



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. May 23, 2022 Draft Meeting Minutes

Documents:

[BOAMEETINGMINUTES_MAYMEETING_DRAFT.PDF](#)

Approval Of Special Meeting Minutes

Documents:

[BOAMEETINGMINUTES_MAYSPECIALMEETING_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Bluffland Standards (Gobin)

Request for Variance, submitted by Brock Gobin (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a replacement dwelling 8-feet into the bluff impact zone. Parcel 45.026.1401. 3884 Sogn Valley Trail Dennison, MN 55018. Part of the W ½ of the NW ¼ of Section 26 TWP 111 Range 18 in Warsaw Township. A-2 Zoned District.

Documents:

[BOAPACKET_GOBIN_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To Bluffland Standards (Grobe)

Request for Variance, submitted by Mason Grobe (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a dwelling addition and associated grading/excavation 8.76-feet into the bluff impact zone. Parcel 32.035.1300. 34582 335th ST Lake City, MN 55041. The NE ¼ of the SW ¼ of Section 35 TWP 112 Range 13 in Florence Township. A-2 Zoned District.

Documents:

[BOAPACKET_GROBE.PDF](#)

PUBLIC HEARING: Request For Variance To Bluffland Standards (Jackson)

Request for Variance, submitted by Mitchell Jackson (Owner), to Article 12 (Bluffland Standards) to allow construction of an accessory building less than 30-feet from the top of a bluff and grading/excavation for a retaining wall within the bluff impact zone. Parcel 46.028.2101. 14417 Welch Trail Welch, MN 55089. The N ½ and Part of the S ½ of the NW ¼ of Section 28 TWP 113 Range 16 in Welch Township. A-2 Zoned District.

Documents:

[BOAPACKET_JACKSON.PDF](#)

PUBLIC HEARING: Request For Variance To Bluffland Standards (Fox)

Request for Variance, submitted by Cindy Fox (Applicant) on behalf of the Gerald Fox Liv Trust (Owner), to Article 12 (Bluffland Standards) to allow construction of an accessory building less than 30-feet from the top of a bluff and grading/excavation for a dwelling site within the bluff impact zone. Parcel 46.021.0700. TBD County 7 BLVD Welch, MN 55089. Part of the NE ¼ of the SE ¼ of Section 21 TWP 113 Range 16 in Welch Township. A-2 Zoned District.

Documents:

[BOAPACKET_FOX_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To Bluffland Standards (Voth)

Request for Variance, submitted by Grant Voth (Owner), to Article 12 (Bluffland Standards) to allow construction of a replacement dwelling 8-feet from the top and toe of a bluff and grading/excavation 12-feet into the bluff impact zone. Parcel 34.001.1000. 28935 Circle S Road Red Wing, MN 55066. Part of the SE ¼ of the SW ¼ of Section 01 TWP 112 Range 14 in Hay Creek Township. A-2 Zoned District.

Documents:

[BOAPACKET_VOTH_REDACTED.PDF](#)

PUBLIC HEARING: Request For Variance To Maximum Accessory Building Size

Request for Variance, submitted by Jeff Davis (Owner), to R-1 Zoning District standards to allow construction of an accessory structure greater than 2100 square feet. Parcel 41.018.0202. 867 Sciota Trail Randolph, MN 55065. Part of the N ½ of the NE ¼ of Section 18 TWP 112 Range 18 in Stanton Township.

Documents:

[BOAPACKET_DAVIS_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
May 23, 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 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, Zoning Administrator Samantha Pierret, Zoning Assistant Alexandra Koberoski, and Zoning Administrative Assistant Patty Field

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

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

Motion carried 5:0

3. Conflict/Disclosure of Interest

There were no conflicts of interest reported.

4. Public Hearings:

PUBLIC HEARING: Request for Variance from Lisa Shoberg-Weiner and Allen Weiner (Owners) to A-1 Zoning District standards to construct a dwelling addition less than 60-feet from the County 12 BLVD Right-of-Way. Parcel 30.008.0100. 7850 County 12 BLVD Kenyon, MN 55946. Part of the NE ¼ of the NE ¼ & E ½ of NW ¼ of NE ¼ Section 8 TWP 109 Range 17 in Cherry Grove Township.

Koberoski presented the staff report and attachments.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

³**After 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

Commissioner Tebbe stated this is pretty straight forward and certainly is not going to encroach on the right-of-way. He agrees with staff recommendation to support this variance.

⁴Motion by Fox, seconded by Tebbe, 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

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
May 23, 2022 MEETING MINUTES
DRAFT**

APPROVE the request for a variance, submitted by Lisa Shoberg-Weiner & Allen Weiner (Owners) to A-1 Zoning District standards to construct a 48-foot 6-inch by 12-foot 2-inch bedroom/kitchen addition no less than 56-feet from the County 12 BLVD Right-of-Way.

Motion carried 5:0

PUBLIC HEARING: Request for Variance from Terry and Sarah Cox (Owners) to R-1 Zoning District standards to reconfigure parcel lines resulting in a 0.28-acre parcel containing a dwelling site where 1-acre is required. Parcel 32.015.1700. 33583 Hwy 61 BLVD Frontenac, MN 55026. Part of the NW 1/4 of the NE 1/4 Section 15 TWP 112 Range 13 in Florence Township.

Koberoski presented the staff report and attachments.

Chair Knott opened the Public Hearing.

No one spoke for or against the request.

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

Motion carried 5:0

Commissioner Tebbe stated he has driven by and it does not appear there have been any changes to the mobile home park. No park changes should be done unless there is approval to amend the Conditional Use Permit (CUP).

6Motion by Tebbe, seconded by Rechtzigel, 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 Terry & Sarah Cox (Owners) to R-1 minimum lot size standards to establish a separate tax parcel for an existing dwelling no less than 0.28-acres in size.

Motion carried 5:0

PUBLIC HEARING: Request for Variance, submitted by Todd Kuyath (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a dwelling addition 45-feet into the bluff impact zone.

Pierret presented the staff report and attachments.

Commissioner Tebbe asked about the exhibit that states bluffs must average greater than a 30% slope and 25 feet of rise above the toe. It is shown at a 29.5% grade. Should we adopt exhibit into record knowing it is currently at almost a 30% grade?

Pierret stated that this exhibit was brought to staff by the Applicant and the contractor's surveyor. Zoning and Soil and Water District (SWCD) staff do not necessarily agree with this exhibit based on additional parts of the definition of top and toe of bluff, where bluffs are considered present if the slope is 20% or greater. We have to consider this part of the toe of the bluff.

Commissioner Tebbe asked if we adopt this into record will it cause issues? Would the same be true of the exhibit with the hatching showing 20% slopes around the building?

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
May 23, 2022 MEETING MINUTES
DRAFT**

Pierret stated that the hatching is based on GIS and LIDAR data however this data is not always 100% accurate. What is more accurate is staff going to the property and viewing the contours to verify slopes. GIS and LIDAR data may not pick up every break in slope, which is why we do site visits to verify the slopes.

Commissioner Knott stated he did not see 29.7% referred to anywhere in the exhibits.

Pierret stated it is difficult to see but the annotation is present on the first map provided by the Applicant. The dotted line was the line prepared by the Applicant's surveyor and zoning and Soil and Water District staff did not agree with this interpretation that the area did not qualify as a bluff.

Commissioner Knott asked if Soil and Water provided the definition of the toe of the bluff and whether it was shown as a blue line?

Pierret stated that Beau Kennedy, SWCD Director provided the exhibit with the blue line. Based off the site visit, it appears the bluff does not go through the house. The toe of the bluff is behind the house based on what was seen during the site visit.

Commissioner Knott asked if the garage that is being added will be behind the house at the same elevation as the siding or even with the lower entry level?

Pierret stated that the part closest to the house will be used to create additional basement space but as you move NW it will be at the grade with the siding.

Chair Knott opened the Public Hearing.

Cohlman Rutschow (22770 320th ST Red Wing), stated he supports Mr. Kuyath's request.

7After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Rechtzigel to close the Public Hearing.

Motion carried 5:0

Commissioner Fox thanked the staff for being so diligent and recognizing the area qualified as bluffland. He added that he supports this request as long as it is constructed correctly and Mr. Kuyath works with the Soil and Water District during construction to prevent erosion.

Commissioner Tebbe agrees with Commissioner Fox. The proposed location keeps the structure away from the agricultural land. The applicant has also indicated he would adjust as needed and seems very accommodating.

8Motion by Fox, seconded by Tebbe, 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 Todd Kuyath (Owner) to Bluffland protection standards to allow construction of a dwelling addition and associated excavation/grading of land 45-foot into the bluff impact zone.

Motion Carried 5:0

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
May 23, 2022 MEETING MINUTES
DRAFT**

5. Other-Discussion

*A reminder that there is a Special Board of Adjustment Meeting on Tuesday, May 31st at 5pm.
Applicant Joshua Plath has withdrawn his request for variance in Hay Creek Township.*

ADJOURN

⁹Motion by Allen, seconded by Rehtzigel to adjourn the BOA meeting at 5:37 pm.

Motion carried 5:0

Respectfully submitted:
Patty Field, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the meeting agenda.

Motion carried 5:0

² APPROVE the previous meeting's minutes.

Motion carried 5:0

³Close the Public Hearing

Motion carried 5:0

⁴APPROVE the Variance request to A-1 Zoning District standards to construct a 48-foot 6-inch by 12-foot 2-inch bedroom/kitchen addition no less than 56-feet from the County 12 BLVD Right-of-Way.

Motion carried 5:0

⁵Close the Public Hearing

Motion carried 5:0

⁶APPROVE the Variance request to R-1 minimum lot size standards to establish a separate tax parcel for an existing dwelling no less than 0.28-acres in size.

Motion carried 5:0

⁷CLOSE the Public Hearing

Motion carried 5:0

⁸APPROVE the Variance request to Bluffland protection standards to allow construction of a dwelling addition and associated excavation/grading of land 45-feet into the bluff impact zone.

Motion carried 5:0

⁹ADJOURN.

Motion carried 5:0

UNOFFICIAL UNTIL APPROVED BY THE BOA

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
May 31, 2022 SPECIAL MEETING
MINUTES DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:00 PM by Chair Daniel Knott at the Goodhue County Government Center Board Room.

Roll Call

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

Commissioners Absent: None

Staff Present: Zoning Administrator Samantha Pierret, Zoning Assistant Alexandra Koberoski, and Zoning Administrative Assistant Patty Field

1. Approval of Agenda

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

Motion carried 5:0

2. Conflict/Disclosure of Interest

There were no conflicts of interest reported.

3. Public Hearings:

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.

Pierret presented the staff report and attachments.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

²**After Chair Knott asked three times for comments it was moved by Commissioner Fox and seconded by Commissioner Allen to close the Public Hearing.**

Motion carried 5:0

Commissioner Tebbe stated this is a pretty tight area and they are doing the best that they can to lessen the impacts and that he supports the variance.

³Motion by Tebbe, seconded by Rechtzigel, 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

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
May 31, 2022 SPECIAL MEETING
MINUTES **DRAFT****

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.

Motion carried 5:0

ADJOURN

4Motion by Fox, seconded by Tebbe to adjourn the BOA meeting at 5:07 pm.

Motion carried 5:0

Respectfully submitted:
Patty Field, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the meeting agenda.

Motion carried 5:0

² Close the Public Hearing

Motion carried 5:0

³APPROVE the Variance request to to Article 12 (Bluffland Protection Standards) to allow construction of a dwelling addition less than 30-feet from the toe of a bluff.

Motion carried 5:0

⁴ADJOURN.

Motion carried 5:0

UNOFFICIAL UNTIL APPROVED BY THE BOA

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: June 27, 2022
Report date: June 17, 2022

PUBLIC HEARING: Request for Variance, submitted by Brock Gobin (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a replacement dwelling 8-feet into the bluff impact zone.

Application Information:

Applicant(s): Brock Gobin (Owner)
Address of zoning request: 3884 Sogn Valley Trail, Dennison, MN 55018
Parcel: 45.026.1401
Abbreviated Legal Description: Part of the SE 1/4 of the SW 1/4 of Section 01 TWP 112 Range 14 in Warsaw Township
Township Information: Warsaw Township has signed acknowledgement 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:

Brock Gobin (Owner) has applied for a variance to Bluffland Protection Standards to construct a replacement dwelling 4-feet from the top of a bluff where 30-feet is required and grading/excavating 8-feet into the bluff impact zone to accommodate a proposed deck.

The previous mobile home was moved onto the property sometime between 1980 and 1991 (based on historical GIS imagery). Staff was unable to locate a building or zoning permit for the dwelling in our records. A septic installation permit was found from 1990. The previous mobile home was too close to the south property line. The proposed replacement dwelling will meet GCZO property line setbacks.

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:

“To effectively promote the safety, health, and well-being of our residents”

www.co.goodhue.mn.us

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

- Bluffland setbacks and restrictions on grading/excavating in the bluff impact zone 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 Applicant expressed willingness to abide by best management practices when constructing the replacement dwelling and performing 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 replacement dwelling appears consistent with the Goodhue County Comprehensive Plan if best management practices are used to prevent excessive erosion.

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 replacement dwelling is a reasonable use of property in the A-2 District.
- The parcel is an existing 5.29-acre lot which is a conforming lot size in the A-2 Zoning District (2-acre minimum).
- The Applicant stated that there are no alternative locations for the replacement dwelling due to the existing topography, the installation of a new septic system, and providing adequate space for a new driveway. (Photos 1,2, and 3 indicate the location of the south property line).
- Chad Hildebrand from the Goodhue County Soil and Water Conservation District reviewed the proposal and assisted staff in determining the location of the top of the bluff. Mr. Hildebrand did not identify any issues concerning the potential for erosion or negative impacts to the physical features of the bluff. In regards to Best Management Practices he stated, *“Would install a silt fence or use of an erosion control BMP at the top of the bluff area/slope to help prevent any sediment erosion before beginning work, and to seed any bare areas with vegetation within 3 days if sat idle on the construction site. Also, be aware of heavy rain events and make sure to stabilize soil overall.”*

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 property is surrounded by Blufflands/woodlands in all directions. Surrounding land uses include feedlots and row-crop agriculture zoned A-2 (General Agriculture District) to the north, east, and south and A-1 (Agricultural Protection District) to the west.

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.**

- Replacement dwellings 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 Brock Gobin (Owner) to Bluffland protection standards to allow construction of a replacement dwelling and associated excavation/grading of land 8-feet into the bluff impact zone.



Estimated south parcel line boundary



Stake indicating south parcel line boundary.
Steep slopes are shown to the west and east.





Flags marking top of bluff



APPLICATION FOR
Variance

For Staff Use only	
VARIANCE NUMBER:	
\$350 RECEIPT#	DATE

SITE ADDRESS, CITY, AND STATE <i>3884 Sogn Valley Trail, Dennison MN 55018</i>		ZIP CODE: <i>55018</i>
LEGAL DESCRIPTION: <i>Sect-26 Twp-111 Range-018 5.29 ac PT of W 1/2 of NW 1/4 Sec 26 111 18 see doc # 303755</i>		
PID#: <i>R. 45. 026. 1401</i>	ZONING DISTRICT	LOT AREA (SF/ACRES): <i>5.29 ac</i>
LOT DIMENSIONS:		STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME <i>Brock Allen Gobin</i>
APPLICANT'S ADDRESS: <i>7465 Eldorado Way, Cannon Falls, MN 55009</i>

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 type="checkbox"/> Property Line Setbacks <input checked="" 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: <i>Vacant lot</i>	
	PROPOSED USE: <i>Build my home</i>	
	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 <i>Jerry D. Madsen</i>	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE <i>Larry Madsen Chair</i>	DATE <i>6-13-2022</i>

- 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: *Brock Gobin* Date: *5/24/22*

Print name: *Brock Gobin* (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:

- I own the lot. Site is prepped and ready to build my home.
- I cleared the trailer on the building site.

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

I won't be able to build my home there. It is where the building site is, and the best spot for the house. (only flat spot)

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 whole lot is a steep hillside or ditch except that flat spot where the trailer was. I feel it is the ONLY spot to build because of the hillside. The rest of the hill is just as steep.

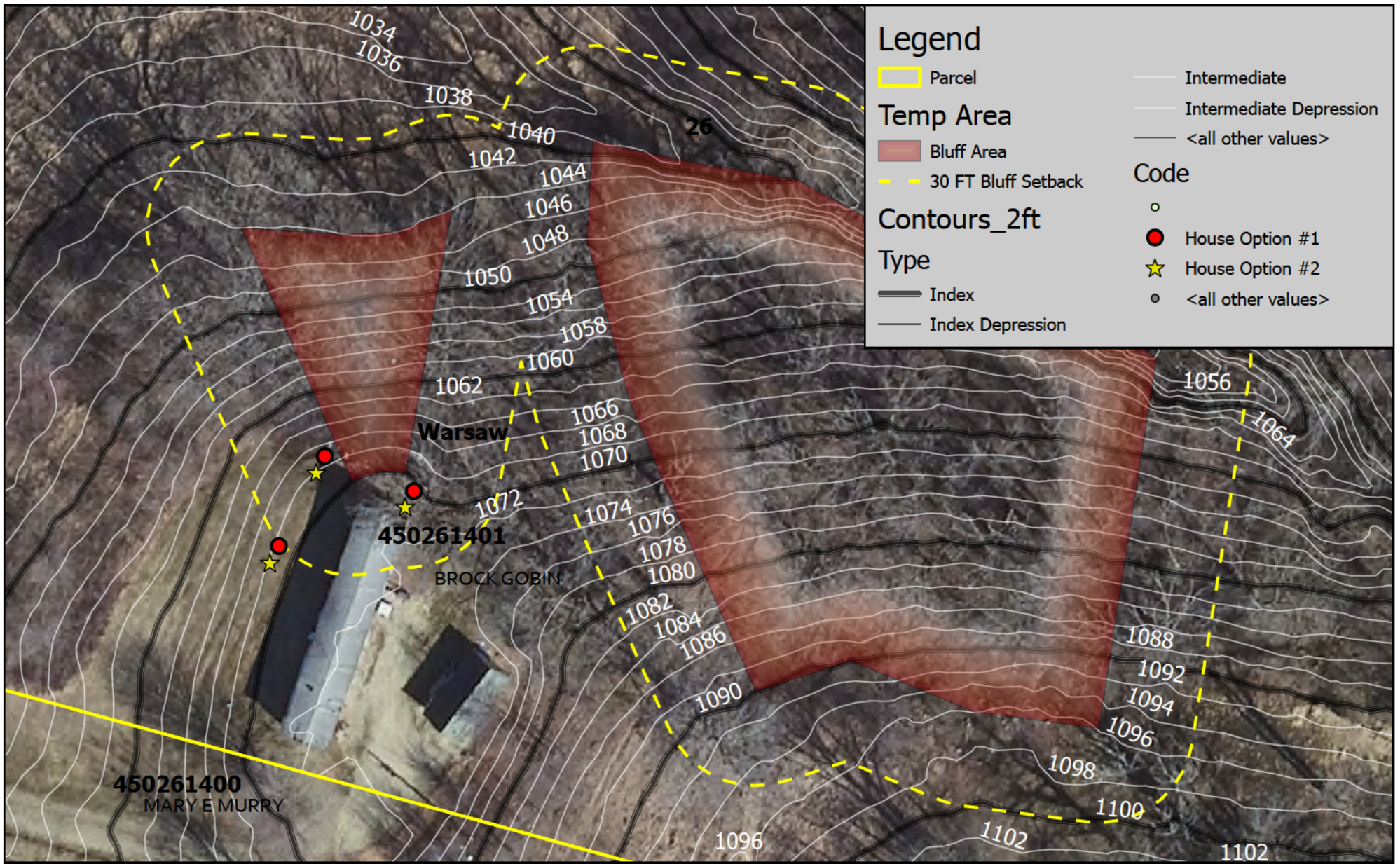
Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them:

The only alternative I can think of - is if I owned more property to the South. ^(not an option)

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

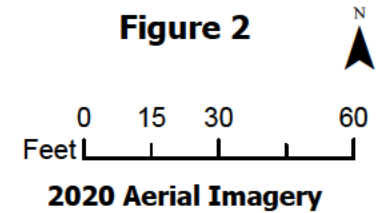
In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:

Absolutely not.



Gobin_BP22-0125 "5/11/2022 Visit"
Warsaw TWP, Section 26

Figure 2





This is for informational use only and not used for precise or construction measurements. Only informational.

Gobin_BP22-0125 "Bluff Determination" Warsaw TWP, Section 26




Contours_2ft

Type

-  Index
-  Index Depression

Intermediate

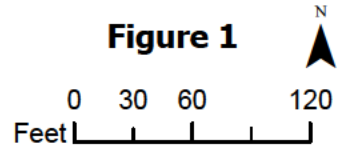
Intermediate Depression

 <all other values>

 Bluff Area

 Parcel

Figure 1



2020 Aerial Imagery

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

Brock Gobin (Owner)
A2 Zoned District

Part of W 1/2 of the NW 1/4
Section 26 TWP 111
Range 18 in Warsaw Township

Variance request to allow construction
of a replacement dwelling
into the bluff impact zone

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	



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 2022.

2020 Aerial Imagery
Map Created June, 2022 by LUM



MAP 02: VICINITY MAP

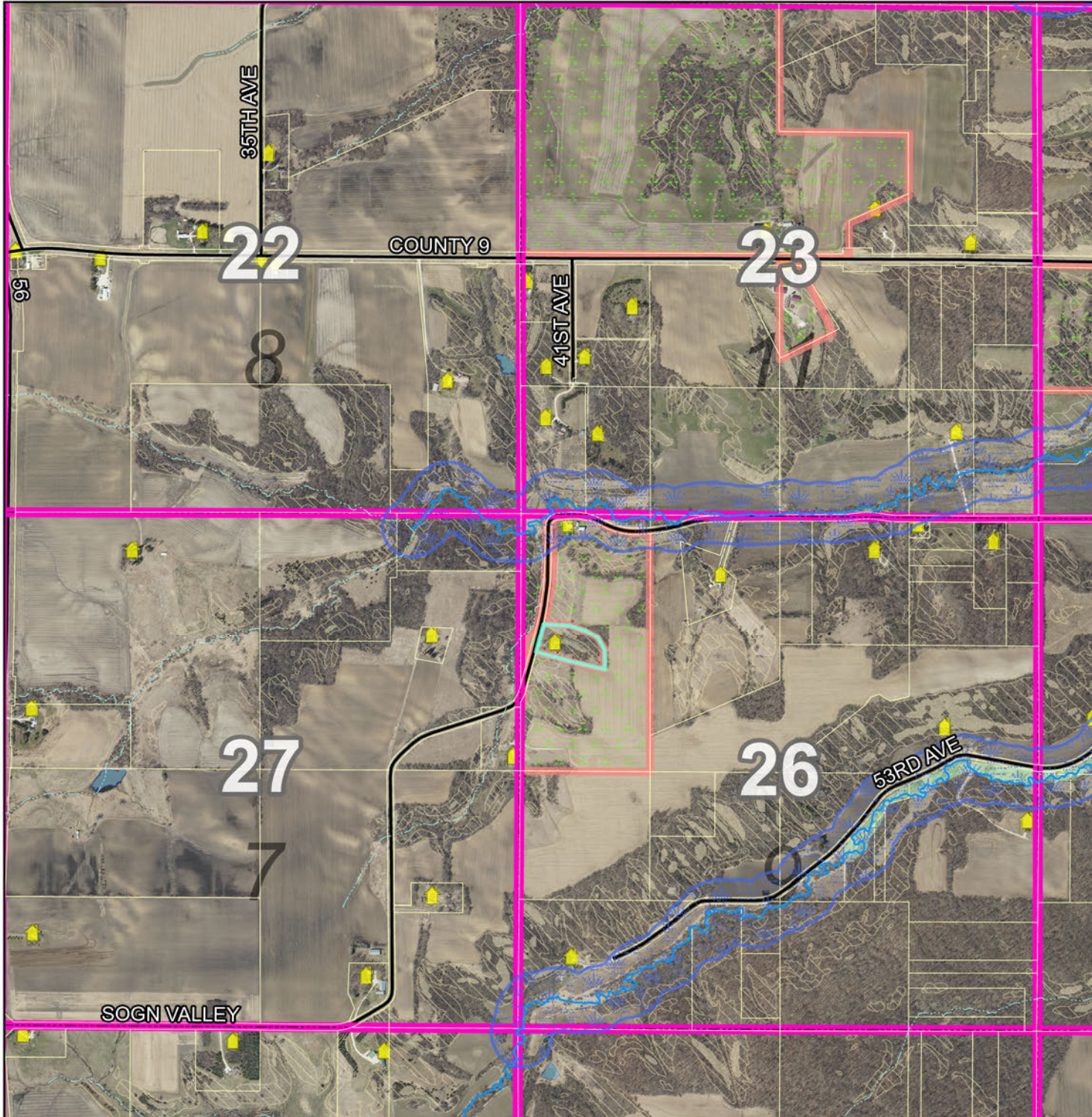
BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

Brock Gobin (Owner)
A2 Zoned District

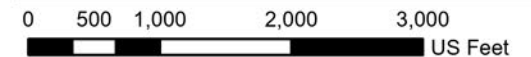
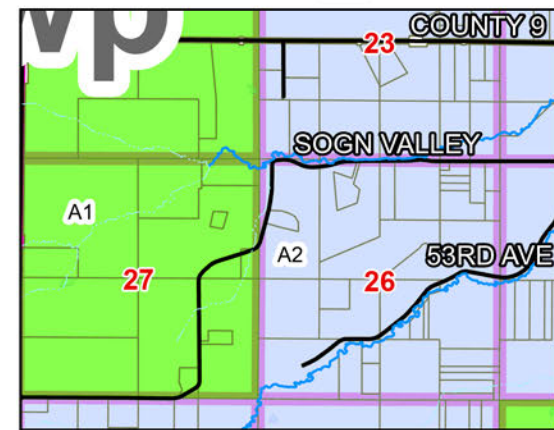
Part of W 1/2 of the NW 1/4
Section 26 TWP 111
Range 18 in Warsaw Township

Variance request to allow construction
of a replacement dwelling
into the bluff impact zone



Legend

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



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MAP 01: PROPERTY OVERVIEW

BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

Brock Gobin (Owner)
A2 Zoned District

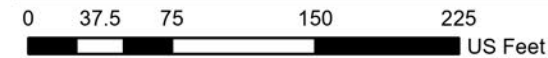
Part of W 1/2 of the NW 1/4
Section 26 TWP 111
Range 18 in Warsaw Township

Variance request to allow construction
of a replacement dwelling
into the bluff impact zone



Legend

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



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ARTICLE 12 BLUFF LAND PROTECTION

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.

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: June 27, 2022
Report date: June 17, 2022

PUBLIC HEARING: Request for Variance, submitted by Mason Grobe (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a dwelling addition approximately 9-feet into the bluff impact zone.

Application Information:

Applicant(s): Mason Grobe (Owner)
Address of zoning request: 34582 335th ST Lake City, MN 55041
Parcel: 32.035.1300
Abbreviated Legal Description: The NE ¼ of the SW ¼ of Section 35 TWP 112 Range 13 in Florence Township
Township Information: Florence Township approved a bluff setback variance for the project at their May 16, 2022 meeting.
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:

Mason Grobe (Owner) has applied for a variance to Bluffland Protection Standards to construct a 30-foot x 40-foot dwelling addition and perform grading/excavation work 9-feet into the bluff impact zone. The existing dwelling was legally constructed approximately 10-feet from the toe of the bluff in 1984 with a patio constructed along the toe of the bluff. Bluffland regulations were not added to the County's Zoning Ordinance until the 1990s.

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.

Draft Findings of Fact:

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

- Bluffland setbacks and restrictions on grading/excavating in the bluff impact zone are intended to preserve and protect the sensitive physical features of the Bluffs by regulating

"To effectively promote the safety, health, and well-being of our residents"

www.co.goodhue.mn.us

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 accommodate direct access into a proposed second story addition (no stairs) and to avoid the septic tanks located to the east of the dwelling and the drainfield located north of the dwelling. An addition to the north side of the dwelling would have required a greater variance to bluffland setbacks than the proposed location.
- The dwelling is located in an A-2 zoned section where a maximum of 12 dwellings are permitted to be established, one per original ¼ ¼ section. Section 35 currently has 7 dwellings.
- The Applicant expressed willingness to abide by best management practices when constructing the addition and performing 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 if best management practices are used to prevent excessive erosion.

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 9-feet into the bluff impact zone. The parcel is an existing 40-acre lot which is a conforming lot size in the A-2 Zoning District (2-acre minimum).

- The existing dwelling was constructed in 1984 less than 30-feet from the toe of the bluff. The existing patio area was constructed around the same time at the toe of the bluff. Bluffland regulations were not added to the County’s Zoning Ordinance until the mid-1990s.
- The Applicant stated that there are no alternative locations for the addition due to the location of the septic tanks and drainfield, the desire to have direct access to the proposed second story, and the existing configuration of the dwelling.
- Goodhue County Soil and Water Conservation District Water Planner Chad Hildebrand attended a site visit with the owner and Zoning staff in January 2022 to determine the location of the toe of the bluff. Mr. Hildebrand noted that the proposed addition would not be detrimental to the bluff impact zone if best management practices were used to avoid excessive erosion including stabilizing areas of disturbance and installing drain tile to reroute incoming water around the proposed addition.

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 and west. Several acres of the parcel are used for row crop agriculture to the east and south.

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 Mason Grobe (Owner) to Bluffland protection standards to allow construction of a dwelling addition and associated grading/excavation work 9-feet into the bluff impact zone.

APPLICATION FOR Variance

For Staff Use only	
VARIANCE NUMBER:	Z 22-0035
\$350 RECEIPT#	17607 DATE 5/25/22

SITE ADDRESS, CITY, AND STATE		ZIP CODE:	
34582 335th St. Lake City, MN		55041	
LEGAL DESCRIPTION:			
Section 35 range 13 Twp 112			
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:
R32.035.1300		40	
		STRUCTURE DIMENSIONS (if applicable):	

APPLICANT OR AUTHORIZED AGENT'S NAME	
Mason Grobe	
APPLICANT'S ADDRESS:	TELEPHONE:
35522 Pepin Vista Ave	
Lake City, MN 55041	EMAIL:

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 type="checkbox"/> Property Line Setbacks <input checked="" 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:
	house
	PROPOSED USE:
	add garage to house
	BUILDING APPLICATION PERMIT NO.: (if filed)
	DATE FILED:

TOWNSHIP SIGNATURE		Attached <input type="checkbox"/>
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.		
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: Mason Grobe Date: 5/25/22

Print name: Mason Grobe (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:

house - would like to put addition on to house w/ 2nd story + garage attached w/ access to 2nd story - also addition to front shed

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

2nd story addition will be scrapped

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:

not really any where to put addition - septic in front + back of house

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

- garage is wanted to access 2nd story addition directly (not going up a flight of stairs) no other location will work

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

N/A

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

no





509 5TH ST W (All Caps)



future septic
drain field
already installed
(2009)

320351300

MASON GROBE

34582

current
septic
system

future garage

well

40ft

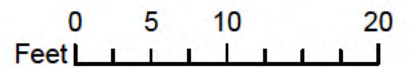


**Mason Grobe (PIN 32.035.1300)
Florence Township, Section 35**

Figure 3



-  Well Location
-  30 FT Bluff Setback
-  Proposed Garage (30 ft wide)



2020 Aerial Imagery

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Goodhue County SWCD
104 East 3rd Ave, P.O. Box 335
Goodhue, MN 55027
651-923-5286 Ext. 4
www.goodhueswcd.org

Date: Wednesday, April 13, 2022

Subject: Mason Grobe - Florence Township, Section 35 (PIN 32.035.1300)

January 21, 2022, completed a site visit on the property owned by Mason Grobe (PIN 32.035.1300) located in Florence Township, Section 35, Range 13 regarding the location of the bluff on the property. Present on the site visit was Goodhue SWCD, Goodhue County and the landowner.

- Identified the Toe of Bluff on the property utilizing 2020 LIDAR for the county on 2-foot contours. Bluff meets county ordinance definition (Article 12, Section 2, Subd. 1).
- Assisted landowner to identify the 30-foot setback area from the Toe of Bluff on the property.
- Contributing watershed of woodland area to the proposed area is approximately 1.3 acres in size.
- Existing retaining wall is located on the property to the west of the house which lines up as the toe of the bluff or appears to have been built into the bluff area in past years.

From my professional opinion, if a new retaining wall or garage is located in the area proposed by the landowner, Mason Grobe, working with a licensed contractor or a professional who completes that type of work; to stabilize any area of disturbance and/or construct a structure to prevent future erosion concerns. Would recommend installing some type of drainage tile or other method to reroute any incoming water around the proposed structure and outlet it to the south or north of the house. A minimal amount of contributing water would be expected from the woodland area being approximately 1.3 acres.

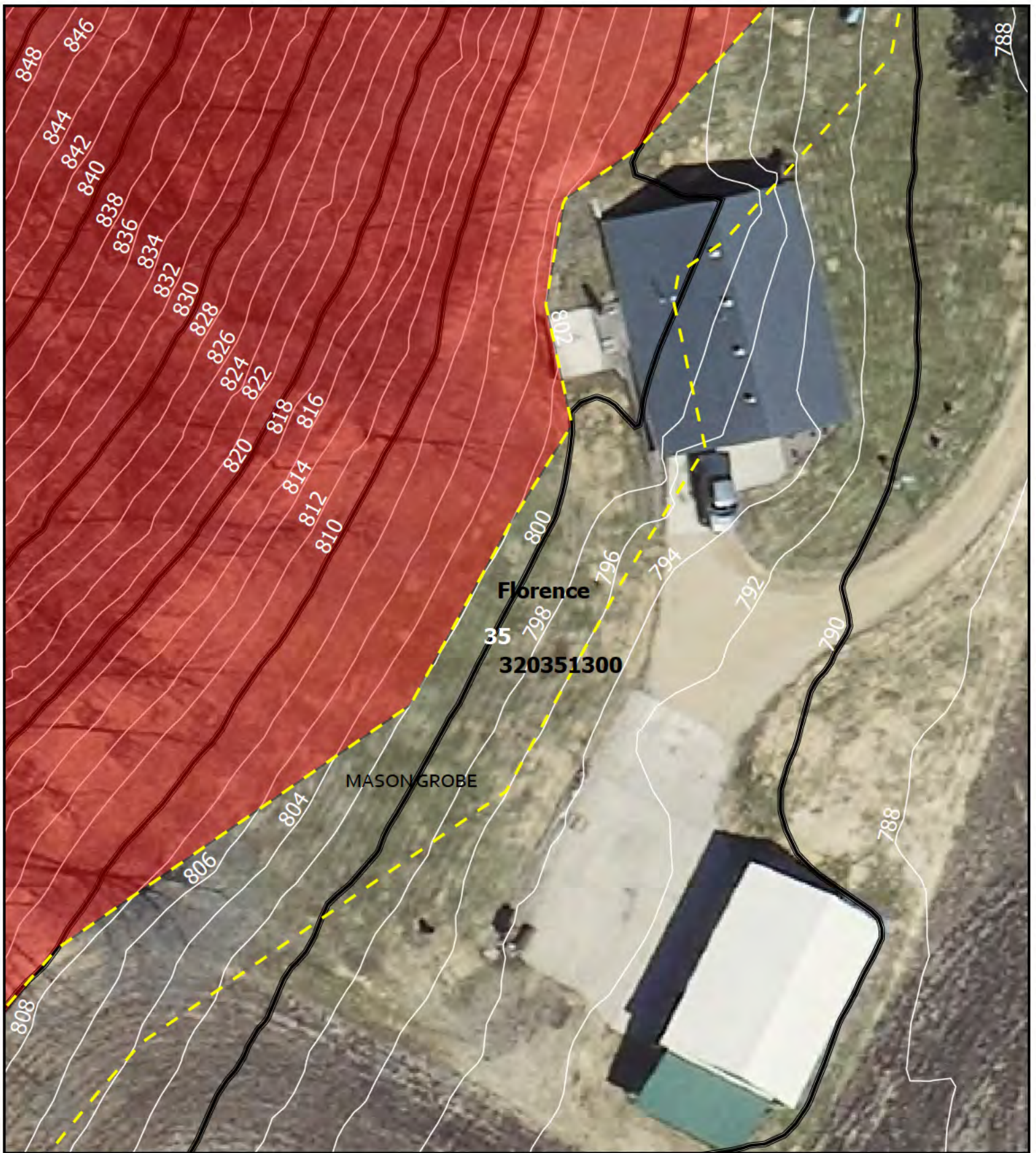
Sincerely,

A handwritten signature in black ink, appearing to read "CHAD HILDEBRAND", written over a light blue horizontal line.

Chad Hildebrand

Natural Resource Specialist
Goodhue SWCD

childebrand@goodhueswcd.org

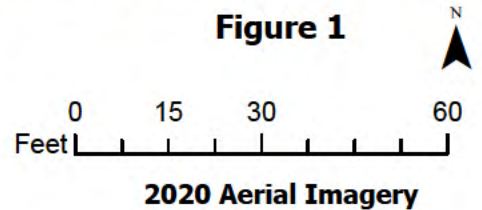


**Mason Grobe (PIN 32.035.1300)
Florence Township, Section 35**

Figure 1



- Parcel
- Bluff Area
- 30 FT Setback



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MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

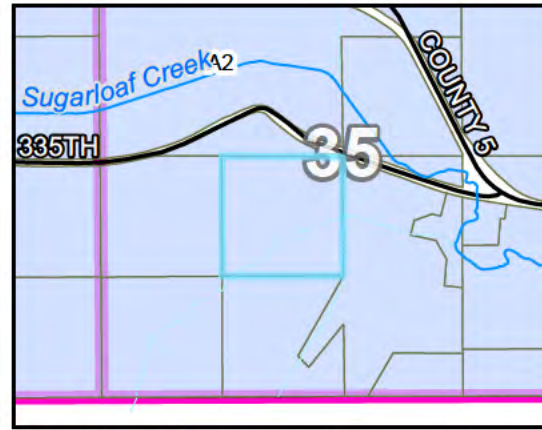
Mason Grobe (Owner)
A2 Zoned District

The NE 1/4 of the SW 1/4 of Section 35
TWP 112 Range 13 in Florence Township

Variance request to allow construction
of a dwelling addition into the bluff
impact zone

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 |
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Public Hearing
June 27, 2022

Mason Grobe (Owner)
A2 Zoned District

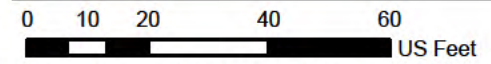
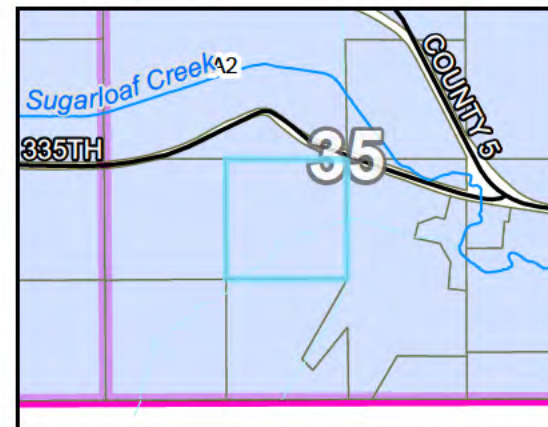
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Legend

- | | |
|----------------------------|-----------------------------------|
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| Lakes & Other Water Bodies | FEMA Flood Zones 2% Annual Chance |
| Shoreland | FEMA Flood Zones A |
| Historic Districts | FEMA Flood Zones AE |
| Parcels | FEMA Flood Zones AO |
| Registered Feedlots | FEMA Flood Zones X |
| Dwellings | |
| Municipalities | |



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Public Hearing
June 27, 2022

Mason Grobe (Owner)
A2 Zoned District

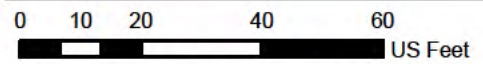
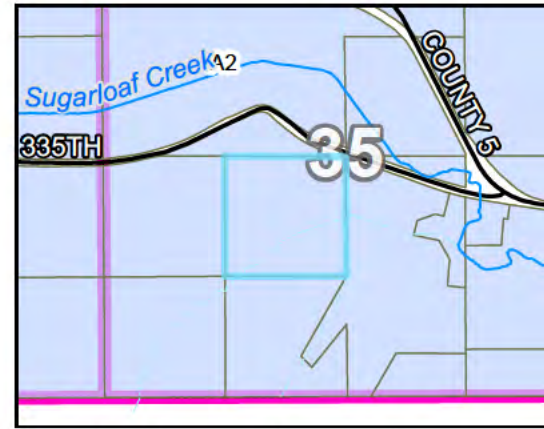
The NE 1/4 of the SW 1/4 of Section 35
TWP 112 Range 13 in Florence Township

Variance request to allow construction
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impact zone



Legend

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| Municipalities | |



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MAP 02: VICINITY MAP

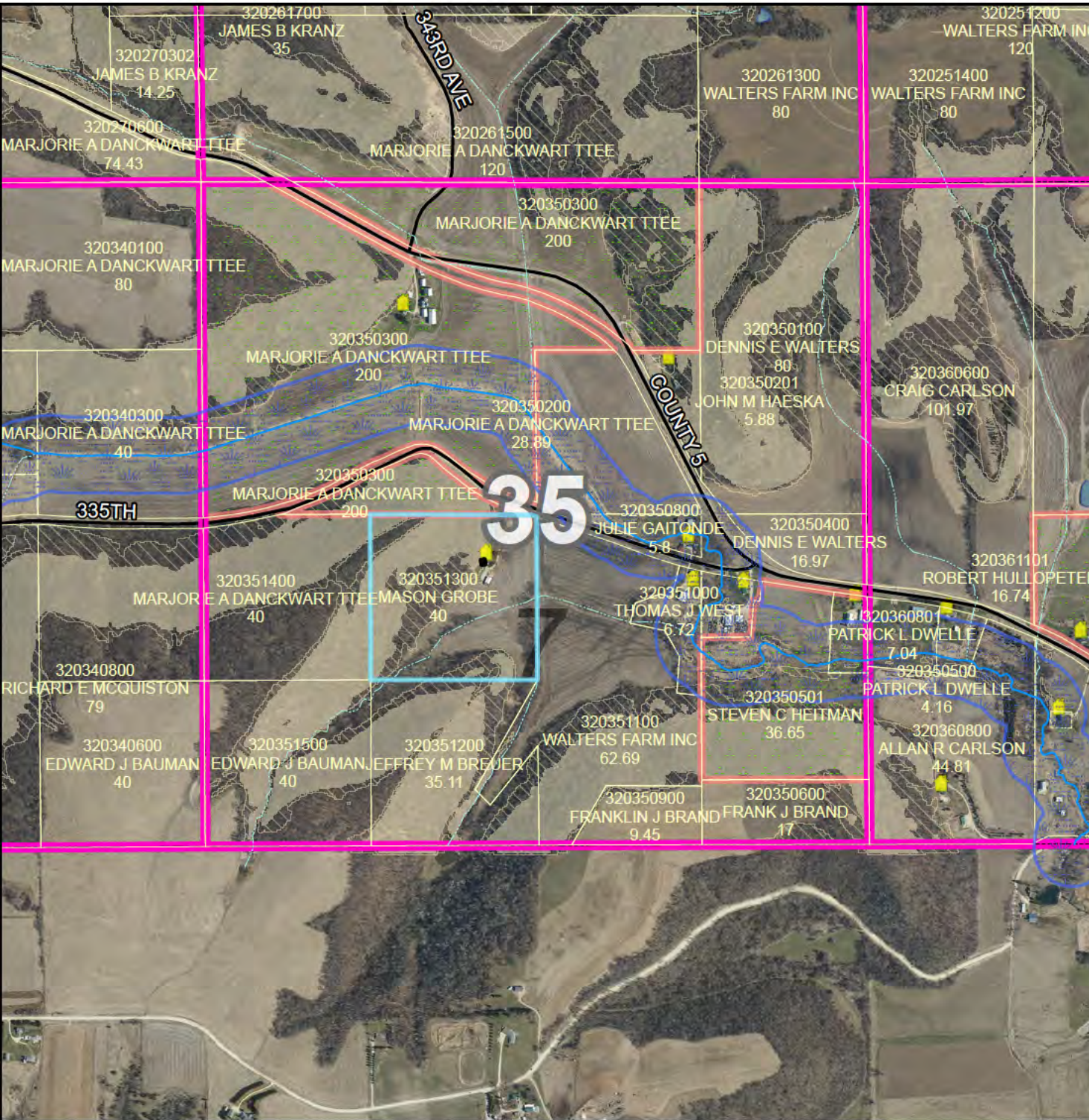
BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

Mason Grobe (Owner)
A2 Zoned District

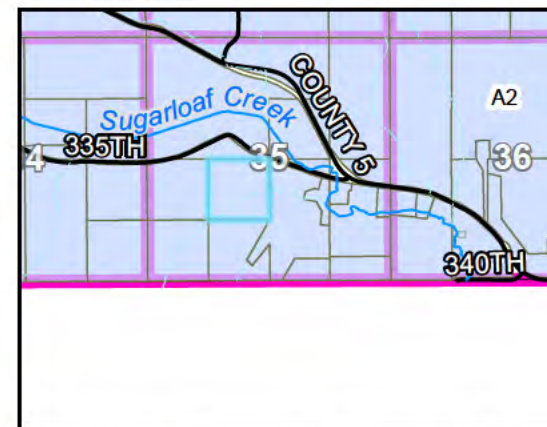
The NE 1/4 of the SW 1/4 of Section 35
TWP 112 Range 13 in Florence Township

Variance request to allow construction
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impact zone



Legend

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| | Municipalities | | X |



0 435 870 1,740 2,610 US Feet

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ARTICLE 12 BLUFF LAND PROTECTION

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.

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: June 27, 2022
Report date: June 17, 2022

PUBLIC HEARING: Request for Variance, submitted by Mitchell Jackson (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of an accessory building less than 30 feet from the top of a bluff and grading/excavation for a retaining wall within the bluff impact zone.

Application Information:

Applicant(s): Mitchell Jackson (Owner)
Address of zoning request: 14417 Welch Trail Welch, MN 55089
Parcel: 46.028.2101
Abbreviated Legal Description: The N ½ and Part of the S ½ of the NW ¼ of Section 28 TWP 113 Range 16 in Welch Township
Township Information: Welch Township provided an email acknowledging 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:

Mitchell Jackson (Owner) has applied for a variance to Bluffland Protection Standards to construct a 26-foot x 30-foot accessory building 0 feet from the top of a bluff where 30 feet is required and perform grading/excavation work in the bluff impact zone to install a retaining wall. The existing dwelling was permitted and constructed in 1990, 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

"To effectively promote the safety, health, and well-being of our residents"

www.co.goodhue.mn.us

on the slopes and tops of bluffs.

- The proposed location of the accessory building was chosen to avoid constructing a structure near steeper slopes on the property, to maintain adequate driveway access to the structure, avoid the drainfield north of the driveway, and to maintain access to the septic tanks east of the dwelling. The area for the new accessory building also has gentler slopes than the surrounding land.
- The proposed location of the retaining wall was chosen to stabilize land below the proposed accessory building along a former cartway still used as a pathway by the owners within the steeper sloped area.
- The dwelling is located in section 28 of Welch Township which includes areas zoned A-2, R-1 (Suburban Residence District), MXH (Mixed Use Hamlet) in the village of Welch, and CR (Commercial Recreational) at Welch Village Ski Area. Portions of Section 28 are in Vasa Township, south of the Cannon River. The A-2 portions allow a maximum of 12 dwellings to be established, one per original ¼ ¼ section. Section 28 currently has 12 dwellings within the A2 portions.
- The Applicant expressed willingness to abide by best management practices when constructing the structure and retaining wall.

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 an accessory building and retaining wall is a reasonable use of property in the A-2 District.

The proposed accessory building would be constructed 0-feet from the top of a bluff. The proposed retaining wall would be constructed within the bluff impact zone.

- The parcel is an existing 109.79-acre lot which is a conforming lot size in the A-2 Zoning District (2-acre minimum).
- The existing dwelling was constructed in 1990, prior to Goodhue County’s adoption of bluffland setback regulations.
- The Applicant stated that there are no alternative locations for the structure due to the location of the drainfield north of the driveway, septic tanks to the rear of the dwelling, and the desire to maintain adequate space for driveway access to the new structure. The location was also chosen because the area has gentler slopes than the surrounding land and was once a cleared area.

During a site visit with Zoning staff and Soil and Water Conservation District staff, the Applicant indicated the area a retaining wall may be constructed along a former cartway south of the proposed structure. The retaining wall would stabilize the hillside and protect the existing path from excessive erosion.

- Goodhue County Soil and Water Conservation District Natural Resource Specialist Chad

Hildebrand assisted staff in determining the location of the top of the bluff. Mr. Hildebrand noted that the proposed structure 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. The proposed retaining wall would help to prevent excessive erosion.

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 on all sides with some acreage dedicated to row crop agriculture. The Cannon River runs east to west across Welch Trail south of the property. Several dwellings in the vicinity were constructed close to or within bluff impact zones and variances have been granted for structures to be constructed less than 30 feet from bluffs in the immediate vicinity (Parcel 46.028.2102).

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.

- Accessory buildings 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 Mitchell Jackson (Owner) to Bluffland protection standards to allow construction of an accessory building 0 feet from the top of a bluff and associated grading/excavation for construction of a retaining wall within the bluff impact zone.



Stakes show proposed north side of shed

Flags show 30-foot bluff setback



Stakes for north side of proposed shed



Arrow shows pre-existing cleared area that has had some vegetative growth over the years

APPLICATION FOR
Variance

For Staff Use only		
VARIANCE NUMBER:	Z 22-0036	
\$350 RECEIPT#	M608	DATE 5-25-22

SITE ADDRESS, CITY, AND STATE		ZIP CODE:	
14417 Welch Trail, Welch, MN		55089	
LEGAL DESCRIPTION:			
Attached <input type="checkbox"/>			
PID#:	ZONING DISTRICT:	LOT AREA (SFIACRES):	LOT DIMENSIONS:
R 46.028.2101		110	26' x 30'
STRUCTURE DIMENSIONS (if applicable):			

APPLICANT OR AUTHORIZED AGENT'S NAME	
Mitch Jackson	
APPLICANT'S ADDRESS:	TELEPHONE:
14417 Welch Trail, Welch, MN 55089	
	EMAIL:

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 type="checkbox"/> Property Line Setbacks <input checked="" 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:	
	PROPOSED USE:	
	Garage	
	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.		
TOWNSHIP OFFICIAL'S SIGNATURE		Attached <input type="checkbox"/>
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: 5-16-2022

Print name: Mitch Jackson (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:

no other reasonable location for a garage near our home on the property

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

we would not be able to have a garage.

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

A different location for a garage prohibits maintaining the area in the back of the home and access to septic system.

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

An alternative would require soil placed over the drain field

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

If a garage would be placed near the septic, we would not be able to access the septic

If a garage would be placed in the lawn as you approach the home, we have steep ditches on either side of the driveway.

We feel we need to build it into the woods to allow for reasonable driveway access

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

No

Pierret, Samantha

From: Marcus Johnson <MarcusJ@jlsmail.com>
Sent: Wednesday, May 25, 2022 4:13 PM
To: Pierret, Samantha; Township - Welch
Subject: RE: Mitch Jackson Variance

Hi Sam,

Welch Township is aware of the request for variance, regarding bluffland setback for Mr. Jackson. Welch Township defers all bluffland zoning/setback issues to Goodhue County.

Thanks!

Marcus S. Johnson
Professional Land Surveyor
Johnson & Scofield Inc.
800.736.0585
Johnsonscofield.com

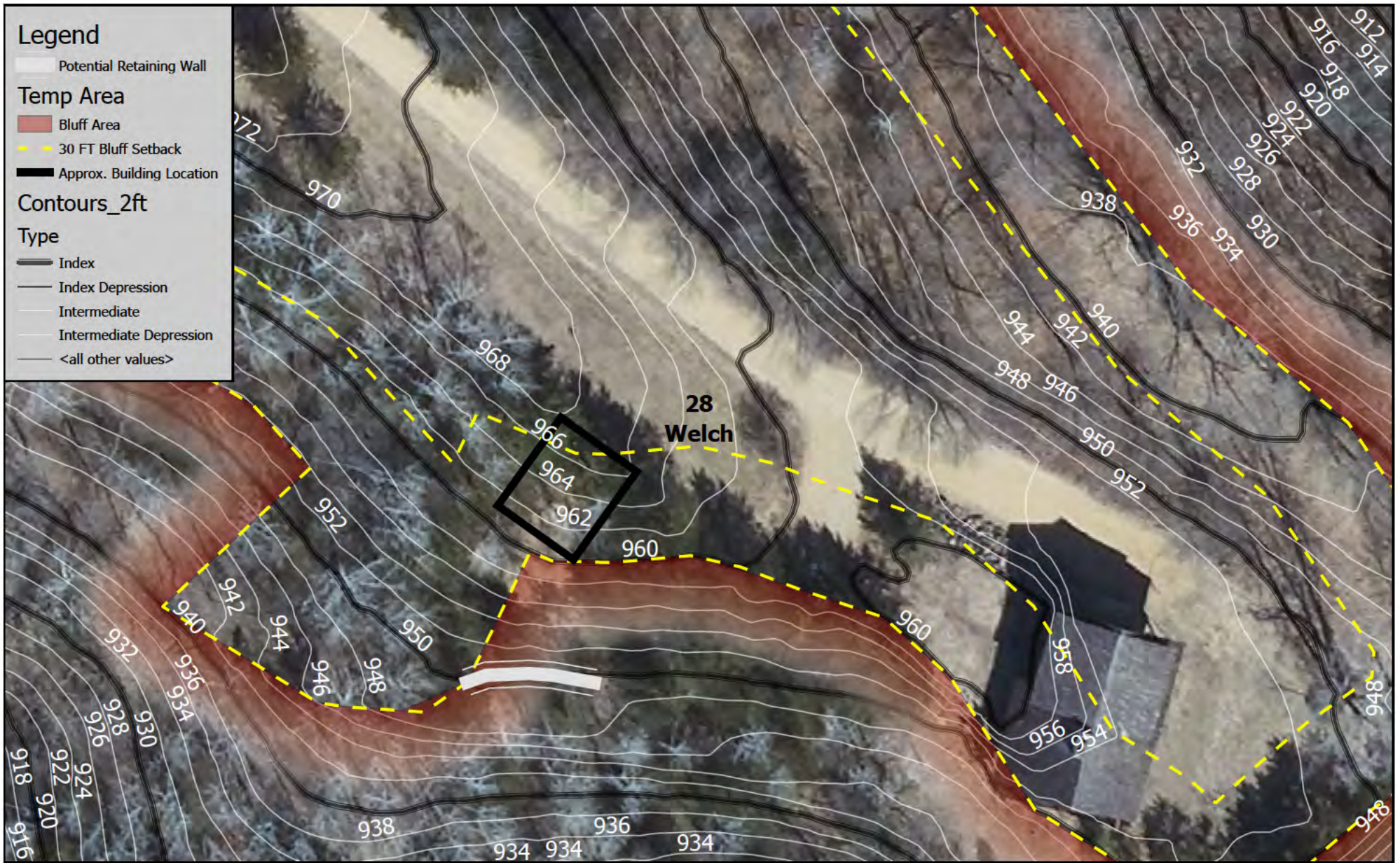
From: Pierret, Samantha <samantha.pierret@co.goodhue.mn.us>
Sent: Wednesday, May 25, 2022 2:03 PM
To: Township - Welch <clerkwelchtownship@gmail.com>; Marcus Johnson <MarcusJ@jlsmail.com>
Subject: Mitch Jackson Variance

Hi Marcus and Jessica,
Mitch Jackson (14417 Welch Trail) has applied for a variance to bluffland setback standards to construct a garage less than 30-feet from the top of a bluff on his property. The County requires Applicants obtain Township acknowledgment of the variance request before we process to ensure there are no Township issues with the County issuing a variance. Mitch said he spoke with Marcus last week I think.
Can either of you reply to this email noting the Township's position/acknowledgment of the request and any additional comments from the Township by June 13th?

Thank you.

Samantha Pierret, AICP
Goodhue County
Planner/Zoning Administrator
651-385-3103

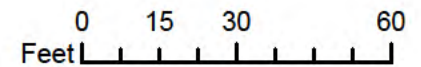
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**Mitchell Jackson - Bluffs
Welch TWP, Section 28 (PIN 460282101)**

Garage Dimensions = 26 ft (wide) x 30 ft (long)

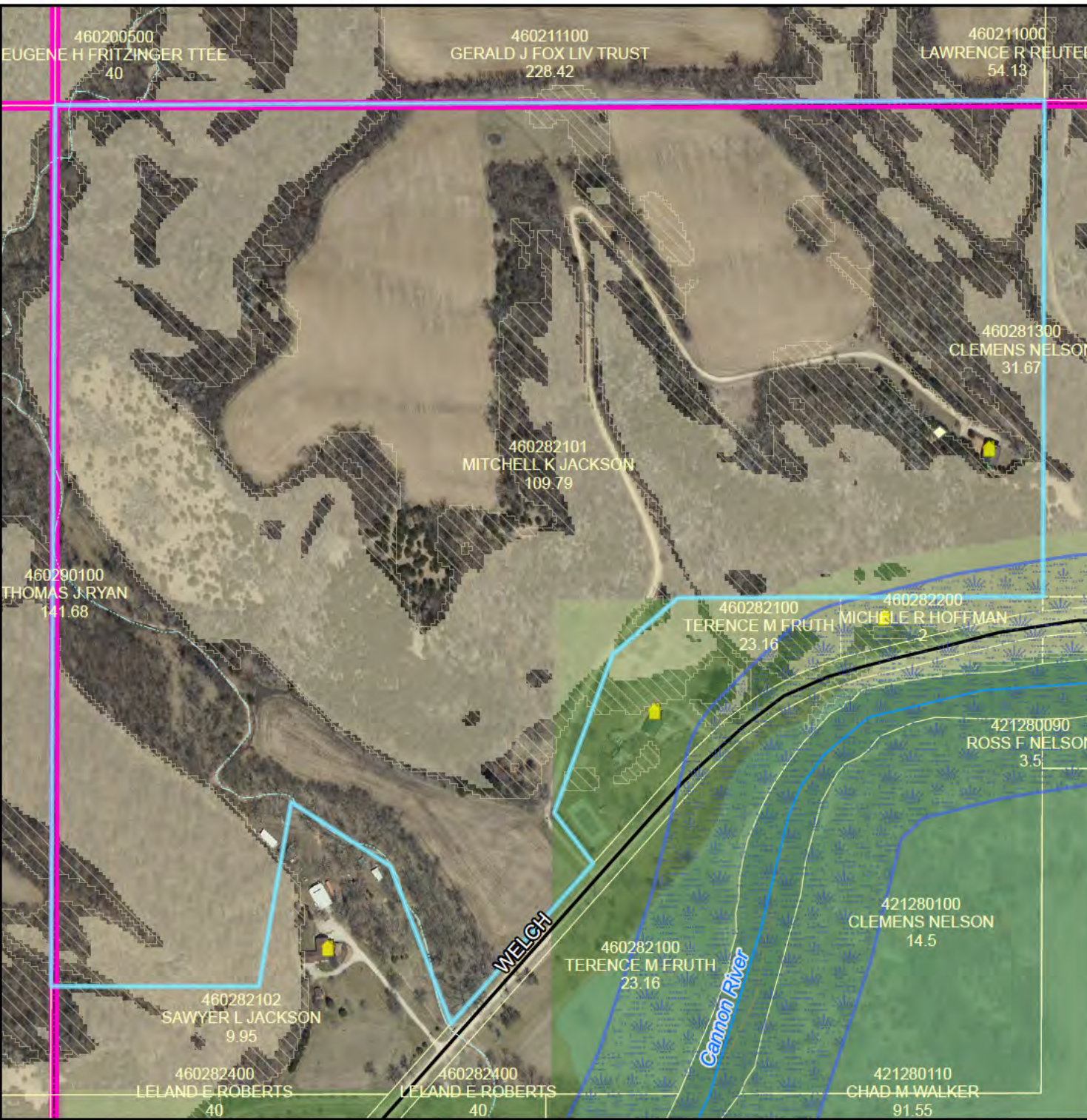
Figure 4



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MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

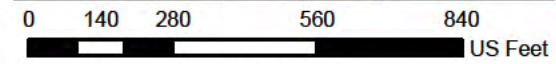
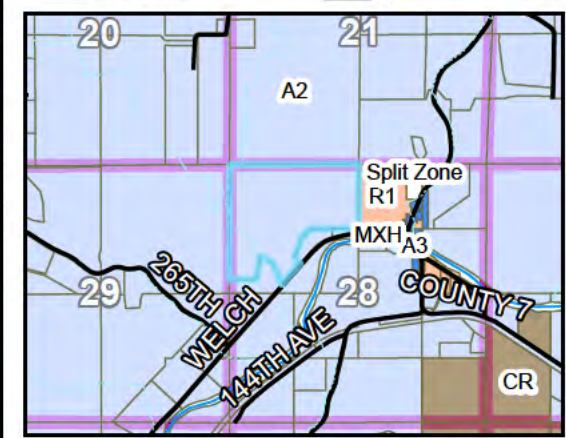
Mitch Jackson (Owner)
A2 Zoned District

The N 1/2 and Part of the S 1/2 of the
NW 1/4 of Section 28 TWP 113 Range 16
in Welch Township

Variance request to allow construction of an
accessory building less than 30-feet
from the top of a bluff

Legend

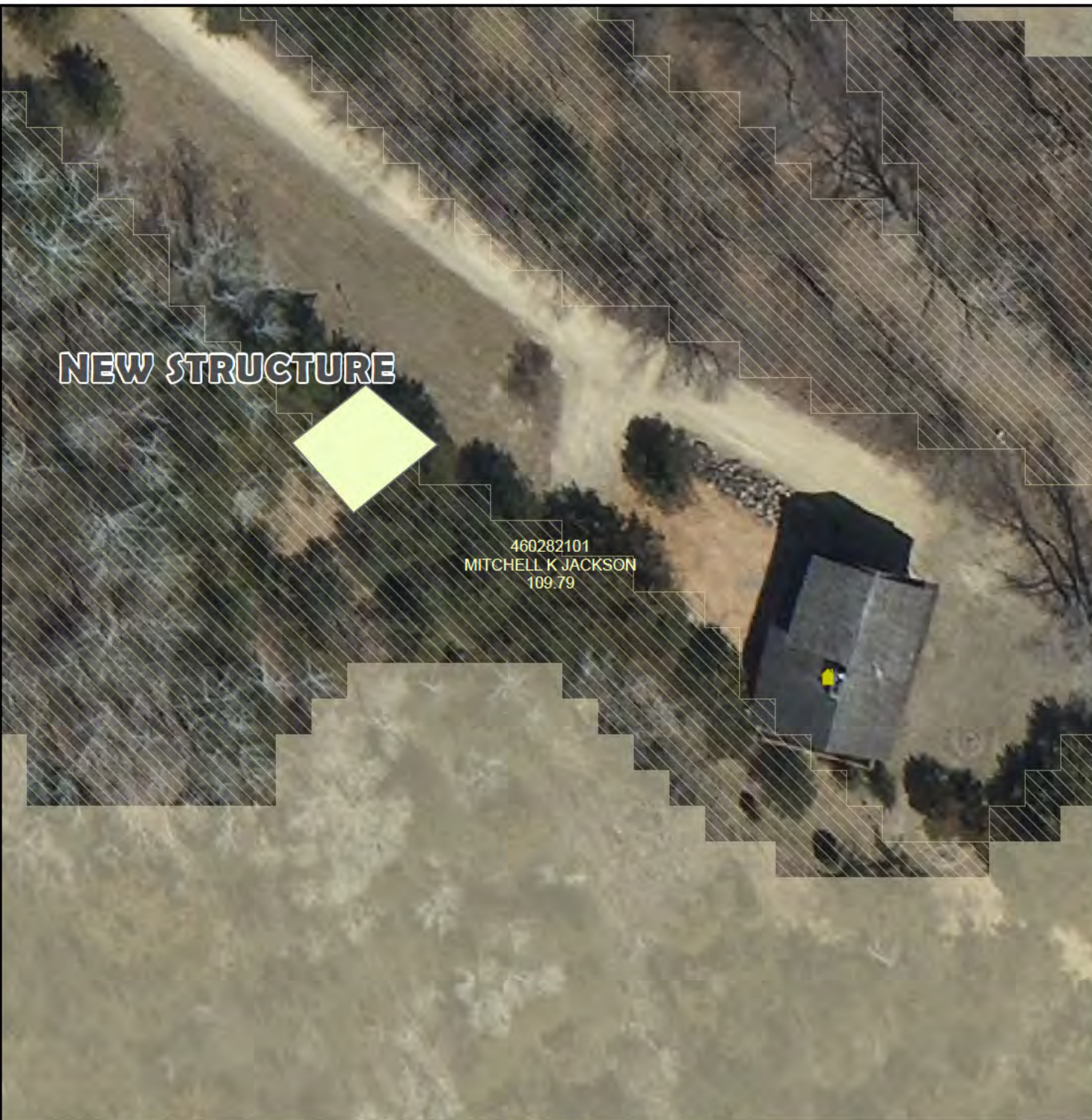
- Intermittent Streams
 - Protected Streams
 - Lakes & Other Water Bodies
 - Shoreland
 - Historic Districts
 - Parcels
 - Registered Feedlots
 - Dwellings
 - Municipalities
- Bluff Impact Zones (% slope)**
 - 20
 - 30
- FEMA Flood Zones**
 - 2% Annual Chance
 - A
 - AE
 - AO
 - X



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BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

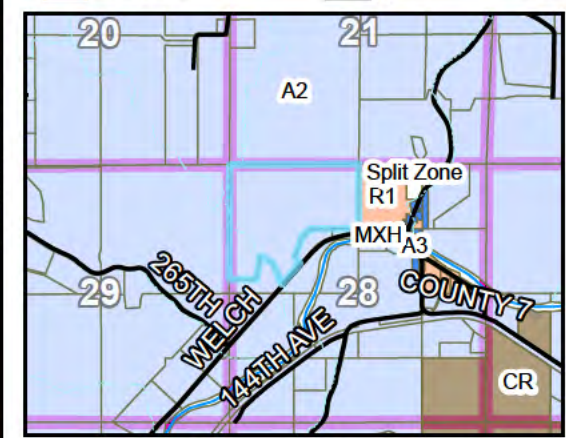
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| Intermittent Streams | Bluff Impact Zones (% slope) 20 |
| Protected Streams | Bluff Impact Zones (% slope) 30 |
| Lakes & Other Water Bodies | FEMA Flood Zones 2% Annual Chance |
| Shoreland | FEMA Flood Zones A |
| Historic Districts | FEMA Flood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



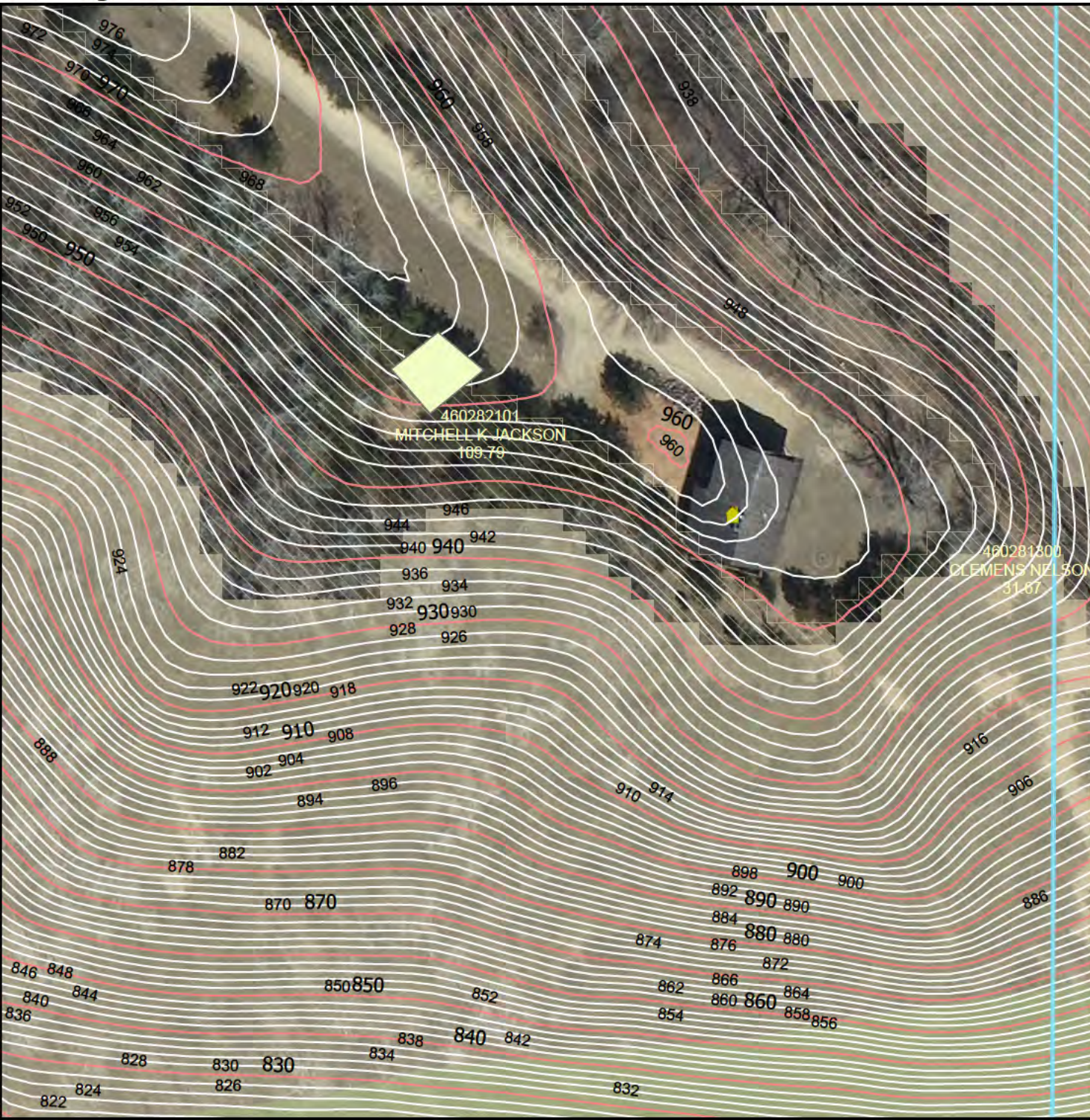
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Public Hearing
June 27, 2022

Mitch Jackson (Owner)
A2 Zoned District

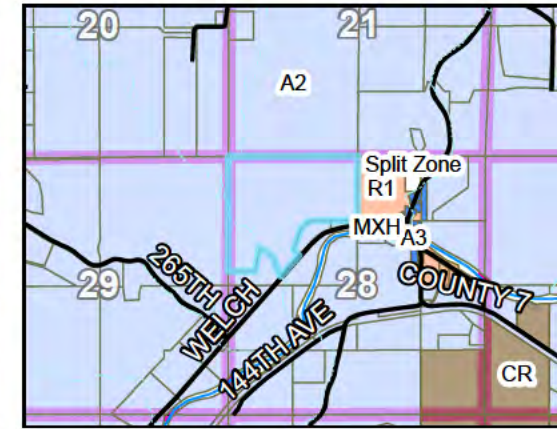
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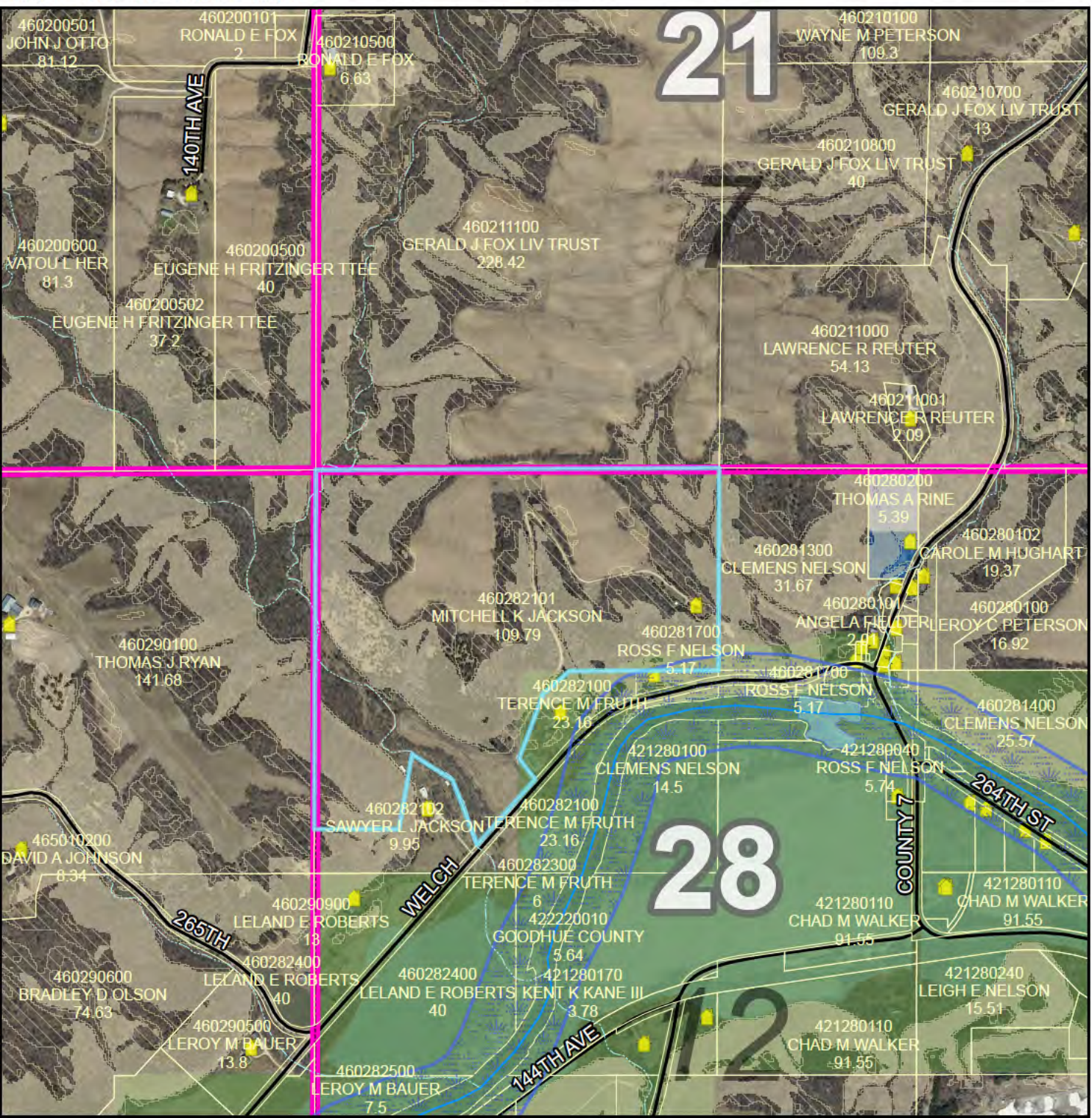
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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

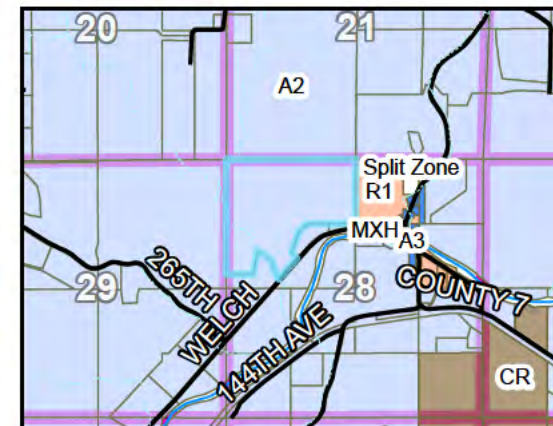
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- | | | | |
|--|----------------------------|--|------------------------------|
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| | Parcels | | A |
| | Registered Feedlots | | AE |
| | Dwellings | | AO |
| | Municipalities | | X |



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ARTICLE 12 BLUFF LAND PROTECTION

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.

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: June 27, 2022
Report date: June 17, 2022

PUBLIC HEARING: Request for Variance, submitted by Cindy Fox (Applicant) on behalf of the Gerald Fox Liv Trust (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a shed 6.5-feet from the top of a bluff and perform grading/excavation work for a new dwelling 10-feet into the bluff impact zone.

Application Information:

Applicant(s): Cindy Fox (Applicant) Gerald Fox Liv Trust (Owner)

Address of zoning request: TBD 140th Ave Way Welch MN 55089

Parcel: 46.021.0700

Abbreviated Legal Description: Part of the NE 1/4 of the SE 1/4 of Section 21 TWP 113 Range 16 in Welch Township.

Township Information: Welch Township has signed acknowledgment of the variance request and did not convey any concerns regarding the application.

Zoning District: A-2 (General Agriculture District)

Attachments and Links:

Application and submitted project summary

Site Map(s)

2020 Staff Letter

GCZO Article 12 Bluffland Protection Standards

Goodhue County Zoning Ordinance:

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

Background:

Cindy Fox (Applicant) has applied for a variance to Bluffland Protection Standards to construct an accessory building 6.5-feet from the top of a bluff where 30-feet is required, and perform grading/excavation work for a new dwelling 10-feet into the bluff impact zone. The Applicant has already installed a driveway on the property and prepared a pad for the proposed accessory building approximately 6.5-feet from the top of a bluff. Zoning and Soil and Water Conservation District staff performed a site visit to the property on June 1st, 2022 where staff verified the driveway and pad did not create any erosion issues and proper erosion control measures were used during construction. Grading/Excavation work on an area over 10,000 square feet not associated with permitted structure construction typically requires an Administrative Land Alteration Permit from the Zoning Administrator.

The County Zoning Administrator performed a site visit on October 27, 2020 and determined the property qualified as an Abandoned Homestead under Article 11, Section 32 of the Goodhue County Zoning Ordinance. If an Abandoned Homestead is located on a property, that parcel is allowed to establish a replacement dwelling regardless of current density restrictions. When evaluating a site, there must be clear, physical evidence of a dwelling and the property itself must contain features such as fencing, foundation, or other apparent articles characteristic of a previously established homestead. Abandoned Homesteads must meet the minimum size regulations, yard requirements, road access standards, Bluffland, Shoreland and Floodplain requirements, and the replacement

dwelling must be placed as near to the Abandoned Homestead as practical.

A letter from staff in 2020 is included in the packet which describes the site visit and classification of the site as an Abandoned Homestead. The foundation that was discovered was located within the bluff impact zone.

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.

Draft Findings of Fact:

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

- Bluffland setbacks and restrictions on development in the bluff impact zone 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 new dwelling was chosen due to its proximity to the Abandoned Homestead as required by Article 11 Section 32.
 - The Applicant expressed willingness to abide by best management practices when constructing the accessory building and dwelling and performing 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 Comprehensive Plan also suggests directing the location of dwelling sites in areas that minimize loss or conversion of prime agriculture soils.
- 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 and accessory building appear consistent with the Goodhue County Comprehensive Plan if best management practices are used to prevent excessive erosion.

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 and accessory structure is a reasonable use of property in the A-2 District.
- The parcel is an existing 13-acre lot which is a conforming lot size in the A-2 Zoning District (2-acre minimum).
- The Applicant stated that there are no alternative locations for the dwelling due to the requirement that it be as close to the abandoned homestead as practical, the existing topography, and to provide adequate space for a well and septic system.
- Goodhue County Soil and Water Conservation District Water Planner Chad Hildebrand

reviewed the proposal and assisted staff in determining the location of the bluff. Mr. Hildebrand noted that the proposed structures and excavation/grading work is not anticipated to be detrimental to the bluff if best management practices are used. Mr. Hildebrand recommended installing a silt fence or biologs to protect against erosion before construction begins. The proposed area for the dwelling will need to prepare the adjacent gully in order to accommodate an increase in stormwater flow.

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 site is surrounded by Blufflands/woodlands in all directions. Surrounding properties are all zoned A-2 (General Agriculture District). There are several properties along County 7 Blvd that may have structures/dwellings too close to a bluff.
- 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.

- Dwellings and accessory structures are a permissible use in the A-2 Zoning District. The request does not constitute a use variance.

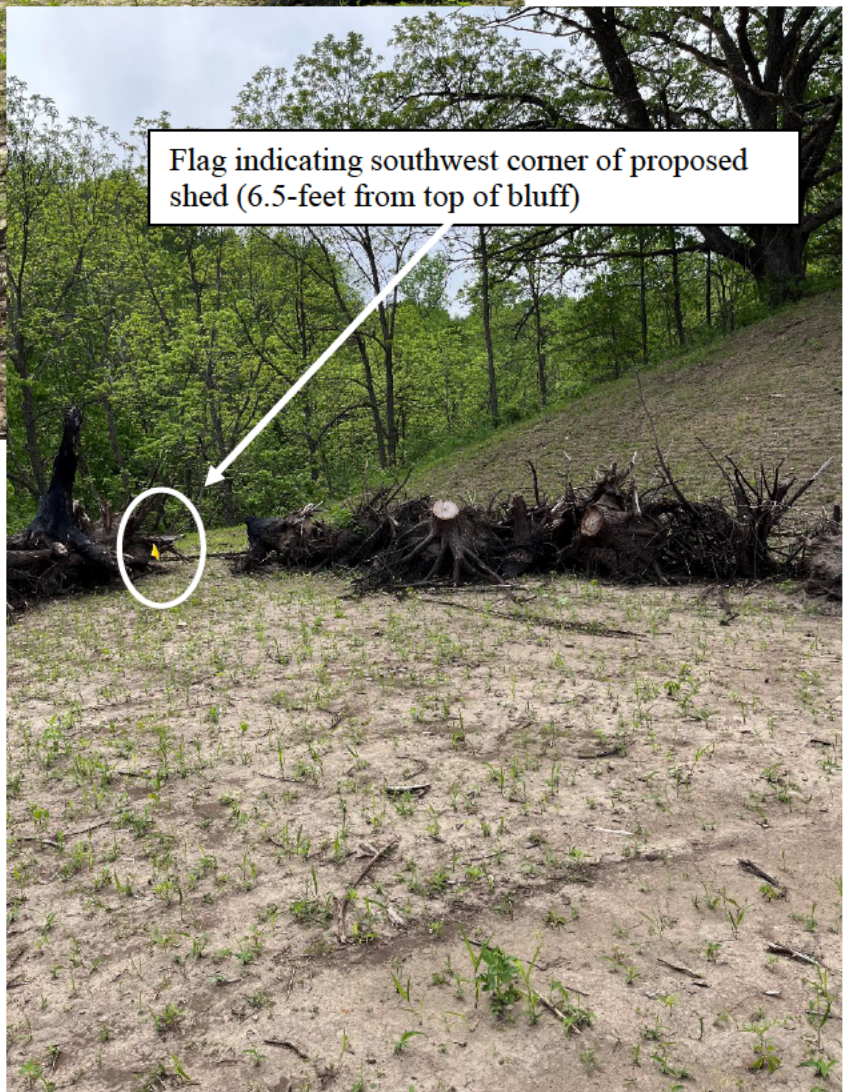
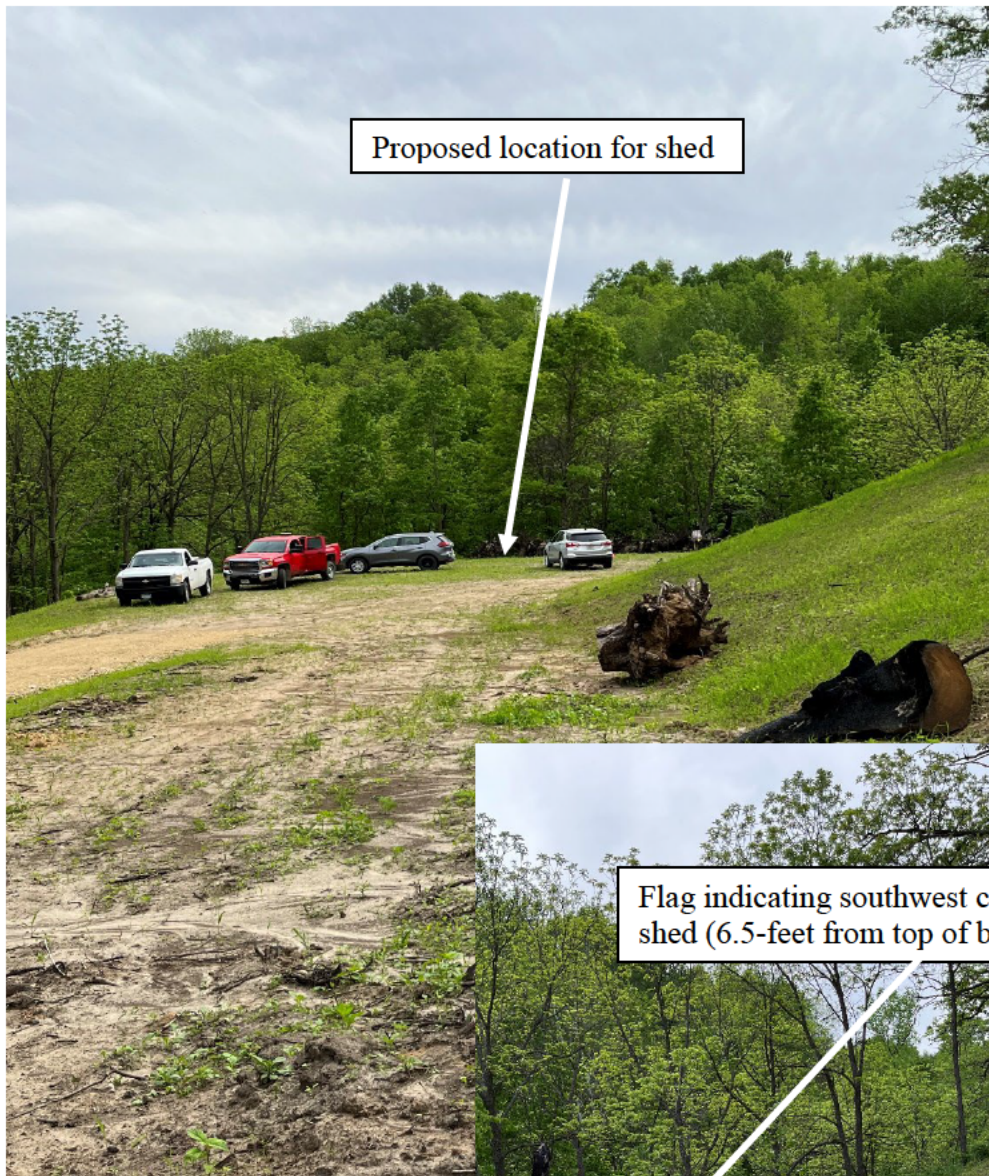
The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing.

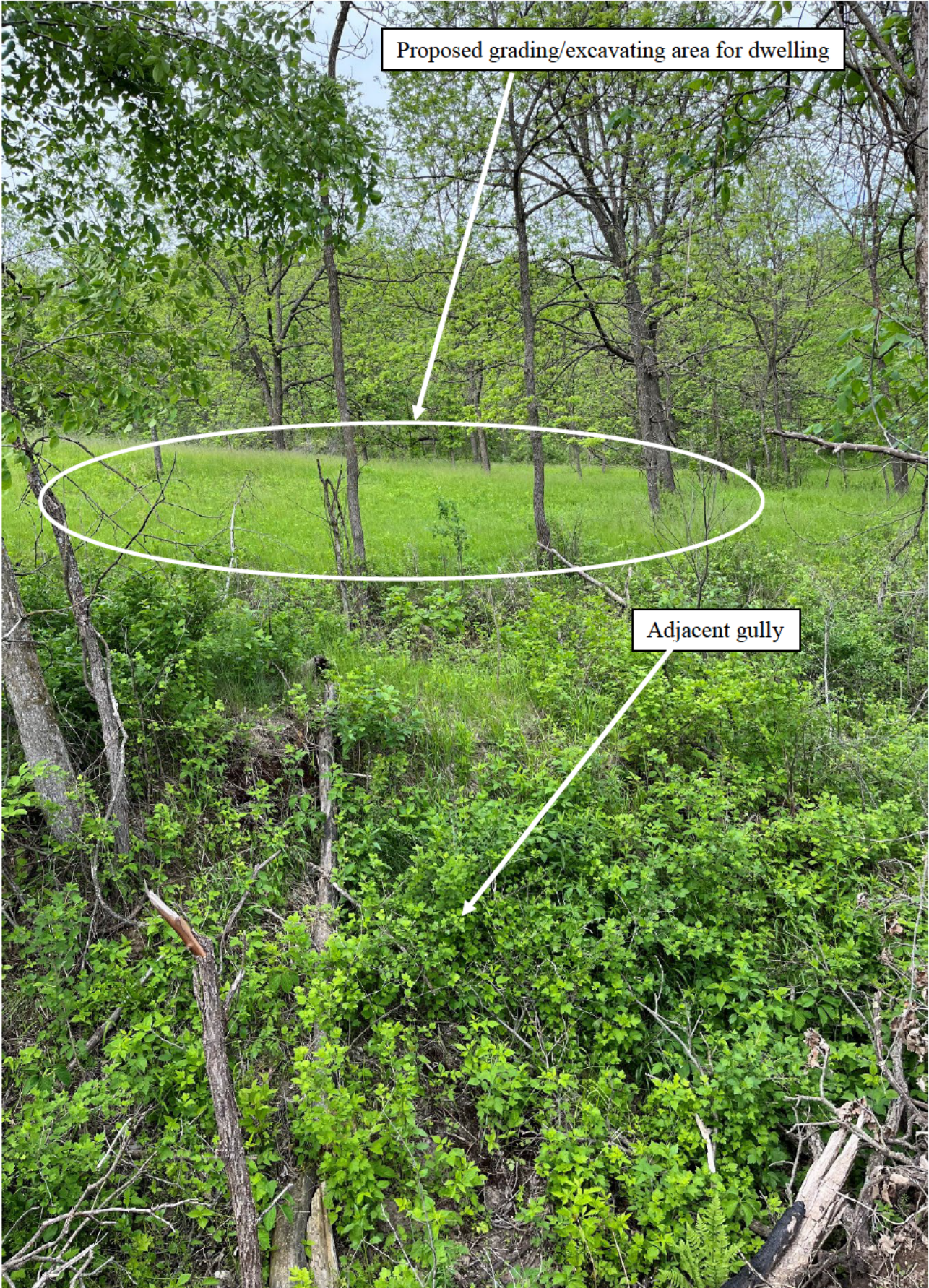
The Board should specify the facts and reasons that are the basis of the Board's determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance

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 Cindy Fox (Applicant) on behalf of the Gerald Fox Livable Trust (Owner) to Bluffland protection standards to allow construction of an accessory structure 6.5-feet from the top of a bluff, and associated excavation/grading for construction of a dwelling 10-feet into the bluff impact zone.





Images of Abandoned Homestead found at site. Pictures taken on October 27th, 2020.



RECEIVED

APPLICATION FOR
Variance

JUN 2 2022

Land Use Management

For Staff Use only	
VARIANCE NUMBER:	Z 22 -0038
\$350 RECEIPT#	17614
DATE	6/2/22

SITE ADDRESS, CITY, AND STATE Welch MN (TBD)		ZIP CODE:
---	--	-----------

LEGAL DESCRIPTION:				Attached <input type="checkbox"/>
PID#: 460210700	ZONING DISTRICT:	LOT AREA (SF/ACRES): 13 acres	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable): 50 x 50

APPLICANT OR AUTHORIZED AGENT'S NAME Ronald & Cindy Fox	
APPLICANT'S ADDRESS: 25500 140th Ave Way Welch MN 55089	TELEPHONE:

PROPERTY OWNER'S NAME: Same as Above <input type="checkbox"/> Gerald J Fox	
PROPERTY OWNER'S ADDRESS: 24942 140th Ave Way Welch, MN 55089	EMAIL: N/A

CONTACT FOR PROJECT INFORMATION: Same as Above <input type="checkbox"/> Cindy Fox	
ADDRESS: 25500 140th Ave Way Welch, MN 55089	

VARIANCE REQUESTED TO: (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input checked="" 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: vacant
	PROPOSED USE: Ag Shed & grading for house
	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 Marcus Johnson CHAIR	DATE 6/2/2022

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: Cindy Fox Date: 6/1/2022

Print name: Cindy Fox (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:

land is vacant, we are looking to put an Ag shed for machinery in ~~and also use as a storage area~~ and clearing for future use

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

wouldnt be able to build

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:

this was an abandon building site. Existing bluff's restrict buildable area

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

No alternative available that wouldnt require a variance

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?:

No, other structures near by are built near the bluff

Goodhue County Land Use Management

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

Lisa M. Hanni, L.S. Director

County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.267.4875



Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.267.4875

Ron Fox
25500 140th AVE Way
Welch, MN 55089

October 27, 2020

PID: 46.021.0700

Ron,

Thank you for meeting with Zoning staff today to discuss the Abandoned Homestead on your property in Welch Township. The Zoning Administrator, Ryan Bechel, has determined your site qualifies as an Abandoned Homestead site eligible for re-establishment of a dwelling. The new structure will need to be located as near to the abandoned dwelling site as practical. Your proposed dwelling location appeared to satisfy this provision of the Ordinance. Setbacks from side and rear property lines are 30 feet and a 60 foot setback from the County 7 Right-of-Way is required.

Next steps would include having a soils test done to determine the best location for a septic system on the property. You can contact our Environmental Health Department with questions on this process: Goodhue County Sanitarian Benjamin Hoyt 651-385-3113 or benjamin.hoyt@co.goodhue.mn.us.

You will need to contact Goodhue County Public Works to determine where an access could be installed on County 7 and to discuss all construction activities and culvert placement in the Right-of-Way. Jess Greenwood is the Assistant County Engineer 651-385-3049 or jess.greenwood@co.goodhue.mn.us.

Work in the bluffs and near steep slopes should be reviewed by the Goodhue Soil and Water Conservation District. We work most often with Beau Kennedy 651-923-5286 ext. 114 or bkennedy@goodhueswcd.org.

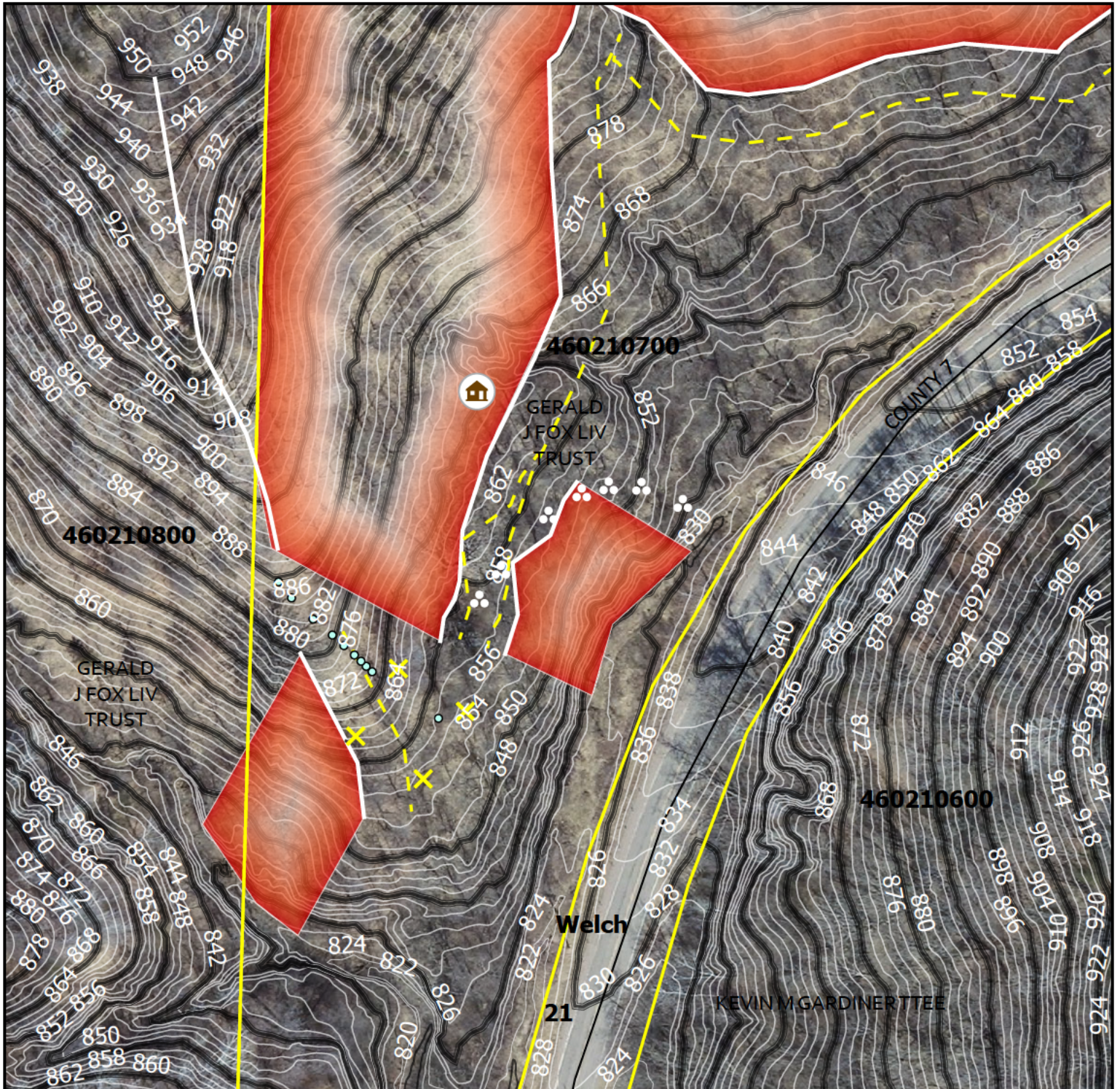
Welch Township will need to give their approval for any building permits on this property as well, we would recommend contacting them soon to determine whether this project will be approved by their Board. Their clerk is Ken Slingsby 507-263-3715 or welchtownship@gmail.com.

If you have any additional Zoning or Land Use questions feel free to contact us.

Samantha Pierret
Zoning Assistant
651-385-3103
samantha.pierret@co.goodhue.mn.us

Fox_BP22-0257

Welch Township, Section 21 (PIN 460210700)



Contours_2ft		Parcel		Garage Location	
Type		Bluff		Proposed House #1	
Index	—	Public Watercourse	—	new grade	●
Index Depression	- - -	Top/Toe of Bluff	—	<all other values>	○
Intermediate	—	30 FT Bluff Setback	- - -	Line Notes	⋯
Intermediate Depression	- - -	Code			
<all other values>	—	Driveway	●		

Figure 3

0 1530 60 90
Feet

2020 Aerial Imagery

This is for informational use only and not used for precise or construction measurements. Only informational.

Fox_BP22-0257 "Bluffs" Welch Township, Section 21 (PIN 460210700)



Bluffs determined by desktop review of 2020 LIDAR.

- - - 30 FT Bluff Setback
- Top/Toe of Bluff
- Public Watercourse
- ▭ Parcel

Figure 1

0 30 60 120
Feet

2020 Aerial Imagery



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

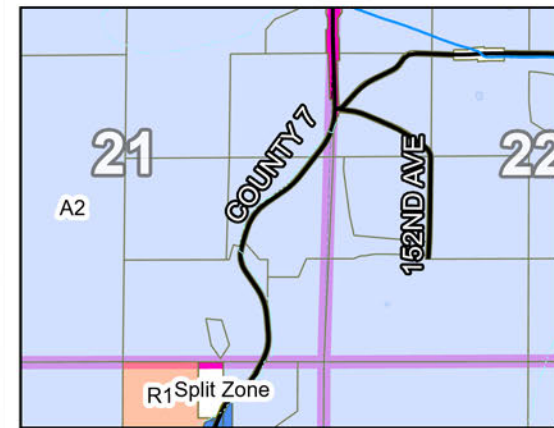
Cindy Fox (Applicant)
Gerald J Fox Liv Trust (Owner)
A2 Zoned District

Part of the NE 1/4 of the SE 1/4
Section 21 TWP 113
Range 16 in Welch Township

Variance request to allow construction
of a shed within 30-feet of a bluff
and grading within the bluff impact zone.

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	



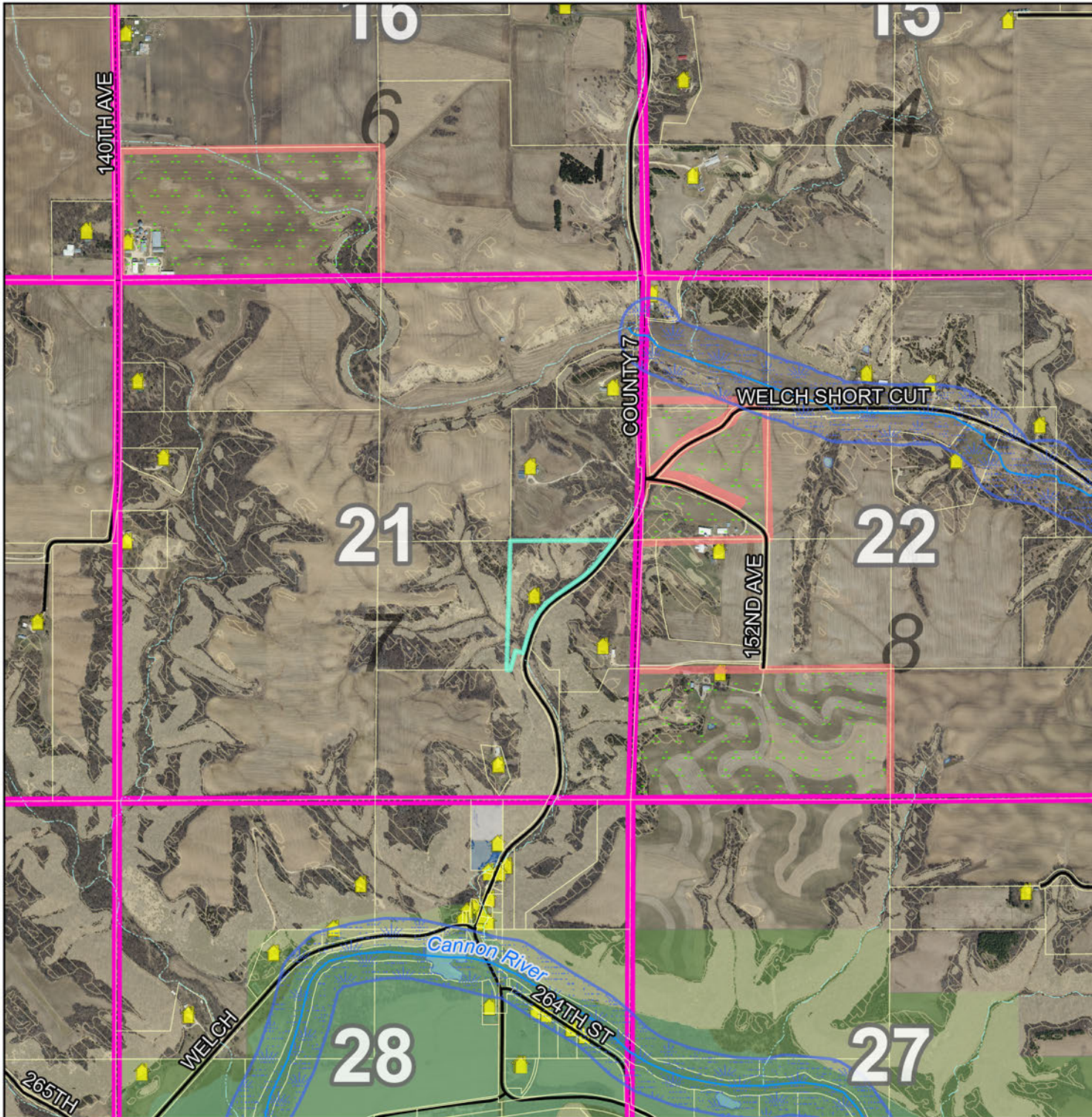
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US Feet

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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

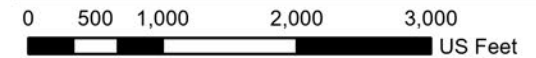
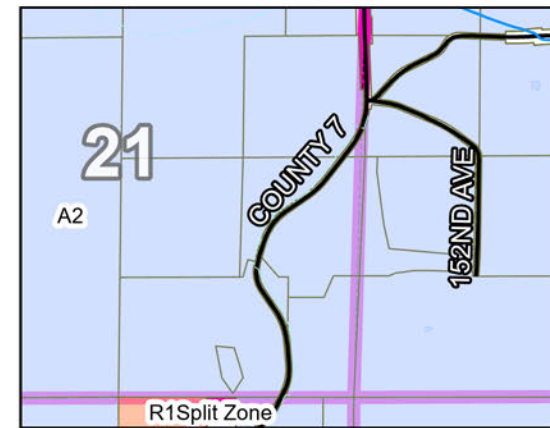
Cindy Fox (Applicant)
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Section 21 TWP 113
Range 16 in Welch Township

Variance request to allow construction of a shed within 30-feet of a bluff and grading within the bluff impact zone.

Legend

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

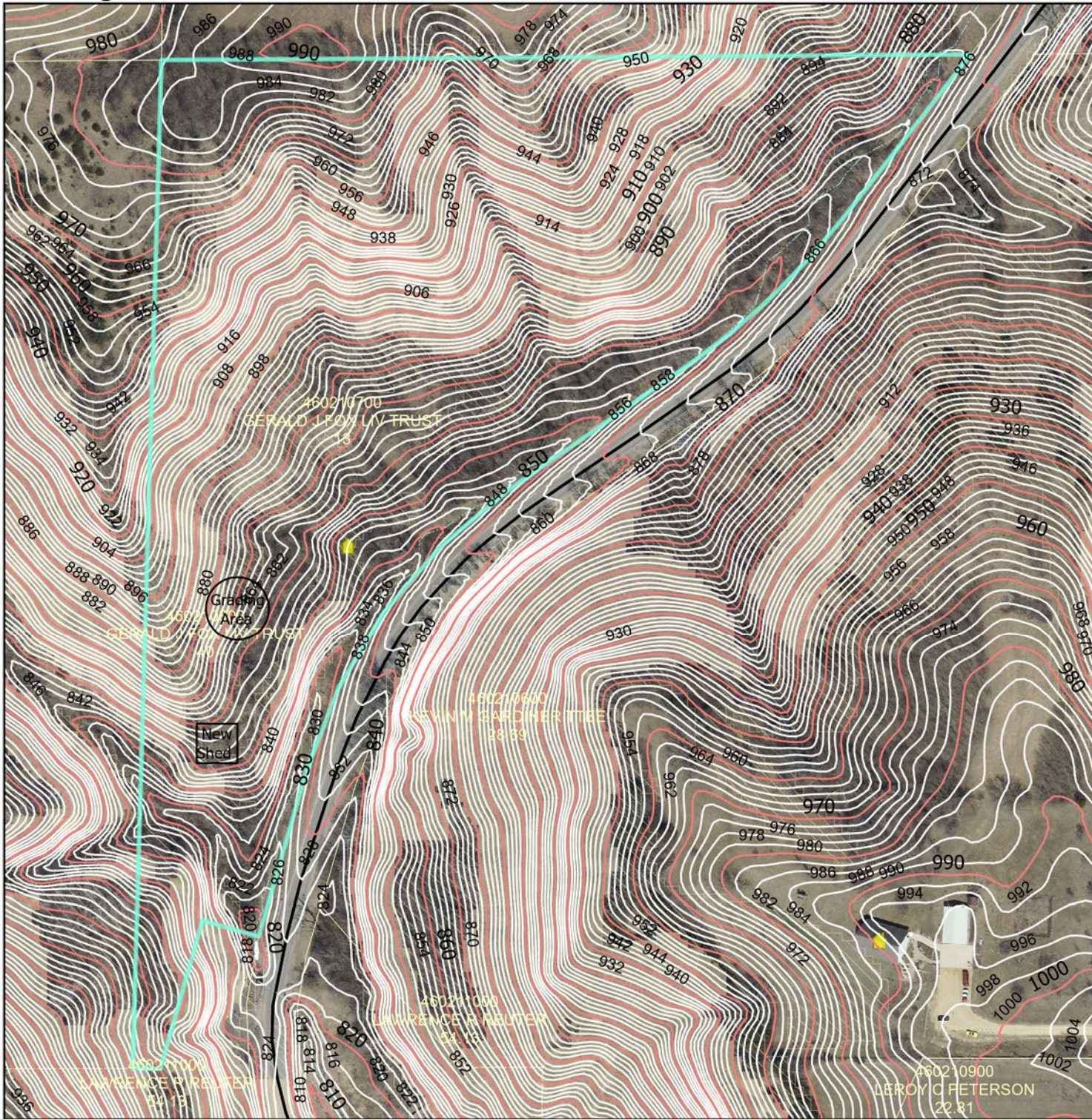


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

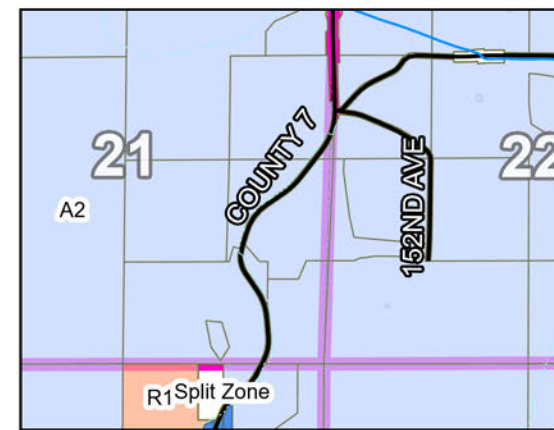
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Part of the NE 1/4 of the SE 1/4
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Range 16 in Welch Township

Variance request to allow construction
of a shed within 30-feet of a bluff
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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	



0 70 140 280 420 US Feet

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ARTICLE 12 BLUFF LAND PROTECTION

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.

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: June 27, 2022
Report date: June 17, 2022

PUBLIC HEARING: Request for Variance, submitted by Grant Voth (Owner), to Article 12 (Bluffland Protection Standards) to allow construction of a replacement dwelling 8 feet from the top and toe of a bluff and associated excavating/grading 12 feet into the bluff impact zone.

Application Information:

Applicant(s): Grant Voth (Owner)
Address of zoning request: 28935 Circle S RD Red Wing, MN 55066
Parcel: 34.001.1000
Abbreviated Legal Description: Part of the SE 1/4 of the SW 1/4 of Section 01 TWP 112 Range 14 in Hay Creek Township.
Township Information: Hay Creek 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:

Grant Voth (Owner) has applied for a variance to Bluffland Protection Standards to construct a replacement dwelling 8 feet from the top and toe of a bluff and perform grading/excavation work 12 feet into the bluff impact zone.

The previous dwelling was built sometime before 1938, (according to historical GIS images) and was demolished in 2014. The previous dwelling was constructed too close to the east property line and within 30 feet of a bluff. The proposed replacement dwelling will meet GCZO property line setbacks.

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:

“To effectively promote the safety, health, and well-being of our residents”

www.co.goodhue.mn.us

- Bluffland setbacks and restrictions on grading/excavating in the bluff impact zone 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 replacement dwelling was chosen due to the existing topography, the location of the previous dwelling, and the existence of an existing driveway for access. The existing access driveway is in good condition and is not located within the bluff impact zone.
- The Applicant expressed willingness to abide by best management practices when constructing the addition and performing 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 promotes the location of replacement dwelling sites in areas that minimize the loss or conversion of prime agricultural soils.
- 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 replacement dwelling and excavation/grading work appear consistent with the Goodhue County Comprehensive Plan if best management practices are used to prevent excessive erosion.

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 replacement dwelling is a reasonable use of property in the A-2 District. Section 01 of Hay Creek Township contains 11 dwellings where a maximum of 12 are allowed, one dwelling per original ¼ ¼.

The proposed replacement dwelling would be constructed 8 feet from the top and toe of the bluffs at its closest point. The proposed grading and excavation work on the northwest edge of the bluff would be required to provide wider access to the proposed replacement dwelling and proposed tuck-under garage (areas 1 and 2 on the submitted site plan). The excavation work and grading on the southwest portion of the bluff would be needed to accommodate equipment used to maintain the property such as skid loaders, mowers, etc. (Area 3)

- The parcel is an existing 13-acre lot which is a conforming lot size in the A-2 Zoning District (2-acre minimum).
- The previous dwelling was constructed sometime before 1938 within 30 feet of a bluff. Goodhue County did not enact zoning regulations until the 1970s and Bluffland regulations were not included in the County’s Zoning Ordinance until the mid-1990s.
- The Applicant stated that there are no alternative locations for the replacement dwelling due to the existing topography, the need for a new septic system, and the desire to use the existing well and garage. While the applicant does own approximately 7.89-acres to the east this property is in a different ¼ ¼ of section 01 which is already occupied by a dwelling at 28639 Circle S RD, owned by Bradley and Susan Cushing.
- Goodhue County Soil and Water Conservation District Water Planner Chad Hildebrand reviewed the proposal and assisted staff in determining the location of the top and toe of the bluff. Mr. Hildebrand recommended installing a silt fence on the eastern side of the proposed replacement dwelling and beyond the project site before construction. For the proposed

excavation and grading into the bluff impact zone, Mr. Hildebrand recommended installing a silt fence away from the toe of the bluff before any work begins. To stabilize the area after construction, Mr. Hildebrand recommended working with a professional to either install a retaining wall or re-grade the bluff to a 5:1 slope and mulch/hydro-seed the exposed soil.

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 property is surrounded by Blufflands/woodlands in all directions. Surrounding land uses consist of row-crop agriculture and medium-density residential zoned A-2 (General Agriculture District). 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.

- Replacement dwellings 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 Grant Voth (Owner) to Bluffland protection standards to allow construction of a replacement dwelling 8 feet from the top and toe of a bluff, and associated excavation/grading 12 feet into the bluff impact zone.



Variance

Land Use Management

RECEIVED
JUN 3 2022

For Staff Use only		
VARIANCE NUMBER:	Z 22.0040	
\$350 RECEIPT#	17617	DATE 6-3-22

SITE ADDRESS, CITY, AND STATE		ZIP CODE:	
28935 Circle S Road, Red Wing, MN		55066	
LEGAL DESCRIPTION:			
Attached <input type="checkbox"/>			
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:
34.001.1000		13 acres	site irregular L 100x60
			STRUCTURE DIMENSIONS (if applicable):
			see pic for prelim

APPLICANT OR AUTHORIZED AGENT'S NAME	
Grant Charles Voth	
APPLICANT'S ADDRESS:	
485 Lancaster Blvd, Zumbrota, MN 55992	

PROPERTY OWNER'S NAME:	
Same as Above <input checked="" type="checkbox"/>	
PROPERTY OWNER'S ADDRESS:	
485 Lancaster Blvd, Zumbrota, MN 55992	

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 type="checkbox"/> Property Line Setbacks <input checked="" 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:	
	private residence	
	PROPOSED USE:	
	private residence	
	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: 6/2/22

Print name: Grant Voth (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: _____

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:

Due to age and deterioration the previous home was removed in 2014 with plans to build new as soon as feasible on the same location. The property is mostly wooded hillside except for this narrow flat long used building site where a garage, well, and seasonal camper are now used. Current setback requirements would not allow enough room to rebuild the house.

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

We could likely not build on this property without a variance, as almost all of it is now marked as bluffland and/or has the same or other limitations, would be much more costly, and would detrimentally impact how we use the land (small orchard, wildlife plantings, recreation, etc...). Value of the property would also be impacted, as it can only be used seasonally without a year round home.

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:

This property has a unique U shaped driveway which leads to the long established building site which basically the only flat area on the property, and the only place we could build without encountering other bluffs, runoff, etc... issues. This site also can use the existing well and garage, and offers the most options for a new septic location.

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

no other site is a feasible option for us on the property

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?:

No it would not. At least 4 other properties along this road have been similarly built along the hillside on flat areas.

The house that was removed from this location was likely the oldest home in the valley when purchased, and erosion has never been an issue.

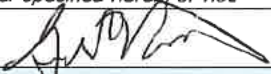
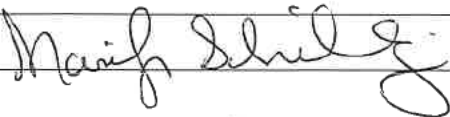
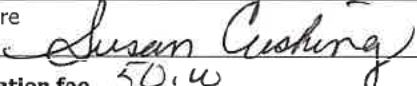
The building site portion of the property has been maintained to protect, beautify and naturalize the country setting.

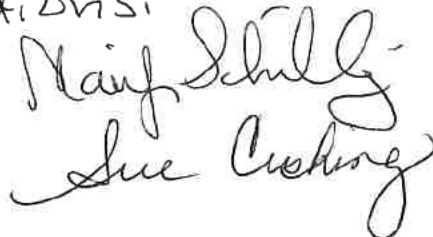
TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Hay Creek

Goodhue County

Parcel # 34.001.1000

APPLICANT INFORMATION			
Last Name	Voth	First	Grant
Street Address		485 LANCASTER BLVD	
City	Zumbrota	State	MN
M.I.		ZIP 55992	
Email Address			
Township 112	Range 14	Section 01	
PROJECT INFORMATION			
Site Address 28935 Circle S Rd., Red Wing, MN 55066			
Zoning District	Lot Size	13 acres	Structure Dimensions
Type of Project	House	Proposed Use	Residential
Structure Type	Replacement?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Variance #	Conditional Use Permit #		
Name of Property Owner: Grant Voth			
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 05/28/2022
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			Title Clerk Date 5-28-2022
Signature			Title Supervisor Date 5/28/2022
Application fee	50.00		
Receipt Number			

request.
 variance-toe of bluff
 no objections.


Voth Property Aerial
28935 Circle S Road



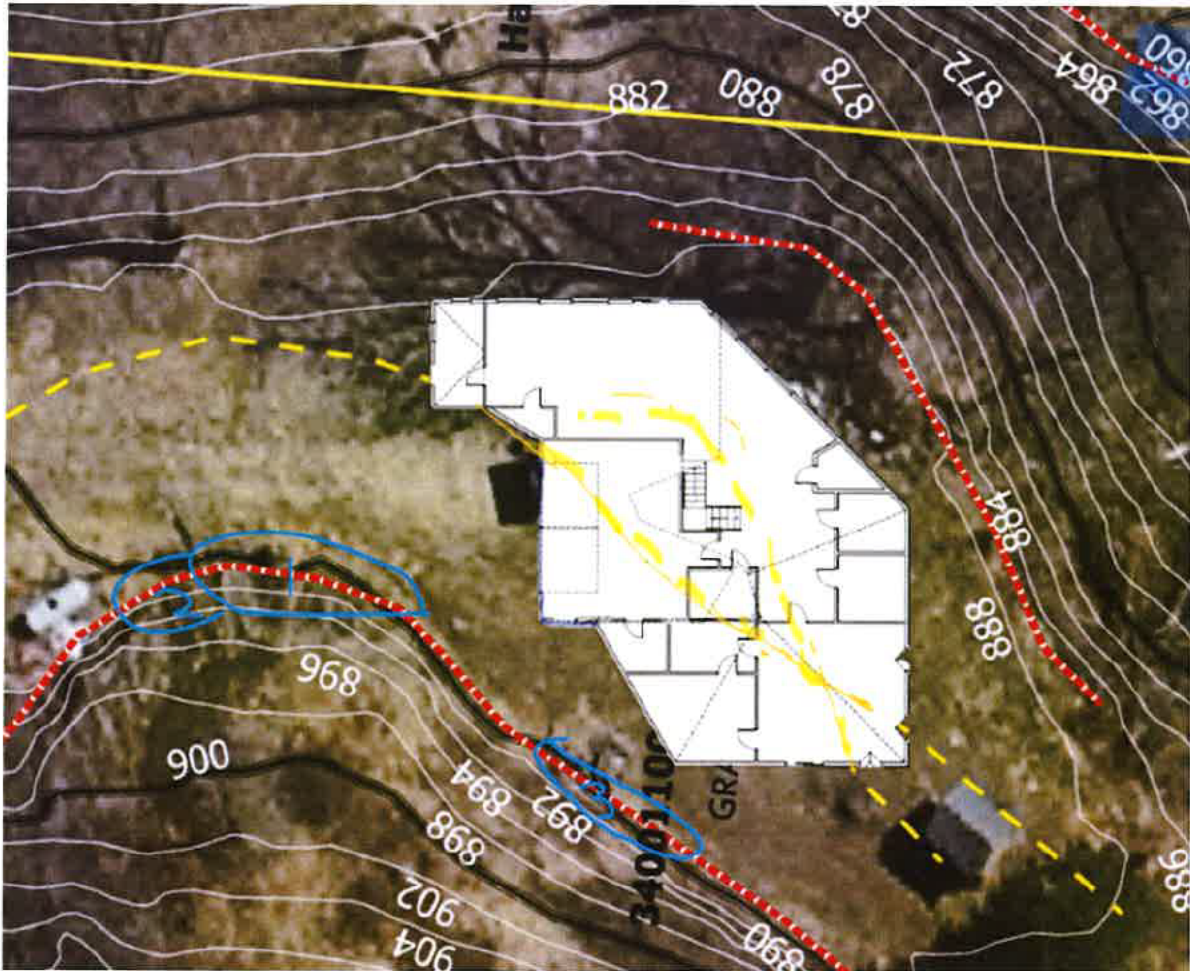
---- is approx
footprint
of orig
home

White is proposed
footprint of new
home

W = Well
S = Septic
G = Garage

Grant Voth property variance request

This image is the proposed footprint of the home with bluff setback markings. Request is that the home can be placed within 8 feet of the bluff toe, and edge of bluff it sits on. Again, this is comparable to the location and setback of the previous home site. You will also see 3 areas marked in blue where we could potentially want to put in retaining walls and drain tile in order to gain more ground around the building location. If this impacts our ability to build here we could live without that option, but you (Alex) had mentioned better to put that request in right away.



Grant Voth "Bluffs" Hay Creek, Section 1 (PIN 340011000)

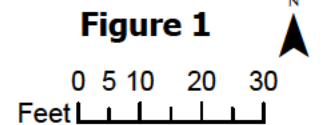


Bluffs determined by desktop review of 2020 LIDAR.



Contours_2ft
Type
— Index

- Index Depression
- Intermediate
- Intermediate Depression
- <all other values>
- - - 30 FT Bluff Setback
- · · Top/Toe of Bluff
- Public Watercourse
- ▭ Parcel



2020 Aerial Imagery

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

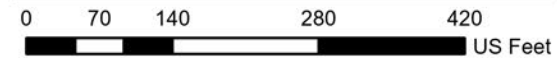
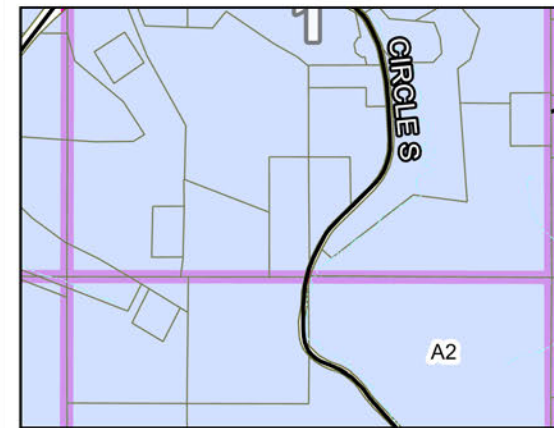
Grant Voth (Owner)
A2 Zoned District

Part of the SE 1/4 of the SW 1/4
Section 01 TWP 112
Range 14 in Hay Creek Township

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

Legend

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



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MAP 02: VICINITY MAP

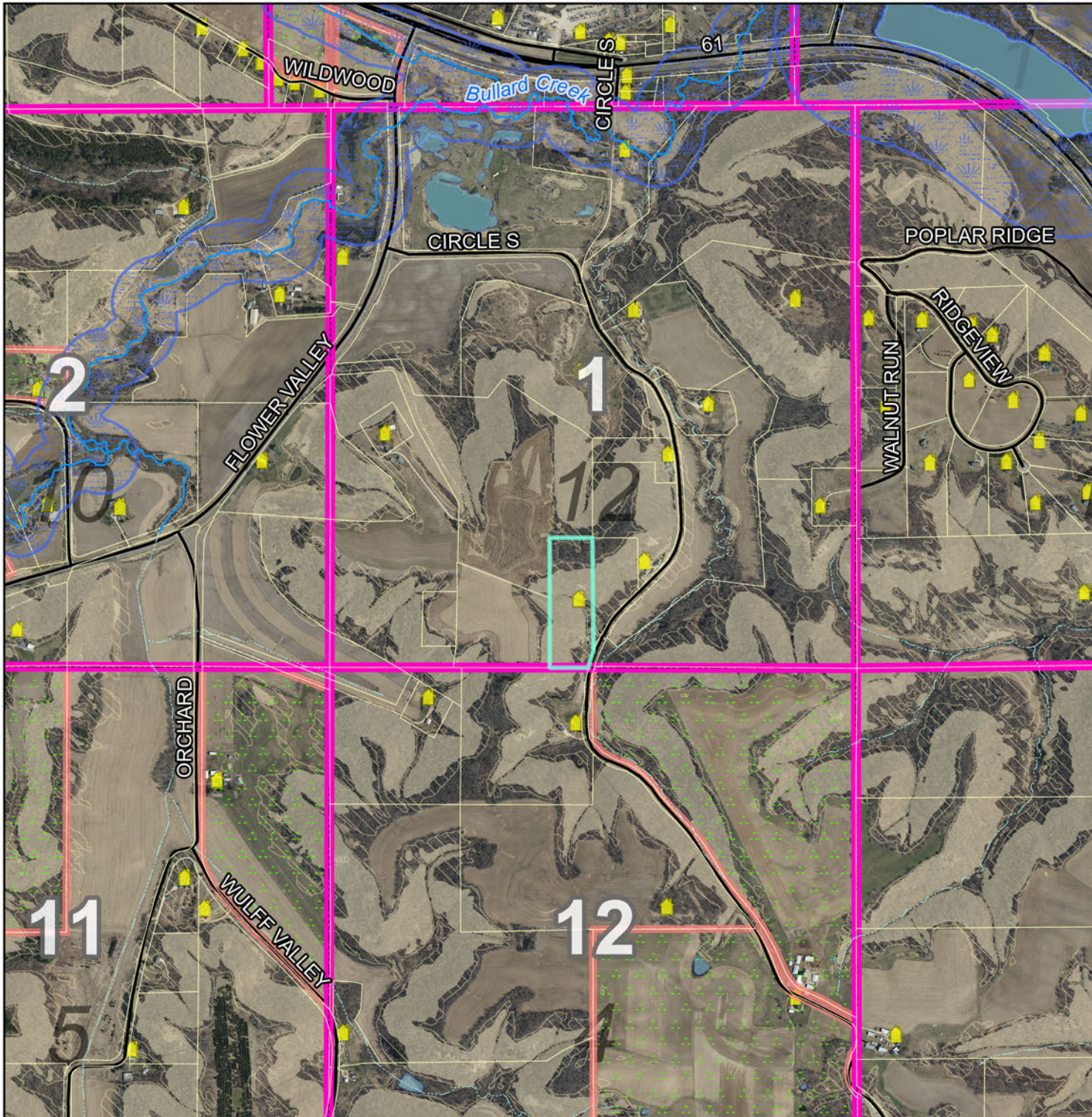
BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

Grant Voith (Owner)
A2 Zoned District

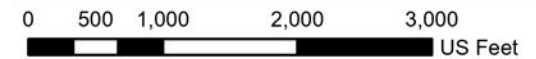
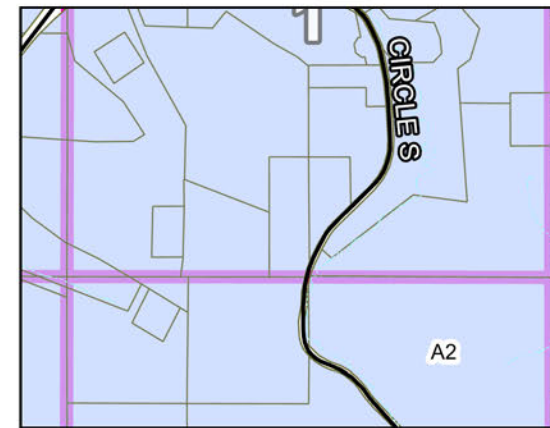
Part of the SE 1/4 of the SW 1/4
Section 01 TWP 112
Range 14 in Hay Creek Township

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



Legend

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

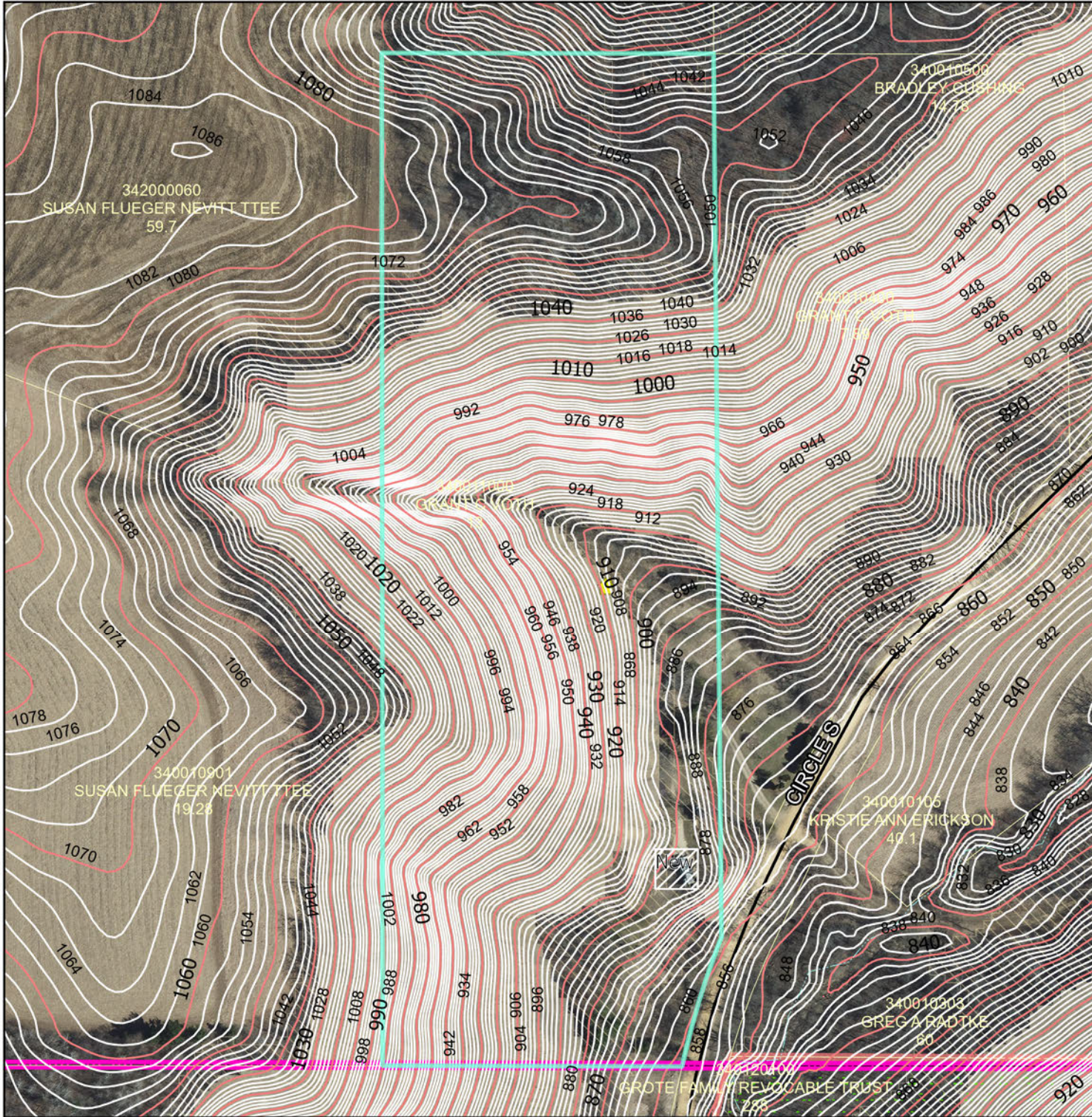


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

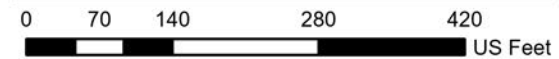
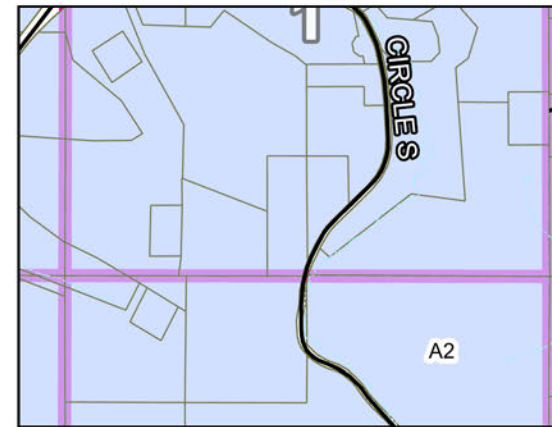
Grant Voth (Owner)
A2 Zoned District

Part of the SE 1/4 of the SW 1/4
Section 01 TWP 112
Range 14 in Hay Creek Township

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

Legend

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



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2020Aerial Imagery
Map Created June, 2022 by LUM



ARTICLE 12 BLUFF LAND PROTECTION

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.

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: June 27, 2022
Report date: June 17, 2022

PUBLIC HEARING: Request for Variance to Maximum Accessory Building Size

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

Application Information:

Applicants: Jeffrey Davis (Owner)

Address of zoning request: 867 Sciota Trail Randolph, MN 55065

Parcel: 41.018.0202

Abbreviated Legal Description: Part of the N 1/2 of the NE 1/4 of Section 18 TWP 112 Range 18 in Stanton Township

Township Information: Stanton Township has signed acknowledgement of the request and approved a variance request for the accessory building's size at their May 2022 meeting. The variance was approved contingent on County variance approval.

Zoning District: R1 (Suburban Residence District)

Attachments and Links:

Application and submitted project summary

Site Map

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

Background:

Jeffrey Davis (Applicant) has applied for a variance to R-1 Accessory Structure Standards to construct a 3,200 square foot (50-foot x 64-foot) post-frame style shed for storage.

Article 24 Section 4 of the Goodhue County Zoning Ordinance limits detached accessory structures in the R-1 District to a maximum size of 1,500 square feet on lots less than 1-acre and 2,100 square feet on properties that contain 1 or more acres. Mr. Davis's property is currently 5.58-acres.

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 R-1 maximum accessory structure standards 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.

- The property is 5.58-acres, five times larger than the 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 Sciota TRL Right-of-Way (60-foot minimum). The large setback and existing tree coverage along the north and east side of the project area would soften the visual impacts to the neighboring landowners. Chad Hildebrand, SWCD Water Planner, reviewed the proposal and did not identify any stormwater issues.
- Given the Applicant's large lot size in the R-1 District, the increased setback of the structure from the Right-of-Way, 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 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 3,200 square foot (50-foot x 64-foot) accessory building to accommodate storage is a reasonable use of property in the R1 District.
- The Applicant's 5.58-acre parcel is a conforming lot size in the R1 District (1-acre minimum).
- The structure would meet all other GCZO requirements including setbacks from property lines and structure coverage maximums (less than 20% structure coverage).

The Applicant stated that due to the location of the well, septic, and dwelling, there is only one feasible spot to accommodate an accessory building.

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.

- Mr. Davis' property is located in a rural cluster of residential properties. The property is surrounded by woodlands to the north and east. Directly south are A-2 zoned properties (General Agriculture District), and row-crop agriculture is the primary use of the land to the south and west.

A post-frame style 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.

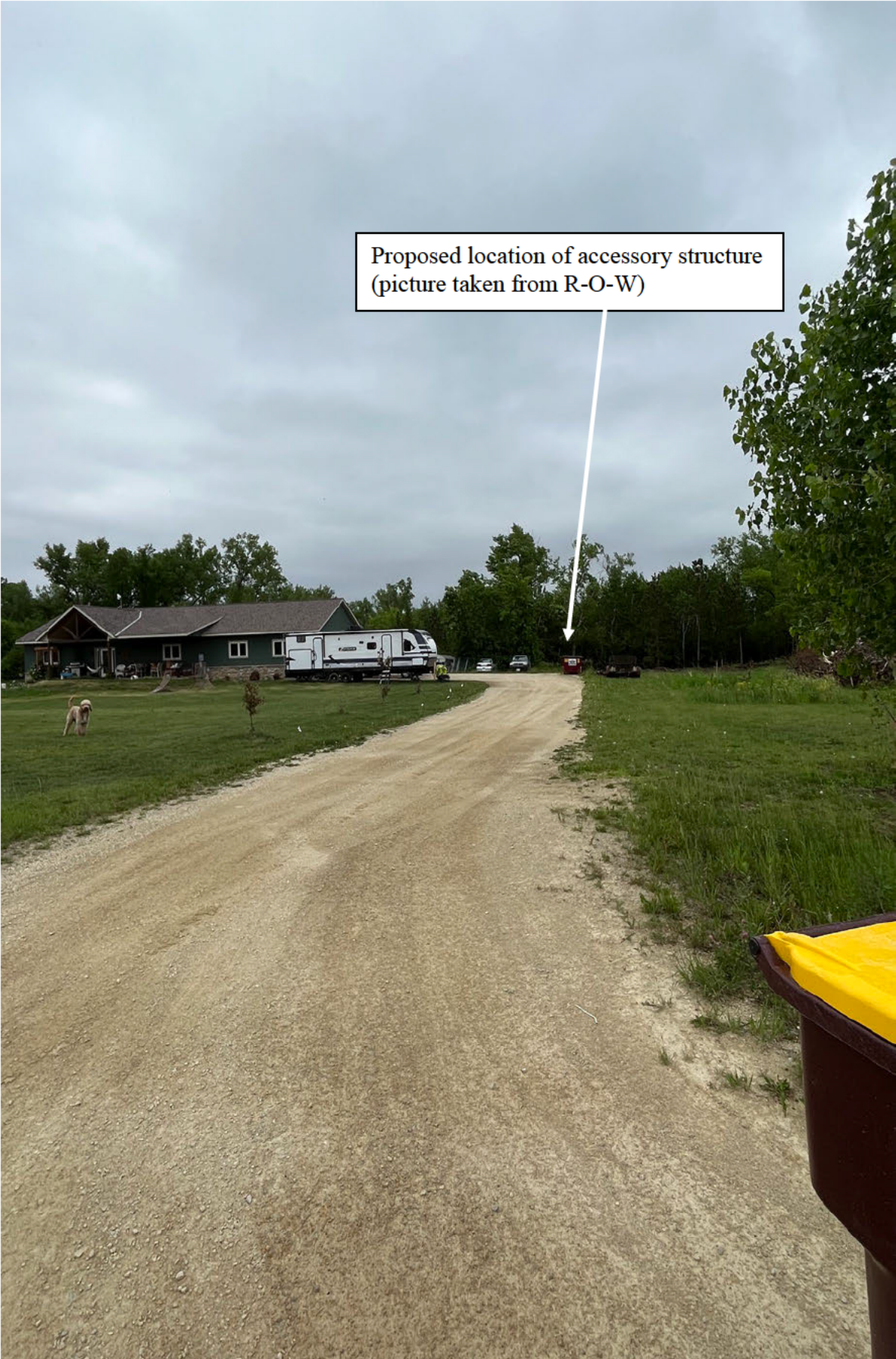
The Board should specify the facts and reasons that are the basis of the Board's determination. In

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

APPROVE the variance request, submitted by Jeffrey Davis (Owner), to R1 Zoning District standards to allow construction of a 3,200 square foot (50-foot x 64-foot) post-frame style shed.



Proposed location of accessory structure
(picture taken from R-O-W)

APPLICATION FOR
Variance

Land Use Management

JUN 9 2022

RECEIVED

For Staff Use only

VARIANCE NUMBER:

7 22-0041

\$350 RECEIPT#

17623

DATE

6/9/2022

SITE ADDRESS, CITY, AND STATE		ZIP CODE:
867 Sciota Trail E, Randolph, MN		55065

LEGAL DESCRIPTION:				
Sect-18 Twp-112 Range-018 5.58 AC DOC#613949 PT OF N1/2 NE1/4 SEC 18-112-18 COM Attached <input type="checkbox"/>				
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
410180202	R-1	5.58 acres		50x64x18

APPLICANT OR AUTHORIZED AGENT'S NAME	
Jeff Davis	
APPLICANT'S ADDRESS:	
867 Sciota Trail E, Randolph, MN 55065	

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 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 checked="" type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:
	new structure
	PROPOSED USE:
	Storage Building
	BUILDING APPLICATION PERMIT NO.: (if filed)
	DATE FILED:
	5/20/22

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.		
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: Jeff Davis

Date: 5/31/22

Print name: Jeffery A Davis (owner or authorized agent)

REQUEST SUMMARY

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

Article: 24 Section: 4 Name: Accessory Structures and 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.

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

Based on my property information, I can have multiple 2100 sq foot accessory buildings. Due to topographical reasons, I can realistically put up 1 big buidling. Because of this, I'm requesting a variance to build a 50x64 post frame shed since I'm unable to build as many buildings as my property size would typically allow.

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

Would cause the property to not have the same opportunities and storage capacity as other like properties, also meaning less property value.

It would also cause storage issues to keep belongings inside and secured.

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:

north wooded section sits low and subject to wet ground. Northwest of the house has a drainage field. South of the house is the well. Immediate north of the house is the septic system. This leaves only 1 feasible location for an accesory building.

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

No alternatives can be identified.

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

No alternatives can be identified.

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

No, I am zoned residential but we are in the country with neighboring properties having similar buildings and sizes.

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Stanton

Goodhue County

Parcel # 410180202

APPLICANT INFORMATION

Last Name Davis

First Jeff

M.I.

Street Address 867 Sciota Trail

Phone 5072264005

City Randolph

State MN

ZIP 55065

Email Address jkdavis@frontiernet.net

Township 112 Range 018

Section 18

PROJECT INFORMATION

Site Address 867 Sciota Trail

Zoning District Lot Size 5.58 Acres

Structure Dimensions 50x64x18 w/6' porch

Type of Project Shed Construction Proposed Use Storage

Structure Type Post Frame Replacement? YES NO

Variance # Conditional Use Permit #

GPS Coordinates

DISCLAIMER AND SIGNATURE

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.

Signature

Date

TOWNSHIP APPROVALS

I hereby certify that the above described project has been approved by the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.

Signature

Cheryl R. Peterson

Title

Clerk

Date

5-17-22

Signature

Title

Date

Application fee

Receipt Number

Davis Site Map



Property notes: north of the drain field location and the shed is a white line that notes a hillside that goes down into the woods. Same with the lines that go perpendicular to the house is a slope down and then the yard slopes down more into the back woods.

Deck: The deck will be attached to the north side of the house, with footings safely away from the septic system.

Shed: The shed building will be constructed to the east/northeast of the house. This is the best location away from utilities and

MAP 01: PROPERTY OVERVIEW

BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

Jeff Davis (Owner)
R1 Zoned District

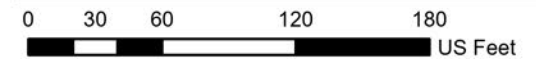
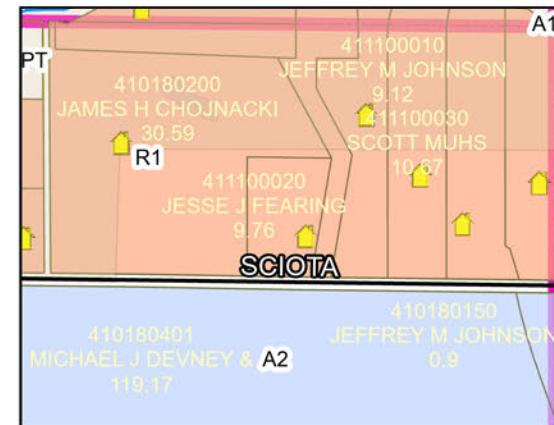
Part of the N ½ of the NE ¼ of
Section 18 TWP 112 Range 18
in Stanton Township.

Variance request to allow construction
of an accessory structure exceeding
2100 square feet.



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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SCIOTA

MAP 02: VICINITY MAP

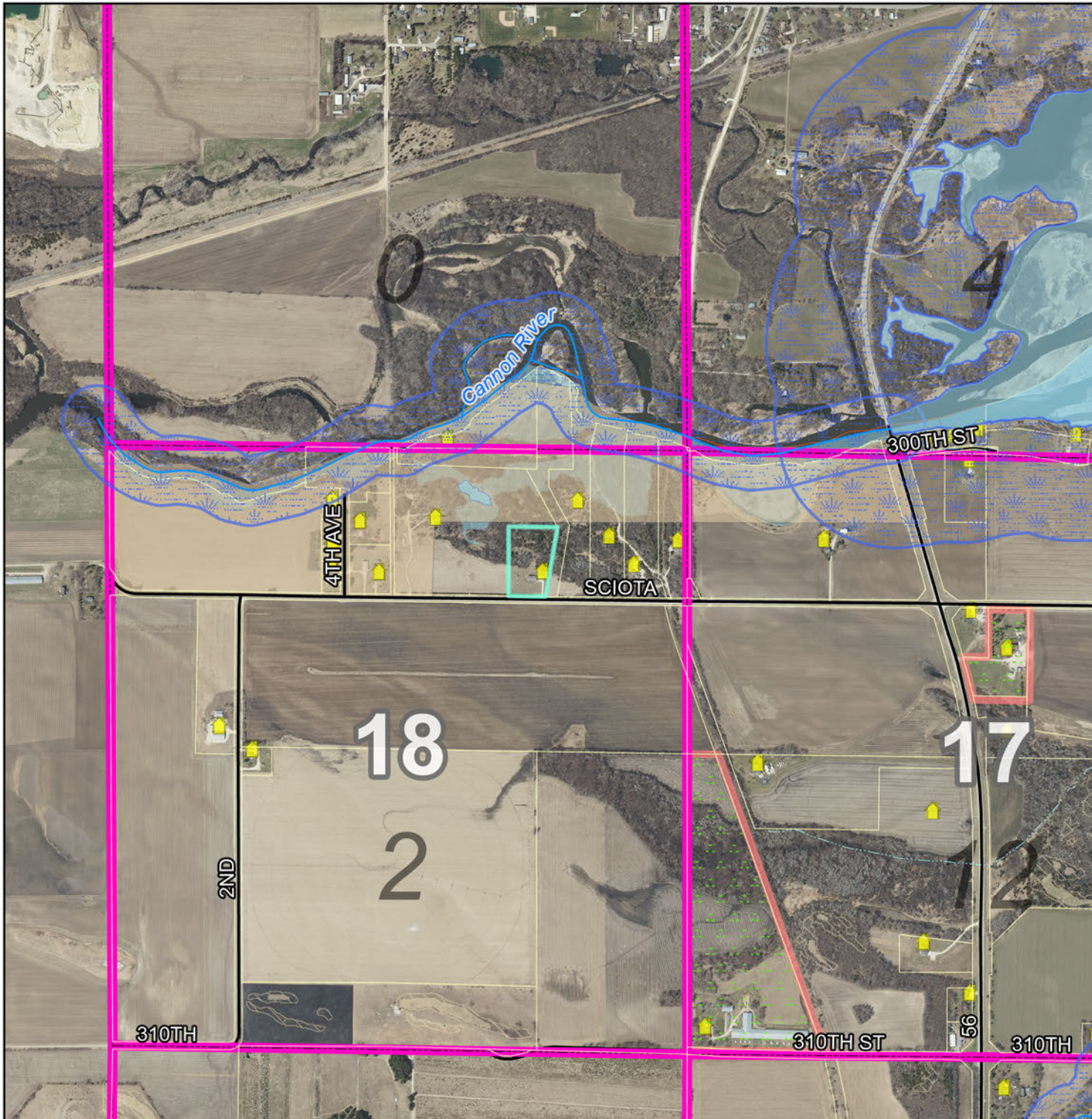
BOARD OF ADJUSTMENT

Public Hearing
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Jeff Davis (Owner)
R1 Zoned District

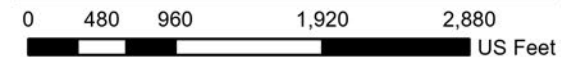
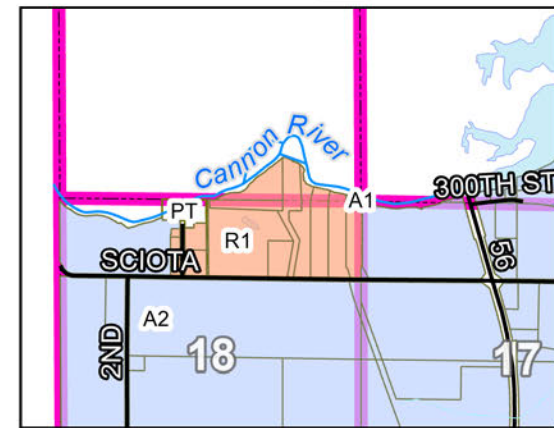
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Municipalities	X

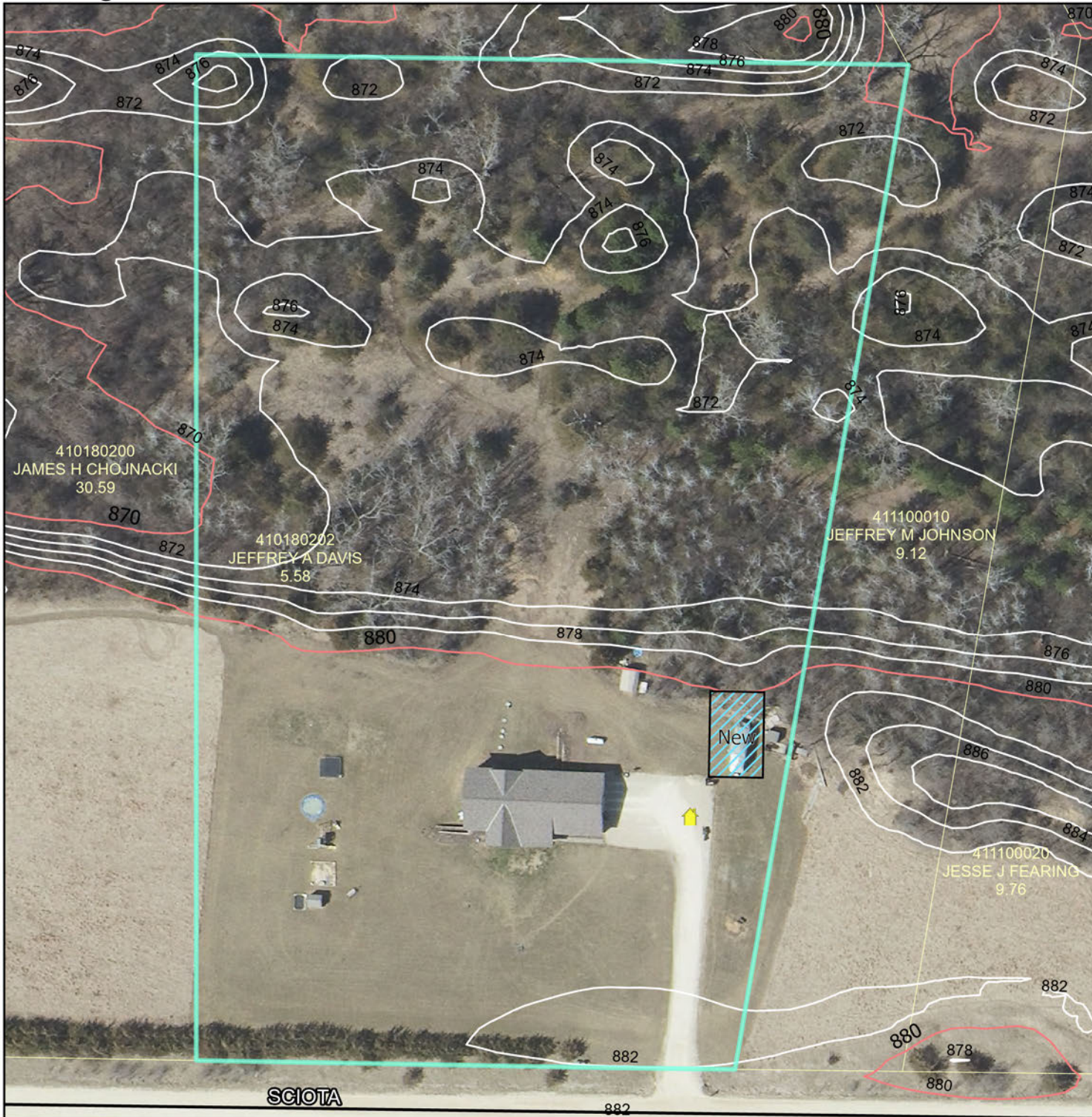


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
June 27, 2022

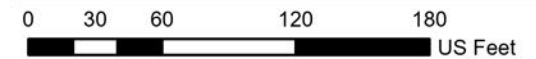
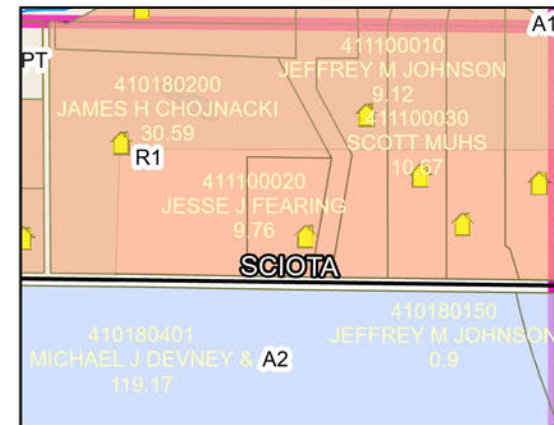
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Registered Feedlots	AO
Dwellings	X
Municipalities	



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