



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. August 28, 2023 Meeting Minutes

Documents:

[BOAMEETINGMINUTES_AUGUSTMEETING_DRAFT.PDF](#)

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Minimum Lot Size Standards

Request for Variance, submitted by Daniel Prebe (Owner) to R-1 Suburban Residence District standards to allow the creation of a parcel with less than 1 acre of buildable area to establish a new dwelling. Parcels 32.130.1800, 32.130.1850, and 32.130.1840. 59134 Westervelt Avenue Way Frontenac, MN 55026. Lots 4, 5, and 6 of the Town of Frontenac plat in Florence Township.

Documents:

[BOA_PACKET_PREBE_01.PDF](#)

PUBLIC HEARING: Request For Variance To Minimum Setback Standards

Request for Variance, submitted by Paul Goplen (Owner) to A-1 Zoning District standards to allow a dwelling addition to be established less than 60-feet from the 415th Street Right-of-Way. Parcel 44.012.0401. 11049 415th Street Zumbrota, MN 55992. Part of the SW ¼ of the NW ¼ of Section 12 TWP 110 Range 17 in Wanamingo Township.

Documents:

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
August 28, 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: Zoning Administrator Samantha Pierret, and Zoning Assistant William Lenzen

1. Approval of Agenda

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

Motion carried 6:0

2. Approval of Minutes

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

Motion carried 6:0

3. Conflict/Disclosure of Interest

There were no reported conflicts/disclosures of interest.

4. Public Hearings:

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.

Lenzen presented the staff report and attachments.

Commissioner Tebbe asked why the findings of fact list 768 feet distance from feedlot to Haas dwelling and the staff recommendation says 865 feet.

Pierret stated that per Kelsey Petit's (Goodhue County Feedlot Officer) report the distance should be 865 feet.

Chair Knott opened the Public Hearing

It was noted this change should be incorporated into a future motion to amend the findings of fact.

Pierret explained that Nancy Slocum (31005 County 7 Blvd Welch, MN 55089) called on August 28, 2023, she agrees with staff's recommendation to approve a variance to feedlot setback for the Smith's as she has no complaints about the Smith's operation.

Karen Murphy (Red Wing, explained that her fiancé lives within the notification area) asked if there is a limit to how many animals Smith will be able to have on the property. She worries that it could look like an overcrowded feedlot.

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Petit stated 40 animal units is okay for that site. If the Smith's want to expand the operation they would have to go through this process again.

Murphy said that as a note, driving by there every day the place is immaculate.

Chair Knott asked Petit why the Smith operation had not applied for a feedlot registration up until this time.

Petit stated that she was not around at the time the Smith's started the yak operation. She wondered whether, at the time, she was only going to have 10 animal units and maybe wasn't able to have her animals leave when she wanted them to and her herd grew and possibly forgot about registering.

Chair Knott stated that now that she is applying for registration she will be on the radar for Petit should they ever expand the herd.

Petit stated that every four years the Smith's will have to update her registration so if staff saw that the herd grew, the feedlot officer could go out for a site visit to check on the herd.

Commissioner Allen asked about the topography of the land, does that drain to the south?

Petit stated the Smith's rotate the heard fairly frequently through 25+ acres to reduce the chances of yaks mucking up the ground.

Pierret stated the Smith's could go up to 299 animal units before they would need a Conditional Use Permit (CUP).

Petit stated if the Smith's would put up another building to house more yaks she would need to go through another variance.

Chair Knott stated the Smith's could increase their herd size but would need to have a variance to add a larger shed and every four years she would need to update her registration.

Pierret noted that the application states that the Smith's don't plan on expanding their heard from the current 40 yaks.

Commissioner Tebbe stated if they were to expand the herd, that would influence the odor calculations and need recalculating.

Petit stated it's more based on the building size in calculating the odor compliance.

After Chair Knott's 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 Breuer asked about the buildability of the lot across County 7 since it is less than 1000 feet from the new feedlot.

Chair Knott asked if Commissioner Breuer is only referring to the 0.9 acre lot located directly across from the Smith's that they currently own.

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Pierret clarified that there is an available buildable site across the road in the ¼ ¼ section that Allen Peterson, Smith, and Bradley Anderson all own. The Peterson's or the Anderson's could build a house over there and maintain the feedlot setback of 1000 feet. The Smith's parcel (0.9 acres) would need a variance due to being less than 1000 feet from their newly registered feedlot.

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

- adopt the amended 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 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.

Motion carried 6:0

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.

Lenzen presented the staff report and attachments.

Joseph Waller (applicant) had a packet to hand out and submit into record. Waller stated that originally his mother would occupy the ADU but now his mother and her husband will live in the primary dwelling and he will live in the ADU.

Chair Knott asked where the current septic system is located.

Mr. Waller stated that its north of the house at the north end of the property. A new septic system was installed within the last year and the system should be sized for a 6 bedroom house. They will only have 4 people using the system.

Commissioner Fox asked if the septic was hooked to the ADU along with water.

Mr. Waller stated that there is no septic attached, he would have to install a grinder pump to hook up to the existing septic. There currently is water to the building.

Commissioner Rehtzigel asked about the distance from Highway 316, because it was noted in the staff report the structure may be too close to the Right-of-Way (ROW).

Commissioner Fox stated that on some highways the ROW width can be greater than the typical 66 feet.

Pierret stated that the 150 foot setback was approved by the zoning administrator at that time.

Commissioner Fox stated that at that current distance, any additions would have to obtain a variance.

Pierret stated that her interpretation of the ordinance is that if any additions were added away from road they wouldn't require a variance, just a building permit, because the nonconforming setback is not being expanded.

Chair Knott stressed the point that we are here today to discuss the request for variance to allow an ADU greater than 100 feet from the principal dwelling.

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Chair Knott opened the Public Hearing

No one spoke for or against the request

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

Motion carried 6:0

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

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

APPROVE the request for a variance, submitted by Joseph Waller (Owner), to allow an Accessory Dwelling Unit to be established greater than 100 feet from the principal dwelling.

Commissoner Rechtzigel stated that this ADU really fits nicely on the property.

Chair Knott stated that this ADU is a great example for what ADU's are supposed to be

Commissoner Rechtzigel stated that the parcel is only 2.25 acres so there isn't any way they could split the ADU from the property. It would only be sold as one parcel

Commissoner Fox stated when the ADU was provision implemented, he was a stickler about keeping to the 100 foot distance because they didn't want people putting them so far apart that they would be able to split them off as a way of increasing the dwelling density.

Commissoner Rechtzigel questioned whether ADU's used to be able to be further away from the principal dwelling?

Pierret stated that since ADU's have been allowed it has always been a max of 100 feet.

Motion carried 6:0

5Other-Discussion

Pierret stated there are already two items on the agenda for next meeting, September 25, 2023.

Fox stated that he won't be in attendance for the September 25th meeting.

7Motion by Commissioner Allen, seconded by Commissioner Tebbe to adjourn the BOA meeting at 5:46 PM.

Motion carried 6:0

Respectfully submitted:

William Lenzen, Zoning Assistant

**BOARD OF ADJUSTMENT
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DRAFT

MOTIONS

¹ APPROVE the BOA meeting agenda.

Motion carried 6:0

² APPROVE the previous month's meeting minutes.

Motion carried 6:0

³ Motion to close the Public Hearing.

Motion carried 6:0

⁴ APPROVE the Variance to Feedlot Setback Standards.

Motion carried 6:0

⁵ Motion to close the Public Hearing.

Motion carried 6:0

⁶ APPROVE the Variance for ADU distance to Principal Dwelling

Motion carried 6:0

⁷ Motion to 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: September 25, 2023
Report date: September 13, 2023

PUBLIC HEARING: Request for Variance to Lot Size and Setbacks

Request for Variance, submitted by Daniel Prebe (Owner) to R-1 Suburban Residence District standards to allow the creation of a parcel with less than 1 acre of buildable area to establish a new dwelling.

Application Information:

Applicant(s): Daniel Prebe (Owner)
Address of zoning request: 29134 Westervelt Ave Way W, Frontenac MN, 55026
Parcel: 32.130.1800
Abbreviated Legal Description: Lots 4, 5, and 6, Block 49 in the Town of Frontenac.
Township Information: The Applicant has indicated that Florence Township is aware of the request and has indicated they have no issues with the request.
Zoning District: R-1 (Suburban Residence District)

Attachments and Links:

Application and submitted project summary
Site Map and Survey
Article 24 R-1 Suburban Residence District
Goodhue County Zoning Ordinance: <http://www.co.goodhue.mn.us/DocumentCenter/View/2428>

Background:

The Applicant (Daniel Prebe) is requesting a variance to allow the reconfiguration of three existing R-1 Zoned parcels which would result in the creation of two lots less than 1 acre. Goodhue County Zoning Ordinance (GCZO) requires all newly created R-1 parcels to have a minimum of 1 acre of buildable area. The Applicant intends to build a new dwelling on Lot 2 of the proposed "Prebe Estates" plat. Variance approval is required to reconfigure the parcels and construct a dwelling on less than one acre. The PAC and County Board will be considering approval of the plat on September 18th and October 3rd respectively.

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:

- Parcel 32.130.1800 consists of Lot 4 and part of Lots 5, 6, and vacated Graham Street. Parcel 32.130.1850 consists of part of Lot 5. Parcel 32.130.1840 consists of part of Lot 6 and part of Vacated Graham Street all in the original Town of Frontenac plat.
- A new plat must be approved to reconfigure the property lines and create two parcels from the existing three parcels.
- The Applicant has had a septic professional verify that a septic system and replacement system can be located on Lot 2.
- New buildings will be required to meet property line setbacks. After subtracting the required property line setbacks and the Right-of-Way setback, the buildable area of proposed Lot 2 will be approximately 21,544 square feet or 0.49 acres. The total lot area is proposed to be 0.76 acres.
- 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 providing more housing choices for rural residents and providing flexible dwelling choices. The Comprehensive Plan also has the objective to provide opportunities for smaller communities to thrive through more compact land development practices.
- The Comprehensive Plan also supports maintaining cultural and historical sites in Goodhue County (Old Frontenac). The property is located within the Historic District of Old Frontenac. The Florence Township Historic Preservation Committee will review all proposed structure design for compliance.

The Applicant's request does not appear inconsistent 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 minimum parcel size for newly created R-1 properties was increased to 1 acre in 2019 from 20,000 square feet. The intent is to allow enough space for a primary SSTS and replacement system if needed. The proposed property reconfiguration would create two parcels at 0.93 acres and 0.76 acres. The 0.93 acre parcel has an existing septic system and the 0.76 acre parcel has been shown to have room for a new septic system and replacement system if needed.
- The Applicant is requesting to create a vacant parcel 0.76 acres in size to sell the existing dwelling after he builds a house on the empty lot. The new dwelling would be built with handicap-accessible amenities.
- The Applicant's property is located in a historic residential area surrounded by single-family dwellings. Most surrounding parcels are under 1 acre and several parcels are under 20,000 square feet in size and currently have dwellings.

The creation of two parcels less than 1 acre and the establishment of a new single-family dwelling would not be uncharacteristic of the area.

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.**

- Single-family dwellings and associated facilities are permitted uses in the R-1 Zoning District. The proposal 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 variance request, submitted by Daniel Prebe (owner), to R-1 Suburban Residence District lot size standards to allow the reconfiguration of three parcels resulting in two parcels of approximately 0.93 acres and 0.76 acres and allowing the establishment of a new dwelling on proposed Lot 2 of the Prebe Estates Plat.

RECEIVED

APPLICATION FOR Variance

AUG 10 2023

Land Use Management

For Staff Use only

VARIANCE NUMBER:

723-0040

S350 RECEIPT#

18219

DATE

8-10-23

SITE ADDRESS, CITY, AND STATE 29134 Westervelt Ave Way W. Frontenac, MN.		ZIP CODE: 55026
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LEGAL DESCRIPTION: _____ Attached

PID#: 32-130-1800	ZONING DISTRICT	LOT AREA (SF/ACRES):	LOT DIMENSIONS:	STRUCTURE DIMENSIONS (if applicable):
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APPLICANT OR AUTHORIZED AGENT'S NAME
Daniel Eugene Prebe

APPLICANT'S ADDRESS:
29134 Westervelt Ave Way W.
Frontenac MN. 55026

PROPERTY OWNER'S NAME:
Same as Above (Same)

PROPERTY OWNER'S ADDRESS: _____ TELEPHONE: _____
EMAIL: _____

CONTACT FOR PROJECT INFORMATION:
Same as Above (Same)

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 type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input checked="" 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. Attached

TOWNSHIP OFFICIAL'S SIGNATURE	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: Dan Prebe Date: _____

Print name: Dan Prebe (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:

Single family Home, want to split property to build a another house

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

Lots would remain same configuration, could not build handicap accessible house.

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:

Property is in Old Frontenas with small lot sizes

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

no compliat alternative

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

no Alternatives for lesser Variance

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

no

MAP 02: VICINITY MAP



BOARD OF ADJUSTMENT

Public Hearing
September 25, 2023

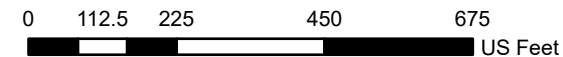
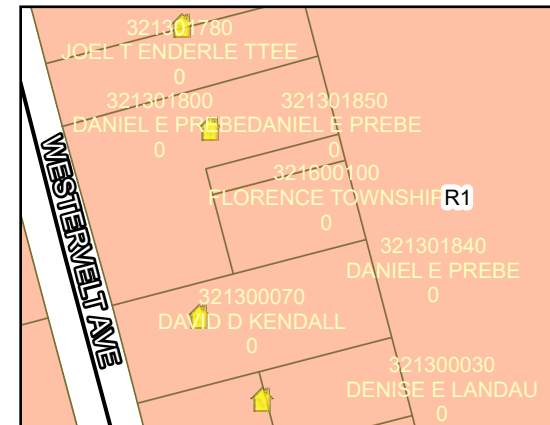
Daniel Prebe (Owner)
R1 Zoned District

Lots 4, 5, and 6 of the Town of
Frontenac plat in Florence Township.

Request for Variance to Minimum
Lot Size Standards.

Legend

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

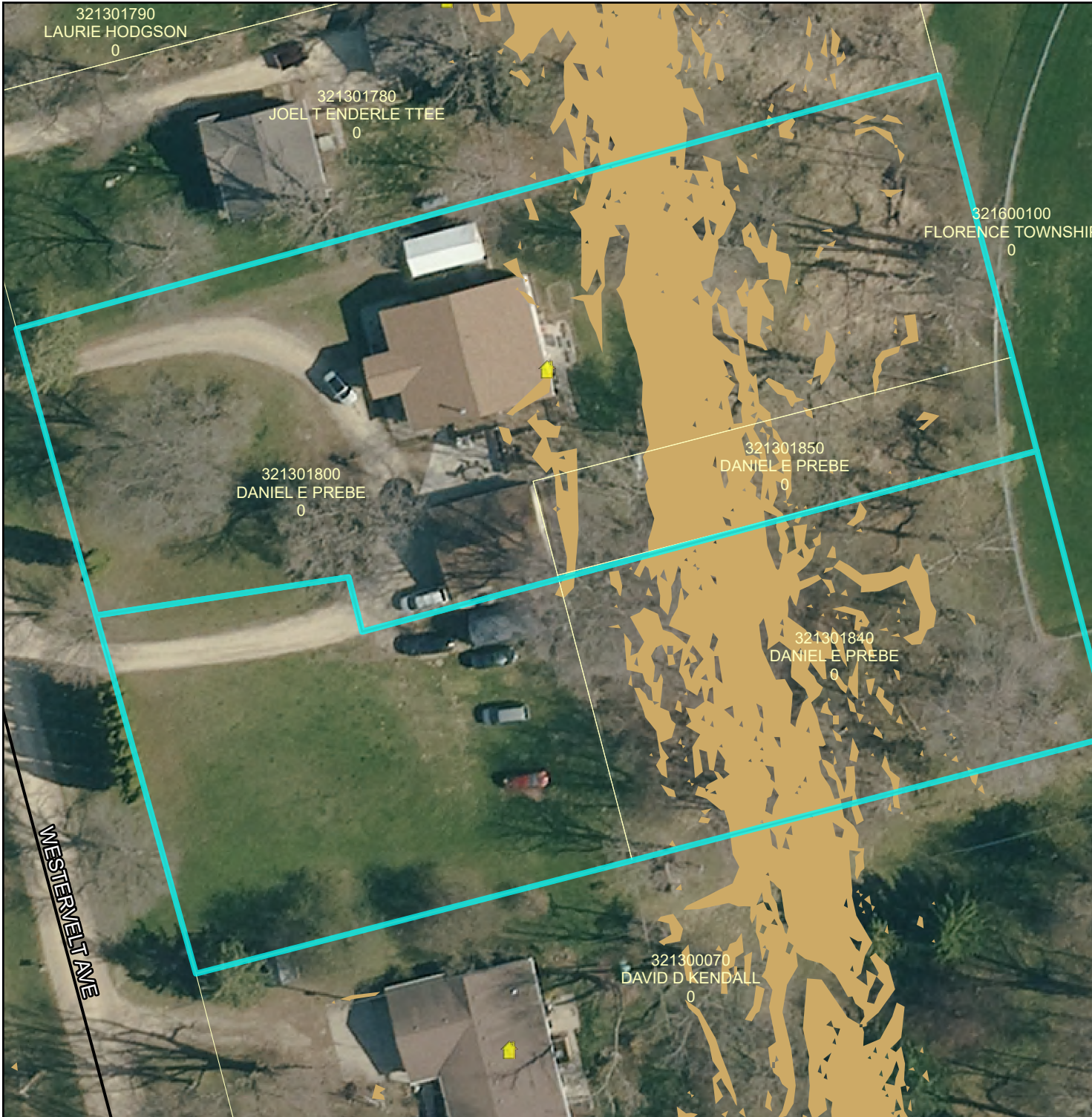


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2022 Aerial Imagery
Map Created September, 2023 by LUM



MAP 01: PROPERTY OVERVIEW



BOARD OF ADJUSTMENT

Public Hearing
September 25, 2023

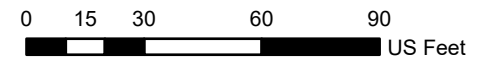
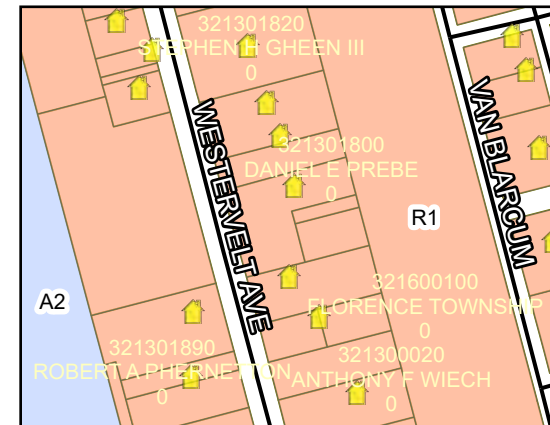
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Request for Variance to Minimum
Lot Size Standards.

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

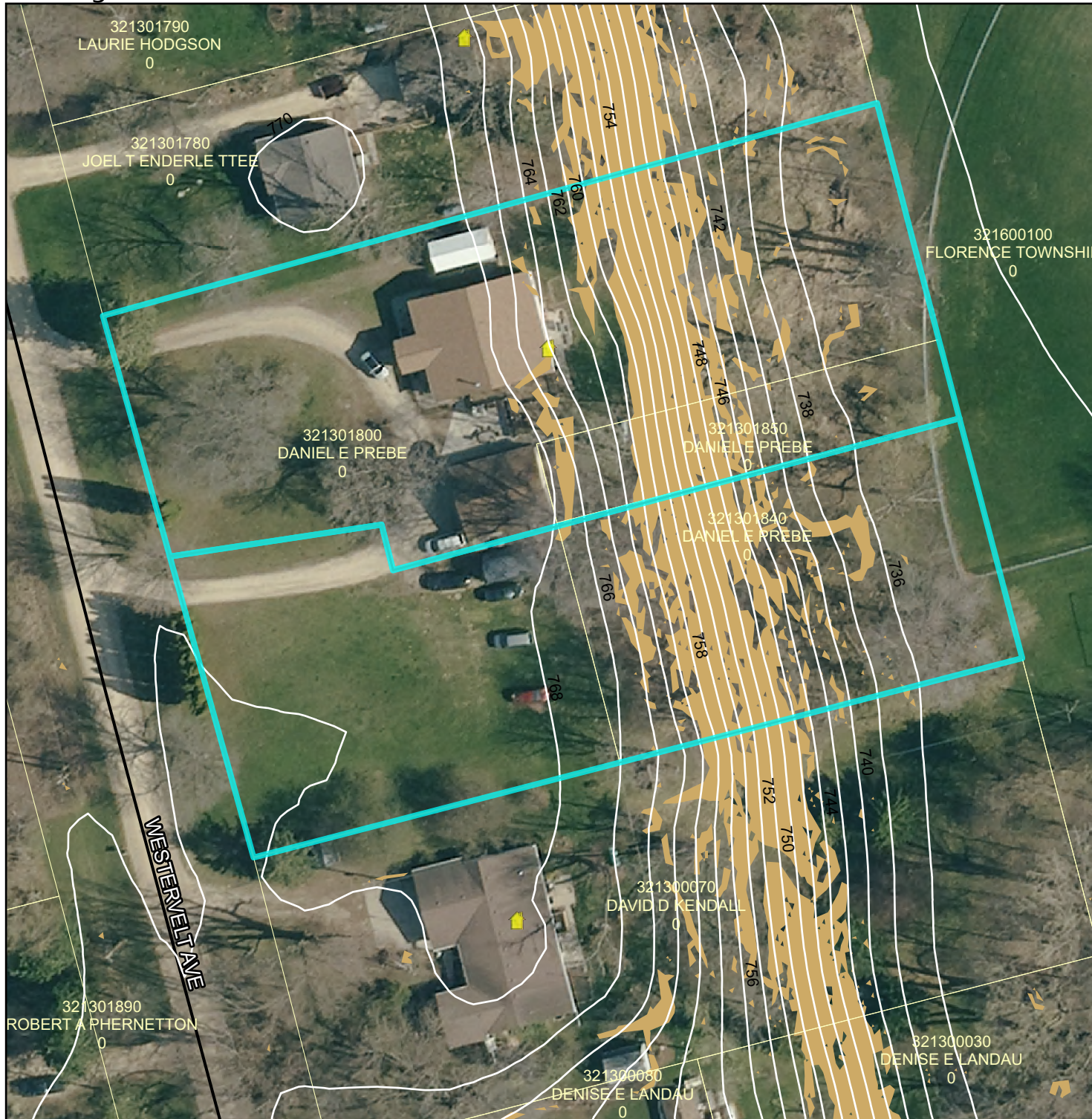


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2022Aerial Imagery
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MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
September 25, 2023

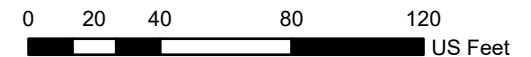
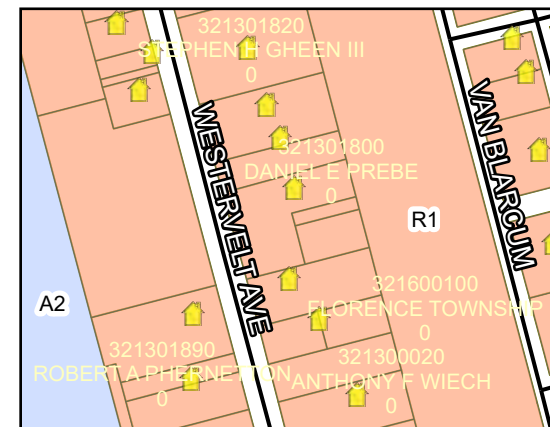
Daniel Prebe (Owner)
R1 Zoned District

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Request for Variance to Minimum
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	Lakes & Other Water Bodies		30
	Shoreland		FEMA Flood Zones
	Historic Districts		2% Annual Chance
	Parcels		A
	Registered Feedlots		AE
	Dwellings		AO
	Municipalities		X

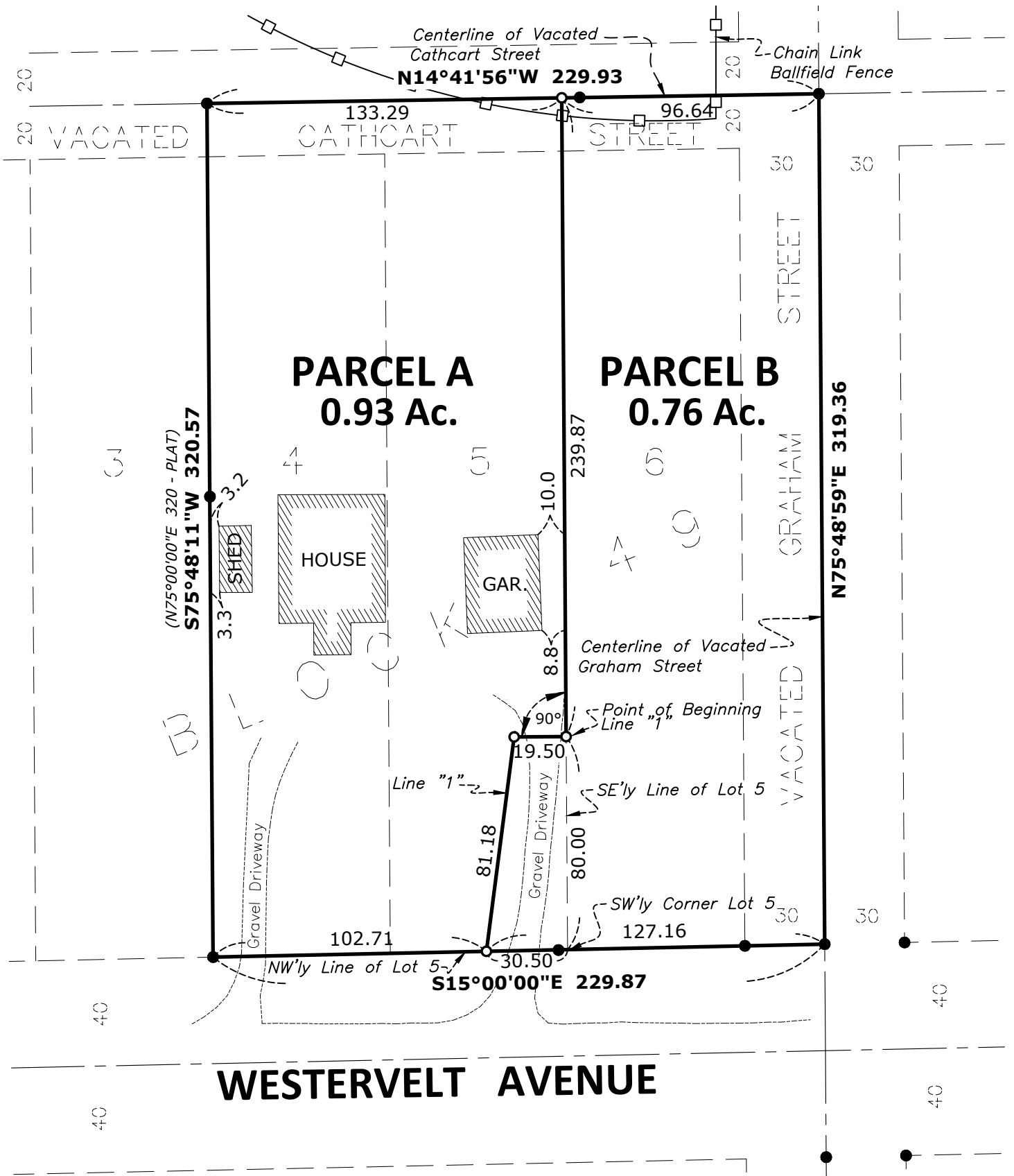


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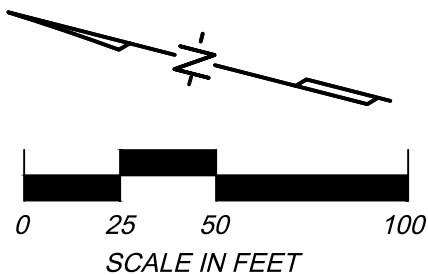
2020 Aerial Imagery
Map Created September, 2023 by LUM



CERTIFICATE OF SURVEY



**SEE SHEET 2 FOR
PROPERTY DESCRIPTIONS**



LEGEND

- Denotes a 1/2 Inch x 15 Inch Iron Pipe Set with a Plastic Cap Stamped 42302 (or Otherwise Noted)
- Denotes an Iron Monument Found

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

Mark A. Schoenfelder

MARK A. SCHOENFELDER, P.L.S.

DATE: 8/11/2023 LIC. NO. 42302

**RIDGELINE
G R O U P**

ENGINEERS ↓ PLANNERS ↓ SURVEYORS

30692 HIGHWAY 58 BLVD
RED WING, MN 55066
(651) 764-9521

Prepared For:

DANIEL PREBE

Lots 4, 5 and 6, Block 49, FRONTENAC

DATE: 8/11/2023

REV. DATE:

SHEET 1 OF 2

FILE NO.: 623017

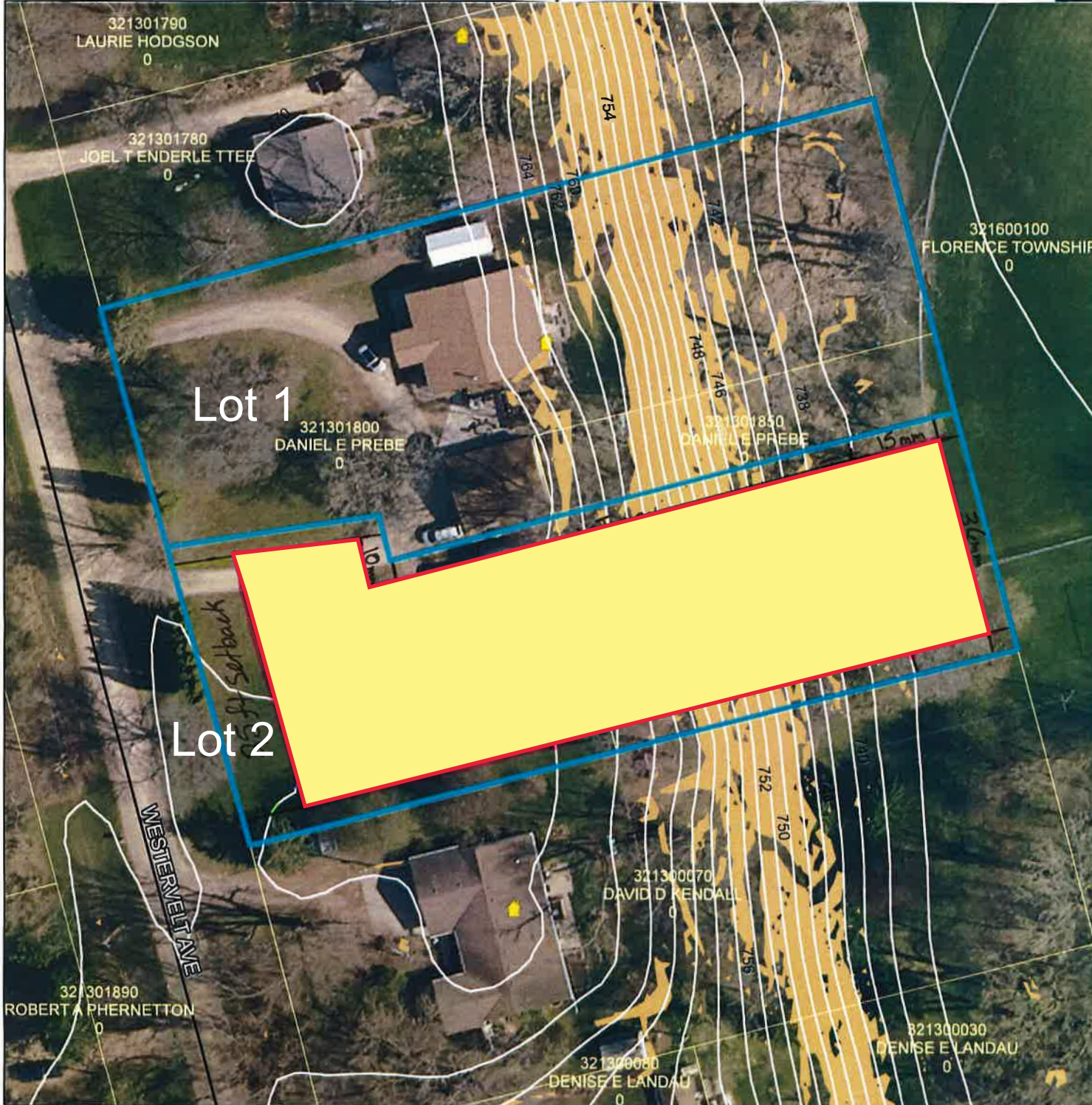
BOARD OF ADJUSTMENT

Public Hearing
September 25, 2023

Daniel Prebe (Owner)
R1 Zoned District

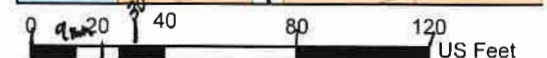
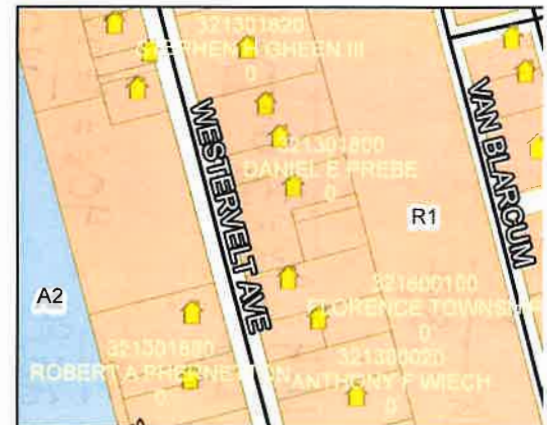
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Lot Size Standards.



Legend

Intermittent Streams	Bluff Impact Zones (% slope)
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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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2020 Aerial Imagery
Map Created September, 2023 by LUM



Preliminary Site Review
For
Individual Sewage Treatment System

Prepared for Property Owned By:

**Daniel Prebe
29134 Westerveldt Ave
Frontenac, MN 55026**

Parcel #R32.130.1840

Prepared By:

**Environmental Design Group, Inc.
30581 Wild Turkey Ct
Frontenac, MN 55026**

Preliminary Site Review

For

Property owned by:

Daniel Prebe
29134 Westerveldt Ave
Frontenac, MN 55026

Parcel #R32.130.1840

I hereby certify that this report was prepared by me and that I am a Designated Registered Professional in the ISTS program under the laws of the State of Minnesota.

Chris Bosshart

ISTS License No. 1955

Environmental Design Group, Inc.
Onsite Design/Inspection - Water Testing- Engineering Services - Environmental Planning

A. INTRODUCTION

This preliminary site review for the installation of an on-site sewage treatment system was completed on Sept 8, 2023.

The scope of this project is limited to:

1. Provide a preliminary site review of the property to determine feasibility of constructing an onsite sewage treatment system meeting the requirements of MN Rules Chapter 7080 and applicable Goodhue County Ordinance requirements.
2. Provide documentation of findings.

B. LOCATION OF PROPOSED SYSTEM ON PROPERTY

The area explored is along the eastern portion of the propose home. See attached site drawing.

C. SOIL CONDITIONS

Soil data from the Soil Survey map are attached. The soils described along with information regarding neighboring property and site investigations verify that a system meeting the requirements above and a reserve area can be installed on the proposed parcel.

D. ADDITIONAL INFORMATION

The site will require a site evaluation and soil verification to determine the exact location and size of the system when the exact location of the new home is identified. The attached site drawing identifies the proposed location of the future home.

G. LIMITATIONS

The recommendations within this report represent the professional opinion of Environmental Design Group, Inc.

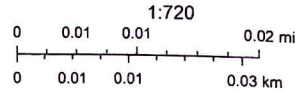
The findings are in accordance with current accepted standards for evaluating sites and soils for individual sewage treatment systems in the State of Minnesota.

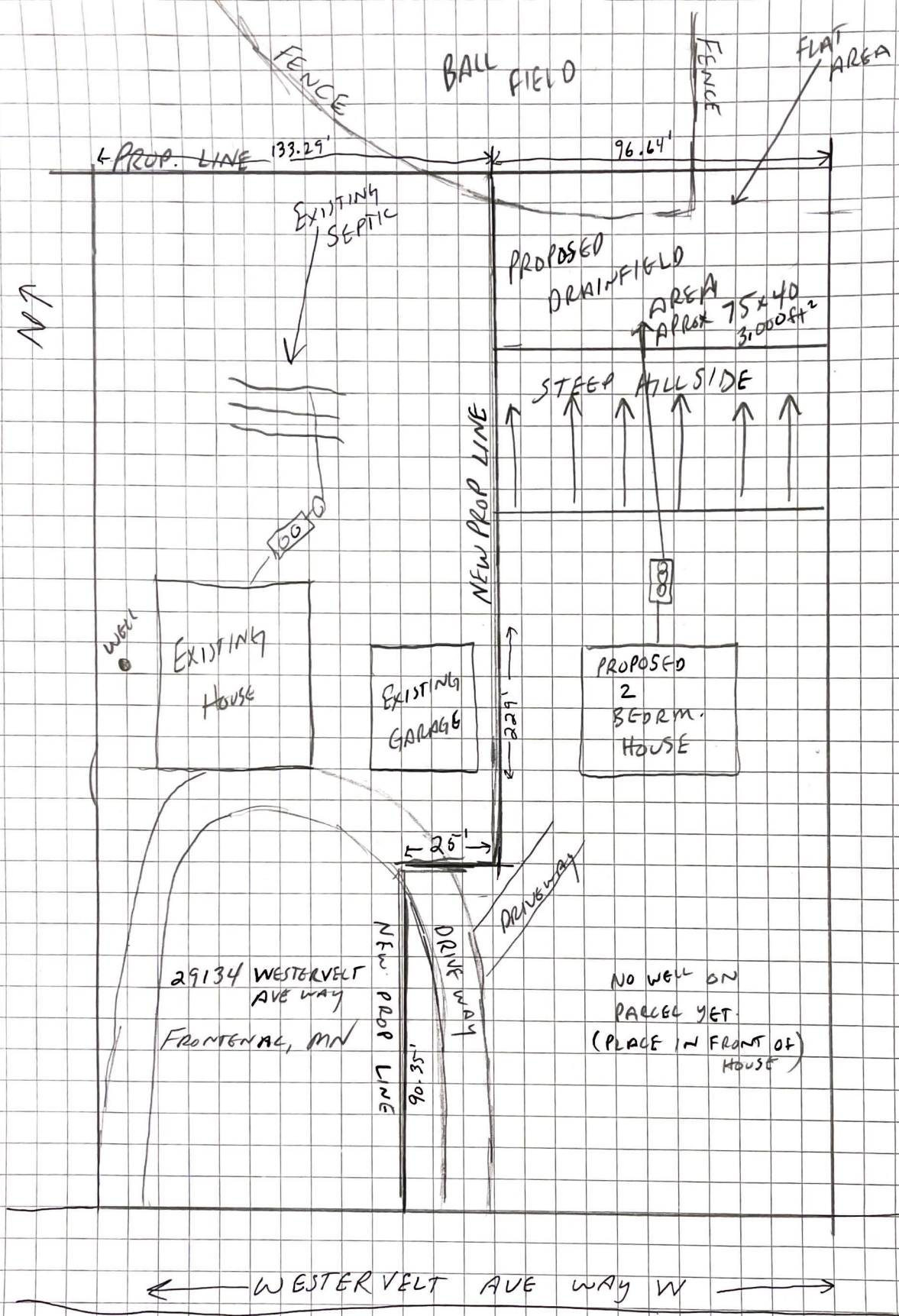
ArcGIS WebMap



September 6, 2023

- GoodhueCo_PLSS
- Goodhue County Roads
- Municipal Boundary
- CEM; ; OCTY; OCRLN; CTRLN
- House Number
- PIN
- Full Name
- Parcels





Goodhue County, Minnesota

N609D—Hawick sandy loam, 12 to 18 percent slopes

Map Unit Setting

National map unit symbol: 1t20b
Elevation: 590 to 1,310 feet
Mean annual precipitation: 31 to 39 inches
Mean annual air temperature: 41 to 50 degrees F
Frost-free period: 120 to 190 days
Farmland classification: Not prime farmland

Map Unit Composition

Hawick and similar soils: 70 percent
Minor components: 30 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hawick

Setting

Landform: Stream terraces
Landform position (two-dimensional): Shoulder, backslope
Landform position (three-dimensional): Riser
Down-slope shape: Convex, linear
Across-slope shape: Convex, linear
Parent material: Sandy and gravelly outwash

Typical profile

A - 0 to 4 inches: sandy loam
BA - 4 to 14 inches: loamy sand
Bw - 14 to 22 inches: sand
C - 22 to 80 inches: stratified gravelly coarse sand to sand

Properties and qualities

Slope: 12 to 18 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Excessively drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 25 percent
Available water supply, 0 to 60 inches: Low (about 3.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: A
Ecological site: F105XY019WI - Dry Upland

Forage suitability group: Unnamed (G105XS022MN)
Other vegetative classification: Unnamed (G105XS022MN)
Hydric soil rating: No

Minor Components

Malardi

Percent of map unit: 15 percent
Landform: Stream terraces
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R105XY018WI - Dry Mollic or Umbric Upland
Other vegetative classification: Unnamed (G105XS022MN)
Hydric soil rating: No

Fort dodge

Percent of map unit: 5 percent
Landform: Stream terraces
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Riser
Down-slope shape: Concave
Across-slope shape: Linear
Ecological site: R104XY0051A - Loamy Upland Prairie
Other vegetative classification: Steep; Fine Texture
(G104XS017MN)
Hydric soil rating: No

Salida

Percent of map unit: 5 percent
Landform: Stream terraces
Landform position (two-dimensional): Shoulder
Landform position (three-dimensional): Riser
Down-slope shape: Convex
Across-slope shape: Convex
Ecological site: R104XY0101A - Sandy Upland Prairie
Other vegetative classification: Sandy (G104XS022MN)
Hydric soil rating: No

Warsaw

Percent of map unit: 5 percent
Landform: Stream terraces
Landform position (two-dimensional): Backslope, footslope
Landform position (three-dimensional): Riser
Down-slope shape: Convex, linear
Across-slope shape: Linear
Ecological site: R104XY0051A - Loamy Upland Prairie
Other vegetative classification: Sloping Upland, Acid
(G104XS006MN)

PREBE ESTATES

INSTRUMENT OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That Daniel E. Prebe owner of the following described property situated in the County of Goodhue, State of Minnesota, to wit:

Lots Four (4), Five (5) and Six (6), Block Forty-Nine (49), Town of Frontenac, according to the recorded plat thereof on file and of record in the office of the County Recorder in and for Goodhue County, State of Minnesota, including that portion of Cathcart Street now vacated described as the Southwesterly one-half of Cathcart Street abutting the above described premises.

AND

The northwesterly half of Graham Street lying southerly of and adjoining Lot 6 in Block 49 of the Town of Frontenac, according to the recorded plat thereof.

Has caused the same to be surveyed and platted as PREBE ESTATES

In witness whereof Daniel E. Prebe

Daniel E. Prebe

In witness whereof Daniel E. Prebe has hereunto set his hand this ____ day of _____, 20__

Daniel E. Prebe

STATE OF MINNESOTA
COUNTY OF _____

This foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Daniel E. Prebe

Notary Public, _____ County, Minnesota
My commission expires _____

FLORENCE TOWNSHIP BOARD OF SUPERVISORS

We do certify that on the ____ day of _____, 20__, the Board of Supervisors for the Township of Florence, Goodhue County, Minnesota, approved this plat of Prebe Estates

SURVEYORS CERTIFICATION

I hereby certify that I have surveyed or directly supervised the survey of the property described on this plat; that I have prepared or directly supervised the preparation of this plat as PREBE ESTATES; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all outside boundary monuments of the plat have been correctly set and that all other required monuments will be correctly set within one year of the recording of this plat; that as of the date of this certificate, all water boundaries and wet lands, as defined in Minnesota Statute 505.01, Subd. 3, are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.

Dated this ____ day of _____, 20__

Mark A. Schoenfelder, Licensed Land Surveyor
Minnesota License No. 42302

STATE OF MINNESOTA
COUNTY OF GOODHUE

The foregoing surveyor's certificate was acknowledged before me this ____ day of _____, 20__ by Mark A. Schoenfelder, Licensed Land Surveyor

Notary Public, _____ County, Minnesota
My commission expires _____

GOODHUE COUNTY BOARD OF COMMISSIONERS

We do certify that on the ____ day of _____, 20__, the Board of Commissioners for the Goodhue County, Minnesota, approved this plat of PREBE ESTATES

Chair _____ County Administrator

GOODHUE COUNTY SURVEYOR

Pursuant to Chapter 389.09, laws of Minnesota, and Goodhue County Ordinance No. 2-78, this plat has been reviewed and approved this ____ day of _____, 20__.

Lisa M. Hanni, County Surveyor

GOODHUE COUNTY ATTORNEY

I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.

Stephen F. O'Keefe, County Attorney

GOODHUE COUNTY AUDITOR/TREASURER

I hereby certify that the taxes for the year 20__ on the land described on this plat as PREBE ESTATES have been paid and that no delinquent taxes are due and transfer entered this ____ day of _____, 20__.

By: _____
Brian Anderson, County Auditor/Treasurer

GOODHUE COUNTY RECORDER / REGISTRAR OF TITLES

Document Number _____

I hereby certify that this instrument was filed in the Office of the County Recorder/Registrar for record on this ____ day of _____, 20__, at ____ o'clock ____ M. and was duly recorded in Goodhue County records.

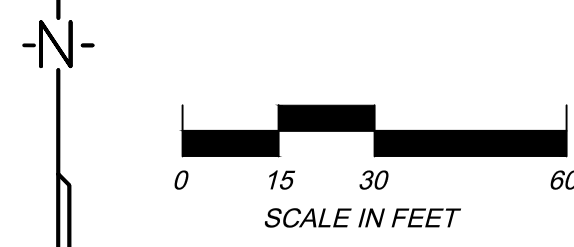
Lisa M. Hanni, Registrar of Titles

GOODHUE COUNTY RECORDER

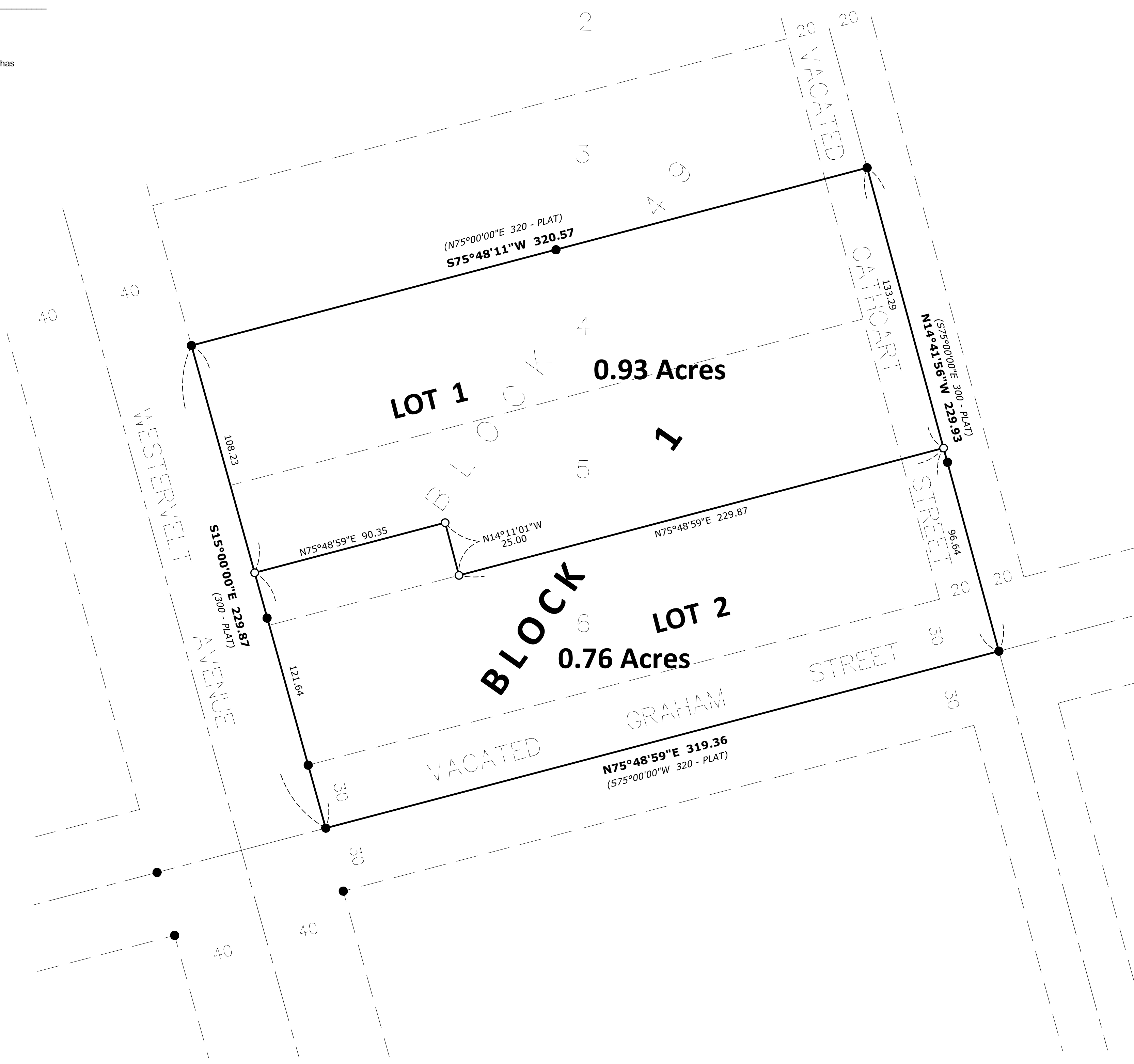
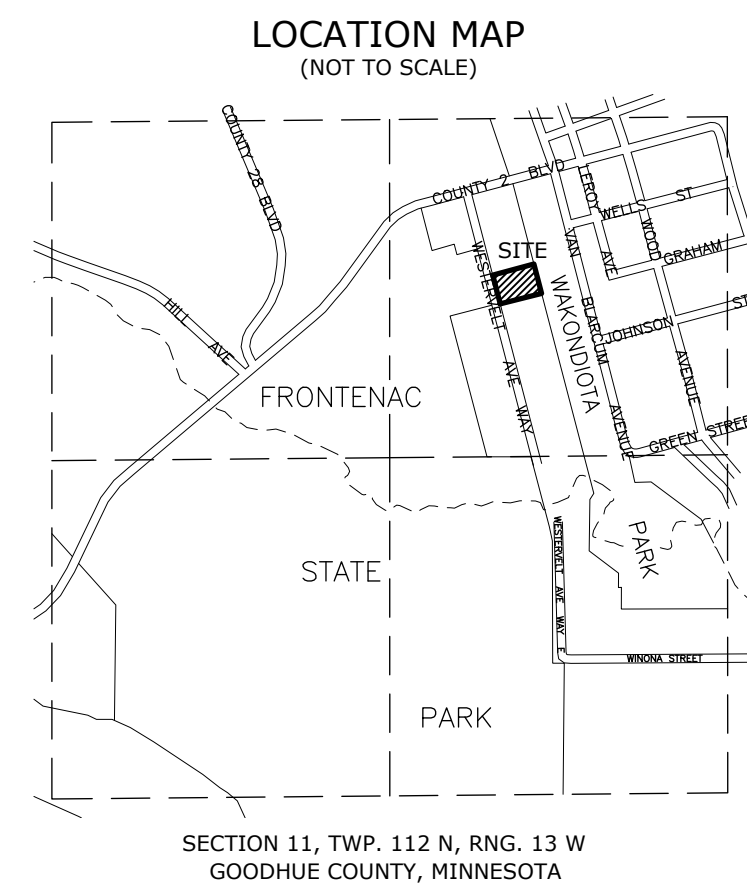
County Recorder, County of Goodhue, State of Minnesota
I hereby certify that this plat of PREBE ESTATES was filed in the office of the County Recorder for public record on this ____ day of _____, 20__ at ____ o'clock ____ M. and was duly filed as Document Number _____.

Lisa M. Hanni
Goodhue County Recorder

- LEGEND**
- Denotes a 1/2 Inch x 15 Inch Iron Pipe Set with a Plastic Cap Stamped 42302 (or Otherwise Noted)
 - Denotes an Iron Monument Found



BASIS OF BEARINGS
Bearings are oriented with the southwesterly line of Block 49 which is assumed to bear S 15°00'00" E



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: September 25, 2023
Report date: September 5, 2023

PUBLIC HEARING: Request for Variance by Paul Goplen (Owner) to A-1 Zoning District standards to construct an addition less than 60 feet from the 415th Street Right-of-Way.

Application Information:

Applicant(s): Paul Golpen (Owner)
Address of zoning request: 11049 415th St. Zumbrota MN, 55992
Parcel: 44.012.0401
Abbreviated Legal Description: Part of the SW ¼ of the NW ¼ of Section 12 TWP 110N Range 17W in Wanamingo Township.
Township Information: Wanamingo Township emailed staff acknowledgment of the variance request with no additional comments.
Zoning District: A-1 (Agricultural Protection District)

Attachments and Links:

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

Background:

Paul Goplen (Owner) has applied for a variance to A-1 minimum setback standards to construct a 32-foot by 26-foot addition on the south side of an existing dwelling. The proposed structure would be approximately 45 feet from the 415th Street Right-of-Way setback line at its closest point where 60 feet is required.

Variance Standards:

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

Draft Findings of Fact:

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

- Property line and Right-of-Way setbacks are intended to create separation among adjacent structures and roads to allow for adequate access and accommodate future road expansion.
- The existing home is located 65 feet from the edge of the 415th Street Right-of-Way and is a conforming structure. The proposed living room addition would be located 45 feet from the

415th Street Right-of-Way. The addition is intended to add additional indoor living space to the dwelling on the main level to reduce their use of stairs with the future in mind as they age.

- The right-of-way authority, Wanamingo Township, reviewed the request and signed the Township Zoning application with no additional comments. Locating the addition 45 feet from the Right-of-Way is not anticipated to further impede future road expansion or ongoing maintenance. This request appears in harmony with the purpose and intent of the official control.

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

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

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

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

- The Applicant’s request to construct a dwelling addition is a reasonable use of property in the A-1 District. The addition, as proposed, would meet all other required setbacks.
- The Applicant desires to construct an addition with a living room, office, and half bath on the south side of the home for additional living space.
- The property is an existing 3-acre parcel which is a conforming lot size in the A-1 District (2-acre minimum). The property contains a single-family dwelling, detached garage, storage shed and old barn.

The home was originally constructed in 1924.

- The Applicant stated that there are no alternative locations for the addition due to the septic system on the west side and the fuel oil tank on the east side.
- The property is surrounded by A1-zoned properties on all sides. Surrounding uses include low-density residential among tilled cropland.
- 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.**

- Single-family dwellings are a permitted use in the A-1 Zoning District. The request does not constitute a use variance.

The draft Findings of Fact shall be amended to reflect concerns conveyed at the Board of Adjustment meeting and public hearing. The Board should specify the facts and reasons that are the basis of the Board’s determination. In granting a variance, the Board of Adjustment may impose conditions directly related to, and bearing a rough proportionality with, the impact(s) created by the variance.

Staff Recommendation:

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

APPROVE the request for a variance, submitted by Paul Goplen (Owner) to A-1 Zoning District standards to allow the construction of a dwelling addition 45 feet from the 415th Street Right-of-Way.



Figure 1: South Side of House. Area of proposed addition
(provided by William Lenzen)



Figure 2: East Side of House *(provided by William Lenzen)*

“To effectively promote the safety, health, and well-being of our residents”
www.co.goodhue.mn.us



Figure 3: West Side of House (*provided by William Lenzen*)

APPLICATION FOR
Variance

RECEIVED

AUG 21 2023

Land Use Management

For Staff Use only

VARIANCE NUMBER: 23-0042
S350 RECEIPT# 18225 DATE 8/21/23

SITE ADDRESS, CITY, AND STATE <u>11049 415th St Zumbrota, MN</u>		ZIP CODE: <u>55992</u>
--	--	---------------------------

LEGAL DESCRIPTION:					Attached <input checked="" type="checkbox"/>
PID#: <u>44.012.0401</u>	ZONING DISTRICT <u>A1</u>	LOT AREA (SF/ACRES): <u>3 acres</u>	LOT DIMENSIONS: <u>266.69' x 490'</u>	STRUCTURE DIMENSIONS (if applicable): <u>32 x 26</u>	

APPLICANT OR AUTHORIZED AGENT'S NAME <u>Paul A Goplen</u>	
APPLICANT'S ADDRESS: <u>11049 415th St Zumbrota, MN 55992</u>	

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) <input checked="" type="checkbox"/> Road Right-Of-Way Setbacks <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Property Line Setbacks <input type="checkbox"/> Bluff Setbacks <input type="checkbox"/> Height Limits <input type="checkbox"/> Shoreland Setbacks <input type="checkbox"/> Lot Width &/or Area <input type="checkbox"/> Other (specify) <input type="checkbox"/> Subdivision Regulations	CURRENT OR PREVIOUS USE: <u>Residence</u>
	PROPOSED USE: <u>Residence</u>
	BUILDING APPLICATION PERMIT NO.: (if filed)
	DATE FILED:

TOWNSHIP SIGNATURE: By signing this form, the Township acknowledges they are aware of the Applicant's variance request. In no way does signing this application indicate the Township's position on the variance request.			Attached <input type="checkbox"/>
TOWNSHIP OFFICIAL'S SIGNATURE	TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE	DATE	1

- 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: Paul A Goplen Date: 8/21/23

Print name: Paul A Goplen (owner or authorized agent)

REQUEST SUMMARY

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

Article: 21 Section: 5 Name: Set back Right of way
Article: _____ Section: _____ Name: _____

SUPPORTING INFORMATION & JUSTIFICATION

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

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

Adding a living room so as we get older we can live on main level

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

We will be forced to climb stairs

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:

Fuel oil tank on east side and septic on west side

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

there is a septic to the west, an underground fuel oil tank to the east and a large deck to the north

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

Making the addition smaller doesn't change what we have now

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

No

Property Description:

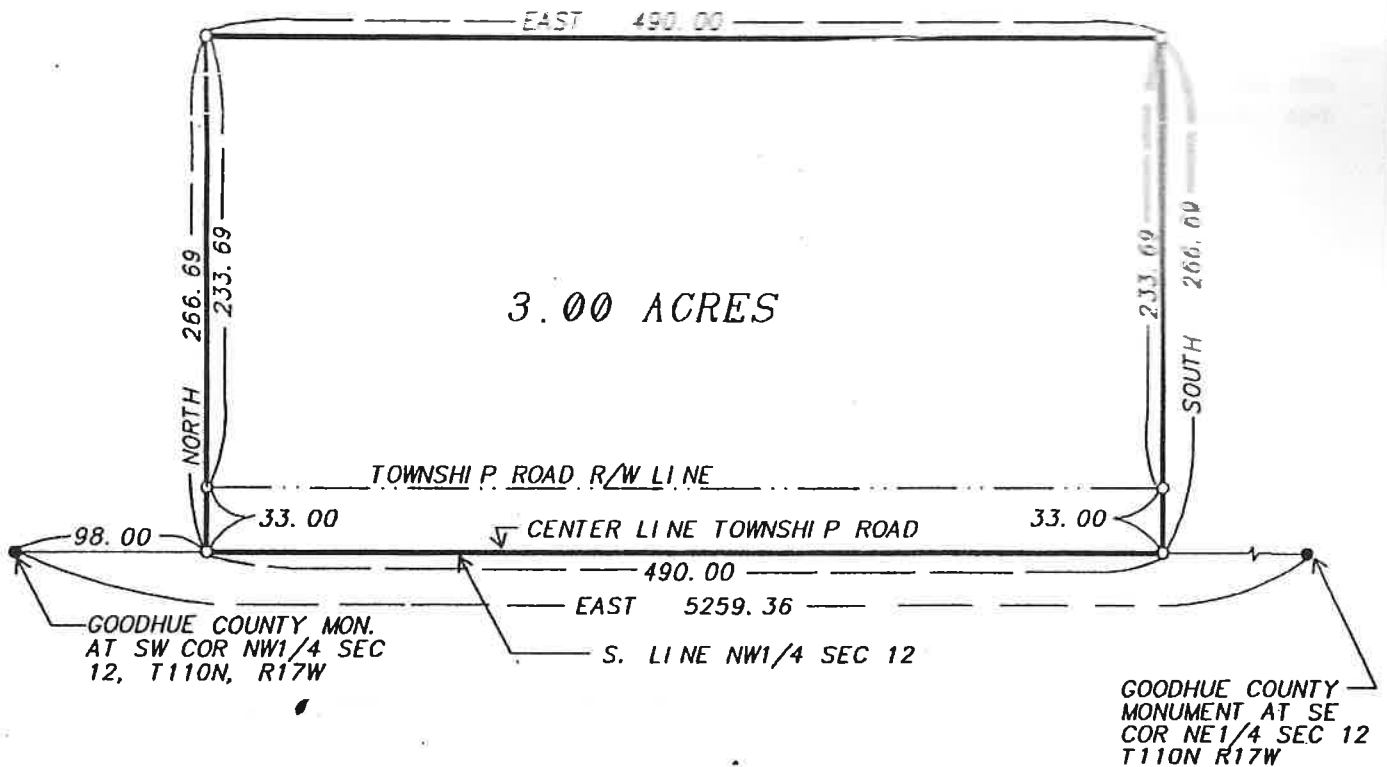
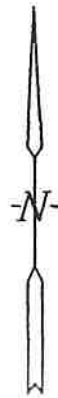
That part of the Southwest Quarter of Northwest Quarter of Section 12, Township 110 North, Range 17 West, Goodhue County, Minnesota described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 12; thence East, assumed bearing, along the south line of said Northwest Quarter, 98.00 feet for a point of beginning; thence North, 266.69 feet; thence East, 490.00 feet; thence South, 266.69 feet to the south line of said Northwest Quarter; thence West, along said south line, 490.00 feet to the point of beginning. Being subject to an easement for the Township Road right of way over the southerly boundary thereof.

Containing 2.87 acres, more or less.

SCALE: 1"=100'

BEARING SYSTEM IS ASSUMED DATA.



Pierret, Samantha

From: Tamra Berg <tamraberg1@gmail.com>
Sent: Monday, August 21, 2023 3:29 PM
To: Pierret, Samantha
Cc:
Subject: Building Permit for Paul and Sherry Goplen

External Email - Use caution opening links or attachments!

Hello Sam,

I was contacted by Paul Goplen and he informed me that they need a variance from the County to meet the setback requirements for the County. This is just to confirm to you that we have been made aware of this.

If you need anything else from the township's end please let me know.
Tamra Berg - Wanamingo Township Clerk

MAP 01: PROPERTY OVERVIEW

BOARD OF ADJUSTMENT


















Public Hearing
September 25, 2023

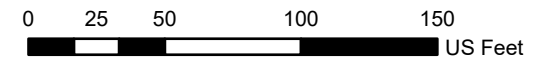
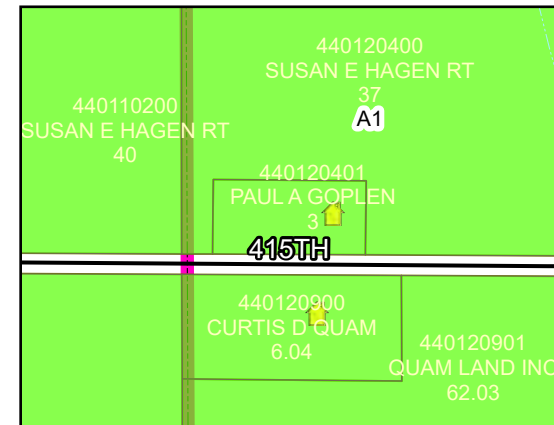
Paul Goplen (Owner)
A1 Zoned District

Part of the SW 1/4 of NW 1/4 of Section 12
TWP 110N Range 17W in
Wanamingo Township

Request for Variance to Road Right of Way
Setback for addition to be closer then
60feet.

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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2022Aerial Imagery
Map Created September, 2023 by LUM



MAP 02: VICINITY MAP

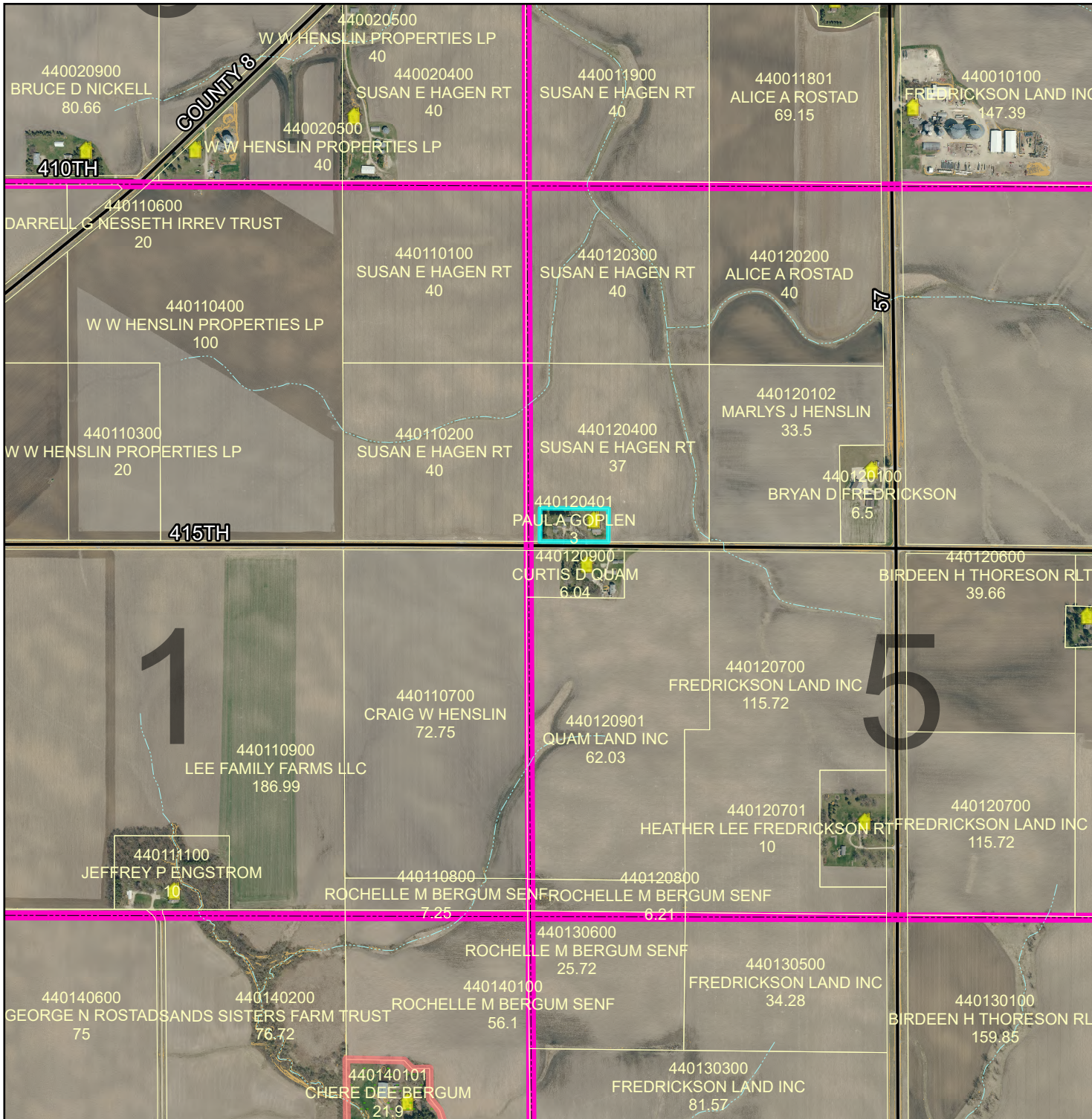
BOARD OF ADJUSTMENT

Public Hearing
September 25, 2023

Paul Goplen (Owner)
A1 Zoned District

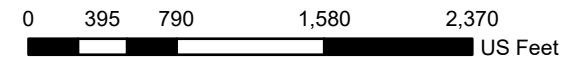
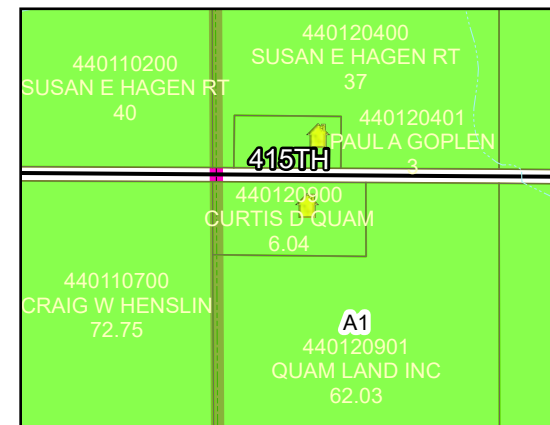
Part of the SW 1/4 of NW 1/4 of Section 12
TWP 110N Range 17W in
Wanamingo Township

Request for Variance to Road Right of Way
Setback for addition to be closer then
60feet.



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 |

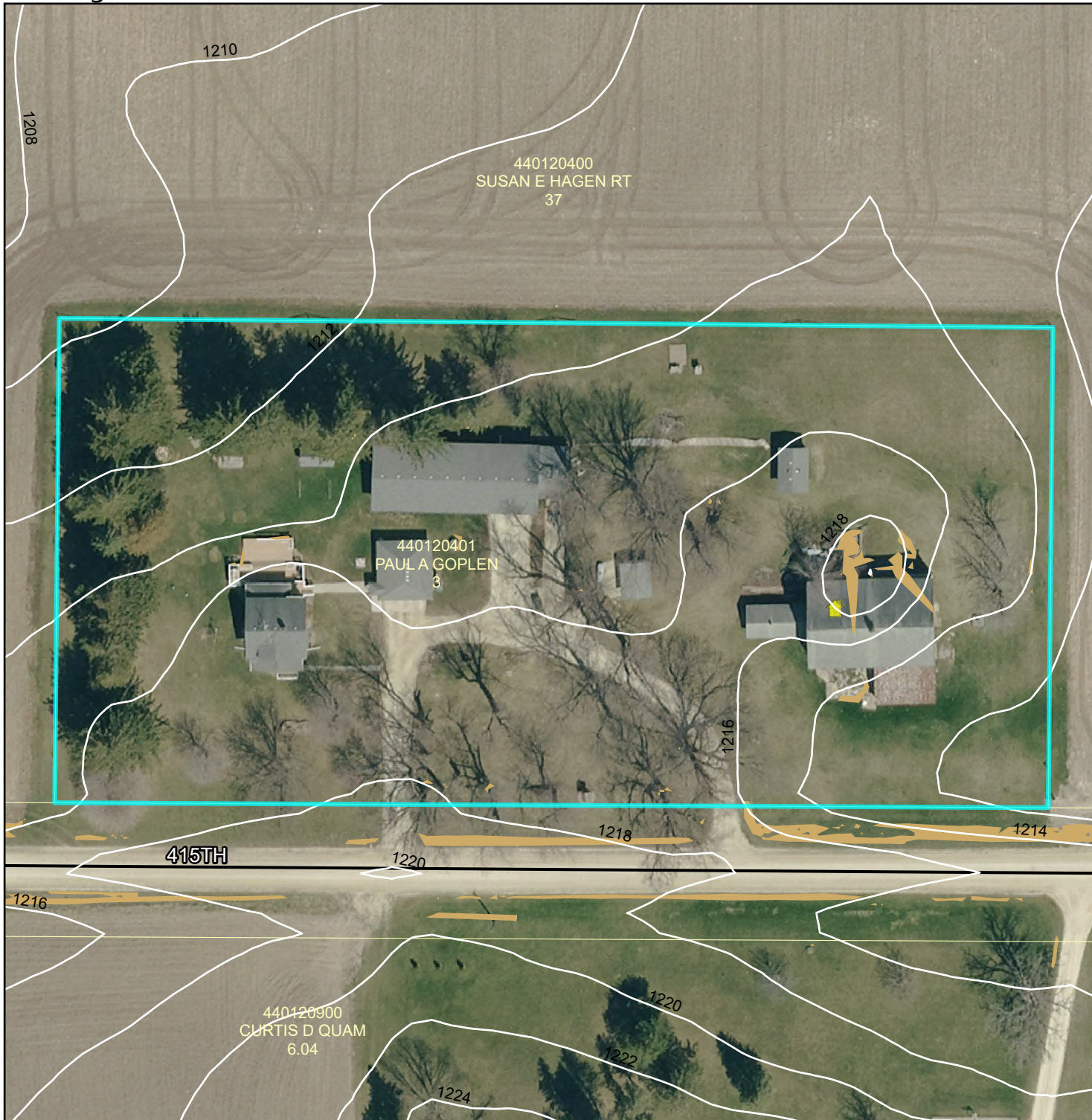


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Map Created September, 2023 by LUM



MAP 03: ELEVATIONS



BOARD OF ADJUSTMENT

Public Hearing
September 25, 2023

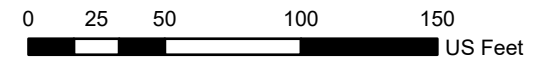
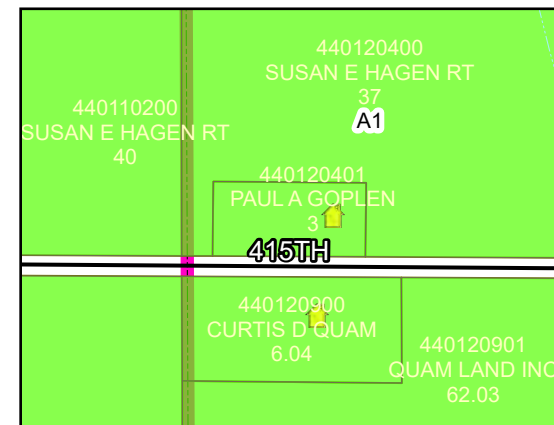
Paul Goplen (Owner)
A1 Zoned District

Part of the SW 1/4 of NW 1/4 of Section 12
TWP 110N Range 17W in
Wanamingo Township

Request for Variance to Road Right of Way
Setback for addition to be closer then
60feet.

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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