

MOWER COUNTY

AUSTIN, MINNESOTA



MINUTES OF THE 18TH MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

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

STAFF PRESENT: Christopher Huang

The eighteenth meeting of the Mower County Board of Adjustment was called to order at 4:35 p.m. on May 12, 1977 by Chairman M. E. Chesebrough. There were two petitions on the agenda.

The first petition was presented by Mr. Roy D. Bell for a variance from the Mower County Zoning Ordinance, which requires a 40 foot setback along township roads. Mr. Bell lives in a wooded area, located in the northwest corner of the NW $\frac{1}{4}$ of Section 11, Racine Township. The site has a large number of northern pine and spruce trees. The petitioner rents two acres from Arthur Noble, on which his trailer is located. The petitioner wishes to construct a single garage (14' x 24') on the site. In order to retain the trees and avoid snow removal, the petitioner would like to build the garage on a spot which is located approximately 10 feet from the township road right-of-way. The owner of the property has submitted a statement indicating that he has no objection to the construction of the garage 10 feet from the right-of-way. When the Board was at the site for investigation, Mr. Bell and the owner, Mr. Noble, were told that the owner of the property has to sign the petition before any action can be legally taken. Mr. Bell and Mr. Noble were present at the hearing. However, Mr. Noble was unwilling to sign the petition.

It was noted that the legal description of the property on the petition does not specify exactly where the garage is to be located. Mr. Schlichter felt that the removal of a couple small trees and then place the garage next to the trailer house would solve the problem, and meet the 40' setback requirement. Mr. Bell stated that he does not like to remove any of the trees, nor does he want to hire people to remove snow on the long driveway during the winter. Mr. Chesebrough explained that the variance can be granted only for those situations that cause any unique and undue physical hardship. Mr. Chesebrough re-stated that no legal action can be taken without the owner's signature.

On a motion by Mr. Trom and seconded by Mr. Schlichter, the Board unanimously voted denial of the petition based on the following factors:

1. Mr. Bell is not the owner of the property and is not the proper person to present the petition.
2. The facts, as stated on the petition do not satisfy the Board of Adjustment that the property would not yield a reasonable return, if used in compliance with the ordinance.

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The second petition was a request from Mr. Kenneth Tapp for a 2.5 foot variance from the setback requirement, to allow him to enlarge the 14'x24' garage to 28'x24'. Mr. Tapp's property is located on a corner lot bounded by 21st Street SW to the west and 16th Avenue SW to the south. The petitioner's house faces 16th Avenue SW. The proposed extension of the garage is to the west. Therefore a variance of 2.5 feet is requested from the 40 foot setback requirement.

After checking into the county zoning ordinance, the Board found that there are two different setback requirements in two different sections of the zoning ordinance:

Section 14-9 - Setbacks. Requires a 40 foot minimum setback from existing or proposed service drives, subdivision streets and cartways.

Section 14-19 - Land Area and Building Requirements - Generally - (d) ..states that no building for any prupose shall be erected closer than twenty feet to the side lot line of the occupied lot or to the side lot line of the neighboring lot at a corner.

The definition of a side yard, as defined in the zoning ordinance is, "The area between the side lot line and building or structure." Therefore, the Board felt that the 40 foot requirement should apply to the front yard setback, and 20 feet to the side yard setback. Since the proposed extension of the garage is 14' to the west, it will leave a 37' setback from 21st Street SW, and therefore, the variance is not required. Mr. Tapp was asked to withdraw the petition and enlarge the garage as he wishes.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Christopher Huang, Secretary
Mower County Board of Adjustment