
To: Board of Adjustment
From: William Lenzen
Meeting Date: August 24th, 2026
Report Date: August 14th, 2026

Agenda Item:

Request for Variance, submitted by Victoria Gordon (Applicant/Owner) to allow an existing building to be used as an accessory dwelling unit (ADU) that is 400 feet from the primary dwelling when 100 feet is the maximum spacing allowed. The proposed ADU as shown, would also exceed the size of the principle home, which is not allowed in accordance with the County's ADU requirements.

Application Information:

<u>Applicant</u>	Victoria Gordon
<u>Address of zoning request</u>	28419 Circle S Road, Red Wing, MN 55066
<u>Parcel</u>	34.001.0102
<u>Abbreviated Legal Description</u>	Parts of the NW1/4, NE1/4, SW1/4, and SE1/4 of Section 1, Township 112, Range 14 in Hay Creek Township
<u>Township Information</u>	Hay Creek Township
<u>Zoning District</u>	A-2 (Agricultural District)

Attachments and Links:

- Application
- Site Maps prepared by staff
- Letter submitted by Hay Creek Township

Background:

Victoria Gordon has applied for an after-the-fact variance to convert an existing accessory structure (barn) to an accessory dwelling unit that is about 400 feet from the primary dwelling and for the ADU to be larger in size than the primary dwelling.

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 maximum distance an Accessory Dwelling Unit can be from the primary dwelling (not more than 100 feet) as cited in Article 11 Section 31 is to prevent the splitting of tax parcels, thus increasing the dwelling density of the section.
- The property consists of one parcel containing approximately 43 acres and is zoned A2
- The ADU is proposed to be 400 feet from the primary dwelling.
- The ADU will have a negative effect on the parcel and to neighboring parcels because of the ADU's larger size relative to the primary dwelling and its location being more than the maximum allowed 100 feet between primary and accessory dwellings.
- The Applicant's proposal is **not** 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 Accessory Dwelling Unit 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):

- They have not shown that there are sufficient practical difficulties in complying with the official control that were not created by the landowner.
- A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly agricultural uses.

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 Dwelling Units are permissible in the A-2 district. This does not constitute a use variance.

Analysis

Some parcel history: A building permit was issued for the accessory structure in 2009 to an Ariel Porte with a proposed use to house horses. At the time, the contractor removed themselves from the job due to no payment. Notes state that stairs were added for the second level, along with water. There is also mention of a lawsuit and building inspections that hadn't happened. Making the barn into the primary dwelling would also impact the A-2 district's dwelling density of one dwelling per quarter quarter section as that quarter quarter is already occupied by another dwelling.

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

Deny the request submitted by Victoria Gordon (Applicant/Owner) to allow an existing building to be used as an accessory dwelling unit (ADU) to be 400 feet from the primary dwelling when 100 feet is the maximum spacing allowed. The proposed ADU as shown, would exceed the size of the principle home, which is not allowed in accordance with the County's ADU requirements.

Variance

For Staff Use Only	
Permit #	226-0078
Receipt #	18981
DATE:	7/24/26

SITE ADDRESS, CITY, AND STATE:		ZIP CODE:	
28419 CIRCLE S ROAD RED WING, MN		55066	
LEGAL DESCRIPTION:			
LENGTHY			
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS:
34.001.0102		43	SEE LEGAL DESCRIP
			STRUCTURE DIMENSIONS (if applicable):
			20'X40'

APPLICANT OR AUTHORIZED AGENT'S NAME:	
VICTORIA GORDON	
APPLICANT'S ADDRESS:	TELEPHONE:
28419 CIRCLE S ROAD, RED WING, MN 55066	
	EMAIL:

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

CONTACT FOR PROJECT INFORMATION:	
me as Above ☒	
ADDRESS:	TELEPHONE:
	EMAIL:

VARIANCE REQUESTED TO: (check all that apply) ☐ Road Right-Of-Way Setbacks ☐ % Lot Coverage ☐ Property Line Setbacks ☐ Bluff Setbacks ☐ Height Limits ☐ Shoreland Setbacks ☐ Lot Width &/or Area ☒ Other (specify) ☐ Subdivision Regulations	CURRENT OR PREVIOUS USE:
	PROPOSED USE:
	AFTER THE FACT PERMIT & VARIANCE
	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
<i>David Tincher</i>	DAVID TINCHER Supervisor	7/17/26

By signing below, the applicant acknowledges:

- The undersigned is the owner or authorized agent of the owner of this property.
The information presented is true and correct to the best of my knowledge.
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.
- Additional information or applications may be required

Applicant's Signature: VICTORIA GORDON

Date: 7/7/2026

VICTORIA GORDON 28419 Circle S Road, Red Wing, MN 55066
1/4 mi SE off Flower Valley Road, Hay Creek Township

BRIEF OVERVIEW OF PROPERTY'S BUILDINGS



In 2016, I purchased this 43 acre property via contract for deed.

Location: Traveling Hwy 61 South, turn right on Flower Valley Road, go 1/4 mi, turn Left on Circle S Road, to the First driveway on the right

The terrain is “Buff Country Pasture” & Woods. Appx 3 acres of property is sufficiently flat enough to be considered tillable.

Existing structures included:



One Room Log Cabin w/ Loft

The Cabin had existing electric power and private well & septic which the previous owner used as primary Residence.



Post & Timber Barn w/ Steel Siding/Roof – interior unfinished.

Uniquely, 2nd level of the Barn had large Dormers on the East & West sides of roof, and (7) Large Windows. It seemed clear the 2nd level was designed to be used as Residential living space.

The Barn did not have power, and was unplumbed, but did have an existing single source of running water via a buried water line from the Cabin well.

The straight line distance between the Cabin and the Barn was/is appx 400 feet.



Both structures were built into separately excavated hillsides, of the property's "bluff country terrain".

Goal & Purpose

Having grown-up on a Farm, I deeply felt the need to live in the Country. Upon experiencing the views from the 7 windows in 2nd level of the Barn, I easily decided the Barn is where I want to live. This would free-up the Cabin opened my vision to dedicate the Farm to serve as an "incubator Farm" for beginning Farmers.

My vision was: I would offer the beginning farmer living space in the Cabin with little to no rent, in exchange for their improvement of the land via utilizing regenerative Farming Practices. From my personal Farm experience I knew: Beginning Farmers need to live on-site for an authentic and realistic Farm experience.

The Farm has never been run as a for-profit enterprise. The Farm has always served as a "hands-on educational community service".

Finishing Construction

In 2016, I began to hire contractors to finish the 2nd level of the Barn as residential living space.

Electrical Power: Excel installed a second meter at the Cabin.

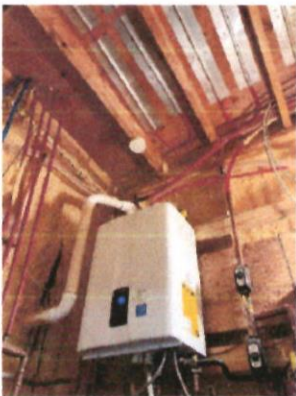
An electrician ran a buried electrical cable from this meter to an external shut off switchbox.



and then inside to an electrical box on the 2nd level of the Barn. Similar to the internal wiring in the Cabin, flexible conduit was used as no interior wallboard was installed. Instead, the closed cell spray foam applied to the inner surface of the steel siding was spray painted to finish.



Plumbing was installed using pex tubing. A heated floor system was also installed.



A full kitchen & bathroom, including septic have been installed.

View from the 7ft x 4ft window in the Barn living room.



Variance Request Summary

Ordinance Article & Section I am requesting a variance from:

Article 11 Section 31 - Accessory Dwelling Unit

After-the-Fact Residential Permit

1. Current use of the property & reason for your variance request:

Since assuming ownership in 2016, the Farm has always served as an “incubator Farm – never as a for-profit business. The Cabin was offered to young Farmers at little to no rent, in exchange for their practice of Regenerative Farming Practices designed to improve the Productivity of the Farm through improved soil fertility and water-holding capacity making the Farm’s Pasture more drought-resistant. This vision was made possible because the existing Barn structure clearly appeared designed for resident living. I hired contractors to install electrical, plumbing & heating work so the 2nd level of the Barn could serve as my full-time personal living quarters.

2. Describe the effects on the Property if the Variance is not granted:

If the variance is not granted, either I, the Owner, will not be able to live on my Property, or the Farm can no longer serve as an “incubator Farm”. I love where I live, and do not wish to move. Likewise, for an authentic and realistic Farm experience, Beginning Farmers need to live on-site. Farming is not a 9-5 job. Planting, tending, harvesting and tending both plants and animals, requires the ability to respond to the many unpredictable variables of Mother Nature and her creatures – day and night.

Farmers are aging out nation-wide. New Farmers need to be trained to keep Agriculture a thriving industry for Goodhue County. Granting the requested variance supports that effort.

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

The Farm is “Bluff Country Pasture”, making it deal for rotational grazing of animals which is a proven practice of Regenerative Farming that increases soil organic matter and fertility, increases water holding capacity making it more drought resistant. Both of these outcomes improve the reliable productivity of the land. Appx 3 acres of the Farm is sufficiently “flat” to be used for profitable cash crops with small machinery. Interestingly, the 2 existing buildings, the Cabin and the Barn, could have more easily built on this flat ground, and more likely sited 100 feet apart per code. However, such siting would have consumed the more economically productive agricultural ground – which would be contrary to the overall zoning goal of preserving high value ag ground.

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

Alternative 1. Relocate the existing buildings within 100 feet of each other. It would not be practical to relocate either of these buildings to bring them within 100 feet of each other.

Impractical.

Alternative 2. Decommission/Destroy 1 of the 2 Residences. **This would mean either I would need to move off of my property – or the Farm could no longer serve as an incubator Farm.**

Both the Cabin and the Barn had been sited and built prior to my purchase of the Farm. I simply utilized the resources available to create my vision for the Farm.

It seems helpful to understand that these 2 residences are atypically small in size (Cabin 500 sq ft; 2nd Level of Barn 700Sq ft.) These residences do not and cannot increase the population density of this Zone A-2 property.

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

Alternative: beginning farmer lives off-site and commutes to the Farm.

An off-site farming experience simply not a realistic nor authentic farming experience. A working Farm inherently has many unpredictable variables which often require immediate human intervention to prevent catastrophic losses or repairs. I would not waste my time training an off-site beginning farmer.

6. In your opinion, do you think the granting of your variance request would alter the “essential character” of the neighborhood/area?

The Farm has been operating as an “incubator farm” for the past decade without incident. I believe the Farm has already shown itself to be a part of the essential character of the neighborhood and community.

END OF LIFE TRANSITION PLAN – PLACE THE PROPERTY IN A TRUST THAT CAN NEVER BE SOLD, AND WILL ALWAYS REMAIN AVIALBE TO THE PUBLIC FOR AGRICULTURAL EDUCATIONAL PURPOSES.

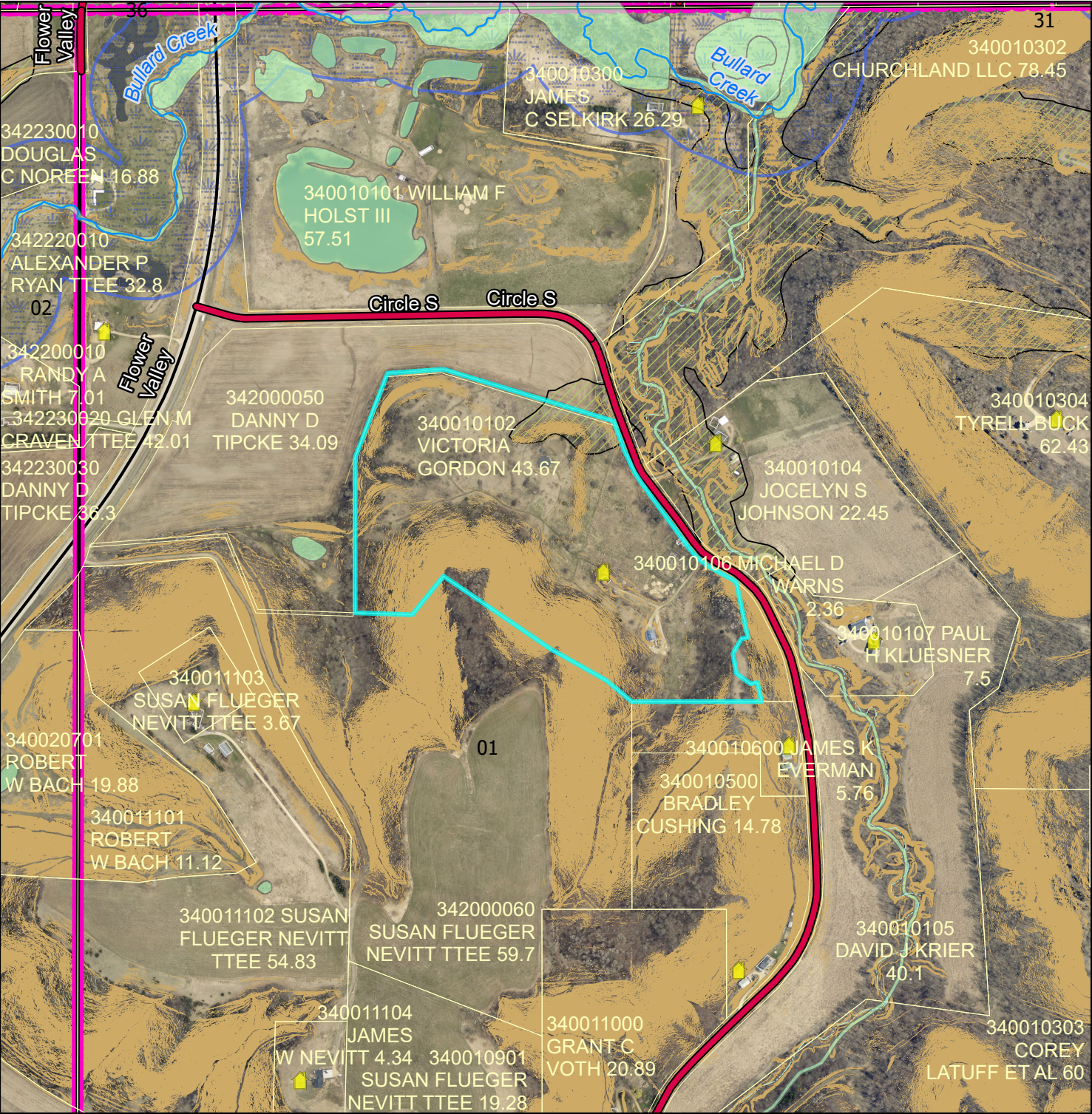
End Variance Request Summary

2025 Cabin updated: Log cabins are very difficult to heat in winter. In 2025, closed cell spray foam was applied to the exterior of the Cabin. The foam was then coated with an acrylic covering to prevent sunlight from damaging the foam. New windows and a heated floor system were also installed.



The Cabin is now very cozy in Winter.

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
August 24, 2026

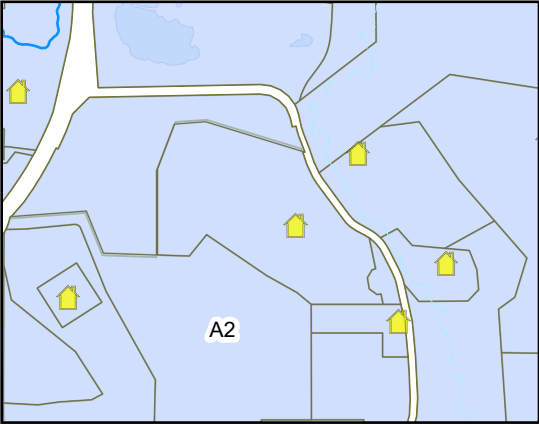
Victoria Gordon (Owner)
A-2 Zoned District.

Part of the SE1/4 of the NW1/4, part of the SW1/4 of the NE1/4, part of the NE1/4 of the SW1/4 and part of the NW1/4 of the SE1/4 of Section 1, Township 112, Range 14 in Hay Creek Township.

Request for an after-the-fact variance to allow an existing building to be used as an accessory dwelling unit to be 400ft from the primary dwelling and would exceed the size of the principle dwelling.

Legend

- Township Roads
- Section Lines
- Streams
 - Intermittent
 - Protected
- Roads
- Shoreland
- Feedlots2022Poly
- Dwelling Point
- Blufflands
- SDE.National_Wetland
- Soils_Type
 - Slope
 - Soils
- Tax Parcels



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 2026.

2024 Aerial Imagery
Map Created August, 2026 by LUM



MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
August 24, 2026

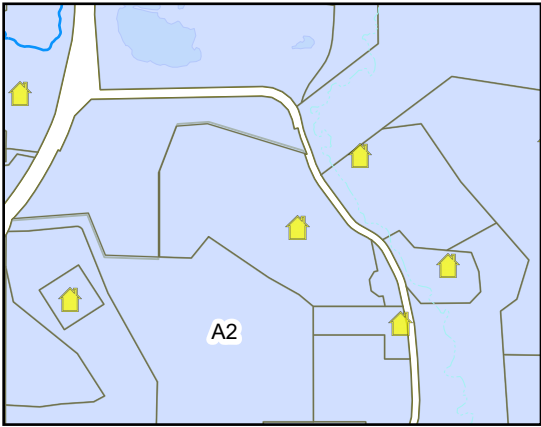
Victoria Gordon (Owner)
A-2 Zoned District.

Part of the SE1/4 of the NW1/4, part of the SW1/4 of the NE1/4, part of the NE1/4 of the SW1/4 and part of the NW1/4 of the SE1/4 of Section 1, Township 112, Range 14 in Hay Creek Township.

Request for an after-the-fact variance to allow an existing building to be used as an accessory dwelling unit to be 400ft from the primary dwelling and would exceed the size of the principle dwelling.

Legend

- Township Roads
- Section Lines
- Streams
 - Intermittent
 - Protected
- Roads
- Contours_2ft
- Dwelling Point
- Shoreland
- SDE.National_Wetland
- Feedlots2022Poly



0 25 50 100 150 US Feet

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 2026.

2024 Aerial Imagery
Map Created August, 2026 by LUM



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
August 24, 2026

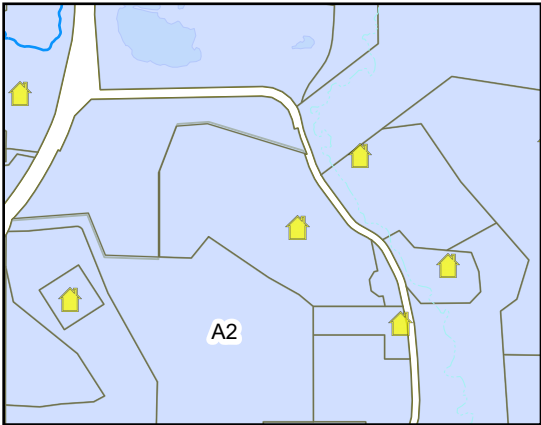
Victoria Gordon (Owner)
A-2 Zoned District.

Part of the SE1/4 of the NW1/4, part of the SW1/4 of the NE1/4, part of the NE1/4 of the SW1/4 and part of the NW1/4 of the SE1/4 of Section 1, Township 112, Range 14 in Hay Creek Township.

Request for an after-the-fact variance to allow an existing building to be used as an accessory dwelling unit to be 400ft from the primary dwelling and would exceed the size of the principle dwelling.

Legend

- | | |
|----------------------|------------------|
| Township Roads | Tax Parcels |
| Streams | Section Lines |
| Intermittent | Roads |
| Protected | Shoreland |
| Dwelling Point | Feedlots2022Poly |
| SDE.National_Wetland | |



0 25 50 100 150 US Feet

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 2026.

2024 Aerial Imagery
Map Created August, 2026 by LUM



To: Goodhue County Board of Adjustment

From: Hay Creek Township Board of Supervisors

Date: August 12, 2026

Re: Victoria Gordon Variance Application

Hay Creek Township respectfully offers the following comments regarding the Victoria Gordon variance application:

On July 7, 2026, Ms. Gordon appeared before the Township regarding an "after-the-fact permit and variance" application. In their comments, the applicant referenced the ADU provisions of the zoning ordinance, but their written application did not identify the zoning ordinance provisions from which relief is requested.

As the Township understands the proposed use, the applicant purchased the property some years ago and chose to live in an existing barn instead of the existing dwelling. Meanwhile, the original dwelling has been rented or used by other people, at least part of the time. The applicant now seeks what they describe as a "dual dwelling variance" by which the barn would be legalized as a dwelling while the original dwelling would continue to be used as a residence for other people.

The Township's position on this matter is guided by two goals: (1) consistent application of the zoning ordinance and (2) equal treatment of similarly situated landowners. The Township believes Minn. Stat. § 394.27 provides the framework for achieving those goals.

The Township does not support the application for three reasons:

1. The application does not satisfy the statutory standard for granting a variance.

Minn. Stat. § 394.27 requires several findings before a variance may be granted. The Township believes this application fails a threshold requirement because the need for the requested variances arises from circumstances created by the applicant rather than from unique characteristics of the property.

The property already has a lawful dwelling that can be used as a residence without a variance. The variances being sought are needed only because the applicant voluntarily chose to live in the barn rather than the existing lawful dwelling.

2. The proposal to legalize the barn as a dwelling may require relief from multiple provisions of the zoning ordinance.

If the barn is proposed as an ADU, the zoning ordinance requires it to be no larger than the primary dwelling and attached to or located within 100 feet of it. However, based on Goodhue County SWCD aerial estimates, the barn is approximately 2,000 square feet, much larger than the primary dwelling's approximately 600 square feet, and the two structures are about 200 feet apart, twice the permitted distance for an ADU. These requirements are not just dimensional standards; they implement the County's policy, expressed through the Comprehensive Plan and Article 11, Section 31 of the zoning ordinance, that an accessory dwelling remain subordinate to the primary dwelling.

Alternatively, if the barn is proposed to become the lawful primary dwelling by removing dwelling status from the existing dwelling, the application would be subject to the A-2 district regulations governing primary dwellings. Because the quarter-quarter section containing the barn already contains a lawful dwelling from another parcel, designating the barn as the primary dwelling would appear to require additional relief from the zoning ordinance limiting a quarter-quarter section to one dwelling.

3. Consistent application of the ordinance promotes fairness for all landowners.

The Township believes that granting the requested variances would be inconsistent with Minn. Stat. § 394.27 and potentially unfair to other landowners.

Conclusion

The statute requires an applicant for a variance to establish there are practical difficulties in complying with the official control. The Township believes the applicant has not done this. The circumstances for which relief is sought were created by the applicant, not by circumstances unique to the property. For these reasons, Hay Creek Township respectfully concludes that the requested variances have not been justified under Minn. Stat. § 394.27 and therefore does not support the application.

Respectfully submitted,



Joanna Jaeger, Clerk


Chairperson

Hay Creek Township