

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

Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month's Meeting Minutes

1. February 27, 2023 BOA Draft Meeting Minutes

Documents:

BOAMEETINGMINUTES FEBRUARYMEETING DRAFT.PDF

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Minimum Lot Size Standards
Request for Variance, submitted by Samantha and Jacob Suckow (Owners) to A-3 Zoning
District standards to allow the split of an existing parcel resulting in two parcels less than
35 acres in size. Parcel 32.200.0290. 32803 Territorial Road Lake City, MN 55041. Part of
the NW ¼ of the NW ¼ of Section 31 TWP 112 Range 12 in Florence Township.

Documents:

BOAPACKET_SUCKOW.PDF

Other-Discussion

Adjourn

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

Goodhue County Land Use Management

- Goodhue County Government Center 509 West Fifth Street Red Wing Minnesota 55066
 - Building Planning Zoning Telephone: 651/385-3104 Fax: 651/385-3106 •

BOARD OF ADJUSTMENT GOODHUE COUNTY, MN February 27, 2023 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 Darwin Fox.

Commissioners Absent: Keith Allen

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. Approval of Minutes

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

Motion carried 5:0

3. Appointment of Chair and Vice-Chair

³Motion by Commissioner Tebbe; seconded by Commissioner Fox to nominate Daniel Knott as Board of Adjustment Chair for 2023.

There were no other nominations.

Motion Carried 5:0

⁴Motion by Commissioner Tebbe and Chair Knott to nominate Darwin Fox as Board of Adjustment Vice-Chair for 2023.

There were no other nominations.

Motion Carried 5:0

4. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

5. Public Hearings:

PUBLIC HEARING: Request for Variance to Feedlot Setback Standards

Request for Variance, submitted by Jeannine Fritzke (Owner), to Article 13 Confined Feedlot Regulations to allow a new dwelling to be established within 1,000 feet of an existing confined feeding operation. Parcel 32.232.0040. TBD Possum Way Lake City, MN 55041. Lot 1 Block 2 of the Lakeview Heights Third Addition in Florence Township. R-1 Zoned District.

Pierret presented the staff report and attachments.

BOARD OF ADJUSTMENT GOODHUE COUNTY, MN February 27, 2023 MEETING MINUTES DRAFT

Chair Knott opened the Public Hearing

No one spoke for or against the request.

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

Motion carried 5:0

Commissioner Breuer stated that there is quite an elevation change from this property to the Tiedeman property.

Commissioner Fox commented on situations where feedlots exist near residential lots that have been platted and everything was established before current regulations. Looking at the map, the existing dwelling in the subdivision is closer to the feedlot than the proposed dwelling. If it was a request for a new subdivision this close to a feedlot he would be opposed to it.

Commissioner Breuer said that the elevation change is a natural barrier

Chair Knott indicated that even though the proposed dwelling is only 350 feet away, a 98% offset is achieved which meets the standard.

It was indicated to the Board by a neighboring property owner that the Tiedeman feedlot consists of alpacas.

Commissioner Breuer said there are not a lot of alpacas on the property, it is more of a hobby farm.

Chair Knott said the feedlot registration was included in the packet and was dated 2021. They had listed a total of 20.5 animal units.

Commissioner Tebbe agreed that 98% offset is close to total odor avoidance.

⁶Motion by Commissioner Breuer, seconded by Commissioner Fox for the Board of Adjustment to:

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

APPROVE the request for a variance, submitted by Jeannine Fritzke, to Article 13 (Confined Feedlot Regulations) setback standards to allow the construction of a dwelling no less than 380 feet from a registered feedlot.

Commissioner Rechtzigel said when he built 23 years ago, he had to sign a form stating the farmer has a right to farm the property.

Pierret said that the Zoning Ordinance includes a provision for the "right to farm". If you live in the rural parts of the County, you can expect to have rural agricultural activities around you. That is part of the reason why we have this variance process, so that it is recorded on the property, and if the property is ever sold to someone else, information regarding a farm being close to the property is on the title paperwork.

Motion carried 5:0

BOARD OF ADJUSTMENT GOODHUE COUNTY, MN February 27, 2023 MEETING MINUTES DRAFT

6. Other-Discussion

Chair Knott said that the next meeting is on March 27 and questioned whether there were any agenda items yet.

Pierret stated this week is application week and staff has spoken to a couple of individuals who may have requests. With the request that was discussed tonight, she wanted to note that three other lots are technically buildable. They can probably expect three more variances of this type to come through at some point. These three lots have been for sale for a couple of years.

⁷Motion by Commissioner Fox, seconded by Commissioner Rechtzigel to adjourn the BOA meeting at 5:20 PM.

Motion carried 5:0

Respectfully submitted:

Patty Field, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the BOA meeting agenda.

Motion carried 5:0

² APPROVE the previous (November 2022) meeting minutes.

Motion carried 5:0

³ APPROVE nomination of Daniel Knott as BOA Chair for 2023.

Motion carried 5:0

⁴ APPROVE nomination of Darwin Fox as BOA Vice-Chair for 2023.

Motion carried 5:0

⁵ Motion to close the Public Hearing.

Motion carried 5:0

⁶ APPROVE the Variance request to Confined Feedlot Regulations.

Motion carried 5:0

⁷ 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:** March 27, 2023 **Report date:** March 17, 2023

<u>PUBLIC HEARING:</u> Request for Variance by Samantha and Jacob Suckow (Owners) to A-3 Zoning District standards to allow the split of an existing parcel resulting in two parcels less than 35 acres in size.

Application Information:

Applicant(s): Samantha and Jacob Suckow (Owners)

Address of zoning request: 32803 Territorial Road Lake City, MN 55041

Parcel: 32.200.0290

Abbreviated Legal Description: Part of the NW ¼ of the NW ¼ of Section 31 TWP 112 Range 12 in Florence Township.

Township Information: Florence Township has been made aware of the request. No comments have been received by staff as of the date of this report. Staff will update the BOA with any comments received during the BOA meeting.

Zoning District: A-3 (Urban Fringe 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:

The Applicants own two parcels along Territorial Road in Florence Township. Parcel 32.036.0100 consists of approximately 35 acres in Section 36 and is zoned A-2 General Agriculture District. Parcel 32.200.0290 is located in Section 31 Twp 112 Range 12 and comprises approximately 2.85 acres and is zoned A-3 Urban Fringe District. The 35-acre parcel contains a single-family dwelling, detached garage, and accessory buildings. The dwelling was constructed over the section line around 1919, prior to the adoption of County zoning regulations.

The Applicants are in the process of selling the property and have proposed multiple lot splits of parcel 32.036.0100 to facilitate the sale. Kristofer Platte, owner of parcel 32.036.0101, would purchase approximately 5 acres south of his property to be combined with his existing parcel. Jon Heitman, owner of parcel 32.036.0201, would purchase 18.7 acres of wooded bluffland with an access strip running north to parcel 32.200.0290. The buyer of the Suckow dwelling would retain the remaining 10.8 acres.

Mr. Heitman would like to purchase 1.6 acres of parcel 32.200.0290 for access to and from Territorial Road for his proposed 18.7-acre parcel. This would allow for easier and safer access to his new parcel instead of having to traverse multiple bluff lines from his homestead located at 35389 County 5 BLVD, Lake City. Mr. Heitman cannot purchase all of parcel 32.200.0290 because the existing dwelling is partially located on this parcel.

Mr. Heitman is also interested in pursuing a rezone of the 1.6-acre parcel to the R-1 Residential District for future dwelling establishment. The new 1.6-acre parcel would not be eligible for the construction of any structure unless rezoned due to A-3 District 35-acre minimum lot size standards.

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 A-3 minimum lot size standards are intended to provide for urban expansion in close proximity to incorporated urban centers...by conserving land for farming and other open space land uses for a period of time until urban services become available.
- Lots under 35 acres in the A-3 District are considered ineligible for structure or dwelling development.
- The Goodhue County Subdivision Ordinance requires all newly created parcels to have legal access. Legal access can be achieved via frontage on a public road, easement, or over commonly owned parcels. Staff strongly encourages property owners to establish an easement over any commonly owned property to avoid the creation of a "land-locked parcel" in the event the neighboring parcel is sold to a separate owner.
- Surrounding land uses include multiple residential subdivisions among limited agricultural land (row crops) near the Lake City Golf Club and blufflands.
- 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:

This is a unique situation that is not directly addressed in The Goodhue County Comprehensive Plan. However, the plan does support the use of existing rural residences to provide rural living opportunities in the unincorporated areas of Goodhue County and the preservation of agricultural land and blufflands.

The proposed parcel split 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 Applicants stated that Mr. Heitman will be purchasing wooded bluffland currently owned by the Suckows. Mr. Heitman would prefer to access this acreage from Territorial Road and own the access outright instead of having an easement prepared with the buyer of the dwelling site.
 - The Applicants' request to split property to facilitate the sale of a dwelling site and acreage to various buyers and establish access to a public road that is not impacted by blufflands is a reasonable use of the property.
 - The Suckows cannot sell the entire 2.85-acre parcel to Mr. Heitman as the existing dwelling is partially located on the parcel.
 - Another alternative would be for the 2.85-acre parcel to be split and combined with the
 parcels created in Section 36 of Florence Township. Combining land across section lines
 requires a plat to be prepared and the lot combination would result in two split-zoned parcels

which staff discourages to avoid future land use problems.

- To rezone the entire A-3 parcel to Residential District where the minimum lot size is 1 acre prior to splitting would require two public hearings with the Planning Commission and County Board and subsequent approval of a formal plat to split an R-1 parcel.
- 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.

 No change in use is proposed or anticipated as a result of the variance request. Future dwelling development would be subject to the approval of a Map Amendment by the Planning Commission and County Board.

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 Samantha and Jacob Suckow (Owners) to A-3 minimum lot size standards to split an existing parcel resulting in two parcels less than 35 acres in size.

Variance



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ULot Width &/or Area □Other (specify)		
Subdivision Regulations		
TOWNSHIP SIGNATURE:		
y signing this form, the Township acknowledges they are aware of the Applicant's val no way does signing this application indicate the Township's position on the varian	nce request.	Attache
	TOWNSHIP OFFICAL'S PRINTED NAME AND TITLE	
		DATE

Samantha & Jacob Suckow

(owner or authorized agent)

3/01/2023

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: See attached document Describe the effects on the property if the variance is not granted: See attached document 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: See attached document Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them: See attached document Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning: See attached document In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?: See attached document

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

Aside from the small portion part of the home is on, it is basically unused. Jon, our potential buyer, wants the potential for a buildable lot in the future for his children or grandchildren. This is important to him because this land, along with another piece he would like, are all tied to his family land. He hopes at some point to see all his family return to the area and can live near him on land that their family owns. Also, like we had said earlier, Jon would also like to buy some forested area that would be linked to this lot.

So, there are four reasons. Jon would like the variance to split this property. Frontage needed for the potential of rezoning for a buildable lot for his children or grandchildren. It's our belief that this has just happened recently with a property in close proximity. He would like owned access to the wooded property he would also be purchasing as he does not have safe access from the adjacent land he already owns. Adding to that, he has not had access to some of the land he already owns on the same side of that bluff which would be connected to the wooded land he will purchase.

The other option to owned access is to share an easement with two other parties. In the past those parties have not always seen eye to eye on care and maintenance of the shared drive. They also have had different opinions on what the actual road itself should consist of. This would also make a busy drive even more busy. The reason this land came up for sale, and Jon was able to hear about it, was due to the fact a single mother would like to purchase the home and property of which this home resides partly on the parcel in question. These two lots are zoned differently but are both occupied by the same home. This is another the reason we are asking for the split.

Jon had planned to buy the whole lot; however, this gals house is on part of it and there is the rule about not selling parcels of less than 35 acres in land zoned A3. This lot is only 2.85 acres and is directly adjacent to land zoned residential where one acre parcels are buildable. Getting back to the woman who wants to purchase the home, outbuildings, and other tillable for herself and her two girls. Their goal is to be close to town, close to the girl's school, but still able to have their horses with them on a place that allows them to do that. She also prefers not to pay money for land with trees that she has no use for or the want to maintain. That would cost a significant amount of money that could be spent in other more relevant areas for herself and the girls. This is the answer to why I am here.

The last time this property was on the market I believe that it sat unoccupied without an offer for the better part of 2-3 years. My wife and I have purchased another home and are currently paying two mortgages. We look at this as a great way to make 4 different families happy first the mother and her girls who have fallen in love with the home and its location to their school. The mother also drives milk truck and would have ample room to park her truck, room so their horses could be with them, and tillable to grow hay for their horses. Next there is Jon who is looking to grow his family land for his children and grandchildren with the potential for one of them to possibly live on a lot some day in the future. This also give him owned access to land he already owns that he is unable to safely get to and the new forested land he would be buying. There is also Kris who had missed the opportunity to purchase more of his own families land when his mother needed to sell to move to town. Now he is about to have the lot he has always dreamed of having with room for him and his family to still do a little hunting together on their own land. Lastly, our family was so happy when we were able to find someone who really wanted to buy our old home. We never planned on moving but life took us to move forward without two mortgages in a different home that has room for us and all four of our children.

Allowing these other families to buy these parcels would mean something special to each of us. It takes away the hardship that would be faced by all involved if this property could not be divided in the way that we are proposing. I must believe that is why the possibility of requesting a variance exists. It exists for special circumstances where one or multiple families would face the possibilities of not greatly improving their lives without any real effect on others in the area. Wrapping this question up here, allowing this variance would help 4, possibly five families, if split was allowed in a manor that would create the potential for that second lot and if that lot is not meant to be in the future at least Jon too would be able to have owned access to his significant land he does not have safe passage to right now.

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

If this variance is not possible Jon does not have land connected to his family's land that could potentially hold a home for his children or grandchildren down the road. Its also keeps him from having safe owned passage to his property on this side of the bluff. If this variance is not made possible allowing this land to be split it may be to much for the woman and her two girls to get bank financing on at a decent interest rate causing them to look else where for a home that is close to school/Lake City that allows for room for mom to park her work truck, and the family to have their horses close that are like family to them. It also keeps Kris from being able to purchase back some of the family land that allows him, his brothers, son, and friends room to relax remember their youth and make new memories as a family. It also puts our family in a tough spot with two mortgages when we moved to give are large family a little bigger house that would fit us much better. Like I said in the past because of the set up of this property it took two to three years to sell the last time it was on the market.

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 physical limitation of this property is that the house sits in two different development zones. The house is also on two different parcels and or sections. All of which just does not make sense.

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

Again this situation is quite unusual with the woman and her two young daughters planning to purchase the house sitting on two different parcels and in two different development zones and not wanting the whole property. Then you have Jon who sees potential in the property but there are no real alternatives for what he wants to potentially do for his family with this property. We just do not see any other answers. From what we can gather speaking to others about the A3 Zone its does not appear to make sense or be valued by many that have looked at it. We have talked to others that have said the A3 Zone missed the mark and did not accomplish what people working on it had hoped it would. Then it's also important to remember this also solves the safety issue of Jon getting to his other property on this side of the bluff. It keeps an already busy drive from getting busier, especially with two children riding their bikes or what not there. It also keeps potential logging and or recreational vehicles from tearing up someone else's drive.

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

We do not believe that there is another answer to Jon wanting to buy this piece of land for the future potential it holds for his family and their safety especially when the only possible alternative only solves half of the problem and leaves him in a three-way variance that no one has currently agreed to or have worked exactly well in the past.

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

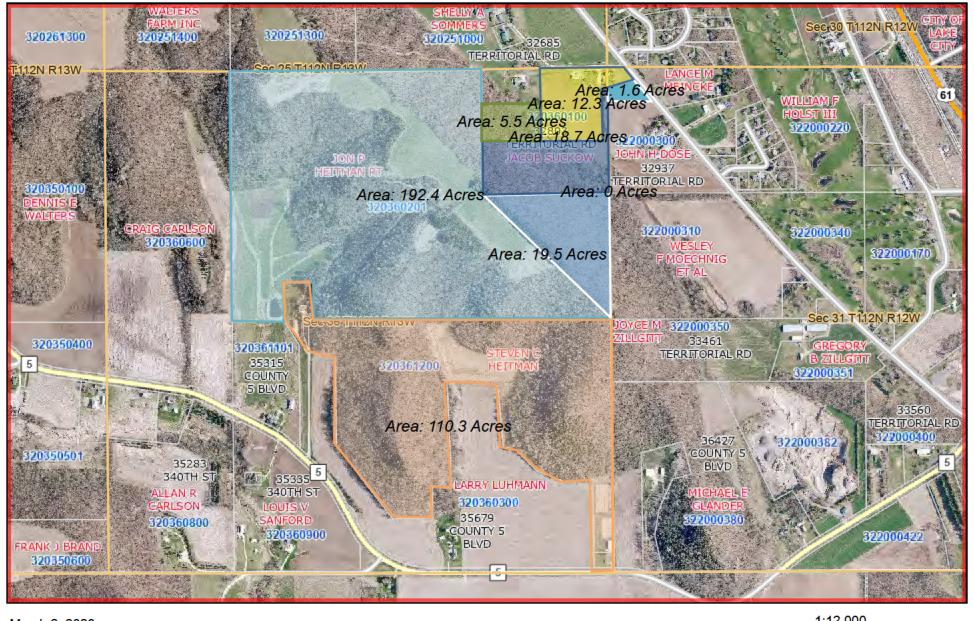
Like we have said, we do not feel that this would alter the character of the neighborhood. It only allows a mother and her two girls the opportunity to confidently purchase a home that meets all there needs and brings no one new in to the area at this time. Beside them, the people stay the same, their property just expands a bit and it does leave the potential for a future buildable lot that would be decided on at a much later date if at all but it does give someone who already owns land on this side of the bluff safe owned passage to his property.

ArcGIS WebMap





ArcGIS WebMap





MAP 01: PROPERTY OVERVIEW 320251000 322400150 SHELLY A SOMMERS 322400140 322400110 SETH HENRY 78.88 MARK L HENRY 322000670 IELLY A SOMMERS 322000270 LANCE M MEINCKE 322000290 **JACOB SUCKOW** 2.85 320360100 **JACOB SUCKOW** 322000300 JOHN H DOSE 19.7

BOARD OF ADUSTMENT

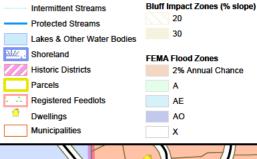
Public Hearing March 27, 2023

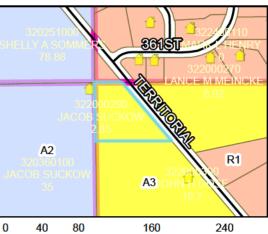
Samantha & Jacob Suckow (Owners)
A3 Zoned District

Part of the NW 1/4 of the NW 1/4 Section 31 TWP 112 Rang 12 in Florence Township

Request for Variance to allow a lot split of an existing parcel resulting in two parcels less than 35 acres in size.







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US Feet

2022Aerial Imagery
Map Created March, 2023 by LUM

MAP 01: PROPERTY OVERVIEW 320251000 322400150 SHELLY A SOMMERS 322400140 322400110 SETH HENRY 78.88 MARK L HENRY 322000670 IELLY A SOMMERS NEW PARCEL APPROX. 1 ACRE 322000270 LANCE M MEINCKE 322000290 JACOB SUCKOW **NEW PARCEL** APPROX. 2 ACRES 320360100 JACOB SUCKOW 322000300 JOHN H DOSE 19.7

BOARD OF ADUSTMENT

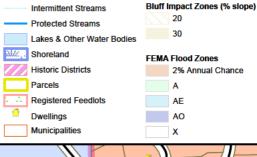
Public Hearing March 27, 2023

Samantha & Jacob Suckow (Owners)
A3 Zoned District

Part of the NW 1/4 of the NW 1/4 Section 31 TWP 112 Rang 12 in Florence Township

Request for Variance to allow a lot split of an existing parcel resulting in two parcels less than 35 acres in size.







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US Feet

2022Aerial Imagery Map Created March, 2023 by LUM MAP 03: ELEVATIONS SHELLY A SOMMERS SHELLY A SOMMER 742 LANCE M MEINCKE 322000290 JACOB SUCKOW 2.85 OFER S PLATTE 750 750 320360100 JACOB SUCKOV JOHN'H DOS 62.5

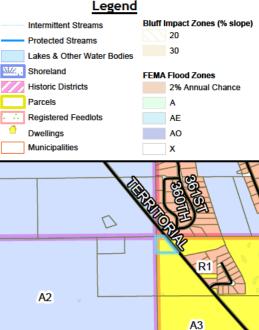
BOARD OF ADJUSTMENT

Public Hearing March 27, 2023

Samantha & Jacob Suckow (Owners)
A3 Zoned District

Part of the NW 1/4 of the NW 1/4 Section 31 TWP 112 Rang 12 in Florence Township

Request for Variance to allow a lot split of an existing parcel resulting in two parcels less than 35 acres in size.



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250

375

2020 Aerial Imagery Map Created March, 2023 by LUM

125

MAP 02: VICINITY MAP SHELL' RICHARD J KA 322000270 LARRY W KEHREN THEE JOHN H DOSE MITCHEL D GROND WESLEY F MOECHNIG ET AL TMAN RT ZILLGITT STEVEN C HEITMAN 20361101 ROBER THULLOPETER 322000390 ARRY LUHMANN

BOARD OF ADJUSTMENT

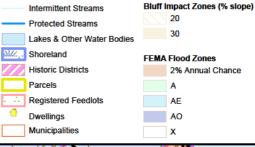
Public Hearing March 27, 2023

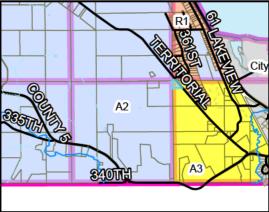
Samantha & Jacob Suckow (Owners) A3 Zoned District

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Legend





240 480 960 1,440 **US Feet**

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