



Jess L. Greenwood, P.E.
Public Works Director – County Engineer

2140 Pioneer Road
Red Wing, MN 55066
Office: (651) 385.3025

TO: Honorable County Commissioners
Scott Arneson, County Administrator

FROM: Jess L. Greenwood, Public Works Director

RE: 1 April 2025 County Board Meeting
Public Hearing to Discuss Access Variance Request along CSAH 14 in Leon Township

Date: 26 March 2025

Summary

It is requested that the County hold a public hearing to discuss a request for a variance for the property at 35220 County 14 Boulevard in Leon Township.

Background

On January 24, 2025, David and Vanessa Jandro submitted an application for an access permit. Their parcel (PID 371000230) has one existing access, and the owners are requesting a second access for the purposes of maintenance on their parcel and constructing a shed. County staff denied the permit because the proposed access did not meet the spacing requirements outlined in the County's Access Management and Control Ordinance. Furthermore, the parcel currently has a driveway that provides for reasonable and convenient access to the parcel.

On March 4, 2025, the County Board scheduled a public hearing in accordance with the provisions of the Access Management and Control Ordinance, which outlines a process whereby landowners can apply for variances.

Attached to this item is the variance application and supporting documentation submitted by the requestor, along with the findings of fact based on the County's investigation.

Alternatives

- Hold the public hearing to discuss the variance request.
- Take no action, which would uphold the denial of the permit application.

Recommendations

It is the recommendation of staff that the County Board hold a hearing to discuss the variance request.

"To effectively promote the safety, health, and well-being of our residents"



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TO: Honorable County Commissioners
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FROM: Jess L. Greenwood, Public Works Director

RE: 1 April 2025 County Board Meeting
**Public Hearing to Discuss Access Variance Request along CSAH 14 in Leon Township
Finding of Fact**

Date: 26 March 2025

Findings of Fact

1. The Goodhue County Access Ordinance in section 5, subdivision 2, table 5.2 specifies a minimum distance between access points of 550 feet with a standard distance of 725 feet adjacent to a roadway with a speed of 55 miles per hour.
2. The speed limit on CSAH 14 in this area is 55 miles per hour.
3. The general area surrounding the parcel has four (4) accesses within 975 feet.
4. The requested access location has a maximum spacing of approximately 110.80 feet from an adjacent access. This does not provide for the appropriate amount of spacing for a 55 mile per hour road.
5. The parcel has an existing driveway that provides reasonable and convenient access.
6. The purpose of a second driveway is for ease of maintenance on various areas of the parcel and to access a shed that has not been constructed yet.

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Variance Application

509 W 5th Street
Red Wing, MN 55066

****Applicants are highly encouraged to discuss their proposed application with Land Use Management Department staff prior to submission. Please call (651) 385-3104 for assistance****

WHAT IS A VARIANCE?

A variance is a request to allow the use of property in manner otherwise prohibited by ordinance by varying one or more requirements such as the size, design, and siting of buildings and lots. Variances are meant to be an infrequent remedy for situations where the unique physical characteristics of a property impose a substantial burden to reasonable use under the plain and literal interpretation of the ordinances.

FINDINGS FOR VARIANCES:

In reviewing all variance requests, the Board of Adjustment shall specify "Findings of Fact" in each case which evaluates the request for conformance with the variance standards. In conformance with Minnesota State Statute § 394.27 the Board of Adjustment may only grant variances when it finds the request meet the following criteria:

- o Harmony with the general purposes and intent of the official controls
- o Consistent with the comprehensive plan,
- o The applicant has established "practical difficulties" exist in complying with the official controls. "Practical difficulties," as it pertains to variances, means 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."
- o The variance would not allow any use that is not allowed in the applicable zoning district

In order to grant a variance, a majority of the Board of Adjustment must find that all of the above criteria have been satisfied. In granting a request, the Board may impose conditions directly related to and bearing a rough proportionality with the potential impacts created by the variance approval.

APPLICATION:

The following items must be received by the Land Use Management Department for a variance application to be considered complete:

- Completed variance application form & supporting documentation
- Signature of property owner, agent, or letter of authorization
- Township signature of acknowledgment
- Site plan
- Property survey by a MN Licensed Surveyor (unless waived by Zoning Administrator)
- Proof of current property taxes
- Additional items as required by the Zoning Administrator
- Required Fees (\$400.00) PD CC 2/20/24

REVIEW PROCESS:

Upon receipt of a complete application, staff will schedule a Board of Adjustment hearing to consider the variance request. Notice of the public hearing will be provided to the official County paper, affected state agencies, all property owners within 500 feet of the Applicant's parcel (minimum of 10), the local Township, and all municipalities within 2 miles. BOA meetings are typically held the 4th Monday of every month.

APPEAL RIGHTS:

In accordance with Goodhue County Zoning Ordinance Article 5, an aggrieved person may appeal a Board of Adjustment decision with the Goodhue County District Court within thirty (30) days.

For Staff Use Only	
Permit #	
\$400 Receipt #	DATE:

Variance

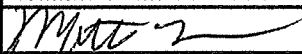
SITE ADDRESS, CITY, AND STATE				ZIP CODE:
35220 County 14 Blvd, Cannon Falls, MN 55009				55009
LEGAL DESCRIPTION:				
EL DORADO LOT-023 4.40 AC DOC#608496 LOT 23 ID# 37-0500-02300 Attached <input type="checkbox"/>				
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
371000230	Leon	4.4	Approx 383' x 490'	N/A

APPLICANT OR AUTHORIZED AGENT'S NAME	
David Jandro	
APPLICANT'S ADDRESS:	TELEPHONE:
35220 County 14 Blvd, Cannon Falls, MN 55009	612-741-2503
	EMAIL:
	jandro343@hotmail.com

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

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

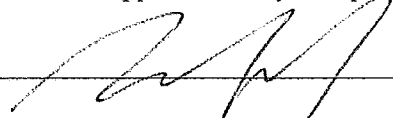
VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input checked="" type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:
	N/A
	PROPOSED USE:
	See attached supporting information Word doc.
	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
	Matt Lyon Supervisor	1-21-25

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: _____

1/20/2025

REQUEST SUMMARY

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

Article: Access Section: 5 Name: Spacing Criteria - Access Management & Control Ordinance

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:
(See attached supporting documentation)**

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

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:

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

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

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

David & Vanessa Jandro

35220 County 14 Blvd, Cannon Falls, MN 55009

Goodhue County, Leon Township

Parcel ID: 371000230

Cell: 612-741-2503

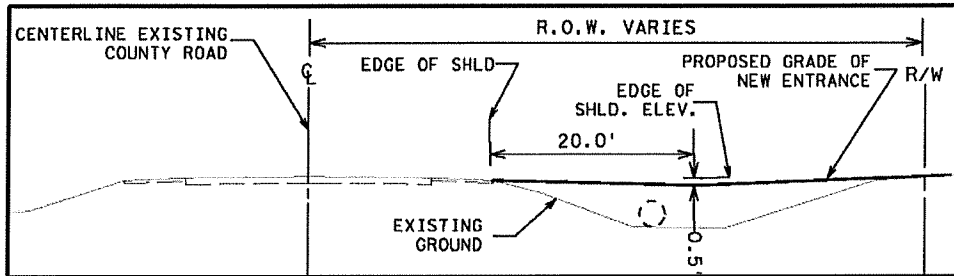
Email: jandro343@hotmail.com

Access Site Plan

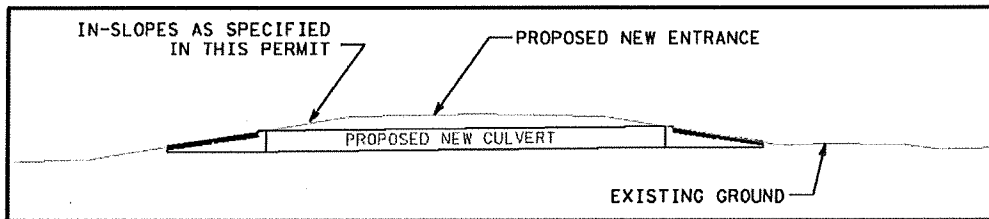
I have already consulted with a professional excavation company and he has inspected the property. The excavation company is DanX out of Lonsdale. The access will conform to the standards set forth in the construction guidelines below:

CONSTRUCTION SPECIFICATIONS

1. Access entrances shall be a maximum width of 24 feet for residential use; 32 feet for agricultural/commercial use.
2. At a distance of 20 feet from the shoulder of the road, the centerline of the access shall be constructed ½ foot lower than the shoulder elevation. (See Diagram Below).



3. In-slopes on all newly constructed access locations shall not be steeper than specified below (See Diagram Below).



4. All access entrances shall intersect with the road at an angle not less than 70 degrees at a distance not less than 20 ft from the shoulder of the road.
5. The County shall establish the size and length of the culvert when needed.
6. Only new corrugated metal or standard concrete culverts meeting MN/DOT Standard Specifications shall be installed.
7. Approaches are to be constructed of clean fill materials, free of large rocks, timber and other debris.
8. Any changes, improvements, or alterations to an access entrance will require an additional permit. Permits are access specific.
9. Permit is valid for **60 days** from permit approval date, after which this permit shall become null and void.

View from street of proposed new driveway access location



Proposed new driveway access location in blue



Image depicts that new proposed driveway would be about 85 feet long



Proposed new driveway access location (street view)



Image depicts that the new proposed driveway would be about 14 -16 feet wide. The driveway would wrap around the Maple tree in front of the shed. See image above where driveway loop is shown in blue.



David & Vanessa Jandro

35220 County 14 Blvd, Cannon Falls, MN 55009

Goodhue County, Leon Township

Parcel ID: 371000230

Cell: 612-741-2503

Email: jandro343@hotmail.com

Goodhue County/County Engineer/Public Works Access Variance Supporting Information and Justification

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:

Currently, we have a single-family home on a 4.4-acre lot. The lot has a hilly terrain. We are requesting a variance to the spacing requirement in the access ordinance to build one additional access driveway for the following reasons:

1. We need access to the north end of our lot for maintenance. Every year, we have a tree service come in and take down diseased trees in our woods, sometimes multiple times per year if severe weather. We currently are dealing with Emerald Ash Bore and Dutch Elm disease in our trees and we need a separate access for that side of the property for skid loaders and boom trucks. Each time we need to access the north side of our property; we must ask our neighbor to the north to use his driveway. This could be unpredictable in the future on whether we would continue to be able to use our neighbor's driveway, as he is in the process of relocating and it would not be guaranteed (nor should it be expected) that the new resident would allow this.
2. We cannot branch off of our existing driveway to the north due to our septic drain field that lies in front of our detached garage. (See attached diagram for location of the septic drain field below.)

3. Our propane tank is located on the north end of our property and is not accessible from the south, only to the north due to our backyard being too steep and containing retaining walls. Due to the topography, it is not appropriate nor safe to drive through with a truck for maintenance or replacement of the propane from the south. We would require access from a new driveway in the proposed location for service/work vehicles. (See diagram attached for location of new driveway below.)
4. Our well is located on the north end of our property. In the event the well needed to be replaced or repaired, a truck needs to be able to drive up to the well. This can only be done with access from a new driveway. I cannot always rely, nor should I have to, on the permission from a neighbor to use their driveway to access our property. (See attached diagram for location of the well below.)
5. Lastly, we would like to build a shed on the north end of our driveway for cold storage of our personal vehicles. This is for classic and recreational vehicles. Not planned for daily use. (See attached diagram for the proposed location of the new shed below.)

In summary we are requesting a variance to the following ordinance:

1. Access Management and Control Ordinance, Section 5 - Spacing requirement of 550 feet.

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

The effects of not getting the variance approved would be the following:

- We would not/do not have access to the north end of our lot for property and utility (propane and well) maintenance/repair.
- Right now, we solely rely on the permission from our neighbor to the north to grant us access using his driveway. Whenever we have work done, and heavy equipment uses his driveway, it usually causes damage to the neighbor's lawn/drive. He does allow use with an understanding that we repair any damage done, however he is relocating, and it is unclear if a new resident will allow use of their property. We should not have to rely on others for access to our own property.

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:

- A new driveway is needed because of our septic drain field is right off our existing driveway and we would not be able to drive over it without causing damage.

- The septic tank sits between the house and detached garage, not allowing equipment/vehicles between the two.
- There is a large retaining wall in the back yard and steep terrain that is not reasonable or safe to drive on, so adding a branch off the existing drive around the house would not be feasible for access to the utilities on the north side.
- The back half of the property is steep terrain and heavily wooded.
- Our propane tank is located on the north end of our property and there is no way to access it with a truck if it needed to be replaced or repaired.
- Our well is located on the north end of our property and there is no way to access it for replacement or repair.

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

- We did look at asking for easement access from the neighbor's driveway to the north. This would lower the property value for our neighbor who is planning to sell his home this coming year and not something they are interested in.
- We have been relying on the goodwill of our neighbor for access via his driveway. With him moving this year, it is not guaranteed a new neighbor would be amenable to this. We should not need to rely on the goodwill of others for access to our property and utilities.
- We cannot make a driveway for access to the north end of our lot by branching off our existing driveway due to the hilly terrain in the backyard (trying to go around the home to the south), and due to the septic drain field (trying to go in front of the garage).

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

- Due to how the ordinance is written, it is impossible to comply with a spacing criteria of 550 feet. My lot is only about 400 feet long. There are no alternatives requiring a lesser variance.

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

- No. This new proposed driveway would only be used infrequently (not intended for daily use) for the following reasons:

1. To access a cold storage shed for our own personal recreational vehicles.
2. Utilized for tree and yard maintenance.
3. Utilized for access to our propane tank.
4. Utilized to access our well when repairs are needed.

- We have read the ordinance covering the spacing criteria and believe the meaning behind the law is for safety reasons for when vehicles are entering the roadway from the access points. We can see in both directions on County 14 Blvd for well over 550 feet, (See attached photographs for a vantage point facing north and south from the proposed new driveway access point below.)
- We have researched all of the residential classified lots along the 10 mile stretch of County 14 Blvd -CSAH from County 30 to Hwy 52 and the following lots have more than one access driveway to their lot and the spacing criteria is not met:

-Lot 370064700. 24804 County 14 Blvd. Two Driveways. 235 feet spacing.

-Lot 371000220. 35180 County 14 Blvd. Three driveways. Spacing is 154 feet and 104 feet.

-Lot 370070500. 35445 County 14 Blvd. Two driveways. 109 feet spacing.

-Lot 450240200. 37000 County 14 Blvd. Two driveways. 162 feet spacing.

- As there are several residential lots with multiple driveways, it would not alter the essential character of the neighborhood. Not to mention the many agricultural properties along this roadway that have multiple field drives.

Based on the supporting explanations and information that we provided addressing the challenges unique to our property, we believe that we have offered reasonable cause for the need of one additional access driveway to our lot.

Respectfully,

David and Vanessa Jandro

Image depicts locations for septic, propane and well.



Image is facing south from proposed new driveway access location



Image is facing north from proposed new access driveway location

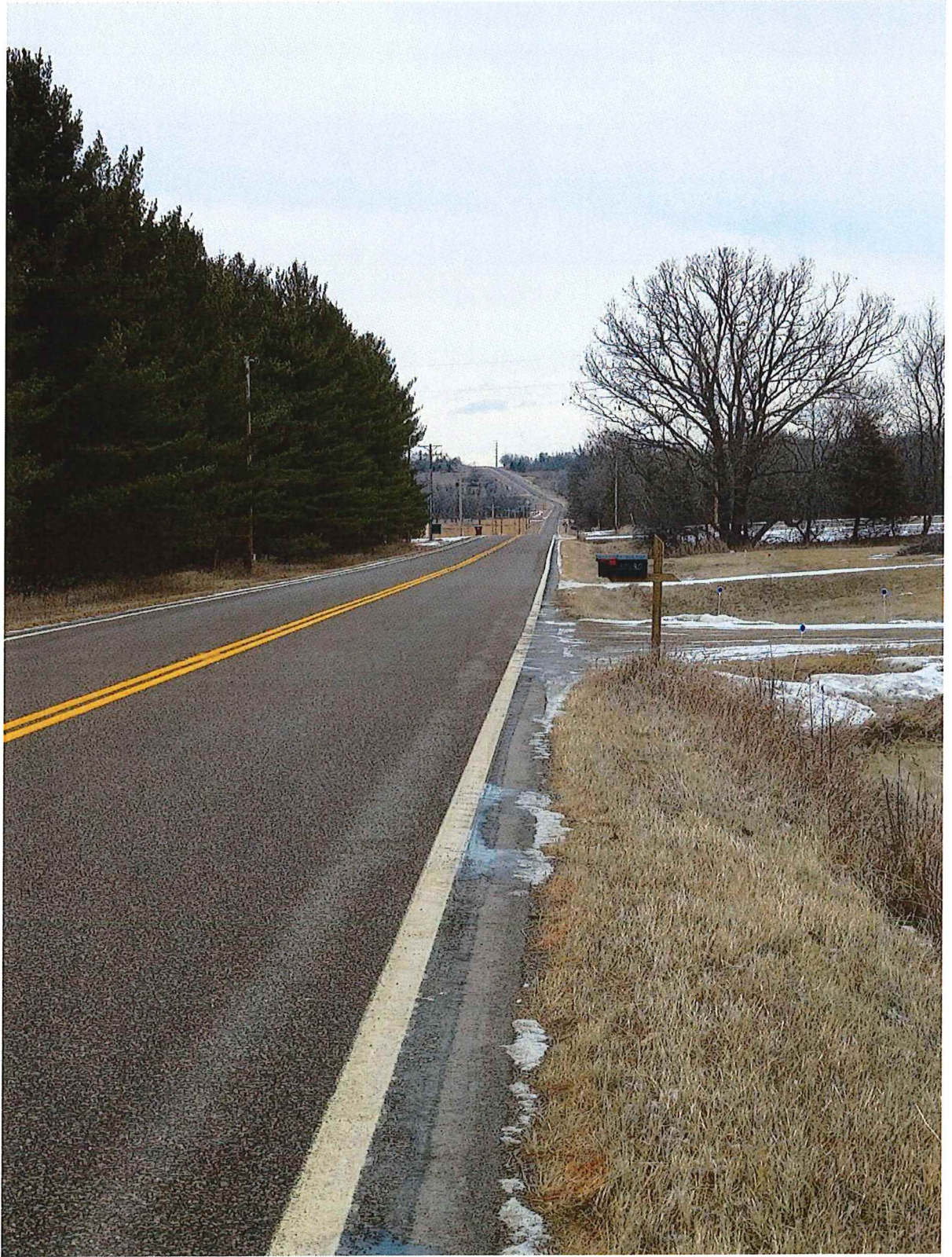
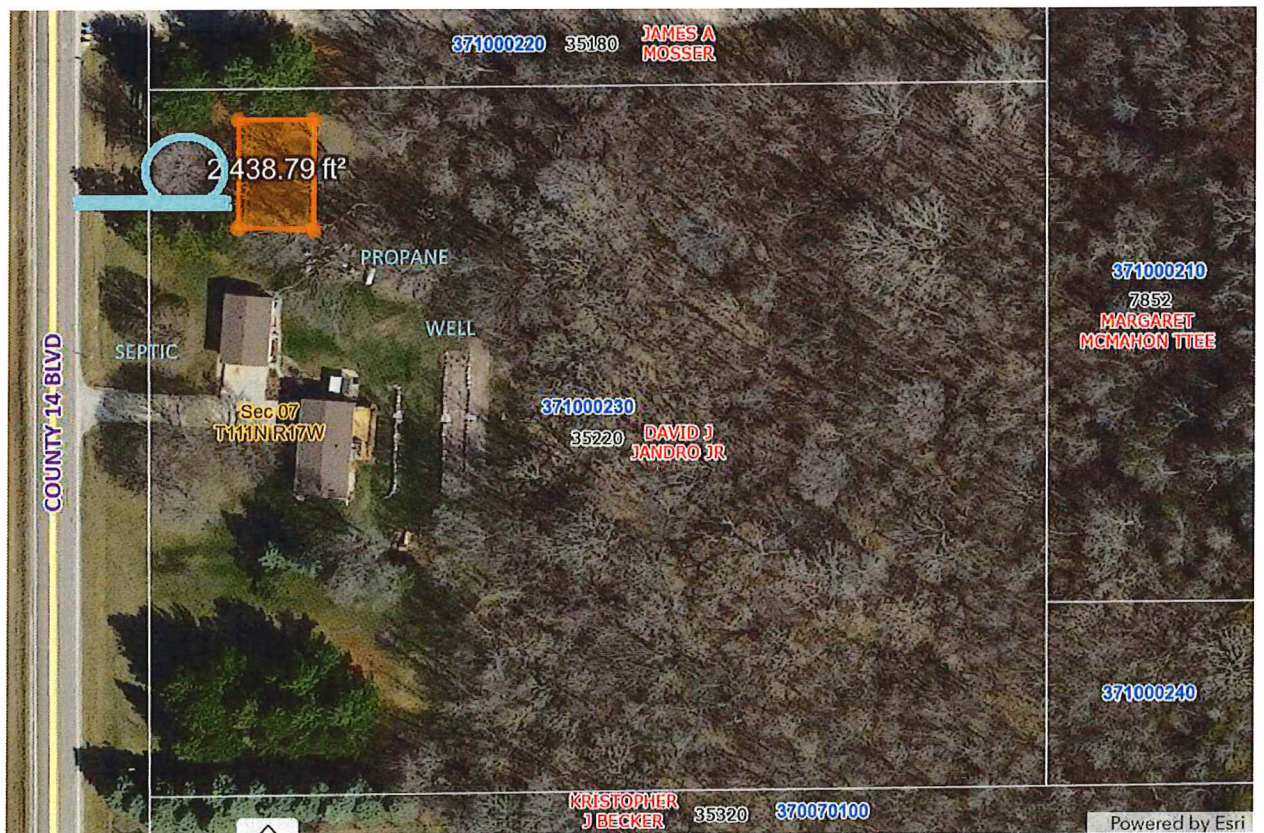


Image depicts location of new proposed driveway leading to cold storage shed.



Proposed spacing from the neighbor's driveway to the new access driveway is about 100 feet



Proposed spacing from existing driveway to the new access driveway is about 110 feet

