

## BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN

MAY 23, 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 Brad Anderson Judy Fritzingler

Absent: Mike McKay Rich Bauer

***<sup>1</sup>Motion by J. Fritzingler seconded by M. Hinsch and carried to approve the May 23, 2011 Board of Adjustment Agenda. Motion carried 4-0.***

***<sup>2</sup>Motion by M. Hinsch seconded by J. Fritzingler and carried to approve the March 28, 2010 Board of Adjustment regular meeting minutes. Motion carried 4-0.***

**Conflict/Disclosure of Interest:** None to be discussed.

**Kim Earnest and Brian Miller** -Part of Block 9, and Part of Lake Ave, and part of Valhalla Park and part of government lot 1 Section 12 T112N Range 13W, Florence Township. The request is a variance to replace a dwelling 24' from the ordinary high water mark of Lake Pepin instead of the required 75' setback (variance for 51').

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

**Discussion**

Mr. Miller stated that the request is the most economical means to replace the existing structure.

M. Hinsch asked how high water was this year.

Mr. Miller said it did not go over the retaining wall.

M. Wozniak said that the new structure will meet the regulatory flood protection elevation.

*C/D. Monroe opened the public hearing.*

No one present wished to speak for or against the request

*After no public comment it was motioned by M. Hinsch and seconded by J. Fritzingler to close public comment. Motion carried 4:0.*

M. Wozniak said that the historic district would be addressed by Historic Preservation Committee (HPC) for the township. Their ordinance requires review by the HPC prior to demolition.

Mr. Miller said that they have approved plans.

M. Wozniak said that when this property was for sale we had many inquiries regarding the replacement of the structure.

B. Anderson asked about a site for the septic.

M. Wozniak said that they have the septic permit.

***<sup>3</sup>Motion by B. Anderson and seconded by M. Hinsch to approve the variance to replace a dwelling 24' from the ordinary high water mark of Lake Pepin instead of the required 75' setback (variance for 51'). Motion carried 4:0.***

**Maurice Finucan** -Part of SE ¼ of SE ¼ Section 1 T113N R16W, Welch Township. The request is a variance to build an accessory building 10' from the toe of the bluff instead of the required 30' setback and 45' from the ordinary high water mark of a protected water way instead of the required 100' setback (variance for 55').

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

**Discussion**

Mr. Finucan said that this is the only place to put shed. The other property line showing through the other shed is incorrect.

M. Wozniak explained why there may be discrepancies in the aerial photo.

Mr. Finucan said that the stream is a dry wash and not a tributary.

M. Wozniak said that the DNR determines what is considered a protected waterway.

Mr. Finucan asked about tribe owned lands.

M. Wozniak said we do not have jurisdiction over that.

*C/D. Monroe opened the public hearing.*

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Harry Orlaski said that it is a dry wash not spring fed. Not a major or even a small stream. Before Mr. Finucan someone else owned the property and had a barn in the same place where this is proposed.

M. Wozniak said that DNR tells us the upland sources of water are important for wildlife management.

Mr. Orlaski said the barn would look great right there.

*After no public comment it was motioned by B. Anderson and seconded by M. Hirsch to close public comment. Motion carried 4:0.*

K. Gross said that this is the most logical place for the barn. It is not a registered feedlot so feedlot in the shoreland is not an issue.

***4Motion by D. Monroe and seconded by B. Anderson to approve the variance to build an accessory building 10' from the toe of the bluff instead of the required 30' setback and 45' from the ordinary high water mark of a protected water way instead of the required 100' setback (variance for 55') with the condition that Mr. Finucan takes approved erosion control measures to the bluff. Motion carried 4:0.***

**Staff Updates:**

K. Gross reminded the members of the upcoming June 1<sup>st</sup> training to learn about the new variance legislation. We will update the Board what is learned.

M. Wozniak informed the Board on the Administrative Law Judge's decision on the wind ordinance. The County has objected to the findings. Haven't set a date for the next PUC meeting. There will be a meeting at the Red Wing High School regarding frac sand. There was a moratorium requested from residents.

***5Motion by J. Fritzinger and seconded by B. Anderson to adjourn the May 23, 2011 Board of Adjustment meeting at 7:18 p.m. Motion carried 4:0.***

Respectfully Submitted,

Kristi Gross  
Secretary

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**MINUTES**

<sup>1</sup> APPROVE the May 23, 2011 Board of Adjustment Agenda. Motion carried 4:0.

<sup>2</sup> APPROVE the April 25, 2011 Board of Adjustment regular meeting minutes. Motion carried 4:0.

<sup>3</sup> APPROVE variance to replace a dwelling 24' from the ordinary high water mark of Lake Pepin instead of the required 75' setback (variance for 51'). Motion carried 4:0.

<sup>4</sup> APPROVE variance to build an accessory building 10' from the toe of the bluff instead of the required 30' setback and 45' from the ordinary high water mark of a protected water way instead of the required 100' setback (variance for 55') with the condition that Mr. Finucan takes approved erosion control measures to the bluff. Motion carried 4:0.

<sup>5</sup> ADJOURN May 23, 2011 Board of Adjustment meeting at 7:18 p.m. Motion carried 5:0.