

Minutes of the 125th meeting of the Mower County Board of Adjustments.

Members Present: Don Olson, Merrill Chesebrough, and Bill Milbrath

Members Absent: Ken Trom

Others Present: Charlie Bliss, Grant Peterson, Bob Smith, Linda Munson, Marshall Halvorson, Randy Judd, Robert Jones, Bill Buckley and James Connell

The regular meeting of the Mower County Board of Adjustments was called to order by acting chairperson, Don Olson, on Wednesday, August 26, 1992 at 4:05 p.m. at the office of Mower County Conference Room in Austin Minnesota. Minutes of the previous meeting were not mailed with the packets, therefore, no action was taken to grant or ammend the minutes of the last meeting.

Setback Variance: A Variance request of the required 40 foot setback requirement from the established right of way - Randy Judd. The variance would allow Mr. Judd to locate his house within the 40 foot setback that is required along the established right of way. James Connell read the staff report and discussion began on the matter with those people present.

Mr. Judd explained the lot conditions since he was not present at the investigation committee meeting conserning his property. The front of the house would face W, SW thus allowing a larger backyard to allow room for his children to play safely. The area is uder an orderly annexation agreement with the City of Austin.

Bill Buckley asked about the situation of a well and septic system. Mr. Judd commented that sewer and water lines are already present and that he would tie in to the system. Mr. Buckley then stated that he had no other concerns. It was brought out that there are other lots which are undeveloped and that the owners would have the option of locating their house 25 feet from the right of way as opposed to the 40 foot that the county enforces. Most of the people present spoke againts this variance in that it would destroy the character of the community.

Mr Chesebrough commented about the code enforcement that would take place. Since the county has no code enforcement, then Mr. Judd would not have to comply with city code which is what would occur if the property were annexed in before moving the house.

When asked about the hardships that were present, the only one stated was that the aesthetic value of the house in the proposed location was better than at the required setback, and other than that, no other hardship exists.

Questions were raised about the side yards requirements. The Mower County Zoning Ordinance was referred to and the house was found to have the required side yards. The citizens felt that the moving of the house in meeting code was more important than the variance.

After no further discussion, Mr. Chesebrough requested that following statement be recorded...

" The property is located in an Orderly Annexation Agreement with Austin Township and the City of Austin by 1996. The owner has indicated that he intends to annex the property in order to take advantage of the utilities. Therefore, I move to approve this petition for Variance." The move was seconded by Don Olson. Voting was as follows. Two I's, two zero "nays", and one no vote. Motion passed.

Move for adjournment with no further business for this meeting. Don Olson made motion, Bill Milbrath seconded, meeting adjourned.

Respectfully Submitted,



James Connell,
Intern Planner