



Board of Adjustment & Appeals

MINUTES

OCTOBER 17, 2022

7:02 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 Supervisor Loria Rebuffoni ☒				
	Deputy Zoning Administrator (DZA) Spencer Crawford ☒				
	County Attorney (CA) Michelle Zehnder Fischer ☒ Assistant County Attorney (ACA) Roxann Klein ☒				
	Other Staff: Recording Secretary Crystal Madden ☒				

MOTION TO APPROVE MINUTES OF SEPTEMBER 19, 2022					
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: 4-0	

MOTION TO ADOPT FINDINGS, PLN22-10 Dinse					
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 ADOPT FINDINGS		PASS ☒	FAIL ☐	VOTE: 4-0	

MOTION TO ADOPT FINDINGS, PLN22-11 Kiecker					
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 ADOPT FINDINGS		PASS ☒	FAIL ☐	VOTE: 4-0	

MOTION TO ADOPT FINDINGS, PLN22-14 Domeier

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 ADOPT FINDINGS		PASS ☒	FAIL ☐	VOTE: 4-0	

PUBLIC HEARINGS:

Board Member Hermanson recused himself from the hearing for PLN22-13.

UNITED FARMERS COOPERATIVE PLN22-13 INSTALL A 30,000 GALLON ANHYDROUS STORAGE TANK WITHOUT A BERM AS REQUIRED BY SECTION 708 OF THE NICOLLET COUNTY ZONING ORDINANCE

APPLICANT COMMENT	Jim Carlson was present representing United Farmers Cooperative. After public comment, he stated that United Farmers Cooperative is following all state requirements and there are no berms around other storage tanks in the state.				
PUBLIC COMMENT	None.				
PUBLIC TESTIMONY	Kevin Johnson, 34908 425th Ave, Le Sueur MN 56058, expressed concern about the ability to permit the request due to the Zoning District, proximity to homes and the Boy Scout Camp, the number of trips generated, and additional tanks being placed in the future. Andrew Grave 37577 State Highway 22, St Peter, MN 56082, expressed concern about the safety of the tank, the dangers of ammonia, and impact to his property value.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		
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 ☐	
BOARD MEMBER DISCUSSION	Chair Laven asked staff about additional comments before the hearing. Board Member Ubel recommended adding the State Fire Marshal to condition number four, which requires the applicant to obtain all required permits and follow all applicable regulations.				
VOTE TO APPROVE REQUEST	PASS ☒		FAIL ☐	VOTE: 3-0	

BENCO ELECTRIC COOPERATIVE PLN22-16 REDUCTION OF MINIMUM LOT SIZE IN THE AGRICULTURAL PRESERVATION DISTRICT FROM 3.5 ACRES TO 2 ACRES FOR THE PURPOSE OF EXANDING AN ELECTRICAL SUBSTATION

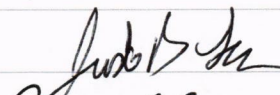
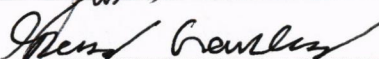
APPLICANT COMMENT	Tim Braulick was present representing BENCO Electric Cooperative. He stated the new substation was needed to replace older equipment and increase capacity. He also stated the new substation would be similar to the one in New Sweden Township.				
PUBLIC COMMENT	None.				
PUBLIC PARTICIPATION	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		None.			
VOTE TO APPROVE REQUEST		PASS ☒	FAIL ☐	VOTE: 4-0	

MICHAEL BRUEGGER PLN22-17 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.

APPLICANT COMMENT	Michael Bruegger was present. Bruegger had no comment.				
PUBLIC COMMENT	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		Chair Laven clarified the existing home is closer to the front yard right-of-way than the addition. DZA Crawford confirmed that is correct.			
VOTE TO APPROVE REQUEST		PASS ☒	FAIL ☐	VOTE: 4-0	

OLD BUSINESS		None.			
OTHER BUSINESS		None.			
REVIEW OF ADMINISTRATIVE VARIANCES		None.			
COMMUNICATIONS		None.			
MOTION TO ADJOURN					
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 ☐	
VOTE TO ADJOURN		PASS ☒	FAIL ☐	VOTE: 4-0	

JUSTIN LAVEN, CHAIR		DATE	
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	11/21/22