Coordinated Development In MOWER COUNTY
AUSTIN, MINNESOTA
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AUSTIN-MOWER COUNTY PLANNING DEPT.

December 29, 1980

MINUTES OF THE 42nd MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

Members Present: William Milbrath, Conrad Stemson, Merrill Chesebrough, Ken Trom

Members Absent: None

Others Present: Dan Rogness, William Buckley

The 42nd meeting of the Mower County Board of Adjustment was called to order at 4:00 p.m. on December 29, 1980. The minutes of the November 26, 1980 meeting were approved as mailed on a motion by Mr. Chesebrough, seconded by Mr. Milbrath and the motion passed unanimously.

Frank Johnson-Frontage Variance: This is a request from Mr. Johnson for a lot frontage variance in Lot 5 of Ramsey Park Subdivision. Lot 5 would be split creating 2 lots with 82.5' frontage each. Since the requirement is a minimum of 125 ' frontage the variance is 42.5' for each lot.

Mr. Rogness read the petition and staff report to the Board of Adjustment. Chairman Trom stated that there was a need to adequately answer all of the questions that were asked on the petition.

Mr. Chesebrough stated that a hardship would be incurred by the petitioner since he had built a new home and would not be able to sell his existing home unless the lot was split. The Board agreed that this was a viable hardship in this circumstance.

Mr. Chesebrough also stated that there are exceptional circumstances involved since the regulations have changed since the time the structures were built, and it is exceptional that this neighborhood had been previously further subdivided.

It was noted by the Board that there may be injury to the public welfare in the neighborhood because of the open seepage pit. It may be possible that there would be a dispute between the two owners as to the sewage systems, which are tied into one another according to the permit. In addition, Mr. Buckley stated that the new lot with the home on it does not have an approved sewage disposal system according to the current standards of Mower County. The system would also seem to have the potential to overflow into the low area portion of the north lot.

Mr. Buckley also stated that whether there was one or two owners there would still be the same sewage problem. He stated that he felt the frontage of 82.5' was adequate for approved sewage systems if the soil had been determined to be capable. However, the slope of the lot does work at a disadvantage to a system. Mr. Buckley told the Board that dye could be placed into the mobile home plumbing system to find out if it did discharge into the seepage pit.

Mr. Buckley had previously talked to Larry Landherr who had issued the original sewage

disposal system permit for this property. Mr. Landherr indicated that he could not imagine that he would draw something on a permit that wasn't actually there. The Board responded by indicating that the person at risk would be the one who was buying the property with the existing house on it. There may also be some legal problems involved in the shared sewage disposal system.

Mr. Stemson then made a motion to approve the variance under the following condition: that the existing property owner show proof of two separate sewage disposal systems, or in the absence of such proof, that the property owner file a "hold harmless easement" against both abstracts of the two properties, for claims against the sewage disposal system by each property owner of subdivided Lot 5 - Ramsey Park Addition. Mr. Milbrath seconded the motion and the motion passed unanimously.

There being no further business, on a motion by Mr. Stemson, seconded by Mr. Milbrath, the meeting adjourned at 5:00 p.m. The motion passed unanimously.

Respectfully submitted,

Dan Rogness

Dan Rogness, Secretary
Mower County Board of Adjustment