



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. Board Of Adjustment Meeting Minutes June 28, 2021

Documents:

[BOAMEETINGMINUTES_JUNE.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Accessory Dwelling Unit (ADU) Standards (Miller)

Request for Variance, submitted by Gregory Miller (Applicant/Owner), to Accessory Dwelling Unit standards to allow an Accessory Dwelling Unit to be constructed greater than 100-feet from the principal dwelling. Parcel 37.002.0500. 34712 County 25 BLVD Cannon Falls, MN 55009. Part of the SE ¼ of Section 02 TWP 111 Range 17 in Leon Township. A1 Zoned District.

Documents:

[BOAPACKET_MILLER.PDF](#)

PUBLIC HEARING: Request For Variance To Bluffland Standards (Josephs)

Request for Variance, submitted by Melissa Josephs (Applicant/Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a replacement dwelling less than 30-feet from the toe of a bluff. Parcel 42.015.0900. 30390 County 7 BLVD Welch, MN 55089. N ½ of the SE ¼ of the NW ¼ of Section 15 TWP 112 Range 16 in Vasa Township. A1 Zoned District.

Documents:

[BOAPACKET_JOSEPHS_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To Minimum Setback Standards (Berg)

Request for Variance, submitted by Scott Berg (Applicant/Owner), to A-3 Zoning District standards to construct a three-sided cattle shelter less than 100-feet from a commonly-

owned side-yard property line. Parcel 40.035.0301. 50749 170th AVE Way Pine Island, MN 55963. Part of the NE ¼ of Section 35 TWP 109 Range 16 in Roscoe Township.

Documents:

[BOAPACKET_BERG.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
June 28, 2021 MEETING MINUTES
DRAFT**

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, and Denny Tebbe

Commissioners Absent: Randy Rehtzigel

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

1. Approval of Agenda

¹Motion by Commissioner Tebbe, and seconded by Commissioner Fox to approve the meeting agenda.

Motion carried 4:0

2. Approval of Minutes

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

Motion carried 4:0

3. Conflict/Disclosure of Interest

There were no conflicts of interest reported.

4. Public Hearings:

PUBLIC HEARING: Request for Variance to 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.

Pierret presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

³After Chair Knott asked three times for comments it was moved by Fox and seconded by Ellingsberg to close the public hearing.

Motion carried 4:0

Commissioner Tebbe visited the location and it appeared to him it was set up as two separate parcels with the dry cabin and a significant number of parcels in the area that are on smaller parcels as staff indicated. Commissioner Tebbe supports the staff recommendation as stated.

⁴Motion by Ellingsberg, 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

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 28, 2021 MEETING MINUTES
DRAFT**

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.

Motion carried 4:0

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.

Pierret presented the staff report and attachments.

Chair Knott questioned the nature of the home occupation that required an accessory building of this size.

Pierret answered it is a concrete masonry company with trucks and equipment being stored in the accessory building.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

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

Motion carried 4:0

⁶ Motion by Ellingsberg, seconded by Fox, for the Board of Adjustment to:

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

APPROVE the request for a variance, 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.

Commissioner Fox complimented LUM Staff on the information provided to the Commission in preparation of the BOA meetings.

Motion carried 4:0

6. Other-Discussion

Pierret introduced the new Zoning Assistant Alex Koberoski to the Commission.

Pierret noted there on two items on the agenda currently for the July Meeting. Also stated the July meeting will remain at 5:00 p.m. and will be in person.

Pierret thanked Chair Knott for leading this meeting as he is out of town.

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 28, 2021 MEETING MINUTES
DRAFT**

ADJOURN

⁷ Motion by Fox, seconded by Tebbe to adjourn the BOA meeting 5:35 p.m.

Motion carried 4:0

Respectfully submitted:

Kathy Bauer, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the meeting agenda. Motion carried 4:0

² APPROVE the previous meeting's minutes. Motion carried 4:0

³ Close the Public Hearing. Motion carried 4:0

⁴ APPROVE Variance request for Minimum Lot Size to R-1 Zoning District to split an existing parcel. Motion carried 4:0

⁵ Close Public Hearing. Motion carried 4:0

⁶ Approve Variance request to A-1 Zoning District standards to approve construction of accessory building addition.
Motion carried 4:0

⁷ ADJOURN. Motion carried 4:0

UNOFFICIAL UNTIL APPROVED BY THE BOA

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 26, 2021
Report date: July 16, 2021

PUBLIC HEARING: Request for Variance, submitted by Gregory Miller (Owner) to allow an Accessory Dwelling Unit to be constructed greater than 100-feet from the principal dwelling.

Application Information:

Applicants: Gregory Miller (Owner)
Address of zoning request: 34712 County 25 BLVD Cannon Falls, MN 55009
Parcel: 37.002.0500
Abbreviated Legal Description: Part of the SE 1/4 of Section 02 TWP 111 Range 17 in Leon Township
Township Information: Leon Township approved an Interim Use Permit for the proposed use on July 1, 2021.
Zoning District: A1 (Agriculture Protection District)

Attachments and Links:

Application and submitted project summary
Site Map
CUP 1981-14
Article 11, Section 31 (Accessory Dwelling Units)
Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The Applicant owns a 15.01-acre parcel in the SE 1/4 of section 02 in Leon Township. The property includes a dwelling, outbuildings, and ag land. The Applicant desires to re-establish a second dwelling (mobile home) on the property. A Conditional Use Permit for a "Second farm dwelling (mobile home)" was approved by the Goodhue County Board in 1981 subject to three-year renewal privileges. Property records do not indicate that the permit was ever officially renewed however the mobile home remained on the property until the 1990s when it was removed.

Any building that contains a habitable living-quarters is considered a dwelling unit in Goodhue County. In 2017 the County Amended the Zoning Ordinance to allow a second, "accessory," dwelling unit on the same parcel as a principal dwelling subject to performance standards. ADU performance standards require an ADU to be located within 100 feet of the primary dwelling unit. The proposed ADU on the Miller property would be situated approximately 180-feet northeast of the existing dwelling. The Applicant is requesting the Board of Adjustment grant a variance to the 100-foot requirement to allow a new mobile home to be placed in the same location as the mobile home permitted and established in the 1980s.

It should be noted that a permitted ADU is not allowed to be split from a primary dwelling tax parcel.

Variance Standards:

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

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

Draft Findings of Fact:

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

- The purpose and intent of the ADU maximum distance standard cited in Article 11, Section 31 of the GCZO is to prevent proposed ADU's from being located outside of an existing yard area where they could potentially be split off in the future thereby creating additional dwelling density exceeding the allowable density (i.e an ADU couldn't be on the opposite side of the "40" as the principal dwelling).

The ADU would be located within the well-defined yard area of the property and would be situated on the footprint of the former mobile home. Given the ADU will have a shared driveway with the existing dwelling, is within the existing yard area, and is still proximate to the existing dwelling 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 the establishment of ADU's to provide rural living opportunities in the unincorporated areas of Goodhue County.

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

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

- The Applicant's request to establish an ADU is a reasonable use of property in the A1 District.
- As an A1 zoned district, section 02 allows a maximum dwelling density of 4 dwellings in the section. Dwelling density is not available as there are currently 8 dwellings in the section. Since an ADU does not count against dwelling density, the section density count would not be affected.
- The existing dwelling and former mobile home (which has since been removed) were legally established prior to the adoption of the current ADU performance standards (April 2017).
- A separate septic tank (which has passed compliance inspections) and electrical service (which served the previous mobile home) is present in the vicinity of the proposed ADU.

The ADU would comply with all other ADU performance standards.

- The Applicant will be required to obtain appropriate sanitary permits from the Environmental Health Department as well as Building Permits prior to construction of the mobile home.

The land within 100-feet of the existing dwelling contains the existing well, septic tank, and drainfield for the principal dwelling. The driveway and a stand of mature trees are within 100-feet to the north and west.

- A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly agricultural uses (row crops and Feedlots).

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

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

- ADU's are a permitted use in the A1 district.

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

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

Staff Recommendation:

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

APPROVE the request submitted by Gregory Miller (Owner) to allow an Accessory Dwelling Unit to be constructed up to 180 feet from the principal dwelling where 100 feet is required.

APPLICATION FOR
Variance

RECEIVED

JUN 16 2021

Land Use Management

For Staff Use only

VARIANCE NUMBER: Z21-0025
\$350 RECEIPT# 17916 DATE 6/16/21

SITE ADDRESS, CITY, AND STATE: <u>34712 County 25 Blvd Cannon Falls, Mn</u>				ZIP CODE: <u>55009</u>
LEGAL DESCRIPTION: <u>See Attach.</u>				
PID#: <u>37.002.0500</u>	ZONING DISTRICT: <u>A1</u>	LOT AREA (SFI/ACRES): <u>Acres</u>	LOT DIMENSIONS: <u>15.01 + 84.99</u>	STRUCTURE DIMENSIONS (if applicable): <u>16' x 96'</u>

APPLICANT OR AUTHORIZED AGENT'S NAME:
Gregory Michael Miller

APPLICANT'S ADDRESS:
34712 County 25 Blvd
Cannon Falls, Mn 55009

PROPERTY OWNER'S NAME:
Same as Above

PROPERTY OWNER'S ADDRESS:

TELEPHONE:

EMAIL:

CONTACT FOR PROJECT INFORMATION:
Same as Above

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 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 &/or Area <input type="checkbox"/> Other (specify)</p> <p><input type="checkbox"/> Subdivision Regulations</p>	CURRENT OR PREVIOUS USE: <u>2 mobile Home where they Previous</u>
	PROPOSED USE: <u>Accessory dwelling unit</u>
	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 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: Gregory M. Miller Date: 6/16/21

Print name: Gregory M. Miller (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:

There was previous Manufactured mobile home on ~~the~~ the proposed site. Water & Sewer is already Available. This would be greater than 100 ft from Home.

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

Sewer & Water would need to be relocated. Multiple trees would need to be removed.

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:

Current 100 ft within the House, the Septic tank are to the South of House, Drain Field is located to West of House. The only way is to go Across driveway and at down trees to Place Accessory home.

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

The loss of several trees, Relocating water & Sewer

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

None

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

No

Print

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Leon

Goodhue County

Parcel # 37.002.0500

APPLICANT INFORMATION

Last Name Miller

First Gregory and Richard

M.I. M

Street Address 34712 County 25 Blvd

Phone

City Cannon Falls

State MN

ZIP 55009

Email Address

Township 111 Range 017

Section 02

PROJECT INFORMATION

Site Address 34712 County 25 Blvd, Cannon Falls, Mn 55009

Zoning District Agriculture

Lot Size 15acre/85 acres

Structure Dimensions 16'x 76'

Type of Project NEW

Proposed Use Temporary second Farm dwelling within farmyard

Structure Type Mobile Home

Replacement? YES NO

Variance # _____

Conditional Use Permit # 20210601

GPS Coordinates

DISCLAIMER AND SIGNATURE

I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.

Signature

Date

TOWNSHIP APPROVALS

I hereby certify that the above described project has been approved by the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.

Signature

Andrea Hanson

Title

Clerk

Date

7/11/21

Signature

N/A

Title

Date

Application fee

\$500 plus

Receipt Number _____



Home

150 Ft

370020500

GREGORY M MILLER
15.03

370020700

GREGORY D BENSON
40

Richardson

RICHARD A MILLER
370024501

GREGORY D BENSON
370020700
40

that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the County.

- B. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
- C. The County may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.
- D. All State of Minnesota and Goodhue County requirements related to Water and Subsurface Wastewater Treatment Systems must be met.
- E. Outside activities shall be completed during daylight hours. Inside activities shall be completed by 10:00 PM unless approved through the CUP process to conclude no later than 12:00 AM (midnight).
- F. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.
- G. The owner/operator will maintain a log of the activities occurring at the included activity/event dates, group identity, times and number of guests.
- H. The site plan with the above written descriptions along with any condition added during Planning Advisory Commission and/or County Board review will become a part of any approved conditional use permit or interim use permit.

Section 31. ACCESSORY DWELLING UNITS (ADUS)

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

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

Subd. 2. Performance Standards

- A. Setbacks: The ADU must meet all district setbacks for structures

- B. Size: An ADU cannot exceed the size of the primary dwelling
- C. The ADU will be required to obtain all necessary permits, including Zoning, Building, Well, and SSTS

Section 32. ABANDONED HOMESTEADS

Subd. 1. To qualify as an Abandoned Homestead, a site shall satisfy the following criteria:

- A. Clear, physical evidence of a dwelling, and
- B. A distinct yard containing features such as fencing, windbreaks, or other readily apparent features characteristic of a previously established homestead.

Subd. 2. Abandoned Homestead dwelling reestablishments shall comply with the following standards:

- A. The parcel shall meet the minimum size regulations, yard requirements, road access standards, Bluffland ,Shoreland , and Floodplain requirements, and
- B. The reestablished dwelling shall be sited as near to the location of the abandoned dwelling foundation as practical, and
- C. An approval for reestablishment of a dwelling as an Abandoned Homestead site shall expire and be considered null and void one (1) year after the approval date if the use has not been established.

Section 33. CONTRACTORS YARD

Subd. 1. Contractors Yards shall comply with the following standards:

- A. The minimum parcel size shall be 3 acres and shall meet road access standards.
- B. The site shall not be located within Shoreland, Floodplain, or Blufflands.
- C. Materials, structures, and operations associated with the Contractors Yard shall be located a minimum of 100 feet from adjacent neighboring dwellings existing at the time of permit application.
- D. Non-Resident Employees, except designated office or shop personnel, may occupy the site only for the purpose of gathering equipment and supplies, necessary fabrication, or general maintenance.
- E. There shall be no on-site retail sales. The sale of incidental stock-in-trade shall not be considered retail sales.
- F. Exterior storage of materials, vehicles, and equipment may require screening from public view.
- G. The routes and conditions of local transportation networks will be part of the review process to determine if they are capable of supporting the proposed use without appreciably diminishing traffic safety along primary access routes. When appropriate, the applicant shall bear the costs of required dust mitigation measures.

278202

CONDITIONAL USE PERMIT

GOODHUE COUNTY, MINNESOTA

Date October 1 19 81 Permit Fee \$20.00 Permit No. _____

Applicant Richard Miller Legal Description N $\frac{1}{2}$ of SE $\frac{1}{4}$ and
N $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ all in Section 2, T111N, R17W, Leon Township.
Parcel 1100.

Present Zoning Agricultural Drawing of area attached _____
Proposed use of Bldg. & area Second farm dwelling (mobile home).

Applicant's
Signature /s/ Mark A. Miller Address RR 2, Cannon Falls, MN

Hearing Date October 19, 1981 Rec'd Payment/s/Charles R. Dornack
Administrator

Decision of the Goodhue County Planning Commission

This 19 Day of October 19 81 The Goodhue County Planning Commission
recommends to the Goodhue County Board that this application be:

Granted subject to three year renewal privileges; Article IV,
Section 4.1, (a).

Signed /s/ Glen Preuhs /s/ Charles R. Dornack
Chairman Administrator

Decision of the Goodhue County Board of Commissioners

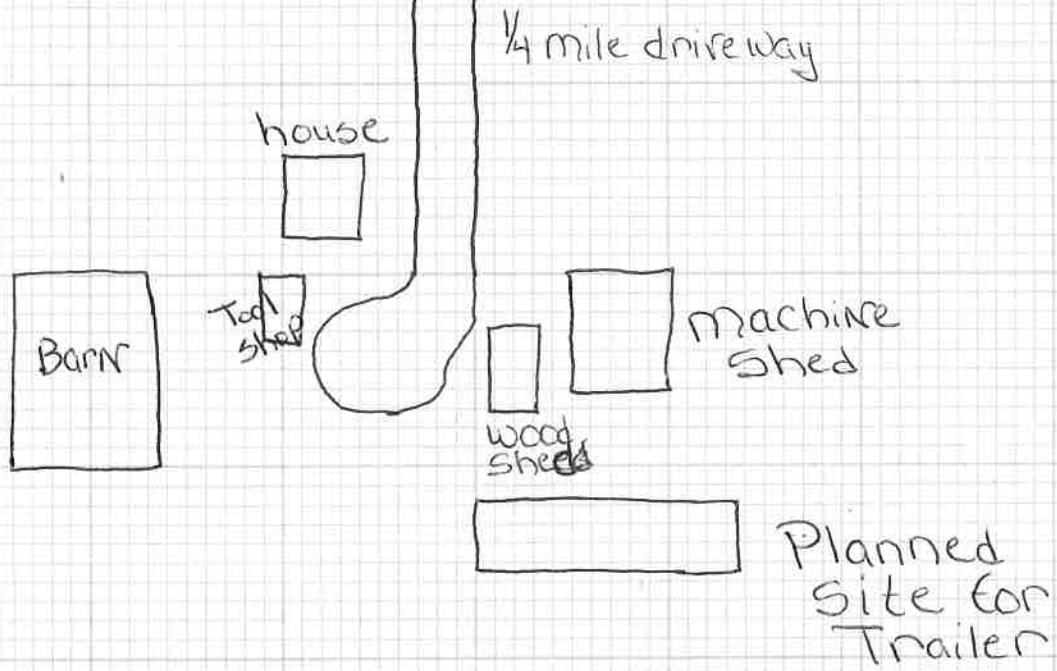
This 3rd Day of November 19 81 The Goodhue County Board of Commissioners

Granted subject to three year renewal privileges; Article IV,
Section 4.1, (a).

Signed /s/ Frederick Dahling /s/ R. L. Tanner
Chairman Auditor

Fee: \$20.00

Goodhue County # 25



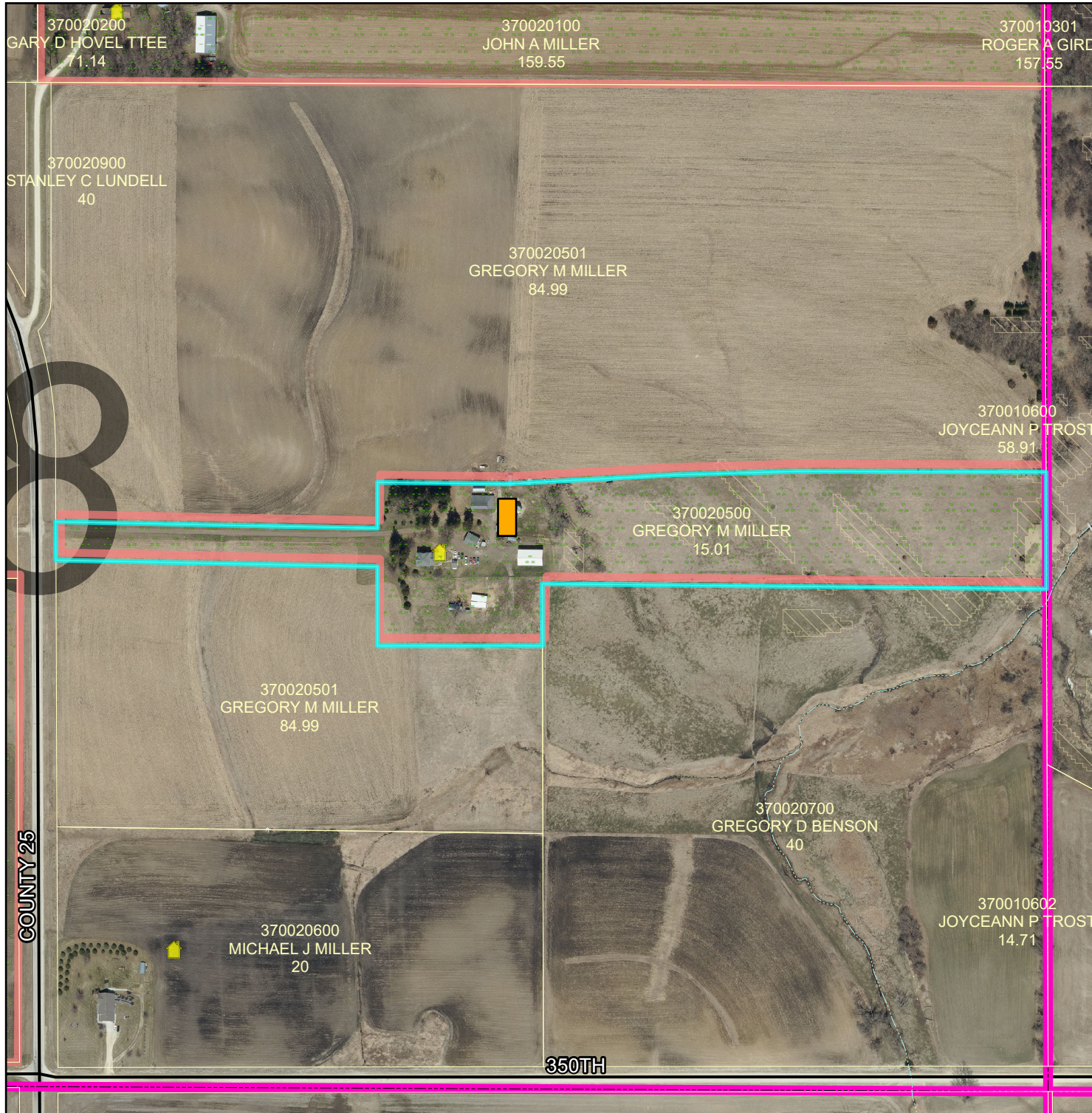
Mark Miller
Rt 2
Cannon Falls Mn.

55009

Trailer
Permit

Second dwelling

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
July 26, 2021

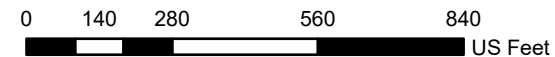
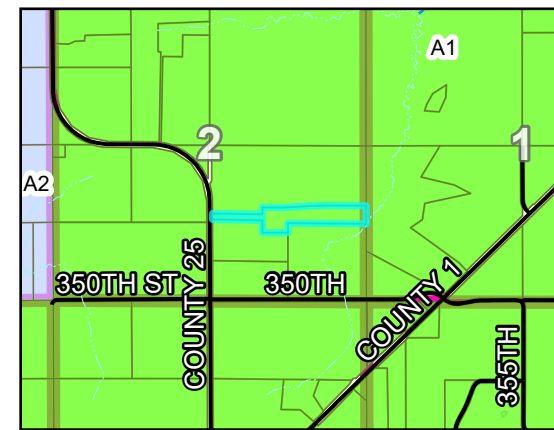
Gregory Miller (Owner)
A1 Zoned District

Part of the SE 1/4 of Section 02
TWP 111 Range 17 in Leon Township

Variance request to allow an ADU to be
constructed greater than 100 feet from
the principal dwelling

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

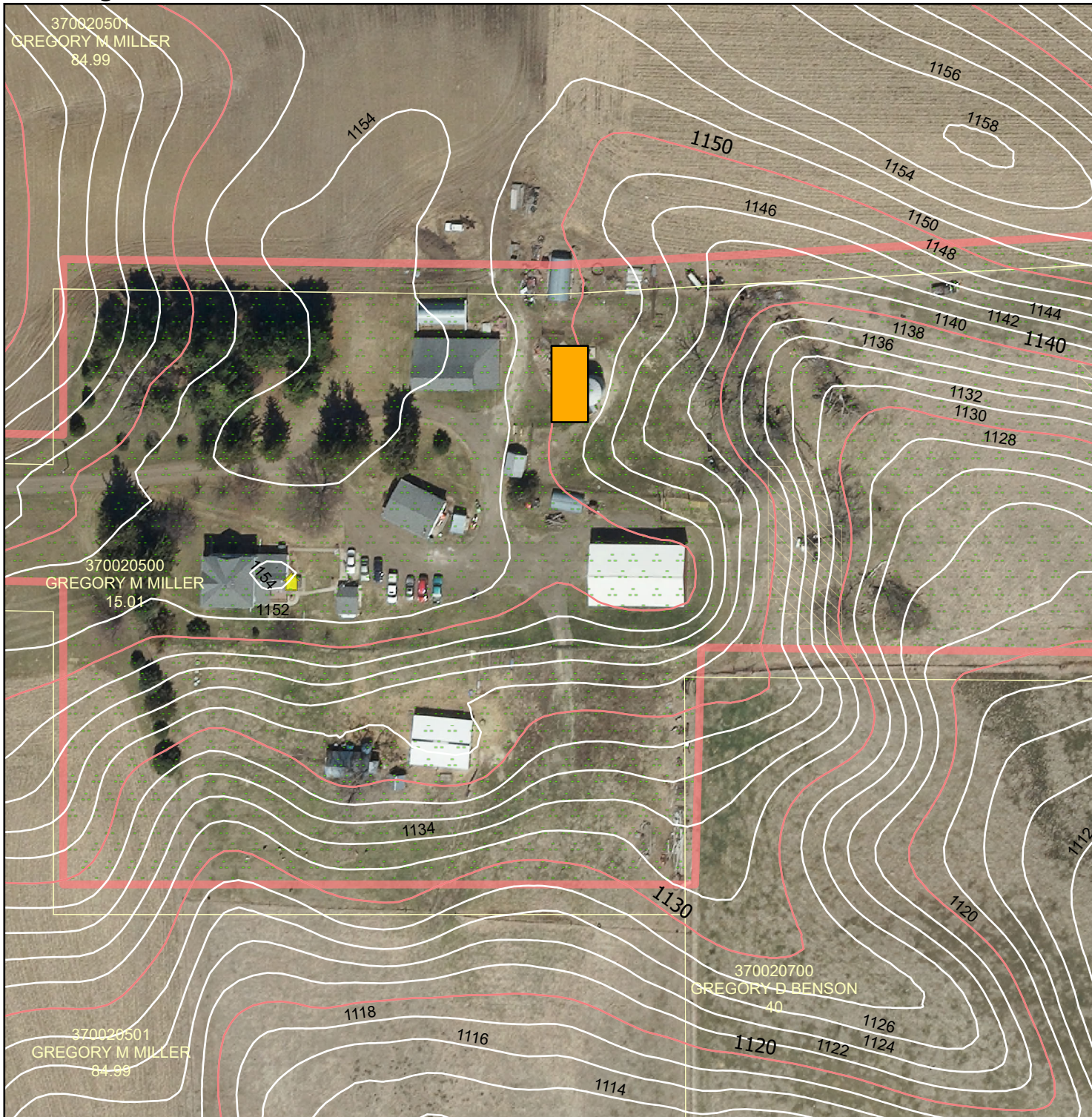


DATA DISCLAIMER: Goodhue County assumes
NO liability for the accuracy or completeness of this map
OR responsibility for any associated direct, indirect,
or consequential damages that may result from its use
or misuse. Goodhue County Copyright 2021.

2020 Aerial Imagery
Map Created July, 2021 by LUM



MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
July 26, 2021

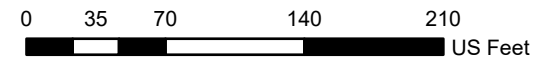
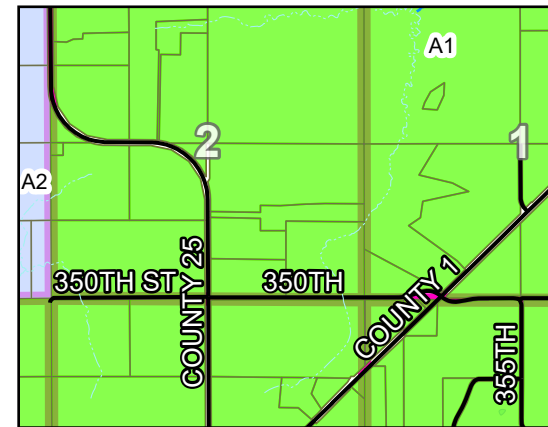
Gregory Miller (Owner)
A1 Zoned District

Part of the SE 1/4 of Section 02
TWP 111 Range 17 in Leon Township

Variance request to allow an ADU to be
constructed greater than 100 feet from
the principal dwelling

Legend

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

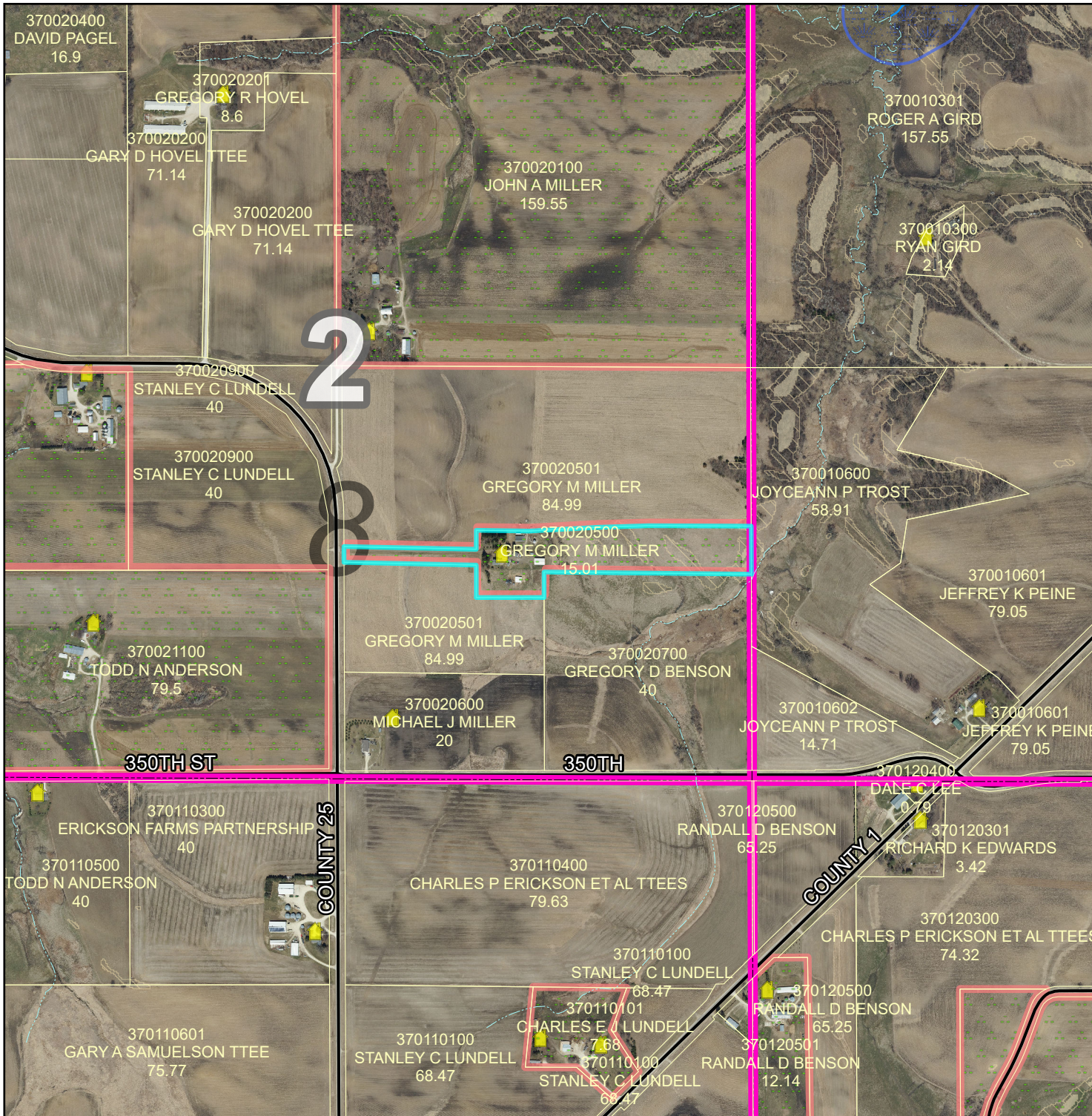


DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2021.

2020Aerial Imagery
Map Created July, 2021 by LUM



MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
 July 26, 2021

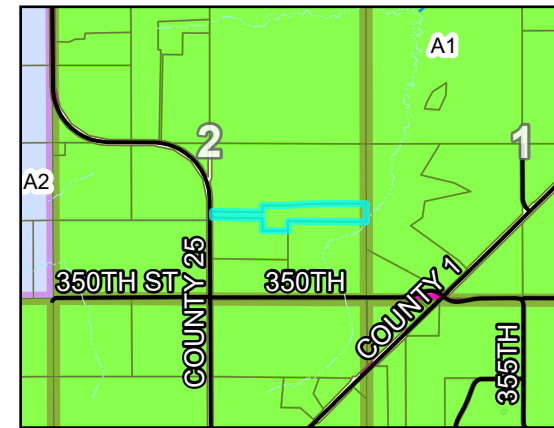
Gregory Miller (Owner)
 A1 Zoned District

Part of the SE 1/4 of Section 02
 TWP 111 Range 17 in Leon Township

Variance request to allow an ADU to be
 constructed greater than 100 feet from
 the principal dwelling

Legend

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



0 345 690 1,380 2,070 US Feet

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 2021.

2020 Aerial Imagery
 Map Created July, 2021 by LUM



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 26, 2021
Report date: July 16, 2021

PUBLIC HEARING: Request for Variance, submitted by Melissa Josephs (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a replacement dwelling less than 30 feet from the toe of a bluff.

Application Information:

Applicant(s): Melissa Josephs (Owner)
Address of zoning request: 30390 CTY 7 BLVD, Welch, MN 55089
Parcel: 42.015.0900
Abbreviated Legal Description: N ½ of the SE ¼ of the NW ¼ of Section 15 TWP 112 Range 16 in Vasa Township.
Township Information: Vasa 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(s)
GCZO Article 12 Bluffland Protection Standards
Goodhue County Zoning Ordinance:
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

Melissa Josephs (Owner) has applied for a variance to Bluffland Protection Standards in order to construct a replacement dwelling less than 30-feet from the toe of a bluff. The proposed dwelling would be 0-feet from the toe of a bluff where 30-feet is required. The existing dwelling is less than 30-feet from the toe of the bluff.

The property is located in a valley region with a considerable amount of bluffs present on the parcel, leaving limited buildable area.

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:

- Bluffland setbacks are intended to preserve and protect the sensitive physical features of the

“To effectively promote the safety, health, and well-being of our residents”

www.co.goodhue.mn.us

Bluffs by regulating development and preventing erosion.

- The proposed location of the replacement dwelling was chosen to minimize negative impacts to the natural topography that exists on the property. The Applicant expressed willingness to abide by best management practices when constructing the replacement dwelling.

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 providing more housing choices for rural residents and flexible dwelling choices.
- The Goodhue County Comprehensive Plan also prioritizes protecting and conserving natural landscapes and utilizing best management practices to enhance the health of environmentally sensitive areas.

The proposed replacement dwelling 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 construct a replacement dwelling is a reasonable use of property in the A-1 District.

The proposed replacement dwelling would be 0-feet from the toe of a Bluff.

- The parcel is an existing 5.42-acre lot which is a conforming lot size in the A-1 Zoning District (2-acre minimum).
- The Applicant stated that the current home requires extensive repairs and they would like to construct a modern home while residing in the existing dwelling until construction is completed.
- The Applicant stated that there are no alternative locations for the replacement dwelling due to the bluffs, an existing stream, and the need to reserve space for a septic system on the property. The existing dwelling was originally built in the 1970s and is located less than 30 feet from the toe of the bluff. At the time the structure was built there were no requirements for structure setbacks from Blufflands in Agricultural Zoning Districts.
- The Applicant noted the proposed location of a septic system for the replacement dwelling has been inspected and approved.
- Goodhue County Soil and Water Conservation District Manager Beau Kennedy along with Natural Resource Specialist Chad Hildebrand reviewed the proposal and performed a site visit with staff and determined the location of the toe of the Bluff. The following comments were offered:

On May 6th, 2021 at 8:30am, we completed a site visit (Beau, Sam, Alex, and myself (Chad)) and flagged the approximate toe of the bluff on the parcel with pink marker flags. We placed 3-4 marker flags near the area that was identified as the potential new building site. The contractor and landowner were also present during the site visit.

Note that the intermittent stream near the proposed building site has a very large contributing watershed that enters. From reviewing contours, approximately 210 acres and possibly more all flows and uses that channel as the outlet. Caution of building a house within the area could be prone to extensive water and due to the large extent of drainage, demonstrate that the landowner can stabilize the site effectively.

Prior to construction being started, installation of best management practices to help control sediment erosion from the construction site near the drainage area. Install silt fences along the contour of the intermittent stream and other stormwater BMPs up in the

watershed flow area to aid in slowing down the flow, but not preventing it.

Ensure that bare soil is properly revegetated / seeded and not sit for extended periods of time.

SWCD staff and Zoning staff will review the building permit application for compliance with bluffland protection standards and establishment of best management practices prior to construction.

- The property is surrounded by Blufflands/woodlands in all directions. All neighboring parcels are zoned A-1 Agricultural Protection District. There are several homes along the County 7 BLVD corridor north of Vasa Village which are also located less than 30-feet from bluffs.

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.

- Replacement dwellings are a permissible use 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 Melissa Josephs (Owner) to Bluffland protection standards to allow construction of a replacement dwelling 0-feet from the toe of a Bluff.





RECEIVED

APPLICATION FOR
Variance

JUN 30 2021

Land Use Management

For Staff Use only	
VARIANCE NUMBER:	221-0030
5350 RECEIPT#	17928
DATE	6/30/21

SITE ADDRESS, CITY, AND STATE		ZIP CODE		
30390 County 7 Blvd, Welch, MN		55089		
LEGAL DESCRIPTION:				
Attached				
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
42.015.0900				

APPLICANT OR AUTHORIZED AGENT'S NAME	
MELISSA A JOSEPHS	
APPLICANT'S ADDRESS:	TELEPHONE:
30390 Co 7 Blvd Welch, MN 55089	[REDACTED]
	EMAIL:
	[REDACTED]

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

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

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

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

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: Melissa A. Josephs Date: 7/01/2001

Print name: MELISSA A. JOSEPHS (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:

The current home needs extensive repairs and we are requesting to build a new up-to-date modern home. The variance request is because the desired location is the only feasible spot to build; as most of the property is on a bluff.

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

The current structure (home) would become a non-livable hunting cabin on property, and we would be forced to re-locate to live.

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 landscape is a bluff/valley region located near a road, leading limited space.

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

There are no alternatives due to the nature of the topography of landscape.

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

NONE; the property is located on a bluff.

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

Yes, in a very positive way, by greatly improving the natural beauty of the region and removing the cosmetically damaged structure/home. It will not have a negative impact at all.

Please note: The proposed location for septic has been inspected & approved.

RECEIVED

JUN 30 2021

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Uesg

Goodhue County

Land Use Management

Parcel # 42.015.0900

APPLICANT INFORMATION

Last Name Josephs

First Melissa

M.I.

Street Address 30390

Co 7 Blvd

Phone

City Wetch

State Mn

ZIP

55089

Email Address

Township Range

Section 15

PROJECT INFORMATION

Site Address Same

Zoning District

Lot Size

Structure Dimensions 72' x 32'

Type of Project Home

Proposed Use

Structure Type Frame

Replacement? YES NO

Variance # _____

Conditional Use Permit # _____

GPS Coordinates

DISCLAIMER AND SIGNATURE

I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of the Township. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of the Township. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of the Township. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.

Signature Melissa A. Josephs

Date 6/8/2021

TOWNSHIP APPROVALS

I hereby certify that the above described project has been approved by the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.

Signature [Signature]

Title clerk

Date 6/8/2021

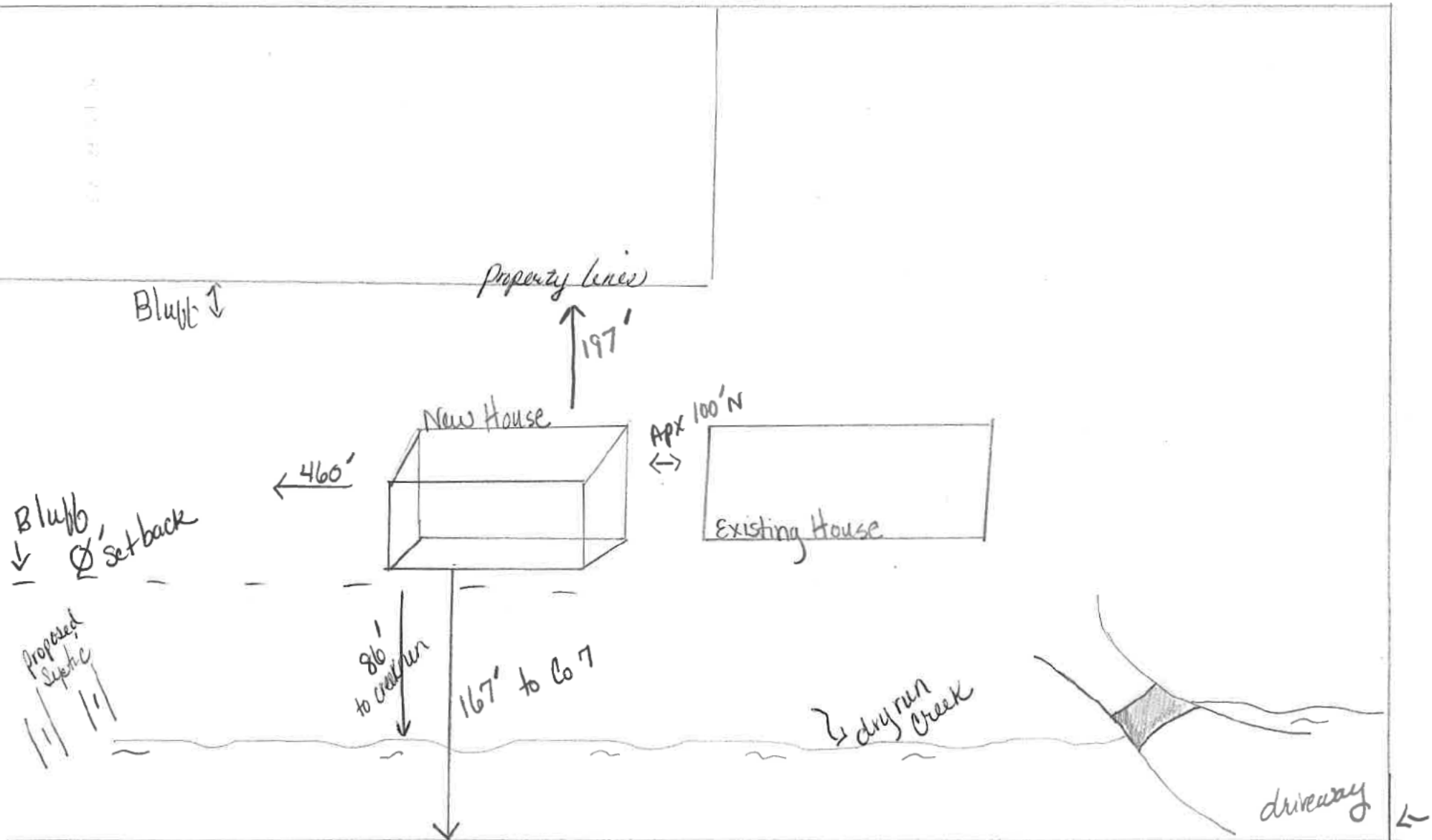
Signature

Title

Date

Application fee [Signature]

Receipt Number [Signature]



County 7 Blvd



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
July 26, 2021

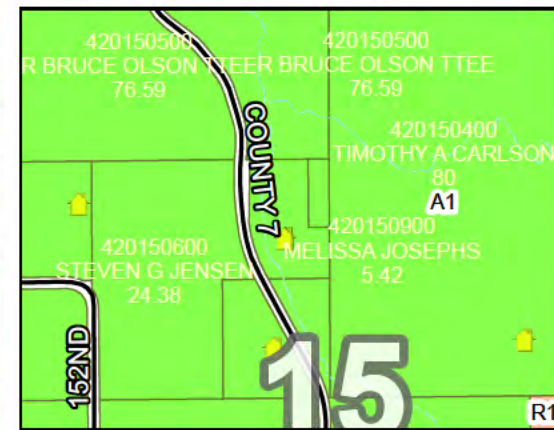
Melissa Josephs (Owner)
A1 Zoned District

N 1/2 of the SE 1/4
of the NW 1/4 of Section 15
TWP 112 Range 16 in Vasa Township

Variance request to allow construction
of a replacement dwelling less than
30-feet from the toe of a bluff

Legend

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



0 35 70 140 210 US Feet

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 2021.

2020 Aerial Imagery
Map Created July, 2021 by LUM



MAP 03: ELEVATIONS

BOARD OF ADJUSTMENT

Public Hearing
July 26, 2021

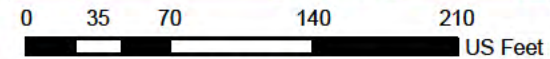
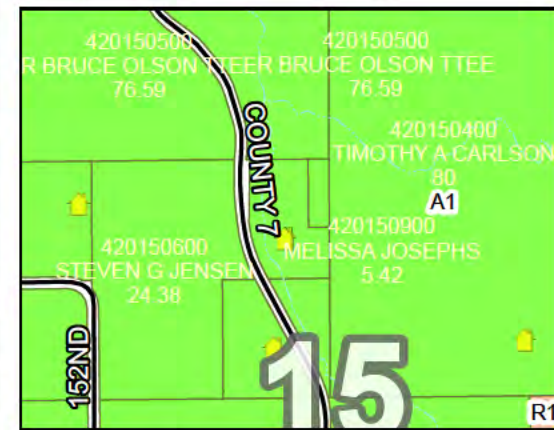
Melissa Josephs (Owner)
A1 Zoned District

N 1/2 of the SE 1/4
of the NW 1/4 of Section 15
TWP 112 Range 16 in Vasa Township

Variance request to allow construction
of a replacement dwelling less than
30-feet from the toe of a bluff

Legend

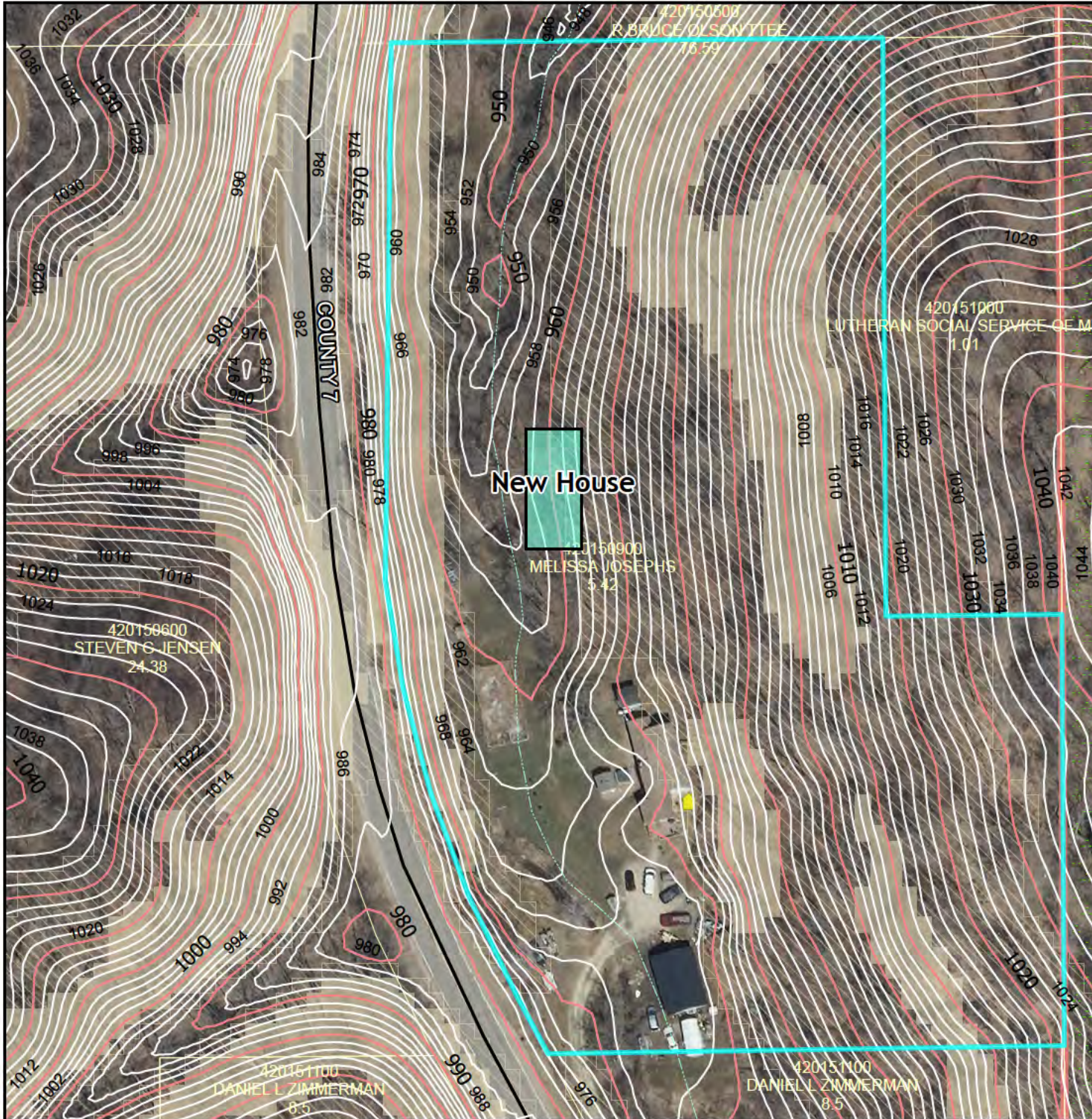
- | | | | |
|--|----------------------------|--|------------------------------|
| | Intermittent Streams | | Bluff Impact Zones (% slope) |
| | Protected Streams | | 30 |
| | Lakes & Other Water Bodies | | |
| | Shoreland | | |
| | Historic Districts | | |
| | Parcels | | |
| | Registered Feedlots |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



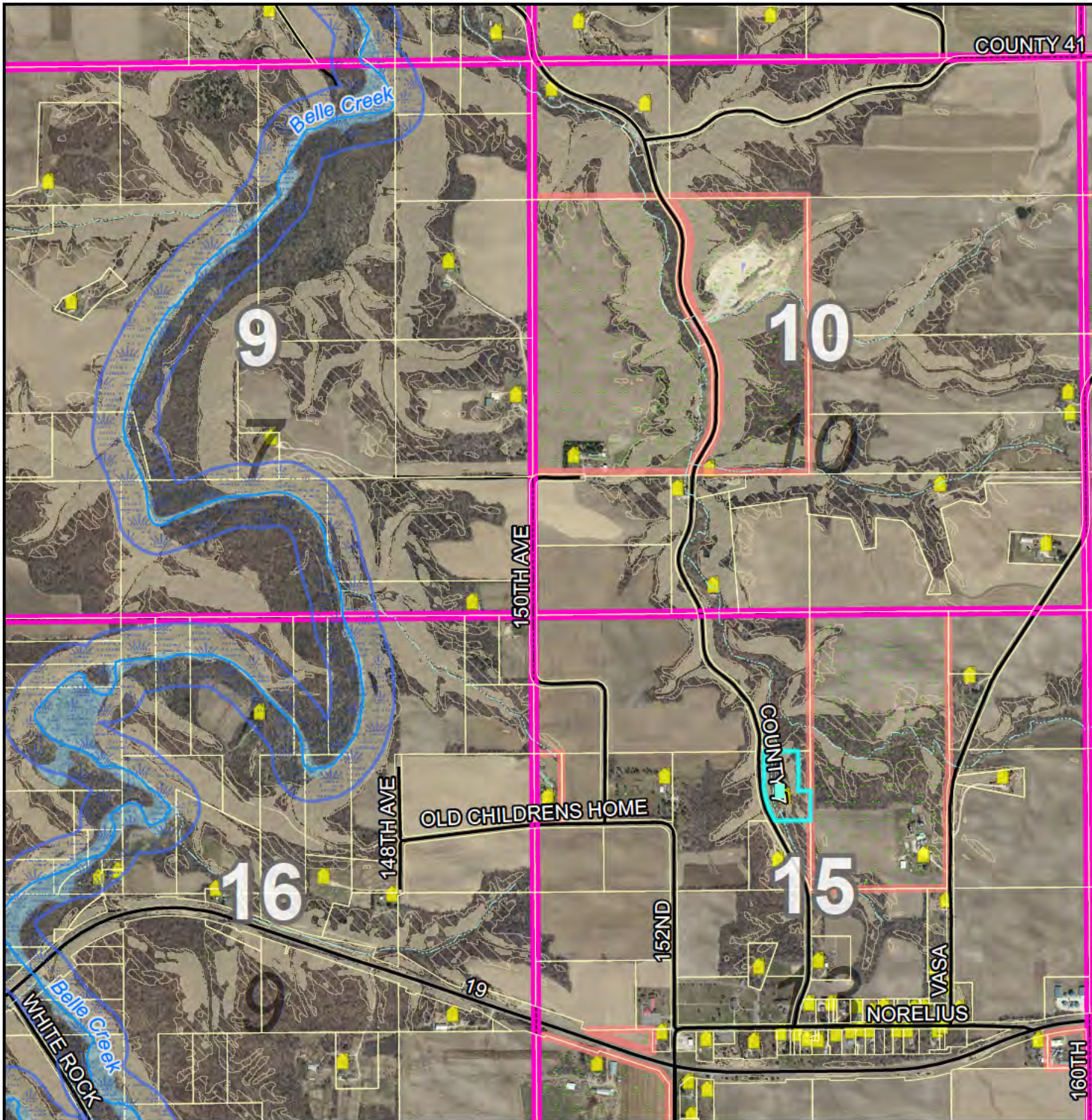
DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2021.

2020 Aerial Imagery
Map Created July, 2021 by LUM

N



MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
July 26, 2021

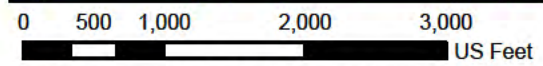
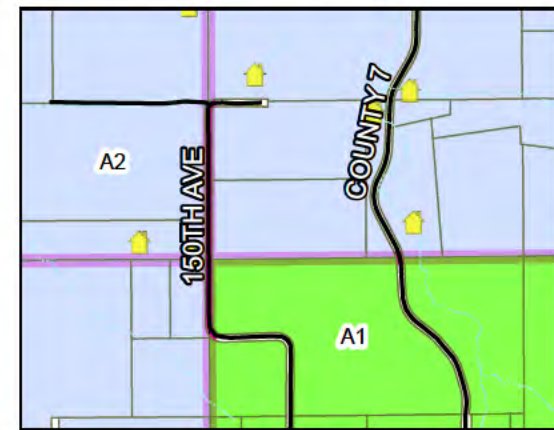
Melissa Josephs (Owner)
A1 Zoned District

N 1/2 of the SE 1/4
of the NW 1/4 of Section 15
TWP 112 Range 16 in Vasa Township

Variance request to allow construction
of a replacement dwelling less than
30-feet from the toe of a bluff

Legend

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



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 2021.

2020 Aerial Imagery
Map Created July, 2021 by LUM



ARTICLE 12 BLUFF LAND PROTECTION

SECTION 1. INTENT AND PURPOSE

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

SECTION 2. SCOPE

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

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

SECTION 3. BOUNDARIES

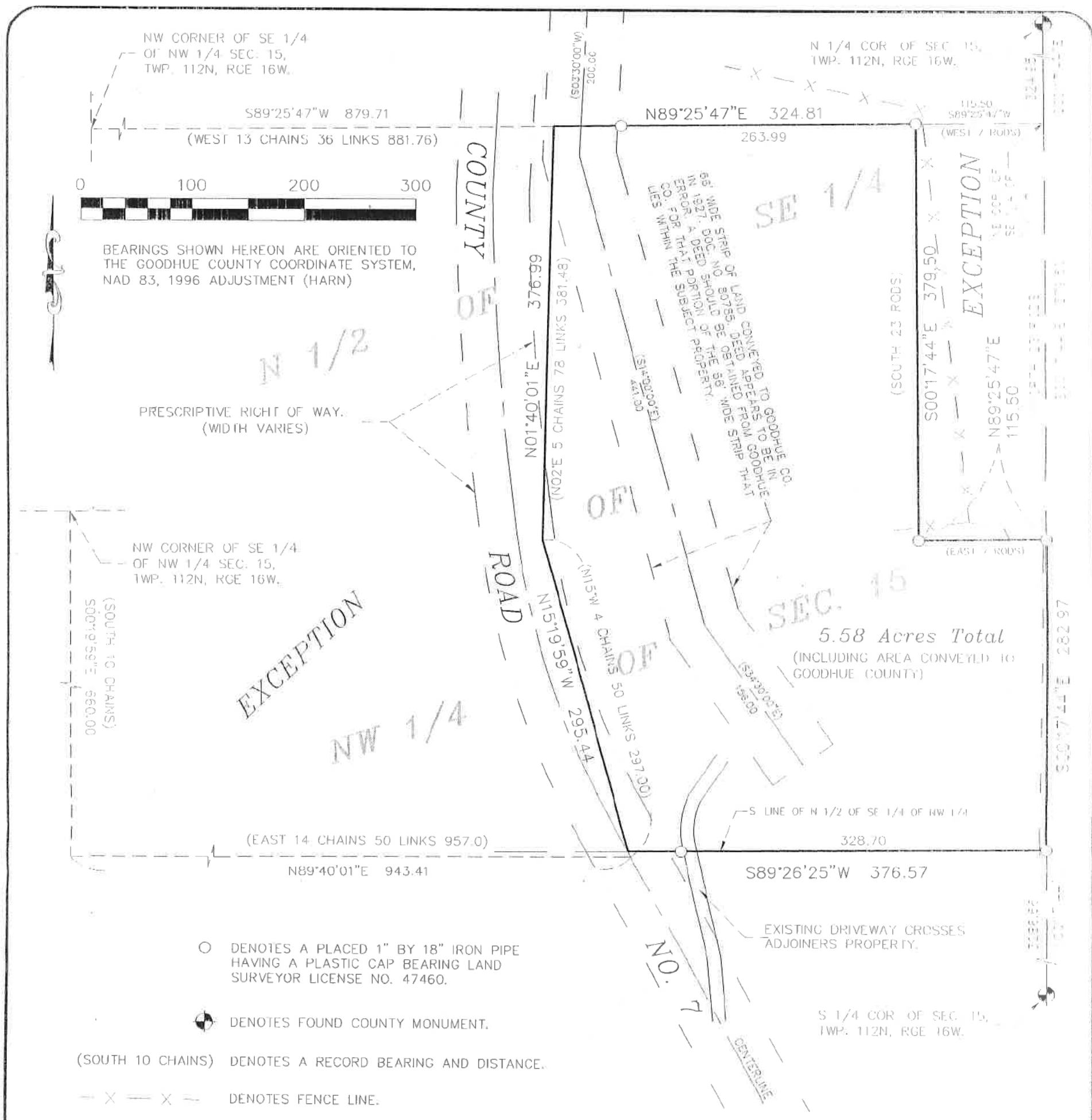
- Subd. 1. The bluff land protection area shall include all areas with the following soil types as determined by the Goodhue County Soil Survey:
- A. N634E - Massbach-Schapville complex, 18-35% slopes
 - B. N598E - Winneshiek-Waucoma complex, 18-35% slopes
 - C. N594E - Chelsea loamy sand, 12-35% slopes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

SECTION 4. GENERAL REGULATIONS

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

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

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



- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- ⊙ DENOTES FOUND COUNTY MONUMENT.
- (SOUTH 10 CHAINS) DENOTES A RECORD BEARING AND DISTANCE.
- X - X - DENOTES FENCE LINE.

PROPERTY DESCRIPTION DOC. NO. 598899

The North Half of the Southeast Quarter of the Northwest Quarter of Section 15, Township 112 North, Range 16 West, Goodhue County, Minnesota, EXCEPT THE FOLLOWING:

Beginning at the northwest corner of the SE 1/4 of the NW 1/4 of said section 15; thence south 10 chains, thence east 14 chains and 50 links to the public road; thence north 15 degrees west 4 chains and 50 links; thence north 2 degrees east 5 chains and 78 links to the north line of the SE 1/4 of the NW 1/4 of said section 15; thence west 13 chains and 36 links to the point of beginning;

ALSO EXCEPT THE FOLLOWING DESCRIBED PREMISES:

Part of the Southeast Quarter of the Northwest of Section 15, Township 112 North, Range 16 West, described as follows: Commencing on the northeast corner of said Southeast Quarter of the Northwest Quarter of Section 15, Township 112 North, Range 16 West; thence West 7 rods; thence South 23 rods; thence East 7 rods; thence North 23 rods to the place of beginning.

CERTIFICATE OF SURVEY FOR:

MELISSA JOSEPHS



**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

Marcus S. Johnson
Minnesota License No. 47460
Date: May 13, 2014

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	14-272	S-5396	

CERTS\112-16\15\JOSEPHS 2014.DWG

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 26, 2021
Report date: July 16, 2021

PUBLIC HEARING: Request for Variance, submitted by Scott Berg (Owner), to A-3 Zoning District standards to construct a three-sided cattle shelter less than 100-feet from a commonly-owned side-yard property line.

Application Information:

Applicant(s): Scott Berg (Owner)

Address of zoning request: 50749 170th AVE Way Pine Island, MN 55963

Parcel: 40.035.0301

Abbreviated Legal Description: Part of the NE ¼ of Section 35 TWP 109 Range 16 in Roscoe Township

Township Information: Roscoe Township has signed acknowledgment of the variance request and did not convey any concerns regarding the application.

Zoning District: A-3 (Urban Fringe 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:

Scott Berg (Owner) has applied for a variance to A-3 minimum setback standards to construct a proposed 40-foot by 56-foot three-sided cattle shelter less than 100-feet from the north property line. The proposed cattle shelter would be 5-feet from the north property line where 100-feet is required by Ordinance.

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:

- Livestock building property line setbacks are intended to create separation from nearby dwellings and other non-agricultural uses.
- The Applicant also owns the neighboring parcel to the north in Section 26 of Roscoe Township (PID 40.026.1800). The closest dwelling to the proposed cattle shelter is the

“To effectively promote the safety, health, and well-being of our residents”

www.co.goodhue.mn.us

Applicant's dwelling.

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 best management animal farming practices in order to protect the health, safety, and welfare of the operation as well as surrounding properties.

The proposed three-sided shelter for pastured cattle and hay storage 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 construct a three-sided cattle shelter to accommodate the storage of hay and sheltering pastured cattle is a reasonable use of property in the A-3 District.

The property will not be required to register as a Feedlot as there will be less than 10 animal units on-site and this will not be a confined feeding operation.

- The parcel is an existing, 23.19-acre lot which is a non-conforming lot size in the A-3 Zoning District (35-acre minimum). This lot was created in 2019 with a lot size variance to be less than 35-acres with the provision it not be permitted as a dwelling site. The property is currently vacant and used as pasture land.
- The Applicant stated that there are no alternative locations for the structure which is close to the Applicant's dwelling to the north and on the pastureland that would not require extensive tree removal or extensive grading and filling.
- Surrounding land uses include the Applicant's dwelling to the north and forestland and row crop agriculture to the south and east across 170th AVE. The nearest dwelling not owned by the Applicant is located approximately 420 feet to the south of the proposed structure owned by William Saugen.

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.

- Agricultural structures and pasturing of cattle when a Feedlot is not created are permissible uses in the A-3 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 Scott Berg (Owner) to A-3 Zoning District standards to allow construction of a three-sided cattle shelter no closer than 5 feet from the north property line.

APPLICATION FOR
Variance

RECEIVED

JUL 2 2021

Land Use Management

For Staff Use only	
VARIANCE NUMBER	
S350 RECEIPT#	17931
DATE	7/2/21

SITE ADDRESS, CITY, AND STATE		ZIP CODE:
50749 170 th Ave. Way Pine Island, MN		55963

LEGAL DESCRIPTION				Attached
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
40-026-1800	40035.0301			

APPLICANT OR AUTHORIZED AGENT'S NAME	
Scott Berg	
APPLICANT'S ADDRESS	TELEPHONE:
50749 170 th Ave. Way Pine Island, MN. 55963	

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

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

VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input checked="" 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:	
	Pasture	
	PROPOSED USE:	
	3 sided cattle hay shelter	
	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	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: Scott Berg Date: 7-2-21

Print name: Scott Berg (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:

Pasture land, Construct 3 sided cattle-hay Shelter
Best location for building, no tree removal, level land

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

Closer to neighbor property, tree removal, need to fill in to level 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:

Section line splits dwelling site from pasture land
Variance granted in 2019 for lot size

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

Closer to neighbor property, tree removal, need to fill in to level land.

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

Tree removal & ground leveling would still have to beed done, if any more than 5' setback

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

NO

RECEIVED

JUL 2 2021

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME

ROSCOE Township

Goodhue County

Land Use Management

Parcel # 40.026.1800

APPLICANT INFORMATION			
Last Name	Berg	First	Scott
M.I.	D.	Street Address	50749 170 th Ave way
Phone		City	Pine Island
State	Mn.	ZIP	55963
Email Address	scottbergconstruction@gmail.com		
Township	Range	Section	
Roscoe			
PROJECT INFORMATION			
Site Address	50749 170 th Ave. way Pine Island, Mn. 55963		
Zoning District	Lot Size	Structure Dimensions 40'x60'	
Type of Project	Cattle & hay shed		
Proposed Use			
Structure Type	Pole building	Replacement?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Variance #	Conditional Use Permit #		
Name of Property Owner:	Scott & Karrie Berg		
DISCLAIMER AND SIGNATURE			
<p>I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.</p>			
Signature			Date
<p>TOWNSHIP APPROVALS</p> <p>I hereby certify by signing that I am authorized to act on the behalf of the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.</p>			
Signature		Title	Date
Susan Beer		Clerk	7/1/2021
Signature		Title	Date
Application fee		Receipt Number	
10.00		17931	

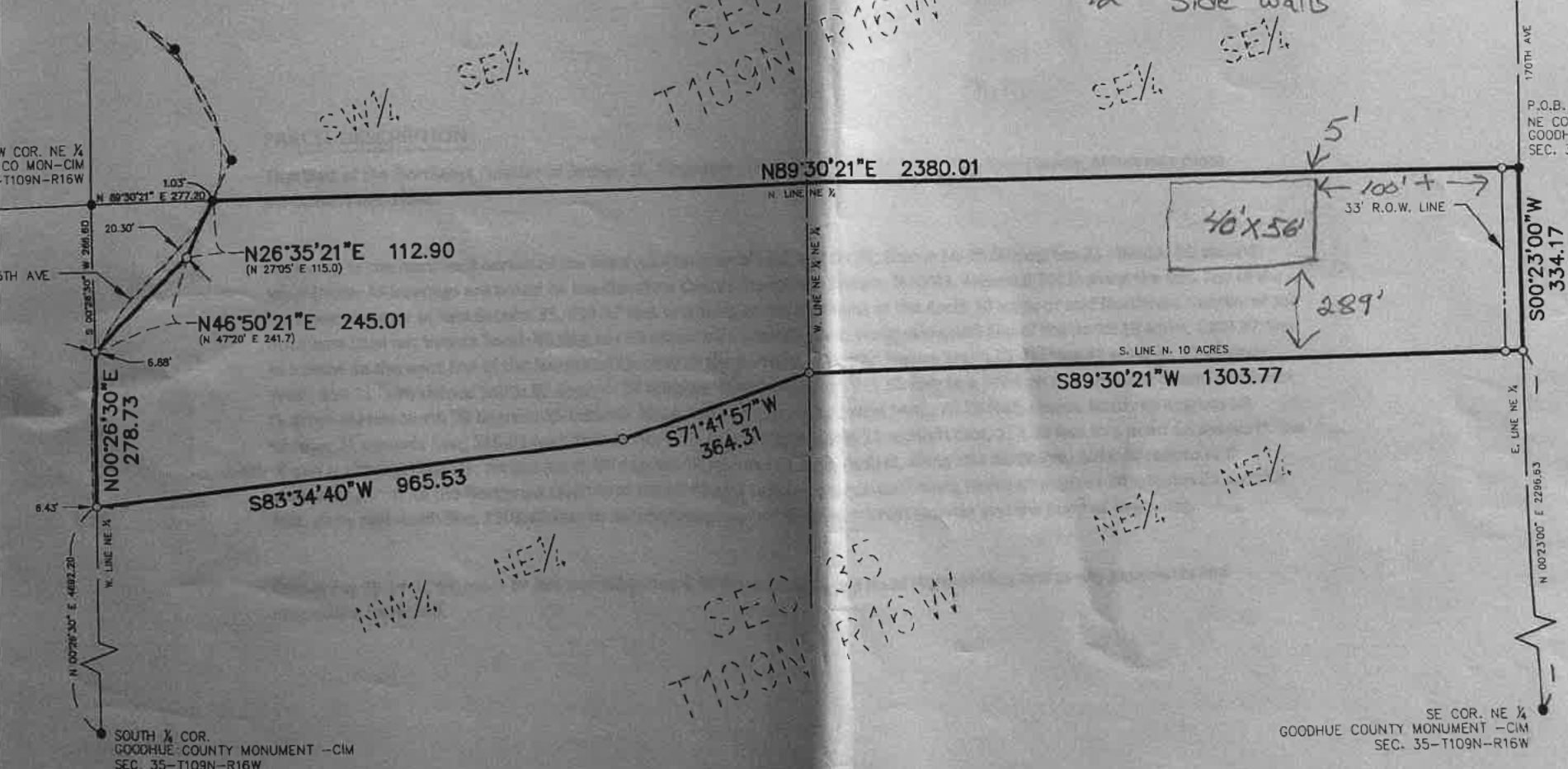
CERTIFICATE OF SURVEY

3 sided cattle-hay shelter
 12' side walls
 SE 1/4

SEC 36
 T109N
 R16W

SW 1/4
 SE 1/4

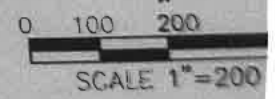
P.O.B.
 NE COR. NE 1/4
 GOODHUE COUNTY MON-CIM
 SEC. 35-T109N-R16W



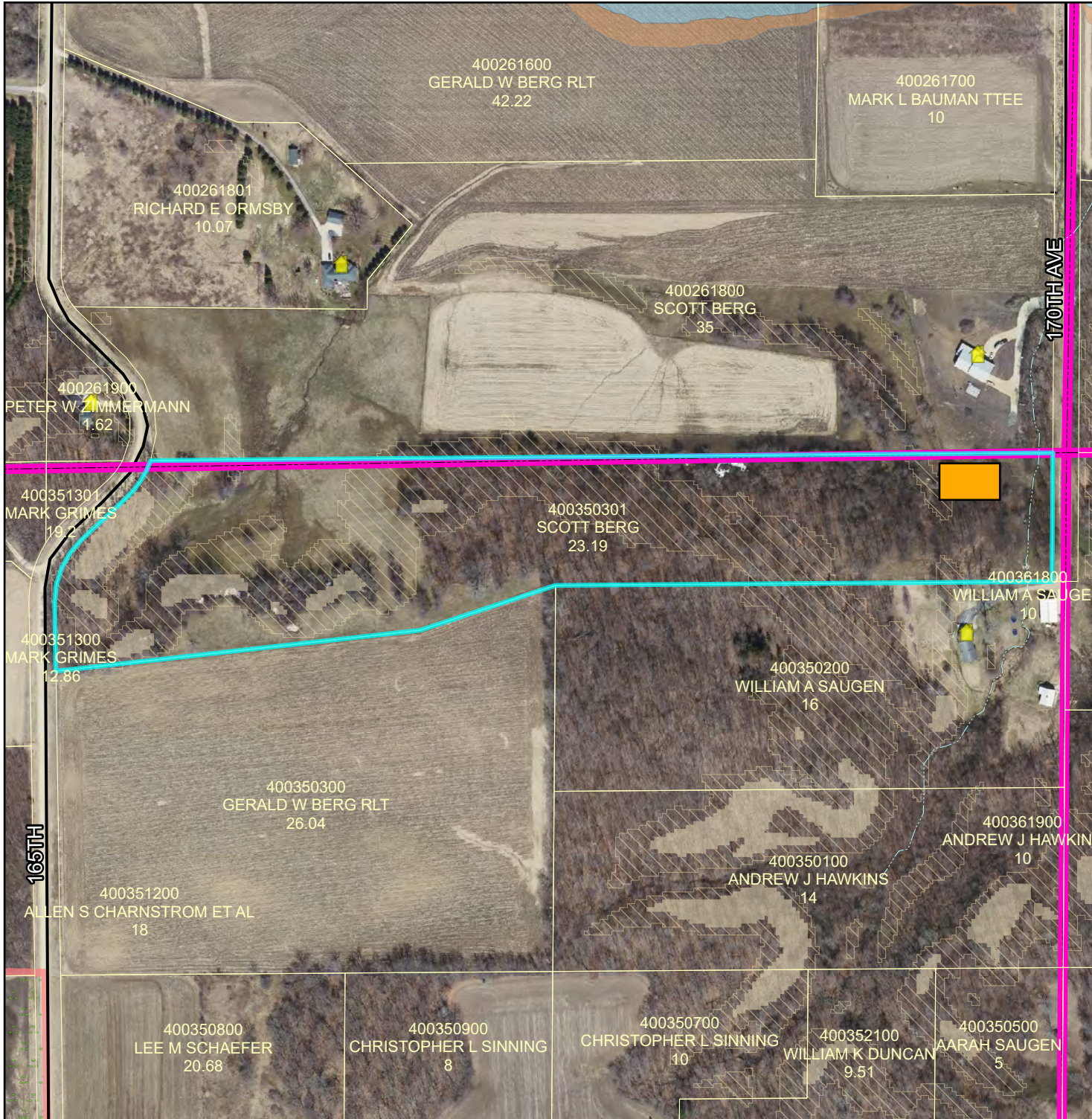
LEGEND

- - DENOTES FOUND PIPE UNLESS OTHERWISE NOTED
- - DENOTES 1/2" DIAMETER IRON PIPE WITH CAP #44830

BEARING SYSTEM USED:
 GOODHUE COUNTY COORDINATE
 SYSTEM NAD 83, ADJUSTMENT-2011



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
July 26, 2021

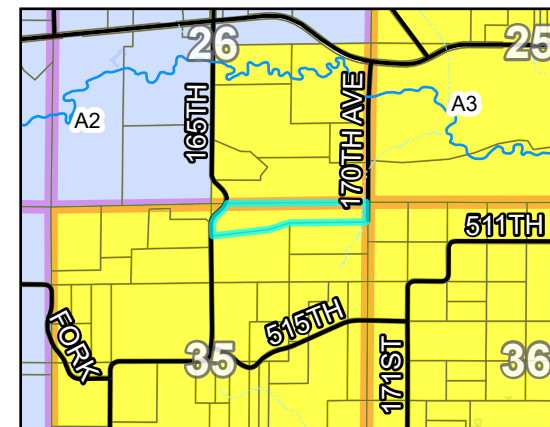
Scott Berg(Owner)
A-3 District

Part of the NE 1/4 of Section 35
TWP 109 Range 16 in Roscoe Township

Variance request to allow construction of a
3-sided cattle shelter less than 100 feet
from property line

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



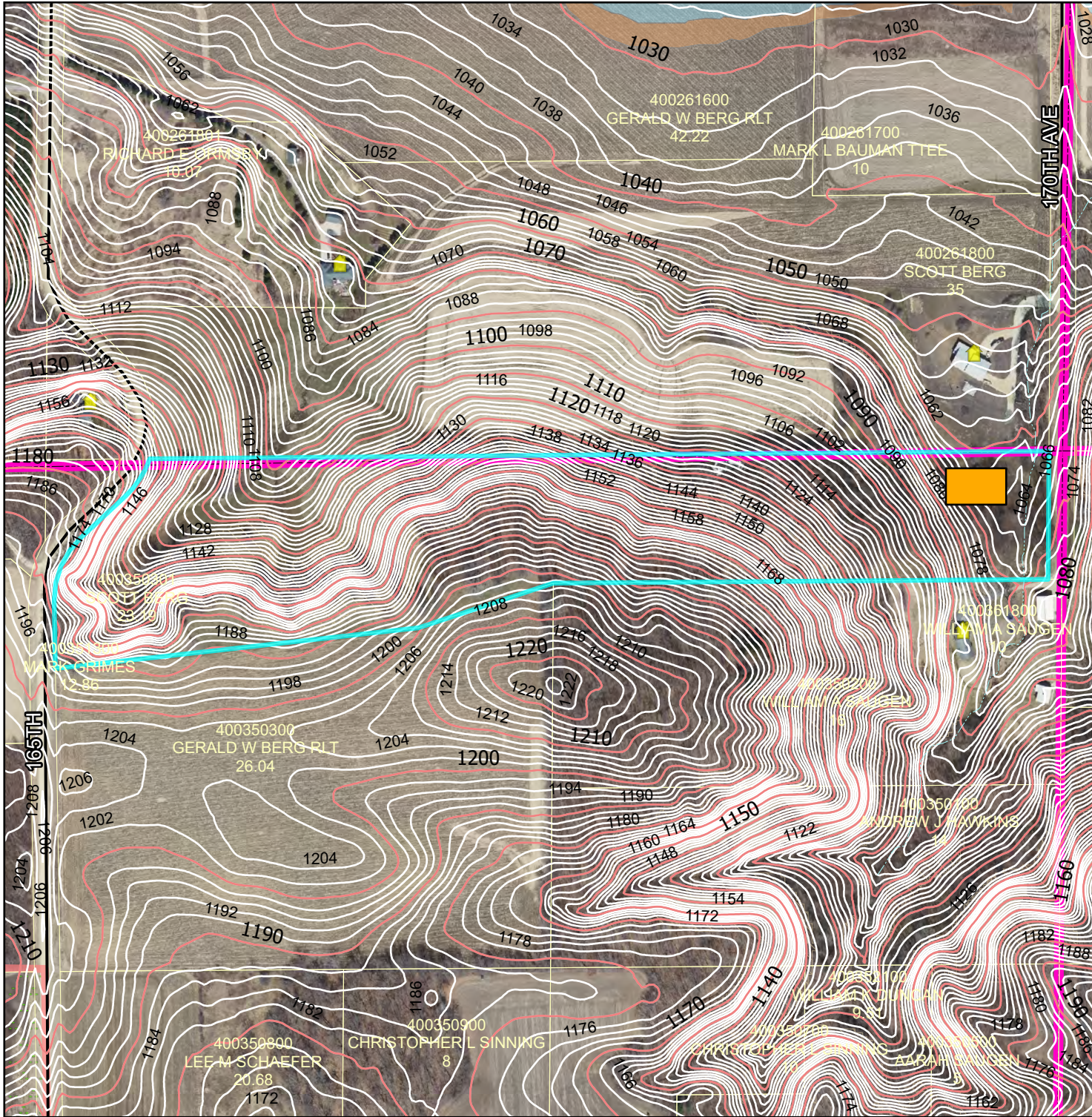
0 140 280 560 840 US Feet

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 2021.

2020 Aerial Imagery
Map Created July, 2021 by LUM



MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
July 26, 2021

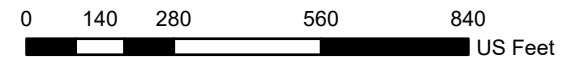
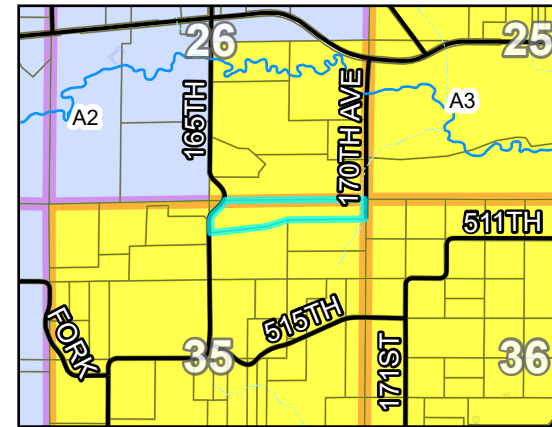
Scott Berg(Owner)
A-3 District

Part of the NE 1/4 of Section 35
TWP 109 Range 16 in Roscoe Township

Variance request to allow construction of a
3-sided cattle shelter less than 100 feet
from property line

Legend

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



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 2021.

2020Aerial Imagery
Map Created July, 2021 by LUM



MAP 02: VICINITY MAP

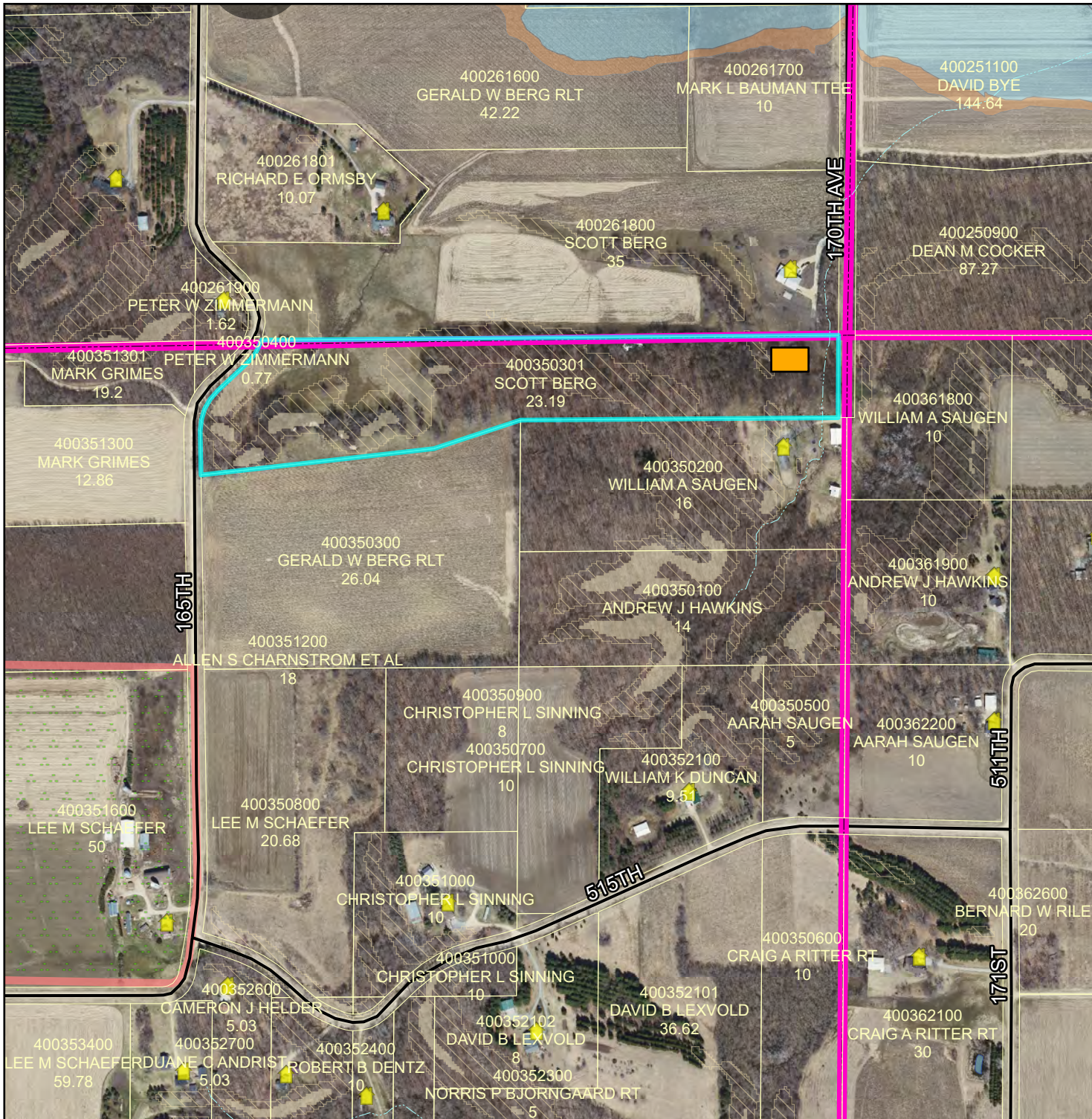
BOARD OF ADJUSTMENT

Public Hearing
July 26, 2021

Scott Berg(Owner)
A-3 District

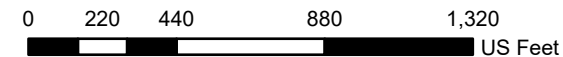
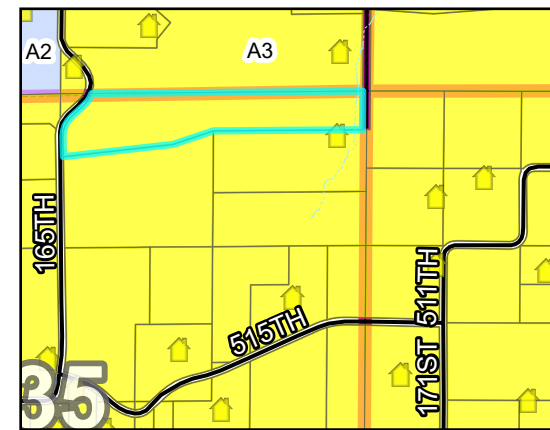
Part of the NE 1/4 of Section 35
TWP 109 Range 16 in Roscoe Township

Variance request to allow construction of a
3-sided cattle shelter less than 100 feet
from property line



Legend

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



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 2021.

2020 Aerial Imagery
Map Created July, 2021 by LUM



Certified, Filed, and or Recorded on:
October 29, 2019 11:06 AM
Signed: Lisa M Hanni Deputy
LISA M HANNI
GOODHUE COUNTY RECORDER
Fee Amount: \$46.00

**STATE OF MINNESOTA
COUNTY OF GOODHUE**

**BOARD OF ADJUSTMENT
VARIANCE PROCEEDINGS
FILE NO. Z19-0039**

In the matter of:

A request for Variance amendment, submitted by Scott Berg, to A3 Zoning District dimensional standards to establish two parcels less than 35 acres in area and remove an existing condition requiring the property be platted after the split.

The above-entitled matter came to be heard before the Goodhue County Board of Adjustment on the 23rd day of September 2019

Applicant: Scott Berg

Address of zoning request: TBD 165th Avenue, Pine Island, MN 55963

Zoning District: A-3 (Urban Fringe District)

PID 40.035.0300. Part of the NE ¼ and the NW ¼ of the NE ¼ of the NE ¼ of Sect 35 Twp 109 Range 16 in Roscoe Township (Doc #593533)

IT IS ORDERED: THE GOODHUE COUNTY BOARD OF ADJUSTMENT

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

APPROVES the request for variance amendment, submitted by Scott Berg, to A3 Zoning District dimensional standards to establish two parcels less than 35 acres in area and remove the existing condition requiring the property be platted after the split. Variance Z19-0019 (DOC #655909) shall be revoked and replaced.

Subject to the following:

1. No resulting parcels less than 35 acres shall be eligible as a dwelling under provisions of the A-3 (Urban Fringe) District.

Rights granted by the variance expire one year from the date of approval if not exercised; variance expiration date: 9/23/2020

Date signed: 10-28-19

Rich Ellingsberg
Rich Ellingsberg, Chair
Goodhue County Board of Adjustment

