

BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN
MAY 22, 2006

The Goodhue County Board of Adjustment was called to order at 7:00 p.m. by Chairman Brad Anderson in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Judy Fritzingler Stanley Klair Brad Anderson Mike McKay Randy Juliar
Lisa Hanni

Absent: Dennis Monroe

¹Motion by S. Klair seconded by J. Fritzingler and carried to approve the May 22, 2006 Board of Adjustment Agenda. Motion carried 5:0.

²Motion by R. Juliar and seconded by S. Klair and carried to approve the April 24, 2006 Board of Adjustment Minutes as amended. Motion carried 5:0.

Staff Updates: L. Hanni said that K. Gross has been updating our application packets. There is one page for the Township to fill out regarding their process and how they reached their decision.

M. Wozniak said that we have been interacting with a group that has put together the Hiawatha Valley Atlas. It is a great document with a good message. It will be made available for \$15 and includes a DVD with the presentation in it. We feel this is a valuable tool that we are going to use in our planning work. And it comes from citizen planners.

L. Hanni said that there will be a presentation before the Planning Advisory Commission next month.

Conflict/Disclosure of Interest: None to be discussed.

Featherstone Township – Pt of NW1/2 of NW1/4 Section 22 T112N R15W, Featherstone Township. The request is a variance to move the existing Town Hall 30' from the south property line (variance is for 70'), 99' from east property line (variance is for 1') and 20' from the public road right of way for 210th Avenue (variance is for 40'), located in the A-1 Agricultural Protection District.

Featherstone Township is requesting a variance to move the existing Town Hall 30' from the south property line (variance is for 70'), 99' from east property line (variance is for 1') and 20' from the public road right of way for 210th Avenue (variance is for 40'), located in the A-1 Agricultural Protection District.

Featherstone Township is being required to move the existing town hall because of the realignment of County State Aid Highway 1 (CSAH 1). If the town hall were to stay in the existing location, the right-of-way will be very close to the town hall, creating a dangerous situation. The proposed location of the town hall is across the Township Road from the existing location of the town hall. (Please see the attached site plan).

The new location requires a conditional use permit for a community building. They are scheduled for a public hearing at the Planning Advisory Commission May 15, 2006.

A new access driveway is being proposed to serve the new location of the town hall. The township does not wish to place a well or septic system on the new site of the town hall. There is not an existing well or septic system on the existing site. Satellites have been used to serve the town hall in the past, and the Township hopes to continue utilizing satellites. The Environmental Health Director is aware of the request.

The County Engineer has reviewed the request and has commented on the proposal. (Please see the attached correspondence).

The Township has signed the Zoning Application Summary Form, indicating their approval of the request.

Findings of Fact

The following hardships/practical difficulties have been identified:

1. The town hall is being required to move due to safety concerns relating to the realignment of CSAH 1.
2. Since the Township already owns the property of the proposed location, it is a practical request to move the building to the proposed location.
3. The property has community resources such as a playground and a softball field that would be destroyed if the Township were required to meet the setbacks stated in the ordinance.
4. The adjoining property is currently tillable land.

There is particular hardship and practical difficulties in the way of carrying out the strict letter of any official control the variance is in harmony with the general purpose and intent of the official control. The proposed location of the town hall is less than 150 ft. from the existing town hall, so the change in location is very minimal. The current town hall location does not meet any of the required yard setbacks and the proposed location would be further from all property lines than the current location.

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the above findings of fact and any additional findings that would arise during the public hearing and grant an **approval** of the variances to move the existing Town Hall 30' from the south property line (variance is for 70'), 99' from east property line (variance is for 1'), and 20' from the public road right of way for 210th Avenue (variance is for 40'), located in the A-1 Agricultural Protection District.

BOA DISCUSSION

David Schwartau, Featherstone Township Chairman, stated his request was to move the Town Hall across 210th Avenue due to the reconstruction of County Road 1. They need to move it because the construction zone would end 18 inches from the existing foundation. In order to move it they need variances to property lines and the Township Road right of way.

S. Klair clarified that they are going to move it across the road and turn it.

Mr. Schwartau said that was right. They tried to buy some land behind them but the landowners weren't interested and Martin Voth has lost a lot of land along the road already and they didn't want to take any more from him.

M. Wozniak said that they need a Conditional Use Permit for the new location which was recommended for approval to the County Board by the Planning Advisory Commission. They are scheduled for the June 6 County Board meeting for the final decision on that. He stated he did not foresee a problem with the Conditional Use Permit.

R. Juliar said that the proposed location is the only possible place to put the building and that since it is A-1 it should not impede anybody from using their property.

C/B. Anderson clarified that moving the building wouldn't change anything the County is planning on doing with the road.

Mr. Schwartau said that right now the construction markers come within 18 inches of the corner of the building.

C/B. Anderson asked if the County ever thought of straightening out that intersection.

Mr. Schwartau said that is what they are doing.

C/B. Anderson opened the public hearing.

Martin Voth said that he has no trouble with moving the hall. His concern is with the setback. When he went to the Township for his variance they had said that he needed to be 50' to be fair and consistent. On this property it would not affect anything to move it to be 50'. He would like to see it at 50' to be consistent with the variances the Township has granted in the last few months.

R. Juliar clarified the distance he would like to see them at.

Mr. Voth said he would like to make the 70' variance 50'. So that it was consistent with the variance they have granted in the last few months.

Carl Bang, Township Supervisor, said that they were undecided when they decided the setback. They decided they wouldn't go any closer than 30' so they decided to try for 30'. They would be able to go 50'. Same with the road, they would not go any closer than 20' but they could go further.

With no additional public comment R. Juliar motioned and J. Fritzinger seconded to approve the closure of the public hearing. Motion carried 5:0.

C/B. Anderson said that he would like to see the building at 30' from the south line the building would be further from the intersection. He doesn't know if the County has any setbacks from driveways to intersections. He thought they just adopted something.

M. McKay said that if they moved it further east they would be further. It doesn't sound like these numbers are fixed hardships and would be able to move further.

Mr. Bang said that they just couldn't meet the 100' setback.

S. Klair asked if there would be a parking lot in the front of the building.

Mr. Schwartau said that there would be 8 stalls on the east of 210th.

M. McKay said they

L. Hanni said that if they have to move 30' from the west would they have to move their playground.

Mr. Schwartau said that if they have to be 50' from the south line they might miss the playground equipment, but it might be close.

M. McKay said that if 50' is good enough for the residents it should be good enough for the township.

S. Klair asked if anybody would be able to hit a ball against the hall.

L. Hanni said it is about 225' north-south.

S. Klair said he would hate to see them hitting balls against the hall if it looks like they would be.

M. McKay said that the 20' and the 30' are somewhat arbitrary. 20' is pretty close to the road anyway, why do it if you don't have to?

R. Juliar clarifies that the south property line would be a 50' variance, a 10' variance from the right of way and 31' variance from the east property line.

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C/B. Anderson clarified that the right of way isn't going to change on 210th as they realign CSAH 1.

³*Motion by S. Klair and seconded by M. McKay to approve the request for a variance to move the existing Town Hall 50' from the south property line (variance is for 50'), 69' from east property line (variance is for 31') and 50' from the public road right of way for 210th Avenue (variance is for 10'), located in the A-1 Agricultural Protection District based on staff recommendation and past practice of the township. Motion carried 5:0.*

Robert Guenther – Pt of SW1/4 of NE1/4 & pt of N1/2 of SE1/4 & pt of SE1/4 of NW1/4 Section 35 T113N R14W, Wacouta Township. The request is a variance to build an addition on a dwelling 66' to rear property line instead of the required 100' setback (variance is for 34').

Mr. Guenther is requesting a variance to build an addition on a dwelling 66' to rear property line instead of the required 100' setback (variance is for 34').

Mr. Guenther would like to build an addition to enlarge his master bedroom on his dwelling. The proposed addition would be 66' from the north property line. The dwelling is currently 78 feet from that property line. The addition would meet all other setbacks.

Wacouta Township has approved a building permit for the addition.

Findings of Fact

The proposed addition is a reasonable request. It would add value to the existing residence and would not affect the characteristic of the property. It is the most logical location to build the addition. T

The applicant has proven sufficient hardships and practical difficulties in the way of carrying out the strict letter of any official control. The adjoining property is primarily bluffland. The granting of the variance will have no foreseeable impact on the surrounding property owners, or the use of the surrounding property.

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the above findings of fact and grant an **approval** of the variance to build an addition on a dwelling 66' to rear property line instead of the required 100' setback (variance is for 34').

BOA DISCUSSION

Mr. Guenther stated his request.

R. Juliar said that you can see on the map that it is quite by itself. We couldn't see anything that would intrude or cause any problems on neighboring properties.

M. McKay said that it won't disturb anything out there.

C/B. Anderson asked if he has a variance from the Township.

C/B. Anderson opened the public hearing.

With no public comment M. McKay motioned and R. Juliar seconded to approve the closure of the public hearing. Motion carried 5:0.

S. Klair asked if they could act on this if the Township has not..

M. McKay asked if we could put a conditional that he obtain a township variance.

L. Hanni said they tend not to do that.

M. Wozniak said that can't condition variances.

L. Hanni said the reality is that we have a signature from the township that they signed off on it.

R. Juliar asked if it would cause a problem if we did approve it.

L. Hanni said it gets back to the discussion that the Township has their ordinance and we have ours.

M. McKay said that if it was anything controversial or anything he thought anybody might have an issue with he would caution going forward like we might tonight.

L. Hanni said that we have what we need to approve a permit. We have nothing to deny it on because there is a township signature.

M. McKay said that Fred just totally missed it.

L. Hanni said that the Board's options are to approve, deny, or table it. But we caution tabling it based on Township ordinances.

C/B. Anderson said that Robert has met everything the County has asked him to meet and if the township has an issue with it after we take action the township has to deal with it.

⁴Motion by R. Juliar and seconded by J. Fritzinger to approve the request for a variance to build an addition on a dwelling 66' to rear property line instead of the required 100' setback (variance is for 34') based on staff recommendation. Motion carried 4:0:1 McKay abstained.

Randall Hoppe – Pt of SW1/4 of Section 17 T112N R18W, Stanton Township. The request is a variance to build an accessory structure 80' from the north property line instead of the required 100' (variance is for 20').

Mr. Hoppe is requesting a variance to build an accessory building 80' from the north property line instead of the required 100' setback (variance for 20').

Mr. Hoppe has included a very detailed background on this property and his circumstances in his application for this variance. He has identified the following hardships/practical difficulties in his narrative:

- 1) The proximity of the accessory building to the dwelling to make it more accessible.
- 2) The layout of the existing driveway. Mr. Hoppe has stated that the driveway was constructed wrong and did not allow the extra 20' he had originally planned for the accessory structure.
- 3) The required setback would cause the building to be placed in a matter that would be unpleasant and cause an impractical and dysfunctional layout.
- 4) The area for the accessory building was prepped when the dwelling was constructed because this was a planned structure.
- 5) There is tillable land on the other side of the driveway across from the dwelling.

Cannon Falls has approved the variance.

Findings of Fact

The applicant has proven sufficient hardships and practical difficulties in the way of carrying out the strict letter of any official control. The adjoining property is currently tillable land. The granting of the variance will have no foreseeable impact on the surrounding property owners, or the use of the surrounding property.

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the above findings of fact and grant an **approval** of the variance to build an accessory building 80' from the rear property line instead of the required 100' setback (variance for 20').

BOA DISCUSSION

Mr. Hoppe was not present.

C/B. Anderson said that he did the site visit. He stepped off the setback and he did not feel it was as close as Mr. Hoppe had originally thought. The house itself was a little over 100' back from the property line.

S. Klair asked if it was a garage or a storage shed?

C/B. Anderson said that Mr. Hoppe was in a motorcycle accident and is in a wheelchair. They built the house so that he would be able to maneuver in the wheelchair. They found that they needed more storage space for the lawnmower and other personal storage.

C/B. Anderson opened the public hearing.

Robert Benson, Township Supervisor, said that with Mr. Hoppe's situation it is the best location for that building to go in. If you put it on the other side, you would be taking out agricultural land and this fits with how his house is sitting.

With no public comment M. McKay motioned and J. Fritzinger seconded to approve the closure of the public hearing. Motion carried 5:0.

⁵Motion by S. Klair and seconded by M. McKay to approve the request for a variance to build an accessory structure 80' from the north property line instead of the required 100' (variance is for 20') based on staff recommendation. Motion carried 5:0.

Discussion ensued about property line setbacks.

⁶Motion by J. Fritzinger and seconded by R. Juliar to adjourn the May 22, 2006 Board of Adjustment meeting at 8:05 p.m. Motion carried 5:0.

Respectfully Submitted,

Kristi R. Gross
Secretary

MINUTES

- ¹ APPROVE the May 22, 2006 Board of Adjustment Agenda. Motion carried 5:0.
- ² APPROVE the April 24, 2006 Board of Adjustment Minutes as amended. Motion carried 5:0.
- ³ APPROVE the variance to move the existing Town Hall 50' from the south property line (variance is for 50'), 69' from east property line (variance is for 31') and 50' from the public road right of way for 210th Avenue (variance is for 10'), located in the A-1 Agricultural Protection District based on staff recommendation and past practice of the township. Motion carried 5:0
- ⁴ APPROVE the request for a variance to build an addition on a dwelling 66' to rear property line instead of the required 100' setback (variance is for 34'). Motion carried 5:0.
- ⁵ APPROVE the request for a variance to build an accessory structure 80' from the north property line instead of the required 100' (variance is for 20'). Motion carried 5:0.
- ⁶ ADJOURN the May 22, 2006, Board of Adjustment meeting at 8:05 p.m. Motion carried 5:0.