

The Goodhue County Board of Adjustment was called to order at 7:00 p.m. by Chairman Darwin Fox in the Goodhue County Justice Center Building located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Darwin Fox Brad Anderson Stanley Klair Bill Warmka Dennis Monroe Howard Stenerson  
Joanne Wood

There was a motion made by Brad Anderson to amend the April 26, 2004 agenda (March 22 meeting minutes typo). Seconded by Stanley Klair. Motion carried 6:0.

There was a motion made by Stanley Klair to approve the March 22, 2004 meeting minutes. Seconded by Brad Anderson. Motion carried 6:0.

Intro of New Members: Howard Stenerson said he serves on the Planning Commission and is the liaison for the Board of Adjustment. Dennis Monroe said he represents the Kenyon area. Bill Warmka said he is from Red Wing and represents Mr. Seifert's District.

Elect Vice-Chair: There was a motion by Brad Anderson to nominate Stanley Klair. Seconded by Darwin Fox. Chairman Fox asked for other nominations and hearing none called for the vote and the motion carried 6:0.

Conflict / Disclosure of Interest: None to be disclosed.

Greg Peterson – Pt of SE ¼ & E ½ of SW ¼, Sec 21, T110N, R16W, lying Nly & NWly of Cen Twp Rd, Minneola Township – The request is for an appeal to relocate six (6) existing replacement dwellings to be sited on proposed individual parcels.

Greg Peterson was present and explained he would like to replace the six existing dwellings to other parts of the parcel. He said these homes are small and they were used for the brick and tile factory. He said the homes are currently rented out and he would like to divide the parcel and sell them for new homes to be built. He said Minneola Township is in favor of this because it will increase the tax base. He said he would be putting in the driveway where the existing field road goes up the hill at no expense to any taxpayers. He said the proposed locations would have no negative impact. He said that Joanne had seen the area and is familiar with the request. The proposed parcels will vary between 5 to 11 acres. He said he was working with Rick Samuelson and he didn't see any problems in what he was proposing. He said the land is not suitable for farming because it is very rough land. He said he cannot see any negatives. He said the intention is to have one well, but individual septic systems.

Joanne Wood said she went to visit the site with Dick Sviggum last month, but due to some legal issues with the notifications, Mr. Peterson was willing to wait until this month's hearing. She said she had asked Brad Anderson to take a look at it so he would have a feel for the site. She said this is a unique situation. The Board has allowed some replacements to be moved in the past. The homes were built in 1920s for the operation of the factory which was long before zoning existed so the size and locations of these dwellings are not desirable under current standards. She said by moving the sites it would make a non-conforming situation more conforming with the current rules. She said her report talked about rezoning these properties to (R-1) but they are such large lots and would not be compatible with the campground. She said Lot 2 contains a dwelling that would not be moved, only five actually moving.

Brad Anderson pointed out that the driveway would be before the campground. He said the homes and septic systems would be getting farther away from the river and spread out.

Darwin Fox opened the meeting for public comment. There was no one present to speak for or against the request. One Board of Adjustment member visited the site (Anderson). *There was a motion, second and carried to close the public comment.*

Joanne Wood asked Mr. Peterson if this was going to happen right away or over time.

Greg Peterson said he is old and slow, so it will take a while. He said there is a lot involved and everything takes time. He intends to keep the houses there until the homes are built and then he will demolish the homes. He said he receives rental money off the old homes, but there are also a lot of repairs. He said his mother's house has a well, but the other homes are supplied by the campground. He explained the factor employed about 200 people and these homes were for the supervisors. The railroad had a spur. He said there was two smoke stacks on the north side of the road. He said the factor folded up in 1934. His mother's house will be kept on a larger parcel so if it needs to be relocated at a later date, there will be room.

Brad Anderson said he believes moving the homes away from the campground and spread out the septic systems would be best.

***Brad Anderson made a motion to approve the relocation of the dwelling sites based on Staff's recommendation with***

***the stipulation that as the sites are replaced, the old sites are demolished, removed and cleaned up. Seconded by Stanley Klair. Motion carried 6:0.***

Findings: To relocate six (6) dwellings on newly created lots provided each lot is surveyed, the access road meets the minimum standards, on well as proposed, and each site meets Environmental Health standards and any other local, county, or state ordinances required, based this being very unique situation and relocating the sites would bring about a more compatible and conforming situation in the area, the lot sizes would be larger, and the relocation would allow for more area for on-site septic systems. There are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.

Leslie Schliep – Pt of SE ¼ of NE ¼, Sec 13, T109N, R16W, Roscoe Township – The request is for an appeal to build a dwelling on land rated 60 CER or greater under the “Ten Year Parcel of Record”.

Leslie Schliep was present and explained he would like an appeal to build a home on soils rated over 60 CER. Currently the soil is rated at 66 CER. He said the field is 11-acres out of the 107-acre parcel. He said the driveway would come off 180<sup>th</sup> Street and would need to be moved down because the top is too dangerous. He said the land does qualify for CRP, which means it is highly erodible soil.

Joanne Wood said this parcel was determined a building site under the “Ten Year Parcel of Record”, however the proposed site is not under 60 CER as required on the rules. She said there is an area across the creek / dryrun that is rated under 60 CER, but then they would need to cross Pine Island Creek to get to that site. She said they are proposing to locate the site on a knoll. She said they looked at the site but did not get past the knoll. She thought he could move the site back as much as possible, otherwise it looked like it would be out in the middle of the field. She said in 1995 this soil type (RaC2) was changed from 60 to 66 CER.

Darwin Fox opened the meeting for public comment. There was no one present to speak for or against the request. One Board of Adjustment member visited the site (Anderson). *There was a motion, second and carried to close the public comment.*

Stanley Klair asked if the site could be moved closer to the road. He said the CER is the same out to the road and wondered why he would want to split up the field.

Leslie Schliep said having the site closer to the road would mean dust problems. He said the back part of the field is more hilly and stoney. He said his other choice is to cross the creek to locate the home on soils under 60 CER.

Brad Anderson said the Township would not allow a driveway at the property line because there is more slope there. He said the best farmland is going to be saved by putting the house to the north on the sloped field. He said the soil is 60 CER and the rules require the soils to be under 60 CER, so he is one point above the requirement.

***Brad Anderson made a motion to approve the appeal to build a dwelling on soils rated 60 CER under the “Ten Year Parcel of Record” based on Staff’s recommendation. Seconded by Dennis Monroe. Motion carried 6:0.***

Findings: To build the farm dwelling on RaC2 soil type based on limited access to the RaE soil and to locate the dwelling as far off the road as feasible based on there are special circumstances or conditions affecting the land, building, or use referred to in the appeal that do not apply generally to other property in the same vicinity.

Kerry Carlson / Keith Carlson – SW ¼, Sec 29, T111N, R16W, Goodhue Township – The request is for an appeal that this site would qualify as a replacement site based on the definition in the Goodhue County Zoning Ordinance.

Kerry Carlson & Keith Carlson were present. Kerry Carlson explained he would like to build a replacement dwelling on an old building site in Section 29 of Goodhue Township. He said the 1913 plat book shows there was a site there. He said he would like and needs to build behind the trees to meet all the setbacks. He said the Township approved the request.

Joanne Wood said she has been out there a couple of times and Brad joined her on the last site visit. She said there is a well and some old limestone rocks still there. There is evidence of an old building site. She said the 1800s map indicated a building site there. There is a driveway going in there. The current Zoning Ordinance requires a house or foundation to the house, standing out buildings, or defined farmyard. The site did not meet two of the three, so she suggested they could apply for an appeal to the Board of Adjustment.

Brad Anderson said it was obviously a building site with a hand dug well and old stones from the foundation.

Darwin Fox opened the meeting for public comment. There was no one present to speak for or against the request. One Board of Adjustment member visited the site (Anderson). *There was a motion, second and carried to close the public comment.*

**Stanley Klair made a motion to approve the replacement site based on Staff's recommendation. Seconded by Brad Anderson. Motion carried 6:0.**

Findings: The site contains evidence that a building site did exist at this site, which contains a well, an old foundation, an existing driveway, and an old plat book indicates a dwelling was located at this site. There are special circumstances or conditions affecting the land, building, or use referred to in the appeal that do not apply generally to other property in the same vicinity.

Brian Childs / Allan Childs – SE ¼ of NW ¼ & W ½ of NW ¼, Sec 36, T114N, R16W, Welch Township – The request is for a variance to create a lot and build a dwelling on less than the required 35-acres in an (A-3) Urban Fringe zoning district.

Allan Childs was present and explained he would like to build a home in the (A-3) zoning district in Section 35 of North Welch. He said the land is flat and sandy with a little bit of grass. He said the Township approved the request.

Joanne Wood explained this site consists of 120-acres and the moratorium expired. The (A-3) does not look at tillable land or feedlots. She said the Board had allowed several of these types of request before with the stipulation or based on the fact that the five-acres controls 35-acres.

Howard Stenerson asked if there was a reason why he could not split off the 35-acres. He asked what happens to the remaining 30-acres, if it could be marked so it cannot be added to another five-acres.

Darwin Fox said the Childs have been to the Township and this area is zoned (A-3) by the County, but the Township limits the section to 12 per section. He said he never knew why this area was zoned (A-3) because the city would never annex out in this area. He said he felt this was an unfair use of land. The Board looked at these issues before and considered the request with the thought as long as it does not increase the number of homes. He asked Joanne Wood why nothing came of the moratorium.

Joanne Wood said the Planning Commission discussed the moratorium, but voted to not extend it.

Howard Stenerson said the main reason for the moratorium was several cities were not happy with approval of issues like tonight.

Darwin Fox opened the meeting for public comment. There was no one present to speak for or against the request. One Board of Adjustment member visited the site (Anderson). *There was a motion, second and carried to close the public comment.*

Joanne Wood said the Prairie Island tribe is considering at developing an area relatively close to this area. She does not think the City of Red Wing would be moving out there. She said there is quite a bit of floodplain in the area.

Howard Stenerson asked where the house would be located.

Allan Childs pointed out the proposed site on an aerial photo. He explained he would follow an existing field road to the site.

**Brad Anderson made a motion to approve the variance to split and build on less than 35-acres based on Staff's recommendation. Seconded by Stanley Klair. Motion carried 6:0.**

Findings: The variance is in harmony with the general purpose and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control. The variance will not alter the essential character of the locality since the building site would be permitted on the 35-acre lot size. The parcel currently contains 35-acres and the dwelling will control the 35-acre lot size.

Eugene Fritzinger – NE ¼ of NW ¼, Sec 26, T112N, R13W, Florence Township – The request is for an appeal to build a dwelling on land rated 60 CER or greater under the "Ten Year Parcel of Record".

Judy Fritzinger was present and explained they would like to move a building site from DuD2 to Sfc2=70 CER soil type under the "Ten Year Parcel of Record". She said the allowed site is deep into the woods and is sloped so they would need to cut up the field for the driveway. She said they would like to build on the southwest corner of the property where there is a Court Ordered Cartway coming into the property. The driveway would be cutting through some scrub trees on the west side. They would keep the house as close as possible to the west property line as setbacks allow. She said they would like to build on the flat area, but the rest of the area is sloped and goes down into a ravine. She said the old ordinance there were no road restrictions.

Joanne Wood gave a little background saying the parcel of land qualifies as a farm under the Parcel of Record and does not require frontage onto a public road, the only requirement is the soils be under 60 CER. She said the Board has allowed

appeals to the soils under the Parcel of Record. She said that she and Brad did not make it up there because it is on a minimum maintenance road that is very steep. She questioned the Cartway because of the steep slopes. She asked if this was considered bluffland with 30% or greater average slope. She explained driveways cannot exceed 30% slope or 14% grade. She said Gene is at the Township meeting tonight. She questioned the Cartway being a Township Road or if the Township Board would agree to take over the road. She said the access is not the Board's issue tonight, but needs to be addressed before the building permit process. She said the soil is SfB=95 CER which is prime farmland.

Judy Fritzingler said the reason they did not want to build where the site is allowed is because they did not want to destroy any cropland with the driveway and did not want to disturb any better trees. She said the SfB is only a very small area and they would be using less farmland with the proposed site. She said she talked to several Township Board members off the record and they said they don't have an Ordinance so they follow the County's. She said they purchased the land knowing it was an isolated spot. She said the Cartway is recorded on the abstract. She said they plan on brining in rock and culverts to upgrade the driveway.

Brad Anderson suggested a site visit if they table the request, but was concerned with the June 4 deadline. He believes the issue is more with the road than anything.

Joanne Wood said the Board could table the request for a month if someone needs to get up to the top of the hill. The application was in before the end, so they could possibly allow an additional month since it is not the applicants fault for the delay. She said Florence Township does have an Ordinance. She said a minimum maintenance road is typically a Township Road.

Stanley Klair was concerned with what the Township would say.

Darwin Fox opened the meeting for public comment.

William Dankwart was present and said he owns more than half of Section 26. He has farmed in the area since 1946 and the last time he worked the parcel of land owned by Fritzingler, he entered the property through his property. He said there is now a wall of dirt caused by erosion from their field. He is concerned with the way the sewage would come off their property. He said in 1946 he started farming up there and is still farming. He said they would need to come 80-rods to get to this site. He said there must be a better place on that 40-acres to build rather than the levelest spot. He said he does not want to be subjected to the sewage from the house. He said there is a lot of erosion that comes off that property and he does not want to run into any problems.

Jon Heitman was present and said he was concerned about the cartway. He asked if they would be setting a precedent by building and maintaining the cartway. He said they need 4-wheel drive to get up that road now. He said the Fritzinglers expressed that they would bear the cost, but he can't imagine the cost of building the driveway. He is concerned the Township citizens would end up bearing the cost of building the driveway.

Pat Savage was present and explained he also was concerned about the cartway going through his property. He said it is hard to get up the hill on a dry day because it is a very rough road. He asked about the legal definition of a cartway.

Joanne Wood said every cartway is different. She said they looked at the State Statute about cartways and needed the attorney to decipher it. She said the bottom line is that the Township cannot be forced to take over a cartway. She said cartways are different than easements because cartways has rights, but the Township does not have to maintain it.

Darwin Fox said they could petition the Township with taking over the cartway and the Township can take it over if they elect to. He said cartways are written many different ways and can be specific. He said the Parcel of Record does not require access to the parcel, but during the building permit process it will be addressed by Zoning.

Brad Anderson added that cartways are public roads and easements are private agreements.

William Dankwart said this will create a lot of runoff onto his property. He said there are 21-acres of waste land on that 40-acre parcel. He said there must be some place on that land where it will not create a lot of runoff onto his property. He said he built two ponds to catch the runoff onto his property.

Judy Fritzingler said if the house is located on the SfB soil and close to the property line, it will create little erosion onto his property. She said here are 26-acres tillable. They were up there two weeks ago and the fence is very visible.

Joanne Wood suggested to William Dankwart that he could contact the Soil & Water Conservation District.

*There was a motion, second and carried to close the public comment.*

Joanne Wood asked Mr. Fritzingler what the Township decided. (He walked in moments ago)

Gene Fritzingler said the Township tabled until May 24 because they wanted to look into the cost further.

Howard Stenerson asked if they had any authority to add some time onto the Parcel of Record cutoff or can the office extend it under special circumstances.

Joanne Wood said the Fritzingers applied for the appeal before the end, so the Board could give them a little longer time period because of what happened here tonight.

Darwin Fox said there are some benefits to getting to the site and seeing what is out there.

**Howard Stenerson made a motion to table the request to visit the site and extend the June 4 deadline as long as the applicant signs a 60-day waiver/extension. Seconded by Brad Anderson. Motion carried 6:0.** Applicant agreed to sign the waiver.

Comp Plan Update: Joanne Wood mentioned the Sub-Committee met several times and is ready to take parts of the Comp Plan to the Planning Commission.

Meeting adjourned.