

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
April 25, 2022 MEETING MINUTES  
DRAFT**

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The meeting of the Goodhue County Board of Adjustment was called to order at 5:00 PM by Chair Daniel Knott at the Goodhue County Government Center Board Room.

**Roll Call**

Commissioners Present: Daniel Knott, Keith Allen, Darwin Fox, Denny Tebbe, and Randy Rehtzigel

Commissioners Absent: None

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Samantha Pierret, Zoning Assistant Alexandra Koberoski, and Zoning Administrative Assistant Patty Field

**1. Approval of Agenda**

<sup>1</sup>Motion by Commissioner Fox and seconded by Commissioner Rehtzigel to approve the meeting agenda.

**Motion carried 5:0**

**2. Approval of Minutes**

<sup>2</sup>Motion by Commissioner Tebbe and seconded by Commissioner Allen to approve the previous month's meeting minutes.

**Motion carried 5:0**

**3. Conflict/Disclosure of Interest**

*There were no conflicts of interest reported.*

**5. Public Hearings:** Request for Variance from John Vieths (Owner) to A-1 Zoning District standards to construct a dwelling addition less than 60-feet from the County 9 BLVD Right-of-Way. Parcel 33.022.1200. 21225 County 9 BLVD Goodhue, MN 55027. Part of the SW ¼ of the SW ¼ of Section 22 TWP 111 Range 15 in Goodhue Township.

*Koberoski presented the staff report and attachments.*

**Chair Knott opened the Public Hearing**

*No one spoke for or against the request.*

**<sup>3</sup>After Chair Knott asked three times for comments it was moved by Commissioner Rehtzigel and seconded by Commissioner Allen to close the Public Hearing.**

**Motion carried 5:0**

*Commissioner Fox asked if staff had visited the site.*

*Pierret responded she had driven past the property, and did not observe any issues with the placement of the addition.*

*Commissioner Fox stated he was not against the proposed addition, as it fit in line with the existing house and was not encroaching closer to the Right-of-Way.*

*Commissioner Tebbe requested confirmation that the Right-of-Way authority was in favor of the request.*

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*Pierret confirmed Goodhue County Public Works had no issues with the request.*

**4Motion by Fox, seconded by Rehtzigel, for the Board of Adjustment to:**

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

**APPROVE** the request for a variance, submitted by John Vieths (Owner) to A-1 Zoning District standards to construct an 11-foot by 28-foot dwelling addition no less than 17-feet from the County 9 BLVD Right-of-Way.

**Motion carried 5:0**

**PUBLIC HEARING:** Request for Variance from Joshua Plath (Owner) to A-2 Zoning District standards to construct an accessory building less than 30-feet from a side yard property line. Parcel 34.020.2000. 31780 Hill Valley Road Red Wing, MN 55066. Part of the SE 1/4 of the SE 1/4 of Section 20 TWP 112 Range 14 in Hay Creek Township.

*Koberoski presented the staff report and attachments.*

**Chair Knott opened the Public Hearing.**

*No one spoke for or against the request.*

**5After Chair Knott asked three times for comments it was moved by Commissioner Allen and seconded by Commissioner Tebbe to close the Public Hearing.**

**Motion carried 5:0**

*Chair Knott asked for more information concerning the 'Surveyors Report' which noted a discrepancy between iron monuments found at the site and the written location of the north property line. He asked how a variance could be approved without knowing the exact location of the property line.*

*Hanni explained the previous surveyor found monuments and the setback measurement should be taken from the line depicting the most recent surveyed line, not the historical line. She pointed out that staff and a member from the BOA performed a site visit and observed multiple other spots to build the shed.*

*Commissioner Rehtzigel asked if the structure shown in the report was new.*

*Commissioner Fox responded the owner had begun tearing down the building, and the picture showed the remnants of the structure.*

*Hanni pointed out the well and septic system are not located in areas that significantly impede locations to build.*

*Commissioner Fox confirmed that during the site visit he observed multiple alternative locations for the structure to be built.*

*Commissioner Tebbe mentioned that though the contour map did not show a dramatic drop in elevation, the property was not completely level.*

*Commissioner Fox responded the slope was minimal.*

*Commissioner Tebbe stated he could understand why the property owner would want to keep the*

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*building in the same spot, as it provided screening from the property to the north.*

*Commissioner Fox stated the building would be constructed in a small, tight area bordered by multiple trees. He questioned how construction equipment would be able to access the area.*

*Commissioner Tebbe asked if the trees could be damaged while construction was being completed.*

*Mr. Plath explained the placement of the structure was intended to prevent having to cut down or damage the apple trees. He admitted the apple trees were not in perfect health.*

*Commissioner Tebbe surmised that if the unhealthy trees were removed, the Applicant could then meet the setback.*

*Commissioner Rehtzigel agreed, noting removing the trees would allow better access to the site.*

*Commissioner Tebbe asked staff if the property owner would be responsible for measuring the distance from the property line if the Board required the structure to be placed no closer than 20-feet from the north property line.*

*Hanni replied that the distance would be measured from the most recent surveyed line, rather than the historical. A surveyor could then verify this setback is met after construction.*

*Chair Knott asked when the Applicant purchased the property, and if the previous owner constructed the sheds.*

*Koberoski responded it was purchased in 2017, and confirmed the previous owner built the structures without a permit.*

*Commissioner Fox commented that the motion should include which survey line to measure from.*

*Chair Knott asked Mr. Plath if achieving the 20-foot setback would allow for clearance from any power lines, as well as providing adequate access to the structure.*

*Mr. Plath mentioned he would need to cut down the pine tree to the west of the sheds in order to meet the 20-foot setback.*

*Hanni recommended moving the structure to the east.*

*Mr. Plath noted that moving the structure east would interfere with where his garden is located.*

*Commissioner Tebbe said he could support a variance for the proposal, especially since the neighbor to the north provided a signed consent to allow the structure to be built less than 30-feet from the shared property line and the Township had no issues with the request.*

*Hanni replied that if the Board decided to approve the proposal, they would need to provide Findings of Fact or practical difficulties to substantiate the need for a variance. She recommended tabling the item until the Board meets in May so Board members can visit the property.*

**6Motion by Fox for the Board of Adjustment to:**

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

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**DENY** the request for a variance, submitted by Joshua Plath (Owner) to A-2 Zoning District standards to allow construction of an accessory building no less than 13-feet from the north property line where 30 feet is required.

**Motion failed for lack of a second.**

*Commissioner Rechtzigel asked if the Board denied the request, how long would the Applicant need to wait until they could re-apply.*

*Hanni replied the Applicant would need to wait six months.*

*Chair Knott vocalized his concern that if the request were denied, the Applicant would be unable to build anything for six months.*

*Commissioner Fox reiterated he went out to the site and could not find a practical difficulty that would support the approval of a variance.*

*Hanni reiterated that a site visit may be a good idea, as that would provide the Board with a better understanding of the proposal.*

*Chair Knott replied based on the staff report, he could not justify approving the variance. He did comment that the neighbor to the north consented to the structure being built within 30-feet of the property line, and the Township had no issues.*

*Hanni replied that though neighbor consent and Township input were important, they were not reasons to approve a variance.*

**7Motion by Allen, seconded by Tebbe for the Board of Adjustment to:**

**TABLE** the request for variance, submitted by Joshua Plath (Owner) to A-2 Zoning District standards to construct an accessory building less than 30-feet from a side yard property line until the May 23, 2022 BOA meeting. Staff should coordinate site visits to the Applicant's property.

**Motion carried 5:0**

**5. Other-Discussion**

*Hanni welcomed the new Zoning Administrative Assistant, Patty Field.*

**ADJOURN**

**8Motion by Allen, seconded by Rechtzigel to adjourn the BOA meeting at 5:45 pm.**

**Motion carried 5:0**

Respectfully submitted:  
Alexandra Koberoski, Zoning Assistant

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MOTIONS

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<sup>1</sup> APPROVE the meeting agenda.

Motion carried 5:0

<sup>2</sup> APPROVE the previous meeting's minutes.

Motion carried 5:0

<sup>3</sup> Close the Public Hearing

Motion carried 5:0

<sup>4</sup> APPROVE the Variance request to A-2 Zoning District standards to allow an 11-foot by 28-foot dwelling addition no less than 17-feet from the County 9 BLVD Right-of-Way.

Motion carried 5:0

<sup>5</sup> Close the Public Hearing

Motion carried 5:0

<sup>6</sup> DENY the Variance request to A-2 Zoning District standards to allow construction of an accessory building no less than 13-feet from the north property line where 30 feet is required.

Motion failed for lack of a second.

<sup>7</sup> TABLE the Variance request to A-2 Zoning District standards to allow construction of an accessory building no less than 13-feet from the north property line where 30 feet is required.

Motion carried 5:0

<sup>8</sup> ADJOURN

Motion carried 5:0

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UNOFFICIAL UNTIL APPROVED BY THE BOA