



GOODHUE COUNTY MINNESOTA

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

Goodhue County Board of Adjustment
Government Center- Board Room
509 West 5th St, Red Wing MN 55066

Monday, July 25, 2016
5:30 PM

Approval Of Minutes From Previous Meeting

Documents:

[MINUTES_NOBEMBER_21_2016_BOA_DRAFT_MEETING.PDF](#)
[MINUTES_NOBEMBER_21_2016_JOINT_MEETING_BOA-PAC.PDF](#)

Call Meeting To Order

Approval Of Current Agenda

Conflic/Disclosure Of Interests

PUBLIC HEARING AGENDA ITEM: Huneke Density Variance

5. PUBLIC HEARING: Michael Huneke - Variance request from the A1 Agricultural District, General District Regulations, Density Requirement, which limits each Section to 4 dwellings (currently there are 4 dwellings); to build a residence at 26.033.0500 the W ½ of the SE ¼ and the NE ¼ of the SW ¼ of section 33 in Belvidere Township.

Documents:

[LUMPACKET_BOA_DECEMBER_HUNEKE.PDF](#)

PUBLIC HEARING AGENDA ITEM: Clemens Density Variance December

6. PUBLIC HEARING: Deloris Clemens – Variance request from the A2 Agricultural District, General District Regulation's, Density Requirement, which limits each Section to 12 dwellings (currently there are 15 dwellings) and limits development to one dwelling per ¼ ¼ section (currently there is 1 dwelling); to build a residence at 13489 Sunset Trail in Vasa Township; 42.005.1105.

Documents:

[LUMPACKET_BOA_DECEMBER_CLEMENS_DELORIS.PDF](#)

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 21, 2016 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:30 pm on November 21, 2016 by Chair Bob Benson in the Goodhue County Board room in Red Wing, Minnesota.

1. Roll Call

Commissioners Present: Robert Benson, Brandon Schafer, Mike Hinsch, Howard Stenerson, and Richard Ellingsberg

Commissioners Absent: Richard Mallan

Staff Present: LUM Director Lisa Hanni, Planner/Zoning Administrator Mike Wozniak, Zoning Assistant Kate Eiyneck, Environmental Health Well and Septic Inspector Ben Hoyt, and Zoning Assistant Casey MacCallum

2. Approval of Agenda

¹Motion by Commissioner Ellingsberg and seconded by Commissioner Hinsch to approve the agenda for the November 21, 2016 meeting.

Motion carried 5:0.

3. Approval of Minutes

²Motion by Commissioner Stenerson and seconded by Commissioner Ellingsberg to approve the October 24, 2016 minutes.

Motion carried 5:0.

4. Conflict/Disclosure of Interest

None of the Board members declared any conflicts of interest. Commissioner Stenerson told the Board that he has land next to one of the Applicants property.

5. PUBLIC HEARING: John Tittle—Variance request from MN Rules 7080 dwelling structure setback requirement of 20 feet to place a septic system and drain field 10 feet from the dwelling and five feet from the deck and steps; and the 10 foot side yard setback requirement to allow the drain field up to the property line at 27855 Gadiant Lane; Lot 4 Block 4 except the easterly 18 feet of Hidden Valley in Wacouta Township.

Zoning Administrator Mike Wozniak presented the staff report and attachments. Well and Septic Inspector Ben Hoyt detailed the reasons for the variance request. Director Hanni recommended condition 3 specify distances.

Mr. Tittle was present and available to answer questions regarding their request. He spoke to the need for the variance.

Commissioner Stenerson noted the restrictions on the parcel.

Chair Benson opened the public hearing: No one spoke.

³Chair Benson asked three times for comments. After hearing none, it was moved by Commissioner Stenerson and seconded by Commissioner Hinsch to close the public hearing.

Motion carried 5:0

⁴Motion Commissioner Stenerson, second by Commissioner Schafer, that the Board of Adjustment:

- **adopt the staff report into the record (dated October 24, 2016);**
- **adopt the findings of fact; and**
- **based on the application, testimony, exhibits, and other evidence presented,**

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APPROVE the variance request of John Tittle from MN Rules 7080 dwelling structure setback requirement of 20 feet to place a septic system and drain field 10 feet from the dwelling and five feet from the deck and steps; and the 10 foot side yard setback requirement to allow the drain field up to the property line

Subject to the following conditions:

1. Conformance with the application submitted to Goodhue County Land Use Management Office dated October 24, 2016,
2. Compliance with all necessary State and Federal permits and licensing,
3. Encroachment on the house be no closer than 5 feet to the deck and stairs, the side yard setback shall be not over the property line, and 10 feet to the base of the wall
4. An approved septic design plan by Goodhue County Environmental Health Department
5. The septic system is no closer than 5 ft to the house and 10 ft from the established water line that shares a well with the neighbor
6. Establishment of the location of the property line by a Registered Land Surveyor

at 27855 Gadiant Lane; Lot 4 Block 4 except the easterly 18 feet of Hidden Valley in Wacouta Township;

Motion carried 5:0

- 6. PUBLIC HEARING: Rodney Boraas** – Variance request from the A1 Front Yard Requirement in the General Regulations of the A1 Agricultural Protection District, which requires a minimum setback of sixty (60) feet from the right-of-way line of any public road or highway. The request is to construct a new storage building within 8 feet of right-of-way at 50135 County 27 Blvd; part of the E ½ of the NE ¼ of Sec 30 in Roscoe Township.

Zoning Administrator Mike Wozniak presented the staff report and attachments.

Mr. Boraas was present and available to answer questions regarding their request. *He spoke to the proximity of other buildings on the road equal or greater than the proposed structure's location.*

Chair Benson opened the public hearing: no one spoke

Chair Benson asked three times for comments. After hearing none, it was moved by Commissioner Schafer and seconded by Commissioner Stenerson to close the public hearing.

Motion carried 5:0

Commissioner Stenerson spoke to his site visit, concerns regarding blowing snow, and wetlands. The Commission spoke to the balance between taking the wetlands and encroachment to the road; and the topography concerns from Public Works.

Beau Kennedy from the Soil and Water Conservation District informed the Board that type 2 wetland can be filled up to 2,000 square feet, without mitigation.

Commissioner Schafer asked if the Board has the discretion to modify the request and approve a lesser variance than what the Applicant is applying for, or if the Board need to take an up or down vote.

6Motion Commissioner Schafer, second by Commissioner Stenerson, that the Board of Adjustment:

- **adopt the staff report into the record (dated October 14, 2016);**
- **adopt the findings of fact; and**
- **based on the application, testimony, exhibits, and other evidence presented,**

DENY the variance request of Rodney Borass from the A1 Front Yard Requirement in the General Regulations of the Agricultural Protection District, which requires a minimum setback of sixty (60) feet

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from the right-of-way line of any public road or highway. The request is to construct a new storage building within 8 feet of right-of-way

at 50135 County 27 Blvd; part of the E ½ of the NE ¼ of Sec 30 in Roscoe Township.

Commissioner Stenerson spoke to the three options: 1) deny, 2) approve as presented, and 3) approve a portion of the request.

The Applicant requested more details on the timeline and potential for a compromise.

Motion withdrawn by Commissioner Schafer, and Stenerson.

7^{Motion Commissioner Ellingsberg, second by Commissioner Stenerson, that the Board of Adjustment:}

- **adopt the staff report into the record (dated October 14, 2016);**
- **adopt the findings of fact; and**
- **based on the application, testimony, exhibits, and other evidence presented,**

APPROVE the variance request of Rodney Borass from the A1 Front Yard Requirement in the General Regulations of the Agricultural Protection District, which requires a minimum setback of sixty (60) feet from the right-of-way line of any public road or highway. A variance is approved to allow construction of a new storage building a minimum 30 feet from the County Road 27 Right-of-Way.

at 50135 County 27 Blvd; part of the E ½ of the NE ¼ of Sec 30 in Roscoe Township.

Motion carried 5:0

7. **PUBLIC HEARING: Round Barn** – Variance request from the requirement that all inside activities must be completed by 10:00PM, for Non-Agricultural Uses/Activities Associated with Agricultural Tourism’s Performance Standard to allow inside activities to continue until 11:00PM at 28650 Wildwood Lane; Part of the SE ¼ of Sec. 35 in Wacouta Township.

Zoning Administrator Mike Wozniak presented the staff report and attachments.

The owners of the Round Barn were present and available to answer questions regarding their request.

Kirk Stensrud spoke to the norm of the industry and intent of the request.

Commissioner Schafer asked if the midnight deadline will suffice for future trends. The Applicant agreed.

Chair Benson opened the public hearing:

Previous owner Robin Cleffman, spoke to the history and benefit the Round Barn will have to Goodhue County.

8^{Chair Benson asked three times for comments. After hearing none, it was moved by Commissioner Stenerson and seconded by Commissioner Hinsch to close the public hearing.}

Motion carried 5:0

9^{Motion Commissioner Schafer, second by Commissioner Hinsch, that the Board of Adjustment:}

- **adopt the staff report into the record (dated October 31, 2016);**
- **adopt the findings of fact; and**
- **based on the application, testimony, exhibits, and other evidence presented,**

APPROVE the variance request of Kirk and Wendy Stensrud from the requirement that all inside activities must be completed by 10:00PM, for Non-Agricultural Uses/Activities Associated with Agricultural Tourism’s Performance Standard to allow inside activities to continue until 12:00 midnight

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Subject to the following conditions:

1. Conformance with the application submitted to Goodhue County Land Use Management Office dated November 2, 2016.
2. Compliance with all necessary State and Federal permits and/or licensing.
3. Compliance with all building code and requirements of the Building Official.

at 28650 Wildwood Lane; Part of the SE 1/4 of Sec. 35 in Wacouta Township;

Motion carried 4:1 (Stenerson dissenting).

8. Staff Updates

Close to joint meeting.

- 9. ¹⁰Adjourn: Moved by Commissioner Schafer, second by Commissioner Stenerson, to adjourn the November 21, 2016 Board of Adjustment meeting at 6:22 p.m.**

Motion carried 5:0.

Respectfully Submitted,

Casey MacCallum
Zoning Assistant

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MOTIONS

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- ¹ APPROVE the BOA meeting agenda. Motion carried 5:0.
 - ² APPROVE the October, 2016 minutes. Motion carried 5:0.
 - ³ CLOSE the Public Hearing. Motion carried 5:0.
 - ⁴ Motion to Approve John Tittle Variance. Motion carried 5:0.
 - ⁵ CLOSE the Public Hearing. Motion carried 5:0.
 - ⁶ Motion to Deny Boraas Variance. Rescinded.
 - ⁷ Motion to Approve Boraas Variance. Motion carried 5:0.
 - ⁸ CLOSE the Public Hearing. Motion carried 5:0.
 - ⁹ Motion to Approve Round Barn Variance. Motion carried 5:0.
 - ¹⁰ Motion to Adjourn. Motion carried 5:0.

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The joint meeting of the Goodhue County Board of Adjustment (BOA) and the Planning Advisory Committee (PAC) was called to order at 6:21 pm on November 21, 2016 in the Goodhue County Board room in Red Wing, Minnesota.

1. Roll Call

Commissioners of the Board of Adjustment Present: Robert Benson, Brandon Schafer, Mike Hinsch, Howard Stenerson, and Richard Ellingsberg

Commissioners of the Board of Adjustment Absent: Richard Mallan

Commissioners of the Planning Advisory Committee Present: Ron Allen, Darwin Fox, Len Feuling, Sarah Pettit, Richard Bauer, Tom Gale, Brandon Schafer and Tom Drazkowski

Commissioners of the Planning Advisory Committee Absent: Richard (Dick) Nystuen

Staff Present: LUM Director Lisa Hanni, Planner/Zoning Administrator Mike Wozniak, Zoning Assistant Kate Eiyneck, Environmental Health Well and Septic Inspector Ben Hoyt, and Zoning Assistant Casey MacCallum

2. Opening

LUM Director Lisa Hanni opened the workshop with a summary Land Use Management's goals for 2017 and an overview of 2016 Variances, Conditional Use permits, and Zoning Ordinance Amendments. There was review and discussion about types of variance requests heard by the Board of Adjustment, specifically variances to Goodhue County's dwelling density regulations.

It was agreed that every November the BOA and PAC will have a joint meeting to discuss trends and updates to the Ordinances.

Zoning Administrator Mike Wozniak discussed the 2016 Comprehensive Plan Update and requested the Commissioners review the Implementation Element and provide guidance at any time.

LUM Director Lisa Hanni recommended the Board and Committee make a subcommittee for the A3 and rural residential zoning.

Commissioner Stenerson discussed the number of requests the BOA's has received for dwelling density variances, and requested guidance from the PAC. He agrees that there is a need for a subcommittee to review dwelling density policy and regulations in Goodhue County. Commissioner Stenerson asked the PAC for guidance on situations when the Comprehensive Plan stated goal to preserve agricultural land is not applicable, for example , a variance request by landowner who has bluff land or non-prime agricultural soils and wants to use their land for a dwelling site.

LUM Director Lisa Hanni discussed the diversity of view between the Townships.

Tom Drazkowski spoke to the economics of the density minimum, and the 1993 Comp. Plan and subsequent Comp. Plans. He mentioned the discussions 20 years that created the density minimum and some of the unintended consequences of 1/4 1/4 density and section based density standards. He supports a subcommittee to discuss housing in Goodhue, and would like to expand the scope to include the Accessory Dwelling Units, and Hamlets.

Zoning Administrator Mike Wozniak spoke to the preservation of the 70% of the County that is agricultural. He noted that 10% of the County is in the incorporated cities. Of the remaining 20% some areas are bluffs, covered with woods or generally undevelopable, but the rest may be desirable for rural housing. He noted that some Agriculture zoned areas have very little agricultural.

Commissioner Schafer concurred that there are some areas where current Agricultural Zoning may not be appropriate. He also mentioned the impact of the strict Bluff Impact regulations.

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Zoning Administrator Mike Wozniak noted the overall direction of the 2016 Comprehensive Plan and the small amount of housing actually being proposed in rural Goodhue County.

Commissioner Stenerson discussed replacement sites, and requested more communication on the PAC's work.

Commissioner Fox agrees with the subcommittee. He conveyed his townships preference for limited and appropriate housing sites. He mentioned that most people don't want more density, until the PAC develops a process.

Commissioner Pettit discussed the value and use of untilled land and the need for research on tax revenue. She mentioned the cost of roads for the townships.

LUM Director recommended Commissioner Sarah Pettit, Commissioner Fox, Commissioner Darwin, and Commissioner Stenerson if Stenerson is still on the Board next year.

Zoning Administrator Mike Wozniak discussed the that there is no need for formal criteria. He also discussed the lack of options people have when it comes to availability of dwelling sites for new construction in rural Goodhue County and noted that this may be contributing to and increase in dwelling density variance requests.

Goodhue County Commissioner Brad Anderson discussed the diversity of land throughout the County and the need to allow for local controls and rules at the townships level.

LUM Director Lisa Hanni discussed some of the potential tools the subcommittee would be considering for dwelling density regulations, like Accessory Dwelling Units (ADU), Conservation Subdivisions, R1 zoning, etc. and presented the 2017 meeting schedules.

3. Close of the workshop meeting at 6:22 p.m.

Motion carried 5:0.

Respectfully Submitted,

Casey MacCallum
Zoning Assistant

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MOTIONS

¹ Motion to Adjourn. Motion carried 5:0.

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

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

To: Board of Adjustment
From: Land Use Management
Report Date: December 9, 2016
Meeting Date: December 19, 2016

Application Information:

Applicant: Michael Huneke
Address of Zoning request: 39675 230th Ave.
Zoning district: A1
Township Information: Belvidere Township has signed the application without comment.

Attachments:

Applicant Statement
Goodhue County Zoning Ordinance: Article 21 Agricultural Protection District, Section 5 General District Regulations, Subdivision 2.1 Density
Neighbors comments
Site Map

NOTICE of PUBLIC HEARING: Michael Huneke - Variance request from the A1 Agricultural District, General District Regulations, Density Requirement, which limits each Section to 4 dwellings (currently there are 4 dwellings); to build a residence at 26.033.0500 the W 1/2 of the SE 1/4 and the NE 1/4 of the SW 1/4 of section 33 in Belvidere Township.

Background: The purpose of this variance is to construct a dwelling on parcel 26.033.0500 in the A1 District. Parcels under Article 21 A-1 Agricultural Protection District, Section 5 General District Regulations, Subdivision 2.1 Density are allowed Four (4) single family dwellings per section unless otherwise defined. The Applicant has requested to construct a dwelling in Section 33 of Belvidere Township that currently has 4 dwellings. There are no exceptions that apply.

The Board of Adjustment and the Planning Advisory Committee met on November 21st to discuss density variances. A subcommittee was established to research and decide of any changes need to be made to the density requirement of the A1 and A2 districts.

Findings of Fact:

Before any such variance may be granted, the Board of Adjustment shall specify in their findings, the facts in each case. Variances shall only be permitted when:

- 1) They are in harmony with the general purposes and intent of the official control;
The intent and general purpose of the A1 District is to maintain, conserve and enhance agricultural lands which are historically valuable for crop protection, pasture land, and natural habitat for plant and animal life. This District is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.

Section 5, General District Regulations: Any lot in the A1, Agricultural Protection District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

Subdivision 2.1: Four (4) single family dwellings per section; unless additional dwellings are permitted by Sections 2 and 3 of this Article.

A decision by the Board of Adjustment to allow the construction of a dwelling on the Applicant's property will impact agricultural land use due to the length of the driveway and the greater amount of dwellings in the section than the District allows for each section.

The intent of the A-1 District is to maintain, conserve and enhance agricultural lands. The additional dwelling would prohibit the enhancement of agricultural lands due to the increased number of residences and subsequent setbacks in the section.

- 2) The variances are consistent with the comprehensive plan;
The 2016 Comprehensive Plan speaks to this variance in the Housing and Agricultural Elements.

ELEMENT 3: Housing

Objective #1: "Direct the location of new or replacement dwelling sites in areas that minimize loss or conversion of prime agriculture soils."

Approval of the Applicant's request for a variance to construct a home on the site in question would not "direct the location of a new dwelling sites to an areas that will minimize loss" of Ag land because this land is viable for agricultural use and is abutting and nearby properties.

The primary use of this area is agricultural. Placing a dwelling on the Applicant's property may be detrimental to the surrounding parcels and neighborhood. If the Board allowed the construction of a dwelling on the Applicant's property, tillable prime agricultural land would be removed because most of the soils are considered prime agriculture soils.

Objective #12: "Provide opportunities for smaller communities to thrive through more compact land development practices, diversity of business land uses, mixed use development and pedestrian orientated design."

Approval of the variance would not "provide opportunities for smaller communities to thrive through more compact land development practices." The Township currently has a scattered pattern of residential dwelling, not a compact pattern.

Objective #13: "Provide more housing choices for rural residents"

Approval of the variance would "provide more housing choices".

ELEMENT 1: Agriculture

Plant Agriculture Objective #4: "If residential development occurs, it should be compact and designed to preserve the prime farmland for agricultural uses or other compatible uses to minimize conflicts between agricultural and non-agricultural uses."

Approval of the Variance would be inconsistent with Objective #4, by contributing to "conflicts between agricultural and non-agricultural uses" and prohibiting the preservation of prime farmland.

- 3) There are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner, not permitted by an official control. Economic considerations alone do not constitute practical difficulties.

The intent of the A1 District is to maintain, conserve and enhance agricultural lands which are historically valuable for crop protection, pasture land, and natural habitat for plant and animal life. This District is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.

The practical use of the property is for agricultural cultivation or pasture land. A significant portion of the land can be used as natural habitat for plant and animal life. The Applicant is able to use the property for most of the A1 permitted uses, and those uses would not impact the neighbors.

- 4) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
The Applicant's property is not unique to the surrounding area.
- 5) The variance, if granted, will not alter the essential character of the locality.
The surrounding neighborhood's character would change. By adding more rural residential uses in this area, it may conflict with the current primarily crop agricultural use.

- 6) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
Single family dwellings are allowed within the A1 Zone.
- 7) The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
If the variance is approved, the Board of Adjustment may impose conditions.

The following should be edited to reflect any concerns raised at the December 19, 2016 BOA meeting and public hearing:

Staff Recommendation:

Staff recommends the Board of Adjustment adopt the staff report into the record (dated December 9, 2016); adopt the findings of fact; and based on the application, testimony, exhibits, and other evidence presented and:

DENY the variance request to build a residence at 26.033.0500 (W ½ of the SE ¼ and the NE ¼ of the SW ¼ of section 33 in Belvidere Township), in accordance with the A1 Agricultural District, General District Regulations, Density Requirement, which currently limits each Section to 4 dwellings.

Variance

Application for Variance	
VARIANCE NUMBER: For Staff Use only	
\$350 RECEIPT#	15634
DATE	11/17/16

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: John and Ellen Huneke	
PROPERTY OWNER'S ADDRESS: 39675 230TH AVE Goodhue MN 55027	TELEPHONE: (651) 923-4222
	EMAIL: becalf@sleepyeyetel.net

APPLICANT OR AUTHORIZED AGENT'S NAME: Michael Huneke Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS: 39675 230TH AVE Goodhue MN 55027	TELEPHONE: (651) 921-9692
	EMAIL: huneke.mike@yahoo.com

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

2. Location and Classification

STREET ADDRESS OF PROJECT: XXX County 16 BLVD, Goodhue MN 55027	ZIP CODE: 55027
LEGAL DESCRIPTION:	Attached <input type="checkbox"/>

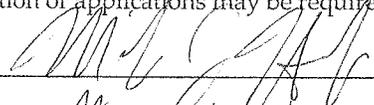
IF YOU ARE NOT SURE OF THE EVENTUAL SIZE OF THE FINAL PROJECT, PROVIDE THE MAXIMUM ESTIMATES			
PID#: 260330500	ZONING DISTRICT	LOT AREA (SQ FT): 120 Ac./Sec.	STRUCTURE DIMENSIONS (if applicable): 1,800 sq. ft.
(Please check all that apply)		PRESENT OR PREVIOUS USE: None/Woodland	PROPOSED USE: Single Family Home
ADDITIONS TO BUILDING: <input checked="" type="checkbox"/> New Building on vacant land <input type="checkbox"/> Rear <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		BUILDING APPLICATION PERMIT NO. (if filed)	DATE FILED:

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: Patricia Stemmann-Clerk	TOWNSHIP OFFICIAL'S SIGNATURE: Patricia Stemmann	DATE: 11-17-16

3. Applicant's Affidavit

Under penalty of perjury the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. 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.
4. Other information or applications may be required.

Signature:  Date: 17 NOV 2016

Print name: Michael Huneke owner or authorized agent (circle one)

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.

Applying for a variance to allow additional dwelling in section zoned
A1.

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 land where the house would be built is unable to be used in agricultural operations. It is woodland that has never been used for cropland. Building in the woodlands would take no land out of agricultural production.

Additionally, two of the three dwellings in this section are literally feet apart.

2. Who or What created the circumstances?

Poor soil quality for crops, poor topography for farming.

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

It is a rural area and a single home will not take away from that character.

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

Because of two dwellings placed in the section several years ago that are built right next to each other, we are unable to build without a variance.

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.

This proposed variance is of a special nature because a dwelling will not affect agricultural production.

6. Is the proposed variance the minimum amount necessary to allow a reasonable use of the property? Please, explain.

The proposed variance will not affect the intended agricultural use of the property in any way, as we would only purchase the 20 acre

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.

The proposed variance is not for any financial purposes. We would just like to build a home and think it would be a nice spot. It is getting difficult to find homes in the country and we would like to keep our kids in the Goodhue school district.

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Belvidere

Goodhue County

Parcel # _____

APPLICANT INFORMATION

Last Name Huneke First Michael M.I. J
 Street Address 39675 230TH AVE Phone 923-4222
 City Goodhue State MN ZIP 55027
 Email Address huneke.mike@yahoo.com
 Township 111 Range ~~111~~ 14 Section 33

PROJECT INFORMATION

Site Address xxx County 16 BLVD,
 Zoning District _____ Lot Size 120/5 acres Structure Dimensions 1800 sq ft.
 Type of Project homestead Proposed Use single family home
 Structure Type trailer home Replacement? YES NO
 Variance # _____ Conditional Use Permit # _____

GPS Coordinates

DISCLAIMER AND SIGNATURE

I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not

Signature [Signature] Date 2016/11/14

TOWNSHIP APPROVALS

I hereby certify that the above described project has been approved by the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.

Signature [Signature] Title Clerk Date 11-13-16

Signature _____ Title _____ Date _____

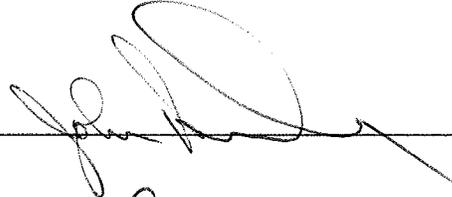
Application fee _____

Receipt Number _____

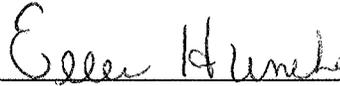
Date: 7 October 2016

I understand that Michael Huneke is applying for a variance in order to build a home on our property with a Tax Parcel ID number of 260330500. We support this application, and if approved, will allow him to build a home on this property. A dwelling on this property would not affect our agricultural operations in any way, and specifically, would not take any land out of its intended agricultural use.

John Huneke, Primary Tax Payer



Ellen Huneke, Secondary Tax Payer



I understand that Michael Huneke is applying for a variance in order to build a home on the property with a Tax Parcel ID number of 260330500 owned by John and Ellen Huneke. As someone owning a property in the shared section of this land, I have no objections to this application or its approval.

Marcella Befort, Primary Tax Payer for Property 260330400

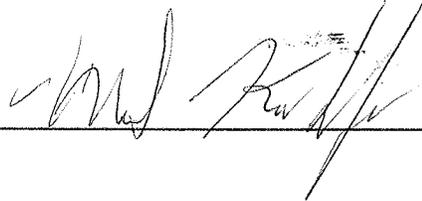
Signed Marcella Befort

Date: 11/12/16.

I understand that Michael Huneke is applying for a variance in order to build a home on the property with a Tax Parcel ID number of 260330500 owned by John and Ellen Huneke. As someone owning a property in the shared section of this land, I have no objections to this application or its approval.

Representative for Circle K Family Farms, Primary Tax Payer for Property 260330300

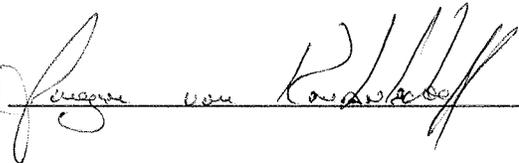
Name: Mike Kohler for Circle K Family Farms

Signed 

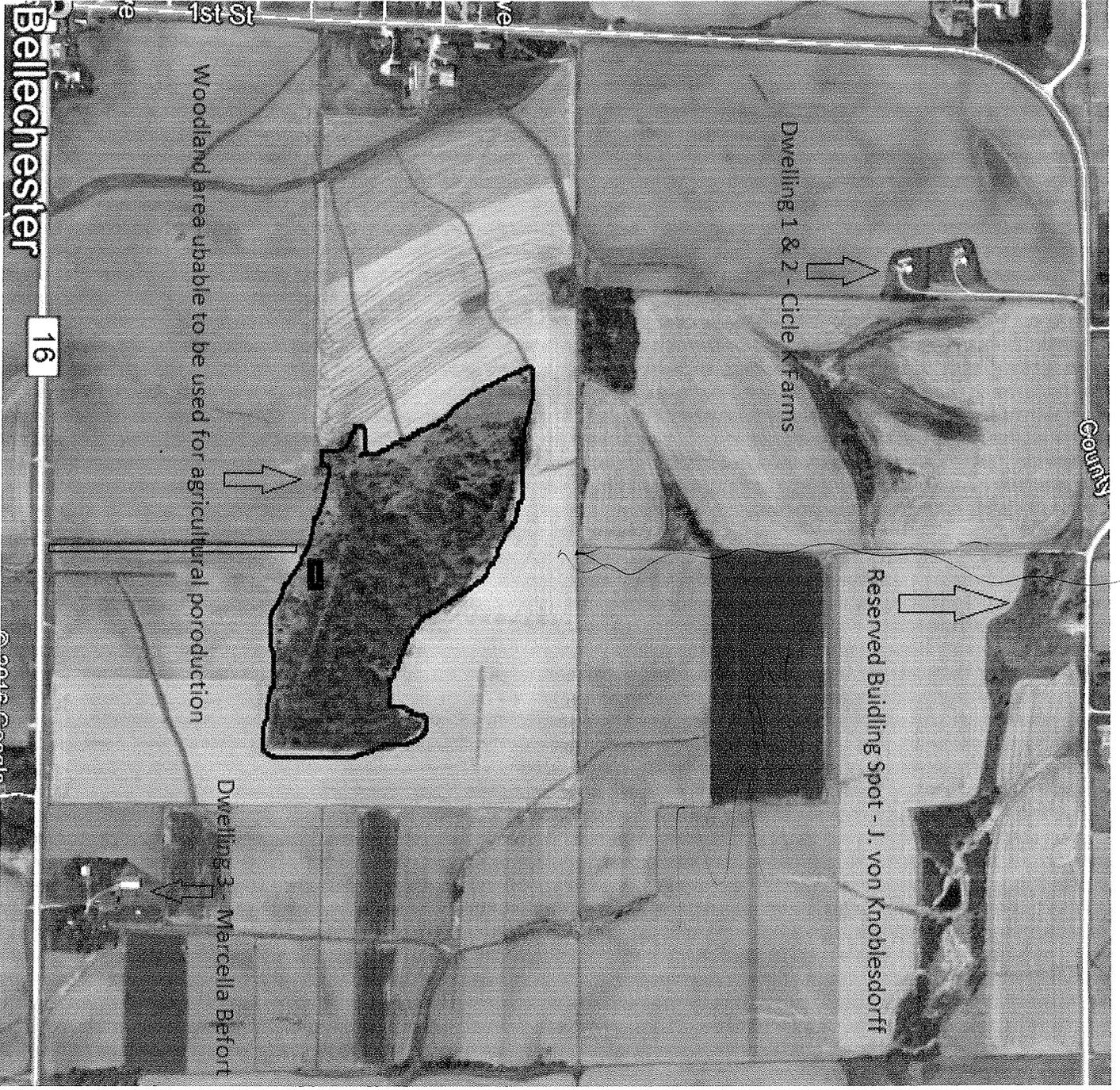
Date: 11-12-2016 Please Remember this is agriculture land in the area and activities regards to agriculture.

I understand that Michael Huneke is applying for a variance in order to build a home on the property with a Tax Parcel ID number of 260330500 owned by John and Ellen Huneke. As someone owning a property in the shared section of this land, I have no objections to this application or its approval.

Juergen von Knoblesdorff-Brenkenhoff, Primary Tax Payer for Property 260330100

Signed  _____.

Date: 11.7.2016



Dwelling 1 & 2 - Cicle K Farms

Reserved Building Spot - J. von Knoblesdorff

Woodland area usable to be used for agricultural poroduction

Dwelling 3 - Marcela Befort

Bellechester

16

1st St

County



1st St

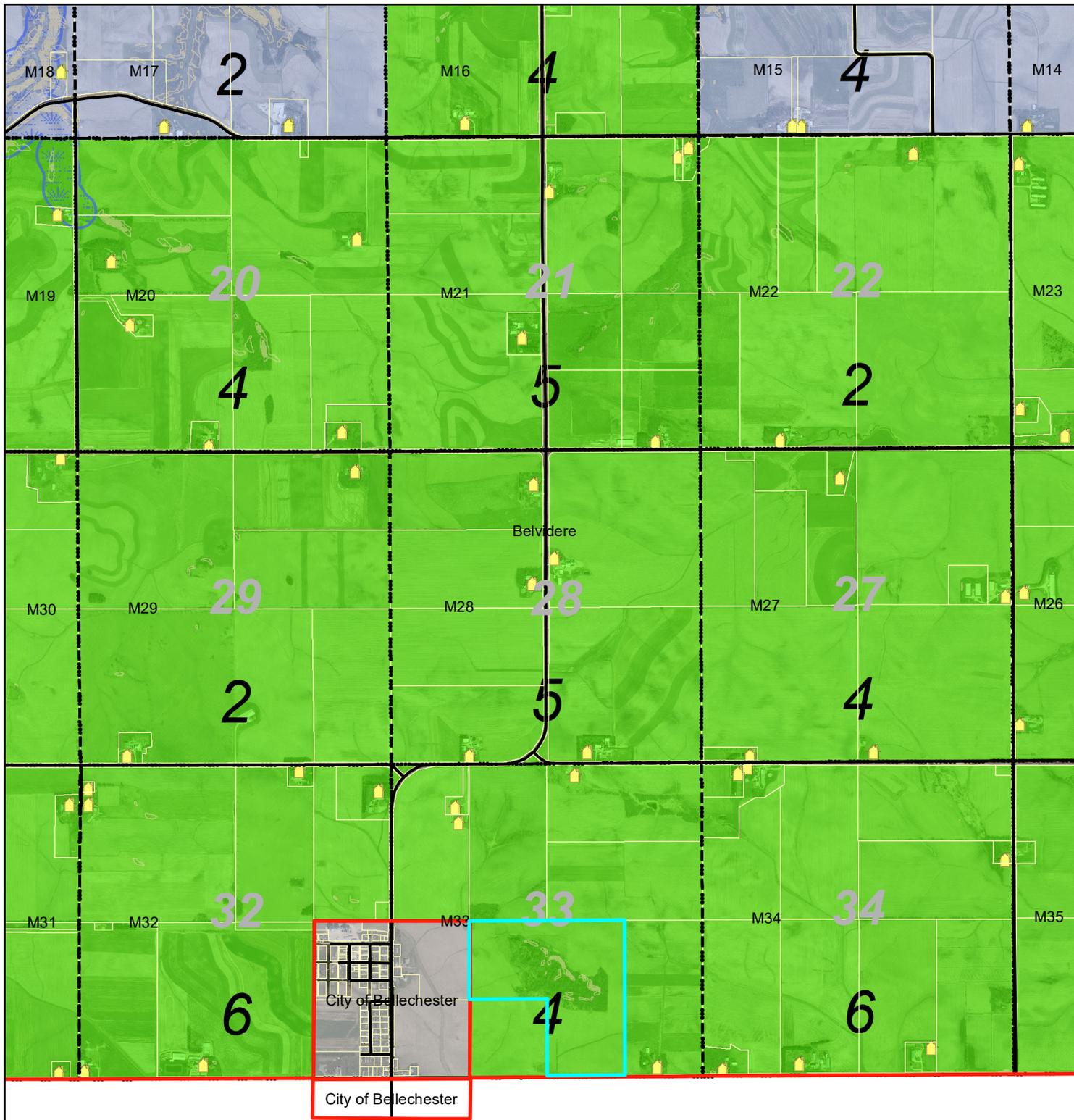
County 2 Blvd

Iron Ave

Trailer House

Improve current field drive

PUBLIC HEARING: Michael Huneke - Variance request from the A1 Agricultural District, General District Regulations, Density Requirement, which limits each Section to 4 dwellings (currently there are 4 dwellings); to build a residence at 26.033.0500 the W 1/2 of the SE 1/4 and the NE 1/4 of the SW 1/4 of section 33 in Belvidere Township.



Legend

- Municipal Boundaries
- Road
- Section Line
- Tax Parcel
- Dwelling Point
- Shoreland

Zoning

Description

- A1 - Agricultural Protection
- A2 - Agricultural
- A3 - Urban Fringe
- B1 - General Business
- B2 - Highway Business
- CR - Commercial Recreation
- I - Industry
- MXH - Mixed Use
- R1 - Suburban Residential
- REC - Cannon River Recreational
- SCN - Cannon River Scenic
- Within City Limits



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2016 Aerial Imagery

Map Created 2016 Casey MacCallum

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

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

To: Board of Adjustment
From: Land Use Management
Report Date: December 9, 2016
Meeting Date: December 19, 2016

Application Information:

Applicant: Deloris Clemens
Address of Zoning request: 13489 Sunset Trails, Welch MN
Zoning district: A2
Township Information: Vasa Township has not signed the application.

Attachments:

Applicant Statement
Site Map
Survey with stamp detail
Goodhue County Zoning Ordinance: Articles 22

Notice: Deloris Clemens – Variance request from the A2 Agricultural District, General District Regulations, Density Requirements, which limits each Section to 12 dwellings (currently there are 15 dwellings) and limits development to one dwelling per 1/4 1/4 section (currently there are 1 dwellings); to build a residence at 13482 Sunset Trail. Part of E 1/2 of the NW 1/4 of Section 5 in Vasa Township.

Background: The purpose of this variance is to seek approval to build a dwelling on parcel 42.005.1105. Article 22 A-2 Agricultural District, Section 5, Subd. 2, limits the number dwellings to 12 dwellings per Section and a limit of one dwelling per 1/4 1/4 Section. Section 5 of Vasa Township currently has 15 dwellings and the NE 1/4 of the NW 1/4 of Section 5 currently has 1 dwelling. It should be noted that a variance to allow a dwelling to be constructed on Parcel #420051104 (part of the SE 1/4 of the NW 1/4 of Section 5) was approved by the BOA on August 22, 2016.

This item was first considered at the September 25, 2016 BOA meeting and tabled. The Applicant accepted that action would be taken by the end of December 2016.

The Board of Adjustment and the Planning Advisory Committee met on November 21st to discuss density variances. A subcommittee was established to research and decide of any changes need to be made to the density requirement of the A1 and A2 districts.

Delores Clemens has referenced, the following reasons to support the granting of a density variance to allow construction of a dwelling on their property:

- There is no other use for this property in the A-2 Zone.
- The property is sloped, rocky and not good for agriculture.
- They want to use their land as neighboring property owners do
- They already own the property and would like to build a dwelling to live on the parcel not for financial gain.

Only 1/3 of the land in Section 5 is currently in agriculture use due to the rugged topography included wooded bluffs or sloped areas and the presence of 15 dwellings. The properties along Sunset Trail in the North 1/2 of Section 5, lend themselves to residential use and are not well suited for agricultural use.

Findings of Fact:

Before any such variance may be granted, the Board of Adjustment shall specify in their findings, the facts in each case. Variances shall only be permitted when:

- 1) They are in harmony with the general purposes and intent of the official control;

The intent and general purpose of the A2 District is to maintain and conserve agricultural investments and prime agricultural farmland, but provide for a slightly higher density of dwellings than the A1 District. The A2 district is intended to apply to those areas where large farms and feedlots are more scattered and greater numbers of non-farm uses or small parcels are present.

A decision by the Board of Adjustment to allow the construction of a dwelling on the Applicant’s property will not impact agricultural land use due to its small size, sloped topography and the presence of abutting dwelling sites.

- 2) The variances are consistent with the comprehensive plan;
The 2016 Comprehensive Plan speaks to this variance in the Housing Element and the Agricultural Element.

ELEMENT 3: Housing

Objective #1: “Direct the location of new or replacement dwelling sites in areas that minimize loss or conversion of prime agriculture soils.”

Approval of the Applicant’s request for a variance to construct a home on the site in question would “direct the location of a new dwelling sites to an areas that will minimize loss” of Ag land because this land is viable for agricultural use and abutting and nearby properties along Sunset Trail are also residential.

Agricultural use of the Applicant’s property may be detrimental to the surrounding parcels and neighborhood. If the Board allowed the construction of a dwelling on the Applicant’s property, no tillable prime agricultural land would be removed because most of the soils are not considered prime agriculture soils, nor can this lot be crop farmed without impacting the neighbors.

Objective #2: "Consider adjustments to the density of Agricultural Zoning Standards, 1/4 1/4 Limit in A-2 Zone or other standards to allow limited additional rural dwelling sites in agriculture zones."

Adjustments to the A2 Zone, specifically the 1/4 1/4, would alleviate the need for part of this variance. Approval of this variance would "allow limited additional rural dwelling sites in agriculture zones."

Objective #12: "Provide opportunities for smaller communities to thrive through more compact land development practices, diversity of business land uses, mixed use development and pedestrian orientated design."

Approval of the variance would "provide opportunities for smaller communities to thrive through more compact land development practices"; because the nearby properties along Sunset Trail are of a rural residential density not a dispersed industrial farming and feedlot area.

Objective #13: "Provide more housing choices for rural residents"

Approval of the variance would "provide more housing choices".

Implementation strategy #1: "Explore other housing density criteria instead of the current Section based limits; take into account land use, topography, scenic views, and access to roads."

The surrounding "land use, topography, scenic views," and road access make the Applicant's property a suitable residential site.

ELEMENT 1: Agriculture

Plant Agriculture Objective #4: "If residential development occurs, it should be compact and designed to preserve the prime farmland for agricultural uses or other compatible uses to minimize conflicts between agricultural and non-agricultural uses."

Approval of the Variance would be consistent with Objective #4, by contributing to a more "compact" residential area and preserves prime farmland.

- 3) There are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner, not permitted by an official control. Economic considerations alone do not constitute practical difficulties.

The intent of the A2 District is to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings.

The property cannot practically be used as a farm nor any other use allowed in the district besides a residence. Sunset Trail is rural residential in nature and a farm, feed lot, or timber harvesting would be detrimental to the neighborhood and financially infeasible.

- 4) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

The parcel was split in February 2001. Splits do not imply building site approvals. The Applicant received the property as a gift from

Ralph Clemens, the Applicant's father, in 2004. The Applicant did not contribute to the properties inability to be used for any other permitted use.

- 5) The variance, if granted, will not alter the essential character of the locality.
The surrounding neighborhood's character will not change. The area is currently predominately rural residential use.
- 6) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
Residences are allowed within the A2 Zone, however the residential density capacity has been met.
- 7) The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
If the variance is approved the Board of Adjustment may impose conditions.

The following should be edited to reflect any concerns raised at the December 19, 2016 BOA meeting and public hearing:

Staff Recommendation:

Staff recommends the Board of Adjustment adopt the staff report into the record (dated December 9, 2016); adopt the findings of fact; and based on the application, testimony, exhibits, and other evidence presented,

The Board of Adjustment may decide to:

APPROVE the variance request of Delores Clemons from the A2 Agricultural District, Density Requirements, to build a residence at 13489 Sunset Trail (Part of E 1/2 of the NW 1/4 of Section 5 in Vasa Township). This is a variance to the limit of each Section to 12 dwellings and a variance to the one dwelling per 1/4 1/4 section.

Subject to the following conditions:

1. Conformance with the application submitted to Goodhue County Land Use Management Office dated August 24, 2016,
2. Compliance with all necessary state and federal permits and licensing,

APPLICATION FOR

Variance

Application for Variance

VARIANCE NUMBER For Staff Use only 216-0063

S350 RECEIPT# 15513 DATE 8/24/16

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:

Jeffrey Clemens & Deloris Clemens

PROPERTY OWNER'S ADDRESS:

13297 Sunset trail
welch mn
55089

TELEPHONE:

(451) 380-0053

EMAIL:

APPLICANT OR AUTHORIZED AGENT'S NAME:

Same as Above

APPLICANT'S ADDRESS:

TELEPHONE:

()

EMAIL:

CONTACT FOR PROJECT INFORMATION:

Same as Above

ADDRESS:

TELEPHONE:

()

EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT:

13489 Sunset trail welch mn

ZIP CODE:

55089

LEGAL DESCRIPTION:

Section -05 -Twp -112 Range -016

Attached

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

PID#:

42.005-1105

ZONING DISTRICT

LOT AREA (SQ FT):

LOT DIMENSIONS:

STRUCTURE DIMENSIONS (if applicable):

(Please check all that apply)

ADDITIONS TO BUILDING:

New Building on vacant land

Rear

New Addition to existing building

Front

Animal Building

Side

Storage building Other Please clarify

PRESENT OR PREVIOUS USE:

PROPOSED USE:

BUILDING APPLICATION PERMIT NO.: (if filed)

DATE FILED:

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

TOWNSHIP OFFICAL'S PRINTED NAME AND TITLE

TOWNSHIP OFFICAL'S SIGNATURE

DATE

3. Applicant's Affidavit

Under penalty of perjury the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. 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.
4. Other information or applications may be required.

Signature: Jeffrey Clemens

Date: 8-19-2016

Print name: Jeffrey Clemens

owner or authorized agent (circle one)

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.

Section - 05 - Top - 112 - Range - 016

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).

no other use for this property
in this District

would like to make improvements to
the property with a new home

2. Who or What created the circumstances?

Joanne woods

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

steeped, rocky, not good for Agriculture

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

when want to use my land the same
as others. Do.

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.

Doesnt suit us for ag land

6. Is the proposed variance the minimum amount necessary to allow a reasonable use of the property? Please, explain.

yes

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.

already own the property would like to
build on it. it only make sense to us.



PID # 42.005.1105

Zoning District: A2

The following information is required for a Site Plan:

1. Location, size and shape of any structures and proposed;
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)
5. The existing and intended use of the property;
6. All landscape, screening, and fencing plans;

Upon review, projects may require other information

Legend

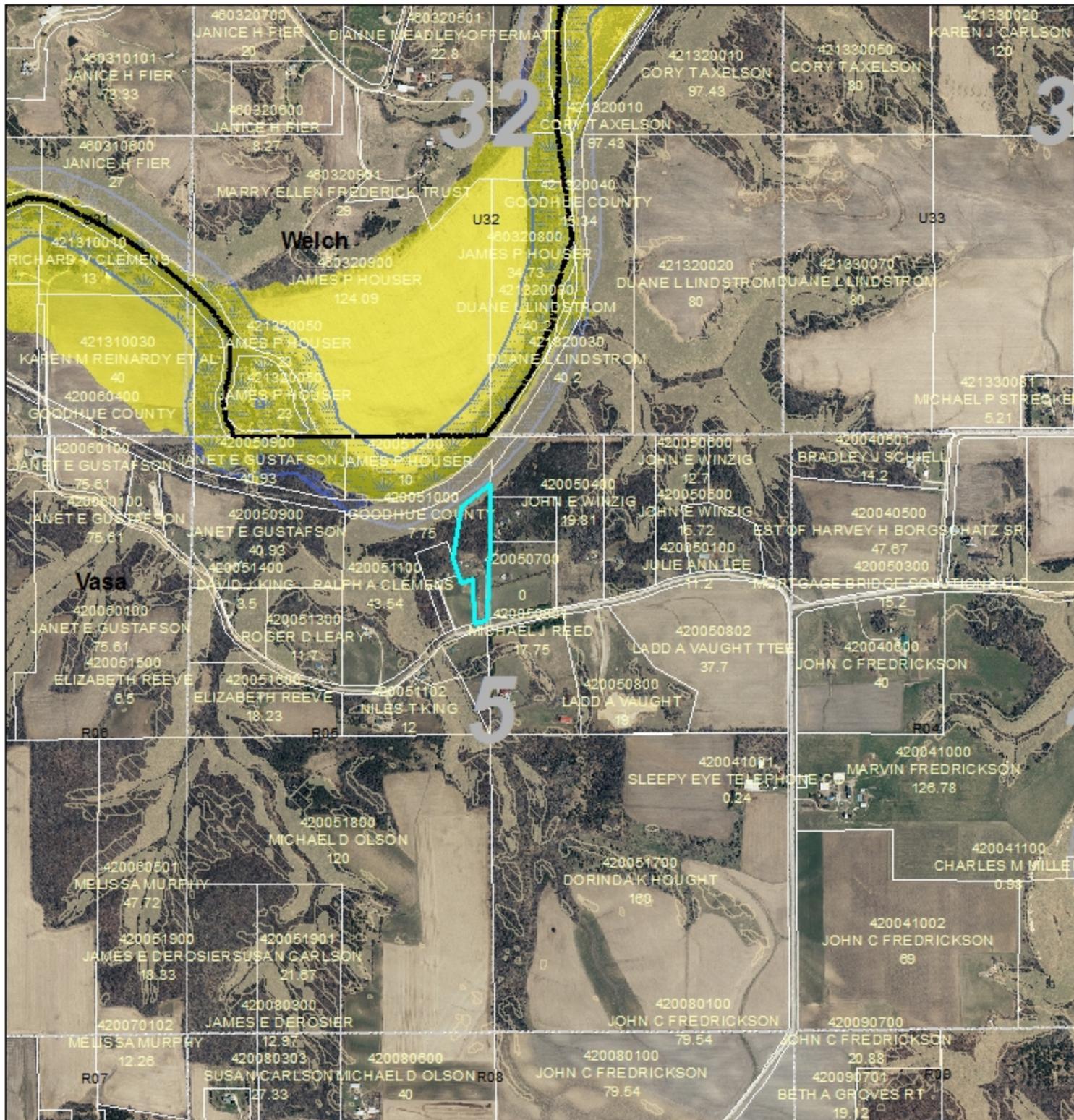
- Road
- Tax Parcel
- Section Line
- Dwelling Point
- % Slope
 - 20
 - 30
- Shoreland
- Special Flood Hazard Area
 - FLD_ZONE
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - X



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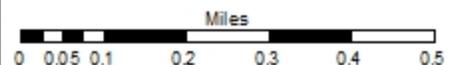
Map Created 2015 Land Use Management



PUBLIC HEARING:
 Deloris Clemens - Variance request from the A2 Agricultural District, General District Regulations, Density Requirements, which limits each Section to 12 dwellings (currently there are 15 dwellings) and limits development to one dwelling per ¼ ¼ section (currently there is 1 dwelling); to build a residence at 13489 Sunset Trail; part of the east ½ of the northwest ¼ of Section 5, T112, R16 in Vasa Township.

Legend

- Municipal Boundaries
- Section Line
- Bluff Impact**
- % Slope**
- 20
- 30
- Tax Parcel
- Shoreland
- Special Flood Hazard Area**
- FLD_ZONE**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- X



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