



GOODHUE COUNTY MINNESOTA

TO EFFECTIVELY PROMOTE THE SAFETY, HEALTH, AND WELL-BEING OF OUR RESIDENTS

Goodhue County Board of Adjustment
Government Center- Board Room
509 West 5th St, Red Wing MN 55066

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To SSTS Ordinance Setback Requirements

Daniel Voight (Applicant) and Hazel Larson (Owner). Request for variance to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed 10 feet from structures where 20 feet is required. Parcel 42.200.0080. 15720 Norelius RD, Welch, MN 55089. Part of Lot 1 Block 3 in the SW¼ of the SE¼ Sec 15, Twp 112, Range 16, in Vasa Township. R1 Zoned District.

Documents:

[BOAPACKET_VOIGHT.PDF](#)

PUBLIC HEARING: Request For Variance To ADU Performance Standards

Wesley Dohrn (Applicant) and Donnie Dohrn (Owner). Request for variance to Accessory Dwelling Unit (ADU) standards to allow an existing dwelling located 168 feet from the primary dwelling to be permitted as an ADU where 100 feet is required. Parcel 39.003.0900. 21241 HWY 60 BLVD, Zumbrota, MN 55992. Part of the SW¼ Sec 03, Twp 109, Range 15, in Pine Island Township. A2 Zoned District.

Documents:

[BOAPACKET_DOHRN.PDF](#)

PUBLIC HEARING: Request For Variance To Bluffland Setback Requirements

Mark and Kaye Oakes (Owners). Request for variance to Bluffland Protection standards to allow a dwelling to be reconstructed within 30 feet of a top-of-bluff. Parcel 46.134.0020. 21300 Old Windsor RD, Welch, MN 55089. N½ and the NW¼ of the NE¼ in Sec 34, Twp 114, Range 16, in Welch Township. A2 Zoned District.

Documents:

[BOAPACKET_OAKES.PDF](#)

Other-Discussion

Adjourn

Anyone interested is invited to attend. Agenda items may be subject to change.

Goodhue County Land Use Management

♦ Goodhue County Government Center ♦ 509 West Fifth Street ♦ Red Wing ♦ Minnesota ♦ 55066 ♦
♦ Building ♦ Planning ♦ Zoning ♦ Telephone: 651/385-3104 ♦ Fax: 651/385-3106 ♦

Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.385.3098

To: Board of Adjustment
From: Land Use Management
Meeting Date: August 27, 2018
Report date: August 17, 2018

PUBLIC HEARING: Daniel Voight (Applicant) and Hazel Larson (Owner). Request for variance to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed 10 feet from structures where 20 feet is required. Parcel 42.200.0080. 15720 Norelius RD, Welch, MN 55089. Part of Lot 1 Block 3 in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec 15, Twp 112, Range 16, in Vasa Township. R1 Zoned District.

Application Information:

Applicants: Daniel Voight (Applicant) and Hazel Larson (Owner).
Address of zoning request: 15720 Norelius RD, Welch, MN 55089
Parcel: 42.200.0080
Abbreviated Legal Description: Part of Lot 1 Block 3 in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec 15, Twp 112, Range 16, in Vasa Township
Township Information: Vasa Township endorsed acknowledgment of the applicant's request.
Zoning District: R1 (Suburban Residence District)

Attachments and Links:

Application and submitted project summary
Site Map
Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The owner (Hazel Larson) has contracted the Applicant (Daniel Voight) to replace their existing failing septic system with a new SSTS that is compliant with current SSTS code requirements. The system will provide wastewater treatment for the existing 2 bedroom home on the property.

Due to the location of 2 existing wells and the limited size of the subject parcel, a Type 1 (standard) soil treatment area cannot be designed to meet the 20-foot minimum setback to existing garages on the owner's property and the neighbor's property to the west (Faye Lindblom). In order to accommodate the properties wastewater treatment needs, the Applicant is proposing a "seepage bed" septic system that would be located 10 feet from the 2 existing garages.

Variance Standards:

Variances shall only be permitted when they are in harmony with the general purposes and intent of the Goodhue County Zoning Ordinance and when consistent with the adopted comprehensive plan. Variances may be granted when the applicant establishes "practical difficulties" exist in complying with the existing official controls. Practical difficulties mean the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

Draft Findings of Fact:

1) Harmony with the general purposes and intent of the official control:

- The purpose of the Goodhue County SSTS Ordinance is to protect public health and safety, protect groundwater quality, and prevent or eliminate the development of public health nuisances. It is intended to protect lakes, rivers, streams, wetlands, and groundwater in Goodhue County that are essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County.
- The applicant's proposed system would be located 10 feet from an existing garage on the subject parcel and 10 feet from an existing garage on the adjacent parcel to the west (PID# 42.200.0090). Neither of these structures is used for habitation, nor do they have basements. The SSTS will be required to adhere to all other requirements of the Goodhue County SSTS Ordinance. It is unlikely these structures would be affected by the proposed SSTS.

The applicant's proposed SSTS appears in harmony with the purpose and intent of the Goodhue County SSTS Ordinance.

2) The variances request is consistent with the adopted Comprehensive Plan:

- The Goodhue County Comprehensive Plan supports the use of existing rural residences to provide rural living opportunities in the unincorporated areas of Goodhue County.

The applicant's proposed SSTS appears to be consistent with the Goodhue County Comprehensive Plan.

3) There are "practical difficulties" in complying with the official control (the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality):

- The applicant desires to construct a replacement "Type-1" pressurized bed SSTS to replace the existing failing system in order to provide onsite soil treatment of the home's residential wastewater.

The applicant's proposal to replace the failing SSTS with a new compliant SSTS is a reasonable use of property in the R1 District.

- The 9,500 sq ft property is an existing non-conforming lot as it does not meet the minimum parcel area standard for the R1 district (20,000 sq ft).
- A well located off the southwest corner of the applicant's dwelling which requires a minimum setback of 50 feet to an SSTS soil treatment area occupies most of the suitable area in the north half of the parcel.
- An existing shallow well located on the adjacent lot to the southwest (Faye Lindlom) which requires a minimum setback of 100 feet to an SSTS soil treatment area occupies most of the suitable area in the south half of the parcel.
- A Type-1 SSTS cannot be installed in the location of the current septic system.
- Due to the size of the property and location of existing wells, there are no alternative locations on the property to install a Type-1 SSTS.
- Goodhue County Environmental Health Department staff were present on site with the SSTS designer for the initial evaluation and offered the following comments regarding the variance request:

"Environmental Health recommends approval of the variance because the proposal has the least number of potential impacts when compared to other locations the septic system may be installed."

- A review of the existing development pattern adjacent to the applicant's property reveals medium density residential land use.

The request for variance appears unlikely to alter the essential character of the locality.

4) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

- The applicant is not proposing a change in use.

The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing.

The Board should specify the facts and reasons that are the basis of the Board's determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.

Staff Recommendation:

- 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 to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed 10 feet from 2 existing adjacent structures where 20 feet is required.

Parcel 42.200.0080. Located at 15720 Norelius RD, Welch, MN 55089.

Part of Lot 1 Block 3 in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec 15, Twp 112, Range 16, in Vasa Township.

BOARD OF ADJUSTMENT

Public Hearing
August 27, 2018

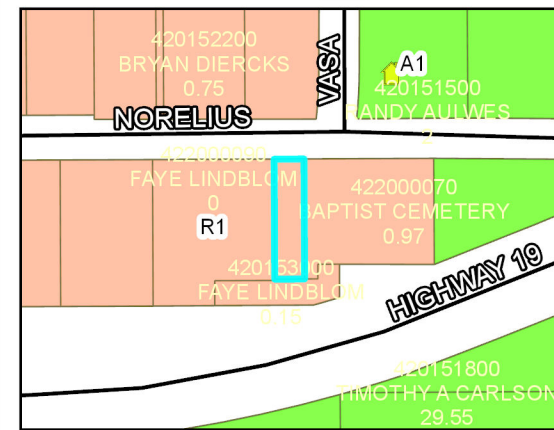
Voight/Larson
R1 Zoned District

Parcel # 42.200.0080
Part of Lot 1 Block 3; SW¼ SE¼
Sec 15 Twp 112 Range 16
Welch Township

Request for Variance to SSTS
setback requirements to allow
septic system 10 feet from structures

Legend

Intermittent Streams	Bluff Impact Zones (% slope)
Protected Streams	20
Lakes & Other Water Bodies	30
Shoreland	FEMA Flood Zones
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



0 10 20 40 60 US Feet

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2016 Aerial Imagery
Map Created August, 2018 by Ryan Bechel





July 27, 2018

Full Address

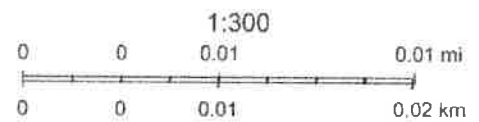
PIN

Full Name

GoodhueCo_PLSS

Township or Other Roads

NEIGHBORS
WELL
100' AWAY



Goodhue County

APPLICATION FOR

Variance

For Staff Use only	
VARIANCE NUMBER:	218-0038
\$350 RECEIPT#	10422
DATE	8-2-18

SITE ADDRESS, CITY, AND STATE		ZIP CODE:		
15720 Nowelius Rd. Welch, MN		55089		
LEGAL DESCRIPTION:				
Attached				
PID#:	ZONING DISTRICT:	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
B42-200-0080				

APPLICANT OR AUTHORIZED AGENT'S NAME	
Daniel Voight	
APPLICANT'S ADDRESS:	TELEPHONE:
32977 Cty 7 Blvd Goodhue, MN 55027	651-428-5428
	EMAIL:
	voightelectric@sleepyeye.tel.net

PROPERTY OWNER'S NAME:	
Same as Above Hazel Larson ETAL	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
15720 Nowelius Rd. Welch, MN 55089	
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
Same as Above Daniel Voight	
ADDRESS:	TELEPHONE:
32977 Cty 7 Blvd Goodhue, MN 55027	651-428-5428
	EMAIL:

VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:	
	House	
	PROPOSED USE:	
	House	
	BUILDING APPLICATION PERMIT NO.: (if filed)	DATE FILED:

TOWNSHIP SIGNATURE:		
By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.		
TOWNSHIP OFFICIAL'S SIGNATURE		Attached <input type="checkbox"/>
TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE		DATE
Steve Hyllengren Chairman		8-1-18
Steven Hyllengren Chairman		

By signing below, the applicant acknowledges:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. If I am unable to be present at the hearing where my request is acted upon, I agree to accept the Notice of Decision via certified mail.
4. Additional information or applications may be required

Applicant's Signature: Daniel Voight

Date: 7-30-18

Print name: Daniel Voight (owner or authorized agent)

REQUEST SUMMARY

Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from:

Article: 7090 Section: 2150 Name: Final Treatment and Dispersal.
Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

You, or your agent, bear the burden of providing information to convince the Board to rule in your favor. Please provide answers to the following questions in the spaces below or in an attached document. You may also attach any additional supporting documentation you desire the board to review.

Discuss your current use of the property and the reason for your variance request:

House, need to replace the septic system.

Describe the effects on the property if the variance is not granted:

there is not enough room for the drain field to meet the 20' setback from buildings. need 10' setback from shed and neighbor to the west's shed.

Describe any unique physical limitations that exist on your property, not generally found on others, which prevent you from complying with the provisions of the current ordinance:

There is only one spot to install the drain field on the property to meet the setbacks from the drain field to the well and the neighbor to the west's wall.

Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them:

there are not any.

Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

there are not any.

In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:

no it would not.

Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.385.3098

To: Board of Adjustment
From: Land Use Management
Meeting Date: August 27, 2018
Report date: August 17, 2018

PUBLIC HEARING: Wesley Dohrn (Applicant) and Donnie Dohrn (Owner). Request for variance to Accessory Dwelling Unit (ADU) standards to allow an existing dwelling located 168 feet from the primary dwelling to be permitted as an ADU where 100 feet is required. Parcel 39.003.0900. 21241 HWY 60 BLVD, Zumbrota, MN 55992. Part of the SW $\frac{1}{4}$ Sec 03, Twp 109, Range 15, in Pine Island Township. A2 Zoned District.

Application Information:

Applicant: Wesley Dohrn (Applicant) and Donnie Dohrn (Owner)
Address of zoning request: 21241 HWY 60 BLVD, Zumbrota, MN 55992
Parcel: 39.003.0900
Abbreviated Legal Description: Part of the SW $\frac{1}{4}$ Sec 03, Twp 109, Range 15, in Pine Island Township.
Township Information: Pine Island Township endorsed acknowledgment of the applicant's request.
Zoning District: A2 (General Agriculture District)

Attachments and Links:

Application and submitted project summary
Site Map
Article 11, Section 31 (Accessory Dwelling Units)
Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The applicants own and operate an existing farmstead in the SW $\frac{1}{4}$ of section 03 in Pine Island Township. There are currently 2 dwellings within the farmyard in the southern part of the 159-acre farmstead that has existed since the mid 60's.

As an A2 zoned district, section 03 allows a maximum dwelling density of 12 dwellings with the stipulation that there be no more than 1 dwelling per each quarter-quarter section. Dwelling density is available as there are currently only 7 dwellings in the section. However, the Applicant's 2 existing dwellings straddle the quarter-quarter section line between the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ thereby occupying the dwelling density for both of the quarter-quarter sections.

The Applicant desires to parcel off a new lot in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ to establish a new dwelling for himself. Since ADU's do not count against the dwelling density for a section, the Applicant desires to permit the eastern dwelling as an Accessory Dwelling Unit (ADU) to the western primary dwelling to allow density to construct a new dwelling in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$.

The existing dwellings are situated 168 feet from each other. ADU performance standards require an ADU to be located within 100 feet of the primary dwelling unit. The Applicant is requesting the Board of Adjustment grant a variance to the 100-foot requirement to allow the eastern dwelling to be permitted as an ADU. It should be noted that a permitted ADU is not allowed to be split from a primary dwelling tax parcel.

Variance Standards:

Variances shall only be permitted when they are in harmony with the general purposes and intent of the Goodhue County Zoning Ordinance and when consistent with the adopted comprehensive plan. Variances may be granted when the applicant establishes “practical difficulties” exist in complying with the existing official controls. Practical difficulties mean the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

Draft Findings of Fact:

1) Harmony with the general purposes and intent of the official control:

- The purpose and intent of the ADU maximum distance standard cited in Article 11, Section 31 of the GCZO are to prevent proposed ADU’s from being located outside of an existing yard area where they could potentially be split off in the future thereby creating additional dwelling density exceeding the allowable density.

The existing residences are both located within an active farmyard which is a registered feedlot. Given the location of the 2 structures and proximity to the existing feedlot, it is not possible to split off either residence from the farmyard and meet property line setbacks (100 feet for structures containing animals, 30 feet for other structures) or feedlot odor off-set setbacks (1000 feet) without the granting of additional variances. The applicant’s proposal appears in harmony with the purpose and intent of the official control.

2) The variances request is consistent with the adopted Comprehensive Plan:

- The Goodhue County Comprehensive Plan supports the establishment of ADU’s to provide rural living opportunities in the unincorporated areas of Goodhue County.

The Applicant’s ADU request appears consistent with the Goodhue County Comprehensive Plan.

3) There are “practical difficulties” in complying with the official control (the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality):

- The Applicant’s request to recognize an existing dwelling unit as an ADU is a reasonable use of property in the A2 District.
- The dwellings were legally established prior to the adoption of the current ADU performance standards (April 2017).
- There are no reasonable alternatives available given the dwellings are preexisting.
The dwellings would comply with all other ADU performance standards.
- Goodhue County has not historically recognized the 2 dwellings as separate for section dwelling density calculations.
- A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly agricultural uses.

The request for variance appears unlikely to alter the essential character of the locality.

4) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

- ADU’s are permissible in the A2 district.

The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing.

The Board should specify the facts and reasons that are the basis of the Board's determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.

Staff Recommendation:

- 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 to allow an existing dwelling located 168 feet from the primary dwelling to be permitted as an ADU where 100 feet is required.

Parcel 39.003.0900 located at 21241 HWY 60 BLVD, Zumbrota, MN 55992.
Part of the SW¼ Sec 03, Twp 109, Range 15, in Pine Island Township



BOARD OF ADJUSTMENT

Public Hearing
August 27, 2018

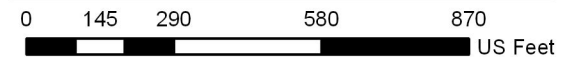
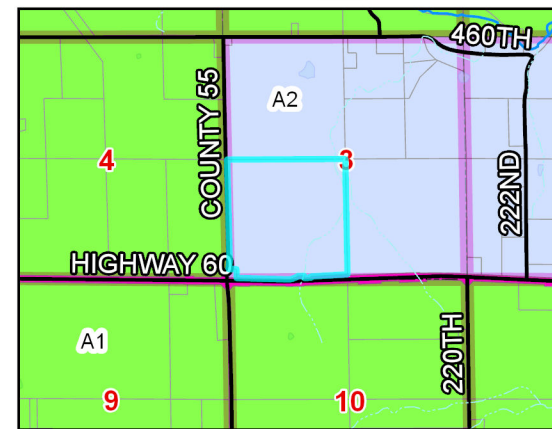
Wesley Dohrn
A2 Zoned District

Parcel # 39.003.0900
Part of the SW $\frac{1}{4}$
Sec 03 Twp 109 Range 15
Pine Island Township

Request for Variance to ADU
Performance Standards requiring
ADU be within 100ft of primary dwelling

Legend

	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		30
	Lakes & Other Water Bodies		
	Shoreland		
	Historic Districts		
	Parcels		
	Registered Feedlots		
	Dwellings		
	Municipalities		
			FEMA Flood Zones
			2% Annual Chance
			A
			AE
			AO
			X



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2016 Aerial Imagery
Map Created August, 2018 by Ryan Bechel



ARTICLE 11 PERFORMANCE STANDARDS

Section 31. ACCESSORY DWELLING UNITS (ADUS)

Subd. 1. Accessory Dwelling Units (ADUs) are dwelling units that are accessory to a primary dwelling unit and are on the same tax parcel of land as the primary dwelling unit.

- A. An ADU can be either:
 - 1. Attached to, or within the primary dwelling unit; or
 - 2. Located within 100 feet of the primary dwelling unit on the same tax parcel as the primary dwelling unit.
- B. ADU's must have separate kitchen and bathroom facilities
- C. Only one (1) ADU is permitted per primary dwelling site tax parcel
- D. The ADU cannot be separated from the primary dwelling tax parcel
- E. Dwelling units that were permitted as temporary dwelling units that request to be converted to ADU status must have a public hearing at the PAC and approved by the County Board.

Subd. 2. Performance Standards

- A. Setbacks: The ADU must meet all district setbacks for structures
- B. Size: An ADU cannot exceed the size of the primary dwelling
- C. The ADU will be required to obtain all necessary permits, including Zoning, Building, Well, and SSTS

APPLICATION FOR
Variance

For Staff Use only	
VARIANCE NUMBER:	Z18.0037
\$350 RECEIPT#	16421
DATE	8.3.18

SITE ADDRESS, CITY, AND STATE				ZIP CODE:
LEGAL DESCRIPTION:				
Attached <input type="checkbox"/>				
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
390030900				

APPLICANT OR AUTHORIZED AGENT'S NAME	
Wesley J Dohrn	
APPLICANT'S ADDRESS:	TELEPHONE:
21241 Hwy 60 Blvd	(507) 421-0649
Zumbrota, MN 55992	EMAIL:
	Wesleydohrn@yahoo.com

PROPERTY OWNER'S NAME:	
Same as Above <input type="checkbox"/> Donnie L. Dohrn	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
21241 Hwy 60 Blvd	(507) 273-0335
Zumbrota, MN 55992	EMAIL:
	Wesleydohrn@yahoo.com

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input type="checkbox"/> Wesley Dohrn	
ADDRESS:	TELEPHONE:
21245 Hwy 60 Blvd	(507) 421-0649
Zumbrota, MN 55992	EMAIL:
	Wesleydohrn@yahoo.com

VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input checked="" type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:
	Agricultural Dwelling/Homestead
	PROPOSED USE:
	Same as current use
	BUILDING APPLICATION PERMIT NO.: (if filed)
	DATE FILED:

TOWNSHIP SIGNATURE:		
By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.		
Attached <input type="checkbox"/>		
TOWNSHIP OFFICIAL'S SIGNATURE	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	DATE
Glen Butcher	Glen Butcher	7-24-18

- By signing below, the applicant acknowledges:
1. The undersigned is the owner or authorized agent of the owner of this property.
 2. The information presented is true and correct to the best of my knowledge.
 3. If I am unable to be present at the hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
 4. Additional information or applications may be required

Applicant's Signature: *Wesley Dohrn* Date: 7-29-18

Print name: Donnie Dohrn Donnie Dohrn (owner or authorized agent)

REQUEST SUMMARY

Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from:

Article: 11 Section: 31 Name: Accessory Dwelling Units

Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

You, or your agent, bear the burden of providing information to convince the Board to rule in your favor. Please provide answers to the following questions in the spaces below or in an attached document. You may also attach any additional supporting documentation you desire the board to review.

Discuss your current use of the property and the reason for your variance request:

The property is currently used as a farmstead. I would like to formally recognize the older/smaller house located on the east side of the driveway as an accessory dwelling. Therefore, I am requesting a 68 ft. variance to the 100 ft. standard defined in the Section 31 Subd. 1 ADU, maximum distance between dwellings.

Describe the effects on the property if the variance is not granted:

If variance is not granted, then there is no definition of which 1/4, 1/4 section the dwellings are located in. Therefore preventing an opportunity to ever establish a dwelling in the SE 1/4, 1/4 section.

Describe any unique physical limitations that exist on your property, not generally found on others, which prevent you from complying with the provisions of the current ordinance:

Both dwellings were built predating the ADU Standards, for the distance between primary and accessory dwelling. Both dwellings are located on the same parcel and are currently being used as a primary and accessory dwellings.

Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them:

No alternatives are available given that the buildings are preexisting and both located on the same parcel.

Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

There are no alternatives that I have found that would require a lesser variance given that the dwellings are preexisting

In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:

I feel that granting the variance would not alter the essential character of the area. Both structures are preexisting, located on the same taxable parcel and meet all the regulations except the 100 ft standard.

A-2 Agricultural Zone District
 Parcel #390030900

Contents of Site Plan:

1. The existing and intended use of the property
2. Location, size and shape of any structures
3. Distances from structures to property lines
4. Location of all wells and sanitary sewer systems

Upon review, projects may require more information

Distance between closest Point of Structures is 168ft



Legend

- The Parcel Section Line
- Road
- 2014 Parcel parcel
- Municipal Boundaries
- Dwelling Foot
- % Slope
 - 20
 - 30
- Stream Center Line STATUS
 - Intermittent
 - Goodhue_Co_2016_Newaid
 - Protected
- RGB
 - Red Band_1
 - Green Band_2
 - Blue Band_3



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Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

Lisa M. Hanni, L.S. Director



County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.385.3098

To: Board of Adjustment
From: Land Use Management
Meeting Date: August 27, 2018
Report date: August 17, 2018

PUBLIC HEARING: Mark and Kaye Oakes (Owners). Request for variance to Bluffland Protection standards to allow a dwelling to be reconstructed within 30 feet of a top-of-bluff. Parcel 46.134.0020. 21300 Old Windsor RD, Welch, MN 55089. N $\frac{1}{2}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ in Sec 34, Twp 114, Range 16, in Welch Township. A2 Zoned District.

Application Information:

Applicant: Mark and Kaye Oakes (Owners)
Address of zoning request: 21241 HWY 60 BLVD, Zumbrota, MN 55992
Parcel: 46.134.0020
Abbreviated Legal Description: N $\frac{1}{2}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ in Sec 34, Twp 114, Range 16, in Welch Township
Township Information: Welch Township provided acknowledgment of the applicant's request.
Zoning District: A2 (General Agriculture District)

Attachments and Links:

Application and submitted project summary
Site Map
Bluffland Protection Language (Article 12)
Site Photos
Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The Applicant's purchased the 120-acre property in 2017 with the intent of removing the existing derelict dwelling and constructing a new dwelling in its place. The previous dwelling was constructed prior to the adoption of the Goodhue County Bluffland Protection regulations which require structures be set back a minimum of 30 feet from a top or toe of a bluff.

The home would be located on a "point" with steep slopes on the north, east, and south sides. The Applicants have had the property surveyed and determined the previous structure was situated 11.9 feet from the top-of-bluff at the nearest location. Survey data shows that lands immediately north and south of the project area do not meet Goodhue County's Definition of a bluff; however they would be classified as steep slopes (no setback required). A bluff was verified by survey along the east side of the project area.

The Applicants are requesting a variance to allow their new proposed dwelling to be placed in a similar footprint as the old dwelling to allow them to maintain a view of the picturesque valley, avoid disturbing existing forested areas, and to take advantage of existing driveways and utilities.

Variance Standards:

Variances shall only be permitted when they are in harmony with the general purposes and intent of the Goodhue County Zoning Ordinance and when consistent with the adopted comprehensive plan. Variances may be granted when the applicant establishes "practical difficulties" exist in complying with the existing official controls. Practical difficulties mean the applicant proposes to use the

property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

Draft Findings of Fact:

1) Harmony with the general purposes and intent of the official control:

- The purpose and intent of the Bluffland Protection ordinance are to protect and preserve the sensitive physical features of the bluffs by regulating development, preventing erosion and controlling the cutting of timber on the slopes and tops of the bluffs. Required setbacks from bluff impact zones are in place to protect the existing and/or natural scenic values, significant historic sites, vegetation, soils, water and bedrock from disruption by man-made structures or facilities.

The proposed location of the dwelling was occupied by a dwelling until it was removed by the Applicants in 2017. The structure is proposed to be located 11.9 feet from the top-of-bluff at its nearest point which matches the closest point of the previous dwelling. The majority of the new structure will be greater than 30 feet from the top-of-bluff and be situated further from the bluff than the previous structure.

The proposed dwelling location has already been disturbed and has been occupied by a dwelling since 1976 without causing any known erosion issues or degradation of surrounding natural resources or scenic values. The request appears in harmony the purpose and intent of the official control.

2) The variances request is consistent with the adopted Comprehensive Plan:

- The Goodhue County Comprehensive Plan encourages protection, preservation, and responsible management of Goodhue County's Blufflands and promotes enhancing the health of environmentally sensitive areas through best practices land management strategies.

The location of the proposed structure was previously disturbed during the construction and demolition of the existing residences. Evaluation of the existing site reveals no existing erosional issues in the project area.

Best management practices, erosion control measures, and special attention to roof drainage and landscaping could be implemented to control runoff during and after site development and to prevent long-term erosion issues to ensure consistency with the goals of the Comprehensive Plan.

3) There are "practical difficulties" in complying with the official control (the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality):

- The property comprises 120 acres; however, the majority of the land is inaccessible due to the bluff that traverses the property.
- The Applicant's request to construct a single-family dwelling unit is a reasonable use of property in the A2 District.

The size of the building or the design of the structure could potentially be altered to reduce or eliminate Bluffland encroachment.

- The dwelling would not encroach into any Bluff Impact Zones.
- The previous dwelling was legally established prior to the adoption of the current Bluffland Protection standards.
- The Applicants desire to rebuild in the footprint of the previous structure to utilize existing utilities (electric, water, gas) and road improvements and to maintain a view of the bluff

valley.

- The Applicants considered moving the structure west to reduce bluff encroachment or eliminate the need for a variance but rejected the alternative as it would necessitate the need for large amounts of fill because the point narrows significantly and it would also require the removal of a stand of mature trees which help stabilize the steep slopes in the area.
- The Applicants rejected relocating the dwelling to suitable areas west of the site near the properties driveway access as it would occupy lands intended for use as pasture, would require the relocation of roads and existing utilities, and would restrict the desired view of the bluff valley.
- A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly undeveloped hardwood forest.

The request for variance appears unlikely to alter the essential character of the locality.

4) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

- Single-family dwellings are permissible in the A2 district. The request does not constitute a use variance.

The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing.

The Board should specify the facts and reasons that are the basis of the Board's determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.

Staff Recommendation:

- 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 variance to Bluffland Protection standards to allow the dwelling to be reconstructed 11.9 feet from a top-of-bluff.

Parcel 46.134.0020 located at 21241 HWY 60 BLVD, Zumbrota, MN 55992
N½ and the NW¼ of the NE¼ in Sec 34, Twp 114, Range 16, in Welch Township

BOARD OF ADJUSTMENT

Public Hearing
August 27, 2018

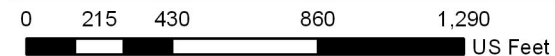
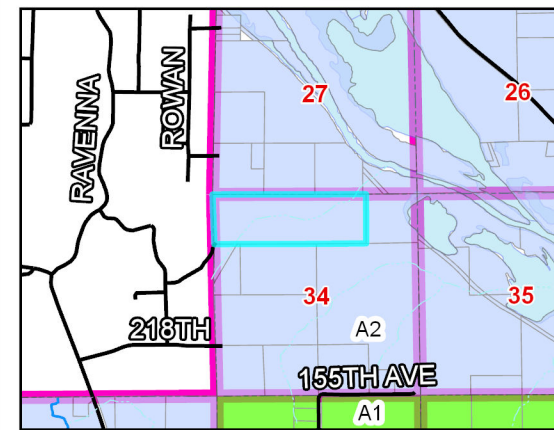
Mark & Kaye Oakes
A2 Zoned District

Parcel # 46.134.0020
N½ and the NW¼ of the NE¼
Sec 34 Twp 114 Range 16
Welch Township

Request for Variance to
Bluffland Protection setback
requirements to Top-Of-Bluff

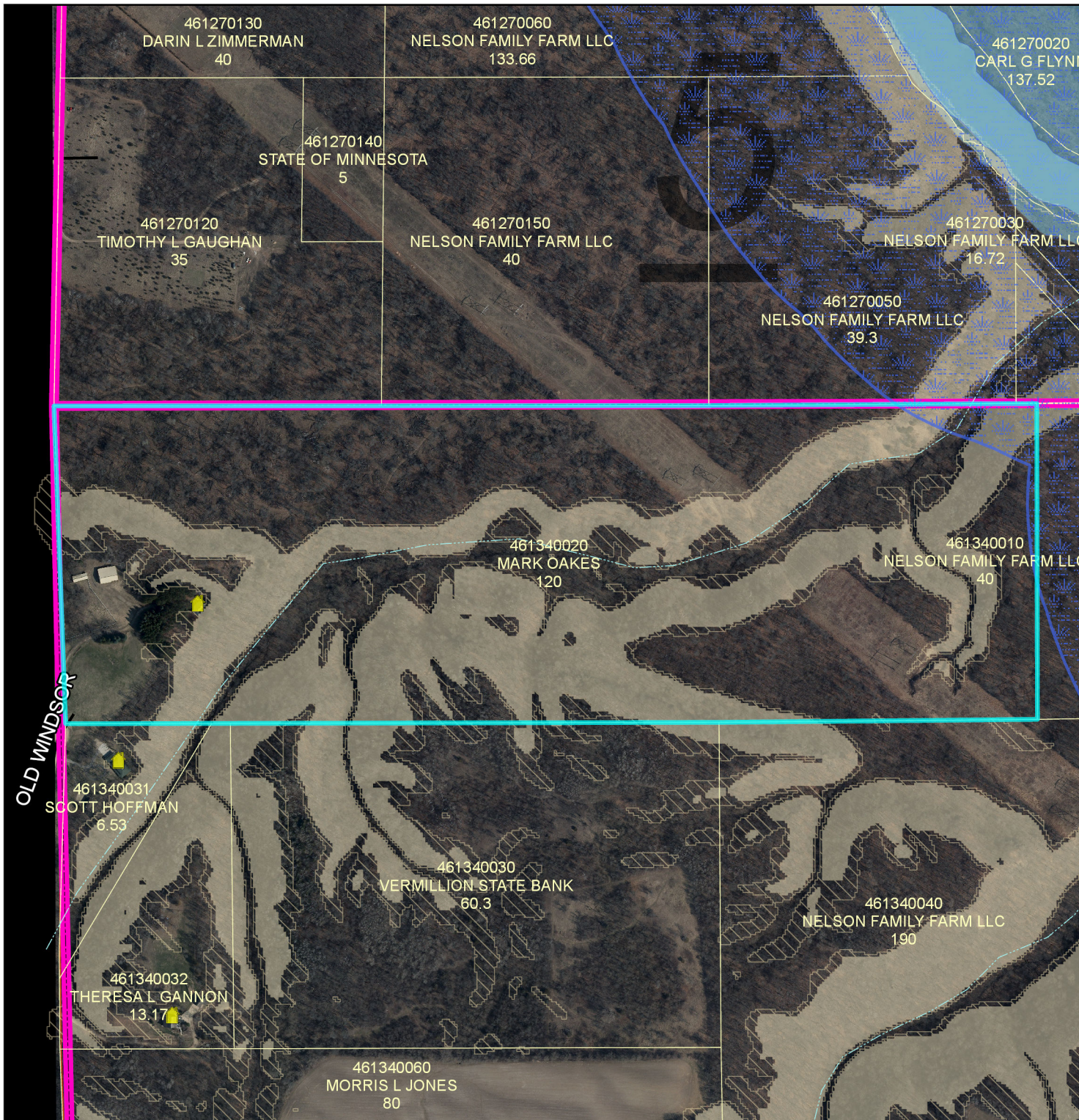
Legend

	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		
	Lakes & Other Water Bodies		
	Shoreland		
	Historic Districts		
	Parcels		
	Registered Feedlots		
	Dwellings		
	Municipalities		
			FEMA Flood Zones
			A
			AE
			AO
			X



DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2018.

2016 Aerial Imagery
Map Created August, 2018 by Ryan Bechel





House location looking west towards driveway



southern most garage extension



Standing on bluff looking west to proposed home location



Southern most garage extension



South pasture area near property entrance



Property entrance



South pasture area near property entrance





House location looking south



Existing home location/removal remains



View from home location looking east towards valley

ARTICLE 12 BLUFF LAND PROTECTION

SECTION 1. INTENT AND PURPOSE

Goodhue County recognizes the historic and economic values of the bluffs that line the many rivers and valleys of the County. These standards set out to protect and preserve the sensitive physical features of the bluffs by regulating development, preventing erosion and controlling the cutting of timber on the slopes and tops of the bluffs.

SECTION 2. SCOPE

These standards shall regulate the setback of structures, sanitary waste treatment facilities and row crops from bluff impact zones to protect the existing and/or natural scenic values, significant historic sites, vegetation, soils, water and bedrock from disruption by man-made structures or facilities. These standards will also regulate alterations of the natural vegetation and topography.

- Subd. 1. **BLUFF.** A natural topographic feature such as a hill, cliff, or embankment having the following characteristics:
- A. The slope rises at least twenty-five (25) feet above the toe of the bluff; and
 - B. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the toe of the bluff averages thirty (30) percent or greater;
 - C. An area with an average slope of less than twenty (20) percent over a horizontal distance of fifty (50) feet shall not be considered part of the bluff.
- Subd. 2. **BLUFF IMPACT ZONE.** All of the land lying between the top of the bluff and the toe of the bluff.
- Subd. 3. **SIGNIFICANT HISTORIC SITE.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presented listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- Subd. 4. **TOE OF THE BLUFF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 5. **TOP OF THE BLUFF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 6. **VISUALLY INCONSPICUOUS.** Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.

SECTION 3. BOUNDARIES

- Subd. 1. The bluff land protection area shall include all areas with the following soil types as determined by the Goodhue County Soil Survey:
- A. N634E - Massbach-Schapville complex, 18-35% slopes
 - B. N598E - Winneshiek-Waucoma complex, 18-35% slopes
 - C. N594E - Chelsea loamy sand, 12-35% slopes
 - D. N553E - Frankville-Nasset-Mt. Carroll complex, 18-35% slopes
 - E. N635E - Frankville-Nasset-Downs complex, 18-35% slopes
 - F. N642E - Frankville-Nasset complex, Oneota formation, 18-35% slopes
 - G. N609E - Hawick sandy loam, 18-45% slopes
 - H. M516E - Wangs-Wagen Prairie complex, 18-35% slopes
 - I. M537E - Meridian-Bassett complex, 18-35% slopes
 - J. N526F - Gale-Oak Center complex, 18-45% slopes
 - K. M540F - Frontenac-Bellechester complex, 18-45% slopes
 - L. N639F - Frontenac-Lacrescent complex, 20-45% slopes
 - M. N631E - Schapville silt loam, 18-35% slopes
 - N. N580G - Brodale, very flaggy-Bellechester-Rock outcrop complex, 45-90% slopes
 - O. N632G - Brodale, flaggy-Schapville complex, 18-80% slopes
 - P. N638G - Brodale, flaggy-Bellechester complex, 30-70% slopes
 - Q. N640G - Lacrescent, flaggy-Frontenac-Rock outcrop complex, 45-90% slopes
 - R. N641F - Brodale channery loam, 20-45% slopes, flaggy
 - S. N639G - Frontenac-Lacrescent complex, 30-70% slopes
 - T. M539F - Bellechester loamy sand, 18-45% slopes

SECTION 4. GENERAL REGULATIONS

- Subd. 1. Developments and other land disturbing activities including: structures, accessory facilities, driveways, and parking areas shall not be placed within bluff impact zones except the following:
- A. Stairways and landings subject to provisions set forth in Subd. 6, of this Section.
 - B. Facilities such as ramps, lifts, or mobility paths subject to provisions set forth in Subd. 6, of this Section.
 - C. Uses identified in Article 30; Section 3; Subd. 6, Subd. 12, and Subd. 1
- Subd. 2. Setback from top or toe of the bluff to any structure in any district shall be no less than thirty (30) feet. Exceptions may include structures allowed under Article 30, Section 3, Subdivisions 6, 12, and 13.
- Subd. 3. The maximum height of any structure shall be twenty-five (25) feet from the highest natural grade touching foundation. Exceptions may include structures allowed under

the following provisions: Article 30; Section 3; Subd. 6, Subd. 12, and Subd. 13. Height for structures that may be permitted within bluff impact zones under these provisions shall be set forth within Conditional or Interim Use Permits

- Subd. 4. No person may begin a mining or quarrying activity or expand a mining or quarrying activity within three hundred (300) feet of the toe or top of a bluff without a conditional use permit.
- Subd. 5. Towers as defined in Article 17 (Wireless Communication Facilities) must be located outside of bluff impact zones and shall be subject to a minimum setback of 1.1 times the height of the tower from the top of a bluff and a minimum of 30 feet from the toe of a bluff.
- Subd. 6. All stairways and lifts on bluffs and in shoreland areas shall be visually inconspicuous. Stairways and lifts shall meet the following design requirements:
 - A. Stairways and lifts must not exceed four (4) feet in width on residential lots.
 - B. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space recreational properties.
 - C. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming Summer, leaf on conditions, whenever practical.
 - F. Facilities such as ramps, lifts, or mobility paths are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items A-E are complied with in addition to the requirements of the Minnesota Accessibility Code.
- Subd. 7. No grading, excavating or filling (including Mineral Extraction) within the bluff impact zones, except for approved erosion control measures. Erosion control projects within the bluff impact zone shall comply with A. and B. below:
 - A. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Goodhue Soil and Water Conservation District and the USDA, Natural Resources Conservation Service.
 - B. Plans to place fill or excavated materials in bluff impact zones shall be prepared by qualified professional for continued slope stability, and approved by Land Use Management. All costs to be born by the applicant.
- Subd. 8. The top or toe of bluffs shall be certified by a Minnesota Licensed Land Surveyor or Zoning Administrator.
- Subd. 9. Vegetation Alterations. Vegetation alterations shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance.

APPLICATION FOR
Variance

For Staff Use only

VARIANCE NUMBER:	
\$350 RECEIPT#	DATE

SITE ADDRESS, CITY, AND STATE		ZIP CODE:	
21300 OLD WINDSOR ROAD, WELCH, MN		55089	
LEGAL DESCRIPTION:			
NW 1/4 OF NE 1/4 AND N 1/2 OF NW 1/4 OF SEC. 34, TWP. 114, RGE. 16			Attached <input type="checkbox"/>
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:
46.134.0020	N/A	117.45 ACRES	1300 X 3950 +/-
			STRUCTURE DIMENSIONS (if applicable):
			N/A

APPLICANT OR AUTHORIZED AGENT'S NAME	
MARK & KAYE OAKES	
APPLICANT'S ADDRESS:	TELEPHONE:
20350 RHODA AVENUE	651-492-2174
WELCH, MN 55089	EMAIL:

PROPERTY OWNER'S NAME::	
Same as Above <input checked="" type="checkbox"/>	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE:
	EMAIL:

VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input checked="" type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:	
	RESIDENTIAL	
	PROPOSED USE:	
	RESIDENTIAL	
	BUILDING APPLICATION PERMIT NO.: (if filed)	DATE FILED:

TOWNSHIP SIGNATURE:		
By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.		Attached <input type="checkbox"/>
TOWNSHIP OFFICIAL'S SIGNATURE	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	DATE

By signing below, the applicant acknowledges:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. If I am unable to be present at the hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
4. Additional information or applications may be required

Applicant's Signature: Mark Oakes Date: 8/3/2018

Print name: MARK OAKES (owner or authorized agent)

REQUEST SUMMARY

Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from:

Article: 12 Section: 2 Name: Bluff Land Protection
Article: Section: Name:

SUPPORTING INFORMATION & JUSTIFICATION

You, or your agent, bear the burden of providing information to convince the Board to rule in your favor. Please provide answers to the following questions in the spaces below or in an attached document. You may also attach any additional supporting documentation you desire the board to review.

Discuss your current use of the property and the reason for your variance request:

We purchased the property to build a home on it. The existing home was in poor and uninhabitable condition. We had the home that was originally built within the set back regulations torn down and we want to build a new home in same location.

Describe the effects on the property if the variance is not granted:

We would consider selling the property as our intent was to build a new home on the point where the original home was located. We had our home designed specifically to build on the point.

Describe any unique physical limitations that exist on your property, not generally found on others, which prevent you from complying with the provisions of the current ordinance:

The area in which we want to build this home is a point. To move the house back to meet the set back regulation, would require the removal of many trees and adding a substantial amount of fill for the garage area of the home, Also, this would alter the natural shape of the existing driveway which would require tree removal as well.

Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them:

Although we do not feel there is no reasonable alternative, one option would be to move the house back further from the point. The existing well would need to be moved and many trees would need to be cut down. There is also existing electrical service that would be affected. Another option would be to move the home closer to the buildings. This option would interfere with the proposed location of the septic system.

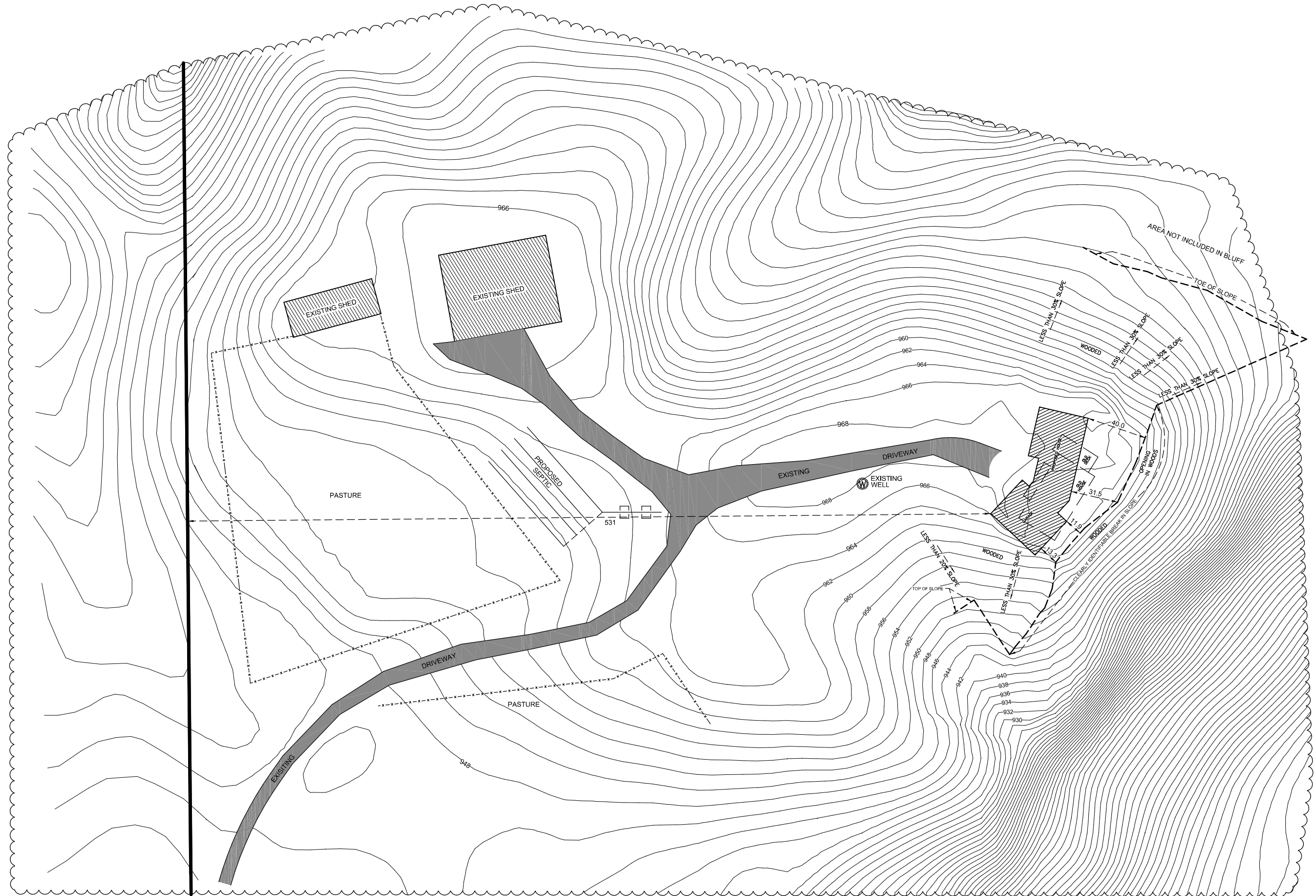
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

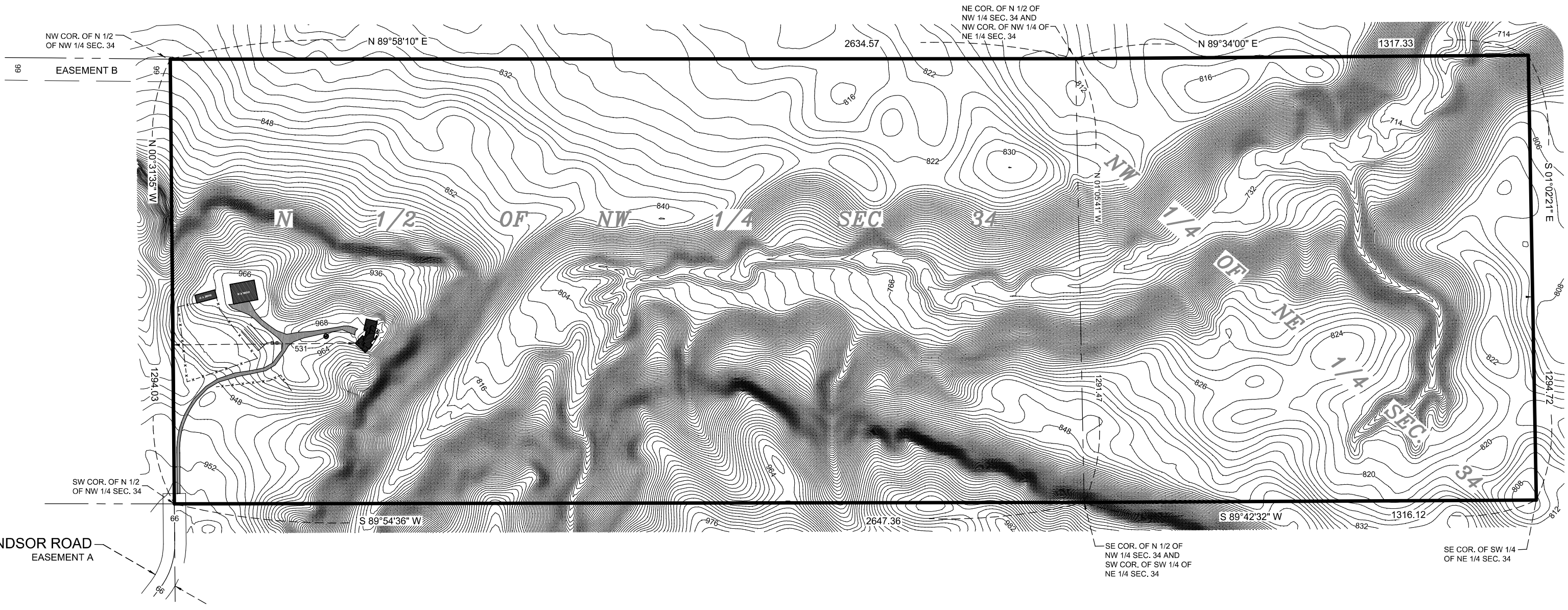
To lessen the variance by any substantial amount would require removal of many trees to fit the garage area and would change the natural shape of the existing driveway.

In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:

No, because the home will set in the approximate location where the original home was. Our new home location will not be visible from the road or any neighboring property.

DETAIL
(NOT TO SCALE)





OLD WINDSOR ROAD
EASEMENT A

SE COR. OF N 1/2 OF
NW 1/4 SEC. 34 AND
SW COR. OF SW 1/4 OF
NE 1/4 SEC. 34

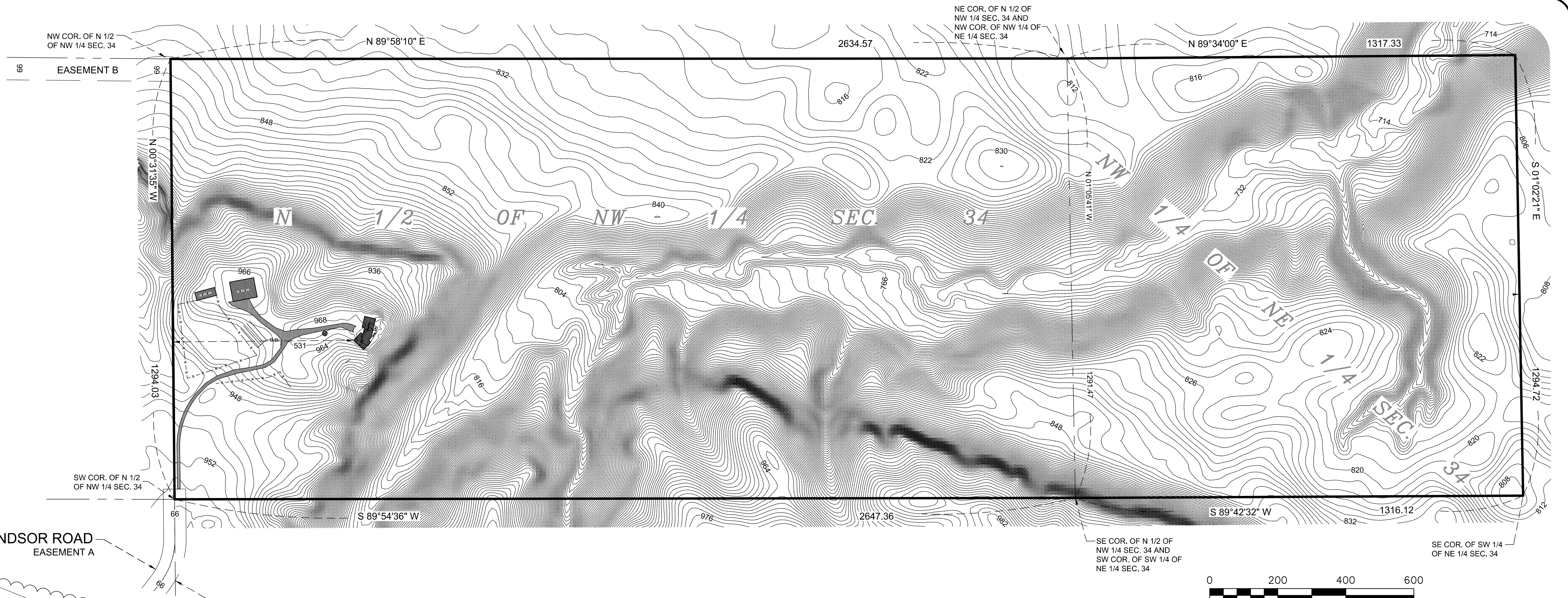
SE COR. OF SW 1/4
OF NE 1/4 SEC. 34

ADDRESS:
21300 OLD WINDSOR ROAD
WELCH, MN 55089

AREA = 117.45 ACRES

DETAIL
(NOT TO SCALE)

OLD WINDSOR ROAD
EASEMENT A



RECORD PROPERTY DESCRIPTION
(Per Goodhue County Document No. 478779)

The Northwest Quarter of the Northeast Quarter and the North Half of the Northwest Quarter, Section 34, Township 114, Range 16, Goodhue County, Minnesota, according to the government survey thereof filed in the Register of Deeds Office in and for said County.

Together with an easement for roadway and utility purpose, over and across Outlot A, Hungry Point Farm. This roadway and utility easement shall be used only by the grantees, their heirs and assigns as hereinafter limited, provided, however, that such easement may be used by the owner of not more than 8 single family dwelling units located on the subject property, according to the restrictions on such use contained in the covenants of record for Hungry Point Farm, and further, that the user or users thereof, shall pay to the Hungry Point Farm Homeowner's Association for each using dwelling unit, a sum equal to 50% of the annual dues for membership in such Homeowner's Association, as established from time to time, and that such payments shall be due and payable on the 31st day of December for any year during which there is an occupant of such dwelling unit of units.

AND

together with and subject to easements as follows:
EASEMENT A - A 66.00 foot easement for roadway and utility purposes over, under and across part of the Northeast Quarter of Section 33 and the Northwest Quarter of Section 34, all in Township 114 North, Range 16 West. The centerline of said easement is described as follows:

Beginning at a point on the easterly line of Outlot A of HUNGRY POINT FARM, according to the recorded plat thereof filed in the Register of Deeds Office, Dakota County, Minnesota, distant 35.14 feet southerly of the southeast corner of Lot 2, Block 4, of said HUNGRY POINT FARM, as measured along said easterly line of Outlot A; thence North 59 degrees 59 minutes 20 seconds East, based on the bearings of said HUNGRY POINT FARM, a distance of 521.06 feet; thence northeasterly a distance of 138.08 feet along a tangential curve concave to the northwest having a radius of 416.99 feet and a central angle of 21 degrees 43 minutes 14 seconds; thence North 38 degrees 16 minutes 06 seconds East, tangent to the last described curve, a distance of 385.72 feet; thence northerly along a curve concave to the west being tangent to the last described line and tangent to the east line of the Northeast Quarter of Section 33; thence northerly along said east line of the Northeast Quarter of Section 33, a distance of 135.00 feet, more or less to a point 30.00 feet northerly of the northeast corner of the Southeast Quarter of Section 33 and there terminating. The side lines of said easement are to be extended or shortened to intersect the easterly line of said Outlot A.

EASEMENT B - A 66.00 foot easement for roadway and utility purposes over, under and across part of the East Half of Section 33, Township 114, Range 16, Dakota County, Minnesota. The centerline of said easement is described as follows:

Commencing at a point on the easterly line of Outlot A of HUNGRY POINT FARM, according to the recorded plat thereof on file in the Register of Deeds Office, Dakota County, Minnesota, distant 35.14 feet southerly of the southeast corner of Lot 2, Block 4 of said HUNGRY POINT FARM, as measured along said easterly line of Outlot A; thence North 59 degrees 59 minutes 20 seconds East, based on the bearings of said HUNGRY POINT FARM, a distance of 136.26 feet to the point of beginning of the centerline to be described; thence South 1 degree 48 minutes 54 seconds East, a distance of 535.09 feet; thence South 4 degrees 25 minutes 47 seconds East, a distance of 652.57 feet more or less, to a point on the easterly extension of the north line of Lot 1, Block 3, of said HUNGRY POINT FARM, distant 33.00 feet east of the northeast corner of said Lot 1; thence South 1 degree 48 minutes 54 seconds East, parallel with the east line of said Lot 1, Block 3 to the south line of the Northeast Quarter of the Southeast Quarter of said Section 33 and there terminating.

AND

together with and subject to easement for roadway and utility purposes over and across the North 66 feet of the NE 1/4 of the NE 1/4 of said Section 33, lying easterly of the plat of HUNGRY POINT FARM.

AND

subject, however, to the following restrictions which shall run with the land, to-wit:
The premises may be divided into not more than 8 separate parcels of land, which parcels shall be used exclusively for agricultural purposes or for single family dwelling purposes.

⊕ DENOTES COUNTY MONUMENT.
x S.B. 1 DENOTES SOIL BORING.

SITE PLAN FOR:
LAWRENCE BUILDERS

JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING
1112 HIGHWAY 55, SUITE 201, HASTINGS, MN 55033
(651) 438-0000

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Mitchell A. Scofield
Revised: August 13, 2018
Revised: August 15, 2018
Date: April 4, 2018
Minnesota License No. 48634
North 4, 2018

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	18-327	18-327	S-7442