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**To:** Board of Adjustment  
**From:** Land Use Management  
**Meeting Date:** March 24<sup>th</sup>, 2025  
**Report Date:** March 14<sup>th</sup>, 2025

**Agenda Item:**

Request for Variance, submitted by Steve Dietz and Janet Malotky (Owners) to allow construction of a Screened Porch to be 8 feet from the Bluff. The property is zoned R-1. Parcel 32.290.0040. 28839 Lake Ave. Way, Frontenac MN, 55026. Lot 1, Block 3 of the Chateau Frontenac Homes Plat in Florence Township.

**Application Information:**

Applicants: Steve Dietz and Janet Malotky (Owners).

Address of zoning request: 28839 Lake Ave. Way, Frontenac MN, 55026

Parcel: 32.290.0040

Abbreviated Legal Description: Lot 1, Block 3 of the Chateau Frontenac Homes Plat

Township Information: Florence Township signed off on the Variance application with no additional comments

Zoning District: R-1 (Suburban Residential)

**Attachments and Links:**

Application and submitted project summary

Site Map

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

**Background:**

Steve Dietz and Janet Malotky (Owners) have applied for a variance to Article 24 Section 4 (Accessory Structures) to allow construction of a Screened Porch to be 8 feet from the Bluff.

**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 that “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 Bluff Land Protection cited in Article 12, Section 1 is to protect and preserve the sensitive physical features of the bluffs by regulating development, preventing erosion and controlling the cutting of timber on slopes and tops of the bluffs.
- The property consists of one parcel approximately 17,483 Sq Ft. The minimum lot size in the R-1 District is 20,000 Sq Ft for lots created before 2019.
- The screened porch will measure 16 ft x 23 ft. There is an existing 16ft x 23ft concrete pad that the screened porch will be built on. The structure will be at least 8 ft from the bluff.
- The screen porch will not be closer to the bluff than the existing house and garage.
- 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 individual use of rural property in the unincorporated areas of Goodhue County.

The Applicant's screen porch 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 for a screened porch is a reasonable use of property in the R-1 District.
- This R-1 zoned parcel is smaller than the required 20,000 Sq Ft at 17,483 Sq Ft (for parcels created before 2019).
- All of the structures on the parcel are nonconforming to the current Bluff Land Setback Standards of 30ft from the toe of the bluff.
- A review of the existing development pattern in the vicinity reveals medium-density residential development among predominant 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.**

- Home additions are permissible in the R-1 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 Steve Dietz and Janet Malotky (Owners) to allow construction of a Screened Porch to be 8 feet from the Bluff, with the following conditions:

1. A building permit must be applied for within 1 year of obtaining the variance.
2. The owner must verify all property lines, property corners, and locations of easements prior to obtaining a building permit.
3. The variance is null and void if construction does not start within a year of the variance approval.

RECEIVED

FEB 07 2025

# Variance

Land Use Management

For Staff Use Only	
Permit #	Z 25-0005
\$400 Receipt #	18591 DATE: 2/7/25

SITE ADDRESS, CITY, AND STATE				ZIP CODE	
28839 Lake Avenue Way Frontenac MN				55026	
LEGAL DESCRIPTION					
Lot 1, Block 3, Chateau Frontenac Homes, Goodhue County, Minnesota					
PID#	ZONING DISTRICT	LOT AREA (S/ACRES)	LOT DIMENSIONS	STRUCTURE DIMENSIONS (if applicable)	
32-290-0040	R1	.40 acres	99.64' x 174.84'	16' x 23'	

APPLICANT OR AUTHORIZED AGENT'S NAME	
Steve Dietz and Janet Malotky	
APPLICANT'S ADDRESS	TELEPHONE
28839 Lake Avenue Way Frontenac, MN 55026	
	EMAIL

PROPERTY OWNER'S NAME	
Same as Above	
PROPERTY OWNER'S ADDRESS	TELEPHONE
	EMAIL

CONTACT FOR PROJECT INFORMATION	
Same as Above	
ADDRESS	TELEPHONE
	EMAIL

<b>VARIANCE REQUESTED TO: (check all that apply)</b> <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input checked="" 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		<b>CURRENT OR PREVIOUS USE</b> concrete patio <b>PROPOSED USE</b> cover almost all of the patio w/ screen porch <b>BUILDING APPLICATION PERMIT NO. (if filed)</b> <b>DATE FILED</b>
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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
	Mike Blair	1/21/2025

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: 2/7/25

## REQUEST SUMMARY

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

Article: 12 Section: 4 Name: Bluff Land Protection

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:

Currently there is a concrete patio that exists between the <sup>north</sup> ~~south~~ + east walls of the residence and the south wall of attached garage. We would like to convert this to a screened in area for greater protection from insects and weather.

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

The existing concrete patio would be less used and less useful.

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:

Because of proximity to the bluff no new additions could be built on our property.

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

There are no compliant alternatives that could be determined.

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

Any alternative, for example building a porch off the front of the house, would add new hardscape that is not allowed — and not have adequate setback from the road.

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

This issue was discussed at length by the homeowners association and Florence Township Historic Preservation Commission. Both agreed the project would be nearly invisible in the back and the HPC approved the structure [Ours is not a historic structure but it is within the historic district.] See attached. Florence Township Planning Commission also reviewed the proposal and did not see any problems but did not require a permit because of no change in footprint and the mitigation effects of moving rainfall away from bluff to new rain gardens on the <sup>neighboring</sup> ~~back~~ <sup>side</sup> of the house.

# Florence Township Heritage Preservation Commission

## DESIGN REVIEW APPLICATION

Use separate application for each building or site. Refer to Resource Guide for definitions.

Owner: Steve Dietz + Janet Malotky Phone: 952-994-4118

Address: 28839 Lake Avenue Way, Frontenac

Applicant: Steve Dietz + Janet Malotky Phone: 952-994-4118

Address: 28839 Lake Avenue Way, Frontenac

Work Site Address: 28839 Lake Avenue iWay Frontenac

Lot Size: 156 ft. by 99 ft. Start Date: 05/01/25 End Date: 10/01/25

Project Type: ☒ New Construction ☐ Major Face Lift ☐ Minor Face Lift ☐ Restoration

☐ Rehabilitation ☐ Demolition ☐ Landscape ☐ Signage

☐ Site Lighting ☐ Fences ☐ Public Park ☐ Other

### YOU MUST ATTACH THE FOLLOWING BEFORE APPLICATION CAN BE CONSIDERED

- I. Historical background of building or site and adjoining properties
- II. Project Information, Description and Drawings (Attach to this Document)
  - a. Current photograph of the exterior sides of building and/or site
  - b. Scaled elevation drawing illustrating proposed work
  - c. Scaled floor plan drawing illustrating proposed work
  - d. Site Plan that includes all buildings and landscape elements
  - e. Short narrative on the project relative to the site's architectural history
  - f. Exterior building material samples and proposed colors.

Building Name: screen porch # of Pages: 5 Approval on Each Page

Site Name: 28839 Lake Ave Way # of Pages: same Approval on Each Page

By submission of these plans, I agree to proceed according to these plans. If any changes are made during the approval process or during the project, I agree to submit such changes for approval by the HPC and other applicable agencies before moving forward with the project.

Applicant Signature: [Signature] Date: 09/04/25

Recommendation: ☒ Approved as Submitted ☐ Approved with Conditions (See Attached)

☐ Denied (See Attached) ☐ Permit Issued on Date: 1/1/

Commission Signature: [Signature] Date: 1/6/25

# 28839 Lake Avenue Way, Frontenac

*Proposed screen porch over existing concrete patio*

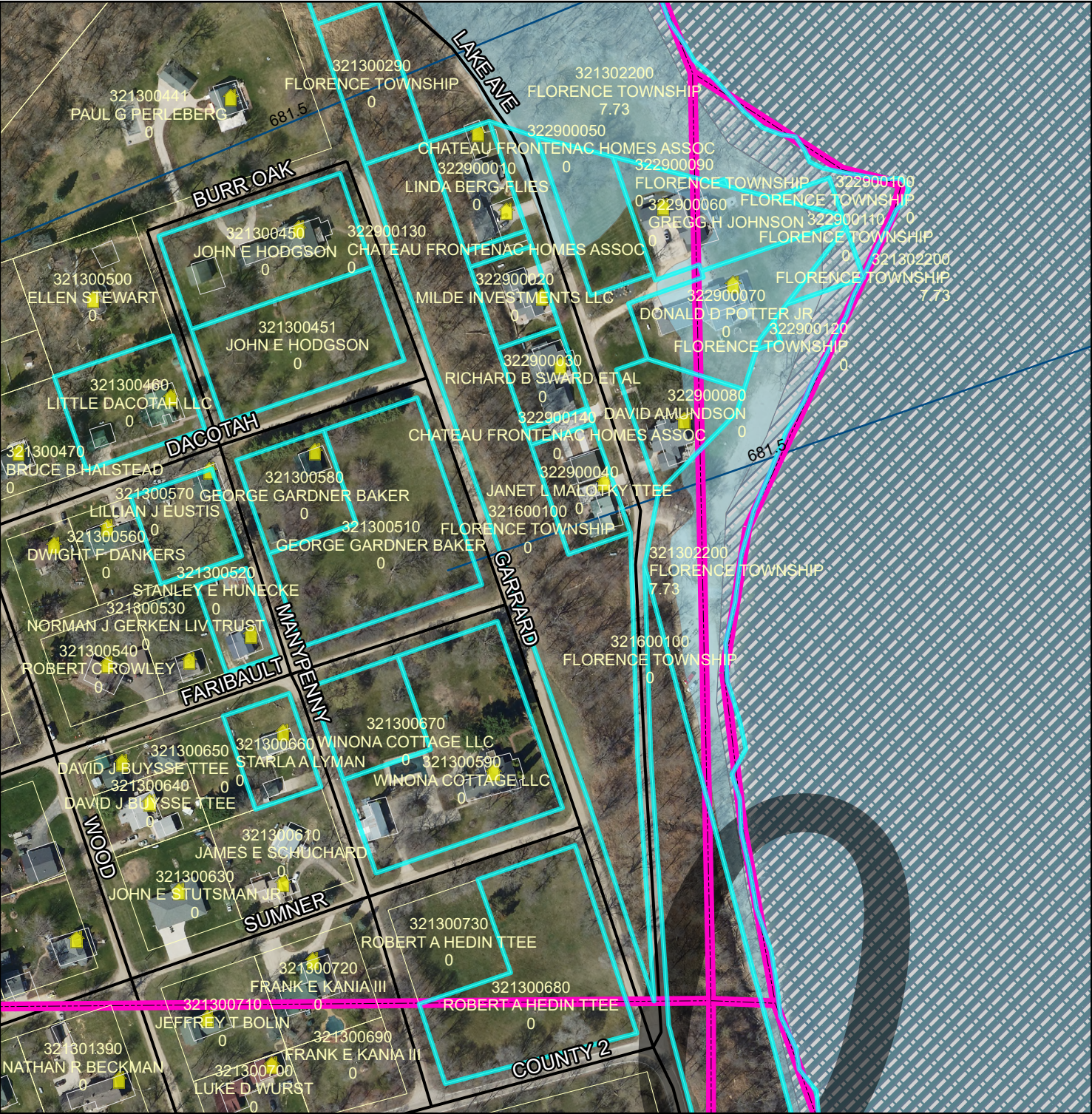
February 7, 2025

- The original residence at 28839 Lake Avenue Way was built in 1966. An addition was built in 2015. It lies within the Frontenac historic district but is not itself an historic structure.
- The proposed screen porch "fills in" an existing space between the residence and the garage, which is currently covered by a concrete patio.
- The screen porch fits within the existing footprint of 28839 Lake Avenue Way.
- The screen porch has a slightly smaller footprint than the existing concrete patio. See diagrams.
- The roof over the porch will allow us to direct rainwater that currently falls on the patio and pools at the toe of the bluff, away from the bluff through the gutters to an existing and a new rain garden, designed to handle the additional runoff.
- The proposed screen porch will essentially not be visible to the public. From the south, coming down Lake Avenue Way from County road 2, the existing roof structure hides the proposed addition.
- From the east, the proposed addition is hidden by the main residence building.
- From the north, a small portion of the new roof may be visible, but if it is, it will look exactly like a continuation of the existing roof. No other part of the screen porch will be visible, hidden by the existing detached garage to the north of the residence. (The north side of the screen porch is the south wall of an attached garage, not the detached structure).
- It is possible that glimpses of the screen porch will be visible through the trees in Valhalla Park (not in a view zone) from the top of the bluff to the west, but not from Garrard Avenue itself. To the minimal extent it is visible, it will be primarily the roofline which matches the existing roofline.
- The Chateau Frontenac Homes Association has approved the concept of the addition because it does not detract from any public view of the property.
- The Florence Township Historic Preservation Commission approved the plan for the screen porch for similar reasons. Signed approval is attached.
- The Florence Township Planning Commission reviewed the proposal and did not have any issues with it and did not require a permit because it is planned within an existing footprint and the net effect of the addition is to mitigate potential runoff by redirecting it from the concrete patio in the back of the house via a new roof to rain gardens in the front of the house.
- Mike Blair, Florence Township Board of Supervisors, has signed the variance request acknowledging that FT understands the request is being made.

Steve Dietz and Janet Malotky  
28839 Lake Avenue Way  
Frontenac, MN 55026  
952.994.4118



PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP



BOARD OF ADJUSTMENT

Public Hearing  
March 24, 2025

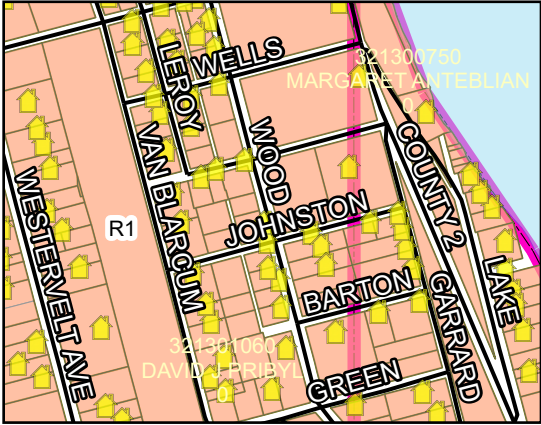
Steve Dietz and Janet Malotky (Owners)  
R-1 Zoned District.

Lot 1, Block 3 of the Chateau Frontenac  
Homes Plat in Florence Township.

Request for Variance to allow the  
construction of a Screened Porch to be  
8 feet from the Bluff.

Legend

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



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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing  
March 24, 2025

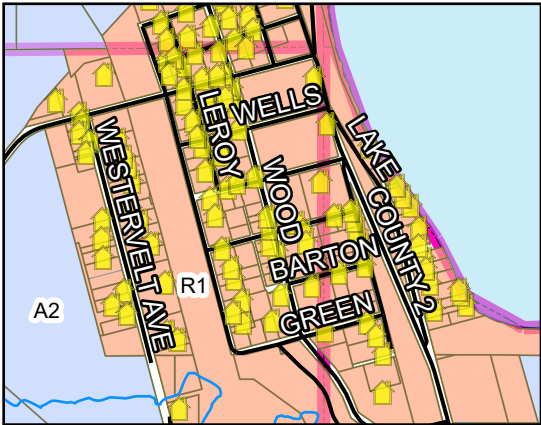
Steve Dietz and Janet Malotky (Owners)  
R-1 Zoned District.

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Legend

- |                            |                              |
|----------------------------|------------------------------|
| Intermittent Streams       | Bluff Impact Zones (% slope) |
| Protected Streams          | 20                           |
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| Dwellings                  | AE                           |
| Municipalities             | AO                           |
|                            | X                            |



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US Feet

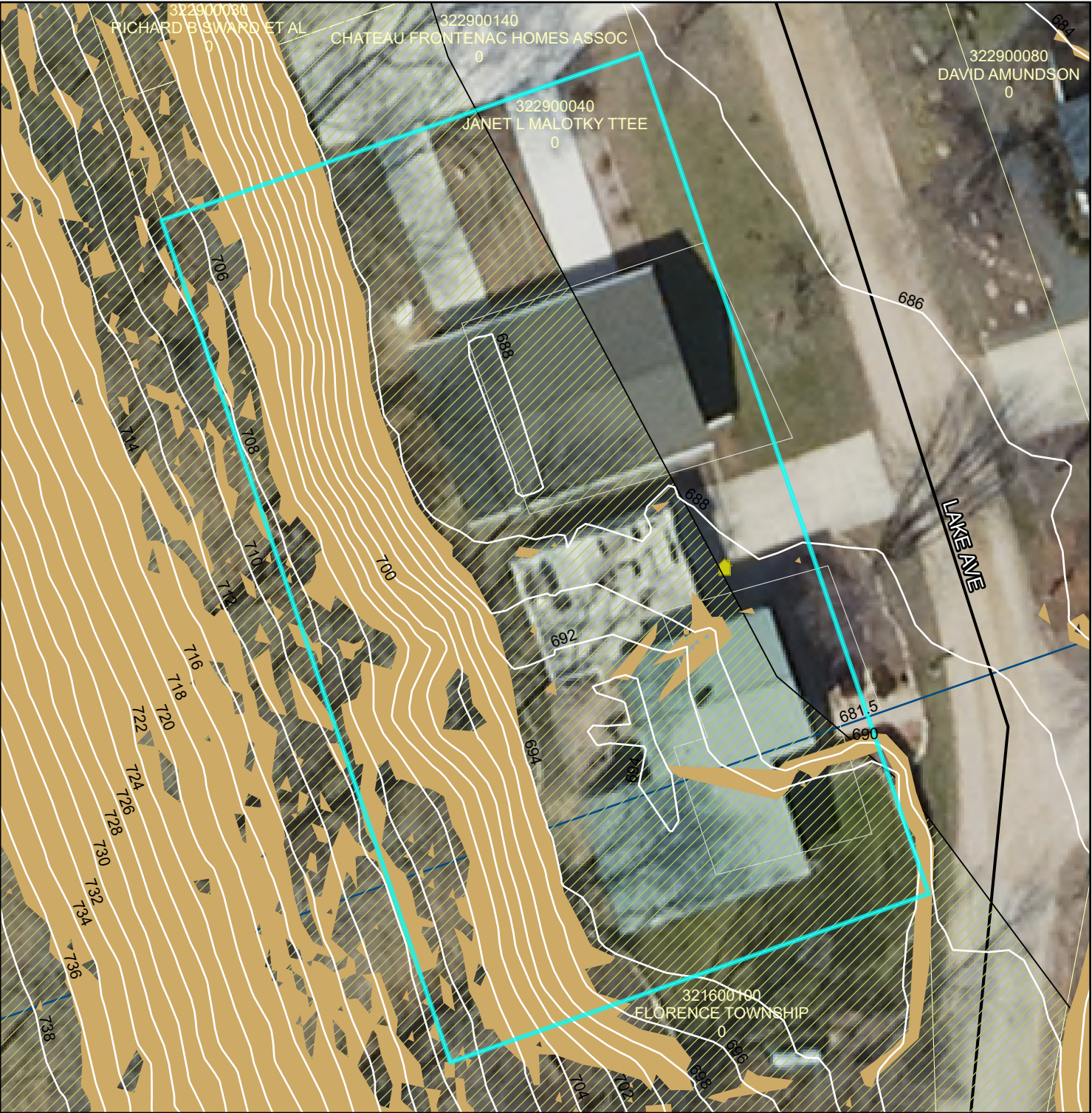
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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing  
March 24, 2025

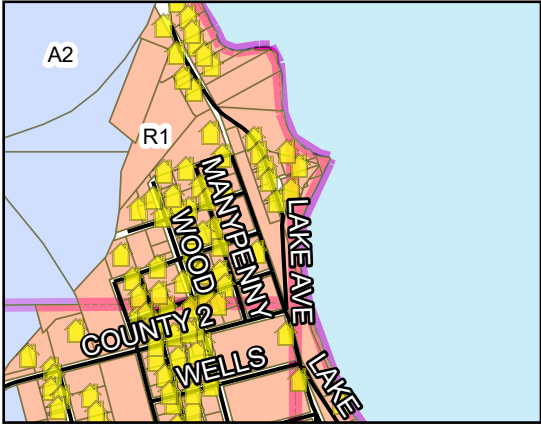
Steve Dietz and Janet Malotky (Owners)  
R-1 Zoned District.

Lot 1, Block 3 of the Chateau Frontenac  
Homes Plat in Florence Township.

Request for Variance to allow the  
construction of a Screened Porch to be  
8 feet from the Bluff.

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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Map Created March, 2025 by LUM





MAP 01: PROPERTY OVERVIEW



**BOARD OF ADJUSTMENT**

Public Hearing  
March 24, 2025

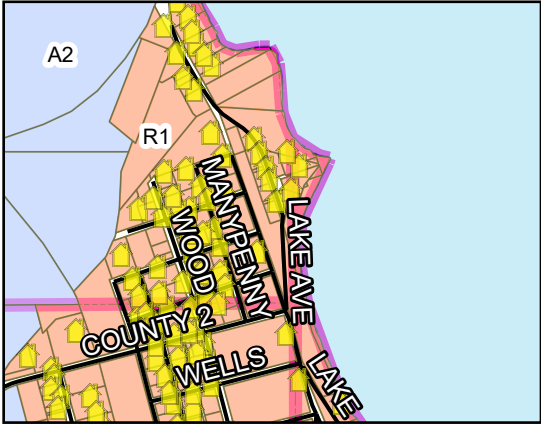
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**Legend**

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



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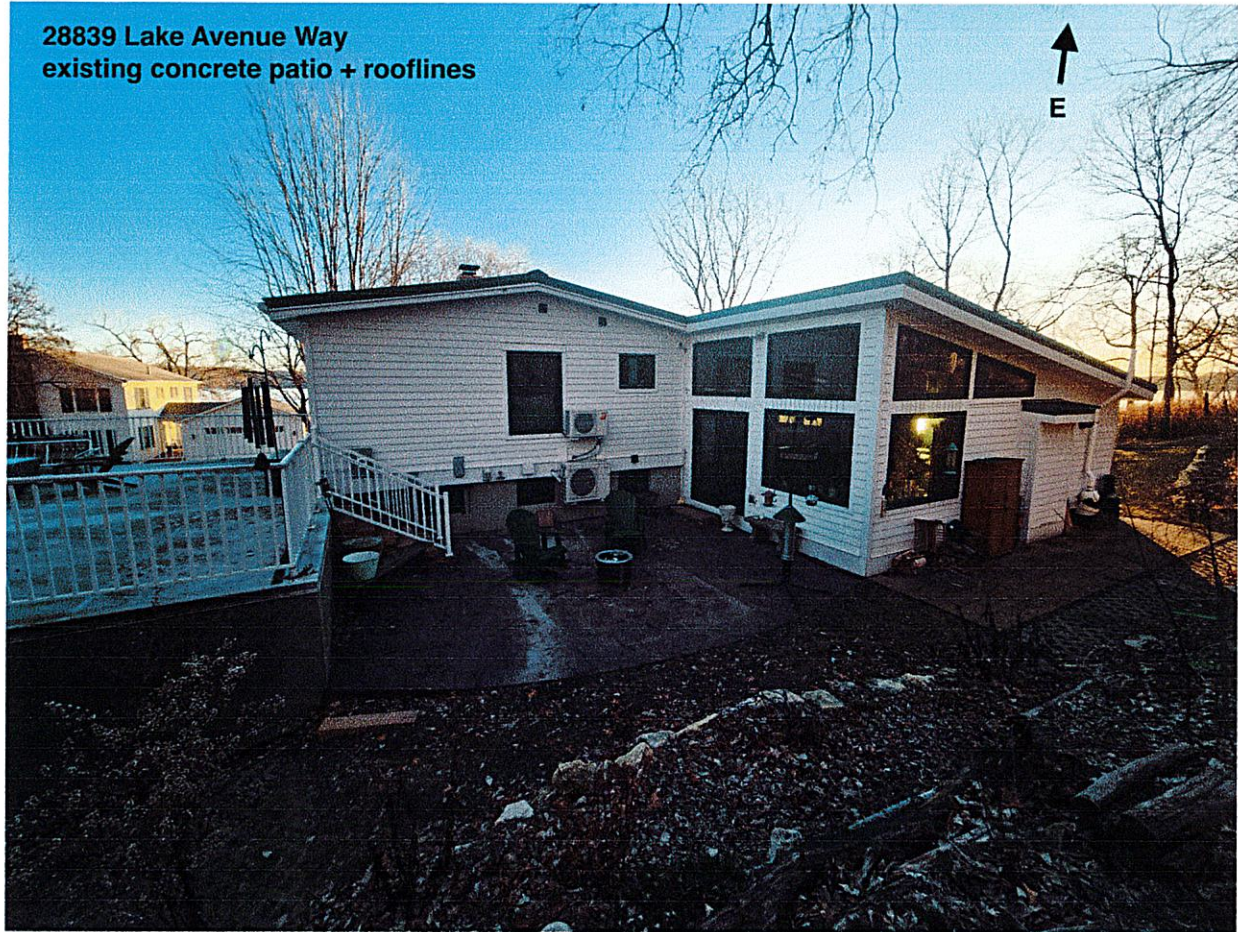
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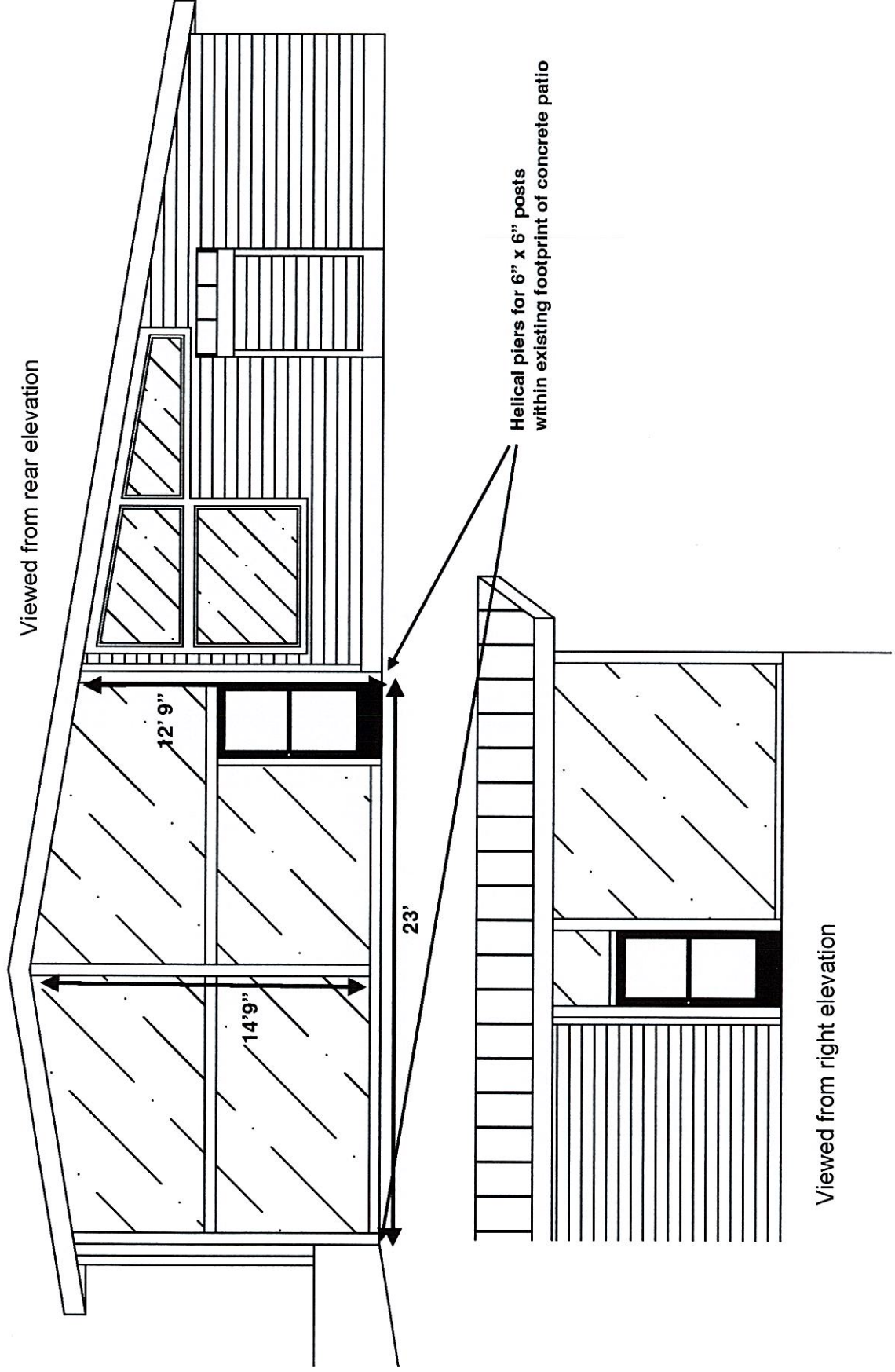


**28839 Lake Avenue Way**  
**existing concrete patio + rooflines**



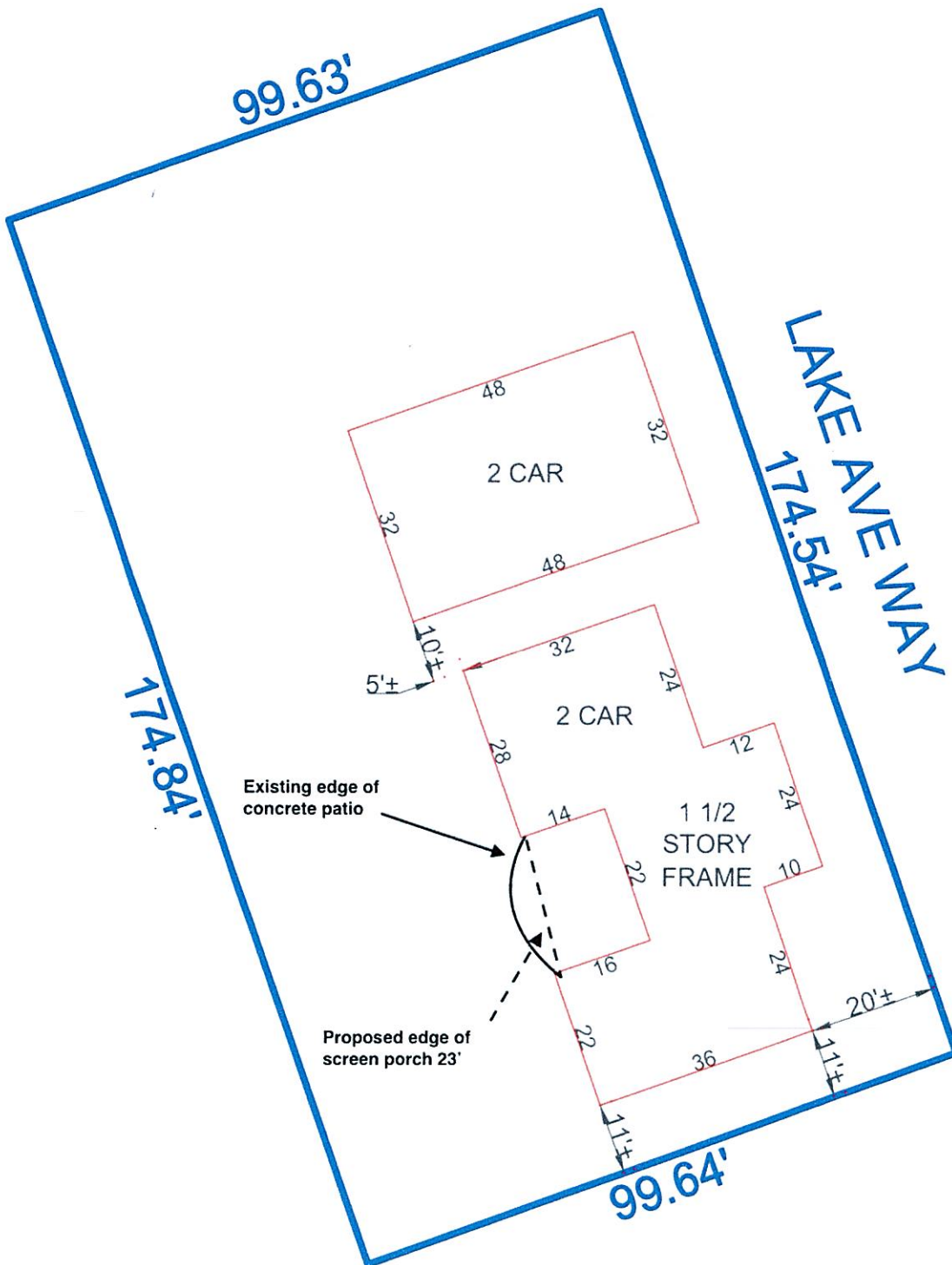


# Malotky/Dietz - Porch



**PROPERTY SKETCH**  
**28839 Lake Avenue Way, Frontenac**

**30 Scale**





**28839 Lake Avenue Way residence (built 1966)**

