

GOODHUE COUNTY JUSTICE CENTER
454 WEST SIXTH STREET RED WING MN 55066

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

Present: Richard Sviggum Stanley Klair Conrad Rapp Darwin Fox Brad Anderson
Lisa Skipton Joanne A. Wood

Darwin Fox made a motion to approve the amended August 25, 2003 agenda. (including Staff Update) Seconded by Stanley Klair. Motion carried 5:0.

July 28, 2003 meeting minutes. Stanley Klair made a motion to approve the July 28, 2003 meeting minutes. Seconded by Darwin Fox. Motion carried 5:0.

Conflict / Disclosure of Interest. None to be disclosed.

Staff Update: Lisa Skipton explained there was one update. The Planning Advisory Commission recommended approval to the County Board regarding changing the Board of Adjustment from a five member board to a six member board. The County Board will address this issue at the last Board meeting in September. Also, there was a letter received from the DNR and a report from Steve Schmidt.

Steve VanGuilder / Craig Husbyn – NW ¼ of SE ¼ & N ½ of NW ¼ of SW ¼ of SE ¼, Section 35, T112N, R18W, Stanton Township. The request is for a variance to the ¼, ¼ density requirement in an (A-2) Agricultural zoning district.

Jackie VanGuilder was present and explained they would like to reassign a building site from the 5-acre parcel to the 40-acre parcel. They are planning on splitting the 40-acre parcel into two 20-acre parcels each having a dwelling. She said the driveway to get to the 5-acres would go through a plowed field and being on the 40-acre parcel would be more desirable.

Joanne Wood explained the 40-acre parcel is considered a farm under the Parcel of Record and doesn't have to meet the feedlot setback. She said the 5-acres is to the south and does meet the feedlot setback now. The feedlot to the north has only 8 animal units there now. She said the Husbyn's (owners of the feedlot) were in front of the Board last month for the replacement site being too close to County Rd 24 and they said they were going to add a couple more head of cattle there once they move in. She said Steve Schmidt said the Husbyn's were registered for 12 animal units and the feedlot is within 300-ft of a stream and is considered shoreland. Feedlots with 10 animal units or more are required to register and they registered for 12 animal units even tho there are only 8 there now. They discussed the aerial photo.

Richard Sviggum opened the meeting to the public.

Al Jerrett was present and wanted to know where they were referring to. He showed the other citizens the aerial photos.

Richard Sviggum said there is a building site going in the grassland. He said they are asking to transfer the building site from the five acres closer to the road.

Al Jerrett asked about the spacing requirements between dwellings. He said he lives in Warsaw Township and was wondering if the five acres has an allowable building site.

Richard Sviggum said they are looking at transferring the five acres to the north 40 acre parcels. They are basically transferring ¼, ¼.

Conrad Rapp said they are asking to move a buildable site from one area to another area.

Joanne Wood said the (A-2) zoning district limits one dwelling per ¼, ¼.

Ed Gerlson was present and said he owns land to the west. He said there is a basement already dug out there. He measured only 900 and some feet from his home. He said he has lived there for 65 years and this must be the Jensen's place. He said he used to hunt squirrels up there as a kid and he does not remember a home there.

Richard Sviggum said this area does not require spacing between dwellings. He said the five acres is buildable based on the Ordinances / Rules.

Joanne Wood explained the (A-2) rules limiting the number of homes to 12 and only one per ¼, ¼ with CER under 60 and a feedlot setback. She said the site the house is being built on currently is not the one being discussed tonight. She explained they are building a dwelling on the 40-acre parcel based on the Parcel of Record criteria. She said they would like to move a

site from the five-acre parcel to the 40-acre parcel.

Larry Jenson was present and said there was no building site on the five-acres.

Al Jarrett asked if they plan on selling the other part to someone else.

Jackie VanGuilder said they are building their home and plan on selling the other site.

Elaine Moorhouse was present and asked if she would be able to do something on her property. She said she wants to know if they are doing this, will it affect her property. She asked if she would be able to build on the $\frac{1}{4}$, $\frac{1}{4}$.

Joanne Wood showed Ms. Moorhouse an aerial photo. She explained the rules and said the 40-acres would not affect her land. She said the only way it will affect her is if the section is full or the $\frac{1}{4}$, $\frac{1}{4}$ is full.

Al Jarrett said the section will come close to 12 homes per section if these homes are allowed.

Richard Sviggum said the County can only allow permits based on the first come basis.

Elaine Moorhouse asked how the creek would be affected.

Jackie VanGuilder said the house is required to be 75-ft, but they are building their home 85-ft from the creek.

Larry Jenson said he talked with the Township Board member earlier and they said there was a 1000-ft spacing between dwellings.

Jackie VanGuilder said the Township gave them a building permit.

Robert Benson, Stanton Township Chair, was present and explained they gave the VanGuilder's a building permit.

One member of the Board of Adjustment was out to the site (Sviggum). *There was a motion made, it was seconded, and carried to close the public hearing.*

Joanne Wood said she had a discussion with Steve Betcher today about a five-acre parcel tying up the entire $\frac{1}{4}$, $\frac{1}{4}$. She said his interpretation or opinion was that the others could build in the $\frac{1}{4}$, $\frac{1}{4}$ because it is not recorded on their abstracts so the others would have the right to build.

Conrad Rapp made a motion to approve the variance to move / reassign from the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$. Seconded by Brad Anderson. Motion carried 5:0.

Findings: Variance request 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 five acre parcel is a building site based on the (A-2) Agriculture zoning district. The purpose and intent of the Zoning Ordinance and the Comprehensive Plan is to preserve and protect agriculture land. In this case there are also steep slopes (not bluffland) for driveway which could cause erosion concerns. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.

Jeff & Mary Lindell – Pt of E $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 20, T112N, R16W, Vasa Township. The request is for an appeal to build a dwelling on land rated over 60 CER and not the required less than 60 CER located in an (A-2) Agricultural zoning district.

Jeff & Mary Lindell were present and Jeff explained he would like to appeal to build a home on land rated over the 60 CER. He said the $\frac{1}{4}$, $\frac{1}{4}$ does have buildable soil types, but it would really break up the farming practices that he uses on the property. He said he would like the building site in the southeast corner of the parcel where there are trees that boarder the cropland. He said he farms that area in real short rows and with the trees it is not as productive as the soil rated under 60 CER. He said the driveway would come off 320th.

Richard Sviggum explained this was an 80-acre parcel with a tree line in the southeast corner. He said the trees create a little nook and trees seem to zap everything out of the crops. He said he is concerned with the longer driveway.

Joanne Wood said the TmB soil is rated 82. She said there is some ToD soil close to 320th, but Mr. Lindell farms the area.

Lisa Skipton asked if Mr. Lindell has road frontage. She asked about 320th.

Joanne Wood said he has road frontage off 315th Street.

Brad Anderson said Mr. Lindell has frontage from 315th Street to the north.

Joanne Wood said the Board needs to look at an appeal to see if there are special circumstances affecting the land. The applicant does not have to prove a hardship, but that there are special circumstances affecting the land. Mr. Lindell has stated it is more difficult to farm the property to the southeast because of the shorter rows in the nook. The ToD soil to the west is rated lower, but is being farmed and would be taken out of production. She said the farming practices can be taken into consideration as part of the special circumstances affecting the land because Mr. Lindell is farming the ToD=55 soil, but it is hard to farm the TmB=82 soil.

Jeff Lindell said the west side of the property is pretty much straight and he farms it in straight rows. He said the trees crowd out the crops. He explained that 320th Street is a dead end but touches up at the corner of the property.

Conrad Rapp asked Mr. Lindell if he owns enough frontage onto the road.

Joanne Wood asked Mr. Lindell if had been to the Township or talked to anyone at the Township.

Jeff Lindell said the map indicates the township road butts-up to the property 33-ft. He said he has just started the process, so he has not yet talked to anyone on the Township. He handed out a copy of the soils map. He pointed out on the soils map where he would like to build.

Richard Sviggum opened the meeting to the public. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Sviggum). *There was a motion made, it was seconded, and carried to close the public hearing.*

Stanley Klair made a motion to approve the appeal to build a dwelling on CER over 60. Seconded by Brad Anderson. Motion carried 5:0.

Findings: There are special circumstances affecting the land, building, or use referred to in the appeal that do not apply generally to other property in the same vicinity. The TmB is located closer to the tree line and the proposed site would not disturb as much tillable land as building on the ToD soil type.

Lory Knopick – Pt of E ½ of SW ¼, Section 14, T112N, R14W, Hay Creek Township. The request is for a variance (500-ft variance) to build a dwelling less than 2000-ft from an existing confined feedlot located in an (A-2) Agricultural zoning district.

Lory Knopick was present and explained she would like to build a home 1500-ft from the neighbors' feedlot instead of the required 2000-ft. She said her sister and brother-in-law have a driveway that comes right past there where she would like to build. She explained she would like to drive in on the existing driveway and then build about 100-150-ft from that. She said Steve Flueger farms the land and building the home 2000-ft from the feedlot would end up splitting her field. She would like to move the building site closer to the existing driveway because she doesn't want to split her field.

Joanne Wood said almost everything there is ToD soil.

Conrad Rapp asked how many animal units are at this feedlot.

Joanne Wood said the feedlot consists of 30 animal units which are cow/calf pairs and one bull. She doesn't believe he is registered for more than that. She explained MPCA rules don't require people to register until they exceed 50 animal units unless they are within shoreland.

Conrad Rapp said the discrepancy is because the County Zoning Ordinance requires 10 animal units or more to be a feedlot.

Joanne Wood said it was clear where the feedlot boundaries are and she doesn't believe they could get more cattle in there. She said where Lory is proposing the building site she could see the feedlot.

Richard Sviggum said when he was out there he asked Lory about coming from Huneke Road, but it is steep and would require a lot of fill and a culvert. He said it is not an ordinary ditch along the road.

Lory Knopick said she had BNR (Jeff Rehder) out to look at the site and he said it would take a lot to put in a driveway because of the steep slope.

Joanne Wood said the existing driveway comes along the east property line. She reminded the Board that they had given Lory's Brother-in-law an appeal to build back there. She said he built were the CER was higher and then dropped off.

Richard Sviggum opened the meeting to the public. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Sviggum). *There was a motion made, it was seconded, and carried to*

close the public hearing.

Conrad Rapp made a motion to approve the variance to build a dwelling 1500-ft (500-ft variance) from a confined feedlot. Seconded by Darwin Fox. Motion carried 5:0.

Findings: The Board determined that moving the building site would have less impact on the tillable land and would lessen the amount of land being used for the access drive. The granting of the variance will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant, and that the granting of the variance will not alter the essential character of the locality. The Goodhue County Zoning Ordinance and the Comprehensive Plan both state the purpose of the Ordinance is to protect and preserve agricultural land. In addition, the Peterson feedlot will be allowed to expand up to 300 animal units based on the current Goodhue County Zoning Ordinance provided the site meets all applicable state guidelines pertaining to feedlots.

Comprehensive Plan Update: Lisa Skipton said the County Board is working on establishing a Feedlot Steering Committee.

Other Business: None.

Respectfully Submitted,

Lavon Vieths-Augustine
Zoning Technician / Recording Secretary