

TO: Board of Adjustment
FROM: Land Use Management
MEETING DATE: October 28th, 2024
REPORT DATE: October 18th, 2024

PUBLIC HEARING: Request for Variance, submitted by Gareth Brickzin (Owner) to CR Zoning District standards to allow an attached covered patio to be constructed less than 45 feet from Highway 58 Right of Way.

Application Information:

Applicant(s): Gareth Brickzin (Owner)

Address of zoning request: 31655 MN-58 Red Wing, MN 55066.

Parcel: 34.019.4000

Abbreviated Legal Description: Part of the N1/2 of the SW1/4 SEC 19, Town 112, Range 14 in Hay Creek Township.

Township: Hay Creek Township signed the Township zoning application with no additional comments.

Zoning District: CR (Commercial Recreational District)

Attachments:

Application

Site Map(s)

Goodhue County Zoning Ordinance: [zoning_ordinance.pdf \(goodhuecountymn.gov\)](https://www.goodhuecountymn.gov/zoning_ordinance.pdf)

Background:

Gareth Brickzin (Owner) has applied for a variance to CR Zoning District standards to allow an attached covered patio to be constructed on the existing saloon building 30 feet from Highway 58 Right-of-Way.

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, allowing for adequate access and accommodating future road expansion.
- The property consists of one parcel containing approximately 25.33 acres. The minimum lot size in the CR District is 2 acres.
- The covered patio will provide extra seating for customers at the saloon while maintaining an open-air feel with the protection of a roof.
- The existing building was constructed sometime around 1850, prior to the enforcement of property lines and ROW setbacks in Goodhue County and prior to the current alignment of Highway 58.
- 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 the development and growth of Businesses and Recreation Businesses within the County.

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 covered patio addition to a saloon is a reasonable use of property in the CR District.
- The existing structure was built around 1850, well before the enforcement of property lines, ROW setbacks. The building’s placement and parcel configuration pose difficulties in complying with the official control.
- The addition is proposed to be 30 feet from Highway 58 Blvd Right-of-Way, in line with the southerly wall of the existing building, and over an existing patio area.
- 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.

- Covered patios are permitted use in the CR Zoning 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 related to, and bearing a rough proportionality with, the impact(s) created by the variance.

Staff Recommendation:

Staff recommends the BOA:

- 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 Gareth Brickzin (Owner) to CR Zoning District standards to allow an attached covered patio to be constructed 30 feet from Highway 58 Right of Way.



RECEIVED

OCT 08 2024

Land Use Management

Variance

For Staff Use Only	
Permit #	Z 24-0049
\$400 Receipt #	18537
DATE:	10/3/24

SITE ADDRESS, CITY, AND STATE		ZIP CODE:
31655 MN-58 Red Wing MN 55066		

LEGAL DESCRIPTION:				
Attached <input type="checkbox"/>				
PID#:	ZONING DISTRICT:	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
34.019.4000	CR	25.33 Acres		20'x52' & 10'x26'

APPLICANT OR AUTHORIZED AGENT'S NAME	
Gareth Brickzin	
APPLICANT'S ADDRESS:	TELEPHONE:
2127 Frazier St	
Welch, MN 55089	
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:	

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:
	Patio
	PROPOSED USE:
	Dinning
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		DATE:
TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE		

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:

Date:

10/3/24

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:

Dining outside is always unpredictable with the weather, people enjoy sitting outside so with covered roof and garage doors we can accomdate through the seasons and weather.

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

Loss of business and revinew for Hay Creek and its employees.

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 building is already closer to the HWY then the set back allows for. Building it this way will keep it uniform.

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

~~QPA~~ Wouldnt be on the patio would be on the back of building.

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

~~QPA~~ ~~QPA~~ 35' to Row

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

This will not effect anyone near the property, if anything it will give more privacy with roof and doors.

TOWNSHIP ZONING APPLICATION

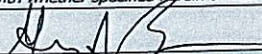
TOWNSHIP NAME Hay Creek

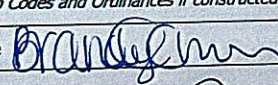
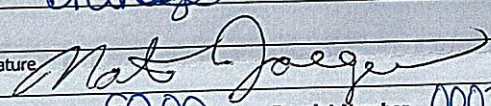
Goodhue County

Parcel # 340194000

APPLICANT INFORMATION			
Last Name	<u>Brickzin</u>	First	<u>Gareth</u>
Street Address	<u>31655 Highway 58 Blvd</u>		M.I. <u>A</u>
City	<u>Red Wing</u>	State	<u>MN</u>
Email Address			
Township	<u>Hay Creek</u>	Range	Section

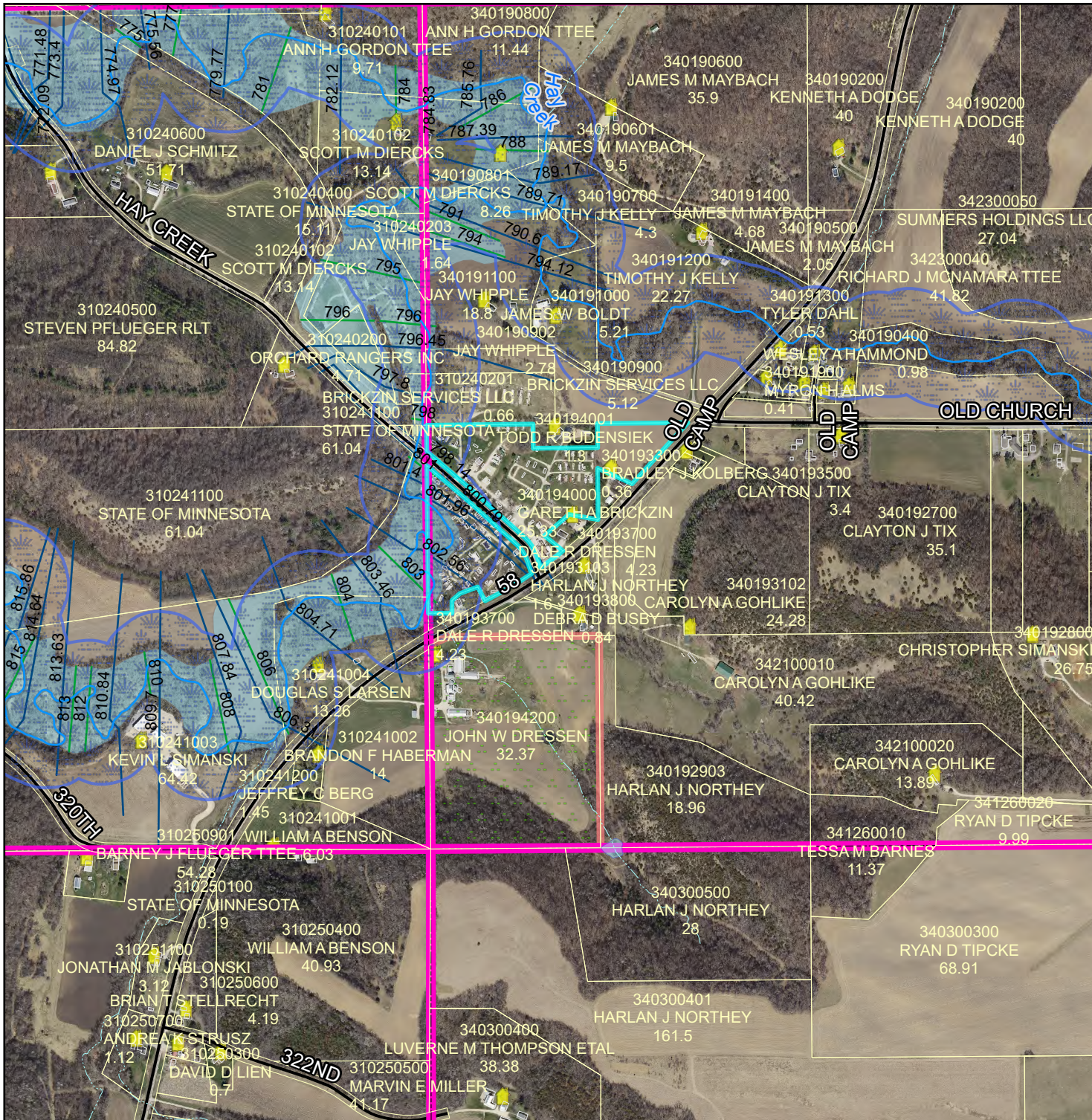
PROJECT INFORMATION			
Site Address	<u>31655 Highway 58 Blvd</u>		
Property Owner:	<u>Gareth Brickzin</u>		
Type of Project	<u>Roof Addition</u>	Proposed Use	<u>Business</u>
Structure Type	Replacement	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Variance #	Conditional Use Permit #		
Zoning District:	Lot size	Structure dimensions <u>20x40</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 	Date <u>10/6/24</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 	Title <u>Clerk</u>	Date
Signature 	Title <u>Supervisor</u>	Date <u>9/23/2024</u>
Application fee <u>50.00</u>	Receipt Number <u>000392</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 government which may have jurisdiction over portions of the authorized project.

MAP 02: VICINITY MAP



Board of Adjustment

Public Hearing
October 28, 2024

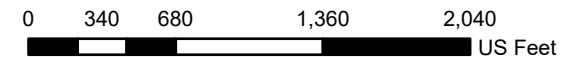
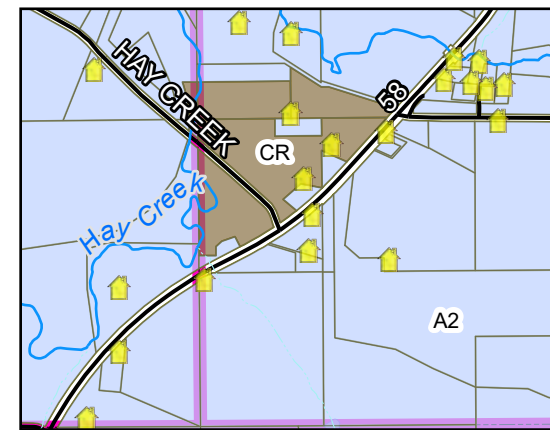
Gareth Brickzin (Owner)
CR Zoned District.

Part of the N1/2 of the SW1/4 Sec 19
Town 112, Range 14 in Hay Creek
Township.

Request for Variance to allow a attached
covered patio to be constructed less than
45 feet from a front yard property line.

Legend

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



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PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

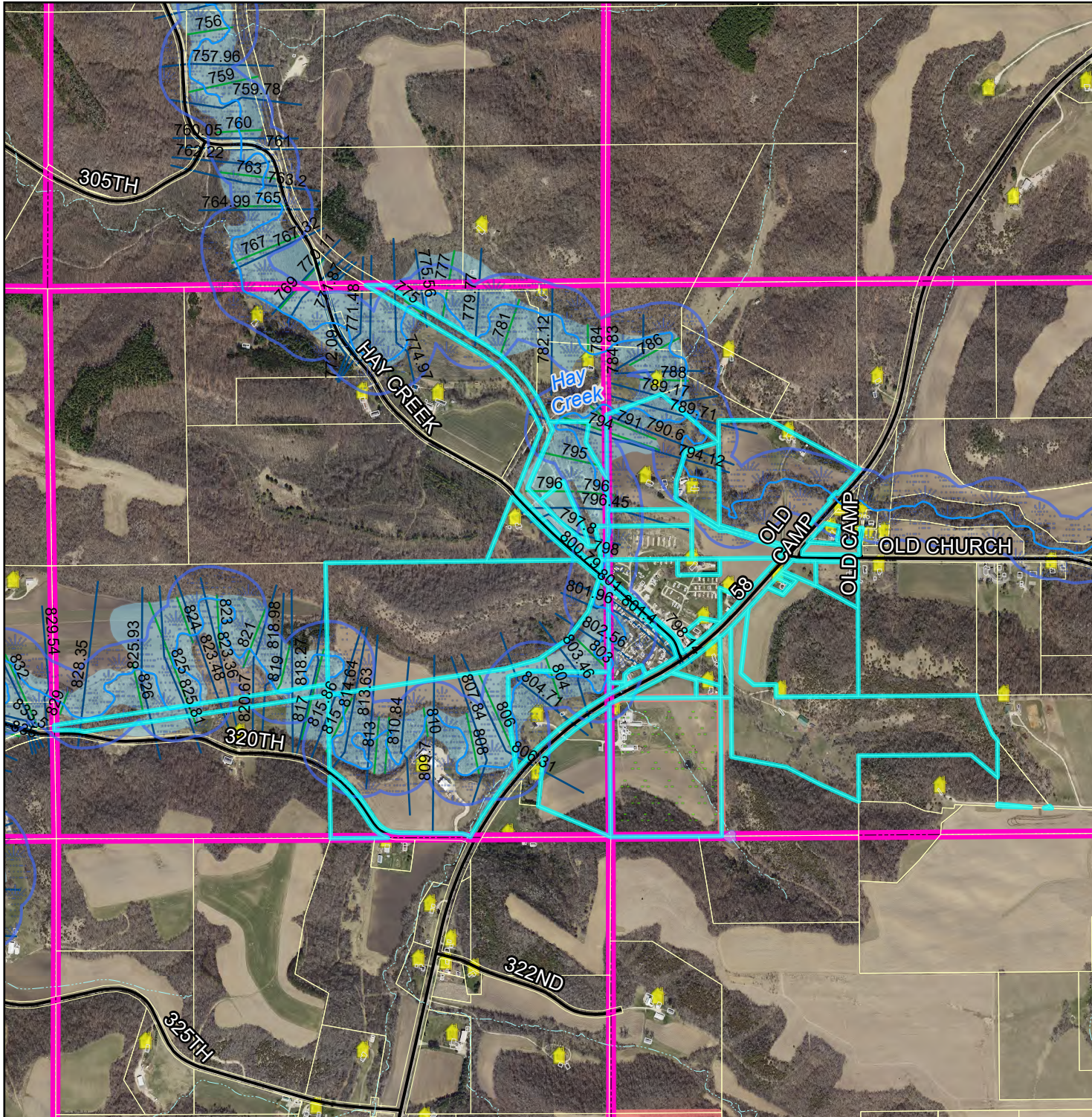
Board of Adjustment

Public Hearing
October 28, 2024

Gareth Brickzin (Owner)
CR Zoned District.

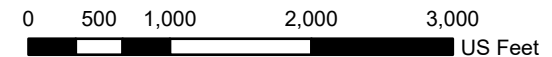
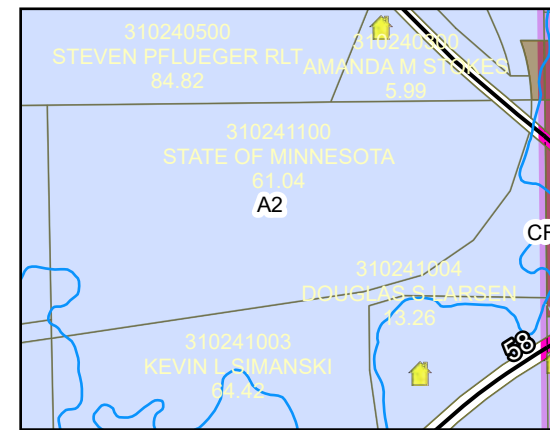
Part of the N1/2 of the SW1/4 Sec 19
Town 112, Range 14 in Hay Creek
Township.

Request for Variance to allow a attached covered patio to be constructed less than 45 feet from a front yard property line.



Legend

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



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MAP 03: ELEVATIONS



Board of Adjustment

Public Hearing
October 28, 2024

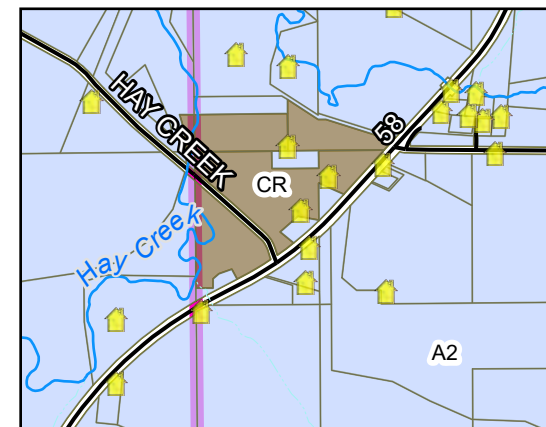
Gareth Brickzin (Owner)
CR Zoned District.

Part of the N1/2 of the SW1/4 Sec 19
Town 112, Range 14 in Hay Creek
Township.

Request for Variance to allow a attached covered patio to be constructed less than 45 feet from a front yard 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



0 12.5 25 50 75
US Feet

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MAP 01: PROPERTY OVERVIEW



Board of Adjustment

Public Hearing
October 28, 2024

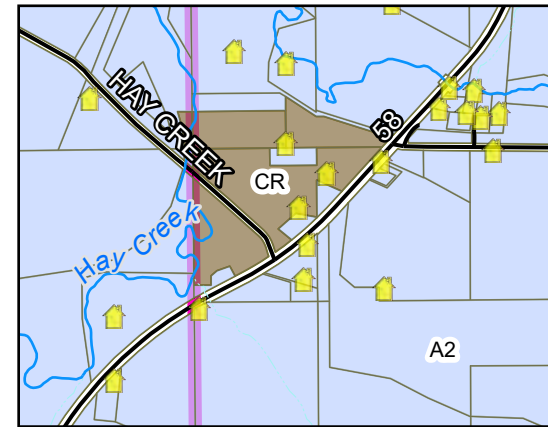
Gareth Brickzin (Owner)
CR Zoned District.

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Township.

Request for Variance to allow a attached
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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



0 20 40 80 120 US Feet

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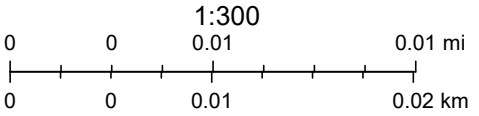
ArcGIS WebMap



October 10, 2024

- GoodhueCo_PLSS
- Municipal Boundary
- Goodhue County Roads
- CEM; ; OCTY; OCRLN; CTRLN

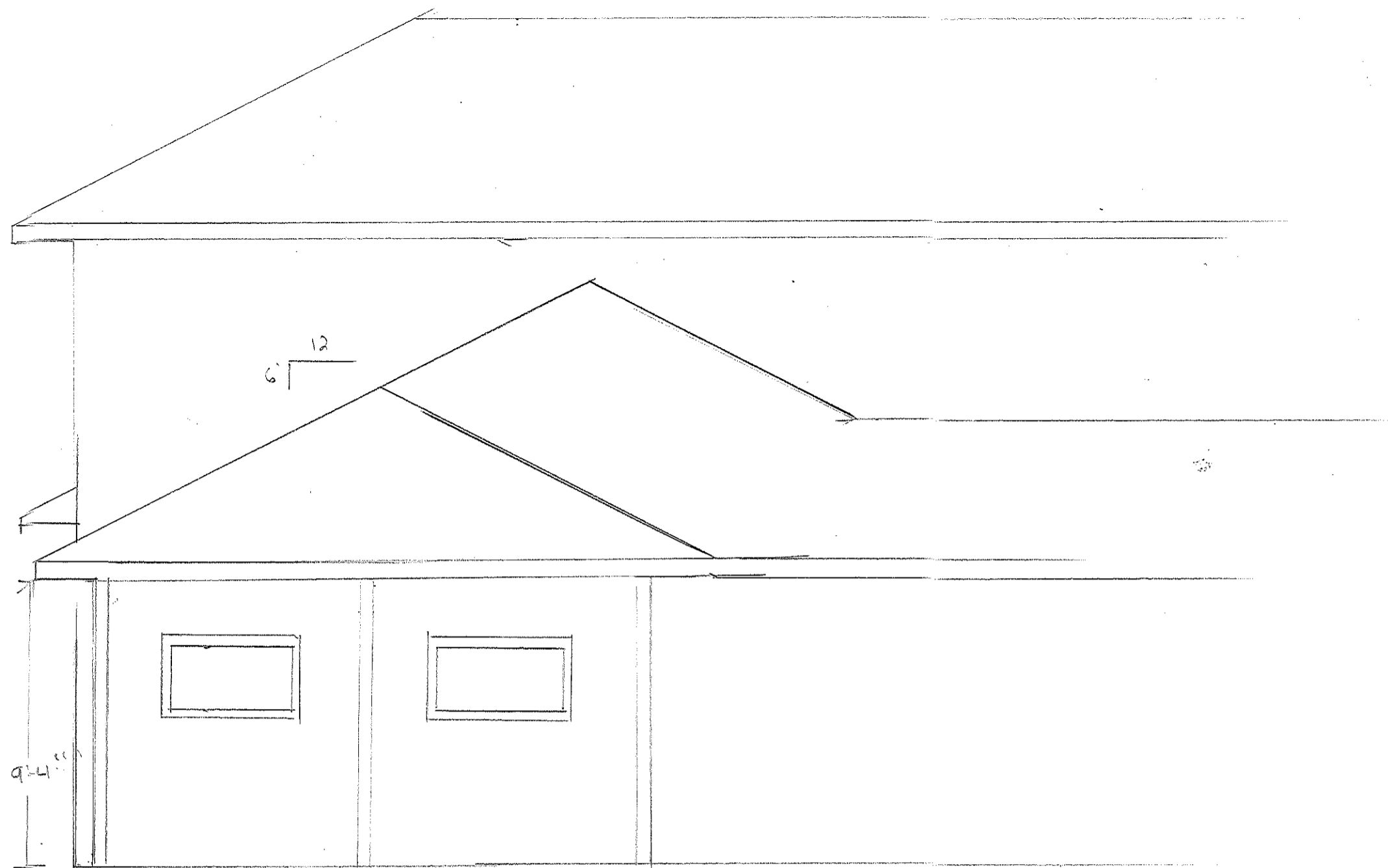
- SHWY
- House Number Parcels
- PIN
- Full Name



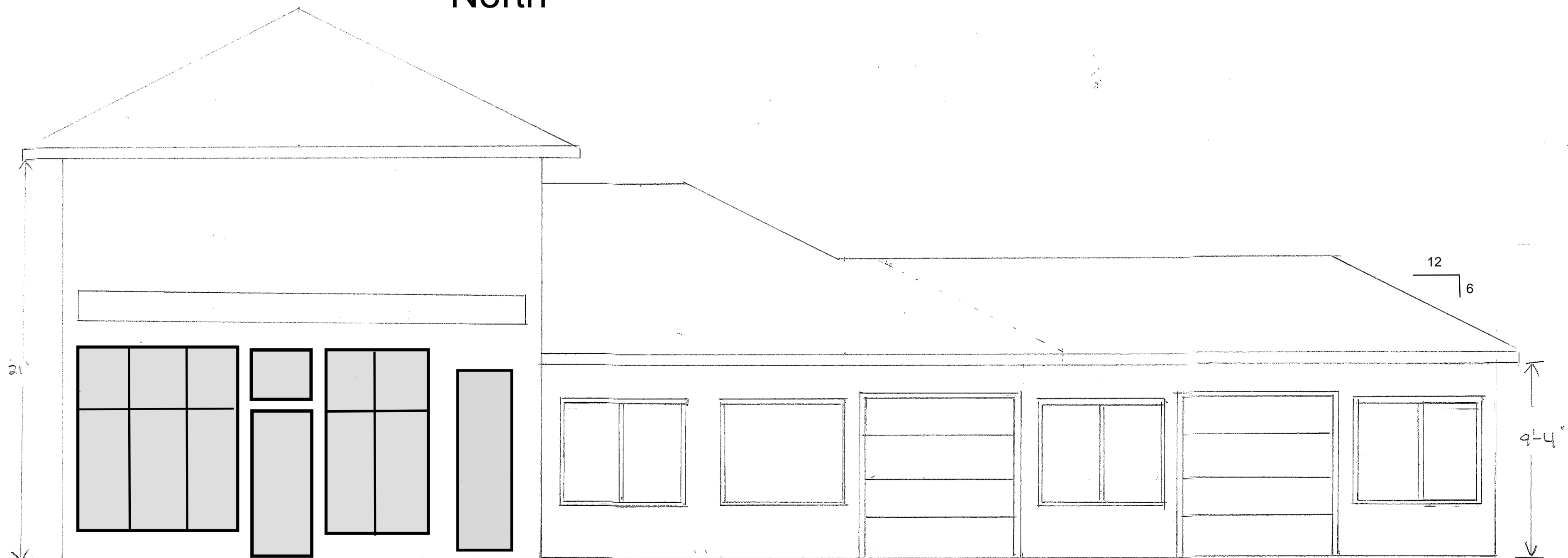


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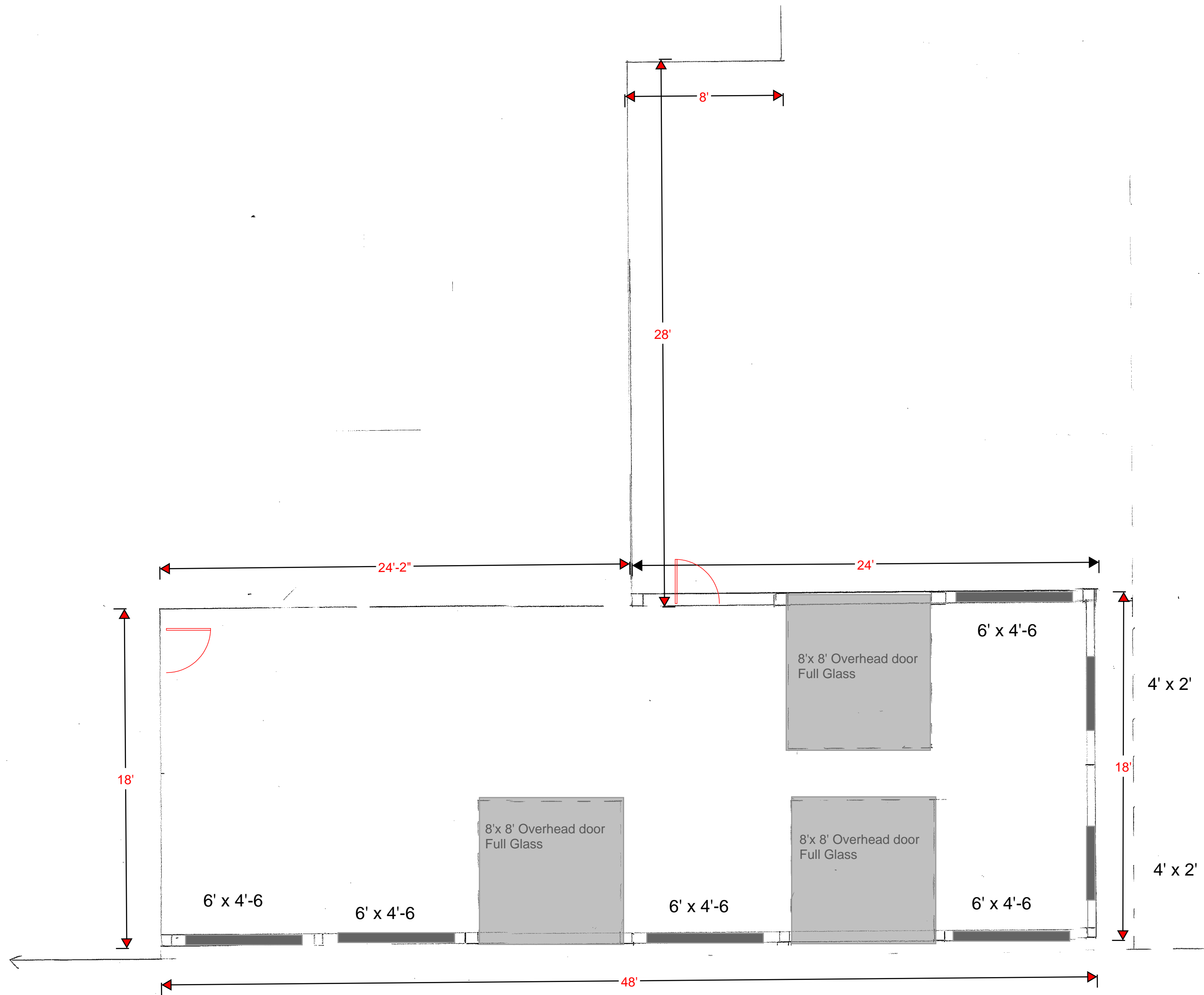


North



East

Hay Creek Campground
31655 Highway 58 Blvd
1/4" = 1'-0"



Hay Creek Campground
 31655 Highway 58 Blvd
 1/4" = 1'-0"