

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

Conflict/Disclosure Of Interests

PUBLIC HEARING:

Request for Variance, submitted by Cohlman Rutschow (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a dwelling addition less than 30-feet from the toe of a bluff. Parcel 31.023.1100. 22770 320th ST Red Wing, MN 55066. Part of the SW ¼ of the SE ¼ of Section 23 TWP 112 Range 15 in Featherstone Township. A2 Zoned District.

Documents:

BOAPACKET_RUTSCHOW.PDF

Adjourn

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

Goodhue County Land Use Management

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

• Building • Planning • Zoning • Telephone: 651/385-3104 • Fax: 651/385-3106 •

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

Building | Planning | Zoning Telephone: 651.385.3104 Fax: 651.385.3106



County Surveyor / Recorder

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

To: Board of Adjustment From: Land Use Management Meeting Date: May 31, 2022 Report date: May 20, 2022

<u>PUBLIC HEARING</u>: Request for Variance, submitted by Cohlman Rutschow (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a dwelling addition less than 30-feet from the toe of a bluff.

Application Information:

Applicant(s): Cohlman Rutschow (Owner) Address of zoning request: 22770 320th ST Red Wing, MN 55066 Parcel: 31.023.1100 Abbreviated Legal Description: Part of the SW ¼ of the SE ¼ of Section 23 TWP 112 Range 15 in Featherstone Township Township Information: Featherstone Township has signed acknowledgment of the variance request and did not convey any concerns regarding the application. Zoning District: A-2 (General Agriculture District)

Attachments and Links:

Application and submitted project summary Site Map(s) GCZO Article 12 Bluffland Protection Standards Goodhue County Zoning Ordinance: http://www.co.goodhue.mn.us/DocumentCenter/View/2428

Background:

Cohlman Rutschow (Owner) has applied for a variance to Bluffland Protection Standards to construct a dwelling addition 28.5-feet from the toe of a bluff where 30-feet is required. The existing dwelling was permitted and constructed in 1985, prior to Goodhue County's adoption of bluffland protection standards (1995).

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:

 Bluffland setbacks are intended to preserve and protect the sensitive physical features of the Bluffs by regulating development, preventing erosion, and controlling the cutting of timber on the slopes and tops of bluffs.

• The proposed location of the dwelling addition was chosen to avoid constructing an addition closer to the top or toe of the bluff than the existing dwelling. The addition will be in line with the west side of the dwelling.

The addition will meet the required 30-foot setback from the top of the bluff east of the dwelling.

- The dwelling is located in an A-2 zoned section where a maximum of 12 dwellings are permitted to be established, one per original ¹/₄ ¹/₄ section. Section 23 currently has 6 dwellings.
- The Applicant expressed willingness to abide by best management practices when constructing the addition and performing any required grading/excavation work.

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 providing more housing choices for rural residents and flexible dwelling choices.
- The Goodhue County Comprehensive Plan also prioritizes protecting and conserving natural landscapes and utilizing best management practices to enhance the health of environmentally sensitive areas.

The proposed dwelling 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 desire to construct a dwelling addition is a reasonable use of property in the A-2 District.

The proposed addition would be constructed approximately 28.5-feet from the toe of a bluff.

- The parcel is an existing 39.49-acre lot which is a conforming lot size in the A-2 Zoning District (2-acre minimum).
- The existing dwelling was constructed in 1985, prior to Goodhue County's adoption of bluffland setback regulations.
- The Applicant stated that there are no alternative locations for the addition due to the configuration of the dwelling, the location of the well at the front of the home, and the location of the top of a bluff directly east of the dwelling.
- Goodhue County Soil and Water Conservation District Natural Resource Specialist Chad Hildebrand reviewed the proposal and assisted staff in determining the location of the top and toe of the bluffs. Mr. Hildebrand noted that the proposed addition would not be detrimental to the top or toe of the bluff if best management practices were used to avoid excessive erosion down the bluff to the east. Mr. Hildebrand also noted during a site visit with staff that the bluff west of the existing dwelling appears to be stable as no excessive erosion was observed during the site visit.

SWCD staff and Zoning staff will review the building permit application for compliance with bluffland protection standards and establishment of best management practices prior to construction.

• The dwelling is surrounded by Blufflands/woodlands to the north, south, and west. Hay Creek runs north to south on the eastern portion of the property. Some of the acreage to the east is used for row crop agriculture and is located within the Shoreland and Floodplain of

Hay Creek. Several dwellings in the vicinity were constructed close to or within bluff impact zones.

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 permissible use in the A-2 Zoning District. The request does not constitute a use variance.

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

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

Staff Recommendation:

- adopt the staff report into the record;
- 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 Cohlman Rutschow (Owner) to Bluffland protection standards to allow construction of a dwelling addition no less than 28.5-feet from the toe of a bluff.

APPLICATION FOR Variance

DATE

SITE ADDRESS, CITY, AND STATE ZIP CODE: 55066 22770 320th St. Red Wing, MN LEGAL DESCRIPTION: Attached PD#: ZONING DISTRICT LOT AREA (SF/ACRES): STRUCTURED MENSIONS (if applicable) LOT DIMENSIONS 40 acres 20' x 20' APPLICANT OR AUTHORIZED AGENT'S NAME Cohlman Rutschow APPLICANT'S ADDRESS: TELEPHONE 22770 320th St. Red Wing, MN 55066 PROPERTY OWNER'S NAME: Same as Above 🗸 PROPERTY OWNER'S ADDRESS TELEPHONE: 22770 320th St. Red Wing, MN 55066 EMAL: CONTACT FOR PROJECT INFORMATION: Same as Above 🖌

ADDRESS:		TELEPHONE:	
22770 320th St.	Red Wing, MN	EMAIL:	

	ale als all had an also	CURRENT OR PREVIOUS USE:	
VARIANCE REQUESTED TO: (Road Right-Of-Way Setbacks		private residence	
Road Right-OI-way Selbacks	11% Lot Coverage	PROPOSED	
Property Line Setbacks	Bluff Setbacks	addition to private resider	nce
☐Height Limits	Shoreland Setbacks	BU LD NG APPLICATION PERMIT NO .: (iffiled)	DATE FILED:
□Lot Width &/or Area	□Other (specify)		
Subdivision Regulations			

TOWNSHIP SIGNATURE: By signing this form, the Township acknowledges they In no way does signing this application indicate the To			Attached
TOWNSHIP OFFICAL'S SIGNATURE	TOWNSHIP OFFICAL'S PR NTED 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 myknowledge.
- 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

Cohlman Ritschow

Applicant's Signature:

Print name:

Cohlman Rutschow

Date: 05/12/2022

(owner or authorized agent)

REQUEST SUMMARY

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

 Article:
 12
 Section:
 2
 Name:
 Bluff Land Protection

 Article:
 Section:
 Name:
 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 current dwelling is a private residence. I am requesting permission to build an addition to the existing residence. 20' x 20'. The addition would be on the south side of the house. The current house and proposed addition is within the bluff impact zone.

Describe the effects on the property if the variance is not granted: If not granted, we would be unable to build the 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:

The existing house lies within the bluff impact zone. The proposed addition would be adjacent to the existing house.

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

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

N/A, no other alternatives for building this addition.

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

No, the addition is small in comparison to existing structures already on the property which are within the bluff impact zone.

TOWNSHIP ZONING APPLICATION Goodhue County	TOWNSKIP NAME_	Parcel #
APPLICANT INFORMATION		
Last Name Rutschow	For Cohiman	ML G
Street Address 22770 320th	St.	Phane
av Red Wing-	State NNN	ZIP SSO66
Email Address		00000
Township FS Range	s	ction
PROJECT INFORMATION		
Ste Address 22770 32	oth St.	
	0	Dimensions 20' × 20
Type of Project Addition	Proposed Lise Private T	
STUETURE WOOD motion R	Replacement? YES I NO 5%	
Variance #	Conditional Use Permit #	
Variance #	Conditional Use Permit #_	
Varianos # GPS Coordinates 4/4.4/86 2.6 , DISCLAZMER AND SEGNATURE	Conditional Use Permit #_ - 92,57793	
Variance # GPS Coordinates 4/4.4/8626 DISCLAIMER AND SIGNATURE I hereby apply for a coning permit and I ach conformance with the ordinances and codes be held responsible as representative of this control. This permit may be suspended or re or in violation of any ordinance or reputation compiled with whether specified herein or no Signature	Conditional Use Permit #	securate, that the work will be a by signing this application he / s able laws and ordinances of Good
Variance # GPS Coordinates 4/4.4/8626 DISCLAIMER AND SUGMATURE I hereby apply for a zoning permit and I ach conformance with the ordinances and codes be held responsible as representative of this be held responsible as representative of this complex with the ordinance or regulation complex with the repetited herein or no Signature TOWNESHIP APPROVALS	Conditional Use Permit #	Security, that the work will be 1 by signing this application he / s able laws and ordinances of Good basis of Incorrect information s neces governing this type of work Date $\frac{2S}{2}/2$
Variance # GPS Coordinates 4/4.4/8626 DISCLAIMER AND SUGMATURE I hereby apply for a zoning permit and I ach conformance with the ordinances and codes be held responsible as representative of this be held responsible as representative of this complex with the ordinance or regulation complex with the repetited herein or no Signature TOWNESHIP APPROVALS	Conditional Use Permit #	Security, that the work will be 1 by signing this application he / s able laws and ordinances of Good basis of Incorrect information s neces governing this type of work Date $\frac{2S}{2}/2$
Variance # GPS Coordinates 4/4.4/8626 DISCLAIMER AND SEGNATURE I hereby apply for a mains permit and I ack conformance with the ordinances are negliation conformation of any ordinance or majulation compaled with whether specified herein or no Signature TOWNESHIP APPROVALS I hereby certify that the above described pros	Conditional Use Permit #	Security, that the work will be 1 by signing this application he / s able laws and ordinances of Good basis of Incorrect information s neces governing this type of work Date $\frac{2S}{2}/2$

SECTION 1. INTENT AND PURPOSE

Goodhue County recognizes the historic and economic values of the bluffs that line the many rivers and valleys of the County. These standards set out to protect and preserve the sensitive physical features of the bluffs by regulating development, preventing erosion and controlling the cutting of timber on the slopes and tops of the bluffs.

SECTION 2. SCOPE

These standards shall regulate the setback of structures, sanitary waste treatment facilities and row crops from bluff impact zones to protect the existing and/or natural scenic values, significant historic sites, vegetation, soils, water and bedrock from disruption by man-made structures or facilities. These standards will also regulate alterations of the natural vegetation and topography.

- Subd. 1. BLUFF. A natural topographic feature such as a hill, cliff, or embankment having the following characteristics:
 - A. The slope rises at least twenty-five (25) feet above the toe of the bluff; and
 - B. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the toe of the bluff averages thirty (30) percent or greater;
 - C. An area with an average slope of less than twenty (20) percent over a horizontal distance of fifty (50) feet shall not be considered part of the bluff.
- Subd. 2. BLUFF IMPACT ZONE. All of the land lying between the top of the bluff and the toe of the bluff.
- Subd. 3. SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presented listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- Subd. 4. TOE OF THE BLUFF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 5. TOP OF THE BLUFF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 6. VISUALLY INCONSPICUOUS. Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.

SECTION 3. BOUNDARIES

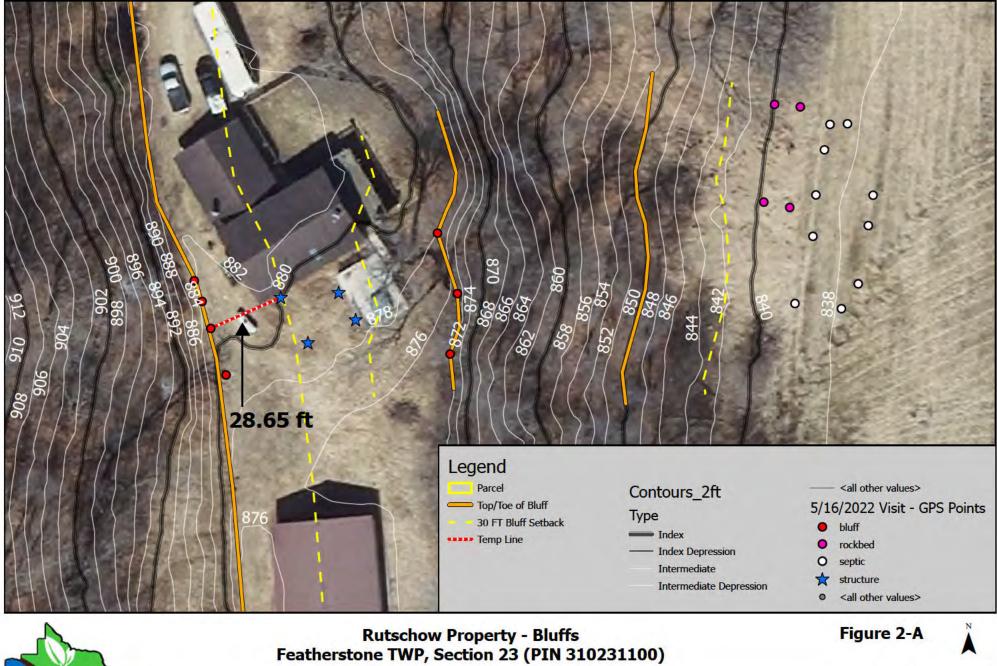
- Subd. 1. The bluff land protection area shall include all areas with the following soil types as determined by the Goodhue County Soil Survey:
 - A. N634E Massbach-Schapville complex,18-35% slopes
 - B. N598E Winneshiek-Waucoma complex, 18-35% slopes
 - C. N594E Chelsea loamy sand, 12-35% slopes
 - D. N553E Frankville-Nasset-Mt. Carroll complex, 18-35% slopes
 - E. N635E Frankville-Nasset-Downs complex, 18-35% slopes
 - F. N642E Frankville-Nasset complex, Oneota formation, 18-35% slopes
 - G. N609E Hawick sandy loam, 18-45% slopes
 - H. M516E Wangs-Wagen Prairie complex, 18-35% slopes
 - I. M537E Meridian-Bassett complex, 18-35% slopes
 - J. N526F Gale-Oak Center complex, 18-45% slopes
 - K. M540F Frontenac-Bellechester complex, 18-45% slopes
 - L. N639F Frontenac-Lacrescent complex, 20-45% slopes
 - M. N631E Schapville silt loam, 18-35% slopes
 - N. N580G Brodale, very flaggy-Bellechester-Rock outcrop complex, 45-90% slopes
 - O. N632G Brodale, flaggy-Schapville complex, 18-80% slopes
 - P. N638G Brodale, flaggy-Bellechester complex, 30-70% slopes
 - Q. N640G Lacrescent, flaggy-Frontenac-Rock outcrop complex, 45-90% slopes
 - R. N641F Brodale channery loam, 20-45% slopes, flaggy
 - S. N639G Frontenac-Lacrescent complex, 30-70% slopes
 - T. M539F Bellechester loamy sand, 18-45% slopes

SECTION 4. GENERAL REGULATIONS

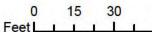
- Subd. 1. Developments and other land disturbing activities including: structures, accessory facilities, driveways, and parking areas shall not be placed within bluff impact zones except the following:
 - A. Stairways and landings subject to provisions set forth in Subd. 6, of this Section.
 - B. Facilities such as ramps, lifts, or mobility paths subject to provisions set forth in Subd. 6, of this Section.
 - C. Uses identified in Article 30; Section 3; Subd. 6, Subd. 12, and Subd. 1
- Subd. 2. Setback from top or toe of the bluff to any structure in any district shall be no less than thirty (30) feet. Exceptions may include structures allowed under Article 30, Section 3, Subdivisions 6, 12, and 13.
- Subd. 3. The maximum height of any structure shall be twenty-five (25) feet from the highest natural grade touching foundation. Exceptions may include structures allowed under

the following provisions: Article 30; Section 3; Subd. 6, Subd. 12, and Subd. 13. Height for structures that may be permitted within bluff impact zones under these provisions shall be set forth within Conditional or Interim Use Permits

- Subd. 4. No person may begin a mining or quarrying activity or expand a mining or quarrying activity within three hundred (300) feet of the toe or top of a bluff without a conditional use permit.
- Subd. 5. Towers as defined in Article 17 (Wireless Communication Facilities) must be located outside of bluff impact zones and shall be subject to a minimum setback of 1.1 times the height of the tower from the top of a bluff and a minimum of 30 feet from the toe of a bluff.
- Subd. 6. All stairways and lifts on bluffs and in shoreland areas shall be visually inconspicuous. Stairways and lifts shall meet the following design requirements:
 - A. Stairways and lifts must not exceed four (4) feet in width on residential lots.
 - B. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space recreational properties.
 - C. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming Summer, leaf on conditions, whenever practical.
 - F. Facilities such as ramps, lifts, or mobility paths are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items A-E are complied with in addition to the requirements of the Minnesota Accessibility Code.
- Subd. 7. No grading, excavating or filling (including Mineral Extraction) within the bluff impact zones, except for approved erosion control measures. Erosion control projects within the bluff impact zone shall comply with A. and B. below:
 - A. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Goodhue Soil and Water Conservation District and the USDA, Natural Resources Conservation Service.
 - B. Plans to place fill or excavated materials in bluff impact zones shall be prepared by qualified professional for continued slope stability, and approved by Land Use Management. All costs to be born by the applicant.
- Subd. 8. The top or toe of bluffs shall be certified by a Minnesota Licensed Land Surveyor or Zoning Administrator.
- Subd. 9. Vegetation Alterations. Vegetation alterations shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance.

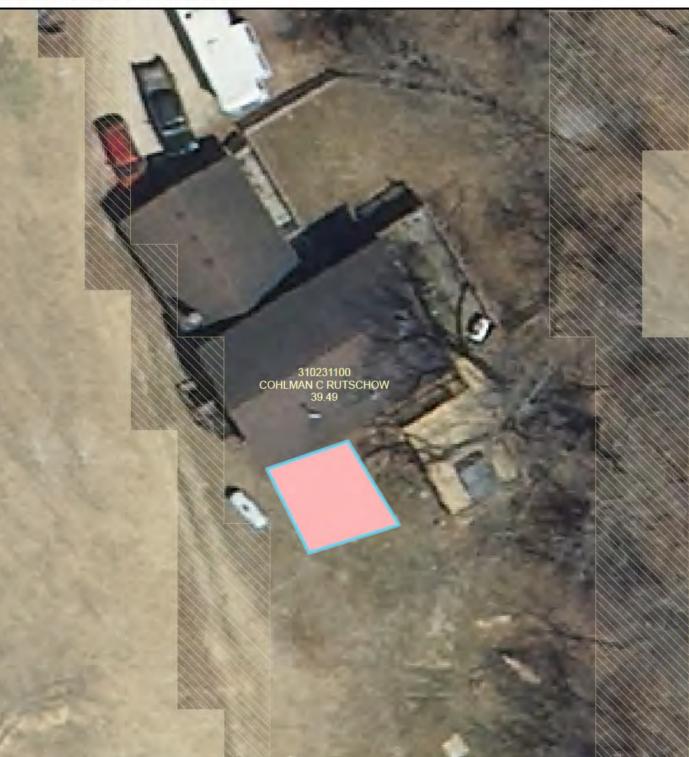






Aerial Imagery

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

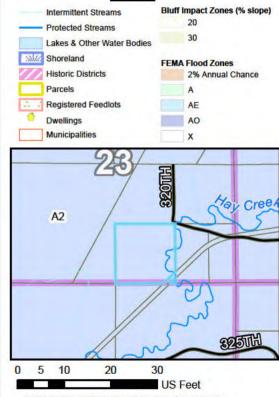
Public Hearing May 31, 2022

Cohlman Rutschow (Owner) A2 Zoned District

Part of the SW 1/4 of the SE 1/4 Section 23 TWP 112 Range 15 in Featherstone Township

Variance request to allow construction of a dwelling addition less than 30-feet from the toe of a bluff

Legend



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MAP 01: PROPERTY OVERVIEW



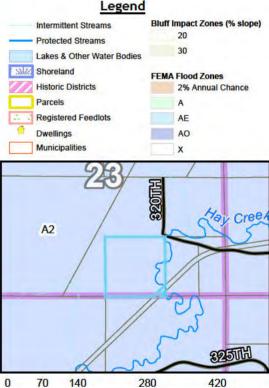
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2020 Aerial Imagery Map Created May, 2022 by LUM

US Feet

MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

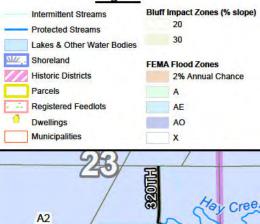
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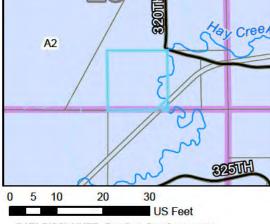
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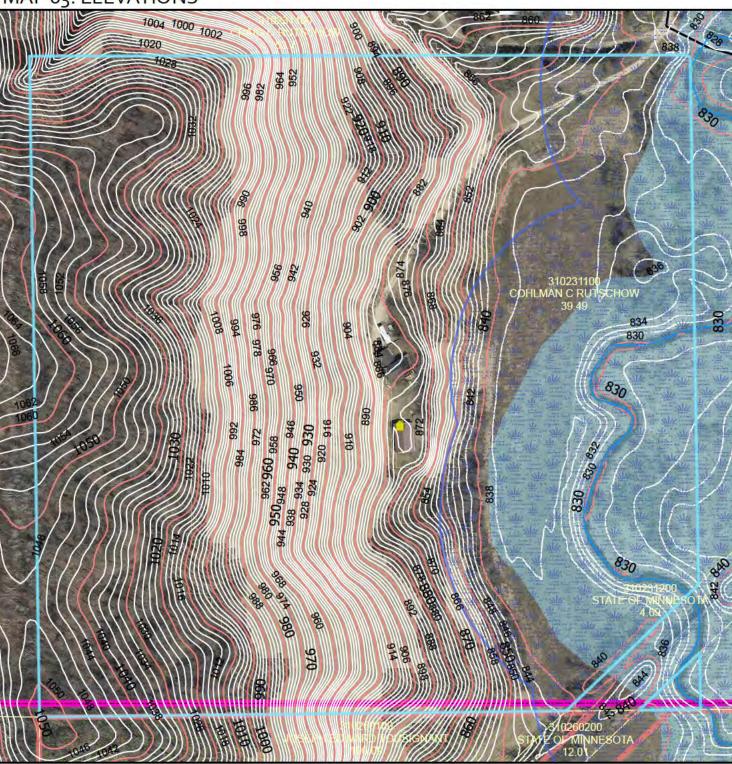
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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

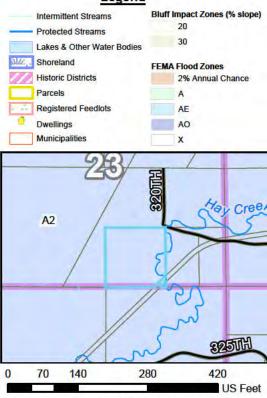
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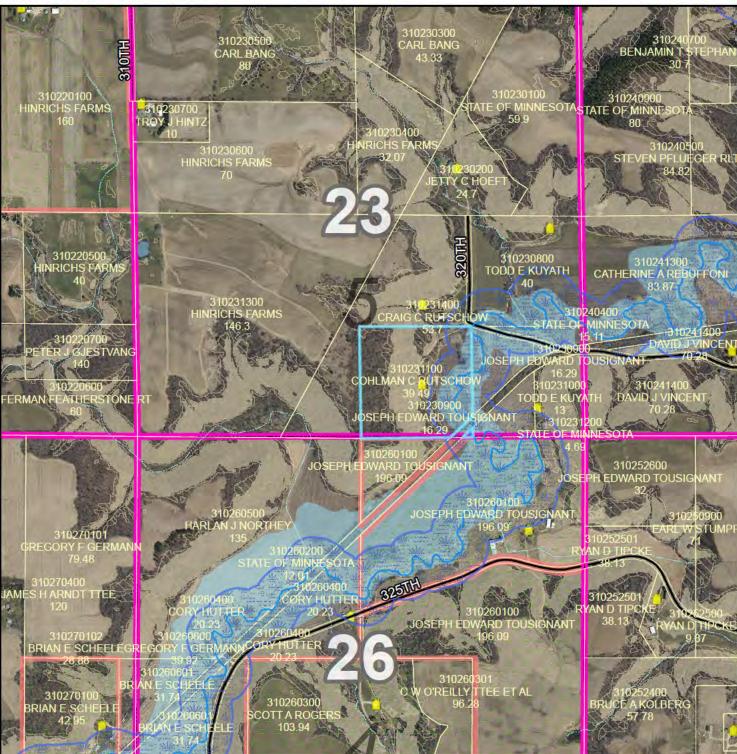
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MAP 02: VICINITY MAP



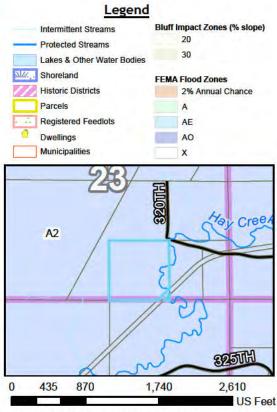
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