BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
November 21, 2016 MEETING MINUTES

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 Eiynck, Environmental Health Well and Septic Inspector Ben Hoyt, and Zoning Assistant Casey MacCallum

2. **Approval of Agenda**

[1]Motion 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**

[2]Motion 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 Gadient 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.

[3]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

[4]Motion 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,**

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 Gadient 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

[5]**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.

[6]**Motion 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 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

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 ¼ of Sec. 35 in Wacouta Township;

Motion carried 4:1 (Stenerson dissenting).

8. Staff Updates

Close to joint meeting.

9. [10]**Adjourn: 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.