

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 Emery Maher (Authorized Agent) on behalf of Bradley Anderson (Owner) to A-1 Zoning District standards to allow an attached garage to be constructed less than 30 feet from a side yard property line.

Application Information:

Applicant(s): Emery Maher (Authorized Agent) on behalf of Bradley Anderson (Owner).

Address of zoning request: 31515 160th AVE Welch, MN 55089.

Parcel: 42.023.0700

Abbreviated Legal Description: The SW ¼ of the NW ¼ of Section 23 TWP 112 Range 16 in Vasa Township.

Township: Vasa Township signed the Township zoning application with no additional comments.

Zoning District: A-1 (Agricultural Protection)

Attachments:

Application

Site Map(s)

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

Background:

Emery Maher (Authorized Agent) on behalf of Bradley Anderson (Owner) has applied for a variance to A-1 Zoning District standards to allow an attached garage to be constructed 11 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-1 to the north, east, and south. And by property zoned A-2 to the west.
- The property consists of one parcel containing approximately 40 acres. The minimum lot size for A-1 zoned parcels is 2 acres. The dwelling was constructed around 1977 and meets required property line setbacks.
- 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 the continued use of rural dwellings 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 attached garage addition is a reasonable use of property in the A-1 District.
- The parcel is primarily row crop agriculture and is a registered feedlot with associated agricultural buildings. Surrounding land uses are predominantly row crop agriculture with low-density residential development.
- The Applicant proposes locating the garage 11 feet from the north property line. Situating the garage there will facilitate a “zero entry” garage to be constructed. Currently, they utilize an exterior lift off the deck for wheelchair access, and the garage would eliminate reliance on the lift. Constructing the addition at a different area of the house would not allow for zero entry.
- 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.

- Attached garages are permitted use in the A-1 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 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 (Authorized Agent) on behalf of Bradley Anderson (Owner) to A-1 Zoning District standards to allow an attached garage to be constructed 11 feet from a side yard property line.



RECEIVED

AUG 13 2024

Land Use Management

Variance

For Staff Use Only	
Permit #	7 24-0039
\$400 Receipt #	ONLINE
DATE:	8/12/24

SITE ADDRESS, CITY, AND STATE		ZIP CODE:
31515 160TH AVE WELCH MN 55089		55089

LEGAL DESCRIPTION:				
DOC#684018 SW1/4 OF NW1/4 SEC 23-112-16 ID# 42-0000-30700				
Attached <input type="checkbox"/>				
PID#:	ZONING DISTRICT:	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
420230700	A-1	40 acres	RANGE-016 40.00 AC	30'x 32 Garage

APPLICANT OR AUTHORIZED AGENT'S NAME	
Emery Maher - Wood Doc. Construction	
APPLICANT'S ADDRESS:	
37000 35th AVE WAY Dennison, mn 55018	
TELEPHONE:	
EMAIL:	

PROPERTY OWNER'S NAME:	
Same as Above <input type="checkbox"/> BRADLEY A ANDERSON	
PROPERTY OWNER'S ADDRESS:	
31515 160TH AVE WELCH MN 55089	
TELEPHONE:	
EMAIL:	

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input type="checkbox"/> Emery Maher	
ADDRESS:	
37000 35th AVE WAY Dennison, mn 55018	
TELEPHONE:	
EMAIL:	

VARIANCE REQUESTED TO: (check all that apply)		CURRENT OR PREVIOUS USE:	
<input type="checkbox"/> Road Right-Of-Way Setbacks	<input type="checkbox"/> % Lot Coverage	Dwelling	
<input checked="" type="checkbox"/> Property Line Setbacks	<input type="checkbox"/> Bluff Setbacks	PROPOSED USE:	
<input type="checkbox"/> Height Limits	<input type="checkbox"/> Shoreland Setbacks	Garage	
<input type="checkbox"/> Lot Width &/or Area	<input type="checkbox"/> Other (specify)	BUILDING APPLICATION PERMIT NO.: (if filed)	DATE FILED:
<input type="checkbox"/> Subdivision Regulations		Home owner has township approval to build a garage attached to there home and is waiting on variance approval before spending the money on a permit.	

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:  Date: 8-9-2024

REQUEST SUMMARY

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

Article: _____ Section: 17 Name: Property line setbacks North addition

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:

Home owner is looking to add a garage to there home off the North side of existing dwelling in order to have a zero entry garage there home.

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

wheelchair exit from the home would remain by exterior lift off there deck regardless of the inclement whether outside

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:

there is but one side of the home that will grant the owners zero entry from there home into an attach garage

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

using a lift for transfer from a wheelchair to a motor vehicle outside on gravel in Minnesota is a interesting challenge

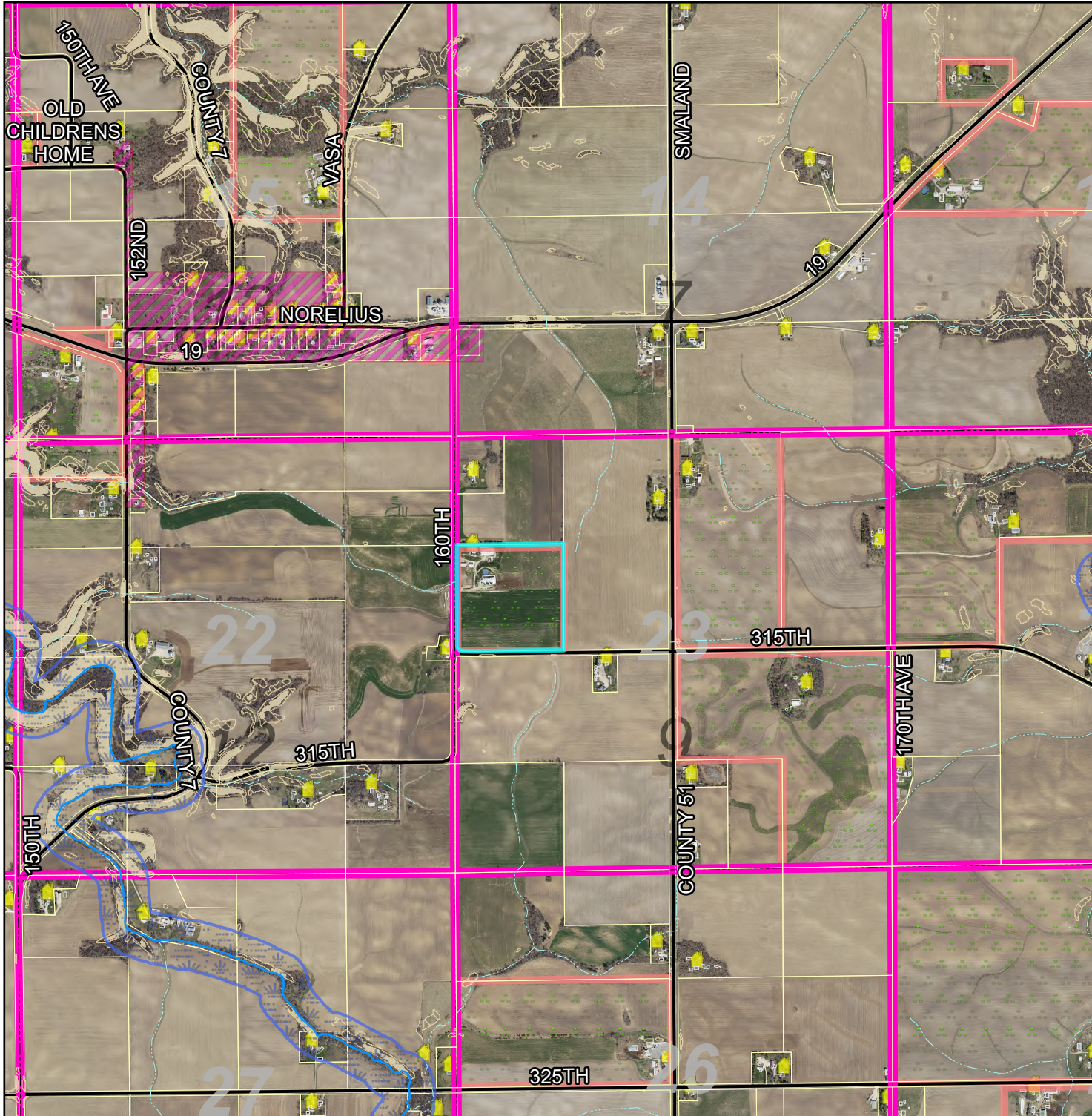
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

Adding a single car garage to the home witch would also need a variance approval.

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

No

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
September 23, 2024

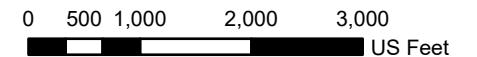
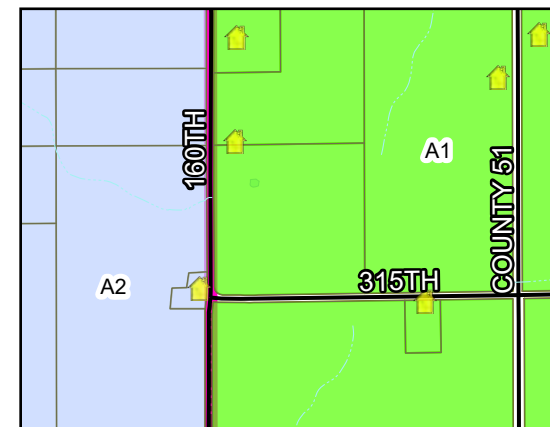
Emery Maher (Authorized Agent)
on behalf of Bradley Anderson
(Owner). A-1 Zoned District.

The SW 1/4 of the NE 1/4 of Section 23
TWP 112 Range 16 in Vasa Township.

Request for Variance to A-1 Zoning
District Standards to allow an
attached garage 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		
	Shoreland		
	Historic Districts		
	Parcels		
	Registered Feedlots		
	Dwellings		
	Municipalities		
			FEMA Flood Zones
			2% Annual Chance
			A
			AE
			AO
			X



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Map Created September, 2024 by LUM



PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

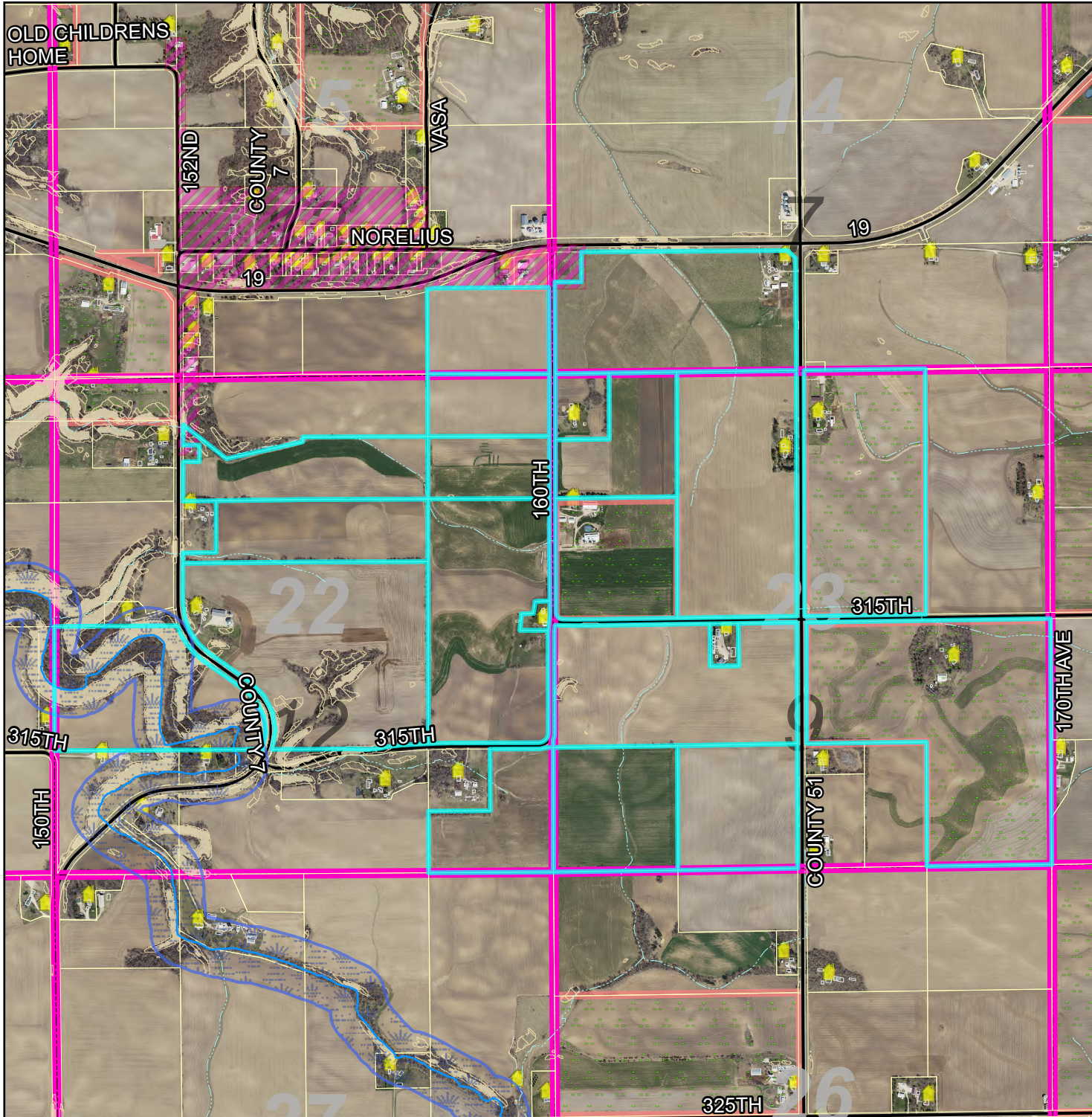
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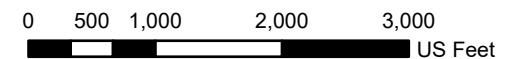
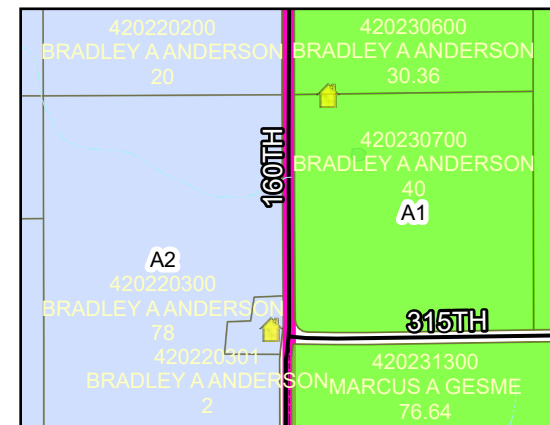
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Legend

- | | |
|----------------------------|------------------------------|
| 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 |

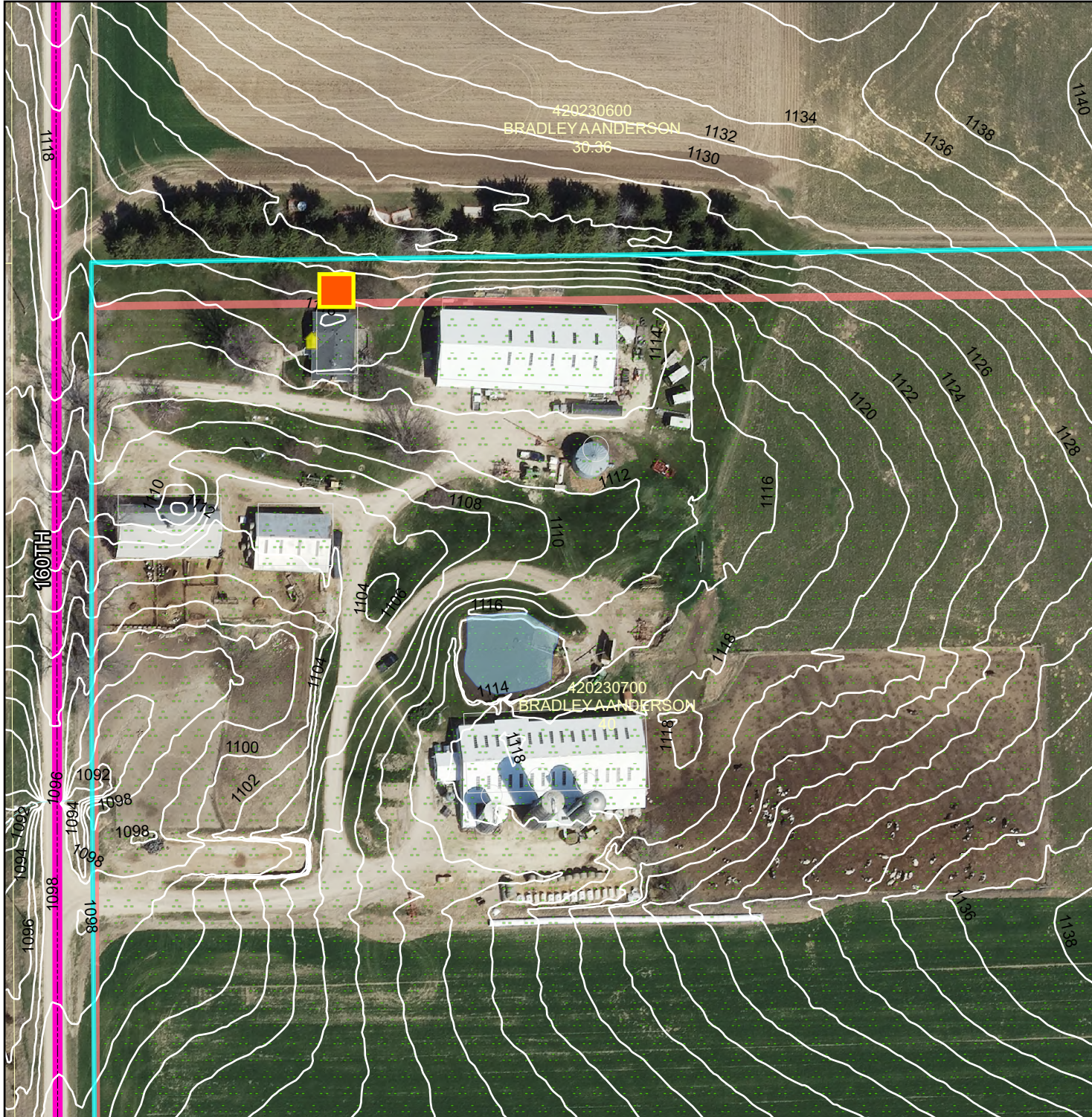


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

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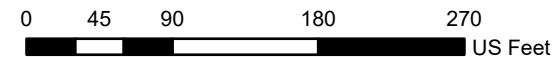
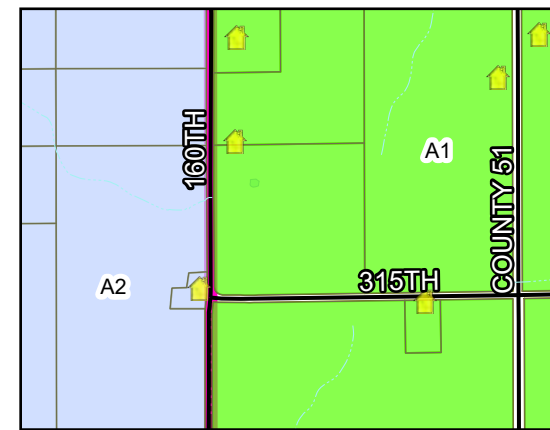
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Legend

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

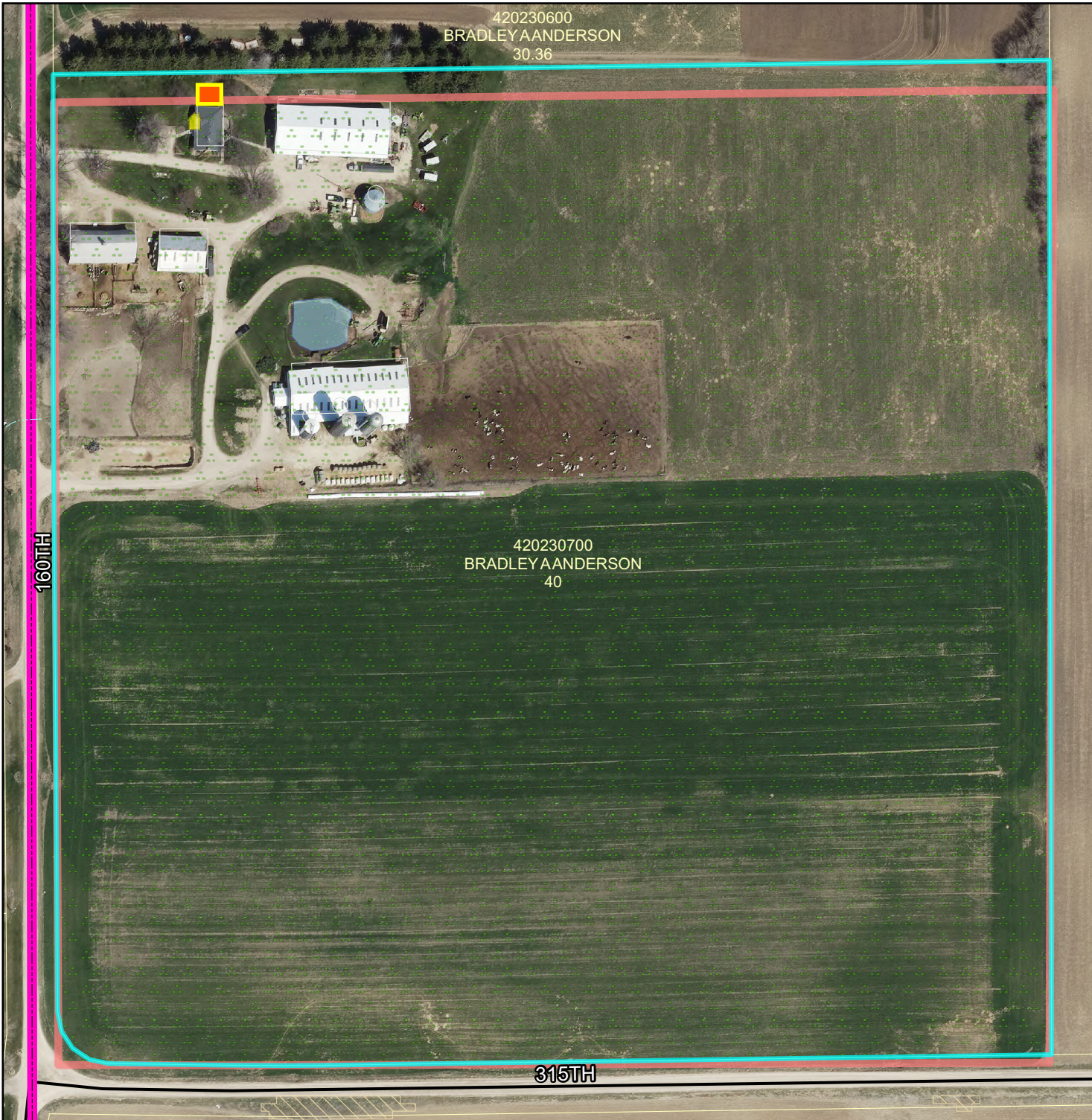


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MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

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September 23, 2024

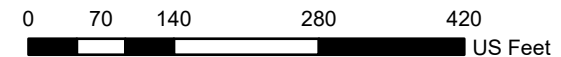
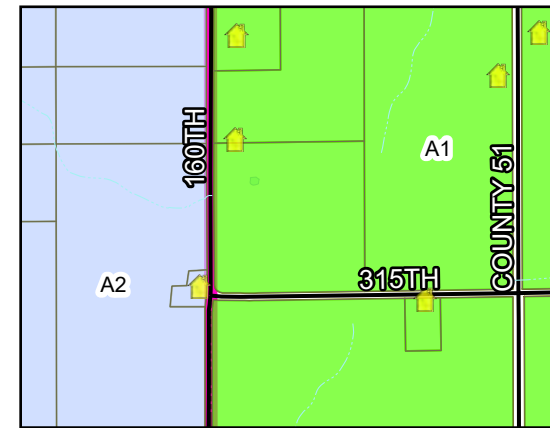
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	Protected Streams		20
	Lakes & Other Water Bodies		30
	Shoreland		FEMA Flood Zones
	Historic Districts		2% Annual Chance
	Parcels		A
	Registered Feedlots		AE
	Dwellings		AO
	Municipalities		X



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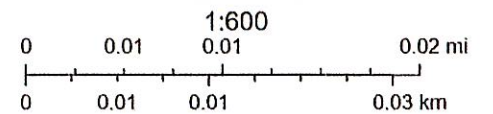
ArcGIS WebMap

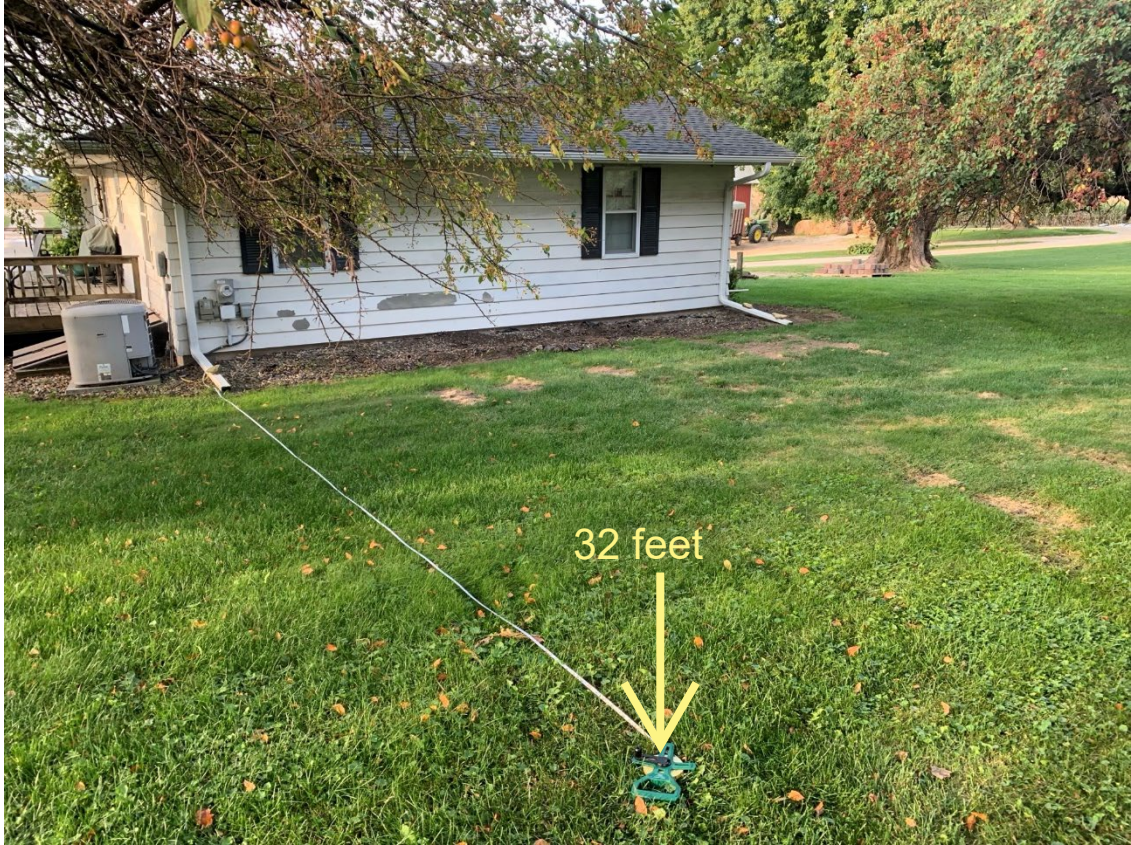


August 8, 2024

- GoodhueCo_PLSS
- Municipal Boundary
- Goodhue County Roads
- CEM; ; OCTY; OCRLN; CTRLN
- House Number

- PIN
- Full Name
- Parcels







Wheel chair lift