



# 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

1. June 24, 2019 Board Of Adjustment Meeting Minutes

Documents:

[MINUTES\\_JUNE\\_BOA\\_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Bluff Land Protection Standards

After-the-fact variance request, submitted by David Lorentz, to Bluff Land Protection standards prohibiting grading, excavating, and filling within a Bluff Impact Zone to allow a driveway access established on slopes exceeding 30 percent to remain. Parcel 31.018.0901. TBD County 6 BLVD, Red Wing, MN 55066. Part of the SE ¼ of NW ¼, N1/2 of SE ¼, and N ½ of SW ¼ of Sect 18 Twp 112 R15 in Featherstone Township. A2 Zoned District.

Documents:

[BOAPACKET\\_LORENTZ.PDF](#)

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance, submitted by Dale Banitt (authorized agent) and Ricka Kohnstamm (owner), to A2 Zoning District standards to construct a dwelling addition less than 60 feet from the Wells Creek Trail Right-of-Way. Parcel 26.018.0300. 36111 Wells Creek Trail, Goodhue, MN 55027. Part of the NW ¼ of the NW ¼ of Section 18 Twp 111 R14 in Belvidere Township. A2 Zoned District.

Documents:

[BOAPACKET\\_KOHNSTAMM.PDF](#)

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  
JUNE 24<sup>th</sup>, 2019 MEETING MINUTES**

**DRAFT**

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 Court Room in Red Wing, MN.

**Roll Call**

Commissioners Present: Darwin Fox, Rich Ellingsberg, Kristin Toegel, Robert Benson, Dan Knott (arrived at 5:42 PM)

Staff Present: Zoning Administrator Michael Wozniak, Zoning Assistant Ryan Bechel, and Zoning Assistant Samantha Pierret

**1. Approval of Agenda**

<sup>1</sup>Motion by **Benson**, and seconded by **Fox** to approve the meeting agenda

***Motion carried 4:0***

**2. Approval of Minutes**

<sup>2</sup>Motion by **Benson** and seconded by **Toegel** to approve the previous month's meeting minutes with the time change.

***Motion carried 4:0***

**3. Conflict of Interest/Disclosure**

Commissioner Toegel noted that Mr. Tousignant has been a client in the office that she works in but stated that she does not feel there is a conflict of interest as she has not worked with him on either of his projects on the agenda tonight.

**4. Public Hearings:**

**PUBLIC HEARING: Request for Variance to Feedlot Setback Standards**

Request for Variance, submitted by Jon Brunner, to R-1 (Suburban Residence District) standards to allow a new R1 district and dwelling to be established within 1,000 feet of an existing confined feeding operation. Parcel 39.006.0900. 46060 186<sup>th</sup> Ave Ct, Zumbrota, MN 55992. Part of the NW ¼ of the NE ¼ of Sect 06 Twp 109 R15 in Pine Island Township.

*Wozniak presented the staff report and attachments.*

*Commissioner Fox questioned whether the Feedlot was registered and had animals on site or if it is only registered with no animals on site.*

*Wozniak stated the Feedlot is registered and Pierret added she had discussed it with the Goodhue County Feedlot Officer (Kesley Petit) and she considers this an active Feedlot.*

*Commissioner Fox noted the Planning Commission had discussed the possibility of annexation by the City of Zumbrota and the surrounding zoning classifications.*

*Commissioner Toegel commented that she appreciated staff's clarification on the status of the possible annexation by the City of Zumbrota.*

*Bechel stated that staff encouraged the applicant to approach the City of Zumbrota regarding annexation however, the applicant decided, for various reasons, to pursue rezoning through the County instead.*

*Wozniak noted that the timeline for development of the property would be hindered if annexation were pursued through the City because the City does not have a clear timetable for annexation of this area.*

*Bechel added that the proposed church property, which will be annexed into the City, will make Mr. Brunner's property contiguous with City limits. There are a few parcels in between the proposed church parcel which are still in the Township. He also stated that LUM staff has communicated with City of*

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*Zumbrota and their staff had indicated that there are no imminent plans to annex the residential subdivisions in the Township in the near future.*

*Commissioner Knott questioned if the reference to “future educational development” on the nearby property referred to the proposed church/school facility.*

*Bechel confirmed that the proposed church will be sited on Thomas Henderson’s property north of Jefferson Drive. He clarified that there are several other parcels near the applicant’s property (Kenneth Berg) that will remain in the Township.*

**Chair Ellingsberg opened the Public Hearing.**

*No one from the public was present to speak for or against the request.*

**<sup>3</sup> After Chair Ellingsberg asked three times for comments it was moved by Benson and seconded by Fox to close the public hearing.**

***Motion carried 5:0***

**<sup>4</sup>Motion by Commissioner Benson, seconded by Commissioner Toegel, 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, submitted by Jon Brunner, to allow a new R1 district and dwelling to be established within 1,000 feet of an existing confined feeding operation.

***Motion carried 5:0***

**PUBLIC HEARING: Request for Variance to Minimum Setback Standards**

Request for Variance, submitted by Jenelle Sternitzky, to A3 Zoning District standards to construct a dwelling addition less than 30 feet from a common property line. Parcel 41.024.1500. 30991 Oxford Mill Road, Cannon Falls, MN 55009. Part of NE ¼ of NW ¼ Section 24 Twp 112 R18 in Stanton Township. A3 Zoned District.

*Bechel presented the staff report and attachments.*

*Commissioner Knott questioned the specific issues that prevented the applicant from combining the parcels.*

*Jenelle Sternitzky stated that upon starting the surveying and lot combination paperwork there were title issues with the locations of the current property lines which required additional work. When they applied for a mortgage the company would not grant a mortgage for the 4 acres with a dwelling and the 8-acre parcel to the north. They consulted several attorneys and realtors who advised the do not combine the parcels.*

*Wozniak noted that this is not a rare occurrence where lending practices prevent property owners from combining lots. He also discussed the possibility of the County rezoning the existing lot(s) to R1 in the future.*

*Jenelle commented that when they built the house in the 1980s there were no restrictions for siting the dwelling close to the commonly owned property line.*

*Wozniak added that at that time the County was not enforcing setback regulations from commonly owned property lines.*

**Chair Ellingsberg opened the Public Hearing.**

*No one from the public spoke in favor or against the request.*

**<sup>5</sup>After Chair Ellingsberg asked three times for comments it was moved by Fox and seconded by Knott to close the public hearing.**

***Motion carried 5:0***

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*Bechel clarified that when it comes to the consideration of economics as a factor in determining if a "Practical Difficulty" exists, the statutes state economics cannot be the sole reason a variance is granted, but they are certainly a consideration. He also noted the amount of time the applicant have put into pursuing alternatives to requesting a variance.*

*Commissioner Fox questioned what regulations are preventing property owners from combining property over section lines.*

*Wozniak commented that the County restricts the combination of parcels across section lines due to section numbering and taxation boundaries.*

**6<sup>th</sup> Motion by Commissioner Toegel, seconded by Commissioner Knott, 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, submitted by Jenelle Sternitzky to allow a dwelling addition to be constructed 7 feet from the north lot line of PID 41.024.1500.

***Motion carried 5:0***

**PUBLIC HEARING: Request for Variance to Accessory Dwelling Unit (ADU) Standards**

Request for Variance, submitted by Joe Tousignant, to ADU standards to allow an existing building located greater than 100 feet from the principal dwelling to be converted into an ADU. Parcel 31.026.0100. 22869 325th Street, Red Wing, MN 55066. Part of the NE ¼ of Section 26 Twp 112 R15 in Featherstone Township. A2 Zoned District.

*Pierret presented the staff report and attachments.*

*Commissioner Fox commented on the history of the ADU standards when they were adopted by the County. He added that this situation is a good example showing the standards are working where applicants must go through due process.*

*Mr. Tousignant added that the granary is at the back of the farmstead property and is not visible from the road. He noted that the structure is in good condition and the septic system has been updated to accommodate the proposal.*

*Commissioner Knott questioned whether the applicant proposes to use the existing septic.*

*Mr. Tousignant stated he plans to use the existing septic system which is brand new and has been permitted by the Township and the County's Environmental Health staff.*

**Chair Ellingsberg opened the Public Hearing.**

*No one from the public spoke in favor or against the request.*

**7<sup>th</sup> After Chair Ellingsberg asked three times for comments it was moved by Benson seconded by Knott to close the public hearing.**

***Motion carried 5:0***

**8<sup>th</sup> Motion by Commissioner Fox, seconded by Commissioner Benson, 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, submitted by Joe Tousignant to allow an ADU to be established



**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
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DRAFT**

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173 feet from the primary dwelling where 100 feet is required.

**Motion carried 5:0**

**PUBLIC HEARING: Request for Variance to Minimum Setback Standards**

Request for Variance, submitted by Joe Tousignant (authorized agent) and Brandon Peters (owner), to A2 Zoning District standards to construct an accessory structure less than 60 feet from the State Highway 58 Boulevard Right-of-Way. Parcel 34.019.3400. 31583 HWY 58 BLVD, Red Wing, MN 55066. Part of the NE ¼ of the SW ¼ of Section 19 Twp 112 R14 in Hay Creek Township. A2 Zoned District.

*Pierret reviewed the staff report and attachments.*

*Wozniak added that this proposal will not impact the aesthetics along Highway 58 as there is some tree cover blocking the proposed structure site.*

*Commissioner Toegel questioned the reasoning for the 60-foot right-of-way setback.*

*Wozniak stated that the 60-foot setback standard has been in place for several years in the agricultural zones. He noted that if a road needed to be expanded and additional right-of-way were needed, the 60-foot setback would prevent structures from being removed due to road construction.*

*Commissioner Knott questioned the setback from property lines in the B2 Zone.*

*Wozniak gave a history on the abutting B2 zoned property.*

*Commissioner Knott also requested clarification on a typo in the staff report.*

*Pierret clarified that the staff report stated the new structure would be no closer than the existing dwelling to the right-of-way line when, after several site plan revisions, the applicant determined that the structure would need to be 5 feet closer to the right-of-way line than the existing dwelling.*

*Wozniak stated that the B2 zone requires a 45-foot setback from the front property lines and there are no restrictions on side or rear property line setbacks.*

**Chair Ellingsberg opened the Public Hearing.**

*No one from the public spoke in favor or against the request.*

**<sup>9</sup>After Chair Ellingsberg asked three times for comments it was moved by Toegel seconded by Fox to close the public hearing.**

**Motion carried 5:0**

*Bechel added that staff is not aware of any imminent plans by MNDOT has to expand Highway 58.*

*Mr. Tousignant added he has spoken with a MNDOT employee who said the expansion of Highway 58 is not in the 25-year plan. He noted that the property is limited where a structure can be added due to the shape. He referenced the site plan provided to the commissioners.*

**<sup>10</sup>Motion by Commissioner Benson, seconded by Commissioner Toegel 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, submitted by Joe Tousignant (agent) on behalf of Brandon Peters (owner) to allow construction of an accessory building 20 feet from the Highway 58 BLVD right-of-way line.

**Motion carried 5:0**

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**5. Other-Discussion**

*Three commissioners will not be able to make the July 22<sup>nd</sup> meeting. The July meeting was rescheduled to July 29, 2019 to ensure quorum.*

*Wozniak detailed the Conservation Subdivision status at the Planning Commission and County Board levels.*

**6. Adjourn**

**<sup>11</sup>Motion by Benson seconded by Fox to adjourn the Board of Adjustment meeting at 6:30 PM.**

**Motion carried 5:0**

Respectfully submitted,

Zoning Assistant, Samantha Pierret

**MOTIONS**

<sup>1</sup> APPROVE the meeting agenda. Motion carried 4:0

<sup>2</sup> APPROVE the previous meeting's minutes. Motion carried 4:0

<sup>3</sup> Close the Public Hearing. Motion carried 5:0

<sup>4</sup> APPROVE the variance request to enable Mr. Brunner to request a change of zone for his property from the A3 (Urban Fringe) District to the R1 (Suburban Residence) District located approximately 250 feet from a registered Feedlot and to allow an additional dwelling to be constructed on the property within approximately 600 feet of a registered Feedlot. Motion carried 5:0

<sup>5</sup> Close the Public Hearing. Motion carried 5:0

<sup>6</sup> APPROVE the variance request to allow a dwelling addition to be constructed 7 feet from the north lot line of PID 41.024.1500. Motion carried 5:0

<sup>7</sup> Close the Public Hearing. Motion carried 5:0

<sup>8</sup> APPROVE the variance request to allow an ADU to be established 173 feet from the primary dwelling where 100 feet is required. Motion carried 5:0

<sup>9</sup> Close the Public Hearing. Motion carried 5:0

<sup>10</sup> APPROVE the variance request to allow construction of an accessory building 20 feet from the Highway 58 BLVD right-of-way line. Motion carried 5:0

<sup>11</sup> ADJOURN. Motion carried 5:0

# 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  
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*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:** July 29, 2019  
**Report date:** July 19, 2019

## **PUBLIC HEARING: Request for Variance to Bluff Land Protection Standards**

After-the-fact variance request, submitted by David Lorentz, to Bluff Land Protection standards prohibiting grading, excavating, and filling within a Bluff Impact Zone to allow a driveway access established on slopes exceeding 30 percent to remain.

### **Application Information:**

Applicant: David Lorentz

Address of zoning request: TBD County 6 BLVD, Red Wing, MN 55066

Parcel: 31.018.0901

Abbreviated Legal Description: Part of the SE ¼ of NW ¼, N1/2 of SE ¼, and N ½ of SW ¼ of Sect 18 Twp 112 R15 in Featherstone Township

Township Information: Featherstone 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 12: Bluffland Protection

Notice of Violation (1<sup>st</sup> Letter)

Notice of Violation (2<sup>nd</sup> Letter)

Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

The Applicant's property consists of a single 115.16-acre parcel in section 18 of Featherstone Township. The property historically had "physical" access via an easement located off of 310<sup>th</sup> Street across PID 31.018.0800. In May 2019, Mr. Lorentz split his dwelling along with 19.09 acres (now PID 31.018.0900) from the remainder of his property and subsequently sold it to a new party (Edward Illa).

Though encouraged by Land Use Management (LUM) staff to retain an easement across the existing driveway to provide physical access for the remaining 115.16 acres, the Applicant elected to move forward without securing easement access across the existing driveway to the 115.16-acre parcel. The split was approved as it met the minimum standard for legal property access (i.e. minimum 33 feet of R-O-W frontage) and other subdivision dimensional standards. The Zoning Ordinance requires all parcels have R-O-W frontage or easement access to prevent a property from becoming legally landlocked, but it does not require that physical driveway access be available/feasible).

LUM staff made it clear to the Applicant throughout the split process that his 200 feet of R-O-W frontage abutting CTY 6 BLVD met the county's Bluffland definition and constructing a driveway in the area would cause grading, filling, or excavation within a known Bluff Impact Zone and was prohibited by ordinance. The Applicant was directed to request a variance to Bluffland Protection regulations prior to doing any work within the Bluff Impact Zone and was provided application

materials to do so.

On June 3<sup>rd</sup>, 2019 LUM staff were notified of grading and filling activities on the Applicant's property and observed a new driveway installation within the Bluff Impact Zone on the subject property along CTY 6 BLVD heading west. Notices of Violation and "Stop Work" orders were immediately sent to Mr. Lorentz.

The Applicant is now requesting an After-the-Fact variance to allow the unpermitted grading and filling work to remain to address the zoning violation. Violation enforcement is currently on hold for consideration of the variance. If the Board of Adjustment chooses to deny the request, Land Use Management staff will continue processing enforcement of the zoning violation which may include issuance of misdemeanor ordinance violation citations and requiring the Applicant to hire qualified professionals to develop plans to restore the disturbed areas.

### **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:**

- Bluffland protection standards are intended to protect and preserve the sensitive physical features of the county's Bluffs by regulating development, preventing erosion, and controlling the cutting of timber on the slopes and tops of the Bluffs.
- Bluffland in Goodhue County is defined as "*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.*
- The Goodhue County Zoning Ordinance defines a Bluff Impact Zone as "*all of the land lying between the top of the bluff and the toe of the bluff.*" Article 12 section 7 of the Bluffland Protection Regulations states the following:

*"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 borne by the applicant.*
- The disturbed area exceeds all three qualifying characteristics defining Blufflands. The approximately 250-foot long by 10-foot wide driveway is constructed within the Bluff Impact Zone with finished grades exceeding 30% in most areas and approaching approximately 50%

grade in portions west of the entrance along CTY 6 BLVD.

- Though it appears a minimal amount of cutting and filling was done within the Bluff Impact Zone due to the shallow depth to bedrock in the area, the work was not conducted for the purpose of prevention or controlling erosion. Furthermore, no plans were prepared by a qualified professional to ensure stabilization of the slopes and the work was not done to the standards of the field office technical guides of the Goodhue Soil and Water Conservation District and the USDA, Natural Resources Conservation Service as required by ordinance.
- The After-the-Fact variance request does not appear in harmony with the purpose and intent of the official controls.

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

- The Goodhue County Comprehensive Plan supports maintaining and administering Bluffland Zoning regulations to minimize the potential for erosion, loss of rare or endangered species, and to protect scenic amenities unique to the geologic “Driftless” area.

The applicant constructed the driveway without prior review and approvals and without a plan from a qualified professional that ensured stabilization of the slopes before and after construction. The Applicant’s request does not appear consistent with goals and objectives 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 115.16-acre parcel is a conforming parcel in the A2 District.
- The applicant’s desire to construct a driveway to facilitate vehicular/ag equipment access is a reasonable use of property in the A2 District.

The applicant previously had a driveway to enter the property that he chose to sell off with the existing dwelling through a property sale. Though strongly encouraged by LUM staff to retain easement access across the dwelling property (PID#31.018.0800 and 31.018.0901) the Applicant elected to not retain easement access across the existing driveway for the subject parcel. The split was approved by LUM staff as it met the minimum standard for legal property access (i.e. minimum 33 feet of R-O-W frontage) and other dimensional standards.

The Applicant was informed of the Bluffland Protection restrictions and well aware that a driveway could not be installed unless a variance was granted by the Board of Adjustment to allow grading and filling within the Bluff Impact Zone.

- The applicant previously owned Parcels 31.018.0800 and 31.018.1100 to the south of the subject property. These parcels were subdivided and sold by the applicant in 2007. The subdivision of these 2 parcels along with a 2013 subdivision of PID 31.018.1100 created the current “flag-shaped” lot configuration with 200 feet of frontage along CTY 6 BLVD. The 200 feet of frontage was required to be retained as this was the minimum ordinance access requirement in place at the time of the splits.

The “plight of the landowner” appears to be self-created and not due to circumstances unique to the property. The Applicant could have retained an ingress/egress easement across a portion of 31.018.0800 or 31.018.1100 during the previous subdivision and sale of the parcels in 2007 or through the sale of the homestead earlier this May (PID #31.018.0900). The Applicant also had opportunities to locate the road R-O-W frontage outside of Bluffland during previous subdivisions of the property.

- The slopes of the majority of the constructed access road approach or exceed 30% grade. To facilitate safe access for emergency services, the maximum grade allowable for driveway access to a principal structure is 14%. No structures can be permitted on the property unless a separate variance is granted by the Board of Adjustment to the Goodhue County Access Drive

Standards (Article 12; Section 06).

The extreme grades of the driveway (estimated at 30%-50% or greater) represent a significant safety concern in wintertime or inclement weather conditions. Additionally, the steep grade of the driveway near the access point along CTY 6 BLVD poses a potential safety risk to drivers along the roadway.

- Adjacent land use include low-density residential uses scattered among agricultural lands and undeveloped woodlands containing water resources (Spring Creek). There is an existing mining operation north of the property. The majority of the driveway is not visible from CTY 6 BLVD and it appears unlikely the dwellings in the immediate vicinity of the installation would be substantially altered by the driveway. The after-the-fact 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 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.*

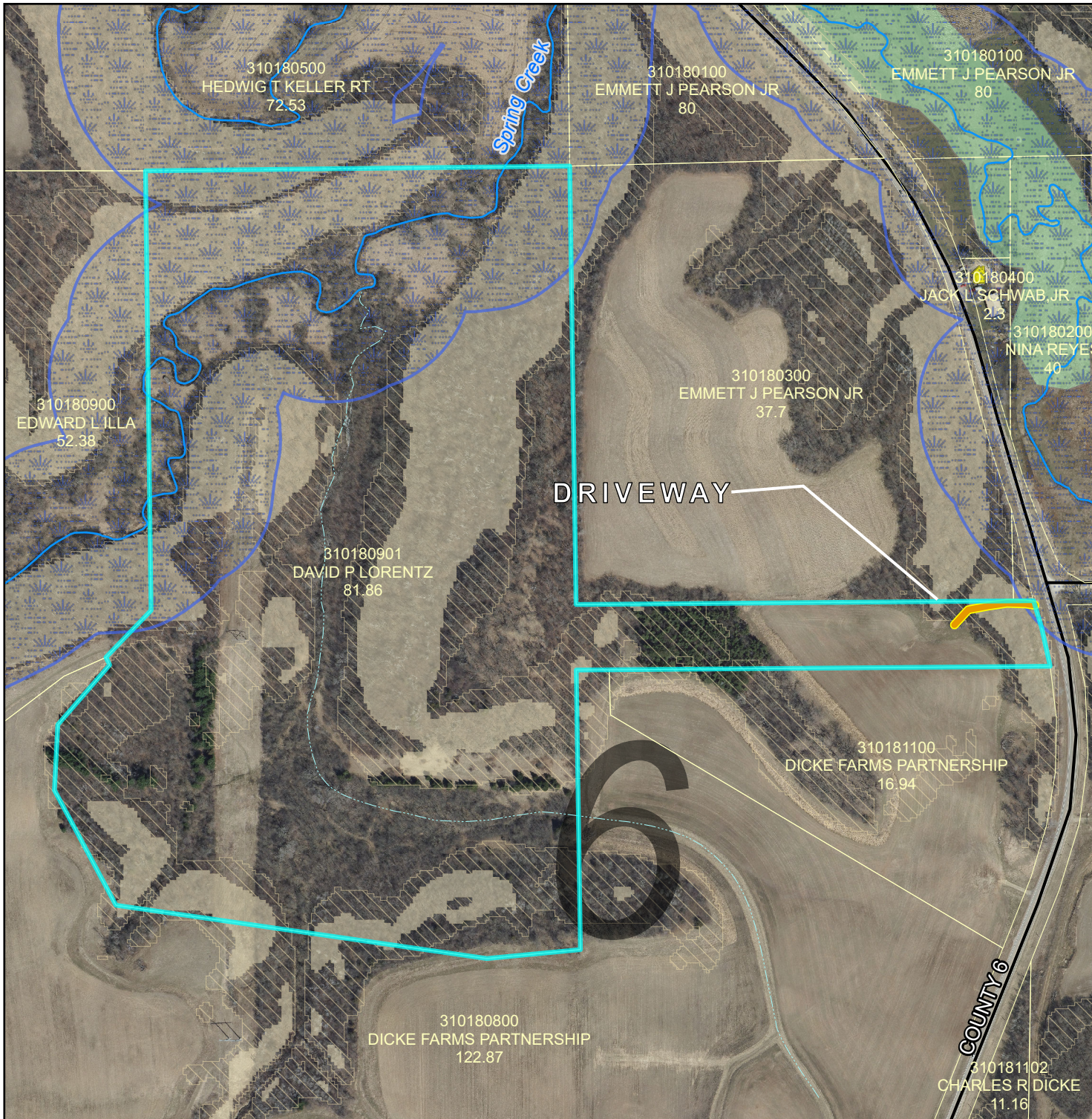
**Staff Recommendation:**

- 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

**DENY** the after-the-fact variance request, submitted by David Lorentz, to Bluff Land Protection standards prohibiting grading, excavating, and filling within a Bluff Impact Zone to allow a driveway access established on slopes exceeding 30 percent to remain.



# MAP 01: PROPERTY OVERVIEW



## BOARD OF ADJUSTMENT

Public Hearing  
July 29, 2019

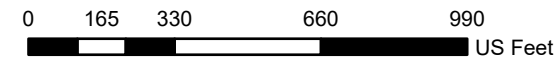
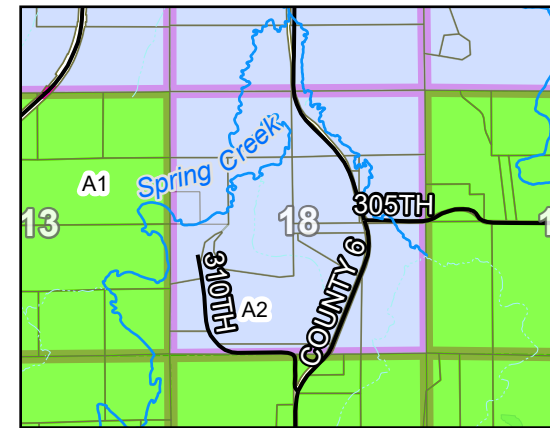
David Lorentz  
A2 Zoned District

Parcel 31.018.0901  
Part of the SE ¼ of NW ¼,  
N1/2 of SE ¼, and N ½ of  
SW ¼ of Sect 18 Twp 112 R15  
in Featherstone Township

After-the-fact variance request to grade,  
excavate, or fill within a bluff impact zone

### Legend

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



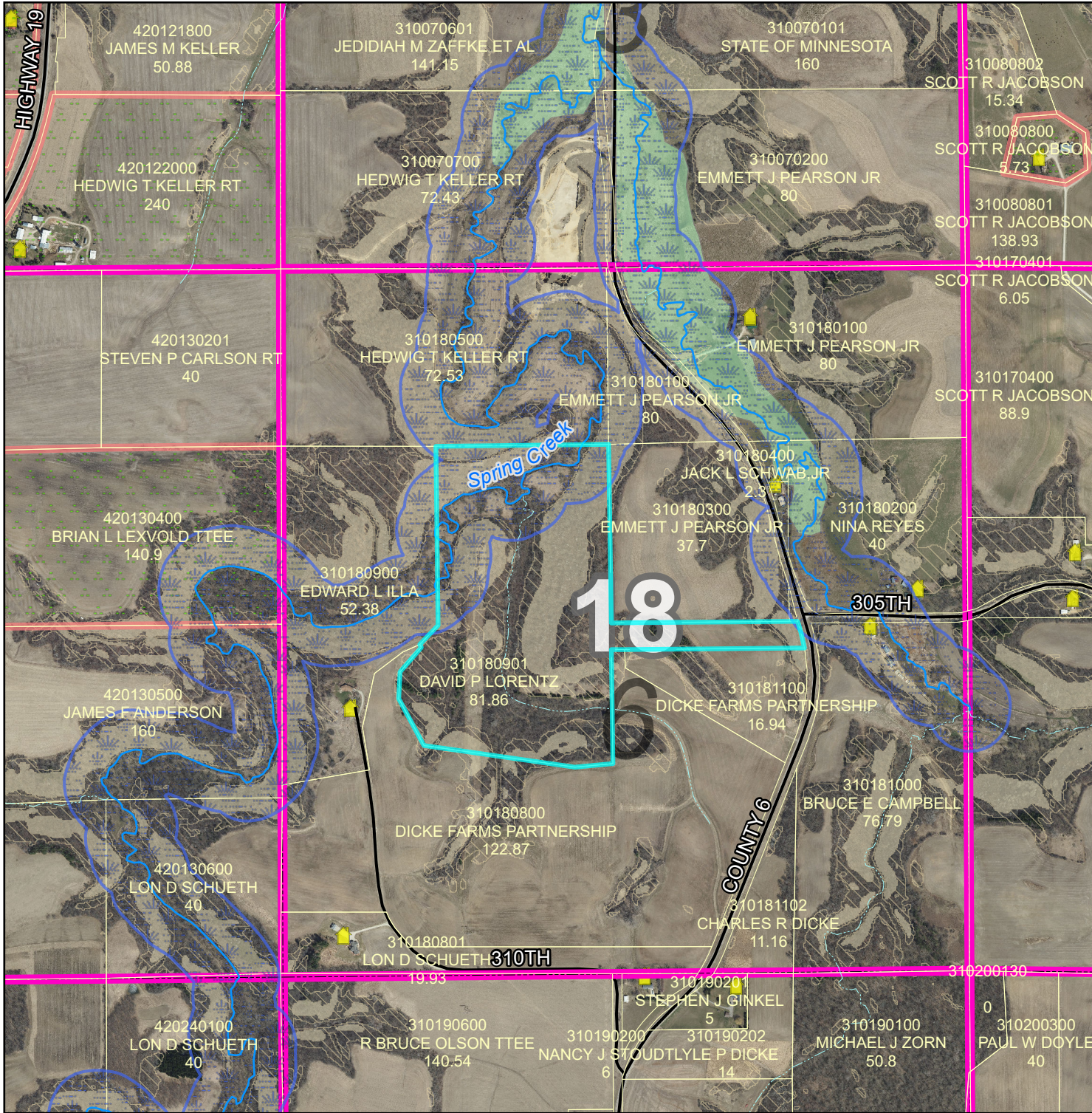
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2018 Aerial Imagery  
Map Created July, 2019 by LUM





# MAP 02: VICINITY MAP



## BOARD OF ADJUSTMENT

Public Hearing  
July 29, 2019

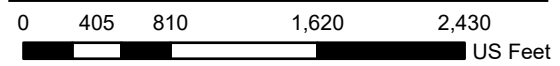
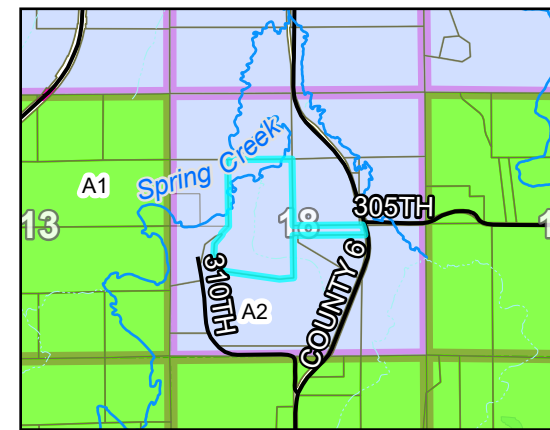
David Lorentz  
A2 Zoned District

Parcel 31.018.0901  
Part of the SE ¼ of NW ¼,  
N1/2 of SE ¼, and N ½ of  
SW ¼ of Sect 18 Twp 112 R15  
in Featherstone Township

After-the-fact variance request to grade,  
excavate, or fill within a bluff impact zone

### 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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2018 Aerial Imagery  
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# MAP 03: ELEVATIONS



## BOARD OF ADJUSTMENT

Public Hearing  
July 29, 2019

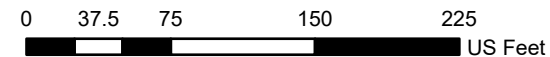
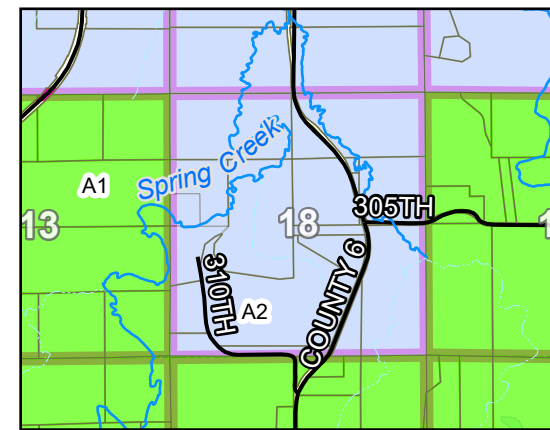
David Lorentz  
A2 Zoned District

Parcel 31.018.0901  
Part of the SE ¼ of NW ¼,  
N1/2 of SE ¼, and N ½ of  
SW ¼ of Sect 18 Twp 112 R15  
in Featherstone Township

After-the-fact variance request to grade,  
excavate, or fill within a bluff impact zone

### 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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# MAP 03: ELEVATIONS

## BOARD OF ADJUSTMENT

Public Hearing  
July 29, 2019

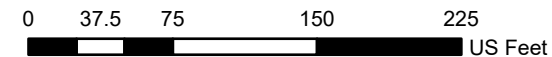
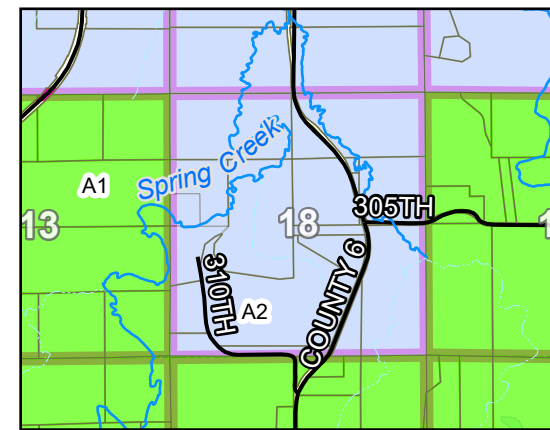
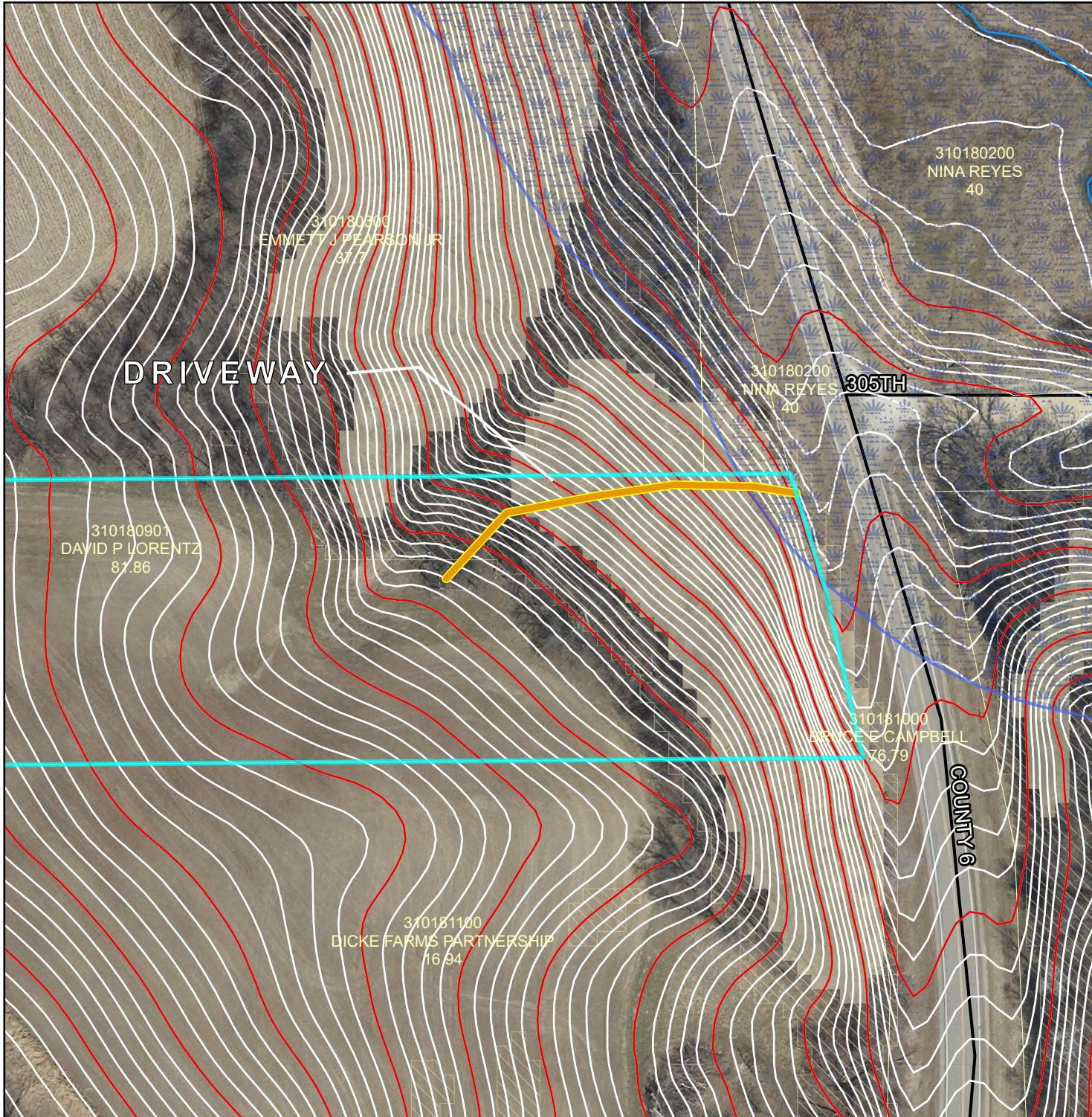
David Lorentz  
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Part of the SE ¼ of NW ¼,  
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After-the-fact variance request to grade,  
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### Legend

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



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Map Created July, 2019 by LUM





# ARTICLE 12 BLUFF LAND PROTECTION

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## 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**

**RECEIVED**

JUN 26 2019

**Land Use Management**

For Staff Use only	
VARIANCE NUMBER: <b>219.0031</b>	
\$350 RECEIPT# <b>16820</b>	DATE <b>6-26-19</b>

SITE ADDRESS, CITY, AND STATE <b>18119 310th St Red Wing, MN</b>			ZIP CODE <b>55066</b>
LEGAL DESCRIPTION <b>see attached</b>			
31-018-0900	ZONING DISTRICT	LOT AREA (SF/ACRES) <b>97.50</b>	STRUCTURE DIMENSIONS (if applicable)

APPLICANT OR AUTHORIZED AGENT'S NAME <b>David Lorentz</b>	
APPLICANT'S ADDRESS <b>18119 310th St Red Wing, MN 30641 Hwy 19 Cannon Falls MN 55009</b>	TELEPHONE <b>651-301-9113</b>
	EMAIL <b>lorentzpeggy@gmail.com</b>

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:

<b>VARIANCE REQUESTED TO:</b> (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 checked="" type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations <b>bluff region - field road access</b>	CURRENT OR PREVIOUS USE:
	PROPOSED USE: <b>field road access</b>
	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 <i>Chuck Schwartau, Clerk</i>	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE <b>Chuck Schwartau, Clerk</b>	DATE <b>4-25-19</b>

- 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: *David Lorentz* Date: **6-22-19**

Print name: **David Lorentz** (owner or authorized agent)

REQUEST SUMMARY

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

Article: 10 Section: 2 Name: \_\_\_\_\_  
Article: 12 Section: 2 Name: subdivision 1 (see attached)

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:

After a parcel split to allow us to sell our house with 50 acres, we now also have an 80 acre parcel of wood 200 feet of road frontage on County Road 6 and we need to establish access for that parcel.

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

If not granted the ability to have a field road, the sale value of our land will be SIGNIFICANTLY decreased or may not be marketable due to lack of access.

We need access to our agricultural land. Also Emmitt Pearson, Jr. is not able to access his ag land without crossing our land.

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:

Only recently we discovered it was just within the boundaries of a bluff protection region.

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

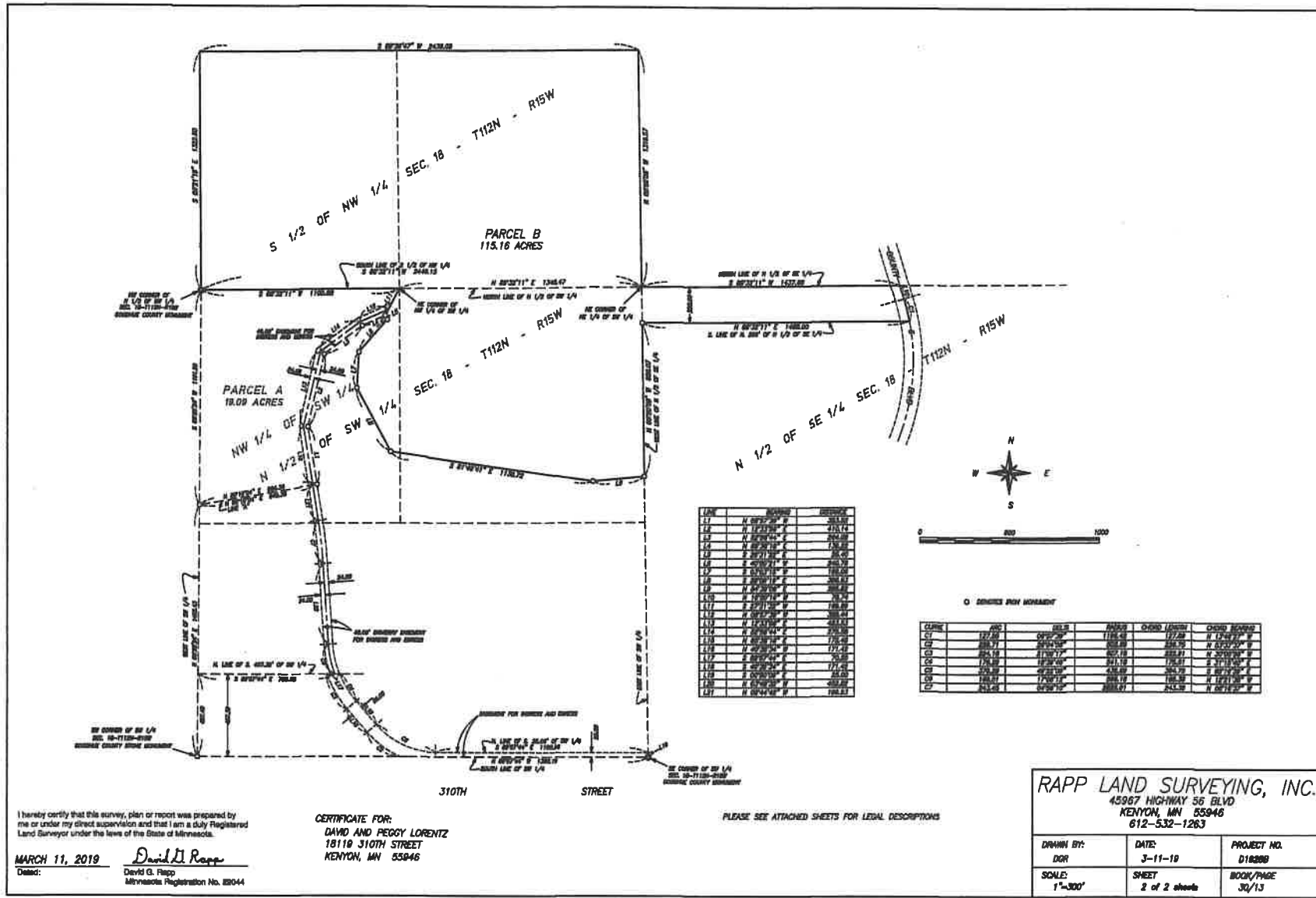
We have approached land owners adjacent to the area for an easement and all parties refused to consider an easement even with financial and other benefit for them, (exchange of 6.7 acres for one acre). One party has been farming part of the area we are selling with no charge from us.

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

We are only asking for field road access.

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

No alteration of character of the region.



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

MARCH 11, 2019  
 Dated:

*David G. Rapp*  
 David G. Rapp  
 Minnesota Registration No. 82044

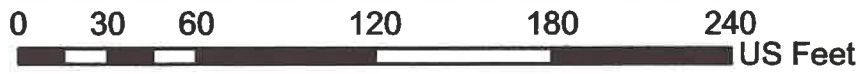
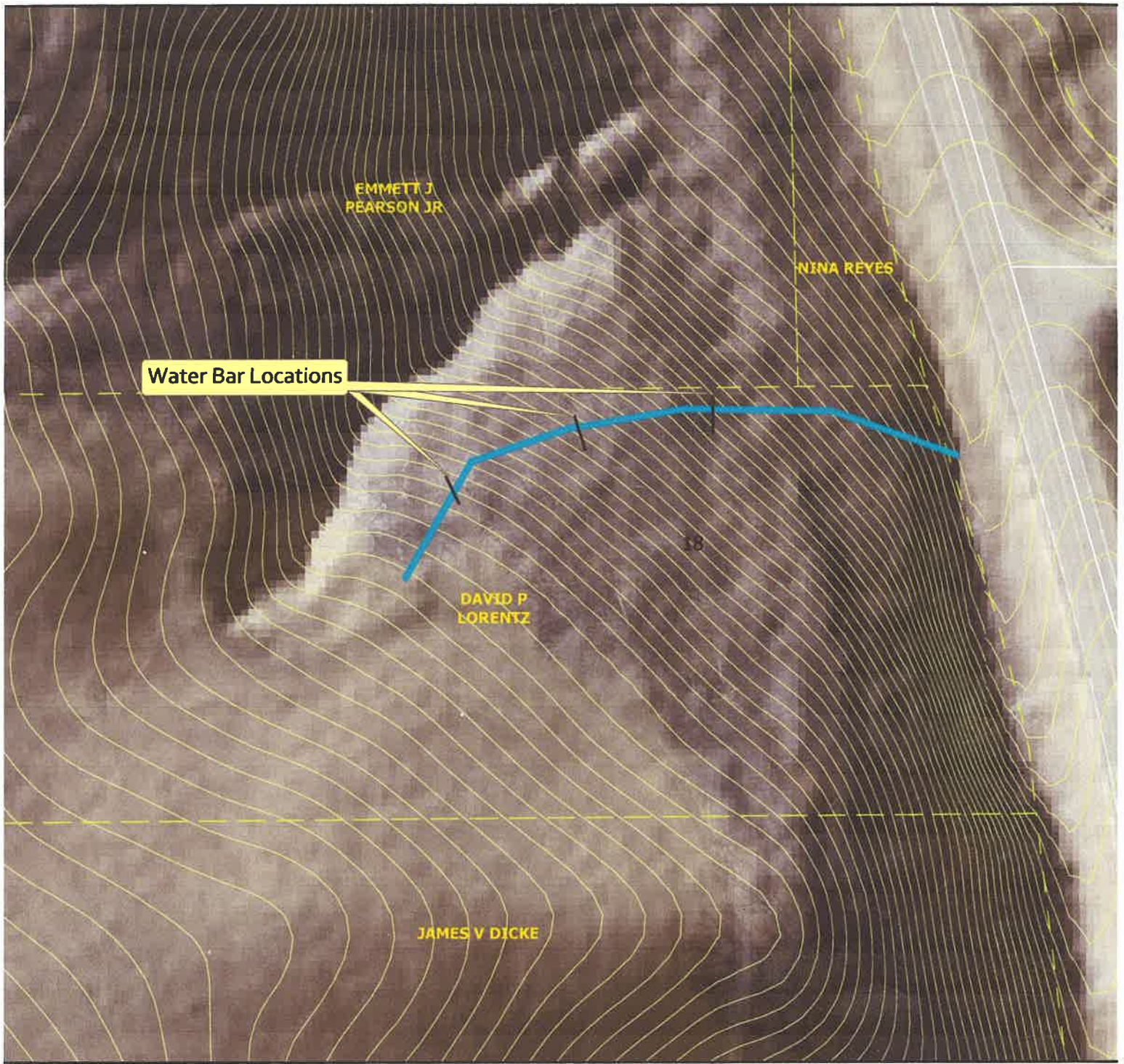
CERTIFICATE FOR:  
 DAVID AND PEGGY LORENTZ  
 18119 310TH STREET  
 KENYON, MN 55946

PLEASE SEE ATTACHED SHEETS FOR LEGAL DESCRIPTIONS

**RAPP LAND SURVEYING, INC.**  
 45967 HIGHWAY 56 BLVD  
 KENYON, MN 55946  
 612-532-1263

DRAWN BY: DGR	DATE: 3-11-19	PROJECT NO. D18289
SCALE: 1"=300'	SHEET 2 of 2 sheets	BOOK/PAGE 30/13





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## Lorentz Access Road Review

3 messages

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**Kennedy, Beau** <bkennedy@goodhueswcd.org>  
To: "Bechel, Ryan" <ryan.bechel@co.goodhue.mn.us>  
Cc: "lorentzpeggy@gmail.com" <lorentzpeggy@gmail.com>

Thu, Jun 13, 2019 at 1:52 PM

Ryan

I made it out to Lorentz's just before lunch today to evaluate the new access road for erosion and sedimentation concerns.

The access road slope coming off County Road 6 is relatively flat until it reaches the edge of the ROW. From there the access road turns slightly to the north and up a 30-50% slope (or greater) for ~50'. Then the access road slopes turns slightly to the southwest and follows the contour of the hillside, but is still at ~30%.

Minimal grading was conducted to install the access road. I saw a few areas where it looked like about 4" fill was cut from one side of the hill road and placed on the side.

The large 3" rock (with no fines) seems to be holding in place fairly well. However, I do see the need for a series of water bars to be installed to prevent future channeling down the center of the access road. I highlighted these areas on the attached map as well as in the field with 6 pink flags highlighting the top and bottom of each of the 3 water bars that I'm recommending. I've included a basic detail of a water bar for reference from the USDA Forest Service. The cut should only need to be about 1' deep in this setting.

The only other erosion BMP I saw was lacking on site was seeding of the disturbed areas. Nothing was seeded along the sides of the access road or at the County 6 ROW. I'd recommend the seed mix and rate, attached, be seeded on all exposed soils immediately.

I'm not sure when this was installed exactly, but it held up fairly well in the past 2"+ rain event we had last Tuesday afternoon. I'd attribute this to the larger rock without fines, and the lack of extensive grading that occurred to install this road. In my opinion, if this access road is to be graded in the future and become a legal driveway under the County's practice standards, a lot more grading and erosion control measures will need to be installed to properly support and protect the bluffland.

Mr. Lorentz asked if he should have his contractor come in immediately to do the work described above. I said no, and to wait for your department to authorize any further action on this topic.

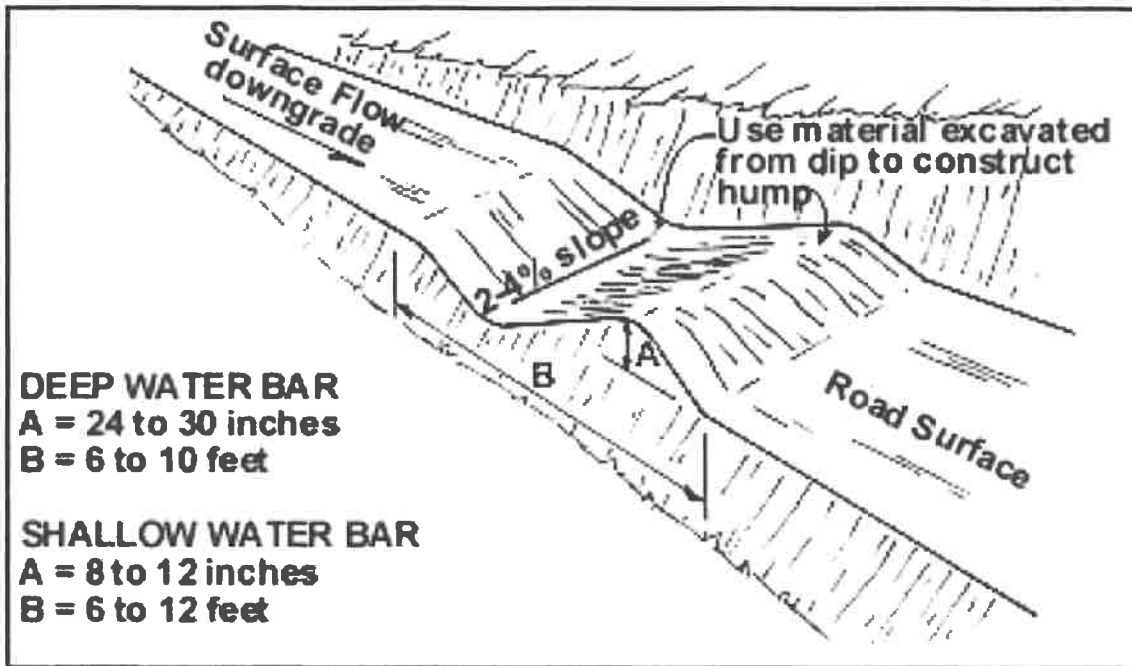
Let me know if you need anything further for your report.

Take care

B



<b>SWCD Waterway Mix(Drill)</b>	<b>Rate (#/ac)</b>
Timothy	2
Perennial Rye Grass	3
Kentucky Blue Grass	2
Smooth Brome Grass	10
Winter Wheat (cover)	50
<b>Total</b>	<b>67</b>



**Figure 10.** Water bars are narrow structures that may be shallow or deep. Deep water bars are usually used on roads that will be closed for extended periods.

**Table 6.** Distance needed between water bars

Road grade (percent)	Distance (feet)
2	250
5	135
10	80
15	60
20	45
25	40
30	35

Source: Kochenderfer 1970, p. 28

# 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

## VIOLATION NOTICE

**PID:** 31.018.0900

**Parcel Owner:** David Lorentz

**File Date:** 6/3/19

**Re: Unpermitted grading and filling (driveway installation) within a Bluff Impact Zone**

Dear Mr. Lorentz;

On 6/3/2019 Goodhue County Land Use Management staff observed a new driveway installation along County Road 6 Boulevard on your property located at 18119 310<sup>th</sup> ST, Red Wing, MN 55066 (PID #31.018.0900) (see attached photos and maps). The driveway installation caused unpermitted grading and filling activities to occur within a known Bluff Impact Zone.

As you have been made well aware through numerous e-mail communications (see attached) and verbal conversations the portion of your property that abuts County 6 Boulevard to the east meets Goodhue County's Bluff definition as the topography exceeds the following three criteria:

- 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.

The Goodhue County Zoning Ordinance defines a Bluff Impact Zone as "all of the land lying between the top of the bluff and the toe of the bluff." Article 12, Section 7 of the Bluffland Protection regulations specifically state "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 borne by the applicant.

**The grading and filling activities you performed to install the access drive are in direct violation of the Bluffland Protection regulations.** You were informed by LUM staff on numerous occasions that a variance to the Bluffland Protection rules would need to be granted by the Goodhue County Board of Adjustment before any grading or filling could be permitted within the bluff. On 4/19/19 you brought a partial variance application requesting such a variance to the LUM department zoning offices. Staff was unable to accept your application at the time as you did not have the required submittal materials listed on the first page of the variance application including a site plan detailing the requested variance and a "Township signature of Acknowledgement." You have not returned with a complete variance application to have the Board of Adjustment consider your request.

You did complete a driveway "Access Permit Application" which was submitted to the Goodhue County Public Works Department for review. The Access Permit approval you received from Public Works solely authorizes work to be conducted within the County Road 6 Boulevard Right-of-Way. **As we discussed earlier this year, the driveway Access Permit did not give you approval to grade and fill within the Bluff Impact Zone.**

**All grading and filling activities within the Bluff Impact Zone must immediately stop.**

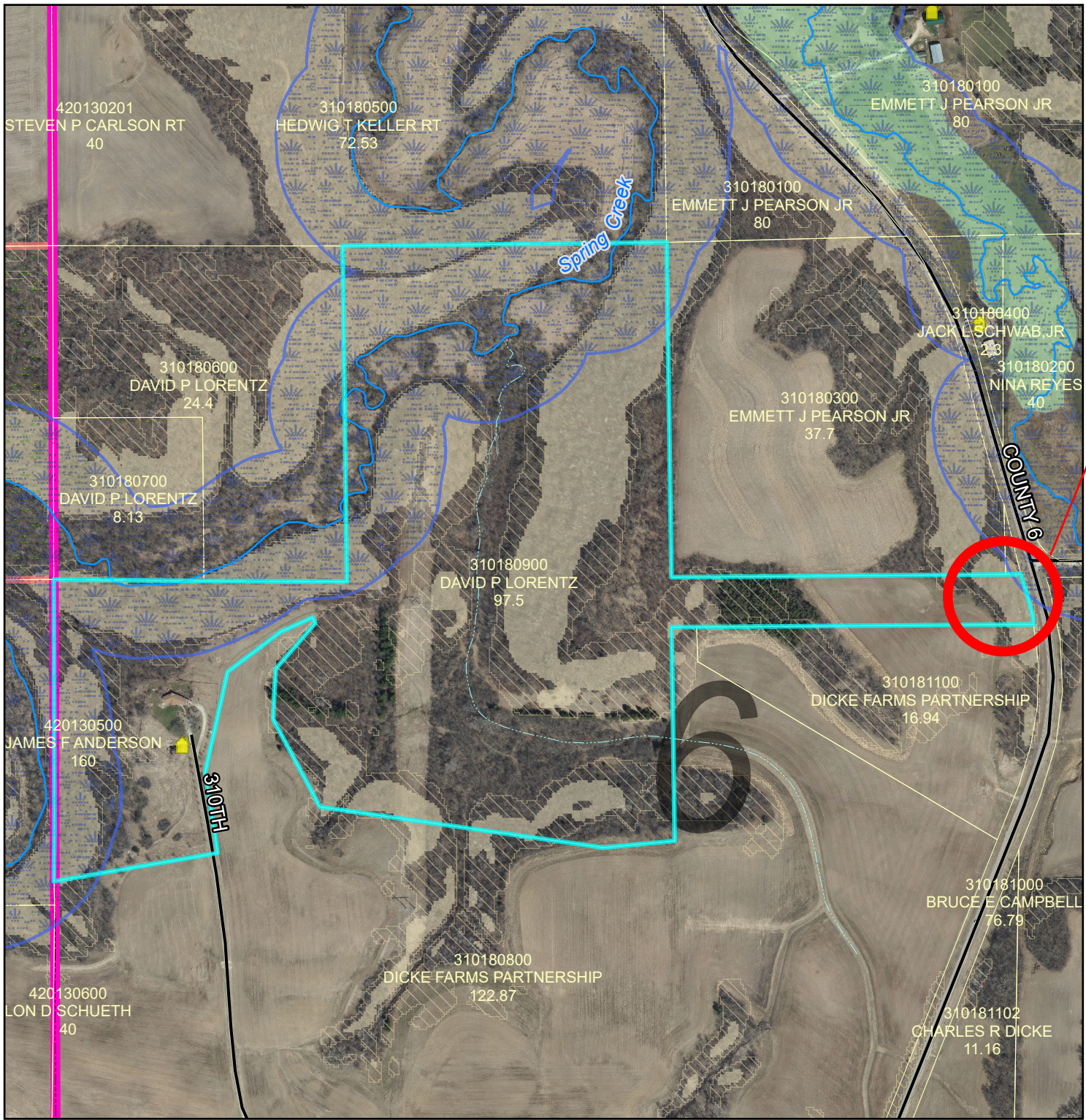
You must contact the Land Use Management Department immediately (within 10 days receipt of this notification) with your plan for addressing this violation to prevent further action. **No parcel subdivisions will be approved until the violations are appropriately corrected or remedied.**



**Ryan Bechel**  
Zoning Assistant  
Goodhue County Land Use Management Department

CC: Brad Anderson: District 2 County Commissioner  
Carl Bang: Featherstone Township Chair  
Mitch Banks (Realtor, Whitetail Properties)





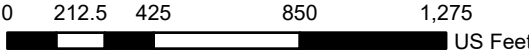
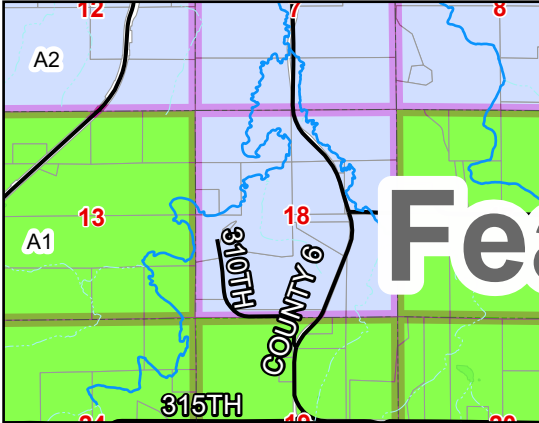
### SITE PLAN

State the use of the property. Show the size, shape and location of structures with distance to property lines and location of ALL wells and septic systems.

### UNPERMITTED GRADING/FILLING IN BLUFF IMPACT ZONE

#### Legend

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



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2018 Aerial Imagery  
Map Created June, 2019 by Ryan Bechel

















## Wozniak, Michael

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**From:** Wozniak, Michael  
**Sent:** Tuesday, May 7, 2019 4:33 PM  
**To:** 'Mitch Banks'  
**Subject:** RE: Dave Lorentz Property

Mitch:

The property you are looking at has the potential for one or even two building sites. However it is difficult to realize this potential because of the challenging topography (bluffs). Getting a driveway into the property from County Road 6 would be difficult. A variance to allow grading (to construct a driveway) within a bluff impact zone would have to be approved by the County Board of Adjustment. A grading and erosion/sediment control plan would have to be developed for the driveway as part of the variance application submittal. County driveway standards would have to be met including: not exceeding 14% grade, driveway width of a minimum 14 feet and horizontal curve radius no tighter than 50 feet. In addition a dwelling location must meet 30' setback from top or toe of bluffs and 30 feet from a side or rear property line.

Plus there appears to be rock outcroppings or rock near the surface on the coming off of County Road 6.

**Michael A. Wozniak, AICP**  
Planner and Zoning Administrator  
Goodhue County Government Center  
Land Use Management Department  
509 W. 5<sup>th</sup> Street  
Red Wing, MN 55066  
651-385-3117

---

**From:** Mitch Banks <mitch.banks@whitetailproperties.com>  
**Sent:** Tuesday, May 7, 2019 11:49 AM  
**To:** Wozniak, Michael <michael.wozniak@co.goodhue.mn.us>  
**Subject:** RE: Dave Lorentz Property

Thank you. So with that being shown, is there any possible way for a building site to be established on the attached map, which shows the remaining acres. I'm sure you and Dave have gone over this, but if you could give me direct answer to this and the exact reasoning behind it, I would appreciate it. Thank you!

Mitch



**Mitch Banks**

*Agent-Land Specialist | Serving Southeast Minnesota  
Licensed in MN*

**Whitetail Properties Real Estate, LLC**

Mobile - (507) 298-1902

PO Box 251 Pittsfield, IL | Corporate Office - (217) 285-9000

**whitetailproperties.com**



On May 7, 2019 at 11:40:49 AM, Wozniak, Michael ([michael.wozniak@co.goodhue.mn.us](mailto:michael.wozniak@co.goodhue.mn.us)) wrote:

Mitch:

I have attached a map of the Lorentz Property in Featherstone Township that includes our bluffland layer. The areas with slopes 30% or greater with at least 25 feet of grade change are noted with a solid (tan) color on the map. Areas with slopes between 20% and 30% or noted with a hatched symbol. I also include a copy of the County's Bluffland Regulations (Article 12 – Goodhue County Zoning Ordinance).

## **Michael A. Wozniak, AICP**

Planner and Zoning Administrator

Goodhue County Government Center

Land Use Management Department

509 W. 5<sup>th</sup> Street

Red Wing, MN 55066

651-385-3117

---

**From:** Mitch Banks <[mitch.banks@whitetailproperties.com](mailto:mitch.banks@whitetailproperties.com)>  
**Sent:** Monday, May 6, 2019 10:36 AM  
**To:** Wozniak, Michael <[michael.wozniak@co.goodhue.mn.us](mailto:michael.wozniak@co.goodhue.mn.us)>  
**Subject:** Re: Dave Lorentz Property

Michael,

Good Morning. Can you send me the map on the Dave Lorentz property that shows all the bluff land restrictions shaded on it? Thanks

Mitch Banks

Whitetail Properties

Sent from my Whitetail Properties mobile device.

On Apr 1, 2019, at 9:39 AM, Wozniak, Michael <[michael.wozniak@co.goodhue.mn.us](mailto:michael.wozniak@co.goodhue.mn.us)> wrote:

Mitch:

The Split of the Dave Lorentz Property in Featherstone Township has received zoning approval. Dave has indicated that he will be obtaining an additional 8 foot access/egress easement through the Scheuth Property that when added to the existing 25 foot wide easement will meet the County's minimum 33 foot easement for access the Dave's existing dwelling when it is split from the balance of the property. It is my understanding that Dave has an agreement with Mr. Scheuth for the additional access/egress easement.

## **Michael A. Wozniak, AICP**

Planner and Zoning Administrator

Goodhue County Government Center

Land Use Management Department

509 W. 5<sup>th</sup> Street

Red Wing, MN 55066

651-385-3117

---

**From:** Mitch Banks <[mitch.banks@whitetailproperties.com](mailto:mitch.banks@whitetailproperties.com)>  
**Sent:** Monday, April 1, 2019 7:53 AM  
**To:** Wozniak, Michael <[michael.wozniak@co.goodhue.mn.us](mailto:michael.wozniak@co.goodhue.mn.us)>  
**Subject:** Dave Lorentz Property

Michael,

Good Morning. I understand from Dave Lorentz, that he has got approval for the split of his property and all easements are now set in order to accomplish this. Can you verify this for me. Just want to make sure everything is set before we redo the listing. Thanks

Mitch

<image002.png>

**Mitch Banks**

*Agent-Land Specialist* | Serving Southeast Minnesota

*Licensed in MN*

**Whitetail Properties Real Estate, LLC**

Mobile - (507) 298-1902

PO Box 251 Pittsfield, IL | Corporate Office - (217) 285-9000

**[whitetailproperties.com](http://whitetailproperties.com)**

<image004.jpg> 

Whitetail Properties Real Estate, LLC DBA Whitetail Properties.

In the States of Nebraska & North Dakota DBA Whitetail Trophy Properties Real Estate LLC.

Licensed in IL, MO, IA, KS, KY, NE & OK - Dan Perez, Broker. Licensed in AR, CO, GA, MN, ND, SD, TN & WI - Jeff Evans, Broker. Licensed in FL, OH & PA - Kirk Gilbert, Broker. Licensed in TX & NM - Joey Bellington, Broker. Licensed in IN - John Boyken, Broker. Licensed in AL, GA, LA, & MS - Sybil Stewart, Broker. Licensed in TN - Chris Wakefield, Broker. Licensed in TN - Bobby Powers, Broker. Licensed in AR - Johnny Ball, Broker. Licensed in SC - Rick Elliott, Broker. Licensed in NC - Rich Baugh, Broker. Licensed in MI - Edmund Joel Nogaski, Broker

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## **Wozniak, Michael**

---

**From:** Wozniak, Michael  
**Sent:** Monday, April 8, 2019 10:46 AM  
**To:** Anderson, Brad  
**Cc:** Hanni, Lisa  
**Subject:** Change to Bluffland Definition  
**Attachments:** Zoning Text Amendments - Bluff Definition.pdf

Brad:

The County Board adopted a Zoning Ordinance Amendment to revise the definition of "Bluffland" in 2011. I have attached a copy of a Planning Commission Staff Report from September 2011, that includes the prior definition as well as what the County Board ended up adopting. I have not tracked down the County Board Meeting Minutes yet, but I know the change was adopted based on the current language in Article 12 (Bluffland Regulations) of the Zoning Ordinance.

The County has always recognized bluffs based on the amount of grade change and the percentage slope and has not differentiated as to whether the slopes abut a water body or not. The concerns about silica sand prompted the amendment to avoid confusion.

The bluff impact zone along County Road 6 where Dave Lorentz has his 200 feet of frontage would have been considered a bluff prior to the change of the definition. Dave's difficulty is that he has a bluff with around 50 or 60 feet of grade change to negotiate to get to the top and achieving any kind of acceptable grade would take a lot of grading. There is rock close to the surface (exposed ledge) which would further complicate matters.

His neighbor, Lon Scheuth does not want to grant him an easement he needs in order to split his property that would allow access to the parcel that would retain the road frontage on County Road 6. His prospective buyer probably wants some way to drive vehicles onto the parcel that would be used for recreation (hunting land).

Let me know if you have any questions.

**Michael A. Wozniak, AICP**  
Planner and Zoning Administrator  
Goodhue County Government Center  
Land Use Management Department  
509 W. 5<sup>th</sup> Street  
Red Wing, MN 55066  
651-385-3117

## Wozniak, Michael

---

**From:** Anderson, Brad  
**Sent:** Monday, April 8, 2019 7:26 PM  
**To:** lorentzpeggy@gmail.com  
**Cc:** Wozniak, Michael; Hanni, Lisa  
**Subject:** Bluff impact

Dave and Peggy

I visited with staff today and the change in the bluff impact section of the ordinance has not changed the land affected by the ordinance it only cleared up some language. The bluff impact or as I call it severe slope section of the ordinance has not been changed since at least 1998 as to the land area affected by this section. You can apply for a variance to this section but that may require some engineering for a road that may not get supported for being built. The engineering would be needed to show how water and erosion could be controlled if a road was built in this area.

Could you not get an easement to cross the land of neighbors in an area not in the bluff impact zones. Seems like you have a fairly well maintained road to your house now. Is there resistance to this as a solution.

Finally I can not relay information about an issue we may be acting on with other commissioners as this is in violation of the open meeting law.

Brad Anderson  
Goodhue County Commissioner  
District 2

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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*

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

## **VIOLATION NOTICE: 2<sup>ND</sup> LETTER**

**PID:** 31.018.0901 (New PID)

**Parcel Owner:** David Lorentz

**File Date:** 6/21/19

**Re: Unpermitted grading and filling (driveway installation) within a Bluff Impact Zone**

Dear Mr. Lorentz;

As we discussed via phone conversation on 6/20/19, the driveway you installed to access County Road 6 Boulevard on your property (new PID #31.018.0901) caused unpermitted grading and filling activities to occur within a known Bluff Impact Zone in violation of Goodhue County Zoning Ordinance Article 12.

As noted in the previous letter, you were informed of the presence of Blufflands and the restrictions for grading and filling within the Bluff Impact Zone by LUM staff on numerous occasions. You were also repeatedly informed that a variance to the Bluffland Protection rules would need to be granted by the Goodhue County Board of Adjustment before any grading or filling could be permitted within the Bluff Impact Zone.

This information was also discussed with you at length prior to the subdivision and sale of your home (now parcel #31.018.0900) which cut off the existing driveway access to PID 31.018.0901 (see attached email communications). LUM staff approved the subdivision as it met the minimum legal access requirement of 33 feet of frontage to a Right-of-Way.

I discussed the Driveway Access Permit issued by the Goodhue County Public Works Department with Director Greg Isakson. He indicated a Public Works department survey crew reviewed your installation work within the County 6 Boulevard Right-of-Way and determined it to be in conformance with the requirements of their issued Permit. As previously mentioned, the Driveway Access Permit did not give you approval to grade and fill within the Bluff Impact Zone.

We received an email correspondence from Beau Kennedy (Goodhue County Soil and Water Conservation District) dated June 13<sup>th</sup>, 2019 regarding a site visit and review of the unpermitted work within the Bluff Impact Zone (see attached). As noted in Beau's report, the driveway slope is in a Bluff and the grade of the driveway exceeds 30-50% in the first 50 feet. It appears the installation is not an immediate erosion threat but he noted a number of concerns that need to be addressed. The maximum grade for an Access Drive to a principal structure is 14% grade in Goodhue County. LUM Department cannot issue any Building Permits for structures on this property as the grade is noncompliant with Article 11 section 6 of the Goodhue County Zoning Ordinance.

**At this point, there are essentially two options to address the violation.**

1. **Return the site to previous conditions.** The driveway would need to be removed and you will need to provide a detailed plan and timeframe indicating how you will return the Bluff to previous conditions working the Goodhue County Soil and Water Conservation District to ensure slopes will be stabilized and no erosion issue will persist.

2. **Request an after-the-fact variance from the Goodhue County Board of Adjustment** to allow the grading and filling work within the Bluff Impact Zone to remain as well as allow potential additional grading and filling to implement Beau's recommended water breaks and erosion control Best Management Practices. You would need to submit a complete variance application and all required submittal materials listed on the first page of the application. This includes a detailed site plan of the requested variance and a "Township signature of Acknowledgement." The next available Board of Adjustment agenda to have a request considered is July 22<sup>nd</sup>, 2019. To have your request considered for the July meeting agenda you will need to submit a complete application during the variance application window which is open from June 24, 2019 through June 28, 2019. A copy of the variance application has been attached to this letter.

If you chose to apply for a variance to remedy this violation the Board of Adjustment will make the final decision on approval or denial of the request. It should be noted that LUM staff will not be in favor of approval for the request as we do not feel the request satisfies all required findings for variance approval. In particular, LUM staff does not agree that "Practical Difficulties" exist in complying with the ordinance as the "plight of the landowner" is not due to circumstances unique to the property, but rather was created by the landowner as a result of the decision to subdivide the property and cut off the previous driveway access.

**ALL GRADING AND FILLING ACTIVITIES WITHIN THE BLUFF IMPACT ZONE MUST IMMEDIATELY STOP.**

You must contact the Land Use Management Department immediately (within 10 days receipt of this notification) with your plan for addressing this violation to prevent further action.



**Ryan Bechel**  
Zoning Assistant  
Goodhue County Land Use Management Department

CC: Brad Anderson: District 2 County Commissioner  
Carl Bang: Featherstone Township Chair  
Mitch Banks (Realtor, Whitetail Properties)

# 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:** July 29, 2019  
**Report date:** July 19, 2019

**PUBLIC HEARING:** Dale Banitt (authorized agent) on behalf of Ricka Kohnstamm (owner). Request for variance to A2 Zoning District standards to construct a dwelling addition less than 60 feet from the Wells Creek Trail Right-of-Way.

### **Application Information:**

Applicant: Dale Banitt (authorized agent), Ricka Kohnstamm (owner)  
Address of zoning request: 36111 Wells Creek Trail, Goodhue, MN 55027  
Parcel: 26.018.0300  
Abbreviated Legal Description: Part of the NW ¼ of the NW ¼ of Section 18 Twp 111 R14 in Belvidere Township.  
Township Information: Belvidere Township has signed acknowledgment of the variance request and did not convey any concerns regarding the application.  
Zoning District: A-2 (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:**

Dale Banitt, on behalf of Ricka Kohnstamm (owner), has applied for a variance to A2 minimum setback standards to construct a proposed 8 foot by 41-foot dwelling addition on the south side of the property. The applicant proposes to locate the addition 20 feet from the Wells Creek Trail Right-of-Way where 60 feet is required by A2 District regulations.

A single-family dwelling and several accessory structures are currently located on the premises. The existing dwelling is currently 28 feet from the Wells Creek Trail Right-of-Way, making it a preexisting non-conforming structure.

### **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:**

- Property line and Right-of-Way setbacks are in place to create separation among adjacent structures and roads to allow for adequate access and allow for future road expansion.

The existing home is located 28 feet from the Wells Creek Trail Right-of-Way and is, therefore, a non-conforming structure. The proposed dwelling addition would be located 20 feet from the Wells Creek Trail Right-of-Way. The existing structure is currently non-conforming and locating the addition 8 feet closer than the current residence is not anticipated to further impede future road expansion or on-going maintenance. This request appears in harmony with the purpose and intent of the official control.

### **2) The variance 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 proposed dwelling addition 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 home was originally built in 1925. The Applicant’s request to construct an addition to their existing dwelling is a reasonable use of property in the A2 District. The addition would increase the size of and repair an existing porch to allow a year-round living space to be constructed. The addition, as proposed, would meet all other required setbacks.
- The Applicants desire to repair and expand the existing porch which is located at the south end of the home, closest to the Wells Creek Trail Right-of-Way. The front portion of the home, where the addition will be constructed, is screened by several large trees from Wells Creek Trail.
- The surrounding land uses include A-2 Zoned properties to the north, east, and south owned by Ricka Kohnstamm, Darla Vieths and Schafer Farms of Goodhue Inc. respectively. Land to the west owned by Michael Dahling is zoned A-1 Agricultural Protection District and is in Goodhue Township.

### **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 a permitted use in the A2 Zoning 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 a variance, submitted by Dale Banitt (authorized agent) on behalf of Ricka Kohnstamm (owner) to A2 Zoning District standards to allow construction of a dwelling addition 20 feet from the Wells Creek Trail Right-of-Way.

APPLICATION FOR  
**Variance**

**RECEIVED**  
JUL 8 2019  
Land Use Management

For Staff Use only		
VARIANCE NUMBER:	219.0032	
\$350 RECEIPT#	16837	DATE 7.8.19

SITE ADDRESS, CITY, AND STATE 36111 Wells Creek Trail, Goodhue, MN		ZIP CODE: 55027
LEGAL DESCRIPTION:		
Attached <input type="checkbox"/>		
PID#: 260180300	ZONING DISTRICT A-1	LOT AREA (SF/ACRES): 33 acres
LOT DIMENSIONS:		STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME Richa + Josh Kohnstamm	
APPLICANT'S ADDRESS: 36111 Wells Creek Trail Goodhue, MN 55027	TELEPHONE:
	EMAIL:

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

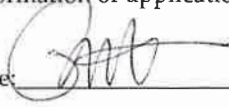

CONTACT FOR PROJECT INFORMATION: Same as Above <input type="checkbox"/> Dale Banitt	
ADDRESS: 30596 Hwy 58 Red Wing	TELEPHONE:
	EMAIL:

<b>VARIANCE REQUESTED TO:</b> (check all that apply) <input checked="" 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 <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:   Date: 7/6/19

Print name: Richa Kohnstamm Joshua G. Kohnstamm (owner or authorized agent)

APPLICATION FOR  
**Variance**

For Staff Use only	
VARIANCE NUMBER:	
\$350 RECEIPT#	DATE

SITE ADDRESS, CITY, AND STATE 36111 Wells Creek Trail, Goodhue, MN		ZIP CODE: 55027
LEGAL DESCRIPTION: Attached		
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):
LOT DIMENSIONS:		STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME Richa + Josh Kohnstamm	
APPLICANT'S ADDRESS: 36111 Wells Creek Trail Goodhue, MN 55027	TELEPHONE:  EMAIL:

PROPERTY OWNER'S NAME: Same as Above	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:  EMAIL:

CONTACT FOR PROJECT INFORMATION: Same as Above	
ADDRESS:	TELEPHONE:  EMAIL:

<b>VARIANCE REQUESTED TO:</b> (check all that apply) <input checked="" 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 <input type="checkbox"/>
TOWNSHIP OFFICIAL'S SIGNATURE Stanley Klair	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE Stanley Klair Supervisor	DATE 7-13-19

- 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: [Signature]      [Signature]      Date: 7/6/19

Print name: Richa Kohnstamm      Joshua G. Kohnstamm (owner or authorized agent)



## REQUEST SUMMARY

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

Article: \_\_\_\_\_ Section: \_\_\_\_\_ Name: \_\_\_\_\_

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:

Our 1920s-era home has a summer porch and we wish to create a year-round living space in a relatively small house. This is the only sensible place to add space to our home, 16 feet.

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

The house is our weekend home currently and we would like the option of having enough living space to consider living here in retirement.

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 home has ~~never~~ been within the limit, and wasn't when we purchased the property. Making this change would not alter that fact, rather we are updating it.

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

There are no compliant alternatives as the house is not within the prescribed set back from the road and was ~~been~~ when purchased.

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

There is a row of dense trees between the house and the road and we would maintain those trees as much as possible. There are no alternatives as this is the only direction to add space to the house.

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

It would not change it at all as it essentially replicated what was already there, only modernized plus 8 additional feet closet.



# MAP 01: PROPERTY OVERVIEW



## BOARD OF ADJUSTMENT

Public Hearing  
July 29, 2019

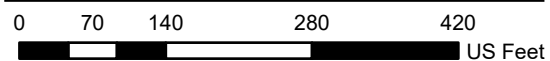
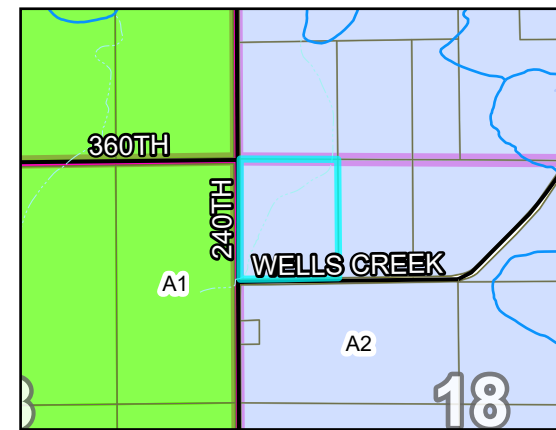
Ricka Kohnstamm  
A2 Zoned District

Parcel 26.018.0300  
Part of the NW 1/4 of the NW 1/4 of  
Section 18 Twp 111 R14 in  
Belvidere Township

Variance request to construct a dwelling  
addition less than 60 feet from the  
Wells Creek Trail Right-of-Way.

### Legend

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



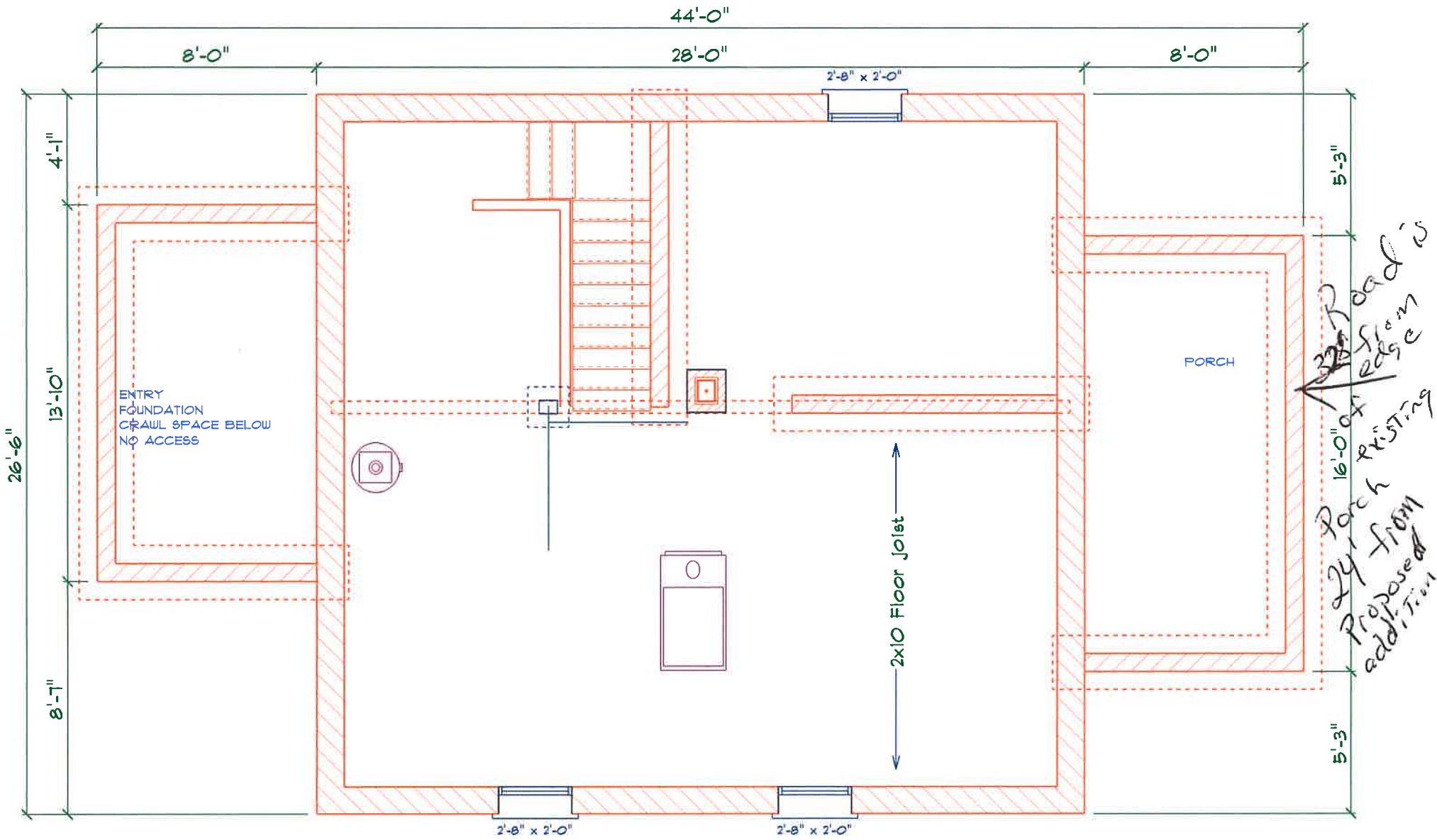
DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2019.

2018 Aerial Imagery  
Map Created July, 2019 by LUM





36111 Well Creek Trail  
 Basement Existing 1/4" = 1 foot





36111 Well Creek Trail  
 Basement Revised 1/4" = 1 foot

