

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
May 20, 2024, MEETING MINUTES
DRAFT**

The Meeting of the Goodhue County Board of Adjustment was called to order at 5:00 PM by Chair Daniel Knott at the Goodhue County Government Center Board Room.

Roll Call

Commissioners Present: Daniel Knott, Randy Rechtzigel, Scott Breuer, Dennis Tebbe, and Darwin Fox

Commissioners Absent: Keith Allen

Staff Present: Zoning Administrator Samantha Pierret and Zoning Assistant William Lenzen

1. Approval of Agenda

¹Motion by Commissioner Tebbe and seconded by Commissioner Fox to approve the meeting agenda.

Motion carried 5:0

2. Approval of Minutes

²Motion by Commissioner Fox and seconded by Commissioner Rechtzigel to approve the previous month's meeting minutes.

Motion carried 5:0

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings:

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Belle Creek Properties LLC/Gavin Hokanson (Owner) to Article 11 Section 30 Rural Tourism to allow a wedding/event facility for greater than 50 guests to be located on a parcel less than 3 acres in size and within 500 feet of an existing dwelling.

Pierret presented the staff report and attachments.

Commissioner Tebbe asked what would trigger the use of the temporary septic tanks.

Pierret stated that the current septic system is out of compliance and needs a new system installed. Due to the small lot size and soil requirements, the system is proposed to be installed across 352nd Street on the Applicant's father's land (Troy Hokanson).

Commissioner Rechtzigel questioned why the Applicant needed a variance to the lot size, he noticed the minimum lot size in the Business District is 5,000 square feet.

Pierret stated that because the use falls under Rural Tourism in the Goodhue County Zoning Ordinance, the minimum lot size is 3 acres. The variance is for minimum lot size for Rural Tourism.

Gavin Hokanson (Applicant) stated that due to the soil being unfit for the SSTS on the property, it is best suited on the north parcel and he has decided to install holding tanks temporarily until he can install a new system across the street.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

³After Chair Knott asked three times for comments, it was moved by Commissioner Fox and seconded by Commissioner Tebbe to close the Public Hearing.

Motion carried 5:0

⁴Motion by Commissioner Fox, seconded by Commissioner Rechtzigel for the Board of Adjustment to:

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- 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 Variance, submitted by Belle Creek Properties LLC/Gavin Hokanson (Owner) to Article 11 Section 30 (Rural Tourism) standards to allow a Rural Tourism facility to be located on a 1.21-acre parcel and approximately 150 feet from the nearest dwelling.

Motion carried 5:0

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Benjamin and Dana Ostertag (Owners) to A-1 Zoning District standards to allow an accessory building to be constructed less than 30 feet from a side yard property line.

Lenzen presented the staff report and attachments.

Commissioner Rehtzigel asked where the septic system is located.

Lenzen stated it is located to the north of the dwelling.

Commissioner Knott asked where the picture included in the packet was taken.

Lenzen stated the photo was taken south of the existing barn facing northeast.

Ben Ostertag (Applicant) stated they propose to use the space west of the barn for a future shed/shop.

Lenzen stated that the Applicant did mention they plan to use that space for a shed/shop sometime in the future.

Ben Ostertag stated that the area to the east of the barn is very steep and would be unsuited for building there. He would also like to minimize soil erosion in that area.

Commissioner Rehtzigel stated that it looks like an existing shed crosses over the property/section line.

Commissioner Knott stated that the previous owners were the current neighbors, Bonnie and Ed Roach. He questioned whether this parcel was once a single farmstead. He asked for clarification from the Applicant about the verbal agreement with the Roaches to purchase the south parcel. He asked what the timeline is for purchasing that parcel.

The Applicant stated in the next five-plus years. That is also when they might put up that other shed in the middle of the yard.

Commissioner Fox asked since the property was purchased in 2023 and already the shed was over the section/property line, why nothing was done at the time of the sale.

Pierret stated that zoning doesn't review property sales. The shed was built prior to current zoning ordinances (around 60 years ago). The entire property was one large farmstead and they built it where they wanted to at the time.

Chair Knott opened the Public Hearing

Lenzen read a letter in favor of the variance from Bonnie and Ed Roach (4597 HWY 60 BLVD Kenyon).

Barb St. John (Holden Township Clerk) stated that the Township approved the proposed shed but upon further review, it needs a variance from Holden Township. She takes responsibility for this oversight. Holden Township will correct this by holding a public hearing on June 9th, 2024.

⁵After Chair Knott asked three times for additional comments, it was moved by Commissioner Rehtzigel and seconded by Commissioner Fox to close the Public Hearing.

Motion carried 5:0

Commissioner Tebbe stated this is very similar to a previous request with a grain storage system too close to a property/section line.

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Commissioner Fox stated that he is starting to understand how the existing shed got there.

Commissioner Rehtzigel stated that he understands that this location is the best spot to place the new shed.

6Motion by Commissioner Fox, seconded by Commissioner Rehtzigel for the Board of Adjustment to:

- 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 Benjamin and Dana Ostertag (Owners) to A-1 Zoning District standards to allow an accessory building to be constructed 12 feet from a side yard property line.

Motion carried 5:0

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Kevin Minnehan (Owner) to A-1 Zoning District standards to allow an accessory building to be constructed less than 60 feet from the 105th Avenue Right-of-Way and an after-the-fact variance for an accessory building less than 30 feet from a side and rear property line.

Lenzen presented the staff report and attachments.

Commissioner Knott asked what the red markers were for in the image provided in the packet.

Lenzen stated they were to better show posts the Applicant had put in the ground to show the proposed building location.

Commissioner Rehtzigel asked how big the existing shed is and questioned whether it was movable.

Kevin Minnehan (Applicant) stated the existing shed is 18' x 16' with posts in the ground. It is not movable.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

7After Chair Knott asked three times for comments, it was moved by Commissioner Tebbe and seconded by Commissioner Breuer to close the Public Hearing.

Motion carried 5:0

Commissioner Tebbe stated that he doesn't see any issues with the request due to their limitations from lot size and location to the septic system.

8Motion by Commissioner Breuer, seconded by Commissioner Fox for the Board of Adjustment to:

- 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 Variance, submitted by Kevin Minnehan (Owner) to A-1 Zoning District standards to allow an accessory building to be constructed 25 feet from the 105th Avenue Right-of-Way and to allow an existing shed to remain 3 feet from a side yard property line and 0 feet from a rear yard property line. Subject to the following conditions:

1. The Applicant shall obtain building permit approval for the existing accessory building from the Goodhue County Building Permits Department.

Motion carried 5:0

PUBLIC HEARING: Request for Variance to Bluffland Standards

Request for Variance, submitted by Randy Thompson (Applicant) on behalf of the Keith W and Janice M Graner Trust (Owners) to Article 12 (Bluffland Standards) to allow construction of a new retaining wall within the bluff

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impact zone.

Lenzen presented the report and attachments

Chair Knott opened the Public Hearing

No one spoke for or against the request.

⁹After Chair Knott asked three times for comments, it was moved by Commissioner Fox and seconded by Commissioner Tebbe to close the Public Hearing.

Motion carried 5:0

Commissioner Fox stated this is a prime example of what a variance is for, especially since the house is nonconforming being 20 feet from the top of the bluff.

Commissioner Tebbe stated that this would be the best solution to prevent future erosion to the house and maintain the slope.

¹⁰Motion by Commissioner Rehtzigel, seconded by Commissioner Tebbe for the Board of Adjustment to:

- 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 Variance, submitted by Randy Thompson (Applicant) on behalf of the Keith W and Janice M Graner Trust (Owners) to Article 12 (Bluffland Standards) to allow construction of a new retaining wall within the bluff impact zone.

Motion carried 5:0

Other-Discussion

Pierret noted the BOA's next meeting will be on June 24, 2024. She added that Land Use Management Director Lisa Hanni has put in her notice of retirement. Her last day will be May 31st. She thanked Lisa for all of her hard work and leadership over her 26 years of service at Goodhue County.

¹¹Motion by Commissioner Fox, seconded by Commissioner Rehtzigel to adjourn the BOA meeting at 6:00 PM.

Motion carried 5:0

Respectfully submitted:

William Lenzen, Zoning Assistant

MOTIONS

¹ Motion to approve Agenda

Motion carried 5:0

² Motion to approve previous month's meeting minutes

Motion carried 5:0

³ Motion to close the Public Hearing

Motion carried 5:0

⁴ APPROVE the Variance to Rural Tourism

Motion carried 5:0

⁵ Motion to close the Public Hearing

Motion carried 5:0

⁶ APPROVE the Variance to Minimum Setback Standards

Motion carried 5:0

⁷ Motion to close the Public Hearing

Motion carried 5:0

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⁸ APPROVE the Variance to Minimum Setback Standards

Motion carried 5:0

⁹ Motion to close the Public Hearing

Motion carried 5:0

¹⁰ APPROVE the Variance to Bluffland Setback Standards

Motion carried 5:0

¹¹ Motion to adjourn

Motion carried 5:0

Unofficial until Approved By BOA