

TO: Board of Adjustment  
FROM: Land Use Management  
MEETING DATE: March 23<sup>rd</sup>, 2026  
REPORT DATE: March 13<sup>th</sup>, 2026

**PUBLIC HEARING:**

Request for Variance, submitted by Doug Herrick (Applicant) on behalf of Herrick Properties LLP (Owner) to all the construction of two grain legs that will be less than the required 60-foot setback from Right-of-Ways.

**Application Information:**

Applicant(s): Doug Herrick

Address of zoning request: 51955 94<sup>th</sup> Ave West Concord MN 55985

Parcel: 300340600

Abbreviated Legal Description: S1/2 of the SE1/4 and the SW1/4 of Section 34 Township 109 Range 17.

Township: Cherry Grove Township signed the Township Zoning Application with no additional comments.

Zoning District: A-1 (Agricultural Protection)

**Attachments:**

- Application with proposed construction plans
- Staff prepared aerial view of the property
- Certificate of survey from neighboring properties
- Goodhue County Zoning Ordinance: [zoning\\_ordinance.pdf \(goodhuecountymn.gov\)](#)

**Background:**

Doug Herrick wants to build two grain legs near the existing grain bins to make grain transfer more efficient for their farming operation.

**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:**

- Property line and Right-of-Way setbacks are intended to create separation among adjacent structures and roads, allowing for adequate access, accommodating future road expansion, and adequate separation between property lines.
- The property consists of one parcel that is approximately 235 acres. The minimum lot size in the A-1 District is 2 acres.
- The applicant is requesting the grain legs to be 50 feet from the 94<sup>th</sup> Avenue Right-of-Way. It is likely that the southernmost grain leg will be farther than 50 feet from the Right-of-Way but has requested 50 feet in case it needs to be closer.
- The grain legs will be farther from the 94<sup>th</sup> Avenue Right-of-Way than another grain bin. Their position should not have an impact on surrounding properties.
- This request is 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 use of the A-1 District within the County.

This request appears in harmony 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 the grain legs is a reasonable use of property in the A-1 District.
- Around the 1970’s and 1980’s is when the first grain bins went up in this location. Having the bins in this location Limits future projects by requiring variances to setback standards.

- The property is surrounded by properties zoned A-1. Primary use of the surrounding land is Agricultural.
  - 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.**
- Grain Legs are a permitted use in the A-1 District.

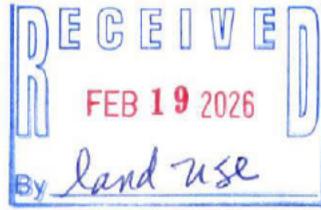
*The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing. The Board should specify the facts and reasons that are the basis of the Board's determination. In granting a variance, the Board of Adjustment may impose conditions related to, and bearing a rough proportionality with, the impact(s) created by the variance.*

**Staff Recommendation:**

Staff recommends the Board of Adjustment:

- adopt the staff report into the record;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

**Approve** the request for variance, submitted by Doug Herrick (Applicant) on behalf of Herrick Properties LLP (Owner) to all the construction of two grain legs that will be 50 feet from the 94<sup>th</sup> Avenue Right-of-Way.



For Staff Use Only	
Permit #	726-0018
\$450 Receipt #	343063207
DATE:	2/18/26

# Variance Application

SITE ADDRESS, CITY, AND STATE		ZIP CODE:	
51955 94th Ave west concord mn 55985		55985	
LEGAL DESCRIPTION:			
Township 109 range 17 section 34			
PID#:	ZONING DISTRICT	LOT AREA (SFIACRES):	LOT DIMENSIONS:
300340600			
			STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME	
Herrick properties llp Doug Herrick	
APPLICANT'S ADDRESS:	TELEPHONE:
51955 94th Ave west concord mn 55985	
	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 checked="" type="checkbox"/> Property Line Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland or Bluff Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:	
	Grain drying and storage	
	PROPOSED USE:	
	Grain drying and storage	
BUILDING APPLICATION PERMIT NO.: (if filed)		DATE FILED:
313767		1/21/26

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 OFFICAL'S SIGNATURE		Attached <input checked="" type="checkbox"/>
TOWNSHIP OFFICAL'S PRINTED NAME AND TITLE		DATE

By signing below, the applicant acknowledges they are the owner or authorized agent of the owner of this property, and the information presented is true and correct to the best of my knowledge.

Applicant's Signature: Daryl R. Zhering

Date: 2/18/2026

**REQUEST SUMMARY**

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

Article: 394.27 Section: \_\_\_\_\_ Title: \_\_\_\_\_

Article: \_\_\_\_\_ Section: \_\_\_\_\_ Title: \_\_\_\_\_

*The property owner bears the burden of providing information to convince the Board to rule in their favor. Please provide answers to the following questions or attach a document.*

**Discuss your current use of the property and the reason for your variance request:**

The current use of the property is for grain drying and storage for operation. By being able to place the grain legs in the ~~desired area we'll be able to run our operation more efficiently,~~ while simultaneously keeping a better grain sample due to much less augering.

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

If we're not able to receive this variance our operation will not be able to increase our efficiencies and we'll be forced to buy new alternative equipment that will continue to harm our grain and take more energy to power.

**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 problem with our facility is it was built back in the 60-70s when trying to save energy and preserve quality weren't a top concern. The ~~initial build of the facility is in a poor place, much too close to the~~ road, which presents its challenges for updating but it has served our family well for generations and we'd like to keep it going for many more.

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

we've considered moving the legs closer to each other but that runs us into issues with getting the grain to them as our ground conveyors will be running ~~into each other or having to make a rather difficult turn that will result in~~ premature wear and failure.

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

Our initial request for variance was going to be out closer to the road but after consulting with Goodhue zoning I realized that was unreasonable to ask for and I could work with them better to come ~~to a conclusion that we both could be happy with.~~

**TOWNSHIP ZONING APPLICATION**

Goodhue County

TOWNSHIP NAME Cherry Grove Twp  
Parcel # 300 34 0600

APPLICANT INFORMATION		
Last Name <u>Herrick Properties</u>	First <u>Doug</u>	M.I.
Street Address <u>51955 94<sup>th</sup> Ave</u>		Phone
City <u>West Concord</u>	State <u>MN</u>	ZIP <u>55988</u>
Email Address		
Township <u>109</u>	Range <u>17</u>	Section <u>34</u>

PROJECT INFORMATION		
Site Address		
Zoning District	Lot Size	Structure Dimensions <u>70<sup>F</sup> tall 114<sup>F</sup> tall</u>
Type of Project <u>Grain legs</u>	Proposed Use <u>Grain Operations</u>	
Structure Type	Replacement? YES <input type="checkbox"/> NO <input type="checkbox"/>	
Variance #	Conditional Use Permit #	
Name of Property Owner:		

**DISCLAIMER AND SIGNATURE**

*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.*

Signature <u>Doug Herrick</u>	Date <u>1-22-26</u>
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**TOWNSHIP APPROVALS**

*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.*

Signature <u>Max Matt</u>	Title <u>Supervisor</u>	Date <u>1/21/25</u>
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Signature <u>Peggy Buraw</u>	Title <u>Clerk</u>	Date <u>1/21/2026</u>
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Application fee <u>50.00</u>	Receipt Number <u>313767</u>
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51955 94th Ave  
Recently viewed

94th Ave

94th Ave

Dump Pit 60 FT  
Leak 70 FT  
Leak 75 FT

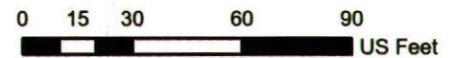
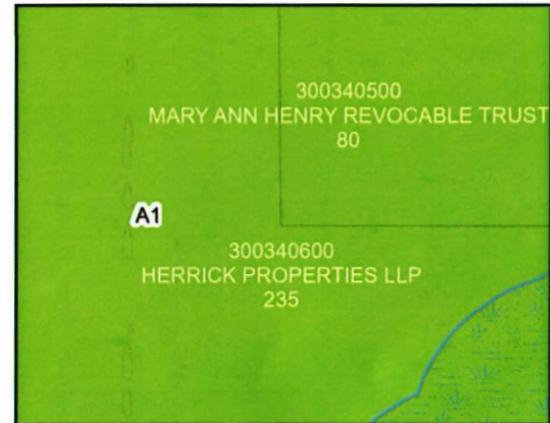
# SITE PLAN

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.



## Legend

- Dwelling Point
- Tax Parcels
- Shoreland
- Blufflands**
- Soils\_Type**
- Slope
- Soils
- Special Flood Hazard Areas**
- Flood Zone**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- X

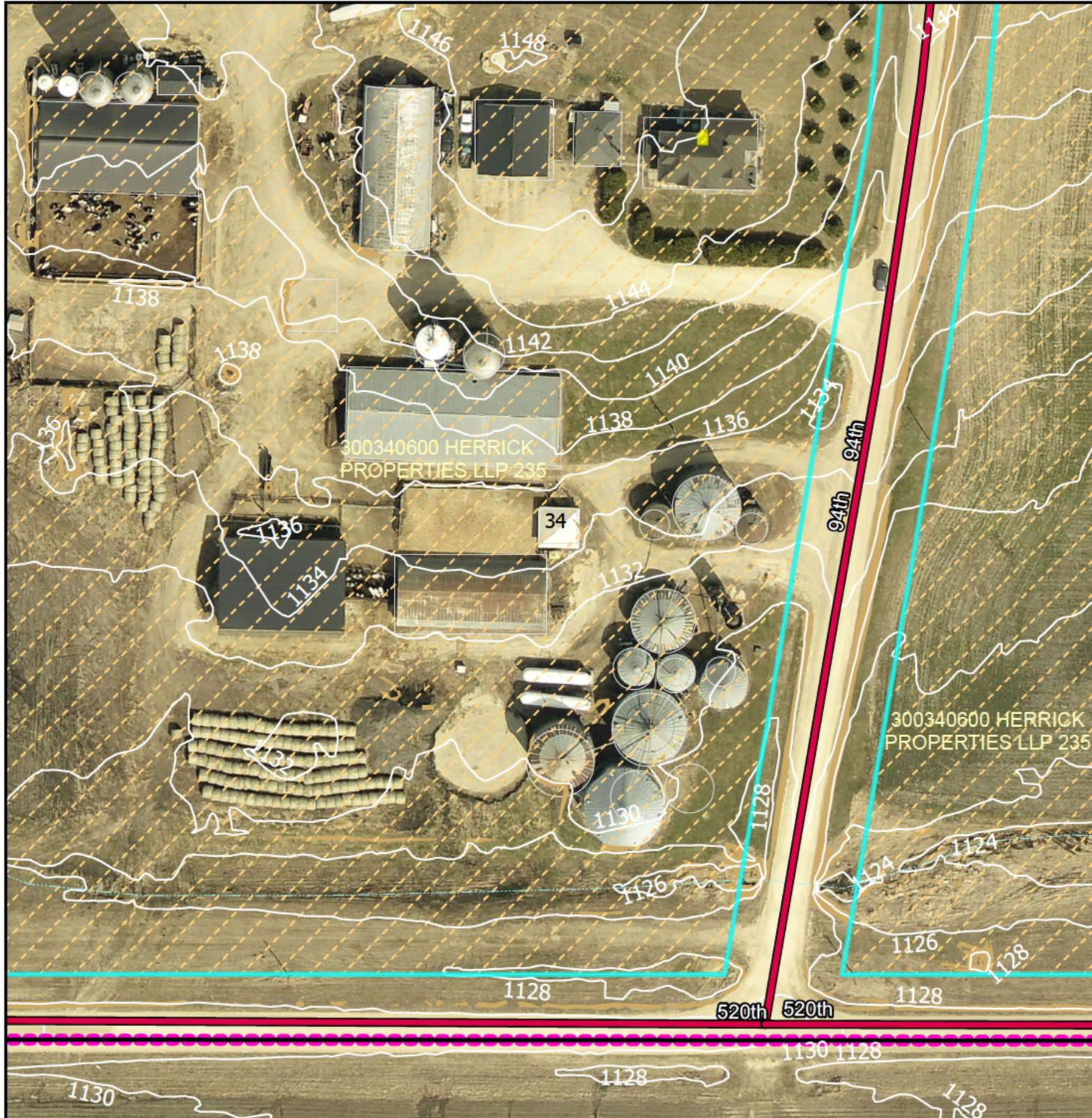


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# MAP 03: ELEVATIONS



## BOARD OF ADJUSTMENT

Public Hearing  
March 23, 2026

Doug Herrick (Applicant) on behalf of  
Herrick Properties LLP (Owner)  
A-1 Zoned District.

The S1/2 of the SE1/4 and the SW1/4 of  
Section 34 Township 109 Range 17 in  
Cherry Grove Township

Request for Variance to construct two new  
grain legs that will be less than the required  
60-foot setback from the Right-of-Way.

### Legend

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



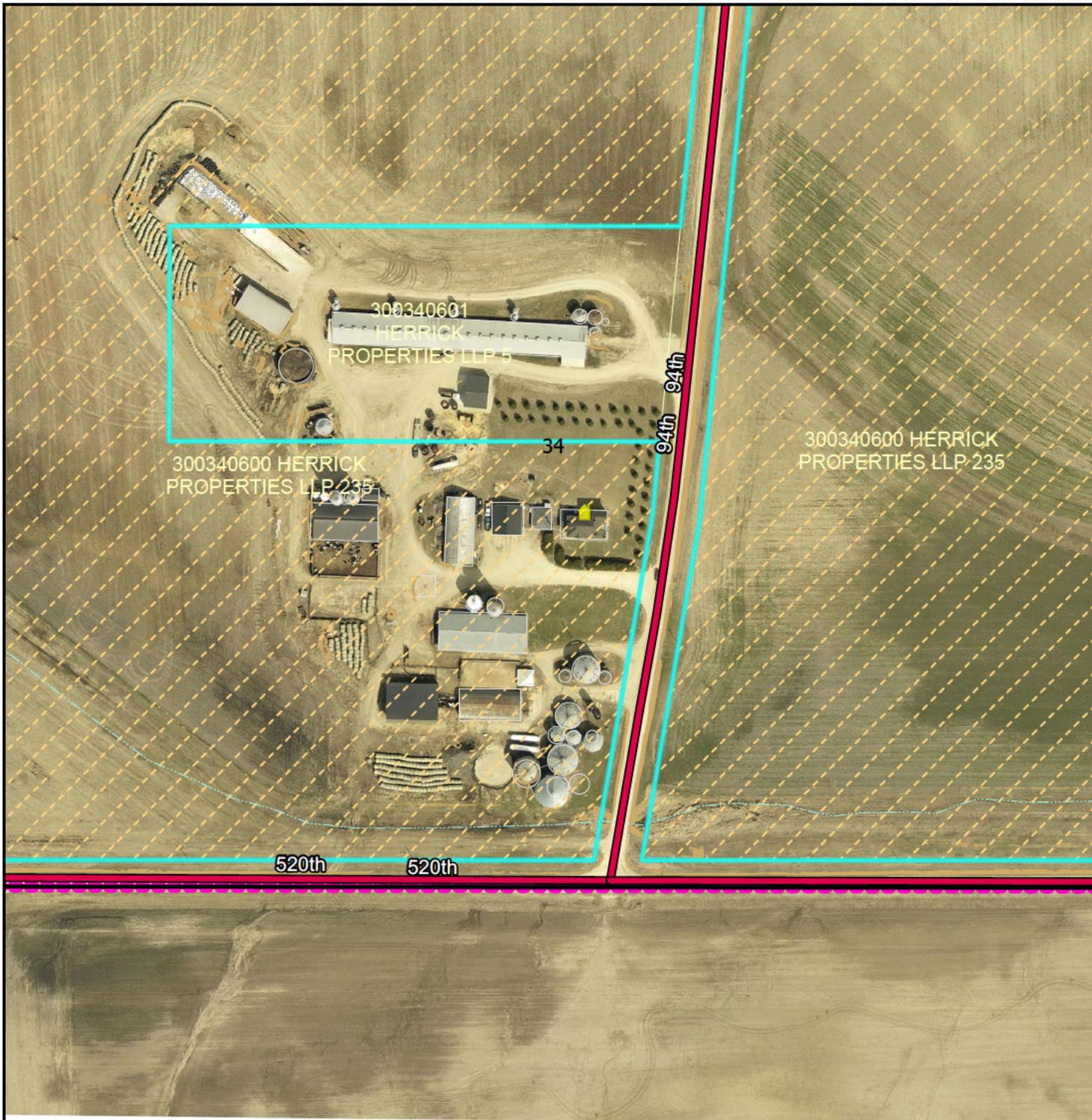
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# MAP 01: PROPERTY OVERVIEW



## BOARD OF ADJUSTMENT

Public Hearing  
March 23, 2026

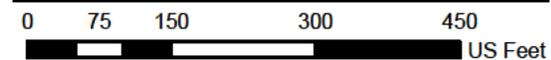
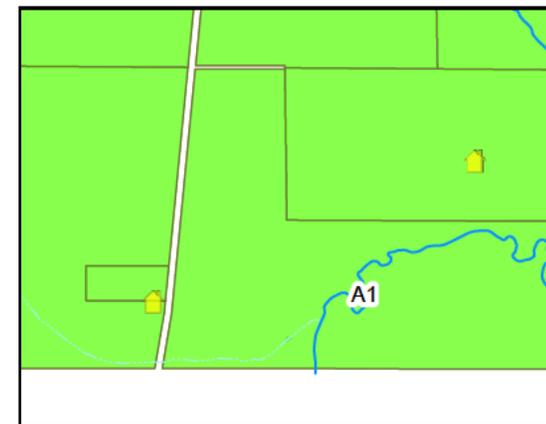
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### Legend

	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



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# PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

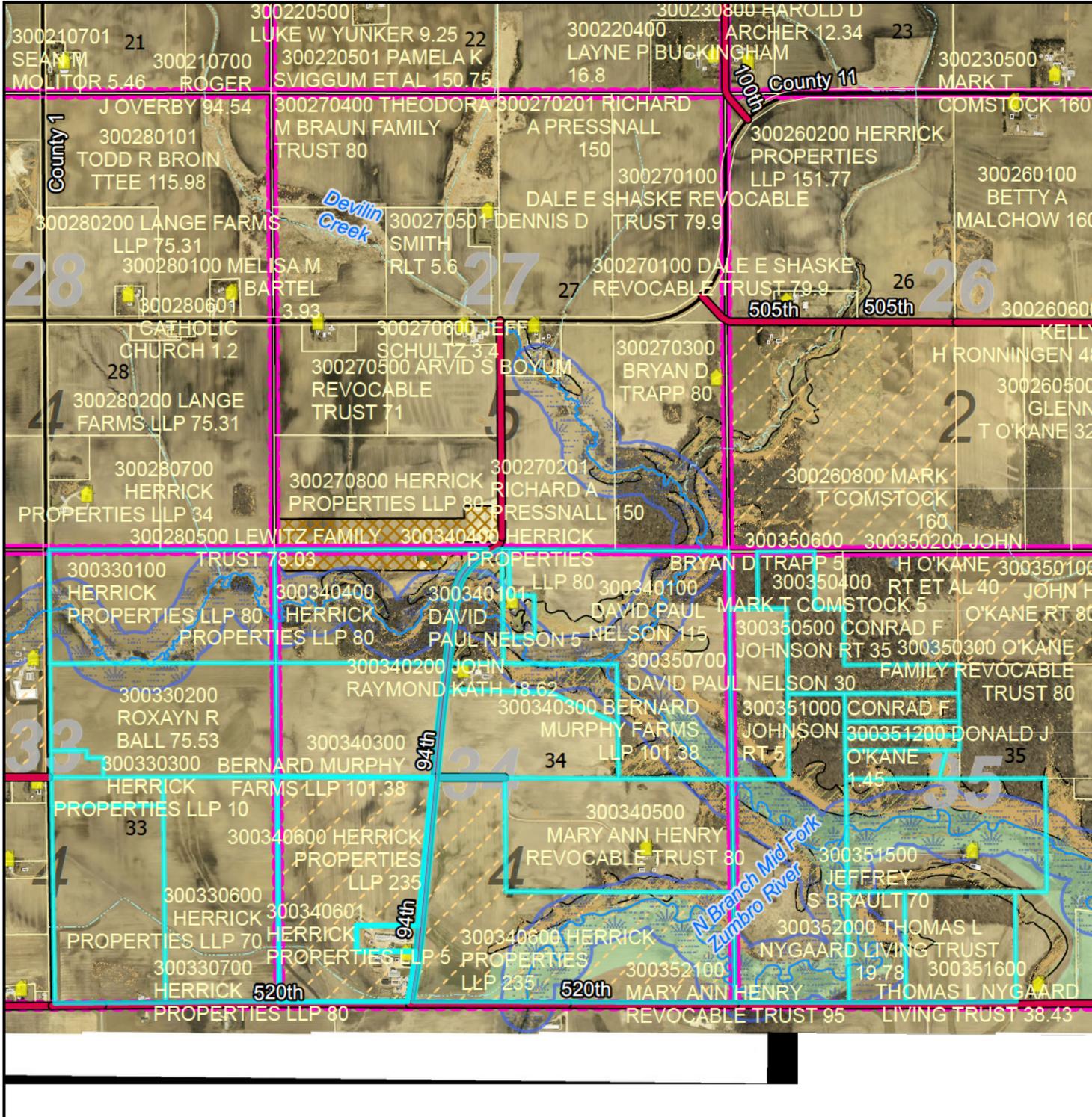
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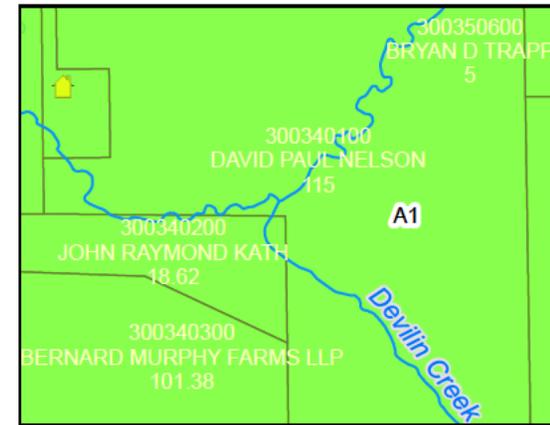
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### Legend

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



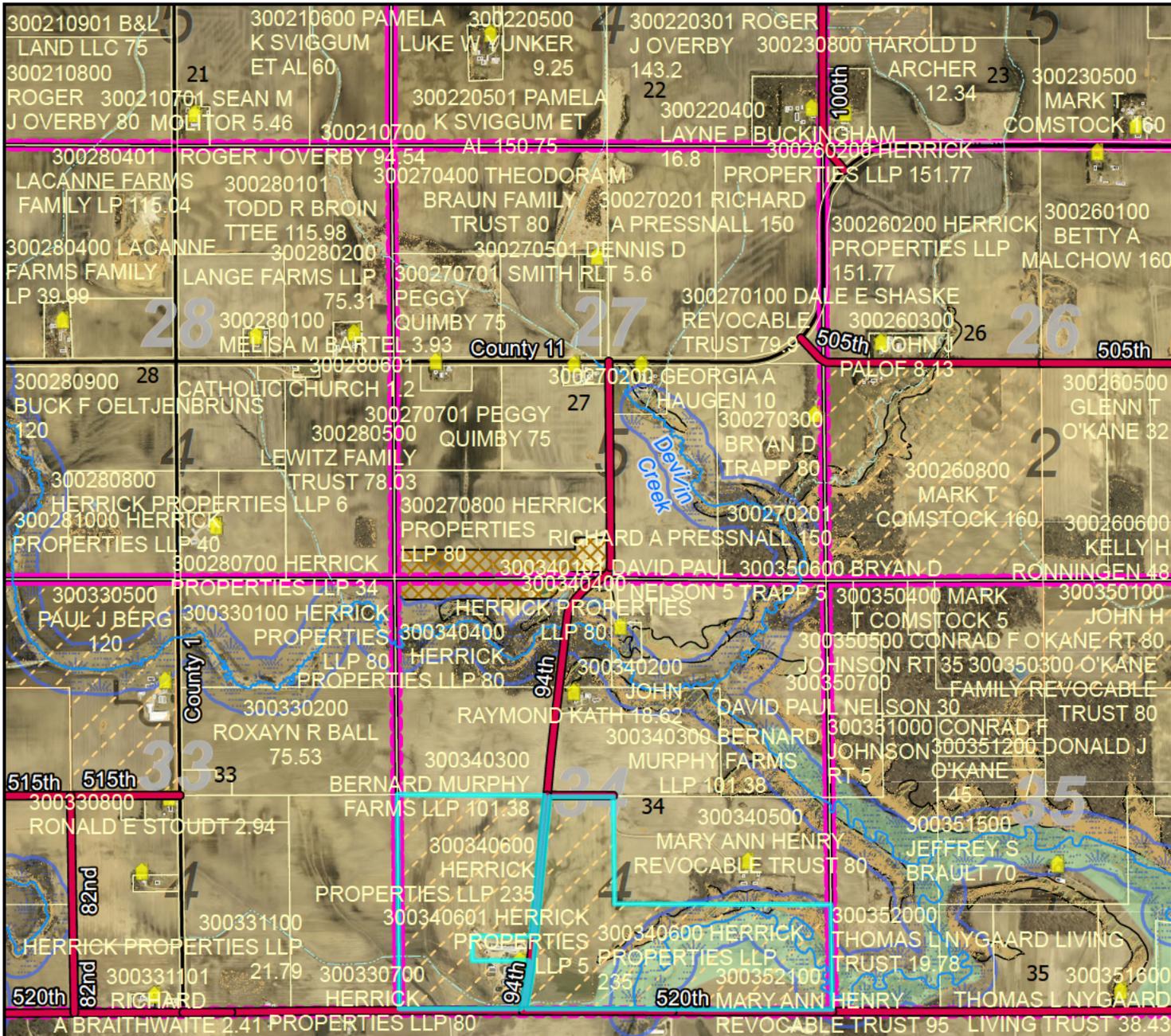
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# MAP 02: VICINITY MAP



## BOARD OF ADJUSTMENT

Public Hearing  
March 23, 2026

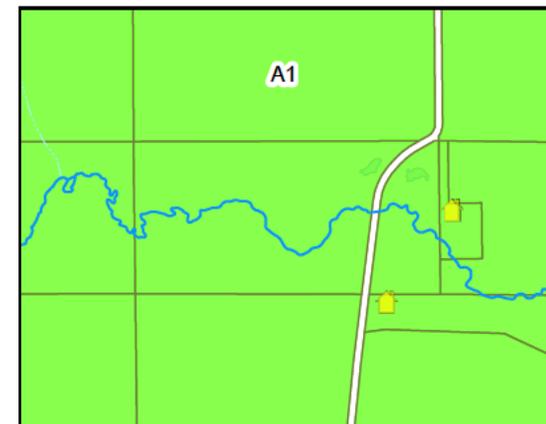
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### Legend

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



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