



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. October 24, 2022 BOA Meeting Minutes

Documents:

[BOAMEETINGMINUTES_OCTOBERMEETING_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance, submitted by Mitchell Breuer (Applicant) on behalf of Susan Matthees (Owner) to allow construction of a grain bin less than 60 feet from the 215th Avenue Right-of-Way. Parcel 33.034.0400. 39303 215th AVE Goodhue, MN 55027. Part of the NW ¼ of Section 34 TWP 111 Range 15 in Goodhue Township. A1 Zoned District.

Documents:

[BOAPACKET_BREUER.PDF](#)

Adjourn

Planning Commission Meeting

Joint Discussion PAC And BOA

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
October 24, 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, Randy Rechtzigel, Scott Breuer, Dennis Tebbe, and Keith Allen (arrived 5:02PM).

Commissioners Absent: Darwin Fox

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

1. Approval of Agenda

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

Motion carried 4:0

2. Approval of Minutes

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

Motion carried 4:0

3. Conflict/Disclosure of Interest

There were no conflicts of interest reported.

4. Public Hearings:

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Lariat Companies, Inc. (Owners) to allow construction of a structure addition for a self-service storage facility less than 45 feet from the Ash Court Right-of-Way. Parcel 28.131.0030. 32072 Ash Court Cannon Falls, MN 55009. Lot 3 Block 1 of the Evolve Replat in Cannon Falls Township. B Zoned District.

Koberoski presented the staff report and attachments.

Chair Knott opened the Public Hearing

No one spoke for or against the request.

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

Motion carried 5:0

Commissioner Tebbe noted that this is a practical and normal request and he can certainly support this request for a variance.

Commissioner Rechtzigel stated he agreed, as long as this doesn't go out any further than the existing buildings.

Commissioner Allen asked if Randy Rechtzigel would have access to his property?

**BOARD OF ADJUSTMENT
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Pierret stated that yes, Mr. Rechtzigel would have access to his property.

4 Motion by Breuer, seconded by Allen for the Board of Adjustment to:

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

APPROVE the request for a variance, submitted by Lariat Companies Inc. (Owners) to B Zoning District standards to construct a 48-foot by 51-foot storage building addition no less than 25 feet from the Ash Court Right-of-Way.

Motion carried 5:0

5. Other-Discussion

Pierret stated that there are no agenda items for the BOA next month. PAC has one item on the agenda. The meeting next month will be a combined meeting for BOA and PAC on Monday, November 14th at 5:30pm. The PAC will conduct their meeting then there will be open discussion on various topics and a recap of 2022 activities.

ADJOURN

5 Motion by Rechtzigel, seconded by Tebbe to adjourn the BOA meeting at 5:14 PM.

Motion carried 5:0

Respectfully submitted:

Patty Field, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the meeting agenda.

Motion carried 4:0

² APPROVE the previous meeting minutes.

Motion carried 4:0

³ Close the Public Hearing

Motion carried 5:0

⁴ APPROVE the Variance request to ROW setbacks.

Motion carried 5:0

⁵ ADJOURN

Motion carried 5:0

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: November 14, 2022
Report date: November 4, 2022

PUBLIC HEARING: Request for Variance by Mitchell Breuer (Applicant) on behalf of Susan Matthees (Owner) to A-1 Zoning District standards to construct a grain bin less than 60 feet from the 215th Avenue Right-of-Way.

Application Information:

Applicant(s): Mitchell Breuer (Applicant) on behalf of Susan Matthees (Owner)

Address of zoning request: 39303 215th AVE Goodhue, MN 55027

Parcel: 33.034.0400

Abbreviated Legal Description: Part of the NW ¼ of Section 34 TWP 111 Range 15 in Goodhue Township.

Township Information: Goodhue Township signed acknowledgment of the variance request with no additional comments.

Zoning District: A-1 (Agricultural Protection District)

Attachments and Links:

Application and submitted project summary

Site Plan and Maps

Goodhue County Zoning Ordinance:

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

Background:

Mitchell Breuer on behalf of Susan Matthees (Owner) has applied for a variance to A-1 minimum setback standards to construct a 42-foot wide grain bin on the east side of an existing property, north of existing grain bins and a machine shed. The proposed grain bin would be 32.3-feet from the 215th Avenue Right-of-Way line at its closest point where 60 feet is required.

Variance Standards:

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

Draft Findings of Fact:

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

- Property line and Right-of-Way setbacks are intended to create separation among adjacent structures and roads to allow for adequate access and accommodate future road expansion.
- The grain bin is proposed to replace an existing bin located less than 60 feet from the County 215th Avenue Right-of-Way. There are two additional grain bins on the property and two

machine sheds all less than 60 feet from the right-of-way. All of these are considered existing non-conforming structures. The right-of-way authority, Goodhue Township, reviewed the request and signed the variance application acknowledgment with no additional comments regarding negative impacts to the right-of-way if the grain bin is constructed. This request appears in harmony with the purpose and intent of the official control.

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

- The Goodhue County Comprehensive Plan supports agricultural industries in agricultural districts.

The proposed grain bin 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 grain bin is a reasonable use of property in the A-1 District. The bin, as proposed, would meet all other required setbacks including Shoreland setbacks and elevation requirements.
- The parcel is an existing, 96.5-acre parcel which is a conforming lot size in the A-1 District (2-acre minimum). The property contains a single-family dwelling, grain bins, and residential/agricultural storage buildings.
- The Applicant stated that there are no alternative locations for the grain bin due to the location of the other grain bins and machine sheds and the presence of a drainageway classified as Shoreland to the west. All structures are required to maintain a 100-foot setback from the Ordinary High Water Mark of any public waterway with a Shoreland classification.
- The existing structures obtained appropriate permits required at the time of construction between the 1980s and early 2000s.
- The property is surrounded by A1-zoned properties on all sides.
- The request appears unlikely to alter the essential character of the locality.

4) **No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.**

- Grain bins are a permitted use in the A-1 Zoning District. The request does not constitute a use variance.

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

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

Staff Recommendation:

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

APPROVE the request for a variance, submitted by Mitchell Breuer (Applicant) on behalf of Susan Matthees (Owner) to A-1 Zoning District standards to construct a 42-foot wide grain bin no less than 32 feet from the 215th Avenue Right-of-Way.



APPLICATION FOR
Variance

For Staff Use only	
VARIANCE NUMBER	
5350 RECEIPT#	DATE

SITE ADDRESS, CITY, AND STATE			ZIP CODE
39303 215TH AVENUE, GOODHUE, MN			55027
LEGAL DESCRIPTION			
39303 215TH AVENUE, GOODHUE, MN Attached <input type="checkbox"/>			
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	STRUCTURE DIMENSIONS (if applicable)
33.034.0400.	GOODHUE	96.50	42' X 51' HEIGHT

APPLICANT OR AUTHORIZED AGENT'S NAME	
MITCHELL BREUER	
APPLICANT'S ADDRESS:	TELEPHONE:
300 HILLTOP DRIVE, GOODHUE, MN 55027	
	EMAIL:

PROPERTY OWNER'S NAME:	
Same as Above <input type="checkbox"/> SUSAN MATTHEES <i>Susan Matthees 10-26-22</i>	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
39303 215TH AVENUE, GOODHUE, MN 55027	
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input type="checkbox"/> MITCHELL BREUER	
ADDRESS:	TELEPHONE:
300 HILLTOP DRIVE, GOODHUE, MN 55027	
	EMAIL:

VARIANCE REQUESTED TO: (check all that apply) <input checked="" type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE	
	CURRENTLY HAS A OLD 30' X 22' GRAIN BIN ON THE SITE	
	PROPOSED USE:	
	NEW 42' X 51' GRAIN BIN	
	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
<i>Robert Hirsch supervisor</i>	Robert Hirsch Supervisor	11-26-2022

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: *Mitchell Breuer* Date: 9/29/2022

Print name: MITCHELL BREUER (owner or authorized agent)

REQUEST SUMMARY

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

Article: _____ Section: _____ Name: DISTANCE TO RIGHT-OF-WAY

Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

You, or your agent, bear the burden of providing information to convince the Board to rule in your favor. Please provide answers to the following questions in the spaces below or in an attached document. You may also attach any additional supporting documentation you desire the board to review.

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

THE PROPERTY LOCATION CURRENTLY HAS A 40-YEAR OLD GRAIN BIN ON THE SITE THAT WOULD BE REMOVED IN ORDER TO BUILD A NEW GRAIN BIN. THE NEW GRAIN BIN WILL HAVE A LARGER DIAMETER THAN THE OLDER GRAIN BIN, AND WILL BE CLOSER TO THE ROAD. THE VARIANCE IS TO ALLOW A BUILDING CLOSER TO THE ROAD.

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

CURRENTLY, THE DIFFERENT ELEVATIONS OF THE PROPERTY MAKE THIS THE ONLY AREA WHERE A LARGER GRAIN BIN CAN BE CONSTRUCTED. IF THE VARIANCE IS NOT GRANTED, THE SITE WILL BE BARE, AS THE OLDER GRAIN BIN HAS REACHED ITS USEFUL LIFE, AND WILL BE TOO OLD TO USE ANY LONGER.

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 PROPOSED GRAIN BIN SITE IS THE ONLY AREA WHERE A GRAIN BIN CAN BE CONSTRUCTED ON OUR FARM. THE CHANGES IN ELEVATION MAKE THIS SITE THE MOST DESIREABLE.

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

AN ALTERNATIVE THAT COULD BE USED WOULD BE TO BUILD THE GRAIN BIN ON ANOTHER SITE/ADDRESS. THE REASON WHY WE CANNOT DO THIS IS BECAUSE OF THE UPFRONT COST TO MOVE OUR ENTIRE GRAIN SETUP TO A NEW LOCATION.

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

NO ALTERNATIVES CAN BE CONSIDERED ON THIS FARM SITE DUE TO THE ELEVATION CHANGES ON THE PROPERTY. THE GRAIN BIN WILL NEED A FLAT 50' DIAMETER AREA TO BUILD ON THAT CAN ONLY BE FOUND ON THE PROPOSED SITE.

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

THE NEW GRAIN BIN WILL BE CONSTRUCTED ON A VERY SIMILAR FOOTPRINT OF THE OLD GRAIN BIN. THERE ARE ALSO TWO OTHER GRAIN BINS ON THE PROPERTY THAT ARE A SIMILAR DISTANCE TO THE ROAD ALREADY AS WHERE THE PROPOSED GRAIN BIN WILL GO.

PRELIMINARY

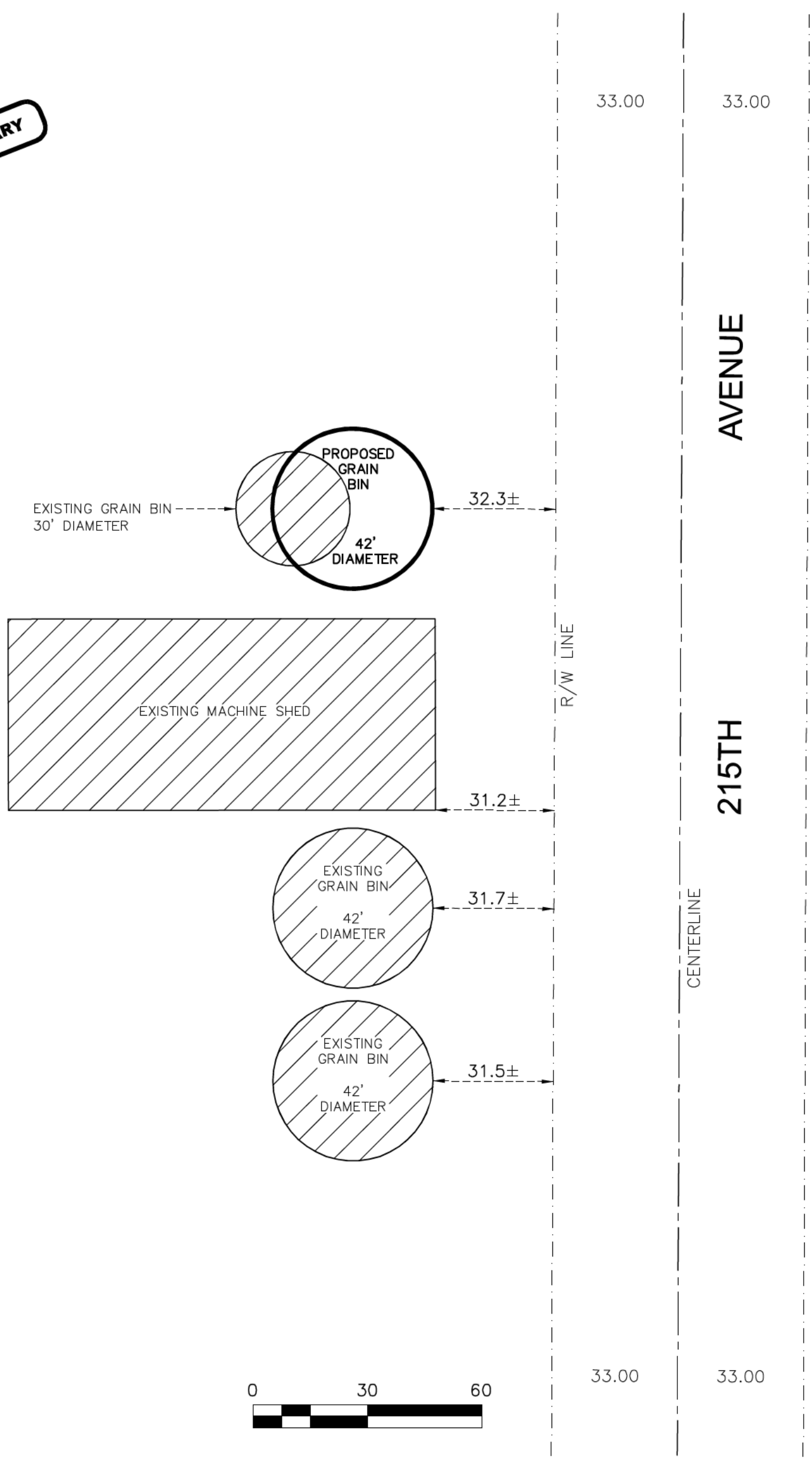


EXHIBIT FOR:
MITCH BREUER

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.



JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING
1203 MAIN STREET, RED WING, MN 55066
(651) 388-1558

Marcus S. Johnson
Minnesota License No. 47460
Date: October 26, 2022

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	22-947	S-10425	

PRELIMINARY

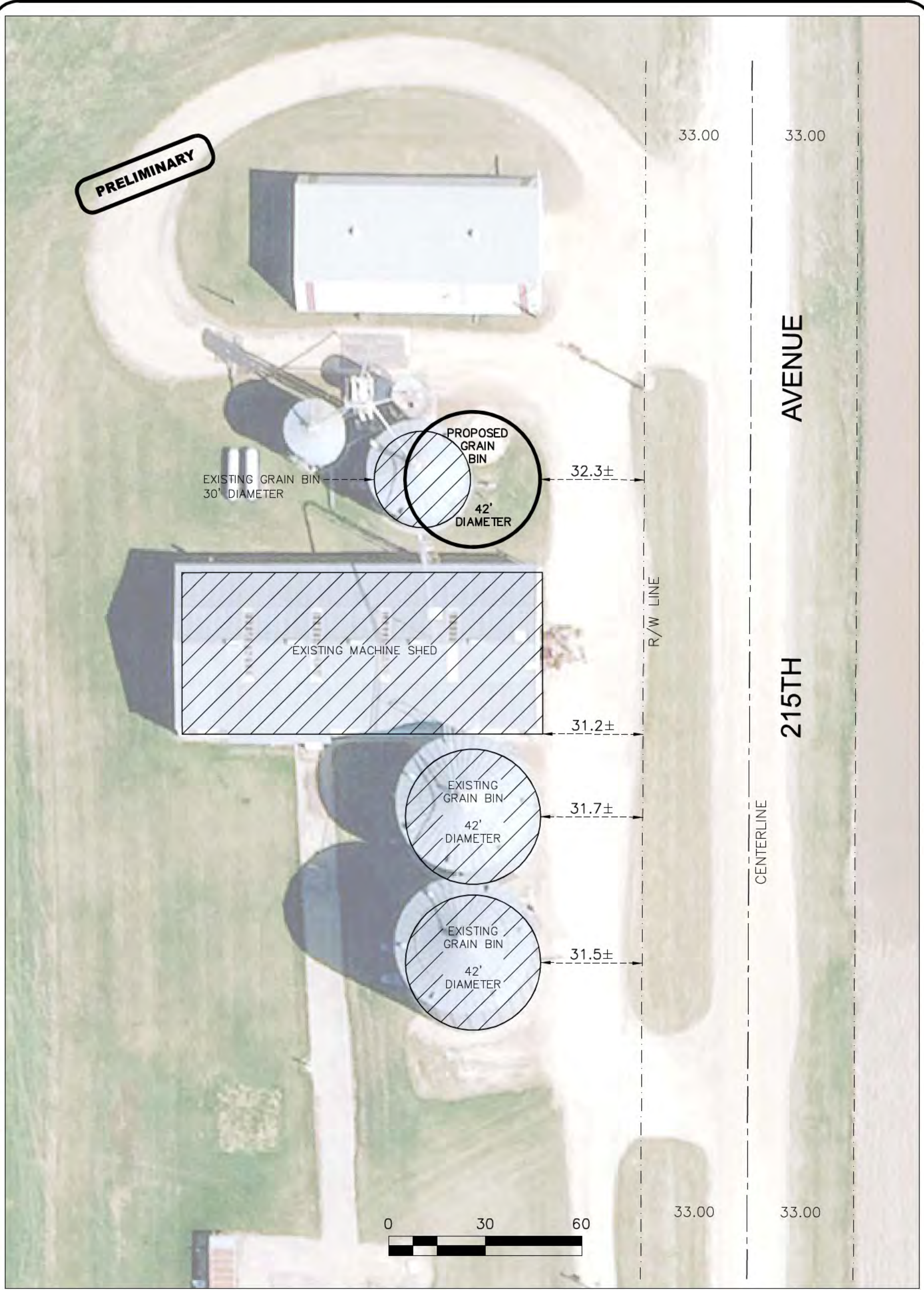


EXHIBIT FOR:
MITCH BREUER

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

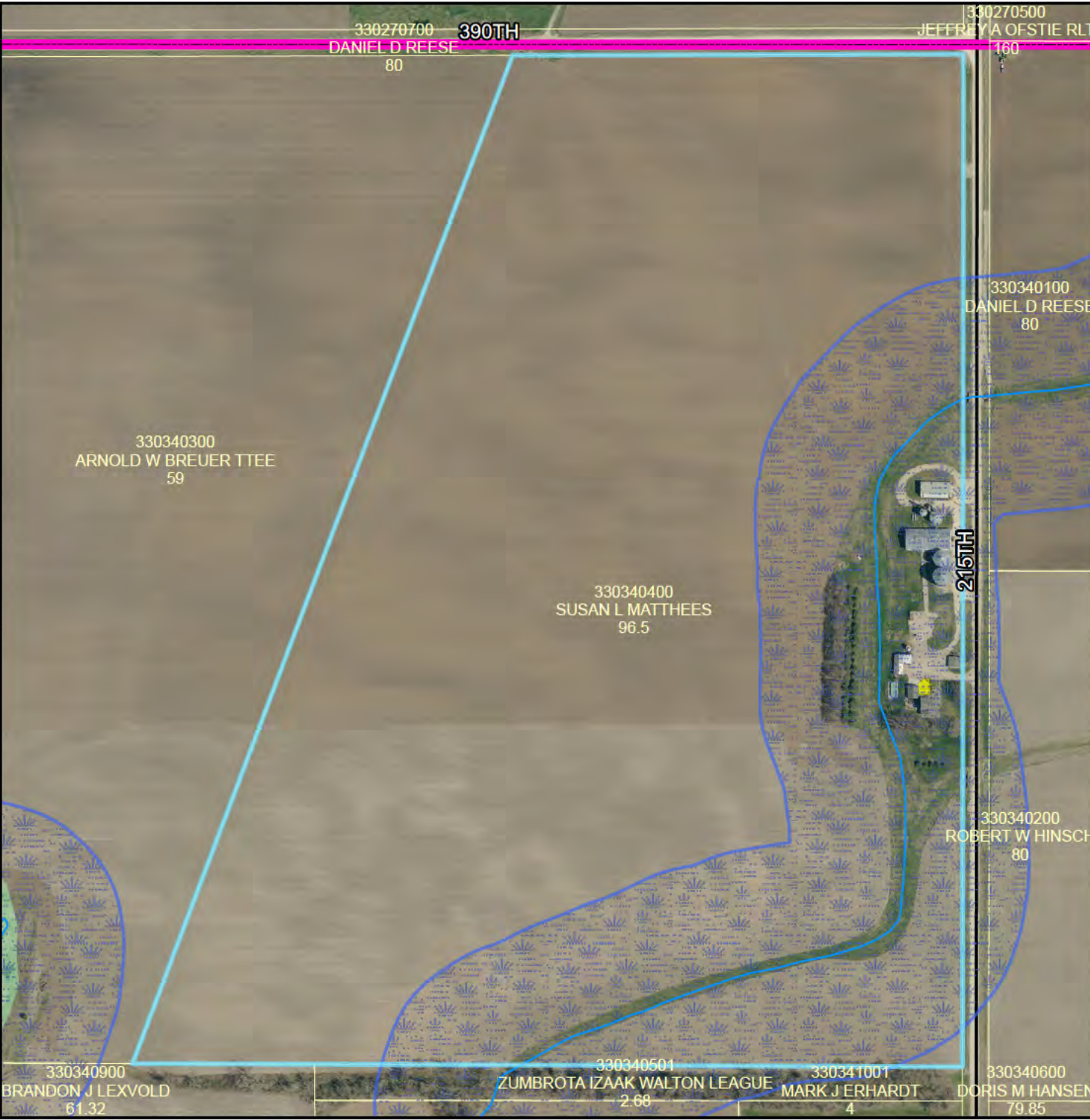


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Marcus S. Johnson
Minnesota License No. 47460
Date: October 26, 2022

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	22-947	S-10425	

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
November 14, 2022

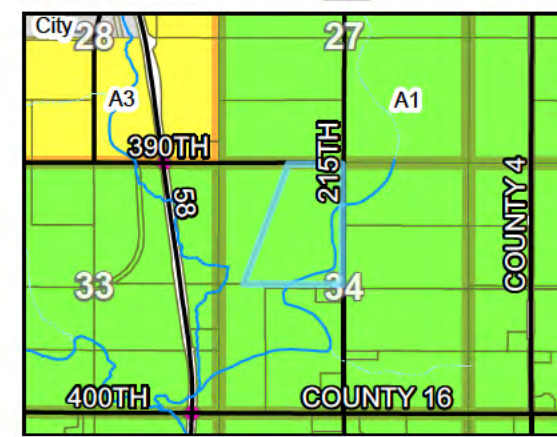
Mitchell Breuer (Applicant) on behalf of
Susan Matthees (Owner)
A1 Zoned District

Part of the NW 1/4 of Section 34 TWP 111
Range 15 in Goodhue Township

Request for Variance to construct a grain
bin less than 60 feet
from the 215th AVE ROW.

Legend

- | | |
|----------------------------|-----------------------------------|
| 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
November 14, 2022

Mitchell Breuer (Applicant) on behalf of
Susan Matthees (Owner)
A1 Zoned District

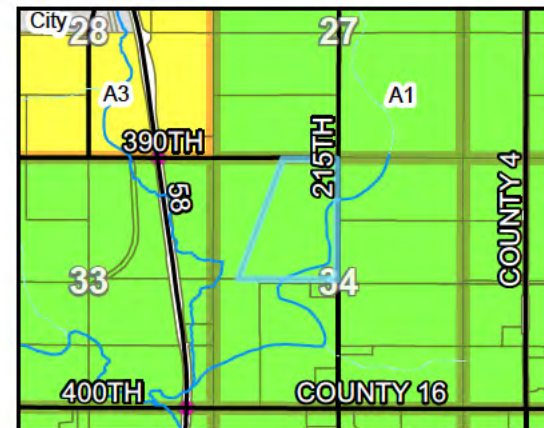
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Legend

- | | |
|----------------------------|---------------------------------|
| 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 35 70 140 210 US Feet

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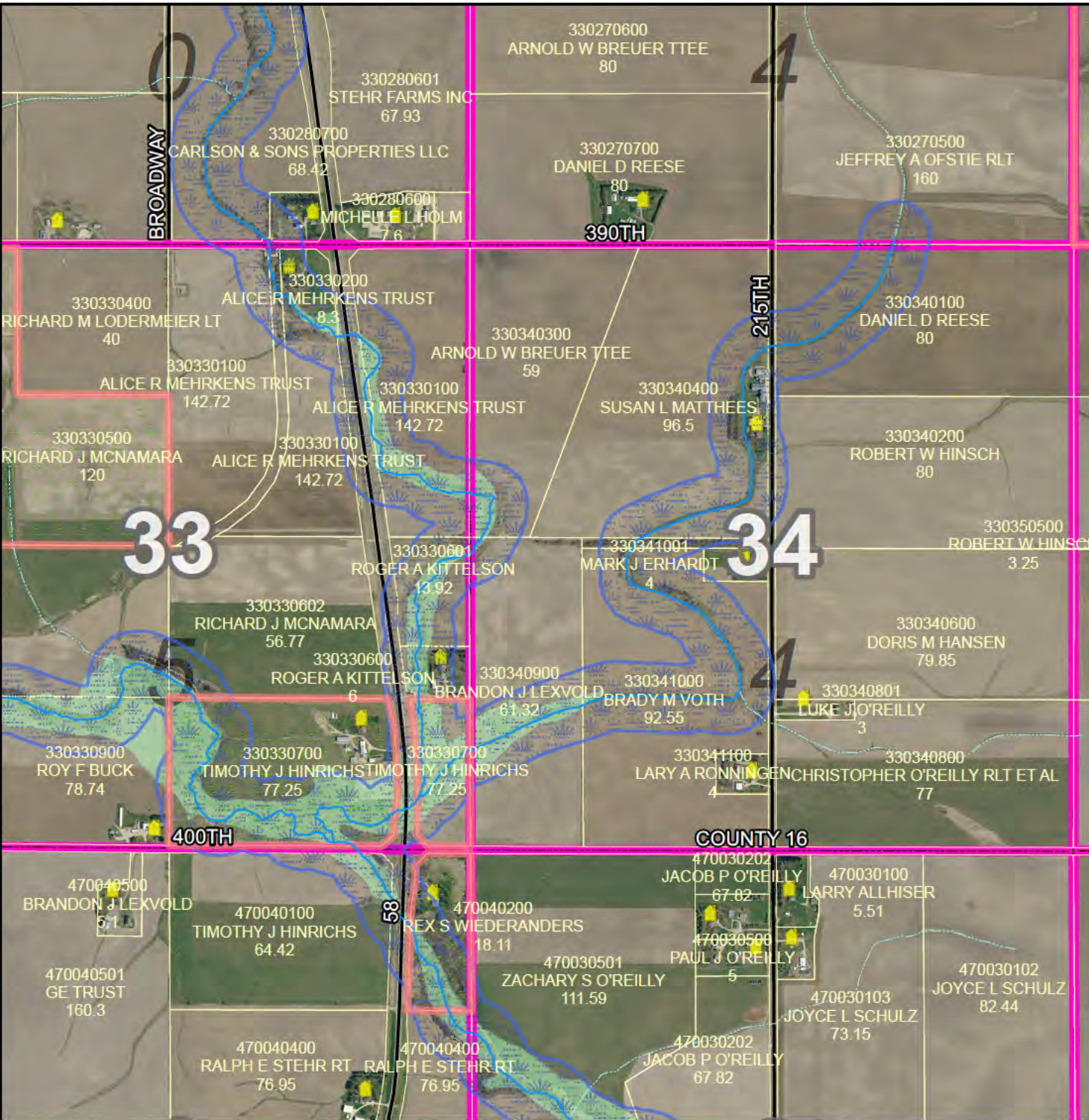
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Public Hearing
November 14, 2022

Mitchell Breuer (Applicant) on behalf of
Susan Matthees (Owner)
A1 Zoned District

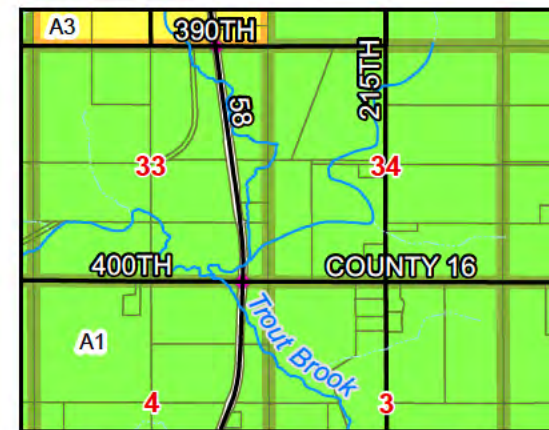
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Request for Variance to construct a grain
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Legend

- 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



0 480 960 1,920 2,880 US Feet

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