

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

K. Gross stated that there was a typo on the May 23, 2005 Agenda. The last item on the agenda, Jeff Haugen, it should say “variance is for 1,872’” not 344 feet.

[\[1\]](#)

Motion by B. Anderson and seconded by J. Fritzingler and carried to approve the May 23, 2005 Board of Adjustment Agenda as amended. Motion carried 6:0.

K. Gross stated there was a typo in the minutes on page six (6), paragraph two (2), it states “(not for sure what he is saying)” which was a staff note to go back through the recording and should be deleted.

[\[2\]](#)

Motion by B. Anderson and seconded by D. Monroe and carried to approve the April 25, 2005 Board of Adjustment Minutes as amended. Motion carried 6:0.

Staff Updates:

L. Hanni said there were two handouts. The first one was regarding Thomas Lindrud. He has withdrawn his request for the variance to have an additional dwelling over the allowed one per ¼, ¼ in an A-2 district. She asked the Board to accept their withdrawal.

[\[3\]](#)

Moved by D. Monroe and seconded by B. Anderson to accept the withdrawal of Thomas Lindrud and Steven & Theresa Brown for the request of a variance to allow an additional dwelling over the allowed one per ¼, ¼ section in an A-2 District. Motion carried 6:0.

The second handout was a comment from a neighbor regarding Leroy Bauer’s request.

Conflict/Disclosure of Interest:

None was discussed.

David Hart– Pt of NW ¼ of NE ¼ Section 32 T110N R15W Zumbrota Township. The request is a variance to build an accessory building 1,544 square feet instead of the allotted 1,200 square feet on lots in excess of one (1) acre in an R-1 Suburban Residential District (variance is for 344 square feet).

STAFF REPORT

Mr. Hart owns a 2.4 acre parcel in Zumbrota Township to the Northwest of the intersection of County 48 Boulevard and County 10 Boulevard. The proposal is to construct a 1,280 sq. ft. addition onto an existing 264 sq. ft. garage, which would create a total building size of 1,544 sq. ft. The proposed building (including old garage and addition) meets all of the required setbacks in the R-1, Suburban Residential District. The setbacks are as follows: 60’ to the North property line; 112’ to the East property line (County 48 Blvd.); 300’ to the South property line (County 10 Blvd.); and 120’ to the West property line.

According to the applicants, the purpose for the proposed structure is to store cars. The applicants would like to incorporate the existing 12’ by 22’ shed for appearance as well as for space and heating of only one building. The applicants would also like to keep the building on a certain portion of the acreage in case there is a future possibility of splitting the lot.

Staff performed a site visit and determined that the nature of the area is residential and a building of this size does not fit in with the area.

The Zoning Application Summary Form has been signed by the Zumbrota Township Chair indicating the township has approved the request.

Staff offers the following recommendations for the request. Based on the following findings of fact, staff would recommend denial of the proposed structure at 1,544 sq. ft. based on no existing hardship. According to Article 26, Section 2, Subdivision 2, of the County Ordinance: *In the case of variances, they shall only be permitted when they are in harmony with the general purposes 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.*

BOA DISCUSSION

Mr. Hart said that his request is to add on to an existing one car garage he has. He said he needs to build it 32' x40' because he is in the construction business and collects old cars and he would not have enough room to fit all his cars in a smaller building. He presented the Board with letters from neighbors in support of his variance.

S. Pettit said that it is in the area where there are already larger buildings in the area. It would conform to the nature of the surroundings.

J. Fritzingler asked if he maintains the other buildings.

Mr. Hart said he does. One building is used for construction material storage, and the little building will be attached to the proposed structure.

C/S. Klair opened the public hearing.

Dean Teideman, Belvidere Township Board Chairman, said that Mr. Hart is very meticulous; he will make sure the building is built correctly and keeps it looking nice.

M. McKay asks if the Planning Commission's vote was also unanimous.

Mr. Teideman said yes.

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

M. McKay clarified that S. Pettit went on this site visit.

S. Pettit said she did.

S. Klair asked if the old sheds will still be used.

Mr. Hart says that he uses those for brackets and ladders and construction materials.

[4]

Moved by B. Anderson and seconded by J. Fritzingler to approve the variance to build an accessory building 1,544 square feet instead of the allotted 1,200 square feet on lots in excess of one (1) acre in an R-1 Suburban Residential District (variance is for 344 square feet) based on Article 26 Section 3 Subd 1B. Motion carried 6:0.

Steve Sullivan – The E 787.67 ft of the W 40.79 acres of Government Lot No. 3 and the E 787.34 ft of the W 40.78 acres of Government Lot 4 all in Section 7 T111N R17W Leon Township. The request is a variance to build an accessory structure 30' from the East Property line instead of the required 100' setback (variance is for 70').

STAFF REPORT

Mr. Sullivan owns a 40-acre parcel off of 63rd Avenue Way in Leon Township. The proposal is to construct a 2,560 sq. ft. accessory structure at a setback of 30' from the East property line. The proposed building appears to meet all other property line setbacks and is going to be used to store farm machinery. The parcel is located within the shoreland and floodplain of the Little Cannon River, but the location of the proposed building is not affected by the shoreland or floodplain. According to the applicants, the proposed location would keep the building out of the tillable acres. Staff performed a site visit and determined that the shed would look aesthetically appropriate in the proposed location; however, the hardship was created by the current property owner when choosing the location of the house in May 2004. The Zoning Application Summary Form has been signed by the Leon Township Clerk indicating the township has approved the request.

Staff offers the following recommendations for the request. Based on the following findings of fact, staff would recommend denial of the variance for the proposed structure to be located 30' from the East property line because of no existing hardship—the shed could be located elsewhere on the property. The plight of the landowner is not due to circumstances unique to the property and is created by the landowner. According to Article 26, Section 2, Subdivision 2, of the County Ordinance: *In the case of variances, they shall only be permitted when they are in harmony with the general purposes 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*

BOA DISCUSSION

Mr. Sullivan said his request is to build a 40'x 64' pole building and 30' from the East property line. This was a replacement site and the house had to be relatively close. He also had to meet setbacks from neighbors so he did not have much room to put the house other than where it is.

B. Anderson said from the township standpoint he meets setbacks because they only have 30' and the property to the east would probably never be built on.

S. Pettit asked why he didn't slide the house over farther to account for the shed.

B. Anderson said in order to meet the township standards, he had to be 1,000' from the neighbor's house. He couldn't place the house any further west and meet those setbacks.

S. Pettit said that she also noticed the culvert under his driveway and asked about where he plans his drainage and runoff to go.

Mr. Sullivan said that it would run between his house and the shed.

S. Pettit asked if there was enough room for that.

B. Anderson said that drainage would be fine.

C/S. Klair opened the public hearing.

No public comment was given.

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

S. Pettit asked if the existing driveway was the original driveway.

Mr. Sullivan said that they moved it about 10-15' to the east of the original driveway.

B. Anderson said that this is a better site from the township standpoint. That is high rated land out there.

M. McKay asked if Mr. Sullivan received anything in writing from the neighbors.

Mr. Sullivan said he did not.

[5]

Moved by B. Anderson and seconded by M. McKay to approve the variance to build an accessory building 30' from the east property line instead of the required 100' setback (variance is for 70') based on the goal to preserve agricultural land. Motion carried 6:0.

Gene Deden – SW ¼ of NE ¼ Section 25 T112N R14W 5 acres of NW ¼ of SE ¼ Section 25 Hay Creek Township. The request is an appeal that this site would qualify as a replacement site under Article 2 Subdivision 31 of the Goodhue County Zoning Ordinance.

STAFF REPORT

The applicant's father owns a 45-acre parcel in Hay Creek Township off of Kohn Road. Gene Deden, Jr. has plans to someday purchase the property and build a house on it. The parcel contains an existing farmyard on the south side of the property with a dwelling and outbuildings. Mr. Deden is requesting that a location to the north of the existing farmyard to qualify as a replacement site. According to *Article 2, Subdivision 31, Dwelling, Replacement Site: Dwelling, Replacement Site, Replacement Dwelling sites must meet two of the following three criteria: A) A Defined Farmyard; B) Standing Accessory Buildings; C) Existing Dwelling or Foundation.* Staff performed a site visit and determined that two of the three criteria to be qualified as a replacement site are not met. But it should be noted that there are two existing foundations remaining on the property. The Zoning Application Summary Form has been signed by the Hay Creek Township indicating the township has approved the request.

Staff offers the following recommendations for the request. Based on the following findings of fact, staff would recommend denial of the appeal that the site qualifies as a replacement site based on Article 26, Section 3, Subdivision 1A: *There are no 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.*

BOA DISCUSSION

Mr. Deden said that he is requesting an appeal that this site would qualify as a replacement site. There is an existing foundation on his father's property. There was an old farm house on the property. The old house was moved between 1935 and 1940 to the Gillis place. In 1942 his grandparents bought the land. They would like to build a house here and would like to have a replacement site to do that.

C/S. Klair asked if there was an existing house on the farm now that was being used.

Mr. Deden said that it is being used.

S. Pettit said there wasn't any defined farmyard or existing buildings, but there was definitely something there at one time. There were definite foundations of two different buildings. She said she was surprised to see the concrete foundations instead of an old stone foundation.

M. McKay asked if this was the foundation of the house that was moved.

Mr. Deden said that it was moved in the early 30's or 40's.

L. Hanni asked if this was a replacement site if they would be splitting the property.

Mr. Deden said he doesn't know how much land, but he would be buying some.

L. Hanni said that they cannot have two dwellings on one parcel.

Mr. Deden said he would be buying some land; he just doesn't know how much yet.

B. Anderson asked if they have approved a replacement site when there was already a house on the property.

K. Gross said in June of 2004 there was a request for a replacement site that was approved. There was an existing home on that parcel and the potential replacement site was a little ways away. The Board approved that request and to move the replacement dwelling to another parcel.

Mr. Deden said these foundations are 1000' from his father's property. And there are only 6 dwellings in this section.

D. Monroe asked how close the proposed house would be to the old foundations.

Mr. Deden said it would be in the area of the foundations.

J. Fritzinger asked if the house that was moved off is still standing.

Mr. Deden said that it burnt down.

M. McKay said that it is clear this does not qualify as a replacement site, so what prohibits him from obtaining a building permit?

K. Gross said the ¼, ¼ section was full.

B. Anderson asked if the open land in front of the trees is farmed.

Mr. Deden said that it is cropland. He would be 100-150' off of that area.

C/S. Klair opened the public hearing.

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

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

K. Gross said that she received a phone call today from a concerned neighbor that said that he doesn't want increased density in the area. She said she told him the issue was whether or not there was a house here, and he said he wasn't disputing that there was definitely a house there at one time.

M. McKay said that this does not meet the definition of a replacement site.

Mr. Deden asked what you need for a farmyard.

L. Hanni said that a farmyard is a defined area by a well, fence or tree line, outbuildings, something defining it as a living area.

B. Anderson asked why staff was quoting a variance finding of fact in an appeal in this report.

K. Gross said that Subdivision 1 A. and B. deals with appeals also.

B. Anderson asked if this was approved if it would count towards the twelve in the section.

K. Gross said that it would depend on when he came in for a building permit. The appeal would not expire, so he could still build if the section would fill, but it would be counted towards the number of dwellings in the section.

B. Anderson asked if it would take away from someone else's ¼, ¼.

K. Gross said that it could if he built before the section was filled. But mathematically not everybody that owns land in a ¼, ¼ has a building site anyway because we allow for 12 dwellings in A-2 sections and there are 16 ¼, ¼'s.

[6]

Moved by D. Monroe and seconded by M. McKay to deny the appeal that this site would qualify as a replacement site under Article 2 Subdivision 31 of the Goodhue County Zoning Ordinance until more proof of two of the three things required to make it a replacement dwelling is shown. Motion carried 6:0.

Mark Chamberlain – SW ¼ Section 18 T109N R15W Pine Island Township. The request is for a variance to place an accessory structure 65 ft from the property line instead of the required 100' setback in an A-1 Agricultural Protection District (variance is for 35').

STAFF REPORT

Mark Chamberlain is requesting a variance to place a machine shed 65' from the West property line instead of the required 100' setback (variance is for 35'). Mr. Chamberlain is looking to build an agricultural building to be used for machinery and hay storage. The proposed location is the most practical location. Mr. Chamberlain has been in contact with the effected neighbor. The township has also approved this request. Based on the following findings of fact staff would recommend approval of the variance to place an agricultural building 65' from the West property line instead of the required 100' setback (variance for 35').

A hardship exists: there is no other location in the farmyard to place this accessory building. The request is in harmony with the general purposes 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.

BOA DISCUSSION

Sherry Chamberlain says that they are requesting a variance for 35' from the neighbor's property. The shed compliments the area because it would be close to another machine shed. Their hardship is that if they move it to the east they would have to put it into a hay field. The neighbor to the west is in agreement with the variance and gives the board a letter.

S. Pettit says that the proposed location is the best location to put it for access and compliments the area. As long as the neighbors have no objections this is a good place to put it.

C/S. Klair said that if they move it anywhere else they would be getting outside of the farmyard.

S. Pettit said the site was pretty level, she asked what they were using that site for before.

Mrs. Chamberlain said they put their silage bags there but moved those to the other side of the house.

C/S. Klair opened the public hearing.

No public comment was given.

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

[\[7\]](#)

Moved by B. Anderson and seconded by M. McKay to approve the variance to place an accessory structure 65 ft, from the property line instead of the required 100' setback in an A-1 Agricultural Protection District (variance is for 35') based on preserving agricultural land. Motion carried 6:0.

Dale Reese – Pt of N ½ of SE ¼ Section 36 T111N R14W Beginning 250 ft S of NE Corner Belvidere Township. The request is a variance to build an accessory structure 50' from the West property line instead of the required 100' setback (variance is for 50').

STAFF REPORT

Dale Reese is requesting a variance to build an agricultural building 60' from the west property line instead of the required 100' setback (variance is for 40'). Mr. Reese is looking to build an agricultural building to be used for machinery. There is an existing shed 50' from the same property line. You will notice the overlap on the site plan provided that the wings of the existing structure appear to overlap onto the proposed structure. The applicant has stated that he will remove the wings leaving an 8 foot space between structures. The Zoning Application Summary Form has been signed by the Belvidere Township indicating the township has approved the request. Based on the following findings of fact staff would recommend approval of the variance to place an agricultural building 60' from the West property line instead of the required 100' setback (variance for 40') providing the applicant removes the wings of the existing structure as stated.

A hardship exists: the way the farmyard exists he cannot move it east to meet the required setback. The request is in harmony with the general purposes 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.

BOA DISCUSSION

Mr. Reese said that he is looking for a variance to build a shed 60' from the property line. There is a shed there now that is 50' from the property line.

S. Klair asked how large of a parcel he has.

Mr. Reese said he owns 5.2 acres.

M. McKay asks if he has anything from the neighbor supporting the variance.

Mr. Reese says he does not.

S. Pettit says that it makes sense for this variance.

C/S. Klair opened the public hearing.

No public comment was given.

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

[\[8\]](#)

Moved by D. Monroe and seconded by M. McKay to approve a variance to build an accessory structure 60' from the West property line instead of the required 100' setback (variance is for 40') based on staff recommendation. Motion carried 6:0

Marguerite Kunesh-Majerus - Pt of NW ¼ of NW ¼ Section 10 T111N R14W by 5 76/100 ch W of SE Corner of NW ¼ of NW ¼ thence W 3 7/100 CH N 17 CHS E 3 83/100 CHS sly al G CEN RD TO BEG Belvidere Township. The request is a variance to build an addition on a dwelling 23' from the right of way instead of the required 60' setback (variance is for 37') in an A-2 Agricultural District.

STAFF REPORT

Marguerite Kunesh-Majerus is requesting a variance to the 60 foot front yard setback to 42 feet, which is a difference of 18 feet. The applicant is requesting an eighteen (18) foot variance to the setback to add an addition onto the front of her home toward Betcher Trail for hospice care. The topography slopes up from Betcher Trail to the home. The Zoning Application Summary Form has been signed by the Belvidere Township Supervisor indicating the township has approved the request. Staff offers the following recommendations for the request. Based on the following findings of fact, staff would recommend approval. The topography from the road to the home would provide screening and not interfere with site distances on Betcher Trail. A hardship does exist due to a family medical issues and a need to provide hospice care. The request supports the Goodhue County Comprehensive Plan.

Element 2: Housing and Livable Communities

GOAL 1: ADEQUATE HOUSING FOR ALL LIFE STAGES To recognize the differing housing needs of citizens throughout their lifetime and to provide opportunities for those needs.

BOA DISCUSSION

Ms. Majerus said that she is requesting a variance to build an addition on the front of her house closer to Betcher Trail. The house itself lies closer to the road than the required setback. This is the only place on the house to put an addition. They need the extra room to allow for a hospital bed due to her husband's illness.

C/S. Klair said the old porch wasn't in compliance.

Ms. Majerus said that house isn't in compliance.

S. Pettit said she looked at the area and the house, and there weren't any alternatives. The shrubs would create a buffer from the road.

Ms. Majerus said the lilacs are really tall, and they are really shielded from the road.

C/S. Klair said that this is not a heavily traveled road.

M. McKay clarified the site plan.

C/S. Klair opened the public hearing.

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

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

[\[9\]](#)

Moved by B. Anderson and seconded by D. Monroe to approve the variance to build an addition on a dwelling 38' from the right of way instead of the required 60' setback (variance is for 22') in an A-2 Agricultural District Motion carried 6:0

John Eifort - Pt of N ½ of NW ¼ Section 35 T109N R 16W DOC #500038 Roscoe Township. The request is an appeal that this site would qualify as a replacement dwelling under Article 2 Subd 31 of the Goodhue County Zoning Ordinance and further for a variance to move said replacement dwelling 50' from the East property line instead of the required 100' setback (variance for 50'). And furthermore a variance to build an accessory building 5' from the North property line instead of the required 100' setback (variance is for 95') and 30' from the South property line instead of the required 100' setback (variance is for 70') All in an A-3 Urban Fringe District.

STAFF REPORT

John Eifert is requesting an appeal that this site would qualify as a replacement dwelling under Article 2 Subd 31 of the Goodhue County Zoning Ordinance and further for a variance to move said replacement dwelling 50' from the East property line instead of the required 100' setback (variance for 50'). And furthermore a variance to build an accessory building 5' from the North property line instead of the required 100' setback (variance is for 95') and 30' from the South property line instead of the required 100' setback (variance is for 70'). All in an A-3 Urban Fringe District.

Mr. Eifert has stated that there was an old foundation on this property and until recently, a barn, which was taken down for safety concerns. Staff went out to the site on March 29, 2005 to see if this location would qualify as a replacement dwelling under Article 2, Subd. 31 of the Goodhue County Zoning Ordinance:

Subd. 31. **DWELLING, REPLACEMENT SITE.** Dwelling, Replacement Site, Replacement Dwelling sites must meet two of the following three criteria:

- A. A Defined Farmyard.
- B. Standing Accessory Buildings.
- C. Existing Dwelling or Foundation.

Staff found an intact foundation but the barn was no longer standing therefore it did not meet the definition of a replacement dwelling under the current Goodhue County Zoning Ordinance. Mr. Eifert does have pictures of the barn that was removed last summer. And it is also visible in the 2003 aerial

photos on the map enclosed in the packets.

The topography of Mr. Eifert's property is such that it is split between an "upper" and "lower" portion. The foundation is located on the "lower" portion of the property and is not easily accessible from a road to replace at the same location. There is a driveway going down to the "lower" portion, but it is of questionable grade. Therefore, if the Board would recognize this location as a replacement dwelling Mr. Eifert would like to move the location of this dwelling to the "upper" portion where it would be easier to access. The "upper" portion is not wide enough to meet the current setbacks of 100' to the East property line, therefore he is requesting a variance to be able to place the dwelling 50' from the East property line instead of the required 100' (variance is 50').

The reason Mr. Eifert would like to place his shed in the proposed location is because of the topography. The proposed location is the most level on the property.

Mr. Johnston, the adjoining property owner to the North area, has raised concerns about the proposed shed being so close to his property line. He is concerned of the wooded nature of the area and the potential of a fire spreading rapidly if one should start in the proposed shed.

The Zoning Application Summary Form has been signed by Roscoe Township indicating the township has approved the request.

Staff offers the following recommendations for the three requests.

Based on the following findings of fact, staff would recommend approval of the appeal that this site would qualify as a replacement dwelling under Article 2, Subd. 31 of the Goodhue County Zoning Ordinance. There is very strong evidence that two of the three criteria have been met. The barn is visible in 2003 aerial photos and the foundation is intact. The barn was taken down for safety reasons. 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. The granting of the application 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.

Staff would also recommend approval of moving the replacement dwelling 50' from the East property line instead of the required 100' setback (variance for 50'). Based on an existing hardship, the topography of the land prohibits moving the dwelling further from the property line and having a safe access to the dwelling.

Staff would recommend denial of the variance to build a shed 5' from the North property line instead of the required 100' setback (variance is for 95') and 30' from the South property line instead of the required 100' setback (variance is for 70') due to the findings of fact that the shed could be located elsewhere on the property. Article 26, Section 3, Subd. 2 of the Goodhue County Zoning Ordinance states "In the case of variances, they shall only be permitted when they are in harmony with the general purposes 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."

BOA DISCUSSION

Mr. Eifert said he is requesting the old foundation be seen as a replacement dwelling and a variance to move that dwelling closer to the east property line. The reason he is looking for a variance for the shed is because his property is broken up into upper and lower portions - this sight is the most level and would require the least amount of fill.

M. McKay said that it was pretty clear that it met two of the criteria.

S. Pettit says she didn't see the barn, but there was a definite foundation.

B. Anderson asked if they had to call this a replacement site.

K. Gross said that is one of the requests. Since the barn was no longer standing, staff could not call it a replacement dwelling.

S. Pettit asked about the grade of the driveway and how that would be affected by a replacement dwelling.

K. Gross said that they would still need to meet the driveway grade because that is a safety issue with emergency vehicles being able to access the location.

S. Pettit asked how it would be able to meet the 14 % grade.

K. Gross said that is why staff recommended moving the dwelling up the hill.

D. Monroe clarified if they are talking about three separate items for the request.

J. Fritzinger asked if they own Parcel B or the 19 acres.

Mr. Eifert said he owns 19 acres.

J. Fritzinger asked S. Pettit if he could move the pole shed closer to the dwelling.

S. Pettit said she doesn't like the location where he is proposing the house. There is not much room on top for anything; the shed is right next to the neighbor's property. She said the best place to put anything is on the lower part where it is open, but it is so steep. The best place for this house to get moved to is Parcel B where it would be away from the slope.

M. McKay asked how wide the narrow part is.

Mr. Eifert said 60'.

C/S. Klair asked if he had tillable land.

Mr. Eifert said there is about 5 acres that is CRP land that is planted with trees.

C/S. Klair opened the public hearing.

Patrick Johnston said that the appeal as the replacement site is up to the board but he is against the shed being so close to his property because the potential of fire could easily spread with the garage so close to his woods. There is an available site where the barn was that doesn't require a variance.

Mary Andrist says that she is the broker representing the seller Larry Berg. She stated that he does not have any issues with the variance.

Steve Wilde says that he came because he owns the property to the south of the lower portion and is against building any buildings closer to his property line. He bought his property to hunt and he could not discharge a gun within 400' of a dwelling.

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

D. Monroe steps away.

[10]

Moved by B. Anderson and seconded by M. McKay and carried to approve the appeal that this site would qualify as a replacement dwelling under Article 2 Subd 31 of the Goodhue County Zoning Ordinance. Motion carried 5:0 Monroe absent.

D. Monroe returns.

B. Anderson asked where the ridgeline was on the map.

S. Pettit showed the board members where the slope started.

J. Fritzinger asked how they got to the old house.

S. Pettit said she could not tell where the road would have gone.

Mr. Wilde said that his 10 acres was the original access to the road.

C/S. Klair asked if there was enough room for two septic locations, and a well in the area he is proposing the house.

B. Anderson said that you only need one septic location for a replacement site. He said what he is hearing that it is a small site, it's rocky, and it's steep. Where is the septic going to go? It might be that it would have to be a mound. But that is not something they have to answer tonight.

Mr. Eifert said a plan would happen.

[\[11\]](#)

Moved by M. McKay and seconded by B. Anderson and carried to approve a variance to move said replacement dwelling 50' from the east property line instead of the required 100' setback (variance is for 50') based on staff recommendation.

S. Pettit says that she has an issue about that because if you move this it could create a hardship with the septic system down the road and they will have erosion control issues when they build.

M. McKay said that this is allowing them to build there, but maybe they will find this not to be the best location when it comes to that time. He might get a contractor in there that says a house cannot be built in that location.

K. Gross explains where the 30% slope begins. She states there is about 135' on top.

Motion carries 4:2 with Fritzinger, Pettit dissenting.

J. Fritzinger asked if it could be built in the front part. She doesn't like it being so close to the trees.

Mr. Eifert said the site would have to be prepared, trees removed, but it could be done.

[\[12\]](#)

Moved by B. Anderson and seconded by J. Fritzinger and carried to deny a variance to build an accessory building 5' from the north property line (variance is for 95') and 30' from the south property line (variance is for 70'). Motion carried 6:0.

Leroy Bauer - SE ¼ Commencing at NW corner of SE ¼ of SE ¼ Section 29 T113N R16W Welch Township. The request is an appeal to build on 80 CER and not the required less than 60 CER in an Agricultural (A-2) Zoning District.

STAFF REPORT

Leroy Bauer is requesting an appeal to build a dwelling on land with a crop equivalent rating of 80% and not the required 60% in an Agricultural (A-2) zoning district.

The previous owners were granted an appeal to the CER for 15 feet from the tree line.

The current property owners would like to keep their dwelling approximately 50 feet from tree line to leave room for water run-off and a maintained back yard.

The Zoning Application Summary Form has been signed by the Welch Township Supervisor indicating the township has approved the request.

Staff offers the following recommendations for the request. Based on the following findings of fact, staff would recommend approval due to special circumstances (storm water drainage patterns) present on the property.

Staff recommends approval based on Article 26, Variances, Section 3:

Subd 1B That the granting of the application 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.

Subd. 2. In the case of variances, they shall only be permitted when they are in harmony with the general purposes 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.

BOA DISCUSSION

Mr. Bauer said he is requesting an appeal to build on a CER rating of 80 instead of less than 60. There was an appeal granted on this already but only to build the house 15' into the field which isn't far enough for drainage reasons. There is a natural swale that he would like to preserve to keep the natural drainage.

S. Pettit said that this is the best location because it would keep it away from the hill and avoid the natural drainage.

D. Monroe asked how many acres of 80 CER would be taken out of production.

Mr. Bauer said about 2 acres, he would be keeping it close to the end.

C/S. Klair asked if his driveway would be going down the middle of the field.

Mr. Bauer said the driveway follows the tree line on the edge of the field.

J. Fritzingler asked how many houses are in the section and if the ¼, ¼ is full.

K. Gross said that it meets all requirements except the CER.

J. Fritzingler asked if he was planning on building right away.

Mr. Bauer said he was planning a pole building late this summer and then the house next year.

J. Fritzingler said that she thinks this section is almost full. At the township level they were concerned that he doesn't think that this guarantee him a building site.

K. Gross said that this wouldn't guarantee a building site.

C/S. Klair opened the public hearing.

Darwin Fox from Welch Township said that Mr. Bauer was before the town board for the April agenda. The proposed location would have less impact on the natural environment. That section is not full yet. Mr. Bauer does realize that this will not guarantee a building site that they are on a first come first serve basis.

Dan Bauer says that this is a very nice place for a house. The natural diversion is nice there.

M. McKay asked if the Planning Commission was unanimous.

J. Fritzingler said that they required him to get this first and then come back.

M. McKay asked what was approved.

Mr. Fox said they didn't have anything to approve because it wasn't a building permit. The Township Board doesn't address CER.

Moved by B. Anderson and seconded by D. Monroe and carried to approve the closure of the public hearing. Motion carried 5:0.

[13]

Moved by B. Anderson and seconded by J. Fritzingler to approve the appeal to build on 80 CER and not the required less than 60 CER in an Agricultural (A-2) Zoning District based on staff's recommendation. Motion carried 6:0.

Jeffrey & Dawn Haugen – Pt of E ½ of NE ¼ Section 13 T112N R18W Stanton Township. The request is to build an accessory structure 3,072 square feet instead of the allowed 1,200 square feet on lots in

excess of one (1) acre in an R-1 Suburban Residential District (variance is for 1,872 square feet).

STAFF REPORT

Jeff and Dawn Haugen are requesting a variance to the building size from 1,200 square feet to 3,072 sq. feet a difference of 1,872 sq. feet. The site is located in an R1 district in Stanton Township.

The applicant is requesting a 48' X 64' pole building for storage and hobby workshop. The storage is for recreational vehicles (30 foot boat, snowmobiles, classic cars, RV motor home) with space needed for a workshop

The Zoning Application Summary Form has been signed by the Stanton Township Chair indicating the township has approved the request. Please note the township variance application form and minutes states that the sidewalls not to exceed 15' 8" in height and the north side of the building to be altered to provide for windows to "break up" the flat surface area. Landscaping is also to be provided.

Based on the information presented thus far, staff would recommend denial of the proposed structure at 1,544 sq. ft. based on no existing hardship. According to Article 26, Section 2, Subdivision 2, of the County Ordinance: *In the case of variances, they shall only be permitted when they are in harmony with the general purposes 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.*

BOA DISCUSSION

Mr. Haugen stated his request. He said Stanton Township approved the variance with stipulations. He also presented a letter of support from the neighbors that stated they support the request. He said that at the Planning Commission level of the township no neighbors were present in opposition. When there was public notice given at the Township Board level that there was a concern about the wall height and he scaled that back from 18' to 15'.

J. Fritzingler asked if the storage is for personal use or commercial.

Mr. Haugen said it is all personal.

S. Pettit says that Mr. Haugen has a lot of "toys" and it would be nice to see those within a building.

Mr. Haugen described his building more in detail.

C/S. Klair opened the public hearing.

Carl Hokmuth said that they have always had a good relation with the adjoining neighbors and their only concern is that it is an R-1 neighborhood. Mr. Sandstrom and Mr. Rounds property are down the hill on larger property.

M. McKay asked what his concerns are when 3 of the four lots touching the church have oversized buildings on them.

Mr. Hokmuth said that the two are down the hills and cannot be seen from the church.

M. McKay clarified that he would like to see some type of building but not this size.

Mr. Hokmuth said that it is not up to him.

Mr. Gysbers said he is from St. Paul's church also. The building will be slightly imposing because it is 15.5' high. The church has two lots to the west that they were denied permits to build a house or houses on. So this is potentially going to be by one or two possible lots once zoning changes or the city gets out there. This neighborhood is residential. He also wanted to clarify this is not a 344 sq. ft. variance, but it is 1,872 sq. ft. variance.

Core McDonald from St. Paul's Lutheran says that R-1 is to preserve the area for low and medium density residential area. This is essentially a pole building which wouldn't fit in the future plans of that area. You are looking at 25-30' height. The church was built before he bought the property.

Mr. Haugen wanted to correct that he is not against the church but just wanted to point out that it is not only a church but it is also a church school.

Bob Rutter clarified they started looking at putting the lot up for sale.

Glen Hoffman said that he was confused about the refurbishing shop for snowmobiles. What is his ventilation plan?

Mr. Haugen said that he keeps his snowmobiles in vintage condition and he does not paint them.

Moved by D. Monroe and seconded by B. Anderson and carried to approve the closure of the public hearing. Motion carried 5:0.

S. Pettit asked if it is a hardship if it was rezoned.

L. Hanni asked if he remembered when it was rezoned.

S. Pettit asked if he knew what year it was.

Mr. Haugen thought it was 1997.

L. Hanni said that it would go through a public hearing so all the neighbors would have been notified that their setbacks would have changed.

Mr. Haugen said he should be grandfathered in and it was zoned A-2 when he bought it, and he planned on putting up a building like this.

D. Monroe said Stanton Township voted 4:1 and he asked what the opposition was from the one.

Mr. Haugen said that it stated in the June 15, 2004 Stanton Township minutes it was too big for the area.

M. McKay asked staff if he could build two buildings.

K. Gross said that in R-1 you cannot build more than 20% of the lot, but he is over 1 acre so he could put up 2 1200 square foot buildings.

B. Anderson asked if he would put siding on it if he decided to go with a stick built.

Mr. Haugen said that he could possibly put siding on. He was planning on putting siding on that was consistent with his home. He continued on to explain the proposed building in more detail.

B. Anderson asked if this was A-2 he would still have to build it 1,200 square feet.

K. Gross said yes, but if it was A-2 he would have setback issues.

S. Pettit said she is in favor of this because he is doing everything to minimize the impact of it. It would be nice to see his things inside and not in two buildings.

M. McKay said that he is influenced by the township. It sounded to him that the church would like to develop some properties but the township already voted on that.

D. Monroe said he would rather have one building rather than two.

[14]

Moved by S. Pettit and seconded by M. McKay to approve the variance to build an accessory structure 3,072 square feet instead of the allowed 1,200 square feet on lots in excess of one (1) acre in an R-1 Suburban Residential District (variance is for 1,872 square feet) based on it conforming with the area and it would not be detrimental to anyone. Motion carried 6:0.

[15]

Moved by S. Pettit and seconded by B. Anderson to adjourn the May 23, 2005 Board of Adjustment meeting at 9:12 p.m. Motion carried 6:0.

Respectfully Submitted,

Kristi R. Gross
Zoning Technician/Recording Secretary

MINUTES

[1]

APPROVE the May 23, 2005 Board of Adjustment Agenda as amended. Motion carried 6:0.

[2]

APPROVE the April 25, 2005 Board of Adjustment Minutes as amended. Motion carried 6:0.

[3]

ACCEPT the withdrawal of Thomas Lindrud, Steven & Theresa Brown for the request of a variance to allow an additional dwelling over the allowed one per ¼, ¼ section in an A-2 District. Motion carried 6:0.

[4]

APPROVE the variance to build an accessory building 1,544 square feet instead of the allotted 1,200 square feet on lots in excess of one (1) acre in an R-1 Suburban Residential District (variance is for 344 square feet) based on Article 26 Section 3 Subd 1B. Motion carried 6:0.

[5]

APPROVE the variance to build an accessory building 30' from the east property line instead of the required 100' setback (variance is for 70') based on the goal to preserve agricultural land. Motion carried 6:0.

[6]

DENY the appeal that this site would qualify as a replacement site under Article 2 Subdivision 31 of the Goodhue County Zoning Ordinance until more proof of two of the three things required to make it a replacement dwelling is shown. Motion carried 6:0.

[7]

APPROVE the variance to place an accessory structure 65 ft from the property line instead of the required 100' setback in an A-1 Agricultural Protection District (variance is for 35') based on preserving agricultural land. Motion carried 6:0.

[8]

APPROVE a variance to build an accessory structure 60' from the West property line instead of the required 100' setback (variance is for 40') based on staff recommendation. Motion carried 6:0.

[9]

APPROVE the variance to build an addition on a dwelling 38' from the right of way instead of the required 60' setback (variance is for 22') in an A-2 Agricultural District Motion carried 6:0.

[10]

APPROVE the appeal that this site would qualify as a replacement dwelling under Article 2 Subd 31 of the Goodhue County Zoning Ordinance. Motion carried 5:0 Monroe absent.

[11]

APPROVE a variance to move said replacement dwelling 50' from the east property line instead of the required 100' setback (variance is for 50') based on staff recommendation. Motion carries 4:2 Fritzinger, Pettit dissenting.

[12]

DENY a variance to build an accessory building 5' from the north property line (variance is for 95') and 30' from the south property line (variance is for 70'). Motion carried 6:0.

[13]

APPROVE the appeal to build on 80 CER and not the required less than 60 CER in an Agricultural (A-2) Zoning District based on staff's recommendation. Motion carried 6:0.

[14]

APPROVE the variance to build an accessory structure 3,072 square feet instead of the allowed 1,200 square feet on lots in excess of one (1) acre in an R-1 Suburban Residential District (variance is for 1,872 square feet) based on it conforming with the area and it would not be detrimental to anyone. Motion carried 6:0.

[15]

ADJOURN the May 23, 2005 Board of Adjustment meeting at 9:12 p.m. Motion carried 6:0.