

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
August 22, 2016 MEETING MINUTES**

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The meeting of the Goodhue County Board of Adjustment was called to order at 5:30 pm on August 22, 2016 by Chair Bob Benson in the Goodhue County Board room in Red Wing, Minnesota.

**1. Roll Call**

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

Commissioners Absent: Richard Mallan,

Staff Present: Planner/Zoning Administrator Wozniak, and Zoning Assistant Casey MacCallum

**2. Approval of Agenda**

<sup>1</sup>Motion by Commissioner Stenerson and seconded by Commissioner Hinsch to approve the agenda for the August 22, 2016 meeting. Motion carried 5:0.

**3. Approval of Minutes**

<sup>2</sup>Motion by Commissioner Schafer and seconded by Commissioner Ellingsberg to approve the July 25, 2016 minutes. Motion carried 5:0.

**4. Conflict/Disclosure of Interest**

None of the Board members declared a conflict of interest.

**PUBLIC HEARING: John & Cynthia Lucking:** Variance request from the A3 Urban Fringe District, General District Regulations, Lot Area requirement to build a residence on a parcel less than 35 acres and at 31815 Willow Trail. Part of the NE ¼ of the SE ¼ of Section 14 in Stanton Township; PID 41.024.2200.

Zoning Administrator Mike Wozniak presented the staff report and attachments.

John & Cynthia Lucking were present. *The Applicant informed the Board that they would like to build a house on the property they have owned since 1991.*

Chair Benson opened the public hearing: no one commented.

**<sup>3</sup> Chair Benson asked three times for comment. After hearing none, it was moved by Commissioner Schafer and seconded by Commissioner Hinsch to close the public hearing.**

**Motion carried 5:0**

*Commissioner Stenerson asked about the proposed location of the dwelling and the current use of the structures on the property. Jack Lucking informed the Board that the proposed placement of the dwelling is on the western 1/3 of the property; and one of the accessory structures is for storage and the other structure is an agricultural office.*

*Commissioner Stenerson inquired about the Township's comfort with the density. Chair Benson informed the Board that the Township did not have a problem with the variance.*

*Zoning Administrator Wozniak informed the Board about the history of the area and development inquiries.*

*Commissioner Stenerson inquired about adding a condition to combine the parcels. Chair Benson noted the increase in taxes and Zoning Administrator Wozniak noted the difference in use and inability to construct a dwelling on the parcel with the orchard because it doesn't meet*

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*the lot area requirement.*

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

- **adopt the staff report into the record (dated August 12<sup>th</sup>, 2016);**
- **adopt the findings of fact,**
- **and based on the application, testimony, exhibits, and other evidence presented:**

**APPROVE the variance request of John and Cynthia Lucking from the A3 Urban Fringe District, General District Regulations, Lot Area requirement to build a residence on a parcel less than 35 acres, and**

**Subject to the following conditions:**

- 1. Conformance with the application submitted to Goodhue County Land Use Management Office dated June 21, 2016,**

**at 31815 Willow Trail. Part of the NE ¼ of the SE ¼ of Section 14 in Stanton Township; 41.024.2200.**

**Motion carried 5:0**

**PUBLIC HEARING: Ronald & Cheryl 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 are 3 dwellings), to build a residence at 13482 Sunset Trail. Part of E ½ of the NW ¼ of Section 5 in Vasa Township.

Mike Wozniak presented the staff report and attachments, and noted the Clemon's Variance request reflected a reasonable use of the subject property and that a dwelling may be the most appropriate use for the property.

Ronald & Cheryl Clemens were present. *The Applicants noted the history of development in the area; and difficulty with neighborhood development approvals. Ronald Clemens informed the Board that the land is not good for any other use.*

*Commissioner Hinsch asked for the lot size. The Applicant informed the Board that the lot is 5.4 Acres.*

*Commissioner Hinsch asked for clarity on the map attached to the staff report.*

*Commissioner Schafer asked the applicants how much frontage they had, and noted the impact on the neighbors. The Applicant assumed the frontage was 400 to 500 feet. Zoning Administrator Wozniak pulled up the online GIS and informed the Board that the property has more than 500 feet of frontage.*

*Commissioner Stenerson asked for clarification on the Applicant's parcel and other parcels in the area with the same last name. The Applicant explained his families ownership of several properties throughout the neighborhood. Commissioner Stenerson also asked about the topography and ecology of the property.*

Chair Benson opened the public hearing:

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*Patty Reed: supports the variance. Her family has lived next door to the parcel for 3 years. She noted that the Clemens are good neighbors and have taken good care of the property; and she acknowledged the strife in the neighborhood.*

**<sup>5</sup>Chair Benson asked three times for further comment. After hearing none, it was moved by Commissioner Stenerson and seconded by Commissioner Hinsch to close the public hearing.**

**Motion carried 5:0**

*Commissioner Stenerson inquired about the topography of the parcel. He noted concern for the development window and placement for two septic systems. The Applicant described the topography and land cover of the property. Zoning Administrator Wozniak noted the process of development requires review by Environmental Health for every new septic system.*

*Commissioner Ellingsberg discussed examples of septic system development on difficult properties.*

*Commissioner Stenerson inquired about the purchase of the land. The Applicants noted that they purchased the parcel in 2001. Stenerson discussed difficulty he has with the practical difficulties for this variance.*

*Commissioner Schafer informed the Board about the Planning Advisory Commission's development of the Comp Plan, and how this specific area was reviewed during the Housing Element discussions.*

*Zoning Administrator Wozniak noted that the County allowed this parcel to be created.*

*Commissioner Stenerson and Commissioner Schafer noted the practical difficulty is met due to the County's approval of the parcel split and the lack of other appropriate uses for the property. Commissioner Stenerson noted the quality housing that has been built in the area.*

**<sup>6</sup>Motion Commissioner Stenerson, second by Commissioner Schafer, that the Board of Adjustment**

- **adopt the staff report into the record (dated August 8, 2016);**
- **adopt the findings of fact; and**
- **based on the application, testimony, exhibits, and other evidence presented,**

**APPROVE the variance request of Ronald & Cheryl Clemens 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  $\frac{1}{4}$   $\frac{1}{4}$  section (currently there are 3 dwellings);**

**Subject to the following conditions:**

- 1. Conformance with the application submitted to Goodhue County Land Use Management Office dated July 25, 2016,**
- 2. Compliance with all necessary State and Federal permits and licensing,**
- 3. Proper siting of septic, and**
- 4. Subject to no infringement of wetlands**

**to build a residence at 13482 Sunset Trail. Part of E  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 5 in Vasa Township.**

**Motion carried 5:0.**

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**5. Other Business**

None

**6. Staff Updates**

*Zoning Administrator Wozniak informed the Board of future planning initiatives:*

- 1. Publication of the Comprehensive Plan,*
- 2. The “opt out” provisions the County will propose for “Granny Flats”, and*
- 3. The revisions to the A3 District*

*Commissioner Stenerson noted his discomfort with the Comp Plan’s affect that might increase pressure on the BOA to increase density piecemeal. He would like criteria from the PAC on approval for density variances.*

*Commissioner Schafer noted the intent of the Comp Plan to have a vague but purposeful increase in density. Agrees with Commissioner Stenerson’s request for criteria. He noted the economic connection to increased housing density and the loss of feed lots that decreases the production of grain and decrease of towns.*

*Zoning Administrator Wozniak noted that the 2016 Comprehensive Plan clearly favors Agricultural uses. He noted that the splitting of farm dwellings from the farm land can create a situation where the occupants of rural dwellings are disconnected from farming and the sights, sounds and smells associated with agricultural uses.*

*Commissioner Schafer informed the Board that the PAC’s intent is for the BOA to figure out the proper and practical cases that are exceptions to the Zoning Code.*

*Commissioner Stenerson requested that the PAC to help inform the Board on how to evaluate variances, and the Board needs suggested guidelines for density variances.*

*Commissioner Schafer recommends the PAC discuss the criteria during next month’s meeting. Zoning Administrator Wozniak stated that each request should be considered on its own merits, but not to forget the general framework to guide growth and change established in the 2016 Goodhue County Comprehensive Plan.*

**7Adjourn: Moved by Commissioner Schafer , second by Commissioner Hinsch , to adjourn the August 22, 2016 Board of Adjustment meeting at 6:53 p.m.**

**Motion carried 5:0.**

Respectfully Submitted,

Casey MacCallum  
Zoning Assistant

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MOTIONS

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- <sup>1</sup> APPROVE the BOA meeting agenda. Motion carried 5:0.
  - <sup>2</sup> APPROVE the July ,2016 minutes. Motion carried 5:0.
  - <sup>3</sup> CLOSE the Public Hearing. Motion carried 5:0.
  - <sup>4</sup> APPROVE the variance. Motion carried 5:0.
  - <sup>5</sup> CLOSE the Public Hearing. Motion carried 5:0.
  - <sup>6</sup> APPROVE the variance. Motion carried 5:0.
  - <sup>7</sup> ADJOURN the August 22, 2016 Board of Adjustment meeting. Motion carried 5:0