

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
August 22, 2022 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:09 PM by Chair Daniel Knott at the Goodhue County Government Center Board Room.

Roll Call

Commissioners Present: Daniel Knott, Darwin Fox, Randy Rechtzigel, and Keith Allen.

Commissioners Absent: Denny Tebbe

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

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

Motion carried 4:0

3. Conflict/Disclosure of Interest

There were no conflicts of interest reported.

4. Public Hearings:

PUBLIC HEARING: Request for Variance to Parking Setbacks and Outdoor Activity Conclusion Time for Non-Agricultural Use Associated with Agricultural Tourism

Request for Variance submitted by Michael Barck (Owner) to Non-Agricultural Use Associated with Agricultural Tourism requirements to allow parking to be less than 40 feet from property lines and allow outdoor activities to continue after sundown for a wedding/event facility. Parcel 38.016.1000. 42593 HWY 52 BLVD Zumbrota, MN 55992. Part of the E 1/2 of the SE 1/4 of Section 16 TWP 110 Range 16 in Minneola Township. A-1 Zoned District.

Pierret presented the staff report and attachments. She noted that the request to allow outdoor activities to continue after sundown has been removed. Mr. Barck will be pursuing a permanent structure. She noted a CUP request for the wedding/event facility was heard by the Planning Commission at their August 15, 2022 meeting. The PAC recommended denial of the request to the County Board due to safety concerns on Highway 52, noise concerns, and conformance with the Ordinance. The Applicant has elected to bring the item to the County Board on September 6, 2022. She noted that the BOA is not considering whether the use is appropriate on the property, they are only considering whether the reduction of parking setbacks is appropriate.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

³After 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

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Commissioner Allen asked if the parking encroached onto the CRP land.

Pierret stated no, that the parking will be adjacent to the CRP land.

Commissioner Fox asked since the land next to the parking space is not Mr. Barck's land, how will he keep people off of the adjacent property?

Mr. Barck stated that there would be a physical earth berm, which would be difficult to drive over. Parking will be two or three feet back from the adjacent property. He also plans on using a parking attendant.

Chair Knott asked if Mr. Barck had talked to the adjoining neighbors about the parking.

Mr. Barck said he had not spoken to them yet.

Chair Knott asked if there would be any lighting.

Mr. Barck stated that there would be lighting, but not flood lighting.

Chair Knott asked if the permanent structure would have the same footprint and occupancy level as the tent.

Mr. Barck stated yes. He also said MnDOT has no safety concerns with the Friday, Saturday, and Sunday times.

Commissioner Allen asked if there were going to be frontage roads or J-Turns.

Pierret stated MnDOT has not provided any information on their plans yet but staff is communicating regularly with MnDOT staff.

Commissioner Rehtzigel said there are a lot of unknowns with the proposal, especially regarding whether the use will be approved and accessibility.

Hanni said that is part of the difficulty but the Applicant has to start somewhere.

Commissioner Allen said it is difficult to know how to handle traffic without knowing how they are going to handle parking, but it is also difficult to know how to handle parking without knowing how they are going to handle traffic with the changes to Highway 52.

4Motion by Fox, seconded by Allen 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 Michael Barck (owner), to Non-Agricultural Uses Associated with Agricultural Tourism Performance Standards (Article 11, Section 30) to allow event parking to be established no less than 1-foot from the east property line where 40 feet is required.

Motion carried 4:0

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Emanuel Gingerich (Applicant) on behalf of Thomas Welsh (Owner), to allow construction of an accessory building less than 30 feet from side and rear property lines and less

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than 60 feet from the Ludlow Avenue Right-of-Way. Parcel 32.015.0400. 30100 Ludlow Avenue Frontenac, MN 55026. Part of the NE ¼ of the NE ¼ of Section 15 TWP 112 Range 13 in Florence 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.

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

Motion carried 4:0

Commissioner Fox stated this seems like a reasonable request. He asked if staff had been out to the site.

Pierret stated yes.

Commissioner Fox asked if the request seemed reasonable to staff based on what they saw at the site.

Pierret stated yes.

6Motion by Fox, seconded by Allen, 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 Emanuel Gingerich (Applicant) on behalf of Thomas Welsh (Owner) to construct a 40-foot by 48-foot garage no closer than 12 feet from the rear yard property line and 27 feet from the side yard property line and no closer than 39 feet from the Ludlow AVE Right-of-Way.

Motion carried 4:0

PUBLIC HEARING: Appeal of Zoning Administrator's Interpretation of Zoning Ordinance Definitions and Permitted Uses in the R-1 Suburban Residence District

Request submitted by Christopher Pesklo (Owner) appealing the Zoning Administrator's determination that beekeeping is an agricultural use and is therefore not a permissible use in the R-1 Suburban Residence District. Parcel 36.160.0100. 510th ST Path Kenyon, MN 55946. Block 2 of Skyberg in Kenyon Township.

Pierret presented the staff report and attachments.

Christopher Pesklo (Applicant) handed out some additional documentation to the Commissioners for review.

Mr. Pesklo stated that beekeeping is an environmental effort, not a hobby. He feels that the County does not have an ordinance on whether beekeeping is allowed or not allowed because there is nothing mentioned about bees in the Ordinance. Based on University of Minnesota research, there are many city ordinances, but no county ordinances regarding bees. Hennepin and Ramsey Counties don't even have beekeeping ordinances. Mr. Pesklo does not consider beekeeping an agricultural use. Article 10 Agricultural Operations states it shall also include certain farm activities. None of the agricultural definitions listed include bees and they are also not included on the ordinance list he has.

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Chair Knott asked how long he has owned this property.

Mr. Pesklo stated he purchased it last year.

Chair Knott asked Mr. Pesklo if he knew that the property was zoned R-1.

Mr. Pesklo stated he did. He also looked at the Township and County Ordinances and did not see that beekeeping was not allowed. He indicated there are other beekeepers within five miles.

Chair Knott opened the Public Hearing

Jeff Traxler (Kenyon Town Board, 4359 County 11 BLVD Kenyon, MN). He is personally opposed to this. He said that there needs to be some sort of setback for bee boxes from property lines and residences and there needs to be a good water source for the bees. He noted that the water present in the ditch along Highway 56 is gray water from the neighboring residences.

Wayne Simonson (5438 County 11 BLVD Kenyon, MN). He has neighbors who are allergic to bees. They were unable to attend tonight so he is representing them. His main concern is the safety of the residents; it is like a small community with about five homes clustered together.

Jeff Burow (Kenyon Town Board, 4304 500th Street Kenyon, MN). He wasn't aware the property had even sold because it was obtained through tax forfeiture. The township doesn't have an Ordinance regarding beekeeping and defers to the County on these matters. Mr. Pesklo never asked about the requirements for the property to the Township or the County. Mr. Pesklo agreed to stop constructing a fence and bringing in equipment when asked to by both the Township and County however, he has continued to add bees and build a fence in the Township's right-of-way. It is very frustrating and he feels it is in a bad spot.

Holly Burrow (4304 500th Street Kenyon, MN) referred to information located in Beekeeping for Newbies online which states that beekeeping is an agricultural use.

Wayne Simonson gave a history of the Skyberg area noting that the parcel Mr. Pesklo owns was originally going to be used as a community septic system which never was built. He noted the community has had issues in the past with shared wells and non-compliant septic systems to this day.

7After 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 4:0

Hanni stated that there is no building on the site and the Board needs to decide if this is the appropriate place for beekeeping since the R-1 District is intended for residential uses.

Chair Knott stated that all they are here to decide is if beekeeping should be allowed in residential districts. Is there evidence and information available to support beekeeping in the R-1 Zone?

Commissioner Rehtzigel said that a 3,000-square-foot parcel is small. He feels that if someone lived there and wanted bees in their backyard, that would be different.

8Motion by Fox, seconded by Allen, for the Board of Adjustment to:

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

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AFFIRM the Zoning Administrator's determination that beekeeping is an agricultural use that is not allowed in the R-1 Zoning District based on the Goodhue County Zoning Ordinance's definitions and Table of Uses.

Motion carried 4:0

Commissioner Allen stated he appreciates the work staff put into this report. He thinks that future conversations are needed to address this use. The County does understand the importance of bees to our environment.

5. Other-Discussion

Pierret stated that there are no agenda items at this time for the September meeting however, application week does not start until next week.

Discussion continued whether to bring beekeeping to the Planning Commission for consideration to include in the Ordinance.

ADJOURN

9Motion by Fox, seconded by Rehtzigel to adjourn the BOA meeting at 6:42 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.

Motion carried 4:0

³Close the Public Hearing

Motion carried 4:0

⁴APPROVE the Variance request to Parking Setbacks for parking to be less than 40 feet from property lines.

Motion carried 4:0

⁵Close the Public Hearing

Motion carried 4:0

⁶APPROVE the Variance request to Minimum Setback Standards to allow construction of an accessory building less than 30 feet from side and rear property lines and less than 60 feet from the right-of-way.

Motion carried 4:0

⁷Close the Public Hearing

Motion carried 4:0

⁸AFFIRM the determination that beekeeping is an agricultural use and is therefore not a permissible use in the R-1 Zone.

Motion carried 4:0

⁹ADJORN

Motion carried 4:0
