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

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Agricultural Tourism Accessory Use Performance Standards Request for Variance, submitted by Ted Galaty and Willow's Keep Farm LLC (owner/operator) to Agricultural Tourism Accessory Use performance standards to allow hours of operation for outdoor activities ("Fright at the Farm") to extend beyond 10:00 PM. Parcel 39.007.0100. 47385 HWY 52 BLVD, Zumbrota, MN 55992. Part of the NE ¼ of Section 07 TWP 109 Range 15 in Pine Island Township. A-1 Zoned District.

Documents:

BOAPACKET_GALATY_REDACTED.PDF

PUBLIC HEARING: Request For Variance To Maximum Accessory Building Size
Request for Variance, submitted by Michael Boraas (owner) to R-1 Zoning District standards to allow
construction of an accessory structure greater than 2100 square feet. Parcel 47.032.1000. 19435 CTY 10
BLVD, Zumbrota, MN 55992. Part of the NE ¼ of the NW ¼ of Section 32 TWP 110 Range 15 in Zumbrota
Township.

Documents:

BOAPACKET_BORAAS_REDACTED.PDF

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance, submitted by Dean Lindeman (owner) to A-3 Zoning District standards to allow an accessory structure to be constructed less than 30 feet from a side-yard property line. Parcel 41.013.5800. 30596 Oxford Mill RD, Cannon Falls, MN 55009. Part of the SW ¼ of the SE ¼ of Section 13 TWP 112 Range 18 in Stanton Township.

Documents:

BOAPACKET LINDEMAN REDACTED.PDF

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance, submitted by Dan Williams (owner) to A-3 Zoning District standards to allow an accessory structure to be constructed less than 30 feet from a side-yard property line, less than 60 feet from the County 1 BLVD Right-of-Way, and less than 30 feet from the toe of a Bluff. Parcel 31.002.1300. 28051 CTY 1 BLVD, Red Wing, MN 55066. Part of the NW ¼ of the NE ¼ of Section 02 Township 112 Range 15 in Featherstone Township.

Documents:

BOAPACKET_WILLIAMS_REDACTED.PDF

Other-Discussion

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: September 28, 2020
Report date: September 18, 2020

<u>PUBLIC HEARING: Request for Variance to Agricultural Tourism Accessory Use Performance Standards</u>

Request for Variance, submitted by Ted Galaty and Willow's Keep Farm LLC (owner/operator) to Agricultural Tourism Accessory Use performance standards to allow hours of operation for outdoor activities ("Fright at the Farm") to extend beyond 10:00 PM.

Application Information:

Applicant(s): Willow's Keep Farm LLC (Ted Galaty owner/operator) Address of zoning request: 47385 HWY 52 BLVD, Zumbrota, MN 55992

Parcel(s): 39.007.0100

Abbreviated Legal Description: Part of the NE 1/4 of Section 07 TWP 109 Range 15 in Pine Island

Township

Zoning District: A-1 (Agricultural Protection District)

Township Information: Pine Island Township endorsed acknowledgment of the Applicant's request. The Township also issued a Conditional Use Permit allowing various Agri-tourism operations at the site and permitting Mr. Galaty to host the haunted attraction in October on weekends until 11:00 PM.

Attachments and Links:

Application and submitted project summary Agricultural Tourism Accessory Uses (Article 11; Section 28) Site Map(s)

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

Background:

The Applicant (Ted Galaty - owner/operator of Willow's Keep Farm LLC) owns a 9.02-acre (approximate) farmstead along US Highway 52 in Pine Island Township. The property supports a variety of agritourism and agricultural uses including hemp production, a hemp maze, farm tours, the Willow's Keep farm gift store, and an annual haunted attraction ("Fright at the Farm").

The "Fright at the Farm" haunted attraction has operated annually on weekends in October for several years. The attraction hosts upwards of 1,000 people per night during peak times offering a "live-performance" haunted tour of the farmstead.

Article 11, section 28 of the Goodhue County Zoning Ordinance (GCZO) stipulates Agricultural Tourism Accessory Uses must complete outside activities during daylight hours, and inside activities must be completed by 10:00 PM. The Applicant is requesting a variance to allow inside and outside activities to conclude no later than 11:00 PM on Friday and Saturday evenings throughout October to allow the haunted attraction business to remain operationally competitive with similar facilities in the surrounding area and maintain the late-evening hours that are customary and essential to a haunted attraction.

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 means the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

Draft Findings of Fact:

1) Harmony with the general purposes and intent of the official control:

- The purpose and intent of GCZO Article 11, section 28 is to provide opportunities for the establishment of "ag-related" agritourism uses that are compatible with the rural character of the agricultural zoning districts. The limited hours of operating are intended to protect existing neighboring residential uses from the potential negative impacts of these uses.
- The proposed extended hours of the "Fright at the Farm" haunt attraction are very limited in duration occurring on weekends only (Friday and Saturday) in October. There are very limited residential uses in the vicinity with only one home within a quarter-mile and 3 homes within a half-mile of the facility. The majority of the surrounding property is vacant land used for row-crop agriculture. The property also fronts US HWY 52 BLVD to limit after-hours traffic to a major highway only.
- The majority of the haunted attraction activities take place within the existing barn and sheds to reduce offsite noise or light disturbances.
 - The request to extend the indoor and outdoor operations of the haunted attraction on weekends in October to 11:00 PM 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 agricultural tourism opportunities that encourage the diversification of the rural economy. Furthermore, the Plan supports businesses and uses that, when sited in compatible areas, would not be extraneous nuisances to adjacent landowners.
- Noise generated during events is generally confined within the existing buildings and is very limited in duration to minimize impacts to neighboring properties. There are very few residences within the immediate vicinity. Given the Applicant's nuisance mitigation measures and limited potential for negative impacts to surrounding residences, the variance request appears consistent with the 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 9.02-acre parcel is a conforming lot size in the A1 district (2-acre minimum). The property has ample room to accommodate off-street event parking. The Applicant has worked with MNDOT and a traffic safety consultant to develop a Traffic Management Plan to ensure safe and efficient flow of traffic on-site and along US HWY 52.
 - Adaptive re-use of an existing barn and associated existing structures to accommodate an agbased haunted attraction is a reasonable use of property in the A1 District.

- Haunted attractions customarily conclude later than 10:00 PM. The variance would allow the Applicant's attraction to offer hours that are competitive with similar events hosted in the region.
- The request to extend the hours of operation one hour beyond what is permitted by Ordinance is a reasonable request given the limited duration proposed, the large separation of the use from adjacent residences, the location of the attraction along a busy major highway (4-lane), and provided the majority of the activities generally take place indoors to limit off-site disturbances.
- The Applicant alternatively considered limiting the haunt attraction to 10:00 PM as allowed by Ordinance but found this alternative to be too restrictive to allow the attraction to be operationally competitive with similar attractions in the area.
- Adjacent land uses are agriculture and very low-density residential. The parcel fronts US HWY 52 to the east and the US HWY 52 and State HWY 60 interchange is located a quarter-mile to the north. The operation has been up and running for approximately 5 years without record of noise, dust, or lighting complaints from neighboring landowners.

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.

 Agricultural Tourism Accessory Uses are a permissible use in the A-1 District and the Applicant has received a Land Use Permit from Goodhue County Land Use Management to conduct the operation.

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.

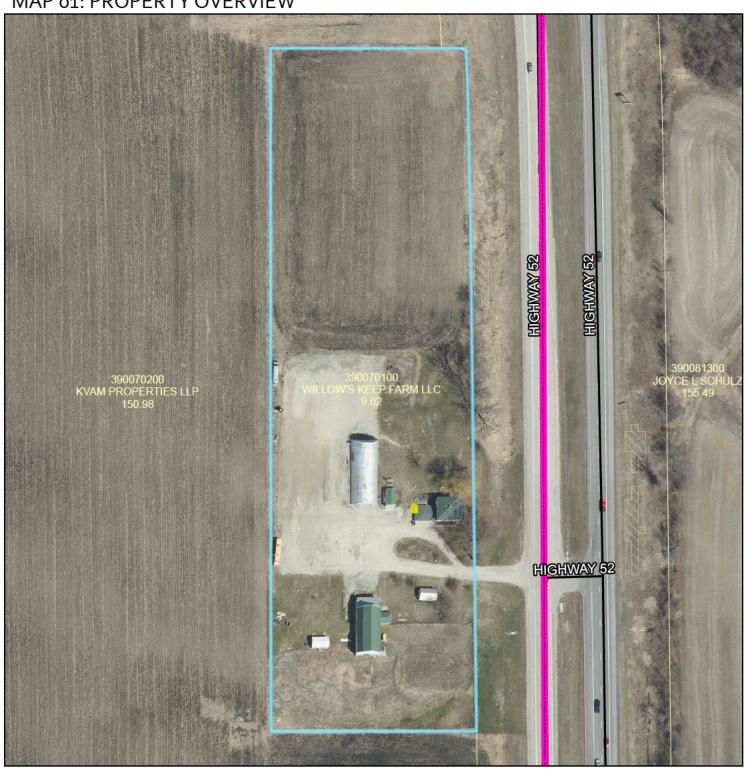
Staff Recommendation:

- 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 Ted Galaty and Willow's Keep Farm LLC (owner/operator) to Agricultural Tourism Accessory Use performance standards to allow hours of operation for indoor and outdoor activities ("Fright at the Farm") to extend beyond 10:00 PM. Subject to the following condition:

1. Hours of operation shall be allowed to conclude no later than 11:00 PM on Friday and Saturday evenings in October.

MAP 01: PROPERTY OVERVIEW



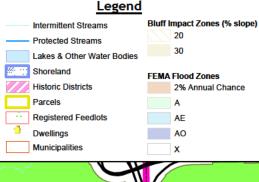
BOARD OF ADJUSTMENT

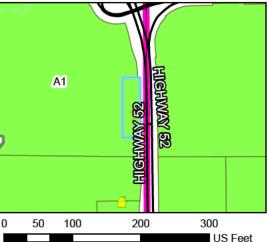
Public Hearing September 28, 2020

Ted Galaty/Willow's Keep Farm LLC (Owner/Applicant) A1 Zoned District

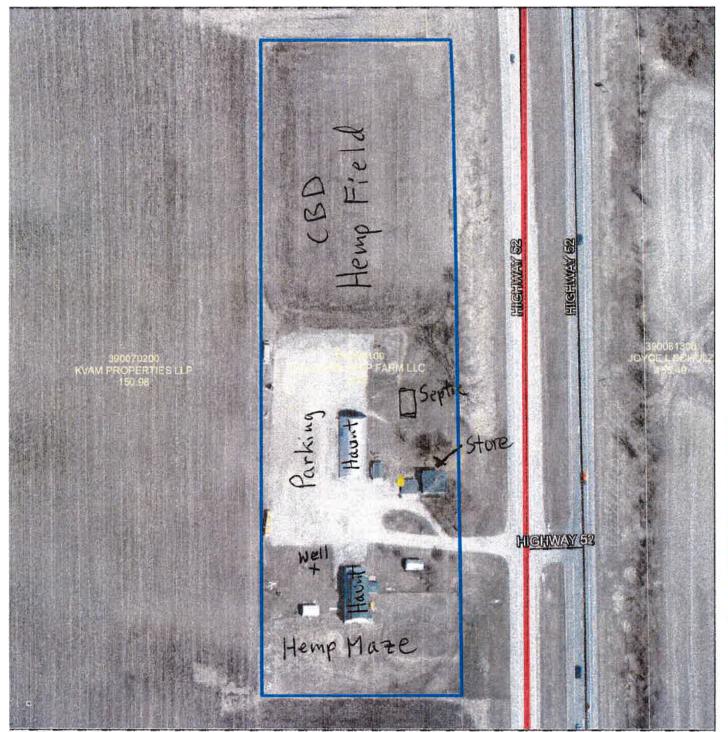
Part of the NE 1/4 of Section 07 TWP 109 Range 15 in Pine Island Township

Variance request to Ag Tourism Accessory Use performance standards to allow hours of operation for outdoor activities to extend beyond 10:00 PM





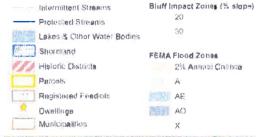
DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2020.

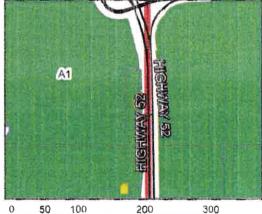


SITE PLAN

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

Legend





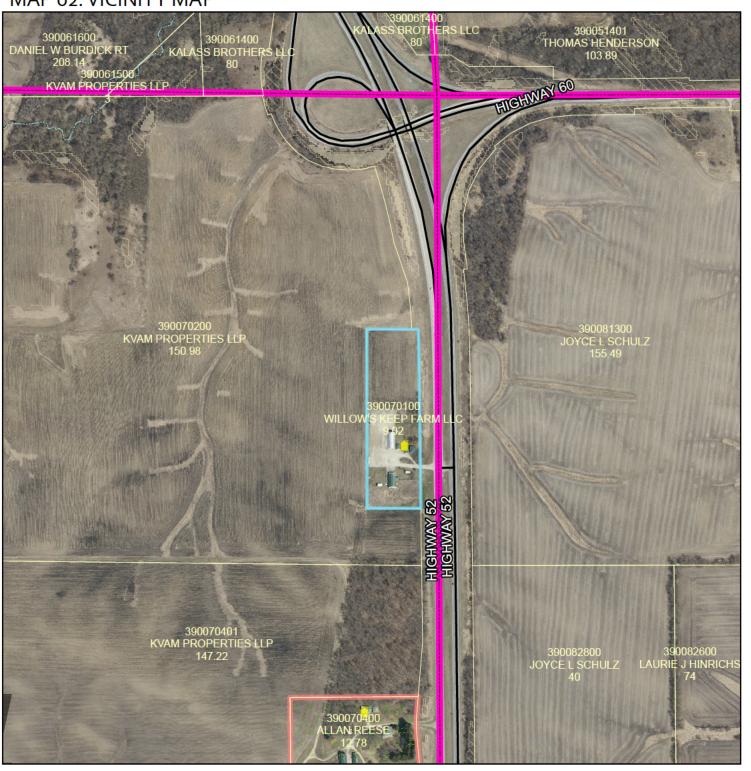
DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential demages that may result from its use or misuse. Goodhue County Copyright 2020.

US Feet

2018 Agrial Imagery

Man Created February 2020 by Ryan Rachel

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

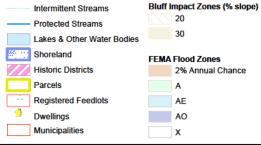
Public Hearing September 28, 2020

Ted Galaty/Willow's Keep Farm LLC (Owner/Applicant) A1 Zoned District

Part of the NE 1/4 of Section 07 TWP 109 Range 15 in Pine Island Township

Variance request to Ag Tourism Accessory Use performance standards to allow hours of operation for outdoor activities to extend beyond 10:00 PM

Legend





DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2020.

2018 Aerial Imagery Map Created September, 2020 by LUM



US Feet

- appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
- I. Outside, activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.

SECTION 28. AGRICULTURAL TOURISM ACCESSORY USES

- Subd. 1. Agricultural related uses are permitted as accessory uses within the A-1, A-2 and A-3 Zone Districts subject to approval of a zoning permit by the Zoning Administrator. Evidence in the form of a site plan and description of the use must be provided to indicate compliance with the following standards and any other applicable requirements set forth in this Ordinance.
 - A. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
 - B. The operator must have a written statement from the County Environmental Services indicating the maximum number of persons that can be accommodated with existing toilet facilities and additional portable toilets must be provided for any guests exceeding the aforementioned number.
 - C. Outside, activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m.
 - D. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State or Local Standards.

SECTION 29. FARM MARKET/ON-FARM MARKETS/ROADSIDE STANDS

- Subd. 1 Farm Markets/On-Farm Markets/Roadside Stands in buildings or structures exceeding 2400 square feet as permitted uses within the A-1, A-2 and A-3 zone districts are subject to approval of a conditional use permit or interim use permit. In addition to submittal requirements set forth Article 4 (Conditional and Interim Uses), the following information must be provided with a conditional use permit or interim use permit application.
 - A. Plan drawn to an appropriate scale for effective interpretation.
 - B. Property boundaries, onsite parking areas and access roads.
 - C. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.
 - D. Existing and proposed structures with maximum capacity of each building where guests have access as required to comply with building code and applicable fire safety requirements.
 - E. Location of temporary or permanent toilet facilities, which may be required.

Variance

RECEIVED

AUG 3 1 2020

For Staff Use	only		
ARRIVE NUMBER	Z20.	0045	
\$350 RECEIPT	17444	DATE (2, 3)	3

COME ADDRESSED OFFICE AND STRATE	and Use Management Pome
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47385 Hwy 52 Blud, Zumbrote M	N 55992 55112
Willow's Keep Farm LLC	
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39/0070100 8 9.5	
APPLICABIT CHAUTHORISTDAGENT STANSE	
Edwin (Ted) Galaty	
APPLICANT SALURESS:	Titis
1347 Trophy Lake Rd SW Dine Island, MN 55963	
The Marie Tales	
Dine Island, MIN 55965	
PROPERTY DWALES SAUME	
Seating as Almone J.	
THIOTHERW CO., T. E. S. C. C. P. P.	TIELIERHONE
	EMPALE:
CONTACT FOR PROJECT INFORMATION:	
Same an Attornec X	
ACDRESS:	TREPROFE
PROPERTY.	Tabaca.
l .	63040-
	Company.
VARIABLE REGUESTED TO: (check all that apply)	COLUMNICATI CAR PROBLEMINES USITE:
Road Right-Of-Way Setbacks	Agri-tourism operation
	PROPOSEDUSSE
Property Line Setbacks Bluff Setbacks	Operation until 11pm in October.
Height Limits Shoreland Setbacks	BUILDING APPLICATION PERMIT NO.: (Inlent) SAFE FILED:
Lot Width & for Area Other (specify)	
Subdivision Regulations	
TOWNSHIP SENSTURE	
By signing this form, the Township actnowledges they are amore of In no way diess signing this application, indicate the Township's pos	
TOWNSHIP OFFICIAL'S SIGNATURE	TOWNSHIP OFFICAL SPRINSED RAME AND TITLE DATE
Leolie Schliep	Leslie C. Dollies \$ 25 2020
By signing below, the applicant acknowledges:	
1. The undersigned is the owner or authorized agent of the	owner of this property.
The information presented is true and correct to the best	of myknowledge.
	est is acted upon, I agree to accept the Notice of Decision via mail.
4. Additional information or applications may be required	

Print name: Edwin (Ted) A. Galaty (owner or authorized agen

REQUEST SUMMARY
Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from:
Article: 11 Sections: 28 Name: Agricultural Tourism Accesory Uses
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.
Agri-tourism, havited attraction in October. Request variance permit allows for operation entil 10 pm. Outdoor/Indoor operation.
Describe the effects on the property if the variance is not granted:
None , We will have to stop the haunt since it is run after
darko
None, We have no neighbors. Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them: We see no alternatives
Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning: Ve see no alternatives,
In your opinion, do you think the granting of your variance request would after the "essential character" of the
noted how hour hours and
No neighbors are not within vacinity of property. We have operated for the past 5 years with the hours we have requested
in this variance.

Pine Island Township Variance/CUP/IUP Form Pine Island Township grants a <u>CUP</u> to <u>Willow's Keep Form</u> for the purpose of Extending Hours on the date of 8-25-50(Recipient) Lecle C. Schlies (Chairman Pine Island Township) David a. aunt (Clerk Pine Island Township)

Comments:

Conditional use permit for Willow's Keep Farm LLC at 47385 Huy 52 Blvd. Zumbrota MN 55992 for agri-tourism operation including a farm store to sell hemp derived products, produce, and farm products. Hours of operation 11 am - 6:30 pm Monday - Friday, Saturday 11 am - 5pm, Sunday 12pm - 5pm Operation of havated attraction in October on the weekends From 7pm- 11pm. Request a variance to operate until 11 pm during

October haunted attraction, Fright at the Farm.

SCANNED



Goodhue County Planning & Zoning Land Use-Alteration Permit Application Application for Local County Planning & Zoning Application for Local County Planning & Zoning

Application for Land Use-Alteration

Landowner In	formation				
Landowner Name	Willow's Keep Farr	n LLC			
Mailing Address	47385 Hwy 52 Blvd Z	umbrota	MN		55992
Applicant Info	rmation				
Applicant Name	Edwin Galaty				
Contact Phone		Contact 1	Email		-
Project Inform	nation				
Parcel Number('s)	390070100				
O Land Use (Use of existing prope	rty)	O Land Alt	teration (cha	nging landscape)
Detailed narrative	of project requiring a	land use/alterati	ion permit		
haunted attraction to Willow's Keep Farm house. The store so store has retail busi	ion season starts at the hours of operation Gift Store and CBD ells industrial hemp diness hours daily. The and process industria	n begin at sunset Sales take place derived products te farm currently	t and run throu e on the prope from the farm	ugh 11 PM erty year arou including Cl	and utilizing the farm
Start Date	Innediately	End Date	e Ind	lefinitely	
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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 GOODHUE COUNTY

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: September 28, 2020
Report date: September 18, 2020

PUBLIC HEARING: Request for Variance to Maximum Accessory Building Size

Request for Variance, submitted by Michael Boraas (owner) to R1 Zoning District standards to allow construction of an accessory structure greater than 2100 square feet.

Application Information:

Applicants: Michael Boraas (owner)

Address of zoning request: 19435 CTY 10 BLVD, Zumbrota, MN 55992

Parcel: 47.032.1000

Abbreviated Legal Description: Part of the NE 1/4 of the NW 1/4 of Section 32 TWP 110 Range 15 in

Zumbrota Township

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

request.

Zoning District: R1 (Suburban Residence 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 Applicant (Michael Boraas) is requesting a variance to construct a 3,520 square foot (88-foot x 40-foot) pole-style shed with an attached 448 square foot (8-foot x 56-foot) covered porch to provide residential storage space and an outdoor sitting area. The Goodhue County Zoning Ordinance (GCZO) limits detached accessory structures to a maximum size of 1,500 square feet on lots less than 1-acre and 2,100 square feet on R-1 (Suburban Residence District) Zoned properties that contain 1 or more acres. Mr. Boraas' property is currently 2.1-acres after having purchased 0.92-acres from his easterly neighbor in October of 2019.

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 maximum size limits cited in Article 11, Section 5 of the GCZO for detached accessory structures are intended to prevent the construction of large-scale accessory buildings on the smaller lot sizes typical of R-1 districts which may cause aesthetic issues, stormwater complications, or encourage uses (commercial/industrial/etc.) that may be undesirable in a compact residential setting.
- Mr. Boraas' 2.1-acre lot is two times larger than the recently increased R-1 lot size minimum of 1-acre. The structure would be for residential use and would be setback over 150-feet from the edge of the CTY 10 BLVD R-O-W (45-foot minimum), 40-feet from the east property line (8-foot minimum), and 60-feet from the north property line (8-foot minimum). The large setbacks and existing tree coverage along the north, east, and west side of the project area would soften the visual impacts to the neighboring landowners. The lot gently slopes to the south to direct stormwater to the drainage ditch along CTY 10 BLVD. A culvert would be installed on the proposed access road to the shed.

Given the Applicant's large lot size in the R-1 District, the increased setback of the structure from adjacent residential property, and the limited potential for stormwater control issues, 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 use of existing rural residences and associated accessory buildings to provide rural living opportunities in the unincorporated areas of Goodhue County. The Plan also supports economic growth within the County by providing a basis for reasonable and orderly residential development.
 - The Applicant's request does not appear inconsistent 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 2.1-acre parcel is a conforming lot size in the R1 District (1-acre minimum). The Applicant added 0.92-acres to his lot in October 2019 to provide additional space for his proposed building.
 - The Applicant's request to construct a 3,520 square foot (88-foot x 40-foot) pole-style shed with an attached 448 square foot (8-foot x 56-foot) covered porch to provide residential storage space and an outdoor sitting area is a reasonable use of property in the R1 District. The structure would have 16-foot tall "sidewalls".
 - The structure would meet or exceed all development regulations of the GCZO including property line, R-O-W, well, and septic system setback requirements.
 - The parcel would not exceed the 20% maximum "structure coverage" standard for R1 Zoned properties (less than 5% coverage proposed).
 - The Applicant alternatively considered multiple sheds at or below 2,100 square feet to generate the equivalent amount of desired storage space. This alternative was rejected as it would be complicated to achieve driveway access to multiple units, would reduce the setbacks of the building(s) to the neighboring lot, and would consume a larger footprint of the property.

While the Zoning Ordinance limits the maximum size of a detached accessory structure on an R1 lot, it does not limit the quantity that can be constructed. A property owner would be limited on the number of accessory structures that could be built on a parcel by the 20%

"structure coverage" requirements.

- The Applicant will be required to obtain appropriate permits from the Goodhue County Building Permits Department prior to construction of the building.
- Mr. Boraas' property is located in a rural cluster of residential properties. The cluster is surrounded by row-crop agricultural uses on all sides.

A pole-style storage shed would not be uncharacteristic within this rural-residential setting and nearby properties have existing structures of similar construction. 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.

 Detached accessory structures for residential storage are permissible in the R1 district. The proposal 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

<u>APPROVE</u> the variance request, submitted by Michael Boraas (owner), to R1 Zoning District standars (Article 11, section 5) to allow construction of a 3,520 square foot (88-foot x 40-foot) polestyle shed with an attached 448 square foot (8-foot x 56-foot) covered porch.

Site Plan



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

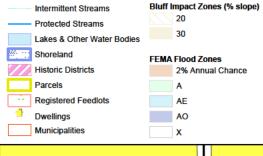
Public Hearing September 28, 2020

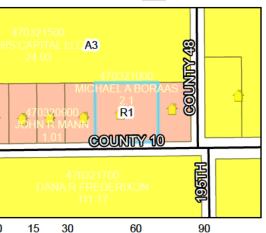
Michael Boraas (Owner/Applicant) R1 Zoned District

Part of the NE 1/4 of the NW 1/4 in Section 32 TWP 110 Range 15 Zumbrota Township

Variance request to construct an accessory structure greater than 2100 square feet







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US Feet

MAP 03: ELEVATIONS



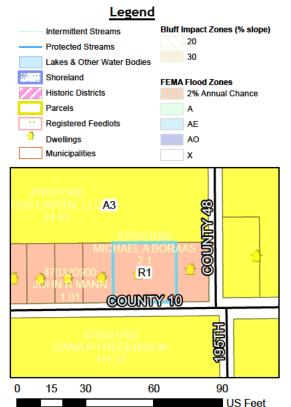
BOARD OF ADJUSTMENT

Public Hearing September 28, 2020

Michael Boraas (Owner/Applicant) R1 Zoned District

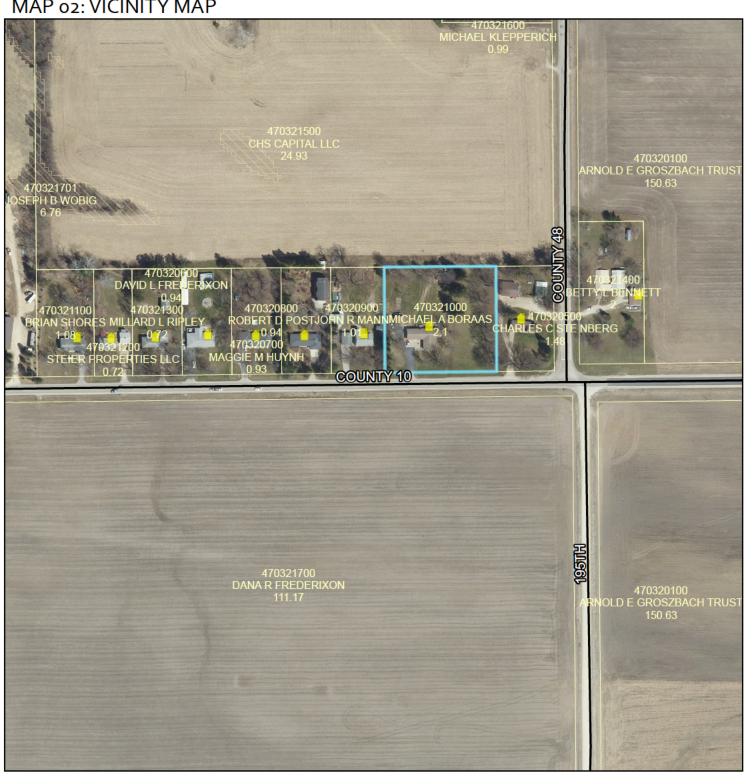
Part of the NE 1/4 of the NW 1/4 in Section 32 TWP 110 Range 15 Zumbrota Township

Variance request to construct an accessory structure greater than 2100 square feet



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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

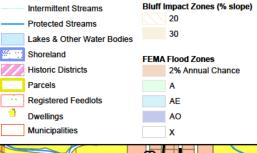
Public Hearing September 28, 2020

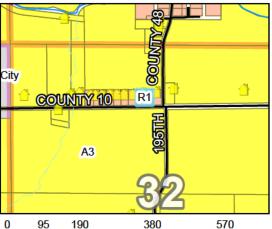
Michael Boraas (Owner/Applicant) R1 Zoned District

Part of the NE 1/4 of the NW 1/4 in Section 32 TWP 110 Range 15 Zumbrota Township

Variance request to construct an accessory structure greater than 2100 square feet

Legend





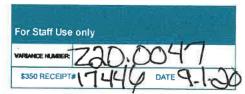
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2018 Aerial Imagery Map Created September, 2020 by LUM



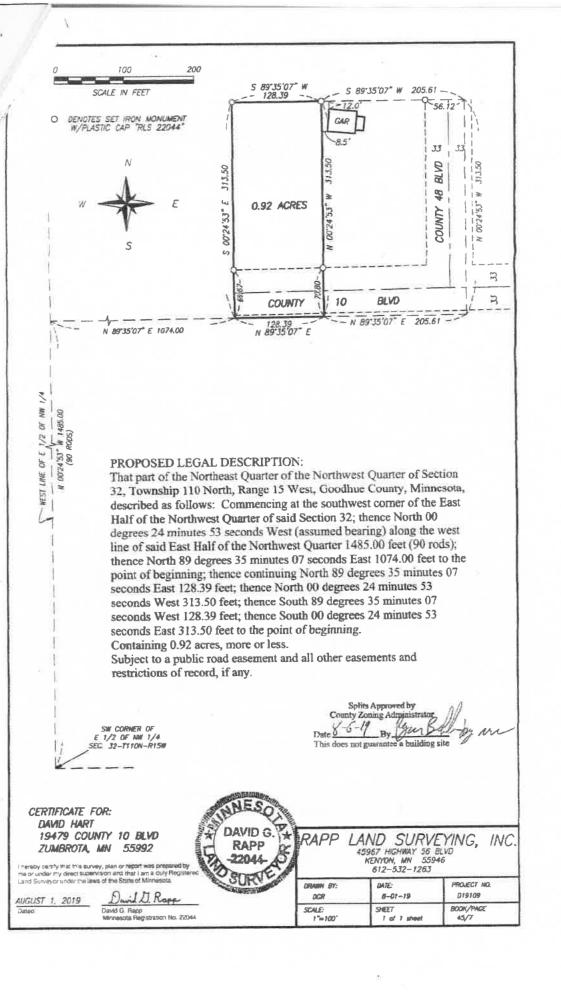
US Feet

APPLICATION FOR Variance



SITE ADDRESS, CITY, AND STATE						1
19435 County	10 Blud,	Zumbrot	a, MN			55992
Sec 32, Two 110, RA	NOE -015, D	C# 558942 LOT AREA (SF/ACRES):	LOT DIMENSIONS		ergueri ibe b	Attached IMENSIONS (if applicable):
470321000	R-1	2.10 ACRES	292' × 3	13'		+ 8'x56' Porch
MICHAEL BOR						
19435 County / Zumbrote, MN	O Blub	100000000000000000000000000000000000000		TELEPHONE:		
PROPERTY OWNER'S NAME:						
Same as Above ¥						
PROPERTY OWNER'S ADDRESS:				TELEPHONE:		
·						_
1	×			EMAIL:		
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CONTACT FOR PROJECT INFORMATION:		1				
Same as Above X ADDRESS:	And Use Manage	The state of the s		•		
ADDRESS.	THE STATE OF	7		TELEPHONE:		
	Sel	-0:n		EMAIL		
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	- 67	me.				
VARIANCE REQUESTED TO:	(check all that anniv)	CUR	RENT OR PREVIOUS US	SE;		
Road Right-Of-Way Setbacks		200	PEN Lot			
	The state of the s	PRUI	OSEDUSE:			
Property Line Setbacks	Bluff Setbac		le Shed DING APPLICATION PE	DART NO. SEE . S	1	-Parket V
Height Limits	Shoreland Se	etbacks	ANG APPLICATION PE	CMIT NO. (IIIseo)		IT LOGO
Lot Width &/or Area	X Other (speci	fv)			٦٠	17/200
Subdivision Beautations	Building &	size				
Subdivision Regulations						
TOWNSHIP SIGNATURE:						
By signing this form, the Township ac In no way does signing this application	knowledges they ar	e aware of the App	icant's variance r	equest.		Attached
TOWNSHIP OFFICAL'S SIGNATURE	in indicate the row		ISHIP OFFICAL'S PRIN			DATE
- email confirmat	non sen	-				
By signing below, the applicant act. The undersigned is the owner. The information presented is at. If I am unable to be present at. Additional information or app	or authorized ag rue and correct to the hearing when	o the best of my k e my request is ac	nowledge.		ice of Decisi	on via mail.
pplicant's Signature:	110			Date	8/3	0/2020
int name: Michael F	Somas	Gen reconstitution (cont.)		(owner or au	thorized age	ent)

REQUEST SUMMARY
Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from:
Article: [Section: 5 Name: Accessory Buldings
Article: Section: Name:
SUPPORTING INFORMATION & JUSTIFICATION You, or your agent, bear the burden of providing information to convince the Board to rule in your favor. Please provide answers to the following questions in the spaces below or in an attached document. You may also attach any additional supporting documentation you desire the board to review.
Discuss your current use of the property and the reason for your variance request: The Additional 128' x 313' lot was purchased last year with the intent of building a shed on it
Describe the effects on the property if the variance is not granted: We likely would have to look at building multiple Sheds to generate equivalent space
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: None/not-appliable-Request 15 to build a large building than what the Achae II, Section 5 define maximum.
Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them: Multiple Sheds would be an option, but drive was access would be more complicated and ultimately a Single building would fit better on the lot and within the neighborhood (Allow for larger setbacks from neighbors you discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning: Multiple sheds would be one option but ultimated they would consume more of the Lot and drive way access to both would be more disficult
In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?: I do not believe it would After the "Character" of the area. Multiple properties in the area already have large. Shed and Shop buildings.



Engberg, Michele

From: Laurie Hoernemann <zbtatownship@hotmail.com>

Sent: Wednesday, August 12, 2020 2:48 PM

To: Engberg, Michele

Subject: Fwd: Email to the County

External Email - Use caution opening links or attachments!

Hi Michelle. Just letting you know that it's ok to go ahead with change in size for Mike. I spoke with supervisors and they had no problem with it and felt he didn't need to come back to township. Hope this email is sufficient.

Thanks

Get Outlook for iOS

Sent: Wednesday, August 12, 2020 2:19:59 PM

To: Laurie Hoernemann <zbtatownship@hotmail.com>

Subject: Re: Email to the County

Thank you for checking. Much appreciated.

Mike

Sent from my iPhone

On Aug 12, 2020, at 1:12 PM, Laurie Hoernemann <zbtatownship@hotmail.com> wrote:

I am checking with supervisors but I'm thinking I will be able to do that

Get Outlook for iOS

Sent: Wednesday, August 12, 2020 12:57:43 PM

To: zbtatownship@hotmail.com <zbtatownship@hotmail.com>

Subject: Email to the County

Laurie,

The county is requiring that I apply for a variance on the pole shed we reviewed at the July meeting due to the size of the shed I'm looking to construct and the zoning for the area where I live. Can you email them to let them know I reviewed the site plan with the township and the township is aware that I'm requesting the variance?

Thanks.

Mike Boraas

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: September 28, 2020
Report date: September 18, 2020

<u>PUBLIC HEARING:</u> Request for Variance, submitted by Dean Lindeman (Owner) to A-3 Zoning District standards to construct an accessory building less than 30 feet from a side yard property line.

Application Information:

Applicant: Dean Lindeman (owner)

Address of zoning request: 30596 Oxford Mill RD, Cannon Falls, MN 55009

Parcel: 41.013.5800

Abbreviated Legal Description: Part of the SW 1/4 of the SE 1/4 of Section 13 TWP 112 Range 18 in

Stanton Township.

Township Information: Stanton Township approved a variance for the setback and signed

acknowledgment of the variance request at their August 18, 2020 meeting.

Attachments and Links:

Application and submitted project summary

Site Maps

Goodhue County Zoning Ordinance:

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

Background:

Dean Lindeman (owner), has applied for a variance to A-3 minimum setback standards to construct a 24-foot by 32-foot accessory building on the west side of his property. The proposed building would be 15 feet from the west 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 immediately west of the proposed structure and 15-feet 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 storage 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 32-foot accessory structure on the property. The proposed size of the structure complies with accessory structure maximum size standards for the A-3 Zoning District.
 - The Applicant's proposal to construct a personal storage building is a reasonable use of the existing residential/agricultural property in the A-3 District.
 - The Applicant will be required to obtain appropriate permits from the Goodhue County Building Permits Department prior to contsruction of the building.
 - The parcel is a non-conforming size at approximately 8.4-acres in the A-3 Zoning District (35-acre minimum). A single-family dwelling and existing accessory building are present on the site.
 - The property lines are sufficiently marked with stakes installed by the Applicant at the location of existing property pins.
 - The land northwest of the dwelling is occupied by an existing accessory structure and the well. The area south of the dwelling is occupied by the septic system tanks and drainfield area. Shoreland and Floodplain (Little Cannon River) are located on the east portion of the property along with a densely wooded area. Access to this area would be very challenging given the existing structures, septic and drainfield, and well locations.
 - The Applicant also considered moving the shed 15-feet east in the proposed location to meet the setback. This alternative was rejected as it would require the removal of a large stand of mature trees that provide wind and snow protection as well as privacy and aesthetic enhancements for the existing residence.
 - The surrounding land uses include A-3 Zoned properties to the north, south, and east owned by John Schmidt and Jordan Dahlback to the north, Wilson Cook and Aaron Sawdey to the south, and Alicia Davis to the east. Land to the west of the property is zoned R-1 Suburban Residential District and is owned by Timothy Meyers. Property to the north, west and south consists of low-density residential with forested areas. A new dwelling is being constructe on the Timothy Meyers property. Property to the east is designated Floodplain and Shoreland of the Little Cannon River within a forested area.

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 permitted 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 Dean Lindeman (owner) to A-3 Zoning District standards to allow construction of an accessory building 15-feet from the west property line.

Variance

RECEIVED

SEP 1 2020

For Staff Use only VARIANCE NUMBER: Z20. CCH 9 \$350 RECEIPT. 7 44 8 DATE 9.120

Land Use Management

30596 Oxford Mill Rd Can	nnon Falls, Mx	J	55009
see attached			Attached
	Hacres 300' × 1050		24' × 32'
APPLICANT OR AUTHORIZED AGENT'S NAME			
Dean Lindeman			
30596 Oxford Mill Rd		TELEPHONE:	
Cannon Falls, MN 55009		EMAIL:	
PROPERTY OWNER'S NAME::			
Same as Above 12	The second secon		
PROPERTY OWNER'S ADDRESS:		TELEPHONE:	
		EMAIL:	
CONTACT FOR PROJECT INFORMATION:			
Same as Above to			
ADDRESS:		TELEPHONE:	
		EMAIL:	
VARIANCE REQUESTED TO: (check all that apply)	CURRENT OR PREVIOUS L		
Road Right-Of-Way Setbacks	PROPOSEDUSE:	anily home	
Property Line Setbacks	Same; a	22 detached	garage
☐Height Limits ☐Shoreland Setbac	BUILDING APPLICATION PE	ERMIT NO.: (iffiled)	DATE FILED:
Lot Width &/or Area Other (specify)			
The second secon			
Subdivision Regulations			
TOWNSHIP SIGNATURE:			
By signing this form, the Township acknowledges they are awa In no way does signing this application indicate the Township	are of the Applicant's variance o's position on the variance requ	request. uest.	Attached L
TOWNSHIP OFFICAL'S SIGNATURE	TOWNSHIP OFFICAL'S PRII		DATE
Chirife a. Peters	Cherxle	A. Peters	8-18-20
By signing/below, the applicant acknowledges: . The undersigned is the owner or authorized agent o	of the owner of this property	,	
2. The information presented is true and correct to the		· ·	
. If I am unable to be present at the hearing where my		ree to accept the Notice o	f Decision via mail.
. Additional information or applications may be requ	ired		1 1
VI NA			9/19/20
plicant's Signature:		Date:	0/10/00
nt name: Dean Lindena	h	(owner or author	ized agent)

REQUEST SUMMARY Please cite the Ordinance Article(s) and Section(s) you are requesting a variance from: Article: 23 Section: 5 Name: Subd. 2. 2 - Side Yard Letback of 30' Article: Section: Name: SUPPORTING INFORMATION & JUSTIFICATION You, or your agent, bear the burden of providing information to convince the Board to rule in your favor. Please provide answers to the following questions in the spaces below or in an attached document. You may also attach any additional supporting documentation you desire the board to review. Discuss your current use of the property and the reason for your variance request: See attached 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: 0 8 Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them: Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning: In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:

ATTACHMENT - Application for Variance, Lindeman

Legal Description - PID# 41-013-5800, 30596 Oxford Mill Rd., Cannon Falls, MN

Sect-13 Twp-112 Range-018 8.40 AC DOC#628052 PT OF SW1/4 OF SE1/4 & PT OF SE1/4 OF SW1/4 SEC 13-112-18 BEG AT NE COR OF OF S660FT OF SW1/4 OF SE1/4 S307.7FT W1027.23FT N232.72FT W50FT N296.90FT W329.30FT S31DG10MN44SC W67.74FT W143.66FT N31DG10MN44SC E12

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

Article 23, Section 5, Subd. 2.2 Side Yard of 30'

Supporting Information & Justification

Discuss your current use of the property and the reason for your variance request:

This has been our home since 1988. We now wish to build a 24' x 32' detached garage for general storage. We ask for a variance from the County A-3 side yard setback of 30' to a 15' side yard Residential setback as allowed and approved by Stanton Township.

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

Loss of needed storage; loss of future value if one outbuilding is not allowed on the property

Describe any unique physical limitations that exist on your property not generally found on others, which prevent you from complying with the provisions of the current ordinance:

Flood plain/shore land restricts building to the east of the house; septic drain field restricts building to the south of the house.

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

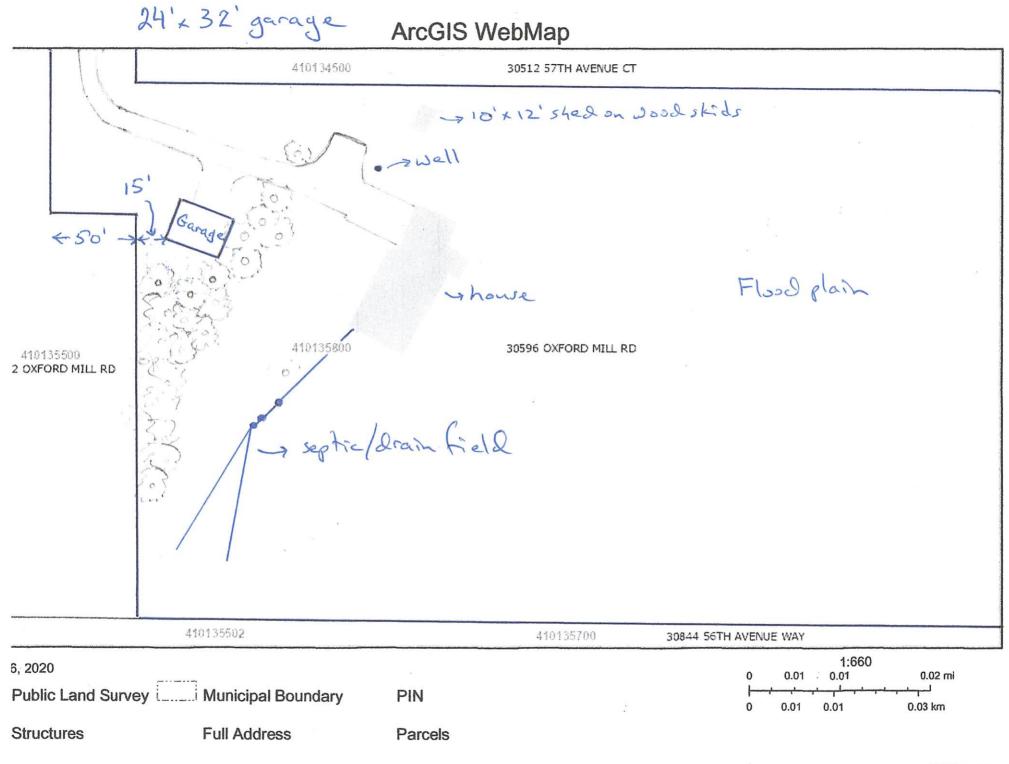
The only possible alternative location would be to push the garage east onto the front lawn, removing mature trees in the process. We believe that putting a garage immediately in our front yard and removing mature trees would harm the value of the property.

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

No other alternatives exist.

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

No, a variance will not alter the essential character of the neighborhood, which is now entirely residential. The last remaining home site in the neighborhood, adjoining our property to the west, is now under construction. That property owner has verbally stated he has no objections to our proposed garage location.



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

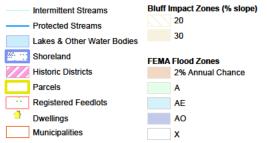
Public Hearing September 28, 2020

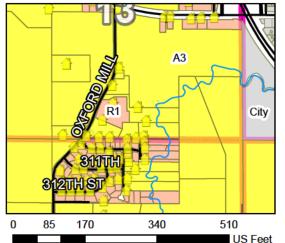
Dean Lindeman (Owner/Applicant)
A3 Zoned District

Part of the SW 1/4 of the SE 1/4 of Section 13 TWP 112 Range 18 in Stanton Township

Variance request to construct an accessory building less than 30 feet from a side-yard property line

Legend

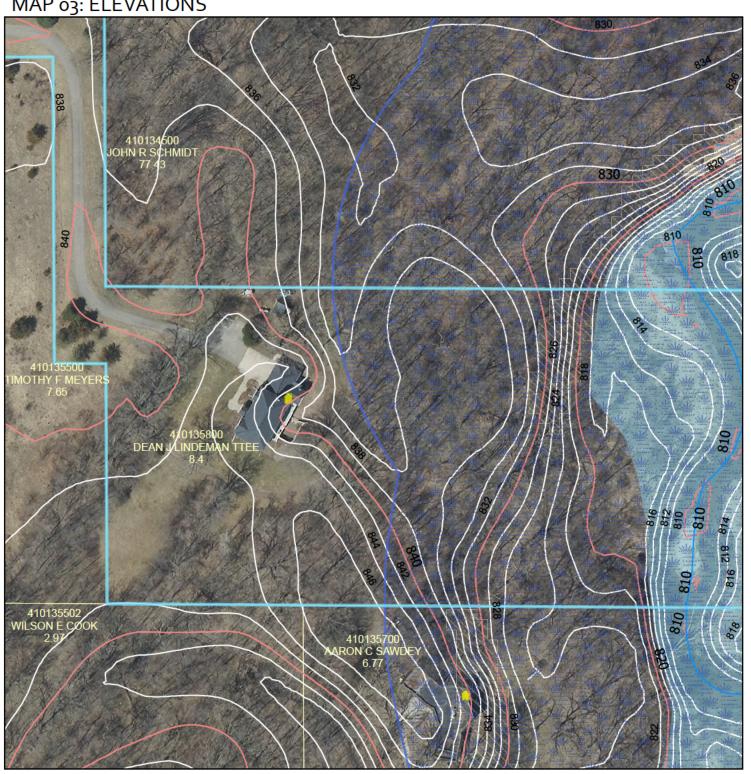




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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

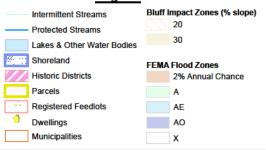
Public Hearing September 28, 2020

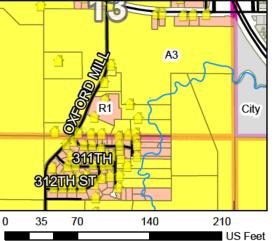
Dean Lindeman (Owner/Applicant) A3 Zoned District

Part of the SW 1/4 of the SE 1/4 of Section 13 TWP 112 Range 18 in Stanton Township

Variance request to construct an accessory building less than 30 feet from a side-yard property line

Legend

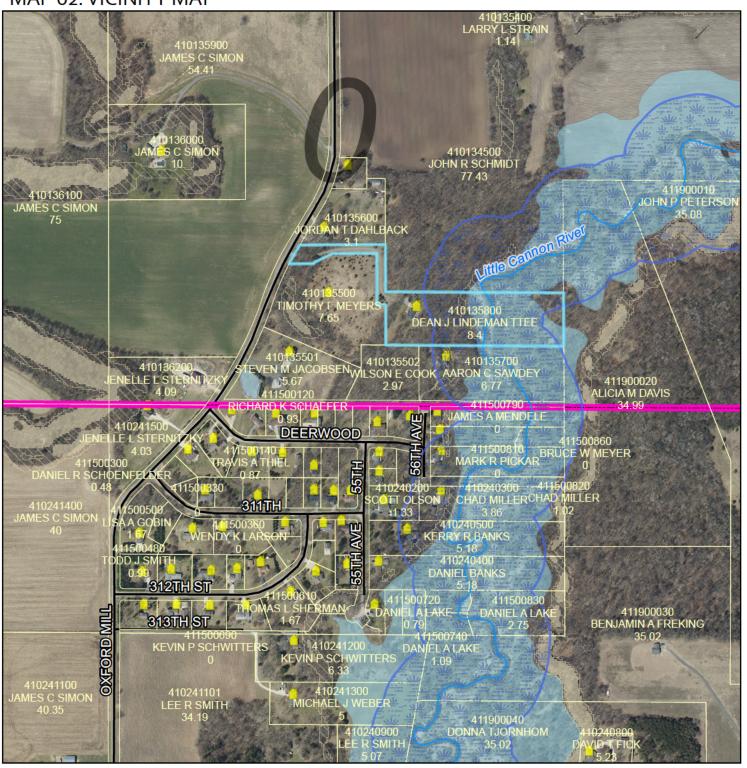




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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

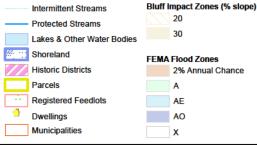
Public Hearing September 28, 2020

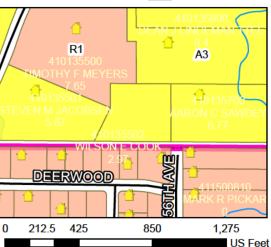
Dean Lindeman (Owner/Applicant)
A3 Zoned District

Part of the SW 1/4 of the SE 1/4 of Section 13 TWP 112 Range 18 in Stanton Township

Variance request to construct an accessory building less than 30 feet from a side-yard property line

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: From: Land Use Management Meeting Date: September 28, 2020 Report date: September 18, 2020

PUBLIC HEARING: Request for Variance, submitted by Dan Williams (owner) to A-3 Zoning District standards to allow an accessory structure to be constructed less than 30 feet from a side-yard property line and less than 60 feet from the County 1 BLVD Right-of-Way.

Application Information:

Applicant(s): Dan Williams (Owner)

Address of zoning request: 28051 CTY 1 BLVD, Red Wing, MN 55066

Parcel: 31.002.1300

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

Featherstone Township.

Township Information: Featherstone Township approved a variance for the project at their

September 8th, 2020 meeting.

Zoning District: A-3 (Urban Fringe District)

Attachments and Links:

Application and submitted project summary Site Map County 1 BLVD R-O-W Plat 1991 Setback Variance (Doc #342369) Goodhue County Zoning Ordinance: http://www.co.goodhue.mn.us/DocumentCenter/View/2428

Background:

Dan Williams has applied for a variance to A-3 minimum setback standards to construct a proposed 24-foot by 35-foot accessory building on the south side of the property. The proposed structure would be 40-feet from the County 1 BLVD Right-of-Way line at its closest point where 60 feet is required and 14 feet from the side-yard property line where 30 feet is required.

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 proposed structure is sited to be the same distance from the Right-of-Way as the existing dwelling and an existing shed. Locating the addition 40 feet from the Right-of-Way at its closest point is not anticipated to further impede future road expansion or on-going maintenance.
 - Goodhue County Assistant Engineer Jess Greenwood reviewed the proposal and stated that given the location of the existing structure he is not concerned with the proposal to construct a garage that maintains an equivalent setback.
- The location is also non-conforming to minimum side-yard setback requirements. The new structure is proposed to be 14 feet from the south property line where 30 feet is required. The new structure is sited to be farther from the side-yard than an existing shed on the property (10-feet x 12-feet). The existing dwelling was granted a variance for a side-yard setback of 10-feet where 30 feet was required in March 1991 (Recorded Doc #342369).
- The accessory structure is proposed to be 6 feet from the existing principal building where 8 feet is required. Goodhue County Building Official Doug Morem reviewed the proposal and stated that there are no issues with the proposed distance from the principal building as the Minnesota Building Code requires at least 5 feet between structures that are not fire protected.
- There are steep slopes present on the property. Goodhue Soil and Water Conservation District representative Beau Kennedy conducted a site visit and desktop slope evaluation of the property and determined the slopes do not qualify as a Bluff per County definition (slopes 30% or greater).

The request appears in harmony with the purpose and intent of the official controls.

- 2) The variance request is consistent with the adopted Comprehensive Plan:
 - The Goodhue County Comprehensive Plan supports the use of existing rural residences and accessory buildings to provide rural living opportunities in the unincorporated areas of Goodhue County.
 - The proposed accessory building 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 35-foot garage on the property. The property currently does not have a garage structure large enough to accommodate a vehicle. The proposed size of the structure complies with accessory structure maximum size standards for the A-3 Zoning District.
 - The proposed structure would not encroach any closer to the Right-of-Way than the existing dwelling nor would it encroach any closer to the side-yard setback than an existing shed. The County 1 BLVD ROW was formally platted by the County in 2009.
 - The parcel is a non-conforming size at approximately 0.44-acres in the A-3 Zoning District (35-acre minimum). A single-family dwelling and existing accessory building are present on the site.
 - The Applicant stated that there are no alternative locations for the addition due to existing topography, structures, driveways, County 1 BLVD Right-of-Way, septic, and well locations.
 - Surrounding land uses include medium-density residential to the south owned by Calvin Radtke and Michael Conroy, bluffs and forested land to the west owned by Michael Conroy and east across County 1 BLVD owned by Jesus Childs, and medium-density residential and commercial use to the north in the City of Red Wing city limits owned by John Ziemer (Ziemer Heating and Cooling). Neighboring properties also have structures that are non-

conforming to property line and ROW setbacks due to small lot sizes and the large width of the County 1 BLVD ROW.

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 Dan Williams (Owner) to A-3 Zoning District standards to allow construction of an accessory building no closer than 40 feet from the edge of the County 1 BLVD Right-of-Way, no closer than 14 feet from the south property line and no closer than 6 feet from the principal building.

APPLICATION FOR **Variance**

RECEIVED

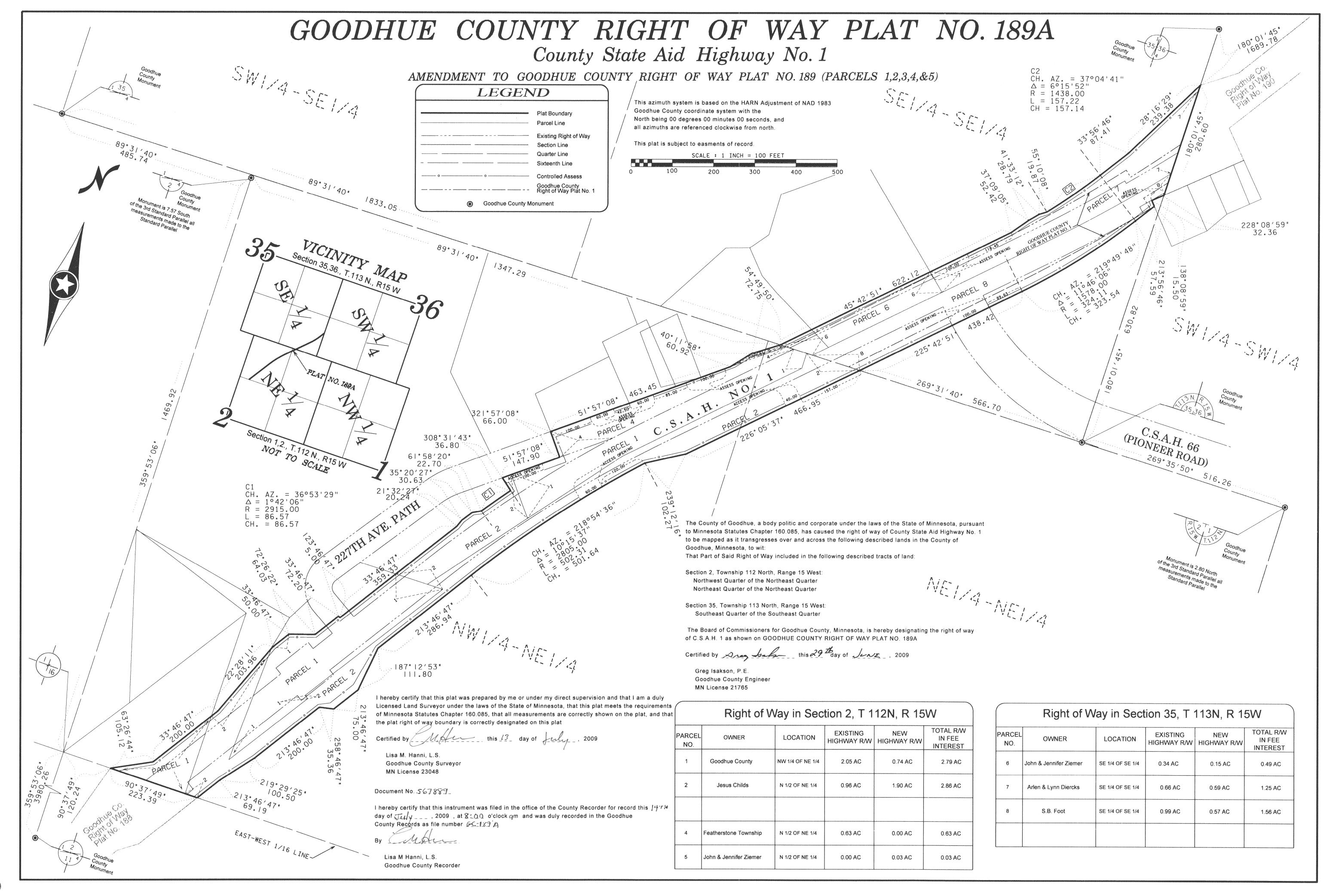
SEP 1 1 2020 Land Use Manage

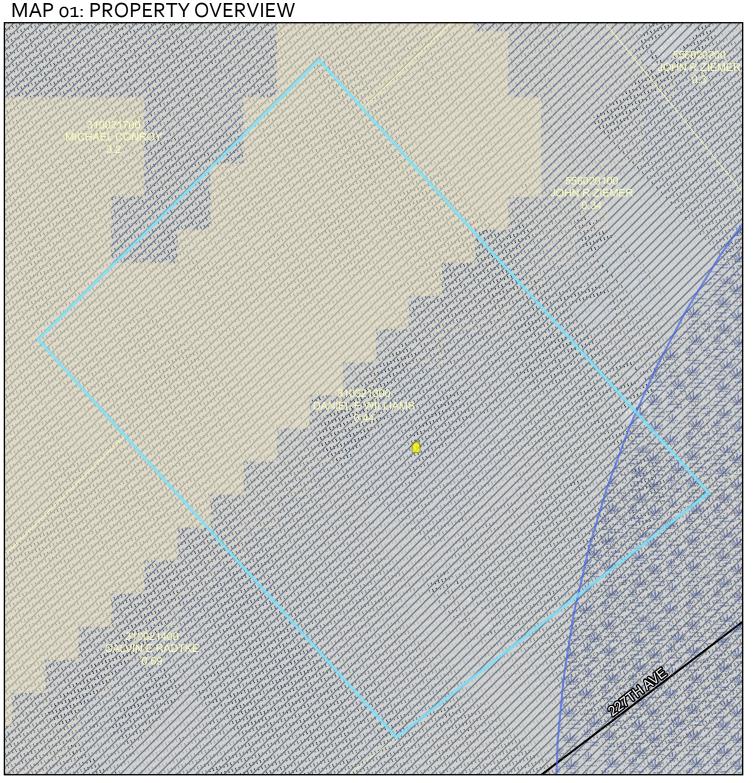
For Staff Use	only		
VARIANCE NUMBER:	Z20.	005	50
\$350 RECEIPT	# 17450	DATE G	11.20

	anage	ment	7	130
SITE ADDRESS, CITY, AND STATE	1 11 6	A Trus		ZIP CODE:
LEGAL DESCRIPTION:	1 Blud	Red Wing		55066
LEGAL DESCRIPTION:				Attached
PID#:	ZONING DISTRICT LOT AREA (S	F/ACRES): LOT DIMENSIONS:	STRUCT	URE DIMENSIONS (if applicable):
31.002.1300				
APPLICANT OR AUTHORIZED AGENT'S NAME				
1)an (1).11.4n	15			MI - 220 - 50 - 50 - 50 - 50 - 50 - 50 - 5
APPLICANT'S ADDRESS:			TELEPHONE:	
28051	Red Wing	MUL ETALLA		
CtyRd 1 Blvd	KEG Wing	1.110 2 7000	EMAIL:	
			<u> </u>	,
PROPERTY OWNER'S NAME:: Same as Above /				
PROPERTY OWNER'S ADDRESS:			TELEBRONE.	
THOI ENT OWNER O ADDITEOU.			TELEPHONE:	
			EMAIL:	
CONTACT FOR PROJECT INFORMATION:				
Same as AboveX				
ADDRESS:			TELEPHONE:	
			EMAIL:	
		CURRENT OR PREVIOUS US	SE:	
VARIANCE REQUESTED TO:		RSODOSed	CARGE	
Road Right-Of-Way Setbacks	☐ % Lot Coverage	PROPOSEDUSE:	GHIGGE	
Property Line Setbacks	Bluff Setbacks			
Height Limits	Shoreland Setbacks	BUILDING APPLICATION PER	RMIT NO.: (iffiled)	DATE FILED:
Lot Width &/or Area	Other (specify)			
Subdivision Regulations		V	the second	
TOWARD UP CONTINUE				
TOWNSHIP SIGNATURE: By signing this form, the Township a	cknowledges they are aware of	the Applicant's variance re	equest.	
n no way does signing this applicati TOWNSHIP OFFICAL'S SIGNATURE			est.	Attached L
TOWNSHIP OFFICAL S SIGNATURE		TOWNSHIP OFFICAL S PRIN	TED NAME AND TITLE	DATE
y signing below, the applicant a	cknowledges.			
. The undersigned is the owner	r or authorized agent of the			
. The information presented is				
If I am unable to be present atAdditional information or ap		iest is acted upon, i agre	e to accept the Notice of D	ecision via mail.
				V 10.000
olicant's Signature: JM	Dillicent		Date: 9.	11-2020
nt name: Dan Wil	1.gms			
nt name: DAVI WI	11.471		(owner or authorized	d 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: XISTING house without garage 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: wouldn't 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?: homes in Area with garages.

& property lines 4 1 shed J septiz O system) Ø Proposed garage drive wat 24×35 1001 house well 3784 Shotler & property line





BOARD OF ADJUSTMENT

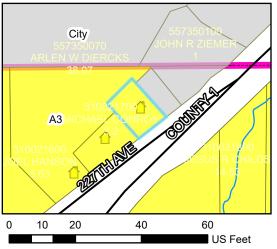
Public Hearing September 28, 2020

Dan Williams (Owner/Applicant) A3 Zoned District

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

Variance request to construct an accessory structure to be constructed less than 30 feet from a side-yard property line, less than 60 feet from the CTY 1 BLVD ROW and less than 30 feet from the toe of a bluff

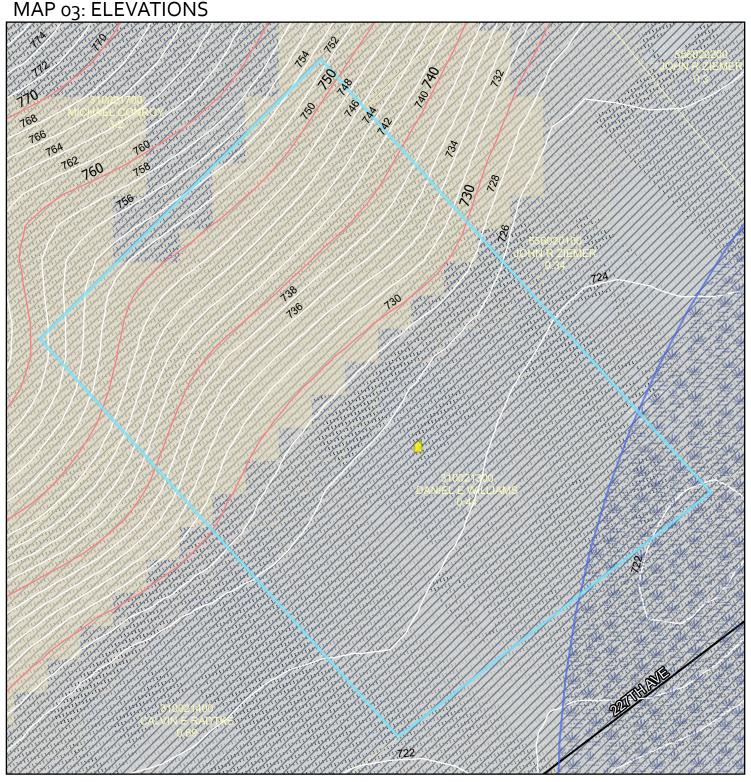
Bluff Impact Zones (% slope) Intermittent Streams Protected Streams 30 Lakes & Other Water Bodies ::: Shoreland **FEMA Flood Zones** Historic Districts 2% Annual Chance Parcels Registered Feedlots ΑE Dwellings AO Municipalities Х



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BOARD OF ADJUSTMENT

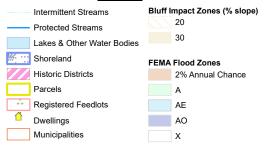
Public Hearing September 28, 2020

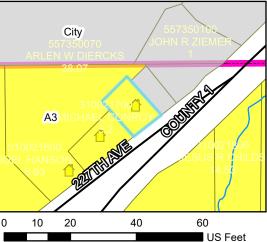
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Legend



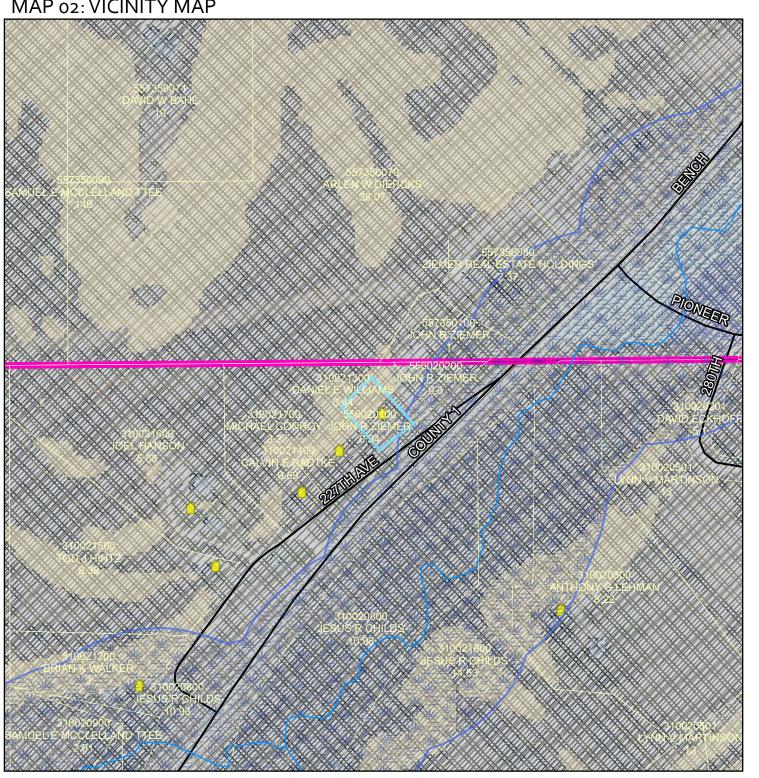


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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

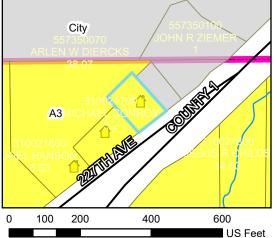
Public Hearing September 28, 2020

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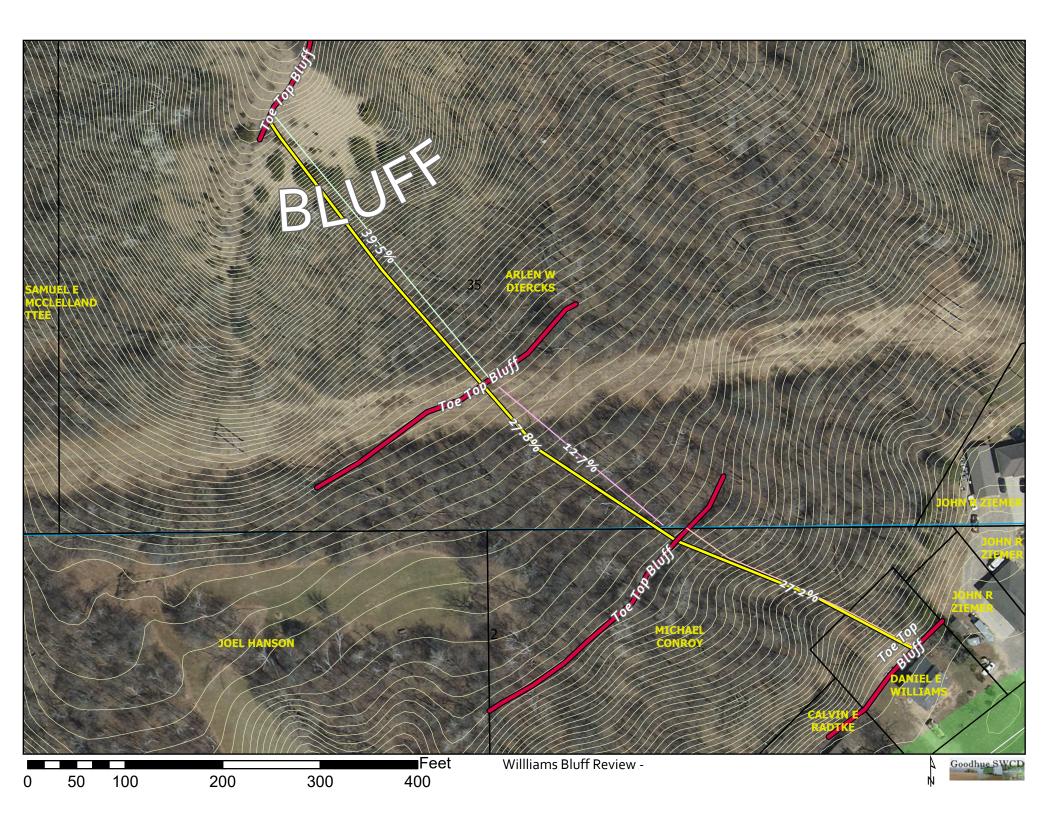
Bluff Impact Zones (% slope) Intermittent Streams 20 Protected Streams 30 Lakes & Other Water Bodies Shoreland **FEMA Flood Zones** Historic Districts 2% Annual Chance Parcels Registered Feedlots ΑE Dwellings AO Municipalities Χ



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VARIANCE GOODHUE COUNTY MINNESOTA

Date MARCH 7 19 91 Applicant BECKI AND BRIAN WIDEMAN	
Legal Description PT OF NW OF NE 1, SEC 2, T112N, R15W, SHE	INDEX CARD
366, FEATHERSTONE TOWNSHIP. SEE ATTACHED DESCRIPTION.	
Present Zoning AGRICULTURE Drawing of area att	ached
Variance Request VARIANCE TO BUILD A HOUSE ADDITION 10 FT FR	ROM THE
SIDEYARD AND NOT THE REQUIRED 30 FT. (VARIANCE WILL BE	FOR 20FT).
Applicant's Signature /s/ BECKI WILDEMAN Address RR 3 BOX 18 R	
Hearing Date 3/25/91 Rec'd Payment /s/ JOANNE A. Zoning Admini	W()OD strator
Decision of the Goodhue County Board of Adjustment This 25 Day of MARCH 19 91 The Goodhue County Board recommends that this variance be:	of Adjustment
GRANTED.	
Reason for Decision: A "HARDSHIP" WAS PROVEN. THE PLIGHT OF	NOT CREATED
Reason for Decision: A "HARDSHIP" WAS PROVEN. THE PLIGHT OF OWNER IS DUE TO CIRCUMSTANCES UNIQUE TO HIS PROPERTY	NOT CREATED
Reason for Decision: A "HARDSHIP" WAS PROVEN. THE PLIGHT OF OWNER IS DUE TO CIRCUMSTANCES UNIQUE TO HIS PROPERTY BY THE LAND OWNER; AND THE VARIANCE WILL NOT ALTER TH	NOT CREATED
Reason for Decision: A "HARDSHIP" WAS PROVEN. THE PLIGHT OF OWNER IS DUE TO CIRCUMSTANCES UNIQUE TO HIS PROPERTY BY THE LAND OWNER; AND THE VARIANCE WILL NOT ALTER TH CHARACTER OF THE LOCALITY.	NOT CREATED
Reason for Decision: A "HARDSHIP" WAS PROVEN. THE PLIGHT OF OWNER IS DUE TO CIRCUMSTANCES UNIQUE TO HIS PROPERTY BY THE LAND OWNER; AND THE VARIANCE WILL NOT ALTER TH CHARACTER OF THE LOCALITY.	NOT CREATED

Fee: \$20.00

))

NW% OF NE%, SEC 2, T112N, R15W, DES AS FOLLOWS:
COM AT INTERSECTION OF W LINE OF T.H. #58 WITH
N LINE OF SEC THENCE SWLY ALONG ROAD 288 FT FOR
PLACE OF BEG THENCE N 42 DG W 148 FT THENCE S 45DG
8 FT W 120 FT THENCE S 49 DG 30 FT E 160 FT TO
CENTUR OF T.H. THENCE NELY ALONG CENTER LINE OF
SAID HIGHWAY 120 FT TO A POINT S 42 DG E FROM
PLACE OF BEG THENCE N 42 DG W 33 FT TO PLACE OF
BEG.

OFFICE OF THE
ZONING ADMINISTRATOR
Goodhue County, MN

	I, Charles R. Dornack, Zoning Ado	ministrator of	the County	of Goodhua
	State aforesaid, do hereby certify, that	I have compar	ed the with	in and anne
	with the renord of A VARIANCE	n gyfllithiau dan myw fylit pant gafaglyf fall byd	ifrom th	e County of
•	Goodhue to BECKI & BRIAN WILDEMAN	filed in	this offic	e, and the
	same is a true and correct transcript for	rom such record	and of the	whole
	thereof.			
	Witne	res my hand thi	a 18	_ day of
		APRIL	19 91	
r v		Charles R.	Marrack	(su)
			ministrator county, Minn	•
FHLED	FOR RECORD AFIS 18th day of April, 1991	, at 2:20 o'clo	ock P. M.	