

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA



55912

(507) 433-1846

AUSTIN-MOWER COUNTY PLANNING DEPT.

July 27, 1978

MINUTES OF THE 29th MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

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

MEMBERS ABSENT: None

STAFF PRESENT: Chris Huang, Cheryl Johnson, William Buckley

The 29th meeting of the Mower County Board of Adjustment was called to order at 3:55 p.m. on July 27, 1978 by Chairman Chesebrough in Conference Room I of the Mower County Court House. The minutes of June 29, 1978 meetings were approved on the motion by Mr. Trom and seconded by Mr. Schlichter. The motion passed unanimously.

Don McKenzie-Setback Variance From Shoreland Management Ordinance: Donald McKenzie was requesting the County Board of Adjustment for a 170' variance from the Shoreland Management Ordinance to allow him to build a garage on his property 30' from the high water mark of the Cedar River. The petitioner's property is located on Lot 3 - Cedardale 1st Addition in NW $\frac{1}{4}$ of Section 26, Lansing Township. Due to the lay-out of the lot and the location of the existing home, the petitioner wishes to construct a garage approximately 30' from the Cedar River. The house is located about 25' from the river.

Section 12-38 a of the Shoreland Management Ordinance states:

All structures except boat houses, piers, and docks shall be setback the following horizontal distances:

- a. On Natural Environments Lake, Stream at least two hundred feet from the normal high water mark.

Mrs. McKenzie stated that they are in the process of getting a loan to move the house further back from the river. Part of this plan will include building the garage beneath the house in order to have better protection from potential flood hazard. The flood on July 17, 1978 did come up to the bottom of the siding of the house. Fortunately, water did not get into the house. If they do not get the loan, they would like to build the garage at this location - 30' from the river, and 3' from the south lot line. Mrs. McKenzie also cited that the garage will be used for storage of vehicles and equipment. They have no intention of raising any horses. The neighbors in the area were afraid that the garage will be used as a horse barn.

The representative of the Lansing Town Board stated that the Town Board has no objection to the construction of the garage. On a motion by Mr. Schlichter and seconded by Mr. Trom, the Board voted unanimously to approve the variance petition subject - that the ground be raised to at least 24" to 30" for the protection from potential flood hazard.

Jerome Miller - Setback Variance From Shoreland Management Ordinance: This is a petition

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from Jerome Miller for a setback variance from the County Shoreland Management Ordinance to build a garage approximately 25' from the Red Cedar River. The property is located on Lots 12 and 13 of Pleasant View Addition in the S $\frac{1}{2}$, SW $\frac{1}{4}$ and the W $\frac{1}{2}$, SE $\frac{1}{4}$, Section 11, Lansing Township. The petitioner's house is located on Lot 12 and sets back about 30' from the Red Cedar River. Because of the location of the house and lay-out of the lots in Pleasant View Addition, the 200' setback requirement from the river would push the garage off to the other side of the road on somebody else's property. The petitioner intends to build the garage 25' from the river.

The Pleasant View Addition was platted in 1959 prior to the adoption of the County Zoning and Shoreland Management Ordinances. Most lots are within 200' zone along the Cedar River. According to the floodplain map developed by HUD, the entire Pleasant View Addition is within the floodplain (100 Year Flood limits).

A letter from Mr. Sieh, the County Attorney on July 20, 1978 was read by Chairman Chesebrough. The letter stated the Pleasant View Addition was platted prior to July 1961, therefore is a non-conforming subdivision. "The lots in Pleasant View Addition are permissible building sites". "Where enforcement of the 200' setback rule would make the property unusable and create a hardship, the law requires that a variance be granted."

The petitioner stated that this area has been flooded twice in July, 1978. During the second flood, the water did get into the existing garage but fortunately not into the house which was built about 4-5 feet above the ground and has no garage.

The petitioner wishes to build the new garage as high as the existing garage. The reason, as stated by the petitioner is that it is not adequate to build the garage as high as the house because the driveway to the proposed garage will become so steep that it would not be physically and economically feasible.

The representative of Lansing Township stated that the township has no objection to the petition.

On a motion by Mr. Trom and seconded by Mr. Schlichter that the 25' variance be granted providing the new garage building site shall be raised up at least as high as the existing garage. The motion passed unanimously.

There being no further business the meeting adjourned at 4:45 p.m. on a motion by Mr. Schlichter and seconded by Mr. Trom. The motion passed unanimously.

Respectfully submitted,


Chris Huang, Secretary
Mower County Board of Adjustment