

BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN

AUGUST 22, 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 Judy Fritzingler Rich Bauer
 Mike McKay

Absent: Brad Anderson

¹Motion by J. Fritzingler seconded by M. Hinsch and carried to approve the August 22, 2011 Board of Adjustment Agenda. Motion carried 5-0.

²Motion by R. Bauer seconded by M. McKay and carried to approve the July 25, 2011 Board of Adjustment regular meeting minutes. Motion carried 5:0

Conflict/Disclosure of Interest: None to be discussed.

Marting Young-Aaron Young Part of NE 1/4 of SE 1/4 Section 16, T112N R6W, Vasa Township. The request is a variance to build an accessory building with a rear yard setback of fifteen feet instead of the required thirty feet (Variance for fifteen feet). The request includes a variance to allow the accessory building to be 5,000 square feet in size instead of the allowed 3,400 square feet (variance for 1,600 square feet).

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

Discussion

Aaron Young presented the board with a rough sketch of what would be stored in the building.

Martin Young said the other issue is the power line. They could put a taller pole in to give them more room to build. You can't get to the second building if they built to it the way it was shown in the map.

M. Wozniak said that was just illustrative, not exactly practical.

C/D. Monroe clarified they would be entering the building mostly from the east.

Applicants said yes.

M. McKay asked for clarification for power lines. Is there a hard and fast rule?

Martin Young stated he talked to the electrical guy and he said that by raising the line up it gives you the clearance you need from that corner of the building.

Aaron Young said that where the corner of the building is currently

M. McKay asked if there was a set restriction.

M. Wozniak said that it is between the property owner and the power company if there is an easement. We don't have any setbacks.

M. McKay said that the power line doesn't become a hardship for a 5,000 square foot building so it isn't for a 3400 square foot building.

Aaron Young said that if we did a 30' setback our building was only 35' wide. The higher the peak goes the more the issue with the property line. From the property line to the power line it is 65'.

J. Fritzingler said that it would be really tight to put two buildings back to back like that.

Martin Young said that you have to maintain access to the power line, so if you built two buildings you would have to put them north south versus east west, and you would restrict all access to the power line.

C/D. Monroe opened the public hearing.

None

After no public comment it was motioned by M. Hinsch and seconded by J. Fritzingler to close public comment. Motion carried 5:0.

M. Wozniak said that to rationalize our ordinance is that you can build multiple buildings what difference does it make. We added more square footage. Agricultural buildings are not limited in square footage.

Martin Young said you will never see this building if it is an issue of sight.

M. McKay said that what he struggles with is the hardship.

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M. Wozniak said that now it is practical difficulties.

Martin Young pointed out to the way it slopes and that there is no other place to put a building.

J. Fritzinger agreed there is not other place for a building. It is very restrictive. If they truly need that much storage the bigger building is the way to go.

3Motion by J. Fritzinger and seconded by M. Hinsch to approve the variance to build an accessory building with a rear yard setback of fifteen feet instead of the required thirty feet (Variance for fifteen feet). The request includes a variance to allow the accessory building to be 5,000 square feet in size instead of the allowed 3,400 square feet (variance for 1,600 square feet) based on the practicality of putting other buildings on would be difficult. Motion carried 4:1.

Audrey Novek-Byron and Candis Novek SW ¼ Section 31, T112N R14W, Hay Creek Township. The request is a variance to allow an additional dwelling in the NW ¼ of the SW ¼ Section 31 Hay Creek Township.

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

Discussion

Candis Novek clarified where they would propose the driveway.

M. Wozniak said we could have the Goodhue County Soil and Water Conservation District work with the applicants when creating the driveway to minimize erosion concerns.

M. McKay said it might help if they new the driveway could go in.

Byron Novek said that they could put the driveway in suggested.

M. Wozniak said that you can build a driveway on a drainage swale it is a matter of doing it so it won't wash away and cause erosion.

J. Fritzinger said that the second potential size is doable you can use the same driveway in you would have to go across the front yard.

Byron Novek said that you would run it near the tree line which floods often and her drainage way runs through her front yard somewhere.

Candis Novek said that there are issues with building a dwelling

M. McKay said that if they got the variance the proposed site is more practical than the areas that are currently potential areas.

J. Fritzinger said the first potential site is not doable because it is low and wet.

R. Bauer asked about the intermittent stream and asks in a 2 inch event how much rain comes down there.

C/D. Monroe opened the public hearing.

Richard Lodermeier asked what it does to their land for building sites.

K. Gross explained.

Mr. Lodermeier stated asked about the mobile home

After no public comment it was motioned by J. Fritzinger and seconded by M. McKay to close public comment. Motion carried 5:0.

M. Wozniak said said that Mr. Lodermeir could produce a permit.

J. Fritzinger asked what is there.

D. Monroe asked if we are restricted in going further.

M. Wozniak said that it is not a recognized site at this time.

Candis Novek asked if a well and septic could hold a spot.

M. Wozniak said that a well and septic cannot hold a spot.

J. Fritzinger asked if the trailer is on a foundation.

Mr. Lodermeier said it is on blocks and was never finalized.

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J. Fritzinger said that the northern potential site is just as good a site as the proposed building site. It doesn't make sense to move it.

Candis Novek explained why the northern potential site is not practical.

M. McKay asked if we could get the topographical data.

C/D. Monroe said we could table this for another month.

M. Wozniak said we could create a map with 2' contours and have Beau Kennedy look at the swale.

M. McKay said that they need to look at the easement issue.

⁴Motion by M. Hirsch and seconded by J. Fritzinger to table the variance allow an additional dwelling in the NW ¼ of the SW ¼ Section 31 Hay Creek Township. Motion carried 5:0.

Staff Updates:

M. Wozniak gave an update on the silica sand moratorium request.

⁵Motion by M. McKay and seconded by R. Bauer to adjourn the August 22, 2011 Board of Adjustment meeting at 7:42 p.m. Motion carried 5:0.

Respectfully Submitted,

Kristi Gross
Secretary

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MINUTES

¹ APPROVE the August 22, 2011 Board of Adjustment Agenda. Motion carried 5:0.

² APPROVE the July 25, 2011 Board of Adjustment regular meeting minutes. Motion carried 5:0.

³ APPROVE variance to build an accessory building with a rear yard setback of fifteen feet instead of the required thirty feet (Variance for fifteen feet). The request includes a variance to allow the accessory building to be 5,000 square feet in size instead of the allowed 3,400 square feet (variance for 1,600 square feet) based on the practicality of putting other buildings on would be difficult. Motion carried 4:1.

⁴ TABLE the variance to build a replacement dwelling outside of the farmyard with the condition that the applicant must locate the driveway within 75' of the East property line for the majority of the length of the driveway. Motion carried 5:0.

⁵ ADJOURN August 22, 2011 Board of Adjustment meeting at 7:42 p.m. Motion carried 5:0.