

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 24th, 2024, MEETING MINUTES**

The Meeting of the Goodhue County Board of Adjustment was called to order at 5:00 PM by Chair Daniel Knott at the Goodhue County Government Center Board Room.

Roll Call

Commissioners Present: Daniel Knott, Randy Rechtzigel, Scott Breuer, Dennis Tebbe, and Keith Allen (arrived 5:11 PM)

Commissioners Absent: Darwin Fox

Staff Present: Zoning Administrator Samantha Pierret and Zoning Assistant William Lenzen

1. Approval of Agenda

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

Motion carried 4:0

2. Approval of Minutes

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

Motion carried 4:0

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings:

PUBLIC HEARING: Request for Variance to Accessory Dwelling Unit Standards

Request for Variance, submitted by Corey Behlke (Owner) to Article 11 Section 31 Accessory Dwelling Units (ADUS) to allow an existing dwelling to remain on the property greater than 100 feet from the principal dwelling.

Lenzen presented the staff report and attachments.

Chair Knott asked if the dwelling is located where the yellow symbol is on the staff map provided.

Lenzen stated that it is a little further south of the symbol.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

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

Motion carried 4:0

Commissioner Rechtzigel commented on the location of the dwelling, being in the trees it will not have a negative effect on the property. He stated that he would like to see the building inspected with the issuance of a building permit.

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

- adopt the staff report into the record;
 - adopt the findings of fact;
 - accept the application, testimony, exhibits, and other evidence presented into the record; and
- APPROVE** the Request for Variance, submitted by Corey Behlke (Owner) to Article 11 Section 31 Accessory Dwelling Units (ADUS) to allow an existing dwelling to remain on the property 325 feet from the principal dwelling. Subject to the following condition:

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1. A building permit shall be issued for the dwelling and proper building, well, and septic inspections shall be completed.

Motion carried 4:0

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Andrew Sandstrom (Owner) to A-3 Zoning District standards to allow an accessory building to be constructed less than 30 feet from a side yard property line.

Lenzen presented the staff report and attachments.

Chair Knott questioned whether a variance was required for the pool when it was constructed in 2020.

Pierret stated that the pool itself is 30 feet from the property line, which is what was depicted in the site plan submitted at the time. The concrete apron or sidewalk doesn't need to be 30 feet from the property line.

Michelle Sandstrom (Owner) stated that the site plan shows a 23-foot setback to the concrete apron. She added that there is a power line easement on the west side of the property line so nothing can be built on that side of the property within 150 feet.

Commissioner Breuer asked if the purple area shown is the proposed building.

Michelle Sandstrom stated that it has changed slightly, the new building will not be connected to the deck as shown in the application.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

⁵After Chair Knott asked three times for additional comments, it was moved by Commissioner Tebbe and seconded by Commissioner Allen to close the Public Hearing.

Motion carried 5:0

Commissioner Tebbe stated that he agrees with staff's recommendations.

⁶Motion by Commissioner Breuer, seconded by Commissioner Rechtzigel 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 Andrew Sandstrom (Owner) to A-3 Zoning District standards to allow an accessory building to be constructed 10 feet from a side yard property line.

Motion carried 5:0

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Scott Greenslit (Owner) to R-1 Zoning District standards to allow an attached garage addition to be constructed less than 25 feet from the 55th Avenue Right-of-Way.

Lenzen presented the staff report and attachments.

Scott Greenslit (Applicant) noted that the staff report's findings of fact say 460th Street when it should be 55th Street.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

⁷After Chair Knott asked three times for comments, it was moved by Commissioner Tebbe and seconded by

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Commissioner Rechtzigel to close the Public Hearing.

Motion carried 5:0

Commissioner Breuer asked if the tree in the picture was going to stay.

Applicant stated that the tree would be removed because the addition would be right up against the tree.

Commissioner Rechtzigel stated that it is a unique property

Commissioner Allen stated that when looking at other homes in the area, several are closer to the right of way than this addition is going to be.

Commissioner Rechtzigel stated that it's not a busy road.

Commissioner Allen stated that it's not impeding the vision at the corner of the streets.

⁸Motion by Commissioner Rechtzigel, seconded by Commissioner Breuer 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 Variance, submitted by Scott Greenslit (Owner) to R-1 Zoning District standards to allow an attached garage addition to be constructed 9 feet from the 55th Avenue Right-of-Way.

Chair Knott asked for clarification that the motion included revising the staff report to correct the street name.

⁹Motion by Chair Knott, seconded by Commissioner Rechtzigel to amend the motion to have the staff report corrected.

Motion carried 5:0

Original Motion to Approve carried 5:0

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Emery Maher (Applicant) on behalf of Emmanuel Lutheran Church (Owner) to A-1 Zoning District standards to allow a church addition to be constructed less than 60 feet from the County 1 BLVD Right-of-Way and less than 30 feet from side and rear yard property lines.

Pierret presented the report and attachments.

Commissioner Rechtzigel asked why these parcels aren't combined to eliminate the setback constraints.

Pierret stated that the church wants to be on a separate parcel from the cemetery in case the church is no longer able to care for the cemetery, then the Township can take over the management of the cemetery without having to take ownership of the church building.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

¹⁰After Chair Knott asked three times for comments, it was moved by Commissioner Tebbe and seconded by Commissioner Breuer to close the Public Hearing.

Motion carried 5:0

Commissioner Rechtzigel stated that he doesn't see any problems with the request. He added the church owns the land on the other side of the property line.

Commissioner Tebbe stated the existing structure seems to be more of an impairment to County 1 than the addition because the addition will be further back from the right of way.

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Commissioner Allen stated he has experience at his church with the church and cemetery being on separate parcels because the cemetery association owns and operates the cemetery apart from the church.

¹¹Motion by Commissioner Allen, seconded by Commissioner Breuer 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 Variance, submitted by Emery Maher (Applicant) on behalf of Emmanuel Lutheran Church (Owner) to A-1 Zoning District standards to allow a church addition to be constructed 47 feet from the County 1 BLVD right of way, 3 feet from a side yard property line, and 2 feet from a rear yard property line.

Motion carried 5:0

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Heather Thielbar (Owner) to A-3 Zoning District standards to allow an accessory building to be constructed less than 30 feet from a side yard property line.

Lenzen presented the staff report and attachments.

Chair Knott noted that the staff report indicates the building may be able to go in a different location on the property and meet the required setbacks. He questioned where this location was at.

Pierret stated that it may be able to go northeast of where it currently is proposed, in the garden area.

Chair Knott asked if that would require a bluffland variance.

Pierret stated she was unsure.

Commissioner Rehtzigel asked if there was a request for a separate driveway.

Pierret stated that the Township signed off on the project and the new driveway was up to them because it is a Township road.

Commissioner Breuer asked if staff's proposed location was where the septic system is located.

Pierret stated that the septic is west of the pool.

Commissioner Tebbe stated that based on the images, this looks like the most reasonable location for the building.

Heather Thielbar (Applicant) stated that they have a letter from the neighbor, Wayne Allar, stating that Wayne is okay with them building closer to their property line.

Chair Knott stated that where staff is stating the shed can go would mean going uphill even more.

Applicant stated that to place the shed there would require it to be dug deeper into the ground than they would like.

Chair Knott noted it's hard to see what the original topography was because dirt work has already begun.

Applicant stated that the contractor had already started dirt work without her knowledge and before a building permit had been issued. A lot of the dirt that they took out of the project went to raise up the new driveway and additional material is waiting to backfill the building.

Discussion continued regarding the proposed construction of the building.

Commissioner Tebbe stated that driving by, it looks like the project is situated in an appropriate spot.

Commissioner Allen questioned the height of the berm that was dug out.

Applicant stated that it is taller than her, perhaps six feet or more.

Commissioner Allen stated it's hard to see the height of the berm based on the pictures.

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Discussion continued regarding the location of the new building compared to the pool and construction methods.

Chair Knott opened the Public Hearing

Mark Berman (25252 Hay Creek Trail) stated that he knows that the Applicant takes good care of their property and has full confidence that they will continue to do right with their projects.

¹²After Chair Knott asked three times for additional comments, it was moved by Commissioner Tebbe and seconded by Commissioner Allen to close the Public Hearing.

Motion carried 5:0

Commissioner Tebbe stated that he is surprised that it is zoned A3 as the area is more residential in character.

Commissioner Allen commented on the negative ramifications that requiring the owner to refill the disturbed area and relocating the building could have on the property and neighboring properties.

¹³Motion by Commissioner Tebbe, seconded by Commissioner Rehtzigel 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 Variance, submitted by Heather Thielbar (Owner) to A-3 Zoning District standards to allow an accessory building to be constructed 15 feet from a side yard property line.

Motion carried 5:0

Other-Discussion

There was no other discussion.

¹⁴Motion by Commissioner Rehtzigel, seconded by Commissioner Tebbe to adjourn the BOA meeting at 6:07 PM.

Motion carried 5:0

Respectfully submitted:

William Lenzen, Zoning Assistant

MOTIONS

¹ Motion to approve Agenda

Motion carried 4:0

² Motion to approve previous month's meeting minutes

Motion carried 4:0

³ Motion to close the Public Hearing

Motion carried 4:0

⁴ APPROVE the Variance to Accessory Dwelling Unit Standards

Motion carried 4:0

⁵ Motion to close the Public Hearing

Motion carried 5:0

⁶ APPROVE the Variance to Minimum Setback Standards

Motion carried 5:0

⁷ Motion to close the Public Hearing

Motion carried 5:0

⁸ APPROVE the Variance to Minimum Setback Standards

Motion carried 5:0

⁹ AMEND the motion to add correction to staff report

Motion carried 5:0

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¹⁰ **Motion to close the Public Hearing**

Motion carried 5:0

¹¹ **APPROVE the Variance to Minimum Setback Standards**

Motion carried 5:0

¹² **Motion to close the Public Hearing**

Motion carried 5:0

¹³ **APPROVE the Variance to Minimum Setback Standards**

Motion carried 5:0

¹⁴ **Motion to adjourn**

Motion carried 5:0