

# BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN

## OCTOBER 25, 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 L. Hanni Rich Bauer Dennis Monroe  
Brad Anderson M. McKay

Absent:

***<sup>1</sup>Motion by B. Anderson seconded by D. Monroe and carried to approve the October 25, 2010 Board of Adjustment Agenda. Motion carried 6-0.***

***<sup>2</sup>Motion by R. Bauer seconded by M. McKay and carried to approve the September 27, 2010 Board of Adjustment regular meeting minutes. Motion carried 6-0.***

**Conflict/Disclosure of Interest:** R. Bauer disclosed he is the mayor of Zumbrota, Zumbrota sent a letter to the Board for consideration. This is a matter of disclosure and does not feel that it creates a conflict. B. Anderson said that he knows Stan and Barb Molstad, she is the best election judge they have.

***<sup>3</sup>Motion was made by D. Monroe and seconded by B. Anderson to take the request by Rita Zimmerman and Bill Schulz off the table. Motion carried 6-0.***

**Rita Zimmerman/Bill Schulz** –Part of the W ½ of the NE ¼ Section 30 T110N R15W, Zumbrota Township. The request is for a variance to allow a parcel with a dwelling located on it to be created without the required 35 acre minimum lot size, and includes a variance to create a property line 35' from an existing animal building instead of the required 100' side yard setback for structures intended to house livestock.

L. Hanni presented the staff report, findings of fact and staff recommendation. He read a letter submitted from Zumbrota Township.

### **Discussion**

Terry Alters, Rita Zimmerman and Bill Schultz were present.

Mr. Alters thanked the Board for their consideration.

Mr. Schultz said that the hardship is that Ms. Zimmerman is not allowed to sell her farm the way other farms are sold in the County. Everything comes back to economic. She is not allowed to market it the way they are all marketed.

D. Monroe said that is a totally economic reason that you are talking about.

Mr. Schultz asked what a hardship would be if not economic.

L. Hanni said that there could be physical terrain issues, you are not creating the hardship by splitting it.

Mr. Schultz said in what was the hardship last month.

K. Gross said that he couldn't have bought more land because there was a section line involved and would have been a separate tax parcel.

B. Anderson said that in some instances the way we look at A-3 versus A-2 or A-1. What we do in the A-3 doesn't match the intent of the ordinance to retain farmland. What is hard for him is there is no way to split anything. They can't cut the parcel down to 35 acres and sell the rest as farmland. As far as economics, this parcel split apart would have no more value than it was kept together. You can't find a lender to support a property for 60 plus acres.

M. McKay said that it is not the future economics. The hardship is not able to buy the complete property because of all those reasons.

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B. Anderson said that this section of the ordinance needs to be addressed. We end up with people that are tied to something that doesn't make a lot of sense.

C/J. Fritzingler said there are a lot of people in the situation, to just change for one person we are going against the ordinance. If it needs to change it has to be changed for everybody.

B. Anderson said that if you are going to make a motion, we did it with accessory buildings the only way to get the Planning Commission to look at it was by approving a bunch of variances.

*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 D. Monroe and seconded by M. McKay to close public comment. Motion carried 6:0.*

D. Monroe said that he has a concern with creating a variance by splitting it.

M. McKay said that he sympathized with their situation. Economics cannot be a hardship. You can't create your own variance.

***4Motion by M. McKay and seconded by D. Monroe to deny the variance to allow a parcel with a dwelling located on it to be created without the required 35 acre minimum lot size, and includes a variance to create a property line 35' from an existing animal building instead of the required 100' side yard setback for structures intended to house livestock based on the request is primarily economic in nature and there are not enough facts to support the variance. Motion carried 4:2.***

**Stan Molstad** – E30 Acres of SW ¼ of SW ¼ Section 20 T111N R17W Leon Township. The request is for a variance to build a deck 4' from the bluff impact zone instead of the required 30' setback (variance is for 26').

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

**Discussion**

M. McKay asked what the red was on the map.

K. Gross said that was the buffer for the bluff impact zone, it includes the bluff impact zone and the 30' setback.

Mr. Molstad said that the house has been there since 1996.

M. McKay said the township didn't have any problems.

*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 B. Anderson and seconded by R. Bauer to close public comment. Motion carried 6:0.*

B. Anderson said that he visited the site. They do not address bluff impact in their ordinance at all. It is clear that there was going to be a deck on there. There is no erosion.

D. Monroe said where the deck is going to go he doesn't see where there will be a problem for the bluff area.

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***<sup>5</sup>Motion by M. McKay and seconded by B. Anderson to approve the variance to build a deck 4' from the bluff impact zone instead of the required 30' setback (variance is for 26') based on the applicants findings of fact. Motion carried 6:0.***

**Staff Updates:**

L. Hanni said that we have been talking for awhile is the growth zones, so if the Board of Adjustment would like to direct staff to look into it.

R. Bauer said that he mentioned it at the Planning Commission, it is the density thing that bothers the cities. If you limited the density the cities wouldn't care.

L.Hanni said that it is up to the city to say if you are not growing in that direction.

R. Bauer said the issue is not 35 acres, it is the density.

B. Anderson motioned to direct staff to look into the growth zones around the cities, seconded by C/J. Fritzinger. Motion carried 6:0.

***<sup>6</sup>Motion by M. McKay and seconded by R. Bauer to adjourn the October 25, 2010 Board of Adjustment meeting at 6:59 p.m. Motion carried 6:0.***

Respectfully Submitted,

Kristi Gross

Secretary

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**MINUTES**

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- <sup>1</sup> APPROVE October 25, 2010 Board of Adjustment Agenda. Motion carried 6:0.
- <sup>2</sup> APPROVE the September 27, 2010 Board of Adjustment regular meeting minutes as amended. Motion carried 6:0.
- <sup>3</sup> REMOVE variance to allow a parcel with a dwelling located on it to be created without the required 35 acre minimum lot size, and includes a variance to create a property line 35' from an existing animal building instead of the required 100' side yard setback for structures intended to house livestock from the table. Motion carried 6-0.
- <sup>4</sup> DENY variance to allow a parcel with a dwelling located on it to be created without the required 35 acre minimum lot size, and includes a variance to create a property line 35' from an existing animal building instead of the required 100' side yard setback for structures intended to house livestock. Motion carried 4:2.
- <sup>5</sup> APPROVE variance to build a deck 4' from the bluff impact zone instead of the required 30' setback (variance is for 26') based on the applicants findings of fact. Motion carried 6:0.
- <sup>6</sup> ADJOURN October 25, 2010 Board of Adjustment meeting at 6:59 p.m. Motion carried 6:0.