

MOWER COUNTY

AUSTIN, MINNESOTA



MINUTES OF THE 9th MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

MEMBERS PRESENT: M. E. Chesebrough, Kenneth Trom, William Schlichter

STAFF PRESENT: James Harberts

The ninth meeting of the Mower County Board of Adjustment was called to order at 4:00 p.m. on February 12, 1976 by Chairman Merrill Chesebrough. All members of the Board were present. This meeting was a continuation of a hearing adjourned on January 22, 1976 regarding a petition from Eugene Hickok requesting a variance of 62 feet from the setback requirements of the Mower County Zoning Ordinance. The January 22 hearing was adjourned to allow the staff time to determine the legal width of the access road on which the property fronts.

Staff gave a report indicating that the area has never been replatted, thus the roadway is not a legally dedicated street but has become a street through public use of a cartway. The County Attorney has sent a memo to the Board of Adjustment indicating that the width of prescriptive easement acquired by public use of a road is limited to the portion of the road actually traveled plus shoulders and ditches. The staff had been out to the site a second time to measure the width of the traveled road. From what the staff could determine, the legal width of the road is 33 feet.

Projecting the extension of a 66' right-of-way of Everett Street, it was determined that a line 18 feet east of the ditch abutting Mr. Hickok's property would be the east boundry of the 66' right-of-way of the street. Taking into account that the area may someday be annexed into the City of LeRoy, and the current setback requirement in the City is 20 feet, it was determined that the placement of the structure should be at least 38 feet from the existing east right-of-way line of the public road which fronts the property. This distance would amount to a variance of 52 feet instead of the 62 feet requested by the petitioner. The petitioner felt that with a 52 foot variance, there would still be adequate room for movement around all the structures.

A motion by William Schlichter to grant a setback variance of 52 feet, seconded by Kenneth Trom, carried unanimously by a voice vote. The petitioner is authorized to construct a building at a distance of 38 feet from the existing roadway. The secretary of the Board will send to the petitioner a written copy of the findings and diagrams concerning the distance of the granted variance.

There being no further business, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,
James Harberts
James Harberts, Secretary
Mower County Board of Adjustment