
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 Lyle Stewart (Owner) to R-1 Zoning District standards to allow an accessory building to be constructed less than 25 feet from the Caledonia Avenue Right of Way.

Application Information:

Applicant(s): Lyle Stewart (Owner)

Address of zoning request: 33723 Germania Street Frontenac, MN 55026.

Parcel: 32.140.0310

Abbreviated Legal Description: Lots 12, 13, and 14 of Frontenac Station in Florence Township.

Township: The Township has been made aware of the request for a variance. The Township will need to act on a Township variance in the coming weeks.

Zoning District: R-1 Zoned District (Suburban Residential).

Attachments:

Application

Site Map(s)

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

Background:

Lyle Stewart (Owner) has applied for a variance to R-1 Zoning District (Suburban Residential) minimum setback standards to allow a new 30-foot by 40-foot detached garage to be constructed 14 feet from the Caledonia Avenue Right-of-Way where 25 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 property is surrounded by land zoned R-1 (Suburban Residential).
- The property consists of one parcel containing approximately 17,936 square feet (0.41 acres).
- The proposed accessory building will replace a garage that burned down in March 2024. The new accessory building will be the same distance from the right of way as the previous garage.
- This area of Frontenac Station contains several lots with accessory buildings, dwellings, and commercial/public buildings less than 25 feet from the Right of Way. Locating the new structure 14 feet from Caledonia Avenue Right-of-Way is not anticipated to impede future road expansion or ongoing maintenance.
- Frontenac Station was originally platted in 1871. The current dwelling was built in 2006.
- 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 residential uses in residential-zoned districts.

The proposed use 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 detached garage is a reasonable use of property in the R-1 District.
- The property contained a 528 square foot detached garage that was built in the 1940s until it burned down in March 2024. The Applicant is proposing to build a new garage the same distance from Caledonia Avenue right of way as the previous garage but wider to store more of what's outside inside.
- Goodhue County Zoning would have allowed the Applicant to rebuild the garage in the same footprint without variance approval however since they propose to increase the size a variance must be approved.

-
- The parcel is unique in that it has Right-of-Way on two sides and is smaller than the minimum lot size required by the GCZO of 20,000 square feet for parcels platted prior to 2019.
 - The property is also located within the Shoreland of Frontenac Pond. Impervious surface coverage is limited to 25% of the total lot area (4,484 square feet). The area proposed for the new accessory building already consists of impervious surfaces therefore no additional impervious surface will be added to the property under this proposal.
 - The request appears unlikely to alter the essential character of the locality as other lots in the area also have accessory sheds, dwellings, and commercial/public buildings too close to the right-of-ways.
- 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 buildings are permitted use in the R-1 District.

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 Lyle Stewart (Owner) to R-1 Zoning District standards to allow an accessory building to be constructed 14 feet from the Caledonia Avenue Right of Way.



RECEIVED

JUL 29 2024

| For Staff Use Only | |
|--------------------|-----------|
| Permit # | Z 24-0037 |
| \$400 Receipt # | 18497 |
| DATE: | 7-29-2024 |

Variance Land Use Management

| | | | | |
|------------------------------------|-----------------|---------------------|-----------------|--------------------------------------|
| SITE ADDRESS, CITY, AND STATE | | | ZIP CODE: | |
| 33723 Germania Street Frontenac MN | | | 55026 | |
| LEGAL DESCRIPTION: | | | | |
| Attached <input type="checkbox"/> | | | | |
| PID#: | ZONING DISTRICT | LOT AREA (SF/ACRES) | LOT DIMENSIONS: | STRUCTURE DIMENSIONS (if applicable) |
| 32140810 | r1 | | | 30x40 |

| | |
|--------------------------------------|------------|
| APPLICANT OR AUTHORIZED AGENT'S NAME | |
| Lyle Stewart | |
| APPLICANT'S ADDRESS: | TELEPHONE: |
| | |
| | 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 type="checkbox"/> debi williams | |
| 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 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 |
| | Garage |
| | PROPOSED USE: |
| | replacement garage |
| 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: Lyle Stewart

Date: 07/29/2024

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: -

existing garage burned down on 3/19/2024
replacing it with larger garage

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

remove trees, grape vines & garden

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:

smaller lot size, original Garage put in 1940's

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

smaller garage results in items sitting outside or in storage

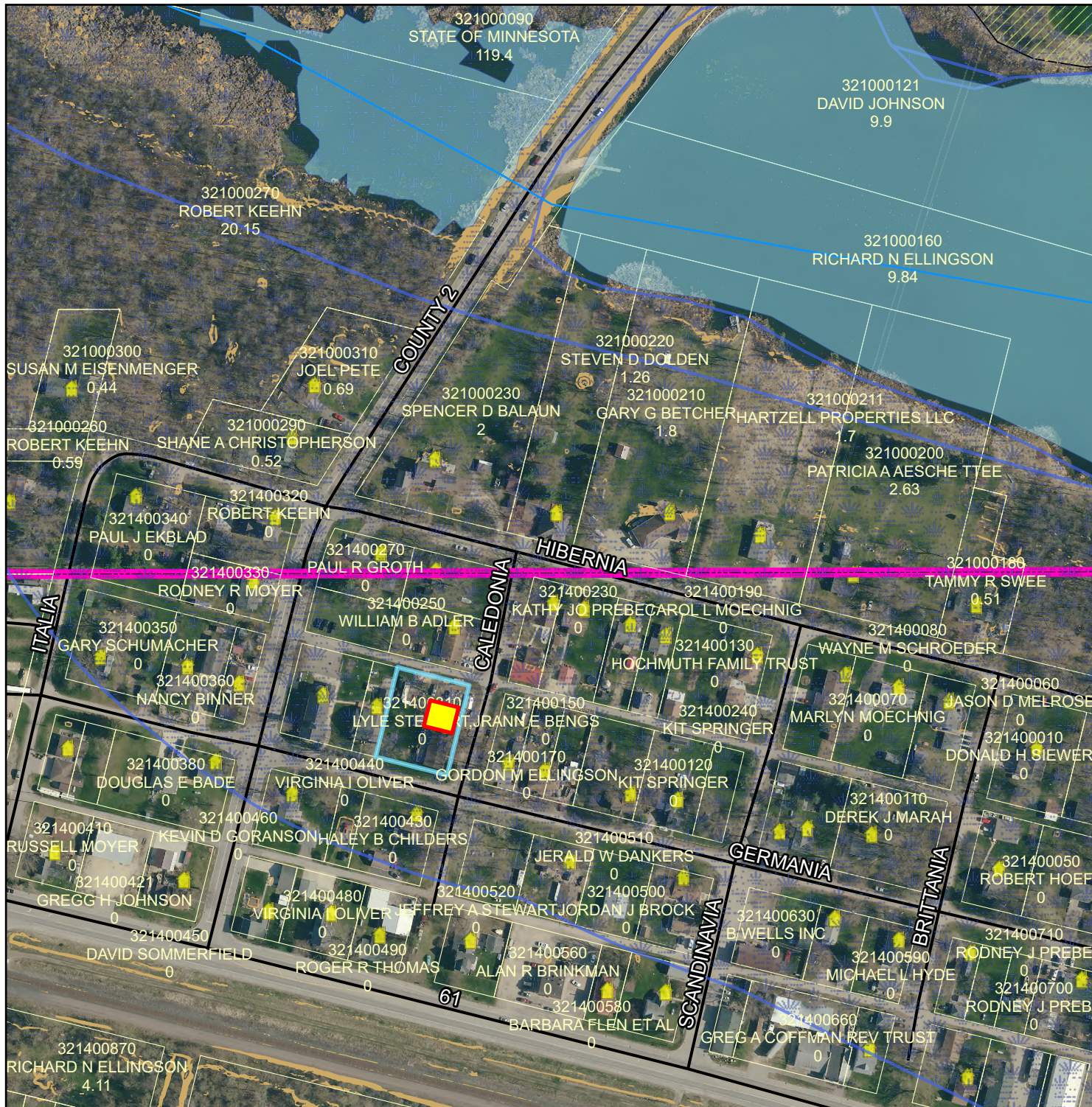
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

N/A

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

no

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
August 19, 2024

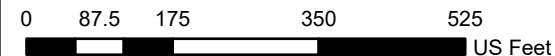
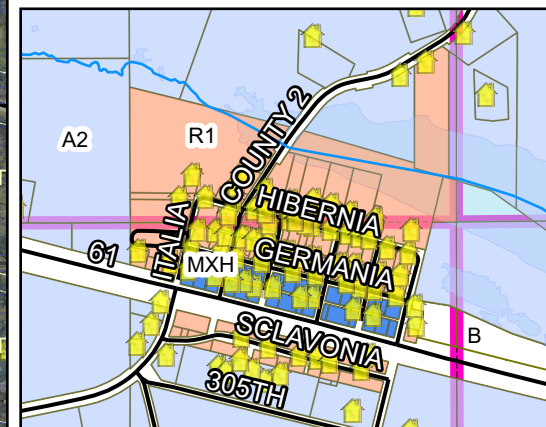
Lyle Stewart (Owner)
R1 Zoned District

Lots 12, 13, and 14 of Frontenac
Station in Florence Township.

Request for Variance, to R1
Zoning District standards to allow
an accessory building to be
constructed less than 25 feet from
the Caledonia Ave Right of Way

Legend

| | | | |
|--|----------------------------|--|----------------|
| | Intermittent | | Section Lines |
| | Protected | | Dwelling Point |
| | Lakes & Other Water Bodies | | Blufflands |
| | Shoreland | | Slope |
| | | | Soils |

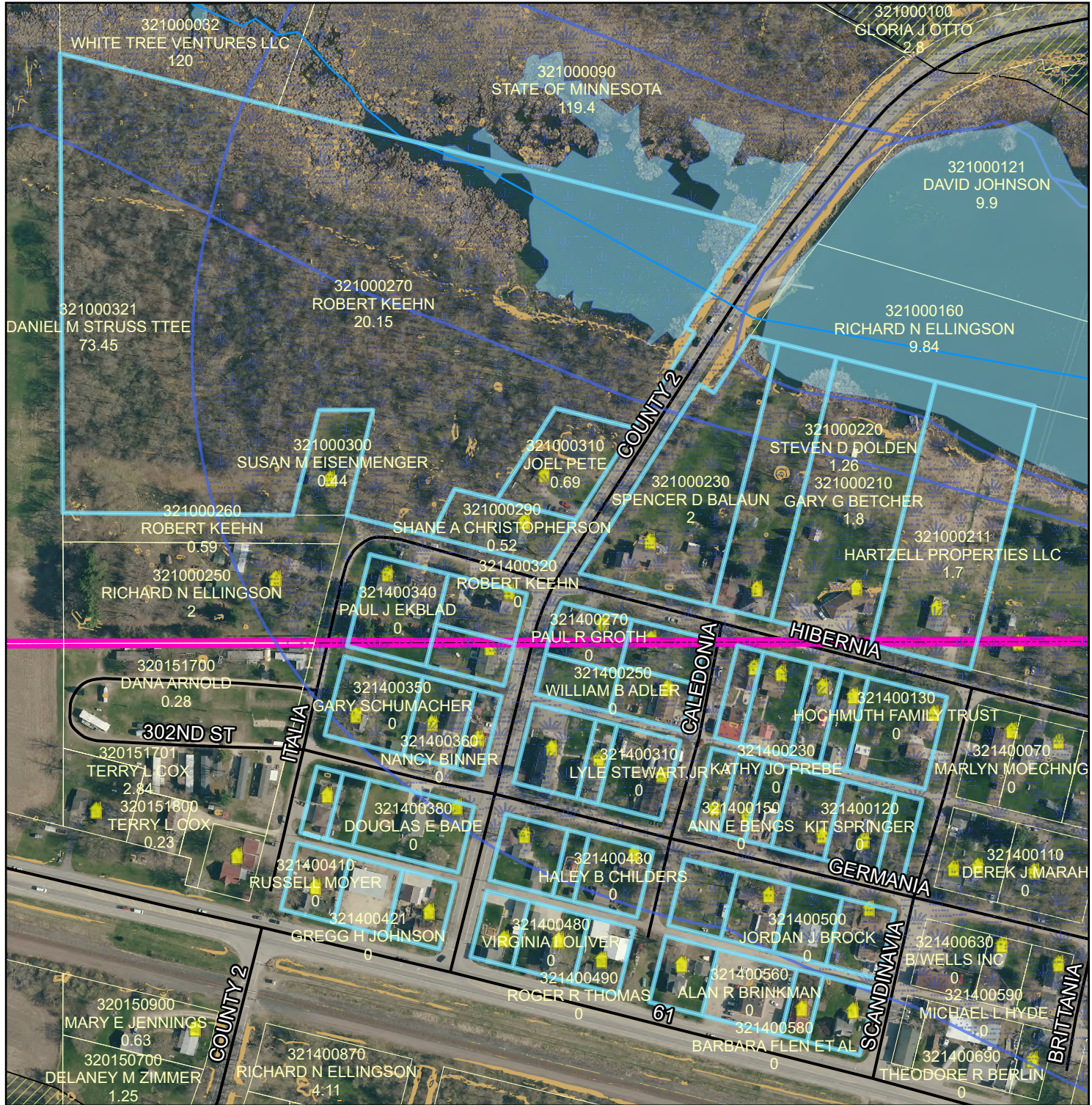


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Map Created July, 2024 by LUM



PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP



PLANNING COMMISSION

Public Hearing
August 19, 2024

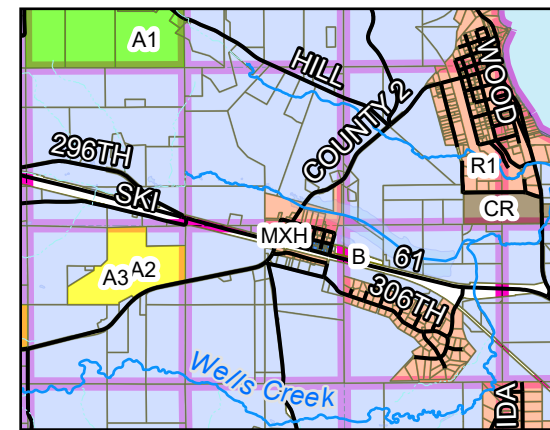
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Legend

- | | |
|----------------|------------|
| Tax Parcels | Blufflands |
| Section Lines | Soils_Type |
| Dwelling Point | Slope |
| | Soils |



0 100 200 400 600
US Feet

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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
August 19, 2024

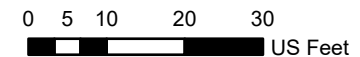
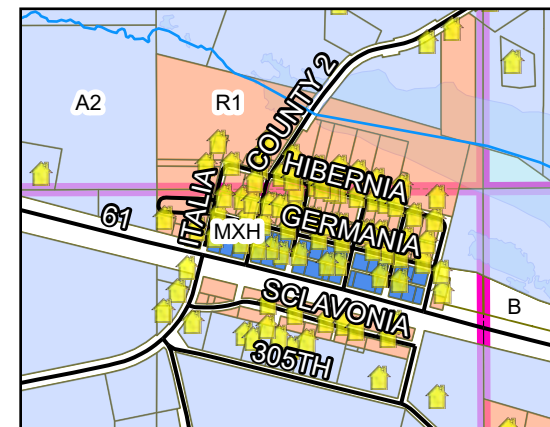
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Legend

| | | | |
|--|----------------------------|--|-------------------|
| | Streams | | Tax Parcels |
| | Intermittent | | Section Lines |
| | Protected | | Dwelling Point |
| | Lakes & Other Water Bodies | | Blufflands |
| | Shoreland contours | | Slope |
| | | | Soils |

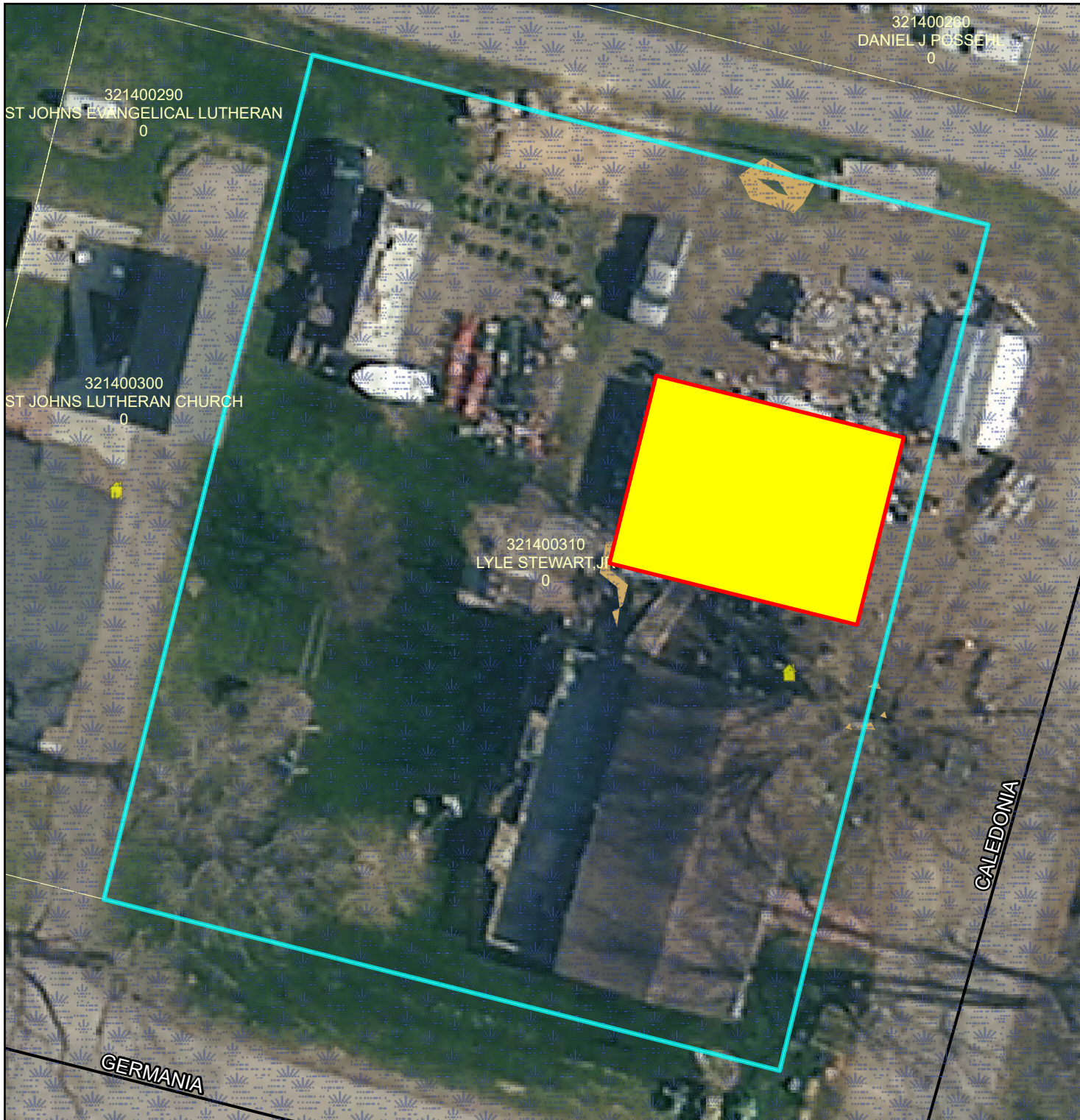


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MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
August 19, 2024

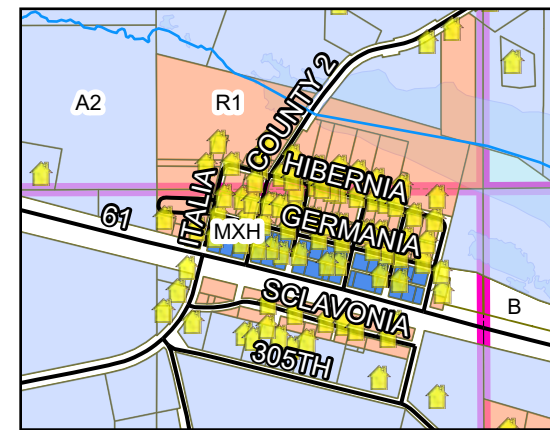
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Legend

| | | | |
|--|----------------------------|--|-------------------|
| | Streams | | Section Lines |
| | Intermittent | | Dwelling Point |
| | Protected | | Blufflands |
| | Lakes & Other Water Bodies | | Slope |
| | Shoreland | | Soils |



0 5 10 20 30
US Feet

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Map Created August, 2024 by LUM





321400260
DANIEL J POSSEHL
0

321400300
... LUTHERAN CHURCH
0

321400310
LYLE STEWART, JR
0

Staff

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.

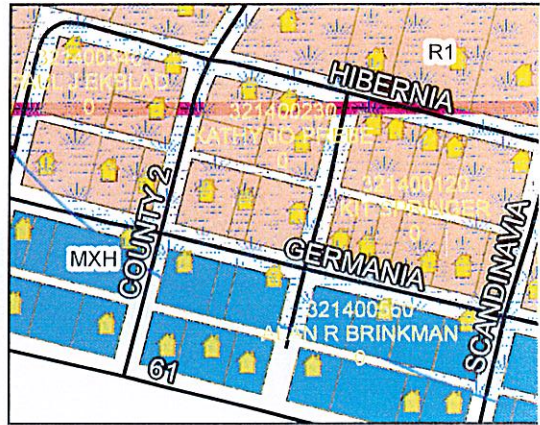
- Replacement Garage 30ft by 40ft
- Zone R1
- Shoreland present
- Nonconformities: all buildings are too close to the ROW when 25 feet is required.
- Variance required being 15 feet from Caledonia ROW.

#24-0303

Legend

ml 7/30/24

| | |
|------------------------|--------------|
| Tax Parcels | Bluff Impact |
| Shoreland | % Slope |
| SDE.National_Wetland_I | 20 |
| Section Lines | 30 |
| Dwelling Point | |



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