

BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN

APRIL 26, 2010

The meeting of the Goodhue County Board of Adjustment was called to order at 6:30 p.m. by Chair Judy Fritzingler in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Judy Fritzingler Mike Hinsch Lisa Hanni Rich Bauer Dennis Monroe
Brad Anderson Mike McKay

Absent:

¹Motion by B. Anderson seconded by M. McKay and carried to approve the April 26, 2010 Board of Adjustment Agenda. Motion carried 6-0.

²Motion by D. Monroe seconded by B. Anderson and carried to approve the March 22, 2010 Board of Adjustment regular meeting minutes. Motion carried 6-0.

Election of Vice Chair

Dennis Monroe volunteered to be Vice Chair.

³Motion by M. McKay seconded by B. Anderson and carried to approve a unanimous ballot for Dennis Monroe to be the Vice Chair for the current fiscal year. Motion carried 6:0.

Staff Updates: L. Hanni introduced Mike Hinsch and Rich Bauer to the Board. The Board members introduced themselves. She also stated that the wind energy continuation is going on. There is going to be a sub-committee set up to review it further. The wording changes to the ordinance and the moratorium were denied and it moves to the County Board.

B. Anderson asked if the moratorium would stop anything from going further.

L. Hanni said no, there is one already on the tracks.

R. Bauer said that even if you have ordinances on your books, the Public Utilities Commission just has to review them, not adopt them.

Conflict/Disclosure of Interest: None.

Ellen Stewart – Lots 20, 21, 22, 23, Blk 17 Ex E 10 feet of lot 23 for street pl of vac burr oak, Florence Township. The request is a variance to build a dwelling on parcel with 36,100 square feet of lot area instead of the required 40,000 square foot non-riparian lot area in the Shoreland Overlay District.

L. Hanni presented the staff report, findings of fact and staff recommendation:

Findings of Fact: The parcel in question is large enough for a dwelling and SSTS system. The shoreland overlay district cuts through the property. If she was able to build to the rear of the property her dwelling would be outside the shoreland overlay district and not be subject to the 40,000 sq. ft. lot size requirement. There is a ravine at the rear of the lot that limits the location of the dwelling. Building the dwelling to the rear of the lot would be inconsistent with the character of the neighborhood. The request should have no adverse material affects on neighboring properties, nor will it affect the health or safety of persons residing or working in the area adjacent to the property of the applicant. An additional home will enhance the character of the neighborhood. The lot was created prior to the installation of our shoreland requirement requiring a 40,000 square foot lot size. Minnesota Rules allow for an exception to be granted in this case without a variance. The lot is 22% smaller than required. The character of the neighborhood will be enhanced by the addition of the proposed dwelling. There is no feasible method to alleviate the practical difficulty without granting the variance. The lot was created prior to the shoreland standards in the ordinance. In weighing all the factors it appears that there could be practical difficulties and the interest of justice would not be served by denying the variance.

Staff Recommendation: Based on the findings of fact, staff recommends that the Board of Adjustment adopt the staff report into the record, accept the findings of fact, and approve the variance to build a dwelling on a parcel with

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approximately 36,100 square feet of lot area instead of the required 40,000 square foot non-riparian lot area in the Shoreland Overlay District with the following conditions:

1. The applicant combines parcels 32-130-0500 and 32-130-0440 into one tax parcel.

Discussion

M. McKay asked if any other variances would be necessary.

K. Gross said none are apparent at this time.

K. Gross said that two neighbors have submitted letters of support of the variance.

John Hodgson said that he gave away 1/2 of burr oak street. He supports the request.

C/J. Fritzingler opened the public hearing.

John Hodgson has been a resident of Frontenac for fifty years.

After no further public comment it was motioned by B. Anderson and seconded by M. McKay to close public comment. Motion carried 6-0.

B. Anderson asked if there would be room to move around that lot and meet setbacks.

L. Hanni said that it is R-1.

4Motion by B. Anderson and seconded by M. McKay approve the variance to build a dwelling on a parcel with approximately 36,100 square feet of lot area instead of the required 40,000 square foot non-riparian lot area in the Shoreland Overlay District. Motion carried 6-0.

Emmanuel Lutheran Church - Pt of the SE 1/4 of the SE 1/4 Section 17, T110N R 17W, Wanamingo Township. The request is a variance build an addition 5' from the North property line instead of the required 30' setback (variance for 25').

M. Wozniak presented the staff report, findings of fact and staff recommendation:

Findings of Fact: The church is located on a small parcel which does not allow much room for growth without a variance. The request should have no adverse material affects on neighboring properties, nor will it affect the health or safety of persons residing or working in the area adjacent to the property of the applicant. The church was built well before our ordinance. The situation is unique to this property and was not created by the landowner. The request would reduce the setback by 25 feet. The character of the neighborhood will be unchanged. There is no feasible method to alleviate the practical difficulty without granting the variance. The church was built prior to our zoning ordinance. In weighing all the factors it appears that there could be practical difficulties and the interest of justice would not be served by denying the variance.

Staff Recommendation

Based on the findings of fact, staff recommends that the Board of Adjustment adopt the staff report into the record, accept the findings of fact, and approve the variance to build an addition 5' from the north property line instead of the required 30' setback (variance is for 25').

Discussion

Clifford Nelson was present representing the church.

B. Anderson asked if they need a variance to the road.

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K. Gross said that they do not need a variance since they are not going any closer to the road.

C/J. Fritzinger opened the public hearing.

No one present wished to speak for or against the request.

After no public comment it was motioned by B. Anderson and seconded by R. Bauer to close public comment. Motion carried 6-0.

⁵Motion by M. McKay and seconded by D. Monroe to adopt the staff report into the record, accept the findings of fact, and approve the variance to build an addition 5' from the north property line instead of the required 30' setback (variance is for 25'). Motion carried 6-0.

⁶Motion by M. McKay and seconded by B. Anderson to adjourn the April 26, 2010 Board of Adjustment meeting at 7:03 p.m. Motion carried 6:0.

Respectfully Submitted,

Kristi Gross

Secretary

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MINUTES

¹ APPROVE April 26, 2010 Board of Adjustment Agenda. Motion carried 6:0.

² APPROVE the March 22, 2010 Board of Adjustment regular meeting minutes. Motion carried 6:0.

³ APPROVE a unanimous ballot for Dennis Monroe to be the Vice Chair for the current fiscal year. Motion carried 6:0.

⁴ APPROVE variance to build a dwelling on a parcel with approximately 36,100 square feet of lot area instead of the required 40,000 square foot non-riparian lot area in the Shoreland Overlay District. Motion carried 6-0.

⁵ APPROVE the variance to build an addition 5' from the north property line instead of the required 30' setback (variance is for 25'). Motion carried 6-0.

⁶ ADJOURN April 26, 2010 Board of Adjustment meeting at 7:03 p.m. Motion carried 6:0.