

The Goodhue County Board of Adjustment was called to order at 7:00 p.m. by Chairman Darwin Fox in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Darwin Fox Stanley Klair Brad Anderson Dennis Monroe Lisa
Hanni Howard Stenerson

Absent: Bill Warmka Nancy Spooner-Mueller

H. Stenerson asks if we were going to allot time for some zoning amendments regarding replacement sites.

L. Hanni says that if they would like to discuss it at the end they can.

C/D. Fox says that can go on the agenda as discussion after the last item on the agenda.

[\[1\]](#)

Motion by B. Anderson and seconded by H. Stenerson and carried to approve the January 24, 2005 Board of Adjustment Agenda amended to add discuss replacement dwellings after the last item. Motion carries 5:0.

S. Klair says he would like to correct the minutes to reflect that Mrs. Dohrn says on page 2 that she “would not” sell to just anybody. Also on page 3 and 4 it says motion carries 6:0 but there were only 5 members present

[\[2\]](#)

Motion by H. Stenerson and seconded by B. Anderson and carried to approve the November 22, 2004, Board of Adjustment Minutes as amended. Motion carries 5:0.

Staff Updates:

L. Hanni says that staff has included the Roberts Rules “How to Run a Meeting” which they receive every January. Darwin Fox’s term expires April 1. Staff will present that to the County Board at their February 1st meeting.

Moratorium section update: The soil survey that the County has been working on for the last 5 years will be completed this year. We have enough information to bring the new survey compared with the 1995 survey to the Townships to get their input on whether or not they would like the zoning changes to happen. The final product for the soil survey will not be done until September. This is a bit of a tight schedule. We will get the packets back from the Townships by March 1 those recommendations will go to the Planning Commission at their March meeting and on to the County Board for their April 6th meeting which is the last day of the moratorium.

The Comprehensive Plan was passed in November. This month staff has given the Planning Commission language to review in regards to a change in the Zoning Ordinance to reflect the Comprehensive Plan.

L. Hanni says that we no longer have a full time zoning administrator. We have combined those duties with the planner for the time being. Staff has brought a proposal to the County Board to combine the Planner and Zoning Administrator duties and hire a new Zoning Technician. We should find out at their February 1st meeting.

Conflict/Disclosure of Interest: none to be discussed.

Richard Safranski –

Pt of N ½ of SW ¼ of NE ¼ Sec 24 T112N R18W Stanton Twp. The request is for a variance to build an accessory structure 15’ from the property line instead of the required 100’ setback in an A-3 Urban Fringe District per Article 12 Section 4 Subd 2 A2a of the Goodhue County Zoning Ordinance (variance is for 85’).

Mr. Safranski is requesting a variance to construct an accessory structure 20’ from the south property line

instead of the required 100' setback in an A-3 Urban Fringe District.

Mr. Safranski owns a 1.33 acre parcel in Section 24 of Stanton Township. The dimensions of the parcel are 200 ft wide by 290 ft deep. Mr. Safranski is proposing to put up a storage shed 20 ft from the south property line. This is the only feasible location on this property to place the structure because the drain field for the septic system is located on the north side.

Stanton Township has approved the request stating that it meets all setbacks according to their requirements.

Based on the information presented thus far, staff would recommend approval of a variance for an accessory structure to be located 20 ft. from the south property line and not the required 100 ft. property line setback (variance is for 80 ft) based on the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance will not alter the essential character of the locality. Due to location of the existing drain field and dimensions of the parcel the 100 ft. setback from all property lines cannot be met. A hardship exists. The variance 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.

C/D. Fox asks if he is looking for a variance to the setback to the south property line.

Mr. Safranski says that is correct.

L. Hanni says that he is surrounded by the Woodland Heights subdivision. It appears that he would be R-1 but according to the Goodhue County Zoning he is not a part of that plat.

B. Anderson says there is no other place on his land to place the shed. He doesn't understand why it is not a part of that plat.

L. Hanni clarifies that it was never a part of Woodland Heights. A developer doesn't have to plat land that they don't own.

H. Stenerson asks if the little brown garage is his. He doesn't see that building on the site plan.

Mr. Safranski shows H. Stenerson where the existing shed is located.

H. Stenerson says that shed is probably closer to the property line than the existing setback requirements.

C/D. Fox opened the public hearing.

Dave Garner, Stanton Township Supervisor says that they did approve this at the township level. There is no other place to put the building.

B. Anderson clarifies that it says in the Stanton Township minutes that it meets all setbacks.

Mr. Garner says that they have them zoned R-1. The township has a different ordinance than the County which they are working on getting to be closer to the County Ordinance. They also have different Zoning than the County which they are working on.

With no further public comment it is moved by S. Klair seconded by D. Monroe and carried to approve closure of the public hearing. Motion carried 5:0.

[3]

Moved by B. Anderson and seconded by S. Klair and carried to approve the variance to build an accessory structure 15' from the property line instead of the required 100' setback in an A-3 Urban Fringe District per Article 12 Section 4 Subd 2 A2a of the Goodhue County Zoning Ordinance (variance is for 85') based on the uniqueness of the property.

H. Stenerson says that if this were R-1 it would be 8'. Is this an isolated parcel, should we rather change the zone?

L. Hanni says that there are about 4 parcels that are not R-1.

B. Anderson asks if they were to change the zone if each owner would need to come in to get this rezoned.

L. Hanni says that all of the owners could come in for a plat. If Mr. Safranski came in on his own we would probably contact the other landowners to see if they would like to come in for a plat. At this time the request is for a variance.

C/D. Fox calls the question.

Motion carries 5:0.

Harold Melhouse –

NW ¼ of NW ¼ Sec 23 T111N R17W Leon Twp. The request is for an appeal to relocate a replacement dwelling from parcel # 37-023-0500 to 37-023-0400 in order to move it farther from a quarry.

Mr. Melhouse is requesting an appeal to move a replacement site from parcel 37-023-0500 where the existing replacement site is currently located to parcel number 37-023-0400.

It has already been determined that parcel number 37-023-0500 as a replacement dwelling. Leon Township also recognizes it as a replacement dwelling. Mr. Melhouse feels that this is not a very desirable location in which to build a home due to the fact that the Anderson Trucking Gravel Pit has an easement running through the property which creates dust from the gravel road and noise. Mr. Melhouse is requesting to move the replacement dwelling from its original location to a more desirable location away from the gravel pit.

Parcel number 37-023-0500 is currently owned by Judith A Mann et al. Mr. Melhouse has submitted a signed purchase agreement stating his intent to purchase this property if the appeal is granted.

Staff would recommend approval of the appeal to move the replacement site from parcel 37.023.0500 to 37.023.0400 based on the fact the proposed dwelling would be sited in a better location as it would be further from the neighboring gravel pit.

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.

Mr. Melhouse says that he is in the process of purchasing the property adjacent to his land with a replacement dwelling on it and would like to move it to his land which would be a better place to put it.

C/D. Fox asks if there is a dwelling there now.

Mr. Melhouse shows the Board pictures that were taken of the replacement site. He says that it would not be feasible to put a house there now with the road for the quarry running through the parcel. Where he wants to put it is a nice flat area.

H. Stenerson asks if we would be looking at a flood plain issues with the creek running by.

B. Anderson says that it is about a 30-40 foot drop down from the pasture that Mr. Melhouse is proposing to put the dwelling.

C/D. Fox opened the public hearing

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

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

D. Fox asks if Leon Township has reviewed this.

B. Anderson says it would be buildable if it is moved. They do not recognize replacement sites. If Mr. Melhouse splits off 40 acres the proposed location would be buildable.

[4]

Moved by H. Stenerson and seconded by B. Anderson and carried to approve the appeal to relocate a replacement dwelling from parcel # 37-023-0500 to 37-023-0400 based on staff recommendation. Motion carried by 5:0

Stephanie Leigh –

Pt of SE ¼ of SE ¼ Sec 35 T111N R18W Warsaw Twp. The request is a variance to build an accessory structure 40' from the property line instead of the required 100' setback in an A-2 Agricultural District per Article 11 Section 5 Subd 3 A2a of the Goodhue County Zoning Ordinance (variance is for 60').

Ms. Leigh is requesting a variance to construct an accessory structure 40' from the west property line instead of the required 100' setback in an A-2 Agricultural Zoning District.

Ms. Leigh owns a 31.68 acre parcel in Section 35 of Warsaw Township. Ms. Leigh is proposing to put up a stable 40 ft from the west property line. The topography of the land restricts where this structure may be placed. Beyond the west property line is a large ravine. Beyond the driveway to the east the land slopes downward as it does to the rear of the existing house.

Warsaw Township has approved the request and has issued a building permit.

Based on the information presented thus far, staff would recommend approval of a variance for an accessory structure to be located 40 ft. from the west property line and not the required 100 ft. property line setback (variance is for 60 ft) based on the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance will not alter the essential character of the locality. Due to topography and location of the existing dwelling the 100 ft. setback from all property lines cannot be met. A hardship exists. The variance 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.

B. Anderson says that he went out there and was wondering if the yellow stake was the property line.

Ms. Leigh says the property line is north of the yellow stake but that does not represent the property line.

H. Stenerson asks how many horses she will have.

Ms. Leigh says she would have 3 horses.

B. Anderson says this is another instance where there is no other place to put this. There is a ravine to the west. The land slopes to the east and it slopes behind the house. This area is so wooded it would not disturb anything.

Ms. Leigh says this is a beautiful location but she wasn't thinking horses when she bought the property.

H. Stenerson asks if the corral would cause any runoff to flow down into the ravine.

Ms. Leigh says their main pasture will be behind the house.

C/D. Fox opened the public hearing.

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

Moved by B. Anderson seconded by S. Klair and carried to approve closure of the public hearing. Motion carries 5:0.

[\[5\]](#)

Moved by S. Klair seconded by B. Anderson and carried to approve the variance to build an accessory structure 40' from the property line instead of the required 100' setback in an A-2 Agricultural District per Article 11 Section 5 Subd 3 A2a of the Goodhue County Zoning Ordinance (variance is for 60') based on staff recommendations. Motion carries 5:0.

Replacement Sites:

The Board discusses wording of the definition of the replacement site. They talked about eliminating the definition. They do not feel this is the right solution. The Board agrees that the definition needs more criteria to eliminate it being arbitrary and capricious. Do we want to keep it with the intent of a farm or lean more toward replacement residence? Staff will work through this wording and have a discussion with the attorney's office. We will bring it back for the Board of Adjustment to look at before it would go through the Planning Advisory Commission. It will probably come back here in February and then to the Planning Commission in March and the County Board in April.

[\[6\]](#)

Moved by B. Anderson seconded by S. Klair to adjourn the January 24, 2004 Board of Adjustment meeting. Motion carries 5:0. Meeting Adjourned 7:51 p.m.

Respectfully Submitted,

Kristi Gross
Zoning Technician/Recording Secretary

MINUTES

[1]

APPROVE the January 24, 2005, Board of Adjustment Agenda (Motion carries 5:0)

[2]

APPROVE the November 22, 2004, Board of Adjustment Minutes as amended (Motion carries 5:0)

[3]

APPROVE the variance to build an accessory structure 15' from the property line instead of the required 100' setback in an A-3 Urban Fringe District per Article 12 Section 4 Subd 2 A2a of the Goodhue County Zoning Ordinance (variance is for 85') based on staff recommendations. Motion carries 5:0.

[4]

APPROVE the appeal to relocate a replacement dwelling from parcel # 37-023-0500 to 37-023-0400 based on staff recommendation. Motion carried by 5:0

[5]

APPROVE the variance to build an accessory structure 40' from the property line instead of the required 100' setback in an A-2 Agricultural District per Article 11 Section 5 Subd 3 A2a of the Goodhue County Zoning Ordinance (variance is for 60') based on staff recommendations and township recommendations. Motion carries 5:0.

[6]

Meeting Adjourned 7:51pm