

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: June 26, 2022

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: *May 15, 2023*
5. Public Appearances
6. **PUBLIC HEARING: PLN 23-08**
 - Applicant: Edward & Ethanie Schmidt
 - Landowner: Edward & Ethanie Schmidt
 - Request: Reduction of the bluff setback from 30 feet to 4.2 feet in the Conservancy Zoning District for the purpose of constructing a 8' x 22' covered porch on the front (west) side of the home
 - Location: Southeast ¼ of the Northeast ¼, Section 27/110/30, Courtland Township
 - Parcel Number: 04.027.1000
7. **PUBLIC HEARING: PLN 23-09**
 - Applicant: Ruth Klossner
 - Landowner: Ruth Klossner
 - Request: Reduction of the county road front yard setback from 50 feet to 33 feet in the Rural Townsite Zoning District for the purpose of constructing a 16' x 32' home addition
 - Location: Northwest ¼ of the Northeast ¼, Section 3/111/29, Bernadotte Township
 - Parcel Number: 02.003.0500
8. Old Business
9. Other Business
10. Communications
11. 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	MAY 15, 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, <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:

CANCELLATIONS & ADDITIONS

- Cancellation of agenda item #7 by PSS Rebuffoni.
- Request by PSS Rebuffoni to add Board approval, per the by-laws, to move the June 19, 2023 meeting to June 26, 2023 in observance of the Juneteenth holiday. Association of Minnesota Counties (AMC) Conference Committee adopted the language to make the holiday effective 2023.

APPROVAL TO MOVE NEXT MEETING FROM JUNE 19, 2023 TO JUNE 26, 2023	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 MOVE NEXT MEETING FROM JUNE 19, 2023 TO JUNE 26, 2023	☒ PASS	☐ FAIL VOTE: 5 - 0

APPROVAL OF APRIL 17, 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

ADDITIONAL ITEMS

OLD BUSINESS	PLN21-19 update: DZA Crawford reported a site visit was completed, and the majority of the conditions have been complied with but staff found there is work yet to be done. Specifically, planting of vegetation on the bluff for retention, and completing the retaining wall construction. Mr. Gieseke indicated he intended to comply with the conditions of the variance and have the work completed this summer. Staff will monitor and provide follow up on the status of the project.
OTHER BUSINESS	None.
COMMUNICATIONS	None.

MOTION TO ADJOURN MEETING	MOTION		2 ND
07:04 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, CHIAR		DATE	6/26/2023
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	6/26/2023

DRAFT



VARIANCE

REDUCTION OF THE BLUFFLINE SETBACK FOR THE PURPOSE OF CONSTRUCTING A HOME ADDITION

Edward & Ethanie Schmidt

PLN23-08

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN23-08
APPLICANT:	Edward & Ethanie Schmidt
LANDOWNER:	Edward & Ethanie Schmidt
LOCATION:	Southeast ¼ of the Northeast ¼, Section 27/110/30, Courtland Township
PARCEL NO:	04.027.1000
EXISTING ZONING:	Conservancy
HEARING DATE:	06/26/2023
60 DAYS FROM REQUEST:	07/22/2023

REQUEST

Edward & Ethanie Schmidt are requesting a reduction of the bluffline setback from 30 feet to 4.2 feet in the Conservancy Zoning District for the purpose of constructing a 8' x 22' covered porch on the front (west) side of the home.

ORDINANCE

Nicollet County Zoning Ordinance 603.4 (5) *Bluffline*: For any structure, or excavation for a structure, but not for onsite sewage treatment systems, thirty (30) foot setback.

Nicollet County Zoning Ordinance 302 *Definitions*: Bluffline – 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

The covered porch would replace a roughly 80 square foot existing deck that does not meet building code standards per the Applicant. The slope near the west side of the dwelling is marginally over the 12% grade threshold for the bluffline setback to apply. Surveyors Bolton & Menk measured the following slopes more or less within 30 feet of the proposal:

12.86%	8.74%	12.25%	11.69%	13.93%	12.26%
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The undulating nature of the bluffline lead the surveyor to mark an area over 12% grade on the variance survey instead of a delineated line. It is unknown but plausible that part of this slope was

created when leveling the site for construction of the dwelling, although it does appear to sit atop of a natural bluff.

EXISTING LAND USE

The 4.8 acre lot is predominantly bluff with a mixture of scattered and dense tree coverage. The property has been used as a residence since the home was constructed in 1963.

SURROUNDING LAND USE

The surrounding land use is a mix of natural bluffs, farmland, and scattered residential development.

SITE REVIEW

Staff visited the site and took photographs of the request on April 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?
 - The general purpose and intent of the bluff setback is to prevent slumping and improve slope stability.
2. The variance is consistent with the intent of the Comprehensive Plan?
 - The Comprehensive Plan states:
 - Bluffs are a natural resource to be preserved, protected, and conserved.

- The current bluff setback is inadequate for today's development, as slumping continues on bluffs, impacting both the structure and slope stability.
- 3. The variance establishes a practical difficulty in complying with the official controls?
 - The location of bluffline in relation to the dwelling, along with the features of the dwelling (doors, windows, etc.) makes it impossible to construct a larger porch in a typical location without a variance.
 - Without a variance, the Applicant is not denied reasonable use of the property. The current nonconforming porch could be replaced without a variance provided the dimensions stayed the same.
- 4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?
 - The plight is due to the location of the dwelling in relation to the bluff.
- 5. The variance will not alter the essential character of the locality?
 - The Applicant's request is not unusual for the area, and the porch is reasonably well screened from surrounding residences.
- 6. The practical difficulty includes more than economic considerations alone?
 - There is no apparent economic benefit to the Applicant by obtaining a variance for their request.

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:
Edward & Ethanie Schmidt**

PLN23-08

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#: 1027200016

Parcel# 04.027.1000

Permit#: [PLN23-08](#)

Date: May 23, 2023

Applicant: Edward & Ethaine Schmidt, , 57184 446th St, New Ulm MN 56073

Phone: 507-530-2635

Owner: Edward & Ethaine Schmidt, 57184 446th St, New Ulm MN 56073

Property Address: 57184 446TH, New Ulm MN 56073

Abbreviated Legal Description:

Township: Courtland

Record Type: Variance

Category: Bluff

Project Description: Variance to reduce the bluff setback from 30 feet to 4.2 feet for the purpose of constructing a 8' x 22' covered porch on the front (west) side of the home.

Hearing Date: 06/19/2023


Control: May 23, 2023 17:28 CDT

APPLICANT SIGNATURE

May 23, 2023

DATE

ATTACHMENT A
Application

PLN23-08

Final Audit Report

2023-05-23

Created:	2023-05-23
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA5vRkDgZY5-vsAFU15CZ-iTkrdsu63lg

"PLN23-08" History

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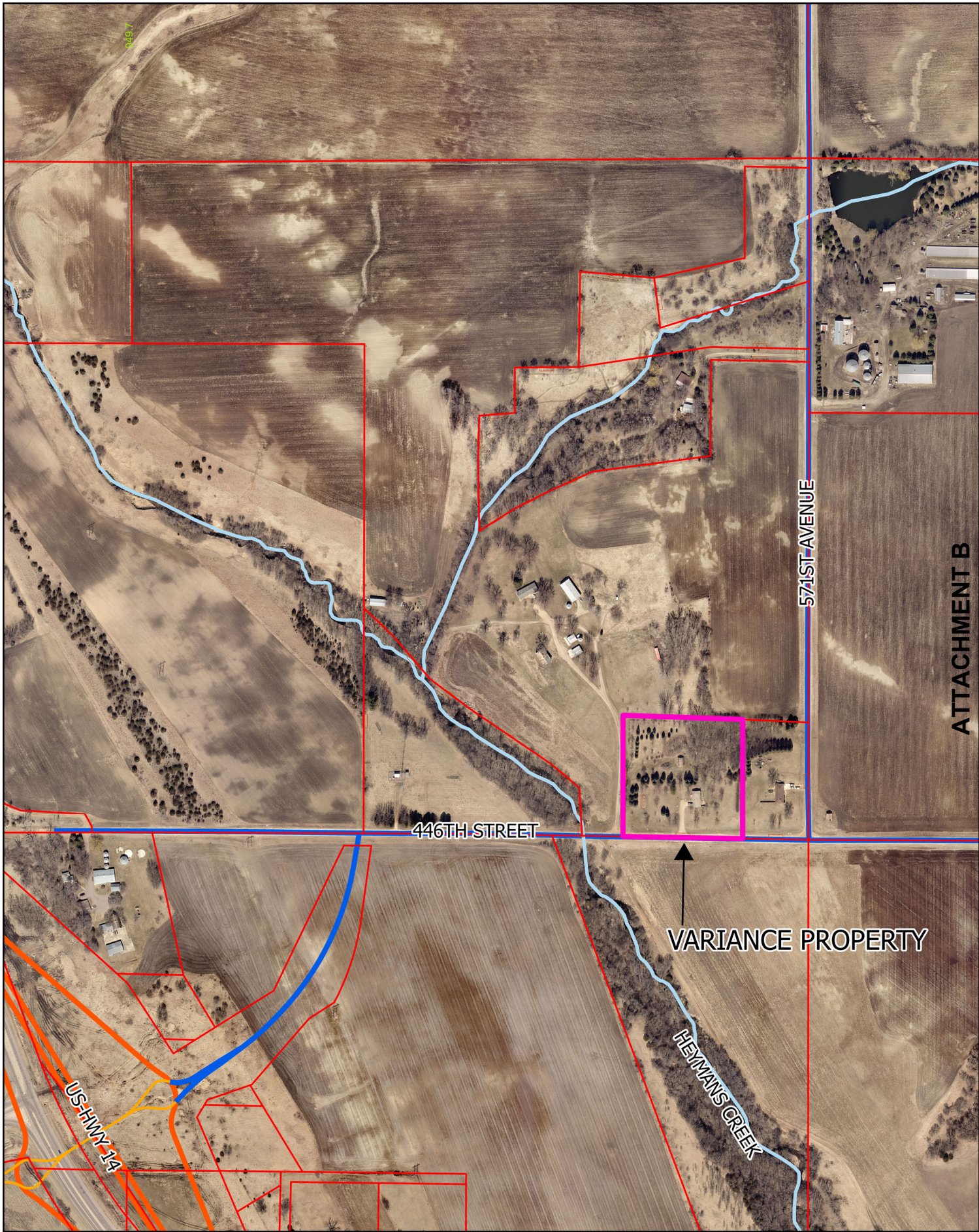
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2023-05-23 - 9:30:53 PM GMT

 Email viewed by ethanieschmidt@gmail.com
2023-05-23 - 9:30:56 PM GMT

 Signer ethanieschmidt@gmail.com entered name at signing as Ethanie Schmidt
2023-05-23 - 10:29:54 PM GMT

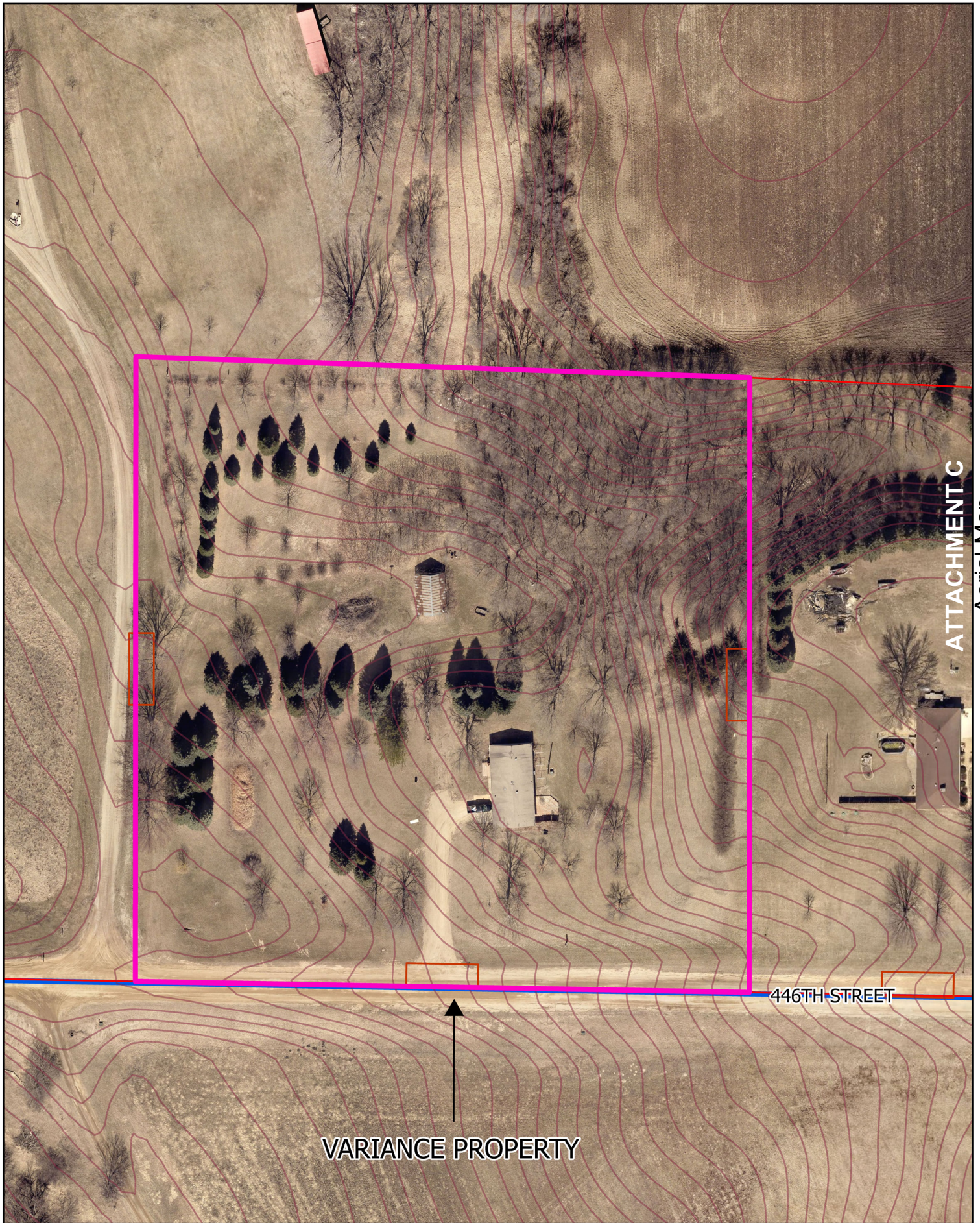
 Document e-signed by Ethanie Schmidt (ethanieschmidt@gmail.com)
Signature Date: 2023-05-23 - 10:29:56 PM GMT - Time Source: server

 Agreement completed.
2023-05-23 - 10:29:56 PM GMT



ATTACHMENT B

Location Map



Aerial Map



Name of Applicant: Ed + Ethanie Schmidt Date: 5-4-2023
 Request: variance for addition of a porch

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.
Although we are increasing the square feet of the existing deck of 80 square feet to a covered porch of 176 square feet, it will not affect the slope.
2. The variance is consistent with the intent of the Comprehensive Plan.
As addressed in question 1; the porch does not affect the slope.
3. The variance establishes a practical difficulty in complying with the official controls.
We are unable to build to the north side or east side of the house because of egress windows x 2 and the utilities of eletrical, telephone, furnace vents and airconditioner. we cannot build to the south because of Road distance restrictions.
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
Natural bluffs and the general topography is the unique factor to our situation.



(Continued onto back)

ATTACHMENT D
Submitted by Applicant



**VARIANCE APPLICANT QUESTIONNAIRE
PROJECT DESCRIPTION**

Name of Applicant: Ed and Ethelnie Schmidt

Date: 5-4-2023

Please describe the specific details related to your request, including but not limited to:

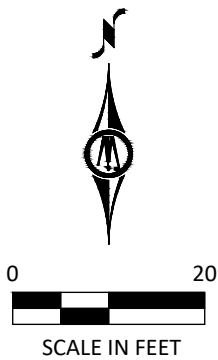
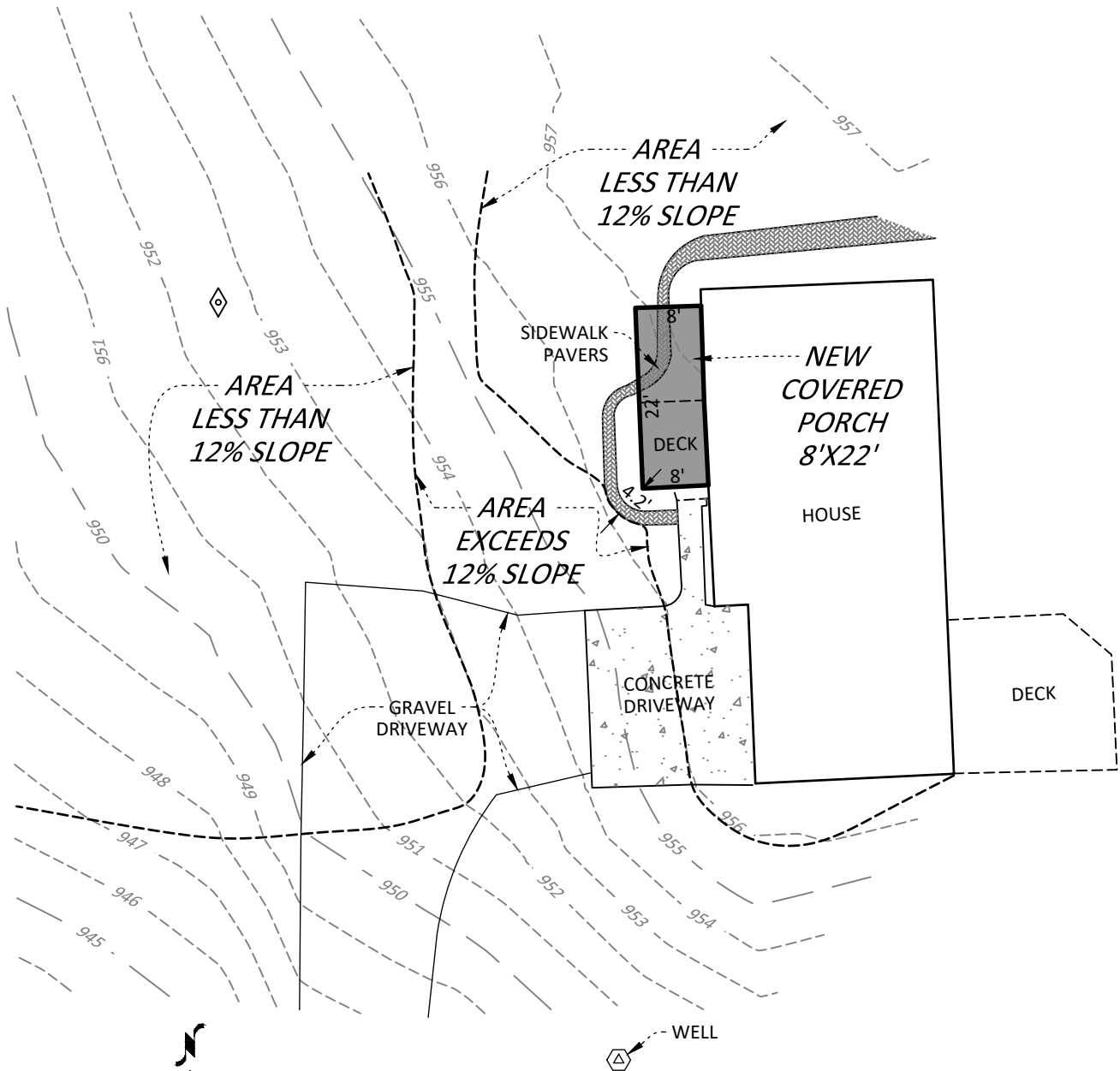
- why you feel the project is a *need* rather than a *want*;
- what alternatives you explored and the reasons they were not reasonable for you; and
- what use, or uses, the project will provide for you;

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

- existing deck is in poor condition + not "code"
- not to north or east because of egress windows + utilities
- able to sit outside under cover; preserve heat + less air conditioning needs.



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Vertical Datum: NAVD 1988 In Feet

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

04/20/2023
Date

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VARIANCE SKETCH COURTLAND TOWNSHIP, NICOLLET COUNTY, MINNESOTA



**BOLTON
& MENK**

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

SE 1/4-NE 1/4
SECTION 27-110-30

FOR: EDWARD & ETHAINE SCHMIDT

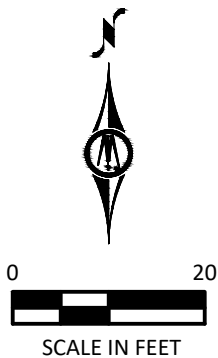
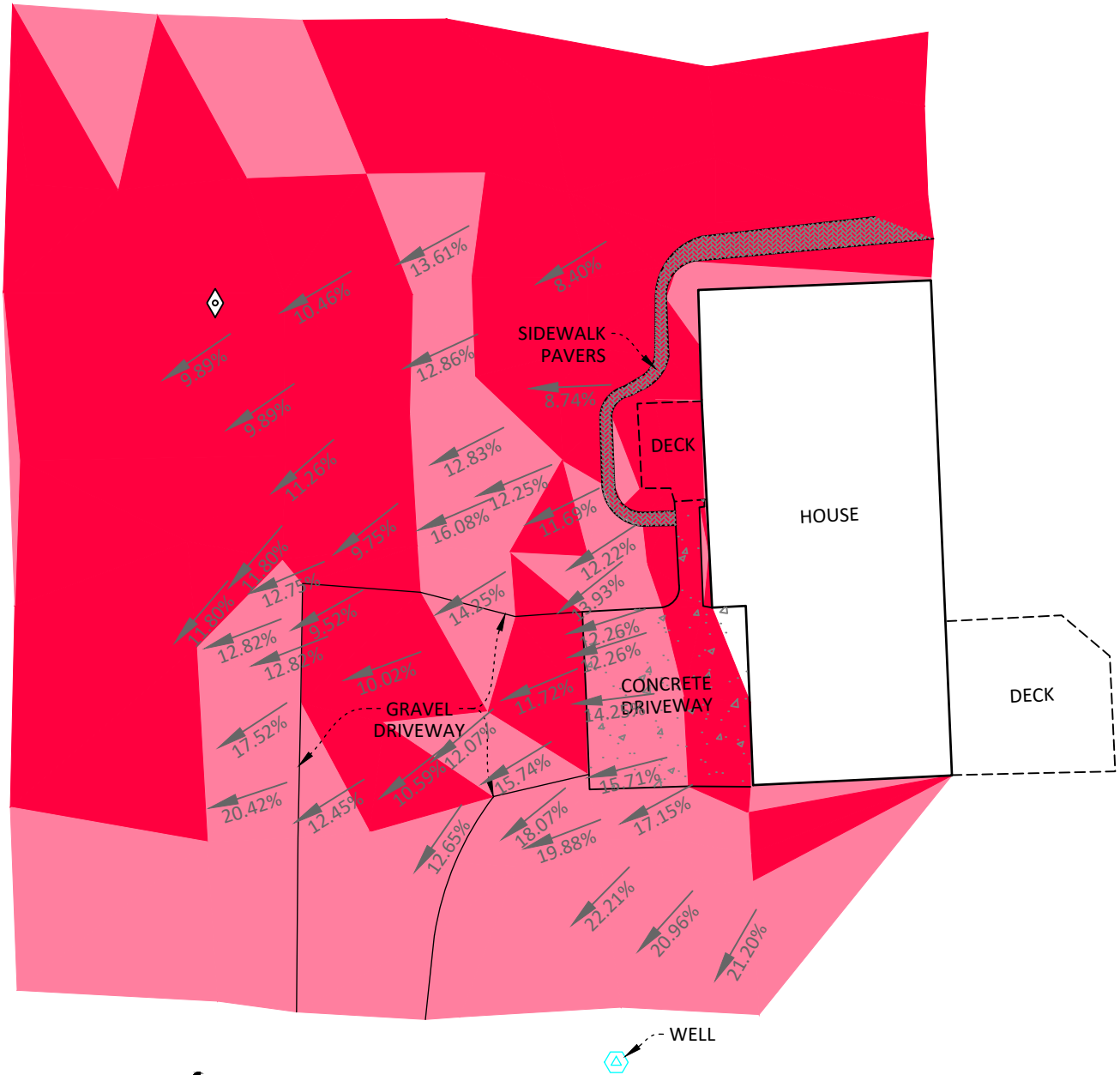
JOB NUMBER: 051130375

FIELD BOOK:

DRAWN BY: RK

SEC. 27-110-30 (14)

H:\SCHMIDED PR\051130375\CAD\C3D\130375V-BNDY1.dwg 4/17/2023 3:39 PM



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

04/17/2023
Date

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VARIANCE SKETCH COURTLAND TOWNSHIP, NICOLLET COUNTY, MINNESOTA



**BOLTON
& MENK**

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

SE 1/4-NE 1/4
SECTION 27-110-30

FOR: EDWARD & ETHAINE SCHMIDT

JOB NUMBER: 051130375

FIELD BOOK:

DRAWN BY: RK

SEC. 27-110-30 (14)



ATTACHMENT E
Site Photographs

NAME	ADDRESS1	ADDRESS2
NIKINA & ANDREW HOWK	44552 571ST AVE	NEW ULM MN 56073
EDWARD & ETHAINE SCHMIDT	57184 446TH ST	NEW ULM MN 56073
NEW ULM TELCOM INC	PO BOX 697	NEW ULM MN 56073
TROY BOOTH	44170 571ST AVE	NEW ULM MN 56073
DENNIS KITZBERGER	57228 446TH ST	NEW ULM MN 56073
CODY REINHART	44211 571ST AVE	NEW ULM MN 56073
MICHAEL HIPPERT	200 SUMMERSET DR	ASHLAND OH 44805
RANDALL & MARSHA REVOCABLE TRUST	57703 COUNTY ROAD 21	NEW ULM MN 56073
JEFFREY KLINGLER	57930 US HIGHWAY 14	NEW ULM MN 56073
KORNERSTONE LLC	3800 STONE POINT DR NE	ROCHESTER MN 55906
ANTHONY DENISE	57428 US HIGHWAY 14	NEW ULM MN 56073
TIM HARMENING- COURTLAND TOWNSHIP	43370 541ST AVE	COURTLAND, MN 56021



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant Edward & Ethanie Schmidt

Hearing June 26, 2023

Property Owner Edward & Ethanie Schmidt

Continuation N/A

File PLN23-08

Board Member Board Member Name

Variance Request Reduction of the bluff setback from 30 feet to 4.2 feet in the Conservancy Zoning District for the purpose of constructing a 8' x 22' covered porch on the front(west) side of the home

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: _____

THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS

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: _____ Board Member: _____



VARIANCE

REDUCTION OF THE COUNTY ROAD FRONT YARD SETBACK FOR THE PURPOSE OF CONSTRUCTING A HOME ADDITION

Ruth Klossner

PLN23-09

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN23-09
APPLICANT:	Ruth Klossner
LANDOWNER:	Ruth Klossner
LOCATION:	Northwest ¼ of the Northeast ¼, Section 3/111/29, Bernadotte Township
PARCEL NO:	02.003.0500
EXISTING ZONING:	Rural Townsite
HEARING DATE:	06/26/2023
60 DAYS FROM REQUEST:	07/25/2023

REQUEST

Ruth Klossner is requesting a reduction of the county road front yard setback from 50 feet to 33 feet in the Rural Townsite Zoning District for the purpose of constructing a 16' x 32' home addition.

ORDINANCE

Nicollet County Zoning Ordinance 612.4 2 (A): Required setback from road right-of-way, County Road, Fifty (50) feet.

PROJECT DESCRIPTION

The Applicant maintains the world largest collection of cow related memorabilia in her home, having an estimated 19,827 pieces. The proposed 16' x 32' home addition to the colloquially termed "Cow Collector's Mooseum" would be used to display additional cow related items and serve as an office space. The Applicant states the small nature of the lot along with the location of the septic system, driveway, and windows makes it difficult to comply with setbacks and necessitates a variance.

PUBLIC WORKS COMMENT

Seth Greenwood, Nicollet County Public Works Director, had no concern with the proposal provided no further modifications were made to the plan.

EXISTING LAND USE

The home site consists of two parcels totaling slightly over a half-acre, situated in the northeast corner of unincorporated Bernadotte. The land is relatively flat and contains typical features such as a driveway, yard, and trees.

SURROUNDING LAND USE

The property is the northernmost home in a row of dwellings along 515th Avenue, and sits on the border between Nicollet and Sibley County. Bernadotte Lutheran Church is located across the road to the west, with farmland to the north and east. The homes and church together make the unincorporated community of Bernadotte.

SITE REVIEW

Staff visited the site and took photographs of the request on June 9, 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?
 - The general purpose and intent of the front yard setback is to provide a buffer between land uses. For this request, the land uses being buffered are transportation and residential.
 - Nicollet County Public Works has no concern with the reduction of the front yard setback for this home addition.
2. The variance is consistent with the intent of the Comprehensive Plan?

- The Comprehensive Plan states:
 - Right of ways are a valuable public asset to be maintained.
 - The Rural Townsite Zoning District may be associated with higher-density residential development.
3. The variance establishes a practical difficulty in complying with the official controls?
 - It is difficult for the property owner to construct an addition that meets both their desires and Zoning Ordinance standards. This is due to the size of the lot and location of existing features, such as the driveway and septic system.
 - Without a variance, the Applicant is not denied reasonable use of the property as a dwelling site.
 4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?
 - The plight is due to the size of the lot in relation to the layout of the home and its associated features.
 5. The variance will not alter the essential character of the locality?
 - Many of the homes in Bernadotte are within the front yard setback due to the small nature of the lots.
 6. The practical difficulty includes more than economic considerations alone?
 - There is no apparent economic benefit to the Applicant by obtaining a variance for their request.

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:
Ruth Klossner**

PLN23-09

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 S MINNESOTA AVENUE, SAINT PETER, MN 56082
507-934-7070

BOARD OF ADJUSTMENT & APPEALS APPLICATION

TOTAL FEES: \$496.00

Map#: 503200001
Parcel#: 02.003.0500
Permit#: PLN23-9
Date: 5/26/2023

Applicant: Ruth Klossner
Telephone: 508 240 0048
Owner: Ruth Klossner
Property Address: 34085 515th Ave
Abbreviated Legal Description: .28 ac Parcel ID 02.003.0500
Township: Bernadotte Township
Zoning District(s): RURAL TOWNSITE

Record Type: Variance
Subtype: Addition
Category: Residential
Description: 16' x 32' home addition. 33' setback from ROW requested.
G.C. Licence#: TBD
Job Cost: TBD

REQUIRED SETBACK

Front: 50'	Sides: 10'
Rear: 10'	Bluff: 30'

ACTUAL SETBACK

Front: 33' W	Side: 20' N	Bluff: N/A
Rear: 84' E	Side: 37' S	

HEARING DATE: 06/26/2023

Ruth Klossner
Ruth Klossner (May 26, 2023 11:05 CDT)
APPLICANT SIGNATURE

May 26, 2023
DATE

James Crawford
PROPERTY SERVICES

05/26/2023
DATE

ATTACHMENT A
Application

PLN23-09 App, Invoice, Receipt

Final Audit Report

2023-05-26

Created:	2023-05-26
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAUubQwUW0heUrJOXZH9xvKAalUv1AJxUF

"PLN23-09 App, Invoice, Receipt" History

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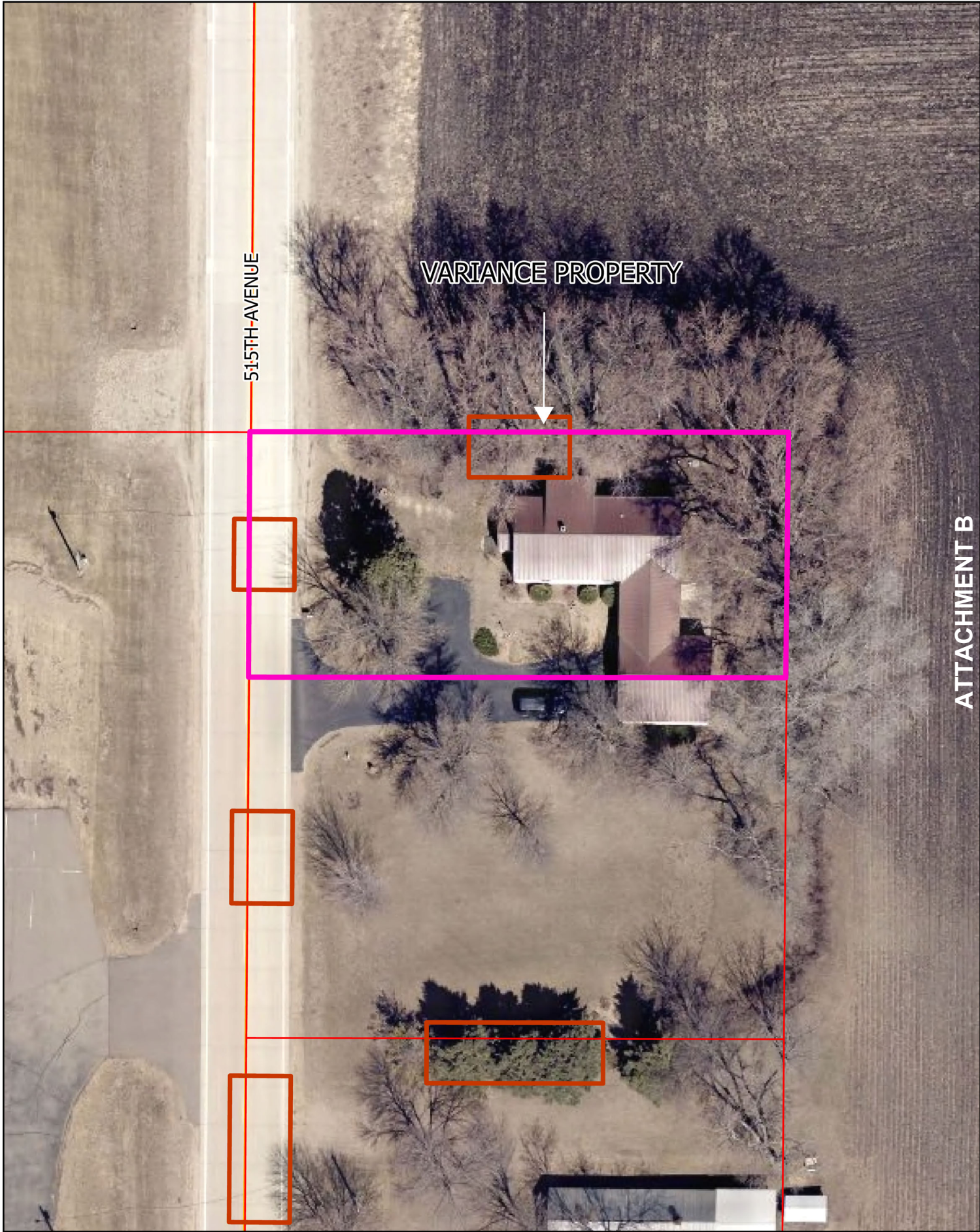
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2023-05-26 - 4:02:38 PM GMT

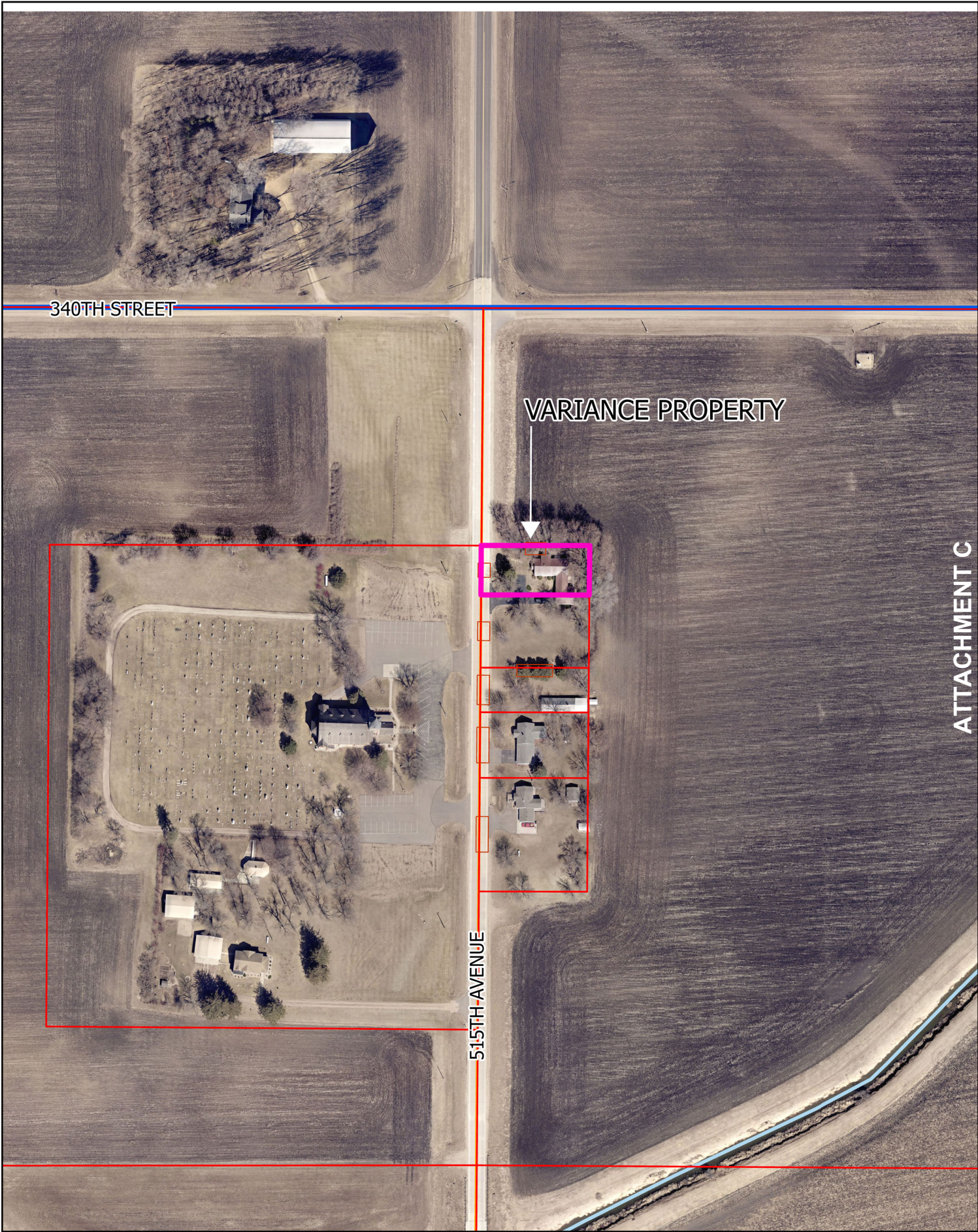
 Signer cowladyruth@gmail.com entered name at signing as Ruth Klossner
2023-05-26 - 4:05:28 PM GMT

 Document e-signed by Ruth Klossner (cowladyruth@gmail.com)
Signature Date: 2023-05-26 - 4:05:30 PM GMT - Time Source: server

 Agreement completed.
2023-05-26 - 4:05:30 PM GMT



ATTACHMENT B
Location Map



ATTACHMENT C
Aerial Map

Name of Applicant: Ruth Klossner
Request: Front yard setback reduction

Date: 5/23/23

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.

I've been told that the county has no plans to expand County Road 10 in the future. It was completely rebuilt only a few years ago.

An addition to my house would not cause any safety concerns as there will still be adequate space between the structure and the road.

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

I'm in a rural townsite zoning district, associated with high density. More structures on smaller lots is typical and my structure with an addition would be consistent with that zoning district.

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

This request is made because I have a hardship in that I can't make the required setback.

I have a very small acreage. Regardless of where I'd add on, I'd have difficulty with the setbacks.

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

The property is small. The current size and configuration in regard to the road and setback is as I purchased the property.

I did not create the difficulty—this is how the main house was built in 1949.

(Continued onto back)

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

I'm in a rural townsite that has two other houses on the east side of County Road 10.

A variance was granted in 2022 for one of those properties that is already 15, 20, or more feet closer to the road.

My addition as planned will not be any farther into the setback than the other two structures and will fit in with them.

It will likely be a shorter distance into the setback than those two structures.

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

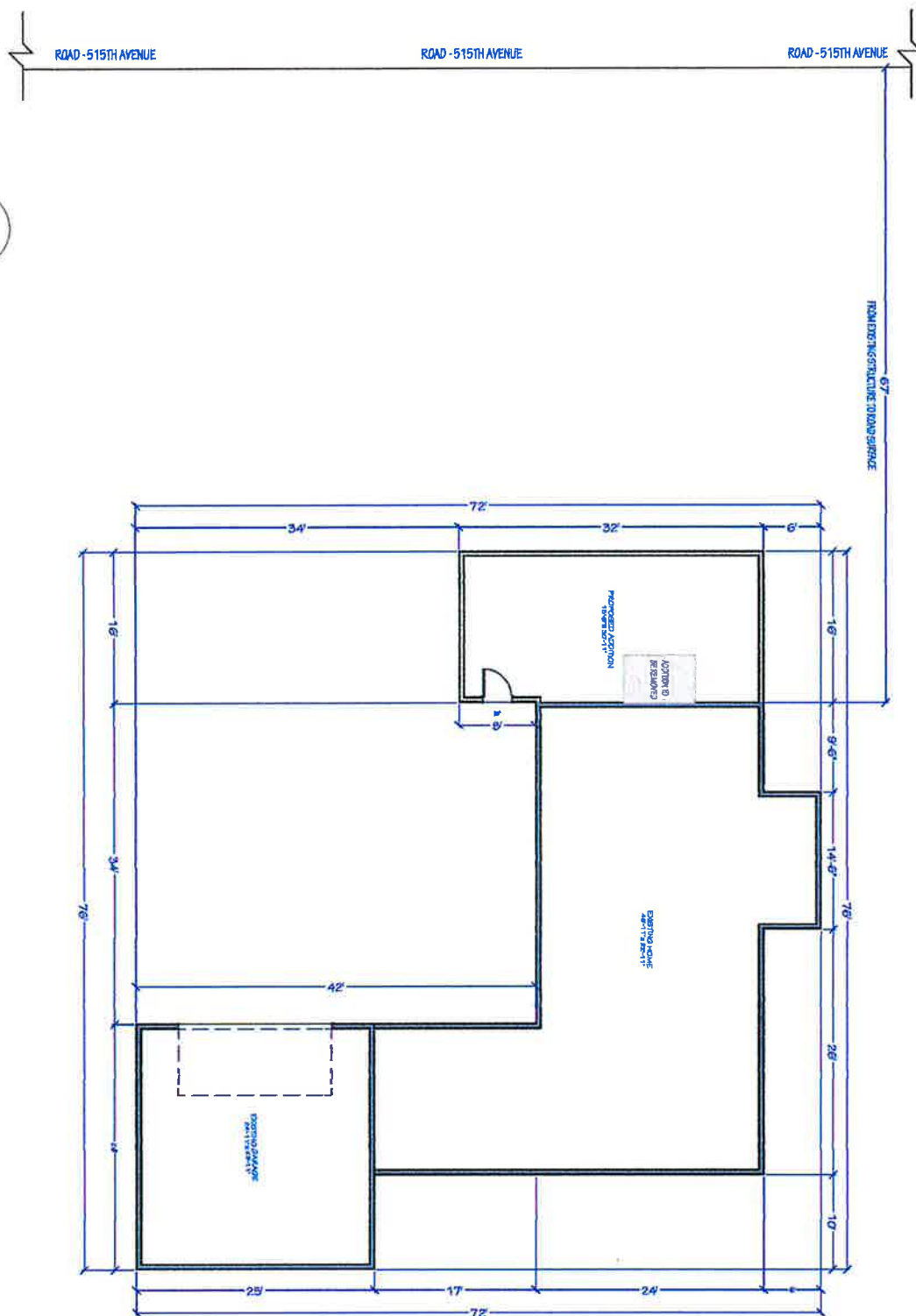
There is no economic consideration to my request. Constructing the addition as planned will not save me any money.

Rather I will incur costs associated with the variance, the construction, and increased taxes.

The difficulty is related to the small lot size.

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

FIGURE PLAN
SCALE: 1/8" = 1'



DATE	5/7/25
BY	AM
DRAWN BY	
CHECKED BY	
NO.	

MOST CURRENT:

5/2/2023

SCALE:

3/32" = 1'

SHEET:

A-1

RUTH
KLOSSNER

FLOOR PLAN

**DESIGN
HOME CENTER**

1427 Highway 14 W NEW ULM, MN 56073
Fax (507) 354-1566 Phone (507) 235 8440

FLOOR PLAN
SCALE = 3/8" = 1'

67
FROM EXISTING STRUCTURE TO KAMP SUINCE

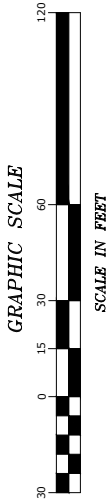
ROAD-515TH AVENUE

A-7

DATE	BY	DESCRIPTION	AMOUNT	

BOUNDARY SURVEY

for ~ RUTH KLOSSNER
~Part of ~ Northeast Quarter (NE1/4), Sec. 3-111-29
Bernadotte Township, Nicollet County, MN



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ⊙ DENOTES NICOLLET COUNTY SECTION CORNER
- ⊙ DENOTES SEPTIC SEWER MANHOLE

DESCRIPTION OF SURVEYED AREA

The South 186.00 feet of the North 549.00 feet of the West 165.00 feet of the Northeast Quarter of Section 3, Township 111, Range 29, Nicollet County, Minnesota.

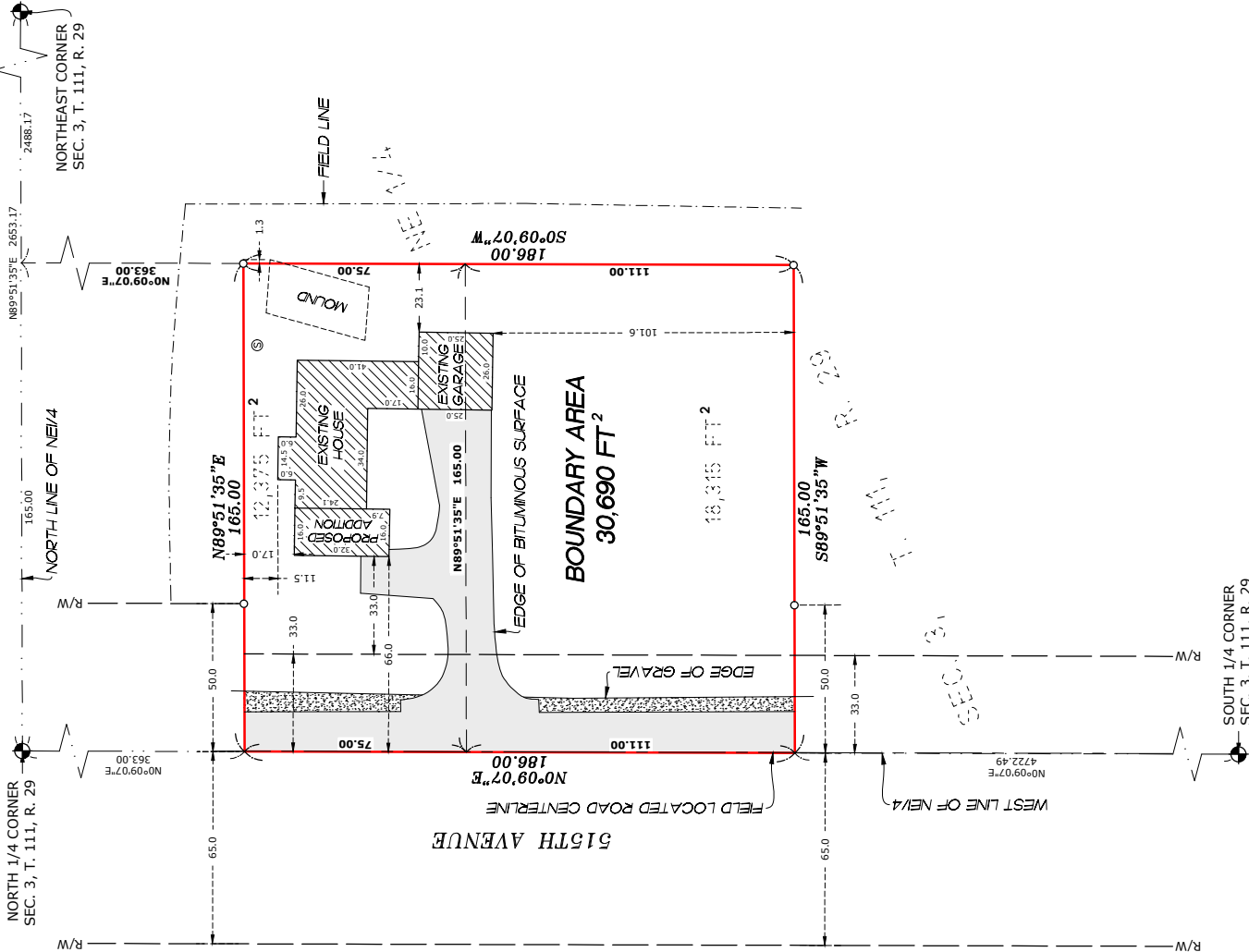
NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 17MAY23.
- Bearings shown are on an assumed datum.
- Parcel ID Number: 02.003.0500 and 02.003.0600.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown herein. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- The Right of Way width of 515th Avenue per Nicollet County Highway Department.



E.G. RUD & SONS, INC.
Professional Land Surveyors
335 Main Ave., P.O. Box 988
Gaylord, MN 55334
Tel. (507) 237-5212

www.egrud.com



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

KURT D. NELSON

Date: 25MAY23 License No. 45356

DRAWN BY: SW	JOB NO: 23.0403	DATE: 24MAY23
CHECK BY: KDN	FIELD CREW: JWM	
1	25MAY23	R/W SETBACK & ADDN, DIM.
2		
3		
NO.	DATE	DESCRIPTION
BY		



ATTACHMENT E
Site Photographs

NAME	ADDRESS1	ADDRESS2
MAX STEVENSEN	45937 551ST AVE	COURTLAND MN 56021
RODGER JOHNSON	33629 505TH AVE	WINTHROP MN 55396
JARED ZAMZOW	34349 515TH AVE	LAFAYETTE MN 56054
ANNA JOHNSON	34663 515 AVE	LAFAYETTE MN 56054
DENISE JOHNSON	51656 340TH ST	WINTHROP MN 55396
MONTY HULKE	52220 COUNTY RD 21	COURTLAND MN 56021
SALLY WEBSTER	704 DOVER CT	SAINT PETER MN 56082
BERNADOTTE SWEDISH EVANGELICAL LUTHERAN CHURCH	PO BOX 173	LAFAYETTE MN 56054
CORBIN KIECKER	34147 515TH AVE	LAFAYETTE MN 56054
JEFFERY BRANDEL LIFE ESTATE	34131 515TH AVE	LAFAYETTE MN 56054
RUTH SUNDEEN	34085 515TH AVE	LAFAYETTE MN 56054
RUTH KLOSSNER	34085 515TH AVE	LAFAYETTE MN 56054
STEVEN & DEBRA SJOSTROM	51861 336TH ST	WINTHROP MN 55396
RONALD & DENISE JOHNSON	51656 340TH ST	WINTHROP MN 55396
KEVIN & RONALD JOHNSON	51656 340TH ST	WINTHROP MN 55396
MICHAEL WEBSTER- BERNADOTTE TOWNSHIP	38890 521ST AVE	NEW ULM, MN 56073



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant Ruth Klossner

Hearing June 26, 2023

Property Owner Ruth Klossner

Continuation N/A

File PLN23-09

Board Member Board Member

Variance Request Reduction of the county road front yard setback from 50 feet to 33 feet in the Rural Townsite Zoning District for the purpose of constructing a 16' x 32' home 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.

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: _____

THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS

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: _____ Board Member: _____