
To: Board of Adjustment
From: Land Use Management
Meeting Date: September 22nd, 2025
Report Date: September 12th, 2025

PUBLIC HEARING: REQUEST FOR VARIANCE TO MINERAL EXTRACTION SETBACK STANDARDS

Request for Variance, submitted by Jacob Schumacher (Applicant) on behalf of James Brandt (Owner), to allow construction of a new dwelling that will be less than the required 1,000-foot setback from a Mineral Extraction Facilities Boundary. The parcel is zoned R-1. Parcel 322000311. xxxxx Territorial Road, Lake City, MN 55041. Part of the SE1/4 of the NE1/4 of Section 31, Township 112, Range 12 in Florence Township.

APPLICATION INFORMATION:

Applicant(s): Jacob Schumacher

Address of zoning request: Along Territorial Road, Lake City, MN 55041

Parcel: 322000311

Abbreviated Legal Description: Part of the SE1/4 of the NE1/4 of Section 31, Township 112, Range 12 in Florence Township.

Township: Florence Township has acknowledged the variance application

Zoning District: R-1 (Suburban Residential)

ATTACHMENTS:

- Application
- Public Feedback (Glander Excavating)
- Site Map(s)
- Goodhue County Zoning Ordinance: [zoning_ordinance.pdf \(goodhuecountymn.gov\)](#)

BACKGROUND:

In July of 2023, a rezone came before the Planning Advisory Commission and the County Board the following month. The application was to rezone this parcel from A-3 to the R-1 zoning district, with the intention of building a dwelling. There is no indication in the records of that review that the nearby mine was discussed or considered. The applicant in that case decided not to pursue building and sold the property.

Staff can only speculate that the property owner at the time in 2023 was planning to obtain written permission from the mine owner to locate the new house within the 1000-foot setback.

Article 14 of the County's Zoning Ordinance, Section 6, allows for a setback waiver to be granted by the mine owner/operator. This waiver has not been obtained by the applicant.

VARIANCE STANDARDS:

Variances 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. Variances may be granted when the applicant establishes that "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 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:

- The applicant wants to construct a dwelling on the site that is 750 feet from the end of the mining site instead of 1000 feet, a variance request of 250 feet.
- The setback requirements between Mineral Extraction Facilities and dwellings are to prevent or minimize conflict between land uses. Mining sites produce noise, dust, vibration, and truck traffic, which are incompatible with residential uses unless proper mitigation strategies and distances are observed between uses.
- The County's mining ordinance allows for a reduction in the setback with written consent from the mine owner. The mine owner has not granted written consent and has documented opposition to the request to build a home on the site.
- Allowing the construction of residential homes too close to mining sites creates the opportunity for land use conflict due to the operations listed above that are common at mining sites; therefore, the request is **NOT** in harmony with the general purpose of the ordinance.

2) The variance request is consistent with the adopted Comprehensive Plan:

- The Goodhue County Comprehensive Plan supports the development and use of the R-1 District within the County; 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 dwelling is a reasonable use of property in the R-1 District.
 - Mr. Brandt has a one-acre lot, but no area of his lot is outside the 1000-foot setback, and it still doesn’t allow him to set the dwelling far enough to meet the setback from the mine boundary.
 - 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.**
- Dwellings are permitted use in the R-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

To **DENY** the request for a variance based on the findings stated above, concluding that the request does not meet all of the required findings for granting of a variance.

Variance

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

SITE ADDRESS, CITY, AND STATE				ZIP CODE
3XXXX Territorial Rd. Lake City, MN				55041
LEGAL DESCRIPTION				
Attached Attached <input type="checkbox"/>				
PID	ZONING DISTRICT	LOT AREA (SQUARE FEET)	LOT DIMENSIONS	STRUCTURE DIMENSIONS (if applicable)
322000311	R1	1.22 Acres	370x284x168x200	

APPLICANT OR AUTHORIZED AGENT'S NAME	
Jacob Schumacher Construction, LLC	
APPLICANT'S ADDRESS	TELEPHONE
820 N Prairie ST. Lake City, MN 55041	
	EMAIL
	jacob@schumacherconstruction.com

PROPERTY OWNER'S NAME	
Same as Above <input type="checkbox"/> James Brandt	
PROPERTY OWNER'S ADDRESS	TELEPHONE
818 7TH ST N Lake City, MN 55041	
	EMAIL

CONTACT FOR PROJECT INFORMATION	
Same as Above <input type="checkbox"/> 1st Jake, Then James	
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 checked="" type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations <i>Mineral Setback</i>	CURRENT OR PREVIOUS USE	
	Vacant Residential	
	PROPOSED USE	
	Single Family Residential/New Construction	
	BUILDING APPLICATION PERMIT NO. (if any)	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
<i>Nathan Oppedahl</i>	Nathan Oppedahl, Town Supervisor	8-22-25

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:

Jacob Schumacher, Agent

Date:

8/27/2025

RECEIVED

AUG 29 2025

For Staff Use Only

Permit #	Z 25-0040
\$400 Receipt #	324565078 DATE: 8/29/25

Variance

Land Use Management

SITE ADDRESS, CITY, AND STATE				ZIP CODE
3XXXX Territorial Rd. Lake City, MN				55041
LEGAL DESCRIPTION				
Attached <input type="checkbox"/> Attached <input type="checkbox"/>				
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS	STRUCTURE DIMENSIONS (if applicable)
322000311	R1	1.22 Acres	370x284x168x200	

APPLICANT OR AUTHORIZED AGENT'S NAME	
Jacob Schumacher Construction, LLC	
APPLICANT'S ADDRESS	TELEPHONE
820 N Prairie ST. Lake City, MN 55041	
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PROPERTY OWNER'S NAME	
Same as Above <input type="checkbox"/> James Brandt	
PROPERTY OWNER'S ADDRESS	TELEPHONE
818 7TH ST N Lake City, MN 55041	
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Applicant's Signature: *Jacob Schumacher*, Agent

Date: 8/27/2025

REQUEST SUMMARY

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

Article: 14 Section: L 2&3 Name: Mineral Extraction: Setbacks

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:

The current use of the property is vacant land which has been zone residential prior to the purchase by Mr. Brandt.
Mr. Brandt would like to construct a single family dwelling with attached garage, the only reason for purchasing the lot.
This would increase the property value.

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

The property will be deemed un-buildable, significantly diminishing it's value, and thereby making it extremely difficult to sell for what has been invested by the owner. The purchase price of aprox. \$70,000 in 2025 would be a significant financial burden for the owner and there will be an un-buildable residential lot in Goodhue County in a highly desired area outside Lake City.

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:

This lot is within the 1,000' requirement for the Mineral Extraction Ordinance Article 14 section L. Attached is a straight line measurement showing the new construction would be aprox. 750' from the edge of the property which is a mine located at PID 322000382
However, a diagonal line from actual mining activity is over 900'. Mr. Brandt does not own enough property to distance himself 1000' from the mine.

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

At first mention of the ordinance, contact was made with Mr. Glander, owner of the mine, by Mr. Brandt. Permission was denied.
Other presentations of hold harmless agreements are being attempted by Mr. Brandt's Realtor but so far no success in securing a wavier for the setback from Mr. Glander. Mr. Brandt is still willing to file a hold harmless and attach it to the deed of the property for future sales

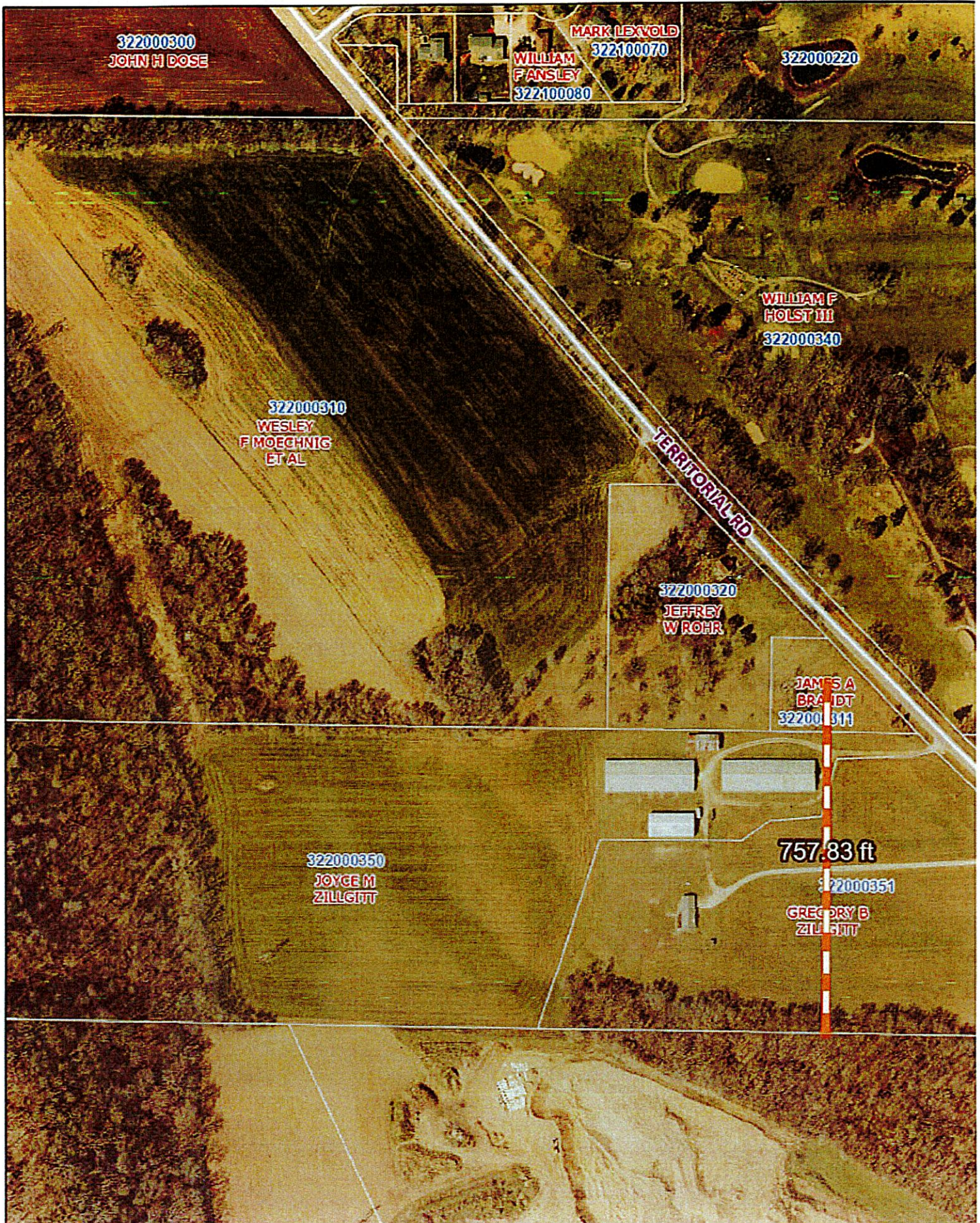
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

Mr. Brandt does not own enough property to shift his project to achieve the 1,000' setback so no other alternatives are available.
In addition, this proposed structure is not directly adjacent to the mine parcel, it can not see the mine as there is a woodline, and there are existing dwellings much closer to the mine in between Mr. Brandt and the mine.

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

In granting of this variance, an empty residential lot in a desired neighborhood next to Lake City Golf Course will be built on. It will improve on the "essential character" of the surrounding properties.

ArcGIS Web Map



SITE

DRAWING

LAKE CITY, MN

JIM BRANDT

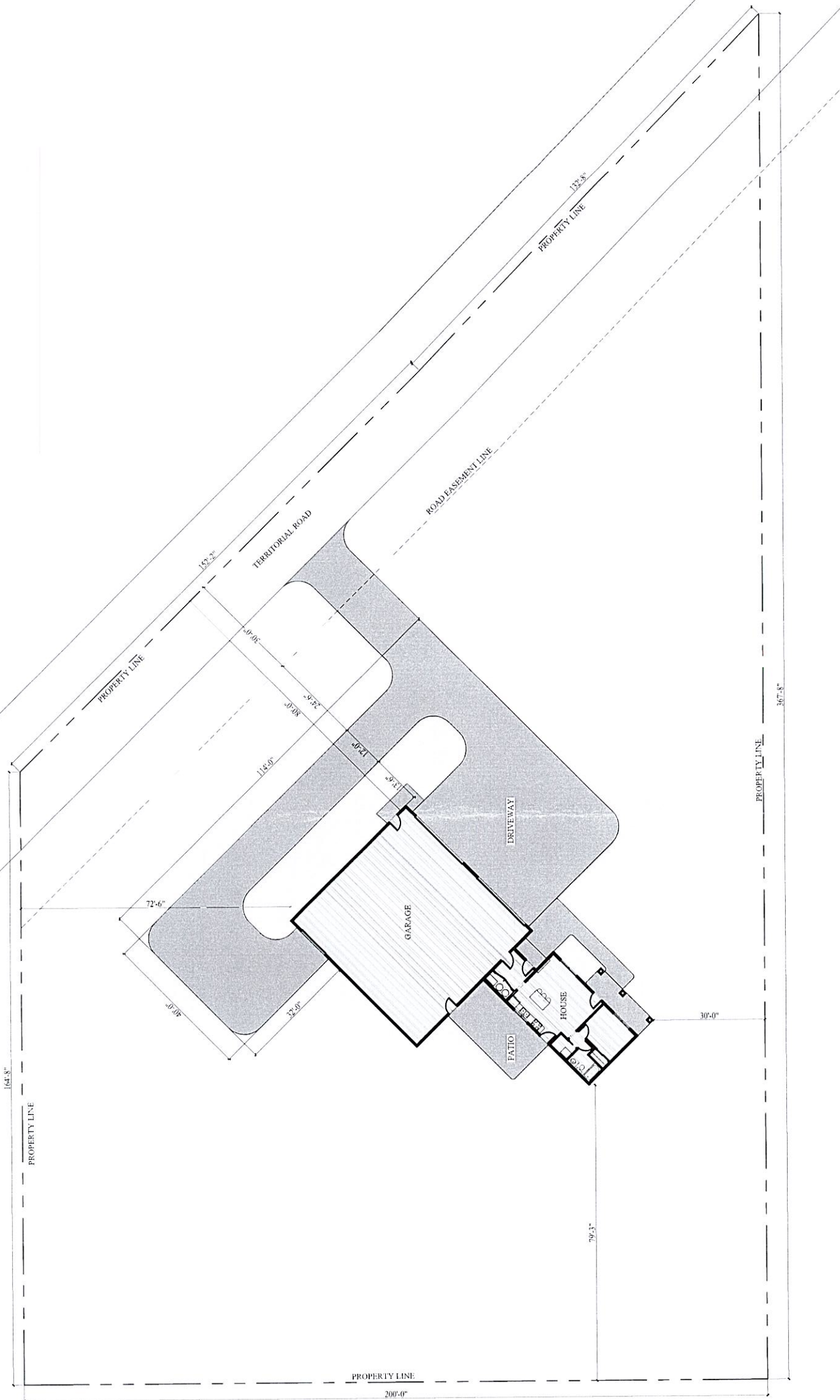
WORKING DRAWINGS FOR

MINNESOTA

DRAWN BY: CHRIS PETERSON
DATE: 17 JUN 2025
JOB NUMBER:
COMMENTS:
REVISIONS:

These drawings, specifications, plans and
notes are to be used in connection with the
contract documents and shall not be
relied upon for any other work or project
without the written consent of the
designer. The designer shall not be
responsible for any errors or omissions
in these drawings.

Trimension
DESIGN
PHONE: (651) 345-0144



1 SITE PLAN
4.0 1/16" = 1'-0"

Goodhue County Land Use Management
September 8, 2025

Attn: Board of Adjustments

I am writing this letter in response to the request for a variance for James Brandt.
Parcel #32200351 Territorial Road. Lake City MN 55041.
Part of the SE 1/4 of the NE 1/4 of Section 31, Township 112, Range 12 in Florence Township.

I am against allowing construction of a new dwelling that will be less than a 1,000 foot setback from a mineral extraction facility for the following reasons:

- 1) James has been complaining about lights and noise of snow plowing at Hearth n Home Technologies, and harassing the truck drivers and complaining about the noise and lights of the trucks loading and unloading at Hearth n Home Technologies. The Lake City Police Department has been called numerous times on James Brandt to address the harassment. Will he complain about the noises of the gravel pit: screeners & crushers, dump truck noise, back up alarms from 7:00 AM to 7:00 PM, 5 days a week and 7:00 to 12:00 PM on Saturdays?
The county has also extended hours and days of operation for road projects (like the Goodhue County 5 Road Project) and other big projects for a temporary period of time to allow for the projects to be completed in the timeframe allowed for the projects. I cannot take the chance of him complaining and trying to shut this gravel pit down.
- 2) If this does get approved by Goodhue County, the neighbor next door at address #33355 is possibly coming to the county for permits to add 1 to 2 new dwellings. This property next door is north and behind the James Brandt property. Now you possibly have 3 new dwellings that will be less than 1,000 feet from the gravel pit.
- 3) If this does get approved by Goodhue County, and James Brandt complains and/or tries to shut down the gravel pit, Glander Sand & Gravel will go after the county for legal expenses that could occur to keep the pit open.

Glander Sand & Gravel has a lot of time and money invested in this gravel pit. There is more acreage for future mining that would be heading in the direction of James Brandt property.

The 1,000 foot setback was put in the ordinance for a reason and it should be followed to protect the mineral extraction facilities.



Michael and Tamera Glander
Glander Sand & Gravel

BOARD OF ADJUSTMENT

Public Hearing
September 22, 2025

Jacob Schumacher (Applicant) on behalf of
James Brandt (Owner). R-1 Zoned District.

Part of the SE1/4 of the NE1/4 of Section 31
Township 112 Range 12

Request for a variance to allow construction of
a new dwelling that will be less than the
required 1,000-foot setback from a mineral
extraction facilities boundary.

Legend

- Intermittent Streams

Protected Streams

Lakes & Other Water Bodies

Shoreland

Historic Districts

Parcels

Registered Feedlots

Dwellings

Municipalities
- Bluff Impact Zones (% slope)

20

30
- FEMA Flood Zones

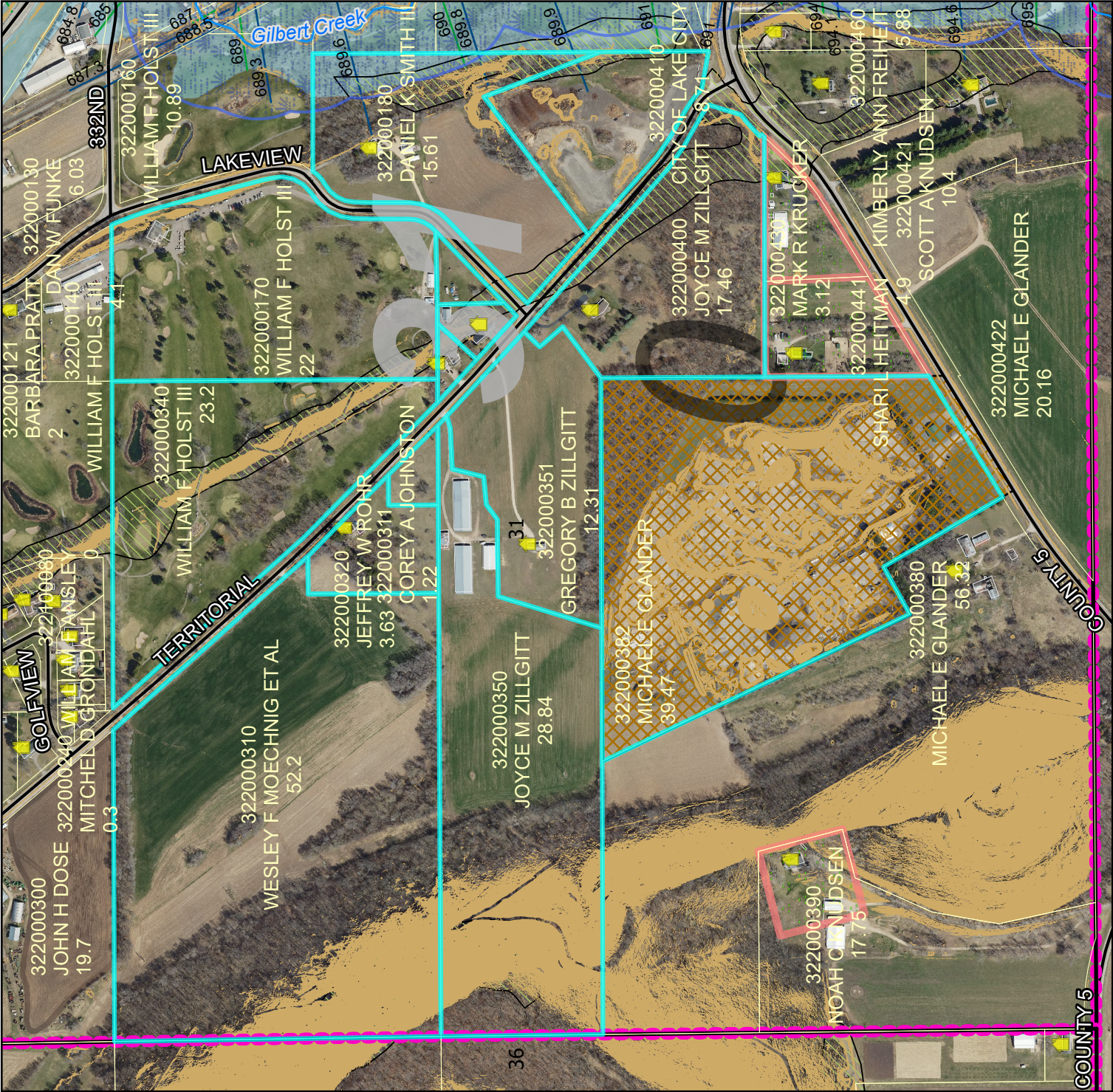
2% Annual Chance

A

AE

AO

X



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BOARD OF ADJUSTMENT

Public Hearing
September 22, 2025

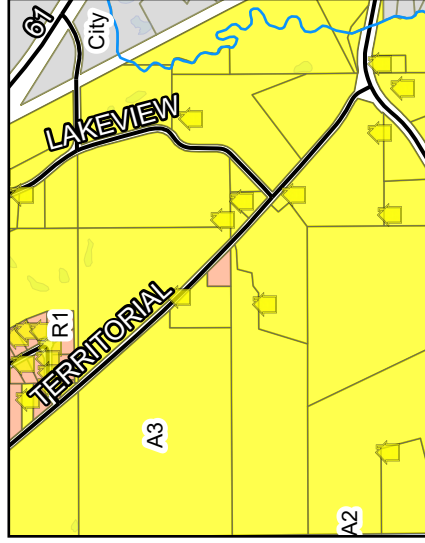
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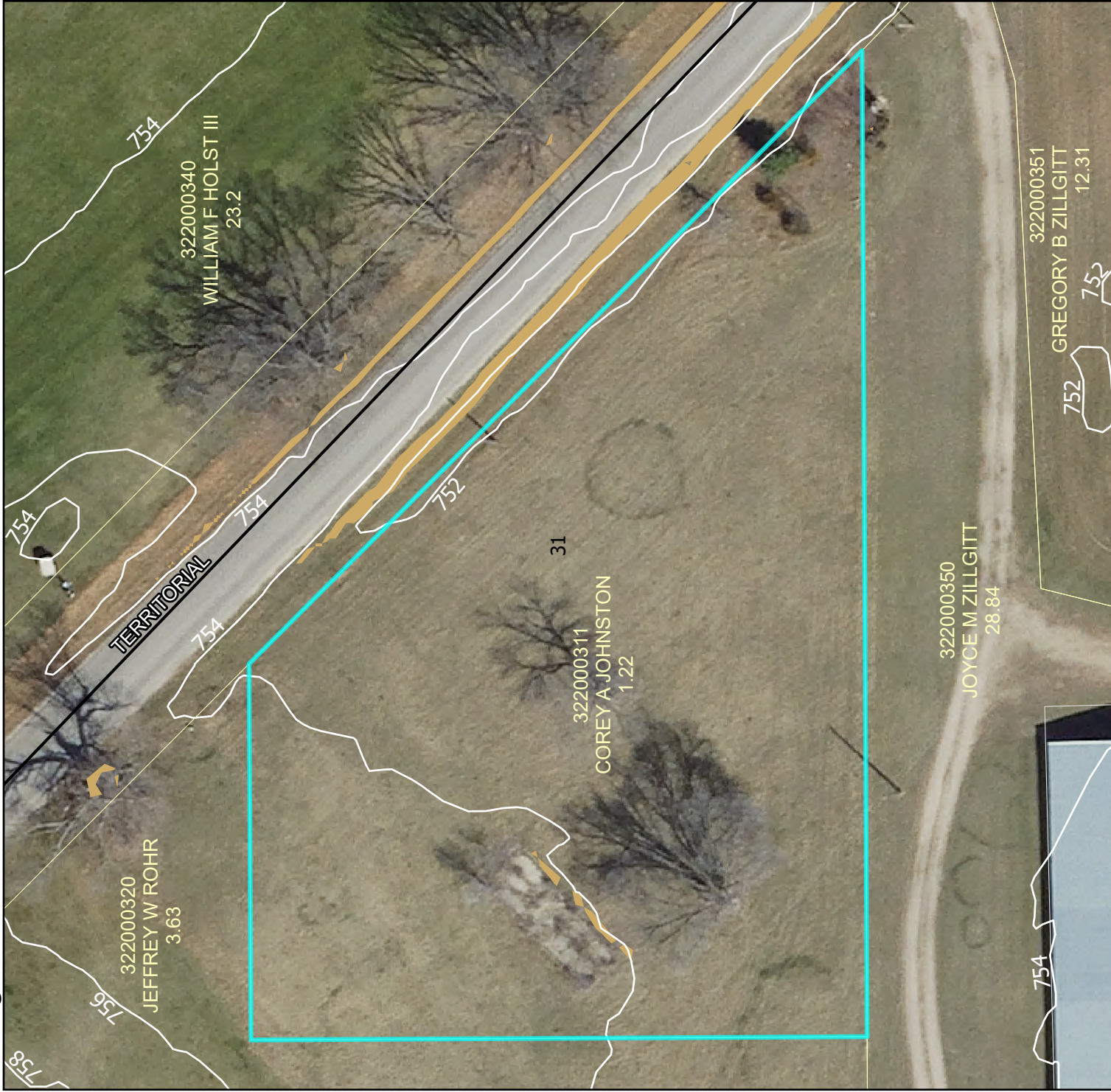
- Intermittent Streams
- Protected Streams
- Lakes & Other Water Bodies
- Shoreland
- Historic Districts
- Parcels
- Registered Feedlots
- Dwellings
- Municipalities
- Bluff Impact Zones (% slope)
 - 20
 - 30
- FEMA Flood Zones
 - 2% Annual Chance
 - A
 - AE
 - AO
 - X



0 15 30 60 90
US Feet

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Map Created September, 2025 by LUM



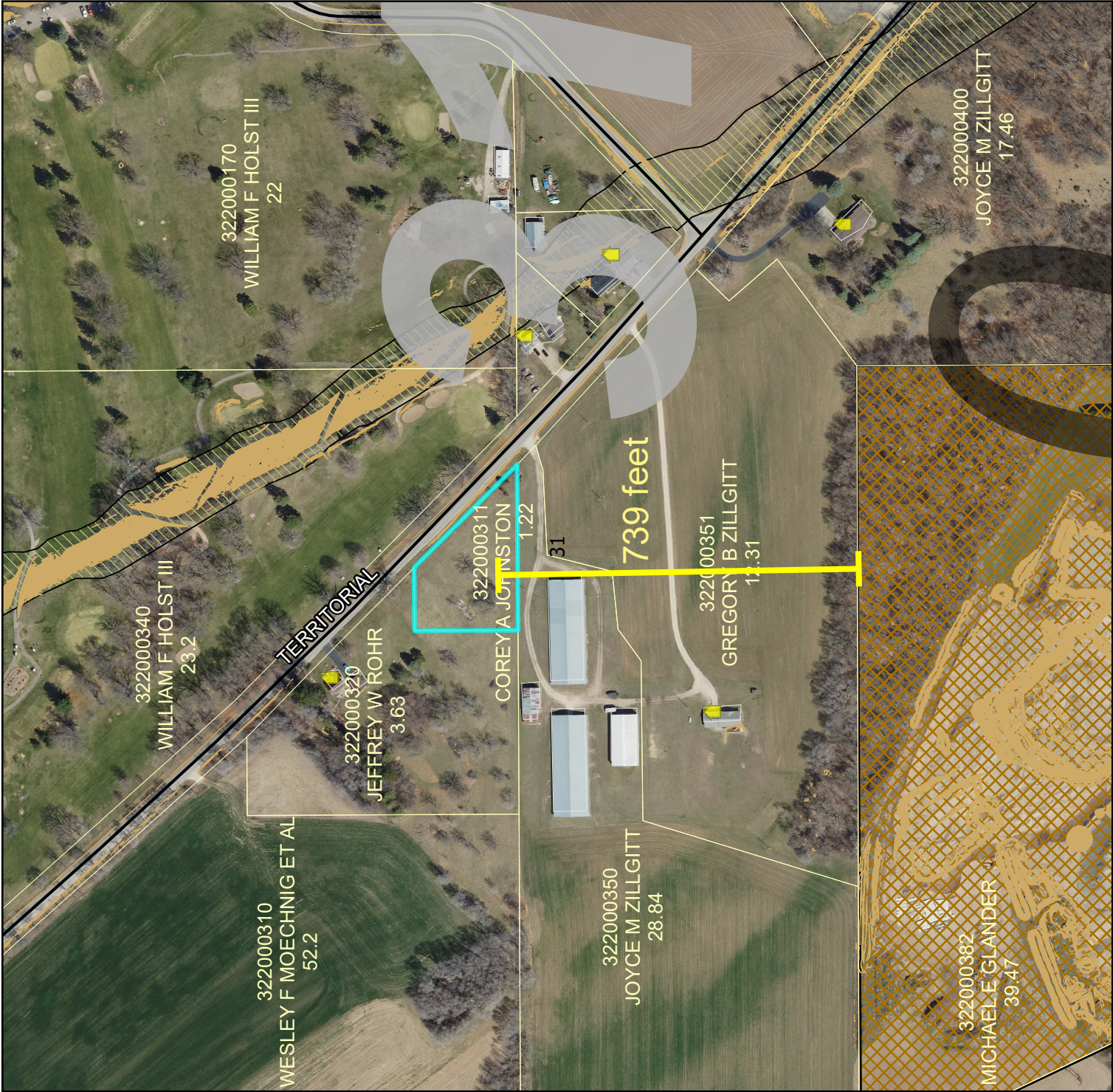
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September 22, 2025

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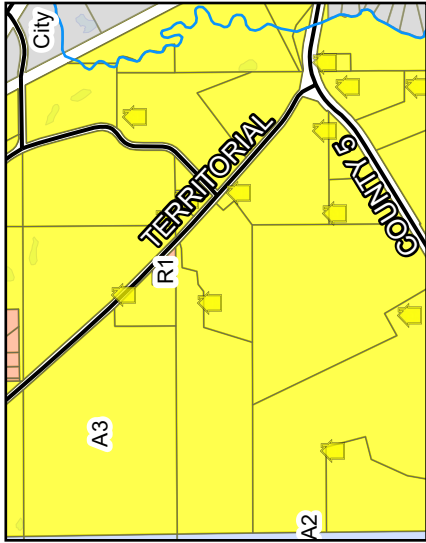
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Township 112 Range 12

Request for a variance to allow construction of
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Legend

- Intermittent Streams
 - Protected Streams
 - Lakes & Other Water Bodies
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