



GOODHUE COUNTY MINNESOTA

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

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

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. February 28, 2022 BOA Meeting Minutes

Documents:

[BOAMEETINGMINUTES_FEBRUARYMEETING_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance from John Vieths (Owner) to A-1 Zoning District standards to construct a dwelling addition less than 60-feet from the County 9 BLVD Right-of-Way. Parcel 33.022.1200. 21225 County 9 BLVD Goodhue, MN 55027. Part of the SW ¼ of the SW ¼ of Section 22 TWP 111 Range 15 in Goodhue Township.

Documents:

[BOAPACKET_VEITHS_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance from Joshua Plath (Owner) to A-2 Zoning District standards to construct an accessory building less than 30-feet from a side yard property line. Parcel 34.020.2000. 31780 Hill Valley Road Red Wing, MN 55066. Part of the SE ¼ of the SE ¼ of Section 20 TWP 112 Range 14 in Hay Creek Township.

Documents:

[BOAPACKET_PLATH_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 ◆

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
February 28, 2022 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:00 PM by Chair Daniel Knott virtually via GoToMeeting with staff members present at the Goodhue County Government Center Board Room.

Roll Call

Commissioners Present: Daniel Knott, Keith Allen, Darwin Fox, Denny Tebbe, and Randy Rehtzigel

Commissioners Absent: None

Staff Present: Land Use Director Lisa Hanni (Virtual), Zoning Administrator Samantha Pierret, Zoning Assistant Alexandra Koberoski, and Zoning Administrative Assistant Kathy Bauer

1. Approval of Agenda

¹Motion by Commissioner Fox and seconded by Commissioner Tebbe to approve the meeting agenda.

Motion carried 5:0

2. Approval of Minutes

Chair Knott noted an error in the December 13, 2021 Minutes.

²Motion by Commissioner Fox and seconded by Commissioner Tebbe to approve the corrected previous month's meeting minutes.

Motion carried 5:0

3. Appointment of Chair and Vice-Chair.

Commissioner Fox nominated Daniel Knott as Board of Adjustment Chair for 2022.

There were no other nominations.

Commissioner Knott was appointed Board of Adjustment Chair.

Commissioner Tebbe nominated Darwin Fox Board of Adjustment Vice-Chair for 2022.

There were no other nominations.

Commissioner Fox was appointed Board of Adjustment Vice-Chair.

4. Conflict/Disclosure of Interest

There were no conflicts of interest reported.

5. Public Hearings:

PUBLIC HEARING: Request for Variance, submitted by Travis Prihara (Owner) to A-2 Zoning District standards to allow an attached garage addition and lean-to to be constructed less than 30 feet from a side yard property line and less than 60 feet from the Old Camp LN Right-of-Way.

Koberoski presented the staff report and attachments.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

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3After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Tebbe to close the Public Hearing.

Motion carried 5:0

4Motion by Fox, seconded by Rehtzigel, for the Board of Adjustment to:

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

APPROVE the request for a variance, submitted by Travis Prihara (owner) to A-2 Zoning District standards to allow construction of an attached garage addition and lean-to no closer than 3.1-feet from the east property line and no less than 15-feet from the Old Camp LN Right-of-Way.

Motion carried 5:0

PUBLIC HEARING: Request for an after-the-fact variance, submitted by Tyler Harrison (Owner), to Article 12 (Bluffland Protection Standards) to allow a residential deck less than 30-feet from the top of a bluff.

Koberoski presented the staff report and attachments.

Chair Knott opened the Public Hearing.

Commissioner Fox asked how this request came about as an after-the-fact request.

Koberoski replied the Applicant is a new homeowner and was not aware he needed a building permit for a deck.

5After Chair Knott asked three times for comments it was moved by Commissioner Allen and seconded by Commissioner Tebbe to close the Public Hearing.

Motion carried 5:0

6Motion by Tebbe, seconded by Rehtzigel, for the Board of Adjustment to:

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

APPROVE the request for an after-the-fact variance, submitted by Tyler Harrison (Owner) to Bluffland Protection Standards to allow a residential deck to be no less than 28-feet from the top of a bluff.

Motion carried 5:0

PUBLIC HEARING: Request for Variance, submitted by Leroy Otto (Owner), to Article 31 (Shoreland Standards) to allow establishment of a single-family dwelling on a non-riparian parcel less than 40,000 square feet and less than 150-feet wide classified as Shoreland and less than 20,000 square feet in the R-1 Suburban Residence District.

Pierret presented the staff report and attachments along with supplemental information collected after packet distribution. She noted discussions with Goodhue County Sanitarian Benjamin Hoyt regarding the proposed Type 2 septic system which is only allowed if the Type 1 system cannot be installed on-site. A Type 1 system would be practical at the Otto site. Staff is recommending the approval of this Variance request with the condition a Type-1 system is installed. Staff submitted a request for comment to the DNR but did not receive a reply prior to the meeting.

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Leroy Otto (Applicant) asked if the Type 1 system is a mound system.

Pierret answered a Type 2 system is a mound system and has been proposed, the Type 1 system is a "standard" system.

Mr. Otto stated with the limited use they would have he was considering a pump-out system.

Pierret said that further discussion would be needed with the Environmental Health Department regarding septic installation.

Mr. Otto stated the intent of the variance was to bring his property into compliance.

Chair Knott opened the Public Hearing.

Pierret read comments received prior to the public hearing:

Sheila and Richard Kiscaden, 28520 Lake Avenue Way, Frontenac MN, are in support of the variance request. They stated there are a variety of dwellings in the neighborhood such as new custom-built homes, seasonal homes, and small homes dating back 50-100 years. They added there would not be an issue with density as it backs to state park land and adjoins an undeveloped lot of an existing home.

Marcene Anderson, 28560 Lake Avenue Way, Frontenac MN, has concerns regarding the variance request as her property is diagonal across the street to the Otto property. She stated Mr. Otto has owned the property for many years and had the opportunity to purchase the contiguous parcel to the north but chose not to. Had he made the purchase, he would have had a sufficient amount of land needed to meet the R-1 lot size requirements. Ms. Anderson said she had interest in buying a neighboring parcel at one time to construct a small dwelling but found it was non-conforming to R-1 lot size regulations and did not pursue the project. She stated the variance request has only come to be an issue since the sale of Mr. Otto's lakefront property across the street. She feels the structure will alter the harmony of the locality and could have an adverse effect on property values on Lake Avenue Way. Ms. Anderson questioned the proposed location of the Type 2 septic system and has concerns that it could potentially pose harm for her well. She feels further certification and/or compliance by the County should be required before any approval of the variance is granted.

Lorry Wendland, 28535 Lake Avenue Way, Frontenac MN, owns five lots to the north of the Otto property. She has concerns regarding the preservation of the nature, beauty, and historic character of the area. Zoning laws concerning the size of residential properties subject to shoreland regulations in Minnesota have grown more restrictive over the years. She expressed concern for the kind of septic system being used and pollutants. She noted she is against the variance request.

Linda Berg-Flies, 28725 Lake Avenue Way, Frontenac MN, stated she agrees with the approval of this variance request after all matters are reviewed and verified by Goodhue County.

After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Tebbe to close the Public Hearing.

Motion carried 5:0

Pierret noted the structure on the property in question is not considered a cabin. Zoning staff considers the structure an accessory building/storage building as it has never met the definition of a dwelling, which is why it is considered a non-conforming structure. There is evidence of a former well on the site. The Goodhue County Environmental Health Department has documentation that a new well was drilled in 2020. Regarding the septic system, soil tests were done confirming a Type 2 system could be installed but a Type 1 system would be better and can feasibly be installed on the property. The non-structural changes to the cabin, such as siding, windows, and roofing require a building permit and are

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allowed on a non-conforming structure however, expansion of the structure is not allowed hence the requirement of a variance. Plumbing can be installed in an accessory building as long as it does not meet the definition of a dwelling (kitchen, bedrooms, etc.). The septic system will need to be located to the east of the structure, where the soils are undisturbed and setbacks should be able to be met.

Commissioner Tebbe asked if a past request on the Herron property was similar to this request (two dwellings on a single parcel being split).

Pierret answered the lot that Mr. Otto owned across Lake Avenue Way and the lot in question are separate lots and were never combined as one parcel. The lot in question is two lots from the 1857 plat that were combined at an unknown time in the past.

Chair Knott clarified that the parcel in question was never split from the existing dwelling to the east.

Pierret said where the house that Mr. Otto owned and where the accessory building is have never been one parcel. They are separated by Lake Avenue Way; in separate blocks of the plat.

Commissioner Rehtzigel asked if the structure has a foundation under it.

Mr. Otto answered it does not; originally it only had concrete blocks since he bought the property in 1988 until last fall. The reason they drilled the holes this past fall was to beat the frost. Currently, it has a post and beam system the structure is on.

Chair Knott asked if the Type 1 septic system recommendation was based on information received from Benjamin Hoyt.

Pierret stated it was based on Mr. Hoyt's recommendation and on shoreland standards where a variance could be waived with a Type 1 system.

Commissioner Fox stated he would possibly support the variance as long as the Type 1 system was used.

Commissioner Tebbe and Commissioner Allen agreed with that statement.

Commissioner Fox asked if Florence Township had any comment on the variance request.

Pierret stated the Township issued a variance. The Township's Planning Commission had a meeting about the request and the Township Board will be making the final decision tonight.

8Motion by Tebbe, seconded by Allen, for the Board of Adjustment to:

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

APPROVE the request for a variance, submitted by Leroy Otto (owner) to Article 31 (Shoreland Standards) to allow the establishment of a single-family dwelling on a non-riparian parcel less than 40,000 square feet and less than 150-feet wide classified as Shoreland and less than 20,000 square feet in the R-1 Suburban Residence District. Subject to the following condition:

1. A Type 1 septic system shall be properly permitted and installed on the property to serve the proposed dwelling.

Commissioner Rehtzigel stated he understands concern from some of the neighbors.

Commissioner Allen asked whether the Township had gone through the public process for the request

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and if tonight was the first opportunity for neighbors to voice their concerns.

Mr. Otto stated he was at the Planning Commission meeting and their main concern was that the property not have more than the maximum allowed amount of impervious surface coverage.

Chair Knott asked if there was a public hearing at the Township meeting.

Mr. Otto confirmed there was some discussion of these concerns, but nothing controversial. He is aware people are concerned about the shoreland; the structure is not situated on the shore and he is willing to do what is needed to lessen the impact on the shoreland. Mr. Otto stated he did not have a cabin across the street, he had a dwelling he lived in full time from 1988-2021 and he put in two septic systems on that property and understands the importance that the septic be handled in the best manner.

Motion carried 3:2 Commissioners Fox and Rehtzigel against.

PUBLIC HEARING: Request for Variance, submitted by Larry Hunecke (Owner), to R-1 Zoning District standards to construct a dwelling addition less than 25-feet from the Wood Avenue Right-of-Way.

Pierret presented the staff report and attachments.

Larry Hunecke stated his father built the house in 1951, and would like to expand on some of the rooms to accommodate his family for gatherings.

Chair Knott opened the Public Hearing.

Pierret read a comment received prior to the meeting.

Ellen Stewart, 28733 Manypenny Avenue, Frontenac MN, supports the Hunecke variance request.

⁹After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Rehtzigel to close the Public Hearing.

Motion carried 5:0

¹⁰Motion by Rehtzigel, seconded by Fox, for the Board of Adjustment to:

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

APPROVE the request for a variance, submitted by Larry Hunecke (owner) to R-1 Zoning District standards to allow construction of a dwelling addition 1.6-feet from the Wood Avenue Right-of-Way.

Commissioner Fox stated this is what the variance requests are for and he is in support of this request.

Motion carried 5:0

5. Other-Discussion

The next BOA Meeting is tentatively set for March 28th, 2022.

Hanni stated the renovations will not be done in the courtroom until September but will look into having the next BOA meeting in person.

ADJOURN

¹¹Motion by Tebbe seconded by Rehtzigel to adjourn the BOA meeting at 6:29 pm.

Motion carried 5:0

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Respectfully submitted:
Kathy Bauer, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the meeting agenda.

Motion carried 5:0

² APPROVE the corrected previous meeting's minutes.

Motion carried 5:0

³ Close the Public Hearing

Motion carried 5:0

⁴ APPROVE the Variance request to A-2 Zoning District standards to allow attached garage addition and lean-to 3.1-feet from a side yard property line and 15-feet from the Old Camp Lane ROW

Motion carried 5:0

⁵ Close the Public Hearing

Motion carried 5:0

⁶ APPROVE the after-the-fact Variance request to Bluffland Protection Standards allow a deck 28-feet from the top of a bluff

Motion carried 5:0

⁷ Close the Public Hearing

Motion carried 5:0

⁸ APPROVE the Variance request to Shoreland Standards and R-1 District Standards to allow the establishment of a dwelling on a parcel less than 40,000 square feet, less than 150-feet wide, and less than 20,000 square feet.

Motion carried 3:2

⁹ Close the Public Hearing

Motion carried 5:0

¹⁰ APPROVE the Variance request to R-1 District Standards to allow a dwelling addition 1.6 ft from Wood Avenue Right-of-Way

Motion carried 5:0

¹¹ ADJOURN.

Motion carried 5:0

UNOFFICIAL UNTIL APPROVED BY THE BOA

Pierret, Samantha

From: Sheila Kiscaden
Sent: Monday, February 21, 2022 12:16 PM
To: Pierret, Samantha
Subject: Leroy Otto Variance Request

To: Goodhue County Board of Adjustment
Re: Leroy Otto Variance Request for 28571 No. Lake Avenue Way, Frontenac

I write in support of Leroy Otto's request for a variance that would allow him to construct a single family dwelling at 28571 No. Lake Avenue Way.

My husband and I own a property at 28520 No. Lake Avenue Way, which is currently a seasonal property but will become a year round property in the future. We have owned this property since 1988 and have watched as all the similar properties have been replaced or upgraded to become year-round homes.

This small neighborhood has a variety of dwellings that include custom-built homes that have been recently constructed as well as small dwellings that date back 50 and 100 years.

While the parcel in question is smaller than the current zoning requires, adding a small single-family structure would be very compatible with existing properties and surroundings. And, there is not danger of density issues since the parcel in question has state park lands directly behind it, and adjoins an undeveloped lot that is has become the extended lot of and exisiting home.

I support Dr. Otto's request for a variance, as does my husband, Richard.

Sheila Kiscaden

Sheila Kiscaden
58520 No. Lake Avenue Way
Frontenac, MN

724 11th Street SW
Rochester, MN 55902

Pierret, Samantha

From: Marcene Anderson
Sent: Monday, February 28, 2022 9:49 AM
To: Pierret, Samantha
Subject: Public Hearing-Request for Variance for Leroy Otto Parcel 32.130.0421

Several words corrected from 1st email sent at 10:02 a.m. Please discard previous email..

Thank You

Marcene Anderson

Fm: Marcene Anderson
28560 Lake Avenue Way
Frontenac, MN 55026

Good morning Ms. Pierret,

In accordance with your Notice of Public Hearing regarding the Request for Variance submitted by Leroy Otto, I am writing to express my comments and concerns.

My property is located diagonally across the street from parcel 32.130.0421 and therefore, have a significant interest in this request for variance.

Variance Standards:

Variations shall only be permitted when they are in harmony with the general purposes and intent of the Goodhue County Zoning Ordinance and when consistent with the adopted comprehensive plan. Variations may be granted when the applicant establishes "practical difficulties" exist in complying with the existing official controls. Practical difficulties mean the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

♣ Parcel 32.130.0421 consists of two 50-foot by 150-foot lots (15,000 square feet total, 100-feet in total width) in the original plat for the Town of Frontenac from 1857. Goodhue County adopted Residential District zoning standards in 1971. At that time the minimum lot width for residential districts was 80-feet and the minimum lot area was 12,000 square feet. The Otto parcel complied with both of these regulations at the time and would have been considered buildable. In 1993 the minimum lot size in the R-1 District was increased to 20,000 square feet and the minimum lot width was increased to 100-feet. R-1 lot size has increased over the years to ensure all structures can meet required setbacks and allow adequate room for a septic system and a replacement septic if needed.

With regard to the above Variance Standards..

Mr. Otto owned the lake front property across the street (Lake Avenue Way) for many years and had the opportunity to purchase the contiguous parcel to his shed, (then owned by William Flies and now owned by

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Lorry Wendland) and chose not to do so. Each of the 2 lots available during this time were 50'X150'. Had he done so, he would have had 30,000 square feet of land, sufficient to meet the standards of R-1 20,000 sq ft. required for a non-riparian parcel.

I had expressed my desire to purchase this same parcel to potentially build a small home or garage with an apartment loft, but upon investigation, found that it was a non-conforming lot and only due to these regulations, passed the opportunity to do so. The property was subsequently purchased by Ms. Wendland. It would seem to me that the original platting in 1857 or the changes adopted in 1971 have little or nothing to do with the variance request at this time.

As mentioned, Mr. Otto has enjoyed the use of the area for many years with the ownership of his lakefront property across Lake Avenue Way. It has only been since the recent sale of his lakefront property across the street that the need for a variance has now come to light.

In keeping with the variance standards... It appears that the proposed structure will significantly alter the essential character and harmony of the locality...and potentially have an adverse effect on property values on Lake Avenue Way. Recent sales on Lake Avenue Way have included properties sold, at \$470,000, \$624,00, \$650,000, and his own property across the street which he recently sold on 1/29/2021 for \$540,000 according to public records.

The proposed cabin will meet all structure setbacks for the R-1 District and a compliant septic system can be installed on-site with room for a replacement system if needed. This request appears in harmony with the purpose and intent of the official control.

According to MN Statute 394.36 Subd. 5 "(b)A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that: (1) all structure and septic system setback distance requirements can be met; (2) a Type 1 sewage treatment system...can be installed...; and (3) the impervious surface coverage does not exceed 25 percent of the lot." Local governments may be stricter and require a variance for developing nonconforming lots, even if the lots do meet these three criteria. Staff determined that because a variance is required to R-1 lot size standards and the Applicant has proposed to install a Type II septic system the Board of Adjustment should also consider a variance to Shoreland standards. The request appears in harmony with the purpose and intent of the official control.

With regard to the stated intent to install a Type II septic system:

To the best of my knowledge, there is nothing on this application to show where a proposed septic might be installed.

I believe a type II septic system may represent a danger to my well, located below any proposed supplemental drain field for this property. Further verification and certification of compliance by the county should be required before any approval of these variances are granted.

In section 3e of his project application, Mr. Otto has stated in writing that this property has had electricity, well and heat since 1994.

To the best of my knowledge.. this structure has not previously ever had any water (sewer-take off) service or heat provided to it. The existing well located on this property only serviced his cottage at 28578 Lake Avenue Way.

In section g-6 Mr. Otto states that this would improve the neighborhood. This is a rather subjective statement as there is nothing contained in his application that would substantiate his comment.

In summary, Ms. Pierett, we appreciate the County's interest in requiring compliance with the stated Variance Standards pertaining to land use in our area and only desire that these standards are met and in keeping with the best interests of the community, environmental standards and the property owners most directly affected by this request for variances.

Sincerely,

Marcene Anderson
28560 Lake Avenue Way
Frontenac, MN.

Lorry Wendland 28535 N Lake Ave Frontenac, MN

Goodhue County Board of Adjustment

I, Lorry Wendland, am a 22-year resident of Frontenac and own five lots to the north of Mr. Otto's property, in trust. I have a keen interest in preserving the beauty and value of property in this uniquely historic community. I ask that members of the Goodhue County Board of Adjustment and such other Goodhue County officials as may be relevant, consider my serious concerns regarding the numerous and substantial variances sought by Leroy Otto which are the subject of the hearing scheduled for Monday evening, February 28, 2022. My concerns follow:

1) Zoning laws concerning the size of residential property subject to Shoreland Regulation in Minnesota have grown more restrictive, not more liberal, these past 20+ years. As the report to your Board from Land Use Management staff dated February 18, 2022 notes, minimum residential lot size requirements established by the State of Minnesota in the 1970s for property such as Mr. Otto's were 24,000 square feet. This was increased in the 1990s to 40,000 square feet. By increasing the minimum size required to develop Shoreland property, the State of Minnesota consistently evidenced a strong and growing public policy favoring less intensive residential development of such property. Mr. Otto's property is less than one half of what is required, at a mere 15,000 square feet. Additionally, a lot such as Mr. Otto's must have a minimum of 150 feet frontage per Minnesota statute. Again, his property falls short at 100 feet of frontage. The variances requested by Mr. Otto are substantially non-compliant. His lot size is merely 37% of state law and his frontage falls short by 33%! Granting the requested variants would run counter to public policy established by the Minnesota legislature. Larger residential lot size, not smaller, is in the interest of protecting Minnesota public waters and the environment, both recognized purposes of Shoreland Regulations.

2) Granting the requested variants would also run counter to the historical development of residential property in the immediate neighborhood. Numerous neighborhood residential properties have enjoyed substantial refurbishment and remodeling which, together with newer, expensive residential construction, have added substantial value to the neighborhood. Values in excess of \$500,000 and more are not uncommon. To grant the requested variances, resulting in a residential lot significantly less in size than provided by statute (and certainly less in value) will be detrimental to the values of other properties in the area, and not at all in harmony with the resurgence in interest, beauty and value of neighborhood properties. I am concerned about the precedent of allowing new construction on lots that are so much smaller than required. If the variances are granted, certainly the essential character of the neighborhood will be adversely altered to a significant extent. And Minnesota public policy in expanding required residential lot size will be thwarted.

Pierret, Samantha

From: Ellen Stewart ·
Sent: Sunday, February 27, 2022 8:23 AM
To: Pierret, Samantha
Subject: Hunecke request for variance

I would like to share my support for the request for variance submitted by Larry Hunecke to construct a dwelling addition on his lot - Parcel 32.130.1470, 28815 Wood Avenue Frontenac.

I would like to note that the Hunecke family has lived in and contributed to the village of Old Frontenac since its inception. I support Larry Hunecke's request for a variance to create the addition to his home in order to make it a comfortable dwelling. I believe it will be a welcome addition and will enhance the village.

Thank you.

Ellen Stewart
28733 Manypenny Avenue
Old Frontenac, MN

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: April 25, 2022
Report date: April 11, 2022

PUBLIC HEARING: Request for Variance by John Vieths (Owner) to A-1 Zoning District standards to construct an 11-foot by 28-foot dwelling addition less than 60-feet from the County 9 BLVD Right-of-Way.

Application Information:

Applicant(s): John Vieths (Owner)
Address of zoning request: 21225 County 9 BLVD Goodhue, MN 55027
Parcel: 33.022.1200
Abbreviated Legal Description: Part of the SW ¼ of the SW ¼ of Section 22 TWP 111 Range 15 in Goodhue Township.
Township Information: Goodhue Township signed acknowledgement of the variance request with no objections.
Zoning District: A-1 (Agricultural Protection District)

Attachments and Links:

Application and submitted project summary
Site Plan and Maps
Goodhue County Zoning Ordinance:
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

John Vieths (Owner) has applied for a variance to A-1 minimum setback standards to construct a proposed 11-foot by 28-foot bedroom addition on the south side of the existing dwelling. The proposed addition would be 17-feet from the County 9 BLVD Right-of-Way line at its closest point where 60 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 existing home is located 17-feet from the County 9 BLVD Right-of-Way and is an existing non-conforming structure. The Right-of-Way authority, Goodhue County Public Works, reviewed the request and determined that locating the addition 17-feet from the Right-of-Way

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 bedroom 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’s request to construct a bedroom addition is a reasonable use of property in the A-1 District. The addition, as proposed, would meet all other required setbacks.
- The parcel is an existing, rectangular-shaped 4-acre parcel which is a conforming lot size in the A-1 District (2-acre minimum). The property contains a single-family dwelling and one accessory structure.
- The Applicants stated that there are no alternative locations for the bedroom addition due to the existing dwelling configuration and the location of the septic system.
- The existing dwelling was constructed around 1928, before zoning and setback regulations were established in Goodhue County.
- The property is surrounded by A-1 zoned properties on all sides.
- 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.**

- Dwelling additions are a permitted use in the A-1 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 John Vieths (Owner) to A-1 Zoning District standards to construct an 11-foot by 28-foot dwelling addition no less than 17-feet from the County 9 BLVD Right-of-Way.

APPLICATION FOR
Variance

| For Staff Use only | |
|--------------------|--------------------|
| VARIANCE NUMBER: | 222-0021 |
| S350 RECEIPT# | 17562 DATE 3-31-22 |

| | |
|--|--------------------|
| SITE ADDRESS, CITY, AND STATE 21225 Co. 9 Blvd Goodhue MN | ZIP CODE: 55027 |
|--|--------------------|

| | | | | |
|--------------------|-----------------|----------------------|-----------------|--------------------------------------|
| LEGAL DESCRIPTION: | | | | |
| Attached | | | | |
| PID# | ZONING DISTRICT | LOT AREA (SFI/ACRES) | LOT DIMENSIONS: | STRUCTURE DIMENSIONS (if applicable) |
| 330221200 | A1 | 4 acres | | |

| | |
|---|--|
| APPLICANT OR AUTHORIZED AGENT'S NAME John Vieths | |
| APPLICANT'S ADDRESS: 21225 Co. 9 Blvd Goodhue, MN 55027 | |

| | |
|---|------------|
| PROPERTY OWNER'S NAME: Same as Above <input checked="" type="checkbox"/> | |
| PROPERTY OWNER'S ADDRESS: | TELEPHONE: |
| | EMAIL: |

| | |
|--|------------|
| CONTACT FOR PROJECT INFORMATION: Same as Above <input type="checkbox"/> | |
| ADDRESS: | TELEPHONE: |
| | EMAIL: |

| | |
|--|---|
| VARIANCE REQUESTED TO: (check all that apply) <input checked="" type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations | CURRENT OR PREVIOUS USE: dwelling |
| | PROPOSED USE: dwelling |
| | BUILDING APPLICATION PERMIT NO.: (if filed) |
| | DATE FILED: |

| | | |
|---|--|-----------------------------------|
| TOWNSHIP SIGNATURE: By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request. | | Attached <input type="checkbox"/> |
| TOWNSHIP OFFICIAL'S SIGNATURE: Dale Deke | TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE | DATE March 21, 22 |

- By signing below, the applicant acknowledges:
1. The undersigned is the owner or authorized agent of the owner of this property.
 2. The information presented is true and correct to the best of my knowledge.
 3. If I am unable to be present at the hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
 4. Additional information or applications may be required

Applicant's Signature:  Date: 3-21-22

Print name: John Vieths (owner or authorized agent)

REQUEST SUMMARY

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

Article: _____ Section: _____ Name: Right of way set back
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:

current use exsistance dwelling want to do a addition and is to close to Right of way

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

can not buid addition

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:

exsisting dwelling built before zoning in Goodhue Co.

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

Existing house layout would not make sense for addition

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

same as above

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

not building any closer to the road than the existing house - 17-feet

Koberoski, Alexandra

From: Greenwood, Jess
Sent: Saturday, April 2, 2022 12:01 PM
To: Koberoski, Alexandra
Subject: RE: Right-Of-Way Variance Request

Alex,

As long as the encroachment does not get any closer than what is already there we should be fine.

Thanks for reaching out!

Sincerely,

Jess L. Greenwood, P.E.
Deputy Director / Assistant Engineer
Goodhue County Public Works
O: 651-385-3049
C: 651-212-8771
jess.greenwood@co.goodhue.mn.us



From: Koberoski, Alexandra
Sent: Friday, April 1, 2022 3:48 PM
To: Greenwood, Jess <jess.greenwood@co.goodhue.mn.us>
Subject: Right-Of-Way Variance Request

Good Afternoon Jess,

Zoning has received a variance request to construct an addition that will be 17-feet from the County 9 BLVD Right-Of-Way, where 60-feet is required by ordinance. The addition will not be encroaching closer to the right-of-way than the house, which is also 17-feet from the ROW. I've attached a site plan for your reference. The address is 21225 Co. 9 Blvd in Goodhue.

As the road authority, please let me know if you have any concerns or comments to add to the request.

Thank you,

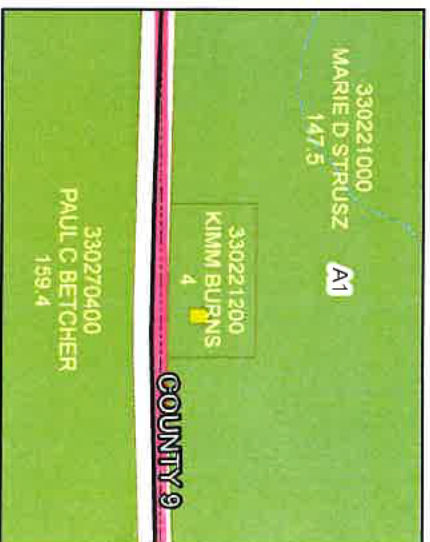
Alex Koberoski | Goodhue County Zoning Assistant
Phone: 651-385-3112
Alexandra.koberoski@co.goodhue.mn.us



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

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



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2018 Aerial Imagery
Map Created March, 2022 by LUM Counter

MAP 01: PROPERTY OVERVIEW

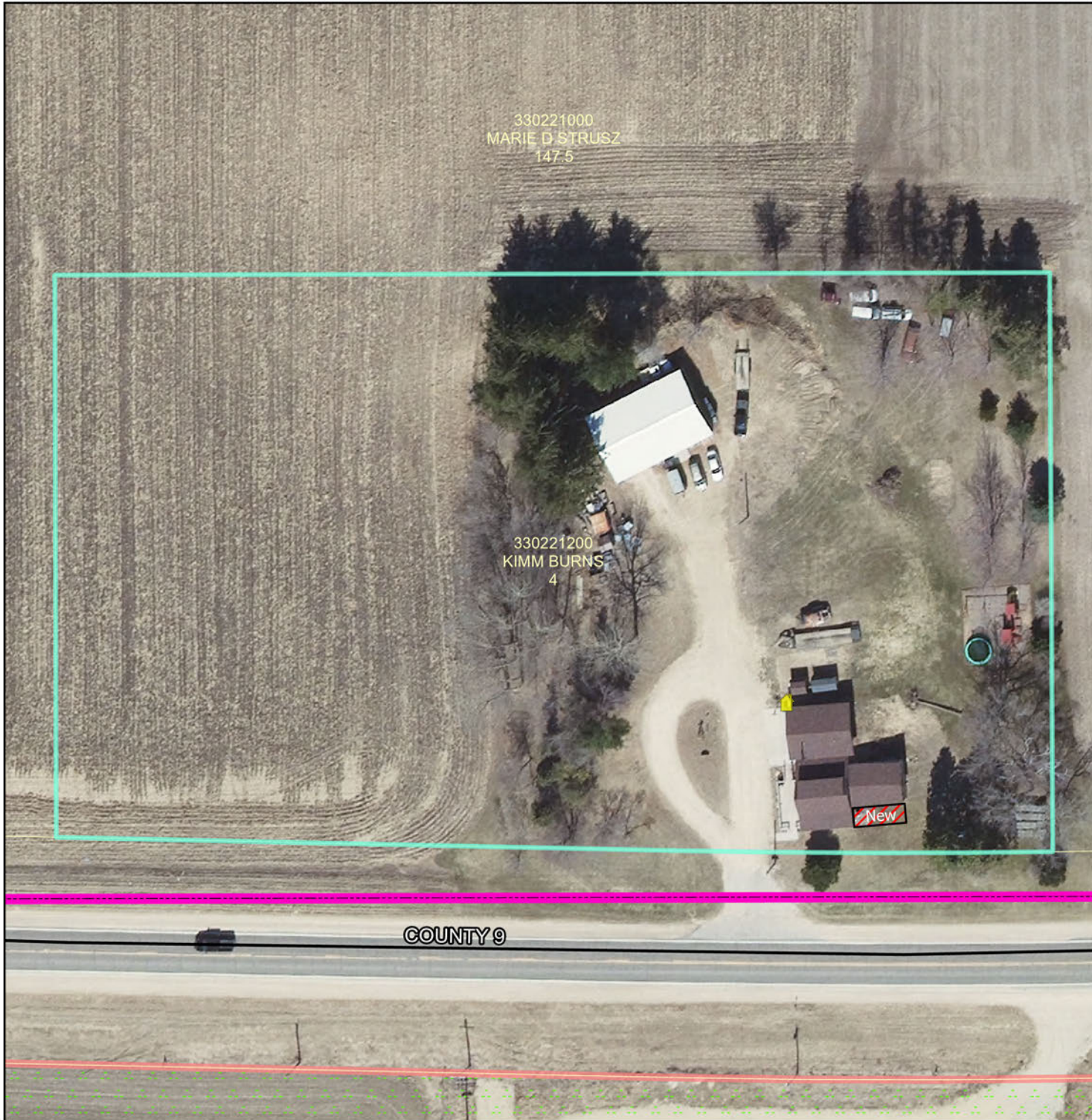
BOARD OF ADJUSTMENT

Public Hearing
April 25, 2022

John Vieths (Owner)
A-1 District

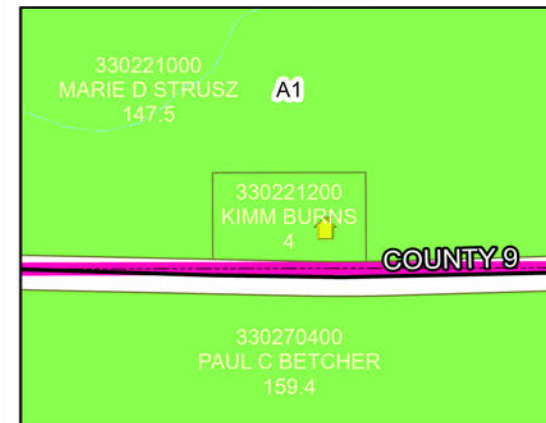
Part of the SW ¼ of the SW ¼ of Section 22
TWP 111 Range 15 in Goodhue Township.

Variance request to construct a bedroom
addition 17-feet from the Right-of-Way
where 60-feet is required.



Legend

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



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2020 Aerial Imagery
Map Created April, 2022 by LUM



MAP 02: VICINITY MAP

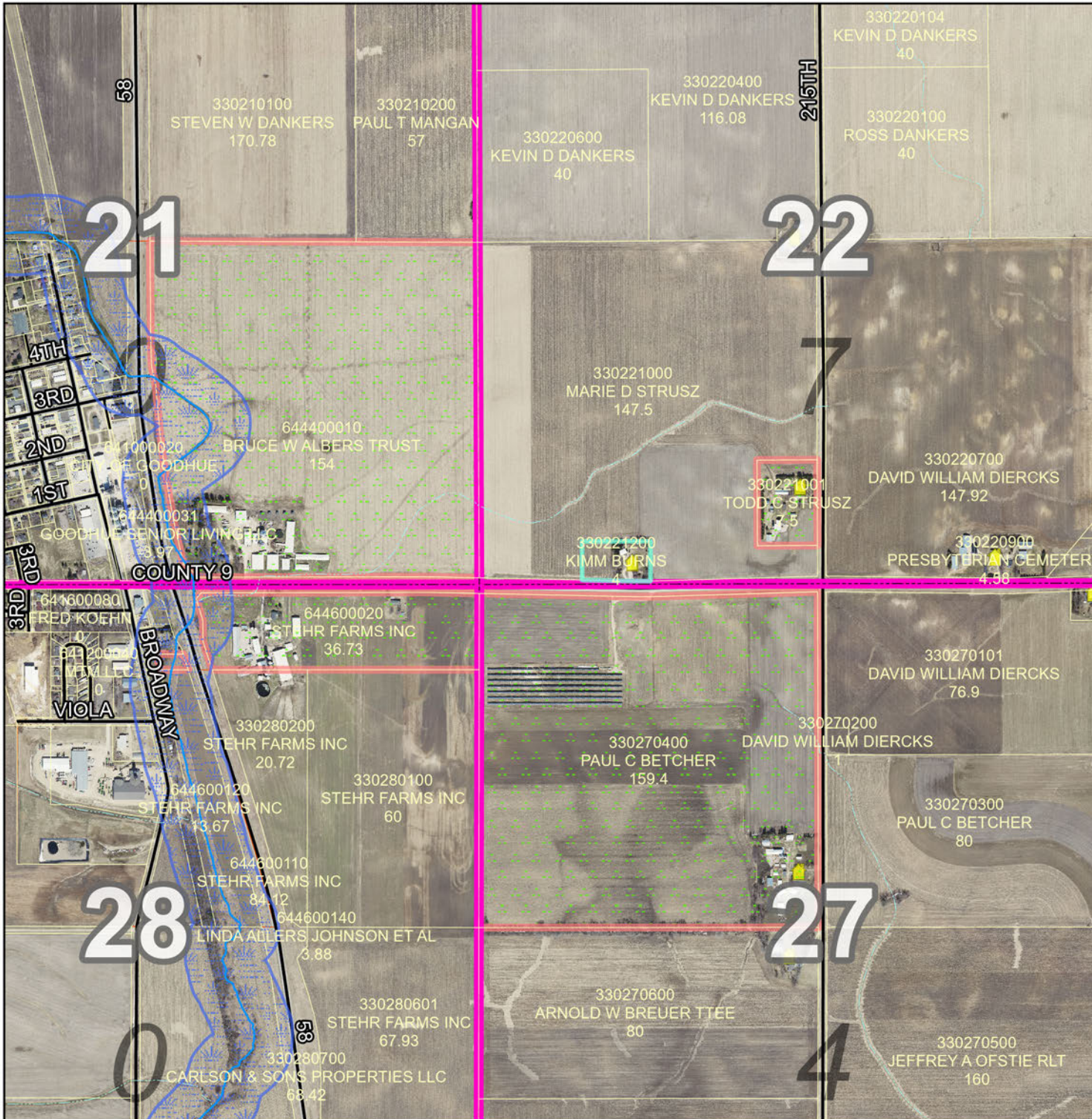
BOARD OF ADJUSTMENT

Public Hearing
April 25, 2022

John Vieths (Owner)
A-1 District

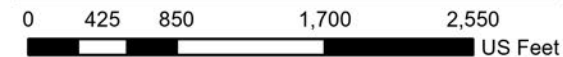
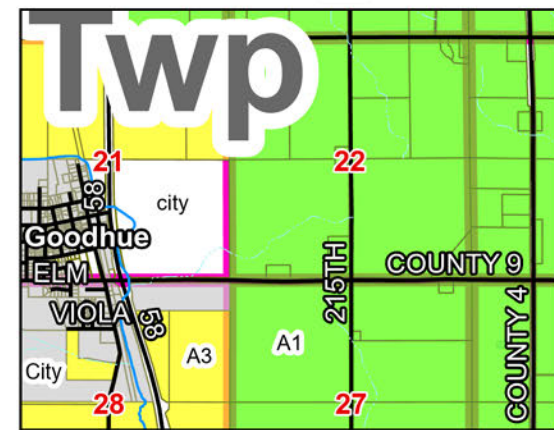
Part of the SW ¼ of the SW ¼ of Section 22
TWP 111 Range 15 in Goodhue Township.

Variance request to construct a bedroom
addition 17-feet from the Right-Of-Way
where 60-feet is required.



Legend

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

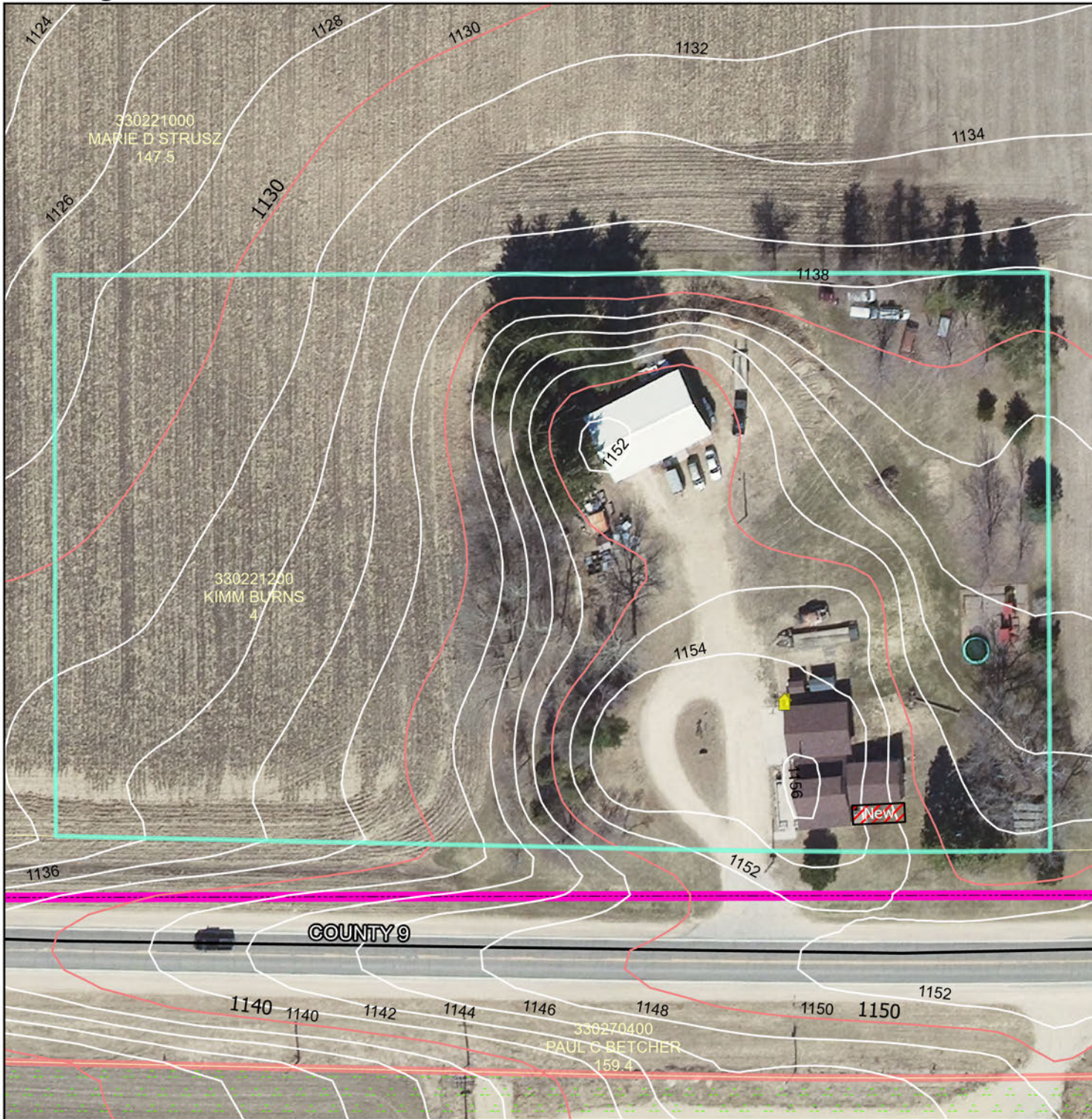


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Map Created April, 2022 by LUM



MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
April 25, 2022

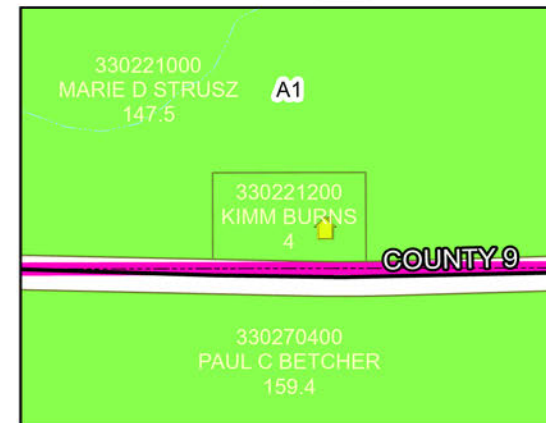
John Vieths (Owner)
A-1 District

Part of the SW ¼ of the SW ¼ of
Section 22 TWP 111 Range 15
in Goodhue Township.

Variance request to construct a bedroom
addition 17-feet from the Right-of-Way
where 60-feet is required.

Legend

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



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2020Aerial Imagery
Map Created April, 2022 by LUM



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: April 25, 2022
Report date: April 15, 2022

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

Application Information:

Applicant(s): Joshua Plath (Owner)
Address of zoning request: 31780 Hill Valley RD Red Wing, MN 55066
Parcel: 34.020.2000
Abbreviated Legal Description: Part of the SE 1/4 of the SE 1/4 of Section 20 TWP 112 Range 14 in Hay Creek Township.
Township Information: Hay Creek Township signed acknowledgement of the variance request with no objections.
District: A-2 (Agriculture District)

Attachments and Links:

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

Background:

Joshua Plath (Owner) has applied for a variance to A-2 minimum setback standards to construct a proposed 36-foot by 64-foot accessory building on the north side of parcel 34.020.2000. The proposed structure would be 13-feet from the north property line where 30-feet is required by Ordinance. The structure will be used for personal storage.

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.
- The proposed building will not be encroaching closer to the north property lines than the existing accessory structures.

The structure will comply with all other GCZO requirements.

The closest neighbor to the north, Kimberly Frazier (PID: 34.020.2200) has signed consent to establish the proposed accessory structure no less than 13-feet from the shared property line. 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’s desire to build an accessory building to accommodate personal storage is a reasonable use of property in the A-2 District.
- The parcel is an existing 5-acre lot which is a conforming lot size in the A-2 Zoning District (2-acre minimum). The property contains 3 accessory structures and a single-family dwelling.
- The two existing accessory structures will be demolished and replaced by the new building.
- The Applicant stated that the removal of a mature pine tree and several mature apple trees would be required in order to meet the minimum setback. (Attachment 1)
- The Applicant stated that the location of the existing structures was the most level area for building on his property. (Attachment 2)
- The Applicant alternatively considered a 20-foot setback from the north property line, however the mature apple trees would need to be removed.
- The existing structures were built in the mid-2000’s (based on historical GIS maps) by the previous owner without obtaining appropriate permits from Land Use Management.
- The septic and well are not located in areas that would significantly restrict alternative locations to build on the property.
- Surrounding land uses include medium density residential and 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 accessory structures are permitted uses 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:

After careful consideration, staff has provided two options for the Board to consider. Whether approved or denied the Board should:

- 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 Joshua Plath (Owner) to A-2 Zoning District standards to allow construction of an accessory building no less than 13-feet from the north property line where 30 feet is required. The Board should specify findings to approve the variance request during the meeting.

OR

DENY the request for a variance, submitted by Joshua Plath (Owner) to A-2 Zoning District standards to allow construction of an accessory building no less than 13-feet from the north property line where 30 feet is required.









APPLICATION FOR
Variance

Rec'd 4-1-22

| For Staff Use only | |
|--------------------|---------|
| VARIANCE NUMBER: | 22-6022 |
| \$350 RECEIPT# | DATE |

| | | | |
|--|-----------------|----------------------|-----------------|
| SITE ADDRESS, CITY, AND STATE | | ZIP CODE: | |
| 31780 Hill Valley Road Red Wing, MN | | 55066 | |
| LEGAL DESCRIPTION: | | | |
| Sect-20 Twp-112 Range-014 5.00 AC ID#34-0000-20603 PT of SE1/4 OF SE1/4 SEC 20 112 Attached <input type="checkbox"/> | | | |
| PID#: | ZONING DISTRICT | LOT AREA (SF/ACRES): | LOT DIMENSIONS: |
| 34 020 2000 | | 5.00 ACRES | 36x60' 64 |
| STRUCTURE DIMENSIONS (if applicable): | | | |

| | |
|---|--|
| APPLICANT OR AUTHORIZED AGENT'S NAME | |
| Joshua Richard Plath | |
| APPLICANT'S ADDRESS: | |
| 31780 Hill Valley Road Red Wing, MN 55066 | |

| | |
|---|------------|
| PROPERTY OWNER'S NAME: | |
| Same as Above <input checked="" type="checkbox"/> | |
| PROPERTY OWNER'S ADDRESS: | TELEPHONE: |
| | |
| | EMAIL: |
| | |

| | |
|---|------------|
| CONTACT FOR PROJECT INFORMATION: | |
| Same as Above <input checked="" type="checkbox"/> | |
| ADDRESS: | TELEPHONE: |
| | |
| | EMAIL: |
| | |

| | | |
|--|---|-------------|
| VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input checked="" type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations | CURRENT OR PREVIOUS USE: | |
| | Two Small sheds | |
| | PROPOSED USE: | |
| | Replace with one new shed | |
| | BUILDING APPLICATION PERMIT NO.: (if filed) | DATE FILED: |
| | | |

| | | |
|---|--|-----------------------------------|
| TOWNSHIP SIGNATURE: | | |
| By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request. | | |
| | | Attached <input type="checkbox"/> |
| TOWNSHIP OFFICIAL'S SIGNATURE | TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE | DATE |
| | | |

By signing below, the applicant acknowledges:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. If I am unable to be present at the hearing where my request is acted upon, I agree to accept the Notice of Decision via mail.
4. Additional information or applications may be required

Applicant's Signature: 

Date: 2-25-22

Print name: Joshua Richard Plath (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:

Purchased property with two small sheds, one used as a garden shed and the other as a wood shed. The current sheds are in rough shape and I would like to replace with a single new shed that is 36 x 60⁴ feet. Currently the sheds are 13 ft from the property line. I would request to keep the same distance with the new shed so I don't have to cut trees down.

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

I would not be able to replace the old sheds or I would have to cut down a very mature pine tree and several apple trees This is also the most level spot on the property for building.

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:

Trees, current buildings locations, and uneven lot in other areas of the property.

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

I would have to cut down trees and or alter my lot. Keeping the old sheds in their place.

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

I could try to move over a few more feet getting the setback closer to 20 feet, but that I would likely have to cut the apple trees down.

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

I do not as there are already two sheds there and I would be replacing with a nicer looking shed.

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Hay Creek

Goodhue County

Parcel # 34.020.2000

| APPLICANT INFORMATION | | | |
|---|--------------------------|------------------------------|-----------------------------|
| Last Name | <u>Plath</u> | First | <u>Joshua</u> |
| Street Address | | <u>31780 Hill Valley Rd</u> | |
| City | <u>Redwing</u> | State | <u>MN</u> |
| Email Address | | | |
| Township | <u>112</u> | Range | <u>014</u> |
| | | Section | <u>20</u> |
| PROJECT INFORMATION | | | |
| Site Address <u>same</u> | | | |
| Zoning District | Lot Size | Structure Dimensions | |
| Type of Project | <u>Shed</u> | Proposed Use | <u>storage</u> |
| Structure Type | Replacement? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Variance # | Conditional Use Permit # | | |
| Name of Property Owner: <u>Joshua Plath</u> | | | |
| DISCLAIMER AND SIGNATURE | | | |
| <p><i>I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not.</i></p> | | | |
| Signature | | | Date |
| TOWNSHIP APPROVALS | | | |
| <p><i>I hereby certify by signing that I am authorized to act on the behalf of the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.</i></p> | | | |
| Signature | <u>[Signature]</u> | Title | <u>Supervisor</u> |
| | | Date | <u>2/16/2022</u> |
| Signature | <u>[Signature]</u> | Title | <u>Supervisor</u> |
| | | Date | <u>2/16/2022</u> |
| Application fee | | Receipt Number | |

will need variance - property lines with neighbor.

Township has no objections.

Naif Schulz

Kimberly Frazier

31535 Hill Valley Road
Red Wing, MN 55066

January 25, 2022

Dear whom it may concern,

I have met with my neighbor Josh Plath (31780 Hill Valley Road) about tearing down the two smaller sheds near our shared property line and the addition of a new shed to replace them. Currently the two smaller sheds are about 13 feet from the property line. I approve the new building construction at that same distance from our shared property line. Please let me know if you have any further questions.

Warm Regards,



Kimberly Frazier



Proposed

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES FOUND COUNTY MONUMENT.
- ⊕ DENOTES RECORD BEARING OR DISTANCE.

HISTORICAL LOCATION OF NW COR. OF SE 1/4 OF SE 1/4

HILL

FOUND MON. IS 5.3' SW'LY OF COR. (NORTH 422.00')

34.81'

500°02'07"W 201.99'

S23°06'43"E 201.00' (S23°06'E 219.34')

EXISTING CENTERLINE

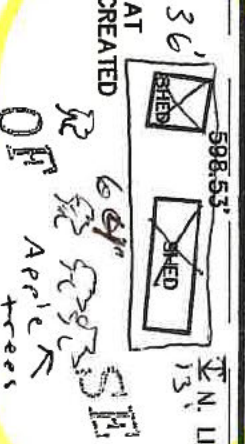
(N90°00'W 640.75')

HISTORICAL CENTERLINE AT THE TIME PARCEL WAS CREATED

N89°47'19"W 633.34'

N89°47'19"W 1318.06'

HISTORICAL LOCATION LINE OF SE 1/4 OF SE



SE 1/4

GRAVEL DRIVEWAY

CONC.

GARAGE

HOUSE

POOL

L=270.55'
 R=318.32'
 DOC=18°00'00"
 Δ=48°42'00"
 T=144.06'
 CB=S47°27'39"E
 CL=262.48'

ROAD R/W WIDTH VARIES

PROPERTY DESCRIPTION OF RECORD

of the southeast quarter (SE1/4) of the southeast quarter (SE1/4) of section 20, in

221478.4 Sq. Feet
5.08 Acres

AREA

SURVEYORS REPORT

The bearing basis for this property was not specified in the record legal description. It has been determined that the subject property had been surveyed previously, by whom it is unknown. There is no record drawing on file in the County Surveyor's office. The bearing basis for this survey was determined from the found iron monuments that were placed by the surveyor who we believe composed the record description. Marketable title may be questionable along the north and west lines because the historical location of the north line of the southeast quarter of the southeast quarter and its northwest corner, as monumented by the original surveyor does not agree with the theoretical location of the aliquot sixteenth lines. It is recommended that a real estate attorney be consulted and initiatives be taken to remedy possible title issues by replacing the record description with new one that coincides with the recovered monuments.

3402022100
KIMBERLY S FRAZIER
40

3402020000
JOSHUA R PLATH
5

Septic

well

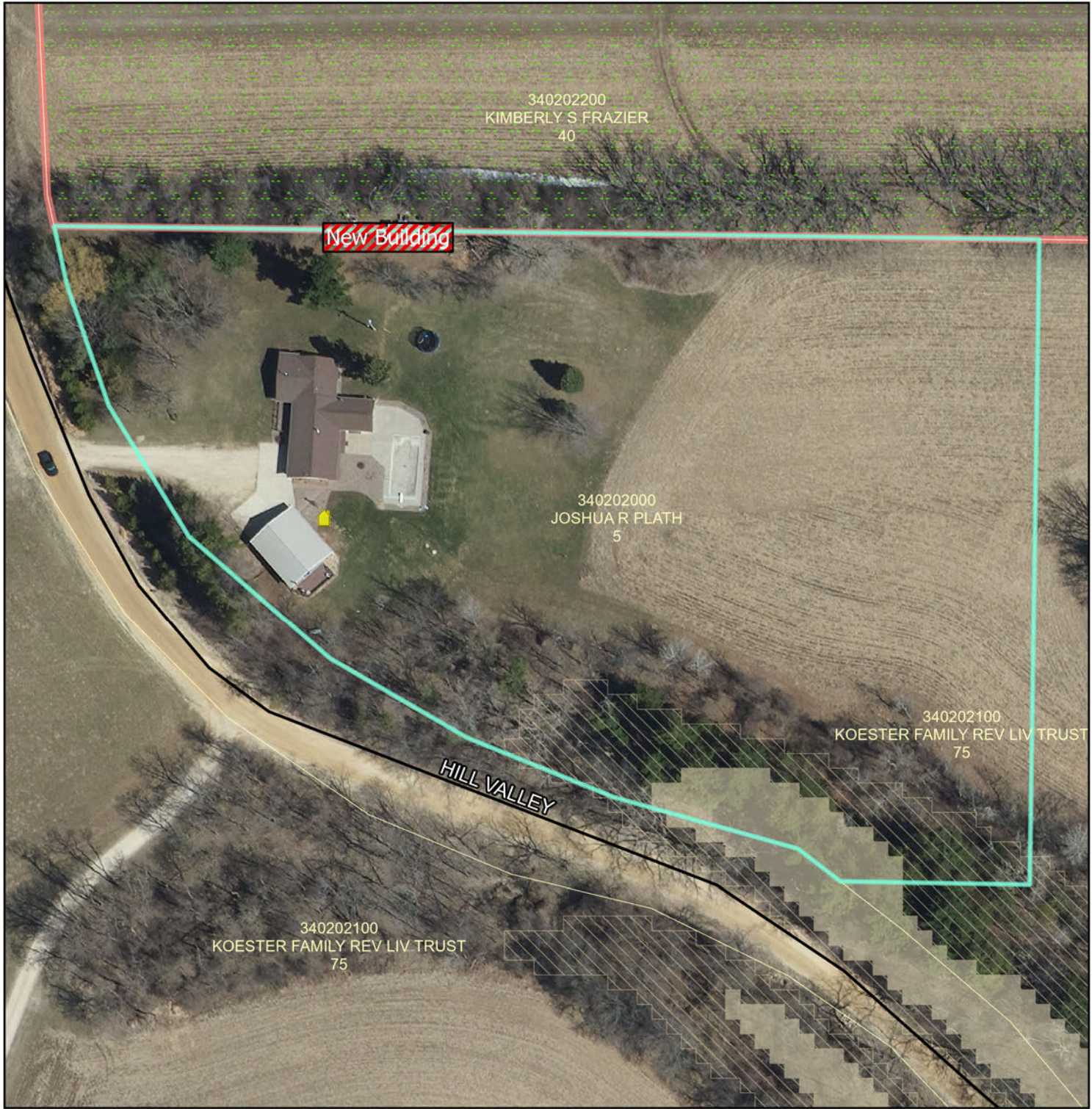
HILL VALLEY

3402021100
KOESTER FAMILY REV LIV TRUST
75

3402021100
KOESTER FAMILY REV LIV TRUST
75



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
April 25, 2022

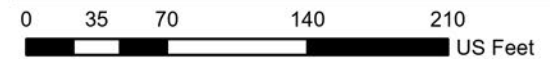
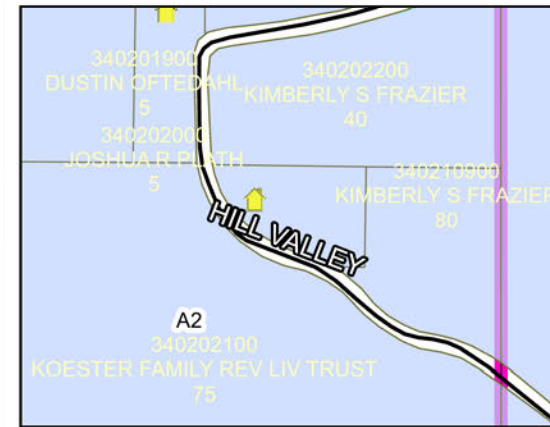
Joshua Plath (Owner)
A2 Zoned District

Part of the SE ¼ of the SE ¼ of Section 20
TWP 112 Range 14
in Hay Creek Township.

Variance request to allow construction of an
accessory building less than 30
feet from a side yard property line

Legend

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



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OR responsibility for any associated direct, indirect,
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MAP 02: VICINITY MAP

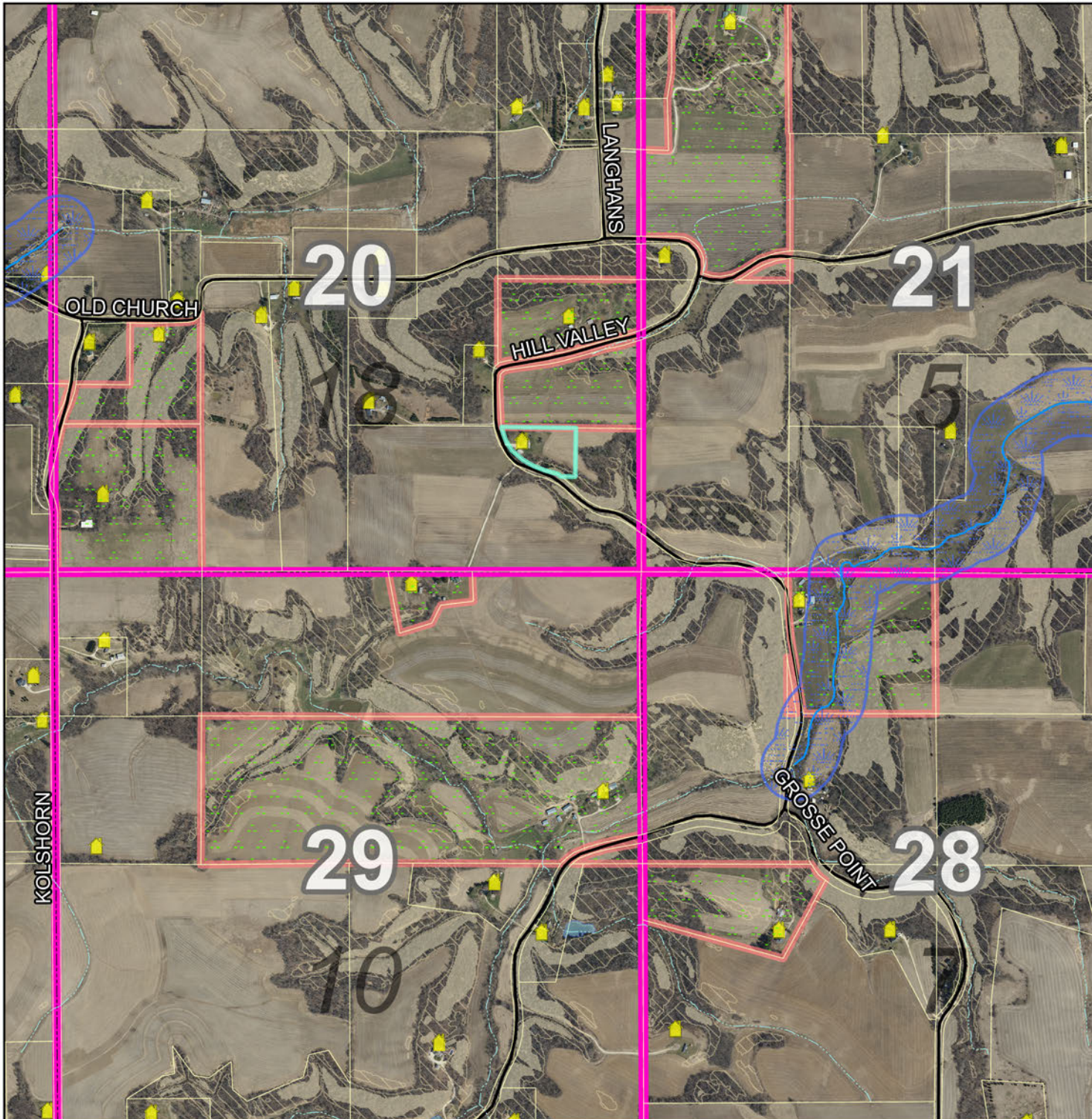
BOARD OF ADJUSTMENT

Public Hearing
April 25, 2022

Joshua Plath (Owner)
A2 Zoned District

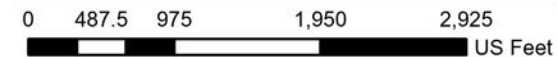
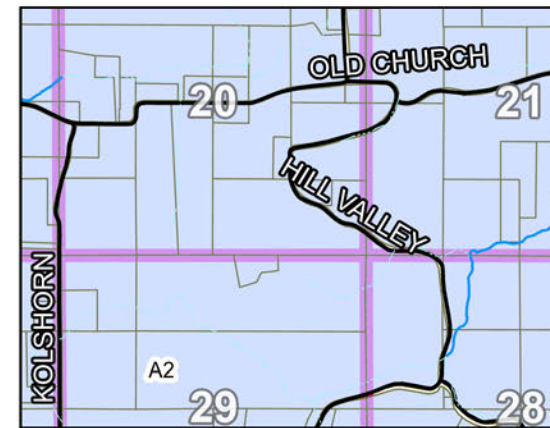
Part of the SE ¼ of the SE ¼ of Section 20
TWP 112 Range 14
in Hay Creek Township.

Variance request to allow construction of an
accessory building less than 30
feet from a side yard property line



Legend

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

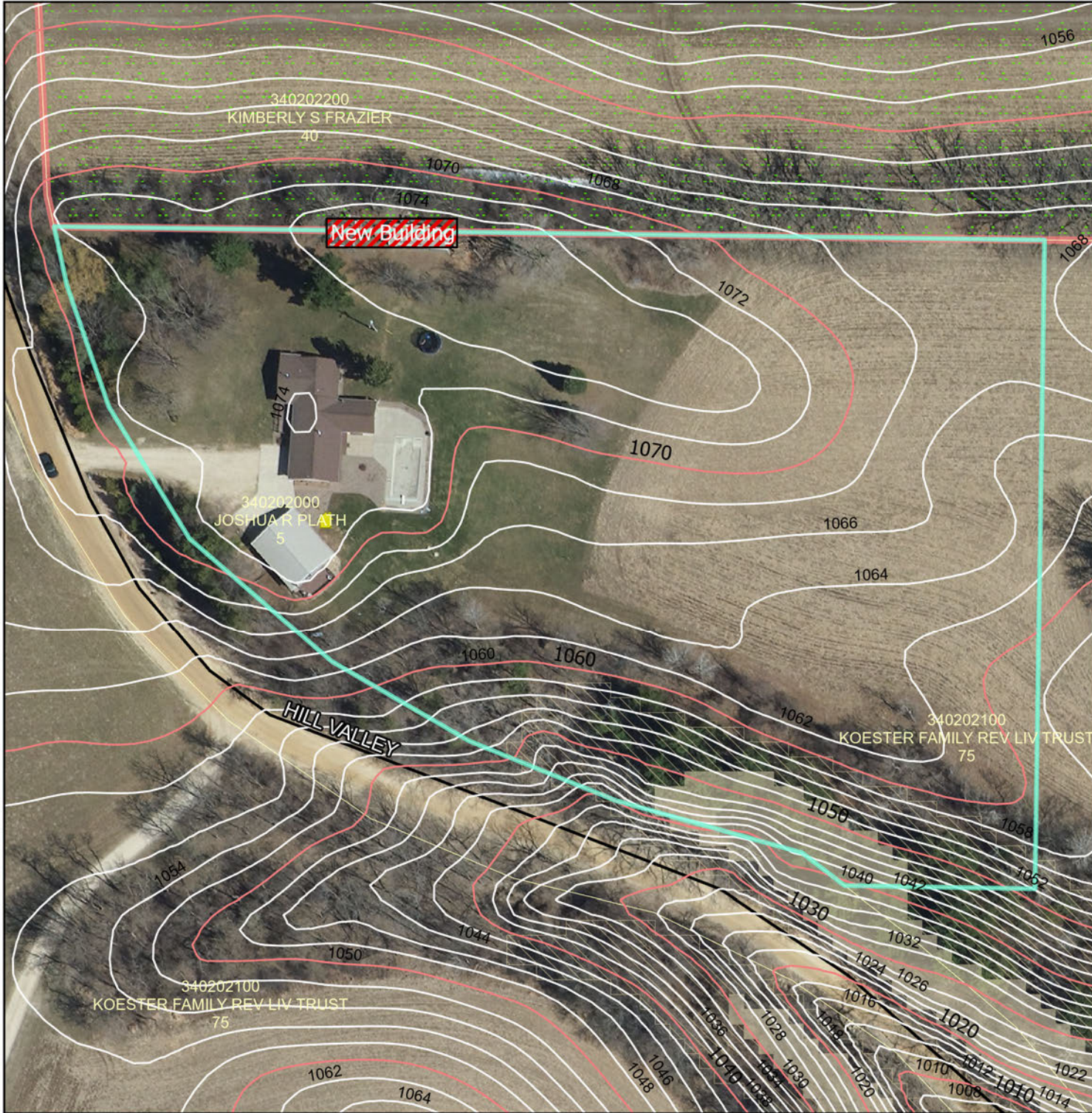


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
April 25, 2022

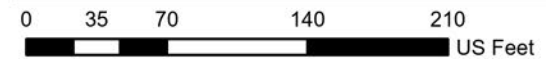
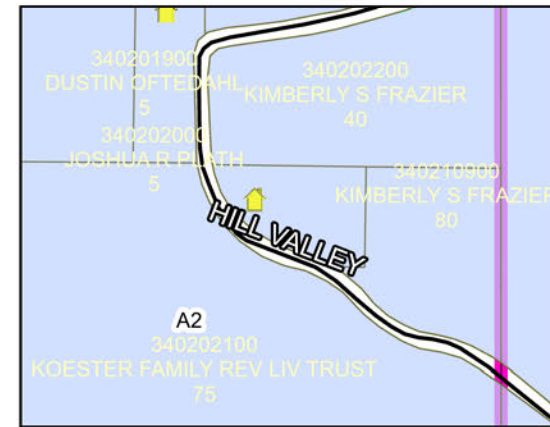
Joshua Plath (Owner)
A2 Zoned District

Part of the SE ¼ of the SE ¼ of Section 20
TWP 112 Range 14
in Hay Creek Township.

Variance request to allow construction of an
accessory building less than 30
feet from a side yard property line

Legend

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



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