

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. July 24, 2023 BOA Meeting Minutes DRAFT

Documents:

[BOAMEETINGMINUTES_JULYMEETING_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

Public Hearing: Request For Variance To Feedlot Setback Standards

Request for Variance, submitted by Melodee Smith (Owner) to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000 feet of existing dwellings. Parcel 42.022.0402. 31139 County 7 BLVD Welch, MN 55089. Part of the NW ¼ of the NW ¼ of Section 22 TWP 112 Range 16 in Vasa Township. A-2 Zoning District.

Documents:

[BOAPACKET_SMITH_REDACTED.PDF](#)

Public Hearing: Request For Variance To Accessory Dwelling Unit Location Distance

Request for Variance, submitted by Joseph Waller (Owner) to allow an Accessory Dwelling Unit to be established greater than 100 feet from the principal dwelling. Parcel 46.007.0600. 23635 Highway 316 BLVD Hastings, MN 55033. Part of the NE ¼ of the SE ¼ of Section 07 TWP 113 Range 16 in Welch Township. A-1 Zoning District.

Documents:

[BOAPACKET_WALLER_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
July 24, 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, Keith Allen, Dennis Tebbe, Scott Breuer, and Darwin Fox.

Commissioners Absent: None

Staff Present: LUM Director Lisa Hanni, Zoning Administrator Samantha Pierret, and Zoning Assistant William Lenzen

1. Approval of Agenda

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

Motion carried 6:0

2. Approval of Minutes

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

Motion carried 5:0 (Chair Knott abstained)

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings:

PUBLIC HEARING: Request for Variance to Bluffland Protection Standards

Request for Variance, submitted by Edward Gruber (owner) to Bluffland Protection Standards to allow excavation and grading into the bluff impact zone to construct an accessory dwelling unit (ADU). 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.

Pierret presented the staff report and attachments. Commissioner Breuer stated his confusion about the Applicant's proposal to excavate 38 feet into the bluff and the 15-foot number in the staff report.

Pierret explained that the Applicant requested to excavate 38 feet into the bluff. Staff believes that 38 feet is an excessive depth into the bluff and recommends 15 feet or less of excavation. The maximum distance allowed for bluff excavation was 10 feet for a property on County 7 in Welch Township in 2022.

Chair Knott stated that 38 feet might be too far to dig into the bluff. The slope would be quite steep and the bluff could slide into the new ADU.

Tebbe questioned whether it would be better to turn the ADU 45 degrees from the bluff toe, but then Mr. Gruber would need a variance to be closer to the right of way.

Chair Knott opened the Public Hearing

Robert Carlson (neighbor to west and north) shared that there was a water diversion installed on his hill to divert water to the north away from the Gruber property and into the nearby drainage ditch. Mr. Carlson stated he just want to help them out with getting their ADU because they are nice folks and wants to help out in any way he can. He added there is a mineral extraction facility about a half mile

**BOARD OF ADJUSTMENT
GOODHUE COUNTY, MN
July 24, 2023 MEETING MINUTES
DRAFT**

north of the property on County 7.

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

Motion carried 6:0

Commissioner Allen asked when was the last time County 7 was reworked or are there any expansion plans.

Commissioner Fox stated he did not think there were any plans to widen the road or any future road work. Given the terrain and curves on County 7, the ability to widen the roadway would be very limited. He added that excavating 15 feet into the bluff seems more feasible with a proper erosion control plan than digging 38 feet would be.

Commissioner Tebbe stated he would like to see more level ground between the ADU and the toe of the bluff to allow ease of building maintenance. He questioned whether excavating more than 15 feet would be okay provided the implementation of an erosion control plan and retaining wall if necessary.

Commissioner Fox asked for Chad Hildebrand's (Goodhue SWCD) recommendations on the erosion control plan.

Mr. Hildebrand stated an engineered erosion control plan will need to be developed for staff review. He recommended that the slope taper off at a 3:1 slope and getting vegetation established through hydroseeding or roll out (seed and straw) as soon as possible. Installing an erosion blanket would be recommended depending on the time of year work is conducted, various combinations of these methods could be used. He indicated that a retaining wall would give the Applicant more space between the ADU and the toe of the bluff for maintenance. That wall would need to be properly engineered to show where runoff is diverted to. Anything is possible with an appropriate erosion control plan.

4Motion by Commissioner Fox, 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 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.

Commissioner Tebbe questioned whether Commissioners Fox and Allen would be interested in amending their motion to allow grading further than 15 feet if staff feels it is appropriate. He would like to allow the owner some space to fit in the new building and allow room for access and maintenance.

Commissioner Fox stated he would like to hold tight to what the variance recommends as well as bluff ordinances.

Motion carried 6:0

5. Other-Discussion

Pierret introduced the Board to the new Zoning Assistant William Lenzen.

**BOARD OF ADJUSTMENT
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Pierret stated it is application week this week for the August meeting and we already have one item on the agenda.

⁵Motion by Commissioner Rechtzigel, seconded by Commissioner Breuer to adjourn the BOA meeting at 5:35 PM.

Motion carried 6:0

Respectfully submitted:

William Lenzen, Zoning Assistant

MOTIONS

¹ APPROVE the BOA meeting agenda.

Motion carried 6:0

² APPROVE the previous month's meeting minutes.

Motion carried 5:0 (Knott abstained)

³ Motion to close the Public Hearing.

Motion carried 6:0

⁴ APPROVE the Variance to Bluffland Protection Standards.

Motion carried 6:0

⁵ ADJOURN

Motion carried 6:0

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



County Surveyor / Recorder

Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.385.3098

To: Board of Adjustment
From: Land Use Management
Meeting Date: August 28, 2023
Report date: August 18, 2023

PUBLIC HEARING: Request for Variance to Feedlot Setback Standards

Request for Variance, submitted by Melodee Smith (Owner) to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000 feet of existing dwellings.

Application Information:

Applicant: Melodee Smith (Owner)
Address of zoning request: 31139 County 7 Blvd Welch, MN 55089
Parcel: 42.022.0402
Abbreviated Legal Description: Part of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section 22 TWP 112 Range 16.
Township Information: Vasa Township signed off on the application on July 11, 2023, acknowledging the Applicant's proposal and did not add any comments.
Zoning District: A-2 (Agriculture District)

Attachments and Links:

Application and Project Summary
Site Map
OFFSET Calculations (Kelsey Petit, County Feedlot Officer)
Goodhue County Zoning Ordinance (GCZO):
<http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

Melodee Smith (Owner) has applied for a variance to allow the establishment of a Feedlot for yaks consisting of approximately 40 Animal Units (AUs). Article 13 (Confined Feedlot Regulations) setback standards require a new feedlot to be at least 1,000 feet or 94% odor annoyance-free rating (as determined by the odor OFFSET model) of existing dwellings. There are two dwellings within 1,000 feet of the new feedlot.

Property owners are required to complete a Feedlot Registration for any property containing 10 or more Animal Units (1 slaughter steer or stock cow is 1 Animal Unit). The property owner has had yaks on the property for several years and has not obtained Feedlot registration. Staff is unaware of why the operation never obtained a feedlot permit. It should be noted that on-farm dinners have occurred occasionally on the property since 2015. The owners obtained a Land Use Permit for these events in 2015 and staff has not received any formal complaints regarding these events.

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 purpose of the A2 District is to maintain and conserve agricultural investments and prime agricultural farmland but provide for a slightly higher density of dwellings than the A1 District. This district is intended to apply to those areas where large farms and feedlots are more scattered and greater numbers of non-farm uses or small parcels are present.

- Reciprocal setbacks between feedlots and dwellings are intended to decrease potential conflicts between residential and agricultural uses.

Two residences are located within the 1000-foot required setback area for the proposed Feedlot. The dwelling to the north is owned by Nancy Slocum (Parcel 42.022.1000), and the property to the southeast is owned by Teri Haas (Parcel 42.022.0600). The Slocum and Haas dwellings are located 815 feet and 768 feet from the proposed feedlot, respectively. It should be noted that the Slocum property is currently a registered feedlot for sheep.

- All other dwellings are more than 1000 feet from the proposed feedlot.
- Given the proposed feedlot will achieve a 99% odor annoyance-free rating (as determined by the OFFSET model) from these two dwellings, the request appears harmonious with the purpose and intent of the official controls.

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

- The Comprehensive Plan prioritizes agricultural land uses over dwellings to protect farmland and decrease conflict between residential and agricultural uses. The proposed variance is not likely to produce conflict among residential and agricultural uses particularly since the yaks have been on-site for at least 8 years.
- Future buyers of the dwellings will have the opportunity to be informed of the existence of the Feedlot.
- The request does not appear inconsistent with the adopted 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 property comprises 10.5 acres and is a conforming lot size in the A2 district (2-acre minimum). The Applicant’s request to establish a registered Feedlot is a reasonable use of property in the A2 District.
- Approximately 1/3 of the property is made up of woodlands and Bluffland. The rest is primarily used as pasture and contains the dwelling, feedlot building, and various accessory buildings.
- The proposed Feedlot will use existing structures to house the animals. Alternative locations for housing animals were not considered because appropriate structures already exist on the property.

- The owner has had yaks on the property for at least 8 years with no complaints received by staff.
 - The Feedlot will meet all other applicable setback requirements of the Goodhue County Zoning Ordinance.
 - A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly agricultural uses. There are two feedlots within ¼ mile of the property on the Slocum parcel and parcel 42.015.4700 owned by Allen Peterson.
 - The establishment of a Feedlot on this parcel may affect neighboring parcels' dwelling eligibility as Section 22 is zoned A2 and contains 11 dwellings where a maximum of 12 dwellings are allowed. An open ¼ ¼ section is located directly across County 7 from the property. There is room to meet the 1,000-foot setback requirement except on parcel 42.022.0500 which is owned by the applicant and is considered an eligible replacement dwelling site. Future dwelling development on this property would likely require variance approval.
 - The request for variance appears unlikely to alter the essential character of the locality.
- 4) **No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.**
- Feedlots are permissible uses in the A2 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 variance, submitted by Melodee Smith(Owner) to Article 13 (Confined Feedlot Regulations) setback standards to allow a new Feedlot to be established no closer than 865 feet from neighboring dwellings.

RECEIVED

APPLICATION FOR Variance

JUL 20 2023

Land Use Management

For Staff Use only

VARIANCE NUMBER: 7230034
\$350 RECEIPT# 18205 DATE 7/20/23

SITE ADDRESS, CITY, AND STATE: 31139 CO7 BLVD Welch Mn 55089
LEGAL DESCRIPTION: Township 112 Range 16 Section 22 1/4 section NW 1/4 of 1/4 section NW
PID#: ZONING DISTRICT LOT AREA (SF/ACRES) LOT DIMENSIONS: STRUCTURE DIMENSIONS (if applicable):

APPLICANT OR AUTHORIZED AGENT'S NAME: Melodee Smith
APPLICANT'S ADDRESS: 31139 CO7 BLVD Welch, mn 55089

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

CONTACT FOR PROJECT INFORMATION: Same as Above
ADDRESS:
TELEPHONE:
EMAIL:

VARIANCE REQUESTED TO: (check all that apply)
Road Right-Of-Way Setbacks % Lot Coverage
Property Line Setbacks Bluff Setbacks
Height Limits Shoreland Setbacks
Lot Width &/or Area Other (specify) color offset MN Statutes 120A.05
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: Uasa Troughy Clerk James Hebert
TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE: Uasa Troughy Clerk James Hebert
DATE: 7/11/23

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: Melodee Smith Date: 7-11-2023

Print name: Melodee Smith (owner or authorized agent)

REQUEST SUMMARY

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

Article: 13 Section: _____ Name: odor annoyance MN, Statues 1201A.05
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:

Currently I own 40 yak. I do not plan to increase my herd size as my 40 acres will only sustainably support that number. I am asking for a variance regarding article 13 Feedlot Regulations including odor. My pasture and feedlot are within 1000ft of 2 neighbors. I manage winter manure waste in compost piles which drive little smell if at all. Summer the herd is pastured.
Describe the effects on the property if the variance is not granted:

I suppose I would have to sell my yaks which is my lively herd at this time

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:

No limitations. It just happens that building sites are where they are and a couple neighbors happen to have their building sites within 1000 ft from the east side of my pasture + feedlot

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

I guess I could put the yaks way in back but that wouldn't work in the winter with frozen water lines.

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

I think it is a reasonable Regulation and I understand the reasoning.

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

Not at all. I have lived peacefully with these neighbors for several years. They have never complained of odor or noise nuisance.

Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0
 University of Minnesota
1/21/2017

Farm Name	Clear Spring Farm to N. Slocum house
Address or County	Goodhue
Evaluator	K. Petit
Date	7/24/23

Clear All

OFFSET
Annoyance-free
99%

Source Edge to Nearest Neighbor (ft)	889
Source Edge to Property Line (ft)	12

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Beef - loose housing	80	55	1	4400	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	Biofilter	

AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None

Building Sources	
Add Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add a Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources	
Add a Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

OFFSET Summary and Results

OFFSET Ver 2.0
 University of Minnesota
 1/21/2017

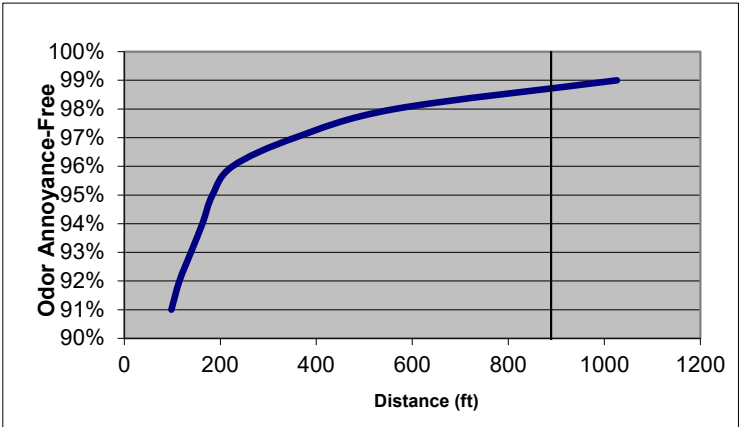
Farm Name	Clear Spring Farm to N. Slocum house
County	Goodhue
Evaluator	K. Petit
Date	7/24/23

	Source Characteristics Summary				Flux Rates (with control technology)				Source Emission Rates*		
	Similar Sources	Emit Area sq ft	Control Technology Type	Percent Treated	Odor ou/s/m2	OFFSET OER	H2S ug/s/m2	Ammonia ug/s/m2	Odor ou/s	H2S ug/s	Ammonia ug/s
	Buildings										
Beef - loose housing	1	4400	None	0%	1.2	6.0	1.7	25.0	503	695	10225
Area Sources											

Site Emissions	
Total Site Area (ft2)	4,400
Total Odor Emission Factor (TOEF)	3
Total Site H2S Emissions (mg/s)	1
Total Site H2S Emission AVERAGE (lbs/day)	0
Total Site H2S Emission MAX (lbs/day)	0
Total Site H2S Emissions (tons/yr)	0
Total Site Ammonia Emissions (mg/s)	10
Total Site Ammonia Emission AVERAGE (lbs/day)	2
Total Site Ammonia Emissions MAX (lbs/day)	4
Total Site Ammonia Emissions (tons/yr)	0

Source Edge to Nearest Neighbor (ft)	889
OFFSET Annoyance-free frequency	99%

*includes control technologies



Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0
 University of Minnesota
 1/21/2017

Farm Name	Clear Spring Farm to T. Haas house
Address or County	Goodhue
Evaluator	K. Petit
Date	7/24/23

Clear All

OFFSET
 Annoyance-free
 99%

Source Edge to Nearest Neighbor (ft)	865
Source Edge to Property Line (ft)	12

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Beef - loose housing	80	55	1	4400	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	None	
None				0	Biofilter	

AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None

Building Sources	
Add Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add a Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources	
Add a Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

OFFSET Summary and Results



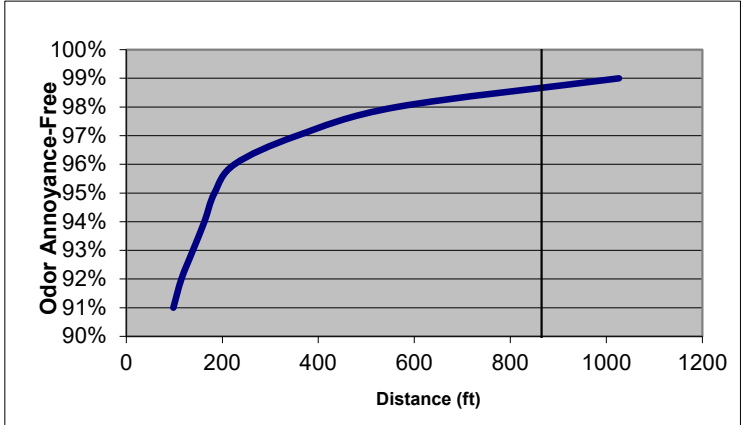
Farm Name	Clear Spring Farm to T. Haas house
County	Goodhue
Evaluator	K. Petit
Date	7/24/23

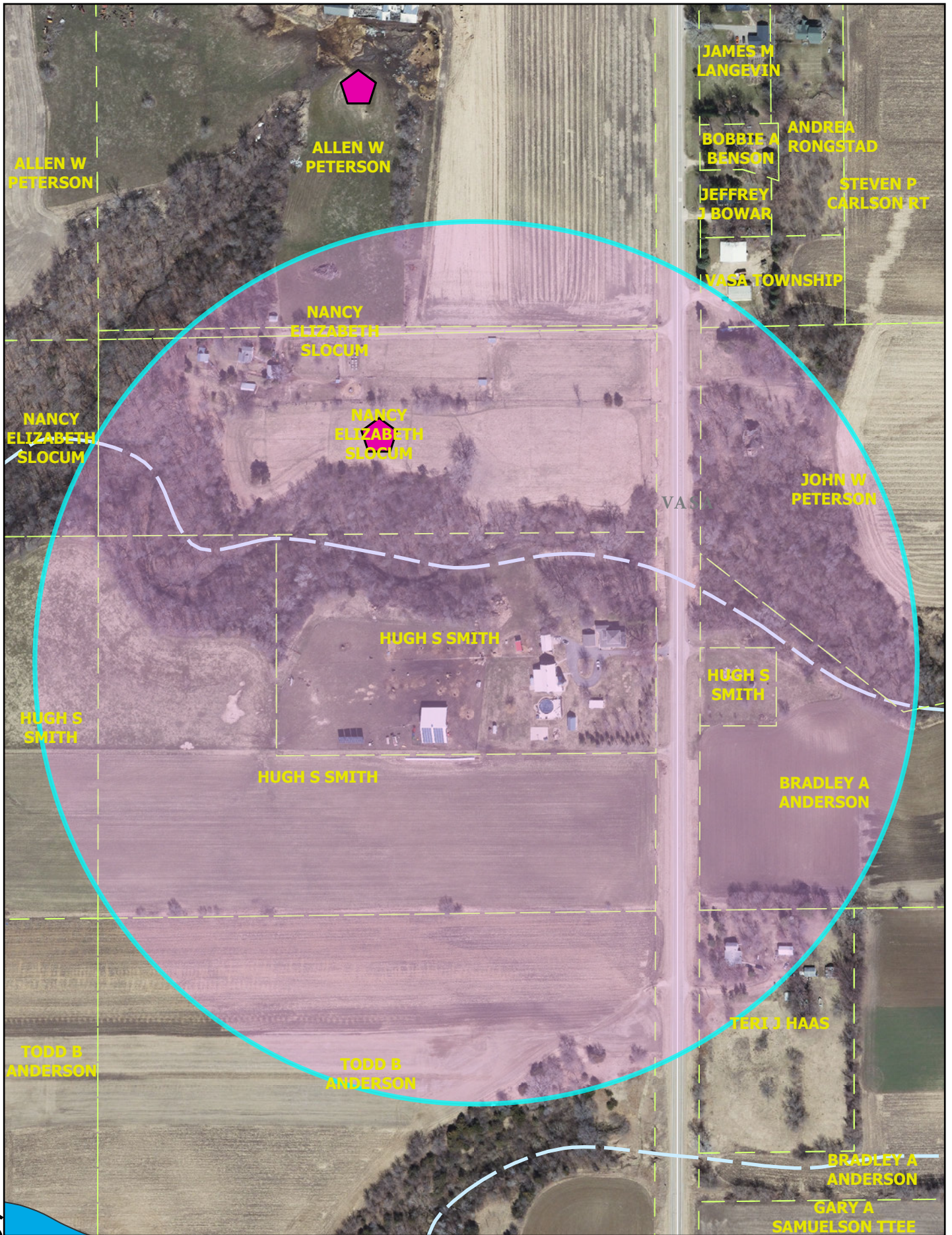
Source Characteristics Summary	Flux Rates (with control technology)				Source Emission Rates*						
	Similar Sources	Emit Area sq ft	Control Technology Type	Percent Treated	Odor ou/s/m2	OFFSET OER	H2S ug/s/m2	Ammonia ug/s/m2	Odor ou/s	H2S ug/s	Ammonia ug/s
Buildings											
Beef - loose housing	1	4400	None	0%	1.2	6.0	1.7	25.0	503	695	10225
Area Sources											

*includes control technologies

Site Emissions	
Total Site Area (ft2)	4,400
Total Odor Emission Factor (TOEF)	3
Total Site H2S Emissions (mg/s)	1
Total Site H2S Emission AVERAGE (lbs/day)	0
Total Site H2S Emission MAX (lbs/day)	0
Total Site H2S Emissions (tons/yr)	0
Total Site Ammonia Emissions (mg/s)	10
Total Site Ammonia Emission AVERAGE (lbs/day)	2
Total Site Ammonia Emissions MAX (lbs/day)	4
Total Site Ammonia Emissions (tons/yr)	0

Source Edge to Nearest Neighbor (ft)	865
OFFSET Annoyance-free frequency	99%



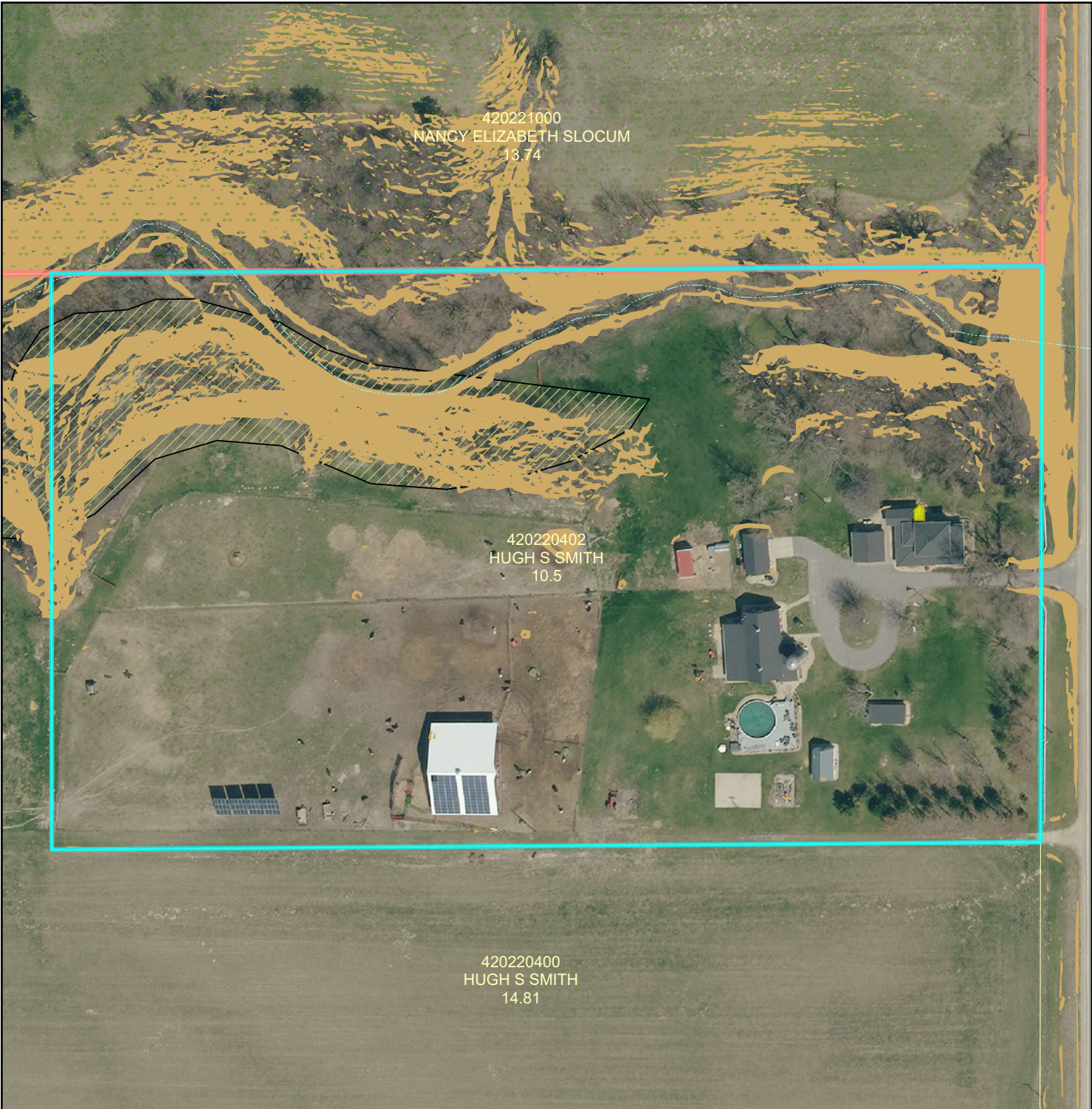


0 330 660 Feet

County 1000ft setback



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
August 28, 2023

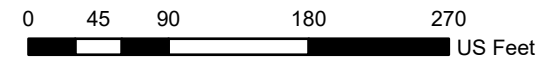
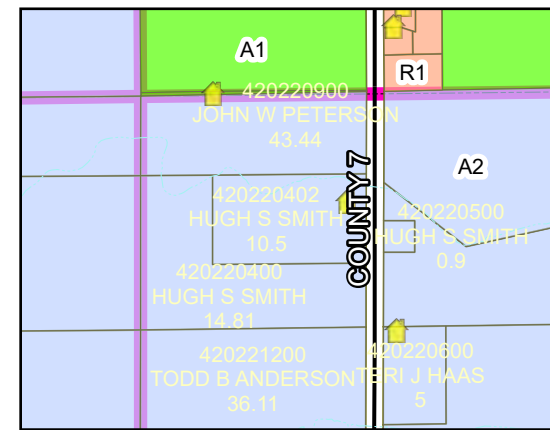
Melodee Smith (Owner)
A2 Zoned District

Part of the NW 1/4 of NW 1/4 of Section 22
TWP 112 Range 16 in
Cannon Falls Township

Request for Variance to Article 13
(Confined Feedlot Regulations) setback
standards to allow a new feedlot to be
established within 1000ft of existing
dwellings.

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

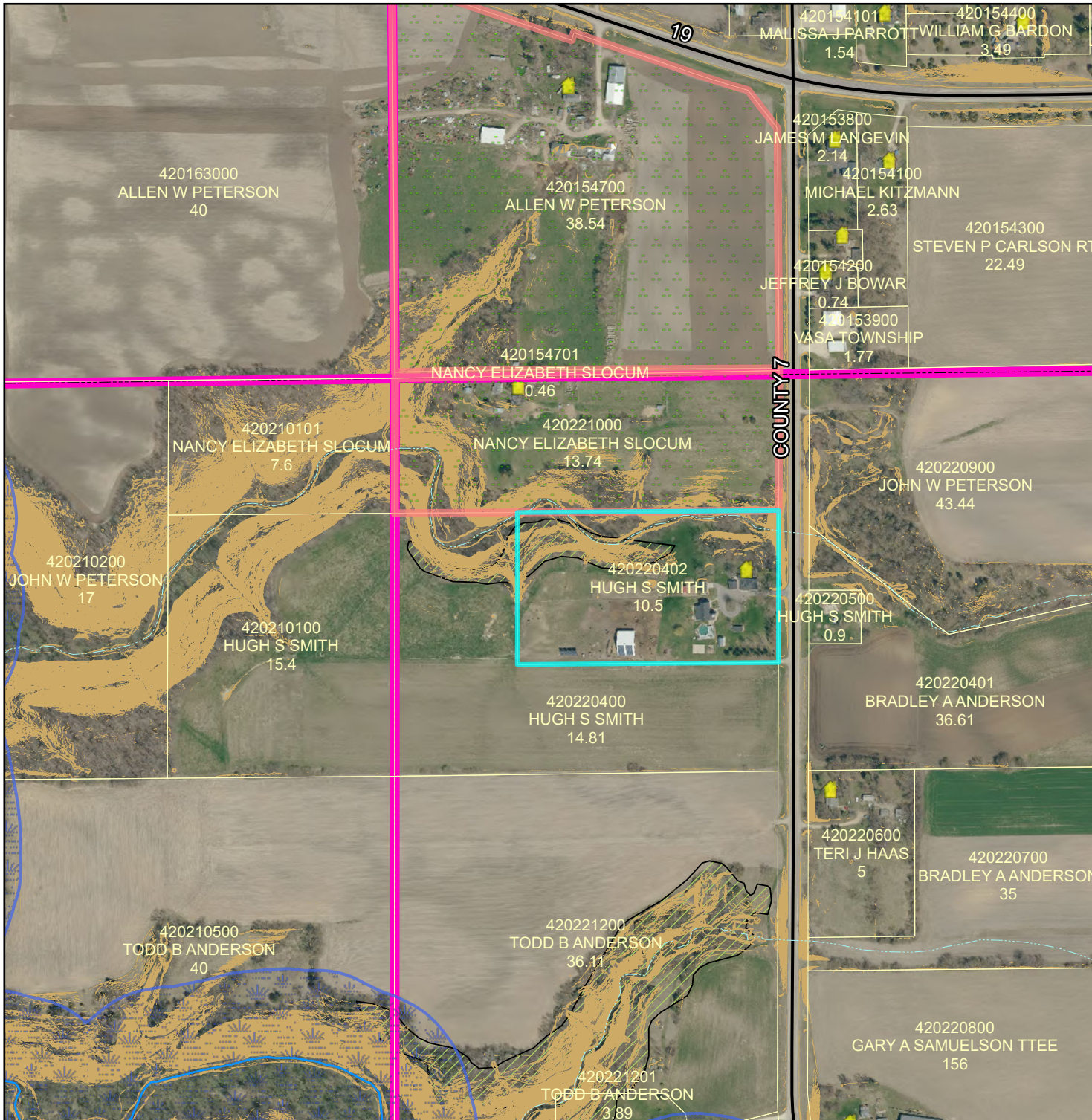


DATA DISCLAIMER: Goodhue County assumes NO liability for the accuracy or completeness of this map OR responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse. Goodhue County Copyright 2023.

2022Aerial Imagery
Map Created August, 2023 by LUM



MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
August 28, 2023

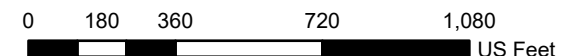
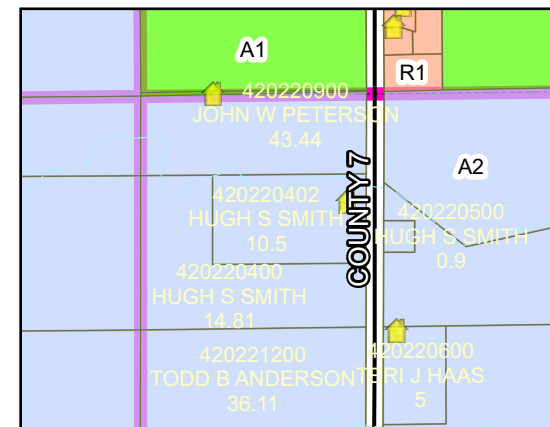
Melodee Smith (Owner)
A2 Zoned District

Part of the NW 1/4 of NW 1/4 of Section 22
TWP 112 Range 16 in
Cannon Falls Township

Request for Variance to Article 13
(Confined Feedlot Regulations) setback
standards to allow a new feedlot to be
established within 1000ft of existing
dwellings.

Legend

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

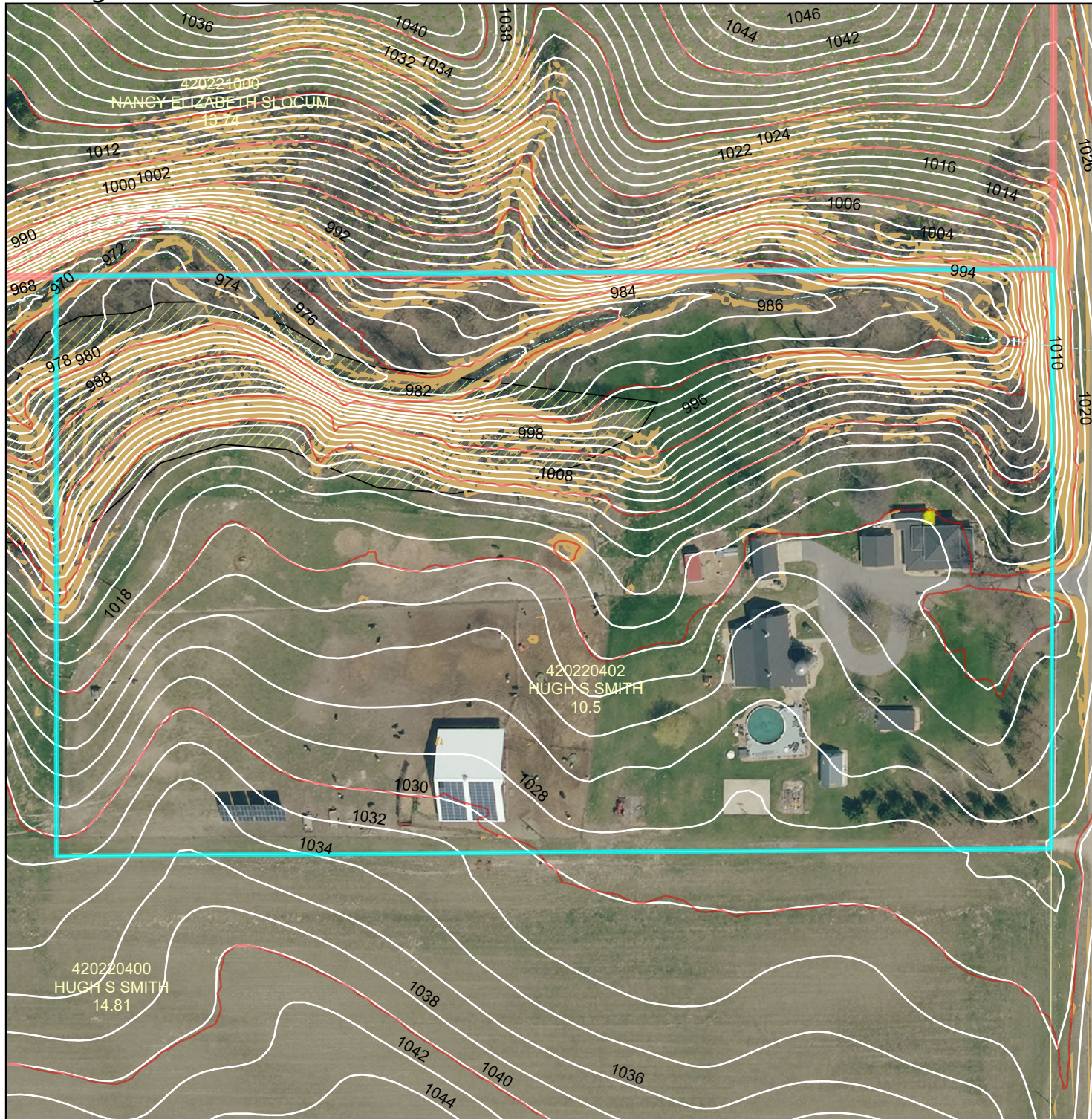


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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
August 28, 2023

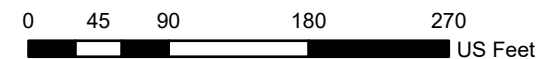
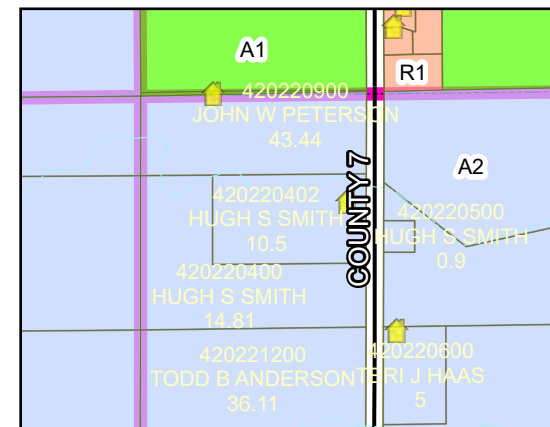
Melodee Smith (Owner)
A2 Zoned District

Part of the NW 1/4 of NW 1/4 of Section 22
TWP 112 Range 16 in
Cannon Falls Township

Request for Variance to Article 13
(Confined Feedlot Regulations) setback
standards to allow a new feedlot to be
established within 1000ft of existing
dwellings.

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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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: August 28, 2023
Report date: August 18, 2023

PUBLIC HEARING: Request for Variance, submitted by Joseph Waller (Owner), to allow an Accessory Dwelling Unit to be established greater than 100 feet from the principal dwelling.

Application Information:

Applicants: Joseph Waller (Owner)
Address of zoning request: 23635 Highway 316 BLVD Hastings, MN 55033
Parcel: 46.007.0600
Abbreviated Legal Description: Part of the NE ¼ of the SE ¼ of Section 07 TWP 113 Range 16 in Welch Township
Township Information: Welch Township signed off on the application acknowledging the Applicant's proposal on July 27, 2023, and did not add any comments.
Zoning District: A1 (Agriculture Protection District)

Attachments and Links:

Application and submitted project summary
Site Map
Article 11, Section 31 (Accessory Dwelling Units)
Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The Applicant has an existing building he would like to remodel to accommodate an ADU for use by his mother. At 2.25 acres, using an existing structure as an ADU would preserve open space and maintain setbacks from the septic system and drainfield.

Any building that contains habitable living quarters is considered a dwelling unit in Goodhue County. In 2017 the County Amended the Zoning Ordinance to allow a second, "accessory," dwelling unit on the same parcel as a principal dwelling subject to performance standards. ADU performance standards require an ADU to be located within 100 feet of the primary dwelling unit. The proposed ADU would be situated approximately 200 feet southeast of the existing dwelling. The Applicant is requesting the Board of Adjustment grant a variance to the 100-foot requirement to allow the building to be permitted as an ADU.

It should be noted that an ADU is not allowed to be split from a primary dwelling tax parcel.

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 purpose and intent of the ADU maximum distance standards cited in Article 11, Section 31 of the GCZO are to prevent proposed ADUs from being located outside of an existing yard area where they could potentially be split off in the future thereby creating additional dwelling density exceeding the allowable density (i.e an ADU couldn't be on the opposite side of the "40" as the principal dwelling).

The existing structure is located within the well-defined yard of the property. Given the ADU will have a shared driveway with the existing dwelling, is within the existing yard area, and is still proximate to the existing dwelling the Applicant's proposal appears in harmony with the purpose and intent of the official control.

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

- The Goodhue County Comprehensive Plan supports the establishment of ADUs to provide rural living opportunities in the unincorporated areas of Goodhue County.

The Applicant's ADU request appears consistent with the Goodhue County Comprehensive Plan.

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

- The Applicant's request to establish an ADU is a reasonable use of property in the A1 District.
- Due to the parcel size, constructing a new ADU would have its own constraints. Property line setbacks, the existing dwelling, and the septic system would all restrict the location of a new structure.
- As an A1 zoned district, section 07 allows a maximum dwelling density of 4 dwellings in the section. Dwelling density is not available as there are currently 4 dwellings in the section. Since an ADU does not count against dwelling density, the section density would not be affected.
- The existing dwelling and accessory building were legally established prior to the adoption of the current ADU performance standards (April 2017).
- The structure may be too close to the Highway 316 right-of-way. The structure location was approved by the Zoning Administrator in 2001 to be 150 feet from the center of the road.
- The Applicant will be required to obtain appropriate sanitary permits from the Environmental Health Department as well as building permits prior to the construction of the living quarters.
- A review of the existing development pattern in the vicinity reveals low-density residential development among predominantly agricultural uses.

The request for variance appears unlikely to alter the essential character of the locality.

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

- ADUs are permissible in the A1 district.

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 submitted by Joseph Waller (Owner), to allow an Accessory Dwelling Unit to be established 200 feet from the principal dwelling where 100 feet is required.

RECEIVED

APPLICATION FOR
Variance

JUL 28 2023

For Staff Use only	
VARIANCE NUMBER	Z23-0030
\$350 RECEIPT#	CARD 7013123
DATE	7-28-23

SITE ADDRESS, CITY, AND STATE		ZIP CODE		
23635 POLK AVE, HASTINGS MN		55033		
LEGAL DESCRIPTION				
Attached <input type="checkbox"/>				
PID#	ZONING DISTRICT	LOT AREA (SFI/ACRES)	LOT DIMENSIONS	STRUCTURE DIMENSIONS (if applicable)
46.007.0600		2.25 ACRES		46' x 38'
APPLICANT OR AUTHORIZED AGENT'S NAME				
JOSEPH LEE WALLER				
APPLICANT'S ADDRESS				
23635 POLK AVE HASTINGS, MN 55033				

PROPERTY OWNER'S NAME	
Same as Above <input checked="" type="checkbox"/>	
PROPERTY OWNER'S ADDRESS	TELEPHONE
	EMAIL

CONTACT FOR PROJECT INFORMATION	
Same as Above <input checked="" type="checkbox"/>	
ADDRESS	TELEPHONE
	EMAIL

VARIANCE REQUESTED TO: (check all that apply)		CURRENT OR PREVIOUS USE
<input type="checkbox"/> Road Right-Of-Way Setbacks	<input type="checkbox"/> % Lot Coverage	STORE FRONT
<input type="checkbox"/> Property Line Setbacks	<input type="checkbox"/> Bluff Setbacks	PROPOSED USE
<input type="checkbox"/> Height Limits	<input type="checkbox"/> Shoreland Setbacks	ACCESSORY DWELLING UNIT (ADU)
<input type="checkbox"/> Lot Width &/or Area	<input checked="" type="checkbox"/> Other (specify)	BUILDING APPLICATION PERMIT NO. (if filed)
<input type="checkbox"/> Subdivision Regulations	100' RESTRICTION	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
Andrew S. Jensen	ANDREW S. JENSEN CHAIRMAN	7/27/23

- 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: 7-28-23

Print name: JOSEPH L WALLER (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:

TO REMODEL AN EXISTING BUILDING INTO AN ACCESSORY DWELLING (ADU) MORE THAN 100 FT FROM MAIN HOUSE

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

IF I CAN NOT USE BUILDING AS ADU I WOULD NEED TO BUILD A NEW BUILDING AND THERE IS NO ROOM ON PROPERTY DUE TO OTHER OUT BUILDING AND SEPTIC

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

THE PROPOSED BUILDING IS A EXISTING BUILDING AND CAN NOT BE MOVED

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

ALTERNATIVES WOULD BE TO PUT UP A NEW BUILDING BUT PROPERTY HAS OUTBUILDING AND SEPTIC DRAIN FIELD SO THERE IS NO ROOM TO DO SO

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

CONSIDERED BUILDING A NEW BUILDING BUT THE LAYOUT OF PROPERTY WILL NOT ALLOW FOR ANOTHER STRUCTURE.

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

NO

MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
August 28, 2023

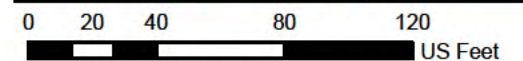
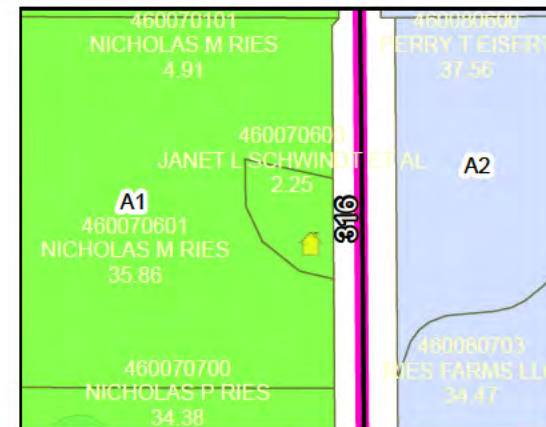
Joseph Waller (Owner)
A1 Zoned District

Part of the NE 1/4 of SE 1/4 of Section 07
TWP 113 Range 16 in
Welch Township

Request for Variance to allow ADU to be
established greater than 100ft from principle
dwelling.

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

Public Hearing
August 28, 2023

Joseph Waller (Owner)
A1 Zoned District

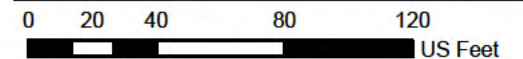
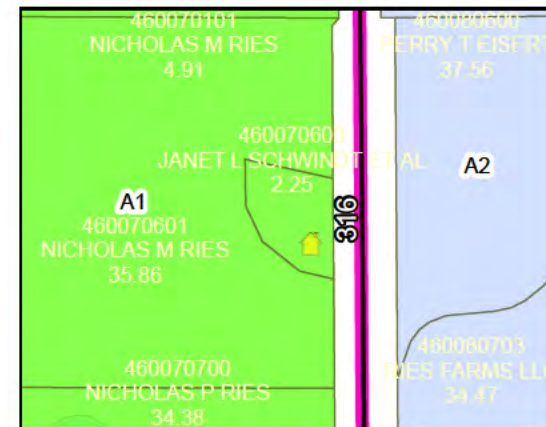
Part of the NE 1/4 of SE 1/4 of Section 07
TWP 113 Range 16 in
Welch Township

Request for Variance to allow ADU to be
established greater than 100ft from principle
dwelling.



Legend

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Protected Streams	Bluff Impact Zones (% slope) 30
Lakes & Other Water Bodies	FEMA Flood Zones
Shoreland	2% Annual Chance
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Registered Feedlots	AO
Dwellings	X
Municipalities	

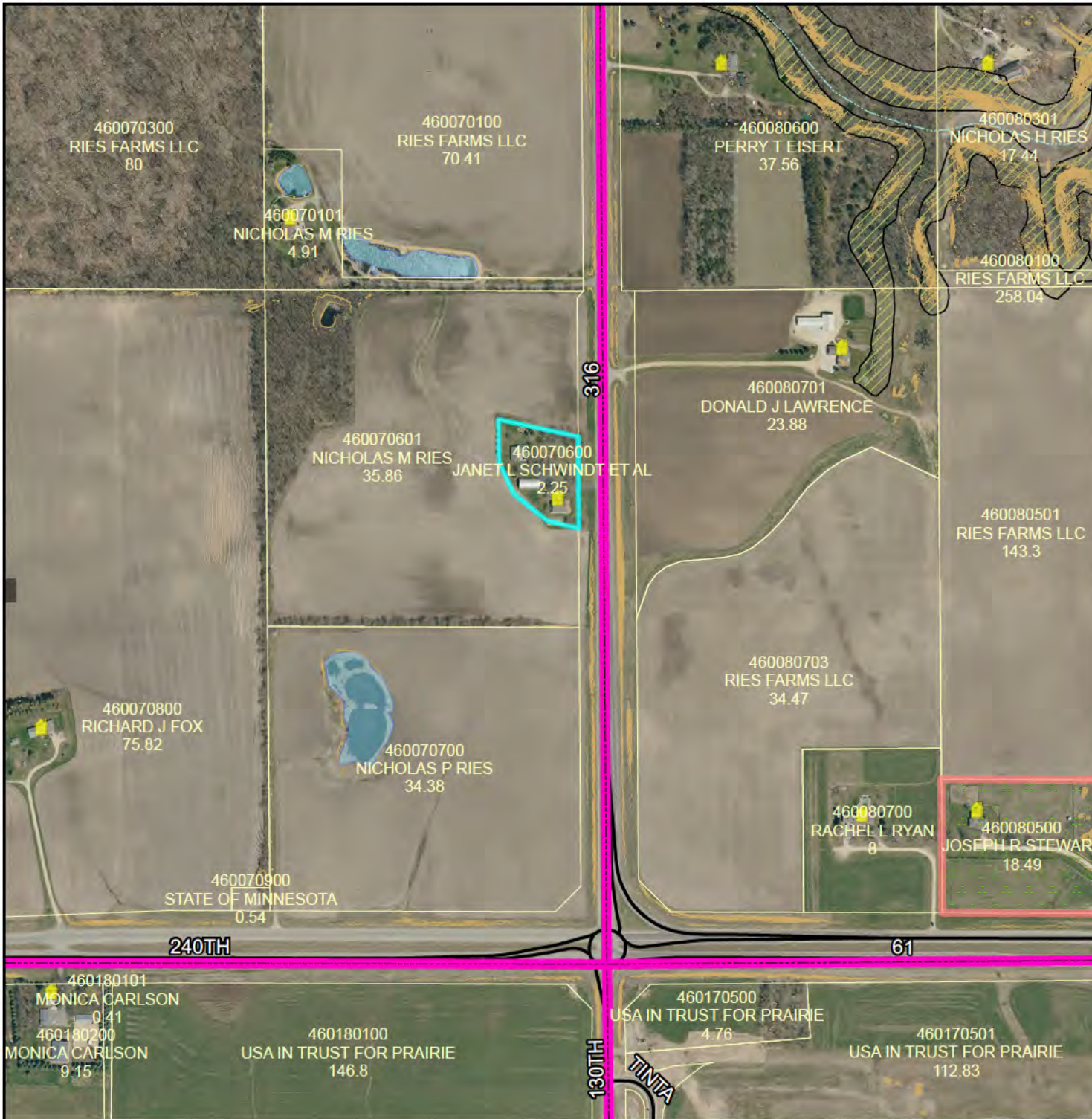


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MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
August 28, 2023

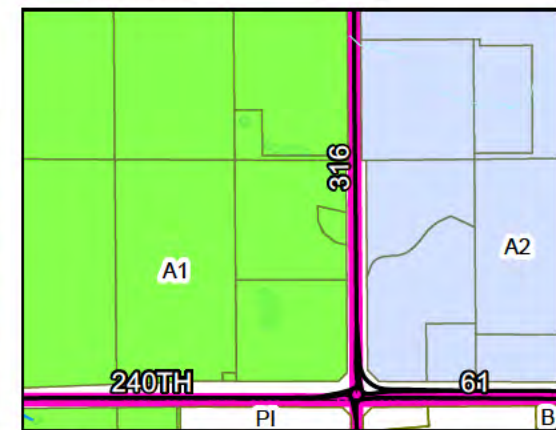
Joseph Waller (Owner)
A1 Zoned District

Part of the NE 1/4 of SE 1/4 of Section 07
TWP 113 Range 16 in
Welch Township

Request for Variance to allow ADU to be
established greater than 100ft from principle
dwelling.

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 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
August 28, 2023

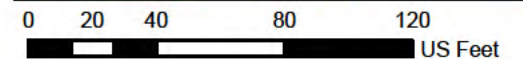
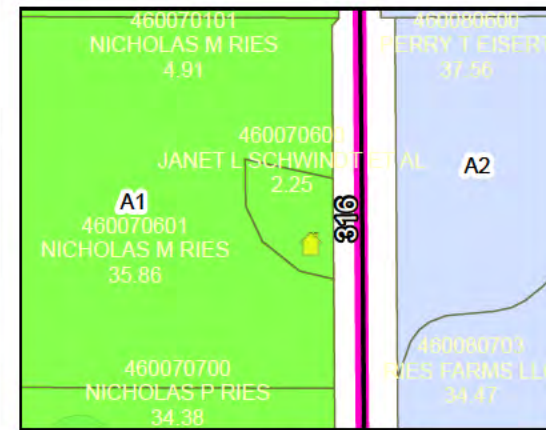
Joseph Waller (Owner)
A1 Zoned District

Part of the NE 1/4 of SE 1/4 of Section 07
TWP 113 Range 16 in
Welch Township

Request for Variance to allow ADU to be
established greater than 100ft from principle
dwelling.

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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