BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
OCTOBER 15TH, 2026, SPECIAL MEETING MINUTES

The meeting of the Goodhue County Board of Adjustment was called to order at 5:00 PM by Chair Randy Rechtzigel at the Goodhue County Government Center Board Room 301.

Roll Call

Commissioners Present: Randy Rechtzigel, Richard Miller, Jeff Traxler, Scott Breuer, and Daniel Knott.

Commissioners Absent: Dennis Tebbe

County Staff Present: Land Use Management Director Megan Smith, Zoning Assistant William Lenzen, County Attorney Steven O'Keefe.

1. **Call to Order**
2. **Approval of Agenda**
   [1]Motion by Commissioner Miller and seconded by Commissioner Knott to approve the meeting agenda.
   Motion carried 5:0
3. **Conflict/Disclosure of Interest**
   There were no conflicts or disclosures.
4. **Public Hearings:**

   Administrative Appeal of a Zoning Determination
   Consider an appeal filed by Lann Dommer, resident of Goodhue County, concerning permits issued by Goodhue County Land Use Management, for a project that has been proposed on parcel 43.210.0730 in Wacouta Township. This parcel is generally described as land that lies at the end of Greens Point Road, is part of Section 32, Twp 113, Range 14, and is part of Lot A, Block 6 of the Plat of Wacouta Beach, and part of vacated Pleasant Ave and part of vacated lots 2, 3, 4, and 5 of Block 5. The Board will consider whether the County followed its Floodplain, Shoreland, Septic, and Bluff ordinances when it reviewed and issued a building permit for the home proposed on the site.

   Smith presented the staff report and attachments.

   Craig Hardi, Larking and Hoffman, (appellant's attorney) stated that the lot doesn't meet the minimum lot size for shoreland lots for area above the Ordinary High Water Line (OHWL). The lot also does not meet the shoreland ordinance lot width requirement of 100 feet at the OHWM. Hardie provided a title history report to show that the two parcels were owned by the same owner in the past and believes they should have been forced to have been combined before the property was sold to Mr. Doty. Mr. Hardie asked the BOA to review the variance for the septic system. He also mentioned that retaining walls should also be required to meet the setback requirements. Mentioned that there is no certification of survey that shows the top and toe of the bluff in relation to the retaining wall.

   Lann Dommer, appellant, 31587 Lakeview Ave, Red Wing, MN, stated that he had not been able to provide comments into this case until now, and made mention of a forced sale that allowed Mr. Doty to purchase the property. Mr. Dommer quoted from a 2014 application for a variance that he had obtained a copy of from County records, for a variance form Mr. Doty filled out for another property they own, which stated that that the land to the west is

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not buildable and that it is beach property. He also stated that he called the Department of Labor about the property owner's contractor to inquire about licensing. Mr. Dommer reiterated his request for the Board to revoke the zoning approval for the permit.

Chair Rechtzigel opened the Public Hearing.

Mark Warrington, 31631 Lakeview Drive, Red Wing, MN, stated that he had recently discovered a easement that he believes runs from the top of the hill, down to his bottom parcel by the water.

Commissioner Knott asked to clarify where the easement is located.

Mark Warrington stated that it's about 4 feet in width and he thinks is runs along the edge of the subject property.

Norm Doty, 31649 Lakeview Drive, Red Wing, MN, introduced himself to the board.

Deborah Dommer, 31587 Lakeview Ave, Red Wing, MN, stated there are a lot of properties that extend down to the water with their home on top of the bluff. Mentioned their concern about the proposed retaining wall, and flooding. The concern should be about the flooding and what happens with the water and sediment when it comes and leaves.

Chris Warrington, 31253 Lakeview Ave, Red Wing, MN asked the Board why, in the past, people in the area have been told that their parcels aren't buildable, and now some supposedly are. Has something changed?

[2] Chair Rechtzigel asked three times for further comments, it was moved by Commissioner Miller and seconded by Commissioner Knott to close the Public Hearing.

Motion carried 5:0

Commissioner Rechtzigel asked Doty if they had a licensed survey showing exactly where the bluff is.

The Doty survey did not delineate the toe or top of bluff.

Commissioner Knott mentioned that the Zoning Ordinanc states a surveyor or Zoning Administrator can make that determination.

Commissioner Miller stated that he does not think this isn't a conforming lot based on the dimensions on the survey.

Commissioner Rechtzigel asked staff about the calculations of land that are less than 20,000 square feet shown on the survey.

Smith stated that the R1 District area calculations are typically measured by the deeded area, whereas the shoreland riddance is more restrictive and dictates that only land above the OHWL can be used in area calculations.

Commissioner Miller asked how they got around the fact of having different owners and never combining the lots.

Smith stated that the Zoning Ordinance uses the term identical ownership, but the Doty sites are not held in identical ownership.

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Commissioner Breuer asked how parcel is in two pieces but is one parcel?

Smith showed where the parcel is located and stated that it is not clear how the parcel split was every approved into this configuration.

Commissioner Knott stated that the math adds up to 19,600 square feet of lot area above the OHWM. Lot width needs to meet at the building line and the OHWM.

Commissioner Miller stated the lot size variance should have come before the Board of Adjustment.

Commissioner Breuer asked about access for emergency vehicles?

Smith stated that the lot does have access from a public, township road, but that it dead ends into the subject property.

Commissioner Breuer asked about the boat ramp.

Smith showed Commissioner Breuer where the boat ramp was going and that it was still in the plan.

Commissioner Traxler stated that he believes there should have been a variance to the septic system because it was a new system.

Smith stated that the Goodhue County Septic Ordinance grants the ability to the county to administratively issue septic system variances for only setback issues, not for other requests such as treatment capacity or design. Smith stated that the system has been permitted as a type 3 system which is generally better at treating effluent.

Commissioner Rechtzigel asked how close the septic system is to the township road.

Smith showed the Commissioners the septic system design and placement.

Commissioner Knott asked how close the septic system is to the Warrington property.

Smith showed the septic system placement on the maps and shares a property line with both the township road and the Warrington property.

Commissioner Knott stated what the Ordinance says for replacement systems. Has the County been doing this administratively for new systems as well?

Smith stated that it has been interpreted for new and replacement systems on lots where it would be impossible to meet building, well, and septic spacing requirements.

Commissioner Traxler asked how this 4-foot easement shows up and affects the project and property.

Smith stated that this is the first time hearing about this easement.

Commissioner Knott asked staff if determination is needed for each claim in the appeal, or for only one item.

Smith stated they can single out specific claims to making findings on each, or make a decision on the collective appeal.

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Commissioner Knott stated that if they made a finding of fact on one item, it would bring the permit back to the board or back for more review but would result in in the zoning approval being overturned and therefore the building permit is no longer valid.

Commissioner Breuer stated that if the Board overturned the zoning approval, it would affect the building permit and likely bring it back for review at a later date.

Commissioner Knott stated that some of the appeal claims are disputable and some are clearer. One item that is clear is relying on the land surveyor's measurement of land above the OHWL, which can be used to determine lot area and width. Knott proposed that the Zoning Administrator's decision be appealed for lot area and width.

Commissioner Traxler stated he agrees with that idea for a motion.

Commissioner Breuer stated that the easement could affect this.

Commissioner Knott stated the claims with measurements and numbers are indisputable.

Commissioner Rechtzigel asked about the toe of bluff location.

Commissioner Knott stated that the ZA has the authority to make that determination.

Commissioner Traxler stated that the septic system being done administratively is something that should be reviewed.

Commissioner Knott stated that the shoreland ordinance requires that lots have 20,000 square feet or more of land above the OHWL. He asked the Commissioners if there were other items they would like to discuss.

Commissioner Miller stated that there is also a problem with the parcels being in separate ownership. That is something they should also consider.

[3]Motion by Commissioner Knott, seconded by Commissioner Miller, for the Board of Adjustment to:

- Accept the application, testimony, exhibits, and other evidence presented into the record; and
- The Board of Adjustment finds there is evidence that the lot area and lot width do not meet the Goodhue County Shoreland Ordinance minimum standards for buildability; and **approves** the Appeal, submitted by Lann Dommer, to reverse the Zoning Administrator's decision granting zoning approval for the building permit that was issued for a new home on parcel 43.210.0730.

Motion carried 5:0

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5. Other/Miscellaneous Discussion

6. Adjourn

[4]Motion by Commissioner Knott, seconded by Commissioner Breuer, to adjourn the BOA meeting at 6:42 pm.

Motion carried 5:0

Respectfully submitted by:
William Lenzen, Zoning Assistant

MOTIONS

[1] **Motion to Approve agenda**
Motion carried 5:0
[2] **Motion to Close the Public Hearing**
Motion carried **Error! Reference source not found.**
[3] **Motion to APPROVE the Appeal**
Motion carried 5:0
[4] **Motion to Adjourn**
Motion carried 5:0

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