

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 Andrew Sandstrom (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): Andrew Sandstrom (Owner)  
Address of zoning request: 30127 59<sup>th</sup> Avenue Way Cannon Falls, MN 55009  
Parcel: 41.013.0700  
Abbreviated Legal Description: Part of the E ½ of the NE ¼ of Section 13 TWP 112 Range 18 in Stanton Township.  
Township: Stanton Township approved a setback variance for the proposed pool house to be 10 feet from the property line on June 20, 2023.  
Zoning District: A-3 Zoned District (Urban Fringe).

**Attachments:**

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

**Background:**

Andrew Sandstrom (Owner) has applied for a variance to A-3 Zoning District (Urban Fringe) minimum setback standards to allow a new 50-foot by 20-foot pool house to be constructed 10 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 allowing for adequate access.
- The property is surrounded by land zoned A-3 (Urban Fringe), R-1 (Suburban Residential), and the City of Cannon Falls.
- The property consists of one parcel containing approximately 8.76 acres. Zone A-3 minimum lot size is 35 acres.
- Originally in 1978, the parcel was 26 acres. Around 1999, this parcel was split into smaller pieces to what is present today.
- The pool was permitted for construction on October 20<sup>th</sup>, 2020.
- 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.
- There are existing structures on the property including a dwelling (built around 2000) and other accessory buildings. An existing pole building was constructed approximately 12 feet from the north property line sometime between 2000 and 2005. The Applicant also owns parcel 41.012.0300 to the north. In the early 2000s County Zoning administratively allowed reduced setbacks from commonly owned property lines.
- Surrounding land uses include row crop agriculture, Cannon River Recreation District along the Cannon River, Highway 52, and medium-density residential.
- The septic system is in the grassy area to the north of the dwelling.
- The Applicant is proposing to locate the new building 10 feet from the west property line.

- The Applicant rejected the alternative to place the pool house on the south side of the pool for safety reasons because that is the deep end of the pool.
  - 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 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 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 Andrew Sandstrom (Owner) to A-3 Zoning District standards to allow an accessory building to be constructed 10 feet from a side yard property line.



RECEIVED

MAY 23 2024

For Staff Use Only	
Permit #	24-0029
\$400 Receipt #	273284167
DATE: 5/23/24	

# Variance Land Use Management

SITE ADDRESS, CITY, AND STATE	ZIP CODE
30127 59th AVE WAY CANNON FALLS, MN	55009

LEGAL DESCRIPTION:					Attached <input type="checkbox"/>
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):	
410130700	A3	8.5		50 X 20	

APPLICANT OR AUTHORIZED AGENT'S NAME  
Andy Sandstrom

APPLICANT'S ADDRESS:	TELEPHONE:
	EMAIL:

PROPERTY OWNER'S NAME:  
Same as Above

PROPERTY OWNER'S ADDRESS:	

CONTACT FOR PROJECT INFORMATION:  
Same as Above

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 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
	PROPOSED USE: POOL HOUSE
	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.		
TOWNSHIP OFFICIAL'S SIGNATURE	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: Andrew Svalator Date: 5-23-24



**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:

NEW POOL HOUSE

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

CANNOT BUILD - HOUSE WOULD BE OFFCENTERED OF POOL

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:

POOL HAS ALREADY BEEN INSTALLED

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

WOULD GET TOO CLOSE TO SEPTIC TANK  
IF PUT ON OTHER END OF POOL YOU WOULD BE IN THE DEEP END

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

SAME AS ABOVE

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

NO - NO NEIGHBORS AROUND ME AND NO OTHER ANY DEVELOPMENT ON THAT SIDE OF MY PROPERTY

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME STANTON  
Parcel # 410130700

Goodhue County

APPLICANT INFORMATION

Last Name SANDSTROM First ANDREW M.I. R  
Street Address 30127 59th AVE WAY Phor \_\_\_\_\_  
City CANNON FALLS State MIN. ZIP 55009  
Email Address \_\_\_\_\_  
Township \_\_\_\_\_ Range 18 Section 13

PROJECT INFORMATION

Site Address 30127 59th AVE WAY CANNON FALLS, MN. 55009  
Zoning District R-1 Lot Size 0.5 ACRES Structure Dimensions \_\_\_\_\_  
Type of Project \_\_\_\_\_ Proposed Use POOL HOUSE AND DECK  
Structure Type WOOD-CEMENT Replacement? YES  NO   
Variance # \_\_\_\_\_ Conditional Use Permit # \_\_\_\_\_

GPS Coordinates

DISCLAIMER AND SIGNATURE

I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.

Signature Andrew Sandstrom Date \_\_\_\_\_

TOWNSHIP APPROVALS

I hereby certify that the above described project has been approved by the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.

Signature Charles G. Peters Title Chair Date 6-20-23

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Application fee \$140.00 Receipt Number \_\_\_\_\_

+ 46.00 per. Fee



## Stanton Township Board Meeting

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Chairman Ken Burns signed the mylar copy for the County recording as requested by John and Jeff Moorhouse.

5. Tammy and Dave Affolter, requested a Zoning Certificate approving the construction of a 32x42 garage addition, to an existing detached garage, located to the west of the house, 4801 County 24 Boulevard, A-2, Parcel #410350100, 1 acre; Tammy Affolter reported that Parcel # 410350400, 26 acres had been combined with the 1 acre parcel. The new parcel assumes the 410350100 ID number. She submitted a copy of the paperwork from the Goodhue County Land Records Coordinator documenting the lot of record. Setbacks were reviewed and construction plans were reviewed.

Bob Benson made a motion to grant the request for a Zoning Certificate approving the construction of a garage addition. Ken Burns seconded the motion. The motion passed 3/0.

6. Andy Sandstrom, 30127 59<sup>th</sup> Avenue Way, requested a review for a pool house and deck addition construction project; GIS calculated setbacks, in 2021, differently than survey indicates. Mr. Sandstrom is requesting a Variance to allow a 10 foot side setback on the northwest property line, Parcel #410130700. The parcel is 8.5 acres in Stanton Township R-1; Goodhue County zones the parcel A-3.

Bob Benson made a motion to approve the side setback Variance request as it had been stated. Ken Burns seconded the motion. The motion passed 3/0.

Bob Benson made a motion to approve the associated Zoning Certificate for the construction of the pool house and the deck addition. Ken Burns seconded the motion. The motion passed 3/0.

### Clerk's Report:

1. Cheryle reported that the Zoom account had failed again; Ken had offered his assistance to digitize the Zoom payment; some discussion ensued regarding discontinuing the service for the next year. Karen Slininger clarified her view on the Zoom service as being a temporary arrangement meant to mitigate the effects of Covid 19 communicability. She noted that she did not intend to offend anyone by suggesting the discontinuance of the service. The Annual Meeting in March was noted as a possible forum for discussion of the matter. Jenelle Sternitzky added that the Zoom feature accommodates those that need access due to health and mobility issues.
2. Cheryle reported on the emails and calls regarding contamination of soil in the area of State Highway 56 and 330<sup>th</sup> Street. She reported that she had received a check and sent an Excavation permit to Mr. Robert Perkins of Environmental Restoration, LLC, Fenton, Missouri.



# MAP 02: VICINITY MAP

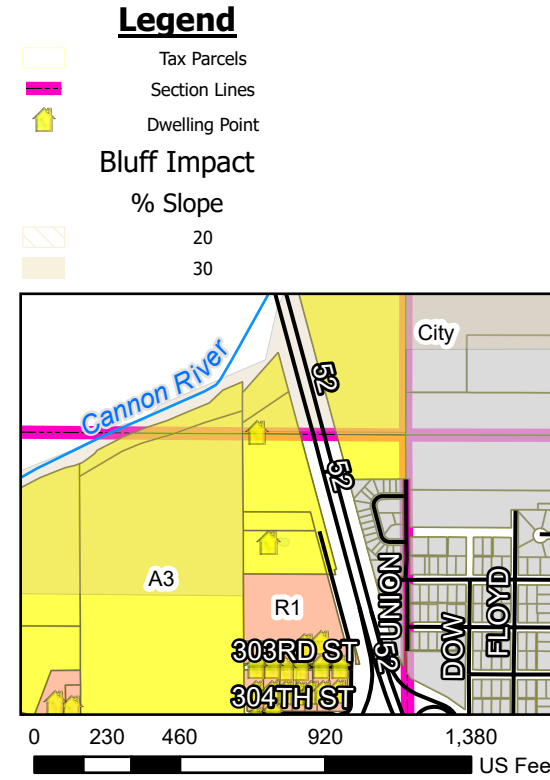
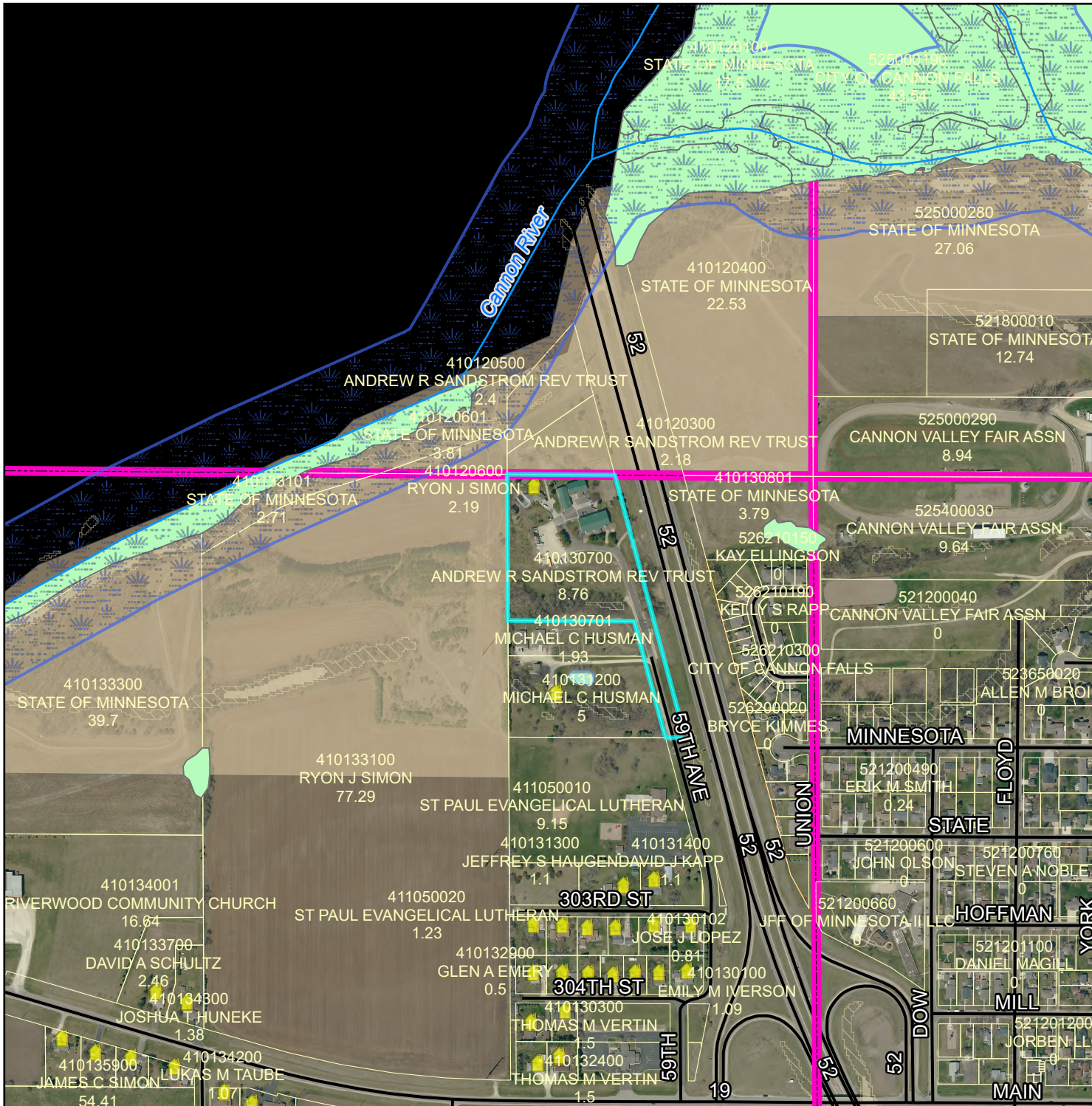
## BOARD OF ADJUSTMENT

Public Hearing  
June 24, 2024

Andrew Sandstrom (Owner)  
A-3 Zoned District

Part of the E 1/2 of the NE 1/4  
of Section 13 TWP 112 Range 18  
in Stanton 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.



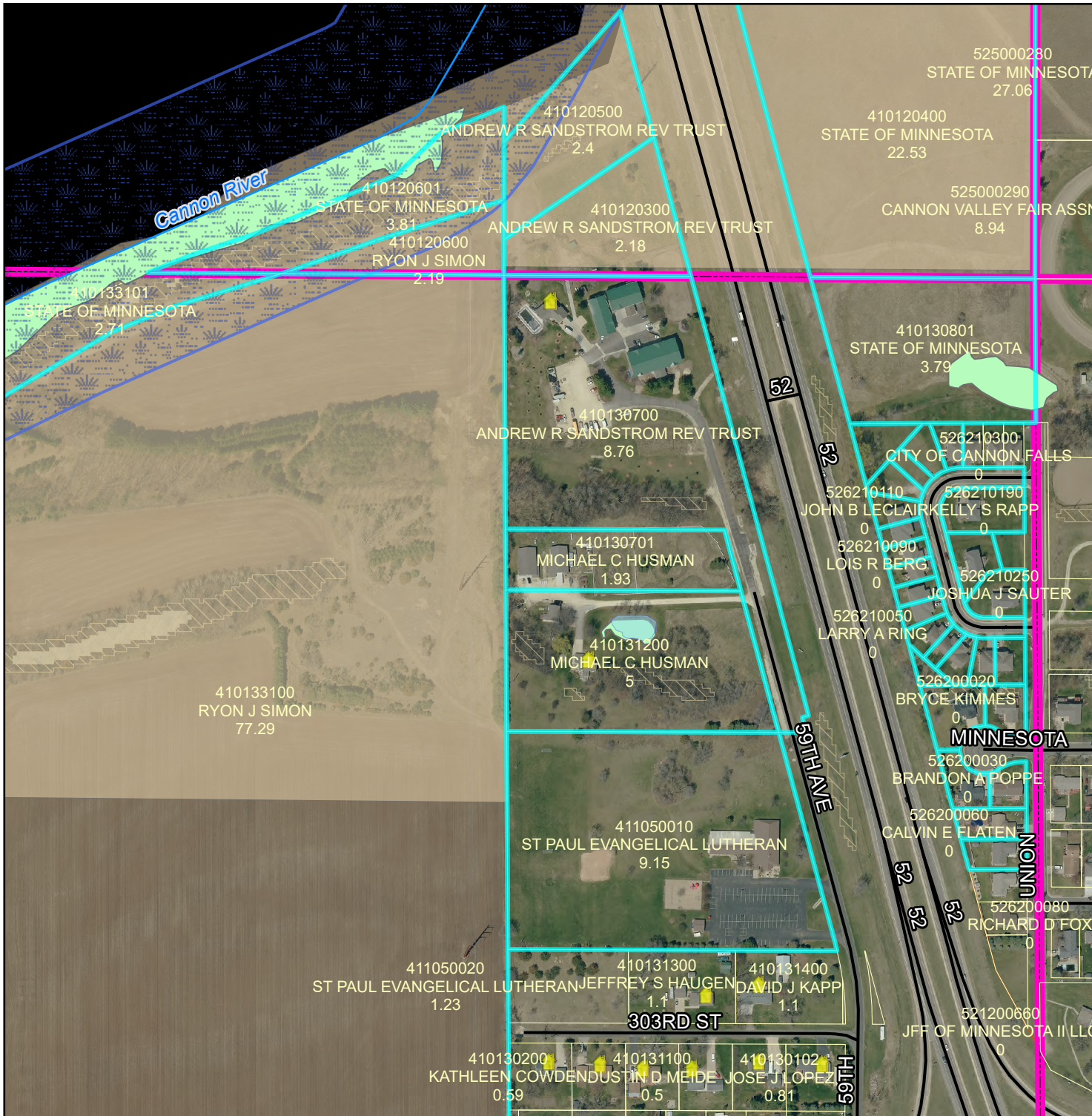
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Map Created June, 2024 by LUM





# PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP



## PLANNING COMMISSION

Public Hearing  
June 24, 2024

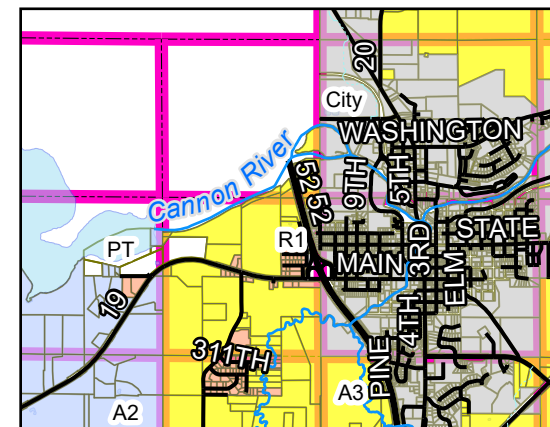
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### Legend

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



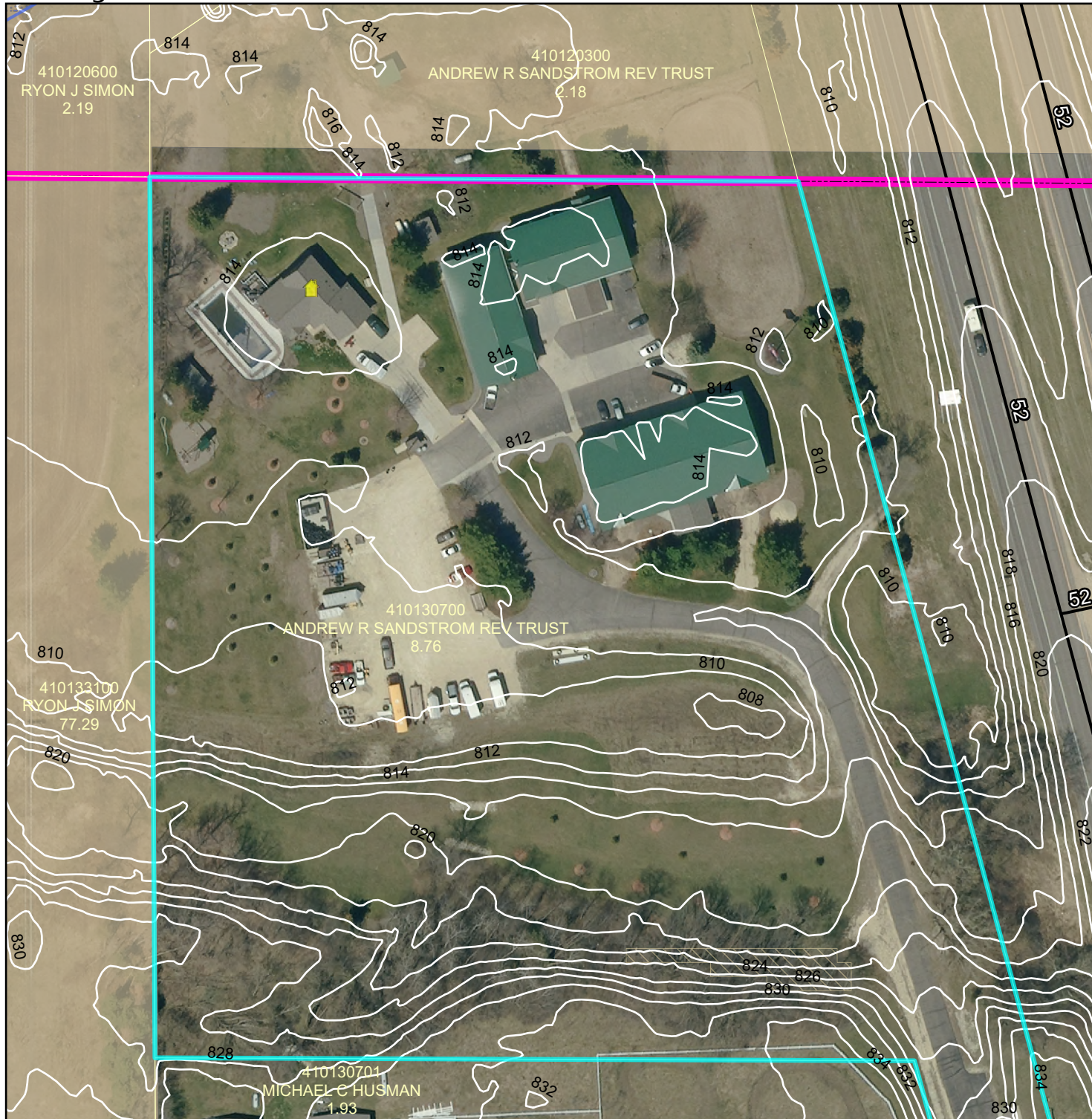
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# MAP 03: ELEVATIONS



## BOARD OF ADJUSTMENT

Public Hearing  
June 24, 2024

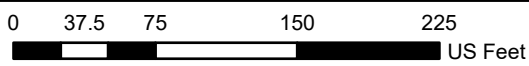
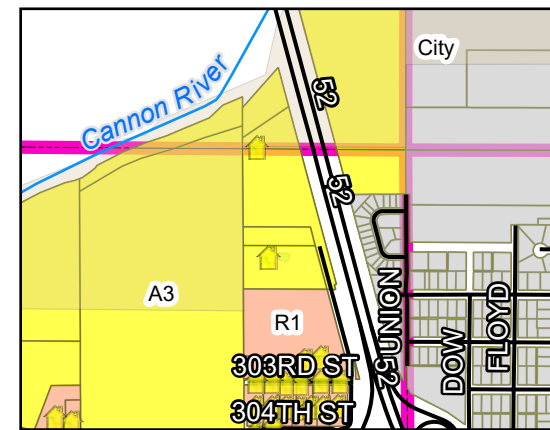
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23 A-3 Zoning District Standards  
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### Legend

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



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# MAP 01: PROPERTY OVERVIEW



## BOARD OF ADJUSTMENT

Public Hearing  
June 24, 2024

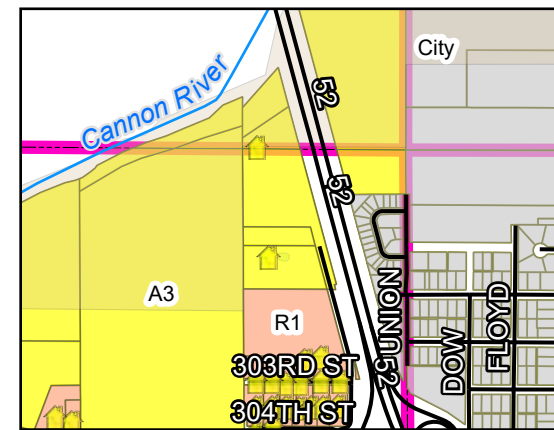
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23 A-3 Zoning District Standards  
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### Legend

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

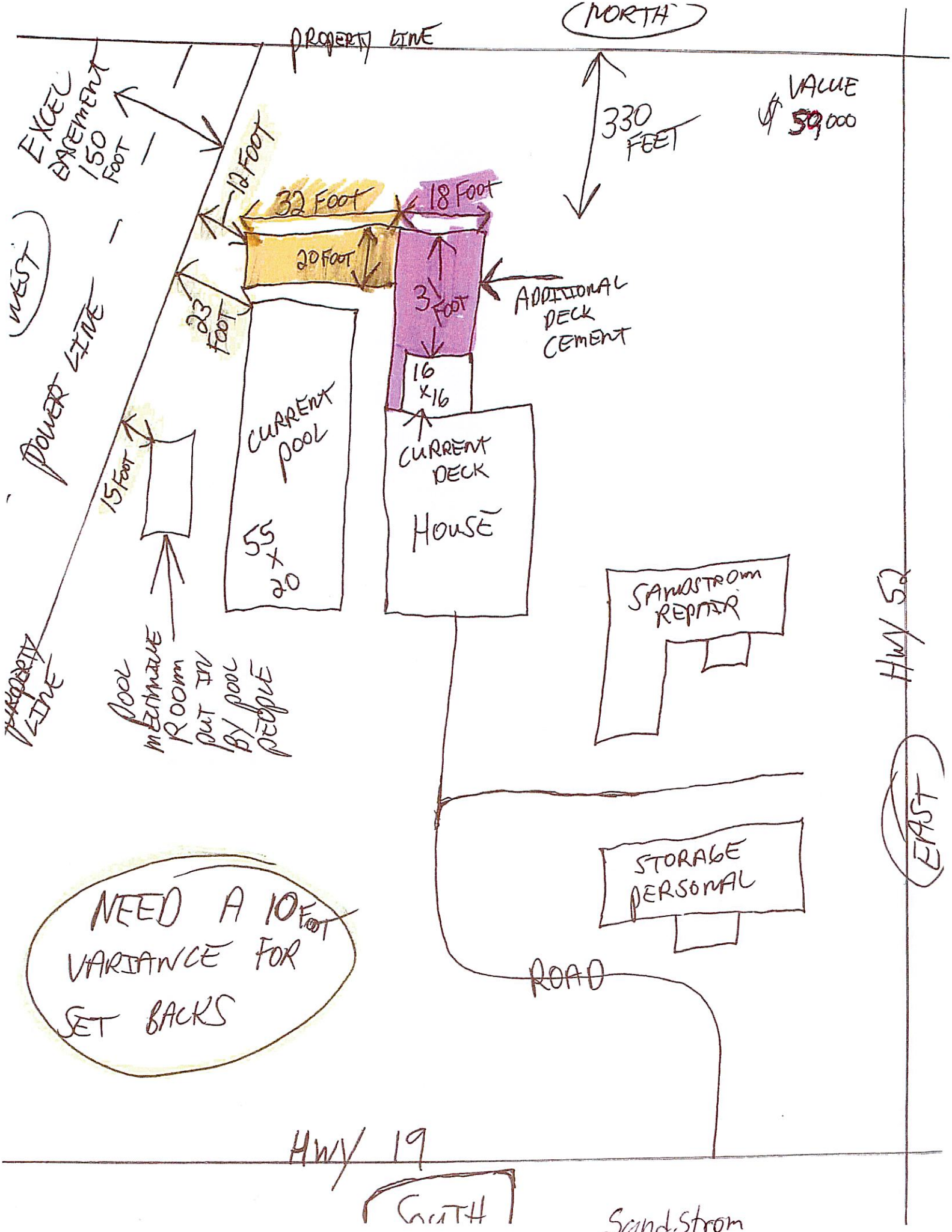


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Map Created June, 2024 by LUM







(NORTH)

VALUE \$59,000

330 FEET

PROPERTY LINE

EXCEL EXEMPT 150 FOOT

WEST  
POWER LINE

PROPERTY LINE

POOL MECHANICAL ROOM  
OUT IN BY POOL PEOPLE

23 FOOT  
CURRENT POOL  
55 x 20

12 FOOT  
32 FOOT  
20 FOOT

18 FOOT  
3 FOOT  
16 x 16  
CURRENT DECK  
HOUSE

ADDITIONAL DECK CEMENT

SANDBROOM REPAIR

STORAGE PERSONAL

ROAD

Hwy 52

(EAST)

NEED A 10 FOOT VARIANCE FOR SET BACKS

Hwy 19

(SOUTH)

Sandstrom











