

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
May 23, 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 Tebbe to approve the meeting agenda.

**Motion carried 5:0**

**2. Approval of Minutes**

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

**Motion carried 5:0**

**3. Conflict/Disclosure of Interest**

*There were no conflicts of interest reported.*

**4. Public Hearings:**

**PUBLIC HEARING:** Request for Variance from Lisa Shoberg-Weiner and Allen Weiner (Owners) to A-1 Zoning District standards to construct a dwelling addition less than 60-feet from the County 12 BLVD Right-of-Way. Parcel 30.008.0100. 7850 County 12 BLVD Kenyon, MN 55946. Part of the NE ¼ of the NE ¼ & E ½ of NW ¼ of NE ¼ Section 8 TWP 109 Range 17 in Cherry Grove 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 Fox and seconded by Commissioner Rehtzigel to close the Public Hearing.**

**Motion carried 5:0**

*Commissioner Tebbe stated this is pretty straight forward and certainly is not going to encroach on the right-of-way. He agrees with staff recommendation to support this variance.*

**<sup>4</sup>Motion by Fox, seconded by Tebbe, 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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**APPROVE** the request for a variance, submitted by Lisa Shoberg-Weiner & Allen Weiner (Owners) to A-1 Zoning District standards to construct a 48-foot 6-inch by 12-foot 2-inch bedroom/kitchen addition no less than 56-feet from the County 12 BLVD Right-of-Way.

**Motion carried 5:0**

**PUBLIC HEARING:** Request for Variance from Terry and Sarah Cox (Owners) to R-1 Zoning District standards to reconfigure parcel lines resulting in a 0.28-acre parcel containing a dwelling site where 1-acre is required. Parcel 32.015.1700. 33583 Hwy 61 BLVD Frontenac, MN 55026. Part of the NW 1/4 of the NE 1/4 Section 15 TWP 112 Range 13 in Florence Township.

*Koberoski presented the staff report and attachments.*

**Chair Knott opened the Public Hearing.**

*No one spoke for or against the request.*

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

**Motion carried 5:0**

*Commissioner Tebbe stated he has driven by and it does not appear there have been any changes to the mobile home park. No park changes should be done unless there is approval to amend the Conditional Use Permit (CUP).*

**6Motion by Tebbe, 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 Terry & Sarah Cox (Owners) to R-1 minimum lot size standards to establish a separate tax parcel for an existing dwelling no less than 0.28-acres in size.

**Motion carried 5:0**

**PUBLIC HEARING:** Request for Variance, submitted by Todd Kuyath (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a dwelling addition 45-feet into the bluff impact zone.

*Pierret presented the staff report and attachments.*

*Commissioner Tebbe asked about the exhibit that states bluffs must average greater than a 30% slope and 25 feet of rise above the toe. It is shown at a 29.5% grade. Should we adopt exhibit into record knowing it is currently at almost a 30% grade?*

*Pierret stated that this exhibit was brought to staff by the Applicant and the contractor's surveyor. Zoning and Soil and Water District (SWCD) staff do not necessarily agree with this exhibit based on additional parts of the definition of top and toe of bluff, where bluffs are considered present if the slope is 20% or greater. We have to consider this part of the toe of the bluff.*

*Commissioner Tebbe asked if we adopt this into record will it cause issues? Would the same be true of the exhibit with the hatching showing 20% slopes around the building?*

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*Pierret stated that the hatching is based on GIS and LIDAR data however this data is not always 100% accurate. What is more accurate is staff going to the property and viewing the contours to verify slopes. GIS and LIDAR data may not pick up every break in slope, which is why we do site visits to verify the slopes.*

*Commissioner Knott stated he did not see 29.7% referred to anywhere in the exhibits.*

*Pierret stated it is difficult to see but the annotation is present on the first map provided by the Applicant. The dotted line was the line prepared by the Applicant's surveyor and zoning and Soil and Water District staff did not agree with this interpretation that the area did not qualify as a bluff.*

*Commissioner Knott asked if Soil and Water provided the definition of the toe of the bluff and whether it was shown as a blue line?*

*Pierret stated that Beau Kennedy, SWCD Director provided the exhibit with the blue line. Based off the site visit, it appears the bluff does not go through the house. The toe of the bluff is behind the house based on what was seen during the site visit.*

*Commissioner Knott asked if the garage that is being added will be behind the house at the same elevation as the siding or even with the lower entry level?*

*Pierret stated that the part closest to the house will be used to create additional basement space but as you move NW it will be at the grade with the siding.*

**Chair Knott opened the Public Hearing.**

*Cohlman Rutschow (22770 320<sup>th</sup> ST Red Wing), stated he supports Mr. Kuyath's request.*

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

**Motion carried 5:0**

*Commissioner Fox thanked the staff for being so diligent and recognizing the area qualified as bluffland. He added that he supports this request as long as it is constructed correctly and Mr. Kuyath works with the Soil and Water District during construction to prevent erosion.*

*Commissioner Tebbe agrees with Commissioner Fox. The proposed location keeps the structure away from the agricultural land. The applicant has also indicated he would adjust as needed and seems very accommodating.*

**<sup>8</sup>Motion by Fox, seconded by Tebbe, 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 Todd Kuyath (Owner) to Bluffland protection standards to allow construction of a dwelling addition and associated excavation/grading of land 45-foot into the bluff impact zone.

**Motion Carried 5:0**

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**5. Other-Discussion**

*A reminder that there is a Special Board of Adjustment Meeting on Tuesday, May 31<sup>st</sup> at 5pm.  
Applicant Joshua Plath has withdrawn his request for variance in Hay Creek Township.*

**ADJOURN**

**<sup>9</sup>Motion by Allen, seconded by Rechtzigel to adjourn the BOA meeting at 5:37 pm.**

**Motion carried 5:0**

Respectfully submitted:  
Patty Field, Zoning Administrative Assistant

**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-1 Zoning District standards to construct a 48-foot 6-inch by 12-foot 2-inch bedroom/kitchen addition no less than 56-feet from the County 12 BLVD Right-of-Way.

Motion carried 5:0

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

Motion carried 5:0

<sup>6</sup>APPROVE the Variance request to R-1 minimum lot size standards to establish a separate tax parcel for an existing dwelling no less than 0.28-acres in size.

Motion carried 5:0

<sup>7</sup>CLOSE the Public Hearing

Motion carried 5:0

<sup>8</sup>APPROVE the Variance request to Bluffland protection standards to allow construction of a dwelling addition and associated excavation/grading of land 45-feet into the bluff impact zone.

Motion carried 5:0

<sup>9</sup>ADJOURN.

Motion carried 5:0

UNOFFICIAL UNTIL APPROVED BY THE BOA