

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

Virtual Meeting Notice

Virtual Meeting Notice: The Goodhue County Board of Adjustment will be conducting a meeting on May 18, 2020 at 4:30 p.m. Due to concerns surrounding the spread of COVID-19, the meeting and all public hearings will be conducted by telephone or other electronic means.

The public may monitor the meeting from a remote site by logging into https://global.gotomeeting.com/join/979156181 or calling 1-877-309-2073 beginning at 4:20 PM or any time during the meeting. Access Code: 979 – 156 – 181

Public Comments: Interested persons must submit comments by phone, in writing, or via email until noon on Monday, May 18, 2020. To submit your comments please email them to samantha.pierret@co.goodhue.mn.us or mail them to the Land Use Management Department at 509 West 5th Street, Red Wing, MN 55066. Comments received by this deadline will be read into the record during the public hearing for that item, including name and address.

Staff reports can be viewed online 5-days prior to the meeting. Agenda items may be subject to change. Please contact Land Use Management at (651)385-3104, or visit us on the web at www.co.goodhue.mn.us for more information.

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

Election Of Vice-Chair/Toegel Resignation

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance, submitted by Trey Pottinger (Applicant) and Todd Stumpf (Owner), to A-3 Zoning District standards to construct a garage addition less than 30 feet from the side yard property line and less than 60 feet from the County 1 Right-of-Way. Parcel 31.002.4100. 28715 CTY 1 BLVD, Red Wing, MN 55066. Part of the NW ¼ of the SW ¼ of Sect 02 TWP 112 R15 in Featherstone Township.

Documents:

BOAPACKET_POTTINGER_REDACTED.PDF

Request For Variance To Feedlot Setback Standards AMENDED

Request for Variance, submitted by Nick Stoffel (owner), 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 odor OFFSET model) of existing dwellings. Parcel 46.029.0303. 13014 265th Street, Welch, MN 55089. Part of the NW ¼ of Section 29 TWP 113 Range 16 in Welch Township. A-2 Zoned District.

Documents:

BOAPACKET_STOFFEL_AMENDEDRECCOMENDATION.PDF

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance, submitted by Joshua Schultz (owner), to A-2 Zoning District standards to construct an accessory building less than 30 feet from the rear property line. Parcel 46.009.0700. 23944 145th AVE, Welch, MN 55089. Part of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 09 TWP 113 Range 16 in Welch Township.

Documents:

BOAPACKET_SCHULTZ.PDF

PUBLIC HEARING: Request For Variance To Accessory Dwelling Unit (ADU) Standards
Request for Variance, submitted by Brandi Bakken (Morton Buildings, Authorized Agent) and William and
Kristin Henak (owners), to allow an Accessory Dwelling Unit to be constructed greater than 100 feet from
the principal dwelling. Parcel 33.003.0300. 21034 340th Street Way, Red Wing, MN 55066. Part of the NW
1/4 of Section 03 TWP 111 Range 15 in Goodhue Township. A-1 Zoned District.

Documents:

BOAPACKET_HENAK_REDACTED.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 *

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: May 18, 2020 Report date: May 7, 2020

PUBLIC HEARING: Request for Variance, submitted by Trey Pottinger (Applicant) and Todd Stumpf (Owner), to A-3 Zoning District standards to construct a garage addition less than 30 feet from the side yard property line and less than 60 feet from the County 1 BLVD Right-of-Way.

Application Information:

Applicant(s): Trey Pottinger (Buyer) and Todd Stumpf (Owner)

Address of zoning request: 28715 County 1 BLVD, Red Wing, MN 55066

Parcel: 31.002.4100

Abbreviated Legal Description: Part of the NW 1/4 of the SW 1/4 of Section 02 TWP 112 Range 15 in

Featherstone Township.

Township Information: Featherstone Township has signed acknowledgment of the variance request

and did not convey any concerns regarding the application.

Zoning District: A-3 (Urban Fringe District)

Attachments and Links:

Application and submitted project summary

Site Map

Goodhue County Zoning Ordinance:

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

Background:

Trey Pottinger (Applicant) and Todd Stumpf (Owner), have applied for a variance to A-3 minimum setback standards to construct a proposed 26-foot by 32-foot garage addition on the west side of the existing dwelling. The proposed addition would be 8 feet from the north property line where 30 feet is required and 45 feet from the edge of the County 1 BLVD Right-of-Way where 60 feet is required by Ordinance.

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:

- Property line and Right-of-Way setbacks are intended to create separation among adjacent structures and roads to allow for adequate access and accommodate future road expansion.
- The existing home and garage are located 45 feet from the edge of the County 1 BLVD Right-

of-Way and an existing shed is located approximately 8 feet from the north property line while the existing dwelling is located approximately 21 feet from the north property line. All structures are, therefore, non-conforming structures. Locating the addition the same distance from the Right-of-Way as the existing garage and slightly closer to the north property line than the existing shed is not anticipated to further impede future road expansion or on-going maintenance. This request appears in harmony with the purpose and intent of the official control.

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

- The Goodhue County Comprehensive Plan supports the use of existing rural residences to provide rural living opportunities in the unincorporated areas of Goodhue County.
 - The proposed garage addition 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 desires to expand the size of an existing garage from a single-car to a two-car structure. The request to construct an addition to the existing dwelling is a reasonable use of property in the A-3 District.
 - The addition of a second vehicle bay would result in an 8-foot side yard setback from the north property line and 45 feet from the edge of the CTY BLVD Right-of-Way.
 - The proposed addition would be 13 feet closer to the north property line than the existing garage and would be the same distance from the Right-of-Way.
 - The parcel is an existing non-conforming lot as it 0.39 acres in size where 35 acres are required in the A-3 Zoning District.
 - The Applicant stated that there are no alternative locations for the addition due to the existing lot size.
 - The home was originally built in 1959 and pre-dates county zoning and setback regulations (established in 1971).
 - The surrounding land uses include A-3 Zoned properties on all sides owned by Thomas Gernentz to the north, Robert Halverson to the west, Brian Jacobson to the south, and Barbara Johnson across County 1 Blvd to the east. Thomas Gernentz has signed a document noting he does not have objections to the proposed addition.
 - Surrounding land uses include medium density residential to the north, south, and west and agricultural/row-crop agriculture to the east.
 - 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.

Residential accessory structures are a permissible use in the A-3 Zoning 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 a variance, submitted by Trey Pottinger (Applicant) and Todd Stumpf (Owner) to A-3 Zoning District standards to allow construction of a garage addition 8 feet from the north side yard property line and 45 feet from the County 1 BLVD Right-of-Way.

APPLICATION FOR

Variance

RECEIVED

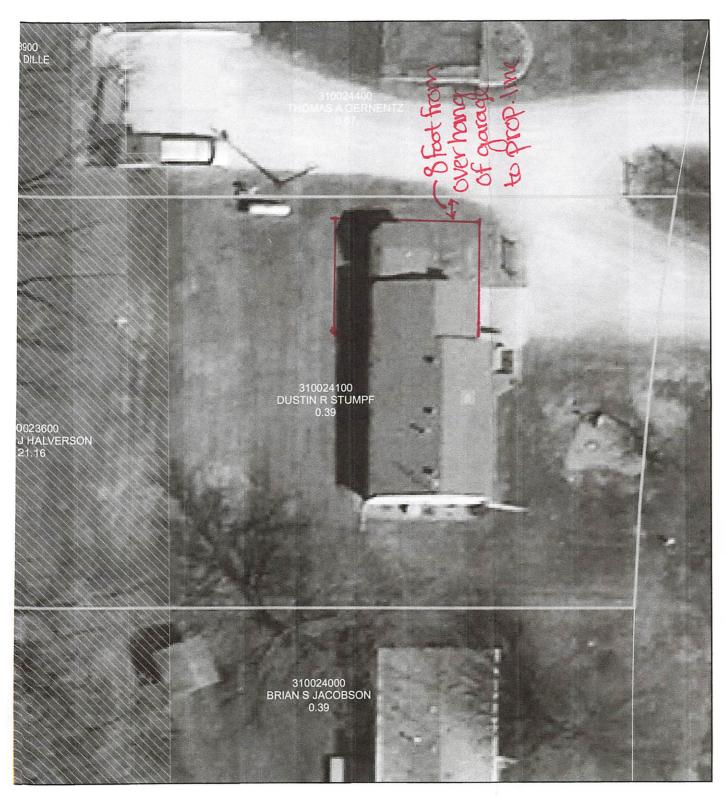
APR 1 2020

Land Use Management

For Staff Use	only
VARIANCE NUMBER:	Z20.0013
\$350 RECEIPT#	17202 DATES.4-20

SITE ADDRESS, CITY, AND STATE		ZIP CODE:
28715 Cr-1 Red Wing MN		55066
LEGAL DESCRIPTION:		Attached
PID#: ZONING DISTRICT LOT AREA (SF/		STRUCTURE DIMENSIONS (if applicable):
31.002.4100 A3 .396	iones 150' x 100'	26' x 32'
APPLICANT OR AUTHORIZED AGENT'S NAME		and the second s
APPLICANTISADDRESS:	TELEPHONE:	
20121 Red wing blud Hastings		
20121 1100 01119 21001 11054143	EMAIL:	
	1,	
PROPERTY OWNER'S NAME::	galous te lete na variet introductionale sur less librais. Les elle	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:	
30203 Langhans Rd Rta	EMAIL:	
Mn 55066		
CONTACT FOR PROJECT INFORMATION:		
Same as Above Trey Pattinger		
20121 Red Wing Blud Hastings	TELEPHONE:	
20 10 1 Teer of 15 took haber 25	T (NO COLO)	
	CURRENT OR PREVIOUS USE:	
VARIANCE REQUESTED TO: (check all that apply)	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	parage
Road Right-Of-Way Setbacks % Lot Coverage	PROPOSEDUSE:	
☐ Property Line Setbacks ☐Bluff Setbacks	2 Stall garage	
☐ Height Limits ☐ Shoreland Setbacks	BUILDING APPLICATION PERMIT NO.: (iffiled)	DATE FILED:
□Lot Width &/or Area □Other (specify)		The second secon
☐Subdivision Regulations		
TOWNSHIP SIGNATURE:	no Applicant's verience request	
By signing this form, the Township acknowledges they are aware of t In no way does signing this application indicate the Township's posi	ion on the variance request.	Attached
TOWNSHIP OFFICAL'S SIGNATURE	TOWNSHIP OFFICAL'S PRINTED NAME AND TITLE	DATE 3-17-2020
Churches how the ambient advantadass	Chuck Schwartan	3,77, 202
By signing below, the applicant acknowledges: 1. The undersigned is the owner or authorized agent of the or application.	owner of this property.	
2. The information presented is true and correct to the best of	of my knowledge.	
 If I am unable to be present at the hearing where my reque Additional information or applications may be required 	st is acted upon, I agree to accept the N	iotice of Decision via mail.
The state of the s		2/1/2020
pplicant's Signature:	D	ate: 3/4/2020
		1 . 1
rint name: Trey Pottinger	(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: Single Stall garage. Trying to make it a 2 stall attached attached to make it a 2 stall attached to payage to pay 2 vehicles.	
garage to have space to park 2 venicles	_
	_
Describe the effects on the property if the variance is not granted: It would remain a one car garage leaving a truck + a boat outside instead of in the garage	
	_
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: Park a truck + a boat outside. Or just look for a	
different house with a bigg enough garage	
	_
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning: Park outside. And a new houses T do not want to park	
outside + I like the location of the house	
CIVITIE & P THE CAR TOTALLY OF THE CONTRACTOR	
In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:	

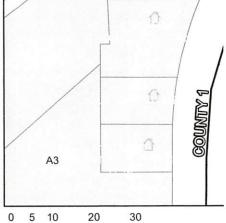


SITE PLAN

State the use of the property. Show the shape and location of structures with to property lines and location of ALL v septic systems.

Legend

Intermittent Streams	Bluff Impact Zone
 Protected Streams	20
Lakes & Other Water Bodies	30
Shoreland	FEMA Flood Zone
Historic Districts	2% Annual
Parcels	Α
Registered Feedlots	AE
Dwellings	AO
Municipalities	X



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US Feet

2018 Aerial Imagery Map Created April, 2020 by Samantha Pierret

Iadding onto his home/p		ne 26'X32' garage Trey Pottinger is neighboring mine.	5
Tom Der	rent	3-11-2020	
Signature	5	Date	

MAP 01: PROPERTY OVERVIEW

BOARD OF ADJUSTMENT

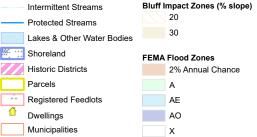
Public Hearing May 18, 2020

Trey Pottinger (Applicant)
A3 Zoned District

Part of the NW 1/4 of the SW 1/4 of Section 02 TWP 112 Range 15 in Featherstone Township

Variance request to construct a garage addition less than 30 feet from the side side property line and less than 60 feet from the CTY 1 BLVD Right-of-Way.

Legend



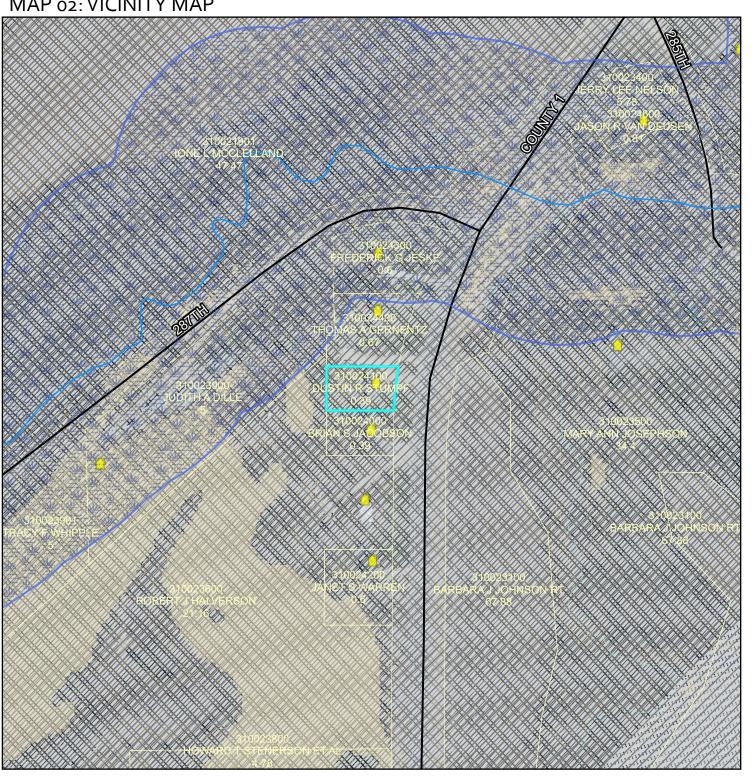


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US Feet



MAP 02: VICINITY MAP



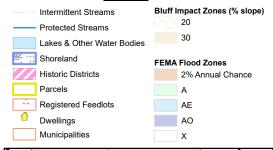
BOARD OF ADJUSTMENT

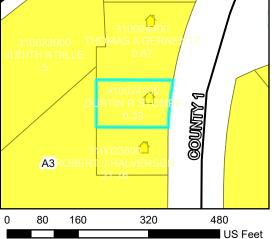
Public Hearing May 18, 2020

Trey Pottinger (Applicant) A3 Zoned District

Part of the NW 1/4 of the SW 1/4 of Section 02 TWP 112 Range 15 in **Featherstone Township**

Variance request to construct a garage addition less than 30 feet from the side side property line and less than 60 feet from the CTY 1 BLVD Right-of-Way.





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MAP 03: ELEVATIONS 0 5 10

BOARD OF ADJUSTMENT

Public Hearing May 18, 2020

Trey Pottinger (Applicant)
A3 Zoned District

Part of the NW 1/4 of the SW 1/4 of Section 02 TWP 112 Range 15 in Featherstone Township

Variance request to construct a garage addition less than 30 feet from the side side property line and less than 60 feet from the CTY 1 BLVD Right-of-Way.

Legend Intermittent Streams Protected Streams Lakes & Other Water Bodies Bluff Impact Zones (% slope) 20 30

Lakes & Other Water Bodies

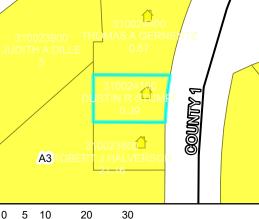
Shoreland
FEMA Flood Zones

Historic Districts
2% Annual Chance
Parcels
A

Registered Feedlots AE

Dwellings AO

Municipalities X



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US Feet

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: May 18, 2020
Report date: May 14, 2020

PUBLIC HEARING: Request for Variance to Feedlot Setback Standards

Request for Variance, submitted by Nick Stoffel (Owner), 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 existing dwellings.

Application Information:

Applicant: Nick Stoffel (Owner)

Address of zoning request: 13014 265th Street, Welch, MN 55089

Parcel: 46.029.0303

Abbreviated Legal Description: Part of the NW 1/4 of Section 29 TWP 113 Range 16 in Welch

Township.

Township Information: Welch Township signed off on the application acknowledging the

Applicant's proposal and did not add any comments.

Zoning District: A-2 (Agriculture District)

Attachments and Links:

Application and Project Summary
Site Map
OFFSET Calculations
Goodhue County Zoning Ordinance (GCZO):
http://www.co.goodhue.mn.us/DocumentCenter/View/2428

Background:

The Applicant has applied for a variance to allow the establishment of a Feedlot with up to 12 horses as part of their equine Veterinary business. The Feedlot would be located less than 1,000-feet from three existing dwellings. The Goodhue County Zoning Ordinance requires new Feedlots to be at least 1,000 feet from neighboring dwellings.

Property owners are required to complete a Feedlot Registration for any property containing 10 or more Animal Units (1 horse is 1 Animal Unit).

This property was granted a Conditional Use Permit for a Veterinary Clinic in 2018. The site has been housing animals since the Clinic was granted a CUP.

The Applicant has indicated that their insurance requires the property to complete the Feedlot registration process.

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 A2 district is to maintain and conserve agricultural investments and prime agricultural farmland but provide for a slightly higher density of dwellings than the A1 District. This district is intended to apply to those areas where large farms and feedlots are more scattered and greater numbers of non-farm uses or small parcels are present.
- Reciprocal feedlot setbacks between feedlots and dwellings are intended to decrease potential conflicts among residential and agricultural uses.
 - Three residences are located within the 1000-foot required setback area for the proposed Feedlot including by Dylan Strand, Aaron Bauer, and Sally Fox. Mr. Strand's dwelling is located 628 feet northwest. Ms. Fox's dwelling is located 483 feet southwest. Mr. Bauer's dwelling is located 785 feet southwest.
- All other dwellings are more than 1,000 feet from the proposed Feedlot.
- Given the Feedlot would achieve a 99% odor annoyance-free rating (as determined by the OFFSET model) from these three dwellings, the 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 owners of the dwellings not meeting the minimum setbacks have signed letters of acknowledgment for the variance request.
- Future buyers of the dwellings will have the opportunity to be informed of the existence of the Feedlot. The request does not appear inconsistent 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 comprises 23.78-acres and is a conforming lot in the A2 district (2-acre minimum). The Applicant's request to establish a registered Feedlot is a reasonable use of property in the A2 District.
 - The property has been historically used as a homestead with a veterinary business in an accessory building permitted by Conditional Use Permit approved in 2018. There have been no complaints forwarded to County Zoning staff regarding the veterinary clinic.
 - The Applicant is proposing two areas to be designated as a Feedlot on the property. The structure on the west side of the property in the existing veterinary clinic building and on the east side of the property in an existing accessory barn.
 - The Feedlot would meet all other applicable setback requirements of the Goodhue County Zoning Ordinance.

- A review of the existing development pattern in the vicinity reveals medium-density residential development among agricultural uses (feedlots and row-crop agriculture).
 The request for variance appears unlikely to alter the essential character of the locality.
- The proposed Feedlot will use existing structures constructed prior to the Feedlot registration application. Alternative locations for housing of animals were not considered because appropriate structures already exist on the property.
- The establishment of a Feedlot on this parcel will affect neighboring parcels' dwelling eligibility. There is dwelling density available in the southeast 1/4 of the northwest 1/4 of Section 29 (parcel 46.029.0304 owned by Jennifer Olson).

A dwelling proposed on this parcel would be required to meet the 1,000-foot setback to the new Feedlot (even if the Feedlot was established as a result of a variance) as Feedlot setback reductions are not reciprocal unless expressly stated in the Board's decision. If not specifically addressed, a variance approval for the Stoffel's would necessitate the owner of parcel 46.029.0304 (Jennifer Olson) to request a variance to the Stoffel's Feedlot to be able to build a dwelling on the parcel.

The Olson's recently split and sold the parcel with the intent of establishing a dwelling on the premises.

- 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 are permissible uses in the A2 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 received comments from multiple neighboring property owners, including Jennifer and Matt Olson (co-owners of parcel 46.029.0304) and Brad and Debbie Olson (previous owners) expressing opposition to this variance request as it relates to dwelling eligibility on their property. These comments will be read into the record during the public hearing portion of the meeting.

Upon consideration of additional information received from the public, LUM Staff has modified our findings and recommendation to the Board of Adjustment to address the potential loss of dwelling eligibility for the recently split property owned by Jennifer Olson in the southeast ¼ of the northwest ¼ of Section 29 (46.029.0304).

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 Nick Stoffel (Applicant) to Article 13 (Confined Feedlot Regulations) setback standards to allow a new Feedlot to be established no closer than 483 feet from neighboring dwellings. The reduced Feedlot setback distance shall be reciprocal to a new dwelling that may be established in the southeast ½ of the northwest ¼ of Section 29.

RECEIVED

APPLICATION FOR

APR 2 3 2020

Variance

Land Use Management

For Staff Us	e only				
VARIANCE NUMBE	Z	X).(100	8	
\$350 RECEIF	T# A	127	DATE Z	123	21

		3330 RECEI	1 100	SCO. Para le
SITE ADDRESS, CITY, AND STATE				ZIP CODE:
13014 265th Street	Welch	MU		55089
				Attached ©
PID#: ZONING DISTRICT LOT AREA (S	FIACRES): LOT DIMENSIONS:		STRUCTURE DIN	ENSIONS (if applicable):
MICK Stoffel				
APPLICANT'S ADDRESS:		TELEPHONE		
13014 265 Th Street]		44.1
welch, MN 55089		EMAIL:		
PROPERTY OWNER'S NAME::				
Same as Above				The second secon
PROPERTY OWNER'S ADDRESS:		TELEPHONE:		
				*
		EMAIL:		
CONTACT FOR PROJECT INFORMATION:				
Same as Above				
ADDRESS:		TELEPHONE:		
		EMAIL:		
VARIANCE REQUESTED TO: (check all that apply)	CURRENT OR PREVIOUS US	BE:		
□Road Right-Of-Way Setbacks N® Lot Coverage	AG			
termination of the second of t	PROPOSED USE:			
Property Line Setbacks	Feed lot BUILDING APPLICATION PER	RMIT NO.: (iffiled)	DATE	FILED:
☐Height Limits ☐Shoreland Setbacks				
Lot Width &/or Area (specify)				
Subdivision Regulations				
TOWNSHIP SIGNATURE:				
By signing this form, the Township acknowledges they are aware of	the Applicant's variance re	equest.		
In no way does signing this application indicate the Township's posi	TOWNSHIP OFFICAL'S PRINT			Attached L
Ken Mingoly	KEN SUI		CERIS	4-10-2020
y signing below, the applicant acknowledges:				APRIL
The undersigned is the owner or authorized agent of the or The information presented is true and correct to the best of	owner of this property.			
If I am unable to be present at the hearing where my reque	est is acted upon, I agree	e to accept the Noti	ce of Decision	ı via mail
Additional information or applications may be required	1 - , - 8		ce of Decipies	· vice iridii.
olicant's Signature:	the state of the s	Date	4-7.	- 20
			(- Account of the control of the cont

_____ (owner or authorized agent)

REQUESTS	SUMMARY	
Please cite the	Ordinance Artic	le(s) and Section(s) you are requesting a variance from:
		Name:
		Name:
SUPPORTI You, or your a the following o	NG INFORMA gent, bear the bur	TION & JUSTIFICATION den of providing information to convince the Board to rule in your favor. Please provide answers to baces below or in an attached document. You may also attach any additional supporting
Discuss your	current use of the	property and the reason for your variance request:
Jeferinary the max	urrent no y Clinic.	the variance request is for the potential of exceeding
	tial loss	gincome with the business and insurance
		of the current ordinance:
Discuss alternator rejecting the	iem:	ered that comply with existing standards. If compliant alternatives exist, provide your reasoning
Discuss alternates	ntives you conside	ered that would require a lesser variance. If you rejected such alternatives, provide your
neighborhood/	area?:	ance will not abter the neighborhood. Our
existin	a struct	unce will not after the neighborhood. Our ures and fences will remain the same.

GOODHUE SWCD 104 EAST 3RD AVENUE - PO Box 335 GOODHUE, MN 55027 651-923-5286 Ext 4

Feedlot registration form

Feedlot Program

Doc Type: Feedlot Registration

Instructions: Minn. R. ch. 7020 requires most owners of livestock operations to provide information requested in this form to the Minnesota Pollution Control Agency (MPCA) at least once in a four-year cycle, unless a permit application has been made. Feedlots with a National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permit cannot use this form to document change of name or ownership.

Facility name and a	ddress The Information	ion below refle	cis a change to (lhe name of an e	existina registered facility.	
Facility name: 5to	Pfel Equipe	9		Registration		
Facility Address: 13				-	number: 410-029-0:	30
City: W	1elch		State:		Up code: 55089	
		cksto			mail ocom	
Ownership informat	ion 🔲 The information b	elow reflects a	change of owne	~		
Feedlot owner	Same as feedlot name and a	ddress	Contact per		e as feediot owner information	
			•		e as reed of owner mionistical	
Address:			Address:			
Cily:	St	ate:	City:		Slate:	
Phone:	Zip:		Phone:		Zip;	
Email:			Email:			
Facility locational in	formation					
County:Go	odhue	City/Tow	nship:	Welch		
Township (26-71 or 101-168)	Rango (1-61)	Section		Section	% of % Section	
113	16	<u>(1-36)</u> 공위		E, SW, SE) NJW	(NW, NE, SW, SE)	
	intakes within 1,000 feet of				<u>SW</u>	
☐ I ske/Pond larger th	nan 25 acres Welland [The lacinty? (If	Yes, indicate types	s below)	☐ Yes ☑ No	
is any part of the facility w	ithin 300 feet of a river/stre	am?		iam/Creek 📋 i	lle intake ☐ Yes ☑ No	
Any part of the facility loca	ited within a delineated floo	d piain (100 ves	r flood)?		☐ Yes 🔯 No	
Any part of the facility loca	ited within designated shore	eland?	•		☐ Yes ☒ No	
Any part of the facility with	in 300 feet of a known sink	hole?			☐ Yes 🔀 No	
Facility operations in	formation <i>(indicate con</i>	nponents that a	re currently part	of your livestoc	k or poultry operation)	
Animals on pasture for pa	rt of the year				☑Yes ☐ No	
Open lois (dirt, concrete,	olher) that are designed as	animal holding	areas	• • • • • • • • • • • • • • • • • • • •	ĭ Yes ☐ No	
Buildings that are designe	ed for animal confinement o	r as animal hol	ding areas		Yes No	
If yes to either above, animal holding area to	what is the shortest distanc a well?(<i>including unused or u</i>	e from an nsealed wells)	7000 le	et		
A liquid manure storage si					☐ Yes 🗷 No	
A manure stockpile (solid	manure slorage area)				☐ Yes No	
manure storage area to	what is the shortest distance o a well?(including unused or	unsealed wells)	fee		•	
If you closed a liquid manu	ire storage area or perman	ent manure sto	ckpile since your	last registration	, complete the following:	
Data alasadı	☐ Liquid store☐ Solid store	age			Liquid storage	
Date closed;	🗀 Solid stora	ge	Date closed: _		Solid storage	
			s.			
		-				
			III			

ter in column C the maximum number of animals that you en time in the past five years.			
en calculate the animal units in column D by multiplying t	,	1	D
A	Animal	C Maximum number (head)	Animel Units
	unit	maintained at anytime	
nimal type	factor	In past 6 years	(B x C)
airy – mature cow (milked or dry) over 1,000 lbs.	1.4		
airy – mature cow (milkod or dry) under 1,000 lbs.	1.0		
airy - heifer	0.7		
Pairy - calf	0.2		
eef – slaughter steer or stock cow	1.0		
eef – feeder callle <i>(slocker or backgrounding)</i> or helfer	0.7		
eef – cow and calf pair	1.2		
leef — calf	0.2		
'eal calf	0.2		
wine – over 300 pounds	0.4		
wine – between 55 and 300 pounds	0.3		
wine — under 55 pounds (and separated from sow)	0.05		
lorse	1.0	12	
Sheep or lamb	0,1		
Chickens – all sizes with liquid manure system	0.033		
Chickens – broller 5 lbs. and over – dry manure system	0.005		
Chickens – broiler under 5 lbs. – dry manure system	0,003		
Chickens - layers 5 lbs. and over - dry manure system	0.005		
Chickens – layers under 6 lbs. – dry manure system	0.003		
urkeys - over 5 lbs.	0.018		
urkeys – under 5 lbs.	0.005		
Ducks – dry manure syslem	0.01		
Ducks – liquid manure system	0.01		
Other animals (not listed above – specify in space below):			
Arrive armitaine lifer name assess	_		

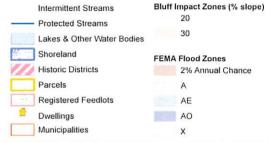
	Total AU
nature (person completing the form) and Submittal	- Owned
Print name: Nicholas, Stoffel	1110.

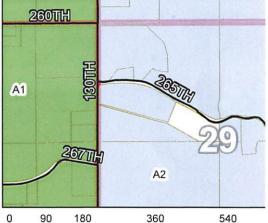


SITE PLAN

State the use of the property. Show the size, shape and location of structures with distance to property lines and location of ALL wells an septic systems.

Legend





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US Fee

2018 Aerial Imagery Map Created April, 2020 by Samantha Pierret

Feed Lot Variance Acknowledgment for 13014 265th Street Welch, MN 55089

This letter is to inform all parties who are within 1000 feet from the property line of 13014 265th Street, that the property owner, Nick Stoffel, is applying for a feed lot variance. Please sign your name below to acknowledge that you are informed of this variance.

Alez	
Aaron Bauer	
Dylan Strand	
Dale Fox	

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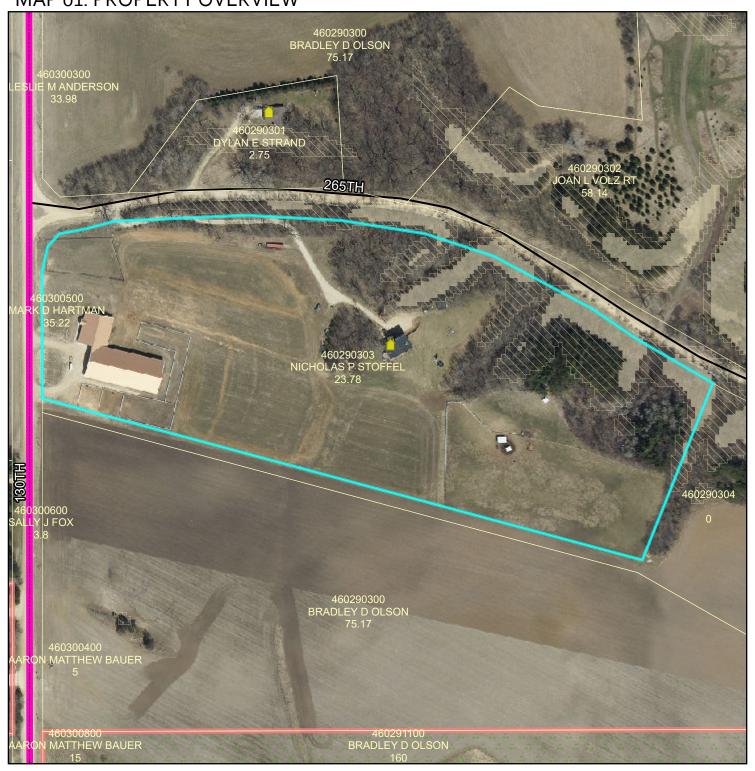
Aaron Bauer

Dylan Strand

Dale Fox

Don R-7-1

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

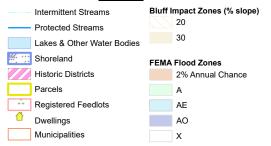
Public Hearing May 18, 2020

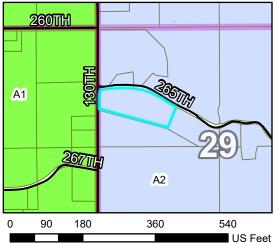
Nick Stoffel (Owner) A2 Zoned District

Part of the NW 1/4 of Section 29 TWP 113 Range 16 in Welch Township

Variance request to allow a new feedlot to be established within 1000 feet of an existing dwelling.

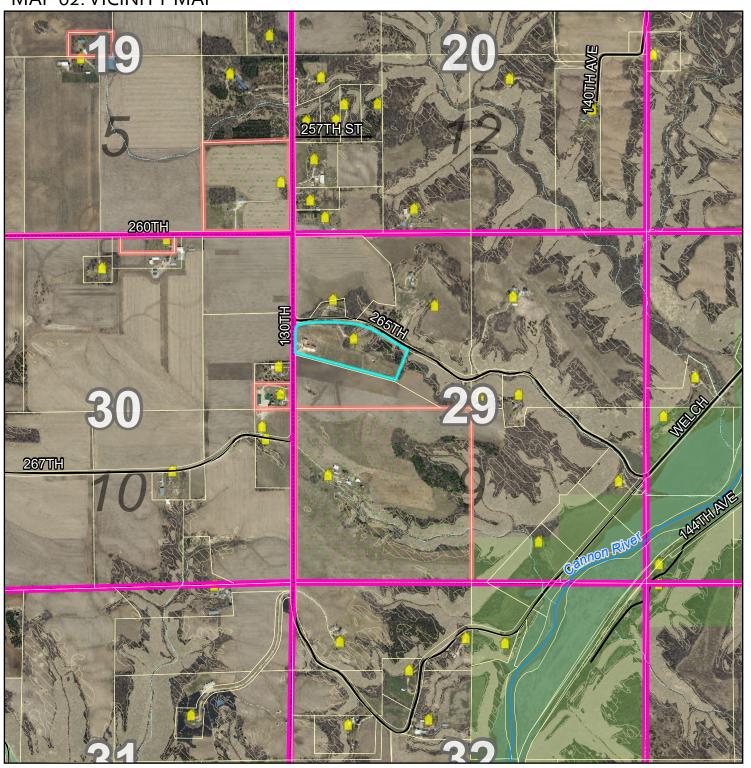
Legend





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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

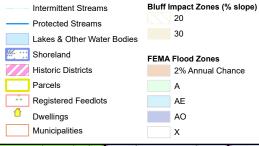
Public Hearing May 18, 2020

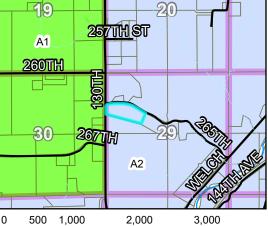
Nick Stoffel (Owner) A2 Zoned District

Part of the NW 1/4 of Section 29 TWP 113 Range 16 in Welch Township

Variance request to allow a new feedlot to be established within 1000 feet of an existing dwelling.

Legend



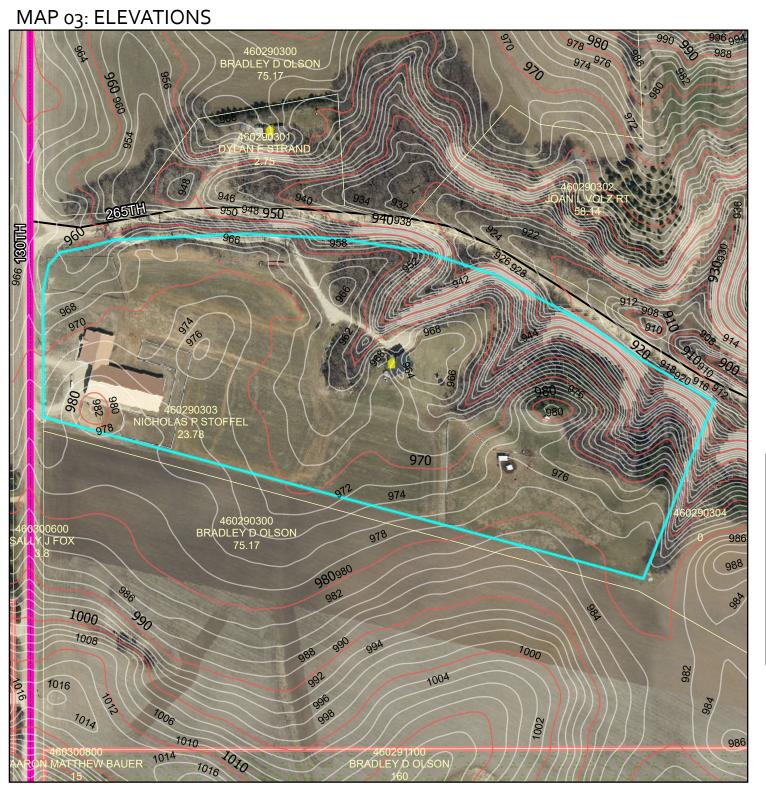


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2018 Aerial Imagery Map Created April, 2020 by LUM



US Feet



BOARD OF ADJUSTMENT

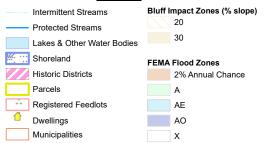
Public Hearing May 18, 2020

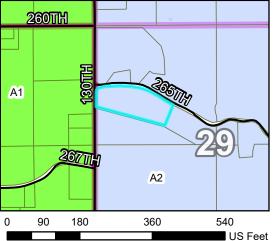
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Legend





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Odors From Feedlots Setback Estimation Tool

Farm Name
Address or County
Evaluator
Date

Nick Stoffel
Goodhue County
K. Petit Goodhue CFO
5/5/2020

Clear All

OFFSET Ver 2.0 University of Minnesota 1/21/2017

OFFSET
Annoyance-free
more than 99%

Source Edge to Nearest Neighbor (ft) 510
Source Edge to Property Line (ft) 80

Building Sources

Building T	уре	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
User added	-	80	180	1	14400	None	
User added	-	56	72	1	4032	None	
None	-				0	None	
None	-				0	None	
None	~				0	None	
None	-				0	None	
None	-				0	Biofilter	

AREA SOURCES

Source Description		Shape		Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Te	chnology
None	~	Rectangle	•			0	None	~
None	•	Rectangle	-			0	None	~
None	•	Rectangle	-			0	None	~
None	•	Rectangle	-			0	None	~
None	•	Rectangle	-	The state of the s		0	None	~
None	•	Rectangle	-			0	None	~
None	•	Rectangle	-			0	None	~

Building Source	es
Add Source Ty	/pe
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Documentation	
Add a Control T	echnology
	echnology
Add a Control T	echnology
Add a Control T	echnology
Add a Control T Name of technology Odor reduction (%)	echnology
Add a Control T Name of technology Odor reduction (%) H2S reduction (%)	echnology

Add a Source	Type
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
	hnology
Add Control Ted	hnology
Add Control Ted	hnology
Add Control Tec	hnology
Add Control Tec Name of technology Odor reduction (%)	hnology

OFFSET Summary and Results

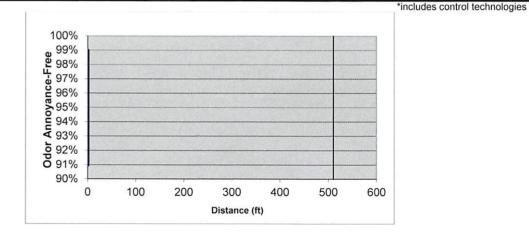
Farm Name
County
Goodhue County
Evaluator
Date
Nick Stoffel
Goodhue CFO
5/5/2020

OFFSET Ver 2.0
University of Minnesota
1/21/2017

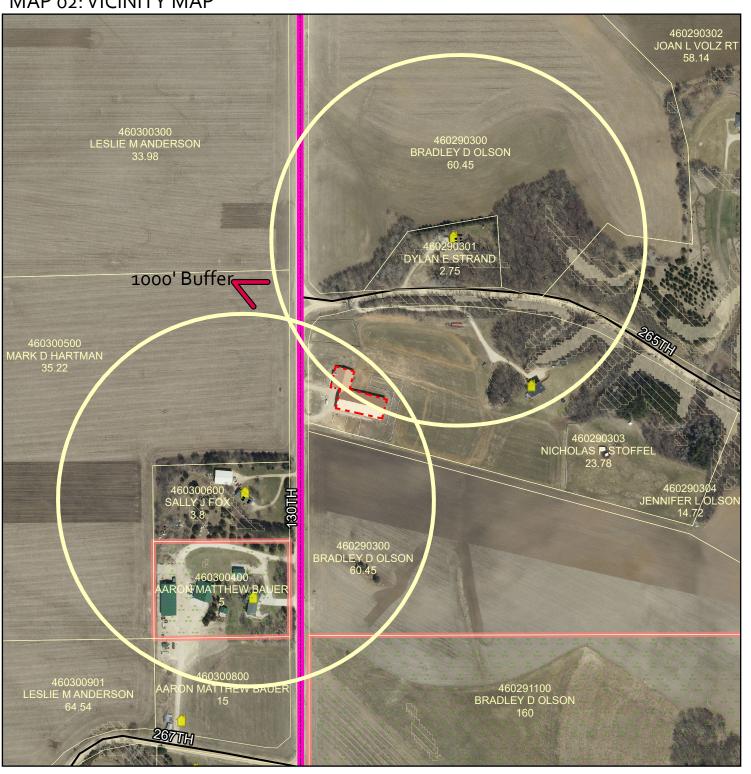
Source Characteristics	Summary				Flux Ra	tes (with d	control tech	nology)	Source Er	mission Rate	es*
	Similar	Emit Area	Control Technology	Percent	Odor	OFFSET	H2S	Ammonia	Odor	H2S	Ammonia
	Sources	sq ft	Type	Treated	ou/s/m2	OER	ug/s/m2	ug/s/m2	ou/s	ug/s	ug/s
Buildings					The State of					Andrew Control	
User added	1	14400	None	0%	0.0	0.0	0.0	0.0	0	0	0
User added	1	4032	None	0%	0.0	0	0.0	0.0	0	0	0
Area Sources											
					-						
				175.30%							

Site Emissions	
Total Site Area (ft2)	18,432
Total Odor Emission Factor (TOEF)	0
Total Site H2S Emissions (mg/s)	0
Total Site H2S Emission AVERAGE (lbs/day)	0
Total Site H2S Emission MAX (lbs/day)	0
Total Site H2S Emissions (tons/yr)	0
Total Site Ammonia Emissions (mg/s)	0
Total Site Ammonia Emission AVERAGE (lbs/day)	0
Total Site Ammonia Emissions MAX (lbs/day)	0
Total Site Ammonia Emissions (tons/yr)	0

Source Edge to Nearest Neighbor (ft)	510
OFFSET Annoyance-free frequency	0%



MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

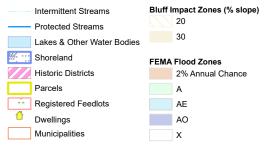
Public Hearing May 18, 2020

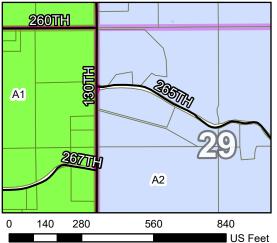
Nick Stoffel (Owner) A2 Zoned District

Part of the NW 1/4 of Section 29 TWP 113 Range 16 in Welch Township

Variance request to allow a new feedlot to be established within 1000 feet of an existing dwelling.

Legend





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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:** May 18, 2020 **Report date:** May 7, 2020

PUBLIC HEARING: Request for Variance, submitted by Joshua Schultz (Owner) to A-2 Zoning District standards to construct an accessory building less than 30 feet from the rear yard property line.

Application Information:

Applicant: Joshua Schultz (owner)

Address of zoning request: 23944 145th Ave, Welch, MN 55089

Parcel: 46.009.0700

Abbreviated Legal Description: Part of the W 1/2 of SE 1/4 of Section 9 TWP 113 Range 16 in Welch

Township.

Township Information: Welch Township has signed acknowledgment of the variance request and did

not convey any concerns regarding the application.

Zoning District: A-2 (Agriculture District)

Attachments and Links:

Application and submitted project summary Site Map/Survey Goodhue County Zoning Ordinance: http://www.co.goodhue.mn.us/DocumentCenter/View/2428

Background:

Joshua Schultz (owner), has applied for a variance to A-2 minimum setback standards to construct a proposed 24-foot by 36-foot accessory building on the east side of his property. The proposed building would be 4 feet from the east property line where 30 feet is required by Ordinance.

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:

 Property line setbacks are intended to create separation among adjacent structures and provide room for future repairs and maintenance.

There are no neighboring structures or dwellings directly east of the proposed structure and some space would remain to allow for future repairs and maintenance. The request appears

in harmony with the purpose and intent of the official control.

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

 The Goodhue County Comprehensive Plan supports the use of existing rural residences and associated accessory buildings to provide rural living opportunities in the unincorporated areas of Goodhue County.

The proposed accessory building for residential 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 is proposing to construct a 24-foot by 36-foot accessory structure on the property. The proposed size of the structure meets accessory structure size requirements in the A-2 Zoning District.
 - The Applicant's proposal to construct a personal/agricultural equipment storage building is a reasonable use of the existing residential/agricultural property in the A-2 District.
 - The parcel is a conforming size (14.27 acres) however it is irregularly shaped. The parcel narrows at the southern border along Highway 61, widens along 145th Avenue and then narrows back to the north property line. A single-family dwelling and garage with various small accessory buildings are present on the site.
 - The cropland north of the existing dwelling (10 acres) was recently entered into the Conservation Reserve Program. Land south of the existing driveway is an existing pasture area. Additional areas on the property are occupied by the existing driveway, trees, septic tanks and drainfield and has varying topography.
 - Alternative locations on the property for the proposed shed would have interfered with the existing septic drainfield, the CRP farmland and existing pasture area. The shed is proposed to align with an existing driveway in a flat area less affected by varying topography on the property. Siting the shed elsewhere on the property may have resulted in non-conformance with other property line setbacks due to the irregular shape of the lot.
 - The surrounding land uses include A-2 Zoned properties to the north, east, and west owned by Gregory Wollan, Gerald Fox, and Nicholas Ries respectively. South, across Highway 61, the property is zoned A-1 Agriculture Protection District and is owned by the Meyer Family. Land to the east and west of the property is used for row-crop agriculture, land to the north is used as a single-family dwelling homestead and land to the south is used as a farm homestead with extensive row-crop agriculture.

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.

• Residential and Agricultural Accessory Structures are a permitted use in the A-2 Zoning 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;

						the record; and
APPROVE the request for a variance, submitted by Joshua Schultz (owner) to A-2 Zoning District standards to allow construction of an accessory building 4 feet from the east property line.						

APPLICATION FOR Variance

RECEL ED

APR 2 2 2020

For Staff Use only VARIANCE NUMBER \$350 RECEIPT# 1721 8' DATE 4.20

Land Use Management

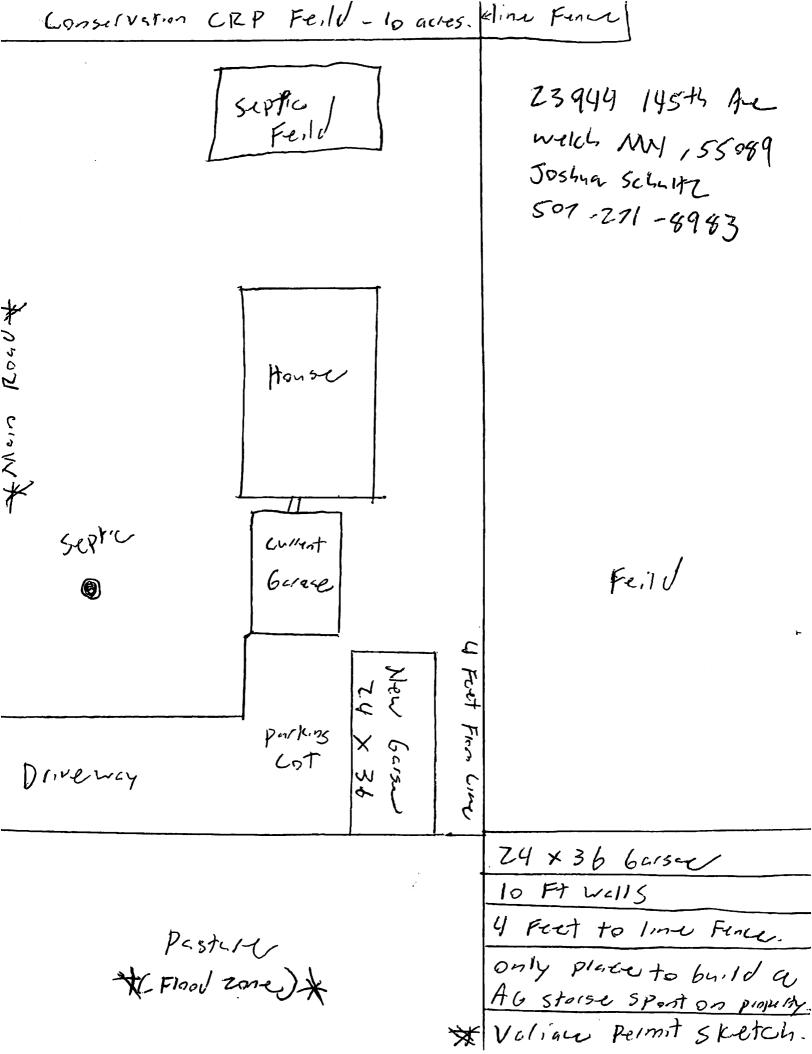
SITE ADDRESS, CITY, AND STATE	1			ZIP CODE:
23944 14574.	the, welch	1 111/		55089
Section 9 - Re	xe 16 - well	5, MN,		Attached
PID#:	ZONING DISTRICT LOT AREA (SF		STRUC	TURE DIMENSIONS (if applicable):
46009 0100	welch 14 E			Z4 x 36
APPLICANT OR AUTHORIZED AGENT'S NAI	ME			
Joshua Schu	117			
APPLICANT'S ADDRESS:			TELEPHONE:	
23944 14576	Are, mech,	, NW 155089		
			EMAIL:	
PROPERTY OWNER'S NAME::				
Same as Above				
PROPERTY OWNER'S ADDRESS:			TELEPHONE:	
			EMAIL:	
			L	
CONTACT FOR PROJECT INFORMATION: Same as Above				
ADDRESS:			TELEPHONE:	
ADDICES.			TELEPHONE.	
			EMAIL:	

VARIANCE REQUESTED TO	O: (check all that apply)	CURRENT OR PREVIOUS US	SE:	
Road Right-Of-Way Setback		- D		
		PROPOSED USE:		
Property Line Setbacks	☐Bluff Setbacks	FIG STOP	sc - Pela	ALTERNATION OF THE PARTY OF THE
Height Limits	Shoreland Setbacks	BUILDING APPLICATION PE	RMIT NO.: (Iffiled)	DATE FILED:
Lot Width &/or Area	Other (specify)			
Subdivision Regulations				
TOWNSHIP SIGNATURE:				
By signing this form, the Township	acknowledges they are aware of	the Applicant's variance re	equest.	Attached
In no way does signing this application township of processing the second statement of the second stat	ation indicate the Township's pos	TOWNSHIP OFFICAL'S PRIN		DATE
Dan B		DAN BAL	ner Supervis	or Two 4-14-21
y signing below, the applicant	acknowledges:	10111		7 / / / / /
. The undersigned is the owr	ner or authorized agent of the	owner of this property.		
	is true and correct to the best			
 If I am unable to be present Additional information or a 	at the hearing where my required	est is acted upon, I agre	ee to accept the Notice of	Decision via mail.
	1 Ac 1			
plicant's Signature:	1 8 (M)		Date:	1-20-20
	J			
Toshua.	SCHUHZ		/S	= 1 == - eV
nt name: 085546	00		(owner or authoriz	ea agent)

REQUEST SUMMARY
Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from:
Article: 1 Section: Name: Playerty Cives Settle CL
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: (gently bobby Form . How Tlantol's and movels sitting outside footens to clean up property and keep tractol's inside to heap in bether condition. At Storage - pour shelf
100 king he properly and theep frontal inside to reen
IN CETAL CONVITION . HE STOLDE I POUL SULU
Describe the effects on the property if the variance is not granted: No storm for Thorotois For hobby Farm , Thinss sitting outside makes the hobby form looks messy outside. Tractor be bend.
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: No place to build, only Place on holey Felm that's Flesh Not in Flood plain of septic system. Setbooks every where on holey Falm, Feld believed house is signed into CRP Pro
Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them: None exist a Goodle Co has to many setforck's to make it work Roads & septile system, Property cines.
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning: Same as above a None work with the set 6 ccks and location of house.

In your opinion, do you think the granting of your variance request would alter the "essential character" of the

neighborhood/area?:
No, Make area look better, better property value For welch, tim, More property taxes For bookle co.



MAP 01: PROPERTY OVERVIEW

BOARD OF ADJUSTMENT

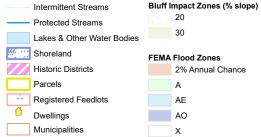
Public Hearing May 18, 2020

Joshua Schultz (Owner) A2 Zoned District

Part of the W 1/2 of the SE 1/4 of Section 09 TWP 113 Range 16 in Welch Township

Variance request to construct an accessory building less than 30 feet from the rear property line.

Legend





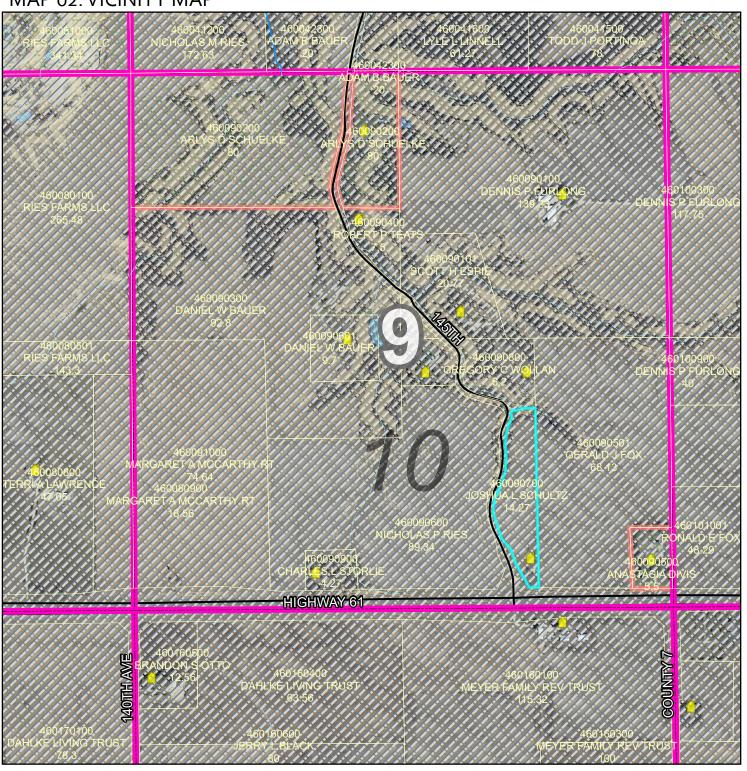
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US Feet

2018 Aerial Imagery Map Created April, 2020 by LUM

HIGHWAY 61

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

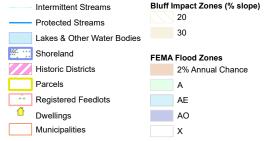
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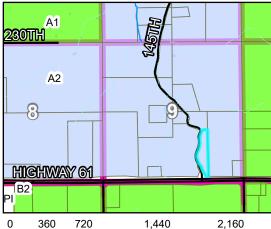
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Variance request to construct an accessory building less than 30 feet from the rear property line.

Legend

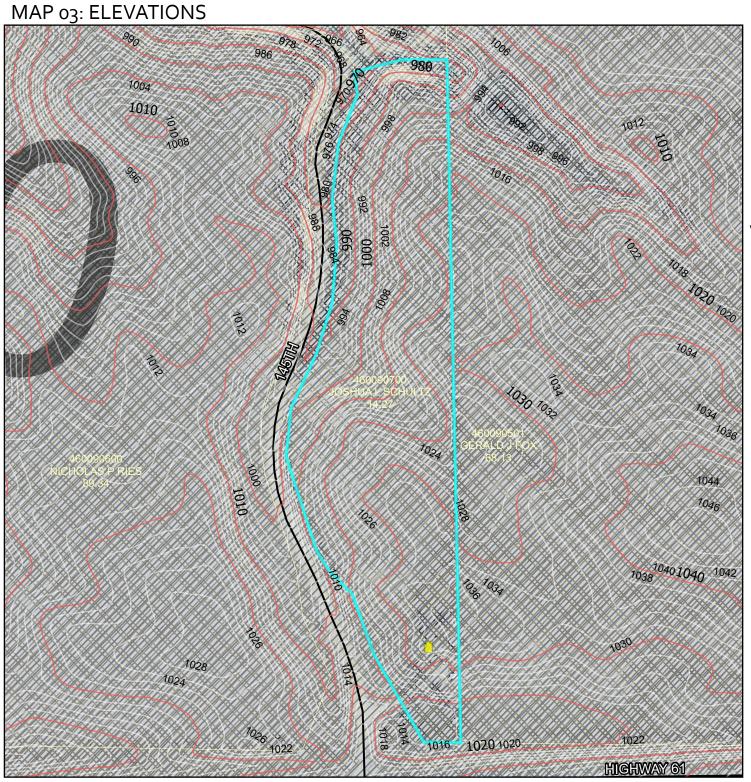




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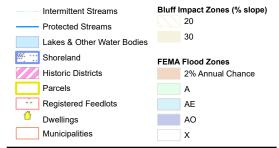
Public Hearing May 18, 2020

Joshua Schultz (Owner) A2 Zoned District

Part of the W 1/2 of the SE 1/4 of Section 09 TWP 113 Range 16 in Welch Township

Variance request to construct an accessory building less than 30 feet from the rear property line.

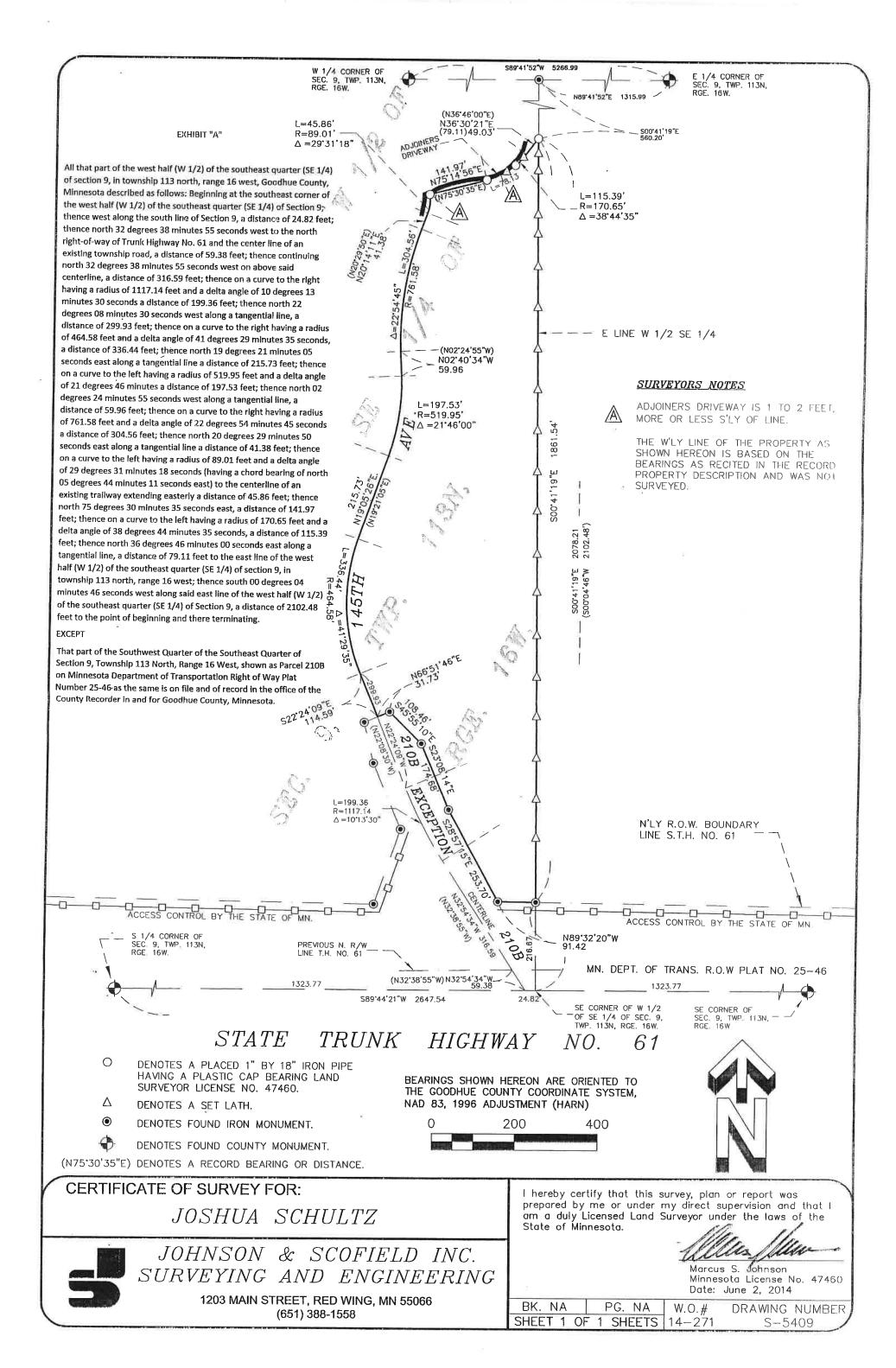
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Goodhue County Land Use Management

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:** May 18, 2020 **Report date:** May 7, 2020

<u>PUBLIC HEARING:</u> Request for Variance, submitted by Brandi Bakken (Morton Buildings, Authorized Agent) and William and Kristin Henak (owners), to allow an Accessory Dwelling Unit to be constructed greater than 100 feet from the principal dwelling.

Application Information:

Applicants: Brandi Bakken (Authorized Agent); William and Kristin Henak (owners)

Address of zoning request: 21034 340th Street Way, Red Wing, MN 55066

Parcel: 33.003.0300

Abbreviated Legal Description: Part of the NW 1/4 of Section 03 TWP 111 Range 15 in Goodhue

Township

Township Information: Goodhue Township provided electronic acknowledgment of the Applicant's

request.

Zoning District: A1 (Agriculture Protection District)

Attachments and Links:

Application and submitted project summary

Site Map

Article 11, Section 31 (Accessory Dwelling Units)

Goodhue County Zoning Ordinance: http://www.co.goodhue.mn.us/DocumentCenter/View/2428

Background:

The applicants own a 105.9-acre parcel in the NW1/4 of section 03 in Goodhue Township. Formerly a farmstead, the property now includes a dwelling, outbuildings, woods, and ag land. The applicants have removed an old shed from the property and desire to construct a new 54-foot x 100-foot (5,400ft²) farm shop with living quarters in its previous footprint. The farm shop would provide storage and workspace and the living quarters would be provide sleeping quarters and entertainment space for the applicant's children and grandchildren when they visit.

Any building that contains a habitable living-quarters is considered a dwelling unit in Goodhue County. In 2017 the County Amended the Zoning Ordinance to allow a second, "accessory," dwelling unit on the same parcel as a principal dwelling subject to performance standards. ADU performance standards require an ADU to be located within 100 feet of the primary dwelling unit. The proposed farm shop ADU would be situated approximately 175 feet east of the existing dwelling. The Applicant is requesting the Board of Adjustment grant a variance to the 100-foot requirement to allow the farm shop living quarters to be permitted as an ADU.

It should be noted that a permitted ADU is not allowed to be split from a primary dwelling tax parcel.

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 and intent of the ADU maximum distance standard cited in Article 11, Section 31 of the GCZO is to prevent proposed ADU's from being located outside of an existing yard area where they could potentially be split off in the future thereby creating additional dwelling density exceeding the allowable density (i.e an ADU couldn't be on the opposite side of the "40" as the principal dwelling).

The ADU would be located within the well-defined yard area of the existing dwelling and would be situated on the footprint of the old farm shop. Given the ADU will have a shared driveway with the existing dwelling, is within the existing yard area, and is still proximate to the existing dwelling the Applicant's proposal appears in harmony with the purpose and intent of the official control.

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

- The Goodhue County Comprehensive Plan supports the establishment of ADU's to provide rural living opportunities in the unincorporated areas of Goodhue County.
 - The Applicant's ADU request 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 establish an ADU is a reasonable use of property in the A1 District.
 - As an A1 zoned district, section o3 allows a maximum dwelling density of 4 dwellings in the section. Dwelling density is not available as there are currently 8 dwellings in the section. Since an ADU does not count against dwelling density, the section density count would not be affected.
 - The existing dwelling and former outbuilding were legally established prior to the adoption of the current ADU performance standards (April 2017).
 - The Applicants considered moving the proposed farm shop west to comply with the 100-foot requirement. Due to the location of the existing electric utility pole and driveway layout as well as their desire to utilize the former building's footprint to disturb as little ground as possible, they ultimately rejected this alternative.
 - The ADU would comply with all other ADU performance standards.
 - The Applicant will be required to obtain appropriate sanitary permits from the Environmental Health Department as well as Building Permits prior to construction of the living-quarters portion of the shop.
 - The land within a 100-feet north and south of the existing dwelling has fair amount slope which severely limits development potential. There is not enough room to the west of the dwelling as it abuts a property line and there is a 30-foot setback requirement.
 - A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly agricultural uses.
 - The request for variance 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.

ADU's are permissible in the A1 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 submitted by Brandi Bakken (Morton Buildings, Authorized Agent) and William and Kristin Henak (owners), to allow an Accessory Dwelling Unit to be constructed up to 175 feet from the principal dwelling where 100 feet is required.

MAP 01: PROPERTY OVERVIEW

BOARD OF ADJUSTMENT

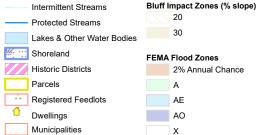
Public Hearing May 18, 2020

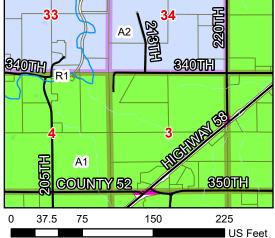
Brandi Bakken (Authorized Agent) and William and Kristin Henak (owners) A1 Zoned District

Part of the NW 1/4 of Section 03 TWP 111 Range 15 in Goodhue Township

Variance request to allow an ADU to be constructed greater than 100 feet from the principal dwelling.

Legend





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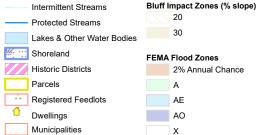
Public Hearing May 18, 2020

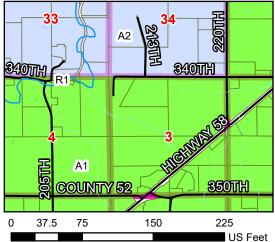
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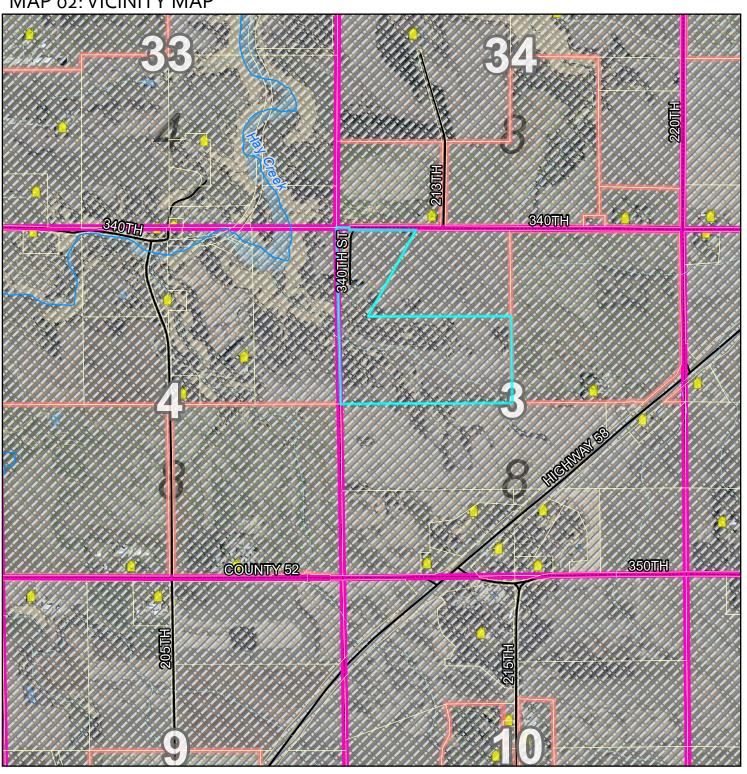
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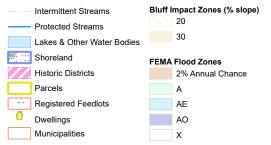
Public Hearing May 18, 2020

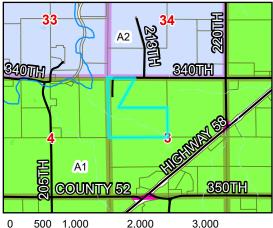
Brandi Bakken (Authorized Agent) and William and Kristin Henak (owners) A1 Zoned District

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Legend





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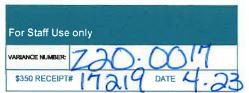
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Variance

RECEIVED

APR 2 3 2020



Land Use Management

			Attache
PID#:	ZONING DISTRICT LOT AREA (SFIA	ACRES): LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
330030300	105,0		54' X 100' X 16'
			101 1100 110
APPLICANT OR AUTHORIZED AGENT'S NAME		101 F11/65	
BRANDI BAKKEN APPLICANT'S ADDRESS:	1, MORTON B	TELEPHONE:	
2633 HWY 14W			
20CHESTER, MN S	35901	ľ	
<u>.</u>			
PROPERTY OWNER'S NAME::			
ime as Above WILLIAN	1 OR KRISTIN	HENIAK	
PROPERTY OWNER'S ADDRESS:		TELEPHONE	
21034 340th ST 2ED WING, MN S	- WAY		
ced wing, tang	SOUL SOUL	EV	
CONTACT FOR PROJECT INFORMATION:	52		
IME AS AboveX BRANDI	BAKKEN, MO	ETON BUILDINGS	
ADDRESS:		TELEPHÔNE:	
2633 HWY 14h	7 -	_	
ROCHESTER, MIN	15590	E	
		CURRENT OR PREVIOUS USE:	
VARIANCE REQUESTED TO:		CURRENT OR PREVIOUS USE:	
VARIANCE REQUESTED TO:		CURRENT OR PREVIOUS USE: PROPOSED USE:	
_		PROPOSED USE:	IVING QUARTERS
Road Right-Of-Way Setbacks Property Line Setbacks	Bluff Setbacks		IVING QUARTERS DATEFILED:
Road Right-Of-Way Setbacks Property Line Setbacks Height Limits	Bluff Setbacks □Shoreland Setbacks	PROPOSEDUSE: PARM SHOP WITH L	DATE FILED:
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REQUEST SUMMARY
Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from:
Article: 11 Section: 31 Name: Accessory Dwelling Unit
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: Family uses the property for of away and will eventually be building a new house to retire on the property. The request is for the large farm shop with living quarkers to allow the owners for children and ten grand children to come enjoy the land as a group.
Describe the effects on the property if the variance is not granted:
The property will not be effected.
The home and building are appx 160ft, apput, which is
above the vient zoning change that call to 100ft.
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: The annual demand an old barn that was failing and are using the unisting location of old barn to build their dram barn.
Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them: Moving the site was considered, but due to largert of drivenly and future new home in spot of existing home, this spot was the best and did not require us to modify much of the landscape.
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?: Not it is very secluded. If anything, it is enhancing the area and has taken down a dilapitated building.