



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, March 28, 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. Lisa Marty

Parcel 31.001.6700, S ½ of SW ¼ of SW ¼ of SEC 1-T112-R15, Featherstone Township, Goodhue County. The request is for a variance to allow a dwelling on a parcel less than 35 acres (20 acres) in the A3 Urban Fringe district and a variance to county driveway standards to allow access for a fourth dwelling on a single driveway off of 290th street.

Documents: [MARTY_BOAPACKET.PDF](#)

2. Eric Otto

Parcel 37.008.0600, Part of NW ¼ of NE ¼ , SEC 8-T111-R17, Leon Township, Goodhue County. The request is for a variance to build a structure closer to the bluff than the required 30 ft.

Documents: [OTTO_BOAPACKET.PDF](#)

3. Derek Dicke

Parcel 26.009.0400, NW ¼ of SE ¼, SEC 09-T111-R14, Belvidere Township, Goodhue County. The request is for a variance to the 1000 ft setback from two nearby feedlots and a variance to the A2 (Agricultural) dwelling density in order to build a new dwelling.

Documents: [DICKE_BOAPACKET.PDF](#)

4. David Bye

Parcel 40.027.0200, Part of the NE ¼ , SEC 27-T109-R16, Roscoe Township, Goodhue County. The request is for a variance to the 1000 ft setback to a feedlot in order to build a new dwelling.

Documents: [BYE_BOAPACKET.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 ♦

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
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County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: March 28, 2016

RE: Marty Variance Request

Summary:

Lisa Marty - Featherstone Township, Goodhue County, a variance to allow a dwelling on a parcel less than 35 acres (20 acres) in the A3 Urban Fringe district, and a variance to county driveway standards for access to a fourth dwelling on a single driveway.

Application Information:

Applicant: Lisa Marty

Address of zoning request: XXXX 290th St. Red wing, 55066

Township Information: Featherstone Township has acknowledged the request without comment

Background:

The purpose of the variance request is to build a dwelling on Parcel 31.001.6700. Much of the property is in the bluffland and has marginal farmland, and has an easement that allows access to a private road (labeled as 290th on the Site Map) that connects to Hay Creek Trail (a Featherstone Township Road). In order to allow the dwelling to be built a variance must be granted to the A3 (Urban Fringe) 35 Acre minimum, and because the current driveway does not meet current design standards for private roads included in the Goodhue County Subdivision Controls Ordinance a variance must be granted to allow the current driveway to be used for access up to four dwellings.

Draft Findings of Fact:

Draft findings are proposed within each option.

Staff Recommendation:

LUM Staff recommends one of the following options:

Option 1:
Approve the project as proposed

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;
- 1. Finding to support the variance to the dwelling density is that the property is primarily bluffland and cannot be effectively used as farmland. The applicant is proposing a dwelling which would be a reasonable use of the land.**
 - 2. Finding to support the variance to the driveway road standards is that the property met the road standards of the day and to bring the driveway up to the current private road standards may be financially infeasible and may have a significant impact tot the surrounding natural environment.**
- 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;
- 1. Finding to support the variance to the dwelling density is that the restrictions were created by the topography of the bluffs and the rural residential character of the immediately abutting properties.**
 - 2. Finding to support the variance to the driveway road standards is that the access complications were created by previous development of adjoining properties. The driveway met the standards of the day, and the grade of the driveway is steeper than current standards (maximum 14% grade).**
- 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;
- 1. Finding to support the variance to the dwelling density is that nearby property owners with similar topography, acreage, and limitations within the A3 (Urban Fringe) have already built dwellings.**
 - 2. Finding to support the variance to the driveway road standards is that nearby property owners already share the driveway with three dwellings, and further development will not have a significant impact on the enjoyment and use of neighboring properties.**

- 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
- 1. Finding to support the variance to the dwelling density is that the density met the standards of the day and is still considered low density.**
 - 2. Finding to support the variance to the driveway road standards is that the County may not approve improvements to the driveway that would have material detriment to the surrounding natural environment.**
- 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. **The goal referenced below applies to both variances.**

Element 1: Land Use, Urban Expansion, and Growth Zones

GOAL 6: BALANCED GROWTH

2. Promote the balance of the amount of land required and the intensity of its use in evaluating new or expanded land uses with existing surrounding uses.

The Board of Adjustment accepts the staff report into the record, adopts the findings of fact, and approves the variance to ARTICLE 23, SECTION 5, Subd. 1 A. of the Goodhue County Subdivision Ordinance in order to have a dwelling on a parcel less than 35 acres in the A3 Urban Fringe district, and approves the variance to SECTION 8, Subd. 2 D. Road standards: of the Goodhue County Subdivision Ordinance in order to have up four dwellings share a driveway on Parcel 31.001.6700, S ½ of SW ¼ of SW ¼ of SEC 1-T112-R15, Featherstone Township.

With the following conditions:

1. Completion of all necessary permits.
2. Conformance with the application submitted to Goodhue County Land Use Management Office 02/09/2016.
3. The area variance for the parcel shall not be less than 20 acres.
4. The Private driveway Surface width must be at least 18 feet, and the maximum grade must not exceed 20%.

Option 2:

Approve the driveway variance only and require the landowner to acquire a total of 35 acres in order to build.

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;
- 1. Finding to deny the variance to the dwelling density is that a dwelling is not the only potential use of the property.***
 - 2. Finding to support the variance to the driveway road standards is that the property met the road standards of the day and to bring the driveway up to the current private road standards may be financially infeasible and may have a significant impact tot the surrounding natural environment.***
- 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;
- 1. Finding to deny the variance to the dwelling density is that the restrictions in the Zoning ordinance do not allow a dwelling and the property must meet today's standards.***
 - 2. Finding to support the variance to the driveway road standards is that the access complications were created by previous development of adjoining properties.***
- 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;
- 1. Finding to deny the variance to the dwelling density is that it is possible for the landowner to acquire enough property to comply with the current minimum 35 acre lot size in the A3 (Urban Fringe) District.***
 - 2. Finding to support the variance to the driveway road standards is that nearby property owners already share the driveway with three dwellings, and further development will not have a significant impact on the enjoyment and use of neighboring properties.***
- 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
- 1. Finding to deny the variance to the dwelling density is that this variance would negatively impact the dwelling density which protects the infrastructure, natural environment, and enjoyment of neighboring property owners.***
 - 2. Finding to support the variance to the driveway road standards is that the proposal would not be detrimental to surrounding property owners access.***

- 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. ***The goal referenced below applies to both variances.***

Element 1: Land Use, Urban Expansion, and Growth Zones

GOAL 6: BALANCED GROWTH

2. Promote the balance of the amount of land required and the intensity of its use in evaluating new or expanded land uses with existing surrounding uses.

The Board of Adjustment accepts the staff report into the record, adopts the findings of fact, denies the variance to ARTICLE 23, SECTION 5, Subd. 1 A. of the Goodhue County Subdivision Ordinance in order to have a dwelling on a parcel less than 35 acres in the A3 Urban Fringe district, and approves the variance to SECTION 8, Subd. 2 D. Road standards: of the Goodhue County Subdivision Ordinance in order to have up a driveway share up to four dwellings with access to Parcel 31.001.6700, S ½ of SW ¼ of SW ¼ of SEC 1-T112-R15, Featherstone Township. With the following conditions:

1. Completion of all necessary permits.
2. Conformance with the application submitted to Goodhue County Land Use Management Office 02/09/2016.
3. The Private driveway Surface width must be at least 18 feet, and the maximum grade must not exceed 20%.

Option 3:
Deny the project as proposed

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;
 - 1. ***Finding to deny the variance to the dwelling density is that a dwelling is not the only potential use of the property.***
 - 2. ***Finding to deny the variance to the driveway road standards is that the owner can purchase land, easements, or improve the road to come into conformance.***

- 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;
 - 1. ***Finding to deny the variance to the dwelling density is that the restrictions in the Zoning ordinance do not allow a dwelling and the property must meet today's standards.***
 - 2. ***Finding to deny the variance to the driveway road standards is that a new dwelling would increase the amount of vehicle trips on a driveway that does not meet current design standards.***

- 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;
 - 1. ***Finding to deny the variance to the dwelling density is that the denial of lot size requirement does not preclude the ability to use and enjoy the property.***
 - 2. ***Finding to deny the variance to the driveway road standards is that the denial of the driveway access does not limit the use and enjoyment of the property as the property can be accessed through the existing easements for permitted uses.***

- 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
 - 1. ***Finding to deny the variance to the dwelling density is that the driveway access to a fourth dwellings may impact may present safety concerns and increase maintenance needs for a driveway that does not meet current design standards.***
 - 2. ***Finding to deny the variance to the driveway road standards is that the driveway should be improved in order to accommodate four dwellings in such a way as to not impact the natural environment.***

- 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. ***The goal referenced below applies to both variances.***

Element 1: Land Use, Urban Expansion, and Growth Zones

GOAL 3: GROWTH IN CITIES AND RURAL MULTIPLE HOUSING DEVELOPMENT

3. Municipal growth zones shall be protected from development beyond what is permitted in the urban fringe or growth zoning district in order to provide for more efficient development when annexation occurs.

The Board of Adjustment accepts the staff report into the record, adopts the findings of fact, and denies the variance to ARTICLE 23, SECTION 5, Subd. 1 A. of the Goodhue County Subdivision Ordinance in order to have a dwelling on a parcel less than 35 acres in the A3 Urban Fringe district, and denies the variance to SECTION 8, Subd. 2 D. Road standards: of the Goodhue County Subdivision Ordinance in order to have up a driveway share up to four dwellings on Parcel 31.001.6700, S ½ of SW ¼ of SW ¼ of SEC 1-T112-R15, Featherstone Township.

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.

We are requesting 2 variances. From here forward variance #1 is for variance from Subdivision Road Standards and variance #2 is for variance from the A3 35 acre lot size requirement.

- 1. We are requesting a variance from Goodhue County Subdivision Controls Ordinance, Section 6, Subd. 2 Roads, C. Road Standards.*

We are requesting a variance because we have a legal road easement to access our property that makes use of a driveway that serves 4 property owners. In that situation the county requires subdivision road standards to be met. However the driveway in use does not meet 2 of the 9 standards. So we are requesting a variance from 'Alley' (driveway) standards for surface width of 20' and grade of 8%. We are 2' feet short of meeting the surface width requirement and 8% over the grade requirement. The driveway in question has an actual surface width of 18' width and an average grade of 16% over 250 ft (max of 18.8%).

- 2. We are requesting a variance from Goodhue County Zoning Ordinance, Article 23, Section 5, Subd. 1 Lot Area, A. There shall be a minimum lot size of thirty-five (35) acres per principal building...*

We are requesting a variance because the size of the lot is 20 acres. The lot has been in existence since 1990 and it is not suitable for agricultural purposes. It is a mostly wooded property with some area cleared. Three of the four neighboring properties are also in A3. Two of them are conforming lots, one is used for agriculture where possible and the other completely wooded and is not used. The third is a 16 acre lot dating to the 1970s that has a residence on it. The fourth adjoining property is in A2 and has a residence on it.

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).*

- 1. We are requesting a variance to subdivision road requirements on width and slope in zone A3. We are asking because the driveway in question was constructed in 1986. It is not new development. The 4 affected properties utilize a driveway easement established in 2004. These dates precede the requirements put in place in the current ordinance.*

The driveway was originally built when there were no subdivision stipulations on how it should be constructed. It is now utilized by 4 property owners. Three of the property owners access their residences with this driveway and I currently use it for property access and may eventually like to build. Since 2004 all of the affected property titles include a legal driveway easement in their property

descriptions. These are filed with the Goodhue County Recorder. This legal arrangement was created when the property owners came together and agreed to participate so they could all leverage the most suitable access to their property. The road easement stipulates maintenance, usage and right of way language so that all four properties will continue to benefit from this primary access point. The driveway has been paved and maintained over the years by the property owners. It is stable and functional and is utilized by all types of service vehicles, like garbage trucks, UPS trucks, road maintenance equipment, etc...

2. We are requesting a variance to the lot size because this lot has been separate for over 25 years and is unique in the area. It is also not suitable for agriculture. The purpose of A3 is to maintain agricultural investments and provide for slightly higher density of dwellings. Allowing a variance on the lot size does not violate the intended purpose of A3 as it will not consume agricultural property. It is a reasonable use of the property.

2. Who or What created the circumstances?

1. Current A3 Zoning rules allow for Road Access to be met by a 'driveway access easement' per Article 23, Subd. 3. This new access method was introduced in 2014, so this change in rules created the circumstances for requesting this variance. The driveway and easement discussed here has been in place for 16 years to help protect current property owners and to document road maintenance expectations. The fourth property owner would like to build and utilize the legal driveway easement to meet access requirements. Based on the current ordinance when an easement will serve 3 or more properties the A3 Zoning rules, Subd. 4, section C states:
 - A. Access for three (3) or more lots **shall meet the requirements for public roads in the Goodhue County Subdivision Ordinance.**

We need a variance because the driveway documented in the easement *will* meet the access requirements of the property **but the driveway will not meet all subdivision road ordinances**, therefore creating the circumstances to request a variance.

2. This 20 acre lot was created over 25 years ago (1990?). It was created when the 35 acres to the north was divided on standard property plat lines so the two properties could be sold to different family members.

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

1. The area is wooded and rural, with scattered residences. It is mostly hilly with some pasture land. Our variance is requested so that we can leave the driveway in its current state and avoid disrupting the adjacent hillsides, which have stable vegetation established over 30 years.
2. Our variance is consistent with the character of the area which is rural residential. The property is gently sloped, primarily wooded and the soil is poor. Using it for building site is very consistent with the character of the area.

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

1. *All the property owners in the zoning district have the right to use a legal driveway access easement. If the driveway and easement in question here were a single lot, my easement and the current driveway would meet the requirements. Imposing the subdivision road requirements on this existing situation, where multiple property owners are served, denies me the same rights as my neighbors.*
2. *This rule restricts the property from being built on because there would be extreme difficulty to conform with the acreage requirement without making surrounding properties non-conforming or breaking them into flag lots which is not beneficial to others. It would create broken parcels and require excessive title revisions to meet the letter of the law.*

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.

1. *Nothing proposed here will grant me special privileges. I am asking to use an existing driveway of 30 years so the character of the area can be preserved.*
2. *This request is unique because the parcel has existed for many years and we are not asking to create a new parcel and asking to have a variance in order to create it. We are not asking for special privileges, we are asking for an exception to the rule so we can have the same privileges as others in the zoning district.*

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

1. *Yes, I have not asked for more than I need. All other subdivision road requirements and easement requirements can be met.*
2. *I have not asked for more than I need.*

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.

1. *No, this is not solely to reduce financial hardship. The reason for this request is because the driveway currently exists, works well, is stable and meets the needs of the current residents in its current configuration. Changing it would cause significant disruption to the ecology and nature of the area that is not requested by the property owners. Future maintenance plans may include changes that could bring the road closer to requirements, but they would be planned and funded by the property owners in an agreed upon way. A possible condition of granting this variance could be that if reconstruction of the driveway does occur it will include modifications to make the driveway more compliant.*
2. *No this is not solely to reduce financial hardship. The reason for the request to preserve the lot as it is and not disrupt the neighboring lot descriptions and boundaries unnecessarily. We would prefer not to create splintered lots just to meet the existing A3 lot size requirement.*

The Land Use Management Department serves as the liaison for the Board of Adjustment. Full agenda packets and decisions may be obtained at <http://www.co.goodhue.mn.us/> or from the LUM Department.

as-sac shall be constructed.

C. Road Standards:

	Collector Roads	Local Road	Alley	Pedestrian Way	Bike Path
Rights of way	100'	66'	30'	10'	12'
Surface width	24'	24'	20'		8'
Minimum horizontal curve radii	400'	200'	200'		
Minimum tangent between curves	150'	100'	100'		
Minimum grade	0.5%	0.5%	0.5%		
Maximum grade	8%	8%	8%		
Structural Design Strength (Ton)	9	7	5	5	5
Shoulder	3	1			1
Inslope (V to H)	1:4	1:3			1:2
Curb & gutter	If proposed, they shall meet Mndot Standards				

Appendix B: Slope measurements as of Jan 2016.

Slope measurements

BS	HI	FS	ELEV	Slope
24.5	124.54		100.04	
0+25		20.16	104.38	17.36%
0+50		15.57	108.97	18.36%
0+75		10.86	113.68	18.84%
0+100		6.14	118.40	18.88%
0+125		1.63	122.91	18.04%
19.85	142.76			
0+25		15.65	127.11	16.80%
0+50		11.74	131.02	15.64%
0+75		8.20	134.56	14.16%
0+100		4.43	138.33	15.08%
0+125		1.48	141.28	11.80%

Total feet 250

Appendix C:

Properties affected by road easement. Road (driveway) circled below.

PID # 260090400
Zoning District: A3

Variance to 35 acre minimum lot size in the A3 (Urban Fringe) zone and a variance to allow 4 dwelling to be serviced by one driveway.

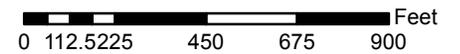


Legend

- Road
- Tax Parcel
- Municipal Boundaries
- Dwelling Point

Bluff Impact

- % Slope
 - 20
 - 30
- Shoreland



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2014 Aerial Imagery

Map Created 2015 Land Use Management

Goodhue County Land Use Management

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

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County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: March 28, 2016

RE: Otto Variance Request

Summary:

Eric Otto - Leon Township, Goodhue County, a variance to build a structure within the required 30 ft setback to the bluff impact zone.

Application Information:

Applicant: Eric Otto

Address of zoning request: XXXX Wagner Hill Way, Cannon Falls, MN 55009

Township Information: Leon Township has acknowledged the request without comment

Background:

The property is zoned A2 (Agricultural) and the surrounding area is predominantly rural residential. The Blufflands and CAP-X limit the buildable area of the parcel.

Comments from Beau Kennedy (Goodhue County SWCD)

October 2015

Note, if a variance is needed for house/shed within the bluff setback, I don't foresee any major issues. I would however avoid placement of structures within the bluff impact zone.

The owner mentioned that a few feet of material will be cut off the top of the hill prior to construction. We discussed erosion and sediment control measures on site. If these practices are properly installed before, during and after construction, I do not see a major impact to the bluff.

March 2016

It does appear that the home will be placed with the 30' setback from the top of bluff slightly. It may be worth the landowner's time to adjust the plans a few feet to avoid bluff ordinance impacts. I'm not sure what the setbacks are for the property line to the south, but it appears that there is room to move the house and shed to the south 10-15 feet without a major issue. Erosion control measures and special attention to roof and yard drainage should be noted to prevent runoff during and after site development.

Draft Findings of Fact:

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 property has a large amount of Blufflands which limits its buildable area. The CAP-X power line easement further limits the buildable area.

- 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 Blufflands create the limited buildable area, but the house design may be amended to stay outside of the bluff impact zone.
- 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;
Nearby property owners with similar topography, and limitations have similar locations for dwellings, but the house design may be amended to avoid the encroachment.
- 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 proposal would not be detrimental to surrounding property owners, nor the bluff so long as the builder follows the development guidelines.
- 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 1: PRESERVATION OF THE NATURAL ENVIRONMENT
2. Area development shall be compatible with features of the natural environment, and shall be accomplished without the destruction of the environmental character or natural amenities with consideration given to the natural aesthetics of the area. 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 22, SECTION 5, Subd. 5 of the Goodhue County Zoning Ordinance in order to allow a structure to be built 10 feet closer to (20 feet from) the Top of the Bluff than the required 30 feet on Parcel 37.008.0600, Part of NW ¼ of NE ¼ , SEC 8-T111-R17, Leon Township.

1. Completion of all necessary permits.
2. Conformance with the application submitted to Goodhue County Land Use Management Office 02/23/2016.
3. Abide by the erosion and sediment control measures during all phases of construction.

PID # 370080600
Zoning District: A2

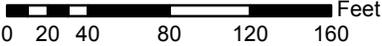
Variance to 30 ft Bluff setback

 Proposed Structures

 Approximated
30 ft Bluff setback



- Legend**
-  Road
 -  Tax Parcel
 -  Municipal Boundaries
- Bluff Impact**
- % Slope**
-  20
 -  30



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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.

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 has a bluff impact zone in which buildings will be within the setback, but not exceeding the bluff line

2. Who or What created the circumstances?

The bluff and new cap-X powerlines force us to stay as far back as possible

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

Rural

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 the 30' bluff setback it shrinks our building site limits

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.

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

Yes, we are requesting to build into the setback area a little bit, But not exceed the Bluff line.

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, only to get us farther from the powerlines, Hwy 52, and to give us enough room for septic system on south side of home.

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: March 28, 2016

RE: Dicke Variance Request

Summary:

Derek Dicke - Belvidere Township, Goodhue County, a variance to the 1000 ft feedlot setback and a variance to the A2 (Agricultural) dwelling density limit of one dwelling per $\frac{1}{4}$ $\frac{1}{4}$ Section in order to build a new dwelling. The applicant is proposing construction of a second dwelling unit in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9, Belvidere Township.

Application Information:

Applicant: Derek Dicke

Address of zoning request: 35768 County 2 Blvd. Goodhue, MN 55027

Township Information: Belvidere Township has acknowledged the request without comment

Background:

Mr. Dicke is requesting to build a dwelling on (1) a $\frac{1}{4}$, $\frac{1}{4}$, that already has a dwelling and (2) is within the 1000ft feedlot setback requirement. The applicant intends to split the property from the main dwelling and feedlot, and the variance would apply to the newly created parcel. Section 9 of Belvidere Township has ten potential dwelling sites available, and the applicant has access to three. This building site requires two variances, and denial of either would render the lot undevelopable.

Draft Findings of Fact:

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;
 1. ***Finding for the dwelling density variance is that marginal farmland is located in the same $\frac{1}{4}$ $\frac{1}{4}$ as the owners existing dwelling.***
 2. ***Finding for the feedlot setback variance is that the topography, drainage, and marginal farmland limit support the proposed location of the proposed dwelling.***
- 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;
 1. ***Finding for the dwelling density variance is that the marginal farmland is located in the same $\frac{1}{4}$ $\frac{1}{4}$ as current dwelling and building on other locations would eliminate prime agricultural soils.***

2. Finding for the feedlot setback variance is that the proposed dwelling is the greatest distance from all feedlots while avoiding the loss/conversion of prime agricultural soils.

- 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;
- 1. Finding for the dwelling density variance is that the location of the proposed dwelling would preserve prime farmland.**
 - 2. Finding for the feedlot setback variance is that the location of the proposed dwelling would preserve prime farmland.**
- 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
- 1. Finding for the dwelling density variance is that the proposal would not bring the density beyond what the A2 district allows, and that another open ¼ ¼ would not be developed.**
 - 2. Finding for the feedlot setback variance is that the proposal would not be detrimental to surrounding property owners.**
- 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. **The goal referenced below applies to both variances.**

GOAL 2: PRESERVATION OF AGRICULTURAL LAND

2. Promote sustained, long term, agricultural industry or use as the desired use on agricultural lands.

Staff Recommendation:

LUM Staff recommends that the Board of Adjustment:

Accept the staff report into the record, adopts the findings of fact, and approve the variance to ARTICLE 22, SECTION 5, Subd. 2 B. of the Goodhue County Zoning Ordinance in order to have a second dwelling on Parcel 26.009.0400, NW ¼ of SE ¼, SEC 09-T111-R14, Belvidere Township, and the variance to ARTICLE 13, SECTION 7, Subd. 6 of the Goodhue County Zoning Ordinance of 300 feet for a total setback to nearby feedlots of 700 feet on Parcel 26.009.0400, NW ¼ of SE ¼, SEC 09-T111-R14, Belvidere Township.

With the following conditions:

1. Completion of all necessary permits.
2. Conformance with the application submitted to Goodhue County Land Use Management Office 02/25/2016.
3. An open ¼ ¼ owned by the applicant will be considered closed and no further building sites will be allowed (precise ¼ ¼ is to be determined by the board at the March BOA meeting)

1.

The best site for our proposed building site on this parcel is in the north west $\frac{1}{4}$ $\frac{1}{4}$. The problems we are encountering are as follows: 1st we would be building a second dwelling in a $\frac{1}{4}$ $\frac{1}{4}$. The 2nd problem is that we would like to build within the required set back of 1000' feet to a feedlot. One feedlot is half owned by my parents and half owned by myself and my wife. If we were to maintain the 1000' set back it would require us to build on the steeper part of the hill and would also get us very close to the bluff zone. Also we would have to build a driveway through higher productive farm land. It is our goal to preserve as much prime farmland as possible, which is the reason why we chose not to build in the southwest $\frac{1}{4}$ $\frac{1}{4}$ as that is all open prime farmland. We are also limited by access from county and township roads. County 2 Blvd is the only access we have making two of our $\frac{1}{4}$ $\frac{1}{4}$ of our farm land locked.

2.

Feed lot required set back of 1000', limited access to county and/or township roads.

3.

The proposed building site is on marginal farmland taking the least amount of prime farmland.

4.

Others in the same zoning district are able to be close to their operations to handle daily operations that I am not currently able to deal with, as our current residence is off site.

5.

If we are unable to add this dwelling in this proposed building site we will have to build on our highly productive open ground in the southwest $\frac{1}{4}$ $\frac{1}{4}$.

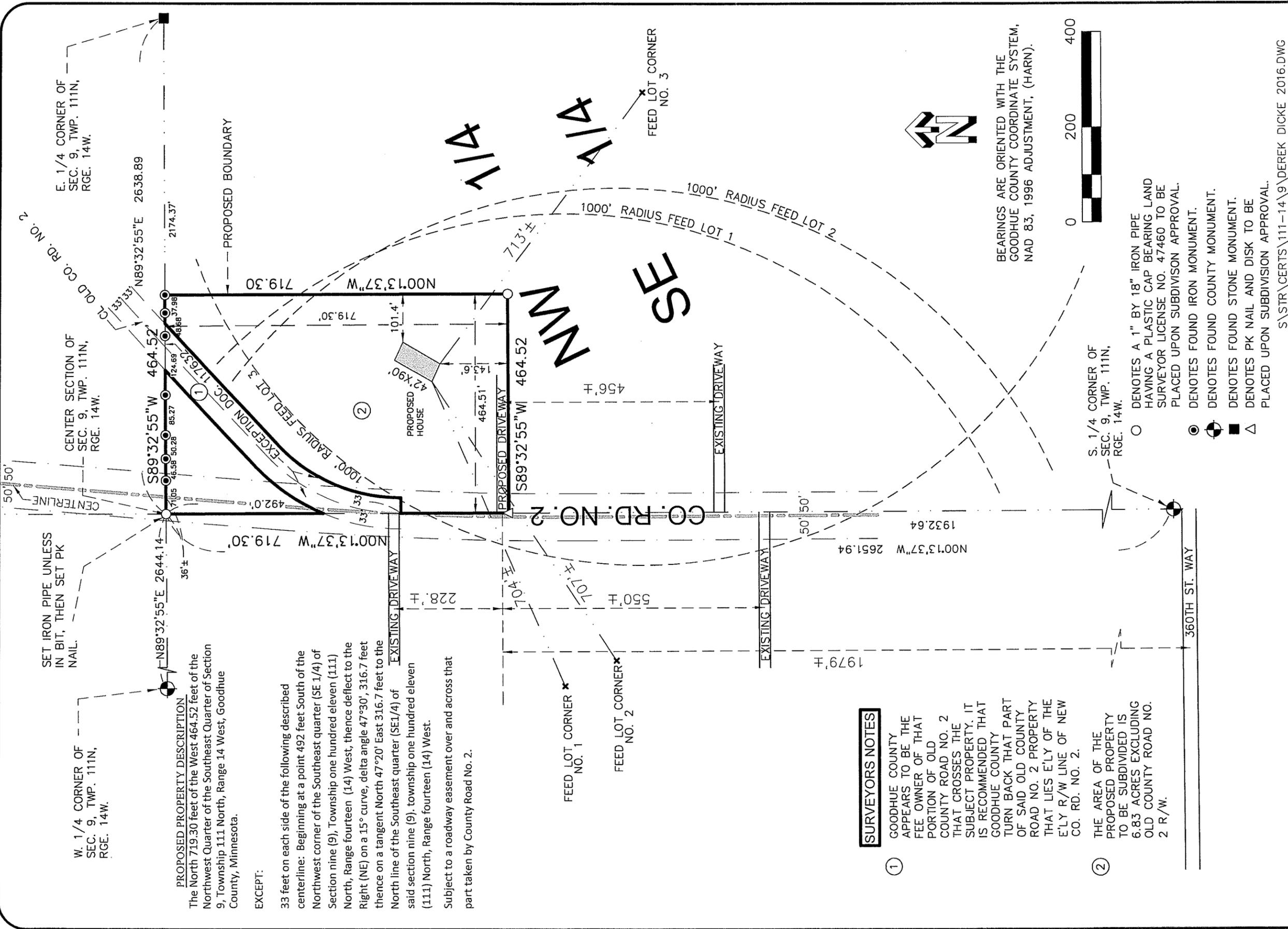
6.

If the variance is granted, it will allow dwelling on a more desirable location of the property, taking the least amount of farmland. We propose to use the dwelling site in a reasonable manner not permitted by current ordinance.

7.

The reason for the proposed variance is to allow a dwelling in a less desirable area (for farming) of the property, thereby using the least amount of prime farmland.

If our variances are approved the attached map is a rough drawing of the parcel of land that we would have surveyed off of the current property and would solely be owned by Derek and Jill Dicke.



W. 1/4 CORNER OF SEC. 9, TWP. 111N, RGE. 14W.

SET IRON PIPE UNLESS IN BIT, THEN SET PK NAIL.

PROPOSED PROPERTY DESCRIPTION

The North 719.30 feet of the West 464.52 feet of the Northwest Quarter of the Southeast Quarter of Section 9, Township 111 North, Range 14 West, Goodhue County, Minnesota.

EXCEPT:

33 feet on each side of the following described centerline: Beginning at a point 492 feet South of the Northwest corner of the Southeast quarter (SE 1/4) of Section nine (9), Township one hundred eleven (111) North, Range fourteen (14) West, thence deflect to the Right (NE) on a 15° curve, delta angle 47°30', 316.7 feet thence on a tangent North 47°20' East 316.7 feet to the North line of the Southeast quarter (SE 1/4) of said section nine (9), township one hundred eleven (111) North, Range fourteen (14) West. Subject to a roadway easement over and across that part taken by County Road No. 2.

SURVEYORS NOTES

① GOODHUE COUNTY APPEARS TO BE THE FEE OWNER OF THAT PORTION OF OLD COUNTY ROAD NO. 2 THAT CROSSES THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT GOODHUE COUNTY TURN BACK THAT PART OF SAID OLD COUNTY ROAD NO. 2 PROPERTY THAT LIES E'LY OF THE E'LY R/W LINE OF NEW CO. RD. NO. 2.

② THE AREA OF THE PROPOSED PROPERTY TO BE SUBDIVIDED IS 6.83 ACRES EXCLUDING OLD COUNTY ROAD NO. 2 R/W.

CERTIFICATE OF SURVEY FOR:

DEREK DICKE



JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

1203 MAIN STREET, RED WING, MN 55066
 (651) 388-1558

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Marcus S. Johnson
 Marcus S. Johnson
 Minnesota License No. 47460
 Date: March 15, 2016

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
		16-209	S-6123

BEARINGS ARE ORIENTED WITH THE GOODHUE COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT, (HARN).



S. 1/4 CORNER OF SEC. 9, TWP. 111N, RGE. 14W.

- DENOTES A 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460 TO BE PLACED UPON SUBDIVISION APPROVAL.
- DENOTES FOUND IRON MONUMENT.
- ⊕ DENOTES FOUND COUNTY MONUMENT.
- DENOTES FOUND STONE MONUMENT.
- △ DENOTES PK NAIL AND DISK TO BE PLACED UPON SUBDIVISION APPROVAL.

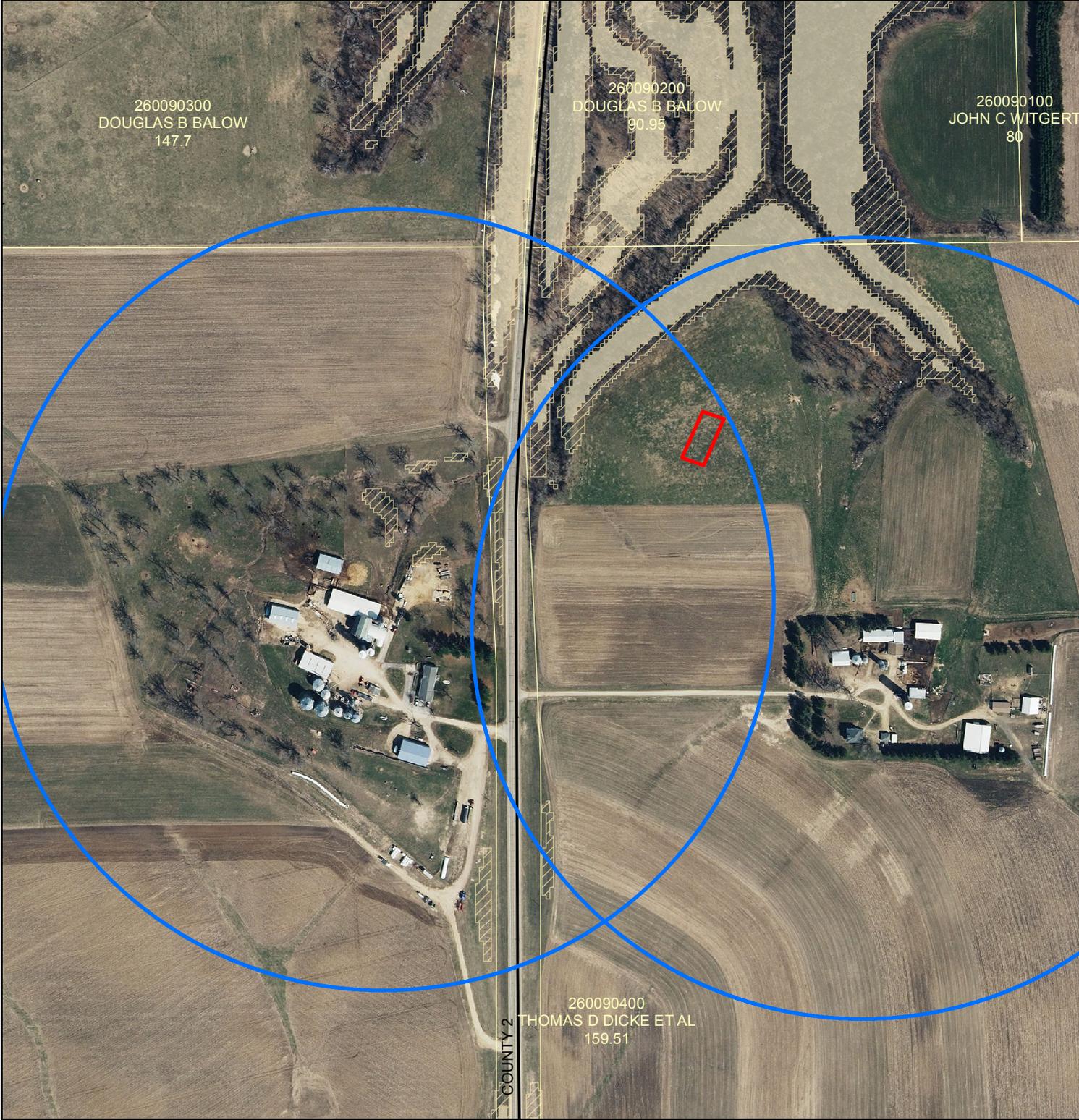
S:\STR\CERTS\111-14\9\DEREK DICKE 2016.DWG

PID # 260090400
Zoning District: A2

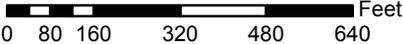
Variance to 1000 ft feedlot setback

 Proposed Structures

 Approximated 1000 ft feedlot setback



- Legend**
-  Road
 -  Tax Parcel
 -  Municipal Boundaries
 - Bluff Impact**
 -  20
 -  30
 -  Shoreland

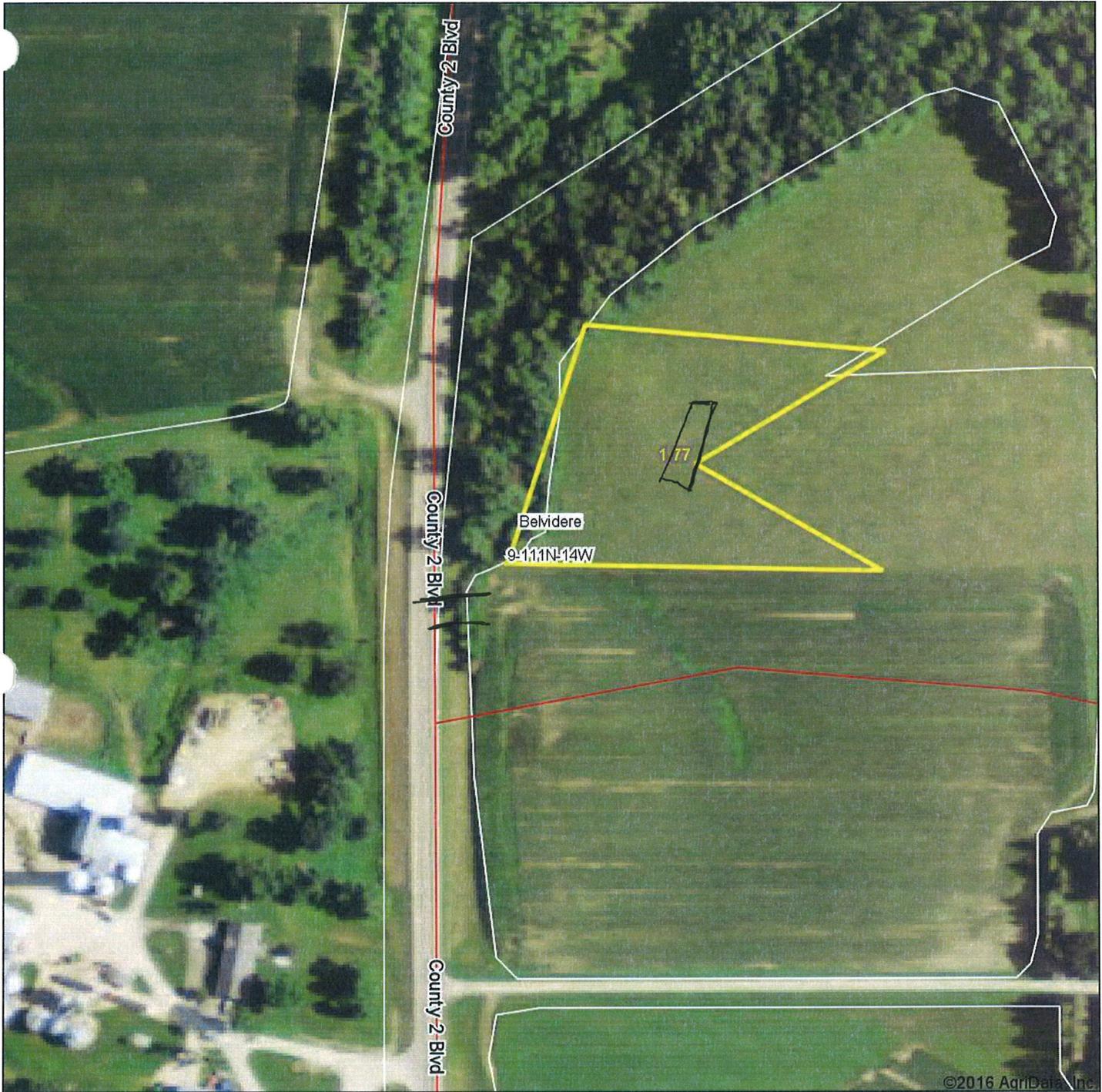


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2014 Aerial Imagery

Map Created 2015 Land Use Management

Aerial Map

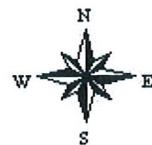


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map center: 44° 25' 55, 92° 30' 1.82



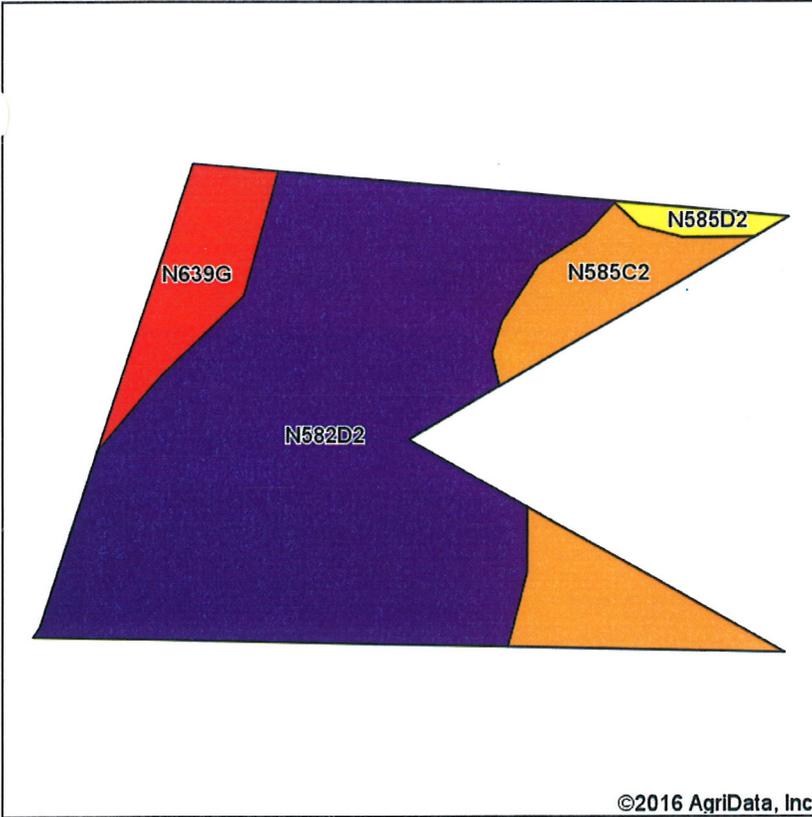
9-111N-14W
Goodhue County
Minnesota



2/8/2016

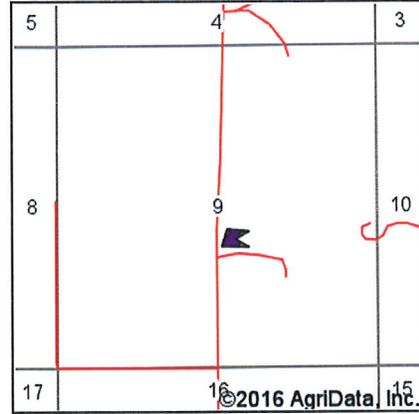
Field borders provided by Farm Service Agency as of 5/21/2008.

Soils Map



Soils data provided by USDA and NRCS.

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State: **Minnesota**
 County: **Goodhue**
 Location: **9-111N-14W**
 Township: **Belvidere**
 Acres: **1.77**
 Date: **2/8/2016**



Area Symbol: MN049, Soil Area Version: 11

Code	Soil Description	Acres	Percent of field	PI Legend	Non-Irr Class *c	Productivity Index	Alfalfa hay	Corn	Oats	Soybeans
N582D2	Newhouse-Valton complex, 12 to 18 percent slopes, moderately eroded	1.35	76.3%		Ive	53	3.8	109	62	32
N585C2	Mt. Carroll-Hersey complex, 6 to 12 percent slopes, moderately eroded	0.28	15.8%		IIle	80	4.8	165	78	48
N639G	Frontenac-Lacrescent complex, 30 to 70 percent slopes	0.14	7.9%		VIIe	4				
Weighted Average						53.4	3.7	109.2	59.6	32

*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.

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

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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 28, 2016

RE: Bye/Dorman Variance Request

Summary:

David Bye/Jeff Dorman Roscoe Township, Goodhue County, a variance to the 1000 ft feedlot setback in order to build a new dwelling.

Application Information:

Applicant: David Bye
Address of zoning request: 50130 158th St. Pine Island, MN 55963
Township Information: Roscoe Township has acknowledged the request without comment

Background:

The purpose of the variance is to build a dwelling on the parcel 40.027.0200. The property has enough space to avoid the 1000 foot feedlot setback requirement, but the topography and field drainage patterns would make building difficult. The proposed variance would allow construction of a dwelling to within 940' of a feedlot instead of the required 1000'. The feedlot in question is located on Tax Parcel #400261200 on property owned by Wayne R. Streiff and currently there are not animals being kept on that property. A two-foot contour map (see GIS Site Map with 2-foot contours) clearly illustrates a circular shaped flatter portion of the site which is where the proposed dwelling would be located.

The proposed dwelling site is located in Section 27 of Roscoe Township which is situated in an A-2 Zone District. Currently there are 3 dwelling sites available in the Section and the ¼ ¼ Section where the proposed dwelling site is located does not have an existing dwelling.

Draft Findings of Fact:

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 topography of the site limits the location of the dwelling in order to avoid storm water drainage problems or the need for a considerable amount of site grading.
- 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;
Adhering to the 100' feedlot setback would limit the ability to site the proposed dwelling on the flatter portion of the site.

- 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;
Nearby properties with similar topography have been allowed within the neighboring feedlot setback distance.
- 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 proposal would not be detrimental to surrounding 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.
Element 1: Land Use, Urban Expansion, and Growth Zones
GOAL 6: BALANCED GROWTH
2. Promote the balance of the amount of land required and the intensity of its use in evaluating new or expanded land uses with existing surrounding uses.

Staff Recommendation:

LUM Staff recommends that the Board of Adjustment:

Accept the staff report into the record, adopts the findings of fact, and approves the variance to ARTICLE 13, SECTION 7, Subd. 6 of the Goodhue County Zoning Ordinance of 60 feet for a total setback to a feedlot of 940 feet on Parcel 40.027.0200, Part of the NE ¼ , SEC 27-T109-R16, Roscoe Township.

With the following conditions:

1. Completion of all necessary permits.
2. Conformance with the application submitted to Goodhue County Land Use Management Office 03/04/2016.

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.

feedlot setback

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 most suitable area for this dwelling
because of the ~~pa~~ topography is near or
just crossing the setback area

2. Who or What created the circumstances?

the topography of the land

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

several houses in the surrounding area

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

There is a building site allowed in this
 $\frac{1}{4}$ $\frac{1}{4}$ section

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 there is a building site allowed in
this $\frac{1}{4}$ $\frac{1}{4}$ section

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

yes the variance footage is very
minimal to allow a dwelling to be placed

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 Building site is allowed in
this $\frac{1}{4}$ $\frac{1}{4}$ section

PID # 400270200
Zoning District: A2

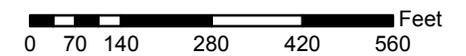
Variance to Feedlot 1000 ft setback

-  Proposed Structure
-  1000 ft setback from nearest feedlot



Legend

-  Raster.GIS.CNTRROSC
-  Road
-  Tax Parcel
-  Section Line
-  Municipal Boundaries
-  Dwelling Point



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2014 Aerial Imagery

Map Created 2015 Land Use Management

Certificate for:
 David Bye
 50130 158th Avenue
 Pine Island, MN 55963



David G. Rapp

Registered Land Surveyor

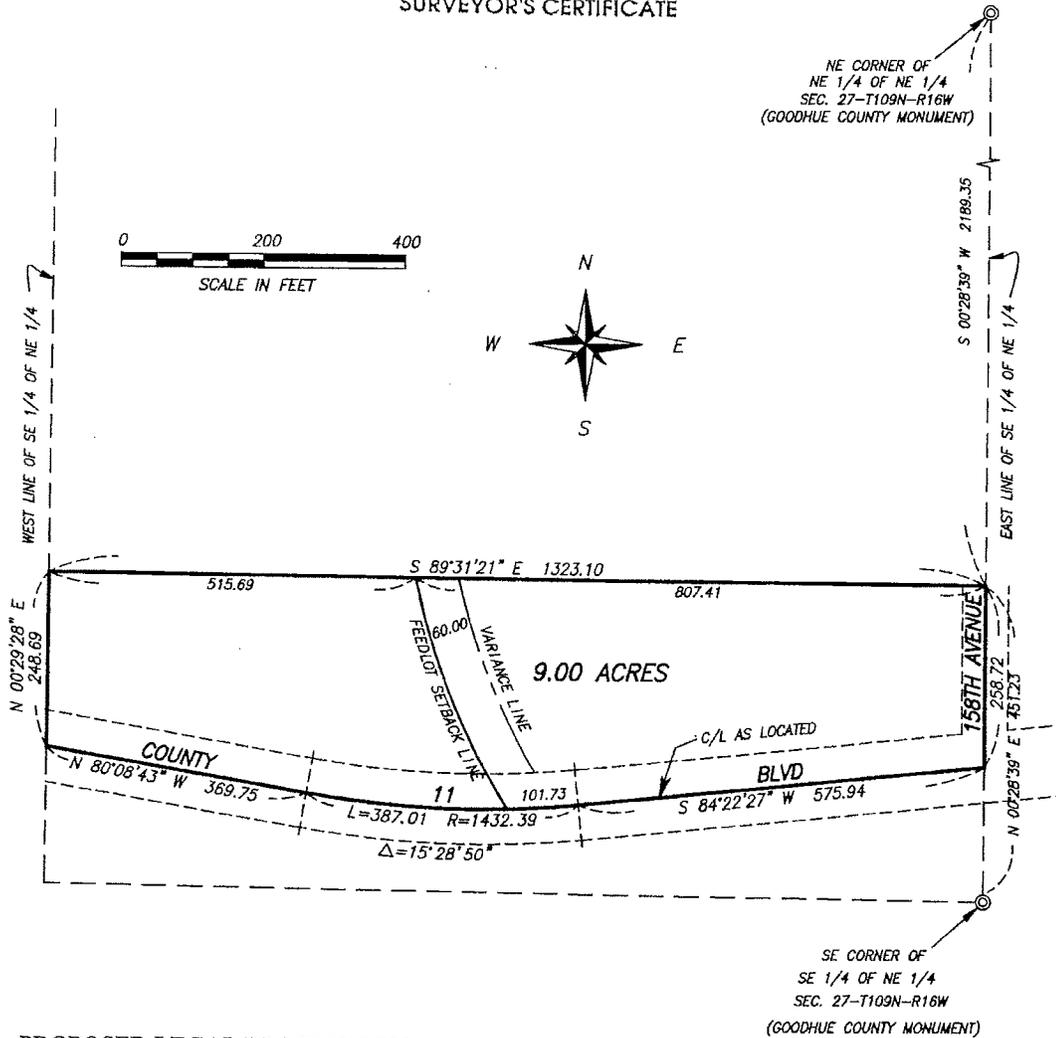
45967 Hwy. 56 Blvd. Kenyon, MN 55946 507-789-5366

Bk: 35/51

D1622

D1533

SURVEYOR'S CERTIFICATE



PROPOSED LEGAL DESCRIPTION:

That part of the Southeast Quarter of the Northeast Quarter of Section 27, Township 109, Range 16, Goodhue County, Minnesota, described as follows: Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 28 minutes 39 seconds East (assumed bearing) along the east line of said Southeast Quarter of the Northeast Quarter 451.23 feet to the point of beginning; thence South 00 degrees 28 minutes 39 seconds West along said east line 258.72 feet to the centerline of County 11 Boulevard described in the next 3 courses; thence South 84 degrees 22 minutes 27 seconds West 575.94 feet; thence westerly 387.01 feet along a tangential curve concave to the north having a central angle of 15 degrees 28 minutes 50 seconds and a radius of 1432.39 feet; thence North 80 degrees 08 minutes 43 seconds West, a distance of 369.75 feet to the west line of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 29 minutes 28 seconds East along said west line 248.69 feet to an intersection with a line bearing North 89 degrees 31 minutes 21 seconds West from said point of beginning; thence South 89 degrees 31 minutes 21 seconds East 1323.10 feet to the point of beginning.

Containing 9.00 acres, more or less.

Subject to public road easements and all other easements and restrictions of record, if any.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Dated March 8, 2016

David G. Rapp
 Minnesota Registration No. 22044