

# MOWER COUNTY

AUSTIN, MINNESOTA

55912



August 28, 1986

Minutes of the 87th Meeting of the Mower County Board of Adjustment

Members Present: Jen Ulwelling, William Milbrath, Merrill Chesebrough

Members Absent: Kenneth Trom

Others Present: Craig Eliason

The 87th meeting of the Mower County Board of Adjustment was called to order by Acting Chairman Ulwelling on Thursday, August 28, 1986 at 7:30 p.m. in Conference I in the Mower County Courthouse. Minutes of the July 31, 1986 and August 11, 1986 meetings were approved as mailed on a motion by Mr. Chesebrough, seconded by Mr. Milbrath and passed unanimously.

Little Cedar Lutheran Church - Variance to Allow a Building to be Closer to the Road Right-of-way Than the Required 40 Feet and Variance to Allow a Building to be Closer to the Side Property Line Than the Required 20 Feet: Mr. Eliason read the staff report. Little Cedar Lutheran Church is requesting a variance to allow a burial vault to be 10 feet from the road right-of-way instead of the required 40 feet and a variance to allow the burial vault to be 3 feet from the side property line instead of the required 20 feet. Petitioner has torn down the old burial vault and erected a new one in the same place, which is located on the east 292.5 feet of the west 473.5 feet of the south 382.5 feet in the SW 1/4 SE 1/4 Section 4, Adams Township. The old burial vault was built prior to the Zoning Ordinance and was therefore grandfathered in. However, the new construction, even though in the same location, must either meet the required setbacks or request variances. The existing land use is a cemetery and existing zoning is rural. The surrounding land use and zoning is to the north agriculture, zoned rural, to the south agriculture zoned rural, to the east agriculture and residential zoned rural, and to the west agriculture zoned rural.

Melvin Howard, the Adams Township Clerk, and Roger Weness of the Little Cedar Church Board were present to answer any questions the Board might have. Mr. Howard stated that the Township had received no response either for or against the petition.

Page two  
Board of Adjustment Meeting  
August 28, 1986

Mr. Chesebrough asked if the township road which goes past the cemetery was put in after the cemetery. Mr. Weness replied yes it was.

Mr. Chesebrough asked the size of the previous and present burial vaults. Mr. Weness replied that the old burial vault was approximately 10 feet by 12 feet and the new burial vault is approximately 12 feet by 19 feet. He also stated that the door on the old burial vault presented a hazard because it faced west and the new burial vault would have easier access for the snow plow.

Mr. Chesebrough asked the location of the new burial vault as compared to the location of the old burial vault. Mr. Weness replied that the new burial vault is further south to make better use of the space and to provide easier access for the snow plow.

The Board reviewed the conditions for granting the variances and it was determined as follows:

- 1) The variances are in harmony with the ordinance's general intent and purpose as the variances do not establish a closer line to the road than the existing fence.
- 2) The variances are consistent with the comprehensive plan as the new burial vault is merely a replacement of a previous burial vault which was a non-conforming use.
- 3) Practical difficulties are shown by the following: the door on the previous burial vault opened to the west which made access difficult and presented problems in snowplowing. An injury was sustained by the caretaker in moving caskets in and out of the old burial vault due to the placement of the door. The new burial vault will provide easier access because the door will face the south.

Following further discussion, a motion was made by Mr. Milbrath to approve the 30 foot variance from the required 40 foot setback from the road right-of-way and the 17 foot variance from the required 20 foot side yard setback. The motion was seconded by Mr. Chesebrough and passed unanimously.

There being no further business, the meeting adjourned at 7:55 p.m. on a motion by Mr. Chesebrough, seconded by Mr. Milbrath and passed unanimously.

Respectfully submitted,

*Craig E. Eliason*

Craig Eliason, Secretary