

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA



AUSTIN-MOWER COUNTY PLANNING DEPT.

55912

(507) 433-1846

April 24, 1980

MINUTES OF THE 38th MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

MEMBERS PRESENT: William Milbrath, Ken Trom, Conrad Stemson,

MEMBERS ABSENT: M. E. Chesebrough

OTHERS PRESENT: Dan Rogness, Julie Lewon

The 38th meeting of the Mower County Board of Adjustment was called to order at 3:30 p.m. on April 24, 1980. The minutes of the March 27, 1980 meeting were approved as mailed, on a motion by Mr. Stemson and seconded by Mr. Milbrath. The motion passed unanimously.

Lyndon Leining - Setback Variance: This was a request from Lyndon Leining for a setback variance of 34 feet on a township road to construct a garage addition. The property is located in Lot 5, Block 1 of the Royal Manor Addition, Section 26, Lansing Township. The Board of Adjustment reviewed the criteria for granting a variance, and it was concluded as follows:

1. Hardships would not be incurred by the petitioner at his property location.
2. There are not exceptional circumstances to the property that would cause the petitioner not to be able to have a setback greater than his proposal.
3. The granting of the variance would cause a change of the character in the surrounding neighborhood.

Mr. Leining then indicated to the Board that he would like to amend his request to allow a variance equal to the setback distance of his existing house. After some discussion, a motion was made by Mr. Stemson to deny the request for 34' variance but allow a setback variance equal to the frontal plane of his existing house. This motion was seconded by Mr. Milbrath and passed unanimously.

Wilfred Bissen - Setback Variance: This was a request from Wilfred Bissen for a setback variance of 10 feet on a township road to construct a silo. The petitioner's property is located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 7, Adams Township. The Board of Adjustment reviewed the criteria for granting the variance and it was concluded as follows:

1. Hardships would be incurred by the petitioner because of the location of a barn and feed area restricting the necessary 40 foot setback requirement.
2. There are exceptional circumstances to the property, since there are large acre farms surrounding this site and other farms do not have the same restrictions.
3. The granting of the variance would cause no detrimental effects to the surrounding property or zone.

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After some discussion, Mr. Stenson made a motion to approve the stated variance, seconded by Mr. Milbrath, and unanimously approved.

Dome Pipeline Corporation - Variance from Section 14-8: This was a request by Dome Pipeline Corporation to allow the installation of a second pipeline within its 50 foot existing easement through Lyle and Nevada Townships. Don Hill, representative for Dome Pipeline, Dick Gunn, Attorney for Dome Pipeline, and Charles Fawver, an area representative for Dome Pipeline were present to give the necessary information concerning the construction of this pipeline. The second pipeline would be placed approximately 10 feet south and west of the present 12 inch pipeline and transmit liquid hydrocarbon products. The Board of Adjustment reviewed the criteria for granting the variance and it was concluded as follows:

1. Hardships would be incurred by the petitioner since the location, route and depth of the pipeline were previously established and it is impossible for Dome to know uncertain depths of future lines.
2. There are exceptional circumstances to the property, since the easements from the owners and approval from the state were obtained prior to the enactment of the ordinance.
3. The granting of the variance will cause no detrimental effects to the surrounding property or zone.

It was also made known to the Board that:

1. Dome proposes to go through roads by boring and using extra high-strength pipe.
2. Dome plans to place the second pipeline at the same depth of the first line, which was at four feet.
3. There were two instances where the pipeline would not be placed further than 250 feet from a dwelling.
4. The pipeline would be placed at a depth of 6 foot below any drainage ditches.

After some discussion, Mr. Milbrath made a motion that the Board of Adjustment grant a variance to Section 14-8(C) - 6(a), seconded by Mr. Stenson, and passed unanimously. Mr. Stenson made a motion to grant a variance to Section 14-8 (C)(1), seconded by Mr. Milbrath and passed unanimously. Mr. Milbrath made a motion to grant a variance to 14-8(C)(8), seconded by Mr. Stenson and passed unanimously. Mr. Stenson made a motion to grant a variance to Section 14-8(C)(9), seconded by Mr. Milbrath and passed unanimously. The variances on each of these sections allowed Dome not to follow the requirements of each section.

There being no further business, on a motion by Mr. Milbrath, seconded by Mr. Stenson, the meeting adjourned at 5:15 p.m. The motion passed unanimously.

Respectfully submitted,



Dan Rogness, Secretary
Mower County Board of Adjustment