

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: March 20, 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: *February 27, 2023*
5. Public Appearances
6. **PUBLIC HEARING: PLN 23-05**

Applicant/Landowner: Jared Puhlmann

Request: Reduction of the front yard setback from 35 feet to 27.7 feet in the Urban/ Rural Residential, Conservancy, & Shoreland Zoning Districts, and reduction of the side yard setback from 50 feet to 40 feet in the Shoreland Zoning District, for the purpose of constructing a dwelling.

Location: Northwest ¼ of the Northwest ¼, Section 1-110-31, West Newton Township

Parcel Number: 13.871.0050

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	FEBRUARY 27, 2023	7:00 PM	NICOLLET COUNTY BOARD ROOM
----------------	--------------------------	----------------	-----------------------------------

ROLL CALL	BOARD MEMBERS PRESENT	BOARD MEMBERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	☒ 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	☒ Spencer Crawford, Deputy Zoning Administrator (DZA) ☒ Loria Rebuffoni, Property Services Supervisor (PSS) ☒ Roxann Klein, Assistant County Attorney (ACA) ☒ Crystal Madden, Recording Secretary ☐ Other Staff: ☐ Other Staff:

APPROVAL OF JANUARY 23, 2023 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> ☐ Dave Ubel ☒ Jon Thoreson ☐ Randy Schwab
VOTE TO APPROVE MINUTES	☒ PASS	☐ FAIL VOTE: 5 - 0

APPROVAL OF January 23, 2023 PLN23-01 FINDINGS OF FACT	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 PLN23-01 FINDINGS OF FACT	☒ PASS	☐ FAIL VOTE: 5 - 0

APPROVAL OF January 23, 2023 PLN23-02 FINDINGS OF FACT	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 PLN23-02 FINDINGS OF FACT	☒ PASS	☐ FAIL VOTE: 5 - 0

PUBLIC HEARINGS

NO PUBLIC HEARINGS	
--------------------	--

ADDITIONAL ITEMS

OLD BUSINESS	None.
OTHER BUSINESS	None.
COMMUNICATIONS	None.

MOTION TO ADJOURN MEETING	MOTION		2ND
7:02 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: 5 - 0

JUSTIN LAVEN, CHAIR		DATE	3/20/2023
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	3/20/2023

DRAFT



VARIANCE

**REDUCTION OF THE FRONT YARD
SETBACK TO 27.7 FEET & SIDE YARD
SETBACK TO 40 FEET FOR THE PURPOSE
OF CONSTRUCTING A DWELLING**

Jared Puhlmann

PLN23-05

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN23-05
APPLICANT:	Jared Puhlmann
LANDOWNER:	Jared Puhlmann
LOCATION:	Northwest ¼ of the Northwest ¼, Section 1-110-31, in West Newton Township
PARCEL NO:	13.871.0050
EXISTING ZONING:	Urban/Rural Residential, Conservancy, & Shoreland
HEARING DATE:	03/20/2023
60 DAYS FROM REQUEST:	04/25/2023

REQUEST

The applicant is requesting a variance to reduce the following property line setbacks:

FRONT YARD

Zoning District	Required Setback	Requested Setback
Urban/Rural Residential, Conservancy	35' (Township right-of-way)	27.7'
Shoreland	50' (property line)	27.7'

SIDE YARD

Zoning District	Required Setback	Requested Setback
Shoreland	50'	40'

ORDINANCE

Nicollet County Zoning Ordinance 603.4 2 (A): Required setback from road right-of-way, Township/Private Roads/Easement, Thirty-five (35) feet.

Nicollet County Zoning Ordinance 604.4 2 (A): Required setback from road right-of-way, Township/Private Roads/Easement, Thirty-five (35) feet.

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

PROJECT DESCRIPTION

The proposal consists of a 1,620 square foot 3 bedroom dwelling on block 1, lot 5 of the West Newton Group subdivision. The southwestern part of the property is bluff, starting from the rear property line and steeply rising until it flattens halfway through the lot. The location of the bluff

does not leave enough room to meet Nicollet County setbacks with the size of home proposed. The applicant states they are requesting a reduction in the front yard setback rather than the bluff setback to preserve slope stability. They also state the side yard variance is being requested in order to leave enough room for a septic mound.

EXISTING LAND USE

The 1.4 acre lot has been vacant since its creation on November 18th, 1981. This predates the 1.5 acre minimum lot size for the Urban/Rural Residential Zoning District and complied with the ordinance at the time of its creation. The lot is considered legal nonconforming and will remain as such provided the original property lines are unchanged.

SURROUNDING LAND USE

The surrounding land use is predominantly residential, with homes to the north, east, and west. The Minnesota River floodplain is to the south of the property beyond County Road 21. Many of the homes in the surrounding area have a lesser side or front yard setback than what is being requested by the applicant.

SITE REVIEW

Staff conducted a site visit on January 25, 2023 and took photographs of the property.

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?
 - The intent of the bluff setback is to prevent slumping and improve slope stability.

- The intent of the front and side yard setback is to provide a buffer between land uses.
2. The variance is consistent with the intent of the Comprehensive Plan?
- The Comprehensive Plan states the following in regard to the Zoning Districts:
 - The Urban/Rural Residential District was established in areas within the county for the purpose of allowing limited urban growth.
 - The Conservancy District is created for those areas that either contain a valuable natural resource which should be protected or are not suitable for agricultural production or urban development.
 - The Shoreland District was developed to provide guidelines for the use of land and water resources along the shorelands in Nicollet County. This regulation helps to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the use of waters and related land resources.
 - The Comprehensive Plan also states that:
 - Right of ways are a valuable public asset to be maintained.
 - Bluffs are a natural resource to be preserved, protected, and conserved.
3. The variance establishes a practical difficulty in complying with the official controls?
- About half of the Applicant's property is covered by bluff, leaving a small and irregular shaped buildable area.
 - Without a variance, the Applicant is not denied reasonable use of the property (e.g., a smaller home could be constructed that meets the requirements).
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?
- The plight is related to the size of the property and location of the bluff.
5. The variance will not alter the essential character of the locality?
- Some, but not all, of the surrounding dwellings have a lesser front and/or side yard setback than what is being requested by the applicant.
6. The practical difficulty includes more than economic considerations alone?

- The request appears to be related to the size of the proposed home in relation to the bluff, lot size, and required Nicollet County setbacks.

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/Property Owner:
Jared Puhlmann**

PLN23-05

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial Map
ATTACHMENT D	Submitted by Applicant
ATTACHMENT E	Site Photographs
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	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#: 0901102003
Parcel# 138710050
Permit#: [PLN23-05](#)
Date: February 21, 2023

Applicant: Jared Puhlmann, , 619 N PAYNE ST, NEW ULM MN 56073

Phone: 507 276 0929

Owner: , ,

Property Address: ,

Abbreviated Legal Description: Block 1 Lot 5 SubdivisionCd 13871 SubdivisionName WEST NEWTON GROUP SUB

Township: West Newton Township

Record Type: Variance

Category: Front Yard

Project Description: Variance request to construct a new dwelling within the front and side yard setback in the Shoreland District and front yard setback in the Conservancy District.

Hearing Date: 03/20/2023


Jared J. Puhlmann (Feb 24, 2023 22:20 CST)

APPLICANT SIGNATURE

Feb 24, 2023

DATE

ATTACHMENT A
Application

Application

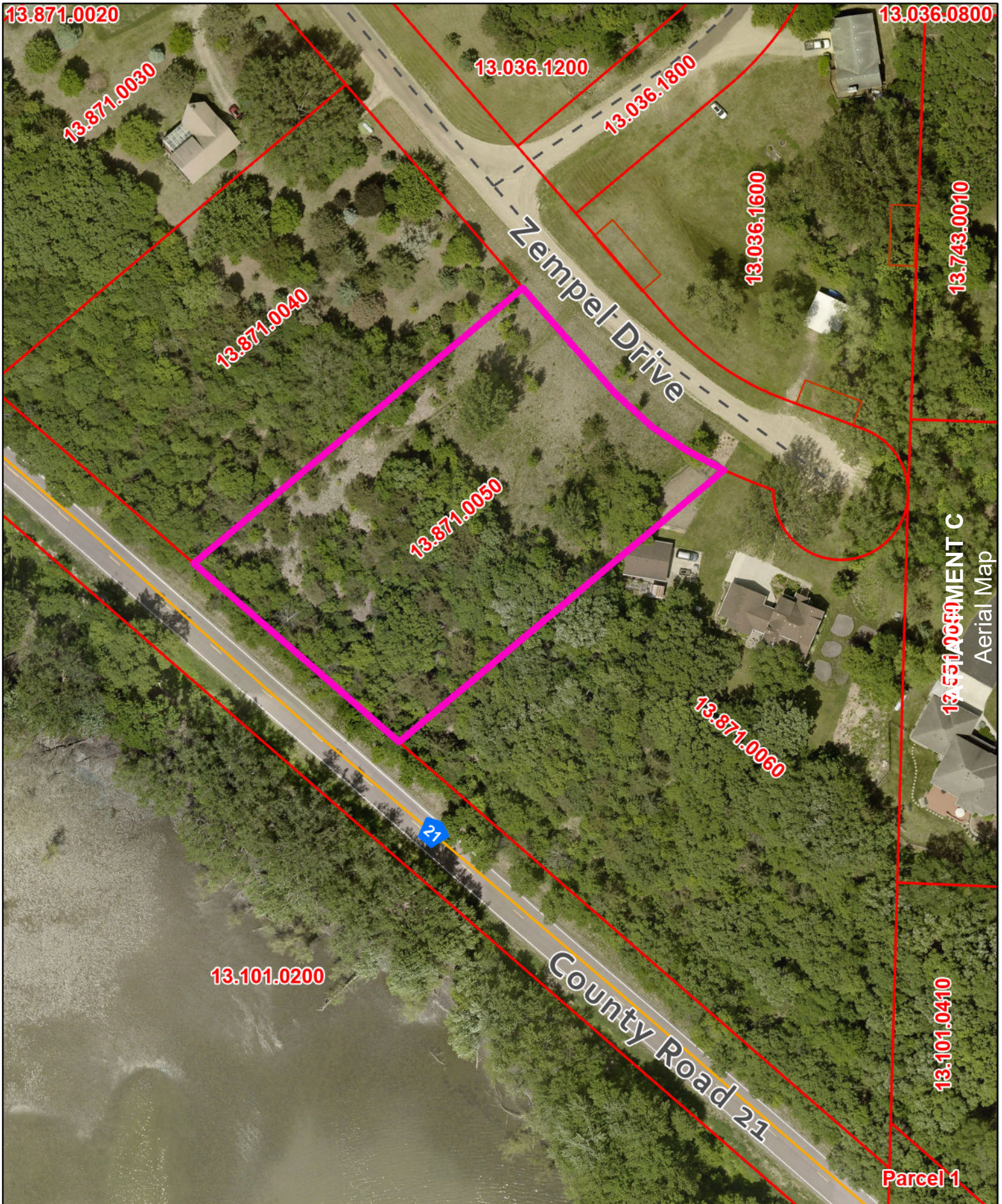
Final Audit Report

2023-02-25

Created:	2023-02-21
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAANuLSZftI1ORhobXuLisTdnS_pf1-7uYs

"Application" History

-  Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
2023-02-21 - 4:39:52 PM GMT
-  Document emailed to jared@puhlmannlumber.com for signature
2023-02-21 - 4:41:03 PM GMT
-  Email viewed by jared@puhlmannlumber.com
2023-02-25 - 4:19:24 AM GMT
-  Signer jared@puhlmannlumber.com entered name at signing as Jared J. Puhlmann
2023-02-25 - 4:20:47 AM GMT
-  Document e-signed by Jared J. Puhlmann (jared@puhlmannlumber.com)
Signature Date: 2023-02-25 - 4:20:49 AM GMT - Time Source: server
-  Agreement completed.
2023-02-25 - 4:20:49 AM GMT





Name of Applicant: Tared Puhlmann
Request: Variance for house construction

Date: 2/17/23

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 allow me to build a house for myself on a lot that I purchased. It will fit in with the surrounding houses that are currently near. Keeping in mind the bluffline.

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

As the home owner I will enhance the property by keeping it clean and tight as I can. Since the area is sub divided it won't conflict with the surrounding area.

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

With the bluffline so close with the current setbacks, it makes it difficult to build the proposed house. I'm hoping to be granted this variance so that I can go ahead with the project.

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

The area is divided into lots meant for houses. There is even a association for the area. The bluffline was not created by anyone. It is natural. And I have no plan on doing anything with it.

ATTACHMENT D

Submitted by Applicant

(Continued onto back)

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

The area that I'm asking the variance for is at the top of hill in front of bluff and building will not disturb any of it. I will not have to remove any big established trees. Long grass is the main alteration as far as where I would like to build.

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

The site is perfect for a house with a great view of the river bottom. And its logic for me because I've been searching the market for 1½ years and I need a place to live. The area that the variance is for is a safe distance from both neighbors, the road, and the bluff.

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



VARIANCE APPLICANT QUESTIONNAIRE
PROJECT DESCRIPTION

Name of Applicant: Jared Pohlmann

Date: 2/17/23

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.

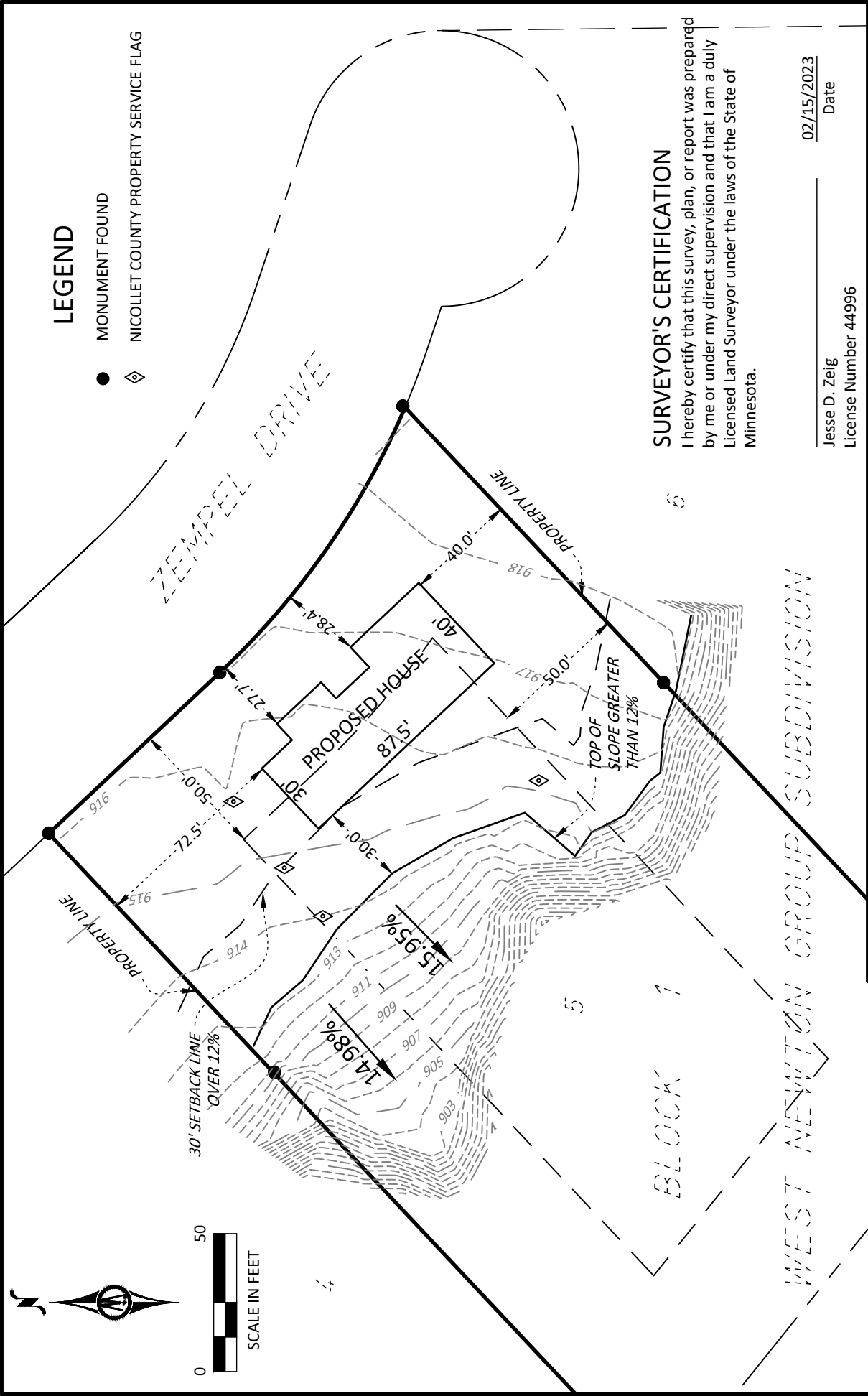
My original plan was to sell my previous house when the market was hot, which I did about 1 1/2 ago. I moved in with my girlfriend of 9 years. I looked for a house for us for the next year and a half. We ended up splitting up and I've been living in my sister's basement ever since. So me needing a place to live is an understatement. This variance will help me build a place to call my own. I plan on doing what ever I can on the interior to save money. This is my first time building so I am trying to take all the necessary steps including having the property surveyed with a variance sketch from Bolton + Mark.

H:\PUHLMAJA PR\051129867\CAD\129867V601.dwg 2/16/2023 9:53 AM



LEGEND

- MONUMENT FOUND
- ◊ NICOLLET COUNTY PROPERTY SERVICE FLAG



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
License Number 44996
02/15/2023
Date

VARIANCE SKETCH	
WEST NEWTON TOWNSHIP, NICOLLET COUNTY, MINNESOTA	
 BOLTON & MENK	
1243 CEDAR STREET NE SLEEPY EYE, MN 56085 (507) 794-5541	
LOT 5, BLOCK 1 WEST NEWTON GROUP SUBDIVISION SECTION 1-110-31 FOR: JARED PUHLMANN	



NAME	ADDRESS_LINE1	ADDRESS_LINE2
Frank & Arlene Matter	61935 Zempel Dr	New Ulm Mn 56073
Jeremy & Nancy Blankenhagen	61940 400Th Ln	New Ulm Mn 56073
Bruce & Lisa Compton	61936 Zempel Dr	New Ulm Mn 56073
Eugene Zempel, W Newton Road Fund	33237 350Th St	Morgan Mn 56266
Jared Puhlmann	619 N Payne St	New Ulm Mn 56073
Toby & Amanda Freier	61797 Sunset Ln	New Ulm Mn 56073
Mark & Brenda Gleisner	61737 Sunset Ln	New Ulm Mn 56073
Mark & Brenda Weihert	61785 Sunset Ln	New Ulm Mn 56073
David & Susan Guggisberg	61794 Sunset Ln	New Ulm Mn 56073
Dennis Wegner	40004 615Th Ave	New Ulm Mn 56073
Jeffrey Raabe	925 North Payne St	New Ulm Mn 56073
Karen Vanderbosch Revocable Trust	8246 Enclave Rd	Woodbury Mn 55125
Robert & Lori Pietz	61851 Zempel Dr	New Ulm Mn 56073
Robert Beranek	39866 615Th Ave	New Ulm Mn 56073
Bonnie Brandel, West Newton Township Clerk	63152 388th Ln	New Ulm, Mn 56073



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant Jared Puhlmann

Hearing March 20, 2023

Property Owner Jared Puhlmann

Continuation n/a

File PLN23-05

Board Member _____

Variance Request

Reduction of the front yard setback from 35 feet to 27.7 feet in the Urban/ Rural Residential, Conservancy, & Shoreland Zoning Districts, and reduction of the side yard setback from 50 feet to 40 feet in the Shoreland Zoning District, for the purpose of constructing a dwelling.

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 ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for a Variance

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

YES ☐ NO ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

Date: _____ Board Member: _____