

# MOWER COUNTY

## AUSTIN, MINNESOTA



December 17, 1981

### MINUTES OF THE 49th MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

MEMBERS PRESENT: Conrad Stemson, Ken Trom, William Milbrath

MEMBERS ABSENT: M. E. Chesebrough

OTHERS PRESENT: David Olson, Daryl Franklin, Bill Buckley, Bill Huber of the Department of Natural Resources

The 49th meeting of the Mower County Board of Adjustment was called to order on Thursday, December 17, 1981 at 4:00 p.m.. The minutes of the December 3, 1981 meeting were read and approved as mailed on a motion by William Milbrath and seconded by Mr. Stemson. The motion passed unanimously.

Sherbun Roberts - Sewage Treatment Variance: This is a request from Sherbun Roberts (Riverbend Campground) for a variance from the Sewage Control Ordinance to allow a drainfield system to be constructed within a ten year floodplain elevation. The applicant has been informed by the Minnesota Department of Health to expand his current sewage disposal system.

Mr. Franklin explained to the Board the situation regarding the Sherbun Roberts petition for a variance and it had been decided at the December 3 meeting that Mr. Roberts would withdraw his petition for the variance because of the fact that even if the variance was granted, the Minnesota Department of Health would not renew his license to operate a campground with that type of system. Mr. Franklin went on to state that when Mr. Roberts was requested to sign a letter officially withdrawing his petition, he decided that he did not wish to do so.

Mr. Roberts stated his reasons why he felt he could still possibly put in a drain field system. He stated that there were others in the same situation and that their systems were working fine. He also added that the holding tank system would not be economically feasible for his campground. Mr. Buckley went on to explain the theory behind septic tank systems and drainfields and why the system of this type could not be installed on the site that Mr. Roberts was proposing. He also explained how possible contamination would occur to either the ground-water or the river itself.

Mr. Franklin explained to the Board that the best thing to do would be to deny this request and for Mr. Roberts to look for other possible alternatives. Chairman Trom stated he would entertain a motion. Mr. Stemson made a motion to deny the variance request to allow construction of a septic system within a ten year flood elevation. Mr. Milbrath seconded the motion and it passed unanimously.

At this point, the meeting was adjourned to the Commissioner's Conference Room of the courthouse to accommodate the people who had arrived for the Dan Getman variance request. Chairman Trom reconvened the meeting in the Commissioner's Conference Room.

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Daniel Getman Setback Variance: This is a request from Mr. Daniel Getman for a setback variance from the Mower County Shoreland Management Ordinance, which requires structures to be set back from Natural Environment Streams (200 feet on properties along the Red Cedar River - Section 33, Austin Township). Mr. Olson read the petition and also Mr. Getman's replies to questions stated on the variance petition. Mr. Franklin then explained that two separate actions would be required. The first variance request is for the pole shed Mr. Getman is proposing to construct 150 feet from the Cedar River. The second item to be acted on is the variance request for the existing Getman house, located approximately 135 feet from the river.

Mr. Bill Huber, from the Department of Natural Resources in Rochester, described the floodway clause of the Shoreland Management Ordinance.

Dave Jackson, Chairman of Austin Town Board, was present and stated for the record that board member, Bob Anderson, was not present as a representative of the Austin Town Board, but representing himself.

Mr. Getman was asked questions regarding the placement of his house at 135 feet from the river when the setback was stated as 200 feet on the building permit. He replied by stating he was rushed for time and could not take the time to go through the variance procedure, and also that he knew there was not enforcement of the ordinance. He admitted he was wrong in placing the house where he did.

There were several people present who spoke in support of the Getman's reasoning for placing the pole shed where they were proposing to put it. They also described the Getman's life style and why it was essential to preserve as much tillable agricultural land as possible.

A brief discussion was held concerning the surrounding area of the Getman property and also the role of the Austin Town Board and the proceedings.

After a lengthy discussion covering several areas of concern on the proposed variance, Ken Trom stated that he would entertain a motion for the setback variance of the pole shed. Mr. Milbrath made a motion to deny the setback variance for the shed. Mr. Stenson seconded the motion and it passed unanimously.

After another brief discussion, Chairman Trom said he would entertain a motion for the variance request for the existing house. Mr. Stenson made a motion to grant the setback variance for the house. Mr. Milbrath seconded the motion and it passed unanimously.

There being no further business, on a motion by Mr. Stenson, seconded by Mr. Milbrath, the meeting adjourned at 5:30 p.m. The motion passed unanimously.

Respectfully submitted,



David L. Olson, Secretary  
Mower County Board of Adjustment