

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: October 17, 2022

Time: 7:00 p.m. (doors open at 6:45)

Location: Nicollet County Board Room, 501 S Minnesota Ave, St. Peter, MN

Copies of the meeting agenda and packet are available on the Nicollet County website at:
<https://mn-nicolletcounty.civicplus.com/AgendaCenter>

Questions or comments regarding the meeting can be directed to Spencer Crawford, Deputy Zoning Administrator, at 507-934-7071, or spencer.crawford@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: *September 19, 2022*
5. Approval of findings of fact: *September 19, 2022*
 - PLN22-10, Dinse
 - PLN22-11, Kiecker
 - PLN22-14, Domeier
6. Public Appearances
7. **PUBLIC HEARING: PLN 22-13, continued from 09/19/2022**
 - Applicant: Jim Carlson, United Farmer's CO-OP
 - Landowner: Farmers CO-OP of Lafayette
 - Request: To install a 30,000 gallon anhydrous ammonia storage tank without a berm as required by section 708 of the Nicollet County Zoning Ordinance
 - Location: Northeast ¼ of the Northeast ¼, Section 19-111-27, Lake Prairie Township
 - Parcel Number: 07.019.0900
8. **PUBLIC HEARING: PLN 22-16**
 - Applicant: BENCO Electric Cooperative
 - Landowner: Frost-Benco-Wells Electric
 - Request: Reduction of the minimum lot size in the Agricultural Preservation District from 3.5 acres to 2 acres for the purpose of expanding an electrical substation
 - Location: Southeast ¼ of the Northeast ¼, Section 10-111-27, Lake Prairie Township
 - Parcel Number: 07.010.0500

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

Core Values

Leadership. Integrity.
Accountability.
Efficiency. Innovation.

9. **PUBLIC HEARING: PLN 22-17**

Applicant: Michael Bruegger

Landowner: Michael & Kimberly Bruegger

Request: Reduction of the front yard setback to 31.1 feet and reduction of the bluff setback to 16.7 feet for the purpose of constructing a home addition

Location: Northwest ¼ of the Northeast ¼, Section 35-109-28, Nicollet Township

Parcel Number: 09.035.0300

- 10. Old Business
- 11. Other Business
- 12. Communications
- 13. Adjourn



Board of Adjustment & Appeals

MINUTES

SEPTEMBER 19, 2022

7:05 PM

NICOLLET COUNTY
BOARD ROOM

BOARD MEMBERS	Justin Laven ☐ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Dave Ubel ☒	Lloyd Hoffmann ☒	
ABSENT EXCUSED	Justin Laven ☒ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☐	
ABSENT	Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☐	
STAFF PRESENT	Property & Public Services Director, Jaci Kopet ☐				
	Deputy Zoning Administrator (DZA) Spencer Crawford ☒				
	County Attorney (CA) Michelle Zehnder Fischer ☒				
	Other Staff: Roxann Klein, Assistant County Attorney ☒				

REVIEW OF CANCELLATIONS & ADDITIONS		PLN22-13 United Farmers Cooperative continued until 10/17/2022 due to lack of a quorum.			
MOTION TO APPROVE MINUTES OF AUGUST 15, 2022		APPROVE ☒		APPROVE WITH REVISIONS ☐	
1ST	Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☒	Lloyd Hoffmann ☐	
2ND	Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☒	
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐	VOTE: 3-0	

PUBLIC HEARINGS:

LUKE & HANNAH DINSE

PLN 22-10

REDUCTION OF THE COUNTY ROAD RIGHT OF WAY SETBACK, PRIVATE ROAD SETBACK, AND ORDINARY HIGH WATER MARK SETBACK FOR THE PURPOSE OF INSTALLING A REPLACEMENT SEPTIC SYSTEM

APPLICANT COMMENT	Hannah & Luke Dinse were present. Neither had comment.				
PUBLIC COMMENT	None.				
PUBLIC TESTIMONY	None.				
PUBLIC PARTICIPATION	None.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		

1 ST	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☒	Lloyd Hoffmann ☐	
2 ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☐	Lloyd Hoffmann ☒	
BOARD MEMBER DISCUSSION	Board Member Ubel recommended adding a condition that the landowners are responsible for repair of the septic system if damage is caused by county and/or township road modification.				
VOTE	PASS ☒		FAIL ☐	VOTE: 3-0	

CORBIN KIECKER

PLN 22-11

REDUCTION OF THE FRONT YARD SETBACK FOR THE PURPOSE OF CONSTRUCTING A HOME ADDITION

APPLICANT COMMENT	Corbin Kiecker was present. Kiecker testified that he would like clarity on what he can and cannot do on his property. He stated he is wanting to build an addition on his home.				
PUBLIC COMMENT	None.				
PUBLIC TESTIMONY	None.				
PUBLIC PARTICIPATION	None.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		
1 ST	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☒	Lloyd Hoffmann ☐	
2 ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☐	Lloyd Hoffmann ☒	
BOARD MEMBER DISCUSSION	Board Member Hoffmann asked Kiecker if the concrete pad was original to the property. Kiecker responded that the pad was there when he purchased the property.				
VOTE	PASS ☒		FAIL ☐	VOTE: 3-0	

GERALD & JESSICA DOMEIER

PLN 22-14

REDUCTION OF THE BLUFF SETBACK FOR THE PURPOSE OF CONSTRUCTING A SHED ADDITION

APPLICANT COMMENT	Gerald Domeier was present representing the applicant. Domeier stated he plans to rip out the old concrete pad, reinstall a concrete pad, and build the addition over the new concrete pad. Domeier stated he is working with Chad Peterson of Xcel Energy to gain Xcel Energy's approval to construct within the power line easement.				
PUBLIC COMMENT	None.				
PUBLIC TESTIMONY	None.				
PUBLIC PARTICIPATION	None.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		
1 ST	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☒	Lloyd Hoffmann ☐	
2 ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☐	Lloyd Hoffmann ☒	
BOARD MEMBER DISCUSSION	Board Member Ubel inquired what the exact slope is, and if there is a chance it will slump. DZA Crawford answered that he was unsure of the exact slope and its chance of slumping. DZA Crawford noted the applicant was not digging into the bluff. Board Member Hermanson asked Domeier if there is slumping on the bluff now, and Domeier responded no.				

VOTE	PASS ☒	FAIL ☐	VOTE: 3-0
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OLD BUSINESS		None.			
OTHER BUSINESS		None.			
REVIEW OF ADMINISTRATIVE VARIANCES		None.			
COMMUNICATIONS		None.			
MOTION TO ADJOURN		7:41 PM			
1ST	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☐	Lloyd Hoffmann ☒	
2ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☒	Lloyd Hoffmann ☐	
VOTE TO ADJOURN		PASS ☒	FAIL ☐	VOTE: 3-0	

JUSTIN LAVEN, CHAIR		DATE	
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	

DRAFT



NICOLLET COUNTY BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant/ Hannah & Luke Dinse
Property Owner: Hannah & Luke Dinse

Date: September 19, 2022

File #: PLN22-10

Variance Requested: Reduction of the Ordinary High Water Mark setback to 52 feet, reduction of the County Right of Way setback to 39 feet, and reduction of the private road setback to 6 feet for the purpose of installing a replacement septic system

FINDINGS OF FACT

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a **practical difficulty**. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute 394.27, subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

1. The variance is in harmony with the general purpose and intent of the official control.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The applicants are requesting the smallest setback reduction possible to install a compliant septic system.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

2. The variance is consistent with the intent of the Comprehensive Plan.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The replacement system does not conflict with surrounding uses; there is no practical location to place the new septic system and meet setbacks.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

3. The variance establishes a practical difficulty in complying with the official controls.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The topography, floodplain, and location of the existing well create a practical difficulty for placing a septic system.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

4. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The plight is due to Property Services requiring the installation of a new septic system. The plight is also related to the topography, floodplain, and location of the existing well.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

5. The variance will not alter the essential character of the locality.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The request does not change the environment or the character of the property. The septic system is located underground, with only the mound visible.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

6. The practical difficulty includes more than economic considerations alone.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The request is based on the topography of the property, the proximity to Fritche Creek, and the location of the existing well.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED VARIANCE AND IN THE RECORD

**THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS:
(☒ APPROVES) (☐ DENIES) THE REQUESTED VARIANCE**

This decision is based on:

- ☒ Application
- ☒ Staff Report
- ☒ Pictures
- ☒ Information received at public hearing

Viewed by Members of Board:

- ☐ Laven
- ☐ Hermanson
- ☐ Ubel
- ☐ Hoffmann
- ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustments and Appeals.

Date: _____ Chair: _____



NICOLLET COUNTY BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant: Corbin Kiecker
Property Owner: Corbin Kiecker

Date: September 19, 2022

File #: PLN22-11

Variance Requested: Reduction of the front yard setback to 27.7 feet for the purpose of constructing a home addition

FINDINGS OF FACT

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a **practical difficulty**. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute 394.27, subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

1. The variance is in harmony with the general purpose and intent of the official control.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The requested setback provides an acceptable buffer between the land uses (transportation and residential). The home has a deck that is closer to the road than the addition.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

2. The variance is consistent with the intent of the Comprehensive Plan.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The proposal does not impact the right of way and no expansion of the road is currently planned.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

3. The variance establishes a practical difficulty in complying with the official controls.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The lot sizes in the unincorporated community of Bernadotte are small, and many of the other homes are within the front yard setback. The existing deck is closer to the right of way than the proposal.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

4. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The plight is related to the existing home in relation to the right of way and the small nature of the lot.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

5. The variance will not alter the essential character of the locality.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	Nicollet County Public Works has no concern with the request; other homes in the area are located within the right-of-way setback.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

6. The practical difficulty includes more than economic considerations alone.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The plight is caused by the size of the lot and the close proximity of the home to the right-of-way.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED VARIANCE AND IN THE RECORD

**THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS:
(☒ APPROVES) (☐ DENIES) THE REQUESTED VARIANCE**

This decision is based on:

- ☒ Application
- ☒ Staff Report
- ☒ Pictures
- ☒ Information received at public hearing

Viewed by Members of Board:

- ☐ Laven
- ☐ Hermanson
- ☐ Ubel
- ☐ Hoffmann
- ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustments and Appeals.

Date: _____ Chair: _____



NICOLLET COUNTY BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant: Jessica Domeier
Property Owner: Jessica & Gerald Domeier
Date: September 19, 2022
File #: PLN22-14
Variance Requested: Reduction of the bluff setback to 4.4 feet for the purpose of constructing a shed addition

FINDINGS OF FACT

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a **practical difficulty**. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute 394.27, subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

1. The variance is in harmony with the general purpose and intent of the official control.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The request does impact the bluff.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

2. The variance is consistent with the intent of the Comprehensive Plan.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The comprehensive plan intends to protect the bluff, but the request does not impact the bluff.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

3. The variance establishes a practical difficulty in complying with the official controls.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	There is no other legal place to construct a shed addition without a variance.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

4. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The plight is related to the landowner's desire to construct a shed addition and the location of the bluff to the building site.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

5. The variance will not alter the essential character of the locality.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The proposed shed addition will not be visible to neighboring properties.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

6. The practical difficulty includes more than economic considerations alone.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The request is based on the existing topography of the property.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED VARIANCE AND IN THE RECORD

THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS:
(☒ APPROVES) (☐ DENIES) THE REQUESTED VARIANCE

This decision is based on:

- ☒ Application
- ☒ Staff Report
- ☒ Pictures
- ☒ Information received at public hearing

Viewed by Members of Board:

- ☐ Laven
- ☐ Hermanson
- ☐ Ubel
- ☐ Hoffmann
- ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustments and Appeals.

Date: _____ Chair: _____



VARIANCE

**TO INSTALL AN ANHYDROUS
AMMONIA TANK WITHOUT A
BERM**

United Farmers Cooperative

PLN22-13

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN22-13
APPLICANT:	United Farmers Cooperative
LANDOWNER:	Farmers CO-OP of Lafayette
LOCATION:	Northeast ¼ of the Northeast ¼, Section 19-111-27
PARCEL NO:	07.019.0900
EXISTING ZONING:	Highway Business, Conservancy, Shoreland
HEARING DATE:	10/17/2022; continuation from the 09/19/2022 hearing

REQUEST

The Applicant is requesting variance approval to install a 30,000 gallon anhydrous ammonia storage tank at their Norseland Ag Service Center without a berm. This variance is concurrent with PLN22-13, which is a Conditional Use Permit request for approving the tank.

ORDINANCE

Nicollet County Zoning Ordinance 708 (5) states:

The County Board shall require the development of berming around bulk storage containers. Berming shall be suitably sealed and shall hold a leakage capacity equal to one hundred fifteen (115) percent of the largest container capacity.

PROJECT DESCRIPTION

The Applicant wishes to forgo berming as they believe it to be an unnecessary cost and burden. They state that ammonia would be released as a gas during an emergency, making berming ineffective. However, they are proposing the installation of a concrete barrier to prevent damage to the tank. This barrier does not meet the requirements of the zoning ordinance as it is permeable and not able to hold 115% of the tank's capacity.

The Minnesota Department of Agriculture has permitting authority over the tank and enforces safety regulations, such as berming. The Minnesota Department of Agriculture does not require a berm for an anhydrous ammonia tank of this size.

EXISTING LAND USE

The existing land use is commercial. Norseland Ag Service Center has a shop, repair center, and existing anhydrous ammonia storage tank on site.

SURROUNDING LAND USE

The service center is located on State Highway 22 within the unincorporated community of Norseland. It is surrounded by homes to the east, west, and southwest; there is a farm field to the north and east, with forest land to northwest.

SITE REVIEW

Staff visited the site and took photographs on 09/01/2022.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 503 of the Zoning Ordinance and Minnesota Statutes Section 394.26.

VARIANCE CRITERIA

NOTE: According to Minnesota Statutes Section 394.27, subdivision 7, “practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, and the plight of the landowner is due to circumstances unique to the property and not created by the landowner, and the variance will not alter the essential character of the locality.

***ALL SIX of the variance criteria must be answered
“True” in order for the variance to be granted.***

1. The variance is in harmony with the general purposes and intent of the official control:

- The intent of the official control is to keep dangerous liquids contained in the event of tank failure.
- Berming for a tank of this size is not a safety requirement of the Minnesota Department of Agriculture.
- The proposal includes a concrete barrier to prevent the tank from being struck by a vehicle.

2. The variance is consistent with the intent of the comprehensive plan:

- The comprehensive plan emphasizes the importance of public safety in land use decisions.

- Berming for a tank of this size is not a safety requirement of the Minnesota Department of Agriculture.
- The proposal includes a concrete barrier to prevent the tank from being struck by a vehicle.

3. The variance establishes a practical difficulty in complying with the official controls:

- Without a variance, the Applicant is not denied reasonable use of the property (as an agricultural specialty center).
- There are no unique features of the property that prevent the construction of a berm.
- Placing a storage tank of this size without a berm is reasonable as the Minnesota Department of Agriculture does not require it for safety.

4. The plight of the landowner is due to circumstances unique to the property and not created by the landowner:

- The plight is related to the landowner's desire to increase their anhydrous ammonia storage capacity without occurring the additional cost and requirements of berming, rather than features unique to the property.
- Berming is unique in that it is a requirement of the Nicollet County Zoning Ordinance, and not the Minnesota Department of Agriculture for a tank of this size.

5. The variance will not alter the essential character of the locality:

- The Applicant has an existing anhydrous ammonia storage tank without a berm.
- The Applicant has submitted a landscaping plan that will screen the proposal from surrounding uses.

6. The practical difficulty includes more than economic considerations alone:

- The practical difficulty is related to the landowners desire to increase their anhydrous ammonia storage capacity without occurring the additional cost and difficulty of berming.

RECOMMENDED CONDITIONS

Staff recommends the attachment of the following conditions if the variance request is approved:

1. The Applicant undertakes the project according to the plans and specifications submitted to the County with the application.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The Applicant must obtain the appropriate zoning permits prior to construction.
4. The zoning permit is invalid if the permit holder has not substantially completed the accessory structure within the period of time allowed on the zoning permit connected with this variance.
5. The Applicant obtains a permit from the Minnesota Department of Agriculture and follows all local, state, and federal regulations.

**Applicant/Property Owners:
United Farmers Cooperative / Farmers CO-OP of Lafayette**

PLN22-13

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial Map
ATTACHMENT D	Submitted by Applicant
ATTACHMENT E	Neighbor Notification List
ATTACHMENT F	Criteria for a Variance



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$496.00

Map#: 0719226018
Parcel# 070190900
Permit#: [PLN22-13](#)
Date: August 26, 2022

Applicant: Jim Carlson, United Farmers Cooperative, 37597 State Highway 22, Saint Peter MN 56082

Phone: 612-597-8482

Owner: FARMERS CO-OP OF LAFAYETTE, PO BOX 461, WINTHROP MN 55396

Property Address: 37597 STATE HIGHWAY 22, ST PETER MN 56082

Abbreviated Legal Description: LOT 7 OF NE 1/4 OF NE 1/4 ACRES 1.74; & PT OF LOT A & PT OF LOT 6 ACRES 1.00
& BURKE LANDS ADJ TO LOT 7 & 8 (PT OF LOT A) ACRES 0.30 TOTAL ACRES 3.04

Township: Lake Prairie Township

Record Type: Variance

Category: Other

Project Description: Variance request to forgo berming around a bulk storage container as required by Zoning Ordinance 708.5.
The variance is in conjunction with CUP PLN22-12.

Hearing Date: 09/19/2022

Jim Carlson

Digitally signed by Jim Carlson
Date: 2022.08.26 08:55:06
-05'00'

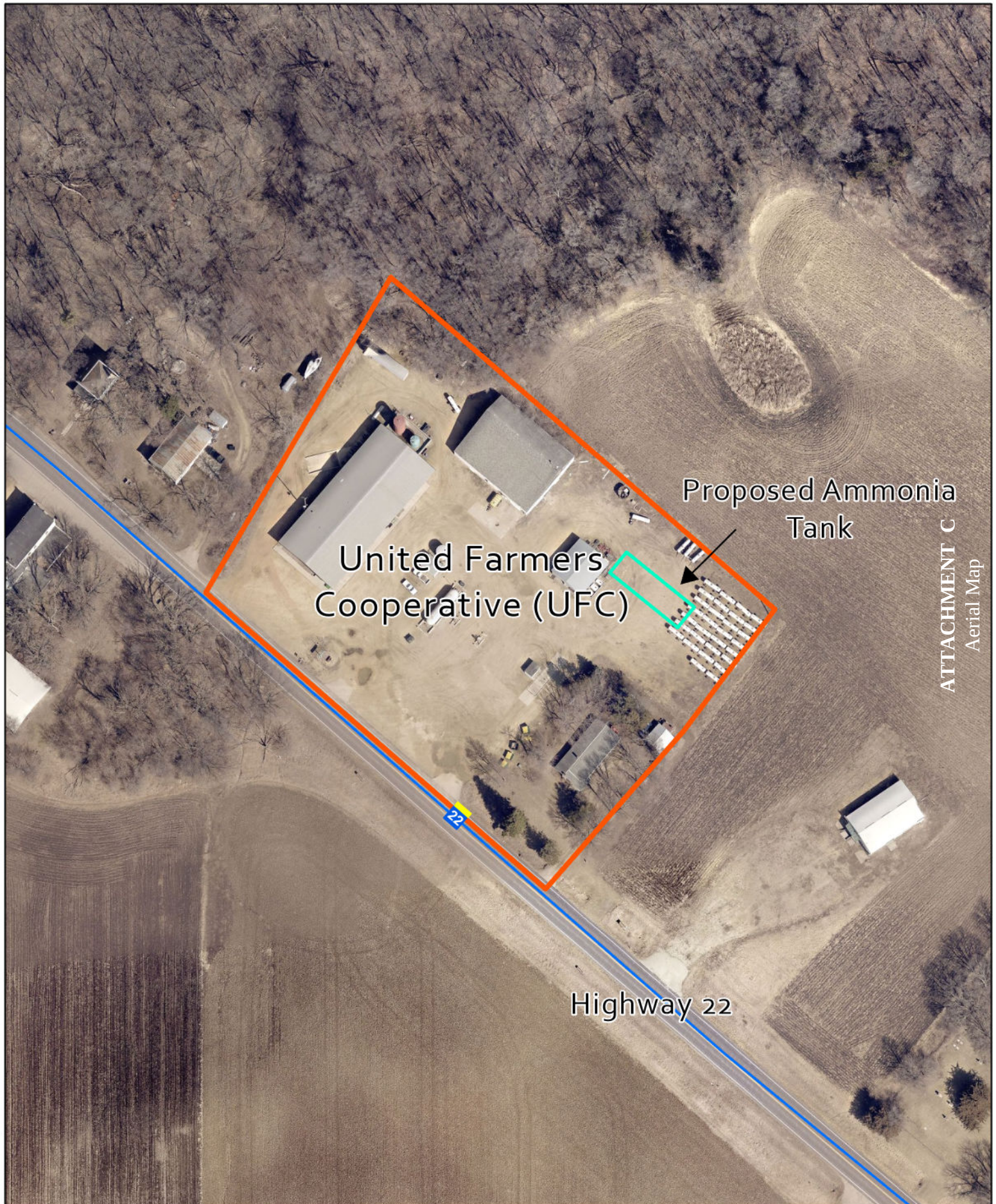
APPLICANT SIGNATURE

DATE

ATTACHMENT A
Application



ATTACHMENT B
Location Map



ATTACHMENT C
Aerial Map

Name of Applicant: United Farmers Cooperative
Request: Variance to Ordinance 708 (5)

Date: 8/10/22

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a practical difficulty. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute §394.27, Subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

Why do you feel the request meets the following criteria?

1. The variance is in harmony with the general purposes and intent of the official control.

This request follows in line with all other existing storage locations across the area. This particular material does not flow as a liquid when not under pressure within the tank.

2. The variance is consistent with the intent of the Comprehensive Plan.

UFC will following all other requirments of County and State.

3. The variance establishes a practical difficulty in complying with the official controls.

This particular stored material does not release in liquid form, therefore a diked area would be entirely ineffective.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The cost of ineffective diking is an unnecessary financial burden.

(Continued onto back)

5. The variance will not alter the essential character of the locality.

All other requirements will be followed to there full extent.

6. The practical difficulty includes more than economic considerations alone.

***ALL SIX VARIANCE CRITERIA MUST BE MET
IN ORDER FOR THE REQUEST TO BE APPROVED.***



United Farmers Cooperative (UFC)
Noresland
37597 State Hwy 22
St. Peter, MN 56082

This is a brief description of the proposed site enhancement of the above property. Please let me know what questions you have.

- Purchase adjacent property with the hopes of rezoning so UFC can increase inventory storage capacity of NH₃ at this location. Purchasing the property is needed to meet required setback requirements.
- Current inventory capacity is 18,000 gal and we'd like to increase it by putting a 30,000 gal tank on site.
- Existing 18,000 tank will be de-commissioned once the 30,000 gal tank is operational.
- Existing tank at our Gaylord site will be moved to this site. This tank is being used for the same purpose as it will be in Norseland. Nameplate and existing site photo below. Concrete barriers will be installed for safety as shown at existing site.

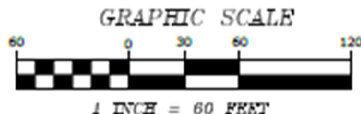


- Tank moving and installation will occur prior to October 2023 and not before January 1, 2023 if approved. We would like to be operational for fall 2023 season which starts in October.
- State permits will be applied for once stie plan and variance are approved. State has been contacted regarding intent with no obvious obstacles present to complete the project.

Managing inventory in season is a real challenge when you have small capacity tanks. Application of this product is so weather dependent...if the weather is good, it runs hard and turning semi loads fast enough is logistically difficult. More tank capacity creates more flexibility with a better chance of not running out of inventory when the farmer needs it.

SITE PLAN

for: United Farmers Cooperative (UFC)
 Part of: Lots 6, 7 & A, PLAT
 SHOWING BURKE LANDS in Sec. 19
 & 20, T. 111N, R. 27W, Lake Prairie
 Twp., Nicollet Co., MN



LEGEND
 ● DENOTES IRON MONUMENT FOUND
 ○ DENOTES IRON MONUMENT SET

NORTH



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 6/17/22.
- Bearings shown are based on the Nicollet County Coord. Sys. NAD83 (96 adj.).
- Parcel ID Number: 07.019.0900.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Aerial photo obtained from Microsoft Corp. is shown for graphical reference purposes only and the accuracies are unknown.

I hereby certify that this plan, survey 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.

By: *[Signature]*
 Minnesota License No. 45156

Dated 24th day of June, 2022.

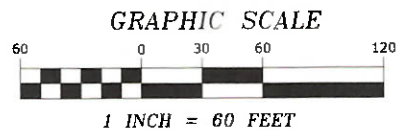
DATUM: Co. Coord.	JOB NO. 22.0693
REVISIONS	SCALE: 1" = 60'
1	DATE: 6-24-22
2	DRAWN BY: KDN
3	CREW: JWM
NO. DATE DESCRIPTION BY	

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 990 5th Ave SE, Suite 2
 Hutchinson, MN 55350
 Tel. (202) 547-2025
 www.egrud.com

L-15

SITE PLAN

~for~ United Farmers Cooperative (UFC)
 ~Part of~ Lots 6, 7 & A, PLAT
 SHOWING BURKE LANDS in Sec. 19
 & 20, T. 111N, R. 27W, Lake Prairie
 Twp., Nicollet Co., MN



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 6/17/22.
- Bearings shown are based on the Nicollet County Coord. Sys. NAD83 (96 adj.).
- Parcel ID Number: 07.019.0900.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Aerial photo obtained from Microsoft Corp. is shown for graphical reference purposes only and the accuracies are unknown.

I hereby certify that this plan, survey 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.

By: *KSM*

Minnesota License No. 45356

Dated 24th day of June, 2022.

DATUM: Co. Coord.

JOB NO. 22.0693

REVISIONS

NO	DATE	DESCRIPTION	BY
1			
2			
3			

SCALE: 1" = 60'

DATE: 6-24-22

DRAWN BY: KDN

CREW: JWM



E.G. RUD & SONS, INC.

Professional Land Surveyors

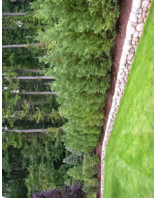
990 5th Ave SE, Suite 2
 Hutchinson, MN 55350

Tel. (320) 587-2025
 www.egrud.com

L-B

Landscaping Plane

1. Bushes on the NE Corner similar to this



Once we clean up the house site, we will use what we can of existing trees and tie into them.

3. New tanks site will include required barriers using more astatically pleasing materials. Current is concrete blocks.



4. This building will be demoed or sold and moved.
5. Refer to next page for survey and placement of tank.



DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
Norwegian Methodist Church	123 Unknown	Unknown Mn 00000
Robert & Donna Widdifield	37615 State Highway 22	Saint Peter Mn 56082
Randy & Jeffrey Swenson	37580 State Highway 22	Saint Peter Mn 56082
Michael Pugh	37566 State Highway 22	Saint Peter Mn 56082
Farmers Co-Op Of Lafayette	Po Box 461	Winthrop Mn 55396
Andrew Greve & John Anderson	37577 State Hwy 22	Saint Peter Mn 56082
Joel Anthony & Wanda Anthony	37561 State Highway 22	Saint Peter Mn 56082
Michael Anthony	42628 County Road 52	Saint Peter Mn 56082
Dorothy Anthony	37553 State Hwy 22	Saint Peter Mn 56082
Roger Swenson Family Farm Llc	3032 12Th Ave	Fort Dodge Ia 50501
Dorothy Anthony	37553 State Hwy 22	Saint Peter Mn 56082
Swedish Lutheran Church Scandian Grove	42869 County Road 52	Saint Peter Mn 56082
Lois Annexstad	38005 403Rd Ave	Saint Peter Mn 56082
Michael Anthony	42628 County Road 52	Saint Peter Mn 56082
Ron Regenscheid- Lake Prairie Township	35724 375th Ave	Saint Peter Mn 56082



**NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS
CRITERIA FOR GRANTING A VARIANCE**

**Name of Applicant/
Property Owner:** United Farmers Cooperative
Farmers CO-OP of Lafayette

Date: October 17, 2022

File #: PLN22-13

PC Name: _____

Variance Requested: The applicant is requesting variance approval to install a 30,000 gallon anhydrous ammonia storage tank at their Norseland Ag Service Center without a berm.

FINDINGS OF FACT

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a **practical difficulty**. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute 394.27, subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

1. The variance is in harmony with the general purposes and intent of the official control.

☐ YES ☐ NO **WHY:** _____

2. The variance is consistent with the intent of the Comprehensive Plan.

☐ YES ☐ NO **WHY:** _____

3. The variance establishes a practical difficulty in complying with the official controls.

☐ YES ☐ NO **WHY:** _____

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

☐ YES ☐ NO **WHY:** _____

ATTACHMENT F
Criteria for a Variance

5. The variance will not alter the essential character of the locality.

☐ YES ☐ NO WHY:

6. The practical difficulty includes more than economic considerations alone.

☐ YES ☐ NO WHY:

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED VARIANCE AND IN THE RECORD

**THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS:
(☐ APPROVES) (☐ DENIES) THE REQUESTED VARIANCE**

This decision is based on:

- ☐ Application
- ☐ Staff Report
- ☐ Pictures
- ☐ Information received at public hearing

Viewed by Members of Board:

- ☐ Laven
- ☐ Hermanson
- ☐ Ubel
- ☐ Hoffmann
- ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustment and Appeals.

Date: _____ Chair: _____



VARIANCE

**REDUCTION OF THE MINIMUM LOT SIZE
IN THE AGRICULTURAL PRESERVATION
DISTRICT FROM 3.5 ACRES TO 2 ACRES
FOR THE PURPOSE OF EXPANDING AN
ELECTRICAL SUBSTATION**

BENCO Electric Cooperative

PLN22-16

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	07.010.0500
APPLICANT:	BENCO Electric Cooperative
LANDOWNER:	Frost-Benco-Wells Electric
LOCATION:	Southeast ¼ of the Northeast ¼, Section 10-111-27 in Lake Prairie Township
PARCEL NO:	07.010.0500
EXISTING ZONING:	Agricultural Preservation
HEARING DATE:	10/17/2022

REQUEST

BENCO Electric Cooperative is requesting a variance to Nicollet County Zoning Ordinance 602.4 (7) *Lot Area*. New parcels within the Agricultural Preservation District must be a minimum of 3.5 acres with 2 contiguous acres being buildable to qualify for the placement or expansion of a primary structure. BENCO is requesting to reduce the minimum area to 2 acres.

PROJECT DESCRIPTION

BENCO operates a substation at this location on a 0.34 acre parcel, which needs to be expanded due to load growth. They are proposing to enlarge the existing parcel to 2 acres for the new substation, which would allow the equipment to meet the setback regulations while preserving the surrounding agricultural land.

SURROUNDING LAND USE

The surrounding land use is predominantly agricultural, with rural homes located at varying distances in all directions.

SITE REVIEW

A review of the site was completed by Property Services staff on 10/7/2022. Staff observed the proposed construction area and took photographs.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 503 of the Zoning Ordinance and Minnesota Statutes Section 394.26.

VARIANCE CRITERIA

NOTE: According to Minnesota Statutes Section 394.27, subdivision 7, “practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, and the plight of the landowner is due to circumstances unique to the property and not created by the landowner, and the variance will not alter the essential character of the locality.

*ALL SIX of the variance criteria **must** be answered
“True” in order for the variance to be granted.*

1. The variance is in harmony with the general purposes and intent of the official control:

- The intent of the minimum lot size standard is to lower density and ensure that properties contain enough room for future development.
- The request results in a 1.5 acre reduction in the minimum lot size, but also increases the acreage of the existing nonconforming lot.

2. The variance is consistent with the intent of the comprehensive plan:

- The comprehensive plan seeks to ensure the longevity of agriculture as a land use and viable economic activity in the County.
- The request reduces the amount of land that would be taken from the surrounding farm field for the substation, thereby reducing the impact to agricultural production.

3. The variance establishes a practical difficulty in complying with the official controls:

- Reducing the minimum lot size is reasonable given the nature of the request, as the smaller lot preserves more of the surrounding field for agricultural use.

- The surrounding area contains no unique features that prevent the Applicant from meeting the minimum lot size. However, the land use in relation to the minimum lot size is unique in that an electrical substation does not need the space of other uses, such as residential.

4. The plight of the landowner is due to circumstances unique to the property and not created by the landowner:

- The plight is related to the Applicant's desire to take no more land than necessary to meet the electrical demands of the area.

5. The variance will not alter the essential character of the locality:

- There is an existing electrical substation on the property. No change to the essential character is expected.

6. The practical difficulty includes more than economic considerations alone:

- The practical difficulty is related to the Applicant's desire to take no more land than necessary to meet the electrical demands of the area.

RECOMMENDED CONDITIONS

Staff recommends the attachment of the following conditions if the variance request is approved:

1. The Applicant undertakes the project according to the plans and specifications submitted to the County with the application.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The Applicant must obtain the appropriate zoning permits prior to construction.
4. The zoning permit is invalid if the permit holder has not substantially completed the project within the period of time allowed on the zoning permit connected with this variance.

Applicant/Property Owners:
BENCO Electric Cooperative/ Frost-Benco-Wells Electric

PLN22-16

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Submitted by Applicant
ATTACHMENT D	Neighbor Notification List
ATTACHMENT E	Criteria for a Variance



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$

Map#: 0710200008
Parcel# 070100500
Permit#: PLN22-16
Date: September 21, 2022

Applicant: Tim Braulick, Benco Electric Cooperative, 20946 549 Ave, Mankato MN 56001
Phone: 507 227 7532 507 387 7963
Owner: FROST-BENCO-WELLS ELECTRIC, PO BOX 8, MANKATO MN 56002
Property Address: 0,
Abbreviated Legal Description: N 100' OF S 129.5' OF W 75' OF E 111' OF SE 1/4 OF NE 1/4 = 0.34 ACRES
Township: Lake Prairie Township

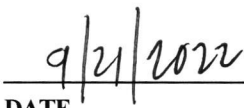
Record Type: Variance

Category: Lot Size

Project Description: Variance request to reduce the minimum lot size in the Agricultural Preservation District from 3.5 acres to 2 acres for the purpose of expanding an electrical substation.

Hearing Date: 09/17/2022


APPLICANT SIGNATURE


DATE

ATTACHMENT A
Application

ATTACHMENT B
Location Map

356th Street

Variance Request

391st Ave

Lot: ROW
Block:





VARIANCE APPLICANT QUESTIONNAIRE
PROJECT DESCRIPTION

Name of Applicant: BENCO Electric Cooperative

Date: 9/19/22

Please describe the specific details related to your request, including but not limited to:

- why you feel the project is a *need* rather than a *want*;
- what alternatives you explored and the reasons they were not reasonable for you; and
- what use, or uses, the project will provide for you;

If your request is approved, you will be **held** to the plans and specifications submitted to the County with your application.

As part of BENCO Electric Cooperative's commitment to provide reliable service, the cooperative has begun the process of planning to construct a new substation. This will replace its existing substation located in Lake Prairie Township. This substation serves over 500 members in Nicollet and Sibley County. Due to load growth, primarily related to agricultural business's and the ability to have an adequate capacity to back feed other substations in the Nicollet County area, this sub is in need to be replaced.

BENCO currently owns a .35 acre site north of intersection of 356th St and 391st Ave. BENCO will need to expand this site to a total of 2 acres to have adequate space for the new equipment, while preserving the agriculture integrity of Nicollet County.

This site was chosen due to the close proximity of the existing transmission line required to serve the substation. By expanding the existing sub site to 2 acres, will allow BENCO to continue providing safe, reliable service to our members in Nicollet County.

Due to increased space requirements to construct the new substation, BENCO's existing 0.35 acre parcel no longer meets building requirements. Expansion to this site will allow construction to take place while the old sub is still operational until new sub is complete.

After construction is complete, the existing sub will be removed.

ATTACHMENT C
Submitted by Applicant

Name of Applicant: BENCO Electric Cooperative
Request: .35 acre to a total of two acre substation site

Date: 9/19/22

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a practical difficulty. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute §394.27, Subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

Why do you feel the request meets the following criteria?

1. The variance is in harmony with the general purposes and intent of the official control.

BENCO would be able to meet all the setbacks and codes and comply with official control on a parcel smaller than 3.5 acres.

2. The variance is consistent with the intent of the Comprehensive Plan.

BENCO believes the upgrade of a 60 year old substation adheres with the intent of Nicollet County's Comprehensive Plan. the upgrade will provide reliable electric service for residents and agriculture business in the area for many years.

3. The variance establishes a practical difficulty in complying with the official controls.

BENCO is only needing a limited amount of land to complete the new substation.

This would also 1.5 acres out of productive farmland out of service.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

BENCO currently owns .35 of an acre and would like to make it a total of 2 acres. This would allow BENCO to serve its members while constructing the new sub next to the old sub until completion.

(Continued onto back)

5. The variance will not alter the essential character of the locality.

BENCO currently has a substation in the proposed 2 acre site. The new purposed location of the sub is further off the road ROW. With a new sub site, its nature is to reduce the amount of poles in the area surrounding the sub. This makes it more appealing to the area with a cleaner appearance.

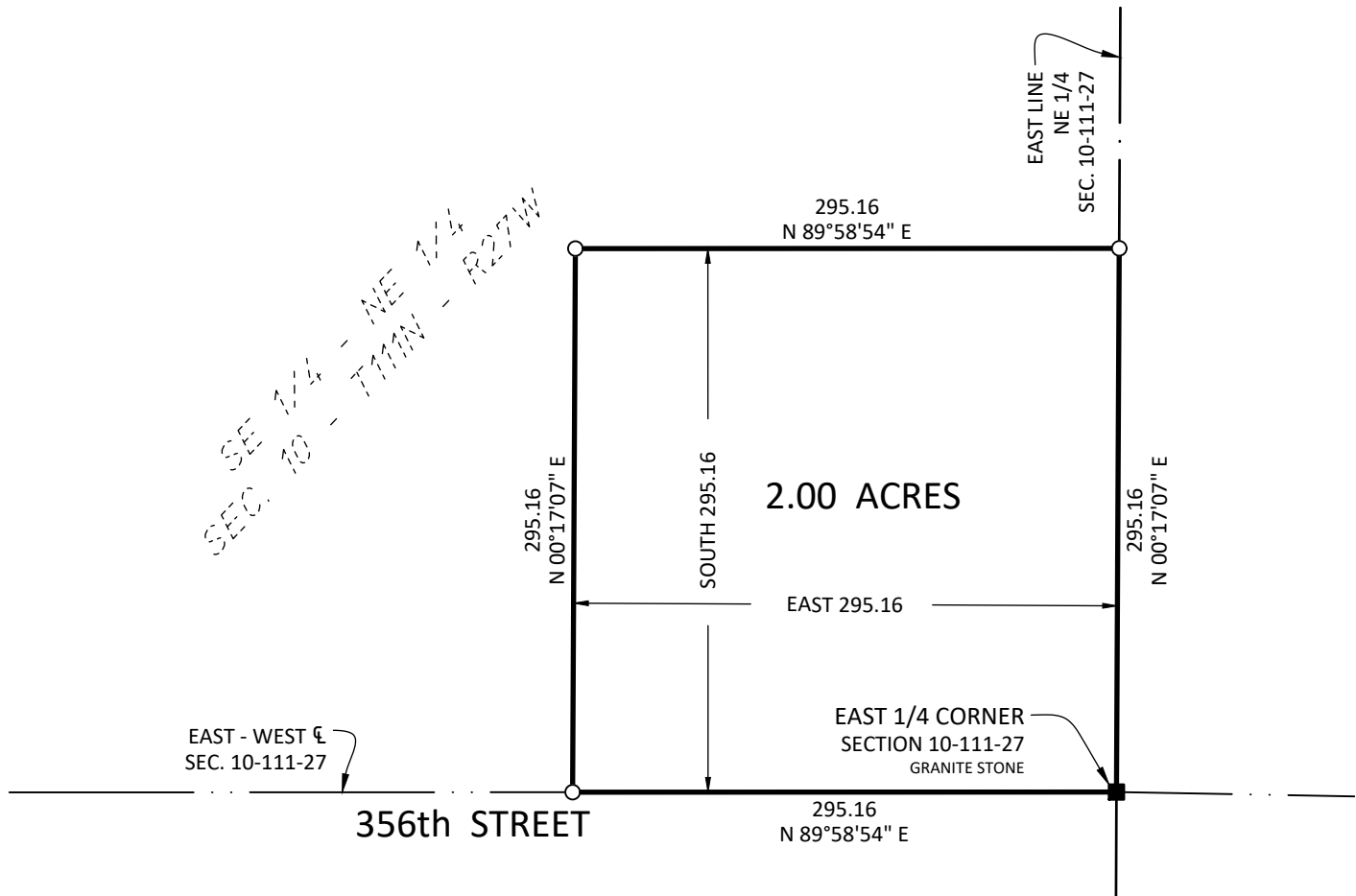
6. The practical difficulty includes more than economic considerations alone.

BENCO believes its in everyone's best interest to only use the minimum amount of land required. This would adhere to the county's goal to preserve the agriculture integrity of the county and not tie up land resources unnecessarily.

***ALL SIX VARIANCE CRITERIA MUST BE MET
IN ORDER FOR THE REQUEST TO BE APPROVED.***

H:\FROSB PR\0M3128390\CAD\C3D\128390 V PROP 1.dwg 9/20/2022 1:31 PM

SE 1/4 - NE 1/4
SEC. 10 - T111N - R27W



DESCRIPTION

The South 295.16 feet of the East 295.16 feet of the Southeast Quarter of the Northeast Quarter of Section 10. Township 111 North Range 27 West, Nicollet County, Minnesota. Containing 2.00 acres.



SCALE IN FEET

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND

SURVEYOR'S CERTIFICATION

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.

Michael M. Eichers

Michael M. Eichers
License Number 46564

09/20/2022
Date

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CERTIFICATE OF SURVEY NICOLLET COUNTY, MINNESOTA

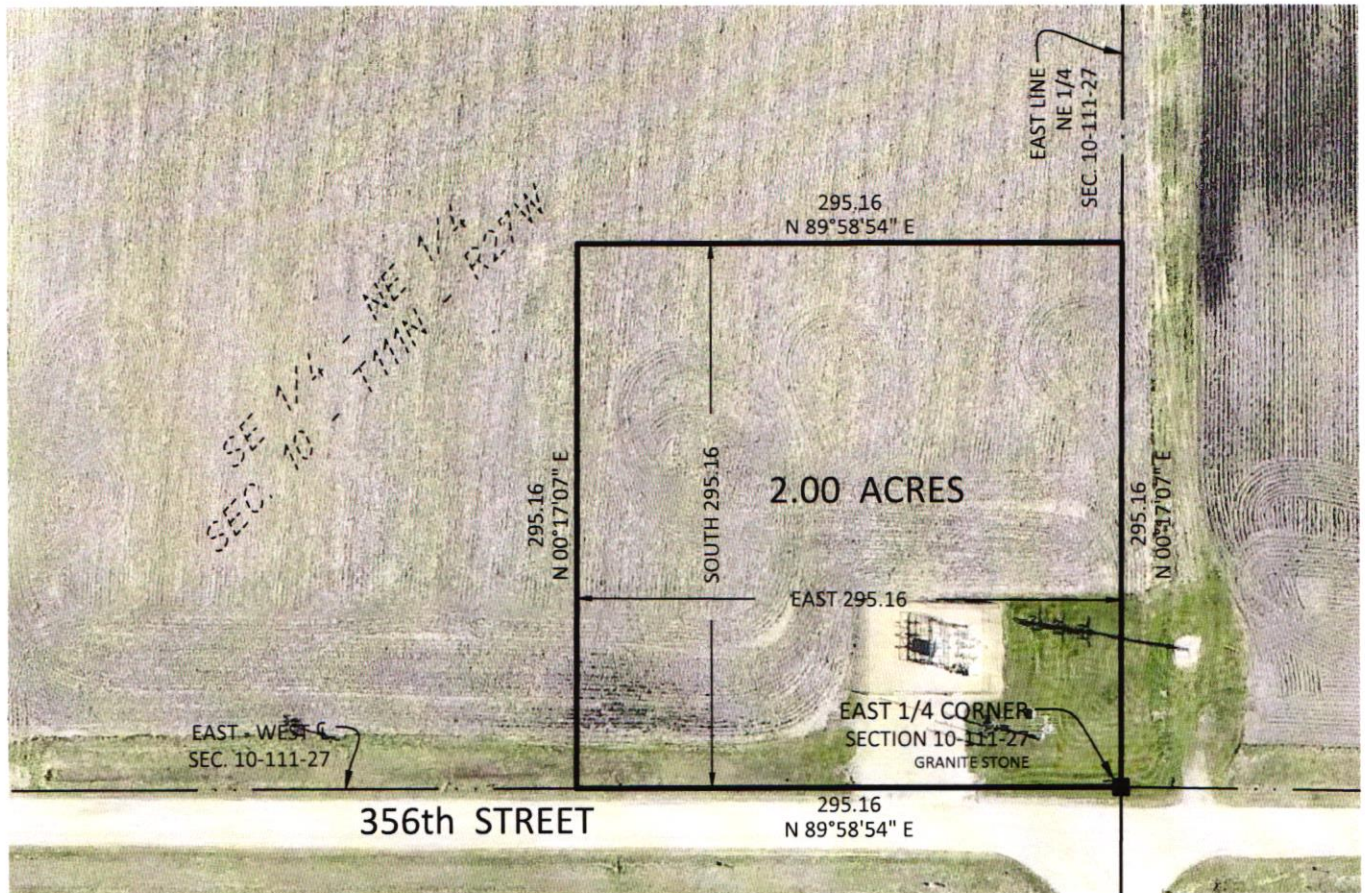


**BOLTON
& MENK**

1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

THE SOUTH 295.16 FEET OF THE EAST
295.16 FEET OF THE SE 1/4 - NE 1/4,
SECTION 10, T111N - R27W

FOR: FROST BENCO



DESCRIPTION

The South 295.16 feet of the East 295.16 feet of the Southeast Quarter of the Northeast Quarter of Section 10. Township 111 North Range 27 West, Nicollet County, Minnesota. Containing 2.00 acres.



LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND

SURVEYOR'S CERTIFICATION

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.

Michael M. Eichers
License Number 46564

XX/XX/XXXX
Date

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CERTIFICATE OF SURVEY NICOLLET COUNTY, MINNESOTA



1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

THE SOUTH 295.16 FEET OF THE EAST
295.16 FEET OF THE SE 1/4 - NE 1/4,
SECTION 10, T111N - R27W

FOR: FROST BENCO

JOB NUMBER: 0M3.128390

FIELD BOOK: SEE FILE

DRAWN BY: RPS

H:\FROSB PR\0M3128390\CAD\C3D\128390 V PROP 1.dwg 9/16/2022 11:43 AM

2.0-SEC. 10-T111N-R27W-14

DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
Leon Willaert Revocable Trust	35996 391St Ave	Le Sueur Mn 56058
Daryl & Cynthia Guentzel	22083 604Th Ave	Eagle Lake Mn 56024
Frost-Benco-Wells Electric	Po Box 8	Mankato Mn 56002
Glen Regenscheid Revocable Trust	38078 356Th St	Saint Peter Mn 56082
Peter Biedscheid	39268 356Th St	Le Sueur Mn 56058
Phoenix Farms Llc	616 Riverview Rd	Saint Peter Mn 56082
Ronald Regenscheid	35724 375Th Ave	Saint Peter Mn 56082
Hayer Family Llc	36719 391St Ave	Saint Peter Mn 56082
George Depuydt	34927 351St Ln	Le Sueur Mn 56058
Jerome Willaert	840 Railroad Ave	Gaylord Mn 55334
Robert & Jeanne Willaert	1909 E Main St	Mankato Mn 56001

ATTACHMENT D
Neighbor Notification List



NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS
CRITERIA FOR GRANTING A VARIANCE

Name of Applicant/ Property Owner: BENCO Electric Cooperative
Frost-Benco-Wells Electric

Date: October 17, 2022

File #: PLN22-16

PC Name: _____

Variance Requested: Reduction of the minimum lot size in the Agricultural Preservation District from 3.5 acres to 2 acres for the purpose of expanding an electrical substation.

FINDINGS OF FACT

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a **practical difficulty**. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute 394.27, subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

1. The variance is in harmony with the general purposes and intent of the official control.

☐ YES ☐ NO WHY: _____

2. The variance is consistent with the intent of the Comprehensive Plan.

☐ YES ☐ NO WHY: _____

3. The variance establishes a practical difficulty in complying with the official controls.

☐ YES ☐ NO WHY: _____

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

☐ YES ☐ NO WHY: _____

ATTACHMENT E
Criteria for a Variance

5. The variance will not alter the essential character of the locality.

☐ YES ☐ NO WHY:

6. The practical difficulty includes more than economic considerations alone.

☐ YES ☐ NO WHY:

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED VARIANCE AND IN THE RECORD

**THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS:
(☐ APPROVES) (☐ DENIES) THE REQUESTED VARIANCE**

- This decision is based on:
- ☐ Application
 - ☐ Staff Report
 - ☐ Pictures
 - ☐ Information received at public hearing

- Viewed by Members of Board:
- ☐ Laven
 - ☐ Hermanson
 - ☐ Ubel
 - ☐ Hoffmann
 - ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustment and Appeals.

Date: _____ Chair: _____



VARIANCE

**REDUCTION OF THE FRONT YARD
SETBACK TO 31.1 FEET AND BLUFF
SETBACK TO 16.7 FEET FOR THE PURPOSE
OF CONSTRUCTING A HOME ADDITION**

Michael Bruegger

PLN22-17

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN22-17
APPLICANT:	Michael Bruegger
LANDOWNER:	Michael & Kimberly Bruegger
LOCATION:	Northwest ¼ of the Northeast 1/4, Section 35-109-28, Nicollet Township
PARCEL NO:	09.035.0300
EXISTING ZONING:	Conservancy
HEARING DATE:	10/17/2022

REQUEST

Michael Bruegger is requesting a variance to reduce the following setbacks in the Conservancy District for the purpose of constructing a home addition:

Setback	Requested	Required
Township Road Front Yard	31' 1"	35'
Bluffline	16' 7"	30'

PROJECT DESCRIPTION

The proposal consists of an 876 square foot porch addition to the front of the existing home. The Applicant considered adding on to the rear of the house, but decided against it due to roofing concerns, the desire to have a front porch, and not wanting to alter the bluff in the back yard. The addition area is the flattest part of the property, although it is within the bluff and township road setback.

EXISTING LAND USE

The 10 acre lot is predominantly forested bluff with steep slopes. The home and its accessory structures sit along a bend in 510th Street in the southern part of the property, where the bluff switches to a gentler slope. There is a small retaining wall to the south of the home which helps to level out the site.

SURROUNDING LAND USE

The surrounding land use is a mix of forested bluffs, farmland, and scattered residential development.

SITE REVIEW

A review of the site was completed by Property Services. Staff observed the proposed construction area and took pictures.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 503 of the Zoning Ordinance and Minnesota Statutes Section 394.26.

VARIANCE CRITERIA

NOTE: According to Minnesota Statutes Section 394.27, subdivision 7, “practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, and the plight of the landowner is due to circumstances unique to the property and not created by the landowner, and the variance will not alter the essential character of the locality.

***ALL SIX of the variance criteria must be answered
“True” in order for the variance to be granted.***

1. The variance is in harmony with the general purposes and intent of the official control:

- The intent of the bluff setback in the Conservancy District is to prevent slumping and improve slope stability. The intent of the front yard setback is to provide a buffer between land uses.
- The proposal reduces the bluff setback by about 44%, which is less than if the Applicant intended to add on to the rear of their home. However, construction in the front yard also requires a variance to the front yard setback.

2. The variance is consistent with the intent of the comprehensive plan:

- The comprehensive plan identifies bluffs as a natural resource to be preserved, protected, and conserved. It also states that right of ways are a valuable public asset to be maintained.

- The proposal reduces the bluff setback by about 44% and the right of way setback by about 12%.

3. The variance establishes a practical difficulty in complying with the official controls:

- Without a variance, the Applicant is not denied reasonable use of the property (e.g., for use as a dwelling site).
- There is no legal place to construct a home addition due to the proximity of bluffs and the location of the home in relation to the road.

4. The plight of the landowner is due to circumstances unique to the property and not created by the landowner:

- The plight is related to the landowners desire to construct a home addition, the topography of the property, and the close proximity of the home to the road.

5. The variance will not alter the essential character of the locality:

- The existing home encroaches into the right of way setback closer than the proposed addition.
- The proposal is within the bluff setback, but does not alter the bluff.

6. The practical difficulty includes more than economic considerations alone:

- The request appears to include more than economic considerations alone. The request is based on the existing dwelling location and topography of the property.

RECOMMENDED CONDITIONS

Staff recommends the attachment of the following conditions if the variance request is approved:

1. The Applicant undertakes the project according to the plans and specifications submitted to the County with the application.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The Applicant must obtain the appropriate zoning permits prior to construction.
4. The zoning permit is invalid if the permit holder has not substantially completed the home addition within the period of time allowed on the zoning permit connected with this variance.

**Applicant/Property Owners:
Michael Bruegger/ Michael & Kimberly Bruegger**

PLN22-17

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Submitted by Applicant
ATTACHMENT D	Neighbor Notification List
ATTACHMENT E	Criteria for a Variance



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$496.00

Map#: 1735200006
Parcel# 090350300
Permit#: PLN22-17
Date: September 23, 2022

Applicant: BRUEGGER MICHAEL D & KIMBERLY K BRUEGGER, , 44587 510TH ST, NORTH MANKATO MN 56003
Phone: 507-380-4240
Owner: BRUEGGER MICHAEL D & KIMBERLY K BRUEGGER, 44587 510TH ST, NORTH MANKATO MN 56003
Property Address: 44587 510TH ST, N MANKATO MN 56003
Abbreviated Legal Description: Comm N 1/4 cor, S 1194.78', E 314.83', NE 100.84', to Beg, NE 14.06', NE 130', NE 526.05', E 566.56', S 722.41', W 564.96', NW 163.59' to POB = 10.05 Ac
Township: Nicollet Township

Record Type: Variance

Category: Bluff

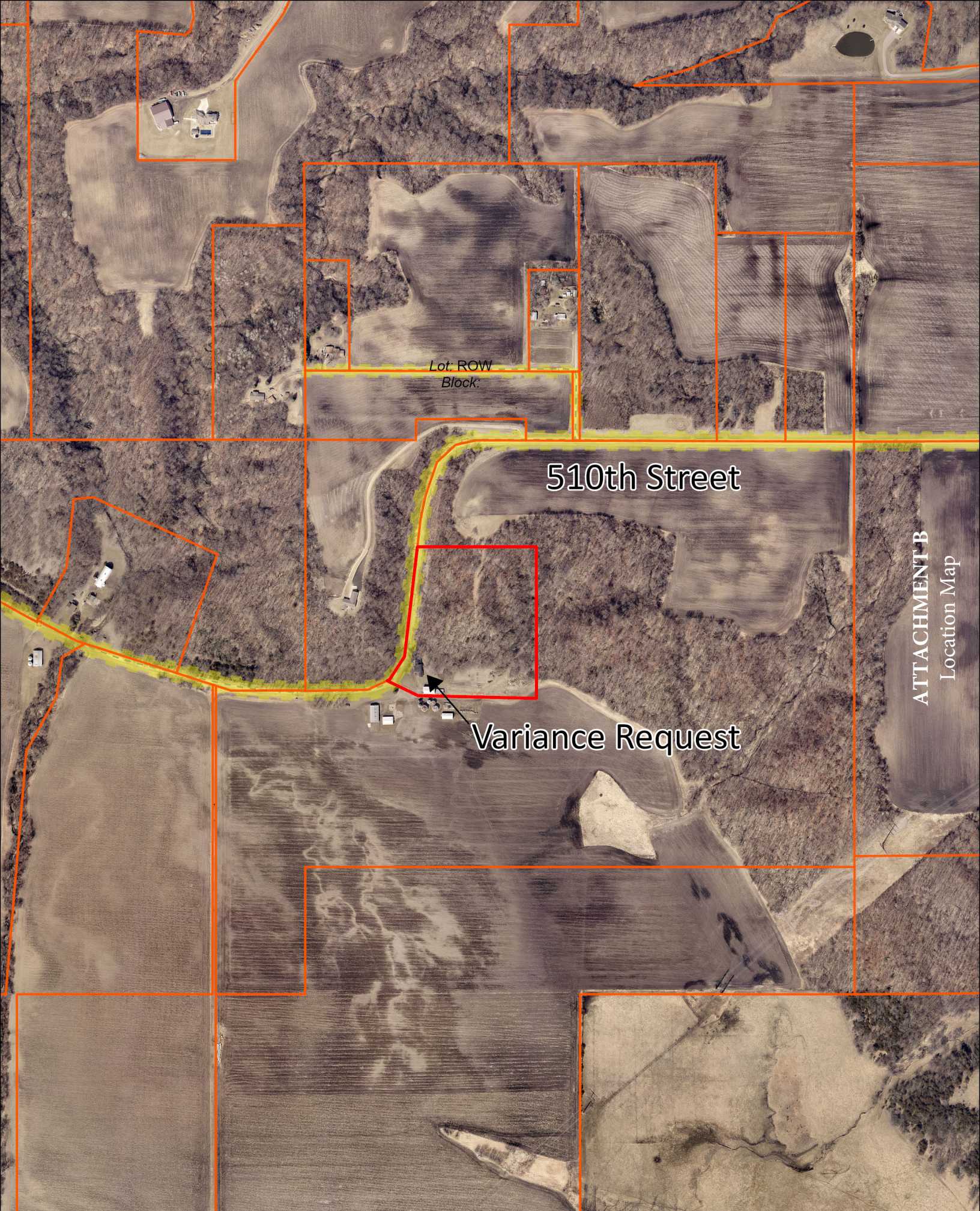
Project Description: Variance request to reduce the township right of way setback to 31.1 feet and bluff setback to 16.7 feet.

Hearing Date: 10/17/2022


APPLICANT SIGNATURE

9-23-22
DATE

ATTACHMENT A
Application



Lot ROW
Block

510th Street

Variance Request

ATTACHMENT B
Location Map

**VARIANCE APPLICANT QUESTIONNAIRE
PROJECT DESCRIPTION**

Name of Applicant: Michael Bruegger

Date: 9-19-2022

Please describe the specific details related to your request, including but not limited to:

- why you feel the project is a *need* rather than a *want*;
- what alternatives you explored and the reasons they were not reasonable for you; and
- what use, or uses, the project will provide for you;

If your request is approved, you will be **held** to the plans and specifications submitted to the County with your application.

My wife and I have been trying for ~~some~~ time to come up with a plan to change the rather unusual roofline over the ~~entryway~~ facing the road, which needs roof replacement. Measuring around the side of the house, we were able to determine that we would be able to match this roofline with the current roof on the south side of the house. This would solve our roof replacement issue on the west side of the house, as well as removing the small section of roofing over the southeast door.

We have explored other possibilities over the west entryway, including changing the pitch of that roof. At the same time, we have been contemplating an outdoor porch or patio. We thought about putting this space on the east side of our house by the sunroom, but this would involve a lot of dirt removal, and probably another variance. Because of this, we decided to pursue this variance and try to accomplish two tasks in one project.

This project will provide an outdoor space for us to grill out and enjoy time with family and friends, and to enjoy the view of the valley that we have at our home. We have been doing a lot of remodeling to the interior of our home, and this will allow us to upgrade the exterior and modernize the house a bit.

ATTACHMENT C

Submitted by Applicant

Name of Applicant: Michael Bruegger
Request: Variance for porch on front of house

Date: 9-19-2022

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a practical difficulty. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute §394.27, Subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

Why do you feel the request meets the following criteria?

1. The variance is in harmony with the general purposes and intent of the official control.

This variance would serve to enhance the structure by connecting the rooflines of two previous additions, while not adding any danger, liability or nuisance to the public.

2. The variance is consistent with the intent of the Comprehensive Plan.

As the landowners, we are striving to enhance the property which has been in our family for three generations now with the hope of passing it on to future generations. And we are doing this by properly addressing the issue with you now before proceeding with any construction.

3. The variance establishes a practical difficulty in complying with the official controls.

In contacting the county about this project, we were made aware of issues involving the proximity of the proposed porch to the township road as well as the ~~prox~~ proximity to slope. We have hired Bolton and Mank to survey our property to establish those proximities.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

These circumstances are unique in the fact that the house would not be able to be built right now in its current location due to county regulations, and the additions we are trying to "tie together" were built before we purchased the property.

(Continued onto back)

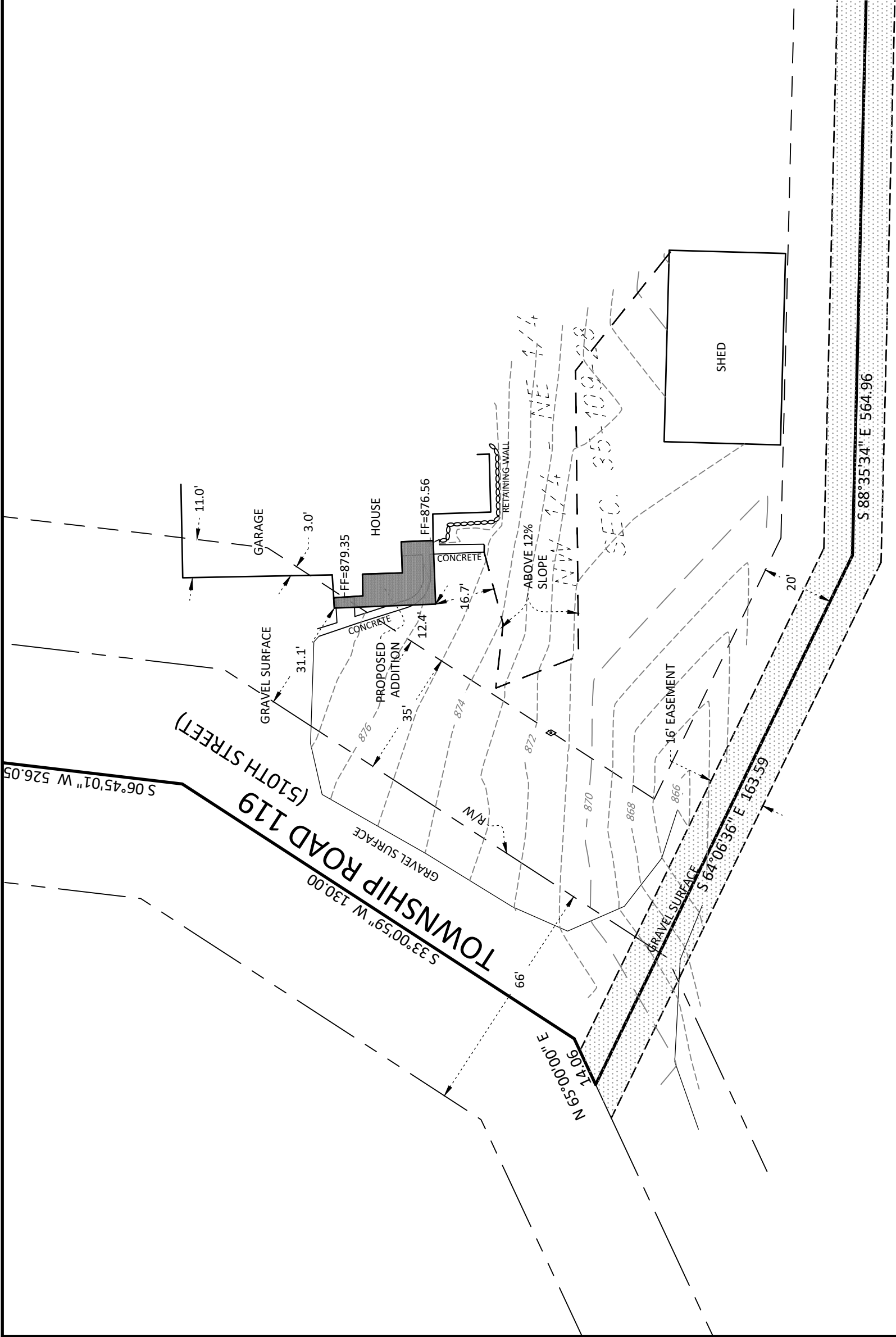
5. The variance will not alter the essential character of the locality.

There will not need to be any major site preparation for this project, as no trees would need to be removed. We would also not need to remove any dirt other than to dig holes for footings.

6. The practical difficulty includes more than economic considerations alone.

Our hope with this project is to create an outdoor space for us to visit with family and friends, and to enjoy the fabulous view of the valley that we have been blessed with at this location.

**ALL SIX VARIANCE CRITERIA MUST BE MET
IN ORDER FOR THE REQUEST TO BE APPROVED.**



CONSERVANCY (C)

A district to protect the natural resource that is not suited for agricultural production or urban development, including wetlands, woodlands, and steep slopes. Includes all lands up to 200' back from the crestline of a bluff.

Minimum lot size - 10 acres

Minimum buildable area - 2 acres

1 New dwelling per ¼-¾ on lots recorded after 1/2/96

SETBACKS

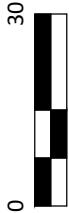
Front

- 85' State R/W
- 50' County R/W
- 35' Township R/W
- 20' property line
- 50' property line
- 66' minimum along a public road

Side

Rear

Frontage



SCALE IN FEET

SURVEYOR'S CERTIFICATION

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.

Michael M. Eichers

Michael M. Eichers
License Number 46564
Date 09/13/2022

SITE SKETCH

NICOLLET TOWNSHIP, NICOLLET COUNTY, MINNESOTA



1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

THAT PART OF THE NW 1/4 OF THE NE 1/4 OF
SECTION 35, TOWNSHIP 109 NORTH, RANGE 28
WEST, NICOLLET TOWNSHIP, NICOLLET COUNTY
MINNESOTA
FOR: MICHAEL BRUEGGER

DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
Michael & Kimberly Bruegger	44587 510Th St	North Mankato, MN 56003
Tdl Braun Land Llc	50498 Hebron Dr	North Mankato, MN 56003
Thomas Esser Family Trust	1438 16Th St	Los Osos, CA 93402
Michael Rolffs	44838 510Th St	North Mankato, MN 56003
Larry & Margo Bruegger	44320 510Th St	North Mankato, MN 56003
Margo Bruegger Revocable Trust	44320 510Th St	North Mankato, MN 56003
Mark & Helen Wels	44342 443Rd Ln	North Mankato, MN 56003
Colton & Cindy Hewitt	44486 443Rd Ln	North Mankato, MN 56003
Ruth Scholljegerdes	6918 Ne 14Th St	Medford, MN 55049
Luke Hawkinson	47 Capri Dr	Mankato, MN 56001
Hewitt Properties Llp	706 Ash St Po Box 624	Nicollet, MN 56074
Michael & Patricia Powers	44432 Judson Bottom Rd	North Mankato, MN 56003
Ryan Rosin- Nicollet County Township	43181 State Highway 99	Nicollet, MN 56074



**NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS
CRITERIA FOR GRANTING A VARIANCE**

Name of Applicant/ Michael Bruegger
Property Owner: Michael & Kimberly Bruegger

Date: October 17, 2022

File #: PLN22-17

PC Name: _____

Variance Requested: A variance to reduce the front yard setback to 31.1 feet and the bluff setback to 16.7 feet for the purpose of constructing a home addition.

FINDINGS OF FACT

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a **practical difficulty**. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute 394.27, subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

1. The variance is in harmony with the general purposes and intent of the official control.

☐ YES ☐ NO **WHY:** _____

2. The variance is consistent with the intent of the Comprehensive Plan.

☐ YES ☐ NO **WHY:** _____

3. The variance establishes a practical difficulty in complying with the official controls.

☐ YES ☐ NO **WHY:** _____

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

☐ YES ☐ NO **WHY:** _____

ATTACHMENT E
Criteria for a Variance

5. The variance will not alter the essential character of the locality.

☐ YES ☐ NO WHY:

6. The practical difficulty includes more than economic considerations alone.

☐ YES ☐ NO WHY:

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED VARIANCE AND IN THE RECORD

**THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS:
(☐ APPROVES) (☐ DENIES) THE REQUESTED VARIANCE**

This decision is based on:

- ☐ Application
- ☐ Staff Report
- ☐ Pictures
- ☐ Information received at public hearing

Viewed by Members of Board:

- ☐ Laven
- ☐ Hermanson
- ☐ Ubel
- ☐ Hoffmann
- ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustment and Appeals.

Date: _____ Chair: _____