

## BOARD OF ADJUSTMENT & APPEALS AGENDA

**Date:** April 17, 2023

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

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

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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](mailto:spencer.crawford@co.nicollet.mn.us).

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1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: *March 20, 2023*
5. Approval of Findings of Fact: 3/20/2023
  - PLN 23-06, Jared Puhlmann
6. Public Appearances
7. Old Business
8. Other Business: Procedural Discussion
9. Communications
10. Adjourn

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### 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

|                |                       |                |                                   |
|----------------|-----------------------|----------------|-----------------------------------|
| <b>MINUTES</b> | <b>MARCH 20, 2023</b> | <b>7:00 PM</b> | <b>NICOLLET COUNTY BOARD ROOM</b> |
|----------------|-----------------------|----------------|-----------------------------------|

| ROLL CALL | BOARD MEMBERS PRESENT                                                                                                                                                                                                                                                                 | BOARD MEMBERS ABSENT EXCUSED                                                                                                                                                                                                                         | NICOLLET COUNTY STAFF PRESENT                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | <input checked="" type="checkbox"/> Justin Laven, <i>Chair</i><br><input checked="" type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i><br><input checked="" type="checkbox"/> Randy Schwab<br><input checked="" type="checkbox"/> Jon Thoreson<br><input type="checkbox"/> Dave Ubel | <input type="checkbox"/> Justin Laven, <i>Chair</i><br><input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i><br><input type="checkbox"/> Randy Schwab<br><input type="checkbox"/> Jon Thoreson<br><input checked="" type="checkbox"/> Dave Ubel | <input checked="" type="checkbox"/> Spencer Crawford, Deputy Zoning Administrator (DZA)<br><input type="checkbox"/> Loria Rebuffoni, Property Services Supervisor (PSS)<br><input checked="" type="checkbox"/> Roxann Klein, Assistant County Attorney (ACA)<br><input checked="" type="checkbox"/> Crystal Madden, Recording Secretary<br><input type="checkbox"/> Other Staff:<br><input type="checkbox"/> Other Staff: |

| APPROVAL OF FEBRUARY 27, 2023 MINUTES                                                          | MOTION                                                                                                                                                                                                                                               | 2 <sup>ND</sup>                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> APPROVE<br><input type="checkbox"/> APPROVE WITH REVISIONS | <input type="checkbox"/> Justin Laven, <i>Chair</i><br><input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i><br><input type="checkbox"/> Randy Schwab<br><input checked="" type="checkbox"/> Jon Thoreson<br><input type="checkbox"/> Dave Ubel | <input type="checkbox"/> Justin Laven, <i>Chair</i><br><input checked="" type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i><br><input type="checkbox"/> Dave Ubel<br><input type="checkbox"/> Jon Thoreson<br><input type="checkbox"/> Randy Schwab |
| <b>VOTE TO APPROVE MINUTES</b>                                                                 | <input checked="" type="checkbox"/> PASS                                                                                                                                                                                                             | <input type="checkbox"/> FAIL<br><b>VOTE: 4 - 0</b>                                                                                                                                                                                                  |

## PUBLIC HEARINGS

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLN23-05</b>                  | <b>APPLICANT/LANDOWNER: Jared Puhlmann</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>DESCRIPTION</b>               | Variance request for the 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.                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>STAFF REPORT PRESENTED BY</b> | DZA Crawford                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>APPLICANT TESTIMONY</b>       | Jared Puhlmann stated that he had nothing more to add.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>PUBLIC TESTIMONY</b>          | None.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>BOARD DISCUSSION</b>          | Board Member Schwab stated he visited the site and had concerns with allowing a home closer to the road due to the right of way being narrow. Board Member Hoffmann stated he also conducted a site visit and recommended that the applicant maintain the vegetation on the bluff for slope stability. Board Member Laven asked the applicant if the neighbors shed and driveway were on or over the property line, as they appeared to be on the staff provided maps. Mr. Puhlmann replied they are close to but not on his property; DZA Crawford confirmed, noting the staff provided maps may be slightly skewed. Board Members Schwab, Thorson, & Laven asked DZA Crawford general questions about the Zoning Ordinance. |

| BOARD ACTION - APPROVAL                                                                                                                      | MOTION                                                                                                                                                                                                                                               | 2 <sup>ND</sup>                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> APPROVAL WITH CONDITIONS AS LISTED BY STAFF<br><input type="checkbox"/> APPROVAL WITH REVISED CONDITIONS | <input type="checkbox"/> Justin Laven, <i>Chair</i><br><input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i><br><input type="checkbox"/> Randy Schwab<br><input checked="" type="checkbox"/> Jon Thoreson<br><input type="checkbox"/> Dave Ubel | <input type="checkbox"/> Justin Laven, <i>Chair</i><br><input checked="" type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i><br><input type="checkbox"/> Randy Schwab<br><input type="checkbox"/> Jon Thoreson<br><input type="checkbox"/> Dave Ubel |
| <b>VOTE TO APPROVE REQUEST</b>                                                                                                               | <input checked="" type="checkbox"/> APPROVED                                                                                                                                                                                                         | <input type="checkbox"/> DENIED<br><b>VOTE: 3 - 1</b>                                                                                                                                                                                                |

**ADDITIONAL ITEMS**

|                           |                                                                                                                                                                                                                                                                                                                       |                               |                                                                                                                                                                                                                                                      |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OLD BUSINESS              | None.                                                                                                                                                                                                                                                                                                                 |                               |                                                                                                                                                                                                                                                      |
| OTHER BUSINESS            | DZA Crawford stated that staff intended to discuss the draft hearing procedure and the findings of fact recording documents, but that it would be tabled until next month's hearing due to PPS Rebuffoni being absent. DZA Crawford asked the Board if they had any questions, and there was discussion on procedure. |                               |                                                                                                                                                                                                                                                      |
| COMMUNICATIONS            | None.                                                                                                                                                                                                                                                                                                                 |                               |                                                                                                                                                                                                                                                      |
| MOTION TO ADJOURN MEETING | MOTION                                                                                                                                                                                                                                                                                                                |                               | 2 <sup>ND</sup>                                                                                                                                                                                                                                      |
| 7:42 PM                   | <input type="checkbox"/> Justin Laven, <i>Chair</i><br><input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i><br><input checked="" type="checkbox"/> Randy Schwab<br><input type="checkbox"/> Jon Thoreson<br><input type="checkbox"/> Dave Ubel                                                                  |                               | <input type="checkbox"/> Justin Laven, <i>Chair</i><br><input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i><br><input type="checkbox"/> Randy Schwab<br><input checked="" type="checkbox"/> Jon Thoreson<br><input type="checkbox"/> Dave Ubel |
| VOTE TO ADJOURN MEETING   | <input checked="" type="checkbox"/> PASS                                                                                                                                                                                                                                                                              | <input type="checkbox"/> FAIL | VOTE: 4 - 0                                                                                                                                                                                                                                          |

|                                                  |  |      |  |
|--------------------------------------------------|--|------|--|
| JUSTIN LAVEN,<br>CHAIR                           |  | DATE |  |
| SPENCER CRAWFORD,<br>DEPUTY ZONING ADMINISTRATOR |  | DATE |  |



## BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant Jared Puhlmann  
Property Owner Jared Puhlmann  
File PLN23-05

Hearing March 20, 2023  
Continuation N/A

### Variance Request

Proposal for reduction 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.

| BOARD MEMBER   | YES                                 | NO                                  | ABSTAIN                  | ABSENT                              | REASON                                                                                                               |
|----------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| Justin Laven   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | The requested setback variance and location of the proposed home is consistent with other homes in the neighborhood. |
| Lloyd Hoffmann | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                                      |
| Randy Schwab   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                                      |
| Jon Thoreson   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | Due to the lot size and location of the bluff there is no better location for the home.                              |
| Dave Ubel      | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                                      |

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

| BOARD MEMBER   | YES                                 | NO                                  | ABSTAIN                  | ABSENT                              | REASON                                                             |
|----------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------------------------------------------------|
| Justin Laven   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | The proposal is consistent with other homes in the immediate area. |
| Lloyd Hoffmann | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                    |
| Randy Schwab   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Without the variance, this lot would not be buildable.             |
| Jon Thoreson   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                    |
| Dave Ubel      | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                    |

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

| BOARD MEMBER   | YES                                 | NO                                  | ABSTAIN                  | ABSENT                              | REASON                                                                                                                   |
|----------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Justin Laven   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | Due to the existing setbacks, the lot is too small to build a reasonable size home and septic system without a variance. |
| Lloyd Hoffmann | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                                          |
| Randy Schwab   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                                          |
| Jon Thoreson   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                                          |
| Dave Ubel      | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                                          |

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   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | The lot was created prior to the 1.5 acre minimum lot size, and the property is too close the bluff and the road for the home to be built without a variance. |
| Lloyd Hoffmann | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                                                                               |
| Randy Schwab   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                                                                               |
| Jon Thoreson   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                                                                                               |
| Dave Ubel      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                                                                                               |

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

| BOARD MEMBER   | YES                                 | NO                       | ABSTAIN                  | ABSENT                              | REASON                                                                                  |
|----------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------|
| Justin Laven   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | The property's lot size, setbacks, and bluff constraints are similar to adjacent homes. |
| Lloyd Hoffmann | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                         |
| Randy Schwab   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                         |
| Jon Thoreson   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                         |
| Dave Ubel      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                         |

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

| BOARD MEMBER   | YES                                 | NO                       | ABSTAIN                  | ABSENT                              | REASON                                                                             |
|----------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|------------------------------------------------------------------------------------|
| Justin Laven   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | An average size home could not be constructed on this lot without a variance.      |
| Lloyd Hoffmann | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                    |
| Randy Schwab   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | The requested setback variance is typical to other properties in the neighborhood. |
| Jon Thoreson   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |                                                                                    |
| Dave Ubel      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                                                                                    |

## THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS

☒ APPROVES THE REQUESTED VARIANCE

☐ DENIES THE REQUESTED VARIANCE

### THIS DECISION WAS BASED UPON

- |                                                                            |                                                  |
|----------------------------------------------------------------------------|--------------------------------------------------|
| <input checked="" type="checkbox"/> Application                            | <input checked="" type="checkbox"/> Site visit   |
| <input checked="" type="checkbox"/> Information received at public hearing | <input checked="" type="checkbox"/> Staff Report |
| <input checked="" type="checkbox"/> 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: \_\_\_\_\_