



Goodhue County

Minnesota

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. May 22, 2023 DRAFT BOA Meeting Minutes

Documents:

[BOAMEETINGMINUTES_MAYMEETING_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Minimum Lot Size Standards

Request for Variance, submitted by John Wooden (Owner) to A-3 Zoning District standards to allow the split of an existing non-conforming parcel thereby decreasing the size of an existing parcel that is less than 35 acres. Parcel 34.005.0202. 29020 Highway 58 BLVD Red Wing, MN 55066. Part of the SE ¼ of Section 05 TWP 112 Range 14 in Hay Creek Township.

Documents:

[BOAPACKET_WOODEN_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance, submitted by Cory Henry (Owner) to A-3 Zoning District standards to allow the construction of an accessory building less than 60-feet from the Hardwood Way Right-of-Way. Parcel 28.017.3800. 30188 Hardwood Way Cannon Falls, MN 55009. Part of the NE ¼ of Section 17 TWP 112 Range 17 in Cannon Falls Township.

Documents:

[BOAPACKET_HENRY_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance, submitted by Scott Schuett and Jane Umnus (Owners) to A-2 Zoning District standards to allow the construction of a garage addition less than 60-feet from the Highway 19 Right-of-Way. Parcel 28.016.1500. 8070 Highway 19 BLVD Cannon Falls, MN 55009. Part of the NW ¼ of the NW ¼ of Section 16 TWP 112 Range 17 in Cannon Falls Township.

Documents:

[BOAPACKET_SCHUETT_REDACTED.PDF](#)

Other-Discussion

Adjourn

Anyone interested is invited to attend. Agenda items may be subject to change.

Goodhue County Land Use Management

◆ Goodhue County Government Center ◆ 509 West Fifth Street ◆ Red Wing ◆ Minnesota ◆ 55066 ◆
◆ Building ◆ Planning ◆ Zoning ◆ Telephone: 651/385-3104 ◆ Fax: 651/385-3106 ◆

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
May 22, 2023 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:00 PM by Vice-Chair Darwin Fox at the Goodhue County Government Center Board Room.

Roll Call

Commissioners Present: Keith Allen, Randy Rechtzigel, Dennis Tebbe, Scott Breuer, and Darwin Fox.

Commissioners Absent: Daniel Knott

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Samantha Pierret, and Zoning Administrative Assistant Patty Field

1. Approval of Agenda

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

Motion carried 5:0

2. Approval of Minutes

²Motion by Commissioner Tebbe and seconded by Commissioner Breuer to approve the previous month's meeting minutes, with the instruction that staff verify that the motion to adjourn the meeting was made by Commissioner Breuer.

Motion carried 5:0

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings:

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Phillip Finucan (Owner) to A-2 Zoning District standards to allow the construction of a lean-to shed addition less than 30-feet from a side yard property line. Parcel 46.012.0401. 23121 County 19 BLVD Welch, MN 55089. Part of the NE ¼ of Section 12 TWP 113 Range 16 in Welch Township. A2 Zoned District.

Pierret presented the staff report and attachments.

Commissioner Tebbe confirmed that the drains going into the septic will not be negatively affected because the drains will now be covered by the lean-to.

Pierret said that is correct. Environmental Health has already signed off and reviewed the building permit for this.

Commissioner Allen asked what the required setback from the property line is.

Pierret answered 30 feet.

Commissioner Breuer stated it looks like the addition is just going to cover the cement slab, correct.

Pierret answered yes, that is correct.

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
May 22, 2023 MEETING MINUTES
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Vice-Chair Fox opened the Public Hearing

No one spoke for or against the request.

3After Vice-Chair Fox asked three times for comments it was moved by Commissioner Tebbe and seconded by Commissioner Allen to close the Public Hearing.

Motion carried 5:0

Vice-Chair Fox said that a variance was granted for this once before in Welch when he was on the board. It used to be an A-3 and was a very unique situation where there was very limited space for the structures. There are no other options, there is already a cement slab there the Applicant wants to use and the Township has approved its own variance.

4Motion by Commissioner Breuer, seconded by Commissioner 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 Phillip Finucan (Owner) to A-2 Zoning District standards to allow the construction of a lean-to-shed addition no less than 22 feet from the west property line.

Motion carried 5:0

5. Other-Discussion

Hanni discussed the hiring process for a new Zoning Assistant and indicated the office has seen a lot of activity in the last few weeks.

5Motion by Commissioner Allen, seconded by Commissioner Tebbe to adjourn the BOA meeting at 5:11 PM.

Motion carried 5:0

Respectfully submitted:

Patty Field, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the BOA meeting agenda.

Motion carried 5:0

² APPROVE the previous month's meeting minutes, subject to review of the motion to adjourn.

Motion carried 5:0

³ Motion to close the Public Hearing.

Motion carried 5:0

⁴ APPROVE the Variance request to A-2 setback standards.

Motion carried 5:0

⁵ ADJOURN

Motion carried 5:0

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: June 26, 2023
Report date: June 16, 2023

PUBLIC HEARING: Request for Variance by John Wooden (Owner) to A-3 Zoning District standards to allow the split of an existing non-conforming parcel thereby decreasing the size of an existing parcel that is less than 35 acres.

Application Information:

Applicant(s): John Wooden (Owner)

Address of zoning request: 29020 Highway 58 BLVD Red Wing, MN 55066

Parcel: 34.005.0202

Abbreviated Legal Description: Part of the SE ¼ of Section 05 TWP 112 Range 14 in Hay Creek Township.

Township Information: Hay Creek Township has been made aware of the project. The Township will need to formally approve any building permits prior to construction.

Zoning District: A-3 (Urban Fringe 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:

The Applicant owns two parcels in the Southeast ¼ of Section 05 of Hay Creek Township. Parcel 34.005.0202 is 8.49 acres and contains a single-family dwelling. Parcel 34.005.0200 is approximately 31 acres with some blufflands and the access driveway to the dwelling. The Applicant also owns Parcel 34.008.0400 in Section 08 of Hay Creek Township. This parcel is approximately 21 acres and also contains the access driveway to the Applicant's dwelling and the access driveways to two other dwellings to the south. The parcels in Section 05 are zoned A-3 Urban Fringe District and the parcel in Section 08 is zoned A-2 General Agriculture District.

The dwelling was constructed in 1993, prior to the adoption of the A-3 Zoning District and 35-acre minimum lot size provisions. Parcel 34.005.0202 was split from parcel 34.005.0200 in 2001 when the property was sold to Wooden Properties LLC (the Applicant). In 2001, dwellings in the A-3 District were restricted to parcels 35 acres or greater. The Zoning Administrator at the time approved the split of parcel 34.005.0200 thus creating a parcel less than 35 acres with a dwelling.

The Applicant has proposed to construct an agricultural storage building on parcel 34.005.0200 which is zoned A-3 but is less than 35 acres (31 acres). To construct any structure on a vacant A-3 parcel, the property must be at least 35 acres in size. To increase the parcel size to 35 acres, the Applicant has proposed to combine approximately 4 acres of land from his dwelling parcel with the 31 acres. At 8.49 acres, the dwelling parcel is already too small for the A-3 District therefore to make a non-conforming parcel smaller a variance must be approved.

The Applicant desires to construct the agricultural structure on the vacant parcel in an area that will preserve agricultural land (alfalfa) and has direct access from the driveway.

Variance Standards:

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

Draft Findings of Fact:

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

- The A-3 minimum lot size standards are intended to provide for urban expansion in close proximity to incorporated urban centers...by conserving land for farming and other open space land uses for a period of time until urban services become available.
- Lots under 35 acres in the A-3 District are considered ineligible for structure or dwelling development.
- The Zoning Administrator may administratively approve most lot splits that do not require formal platting.
- Surrounding land uses include medium-density residential and limited industrial uses among wooded bluffs and land in the City of Red Wing.
- When feasible alternatives exist to avoid a variance, property owners are encouraged to pursue these options. This request may not be in harmony with the purpose and intent of the official control as viable alternatives exist to avoid requesting a variance.

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

- This is a unique situation that is not directly addressed in The Goodhue County Comprehensive Plan. However, the plan does support the use of existing rural residences to provide rural living opportunities in the unincorporated areas of Goodhue County and the preservation of agricultural land.

The proposed parcel split 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 owns two nonconforming parcels in the A-3 District. The existing lot sizes were created at the time the Applicant purchased the property while the A-3 minimum lot sizes were in existence (2001). The Zoning Ordinance provision allowing the split of a dwelling site creating a smaller parcel size in the A-3 was not adopted until around 2012.
- The Applicant desires to construct the agricultural structure on the vacant parcel in an area that will not impact agricultural land (alfalfa) and has direct access from the driveway.
- Staff indicated to the Applicant that they could construct the agricultural storage structure on their 8.49-acre dwelling parcel however that proposal was rejected to preserve agricultural land and avoid impacting the drainfield located on the northeast side of the dwelling.
- Staff also indicated to the Applicant that they could construct an agricultural storage building on parcel 34.008.0400 because it is zoned A-2 and exceeds the minimum lot size of 2 acres. This option was rejected by the Applicant to preserve the agricultural land.
- Land to the south in Section 08 cannot be combined with land in Section 05 without platting due to the section line. Staff rejected this option because Section 08 is zoned A-2 and Section

05 is zoned A-3. Adding land that is zoned A-2 to an A-3 parcel to reach 35 acres would not result in at least 35 acres of A-3 zoned land and a split-zoned parcel.

- The request appears unlikely to alter the essential character of the locality as the area is an area of transition between the City of Red Wing with light industrial uses among residential development with some agricultural uses.

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

- The request does not constitute a use variance.

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

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

Staff Recommendation:

Staff has prepared two recommendations for the request, the BOA will need to determine which motion to adopt.

Motion to APPROVE the Variance Request:

- 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 John Wooden (Owner) to A-3 minimum lot size standards to split an existing parcel less than 35 acres (34.005.0202) to allow the creation of a parcel 35 acres in size (34.005.0200).

Motion to DENY the Variance Request:

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

DENY the request for a variance, submitted by John Wooden (Owner) to A-3 minimum lot size standards to split an existing parcel less than 35 acres (34.005.0202) to allow the creation of a parcel 35 acres in size (34.005.0200).

fee \$350.00

* Fri Jun 2nd = Board of adj June 20th

APPLICATION FOR

Variance

* Site plan for new building/setbacks Johnson

For Staff Use only

VARIANCE NUMBER: 7230018

S350 RECEIPT# 18109 DATE 5/24/2023

SITE ADDRESS, CITY, AND STATE				ZIP CODE:	
<u>John Wooden 29020 Hwy 58 Blvd</u>				<u>55066</u>	
LEGAL DESCRIPTION:					
<u>PID</u>					
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):	
<u>340050200</u>	<u>Hwy Creek</u>	<u>35,001</u>	<u>35 acres</u>	<u>60x80</u>	

APPLICANT OR AUTHORIZED AGENT'S NAME	
<u>John Wooden</u>	
APPLICANT'S ADDRESS:	TELEPHONE:
<u>29020 Hwy 58 Blvd</u> <u>Red Wing MN 55066</u>	

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

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

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:
	<u>ag Land / 31 acres Tillable</u>
	PROPOSED USE:
	<u>ag Land + 60x80 ag Equipment Building</u>
	BUILDING APPLICATION PERMIT NO. (if filed)
	DATE FILED:

TOWNSHIP SIGNATURE:		
By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.		
	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: [Signature]

Date: 5-23-23

Print name: John Wooden (owner or authorized agent)

- A goal to cut parcel # 340050200 to 35.0 acres / For future dwelling
- * Why we want to build on location, #1 septic location on home parcel #2 do not want to cut up tillable land

REQUEST SUMMARY

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

Article: _____ Section: _____ Name: John Wooden
 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:

I own (3) parcels totalling 60.0 acres / 31 acres are tillable & I intend to pursue
move farming of my land in the future, therefore I would like to add an
ago storage building but I want to preserve as much as tillable
as possible. I also want to protect the current septic field on my current
dwelling parcel. The # 340050200 will then have an ag building on it.
Describe the effects on the property if the variance is not granted:

I could come up move ag land / and want to preserve the tillable
land, but I need a building to support my farm.

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:

340050202 Dwelling parcel (Home is on) has a drain field, do not
want to disturb.

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

There were no alternatives

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

There was no other option

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

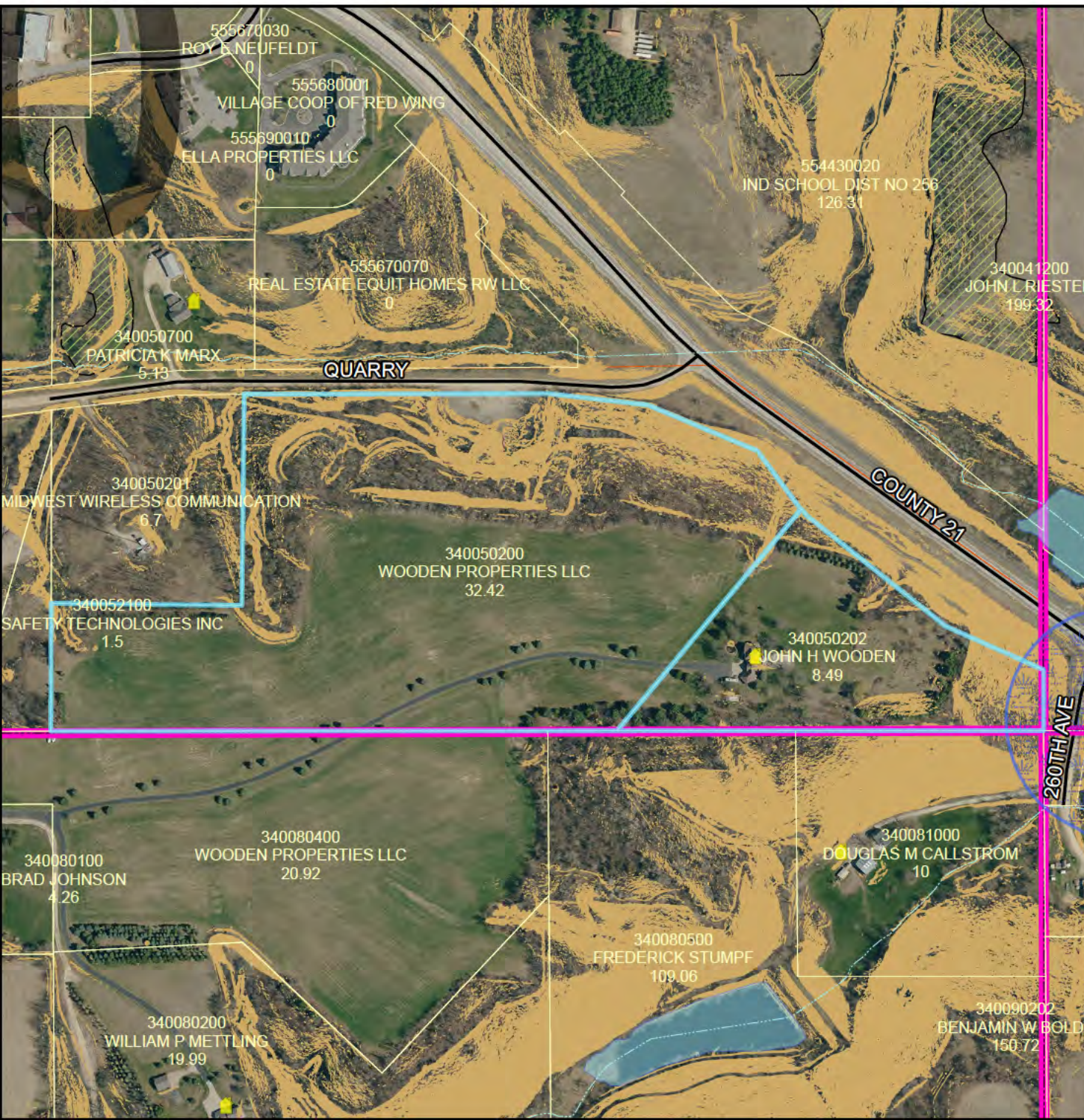
The neighborhood of Haystack & Hwy 52 Blvd has been granted multiple
homesteads & outbuildings over time. What I am proposing is
in the spirit of the area. = Preserve Tillable Ag Land

RECEIVED

MAY 24 2023

Land Use Management

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
June 26, 2023

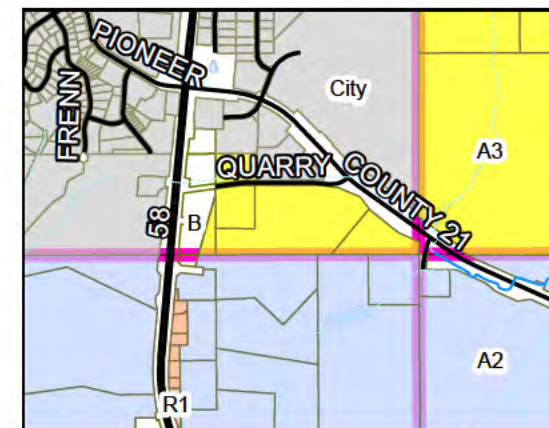
John Wooden (Owner)
A3 Zoned District

Part of the SE 1/4 of
Section 05 TWP 112 Range 14
in Hay Creek Township

Request for Variance to allow the split
of an existing parcel thereby decreasing
the size of an existing parcel that is less
than 35 acres.

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

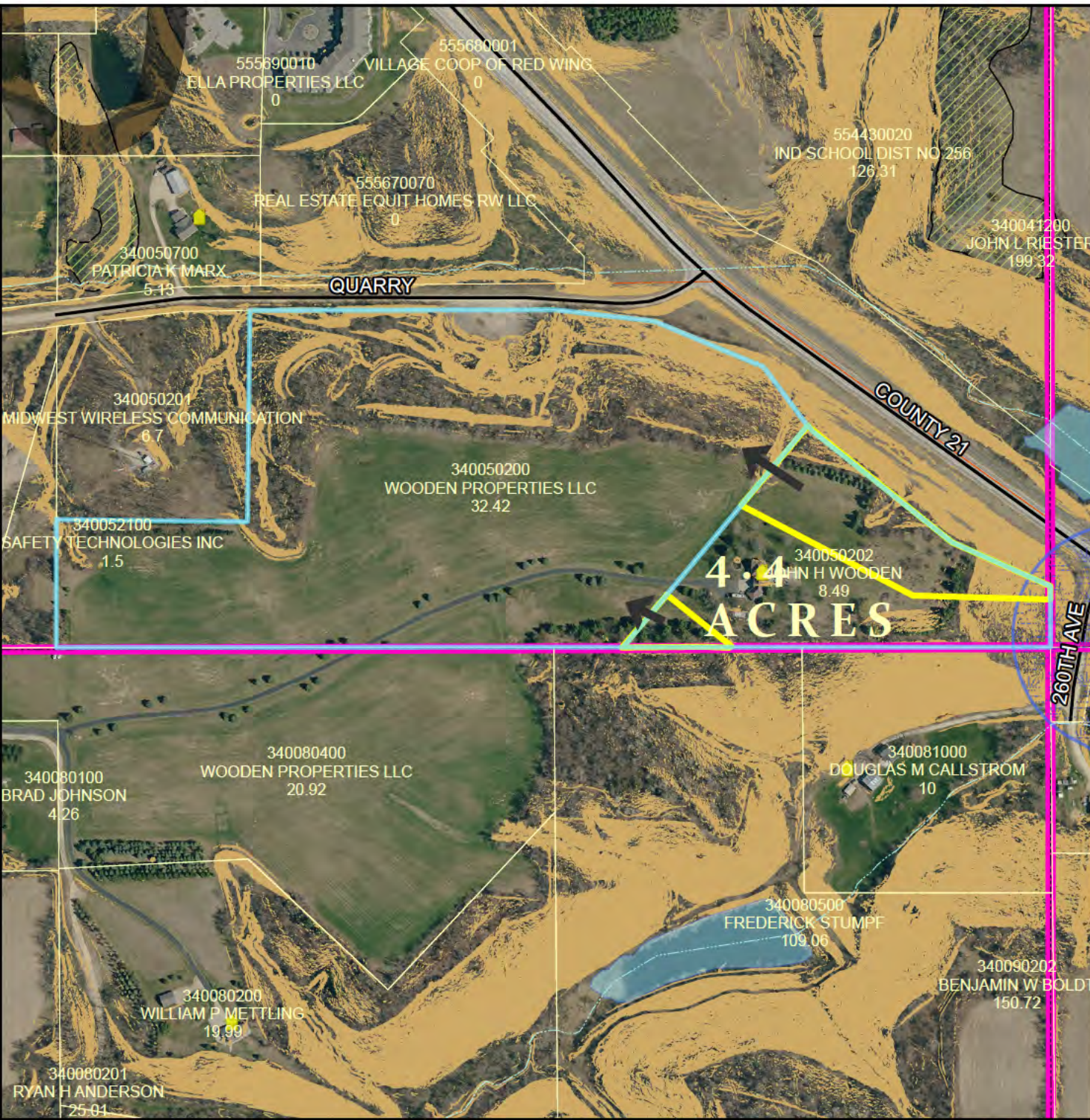


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Map Created June, 2023 by LUM



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
June 26, 2023

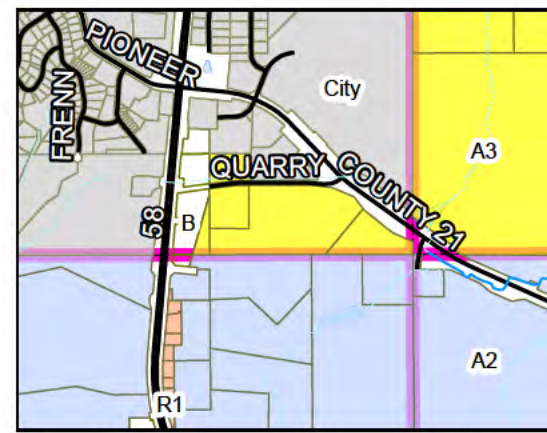
John Wooden (Owner)
A3 Zoned District

Part of the SE 1/4 of
Section 05 TWP 112 Range 14
in Hay Creek Township

Request for Variance to allow the split
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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 |
| Dwellings | |
| Municipalities | |

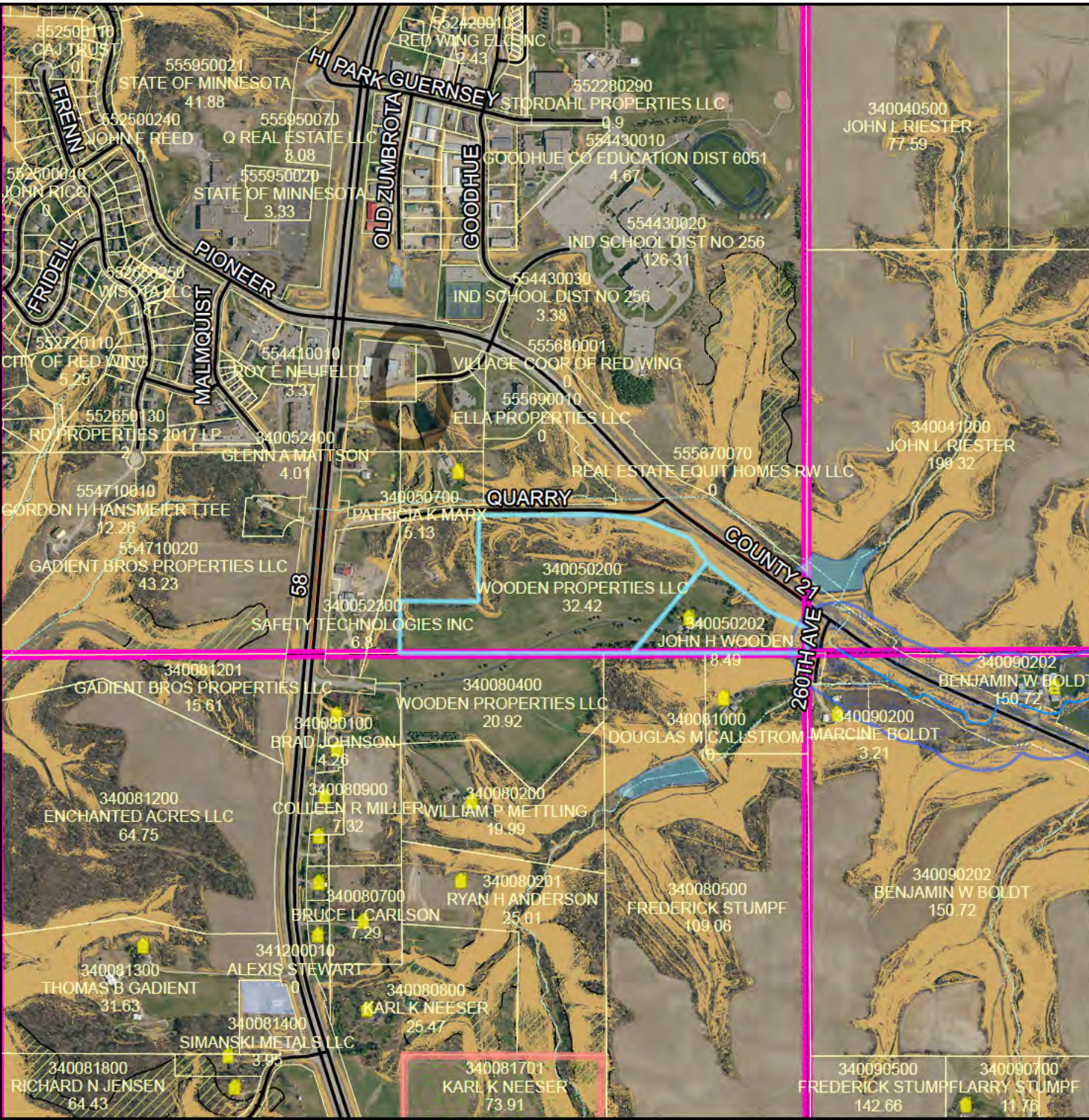


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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
June 26, 2023

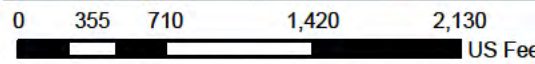
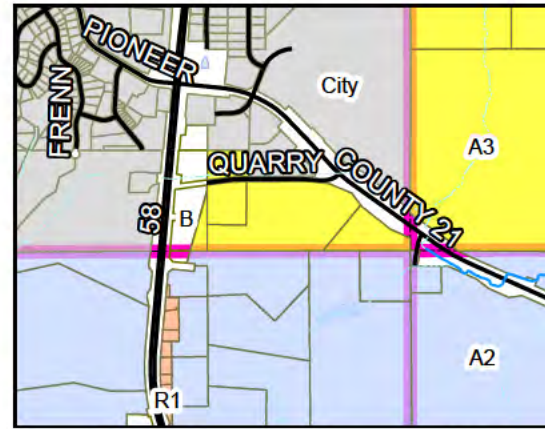
John Wooden (Owner)
A3 Zoned District

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Legend

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



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2022 Aerial Imagery
Map Created June, 2023 by LUM

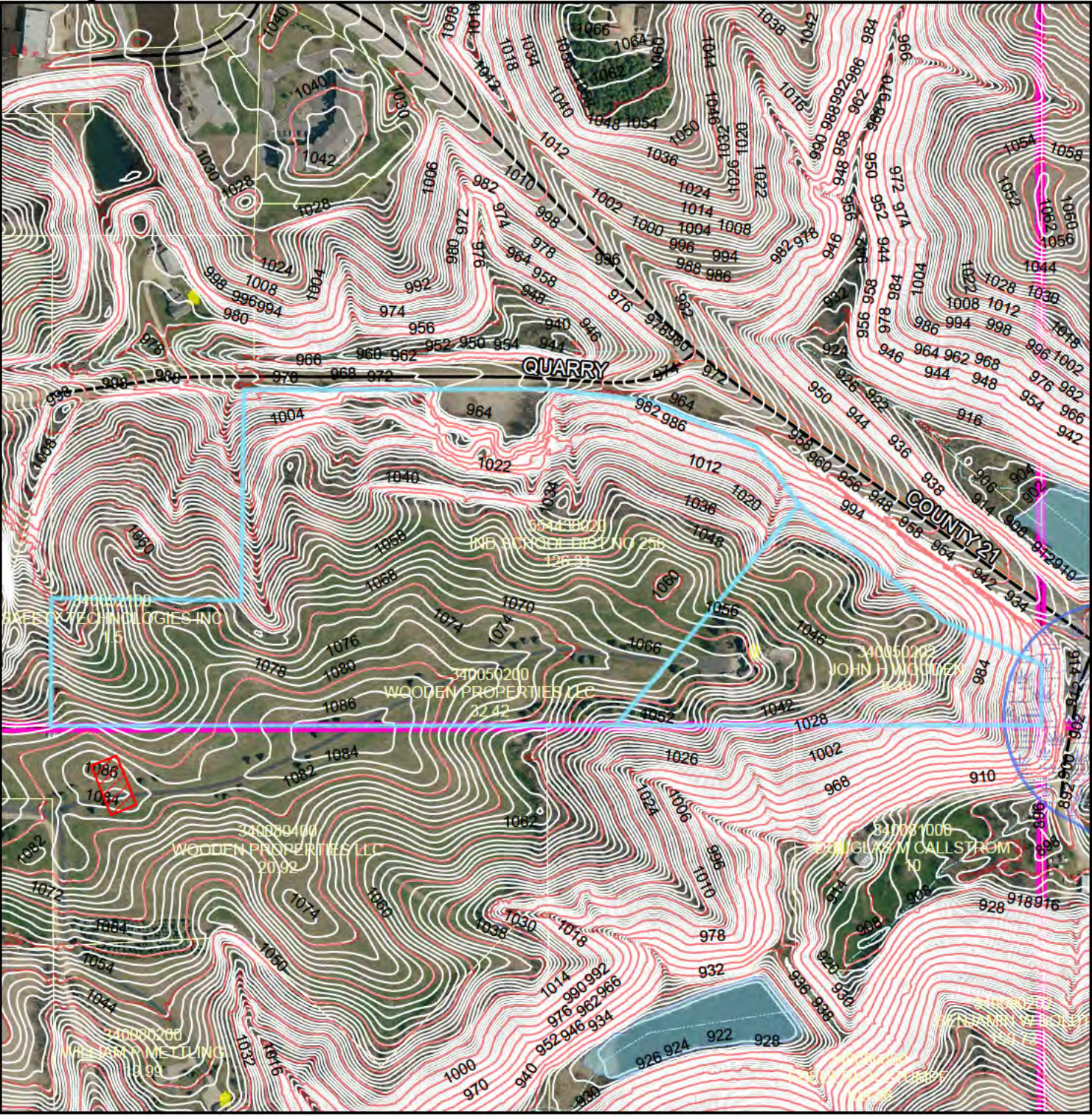


Public Hearing
June 26, 2023

John Wooden (Owner)
A3 Zoned District

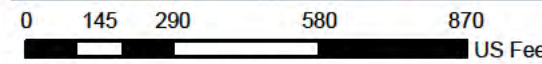
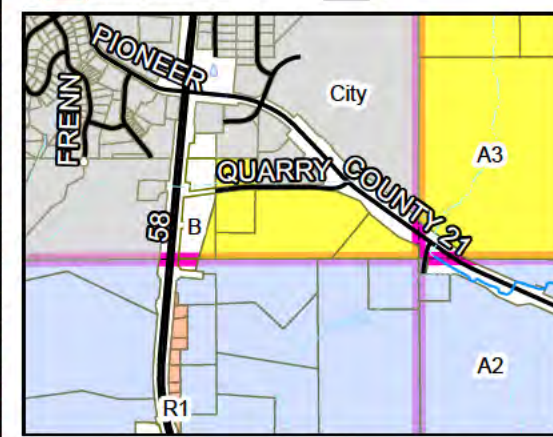
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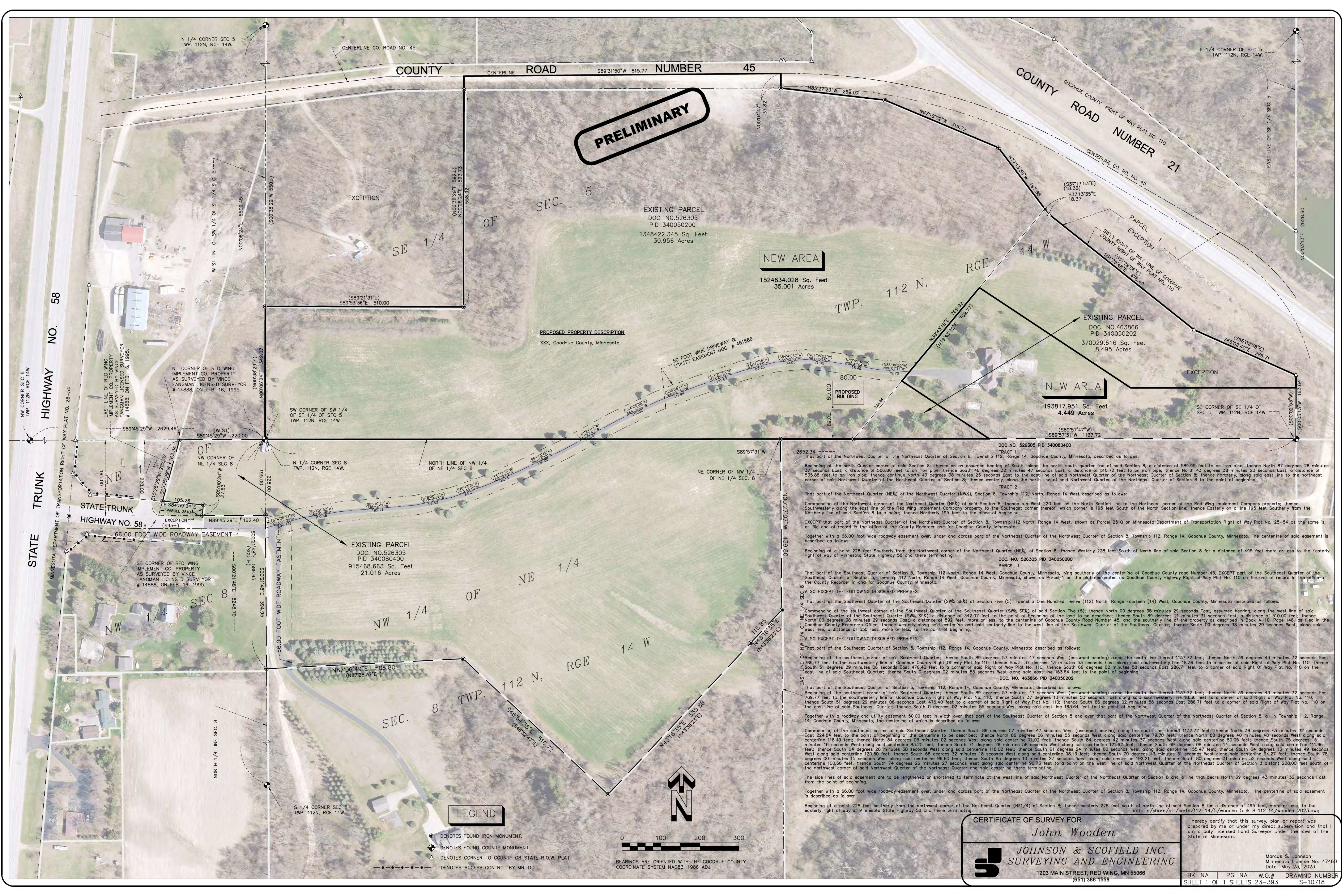


Legend

- | | |
|----------------------------|------------------------------|
| 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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PRELIMINARY

NEW AREA

NEW AREA

PROPOSED PROPERTY DESCRIPTION
XXX, Goodhue County, Minnesota.

EXISTING PARCEL
DOC. NO. 526305
PID 340050200
1348422.345 Sq. Feet
30.956 Acres

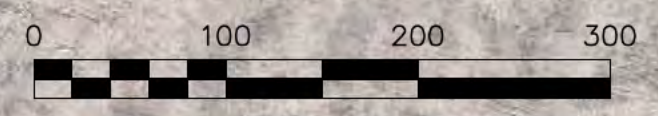
1524634.028 Sq. Feet
35.001 Acres

EXISTING PARCEL
DOC. NO. 463866
PID 340050202
370029.616 Sq. Feet
8.495 Acres

193817.951 Sq. Feet
4.449 Acres

LEGEND

- DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES FOUND COUNTY MONUMENT.
- △ DENOTES CORNER TO COUNTY OR STATE R.O.W. PLAT.
- DENOTES ACCESS CONTROL BY MN-DOT.



BEARINGS ARE ORIENTED WITH THE GOODHUE COUNTY COORDINATE SYSTEM NAD83, 1985 ADJ.

DOC. NO. 526305 PID 340080400
TRACT 1
That part of the Northwest Quarter of the Northeast Quarter of Section 8, Township 112, North, Range 14, Goodhue County, Minnesota, described as follows:
Beginning at the north quarter corner of said Section 8; thence on an assumed bearing of South, along the north-south quarter line of said Section 8, a distance of 589.95 feet to an iron pipe; thence North 87 degrees 28 minutes 37 seconds East, a distance of 506.80 feet to an iron pipe; thence South 46 degrees 32 minutes 47 seconds East, a distance of 910.72 feet to an iron pipe; thence North 43 degrees 38 minutes 23 seconds East, a distance of 535.88 feet to an iron pipe; thence continue North 43 degrees 38 minutes 23 seconds East to the east line of said Northwest Quarter of the Northeast Quarter of Section 8; thence northerly, along said east line to the northeast corner of said Northwest Quarter of the Northeast Quarter of Section 8; thence westerly, along the north line of said Northwest Quarter of the Northeast Quarter of Section 8 to the point of beginning.

TRACT 2
That part of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4), Section 8, Township 112, North, Range 14 West, described as follows:
Commencing at the Northwest corner of the Northeast Quarter (NE1/4) of said Section 8; thence run West 220 feet to the Northeast corner of the Red Wing Implement Company property; thence Southwesterly along the east line of the Red Wing Implement Company property to the Southeast corner thereof; which corner is 195 feet South of the North Section line; thence Easterly on a line 195 feet Southerly from the Northern line of said Section 8 to a point; thence Northerly 195 feet to the place of beginning.

EXCEPT that part of the Northeast Quarter of the Northwest Quarter of Section 8, Township 112 North, Range 14 West, shown as Parcel 2510 on Minnesota Department of Transportation Right of Way Plat No. 25-54 as the same is on file and of record in the office of the County Recorder and for Goodhue County, Minnesota.

Together with a 66.00 foot wide roadway easement over, under and across part of the Northeast Quarter of the Northeast Quarter of Section 8, Township 112, Range 14, Goodhue County, Minnesota. The centerline of said easement is described as follows:
Beginning at a point 228 feet Southerly from the Northwest corner of the Northeast Quarter (NE1/4) of Section 8; thence West 228 feet South of North line of said Section 8 for a distance of 495 feet more or less to the Easterly right of way of Minnesota State Highway 58 and there terminating.

DOC. NO. 526305 PID 340050200
PARCEL 1
That part of the Southeast Quarter of Section 5, Township 112 North, Range 14 West, Goodhue County, Minnesota, lying southerly of the centerline of Goodhue County road Number 45, EXCEPT part of the Southeast Quarter of the Southeast Quarter of Section 5, Township 112 North, Range 14 West, Goodhue County, Minnesota, shown as Parcel 1 on the plat designated as Goodhue County Highway Right of Way Plat No. 110 on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota.

ALSO EXCEPT THE FOLLOWING DESCRIBED PREMISES:
That part of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section Five (5), Township One Hundred Twelve (112) North, Range Fourteen (14) West, Goodhue County, Minnesota described as follows:
Commencing at the southwest corner of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of said Section Five (5); thence North 00 degrees 38 minutes 29 seconds East, assumed bearing, along the west line of said Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4), a distance of 342.07 feet to the point of beginning; thence North 00 degrees 38 minutes 29 seconds East, a distance of 592 feet, more or less, to the centerline of Goodhue County Road Number 45, and the southerly line of the property as described in Book A-10, Page 148, as filed in the Goodhue County Recorder's Office; thence westerly along said centerline and said southerly line to the west line of the Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 29 seconds West, along said west line, a distance of 550 feet, more or less, to the point of beginning.

ALSO EXCEPT THE FOLLOWING DESCRIBED PREMISES:
That part of the Southeast Quarter of Section 5, Township 112, Range 14, Goodhue County, Minnesota described as follows:
Beginning at the southeast corner of said Southeast Quarter; thence South 89 degrees 57 minutes 47 seconds West (assumed bearing) along the south line thereof 1137.72 feet; thence North 39 degrees 43 minutes 32 seconds East 769.77 feet to the southwesterly line of Goodhue County Right of Way Plat No. 110; thence South 37 degrees 13 minutes 53 seconds East along said southwesterly line 18.36 feet to a corner of said Right of Way Plat No. 110; thence South 51 degrees 29 minutes 06 seconds East, 476.40 feet to a corner of said Right of Way Plat No. 110; thence South 66 degrees 02 minutes 58 seconds East 286.71 feet to a corner of said Right of Way Plat No. 110 on the east line of said Southeast Quarter; thence South 0 degrees 02 minutes 55 seconds West along said east line 163.64 feet to the point of beginning.

DOC. NO. 463866 PID 340050202
That part of the Southeast Quarter of Section 5, Township 112, Range 14, Goodhue County, Minnesota, described as follows:
Beginning at the southeast corner of said Southeast Quarter; thence South 89 degrees 57 minutes 47 seconds West (assumed bearing) along the south line thereof 1137.72 feet; thence North 39 degrees 43 minutes 32 seconds East 769.77 feet to the southwesterly line of Goodhue County Right of Way Plat No. 110; thence South 37 degrees 13 minutes 53 seconds East along said southwesterly line 18.36 feet to a corner of said Right of Way Plat No. 110; thence South 51 degrees 29 minutes 06 seconds East, 476.40 feet to a corner of said Right of Way Plat No. 110; thence South 66 degrees 02 minutes 58 seconds East 286.71 feet to a corner of said Right of Way Plat No. 110 on the east line of said Southeast Quarter; thence South 0 degrees 02 minutes 55 seconds West along said east line 163.64 feet to the point of beginning.

Together with a roadway and utility easement 50.00 feet in width over that part of the Southeast Quarter of Section 5 and over that part of the Northwest Quarter of the Northeast Quarter of Section 8, all in Township 112, Range 14, Goodhue County, Minnesota, the centerline of which is described as follows:
Commencing at the southeast corner of said Southeast Quarter; thence South 89 degrees 57 minutes 47 seconds West (assumed bearing) along the south line thereof 1137.72 feet; thence North 39 degrees 43 minutes 32 seconds East 224.84 feet to the point of beginning of the centerline to be described; thence North 86 degrees 06 minutes 55 seconds West along said centerline 79.70 feet; thence North 80 degrees 40 minutes 48 seconds West along said centerline 118.49 feet; thence North 84 degrees 05 minutes 02 seconds West along said centerline 71.02 feet; thence South 84 degrees 42 minutes 37 seconds West along said centerline 80.05 feet; thence South 75 degrees 15 minutes 16 seconds West along said centerline 83.25 feet; thence South 71 degrees 29 minutes 58 seconds West along said centerline 121.62 feet; thence South 69 degrees 06 minutes 14 seconds West along said centerline 111.96 feet; thence South 64 degrees 28 minutes 38 seconds West along said centerline 118.02 feet; thence South 61 degrees 24 minutes 03 seconds West along said centerline 155.47 feet; thence South 64 degrees 13 minutes 49 seconds West along said centerline 120.80 feet; thence South 66 degrees 32 minutes 18 seconds West along said centerline 98.13 feet; thence South 70 degrees 43 minutes 31 seconds West along said centerline 94.27 feet; thence South 78 degrees 00 minutes 15 seconds West along said centerline 96.80 feet; thence South 85 degrees 10 minutes 27 seconds West along said centerline 192.21 feet; thence South 80 degrees 31 minutes 52 seconds West along said centerline 100.66 feet; thence South 74 degrees 26 minutes 27 seconds West along said centerline 96.73 feet to a point on the west line of said Northwest Quarter of the Northeast Quarter of Section 8 distant 228.00 feet south of the northwest corner of said Northwest Quarter of the Northeast Quarter of said centerline there terminating.

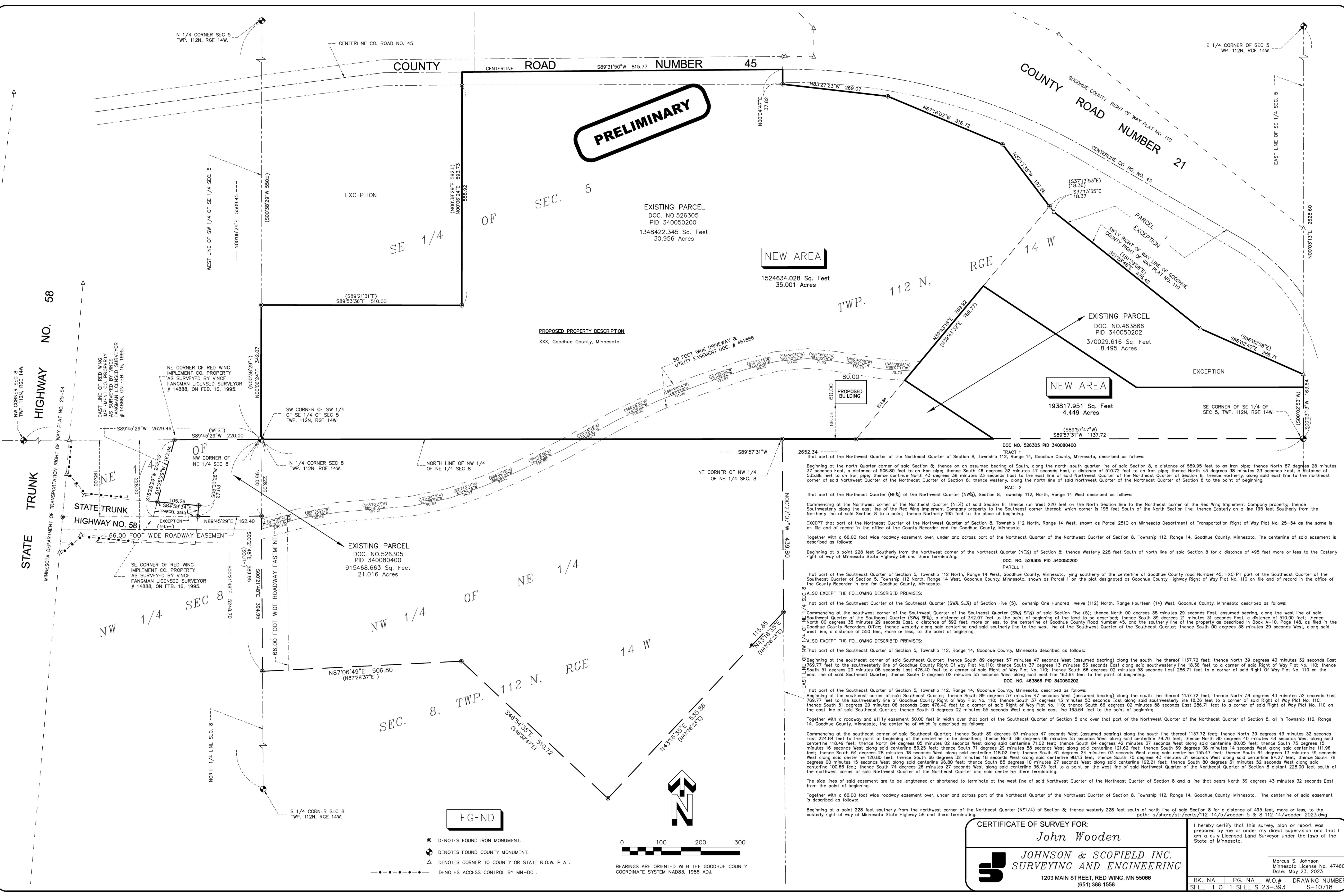
The side lines of said easement are to be lengthened or shortened to terminate at the west line of said Northwest Quarter of the Northeast Quarter of Section 8 and a line that bears North 39 degrees 43 minutes 32 seconds East from the point of beginning.

Together with a 66.00 foot wide roadway easement over, under and across part of the Northeast Quarter of the Northwest Quarter of Section 8, Township 112, Range 14, Goodhue County, Minnesota. The centerline of said easement is described as follows:
Beginning at a point 228 feet southerly from the northwest corner of the Northeast Quarter (NE1/4) of Section 8; thence westerly 228 feet south of north line of said Section 8 for a distance of 495 feet, more or less, to the easterly right of way of Minnesota State Highway 58 and there terminating.

CERTIFICATE OF SURVEY FOR:
John Wooden
JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING
1203 MAIN STREET, RED WING, MN 55066
(651) 388-1558

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Marcus S. Johnson
Minnesota License No. 47460
Date: May 23, 2023

BK. NA PG. NA W.O.# DRAWING NUMBER
SHEET 1 OF 1 SHEETS 23-393 S-10718



PRELIMINARY

EXISTING PARCEL
DOC. NO. 526305
PID 340050200
1348422.345 Sq. Feet
30.956 Acres

NEW AREA
1524634.028 Sq. Feet
35.001 Acres

NEW AREA
193817.951 Sq. Feet
4.449 Acres

EXISTING PARCEL
DOC. NO. 463866
PID 340050202
370029.616 Sq. Feet
8.495 Acres

PROPOSED PROPERTY DESCRIPTION
XXX, Goodhue County, Minnesota.

DOC. NO. 526305 PID 340080400
TRACT 1
That part of the Northwest Quarter of the Northeast Quarter of Section 8, Township 112, Range 14, Goodhue County, Minnesota, described as follows:
Beginning at the north quarter corner of said Section 8; thence on an assumed bearing of South, along the north-south quarter line of said Section 8, a distance of 589.95 feet to an iron pipe; thence North 87 degrees 28 minutes 37 seconds East, a distance of 506.80 feet to an iron pipe; thence South 46 degrees 32 minutes 47 seconds East, a distance of 510.72 feet to an iron pipe; thence North 43 degrees 38 minutes 23 seconds East, a distance of 535.88 feet to an iron pipe; thence continue North 43 degrees 38 minutes 23 seconds East to the east line of said Northwest Quarter of the Northeast Quarter of Section 8; thence northerly, along said east line to the northeast corner of said Northwest Quarter of the Northeast Quarter of Section 8; thence westerly, along the north line of said Northwest Quarter of the Northeast Quarter of Section 8 to the point of beginning.

TRACT 2
That part of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼), Section 8, Township 112, Range 14 West described as follows:
Commencing at the Northwest corner of the Northeast Quarter (NE¼) of said Section 8; thence run West 220 feet on the North Section line to the Northeast corner of the Red Wing Implement Company property; thence Southwesterly along the east line of the Red Wing Implement Company property, to the Southeast corner thereof; which corner is 195 feet South of the North Section line; thence Easterly on a line 195 feet Southerly from the Northerly line of said Section 8 to a point; thence Northerly 195 feet to the point of beginning.

EXCEPT that part of the Northeast Quarter of the Northwest Quarter of Section 8, Township 112 North, Range 14 West, shown as Parcel 2510 on Minnesota Department of Transportation Right of Way Plat No. 25-54 as the same is on file and of record in the office of the County Recorder and for Goodhue County, Minnesota.

Together with a 66.00 foot wide roadway easement over, under and across part of the Northeast Quarter of the Northeast Quarter of Section 8, Township 112, Range 14, Goodhue County, Minnesota. The centerline of said easement is described as follows:
Beginning at a point 228 feet Southerly from the Northwest corner of the Northeast Quarter (NE¼) of Section 8; thence Westerly 228 feet South of North line of said Section 8 for a distance of 495 feet more or less to the Easterly right of way of Minnesota State Highway 58 and there terminating.

DOC. NO. 526305 PID 340050200
PARCEL 1
That part of the Southeast Quarter of Section 5, Township 112 North, Range 14 West, Goodhue County, Minnesota, lying southerly of the centerline of Goodhue County road Number 45, EXCEPT part of the Southeast Quarter of the Southeast Quarter of Section 5, Township 112 North, Range 14 West, Goodhue County, Minnesota, shown as Parcel 1 on the plat designated as Goodhue County Highway Right of Way Plat No. 110 on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota.

ALSO EXCEPT THE FOLLOWING DESCRIBED PREMISES:
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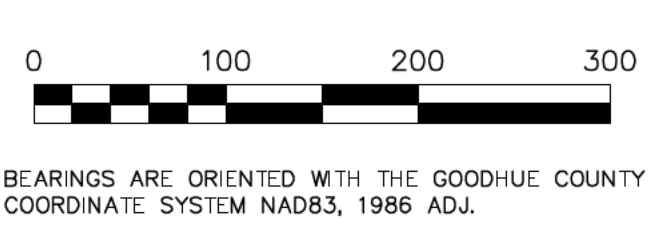
DOC. NO. 463866 PID 340050202
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The side lines of said easement are to be lengthened or shortened to terminate at the west line of said Northwest Quarter of the Northeast Quarter of Section 8 and a line that bears North 39 degrees 43 minutes 32 seconds East from the point of beginning.

Together with a 66.00 foot wide roadway easement over, under and across part of the Northeast Quarter of the Northwest Quarter of Section 8, Township 112, Range 14, Goodhue County, Minnesota. The centerline of said easement is described as follows:
Beginning at a point 228 feet southerly from the northwest corner of the Northeast Quarter (NE¼) of Section 8; thence westerly 228 feet south of north line of said Section 8 for a distance of 495 feet, more or less, to the easterly right of way of Minnesota State Highway 58 and there terminating.

LEGEND

- DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES FOUND COUNTY MONUMENT.
- △ DENOTES CORNER TO COUNTY OR STATE R.O.W. PLAT.
- · — · — DENOTES ACCESS CONTROL BY MN-DOT.



CERTIFICATE OF SURVEY FOR:
John Wooden

JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

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

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

Marcus S. Johnson
Minnesota License No. 47460
Date: May 23, 2023

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
		23-393	S-10718

SHEET 1 OF 1 SHEETS

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: June 26, 2023
Report date: June 16, 2023

PUBLIC HEARING: Request for Variance by Cory Henry (Owner) to A-3 Zoning District standards to construct an accessory building less than 60 feet from the Hardwood Way Right-of-Way.

Application Information:

Applicant(s): Cory Henry (Owner)
Address of zoning request: 30188 Hardwood Way Cannon Falls, MN 55009
Parcel: 28.017.3800
Abbreviated Legal Description: Part of the NE ¼ of Section 17 TWP 112 Range 17 in Cannon Falls Township.
Township Information: Cannon Falls Township approved a Zoning permit for the request and is aware of the variance request.
Zoning District: A-3 (Urban Fringe 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:

Cory Henry (Owner) has applied for a variance to A-3 minimum setback standards to construct a 40-foot by 60-foot accessory building on the east side of his property. The proposed structure would be 27 feet from the Hardwood Way Right-of-Way line at its closest point where 60 feet is required.

Variance Standards:

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

Draft Findings of Fact:

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

- Property line 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 accessory building is intended to add additional storage space for various equipment and vehicles currently stored outdoors.
- The right-of-way authority, Cannon Falls Township, reviewed the request and approved a zoning permit. Locating the addition 27 feet from the Right-of-Way is not anticipated to

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

www.co.goodhue.mn.us

further impede future road expansion or ongoing maintenance. This request appears in harmony with the purpose and intent of the official control.

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

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

The proposed addition appears consistent with the Goodhue County Comprehensive Plan.

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

- The Applicant’s request to construct an accessory building is a reasonable use of property in the A-3 District. The structure, as proposed, would meet all other required setbacks.
- The property is an existing 1.98-acre parcel which is not a conforming lot size in the A-3 District (35-acre minimum). The property contains a single-family dwelling and a shed behind the dwelling.

The home was originally constructed in 1966.

- The Applicant stated that there are no alternative locations for the accessory building because of the need to maintain bluff setbacks and keep the building away from steeply sloped areas that do not qualify as bluffs but would require a large amount of fill to construct a building.
- The property is surrounded by A3-zoned properties to the north, east, and south. Land in the City of Cannon Falls is located across Hardwood Way to the west. Surrounding uses include medium-density residential, St. Ansgar’s Church, and Cannon Falls soccer fields.
- The request appears unlikely to alter the essential character of the locality.

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

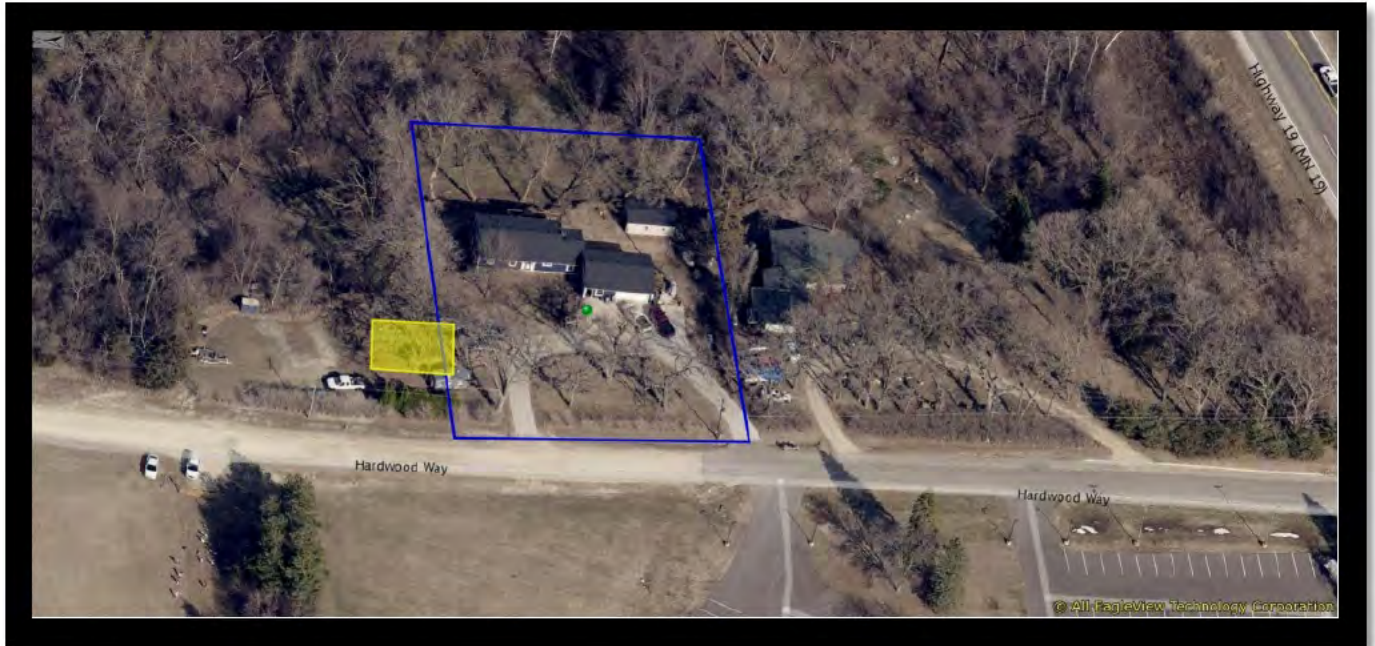
- Residential accessory buildings are a permitted use in the A-3 Zoning District. The request does not constitute a use variance.

The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing. The Board should specify the facts and reasons that are the basis of the Board’s determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.

Staff Recommendation:

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

APPROVE the request for a variance, submitted by Cory Henry (Owner) to A-3 Zoning District standards to allow the construction of an accessory building 27 feet from the Hardwood Way Right-of-Way.



View looking east from Goodhue County EagleViewer Imagery



View looking west from Goodhue County EagleViewer Imagery

RECEIVED

APPLICATION FOR
Variance

JUN 06 2023

For Staff Use only		
VARIANCE NUMBER:	7230022	
\$350 RECEIPT#	18119	DATE 6-6-23

Land Use Management

SITE ADDRESS, CITY, AND STATE 30198 Hardwood Way Cannon Falls MN		ZIP CODE: 55009		
LEGAL DESCRIPTION:				
PID#: 28-017-3800	ZONING DISTRICT:	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME Cory & Christina Henry	
APPLICANT'S ADDRESS: 30198 Hardwood Way C.F., MN	TELEPHONE:

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

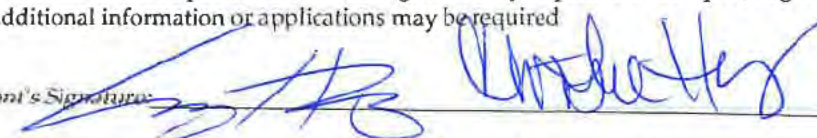
CONTACT FOR PROJECT INFORMATION: Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE:
	EMAIL:

VARIANCE REQUESTED TO: (check all that apply) <input checked="" type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input checked="" type="checkbox"/> Property Line Setbacks <input checked="" type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE: NONE	
	PROPOSED USE: SHED	
	BUILDING APPLICATION PERMIT NO.: (if filed)	DATE FILED:

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

By signing below, the applicant acknowledges:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. If I am unable to be present at the hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
4. Additional information or applications may be required

Applicant's Signature:  Date: 6/1/2023

Print name: Cory Henry, Christina Henry (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:

yard, setback too close to road, need to build a shed, no other usable land for building.

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

All of our junk will sit in the yard.

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:

It is mostly on a hill/ravine

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

NONE

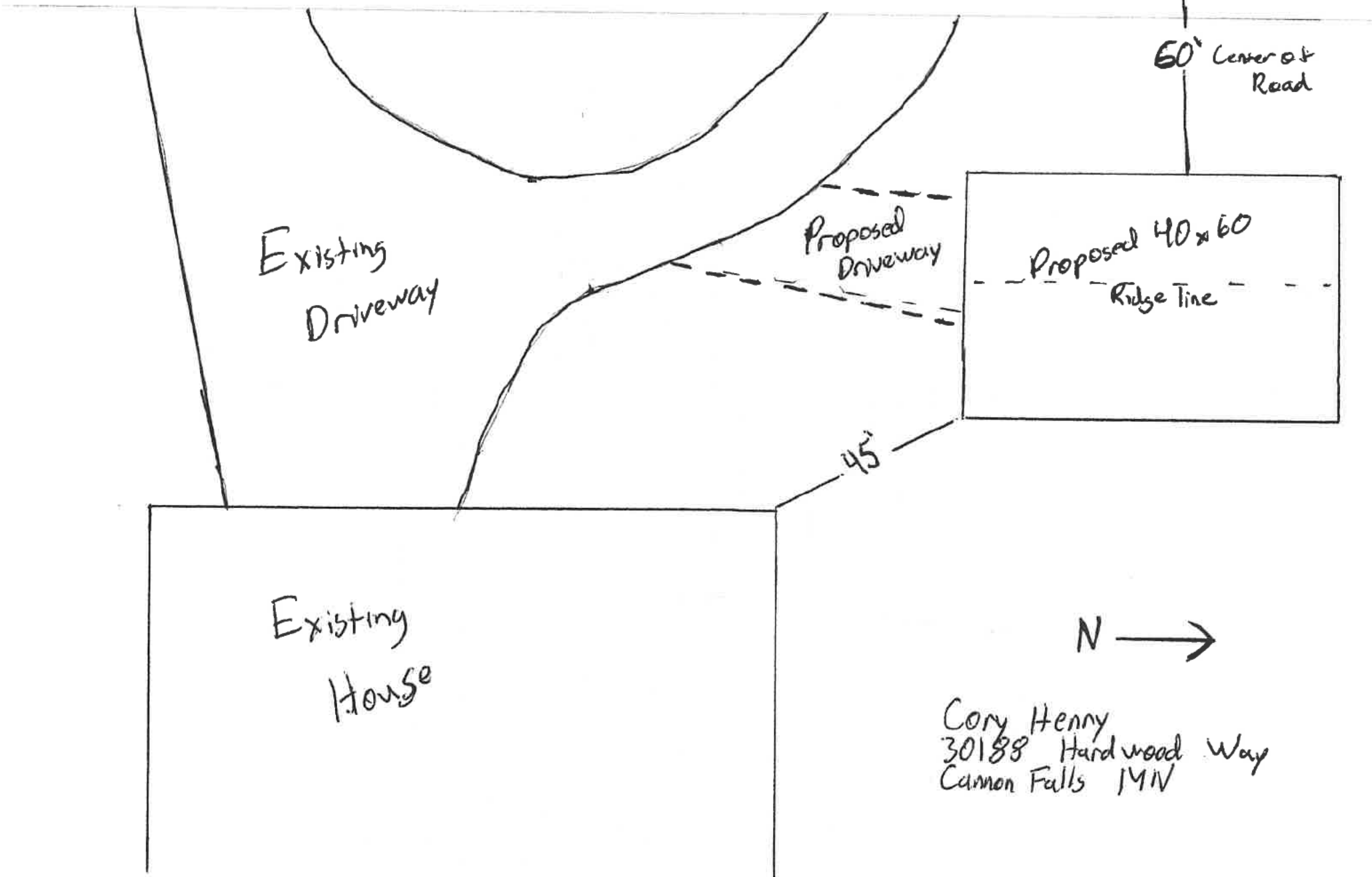
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

NONE

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

NO !!

Hardwood Way



Existing Driveway

Proposed Driveway

Proposed 40x60
Ridge Line

60' Center of Road

45'

Existing House

N →

Cory Henny
30188 Hardwood Way
Cannon Falls MN

Well = 150'
Septics = 130'



MAP 01: PROPERTY OVERVIEW

BOARD OF ADJUSTMENT

Public Hearing
June 26, 2023

Cory Henry (Owner)
A3 Zoned District

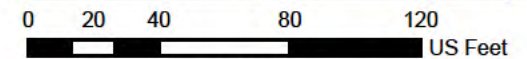
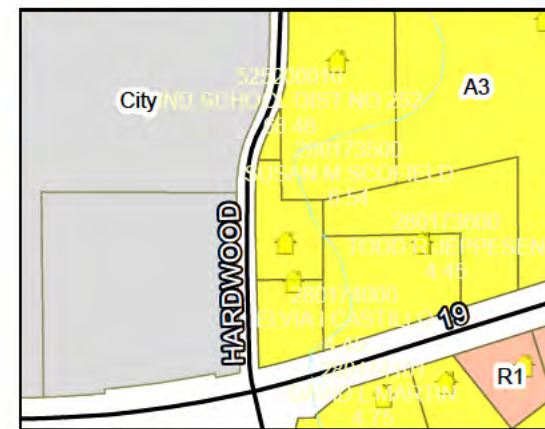
Part of the NE 1/4 of Section 17
TWP 112 Range 17 in
Cannon Falls Township

Request for Variance to construct
a shed less than 60 feet from the
Hardwood Way ROW



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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2022Aerial Imagery
Map Created June, 2023 by LUM

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MAP 01: PROPERTY OVERVIEW

BOARD OF ADJUSTMENT

Public Hearing
June 26, 2023

Cory Henry (Owner)
A3 Zoned District

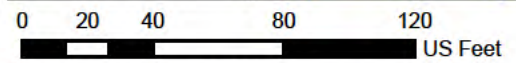
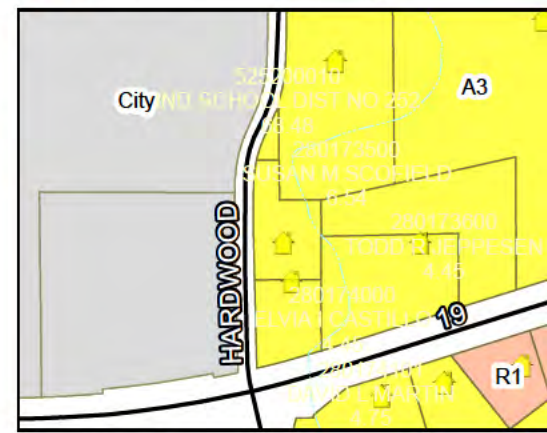
Part of the NE 1/4 of Section 17
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Request for Variance to construct
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Hardwood Way ROW



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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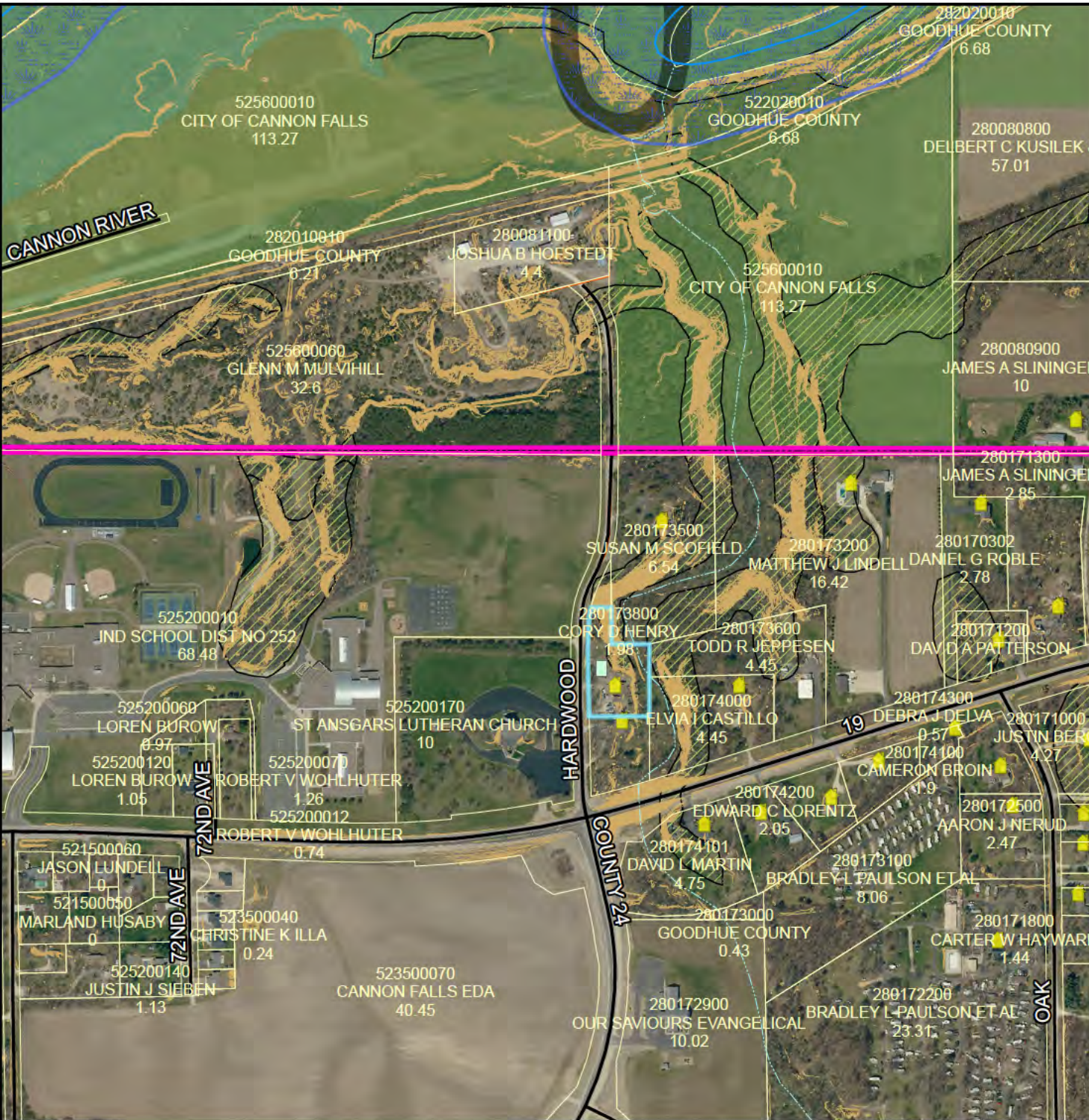


Public Hearing
June 26, 2023

Cory Henry (Owner)
A3 Zoned District

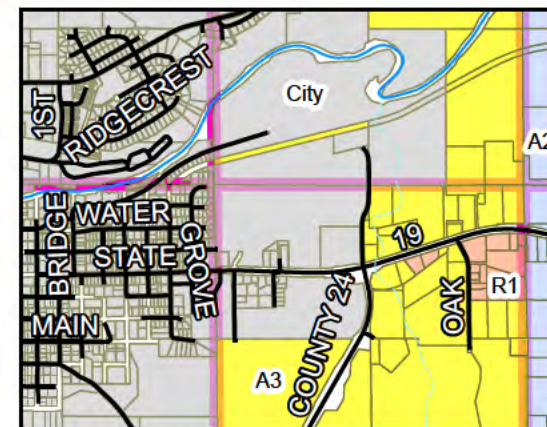
Part of the NE 1/4 of Section 17
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Cannon Falls Township

Request for Variance to construct
a shed less than 60 feet from the
Hardwood Way ROW



Legend

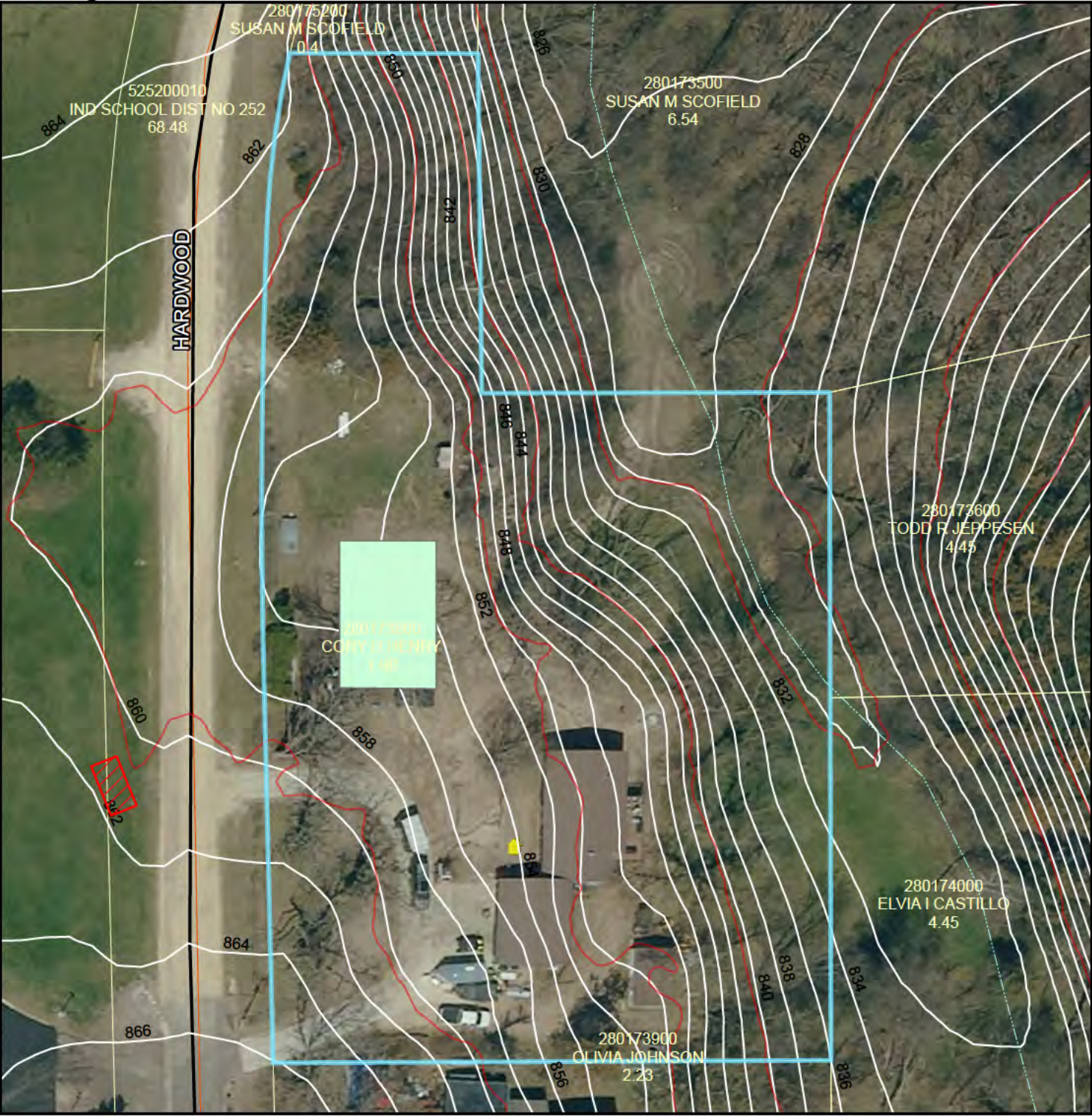
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|----------------------------|---------------------------------|
| Intermittent Streams | Bluff Impact Zones (% slope) 20 |
| Protected Streams | Bluff Impact Zones (% slope) 30 |
| Lakes & Other Water Bodies | FEMA Flood Zones |
| Shoreland | 2% Annual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



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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
June 26, 2023

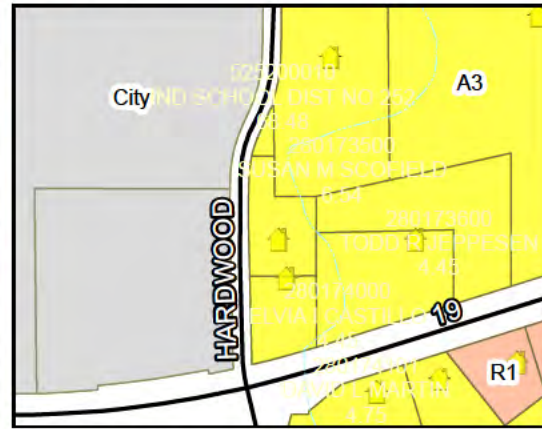
Cory Henry (Owner)
A3 Zoned District

Part of the NE 1/4 of Section 17
TWP 112 Range 17 in
Cannon Falls Township

Request for Variance to construct
a shed less than 60 feet from the
Hardwood Way ROW

Legend

- | | | | |
|--|----------------------------|-------------------------|------------------------------|
| | Intermittent Streams | | Bluff Impact Zones (% slope) |
| | Protected Streams | | 20 |
| | Lakes & Other Water Bodies | | 30 |
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0 20 40 80 120 US Feet

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2020 Aerial Imagery
Map Created June, 2023 by LUM



Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106



County Surveyor / Recorder

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

To: Board of Adjustment
From: Land Use Management
Meeting Date: June 26, 2023
Report date: June 16, 2023

PUBLIC HEARING: Request for Variance by Scott Schuett and Jane Umnus (Owners) to A-2 Zoning District standards to construct a garage addition less than 60 feet from the Highway 19 Right-of-Way.

Application Information:

Applicant(s): Scott Schuett and Jane Umnus (Owners)

Address of zoning request: 8070 Highway 19 BLVD Cannon Falls, MN 55009

Parcel: 28.016.1500

Abbreviated Legal Description: Part of the NW ¼ of the NW ¼ of Section 16 TWP 112 Range 17 in Cannon Falls Township

Township Information: Cannon Falls Township is aware of the Variance request. A Township Zoning permit was approved on April 12, 2023. The Township has indicated to staff that they may review the variance request at a future Township meeting. Staff will work with the Township regarding permitting.

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:

Scott Schuett and Jane Umnus (Owners) have applied for a variance to A-2 minimum setback standards to construct a 30-foot by 10-foot addition on the north side of an existing attached garage. The proposed addition would be 44 feet from the Highway 19 Right-of-Way line at its closest point where 60 feet is required.

The Applicants submitted construction drawings depicting a 6-foot wide addition however they have requested a variance which would allow for a 10-foot addition to ensure there is ample room for any changes to the proposal. Any increase to the proposed size depicted on construction plans would need to be approved by the Building Official.

Variance Standards:

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

Draft Findings of Fact:

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

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

www.co.goodhue.mn.us

- 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 home is located 54 feet from the edge of Highway 19 Right-of-Way and is a non-conforming structure. The proposed addition would be located 44 feet from Highway 19 Right-of-Way.
- Staff provided notification to the ROW authority, MnDOT District 6 and has not received any comments as of the writing of this report, staff will update the BOA with any comments received before the public hearing. 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 addition appears consistent with the Goodhue County Comprehensive Plan.

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

- The Applicant’s request to construct a garage addition is a reasonable use of property in the A-2 District. The addition, as proposed, would meet all other required setbacks.
- The property is an existing 1.8-acre parcel which is a nonconforming lot size in the A-2 District (2-acre minimum). The property contains a single-family dwelling and a metal accessory shed.

The home was originally built in 1972.

- The Applicant stated that there are no alternative locations for the addition because of the existing property configuration. The area east of the garage is used for vehicle access to the rear at-grade entrance to the dwelling. The garage is also built into the hillside, any addition on the east side would require extensive excavation.
- The property is surrounded by A2-zoned properties on all sides. Surrounding uses include medium-density residential among wooded bluffs. Several neighboring residential properties are on lots less than 2 acres. Neighboring properties to the west have dwellings and accessory buildings closer to the Highway 19 ROW than the proposed addition.
- 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.**

- Single-family dwellings 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 Scott Schuett and Jane Umnus (Owners) to A-2 Zoning District standards to allow the construction of a garage addition 44 feet from the Highway 19 Right-of-Way.



Photo by Goodhue County Assessor's Office 2021



East side of garage standing on vehicle access to rear of dwelling – September 2020



Photo from staff site visit September 2020

JUN 06 2023

APPLICATION FOR Variance

Land Use Management

For Staff Use only	
VARIANCE NUMBER:	7230023
\$350 RECEIPT#	18121
DATE	6-6-23

SITE ADDRESS, CITY, AND STATE				ZIP CODE:
8070 Hwy 19 Blvd, Cannon Falls MN				55009
LEGAL DESCRIPTION:				
See attached prop statement Attached <input checked="" type="checkbox"/>				
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
280161500	AZ	1.81	470' x 180'	36' x 32'

APPLICANT OR AUTHORIZED AGENT'S NAME	
Scott Schuett and Jane Umrus	
APPLICANT'S ADDRESS:	TELEPHONE:
8070 Hwy 19 Blvd. Cannon Falls MN 55009	

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

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

VARIANCE REQUESTED TO: (check all that apply) <input checked="" type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:
	Dwelling
	PROPOSED USE:
	Dwelling
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 checked="" 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: Scott Schuett Jane Umrus Date: June 5th 2023

Print name: Scott Schuett Jane Umrus (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.

1 Discuss your current use of the property and the reason for your variance request:

Extend front of existing attached garage to expand current living space above both old & new larger garage space. 10ft to front of garage from current. Currently 54 from ROW

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

Front of home will be less attractive and ~~smaller~~ it will be more difficult to fit in what is needed to make it "Elderly friendly". for us as we age, we are trying to get everything on one level as much as possible.

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:

Cannot extend to the back because of the bluff. The existing garage distance from the east prop line does not meet setbacks for addition to east. It is already less than 60' on that side. The neighbors to the west are already close to the highway than our addition would be. Also to the west is our septic's drain field

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

None

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

None - this request is the lesser.

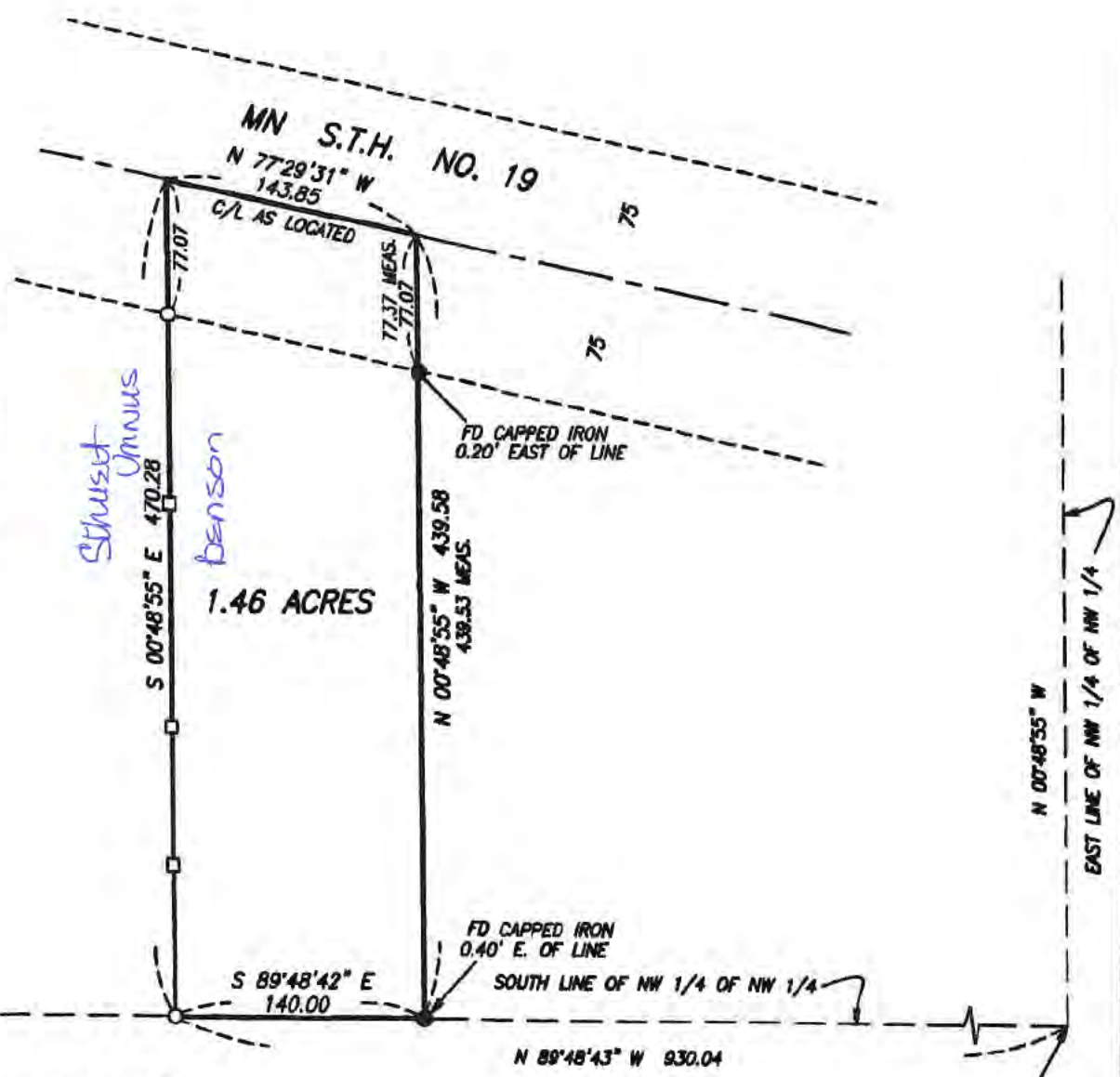
In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:

No

Currently on the home is a 30' X 24' attached garage with a flat tar roof. The flat roof is approximately 35 years or older and is in need of replacement as it leaks so severely that most of the garage space is unusable as it is. Since the cement block on the front of the garage (facing Hwy 19) is badly damaged and needs to be replaced, we would like to extend that front garage wall out towards the highway. Instead of replacing the garage roof with another flat roof, we would like to build an addition to the existing home out over the garage. This expansion would provide a proper back entry to the house, a second bathroom, and an upstairs laundry room. The objective is to have the main living space all on one level as we age. Due to a medical disability, one of the homeowners already is having difficulty with the laundry room in the basement. Building out from the front will give more space for those rooms to ensure they are large enough to be accessible should a walker or wheelchair need to be used, and more garage space as there is no area on the property for an additional building, and lastly add some character to the front of the home as not to make it look like a "box."



- DENOTES FOUND IRON MONUMENT
- DENOTES SET IRON MONUMENT W/PLASTIC CAP "RLS 22044"
- DENOTES SET WOOD LATH ON LINE



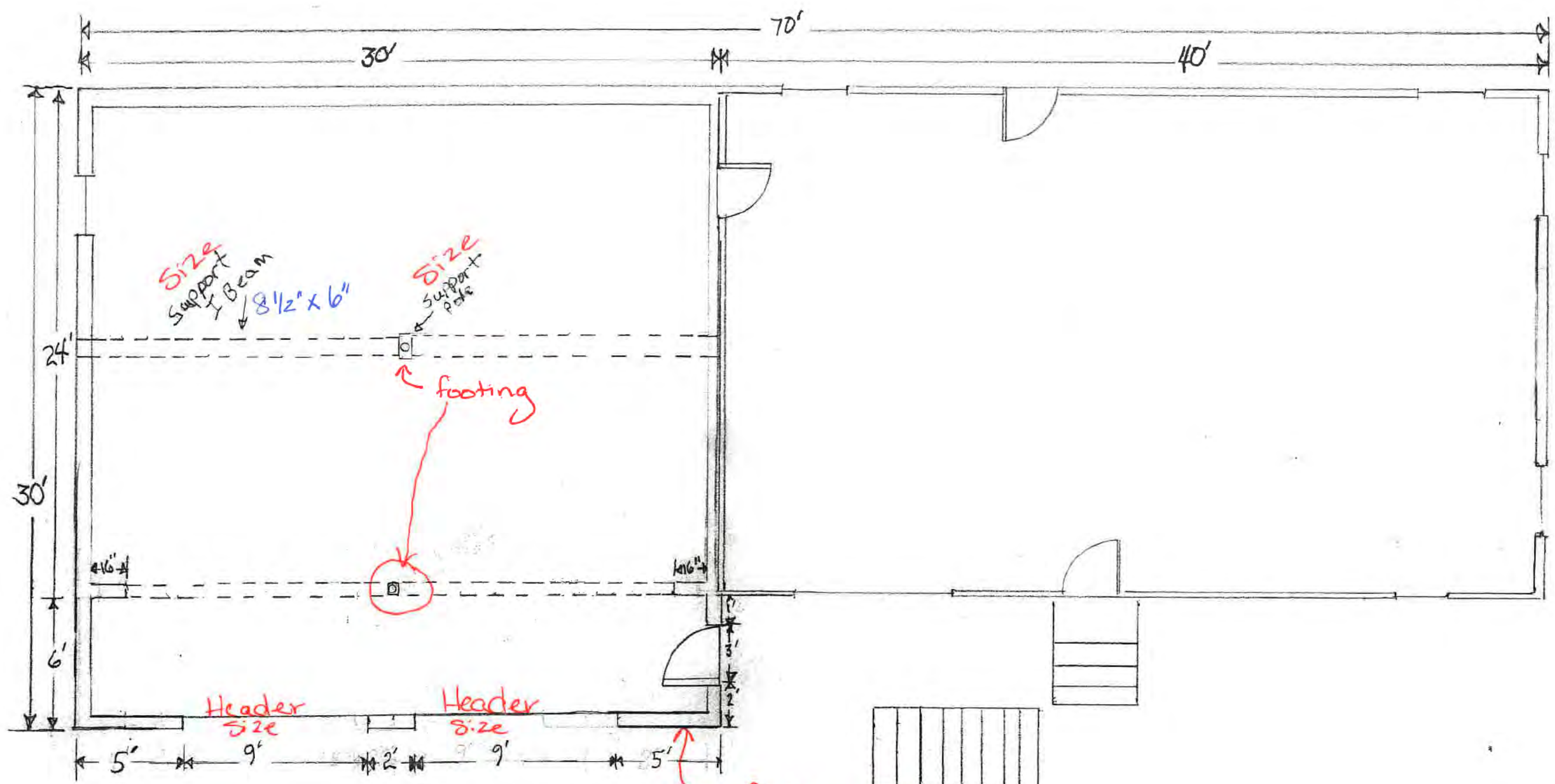
1.46 ACRES

NOTE: NORTH-SOUTH LINES ARE PRESUMED TO BE PARALLEL WITH THE EAST LINE OF NW 1/4

SE CORNER OF NW 1/4 OF NW 1/4 SEC. 16-T112N-R17W

Proposed
Floor Plan
Garage Expansion

110
↙ ↘



Support Beam
size
8 1/2" x 6"

Support Pole
size

footing

Header
size

Header
size

footing size

foundation wall size 7 1/2" x 15 1/2"

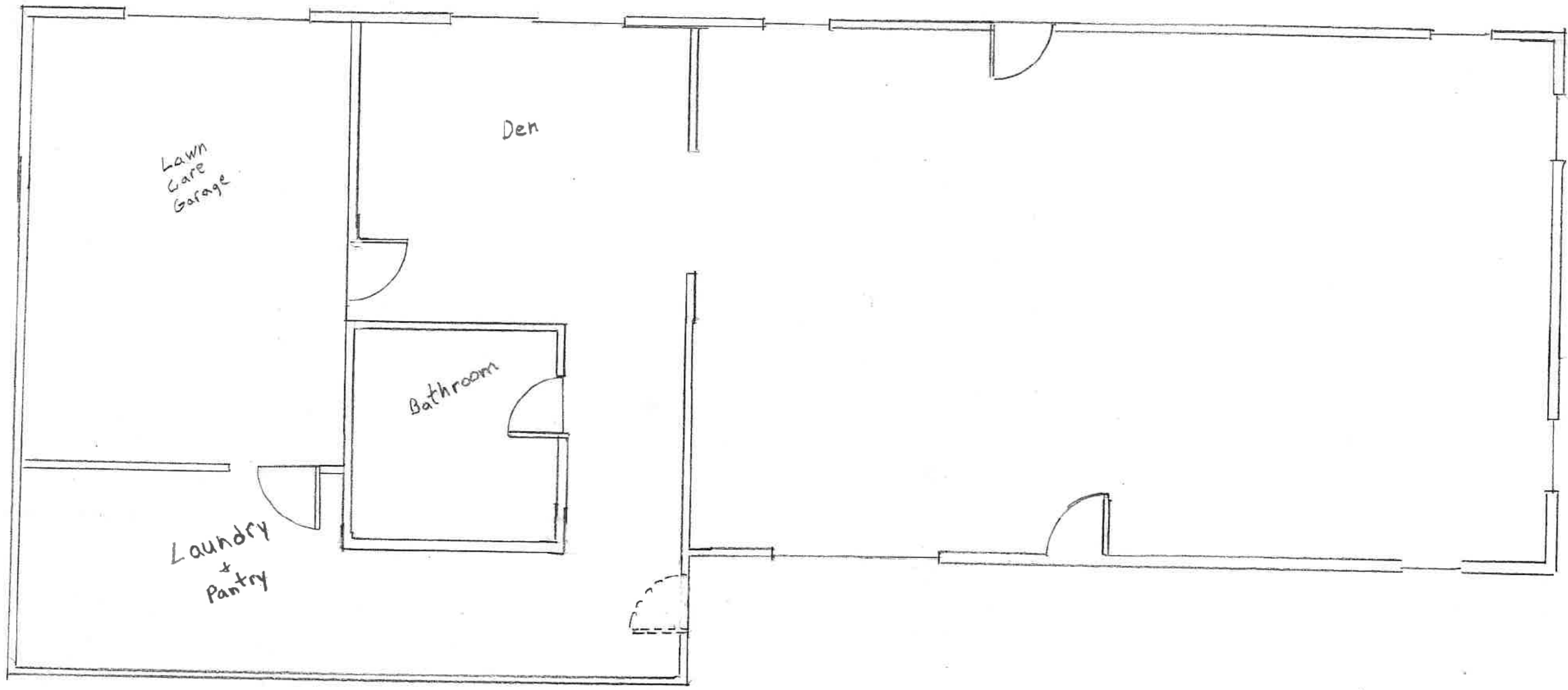
Scott Adams

5/29/23

3/16" = 1'

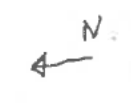


Future
Expansion

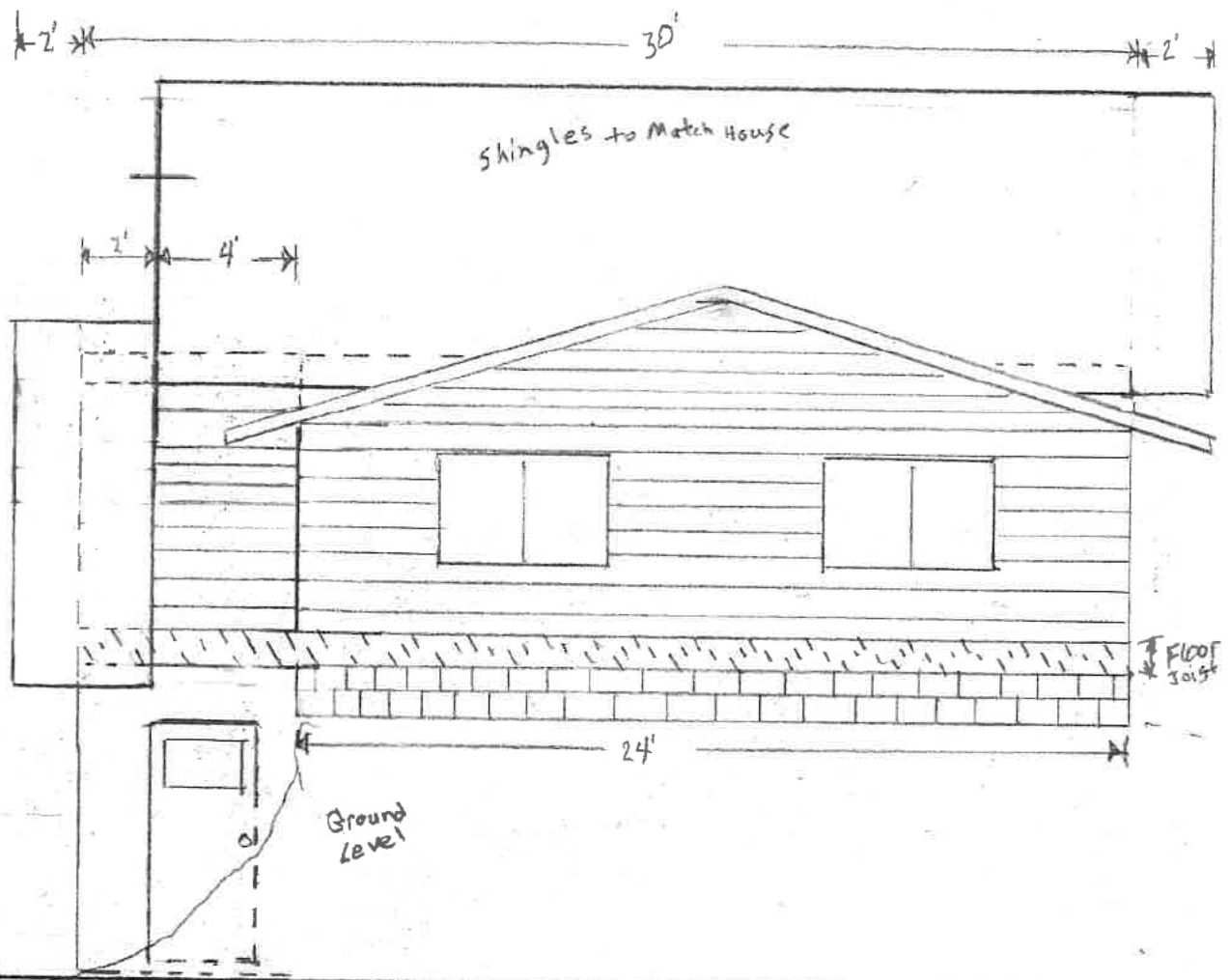


Scott Schmitt
5/29/23

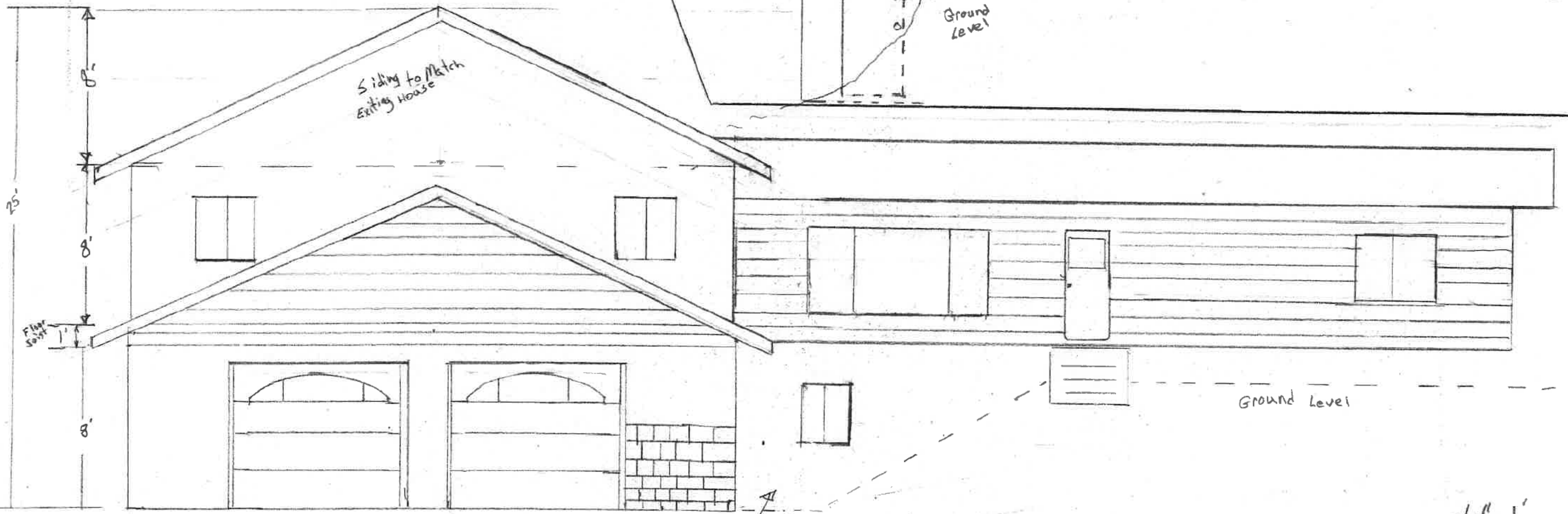
1/10 = 1



Side view Facing East



Front View From Hwy 19



Block Foundation

Ground Level

3/16" = 1'

Scott Schultz
5/29/23

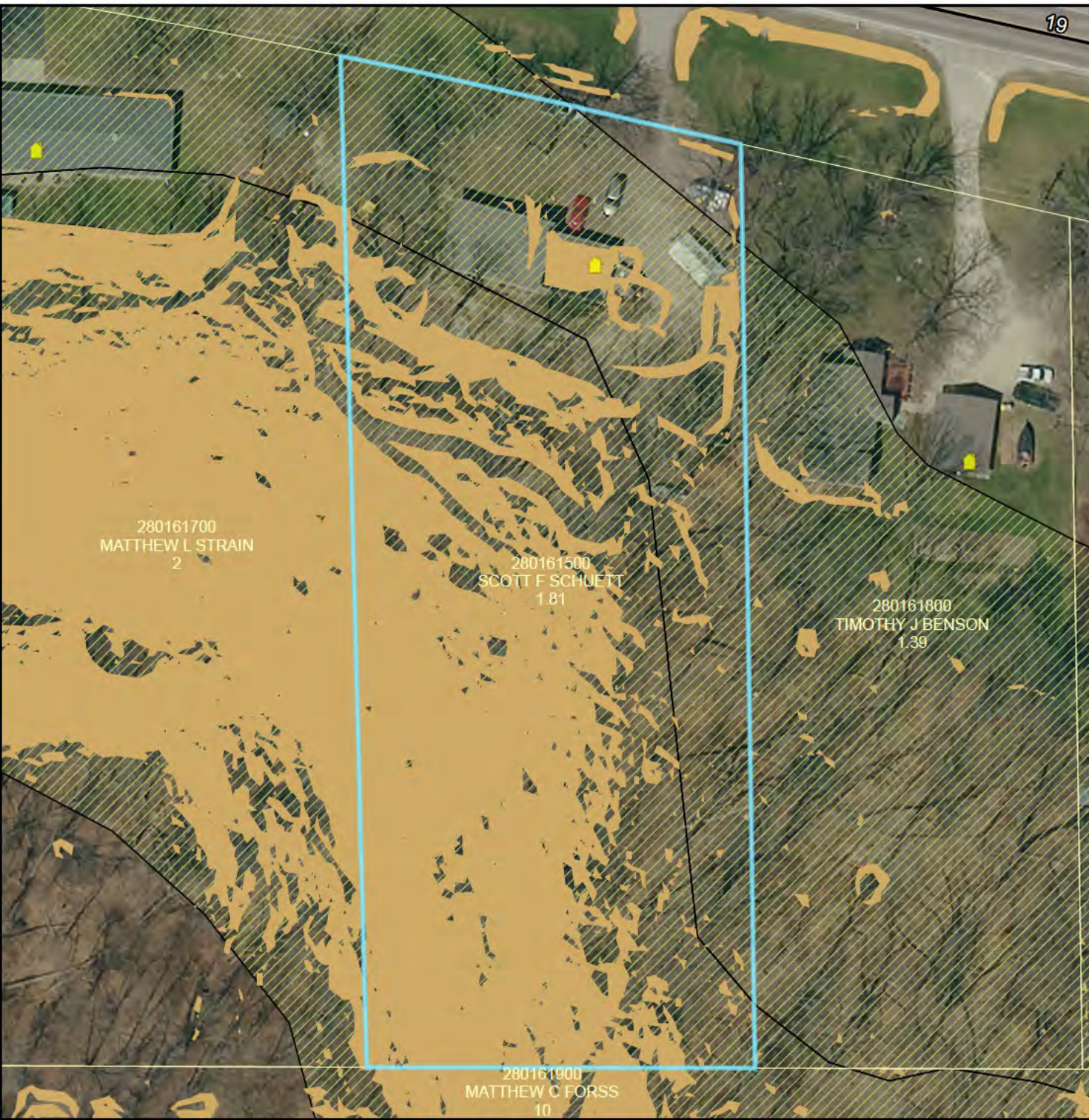


Public Hearing
June 26, 2023

Scott Schuett & Jane Umnus (Owners)
A2 Zoned District

Part of the NW 1/4 of the NW 1/4
of Section 16 TWP 112 Range 17
in Cannon Falls Township

Request for Variance to construct a
garage addition less than 60 feet from
the Highway 19 ROW.



Legend

- | | |
|----------------------------|---------------------------------|
| Intermittent Streams | Bluff Impact Zones (% slope) 20 |
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| Shoreland | 2% Annual Chance |
| Historic Districts | A |
| Parcels | AE |
| Registered Feedlots | AO |
| Dwellings | X |
| Municipalities | |



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















Public Hearing
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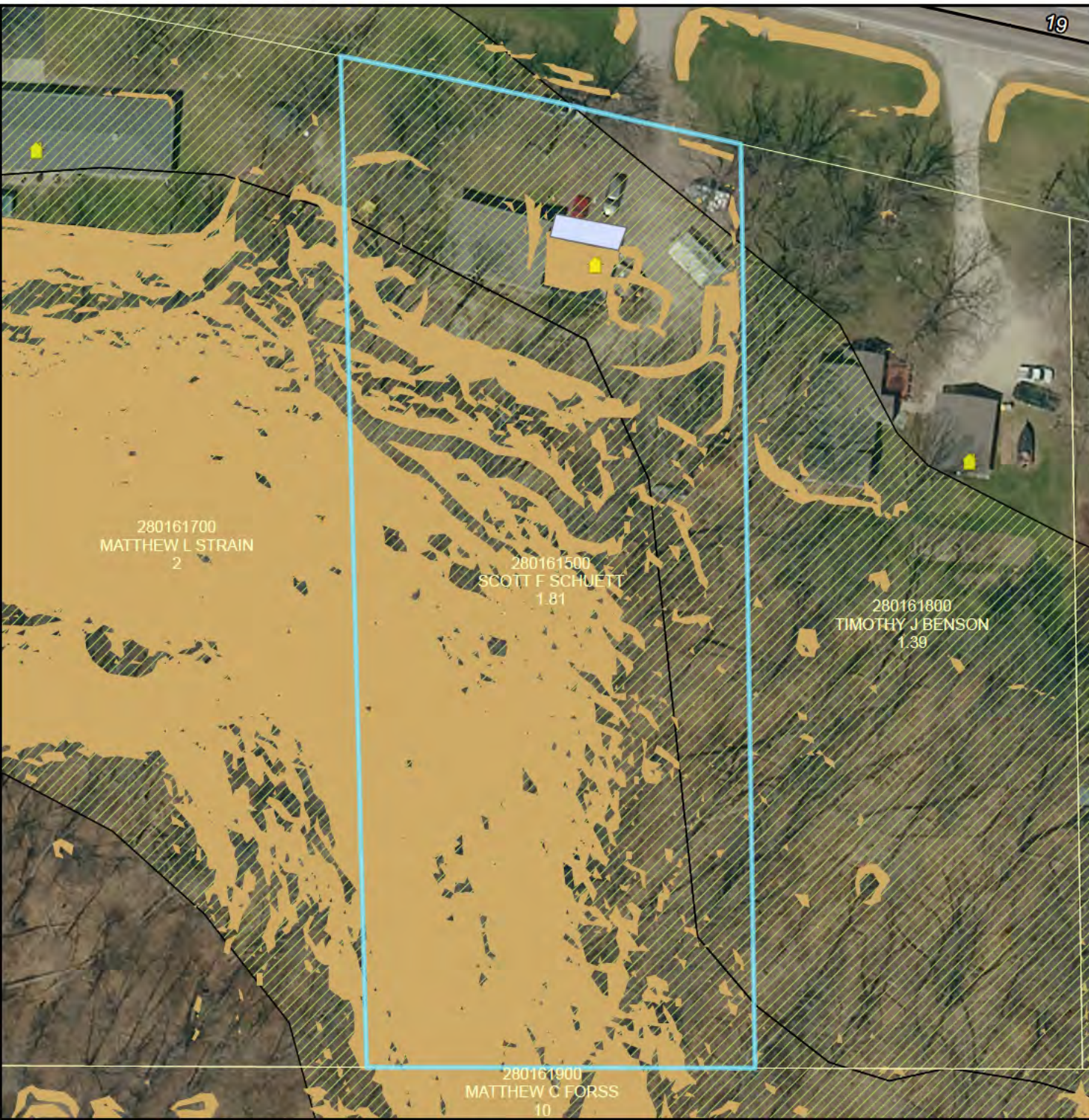
Scott Schuett & Jane Umnus (Owners)
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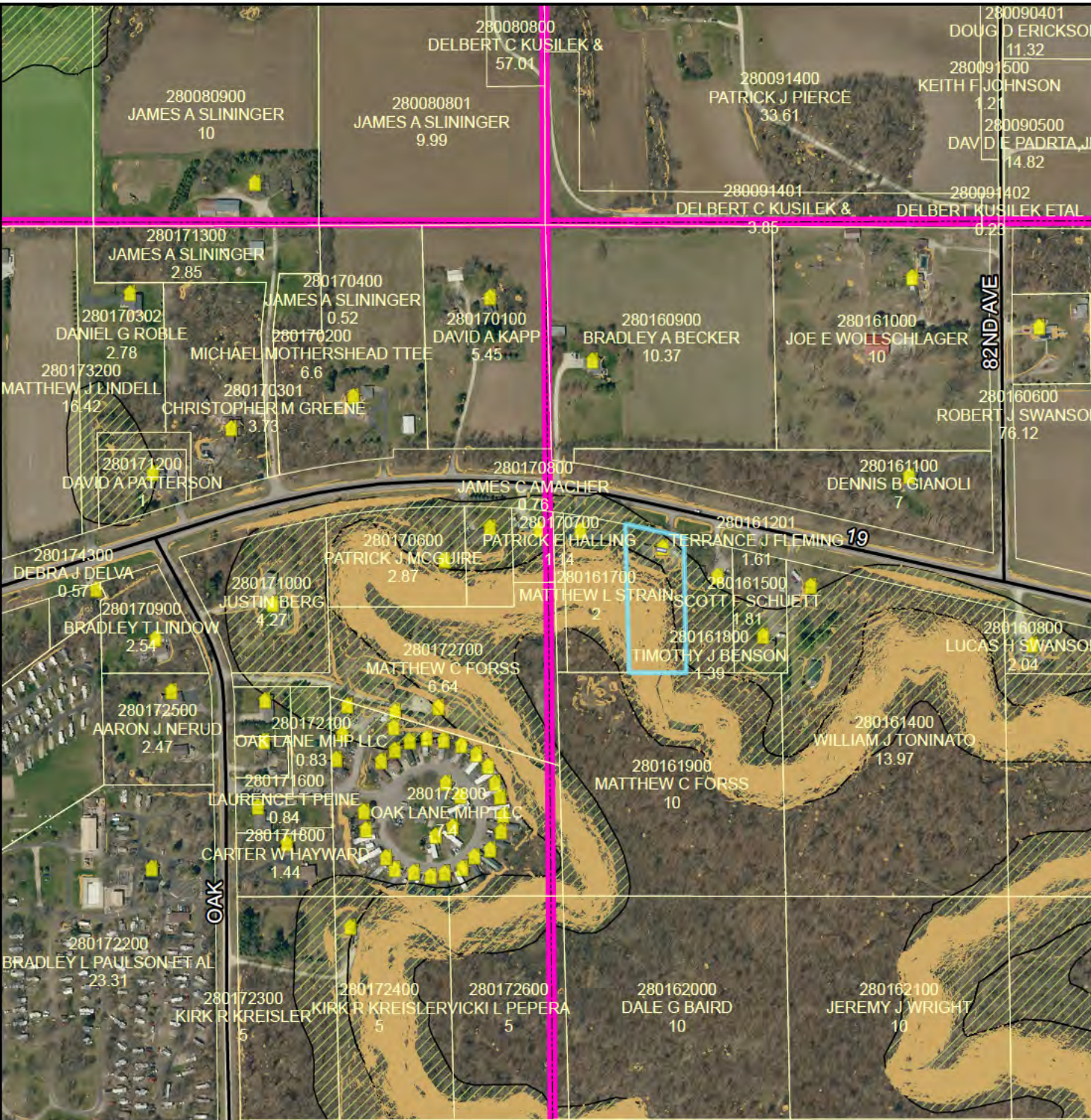
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Public Hearing
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Scott Schuett & Jane Umnus (Owners)
A2 Zoned District

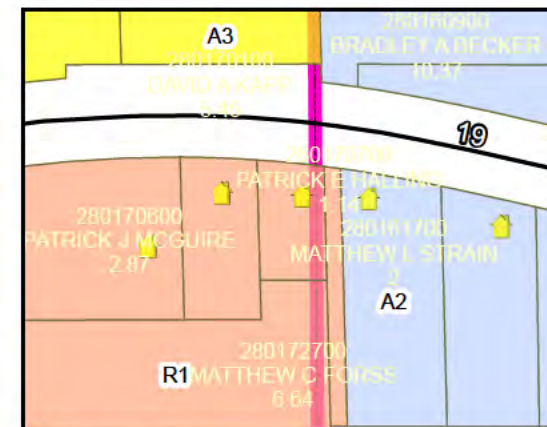
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Legend

- Intermittent Streams
 - Protected Streams
 - Lakes & Other Water Bodies
 - Shoreland
 - Historic Districts
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 - Dwellings
 - Municipalities
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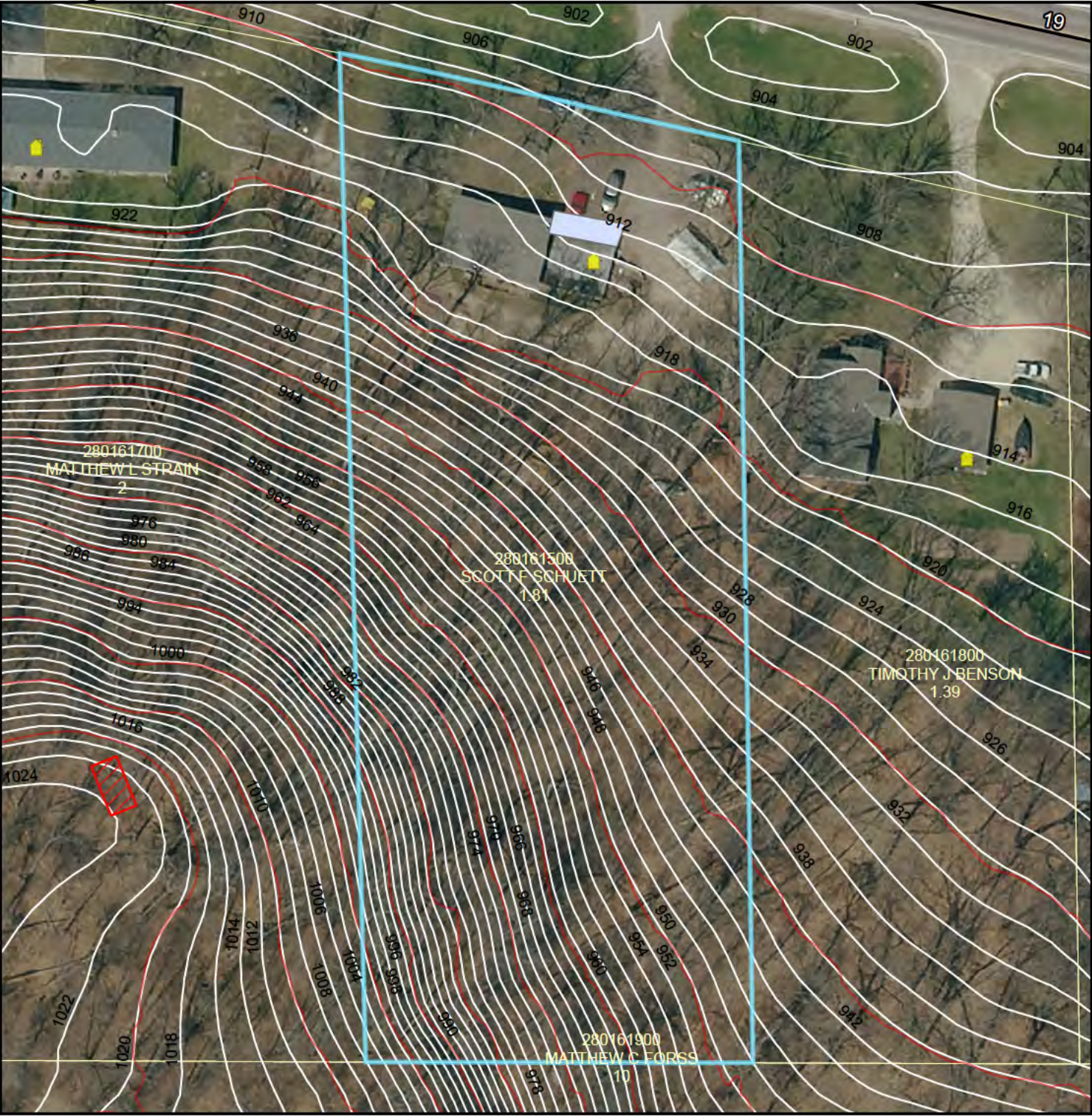


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

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June 26, 2023

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0 20 40 80 120 US Feet

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