



# 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, February 22, 2016  
5:30 PM

Call Meeting To Order

Approval Of Current Agenda

Approval Of Minutes From Previous Meeting

Conflic/Disclosure Of Interests

Public Hearing

1. Todd Fleming/ Jim And Christine Anderson

Todd Fleming/ Jim and Christine Anderson – Parcel 32.160.0060, the Southerly 500ft of Blk. F of Garrard's South Extension of Frontenac, SEC 11-T112-R13, Florence Township, Goodhue County. The request is for a variance to have Animals such as horses, goats, llamas on a R1 zoned parcel under 5 acres.

Documents: [ANDERSON\\_PACKET\\_FEB22.PDF](#)

Staff Updates

1. 2016 DRAFT Comprehensive Plan Update

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 ♦

# 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  
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**To:** Board of Adjustment  
**From:** Land Use Management  
**Meeting Date:** February 22, 2015

**RE:** Fleming/Anderson Variance Request

## **Summary:**

**Todd Fleming/ Jim and Christine Anderson** - Parcel 32.160.0060, the Southerly 500ft of Blk. F of Garrard's South Extension of Frontenac, SEC 11-T112-R13, Florence Township, Goodhue County. The request is for a variance to have Animals such as horses, goats, llamas on a R1 zoned parcel under 5 acres.

## **Application Information:**

Applicant: Jim and Christine Anderson  
Address of zoning request: 34873 Winona St. Frontenac, MN 55026  
Township Information: Florence Township has acknowledged the request without comment

## **Background:**

The property is zoned R1 which allows up to three horses on 5 acres as a conditional use. A similarly sized lot zoned A1 or A2 would not have an associated acreage or animal type restriction in relation to private recreational animals. The potential landowners would like to ensure the right to have horses and other animals for their children in 4-H. The property has had horses in the past but the non-conforming status of this use has expired.

The Zoning ordinance for R1 Suburban residence district states:

*Article 24, Section 3, Subd. 7 Any 3 horses on a minimum of 5 acre lot size.*

as a conditional or interim use.

A conditional use permit was applied for in conjunction with the proposed variance and was heard at the February 8<sup>th</sup> Planning Commission meeting. Staff will supply a summary of the item heard at that meeting.

## **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. The lot size is reasonably considered to be approximately five acres, and the use of the property would be similar to R1 zoned parcels of a similar size.***

- 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 lot size was established by a Plat conducted in the 1800's and several roads within the originally designed area were not constructed. The lot size is reasonably considered to be approximately five acres.***
- 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 R1 district. Many property owners within the R1 district with similar lots sizes have horses and for purposes of care requirements goats, sheep, llamas, and alpacas are not dissimilar from horses***
- 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 4: RECREATION AND TOURISM***  
***1. Recognize public and private recreation facilities and activities that serve both the local population and visitors.***

**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 ARTICLE 24, SECTION 3, Subd. 7 of the Goodhue County Zoning Ordinance in order to have up to 3 animal units (of types and quantity as listed in condition 4) on an R1 zoned parcel under 5 acres. on Parcel 32.160.0060, the Southerly 500ft of Blk. F of Garrard's South Extension of Frontenac, SEC 11-T112-R13, Florence Township.

1. Completion of all necessary permits.
2. Conformance with the application submitted to Goodhue County Land Use Management Office 01/27/2016.
3. The area variance for the parcel will be dependent on a survey and the parcel shall not be less than 4.5 acres.
4. No more than 3 animal units to be made up of a combination of no more than 3 horses, 6 goats, 6 sheep, 3 llamas, and/or 3 alpacas.

APPLICATION FOR

# Variance

Application for Variance

VARIANCE NUMBER:  
For Staff Use only

\$350 RECEIPT#

DATE

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME <b>Todd Fleming</b>	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
[REDACTED]	

APPLICANT OR AUTHORIZED AGENT'S NAME <b>Jim and Christine Anderson</b>		Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS:	TELEPHONE:	
[REDACTED]		

CONTACT FOR PROJECT INFORMATION:		Same as Above <input checked="" type="checkbox"/>
ADDRESS:	TELEPHONE:	
	( )	
	EMAIL:	

## 2. Location and Classification

STREET ADDRESS OF PROJECT: <b>34873 Winona St. Frontenac, MN</b>	ZIP CODE: <b>55026</b>
LEGAL DESCRIPTION: <b>ID# 32-0200-00401 SLY 500 ft of blk F of Garrads south ext. of Frontenac in SE 1/4 of sec.</b>	

IF YOU ARE NOT SURE OF THE EVENTUAL SIZE OF THE FINAL PROJECT, PROVIDE THE MAXIMUM ESTIMATES

PID#	ZONING DISTRICT: <b>R1</b>	LOT AREA (SQ FT): <b>4.92 Acres</b>	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
(Please check all that apply)		ADDITIONS TO BUILDING:		
<input type="checkbox"/> New Building on vacant land	<input type="checkbox"/> Rear	PRESENT OR PREVIOUS USE: <b>pasturing up to 3 average size horses</b> PROPOSED USE: <b>pasturing up to 3 average size horses or equivalent animal units such as goats, rabbits, sheep, alpacas or other 4-H animals.</b> BUILDING APPLICATION PERMIT NO.: (if filed) _____ DATE FILED: _____		
<input type="checkbox"/> New Addition to existing building	<input type="checkbox"/> Front			
<input type="checkbox"/> Animal Building	<input type="checkbox"/> Side			
<input type="checkbox"/> Storage building	<input type="checkbox"/> Other Please clarify _____			

TOWNSHIP:	By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the variance request.	Attached <input type="checkbox"/>
TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	TOWNSHIP OFFICIAL'S SIGNATURE	DATE

## 3. Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- The undersigned is the owner or authorized agent of the owner of this property.
- The information presented is true and correct to the best of my knowledge.
- If I am unable to be present at the meeting where my request is decided, I agree to accept the Notice of Decision by certified USPS.
- Other information or applications may be required.

Signature: James L. Anderson / Christine Anderson Date: 1-7-2016  
 Print name: James L. Anderson Christine Anderson owner or authorized agent (circle one)

Land owner's Signature: Todd D. Fleming Date: 1/7/2016  
 Print name: TODD D. FLEMING, MD

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.

Property listed in legal description

### 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.

1. 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).

The property in question is 4.92 acres with pasture and animal housing and has historically been used to keep animals such as a horse and a burro.

2. Who or What created the circumstances?

The original owners of the property recently deceased had animal rights and we wish to continue in the same manner.

3. What is the character of the area (ie- rural, residential, agricultural, commercial, etc. ) and how is the request consistent with this character?

It's a rural, country setting and isolated from other residents.

4. Describe how the rules in the zoning ordinance deprive you of rights commonly enjoyed by other properties in the same zoning district.

The property is .08 acres away from what other properties are allowed to house animals yet for 38 years its had pasture, fence and animal housing.

5. 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.

No other properties in the immediate area that are even close to 5 acres, that are currently set up for animals and that have the

6. Is the proposed variance the minimum amount necessary to allow a reasonable use of the property? Please, explain
- Yes. We are only .08 acres short and we are only asking for a variance with the same priveleges as
7. 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. The reason is not financial. The animals will be for personal reasons as well as for activities like 4-H.

Same amount of privacy.  
5 acres.

**Narrative for Variance:**

The intention of the land use is to have personal domesticated animals. We would like to have horses and other 4-H show animals for our children. The property is only .08 acres short of the necessary five acres to house up to three horses or equivalent animal units. Our real objective is for personal enjoyment as well teaching our children about animals, animal responsibility, animal husbandry, and an appreciation and compassion for animals. The land use prior to this request had horses and a burro. We do not foresee using the land in any manner significantly different from that past land use. We have approached this from a place of integrity by contacting Goodhue County and desiring to follow the correct protocols set in place by the county instead of assuming that the previous use was automatically granted to us even though our intention is to use the property in the same manner it always has been used. We feel the 4.92 acres is sufficient to be granted a variance for the county designation of five acres.

-Jim and Christine Anderson

VARIANCE NUMBER:  
For Staff Use only

# Site Plan

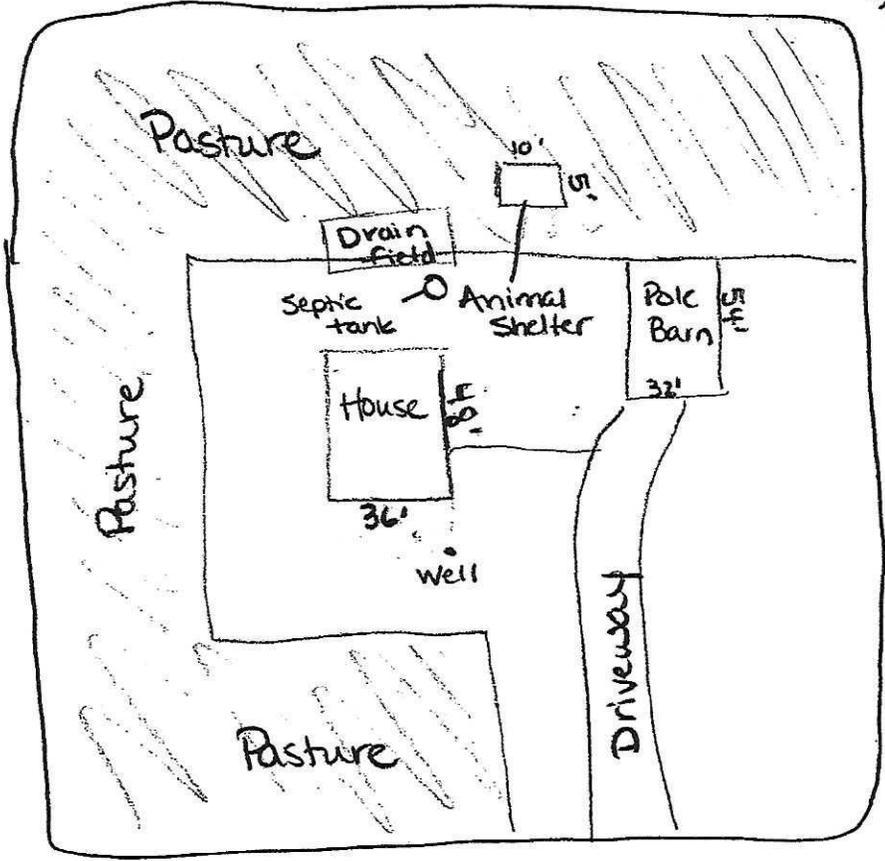
Vacant Land



State Park

Road

Township



Wooded Property

Road

Villa Mania Property

**Goodhue County Request for Variance and Conditional Use Permit  
Jim and Christine Anderson (acting on behalf of Todd Fleming)  
34873 Winona Street  
Frontenac, Minnesota 55026**

**Background:** My wife (Christine Anderson) and I (Jim Anderson) have been looking for a property for many years that would allow us to have horses and 4-H show animals for our children. We wanted a home that keeps us in Goodhue County, in the Lake City Public Schools, and in the Frontenac area--preferably Old Frontenac. Recently, a home came to our attention that seemingly allowed all the above attributes. The home had horses and a burro on it for as long as we have known (20+ years) and, in reality, horses for the past 38 years. We spent many days walking to the property with our young children just to look at the the horses and say "Hello," especially to the burro. Recently, the owner (Tom Fleming), passed away, and we negotiated a deal with his son (Todd Fleming) to purchase the property in the past month. We did not want to find that our dream of having horses and 4-H show animals was impossible, so we contacted Goodhue County to be certain that the past use of the property met with current county ordinances and would allow us to indeed have horses and 4-H show animals for our children on this property.

**Issue:** Kate Eiyneck and Benjamin Hoyt have worked with us extensively on this matter, and the determination is that our property is 4.92 acres (.08 acres short of the necessary 5 acres to have horses according to current ordinances), and we learned that our property is classified as R1 which requires a Conditional Use Permit (CUP) to have horses and 4-H show animals on the property. We were surprised that the property was not zoned to allow horses and other animals because of both the location and the past use of the property. Christine and I are committed to following county ordinances and have moved forward to secure both the variance and the CUP for this property, both of which we would like to think are acceptable requests. The property and its surroundings is virtually unchanged since its establishment as a home in 1978. The property is separated from the majority of the Old Frontenac platted area both by vacant, State and Township land on one side, and on the other side, the property is bordered by Villa Maria property and State Park land. The property is extremely isolated and private. Also, the property is outside of the Old Frontenac Historic district. The property, although technically classified as R1, displays more as A1. For these reasons, we believe the variance and the CUP are highly reasonable requests.

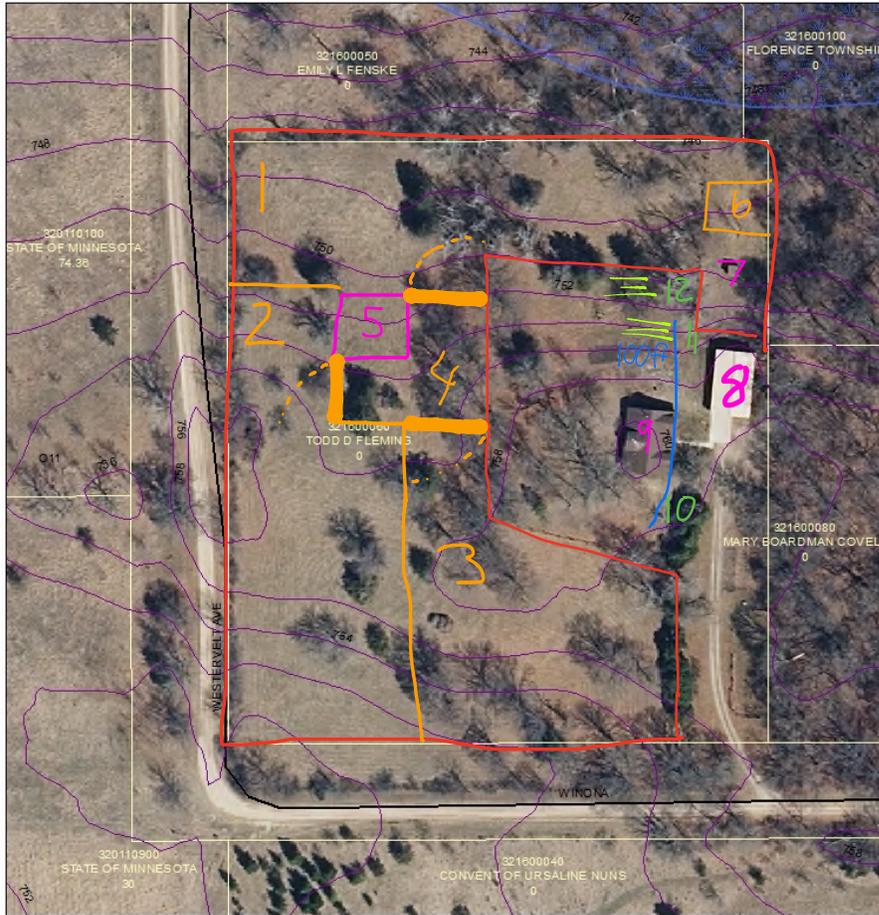
**Plan:** Our first request is that the property be treated, through a variance, as if it is 5.0 acres. The .08 short of 5 acres, we feel, is nominal in terms of the county ordinance. Also, we have found a 1977 survey (see attachment) that shows the property to be 4.92xxx acres. This survey also shows a non-existent road, that if only one-half were included on the property would easily expand it to the 5.0+ acres necessary for animals.

Our second request is that we would like to be able to have three horses or the equivalent of three animal units. Our intention is to have the equivalent of three horse units, but our expectation is to have one or two horses, possibly Nigerian dwarf goats, possibly sheep, possibly llamas, and possibly alpacas. All of these possibilities have come from requests from our children, and our intention is

simply to try to honor their opportunity to show animals at the Goodhue County Fair. At any one time, we foresee our animal units to exist as one or two horses and three to six Nigerian dwarf goats; or, one or two horses and one to three sheep; or one or two horses and one or two alpacas; or, just one to three horses.

Addressing the County Ordinance Performance Standards:

- A) Our children our involved in 4-H.
- B) No more than three horses will be kept on the premises, or the equivalent animal units of Nigerian dwarf goats, alpacas, sheep, and or llamas.
- C) All animals at the property must have current vaccinations. Records need to be kept on-site, or at an identified veterinarian office, and produced immediately upon request.
- D) Stable shall remain the same for a horse(s), however, a future "barn" might exist for 4-H animals that be equal to three to four stalls with a hay loft equal to approximately 20 feet by 20 feet by 16 feet tall (see attachment).
- E) There will be three rotated pastures for the horses/4-H animals (see attachment).
- F) There currently exists a lean-to (a three sided shelter with an angled roof). A future four sided pole-barn shelter, 20 feet by 20 feet, will replace the lean-to for horses and 4-H animals as indicated on attachment. Appropriate permits will be secured in order to build that structure.
- G) Rotating pastures will be used to manage animal waste. Also, a compost site will be allocated for excessive waste. Excessive waste will be managed through the indicated compost site, or through disposal with a contracted farmer.
- H) See attached map.
- I) Location of adjacent roads and abutting sites: See county GIS mapping.
- J) The facility will have proper heating, cooling, ventilation and lighting:
  - 1. Confinement areas will be maintained at a temperature suitable for the animal involved.
  - 2. An indoor confinement area will be ventilated. Drafts, odors, and moisture condensation will be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, will be used when the ambient temperature rises to a level that may endanger the health of the animal.
  - 3. An indoor confinement area will have at least eight hours of illumination sufficient to permit routine inspection and cleaning.
- K) Manure management will consist of three rotating pastures, a manure compost site, and a manure pick-up as necessary to a local farmer.
- L) Future structures, as indicated in the site plan (see attachment) will accompany a building permit request.
- M) All licences and compliances for water supply and septic systems requests shall be met.
- A) Given the site location and the intended use no noise disruptions are expected.
- B) No impact on local traffic is expected.
- C) Periodic inspections of the facility will be allowed in coordination with the Land Use Management department.



PID #  
Zoning District:

The following information is required for a Site Plan:

1. Location, size and shape of any structures. Clearly distinguish between existing 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) and the distance to nearby structures;
5. The existing and intended use of the property;
6. All landscape, screening, and fencing plans;

Upon review, projects may require other information

- Legend**
- Contours
  - Road
  - 2014 Feedlot parcel
  - 2014 Parcel
  - Section Line
  - Municipal Boundaries
  - Dwelling Point
- Bluff Impact**
- % slope
  - 25
  - 30
  - Shoreland

0 15 30 60 90 120 Feet

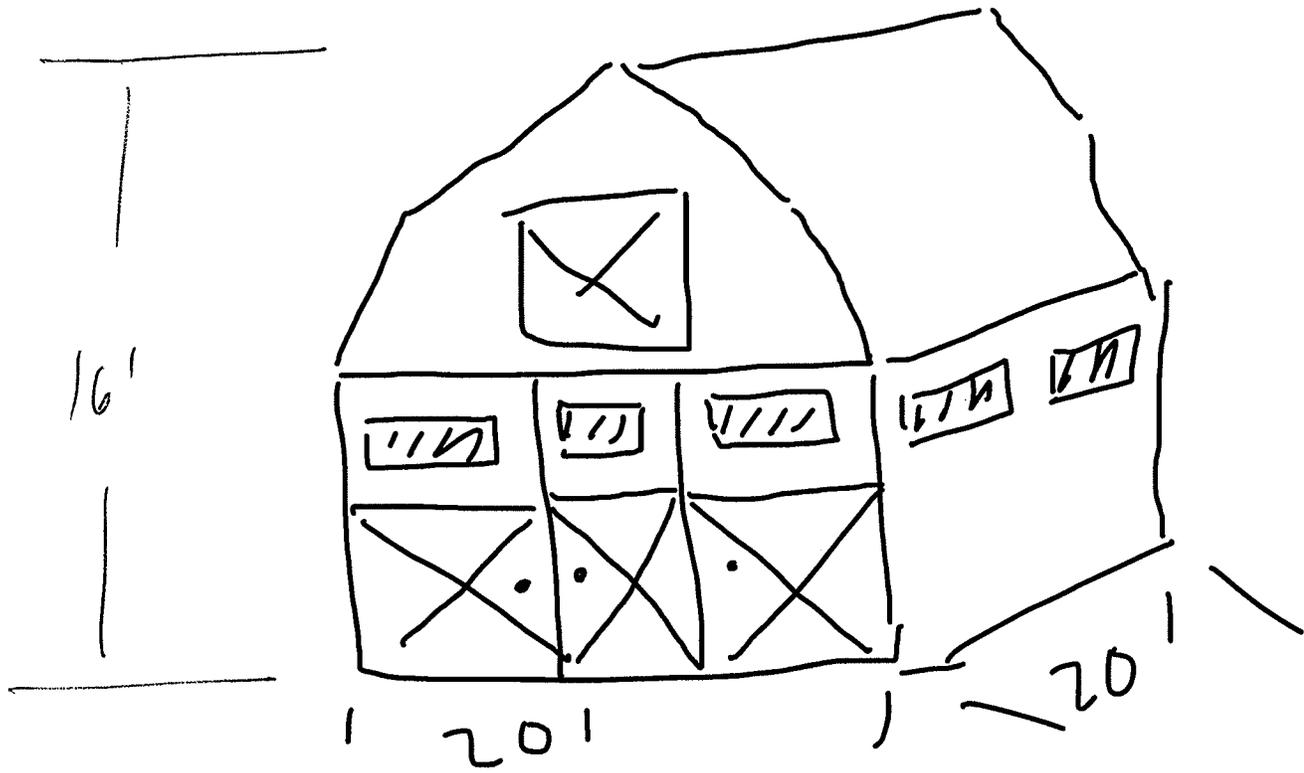
DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2015.

2014 Aerial Imagery

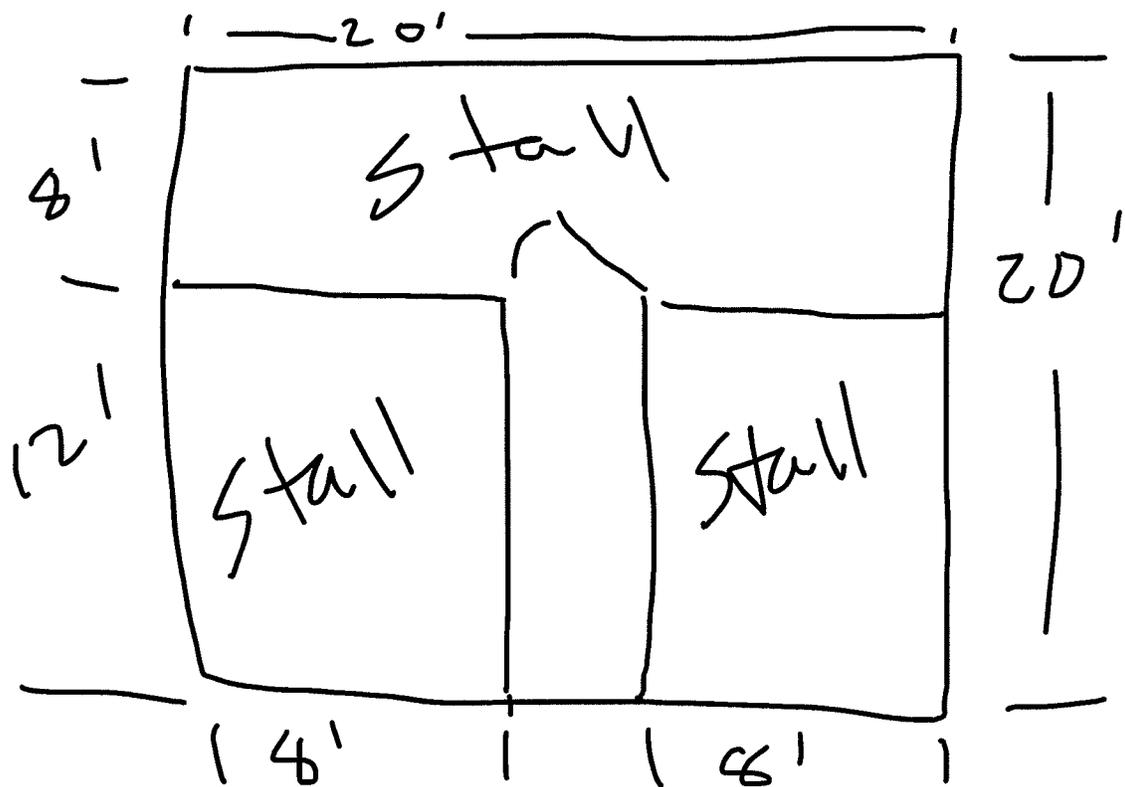
Map Created 2016 Kate Elync

- 1: Rotating Pasture
- 2: Rotating Pasture
- 3: Rotating Pasture
- 4: Common Area to Pastures
- 5: Future Animal Shelter
- 6: Manure Compost
- 7: Current Horse Shelter
- 8: Pole Barn
- 9: House
- 10: Well
- 11: Current Septic
- 12: Future Septic

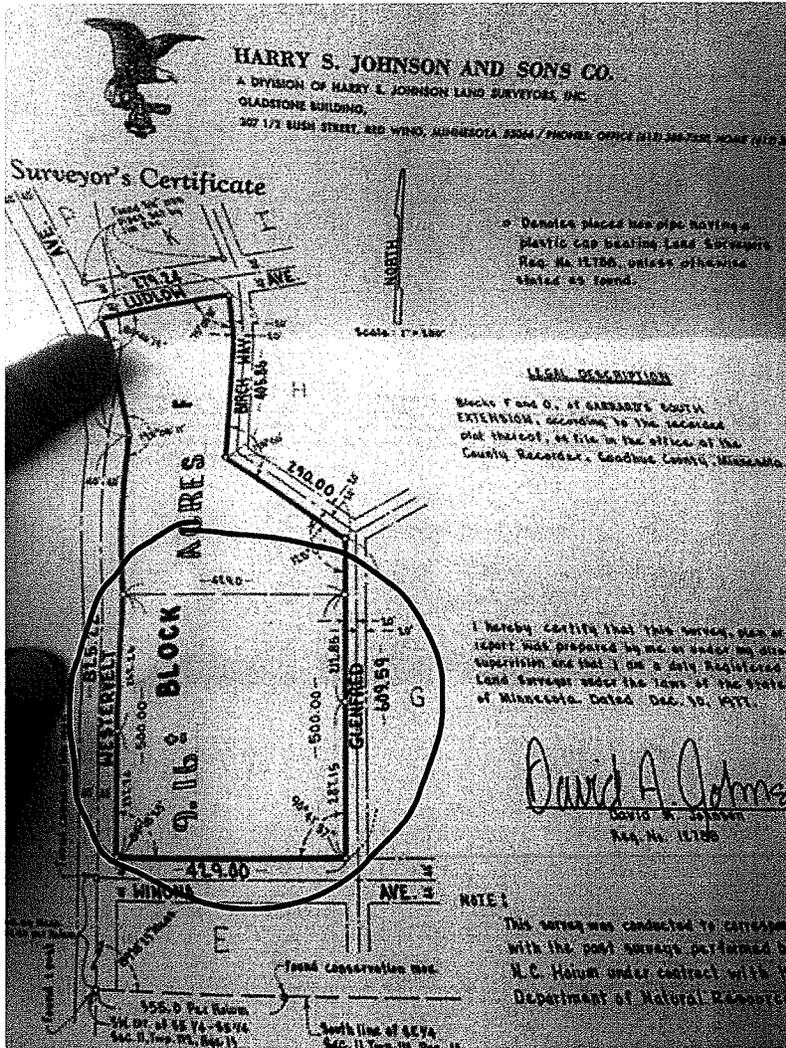
# Sketch of Potential Animal Shelter



# Sketch of Floor Plan for Potential Animal Shelter



# 1977 Survey



429 feet x 500 feet = 214,500 square feet  
 214,500 square feet = 4.924242 acres

Subd 9. ANIMAL UNIT. means a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage are calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting values for the total number of animal units. See Table 10-1 for multiplication factors:

<b>Animal Unit Chart</b>		
<b>Description</b>		<b>Animal Units</b>
<b>Dairy Cattle</b>		
one Mature Cow (whether milked or dry)		
over 1000 lbs		1.4
under 1000 lbs		1.0
one Heifer		0.7
one Calf		0.2
<b>Beef Cattle</b>		
one slaughter steer or stock cow		1.0
one feeder Cattle (stocker or backgrounding) or heifer		0.7
one cow and calf pair		1.2
one calf		0.2
<b>One head of swine</b>		
over 300 lbs		0.4
between 55 lbs and 300 lbs		0.3
under 55 lbs		0.1
One horse		1.0
One sheep or lamb		0.1
<b>Chickens</b>		
one laying hen or boiler, if the facility has a liquid manure system		0.033
one chicken if the facility has a dry manure system		
over 5 lbs		0.005
under 5 lbs		0.003
<b>One turkey</b>		
Over 5 lbs		0.018
Uner 5 lbs		0.005
One duck		0.01
For animals not listed above the number of animal units is the average weight of the animal in lbs divided by 1000 lbs		