

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

Present: Judy Fritzingler Stanley Klair Dennis Monroe Brad Anderson  
Lisa Hanni Sarah Pettit

Absent: Mike McKay

[\[1\]](#)

*Motion by B. Anderson and seconded by S. Pettit and carried to approve the April 25, 2005 Board of Adjustment Agenda. Motion carried 5:0.*

[\[2\]](#)

*Motion by B. Anderson and seconded by D. Monroe and carried to approve the March 28, 2005 Board of Adjustment Minutes. Motion carried 5:0.*

Introduction of New Members:

L. Hanni introduced the new Board of Adjustment members and the new Zoning Technician, Carie Fuhrman.

Appoint Vice Chair:

D. Monroe nominated Brad Anderson to be vice-chair. S. Klair asked for nominations three times and closed the nominations. *Motion carried 5:0 to appoint Brad Anderson as the vice chair.*

Staff Updates:

L. Hanni asked if all the Board members had a new plat book. She stated that members should bring the copy to every meeting. 500 copies were given to the County.

L. Hanni explained that some Departments have moved locations. The Surveyors' Department has moved downstairs, and Extension Office has moved upstairs. The Land Use Department is still in the same location.

L. Hanni introduced an upcoming training conference sponsored by MCIT. The conference will be taught by MCIT attorneys with both Planning and Board of Adjustment issues being addressed. The conference will be held in St. Cloud. D. Monroe attended similar training last year. A copy will be sent to anyone who is interested in signing up.

L. Hanni explained the staff reports.

Conflict/Disclosure of Interest:

None was discussed.

**STAFF REPORT**

**Kristine Jacobson** – Pt of S ½ of SW ¼ Section 21 and Pt of NW ¼ Section 28 T112N R16W Vasa Township. The request is a variance to build a dwelling 84' from the West property line instead of the required 100' setback (variance is for 16').

Ms. Jacobson's 2 acre parcel is 237.69 feet wide. They are proposing a 56' wide house. The lot is not wide enough to meet the 100' setbacks on both the East and West property lines. The applicants are able to meet the setback to the East property line. This parcel was split by Don and Mary Lindahl who are the current owners of the property. The Lindahl's are aware of the variance request. The Township has approved a building permit for this 2-acre parcel. The site visit showed that the lot is not wide enough for the dwelling to meet the required 100' setbacks on both the East and West property lines. This split has not yet been recorded and final split approval has not been given.

Staff recommends denial of the variance to build a dwelling 84' from the West property line instead of the required 100' (variance for 16') based on no existing hardship. The plight of the landowner is not due to circumstances unique to the property and is created by the landowner. The variance is not 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.

## BOA DISCUSSION

Ms. Jacobson and Mary Lindahl were present. Ms. Jaconson stated that they are requesting a variance from the 100' setback from one property line. A 16' variance is being requested.

D. Monroe asked the size of the property. Ms. Jacobson stated that she has two acres off of her parents' farm. D. Monroe stated that they will need a variance for any future building if this was approved. Ms. Jacobson stated that no other option was available for her. The reason that it came out short was that they talked to Joann Wood, and she said it wouldn't be a problem because it was family that owned the adjacent property. D. Monroe stated that it could be an ongoing problem because people in the future may want to add buildings to the property.

L. Hanni stated that the split off of the parents' property has not been approved yet.

Mrs. Lindahl stated that they don't have it approved yet because they don't want to transfer it until they know they can build the building that they are requesting.

L. Hanni stated that they could still make it a larger parcel. Mrs. Lindahl replied that they would have to re-survey the property, and it's very expensive.

D. Monroe was out on the property and stated that the house is situated close to one property line.

J. Fritzinger asked if there was anything else standing in the way of getting more room on the property. Ms. Jacobson stated that there is a field driveway directly behind her parents' property, and they would lose their access.

B. Anderson asked if they would have to get an easement. Applicant stated that yes, they would need an easement. Ms. Jacobson stated that would be a problem if they would sell it in the future. L. Hanni stated that you can pass the easement onto the next property owner.

S. Klair asked the width of the lot. It is 240' wide.

*C/S. Klair opened the public hearing.*

No public comment was given.

*Moved by D. Monroe and seconded by B. Anderson and carried to approve closure of the public hearing. Motion carried 5:0.*

S. Klair asked if there was room to replace the septic system. Ms. Jacobson replied that there was room.

S. Pettit asked about purchasing more property; she noted that an easement was needed and easily transferable.

D. Monroe asked L. Hanni about the cost of re-surveying. L. Hanni stated that if you go with the same surveyor it would entail another drawing, maybe two more stakes, and the writing of the easement.

B. Anderson asked about the completed application from Vasa township. L. Hanni stated that she didn't know if Vasa had approved the application.

Ms. Jacobson stated that Vasa township had approved the building site, and they were aware of the situation, and were okay with how it was being presented.

S. Pettit stated that anything else proposed in the future would be a problem because they would need a variance if this proposal was approved. It sets a precedence that they might not want to deal with on an

ongoing basis. She stated that she realized that it is family but circumstances may change.

B. Anderson stated that he would like to see it wider than just 16 feet. He was concerned that with just 16 feet the property owner would not have the flexibility to consider possible future additions He thought that now is the easiest time to go back and re-survey.

S. Klair asked what was on the other side of the driveway. Ms. Jacobson replied that the shop and the machine shed were located on the other side of the driveway.

S. Pettit asked if D. Monroe was out and visited the site. D. Monroe stated that yes he was and showed her the location of the proposal. S. Pettit asked the location of the field road and shop . D. Monroe stated that he did not remember seeing the road. Ms. Jacobson stated that it's grass now, but there is a culvert under it.

S. Klair asked for any other comments.

D. Monroe asked if there was a minimum lot size. L. Hanni stated that if the proposed parcel to be split off is less than two acres, then it needs to be platted. B. Anderson asked for clarification, and L. Hanni explained.

S. Klair asked how far it was from the machine shed. Ms. Jacobson stated that it's about 33' between the field drive and the machine shed.

B. Anderson stated that their shed would be out of compliance. S. Klair said that it's already out of compliance.

L. Hanni asked if the field road skirted the woods.

Mrs. Lindahl showed the Board members where the field road was located on the map.

L. Hanni stated that if the shed was going to be an important part of the decision, then an exact location should be identified..

B. Anderson stated that if you look at the surveyor's drawing, and consider the request the property left is hardly 300' wide. Ms. Jacobson stated that the property that's left extends on the other side of the road.

B. Anderson stated that by moving their building over, it just squeezes them over. L. Hanni stated that the difference is that that house is already there.

D. Monroe stated that adding more property, would really crowd that area. B. Anderson stated that they would need a variance to do any future construction.

Mrs. Lindahl asked what they would do if they replaced the existing dwelling. L. Hanni stated it would be helpful if they knew where the buildings were located from the East and West property lines.

Mrs. Lindahl stated that they are really close to the road, probably 30 ft. from the road because the road goes right around the house.

S. Klair stated that if they ever wanted to build another house, they'd want to build it further back. D. Monroe stated that they would be looking at variances in that situation also.

S. Klair asked if they just wanted to build the house right now. Ms. Jacobson stated that there is also an attached garage in the plans. S. Klair asked if they would ever want to put another shed up. Ms. Jacobson stated that she could end up with more land in years to come because things change.

S. Klair asked what the boards' opinion was. S. Klair asked D. Monroe for his impression of the site visit. D. Monroe stated the only place to expand was to the East.

**[3]**

***Moved by S. Pettit and seconded by D. Monroe to deny the variance to build a dwelling 84' from the West property line instead of the required 100' setback (variance is for 16') in an A-2 Agricultural Protection district based on staff recommendation and the possibility of future hardships. Motion***

*carried 3:2 with Anderson and Klair dissenting.*

#### STAFF REPORT

**Jeffrey Hanson** – Pt of NE ¼ Section 21 T111N R18W Warsaw Township. The request is a variance to build an accessory structure 50' from the SE property line instead of the required 100' setback (variance is for 50').

The Hanson's own a 5.01 acre parcel in an Agricultural Protection (A-1) Zoning District. According to Goodhue County's Zoning Ordinance, Article 10, Section 5, (Subd.3,C1) "Rear and side yards shall be a minimum of one hundred (100) feet." The Hanson's property is sloped in a manner that the only place to build the structure is where they are proposing. They have brought in fill to create a level spot in which to place the building.

Staff recommends approval of the variance to build an accessory structure 50' from the SW property line instead of the required 100' setback (variance for 50') based on a proven hardship that the topography of the land does not allow the landowner to place the structure at the required 100' setback.

#### BOA DISCUSSION

J. Hanson was present and stated that he is requesting a variance. He met with the township board and meets township setback requirements.

B. Anderson asked what the setback was for the township. Jeffrey stated that it is 50'.

D. Monroe stated that it was clear during his site visit that the slope does not allow any other way to place the shed.

J. Hanson stated that there is room for another septic system if needed and that the shed was for storage, shop and hobby shed.

S. Klair asked about the heavy equipment on the pictures. Jeffrey stated that the equipment was his son's equipment and the neighbor's equipment.

*C/S. Klair opened the public hearing.*

No public comment was given.

*Moved by B. Anderson and seconded by D. Monroe and carried to approve the closure of the public hearing. Motion carried 5:0.*

B. Anderson stated that this was pretty cut and dry and it cannot fit anywhere else.

**[4]**

*Moved by B. Anderson and seconded by S. Pettit and carried to approve the variance to build an accessory structure 50' from the Southeast property line instead of the required 100' setback (variance is for 50'). Motion carried 5:0.*

#### STAFF REPORT

**Richard & Marcia Zeidler** – Pt of S ½ of NE ¼ & Pt OF NW ¼ of NE ¼ Section 4 T111N R17W Leon Township. The request is a variance to build one additional dwelling over the twelve (12) dwellings allowed in an A-2 Agricultural District.

Richard Zeidler is requesting a variance to build a single family dwelling over the required 12 dwellings per section located in Section 4 of Leon Township. The Section currently contains 15 dwellings, three dwellings over the maximum. Mr. Zeidler purchased the property adjacent to his home (parcel # 37-004-0204). Mr. Zeidler's intent was to use all his properties for agricultural purposes; however, the topography does not lend itself to efficient crop farming so the applicant intended to raise horses and hay. Mr. Zeidler has found that he requires two things to continue using his property for agricultural use: close proximity to his horses and access to the bulk of his property to graze his horses. The applicant has found that the current configuration of the property poses a difficulty as the topography is too steep to safely move his horses to pasture land from the land adjacent to his home and housing them on the pasture land would not allow sufficient oversight of the animals.

Staff recommends denial of the variance to allow an additional building site over the 12 per section based on the 2004 Goodhue County Comprehensive Plan's overall goal to encourage growth around the cities (Element 1, Goal 3) and the fact that the section already contains 15 dwellings. However, the Board may want to consider the parcel configuration, topographic constraints and the Goodhue County Comprehensive Plan's goal (Element 1, Goal 2) of support of agricultural practices in Goodhue County.

## BOA DISCUSSION

Richard Zeidler introduced himself, his wife Marcia Zeidler, and their attorney, Mark. Mr. Zeidler stated that between 1988 and 2001, he bought additional acreage to farm and at some point to build a house and other buildings associated with farming. Last year, they found out that the parcel of record had expired, so they needed a variance in order to build a house. Their difficulty is that the present location of the house does not allow construction of an agricultural building, machine shed, or grain storage because there just is not room. All the machinery is stored at the neighbors' house currently. The other problem is accessing the property because of a very steep hill. In the wintertime, you cannot get up there because of ice; and in the summer, it is just too narrow and steep to get up there with farm machinery.

In addition to that, they have had problems with their horses. Mrs. Zeidler stated that D. Monroe was out there, and they showed him around their farm. B. Anderson was also out there at one point. Page two of the request talks about the problems that they were having with their horses. Mrs. Zeidler stated all of her life she has always wanted horses. They tried last summer to fence an area behind the barn, but it didn't work because they had some serious injuries with three of their four horses. Horses ran about 100 mph down the steep hill, and one horse was cut so severely that they needed an emergency visit by the veterinarian.

Mrs. Zeidler went on to explain their plans for building on the majority of the land. They would like an area to keep an eye on the horses, and it is not practical to keep the horses where they currently are. Mrs. Zeidler stated that the packet has three pages of signatures of every resident of "their mile" and every adjoining landowner because they felt that it was important to explain the intentions and what the plans were exactly to each of their neighbors. Mrs. Zeidler commented that it was a real tribute to her husband because they got the support of every neighbor. There are about nine of the thirteen people on their mile to support her and her family. It's a tribute to her husband and her neighbors because they've driven over a half an hour to be at the meeting and be heard tonight. She went on to state that this is extremely important to them because this is their home and their future. She stated that she cannot tell (the Board) how much she appreciates everyone's willingness to listen and be out to the site.

The applicants handed out the signatures of their neighbors' that supported their request.

Mr. Zeidler stated that the proposed location of the house and the barn is on the very edge of what is rated as TmC in the soil ratings. It's on a 6-12 percent grade. Right next to that location, on the south side, is called RaD2, which has a CER ratio of 58. To the east, it drops off, and is rated at RaE, with a CER of 40. It is very hilly where they are.

Mark, the applicant's attorney, stated that in the variance statute there are two terms to be met. Mark stated that the hard job for (the Board) is determining what the difficulty is and if it's in keeping with the Goodhue County Comprehensive Plan. They are advancing their agricultural goals. In the zoning ordinance, Article 26, Section 3, it is in keeping with "the essential character of the locality," which can grant the variance. Mark went on to explain that as a legal voice, hopefully the board thinks that the hardship is there. He stated that if the Board grants their variance, then they have to grant another variance request. Mark stated that (the Board) is enforcing the zoning ordinance by granting the variance because variances are the vehicle to eliminate or try to take care of harm when a broad zoning ordinance harms people and isn't in keeping with the County's goal.

L. Hanni stated that in the report there are 14 dwellings in the section currently, so there are actually 2 dwellings over the maximum allowed in the section already.

S. Klair stated that according to the drawing, the horses would have to go up a narrow passageway. S. Klair stated that it would be more centrally-located by moving. S. Klair asked what it was like where Parcel A is now. Mr. Zeidler stated that they would sell that parcel if they were granted the variance.

B. Anderson stated that there is a little narrow bridge to get back there. There is a shed, house, and a hill; there is no place to build anywhere else than proposed. D. Monroe stated that it is the only area where they could be down in the current location. B. Anderson stated that from a township's point of view, they would be allowed to place a shed over there if they met certain setbacks (on the other property).

D. Monroe stated that he respects the idea that horses are valuable and they need supervision. J. Fritziner asked if the road runs along the whole piece of property. Mr. Zeidler stated that yes, it does run along the whole piece of property.

S. Pettit asked what is to the west and east. Mr. Zeidler stated that on the west, the house is back there, which is mostly woods; there is a little field in there, and the rest is all woods, which goes back about a half a mile to the north line of Section four. On the east side, there is a seven acre place with a house on it; a 20 acre; and a 12 acre; which includes all woods in those locations.

*C/S. Klair opened the public hearing.*

Scott Schultz, 8002 Skunk Hollow Trail, and his wife, Peggy, are adjacent neighbors to the applicants. They own property in the County and pay an excess of \$50,000 in taxes. Mr. Schultz stated that he fully supports this application from the neighbor's standpoint. He can attest that Mr. Zeidler has had problems accessing the property and getting the horses up and down the hill. Mr. Zeidler stores his equipment on Mr. Schultz's property. Mr. Schultz stated that he owns a half-mile on the southwest side of the road. He stated that there will be no additional requests on their side of things—he has no interest to develop the valley. He stated that as neighbors, they fully support what their proposal is—it makes all the sense in the world.

Sue Ringeisen, 8450 Skunk Hollow Trail, is neighbors to Rick and Marcia Zeidler. She stated that the Zeidler's are great neighbors, and they should be allowed to expand their horses and their house.

Mike Sand, 8910 Skunk Hollow Trail, and his wife, Susan, were present. Mr. Sand stated that he supported the applicant's request for the variance. He grew up on a farm and knows the difficulties that the Zeidler's are running into. Mr. Sand stated that they moved to the valley because they enjoyed the atmosphere. It will not jeopardize the valley. He stated that they support the Zeidler's, and they hope that (the Board) will grant them their variance request.

Derek Bentson, 8515 Skunk Hollow Trail, and his wife fully support the applicants. He stated that they have 1,800 feet adjoining to where the Zeidler's would build. He went on to state that as you can see there are a lot of neighbors and we support the issue; we understand why they would want to build another house where they are proposing to build it.

Tim Coss and his wife, Kathy, live at 8750 Skunk Hollow Trail. Mr. Coss stated that he and his wife

have enjoyed the Zeidler's as neighbors and farmers. The farming practices that they practice are very good for the community. They are conscience of farming the land, which is the best use of the community. He stated that they would not like to see the land go into different hands. Mr. Coss stated that they have expanded their farming and include horses now. The hillside is barely passable on foot, and you cannot walk up the hillside when it has rained. It makes good common sense to allow the practice go into place.

*Moved by B. Anderson and seconded by S. Pettit and carried to approve the closure of the public hearing. Motion carried 5:0.*

D. Monroe commended the Zeidler's on how they have farmed the land. He stated that if someone else would get a hold of it, you would not know how it would end up. He commended them for their farming practices.

B. Anderson agreed with D. Monroe. He stated that he knows the work they have done because he has snowmobiled through that area. It's one of those deals that if they approve it, they are going over the 12 dwellings in the section. It makes all the sense in the world because it promotes agriculture though.

[5]

*Moved by B. Anderson and seconded by D. Monroe to approve the variance to build one additional dwelling over the twelve (12) dwellings allowed in an A-2 Agricultural District based on Article 26, Section 3, Subdivision 1, Item A and B. Motion carried 5:0.*

S. Pettit asked about a replacement dwelling site. Mrs. Zeidler stated that it's not the type of house that you would tear down. L. Hanni stated that they were before the Board one previous time. Mrs. Zeidler stated that they appealed the grandfather cause. L. Hanni stated that it wasn't a home that you would want to tear down at that time.

## STAFF REPORT

**John Bolduc** – Lot 3 Block 2 Lakeview Heights Third Addition T112N R13W Florence Township. The request is a variance to build an accessory structure 2,400 square feet instead of the allowed 1,200 square feet.

Mr. Bolduc is requesting to build an accessory building 2,400 square feet instead of the allotted 1,200 square feet (variance is for 1,200 square feet). In an R-1 Suburban Residence District, lot sizes between 12,000 square feet to one acre are allowed accessory buildings of 1,200 square feet. Mr. Bolduc owns property approximately 60,000 square feet in size in Lakeview Heights Third Addition in Florence Township. He is proposing to build an accessory building to be used as a storage area for his semi and other personal storage. Staff did not perform a site visit. This parcel is located within a mile of Lake City. It is directly across Highway 61 from Hok-si-la Park, but is not visible from Highway 61 due to the topography of the land. The Zoning Application Form has been signed by John Wurst with Florence Township indicating the township has approved the request.

Based on the information presented thus far, staff would recommend denial of the proposed structure at 2,400 sq. ft. (1,200 sq. ft. variance) based on no existing hardship. The plight of the landowner is not due to circumstances unique to the property and is created by the landowner. The variance is not 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.

## BOA DISCUSSION

John Bolduc was present with his wife and stated that they are building a new house, and they want a 40 ft. by 60 ft. pole shed up to fit his semi and do his own repair work on it. He will also have another semi going in the shed in the future. It would save him money to store his semis on his property. They have

snowmobiles and motorcycles to also keep in the shed.

S. Klair asked about the location of the property. He stated that it is all the way up on Lakeview Drive. There are no neighbors located anywhere by them.

D. Monroe asked if the applicants were east of Lakeview Drive. Mr. Bolduc replied that you go past the golf course and then turn down into the cornfield. D. Monroe stated that they could not find the location of the site when he and Kristi went out on the site visits.

Mr. Bolduc stated that he has changed the proposed location of the shed slightly, but the size is still the same. They turned it sideways, and it is now located in a different location. It will be thirty (30) feet from the house to the proposed shed. L. Hanni stated what the setbacks are for residential districts and that the new proposed setbacks are okay for the proposed shed.

B. Anderson asked what the exterior of the building would be. Mr. Bolduc stated that it would be white metal.

L. Hanni stated that in the plat book on page 42, you can see the location of where the applicant lives and the location of where the proposal is being made. L. Hanni stated that west of their property is another plat. Mr. Bolduc stated that they are not for sale. He will be buying the two acres next to him when they come up for sale.

*C/S. Klair opened the public hearing.*

John Wurst, Florence Township chairperson, stated that the township approved the variance for the Bolduc's based on the fact that there is already another shed in the neighborhood by Hans Peters' property and just across the road is the Tiedemann farm, which has several large buildings located on it. It fits in with the character of the neighborhood. It is also located down below the hill, so no one on the golf course will see it. It's tucked away.

B. Anderson asked about the variance situation. Mr. Wurst stated that they have adopted the county's definitions and as a matter of business, their recommendation was to approve the variance request.

*Moved by B. Anderson and seconded by D. Monroe and carried to approve the closure of the public hearing. Motion carried 5:0.*

D. Monroe stated that he did not see this site when they were out on the site visit with staff.

D. Monroe asked of the sidewall height. Mr. Bolduc replied that there will be 14 ft. sidewalls with 12 ft. by 12 ft. doors to get the semi-trucks in.

L. Hanni stated that typically with residential zoning districts, smaller building sizes are required because when the ordinance was completed, it was assumed that smaller lot sizes would be located in residential areas. The minimum lot size is 20,000 sq. ft. So with a 20,000 sq. ft. lot, she questioned what would be the largest accessory structure you would want on that size of lot. L. Hanni stated that the lot is just over an acre.

Mr. Bolduc stated that it is at least two acres. L. Hanni stated that their lot is over the required lot size.

S. Pettit brought up an issue about a past case when someone was trying to do something commercially, and it was brought before the Board. S. Pettit questioned if semis were going to become a problem in that area. J. Bolduc replied that it is just tractors and only two semis. Mr. Bolduc stated that the reason for the variance request because it is getting rough to spend money on the upkeep. S. Pettit wondered what the neighbors would feel about the issue. Mr. Wurst stated that the Tiedemann's transfer milk from their property. S. Pettit stated that she was concerned of the consistency with the residential zone.

B. Anderson asked about a garage. Mr. Bolduc stated that the proposed pole building will also serve as a garage. There is enough room to get two semis in the building side by side and then also serve as a garage.

S. Klair asked about the size of the accessory structure. L. Hanni stated that 1,200 square feet is the maximum for accessory structures in an R-1 zoning district.

B. Anderson stated that it will not hurt the area to any significant degree. He stated that the proposed building will even fit the area.

[\[6\]](#)

*Moved by D. Monroe and seconded by B. Anderson to approve the variance to build an accessory structure 2,400 square feet instead of the allowed 1,200 square feet (variance is for 1,200 square feet). Motion carried 5:0.*

## STAFF REPORT

**Thomas Lindrud & Nancy Lindrud** – Pt of NW ¼ of SE ¼ and Pt of Government Lot 3 all in Section 24 T112N R13W Florence Township. The request is a variance to build an additional dwelling over the allowed one per ¼, ¼ section in an A-2 Agricultural District.

The Lindrud's are prospective buyers of the subject property, which is owned by Steve Brown. The Lindrud's would like to be able to split the land and put two (2) dwellings on it. The parcel is large enough to split but is located within the same ¼, ¼, and two houses would not be able to be placed under the current zoning ordinance. The parcel in question is sited between Eagle Vista Estates, Country Park Estates, and Lakeview Lots 2. In past actions, the Board has been able to move a site from one ¼, ¼ to another ¼, ¼,; however, that is not applicable in this situation. We have found during the Comprehensive Plan Update process and the Moratorium Section process that the citizens of the county would like to see growth within cities and not to increased density in the rural areas.

Staff recommends denial of the variance to build an additional dwelling over the allowed one per ¼, ¼ based on no existing hardship. The plight of the landowner is not due to circumstances unique to the property and is created by the landowner. The variance is not 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. One dwelling may be placed on this parcel according to present zoning regulations.

## BOA DISCUSSION

Thomas and Nancy Lindrud were present and were representing Andrew Huettl and their daughter, Dena Lindrud-Huettl. Dr. Stephen Brown, the current owner, was also present at the meeting. Mr. Lindrud stated that he was in receipt of a memo from the Land Use Management Department. Mrs. Lindrud handed out a copy of the memo to the Board members. Mr. Lindrud stated that the purchase of this property is a partnership with his daughter and son-in-law. His hardship is financial. He stated that he cannot afford to put money into a property that he cannot put a home on. This request is for a residential house variance, which is consistent with the current development.

Mr. Lindrud stated that the current density is roughly one house per one acre and would be reduced to one house per 3.5 acres if the proposal was approved. If one house per acre is too dense, then one house per seven acres is the other extreme in zoning. The property was described as a rural area; consider it with residential development directly adjoining and adjacent to the proposed parcel. It's true that citizens would like to see growth in cities, but it's also true that growth is towards rural areas in Goodhue County and other counties. People want to be in the country and not in the city. The other option would be clear-cutting the property of the pine trees or placing 6 or 7 houses on the property. The request is sound and completely consistent with the neighbors in the area. They like the idea of preserving the pine trees to the greatest extent possible. Mr. Lindrud stated that they believe that this is a reasonable proposal looks appropriate with the makeup of the neighborhood.

Mr. Lindrud stated that he prepared a drawing at a larger scale and presented the drawing. J. Fritzingler asked if there was any road frontage on the back parcel. There is no driveway located on the parcel at this time. Mr. Lindrud stated that there is a culvert located there.

J. Fritzingler asked about 100' of road frontage. L. Hanni stated that they would have to split the property so the private drive was attached to the back piece also.

J. Fritzingler asked how wide the property was. Mr. Lindrud stated that it is almost 321' on the front portion of the lot at Lakeview Drive and 260' in the rear. J. Fritzingler stated that there could be problems fitting the houses on the lots, depending on how they laid out the houses.

D. Monroe stated that there are beautiful, close-to-mature evergreens located on the property. D. Monroe stated that he and staff walked back in there. Monroe asked why the zoning was not changed on the subject property. L. Hanni stated that it was not changed because they were not included as a part of the plats that surround the subject property. L. Hanni stated that they could do a change of zone if they wanted to through the Planning Advisory Commission. They certainly can come in and apply, but there's no guarantee that the zoning would be changed. L. Hanni went on stating that when looking at these parcels, if I own one of these parcels, I could only plat what I own. They are going to be a separate deal from the other properties around them. These two individuals were not part of the plats that were created previously. If they were going to do a change of zone, it would have to go through the township and then through the Planning Advisory Commission.

D. Monroe stated that there would be private septic systems. John Wurst stated that the surrounding septic systems are shared systems, including the wells, operated by Goodhue County Coop.

*C/S. Klair opened the public hearing.*

Mason Grobe, 31579 Vista Path, stated that the back of his property adjoins a portion of the subject property. He stated that for somebody to own this property, it does nothing to just own it. This is a great place to be private with one house; and for two houses, it is a good place for two houses and still be private. It's not good to own if you're not going to do anything with it. Mr. Grobe stated that he was all in favor of the applicants to put two houses back there. He went on to state that he lives in a housing development with seventeen (17) houses around him, and he think it's hands up better deal this way.

Jerry Ryks, 32081 Lakeview Drive, stated that he owns eleven acres of pines next to the subject property. He stated that he thinks it would be a great deal for the proposed two homes to be in there. With two homes, they won't tear all of the pines down and keep all of the pines that they could, which would be nice for the neighborhood.

Cory Wurst, 31592 Vista Path, stated that he was in favor of the two houses proposed to be located there. He stated that there are mature pine trees there, and he would like to see two houses in there instead of logging off the whole area. Mr. Cory Wurst stated that he was in favor of this proposal: to build two additional homes in the neighborhood.

Bill Fuhrman, 31527 Vista Path, stated that he doesn't see a problem with having two homes back there, and that it would be better than clearing the lot out. He went on to state that he would hope that it would stay that way, and that he wouldn't like to see more homes being built there in the future.

Chris Hoyer, 31543 Vista Path, stated that one of the houses would go right behind him. His biggest fear is the constant state of change, and he would not want to see ten to fifteen houses going up there, but he would like to see two houses go up there. He stated that he was in favor of the proposal.

Jim Kellar, 35439 Eagle Ridge Court, stated that he lives on the adjacent property behind it. He has no problem with one house per three point five acres. He likes to look at the trees behind his property and would like them to stay there.

Chris Labante is potentially buying Mason and Emily Grobe's house (31579 Vista Path). He stated that he knows Andy (Huettl)—he's a good person and they're a good family. He would like to see Andy and

his wife and in-laws maintaining the green on the subject property, rather than deal with a development plan with multiple homes. He was completely in favor of the proposal.

John Wurst, Florence Township supervisor, stated that these two parcels over the last five to six years have been surrounded by residential development. There has been concern of the pines, other developments were built in fields with low CER's, and they've had the fear that a development would come in and the pines would be taken away with fifteen (15) houses. It is a nice stand of pines and lower density with two houses will preserve a great majority of the pines and leave the character of the neighborhood. The proposed two houses would make a nice backdrop in the neighborhood. If it were to become residential, increasing the density to one house per one acre, it would allow more density and lose more pines. The township approved the proposal.

Mr. John Wurst stated that as far as the septic issue, Geisler's addition has three test wells and the John Wurst's land has two other test wells, which are sampled quarterly. They would test all of them if there was a problem—monitoring in the area does go on. There is a good township road that serves it. There is enough road to handle the traffic—most of the day it is pretty quiet, and it handles the traffic very well.

The Florence Township Comprehensive Plan, finished in 2003, was written by the Florence Township residents. A portion of the Plan states to maintain the natural beauty, while encouraging sensible development. Mr. John Wurst stated that as a Board, they would like to see this area being developed with two houses instead of taking out a bunch of trees with more houses.

Mr. Lindrud states that this is where he and his wife plan to retire and nothing will change there.

*Moved by D. Monroe and seconded by B. Anderson and carried to approve the closure of the public hearing. Motion carried 5:0.*

B. Anderson stated that in looking at the Exhibit B, the property is 260 feet wide all the way to the front. If you take one hundred feet off to get to the back parcel, they still need one hundred foot setbacks from the side property lines. He stated that if we approve this, we need to approve a variance to allow the two dwellings, and then you'd allow to now have 100' of road frontage. L. Hanni stated that we would need to see another site plan.

Mr. Lindrud asked about the access drive and what the Board wanted. B. Anderson stated that each lot needs 100' of road frontage. Mr. Lindrud showed that they'll give 100' on the front.

L. Hanni stated that on the lot width, each lot shall have a minimum of 100' at the building setback line. Mr. Lindrud stated that that will not happen. Mr. Lindrud stated that there isn't enough room on the property to put a house on there with the other setback requirements.

B. Anderson stated that he's not against approving the two parcels, but there will be an issue with road frontage.

J. Fritzinger stated that they don't want to buy it without knowing if they can build on it or not. J. Fritzinger stated that it should be done as a whole.

D. Monroe stated that if their purpose is to go ahead, then we are not helping them out by just saying that you can have two houses there. B. Anderson stated that he is not against it, because it makes all the sense in the world.

J. Fritzinger asked what was needed to be done to give a variance to not have 100' of road frontage. L. Hanni stated that they need a different configuration. D. Monroe stated that they need to show an actual plan. L. Hanni stated that one option was to table it to see if they can come up with a plan that would accommodate the other setback requirements. L. Hanni asked if they understood the issues.

Mr. Lindrud stated that he does not understand the issue. It is his understanding that a lot of parcels have shared drives. L. Hanni stated that right now it's just a variance to have two houses there. L. Hanni stated if they grant this tonight, they'll be coming back to the next meeting.

Mr. Lindrud asked if he can ask for a variance request. L. Hanni stated that they want to see where the houses are going to go and match the rest of the requirements. B. Anderson stated that they could table it and come back with all of the information next month. L. Hanni stated that it is up to the Board. If they approve the proposed two sites—they'll be back next month. Mrs. Lindrud asked if they could approve everything at one time.

Mr. Lindrud stated that he has a copy of the ordinance recently amended in 2000. L. Hanni stated that you can come into the office and get the rest of the information. L. Hanni stated that they can sign a 60-day waiver.

Mr. Lindrud stated that they'll have to waiver it. S. Klair stated that if they approve it, they'll be back for another variance. Mr. Lindrud stated that they can do some more work on the application. There is confusion between frontage and an easement. B. Anderson stated that frontage means you own it all the way to the road. B. Anderson stated that if we approve this, they're going to have to spend more money to apply for another variance.

Mr. Lindrud stated that as long as he can make a request for something less than that 100' frontage. L. Hanni stated you should get the plan together and present it at the next meeting.

Mr. Lindrud asked for a blow-up of this ariel picture.

[\[7\]](#)

***Moved by B. Anderson and seconded by J. Fritzinger to table the request for a variance to build an additional dwelling over the allowed one per ¼, ¼ section in an A-2 Agricultural District. Motion carried 5:0***

S. Pettit asked that they make sure that they are waiving their right to a decision within 60 days. She stated that she is concerned about the idea that this is a way of preserving the trees. It goes directly against the Comp Plan to not build on a large lot of land. S. Pettit went on to say that she was not saying that she was against it, she was just making a point. The Comp Plan is set up to preserve areas of beauty. If they were to go for residential, then that would be things that would be taken into consideration. She was a little concerned about this idea of how they are approaching this decision; it's setting a precedence. S. Pettit went on to say that she thinks we've got some issues in that area with the developments—let's just put houses on there and hope that they keep the trees. She was uncomfortable looking at it that way.

Mr. Lindrud asked for a clarification of what Sarah said. S. Pettit stated that her concern is the idea that we are allowing two houses to preserve the pine lands in hopes that the two new owners will preserve the pine lands for eternity. Mr. Lindrud stated that would be your call, not the owner's call. She stated that is correct.

[\[8\]](#)

***Moved by S. Pettit and seconded by D. Monroe to adjourn the April 25, 2005 Board of Adjustment meeting at 9:12 p.m.. Motion carried 5:0.***

Respectfully Submitted,

Carie A. Fuhrman  
Zoning Technician/Recording Secretary

# MINUTES

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[1]

APPROVE the April 25, 2005, Board of Adjustment Agenda (Motion carried 5:0)

[2]

APPROVE the March 28, 2005, Board of Adjustment Minutes (Motion carried 5:0)

[3]

DENY the variance to build a dwelling 84' from the West property line instead of the required 100' setback (variance is for 16') in an A-2 Agricultural Protection district based on staff recommendation and the possibility of future hardships (Motion carried 3:2)

[4]

APPROVE the variance to build an accessory structure 50' from the Southeast property line instead of the required 100' setback (variance is for 50') (Motion carried 5:0)

[5]

APPROVE the variance to build one additional dwelling over the twelve (12) dwellings allowed in an A-2 Agricultural District based on Article 26, Section 3, Subdivision 1, Item A and B (Motion carried 5:0)

[6]

APPROVE the variance to build an accessory structure 2,400 square feet instead of the allowed 1,200 square feet (variance is for 1,200 square feet) (Motion carried 5:0)

[7]

TABLE the variance request to build an additional dwelling over the allowed one per ¼, ¼ section in an A-2 Agricultural

District.

[8]

ADJOURN the April 25, 2005 Board of Adjustment meeting. Motion carried 5:0. Meeting Adjourned 9:12 p.m.