

BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN JULY 23, 2007

The Goodhue County Board of Adjustment was called to order at 6:30 p.m. by Chairman Judy Fritzingler in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Dennis Monroe Brad Anderson Judy Fritzingler Lisa Hanni Mike McKay
Stanley Klair

Absent: none

¹Motion by D. Monroe seconded by B. Overby and carried to approve the July 23, 2007 Board of Adjustment Agenda. Motion carried 6:0.

²Motion, with attendance changes as amended, by B. Anderson seconded by S. Klair and carried to approve the June 25, 2007 Board of Adjustment minutes. Motion carried 6:0.

Staff Updates: Introduction of secretary.

Conflict/Disclosure of Interest: none

Scott Thorson – The east 483.91 feet of the south ½ of the NW ¼ of Section 20, T112N R16W, Vasa Township. The request is for a variance to build a shed 50' from the west property line instead of the required 100' setback.

M. Wozniak presented the staff recommendation and findings of fact: Mr. Thorson stated in his application that the reason for this request is to not obstruct the neighbor's view of Belle Creek Valley. If the shed was constructed at 100' setback it would partially block their current natural view. The building will be approximately 3,000 square feet. A sketch of the building and floor plan has been included in the packet. Vasa Township has indicated that they support the request.

Findings of fact: The applicant's request is very considerate of their neighbors. They could meet the setbacks, but chose not to inhibit the neighbor's property by blocking any of their front facing views. The request is in harmony with the general purposes of the official control.

Based on the findings of fact, staff recommended approval of the variance to build an accessory building 50' feet from the NE property line instead of the required 100' side yard setback (variance for 50').

DISCUSSION

S. Thorson stated location and property overlooking Belle Creek and addressed his neighbors viewpoint. He commented the neighbor had voiced concern over the building plans and Thorson pursued adjusting the plan to not block their view. He stated that under his understanding the defined hardship is that construction could have been conflict with neighbor.

M. McKay asked S. Thorson if the neighbors wrote a note or anything.

S. Thorson answered his neighbor is employed as pilot and could not be present at meeting.

B. Anderson stated that he had inspected property before and stated available land used up around area of section and view would be affected to east and south towards Belle Creek.

B. Overby asked applicant what would building be used for.

S. Thorson answered that the building would store vehicles, tractors, etc.

L. Hanni asked if the 100 foot setback would move the building towards the Thorson house.

S. Thorson answered yes; it would be toward back of house.

D. Monroe asked the applicant the height of the proposed building.

S. Thorson answered 26-27 feet in height.

L. Hanni stated height limits as per Goodhue County.

S. Klair stated site visit comments, mentioning that green stakes were found to mark site.

L. Hanni commented on slopes behind Thorson home could also have been building site constraints.

S. Thorson said yes there would be change in elevation around back of home.

C/J. Fritzing opened the public hearing.

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

With no public comment D. Monroe motioned and B. Overby seconded to approve the closure of the public hearing. Motion carried 6:0.

³Motion by B. Anderson and seconded by B. Overby to approve the variance to build a shed 50' from the west property line instead of the required 100' setback. Motion carried 6:0.

Wayne Streiff – Pt of SW1/4 of NW1/4 of Section 26 T109N R16W, Roscoe Township. The request is a variance to build an accessory structure larger than the allowed 3,400 square feet in an A-2 Agricultural Zoning District.

M. Wozniak presented the staff's recommendation and findings of fact: Mr. Streiff has stated that he will be removing an existing barn and would like replace it with this addition onto the accessory building. The addition will be for personal storage items. Mr. Streiff received a variance in April, 2006 to place the current building onto his property. That building was already built at 4,000 square feet and he moved it onto his property.

The size limitations for residential accessory buildings increased in 2005 from 2,400 square feet on lots greater than 2 acres in the agricultural districts to 3,400 square feet in these districts. Initially there was a proposition for an unlimited size limitation on properties over 20 acres in size, however after the Planning Advisory Commission discussed it thoroughly they decided that there should be a limit to the square footage of a residential accessory buildings.

Roscoe Township has approved the request by issuing a zoning permit.

Findings of Fact: There are no special circumstances affecting the land or building that do not apply generally to other property in the same vicinity. There is no clear hardship in this situation. It appears that the applicant doesn't wish to build a separate building due to the extra cost associated with that.

Hardships cannot be purely financial in nature.

Based on the findings of fact, staff recommended denial of the variance to build an addition on an accessory building that would make the total square footage greater than the allowed 3,400 square feet.

DISCUSSION

J. Fritzingler asked Mr Streiff for comments about his proposal.

Mr. Streiff described condition of building he proposed to replace by creating addition to prior varianced building. He stated that the situation on the land of the building that is now under demolition limited his use in winter with use of building for storage and larger building could be used year round. He mentioned erosion control measures starting with 11 loads of black dirt added earlier on the present day after site visit was conducted. The new addition to larger building would not be enough based on applicants current estimate to store all his equipment and materials without additional space.

D. Monroe asked if barn was down now.

Mr. Streiff answered it had been partially taken down and in the process of removal.

B. Overby asked if applicant lived on the property there.

Mr. Streiff answered yes he lives there.

B. Overby asked applicant what you do with new barn now.

Mr. Streiff answered it is in the process of construction and described what he plans on storing.

J. Fritzingler asked how many acres the applicant owned.

Mr. Streiff answered twenty acres.

M McKay asked about the existing varianced building and why the sides were unfinished.

Mr. Streiff answered he was working on site everyday and noted stages of construction.

S. Klair asked applicant if the one side for the proposed 10 foot addition was already constructed or on that Variance.

Mr. Streiff stated he was waiting to construct additions pending approval.

M. McKay asked applicant what is the hardship.

Mr. Streiff answered none, but that storage needed. He described current storage situation in other locations and financial concerns.

D. Monroe asked applicant if there was a need for storage in one versus two buildings.

Mr. Streiff answered the other building on property is in stages of removal and it had a variety of issues of cost if completely rebuild. He also added that the enlarged building would be for accessory use and not agricultural use as he had stated repeatedly.

S. Klair asked if this idea to do this was addressed at previous variance request.

Mr. Streiff answered no.

M McKay asked why applicant is applying for a variance if current building isn't finished yet.

Mr. Streiff answered that his shop is in Pine Island now and he has been working on site for construction everyday after work. He stated he has been paying storage rent in Pine Island since March.

L. Hanni asked about the proposed dimensions to the building.

M. McKay added (the building) that is not done yet.

Mr. Streiff answered stating dimensions and overall square footage stating not enough current storage space.

S. Klair noted erosion concerns created on site.

Mr. Streiff answered about counter erosion measures started and planned in future.

S. Klair re-mentioned erosion importance.

Mr. Streiff answered the eroded area is where the dirt came from for fill of building last year.

B. Anderson asked if not agricultural building, but accessory building. He mentioned Townships view it as the former and county view it as the later.

L. Hanni stated definitions by use in Goodhue County building code.

B. Anderson asked where is current building at in inspection process.

Mr. Streiff answered inspections have occurred as worked on.

B. Anderson asked applicant if use would be as accessory building or agricultural building.

Mr. Streiff answered it will be for extra supplies that he needs such as a welder and shop stuff.

B. Overby asked applicant what is your profession.

Mr. Streiff answered re-modeler, cabinets ,etc.

L. Hanni asked about building origin.

Mr. Streiff answered original Amish business building with porch.

L. Hanni commented on erosion and visit with erosion control getting pretty bad.

B. Overby asked for clarification on why staff recommended denial.

L. Hanni answered by explaining 2005 code issue and size limits denial because another building could be build on property.

B. Overby asked about agricultural building sizes.

L. Hanni answered by addressing code.

B. Overby re-asked about agricultural vs. accessory building definitions.

L. Hanni described use versus definition.

Mr. Streiff added that he talked with zoning staff and told them it wasn't agricultural.

B. Anderson described township form with the write in of storage and checked agricultural block. He mentioned when it's an accessory building it needs checked in single family use block on form.

L. Hanni said staff may need to add to form.

B. Anderson described form and offered comment.

Mr. Streiff asked about if he could build a 3400 square foot building without different rules and asked about rules for agriculture.

D. Monroe answered about limit for size.

B. Anderson asked S. Klair a question if alternate site available.

Mr. Streiff answered the building being removed currently is in a hole/ depression and he couldn't get to in winter time.

B. Anderson asked if another spot would have less impact than added space on this location.

Mr. Streiff answered any other place on site around home was closer to neighbors.

M. McKay stated comment about building over 3400 sq ft

B. Overby commented about accessory building size.

L. Hanni stated issue in years past that led to standard and talked over statistics that average increased for peoples use. She described that in towns the buildings can only take up 30 percent use of land, looks of area, etc.

B. Overby asked if increase in just that area.

L. Hanni stated by average requests for area enlarged on accessory building code.

M. McKay stated potentially that's almost another 50 percent.

C/J. Fritzinger opened the public hearing.

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

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

⁴Motion by M. McKay and seconded by S. Klair to deny.....

D. Monroe interjected additional comments highlighted concern over two variances for same building.

M. McKay added opinion and comments about lack of building completion.

B. Overby restated concerns.

M. McKay commented financial concerns of applicant not hardship.

Mr. Streiff answered about financial status.

D. Monroe commented further on decision.

W. Strieff commented about needed space.

B. Overby asked for information on other building sites on property.

D. Monroe described decision and noted second variance on same property.

M. McKay made further final comments about decision.

Mr. Streiff restated his concerns.

B. Anderson stated he can't find hardship on this issue.

.. the variance to build an addition on an accessory building that would make the total square footage greater than the allowed 3,400 square feet.. Motion carried 6:0.

B. Anderson interjected new business by recommending alternate setbacks on properties to be addressed to PAC for review and discussion for possible change allowing 50 foot instead of 100 foot side setbacks for all non-residential building constructions and possible additional alterations.

Discussion followed on how to address B. Andersons new business with L. Hanni verifying

⁵Motioned by M. Mckay seconded by S. Klair to adjourn the July 23, 2007 Board of Adjustment meeting at 8:17 p.m. Motion carried 6:0.

Respectfully Submitted,

Kelly Moriarty
Secretary

MOTIONS

¹ APPROVE June 25, 2007 Board of Adjustment Agenda as amended. Motion carried 6:0.

² APPROVE June 25, 2007 Board of Adjustment Agenda as amended. Motion carried 6:0.

³ APPROVE variance to build a feedlot/agricultural building and manure storage area closer than the required 100' from the property line based on staff recommendation and findings of fact. Motion carried 6:0.

⁴ APPROVE appeal to change the original Board of Adjustment appeal granted April 26, 2004 from one central water well to individual wells based on staff's recommendation and findings of fact. Motion carried 6:0.

⁵ ADJOURN June 25, 2007 Board of Adjustment meeting at 8:05 p.m. Motion carried 6:0.