

BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN
SPECIAL MEETING JULY 27, 2009

The special meeting of the Goodhue County Board of Adjustment was called to order at 7:48 p.m. by Chairman Brad Anderson in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

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

Absent:

¹Motion by S. Klair seconded by D. Monroe and carried to approve the July 27, 2009 Board of Adjustment Special Meeting Agenda. Motion carried 6:0.

Conflict/Disclosure of Interest: None.

Leigh Nelson/Peter Zotalis – SE ¼ of Section 35 T114N, R16W, Welch Township. The request is a variance to build a dwelling on a parcel without the required 100' lot width along a public road right of way. The request is also for a variance to create a parcel without the required 100' lot width along a public road right of way.

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

Findings of fact:

The circumstances affecting the land apply to the entire section. There is not any road frontage in the section. Any dwelling that would be desired would require a variance to the lot width requirement, or the township road would need to be extended into the section. Granting the variance should not be detrimental to any of these issues and should have no adverse affects on adjacent properties. The hardship is that there is no road frontage available in the section. The intent of the ordinance is to ensure that each parcel has adequate access. However, our ordinance does not require the actual access be in the same location as where the property owns the lot width along the public road right of way. If the easement is written correctly to the property, the property will be allowed access regardless if the property changes hands. The easement is proposed at 100' in width and would contain a presumed 66' of township road right of way at it's beginning. For this reason, the request is not a substantial variation from the intent of the zoning ordinance. The property is so secluded that the neighborhood would not change substantially. The feasible method to alleviate the practical difficulty would be to change the zone of the entire parcel to R-1 Suburban Residential. A church is allowed by a conditional use permit in that zone. The practical difficulty exists because the township road ends west of the section line and there is no road frontage serving the existing section. The economics of the Township to build a road to allow one house is not practical. Granting a variance would hold some control over how many dwellings could be located in the section. An easement may be appropriate for one dwelling. However, in the future if more dwellings are proposed on Mr. Nelson's property extending the township road may be more logical. 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 a dwelling on a parcel without the required 100' lot width along a public road right of way and to approve the variance to create a parcel without the required 100' lot width along a public road right of way. With the stipulation that the easement is recorded to follow with the land and would transfer upon sale of the proposed 15 acres to any other party.

Discussion:

Peter Zotalis said that there are two dwelling sites. His grandfather built his house prior to the ordinance changing. The 800 acres of land is only accessible from one point.

M. Wozniak said that was part of the consideration in the context of how much land is served by that one point and the desire to create one home site. It is an unusual circumstance when staff would recommend in favor of creating a land locked parcel. The hardship is that there is no road frontage available in the section. Township willing, the Township would have to be willing to extend a road. The preference that Leigh has is that it stays this way instead of a township road being extended.

Mr. Zotalis said that Mr. Nelson would like to have control over the access.

S. Klair said that it looks like an awful long driveway. Is there any way the house could be built so the driveway doesn't go through so much of the cornfield.

Mr. Zotalis said that it would follow the property line.

B. Overby said that could you move it further to the east.

Mr. Zotalis said his grandfather said he doesn't want to sell that area to him.

M. Wozniak asked why they were choosing that 15 acres.

Mr. Zotalis said that when you walk there this is a very level area and they are building a walkout. If you go back any further you are getting close to the bluffs and the power lines.

Mr. Zotalis said that he met with the gentleman who rents the land and they would like to save as much as it is. We are going to continue to have him farm the land, minus the 14 foot driveway and minus the building site.

B. Overby said that if the Township would have built the road you would be taking more land out of production.

M. McKay said that could open up Pandora's box and allow potentially three more dwelling sites.

M. Wozniak said this is a special area. From certain points on the top of that bluff the views are dramatic. From down below you have a very unique habitat.

C/B. Anderson opened the public hearing.

Darwin Fox said that they were glad that they did not propose a road. The hardship here is when the ordinance changed. But if they built a road the developers would be hounding Leigh Nelson to sell for development. This is probably one of the best uses for where he would like to build. We put a lot of thought into it.

M. Wozniak said that there is nowhere for a road to go.

Mr. Fox said yes, it's a dead end. It is a really unique thing because when the ordinance went in you didn't look at each individual lot to see how it would be impacted. If they want to build a road to our standards with a 100' cul de sac we probably would have approved it, but we're glad they didn't ask for that.

With no further public comment M. McKay motioned and S. Klair seconded to approve the closure of the public hearing. Motion carried 6:0

²Motion by B. Overby and seconded by D. Monroe to accept the staff report into the record, adopt the findings of fact that staff has prepared and approve the variance to build a dwelling on a parcel

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without the required 100' lot width along a public road right of way and to approve the variance to create a parcel without the required 100' lot width along a public road right of way. With the stipulation that the easement is recorded to follow with the land and would transfer upon sale of the proposed 15 acres to any other party. Motion carried 6:0.

³Motion by M. McKay and seconded by J. Fritzinger to adjourn the special meeting of July 27, 2009 Board of Adjustment meeting at 8:15 p.m. Motion carried 6:0.

Respectfully Submitted,

Kristi Gross
Secretary

MINUTES

¹ APPROVE the July 27, 2009 Board of Adjustment Special Meeting Agenda. Motion carried 6:0.

² APPROVE variance to build a dwelling on a parcel without the required 100' lot width along a public road right of way and to approve the variance to create a parcel without the required 100' lot width along a public road right of way. With the stipulation that the easement is recorded to follow with the land and would transfer upon sale of the proposed 15 acres to any other party. Motion carried 6:0.

³ ADJOURN Special Meeting of July 27, 2009 Board of Adjustment meeting at 8:00 p.m. Motion carried 6:0.