

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: February 26, 2024

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

Location: County Board Room - Government Center, 501 S. Minnesota Avenue, St. Peter

Copies of the meeting agenda and packet are available on the Nicollet County website at:
co.nicollet.mn.us/AgendaCenter

Questions or comments regarding the meeting can be directed to the Nicollet County Property Services Department by calling 507-934-7070 or by emailing niccopermitapps@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Silence Your Cell Phone
4. Review of Cancellations and Additions
5. Approval of Minutes: *January 22, 2024*
6. Approval of Findings of Fact: *January 22, 2024*
 - **PLN 24-01, Merseeth, on behalf of Norseland Lutheran Church**
7. Public Appearances
8. **PUBLIC HEARING: PLN24-03**
 - Applicant: Leon Matties
 - Landowner: Leon Matties
 - Request: Reduction of the bluff setback from 30 feet to 23 feet and reduction of Ordinary High Water (OHW) setback from 200 feet to 55 feet for the purpose of constructing an expanded replacement garage
 - Location: Part of Government Lot 3 of Section 2-111-31 in West Newton Township
 - Parcel Number: 13.002.0300
9. Old Business
10. Other Business
11. Communications
12. 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

JANUARY 22, 2024	7:00 PM	COUNTY BOARD ROOM
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ROLL CALL	COMMISSIONERS PRESENT	COMMISSIONERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	☒ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☒ Jon Thoreson ☒ Dave Ubel	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☒ Justin Laven ☒ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☐ Dave Ubel	☒ Spencer Crawford, Zoning Specialist (ZS) ☒ John Zehnder, Zoning Specialist (ZS) ☒ Michelle Zehnder Fischer, County Attorney (CA) ☒ Crystal Madden, Recording Secretary ☐ Other Staff:

REVIEW OF CANCELLATIONS & ADDITIONS	ZS Crawford requested the Board vote on <i>Chair</i> and <i>Vice Chair</i> positions for 2024 Board of Adjustment & Appeals. Board Member Thoreson was nominated for <i>Chair</i> ; a vote passed 3-0. Board Member Hoffmann was nominated for <i>Vice Chair</i> ; a vote passed 3-0.
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APPROVAL OF DECEMBER 18, 2023 MINUTES	MOTION	SECOND
APPROVE	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☒ Jon Thoreson ☐ Dave Ubel	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☒ Dave Ubel
VOTE TO APPROVE MINUTES	☒ PASS ☐ FAIL	VOTE: 3 - 0

PUBLIC APPEARANCES	
None.	

VARIANCE PUBLIC HEARINGS	
PLN24-01	APPLICANT/LANDOWNER: John Marseth, Jr. / Norseland Lutheran Church
DESCRIPTION OF REQUEST	A variance to reduce the front yard State Right of Way setback from 85 feet to 53.9 feet for the purpose of expanding a parsonage in the Conservancy Zoning District. PID: 07.020.0110
CONFLICT OF INTEREST	None.
SITE VISIT & PUBLIC CONTACT	Board Member Thoreson visited the site. There was no contact with the Board from members of the public.
STAFF REPORT PRESENTED BY	ZS Crawford
APPLICANT TESTIMONY	Present to represent the application was John Merseth, Jr., with Norseland Lutheran Church located at 37777 State Highway 22, St. Peter
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.
BOARD DISCUSSION	Further discussion between the Applicant, Board, and Staff took place.

BOARD ACTION - MOTION	MOTION	SECOND
APPROVE VARIANCE with conditions, as recommended by Staff	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☒ Jon Thoreson ☐ Dave Ubel	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☒ Dave Ubel
VOTE TO APPROVE REQUEST	☒ PASS ☐ FAIL	VOTE: 3 - 0

ADDITIONAL ITEMS			
OLD BUSINESS	None.		
OTHER BUSINESS	None.		
COMMUNICATIONS	None.		
ADJOURN MEETING	MOTION		SECOND
07:20 PM	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☒ Dave Ubel		☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☒ Jon Thoreson ☐ Dave Ubel
VOTE TO ADJOURN MEETING	☒ CARRIED	☐ FAILED	VOTE: 3 – 0

SPENCER CRAWFORD, ZONING SPECIALIST		DATE	2/26/2024
RANDY SCHWAB, CHAIR		DATE	2/26/2024

DRAFT



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant John Merseth, Jr. **Hearing** January 22, 2024
Property Owner Norseland Lutheran Church **Continuation** N/A
File PLN24-01 **Parcel ID** 07.020.0110
Variance Request Reduction of the front yard State Right of Way setback from 85 feet to 53.9 feet for the purpose of expanding the parsonage

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
Lloyd Hoffmann	☒	☐	☐	☐	MnDOT has no concern with the reduction of the front yard setback. The general purpose and intent of the front yard setback is to provide a buffer between housing and transportation.
Justin Laven	☐	☐	☐	☒	
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
Lloyd Hoffmann	☒	☐	☐	☐	The proposal does not impact the right-of-way or any natural resource areas while providing adequate room for any road construction or rebuild projects.
Justin Laven	☐	☐	☐	☒	
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
Lloyd Hoffmann	☒	☐	☐	☐	It is difficult to build anywhere else on the property due to the existing garage, septic system, and design of the residence. The parsonage is located such that any addition would require a variance. The whole parsonage itself is located within the road right-of-way.
Justin Laven	☐	☐	☐	☒	
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
Lloyd Hoffmann	☒	☐	☐	☐	The landowner did not create the hardship as the parsonage dates back to 1907, which predates the setback requirement.
Justin Laven	☐	☐	☐	☒	
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
Lloyd Hoffmann	☒	☐	☐	☐	The area is screened by trees and the structure will remain a parsonage with the addition being relatively minimal.
Justin Laven	☐	☐	☐	☒	
Randy Schwab	☐	☐	☐	☒	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The practical difficulty is due to the parsonage location in relation to the right-of-way, and features such as the garage and septic system.
Justin Laven	☐	☐	☐	☒	
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 ☒ Staff Report ☒ Photographs
☐ Information received at public hearing

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: _____

**STATE OF MINNESOTA
COUNTY OF NICOLLET**

The foregoing instrument was acknowledged before me this _____ day of
_____ 2024, by _____.

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (or other title or rank)



VARIANCE

**REDUCTION OF THE BLUFF SETBACK
TO 23 FEET AND REDUCTION OF OHWL
SETBACK TO 55 FEET FOR THE
PURPOSE OF CONSTRUCTING A
REPLACEMENT GARAGE**

LEON J. MATTIES

PLN24-03

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT	Variance PLN24-03
APPLICANT	Leon J. Matties
LANDOWNER	Leon J. Matties
LOCATION	Part of Government Lot 3 of Section 2-111-31 in West Newton Township
PARCEL NO	13.002.0300
EXISTING ZONING	Shoreland
HEARING DATE	02/26/2024
60 DAYS FROM REQUEST	05/25/2024

REQUEST

For the purpose of constructing a replacement garage, the applicant is submitting a variance request to:

- Reduce the bluff setback from 30 feet to 23 feet;
- Reduce the ordinary high water level (OHWL) setback from 200 feet to 55 feet.

ORDINANCE

Nicollet Shoreland Management Ordinance 501.2 (C & E) *Setback Regulations* specifies a:

- Minimum setback from ordinary high water mark of two hundred (200) feet
- Minimum setback from bluff of thirty (30) feet

A Bluffline is defined in the ordinance as:

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.

EXISTING LAND USE

The 162 acre lot contains bluff, shoreline, forest, cropland, and a farmstead that includes a residence and several farm-related storage buildings of varying sizes. The farmstead is located on the eastern side of the property on a promontory above the western shore of Clear Lake, which forms the property line. The site also recently included the shed this application seeks to replace,

as well as a barn to the east along the bluff line. The nearest corner of the previous shed was 64 feet from the ordinary high water level of Clear Lake and 30 feet from the adjacent bluffline.

The soil type for the site is known as Clarion-Swanlake Complex, according to the Nicollet County Soil Survey prepared by the Soil Conservation Service of the United States Department of Agriculture. Slopes are 2 to 6 percent. This type of soil is moderately well drained is not considered to have limitations for supporting built structures. However, it is erodible, creating certain limitations for shallow excavations.

SURROUNDING LAND USE

The surrounding area includes Clear Lake to the east, with wetlands extending to the southwest. To the north and west, the vicinity includes extensive croplands as well as occasional farmsteads.

PROJECT DESCRIPTION

The site of the current project was previously the site of 40 by 38-foot storage shed. In November of 2023, the shed was demolished. The applicant wishes to construct a larger 40 by 60-foot garage on the same site to store lake-related recreational equipment. The previous shed was already nonconforming because it fell within the county's specified setback of 200 feet from the ordinary high water level. The proposed larger structure would require a variance as it further decreases the ordinary high water level setback from 64 feet to 55 feet and also decreases the bluff setback from a permitted 30 feet to 23 feet, as shown in the survey submitted by the applicant.

The applicant wishes to maintain the larger garage's distance from his dwelling as he and his wife face significant age-related mobility limitations. He fears a more distance location would decrease accessibility. He considered a site directly to the north of a current storage facility but determined that a new structure there would result in excess drainage, potentially undermining the existing building and property driveway.

The applicant has also commented on the historic nature of the farmstead and a mentioned a desire to maintain the century-old groves of trees which surround the site. Other building locations would be more likely to alter the current tree cover of the property.

DEPARTMENT OF NATURAL RESOURCES COMMENT

The DNR has brought attention to the fact that the new structure falls within the DNR's shore impact zone, which lies within a 100-foot setback from the ordinary high water level. They are especially concerned about the potential for increased soil erosion during the construction process, as the runoff could have a detrimental impact on the lake's water quality.

The DNR classifies Clear Lake as a *Natural Environment* lake. These lakes include the following characteristics:

- Generally small, often shallow with limited capacity for assimilating the impacts of development and recreational use.
- Often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils.
- Usually do not have much existing development or recreational use.

SITE REVIEW

A review of the site was completed by Property Services. Staff observed the proposed construction area and took pictures on 02/12/2024.

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 purpose of the Shoreland Management Ordinance Section 501.2(C)'s required 200-foot OHWL setback is to provide a buffer between development and protected water bodies/waterways.
- The proposal requests a 72.5% decrease in the in the OHWL setback from 200 feet to 55 feet.
- The purpose of the Shoreland Management Ordinance Section 501.2(E)'s required 30-foot bluffline setback is to steer development away from locations that are especially prone to erosion.
- The proposal requests a 23% decrease in the bluffline setback from 30 feet to 23 feet.

2. The variance is consistent with the intent of the comprehensive plan?

- The variance does not increase the potential for land use conflict as location already serves as a farm site with a number of buildings.
- The comprehensive plan mentions that the Shoreland Management Ordinance is intended to protect lakes that the DNR classifies as *Natural Environment* lakes, which include Clear Lake

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

- The applicant and his wife have mobility concerns that make more distant building sites difficult to access.
- Another nearby location to the north raises concerns about drainage onto existing buildings and driveway.

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

- The farmstead was established more than a century ago with a location unusually close to the lake.
- Any building site that maintains the general plan of the farmstead would fall within the Ordinary High Water Level setback.

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

- The site already contains a number of structures close to the lake.
- The new garage would be replacing a previous structure rather than creating an entirely new structure.
- Until recently, an even larger barn existed within the OHWL setback of the lake.
- The proposed structure would maintain the appearance of the site and existing groves of trees that surround it.

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

- The applicant's primary concerns are accessibility due to decreased mobility and a desire to maintain the current configuration of the property.

RECOMMENDED CONDITIONS

Staff recommends the attachment of the following conditions if the variance request is approved:

1. The Applicant will undertake the project according to the plans and specifications submitted to the County with the application.
2. The Applicant will employ silt fences to prevent runoff during construction
3. The Applicant will apply soil stabilizing covers and begin seeding to reestablish vegetation when construction is complete
4. The Applicant will not develop any areas over 12% grade.
5. 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.
6. The Applicant must obtain the appropriate zoning permits prior to construction.
7. The zoning permit is invalid if the permit holder has not substantially completed the project within the period of time allowed on the zoning permit connected with this variance.

**Applicant/Property Owners:
Leon J. Matties**

PLN24-03

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial Map
ATTACHMENT D	Site Plan
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

Parcel#: 13.002.0300

Permit#: PLN24-003

Date: 1/25/2024

Hearing Date: 2/26/2024

Hearing Time: 7:00 PM

Applicant: LEON MATTIES

Telephone: 507-304-1508

Owner: LEON MATTIES

Property Address: 62579 346TH LN, GIBBON, MN 53335

Abbreviated Legal Description: GL 1 ACRES 46.10 GL 2 ACRES 55.70 GL 3 ACRES 60.10

Township: West Newton Township

Zoning District(s): SHORELAND

Record Type: Variance

Subtype: Replace

Category: RES Garage

Description: SETBACK VARIANCE FOR LARGER REPLACEMENT GARAGE

G.C. Licence#: TBD

Job Cost: TBD

PERMIT EXPIRATION DATE: N/A

Leon J Matties
APPLICANT SIGNATURE

1-25-24
DATE

[Signature]
PROPERTY SERVICES

01/25/24
DATE

ATTACHMENT A
Application



VARIANCE APPLICANT QUESTIONNAIRE PROJECT DESCRIPTION

APPLICANT NAME: Leon J. Matties DATE: 1-25-24
REQUEST: Reduction of setbacks for replacement garage

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;

Project Details:

1. Reduction of bluff setback from 30 feet to 23 feet
2. Reduction of OHW setback from 200 feet to 55 feet

Applicant wishes to replace recently demolished garage with larger facility to meet storage needs. Applicant has stated that mobility issues mean he and his wife cannot easily access sites located at greater distance on the site. Site directly to the north of existing larger shed would cause drainage issues for shed and driveway.



VARIANCE
APPLICANT QUESTIONNAIRE

APPLICANT NAME: Leon J Matties DATE: 1-22-24
REQUEST: Build 40460 shed to replace 40440
that is old & dilapidated

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 REQUESTS MEETS THE FOLLOWING CRITERIA?

1. The variance is in harmony with the general purposes and intent of the official control.

yes

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

yes

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

yes

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

yes

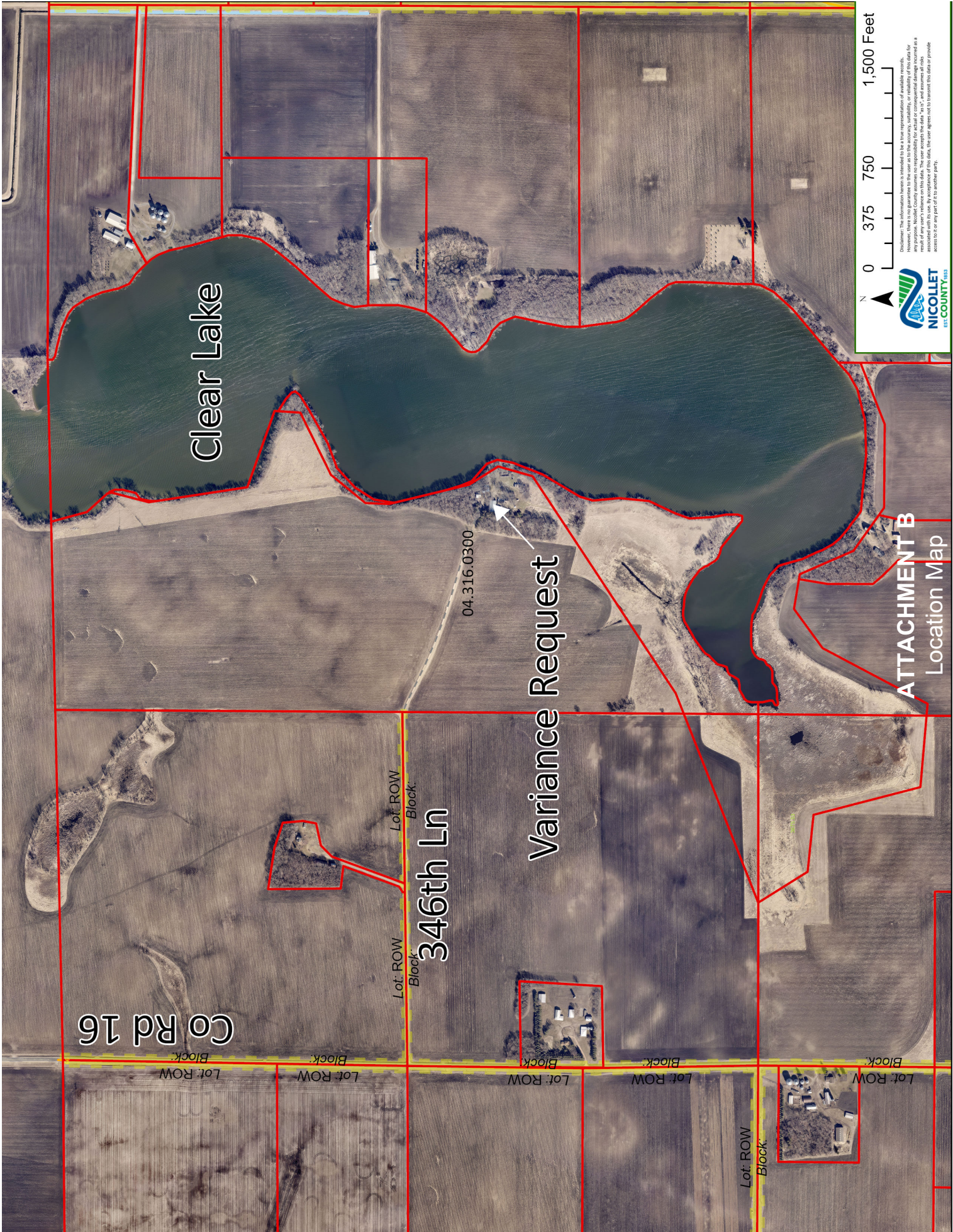
5. The variance will not alter the essential character of the locality.

No

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

yes TO Far TO walk anThru 715 Partner
has bad back to walk Ferther

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



Clear Lake

Co Rd 16

346th Ln

04.316.0300

Variance Request

ATTACHMENT B
Location Map

N 0 375 750 1,500 Feet

Document: This information is intended to be a true representation of available records. It is not a guarantee of accuracy. The user assumes all responsibility for the use of this information for any purpose. Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. This user accepts the data "as is", and assumes all risks associated with its use. The user agrees not to transmit this data or provide access to it to any other party.

 NICOLLET COUNTY
EST. 1858

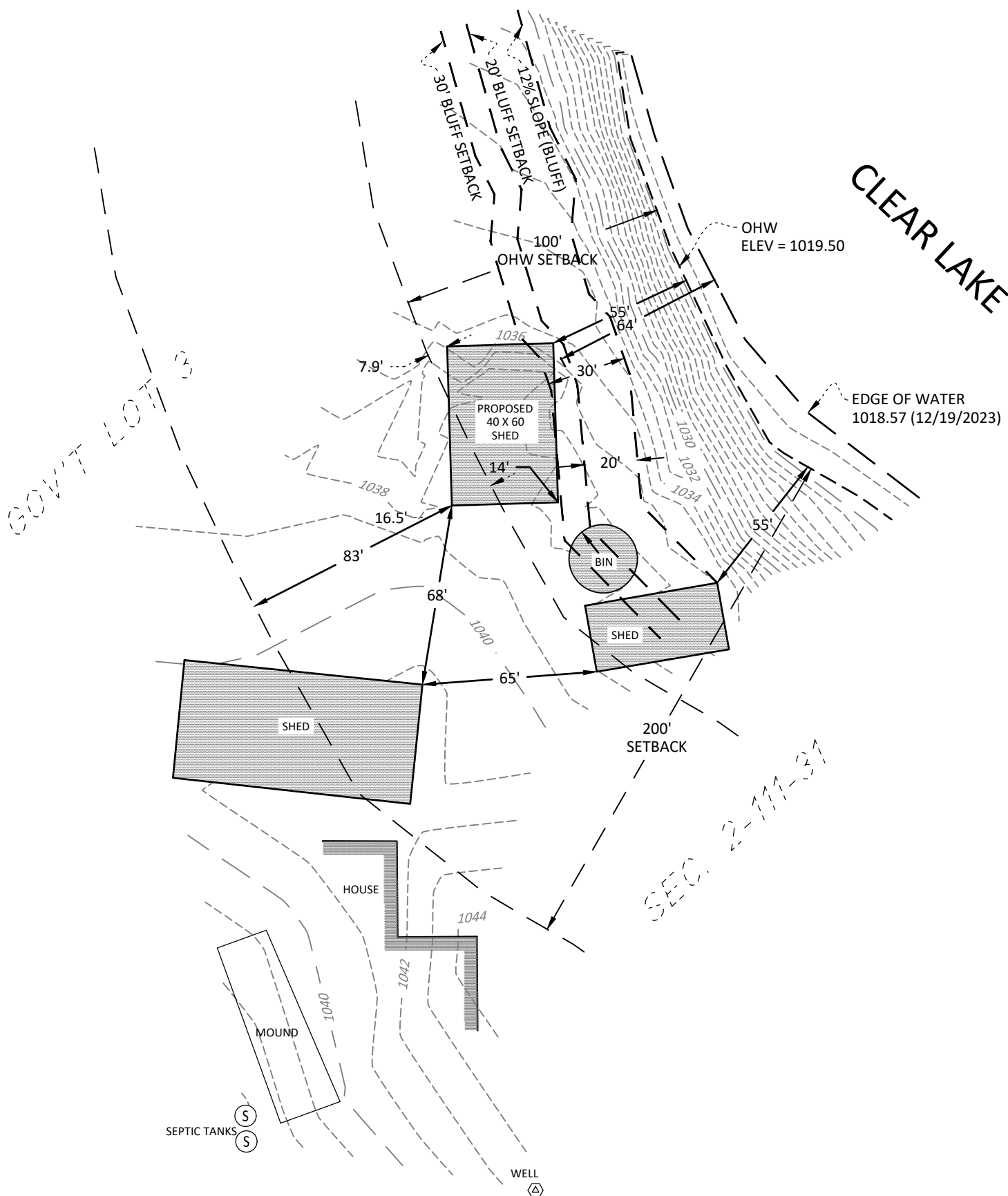
Clear Lake

Variance Request
04.316.0300



Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of the data for any purpose. Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of the use of the information herein. By accepting this data, the user agrees not to transmit this data or provide access to it or any part of it to another party.

ATTACHMENT C
Aerial Map



ATTACHMENT D
Site Plan

LEGEND

- (triangle symbol) WELL
- (S) MANHOLE-SANITARY SEWER

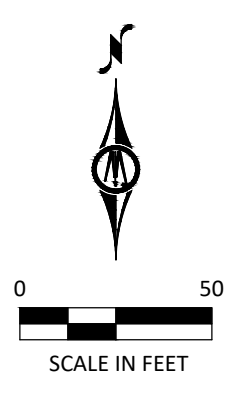
SURVEYOR'S CERTIFICATION

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.

Michael M. Eichers

Michael M. Eichers
License Number 46564

01/10/2024
Date



PID 130020300

PROPERTY ADDRESS
62579 346TH LANE
GIBBON, MN 55335

OWNERS ADDRESS
LEON MATTIES
62579 346TH LANE
GIBBON, MN 55335

VARIANCE SURVEY WEST NEWTON TOWNSHIP, NICOLLET COUNTY, MINNESOTA		THAT PART OF GOV'T LOT 3 OF SECTION 2, TOWNSHIP 111 NORTH, RANGE 31 WEST, WEST NEWTON TOWNSHIP, NICOLLET COUNTY, MN
 BOLTON & MENK	1960 PREMIER DRIVE MANKATO, MN 56001 (507) 625-4171	
FOR: LEON MATTIES		

SDB132932

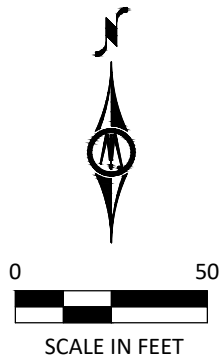
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PID 130020300

PROPERTY ADDRESS
62579 346TH LANE
GIBBON, MN 55335

OWNERS ADDRESS
LEON MATTIES
62579 346TH LANE
GIBBON, MN 55335



VARIANCE SURVEY WEST NEWTON TOWNSHIP, NICOLLET COUNTY, MINNESOTA		THAT PART OF GOV'T LOT 3 OF SECTION 2, TOWNSHIP 111 NORTH, RANGE 31 WEST, WEST NEWTON TOWNSHIP, NICOLLET COUNTY, MN
 BOLTON & MENK	1960 PREMIER DRIVE MANKATO, MN 56001 (507) 625-4171	
FOR: LEON MATTIES		



2024. 1.25 12:06



2024. 1.25 12:09

ATTACHMENT E
Site Photographs



DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
KIECKER MARK T & DENISE KIECKER TRUST	20 DEER RIDGE RD	MANKATO MN 56001
JOHNSON RANDAL V & PAMELA JOHNSON	34130 615TH AVE	GIBBON MN 55335
BLACK JOEL R	34470 615TH AVE	GIBBON MN 55335
KRAUS TYLER SHANE & KAYLEN EVE KRAUS	34803 631ST AVE	GIBBON MN 55335
WENDINGER DAVID E REVOCABLE LIVING TRUST	37848 631ST AVE	NEW ULM MN 56073
KIENLEN MARIE	3911 ARROW WOOD RD	CEDAR PARK TX 78613
BEYER MARION R COMMON TRUST	409 CENTER ST	NORTH MANKATO MN 56003
MATTIES MARLYS G	622 PAYNE ST N	NEW ULM MN 56073
BRUNNER CHARLES V	62378 350TH ST	GIBBON MN 55335
MATTIES LEON J	62579 346TH LN	GIBBON MN 55335
OAK RIDGE HOLDINGS LLLP	62609 330TH ST	GIBBON MN 55335
BASTIAN RONALD B & BARBARA A BASTIAN	65626 320TH ST	GIBBON MN 55335
BONNIE BRANDEL - W NEWTON TWP CLERK	63152 388TH LN	NEW ULM MN 56073
ALAN GLEISNER - DNR AREA HYRDOLOGIST	20596 HIGHWAY 7	HUTCHINSON MN 55350

ATTACHMENT F
Neighbor Notification List



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant	Leon Matties	Hearing	2/26/2024
Property Owner	Leon Matties	Continuation	N/A
File	PLN24-03	Board Member	_____
Variance Request	Reduction of the bluff setback from 30 feet to 23 feet and reduction of Ordinary High Water (OHW) setback from 200 feet to 55 feet for the purpose of constructing an expanded replacement garage		

FINDINGS OF FACT

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a **practical difficulty**. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute 394.27, subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

1. The variance is in harmony with the general purpose and intent of the official control.

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

☐ **APPROVES THE REQUESTED VARIANCE** ☐ **DENIES THE REQUESTED VARIANCE**

THIS DECISION WAS BASED UPON

☐ Application ☐ Site visit ☐ Staff Report ☐ Photographs
☐ Information received at public hearing

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: _____ Member: _____