

TO: Board of Adjustment
FROM: Land Use Management
MEETING DATE: June 24th, 2024
REPORT DATE: June 14th, 2024

PUBLIC HEARING: Request for Variance, submitted by Heather Thielbar (Owner) to A-3 Zoning District standards to allow an accessory building to be constructed less than 30 feet from a side yard property line.

Application Information:

Applicant(s): Heather Thielbar (Owner)
Address of zoning request: 28626 Hay Creek Trail Red Wing, MN 55066
Parcel: 31.001.5700
Abbreviated Legal Description: Part of the N ½ of the SE ¼ of Section 01 TWP 112 Range 15 in Featherstone Township.
Township: Featherstone Township signed the Township zoning application for the proposed accessory building to be 15 feet from the property line on May 14th, 2024, with no additional comments.
Zoning District: A-3 (Urban Fringe District)

Attachments:

Application
Site Map(s)
Goodhue County Zoning Ordinance: [zoning_ordinance.pdf \(goodhuecountymn.gov\)](https://www.goodhuecountymn.gov/zoning-ordinance.pdf)

Background:

Heather Thielbar (Owner) has applied for a variance to A-3 Zoning District (Urban Fringe) minimum setback standards to allow a new 30-foot by 40-foot garage to be constructed 16 feet from a side yard property line where 30 feet is required.

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:

- Property line setbacks are intended to create separation among adjacent structures to allow for adequate access.
- The property is surrounded by land zoned A-3 (Urban Fringe).
- The property consists of one parcel containing approximately 5.62 acres. The minimum lot size for A-3 zoned parcels is 35 acres.
- The dwelling was built around 1967. The parcel size at that time was about 27 acres. Sometime between 1978 and 1984, the parcel was split into its current size of 5.62 acres.
- 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 accessory buildings and uses that complement rural character and development.

The proposed use 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 construct an accessory building is a reasonable use of property in the A-3 District.
- The parcel has woods and bluff lands north of the dwelling that limits structure placement in that area.
- Surrounding land uses include row crop agriculture, medium-density residential among bluffs, and woodlands.
- The septic system is to the southwest of the dwelling, northwest of the existing pool.
- The Applicant is proposing to locate the new building 15 feet from the south property line. There appears to be space on the property to accommodate a new structure that meets the required setbacks.
- Staff observed dirt work and grading that had already taken place on the property for the proposed building during a site visit on June 10, 2024 (photos attached). This grading is unpermitted as no building permit has been issued and no variance has been approved for the reduced setback.

- 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.**
- Accessory structures are permitted use in the A-3 Zoning District.

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 related to, and bearing a rough proportionality with, the impact(s) created by the variance.

Staff Recommendation:

Staff have prepared two options for the BOA to consider. These are presented in no particular order. The BOA may either:

- 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 Heather Thielbar (Owner) to A-3 Zoning District standards to allow an accessory building to be constructed 15 feet from a side yard property line.

OR

- 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

DENY the request for a variance, submitted by Heather Thielbar (Owner) to A-3 Zoning District standards to allow an accessory building to be constructed 15 feet from a side yard property line.

RECEIVED

JUN 03 2024

Variance

For Staff Use Only	
Permit #	724-0032
\$400 Receipt #	18470
DATE:	6/3/2024

Land Use Management

SITE ADDRESS, CITY, AND STATE		ZIP CODE	
28626 Hay Creek Trail		55066	
LEGAL DESCRIPTION			
SEC-01 TWP-112 Range 15 Doc # 638607			Attached <input type="checkbox"/>
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS:
31-001-5700	A3	5.62	30' x 40'
STRUCTURE DIMENSIONS (if applicable)			

APPLICANT OR AUTHORIZED AGENT'S NAME	
Heather Thielbar	
APPLICANT'S ADDRESS:	TELEPHONE:
28626 Hay Creek Trail Red Wing, MN 55066	
	EMAIL:

PROPERTY OWNER'S NAME:	
Same as Above <input type="checkbox"/> Same as above	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input type="checkbox"/> Same a above	
ADDRESS:	TELEPHONE:
	EMAIL:

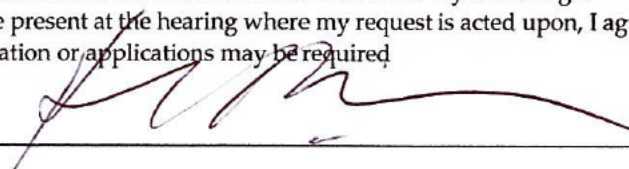
VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input checked="" type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:
	Residence
	PROPOSED USE:
	Garage
	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 OFFICAL'S SIGNATURE	TOWNSHIP OFFICAL'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: _____



Date: 6-3-2024

REQUEST SUMMARY

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

Article: 23 Section: 5 Name: Side Yard Set Back

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:

The use of the property is our residence. The prososed location of the garage is the most level spot on our property.

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

We would be limited on the width of the building.

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:

The topography of the property limits the buildable area

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

We could change the width of the garage to 20' x 50' but we would need to to grade further back into the bank and disturb more of our plantings and we may have to remove some trees

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

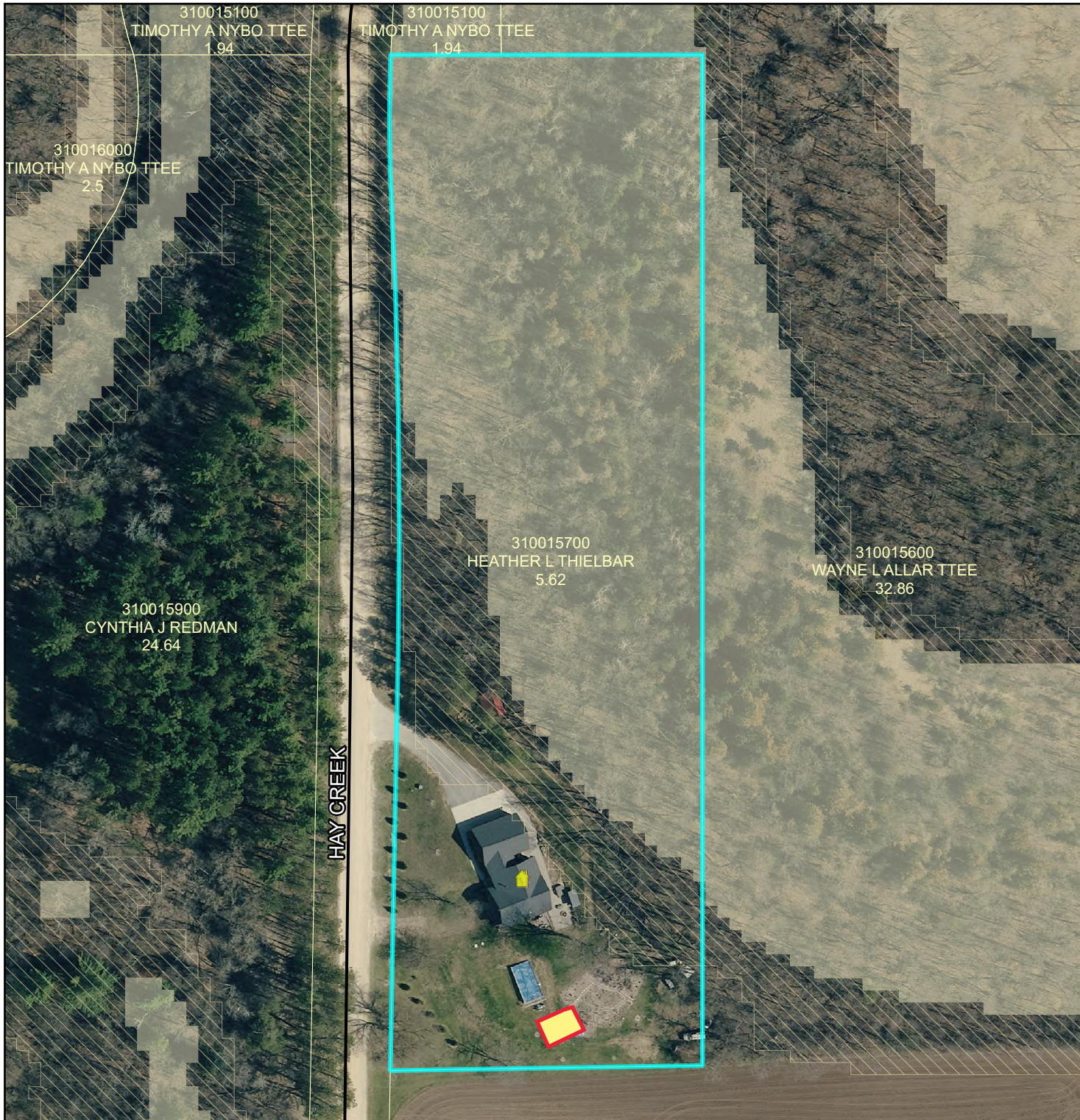
We requested an 8' sideyard setback with the Featherstone township but they recomended and approved a 15' sideyard setback

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

We do not believe the varraiance would affect the charater of the area.

The adjacent land owner Wayne Allar has no issue with the variance, see letter

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
June 24, 2024

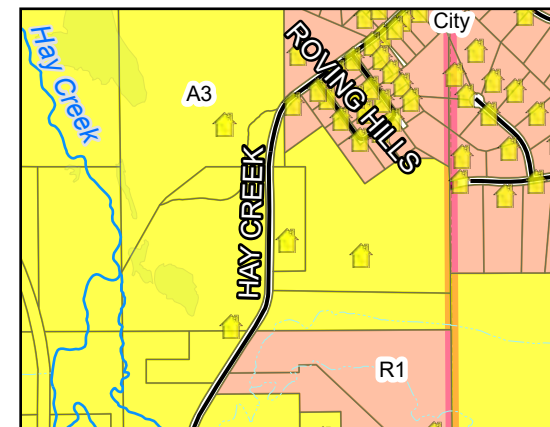
Heather Thielbar (Owner)
A-3 Zoned District

Part of the N 1/2 of the SE 1/4 of
Section 01 TWP 112 Range 15 in
Featherstone Township.

Request for Variance, to Article 23
A-3 Zoning District Standards to allow
an accessory building to be constructed
less than 30 feet from a side yard
property line.

Legend

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



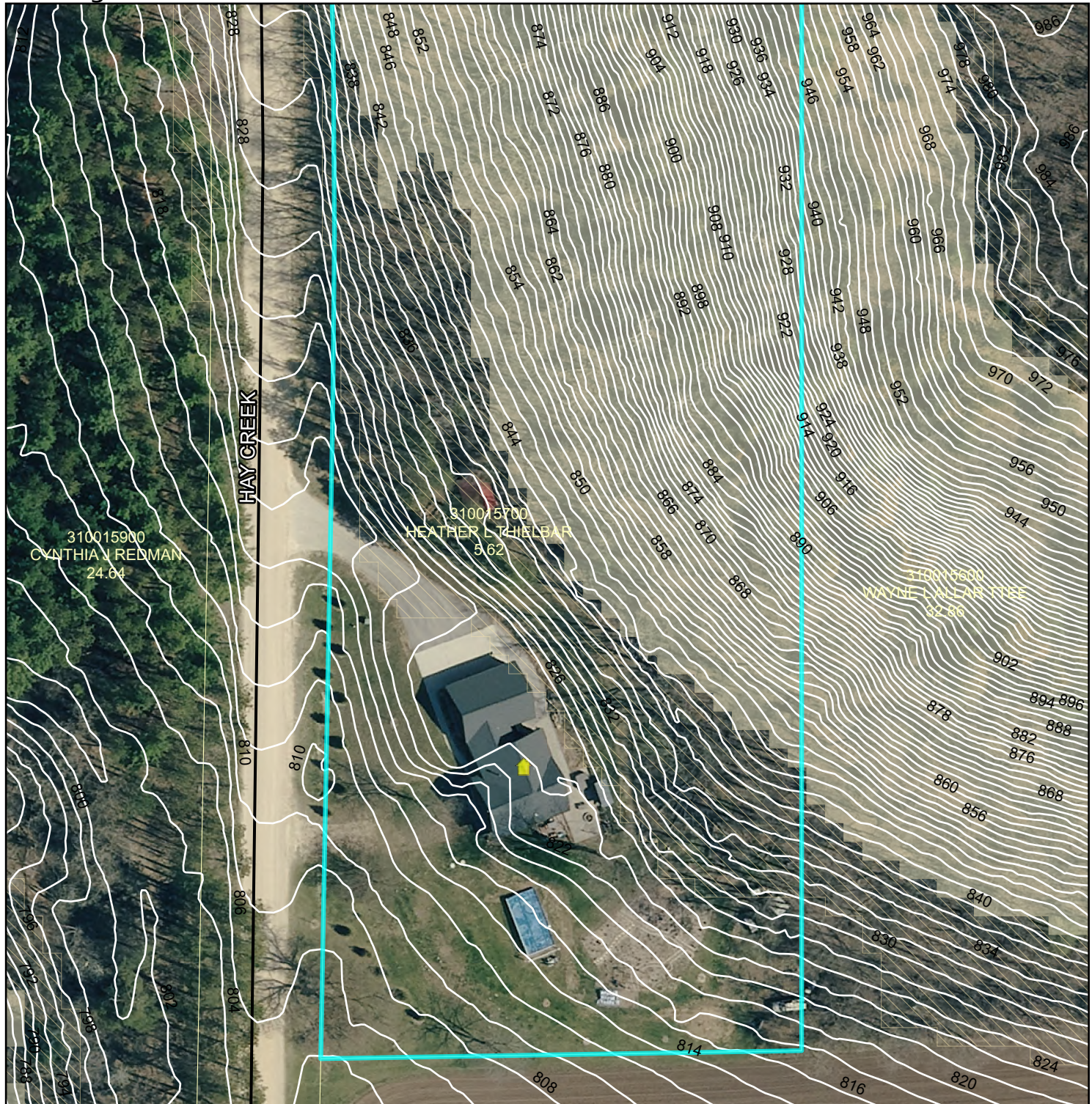
0 40 80 160 240
US Feet

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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
June 24, 2024

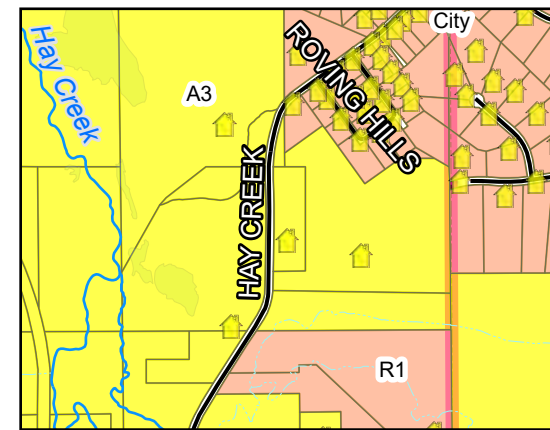
Heather Thielbar (Owner)
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Request for Variance, to Article 23
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Legend

- contours
- Tax Parcels
- Section Lines
- Dwelling Point
- Bluff Impact**
- 20
- 30



0 25 50 100 150 US Feet

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PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

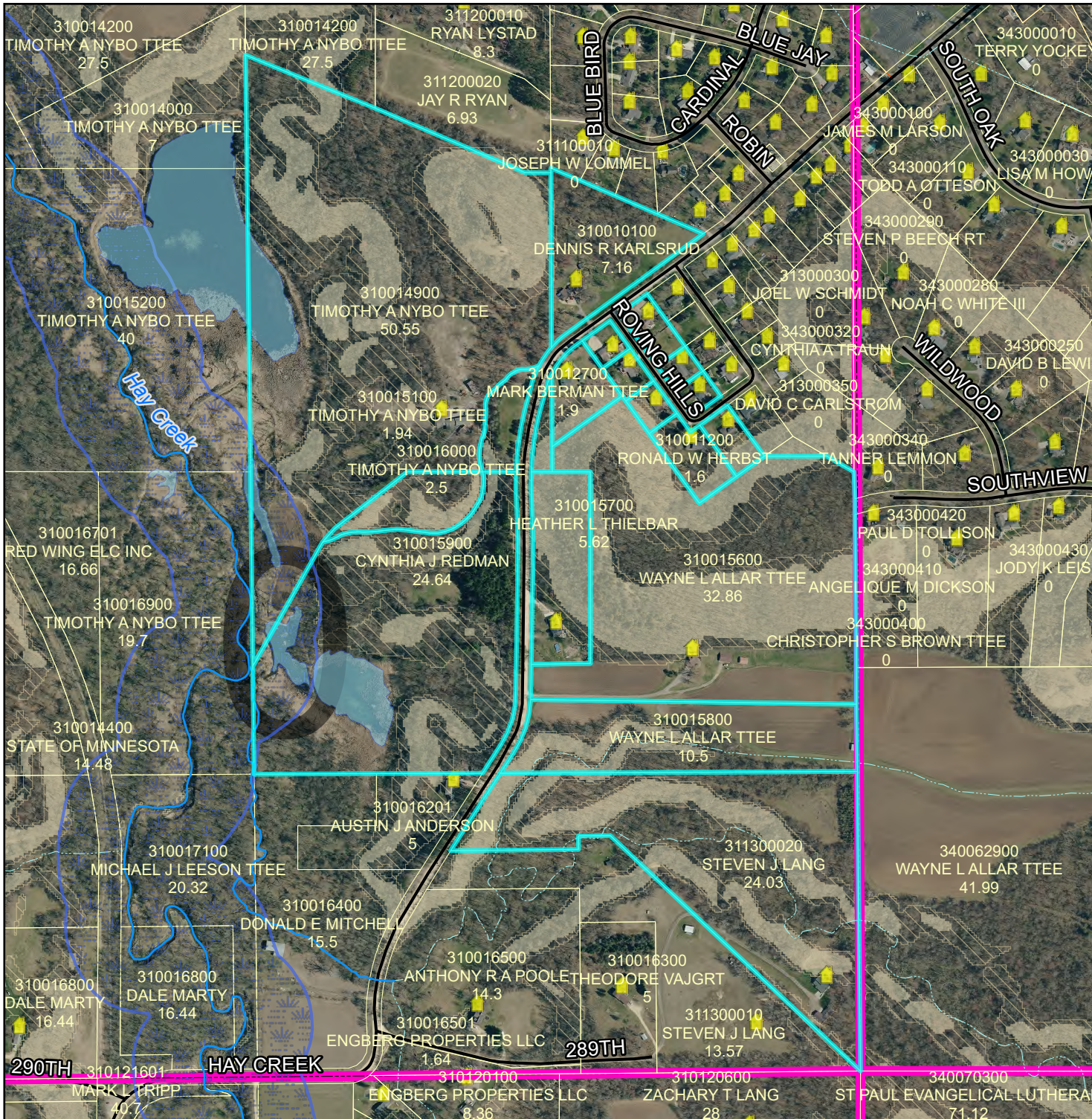
PLANNING COMMISSION

Public Hearing
June 24, 2024

Heather Thielbar (Owner)
A-3 Zoned District

Part of the N 1/2 of the SE 1/4 of
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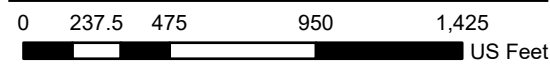
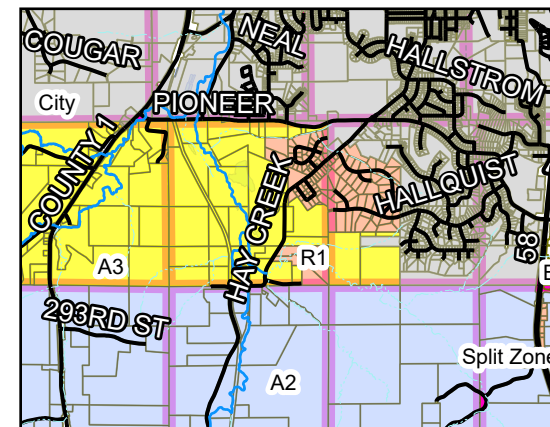


Legend

- Tax Parcels
- Section Lines
- Dwelling Point

Bluff Impact

- 20
- 30

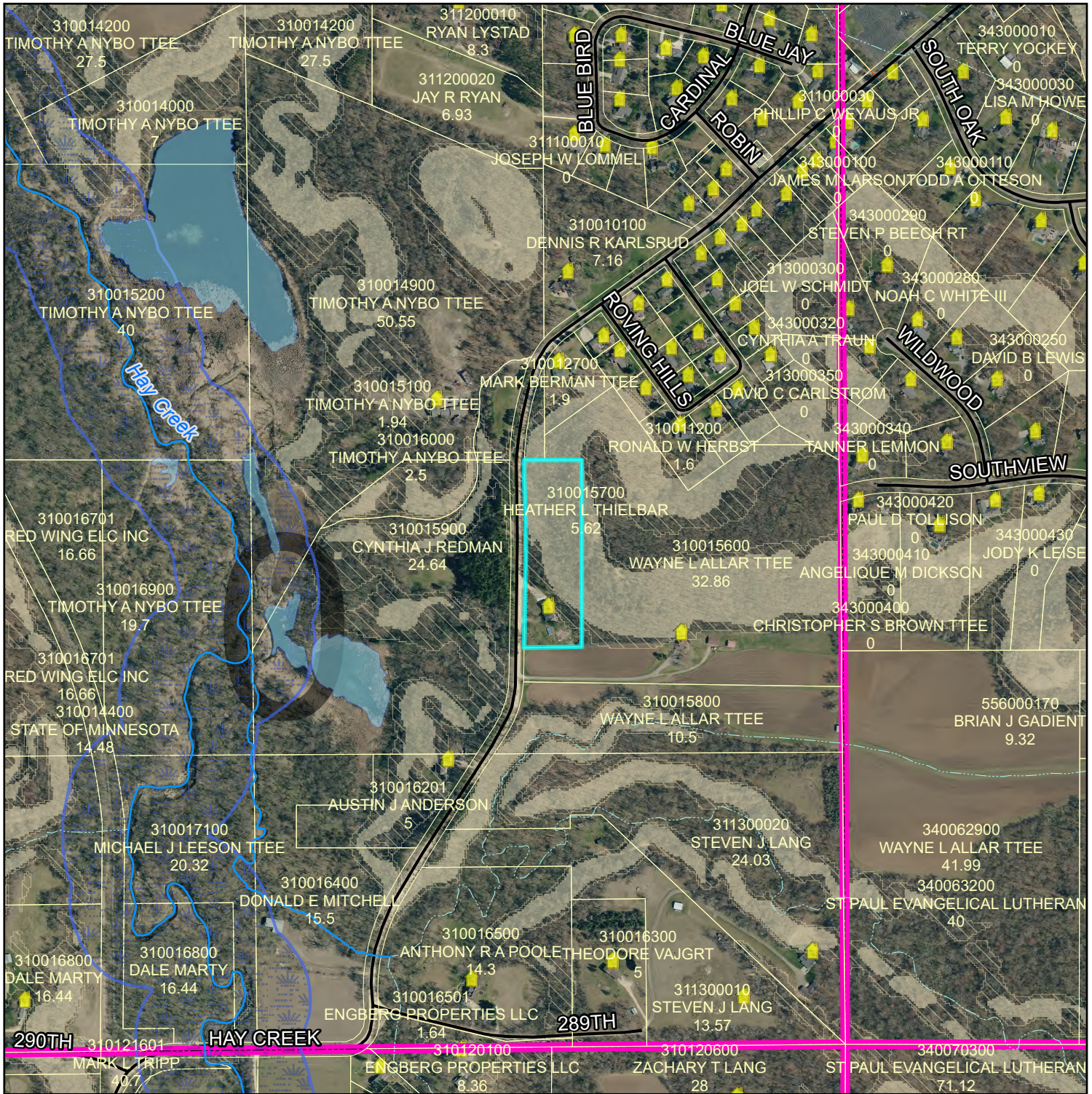


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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
June 24, 2024

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A-3 Zoned District

Part of the N 1/2 of the SE 1/4 of
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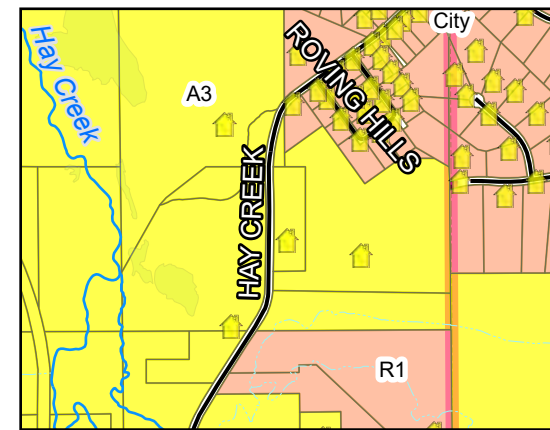
Request for Variance, to Article 23
A-3 Zoning District Standards to allow
an accessory building to be constructed
less than 30 feet from a side yard
property line.

Legend

- Tax Parcels
- Section Lines
- Dwelling Point

Bluff Impact

- 20
- 30



0 240 480 960 1,440
US Feet

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Heather Thielbar & Jennifer Matthees
28626 Hay Creek Trail
Red Wing, MN 55066
Tax ID # 31-001-5700

ArcGIS WebMap



Front of garage is back 4' from the front of the house





