



# 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

## Virtual Meeting Notice

Virtual Meeting Notice: The Goodhue County Board of Adjustment will be conducting a meeting on June 28, 2021 at 5:00 p.m. Due to concerns surrounding the spread of COVID-19, the meeting and all public hearings will be conducted by telephone or other electronic means.

The public may monitor the meeting from a remote site by logging into <https://global.gotomeeting.com/join/775799981> or calling 1-866-899-4679 beginning at 4:50 PM or any time during the meeting. Access Code: 775-799-981

Public Comments: Interested persons must submit comments by phone, in writing, or via email until noon on Monday, June 28, 2021. To submit your comments please email them to [samantha.pierret@co.goodhue.mn.us](mailto:samantha.pierret@co.goodhue.mn.us) or mail them to the Land Use Management Department at 509 West 5th Street, Red Wing, MN 55066. Comments received by this deadline will be read into the record during the public hearing for that item, including name and address.

## Approval Of Current Agenda

### Approval Of Previous Month's Meeting Minutes

1. April Board Of Adjustment Meeting Minutes

Documents:

[BOAMEETINGMINUTES.PDF](#)

## Conflict/Disclosure Of Interests

### PUBLIC HEARING: Request For Variance To Minimum Lot Size Standards

Request for Variance, submitted by Richard and Kathleen Herron (Owners), to R-1 Zoning District lot size standards to split an existing parcel resulting in two lots less than 1 acre. Parcel 32.130.1660. 29198 Leroy AVE Frontenac, MN 55026. Lots 1, 2, 3, 4, 5, 6, 7 & 8 Block 45 in the Town of Frontenac in Florence Township.

Documents:

[BOAPACKET\\_HERRON\\_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To Minimum Setback Standards  
Request for Variance, submitted by Randy Krause (Owner), to A-1 Zoning District standards to construct an accessory building addition less than 30 feet from a side yard property line. Parcel 47.033.1200. 45494 200th AVE Zumbrota, MN 55992. Part of the SW ¼ of the NW ¼ Section 33 TWP 110 Range 15 in Zumbrota Township.

Documents:

[BOAPACKET\\_KRAUSE\\_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  
APRIL 26, 2021 MEETING MINUTES  
DRAFT**

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The meeting of the Goodhue County Board of Adjustment was called to order at 5:00 PM by Chair Knott virtually via GoToMeeting with staff members present at the Goodhue County Government Center Basement IT Conference Room.

**Roll Call**

Commissioners Present virtually via GoToMeeting: Daniel Knott, Rich Ellingsberg, Darwin Fox, Denny Tebbe, and Randy Rechtzigel.

Commissioners Absent: None

Staff Present: Land Use Director Lisa Hanni (Virtual), Zoning Administrator Samantha Pierret and Zoning Administrative Assistant Kathy Bauer

**1. Approval of Agenda**

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

**Motion carried 5:0**

**2. Approval of Minutes**

<sup>2</sup>Motion by **Rechtzigel** and seconded by **Tebbe** to approve the previous month's meeting minutes.

**Motion carried 5:0**

**3. Conflict/Disclosure of Interest**

*There were no conflicts of interest reported.*

**4. Public Hearings:**

**PUBLIC HEARING: Request for Variance to Minimum Lot Size for Farm Winery**

Request for Variance, submitted by Wesley Schumacher (owner) to the Farm Winery performance standards to allow establishment of a Farm Winery on a parcel less than 10 acres. Parcel 25.031.0800. 39500 County 8 BLVD, Goodhue, MN 55027. Part of the SW ¼ of Section 31 TWP 111 Range 16 in Belle Creek Township. A1 Zoned District.

*Pierret presented the staff report and attachments.*

**Chair Knott opened the Public Hearing.**

*No one spoke for or against the request.*

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

**Motion carried 5:0**

*Fox remarked after looking at the request and understanding better the intent of the Farm Winery; there will be no public visits, wine tastings, etc. at this time and no Conditional Use Permit is needed. Stating this is what this board is all about, when ordinances are originally put in place, they are planned.*

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
APRIL 26, 2021 MEETING MINUTES  
DRAFT**

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**4 Motion by Fox, seconded by Tebbe, for the Board of Adjustment to:**

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

**APPROVE** the variance request, submitted by Wesley Schumacher (owner), to Farm Winery Performance Standards (Article 11, section 27) to allow establishment of a Farm Winery on a 6 acre parcel in the A1 Zoning District.

**Motion carried 5:0**

**6. Other-Discussion**

*Hanni stated we will have a new member of the Zoning Staff starting in May.*

*Hanni commented that the applicant, Wesley Schumacher, needed zoning approval from the county so he could obtain state approval for the winery. The one item Schumacher was lacking was the number of acres; he is not planning on any onsite parking or wine tasting, etc. Hanni offered for to look into applications such as these to be done administratively, rather than through the board.*

*Chair Knott commented the current Farm Winery ordinance does not distinguish between onsite public activities and ones that do not have public facilities, in regards to the approval process.*

*Commissioner Fox remarked that with the time and cost of going through the process as Schumacher's Farm Winery did, the approvals should go through administratively, and would like staff to look into for certain circumstances such as this.*

*The Board of Adjustment members agreed.*

**ADJOURN**

**<sup>5</sup> Motion by Rechtzigel, seconded by Tebbe to adjourn the BOA meeting at**

**5:25 p.m.**

**Motion carried 5:0**

Respectfully submitted:

Kathy Bauer, Zoning Administrative Assistant

**MOTIONS**

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<sup>1</sup> APPROVE the meeting agenda. Motion carried 5:0

<sup>2</sup> APPROVE the previous meeting's minutes. Motion carried 5:0

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

<sup>4</sup> APPROVE the Variance request for Farm Winery on 6 acres. Motion carried 5:0

<sup>5</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  
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:** June 28, 2021  
**Report date:** June 18, 2021

## **PUBLIC HEARING: Request for Variance to Minimum Lot Size**

Request for Variance, submitted by Richard and Kathleen Herron (owners) to R-1 Zoning District lot size standards to split an existing parcel resulting in two lots less than 1 acre.

### **Application Information:**

Applicants: Richard and Kathleen Herron (Owners)  
Address of zoning request: 29198 Leroy AVE Frontenac, MN 55026  
Parcel: 32.130.1660

Abbreviated Legal Description: Lots 1, 2, 3, 4, 5, 6, 7, and 8 Block 45 in the Town of Frontenac.  
Township Information: The variance was heard by the Florence Township Planning Commission at their June 14, 2021 meeting. The request was recommended for approval by Town Board for consideration at their June 21, 2021 meeting. Staff will update the Board of Adjustment with any comments from the Town Board.  
Zoning District: R-1 (Suburban Residence District)

### **Attachments and Links:**

Application and submitted project summary  
Site Map and Survey  
Article 24 R-1 Suburban Residence District  
Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

The Applicants (Richard and Kathleen Herron) are requesting a variance to allow the split of an existing R-1 Zoned parcel which would result in the creation of two lots less than 1-acre. The Goodhue County Zoning Ordinance (GCZO) requires all newly created R-1 parcels to have a minimum 1-acre of buildable area.

### **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:**

- Parcel 32.130.1660 was two separate parcels until 2017. Parcel 32.130.1660 consisted of Lots 1, 2, 3, and 4 of Block 45 and parcel 32.130.1670 consisted of Lots 5, 6, 7, and 8 of Block 45.

Parcel 32.130.1660 contained a single-family dwelling and accessory building while parcel 32.130.1670 contained a “dry cabin” (no plumbing or septic service) and an accessory building.

Given the Applicant’s proposal to split an existing parcel within an existing plat (Town of Frontenac), reverting to a previous parcel configuration, the Applicant’s proposal 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 providing more housing choices for rural residents and providing flexible dwelling choices.
- The Comprehensive Plan also supports maintaining cultural and historical sites in Goodhue County (Old Frontenac).

The Applicant’s request does not appear inconsistent 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):**

- In 2017 the Herrons applied for a building permit to replace the “dry cabin” on parcel 32.130.1670. Zoning staff at the time considered a dry cabin an “accessory structure” which is not a permitted principal use in the R-1 Zoning District. The property owners were required to combine their parcels to obtain building permit approval for the cabin project.

GIS data continued to classify the dry cabin as a dwelling after 2017. Current mapping shows two dwelling points on parcel 32.130.1660.

- The minimum parcel size for newly created R-1 properties was increased to 1 acre in 2019 from 20,000 square feet. The intent is to allow enough space for a primary SSTS and replacement system if needed. The proposed split of parcel 32.130.1660 would create two 0.95 acre parcels which was a conforming lot size before the Zoning Ordinance amendment.
- The Applicants are requesting to split the existing parcel back into two parcels to sell the single family dwelling site while retaining the cabin property. The parcel would be split back into Lots 1, 2, 3, and 4 and Lots 5, 6, 7, and 8 - as they were configured prior to 2017.

A plat will not be required for the proposed split as no new dwelling sites will be created. Both lots will have structures classified as “dwellings” by Zoning staff.

- The Applicants alternatively considered pursuing formal vacation of Graham Street with Florence Township to add approximately 0.1 acres to their landholdings. This alternative was rejected as vacation was not guaranteed to be approved by the Township, vacation would be cost-prohibitive for the amount of land they would acquire and new legal descriptions would need to be prepared to split original lots in the original Town of Frontenac plat to meet the 1-acre lot size requirement.
- The Applicants will be required to obtain appropriate permits from the Goodhue County Environmental Health and Building Permits Departments before installing a septic system or plumbing in the existing “dry cabin”.

The Applicants have verified with a septic professional that a new SSTS could be installed to serve the “dry cabin” with additional area available for a replacement system if needed.

- The Applicants’ property is located in a historic residential area surrounded by single family dwellings. Most surrounding parcels are under 1-acre and several parcels are under 20,000 square feet in size.

The re-creation of two 0.95 acre parcels would not be uncharacteristic of the area.

**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 and associated facilities are permitted uses in the R-1 Zoning District. The proposal 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 variance request, submitted by Richard and Kathleen Herron (owners), to R-1 Suburban Residence District lot size standards to allow the split of an existing parcel (32.130.1660) resulting in two approximately 0.95-acre parcels.



APPLICATION FOR  
**Variance**

RECEIVED

MAY 19 2021

For Staff Use only	
VARIANCE NUMBER:	Z21-0020
\$350 RECEIPT#	17900 DATE 5/19/21

Land Use Management

SITE ADDRESS, CITY, AND STATE		ZIP CODE:	
29198 Leroy Ave Frontenac, MN		55026	
LEGAL DESCRIPTION			
SEE Attached Survey <span style="float: right;">Attached <input type="checkbox"/></span>			
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS:
32-130-1660	R-1	SEE SURVEY	SEE SURVEY
STRUCTURE DIMENSIONS (if applicable):			

APPLICANT OR AUTHORIZED AGENT'S NAME	
Richard M. & Kathleen J. Heron	
APPLICANT'S ADDRESS:	TELEPHONE:
29198 Leroy Ave Frontenac, MN 55026	/

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 checked="" type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:
	Residence
	PROPOSED USE:
	Residence
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: Kathleen Heron Date: 5-18-2021



Article: 24 Section: 5 Name: R-1, Suburban Residence District  
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:**

Two sons live in main house, wife & myself live in cabin.  
We would like to divide back into two properties to sell  
main house to family, keeping cabin for wife + I.

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

We would like to improve cabin lot installing septic  
plumbing. It is currently a "dry cabin".

**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:**

NONE

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

Vacating Graham Street - Graham St bordering our  
property is not used but has not been vacated - very costly  
+ time consuming to pursue

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

NONE KNOWN

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

Not at all

---

April 19, 2021

Dick and Kathy Herron 29198 Leroy Ave. Frontenac, MN 55026

We purchased lots 5,6,7,8 block 45 Frontenac, MN with "seasonal cabin" in May 2013.

We purchased lots 1,2,3,4 block 45 with house in Nov. 2015.

October 2017 we replaced old cabin with new pre-built cabin permit # 17-0423.

At that time the two properties were consolidated into one piece of property. The cabin is currently classified as a dwelling which leaves two homes on one property. We would like to revert back to two separate residences, but the rules changed in Sept. 2019 to one acre parcels. Our property split would be .955 acres per parcel.

Our request for variance would allow split to two properties with one residence on each.



# MAP 01: PROPERTY OVERVIEW



## BOARD OF ADJUSTMENT

Public Hearing  
June 28, 2021

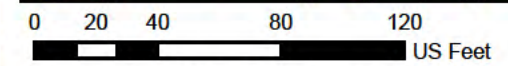
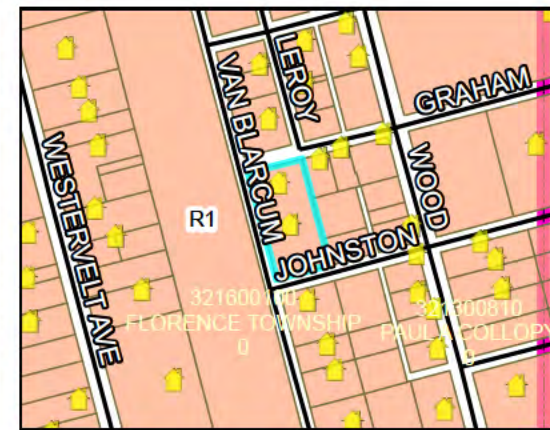
Richard & Kathleen Heron (Owner)  
R1 Zoned District

Lots 1, 2, 3, 4, 5, 6, 7 & 8 Block 45  
in the Town of Frontenac in  
Florence Township

Variance request to allow split of existing  
parcel creating two lots less than  
1 acre.

### Legend

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



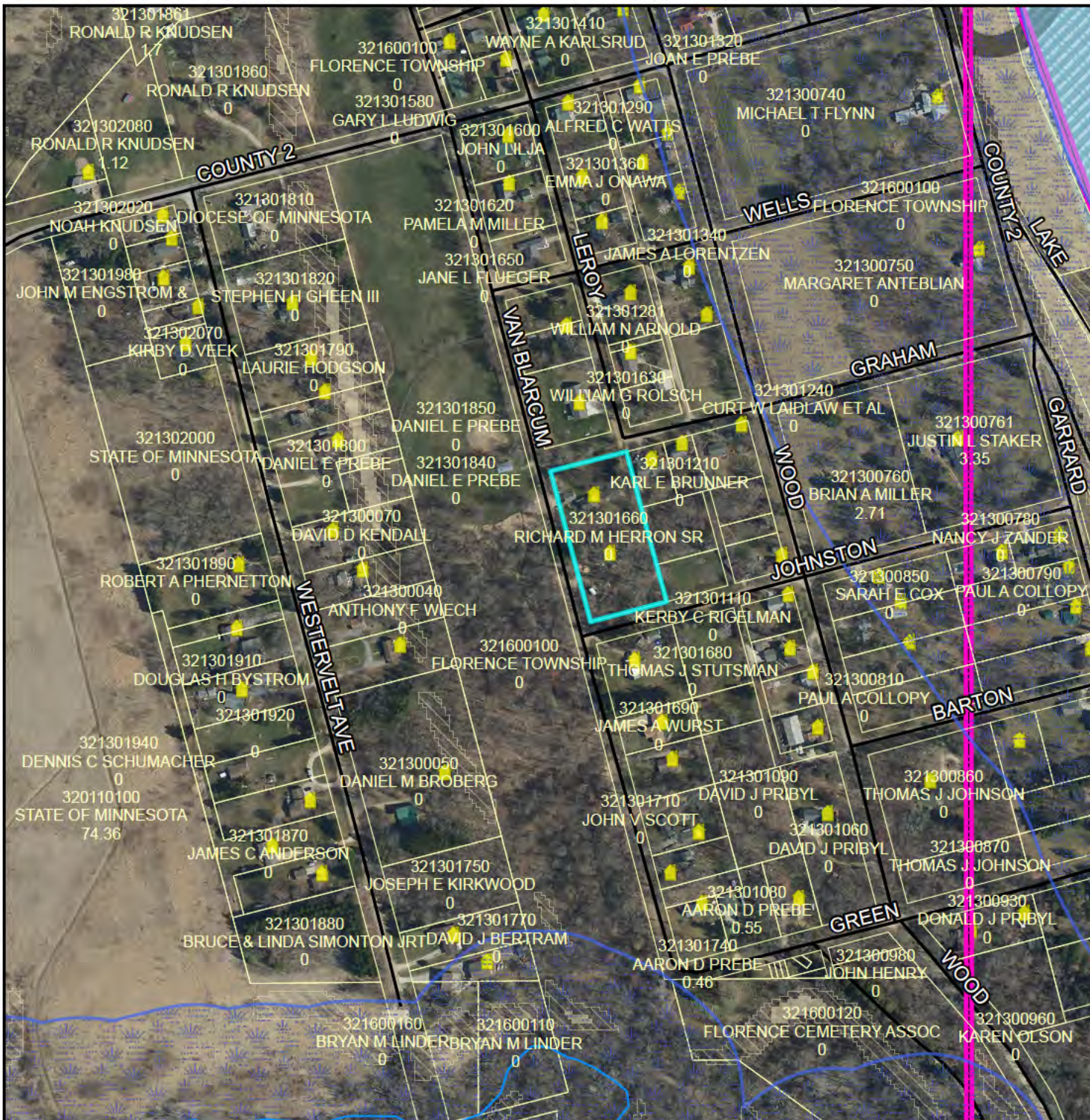
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2020 Aerial Imagery  
Map Created June, 2021 by LUM





# MAP 02: VICINITY MAP



## BOARD OF ADJUSTMENT

Public Hearing  
June 28, 2021

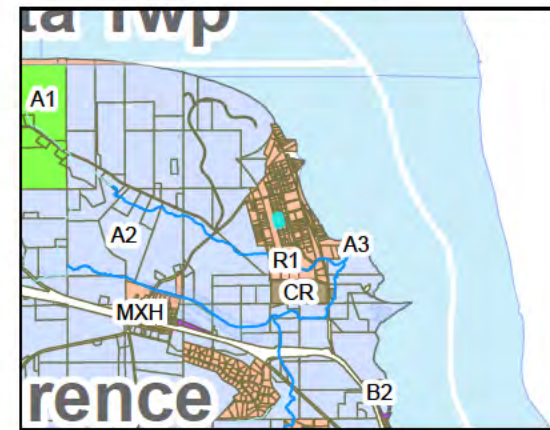
Richard & Kathleen Heron (Owner)  
R1 Zoned District

Lots 1, 2, 3, 4, 5, 6, 7 & 8 Block 45  
in the Town of Frontenac in  
Florence Township

Variance request to allow split of existing  
parcel creating two lots less than  
1 acre.

### Legend

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



0 140 280 560 840 US Feet

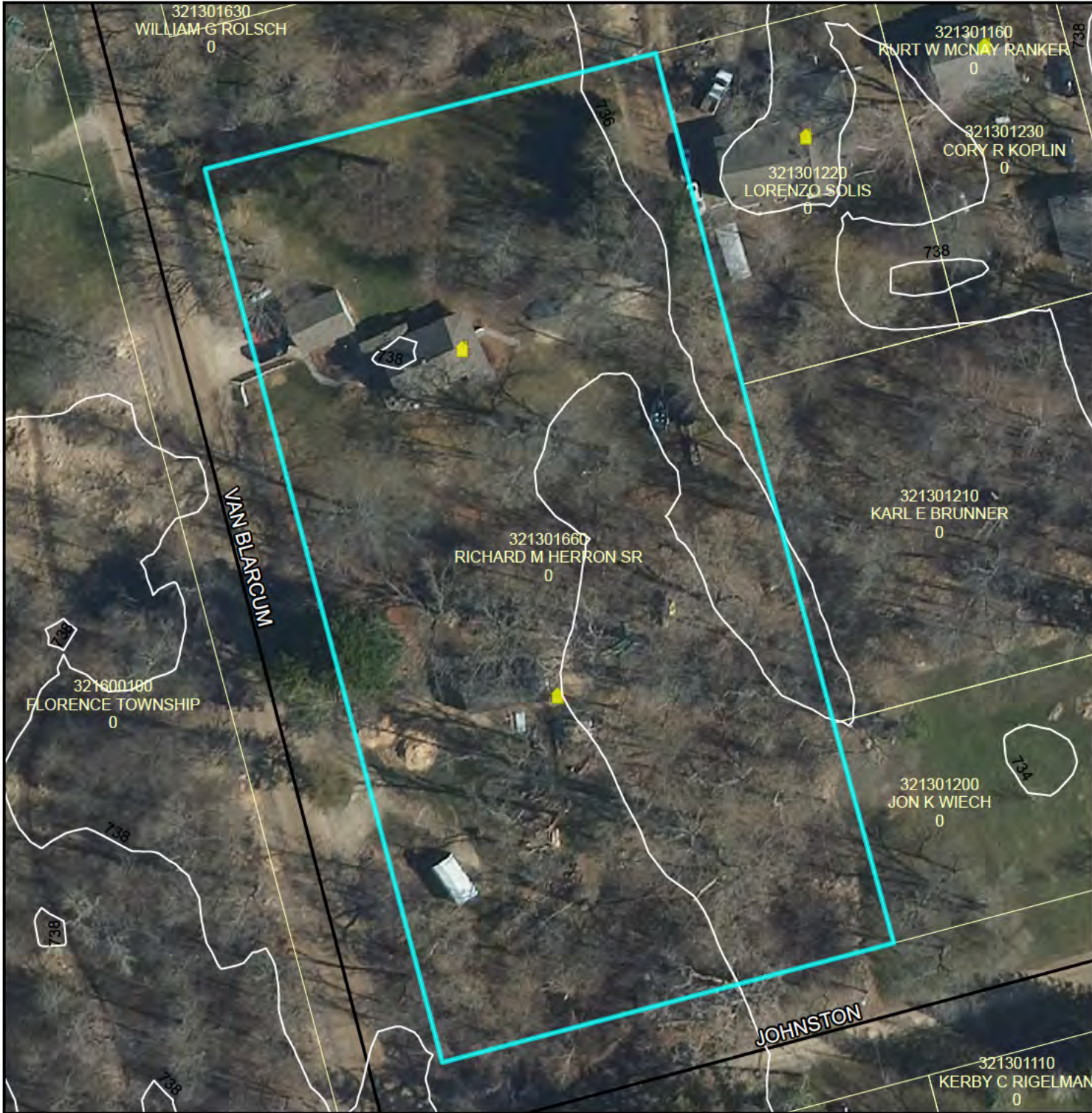
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Map Created June, 2021 by LUM





# MAP 03: ELEVATIONS



## BOARD OF ADJUSTMENT

Public Hearing  
June 28, 2021

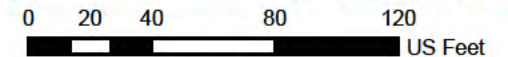
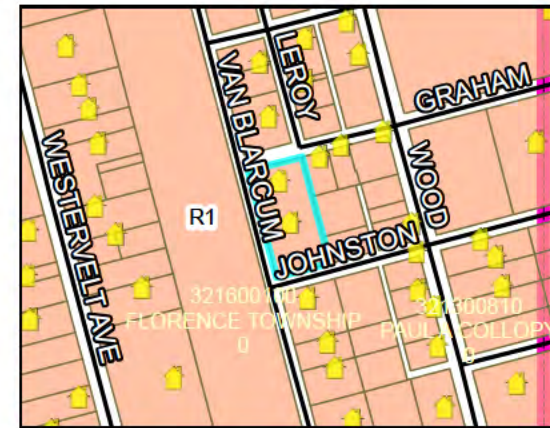
Richard & Kathleen Heron (Owner)  
R1 Zoned District

Lots 1, 2, 3, 4, 5, 6, 7 & 8 Block 45  
in the Town of Frontenac in  
Florence Township

Variance request to allow split of existing  
parcel creating two lots less than  
1 acre.

### Legend

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



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2020Aerial Imagery  
Map Created June, 2021 by LUM






# ArcGIS WebMap

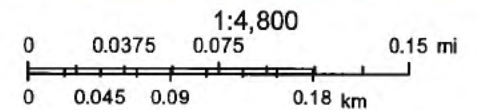


October 18, 2017

Search Results: Search by PIN Roads 9.600

 Override 1

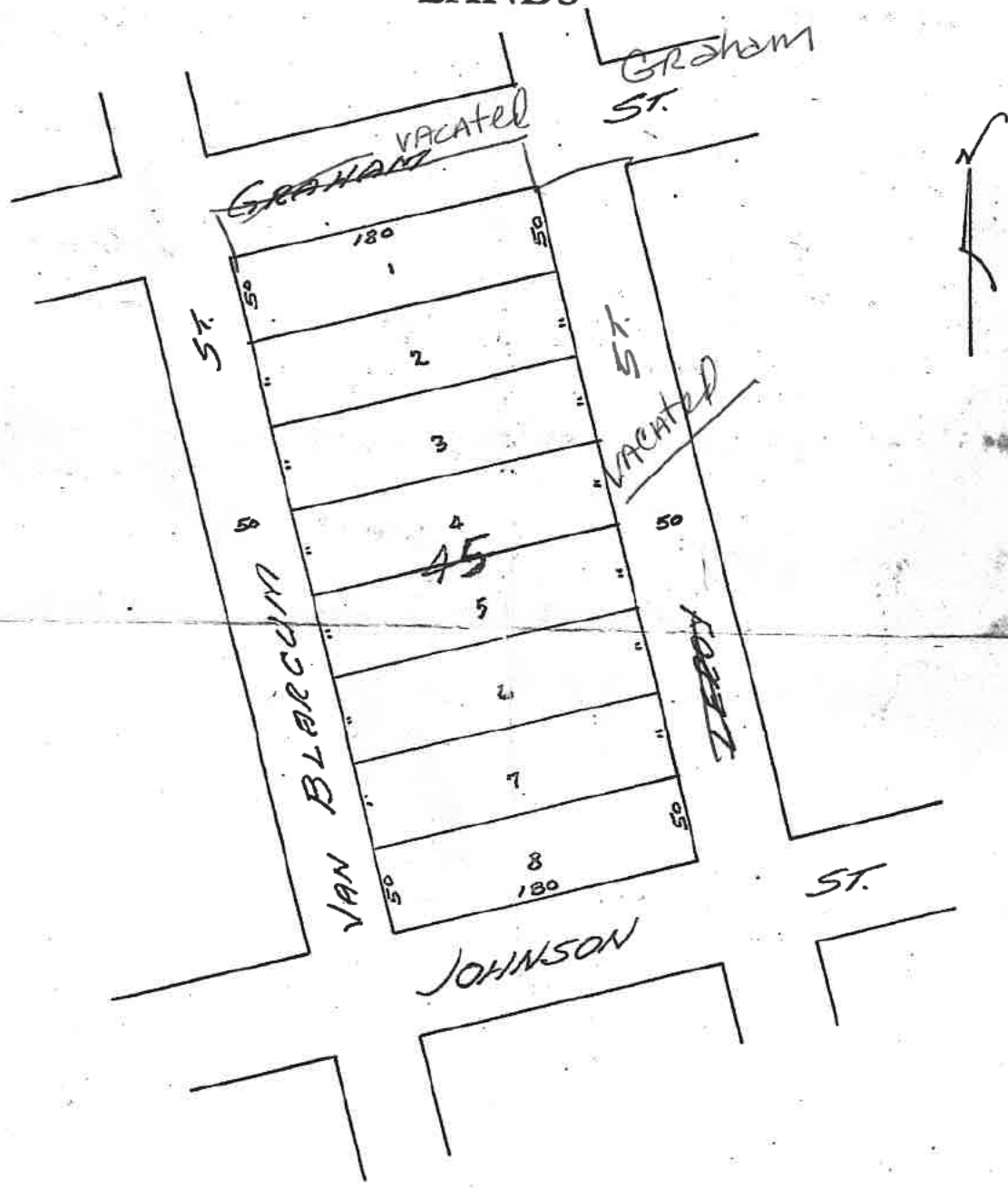
Township or Other Roads





...affecting the title to the lands described below, and situate in said County, as such instruments appear upon the books of ABSTRACTS OF TITLE to lands in said County, kept by Goodhue County Abstract Co. of Red Wing, in said County and which books have been carefully compiled from, and compared with, such records.

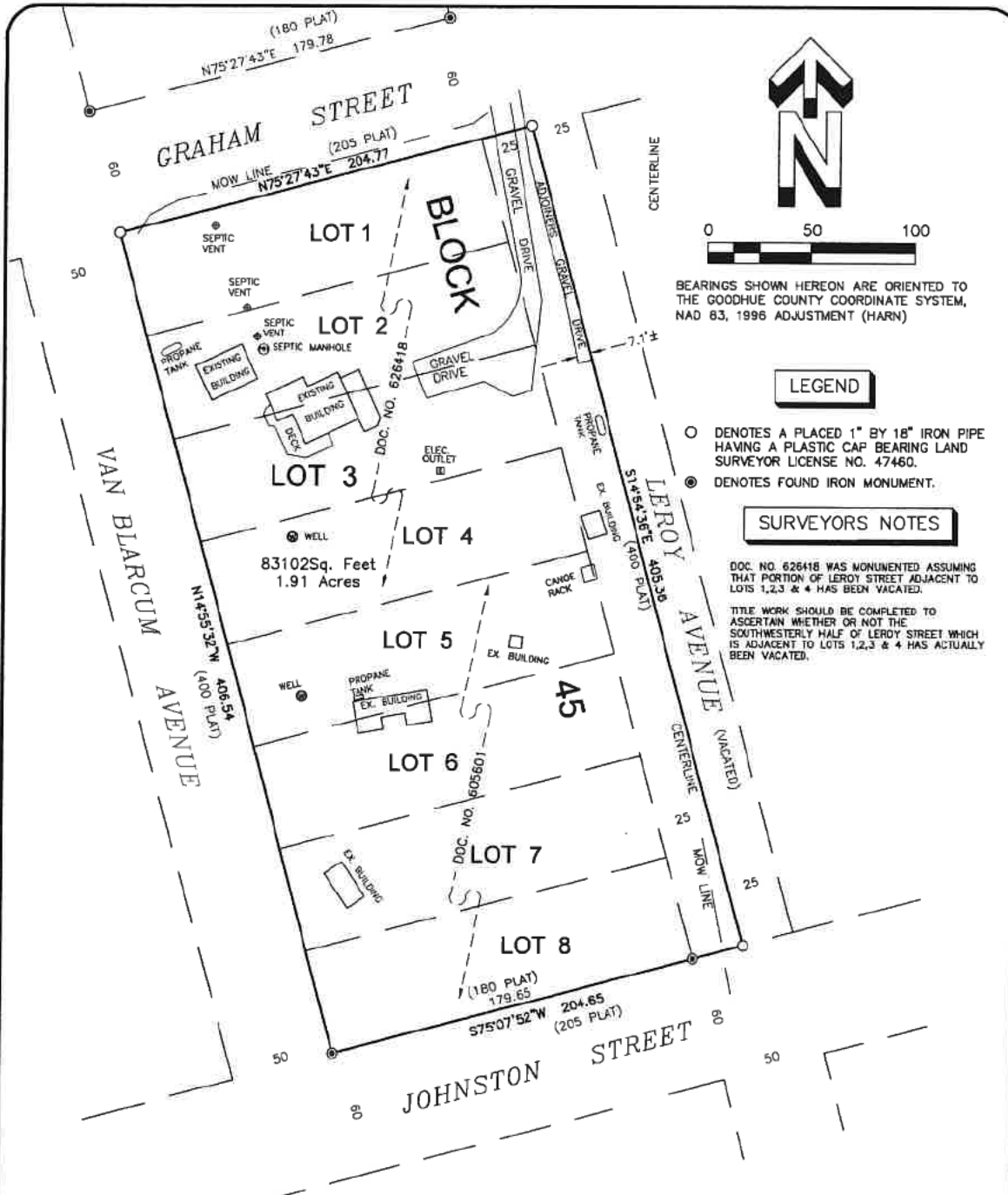
# LANDS



No. 1

Lots 5, 6, 7 and 8 in Block 45 in the Town of Frontenac, according to the plat thereof on file and of record in the office of the Register of Deeds for the County of Goodhue and State of Minnesota.

=====



BEARINGS SHOWN HEREON ARE ORIENTED TO THE GOODHUE COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN)

**LEGEND**

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.

**SURVEYORS NOTES**

DOC. NO. 626418 WAS MONUMENTED ASSUMING THAT PORTION OF LEROY STREET ADJACENT TO LOTS 1,2,3 & 4 HAS BEEN VACATED.

TITLE WORK SHOULD BE COMPLETED TO ASCERTAIN WHETHER OR NOT THE SOUTHWESTERLY HALF OF LEROY STREET WHICH IS ADJACENT TO LOTS 1,2,3 & 4 HAS ACTUALLY BEEN VACATED.

PROPERTY DESCRIPTION OF RECORD

DOC. NO. 626418

Lots 1, 2, 3, and 4 in Block 45 in the Town of Frontenac, according to the plat thereof on file and of record in the office of the County Recorder for Goodhue County, State of Minnesota.

DOC. NO. 605601

Lots 5, 6, 7, and 8 in Block 45 in the Town of Frontenac, County of Goodhue, State of Minnesota. Together with the southwesterly half of vacated Leroy Street.

s/share/plata/city of frontenac/block 45/herron.dwg

**CERTIFICATE OF SURVEY FOR:**

**RICHARD & KATHLEEN HERRON**



**JOHNSON & SCOFIELD INC.**  
**SURVEYING AND ENGINEERING**

1203 MAIN STREET, RED WING, MN 55066  
 (651) 388-1558

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

Marcus S. Johnson  
 Minnesota License No. 47460  
 Date: March 31, 2021

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	21-236	S-9435	

# **ARTICLE 24 R-1, SUBURBAN RESIDENCE DISTRICT**

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## **SECTION 1. PURPOSE**

The R-1, Suburban Residence District is intended to provide a district which will define and protect areas suitable for low to medium density residential development as the principal land use and to allow related facilities desirable for a residential environment.

## **SECTION 2. PERMITTED USES**

All permitted uses are subject to zoning and building permits. Permitted uses allowed in the R1 Zoning District shall be as shown in Article 20, Section 7, "Table of Uses".

## **SECTION 3. CONDITIONAL USES AND INTERIM USES**

All conditional uses and interim uses are subject to zoning and building permits. Conditional and interim uses allowed in the R1 Zoning District shall be as shown in Article 20, Section 7, "Table of Uses."

## **SECTION 4. ACCESSORY STRUCTURES AND USES**

Accessory structures and uses in the R1 district may be permitted when located on the same parcel as the Principal structure or use and shall comply with the following standards:

- Subd. 1. No accessory buildings or uses shall be permitted on a parcel prior to establishment of the principal building.
- Subd. 2. Detached accessory buildings shall be limited in size to 1,500 square feet in area for parcels 12,000 square feet to 1 acre and 2,100 square feet in area for parcels greater than 1 acre.
- Subd. 3. Any private garages, either separated or in connected groups, having common unpierced dividing walls between contiguous private garages.
- Subd. 4. Any temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of such construction work.

## **SECTION 5. DIMENSIONAL REQUIREMENTS**

Parcels in the R-1 District shall meet the following minimum standards:

- Subd. 1. Parcel Size, Width and Depth.
  - A. Parcels shall contain a minimum 1 acre of Buildable Area.
  - B. Parcels rezoned or subdivided prior to September 3, 2019 shall contain a minimum 20,000 square feet of area per dwelling unit when served by an individual SSTS or 6,000 square feet of area per dwelling unit when served by a Community SSTS.
  - C. All parcels shall have a minimum width of 100 feet at the building setback line and a minimum depth of 125 feet.

- Subd. 2. **Yard Requirements.** Every building shall meet the following yard requirements:
  - A. **Front Yard.**
    - 1. There shall be a minimum setback of 40 feet from the right-of-way line of any public road or highway; except that, this setback may be reduced to 25 feet when such public road is a minor street serving only a residential subdivision.
    - 2. In the event any building is located on a lot at the intersection of 2 or more roads or highways, such lot shall have a front yard abutting each such road or highway.
  - B. **Side Yard.** Every building shall have 2 side yards. Each side yard shall have a minimum width of 8 feet.
  - C. **Rear Yard.** Every building shall have a rear yard. The rear yard shall have a minimum depth of 8 feet.
- Subd. 3. **Bluff Impact Zone.** For any use or structure in the R-1 District, the setback from the bluff impact zone shall be no less than 30 feet.
- Subd. 4. **Height Requirements.** Every building shall meet the following height requirements:
  - A. Buildings shall not exceed 35 feet in height.
  - B. Freestanding accessory structures, including but not limited to, communication towers or antennas shall be limited to a height of 10 feet less than the distance to the nearest property line or shall be designed and engineered to collapse progressively within the distance between the tower and the property line.
- Subd. 5. **Parcel Coverage.** No principal building together with its accessory buildings shall occupy more than 20 percent of the total parcel area.
- Subd. 6. **Substandard Lots of Record.** When contiguous and under identical ownership, must be combined to meet minimum standards of this Ordinance in order that any permitted or conditionally permitted use is allowed on such lot or lots.

## **SECTION 6. GENERAL REGULATIONS**

- Subd. 1. **Plat Required.** Any subdivision of an R1 zoned parcel that could result in the creation of one or more additional dwelling sites shall be platted according to procedures set forth in the Goodhue County Subdivision Controls Ordinance.
- Subd. 2. **Public Road Frontage or Road Access Easements Standards:**
  - A. Each Parcel shall include a minimum 33 feet of frontage on a public road right-of-way line extending to the building line. As an alternative, a single parcel that does not front on a public road may be permitted upon the recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
  - B. Access for two or more lots shall follow the Road Design Standards in the Goodhue County Subdivision Controls Ordinance.

# 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:** June 28, 2021  
**Report date:** June 18, 2021

**PUBLIC HEARING:** Request for Variance, submitted by Randy Krause (Owner), to A-1 Zoning District standards to construct an accessory building addition less than 30 feet from a side yard property line.

### **Application Information:**

Applicant(s): Randy Krause (Owner)  
Address of zoning request: 45494 200<sup>th</sup> AVE Zumbrota, MN 55992  
Parcel: 47.033.1200  
Abbreviated Legal Description: Part of the SW ¼ of the NW ¼ of Section 33 TWP 110 Range 15 in Zumbrota Township  
Township Information: Zumbrota Township has signed acknowledgment of the variance request and did not convey any concerns regarding the application.  
Zoning District: A-1 (Agriculture Protection 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:**

Randy Krause (Owner) has applied for a variance to A-1 minimum setback standards to construct a proposed 20-foot by 44-foot accessory building addition on the southeast side of an existing structure. The proposed addition would be 6-feet from the north property line where 30 feet is required by Ordinance. The structure is currently used as storage for a Home Occupation.

### **Variance Standards:**

Variations 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. Variations 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 setbacks are intended to create separation among adjacent structures and provide room for future repairs and maintenance.
  - There are no neighboring structures or dwellings directly north of the proposed structure and

some space would remain to allow for future repairs and maintenance.

- Home Occupation standards are intended to provide rural residents the opportunity to utilize residential properties to engage in economic activities subordinate and incidental to a principal residential use.

The request appears in harmony with the purpose and intent of the official controls.

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

- The Goodhue County Comprehensive Plan supports the use of existing rural residences and accessory buildings to provide rural living opportunities in the unincorporated areas of Goodhue County.
- The Goodhue County Comprehensive Plan promotes diverse businesses and the establishment and expansion of home occupations with appropriate performance standards.

The proposed accessory building 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 Applicant’s desire to expand an existing accessory building to accommodate the storage of equipment for a Home Occupation is a reasonable use of property in the A-1 District.

The proposed addition would not encroach closer to the north property line than the existing accessory building.

- The parcel is an existing, triangular-shaped 2.09-acre lot which is a conforming lot size in the A-1 Zoning District (2-acre minimum). The property contains two accessory buildings and a single-family dwelling.
- The Applicant stated that there are no alternative locations for the addition which would not require variance approval due to the existing driveway located south of the accessory building to be expanded.
- Surrounding land uses include the Zumbro Valley Rifle Club to the north and east and row crop agriculture to the south and west across 200<sup>th</sup> AVE.

The request 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.**

- Residential accessory structures and Home Occupations are permissible uses in the A-1 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 Randy Krause (Owner) to A-1 Zoning District standards to allow construction of an accessory building addition no closer than 6 feet from the north property line.



APPLICATION FOR  
**Variance**

RECEIVED

MAY 12 2021

For Staff Use only

VARIANCE NUMBER: **221-0017**  
 \$350 RECEIPT# **17894** DATE **5/12/21**

**Land Use Management**

SITE ADDRESS, CITY, AND STATE <b>45494 200th Ave Cambridge, MN 55992</b>		ZIP CODE:
LEGAL DESCRIPTION: <b>Attached</b>		
PID# <b>470331200</b>	ZONING DISTRICT	LOT AREA (SF/ACRES): <b>2.09</b>
LOT DIMENSIONS:		STRUCTURE DIMENSIONS (if applicable): <b>20'x44' Addf,</b>

APPLICANT OR AUTHORIZED AGENT'S NAME  
**Randolph Krause**

APPLICANT'S ADDRESS:

PROPERTY OWNER'S NAME:  
Same as Above **Same**

PROPERTY OWNER'S ADDRESS:

TELEPHONE:

EMAIL:

CONTACT FOR PROJECT INFORMATION:  
Same as Above **Same**

ADDRESS:

TELEPHONE:

EMAIL:

<p>VARIANCE REQUESTED TO: (check all that apply)</p> <p><input type="checkbox"/> Road Right-Of-Way Setbacks    <input type="checkbox"/> % Lot Coverage</p> <p><input checked="" type="checkbox"/> Property Line Setbacks    <input type="checkbox"/> Bluff Setbacks</p> <p><input type="checkbox"/> Height Limits    <input type="checkbox"/> Shoreland Setbacks</p> <p><input type="checkbox"/> Lot Width &amp;/or Area    <input type="checkbox"/> Other (specify)</p> <p><input type="checkbox"/> Subdivision Regulations</p>	CURRENT OR PREVIOUS USE: <b>Shop &amp; Garage For Business</b>
	PROPOSED USE: <b>Same</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.

TOWNSHIP OFFICIAL'S SIGNATURE: *[Signature]* TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE: **Chairman** DATE: **5-12-21**

- 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: *Randolph Krause* Date: *May 12, 2021*

Print name: *Randolph Krause* (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:

Property is used for home, Shop is used for business (Krause Masonry Inc.) I no longer have enough space for equipment & storage of supplies & tools

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

Needed equipment and tools and supplies would not be able to keep sheltered & heated. Equipment would be visible and increase the chance of theft. Most supplies can not be left out in weather

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:

~~None available~~  
Property is Triangle Shaped and cannot make required setbacks

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

None available

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

None available

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

No, 1/2 mile range driveway to the north and a field to the south







# MAP 01: PROPERTY OVERVIEW



## BOARD OF ADJUSTMENT

Public Hearing  
June 28, 2021

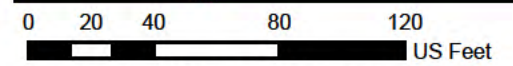
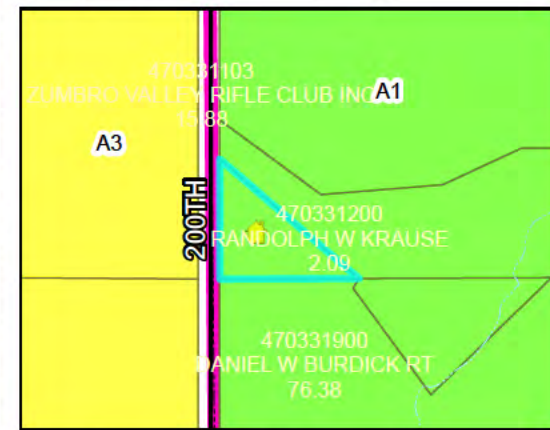
Randy Krause(Owner)  
A1 Zoned District

Part of the SW 1/4 of the NW 1/4  
Section 33 TWP 110 Range 15 in  
Zumbrota Township

Variance request to allow construction of an  
accessory building addition less than 30  
feet from a side yard property line

### Legend

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



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# MAP 02: VICINITY MAP



## BOARD OF ADJUSTMENT

Public Hearing  
June 28, 2021

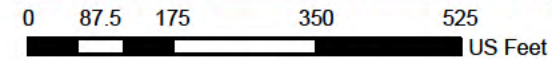
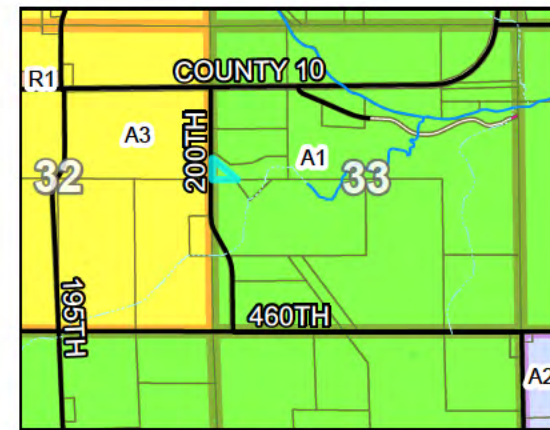
Randy Krause(Owner)  
A1 Zoned District

Part of the SW 1/4 of the NW 1/4  
Section 33 TWP 110 Range 15 in  
Zumbrota Township

Variance request to allow construction of an  
accessory building addition less than 30  
feet from a side yard property line

### Legend

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



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# MAP 03: ELEVATIONS



## BOARD OF ADJUSTMENT

Public Hearing  
June 28, 2021

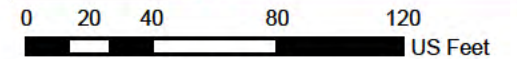
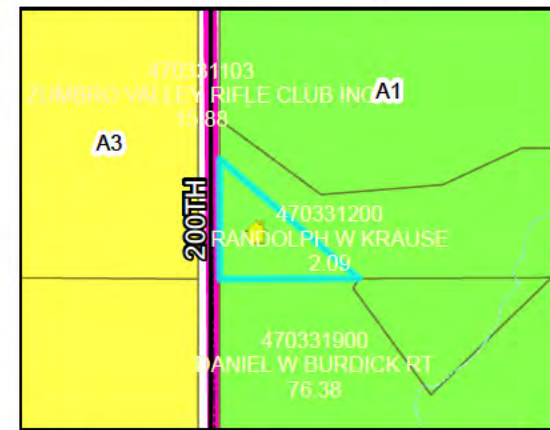
Randy Krause (Owner)  
A1 Zoned District

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### Legend

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



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Ave  
200th Ave  
200th Ave  
200th Ave  
200th Ave  
200

Zumbro Valley Rifle Club

44 x 50 Shop

6 ft

44 x 20

26 x 10 Pole Shop

28 x 16

37

35

Garden

Sophtank

Rain Field

Paper Line