

BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN  
SPECIAL MEETING OCTOBER 26, 2009

The special meeting of the Goodhue County Board of Adjustment was called to order at 8:38 p.m. by Chairman Brad Anderson in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Brad Anderson Judy Fritzingler Stanley Klair Mike Wozniak  
Bernie Overby Dennis Monroe

Absent: Mike McKay

***1Motion by S. Klair seconded by J. Fritzingler and carried to approve the October 26, 2009 Board of Adjustment Special Meeting Agenda. Motion carried 5:0.***

**Conflict/Disclosure of Interest:** None.

**Robert Stachowski/Arden McNally** – Lake Byllesby West, Lot 5 & Lot 6 Block 3, Stanton Township. The request is a variance to install an on site septic system for both properties 50’ from the ordinary high water mark instead of the required 100’ setback, and 0 feet from the shared property line instead of the required 10’ setback, 10’ from the structures on either side instead of the required 20’ setback, and 33’ from the center of the road, instead of the required 10’ setback from the right of way.

M. Wozniak presented the staff report, the findings of fact and staff recommendation:

**Findings of Fact:**

The shared system would allow for two properties in the shoreland overlay district to have compliant on-site septic systems. The parcels are non-conforming in size and due to the placement of the wells there isn’t enough room for two separate septic systems. Where McNally will be relocating his well to will limit where an on-site septic system could be placed on the neighboring property (Ahlbrecht), but this cannot be avoided at this time. That property owner had the opportunity to join in a shared system and chose not to. The hardship in this case is the size of the properties and the contributing limiting factors associated with the unique characteristics of the properties such as being located in the shoreland overlay district and having shallow wells. The request involve many different setbacks in the zoning ordinance. The applicants will be contributing to help clean up Lake Byllesby by installing compliant on-site septic systems. The applicants only other option would be to install a holding tank which would also need a variance. The difficulty occurred whenever the plat was created. In weighing all of the factors above, it appears that practical difficulties exist and that the interests of the justice would not be served by denying the variance.

**Staff Recommendation:**

Based on the findings of fact, staff recommends that the Board of Adjustment adopt the staff report into the record, accept the findings of fact, and approve the variance to install an on-site septic system for both properties 50’ from the ordinary high water mark instead of the required 100’ setback, and 0 feet from the shared property line instead of the required 10’ setback, 10’ from the structures on either side instead of the required 20’ setback, and 33’ from the center of the road, instead of the required 10’ setback from the right of way.

**Discussion:**

B. Overby asked if the properties were sold would this be written into the deed.

M. Wozniak said the best thing would have an easement to allow the system to be overlapping.

Mr. McNally said that they are planning a shared well. And they would draw up an agreement for both issues.

B. Overby said it is wonderful to see neighbors working together.

BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN  
SPECIAL MEETING OCTOBER 26, 2009

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C/B. Anderson said this has gone through environmental health.

C/B. Anderson said currently the well is closer to the houses.

Mr. Stachowski said yes.

C/B. Anderson said this is a project you are working on both the well and septic.

*C/B. Anderson opened the public hearing.*

No one present wished to speak for or against the request

*With no further public comment J. Fritzinger motioned and B. Overby seconded to approve the closure of the public hearing. Motion carried 5:0.*

***<sup>2</sup>Motion by D. Monroe and seconded by S. Klair to accept the staff report into the record, adopt the findings of fact that staff has prepared and approve the variance to install an on-site septic system for both properties 50' from the ordinary high water mark instead of the required 100' setback, and 0 feet from the shared property line instead of the required 10' setback, 10' from the structures on either side instead of the required 20' setback, and 33' from the center of the road, instead of the required 10' setback from the right of way. Motion carried 5:0.***

**Helge E Kasa Et. Al./Harland Kasa**– E ½ of NE ¼ Section 20, T111N R18W, Warsaw Township. The request is for a variance to create a parcel less than the required 35 acres in size in the A-3 Urban Fringe District.

M. Wozniak presented the staff report, findings of fact and staff recommendation:

**Findings of Fact:**

The circumstances that affect this property affects other properties in the same vicinity, however this vicinity is slightly different from other A-3 districts in the fact that it is so arbitrary, that this property is nearly two miles from any developed land within the city limits of Dennison. The request would have no affect on neighboring properties. The hardship in this case is the nature of the property in which the majority is currently tilled agriculture. The applicants wish to keep all the tilled land and continue to have it used for agricultural purposes. The request is a substantial variation due to the required lot size, however the applicants are not wishing to create any additional building sites at this time. The character of the neighborhood will remain unchanged. They would have to split up the agricultural land and sell the entire 35 acres. The character of this particular A-3 District created the need for the variance. The entire A-3 area is Agricultural in nature, and does not clearly represent the future growth of the city. In weighing all of the factors above, it appears that practical difficulties exist and that the interests of the justice would not be served by denying the variance.

**Staff Recommendation:**

Based on the findings of fact, staff recommends that the Board of Adjustment adopt the staff report into the record, accept the findings of fact, and approve the variance to create a parcel 3.15 acres in size with the condition that the recording of this variance serves as the notice that there will only be one potential building site on the remaining 76.85 acres until such time that the zoning district changes or the density changes.

**Discussion**

Mr. Kasa said they want to get rid of the building site. The buildings are good. It's good agricultural land. They don't want to just rent out the place they want to sell it. The land is rented out and they are satisfied with the renter. They want to keep the land.

BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN  
SPECIAL MEETING OCTOBER 26, 2009

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S. Klair asked if we heard from Dennison.

M. Wozniak said no, but this is not increasing the density of the lot.

B. Overby said we were looking at talking with some cities to change it.

*C/B. Anderson opened the public hearing.*

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

*With no further public comment D. Monroe motioned and J. Fritzingler seconded to approve the closure of the public hearing. Motion carried 5:0*

B. Overby said that he is in favor of this preserving the farmland.

***<sup>3</sup>Motion by B. Overby and seconded by J. Fritzingler to accept the staff report into the record, adopt the findings of fact that staff has prepared and approve the variance to create a parcel 3.15 acres in size with the condition that the recording of this variance serves as the notice that there will only be one potential building site on the remaining 76.85 acres until such time that the zoning district changes or the density changes. Motion carried 5:0.***

***<sup>4</sup>Motion by S. Klair and seconded by B. Overby to adjourn the October 26, 2009 Board of Adjustment meeting at 9:01 p.m. Motion carried 6:0.***

Respectfully Submitted,

Kristi Gross

Secretary

**BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN**  
**SPECIAL MEETING OCTOBER 26, 2009**

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**MINUTES**

<sup>1</sup> APPROVE September 28, 2009 Board of Adjustment Agenda. Motion carried 6:0.

<sup>2</sup> APPROVE the variance to install an on-site septic system for both properties 50' from the ordinary high water mark instead of the required 100' setback, and 0 feet from the shared property line instead of the required 10' setback, 10' from the structures on either side instead of the required 20' setback, and 33' from the center of the road, instead of the required 10' setback from the right of way. Motion carried 5:0..

<sup>3</sup> APPROVE the variance to create a parcel 3.15 acres in size with the condition that the recording of this variance serves as the notice that there will only be one potential building site on the remaining 76.85 acres until such time that the zoning district changes or the density changes. Motion carried 5:0.

<sup>4</sup> ADJOURN October 26, 2009 Board of Adjustment meeting at 9:01 p.m. Motion carried 5:0.