

Coordinated Development In

**MOWER COUNTY**

AUSTIN, MINNESOTA

55912

(507) 433-1846

September 9, 1977



AUSTIN-MOWER COUNTY PLANNING DEPT.

MINUTES OF THE 23RD MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

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

STAFF PRESENT: Chris Huang

The 23rd meeting of the Mower County Board of Adjustment was called to order at 4:30 p.m. on September 9, 1977 by Chairman Chesebrough.

Mr. Goodwin's petition for a setback variance which was tabled from last meeting, was discussed. Chairman Chesebrough read a letter from Wallace Sieh, the County Attorney, indicating "that County Code, Section 14-9 Setbacks - provides:

"Setbacks 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."

is permissive but does not limit the authority of the Board of Adjustment, and that the Board of Adjustment would be authorized to grant such variance as it deems advisable with respect to setbacks. Chairman Chesebrough interpreted that according to the County Attorney's opinion, apparently the Board of Adjustment has authority to grant the variance if in its judgement the legal setback requirements would cause undue hardship to the owner of the property.

The Board agreed that Mr. Goodwin is encountering undue hardship since the situation is unique. The Board also felt that it may establish some kind of precedence because 4' from the road right-of-way is too close to be desirable. Mr. Schlichter questioned that the township road involved is not a surveyed road and does not have actual right-of-way. It was also the feeling of the board that the township road is less significant and will probably never be developed again. Chairman Chesebrough stated that the only alternate site for the machine shed to be located would be between a barn and a garage. This site is used as a drainage area for the entire building site. The board was at the property for investigation and agreed that it is true that the site between the barn and garage is a drainage area. Mr. Huang suggested that a condition be attached to insure that Mr. Goodwin would agree to sell the property north of the township road to Udolpho township, if, in the future, the township needs to widen the township road. The board felt it is a reasonable condition to be attached to the variance. Chairman Chesebrough asked Mr. Goodwin if such a condition is agreeable to him. Mr. Goodwin said that it is reasonable and he would agree to the condition being attached to the variance. Mr. Trom asked if the board should determine size and location of the land which will be involved in the agreement. The board felt it is reasonable that the strip of land north of the township road should not exceed 36' in width and shall be from the east point where the road curves to the west point opposite Mr. Goodwin's house. On a motion by Mr. Schlichter, seconded by Mr. Trom, the board would grant the variance of 36' to allow Mr. Goodwin to build a machine shed 4' from the township road with a condition attached that, in the future, if the township needs to widen this section of the township road Mr. Goodwin would agree to sell the township a strip of land north of the township road from the

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the east point where the road curves to west point opposite Mr. Goodwin's house, and not to exceed 36' in width. The motion carried unanimously.

Mr. Huang asked the board to determine a regular meeting date once a month. Monthly meetings will be held if petitions are received. There will be no meeting if no petition is submitted before the designated meeting date. The board agreed to designate the last ~~Thursday~~ of the month as a tentative day for the meeting of the Board of Adjustment.

There being no further business, the meeting adjourned at 5:30 p.m.

Respectfully submitted,



Chris Huang, Secretary  
Mower County Board of Adjustment