

## BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN

JANUARY 25, 2010

The meeting of the Goodhue County Board of Adjustment was called to order at 6:30 p.m. by Vice-Chair Judy Fritzinger in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Judy Fritzinger Stanley Klair Lisa Hanni Bernie Overby Dennis Monroe  
Mike McKay Brad Anderson

Absent:

***<sup>1</sup>Motion by S. Klair seconded by D. Monroe and carried to approve the January 25, 2010 Board of Adjustment Agenda. Motion carried 5:0.***

***<sup>2</sup>Motion by B. Overby seconded by D. Monroe and carried to approve the November 23, 2009 Board of Adjustment regular meeting minutes. Motion carried 5:0.***

**Staff Updates:**

L. Hanni said that mileage rate went down. As of now we may not have a February meeting. March will be Stan and Bernie's last meeting. Rich Bauer will be replacing Bernie as the Planning Commission representative. We do not know at this time who will be replacing Stan.

**Conflict/Disclosure of Interest:** None.

**William Gilk**—Part of Government lot 3 Section 24 T112N, R13W, Florence Township. The request is for a variance to locate a drainfield 10' from a mobile home, 14' from a garage and 5' from a shed instead of the required 20' setback to structures.

L. Hanni presented the staff report, findings of fact and staff recommendation:

**Findings of Fact:**

The proposed location is the only viable location for a drainfield of this magnitude. This mobile home park was established prior to the current on-site septic standards. The mobile home park is seasonal. The majority, if not all of the residents use it primarily in the summer season. The request should have no adverse material affects on neighboring properties, nor will it affect the health or safety of persons residing or working in the area adjacent to the property of the applicant. The request will not be materially detrimental to the public welfare nor would it be injurious to property or improvements in the area adjacent to the property of the applicant. The hardship is that the drainfield could not be placed without the required variances. The intent of the ordinance is being met based on the proposed setbacks. The request would not affect any other property, purely the residents of the mobile home park. There should be little if any impact on the mobile home that is closest to the drainfield. The mobile home does not contain a basement, so no seepage could occur into the dwelling. The request meets the intent of the ordinance. There is still some separation from buildings to the drainfield, and none of the buildings contain basements which would be the most susceptible to seepage. The character of the neighborhood should remain unchanged, if not improved based on a compliant on-site septic system. This is the only location for the proposed drainfield. If the variances were not granted, the shed which houses Mr. Gilks washing machines would need to be moved or removed. The trailer in question would need to be removed. The central washing is the way for Mr. Gilk to control the amount of water that is being used on site, he does not allow washing machines in the trailers. Mr. Gilk would also need to remove the trailer that would be closer than the required setback which would amount to less revenue to cover the cost of the upgraded system. Part of the reason the practical difficulty occurred was that the property has so many mobile homes on it that there is no pervious surface large enough to house the drainfield. However, this park was permitted prior to the current standards we uphold today. In weighing all of the factors above, it appears that practical difficulties exist and that the interests of the justice would not be served by denying the variance.

**Staff Recommendation**

Based on the findings of fact, staff recommends that the Board of Adjustment adopt the staff report into the record, accept the findings of fact, and approve the variance to locate a drainfield 10' from a mobile home, 14' from a garage and 5' from a shed instead of the required 20' setback to structures.

JANUARY 25, 2010

---

**Discussion**

C/B. Anderson arrived at the meeting.

B. Overby asked if it was a rental property.

Mr. Gilk said that the structures are permanent but only used on a seasonal basis.

C/B. Anderson opened the public hearing.

No one present wished to speak for or against the request.

*After no public comment it was moved by S. Klair and seconded by J. Fritzingler to close public comment. Motion carried 6:0.*

M. McKay asked if we did a site visit.

K. Gross said we did not.

J. Fritzingler clarified that this is the only site.

Mr. Gilk pointed out on the map why this is the only location.

M. McKay said the township didn't have any issue with this.

Mr. Gilk said that they had made the comment that they will have to get used to this because there isn't enough room.

C/B. Anderson asked if this was a conventional system or a mound.

K. Gross said that it was not a mound.

Mr. Gilk said that it is actually two drainfields next to each other.

***3Motion by D. Monroe and seconded by M. McKay to approve the variance to locate a drainfield 10' from a mobile home, 14' from a garage and 5' from a shed instead of the required 20' setback to structures. Motion carried 6:0.***

**Joel and Bonnie Kassen** – Part of SE ¼ Section 4, T111N, R14W, Belvidere Township. The request is for a variance to build an addition onto a dwelling 10' from the toe of the bluff instead of the required 30' setback.

L. Hanni presented the staff report, findings of fact and staff recommendation:

**Findings of Fact:**

The dwelling was built in the 1980's presumably before the current bluff land regulations were in place. The addition would not be going any closer to the toe of the bluff than the dwelling currently sits. Beau Kennedy from the SWCD has indicated the addition should have little if any impact on the bluff. The request should have no adverse material affects on neighboring properties, nor will it affect the health or safety of persons residing or working in the area adjacent to the property of the applicant. The request will not be materially detrimental to the public welfare nor would it be injurious to property or improvements in the area adjacent to the property of the applicant. The hardship is created by the proximity of the current dwelling to the toe of the bluff and the topography of the land. The request meets the intent of the zoning ordinance to protect the bluff. The character of the neighborhood should remain unchanged. An addition could not be built on the dwelling without a variance to the bluff impact zone. The difficulty occurred by the topography of the property and the

JANUARY 25, 2010

---

desire of the landowners to add square footage to their dwelling. In weighing all of the factors above, it appears that practical difficulties exist and that the interests of the justice would not be served by denying the variance.

Staff Recommendation

Based on the findings of fact, staff recommends that the Board of Adjustment adopt the staff report into the record, accept the findings of fact, and approve the variance to build an addition onto their dwelling 10' from the toe of the bluff instead of the required 30' setback.

Discussion

C/B. Anderson asked if they would like to add anything.

Mr. Kassen passed around a photo of the property now and when they moved in.

C/B. Anderson asked what the dimension of the house is now and clarified that the house currently sits 10' from the toe of the bluff.

S. Klair said that Mr. Kassen currently mows the bluff 70' up with a riding lawn mower so it is not that steep of a slope.

*C/B. Anderson opened the public hearing.*

No one present wished to speak for or against the request.

*After no public comment it was moved by J. Fritzinger and seconded by B. Overby to close public comment. Motion carried 6:0.*

***<sup>4</sup>Motion by M. McKay and seconded by B. Overby to approve the variance to build an addition onto a dwelling 10' from the toe of the bluff instead of the required 30' setback. Motion carried 6:0.***

***<sup>5</sup>Motion by D. Monroe and seconded by J. Fritzinger to adjourn the October 26, 2009 Board of Adjustment meeting at 7:00 p.m. Motion carried 6:0.***

Respectfully Submitted,

Kristi Gross

Secretary

JANUARY 25, 2010

---

**MINUTES**

<sup>1</sup> APPROVE January 25, 2010 Board of Adjustment Agenda. Motion carried 5:0.

<sup>2</sup> APPROVE the November 23, 2009 Board of Adjustment regular meeting minutes. Motion carried 5:0.

<sup>3</sup> APPROVE the variance to locate a drainfield 10' from a mobile home, 14' from a garage and 5' from a shed instead of the required 20' setback to structures. Motion carried 6:0 .

<sup>4</sup> APPROVE the variance to build an addition onto a dwelling 10' from the toe of the bluff instead of the required 30' setback. Motion carried 6:0 .

<sup>5</sup> ADJOURN January 25, 2010 Board of Adjustment meeting at 7:00 p.m. Motion carried 6:0.