

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: June 10, 2024

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

Location: Emergency Operations Center - 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: *April 15, 2024*
6. Approval of Findings of Fact: 4/15/2024
 - **PLN 24-06:** Krohn Construction/Randy Dorn
7. Public Appearances
8. **PUBLIC HEARING: PLN24-09**
 - Applicant: Travis Zimmerman
 - Landowner: Travis Zimmerman
 - Request: After the fact reduction of the County Road front yard setback from 50 feet to 30.2 feet for a storage shed
 - Location: Northeast ¼ of the Northeast ¼, Section 28-111-28, New Sweden Township
 - Parcel Number: 08.028.0205
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

APRIL 15, 2024	7:02 PM	E.O.C. CONFERENCE 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: Shana Jackson, County Assessor

REVIEW OF CANCELLATIONS & ADDITIONS	None.
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APPROVAL OF MARCH 18, 2024 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: 5 - 0

FINDINGS OF FACT PLN24-03, MATTIES	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 THE FINDINGS OF FACT	☒ PASS ☐ FAIL	VOTE: 5 - 0

PUBLIC APPEARANCES	None.
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VARIANCE PUBLIC HEARINGS	
PLN24-06	APPLICANT/LANDOWNER: Richard Krohn of Krohn Construction / Randy & Shelly Dorn
DESCRIPTION OF REQUEST	Reduction of the side and rear yard setbacks in the Special Protection Zoning District for the purpose of constructing a replacement dwelling. PID: 05.033.0210
CONFLICT OF INTEREST	None.
SITE VISIT & PUBLIC CONTACT	No Board members visited the site. There was no contact with Board Members from members of the public.
STAFF REPORT PRESENTED BY	ZS Crawford
APPLICANT TESTIMONY	Present to represent the application was Richard Krohn with Krohn Construction located at 119 Parkview Court, Courland, and Randy Dorn, a property owner, located at 45178 State Highway 111, Nicollet.
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received from MnDOT, nor members of the Public.

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: 5 - 0

ADDITIONAL ITEMS			
OLD BUSINESS	None.		
OTHER BUSINESS	None.		
COMMUNICATIONS	None.		
ADJOURN MEETING	MOTION		SECOND
07:29 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: 5 – 0

SPENCER CRAWFORD, ZONING SPECIALIST		DATE	6/10/2024
RANDY SCHWAB, CHAIR		DATE	6/10/2024



VARIANCE

AFTER-THE-FACT REDUCTION OF THE FRONT YARD SETBACK

Travis Zimmerman

PLN24-09

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	After-the-Fact Variance; PLN24-09
APPLICANT:	Travis Zimmerman
LANDOWNER:	Travis Zimmerman
LOCATION:	Northeast ¼ of the Northeast ¼, Section 28-111-28, New Sweden Township
PARCEL NO:	08.028.0205
EXISTING ZONING:	Agricultural Preservation
HEARING DATE:	06/10/24
60 DAYS FROM REQUEST:	07/20/24

REQUEST

The Applicant is requesting an after-the-fact variance to reduce the County Road front yard setback for a storage shed. The required setback is 50 feet; the Applicant is requesting 30.2 feet per the attached survey.

ORDINANCE

Nicollet County Zoning Ordinance 602.4 2 (A) Required setback from road right-of-way, County Road, Fifty (50) feet.

PROJECT HISTORY & DESCRIPTION

The Applicant remodeled part of their home starting in August of 2023 by replacing the garage along with constructing and relocating several bedrooms and bathrooms. The old garage, which was constructed in 1977, was moved adjacent to a quonset on the northern part of the property for the purpose of storing seed and snow removal equipment. The quonset is located within the right of way setback but is considered a legal nonconformity as it was constructed in 1958.

Property Services Staff notified the Applicant that a permit was required after becoming aware of the completed project. The Applicant applied for and obtained a permit for the home addition in January of this year, but the relocated garage was excluded from the permit as it did not meet the required front yard setback. Staff subsequently issued a notice of violation for the garage, which outlined several potential options for compliance:

- Remove the garage and take the debris to an approved demolition landfill.
- Move the garage to a location that can meet all required setbacks after obtaining a permit.
- Appeal the determination of an ordinance violation to the Nicollet County Board of Adjustment & Appeals.
- Request an after the fact variance to reduce the required setback.

The shed could be moved anywhere on the property outside of the required setbacks, which is illustrated on the attached buildable area map.

NICOLLET COUNTY PUBLIC WORKS COMMENT

Seth Greenwood, Director of Public Works, had no comment on the request.

EXISTING LAND USE

The existing land use is residential, but the property is also used as part of the Applicants' farm operation. The approximately five-acre lot contains a dwelling, several outbuildings, and trees which form a wind break.

SURROUNDING LAND USE

The surrounding land use is agricultural with scattered residences in all directions. The closest neighboring dwelling is located about 1,900 feet West along 380th Street.

SITE REVIEW

Staff visited the site and took pictures of the request on May 28, 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

Nicollet County Zoning Ordinance Section 503.1: 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.
 - The request would result in a 39.6% reduction in the required setback.
 - Nicollet County Public Works had no comment on the request.

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

- The Comprehensive Plan states that Right-of-ways are a valuable public asset to be maintained.

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

- There are several other locations on the property where the shed could be placed and meet the required setbacks.
- The Applicant states no other location is feasible due to the reasons listed in his project description form.

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

- Every part of the property outside of the front, side, and rear yard setbacks is considered buildable.

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

- The adjacent quonset (constructed in 1958) is closer to the right of way than the shed. The proposal will not alter the essential character of the locality.

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

- The practical difficulty, if one exists, is related to the needs of the Applicant as described in the Applicant questionnaire and project description forms.

In consideration of an after-the-fact variance request, and in addition to the criteria listed in Section 503.1, the Board shall take into consideration the following:

7. Did the applicant make a good faith effort to obtain a zoning permit prior to completion of the construction?

- The Applicant states they were not aware of the requirement to obtain a zoning permit.

8. In relation to the subject variance, are there similar structures in the area?

- There is an existing quonset adjacent to the shed which is closer to the right of way.

9. Does the burden on the applicant of compliance outweigh the benefit to the County?

- Nicollet County Public Works had no comment on the request.

10. Was the act of the violation by the applicant unintentional?

- The act may be unintentional as the Applicant states they were unaware that a variance would be required to place the shed in its current location.

RECOMMENDED CONDITIONS

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

1. The Applicant shall obtain a Zoning Permit from Nicollet County Property Services for the shed.
2. The Applicant shall submit a valid septic compliance inspection to the Property Services Department by July 10th, 2024.
3. 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.

**Applicant/Property Owner:
Travis Zimmerman**

PLN24-09

ATTACHMENT A	Application
ATTACHMENT B	Aerial Map
ATTACHMENT C	Location Map
ATTACHMENT D	Buildable Area Map
ATTACHMENT E	Submitted by Applicant
ATTACHMENT F	Site Photographs
ATTACHMENT G	Neighbor Notification List
ATTACHMENT H	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: \$1,296.00

Parcel#: 08.028.0205

Permit#: PLN24-9

Date: 5/17/2024

Applicant: TRAVIS ZIMMERMAN

Telephone: 507-384-1879

Owner: TRAVIS ZIMMERMAN

Property Address: 46255 380TH ST, NICOLLET MN 56074

Abbreviated Legal Description: NENE 28-111-28

Township: New Sweden Township

Zoning District(s): AGRICULTURAL

Hearing Date: Monday, June 10, 2024

Record Type: Variance

Subtype: New

Category: Residential

Description: Front Yard Var Request

ATTACHMENT A
Application

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

Questions regarding the hearing can be directed to:

Spencer Crawford

Phone: 507-934-7071

Email: Spencer.Crawford@co.nicollet.mn.us


Travis Zimmerman (May 21, 2024 07:28 CDT)

APPLICANT SIGNATURE

May 21, 2024

DATE



PROPERTY SERVICES

05/20/24

DATE

PLN24-09 App

Final Audit Report

2024-05-21

Created:	2024-05-20
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAANWKXavRh5Y1njZNGJ8p0O9PUuQx4iAjw

"PLN24-09 App" History

-  Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
2024-05-20 - 4:04:34 PM GMT- IP address: 151.111.52.1
-  Document emailed to zimmy.trav@gmail.com for signature
2024-05-20 - 4:04:56 PM GMT
-  Email viewed by zimmy.trav@gmail.com
2024-05-21 - 4:02:31 AM GMT- IP address: 104.28.103.14
-  Signer zimmy.trav@gmail.com entered name at signing as Travis Zimmerman
2024-05-21 - 12:28:27 PM GMT- IP address: 198.74.29.246
-  Document e-signed by Travis Zimmerman (zimmy.trav@gmail.com)
Signature Date: 2024-05-21 - 12:28:29 PM GMT - Time Source: server- IP address: 198.74.29.246
-  Agreement completed.
2024-05-21 - 12:28:29 PM GMT

Lot: ROW
Block:

380th Street

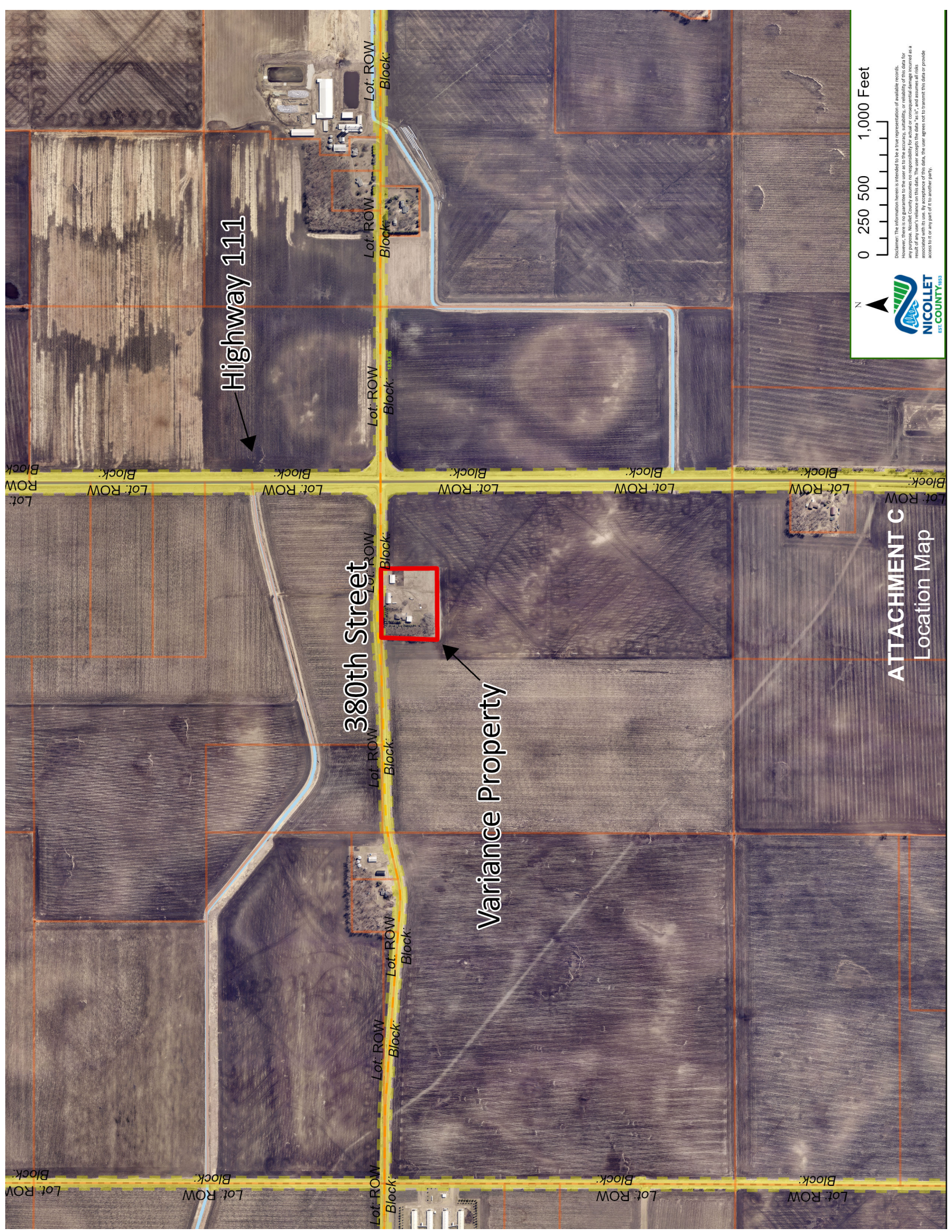
Shed

0 25 50 100 Feet



ATTACHMENT B
Aerial Map

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 this data for any purpose. Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of the use of this data. By acceptance of this data, the user agrees not to transmit this data or provide access to it or any part of it to another party.



Highway 111

380th Street

Variance Property

ATTACHMENT C
Location Map

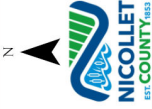


Disclaimer: This information is provided to the user as a reference only. However, there is no guarantee to the accuracy, reliability, or quality of the data for any purpose. Nicole County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. The 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.

Lot ROW
Block:

Buildable Area

ATTACHMENT D Buildable Area Map

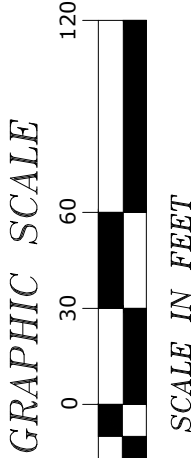


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RIGHT-OF-WAY SKETCH

~for~ Travis Zimmerman
~part of~ NE1/4 SEC. 28, TWP. 111, R. 28, NEW
SWEDEN TWP., NICOLLET COUNTY, MN.

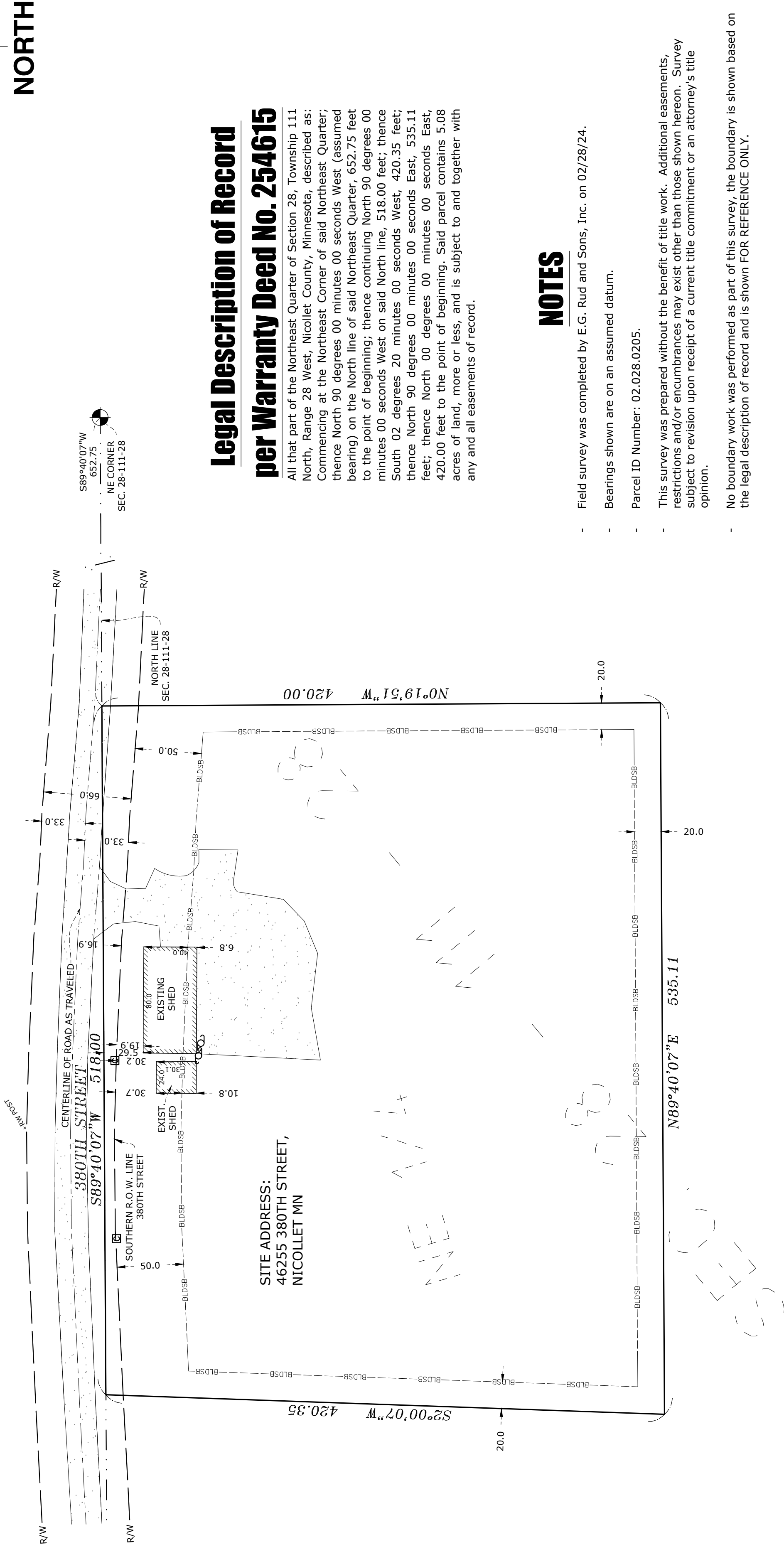


LEGEND

- DENOTES NICOLLET COUNTY SECTION CORNER
- DENOTES CABLE PEDESTAL
- DENOTES POWER POLE
- DENOTES BUILDING SETBACK LINE
- DENOTES GRAVEL SURFACE

SETBACKS

ZONED AG (Agricultural Preservation) PER NICOLLET
COUNTY ZONING MAP, DATED JUNE 12, 2018.
FRONT = 50 FEET FROM COUNTY ROAD R.O.W
SIDE = 20 FEET
REAR = 20 FEET



Legal Description of Record per Warranty Deed No. 254615

All that part of the Northeast Quarter of Section 28, Township 111 North, Range 28 West, Nicollet County, Minnesota, described as: Commencing at the Northeast Corner of said Northeast Quarter; thence North 90 degrees 00 minutes 00 seconds West (assumed bearing) on the North line of said Northeast Quarter, 652.75 feet to the point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds West on said North line, 518.00 feet; thence South 02 degrees 20 minutes 00 seconds West, 420.35 feet; thence North 90 degrees 00 minutes 00 seconds East, 535.11 feet; thence North 00 degrees 00 minutes 00 seconds East, 420.00 feet to the point of beginning. Said parcel contains 5.08 acres of land, more or less, and is subject to and together with any and all easements of record.

NOTES

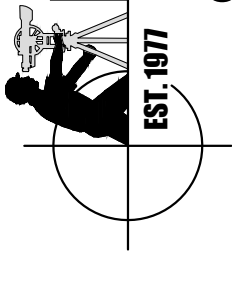
- Field survey was completed by E.G. Rud and Sons, Inc. on 02/28/24.
- Bearings shown are on an assumed datum.
- Parcel ID Number: 02.028.0205.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- No boundary work was performed as part of this survey, the boundary is shown based on the legal description of record and is shown FOR REFERENCE ONLY.

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.

Samuel N. Niemela
SAMUEL N. NIEMELA

Date: 3/27/2024 License No. 52705

DRAWN BY:	CBS	JOB NO:	240153MS	DATE:	3/27/2024
CHECK BY:	SNW	FIELD CREW:	JWM		
	1				
	2				
	3				
NO.		DATE		DESCRIPTION	BY



E.G. RUD & SONS, INC.
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025

www.egrud.com

ATTACHMENT E
Submitted by Applicant



VARIANCE APPLICANT QUESTIONNAIRE PROJECT DESCRIPTION

APPLICANT NAME: Travis Zimmerman DATE: 05/16/2024
REQUEST: Request for Variance on Setback

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;

We are looking for a variance on the setback of a storage shed. This is the relocation of what was an attached garage which needed to be moved due to the deteriorating foundation. This shed will now be used as an integral part of the farming operation multiple times during the year. This property is an active farm. During the year this shed will be storage of the seed for the entire operation, needing to stay concealed out of the elements and clear of any infestations or contamination. During the winter this shed will also be used for the storage of the snow removal equipment. One of the largest reasons for the move was safety and both uses give cause for the current location of this shed. On the seed storage side this location is needed due to the solid level ground that is needed for the movement of these large seed totes that are used in today's operations. The location, in line with an existing shed, needs to leave enough room for the equipment to get up into the yard for repair and maintenance not blocking the turnaround area needed for the size of today's equipment all year round, which seems to only get larger. Alternative locations on the yard were deemed unsafe for this because of the low-lying ground in the spring during the melt and spring rains cause us to be unable to move the equipment to and from shed to the seed tender or planter in the middle of the yard. The weight of the full totes added to the weight of the skid loader make the not feasible in the spring on the other areas of the yard, as well as when loaded with totes there is reduced visibility and makes getting around trouble spots/wet holes even less likely. The shop is no longer a safe alternative with totes because getting the totes up and down the grade of the hill safely is not possible when they are full. Especially when the shop is so close to the private residence, we do not want to have the movement of totes happening with limited visibility that near the home. In the late fall the snow removal equipment of the truck with the plow and the skid loader will be in the shed. This location is needed for the proximity of getting power to plug in the vehicles to insure they start. Snow removal equipment is a necessity for our family as well as 5 other families/livestock sites (sometimes more) in the immediate neighborhood that rely on us to get the snow moved in a timely manner. Once again other locations were looked at but once again deemed not feasible, the areas where there is enough room for the shed are in locations that fill full with snow that blows in from the driveway opening and in turn that is where the snow must be pushed and piled up through the season. A snow fence to block the yard from getting filled in is not an option due to the location of the gravel road to our yard. It would fill up the road with snow and still not block our yard causing even more of a safety hazard. The current Shop is used for housing the tractor with blower for the larger snowstorms and so that location is not an alternative because it does not leave enough room for the other equipment due to the large size of tractors these days. We feel this is the only location for the shed to be located where it is safe for all and not impeding on any uses for the county or causing a hardship for the county.



AFTER-THE-FACT VARIANCE APPLICANT QUESTIONNAIRE

APPLICANT NAME: Travis Zimmerman DATE: 05/16/2024
REQUEST: Request for Variance on Setback

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.

The general purpose of the location is for the use on an active crop farm moved to an accessible and safe location for seed storage and snow removal equipment seasonally. The location was lined up in proximity on level ground to the existing structure.

2. The variance is consistent with the intent of the Comprehensive Plan.
The location's main goal is to be a safe location to service the needs of an active agricultural property. Other locations on the property were not able to meet all the needs. The current location was prepared in a way to meet or exceed all safety needs of the farm while keeping the safety of those in the private residence in mind.

3. The variance establishes a practical difficulty in complying with the official controls.
This location was chosen for multiple reasons, it is now on solid level ground being a large concern. This property is used for the seed delivery for the farming operation and the solid level ground is needed for the loading/unloading and storage. Seed storage has progressed over the last few years to be almost 100% large totes instead of pallets full of individual seed bags which were kept in the shop. The previous location is no longer a

safe alternative with the 3000 lb. totes as the grade of the incline to get to the shop makes it a great concern for the product, operator, and others in close proximity to the yard of private residence. Other locations in the yard were not able to be used due to them being low lying ground that is not solid enough to operate the equipment around in the spring months with snow melt/frost issues and needing to leave adequate spacing for equipment to turn around safely in the yard. With the other seasonal use of the shed being the parking for snow removal equipment this location needed to be used due to the way snow blows off the gravel road into our yard and we would not be able to access in the winter if it was in the low-lying area on the property because of drifting. This service of snow remove we provide is a priority for the safety of multiple households in the neighborhood and animal feed sites not just our own.

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

The alternate locations that are too low-lying were not created by us, the land owner. Along with the fact we cannot change the way the snow fills in the yard in those areas, making the removal equipment not accessible. We are unable to put up a snow fence due to the location of the gravel road and the property, it would fill up the road and not block our property. In turn where the snow fills in it also melts away in the low ground being the last area to dry out, not allowing accessibility early enough in the spring season for seed storage.

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

The locality is for ag use, which is what the shed's purpose is needed for. The shed sits in line with an existing structure (also of ag use) and tree line, all well off of the right of way.

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

Yes, many locations were considered and were not practical due to the contour and snow/moisture accumulation. Along with the need to be able to safely move equipment to the existing sheds as well as semi turnaround. The safety factor this location provides is the main consideration, as well as movement of snow and where the snow is piled.

ADDITIONAL AFTER-THE-FACT CRITERIA FOR USE ONLY WHEN FIRST SIX CRITERIA ARE MET:

7. Did the applicant make a good faith effort to obtain a zoning permit prior to completion of the construction?

I went to the county for a permit before the letter was sent out. I also called for a location of power and other lines before moving. We knew we were not in the right of way as there are markers, and in line with an existing shed. We did not know we needed a permit as we had never built anything before, and we were just relocating an existing structure. The office workers said most people don't know one is needed and we were no exception to that.

8. In relation to the subject variance, are there similar structures in the area?

Yes, there is a 40 ft x 80 ft shed directly to the east, see attached. The existing structure impedes the setback further than the one which we are requesting the variance for. There is also a tree line impeding the setback as well. Both have been there the entirety of our ownership of the property.

9. Does the burden on the applicant of compliance outweigh the benefit to the County?

We feel that the burden to our family's safety does outweigh the benefit to the county. We do not feel that this variance will cause any additional burden or hardship to the county due to the fact the existing structure to the east is there already and it therefore it should not change any actions of the county. We feel that it is not safe to load 3000-pound seed totes on the hill in the yard nor is there room. Also, the snow is a big factor with the location. The southern half of the property drifts in with snow due to our location with the county road and where we can push the snow. It makes it very difficult to access the equipment and get it out to service others.

10. Was the act of the violation by the applicant unintentional?

It was not our intent to violate any setbacks. We were not aware of them as there was already an existing shed and tree line closer to the right of way and gravel road. We did know that we were not within the right of way as it is posted. We also made efforts to check for power as you hear the "call before you dig"/"do not dig or trench" on the radio. All was clear. This location made the most sense for its agricultural use as well as the safest.





08.021.0800

lot ROW

08.028.0205

08.028.0200

A

0 15 30 60 Feet

(11j-1/9
NCO, ILET

Attached
Garage



ATTACHMENT F
Site Photographs



DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
LONNIE C JOHNSON	1771 S ORCHID DR	NORTH MANKATO MN 56003
KAREN BRANCAMP- LAKE PRAIRIE TWP	33952 348TH ST	LE SUEUR, MN 56058
DAVID DUANE GRAN	37135 425TH AVE	SAINT PETER MN 56082
JULIE B HENDRYCKS	43879 520TH ST	NORTH MANKATO MN 56003
RODNING HAROLD & LOUISE RODNING TRUST	44562 CO RD 15	NICOLLET MN 56074
SWENSON PAUL H	45672 380TH ST	NICOLLET MN 56074
ASHLEY E SWENSON & DAVID M HANSON	45711 380TH ST	NICOLLET MN 56074
DOUGLAS & JUDITH SCHULTZ TRUST	45763 COUNTY ROAD 15	NICOLLET MN 56074
JORDAN D & TRAVIS J ZIMMERMAN	46255 380TH ST	NICOLLET MN 56074
JOEL & CONNIE ZIMMERMAN	46409 370TH ST	NICOLLET MN 56074
DELMAR & DEANNE STRASSBURG	46668 380TH ST	NICOLLET MN 56074
BRUCE TWETO & RUTH ANNE REVOCABLE TRUST	59004 KITTY HAWK CIR	MANKATO MN 56001



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING AN AFTER-THE-FACT VARIANCE

Name of Applicant Travis Zimmerman

Hearing 6/10/2024

Property Owner Travis Zimmerman

Continuation N/A

File PLN24-09

Board Member _____

Variance Request After the fact reduction of the County Road front yard setback from 50 feet to 30.2 feet for a storage shed

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: _____

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

YES ☐ NO ☐ REASON: _____

ATTACHMENT H
Criteria for a Variance

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: _____

ADDITIONAL AFTER-THE-FACT CRITERIA FOR USE ONLY AFTER THE FIRST SIX CRITERIA ARE MET

7. Did the Applicant make a good faith effort to obtain a zoning permit prior to completion of the construction?

YES ☐ NO ☐ REASON: _____

8. In relation to the subject variance, are there similar structures in the area?

YES ☐ NO ☐ REASON: _____

9. Does the burden on the Applicant of compliance outweigh the benefit to the County?

YES ☐ NO ☐ REASON: _____

10. Was the act of the violation by the Applicant unintentional?

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: _____