

# MOWER COUNTY

AUSTIN, MINNESOTA

55912



March 28, 1985

## MINUTES OF THE 75th MEETING OF THE MOWER COUNTY BOARD OF ADJUSTMENT

Members Present: Merrill Chesebrough, Conrad Stenson, William Milbrath

Members Absent: Kenneth Trom

Others Present: Julie Lewon, Craig Eliason

The 75th meeting of the Mower County Board of Adjustment was called to order by Vice-Chairman Stenson on Thursday, March 28, 1985 at 4:00 p.m. in Conference Room I of the Mower County Courthouse. Minutes of the December 3, 1984 meeting were approved on a motion by Mr. Chesebrough, seconded by Mr. Milbrath, and passed unanimously.

### David Standinger - Variance to Allow Lot Frontage to be Less Than 125 Feet:

A petition from Mr. Standinger to allow a lot to have less than the required 125' of frontage along a road was read by Ms. Lewon. The location of this lot is Lot 2 of the proposed Standinger Addition, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 11, Austin Township. Lot 2 of the proposed subdivision has only 39.06' along Trunk Highway 218, therefore a variance of 85.94 is needed. The property is zoned commercial. The Board reviewed the conditions for granting of a variance and it was determined as follows:

1. The requested variance is in harmony with the ordinance general intent and purpose as the property will not be used for residential purposes.
2. The requested variance is consistent with the comprehensive plan as the proposed use will be commercial, which is what the area is zoned.
3. Practical difficulties are shown here as the property is located between two streets, giving it a triangular shape. The lot can not be put to reasonable use if used under the conditions allowed by the official controls.

After brief discussion, a motion to approve a variance to allow lot frontage to be less than 125' was made by Mr. Chesebrough on the condition that if the final plat is not approved by the township and county boards, the variance is null and void. The motion was seconded by Mr. Milbrath and passed unanimously.

### Larry Alm - Variance to Allow a Building to be Closer to the River Than the

Required 200' Shoreland Setback: A petition from Mr. Larry Alm to allow a house to be constructed 177.5' from the river instead of the required 200' shoreland setback was read by Ms. Lewon. The location of the property is Lot 24, Pleasant View Addition, Section 11, Lansing Township. The 200' shoreland setback covers the majority of the lot. The petitioner can not meet this setback and the required 40' setback from the road right-of-way. The Board reviewed the conditions for granting of a variance and it was determined as follows:

Page Two  
Mower County Board of Adjustment Minutes  
March 28, 1985

1. The requested variance is in harmony with the ordinance general intent and purpose as the building is being constructed on the highest point on the property out of the floodway and the variance requested, 22.5', is not significant.
2. The requested variance is consistent with the comprehensive plan as the building will be constructed a distance from the floodway and the proposed use is in agreement with the comprehensive plan.
3. Particular hardships are shown here as the property could not be built upon if the building had to be 200' back from the river and 40' from the road. The lot is approximately 244' deep which would leave no buildable area if used under the official controls. The plight of the landowner was created by the topography of the land and the river, not by the landowner himself. Approving this variance will not alter the character of the neighborhood.

After brief discussion, a motion to approve a variance to allow a building to be closer to the river than the required 200' shoreland setback was made by Mr. Milbrath, seconded by Mr. Chesebrough and passed unanimously.

Other Business: Ms. Lewon made note of the fact of the new IRS ruling which states that any mileage charged at over 20.5¢ per mile is subject to income tax.

It was the consensus of the Board to hold regular meetings during the spring and summer in the evening starting no later than 6:30 p.m. as of April.

There being no other business, a motion to adjourn was made by Mr. Milbrath, seconded by Mr. Chesebrough and passed unanimously. The meeting adjourned at 4:42 p.m..

Respectfully submitted,

*Craig Eliason*  
Craig Eliason  
Secretary