

# MOWER COUNTY

AUSTIN, MINNESOTA

55912



May 30, 1990

Minutes of the 111th Meeting of the Mower County Board of Adjustment Meeting

Members Present: Bill Milbrath, Merrill Chesebrough, Ken Trom

Members Absent: Don Olson

Others Present: Katie Losness

The meeting of the Mower County Board of Adjustment was called to order by Chair Trom on Wednesday, May 30, 1990, at 8:11 p.m. in the Conference Room of the Austin-Mower County Planning Department in Austin, Minnesota. Minutes of the October 25, 1989, meeting were approved as mailed on a motion made by Mr. Chesebrough, seconded by Mr. Milbrath and passed unanimously.

Variance of 29 Feet from the Required 40 Foot Setback from the Road Right-of-Way - Bear Creek Lutheran Church: Ms. Losness read the staff report. The Bear Creek Congregation originally request a 39 foot variance from the required 40 foot setback from the right-of-way to allow them to build an addition to their church in Frankford Township (E 780 ft. N 379.5 ft. NW 1/4 SE 1/4 exc .22 acre to church, Section 7). The addition would enclose the church's existing steps. A concrete sidewalk currently encroached into the right-of-way.

While the petitioner was not present at the meeting, a member of the congregation had been at the site when the Board made their inspection prior to the meeting. Mr. Chesebrough made a motion to amend the application to reflect the need for a 29 foot variance rather than a 39 foot variance. This amendment was the result of measurement at the site by the Board which showed that they are requesting to build approximately 11 1/2 feet from the R-O-W. The motion was seconded by Mr. Milbrath and passed unanimously.

Ms. Losness told the Board that the Planning Department had received no correspondence or telephone calls regarding the request.

The Board then reviewed the statutory requirements for granting a variance. They found that the variance was in harmony with the spirit and intent of the Ordinance as the purpose is to avoid encroaching too close to the right-of-way in case expansion of the road is needed. The existing structure is already significantly closer to the right-of-way than the required 40 foot setback and

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enclosing the steps would not essentially change the encroachment into the r-o-w. The Board also found that the variance was consistent with the Comprehensive Plans for the above reasons.

The Board found practical difficulties were shown as this is a pre-existing structure and the church wanted to build the addition because the existing steps were dangerous in the winter when slippery and because they wish to install a lift for handicapped persons to be in compliance with state law. If the variance were not granted they would not be allowed to accomplish these safety features. They will be doing this within the limits of the present setback. A practical difficulty existed because the church is surrounded by cemetery and the expansion could not be accomplished from any other side of the church.

Therefore, Mr. Milbrath made a motion to approve the 29 foot variance from the required 40 foot setback subject to the County Engineer's concurrence. The motion was seconded by Mr. Chesebrough and passed unanimously.

There being no further business to discuss, the meeting adjourned at 8:20 p.m. on a motion by Mr. Milbrath.

Respectfully submitted,

  
Katie Losness