

MOWER COUNTY

AUSTIN, MINNESOTA



June 23, 1977

MINUTES OF THE 20th MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

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

STAFF PRESENT: Chris Huang, Rhonda McIntyre, William Buckley

The twentieth meeting of the Mower County Board of Adjustment was called to order at 4:00 p.m. on June 23, 1977, by Chairman M.E. Chesebrough. There were two petitions on the agenda.

The first petition was presented by Mr. Dean Paschke for a variance of 20 feet to allow him to construct a pole shed 20 feet from a township road right-of-way. Section 14-9 of the County Zoning Ordinance requires a 40 foot setback along a township road. Mr. Paschke operates a cattle feedlot on his 76 acres farm located in E $\frac{1}{2}$, NE $\frac{1}{4}$, Section 18, Red Rock Township. The petitioner would like to construct a pole shed for multiple purposes - storing machinery and hay, and housing livestock. Therefore, the pole building would have to be incorporated into existing facilities such as the cattle house, feedlot & machine shed. Also, the lay of the land, which could cause drainage problems if the pole building is setback 40' as required, is another factor for requesting the 20' variance.

Mr. Paschke has indicated that the extension of the township road east of County Road #16 bends slightly to the north. There is no building constructed along the north side of the township road. Thus if the township road would ever be widened it would be logical to widen it on the north side, not the south. Chairman Chesebrough stated that in order to confirm this, the board has traveled about $\frac{1}{2}$ mile to the east on the township road and found out that it is true -- the extension of the township road has a bend to the north. This indicates that the legal right-of-way of the township road in the section where the petitioner's property is located, shall be further north. The Board felt that all requirements for granting of a variance are conformed. The petitioner is encountering undue hardship to build the pole shed to fit the existing facilities. The incorrect legal right-of-way of the township road is another factor that determines the widening of the township road shall feasibly take place on the north side instead of south. Mr. Schlichter moved that the variance of 20 feet to build a pole shed - 20 feet from the township road be granted. The motion was seconded by Mr. Trom and passed unanimously.

The second petition was a request from Glenn & Ruth Beckman for a setback variance to construct a garage 8' from a township road right-of-way. The County Zoning Ordinance requires a 40 foot setback along township roads. Mr. and Mrs. Beckman live in a mobile home located on Lot 6 and W $\frac{1}{2}$ of Lot 5, Block 12, Lansing Village in the NE Corner, NE $\frac{1}{4}$, Section 10, Lansing Township. The site is served by a narrow gravel road owned and maintained by the township. This township road, according to the original Lansing Village plat, is a dedicated subdivision road. Since it is located on the south edge of the Village, this township road has never been widened and used

as a 66' wide road. There are two garage buildings on the same side of the road only 6' from the right-of-way. Mr. Beckman stated that the major reason the 32' variance is requested is that the garage will sit on sewer lines and will be too close to the septic tank if the required 40 foot setback is met. The 8' setback for the new garage will help avoid sitting on most of the sewer line.

Few adjoining neighbors were present and expressed no objection to the 8' setback from the road right-of-way. They stated that the 40 foot setback should be required in the rural area not in the residential area, where the minimum setback requirement usually is 20 feet from the right-of-way. Representatives from the Lansing Town Board also stated that they are in favor of the 8' setback from the township road. Mr. William Buckley stated that no part of the sewer line should be covered by any building or concrete slab. According to Mr. Buckley's sewage permit record, the petitioner's garage, even if it setback 8' from the road, will still sit on part of the drainage field of the system. Chairman Chesebrough asked if this would be detrimental to the sewer system. Mr. Buckley stated it would not be significantly detrimental to the system, but could possibly damage the lines and affect the functions. The Board check over the requirements for granting a variance. In conclusion, the Board felt that:

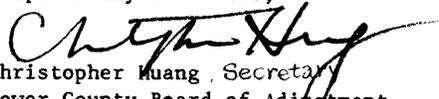
1. There is no objection from the adjoining neighbors and the Lansing Town Board.
2. The requirements that the variance shall conform to are met.
3. There are two existing garage buildings on the same side of the road located 6' from the road. Thus granting the 8' setback will not create a new front line.
4. It is not feasible to apply the 40' setback requirement to the residential neighborhood street. Generally it shall be a 20 foot setback in the residential area.

Chairman Chesebrough read a paragraph in Section 14-9 of the County Zoning Ordinance that "Setback of less distance may be permitted by the Board of Adjustment in order to conform to setbacks of adjacent residences constructed prior to October 2, 1973." Chairman Chesebrough interpreted that the two garage buildings on the same side of the township road and located 6' from the road right-of-way shall be considered adjacent buildings constructed prior to October 2, 1973.

Mr. Schlichter moved that the variance allowing an 8' setback for a garage be granted. The motion also included that any problem associated with the sewage system be worked out between Mr. Buckley and the petitioner. The motion was seconded by Mr. Trom and passed unanimously.

There being no further business, the meeting was adjourned at 4:50 p.m.

Respectfully submitted,


Christopher Huang, Secretary
Mower County Board of Adjustment