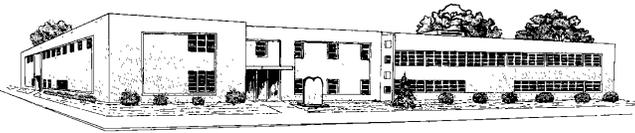


MOWER COUNTY

AUSTIN, MINNESOTA

55912



September 30, 1992

Minutes of the 126th Meeting of the Mower County Board of Adjustment

Members Present: Kenneth Trom, William Milbrath, Don Olson, and Merrill Chesebrough.

Members Absent: None.

Others Present: Daryl W. Franklin.

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Kenneth Trom on Wednesday, September 30, 1992 at 2:00 p.m. in the Conference Room of the Mower County Office Building, Austin, Minnesota.

Minutes of the August 26, 1992 meeting were approved on a motion made by Bill Milbrath and seconded by Don Olson with the following changes. Dr. Doug Myer was also present and the vote should have read three ayes and no nays on the Randy and Teresa Judd variance. The motion passed unanimously.

Variance #243 - Four variances of twenty feet from the required twenty-five foot side yard requirement, and two, fifteen foot variances from the required forty foot front yard setback. Craig Jackel. The staff report was read. The property is lots 29 and 30, Block 2 Dinsmoor Acres, Austin Township, Mower County, Minnesota.

Mr. Jackel is requesting these variances to allow him to move an existing house back on the lot and closer to the side lot line and build a second house on the other lot. These setbacks would be applicable if the property was in the City of Austin. Existing land use is residential and it is located in the Urban-Rural Expansion District. The board referenced the inspection that was made prior to the meeting. The board then reviewed the statutory requirements for granting a variance. They found that the variances are in harmony with the spirit of the intent of the ordinance, as it is not creating a new setback line, but would line up with the other building and would be in accordance with the City of Austin's setback of property when the property is annexed. It is consistent with the Comprehensive Plan for the above reasons. The board also found that a practical difficulty existed because to have the required 25 foot side yard setback on lots that are only 63 feet wide the proposed house would not fit on the lots. It is not practical to have a home only 13 feet wide. The variance would not alter the essential character of the neighborhood since other homes have similar setbacks. A motion was made by Mr. Milbrath and seconded by Mr. Olson to approve all of the variances. The motion passed unanimously.

Variance #244 - Variance of seven (7) feet from the required twenty-five foot front yard setback. Jack & Charlotte Horstmann. Staff report was read. The Horstmans are requesting a seven foot variance from the required

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twenty-five front yard setback to allow them to build a garage in front of their existing garage. Property described as Lot 13, Block 1, Belleman's First Addition, Austin Township, Mower County, Minnesota. The new garage would be eighteen feet from the right-of-way instead of the required twenty-five feet setback. Existing land use is Single Family Residential. Existing zoning is Rural Residence. Surrounding land use and zoning is Single Family/Rural Residence on all sides. Mr. Olson was concerned that in evaluating situations like this without a site plan, we don't really know where the road right-of-way is and/or the location of the building. Merrill Chesebrough stated we do not want to establish a new setback line that would actually be less than the City of Austin's and other homes in the area. Mr. Trom suggested we go through the statutory requirement for granting a variance: 1. Variance is not in harmony with the spirit and the intent of the ordinance, zoning ordinance attempt to establish uniform setback; 2. The variance is not consistent with the Comprehensive Plan. The Comprehensive Plan states that we should have some uniformity of setbacks; 3. Yes, there is practical difficulty because of the pie shaped lot; 4. The variance would alter the essential character of the neighborhood by creating a new setback line which is less than the current one. Mr. Horstmann stated that he came in as a "good citizen" and tried to do what was right and ask for a variance, however his neighbors do not ask for variances and go ahead and build. After an extensive discussion, a motion was made by Don Olson to deny variance request #244 from Jack & Charlotte Horstmann because it is not in harmony with the spirit and intent of the ordinance and the variance is not consistent with the Comprehensive Plan. The motion was seconded by Bill Milbrath and passed unanimously.

Minutes of the 124th meeting of the Board of Adjustment were presented. A motion was made by Merrill Chesebrough and seconded by Don Olson to approve the minutes. Motion passed unanimously.

Changes in setback requirements. A motion was made by Merrill Chesebrough and seconded by Don Olson that the Board of Adjustment recommend to the County Board and the County Planning Commission that the setback requirements in orderly annexation areas, rural residence and urban rural expansion district be changed with the requirements of the adjoining communities. The motion passed unanimously.

There being no further business the meeting adjourned at 3:05 p.m. on a motion by Bill Milbrath and seconded by Don Olson. Motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin