

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

1. November 2019 BOA Minutes

Documents:

MINUTES_NOVEMBER_BOA_DRAFT.PDF

Appointment Of Chair And Vice-Chair

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Abandoned Homestead Standards
Request for Variance, submitted by Jason Krueger (buyer) to Abandoned Homestead minimum lot size
standards to allow a dwelling to be re-established on a parcel less than 35 acres in the A3 District (Urban
Fringe). Parcel 40.035.2200. 16632 515th Street, Pine Island, MN 55963. Part of the W ¼ of the E ½ of the
NW ¼ of the SE ¼ of Sect 35, Twp 109 Range 16 in Roscoe Township.

Documents:

BOAPACKET_KRUEGER2.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 November 18th, 2019 MEETING MINUTES DRAFT

The meeting of the Goodhue County Board of Adjustment was called to order at 6:00PM by Chair Ellingsberg in the Goodhue County Government Center Board Room in Red Wing, MN.

Roll Call

Commissioners Present: Robert Benson, Rich Ellingsberg, Kristin Toegel and Daniel Knott

Commissioners Absent: Darwin Fox

Staff Present: Land Use Director Lisa Hanni, Zoning Administrator Michael Wozniak, Zoning

Assistant Ryan Bechel, and Zoning Assistant Samantha Pierret

1. Approval of Agenda

¹Motion by **Benson**, and seconded by **Knott** to approve the meeting agenda

Motion carried 4:0

2. Approval of Minutes

²Motion by **Benson** and seconded by **Toegel** to approve the previous month's meeting minutes.

Motion carried 4:0

3. Conflict of Interest/Disclosure

There were no conflicts of interest.

4. Public Hearings:

PUBLIC HEARING: Request for Variance to Feedlot Setback Standards

Request for Variance, submitted by David & Ann Buck (Owner/Operators), to Article 13 (Confined Feedlot Regulations) setback standards to allow an expansion of an existing Feedlot within 91% odor annoyance-free rating (as determined by the OFFSET model) of an existing dwelling. Parcel 33.019.0400. 37298 180th Ave, Goodhue, MN 55027. NW ½ of Sect 19 Twp 111 Range 15 in Goodhue Township. A1 Zoned District.

Bechel presented the staff report and attachments.

Chair Ellingsberg opened the Public Hearing.

Donald Nord (36566 180th Ave, Goodhue) stated that he had concerns about which side of the property the buildings were built on. He noted that if the structures were constructed on the north side of the Buck property, all of the odor would go towards his property. He commented that where the buildings are proposed to be built there is tile in the ground and this is the low part of the property. He added that if the buildings were constructed on the north side, his property would be "fenced in" by dairy farms which he said may impact property values. He stated that what the farm currently has for manure storage capacity has the operation is hauling manure out everyday.

Howard Stenerson (28969 CTY 1 BLVD, Red Wing) stated he sat on the committee which drafted the ordinance putting these regulations in place. He noted that when the ordinance was being drafted, the intention, in his opinion, was to be able to keep farm owners living close to their animals and their farms however as farm operations grow this can become more difficult with more owners involved in the operation. Mr. Stenerson encouraged the Board to support this variance and questioned whether a "blanket variance" could be approved so the Bucks didn't have to come back for another variance in the future.

³ After Chair Ellingsberg asked three times for additional comments it was moved by Benson and seconded by Knott to close the public hearing.

BOARD OF ADJUSTMENT GOODHUE COUNTY, MN November 18th, 2019 MEETING MINUTES DRAFT

Motion carried 4:0

Commissioner Knott commented that the proposed site plan shows the new buildings close to the center or western portion of the property. He noted the buildings would be closer to the residences owned by family members of the operation who have given consent for the expansion. Commissioner Knott noted that the proposed buildings would be 3300 feet from Mr. Nord's residence which is well beyond the required distance of 1825 feet.

4Motion by Benson, seconded by 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 to allow an expansion of an existing Feedlot within 91% odor annoyance-free rating (as determined by the OFFSET model) of an existing dwelling.

Motion carried 4:0

PUBLIC HEARING: Request for Variance to R1 District Setbacks from Feedlots

Request for Variance, submitted by Jason Krueger (Buyer), to R1 (Suburban Residential District) setback standards to allow the rezoning of property in the A3 (Urban Fringe District) to R1 within 1000 feet of a confined feeding operation. Parcel 40.035.2200. 16632 515th Street, Pine Island, MN 55963. Part of the W ¹/₄ of the E ¹/₂ of the NW ¹/₄ of the SE ¹/₄ of Sect 35, Twp 109 Range 16 in Roscoe Township. A3 Zoned District.

Pierret presented the staff report and attachments.

Jason Krueger (applicant) stated that he proposes to construct a new dwelling on top of the hill in a cleared area of the property. He added that there is an old dwelling foundation in the woods on the southwest corner of the property.

Commissioner Benson questioned how far the dwelling would be from the Feedlot if it were constructed on top of the hill.

Pierret noted that if the home were constructed on top of the hill it would be outside of the 1000 foot distance from a Feedlot, however the variance still needs to be approved because the parcel itself is within that 1000 foot setback.

Chair Ellingsberg opened the Public Hearing.

Dave Lexvold (16758 515th Street, Pine Island) stated he does not have concerns if one dwelling were permitted on the site, however if the parcel is rezoned to an R-1 District, two, three or four dwellings could be permitted at the site.

Pierret stated that if another dwelling were proposed on this site, the property owner would have to apply to split the parcel into a second site. The split would go through the platting process where the neighbors would be notified again and the Planning Commission and County Board would hold public hearings on the item. She noted that splitting this particular parcel may be difficult due to frontage and access requirements.

Robert Dentz (16614 515th Street, Pine Island) stated he purchased his property with the intent of hunting the land. He noted that a home in the area would be within 500 feet of his woods making it illegal to gun hunt in the area. He stated he is not in favor of allowing a dwelling on this parcel.

Mark Braaten (owner) confirmed that the mobile home on the property was owned by the family that previously owned the property and lived in permanently. He also stated that in regards to the deer hunting concerns, he and the applicant both deer hunt and there would not be issues with the neighbor hunting during the season.

⁵After Chair Ellingsberg asked three times for additional comments it was moved by

BOARD OF ADJUSTMENT GOODHUE COUNTY, MN November 18th, 2019 MEETING MINUTES DRAFT

Knott and seconded by Benson to close the Public Hearing.

Motion carried 4:0

⁶Motion by Toegel, seconded by Benson 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 to enable the Applicant to request a change of zone for property from the A3 (Urban Fringe District) to the R1 (Suburban Residence District) located approximately 750 feet from a registered Feedlot. In addition, a dwelling may be constructed on the property to within approximately 900 feet of a registered Feedlot.

Motion carried 4:0

5. Adjourn

⁷Motion by Benson, seconded by Toegel to adjourn the BOA meeting at 6:27PM.

Motion carried 4:0

MOTIONS

¹ APPROVE the meeting agenda. Motion carried 4:0

² APPROVE the previous meeting's minutes. Motion carried 4:0

³ Close the Public Hearing. Motion carried 4:0

⁴ APPROVE the request to allow an expansion of an existing Feedlot within 91% odor annoyance-free rating (as determined by the OFFSET model) of an existing dwelling. Motion carried 4:0

⁵ Close the Public Hearing. Motion carried 4:0

⁶ APPROVE the request to enable the Applicant to request a change of zone for property from the A3 (Urban Fringe District) to the R1 (Suburban Residence District) located approximately 750 feet from a registered Feedlot. In addition, a dwelling may be constructed on the property to within approximately 900 feet of a registered Feedlot. Motion carried 4:0

⁷ ADJOURN. Motion carried 4:0

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning Telephone: 651.385.3104 Fax: 651.385.3106



County Surveyor / Recorder

Environmental Health | Land Surveying | GIS Telephone: 651.385.3223

Fax: 651.385.3098

To: **Board of Adjustment** From: Land Use Management Meeting Date: January 27, 2020 Report date: January 17, 2020

PUBLIC HEARING: Request for Variance to Abandoned Homestead Standards

Request for Variance, submitted by Jason Krueger (Buyer), to Abandoned Homestead minimum lot size standards to allow a dwelling to be re-established on a parcel less than 35 acres in the A3 District (Urban Fringe).

Application Information:

Applicant: Jason Krueger (Buyer)

Address of zoning request: 16632 515th Street, Pine Island, MN 55963.

Parcel 40.035.2200

Abbreviated Legal Description: Part of the W 1/4 of the E 1/2 of the NW 1/4 of the SE 1/4 of Sect 35 Twp 109 Range 16 in Roscoe Township.

Township Information: The Applicant has made Roscoe Township aware of his request in November 2019. Roscoe Township discussed this request and has no objections to the proposed

Zoning District: A3 (Urban Fringe District)

Attachments and Links:

Application Form Site Maps Proposed Site Plan **USDA Soil Survey** Site Visit Photos

Article 11 Section 32 of Zoning Ordinance (Abandoned Homesteads)

Goodhue County Zoning Ordinance (GCZO):

http://www.co.goodhue.mn.us/DocumentCenter/View/2428

Background:

The Applicant (Jason Krueger) intends to purchase the 5-acre parcel in section 35 of Roscoe Township to build a new dwelling. In November 2019, Mr. Krueger applied for a variance to R1 (Suburban Residence District) Feedlot setback standards and requested to rezone the property from A₃ to R₁ to allow a home to be built. The variance request was granted, however, during consideration of the rezone request, multiple citizens acknowledged the presence of an abandoned dwelling site in the southwest corner of the property. The Planning Commission tabled the rezone request to allow staff to evaluate the site and determine if the property could qualify as an Abandoned Homestead.

On November 22nd, 2019 staff performed a site visit and confirmed the presence of a previous dwelling location and determined the property qualified as an Abandoned Homestead. However, Abandoned Homestead performance standards require the parcel to meet the minimum lot size standards for the applicable zoning district. The subject parcel does not meet the 35-acre minimum parcel size required in the A3 District, therefore a variance would need to be approved to allow an Abandoned Homestead to be re-established on the site.

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 intent of the A-3 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 time until urban services become available.
- The proposed dwelling site is located approximately 1.3 miles from the City of Pine Island in an area where parcel sizes are smaller than the minimum allowed parcel size in the A-3 Zoning District surrounded by agricultural uses.
- Minimum parcel size in the A-3 Zoning District has been established to ensure properties have adequate space to support a homestead including a dwelling, well, and two septic sites (original and replacement). This property has adequate space to support a homestead as detailed on the provided site plan.
- 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 objectives include the "...direction of replacement dwelling sites to areas that minimize the loss of prime agricultural lands". The proposed dwelling site is not on prime agricultural soils and no land is currently farmed on the parcel.
- The Comprehensive Plan also prioritizes providing more housing choices for rural residents. Given the parcel's size and history as a dwelling site, re-establishment of a dwelling site would be consistent with this objective.
- 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 proposal to construct a dwelling is a reasonable use of property in the A3 District.
 The property was previously occupied by a dwelling in the southwest corner of the parcel.
 - There is an existing derelict mobile home in the northwest corner of the property which was established on the site between 2014 and 2016 without appropriate permits. The unpermitted mobile home is not an eligible dwelling replacement site.
 - Staff confirmed the existence of a dwelling foundation and chimney in the southwest corner of the property meeting the Abandoned Homestead requirements.

- The Abandoned Homestead provisions of the Zoning Ordinance (Article 11 Section 32) state that the re-established dwelling shall be sited as near to the location of the abandoned dwelling foundation as possible.
 - Upon visiting the site, staff has determined that the proposed dwelling location is as close to the abandoned foundation as is practical at this time. The existing foundation is located across a ravine with an intermittent stream in a densely wooded area. The proposed location would prevent further tree removal and grading along the steep slope and drainageways in the area.
- The parcel was created prior to the establishment of the Abandoned Homestead Ordinance which requires properties to meet the minimum parcel size of the zoning district to qualify as an Abandoned Homestead.
- The subject parcel is located in an area with 8 dwellings within ½ mile of the proposed dwelling site. Many dwellings on adjacent properties are located on parcels less than 35 acres in size.
 - The proposed variance does not appear to alter the essential character of the area.
- 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.
- Single-family dwellings are a permitted use in the A₃ 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 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

<u>APPROVE</u> the request for variance, submitted by Jason Krueger, to Abandoned Homestead standards to allow the re-establishment of a dwelling on a parcel less than 35 acres in the A-3 (Urban Fringe) Zoning District.

Variance

RECEIVED

DEC 3 0 2019

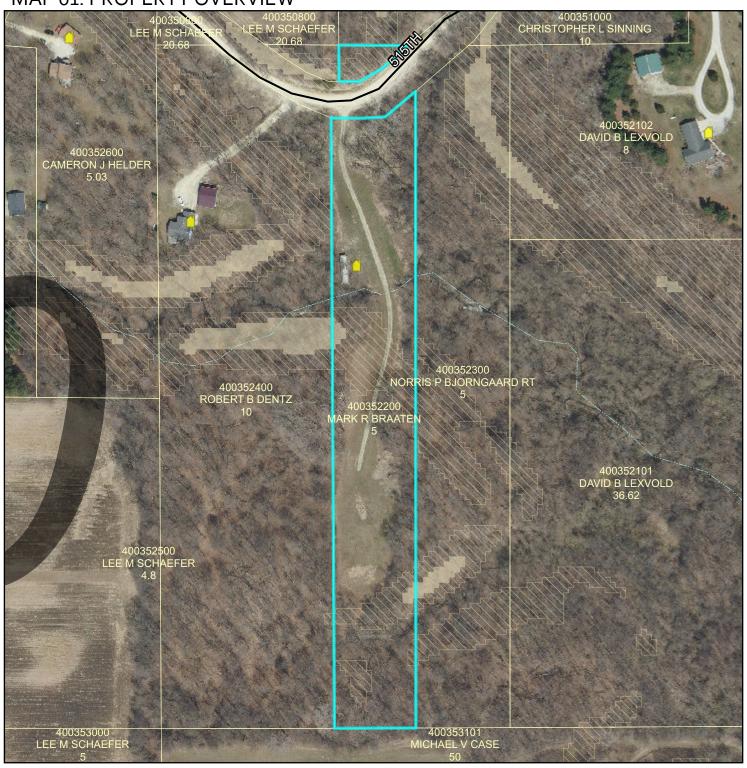
For Staff Use only VARIANCE NUMBER:

Land Use Management

Market and Control of the Control of	and a second		per our	
SITE ADDRESS, CITY, AND STATE 16632 SI5th St Pine Isla LEGAL DESCRIPTION:	and MN	**************************************		55963
W 1/4 EYZ NW 1/4 SE Y4	Sec 35 11	09 110		Attached
PID#: ZONING DISTRICT LOT AREA (SF		09 16	STRUCTUREDIM	ENSIONS (if applicable):
R40.035.2200 A3 4.9	Acres 163's	(13101		
APPLICANT OR AUTHORIZED AGENT'S NAME				
Jason Krueger	(f)			
APPLICANT'S ADDRESS:		TELEPHONE:		
1040 9th Ave SW				
Pine Island, MN 55963		EMAIL:		
1 THE ISLAND, WIN 33965		<u> </u>		
PROPERTY OWNER'S NAME::				
Same as Above 7 Mark Braaten				
PROPERTY OWNER'S ADDRESS:		TELEPHONE:		
S1499 176th Ave way				*! 2
		EMAIL:		
Pine Island, MN 55963	3			
CONTACT FOR PROJECT INFORMATION:				
Same as Above X Jason Krueger				
ADDRESS:		TELEPHONE:		
9	as.			
		EMAIL:		
15				Å
VARIANCE REQUESTED TO: (check all that apply)	CURRENT OR PREVIOUS U	ISE:	- W	
□Road Right-Of-Way Setbacks □% Lot Coverage	9	180	F1	
	PROPOSED USE:	1 1		
☐ Property Line Setbacks ☐ Bluff Setbacks	les: den		T	
☐ Height Limits ☐ Shoreland Setbacks	BUILDING APPLICATION PE	:RMIT NO.: (ITTIIEd)	DATE	-ILED:
Lot Width &/or Area Other (specify)	44		8 //	
Small lot for				
Subdivision Regulations	33		1 .	
Sincular	Д			
TOWNSHIP SIGNATURE:	the Applicant's variance			Ť
By signing this form, the Township acknowledges they are aware of In no way does signing this application indicate the Township's posi	ition on the variance requ	request. iest.		Attached
TOWNSHIP OFFICAL'S SIGNATURE	TOWNSHIP OFFICAL'S PRIM	NTED NAME AND TITLE		DATE
ts				
By signing below, the applicant acknowledges:				
1. The undersigned is the owner or authorized agent of the		·.		9
 The information presented is true and correct to the best of If I am unable to be present at the hearing where my reque 		ee to accept the No	atice of Decision	n wia mail
 If I all this information or applications may be required 	est is acted upon, I agr	ee to accept the 140	itice of Decisio.	ii via iiian.
			12	1
oplicant's Signature:		D.	te: 12/10	,/19
pricant songranic.	7	Da	i.e	41
+ 0 1,				
int name: Jason Krneger		(owner or a	uthorized ager	ıt)

REQUEST SUMMARY Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from: 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: 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: esser variance than what In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

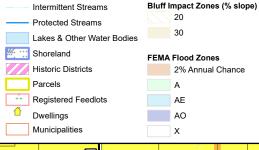
Public Hearing January 27th, 2020

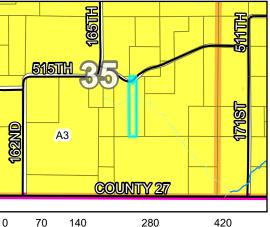
Jason Krueger (Buyer) A3 Zoned District

Part of the W 1/4 of the E 1/2 of the NW 1/4 of the SE 1/4 of Sect 35, TWP 109 Range 16 in Roscoe Township.

Variance request to Abandoned Homestead minimum lot size standards to allow a replacement dwelling to be constructed on a parcel less than 35 acres.

Legend





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2018 Aerial Imagery Map Created January, 2020 by LUM



US Feet

MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

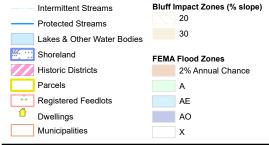
Public Hearing January 27th, 2020

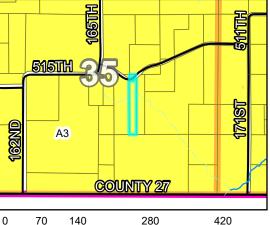
Jason Krueger (Buyer) A3 Zoned District

Part of the W 1/4 of the E 1/2 of the NW 1/4 of the SE 1/4 of Sect 35, TWP 109 Range 16 in Roscoe Township.

Variance request to Abandoned Homestead minimum lot size standards to allow a replacement dwelling to be constructed on a parcel less than 35 acres.

Legend





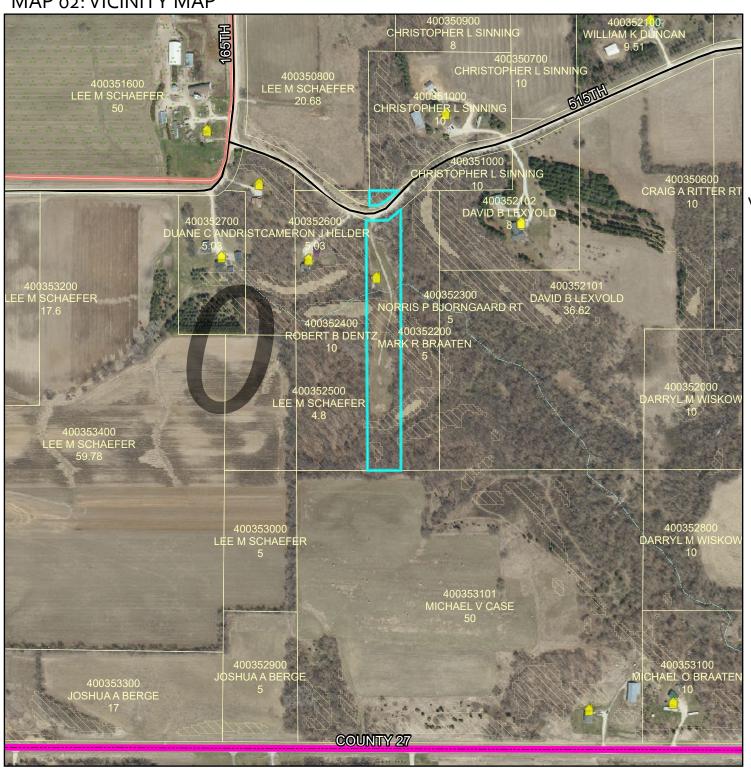
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2018 Aerial Imagery Map Created January, 2020 by LUM



US Feet

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

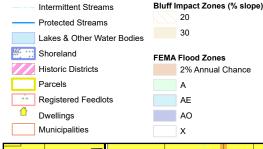
Public Hearing January 27th, 2020

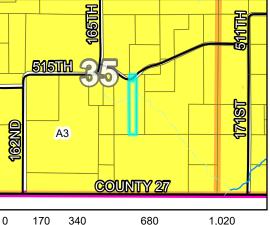
Jason Krueger (Buyer) A3 Zoned District

Part of the W 1/4 of the E 1/2 of the NW 1/4 of the SE 1/4 of Sect 35, TWP 109 Range 16 in Roscoe Township.

Variance request to Abandoned Homestead minimum lot size standards to allow a replacement dwelling to be constructed on a parcel less than 35 acres.

Legend





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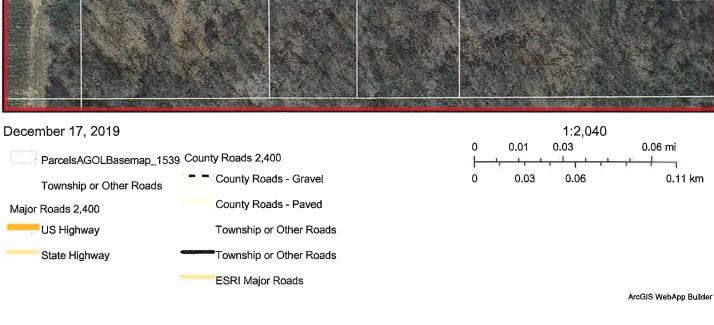
2018 Aerial Imagery Map Created January, 2020 by LUM



US Feet

ArcGIS WebMap



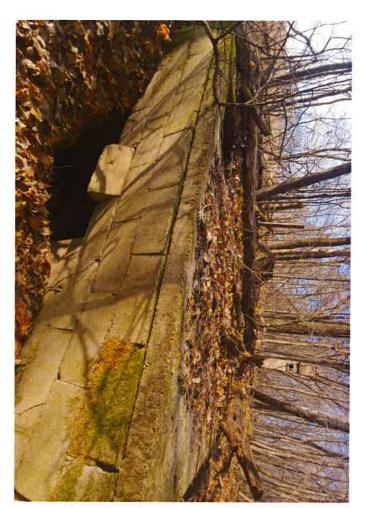


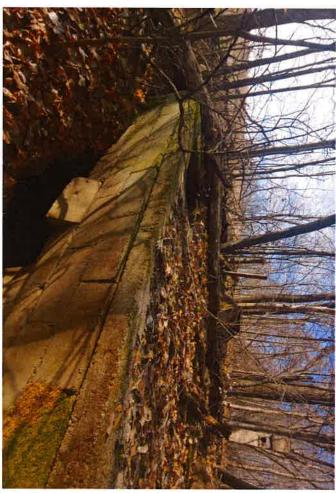


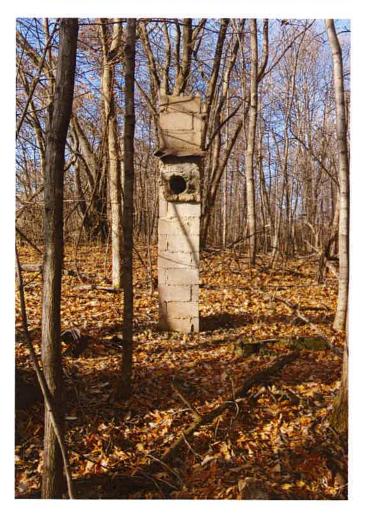
Map Unit Legend

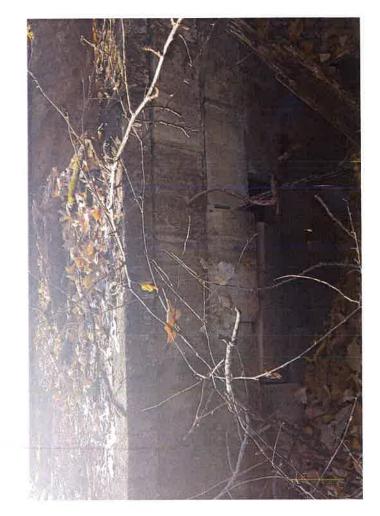
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
N537E2	Fayette-Hersey, bedrock substratum, complex, 18 to 25 percent slopes, moderately eroded	1.0	22.3%
N538C2	Waubeek and Massbach soils, 6 to 12 percent slopes, moderately eroded	0.0	0.0%
N572C2	Downs-Hersey, bedrock substratum, complex, 6 to 12 percent slopes, moderately eroded	1.4	29.3%
N572D2	Downs-Hersey, bedrock substratum, complex, 12 to 18 percent slopes, moderately eroded	0.5	11.4%
N578B	Barremills silt loam, drainageway, 1 to 5 percent slopes, occasionally flooded	0.7	15.5%
N597C2	Waucoma-Winneshiek complex, 6 to 12 percent slopes, moderately eroded	0.0	0.0%
N631E	Schapville silt loam, 18 to 35 percent slopes	1.0	21.3%
Totals for Area of Interest		4.6	100.0%















- B. Size: An ADU cannot exceed the size of the primary dwelling
- C. The ADU will be required to obtain all necessary permits, including Zoning, Building, Well, and SSTS

Section 32. ABANDONED HOMESTEADS

- Subd. 1. To qualify as an Abandoned Homestead, a site shall satisfy the following criteria:
 - A. Clear, physical evidence of a dwelling, and
 - B. A distinct yard containing features such as fencing, windbreaks, or other readily apparent features characteristic of a previously established homestead.
- Subd. 2. Abandoned Homestead dwelling reestablishments shall comply with the following standards:
 - A. The parcel shall meet the minimum size regulations, yard requirements, road access standards, Bluffland ,Shoreland , and Floodplain requirements, and
 - B. The reestablished dwelling shall be sited as near to the location of the abandoned dwelling foundation as practical, and
 - C. An approval for reestablishment of a dwelling as an Abandoned Homestead site shall expire and be considered null and void one (1) year after the approval date if the use has not been established.

Section 33. CONTRACTORS YARD

- Subd. 1. Contractors Yards shall comply with the following standards:
 - A. The minimum parcel size shall be 3 acres and shall meet road access standards.
 - B. The site shall not be located within Shoreland, Floodplain, or Blufflands.
 - C. Materials, structures, and operations associated with the Contractors Yard shall be located a minimum of 100 feet from adjacent neighboring dwellings existing at the time of permit application.
 - D. Non-Resident Employees, except designated office or shop personnel, may occupy the site only for the purpose of gathering equipment and supplies, necessary fabrication, or general maintenance.
 - E. There shall be no on-site retail sales. The sale of incidental stock-in-trade shall not be considered retail sales.
 - F. Exterior storage of materials, vehicles, and equipment may require screening from public view.
 - G. The routes and conditions of local transportation networks will be part of the review process to determine if they are capable of supporting the proposed use without appreciably diminishing traffic safety along primary access routes. When appropriate, the applicant shall bear the costs of required dust mitigation measures.