

NOVEMBER 22, 2010

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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 M. McKay

Absent:

***<sup>1</sup>Motion by D. Monroe seconded by B. Anderson and carried to approve the November 22, 2010 Board of Adjustment Agenda. Motion carried 6-0.***

B. Anderson stated on the Zimmerman, it was a 4:2 vote, not 5:1.

D. Monroe said that M. Wozniak was not present at the meeting.

***<sup>2</sup>Motion by B. Anderson seconded by D. Monroe and carried to approve the October 25, 2010 Board of Adjustment regular meeting minutes as amended. Motion carried 6-0.***

**Conflict/Disclosure of Interest:**

**Bradley Voth** –S 670.73 feet of NW ¼ of SW ¼ Section 23 T111N R15W, Goodhue Township. The request is for a variance to build a feedlot 430 feet from a dwelling instead of the required 1000 feet minimum setback.

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

**Discussion**

Mr. Voth handed out additional information to the Board for consideration.

Richard Gorman was present representing Mr. Voth.

Mr. Gorman stated that we should not be here. There is another exception for the feedlot operators dwelling. The record is clear that Mr. Voth has bought this property he is required by his financing to live there.

L. Hanni said that exception was put in there if they were on the same parcel that the owner did not have to put the feedlot 1000' from his own dwelling. The difference here is that it is two separate parcels.

Mr. Gorman said that you are inserting language that is not there. He has bought the dwelling and he wants to put a feedlot up. He is required to live there.

K. Gross stated that it was never made clear to staff that he was intending to live in the house.

Mr. Voth said that if he thought that he bought the house everything was ok.

Mr. Gorman said that his son is going to live at the main farm.

B. Anderson asked if that changes the whole ramifications of the variance.

L. Hanni said that it would be your decision, but in the future with it being on different tax parcels it could be sold to a different owner.

M. McKay said that the assumption is that you are talking about one tax parcel. The context here is that we are talking about an owner that owns a single tax property. What does that do when there are two tax parcels.

L. Hanni said that when it is two tax parcels it needs to meet the 1000'.

Mr. Gorman said that he can understand their concern, but it doesn't say that. If you read his letter it makes practical common sense what he is doing.

Mr. Voth read the letter he submitted to the Board.

Mr. Gorman asked Mr. Voth what the soils were like in the proposed location.

Mr. Voth said that they were sandier soils and not as productive.

Mr. Gorman said that it doesn't matter how you proceed whether he would need a variance and to grant it or to move forward and say that he does not need a variance.

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B. Anderson said on the alternative location you cannot sit that way based on the ventilation of the property. This is an A-1 district and this is what we do in A-1 districts.

*C/J. Fritzingler opened the public hearing.*

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

*After no further public comment it was motioned by M. McKay and seconded by D. Monroe to close public comment. Motion carried 6:0.*

L. Hanni said the conditional use permit was unanimous.

B. Anderson asked if they put any conditions on it.

L. Hanni said that they asked for soils and that they get all the property permit.

C/J. Fritzingler asked if they gave a recommendation to one location or another.

B. Anderson said that it is tough, but the alternative location does not allow for any future expansion and it is in the A-1 District

***3Motion by B. Anderson and seconded by M. Hinsch to approve the variance to build a feedlot 430 feet from a dwelling instead of the required 1000 feet minimum setback, based on the quality of the cropland creates the hardship.***

M. McKay asked how much productive land would be taken out.

K. Gross verified the farmland classification of the soils, they were all of areas of prime farmland or farmland of statewide importance.

***Motion carried 6:0.***

**Donald Carlson/Richard Gorman** – That part of the SW ¼ of Section 24, T113N R16W, Welch Township. The request is for a variance to split a dwelling on 20.16 acres instead of the required 25 acres in the A-3 Urban Fringe District.

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

### **Discussion**

C/J. Fritzingler stated that she heard from two members of the Welch Township Board on separate occasions and they stated they were not in favor of this.

L. Hanni said that they did officially sign off on it.

Mr. Gorman said that he did not hear anything about it before. Mr. Carlson is in an assisted living facility in Red Wing. The buyer wants as much tillable land as possible to keep it as a farm. We had it surveyed off. He spoke with Mr. Wozniak a couple of times and the A-3 district has been discussed. My client wants to do it now, and not wait for the ordinance to change. There have been other parcels in Welch Township that this has been done to. To keep this agricultural we need a larger piece of land, and if we have to make this 35 acres we would be taking some of the tillable land. He was not aware that the Township or the city of Red Wing had an issue. What are they really going to do with the A-3.

L. Hanni said that it will be a little bit before they make any decisions. There are a couple options for them to discuss. She read that state statute that regards the extra-territorial subdivision requirements. There have been other requests in the County for this.

R. Bauer said that at our next meeting we will have something more concrete and if we could get a preliminary ordinance that we could discuss.

L. Hanni said that in the early 90's they created the 1 mile buffer and if the city is not going to grow in that direction should we change it.

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M. McKay said that it is difficult for the city to go.

Mr. Gadiant said in October 2009 there was something similar to this in the Dennison area where the landowner wanted to preserve the agricultural land. In this case we want to preserve the agricultural land and not sell off the building site. In the Dennison case you did grant the variance. The hardship would be similar. Mix of woods and agricultural land, this was the least impact on the land.

M. McKay said he would be surprised if they passed one on the economics.

K. Gross said that it was based on the agricultural use of the property.

B. Anderson said the city of Red Wing is not going over that hill and they are not putting services out there. Why do we constantly fight this one.

C/J. Fritzinger said that it is what our ordinance says.

Mr. Gadiant said that on the east border there is a rifle range that owns a whole valley. If you are thinking this is highly developable building site area, it is not. To the South is DNR property.

R. Bauer asked why you couldn't go across the road.

L. Hanni said that typically we do not split across the road.

K. Gross said that we went over that alternative with the family.

Mr. Gormann said they are not doing this to get additional building sites.

C/J. Fritzinger asked how many building sites are in that section.

B. Anderson said that there are

*C/J. Fritzinger opened the public hearing.*

Les Anderson said that he didn't know the 200' was a big deal, but down the road who knows you would have that taken care of. We do not have any plans to develop it.

M. McKay said that he carved it out for something down the road, what were you planning on doing it.

Mr. Gorman said that if the variance was approved there would be no additional building sites.

Mr. Bauer said that if we grant a variance for this then you are creating a precedent.

M. McKay said the hardship is economical.

Mr. Gadiant said that is the desire of the family.

M. McKay said that you can take 35 acres.

Mr. Gorman said that staff said that you cannot split across the road.

K. Gross said that she has talked to the surveyor, she has talked to the family members and they can create 35 acres without adding the farmland.

R. Bauer showed the applicant an alternative parcel shape.

Mr. Gorman said that is not the desire of the property owner. He asked if any neighbor has complained.

*After no further public comment it was motioned by D. Monroe and seconded by B. Anderson to close public comment. Motion carried 6:0.*

D. Monroe said that he is having difficulty with hardship other than economic

***4Motion by D. Monroe and seconded by R. Bauer to deny the variance to split a dwelling on 20.16 acres instead of the required 25 acres in the A-3 Urban Fringe District based on staff findings of fact. Motion carried 5:1.***

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**Staff Updates:**

C/J. Fritzinger asked what was discussed for the A-3.

K. Gross explained the wording that was discussed.

Discussion ensued on the intent of the feedlot language and whether it was necessary to change the ordinance.

Discussion ensued on minimum lot size standards for the A-3 district.

***<sup>5</sup>Motion by M. McKay and seconded by R. Bauer to adjourn the November 22, 2010 Board of Adjustment meeting at 7:51 p.m. Motion carried 6:0.***

Respectfully Submitted,

Kristi Gross

Secretary

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**MINUTES**

<sup>1</sup> APPROVE November 22, 2010 Board of Adjustment Agenda. Motion carried 6:0.

<sup>2</sup> APPROVE the October 25, 2010 Board of Adjustment regular meeting minutes as amended. Motion carried 6:0.

<sup>3</sup> APPROVE variance to build a feedlot 430 feet from a dwelling instead of the required 1000 feet minimum setback. Motion carried 6:0.

<sup>4</sup> DENY the variance to split a dwelling on 20.16 acres instead of the required 25 acres in the A-3 Urban Fringe District based on staff findings of fact. Motion carried 5:1.

<sup>5</sup> ADJOURN November 22, 2010 Board of Adjustment meeting at 7:51 p.m. Motion carried 6:0.