: 67893 140th St, Adams MN 55909 - PIN #01.012.0030

APPLICABLE SECTION OF MOWER COUNTY ZONING ORDINANCE, DATED 1/1/2003	Division 3 Section 14-18.2 (i).

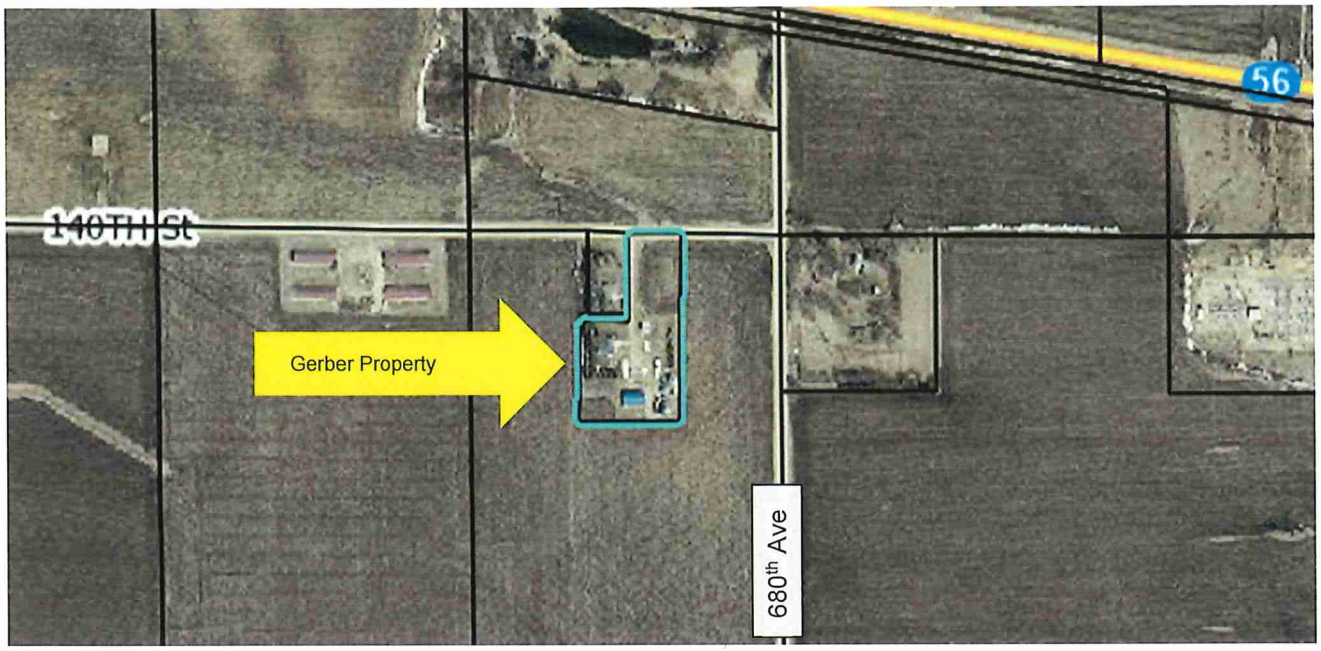
You are receiving a copy of this notice as required by law for Variances. Mower County must provide notice to owners of record within 500 feet of the affected property, the affected Town Board, and any municipality within two (2) miles of the affected property.

A public hearing will be held before the Mower County Board of Adjustment on the afternoon of 5/27/2026, in the Commissioner's Room, Mower County Government Center; 201 First Street NE, Austin, MN following the site visit at approximately 2:45 p.m. The public hearing will be held both virtually utilizing a video conference platform with call-in capability, and in-person at the Mower County Government Center. To participate in the meeting via Teams, you may obtain the agenda and meeting link on our website at https://www.co.mower.mn.us/129/Agendas-Minutes
The meeting will have a public comment period for comments from interested citizens. Any person with interest in this project has the right to be heard, live statements can be made on the day of the public hearing. Written statements or comments may be received prior to the public hearing at the above listed address or via email to zoning@co.mower.mn.us.

The site inspection for this request will be the same day departing from Public Works approximately 1:00 p.m.

The application, any attached documents and all file material are available to the public for viewing during normal business hours Monday – Friday from 7:00 a.m. to 4:00 p.m. (excluding legal holidays) at the Public Works Department, located at 1105 8th Avenue NE, Austin, MN 55912 or by emailing a request to zoning@co.mower.mn.us for a link to the Dropbox file folder before 12:00pm on the date of the hearing.

If you have any questions or comments, you are welcome to contact me at 507-437-7718 or email me at angiel@co.mower.mn.us. All correspondence including email becomes part of the public record and file.


140TH St
Gerber Property
680th Ave
56

MOWER COUNTY

Public Works / Environmental Services
1105 8th Avenue NE
Austin, Minnesota 55912
Phone: 507-437-7718 Fax: 507-437-7609

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Mower County Board of Adjustment (BOA) will assemble on Wednesday, 5/27/2026 at 1:00 p.m. at the Mower County Public Works Office, Austin, MN, to begin site visit(s), upon return to Austin, the BOA will convene in the Commissioner's Room, located in the lower level of the Mower County Government Center, (201 1st Street NE, Austin MN 55912), to consider the following Variance application(s) in accordance with Mower County Zoning Ordinance. The BOA's anticipated time to return to the Government Center is: 2:45 p.m.

Variance #594 Justin Gerber requests a variance for Feedlot within 1000' setback of an existing dwelling. Applicant requesting a variance of 100Ft. (To be located 900Ft from the dwelling), located in Section 13, Adams Township. Property Owner is: Justin Gerber

Variance #593 Adam and Ashley Kirchhoff request a setback variance to construct a 36' x 30' detached garage to project 23 feet into the dwelling front yard setback area. Located in Section 7 of Windom Township. Property owners are Adam and Ashley Kirchhoff

Notice is hereby further given that the Mower County Board of Adjustment will take public comment on the aforementioned Variance application(s) via teleconference and in person from the County Commissioner's Room. To participate in the meeting via Teams, you may obtain the agenda and meeting link on our website at https://www.co.mower.mn.us/129/Agendas-Minutes

The application(s) and accompanying documents are available for review during normal business hours prior to the meeting at the Public Works Office: 1105 8th Ave. NE, Austin, MN or by emailing a request to zoning@co.mower.mn.us
Dated: Tuesday, May 05, 2026

BY ORDER OF THE
MOWER COUNTY BOARD OF ADJUSTMENT

Angie Lipelt

Environmental Services Supervisor

DO NOT PRINT – PUBLICATION RECORD ONLY – IN OFFICE USE ONLY

nstructions: Please print in standard font and size, single space, according to the contract held with Mower County. Please send notice of confirmation to aprilg@co.mower.mn.us

'lease print in the Legal Notices Section

2026 Legal Publication
Austin Daily Herald

E-Mail Word file to: public.notices@austindailyherald.com

Date to be published: **May 13, 2026**

Date Faxed/Emailed to publisher: **Tuesday, May 05, 2026,** by April Grabau (507) 437-7718

	Deadlines	
	Wednesday Paper	Saturday Paper
Austin Daily Herald	Thursday @ 4 pm	Tuesday @ 2 pm

2026 Secondary Legal Publication
Mower County Independent

E-Mail Word File to: evansppc@mediacombb.net
Contact: Sarah Mensink (507) 324-5325

Date to be published: **May 14, 2026**

Date Faxed/Emailed to publisher: **Tuesday, May 05, 2026**, by April Grabau (507) 437-7718

	Deadline for Submission	Publication Date
Mower County Independent	Friday	Following Thursday

STAFF REPORT

Application Date:	4/29/2026	**Public Hearing Date:**	4/22/2026
60-day Deadline:	6/28/2026	**Rezone Request?**	n/a
Variance No.	593	**Conditional Use No.**	n/a

PETITIONER:	Adam Kirchhoff	**OWNER:**	Adam Kirchhoff
	56625 205th Street		Ashley Kirchhoff
	Austin MN 55912		56625 205th St
	507-440-8628		Austin, MN 55912
	adamkirchhoff@gmail.com		507-440-8628

LOCATION:	Section 07 Township 102 Range 017 N268FT W251FT E2151FT NW1/4 SE1/4				
PIN	20.007.0030				
SECTION	07	**TOWNSHIP**	102	**RANGE**	01
TOWNSHIP NAME	Windom		MOWER COUNTY, MINNESOTA		

REQUEST / PURPOSE:	A setback variance to construct a 36ft L x 30ft W x 18 H detached garage to project 23 feet into the dwelling front yard setback area.

ORDINANCE CITATION	Section 14-12 Accessory Buildings (b) (1) Any accessroy building in any reisdiential site in an agricutlural, urban expansion, or rural management district shall not be allowed in the front yard.

EXISTING LAND USE:	Rural Residential property
EXISTING ZONING:	Agricultural within conical zone - Airport Zoning

PREVIOUS ZONING REQUESTS:	**REZONE Date / purpose**	**C.U.P. Date / purpose**	**VARIANCE Date / purpose**
	none	none	none

SURROUNDING LAND USE & CURRENT ZONING:	**ZONING**	**LAND USE**
NORTH	Agricultural NW – Urban Expansion	Rural Residential and farming/agricultural
SOUTH	Agricultural SW – Residential R-1	Rural Residential and farming/agricultural
EAST	Agricultural	Rural Residential and farming/agricultural
WEST	Urban Expansion Residential R-1	Rural Residential and farming/agricultural
OTHER:	Austin Municipal Airport (1/2 mile) and the City of Austin are within 1-mile of this location	

SUPPORTING/DENYING A VARIANCE – AKA THE "FINDINGS OF FACT"

1. Is the variance in harmony with the general purposes and intent of the official controls IE: Zoning, Feedlot Septic Ordinances, Shoreland Rules and Comprehensive Plan?
2. Without the variance, is the owner deprived of a reasonable use of the property?
3. Is the alleged practical difficulty due to circumstances unique to this property?
4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner or previous landowners?
5. Will the issuance of the variance maintain the essential character of the locality?
6. Does the alleged practical difficulty involve more than economic considerations?

The BOA should weigh and balance each of the elements when deciding whether the variance application should be granted.

****If the County's ordinance articulates other factors to be considered when determining whether to grant or deny a variance request, it would be advisable to add those factors in as additional numbered elements.

BACKGROUND INFORMATION.

STRUCTURES / PERMITS: In accordance with Assessor's records the 1-story 1020 sq ft dwelling was established on about year 2004 with an existing attached 832 sq ft garage circa 1950. Attached to the dwelling s a 448sq foot deck with a 121ft attached gazebo. There is also an 864 sq ft shed (1979) and a 48 sq ft shed 2022.

Note: I suspect but cannot confirm that the original home was circa 1950 – which would be the same time the garage was present. These structures would have pre-dated zoning ordinance requirements for permits. Then from the records I can see that there has been a home addition added in 2007; zoning permit No 5442.

NO PERMITS FOUND: I do not find zoning permits for:

- 864 sq ft shed (1979) appears to be 38 ft from W pty line: 20 ft s pty line
- 448 sq ft deck (on about year 2014) appears to be 20 ft from W. pty line
- 121-Gasebo attached to deck (on about year 2016)
  - Note the applicant has stated they may remove this structure. Structure appears to be 20 ft from property line
- 48 sq ft shed (2022). Appears to be 10 ft from S property line per 2021 GIS aerial photo.

The applicant can easily permit these structures to bring those into compliance. If the variance were granted those structures could be added to the zoning permit; an after the fact (ATF) permit fee would apply for the correction. AFT fees will increase the permit fee by 50%. IE a $75.00 permit would then be $112.50.

This would take existing "illegal (meaning unpermitted), but conforming structures (meaning setbacks are met) and make them compliant and legal for a pretty minimal cost ($37.50).

SEPTIC: The septic system was installed and granted a COC (Certificate of Compliance) 9/11/2018 The COC was valid for a period of 5 years to 9/10/2023. Permit #4709

A secondary site was identified 3/23/2026 by Eric Boe of Eric Boe and sons.

LOT OF RECORD - Yes: Per review of the Assessor's records this parcel is shown to be of record on or before November 28, 1951. The precedes Mower County's first zoning ordinance.

ISSUE: Mower County Zoning Ordinance Section 14-12 Accessory Buildings (b) (1) states, "Any accessory building in any reisdiential site in an agricutlural, urban expansion, or rural management district shall not be allowed in the front yard.

For zoning purposes, a **front yard** is the open, unoccupied space on a lot extending across the full width of the lot, located between the front line of the principal building and the front lot line (typically the street right-of-way). It is a mandatory setback area, often restricting structures like fences, sheds, or additions to maintain streetscape aesthetics.

The applicants are requesting a variance to allow a detached accessory structure to project 23 feet in front of the principle use structure-their dwelling. The detached structure will meet and exceed the 40-foot setback from the road right-of-way.

The applicant has provided a detailed site drawing with his application. Upon initial review of the applicant's request, including site plan, I raised concern about the ability of the existing dwelling to be serviced by a septic

maintainer and the ability of the equipment from a septic installer to access the property should the current septic system fail, and a replacement system needed installation. Staff feel the applicant has satisfactorily addressed this issue raised and applicants have concluded that heavy equipment can be brought in along the westerly side of the existing home as close to the property lines as possible. Staff had concern that driving heavy equipment too close to the home could push in basement walls or structural footings. Applicant has stated, to staff, that they may be removing the gazebo (the closest structure). Staff were concerned that footings could shift due to the weight of the heavy equipment or cause collapse if shifted too far or struck.

IF APPROVED, THE FOLLOWING CONDITIONS ARE RECOMMENDED:

1. Applicant shall follow all local, state, and federal regulations regarding the proposed use; and
2. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
3. Applicants shall secure zoning permits for unpermitted structures; and
4. There shall be no future construction (as of the date granting this variance) that encroaches within 25 feet of the westerly property line of the currently defined (250.64 ft (W/E) x 260 ft (N/S)) parcel. Existing deck and gazebo are allowed to remain as-is. This allows heavy equipment to access and maintain the existing and future septic systems.
    a. Should the landowner obtain an access easement from an adjoining landowner which allows alternative access to the septic maintenance and replacement areas, and which is also recorded in the office of the Mower County Recorder or if the size of the parcel is added to which allows for ease of access without potential damage to structures from heavy equipment access to the septic areas, administratively this setback can be waived and relieved going forward. The intent of this paragraph is to allow flexibility should the landowner expand the size of the parcel where difficult access of heavy equipment is no longer an issue. Then this 25ft setback requirement can be waived and so noted as to why on the face of future permits as issued.
    b. Mower County shall not be held liable or held responsible for heavy equipment damage to any structure on the property due to the granting of this variance. Mower County and the Board of Adjustment recommend that great care be exercised when coming in close proximity to buildings, or structures including electrical lines with heavy equipment. Any easements subject to this property must be respected by the landowner regardless of the granting of this variance.
    c. Mower County and the Board of Adjustment strongly encourage alternate access to be sought by the landowner to eliminate the possibility of any structural damage.
5. An as-built survey demonstrating the detached garage does not project greater than 23 feet forward of the principal structure must be provided to the Environmental Services office once the structure has been constructed. Please note that distance is measured from the point of greatest projection, often times a roof overhang, and it is not automatically measured from the wall or closest footing.
6. The Owner/Applicant shall work cooperatively with Mower County to mitigate any issues brought to the attention of the County that are found to be a legitimate nuisance to adjoining landowners from the proposed use, and
7. This variance is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.
8. A violation of any condition set forth in granting a variance shall be in violation of this Ordinance and automatically terminates the variance.

Enclosures:

☒Staff Report
☒Copy of the Application
☒Applicant's response to Findings of Facts
☒Applicant's submittal, *if any box is checked*
☒Affidavit of Mailing which includes site map
☐Zoning Map – when not addressed by site map
☐Ordinance citations when not incorporated in staff report text
☐Other: SWCD and DNR Responses (email)

Copies

✓ Board of Adjustment
✓ Applicant: ☒ via email ☒ via U.S. mail
✓ Copies will be provided to the public upon request
✓ File of record

Do not write above this line – Recorder Use Only

APPLICATION FOR VARIANCE REQUEST

MOWER COUNTY ZONING ORDINANCE, EFFECTIVE: 1/1/2003

DATE	3/26/2026	VARIANCE#	593

SHORELAND	no	ACREAGE	1.54 acres	ZONING DISTRICT	Agricultural
SEPTIC INSTALLED	9/11/2018		COC VALID TO	9/10/2023	

PIN #	20.007.0030			PARCEL ADDRESS	56625 205th Street, Austin MN 55912						
SEC	07		T	102	N	R	01	W		TWP NAME	Windom
TAX LEGAL DESCRIPTION	Section 07 Township 102 Range 017 N268FT W251FT E2151FT NW1/4 SE1/4										

OWNER 1:	OWNER 2: If applicable	APPLICANT
Adam Kirchhoff	Ashley Kirchhoff	Adam & Ashley Kirchhoff
56625 205th St Austin MN 55912	56625 205th St Austin MN 55912	56625 205th Street Austin MN 55912
507-440-8628		507-440-8628

PROPOSED USE OF LAND:	Variance request: A setback variance to construct a 36ft L x 30ft W x 18ft H detached garage to project 23 feet into the dwelling front yard setback area.
ZONING ORD. CITATION	Section 14-12 Accessory Buildings (b) (1) Any accessroy building in any reisdiential site in an agricutlural, urban expansion, or rural management district shall not be allowed in the front yard.

PREVIOUS PUBLIC HEARING REQUESTS (what/when): This information will be available from the Mower County Recorder's Office. Please provide a copy along with this application. If none exists, please indicate "None."

REZONING	VARIANCE	CONDITIONAL USE
none	none	none

Full legal descriptions, of application parcel(s), must be attached for recording.

Adam Kirchhoff

Signature of Owner/Applicant

STATE OF Mn)
) ss.
COUNTY OF Mower)

The foregoing instrument was acknowledged before me, this 29 day of April 2026 by Adam Kirchhoff, Landowner/Applicant.

APRIL R GRABAU
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2028
Notary Public Seal

April Grabau

Signature of Notary Public

My commission expires. ~~1/28/26~~ 1/31/28

Signature of Owner/Applicant

STATE OF Mn)
) ss.
COUNTY OF Mower)

The foregoing instrument was acknowledged before me, this 29 day of April 2026 by Ashley Kirchhoff, Landowner/Applicant.

APRIL R GRABAU
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2028
Notary Public Seal

April Grabau

Signature of Notary Public

My commission expires. 1/31/28

Issued in accordance with the Mower County Zoning Ordinance and decision rendered by the Board of Adjustment.

Date

Environmental Services Supervisor, Mower County, Minnesota

FINDINGS OF FACT
SUPPORTING/DENYING A VARIANCE

1. **Is the variance in harmony with the general purposes and intent of the official controls?** IE: Zoning, Feedlot Septic Ordinances, Shoreland Rules and Comprehensive Plan? ☒ YES ☐ NO

   Why or Why not?

   The Mower County Agricultural zoning district recognizes accessory structures such as garages as customary and permitted uses on rural residential parcels. The proposed 36' x 30' detached garage is consistent with the spirit of the zoning ordinance, which seeks to support reasonable agricultural and rural residential use of land. The variance does not seek to change the use of the property, introduce any non-permitted activity, or undermine the intent of the setback rules (which exist primarily to maintain visual spacing and safety along roadways). The proposed garage will be used solely for personal vehicle storage, a standard accessory use in this zoning district. The structure's placement (while technically requiring a 23' variance from the required setback in front of the main dwelling) still maintains a meaningful distance from the road and neighboring properties. Granting this variance upholds the broader zoning goal of allowing property owners in agricultural districts to make reasonable improvements to their land while preserving rural character.

2. **Without the variance, is the owner deprived of a reasonable use of the property?** ☒ YES ☐ NO

   Why or why not?

   Building a detached garage for personal vehicle storage is a reasonable and customary accessory use for a single-family rural residential property in an Agricultural zoning district. Without this variance, Adam and Ashley Kirchhoff cannot construct a code-compliant detached garage anywhere else on this 1.54-acre parcel. The existing attached garage cannot be expanded because the primary Type 3 septic system — installed in 2018 per the recommendation of a licensed septic designer based on soil and water table conditions — is located directly adjacent to it, making any addition physically impossible without violating required septic setback distances. The rear and eastern portions of the property are occupied by the primary septic tanks, the septic line, and the primary septic field. The southeastern corner of the property, running west to east, is designated as the required secondary septic field site, as determined by recent soil testing that again identified a Type 3 system as the only compliant option in that area due to soil composition and high water table. Together, these two septic systems and their required setbacks eliminate the rear yard, the eastern side yard, and the southeastern corner as viable locations for any new structure. The only remaining location that avoids all septic setback conflicts, provides functional

driveway access, and can accommodate a structure of this size is the proposed location — placing the garage 23' in front of the main dwelling. Denying the variance would leave the property owners without a reasonable means to provide enclosed vehicle storage, a use enjoyed by virtually all comparable rural properties in the area.

3. **Is the alleged practical difficulty due to circumstances unique to this property?** ☒ YES ☐ NO

   Why or why not?

   The practical difficulty stems directly from the specific physical conditions of this parcel. Soil testing conducted in 2018 at the time of the primary septic installation determined that the high water table and soil composition on this 1.54-acre lot required a Type 3 septic system, and that only certain areas of the property contained soils suitable for its compliant placement. This restricted the primary septic tanks and field to locations that now occupy the rear and eastern side yard — the areas where a detached garage would otherwise be placed in a code-compliant manner. More recently, soil sampling conducted for the required secondary septic system again returned results indicating that a Type 3 system is necessary, and that the only suitable site for the secondary field is the southeastern corner of the property, running west to east. This independently confirms that the soil and water table conditions are a persistent, property-specific physical characteristic — not a changeable or self-imposed condition. The combination of the existing attached garage, the primary Type 3 septic system, the septic field, and the now-designated secondary septic field site collectively eliminate every standard accessory structure location on this property. This constraint is not shared by neighboring parcels, which may have different soil profiles, water table levels, or septic configurations that allow for code-compliant garage placement. The unique intersection of soil conditions, high water table, existing septic infrastructure, and the location of the existing dwelling on this specific parcel creates a building envelope that makes code-compliant garage construction impossible without relief from the setback requirement.

4. **Were the circumstances causing the practical difficulty created by someone or something other than the landowner or previous landowners?** ☒ YES ☐ NO

   Why or why not?

   The practical difficulty was created by the natural physical characteristics of the land — specifically the soil composition and high water table on this parcel — and not by the discretionary choices of the landowners. When the primary septic system was installed in 2018, the site location was recommended by a licensed septic designer following professional soil evaluation. That testing determined a Type 3 system was required due to the site's soil and water table conditions, and that only specific areas of the lot were suitable for compliant placement. The Kirchhoffs did not select the septic location as a matter of preference — they followed the

professional recommendation that was itself dictated by the land's inherent physical characteristics. This is further confirmed by the results of the recent soil sampling for the secondary septic system, which independently concluded that a Type 3 system is again required and that the southeastern corner running west to east is the only viable site. Two separate, independent soil evaluations have now reached the same conclusion: the soils and water table on this property physically dictate where septic systems must be placed. The landowners have acted in full compliance with applicable regulations at every step, and the resulting constraint on buildable area flows entirely from the land's natural conditions — not from any personal, financial, or design choice made by the current or previous owners.

5. **Will the issuance of the variance maintain the essential character of the locality?** ☒ YES ☐ NO

   Why or Why not?

   The surrounding area is characterized by rural agricultural parcels with acreage lots on which detached garages, outbuildings, sheds, and accessory structures are common features. It is not uncommon in this locality for accessory structures to be positioned in varying relationships to the main dwelling due to the large lot sizes and rural nature of the area. The proposed 36' x 30' detached garage is in keeping with the scale and character of structures found on comparable properties in the area and will be used solely for personal vehicle storage, consistent with residential agricultural use. The garage will be finished to match the existing home in all exterior respects — including siding material, color, roofing shingles, architectural style, and exterior wainscoting — ensuring the new structure presents as a cohesive and intentional part of the property rather than an out-of-place addition. The structure will not block neighboring sightlines, negatively affect adjacent property values, restrict light or air to neighboring parcels, or alter the open rural feel of the area. Granting this variance will allow a structure that fits naturally and aesthetically within the established character of this agricultural locality.

6. **Does the alleged practical difficulty involve more than economic considerations?** ☒ YES ☐ NO

   Why or Why not?

   The practical difficulty in this case is entirely rooted in the physical characteristics of the land and the resulting constraints they impose on the buildable area of this parcel. The need for this variance is not motivated by a desire to reduce construction costs, increase property value, or avoid the expense of an alternative approach. Rather, the difficulty arises from the fact that the soil composition and high water table unique to this parcel required Type 3 septic systems — as determined by a licensed septic designer in 2018 and confirmed again by independent soil sampling for the secondary system — and that the compliant placement of those systems has

physically eliminated all code-conforming locations for a detached garage. No financial investment could alter the soil composition or water table of this property, nor relocate the septic systems to alternative locations that would free up a code-compliant building site, because no such locations exist given the results of two independent soil evaluations. The request represents the minimum variance necessary — 23' in front of the main dwelling — to allow the property owners a reasonable accessory use that is standard on comparable rural properties throughout Mower County. The difficulty is land-based and physical in nature, not economic.

The BOA should weigh and balance each of the elements when deciding whether the variance application should be granted.

FIRST ADDENDUM TO FINDINGS OF FACT

Heavy Equipment Access for Future Secondary Septic System Construction

Owner(s): Adam and Ashley Kirchhoff
Parcel Address: 56625 205th Street, Austin, MN 55912
Parcel ID: 20.007.0030
Acreage: 1.54 acres

RE: Heavy Equipment Access for Future Secondary Septic System Construction

Following review of the submitted variance application, Mower County Environmental Services raised a concern regarding whether heavy equipment could access the designated secondary septic field site in the southeastern corner of the property once the proposed garage is constructed — specifically whether such access could be achieved without damaging the existing septic lines connecting the tanks and mound, or the foundation of the existing dwelling.

The Kirchhoffs have evaluated the property and identified a viable access route on the west side of the property, between the existing dwelling and the western property line. This route satisfies the following conditions:

- The passage is of sufficient width to accommodate heavy equipment necessary for Type 3 septic system construction
- The route maintains a minimum clearance of 10' from the house foundation, which is adequate to prevent any risk of foundation damage from equipment operation or ground vibration
- The route does not require travel over the existing septic lines connecting the tanks and mound, eliminating any risk of damage to the current septic infrastructure from heavy equipment

This western access corridor remains available and unobstructed both before and after construction of the proposed garage, as the garage is sited to the east of the dwelling. The proposed garage placement does not impede this route in any way.

The Kirchhoffs are therefore satisfied that future construction of the secondary septic system can be completed safely, practically, and without damage to the existing dwelling foundation, existing septic infrastructure, or neighboring properties. No access through or across neighboring parcels will be required, and accordingly no easement agreement is anticipated to be necessary.

This addendum is submitted as a supplement to the original Findings of Fact dated March 24, 2026, and should be considered part of the complete variance application record.

Attachment – Legal Description

PID: 20.007.0030 **GIS Acres:** 1.54

Owner: Adam & Ashley Kirchhoff

Property address: 56625 205th St, Austin MN 55912

Tax Legal:

All that part of the Northwest Quarter of the Southeast Quarter of Section 7, Township 102 North, Range 17 West, of the 5th P.M., Mower County, Minnesota; described as follows: Commencing at the Northeast corner of the Southeast Quarter of said Section 7; thence South 89 degrees 36 minutes 35 seconds West a distance of 1900.82 feet, on an assumed bearing on the North line of the Southeast Quarter of said Section 7, to the point of beginning; thence South 00 degrees 02 minutes 35 seconds West a distance of 268.0 feet; thence South 89 degrees 36 minutes 35 seconds West a distance of 250.64 feet; thence North 00 degrees 02 minutes 35 seconds East a distance of 268.0 feet, to a point on the North line of said Southeast Quarter; thence North 89 degrees 36 minutes 35 seconds East a distance of 250.64 feet, on the North line of said Southeast Quarter, to the point of beginning.

March 25, 2026

Mower County Public Works / Environmental Services
1105 8th Avenue NE
Austin, Minnesota 55912

RE: Variance Application — 56625 205th Street, Austin, MN 55912 | Parcel ID: 20.007.0030

Dear Members of the Mower County Board of Adjustment,

My name is Adam Kirchhoff, and along with my wife Ashley, we are the owners of the above-referenced property located at 56625 205th Street, Austin, Minn. We are respectfully submitting this variance application requesting relief from the accessory structure setback requirement to allow for the construction of a 36' x 30' detached garage positioned 23' in front of our main dwelling.

We want to be transparent with the board from the outset: we understand that a variance is not a right, and we do not take lightly the responsibility of demonstrating that our request meets the statutory criteria under Minnesota Statute 394.27, Subdivision 7. We believe it does, and we have endeavored to document that case thoroughly in our Findings of Fact.

In short, the need for this variance is not a matter of preference or convenience. Our 1.54-acre parcel contains soil conditions and a high water table that required a Type 3 septic system when our primary system was installed in 2018, placed in the location recommended by a licensed septic designer following professional soil evaluation. We have recently completed soil sampling for the required secondary septic system, and that independent evaluation has reached the same conclusion — a Type 3 system is again required, and the only suitable site is the southeastern corner of our property running west to east. Together, these two systems and their required setbacks eliminate the rear yard, the eastern side yard, and the southeastern corner as viable locations for any new structure. They also prevent any expansion of our existing attached garage. The proposed location — in front of the main dwelling — is the only remaining site on the property that does not conflict with the septic infrastructure, accommodates a structure of this size, and provides practical access from the road.

The proposed garage will be used solely for personal vehicle storage and will be finished to match the existing home in all exterior respects (including siding, color, roofing, architectural style, and wainscoting), ensuring it is consistent with the character of the surrounding rural agricultural area.

Enclosed with this letter, please find the following materials for the board's review:

1. **Variance Application and Findings of Fact** — completed responses to all six statutory criteria
2. **Site Plan** — aerial property map identifying the proposed garage location, existing septic tanks, primary septic field, secondary septic field site, well location, setback lines, and the variance distance requested
3. **Secondary Septic Site Soil Samples and Licensed Installer Opinion** — professional documentation confirming Type 3 system requirements and the designated secondary field location based on current soil testing

We are committed to cooperating fully with county staff and the board throughout this process. We welcome the site inspection, are prepared to attend the public hearing, and are happy to provide any additional documentation or answer any questions the board may have. Please do not hesitate to contact us at any time.

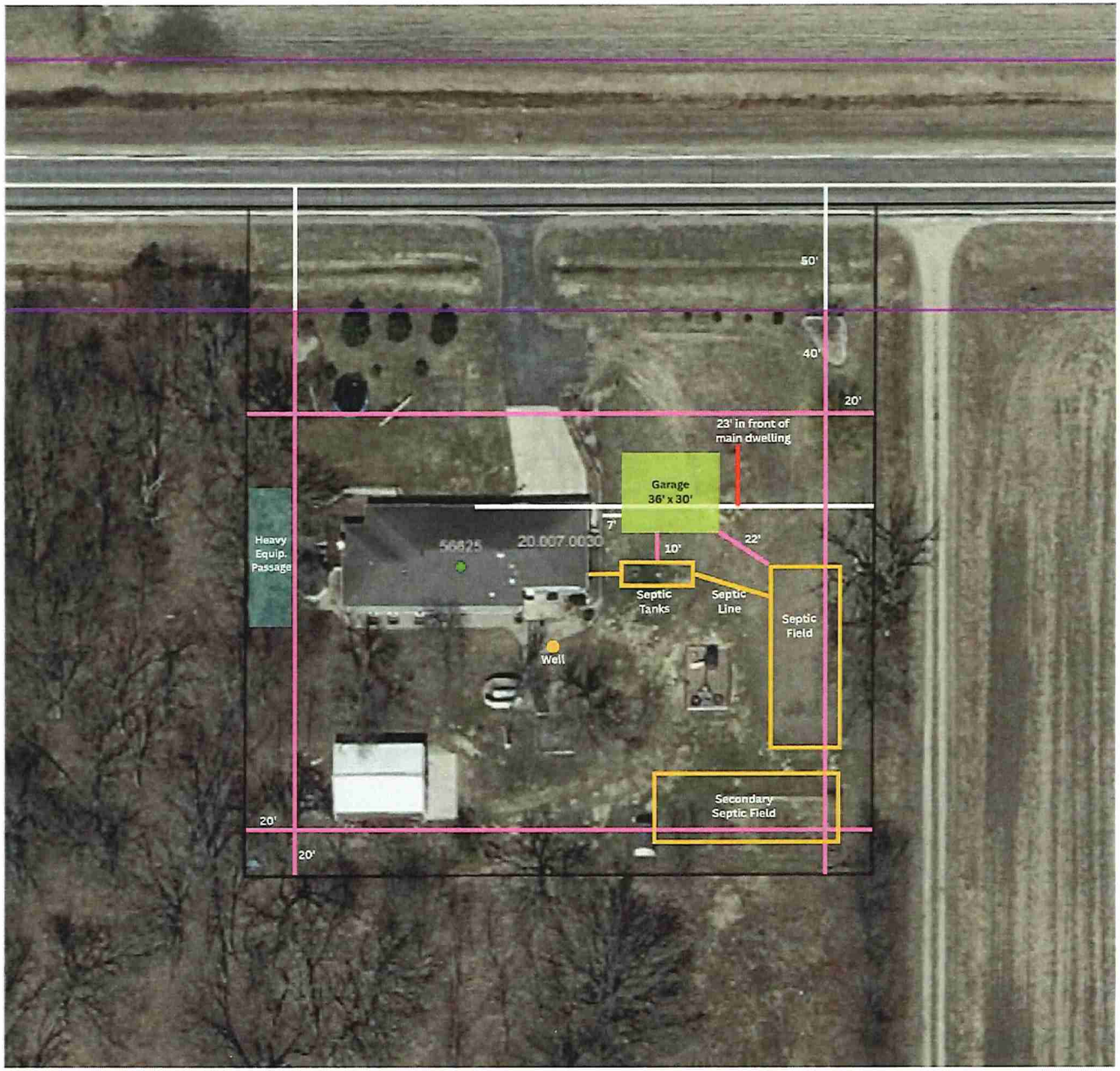
Thank you sincerely for your time and consideration of our request.

Respectfully submitted,

Adam and Ashley Kirchhoff

507-440-8628

adamkirchhoff@gmail.com


50'
40'
20'
23' in front of
main dwelling
Garage
36' x 30'
7'
22'
10'
Heavy
Equip.
Passage
56825
20.007.0030
Septic
Tanks
Septic
Line
Septic
Field
Well
Secondary
Septic Field
20'
20'

0 0.15 0.3 0.6 mi

MOWER COUNTY

DISCLAIMER: Mower County, MN. makes no representation or warranties, express or implied, with respect to the use or reuse of the data provided herewith, regardless of its format or the means of its transmission. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION ABOUT THE ACCURACY, CURRENCY, SUITABILITY, PERFORMANCE, MERCHANTABILITY, RELIABILITY, OR FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE. Mower County, MN. shall not be liable for any direct, indirect, special, incidental, compensatory or consequential damages or third party claims resulting from the use of this data, even if Mower County, MN. has been advised of the possibility of such potential loss or damage. This data may not be used in states that do not allow the exclusion or limitation of incidental or consequential damages.

20.007.0030 Zoning Map

Date/Time: 5/12/2026 3:34 PM

Eric Boe & Sons LLC
16173 620th Ave
Rose Creek, MN 55970
507-438-9851

On-site Sewage Treatment Plan- Design and Specifications

3/23/2026

Adam Kirchhoff
56625 205th St
Austin Mn 55912

Re: Soil assessment for secondary sewer site at said address

Dear Whom This May Concern

I've been asked to assist in the soil analysis and preliminary recommendations for on site sewage treatment system for secondary treatment site. We did soil samples on 3/22/2026 with redox found at a depth of 5 inches in the topsoil which gives us 0 inches credit and would in return be a type 111 mound system as is the current sewer system. Area would be large enough for a 6 bedroom mound. Soils done are solely the professional opinion of Eric Boe and are subject to change per soil verification by Mower County.

Enclosed you will find a soil and test logs.

If you have any further inquiries regarding this project, please contact me at (507) 438-9851. I look forward to working with you on this project.

Thank you,

Eric Boe

N

MOWER COUNTY

0 0.01 0.01 0.02 mi

DISCLAIMER: Mower County, MN. makes no representation or warranties, express or implied, with respect to the use or reuse of the data provided herewith, regardless of its format or the means of its transmission. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION ABOUT THE ACCURACY, CURRENCY, SUITABILITY, PERFORMANCE, MERCHANTABILITY, RELIABILITY, OR FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE. Mower County, MN. shall not be liable for any direct, indirect, special, incidental, compensatory or consequential damages or third party claims resulting from the use of this data, even if Mower County, MN. has been advised of the possibility of such potential loss or damage. This data may not be used in states that do not allow the exclusion or limitation of incidental or consequential damages.

Adam Kirchhoff

Date/Time: 3/23/2026 9:56 AM

Onsite Sewage Treatment Program

Soil Observation Log

Project ID: 200070030

v 04.02.2024

Client: ADAM KIRCHHOFF

Location / Address: 56625 205TH ST AUSTIN MN 55912

Soil parent material(s): (Check all that apply) ☐ Outwash ☐ Lacustrine ☐ Loess ☑ Till ☐ Alluvium ☐ Bedrock ☐ Organic Matter ☐ Disturbed/Fill

Landscape Position: SUMMIT	Slope %: 0.0	Slope shape: LINEAR LINEAR	Flooding/Run-On potential:
Vegetation: LAWN	Soil survey map units: 1905 BROWNSDALE SILT LOAM		Surface Elevation-Relative to benchmark:
Date/Time of Day/Weather Conditions:	3/22/2026	500 PM	MOSTLY SUNNY
Limiting Layer Elevation:			
Observation #/Location: 1	SEE MAP	Observation Type:	PROBE

Depth (in)	Texture	Rock Frag. %	Matrix Color(s)		Mottle Color(s)		Redox Kind(s)	Indicator(s)	I-------- Structure----------I		
									Shape	Grade	Consistence
0-8	SILT LOAM	0	10YR	3/1	7.5YR	5/8	DEPLETIONS	S2	BLOCKY	MODERATE	FRIABLE
8-16	CLAY LOAM	0	10YR	5/2	7.5YR	5/8	DEPLETIONS	S2	BLOCKY	MODERATE	FRIABLE

Comments: 0 CREDIT

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

ERIC BOE		C1940	3/23/2026
(Designer/Inspector)	(Signature)	(License #)	(Date)

Optional Verification: I hereby certify that this soil observation was verified according to Minn. R. 7082.0500 subp. 3 A. The signature below represents an infield verification of the periodically saturated soil or bedrock at the proposed soil treatment and dispersal site.

(LGU/Designer/Inspector)	(Signature)	(Cert #)	(Date)

Onsite Sewage Treatment Program

Soil Observation Log

Project ID: 200070030

v 04.02.2024

Client: ADAM KIRCHHOFF

Location / Address: 56625 205TH ST AUSTIN MN 55912

Soil parent material(s): (Check all that apply) ☐ Outwash ☐ Lacustrine ☐ Loess ☑ Till ☐ Alluvium ☐ Bedrock ☐ Organic Matter ☐ Disturbed/Fill

Landscape Position: SUMMIT	Slope %: 0.0	Slope shape: LINEAR LINEAR	Flooding/Run-On potential:
Vegetation: LAWN	Soil survey map units: 1905 BROWNSDALE SILT LOAM	Surface Elevation-Relative to benchmark:	
Date/Time of Day/Weather Conditions:	3/22/2026	500 PM	MOSTLY SUNNY
Limiting Layer Elevation:			
Observation #/Location: 2	SEE MAP	Observation Type: PROBE	

Depth (in)	Texture	Rock Frag. %	Matrix Color(s)		Mottle Color(s)		Redox Kind(s)	Indicator(s)	I-------- Structure----------I		
									Shape	Grade	Consistence
0-7	SILT LOAM	0	10YR	3/1	7.5YR	5/8	DEPLETIONS	S2	BLOCKY	MODERATE	FRIABLE
7-16	CLAY LOAM	0	10YR	5/2	7.5YR	5/8	DEPLETIONS	S2	BLOCKY	MODERATE	FRIABLE

Comments: 0 CREDIT

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(Designer/Inspector)	(Signature)	(License #)	(Date)

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Onsite Sewage Treatment Program

Soil Observation Log

Project ID: 200070030

v 04.02.2024

Client: ADAM KIRCHHOFF

Location / Address: 56625 205TH ST AUSTIN MN 55912

Soil parent material(s): (Check all that apply) ☐ Outwash ☐ Lacustrine ☐ Loess ☑ Till ☐ Alluvium ☐ Bedrock ☐ Organic Matter ☐ Disturbed/Fill

Landscape Position: SUMMIT	Slope %: 0.0	Slope shape: LINEAR LINEAR	Flooding/Run-On potential:
Vegetation: LAWN	Soil survey map units: 1905 BROWNSDALE SILT LOAM		Surface Elevation-Relative to benchmark:
Date/Time of Day/Weather Conditions:	3/22/2026	500 PM	MOSTLY SUNNY
Limiting Layer Elevation:			
Observation #/Location: 3	SEE MAP	Observation Type:	PROBE

Depth (in)	Texture	Rock Frag. %	Matrix Color(s)		Mottle Color(s)		Redox Kind(s)	Indicator(s)	I-------- Structure----------I		
									Shape	Grade	Consistence
0-7	SILT LOAM	0	10YR	3/1	7.5YR	5/8	DEPLETIONS	T5	BLOCKY	MODERATE	FRIABLE
7-16	CLAY LOAM	0	10YR	5/2	7.5YR	5/8	DEPLETIONS	S1	BLOCKY	MODERATE	FRIABLE
			10YR	4/3							

Comments: 0 CREDIT

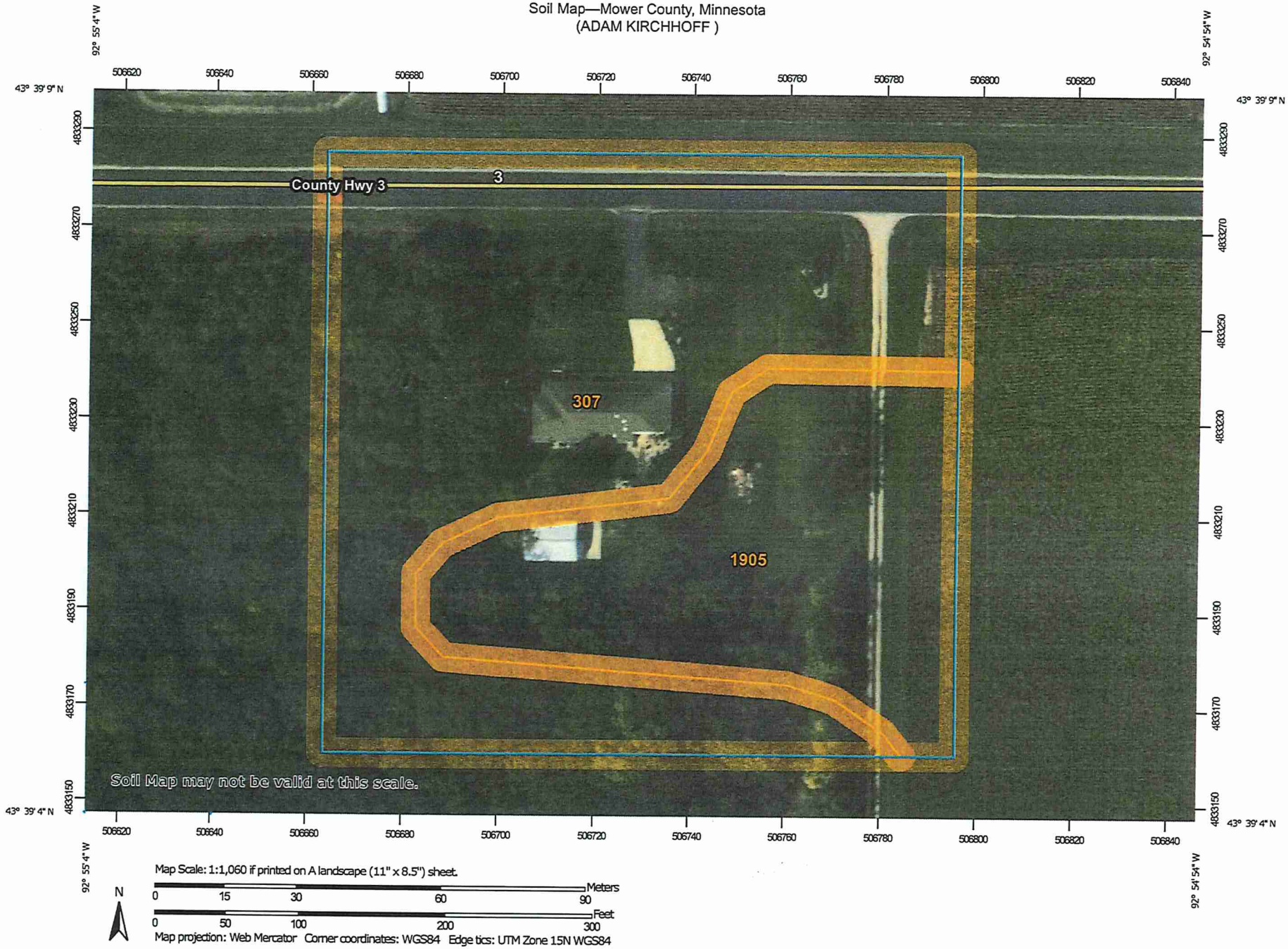
I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

ERIC BOE		C1940	3/23/2026
(Designer/Inspector)	(Signature)	(License #)	(Date)

Optional Verification: I hereby certify that this soil observation was verified according to Minn. R. 7082.0500 subp. 3 A. The signature below represents an infield verification of the periodically saturated soil or bedrock at the proposed soil treatment and dispersal site.

(LGU/Designer/Inspector)	(Signature)	(Cert #)	(Date)

Soil Map—Mower County, Minnesota
(ADAM KIRCHHOFF)



USDA Natural Resources Conservation Service

Web Soil Survey
National Cooperative Soil Survey

Mower County, Minnesota

1905—Brownsdale silt loam

Map Unit Setting

National map unit symbol: ffp5
Elevation: 980 to 1,310 feet
Mean annual precipitation: 23 to 35 inches
Mean annual air temperature: 43 to 50 degrees F
Frost-free period: 155 to 200 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Brownsdale and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Brownsdale

Setting

Landform: Drainageways on till plains
Landform position (two-dimensional): Footslope, toeslope
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Silty glaciofluvial deposits over loamy till

Typical profile

Ap - 0 to 9 inches: silt loam
E,Btg - 9 to 26 inches: silty clay loam
2Btg - 26 to 48 inches: loam
2Cg - 48 to 60 inches: loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Available water supply, 0 to 60 inches: High (about 10.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: C/D
Ecological site: R104XY008IA - Wet Loamy Upland Savanna
Forage suitability group: Level Swale, Acid (G104XS005MN)
Other vegetative classification: Level Swale, Acid (G104XS005MN)

Hydric soil rating: Yes

Minor Components

Tripoli

Percent of map unit: 10 percent
Landform: Flats on till plains
Landform position (two-dimensional): Footslope
Down-slope shape: Concave
Across-slope shape: Linear
Ecological site: R104XY006IA - Wet Loamy Upland Prairie
Other vegetative classification: Level Swale, Neutral (G104XS001MN)
Hydric soil rating: Yes

Sargeant

Percent of map unit: 5 percent
Landform: Till plains
Landform position (two-dimensional): Summit, backslope
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: F104XY009IA - Loamy Upland Woodland
Other vegetative classification: Level Swale, Acid (G104XS005MN)
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Mower County, Minnesota
Survey Area Data: Version 21, Sep 10, 2025

Minnesota Unique Well Number

751008

County Mower
Quad Austin East
Quad ID 8B

MINNESOTA DEPARTMENT OF HEALTH
WELL AND BORING REPORT
Minnesota Statutes Chapter 1031

Entry Date 04/19/2007
Update Date 03/10/2014
Received Date 06/04/2007

Well Name	Township	Range	Dir Section	Subsection
HOTEK, JOHN	102	17	W 7	DBABBC

Elevation 1242 Elev. Method 7.5 minute topographic map (+/- 5 feet)

Address
Well 56625 205TH ST AUSTIN MN 55912

Stratigraphy Information

Geological Material	From	To (ft.)	Color	Hardness
CLAY/SAND	0	13	BROWN	SOFT
CLAY/SAND	13	94	BROWN	SOFT
LIMESTONE	94	96	TAN	MEDIUM
LIMESTONE	96	134	TAN	MEDIUM
LIMESTONE	134	163	TAN	MEDIUM
LIMESTONE	163	237	TAN	MEDIUM
LIMESTONE	237	276	TAN	MEDIUM
LIMESTONE	276	293	GRAY	MEDIUM
LIMESTONE	293	325	GRAY	MEDIUM
LIMESTONE	325	375	GRAY	MEDIUM

Remarks
CALIPER, MULTI TOOL, & GAMMA LOGGED 4-19-2007. M.G.S. NO. 4686. LOGGED FOR MDH.
VARIANCE NUMBER TN# 4026.

Well Depth 375 ft. Depth Completed 375 ft. Date Well Completed 04/19/2007
Drill Method Air Rotary Drill Fluid Foam
Use domestic Status Active
Well Hydrofractured? Yes ☐ No ☒ From To
Casing Type Step down Joint Welded
Drive Shoe? Yes ☒ No ☐ Above/Below 1 ft.

Casing Diameter	Weight	Hole Diameter
4 in. To 316 ft.	lbs./ft.	8 in. To 316 ft.
8 in. To 86 ft.	lbs./ft.	4 in. To 375 ft.

Open Hole From 316 ft. To 375 ft.
Screen? ☐ Type Make

Static Water Level
34 ft. land surface Measure 04/18/2007

Pumping Level (below land surface)
44 ft. 2 hrs. Pumping at 15 g.p.m.

Wellhead Completion
Pitless adapter manufacturer MMONITOR Model
☐ Casing Protection ☒ 12 in. above grade
☐ At-grade (Environmental Wells and Borings ONLY)

Grouting Information Well Grouted? ☒ Yes ☐ No ☐ Not Specified

Material	Amount		From	To
pearock	5	Cubic yards	86 ft.	316 ft.
neat cement	0.25	Cubic yards		86 ft.
neat cement	4.75	Cubic yards		316 ft.

Nearest Known Source of Contamination
0 feet Direction Type
Well disinfected upon completion? ☒ Yes ☐ No

Pump ☐ Not Installed Date Installed 04/19/2007
Manufacturer's name GRUNDFOS
Model Number 15SQE07- HP 0.75 Volt 230
Length of drop pipe 84 ft Capacity 15 g.p. Typ Submersible

Abandoned
Does property have any not in use and not sealed well(s)? ☐ Yes ☒ No

Variance
Was a variance granted from the MDH for this well? ☒ Yes ☐ No

Miscellaneous
First Bedrock Cretaceous undiff. Aquifer Dubuque-Galena
Last Strat Galena/Stewartville Fm Depth to Bedrock 13 ft
Located by Minnesota Geological Survey
Locate Method Digitization (Screen) - Map (1:24,000) (15 meters or
System UTM - NAD83, Zone 15, Meters X 506730 Y 4833225
Unique Number Verification Information from Input Date 04/19/2007

Angled Drill Hole

Well Contractor
Thein Well Co., Inc. 1337 GOCHNAUER, B.
Licensee Business Lic. or Reg. No. Name of Driller

MOWER COUNTY

Public Works / Environmental Services
1105 8th Avenue NE
Austin, Minnesota 55912
Phone: 507-437-7718 Fax: 507-437-7609

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Mower County Board of Adjustment (BOA) will assemble on Wednesday, 5/27/2026 at 1:00 p.m. at the Mower County Public Works Office, Austin, MN, to begin site visit(s), upon return to Austin, the BOA will convene in the Commissioner's Room, located in the lower level of the Mower County Government Center, (201 1st Street NE, Austin MN 55912), to consider the following Variance application(s) in accordance with Mower County Zoning Ordinance. The BOA's anticipated time to return to the Government Center is: 2:45 p.m.

Variance #594 Justin Gerber requests a variance for Feedlot within 1000' setback of an existing dwelling. Applicant requesting a variance of 100Ft. (To be located 900Ft from the dwelling), located in Section 13, Adams Township. Property Owner is: Justin Gerber

Variance #593 Adam and Ashley Kirchhoff request a setback variance to construct a 36' x 30' detached garage to project 23 feet into the dwelling front yard setback area. Located in Section 7 of Windom Township. Property owners are Adam and Ashley Kirchhoff

Notice is hereby further given that the Mower County Board of Adjustment will take public comment on the aforementioned Variance application(s) via teleconference and in person from the County Commissioner's Room. To participate in the meeting via Teams, you may obtain the agenda and meeting link on our website at https://www.co.mower.mn.us/129/Agendas-Minutes

The application(s) and accompanying documents are available for review during normal business hours prior to the meeting at the Public Works Office: 1105 8th Ave. NE, Austin, MN or by emailing a request to zoning@co.mower.mn.us

Dated: Tuesday, May 05, 2026

BY ORDER OF THE
MOWER COUNTY BOARD OF ADJUSTMENT

Angie Lipelt

Environmental Services Supervisor

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nstructions: Please print in standard font and size, single space, according to the contract held with Mower County. Please send notice of confirmation to aprilg@co.mower.mn.us

Please print in the Legal Notices Section

2026 Legal Publication
Austin Daily Herald

E-Mail Word file to: public.notices@austindailyherald.com

Date to be published: **May 13, 2026**

Date Faxed/Emailed to publisher: **Tuesday, May 05, 2026,** by April Grabau (507) 437-7718

	Deadlines	
	Wednesday Paper	Saturday Paper
Austin Daily Herald	Thursday @ 4 pm	Tuesday @ 2 pm

2026 Secondary Legal Publication
Mower County Independent

E-Mail Word File to: evansppc@mediacombb.net
Contact: Sarah Mensink (507) 324-5325

Date to be published: **May 14, 2026**

Date Faxed/Emailed to publisher: **Tuesday, May 05, 2026**, by April Grabau (507) 437-7718

	Deadline for Submission	Publication Date
Mower County Independent	Friday	Following Thursday

Affidavit of Mailing

STATE OF MINNESOTA)
SS)
Mower County)

April Grabau being duly sworn, deposes and says: "I am a United States Citizen, over 21 years of age, and am employed by the Public Works Department of Mower County, Minnesota".

On 5/12/2026 acting on behalf of the County, I deposited in the United States Post Office or authorized agent thereof at Austin, Minnesota, the attached **Neighborhood Notice of Public Hearing** for **Variance #593** enclosed in a sealed envelope, postage thereon fully prepaid, addressed to the following persons at the addresses attached.

Attachments: List of residents, township clerks/city clerks

Current Owner Name	Mail Address	Mail Last Line
ADAMS MARILYN KAY	8425 KELL AVE S	BLOOMINGTON MN 55437
KIRCHHOFF ADAM J	56625 205TH ST	AUSTIN MN 55912
LDL MORSE FARMS PARTNERSHIP	19859 575TH AVE	AUSTIN MN 55912
PATRICIA J MORSE REV LIVING TRUST	307 28TH ST SE	AUSTIN MN 55912
LORRAINE & LOWELL BYAM REV TRUST	2016 16TH ST SE	AUSTIN MN 55912
NAGLE SUSAN M	305 21ST ST SW	AUSTIN MN 55912
CITY OF AUSTIN	500 4TH AVE NE	AUSTIN MN 55912
Windom Township	17215 570th Ave	Austin MN 55912

April Grabau

April Grabau
Public Works Department
Mower County, Minnesota

Subscribed and sworn to me on 5/12/2026, by Denny Zweiner.

DENNIS J. ZWIENER
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2027

Notary Public Seal

Notary Public Signature

MOWER COUNTY

Public Works / Environmental Services
1105 8th Avenue NE
Austin, Minnesota 55912
Phone: 507-437-7718 Fax: 507-437-7609

To: Neighboring landowners

From: Angie Lipelt – Environmental Services Supervisor

CC: Adam and Ashley Kirchhoff

Date: May 12, 2026

Re: Variance request of Adam and Ashley Kirchhoff, Landowners and Applicants

REQUEST IS FOR: A setback variance to construct a 36ft L x 30ft W x 18 H detached garage to project 23 feet into the dwelling front yard setback area.

SITE IS ZONED: Agricultural
The site address is: 56625 205th St, Austin MN 55912 - PIN #20.007.0030

APPLICABLE SECTION OF MOWER COUNTY ZONING ORDINANCE, DATED 1/1/2003	Section 14-12 Accessory Buildings (b) (1) Any accessroy building in any reisdiential site in an agricutlural, urban expansion, or rural management district shall not be allowed in the front yard.

You are receiving a copy of this notice as required by law for Variances. Mower County must provide notice to owners of record within 500 feet of the affected property, the affected Town Board, and any municipality within two (2) miles of the affected property.

A public hearing will be held before the Mower County Board of Adjustment on the afternoon of 5/27/2026, in the Commissioner's Room, Mower County Government Center; 201 First Street NE, Austin, MN following the site visit at approximately 2:45 p.m. The public hearing will be held both virtually utilizing a video conference platform with call-in capability, and in-person at the Mower County Government Center. To participate in the meeting via Teams, you may obtain the agenda and meeting link on our website at https://www.co.mower.mn.us/129/Agendas-Minutes
The meeting will have a public comment period for comments from interested citizens. Any person with interest in this project has the right to be heard, live statements can be made on the day of the public hearing. Written statements or comments may be received prior to the public hearing at the above listed address or via email to zoning@co.mower.mn.us.

The site inspection for this request will be the same day departing from Public Works approximately 1:00 p.m.

The application, any attached documents and all file material are available to the public for viewing during normal business hours Monday – Friday from 7:00 a.m. to 4:00 p.m. (excluding legal holidays) at the Public Works Department, located at 1105 8th Avenue NE, Austin, MN 55912 or by emailing a request to zoning@co.mower.mn.us for a link to the Dropbox file folder before 12:00pm on the date of the hearing.

If you have any questions or comments, you are welcome to contact me at 507-437-7718 or email me at angiel@co.mower.mn.us. All correspondence including email becomes part of the public record and file.

Kirchhoff Property
218
12
16TH Ave SE
19TH Ave SE
3
7
205TH St
SE
SE
SE
SE

205TH St
3
56625