
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 Emery Maher (Applicant) on behalf of Emmanuel Lutheran Church (Owner) to A-1 Zoning District standards to allow a church addition to be constructed less than 60 feet from the County 1 BLVD Right-of-Way and less than 30 feet from side and rear yard property lines.

Application Information:

Applicant(s): Emery Maher (Applicant) on behalf of Emmanuel Lutheran Church (Owner)
Address of zoning request: 42957 County 1 BLVD Kenyon, MN 55946
Parcel: 44.017.0600
Abbreviated Legal Description: Part of the SE ¼ of the SE ¼ of Section 17 TWP 110 Range 17 in Wanamingo Township
Zoning District: A-1 (Agricultural Protection District)

Attachments:

Application
Site Map(s)

Background:

Emery Maher (Applicant), on behalf of Emmanuel Lutheran Church (Owner), has applied for a variance to A-1 (Agricultural Protection) zoning district minimum setback standards to allow a 16-foot x 40-foot church addition to be constructed 47 feet from the County 1 BLVD right of way, 3 feet from the south (side yard) property line and 2 feet from the west (rear yard) property line.

The church addition will be used for Sunday School space.

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 and right of way setbacks are intended to create separation among adjacent structures and roads to allow for adequate access and accommodate future road expansion.
- The church owns 5 parcels in the immediate vicinity on both sides of County 1 BLVD. The parcel in question is approximately 0.21 acres and contains the church building. The minimum lot size in the A-1 District is 2 acres.
- Locating the addition 47 feet from the County 1 BLVD right of way is not anticipated to further impede future road expansion or ongoing maintenance. The addition will be located further from the ROW than the front of the church. The front of the church is approximately 12 feet from the ROW. Goodhue County Assistant Engineer Jake Rezac reviewed the proposal and did not have any concerns with the distance from the right of way for the proposed addition.
- The addition would be located 3 feet from the south property line and 2 feet from the west property line. The adjacent property is owned by Emmanuel Lutheran Church and contains their cemetery and parking lot.
- All adjacent properties are zoned A-1, Agricultural Protection. Surrounding land uses include the Wanamingo Town Hall, row crop and animal agriculture, and medium-density residential at the intersection of County 8 BLVD and County 1 BLVD.
- 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 does not specifically address churches or places of worship however continuing to use existing structures and having places for individuals to assemble are supported by the Plan.

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 a church addition is a reasonable use of property in the A-1 District.

-
- The existing church was constructed prior to Goodhue County enforcing zoning rules.
 - The church and cemetery are on separate parcels to avoid ownership issues should the church no longer be able to maintain the cemetery and the Township need to take over maintenance.
 - The church received a variance in 2010 to construct an addition on the north side of the church 5 feet from the north property line.
 - The church also owns the land to the west and south where the addition will be less than 30 feet from the property lines.
 - 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.**
- Churches are a conditional use in the A-1 District. While the church does not have a conditional use permit, staff reviewed historical variance proceedings for multiple churches in Goodhue County where a conditional use permit was not required for an addition to an existing church. The proposal is not considered a use variance.

Township: Wanamingo Township is aware of the request. A special meeting of the Town Planning Commission and Town Board has been scheduled to consider a zoning permit for the addition on June 20, 2024. Staff will update the BOA on the Township’s action at the June 24th meeting.

The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing.

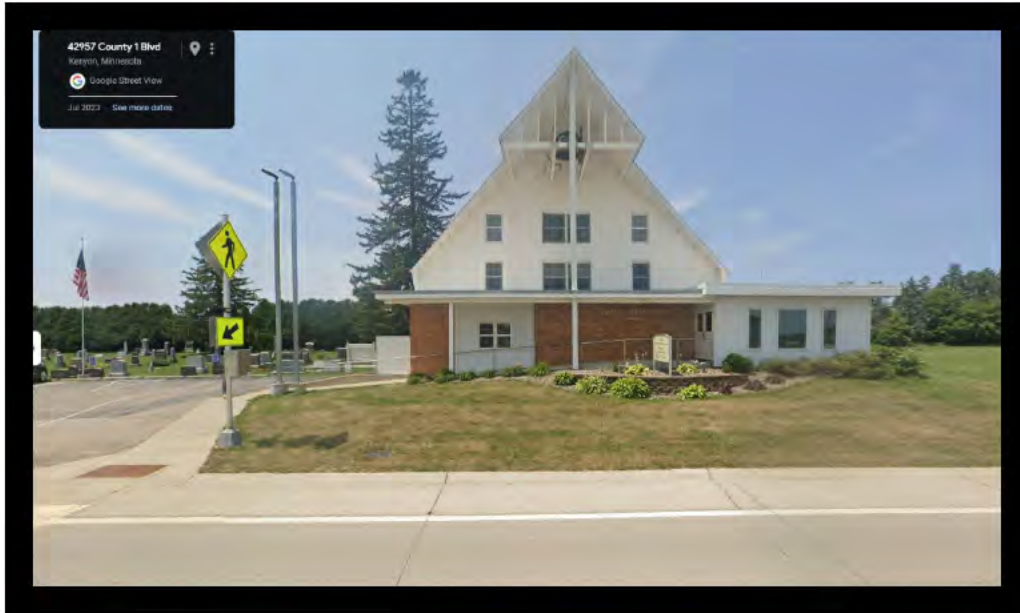
The Board should specify the facts and reasons that are the basis of the Board’s determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.

Staff Recommendation:

Staff Recommends the BOA:

- 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 Emery Maher (Applicant) on behalf of Emmanuel Lutheran Church (Owner) to A-1 zoning district standards to allow a church addition to be constructed 47 feet from the County 1 BLVD right of way, 3 feet from a side yard property line, and 2 feet from a rear yard property line.



2023 Google Streetview



2023 Eagleview Imagery

County 1 Boulevard (CR 1)



2023 Google Streetview



2023 Eagleview Imagery



RECEIVED

JUN 04 2024

Variance

Land Use Management

For Staff Use Only	
Permit #	224-0033
\$400 Receipt #	ONLINE
DATE:	6/4/2024

SITE ADDRESS, CITY, AND STATE		ZIP CODE:		
42957 COUNTY 1 BLVD KENYON MN		55946		
LEGAL DESCRIPTION:				
SECT-17 TWP-110 RANGE-017 .21 AC ID# 44-0000-20600 PART OF SE1/4 OF SE1/4 Attached <input type="checkbox"/>				
PID#:	ZONING DISTRICT:	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
440170600	915 church	0.21&0.95	120FT E&W, 75FT N&S	16'x40' Addition

APPLICANT OR AUTHORIZED AGENT'S NAME	
Emery Maher / Wood Doc. Construction	
APPLICANT'S ADDRESS:	TELEPHONE:
37000 35th ave way Dennison, MN 55018	
	EMAIL:

PROPERTY OWNER'S NAME:	
Same as Above <input type="checkbox"/> EMMANUEL LUTHERAN CHURCH	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
42957 COUNTY 1 BLVD KENYON MN	un
	EMAIL:
	un

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input type="checkbox"/> Emery Maher	
ADDRESS:	TELEPHONE:
37000 35th ave way Dennison, MN 55018	
	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:
	EMMANUEL LUTHERAN CHURCH
	PROPOSED USE:
	EMMANUEL LUTHERAN CHURCH
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:

Date: 5/3/24

REQUEST SUMMARY

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

Article: _____ Section: 17 Name: Property Line Setbacks south addition

Article: _____ Section: 17 Name: Property Line Setbacks west addition

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:

440170600 church

Describe the effects on the property if the variance is not granted:
there will be no sunday school addition

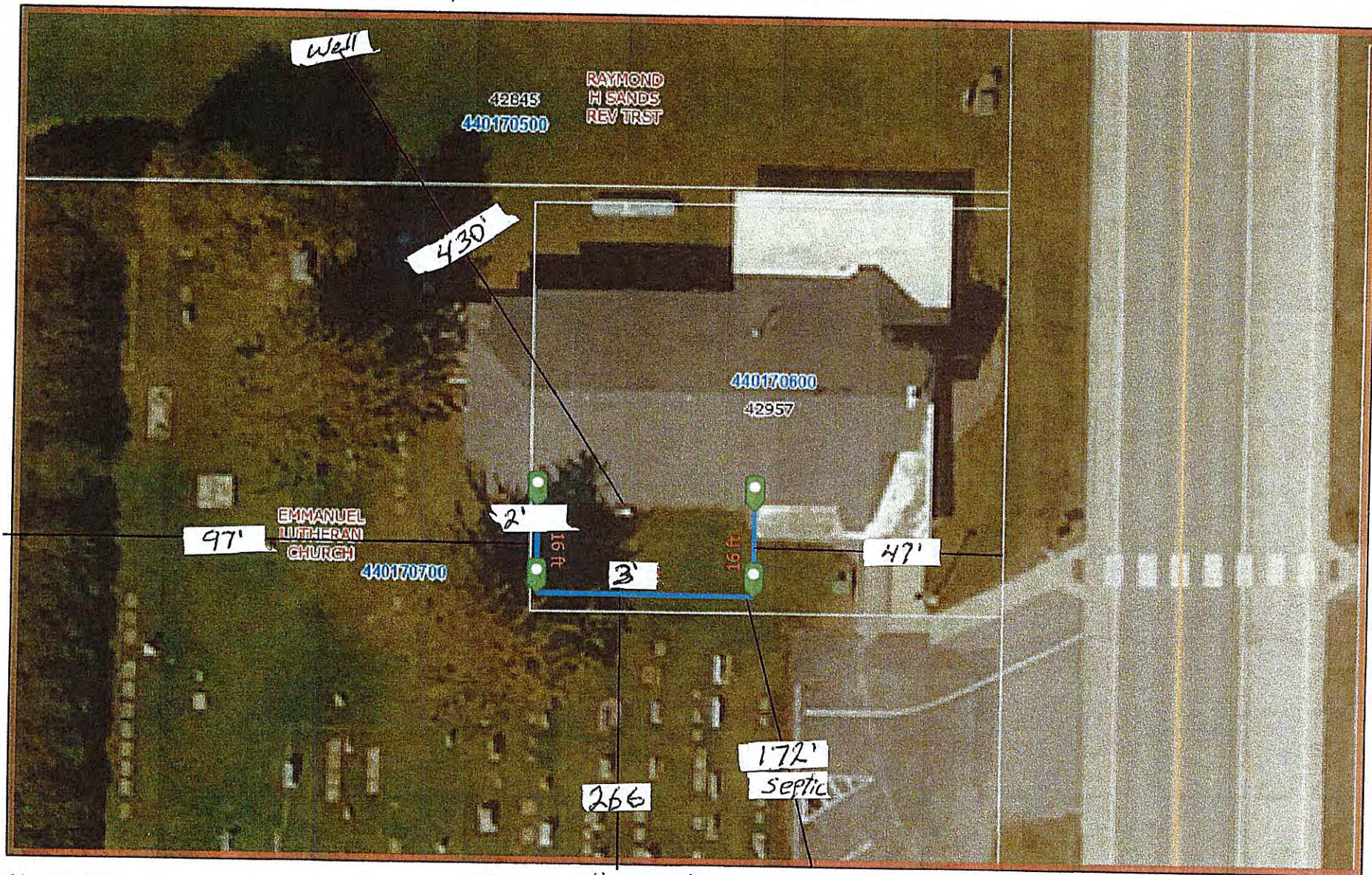
Describe any unique physical limitations that exist on your property, not generally found on others, which prevent you from complying with the provisions of the current ordinance:
no other aria to add on

Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them:
there are at this time no other alternatives

Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:
continue with an under sized aria for sunday school

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

No



May 31, 2024

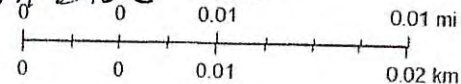
- GoodhueCo_PLSS
- Municipal Boundary

House Number Full Name

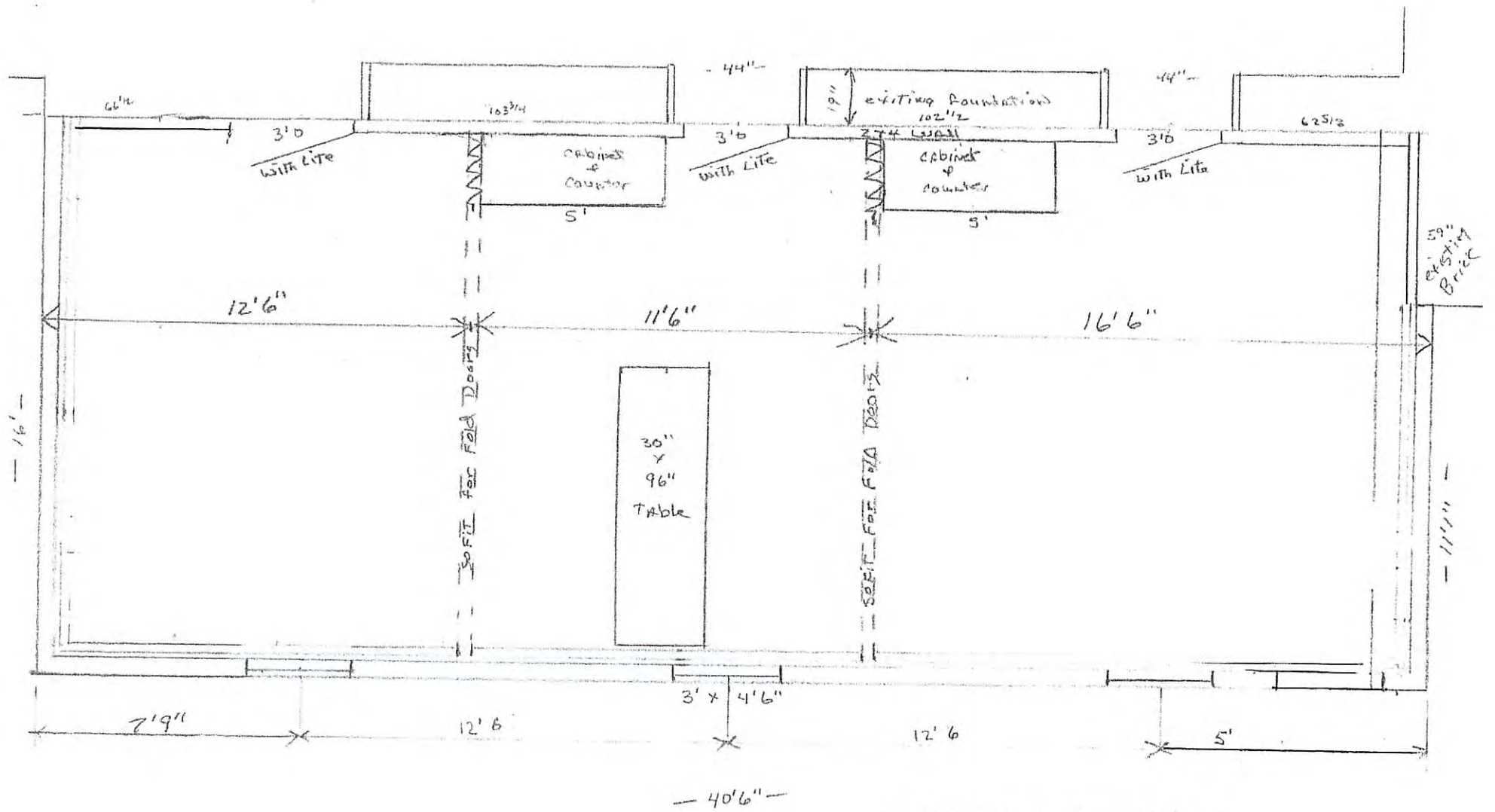
PIN

New 16' x 40' addition outlined in Blue

1:300



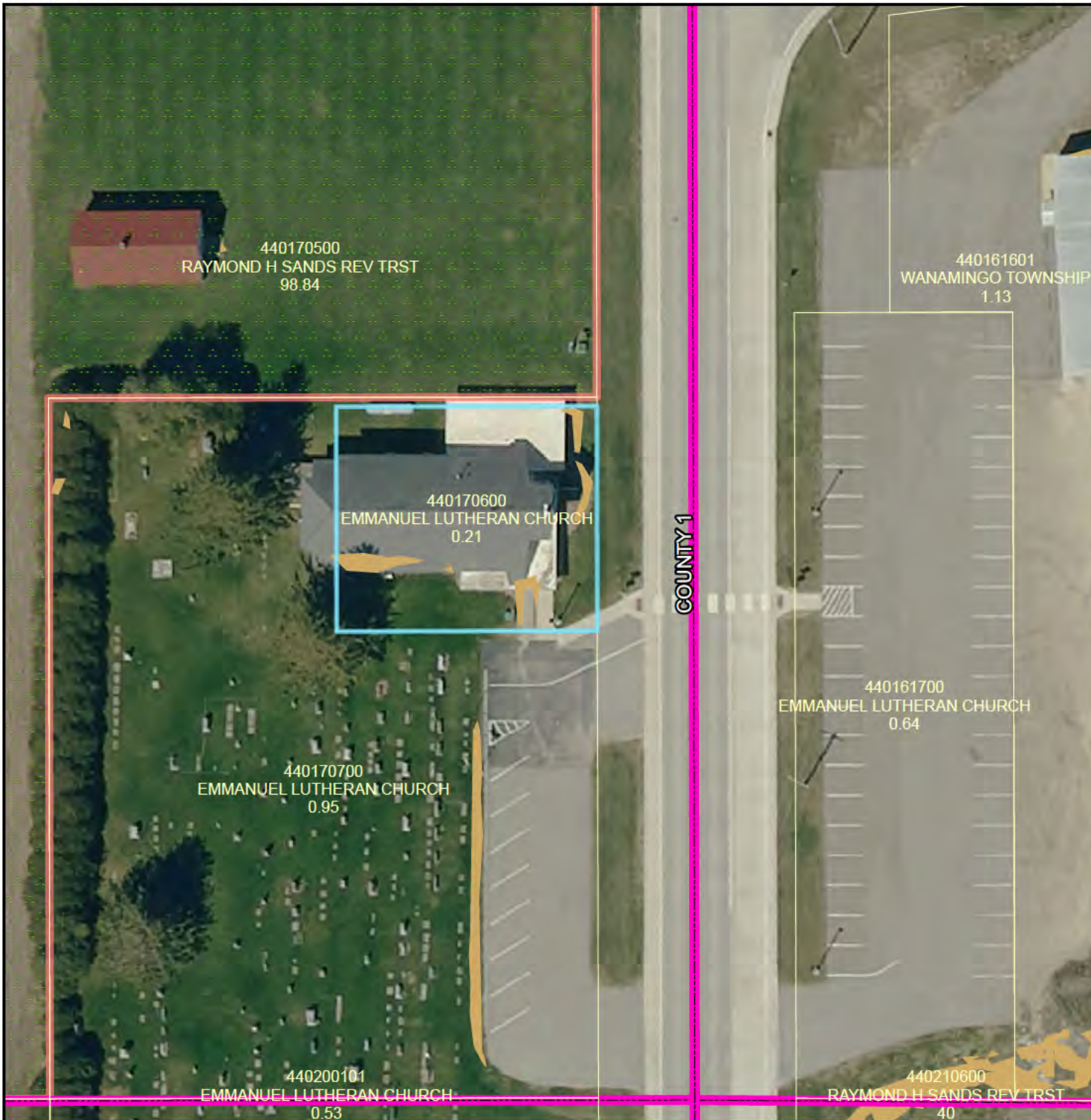
Parcels
 3' To the South Property Line
 2' To the West Property Line



Steel siding and wood work, Double 4"
 concrete Block Foundation Walls
 cut Existing concrete under existing 3 windows for Doors

EMMANUEL LUTHERAN Church
 Addition
 1/4" = 1'0" Scale
 640 sq. FT.
 revised 3-13-2024

MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

BOA Meeting
June 24, 2024

Emery Maher (Applicant) on behalf of
Emmanuel Lutheran Church (Owner)

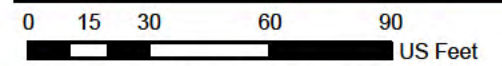
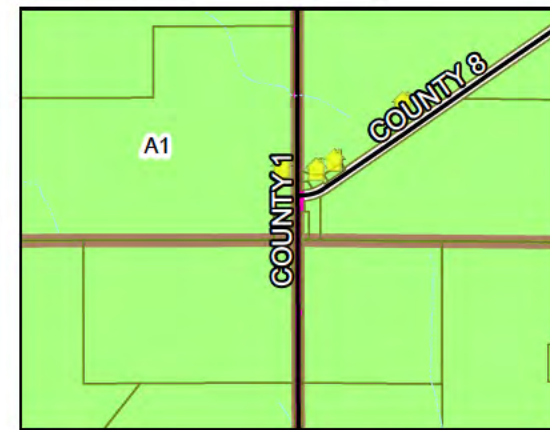
A1 Zoned District

Part of the SE 1/4 of the SE 1/4
of Section 17 TWP 110 Range 17 in
Wanamingo Township

Request for variance to allow a church
addition to be constructed less than 60
feet from the County 1 ROW and less
than 30 feet from side & rear yard property lines

Legend

	Intermittent Streams		Blufflands
	Protected Streams		30% Slope or Greater
	Lakes & Other Water Bodies		Bluffland Protected Soils
	Shoreland	FEMA Flood Zones	
	Historic Districts		2% Annual Chance
	Parcels		A
	Registered Feedlots		AE
	Dwellings		AO
	Municipalities		X

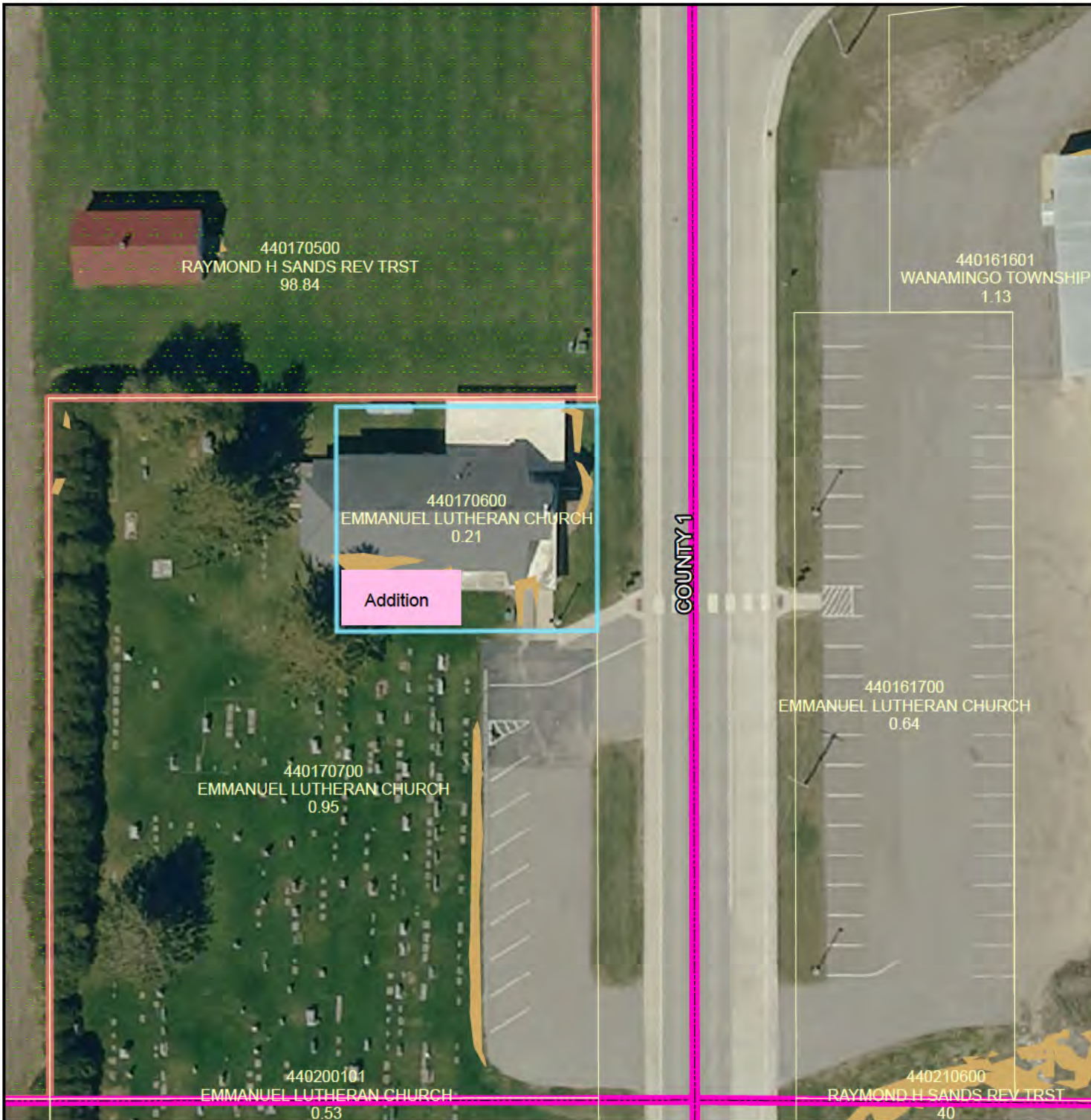


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MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

BOA Meeting
June 24, 2024

Emery Maher (Applicant) on behalf of
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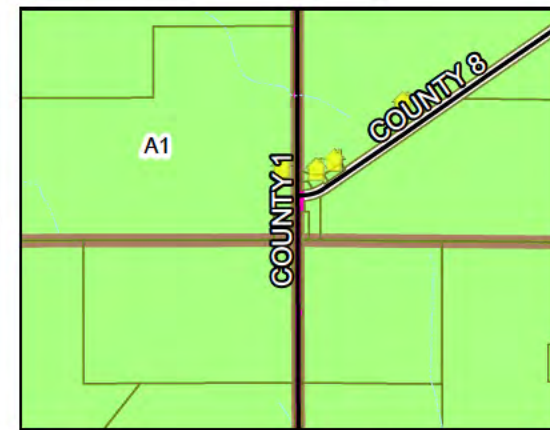
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	Protected Streams		30% Slope or Greater
	Lakes & Other Water Bodies		Bluffland Protected Soils
	Shoreland	FEMA Flood Zones	
	Historic Districts		2% Annual Chance
	Parcels		A
	Registered Feedlots		AE
	Dwellings		AO
	Municipalities		X



0 15 30 60 90 US Feet

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MAP 02: VICINITY MAP



PLANNING COMMISSION

BOA Meeting
June 24, 2024

Emery Maher (Applicant) on behalf of
Emmanuel Lutheran Church (Owner)

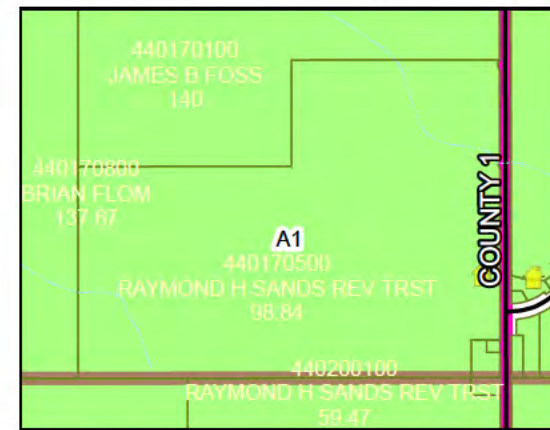
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Intermittent Streams	Blufflands
Protected Streams	30% Slope or Greater
Lakes & Other Water Bodies	Bluffland Protected Soils
Shoreland	FEMA Flood Zones
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



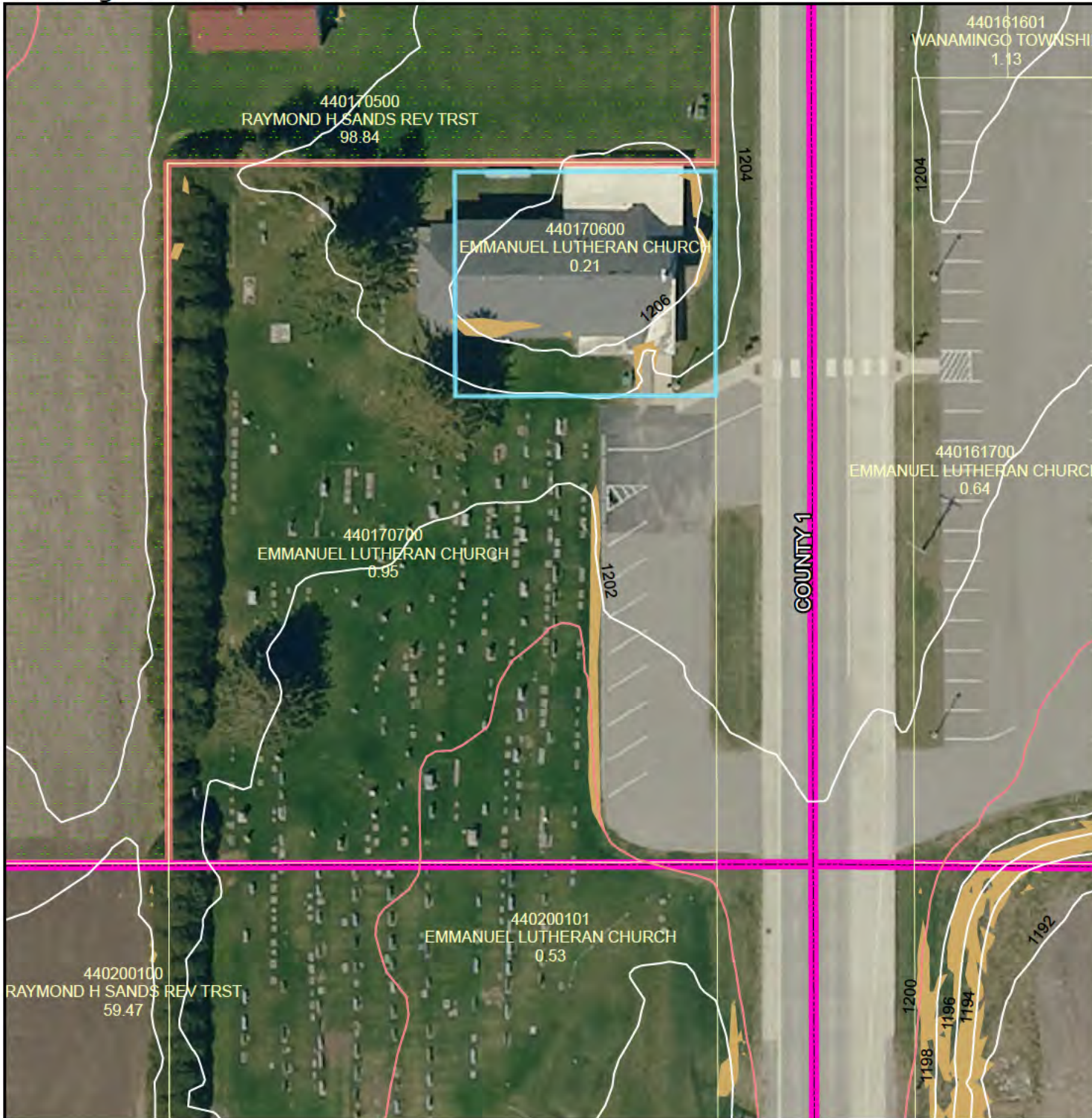
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MAP 03: ELEVATIONS



PLANNING COMMISSION

BOA Meeting
June 24, 2024

Emery Maher (Applicant) on behalf of
Emmanuel Lutheran Church (Owner)

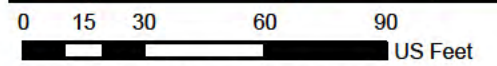
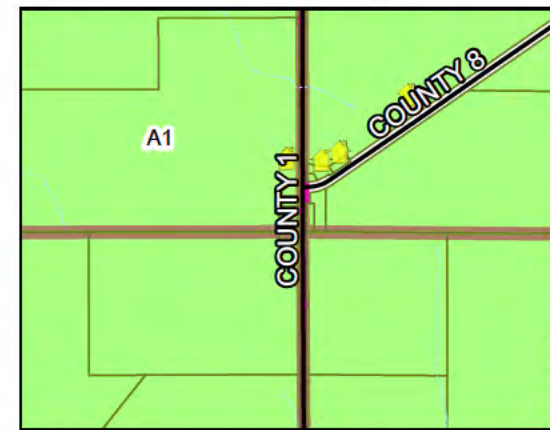
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Legend

Intermittent Streams	Blufflands
Protected Streams	30% Slope or Greater
Lakes & Other Water Bodies	Bluffland Protected Soils
Shoreland	FEMA Flood Zones
Historic Districts	2% Annual Chance
Parcels	A
Registered Feedlots	AE
Dwellings	AO
Municipalities	X

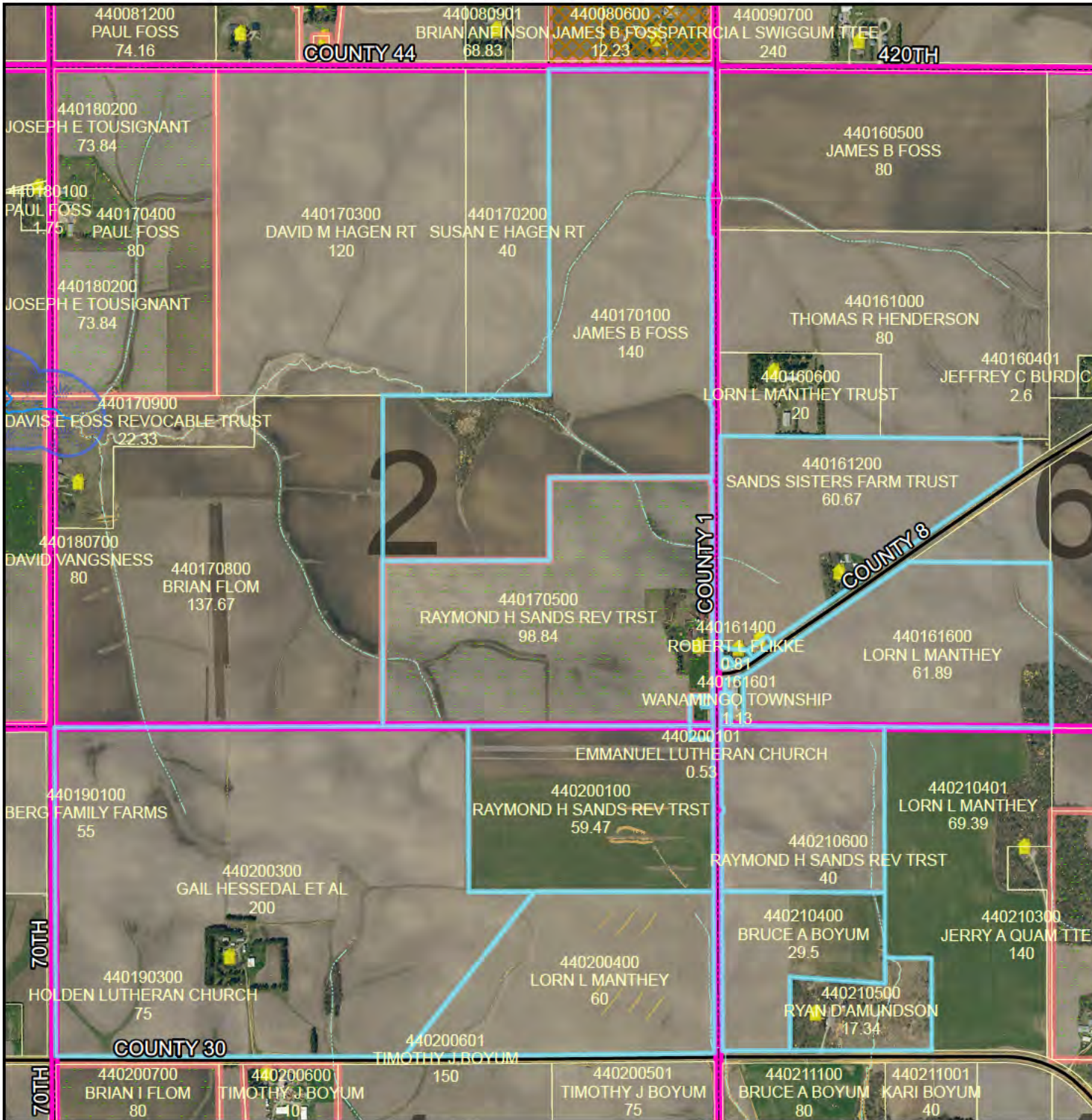


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PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP



PLANNING COMMISSION

BOA Meeting
June 24, 2024

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Emmanuel Lutheran Church (Owner)

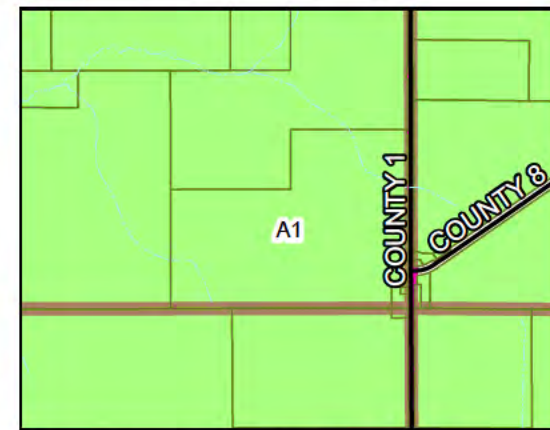
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Legend

- | | | | |
|--|----------------------------|--|--------------------------------------|
| | Intermittent Streams | | Blufflands
30% Slope or Greater |
| | Protected Streams | | Bluffland Protected Soils |
| | Lakes & Other Water Bodies | | FEMA Flood Zones
2% Annual Chance |
| | Shoreland | | A |
| | Historic Districts | | AE |
| | Parcels | | AO |
| | Registered Feedlots | | X |
| | Dwellings | | |
| | Municipalities | | |



0 435 870 1,740 2,610
US Feet

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