



# GOODHUE COUNTY MINNESOTA

TO EFFECTIVELY PROMOTE THE SAFETY, HEALTH, AND WELL-BEING OF OUR RESIDENTS

Goodhue County Board of Adjustment  
Justice Center-Jury Assembly Room  
454 West 6th St, Red Wing MN 55066

Monday, January 25, 2016  
5:30 PM

Call Meeting To Order

Approval Of Current Agenda

Approval Of Minutes From Previous Meeting

1. November 23, 2015 Draft Minutes

Documents: [MINUTES\\_11\\_23\\_2015\\_DRAFT.PDF](#)

Conflic/Disclosure Of Interests

Public Hearing

1. Lund/Holst

Parcel 32.015.0800, Part of NW1/4 of NE1/4 SEC 15-T112-R13, Florence Township, Goodhue County.  
The request is for a variance from the Goodhue County Subsurface Sewage Treatment (SSTS)  
Ordinance of 10ft from the soil adsorption area to a dwelling rather than the required 20ft.

Documents: [LUND\\_BOAPACKET.PDF](#)

Other Actions

1. Elect Chair And Vice Chair  
2016 Officer elections

Old Business

Anyone interested is invited to attend. Agenda items may be subject to change.

## Goodhue County Land Use Management

♦ Goodhue County Government Center ♦ 509 West Fifth Street ♦ Red Wing ♦ Minnesota ♦ 55066 ♦  
♦ Building ♦ Planning ♦ Zoning ♦ Telephone: 651/385-3104 ♦ Fax: 651/385-3106 ♦

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
NOVEMBER 23, 2015 MEETING MINUTES**

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The meeting of the Goodhue County Board of Adjustment was called to order at 5:30 p.m. by Chair Ellingsberg in the Goodhue County Justice Center Jury Assembly Room in Red Wing, Minnesota.

**1. Roll Call**

Commissioners Present: Larry Olson, Mike Hinsch, Richard Mallan, Howard Stenerson, Rich Ellingsberg, Robert Benson

Commissioners Absent: None

Staff Present: Planner/Zoning Administrator Mike Wozniak, Zoning Assistant Kate Eiyneck

**2. Approval of Agenda**

<sup>1</sup>Motion by L. Olson, and seconded by M. Hinsch to approve the November 23, 2015 meeting agenda

Motion carried 6:0.

**3. Approval of Minutes**

<sup>2</sup>Motion by R. Benson and seconded by H. Stenerson to approve the October 26, 2015 minutes with correction to the two references of the word motioned on page one.

Motion carried 6:0.

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

**Public Hearing:**

- 5. Valerie Lee- Stanley and Loraine Bean/ Michael and Laurie LaMoore- Parcel 28.031.0700, Part of SE1/4 of SE1/4 SEC 31-T112-R176, Cannon Falls Township, Goodhue County. The request is for an After-the-Fact variance for a dwelling built in 1973 and the repair of an existing retaining wall within the bluff impact zone.**

Valerie Lee (owner's daughter and representation) Michael and Laurie LaMoore (possible purchasers) were present for comment.

*Mike Wozniak presented the staff report and summarized the request:*

Valerie Lee clarified the proposed variance was a request of the buyers of the home. Mrs. LaMoore clarified that the request for the retaining wall repair was for erosion control measures and would be engineered block replacing the dry stacked limestone.

*Chair Ellingsberg opened the public hearing.*

*No one spoke for or against the request.*

***After Chair Ellingsberg asked three times for comments it was moved by R. Benson and seconded by H. Stenerson to close the public hearing. Motion carried 6:0***

There was some discussion about the location of the house and the retaining wall in relation to the bluff. LUM and SWCD staffs have documented the current location with GIS mapping and photographs from several sight visits. There was also discussion about the Goodhue County Zoning Ordinance allowing for erosion control measures as approved by the zoning administrator and that a variance is not needed for erosion control measures within this project.

**BOARD OF ADJUSTMENT  
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**<sup>3</sup> Motion by H. Stenerson seconded by L. Olson that the Board of Adjustment: Accepts the staff report (dated November 23, 2015) into the record, adopts the findings of fact and the After-the-Fact variance for a dwelling built in 1973 and the repair of an existing retaining wall within the bluff impact zone is hereby approved.**

**Subject to the following conditions:**

- 1. Completion of all necessary permits.**
- 2. The dwelling may be rebuilt within the original dwelling foot-print or a foot-print no closer to the bluff impact zone than original foot-print.**
- 3. The retaining wall may be rebuilt within the original retaining wall alignment or an alignment no closer to the bluff impact zone than original alignment, or an expansion in length or size only for erosion control measures.**
- 4. Conformance with the application submitted to Goodhue County Land Use Management Office 10/27/2015.**

**Rights granted by the variance expire one year from the date of approval if not exercised; variance expiration date: 11/23/2016.**

**Motion carried 6:0**

**<sup>4</sup>Motion by R. Mallan seconded by L. Olson to adjourn the November 23, 2015 Board of Adjustment meeting at 6:10 p.m.**

**Motion carried 6:0.**

Respectfully Submitted,

Kate Eiyneck, Recording Secretary

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
NOVEMBER 23, 2015 MEETING MINUTES**

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**MOTIONS**

<sup>1</sup> APPROVE the November 23, 2015 meeting agenda. Motion carried 6:0.

<sup>2</sup> APPROVE the October 26, 2015 minutes with corrections. Motion carried 6:0

<sup>3</sup> Motion by H. Stenerson seconded by L. Olson that the Board of Adjustment:

Accepts the staff report (dated November 23, 2015) into the record, adopts the findings of fact and the After-the-Fact variance for a dwelling built in 1973 and the repair of an existing retaining wall within the bluff impact zone is hereby approved. Subject to the following conditions:

1. Completion of all necessary permits.

2.The dwelling may be rebuilt within the original dwelling foot-print or a foot-print no closer to the bluff impact zone than original foot-print.

3.The retaining wall may be rebuilt within the original retaining wall alignment or an alignment no closer to the bluff impact zone than original alignment, or an expansion in length or size only for erosion control measures.

4.Conformance with the application submitted to Goodhue County Land Use Management Office 10/27/2015.

Rights granted by the variance expire one year from the date of approval if not exercised; variance expiration date: 11/23/2016.

Motion carried 6:0

<sup>4</sup> ADJOURN the November 23, 2015 Board of Adjustment meeting at 6:10 p.m. Motion carried 6:0.

DRAFT

# Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

*Lisa M. Hanni, L.S. Director*



*County Surveyor / Recorder*

Building | Planning | Zoning  
Telephone: 651.385.3104  
Fax: 651.385.3106

Environmental Health | Land Surveying | GIS  
Telephone: 651.385.3223  
Fax: 651.385.3098

**To:** Board of Adjustment  
**From:** Land Use Management  
**Meeting Date:** March 23, 2015

**RE:** Lund/Holst Variance Request

**Summary:**

**Richard Lund/Bruce Holst** - Parcel ID 32.015.0800, Part of the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 15 in Florence Township. The request is for a variance from the Goodhue County Subsurface Sewage Treatment (SSTS) Ordinance of 10ft from the soil adsorption area to a dwelling rather than the required 20ft.

**Application Information:**

Applicant: Richard Lund  
Address of zoning request: 33509 County 2 Blvd. Red Wing, MN 55066  
Township Information: Florence Township has XXXXX

**Background:**

Richard Lund/Bruce Holst requested a variance to the Minnesota adopted standards ARTICLE 5, SECTION 1 of the Goodhue County Subsurface Sewage Treatment (SSTS) Ordinance in order to install a septic drain field 10 ft closer to a dwelling than the required 20 ft.

**Staff Comments**

“I was out to this site. Very small lot and some steep slopes. Yes they have drilled a new well, I don’t know if the existing well has been sealed yet or not.  
The property lines in GIS are shifted. There are survey markers on the property.

It does look like the best option is to split the distance between the house and the edge of the bluff/slope. They would be able to install holding tanks without a variance, but that is always a last resort for homeowners due to the ongoing cost and effect on property value.

They don’t specify the proposed distance from the structure to the bed, but I could support half the required distance of 20 feet. Any closer to the foundation would require more information.”

*Jason Petersen/ Registered Sanitarian*

**Draft Findings of Fact:**

Findings for Variance. Before any such variance may be granted, The Board of Adjustment shall specify in their findings, the facts in each case which shall establish:

- A. That there are exceptional circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;  
***The primary use of the property is residential. Topography and gullies on the property limit the available area for septic system, which is necessary for existing residential structures.***

- B. That owing to such exceptional circumstances the literal enforcement of specified provisions of this Ordinance would result in practical difficulty not created by or attributable to the applicant or the owner of the property;  
***The setbacks required in the septic ordinance would require that septic system be located in an area that would be impractical for an effective system.***
- C. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;  
***The property is located in the A2 district. Many property owners within the A2 district have similar lots sizes for residential uses which require a compliant septic system.***
- D. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and  
***The request would not adversely affect adjacent properties.***
- E. That the granting of such variance will be in harmony with the general purpose and intent of this Ordinance and demonstrates compliance with the Goodhue County Comprehensive Plan.

**GOAL 3: MAINTAIN EXISTING HOMES**

**1. Promote the ongoing maintenance of the existing housing stock.**

**Staff Recommendation:**

LUM Staff recommends that the Board of Adjustment:

Accepts the staff report into the record, adopts the findings of fact, and approves the variance to the Minnesota adopted standards ARTICLE 5, SECTION 1 of the Goodhue County Subsurface Sewage Treatment (SSTS) Ordinance in order to install a septic drain field 10 feet closer to a dwelling than the required 20 feet. on Parcel ID 32.015.0800, Part of the NW¼ of NE¼ Section 15 in Florence Township.

1. Completion of all necessary permits.
2. Conformance with the application submitted to Goodhue County Land Use Management Office 12/23/2015.

## Project Summary (Attach a separate sheet if more space is needed)

Please state which section(s) of the Ordinance from which you are requesting a variance.

SET BACK FROM STRUCTURE TO ABSCRIPTION AREA  
7080.2150 SUBPART 2.F

## Variance Findings

Pursuant to Goodhue County Zoning Ordinance Article 5, before approving a variance application, the Board of Adjustment needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding. The Board of Adjustment may grant a variance only if the variance request complies with each and every one of these findings in full. The responsibility for completing the variance questionnaire rests solely with the applicant. If the description of how the project meets all of the criteria are not fully supported with written information and appropriate drawings or pictures, the Board may find the information insufficient and the criteria are not satisfied.

Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

- What are the special circumstances of the proposal site which distinguish it from nearby properties with the same zoning? (relating to size, shape, topography, location, surroundings and features of the subject property).  
Lot SIZE (SMALL)
- Who or What created the circumstances?  
Lot SIZE AND Topography
- What is the character of the area (ie- rural, residential, agricultural, commercial, etc. ) and how is the request consistent with this character?  
residential
- Describe how the rules in the zoning ordinance deprive you of rights commonly enjoyed by other properties in the same zoning district.  
WITHOUT VARIANCE UNABLE TO INSTALL SEPTIC SYSTEM TO CODE
- Indicate why the requested variance will not result in your receiving any special privileges that are denied by the zoning ordinance to others in the same zoning district.  
VARIANCE NOT IMPOSED ON NEIGHBORS JUST OWNERS PROPERTY
- Is the proposed variance the minimum amount necessary to allow a reasonable use of the property? Please, explain.  
YES - NEEDED FOR BEST POSSIBLE SPOT FOR SEPTIC
- Is the sole reason for the proposed variance based on a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship? Please explain.  
NO

PID #  
Zoning District:

The following information is required for a Site Plan:

1. Location, size and shape of any structures and proposed;
2. Distances from structures to property lines;
3. Distances between structures, porches and decks;
4. All wells and sanitary sewer systems (including any abandoned)
5. The existing and intended use of the property;
6. All landscape, screening, and fencing plans;

Upon review, projects may require other information

*SET BACK FROM NEW WELL 50'*  
*DRAIN FLOODS 16' X 32'*



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