



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. July 25, 2022 BOA Draft Meeting Minutes

Documents:

[BOAMEETINGMINUTES_JULYMEETING_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Parking Setbacks And Outdoor Activity Conclusion Time For Non-Agricultural Use Associated With Agricultural Tourism
Request for Variance submitted by Michael Barck (Owner) to Non-Agricultural Use Associated with Agricultural Tourism requirements to allow parking to be less than 40 feet from property lines and allow outdoor activities to continue after sundown for a wedding/event facility. Parcel 38.016.1000. 42593 HWY 52 BLVD Zumbrota, MN 55992. Part of the E ½ of the SE ¼ of Section 16 TWP 110 Range 16 in Minneola Township. A-1 Zoned District.

Documents:

[BOAPACKET_BARCK.PDF](#)

PUBLIC HEARING: Request For Variance To Minimum Setback Standards
Request for Variance, submitted by Emanuel Gingerich (Applicant) on behalf of Thomas Welsh (Owner), to allow construction of an accessory building less than 30 feet from side and rear property lines and less than 60 feet from the Ludlow Avenue Right-of-Way. Parcel 32.015.0400. 30100 Ludlow Avenue Frontenac, MN 55026. Part of the NE ¼ of the NE ¼ of Section 15 TWP 112 Range 13 in Florence Township. A-2 Zoned District.

Documents:

[BOAPACKET_GINGERICH.PDF](#)

PUBLIC HEARING: Appeal Of Zoning Administrator's Interpretation Of Zoning Ordinance Definitions And Permitted Uses In The R-1 Suburban Residence District

Request submitted by Christopher Pesklo (Owner) appealing the Zoning Administrator's determination that beekeeping is an agricultural use and is therefore not a permissible use in the R-1 Suburban Residence District. Parcel 36.160.0100. 510th ST Path Kenyon, MN 55946. Block 2 of Skyberg in Kenyon Township.

Documents:

[BOAPACKET_PESKLO.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
July 25, 2022 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:02 PM by Chair Daniel Knott at the Goodhue County Government Center Board Room.

Roll Call

Commissioners Present: Daniel Knott, Darwin Fox, Randy Rechtzigel, and Keith Allen (via phone).

Commissioners Absent: Denny Tebbe

Staff Present: Zoning Administrator Samantha Pierret, Zoning Assistant Alexandra Koberoski, and Zoning Administrative Assistant Patty Field

1. Approval of Agenda

¹Motion by Commissioner Fox and seconded by Commissioner Rechtzigel to approve the July 25, 2022, amended meeting agenda removing the public hearing for Kevin Riester.

Motion carried 4:0

2. Approval of Minutes

²Motion by Commissioner Fox and seconded by Commissioner Rechtzigel 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 Bluffland Standards

Request for Variance, submitted by Dustin Schroeder (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of an accessory building less than 30 feet from the top of a bluff. Parcel 40.033.0303. 50927 Branch Trail Pine Island, MN 55963. Part of the NW ¼ of the NE ¼ of Section 33 TWP 109 Range 16 in Roscoe Township. A-2 Zoned District.

Koberoski presented the staff report and attachments.

Dustin Schroeder (Owner) stated the reason he does not want to put the building to the north is that it will be more accessible closer to the existing driveway. He also won't have to drive over his sidewalk and through the yard to get to the building. He also stated that the fiber optic cables were installed in an unideal location because the proposed building cannot be moved closer to the dwelling.

Commissioner Rechtzigel asked if the fiber optic cable only served Mr. Schroeder's property.

Mr. Schroeder stated that it runs up to his house along the driveway and only serves his home. He stated he asked them to relocate the cables but the contractor would not return to change the location.

Commissioner Fox said he and Koberoski went for a site visit. He noted that a hole was dug and there was some rebar present, he questioned the reason for the rebar.

Mr. Schroeder stated the rebar was for a retaining wall.

**BOARD OF ADJUSTMENT
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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 Commissioner Fox and seconded by Commissioner Rechtzigel to close the Public Hearing.

Motion carried 4:0

Chair Knott stated there is some concern with locating the structure to the north with access constraints.

Commissioner Fox said that this is a unique situation. He is concerned with maintaining the existing vegetation in the bluff area if the request is granted.

Chair Knott stated it looks like the septic is in front of the house and the well is to the east. This restricts the accessibility to the rear yard area.

Commissioner Fox confirmed and added that there is an electrical box blocking the access to the rear yard as well.

Chair Knott asked staff if they spoke to Chad Hildebrand in Soil and Water Conservation to discuss best management practices.

Pierret stated Mr. Hildebrand reviewed the site and assisted staff in determining the location of the bluff. Mr. Hildebrand recommended installing silt fence along the top of the bluff and leaving silt fencing in place until the area is 70% revegetated.

Mr. Schroeder said he won't be going into the vegetated area. He asked if he still needed a silt fence.

Pierret clarified that the silt fence was to prevent excessive erosion from the work area and revegetation meant the area needs to have grass or natural vegetation established in 70% of the impacted area before removing the silt fence.

Chair Knott questioned the retaining wall proposal noting it was not on the application.

Pierret stated that the retaining wall location should be included in the variance request therefore the distance to the top of the bluff should be reduced to account for additional impacts within the 30-foot setback.

Mr. Schroeder stated the retaining wall will be approximately ten feet from the east side of the building.

Discussion continued regarding the location of the retaining wall and the Board concluded that a variance to allow a structure and retaining wall no less than 20 feet from the top of a bluff would be sufficient.

4Motion by Fox, seconded by Allen, 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 Dustin Schroeder (Owner) to Article 12 (Bluffland Protection Standards) to allow construction of an accessory structure no less than 20 feet from the top of a bluff where 30 feet is required.

**BOARD OF ADJUSTMENT
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DRAFT**

Motion carried 4:0

5. Other-Discussion

A thank you to Keith Allen for joining the meeting virtually tonight.

We do have something on the agenda for the next meeting on August 22.

ADJOURN

⁵Motion by Fox, seconded by Rechtzigel to adjourn the BOA meeting at 5:27 pm.

Motion carried 4:0

Respectfully submitted:

Patty Field, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the meeting agenda as amended.

Motion carried 4:0

² APPROVE the previous meeting minutes.

Motion carried 4:0

³Close the Public Hearing

Motion carried 4:0

⁴APPROVE the Variance request to Bluffland Protection Standards to allow construction of an accessory structure no less than 20-feet from the top of a bluff where 30-feet is required.

Motion carried 4:0

⁵ADJORN

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: August 22, 2022
Report date: August 12, 2022

PUBLIC HEARING: Request for Variance to Parking Setbacks and Outdoor Activity Conclusion Time for Non-Agricultural Use Associated with Agricultural Tourism

Request for Variance, submitted by Michael Barck (Owner) to Non-Agricultural Use Associated with Agricultural Tourism requirements to allow parking to be less than 40 feet from property lines and allow outdoor activities to continue after sundown for a wedding/event facility.

Application Information:

Applicants: Michael Barck (owner)

Address of zoning request: 42593 HWY 52 BLVD Zumbrota, MN 55992

Parcel: 38.016.1000

Abbreviated Legal Description: Part of the E ½ of the SE ¼ of Section 16 TWP 110 Range 16 in Minneola Township

Township Information: Minneola Township emailed acknowledgment of the proposal on August 5, 2022. The Applicant will need to obtain formal approval from the Township prior to commencing operations and prior to beginning construction or remodeling of any buildings.

Zoning District: A1 (Agriculture Protection District)

Attachments and Links:

Application and submitted project summary

Site Maps

Article 11, Section 30 (Non-Agricultural Uses Associated with Agricultural Tourism) and Definitions

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

Background:

The Applicant (Michael Barck) is requesting a variance to allow the establishment of parking areas for a wedding/event facility 1 foot from property lines where 40 feet is required and a variance to allow outdoor activities to continue after sundown. The Goodhue County Zoning Ordinance (GCZO) requires outdoor activities associated with a Non-Agricultural Use Associated with Agricultural Tourism to end during daylight hours.

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:

Parking:

- The minimum setback for parking areas for Non-Agricultural Uses Associated with Agricultural Tourism is intended to allow for separation between parking areas and neighboring uses. The intent is to allow for adequate space for screening (if needed) and to provide distance between parking areas where dust or noise may be present and neighboring properties, particularly residences.
- The Applicant has proposed to operate a wedding/event facility on his property in compliance with the GCZO and any additional State or Federal requirements. The Applicant intends to use space within an existing detached garage as a groom's suite, construct a new structure to serve as a bridal suite and restroom facility, and erect an event tent for event activities. The Applicant has applied for a Conditional Use Permit for the facility and the Planning Advisory Commission will consider this request at their August 15, 2022 meeting. Their recommendation will be forwarded to the Goodhue County Board for final action.
- The Applicant has indicated up to 250 guests can be accommodated under his proposal. He has indicated approximately 115 gravel parking spaces will be provided along the existing driveway and running south behind the detached garage. Some paved handicap-accessible parking will be provided as well.

Pursuant to GCZO Article 11, Section 16, the Zoning Administrator has determined minimum off-street parking provisions shall be one parking space for every 4 guests. A minimum of 63 off-street parking spaces are required for this facility at a maximum occupancy of 250 guests.

Given the Applicant's proposal will meet Goodhue County off-street parking requirements the Applicant's proposal appears in harmony with the purpose and intent of the official control.

Outdoor Activity Hours:

- The GCZO requires outdoor activities associated with Non-Agricultural Uses Associated with Agricultural Tourism to be completed during daylight hours. The intent is to prevent noise impacts on neighboring properties, particularly residences, during later hours.
- The Applicant has proposed to use a 40-foot x 80-foot seasonal tent for activities. The use of a tent for activities is considered an outdoor activity subject to the requirement for activities to end during daylight hours. The Applicant has indicated events would be Wednesdays through Sundays from 9:00 AM to midnight May through October.

Given the Applicant has proposed to use the property as a wedding/event facility where a seasonal tent would contain all event activities after daylight hours and the facility is setback a significant distance from the nearest dwellings, the 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 a broad-based, diversified, stable, year-round economy that provides a range of goods, services, and employment opportunities.
- The Comprehensive Plan also prioritizes considering site capabilities and existing development patterns when determining the appropriate locations of land uses.
- Allowing for tourism-related businesses and activities within the context of maintaining a diverse and balanced economy while minimizing potential negative impacts is also a priority.
- In agricultural areas, the Comprehensive Plan suggests striving for a land use balance, which recognizes both agricultural uses and the non-agricultural development that may be suitable for rural Goodhue County sometimes in close proximity.

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):**

- The Applicant’s non-contiguous 26.56-acre parcel is a conforming lot size in the A1 District (2-acre minimum). The area to be used for the wedding/event facility is located on a 5-acre portion of the property.
- As an A1 zoned section, a maximum of 4 dwellings are permitted within Section 16. Currently, there are 11 dwellings in section 16 therefore there is no additional dwelling density available. Section 15 directly west of the property is also considered “full” for dwelling development with 4 dwellings.
- The Applicant’s request to establish a wedding/event facility with associated structures and parking is a reasonable use of property in the A1 District.
- The use would meet or exceed all other regulations of the GCZO.

Parking:

- The Applicant has noted that acreage west of the existing driveway is in a Conservation Reserve Program (CRP) and cannot be used for parking, events, or wells/septic systems.
- The Applicant has also stated parking would be limited to the area along the driveway and continue south behind the garage. Much of the land south of the garage will be used for the proposed structure, tent, and new septic system. Parking will not be permitted near the dwelling to maintain privacy.
- Land directly east of the driveway is currently used for row crop agriculture therefore there would be no negative visual impacts nor negative impacts due to dust or vehicle lights to any dwellings.
- The request for a variance to parking setbacks appears unlikely to alter the essential character of the locality.

Outdoor Activity Hours:

- The Applicant has proposed to use a seasonal tent for events. There is not a structure large enough on the property to safely accommodate a large number of people.
- The Applicant has indicated music would end by 11:00 PM and would be directed away from dwellings.
- Neighboring dwellings are more than ¼ mile away and are separated from the property by cropland, woods, and Highway 52.
- Staff conducted a site visit on August 2, 2022. The property is isolated and the request for a variance to outdoor activity hours 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.**

- Non-Agricultural Uses Associated with Agricultural Tourism are permitted via CUP in the A1 District. The Applicant has submitted a CUP application for consideration by the PAC and County Board.

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

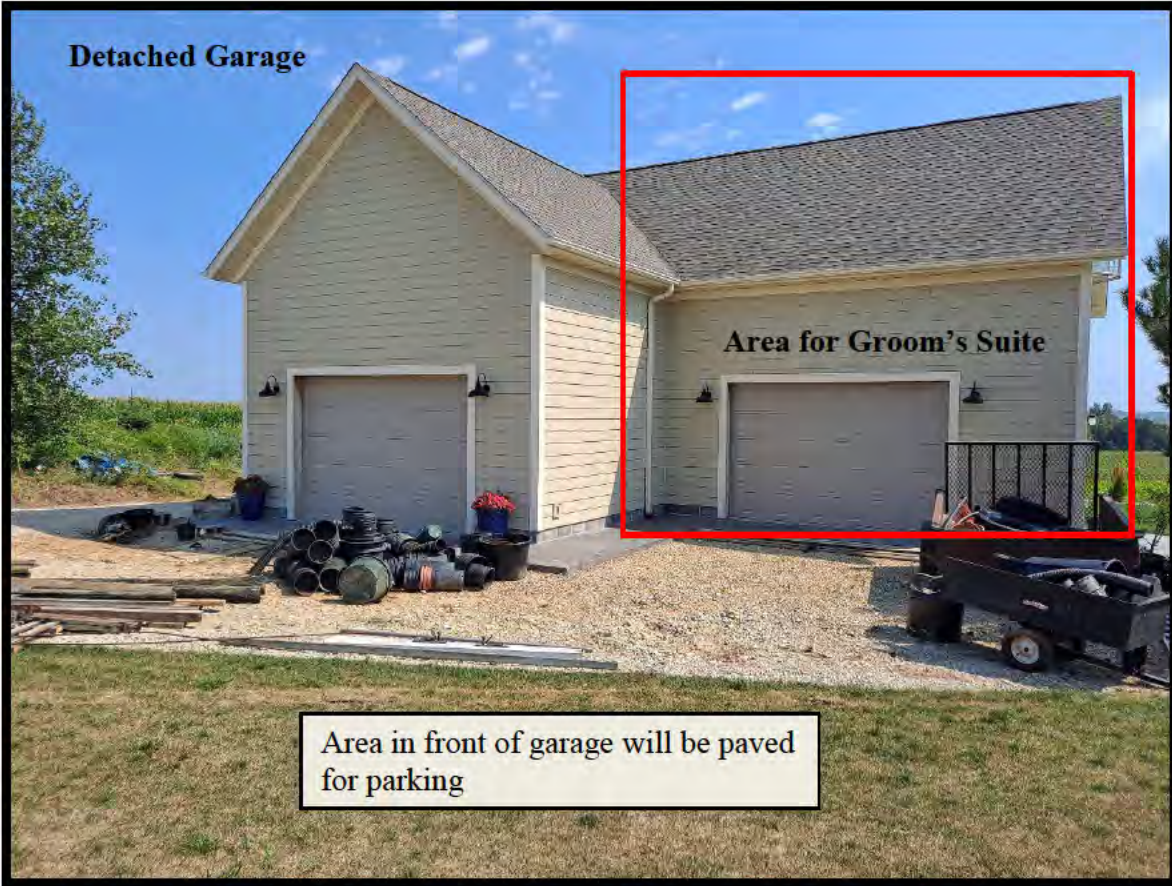
The Board should specify the facts and reasons that are the basis of the Board’s determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a

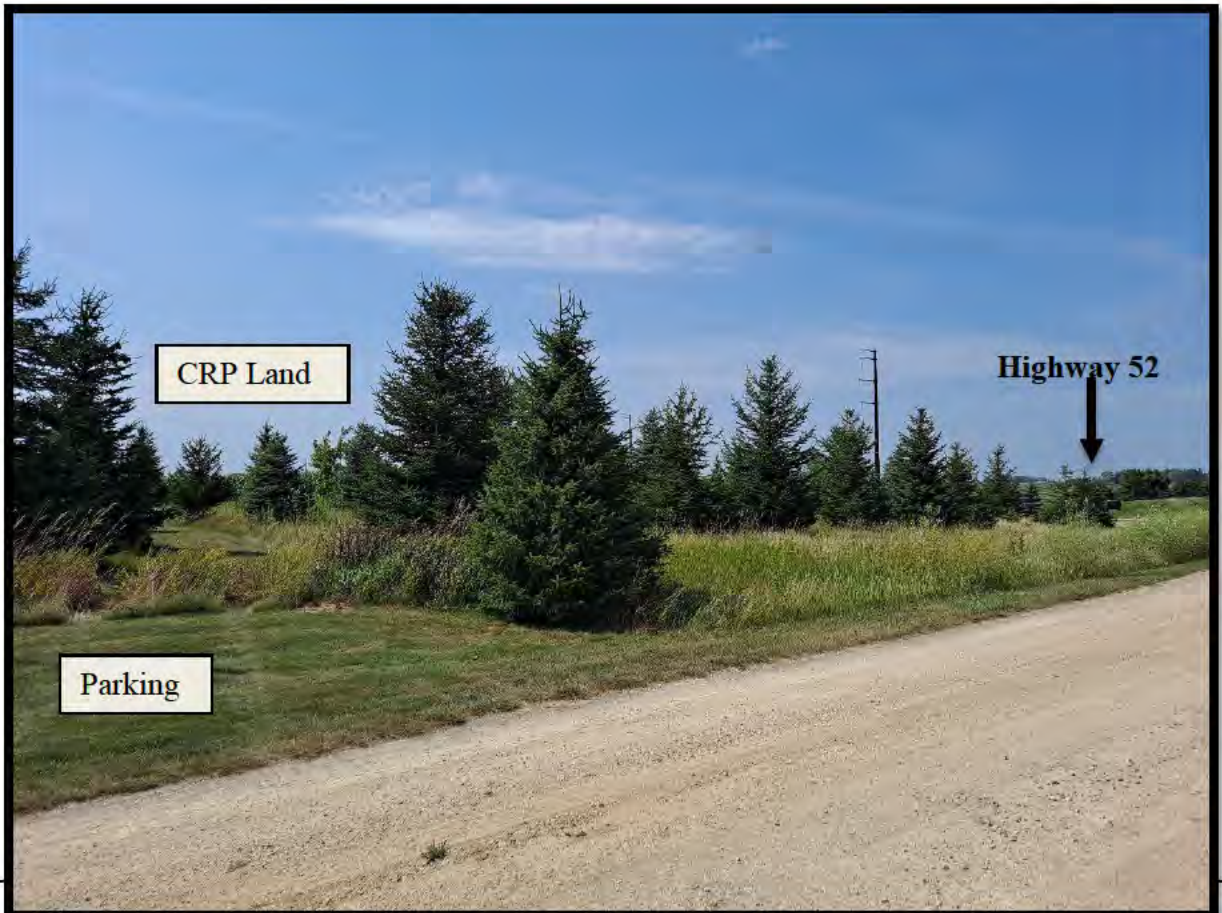
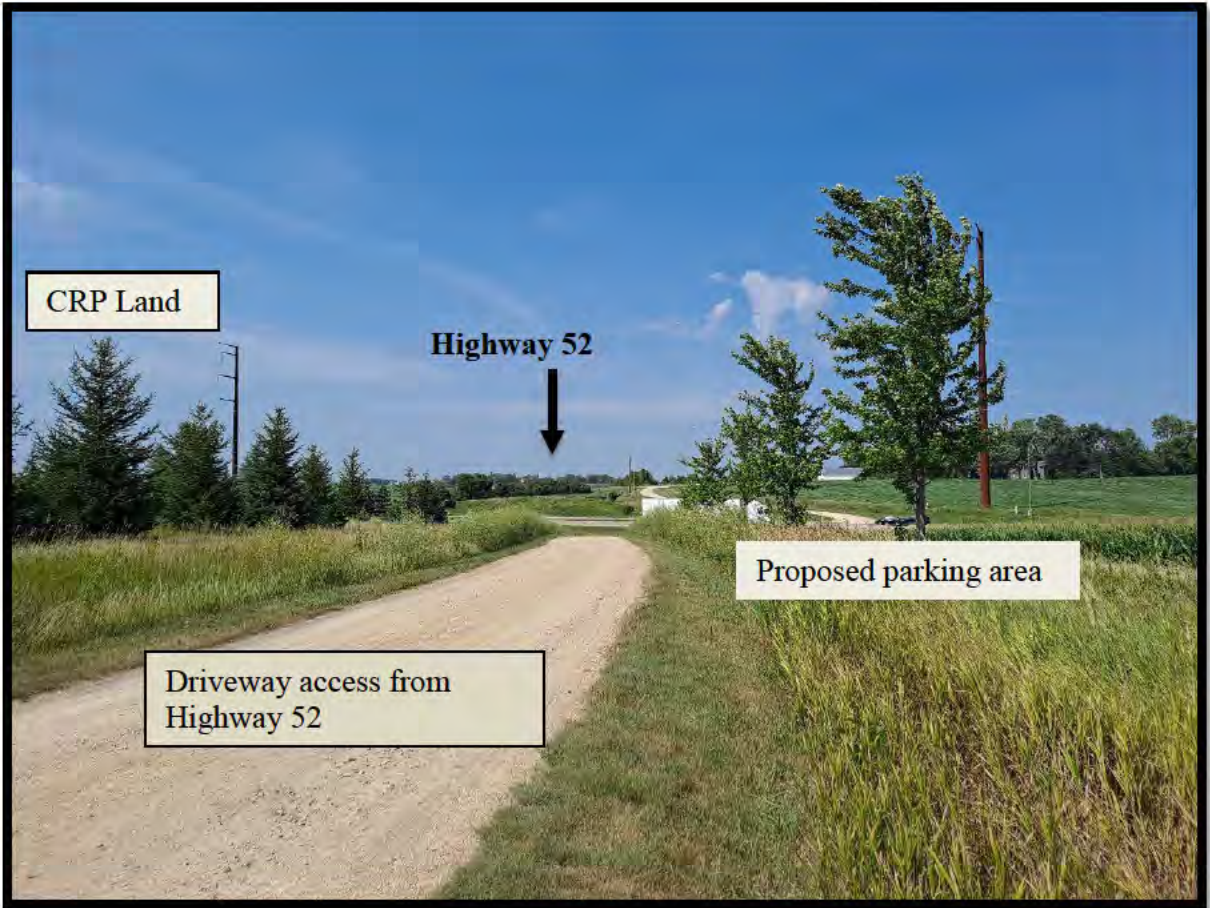
rough proportionality with, the impact(s) created by the variance.

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 Michael Barck (owner), to Non-Agricultural Uses Associated with Agricultural Tourism Performance Standards (Article 11, Section 30) to allow event parking to be established no less than 1-foot from the east property line where 40 feet is required and to allow outdoor events to continue Wednesdays through Sundays May through October until midnight.











APPLICATION FOR
Variance

For Staff Use only

VARIANCE NUMBER:

22-0048

\$350 RECEIPT#

17677

DATE

7-27-22

SITE ADDRESS, CITY, AND STATE		ZIP CODE:
<u>42593 Hwy 52 Blvd Zumbrota, MN</u>		<u>55992</u>
LEGAL DESCRIPTION:		

PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
<u>38.016.100</u>		<u>5 ACRES</u>		

APPLICANT OR AUTHORIZED AGENT'S NAME	
<u>Michael Joseph Barck</u>	
APPLICANT'S ADDRESS:	TELEPHONE:
<u>42593 Hwy 52 Blvd Zumbrota, MN 55992</u>	
	EMAIL:

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

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input checked="" type="checkbox"/> <u>Same</u>	
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 checked="" type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations <u>parking</u> <u>outdoor event</u> <u>past sundown</u>	CURRENT OR PREVIOUS USE:
	<u>Residential Agricultural</u>
	PROPOSED USE:
	<u>Event Venue</u>
	BUILDING APPLICATION PERMIT NO.: (if filed)
	DATE FILED:

TOWNSHIP SIGNATURE:		Attached <input type="checkbox"/>
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: Michael J. Barck

Date: July 27, 2022

Print name: Michael Joseph Barck (owner or authorized agent)

REQUEST SUMMARY

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

Article: 11 Section: 30 Name: Non-Agricultural Uses associated with Agricultural Tourism Parking provisions

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: Driveway ✓ Current width of existing driveway would be increased to accommodate venue parking. A 40' setback would make this impossible. Requesting parking to be no less than 1' from property lines. Outdoor hours beyond sunset because no existing structure large enough to facilitate 250 occupants. Tent will have side walls

- Describe the effects on the property if the variance is not granted: walls
• Vehicle parking would be reduced by nearly 80% (Papering)
• It would negate wedding venue activities, normal venues operate later than sunset.

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: limited available space to park. SE corner of site to be reserved for LSTS space to west side of driveway is in CRP and we cannot expand (reptic) into it

Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them: Compliant alternatives do not exist (site condition restraints)

Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning: other site locations for parking not feasible physically

In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?: No, not at all. "Neighborhood" is farm cropland. Distance to neighbors is separated by highway, cropland & woods. 1/4 mile to nearest dwelling will proactively address issues.

PHONE: (507) 263-3274 FAX: (507) 263-5114 EMAIL: rsurvey@frontiernet.net

SAMUELSON SURVEYING INC.

1103 West Main Street
Cannon Falls, MN. 55009

V. Richard Samuelson
Registered Land Surveyor

SURVEYORS CERTIFICATE

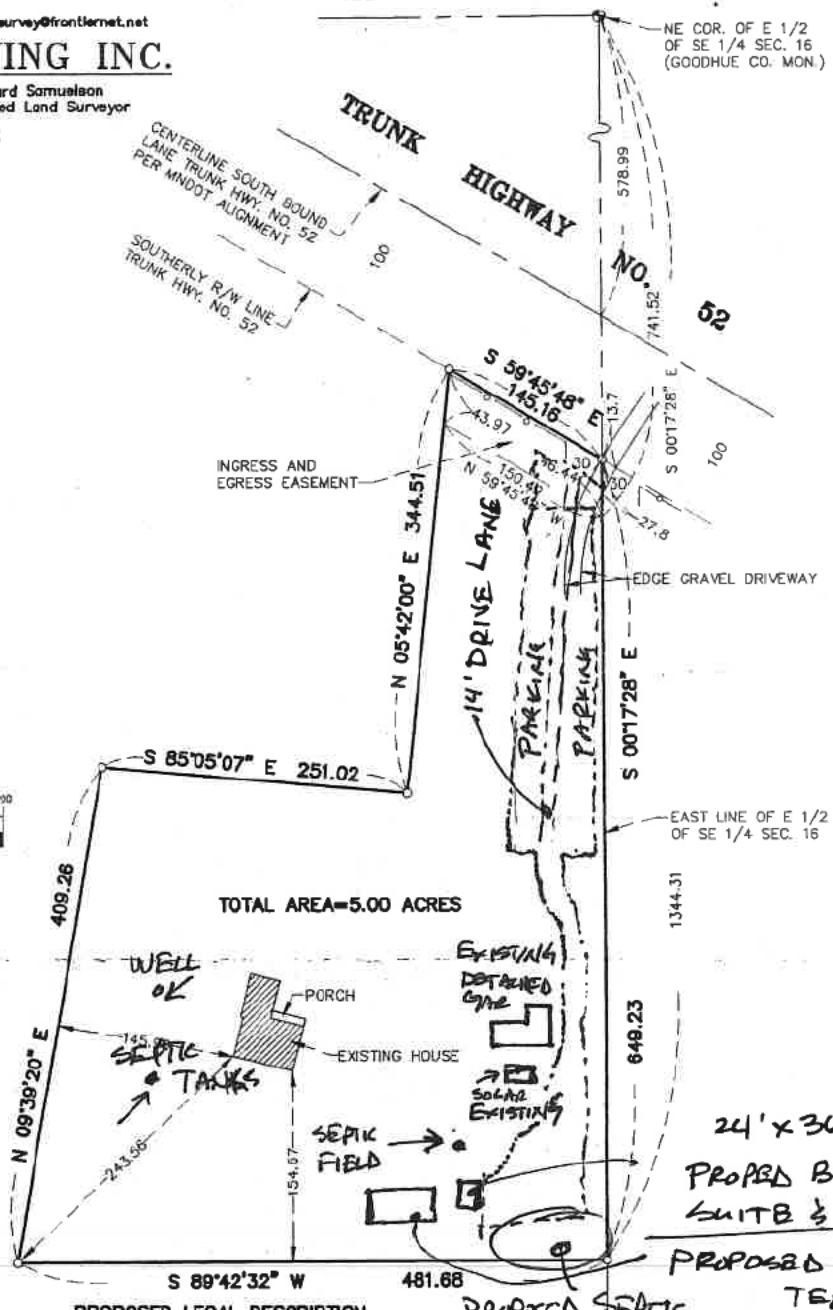


GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

- DENOTES SET IRON PIPE WITH PLASTIC CAP MARKED RLS 16998
- DENOTES FOUND IRON
- DENOTES RESTRICTED ACCESS



PROPOSED LEGAL DESCRIPTION

That part of the East Half of the Southeast Quarter of Section 16, Township 110, Range 16, Goodhue County, Minnesota, described as follows:

Commencing at the northeast corner of said East Half of the Southeast Quarter; thence South 0 degrees 17 minutes 28 seconds East (HARN adjustment of the 1983 Goodhue County Coordinate System) along the east line of said East Half of the Southeast Quarter 1344.31 feet to the point of beginning of the land to be described; thence South 89 degrees 42 minutes 32 seconds West 481.68 feet; thence North 9 degrees 39 minutes 20 seconds East 409.26 feet; thence South 85 degrees 05 minutes 07 seconds East 251.02 feet; thence North 5 degrees 42 minutes 00 seconds East 344.51 feet to the southerly right of way line of Trunk Highway No. 52; thence South 59 degrees 45 minutes 48 seconds East along said southerly right of way line 145.16 feet to said east line of the East Half of the Southeast Quarter; thence South 0 degrees 17 minutes 28 seconds East along said east line 649.23 feet to the point of beginning.

Subject to a ingress and egress easement for farm machinery across that part of the East Half of the Southeast Quarter of Section 16, Township 110, Range 16, Goodhue County, Minnesota, described as follows:

Commencing at the northeast corner of said East Half of the Southeast Quarter; thence South 0 degrees 17 minutes 28 seconds East (HARN adjustment of the 1983 Goodhue County Coordinate System) along the east line of said East Half of the Southeast Quarter 741.52 feet to the point of beginning of the easement to be described; thence North 59 degrees 45 minutes 48 seconds West 150.49 feet; thence North 5 degrees 42 minutes 00 seconds East 43.97 feet to the southerly right of way line of Trunk Highway No. 52; thence South 59 degrees 45 minutes 48 seconds East along said southerly right of way line 145.16 feet to the east line of said East Half of the Southeast Quarter; thence South 0 degrees 17 minutes 28 seconds East along said east line 46.44 feet to the point of beginning.

Subject to any other easements of record.

Revised: April 13, 2011

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE March 29, 2011

V. Richard Samuelson
V. RICHARD SAMUELSON
16998
MINNESOTA
LAND SURVEYOR
No. 16998

SECTION 30. NON-AGRICULTURAL USES ASSOCIATED WITH AGRICULTURAL TOURISM

Subd. 1. Non-agriculturally related uses that are associated with Agricultural Tourism as defined in Article 10 (Definitions) may be permitted in the A-1, A-2, or A-3 Zone Districts subject to approval subject to approval of a zoning permit by the Zoning Administrator for up to two (2) events/activities per calendar year. The right to utilize property for more than two events/activities per calendar year is subject to approval of a conditional use permit or an interim use permit by the Board of County Commissioners. The following information must be provided with a zoning permit, interim use or conditional use permit: In addition to submittal requirements set forth Article 4 (Conditional and Interim Uses), the following information must be provided with a conditional use permit or interim use permit application.

- A. Plan drawn to an appropriate scale for effective interpretation.
- B. Property boundaries, onsite parking areas and access roads.
- C. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.
- D. Existing and proposed structures with maximum capacity of each building where guests have access as required to comply with building code and applicable fire safety requirements.
- E. Location of temporary toilet facilities, which may be required.
- F. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems (SSTS).
- G. A written description of the planned activities providing including maximum number of guests/visitors.
- H. Frequency and number of activities proposed in a calendar year.
- I. Hours of Operation/Activity including set-up/clean-up for activities and events.
- J. Maximum number of guests for any activity.
- K. Proposed site lighting or landscaping.
- L. Anticipated maximum number of vehicle trips per day.

Subd. 2 Performance Standards.

In addition to all other applicable zoning ordinance requirements including but not limited to the review criteria (findings) included in Article 4, Section 5, the following items shall be considered by the Planning Advisory Commission and County Board when reviewing a Conditional Use Permit or Interim Use Permit Application for various Non-Agricultural Uses associated with Agricultural Tourism.

- A. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the County based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate

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

products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

AGRICULTURAL PRODUCT, VALUE-ADDED. This means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities, and tours.

AGRICULTURAL RELATED PRODUCTS. Means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, foodstuffs, clothing and other items promoting the farms and agriculture in Goodhue County and value-added agricultural products and production on site.

NON-AGRICULTURAL RELATED PRODUCTS. Means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts, and knick-knacks imported from other states or countries, etc.

AGRICULTURAL TOURISM. “Ag-tourism” and/or “Agri-tourism” means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, vineyard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

AGRICULTURAL USE. The use of land for agricultural purposes, including farming, dairying, pasturage agricultural, forestry horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

AGRICULTURAL RELATED USE. Means activities that are accessory to the principal use of the property for permissible agriculture use that predominantly use agricultural products, buildings or equipment including activities, events or uses that represent “agricultural tourism” in Goodhue County as defined in this section, including but not limited to:

- A. Bakeries selling baked goods containing produce grown primarily on site
- B. Barn dances
- C. Corn mazes or straw bale mazes
- D. Educational events including but not limited to: activities associated with the promotion of wine usage, viticulture or viniculture classes, historical agricultural exhibits, and farming and food preserving classes.
- E. Gift shops for the sale of agricultural products and agriculturally related products.
- F. Petting farms, animal display, and pony rides
- G. Playgrounds or equipment typical of a school playground
- H. Pumpkin rolling
- I. Sleigh/hay rides
- J. Vineyard harvest festivals

LOWEST FLOOR. See Article 32 (Floodplain District)

MANUFACTURED HOME. See Article 32 (Floodplain District)

MANUFACTURED HOUSING. A manufactured building or portion of a building designed for long-term residential use.

MAXIMUM DENSITY. A density standard establishing the maximum number of dwellings allowed in a Section, ¼ ¼ Section, District, or Subdivision. In order to maintain a balance of compatible uses, when the maximum density has been reached, the only opportunity to increase the density is through a change of zone process that would allow additional housing. Reestablished abandoned homestead sites are not included in the density count until they have been approved and permitted.

MIGRATORY LABOR CAMP. Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops.

MINERAL EXTRACTION, ACCESSORY USE. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION, PRINCIPAL USE. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION FACILITY. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION PERMIT. See Article 14 (Mineral Extraction)

MINERAL RESOURCE. See Article 14 (Mineral Extraction)

MINING TECHNICAL EVALUATION PANEL. See Article 14 (Mineral Extraction)

MINING/EXCAVATION OPERATION. The removal of stone, sand, and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.

MOBILE HOME. Manufactured housing built on a chassis.

MOBILE/MANUFACTURED HOME PARK. This term applies to any lot or tract of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either with or without charge and including any building or enclosure intended for use as a part of the equipment of such park.

NACELLE. See Article 18 (WECS)

NON-AGRICULTURAL USES/ACTIVITIES ASSOCIATED WITH AN AGRITOURISM USE. This means activities that are part of an agri-tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include but are not limited to:

- A. Temporary Amusement rides associated with an event
- B. Art or cultural related festivals
- C. Gift shops for the sale of non-agricultural products
- D. Benefit events
- E. Kitchen facilities, processing/cooking items for sale (subject to State of Minnesota, Department of Public Health standards) including eating establishments such as restaurants or cafés.

- F. Temporary camping (subject to State of Minnesota Department of Public Health Standards for Recreation Camping)
- G. Wedding ceremonies or receptions
- H. Wine and catered food events
- I. Reunions
- J. Concerts
- K. Social gatherings or similar types of events.

NON-CONFORMING LOT OF RECORD. Any legal lot of record that at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Zoning Ordinance concerning minimum area or minimum lot width.

NON-CONFORMING STRUCTURE. A structure the size, dimensions or location of which was lawful prior to the adoption of this Zoning Ordinance, but which fails by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.

NON-PREVAILING WIND. See Article 18 (WECS)

NORMAL WATER LEVEL. The level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

ODOR. The odor of growing vegetation, domestic fertilizers, animal manures, insecticides, and other agricultural odors shall not be considered objectionable.

OPEN SPACE. Land that is permanently protected from future dwelling development. Land that is designated as Open Space may be used for such purposes as agricultural, forest, recreational uses, or demonstrate the use is protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of the real property.

OPERATOR. See Article 14 (Mineral Extraction)

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

OWNER. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having a proprietary interest in the land.

PARCEL. A unit of real property that has been given a tax identification number maintained by the County.

PARKING SPACE. An area of not less than two hundred (200) square feet, exclusive of drives or aisles giving access thereto, accessible from streets or alleys or

Public Hearing
August 22, 2022

Michael Barck (Owner)
A1 Zoned District

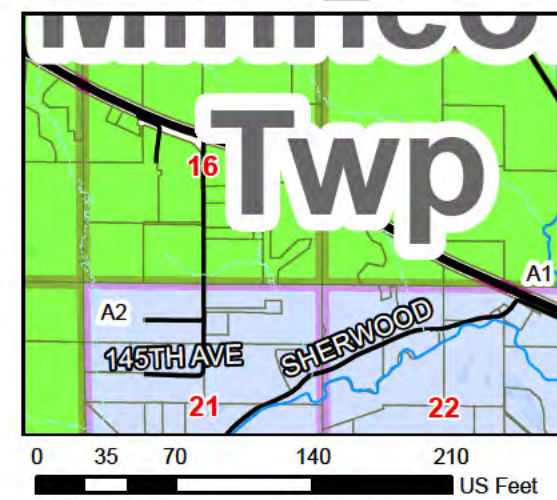
Part of the E 1/2 of the SE 1/4 of Section 16
TWP 110 Range 16 in Minneola Township

Request for Variances to parking setbacks
and outdoor event hours for a proposed
wedding/event facility.



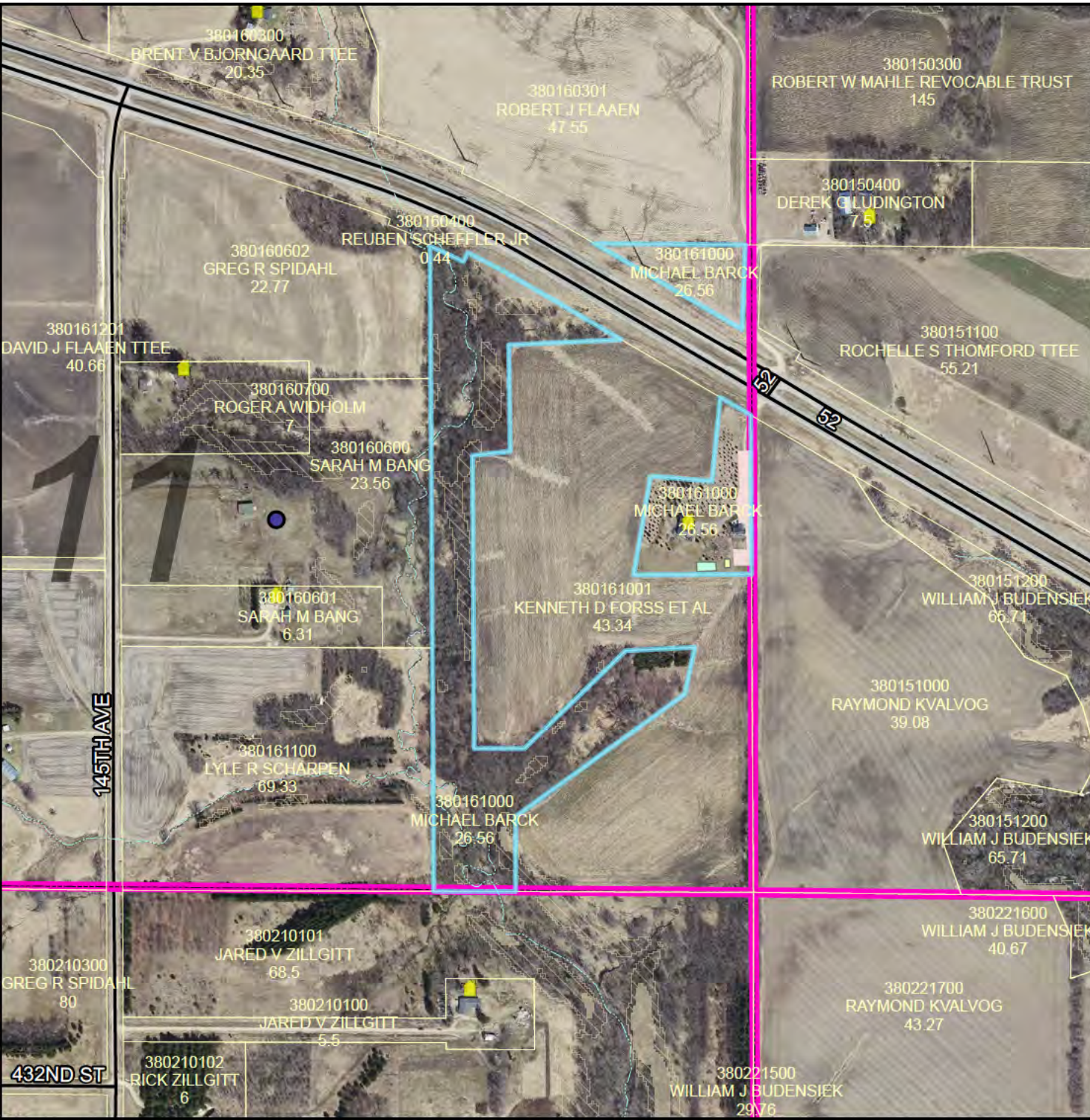
Legend

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



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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
August 22, 2022

Michael Barck (Owner)
A1 Zoned District

Part of the E 1/2 of the SE 1/4 of Section 16
TWP 110 Range 16 in Minneola Township

Request for Variances to parking setbacks
and outdoor event hours for a proposed
wedding/event facility.

Legend

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



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Map Created August, 2022 by LUM

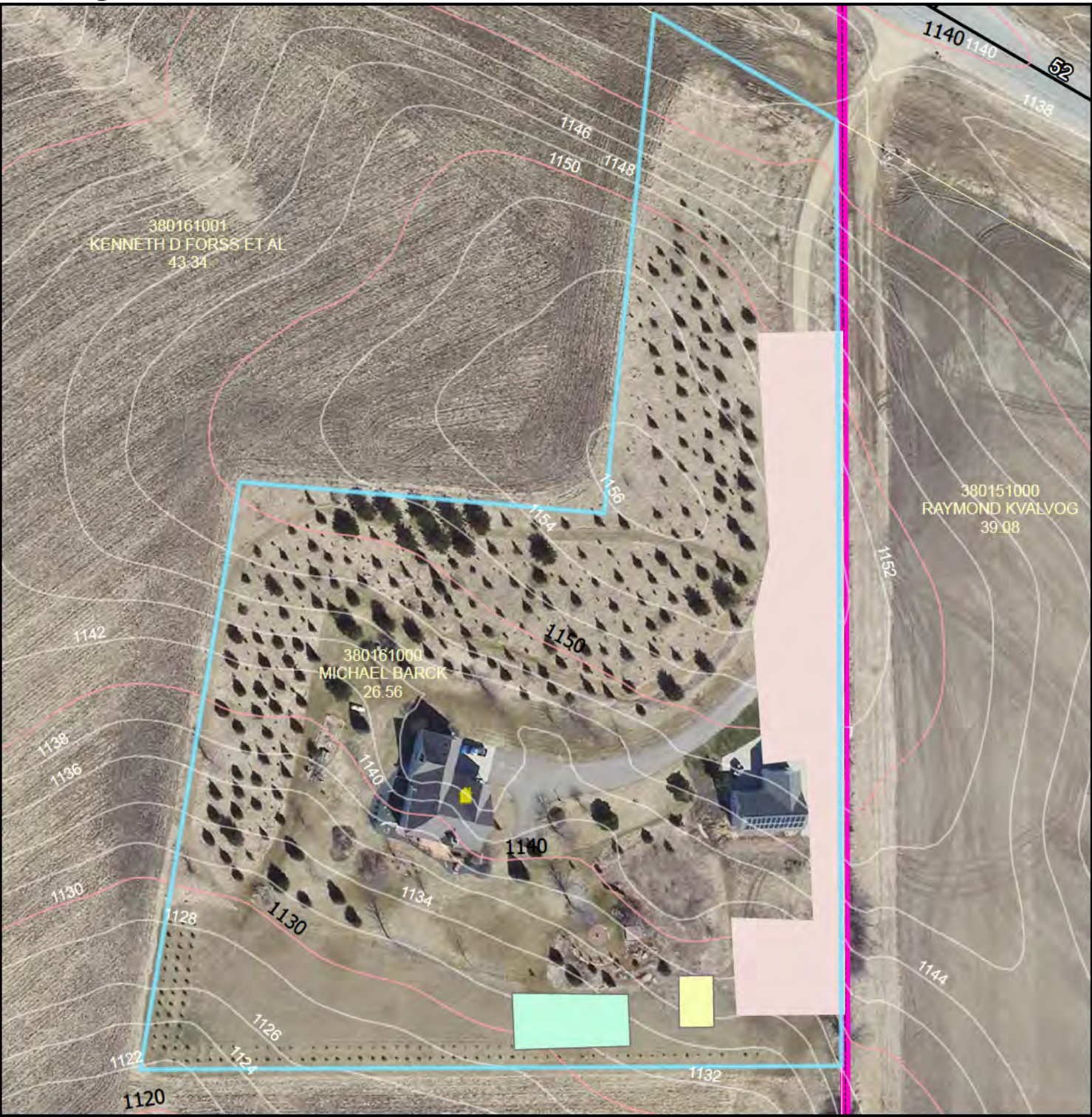


Public Hearing
August 22, 2022

Michael Barck (Owner)
A1 Zoned District

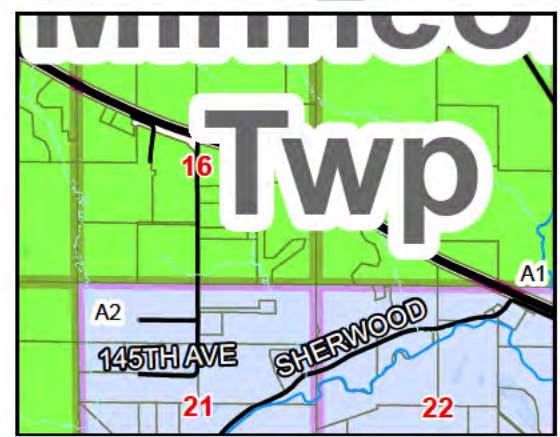
Part of the E 1/2 of the SE 1/4 of Section 16
TWP 110 Range 16 in Minneola Township

Request for Variances to parking setbacks
and outdoor event hours for a proposed
wedding/event facility.



Legend

- Intermittent Streams
- Protected Streams
- Lakes & Other Water Bodies
- Shoreland
- Historic Districts
- Parcels
- Registered Feedlots
- D igs
- M n pal s
- Bluff Impact Zones (% slope)**
- 20
- 30
- FEMA Flood Zones**
- 2% Annual Chance
- A
- AE
- AO
- X



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Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director



County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: August 22, 2022
Report date: August 12, 2022

PUBLIC HEARING: Request for Variance by Emanuel Gingerich (Applicant) on behalf of Thomas Welsh (Owner) to construct a 40-foot by 48-foot shed less than 60 feet from the Right-of-Way and less than 30 feet from the side and rear yard property lines.

Application Information:

Applicant(s): Emanuel Gingerich (Applicant) Thomas Welsh (Owner)
Address of zoning request: 30100 Ludlow AVE Frontenac, MN 55026
Parcel: 32.015.0400

Abbreviated Legal Description: Part of the NE ¼ of the NE ¼ Section 15 TWP 112 Range 13 in Florence Township.

Township Information: Florence Township signed approval of a Township building permit on August 3, 2022, with no additional comments.

Zoning District: A-2 (General Agriculture District)

Attachments and Links:

Application and submitted project summary

Site Plan and Maps

Goodhue County Zoning Ordinance:

<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

Emanuel Gingerich (Applicant) on behalf of Thomas Welsh (Owner) has applied for a variance to A-2 minimum setback standards to replace an existing 528 square-foot accessory structure with a 40-foot by 48-foot shed on the south side of the lot. The shed would be 12 feet from the rear (east) property line and 27 feet from the side yard (south) property line where 30 feet is required. The structure will be 39 feet from the Ludlow AVE Right-of-Way to the west at its closest point where 60 feet is required.

Variance Standards:

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

Draft Findings of Fact:

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

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

- The existing garage to be replaced currently does not meet A-2 District property line setbacks. The proposed shed would be constructed at approximately the same distance from the south and west property lines and will be closer to the rear (east) property line than the existing structure by approximately 18 feet to accommodate the larger structure.
- The property is within the Shoreland of Frontenac Pond and will have less than 25% impervious surface coverage as required by Article 31 of the GCZO Shoreland Regulations.
- This request appears in harmony with the purpose and intent of the official control.

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

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

The proposed garage 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 construct a garage is a reasonable use of property in the A-2 District.
- The parcel is an existing, rectangular-shaped 0.38-acre parcel which is a non-conforming lot size in the A-2 District (2-acre minimum). The property contains a single-family dwelling and two accessory structures.
- The Applicants stated that there are no alternative locations for the garage due to the lot size and the location of the existing garage and driveway.
- The garage will be used to store personal vehicles and a semi-truck.
- The existing structure was constructed in 1951 which was prior to the adoption of County zoning regulations.
- The lot is surrounded by properties zoned B-2 (Highway Business District) to the north and east, R-1 (Suburban Residence District) to the south, and MXH (Mixed-Use Hamlet District) to the west. Several properties in the vicinity are less than 1 acre in size and contain structures that do not meet property line setbacks found in their associated zoning districts.
- 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.**

- Accessory structures up to 7,200 square feet are a permitted use in the A-2 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 Emanuel Gingerich (Applicant) on behalf of Thomas Welsh (Owner) to construct a 40-foot by 48-foot garage no closer than 12 feet from the rear yard property line and 27 feet from the side yard property line and no closer than 39-feet from the Ludlow AVE Right-of-Way.





APPLICATION FOR
Variance

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

SITE ADDRESS, CITY, AND STATE 30100 Ludlow Ave Frontenac, MN		ZIP CODE: 55026
LEGAL DESCRIPTION:		
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES)
		100' X 160'
		STRUCTURE DIMENSIONS (if applicable): 40' X 48' X 16'

APPLICANT OR AUTHORIZED AGENT'S NAME Emanuel N. Gingerich	
APPLICANT'S ADDRESS: 5320 St Bridget Rd SE Rochester, MN 55904	TELEPHONE: E-MAIL:

PROPERTY OWNER'S NAME: Same as Above <input type="checkbox"/> Thomas Welsh	
PROPERTY OWNER'S ADDRESS: 30100 Ludlow Ave Frontenac, MN 55026	TELEPHONE: EMAIL:

CONTACT FOR PROJECT INFORMATION: Same as Above <input type="checkbox"/> Eagle Ridge Const LLC.	
ADDRESS: 5320 St Bridget Rd SE Rochester, MN 55904	TELEPHONE: EMAIL:

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

TOWNSHIP SIGNATURE: By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.		Attached <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: *Emanuel N. Gingerich* Date: 7-27-22

Print name: Emanuel Gingerich (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:

This property is currently being used as a residential property - The reason for the variance is because with A-2 Set back we can't build a 40'x48' building because the lot is so small

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

Vehicles & my semi truck will sit outside in the winter time & up set our neighbors when i let my semi truck run

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:

because this property is currently under A-2 - To build this new building we need R-1 Set backs

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

I can't meet A-2 Set backs because the lot is too small - but i can make it work with R-1 Set backs

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

There are really know other Alternatives because I need about 1920 sq ft to get Everything Inside

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

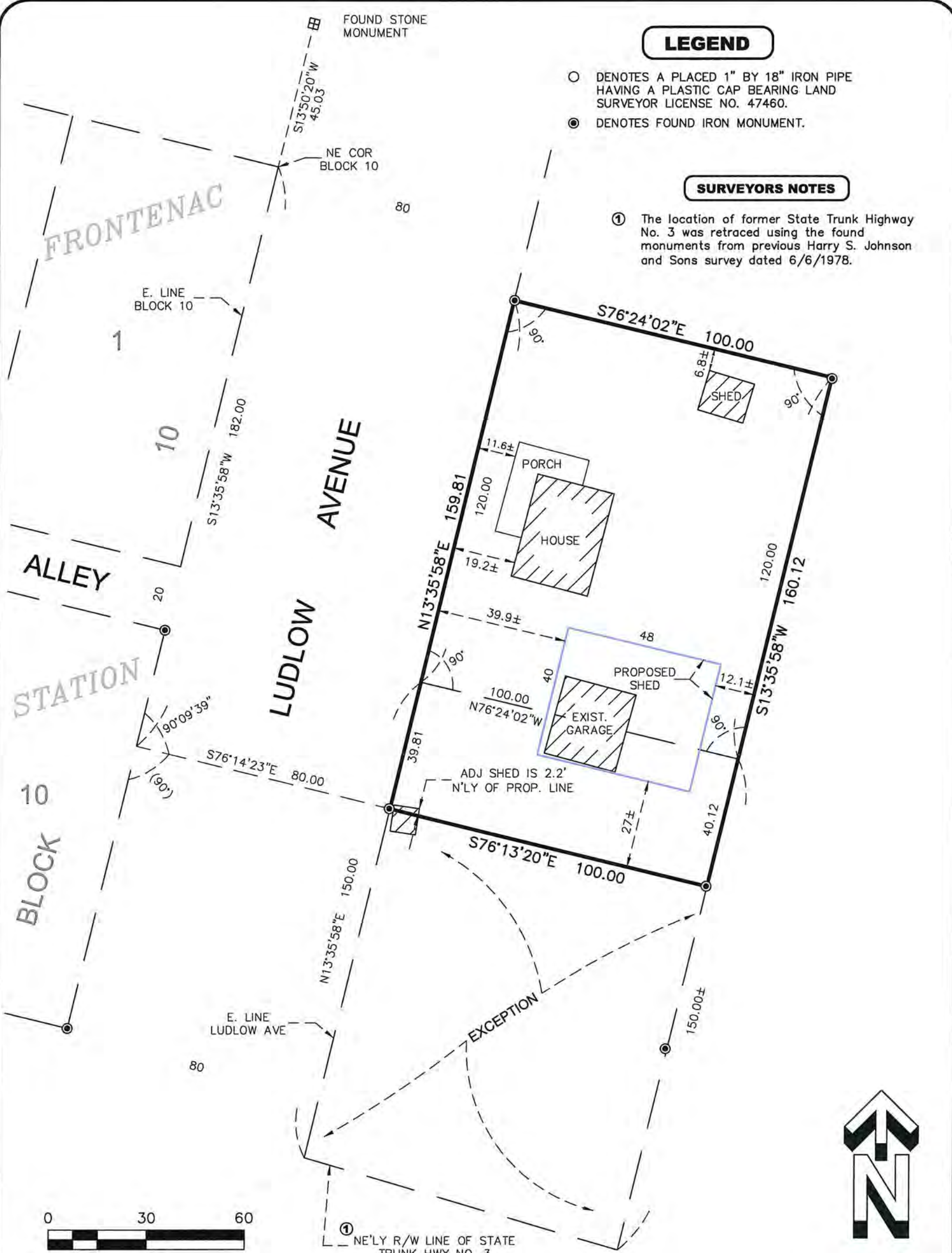
It would enhance the neighborhood -

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

- ① The location of former State Trunk Highway No. 3 was retraced using the found monuments from previous Harry S. Johnson and Sons survey dated 6/6/1978.



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

S:\Share\STR\CERTS\112-13\15\FEEHAN\FEEHAN.dwg

CERTIFICATE OF SURVEY FOR:

ERIC FEEHAN

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.

[Signature]

Marcus S. Johnson
Minnesota License No. 47460
Date: July 26, 2022



JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

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

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 2 SHEETS	22-690	S-10265	

Florence Township

Goodhue County, Minnesota | Zoning Application

APPLICATION NO.	_____
FEE	\$ _____
DATE	_____

1. GENERAL PROVISIONS

- a. No changes in plans or specifications can be made to the work authorized herein unless such change is first approved in writing by the permitting authority.
- b. Permittee shall grant access to the site at all reasonable times that the permitting authority or his/her agents may conduct inspections to ascertain compliance with the terms and conditions of this permit.
- c. The Construction Site shall be kept reasonably free of debris at all times to not create a public nuisance.
- d. Permittee shall install permanent and temporary erosion control measures in order to prevent erosion of disturbed soils from the project site onto adjacent parcels of land, public waters, public roads, ditches, sewer facilities and the like. Permittee shall cease all related authorized construction activities until any such problem is corrected as agreed to by the permitting authority.
- e. The granting of this permit does not exempt the permittee from having to secure other permits from other State, Federal or Local units of government which may have jurisdiction over portions of the authorized project.

2. APPLICATION IS HEREBY MADE BY:

OWNER Thomas L Welsh

ADDRESS 228 Jones Rd

Mathis, TX 78348

TELEPHONE _____

EMAIL _____

AUTHORIZED AGENT

ADDRESS Eric Feehan

30100 Lullow Ave Frontenac, MN

TELEPHONE _____

EMAIL _____

CONTRACTOR Jessy Cox

ADDRESS 34894 Johnston St

TELEPHONE _____

EMAIL _____

ADDITIONAL NOTES:

Florence Township

Goodhue County, Minnesota | Zoning Application

3. PROJECT INFORMATION

To: erect, repair, replace, extend, a structure

a. Site Address: 50100 Ludlow Ave Frontenac MN

b. GPS Coordinates: _____

c. The structure is currently used for: residence, commercial building, industrial building, accessory building, or other (describe) _____

d. The structure will be used for: residence, commercial building, industrial building, accessory building, or other (describe) _____

e. The proposed structure use is allowed in the district.

Yes

No If no:

Conditional Use Permit: Need to Apply Have Applied Acquired # _____

Interim Use Permit: Need to Apply Have Applied Acquired # _____

Variance: Need to Apply Have Applied Acquired # _____

f. Is the project within the Florence Historic District? Yes No

Additional information: _____

g. Is there shoreland located within the subject parcel? Yes No

Additional information: _____

h. Is there a floodplain located within the subject parcel? Yes No

Additional information: _____

i. Is the project located near designated wetlands? Yes No

Additional information: _____

j. Is the project located along the bluffs? Yes No

Additional information: _____

k. Are there any existing non-conformities on the lot? Yes No

Additional information: _____

I. The following applicable items shall be submitted with this application:

i. A site plan with dimensions drawn to scale showing:

- Location of property lines, utilities, and related easements, including electric lines, storm drainage, septic fields, and water services.
- The location and extent of any required setbacks and yards.
- The location, dimension and configuration of all existing and proposed structures and improvements.
- The location and extent of any wetlands, blufflands, or shoreline.
- The location, access and dimensions of existing and proposed off-street parking facilities.
- The location, dimension and materials of sidewalks, driveways, and other impervious surfaces.
- The location and details of any landscaping and screening (if proposed or required).
- The location of any proposed sign.
- The number and type of dwelling units proposed.
- The land uses surrounding the lots for which the zoning approval is being sought.
- A date, north arrow, scale and name of the project.

ii. Building floor plan with dimensions, drawn to scale

iii. Other (describe) See attachments

m. Dimensions

The lot dimensions conform to existing standards. Yes No

Lot Dimensions _____ Corner Lot yes no
Lot Area See attachments Interior Lot yes no

n. Main Structure

- a. Construction (describe) _____
- b. Height: (stories and feet) _____
- c. Number of dwelling units _____
- d. Total square feet of building _____
- e. Front yard setback _____ (Feet)
- f. Side yard setback _____ (Feet)
- g. Side yard setback _____ (Feet)
- h. Rear yard setback _____ (Feet)

o. Accessory building (The height, bulk, and size of an accessory structure shall not exceed that of the main structure; Zoning Ordinance No. XX, Article 5.404(C).)

- a. Construction (describe) See attachments
- b. Height: (stories and feet) _____

- c. Number of dwelling units _____
- d. Total square feet of building _____
- e. Front yard setback _____ (Feet)
- f. Side yard setback _____ (Feet)
- g. Side yard setback _____ (Feet)
- h. Rear yard setback _____ (Feet)

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 Florence Township and 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 Florence 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 Florence Township. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.

Thomas Thibault

Applicant Signature

4/19/2022

Date

OFFICIAL USE

ZONING PERMIT: Approved. Fee Received \$ _____
 Denied. Not in conformance with the following provision(s) of the Zoning Ordinance.

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 *S. M. Ego* Title *Chair* Date *8-3-2022*

Signature _____ Title _____ Date _____

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
August 22, 2022

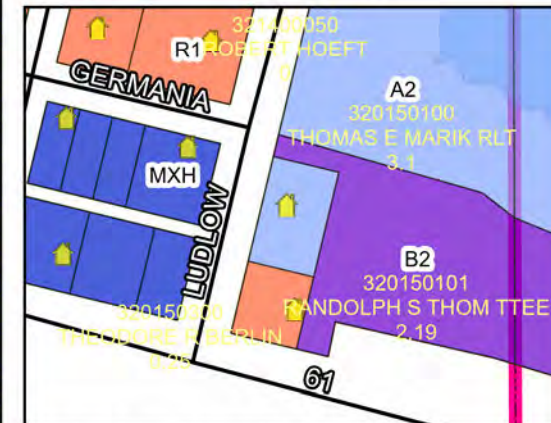
Emanuel Gingerich (Applicant)
Thomas Welsh (Owner)
A2 Zoned District

Part of the NE ¼ of the NE ¼ of
Section 15 TWP 112 Range 13
in Florence Township.

Variance request to allow construction of
a garage less than 60-feet from the
Right-of-Way and less than 30-feet from
the side and rear yard property lines.

Legend

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



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2020 Aerial Imagery
Map Created July, 2022 by LUM





BOARD OF ADJUSTMENT

Public Hearing
August 22, 2022

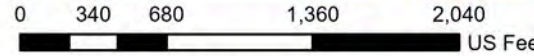
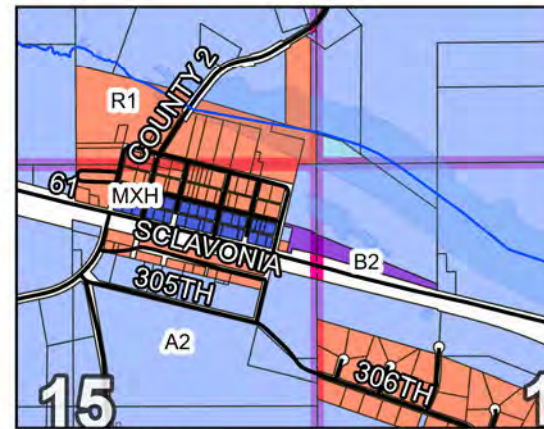
Emanuel Gingerich (Applicant)
Thomas Welsh (Owner)
A2 Zoned District

Part of the NE ¼ of the NE ¼ of
Section 15 TWP 112 Range 13
in Florence Township.

Variance request to allow construction of
a garage less than 60-feet from the
Right-of-Way and less than 30-feet from
the side and rear yard property lines.

Legend

- Intermittent Streams
- Protected Streams
- Lakes & Other Water Bodies
- Shoreland
- Historic Districts
- Parcels
- Registered Feedlots
- Dwellings
- Municipalities
- Bluff Impact Zones (% slope)**
 - 20
 - 30
- 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 2022.



Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: August 22, 2022
Report date: August 12, 2022

PUBLIC HEARING: Request submitted by Christopher Pesklo (Owner) appealing the Zoning Administrator's determination that beekeeping is an agricultural use and is therefore not a permissible use in the R-1 Suburban Residence District.

Application Information:

Applicant: Christopher Pesklo (Owner)
Address of zoning request: 510th ST Path Kenyon, MN 55946
Parcels: 36.160.0100
Abbreviated Legal Description: Block 2 of Skyberg in Kenyon Township

Attachments and Links:

Application and submitted project summary
Site Maps
Definitions, R-1 District Regulations, Table of Uses
Goodhue County Zoning Ordinance:
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

Christopher Pesklo (Owner), has formally appealed the Zoning Administrator's determination that beekeeping is an agricultural use and is therefore not permitted in the R-1 Suburban Residence District. The property in question is just over 3,000 square feet of vacant land in Kenyon Township in the former Town of Skyberg originally platted in the 1800s.

In May 2022, Zoning staff was contacted by Kenyon Township Supervisors and County Commissioner Todd Greseth regarding beekeeping in the R-1 District. The Township Supervisors and Commissioner Greseth were specifically referring to the property in question, owned by Mr. Pesklo. Staff stated beekeeping would fall under the definition of "Agricultural Use" which is not a permitted use in the R-1 District. Kenyon Township sent the property owner a letter stating beekeeping would not be a permitted use in the R-1 District that month.

The property owner spoke with County Zoning staff on May 18, 2022, at the Goodhue County Government Center. He questioned possible uses of the property and staff informed him that beekeeping and other agricultural uses are not permitted in the R-1 District.

At this May 2022 meeting, the property owner was informed that he may appeal staff's interpretation of the Zoning Ordinance to the Board of Adjustment. Staff continued discussions about the property with the Township throughout June and July 2022. On July 7, 2022, the Zoning Administrator conducted a site visit to the property where two bee boxes were discovered along with a picket fence and various signs warning of the presence of bees and promoting the area as "pollinator-friendly". Staff sent a certified letter to the property owner on July 11, 2022, ordering the removal of the bee boxes.

Upon receipt of the application for appeal all enforcement procedures are stayed until the Board of Adjustment takes action on the item.

Appeals Ordinance Language:

Article 5 Section 4 Subd. 2:

The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.

Article 5 Section 4 Subd. 3:

The Board of Adjustment shall hear and determine appeals:

A. Where it is alleged there is error or abuse of discretion in any order, requirement, decision, or determination made by any administrative official or Zoning Administrator in the enforcement of the provisions of any ordinance adopted by the County Board creating zoning districts or regulating the use of property in the County; or

B. From the rulings, decisions, and determinations of any administrative official or Zoning Administrator in granting or denying applications from any rule, regulation, restriction or requirement of the zoning or set-back ordinances, or any section thereof;

Applicant Comments:

- The Applicant has requested the Board of Adjustment consider the small size of the property and that the property cannot be used as a building site. Mr. Pesklo has noted the best use for the property would be an apiary due to the "...location, lack of adjacent neighbors, and large boulevards to the property."
- The Applicant has also noted that several cities in the country, state, and Goodhue County allow beekeeping in residential areas.
- Mr. Pesklo has also provided a narrative regarding his proposed use of the property and the practices he would use to keep the bees healthy and safe.

Staff Comments:

- Staff recognizes the benefits of beekeeping and pollinators in rural areas. Goodhue County does not discourage beekeeping in appropriate locations across the County including in agricultural districts outside of city limits and within cities that permit beekeeping.
- Below are definitions staff has referenced regarding beekeeping and agricultural uses:
 - Agricultural Operation: *A facility consisting of real or personal property used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, but not a facility primarily engaged in processing agricultural products.*
 - Agricultural Product: *Includes, but is not limited to, crops (corn, wheat, hay, potatoes, soybeans); fruit; cider; vegetables; floriculture; herbs; forestry; husbandry; livestock and livestock products; aquaculture products; horticultural specialties; maple sap; etc.*
 - Agricultural Related Products: *Means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods...jams, honey, gift items...*
 - Agricultural Use: *The use of land for agricultural purposes, including farming, dairying, pasturage agricultural, forestry horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.*
- The GCZO Table of Uses in Article 20 notes that Agricultural Operations are not a permitted use in the R-1 District. Based on the definitions above and the Table of Uses, the Zoning Administrator determined that beekeeping would qualify as an agricultural use and is not permitted in the R-1 District.

- Staff acknowledges that several cities, including Red Wing in Goodhue County, allow beekeeping in residential areas. Staff researched the beekeeping Ordinance requirements for Red Wing, St. Paul, and Minneapolis, MN. These requirements are attached to this report. All three cities require a permit for beekeeping in City limits which are renewed regularly. Permit requirements include:
 - Proof of completion of a beekeeping class
 - Setbacks from property lines for each hive
 - Notification to neighboring property owners
 - Flyway Barriers/Screening/Fencing
 - Water Source
- If the BOA is amenable to allowing beekeeping on R-1 zoned properties, it may be prudent to direct staff to work on Ordinance Amendments to draft language similar to the ordinances listed above and begin either a permitting program or allow beekeeping as a Conditional/Interim Use in R-1 Districts to ensure the safety of the bees and neighbors in residential areas.

Kenyon Township:

Kenyon Township is aware of the use of the property for beekeeping and has discussed this with the Applicant. The Applicant would need to work with the Township regarding beekeeping on the property if the BOA reverses the Zoning Administrator’s determination.

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

Staff Recommendation:

Staff does not make a recommendation to the Board of Adjustment on appeals. Whether affirmed or reversed the Board should:

- adopt the staff report into the record;
- accept the application, testimony, exhibits, and other evidence presented into the record; and
- make a determination to affirm or reverse the Zoning Administrator’s rejection of the split request.

Action Options for Consideration:

A. The Board of Adjustment may AFFIRM the Zoning Administrator’s determination that beekeeping is an agricultural use that is not allowed in the R-1 Zoning District based on the Goodhue County Zoning Ordinance’s definitions and Table of Uses.

OR

B. The Board of Adjustment may REVERSE the Zoning Administrator’s determination that beekeeping is an agricultural use thereby permitting beekeeping by right in all R-1 Districts across Goodhue County.
If reversed the BOA should state the reasons for reversal.









APPLICATION FOR APPEAL

For Staff Use only

APPLICATION NUMBER:

Z 220046

\$350 RECEIPT#

17675

DATE 7-25-22

SITE ADDRESS, City, and State		Block Two, Skyberg - Skyberg, MN		ZIP CODE:	55946
LEGAL DESCRIPTION: Kenyon Township, .30acres, Part oof Northeast Quarter of Northwest Quarter Section 36-109-18					
PID#	ZONING DISTRICT	LOT AREA(SF/ACRES)	LOT DIMENSIONS	STRUCTURE DIMENSIONS (if applicable)	
36.160.0100	I	.30 Acres	85x40		

APPLICANT OR AUTHORIZED AGENT'S NAME		Christopher Pesklo	
APPLICANT'S ADDRESS		TELEPHONE:	
1861 Minnehaha Avenue West Saint Paul, MN 55104			
		EMAIL:	

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

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

(Please check all that apply) ADDITIONS TO BUILDING: <input type="checkbox"/> New Building on vacant land <input type="checkbox"/> Rear <input type="checkbox"/> New Addition to existing building <input type="checkbox"/> Front <input type="checkbox"/> Animal Building <input type="checkbox"/> Side <input type="checkbox"/> Storage building <input checked="" type="checkbox"/> Other Please clarify	PLEASE CITE THE DECISION YOU ARE REQUESTING THE APPEAL FROM:	
	An appeal to keep honeybees on my property.	
BUILDING APPLICATION PERMIT NO. : (if filed)	DATE FILED:	
	July 25, 2022	

RECEIVED

JUL 25 2022

Land Use Management

By signing you acknowledge:

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 meeting where my request is decided, I agree to accept the Notice of Decision by certified USPS.
4. Other information or applications may be required.

Applicants Signature:

Christopher Pesklo

July 25, 2022

Date:

Print name: _____ owner or authorized agent

Appeals: Skyberg Honeybees

Appeals Meeting: August 22, 2022, 5:00pm
Submitted: July 25, 2022

Christopher Pesklo
1861 Minnehaha Avenue West
Saint Paul, MN
55104

This is an attachment to the Appeals Form regarding keeping honeybees in Skyberg, Minnesota.

My Background

I am Christopher Pesklo and the owner of a plot of land in Skyberg, in Goodhue County.

I am an eight-year urban beekeeper living in Saint Paul, a retired teacher and presently a postal worker. I have previously taught beekeeping classes at the Minnesota State Fair, jointly with the Minnesota Hobby Beekeepers Association, and was the Secretary and Board member of that organization from 2018-2020.



Christopher Pesklo
Source: Minnesota Public Radio

I presently have beehives in my backyard Saint Paul property, but my honeybees are under foraging pressures from living in an intensely urban environment that is the Twin Cities.

I have worked honeybees in the Saint Paul area for some time and have been called to collect honeybee swarms around the Twin Cities area.¹

My Honeybees

My Honeybees are of the *Apis mellifera* breed and all queens from each of hive are from certified queen breeders, which are bred and raised for gentleness and honey production.

The only threat that the honeybees would be to anyone is if that individual opened the beehive directly. Honeybees are defensive, and will defend their hives, but do not go out looking to sting people.

¹ #MPRbees? Thousands of bees swarm by our St. Paul office, Minnesota Public Radio, June 22, 2018.
https://www.mprnews.org/story/2018/06/22/bee-swarm-downtown-st-paul?fbclid=IwAR1RX43eqEFzPCUUSRH7kDOcv43QyIpfBG3wG06glZ9sFgh_S6-BzCU1JMg

'Killer Bees', more accurately known as *Africanized Bees*, which long have a reputation for aggressiveness (and the main character of many horror movies), are a tropical bee, and cannot live in Minnesota. For the past twenty years they have moved no further north than the present Oklahoma-Kansas state border and are expected to remain for the foreseeable future.

My intention for the property is to build a butterfly sanctuary and sustainable apiary, where 'bee packages' – honeybees that are purchased and brought in from out-of-state, normally from the southern United States would not be necessary, but raised here in Minnesota. Importation of these out-of-state 'bee packages' bring diseases and pests that are harmful to local honeybees. By limiting the importation of bee packages, and raising our own Minnesota local honeybees, it will be beneficial to local establish beekeepers, including as myself.

I will be working my honeybees as described by *best practices* of the University of Minnesota's Bee Lab and common practices within beekeeping.

Since my beehives will be facing east is direction towards the morning sun, away from other residence in Skyberg, the honeybees will be flying high above the resident's houses and would not even notice their presence in the area. Mowed lawns are also not attractive to honeybees so they will have no contact with the Skyberg residents on the ground. My honeybees have already been placed on my property during the first week of May, 2022.

All pollinators have been in sharp decline, with several bumblebee species on the endangered species list.

The Property

The town of Skyberg, Minnesota was established in 1879 and platted in 1896. My property, *Block Two, Skyberg* is a small lot that has no adjacent homes to my property line (see attached map). *Block Two* has never been built on and no records have shown that it has ever been farmed. It sufficed as a community park when the town of Skyberg was more populated and commercialized, before the town became unincorporated sometime during the early 1960s. *Block Two* is surrounded by large boulevards on the west and the full length of the northeast boundary, while the property to the south is a ruined creamery and vacant land. When I purchased *Block Two* in June of 2021, I built a picket fence around the property to demarcate my property line, a flyway barrier, and protection for visitors to stay away from the honeybees. Signs are posted warning of honeybees in the area and also "Keep Out" and "No Trespassing" signs at all entrances.

Since it is not a legally buildable property, the only real use for it could ever be is for an apiary. Because of the location, lack of adjacent neighbors, and large boulevards to the property, it is an ideal location for such an apiary. For all tense and purposes in its present state, the *Block Two* property can only function as an agricultural land.

The boulevards will be kept as prairie restoration for not only a food source for my honeybees, but also as a wayside rest stop for Monarch Butterflies and other pollinators. I have made

arrangements with the Minnesota Department of Transportation for this process, they are in favor of this plan and confirmed by their emails.

I already had contacts with three other beekeepers within Kenyon Township who's honeybees are within the range of the Skyberg area. We have collaborated our collective knowledge about honeybees.

The Ordinance

The present-day honeybee ordinances that have been enacted across the United States, are in process of being repealed and receding by the week. These ordinances are a holdover from the Progressive Era from the 1890-1920s, when city streets were open sewers and carcass of transportation horses remained abandoned on the city streets. While human waste, waterborne diseases and rotting horse flesh pose a public health threat, this was never the case for honeybees. Ordinances banning honeybees was only for the esthetics of separating the 'farm' from the 'urban' environment.

Honeybees have in fact, lived with people in residential areas, not for hundreds – but for thousands of years. Nearly all major cities in the Western World; Minneapolis,² Saint Paul, Chicago, New York, London and Paris France – and now Redwing, Minnesota, all have lifted their restrictions on keeping honeybees within the past fifteen years. Nearly everyone one of Minnesota's eighty-seven counties have no beekeeping restrictions or ordinances. Even Hennepin County – the largest urbanized county in the state *encourages* their residence to take up beekeeping for a better environment. If Goodhue County enforces their beekeeping ordinance, they are possibly the only Minnesota county ever to do so.

Benefits

The obvious benefit of honeybees for humans is of course honey, but the most important benefit of honeybees are their pollination talents. The introduction of honeybees in a given area, with their ability to massively pollinate flowering plants over a wide area that also benefit other pollinators as well, which benefits the entire environment. Where honeybees go, so do other pollinators.

Trunk highway MN-56 has been the focus of proscribed burns by the Minnesota Department of Transportation in order to rejuvenate the landscape, as was done before European settlement.³ MN-56 has been treated as a 'pollinator route' for all pollinators. My honeybees, with their ability to massively pollinate a five-mile radius, can help in that effort. As I have already described, I have made arrangements with the MN-DOT for this process, they are in favor of this plan and confirmed by their emails.

As part of my introduction to the Skyberg residents last year, I pledged that every household in the village would get a jar of honey from my property upon a successful harvest from my property.

² *Beekeeping and Supporting Pollinators*, Minneapolis City Ordinance,
<https://www2.minneapolismn.gov/government/programs-initiatives/homegrown-minneapolis/beekeeping/>

³ *Proscribed Burns*, Minnesota Department of Transportation,
<https://www.dot.state.mn.us/policy/operations/oe001.html>

I have contacted at least three beekeepers withing the honeybee flying rage of Skyberg, and have exchanged information about our honeybees. I bring assets into this community, in the form of expertise and information from my connections with the University of Minnesota Bee Lab, a world renown center for beekeeping and experiance; while I learn from the local beekeepers the environment and what to expect from it locally.

Variance

For the above reasons, I ask the Goodhue County Board of Adjustment for a variance to allow beekeeping on my *Block Two, Skyberg* property with no restrictions. I ask that this property be treated as a A-1 zone in the context of beekeeping only.

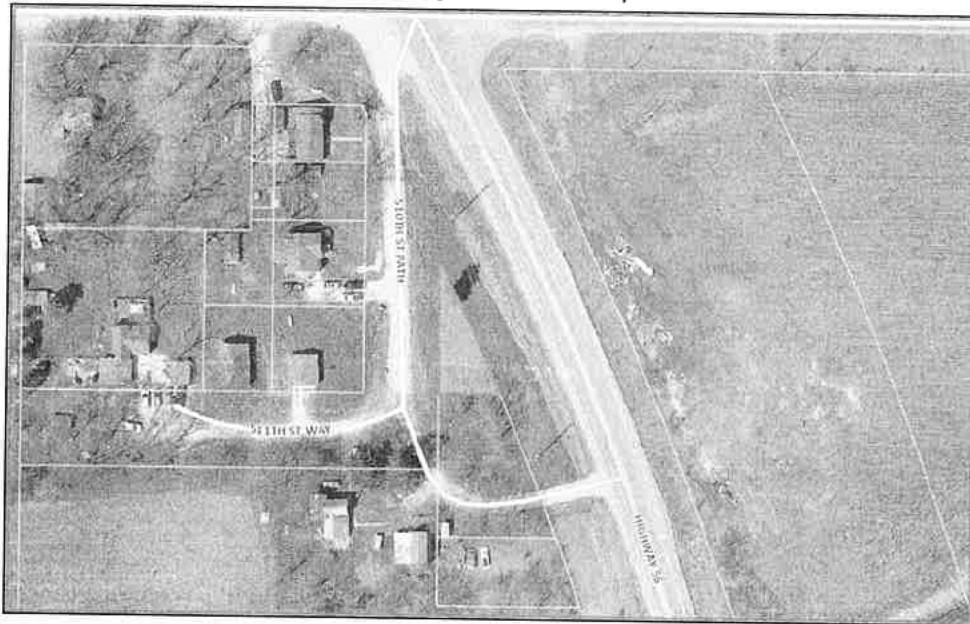
Sincerely;

A handwritten signature in black ink, appearing to read 'C. Pesklo', with a long horizontal flourish extending to the right.

Christopher Pesklo

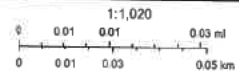
Arial View of Skyberg, Minnesota.
Skyberg, Block Two is the highlighted triangle

Skyberg ArcGIS WebMap



June 27, 2021

- Override 1
- Parcels
- Township or Other Roads
- County Roads 1,200
- County Roads - Paved
- Major Roads 1,200
- State Highway
- Township or Other Roads
- Township or Other Roads



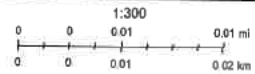
ArcGIS WebApp Builder

Skyberg II ArcGIS WebMap



June 27, 2021

- Override 1
- Parcels
- Township or Other Roads
- Township or Other Roads
- Township or Other Roads



ArcGIS WebApp Builder



CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS

ANIMAL CONTROL DIVISION

ST. PAUL, MINNESOTA 55108

Phone: 651-266-1100 Fax: 651-266-1120

Visit our Web Site at www.stpaul.gov/safety-inspections

RULES AND REGULATIONS RELATING TO THE KEEPING OF ANIMALS

(pursuant to Saint Paul Legislative Code

§ 198 and §200)

A. Scope and Purpose.

The provisions of this regulation shall apply to the keeping of animals that require a permit from the City of Saint Paul, Department of Safety and Inspections, Animal Control Center. Animals covered under this regulation include: more than one (1) rabbit; and/or any hoofed animal, ferret, mink, female chicken, turkey, duck, goose, pigeon, or similar small animal or bird, any chinchilla, hamster, gerbil, rat, mouse, or guinea pig **not** maintained as a pet; bees, wild or exotic animals; more than three (3) dogs or more than three (3) cats, and other animals not absolutely prohibited by § 198.03.

B. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. The word "shall," indicates a mandatory requirement.

- 1) **Bees** are defined as Genus and Species *Apes Mellifera*.
- 2) **Wild animal** means any non-human living creature, wild by nature, endowed with sensation and power of voluntary motion, and includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.
- 3) **Dog and Cat** means the male or female of any breed of domesticated dog or cat.

When such animals are kept they shall be controlled to prevent them from harming themselves or the public. They shall also be kept in such a manner as to prevent them from becoming a public or private nuisance.

C. Application for Permit.

- 1) The application for a permit shall be on a form supplied by the Department of Safety and Inspections, Animal Control Center. Application for a permit shall be accompanied by written approval from 75% of owners and/or renters of privately or publicly owned real estate, within 150 feet of the outer boundaries of the applicant's premises (excluding properties that across streets) for which the permit is being requested, or proof that the applicant's property lines are 150 feet or more from any structure. Properties across any street from the applicant's property are not included in the petition.
- 2) The application shall list the species and number of animals covered by the permit.

- 3) The permit shall state the species and number of animals which may be maintained on the premises, and the permittee shall immediately inform the Animal Control Center, in writing, when the number of animals maintained on the premises exceeds the number allowed by the permit or when a different number or species is substituted for those listed on the permit.
- 4) Permits for fostering or rescuing animals on behalf of an organization shall have this stated on the application. A statement must be provided from the rescue organization, on their letterhead, and must be signed by the chair or president of the organization. The statement must include details regarding the maximum number and species of foster animals that may be on the premises and any given time. Permit holders who foster dogs must license their foster dogs at their own expense.
- 5) If the applicant resides in a building or structure that consist of five (5) or more individual units (condos, townhomes, apartments, etc.), the applicant must obtain written permission from the Property or Association Manager, as well as any affected properties within 150 feet. The Manager may create any additional rules and regulations it deems necessary.
- 6) Where a property consists of a multiple dwelling and lies within 150 feet of the applicant's dwelling, the applicant need only obtain the written consent of the Owner, Manager or other person in charge of the building.

D. Facilities.

- 1) Housing facilities and grounds shall be maintained in a clean and sanitary condition, and in good repair. Flies, rodents, and noxious odors shall be controlled. Facilities shall be kept free of fecal matter and collected fecal material shall be properly stored and disposed.
- 2) Construction and maintenance of the holding facilities shall comply with all applicable rules, regulations, ordinances, and statutes.
- 3) Stored fecal matter shall not be allowed to accumulate on the property. Stored fecal matter shall be removed at least twice each week between April 1 and November 30.
- 4) No permit shall be issued until the owner has demonstrated that the animal(s) shall be kept in a holding area, capable of containing the animal(s).
- 5) Fowl, including adult chickens, and other livestock or barnyard type animals may not be housed inside human dwellings, including basements.

E. Flying of Pigeons.

Racing and Homing pigeons may be allowed to fly for a period of time not to exceed two (2) hours. The two-hour period may take place once in the morning between the hours of 6:00 am and 10:00 am, and once in the evening between the hours of 3:00 pm and 7:00 pm. The birds shall not be allowed to become an annoyance or nuisance to neighboring properties.

F. Rodent Control.

When rodent control measures are indicated, rodent control measures will be instituted by the permit holder or by any approved licensed pest control operator.

G. Bees.

See "Bee Keeping Rules and Regulations."

H. Dogs, Cats, and Ferrets.

- 1) Dogs, cats, and ferrets must be vaccinated and display rabies vaccination tags in accordance with Saint Paul Legislative Code Chapter 199.
- 2) Dog must be licensed in accordance with Saint Paul Legislative Code § 200.02.
- 3) The owner shall provide proof of current license and vaccinations prior to inspection.

I. Inspections.

The owner shall provide Animal Control with access to the property and any animal housing areas for initial, annual, and complaint based inspections.

J. Other Restrictions.

Obtaining and maintaining a permit is also subject to any other restriction or condition not listed in the rules and regulations which are imposed by the Animal Control Center to protect the public health and safety, or to prevent or control a condition unique to the applicant's premises or animals.

K. Revocation or Denial of a Permit.

- 1) Violation of the terms of the permit or the rules and regulations for obtaining and maintaining a residential permit shall be grounds for revocation or denial of the permit.
- 2) Substantial reports from owners or renters within 150 feet of the outer boundary of the permittee's property that the animals frequently or habitually are noisy or create another nuisance condition shall be grounds for revocation of the permit.
- 3) Failure to renew the permit shall be grounds for revocation of the permit.
- 4) Violation of privately owned building or association rules shall be grounds for revocation of the permit.
- 5) Notification of denial or revocation shall be issued by Animal Control by mail or in person and shall mean the permit is no longer valid. The applicant or permit holder will have ten (10) days maximum to remove or reduce the number of animals, whichever is applicable.



CITY OF SAINT PAUL

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BEE KEEPING RULES AND REGULATIONS

1. **Additional petition requirement:** If the location of the hive is on a multi-family lot, all families sharing the property must give consent for the hives in addition to the standard 75% already required for the petition.
2. **Education:** The permit applicant must show proof of having taken a beekeeping class not more than two years prior to initial application and must utilize beekeeping best practices to ensure that the bees do not become a public nuisance. Class list can be found at: <http://www.mnbeekeepers.com/classes>.
3. **Number of Colonies:** There must be no more than two colonies of bees for every 2,000 square feet of property area, with no more than four (4) colonies on any one property.
4. **Water Source:** A water source on the property shall be provided for the bees.
5. **Location of Colonies:** The bee hive(s) must not be located in the front of a property. They may be no closer than twenty-five (25) feet to an occupied building on another lot. The hives shall be located at least 10 feet from a property line.
6. **Fencing:** Yards housing bees must be fenced. A permit is required to install a fence. Information on fencing permits can be obtained through the Department of Safety and Inspections, (651) 266-8989. If the fence is not a privacy fence at least 6 feet in height, the applicant may also be required to install a flyway barrier.
7. **Fencing Exemption:** Yards that do not border a public right-of-way (alley, sidewalk, or street) may request an exemption from the fencing requirement. Applicants for a fencing exemption must provide a separate petition showing that 100% of property owners on abutting lots give consent for the fencing exemption.
8. **Flyway Barriers:** Flyway barriers must be used to ensure the bees assume a vertical flight pattern in and out of the hive.
 - Flyway barriers must be installed if the colony is less than 25 feet from the property line. The flyway barrier must extend 10 feet in either direction from the hive along the property line.
 - Barriers may be made of a wall, fence, or dense vegetation. A combination of these things is permissible.
 - Barriers must be a minimum of 6 feet in height.
 - Fencing: a permit is required to install a fence. Information on fencing permits can be obtained through the Department of Safety and Inspections, (651) 266-8989.
9. **Signage:** The permit applicant must post a clearly visible warning sign, readable a minimum of five feet from the hive, that a bee hive is present on the property.
10. **Hive Maintenance:** Hives must be kept painted. Unused equipment must be secured to protect from weather, theft, or occupancy by swarms.
11. **Roof Top Hives:** Bee hives intended for roof tops shall be located only on flat roofs. Consider the following for roof top hives:
 - **Proposed Layout:** The layout of the roof should show the location of the hives, stair access, and guard rails.
 - Access to hives must be provided by a permanent stair system, meeting applicable building code

- standards. Ladders or other similar devices may not be used in place of stairs.
- A guard is required if the hive is within 10' of the roof edge.
 - A layout for a walkway to the hive, depending on the type of roof surface.
 - A strapping system to ensure the lid to the hive is kept secure.
 - **Signage:** The permit applicant shall post a clearly visible warning sign on the rooftop access door to warn persons accessing the roof that a bee hive is present on the rooftop. The rooftop must have secure and limited access. This requirement is in lieu of the above described signage requirement for ground level hives.
 - **Historic Preservation Commission:** Approval is required if the property is located within a historic district or designated site.
 - **Engineering:** Engineering may be required to ensure the roof is capable of holding a load for 200-500 pounds. Consideration should be made to address the stability of the roof due to additional weight, any affect to drainage, affects to the roofing material, etc. These items will not be addressed in the City's review of the installation but should be addressed by the property owner prior to installation.

12. **Public Nuisance:** Care must be taken so as not to cause a public nuisance in your neighborhood.

13. **Inspection:** The Saint Paul Department of Safety and Inspections (DSI) is authorized to conduct such inspections as it deems necessary to insure compliance with all provisions of Chapter 198, and shall have right of entry at any reasonable hour to the bee hive for this purpose.

14. **Additional Requirements:** Site-specific requirements may be implemented for community gardens, educational institutions, commercial properties, and other sites, as necessary.

63.100. Honeybees.

- (a) No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City of Minneapolis without a permit.
- (b) The number and location of hives, colonies, and/or facilities for the housing of honeybees permitted by this section shall be determined by a permit issued by MACC. The permit shall specify any restrictions, limitations, conditions, or prohibitions required by MACC as necessary to safeguard public health and the general welfare. Subject to a hearing to be held by a committee of the council or other designated hearing examiner, if requested within five (5) days of the notification, MACC may deny, suspend, or revoke any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of honeybees becomes a public nuisance.
- (c) MACC may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by MACC and has provided evidence of notification to all immediately adjacent property owners in a format supplied by or approved by and to the satisfaction of MACC. If the applicant is a renter, approval from the property owner shall be required. Neighbor notification shall be the responsibility of the property owner, though it may be carried out by the applicant.
- (d) Any person desiring a permit for the keeping of honeybees shall make application to MACC. Approval of the application is subject to reasonable conditions prescribed by MACC. All permits issued shall expire on January 31 of the year following issuance unless sooner revoked. The application fee for such permit shall be as established in the license fee schedule and shall be paid at the time of application. There shall be no fee for annual renewal, but the permit must be renewed annually for administrative tracking and notification purposes in a format supplied by or approved by MACC. Failure to provide such renewal shall constitute a violation of this section and may result in revocation of permit. MACC shall inspect the premises as deemed necessary. Should the permit be refused, denied, or revoked, the fee paid with the application shall be retained by MACC.
- (e) *Standards of care and practice.* Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:
 - (1) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
 - (2) Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.
 - (3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials, once removed from the site, shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
 - (4) For each colony permitted to be maintained under this section, there may also be maintained upon the same apiary lot one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths (9 $\frac{5}{8}$) inch depth ten (10) frame hive body with no supers.
 - (5) Each beekeeper shall maintain beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm even if the beekeeper is not intentionally keeping honeybees.
 - (6) Each beekeeper shall enclose their property and/or the apiary with a latching fence. A fence shall not be required if the hives are approved to be located on a rooftop so as to be inaccessible to the general

-
- public so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right-of-way.
- (7) Each beekeeper shall, if unable or unwilling to continue to maintain their permitted hives, promptly notify MACC so that the hives may be made available to an approved honeybee rescue entity, or, if necessary, disposed of by MACC. There shall be a fee as established in the license fee schedule for disposal of hives.
- (f) *Colony density.* Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:
- (1) Except as otherwise provided in this section, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, and any entrances to the hive faces that lot line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation, or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for ten (10) feet in either direction from the hive. All other sides of the area encompassing the colonies shall consist of fencing, a wall, dense vegetation, or combination of at least four (4) feet tall. The area encompassing the colonies need not entail the entire property. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, or is zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line. A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.
- (2) No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:
- One-half ($\frac{1}{2}$) acre or smaller lot: Two (2) colonies;
 - Larger than one-half ($\frac{1}{2}$) acre but smaller than three-quarter ($\frac{3}{4}$) acre lot: Four (4) colonies;
 - Larger than three-quarter ($\frac{3}{4}$) acre lot but smaller than one (1) acre lot: Six (6) colonies;
 - One (1) acre but smaller than five (5) acres: Eight (8) colonies;
 - Larger than five (5) acres: As determined as appropriate by MACC.
- (3) Regardless of lot size, so long as all lots within a radius of at least two hundred (200) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by MACC. No grandfathering rights shall accrue under this subsection. If a beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, a beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies while temporarily housing the swarm on the apiary lot in compliance with the standards of practice established pursuant to this section if the swarm is so housed for no more than thirty (30) days from the date acquired.
- (g) Pursuant to section 244.2000(a) of this Code, any rental dwelling license holder notified by an immediately adjacent property owner of the intent to house beehives on the immediately adjacent owner's property shall post said notice in a common area of the rental property or, if a single-family home, the rental license holder shall provide said notice to the tenant by means of mail, hand delivery, or posting. Said notice shall be provided by the rental license holder to each new tenant thereafter for as long as the adjacent property continues to house beehives. (Ord. No. 2016-009 , § 1, 2-12-16)

Ordinance No. 184, Fourth Series

AN ORDINANCE AMENDING CHAPTERS 10 AND 11 OF THE RED WING CITY CODE TO ALLOW URBAN BEEKEEPING

THE CITY COUNCIL OF THE CITY OF RED WING DOES ORDAIN:

SECTION 1: Chapter 11 of the City Code is hereby amended by deleting the ~~over struck~~ language and inserting the underlined language as shown below:

STANDARDS THAT RELATE TO AGRICULTURAL DISTRICTS AND AGRICULTURAL USES

55-120 Farming Operations.

- C) **Suburban Farm Operations.** Suburban agricultural operations may occur on parcels of less than 10 contiguous acres in Agricultural Districts. Suburban agricultural operations may include the production of crops such as fruit trees, shrubs, plants and flowers, vegetables, and domestic pets, provided such produce is intended for the use of the residents on the property or sale away from the property, or for temporary seasonal produce sales which require no roadside stand.
- 1) Suburban farm operations may include domestic farm animals provided:
 - a) The parcel is greater than five contiguous acres in area with at least two acres of grazeable acreage per animal.
 - b) An adequate animal shelter structure can be constructed.
 - c) A Minnesota Pollution Control Agency Permit can be obtained by the owner/applicant.
 - 2) Suburban farm operations shall not include the raising of domestic farm animals (no parcels of less than five acres), roadside stands for sale of products, processing or packaging operations, or similar uses, with the exception that bee keeping and backyard chicken keeping may occur in agricultural districts (parcels of less than five acres) and non-agricultural districts per the regulations found below in Division 55-120E) and Division 55-120 F).
- E) **Urban/Suburban Bee Keeping Regulations.** A Certificate of Compliance permit shall be required for the keeping of honeybees in non-agricultural districts and in

agricultural districts on properties with less than five acres of land. Applicants shall apply for a permit and follow the regulations outlined below.

1) Definitions

- a. Apiary. The assembly of one or more colonies of bees at a single location.
- b. Beekeeper. A person who owns or has charge of one or more colonies of bees.
- c. Beekeeping Equipment. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- d. Colony. An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- e. Hive. The receptacle inhabited by a colony that is manufactured for that purpose.
- f. Honey Bee. All life stages of the common domestic honey bee (honeybee), *apis mellifera species*.
- g. Nucleus Colony. A small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

2) Certificate of Compliance Requirements.

- a) The applicant shall be the person who will be responsible for the bees. If the applicant shall keep bees on a property that he or she does not own, the property owner shall be required to sign the application.
- b) For each property on which honeybees will be kept, the applicant shall complete an application, pay the required application fee, and provide a site plan or property survey showing the location of hives in relation to any neighboring residences, property lines, sidewalks, alleys, and rights-of-way and how the apiary or property will be visually screened from adjacent property and public areas.
- c) The applicant shall provide the certificate of completion from a honeybee keeping course from the University of Minnesota, Century College, or Three Rivers Park District. Applicants requesting consideration of comparable course from another institution or instructor shall provide documentation regarding such course.

- d) The application review process shall require written notification to all property owners within 250' of a property proposed for beekeeping. Any property owner within the notification area may submit a written objection or comments regarding the permit within 14 days to the Zoning Administrator; these comments will be considered during the application review process. If a property owner living within the notice area submits an objection with written medical documentation from a licensed physician that the person is allergic to honeybee venom, the City shall deny the application.
 - e) All initial permits shall expire on December 31 of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31 of the second year following their issuance unless sooner revoked. An application for a renewal permit shall be filed with the City by November 30 of the year the permit expires.
 - f) The City shall have the right to inspect any apiary at any reasonable time for the purpose of ensuring compliance with this ordinance.
 - g) Any and all permits of a beekeeper may be terminated or not renewed for violation of these regulations following notice to the permit holder and an opportunity for an appeal in accordance with the process outlined in Division 90-120.
 - h) If, as a result of the hearing process, it is determined that the bees must be removed, the City shall give thirty (30) days for such removal. If the order for removal has not been complied with, the City may remove or destroy the bees and charge the beekeeper with the cost thereof. Removal or destruction of bees shall be in consultation with the University of Minnesota Bee Lab or similar organization. As a result of the order for removal, the beekeeper shall not be allowed to have a permit for beekeeping for a period of two (2) years on any property within the City.
 - i) A permit issued to a person whose premises is subject to private restrictions and/or covenants that prohibit the keeping of bees is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.
- 3) Honeybee colonies meeting the requirements of this Division may be kept in any zoning district. Each parcel may not have more than the following number of colonies based on its area:
- a) Smaller than (3/4) acre parcel 2 colonies.

- b) (3/4) acre to less than (1) acre parcel 4 colonies.
- c) (1) acre to less than (5) acre parcel 8 colonies.
- d) Larger than five (5) acre parcel no restriction.
- 4) If the beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if they temporarily house the swarm on an apiary lot in compliance with the standards of practice set out in this ordinance for no more than thirty (30) days from the date acquired.
- 5) Honeybee colonies may be kept in langstroth, warre, or top-bar hives as long as the comb is removable for inspection. All hives shall be kept in a sound and useable condition. All hives shall clearly identify the permit holders name, contact information, and address on which the hive is kept.
- 6) No person shall establish or maintain any hive or keep any bees in the front yard of a property or within 35' of any property line, sidewalk, alley, other public right of way measured from the nearest point on the hive to the property line.
- 7) Each beekeeper shall ensure that a convenient source of water is available within 10' of each of the colonies so long as colonies remain active outside the hive.
- 8) Each apiary shall be visually screened from adjacent properties and public right-of-way. This may be achieved through a combination of buildings, fencing, or vegetation. Additional screening may be required at the discretion of the Zoning Administrator based on the specific site characteristics.
- 9) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- 10) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one nucleus colony in hive structure not to exceed one standard 9-5/8-inch depth 10-frame hive body with no supers.
- 11) Each beekeeper shall maintain their beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft of vandalism, and occupancy by swarms. It shall not be a defense to this

ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

55-130 Livestock.

F) **Hazards and Nuisances.** On parcels of less than 40 acres which are not part of a larger crop producing commercial agriculture farm, the keeping of horses, cattle or other grazing animals on a site with less than 2 acres of existing grazeable land per animal is hereby declared to be a nuisance. No domestic animals, livestock, or kennels shall be placed on any site of less than 5 acres, except as permitted in Division 55-120.

SECTION 2: Chapter 10 of the City Code is hereby amended by deleting the ~~over struck~~ language and inserting the underlined language as shown below:

CHAPTER 10 PUBLIC PROTECTION, CRIMES AND OFFENSES

SECTION 10.07. ANIMALS AND FOWL - KEEPING, TRANSPORTING, TREATMENT, HOUSING.

Subd. 1. Definitions. As used in this Section, the following definitions shall apply.

1. "Farm Animals" - cattle, horses, mules, sheep, goats, swine (except Miniature Vietnamese Potbellied Pigs, subject to Subdivision 9 of this Section), ponies, ducks, geese, turkeys, chickens, guinea hens and honey bees.
2. "Animals" - includes farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

Subd. 2. Keeping. It is unlawful for any person to keep or harbor any animal not in transit, except:

- A. farm animals kept in that portion of the city zoned for agricultural purposes, or,
- B. animals kept as part of a show licensed under the City Code, or,
- C. animals used in a parade for which a permit has been issued, or,
- D. animals kept in a laboratory for scientific or experimental purposes, or,
- E. animals kept in an animal hospital or clinic for treatment by a licensed veterinarian.
- F. backyard chickens and honeybees, in compliance with Division 55-120 (Chapter 11 – Zoning Regulations).

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.267.4875



Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.267.4875

July 11, 2022

Christopher Pesklo
1861 Minnehaha AVE W
St. Paul, MN 55104

NOTICE OF VIOLATION

Mr. Pesklo,

Goodhue County Zoning staff performed a site visit to your property in Kenyon Township (Parcel 36.160.0100) on July 7, 2022, and noted bee boxes are present on-site in violation of the Goodhue County Zoning Ordinance.

The County Zoning Ordinance specifies in Article 20 Section 7 "Table of Uses" Agricultural Operations and Uses are not permitted in the R-1 Suburban Residence District. Article 10 of the County Zoning Ordinance "Definitions" defines Agricultural Operation, Agricultural Product, Agricultural Related Products, and Agricultural Use in detail. All definitions are attached to this letter along with the Table of Uses.

County staff and Township Supervisors have informed you on multiple occasions that beekeeping is not a permitted use on this property due to its zoning classification. On May 18, 2022, County zoning staff informed you of County Ordinance restrictions and that you may appeal staff's decision/interpretation of the Ordinance to the County Board of Adjustment. You were provided with the application and process for filing such an appeal.

All bee boxes shall be removed from the property immediately to avoid this matter being forwarded to the County Attorney's office. Staff will verify all bee boxes have been removed from the property on July 25, 2022.

A handwritten signature in black ink, appearing to read 'Samantha Pierret', is written over a horizontal line.

Samantha Pierret, AICP
Planner/Zoning Administrator
Goodhue County
651-385-3103
samantha.pierret@co.goodhue.mn.us

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
August 22, 2022

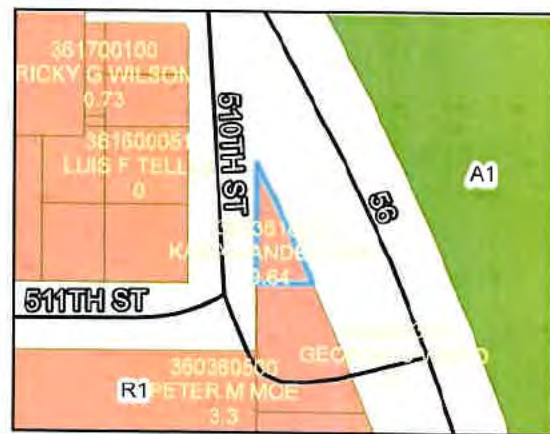
Christopher Pesklo (Owner)
R1 Zoned District

Block 2 of Skyberg in Kenyon Township

Request appealing Zoning Administrator's determination that beekeeping is an agricultural use and is not a permissible use in the R1 District

Legend

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



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2020 Aerial Imagery
Map Created August, 2022 by LUM



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
August 22, 2022

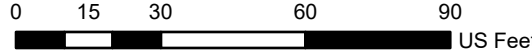
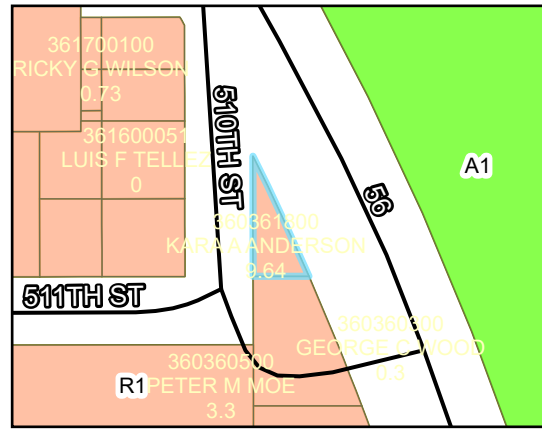
Christopher Pesklo (Owner)
R1 Zoned District

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Request appealing Zoning Administrator's
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Legend

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



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MAP 02: VICINITY MAP

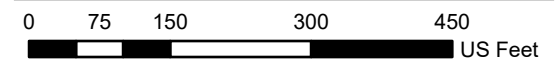
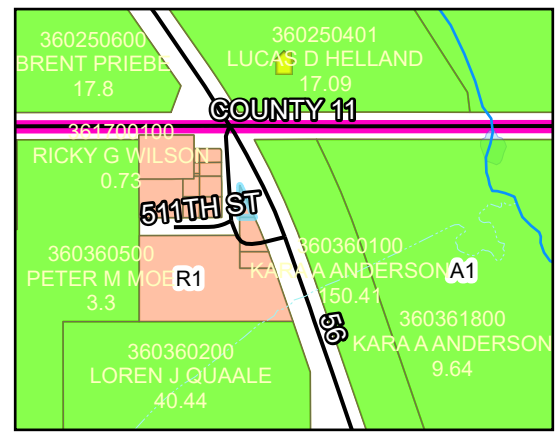
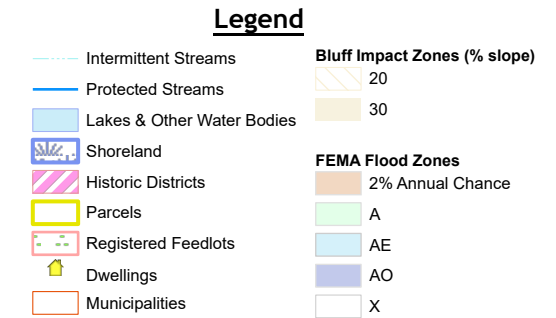
BOARD OF ADJUSTMENT

Public Hearing
August 22, 2022

Christopher Pesklo (Owner)
R1 Zoned District

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Request appealing Zoning Administrator's
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ARTICLE 10 WORD USAGE AND DEFINITIONS

SECTION 1. WORD USAGE

For purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- Subd 1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as individual.
- Subd 2. The word "shall" is mandatory, and not discretionary, the word "may" is permissive.
- Subd 3. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular.
- Subd 4. The words "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- Subd 5. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half ($\frac{1}{2}$) foot or less, the integral foot next below shall be taken.

SECTION 2. DEFINITIONS

When used in this ordinance, the following terms shall have the meanings herein assigned to them. Words used in this ordinance, but not defined therein, shall carry the meanings as defined in Webster's Unabridged Third International Dictionary or its successor volumes.

ABANDONED HOMESTEAD. A formerly established homestead that has since been abandoned.

ACCESSORY BUILDING. A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.

ACCESSORY DWELLING UNIT (ADU). Dwelling units that are accessory to a primary dwelling unit and are on the same tax parcel of land as the primary dwelling unit.

AGGREGATED PROJECT. See Article 18 (WECS)

AGRICULTURAL LAND. Land that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was set aside to receive price support or other payments under United States Code, Title 7, Sections 1421 to 1469, six of the last ten years prior to January 1, 1991.

AGRICULTURAL OPERATION. A facility consisting of real or personal property used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, but not a facility primarily engaged in processing agricultural products. Agricultural operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming.

AGRICULTURAL PRODUCT. Includes, but is not limited to, crops (corn, wheat, hay, potatoes, soybeans); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture

products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

AGRICULTURAL PRODUCT, VALUE-ADDED. This means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities, and tours.

AGRICULTURAL RELATED PRODUCTS. Means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, foodstuffs, clothing and other items promoting the farms and agriculture in Goodhue County and value-added agricultural products and production on site.

NON-AGRICULTURAL RELATED PRODUCTS. Means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts, and knick-knacks imported from other states or countries, etc.

AGRICULTURAL TOURISM. “Ag-tourism” and/or “Agri-tourism” means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, vineyard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

AGRICULTURAL USE. The use of land for agricultural purposes, including farming, dairying, pasturage agricultural, forestry horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

AGRICULTURAL RELATED USE. Means activities that are accessory to the principal use of the property for permissible agriculture use that predominantly use agricultural products, buildings or equipment including activities, events or uses that represent “agricultural tourism” in Goodhue County as defined in this section, including but not limited to:

- A. Bakeries selling baked goods containing produce grown primarily on site
- B. Barn dances
- C. Corn mazes or straw bale mazes
- D. Educational events including but not limited to: activities associated with the promotion of wine usage, viticulture or viniculture classes, historical agricultural exhibits, and farming and food preserving classes.
- E. Gift shops for the sale of agricultural products and agriculturally related products.
- F. Petting farms, animal display, and pony rides
- G. Playgrounds or equipment typical of a school playground
- H. Pumpkin rolling
- I. Sleigh/hay rides
- J. Vineyard harvest festivals

GOODHUE COUNTY ZONING ORDINANCE

Table of Uses

Use	A-1	A-2	A-3	R-1	CS
Residential					
Single-Family Dwelling	P	P	P	P	P
Two, Three, Or Four Family Dwellings	NP	NP	NP	P	NP
Accessory Dwelling Unit (ADU) (Art. 11 § 31)	P	P	P	P	P
Residential Accessory Buildings $\geq 7,200\text{ft}^2$ (Art. 11 § 6)	C/I	C/I	C/I	NP	C/I
Mobile Home Park (Art. 16)	NP	NP	NP	C/I	NP
Agricultural					
Feedlots (Art.13)					
New Feedlot (Art.13)	P	P	NP	NP	NP
New Feedlot outside of Farmyard (Art.13)	C/I	C/I	NP	NP	NP
Feedlot expansion up to ≤ 100 Animal Units (Art.13)	P	P	P	NP	NP
Feedlot expansion to ≥ 300 Animal Units (Art.13)	P	C/I	NP	NP	NP
Feedlot expansion to ≥ 500 Animal Units (Art.13)	C/I	C/I	NP	NP	NP
Animal waste storage structure $\geq 500,000$ gallons (lagoon system, earthen basin, or associated structure [pit]) (Art.13)	C/I	C/I	C/I	NP	NP
Agricultural Operations (including tree farms) (Art.11 § 24)	P	P	P	NP	P
Farm Market/On-farm market/Roadside Stand $< 2400\text{ft}^2$ (Art. 11 § 29)	P	P	P	NP	NP
Farm Market/On-farm market/Roadside Stand $> 2400\text{ft}^2$ (Art. 11 § 29)	C/I	C/I	C/I	NP	NP
Plant Nurseries & Sales	P	P	P	NP	NP
Farm Wineries $< 10,000\text{ft}^2$ (Art. 11 § 27)	P	P	P	NP	NP
Farm Wineries $> 10,000\text{ft}^2$ (Art. 11 § 27)	C/I	C/I	C/I	NP	NP
Temporary/Seasonal Off-Site Roadside Produce Stands	C/I	C/I	NP	NP	C/I
Education Farm Retreat (Art. 11 § 14)	C/I	C/I	C/I	NP	NP
Non-Agricultural Uses Associated W/Agritourism (Art. 11 § 30)	C/I	C/I	C/I	NP	NP
1 Animal Unit per acre on a minimum 1-acre parcel				I	
Agricultural Tourism Accessory Uses (Art. 11 § 28) (including, but not limited to, barn dances, corn mazes, gift shops, petting farms, sleigh/hay rides, vineyard harvest festivals)	P	P	P	NP	NP
Commercial					
Home Businesses - Tier 1 (Art.11 § 12)	P	P	P	P	P
Home Businesses - Tier 2 (Art.11 § 12)	P	P	P	I	I
Home Businesses - Tier 3 (Art.11 § 12)	I	I	I	NP	NP
Commercial Kennel/Raising of fur-bearing animals (Art.11 § 26)	C/I	C/I	C/I ^{bc}	NP	NP
Commercial/Industrial Uses primarily intended to serve Ag. Community	C/I	C/I	C/I ^{bc}	NP	NP
Boarding or Rooming Houses as an accessory use	C/I	C/I	C/I ^{bc}	C/I	NP
Bed and Breakfast Inn (Art.11 § 13)	C/I	C/I	C/I ^{bc}	C/I	NP
Contractors Yard (Art.11 § 33)	C/I	C/I	C/I	NP	NP
Veterinary Clinic	C/I	C/I	NP	NP	NP
Industrial					
Mining, Quarrying, Excavating/Filling (Art.14)	P	P	NP	NP	NP
Junk/Salvage Reclamation Yard (Art.11 § 10)	C/I	C/I	NP	NP	NP

a. Accessory buildings $> 500\text{ft}^2$ shall be $\geq 100\text{ft}$ from any lot line and $\geq 20\text{ft}$ from the nearest dwelling (Art.23 § 3 subd. 1)

b. Any mining, excavating, or filling of land for these uses shall be by conditional use (Art.23 § 3 subd. 10)

c. Accessory structures and uses customarily incidental to this use shall be by conditional use (Art.23 § 3 subd. 11)

KEY: P = PERMITTED NP = NOT PERMITTED C = CONDITIONAL USE PERMIT I = INTERIM USE PERMIT

ARTICLE 24 R-1, SUBURBAN RESIDENCE DISTRICT

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.