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**To:** Board of Adjustment  
**From:** Land Use Management  
**Meeting Date:** June 24, 2024  
**Report date:** June 14, 2024

**PUBLIC HEARING:** Request for Variance, submitted by Corey Behlke (Owner) to Article 11 Section 31 Accessory Dwelling Units (ADUS) to allow an existing dwelling to remain on the property greater than 100 feet from the principal dwelling.

**Application Information:**

Applicants: Corey Behlke (Owner)  
Address of zoning request: 39155 70<sup>th</sup> Avenue Dennison, MN 55018  
Parcel: 37.031.0200  
Abbreviated Legal Description: Part of the NE ¼ of the NE ¼ of Section 31 TWP 111 Range 17 in Leon Township.  
Township Information: Leon Township signed off on the application and did not add any comments.  
Zoning District: A-1 (Agriculture Protection District)

**Attachments and Links:**

Application and submitted project summary  
Site Map  
Goodhue County Zoning Ordinance: [zoning\\_ordinance.pdf \(goodhuecountymn.gov\)](https://www.goodhuecountymn.gov/zoning_ordinance.pdf)

**Background:**

Corey Behlke (Owner) has applied for a variance to Article 11 Section 31 (Accessory Dwelling Units) to allow an existing second dwelling to remain on the property greater than 100 feet from the principal dwelling.

Any building that contains habitable living quarters is considered a dwelling unit in Goodhue County. In 2017 the County amended the Zoning Ordinance to allow a second, “accessory,” dwelling unit on the same parcel as a principal dwelling subject to performance standards. ADU performance standards require an ADU to be located within 100 feet of the primary dwelling unit. The second dwelling was constructed in 2007 without proper permits. During a site visit in 2023 County staff noticed the second dwelling and noted it was not properly permitted.

The existing dwelling is situated approximately 325 feet west of the principal dwelling. The Applicant is requesting the Board of Adjustment grant a variance to the 100-foot requirement to allow the building to remain on-site as an ADU.

**Variance Standards:**

Variations 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. Variations 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:**

- The purpose and intent of the ADU maximum distance standards cited in Article 11, Section 31 of the GCZO are to prevent proposed ADUs from being located outside of an existing yard area where they could potentially be split off in the future thereby creating additional dwelling density exceeding the allowable density (i.e an ADU couldn't be on the opposite side of the "40" as the principal dwelling).

The existing structure is located within the well-defined yard of the property. Given the ADU will have a shared driveway with the existing dwelling, is within the existing yard area, and is still proximate to the existing dwelling the Applicant's proposal appears in harmony with the purpose and intent of the official control.

- The property consists of one parcel containing approximately 20 acres. The minimum lot size in the A-1 District is 2 acres.
- The dwelling is for seasonal employee housing for the Applicant's honey business. Goodhue County Zoning does not restrict who may or may not reside in private residences.
- This request 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 establishment of ADUs to provide rural living opportunities in the unincorporated areas of Goodhue County.

The Applicant's ADU 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 to establish an ADU is a reasonable use of property in the A-1 District.
- As an A-1 zoned district, section 31 allows a maximum dwelling density of 4 dwellings in the section. Dwelling density is not available as there are currently 12 dwellings in the section. Since an ADU does not count against dwelling density, the section density would not be affected.
- The second dwelling was built in 2007, prior to the adoption of the current ADU performance standards (April 2017). The second dwelling would not have been allowed in 2007 but in 2024 staff has a tool to allow this dwelling using ADU standards. The dwelling is a two-story structure that measures 28 feet by 32 feet.
- The Applicant must obtain appropriate sanitary permits from the Environmental Health Department and a building permit from the County Permits Department.
- A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly agricultural uses.

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.**

- ADUs are permissible in the A1 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 Corey Behlke (Owner) to Article 11 Section 31 Accessory Dwelling Units (ADUS) to allow an existing dwelling to remain on the property 325 feet from the principal dwelling.



RECEIVED

MAY 13 2024

# Variance

Land Use Management

For Staff Use Only	
Permit #	724-0028
\$400 Receipt #	18457
DATE:	5/13/2024

SITE ADDRESS, CITY, AND STATE		ZIP CODE:	
39155 70th ave Dennison, MN 55018		55018	
LEGAL DESCRIPTION			
Sect-31 TWP-111 Range 017 20. ac PD# 37-0000-47001 Pto FNE 1/4			
Attached <input type="checkbox"/>			
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS
370310200		20 AC	660ft x 1300ft
STRUCTURE DIMENSIONS (if applicable):			
26x28			

APPLICANT OR AUTHORIZED AGENT'S NAME	
Corey Behlke	
APPLICANT'S ADDRESS:	TELEPHONE:
39155 70th ave	
Dennison, MN 55018	
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:	
//	

VARIANCE REQUESTED TO: (check all that apply)		CURRENT OR PREVIOUS USE	
<input type="checkbox"/> Road Right-Of-Way Setbacks	<input type="checkbox"/> % Lot Coverage	Employee housing - Seasonal	
<input type="checkbox"/> Property Line Setbacks	<input type="checkbox"/> Bluff Setbacks	PROPOSED USE	
<input type="checkbox"/> Height Limits	<input type="checkbox"/> Shoreland Setbacks	Employee housing - Seasonal	
<input type="checkbox"/> Lot Width &/or Area	<input checked="" type="checkbox"/> Other (specify)	BUILDING APPLICATION PERMIT NO. (if filed)	DATE FILED:
<input type="checkbox"/> Subdivision Regulations	more than 100ft from main home		

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.		
Attached <input type="checkbox"/>		
TOWNSHIP OFFICIAL'S SIGNATURE	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	DATE
	M.S. Hoynke - supervisor	

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: 5-1-2024



REQUEST SUMMARY

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

Article: \_\_\_\_\_ Section: \_\_\_\_\_ Name: \_\_\_\_\_

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:

Old Permit for employee housing trailer home - Replaced trailer home with a house for seasonal employee housing. Previous owner. Employee house more than 100 ft from main home.

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

Will not be issued permit for 2 new Septics. Home was built without a building permit 20 years ago. Under the assumption that they very old permit would suffice, 40 years ago.

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:

near shops for work. Wanted Seperat area for employees. H2A VISA employees. AG

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

Previous owner (my father) built home.

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

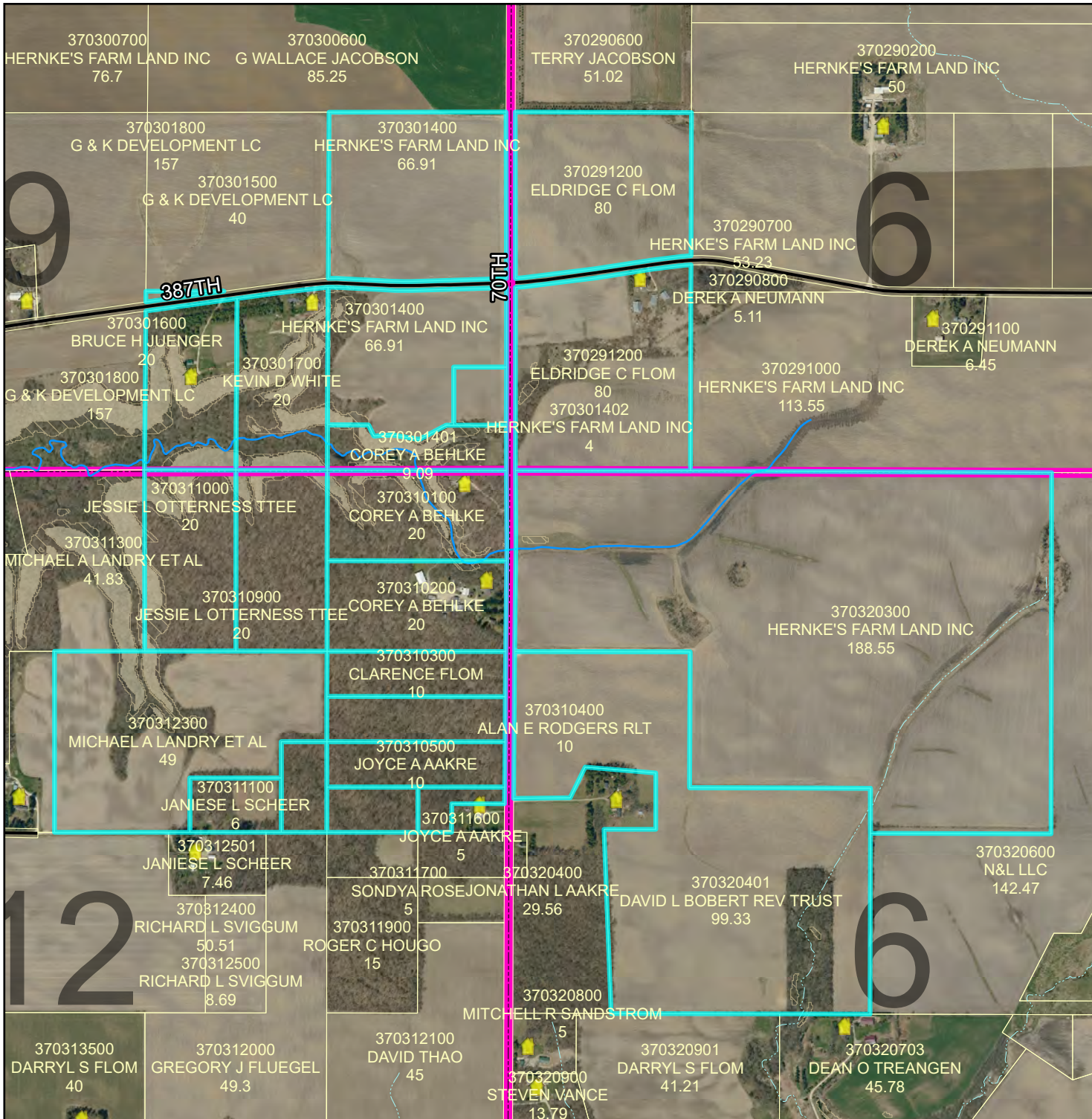
I did not

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

No.



# PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP



## PLANNING COMMISSION

Public Hearing  
June 24, 2024

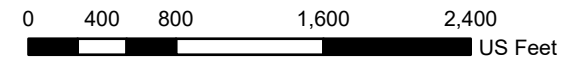
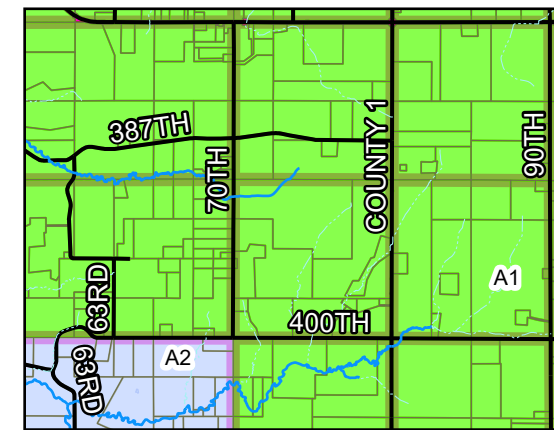
Corey Behlke (Owner)  
A1 Zoned District

Part of the NE 1/4 of the NE 1/4  
of Section 31 TWP 111 Range 17  
in Leon Township.

Request for Variance, to Article  
11 Section 31 Accessory  
Dwelling Units (ADUS) to  
allow an existing dwelling to  
remain on the property greater  
than 100 feet from the principle  
dwelling.

### Legend

- |                |                     |
|----------------|---------------------|
| Tax Parcels    | <b>Bluff Impact</b> |
| Section Lines  | % Slope             |
| Dwelling Point | 20                  |
|                | 30                  |



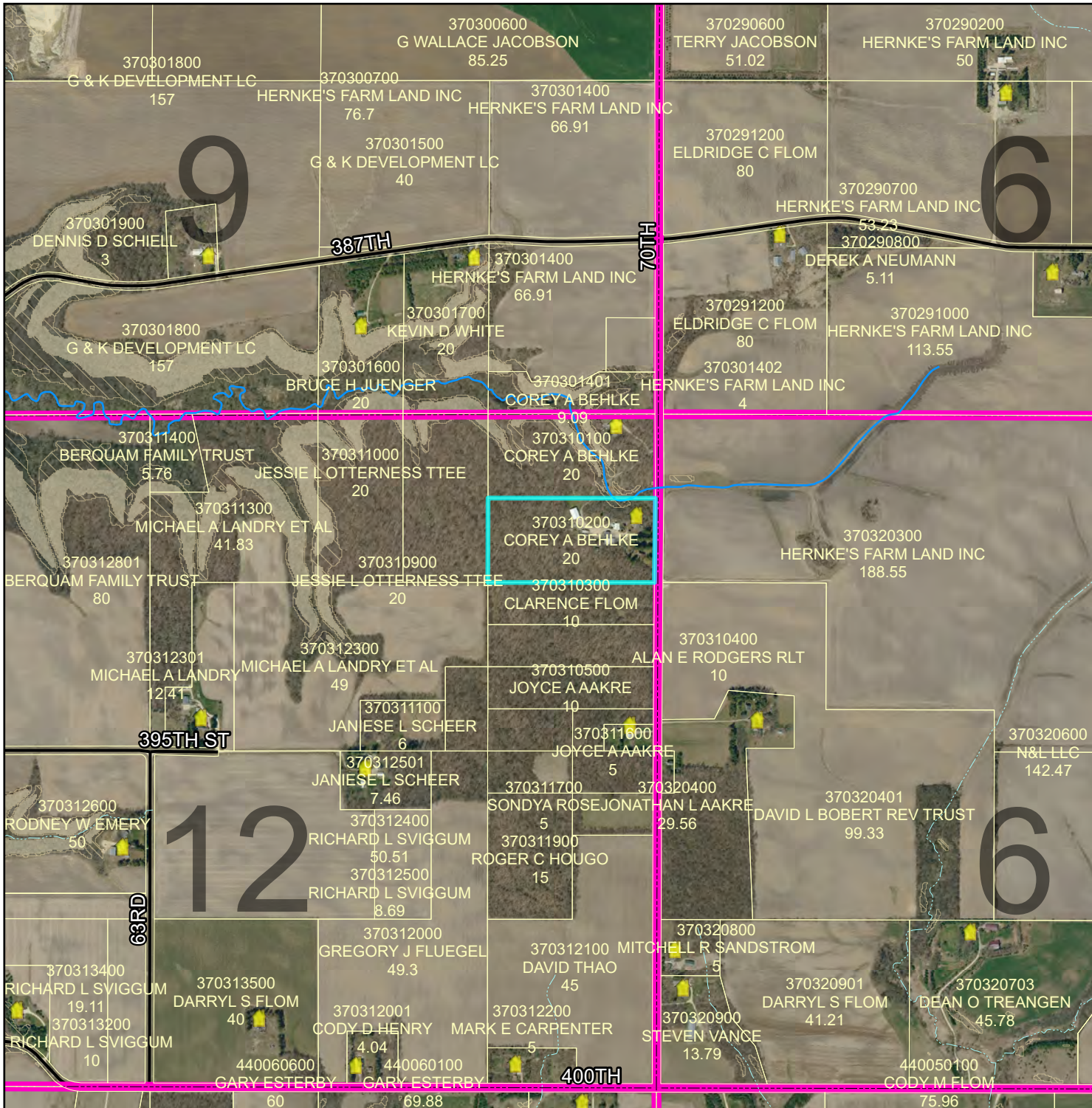
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# MAP 02: VICINITY MAP



## BOARD OF ADJUSTMENT

Public Hearing  
June 24, 2024

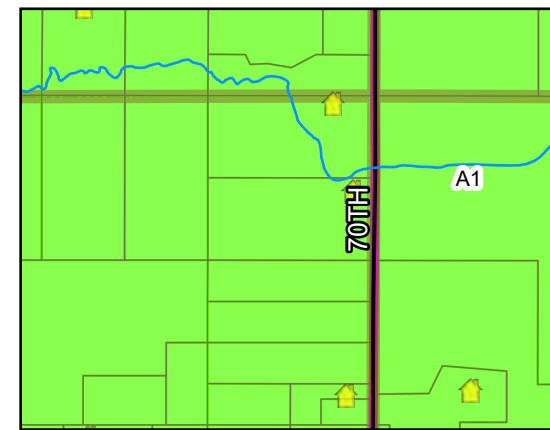
Corey Behlke (Owner)  
A1 Zoned District

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dwelling.

### Legend

- Tax Parcels
- Section Lines
- Dwelling Point
- Bluff Impact
- % Slope
- 30



0 425 850 1,700 2,550  
US Feet

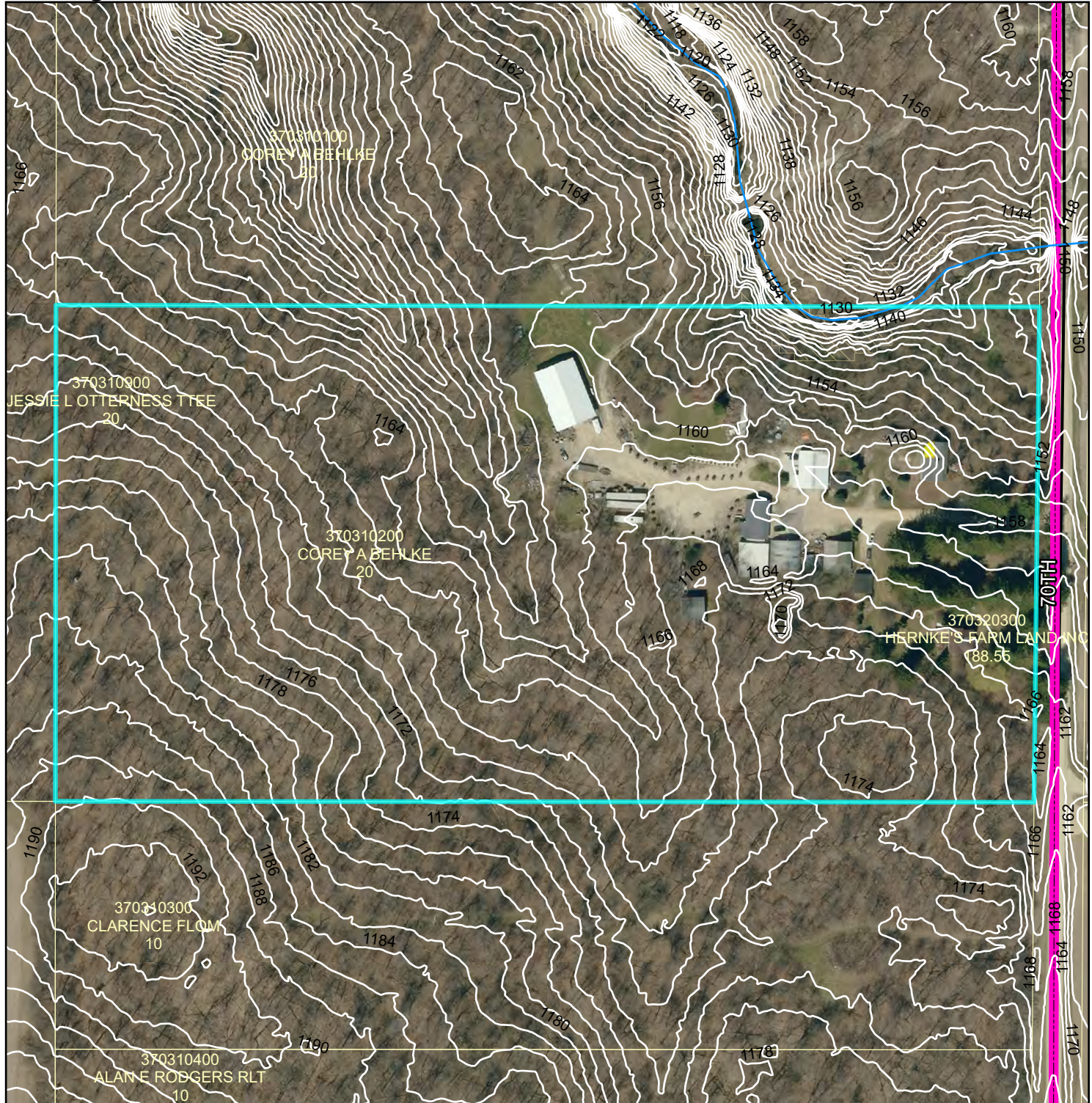
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# MAP 03: ELEVATIONS



## BOARD OF ADJUSTMENT

Public Hearing  
June 24, 2024

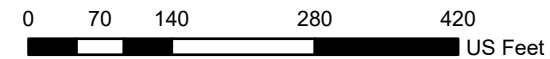
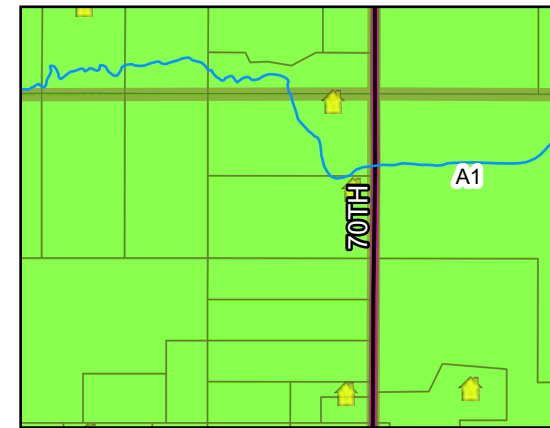
Corey Behlke (Owner)  
A1 Zoned District

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Request for Variance, to Article  
11 Section 31 Accessory  
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remain on the property greater  
than 100 feet from the principle  
dwelling.

### Legend

- |                |              |
|----------------|--------------|
| contours       | Bluff Impact |
| Tax Parcels    | % Slope      |
| Section Lines  | 20           |
| Dwelling Point | 30           |



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# MAP 01: PROPERTY OVERVIEW



## BOARD OF ADJUSTMENT

Public Hearing  
June 24, 2024

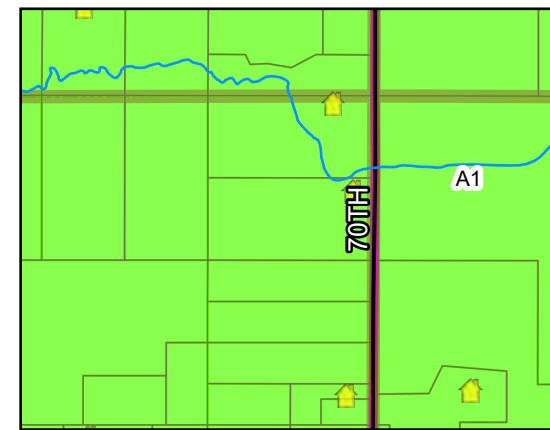
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Request for Variance, to Article  
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dwelling.

### Legend

	Intermittent		Dwelling Point
	Protected		Dwelling Point
	Lakes & Other Water Bodies		Bluff Impact
	Shoreland		% Slope
	Section Lines		20
			30



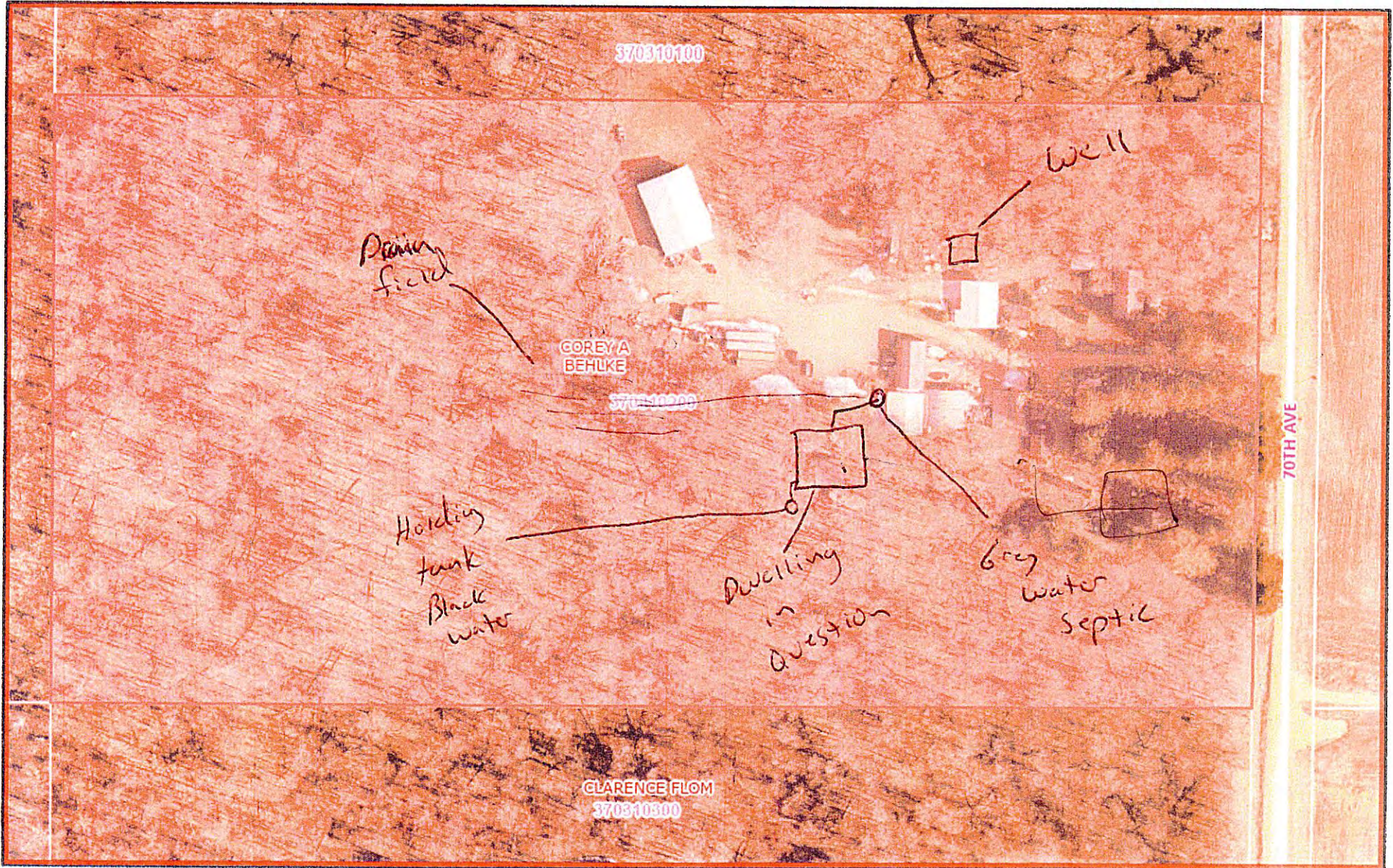
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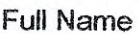



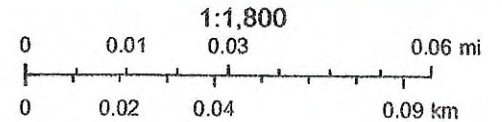


# ArcGIS WebMap



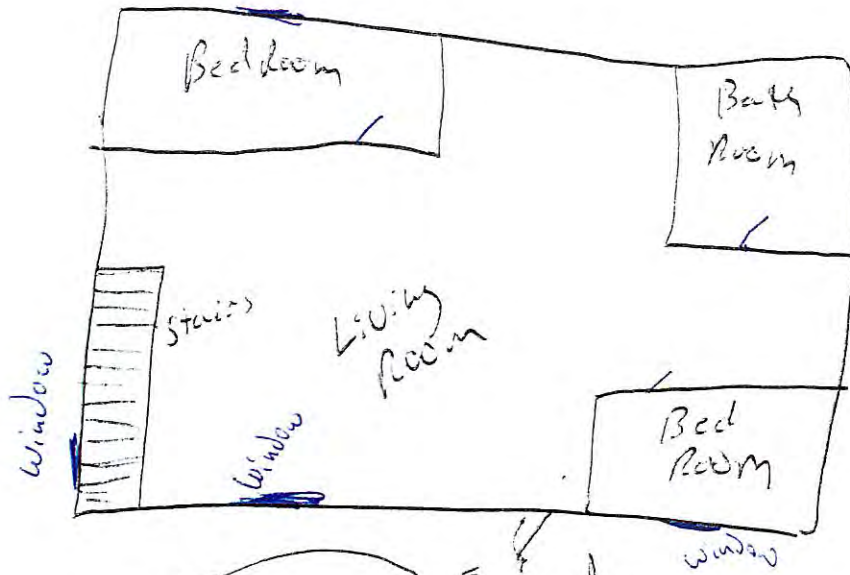
September 19, 2023

-  Override 1
-  Parcels
-  PIN
-  Full Name
-  Municipal Boundary
- Goodhue County Roads
- CEM; ; OCTY; OCRLN; CTRLN

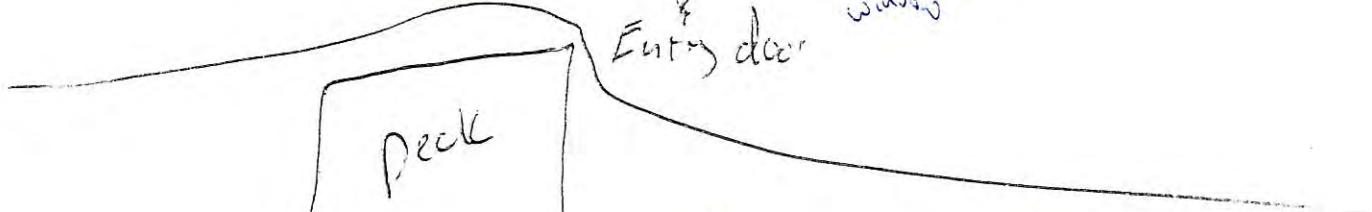




1st Floor



Frost footing  
heated slab



2nd Floor







