

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA

55912



507-437-9527

AUSTIN-MOWER COUNTY PLANNING DEPARTMENT

March 25, 1987

Minutes of the 95th Meeting of the Mower County Board of Adjustment

Members Present: Kenneth Trom, Jen Ulwelling, Merrill Chesebrough

Member Absent: William Milbrath

Others Present: Craig Eliason, Scott Olson

The 95th meeting of the Mower County Board of Adjustment was called to order by Chairman Trom on Wednesday, March 25, 1987 at 4:00 p.m. in Conference Room I in the Mower County Courthouse in Austin, Minnesota. Minutes of the February 26, 1987 meeting were approved as mailed on a motion by Mrs. Ulwelling, seconded by Mr. Chesebrough and passed unanimously.

Fasbender Brothers - Variance to Allow a Building to be 13 Feet From the Road Right-of-Way Instead of the Required 40 Feet: Mr. Eliason read the staff report. The Fasbender Brothers are requesting a 27 foot variance to allow a building to be 13 feet from the road right-of-way instead of the required 40 feet. The location is the W 1/2 SW 1/4, Section 19, Lodi Township - 83 acres. Petitioners wish to build a 48' x 48' shop 13 feet from the road right-of-way. The existing land use is agricultural and existing zoning is Rural. The surround land use and zoning: North - Agricultural, Zoned Rural; South - Agricultural, Zoned Rural; East - Agricultural, Zoned Rural; West - Agricultural, Zoned Rural.

Mark Fasbender and Val Schneider were present to speak in favor of the petition and answer any questions that the Board may have.

Chairman Trom stated that the request is for a 27 foot variance from the required 40 foot setback from the road right-of-way.

Mr. Chesebrough voiced his concerns with the petition, stating that granting the variance would establish a new setback line from the road.

Mrs. Ulwelling voiced her concerns with the petition, stating that granting the variance would set a precedent in establishing a new setback line from the road.

The Board reviewed the criteria for granting the variance and it was determined as follows:

- 1) The variance is not in harmony with the Ordinance's general intent and purpose as granting the variance would establish a new setback line from the road right-of-way, block the visibility of vehicles using the driveway and cause possible drifting of snow over the township road.

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- 2) The variance is not consistent with the Comprehensive Plan for the same reasons as outlined in #1.
- 3) Practical difficulties are shown by the following:
Because the farmstead is already quite built up, the proposed area is the only space available in which to build the shop and the variance would not alter the essential character of the neighborhood.

Following further discussion, a motion was made by Mrs. Ulwelling to deny a 27 foot variance to allow a building to be 13 feet from the road right-of-way instead of the required 40 feet. The motion was seconded by Mr. Chesebrough and passed unanimously.

Wilfred Bissen - Variance to Allow A Building to be 22 Feet From the Road Right-of-Way Instead of the Required 40 Feet: Mr. Eliason read the staff report. Mr. Bissen is requesting an 18 foot variance to allow a building to be closer to the road right-of-way than the required 40 foot setback. The property is located on the NW 1/4, NW 1/4, Section 18, Adams Township. Petitioner wishes to place the proposed building in line with the existing building. The existing land use is Agricultural and the existing zoning is Rural. The surrounding land use and zoning: North - Agricultural, Zoned Rural; South - Agricultural, Zoned Rural; East - Agricultural, Zoned Rural; West - Agricultural, Zoned Rural.

The Board reviewed the criteria for granting the variance and it was determined as follows:

- 1) The variance is in harmony with the Ordinance's general intent and purpose as granting the variance would not establish a new setback line since the proposed building would be placed in line with the existing building.
- 2) The variance is consistent with the Comprehensive Plan for the same reason as outlined in #1.
- 3) Particular hardships are shown by the following:
The proposal would be a reasonable use of the land because if the 40 foot setback was adhered to, the area in front of the building would be wasted. The plight of the landowner is due to circumstances unique to the property because the existing building was in place before the Ordinance was adopted and the variance will not alter the essential character of the neighborhood.

A motion was made by Mrs. Ulwelling to grant the 18 foot variance to allow a building to be closer to the road right-of-way than the required 40 foot setback. The motion was seconded by Mr. Chesebrough and passed unanimously.

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There being no further business, the meeting adjourned at 4:50 p.m.
on a motion by Mr. Chesebrough, seconded by Mrs. Ulwelling and
passed unanimously.

Respectfully submitted,

Craig Eliason

Craig Eliason
Secretary