

**BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN**  
**JULY 24<sup>TH</sup>, 2006**

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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: Brad Anderson    Dennis Monroe    Mike McKay    Judy Fritzingler    Randy Juliar  
 Lisa Hanni

Absent: Michael Wozniak Stanley Klair

*<sup>1</sup>Motion by R. Juliar, seconded by J. Fritzingler, and carried to approve the July 24<sup>th</sup>, 2006 Board of Adjustment Agenda. Motion carried 5:0.*

*<sup>2</sup>Motion by D. Monroe, seconded by M. McKay, and carried to approve the June 26<sup>th</sup>, 2006 Board of Adjustment minutes. Motion carried 5:0.*

**Staff Updates:** L. Hanni mentioned that the Hamlet/Mixed Use District Ordinance will be coming for a public hearing at the August Planning Advisory Commission meeting. Mike Wozniak is on vacation this week. As a general Goodhue County update, we will have a new Administrator, Finance Director, and IT Department Head before the end of the year.

B. Anderson asked about the new Finance Director?

L. Hanni stated that the Finance Director will be over the Assessor's.

**Conflict/Disclosure of Interest:** None to be discussed.

**1)Christopher Cordes** – N 950' of E 595' of the NE ¼ of the SW ¼ Except the North 247' of the East 362 feet thereof and South 4 acres of the North 15 acres of the NW ¼ of the SE ¼ Section 7, T109N, R18W, Kenyon Township. The request is a variance to build a dwelling 26' from the east property line (front yard) instead of the required 60' setback (variance is for 32') and a variance to build dwelling 48' from the north property line (rear yard) instead of the required 100' setback (variance for 52').

Mr. Cordes is requesting a variance build a dwelling 26' from the east property line (front yard) instead of the required 60' setback (variance is for 32') and a variance to build dwelling 48' from the north property line (rear yard) instead of the required 100' setback (variance for 52').

Mr. Cordes would be replacing the mobile home that is currently on the property with a different dwelling. The mobile home will be removed within six months of completion of the other dwelling. Since he is moving the replacement site from it's original location the current setbacks apply.

This area is full of these uniquely shaped parcels that do not provide enough width to locate a building in compliance with today's setback standards.

The township has approved the variance.

Subd. 1. In exercising its authority to review any order, requirements, decision or determination made by any administrative official, the Board shall not grant any appeal or variance unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:

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- A. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity. **The new location is further from property lines than the current mobile home. The layout of the parcel is unique to the zoning district it is located in.**
- B. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant, and that the granting of the variance will not alter the essential character of the locality. **There are no foreseeable adverse affects of granting the variance. Mr. Cordes has indicated he hopes to buy the front property currently owned by David Gehrke in the future. The adjoining property is being farmed.**

Subd. 2. In the case of variances, they shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control. **The parcel is not wide enough to meet the setbacks and site the dwelling. The proposed location is in close proximity to the current garage. The request is in harmony with the general purposes and intent of the official control.**

Based on the above findings staff recommends approval of the variance build a dwelling 26' from the east property line (front yard) instead of the required 60' setback (variance is for 32') and a variance to build dwelling 48' from the north property line (rear yard) instead of the required 100' setback (variance for 52').

*BOA DISCUSSION*

L. Hanni introduced the two variance requests and stated that staff has recommended approval of the two variance requests. She pointed out the letter received from Dave Gehrke regarding the requests.

Mr. Cordes was present and stated that he wanted to clarify the letter from David Gehrke—he is not 48 ft. from his property line; it's 48 ft. from the Benson Brothers' property line. He was going to purchase the property in front of the proposed dwelling, but it has not worked out yet.

D. Monroe asked if he was going to use the existing driveway?

Mr. Cordes replied yes and the existing garage.

R. Juliar asked about the well and septic?

Mr. Cordes replied that he'll use the same well, but they're installing a new septic system.

D. Monroe asked how many feet it is from the garage to the proposed dwelling?

Mr. Cordes estimated about 50-75 ft.

M. McKay asked about the neighbor with hunting concerns?

Mr. Cordes replied that they live about ¾ of a mile to the southwest, but their property comes within ½ mile to his property. There is actually another property between his property and their property.

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M. McKay asked if you built a home without a variance, you would actually be closer to their property and in the middle of the woods.

Mr. Cordes replied that there is no actual visual site line between the two dwellings.

M. McKay stated that he did not understand it because it is actually more favorable to them. He asked why he is spotting it there?

Mr. Cordes stated that they would have to clear out even more woods, the bigger hardwoods. He stated that it flattens out on top.

M. McKay stated that it was a logical place for the way it sits right now. He would be leaving a big chunk of woods undisturbed.

*C/B. Anderson opened the public hearing.*

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

D. Monroe asked about the distance to the garage?

Mr. Cordes replied that it is already plenty far.

M. McKay stated that he was out on the site visit. The location is probably the most fitting for the hand he has been dealt. The issue he would have had is that it is close to the neighbors, but it looks like the neighbors are on board with this.

*<sup>3</sup>Motion by M. McKay and seconded by D. Monroe to approve the request for a variance to build a dwelling 26' from the east property line (front yard) instead of the required 60' setback (variance is for 32') and a variance to build dwelling 48' from the north property line (rear yard) instead of the required 100' setback (variance for 52'). Motion carried 5:0.*

**2) Mary Henry**—Pt of NE ¼ of the NE ¼ of Section 3, T109N R15W Pine Island Township. The request is an appeal to remove the stipulation the three (3) building sites share one access to the Township Road according to a variance approved by the Board of Adjustment to the ¼, ¼, density in an A-2 Agricultural Zoning District.

Ms. Henry is appealing to remove the stipulation “The three (3) building sites share one access to the Township Road” as stated in the variance to the ¼, ¼, density in an A-2 Agricultural Zoning District approved for Orrin Haugen by the Board of Adjustment.

On September 25, 2000 Orrin Haugen first appeared before the Board of Adjustment to request a variance to transfer building sites from the SW ¼ of the NE ¼ and from the SE ¼ of the NE ¼ both to the NE ¼ of the NE ¼. The Board of Adjustment table the request and ultimately approved it at their October 23, 2000 meeting with the stipulations that the three building sites share one well and access to the Township Road. There is no indication in the minutes the reasoning or logic behind the stipulations.

On March 22, 2004, Orrin Haugen returned to the Board of Adjustment appealing the well stipulation. That appeal was approved and the well stipulation was removed. Mr. Haugen stated that the driveway was not an issue, but the sites were not close enough together to share the well.

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Two of the three building sites currently have dwellings and separate access points, the first of the three building sites was approved without having the driveway come off of the shared central "road" which must have been an oversight at the time. The intent of the shared driveway is not clear in reading through the minutes of the meeting.

The Township has approved the Township Application/County Zoning Approval (building permit) for the proposal. Mr. Swanson has indicated that prior to the Township granting the building permit the access location was reviewed and approved.

Subd. 1. In exercising its authority to review any order, requirements, decision or determination made by any administrative official, the Board shall not grant any appeal or variance unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:

- C. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity. **The three building sites are spread out enough that a central access would create unnecessarily long driveways to the dwellings. The proposed driveway location would have the least affect on the land and the natural resources on it. Today, we would probably not have a stipulation regarding a township road, because of it being governed by the township.**
- D. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant, and that the granting of the variance will not alter the essential character of the locality. **The proposed access point has been reviewed by the Township to meet their standards for line of site and safety.**

Based on the above findings, staff recommends approval of the appeal to remove the stipulation "The three (3) building sites share one access to the Township Road" as stated in the variance to the 1/4, 1/4, density in an A-2 Agricultural Zoning District approved for Orrin Haugen by the Board of Adjustment.

*BOA DISCUSSION*

L. Hanni introduced the issue. She mentioned an email that was sent by Mr. Ted Anderson.

Ms. Henry replied that there is another letter from the couple that lives up on the hill.

C/B. Anderson read the letter from the neighboring property (Chad and Marcy Sheridan) supporting the request for Mary Henry to have her own driveway and not use their driveway.

Ms. Henry stated that Arthur Swanson is present.

M. McKay stated that the big question is what the original intent was for that stipulation placed on the original approval. He stated that it is obsolete today. Common sense says that the proposed driveway makes more sense than where they would have to place the driveway if they followed the stipulations.

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His biggest issue was the site line of the driveways, but the township did approve the site line of the driveway.

D. Monroe asked if there are two driveways now?

M. McKay answered yes, this will be the third driveway. This proposal would be less intrusive than where it would have to go if they followed the stipulation.

D. Monroe asked if there is a check on the decisions that are made?

L. Hanni stated that if someone came in to get a building permit now, we would pull the parcel file to check if there were conditions on it.

D. Monroe asked if at the time that the other driveways were approved, did they not look at that?

L. Hanni stated apparently not.

*C/B. Anderson opened the public hearing.*

Arthur Swanson stated that he is the builder of the property. He stated that this driveway is the only one of the three that will come out on the north side of the creek bed with no potential for flooding; we are eliminating the problem. You can see from the aerial photo—we would have to come in just on the north side of the existing culvert—that would probably get flooded.

*D. Monroe motioned and seconded by M. McKay to approve the closure of the public hearing. Motion carried 5:0.*

D. Monroe asked Mike McKay about any concerns after he was out on the site?

M. McKay stated that this is a much better solution. If they went with the other driveway, they would have to move some significant dirt around. It is very clearly a better solution.

*<sup>4</sup>Motion by D. Monroe and seconded by M. McKay to approve the request based on staff findings and staff recommendation for an appeal to remove the stipulation the three (3) building sites share one access to the Township Road according to a variance approved by the Board of Adjustment to the ¼, ¼, density in an A-2 Agricultural Zoning District. Motion carried 5:0.*

**3) Roscoe Township** – Pt of SW ¼ of NW ¼ Section 10 T109N R16W, Roscoe Township. The request is a variance to build a handicap accessibility ramp 29' from County 12 right of way (variance for 31') and 9.5 feet from east property line (variance is for six inches).

Mr. Goplen is representing Roscoe Township in the request for a variance to build a handicap accessibility ramp 29' from County 12 right of way (variance for 31') and 9.5 feet from east property line (variance is for six inches).

Roscoe Township is in the process of restoring the Township Hall. As part of the restoration they are trying to come into code with federal accessibility requirements in order to be considered a public polling facility for elections.

The ramp would extend past the east wall of the building six inches then toward CSAH 12 41' then back toward the town hall 27'. It would be 29' from the right of way.

Subd. 1. In exercising its authority to review any order, requirements, decision or determination made by any administrative official, the Board shall not grant any appeal or variance unless they

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find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:

- A. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity. **The town hall was an old school building built in 1913. The current renovations are bringing it back to it's original beauty. The ramp is a necessity to meet federal polling location regulations.**
- B. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant, and that the granting of the variance will not alter the essential character of the locality. **The ramp would be close to the same distance as the church is to the CSAH 12 right of way. There are no foreseeable adverse affects of granting the variance.**

Subd. 2. In the case of variances, they shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control. **The building is existing sending the ramp any other direction could cause the handicap to feel segregated and would bring the ramp even closer to the neighboring property line. The proposed location is the most logical for the accessibility ramp. The request is in harmony with the general purposes and intent of the official control.**

Based on the above findings, staff recommends approval of the variance to build a handicap accessibility ramp 29' from County 12 right of way (variance for 31') and 9.5 feet from east property line (variance is for six inches).

*BOA DISCUSSION*

L. Hanni introduced the variance request.

Jim Goplin was present representing Roscoe Township. They are in the process of renovating and restoring, and they need to put in a handicap ramp to make it accessible. This is the only logical direction to go.

M. McKay stated that he did the site visit. The proposal and design is a good solution because the handicap access will come right off from the parking area. It seems to be the best way to get into the building. He stated that he would add that they need to get approval before the funds get released, and they are on a short schedule. He saluted them for doing a beautiful job.

D. Monroe stated that they have reassigned us to vote at the County shed. He stated that maybe they will realign other townships to go to vote here.

Mr. Goplin stated that some of the graves are much closer to the road than this request.

*C/B. Anderson opened the public hearing.*

Ken Peterman asked that you grant this variance as long as it is a federally-mandated issue.

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*R. Juliar motioned and seconded by J. Fritzinger to approve the closure of the public hearing. Motion carried 5:0.*

L. Hanni added that Greg Isakson, County Engineer, emailed staff, and he has no issue with the variance request.

B. Anderson asked if they narrowed that right-of-way?

L. Hanni stated that sometimes they do narrow the right-of-ways next to churches because they do not like to move graves.

*<sup>5</sup>Motion by J. Fritzinger and seconded by D. Monroe to approve the request for a variance to build a handicap accessibility ramp 29' from County 12 right of way (variance for 31') and 9.5 feet from east property line (variance is for six inches). Motion carried 5:0.*

**4) Herschel Bauer** – SE ¼ Section 4 T109N, R16W, Roscoe Township. The request is a variance to split a property reducing the side and rear yard of an existing accessory building to 3 feet (variance is for 97 feet).

Mr. Bauer is requesting a variance to split his property reducing the side and rear yard of an existing accessory building to 3' instead of the required 100' (variance would be for 97') and a variance for the created property line to be 60' from the dwelling instead of the required 100' (variance would be for 40'). Subsequently, the buildings on the opposite side of the property line would also need a variance to be 45' from the new property line instead of the required 100' (variance for 55').

Mr. Bauer has stated that he would like to split the property so that he may add his wife onto the deed for the house. He would also like to have separation between the dwelling and his partnership with his son over the remainder of the farm. Mr. Bauer is not looking to split the land in order to sell either parcel at this time.

Mr. Bauer is aware that he will need a new survey to show the 100' of road frontage. That requirement was not clarified earlier.

The township has signed the application indicating they support the request to split the property as proposed.

Subd. 1. In exercising its authority to review any order, requirements, decision or determination made by any administrative official, the Board shall not grant any appeal or variance unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:

A. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity. **Mr. Bauer is in a partnership over the farm with his son. He would like separation between the partnership and his personal residence. The buildings are existing.**

B. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant, and that the granting of the variance will not alter the essential character of the locality. **If the property**

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would be sold the granting of the variance could place hardships on future owners of either property. The granting of the variance is causing the buildings to become non-conforming. The parcel with the dwelling is very constricting and does not allow much room if some other accessory building were to be desired in the future. It also appears that the splitting of the property could potentially leave Mr. Bauer's septic on the parcel not associated with the dwelling, potentially causing problems if he were to ever sell in the future.

- Subd. 2. In the case of variances, they shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control. **An apparent hardship is not present. The buildings are currently existing; however it would be possible to split the entire farmyard from the agricultural land. Allowing a split that creates such a non-conforming lot would be in conflict with the general purposes and intent of the official control.**

Based on the applicant's not meeting all required subdivisions of the findings as stated above, staff recommends denial of the following variances:

1. To split his property reducing the side and rear yard of an existing accessory building to 3' instead of the required 100' (variance would be for 97'),
2. For the created property line to be 60' from the dwelling instead of the required 100' (variance would be for 40').
3. For an existing building to be 45' from the new property line instead of the required 100' (variance for 55').

*BOA DISCUSSION*

L. Hanni introduced the variance requests. She stated that they handed in an updated survey, which shows 100 ft. of road access. He is also adding a larger portion to the southeast portion; there will be 3.56 acres instead of the original 2 acres. It appears that it does not change the setbacks. She went on to state that we received comments from Jason Petersen, Environmental Health Director. He was concerned of not having room for an additional drainfield. As staff, we do have concerns that splitting off the house from the other farm buildings could bring on further issues later on.

D. Monroe asked if this additional acreage satisfies Mr. Petersen's concerns?

M. McKay stated that by adding that, it includes the existing drainfield.

L. Hanni asked the applicants if there are any animals in these buildings?

Mr. Bauer stated that there are animals and pasture land.

M. McKay stated that all he can add is that he saw exactly what you see here. The property lines were staked out. It splits the farm buildings up and leaves a three ft. setback. Jason eluded to the question if whether the existing septic is compliant, and if it wasn't, then he would have to find room to place the second septic on the other side.

C. Fuhrman added that Jason's concern is that if the existing septic is non-compliant, is there room for an additional drainfield?

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M. McKay stated that he does not know what the hardship is. The statement is that you cannot have a financial hardship. He stated that he's not sure what the hardship is.

Ms. Bauer stated that it is all in the same ownership. It has been advised that we should get some things in my name and some in his name.

L. Hanni stated that the concern is that if something would happen and you would split the farm off and keep the house, there are some setbacks that have to come into play with feedlots if the owner's residence was excluded from that because we knew that the house was going to be in the barn area.

R. Juliar stated that he has concerns about splitting farms like this. He just cannot see in the future if we start doing this—he doesn't see the justification of splitting this up like this.

C/B. Anderson stated that one of the real problems is that to do anything on the farm side, or on the house side, is going to take a variance. You cannot build a building in that farmyard and meet the setbacks. Ever time you want to add a porch or add on to a farm building.

M. McKay stated that you cannot do that because you cannot cause the hardship. He stated that he still does not know what the hardship is. He just does not see it.

Mr. Bauer asked what a hardship is?

M. McKay stated that there has to be a reason that you come in. There has to be a reason for you doing that.

D. Monroe stated that finances cannot be the only hardship.

Mr. Bauer asked if he'd have to put the wife on the whole farm?

M. McKay stated that you'd have to split it in a way that you didn't need a variance.

L. Hanni stated that if you could encompass all of the buildings.

Ms. Bauer asked about keeping the family farm. In the future, if their son wants his own home some place and we stay in our home.

L. Hanni and C. Fuhrman explained the location of where he could place the second farm dwelling.

R. Juliar asked what the minimum acreage was?

C. Fuhrman answered two acres.

*C/B. Anderson opened the public hearing.*

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

*<sup>6</sup>Motion by J. Fritzingler and seconded by D. Monroe to deny the three variance requests: (1) Variance to split his property reducing the side and rear yard of an existing accessory building to 3' instead of the required 100' (variance would be for 97'); (2) Variance for the created property line to be 60' from the dwelling instead of the required 100' (variance would be for 40'); and (3) Subsequently, the buildings on the opposite side of the property line would also need a variance to be 45' from the new property line instead of the required 100' (variance for 55') based on staff recommendation and because of the proximity of the feedlot to the property lines. Motion carried 5:0.*

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**5) Matthew Strain** – Pt of Lot 7, in the NW ¼ of Section 16 in T112N R17W, Cannon Falls Township. The request is a variance to build an addition on a dwelling with a side yard of 15 feet instead of the required 100' (variance is for 85').

Mr. & Mrs. Strain are requesting a variance to build a 24'x28' addition on their existing attached garage 15' from the west property line instead of the required 100' setback (variance is for 85'). The property is located in Section 16 of Cannon Falls Township. This is another example of a property that is non-conforming to the size requirements of the A-2 district. It is on the edge of the city of Cannon Falls and is very near a R-1 Suburban Residential Zoning District.

The Township has approved the Township Application/County Zoning Approval (building permit) for the proposal.

The aerial map indicates the dwelling could potentially be closer to the property line than the applicants may think it is and the garage addition could be right on the property line instead of 15' from it. Staff has requested the applicants to obtain a survey to verify the location of the dwelling from the property line so the correct distances can be verified.

Subd. 1. In exercising its authority to review any order, requirements, decision or determination made by any administrative official, the Board shall not grant any appeal or variance unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:

- A. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity. **Although the circumstances affecting the land apply generally to other property in the same vicinity, it does not apply generally to other property in the same zoning district.**
- B. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant, and that the granting of the variance will not alter the essential character of the locality. **As long as the addition does not encroach onto the adjacent property, it is not apparent that the granting of the application would be materially detrimental to the welfare or injurious to adjacent neighbors. There is a nice separation of trees between the two properties. If this property were zoned residential it would only require an 8' property line setback.**

Subd. 2. In the case of variances, they shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control. **The dwelling and the property were both in existence prior to the current zoning ordinance. It is surrounded by residential property and is residential in nature also. The garage addition is a reasonable improvement on the property. It is apparent that additional covered storage is needed.**

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Based on the above findings, staff recommends approval of the variance to build closer than the required 100' setback to the west property line, exact distance to be determined by the Certificate of Survey provided by the applicant. Staff only recommends approval upon receipt of a Certificate of Survey verifying the exact distance to the property line.

*BOA DISCUSSION*

L. Hanni introduced the issue.

Mrs. Strain submitted the Certificate of Survey.

L. Hanni stated that the request is actually 11 ft. from the property line and not 15 ft. from the property line.

D. Monroe stated that the variance is for 89 ft.

Mr. Strain stated that he doesn't know if any house meets that 100 ft. setback.

Mr. Strain stated that we have always parked there; it is tarred right now.

M. McKay stated that he made the site visit. Basically, it is a residential strip right there on the highway. In his own mind, this is what we have been approving. Basically, the Ordinance got kicked in long after the houses were built. The Township approved it, and the neighbors have not commented on it.

*C/B. Anderson opened the public hearing.*

*With no public comment, M. McKay motioned and seconded by D. Monroe to approve the closure of the public hearing. Motion carried 5:0.*

*<sup>7</sup>Motion by M. McKay and seconded by J. Fritzinger to approve the request based on staff recommendation for a variance to build an addition on a dwelling with a side yard of 11 feet instead of the required 100' (variance is for 89'). Motion carried 5:0.*

*<sup>8</sup>Motion by J. Fritzinger and seconded by R. Juliar to adjourn the July 24<sup>th</sup>, 2006 Board of Adjustment meeting at 8:05 p.m. Motion carried 5:0.*

Respectfully Submitted,

Carie A. Fuhrman

Secretary

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## MINUTES

- <sup>1</sup> APPROVED July 24<sup>th</sup>, 2006 Board of Adjustment Agenda. Motion carried 5:0.
- <sup>2</sup> APPROVED June 26<sup>th</sup>, 2006 Board of Adjustment minutes. Motion carried 5:0.
- <sup>3</sup> APPROVED the request for a variance to build a dwelling 26 ft. from the east property line (front yard) instead of the required 60 ft. setback (variance is for 32 ft.) and a variance to build the dwelling 48 ft. from the north property line (rear yard) instead of the required 100 ft. setback. Motion carried 5:0.
- <sup>4</sup> APPROVED the request for an appeal to remove the stipulation the three (3) building sites share one access to the Township Road according to a variance approved by the Board of Adjustment to the ¼, ¼ density in an A-2, Agricultural Zoning District based on staff findings and recommendation. Motion carried 5:0.
- <sup>5</sup> APPROVED the request for a variance to build a handicap accessibility ramp 29 ft. from County 12 right-of-way (variance is for 31 ft.) and 9.5 ft. from the east property line (variance is for six inches). Motion carried 5:0.
- <sup>6</sup> DENIED the three variance requests: (1) Variance to split his property reducing the side and rear yard of an existing accessory building to 3' instead of the required 100' (variance would be for 97'); (2) Variance for the created property line to be 60' from the dwelling instead of the required 100' (variance would be for 40'); and (3) Subsequently, the buildings on the opposite side of the property line would also need a variance to be 45' from the new property line instead of the required 100' (variance for 55') based on staff recommendation and because of the proximity of the feedlot to the property lines. Motion carried 5:0.
- <sup>7</sup> APPROVED the request based on staff recommendation for a variance to build an addition on a dwelling with a side yard of 11 feet instead of the required 100' (variance is for 89'). Motion carried 5:0.
- <sup>8</sup> ADJOURN the July 24<sup>th</sup>, 2006, Board of Adjustment meeting at 8:05 p.m. Motion carried:0.