

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 Mike McKay

Absent: Nancy Spooner-Mueller

[\[1\]](#)

Motion by J. Fritzingler and seconded by D. Monroe and carried to approve the July 25, 2005 Board of Adjustment Agenda. Motion carried 4:0:2 Anderson, Pettit Absent.

J. Fritzingler stated that on page 3, item 5 should read: "Moved by S. Pettit and seconded by B. Anderson to approve the variance to register a feedlot 850' from the nearest dwelling instead of the required minimum 1,000' setback from the nearest dwelling (variance is for 150') in an A-1 Agricultural Protection Zoning District based on the goal to preserve agricultural land and recognize this as an existing feedlot. Motion carried 6:0." And page 14, item 12 should read: "Moved by S. Pettit and seconded by B. Anderson to approve the variance to build an addition 12' from the Highway 19 right of way instead of the required 60' setback (variance is for 48') based on staff's recommendation."

K. Gross stated that she would also change the endnotes to reflect those changes.

[\[2\]](#)

Motion by J. Fritzingler and seconded by M. McKay and carried to approve the June 27, 2005 Board of Adjustment Minutes as amended. Motion carried 4:0:2 Anderson, Pettit Absent.

Staff Updates:

L. Hanni stated that staff brought some proposed wording changes to the last Planning Advisory Commission in regards to second farm dwellings. We will bring that in as a zoning ordinance change at the August meeting. We are also having workshops for the Planning Commission to go through the Subdivision Ordinance. We are hoping to get a final product by the end of the year.

Conflict/Disclosure of Interest:

None was discussed.

Donald Hernke - S $\frac{3}{4}$ OF S $\frac{1}{2}$ OF NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ Section 8 T111N R17W Leon Township. The request is a variance to build one additional dwelling over the allowed one per $\frac{1}{4}$, $\frac{1}{4}$ in an A-2 Agricultural Zoning District.

STAFF REPORT

Donald Hernke is requesting a variance to build an additional dwelling over the allowed one per $\frac{1}{4}$, $\frac{1}{4}$ section in an A-2 zoning district. The proposed dwelling would be the second dwelling in the $\frac{1}{4}$, $\frac{1}{4}$. The proposed variance is located in an A-2 zoning district. The proposed dwelling would be located in a wooded area. The section contains bluff area so some $\frac{1}{4}$, $\frac{1}{4}$'s may never be built upon. The current proposal for the lot configuration would not be approved because it is taking away the 100' of road frontage to the current dwelling. This proposal would have to include 100' of road frontage to Mr. Hernke's current dwelling and a separate 100' of road frontage for the proposed dwelling location. Mr. Hernke received a variance from Leon Township to their 1000' spacing requirements.

Based on the following findings of fact staff recommends denial of the request to build an additional dwelling over the allowed one per $\frac{1}{4}$, $\frac{1}{4}$ section in an A-2 Agricultural Zoning District:

The ¼, ¼ already contains a dwelling so there are no special circumstances or conditions. Granting of the application would alter the essential character of the locality by increasing the density. There is no hardship. The hardship would be created by the current property owner by building within the same ¼, ¼ as an existing dwelling.

BOA DISCUSSION

Mr. Hernke passed out some supporting information to the Board. He stated that he already has a residence in the ¼, ¼ and would like to build an additional dwelling in the ¼, ¼. He reads through the document that he had passed out.

D. Monroe asked how long he owned the property.

Mr. Hernke said about 10-15 years.

S. Pettit arrived at the meeting.

D. Monroe asked if he put the buildings there.

Mr. Hernke said that they were there when he bought it.

S. Klair asked if he would need a variance for the road frontage.

Mr. Hernke said that he drew those lines showing the property lines, the actual property could have the required road frontage.

M. McKay asked what his purpose of stating that those buildings were used.

Mr. Hernke said that there is traffic going back there daily.

M. McKay stated in the second portion of the report he states that it would be beneficial to take them down. That is contradictory.

Mr. Hernke said that he is stating there are special circumstances.

M. McKay asked how using your property makes special circumstances.

Mr. Hernke stated that he is making the point that it is un-forested, non-agricultural land that he would like to build upon.

J. Fritzingler stated that this was cleared for agricultural purposes and asked if it has been used for agricultural purposes in the last 20 years.

Mr. Hernke stated that it hasn't been used for agricultural purposes for about 10 years.

S. Klair asked how large of a parcel he would be building on.

Mr. Hernke stated it would depend on how you configure it, it could be 15 acres.

B. Anderson arrived at the meeting.

J. Fritzingler asked how he would get the 100' of frontage for each parcel.

Mr. Hernke stated that there is a little over 200' of road frontage right now and that would be able to split between the two locations.

C/S. Klair opened the public hearing.

No public comment was given.

Moved by S. Pettit and seconded by J. Fritzinger and carried to approve the closure of the public hearing. Motion carried 6:0.

M. McKay asked what hardship the Township used to grant the variance.

B. Anderson said that he thinks that it was the best use for the land and because there were the buildings back there as a site they felt that it was the best use.

Mr. Hernke said that he does not think that they had discussed hardship at the township level.

S. Pettit said that the hardship she is seeing is financial and they cannot look at that. She is also having a hard time seeing how this is different from other properties in the county and it is in direct conflict with the comprehensive plan. She stated that she feels for him but she does not see a hardship in this situation.

S. Klair stated that they have moved building sites from one ¼, ¼ in the past.

B. Anderson said that one of the reasons that the township looked at this because it was along Highway 52 corridor and access to the highway is limited.

M. McKay said that at some point that could be a good place to put a home, but not zoned the way it is currently zoned.

[3]

Moved by J. Fritzinger and seconded by S. Pettit to deny the variance to build one additional dwelling over the allowed one per ¼, ¼ in an A-2 Agricultural Zoning District based on staff recommendation and there being no hardship besides financial. Motion carried 5:1 B. Anderson dissenting.

Stephen Ott - Pt of SW ¼ of NW ¼ of SE ¼ Section 25 T112N R15W Featherstone Township. The request is a variance to build an accessory structure 8 ft from the south and west property lines (variance is for 92 ft to south and west property lines).

STAFF REPORT

Stephen & Wanda Ott are requesting a variance to build an accessory building 8' from the south and west property lines instead of the required 100' setback in an A-2 Agricultural District. The Ott's property is 21,450 square feet (about 1/2 an acre) located on Highway 58 Boulevard. This parcel is non-conforming for the zoning district due to the size. The Ott's are proposing to build the shed in the back of the house close the the property line and a dry creek. This creek is not protected DNR water. After visiting the site it was unclear where the drainfield currently sits. The applicants have stated that it would be adequate distances from both the well and septic. Staff's major concern with the proposed location is the size of the lot and whether or not there would be adequate area for a second septic site if needed due to the driveway running through the lot to get to the garage.

Because the requested variance could place additional hardships on the applicants in the future regarding their septic system staff would recommend denial of the requested variance to build an accessory building 8' from the south and west property lines instead of the required 100' in an A-2 Agricultural

Zoning District.

BOA DISCUSSION

Mr. Ott said that the lot is not large enough to build on and meet setbacks.

S. Klair clarified that this would be behind the house and down toward the ravine.

Mr. Ott said correct.

J. Fritzingler asked what they would store in the garage.

Mr. Ott said that it would store personal vehicles.

S. Klair asked about the septic.

Mr. Ott said that the abstract said that there was room.

Mr. McKay said that their concern would be that where they are planning on running the driveway would cut their backyard in half and possibly use their area for their second septic system if needed.

Mr. Ott said that they have applied to the State to change the location of their approach and put it on the west side of the house.

M. McKay stated the most practical location was to the north of the house.

Mrs. Ott stated that the neighbor would not give them a variance to their property on the north.

M. McKay asked if they made a formal application to the township to build on that side.

Mr. Ott said they did.

K. Gross clarified that it is her understanding that Featherstone's policy for variances is that if the variance is for over 50% of the required setback it requires a signed approval from the neighbor the structure would be infringing upon.

C/S. Klair opened the public hearing.

No public comment was given.

Moved by S. Pettit and seconded by M. McKay and carried to approve the closure of the public hearing. Motion carried 6:0.

M. McKay said that he would like to see this tabled to get more information. He said that he would like to see definite numbers of proposed setbacks.

Mr. Ott shows another setback.

B. Anderson said that approval based upon a septic site evaluation.

S. Pettit asked if there would be any issue with the driveway access.

D. Monroe said that's not really the issue.

M. McKay said that he would be comfortable with an approval contingent on a septic evaluation.

Mr. Ott said that the variances have been given with the township.

[4]

Moved by B. Anderson and seconded by D. Monroe to approve the variance to build an accessory structure 8 ft from the south and west property lines (variance is for 92 ft to south and west property lines) contingent of an approved septic plan for the site. Motion carried 6:0.

B. Anderson said that Mr. Ott doesn't have to build at 8', but he can build that close if he needs to.

Discussion: Accessory Structure sizes.

The board discussed accessory structure size limitations. They asked for some more information and that discussion will continue at the August meeting.

[5]

Moved by B. Anderson and seconded by D. Monroe to adjourn the July 25, 2005 Board of Adjustment meeting at 8:00 p.m. Motion carried 6:0.

Respectfully Submitted,

Kristi R. Gross

MINUTES

[1]

APPROVE the July 25, 2005 Board of Adjustment Agenda Motion carried 4:0:2 Pettit, Anderson absent.

[2]

APPROVE the June 27, 2005 Board of Adjustment Minutes. Motion carried 4:0:2 Anderson, Pettit Absent.

[3]

DENY the variance to build one additional dwelling over the allowed one per $\frac{1}{4}$, $\frac{1}{4}$ in an A-2 Agricultural Zoning District based on staff recommendation and there being no hardship besides financial. Motion carried 4:0:2 Anderson, Pettit Absent.

[4]

APPROVE variance to build an accessory structure 8 ft from the south and west property lines (variance is for 92 ft to south and west property lines) contingent of an approved septic plan for the site.

[5]

ADJOURN July 25, 2005 Board of Adjustment meeting at 8:00 p.m. Motion carried 6:0.