

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA

55912



507-437-9527

AUSTIN-MOWER COUNTY PLANNING DEPARTMENT

April 29, 1987

Minutes of the 96th Meeting of the Mower County Board of Adjustment

Members Present: Kenneth Trom, William Milbrath, Jen Ulwelling,
Merrill Chesebrough

Members Absent: None

Others Present: Julie Lewon, Craig Eliason

The 96th meeting of the Mower County Board of Adjustment was called to order by Chairman Trom on Wednesday, April 29, 1987 at 4:00 p.m. in Conference Room I in the Mower County Courthouse in Austin, Minnesota. Minutes of the March 25, 1987 meeting were approved as mailed on a motion by Mr. Chesebrough, seconded by Mrs. Ulwelling and passed unanimously.

Fasbender Brothers - Variance to Allow a Garage 27 Feet From the Right-of-Way Instead of the Required 40 Feet: Ms. Lewon read the staff report. Petitioners are requesting a 13 foot variance from the required 40 foot setback from the road right-of-way to build a garage on the W 1/2, SW 1/4 Section 19, Lodi Township - 83 acres. They propose to line it up with the existing setback line of a hog feeding floor. The existing land use is Agricultural and existing zoning is Rural. Surrounding land use and zoning: North - Agricultural, Zoned Rural; South - Agricultural, Zoned Rural; East - Agricultural, Zoned Rural; West - Agricultural, Zoned Rural.

Representatives of the Lodi Town Board were present to gain some clarification on the petition. Upon finding out that the proposed garage would be in line with the hog feeding floor, the representatives said they had no objections to the petition.

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 from the road right-of-way since it will be aligned with the hog feeding floor.
- 2) The variance is consistent with the Comprehensive Plan for the same reason as outlined in #1.
- 3) Practical difficulties are shown by the fact that the farmstead is built up in such a way that the 40 foot setback could not be met without obstructing the use of already existing structures.

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A motion was made by Mrs. Ulwelling to grant the 13 foot variance from the required 40 foot setback from the road right-of-way because it would not establish a new setback line from the road right-of-way. The motion was seconded by Mr. Chesebrough and passed unanimously.

Joseph Vacura - Variance to Allow Building of Home, Garage and New Septic System Closer to Cedar River Than Required: Ms. Lewon read the staff report. Petitioner wishes a 100 foot variance from the required 200 foot setback for buildings from the normal high water mark of the Cedar River under the Shoreland Management Ordinance and a 10 foot variance from the required 150 foot setback for septic systems from the normal high water mark of the Cedar River. These two variances would allow the petitioner to build a new home, garage and septic system on a substandard lot of record on property having the following legal description:

Commencing at the Northwest corner of the SW 1/4 of the SE 1/4 of Section 23, Township 103N, Range 18W, Mower County, Minnesota; thence due East 50 feet, thence due South 91 feet, thence South 25° 43' East 153 feet; to an iron pipe on the South bank of the Red Cedar River. The above described point being 174.1 feet East of the West line of the SW 1/4 of the SE 1/4 of said Section 23, and is the place of beginning of the tract to be described; thence due South 188.75 feet to the centerline of the Public Road; thence Easterly along said Centerline of Road, 125.5 feet; thence due north 279.5 feet to the Center of the Red Cedar River; thence Westerly along said Center of River to a point that is 124.1 feet East of the West line of the SE 1/4 of said Section 23; thence due South to the place of beginning, subject to an easement for highway purposes across the South 33 feet thereof.

The existing zoning is Rural and the existing land use is Vacant. The surrounding land use and zoning: North - Cedar River; South and East - Residential, Zoned Rural; South and West - Warehouses, Zoned Commercial. Mr. Vacura's lot is approximately 169 feet deep. Without a variance this land can not be put to a reasonable use since it is a substandard lot of record.

Joseph Vacura and Carol and Jack McAlister were present to speak in favor of the petition and to answer any questions that the Board may have.

Sylvester Ellis, who lives nearby, was present but had no objections to the petition.

Mr. Chesebrough made note that the Board had visited the site prior to the hearing and had viewed a sharp drop-off of the river bank of approximately 15-18 feet. Ramsey Golf Club, located across the river from the property, would flood before the site would.

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Ms. Lewon read a letter from Floodway Action Citizens Task Source stating their objections to the petition.

Ms. Lewon also stated that the DNR had been contacted for their comments and that they had no objections with the petition.

Following further discussion the Board reviewed the criteria for granting the variance and it was determined as follows:

- 1) The variances are in harmony with the Ordinance's general intent and purpose as the proposed building and septic system are high enough so it would not be in the floodway and the variances will not harm the natural environment of the Cedar River.
- 2) The variances are consistent with the Comprehensive Plan as it won't harm the natural environment of the Cedar River shoreland area.
- 3) Particular hardships are shown by the following:
The property cannot be put to reasonable use if used under the conditions allowed by official controls since the property size is such that meeting all required setbacks would leave no room for the home and septic system to be constructed. The variances will not alter the essential character of the neighborhood as there are many houses in the area with similar setbacks.

A motion was made by Mr. Milbrath to grant the 100 foot variance from the required 200 foot setback requirement under the Shoreland Management Ordinance and the 10 foot variance from the required 150 feet setback to allow a septic system. The motion was seconded by Mrs. Ulwelling and passed unanimously.

Other Business:

Time of Meeting: After some discussion, it was decided that the time of the meeting would remain on Wednesday afternoons until further notice.

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

Respectfully submitted,

Craig Eliason

Craig Eliason,
Secretary