

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 28, 2022 MEETING MINUTES
DRAFT**

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, Darwin Fox, Denny Tebbe, and Randy Rechtzigel

Commissioners Absent: Keith Allen

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

¹Motion by Commissioner Fox and seconded by Commissioner Rechtzigel to approve the meeting agenda.

Motion carried 4:0

2. Approval of Minutes

Commissioner Tebbe noted an omission in the May 23 meeting minutes.

²Motion by Commissioner Tebbe and seconded by Commissioner Fox to approve as amended the previous month's meeting minutes.

Motion carried 4:0

3. Approval of Special Meeting Minutes

³Motion by Commissioner Fox and seconded by Commissioner Tebbe to approve the previous month's special meeting minutes from May 31.

Motion carried 4:0

4. Conflict/Disclosure of Interest

Commissioner Fox stated that he could have a conflict because Cindy Fox is married to his cousin and the fact that his company has done work on the property.

Chair Knott stated he does have a concern about Commissioner Fox excusing himself from consideration of the item because we only have four members present.

Commissioner Fox stated he does not believe he would have any monetary gain by the request but he just wanted to have the relationship on the record.

Chair Knott stated that his only concern is if we exclude Commissioner Fox we won't have a quorum for that item.

Chair Knott asked Commissioner Fox if he was okay to make an impartial decision on the Fox item?

Commissioner Fox stated he is.

Chair Knott stated that Commissioner Fox disclosed his relationship and that it is not a monetary interest.

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5. Public Hearings:

PUBLIC HEARING: Request for Variance, submitted by Brock Gobin (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a replacement dwelling 8-feet into the bluff impact zone. Parcel 45.026.1401. 3884 Sogn Valley Trail Dennison, MN 55018. Part of the W ½ of the NW ¼ of Section 26 TWP 111 Range 18 in Warsaw Township. A-2 Zoned District.

Koberoski presented the staff report and attachments.

Brock Gobin (Owner) stated that he feels that this is the best spot to place the house. At the longest point, the dwelling is about 54 feet by 70 feet and that puts him inside the 30-foot bluffland setback. On the east side, it is not in the impact zone. It is about 37 feet to 38 feet from the south property line to leave space for the driveway.

Commissioner Tebbe mentioned that the Applicant stated that he would use best management practices and install a silt fence. This was recommended by Soil and Water. He asked if that was Mr. Gobin's intent, to follow these best practices?

Mr. Gobin stated yes, if he was granted the right to put a deck within the bluff impact zone, he thinks the best option would be to bring in some rock and put it on top of the bluff, under the deck, and down the hill. It is pretty well-vegetated so there is not a lot of erosion occurring right now.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

4After 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 4:0

Commissioner Fox asked if anyone besides staff had been out to look at this site?

Pierret answered no, just staff.

Commissioner Tebbe stated that the proposed dwelling seems like a better fit with the bluff than the old structure.

5Motion 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 Brock Gobin (Owner) to Bluffland protection standards to allow construction of a replacement dwelling and associated excavation/grading of land 8 feet into the bluff impact zone.

Motion carried 4:0

PUBLIC HEARING: Request for Variance, submitted by Mason Grobe (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a dwelling addition and associated grading/excavation 8.76-feet into the bluff impact zone. Parcel 32.035.1300. 34582 335th ST Lake City, MN 55041. The NE ¼ of the SW ¼ of Section 35 TWP 112 Range 13 in Florence Township. A-2 Zoned District.

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Pierret presented the staff report and attachments.

Mason Grobe (Owner) stated that he wants to put a garage to the left of the house and add a second story with direct access to the upstairs. The current septic is to the right of the house and the future septic will be to the back of the house so this location works best.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

6After Chair Knott asked three times for comments it was moved by Commissioner Tebbe and seconded by Commissioner Rechtzigel to close the Public Hearing.

Motion carried 4:0

Commissioner Tebbe stated that when looking at the picture provided showing the addition, it is very similar to the Kuyath request last month. It seems the similarities have been addressed in the same way and he can certainly support the staff recommendation.

7Motion by Tebbe, seconded 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

APPROVE the request for a variance, submitted by Mason Grobe (Owner) to Bluffland protection standards to allow construction of a dwelling addition and associated grading/excavation work 9-feet into the bluff impact zone.

Motion carried 4:0

PUBLIC HEARING: Request for Variance, submitted by Mitchell Jackson (Owner), to Article 12 (Bluffland Standards) to allow construction of an accessory building less than 30-feet from the top of a bluff and grading/excavation for a retaining wall within the bluff impact zone. Parcel 46.028.2101. 14417 Welch Trail Welch, MN 55089. The N 1/2 and Part of the S 1/2 of the NW 1/4 of Section 28 TWP 113 Range 16 in Welch Township. A-2 Zoned District.

Pierret presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

8After Chair Knott asked three times for comments it was moved by Commissioner Rechtzigel and seconded by Commissioner Fox to close the Public Hearing.

Motion carried 4:0

Commissioner Tebbe said that it appears that they have proposed a location with the least impact and the driveway would probably be the shortest so that would limit the impervious area. He can support the request.

Commissioner Fox agreed stating the buildable area is very limited and they picked the best location. He is glad they are putting in the retaining wall to try and control erosion.

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⁹Motion 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 Mitchell Jackson (Owner) to Bluffland protection standards to allow construction of an accessory building 0 feet from the top of a bluff and associated grading/excavation for construction of a retaining wall within the bluff impact zone.

Motion Carried 4:0

PUBLIC HEARING: Request for Variance, submitted by Cindy Fox (Applicant) on behalf of the Gerald Fox Liv Trust (Owner), to Article 12 (Bluffland Standards) to allow construction of an accessory building less than 30-feet from the top of a bluff and grading/excavation for a dwelling site within the bluff impact zone. Parcel 46.021.0700. TBD County 7 BLVD Welch, MN 55089. Part of the NE ¼ of the SE ¼ of Section 21 TWP 113 Range 16 in Welch Township. A-2 Zoned District.

Koberoski presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

¹⁰After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Tebbe to close the Public Hearing.

Motion carried 4:0

Commissioner Tebbe said that the documentation states the dwelling will be as close to the homestead as possible. He questioned whether there was a map that showed the previous dwelling.

Pierret stated that the GIS does not clearly show where the old homestead was. That is why staff had to go out in 2020 to verify that there was a house there.

Commissioner Tebbe asked if it is reasonable to assume they are going to be as close as possible?

Pierret said that is correct.

Commissioner Fox said that this request came before the Welch Planning Commission back in 2020 to verify and locate the previous dwelling. He can remember when the old granary and remnants of the house were there. They went through it quite thoroughly at the Welch Planning Commission to confirm it was a replacement site. The new dwelling is very close to where the original was.

¹¹Motion 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 Cindy Fox (Applicant) on behalf of the Gerald Fox Livable Trust (Owner) to Bluffland protection standards to allow construction of an accessory structure 6.5-feet from the top of a bluff, and associated excavation/grading for construction of a dwelling 10-feet into the bluff impact zone.

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Motion carried 4:0

PUBLIC HEARING: Request for Variance, submitted by Grant Voth (Owner), to Article 12 (Bluffland Standards) to allow construction of a replacement dwelling 8-feet from the top and toe of a bluff and grading/excavation 12-feet into the bluff impact zone. Parcel 34.001.1000. 28935 Circle S Road Red Wing, MN 55066. Part of the SE ¼ of the SW ¼ of Section 01 TWP 112 Range 14 in Hay Creek Township. A-2 Zoned District.

Koberoski presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

¹²After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Tebbe to close the Public Hearing.

Motion carried 4:0

Commissioner Fox stated that staff did a good job presenting the information.

¹³Motion 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 Grant Voth (Owner) to Bluffland protection standards to allow construction of a replacement dwelling 8 feet from the top and toe of a bluff, and associated excavation/grading 12 feet into the bluff impact zone.

Motion carried 4:0

PUBLIC HEARING: Request for Variance, submitted by Jeff Davis (Owner), to R-1 Zoning District standards to allow construction of an accessory structure greater than 2100 square feet. Parcel 41.018.0202. 867 Sciota Trail Randolph, MN 55065. Part of the N ½ of the NE ¼ of Section 18 TWP 112 Range 18 in Stanton Township.

Koberoski presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

¹⁴After Chair Knott asked three times for comments it was moved by Commissioner Tebbe and seconded by Commissioner Fox to close the Public Hearing.

Motion carried 4:0

Commissioner Tebbe asked if this is the only accessory structure the Applicant would be allowed or would he be allowed more than one?

Pierret stated that he would be allowed more accessory buildings, up to 20% lot coverage. He has indicated there are no other feasible places on the site for another building.

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Commissioner Tebbe asked if this request, which exceeds 2100 square feet, was approved, will it still fall under the 20%?

Pierret stated yes.

Commissioner Rehtzigel asked how many 2100 square foot structures could you build here?

Pierret stated up to 20% of the 5.5 acres.

Commissioner Rehtzigel said that seems excessive.

Hanni stated the 20% coverage number is large here because these are larger lots. On a smaller lot, you would not be able to have that many structures. R1 lots range from 20,000 square feet to 10 acres or more around the County. The Township only allows 2 or 3 accessory structures in residential districts. In this case, the Township is more restrictive than the County when limiting accessory buildings.

Commissioner Rehtzigel asked if the maximum is 7200 square feet on an A2 lot?

Pierret stated it is 7200 square feet for non-agricultural buildings.

¹⁵Motion 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 variance request, submitted by Jeffrey Davis (Owner), to R1 Zoning District standards to allow construction of a 3,200 square foot (50-foot x 64-foot) post-frame style shed.

Motion carried 4:0

5. Other-Discussion

A reminder that the next meeting will be held on 25 July. There is already a request for this meeting.

Hanni noted that the accessory building size was amended for R1 Districts around 2005 and the request for variance to structure size heard tonight was one of the only requests we have received since then.

ADJOURN

¹⁶Motion by Fox, seconded by Tebbe to adjourn the BOA meeting at 5:50 pm.

Motion carried 4:0

Respectfully submitted:
Patty Field, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the meeting agenda.

Motion carried 4:0

² APPROVE the previous meeting minutes as amended.

Motion carried 4:0

³ APPROVE the previous special meeting minutes.

Motion carried 4:0

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⁴Close the Public Hearing

Motion carried 4:0

⁵APPROVE the Variance request to Bluffland protection standards to allow construction of a replacement dwelling and associated excavation/grading of land 8-feet into the bluff impact zone.

Motion carried 4:0

⁶Close the Public Hearing

Motion carried 4:0

⁷APPROVE the Variance request to Bluffland protection standards to allow construction of a dwelling addition and associated grading/excavation work 9-feet into the bluff impact zone.

Motion carried 4:0

⁸Close the Public Hearing

Motion carried 4:0

⁹APPROVE the Variance request to Bluffland protection standards to allow construction of an accessory building 0 feet from the top of a bluff and associated grading/excavation for construction of a retaining wall within the bluff impact zone.

Motion carried 4:0

¹⁰Close the Public Hearing

Motion carried 4:0

¹¹Approve the Variance request to Bluffland protection standards to allow construction of an accessory structure 6.5-feet from the top of a bluff, and associated excavation/grading for construction of a dwelling 10-feet into the bluff impact zone.

Motion carried 4:0

¹²Close the Public Hearing

Motion carried 4:0

¹³APPROVE the Variance request to Bluffland protection standards to allow construction of a replacement dwelling 8 feet from the top and toe of a bluff, and associated excavation/grading 12 feet into the bluff impact zone.

Motion carried 4:0

¹⁴Close the Public Hearing

Motion carried 4:0

¹⁵APPROVE the Variance request to R1 Zoning District standards to allow construction of a 3,200 square foot (50 foot x 64 foot) post-frame style shed.

Motion carried 4:0

¹⁶ADJORN

Motion carried 4:0

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