

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: February 27, 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. Review of Cancellations and Additions
4. Approval of Minutes: *January 23, 2023*
5. Approval of findings of fact: *January 23, 2023*
 - PLN23-01, ISG Inc. / Minnesota Valley Lutheran High School
 - PLN23-02, Gregg & Lois Bode
6. Public Appearances
7. Old Business
8. Other Business
9. Communications
10. 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	JANUARY 23, 2023	7:00 PM	NICOLLET COUNTY BOARD ROOM
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ROLL CALL	BOARD MEMBERS PRESENT	BOARD MEMBERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	☐ Justin Laven ☒ Lloyd Hoffmann ☒ Randy Schwab ☒ Jon Thoreson ☒ Dave Ubel	☒ Justin Laven ☐ Lloyd Hoffmann ☐ Randy Schwab ☐ Jon Thoreson ☐ Dave Ubel	☒ Spencer Crawford, Deputy Zoning Administrator (DZA) ☒ Loria Rebuffoni, Property Services Supervisor (PSS) ☒ Roxann Klein, Assistant County Attorney (ACA) ☒ Crystal Madden, Recording Secretary ☐ Other Staff:

ELECTIONS	MOTION	2 ND
BOARD NOMINATES <i>JUSTIN LAVEN</i> FOR CHAIR	☐ Justin Laven ☐ Lloyd Hoffmann ☒ Dave Ubel ☐ Jon Thoreson ☐ Randy Schwab	☐ Justin Laven ☒ Lloyd Hoffmann ☐ Dave Ubel ☐ Jon Thoreson ☐ Randy Schwab
VOTE TO ADOPT NOMINATION OF CHAIR	☒ PASS ☐ FAIL	VOTE: 4 - 0
BOARD NOMINATES <i>LLOYD HOFFMANN</i> FOR VICE CHAIR	☐ Justin Laven ☐ Lloyd Hoffmann ☒ Dave Ubel ☐ Jon Thoreson ☐ Randy Schwab	☐ Justin Laven ☐ Lloyd Hoffmann ☐ Dave Ubel ☒ Jon Thoreson ☐ Randy Schwab
VOTE TO ADOPT NOMINATION OF VICE CHAIR	☒ PASS ☐ FAIL	VOTE: 4 - 0

APPROVAL OF November 21, 2022 MINUTES	MOTION	2 ND
☒ APPROVE ☐ APPROVE WITH REVISIONS	☐ Justin Laven, <i>Chair</i> ☒ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Randy Schwab ☐ Jon Thoreson ☐ Dave Ubel	☐ Justin Laven, <i>Chair</i> ☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Randy Schwab ☒ Jon Thoreson ☐ Dave Ubel
VOTE TO ADOPT FINDINGS OF FACT	☒ PASS ☐ FAIL	VOTE: 4 - 0

PUBLIC HEARINGS

PLN23-01	APPLICANT/LANDOWNER: ISG / Minnesota Valley Lutheran High School
DESCRIPTION	Reduction of the bluffline setback to 0' for the purpose of constructing a school addition.
STAFF REPORT PRESENTED BY	Spencer Crawford, DZA
APPLICANT TESTIMONY	Nathan Hemer, a civil engineer with ISG, explained the details of the project. He stated the addition would function as a storm shelter per state statute, with the first floor being underground and the second story being above grade. He explained from a technical standpoint how the structure would not impact the bluff. Board Member Ubel asked if building code would be followed, and Hemer confirmed building code would be upheld. DZA Crawford noted the County does not provide building inspections; if there were any, it would come from the state. Board Member Ubel stated he

	did a site visit and observed there were trees that would need to be trimmed before construction. Board Member Thoreson asked Hemer why ISG went in the geographical direction they did with the addition. Hemer responded that they were required due to the building's current layout.		
PUBLIC TESTIMONY	None.		
BOARD DISCUSSION	None.		
BOARD ACTION - APPROVAL	MOTION		2ND
☒ APPROVAL WITH CONDITIONS AS LISTED BY STAFF ☐ APPROVAL WITH REVISED CONDITIONS	☐ Justin Laven, <i>Chair</i> ☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Randy Schwab ☐ Jon Thoreson ☒ Dave Ubel		☐ Justin Laven, <i>Chair</i> ☐ Lloyd Hoffmann, <i>Vice Chair</i> ☒ Randy Schwab ☐ Jon Thoreson ☐ Dave Ubel
VOTE TO APPROVE PERMIT	☒ APPROVED	☐ DENIED	VOTE: 4 - 0

PLN23-02	APPLICANT/LANDOWNER: Gregg & Lois Bode		
DESCRIPTION	Reduction of the side yard setback to 2' for the purpose of constructing a garage.		
STAFF REPORT PRESENTED BY	Spencer Crawford, DZA		
APPLICANT TESTIMONY	None.		
PUBLIC TESTIMONY	None.		
BOARD DISCUSSION	Board member Thoreson asked staff what the intent of the official control was. DZA Crawford replied the intent was to keep density low to protect the Shoreland area and separate land uses. Board member Thoreson then asked staff if the County had approved a variance for a property line setback under two (2) feet before. DZA Crawford replied that he was not aware of any, but it probably had happened, and the board did just approve a 0 foot bluff setback variance request. Board member Thoreson asked staff what the intent of the comprehensive plan is. DZA Crawford replied the health, safety, and general welfare of the county. Board Member Thoreson asked the applicant, Gregg Bode, if his neighbor had any concern with the garage being so close to the property line. Bode affirmed that his neighbor had no concern. Board Member Thoreson asked Bode why he isn't building the garage in the opposite direction of the proposed site. Bode responded to maintain the view of the lake and the location of existing water and power lines.		
BOARD ACTION - APPROVAL	MOTION		2ND
☒ APPROVAL WITH CONDITIONS AS LISTED BY STAFF ☐ APPROVAL WITH REVISED CONDITIONS	☐ Justin Laven, <i>Chair</i> ☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Randy Schwab ☐ Jon Thoreson ☒ Dave Ubel		☐ Justin Laven, <i>Chair</i> ☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Randy Schwab ☒ Jon Thoreson ☐ Dave Ubel
VOTE TO APPROVE REQUEST	☒ APPROVED	☐ DENIED	VOTE: 4-0

ADDITIONAL ITEMS

OLD BUSINESS	None.
OTHER BUSINESS	None.
COMMUNICATIONS	None.

MOTION TO ADJOURN MEETING	1ST MOTION		2ND MOTION
07:39 PM	☐ Justin Laven, <i>Chair</i> ☐ Lloyd Hoffmann, <i>Vice Chair</i> ☒ Randy Schwab ☐ Jon Thoreson ☐ Dave Ubel		☐ Justin Laven, <i>Chair</i> ☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Randy Schwab ☒ Jon Thoreson ☐ Dave Ubel
VOTE TO ADJOURN MEETING	☒ PASS	☐ FAIL	VOTE: 4 - 0

		DATE	2/27/2023
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	2/27/2023

DRAFT



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant ISG, Inc. Hearing January 23, 2023
Property Owner Minnesota Valley Lutheran High School Continuation N/A
File PLN23-01
Variance Request 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 purpose and intent of the official control.

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	The proposal does not encroach into the bluff and will not affect the integrity of the bluff. There is an existing building on the site within the bluff setback.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	The request does not alter the bluff or character of the area.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	There is currently an existing building with a 0 foot setback. The layout of the building (locker rooms on the west side) makes it difficult to place an addition, and creates a practical difficulty.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	The bluffline is naturally occurring, which the property owner had no control over. The existing building was placed too close to the bluff. The property owner has no other location for the proposal.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	No work within the bluffline will occur; the bluff will remain naturally wooded. The use will remain a school.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	This location has a bluffline which cannot be impacted or relocated. The contractor will take all necessary measures to protect the bluff. The topography of the area makes it difficult to locate the addition anywhere else.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS

☒ APPROVES THE REQUESTED VARIANCE

☐ DENIES THE REQUESTED VARIANCE

THIS DECISION WAS BASED UPON

- | | |
|--|--|
| ☒ Application | ☐ Site visit |
| ☒ Information received at public hearing | ☒ Staff Report |
| ☒ Pictures | |

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

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY BOARD OF ADJUSTMENT & APPEALS.

Date: _____ Chair: _____



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant Gregg & Lois Bode
Property Owner Gregg & Lois Bode
File PLN23-02

Hearing January 23, 2023
Continuation N/A

Variance Request Reduction of 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.

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.

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	The new garage will fit in with the existing site. The old garage and part of the house are already within the setback.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	The intent of the Comprehensive Plan is to protect natural resources; this proposal replaces an existing garage and does not conflict with the neighbor or natural resources. The proposal does not require tree removal or pull land out of agricultural use.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	The proposal is the most practical place to place a garage given the location of the home. The proposal allows the property owners to maintain their view of the lake.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	The building site was preexisting, with the current garage having been built in the 1940's. The garage being replaced is within the setback.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	Nothing is changing with the locality, the property owners are just replacing a garage from the 1940's. The new garage is similar to the old garage.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Justin Laven	☐	☐	☐	☒	This is the most logical location in relation to the home. The proposed location will maintain the view of the lake. The garage should be close to the home for safety and convenience.
Lloyd Hoffmann	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS

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☐ DENIES THE REQUESTED VARIANCE

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- | | |
|--|--|
| ☒ Application | ☐ Site visit |
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Date: _____ Chair: _____