

# AUSTIN MOWER COUNTY PLANNING DEPARTMENT

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September 27, 1989

Minutes of the 109th Meeting of the Mower County Board of Adjustment

Members Present: Merrill Chesebrough, Don Olson, Bill Milbrath

Members Absent: Ken Trom

Others Present: Daryl Franklin

The meeting of the Mower County Board of Adjustment was called to order by Acting Chair Chesebrough on Wednesday, September 27, 1989, at 4:00 p.m. in the Conference Room of the Austin-Mower County Planning Department in Austin, Minnesota. Minutes of the August 30, 1989, meeting were approved as mailed on a motion made by Mr. Milbrath, seconded by Mr. Olson and passed unanimously.

Variance #224 to Less than 1 acre lots, Less than Required 125 Foot Frontage, Less than 200 Foot Depth Requirement, Less than 20 Foot Side Yard Setback Requirement on Lots 1, 2 and 3, Block 1, Fairway Lane Addition - Joseph Wagner: Mr. Franklin read the staff report. The following variances are requested to allow for the existing townhomes and for petitioner to build a house on Lot 3:

- Lot 1 - 34,280 square foot variance from the 1 acre minimum requirement;
  - 67 foot variance from the 125 foot minimum frontage requirement;
  - 40 foot variance from the 200 foot minimum depth requirement;
  - 20 foot variance from the side yard setback requirement;
- Lot 2 - 27,753.19 square foot variance from the 1 acre minimum requirement;
  - 26.65 foot variance from the 125 foot minimum frontage requirement;
  - 39.28 foot variance from the 200 minimum depth requirement;
  - 20 foot variance from the side yard setback requirement;
- Lot 3 - 20,338.96 square foot variance from the 1 acre minimum requirement;
  - 38.09 foot variance from the 200 foot minimum depth requirement.

Acting Chair Chesebrough stated for the record that the Board had been out to the site and inspected the premises.

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The area is clearly residential although it is zoned Agricultural. He also pointed out the existence of Section 14-10 of the Code which covers existing lots. It provides for the allowance of existing lots for single family detached dwelling purposes provided that the frontage on a public right-of-way and that the area and width thereof are within 60% of the minimum requirements of the Ordinance and can be demonstrated that safe and adequate sewage treatment systems can be installed to serve the dwelling. It was the Board's feeling that the intent of the Ordinance is to apply to this situation.

Lots 1 & 2 have townhomes on them and lot 3 is planned for a single-family dwelling for Mr. Wagner. Mr. Chesebrough stated that the requested variances are to supercede the previously granted variances that don't conform to the property as it's been developed. The previous variances need to be vacated on the recorded plat.

The Board then discussed the request and found that:

- 1) The variance is in harmony with the spirit and intent of the Ordinance as it is a lot of record in a de facto residential area and should be considered to be in conformity to the Ordinance.
- 2) It is consistent with the Comprehensive Plan for the reasons stated above and because it is not prime agricultural land being taken out of production.
- 3) Practical difficulties are shown because a strict following of the Ordinance in regard to agricultural land would be prohibitive. The Board agreed it's de facto residential land. The parcel of land is too small for agricultural purposes and wouldn't be taking prime agricultural land out of production.

In regard to Section 14-10's provision regarding adequate sewage treatment facilities, Mr. Chesebrough read a letter from Mr. Buckley, County Sanitarian, which stated that "with proper maintenance and correct usage, the above described sewage treatment system can function properly and safely in a nuisance free manner for the two residences that it was constructed for." Mr. Wagner stated that he would be using the same system for Lot 3.

Therefore, Mr. Milbrath made a motion to approve the variances on Lots 1, 2 & 3, Block 1 of Fairway Lane Addition as presented subject to the terms stated above regarding sanitation and would supercede any other variances granted for the property. The motion was seconded by Mr. Olson and passed unanimously.

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There being no further business to discuss, the meeting  
adjourned at 4:17 p.m. on a motion made by Mr. Olson,  
seconded by Mr. Milbrath and passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Katie Losness". The signature is written in dark ink and is positioned above the printed name.

Katie Losness