

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. November 13, 2023 DRAFT Meeting Minutes

Documents:

[BOAMEETINGMINUTES_DRAFT_NOVEMBER.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for an after-the-fact Variance, submitted by Charles Rusch (Owner) to R-1 Zoning District standards to allow an accessory building to be established less than 25-feet from the Van Blarcum Avenue Right-of-Way and less than 8 feet from a side property line. Parcel 32.130.1540. 28940 Van Blarcum Avenue Frontenac, MN 55026. Lot 4 Block 41 of the Town of Frontenac plat.

Documents:

[BOAPACKET_RUSCH.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
November 13, 2023 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:30 PM by Chair Daniel Knott at the Goodhue County Government Center Board Room.

Roll Call

Commissioners Present: Daniel Knott, Randy Rechtzigel, Scott Breuer, and Darwin Fox.

Commissioners Absent: Dennis Tebbe and Keith Allen.

Staff Present: Land Use Management Director Lisa Hanni, Zoning Administrator Samantha Pierret, and Zoning Assistant William Lenzen

1. Approval of Agenda

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

Motion carried 4:0

2. Approval of Minutes

²Motion by Commissioner Breuer and seconded by Commissioner Rechtzigel to approve the previous month's meeting minutes as amended.

Motion carried 3:0 (Commissioner Fox voted present)

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 Corey Behlke (Owner) to allow construction of a dwelling addition 18 feet from a side yard property line where 30 feet is required. Parcel 37.031.0100. 39033 70th AVE Dennison, MN 55018. Part of the NE 1/4 of the NE 1/4 of Section 31 TWP 111 Range 17 in Leon Township. A1 Zoned District.

Lenzen presented the staff report and attachments.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

³After Chair Knott asked three times for comments, it was moved by Commissioner Fox and seconded by Commissioner Rechtzigel to close the Public Hearing.

Motion carried 4:0

Commissioner Rechtzigel stated that the photos provided with the staff report show that the Applicant was already digging the footings.

Lenzen confirmed and stated that the pictures were taken about a week ago.

Commissioner Knott stated that it appears that the Applicant wants to move ahead with the

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
November 13, 2023 MEETING MINUTES
DRAFT**

project pretty quickly being that the footings are already dug and that they originally wanted to plat the two parcels together. He questioned why they did not proceed with platting.

Pierret stated that she doesn't know how long the surveying process would take but the PAC would have reviewed the plat in December and the County Board would have considered the request in January at the soonest.

Commissioner Bruer confirmed that the north property line that's in question goes through all wooded land.

Pierret agreed stating it goes through bluffs and woods.

Commissioner Fox asked how many houses are there in the section.

Pierret stated that there are at least 12 dwellings in this section but on the map provided the first number is cut off.

4 Motion by Commissioner Breuer, seconded by Commissioner Fox for the Board of Adjustment to:

- adopt the amended 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 Corey Behlke (Owner) to allow construction of a dwelling addition 18 feet from a side yard property line where 30 feet is required.

Motion carried 4:0

5. Adjourn

5 Motion by Commissioner Fox, seconded by Commissioner Rechtzigel to adjourn the BOA meeting at 5:45 PM.

Motion carried 4:0

Respectfully submitted:

William Lenzen, Zoning Assistant

MOTIONS

¹ APPROVE the BOA meeting agenda.

Motion carried 4:0

² APPROVE the previous month's meeting minutes as amended.

Motion carried 3:0 (Commissioner Fox present)

³ Motion to close the Public Hearing.

Motion carried 4:0

⁴ APPROVE the Variance to Minimum Setback Standards.

Motion carried 4:0

⁵ Motion to Adjourn

Motion carried 4:0

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: December 18, 2023
Report date: December 8, 2023

PUBLIC HEARING: Request for an after-the-fact Variance, submitted by Charles Rusch (Owner) to R-1 Zoning District standards to allow an accessory structure to be established less than 25 feet from the Van Blarcum Avenue Right-of-Way and less than 8 feet from a side yard property line.

Application Information:

Applicant(s): Charles Rusch (Owner)
Address of zoning request: 28940 Van Blarcum Avenue Frontenac, MN 55026
Parcel: 32.130.1540
Abbreviated Legal Description: Lot 4 Block 41 of the Town of Frontenac plat.
Township Information: Florence Township approved a variance for the accessory structure on November 11, 2023
Zoning District: R-1 (Suburban Residential)

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:

Charles Rusch (Owner) has applied for an after the fact Variance to R-1 Zoning District standards to allow an accessory building to be established 19 feet rather than 25 feet from the Van Blarcum Avenue Right-of-Way and 7 feet from a side yard property line when 8 feet is required.

The Applicant installed the shed on his property around the spring of 2023 less than 25 feet from the Township right-of-way and less than 8 feet from the north property line. No Township or County permits were obtained for the shed. County staff contacted the owner in the summer of 2023 and informed him that proper permits were required for the shed. The Applicant worked with the Township throughout the summer and fall to obtain appropriate Township approvals.

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 12-foot x 20-foot shed provides accessory storage for a lawnmower, garden equipment, snow blower, bicycles, motorcycle, etc.
- As of this year, the Rusch's have retired and made this their permanent residence. As a result of their smaller lot size and lack of a garage, they need a place to store outdoor equipment.

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

- The Goodhue County Comprehensive Plan supports the establishment of accessory structures for rural residences in the unincorporated areas of Goodhue County.

The proposed accessory structure 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 place an accessory structure is a reasonable use of property in the R-1 District.
- The property is an existing 7,500-square-foot parcel which is not a conforming lot size in the R-1 District (20,000 square feet minimum for lots platted before 2019). The property contains a single-family dwelling and two small sheds.
- The Applicant stated that there are no alternative locations for the shed due to their small lot size, proximity to other small sheds currently on the property, and the location of the septic drain field directly east of the shed. The property is a corner lot with frontage along two public right-of-ways where the minimum setback is 25 feet.
- The Applicant has indicated the 19-foot ROW setback requested will be achieved by moving the existing shed further east, as close to the drain field as possible.
- The property is surrounded by other R-1 zoned parcels that are similarly under the minimum 20,000 square-foot lot size.
- 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 are permitted use in the R-1 Zoning District. The request does not constitute a use variance.

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

Staff Recommendation:

- adopt the staff report into the record;
 - adopt the findings of fact;
 - accept the application, testimony, exhibits, and other evidence presented into the record; and
- APPROVE** the request for a variance, submitted by Charles Rusch (Owner) for an after the fact Variance to R-1 Zoning District standards to allow an accessory building to be established 19 feet from the Van Blarcum Avenue Right-of-Way and 7 feet from a side yard property line.





These two pictures depict the sheds current location.

Florence Township

Goodhue County, Minnesota | VARIANCE REQUEST

APPLICATION NO. _____ FEE \$ _____ DATE _____

1. GENERAL PROVISIONS

a. Be sure to discuss circumstances with staff *prior* to completing and submitting Application.

b. In reviewing all variance requests, the Florence Township Planning Commission and ultimately the Board of Supervisors will evaluate the request for conformance with the variance standards in conformance with Minnesota State Statute 394.27.

c. The Commission and Board may only grant variances when it finds the request meets the following criteria

- Harmony with general purposes and intent of the official controls.
- Consistency with the Comprehensive Plan
- The applicant has established "practical difficulties" exist in complying with the current official controls. As this pertains to the variance, this means that the applicant proposes to use their property in a reasonable manner not permitted by an official control. The plight 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 variance will not allow any use that is not allowed in the applicable zoning district.

2. APPLICATION IS HEREBY MADE BY:

Owner: Chuck Rusch
Address: 28940 Van Blarcum
Frontenac, MN 55026
Telephone: [REDACTED]
Email: [REDACTED]

Authorized Agent / All Property Owners

Address:
Telephone:
Email:

Contractor

Address:
Telephone:
Email:

Additional Notes:

3. PROJECT INFORMATION

a. **Site Address:** 28940 Van Blarcum Ave, Frontenac, MN 55026
Legal Description: TOWN OF FRONTENAC ID# 32-0160-14300 DOC #342970
LOT 4 BLK 41
PID# R 32.130.1540
Zoning District: FLORENCE TWP
Lot Area: 7,500 sq ft
Lot Dimensions: 50' X 150'
Structure Dimensions 12' X 20'

b. The property is currently used for: residence, commercial building, industrial building, accessory building, or other (describe)

c. Proposed Use: *Residence*

d. The Variance for this property is requested for: Road Right-of-Way Setbacks, Property Line Setbacks, Height Limits, Lot Width/or Area, Subdivision Regulations, Bluff Setbacks, % Lot Coverage, or other (describe) _____

e. Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized.

Our Situation: We have owned this property 30+ years. In January 2023 we retired and made this our permanent residence. As a result of the move we now have outdoor toys & equipment that used to be stored in the garage at other residence. Due to the small lot size we are unable to build a garage which severely limits our outdoor storage options. We would like to place a 12' x 20' shed in a reasonable location in the backyard to store things like; lawn mower, garden equipment, snow blower, bicycles, motorcycle, etc.

Our Challenge: Due to the small lot size we are challenged to fit a 12' x 20' shed within the setback confines.

Our Request: We are requesting a front yard setback of 19' setback from the lot line vs 25' and a side yard setback of 7' setback vs 15'. We believe this allows for the most logical, visually pleasing location of the shed on the property (see site plan).

Neighbor Input: This plan was mutually designed and signed off on by the two neighboring property owners. See signatures on attached site plan.

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

- Site Plan
- Property Survey by a MN Licensed Surveyor (unless waved by Planning Commission)
- Proof of current property taxes
- Signature of property owner, agent, or letter of authorization.
- Required fees

g. Supporting Information & Justification

You, or your agent must provide 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:

We have owned this property 30+ years. In January 2023 we retired and made this our primary residence. Due to the small lot size we are unable to build a garage severely limiting our outdoor storage options. We would like to place a 12' x 20' shed in a reasonable location in the backyard to store things like; lawn mower, garden equipment, snow blower, bicycles, motorcycle, etc.

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

- a) *Due to the lot size placing the shed at a 50' front and 15' side yard setback would place the shed in a very awkward visually disruptive location on the lot.*
- b) *Placing the shed at a 50' front and 15' side yard setback would place it directly in front of an existing shed preventing logical access to the existing shed (see site plan)*
- c) *Placing the shed at a 50' front and 15' side yard setback would prevent us from adding a backyard fire pit to our property.*

3. Describe any unique physical limitations that exist on your property, not generally found on others, which prevents you from complying with the provisions of the current ordinance:

The lot is only 50' wide by 150' long. The small size of the lot is what creates the challenge to setbacks.

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

We could build multiple smaller sheds and not go through the permitting process but that would be visually disruptive to the property and neighborhood and not be in the spirit of Old Frontenacs heritage.

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

Same as above, we could build multiple smaller sheds but that would be visually disruptive to the property and neighborhood and not be in the spirit of Old Frontenacs heritage.

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

No, both neighbors have walked the property and reviewed and signed off on the plan.

h. I hereby apply for a variance 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 permit 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. Additional information or applications may be required. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.

Applicants Signature: Charles E Rusch

Date: 11/20/23

Print name: CHARLES P. RUSCH
(owner or authorized agent)

OFFICIAL USE Variance Request: 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 [Signature]

Title Chairman

Date 11/20/2023

Signature

Title

Date

Florence Township Heritage Preservation Commission

DESIGN REVIEW APPLICATION

Use separate application for each building or site. Refer to Resource Guide for definitions.

Owner: CHUCK RUSCH Phone

Address: 28940 VAN BLARCOM AVE

Applicant: CHUCK RUSCH Phone:

Address: 28940 VAN BLARCOM AVE

Work Site Address: 28940 VAN BLARCOM AVE

Lot Size: ft. by ft. Start Date: / / End Date: / /

- Project Type: [X] New Construction [] Major Face Lift [] Minor Face Lift [] Restoration [] Rehabilitation [] Demolition [] Landscape [] Signage [] Site Lighting [] Fences [] Public Park [] Other

YOU MUST ATTACH THE FOLLOWING BEFORE APPLICATION CAN BE CONSIDERED

- I. Historical background of building or site and adjoining properties (NONE)
II. Project Information, Description and Drawings (Attach to this Document) 12x20 STORAGE SHED
a. Current photograph of the exterior sides of building and/or site
b. Scaled elevation drawing illustrating proposed work
c. Scaled floor plan drawing illustrating proposed work
d. Site Plan that includes all buildings and landscape elements
e. Short narrative on the project relative to the site's architectural history
f. Exterior building material samples and proposed colors. OLIVE SIDE, WHITE TRIM, BLACK ROOF

Building Name: STORAGE SHED # of Pages: Approval on Each Page

Site Name: RUSCH HOME # of Pages: Approval on Each Page

By submission of these plans, I agree to proceed according to these plans. If any changes are made during the approval process or during the project, I agree to submit such changes for approval by the HPC and other applicable agencies before moving forward with the project.

Applicant Signature: Charles E Rusch Date: 6/12/2023

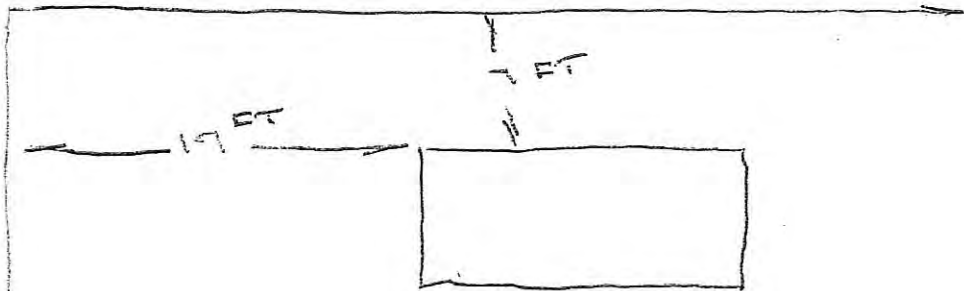
Recommendation: [X] Approved as Submitted [] Approved with Conditions (See Attached) [] Denied (See Attached) [] Permit Issued on Date: / / Commission Signature: [Signature] Date: 6/13/2023

14 NOV 2023

not to scale
↑ N
Property line

ANTH BLADLUM

Property line



Mark E. Lavel

John Miller

Robert W. Brown, FIP

MAP 01: PROPERTY OVERVIEW

BOARD OF ADJUSTMENT



















Public Hearing
December 18, 2023

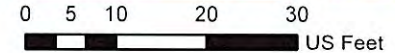
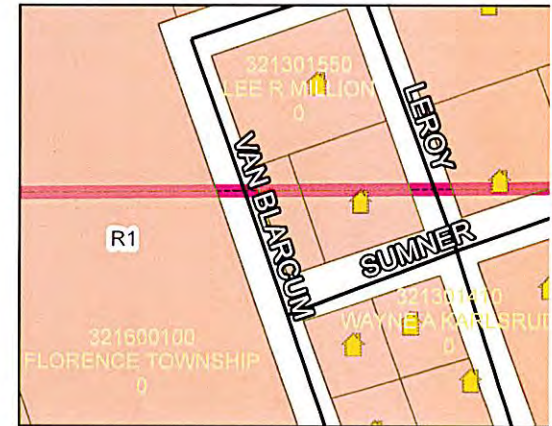
Charles Rusch (Owner)
R1 Zoned District

Lot 4 Block 41 of the Town of Frontenac
Plat

Request for an after-the-fact Variance to R-
Zoning District standards to allow an
accessory building to be established less
than 25-feet from the Van Blarcum Avenue
Right-of-Way and less than 8 feet from a
side property line.

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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321600100
FLORENCE TOWNSHIP
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MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
December 18, 2023

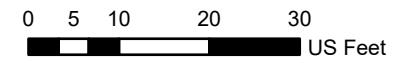
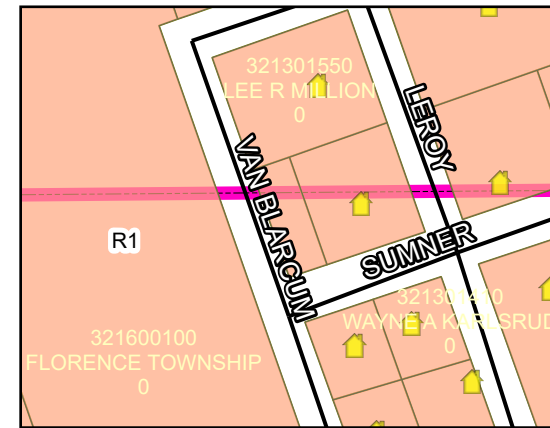
Charles Rusch (Owner)
R1 Zoned District

Lot 4 Block 41 of the Town of Frontenac
Plat

Request for an after-the-fact Variance to R-1
Zoning District standards to allow an
accessory building to be established less
than 25-feet from the Van Blarcum Avenue
Right-of-Way and less than 8 feet from a
side property line.

Legend

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



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PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

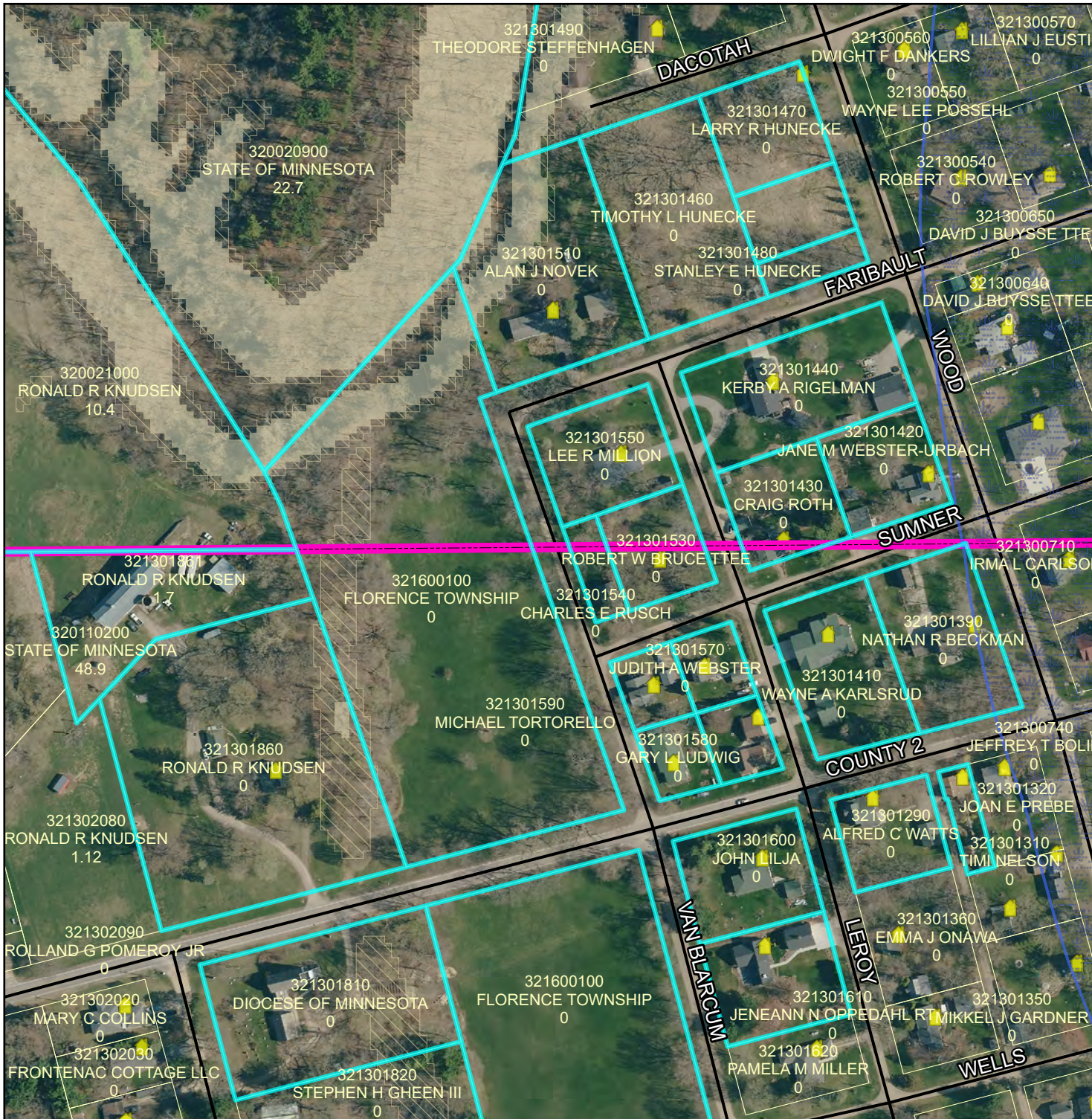
PLANNING COMMISSION

Public Hearing
December 18, 2023

Charles Rusch (Owner)
R1 Zoned District

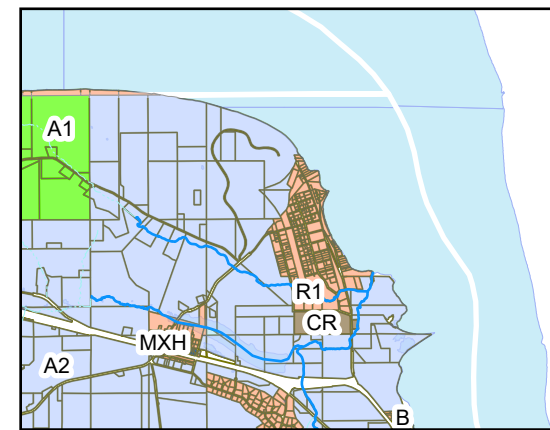
Lot 4 Block 41 of the Town of Frontenac
Plat

Request for an after-the-fact Variance to R-1
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Legend

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



0 75 150 300 450 US Feet

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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
December 18, 2023

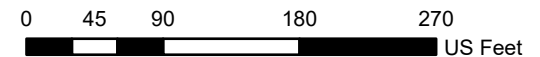
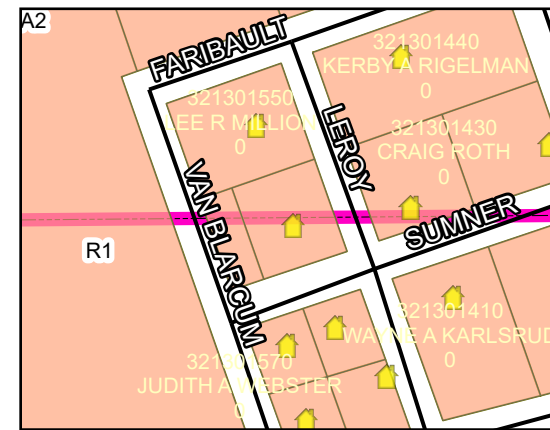
Charles Rusch (Owner)
R1 Zoned District

Lot 4 Block 41 of the Town of Frontenac
Plat

Request for an after-the-fact Variance to R-1
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	Protected Streams		30
	Lakes & Other Water Bodies		
	Shoreland		
	Historic Districts		
	Parcels		
	Registered Feedlots		
	Dwellings		
	Municipalities		
			FEMA Flood Zones
			2% Annual Chance
			A
			AE
			AO
			X

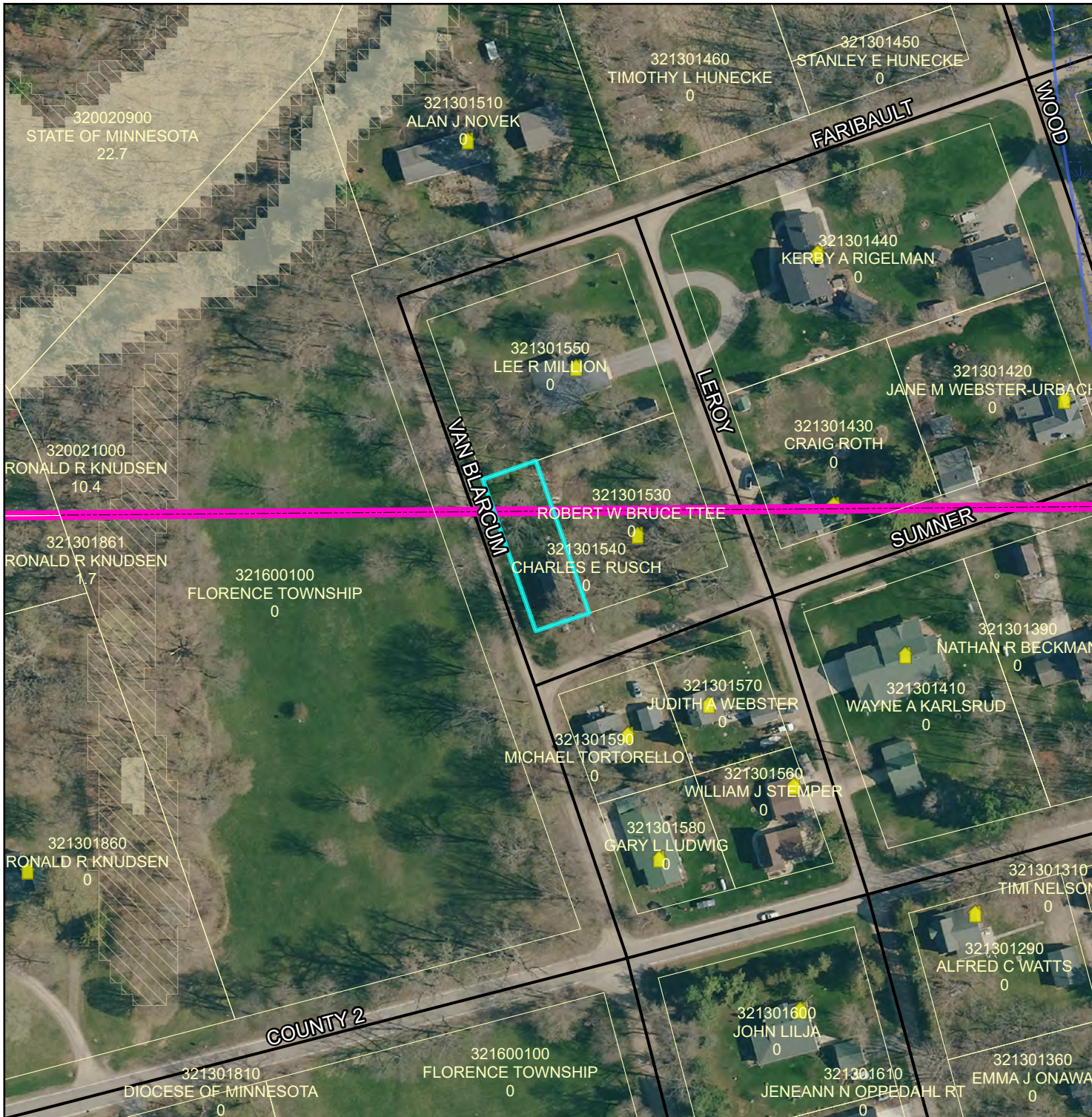


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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
December 18, 2023

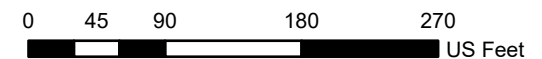
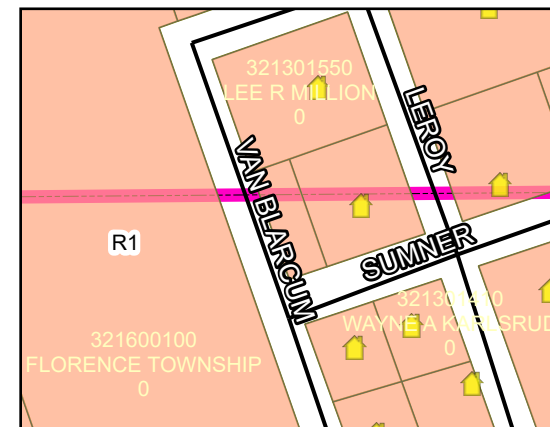
Charles Rusch (Owner)
R1 Zoned District

Lot 4 Block 41 of the Town of Frontenac
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	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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