

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA



55912

(507) 433-1846

AUSTIN-MOWER COUNTY PLANNING DEPT.

June 24, 1982

MINUTES OF THE 53rd MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

Members Present: William Milbrath, M. E. Chesebrough

Members Absent: Ken Trom, Conrad Stemson

Others Present: Dave Olson

The 53rd meeting of the Mower County Board of Adjustment was called to order on Thursday, June 24, 1982 at 8:00 p.m. in Conference Room 1 of the Mower County Courthouse. Minutes of the May 27, 1982 meeting were approved as mailed on a motion by Mr. Chesebrough, seconded by Mr. Milbrath. The motion passed unanimously.

Vern Busho - Setback Variance, Shoreland Variance: This is a request from Vern Busho for a setback variance of 13 feet from the required 40 foot setback from the road right-of-way. Mr. Busho is also requesting a 125 foot variance from the required 200 foot setback from Natural Environment Streams and Rivers. The petitioner is proposing to construct a 22 x 24 foot garage on the property located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$ Section 23, Lansing Township.

Mr. Olson read the petition and Mr. Busho's replies to the questions on both petition application forms and also read the staff report. Acting Chairman Milbrath asked if anyone was present to speak against the petition. No one was present to do so. The Board of Adjustment reviewed the criteria for granting a variance and it was concluded as follows from the petition for the road right-of-way setback variance.

- 1) Because of the irregular shape of the parcel and the location of the Cedar River a 40 foot setback would cause the garage to have a greater encroachment on the shoreland of the Cedar River.
- 2) The irregular shape of the property and the location of the Cedar River and CSAH 25 create exceptional circumstances for the property involved.
- 3) The granting of the variance will not be detrimental to the public welfare or injurious to the property because of the irregular shape of the property.

The Board of Adjustment reviewed the criteria of granting the variance again in regard to the variance of the shoreland setback.

- 1) Because of the irregular shape of the lot, the location of the river and CSAH 25, a 200 foot setback would go beyond the property.
- 2) The irregular shape of the property, location of the Cedar River and CSAH 25 create exceptional circumstances for the property involved.
- 3) The granting of the variance will not be detrimental to the public welfare or injurious to the property because of the irregular shape of the property.

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After a brief discussion, Mr. Chesebrough made a motion to approve a 125 foot variance from the shoreland management zoning ordinance which requires a 200 foot setback for natural environment streams. The motion was seconded by Mr. Milbrath and passed unanimously.

Mr. Chesebrough then moved to approve a 13 foot variance from the required 40 foot setback from the road right-of-way. Mr. Milbrath seconded the motion and it passed unanimously.

Mr. Chesebrough then read aloud the waiver of side lot line requirements form which had been signed by Mr. Stromer. This form permitted Mr. Busho to place the garage closer than the 20 foot required setback on side property lines. Mr. Chesebrough then made a motion to make this waiver part of the official transcript of the meeting. Mr. Milbrath seconded the motion and it passed unanimously.

Other Business: A brief discussion was held regarding the possibility of revising the variance application form. Several comments were made by Mr. Chesebrough and Mr. Milbrath regarding this possible change, and Mr. Olson was instructed to continue to look into the possibility of an alternative format to the current application form.

There being no further business, a motion was made by Mr. Chesebrough to adjourn the meeting. The motion was seconded by Mr. Milbrath and passed unanimously. The meeting adjourned at 8:35 p.m.

Respectfully submitted,



David L. Olson
Secretary
Mower County Board of Adjustment