

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: January 23, 2023

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

Location: Nicollet County Board Room, 501 S. Minnesota Avenue, 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. Introduction of new members
4. Recognition of David Hermanson for service
5. Elections: Chair & Vice Chair
6. Review of Cancellations and Additions
7. Approval of Minutes: *November 21, 2022*
8. Public Appearances
9. **PUBLIC HEARING: PLN 23-01**
 - Applicant: Emily Nepp, ISG Inc.
 - Landowner: Minnesota Valley Lutheran High School
 - Request: Reduction of the bluffline setback to 0' for the purpose of constructing a school addition
 - Location: Northeast ¼ of the Southeast ¼, Section 35-110-30, Courtland Township
 - Parcel Number: 04.035.1905
10. **PUBLIC HEARING: PLN 23-02**
 - Applicant: Gregg & Lois Bode
 - Landowner: Gregg & Lois Bode
 - Request: Reduction of the side yard setback to 2' for the purpose of constructing a garage
 - Location: G.L. 1, Section 34-110-29, Courtland Township
 - Parcel Number: 04.134.0320
11. Old Business
12. Other Business
13. Communications
14. Adjourn

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.



Board of Adjustment & Appeals

MINUTES

NOVEMBER 21, 2022

7:00 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 ☒				
	Assistant County Attorney (ACA) Roxann Klein ☒				
	Other Staff: Recording Secretary Crystal Madden ☐				

MOTION TO APPROVE MINUTES OF OCTOBER 17, 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, PLN22-13 United Farmers Cooperative					
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, PLN22-16 BENCO Electric Cooperative					
1ST	Justin Laven ☐ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☐	

2ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☒	Lloyd Hoffmann ☐	
VOTE TO ADOPT FINDINGS		PASS ☒	FAIL ☐	VOTE: 4-0	

MOTION TO ADOPT FINDINGS, PLN22-17 Bruegger					
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 ADOPT FINDINGS		PASS ☒	FAIL ☐	VOTE: 4-0	

OLD BUSINESS		None.			
OTHER BUSINESS		None.			
REVIEW OF ADMINISTRATIVE VARIANCES		None.			
COMMUNICATIONS		None.			
MOTION TO ADJOURN					
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:4-0	

CHAIR		DATE	
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	



VARIANCE

**REDUCTION OF THE BLUFF SETBACK
TO 0 FEET FOR THE PURPOSE OF
CONSTRUCTING A SCHOOL ADDITION**

ISG Inc.

PLN23-01

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN23-01
APPLICANT:	ISG Inc.
LANDOWNER:	Minnesota Valley Lutheran High School
LOCATION:	Northeast ¼ of the Southeast ¼, Section 35-110-30, in Courtland Township
PARCEL NO:	04.035.1905
EXISTING ZONING:	Conservancy
HEARING DATE:	01/23/2023
60 DAYS FROM REQUEST:	02/27/2023

REQUEST

ISG Inc., on behalf of Minnesota Valley Lutheran High School (MVL), is requesting a variance to reduce the bluffline setback in the Conservancy District from 30 feet to 0 feet for the purpose of constructing a school addition.

ORDINANCE

Nicollet County Zoning Ordinance 603.4 (5) *Bluffline* states:

For any structure, or excavation for a structure, but not for onsite sewage treatment systems, thirty (30) foot setback.

A Bluffline is defined in the ordinance as:

A line along the top of a slope connecting the points at which the slope becomes less than twelve (12) percent. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.

PROJECT DESCRIPTION

MVL has operated a school at this location since 1981, with additions being completed in 1997 and 2007. The School was originally authorized by a Conditional Use Permit in 1980, which has since been altered through numerous Variances and additional Conditional Use Permits. The use of the current proposal is authorized through the previous Conditional Use Permits.

The project consists of two buildings, a Stormwater retention pond, and an overflow parking lot. The larger building is a 33,194 square foot proposal consisting of a gym, commons area, and concessions. The variance request only pertains to the smaller building, which is a proposed 4,788 square foot two story structure made of precast concrete. The first story would contain a classroom,

fitness space, restrooms, and showers. The second story would contain a biology and chemistry classroom with shared storage and lockers for students. The structure would also function as a storm shelter.

The smaller building is 5.8 feet away from the bluff, but structural fill material and a sidewalk will extend to the edge of the bluffline. The applicant did not submit any documentation proving slope stability after construction. This is not required, but Property Services is unable to verify that the bluff will maintain its integrity. The larger building meets all current standards. MVL recently installed a new septic system in 2021 which is capable of handling the additions.

EXISTING LAND USE

The 70 acre lot contains bluff, wetlands, and a school with its associated features such as sports fields and parking lots.

SURROUNDING LAND USE

The surrounding land use is varied, with New Ulm Quartzite Quarries to the South, a subdivision to the West, and farm fields with residential homes beyond the bluff to the North and East.

SITE REVIEW

A review of the site was completed by Property Services. Staff observed the proposed construction area and took pictures on 01/11/2023.

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

A variance to a provision of the Zoning Ordinance may be issued to provide relief to the landowner in those zones where the intent of the official control creates practical difficulties for the property owner in the use of their land. 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. No variance shall permit standards lower than those required by state law. A variance may be granted only in the event that the following circumstances exist:

1. The variance is in harmony with the general purposes and intent of the official control?
2. The variance is consistent with the intent of the comprehensive plan?
3. The variance establishes a practical difficulty in complying with the official controls?

VARIANCE CRITERIA (continued)

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?
5. The variance will not alter the essential character of the locality?
6. The practical difficulty includes more than economic considerations alone?

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 Applicant takes appropriate measures to ensure slope stability during and after construction.
3. The applicant does not develop any areas over 12% grade.
4. 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.
5. The Applicant must obtain the appropriate zoning permits prior to construction.
6. 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:
ISG Inc., Minnesota Valley Lutheran High School

PLN23-01

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Bluff 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#: 1035400030
Parcel# 040351905
Permit#: [PLN23-01](#)
Date: December 28, 2022

Applicant: Emily Nepp, ISG Inc, 115 East Hickory Street, Mankato MN 56001
Phone: 507.387.6651
Owner: MN VALLEY LUTH HIGH SCHOOL & ASSN, 45638 561ST AVE, NEW ULM MN 56073
Property Address: 45638 561ST AVE, NEW ULM MN 56073
Abbreviated Legal Description: COMB PT OF SE1/4 LYG NLY OF HWY CL "EX 0.11 AC R/W" TOTAL ACRES = 73.69
Township: Courtland Township

Record Type: Variance

Category: Bluff

Project Description: Variance request to reduce the bluffline setback from 30 feet to 0 feet for the purpose of constructing a school addition.

Hearing Date: 01/23/2023

Emily Nepp
Emily Nepp (Dec 29, 2022 09:20 CST)

APPLICANT SIGNATURE

Dec 29, 2022

DATE

ATTACHMENT A
Application



ATTACHMENT B
Location Map



Name of Applicant: Emily Nepp - ISG - on behalf of MVLHS

Date: 12/15/22

Request: Variance for 0 ft. bluffline setback

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.

The intent is to protect the environmentally sensitive bluffline area. This project will not infringe on the bluffline, but will be positioned adjacent to it. MVLHS is simply asking for a reduced setback from the bluffline in order to construct a proposed building addition to help benefit their school and students. The contractor will also be directed to undertake all precautions and protective measures to mobilize work away from the bluffline.

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

Page 33 of the Comprehensive Plan states "the land use plan should promote the principles of Nicollet County: to preserve the existing natural resources, retain existing character, and provide a high quality of life for all residents." This variance request will not alter the existing natural bluffline or the existing character of the area. The proposed building addition will provide a new educational area for students and facility to enjoy as they grow and learn.

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

This variance request is not asking for anything out of the realm of what has already been previously approved with an existing building. This request has been approved before for the existing building having a 0 ft. setback already. Due to existing conditions and proximity to the bluffs, there is no other feasible location to place the proposed building addition.

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

Yes, the bluffline is a naturally formed creation that the landowner has no control over. The overall integrity of the bluffline will not be touched. The 0 ft setback will allow for a new building addition to be built for the betterment of the school, while still keeping the integrity of the bluffline.

ATTACHMENT D
Submitted by Applicant

(Continued onto back)

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

The variance will not alter the character of the site as the proposed building addition will not infringe the bluffline. It will be situated just south of the bluffline. The overall goal is to protect the area surrounding the bluffline. No work beyond or within the actual bluffline boundary will occur.

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

The practical difficulty is that this location has a bluffline that cannot be impacted or relocated. This causes challenges for expanding or improving the school site. Allowing for this proposed building addition to be constructed adjacent to the the bluffline will not cause any issue or damage to the bluffline itself. All safety precautions will be in place to adhere to the rules and regulations to protect the bluffline.

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



VARIANCE APPLICANT QUESTIONNAIRE PROJECT DESCRIPTION

Name of Applicant: Variance for 0 ft. bluffline setback

Date: 12/15/22

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;

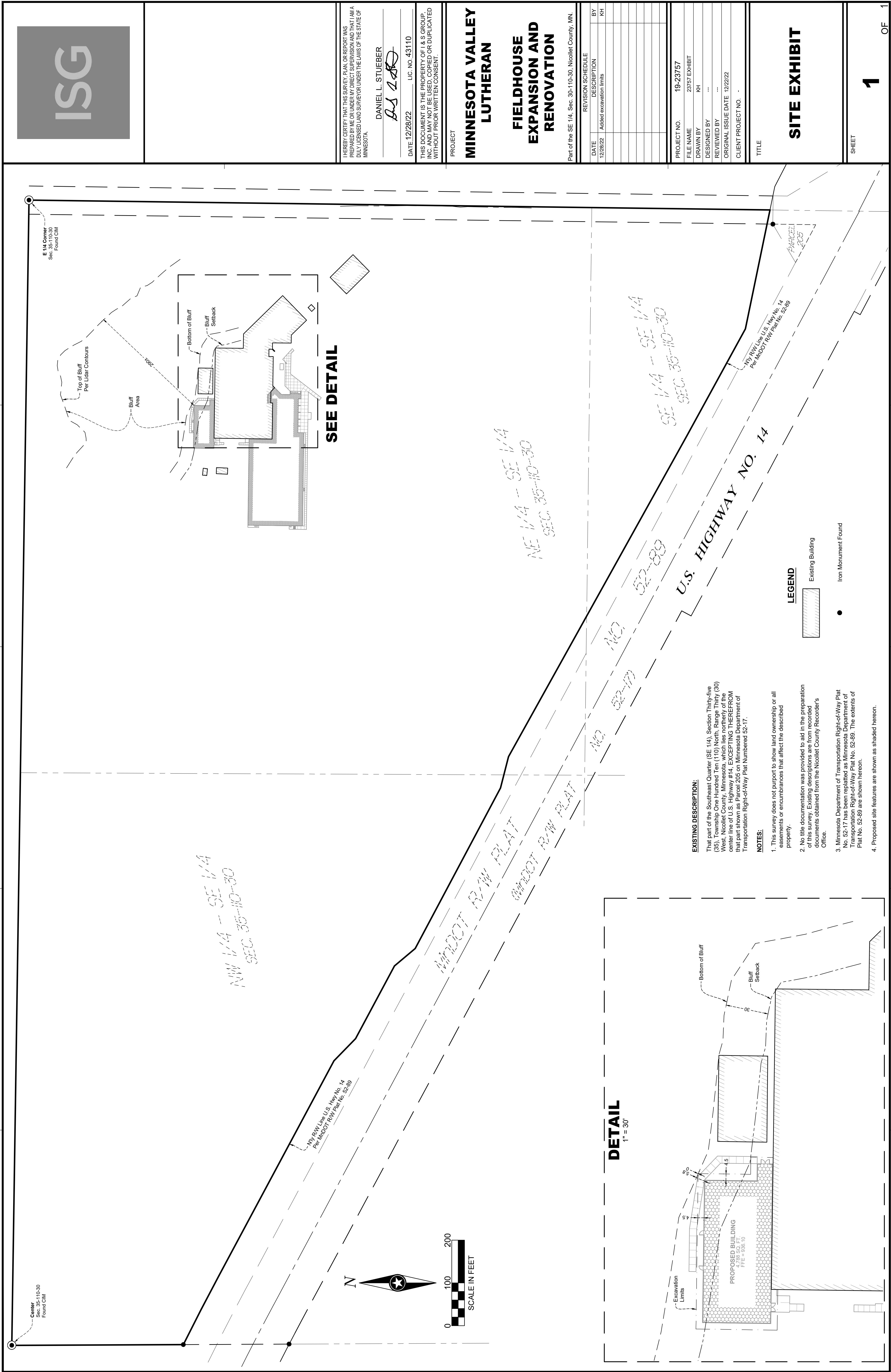
If your request is approved, you will be **held** to the plans and specifications submitted to the County with your application.

MVLHS is requesting a variance approval for a 0 ft. bluffline setback to construct a school building addition for students and staff to utilize.

The MVLHS project will include construction of a new 4,788 square ft building. The proposed building will be a new two-story storm shelter that will be built in compliance with ICC 500 regulations and requirements. The first story will have a restroom, with a shower, intended for use by referees during sporting events. It will also have a classroom and fitness space. The second story will have a biology and chemistry classroom with a shared prep room. Included will be lab stations, a chemistry hood, and a hallway with student lockers. This site is located within the Conservancy (C) zone and meets all dimensional code requirements. The proposed two-story building is situated just to the south of the bluffline on the property, north of the main building, and just to the west of another existing structure. The existing structure is located closer to the bluffline than the new proposed building will be. Due to existing site conditions, existing building layout and the proximity to the bluffline, there is no other feasible place for this new building addition to be constructed.

LEGAL DESCRIPTION

That part of the Southeast Quarter (SE1/4), Section Thirty-five (35), Township One Hundred Ten (110) North, Range Thirty (30) West, Nicollet County, Minnesota, which lies northerly of the center line of U.S. Highway #14, EXCEPTING THEREFROM that part shown as Parcel 205 on Minnesota Department of Transportation Right-of-Way Plat Numbered 52-17.





PROJECT LOCATION

LOCATION MAP

CIVIL PLAN ABBREVIATIONS:

AC	ACRE	CI	CONTROL JOINT	EOF	EMERGENCY OVERFLOW	GL	GUTTER LINE	IPS	IRON PIPE SIZE	NWL	NORMAL WATER LEVEL	RCP	REINFORCED CONCRETE PIPE	THRU	THROUGH
ADA	AMERICANS WITH DISABILITIES ACT	CL	CENTERLINE	EQ	EQUAL	GV	GATE VALVE	IT	JUNCTION BOX	OC	ON CENTER	RD	ROOF DRAIN	TNHF	TOP HUT OF FIRE HYDRANT
ADD	ADDENDUM	CMP	CORRUGATED METAL PIPE	EX	EXISTING	HDPE	HIGH DENSITY POLYETHYLENE	LF	LINEAR FEET	OCEW	ON CENTER EACH WAY	REBAR	REINFORCING BAR	TRANS	TRANSFORMER
AFF	ABOVE FINISHED FLOOR	CO	CONCRETE	FON	FOUNDATION	HD	HEAVY DUTY	LN	LINEAR	OH	OVERHEAD	REM	REMOVE	TV	TELEVISION
AGG	AGGREGATE	CONC	CONCRETE	FDC	FIRE DEPARTMENT CONNECTION	HH	HANDHOLE	LP	LOW PRESSURE STEAM	OHD	OVERHEAD DOOR	ROW	RIGHT OF WAY	T/W	TOP OF WALL
APPROX	APPROXIMATE	CONST	CONSTRUCTION	FES	FINISHED END SECTION	HS	HORIZONTAL	LS	LUMP SUM	OUCE	QUINCE	R/W	RIGHT OF WAY	UT	UTILITY, UNDERGROUND
BFE	BOTTOM FLOOR ELEVATION	CT	CONCRETE	FEE	FINISHED FLOOR ELEVATION	HR	HOUR	LSO	LOWEST STRUCTURAL OPENING	PED	PEDESTAL PEDESTRIAN	SAN	SANITARY	UT	TYPICAL, UNDERGROUND
BIT	BITUMINOUS	C&G	CORNER AND GUTTER	FBM	FEET PER MINUTE	HWL	HIGH WATER LEVEL	MAX	MAXIMUM	PERF	PERFORATED	SCH	SCHEDULE	VCP	VITRIFIED CLAY PIPE
BLD	BUILDING	DEMO	DEMOLITION	FT	FEET PER SECOND	HWY	HIGHWAY	MIN	MINIMUM	PL	PROPERTY LINE	SPEC	SPECIFICATION	W/O	WITHOUT
CB	CATCH BASIN	DM	DIMENSION	FTG	FOOTING	HYD	HYDRANT	MCH	MECHANICAL	PSI	POUNDS PER SQUARE INCH	SQ	SQUARE	W/	WITH
CFS	CUBIC FEET PER SECOND	DS	DOWNSPOUT	GAL	GALLON	ID	INSIDE DIAMETER	MH	MANHOLE	PVC	POLYVINYL CHLORIDE	STA	STATION	YD	YARD
CI	CAST IRON	EA	EACH	GALV	GALVANIZED	IN	INCH	MISC	MISCELLANEOUS	PWMT	POUNDS PER SQUARE INCH	T/C	TOP OF CURB	YR	YEAR
CIP	CAST IRON PIPE	ELEC	ELECTRICAL	GC	GENERAL CONTRACTOR	INV	INVERT	NTS	NOT TO SCALE	QTY	QUANTITY	TEL	TELEPHONE	YR	YEAR
CPC	CAST IN PLACE CONCRETE	ELEV	ELEVATION	GFE	GARAGE FLOOR ELEVATION	IP	IRON PIPE			R	RADIUS	TEMP	TEMPORARY		

SITE SUMMARY	
PROJECT ADDRESS/LOCATION:	4538 561ST AVE NEW ULM, MN 56073
ZONING:	AGRICULTURAL PRESERVATION
SITE/LOT AREA:	73.69 ACRES
REQUIRED SETBACKS	
SOUTH FRONT YARD	85'-0"
EAST FRONT YARD	35'-0"
NORTH REAR YARD	20'-0"
WEST SIDE YARD	20'-0"
PARKING STALLS PROVIDED	
STANDARD	162
ACCESSIBLE	6
TOTAL	168

PROJECT GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS, WHICH INCLUDE, BUT ARE NOT LIMITED TO, THE OWNER - CONTRACTOR AGREEMENT, THE PROJECT MANUAL (WHICH INCLUDES GENERAL SUPPLEMENTARY CONDITIONS AND SPECIFICATIONS), DRAWINGS OF ALL DISCIPLINES AND ALL ADDENDA, MODIFICATIONS, AND CLARIFICATIONS ISSUED BY ARCHITECT/ENGINEER.
2. CONTRACT DOCUMENTS SHALL BE ISSUED TO ALL SUBCONTRACTORS BY THE GENERAL CONTRACTOR IN COMPLETE SETS IN ORDER TO ACHIEVE THE FULL EXTENT AND COMPLETE COORDINATION OF ALL WORK.
3. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR CONDITIONS REQUIRING INFORMATION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
4. FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR CONDITIONS REQUIRING INFORMATION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
5. DETAILS SHOWN ARE INTENDED TO BE INDICATIVE OF THE PROFILES AND TYPE OF DETAILING REQUIRED THROUGHOUT THE WORK. DETAILS NOT SHOWN ARE SIMILAR IN CHARACTER TO DETAILS SHOWN, WHERE SPECIFIC DIMENSIONS, DETAILS, OR DESIGN CONDITIONS ARE NOT BE DETERMINED, NOTIFY ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
6. ALL MANUFACTURED ARTICLES, MATERIALS, AND EQUIPMENT SHALL BE APPLIED, INSTALLED, OR USED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS TO MANUFACTURERS' INSTRUCTIONS, IN CASE OF DISCREPANCIES BETWEEN MANUFACTURERS' INSTRUCTIONS AND THE CONTRACT DOCUMENTS, NOTIFY ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
7. ALL DISSIMILAR METALS SHALL BE EFFECTIVELY ISOLATED FROM EACH OTHER TO AVOID GALVANIC CORROSION.
8. THE LOCATION AND TYPE OF ALL EXISTING UTILITIES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY AND ARE NOT GUARANTEED TO BE COMPLETE TO THE BEST OF THE KNOWLEDGE OF I & S GROUP, INC. (ISG). NO WARRANTY OR GUARANTEE IS IMPLIED. THE CONTRACTOR SHALL VERIFY THE SIZES, LOCATIONS, AND ELEVATIONS OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM PLAN.
9. THE CONTRACTOR IS TO CONTACT "GOPHER STATE ONE CALL" FOR UTILITY LOCATIONS A MINIMUM OF 2 BUSINESS DAYS PRIOR TO ANY EXCAVATION / CONSTRUCTION (1-800-252-1166).

SPECIFICATIONS REFERENCE

ALL CONSTRUCTION SHALL COMPLY WITH THE CITY OF NEW ULM REQUIREMENTS AND MIDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2020 EDITION, THE STANDARD SPECIFICATIONS FOR SANITARY SEWER, STORM DRAIN AND WATERMAIN AS PROPOSED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA 2018, AND THE CURRENT VERSION OF THE MINNESOTA STATE PLUMBING CODE UNLESS DIRECTED OTHERWISE.

PROJECT DATUM

HORIZONTAL COORDINATES HAVE BEEN REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), 1984 ADJUSTMENT (NAD83(1986)) ON THE BROWN COUNTY COORDINATE SYSTEM, IN U.S. SURVEY FEET. ELEVATIONS HAVE BEEN REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). RTK GPS METHODS WERE USED TO ESTABLISH HORIZONTAL AND VERTICAL COORDINATES FOR THIS PROJECT.

TOPOGRAPHIC SURVEY

THIS PROJECT'S TOPOGRAPHIC SURVEY CONSISTS OF DATA COLLECTED IN JULY 2022 BY ISG.

B.M. ELEVATION=937.37

EXISTING TOP OF WELL ON SOUTH OF BUILDING IN FRONT OF EXISTING 3 TIERED RETAINING WALLS AND LANDSCAPING

LEGEND

EXISTING		
CITY LIMITS	---	---
SECTION LINE	---	---
QUARTER SECTION LINE	---	---
RIGHT OF WAY LINE	---	---
PROPERTY LOTLINE	---	---
EASEMENT LINE	---	---
ACCESS CONTROL	---	---
WATER EDGE	---	---
WETLAND BOUNDARY	---	---
WETLAND / MARSH	---	---
FENCE LINE	---	---
CULVERT	---	---
STORM SEWER	---	---
SANITARY SEWER FORCEMAIN	---	---
WATER	---	---
GAS	---	---
OVERHEAD ELECTRIC	---	---
UNDERGROUND ELECTRIC	---	---
UNDERGROUND TELEPHONE	---	---
UNDERGROUND TV	---	---
OVERHEAD UTILITY	---	---
UNDERGROUND UTILITY	---	---
UNDERGROUND FIBER OPTIC	---	---
CONTOUR (MAJOR)	---	---
CONTOUR (MINOR)	---	---
DECIDUOUS TREE	---	---
CONIFEROUS TREE	---	---
TREE LINE	---	---
MANHOLE STRUCTURE	---	---
CATCH BASIN	---	---
HYDRANT	---	---
VALVE	---	---
CURB STOP	---	---
POWER POLE	---	---
UTILITY PEDESTAL/ CABINET	---	---

PROPOSED		
LOT LINE	---	---
RIGHT OF WAY	---	---
EASEMENT	---	---
CULVERT	---	---
STORM SEWER	---	---
STORM SEWER (PIPE WIDTH)	---	---
SANITARY SEWER	---	---
SANITARY SEWER (PIPE WIDTH)	---	---
WATER	---	---
GAS	---	---
OVERHEAD ELECTRIC	---	---
UNDERGROUND ELECTRIC	---	---
UNDERGROUND TV	---	---
CONTOUR	---	---
MANHOLE (STORM, SANITARY)	---	---
CATCH BASIN	---	---
HYDRANT	---	---
VALVE	---	---

CIVIL SHEET INDEX

C0-10	SITE DATA
C0-20	DETAILS
C0-21	DETAILS
C0-22	DETAILS
C0-23	DETAILS
C1-10	STORMWATER POLLUTION PREVENTION NARRATIVE
C1-11	STORMWATER POLLUTION PREVENTION NARRATIVE
C1-20	SWPPP DETAILS
C1-30	SWPPP
C2-10	EXISTING SITE AND REMOVAL PLAN
C3-10	SITE PLAN
C3-20	SITE UTILITY PLAN
C3-30	UTILITY PROFILES AND SCHEDULES
C4-10	GRADING PLAN
C5-10	SITE RESTORATION PLAN
C5-20	SITE PLANTING PLAN
C5-21	PLANTING PLAN ENLARGEMENT
C5-30	PLANTING DETAILS AND NOTES
C6-10	SITE FURNISHINGS PLAN

PROJECT

MINNESOTA VALLEY
LUTHERAN

FIELDHOUSE
EXPANSION AND
RENOVATION

NEW ULM MINNESOTA

REVISION SCHEDULE	
DATE	DESCRIPTION

PROJECT NO.	19-23757
FILE NAME	23757 G1-TITLE
DRAWN BY	AAQ
DESIGNED BY	AAQ/NIH
REVIEWED BY	NIH
ORIGINAL ISSUE DATE	--/--
CLIENT PROJECT NO.	-

TITLE

SITE DATA

SHEET

C0-10

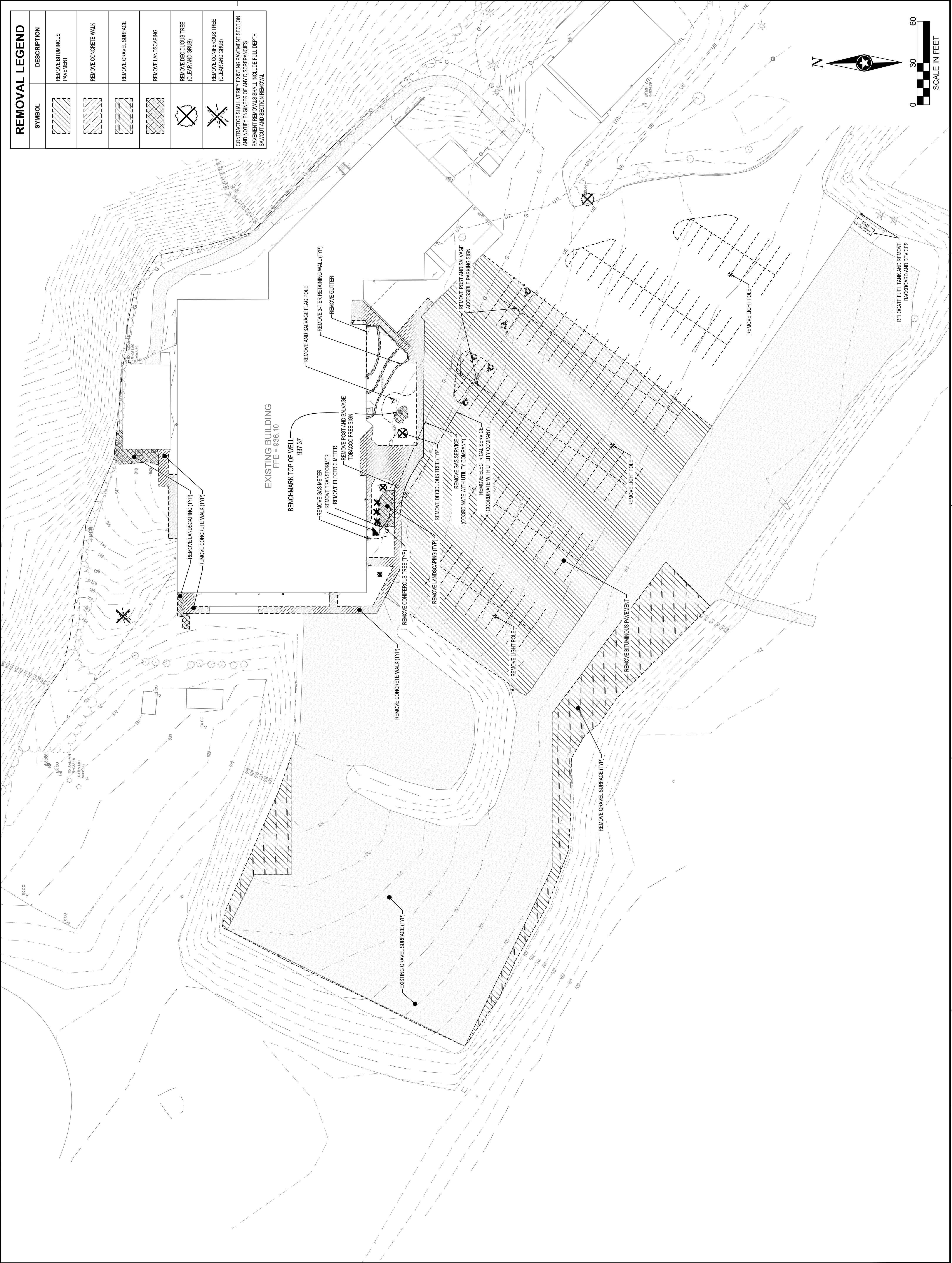


NOTE:
THE CLARITY OF THESE PLANS DEPEND
UPON COLOR COPIES. IF THIS TEXT DOES
NOT APPEAR IN COLOR, THIS IS NOT AN
ORIGINAL PLAN SET AND MAY RESULT IN
MISINTERPRETATION.

HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR
REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MINNESOTA.
NATHAN J. HERMER

DATE _____ LIC. NO. 54848
THEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR
REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MINNESOTA.
MITCHELL R. WORKMON

DATE _____ LIC. NO. 53748
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REMOVAL LEGEND	
SYMBOL	DESCRIPTION
	REMOVE BITUMINOUS PAVEMENT
	REMOVE CONCRETE WALK
	REMOVE GRAVEL SURFACE
	REMOVE LANDSCAPING
	REMOVE DECIDUOUS TREE (CLEAR AND GRUB)
	REMOVE CONIFEROUS TREE (CLEAR AND GRUB)
CONTRACTOR SHALL VERIFY EXISTING PAVEMENT SECTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES. PAVEMENT REMOVALS SHALL INCLUDE FULL DEPTH SAWCUT AND SECTION REMOVAL.	

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NATHAN J. HERMER

DATE _____ LIC. NO. 54848

THEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

MITCHELL R. WORKMON

DATE _____ LIC. NO. 53748

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PROJECT

MINNESOTA VALLEY
LUTHERAN

FIELDHOUSE
EXPANSION AND
RENOVATION

NEW ULM MINNESOTA

REVISION SCHEDULE	
DATE	DESCRIPTION

PROJECT NO.	19-23757
FILE NAME	23757 C2-EXISTING
DRAWN BY	AAQ
DESIGNED BY	AAQ/NIH
REVIEWED BY	NIH
ORIGINAL ISSUE DATE	-/-/-
CLIENT PROJECT NO.	-

TITLE

**EXISTING SITE
AND REMOVAL
PLAN**

SHEET

C2-10

PAVEMENT LEGEND	
SYMBOL	DESCRIPTION
	BITUMINOUS PAVEMENT
	SEAL COAT
	CONCRETE WALK
	AGGREGATE SURFACING
	REVERSE PITCH CONCRETE CURB AND GUTTER



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PROJECT

**MINNESOTA VALLEY
LUTHERAN**

**FIELDHOUSE
EXPANSION AND
RENOVATION**

NEW ULM MINNESOTA

REVISION SCHEDULE	
DATE	DESCRIPTION

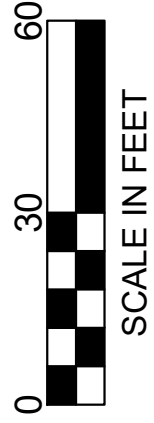
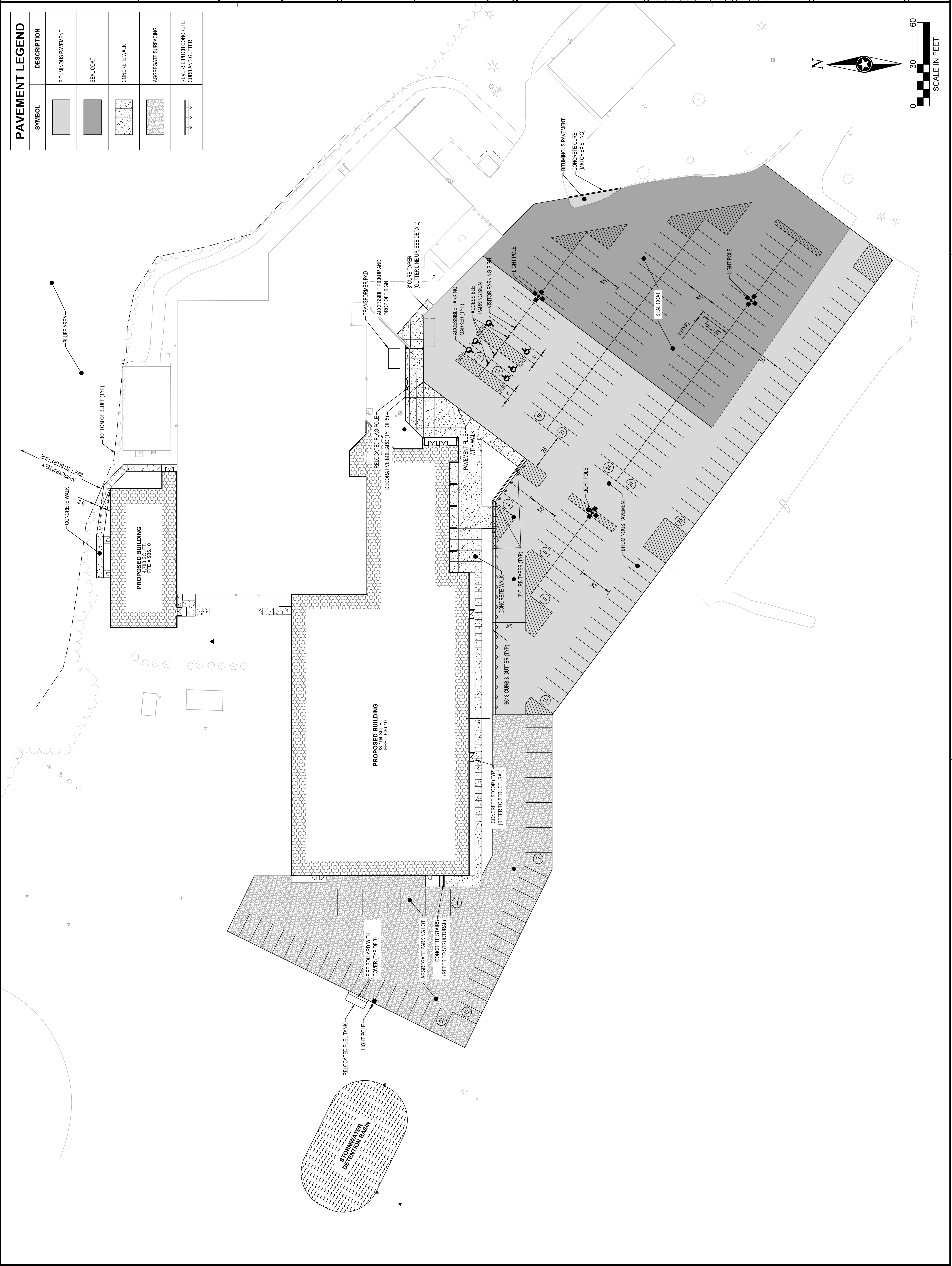
PROJECT NO.	19-23757
FILE NAME	23757 C3-SITE
DRAWN BY	AAQ
DESIGNED BY	AAONJH
REVIEWED BY	NJH
ORIGINAL ISSUE DATE	--/--
CLIENT PROJECT NO.	-

TITLE

SITE PLAN

SHEET

C3-10



PRELIMINARY NOT FOR CONSTRUCTION PRELIMINARY NOT FOR CONSTRUCTION



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PROJECT

**MINNESOTA VALLEY
LUTHERAN**

FIELDHOUSE EXPANSION AND RENOVATION

NEW ULM
MINNESOTA[illegible]

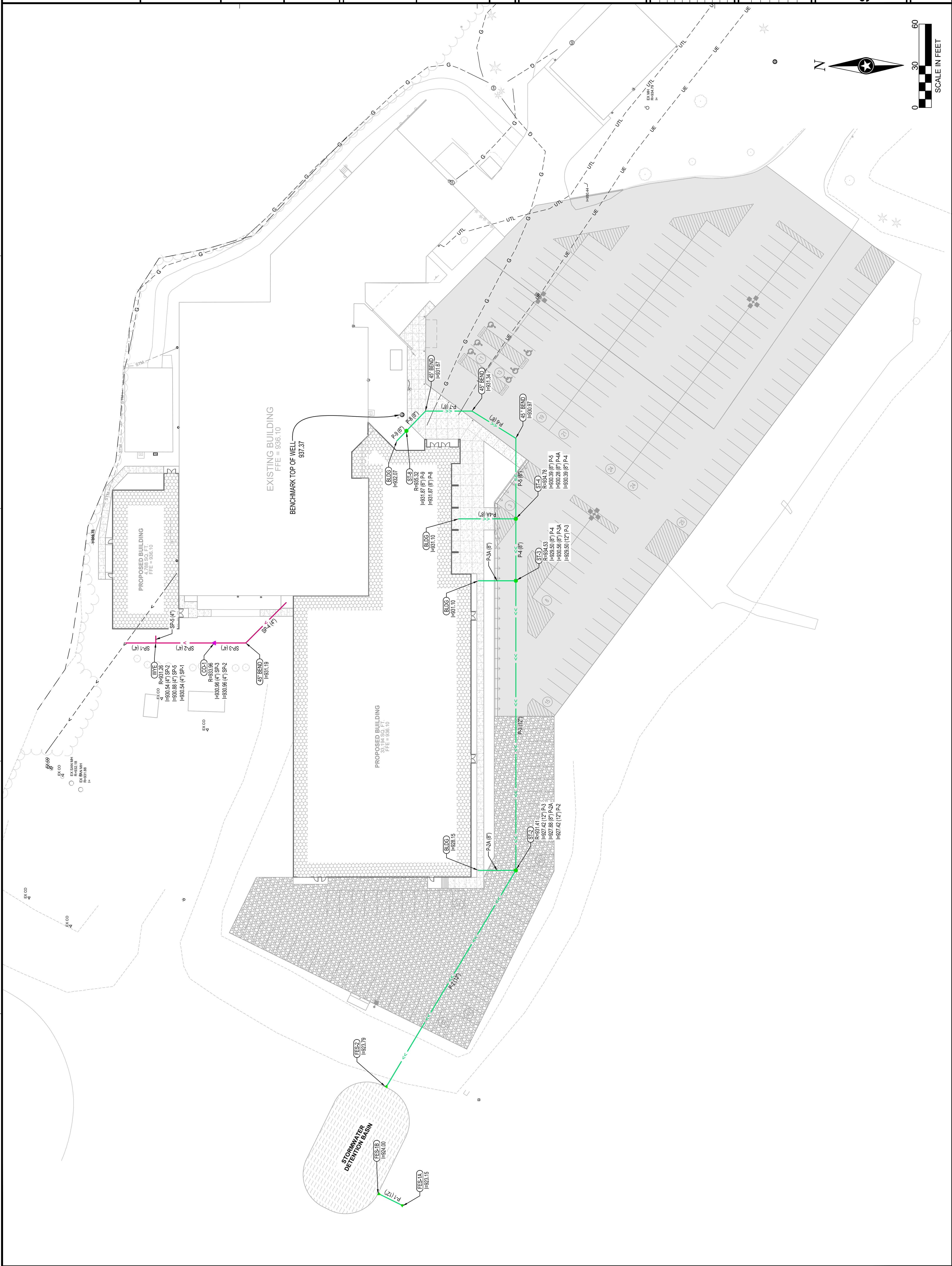
PROJECT NO.	19-23757
FILE NAME	23757 C3-SITE
DRAWN BY	AAQ
DESIGNED BY	AAQ/NJH
REVIEWED BY	NJH
ORIGINAL ISSUE DATE	4/1/11
CLIENT PROJECT NO.	-

TITL

SITE UTILITY PLAN

SHEET

C3-20





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PROJECT

**MINNESOTA VALLEY
LUTHERAN**

**FIELDHOUSE
EXPANSION AND
RENOVATION**

NEW ULM MINNESOTA

REVISION SCHEDULE	
DATE	DESCRIPTION

PROJECT NO.	19-23757
FILE NAME	23757 C4-GRADE
DRAWN BY	AAQ
DESIGNED BY	AAQ/NIH
REVIEWED BY	NIH
ORIGINAL ISSUE DATE	-/-/-
CLIENT PROJECT NO.	-

TITLE

GRADING PLAN

SHEET

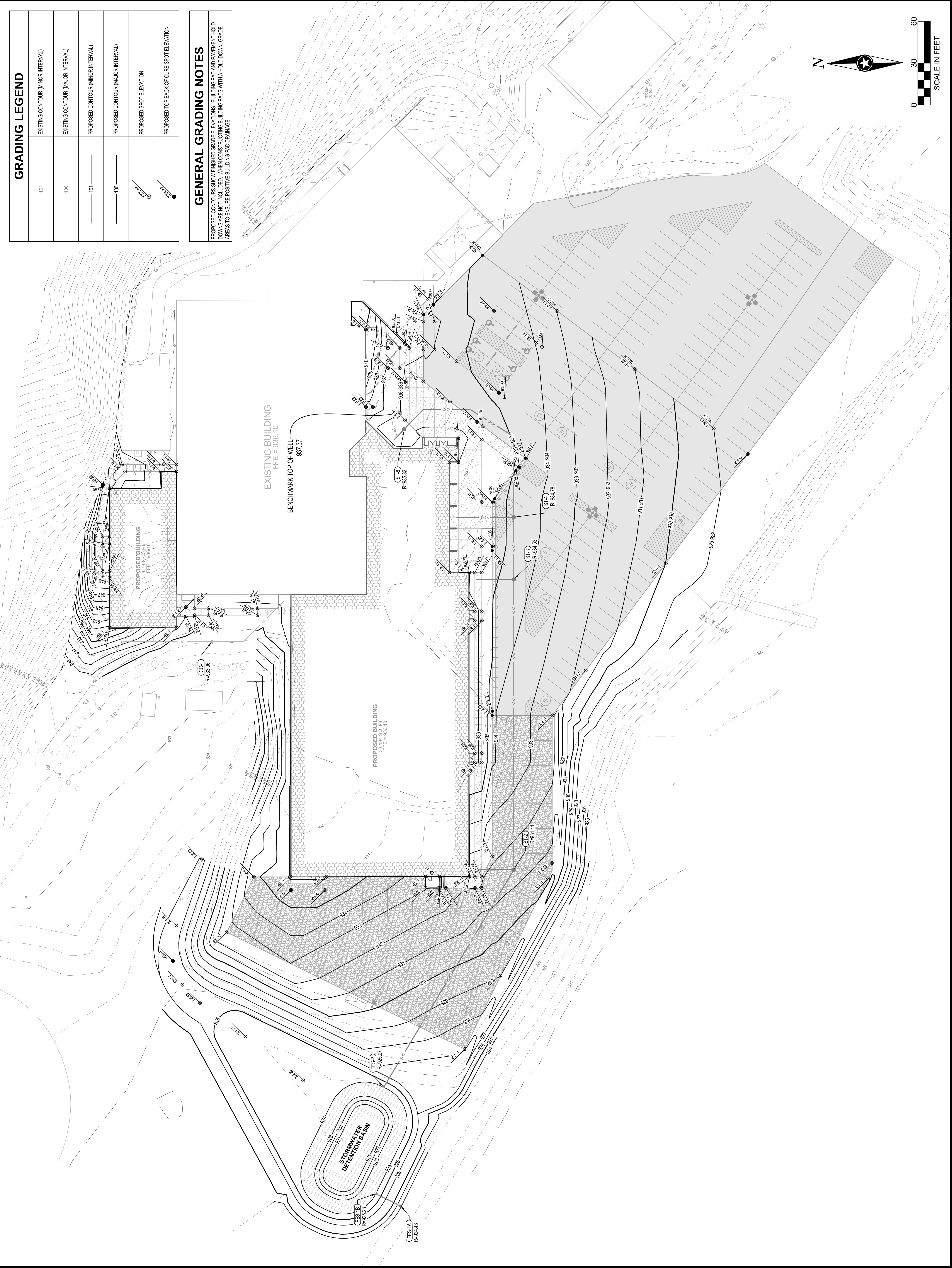
C4-10

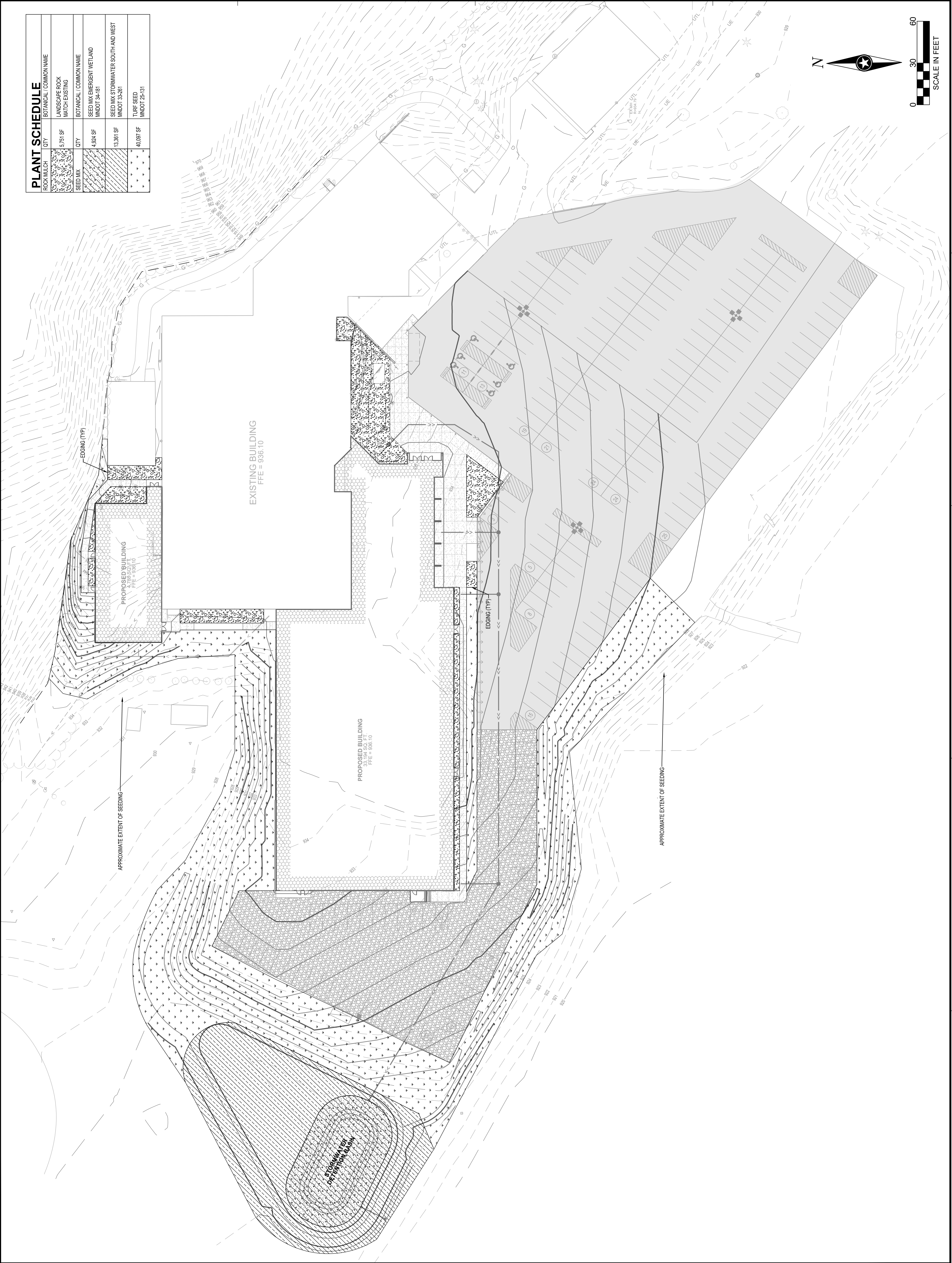
GRADING LEGEND

EXISTING CONTOUR (MINOR INTERVAL)	10'
EXISTING CONTOUR (MAJOR INTERVAL)	100'
PROPOSED CONTOUR (MINOR INTERVAL)	10'
PROPOSED CONTOUR (MAJOR INTERVAL)	100'
PROPOSED SPOT ELEVATION	XXXX
PROPOSED TOP BACK OF CURB SPOT ELEVATION	XXXX

GENERAL GRADING NOTES

PROPOSED CONTOURS SHOW FINISHED GRADE ELEVATIONS. BUILDING PAD AND PAVEMENT HOLD
DOWNS ARE NOT INCLUDED. WHEN CONSTRUCTING BUILDING PADS WITH A HOLD DOWN, GRADE
AREAS TO ENSURE POSITIVE BUILDING PAD DRAINAGE.





PLANT SCHEDULE	
ROCK MULCH	QTY
BOTANICAL COMMON NAME	
LANDSCAPE ROCK	
MATCH EXISTING	
5,751 SF	
SEED MIX	
BOTANICAL COMMON NAME	
SEED MIX EMERGENT WETLAND	
MNDOT 34-181	
4,924 SF	
SEED MIX STORMWATER SOUTH AND WEST	
MNDOT 33-261	
13,361 SF	
TURF SEED	
MNDOT 25-131	
40,087 SF	



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MITCHELL R. WORKMON

DATE _____ LIC. NO. 53748

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PROJECT

**MINNESOTA VALLEY
LUTHERAN**

**FIELDHOUSE
EXPANSION AND
RENOVATION**

NEW ULM MINNESOTA

REVISION SCHEDULE	
DATE	DESCRIPTION
DATE	BY

PROJECT NO.	19-23757
FILE NAME	23757 CS-LAND
DRAWN BY	AAQ
DESIGNED BY	AAONJH
REVIEWED BY	NJH
ORIGINAL ISSUE DATE	--/--
CLIENT PROJECT NO.	-

TITLE

**SITE
RESTORATION
PLAN**

SHEET

C5-10

PLN23-01_ISG Inc./MVLHS_Notice Address List

Name	Address1	Address2
Mn Valley Luth High School	45638 561st Ave	New Ulm, MN 56073
Douglas & Kathleen Lund	45541 Jeremy Dr	New Ulm, MN 56073
Jeffrey & Wendy Bertrang	45493 Jeremy Dr	New Ulm, MN 56073
Aaron & Leah Widmark	45309 Jeremy Dr	New Ulm, MN 56073
Curtis & Kristin Forbrook	45261 Jeremy Dr	New Ulm, MN 56073
David & Patrice Dittrich	45508 Jeremy Dr	New Ulm, MN 56073
David & Christene Rolloff	45452 Jeremy Dr	New Ulm, MN 56073
Nicholas Stevensen & Chelsey Bode	45402 Jeremy Dr	New Ulm, MN 56073
Mary Waibel	45438 541st St	Courtland, MN 56021
Howard Blume	45458 561st Ave	New Ulm, MN 56073
Schroeder Land LLC	45408 551st Ave	Courtland, MN 56021
Marcella Bode	45479 561st Ave	New Ulm, MN 56073
Brian & Judy Rahe	45691 561st Ave	New Ulm, MN 56073
Ruth Rewitzer	55921 US Highway 14	New Ulm, MN 56073
New Ulm Quartzite Quarries Inc	PO Box 55038	Lexington, KY 40555

ATTACHMENT E
Neighbor Notification List



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

Name of Applicant/ Property Owner: ISG Inc.
Minnesota Valley Lutheran High School

Date: January 23, 2023

File #: PLN23-01

PC Name: _____

Variance Requested: Reduction of the bluffline setback in the Conservancy District from 30 feet to 0 feet for the purpose of constructing a school 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 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

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 SIDE YARD SETBACK TO 2 FEET FOR THE PURPOSE OF CONSTRUCTING A GARAGE

Gregg & Lois Bode

PLN23-02

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN23-02
APPLICANT:	Gregg & Lois Bode
LANDOWNER:	Gregg & Lois Bode
LOCATION:	Government Lot 1, Section 34-110-29, in Courtland Township
PARCEL NO:	04.134.0320
EXISTING ZONING:	Shoreland, Special Protection
HEARING DATE:	01/23/2023
60 DAYS FROM REQUEST:	04/27/2023

REQUEST

The applicants are requesting a variance to reduce the side yard setback in the Shoreland and Special Protection Zoning Districts from 50 feet to 2 feet for the purpose of constructing a garage.

ORDINANCE

Nicollet County Shoreland Ordinance 501 2 (B): minimum setback from property lines of fifty (50) feet.

Nicollet County Zoning Ordinance 611.4 3 (A): side and rear yards, fifty (50) foot setback.

PROJECT DESCRIPTION

The proposal consists of a 36' x 45' garage situated in the northwest corner of the lot close to the dwelling. The new structure would replace an existing garage from the 1940's. The applicants stated the existing garage is too small to meet their needs, and the increased space would allow them enough room to store their vehicles and lawn equipment.

There are other locations on the lot where the garage can be placed and meet setbacks. However, the applicants state these locations are unfeasible because it places the garage too far away from the home. The applicants would like to live independently for as long as possible, and believe having the garage close to the dwelling improves safety. They also noted the alternative locations would remove land from agriculture or require the removal of a mature shade tree.

The new garage would meet all setbacks, with the exception of the side yard. The Minnesota Department of Natural Resources was notified of the request due to the proximity to Swan Lake, and declined to comment.

EXISTING LAND USE

The 10 acre lot is situated on Swan Lake and contains a dwelling, farm field, and wetlands near the shoreline.

SURROUNDING LAND USE

The surrounding land use is predominantly agricultural, consisting of farms and farmsteads situated on the shore of Swan Lake. The neighboring property to the North contains a dwelling and agricultural buildings.

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

A variance to a provision of the Zoning Ordinance may be issued to provide relief to the landowner in those zones where the intent of the official control creates practical difficulties for the property owner in the use of their land. 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. No variance shall permit standards lower than those required by state law. A variance may be granted only in the event that the following circumstances exist:

1. The variance is in harmony with the general purposes and intent of the official control?
2. The variance is consistent with the intent of the comprehensive plan?
3. The variance establishes a practical difficulty in complying with the official controls?
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?
5. The variance will not alter the essential character of the locality?
6. The practical difficulty includes more than economic considerations alone?

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.

**Applicant and Property Owners:
Gregg & Lois Bode**

PLN23-02

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Area 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#: 1134200006
Parcel# 041340320
Permit#: [PLN22-00008](#)
Date: December 28, 2022

Applicant: BODE GREGG & LOIS BODE, , 51850 COUNTY ROAD 21, COURTLAND MN 56021

Phone:

Owner: BODE GREGG & LOIS BODE, 51850 COUNTY ROAD 21, COURTLAND MN 56021

Property Address: 51850 COUNTY ROAD 21, COURTLAND MN 56021

Abbreviated Legal Description: BEG 733.3'N OF E1/4 COR; NW970.66'; NE631.21'; SE473'+/-; S372'+/- TO POB. TOTAL ACRES 10.00

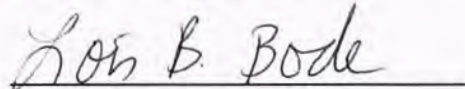
Township: Courtland Township

Record Type: Variance

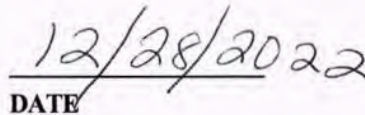
Category: Other

Project Description: Variance request to reduce the front yard setback to 40.9' feet and side yard setback to 2' feet for the purpose of replacing a garage.

Hearing Date: 12/23/2022



APPLICANT SIGNATURE



DATE

ATTACHMENT A
Application





Name of Applicant: Lain B. Bode
Request: to build a garage

Date: 11-23-22

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.

The building of the new garage, which will be built on the site of the 1940's garage, fits in perfectly with the original site and will not disturb anyone else. Therefore, building the new garage is the right thing to do.

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

The new garage will work well with the house site and will not bring about any conflicts with anyone or natural resources.

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

The variance makes the new garage workable and will fit in with the site and the garage will not alter the character of the locality.

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

The building site was pre-existing with the garage built in the 1940's and the house was built in 1950's. The current site was created in 1999 by my late parents, and the site was created as is.

ATTACHMENT D

Submitted by Applicant

(Continued onto back)

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

The new garage will be built on the site of the 1940's. The new garage will not be a hindrance to any other parties or natural resource.

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

This is a logical location for the garage as it is located by the entrance of the house. Also this is a safety consideration in having close access from the garage to the house and vice versa.

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



Name of Applicant: Lon B. Bode

Date: 11-23-22

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.

The building of the garage will give us the capacity to store our vehicles, lawn mower, and a snow blower, as currently the 1940's garage is much too small. Also, will enable us to house our vehicles out of snowy/icy conditions and will be located by the entrance to the house. This will be a safety issue as we will not have to walk so far in stormy weather. This will also help to keep us living independently in our home as long as possible.

An alternative location would be in the yard and/or field. Neither is a reasonable alternative as this would locate the garage quite a distance from the entrance of the house and would be a safety concern. It would also mean taking land out of agriculture and/or cutting down mature shade trees.

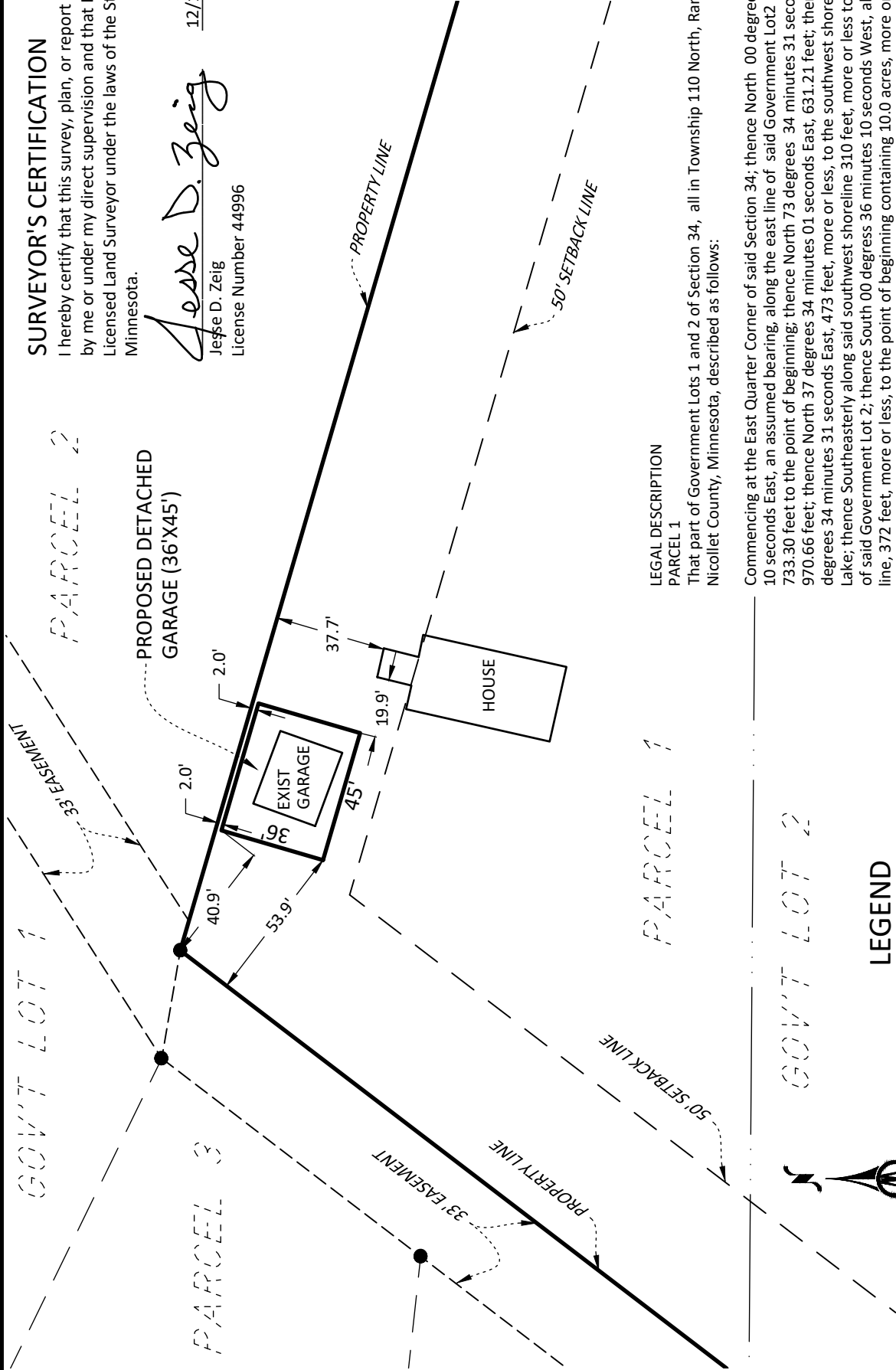
The new garage will provide us the means to safely house our vehicles in close proximity to the entrance of our home. Be a benefit at any time, but especially as we would like to live at home independently as long as possible.

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.

Jesse D. Zeig
Jesse D. Zeig
License Number 44996

12/16/2022
Date



LEGAL DESCRIPTION
PARCEL 1

That part of Government Lots 1 and 2 of Section 34, all in Township 110 North, Range 29 West, Nicollet County, Minnesota, described as follows:

Commencing at the East Quarter Corner of said Section 34; thence North 00 degrees 36 minutes 10 seconds East, an assumed bearing, along the east line of said Government Lot 2 a distance of 733.30 feet to the point of beginning; thence North 73 degrees 34 minutes 31 seconds West 970.66 feet; thence North 37 degrees 34 minutes 01 seconds East, 631.21 feet; thence South 73 degrees 34 minutes 31 seconds East, 473 feet, more or less, to the southwest shoreline of Swan Lake; thence Southeasterly along said southwest shoreline 310 feet, more or less to the east line of said Government Lot 2; thence South 00 degrees 36 minutes 10 seconds West, along said east line, 372 feet, more or less, to the point of beginning containing 10.0 acres, more or less, and being subject to easements of record in said county and state.

LEGEND
● MONUMENT FOUND

VARIANCE SKETCH
COURTLAND TOWNSHIP, NICOLLET COUNTY, MINNESOTA



1243 CEDAR STREET NE
SLEEPY EYE, MN 56085
(507) 794-5541

PART OF GOVERNMENT LOT 1 AND LOT 2
SECTION 34-110-29

FOR: GREG AND LOIS BODE

No delinquent taxes
Transfer entered on May 10, 2000
Certificate Real Estate () filed () not required

Certificate of Real Estate Value No. 18715

ROBERT BRUNS by B Kennedy, Deputy
Nicollet County Auditor

OFFICE OF COUNTY RECORDER
NICOLLET COUNTY, MINNESOTA

Doc. No. 228912



Certified Recorded on 05-11-2000 at 02:00 PM



KATHRYN CONLON, County Recorder
Nicollet County, Minnesota

REC'D: GREGG BODE

Fee: \$ 19.50

----- (space above reserved for recording information) -----

WARRANTY DEED - Individuals to Individuals

STATE DEED TAX DUE HEREON: \$ 72.60
Date: December 6, 1999

FOR VALUABLE CONSIDERATION, DelRoy Zimmerman and Ila Zimmerman, husband and wife, Grantors, hereby convey and warrant to Lois Bode and Gregg Bode, husband and wife, as joint tenants, Grantees, real property in Nicollet County, Minnesota, described as follows:

WELL CERTIFICATE

PARCEL 1:

RECEIVED _____
NOT REQUIRED X

THAT PART OF GOVERNMENT LOTS 1 AND 2 OF SECTION 34, TOWNSHIP 110 NORTH, RANGE 29 WEST, NICOLLET COUNTY, MINNESOTA, described as follows:

Commencing at the East Quarter Corner of said Section 34; thence North 00 degrees 36 minutes 10 seconds East, an assumed bearing, along the East line of said Government Lot 2 a distance of 733.30 feet to the point of beginning; thence North 73 degrees 34 minutes 31 seconds West 970.66 feet; thence North 37 degrees 34 minutes 01 seconds East 631.21 feet; thence South 73 degrees 34 minutes 31 seconds East 473 feet, more or less to the southwest shoreline of Swan Lake; thence Southeasterly along said southwest shoreline 310 feet, more or less to the east line of said Government Lot 2; thence South 00 degrees 36 minutes 10 seconds West, along said east line, 372 feet, more or less, to the point of beginning containing 10.0 acres, more or less, and being subject to easements of record in said county and state;

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: easements, agreements, restrictions and reservations of record, if any, including Declaration of Easements and Well and Road Rights and Responsibilities dated August 5, 1999 and filed August 10, 1999 as Document No. 225209.

Grantors certify that Grantors do not know of any wells on the described property.

This deed is given in full and complete satisfaction of Grantors' obligations under that Contract for Deed dated August 1, 1999 and filed August 10, 1999 as Document No. 225211.

Nicollet County Deed Tax Paid 72.60
Date 5/11/00
Myrna Schaub by JK
Nicollet County Treasurer

Current Property Tax
M.S. 272.121
Paid in Full
X Exempt
Date 5/11/00 Myrna Schaub
Co. Treasurer by JK

DelRoy Zimmerman
DelRoy Zimmerman

Ila Zimmerman
Ila Zimmerman

STATE OF MINNESOTA

SS.

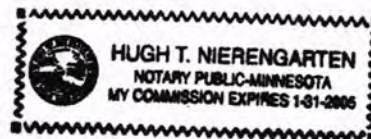
COUNTY OF BROWN

The foregoing instrument was acknowledged before me this 6th day of December, 1999 by DelRoy Zimmerman and Ila Zimmerman, husband and wife, Grantors.

[Signature]
SEND TAX STATEMENTS TO:

Lois Bode
Gregg Bode
Route 1, Box 91
Courtland, MN 56021

THIS INSTRUMENT DRAFTED BY:
Hugh T. Nierengarten
Nierengarten & Hippert, Ltd.
P.O. Box 214
New Ulm, MN 56073



1-31-2005

PLN23-02_Bode_Notice Address List

Name	Address1	Address2
Gregg & Lois Bode	51850 County Road 21	Courtland, MN 56021
Kimberly Zimmerman Living Trust	51951 County Road 21	Courtland, MN 56021
Dale, David, & Lance Zimmerman	51846 County Road 21	Courtland, MN 56021
Joey & Molly Zimmerman	10724 108th Ave N	Hanover, MN 55341
Bruce Hulke Living Trust	51589 County Road 21	Courtland, MN 56021
David & Rebecca Hulke	52004 County Road 21	Courtland, MN 56021
David Zimmerman Living Trust	51951 County Road 21	Courtland, MN 56021
Linda Neigebauer Trust	56216 County Road 21	Courtland, MN 56021
Gary & Sheri Hulke	51771 County Road 21	Courtland, MN 56021
Lance Zimmerman	51734 County Road 21	Courtland, MN 56021
Brittany & Nathanael Phillips	51731 County Road 21	Courtland, MN 56021
Dale Zimmerman	51850 Co Rd 21	Courtland, MN 56021



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

Name of Applicant/ Property Owner: Gregg & Lois Bode

Date: January 23, 2023

File #: PLN23-02

PC Name: _____

Variance Requested: Reduction of the side yard setback to 2 feet for the purpose of constructing a garage

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

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: _____