

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
May 23, 2016 MEETING MINUTES
DRAFT**

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

1. Roll Call

Commissioners Present: Howard Stenerson, Ellingsberg, Schafer, Hinsch, Benson, Mallan

Commissioners Absent: None

Staff Present: Land Use Management (LUM) Director Lisa Hanni, Planner/Zoning Administrator Michael Wozniak, and Zoning Assistant Casey MacCallum

2. Approval of Agenda

¹Motion by Commissioner Stenerson and seconded by Commissioner Schafer to approve the agenda for the May 23, 2016 meeting, with the withdrawal of item number 9. Motion carried 6:0.

3. Approval of Minutes

²Motion by Commissioner Schafer and seconded by Commissioner Stenerson to approve the March 28, 2016 minutes with correction. Motion carried 6:0.

³Motion by Commissioner Schafer and seconded by Commissioner Hinsch to approve the April 25, 2016 minutes with correction. Motion carried 6:0.

Conflict/Disclosure of Interest

None of the Board members declared a conflict of interest.

4. PUBLIC HEARING: James Maybech: Variance request from the General Regulations of the Bluff Land Protection, which requires a Setback from top or toe of the bluff to any structure in any district that shall be no less than thirty (30) feet. The request is to construct a new building for equipment storage within 5 feet from the Toe of the Bluff at 31351 Highway 58, Red Wing; part of the south 1/2 of sw 1/4 of Section 18, Township 112, Range 14 that part of east of described line beginning north west corner of section 19 south 1,255 8/10 feet north 70 degrees east 764 feet north 1 degree East 748, in Hay Creek Township.

Mike Wozniak presented the staff report and attachments.

James Maybach was present.

Chair Benson opened the public hearing: no one commented.

⁴After Chair Benson asked three times for further comments. After hearing none, it was moved by Commissioner Hinsch and seconded by Commissioner Mallan to close the public hearing.

Motion carried 6:0

Commissioner Stenerson inquired about the water diversion. The Applicant described the details of the agreement with Soil and Water Conservation District Water Planner Beau Kennedy, to grade the toe of the Bluff.

⁵Motion by Commissioner Schafer, second by Commissioner Stenerson that the Board Of Adjustment adopt the staff report into the record (dated May 23rd , 2016); adopt the findings of fact; and based on the application, testimony, exhibits,

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and other evidence presented approve the variance request from the General Regulations of the Bluff Land Protection, which requires a Setback from top or toe of the bluff to any structure in any district that shall be no less than thirty (30) feet. The request is to construct a new building for equipment storage within 5 feet from the Toe of the Bluff at 31351 Highway 58, Red Wing, MN,

Subject to the following conditions:

1. **Conformance with the application submitted to Goodhue County Land Use Management Office dated April 19, 2016.**
2. **No construction may begin until required building permits are obtained from Hay Creek Township and Goodhue County.**
3. **The Applicant must grade a small diversion up from the current toe of slope. This diversion should be 4' to 6' wide and divert runoff to the north, away from the constructed shed pad.**
4. **Seed and mulch within 7 days of final grading onsite (Goodhue SWCD mix or similar should be used).**

Motion carried 6:0

5. **PUBLIC HEARING: William Beckman:** Variance request from the Front Yard Requirement in the General Regulation of the Urban Fringe 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 18 feet of right-of-way at 44733 County 48 Blvd, Zumbrota; part of the south half of the southeast quarter of Section 29, Township 110, and Range 15 in Zumbrota Township.

Mike Wozniak presented the staff report and attachments.

William Beckman was present.

Chair Benson opened the public hearing: no one commented.

⁶After Chair Benson asked three times for further comments. After hearing none, it was moved by Commissioner Stenerson and seconded by Commissioner Hinsch to close the public hearing.

Motion carried 6:0

The Applicant noted the purpose for the request and sale of the property.

Commissioner Stenerson inquired about the use of a home occupation and process.

⁷Motion by Stenerson, second by Ellingsberg, that the Board Of Adjustment adopt the staff report into the record (dated April 25th, 2016); adopt the findings of fact; and based on the application, testimony, exhibits, and other evidence presented approve the variance to the 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 18 feet of right-of-way at 44733 County 48 Blvd, Zumbrota, MN.

Subject to the following conditions:

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1. **Conformance with the application submitted to Goodhue County Land Use Management Office dated April 20, 2016.**
2. **No construction may occur prior to obtaining the require building permit approvals from Zumbrota Township and Goodhue County.**
3. **That no part of the garage will be constructed closer than 18 feet.**

Motion carried 6:0

6. **PUBLIC HEARING: Dean Murray:** Variance request from the Side Yard Requirement in the General Regulation s of the Urban Fringe District, which requires each side yard to have a minimum width of thirty (30) feet. The request is an after the fact variance to permit an existing building within 11 of the side property line at 43798 172nd Way Zumbrota; North 300 feet of the east 340 feet of the southwest ¼ of the southwest ¼ of Section 24 Township 110, Range 16 in Minneola Township.

Mike Wozniak presented the staff report and attachments; and recommended a forth condition.

Dean Murray was present, and explained the reason for the variance request and original split. The Applicants agreed to the 4th additional condition, and that his intent was always to combine the two parcels after the mortgage was paid.

Chair Benson opened the public hearing:

Charles Schafer, of Hampton, inquired about how the original building was ever permitted. Zoning Administrator Mike Wozniak explained the advancement in building and zoning permit processes, and the information that was presented at that time appeared to meet the setbacks. Mr. Schafer also inquired about new ownership. Commissioner Benson explained past precedence for variances up to 10'.

Kassandra Schafer, of Hampton, questioned the validity of the “after the fact” application to this variance request. Ms. Schafer also commented on the encroachment of other buildings and the driveway. Commissioner Stenerson inquired about the age and ownership of the fence. Zoning Administrator noted the focus and scope of tonight’s variance request.

Minneola Township Chair Bill Budensiek stated that the township will give the Applicant the same variance from the property line.

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

Motion carried 6:0

Land Use Management Director Lisa Hanni provided wording for Condition 4.

Commissioner Stenerson inquired about condition #2, and future reconstruction. Commissioner Schafer recommended additional language to condition #3 to limit future structures reconstructions. Commissioner Stenerson questioned condition #4.

⁹Motion by Schafer, second by Hinsch, that the Board Of Adjustment adopt the staff report into the record (dated April 25th , 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 from the Side Yard requirement in the General Regulations of the Urban Fringe District, which requires each side yard to have a minimum width of thirty (30) feet. The request is an after the fact variance to permit an existing building within 11 feet of the side (north) property line at 43798 172nd Way Zumbrota, MN.

Subject to the following conditions:

- 1. Conformance with the application submitted to Goodhue County Land Use Management Office dated April 22, 2016.**
- 2. Any future expansion or alteration of the subject accessory structure may not extend closer towards the northerly lot line.**
- 3. This variance for setback encroachment shall not be used as a basis for determining the required yard setback from the northerly lot line for any additional structures.**
- 4. Combine parcels or reconfigure parcel to meet setbacks on his west line within 6 months.**

Motion carried 6:0

7. Other Business

None

8. Staff Updates

Staff provide an update to the Comprehensive Plan.

Land Use Management Director Lisa Hanni discussed the Board of Adjustment move to the County Board room for the June 27th meeting, and possible time change.

- 1. Commissioner Stenerson inquired about the cost of security and night meeting. Commissioner Stenerson also discussed attrition of the Board and future Board members.*
- 2. Commissioner Ellingsberg noted the mining meetings were scheduled during the day – all day and everyone attended including the public; he prefers day meetings.*
- 3. Commissioner Hinsch prefers night meetings.*
- 4. Commissioner Schafer noted the economic prominence of farming and the possibility that day meetings would restrict farmers voices.*
- 5. Commissioner Stenerson noted that County Board Members have discussed the lack interest to volunteer for Committees, and preference for morning meetings.*
- 6. Commissioner Mallan prefers morning meetings and the County Board room.*

¹⁰Adjourn: Moved by Commissioner Schafer, second by Commissioner Hinsch, to adjourn the May 23, 2016 Board of Adjustment meeting at 6:44 p.m.

Motion carried 6:0.

Respectfully Submitted,

Casey MacCallum
Zoning Assistant

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MOTIONS

- ¹ APPROVE the BOA meeting agenda. Motion carried 6:0.
- ² APPROVE the March 28, 2016 minutes. Motion carried 6:0.
- ³ APPROVE the April 25, 2016 PAC minutes. Motion carried 6:0.
- ⁴ CLOSE the Maybach variance Public Hearing. Motion carried 6:0.
- ⁵ APPROVE Maybach's request for a variance from the Bluff Land toe of bluff setback. Motion carried 6:0.
- ⁶ CLOSE the Beckman variance Public Hearing. Motion carried 6:0.
- ⁷ APPROVE Beckman's request for a variance from the front yard setback. Motion carried 6:0.
- ⁸ CLOSE the Murray variance Public Hearing. Motion carried 6:0.
- ⁹ APPROVE the Murray's request for a variance from the front yard setback. Motion carried 6:0.
- ¹⁰ ADJOURN the April 25, 2016 Planning Commission meeting. Motion carried 6:0

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