

---

**To:** Board of Adjustment  
**From:** Land Use Management  
**Meeting Date:** August 19, 2024  
**Report date:** August 9, 2024

**PUBLIC HEARING:** Request for Variance, submitted by Greg Goplen (Applicant) on behalf of the Goplen Family Irrevocable Trust (Owner) to Article 11 Section 31 Accessory Dwelling Units (ADUS) to allow an ADU to be established greater than 100 feet from the principal dwelling.

**Application Information:**

Applicants: Greg Goplen (Applicant) on behalf of the Goplen Family Irrevocable Trust (Owner).

Address of zoning request: 48289 County 43 Blvd Pine Island, MN 55963

Parcel: 40.014.0500

Abbreviated Legal Description: The NW ¼ and Part of the NW ¼ of the NE ¼ of Section 14 TWP 109 Range 16 in Roscoe Township.

Township Information: Roscoe Township signed off on the application on July 18, 2024, and did not add any comments.

Zoning District: A-1 (Agriculture Protection District)

**Attachments and Links:**

Application and submitted project summary

Site Map

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

**Background:**

Greg Goplen (Applicant) has applied for a variance to Article 11 Section 31 (Accessory Dwelling Units) to allow an ADU to be established 160 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:**

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 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 167.49 acres. The minimum lot size in the A-1 District is 2 acres.
- The ADU is for the Applicant's daughter to live on the property as a means of affordable housing and to look after her grandmother. Goodhue County Zoning does not restrict who may or may not reside in private residences.
- The Applicant is proposing to demolish the primary dwelling within 5 years, move the trailer home (ADU), and build new on the west side of the farm yard near the tree line and the westernmost shed. ADUs do not have a timeline for removal, they may remain on a property into perpetuity.
- The ADU will be located within the well-defined yard of the property. Given the ADU will have a shared driveway with the existing dwelling, is within the existing yard area, and is still proximate to the existing dwelling 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-1 District.
- As an A-1 zoned district, section 14 allows a maximum dwelling density of 4 dwellings in the section. Additional dwelling density is not available as there are currently 4 dwellings in the section. Since an ADU does not count against dwelling density, the section density would not be affected by this request.
- The Applicant has chosen to place the ADU 160 feet from the primary dwelling to be closer to the main electric panel (located on the building just west of the ADU's proposed location) and to avoid the waterway that's between the proposed ADU and the Primary dwelling. This area also has existing driveway access.
- A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly agricultural uses including feedlots and row crop agriculture. The property where the ADU will be placed is a registered feedlot. Areas of Floodplain and Shoreland of Pine Island Creek are also present north of the farmstead.

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 A1 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 Greg Goplen (Applicant) on behalf of the Goplen Family Irrevocable Trust (Owner) to Article 11 Section 31 Accessory Dwelling Units (ADUS) to allow an ADU to be established 160 feet from the principal dwelling.

RECEIVED  
JUL 24 2024

For Staff Use Only	
Permit #	224-0035
\$400 Receipt #	18490 DATE: 7/23/24

# Variance

Land Use Management

SITE ADDRESS, CITY, AND STATE		ZIP CODE:	
48289 Cty 43 Blvd, Zumbrota, MN		55992	
LEGAL DESCRIPTION:			
sect 14 Twp 109 Range 016			
PID#	ZONING DISTRICT	LOT AREA (SFIACRES)	STRUCTURE DIMENSIONS (if applicable)
RP 40.014.0500		167.49 Ac.	

APPLICANT OR AUTHORIZED AGENT'S NAME	
- Greg Goplen	
APPLICANT'S ADDRESS:	TELEPHONE:
5055 Branch Trail	
Pine Island, MN 55963	
	EMAIL:

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:

<b>VARIANCE REQUESTED TO:</b> (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 checked="" type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations        ADU minimum distance to primary dwelling	CURRENT OR PREVIOUS USE
	PROPOSED USE:
	BUILDING APPLICATION PERMIT NO.: (if filed)
	DATE FILED:

TOWNSHIP SIGNATURE:		
By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.		
TOWNSHIP OFFICIAL'S SIGNATURE	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	DATE
Susan Ecken	Susan Ecken Clerk	7/18/2024

- 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: 7-21-24

## REQUEST SUMMARY

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

Article: 11 Section: 31 Name: Accessory Dwelling Units

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:

Single Family Dwelling  
Looking for an ADU Permit but would like to exceed the  
100' requirement. And by granting the variance there could NOT  
be anyway to split of property because of required setbacks.

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

It will be much harder to put in the Pillar footings because  
of wet saturated ground and there is a low area for  
water to run off where the 100' mark is

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:

this low area is where water runs some times in the  
year. There is farm drainage tile that dumps into it

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

Re-routing water way and drainage tile lines  
Removal of 25 year old Oak Trees

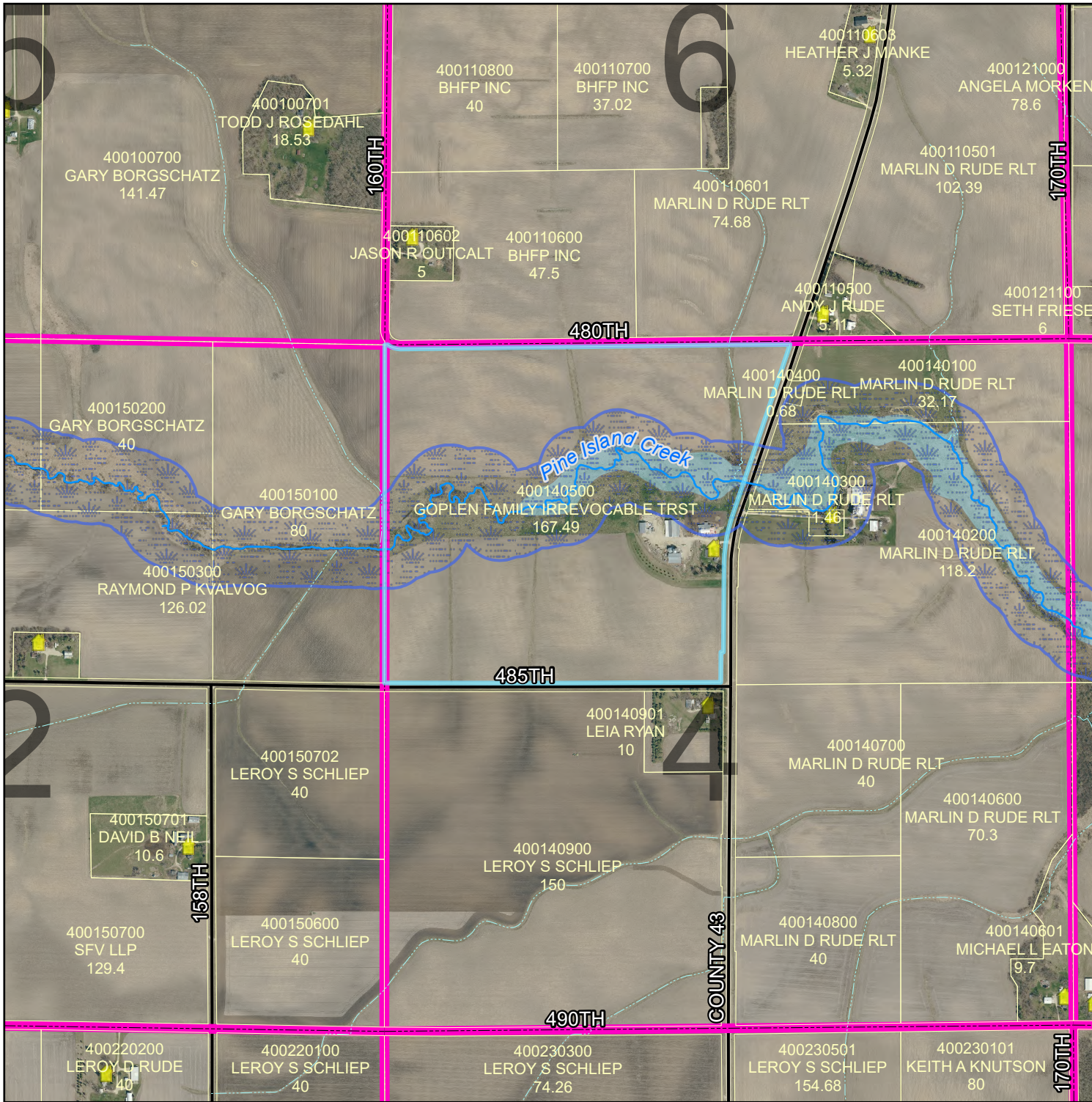
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

Putting it closer to House but would require moving natural  
water way and water table is ~~very~~ much higher that  
would require more footings and more fill

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

No I don't believe anything would be altered  
by moving the setback. In my opinion it would be  
more attractive in appearance

# MAP 02: VICINITY MAP



## BOARD OF ADJUSTMENT

Public Hearing  
August 19, 2024

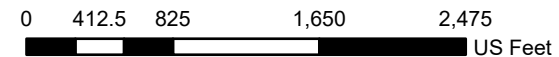
Greg Goplen (Owner) on behalf of the  
Goplen Family Irrevocable Trust  
A1 Zoned District

The NW 1/4 and Part of the NW 1/4  
of the NE 1/4 of Section 14 TWP 109  
Range 16 in Roscoe Township.

Request for Variance, 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.

### Legend

- Tax Parcels
- Section Lines
- Dwelling Point
- Bluff Impact**
- 20
- 30
- Special Flood Hazard Areas**
- Flood Zone**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- X
- FLOODWAY



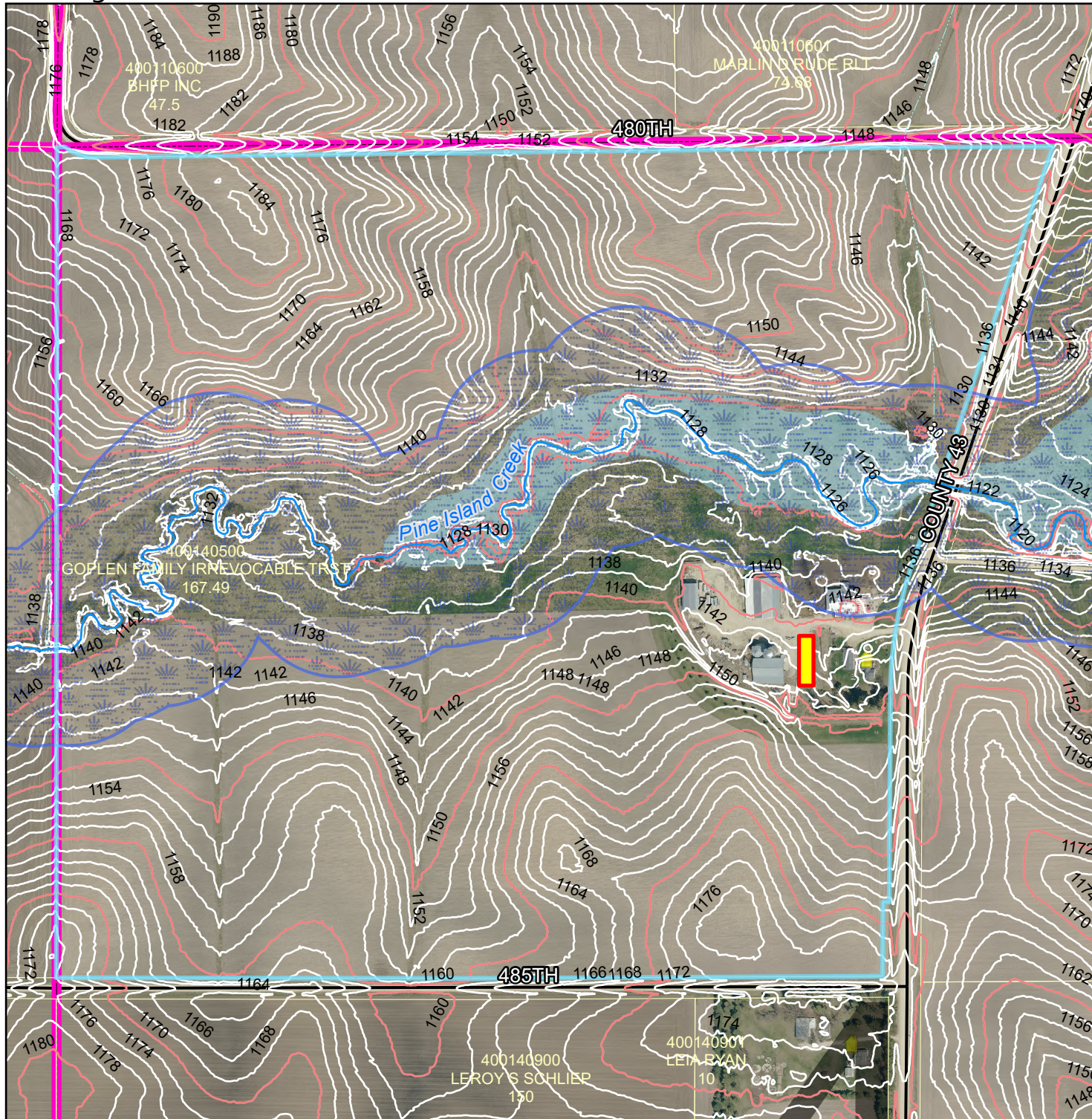
DATA DISCLAIMER: Goodhue County assumes  
NO liability for the accuracy or completeness of this map  
OR responsibility for any associated direct, indirect,  
or consequential damages that may result from its use  
or misuse. Goodhue County Copyright 2024.

2022 Aerial Imagery  
Map Created July, 2024 by LUM





# MAP 03: ELEVATIONS



## BOARD OF ADJUSTMENT

Public Hearing  
August 19, 2024

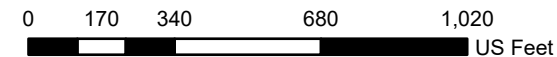
Greg Goplen (Owner) on behalf of the  
Goplen Family Irrevocable Trust  
A1 Zoned District

The NW 1/4 and Part of the NW 1/4  
of the NE 1/4 of Section 14 TWP 109  
Range 16 in Roscoe Township.

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

### Legend

- contours
- Tax Parcels
- Section Lines
- Dwelling Point
- Bluff Impact
- % Slope
  - 20
  - 30
- Special Flood Hazard Areas
  - Flood Zone
    - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
    - A
    - AE
    - AO
    - X
    - FLOODWAY



DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2024.

2022 Aerial Imagery  
Map Created July, 2024 by LUM





# MAP 01: PROPERTY OVERVIEW



## BOARD OF ADJUSTMENT

Public Hearing  
August 19, 2024

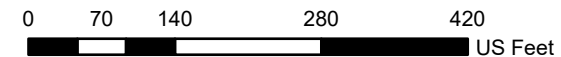
Greg Goplen (Owner) on behalf of the  
Goplen Family Irrevocable Trust  
A1 Zoned District

The NW 1/4 and Part of the NW 1/4  
of the NE 1/4 of Section 14 TWP 109  
Range 16 in Roscoe Township.

Request for Variance, 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.

### Legend

Streams	30
Intermittent	Special Flood Hazard Areas
Protected	Flood Zone
Lakes & Other Water Bodies	0.2 PCT ANNUAL CHANCE FLOOD HAZARD
Shoreland	A
Section Lines	AE
Dwelling Point	AO
Bluff Impact	X
% Slope	FLOODWAY
20	



DATA DISCLAIMER: Goodhue County assumes  
NO liability for the accuracy or completeness of this map  
OR responsibility for any associated direct, indirect,  
or consequential damages that may result from its use  
or misuse. Goodhue County Copyright 2024.

2022Aerial Imagery  
Map Created July, 2024 by LUM



# SITE PLAN

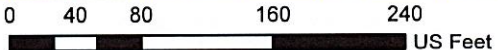
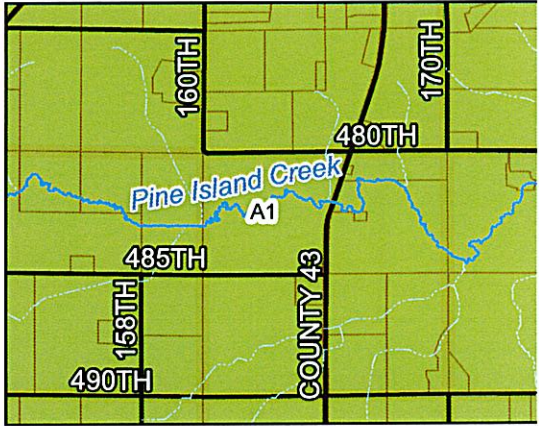
State the use of the property. Show the size, shape and location of structures with distance to property lines and location of ALL wells and septic systems.

-14 feet by 68 feet  
 -Variance to ADU minimum setback standard



## 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                            |



DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2024.

2018 Aerial Imagery  
 Map Created July, 2024 by LUM Counter







