



BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: November 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. Public Appearances
5. Approval of Minutes: *October 16, 2023*
6. Approval of Findings of Fact:
 - **PLN 23-20, Carlson**
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 REGULAR MONTHLY MEETING MINUTES

OCTOBER 16, 2023	7:02 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) ☐ Shana Jackson, County Assessor (Assessor) ☒ Roxann Klein, Assistant County Attorney (ACA) ☒ Crystal Madden, Recording Secretary ☒ Other Staff: John Zehnder, Zoning Specialist ☐ Other Staff:

REVIEW OF CANCELLATIONS & ADDITIONS	A motion was made by Board Member Ubel, and seconded by Board Member Thoreson with a vote of 4-0 to move the Public Appearances portion of the hearing to the next item of business.
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PUBLIC APPEARANCES	Tom Clement, 52991 Deerwood Trail, N. Mankato, made a public appearance to speak his opposition of the Findings of Fact and denial of after-the-fact variance PLN23-17. Paul Pahl, 52995 Deerwood Trail, N. Mankato, made a public appearance to speak in favor of the denial of after-the-fact variance PLN23-17. Mr. Pahl submitted a document before the hearing, which was shared with the Board and entered into the record.
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APPROVAL OF SEPTEMBER 18, 2023 MINUTES	MOTION	2 ND
APPROVE	☐ 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: 4 - 0

FINDINGS OF FACT PLN23-16, R&G CONSTRUCTION	MOTION	2 ND
APPROVE	☐ 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 FINDINGS OF FACT	☒ PASS	☐ FAIL VOTE: 4 - 0

FINDINGS OF FACT PLN23-17, THOMAS CLEMENT	MOTION	2 ND
APPROVE	☐ 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 FINDINGS OF FACT	☒ PASS	☐ FAIL VOTE: 4 - 0

FINDINGS OF FACT PLN23-15, MINNESOTA VALLEY LUTHERAN HIGH SCHOOL	MOTION		2 ND
APPROVE	☐ 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 FINDINGS OF FACT	☒ PASS	☐ FAIL	VOTE: 4 - 0

PUBLIC HEARINGS – Variance

PLN23-20	APPLICANT/LANDOWNER: Marjorie Carlson / Keith Carlson Revocable Inter-Vivos Trust		
DESCRIPTION	Reduction of the State Right of Way setback from 100 feet to 28.2 feet for the purpose of installing a septic tank and drain field in the Conservancy Zoning District.		
CONFLICT OF INTEREST	None.		
SITE VISIT & PUBLIC CONTACT	No members of the board visited the site. There was no contact with the Board from members of the public.		
STAFF REPORT PRESENTED BY	DZA Crawford		
APPLICANT TESTIMONY	Present to represent the application was Marjorie Carlson, 3125 Prairie Rose Drive, Mankato.		
PUBLIC TESTIMONY	Drew Seppmann with Jadd Seppmann & Sons, 54043 State Highway 68, Mankato, discussed the septic design and location of the drain field with the Board. No other correspondence was received.		
BOARD DISCUSSION	None.		
BOARD ACTION	MOTION	2 ND	
APPROVE VARIANCE WITH CONDITIONS, as recommended	☐ 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	☒ PASS	☐ FAIL	VOTE: 4 - 0

ADDITIONAL ITEMS

OLD BUSINESS	None.		
OTHER BUSINESS	None.		
COMMUNICATIONS	None.		
MOTION TO ADJOURN MEETING	MOTION	2 ND	
07:36 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

CRYSTAL MADDEN, RECORDING SECRETARY		DATE	
LLOYD HOFFMANN, VICE CHAIR		DATE	



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant Marjorie Carlson

Hearing October 16, 2023

Property Owner Keith Carlson Revocable Inter-Vivos Trust

Continuation N/A

File PLN23-20

Parcel ID 10.301.0500

Variance Request Reduction of the State Right-of-Way setback for the purpose of installing a replacement septic system and drain field

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 general purpose of the official control is to prevent erosion damage to the right-of-way, and allow for expansion. The request will not impact the roadway right-of-way.
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 requested use doesn't appear to be a threat to the road right-of-way, and MnDOT approved the application.
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 topography of the property is the practical difficulty. There is no way for the property owner to dispose of waste without this variance. There is no other location on the property to locate the septic system that would be compliant and meet the required setbacks.
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 plight is due to the location of the home and characteristics of the property. There is no other location on the property suitable for the septic due to the bluff and right-of-way setbacks.
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	☐	☐	☐	☒	The septic system is underground and not visible. MnDOT has no problems with the variance.
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	☐	☐	☐	☒	Without a variance there appears to be no way to dispose of waste which meet State and County requirements. The practical difficulty is due to the characteristics of the property.
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 |
| ☒ Photographs | |

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: _____