



# Goodhue County

## Minnesota

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. April 24, 2023 BOA Draft Meeting Minutes

Documents:

[BOAMEETINGMINUTES\\_APRILMEETING\\_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

**PUBLIC HEARING:** Request For Variance To Minimum Setback Standards

Request for Variance, submitted by Phillip Finucan (Owner) to A-2 Zoning District standards to allow the construction of a lean-to shed addition less than 30-feet from a side yard property line. Parcel 46.012.0401. 23121 County 19 BLVD Welch, MN 55089. Part of the NE ¼ of Section 12 TWP 113 Range 16 in Welch Township. A2 Zoned District.

Documents:

[BOAPACKET\\_FINUCAN\\_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  
April 24, 2023 MEETING MINUTES  
DRAFT**

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The meeting of the Goodhue County Board of Adjustment was called to order at 5:01 PM by Chair Daniel Knott at the Goodhue County Government Center Board Room.

**Roll Call**

Commissioners Present: Keith Allen, Daniel Knott, Dennis Tebbe, Scott Breuer, and Darwin Fox.

Commissioners Absent: Randy Rechtzigel

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

**1. Approval of Agenda**

<sup>1</sup>Motion by Commissioner Fox and seconded by Commissioner Breuer to approve the meeting agenda.

**Motion carried 5:0**

**2. Approval of Minutes**

<sup>2</sup>Motion by Commissioner Fox and seconded by Commissioner Allen to approve the previous month's meeting minutes.

**Motion carried 4:0 (Commissioner Tebbe abstained)**

**3. Conflict/Disclosure of Interest**

There were no reported conflicts/disclosures of interest.

**4. Public Hearings:**

**PUBLIC HEARING: Request for Variance to Minimum Setback Standards**

Request for Variance, submitted by John Trelstad (Owner) to A-1 Zoning District standards to allow the construction of an addition less than 60-feet from the 195<sup>th</sup> Avenue Right-of-Way. Parcel 39.008.1000. 47406 195<sup>th</sup> Avenue Way Zumbrota, MN 55992. Part of the SW ¼ of the NE ¼ of Section 08 TWP 109 Range 15 in Pine Island Township. A1 Zoned District.

*Pierret presented the staff report and attachments.*

**Chair Knott opened the Public Hearing**

*No one spoke for or against the request.*

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

**Motion carried 5:0**

*Commissioner Fox asked if staff was out at the site.*

*Pierret indicated she did go out to the site and the last two pictures are ones she took.*

*Commissioner Fox stated he is quite familiar with the road. It's a regular township road. Part of the reason for setback distances is so snow plowing does not negatively affect structures built too close to the right-of-way. The proposed addition location makes the most sense due to the design of the house. He stated he would have no problem supporting this.*

*Commissioner Knott asked if there were any comments from the Township, other than the signed application.*

*Pierret stated that there were no other comments.*

**BOARD OF ADJUSTMENT  
GOODHUE COUNTY, MN  
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DRAFT**

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*Commissioner Knott said they are still 53 feet from the right-of-way, which is plenty of room for road maintenance.*

*Commissioner Tebbe said he agrees with Commissioner Fox. He feels there is adequate room if they should need to expand the road and for plowing in the winter. He would also support this request.*

<sup>4</sup>Motion by Commissioner Fox, seconded by Commissioner 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 John Trelstad (Owner) to A-1 Zoning District standards to allow the construction of a dwelling addition 53 feet from the 195<sup>th</sup> Avenue Right-of-Way.

**Motion carried 5:0**

**5. Other-Discussion**

*Chair Knott stated the next meeting is slated for May 22<sup>nd</sup> and asked if there were any agenda items yet.*

*Pierret stated there are no agenda items yet but this week is application week.*

*Commissioner Fox said that there was a lengthy conversation at last week's Planning Commission Meeting regarding definitions for Rural Tourism, Agricultural Operations, and Farming.*

*Discussion continued regarding the proposed changes.*

<sup>5</sup>**Motion by Commissioner Fox, seconded by Commissioner Tebbe to adjourn the BOA meeting at 5:28 PM.**

**Motion carried 5:0**

Respectfully submitted:

Patty Field, Zoning Administrative Assistant

**MOTIONS**

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<sup>1</sup> APPROVE the BOA meeting agenda.

Motion carried 5:0

<sup>2</sup> APPROVE the previous month's meeting minutes.

Motion carried 4:0 (Commissioner Tebbe abstained)

<sup>3</sup> Motion to close the Public Hearing.

Motion carried 5:0

<sup>4</sup> APPROVE the Variance request to A-1 Zoning District standards.

Motion carried 5:0

<sup>5</sup> 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:** May 22, 2023  
**Report date:** May 12, 2023

**PUBLIC HEARING:** Request for Variance by Phillip Finucan (Owner) to A-2 Zoning District standards to construct a lean-to shed addition less than 30 feet from a side yard property line.

**Application Information:**

Applicant(s): Phillip Finucan (Owner)  
Address of zoning request: 23121 County 19 BLVD Welch, MN 55089  
Parcel: 46.012.0401  
Abbreviated Legal Description: Part of the NE ¼ of Section 12 TWP 113 Range 16 in Welch Township.  
Township Information: Welch Township signed acknowledgment of the variance request with no additional comments. The Township issued the Applicant a setback variance on May 4<sup>th</sup>, 2023.  
Zoning District: A-2 (General Agricultural District)

**Attachments and Links:**

Application and submitted project summary  
Site Plan and Maps  
2003 Variance 03-V026  
Goodhue County Zoning Ordinance:  
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

**Background:**

Phillip Finucan (Owner) has applied for a variance to A-2 minimum setback standards to construct a 14-foot by 24-foot enclosed lean-to addition on the west side of an existing garage. The proposed addition would be 22 feet from the west property line at its closest point where 30 feet is required.

Section 12 of Welch Township was rezoned from A-3 Urban Fringe District to A-2 General Agriculture District in February 2022. This rezoning explains why the 2003 variance documents indicate the property is zoned A-3 while this variance request states the property is zoned A-2.

**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:**

- Property line setbacks are intended to create separation among adjacent structures and uses and allow room for future repairs and maintenance.

- The Applicant desires to construct the addition to have additional indoor space for maple syrup processing.
- A setback variance was granted to a previous owner in 2003 for the existing garage to be constructed 20 feet from the west property line. Mr. Finucan verified the location of his property pins before applying for this variance and it was discovered the garage was built approximately 36 feet from the property line. The required setback in the A-3 District in 2003 was 100 feet therefore at 36 feet a variance for a reduced setback would still have been required.
- With a proposed 14-foot wide addition, the proposed lean-to would be located 22 feet from the west property line. The addition would be constructed on an existing concrete slab.
- Locating the addition 22 feet from the west property line is not anticipated to further impede future access or maintenance needs. This request appears in harmony with the purpose and intent of the official control.

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

- The Goodhue County Comprehensive Plan supports the use of existing rural residences to provide rural living opportunities in the unincorporated areas of Goodhue County.

The proposed addition appears consistent with the Goodhue County Comprehensive Plan.

3) **There are “practical difficulties” in complying with the official control (the applicant proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality):**

- The Applicant’s request to construct an enclosed lean-to garage addition is a reasonable use of property in the A-2 District. The addition, as proposed, would meet all other required setbacks.
- The property is an existing 5-acre parcel which is a conforming lot size in the A-2 District (2-acre minimum). The property contains a single-family dwelling, detached garage, and agricultural accessory building.
- The Applicant stated that there are no alternative locations for the addition because of the proximity of the drainfield northeast of the garage. A dry-run classified as shoreland restricts the ability to build to the north due to the required 100-foot setback from the Ordinary High Water Mark, the existing garage is approximately 112 feet from the OHWM, therefore, a 14-foot wide addition would require a variance to the OHWM setback.
- There is an existing concrete slab west of the garage which was installed by the Applicant sometime between 2020 and 2022 (based on aerial imagery). Concrete slabs, driveways, sidewalks, and patios are allowed to be closer to property lines than the required structure setback distance. The slab has been equipped with drains running to the existing septic tank.
- The property is surrounded by A-2-zoned properties on all sides. Surrounding uses include medium-density residential among wooded bluffs and land classified as Shoreland.
- The request appears unlikely to alter the essential character of the locality.

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

- Residential accessory buildings are a permitted 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 Phillip Finucan (Owner) to A-2 Zoning District standards to allow the construction of a lean-to shed addition no less than 22 feet from the west property line.







APPLICATION FOR  
**Variance**

RECEIVED

MAY 09 2023

For Staff Use only	
VARIANCE NUMBER:	Z 23-0015
\$350 RECEIPT#	DATE

**Land Use Management**


SITE ADDRESS, CITY, AND STATE		ZIP CODE:	
23121 cnty Blvd 19 Welch MN		55089	
LEGAL DESCRIPTION:			
Attached <input type="checkbox"/>			
PID#:	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:
46.012.0401	Agricultural 2	5 Acres	14x24
STRUCTURE DIMENSIONS (if applicable):			

APPLICANT OR AUTHORIZED AGENT'S NAME	
Phillip John Finucan	
APPLICANT'S ADDRESS:	TELEPHONE:
23121 cnty Blvd 19 Welch MN	
	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 type="checkbox"/>	
ADDRESS:	TELEPHONE:
	EMAIL:

<b>VARIANCE REQUESTED TO:</b> (check all that apply) <input type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input checked="" type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE:
	Garage
	PROPOSED USE:
	Syrup Processing
	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
	Aaron M Bauer	5-8-2023

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: 5-9-23

Print name: Phillip Finucan (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:

Existing garage want to add lean to for sycep Processing on Existing Slab

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

cannot Build lean to

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:

100' set Back from the Drywash, 85' set Back from Road centerline 30' set Back from the toe of the Bluff

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

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

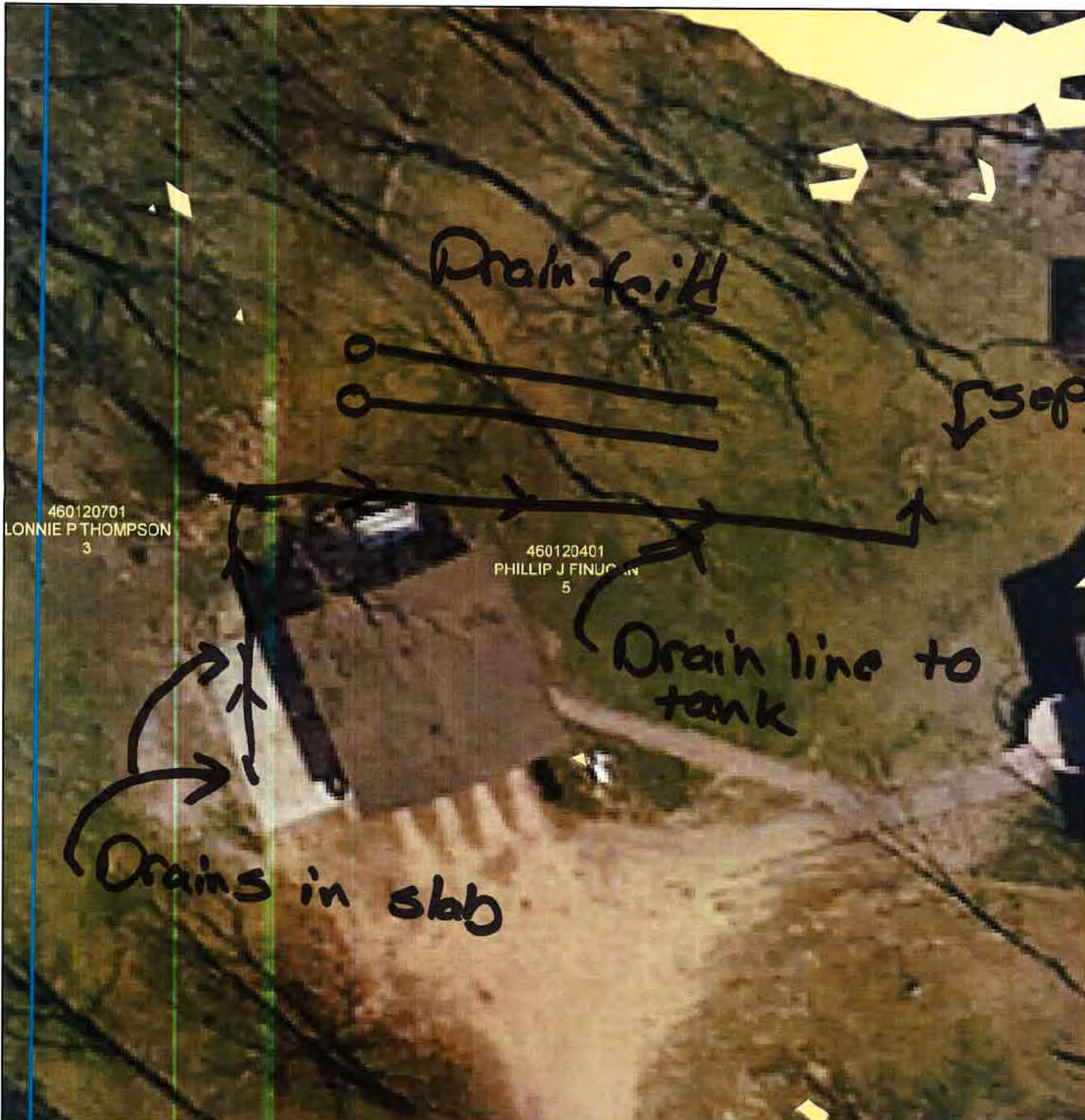
I was going to attach to the otherside of the garage, But it is to close to septic & Drainfeild. Basically Anywhere on My Property Requires a Variance

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

No Because I am attaching it to an existing structure

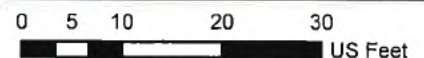
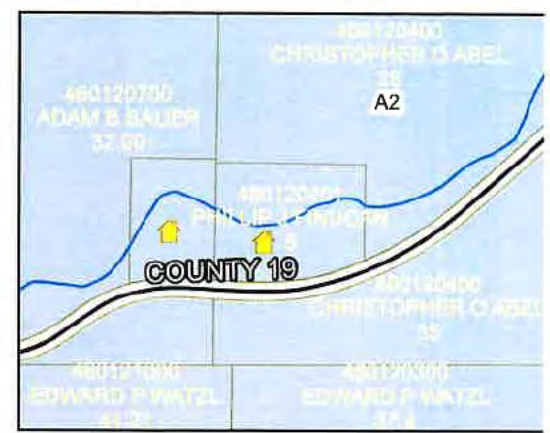
# SITE PLAN

State the use of the property. Show the size, shape and location of structures with distance to property lines and location of ALL wells and septic systems.



## Legend

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



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2018 Aerial Imagery  
Map Created May, 2023 by LUM Counter



22' from foundation

20' from Edge of overhang

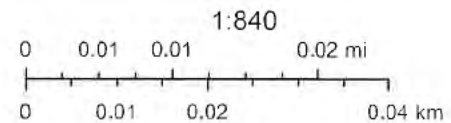
# ArcGIS WebMap



May 5, 2023

- Public Land Survey
- Municipal Boundary
- Goodhue County Roads
- CSAHP; CRP

- House Number
- Full Name
- PIN
- Parcels



VARIANCE  
GOODHUE COUNTY, MINNESOTA

03-V026  
46-012-0401

Date: APRIL 9, 2003 Applicant: JASON R ORLOSKE

Legal Description: Pt of NE ¼, Sec 12, T113N, R16W, Welch Township. (see attachment)

Present Zoning: (A-3) URBAN FRINGE

Variance Request: TO BUILD AN ACCESSORY BUILDING 20-FT FROM THE WEST  
PROPERTY LINE AND NOT THE REQUIRED 100-FT PROPERTY LINE SETBACK.

Specify the section of the ordinance from which variance is sought: Article 13, Section 4, Subd 2A2a

Explain the hardship or practical difficulty imposed if strict application of the ordinance is imposed: Due to dryrun through the valley along Cty 19, my property is split in half. The side opposite the dryrun is inaccessible by vehicle. My house and yard are positioned on a plateau area well above the dryrun, but limits me to the location of where I may place a garage. Also, my driveway is located directly in front of the house, and is an ideal spot for a garage.

Applicant's Signature /s/ JASON R. ORLOSKE

Address 23121 Cty 19 Blvd Welch MN 55089

Hearing Date: APRIL 28, 2003

Rec'd Payment /s/ LAVON AUGUSTINE

\*\*\*\*\*

**DECISION OF THE GOODHUE COUNTY BOARD OF ADJUSTMENT**

This 28 day of APRIL 20 03 The Goodhue County Board of Adjustment recommends that this variance be:  
Approved 20 ft from property line and not required 100 ft property line setback.

Reason for Decision: A hardship was proven. The variance is in harmony with the general purpose and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control; the variance will not alter the essential character of the locality.

Signed /s/ Richard Sviggum  
Chairman, Board of Adjustment

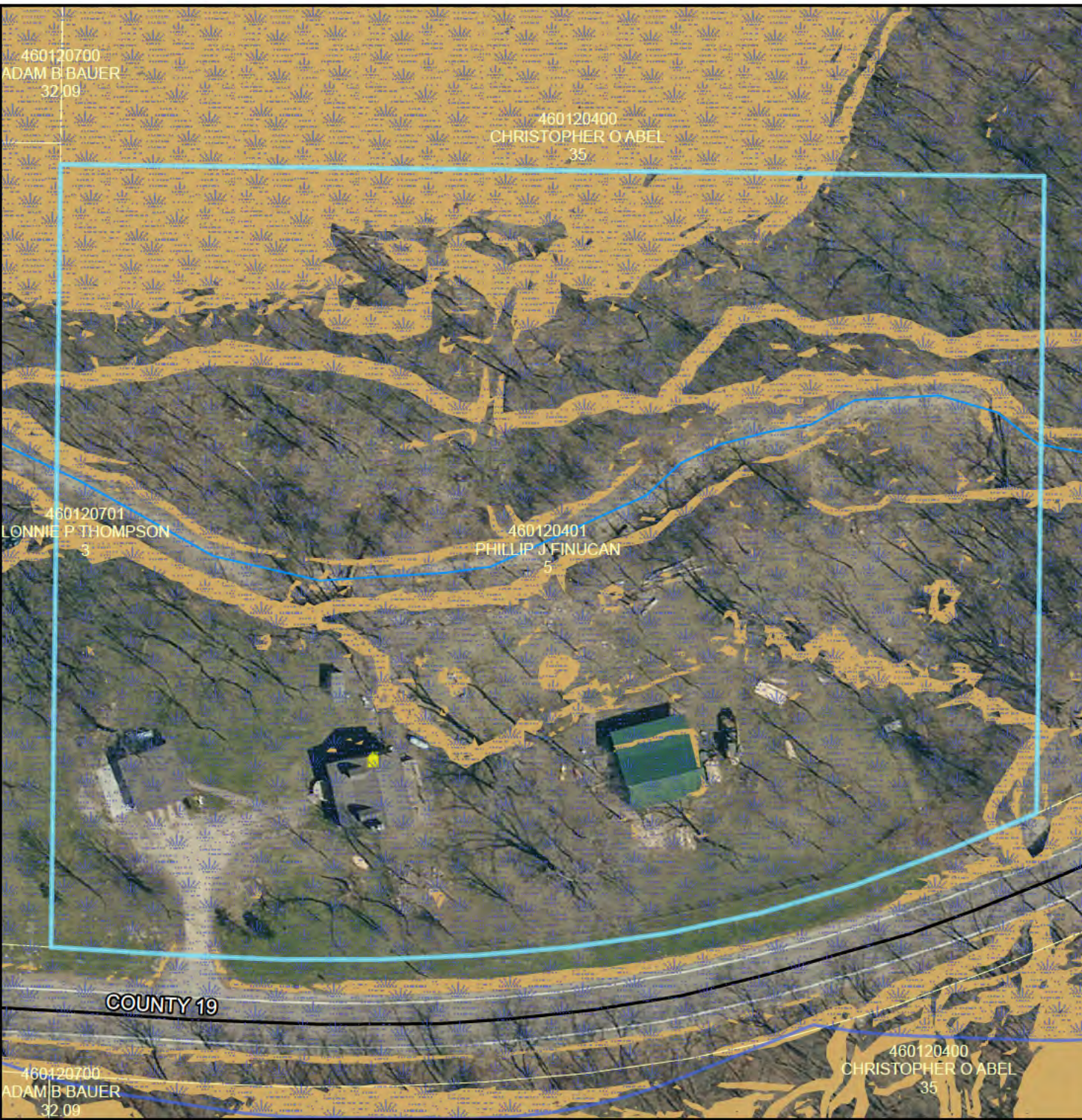
Fee \$200.00

Public Hearing  
May 22, 2023

Phillip Finucan (Owner)  
A2 Zoned District

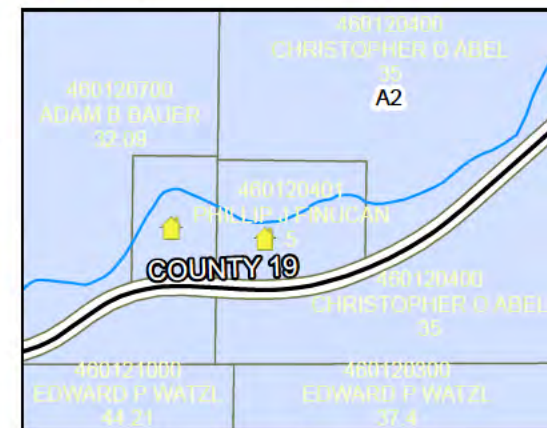
Part of the NE 1/4 of  
Section 12 TWP 113 Range 16  
in Welch Township

Request for Variance to construct  
a lean-to shed addition less than 30-feet  
from a side yard property line.



**Legend**

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



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Public Hearing  
May 22, 2023

Phillip Finucan (Owner)  
A2 Zoned District

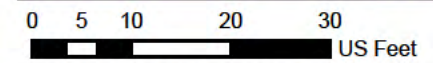
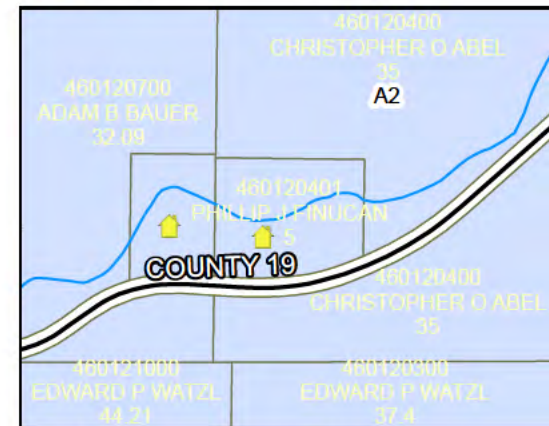
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**Legend**

- |  |                            |  |                              |
|--|----------------------------|--|------------------------------|
|  | 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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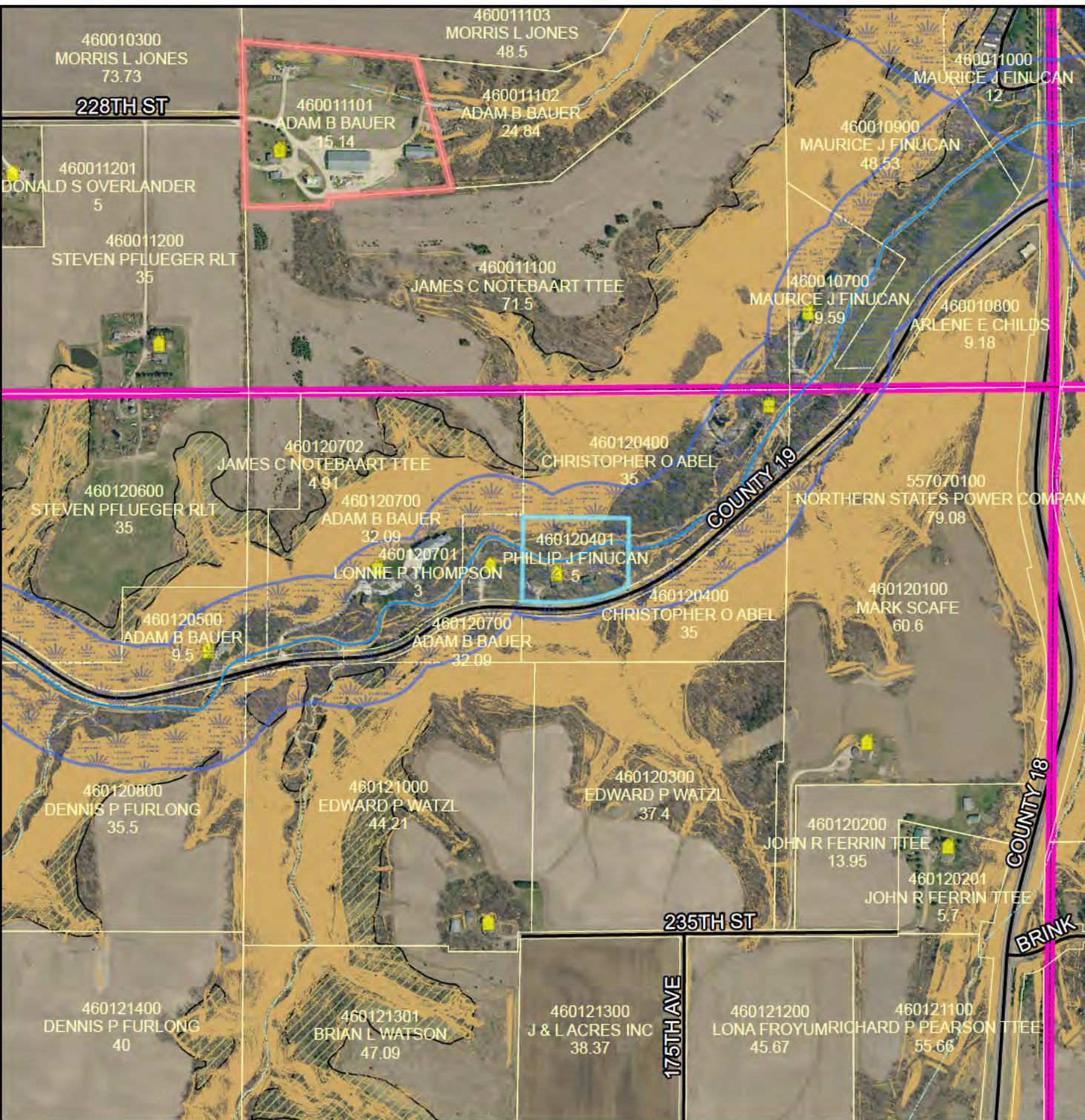


Public Hearing  
May 22, 2023

Phillip Finucan (Owner)  
A2 Zoned District

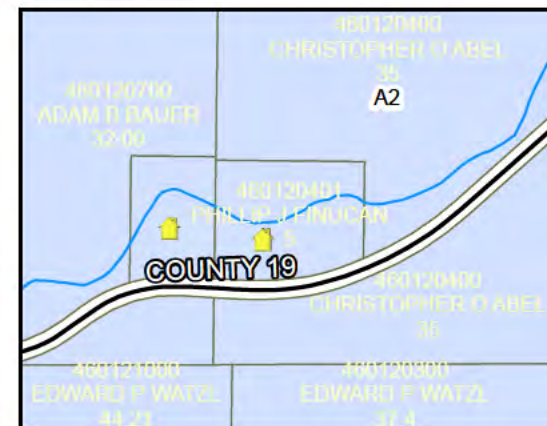
Part of the NE 1/4 of  
Section 12 TWP 113 Range 16  
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Request for Variance to construct  
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**Legend**

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

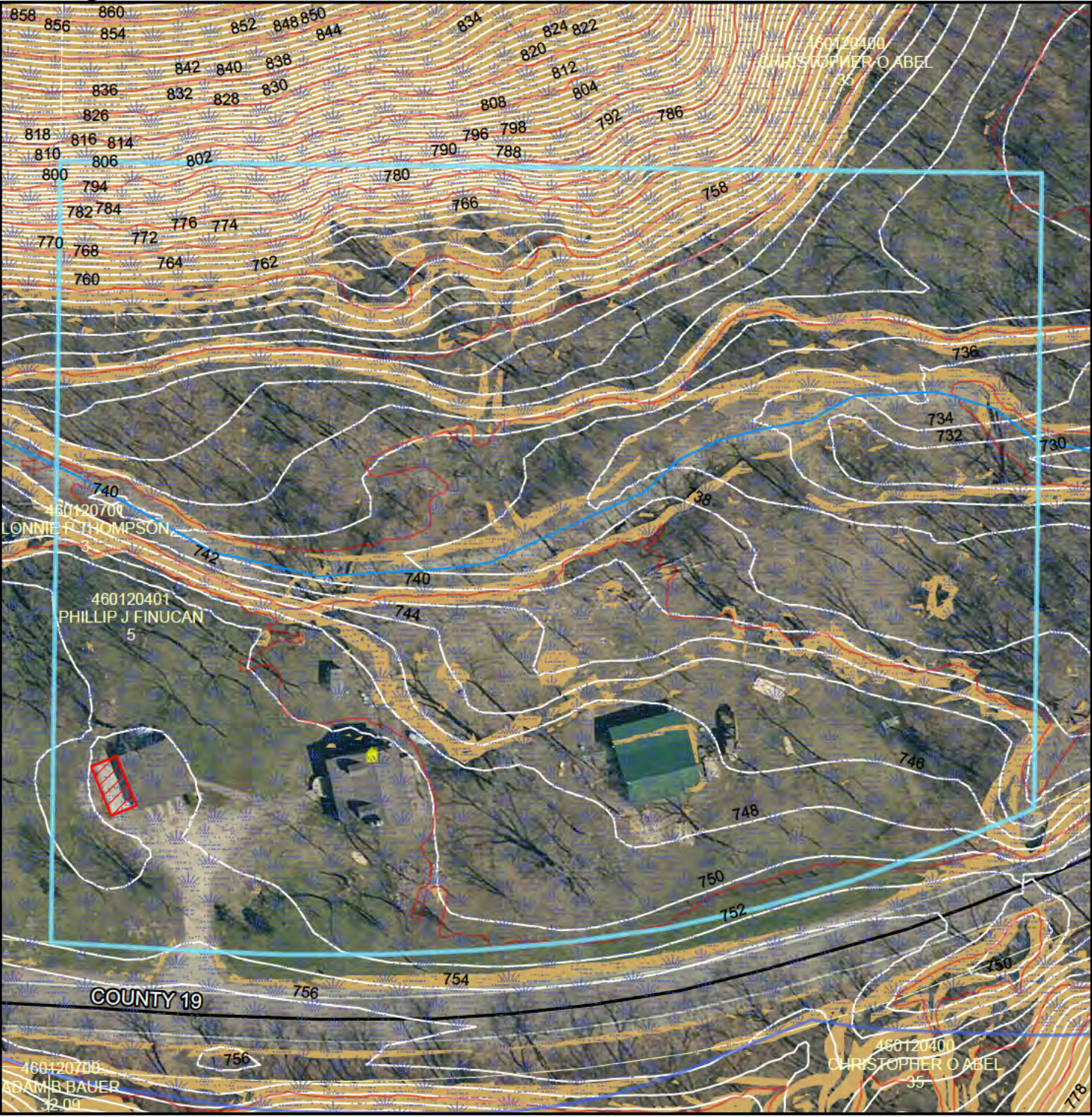


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# MAP 03: ELEVATIONS



## BOARD OF ADJUSTMENT

Public Hearing  
May 22, 2023

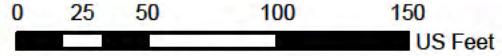
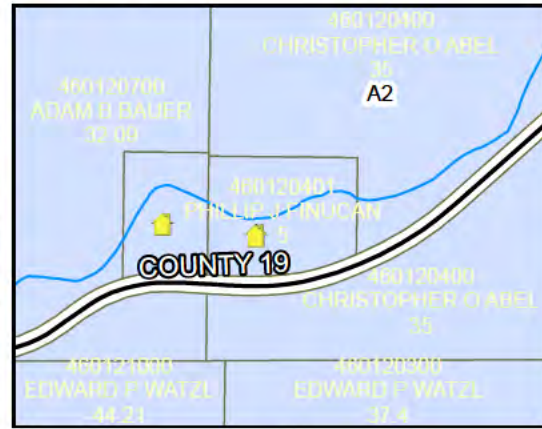
Phillip Finucan (Owner)  
A2 Zoned District

Part of the NE 1/4 of  
Section 12 TWP 113 Range 16  
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Request for Variance to construct  
a lean-to shed addition less than 30-feet  
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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



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