

TO: Board of Adjustment
FROM: Land Use Management
MEETING DATE: September 23, 2024
REPORT DATE: September 13, 2024

PUBLIC HEARING: Request for Variance, submitted by Timothy and Challis Voth (Owners) 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): Timothy and Challis Voth (Owners)

Address of zoning request: 21948 282nd Street Red Wing, MN 55066.

Parcel: 31.002.3200

Abbreviated Legal Description: Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 02 TWP 112 Range 15 in Featherstone Township.

Township: Featherstone Township has been made aware of the request by staff (email and mailed letters). As of the writing of this report, staff has not heard from the Township. Featherstone Township will need to approve a zoning permit prior to construction of the accessory building. Staff will update the BOA with any comments from the Township (if any) at the September 23rd meeting.

Zoning District: A-3 (Urban Fringe)

Attachments:

Application

Site Map(s)

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

Background:

Timothy and Challis Voth (Owners) have applied for a variance to A-3 Zoning District standards to allow a 40-foot x 56-foot accessory building to be constructed zero feet from a side yard property line.

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.
- The Applicants own two parcels in two different sections of Featherstone Township. The minimum lot size for A-3 zoned parcels is 35 acres. The parcel in question is in Section 02 and consists of 40 acres which contains part of the Applicants' dwelling. The Applicants' other parcel is in Section 03 and consists of approximately 242 acres with part of the dwelling and an accessory building located approximately 10 feet from the section line.
- Accessory structures are a permitted use in the zoned A-3 District.
- 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 Applicants' request to construct an accessory building is a reasonable use of property in the A-3 District.
- The parcel in question has row crop agriculture, woodlands, and shoreland of an unnamed stream. There is an area of steeper slopes to the south and the north that may be considered bluffs.
- Surrounding land uses include mainly row crop agriculture among medium-density residential.
- The Applicant proposes locating the new building zero feet from the west property line/section line. There appears to be space on the property to accommodate a new structure that meets the required setbacks.

-
- The Applicants have indicated the proposed location was decided on based on grades to the east of the proposed building area. They have stated that a structure constructed here could impact drainage.
 - There are existing structures on the property that are too close or constructed over the section/property line.
 - There appears to be space on the property to accommodate the accessory building and meet the 30 foot setback requirement. Surrounding grades would require some fill to be brought in however the Applicants could work with staff and the SWCD to ensure no negative impacts to drainage and the Shoreland creek are caused.
 - Alternatively, parcels that are commonly owned in different sections may be combined via a plat. Once land is platted, setbacks from section lines are no longer applicable. Plats can be costly and time consuming for landowners.
 - 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 Timothy and Challis Voth (Owners) to A-3 Zoning District standards to allow an accessory building to be constructed zero 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 Timothy and Challis Voth (Owners) to A-3 Zoning District standards to allow an accessory building to be constructed zero feet from a side yard property line.



RECEIVED

SEP 05 2024

For Staff Use Only	
Permit #	24-0044
\$400 Receipt #	18523
DATE:	9-5-24

Variance

Land Use Management

SITE ADDRESS, CITY, AND STATE		ZIP CODE:
21948 282nd Street Red Wing, MN		55060
LEGAL DESCRIPTION:		

LEGAL DESCRIPTION:					Attached <input type="checkbox"/>
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):	
310023200	A-3	40A		40x56	

APPLICANT OR AUTHORIZED AGENT'S NAME	
CHALLIS VOTH	
APPLICANT'S ADDRESS:	TELEPHONE:
SAME AS ABOVE	
	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) <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:
	MACHINE STORAGE
	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	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: Challis Voth

Date: 9-5-2024

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:

Farmstead - want to put building close to existing building with water drainage taken into account - preserving crop land -

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

take into account it would take cropland, need alot of fill land create a drainage problem -

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:

Property is split between 2 sections with some buildings on both sides of the line

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

*the slopes with drainage and the water line could come into be a problem
Remove mature maple tree -*

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

PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

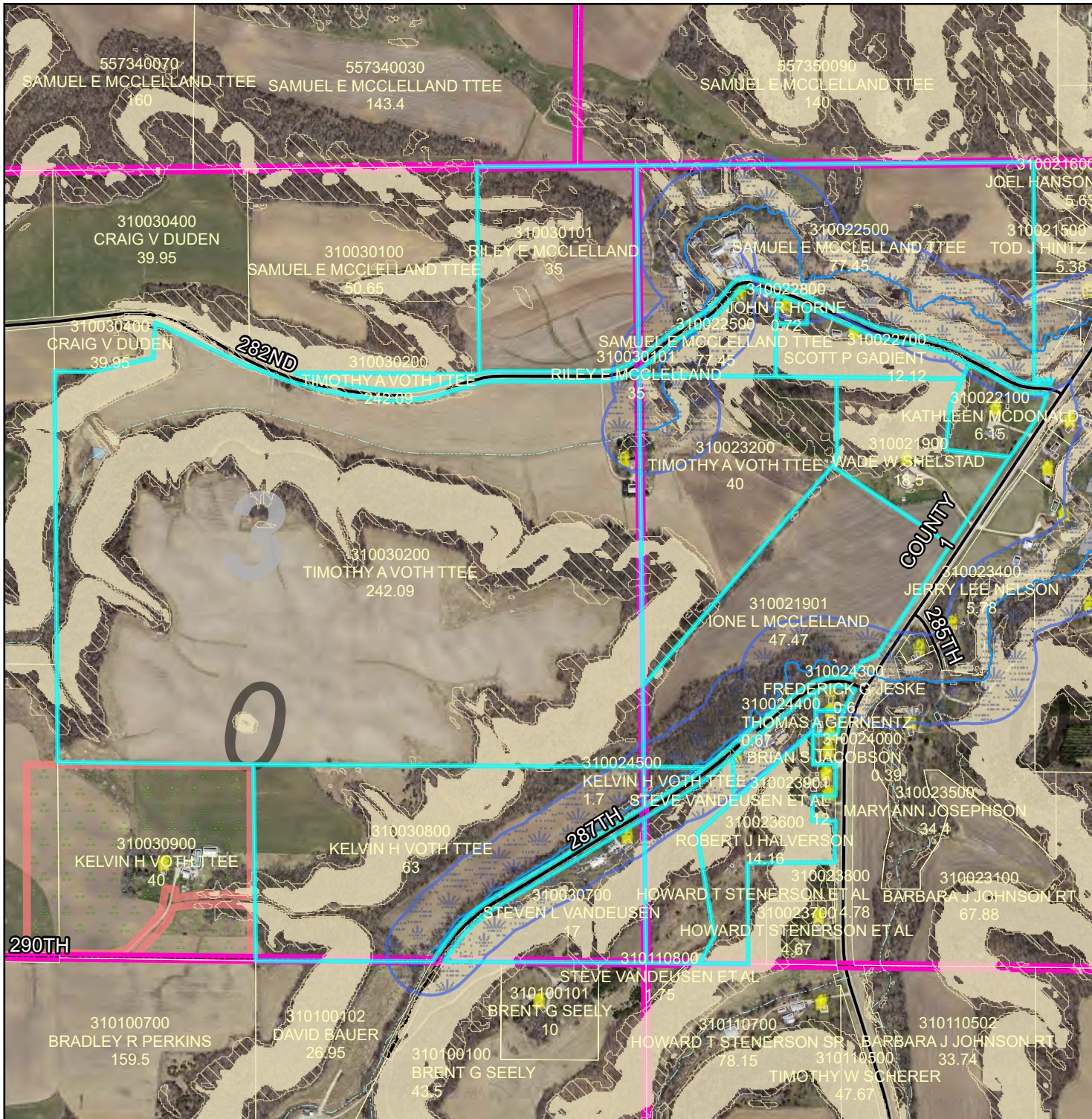
BOARD OF ADJUSTMENT

Public Hearing
September 23, 2024

Timothy and Challis Voth (Owners).
A-3 Zoned District.

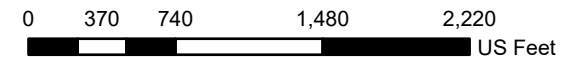
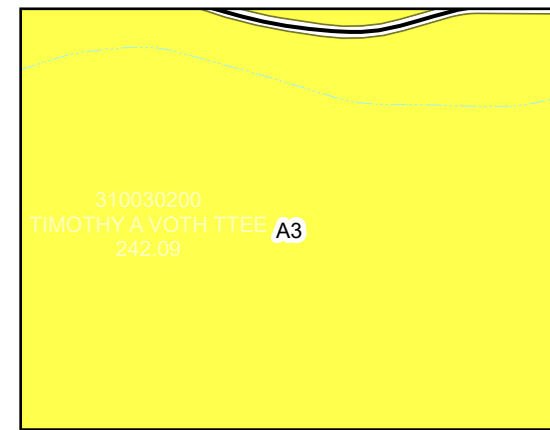
Part of the NW 1/4 of the SE 1/4 of Section 02
TWP 112 Range 15 in Featherstone Township.

Request for Variance to A-3 Zoning
District Standards to allow an
Accessory Structure to be constructed
less than 30 feet from a side yard
property line.



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		



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MAP 02: VICINITY MAP

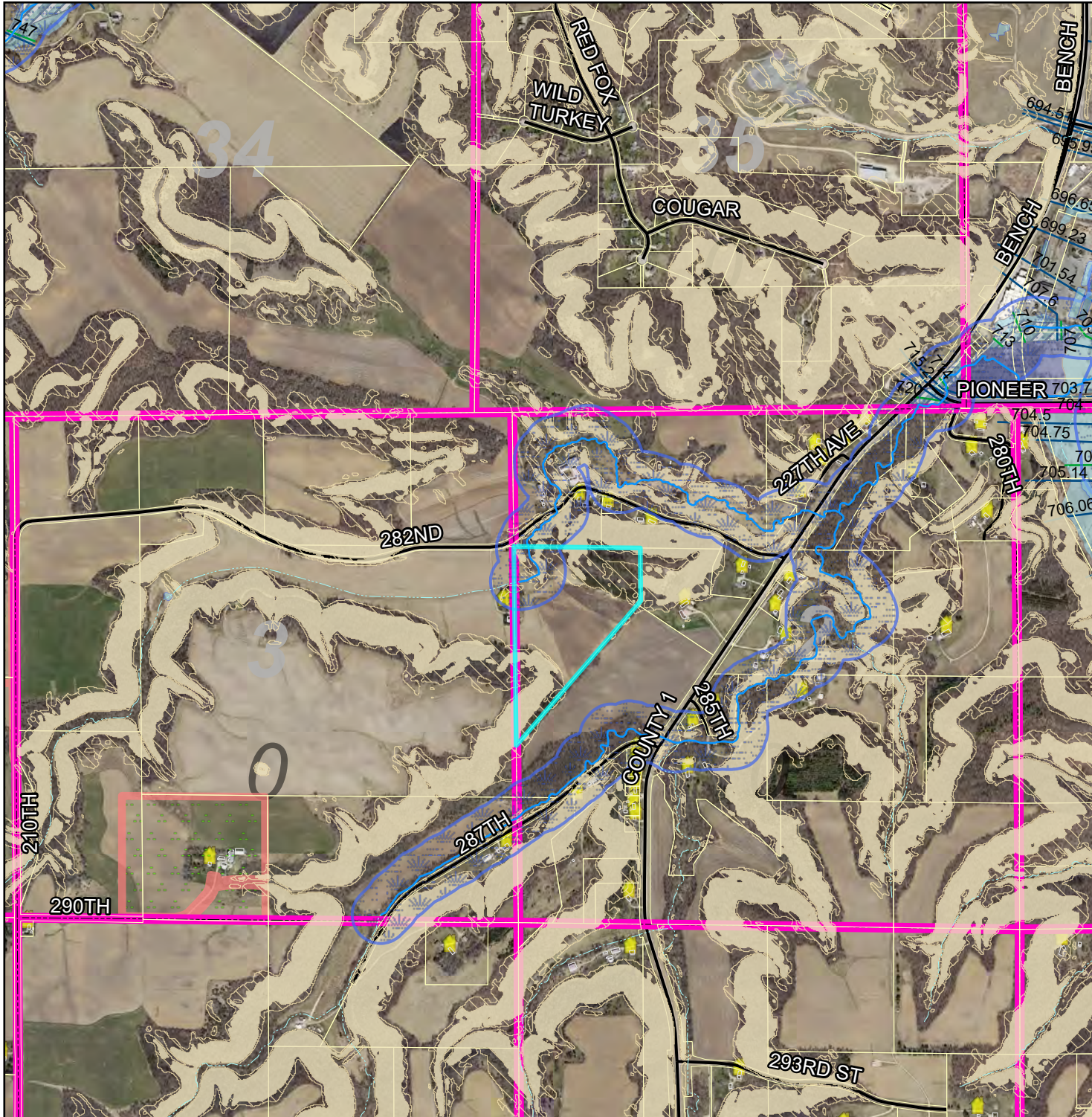
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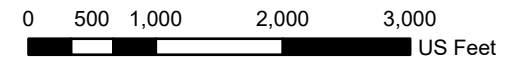
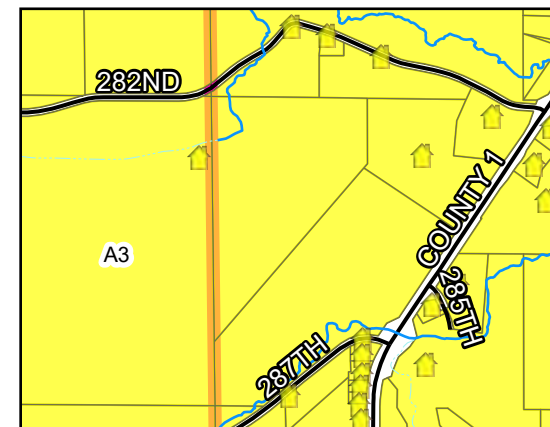
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	Protected Streams		20
	Lakes & Other Water Bodies		30
	Shoreland		FEMA Flood Zones
	Historic Districts		2% Annual Chance
	Parcels		A
	Registered Feedlots		AE
	Dwellings		AO
	Municipalities		X

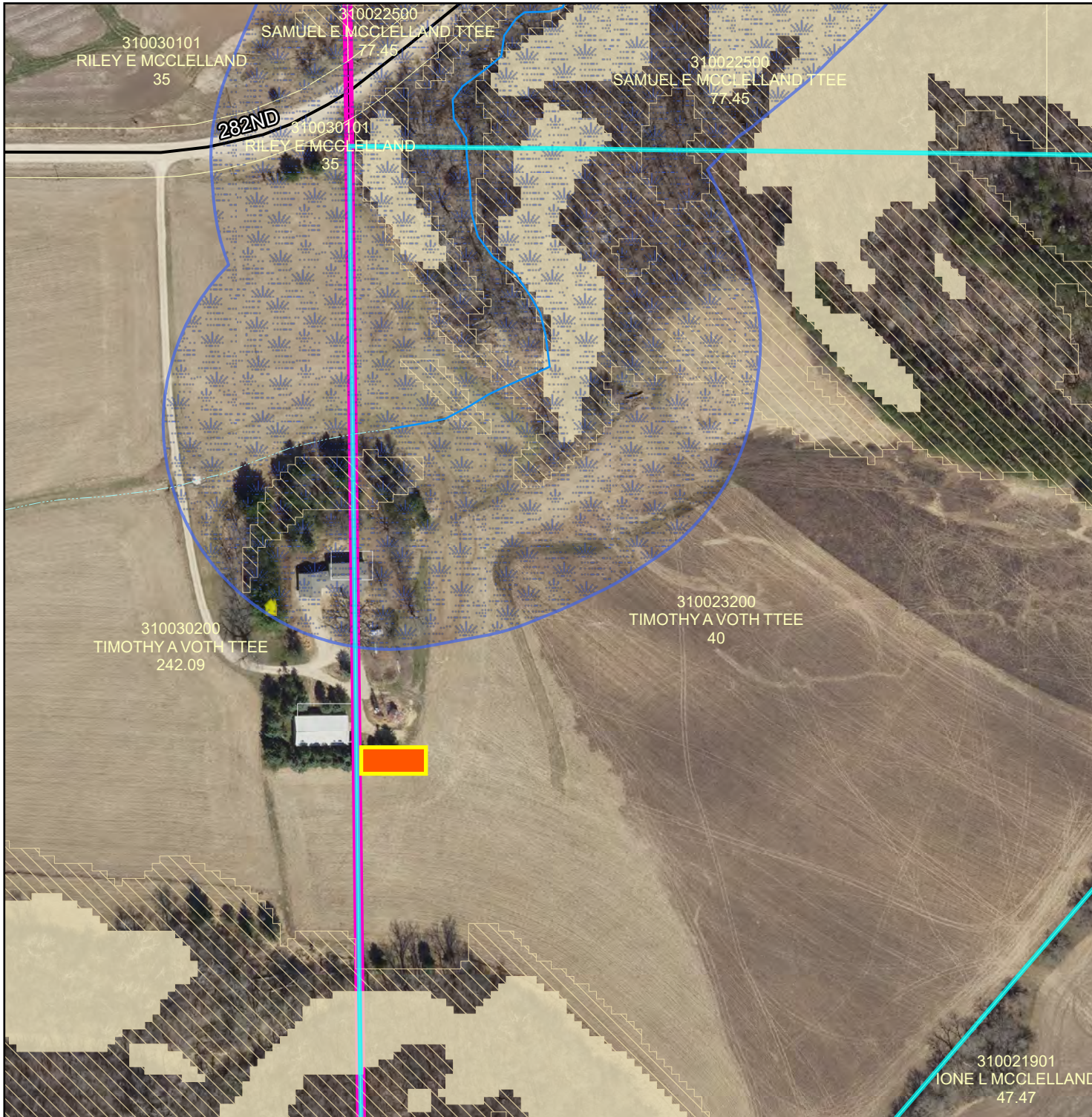


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MAP 01: PROPERTY OVERVIEW



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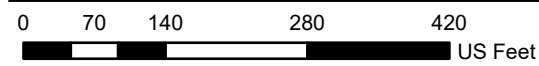
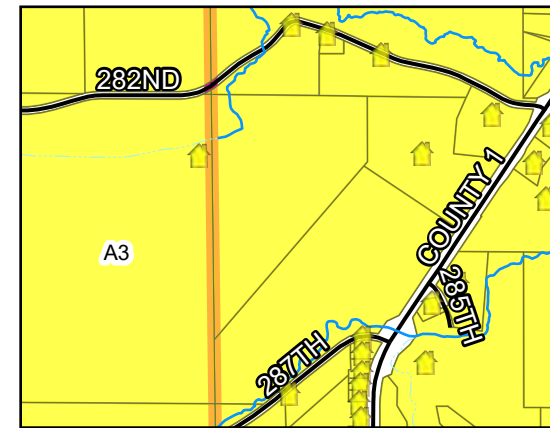
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	Shoreland		FEMA Flood Zones
	Historic Districts		2% Annual Chance
	Parcels		A
	Registered Feedlots		AE
	Dwellings		AO
	Municipalities		X

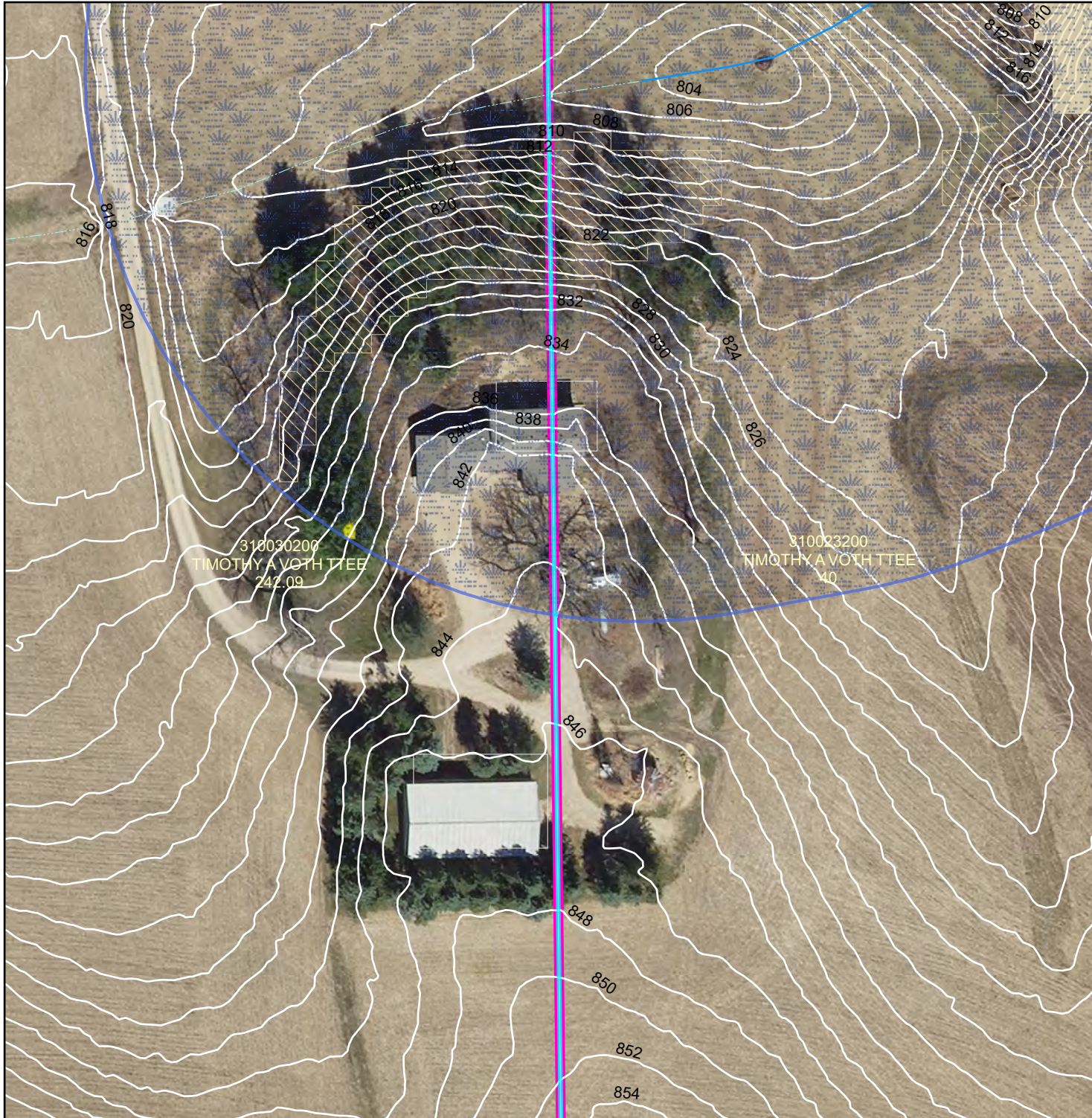


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

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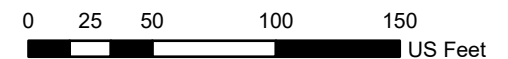
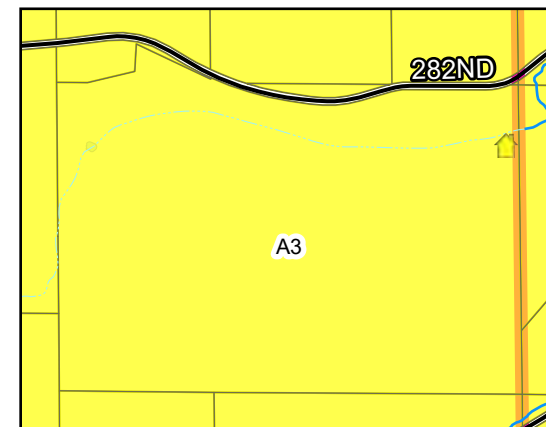
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Shoreland	FEMA Flood Zones
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



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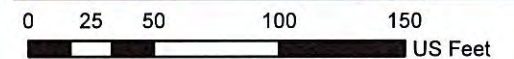
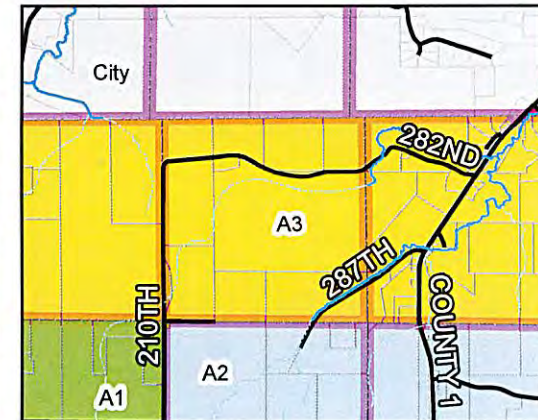
SITE PLAN

State the use of the property. Show the size, shape and location of structures with distance to property lines and location of ALL wells and septic systems.



Legend

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



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