



# GOODHUE COUNTY MINNESOTA

TO EFFECTIVELY PROMOTE THE SAFETY, HEALTH, AND WELL-BEING OF OUR RESIDENTS

Goodhue County Board of Adjustment  
Government Center- Board Room  
509 West 5th St, Red Wing MN 55066

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

March 25, 2019 BOA Meeting Minutes

Documents:

[MINUTES\\_MARCH\\_BOA\\_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Feedlot Setback Standards

Request for Variance, submitted by Edward Fletcher, to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000 feet or 94% odor annoyance-free rating (as determined by the OFFSET model) of an existing dwelling. Parcel 35.033.0200. 2636 450<sup>th</sup> Street, Kenyon, MN 55946. Part of the W 1/2 of NE 1/4 of Sect 33 Twp 110 Range 18 in Holden Township. A1 Zoned District.

Documents:

[BOAPACKET\\_FLETCHER\\_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To Minimum Lot Size Standards

Request for Variance, submitted by Scott Berg, to the A3 Zoning District dimensional standards to establish two parcels less than 35 acres in area. Parcels 40.035.0300 and 40.026.1800. TBD 165<sup>th</sup> Avenue. Part of NE 1/4 of NE 1/4 of Sect 35 Twp 109 Range 16 in Roscoe Township and part of the S 1/2 of SE 1/4 of Sect 26 Twp 109 Range 16 in Roscoe Township. A3 Zoned District.

Documents:

[BOAPACKET\\_BERG\\_SCOTT.PDF](#)

Other-Discussion

Adjourn

Anyone interested is invited to attend. Agenda items may be subject to change.

## Goodhue County Land Use Management

◆ Goodhue County Government Center ◆ 509 West Fifth Street ◆ Red Wing ◆ Minnesota ◆ 55066 ◆  
◆ Building ◆ Planning ◆ Zoning ◆ Telephone: 651/385-3104 ◆ Fax: 651/385-3106 ◆

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
March 25<sup>th</sup>, 2019 MEETING MINUTES**

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The meeting of the Goodhue County Board of Adjustment was called to order at 5:30 PM by Chair Ellingsberg in the Goodhue County Government Center Court Room in Red Wing, MN.

**Roll Call**

Commissioners Present: Darwin Fox, Rich Ellingsberg, Kristin Toegel, Robert Benson, Dan Knott

Staff Present: Zoning Administrator Michael Wozniak, Zoning Assistant Ryan Bechel

**1. Approval of Agenda**

<sup>1</sup>Motion by **Benson**, and seconded by **Fox** to approve the meeting agenda

**Motion carried 5:0**

**2. Approval of Minutes**

<sup>2</sup>Motion by **Benson** and seconded by **Toegel** to approve the previous month's meeting minutes with the time change.

**Motion carried 5:0**

**3. Appointment of Chair and Vice Chair**

<sup>3</sup>Motion by **Toegel** and seconded by **Fox** to reappoint Rich Ellingsberg as Chair

**Motion carried 5:0**

<sup>4</sup>Motion by **Benson** and seconded by **Fox** to appoint Daniel Knott as Vice Chair

**Motion carried 5:0**

**4. Conflict of Interest/Disclosure**

There were no reported conflicts of interest.

**5. Public Hearings:**

**PUBLIC HEARING: Request for Variance to Feedlot Setback Standards**

Request for Variance, submitted by Jeremy Schafer, to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000 feet or 94% odor annoyance-free rating (as determined by the OFFSET model) of an existing dwelling. Parcels 26.021.0101. 26990 370th ST, Goodhue, MN 55027. Part of the NE ¼ of the NE ¼ of Sect 21 Twp 111 Range 14 in Belvidere Township. A1 Zoned District.

*The applicant was not present to represent the application.*

*Ryan Bechel (Bechel) presented the staff report and summarized the request.*

*Commissioner Knott asked if the dwelling on the Applicant's property is also required to meet the 1000 foot setback requirement.*

*Bechel responded that it is not required because the dwelling is on the same parcel as the proposed feedlot.*

*Commissioner Toegel commented that it appeared the subject property and the parcel to the west was at one time combined.*

*Wozniak responded that was likely the case and they were subdivided prior to current zoning regulations.*

**Chair Ellingsberg opened the Public Hearing.**

*No one from the public was present to speak for or against the request.*

**After Chair Ellingsberg asked three times for comments it was moved by Benson and seconded by Toegel to close the public hearing.**

**Motion carried 5:0**

*Commissioner Fox inquired about the manure management plans for the proposed feedlot.*

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
March 25<sup>th</sup>, 2019 MEETING MINUTES**

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*Kelsey Petit (Goodhue County Feedlot Officer) responded that the applicant has spreading agreements with nearby family to land apply the animal waste.*

**5 Motion by Commissioner Benson, seconded by Commissioner Fox, for the Board of Adjustment to:**

- 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 variance, submitted by Jeremy Schafer, to Article 13 (Confined Feedlot Regulations) setback standards to allow a new registered feedlot to be established less than 1000 feet or 94% odor annoyance-free rating (as determined by the OFFSET model) from an existing dwelling.

**Motion carried 5:0**

**PUBLIC HEARING: Request for Variance to Setback Requirements for Livestock Buildings**

Request for Variance, submitted by Jeremy Schafer, to the 100-foot side-yard structure setback standard for buildings containing livestock to allow an existing barn to be re-established as a feedlot. Parcels 26.021.0101. 26990 370th ST, Goodhue, MN 55027. Part of the NE ¼ of the NE ¼ of Sect 21 Twp 111 Range 14 in Belvidere Township. A1 Zoned District.

*The Applicant was not present to represent the request.*

*Bechel presented the staff report and summarized the request.*

*Commissioner Toegel asked if the 4.6-acre parcel was large enough to support 35 beef cattle.*

*Bechel responded that feedlot manure management plans often specify off-premises areas for handling animal waste. Sometimes the property where the waste is applied is owned by the feedlot operator, other times they have land spreading agreements in place.*

**Chair Ellingsberg opened the Public Hearing.**

*No one from the public spoke in favor or against the request.*

**After Chair Ellingsberg asked three times for comments it was moved by Fox and seconded by Benson to close the public hearing.**

**Motion carried 5:0**

*Commissioner Fox commented that there are a lot of instances in the county where we have existing lots that were established prior to current setback standards. It is good practice to get the variances and zoning approvals in place now when the neighboring property owner is a relative before someone new moves in who doesn't understand the situation.*

**6 Motion by Commissioner Fox, seconded by Commissioner Toegel, for the Board of Adjustment to:**

- 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 variance, submitted by Jeremy Schafer, to allow buildings containing livestock 50 feet from the west side-yard property line where 100 feet is required.

**Motion carried 5:0**

**6. Other-Discussion**

There was discussion regarding changes to Land Use Management staffing and comments regarding Solar Energy System Activities in the County. A status update of Douglas Mahoney's Table Mineral Extraction Variance requests was provided.

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
March 25<sup>th</sup>, 2019 MEETING MINUTES**

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**7. Adjourn**

**7Motion by Benson seconded by Knott to adjourn the Board of Adjustment meeting at 6:11 PM.**

**Motion carried 5:0**

Respectfully submitted,

Zoning Assistant, Ryan Bechel

**MOTIONS**

<sup>1</sup> APPROVE the meeting agenda. Motion carried 5:0

<sup>2</sup> APPROVE the previous meeting's minutes. Motion carried 5:0

<sup>3</sup> APPOINT Rich Ellingsberg chair of the BOA. Motion carried 5:0

<sup>4</sup> APPOINT Richard Mallan Vice Chair of the BOA. Motion carried 5:0

<sup>5</sup> APPROVE the variance request to 1000 foot feedlot setback standards. Motion Carried 5:0

<sup>6</sup> APPROVE the variance request to side-yard setback standards to allow a building containing livestock 50 feet from a side-yard property line. Motion Carried 5:0

<sup>7</sup> ADJOURN. Motion carried 5:0

UNOFFICIAL UNTIL APPROVED BY THE BOA

# Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

*Lisa M. Hanni, L.S. Director*



*County Surveyor / Recorder*

Building | Planning | Zoning  
Telephone: 651.385.3104  
Fax: 651.385.3106

Environmental Health | Land Surveying | GIS  
Telephone: 651.385.3223  
Fax: 651.385.3098

**To:** Board of Adjustment  
**From:** Land Use Management  
**Meeting Date:** May 20, 2019  
**Report date:** May 9, 2019

## **PUBLIC HEARING: Request for Variance to Feedlot Setback Standards**

Request for Variance, submitted by Edward Fletcher, to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000 feet or 94% odor annoyance-free rating (as determined by the OFFSET model) of an existing dwelling.

### **Application Information:**

Applicant: Edward Fletcher  
Address of zoning request: 2636 450<sup>th</sup> Street, Kenyon, MN 55946  
Parcel: 35.033.0200  
Abbreviated Legal Description: Part of the W ½ of NE ¼ of Sect 33 Twp 110 Range 18 in Holden Township.  
Township Information: Barbara St. John, Clerk for the Holden Township Board of Supervisors endorsed acknowledgment of the application on 4/22/2019. The following comment was offered: "Holden Town Board feels any variance or CUP request will be the responsibility of the buyer".  
Zoning District: A1 (Agriculture Protection District)

### **Attachments and Links:**

Application Form  
Certificate of Survey for proposed parcel split  
Goodhue County Zoning Ordinance (GCZO):  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

Edward Fletcher has applied for a variance to split a parcel with an existing dwelling and two hog barns when the dwelling will be located within 1,000 feet of a new feedlot. The proposed setback of the dwelling to the new feedlot is approximately 215 feet. The dwelling site will comprise 13.29 acres and the feedlot will comprise 2.47 acres.

All newly registered feedlots are required to be 1000 feet or 94% odor annoyance-free rating (as determined by the OFFSET model) from all existing dwellings at the time of establishment.

The dwelling is currently occupied by the applicant. The split also requires the applicant to obtain a Conditional Use Permit to establish a feedlot outside of a farmyard. They are currently in the process of obtaining this approval from Goodhue County.

The applicant has had difficulty selling his property with a dwelling located on the same parcel as the feedlot. Lenders are less willing to offer a 30 year mortgage on the dwelling when it is located on the same parcel as the feedlot.

### **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:**

- The purpose of the A1 district is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.
- Reciprocal feedlot setbacks between feedlots and dwellings are intended to decrease conflict between residential and agricultural uses. The nearest dwelling is located approximately 215 feet west of the proposed feedlot location and will be owned by the same owner as the feedlot. The feedlot and dwelling are proposed to be sold to a new party in the near future. The variance would provide documented notice to any prospective buyer(s) of the existing feedlot if the properties were to be sold separately.
- The next nearest dwellings to the property are the Lehman property (Parcel #35.033.0100) approximately 1,500 feet southeast of the feedlot and the Peters property (Parcel #35.028.0300) approximately 1,150 feet northeast of the feedlot.
- The Applicant’s variance request appears harmonious with the purpose and intent of the official controls.

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

- The Comprehensive Plan prioritizes agricultural land uses over dwellings to protect farmland and decrease conflict between residential and agricultural uses. The proposed variance is not likely to produce conflict among residential and agricultural uses. The occupant of the nearest neighboring dwelling is the owner of the proposed feedlot. Future buyers of the dwelling will have the opportunity to be informed of the existence of the feedlot. The request appears consistent with the adopted 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 property currently comprises 15.76 acres and is a conforming lot size in the A1 district (2-acre minimum). Upon splitting the parcels the dwelling parcel will be 13.29 acres and the feedlot will be 2.47 acres. Both parcels will be of conforming lot size in the A1 Zoning District.
- The feedlot would be located on the eastern portion of the property. This is the location of the existing hog barns.
- The Applicant’s request to establish a registered feedlot is a reasonable use of property in the A1 District.

- The existing structures will meet all required setbacks from new property lines. All livestock buildings are required to be at least 100 feet from property lines in the A1 Zoning District. The existing hog barns will be approximately 100 feet from the new western property lines and will maintain the existing 100 foot setback from the north, south and east property lines.
  - A review of the existing development pattern in the vicinity reveals very low-density residential development among predominantly agricultural uses (feedlots and row-crop agriculture). The request for variance appears unlikely to alter the essential character of the locality.
  - The property and existing feedlot configuration existed prior to the establishment of the current zoning standards therefore a variance is required for the property to comply with current standards.
- 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.**
- Feedlots and single family dwellings are permissible uses in the A1 district. The request does not constitute a use variance.

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

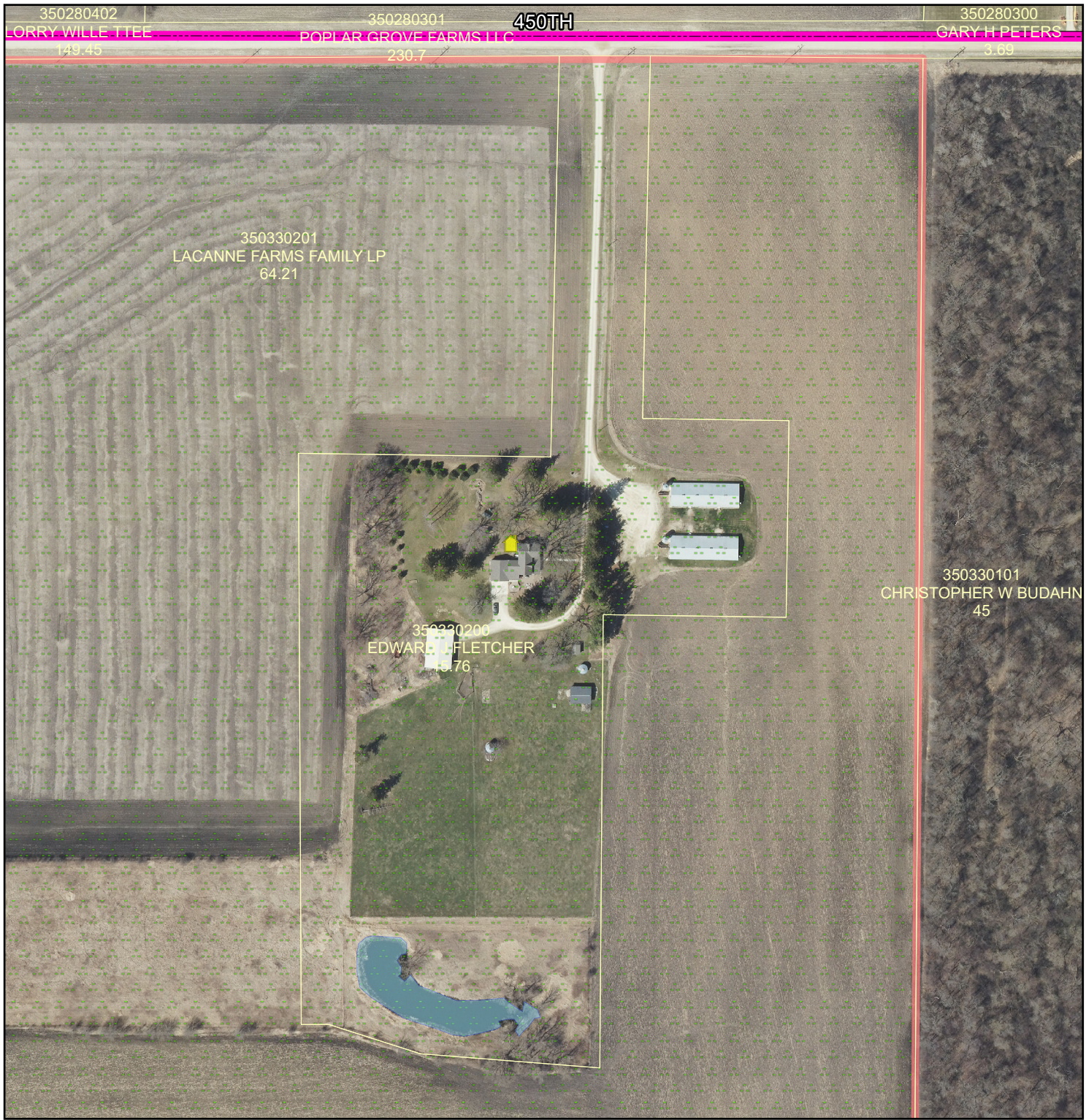
*The Board should specify the facts and reasons that are the basis of the Board's determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.*

**Staff Recommendation:**

- 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 variance, submitted by Edward Fletcher, to Article 13 (Confined Feedlot Regulations) setback standards to allow a new registered feedlot to be established 215 feet from an existing dwelling.

Parcel 35.033.0200. 2636 450<sup>th</sup> Street Kenyon, MN 55946. Part of the W ½ of NE ¼ of Sect 33 Twp 110 Range 18 in Holden Township. A1 Zoned District.



# Board of Adjustment

Public Hearing  
May 20, 2019

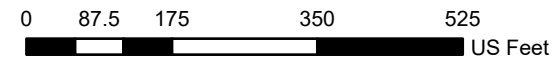
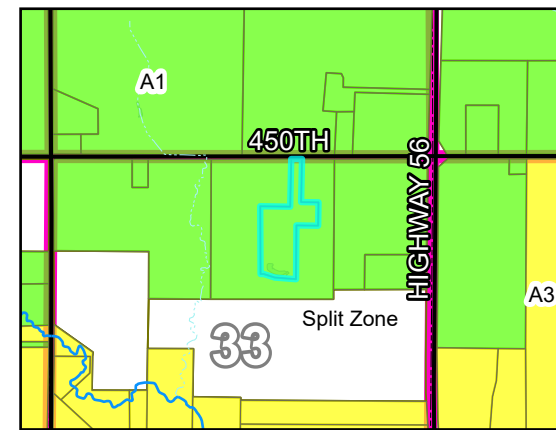
Edward Fletcher  
A1 Zoned District

Parcel 35.033.0200  
Part of the W 1/2 of NE 1/4 of Sect 33  
Twp 110 Range 18 in Holden Township

Variance requests to 1000 foot Feedlot  
setback to existing dwelling

## Legend

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

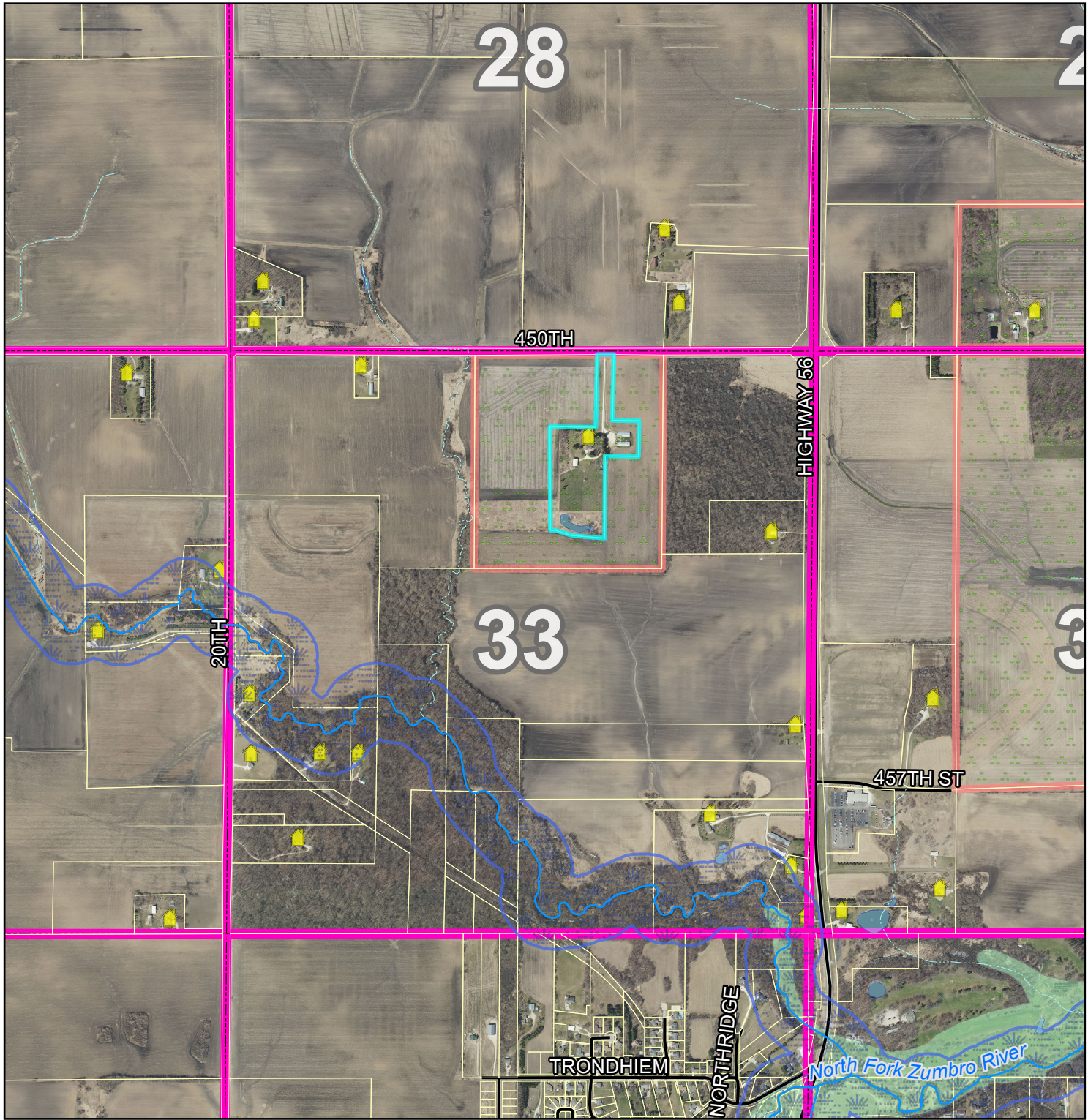


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2016 Aerial Imagery  
Map Created April, 2019 by LUM







# Board of Adjustment

Public Hearing  
May 20, 2019

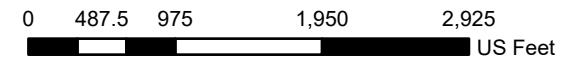
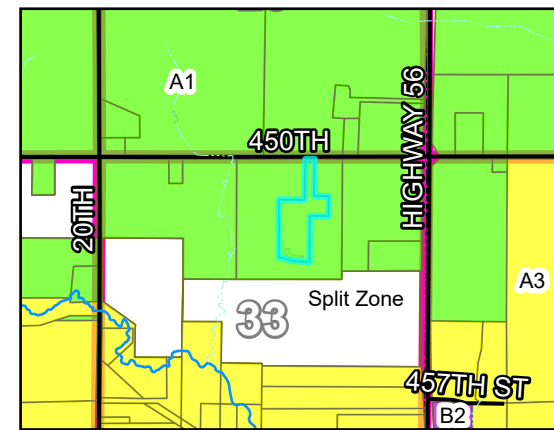
Edward Fletcher  
A1 Zoned District

Parcel 35.033.0200  
Part of the W 1/2 of NE 1/4 of Sect 33  
Twp 110 Range 18 in Holden Township

Variance requests to 1000 foot Feedlot  
setback to existing dwelling

## Legend

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



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2016 Aerial Imagery  
Map Created April, 2019 by LUM



APPLICATION FOR  
**Variance**

**RECEIVED**

APR 22 2019

**Land Use Management**

For Staff Use only	
VARIANCE NUMBER:	Z19-0017
\$350 RECEIPT#	16717 DATE 4-22-19

SITE ADDRESS, CITY, AND STATE 2636 450 <sup>th</sup> St Kenyon, MN.	ZIP CODE: 55946
--	--------------------

LEGAL DESCRIPTION:					Attached <input type="checkbox"/>
PID#: 35-033 0200	ZONING DISTRICT:	LOT AREA (SFIACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):	

APPLICANT OR AUTHORIZED AGENT'S NAME Ed Fletcher	
APPLICANT'S ADDRESS: 2636 450 <sup>th</sup> St, Kenyon, MN.	TELEPHONE: 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:

<b>VARIANCE REQUESTED TO:</b> (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:
	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 Barbara St John	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE Barbara St John, Clerk	DATE 4-22-2019	

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: Ed Fletcher Date: 4-22-19

Print name: Ed Fletcher (owner or authorized agent)

## 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:

We need to split the Barns from Farmyard in order for new buyers to obtain standard mortgage financing they will buy both parcels. Hog Barns are 210 feet from House

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

We have had two previous sales fall through because hog barn create the problem of ag financing instead of standard mortgage

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:

Hog barns are closer to farmyard house closer than 1000' Buyers want barns but not have to get ag loan (5-year) balloon

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

We can not find alternative.

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

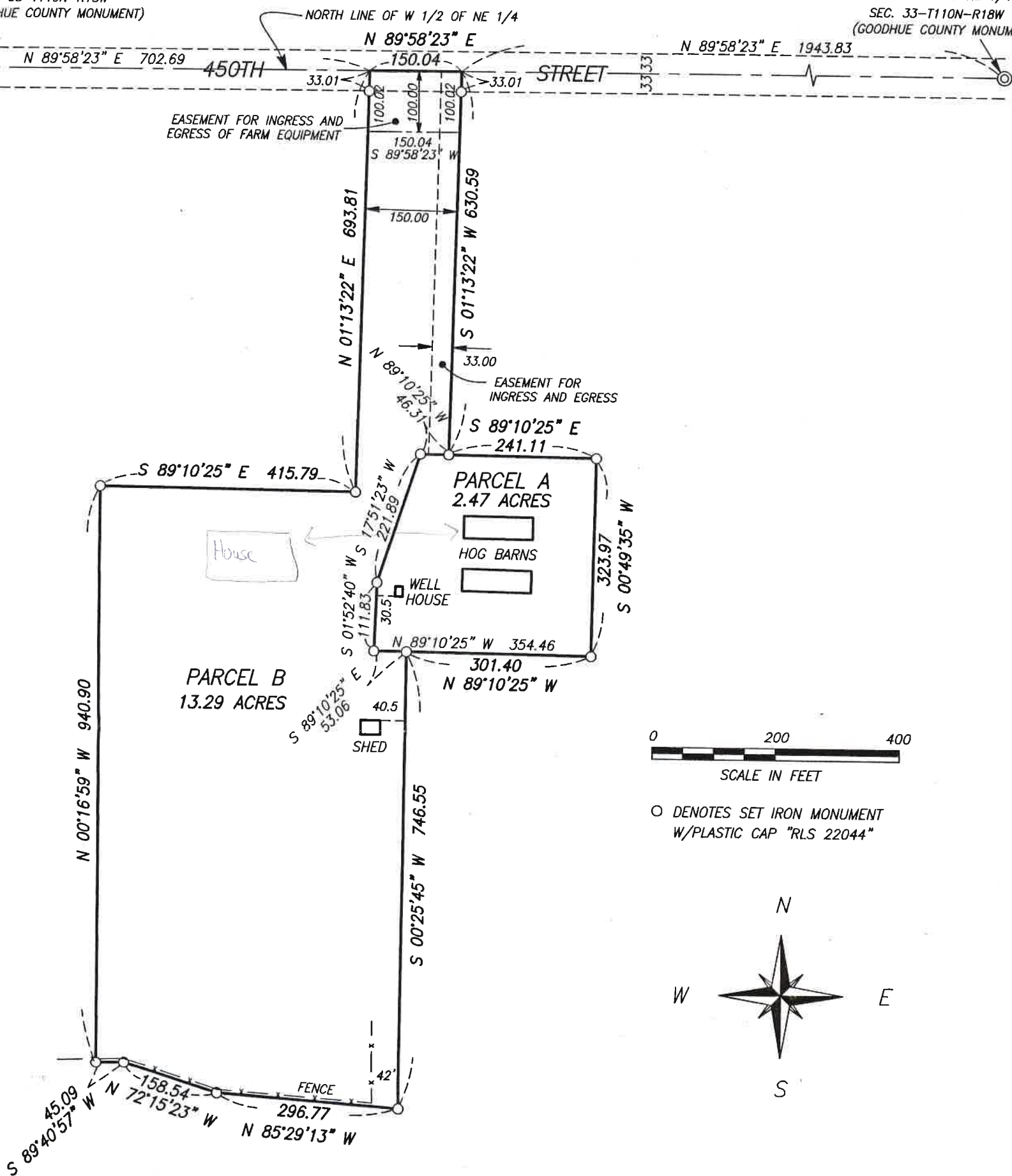
Can not find alternative. We feel we need to get distance variance so that buyers can get standard mortgage on farmyard parcel plus hog barns parcel. Home & Hog Barns have existed in 'Buy' harmony almost 30 years.

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

No. They home & hog barns been this way for 30 years

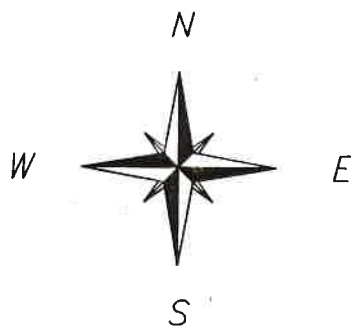
NW CORNER OF  
W 1/2 OF NE 1/4  
SEC. 33-T110N-R18W  
(GOODHUE COUNTY MONUMENT)

NE CORNER OF NE 1/4  
SEC. 33-T110N-R18W  
(GOODHUE COUNTY MONUMENT)



0 200 400  
SCALE IN FEET

○ DENOTES SET IRON MONUMENT  
W/PLASTIC CAP "RLS 22044"



Certificate for:  
Ed and Tammy Fletcher  
2636 450th Street  
Kenyon, MN 55946

PLEASE SEE ATTACHED SHEET FOR LEGAL DESCRIPTIONS

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JANUARY 3, 2019

Dated:

*David G. Rapp*

David G. Rapp  
Minnesota Registration No. 22044



RAPP LAND SURVEYING, INC.

45967 HIGHWAY 56 BLVD  
KENYON, MN 55946  
612-532-1263

DRAWN BY: DGR	DATE: 1-03-19	PROJECT NO. D18207C
SCALE: 1"=200'	SHEET 1 of 1 sheet	BOOK/PAGE 43/64

# Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066

*Lisa M. Hanni, L.S. Director*

*County Surveyor / Recorder*

Building | Planning | Zoning  
Telephone: 651.385.3104  
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Environmental Health | Land Surveying | GIS  
Telephone: 651.385.3223  
Fax: 651.385.3098

**To:** Board of Adjustment  
**From:** Land Use Management  
**Meeting Date:** May 20, 2019  
**Report date:** May 10, 2019

## **PUBLIC HEARING: Request for Variance to Minimum Lot Size Standards**

Request for Variance, submitted by Scott Berg, to the A3 Zoning District dimensional standards to establish two parcels less than 35 acres in area. Parcels 40.035.0300 and 40.026.1800. TBD 165<sup>th</sup> Avenue. Part of NE ¼ of NE ¼ of Sect 35 Twp 109 Range 16 in Roscoe Township and part of the S ½ of SE ¼ of Sect 26 Twp 109 Range 16 in Roscoe Township. A3 Zoned District.

### **Application Information:**

Applicant: Scott Berg (authorized agent).  
Address of zoning request: TBD 165<sup>th</sup> Avenue, Pine Island, MN 55963  
Parcels: 40.035.0300 and 40.026.1800  
Abbreviated Legal Description: Part of NE ¼ of NE ¼ of Sect 35 Twp 109 Range 16 in Roscoe Township and part of the S ½ of SE ¼ of Sect 26 Twp 109 Range 16 in Roscoe Township  
Information: Todd Greseth, Roscoe Township Supervisor signed the Berg Variance Application on April 24, 2019. No comments were offered.  
Zoning District: A3 (Urban Fringe District)

### **Attachments and Links:**

Application  
Site Map  
Goodhue County Zoning Ordinance:  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

### **Background:**

Scott Berg has made application for a variance to the 35-acre minimum lot area requirement set forth in Article 23 of the Goodhue County Zoning Ordinance. The variance is requested to allow Parcels 40.035.0300 and 40.026.1800 to be reconfigured through a platting process. The proposed subdivision (Plat) would reconfigure the two existing tax parcels into three parcels. Specific acreage of each parcel resulting from the proposed subdivision will be determined through the platting process.

Scott Berg is intending to acquire from his parents @47 acres including @25 acres from Parcel 40.026.1800 and @22 acres from Parcel 40.035.0300. The @25 acres and @22 acres would be combined through platting (because the respective acreages are located in different Sections) resulting in a Parcel of @47 acres. The proposed subdivision would also create @33 acre and @27 acre parcels located north and south of the proposed @47 acre parcel.

Mr. Berg has indicated that it is the intent of his parents (current property owners) to lease the @33 acre and @27 acre parcels for continued agricultural use as these portions of the two existing parcels include the best tillable land. Scott has stated that he may eventually acquire all of the subject property. He intends to construct an agricultural building on the @47 parcel that would be established through the platting process and may at some point in the future construct

a dwelling. The @47 acres that Scott would initially acquire includes portions of the two existing parcels that are less desirable for use as cropland including some blufflands or generally steeper slopes.

Granting of the requested variance in order to allow the two existing parcels to be reconfigured as proposed would help facilitate reasonable use the property for both Scott and his parents and would help facilitate rational succession planning.

No use of the subject property that would not otherwise be permitted within the A-3 District would be allowed by granting of the requested variance.

**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 “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:**
  - The purpose of the A3 district is to provide for urban expansion in close proximity to existing incorporated urban centers within Goodhue County in accordance with the Comprehensive Plan by conserving land for farming and other open space land uses for a period of times until urban services become available. The County is not aware of any imminent plans of the City of Pine Island to annex land for urban development in Sections 26 or 35 of Roscoe Township. Because no change in the current land uses on the subject property is anticipated, the proposed variance would not appear to be in conflict with the purpose and intent of the A3 district.
- 2) **The variances request is consistent with the adopted Comprehensive Plan:**
  - The Comprehensive Plan prioritizes agricultural land uses over dwellings to protect farmland and decrease conflict between residential and agricultural uses. The proposed variance is not likely to impact any agricultural use of the land since the proposed subdivision of land that the variance would facilitate would result in one less potential dwelling site. Plus the land owner’s intent is to continue to lease the better tillable land as cropland. Any impacts on the potential for future urbanization would be no greater than what would be allowable if the variance was not granted.
- 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 A3 Urban Fringe District is intended to limit building activity that would present an obstacle to future urbanization. The 35-acre parcel size minimum for any principal building or use of property is intended to limit the density of additional dwellings or other development in the District. The proposed subdivision of land is not intended to increase residential density or to allow a dwelling to be built on less than 35 acres. The 35-acre parcel size minimum can be very limiting for a property owner attempting to reconfigure property boundaries for non-development reasons. The variance needed for the Applicant’s proposal to reconfigure the existing two parcels resulting in two parcels

of less than 35 acres would allow for a “reasonable use of land.” Practical difficulty exists in that the 35 acre parcel requirement presents an obstacle to allowing the subject property to be managed in rational and economic manner for continued agricultural use. In addition, the 35 parcel size presents an obstacle to succession planning related to the land holdings of the Berg Family.

- 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.**
- The subject property would continue to be used for agricultural purposes and no additional dwelling sites would be allowed under the current zoning classification.

*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:**

- 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 variance to the A3 (Urban Fringe) Zone 35-acre minimum lot area requirement to allow Parcel #40.026.1800 (@49 acres) and #40.035.0300 (@58 acres) to be reconfigured in a manner that would result in three parcels of approximately 33 acres, 47 acres and 27 acres subject to the following:

1. The proposed reconfiguration of Parcel #40.026.1800 and #40.035.0300 shall be subject to subdivision (platting) requirements set forth in the Goodhue County Subdivision Controls Ordinance.
2. No resulting parcels less than 35 acres shall be eligible as a dwelling under provisions of the A-3 (Urban Fringe) District.

Part of NE ¼ of NE ¼ of Sect 35 Twp 109 Range 16 in Roscoe Township and part of the S ½ of SE ¼ of Sect 26 Twp 109 Range 16 in Roscoe Township. A3 Zoned District.

# Board of Adjustment

Public Hearing  
May 20, 2019  
Scott Berg

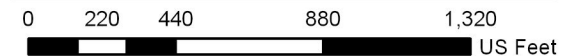
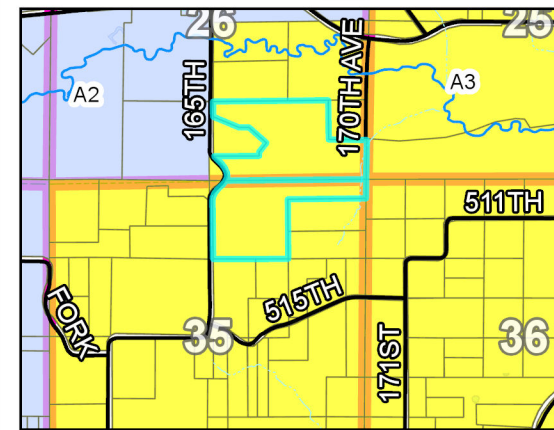
A3 Zoned District

Parcels 40.026.1800 & 40.035.0300  
Part of NE 1/4 of NE 1/4 of Sect 35 Twp 109  
Range 16 and part of the S 1/2 of  
SE 1/4 of Sect 26 Twp 109  
Range 16 in Roscoe Township.

Variance request to A3 District  
dimensional standards to establish  
two parcels less than  
35 acres in area.

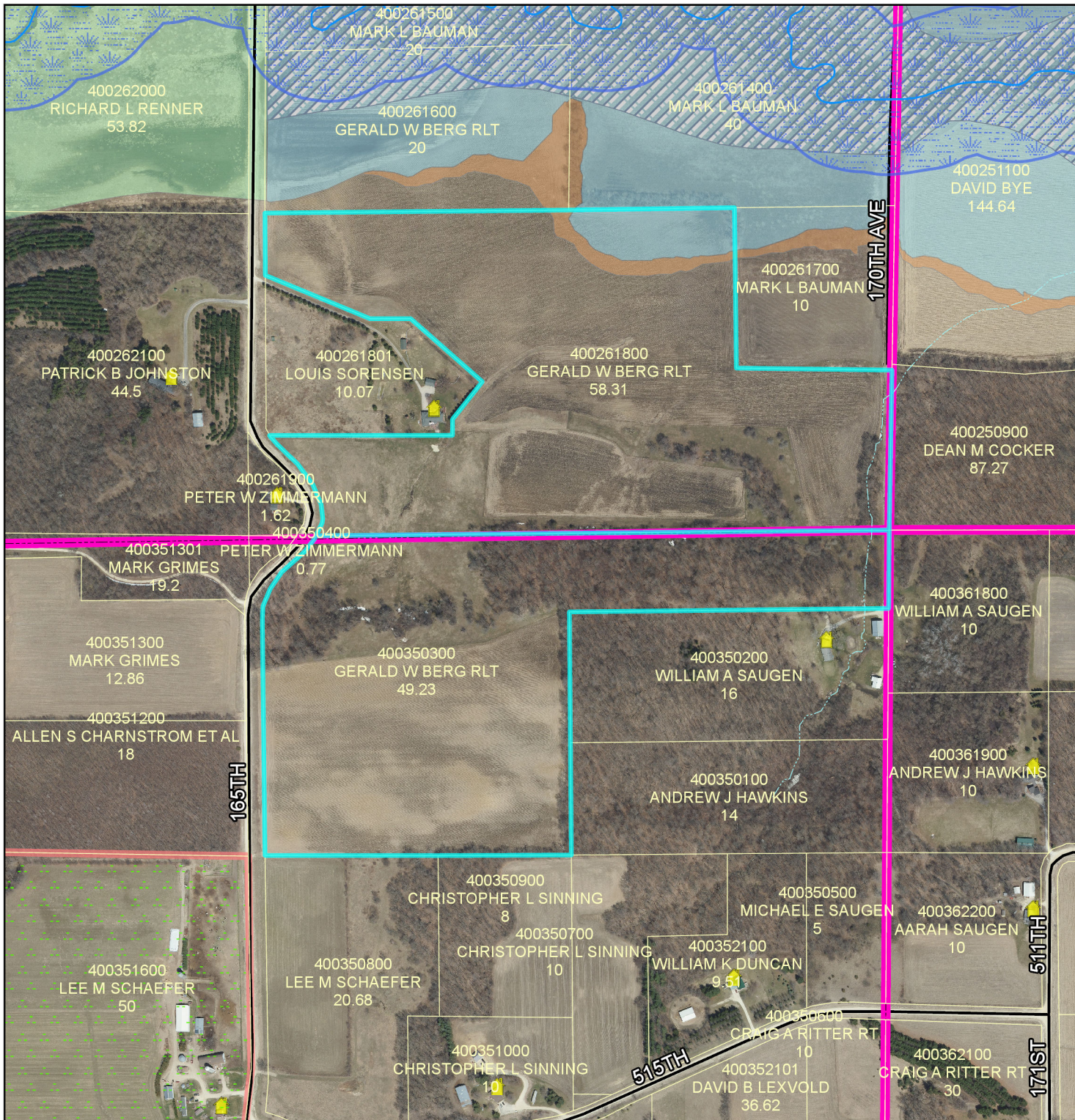
## Legend

	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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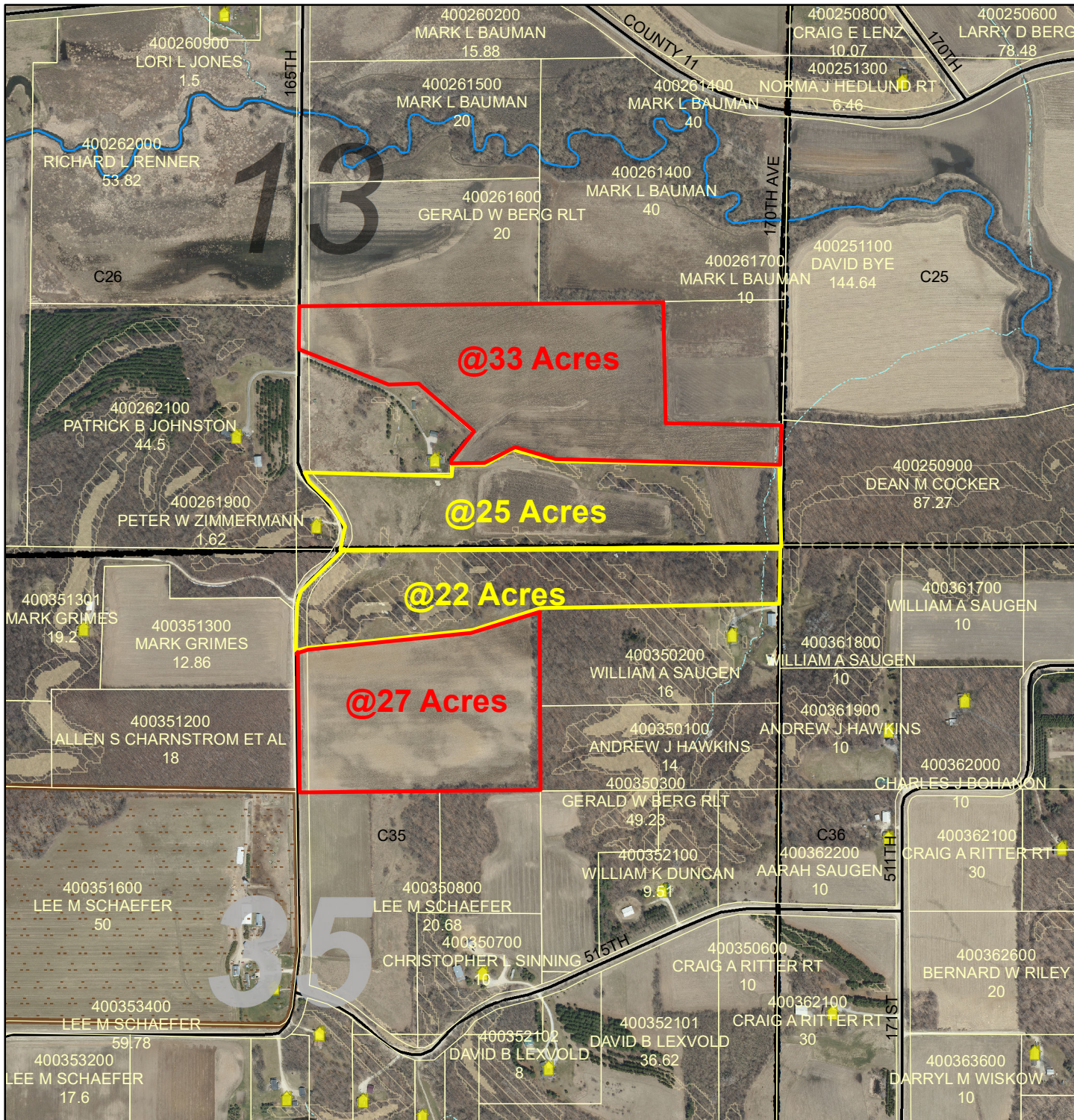


Scott Berg Variance Request  
 to allow a Subdivision of Land  
 to reconfigure Parcel 40.026.1800  
 and Parcel 40.035.0300  
 Resulting in three parcels

@25 Acres plus @22 Acres  
 would be combined to @47 acres >35 Acre Minimum

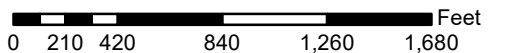
@33 Acres Tilled Land <35 Acre Minimum  
 @27 Acres Tilled Land <35 Acre Minimum

exact acreages of resulting parcel to be  
 established by Administrative Plat



**Legend**

- Tax Parcel
- Section Line
- Road
- 2014 Feedlot parcel
- Municipal Boundaries
- Dwelling Point
- % Slope**
- 20
- 30
- Stream Center Line**
- STATUS**
- Intermittent
- Protected



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2018 Aerial Imagery

RECEIVED

APR 24 2019

APPLICATION FOR

Variance

Land Use Management

For Staff Use only

VARIANCE NUMBER: Z19-0019  
\$350 RECEIPT# 16722 DATE 4-24-19

SITE ADDRESS, CITY, AND STATE: 170th Avenue Way ZIP CODE: 55963

LEGAL DESCRIPTION: Attached

PID#: 70-035-0300/40-026-120 ZONING DISTRICT: A3 LOT AREA (SF/ACRES): 50 LOT DIMENSIONS: STRUCTURE DIMENSIONS (if applicable): 56' x 64'

APPLICANT OR AUTHORIZED AGENT'S NAME: Scott Berg

APPLICANT'S ADDRESS: 24721 555th St. West Concord, MN. 55985 TELEPHONE: EMAIL:

PROPERTY OWNER'S NAME: Same as Above Gerald Berg

PROPERTY OWNER'S ADDRESS: 13040 New Haven Rd. NW Pine Island, MN. 55963 TELEPHONE: EMAIL:

CONTACT FOR PROJECT INFORMATION: Same as Above Scott Berg

ADDRESS: TELEPHONE: EMAIL:

VARIANCE REQUESTED TO: (check all that apply) [ ] Road Right-Of-Way Setbacks [ ] % Lot Coverage [ ] Property Line Setbacks [ ] Bluff Setbacks [ ] Height Limits [ ] Shoreland Setbacks [ ] Lot Width &/or Area [ ] Subdivision Regulations [X] Other (specify) Change from 2 building sites to 2 CURRENT OR PREVIOUS USE: Pasture & 8 1/2 Acres tillable PROPOSED USE: Pasture, 7 1/2 Acres tillable, 1 acre build 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 [ ]

TOWNSHIP OFFICIAL'S SIGNATURE: Todd Greseph SUPERVISOR DATE: 4-24-19

- 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: Scott Berg Date: 4-24-19

Print name: Scott Berg (owner or authorized agent)

REQUEST SUMMARY

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

Article: \_\_\_\_\_ Section: 35 Name: Gerald Berg

Article: \_\_\_\_\_ Section: 26 Name: Gerald Berg

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:

Pasture of about 42 Acres  
Tillable of about 8 1/2 Acres  
107 Acres are in 2 sections & remaining in each section 25 Acres / 33 Acres

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

Basically the property won't change except 1 Acre for building site

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 is the only flat area of the approx. 50 Acres to build and not take of bigger tillable fields

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

No rejecting involved, for what I've been told is I need this variance because there will be less than 35 Acres left by one owner in each section

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

That land I'm purchasing is the only land that the owner is willing to sell, He wants to keep the good tillable land for crops

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

There is one neighbor & he is in favor of it, I've involved him in many discussions, the shed I'm wanting to build would look nice in city limits