



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. June 26, 2023 BOA DRAFT Meeting Minutes

Documents:

[BOAMEETINGMINUTES_JUNEMEETING_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Bluffland Standards

Request for Variance, submitted by Edward Gruber (Owner) to Article 12 (Bluffland Protection Standards) to allow grading/excavation work into the bluff impact zone for an accessory dwelling unit. Parcel 42.010.0900. 29785 County 7 BLVD Welch, MN 55089. Part of the SE ¼ of the SW ¼ of Section 10 TWP 112 Range 16 in Vasa Township. A-2 Zoning District.

Documents:

[BOAPACKET_GRUBER.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
June 26, 2023 MEETING MINUTES
DRAFT**

The meeting of the Goodhue County Board of Adjustment was called to order at 5:04 PM by Vice-Chair Darwin Fox at the Goodhue County Government Center Board Room.

Roll Call

Commissioners Present: Keith Allen (arrived at 5:03 PM), Dennis Tebbe, Scott Breuer, and Darwin Fox.

Commissioners Absent: Daniel Knott, Randy Rehtzigel

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

1. Approval of Agenda

¹Motion by Commissioner Tebbe and seconded by Commissioner Allen 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 reported conflicts/disclosures of interest.

4. Public Hearings:

PUBLIC HEARING: Request for Variance to Minimum Lot Size Standards

Request for Variance, submitted by John Wooden (Owner) to A-3 Zoning District standards to allow the split of an existing non-conforming parcel thereby decreasing the size of an existing parcel that is less than 35 acres. Parcel 34.005.0202. 29020 Highway 58 BLVD Red Wing, MN 55066. Part of the SE ¼ of Section 05 TWP 112 Range 14 in Hay Creek Township.

Pierret presented the staff report and attachments.

John Wooden (applicant), 29020 Highway 58 Blvd, Red Wing, came up to speak. He met with staff twice to try and figure out how to make this work. He is trying to preserve as much tillable land as possible without impacting the drain field. He would like to have an agricultural storage building on the property.

Vice-Chair Fox opened the Public Hearing

No one spoke for or against the request.

³After Vice-Chair Fox asked three times for comments it was moved by Commissioner Allen and seconded by Commissioner Breuer to close the Public Hearing.

Motion carried 4:0

Commissioner Tebbe stated that he realizes that they are in a different section, but when looking along the corridor, there are several small lots along there. He does not feel that it is necessarily incompatible to reduce the size to keep the 35 acres. He does not see a major problem with this. It's good to hear they are preserving the Ag land. Based on where the land is, it seems like the impact is minimal.

Vice-Chair Fox stated that this is a really unique situation due to the fact it started many years ago with variances being granted. It's a tougher situation.

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 26, 2023 MEETING MINUTES
DRAFT**

Commissioner Breuer said it's always hard to understand these situations, especially when there are acres involved. There is not much of a choice the way it looks here.

Vice-Chair Fox indicated that is part of the uniqueness of what this is. The fact that there are so many small ones already, and it's an A-3 butted up against an A-2 in an area that almost doesn't fit that definition, it's questionable.

Vice-Chair Fox asked staff if they had been out to the site.

Pierret indicated that they had not.

Vice-Chair Fox asked Mr. Wooden (applicant) if any part of the land was being farmed now.

Mr. Wooden (applicant) indicated yes.

Vice-Chair Fox asked what kind of crop is on it?

Mr. Wooden (applicant) replied it is a rotating crop. He sells the Alfalfa to a dairy farmer. The crop is primarily Alfalfa.

Commissioner Tebbe said Vice-Chair Fox identified the uniqueness because of the small lots. He indicated he could certainly support this.

4Motion by Commissioner Tebbe, seconded by Commissioner 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 John Wooden (Owner) to A-3 minimum lot size standards to split an existing parcel less than 35 acres (34.005.0202) to allow the creation of a parcel 35 acres in size (34.005.0200).

Motion carried 4:0

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Cory Henry (Owner) to A-3 Zoning District standards to allow the construction of an accessory building less than 60-feet from the Hardwood Way Right-of-Way. Parcel 28.017.3800. 30188 Hardwood Way Cannon Falls, MN 55009. Part of the NE ¼ of Section 17 TWP 112 Range 17 in Cannon Falls Township.

Pierret presented the staff report and attachments.

Christina Henry (applicant), 30188 Hardwood Way, Cannon Falls, came forward. Their house sits on a bluff and some parts are steeper and some are narrower. They have limited useable space and want to put up a pole shed.

Vice-Chair Fox asked what the blue square drawn on one of the maps is.

Pierret said this is from the new Eagle Viewer Imagery. It gives really good pictures of all sides of the house. However, the property lines will not be lining up accurately when you flip your view to be looking from the side. The blue line is just what was selected, not the property line.

Vice-Chair Fox asked if between where the proposed shed and the road is, are there some trees or shrubs?

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 26, 2023 MEETING MINUTES
DRAFT**

Pierret stated yes.

Vice-Chair Fox opened the Public Hearing

No one spoke for or against the request.

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

Motion carried 4:0

Commissioner Allen said that in looking at the map and topography and useable spots, there is no other spot you could really build on.

Commissioner Breuer agreed that this is the only spot to put the building.

Commissioner Tebbe indicated that the contours certainly show the steepness behind the shed.

Vice-Chair Fox said he is quite familiar with the piece of property and it is very limited. Cannon Falls Township has commented on and approved. It is not a very overly traveled or high-speed road. One of the biggest issues with setbacks was plowing snow and other maintenance, but this is not an area where that would create issues.

Commissioner Allen asked if this is Township road?

Vice-Chair Fox stated yes.

Commissioner Allen asked if the road is paved?

Commissioner Fox said it is a gravel road.

Christina Henry (applicant) said it is paved to the church and turns gravel after that.

Commissioner Breuer stated it looks like there is already vegetation between the shed and the road. He asked if the vegetation will stay there after the building is constructed?

Christina Henry (applicant) indicated that they are leaving all of the shrubs and trees there.

Commissioner Tebbe said the way it is proposed to be set in there, it gives them an area around the structure to maneuver. Looks like one of the best locations they could put it.

6Motion by Commissioner Allen, seconded by Commissioner Breuer 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 Cory Henry (Owner) to A-3 Zoning District Standards to allow the construction of an accessory building 27 feet from the Hardwood Way Right-of-Way.

Motion carried 4:0

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 26, 2023 MEETING MINUTES
DRAFT**

PUBLIC HEARING: Request for Variance to Minimum Setback Standards

Request for Variance, submitted by Scott Schuett and Jane Umnus (Owners) to A-2 Zoning District standards to allow the construction of a garage addition less than 60-feet from the Highway 19 Right-of-Way. Parcel 28.016.1500. 8070 Highway 19 BLVD Cannon Falls, MN 55009. Part of the NW ¼ of the NW ¼ of Section 16 TWP 112 Range 17 in Cannon Falls Township.

Pierret presented the staff report and attachments.

Commissioner Tebbe asked if any written comments were received?

Pierret stated there were no written comments.

Commissioner Allen asked if the DOT did not get back to staff at all?

Pierret stated that they did not.

Scott Schuett (applicant), 8070 Highway 19 Blvd, Cannon Falls, came up to speak. The flat roof garage leaks and frost has pushed the foundation about two inches. The foundation needs to be fixed, which they plan to do. Since they are fixing this, they decided to make everything on one level. Being that they are already 52 feet from the lot line, it's non-conforming. Another six to eight feet addition is not going to block anybody's view. That is the only way they can go because there is a bluff to the back that goes up about 200 feet and towards the highway is the only way they can go.

Vice-Chair Fox opened the Public Hearing

Tim and Diane Benson, 8094 Highway 19 Blvd, Cannon Falls, came forward. They question that the applicants say they can only go to the north, towards the road. They can go to the south, in the back. He has dug there before. He dug into the side hill, took a skid steer and made trails. That is protected bluffland. The county never said anything about that. He can dig back there again. The applicants did this for two years and the county never did anything about it. The Bensons also contacted the EPA and they never did anything. All kinds of things were hauled in and buried, including concrete and asphalt, in the applicants' backyard. That is why the applicant does not want to build back there, it would be costly for him. He created his own mess. The Bensons showed a picture of fill where the applicant hauled some of the spoils from digging into the bluff. He added all of it and Mr. and Mrs. Bensons' old neighbor used to be able to mow back there. They created all of that, put all of that rock in there. They have a storage shed, can't they keep that stuff in there?

Vice-Chair Fox said that this is not for the board to answer. They are dealing with setback issues to the right-of-way. Not any of this other stuff. He asked that the public keep it to the right-of-way issues.

Diane Benson said they are just saying that they could go to the south. They just said they have no other options but they could go to the south.

Tim Benson stated the applicant has dug back there before.

Bill Toninato, 8136 Highway 19 Blvd, Cannon Falls, said he sees there is an additional bathroom being put in upstairs. Is there anyone questioning the septic tank?

Vice-Chair Fox stated that this board only deals with the zoning part of this. The septic part would be Environmental Health. This group deals with the zoning portion of whether to allow them to build closer to the road right-of-way.

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 26, 2023 MEETING MINUTES
DRAFT**

Bill Toninato asked if they would also be the ones to inspect the foundation to make sure it can hold it?

Commissioner Breuer said the Building Inspector would do that.

Vice-Chair Fox stated they only deal with the zoning part of it.

Vice-Chair Fox asked if a Building Permit had been applied for?

Pierret stated a Building Permit has been applied for but cannot be issued until this variance goes through. The Building Official has not reviewed the plans yet, because this has not been signed off by Zoning.

Commissioner Allen said and then they review septic and well.

Pierret stated yes, septic, well, plans.

Commissioner Allen said that they have to have the building inspected as it is going through the process of construction, the entire time.

Pierret stated yes.

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

Motion carried 4:0

Vice-Chair Fox asked staff if the applicant wanted to move back to the south, would he need to get a variance to the bluffland?

Pierret stated it is possible. She believes a bluff study was done years ago and it is possible a variance would be needed to the bluff. However, the back of the garage is at grade. Extensive excavation would need to occur so they could have more garage space below what is now the grade.

Commissioner Tebbe said that is the same concern he had. It looks as though this could impact the setbacks to the toe of the bluff.

Commissioner Allen said it looks like it is almost thirty feet from the edge of the bluff. Thirty to fifty feet.

Pierret stated yes.

Commissioner Tebbe stated he agrees with Commissioner Allen that it looks like it is about thirty feet, based on the contours. Thirty feet is the setback, correct?

Pierret stated thirty feet from the toe of the bluff.

Commissioner Allen said just alone in that one stretch, seven houses are literally within the setback distance of nineteen. From the looks of the contour, it almost follows that bluff to a tee.

Commissioner Tebbe stated he thinks some of the concerns that were expressed during the Public Hearing, as indicated, don't apply to their decision at this meeting.

Vice-Chair Fox said that it will apply to the other part, the building and septic inspections.

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 26, 2023 MEETING MINUTES
DRAFT**

Commissioner Tebbe said he does understand the concerns about some of the things that have happened there. Those are issues outside of this board that will need to be dealt with. But the proposal to go a little closer to the right-of-way is not a significant issue to him, based on what Commissioner Allen pointed out. He indicated he could certainly support the staff recommendation.

8Motion by Commissioner Tebbe, seconded by Commissioner Breuer 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 Scott Schuett and Jane Umnus (Owners) to A-2 Zoning District standards to allow the construction of a garage addition 44 feet from Highway 19 Right-of-Way.

Motion carried 4:0

5. Other-Discussion

Pierret stated it is application week this week for the July meeting so we may have something for the next meeting.

Commissioner Breuer said it seems like they just kicked the can down the road.

Commissioner Allen said that what ends up happening is that inspectors do exactly what they are supposed to do and really dig into it.

Commissioner Tebbe said the concerns are certainly understandable.

9Motion by Commissioner Allen, seconded by Commissioner Tebbe to adjourn the BOA meeting at 5:43 PM.

Motion carried 4:0

Respectfully submitted:

Patty Field, Zoning Administrative Assistant

MOTIONS

¹ APPROVE the BOA meeting agenda.

Motion carried 4:0

² APPROVE the previous month's meeting minutes.

Motion carried 4:0

³ Motion to close the Public Hearing.

Motion carried 4:0

⁴ APPROVE the Variance request to A-3 zoning district standards.

Motion carried 4:0

⁵ Motion to close the Public Hearing.

Motion carried 4:0

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
June 26, 2023 MEETING MINUTES
DRAFT**

⁶ APPROVE the Variance request to A-3 zoning district standards.

Motion carried 4:0

⁷ Motion to close the Public Hearing.

Motion carried 4:0

⁸ APPROVE the Variance request to A-2 zoning district standards.

Motion carried 4:0

⁹ ADJOURN

Motion carried 4:0

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: July 24, 2023
Report date: July 14, 2023

PUBLIC HEARING: Request for Variance, submitted by Edward Gruber (Owner), to Article 12 (Bluffland Protection Standards) to allow grading/excavation work into the bluff impact zone for an accessory dwelling unit.

Application Information:

Applicant(s): Edward Gruber (Owner)
Address of zoning request: 29785 County 7 BLVD Welch, MN 55089
Parcel: 42.010.0900
Abbreviated Legal Description: Part of the SE ¼ of the SW ¼ of Section 10 TWP 112 Range 16 in Vasa Township
Township Information: Vasa Township approved a Township Zoning permit for the project on April 11, 2023
Zoning District: A-2 (General Agriculture District)

Attachments and Links:

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

Background:

Edward Gruber (Owner) has applied for a variance to Bluffland Protection Standards to allow excavation and grading into the bluff impact zone to construct an accessory dwelling unit (ADU). The Applicant is proposing to place the ADU 0 feet from the toe of a bluff and excavate a maximum of 38 feet into the bluff to create a backyard for the ADU. Zoning and Soil and Water Conservation District staff performed a site visit to the property on June 26, 2023, where staff verified the location of the bluff.

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 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 Applicant has already performed intensive vegetative cutting and clearing within the bluff impact zone.
- The proposed location of the new ADU was chosen to avoid the area north of the existing dwelling. This area floods during heavy rain events and contains a ditch that carries the runoff from bluffs to the north via large culverts. The ADU is proposed to be placed 0 feet from the toe of the bluff to meet the 60-foot setback requirement from County 7 BLVD.
- Variance requests should utilize the least amount of non-conforming activity to achieve the desired outcome. The request to excavate a maximum of 38 feet into the bluff impact zone may be considered “excessive”. Excavation behind the existing garage may also be “excessive”. Staff acknowledges the desire to have a backyard area for the ADU however blufflands should be protected from excessive grading and excavation, therefore, a lesser amount of excavation would be preferred by staff.

The request may not be in harmony with the purpose and intent of the official controls due to the amount of excavation requested.

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 including Accessory Dwelling Units.
- The Comprehensive Plan also encourages the protection of wetlands, surface water, and groundwater resources.
- 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.

If excavation/grading is limited and best management practices to prevent erosion are utilized, the proposal could be considered consistent with the 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 Dwelling Unit is a reasonable use of property in the A-2 District.
- The parcel is an existing 4.32-acre lot which is a conforming lot size in the A-2 Zoning District (2-acre minimum). A majority of the parcel is classified as blufflands. The parcel is unusually shaped at over 1,300 feet long and less than 200 feet wide at its widest point. The property’s entire eastern border is County 7 BLVD.
- The Applicant stated that there are no alternative locations for the ADU due to the existing topography, the potential of the area to the north to flood, and the requirement to be at least 60 feet from the County 7 BLVD Right-of-Way. The area to the north contains a Nationally Identified Wetland along the ditch and almost entirely contains “Hydric Soils”.
- The Applicant also noted the bluff area to be impacted was graded/excavated and pulled downward towards County 7 BLVD sometime in the 1970s. Staff does not have imagery or documents verifying this activity.
- The existing garage is less than 30 feet from the toe of the bluff. All existing structures were built before zoning and bluffland protection standards were enforced in Goodhue County.
- 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 excavation/grading work at 38 feet could be detrimental

to the bluff. He recommended limiting excavation to prevent erosion and stability issues.

Before the issuance of a building permit, SWCD staff and the Zoning Administrator should review and approve proposed erosion control methods. The Applicant has not submitted an erosion control plan therefore staff would recommend adding this as a condition of the variance if approved.

- The site is surrounded by Blufflands/woodlands in all directions. Surrounding properties are all zoned A-2 (General Agriculture District). Several properties along County 7 Blvd have structures/dwellings too close to a bluff and multiple properties along County 7 BLVD in Vasa and Welch Townships have been granted variances to bluff setbacks and to excavate into the bluff.
- The Applicant could alternatively pursue a variance request to place the ADU closer than 60 feet from the County 7 BLVD Right-of-Way to avoid negatively impacting the 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.

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

Staff Comments:

- Staff would note that if the request to excavate into the bluff is denied, the Applicant should restore the bluffland area that has been cleared of vegetation to the satisfaction of the Zoning Administrator and SWCD staff.

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 Edward Gruber (Owner) to Bluffland protection standards to allow excavation/grading for construction of an accessory dwelling unit no more than 15 feet into the bluff impact zone. Subject to the following conditions:

1. An erosion control plan shall be submitted to the Zoning Administrator and approved by the Goodhue SWCD and Zoning Administrator before the issuance of a building permit.



Bluff looking southwest. County 7 BLVD is left of the camera. Green flags represent toe of bluff.



Bluff looking west. Garage is right of the camera. Green flag is toe of bluff.

JUN 28 2023

APPLICATION FOR
Variance

Land Use Management

For Staff Use only	
VARIANCE NUMBER:	Z 230029
\$350 RECEIPT#	18137 DATE 6-28-23

SITE ADDRESS, CITY, AND STATE		ZIP CODE	
29785 County 7 BLVD Welch mn		55089	
LEGAL DESCRIPTION			
Attached			
PID#	ZONING DISTRICT	LOT AREA (SF/ACRES)	LOT DIMENSIONS:
42-010-0900			
STRUCTURE DIMENSIONS (if applicable):			

APPLICANT OR AUTHORIZED AGENT'S NAME	
Edward Gruber	
APPLICANT'S ADDRESS:	TELEPHONE:
29785 Co 7 BLVD Welch mn 55089	
	EMAIL:

PROPERTY OWNER'S NAME:	
Same as Above	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
Same as Above	
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:
	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: Edward Gruber Date: 6-26-2023

Print name: Edward Gruber (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:

ADU to help out my father Dwelling & Detached garage

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

Can not Build ADU

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:

Bluffs were graded in the 1970s and there is a Dry run north of House that floods need room for new septic

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

could build on the other side of existing house But the Dry run floods every so often when we get alot of rain. Its a Flood Zone

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

See Above

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

NO

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Vasa

Goodhue County

Parcel # _____

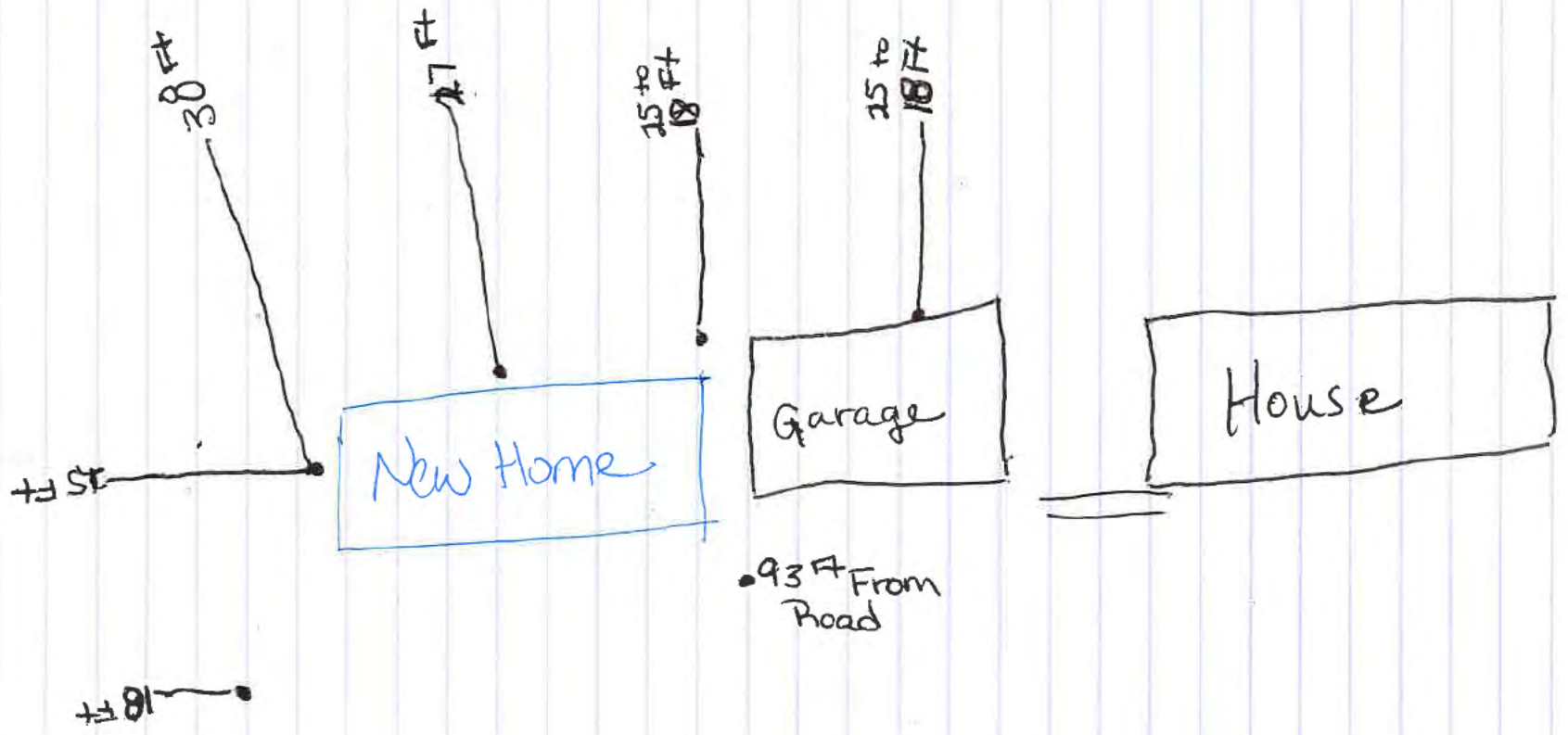
APPLICANT INFORMATION		
Last Name <u>G. Stefan</u>	First <u>Edward</u>	M.I.
Street Address <u>29785 Co 7 Blvd</u>		Phone
City <u>Welch</u>	State <u>MN</u>	ZIP <u>55089</u>
Email Address		
Township <u>Vasa</u>	Range	Section

PROJECT INFORMATION		
Site Address <u>Same</u>		
Property Owner: <u>Same</u>		
Type of Project <u>Accessory Home</u>	Proposed Use	
Structure Type <u>Framed</u>	Replacement	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Variance # _____	Conditional Use Permit # _____	
Zoning District:	Lot size	Structure dimensions

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

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 <u>[Signature]</u>	Title <u>Clerk</u>	Date <u>4/11/2023</u>
Signature	Title	Date
Application fee _____	Receipt Number _____	Expiration Date _____

The granting of this permit does not exempt the permittee from having to secure other permits from other Local (Goodhue County), State, or Federal units of government which may have jurisdiction over portions of the authorized project.



Circles represent green flags



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
July 24, 2023

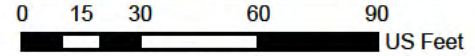
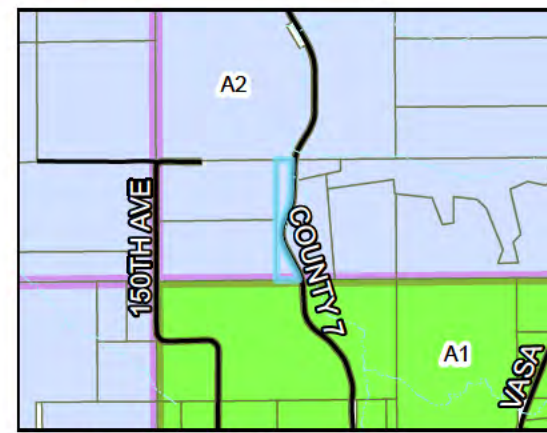
Edward Gruber (Owner)
A2 Zoned District

Part of the SE 1/4 of the SW 1/4
of Section 10 TWP 112 Range 16
in Vasa Township

Request for Variance to allow grading/
excavation work into the bluff impact
zone for an ADU

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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MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
July 24, 2023

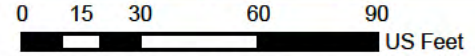
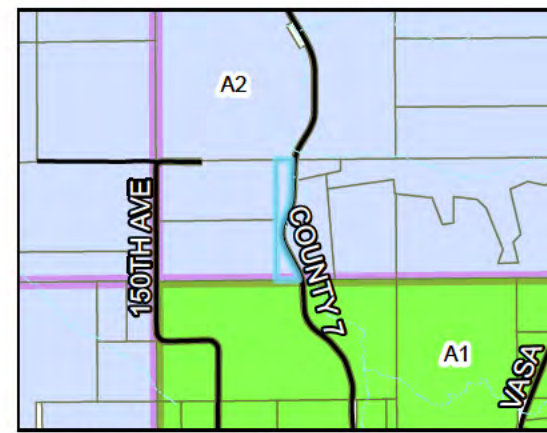
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Request for Variance to allow grading/
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Legend

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

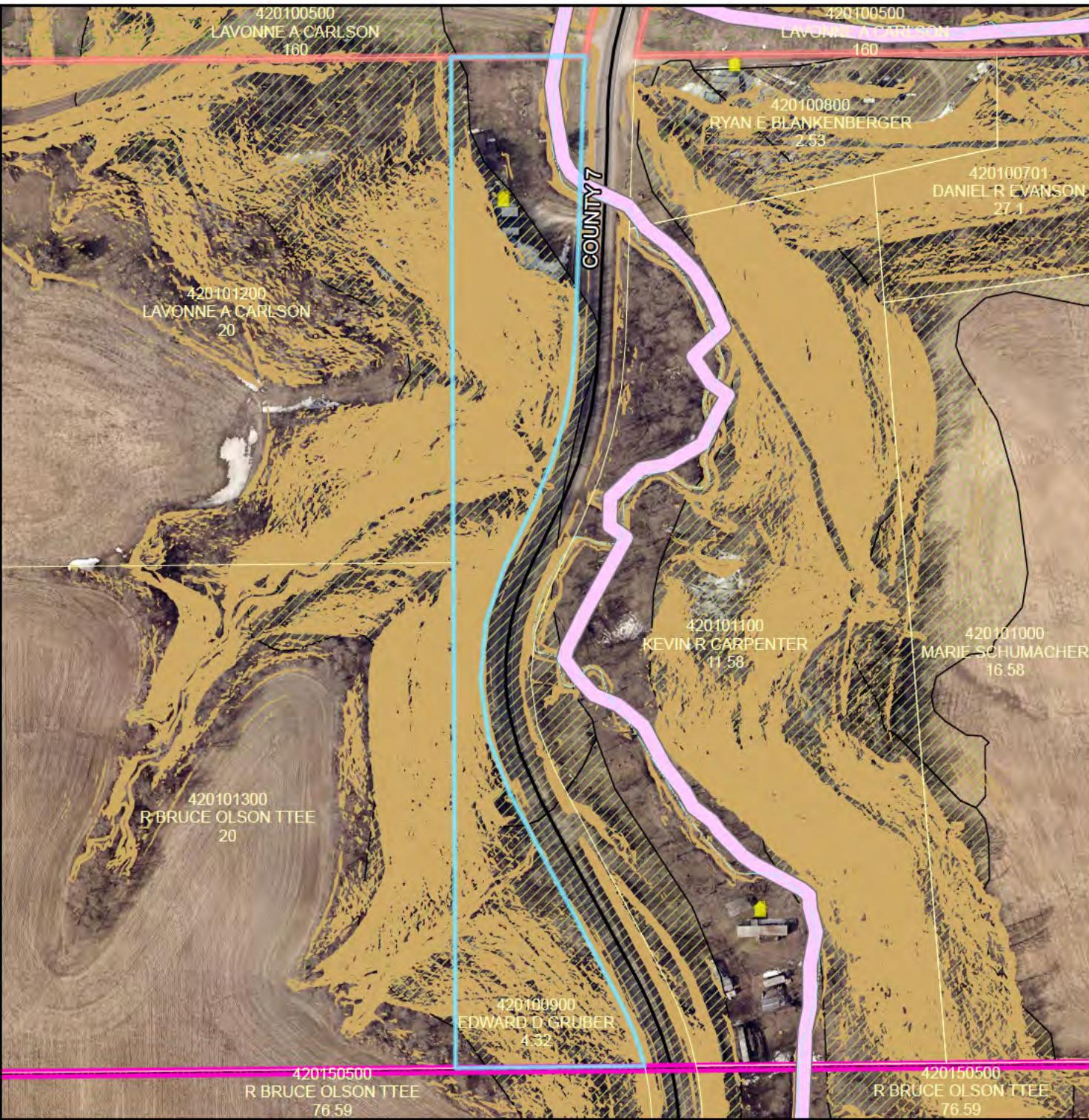


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MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

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July 24, 2023

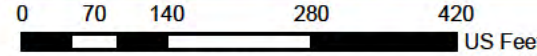
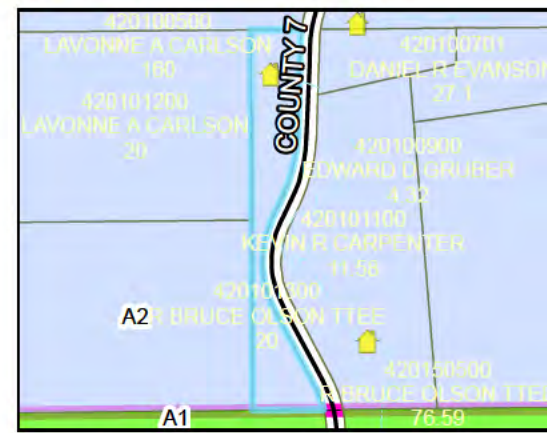
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Request for Variance to allow grading/
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zone for an ADU

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 01: PROPERTY OVERVIEW

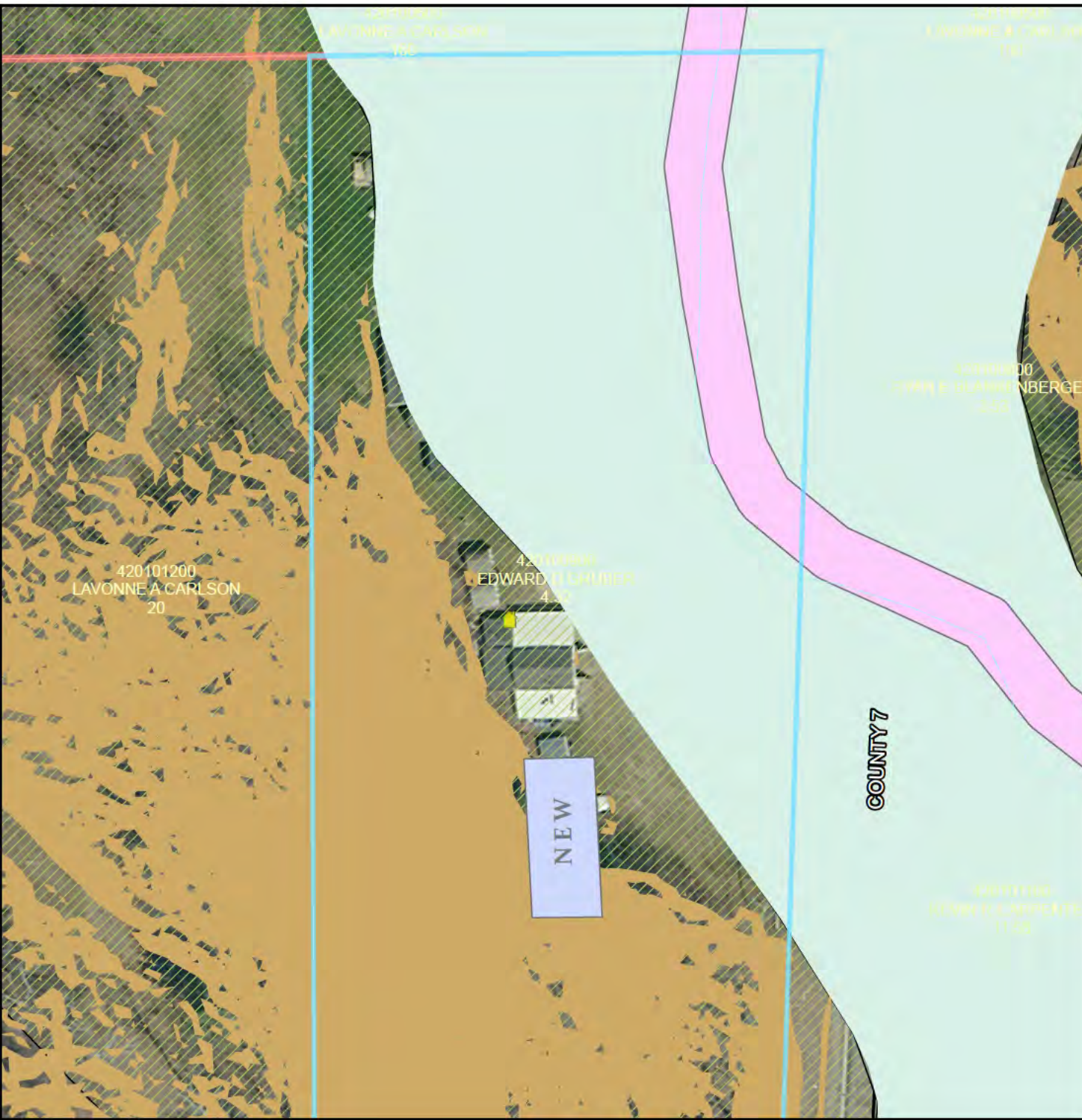
BOARD OF ADJUSTMENT

Public Hearing
July 24, 2023

Edward Gruber (Owner)
A2 Zoned District

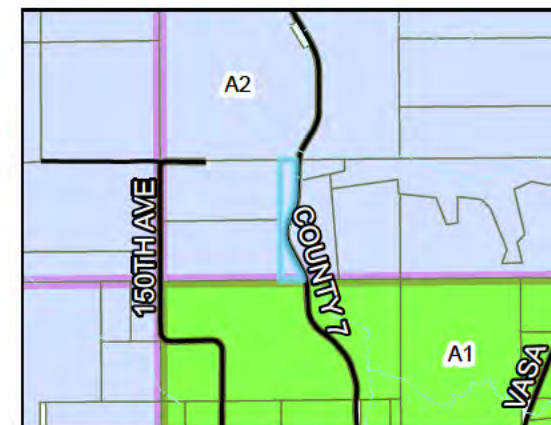
Part of the SE 1/4 of the SW 1/4
of Section 10 TWP 112 Range 16
in Vasa Township

Request for Variance to allow grading/
excavation work into the bluff impact
zone for an ADU



Legend

- | | |
|----------------------------|--------------|
| Intermittent Streams | Bluff Soils |
| Protected Streams | Bluffs |
| Lakes & Other Water Bodies | Hydric Soils |
| Shoreland | |
| National Wetland Inventory | |
| Parcels | |
| Registered Feedlots | |
| Dwellings | |
| Municipalities | |



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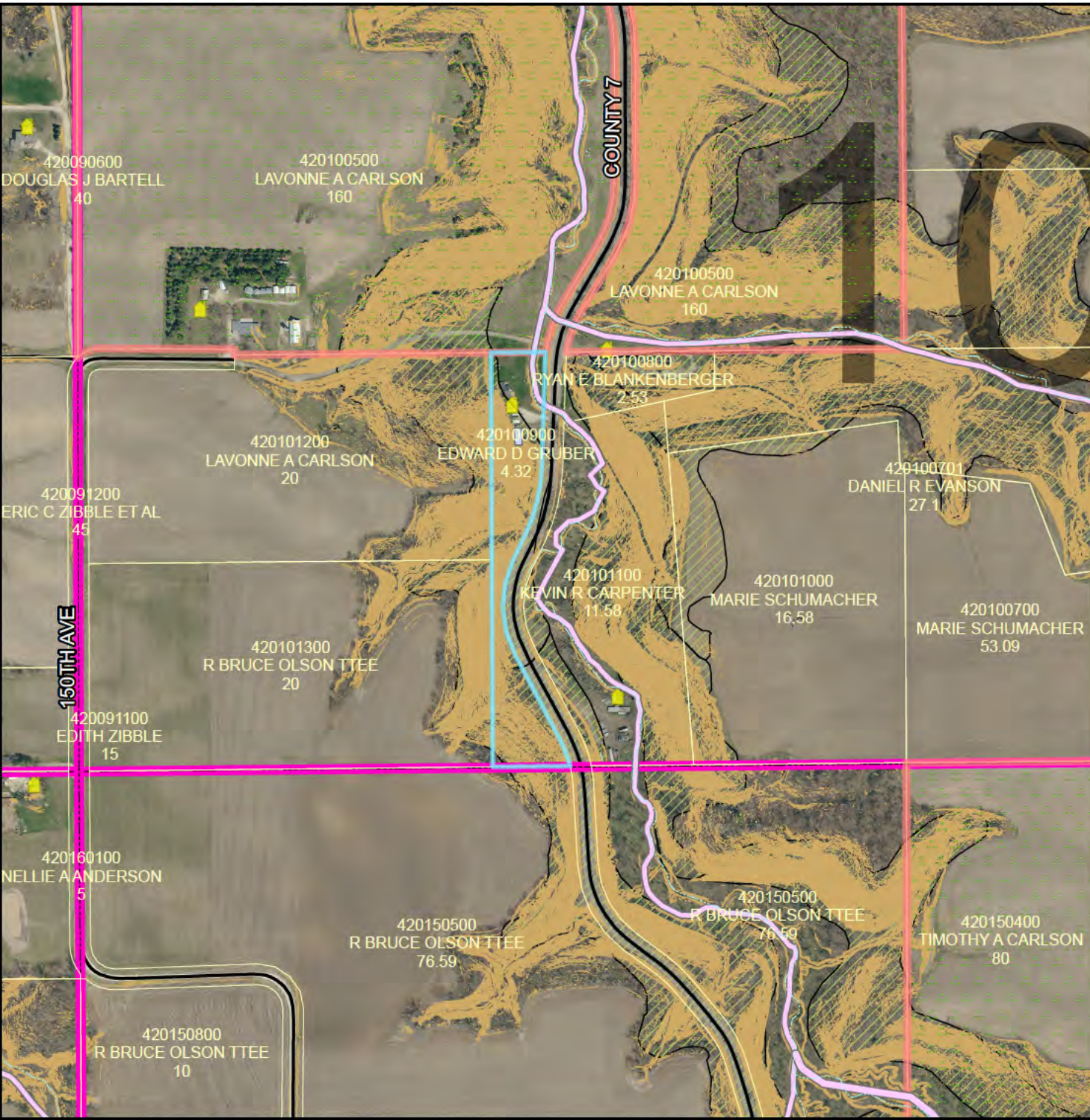


Public Hearing
July 24, 2023

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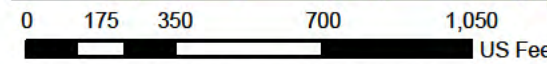
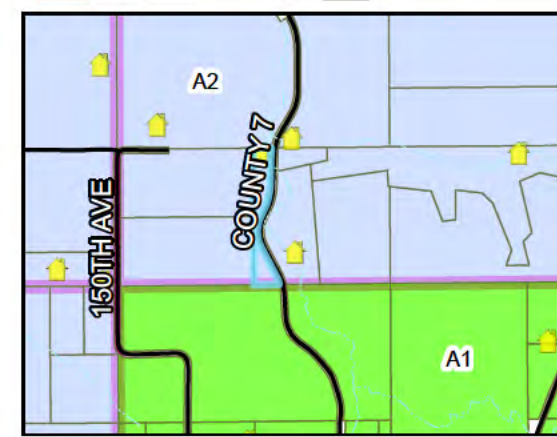
Part of the SE 1/4 of the SW 1/4
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in Vasa Township

Request for Variance to allow grading/
excavation work into the bluff impact
zone for an ADU



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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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
July 24, 2023

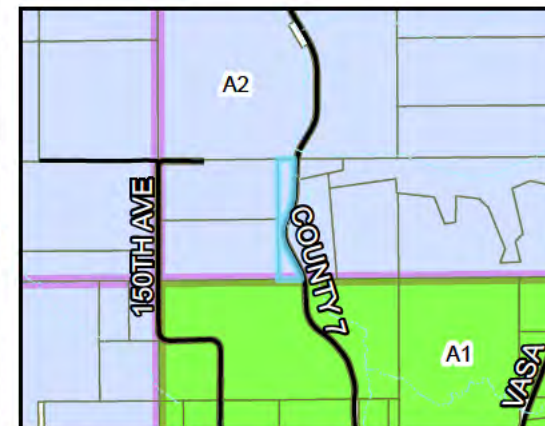
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Request for Variance to allow grading/
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zone for an ADU

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 15 30 60 90 US Feet

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N



Date: July 13, 2023
From: Chad Hildebrand (Natural Resource Specialist)
Subject: Bluff Review - 29785 County 7 Welch

Comments regarding the Bluff Review & Variance on the property 29785 County 7, Welch, MN.

Completed an initial Bluff review via desktop review of the 2020 Lidar to determine where Bluff Areas are located on the parcel (PIN 420100900) and a site visit was completed to place marker flags at the toe of the bluff.

1. Figure A: Bluff Review Map
 - a. Bluffs are present on the parcel that meet Goodhue County Ordinance Article 12.
 - b. Overall Slope = ~ 41% slope
2. Figure B: Contributing Watershed to the New House Location
 - a. Approximately 0.57 acres contributes to the new house location.
3. Figure C: 38 feet Bluff Impact
 - a. Removing approximately 14-20 feet of elevation difference.
4. Figure D: Soils Map
5. Figure E: Profile Cross Section

Would be my recommendation that a "0 feet" bluff impact/excavation into the bluff area if the new dwelling can be successfully placed. If hardship is determined, the least amount of impact/excavation would be my recommendation to protect our bluff areas in Goodhue County.

If areas of the bluff are to be excavated, per Goodhue County Ordinance, Article 12 Bluff Land Protection, Section 2, 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:**

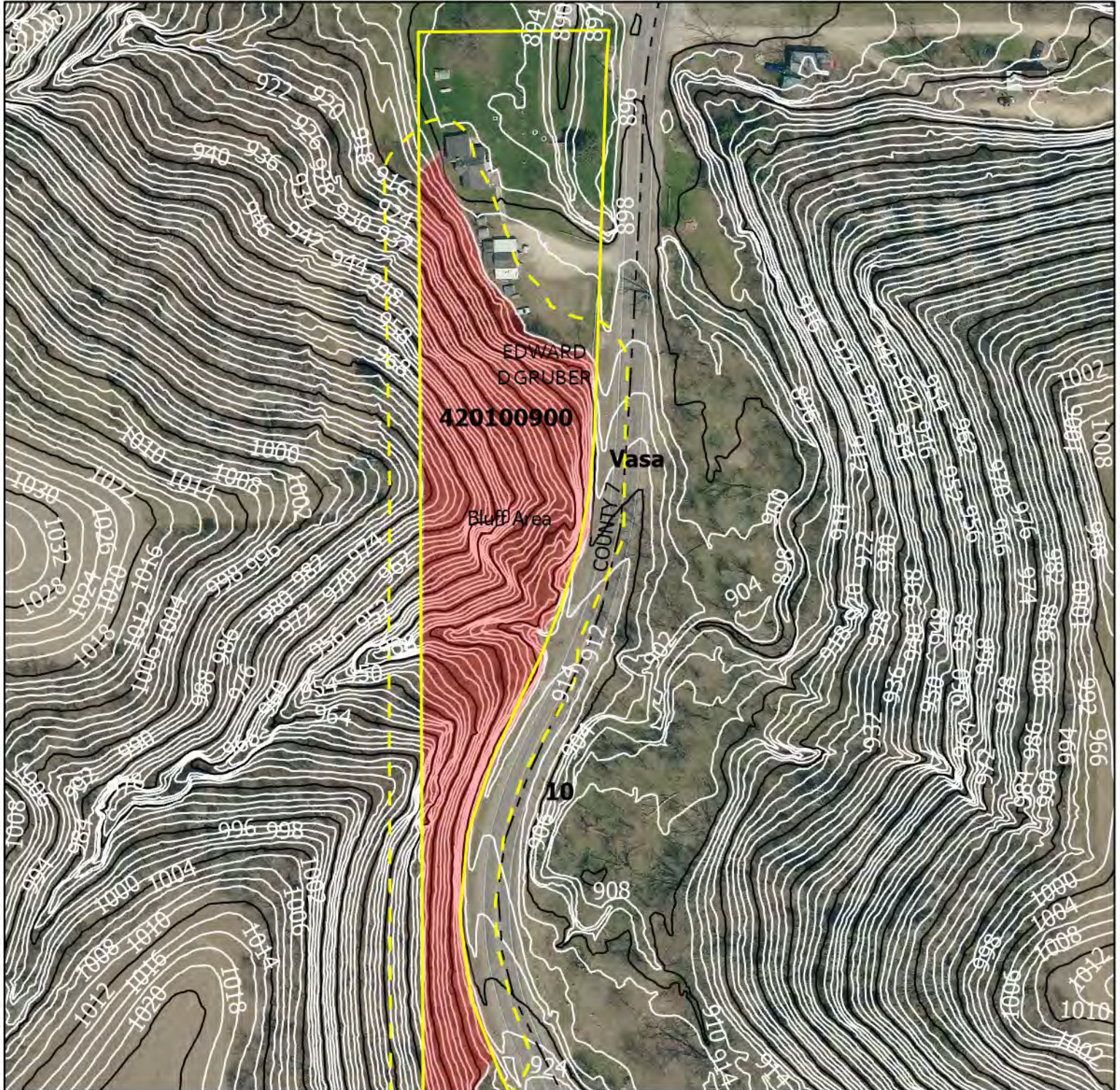
- A. **Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Goodhue Soil and Water Conservation District and the USDA, Natural Resources Conservation Service.**
- B. **Plans to place fill or excavated materials in the bluff 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.**

Soil type: N639F-Frontenac-Lacrescent complex is identified in the proposed area.

Additional questions I would request before any work starts if there is bluff impact,

1. How is the area impacted/excavated going to be stabilized? Need more information and/or an erosion control plan submitted.
 - a. Re-establishing a new slope to the impacted bluff area and seeded to vegetation.
 - b. Installation of a retaining wall?
 - c. How will they divert / control any water runoff from the contributing watershed from the top of the bluff?
2. Any areas that may be impacted must be seeded immediately and with a 41% slope would either install an erosion control blanket or utilize hydroseed to protect from any erosion potential. Impact would be any earthwork, tree removal or any work within the bluff area or bluff impact area.
3. Where would the excess fill from the bluff area be placed? Need a location and/or method to ensure it is not within the bluff area or bluff impact area.
4. Are there other placements of the house location that would result in a lower potential bluff impact/excavation requirement?

Edward Gruber (PIN 42.010.0900) Bluff Review Vasa Township, Section 10, Range 16



Bluffs determined by desktop review of 2020 LIDAR.

Figure A

Legend

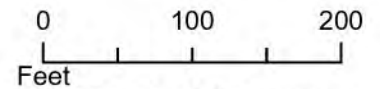
- █ Bluff Area
- █ Swale/Manipulated Area
- 30 ft Bluff Setback
- █ Public Watercourse

Contours_2ft

Type

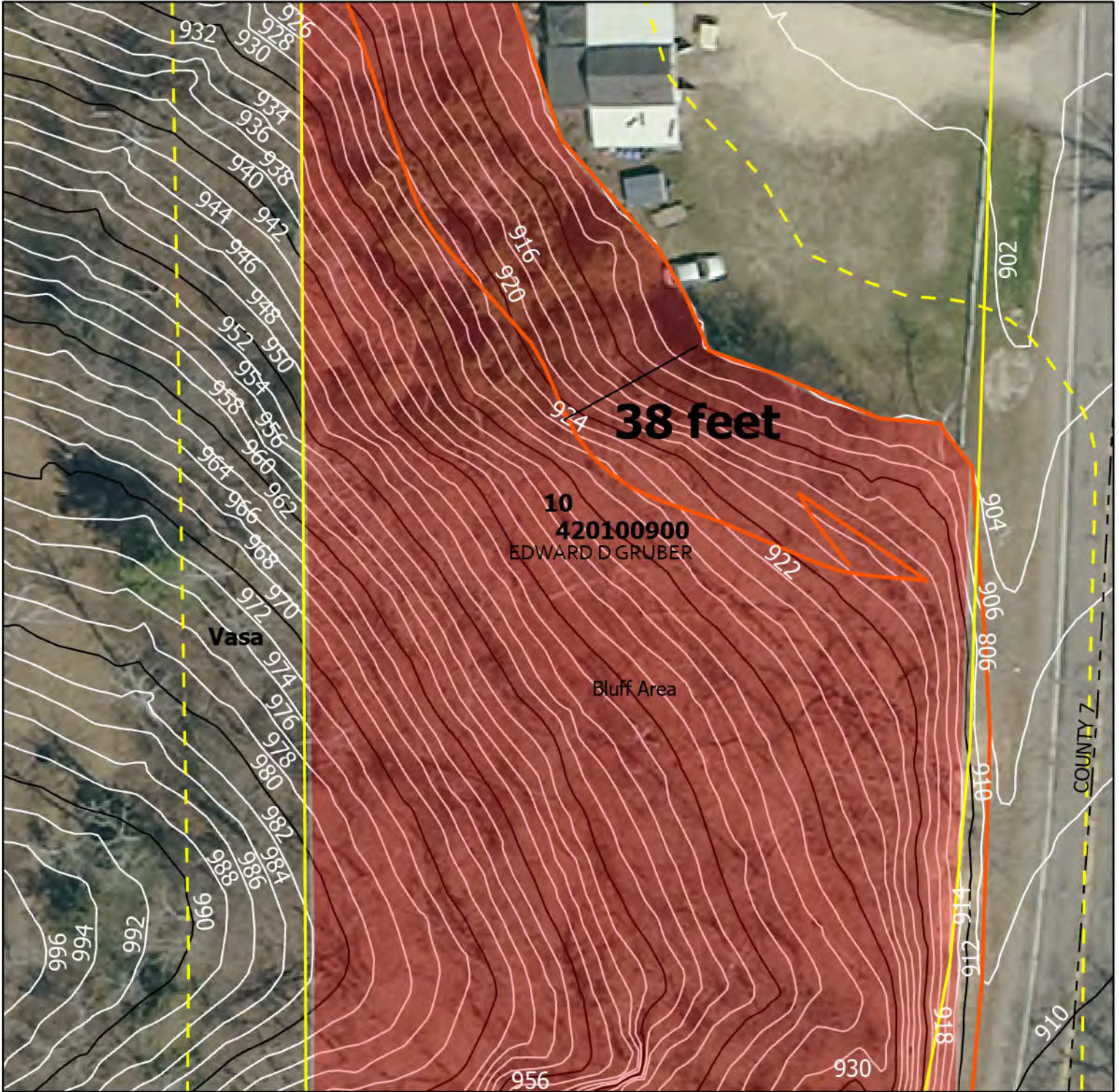
- Index
- Index Depression

- Intermediate
- Intermediate Depression
- <all other values>
- Parcel



2022 Aerial Imagery

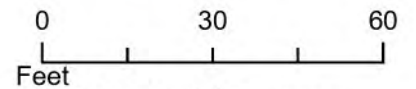
Edward Gruber (PIN 42.010.0900)
Bluff Review
Vasa Township, Section 10, Range 16



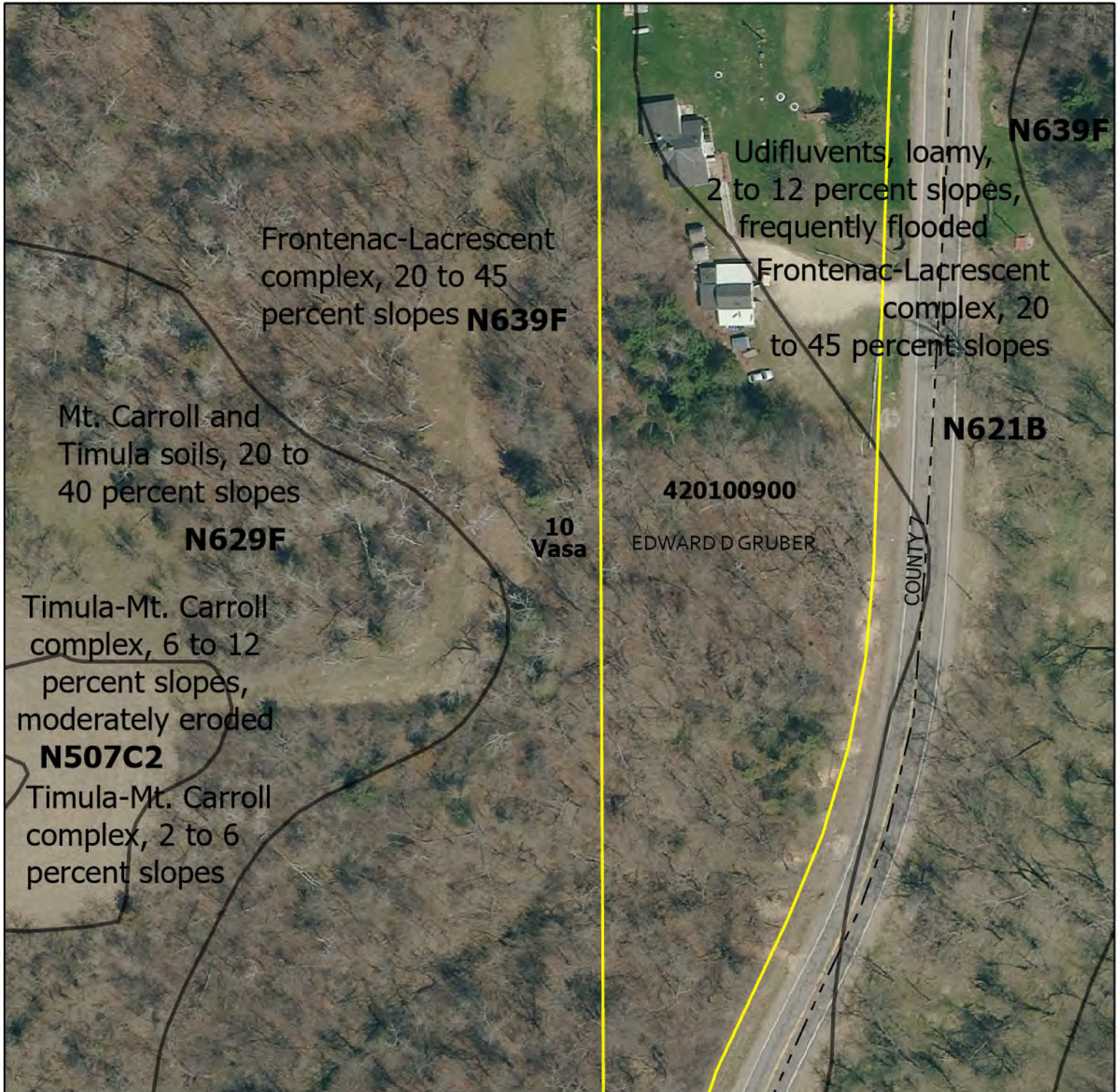
Legend

- Top/Toe of Bluff
- TempBuffer
- Bluff Area
- Swale/Manipulated Area
- 30 ft Bluff Setback
- Public Watercourse
- Contours_2ft**
- Type**
- Index
- Index Depression
- Intermediate
- Intermediate Depression
- <all other values>
- Parcel

Figure C



2022 Aerial Imagery

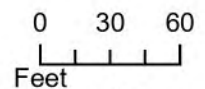


Bluffs determined by desktop review of 2020 LIDAR.

Legend

-  Soils
-  Public Watercourse
-  Parcel

Figure D



2022 Aerial Imagery

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.