



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

1. Approval Of Current Agenda
2. Approval Of Previous Month's Meeting Minutes
 - I. August 27, 2018 Meeting Minutes

Documents:

[MINUTES_AUGUST2018BOA_DRAFT.PDF](#)

3. Conflict/Disclosure Of Interests

Public Hearing: Bruce's Backhoe Request For SSTS Variance

Bruce's Backhoe Service Inc. (Applicant) and Paul Shaw (Owner). Request for variance to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed less than 10 feet from a property line and less than 20 feet from a structure. Parcel 34.019.3900. 31651 HWY 58 BLVD, Red Wing, MN 55066. Part of the NW¼ of the SW¼ Sec 19, Twp 112, Range 14, in Hay Creek Township. A2 Zoned District.

Documents:

[BOAPACKET_SHAW_REDACTED.PDF](#)

Public Hearing: Kjos Request For SSTS Variance

Jason Kjos (Owner). Request for variance to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed less than 20 feet from a structure. Parcels 32.230.0150 and 32.230.0161. 32574 361st AVE, Lake City, MN 55041. Lot 5 and S½ of Lot 6 in Block 3 of Lakeview Heights Plat located in Sec 30, Twp 112, Range 12, in Florence Township. R1 Zoned District.

Documents:

[BOAPACKET_KJOS_REDACTED.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 ♦

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
August 27th, 2018 MEETING MINUTES**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:30 PM by Chair Ellingsberg in the Goodhue County Government Center Board Room in Red Wing, MN.

Roll Call

Commissioners Present: Mike Hinsch, Darwin Fox, Rich Ellingsberg, Richard Mallan

Commissioners Absent: Bob Benson

Staff Present: Zoning Administrator Lisa Hanni, Zoning Assistant Ryan Bechel, Zoning Assistant Abby Breyfogle

1. Approval of Agenda

¹Motion by **Fox**, and seconded by **Hinsch** to approve the meeting agenda

Motion carried 3:0 (Commissioner Mallan Absent)

2. Approval of Minutes

²Motion by **Hinsch** and seconded by **Fox** to approve the previous month's meeting minutes

Motion carried 3:0 (Commissioner Mallan Absent)

3. Conflict of Interest/Disclosure

There were no reported conflicts of interest.

4. Public Hearings:

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 SW¹/₄ of the SE¹/₄ Sec 15, Twp 112, Range 16, in Vasa Township. R1 Zoned District.

The Applicant (Daniel Voight) was present to represent the application.

Lisa Hanni (Hanni) presented the staff report and summarized the request.

Daniel Voight added if the variance isn't approved the only other option would be a holding tank.

Chair Ellingsberg responded they've dealt with these before so they are familiar with the circumstances and he understands that holding tanks aren't good options.

Chair Ellingsberg opened the Public Hearing.

No one spoke for or against the request.

After Chair Ellingsberg asked three times for comments it was moved by Fox and seconded by Hinsch to close the public hearing.

Motion carried 3:0 (Commissioner Mallan Absent)

³Motion by Commissioner Hinsch, seconded by Commissioner 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 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 SW¹/₄ of the SE¹/₄ Sec 15, Twp 112, Range 16, in Vasa Township. R1 Zoned District.

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
August 27th, 2018 MEETING MINUTES**

Motion carried 3:0 (Commissioner Mallan Absent)

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.

The Applicant (Wesley Dohrn) was present to represent the application.

Lisa Hanni (Hanni) presented the staff report and summarized the request.

Commissioner Mallan arrived during presentation of staff report (5:36 p.m.)

Chair Ellingsberg opened the Public Hearing.

Richard Miller (Pine Island Township Supervisor) stated that this is the second ADU the township has sent to the BOA. The township does not have a problem with it at all. They welcome the construction. Miller added that this should not affect the agricultural land at all.

After Chair Ellingsberg asked three times for comments it was moved by Fox and seconded by Mallan to close the public hearing.

Motion carried 4:0

Commissioner Fox reiterated the planning committee knew that every so often they would need to relook at one of these ADU's coming through. 168 feet keeps it within the boundaries of what the committee was intending.

4th Motion by Commissioner Fox, seconded by Commissioner Mallan, 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 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.

Motion carried 4:0

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.

The Owners (Mark and Kaye Oakes) were present to represent the application.

Lisa Hanni (Hanni) presented the staff report and summarized the request.

Mark Oakes added that the department did a good job helping them put this together.

Chair Ellingsberg opened the Public Hearing.

Dr. Larry Anderson inquired if the granting of this variance would set precedence for others to do the same.

Commissioner Fox responded no.

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
August 27th, 2018 MEETING MINUTES**

Lewis Taylor (neighbor up the road) supports this variance. Taylor stated that the Oakes are doing a wonderful job fixing fences and improving property.

After Chair Ellingsberg asked three times for comments it was moved by Fox and seconded by Hinsch to close the public hearing.

Motion carried 4:0

Commissioner Fox commented that coming from Welch Township Planning Commission he knows that this house was approved at the town board as a replacement. The house they originally bought wasn't livable or fixable. The town says if it was there before it should be able to be replaced.

Hanni stated that staff tries to work with applicants who are trying to replace homes in tricky areas to help them get the best possible outcome.

Commissioner Fox agreed that sometimes the language of the Bluff Ordinance complicates these issues and sometimes there isn't any alternative

⁵Motion by Commissioner Fox, seconded by Commissioner Hinsch, 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 variance to Bluffland Protection standards to allow a dwelling to be reconstructed 11.9 feet from 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.

Motion carried 4:0

⁶Motion by Fox seconded by Benson to adjourn the Board of Adjustment meeting at 7:40 PM.

Motion carried 4:0

Respectfully submitted,

Abby Breyfogle, Recording Secretary

MOTIONS

¹ APPROVE the meeting agenda. Motion carried 3:0

² APPROVE the previous meeting's minutes. Motion carried 3:0

³ APPROVE the variance request SSTS setback standards to allow a septic system soil treatment area to be constructed 10 feet from structures. Motion Carried 3:0

⁴ APPROVE the variance request to ADU standards to allow an existing dwelling located 168 feet from the primary dwelling. Motion Carried 4:0

⁵ APPROVE the variance request to Bluffland Protection standards to allow a dwelling to be reconstructed within 30 feet of a top-of-bluff. Motion Carried 4:0

⁶ ADJOURN. Motion carried 4:0

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: September 24, 2018
Report date: September 14, 2018

PUBLIC HEARING: Bruce's Backhoe Service Inc. (Applicant) and Paul Shaw (Owner). Request for variance to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed less than 10 feet from a property line and less than 20 feet from a structure. Parcel 34.019.3900. 31651 HWY 58 BLVD, Red Wing, MN 55066. Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec 19, Twp 112, Range 14, in Hay Creek Township. A2 Zoned District.

Application Information:

Applicants: Bruce's Backhoe Service Inc. (Applicant) and Paul Shaw (Owner)

Address of zoning request: 31651 HWY 58 BLVD, Red Wing, MN 55066

Parcel(s): 34.019.3900

Abbreviated Legal Description: Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec 19, Twp 112, Range 14, in Hay Creek Township.

Township Information: Hay Creek Township endorsed acknowledgment of the applicant's request.

Zoning District: A2 (General Agriculture 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:

Paul Shaw (owner) has contracted Bruce's Backhoe Service Inc. to replace an existing failing septic system with a new subsurface sewage treatment system (SSTS) that is compliant with current SSTS code requirements. The system will provide wastewater treatment for the existing 3 bedroom home on the 1.18 acre-property.

Due to the limited size of the property, location of existing structures, and limited availability of adequate soils, a Type 1 (standard) soil treatment area cannot be designed to meet the 20-foot minimum setback to the dwelling or the 10-foot minimum setback to the west property line. In order to accommodate the properties wastewater treatment needs, the Applicant is proposing a "trench" septic system that would be located 10 feet from the residence and 0-feet from the west property line.

To reduce the potential for accidental encroachment onto the neighboring property, staff is recommending the Board of Adjustment consider granting a variance to allow the system within 1 foot of the west property line and within 9 feet of the existing dwelling.

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 9 feet from the existing residence on the subject parcel and 1 foot from the west property line (Hay Creek Valley Campground). Careful consideration of construction practices can ensure the system is installed without damaging existing structures. The applicant is responsible for getting consent from adjacent landowners to encroach onto their properties during construction if necessary. The SSTS will be required to adhere to all other requirements of the Goodhue County SSTS Ordinance.

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" trench 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 A2 District.

- The 1.18 property is an existing non-conforming lot as it does not meet the minimum parcel area standard for the A2 district (2 acres).
- The property is served by a shared well that is located greater than 100 feet from the site.
- A Type-1 SSTS cannot be installed in the location of the current septic system.
- Due to the limited size of the property, location of existing structures, and limited availability of adequate soils, there are no alternative locations available to install a Type-1 SSTS.

The area between the dwelling and detached garage was explored as a possible replacement location for the system. This location was rejected as the soils have been disturbed and are inadequate for treatment. Furthermore, the close proximity of the 2 structures would necessitate variance relief for structure setback requirements as well.

- 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 low-

density residential among row-crop agriculture to the north, east, and south. Commercial recreational development (Hay Creek Valley Campground) exists to the west.

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 9 feet from an existing dwelling and 1 foot from the west property line.

Parcel 34.019.3900. Located at 31651 HWY 58 BLVD, Red Wing, MN 55066.
Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec 19, Twp 112, Range 14, in Hay Creek Township.

BOARD OF ADJUSTMENT

Public Hearing
September, 24 2018

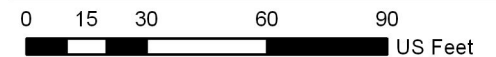
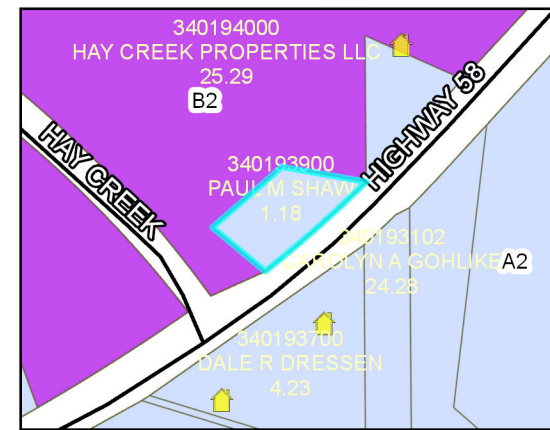
Bruce's Backhoe Services INC
A2 Zoned District

Parcel # 34.019.3900 Part of NW1/4 of
SW1/4 Sec 19 Twp 112 Range 14
in Hay Creek Township

Request for Variance to SSTS
setback requirements to allow septic
system less than 10 feet from property line
& less than 20 feet from a structure

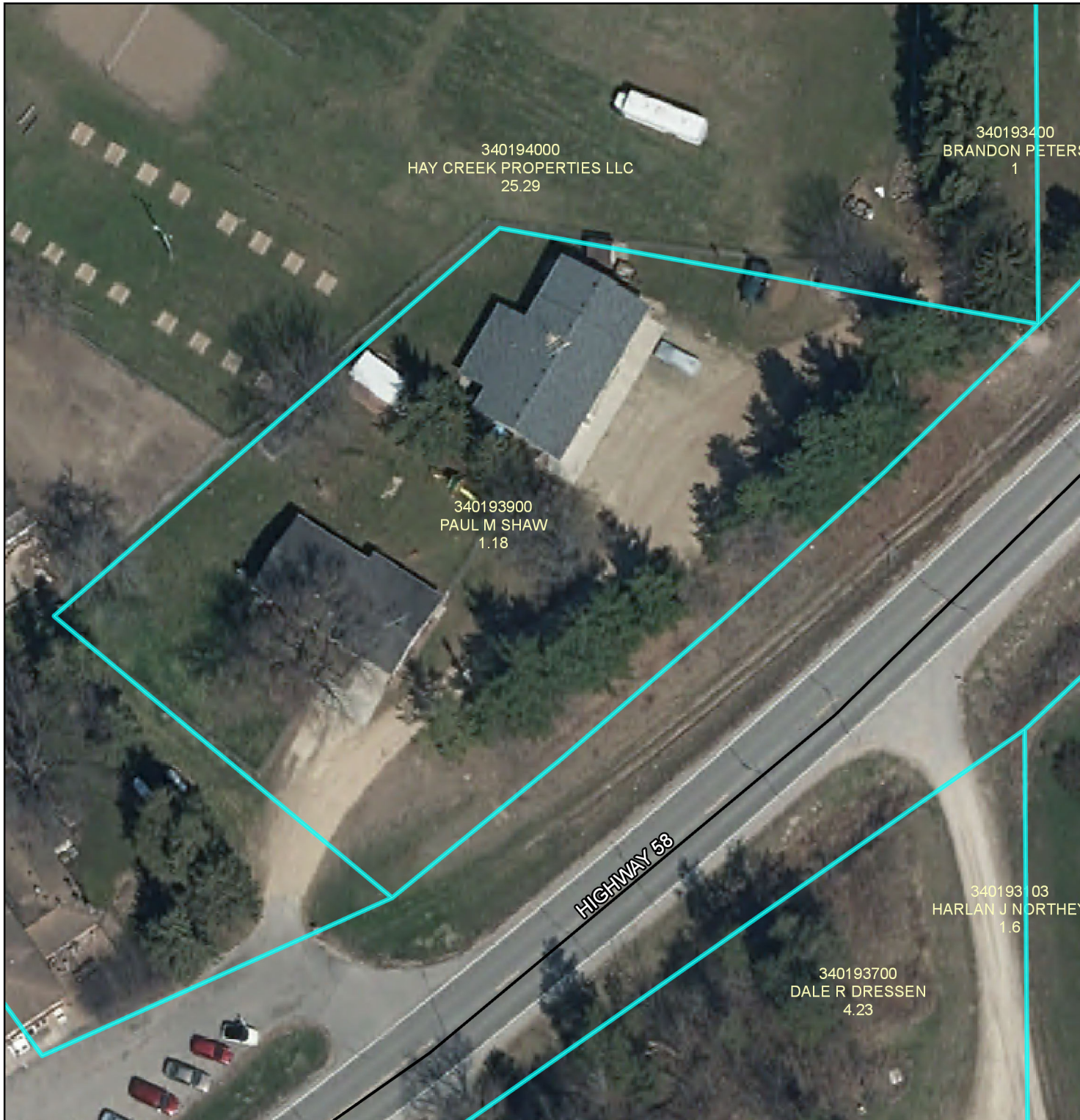
Legend

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



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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 September, 2018 by Abby Breyfogle



APPLICATION FOR
Variance

RECEIVED

AUG 29 2018

Land Use Management

For Staff Use only

VARIANCE NUMBER: 7180044
 \$350 RECEIPT# 16461 DATE 8.29.18

SITE ADDRESS, CITY, AND STATE <u>31651 Hwy 58 Blvd Redbank mn 55066</u>				ZIP CODE:
LEGAL DESCRIPTION: <u>R 34.019.3900</u>				
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME <u>BRUCE'S BATH & SPA SERVICES INC</u>	
APPLICANT'S ADDRESS: <u>36130 Co 2 Blvd Goodhue, mn 55007</u>	TELEPHONE:
	EMAIL:

PROPERTY OWNER'S NAME: Same as Above <u>Paul Shaw</u>	
PROPERTY OWNER'S ADDRESS: <u>Same as above</u>	TELEPHONE:
	EMAIL:

CONTACT FOR PROJECT INFORMATION: Same as Above	
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 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:	
	PROPOSED 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

TOWNSHIP OFFICIAL'S SIGNATURE <u>Mark Schilling</u>	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE <u>Marilyn Schilling Clerk</u>	DATE <u>8/27/18</u>
--	--	------------------------

- 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: *Paul Shaw* Date: 8/23/18

Print name: Paul Shaw (owner or authorized agent)

REQUEST SUMMARY

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

Article: _____ Section: _____ Name: SST5 ordinance

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:

AS
Variance for Setback / Current Building
not meeting set backs.
Go up to Property line (0') -> 10' to building.

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

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:

Lot too small

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

None

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

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

No

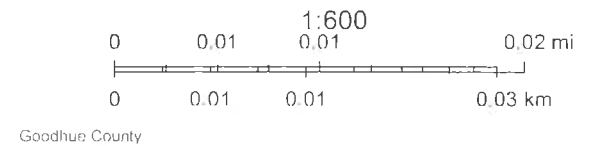
*Shared well is 7100' to system
ArcGIS WebMap

Variances Required - Property line - 10' required
House - 10ft setback
20 required



August 13, 2018

- Full Address GoodhueCo_PLSS Township or Other Roads State Highway
- PIN Township or Other Roads Major Roads 1,200 County Roads 1,200
- Full Name Township or Other Roads US Highway County Roads - Gravel



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: September 24, 2018
Report date: September 14, 2018

PUBLIC HEARING: Jason Kjos (Owner). Request for variance to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be constructed less than 20 feet from a structure. Parcels 32.230.0150 and 32.230.0161. 32574 361st AVE, Lake City, MN 55041. Lot 5 and S½ of Lot 6 in Block 3 of Lakeview Heights Plat located in Sec 30, Twp 112, Range 12, in Florence Township. R1 Zoned District.

Application Information:

Applicants: Jason Kjos (Owner)
Address of zoning request: 32574 361st Ave, Lake City, MN 55041
Parcel: 32.230.0150 and 32.230.0161
Abbreviated Legal Description: Lot 5 and S1/2 Lot 6 in Block 3 of Lakeview Heights Plat located in Sec 30, Twp 112, Range 12.
Township Information: Florence 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 (Jason Kjos) would like to replace his 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 home on the property.

Due to the location of the existing septic system and well, 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 the existing dwelling on the property. In order to accommodate the property's wastewater treatment needs, the Applicant is proposing a septic pressure bed that would be located 10 feet from the existing dwelling.

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 the existing home on the subject parcels (PID# 32.230.0150 and 32.230.0161). The SSTS will be required to adhere to all other requirements of the Goodhue County SSTS Ordinance. It is unlikely this structure 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.
- A Type-1 SSTS cannot be installed in the location of the current septic system.
- Due to the size of the property, size and location of existing dwelling, and existing septic system, 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 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.**

- 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 to Subsurface Sewage Treatment System (SSTS) setback standards to allow a septic system soil treatment area to be located 10 feet from the existing dwelling.

Parcel 32.230.0150 and 32.230.0161. Located at 32574 361st Ave, Lake City, MN 55041. Lot 5 and S1/2 of Lot 6 in Block 3 of Lakeview Heights Plat located in Sec 30, Twp 112, Range 12, in Florence Township. R1 Zoned District.



BOARD OF ADJUSTMENT

Public Hearing
September 24, 2018

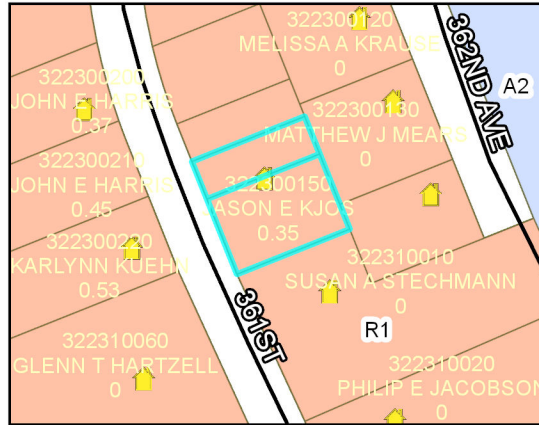
Jason Kjos
R1 Zoned District

Parcel # 32.230.0150 & 32.230.0161
Lot 5 and S1/2 of Lot 6 in Block 3 of
Sec 30 Twp 112 Range 12
Florence Township

Request for Variance to SSTS setback
requirements to allow septic system
less than 20 feet from a structure

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



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2016 Aerial Imagery
Map Created September, 2018 by Abby Breyfogle



REQUEST SUMMARY

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

Article: _____ Section: _____ Name: SSTS

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:

Residential, For new septic

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

will not be able to install new septic, we will be within the 20' set back of house

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:

old septic is in the back yard, this is the only option left for the property for a new septic

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

we have discussed being within the 10' set back of the road right away. Decided it was a better option to move it closer to the house

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

No other option

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

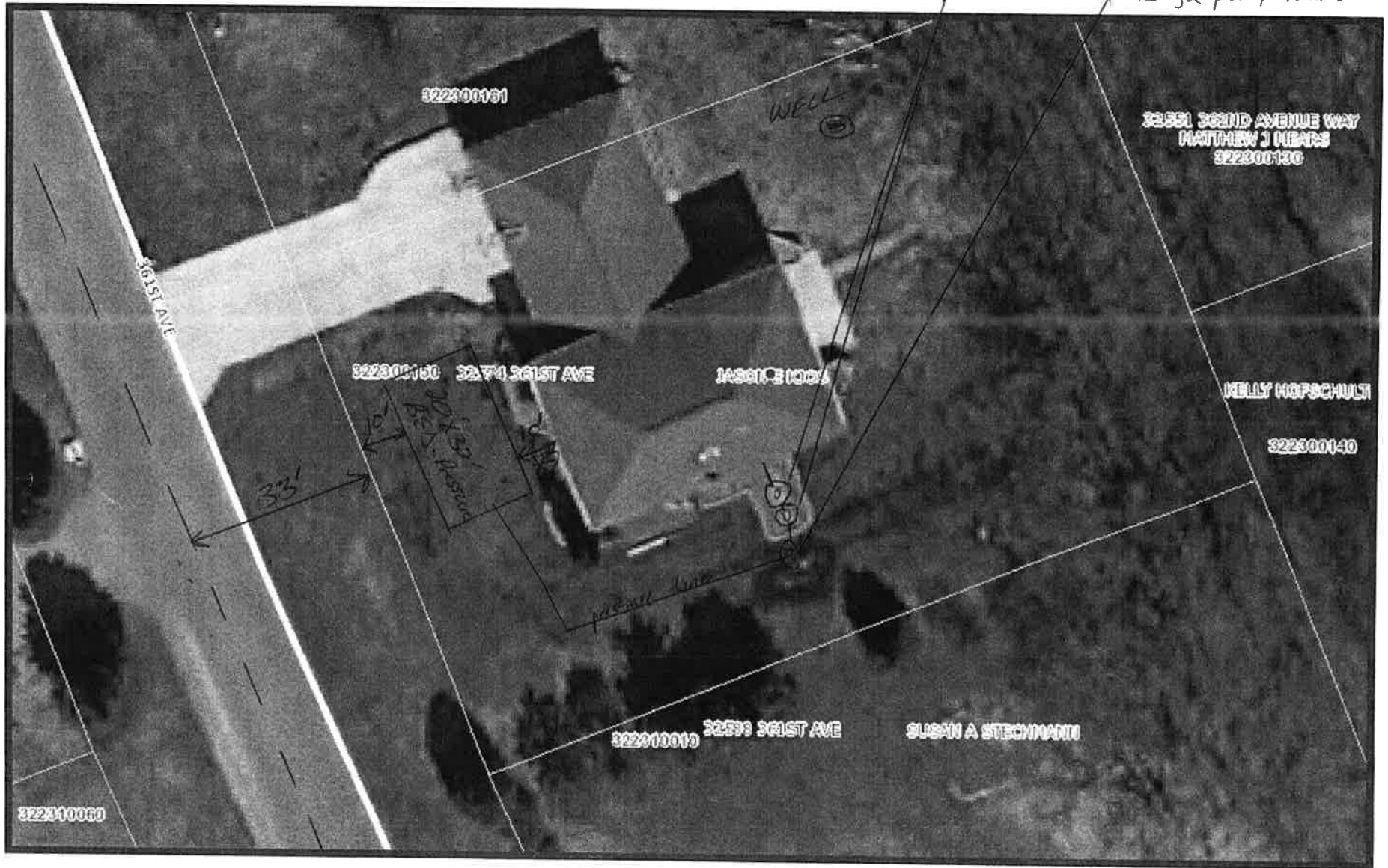
NO

R32.230.0150

ArcGIS WebMap

Existing 1000/500
gallon tank

New
750 gal pump tank

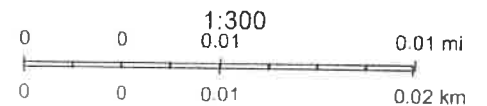


June 12, 2018

Full Address GoodhueCo_PLSS Township or Other Roads State Highway

PIN Township or Other Roads Major Roads 600 County Roads 600

Full Name Township or Other Roads US Highway County Roads - Gravel



Goodhue County

ArcGIS WebApp Builder

⊗ Variance required to allow bed to be 10 ft from foundation of home.