

MOWER COUNTY

AUSTIN, MINNESOTA

55912



September 25, 1986

Minutes of the 88th 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 88th meeting of the Mower County Board of Adjustment was called to order by Acting Chairman Chesebrough on Thursday, September 25, 1986 at 7:40 p.m. in Conference Room I in the Mower County Courthouse. Minutes of the August 28, 1986 meeting were approved as mailed on a motion by Mrs. Ulwelling, seconded by Mr. Milbrath and passed unanimously.

Charles Mayzlik - Request for a 50 foot Variance from the 90 foot setback from from Trunk Highway 63 right-of-way and a 20 foot Variance from the 40 foot setback from Township Road 197. Mr. Eliason read the staff report. Mr. Mayzlik is requesting a variance to allow a home to be located closer to the right-of-way than required: 1) 50 foot variance from the 90 foot required setback on Trunk Highway 63 and 2) 20 foot variance from the 40 foot required setback on Township Road 197. The property is located on 1.01 acre of old C & NW Railroad right-of-way across the S 3/4 E 1/2 W 1/2, and across the SW corner, SW 1/4, SE 1/4 and .54 acre in the SE 1/4, SW 1/4 N and E of the railroad, Section 35, Racine Township. The property is triangular in shape and is bordered by Highway 63 on the west and Township Road 197 on the east. The required setbacks of these two roads leaves little room to build a house. The existing land use is Open Space and existing zoning is Rural. The surrounding land use is as follow:

North: Open Space - zoned Rural
South: Agricultural - zoned Rural
East: Agricultural - zoned Rural
West: Agricultural - zoned Rural

Acting Chairman Chesebrough announced that the Board of Adjustment had visited the property and talked with Mr. Mayzlik's father who was at the property to answer questions.

William Handke of the Racine Town Board was present and read a letter from Phyllis Foote, who owns the property to the north of Mr. Mayzlik's. She questioned the required setback of a building to her property line and the possibility of any commercial building being built on the site. Acting Chairman Chesebrough directed the staff to send a letter to Mrs. Foote answering her questions.

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Acting Chairman Chesebrough questioned the actual ownership of the land because of the former railroad right-of-way and who held the deed to the property. He felt staff should research this subject and find out who actually holds the deed to the property.

After further discussion, a motion was made by Mrs. Ulwelling to table the request for a variance to allow a home to be closer to the right-of-way than required until it is determined who actually holds the deed to the piece of property. The motion was seconded by Mr. Milbrath and passed unanimously.

Acting Chairman Chesebrough directed staff to send a letter to Mrs. Foote and Mr. Mayzlik explaining why the request was tabled.

Other Business: A discussion was held as to the time of the hearings during the months in which Daylight Savings Time is in effect. After some discussion, a motion was made by Mr. Milbrath to hold the Board of Adjustment hearings at 4:00 p.m. The motion was seconded by Mrs. Ulwelling and passed unanimously.

A discussion was held concerning the August 28, 1986 meeting in which a variance was granted which allowed a building to be closer to the road right-of-way than the required 40 feet and a variance to allow a building to be closer to the side property line than the required 20 feet for Little Cedar Lutheran Church. After some discussion a motion was made by Mr. Milbrath directing the staff to send a letter to Mr. Kenneth Retterath, contractor on the above mentioned building, quoting the pertinent parts of the Mower County Ordinance concerning the issuance of building permits and the required setbacks. The motion was seconded by Mrs. Ulwelling and passed unanimously.

There being no further business, the meeting adjourned at 8:10 p.m. on a motion by Mrs. Ulwelling, seconded by Mr. Milbrath and passed unanimously.

Respectfully submitted,

Craig Eliason

Craig Eliason, Secretary