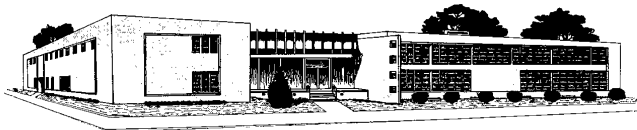


MOWER COUNTY

AUSTIN, MINNESOTA



December 30, 1982

MINUTES OF THE 58th MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

MEMBERS PRESENT: William Milbrath, Conrad Stemson

MEMBERS ABSENT: Ken Trom, M. E. Chesebrough

OTHERS PRESENT: William C. Buckley, Monica Hansel

The 58th meeting of the Mower County Board of Adjustment was called to order on Thursday, December 30, 1982 at 4:12 p.m. in Conference Room 1 of the Mower County Courthouse. Minutes of the October 28, 1982 meeting were approved as mailed on a motion by Mr. Milbrath, seconded by Mr. Stemson, and passed unanimously.

Joseph Construction Company - Setback Variance: This is a request from Joseph Wagner for a 20 foot variance from the 40 foot required setback from the road right-of-way. Mr. Wagner explained in detail what he was proposing for the site. He presented a preliminary sketch to the Board. The petitioner wishes to build a duplex on each of the three lots, Lots 4, 5, 6, Block 1, Country Club First Addition. The variance is needed to allow enough room in the rear of the lots to construct a mound type sewer system. Mrs. Hansel read the application and staff report to the Board of Adjustment.

The three structures, with two units per structure, would contain 1,200-1,400 square feet per unit, two bedrooms, a two stall garage, and would sell for \$120,000 each.

Mr. Wagner answered questions from neighbors, and addressed complaints that the project's back yard would be facing their property.

In answer to many questions concerning sewer problems, wells, surface water, etc., Mr. Buckley described the water table, the unique soil, and other sewer system problems. Mr. Buckley described a mound system and explained the sewer system would be located toward the Country Club.

Mr. Buckley stated the setback variance was the question before the Board and other problems could not be addressed at this time. The structures could be built without the variance and Mr. Wagner could still get a sewer system in, but it would not be practical and would leave a potential for damage to the sewer system.

Neighbors were advised they may obtain copies of zoning regulations and sewer regulations, and could talk to the county attorney or county commissioners if they had any more questions.

Conrad Stemson directed Mrs. Hansel to read the letter of complaint from Herb and Melba Ferris.

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Mr. Stemson presented the Minnesota Statutes applicable regulations. 1) Intent - Mr. Milbrath expressed belief the project would improve the appearance of the property and the whole area. 2) The proposal is consistent with the comprehensive plan. Mr. Milbrath stated that nothing told them that they couldn't issue a permit. 3) As far as practical difficulties were concerned, extra room was needed for a mound system.

David Olson and Daryl Franklin joined the meeting at 5:00 p.m.

More discussion and questions followed with Mr. Wagner explaining the six units would be combined into an association with a common area, owned by six owners. The association would be responsible for well, water, grounds, septic systems, etc.

Hardships were as follows:

1. Under official controls, a large enough system cannot be installed.
2. The problems were unique to the property when Mr. Wagner purchased it, since the lots were previously platted.
3. The proposal will not alter the essential character of the locality, although it might not be like the existing housing. Aesthetically, it would be an improvement.

Daryl Franklin read the definitions of Exclusive Residential Zone and Rural Zone as designated in the Mower County Regulations. Questions were directed to Mr. Franklin and Mr. Olson regarding zoning and deed restrictions by affected property owners. Mr. Franklin stated he knew of no restrictions on Mr. Wagner's property.

Mr. Olson reported he had nothing to add except that the lots existed before 1961 and were therefore "grandfathered" in as less than one acre minimum, as presently required.

Mr. Franklin advised the Board to table the proposal for two weeks until certain amendments were clarified by the county attorney. Mr. Kraft will be present at the meeting which will be continued until Thursday, January 13, 1983 at 3:30 p.m. in Conference Room 2 of the Mower County Courthouse. A motion was made by Mr. Milbrath to table the variance proceedings. The motion was seconded by Mr. Stemson and passed unanimously.

There being no further business, a motion was made by Mr. Milbrath to adjourn the meeting. The motion was seconded by Mr. Stemson and passed unanimously. The meeting adjourned at 5:30 p.m.

Respectfully submitted,

M. Monica Hansel

M. Monica Hansel, Acting Secretary