

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA



55912

(507) 433-1846

AUSTIN-MOWER COUNTY PLANNING DEPT.

MINUTES OF THE 33RD MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

Members Present: M. E. Chesebrough, William Milbrath

Members Absent: Ken Trom

Others Present: Fred Wellman, Chris Huang

The 33rd meeting of the Mower County Board of Adjustment was called to order at 4:00 p.m. on June 29, 1979. The minutes of the April 26, 1979 meeting were approved as mailed on a motion by Mr. Milbrath and seconded by Mr. Chesebrough. The motion passed unanimously.

Continued Hearing on Joseph Krebsbach Variance - Chairman Chesebrough gave the background of Mr. Krebsbach's petition for variance and explained why the Board of Adjustment had tabled the petition.

Chairman Chesebrough asked for a legal opinion from Mr. Wellman on what basis the planning and zoning department denied Mr. Kresbach's building permit application as far as the floodplain is concerned. Chairman Chesebrough read the Sections 12-38 and 12-39 of the Shoreland Management Ordinance. The Chairman then asked specifically if the above referred regulation was applicable to Mr. Krebsbach's building permit application. Mr. Wellman replied in the affirmative.

Chairman Chesebrough asked Mr. Huang if the Department of Natural Resources had replied to the letter previously sent to for assistance in interpreting state regulations in regard to the floodplain. Mr. Huang stated that he had never received a reply. Mr. Wellman stated that the County Board has been in the process of developing a floodplain zoning ordinance and delineating the flood boundaries. Mr. Krebsbach's building permit for a garage was applied for before the County Board passed the Floodplain Ordinance. Therefore the County Floodplain Zoning Ordinance and flood boundaries may not apply, but the Shoreland Management Ordinance does apply.

Chairman Chesebrough stated that in the County Floodplain Ordinance, any area to be reclassified from floodplain to flood fringe should be studied case by case by a hydrologist to make sure it is hydrologically sound and whether filling in that area would raise the upstream flood crest. However, since Mr. Krebsbach's building permit application was filed previous to the adoption of the County Floodplain Ordinance, the Shoreland Management Ordinance is the only ordinance that applies.

After a discussion on the elevation in the area, the location of the proposed garage, the possible filling of the garage site to meet the required ground level, and the County Floodplain Ordinance, Chairman Chesebrough concluded that it would not be feasible to raise the ground level since it would affect the water level of other properties. The petitioner could wait until the area is possibly reclassified to flood fringe area, in which case the petitioner would be able to raise the ground level one foot as opposed to the three feet requirement of the

Mower County Board of Adjustment Minutes
Page two
June 29, 1979

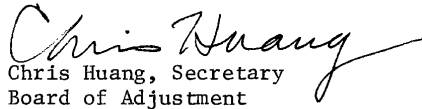
present Shoreland Management Ordinance.

Mr. Wellman repeated that Mr. Franklin does not have authority to deny the building permit based on the County Floodplain Ordinance, but did have the authority to deny the building permit based on Sections 12-38 and 12-39 of the Shoreland Management Ordinance.

Mr. Milbrath made a motion that the Mower County Board of Adjustment uphold the action of Mr. Franklin on August 29, 1978 in denying Mr. Krebsbach's building permit for the construction of a garage under the authority of the Shoreland Management Ordinance, Sections 12-38 and 12-39. The motion was seconded by Chairman Chesebrough and passed unanimously.

On a motion by Mr. Milbrath and seconded by Mr. Chesebrough, the meeting adjourned at 4:55 p.m.

Respectfully submitted,


Chris Huang, Secretary
Board of Adjustment