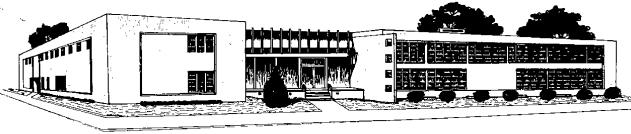


Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA



AUSTIN-MOWER COUNTY PLANNING DEPT.

55912

(507) 433-1846

August 27, 1981

MINUTES OF THE 46th MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

MEMBERS PRESENT: William Milbrath, Conrad Stemson, Ken Trom

MEMBERS ABSENT: M. E. Chesebrough

OTHERS PRESENT: Dave Olson, Julie Lewon, William C. Buckley

The 46th Meeting of the Mower County Board of Adjustment was called to order at 4:10 p.m. on August 27, 1981. The minutes of the July 30, 1981 meeting were read and approved as mailed on a motion by Chairman Trom and seconded by Mr. Milbrath. The motion passed unanimously.

Don McKenzie: 2) Variance to Construct Basement Level Below Regulatory Flood Protection Elevation, 3) Septic System Variance.

Variance request 1) (200 foot shoreland management setback variance) had been approved at the July 30, 1981 meeting of Board of Adjustment by an unanimous vote.

This is a request from Donald McKenzie for the variances as indicated. The applicant is proposing to construct a house addition onto the existing house in Lot 3 of Cedar Dale - 1st Addition. A five foot high crawl-space with concrete floor is planned below the first floor level, which would be five feet below the regulatory flood protection elevation. The existing septic system needs to be reconstructed to the County's standards. Mr. McKenzie is proposing to locate the new septic system within the 150 foot setback area and the 10-year floodplain elevation.

Mr. Olson read the petition and the staff report. Chairman Trom read #2 variance request and also mentioned the letter from Minnesota Department of Natural Resources (DNR) that if the variance request was granted the basement should be floodproofed to the FP-1 classification according to state building code for constructing in a 200' shoreland management setback.

Chairman Trom stated that construction costs could exceed the guidelines for the alteration or addition to a non-conforming use.

Mr. McKenzie stated that for what structures were there and for what he would have to do, it would be quite costly.

Chairman Trom stated that it would not be feasible to meet FP-1 regulations.

There was a rather lengthy discussion to determine the definition of "basement floor was

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not at all finished to any extent" as contained in the Federal Emergency Management Agency/Federal Insurance Administration requirements. It was concluded that this did not mean that the floor would have to be dirt.

It was decided that Mr. McKenzie had adequately answered all of the questions that were asked on the variance including the following: it was shown that Mr. McKenzie was experiencing practical difficulties and also that there were exceptional circumstances involving the property in question. This was because the current zoning ordinances would not allow Mr. McKenzie to construct a 5 foot crawl space under his proposed addition for tornado protection. It was also shown that granting of the variance would not be injurious or detrimental to the surrounding property and neighborhood.

There was a brief discussion of using the crawl space as a shelter for neighbors and the possible legal actions that could be taken in the event of an accident or death.

It was explained to Mr. McKenzie that if the variance was granted he would have to construct the basement to meet the FP-1 (flood proofing) classification according to the state building code. At this point a motion was made by Mr. Milbrath to grant Mr. McKenzie variance #2. The motion was seconded by Mr. Stenson and passed unanimously.

Variance #3 - is a request by Mr. McKenzie who is proposing to construct a sewage disposal system within the 150 foot setback area, which will also be located within the 10-year flood plain elevation. Mr. McKenzie described how he drilled three holes, spaced approximately 50 feet apart and 100 feet from the river. He stated that the holes were approximately 7½ feet deep. Mr. McKenzie stated that the holes were filled with water up to 4 feet from the top of the ground.

Mr. Buckley stated a soil survey would have to be taken to be certain of the soil type and water table level but felt from the information available that there was an elevated watertable below the area in question. This elevated watertable would be too high for a standard sewer system. An alternative site was chosen by Mr. Buckley and would require the sewage to be pumped to this area. Mr. Buckley offered to look at the soil when it dries up.

Chairman Trom felt that the Board of Adjustment had to act on the request today. Mr. Buckley stated that the Board could only concern itself with the issue of locating the septic system within 150 feet of the river and not the soil makeup and watertable level.

There was lengthy discussion concerning how much fill would have to be brought in if a pumping system was installed. Mr. Buckley also showed maps where the proposed pumping system would be located. It was concluded that not much fill would have to be brought in. Mr. McKenzie was informed that he would only need 6-8" of fill over the pipe and stay in the 10-year flood elevation.

Chairman Trom then asked Mr. Buckley which system would be the most efficient. Mr. Buckley stated that aside from the cost, a pumping and lift station can be reliable and can be floodproofed and with the drainfield in that location, could function better and would not be flooded.

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Mr. Milbrath expressed concern with the existing septic tank and its condition. Mr. Buckley was able to answer his questions satisfactorily.

Mr. McKenzie expressed concern with both the installation and operation costs of a system such as the Board is proposing.

Chairman Trom read and discussed the variance request and if it met the requirements and conditions of the variance granting process. The hardship that Mr. McKenzie felt he would incur would be financial in both the initial and operational costs.

The other requirements for granting a variance and Mr. McKenzie's responses were read by Chairman Trom and very little discussion followed.

Mr. McKenzie stated that he was interested in finding out some of the facts in case he decided to sell. He stated that the costs for meeting the requirements for construction of the addition, crawl space, and upgrading his septic system were not feasible and he could just as well build a new home.

Mr. Milbrath made a motion to deny the variance because the request did not meet the requirements of qualifying for a variance. Chairman Trom seconded the motion and it carried unanimously.


Duane Regenscheid Setback Variance: A five foot variance to allow a house addition to be constructed 35 feet from the road right-of-way on Lot 22 of the Norman Park First Addition. Mr. Olson 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 variance petition.

All of the board members concluded that Mr. Regenscheid had adequately answered all of the required questions on the variance including the following: A hardship would be incurred by the petitioner because the petitioner would not be allowed to construct the addition because of space and appearance restrictions if the variance was not granted. Exceptional circumstances exist because the proposed garage must be constructed to the front of the house because space is not available to the sides and there is no access to the rear. It was shown that granting of the variance would not be injurious to the surrounding property since another house on the same block extends further than the proposed addition and thus would not establish a new setback line.

Mr. Stenson made a motion to grant the variance to Mr. Regenscheid. Mr. Milbrath seconded the motion and it passed unanimously.

There being no further business, on a motion by Mr. Milbrath and seconded by Mr. Stenson, the meeting adjourned at 5:55 p.m. The motion passed unanimously.

Respectfully submitted,


David L. Olson, Secretary
Mower County Board of Adjustment