

The Goodhue County Board of Adjustment special meeting 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 Sarah
Pettit
Mike McKay Nancy Spooner-Mueller

Absent: Lisa Hanni

[\[1\]](#)

Motion by B. Anderson and seconded by D. Monroe and carried to approve the June 6, 2005 Board of Adjustment Agenda. Motion carried 5:0:1. S. Pettit was absent for this item on the agenda.

Staff Updates: Staff did not have any new updates to announce.

Conflict/Disclosure of Interest: None was discussed.

S. Pettit arrived at the meeting.

Shawn & Sheila Poston – Pt of NW ¼ of NW ¼ Section 20 T111N R16W Belle Creek Township. The request is for a variance to place a dwelling 31.55' from County Road 8 right of way instead of the required 60' setback (variance is for 28.46'), a variance to place a dwelling 39.08 feet from the east property line instead of the required 100' setback (variance is for 60.92') and a variance to build a dwelling 5' from the top of a bluff instead of the required 30' setback (variance is for 25').

STAFF REPORT

In February of this year the Postons were approved for a building permit to replace their existing single-wide mobile home with a double-wide mobile home in the same location. That permit was never issued because the Postons decided to change their plans to a prefabricated house in a slightly different location. Staff requested a survey to show whether or not the Old County Road 8 was abandoned because it was such a unique parcel and it was unclear as to how the buildings were proposed. The completed survey showed that the proposed dwelling was encroaching the Old County Road 8 right of way. The Postons decided to turn their house to make it fit without encroaching on the right of way and spoke with Goodhue County Public Works about the abandonment of Old County Road 8.

Public Works said they weren't concerned with Old County Road 8 because the survey the Postons supplied said their land goes to the center line of Old County Road No. 8. Public Works submitted the following concerns:

- 1) The applicant use the existing driveway
 - a. Cannot move driveway to new location
 - b. Cannot have a second driveway to the property
 - c. If it is necessary to construct a temporary driveway to get the new house onto the property, a driveway access permit is required.
- 2) Septic System cannot be installed between the house and CSAH #8
- 3) Front yard cannot be graded to a level lower than 1-2' of its current grade without prior authorization from the GC Public Works Director.
- 4) Most importantly, the landowners must be aware that their home will be close to the road. This will subject them to increased highway noises. Routine highway maintenance operations include snowplowing in the winter, potential problems would be snow and/or rock being plowed from the roadway hitting their house due to the close proximity. Summer operations include mowing

ditches, maintaining shoulders etc. which also have potential problems of flying debris that could hit their home.

5) As long as the Postons agree to these conditions, Goodhue County Public Works has no issues.

It was also observed at the site visit that the proposed house is sited at the edge of a very steep drop off. This drop off would qualify as a bluff according to the definition provided in Article 4, Section 2, Subdivision 1 "A high bank or bold headland with a broad precipitous sometimes rounded cliff-face overlooking a plain or body of water, especially on the outside of a stream or meander-river bluff that rises or drops twenty-five (25) feet from the horizontal and the slope averages thirty (30) percent or greater." The Poston's are proposing to site their house approximately 5' from the edge of the bluff instead of the required 30' setback. They would need a variance to that also.

Staff recognizes there are considerable hardships in this situation. Mr. & Mrs. Poston's parcel is laid out in a manner that provides little room for growth. It is a reasonable request to replace the existing mobile home with a prefabricated home. The hardship was not created by the current landowner. There are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.

However, in lieu of making a staff recommendation, we would like to point out some concerns raised after a site visit was completed. The proposed structure would be very close to an existing bluff. Element 3, Goal 4, Policy 4 of Goodhue County's Comprehensive Plan states "Development shall be compatible with the natural environment and accomplished without destroying environmental character or natural amenities." It would be unsafe for the proposed dwelling to be located so near the bluff.

The current location of the dwelling and accessory structure is the most level area on the property, however it is the closest to the road.

If the Board would grant this request staff would recommend a condition of the applicants agreeing to the terms of Goodhue County Public Works in writing.

BOA DISCUSSION

Shawn and Sheila Poston explained their situation.

S. Klair asked if their driveway comes off of the Old County Road 8 or New County Road 8.

Mrs. Poston stated their driveway comes off New County Road 8.

S. Klair asked if Old County Road 8 was vacated.

N. Spooner-Mueller stated that it was abandoned but not vacated. There is a number of roads like this in the County and there is a process to get the land turned back over to the owners.

M. McKay asked if the Township has approved this request.

Mr. Poston said yes.

B. Anderson said he was out at the site and to him this was the best place to put a house. This would be getting it farther from the road.

D. Monroe asked if this would be 5' from a bluff.

B. Anderson said that it is probably man-made from the road alterations.

S. Klair asked if they have owned this property for awhile.

Mrs. Poston stated they have owned it for two years.

M. McKay asked if they have any issues with the conditions from Public Works.

The Postons said that they do not have any issues with that.

C/S. Klair opened the public hearing.

No public comment was made.

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

S. Pettit asked why they need a second site for their septic system for replacement sites when we stated they didn't need a second site last month for a septic system.

K. Gross said that she does not know if replacement sites need second locations. We are talking about their septic system because it a new system for a new house.

Mr. Poston said that Pam with Environmental health said they needed a second site.

S. Pettit said she would have rather heard that last month that staff didn't know than to hear a replacement site doesn't need it.

[\[2\]](#)

Moved by S. Pettit and seconded by D. Monroe to approve the variance to place a dwelling 31.55' from County Road 8 right of way instead of the required 60' setback (variance is for 28.46'), a variance to place a dwelling 39.08 feet from the east property line instead of the required 100' setback (variance is for 60.92'), and a variance to build a dwelling 5' from the top of a bluff instead of the required 30' setback (variance is for 25') based on considerable hardships and B. Andersons assessment of the location upon his site visit. Motion carried 6:0.

[\[3\]](#)

Moved by M. McKay and seconded by S. Pettit to adjourn the May 23, 2005 Board of Adjustment Special Meeting at 7:30 p.m. Motion carried 6:0.

Respectfully Submitted,

Kristi R. Gross
Zoning Technician/Recording Secretary

MINUTES

[\[1\]](#)

APPROVE the April 25, 2005, Board of Adjustment Agenda. Motion carried 5:0:1 Pettit Absent

[2]

APPROVE the variance to place a dwelling 31.55' from County Road 8 right of way instead of the required 60' setback (variance is for 28.46'), a variance to place a dwelling 39.08 feet from the east property line instead of the required 100' setback (variance is for 60.92'), and a variance to build a dwelling 5' from the top of a bluff instead of the required 30' setback (variance is for 25') based on considerable hardships and B. Andersons assessment of the location upon his site visit. Motion carried 6:0.

[3]

ADJOURN the April 25, 2005 Board of Adjustment Special Meeting. Motion carried 6:0. Meeting Adjourned 7:30 p.m.