

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 Mike McKay

Absent: Sarah Pettit

i^[1] Motion by B. Anderson and seconded by D. Monroe and carried to approve the January 23rd, 2006 Board of Adjustment Agenda. Motion carried 5:0.

ii^[2] Motion by J. Fritzingler and seconded by B. Anderson and carried to approve the November 28th, 2005 Board of Adjustment Minutes. Motion carried 5:0.

Staff Updates: L. Hanni stated that they have hired a new County Planner/Zoning Administrator, Mike Wozniak. She explained that C. Fuhrman is taking the minutes tonight because K. Gross is out. The annual Township Officers meeting is in February. She stated that there are also some questions from one person in particular who has questions about the building process. They are looking to set a date sometime at the end of February or early March to have a half-day seminar to go through the whole building process. There seems to be some disconnect with the timing of the process. At the February PAC meeting, we are going to be going through some goals that the PAC has for 2006. She stated that we are going to talk about the Sign Ordinance and some of the smaller, unincorporated towns, like Frontenac Station and Welch. She stated that we do not have a zoning for mix-use areas.

B. Anderson stated that the Township Association will be setting up another meeting in the spring. He stated that she should talk to George Dersheid about that to see if the meetings should be combined.

L. Hanni stated that she would talk to him. She stated that the Township has a meeting, which is at Zumbrota on February 4th, 2006.

B. Anderson stated that County offices speak there, and then it is the annual meeting of the Township Association.

Conflict/Disclosure of Interest: None to be discussed.

Derek Johnson/Ralph Hanson – That part of the East 766.34 feet of the S ½ of the NW ¼ of Section 20, T112N, R16W, Vasa Township. The request is an appeal to build a dwelling on land with a crop equivalency rating (CER) of 70, instead of the required less than 60 CER in an A-2, Agriculture District.

Ralph Hanson, the current property owner, received a building permit on this property on January 23, 2004. An extension to the permit was granted on September 9, 2005, and work on this project was required to resume and be inspected in the spring of 2006. Mr. and Mrs. Johnson now have a purchase agreement to buy the property from Mr. Hanson. It is staff's understanding as a contingency of the purchase agreement, Mr. and Mrs. Johnson would apply for a new permit for a dwelling on this property to replace the permit that is currently issued. The applicant is requesting to build the dwelling approximately 50 ft. from the location that the original building was permitted to be

placed. The applicant is requesting to locate the dwelling in a different location in order to prevent future erosion problems, and the new location is sited on a higher CER of 70.

This property is zoned A-2, and there are 12 dwellings in the section including this dwelling. The proposal meets the density requirements (number of dwellings per section and the $\frac{1}{4}$, $\frac{1}{4}$ requirement), the feedlot setbacks, the property line setbacks, and the minimum area requirement of at least 2 acres. But staff will recommend that Parcel B, which contains the 100 ft. of road frontage, be combined with Parcel A in order for the parcel to contain at least the 100 ft. of road frontage (required by Article 11, Section 5, Subdivision 3.A.4.a.) before the new building permit will be issued.

A site visit was conducted, and it was found that the proposed location is suitable for the dwelling. It will not impede into the crop field and is better suited for erosion control purposes.

Vasa Township has signed the Zoning Application Summary Form indicating their approval of the request.

Based on the following findings of fact (Article 26, Section 3, Subd. 1):

- A. That 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 topography of the subject parcel limits the possible locations that the dwelling could be located.**
- B. 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 improvement 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. **The requested appeal for the dwelling location is only approximately 50 ft. from the already-permitted location.**

Staff recommends **approval** of the request for an appeal to build a dwelling on land with a crop equivalency rating (CER) of 70 instead of the required less than 60 CER in an A-2, Agriculture Zoning District, with the following condition:

- 1) Parcel A (8 acres) be combined with Parcel B (1.96 acres) before the building permit is issued in order for the parcel to have the required road frontage.

BOA DISCUSSION

Mr. Johnson was present and stated that they are proposing to build a house. He stated that he is going to purchase the property and go through a new building permit process because the current property owner already has a building permit for the property.

Basically they are proposing to place the dwelling in a CER of 70 from where it currently is. They will be moving the house (from where it is currently permitted to be located) about 50 ft. into the higher CER. Some of it might sit in the 70 and some might be in the lower. The original site was under 60 CER.

B. Anderson stated that they have done considerable work on the property at some point. The whole perimeter of the property has a berm around it, which is down to the north and to the east of it. The garage footings are right on the edge of where the slope is. He is proposing to move it back further from the edge.

Mr. Johnson stated that the area they are proposing to place the house is not in tillable land.

C/S. Clair asked about the existing foundation?

Mr. Johnson stated that they will not be using that foundation. He stated that they built up around that foundation when they put it in.

D. Monroe asked if there had ever been a structure there?

Mr. Johnson stated no.

C/S. Klair asked if it will still be farmed?

Mr. Johnson stated that there are no crops there now. He stated that the photo with his truck—the truck is about at the edge of the grass.

M. McKay asked about the driveway?

Mr. Johnson stated that the driveway goes across the crops.

B. Anderson stated that you would have a hard time picking out where the 35 CER and the 70 CER are exactly.

Mr. Johnson stated that he thinks that the house will be right on the line of the different CERs.

B. Anderson stated that it is okay from two standpoints: 1) They are getting further from the water control, which is good; and 2) They're not going into what is cropped anyways.

C/S. Klair pointed out that the driveway is already there.

C/S. Klair opened the public hearing.

With no public comment taken, motion by D. Monroe and seconded by B. Anderson and carried to approve the closure of the public hearing. Motion carried 5:0.

D. Monroe asked about Parcel A and B.

C. Fuhrman stated that Parcel A is owned by Mr. Hanson, and Parcel B is owned by Conrad Rapp.

Mr. Johnson stated that they are in the process of drawing up the paperwork to have the two lots joined.

iii[3] Motion by B. Anderson and seconded by M. McKay to approve the appeal to build a dwelling on land with a crop equivalency rating (CER) of 70, instead of the required

less-than-60 CER in an A-2, Agriculture District based on staff recommendations and with the condition that Parcel A and Parcel B be combined. Motion carried 5:0.

^{iv[4]}Motion by B. Anderson and seconded by J. Fritzinger to adjourn the January 23rd, 2006 Board of Adjustment meeting at 7:20 p.m. Motion carried 5:0.

Respectfully Submitted,

Carie A. Fuhrman

MINUTES

^{i[1]} APPROVE the January 23rd, 2006 Board of Adjustment Agenda. Motion carried 5:0.

^{ii[2]} APPROVE the November 28th, 2005 Board of Adjustment Minutes. Motion carried 5:0.

^{iii[3]} APPROVE the appeal to build a dwelling on land with a crop equivalency rating (CER) of 70, instead of the required less-than-60 CER in an A-2, Agriculture District. Motion carried 5:0.

^{iv[4]} ADJOURN the January 23rd, 2006, Board of Adjustment meeting at 7:20 p.m. Motion carried 5:0.