Call Meeting To Order

Approval Of Current Agenda

Approval Of Previous Month’s Meeting Minutes

Conflict/Disclosure Of Interests

PUBLIC HEARING: Request For Variance To Feedlot Setback Standards
Request for Variance, submitted by Bryan and Brandon Billman (Applicants) and Kent Billman (Owner), to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000 feet or 94% odor annoyance-free rating (as determined by the OFFSET model) of an existing dwelling.
Parcel 40.003.0500. TBD 460th Ave, Zumbrota, MN 55992. NE ¼ of the NW ¼ Sect 03 TWP 109 R16 in Roscoe Township. A1 Zoned District.

Documents:

BOAPACKET_BILLMAN_REDACTED.PDF

PUBLIC HEARING: Request For Variance To Minimum Setback Standards
Request for Variance, submitted by David Arndt (owner), to A-1 Zoning District standards to construct a dwelling addition less than 60 feet from the 510th Street Right-of-Way. Parcel 39.034.0401. 21196 510th Street, Pine Island, MN 55963. Part of the N ½ of the NW ¼ of Section 34 TWP 109 Range 15 in Pine Island Township.

Documents:

BOAPACKET_ARNDT.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 •
To:       Board of Adjustment
From:  Land Use Management
Meeting Date:  March 23, 2020
Report date:  March 13, 2020

PUBLIC HEARING: Request for Variance to Feedlot Setback Standards
Request for Variance, submitted by Bryan and Brandon Billman (Applicants) and Kent Billman (Owner), to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established within 1000 feet or 94% odor annoyance-free rating (as determined by the OFFSET model) of an existing dwelling.

Application Information:
Applicant: Bryan and Brandon Billman (Applicants) and Kent Billman (Owner)
Address of zoning request: TBD 460th Ave, Zumbrota, MN 55992
Parcel: 40.003.0500
Abbreviated Legal Description: NE ¼ of the NW ¼ Sect 03 TWP 109 R16 in Roscoe Township
Township Information: Roscoe Township is aware of the Applicants’ proposal.
Zoning District: A1 (Agriculture Protection District)

Attachments and Links:
Application and Project Summary
Goodhue County Zoning Ordinance (GCZO):
http://www.co.goodhue.mn.us/DocumentCenter/View/2428

Background:
The Applicants have applied for a variance to allow them to establish a 2,400-head hog finishing operation that would be located less than 1,000-feet or 94% odor annoyance-free rating (as determined by the OFFSET model) from an existing dwelling. The Goodhue County Zoning Ordinance requires new Feedlots to meet odor Offset requirements to existing off-site dwellings.

The Applicants are concurrently pursuing Conditional Use Permit (CUP) approval to allow the Feedlot and manure storage basin in conjunction with this request. The CUP is scheduled to be considered by the Goodhue County Planning Commission on 03/16/20.

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 A1 district is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.
   - Reciprocal feedlot setbacks between feedlots and dwellings are intended to decrease potential conflict between residential and agricultural uses.
     One dwelling is located within the 1000-foot required setback area for the proposed Feedlot which is occupied by one of the Applicants (Kent Billman). Mr. Billman’s dwelling is located 936-feet south of the proposed Feedlot. At 936-feet, the Feedlot would achieve a 93% odor annoyance-free rating (as determined by the OFFSET model) where 94% is required.
   - All other dwellings are more than 1,000 feet from the proposed Feedlot.
   - The Applicants’ variance 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. The occupant of the dwelling not meeting the minimum setback is an Applicant and member of the operation and has submitted a letter of support for the variance request.
   - Future buyers of the dwelling will have the opportunity to be informed of the existence of the Feedlot. The request appears consistent 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 40-acres and is a conforming lot in the A1 district (2-acre minimum). The Applicants’ request to establish a registered Feedlot is a reasonable use of property in the A1 District.
   - The property has been historically used for agriculture (mainly crop production).
   - The Feedlot is sited on the east side of the property at the furthest practical distance from the closest off-site dwelling. The proposed location is intended to allow the Feedlot to meet setback requirements for all dwellings not owned by the Applicants.
   - The Feedlot would meet all other applicable setback requirements of the Goodhue County Zoning Ordinance.
   - A review of the existing development pattern in the vicinity reveals very low-density residential development among predominantly agricultural uses (feedlots and row-crop agriculture). 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 A1 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;

APPROVE the request for variance, submitted by Bryan and Brandon Billman (Applicants) and Kent Billman (Owner), to Article 13 (Confined Feedlot Regulations) setback standards to allow a new feedlot to be established at a 93% odor annoyance-free rating (as determined by the OFFSET model) from an existing dwelling.
BOARD OF ADJUSTMENT

Public Hearing
March 23, 2020

Bryan & Brandon Billman/Kent Billman
A1 Zoned District

NE 1/4 of the NW 1/4 Sect 3 TWP 109
Range 16 in Roscoe Township

Variance to Confined Feedlot Regulations
setback standards to allow a new feedlot
within 1000 feet of an existing dwelling.

Legend

- Intermittent Streams
- Protected Streams
- Lakes & Other Water Bodies
- Shoreland
- Historic Districts
- Parcels
- Registered Feedlots
- Dwellings
- Municipalities

FEMA Flood Zones

- 2% Annual Chance
- A
- AE
- AO
- 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 2020.

2018 Aerial Imagery
Map Created March, 2020 by LUM
MAP 02: VICINITY MAP

BOARD OF ADJUSTMENT
Public Hearing
March 23, 2020

Bryan & Brandon Billman/Kent Billman
A1 Zoned District

NE 1/4 of the NW 1/4 Sect 3 TWP 109
Range 16 in Roscoe Township

Variance to Confined Feedlot Regulations
setback standards to allow a new feedlot
within 1000 feet of an existing dwelling.
1. Finish Barn: 102' x 200', 100ft from property line. Nearest dwelling/residence is 930ft.
APPLICATION FOR
Variance

SITE ADDRESS, CITY, AND STATE:
15498 460th St Zumbrota, MN (nearest address)

LEGAL DESCRIPTION:
Parcel #400030500 Sec 03 Township 109 Range 016

PID: 400030500
 LOT AREA (in acres): 40 acres
 LOT DIMENSIONS: 102' x 200'

APPLICANT OR AUTHORIZED AGENT'S NAME:
Bryan Billman

APPLICANT'S ADDRESS:
13358 460th St
Wacaminga, MN 55983

PROPERTY OWNER'S NAME:
Same as Above

PROPERTY OWNER'S ADDRESS:

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) house within 1000' specified setback
☐ 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
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: Bryan Billman
Date: 2/11/20

Print name: Bryan Billman (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:

I request a variance for a proposed hog barn to be within 16,000' setback of our house/building. House is 936' from barn.

 Owned: Kent Billman  Rented by: Brandon Billman

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

Barn may not be built. Our farming operation will not be able to diversify.

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:

There is a neighbor restricting us to move the barn any further away from the house.

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

None. This is the only spot that we could find and that would work on proposed parcel

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

None.

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

No. There is a hog barn 1 mile west and I do not believe it would alter anything. We both have worked with animals before and do our absolute best to take care of the animals. I have a written note from Kent (Owner) and Brandon (Renter) saying they are OK with the barn.
Billman Variance  2/17/2020

I, Brandon Billman (renter) and Kent Billman (Owner). Do not have any issues with the proposed feedlot/barn being closer than the 1000 setback.

Brandon Billman  Kent Billman
### Building Sources

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<th>Width (ft)</th>
<th>Length (ft)</th>
<th># of Similar Sources</th>
<th>Total Area (sqft)</th>
<th>Control Technology</th>
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### AREA SOURCES

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# Odors From Feedlots Setback Estimation Tool

**Farm Name:** B Billman  
**Address or County:** Goodhue County  
**Evaluator:** Kelsey Petit CFO  
**Date:** 12/3/19

| Source Edge to Nearest Neighbor (ft) | 936  
| Source Edge to Property Line (ft) | 110

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## Building Sources

- **Add Source Type**
  - Name of Source
  - Odor Flux (ouf/s/m²)
  - H2S Flux (ugf/s/m²)
  - NH3 Flux (ugf/s/m²)
  - Documentation

- **Add a Control Technology**
  - Name of technology
  - Odor reduction (%)
  - H2S reduction (%)
  - NH3 Reduction (%)
  - Documentation

## Area Sources

- **Add Source Type**
  - Name of Source
  - Odor Flux (ouf/s/m²)
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  - NH3 Flux (ugf/s/m²)
  - Documentation

- **Add Control Technology**
  - Name of technology
  - Odor reduction (%)
  - H2S reduction (%)
  - NH3 Reduction (%)
  - Documentation
To: Board of Adjustment  
From: Land Use Management  
Meeting Date: March 23, 2020  
Report date: March 13, 2020  

PUBLIC HEARING: Request for Variance, submitted by David Arndt (owner), to A-1 Zoning District standards to construct a dwelling addition less than 60 feet from the 510th Street Right-of-Way.  

Application Information:  
Applicant: David Arndt (owner)  
Address of zoning request: 21196 510th Street, Pine Island, MN 55963  
Parcel: 39.034.0401  
Abbreviated Legal Description: Part of the N ½ of the NW ¼ of Section 34 TWP 109 Range 15 in Pine Island Township.  
Township Information: Pine Island Township has signed acknowledgment of the variance request and did not convey any concerns regarding the application.  
Zoning District: A-1 (Agricultural Protection District)  

Attachments and Links:  
Application and submitted project summary  
Site Map  
Goodhue County Zoning Ordinance:  
http://www.co.goodhue.mn.us/DocumentCenter/View/2428  

Background:  
David Arndt (owner), has applied for a variance to A-1 minimum setback standards to construct a proposed 18-foot by 20-foot dwelling addition on the west side of his existing dwelling. The proposed addition would be 33 feet from the edge 510th Street Right-of-Way where 60 feet is required by Ordinance.  

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 31 feet from the edge of the 510th Street Right-of-Way and is, therefore, a non-conforming structure. The proposed dwelling addition would be located 33 feet from the edge where 60 feet is required by Ordinance.
feet from the 510th Street Right-of-Way. The existing structure is currently non-conforming and locating the addition 2 feet further from the Right-of-Way is not anticipated to further impede future road expansion or on-going 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 dwelling addition appears consistent with the Goodhue County Comprehensive Plan.

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

   - The Applicant’s request to construct an addition to the existing dwelling 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 on the west side of the home with a full basement under the addition. The front portion of the home, where the addition will be constructed, is screened from 510th Street by several large trees.

   - The Applicant stated that there are no alternative locations for the addition because the septic line is located on the east side of the home and an electric line and heat pump are located on the south side of the home.

   - The home was originally built in 1912 and pre-dates county zoning and setback regulations (established in 1971).

   - The surrounding land uses include A-1 Zoned properties on all sides owned by the Applicant to the east, south and west and Richard Krause to the north across 510th Street.

   - 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 David Arndt (owner) to A-1 Zoning District standards to allow construction of a dwelling addition 33 feet from the 510th Street Right-of-Way.
APPLICATION FOR

Variance

Site Address, City, and State:
21196 510th St, Pine Island, MN

Legal Description:

P.I.D.: 39.034.040

Applicant or Authorized Agent's Name:
David A. Arndt

Applicant's Address:
21196 510th St, Pine Island, MN 55963

Property Owner's Name:
Same as Above

Property Owner's Address:

Contact for Project Information:
Same as Above

Address:

Received:
FEB 28 2020

Land Use Management

Variance Requested To: (check all that apply)

☐ Road Right-Of-Way Setbacks
☐ Property Line Setbacks
☐ Height Limits
☐ Lot Width &/or Area
☐ Subdivision Regulations

Current or Previous Use:

☐ Current

Proposed Use:

Building Application Permit No.: (N/A)

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:

Glen Butcher, Chairman

Date: 2-25-20

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: David A. Arndt

Date: 2/25/20

Print Name: David A. Arndt (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:

“This property has our home with the north half with a crawl space under it that we want to have a full basement. The addition will be two feet more away from the road. The 1912 home is too close to the street.”

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

Our home needs more closet space and the floors above the crawl space are cold.

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:

We need to build on the west side of the home because the septic line is on the east side. The addition cant go to the south because our electric line is buried and the heat pump is also in the way.

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

There are no alternatives. The addition can not go anywhere else.

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


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

“This will not affect the neighborhood because it will not be higher than the existing house. There is a line of pine trees that will hide the addition.”
Property Description:

That part of the North One-Half of the Northwest Quarter of Section 34; Township 109 North, Range 15 West, Goodhue County, Minnesota described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 34; thence N89°31'40"E, assumed bearing, along the north line of said Northwest Quarter, 650.00 feet for a point of beginning; thence S00°28'20"E, 627.00 feet; thence N89°31'40"E, 750.00 feet; thence S00°28'20"W, 627.00 feet to the north line of said Northwest Quarter; thence S89°31'40"W, along said north line, 750.00 feet to the point of beginning. Being subject to an easement for the Township Road right of way over the northerly boundary thereof.

Containing 10.80 acres, more or less.
Variance request to construct a dwelling addition less than 60 feet from the 510th Street Right-of-Way.
Variance request to construct a dwelling addition less than 60 feet from the 510th Street Right-of-Way.