
To: Board of Adjustment
From: Land Use Management
Meeting Date: January 27th, 2024
Report date: January 17th, 2024

PUBLIC HEARING: Request for Variance, submitted by Paul Birrittella (Applicant) on behalf of Mary Birrittella (Owner) to allow construction of an Accessory Dwelling Unit (ADU) greater than 100 feet from the primary dwelling.

Application Information:

Applicants: Paul Birrittella (Applicant) on behalf of Mary Birrittella (Owner).

Address of zoning request: 29996 Orchard Road, Red Wing, MN 55066

Parcel: 34.011.0602

Abbreviated Legal Description: Part of the SW 1/4 of the SE 1/4 SEC 11, Town 112, Range 14 in Hay Creek Township.

Township Information: Hay Creek Township signed off on the application on December 26th, 2024, and did not add any comments.

Zoning District: A-2 (Agricultural)

Attachments and Links:

Application and submitted project summary

Site Map

Goodhue County Zoning Ordinance: [zoning_ordinance.pdf \(goodhuecountymn.gov\)](#)

Background:

Paul Birrittella (Applicant) has applied for a variance to Article 11 Section 31 (Accessory Dwelling Units) to allow an ADU to be established 210 feet from the principal dwelling.

Any building that contains habitable living quarters is considered a dwelling unit in Goodhue County. In 2017 the County amended the Zoning Ordinance to allow a second, “accessory,” dwelling unit on the same parcel as a principal dwelling subject to performance standards. ADU performance standards require an ADU to be located within 100 feet of the primary dwelling unit.

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:**

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

- The property consists of one parcel containing approximately 8.85 acres. The minimum lot size in the A-2 District is 2 acres.
- The ADU will be placed downhill and southwest of the primary dwelling. It will be 40 feet by 50 feet
- The Applicant’s proposal appears in harmony with the purpose and intent of the official control.

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

- The Goodhue County Comprehensive Plan supports the establishment of ADUs to provide rural living opportunities in the unincorporated areas of Goodhue County.

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

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

- The Applicant’s request to establish an ADU is a reasonable use of property in the A-2 District.
- As an A-2 zoned district, section 11 allows a maximum dwelling density of 12 dwellings in the section. Additional dwelling density is available as there are currently 6 dwellings in the section. Since an ADU does not count against dwelling density, the section density would not be affected by this request.
- There is bluff land east of the primary dwelling, east and north property lines are 91 feet and 75 feet respectively, and the septic system lies to the west. All of these features limit the placement of the ADU to be within 100 feet from the primary dwelling.
- A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly agricultural uses, Bluff land, and Woodlands.

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

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

- ADUs are permissible in the A-2 district. This 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 submitted by Paul Birrittella (Applicant) on behalf of Mary Birrittella (Owner) to Article 11 Section 31 Accessory Dwelling Units (ADU) to allow an ADU to be established 210 feet from the principal dwelling.

RECEIVED

JAN 06 2025

For Staff Use Only	
Permit #	<u>725-0002</u>
\$400 Receipt #	18581
DATE:	1-6-25

Variance

Land Use Management

SITE ADDRESS, CITY, AND STATE <u>29996 Orchard Rd. Red Wing MN</u>				ZIP CODE: <u>55066</u>	
LEGAL DESCRIPTION: <u>SEC-11 TWP-112 RANGE-014</u>					
PID#: <u>RP 34.011.0602</u>	ZONING DISTRICT: <u>A2</u>	LOT AREA (SF/ACRES): <u>8.85 acres</u>	LOT DIMENSIONS: <u>621.77ft x 619.90ft</u>	STRUCTURE DIMENSIONS (if applicable): <u>40 x 50</u>	Attached <input type="checkbox"/>

APPLICANT OR AUTHORIZED AGENT'S NAME: <u>Paul Birrieffella</u>	
APPLICANT'S ADDRESS: <u>29996 Orchard Rd. Red Wing MN 55066</u>	TELEPHONE: EMAIL:

PROPERTY OWNER'S NAME: Same as Above <input type="checkbox"/> <u>Mary Birrieffella</u>	
PROPERTY OWNER'S ADDRESS: <u>29996 Orchard Rd. Red Wing MN 55066</u>	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"/> Subdivision Regulations <input checked="" type="checkbox"/> Other (specify) <u>(over 100ft from primary dwelling)</u>	CURRENT OR PREVIOUS USE:
	PROPOSED USE: <u>ADU</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: Paul Birrieffella

Date: 1/03/2025

REQUEST SUMMARY

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

Article: 11 Section: 31 Name: Subd. 1. A. 2.

Article: _____ Section: _____ Name: An ADU can be located within 100ft of the primary dwelling unit.

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:

Currently living on the property w/ my Mom (primary dwelling owner). I live here to look after & take care of the 200 acres the Family owns. We have a farm growing Flavors (Flavor Valley Orchards Flavor Farm). I'd like my own living quarters on the farm to continue working here.

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

If not granted I will likely need and not be able to spend as much time here. Without upkeep of the property & business we would have to consider downsizing which ~~is~~ would be much to my dismay.

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

The primary dwelling is surrounded by bluff setbacks. on other sides is a property line, septic system, & ~~setback~~ the only available spot for a driveway due to the ~~bluff~~ grade up to the houses.

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

To get within 100ft of the house we'd have to do an unreasonable amount of excavation. Even then I don't believe we could fit the building in the ~~setback~~ required 100ft distance.

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

There are no lesser variances in the case.

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

Not at all. It's a farming area where families try to keep everyone around to continue their way of life. We seek to do the same. And the building is primarily a shop to help with farm work/storage. This type of building is very characteristic of the area and the type of structure it requires.

TOWNSHIP ZONING APPLICATION

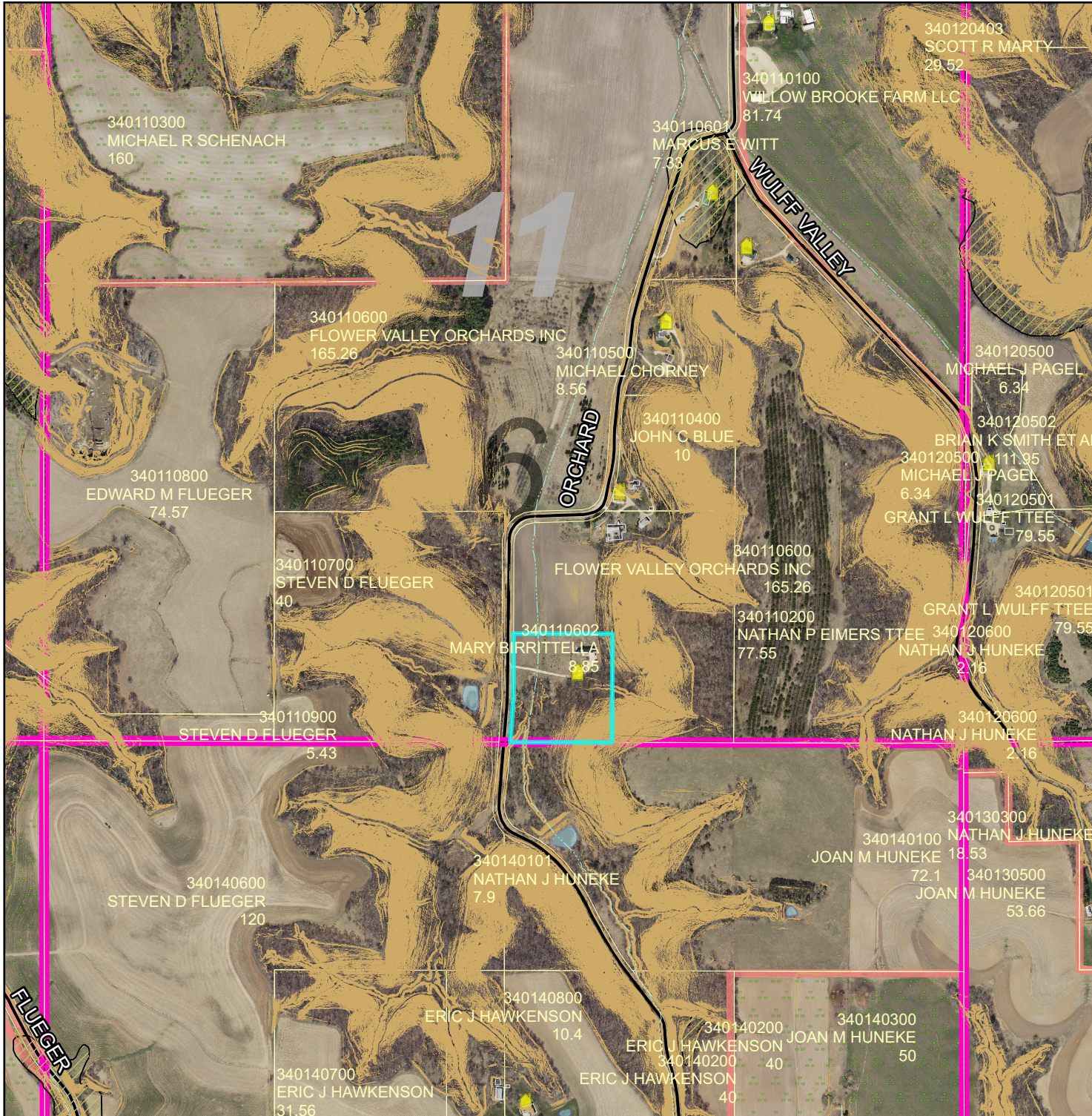
TOWNSHIP NAME Hay Creek
 Parcel # 340110602

Goodhue County

APPLICANT INFORMATION			
Last Name <u>Bisrittella</u>	First <u>Paul</u>	M.I.	
Street Address <u>29996 Orchard Rd, Red Wing, MN</u>		Phone	
City <u>Red Wing</u>	State <u>MN</u>	ZIP <u>55066</u>	
Email Address			
Township <u>Hay Creek</u>	Range <u>✓</u>	Section <u>11</u>	
PROJECT INFORMATION			
Site Address <u>29996 Orchard Rd.</u>			
Property Owner: <u>Mary Bisrittella</u>			
Type of Project <u>Shop w/ Living Quarters</u>	Proposed Use <u>ADU</u>		
Structure Type <u>Post Frame</u>	Replacement	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Variance #		Conditional Use Permit #	
Zoning District: <u>A-2</u>	Lot size <u>8 Acres</u>	Structure dimensions <u>40' x 50'</u>	
DISCLAIMER AND SIGNATURE			
<p><i>I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.</i></p>			
Signature <u>Paul Bisrittella</u>		Date <u>12/26/24</u>	
TOWNSHIP APPROVALS			
<p><i>I hereby certify by signing that I am authorized to act on the behalf of the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.</i></p>			
Signature <u>Brandi</u>		Title <u>Clerk</u>	Date <u>12/26/24</u>
Signature <u>Susan Cushing</u>		Title <u>Supervisor</u>	Date <u>12/26/24</u>
Application fee <u>50.00</u>	Receipt Number <u>000395</u>	Expiration Date	

The granting of this permit does not exempt the permittee from having to secure other permits from other Local (Goodhue County), State, or Federal units of government which may have jurisdiction over portions of the authorized project.

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
January 27th, 2025

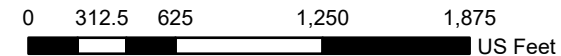
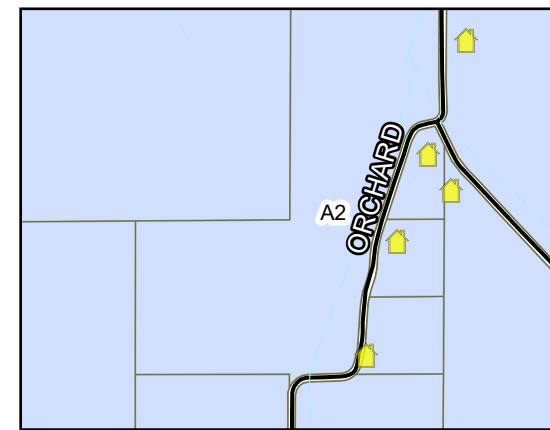
Paul Birrittella (Applicant)
Mary Birrittella (Owner)
A-2 Zoned District.

The SW 1/4 of the SE 1/4 of Section
11 TWP 112 Range 14 in
Hay Creek Township.

Request for Variance to allow for the
construction of an Accessory Dwelling Unit
greater than 100 feet from the primary
Dwelling.

Legend

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



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PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

BOARD OF ADJUSTMENT

Public Hearing
January 27th, 2025

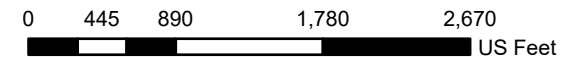
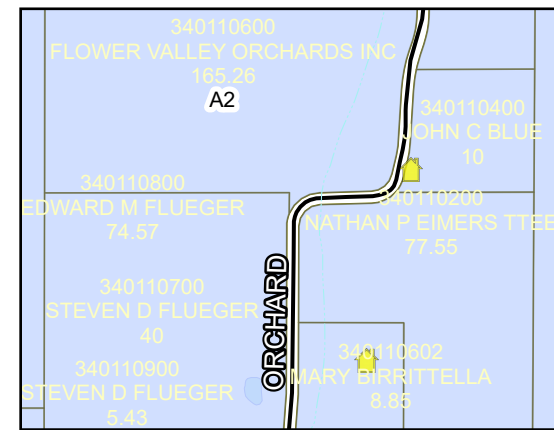
Paul Birrittella (Applicant)
Mary Birrittella (Owner)
A-2 Zoned District.

The SW 1/4 of the SE 1/4 of Section
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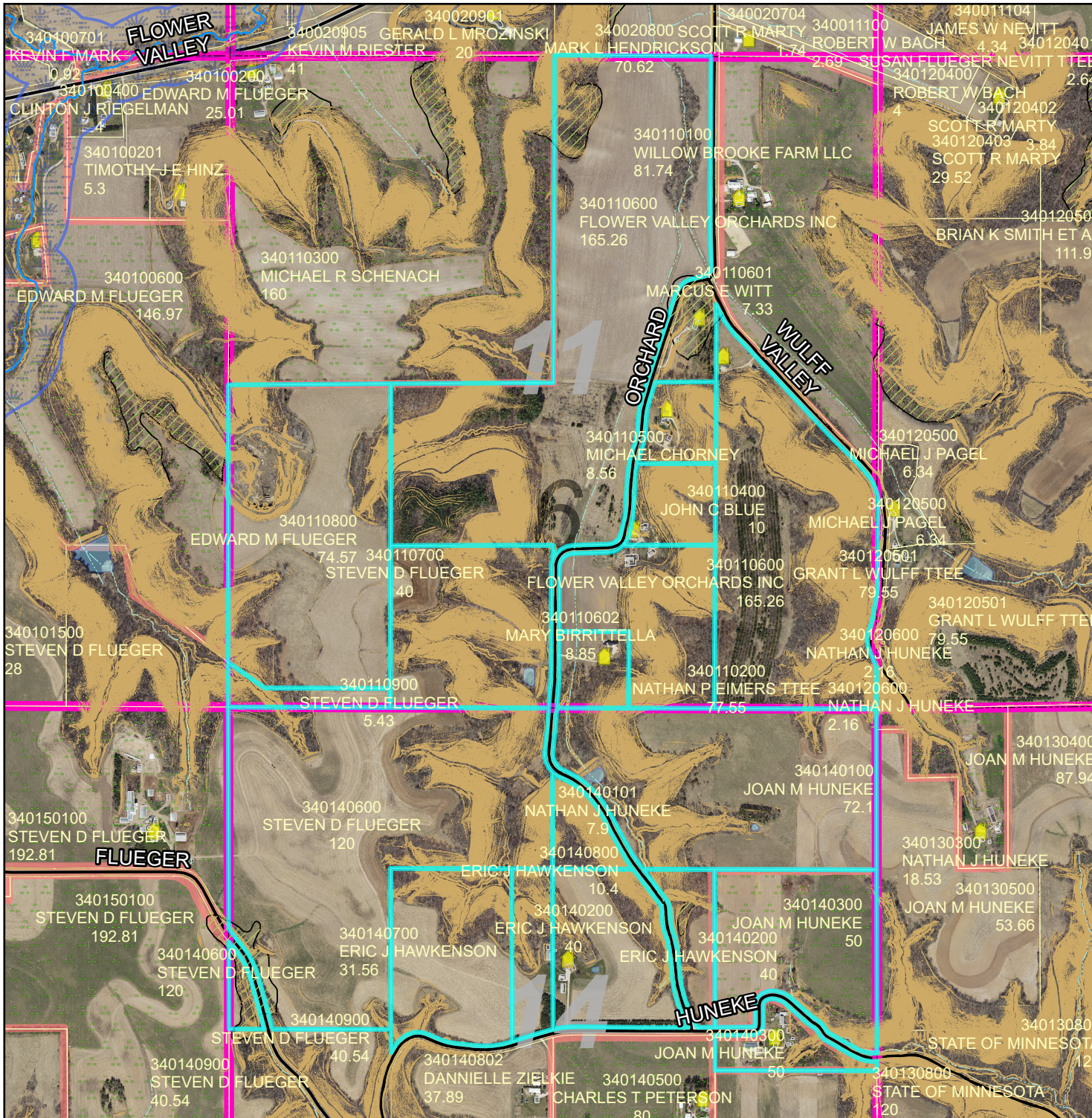
Legend

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

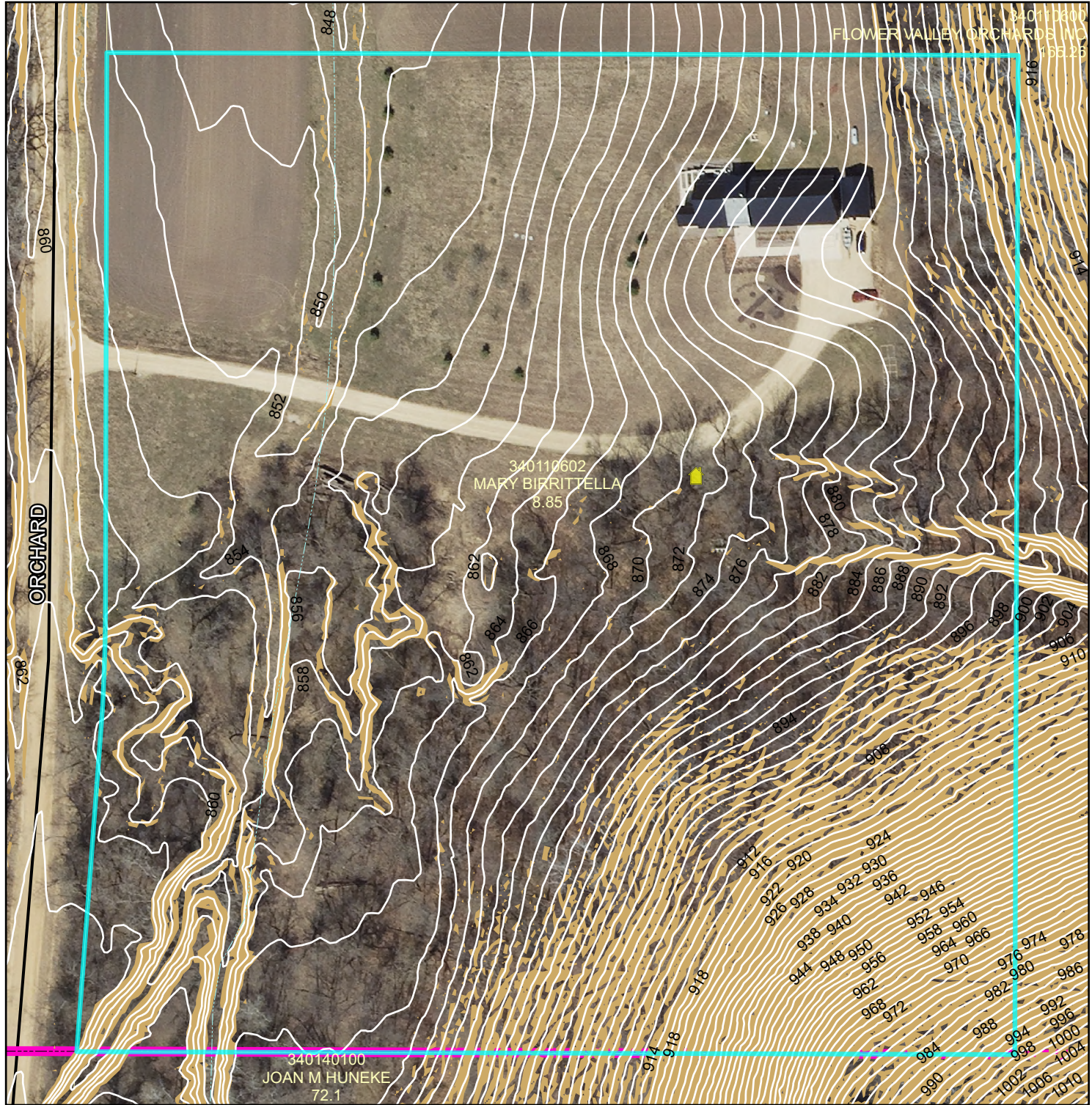


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
January 27th, 2025

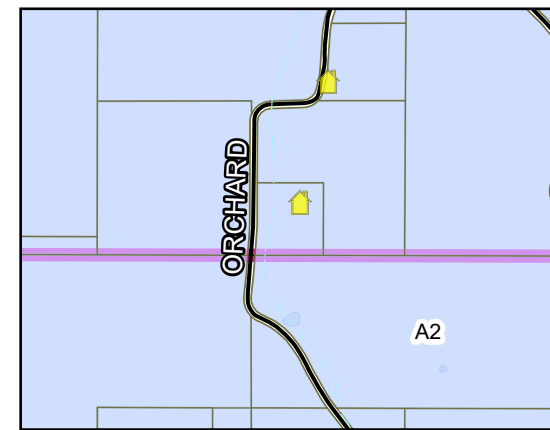
Paul Birrittella (Applicant)
Mary Birrittella (Owner)
A-2 Zoned District.

The SW 1/4 of the SE 1/4 of Section
11 TWP 112 Range 14 in
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Request for Variance to allow for the
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Dwelling.

Legend

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



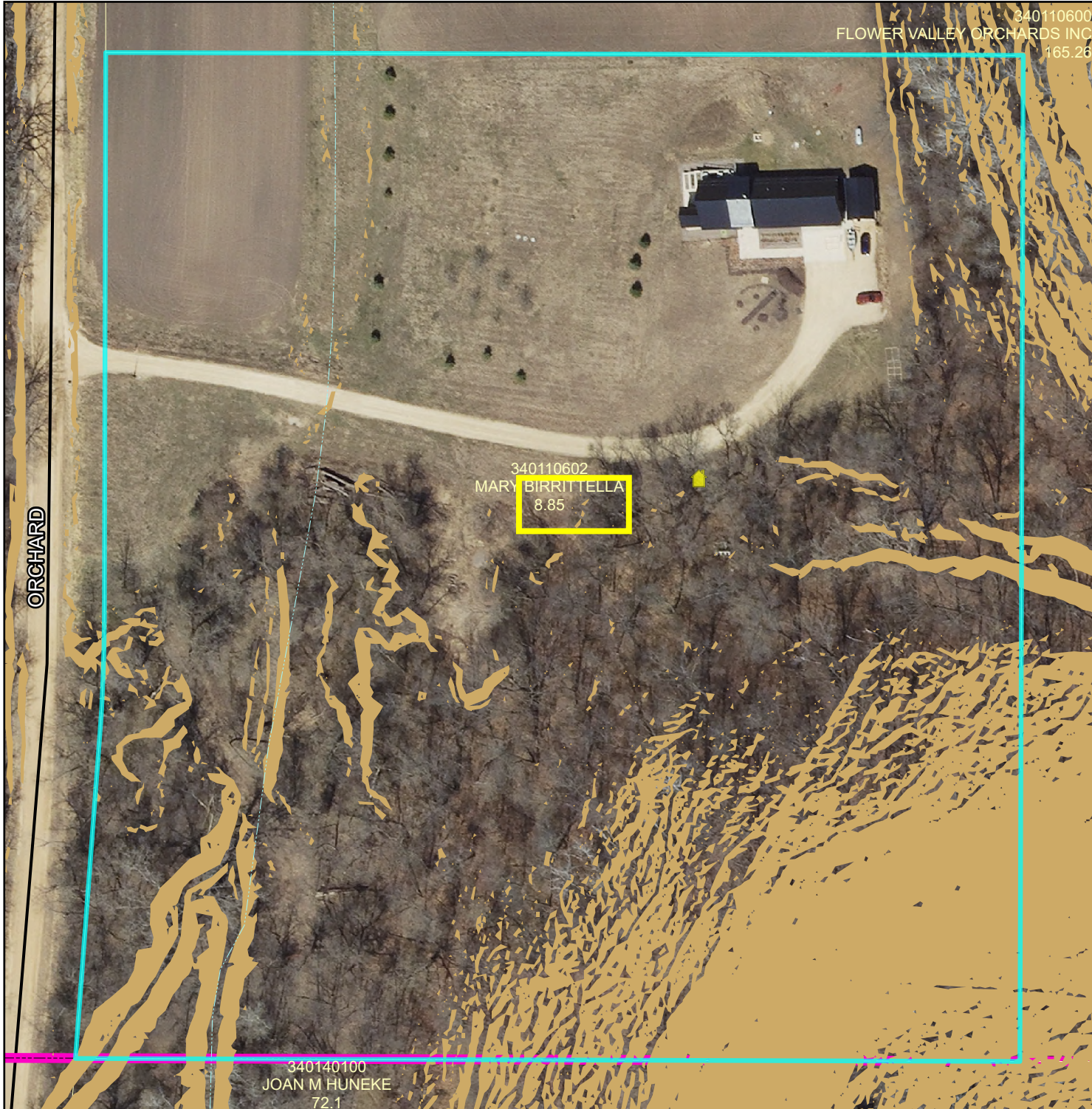
0 30 60 120 180
US Feet

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MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
January 27th, 2025

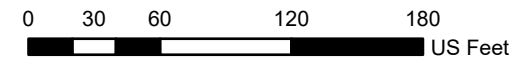
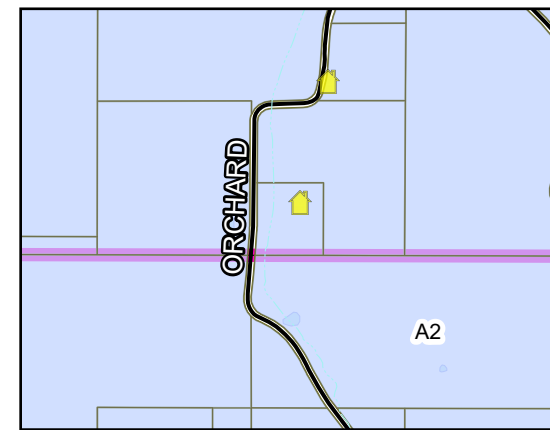
Paul Birrittella (Applicant)
Mary Birrittella (Owner)
A-2 Zoned District.

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Legend

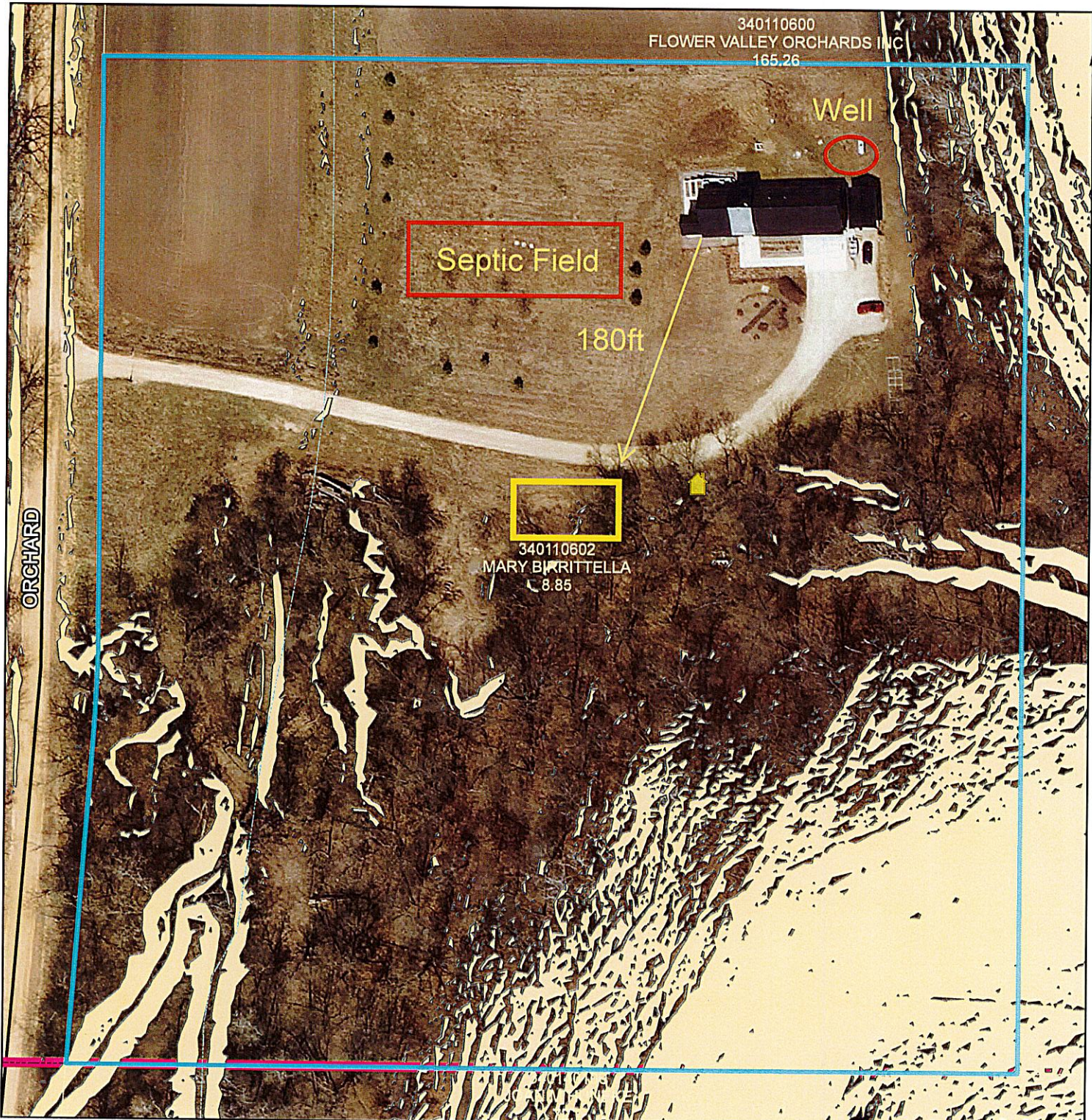
Intermittent Streams	Bluff Impact Zones (% slope)
Protected Streams	20
Lakes & Other Water Bodies	30
Shoreland	FEMA Flood Zones
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



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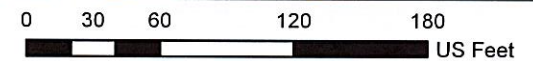
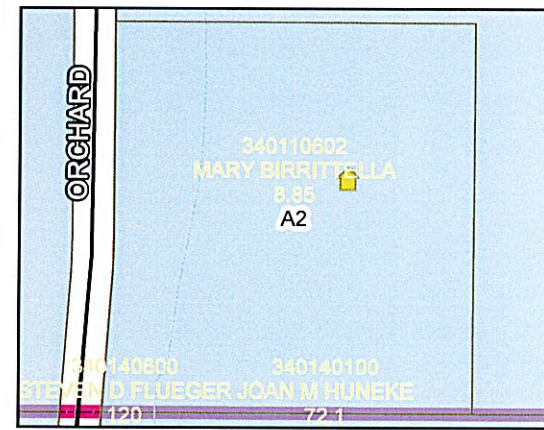
SITE PLAN

State the use of the property. Show the size, shape and location of structures with distance to property lines and location of ALL wells and septic systems.

- 40ft x 50ft

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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