

BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN

OCTOBER 24, 2011

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

Present: Mike Hinsch Mike Wozniak Dennis Monroe Rich Bauer
 Mike McKay Brad Anderson Judy Fritzinger Mike Hinsch

Absent:

¹Motion by J. Fritzinger seconded by R. Bauer and carried to approve the October 24, 2011 Board of Adjustment Agenda. Motion carried 6:0.

²Motion by B. Anderson seconded by M. Hinsch and carried to approve the September 22, 2011 Board of Adjustment regular meeting minutes. Motion carried 6:0

Conflict/Disclosure of Interest: None to be discussed.

Daryl Franklin Lot 17 Block 6 Wacouta Beach, Wacouta Township. The request is for a variance to allow access for a dwelling greater than two feet below the base flood elevation in the flood fringe overlay district of the special flood hazard area also for a variance to allow a box drainfield to be constructed five feet from the road right of way and property line instead of the required ten foot setback.

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

Discussion

Luke Franklin was present on Daryl Franklin's behalf. He stated that the reason for the variance was to obtain the maximum setback from neighboring wells.

M. McKay asked if a variance to the ordinary high water mark was needed.

M. Wozniak said it was not required by the county because the proposed setback was compliant with the Goodhue County Zoning Ordinance.

M. McKay asked if the proposal was two feet closer to the water.

Mr. Franklin stated yes.

M. McKay said that the practice has been to keep the closest wall to the water to preserve the setback, but the applicant is requesting to go closer to the water. Wacouta Township has never granted such a variance.

M. Wozniak said that the request does not need a variance according to the county ordinance.

B. Anderson said he went on the site visit and saw no other options.

M. McKay asked if they looked at the new technology that allows a smaller and shorter mound. Mounds are unsightly and they are requesting it to be closer to the road.

C/D. Monroe opened the public hearing.

No one present wished to comment.

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

M. McKay asked about the Township.

M. Wozniak said that he talked to Fred Plaas. Mr. Plaas didn't get information to the clerk for the hearing notice. There was no feedback directly from the Township Board. Mr. Plaas didn't think there was an issue. There was a notice sent to the Township. Mr. Franklin has gotten no response.

M. McKay asked if the Township has posted the notice yet. Concerned about neighbors receiving notice.

K. Gross said the neighbors received notice for this public hearing.

³Motion by B. Anderson and seconded by J. Fritzinger to approve the variance to allow access for a dwelling greater than two feet below the base flood elevation in the flood fringe overlay district of the special flood hazard area also to approve the variance to allow a box drainfield to be constructed five feet from the road right of way and property line instead of the required ten foot setback. Motion carried 6:0.

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OCTOBER 24, 2011

Luhman's Construction-Darwin Fox NW ¼ of NW 21/4 Section 24 T113N R16W, Welch Township. The request is for a variance to expand a legal non-conforming use in the A-3 Urban Fringe District.

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

Discussion

Dan Fox was present representing Luhman's Construction. He stated the reason for moving the office was to allow better access to the shop for the machinery.

J. Fritzingler said that Welch Township does not consider this A-3.

M. Wozniak said that is less restrictive than the County which is not allowed by state law. This Township is not alone in that though.

M. McKay said that it is not being used for agriculture.

J. Fritzingler asked if it would be tied down.

Mr. Fox said it would be anchored.

C/D. Monroe opened the public hearing.

Bob Luhman said that as things change there is no more room for file cabinets. You have to be able to expand somehow.

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

B. Anderson said it makes sense for safety sake.

4Motion by M. McKay and seconded by B. Anderson to approve variance to expand a legal non-conforming use in the A-3 Urban Fringe District. Motion carried 6:0.

Staff Updates:

M. Wozniak gave an update on the sand study committee.

5Motion by M. McKay and seconded by J. Fritzingler to adjourn the October 24, 2011 Board of Adjustment meeting at 7:07 p.m. Motion carried 6:0.

Respectfully Submitted,

Kristi Gross
Secretary

OCTOBER 24, 2011

MINUTES

¹ APPROVE the amended October 24, 2011 Board of Adjustment Agenda. Motion carried 6:0.

² APPROVE the September 22, 2011 Board of Adjustment regular meeting minutes. Motion carried 6:0

³ APPROVE variance to allow access for a dwelling greater than two feet below the base flood elevation in the flood fringe overlay district of the special flood hazard area also to approve the variance to allow a box drainfield to be constructed five feet from the road right of way and property line instead of the required ten foot setback. Motion carried 6:0.

⁴ APPROVE variance to expand a legal non-conforming use in the A-3 Urban Fringe District. Motion carried 6:0.

⁵ ADJOURN October 24, 2011 Board of Adjustment meeting at 7:07 p.m. Motion carried 6:0.