

**To:** Board of Adjustment  
**From:** Land Use Management  
**Meeting Date:** October 15<sup>th</sup>, 2024  
**Report date:** October 4<sup>th</sup>, 2024

**PUBLIC HEARING: Request for Variance to Bluff Land Standards**

Request for Variance, submitted by Brian Hughes (Owner) to Article 12 (Bluff Land Standards) to allow construction of a four-season porch addition less than 30 feet from the toe of a bluff.

**Application Information:**

Applicant: Brian Hughes (Owner)

Address of zoning request: 32415 Oxford Mill Road Cannon Falls, MN 55009

Parcel: 41.025.1400

Abbreviated Legal Description: Part of the SE ¼ of the NW ¼ of Section 25 TWP 112 Range 18 in Stanton Township.

Township Information: Stanton Township signed the Variance application on September 25<sup>th</sup>, 2024 with no additional comments.

Zoning District: A-2 (Agricultural District)

**Attachments and Links:**

Application and submitted project summary

Site Plan and Maps

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

**Background:**

Brian Hughes (Owner) has applied for a variance to Article 12 (Bluff Land Standards) to allow the construction of a four-season porch addition less than 30 feet from the toe of a 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 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 Applicant has proposed to widen an existing deck by 6 feet and turn the deck into a 4-season porch. The deck is currently 10 feet wide by 30 feet long with a 6-foot by 10-foot portion that makes the “L” shape. The total porch size will be 30 feet by 16 feet.
- The widening of the deck footprint created the need for a variance to bluff setbacks. If the porch had been constructed in the same footprint as the deck a variance would not have been necessary.
- 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:**

- The Goodhue County Comprehensive Plan prioritizes protecting and conserving natural landscapes and utilizing best management practices to minimize impacts such as erosion or sedimentation within bluff lands.

The proposed 4-season porch 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 4-season porch is a reasonable use of property in the R-1 District.
- The dwelling and deck were constructed sometime around 1970. This was before any bluff land zoning ordinances.
- The property and surrounding land is zoned A-2 (Agricultural District). Surrounding land is used for row crop agriculture, woodlands, and medium-density residential.
- There are no alternative locations for the porch as the request is to make the original deck larger and convert it into a porch.
- There is a boulder wall that was constructed within the bluff impact zone sometime after 2008 as a means to prevent excessive erosion from impacting the dwelling. No building permits or variances were issued for the boulder wall. After over 15 years the boulder wall would be considered an existing non-conformity.
- 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.**

- Porches are permitted use in A-2 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 Brian Hughes (Owner) to Article 12 (Bluffland Standards) to allow the construction of a four-season porch addition 15 feet from the toe of a bluff.

RECEIVED

SEP 26 2024



# Variance Land Use Management

For Staff Use Only	
Permit #	724-0048
\$400 Receipt #	18535
DATE:	9/26/24
	\$900

SITE ADDRESS, CITY, AND STATE		ZIP CODE:		
32415 Oxford Mill Rd Cannon Falls MN		55009		
LEGAL DESCRIPTION:				
Attached				
PID#:	ZONING DISTRICT:	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
41-025-1400		4 acres		30' x 16'

APPLICANT OR AUTHORIZED AGENT'S NAME	
Brian Hughes	
APPLICANT'S ADDRESS:	TELEPHONE:
32415 Oxford Mill Rd	
Cannon Falls, MN 55009	
	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 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:
	deck
	PROPOSED USE:
	4 season porch same foot print
BUILDING APPLICATION PERMIT NO.: (if filed)	DATE FILED:

TOWNSHIP SIGNATURE:	<i>[Signature]</i>	
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 OFFICIAL'S SIGNATURE:	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	DATE
<i>[Signature]</i>	CHERYLE A. PETERS	9-25-24

- 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: *[Signature]* Date: 9-16-2024



## 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:

There was a deck on the southside of the house that was built by the previous owner. It had no footings and was sinking into the ground. We want to do a 4-season porch to replace it.

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

We would like to make more living space for our family. The deck was falling off and we have worked hard to make the hillside more stable so our current home doesn't slide down.

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:

Because we live on a hillside there is no other place to put a 4 season porch. It is currently flat grass/landscaping - holding back the hillside with a boulder wall. The west side and north side have a steep slope.

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

Because we live on a hillside there are no other options. It is on the ~~flat~~ most flat area of our 4 acre property.

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

This is the best location. We put up a boulder wall to hold back the bluff after we lost an enormous amount of trees in the tornado of 2008. There is no other option for putting on a 4-season porch.

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

no - it has made <sup>will make</sup> the hillside more beautiful. It will enhance the essential character of the area.



# PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

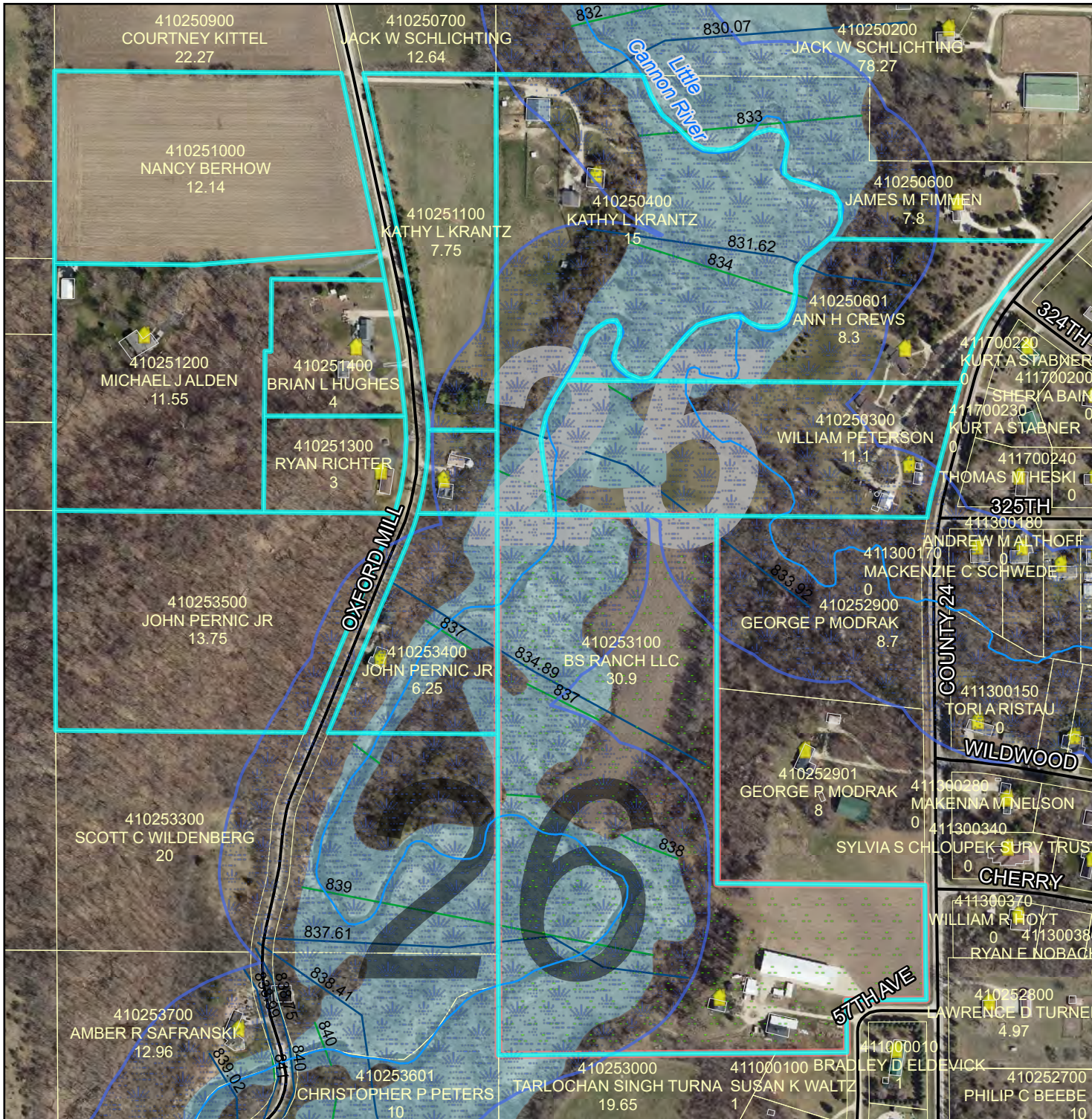
## PLANNING COMMISSION

Public Hearing  
October 15, 2024

Brian Hughes (Owner)  
A-2 Zoned District.

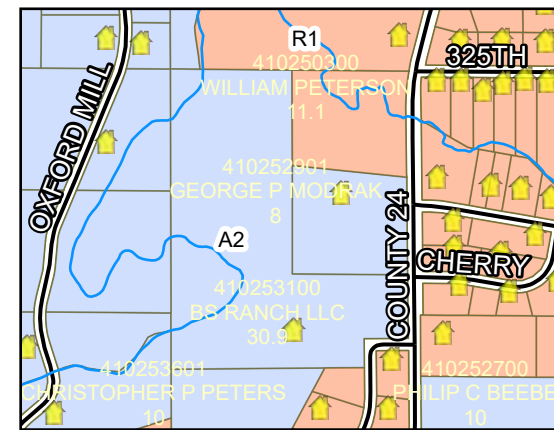
Part of the SE 1/4 of the NW 1/4 of Section  
25 TWP 112 Range 18 in Stanton Township.

Request for a Variance to Article 12 Bluff land  
Standards to allow construction of a four-  
season porch addition less than 30 feet from  
the toe 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



0 162.5 325 650 975  
US Feet

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2024 Aerial Imagery  
Map Created October, 2024 by LUM





# MAP 02: VICINITY MAP

## PLANNING COMMISSION

Public Hearing  
October 15, 2024

Brian Hughes (Owner)  
A-2 Zoned District.

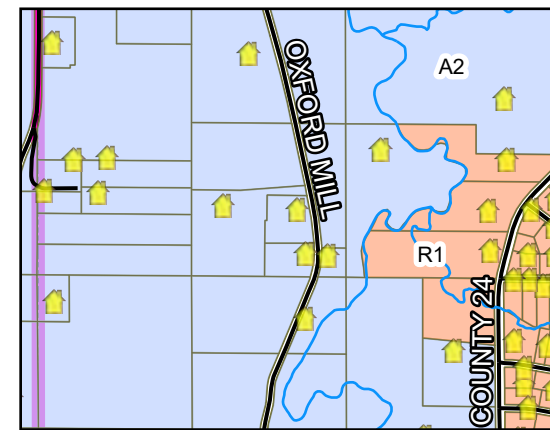
Part of the SE 1/4 of the NW 1/4 of Section  
25 TWP 112 Range 18 in Stanton Township.

Request for a Variance to Article 12 Bluffland  
Standards to allow construction of a four-  
season porch addition less than 30 feet from  
the toe of a bluff.



### Legend

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



0 215 430 860 1,290 US Feet

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# MAP 03: ELEVATIONS



## PLANNING COMMISSION

Public Hearing  
October 15, 2024

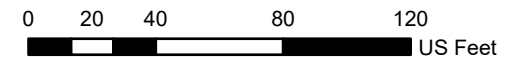
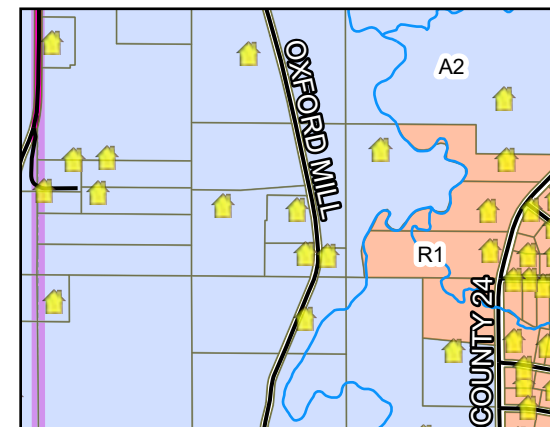
Brian Hughes (Owner)  
A-2 Zoned District.

Part of the SE 1/4 of the NW 1/4 of Section 25 TWP 112 Range 18 in Stanton Township.

Request for a Variance to Article 12 Bluffland Standards to allow construction of a four-season porch addition less than 30 feet from the toe 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



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# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
October 15, 2024

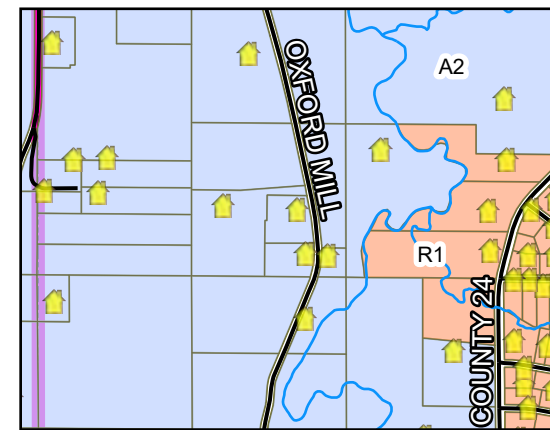
Brian Hughes (Owner)  
A-2 Zoned District.

Part of the SE 1/4 of the NW 1/4 of Section 25 TWP 112 Range 18 in Stanton Township.

Request for a Variance to Article 12 Bluffland Standards to allow construction of a four-season porch addition less than 30 feet from the toe of a bluff.

### Legend

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



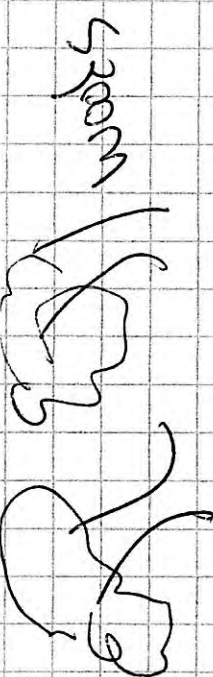
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2024 Aerial Imagery  
Map Created September, 2024 by LUM

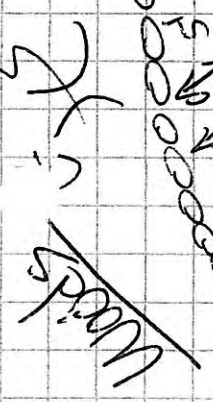




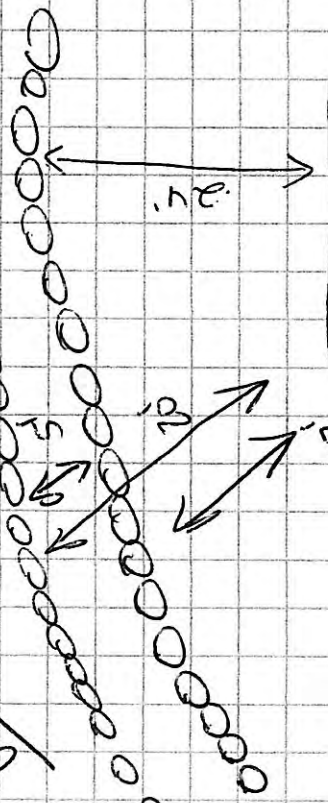


Span

(2)



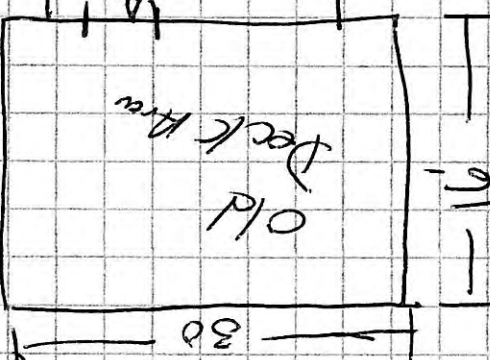
Woods



25'

25'

25'



Old Deck Area

16'

30'

Step Hill

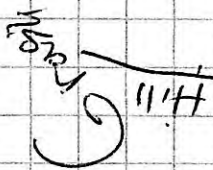


House

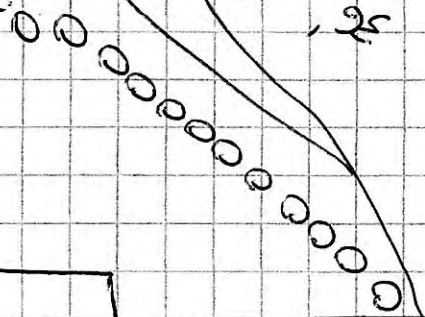
Drive Way

Road

(3)



Hill

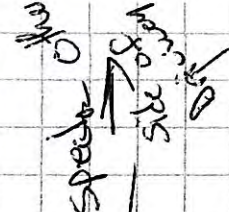


Drive Way



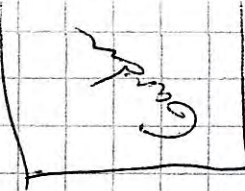
Garage

40'



Driveway

Drive Way



Garage

(2)

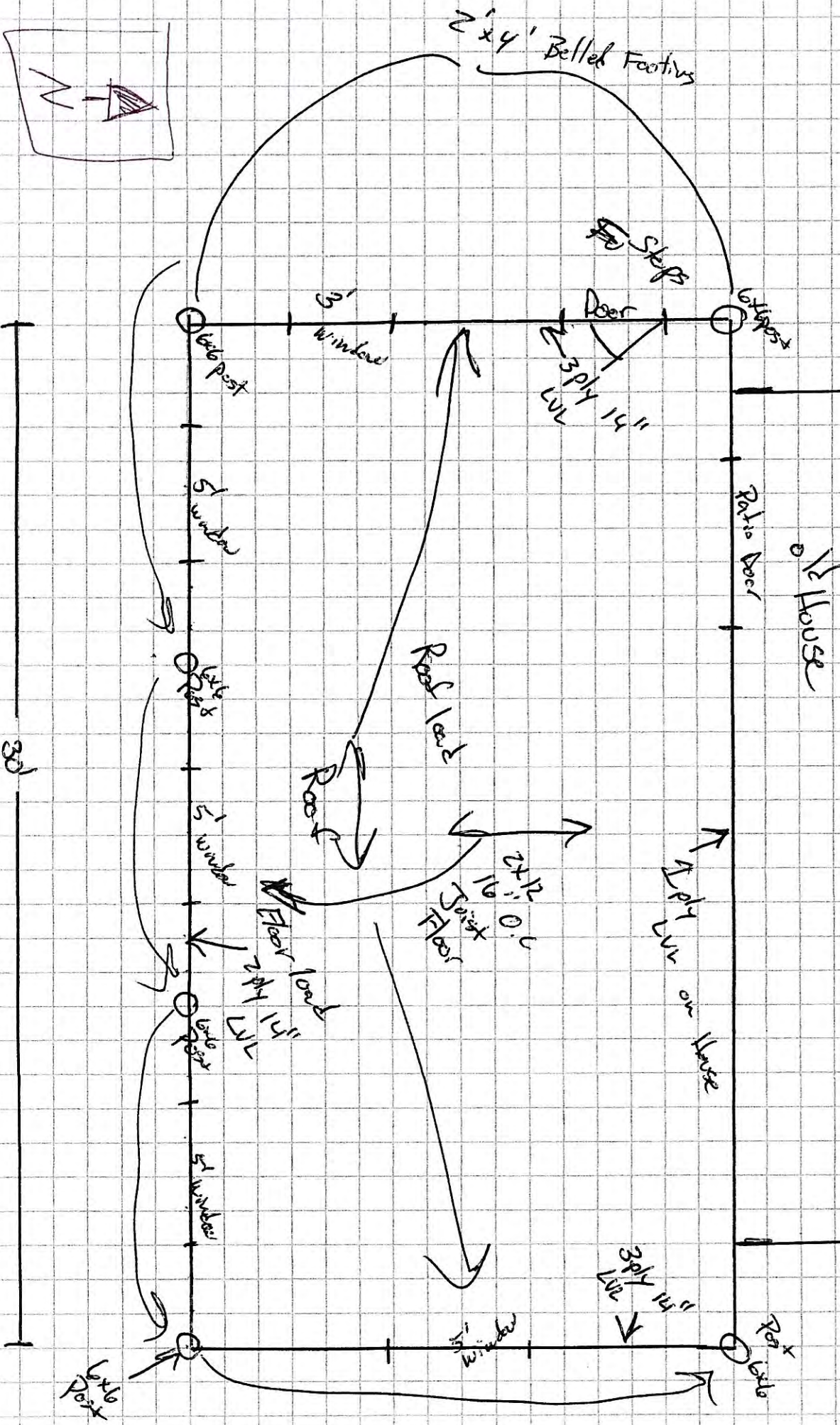
(5)



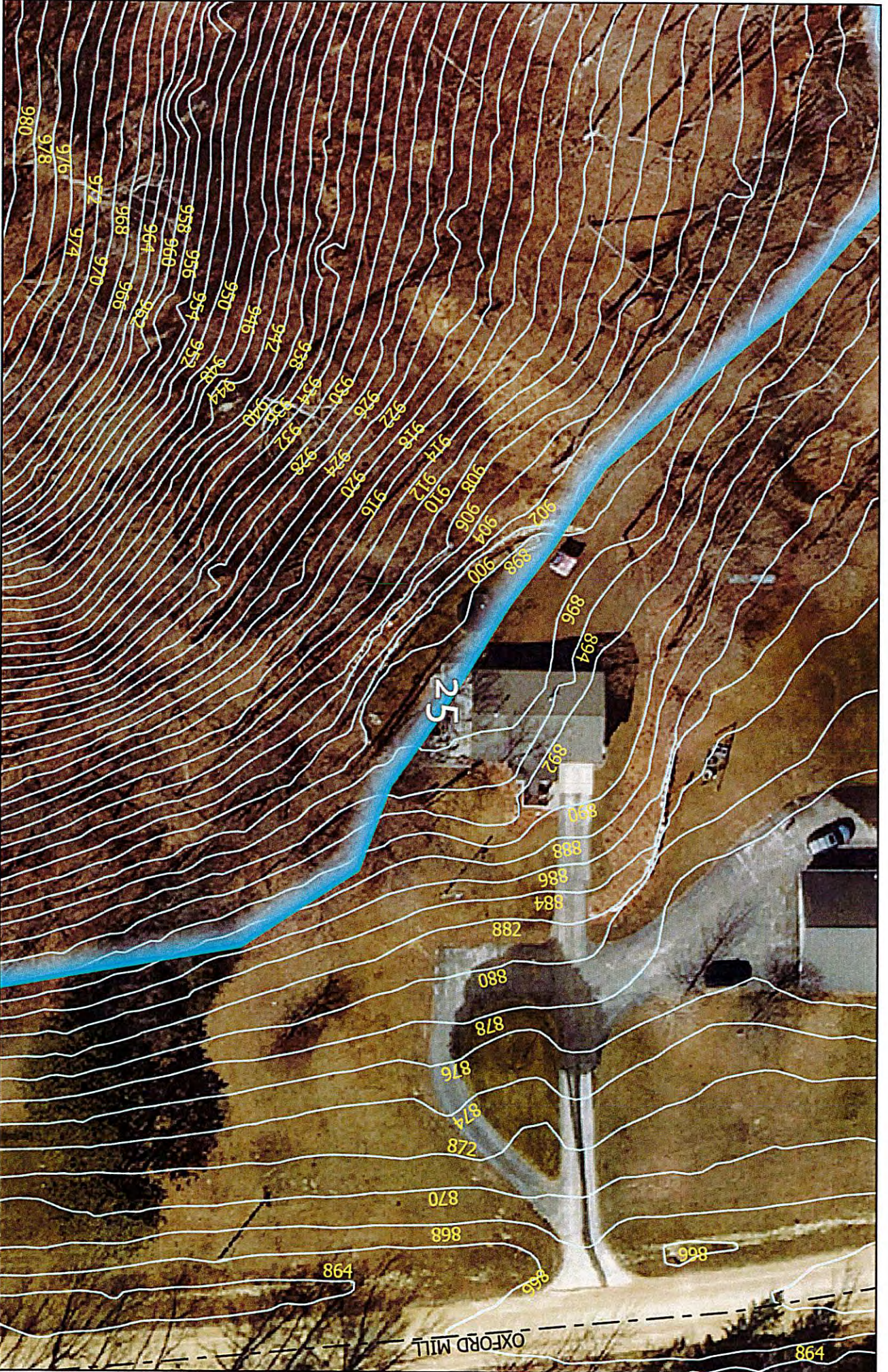
Brian Hughes  
 32415 Oxford Mill Rd  
 Cannon Falls, MN 55003

4 Season Porch  
 2x6 walls  
 Spray Foam walls, floor,  
 Blower in Attic,  
 LP siding

8' walls  
 5' porch  
 Split unit for Heat & cool.  
 4' off Ground



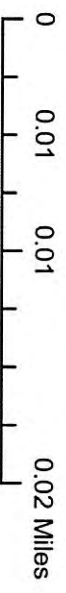




N



# Parcel 41.025.1400



■ Bluff impact zone