

# MOWER COUNTY

AUSTIN, MINNESOTA

55912



July 29, 1987

Minutes of the 98th Meeting of the Mower County Board of Adjustment

Members Present: Merrill Chesebrough, Jen Ulwelling, William Milbrath

Members Absent: Kenneth Trom

Others Present: Daryl W. Franklin, Julie Lewon

The meeting of the Mower county Board of Adjustment was called to order by Acting Chairman Chesebrough on Wednesday, July 29, 1987 at 4:00 p.m. in Conference Room I in the Mower County Courthouse in Austin, Minnesota. Minutes of the May 27, 1987 meeting were approved as read on a motion by Mrs. Ulwelling, seconded by Mr. Milbrath and passed unanimously.

Carol McAlister - Variance to Allow a Home to be 20 Feet From the Road Right-of-Way Instead of the Required 40 Feet: Mr. Franklin read the staff report. Petitioner is requesting a 20 foot variance from the required 40 foot setback from the road right-of-way. The attached garage would be 20 feet from the right-of-way line. The legal description is as follows: Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 23, Township 103 North, Range 18 West, 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 124.1 feet East of the West line of the Southwest quarter of the Southeast quarter 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 279.6 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 Southeast quarter 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.

Acting Chairman Chesebrough stated that the Board had visited the site earlier in the day. Mr. Franklin explained that he had met with the County Engineer and there are plans for a new alignment for CSAH #16. The County will be turning back property to this site of approximately 50 feet on the west, narrowing to zero feet on the east. When the turnback is complete there will be 40-50 feet between the garage and the road right-of-way.

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

Page two  
Minutes of the Board of Adjustment 98th Meeting  
July 29, 1987

- 1) The variance would be in harmony with the ordinance spirit and intent as within the year the garage will meet the required setback because of the road re-alignment.
- 2) The variance is consistent with the Comprehensive Plan as a reasonable distance for safety will still be maintained.
- 3) Practical difficulties were shown by the fact that if the home and garage were built next year, a variance would not be required because of the turnback of property from the new road alignment.

A motion was made by Mrs. Ulwelling to grant the 20 foot variance from the required 40 foot setback from the road right-of-way based on the above findings. The motion was seconded by Mr. Milbrath and passed unanimously.

Acting Chairman Chesebrough informed Mr. McAlister that the Board's action would be recorded on the deed to the property and would show up on the abstract when it was updated.

Ronald K. Osman - Variance to Allow a House Addition to be 5 Feet From the Side Property Line Instead of the Required 20 Feet: Mr. Franklin read the staff report. The petitioner is requesting a 15 foot variance to allow a family room addition to be 5 feet from the side property line. The property location is Lot 10, Block 1, Belleman's 1st Subdivision.

Acting Chairman Chesebrough explained that the existing house was either not square to the lot or the lot angles. The plan is to build the addition in from the present wall about two feet. At the southeast corner the addition would be about five feet from the lot line.

There was some question on the use of the new room. Mr. Osman said it would be a family room and not used for commercial use.

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

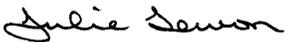
- 1) The variance would be in harmony with the ordinance spirit and intent as it would not create a new setback line.
- 2) The variance is consistent with the Comprehensive Plan as the area is residential in nature and therefore a smaller side yard setback is appropriate.
- 3) Particular hardship is found by the following:  
The shape of the lot is unique as it is pie-shaped, narrowing towards the street and widening to the back. An extension of the house would therefore inevitably come closer to the lot line. The character of the neighborhood would not be altered as the rest of the residences are also closer than twenty feet to the side lot lines.

Page three  
Minutes of the Board of Adjustment 98th Meeting  
July 29, 1987

A motion was made by Mr. Milbrath to approve the requested 15 foot variance from the required 20 foot side yard setback based on the above findings. The motion was seconded by Mrs. Ulwelling and passed unanimously. It was again noted by Acting Chairman Chesebrough that the new room was not going to be used for any commercial purpose. Mr. Osman was told that the Board's action would be recorded on the deed to the property and would show up on the abstract when it was updated.

There being no further business, the meeting adjourned at 4:29 p.m. on a motion by Mr. Milbrath, seconded by Mrs. Ulwelling and passed unanimously.

Respectfully submitted,



Julie Lewon