

To: Board of Adjustment
From: Land Use Management
Meeting Date: September 23, 2024
Report date: September 13, 2024

PUBLIC HEARING: Request for Variance to Bluffland Standards

Request for Variance, submitted by Moggie Brady (Owner) to Article 12 (Bluffland Standards) to allow construction of an in-ground pool less than 30 feet from the top of a bluff.

Application Information:

Applicant: Moggie Brady (Owner)

Address of zoning request: 2664 Southview Ridge Red Wing, MN 55066

Parcel: 34.300.0490

Abbreviated Legal Description: Lot 10 Block 4 of the South Oaks Plat in Hay Creek Township.

Township Information: Hay Creek Township is aware of the variance request and provided acknowledgment via email on August 21, 2024 with no additional comments.

Zoning District: R-1 (Suburban Residence District)

Attachments and Links:

Application and submitted project summary

Site Plan and Maps

Goodhue County Zoning Ordinance (GCZO): [zoning_ordinance.pdf \(goodhuecountymn.gov\)](#)

Background:

Moggie Brady (Owner) has applied for a variance to Article 12 Bluffland Standards to allow construction of a 15 foot x 40 foot in-ground pool 14 feet from the top of the bluff.

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:

- Bluffland regulations were added to the County Zoning Ordinance around 1990 under the Shoreland development standards that were adopted as required by the DNR. Bluffland regulations were originally restricted to slopes in areas classified as Shoreland however Goodhue County expanded bluffland regulations to areas outside of the Shoreland District in 1995.
- Bluffland setbacks and restrictions on development in the bluff impact zone are intended to preserve and protect the sensitive physical features of the bluffs and waterbodies by regulating development, preventing erosion, and controlling the cutting of timber on the slopes and tops of bluffs.
- The property is zoned R-1 (Suburban Residence District). The parcel is surrounded by land zoned R-1 to the north and west, A-3 to the south, and the City of Red Wing to the east.
- The Applicant's variance request appears harmonious with the purpose and intent of the official controls.

2) The variance request is consistent with the adopted Comprehensive Plan:

- While this request is not specifically addressed in the Goodhue County Comprehensive Plan, the Plan prioritizes protecting and conserving natural landscapes and utilizing best management practices to minimize impacts such as erosion or sedimentation within blufflands.

The proposed in-ground pool 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 desire to construct a pool is a reasonable use of property in the R-1 District.
- The Applicant's property is a single parcel comprising approximately 4 acres which is a conforming lot size in the R-1 District (20,000 square foot minimum for parcels platted before 2019). Wooded blufflands cover approximately 2 acres of the the Applicant's parcel.
- There are no alternative locations for the pool due to the location of the dwelling. A flat area northeast of the dwelling contains the drainfield. The dwelling was permitted for construction in 1993, prior to the adoption of expanded bluffland regulations in Goodhue County. A gazebo built at the same time as the house is within the bluffland setback zone.
- The property is located in a residential neighborhood along Southview Ridge that was originally platted in 1987.
- Concrete pads and patios are allowed to be installed within the 30 foot bluff setback.

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.

- Pools are a permitted use in R-1 Districts. The request 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 for a variance, submitted by Moggie Brady (Owner) to Article 12 (Bluffland Standards) to allow construction of an in-ground pool 14 feet from the top of a bluff.



RECEIVED

AUG 23 2024

Variance Land Use Management

For Staff Use Only	
Permit #	224-0042
\$400 Receipt #	ONLINE DATE: 8-22-24

SITE ADDRESS, CITY, AND STATE 2664 2664 SOUTHVIEW RIVER, HAYCHUCK MN #		ZIP CODE 55066
LEGAL DESCRIPTION: SOUTH OAKS LOT-010 BLOCK-004 DGE #31585 LOT 10 BLK 4 Attached <input type="checkbox"/>		
PID# 343000490	ZONING/DISTRICT 201-1A/10493	STRUCTURE DIMENSIONS (if applicable)

APPLICANT OR AUTHORIZED AGENT'S NAME BRADY, MAGGIE	
APPLICANT'S ADDRESS 2664 SOUTHVIEW RIVER HAYCHUCK MN 55066	TELEPHONE: 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 type="checkbox"/> PERFORMANCE POOLS (NIK HAWLICKY)	
ADDRESS 2405 ANNAPOLIS LAKE N PLYMOUTH MN 55441	TELEPHONE: EMAIL:

VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input checked="" type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:
	PROPOSED USE:
	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. Attached <input type="checkbox"/>	
TOWNSHIP OFFICIAL'S SIGNATURE SUE BRADY EMAIL	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE DATE

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: Maggie Brady

Date: 8-22-2024

REQUEST SUMMARY

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

Article: 12 Section: 2 Name: BLUFF LAND PROTECTION

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:

CURRENT SPACE IS GRASS. OUR SWIMMING POOL PROPOSAL STAYS WITHIN THE FACE OF THE HOUSE AND WELL WITHIN EXISTING GAZON

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

THE GAZONAL AREA IS FLAT

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:

DUE TO WHERE THE HOME WAS CONSTRUCTED, IT LIMITS SPACE FOR POOL ADDITION

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

UNFORTUNATELY, DUE TO REDUCED SPACE THERE ISNT MUCH FOR OTHER OPTIONS. WE ARE KEEPING THE POOL POSITION CLOSE TO THE HOUSE

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

SAME AS PREVIOUS ANSWER

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

THE PROJECT MAINTAINS THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD.

Lenzen, William

From: HayCreek Township <haycreektownshipmn@gmail.com>
Sent: Wednesday, August 21, 2024 3:20 PM
To: Lenzen, William
Cc: Moggie Brady; nik@performancepools.com
Subject: Re: 2664 southview ridge pool variance through county

External Email - Use caution opening links or attachments!

To Whom it May Concern,

This email serves as acknowledgement from Hay Creek Township of the variance application request at 2664 Southview Ridge, Red Wing, MN. This should complete the Township requirement. Please let me know if you have any questions or concerns.

Respectfully,
Brandy Christensen
Clerk, Hay Creek Township

On Mon, Aug 19, 2024 at 11:38 AM Nik Hawley <nik@performancepools.com> wrote:

Brandy, my name is Nik with PPS and I have a resident of yours, Moggie Brady cc'd. we've been working with William at the county offices on a variance for a pool due to bluff setbacks which he has been nothing but positive we'll be approved. One of the parts required is township approval. I was given your contact to reach out to initiate this part of the process.

I have the pool plan and the bluff aerial William with the county shared with us. Since we're remaining within the face of the house, they liked that. He said concrete can be within the setback regardless of variance.

I have the pool painted out on site if that helps expedite everything, as we are hoping to get everything into the city by this Friday to be on their next agenda in September so we can still dig this fall before the snow flies.

Let me know what else you may need to approve this. Thanks!

Nik Hawley

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
September 23, 2024

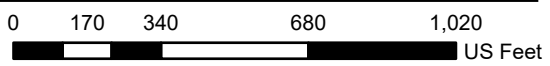
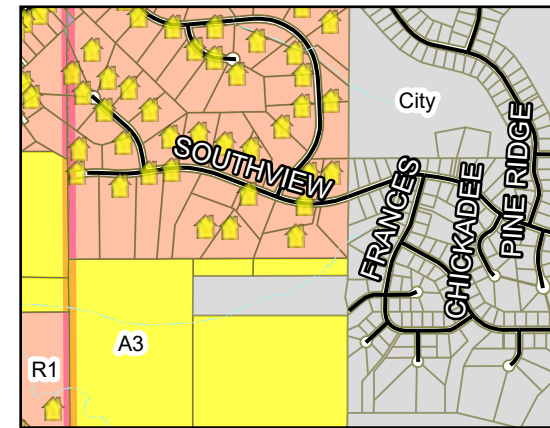
Moggie Brady (Owner)
R-1 Zoned District.

Lot 10 Block 4 of the South Oaks
Plat in Hay Creek Township.

Request for Variance to Article 12
(Bluffland Standards) to allow
construction of an in-ground pool
less than 30 feet from the top of
a bluff.

Legend

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

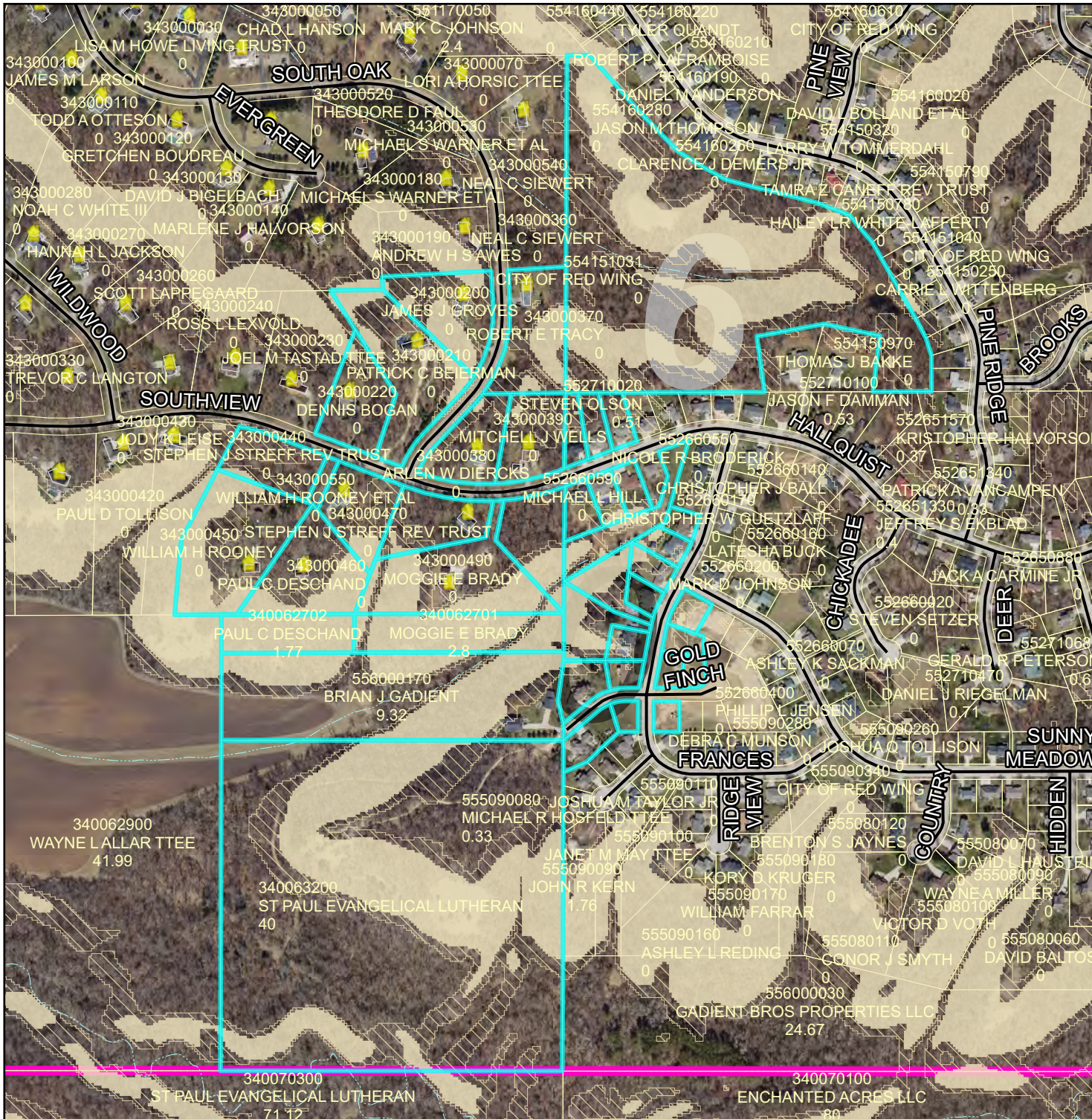


DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2024.

2024 Aerial Imagery
Map Created September, 2024 by LUM



PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP



BOARD OF ADJUSTMENT

Public Hearing
September 23, 2024

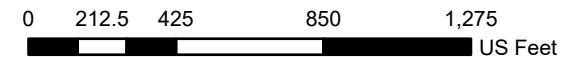
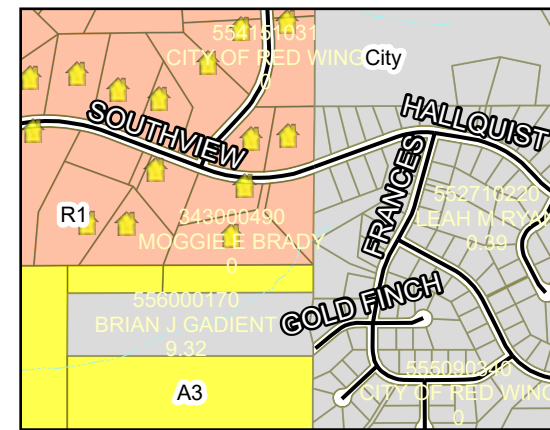
Moggie Brady (Owner)
R-1 Zoned District.

Lot 10 Block 4 of the South Oaks
Plat in Hay Creek Township.

Request for Variance to Article 12
(Bluffland Standards) to allow
construction of an in-ground pool
less than 30 feet from the top of
a bluff.

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

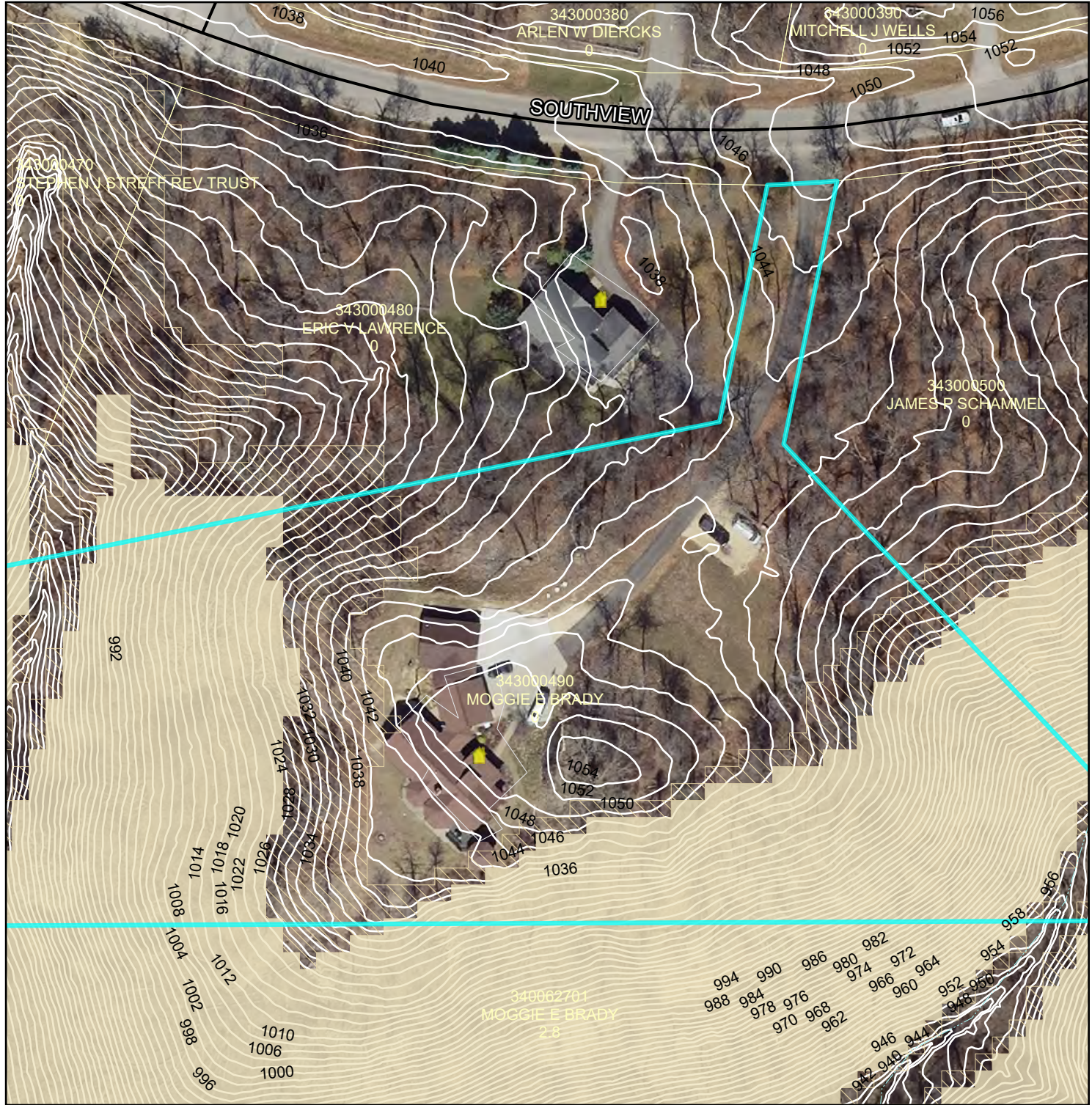


DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2024.

2024 Aerial Imagery
Map Created September, 2024 by LUM



MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
September 23, 2024

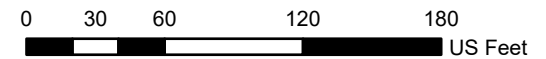
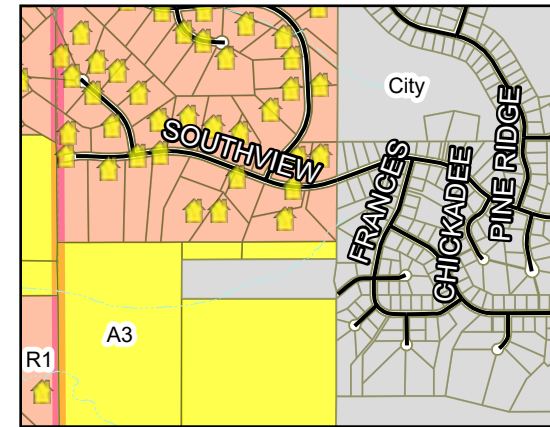
Moggie Brady (Owner)
R-1 Zoned District.

Lot 10 Block 4 of the South Oaks
Plat in Hay Creek Township.

Request for Variance to Article 12
(Bluffland Standards) to allow
construction of an in-ground pool
less than 30 feet from the top of
a bluff.

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

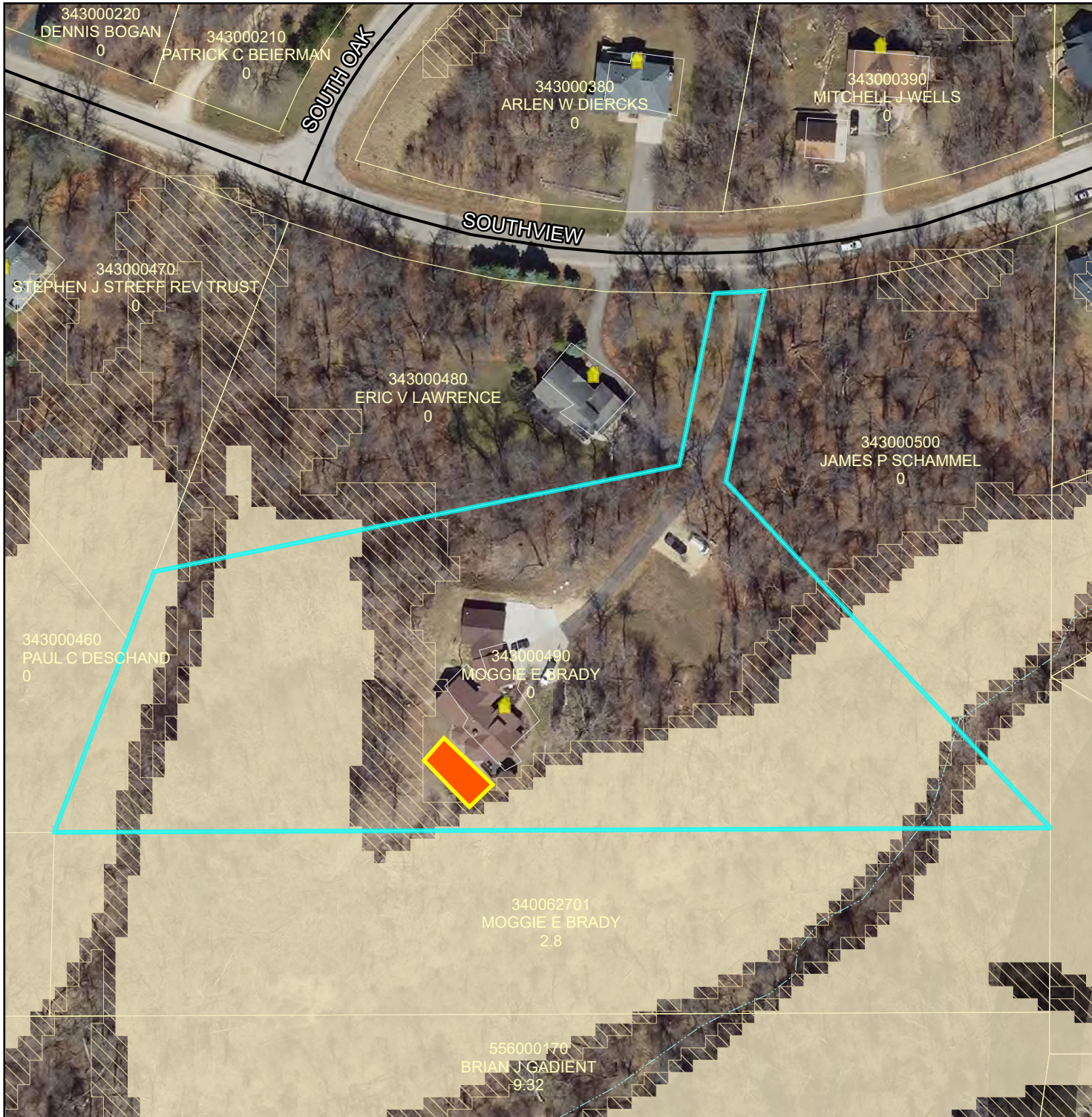


DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2024.

2024 Aerial Imagery
Map Created September, 2024 by LUM



MAP 01: PROPERTY OVERVIEW



Board of Adjustment

Public Hearing
September 23, 2024

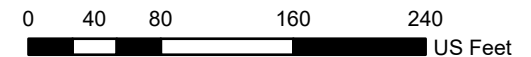
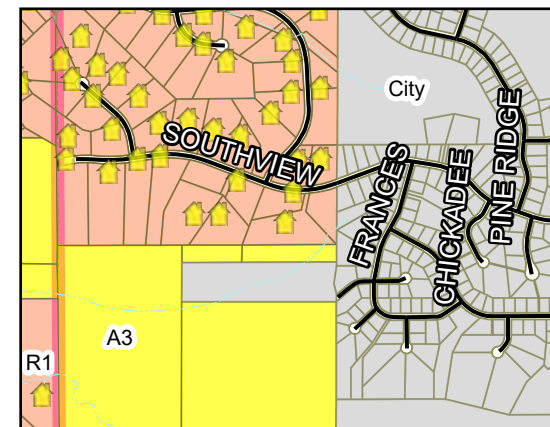
Moggie Brady (Owner)
R-1 Zoned District.

Lot 10 Block 4 of the South Oaks
Plat in Hay Creek Township.

Request for Variance to Article 12
(Bluffland Standards) to allow
construction of an in-ground pool
less than 30 feet from the top of
a bluff.

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



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 2024.

2024 Aerial Imagery
Map Created September, 2024 by LUM









h St

STEPHEN
J STRETT
REV TRUST
2714
343000470

343000480
ERIC V
LAWRENCE 2662

343000500
JAMES P
SCHAMMEL

PAUL C
SCHMIDT
00460

MOGGIE
E BRADY
343000490
2664

60m

ONE INCH = 80 FEET

