

MOWER COUNTY

AUSTIN, MINNESOTA



MINUTES OF THE 15TH MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

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

STAFF PRESENT: James Harberts

The fifteenth meeting of the Mower County Board of Adjustment was called to order at 4:15 p.m. on September 10, 1976 by Chairman M. E. Chesebrough. The first petition on the agenda was a request from Concrete Units, Inc. for an 82 foot variance from setback requirements of the Zoning Ordinance. Because the site is located within 1 mile of Mapleview and 2 miles of Austin, the 90 foot setback is required. Concrete Units intends to construct a truck storage building 8 feet from the right-of-way of a dedicated 40 foot road which provides access to the plat known as the Austin Industrial Service Center. It was not known whether the road had ever been accepted by the township, however thru public use, it could be determined that it would now be considered a public road.

Strict application of the setback would place a hardship on the petitioner in that the new building would have to be placed in the center of the parcel thus prohibiting the petitioner the full use of the property. The Board found that this was a valid hardship and on a motion by William Schlichter, the Board voted unanimously to grant the variance of 82 feet.

The second petition was read which consisted of a request from George Nolte for a variance of 30 feet to allow him to construct a residence at 60 feet from the right of way line of a township road. The petitioner owns a 3.15 acre parcel in Section 10 of Adams Township which is adjacent to the Adams City Limits. Staff report indicated that there was no apparent physical hardship on the site which would provide basis for a variance. The Sanitarian had submitted a memo to the Board indicating that he had investigated the site and stated that this particular site contains a layer of clay 4 to 5 feet beneath the surface. In putting in a septic system, he would require that the drainfield remain at least 3 to 4 feet above the clay level. At the required distance of 90 feet for the residence, the drainfield would have to be placed in a low spot on the property in which the clay layer was closer to the surface. The petitioner would be required to bring some fill in to bring the drainfield to a level of 3 to 4 feet above the clay layer.

It was the feeling of the board that this constituted a hardship which could validate the granting of the variance. On a motion by Mr. Schlichter and seconded by Mr. Trom, the Board unanimously granted a variance of 30 feet stating that no portion of the house shall be closer than 60 feet to the road right of way.

The third item on the agenda was the appeal for variance which Robert L. Nelson requested on his property in Section 33 of Austin Township. This petition had been tabled at the last meeting without prejudice in order that the County Planning Commission could be consulted for the establishment of a policy to guide the Board of Adjustment on maximum variances which should be allowed on the Cedar River. Staff indicated that the Planning Commission did not make any official action on the setting of a policy for maximum variances.

Mr. Nelson's property is of sufficient size so that he could meet all required setback requirements. However, he had purchased the property to enjoy the scenic aspects of the lot and the river and to restrict him 200 feet back of the normal high water mark could be considered to place an unnecessary hardship on the owner. On a motion by Mr. Trom and seconded by Mr. Schlichter, the Board unanimously granted the variance which is for the structure only. The septic system must meet the required distances for setback.

Copies of the minutes of the 14th meeting had been mailed and were approved as mailed. There being no further business, the meeting was adjourned at 5:20 p.m.

Respectfully Submitted,



James Harberts, Secretary
Mower County Board of Adjustment