

## Nicollet County Board of Adjustment and Appeals



**January 25, 2021  
7:00 PM**

Doors Open at 6:45 PM

County Board Room, Nicollet County Government Center, 501 South Minnesota Avenue, Saint Peter MN 56082

Due to the COVID-19 (coronavirus) pandemic and resulting state and federal emergency declarations and guidance about limiting unnecessary person-to-person contact, the Board of Adjustment and Appeals meetings will be conducted under Minnesota Statute 13D.021 – Meetings by Telephone or Other Electronic Means. Some members may participate by telephone or other electronic means.

**Due to the current health pandemic, only a limited number of persons will be allowed in the meeting room at one time. Persons in attendance must maintain proper social distancing at all times while in the building.**

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 Mandy Landkamer, Property Services Director, at 507-934-7074, or [mandy.landkamer@co.nicollet.mn.us](mailto:mandy.landkamer@co.nicollet.mn.us).

- 
1. Call to Order
  2. Roll Call
  3. Election of Officers
  4. Review of Cancellations and Additions
  5. Approval of Minutes: *December 21, 2020*
  6. **PUBLIC HEARING PLN21-03**  
**Applicant/ Property Owner:** Brian and Mary Duehring  
**Request:** Reduce minimum lot size, for the purpose of constructing a new single family dwelling  
**Location:** Part of the Northeast 1/4 of the Northeast 1/4 of Section 26-109-27 in Belgrade Township  
**Parcel Number:** 01.026.3115
  7. Old Business
  8. Other Business
  9. Communications
  10. Adjourn

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### Mission Statement

Providing efficient services  
with innovation and  
accountability.

Leadership. Efficiency. Accountability.  
Innovation. Integrity.

[www.co.nicollet.mn.us](http://www.co.nicollet.mn.us)

### Vision Statement

Setting the standard for providing superior  
and efficient county government services  
through leadership, accountability and  
innovation to a growing and diverse society.





## Board of Adjustment & Appeals

MINUTES

DECEMBER 21, 2020

7:00 PM

NICOLLET COUNTY  
BOARD ROOM

|                       |                                                                                               |                                                 |                                                     |                                                  |                                                     |
|-----------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------|--------------------------------------------------|-----------------------------------------------------|
| <b>BOARD MEMBERS</b>  | <input checked="" type="checkbox"/> David Wendinger<br>CHAIR                                  | Jason Enter <input checked="" type="checkbox"/> | David Hermanson <input checked="" type="checkbox"/> | Justin Laven <input checked="" type="checkbox"/> | Ron Regenscheid <input checked="" type="checkbox"/> |
| <b>ABSENT EXCUSED</b> | <input type="checkbox"/> David Wendinger<br>CHAIR                                             | Jason Enter <input type="checkbox"/>            | David Hermanson <input type="checkbox"/>            | Justin Laven <input type="checkbox"/>            | Ron Regenscheid <input type="checkbox"/>            |
| <b>ABSENT</b>         | <input type="checkbox"/> David Wendinger<br>CHAIR                                             | Jason Enter <input type="checkbox"/>            | David Hermanson <input type="checkbox"/>            | Justin Laven <input type="checkbox"/>            | Ron Regenscheid <input type="checkbox"/>            |
| <b>STAFF PRESENT</b>  | Property and Public Services Director Mandy Landkamer <input checked="" type="checkbox"/>     |                                                 |                                                     |                                                  |                                                     |
|                       | Deputy Zoning Administrator (DZA) Jon Hammel <input checked="" type="checkbox"/>              |                                                 |                                                     |                                                  |                                                     |
|                       | Assistant County Attorney (ACA) Megan E. Gaudette Coryell <input checked="" type="checkbox"/> |                                                 |                                                     |                                                  |                                                     |
|                       | Other Staff: <input type="checkbox"/>                                                         |                                                 |                                                     |                                                  |                                                     |

|                                                      |                                                 |                                          |                                                  |                                          |                                                 |
|------------------------------------------------------|-------------------------------------------------|------------------------------------------|--------------------------------------------------|------------------------------------------|-------------------------------------------------|
| <b>REVIEW OF CANCELLATIONS &amp; ADDITIONS</b>       |                                                 | None.                                    |                                                  |                                          |                                                 |
| <b>MOTION TO APPROVE MINUTES OF OCTOBER 19, 2020</b> |                                                 |                                          | APPROVE <input checked="" type="checkbox"/>      |                                          | APPROVE WITH REVISIONS <input type="checkbox"/> |
| <b>1<sup>ST</sup></b>                                | Jason Enter <input checked="" type="checkbox"/> | David Hermanson <input type="checkbox"/> | Justin Laven <input type="checkbox"/>            | Ron Regenscheid <input type="checkbox"/> | David Wendinger <input type="checkbox"/>        |
| <b>2<sup>ND</sup></b>                                | Jason Enter <input type="checkbox"/>            | David Hermanson <input type="checkbox"/> | Justin Laven <input checked="" type="checkbox"/> | Ron Regenscheid <input type="checkbox"/> | David Wendinger <input type="checkbox"/>        |
| <b>VOTE TO APPROVE MINUTES</b>                       |                                                 | PASS <input checked="" type="checkbox"/> |                                                  | FAIL <input type="checkbox"/>            | VOTE: 5-0                                       |

### Public Hearings

**MITCH GRATHWOHL**      **PLN20-35**      **AFTER-THE-FACT VARIANCE TO REDUCE BLUFF SETBACK FOR A RETAINING WALL CONSTRUCTED ON SLOPE GREATER THAN TWELVE PERCENT**

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICANT COMMENT</b> | Mitch Grathwohl was present to represent himself.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>PUBLIC COMMENT</b>    | Neighboring landowners Ron Gruber and Nicole Grathwohl inquired about the request. Neither objected to the request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>PUBLIC TESTIMONY</b>  | None.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>MOTION</b>            | APPROVE WITH PROPOSED CONDITIONS <input checked="" type="checkbox"/> DENY <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>1<sup>ST</sup></b>    | Jason Enter <input checked="" type="checkbox"/> David Hermanson <input type="checkbox"/> Justin Laven <input type="checkbox"/> Ron Regenscheid <input type="checkbox"/> David Wendinger <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>2<sup>ND</sup></b>    | Jason Enter <input type="checkbox"/> David Hermanson <input type="checkbox"/> Justin Laven <input checked="" type="checkbox"/> Ron Regenscheid <input type="checkbox"/> David Wendinger <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>BOARD DISCUSSION</b>  | <p>Enter asked if Grathwohl had water in his house. Grathwohl stated yes, he had water in his garage and sediment building up against the outside of his house.</p> <p>Chair Wendinger asked if the rock wall is done. Grathwohl stated the rock wall is done.</p> <p>Laven asked why Grathwohl waited so long, since this started in 2018, and the request was not before the Board until 2020.</p> <p>Regenscheid noted that Grathwohl was informed he needed a permit in August, yet Grathwohl started construction in October. Regenscheid asked Grathwohl why he did not get a permit before starting construction. Grathwohl stated that is when the landscaper was able to start work, that he did not think it was the same as the front, that he did not understand the 12% slope or the bluff standard, and that he</p> |

|                                           |                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                  |                                                     |                                          |
|-------------------------------------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------------------------|------------------------------------------|
|                                           |                                                 | <p>wanted to get the work done that year.</p> <p>Enter noted that he felt Grathwohl should have gotten a permit. However, the retaining wall does look nice, that the retaining wall probably the way it should be, and that it does not make sense to tell Grathwohl to tear out the retaining wall. Laven agreed, and added if the wall was removed, Grathwohl would have problems to deal with again. Laven noted concern with the increasing issue of individuals going ahead with work, and seeking an after-the-fact variance, with no repercussions.</p> <p>Enter asked Staff whether a residence would be able to be built on this lot today, under current standards. Director Landkamer stated a variance would be needed, to reduce the bluff setback to 0.</p> |                                                  |                                                     |                                          |
| <b>MOTION TO RECESS</b>                   |                                                 | 7:43 PM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                  |                                                     |                                          |
| <b>1<sup>ST</sup></b>                     | Jason Enter <input type="checkbox"/>            | David Hermanson <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Justin Laven <input type="checkbox"/>            | Ron Regenscheid <input type="checkbox"/>            | David Wendinger <input type="checkbox"/> |
| <b>2<sup>nd</sup></b>                     | Jason Enter <input type="checkbox"/>            | David Hermanson <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Justin Laven <input type="checkbox"/>            | Ron Regenscheid <input checked="" type="checkbox"/> | David Wendinger <input type="checkbox"/> |
| <b>VOTE TO RECESS</b>                     |                                                 | PASS <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | FAIL <input type="checkbox"/>                    | VOTE: 5-0                                           |                                          |
| <b>RECONVENE</b>                          |                                                 | 8:17 PM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                  |                                                     |                                          |
| <b>BOARD DISCUSSION</b>                   |                                                 | <p>The Board discussed Criteria 7 through 10.</p> <p>The consensus of the Board was that it did not make sense to require Grathwohl to tear out the retaining wall.</p> <p>Enter asked Staff what would happen if Grathwohl built another retaining wall next year on the other side of his house, and sought an after the fact variance. Director Landkamer stated there would be no repercussion, and there was no stipulation regarding that issue.</p>                                                                                                                                                                                                                                                                                                                 |                                                  |                                                     |                                          |
| <b>VOTE</b>                               |                                                 | PASS <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | FAIL <input type="checkbox"/>                    | VOTE: 5-0                                           |                                          |
| <b>MOTION TO APPROVE FINDINGS OF FACT</b> |                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                  |                                                     |                                          |
| <b>1<sup>ST</sup></b>                     | Jason Enter <input checked="" type="checkbox"/> | David Hermanson <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Justin Laven <input type="checkbox"/>            | Ron Regenscheid <input type="checkbox"/>            | David Wendinger <input type="checkbox"/> |
| <b>2<sup>nd</sup></b>                     | Jason Enter <input type="checkbox"/>            | David Hermanson <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Justin Laven <input checked="" type="checkbox"/> | Ron Regenscheid <input type="checkbox"/>            | David Wendinger <input type="checkbox"/> |
| <b>VOTE TO APPROVE FINDINGS OF FACT</b>   |                                                 | PASS <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | FAIL <input type="checkbox"/>                    | VOTE: 5-0                                           |                                          |

|                                           |                                      |                                                                                                                                                   |                                       |                                                     |                                          |
|-------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-----------------------------------------------------|------------------------------------------|
| <b>OLD BUSINESS</b>                       |                                      | None.                                                                                                                                             |                                       |                                                     |                                          |
| <b>OTHER BUSINESS</b>                     |                                      | None.                                                                                                                                             |                                       |                                                     |                                          |
| <b>REVIEW OF ADMINISTRATIVE VARIANCES</b> |                                      | None.                                                                                                                                             |                                       |                                                     |                                          |
| <b>COMMUNICATIONS</b>                     |                                      | Director Landkamer noted that Jason Enter would be leaving the Board. She thanked Enter for his years of service and presented him with a plaque. |                                       |                                                     |                                          |
| <b>MOTION TO ADJOURN</b>                  |                                      | 8:26 PM                                                                                                                                           |                                       |                                                     |                                          |
| <b>1<sup>ST</sup></b>                     | Jason Enter <input type="checkbox"/> | David Hermanson <input type="checkbox"/>                                                                                                          | Justin Laven <input type="checkbox"/> | Ron Regenscheid <input checked="" type="checkbox"/> | David Wendinger <input type="checkbox"/> |
| <b>2<sup>nd</sup></b>                     | Jason Enter <input type="checkbox"/> | David Hermanson <input checked="" type="checkbox"/>                                                                                               | Justin Laven <input type="checkbox"/> | Ron Regenscheid <input type="checkbox"/>            | David Wendinger <input type="checkbox"/> |
| <b>VOTE TO ADJOURN</b>                    |                                      | PASS <input checked="" type="checkbox"/>                                                                                                          | FAIL <input type="checkbox"/>         | VOTE: 5-0                                           |                                          |

|                                   |  |             |  |
|-----------------------------------|--|-------------|--|
| <b>DAVID WENDINGER,<br/>CHAIR</b> |  | <b>DATE</b> |  |
|-----------------------------------|--|-------------|--|

|                                                    |  |
|----------------------------------------------------|--|
| <b>JON HAMMEL,<br/>DEPUTY ZONING ADMINISTRATOR</b> |  |
|----------------------------------------------------|--|



## **VARIANCE**

**REDUCE MINIMUM BUILDABLE  
AREA FOR THE PURPOSE OF  
CONSTRUCTING A NEW SINGLE  
FAMILY DWELLING**

**BRIAN & MARY DUEHRING**

**PLN21-03**

# NICOLLET COUNTY

## BOARD OF ADJUSTMENT & APPEALS

|                              |                                                                                          |
|------------------------------|------------------------------------------------------------------------------------------|
| <b>SUBJECT:</b>              | PLN21-03, Variance                                                                       |
| <b>APPLICANTS/LANDOWNER:</b> | Brian and Mary Duehring                                                                  |
| <b>LOCATION:</b>             | Part of the Northeast 1/4 of the Northeast 1/4 of Section 26-109-27 in Belgrade Township |
| <b>PARCEL NO:</b>            | 01.026.3115                                                                              |
| <b>EXISTING ZONING:</b>      | Conservancy                                                                              |
| <b>HEARING DATE:</b>         | January 25, 2021                                                                         |

### **REQUEST**

The applicant has submitted a variance request to reduce the minimum buildable area for the purpose of constructing a single family dwelling.

### **EXISTING LAND USE**

The request involves two existing properties (see Attachment D). The western property presently contains 9.5 acres and the eastern property contains 3.06 acres. Both properties are zoned Conservancy. The western property is a mix of wooded bluffs and grass land. The eastern property is wooded bluff land. Separate, neither property meets the minimum lot size of ten acres. It is the applicant's intention to legally merge the two existing properties into one new 12.56 acre property, as depicted in Attachment F.1.

### **SURROUNDING LAND USE**

The neighboring land uses are a mix of natural environment, residential, and agricultural. The property is located within the Minnesota River bluff approximately one mile north of the City of North Mankato. It is located immediately north of Johnson's Woodview Subdivision.

### **VARIANCE**

The applicants are requesting to reduce the minimum buildable area from two acres to 1.3 acres, a reduction of 0.7 acres. Buildable area is considered to be that contiguous portion of a lot remaining after the deletion of any floodplain, road right-of-ways, setback areas, wetlands, slopes of 12% or greater, and protected waters. The standard is intended to provide the minimum buildable area so as to include space for a dwelling, an original septic system location, an alternative septic system location (for future replacement of the original system), and any proposed out buildings, such as detached garages or sheds, without the need for a variance. The applicant has submitted an exhibit prepared by a surveyor that indicates the location of a dwelling, a detached accessory structure and two septic system locations (see Attachment F.2)

Deeds from the Nicollet County Recorder's Office indicate the original property was created in 1995 (see Attachment G.1). The original property contained 10 acres +/- . It predated the minimum buildable area requirement, which was adopted for the Conservancy zoning district in 1996. The applicant purchased the property in 2005 (see Attachment G.2). At that time, the lot pre-existed the minimum buildable area standard; this means the lot was not subject to the standard provided the configuration of the lot was not altered or changed in any way.

In 2007, the applicant sold two small areas (approximately 0.5 acres) to the landowner directly west of the property (see Attachment G.3). This was done to resolve a nonconformity issue (a shed was built within the property line setback) with the neighboring property. With this change in configuration, the property lost its pre-existing status and became subject to the current standards, including the two acre minimum buildable lot requirement.

The applicants did submit a set of answers to the variance questionnaires (see Attachment F.3).

***Access:***

The property has access to a public right-of-way via an existing easement. The easement was recorded in 1995 and pre-exists the 1997 standard requiring direct frontage along a public roadway.

**NEIGHBOR NOTIFICATION**

Property owners were notified of the request per the standards of Section 503 of the Zoning Ordinance and Minnesota State Statute 394.26.

**VARIANCE CRITERIA**

NOTE: According to Minnesota State Statute 394.27 Subd.7 "*practical difficulties*," as used in connection with the granting of a variance, means that: the property owner proposes to use the property in a reasonable manner not permitted by an official control; **and** the plight of the landowner is due to circumstances unique to the property and not created by the landowner; **and** the variance will not alter the essential character of the locality.

*ALL SIX of the variance criteria **must** be answered  
"True" in order for the variance to be granted.*

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

- The minimum buildable area standard is intended to ensure that properties where a new dwelling is being proposed have enough space to accommodate not only the new dwelling, but also two septic system locations, and room for any proposed out buildings.
- The proposed variance decreasing the required two acres minimum buildable area to 1.3 acres would result in a 35% reduction of the standard.

- However, the applicant's survey does depict the location of proposed buildings and two septic system locations within the 1.3 acres of buildable area.

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

- The county will consider the character of the land and its suitability for development and will guide residential development to areas within the county that can adequately support the proposed density and development types. The property does not contain the minimum buildable area for the development of single family dwellings on lots located within the Conservancy zoning district. This will limit the amount of development which may occur on the property.
- The county will ensure that land is used in an appropriate manner, by minimizing conflicts between land uses. It does not appear the proposal will increase the potential for land use conflict; the property is primarily bordered by developed, single family lots to the north, west, and south. The lots to the east are natural environment.
- The comprehensive plan seeks to preserve, protect, and conserve natural resources in the county, including agricultural lands. The proposal does not include the development of bluff or wooded lands on the property, and does not include the development of agricultural lands. However, the proposal would result in the loss of open space grass land.

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

- The request does not appear to establish a practical difficulty.
- The plight is not unique to the property; the plight is due to the applicants' actions:
  - The lot was created in 1995. The minimum buildable area requirement went into effect in the Conservancy zoning district in 1996.
  - When the applicant purchased the property in 2005, the lot was not subject to the minimum buildable area standard because the lot pre-existed the standard.
  - The property lost its pre-existing status in 2007 when the applicant sold a portion of the property to a neighboring landowner.
- Without the variance the property is not eligible for the construction of a new single family dwelling; the property can continue to be used for recreational uses, wildlife habitat, or agricultural purposes.

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

- The plight is not unique to the property.
- The plight appears to be caused by the applicant's decision to sell a portion of the property to a neighboring landowner in 2007. The change in lot configuration created a new lot that was subject to the minimum buildable area requirement. Prior to that sale, the original lot was considered pre-existing and was not subject to the requirement.

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

- The essential character of the locality, as depicted in Attachment H, will remain residential and natural environment regardless of whether the variance is granted.
- The location will be mostly screened from neighboring properties by existing vegetation and changes in topography.
- There are numerous other single family dwellings in the locality. However, many of these dwellings are located within Johnson's Woodview Subdivision (see Attachment H), which is zoned R-1, Urban-Rural Residential. The R-1 zoning district is designed for higher density development and smaller minimum lot sizes associated with it.

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

- The request includes more than economic considerations alone.
- The request is based on the location, dimensions, and topography of the property.

**Applicants/Landowners:  
Brian & Mary Duehring**

**PLN21-03**

|                     |                                                             |
|---------------------|-------------------------------------------------------------|
| <b>ATTACHMENT A</b> | <b>Application</b>                                          |
| <b>ATTACHMENT B</b> | <b>Variance Criteria</b>                                    |
| <b>ATTACHMENT C</b> | <b>Location Map</b>                                         |
| <b>ATTACHMENT D</b> | <b>Aerial</b>                                               |
| <b>ATTACHMENT E</b> | <b>Neighbor Notification List</b>                           |
| <b>ATTACHMENT F</b> | <b>Documents Submitted by Applicant</b>                     |
| F.1                 | Survey                                                      |
| F.2                 | Exhibit                                                     |
| F.3                 | Answers to Applicant Questionnaires                         |
| <b>ATTACHMENT G</b> | <b>Deeds</b>                                                |
| G.1                 | 1995 Deed – Property created                                |
| G.2                 | 2005 Deed – Applicant purchases property                    |
| G.3                 | 2007 Deed – Applicant sells portion of property to neighbor |
| <b>ATTACHMENT H</b> | <b>Map – Single Family Dwellings</b>                        |

Parcel No: 01.026.3115  
Map No: 1826200039



PROPERTY SERVICES DIVISION  
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082  
507-934-7070

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BOARD OF ADJUSTMENT & APPEALS  
APPLICATION

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Total Fees: \$

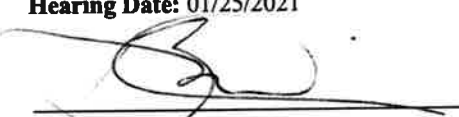
Map#: 1826200039  
Parcel# 010263115  
Permit#: PLN21-00003  
Date: December 30, 2020

Applicant: DUEHRING BRIAN N & MARY D DUEHRING, , 208 GLEN ELLEN DR, MANKATO MN 56001  
Phone: 382-2547  
Owner: DUEHRING BRIAN N & MARY D DUEHRING, 208 GLEN ELLEN DR, MANKATO MN 56001  
Property Address: 0,  
Abbreviated Legal Description: SP; COMM SW COR NE1/4 NE1/4 E238',N890', E192.21',NE200',SE254',SW274.8  
NE53.28',SW205.02',SW85.54' TO BEG, NE85.54',NE205.02',NE369. 72',SE370',S TO SLY LN SAID 1/4  
1/4,W605',NW402.63'TO POB TOTAL ACRES=9.5  
Township: Belgrade Township

Record Type: Variance  
Category: Buildable Area

Project Description: Variance to reduce the minimum lot size from 2 acres to 1.3 acres, a decrease of 0.7 acres, for the purpose of  
constructing a new single family dwelling. Ref: 503, 603.4(7)

Hearing Date: 01/25/2021

  
APPLICANT SIGNATURE

12/31/20  
DATE

ATTACHMENT A  
Application



**NICOLLET COUNTY BOARD OF ADJUSTMENTS AND APPEALS  
CRITERIA FOR GRANTING A VARIANCE**

**Name of Applicant/**  
**Property Owner:** Brian and Mary Duehring  
**Variance Requested:** Reduce minimum buildable are, for the purpose of  
constructing a new single family dwelling

**Date:** January 25, 2021  
**File:** PLN21-03

**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.

|                 |                              |                             |            |
|-----------------|------------------------------|-----------------------------|------------|
| David Hermanson | <input type="checkbox"/> YES | <input type="checkbox"/> NO | WHY: _____ |
| Justin Laven    | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| Ron Regenscheid | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| David Ubel      | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| David Wendinger | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |

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

|                 |                              |                             |            |
|-----------------|------------------------------|-----------------------------|------------|
| David Hermanson | <input type="checkbox"/> YES | <input type="checkbox"/> NO | WHY: _____ |
| Justin Laven    | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| Ron Regenscheid | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| David Ubel      | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| David Wendinger | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |

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

|                 |                              |                             |            |
|-----------------|------------------------------|-----------------------------|------------|
| David Hermanson | <input type="checkbox"/> YES | <input type="checkbox"/> NO | WHY: _____ |
| Justin Laven    | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| Ron Regenscheid | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| David Ubel      | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| David Wendinger | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |

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

|                 |                              |                             |            |
|-----------------|------------------------------|-----------------------------|------------|
| David Hermanson | <input type="checkbox"/> YES | <input type="checkbox"/> NO | WHY: _____ |
| Justin Laven    | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| Ron Regenscheid | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| David Ubel      | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |
| David Wendinger | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____      |

**ATTACHMENT B**  
**Variance Criteria**

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

|                        |                              |                             |                   |
|------------------------|------------------------------|-----------------------------|-------------------|
| <b>David Hermanson</b> | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <b>WHY:</b> _____ |
| <b>Justin Laven</b>    | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____             |
| <b>Ron Regenscheid</b> | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____             |
| <b>David Ubel</b>      | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____             |
| <b>David Wendinger</b> | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____             |

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

|                        |                              |                             |                   |
|------------------------|------------------------------|-----------------------------|-------------------|
| <b>David Hermanson</b> | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <b>WHY:</b> _____ |
| <b>Justin Laven</b>    | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____             |
| <b>Ron Regenscheid</b> | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____             |
| <b>David Ubel</b>      | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____             |
| <b>David Wendinger</b> | <input type="checkbox"/> YES | <input type="checkbox"/> NO | _____             |

**SPECIAL CONDITIONS ARE LISTED  
ON THE RECORDED VARIANCE AND IN THE RECORD**

**THE NICOLLET COUNTY BOARD OF ADJUSTMENTS AND APPEALS:  
(APPROVES \_\_\_\_\_) (DENIES \_\_\_\_\_) THE REQUESTED VARIANCE**

This decision is based on:

|                                              |                                   |                   |                 |
|----------------------------------------------|-----------------------------------|-------------------|-----------------|
| _____ Application                            | _____ Viewed by Members of Board: | Hermanson _____   | Ubel _____      |
| _____ Staff report                           |                                   | Laven _____       | Wendinger _____ |
| _____ Pictures                               |                                   | Regenscheid _____ |                 |
| _____ Information received at public hearing |                                   |                   |                 |

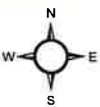
Facts supporting the answer to each question above are hereby certified to be the Findings of the Nicollet County Board of Adjustments and Appeals.

Date: \_\_\_\_\_ Chair: \_\_\_\_\_



**ATTACHMENT C**  
**Location 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. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

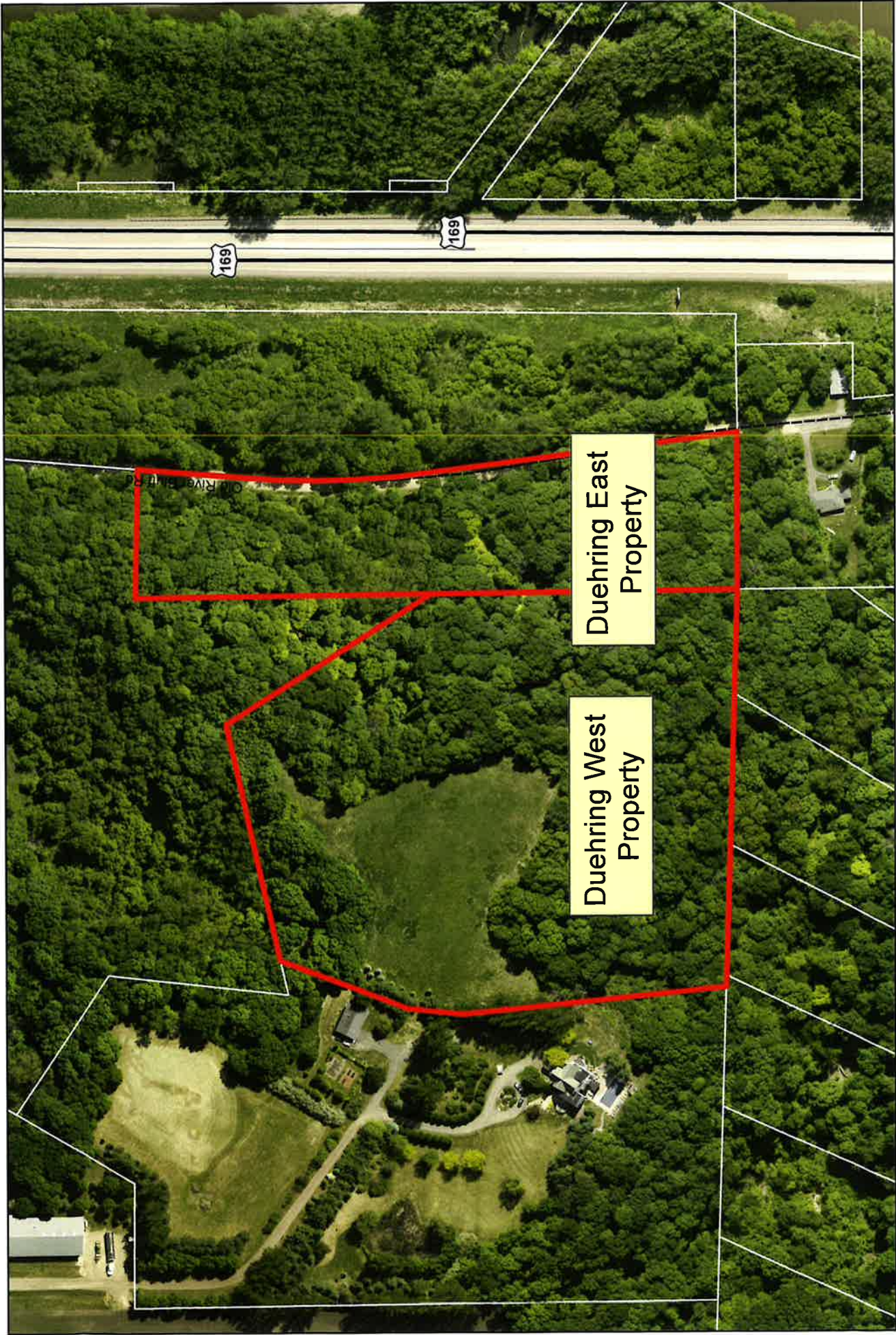


0 1,400 2,800 Feet

1:35,000 1 inch = 2,917 feet

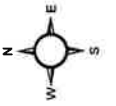
Name: \_\_\_\_\_

Date: \_\_\_\_\_



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. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

1:2,400 1 inch = 200 feet



0 100 200 Feet

## ATTACHMENT D Aerial

LARRY & NANCY ACHTERHOFF  
38265 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

LESLIE & LOIS ALTENBURG  
38158 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

SHANE & MICHELLE ANDERSON  
38462 498TH ST  
NORTH MANKATO MN 56003

CHARLES BAILEY  
527 FRANCES AVE  
HUDSON WI 54016

ROBERT & LYNN BAKER  
38210 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

LARRY & REBECCA BATEMAN  
38215 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

TOD & DIANE BECKER  
50542 OLD RIVER BLUFF RD  
NORTH MANKATO MN 56003

GERALD & NANCY BERBERICK  
38116 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

JOEL & DIANE BRANDEL  
58357 BIRCH BLUFF LN  
NORTH MANKATO MN 56003

DAVID & MARGARET DAHL  
38102 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

SCOTT & NANCY DESLAURIERS  
58315 BIRCH BLUFF LN  
NORTH MANKATO MN 56003

RONALD & LORI DUEHLMAYER  
50833 BIRCH BLUFF DR  
NORTH MANKATO MN 56003

BRIAN & MARY DUEHRING  
208 GLEN ELLEN DR  
MANKATO MN 56001

TIMOTHY & FLORANNE ERNSTE  
7267 60TH AVE NW  
ORONOCO MN 55960

JAMES & JENICE FALLENSTEIN  
2271 NORTHRIDGE DR  
NORTH MANKATO MN 56003

JAMES & SHERI FEDSON  
38146 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

CHAD & PAMELA FITTERER  
50901 BIRCH BLUFF DR  
NORTH MANKATO MN 56003

PAMELA FITTERER  
50901 BIRCH BLUFF DR  
NORTH MANKATO MN 56003

JAMES & JENNIFER LOANEY  
38475 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

FREDERICK LIVING TRUST  
38305 490TH ST  
SAINT PETER MN 56082

SCOTT & SANDRA GROSS  
38275 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

BLAKE GUENTZEL  
38766 498TH ST  
NORTH MANKATO MN 56003

JOHN & KATERINA HALEY  
38411 498TH ST  
NORTH MANKATO MN 56003

BRENT & SUZANNE HALL  
38417 498TH ST  
NORTH MANKATO MN 56003

RUSSELL & MONA HAUER  
49554 OLD RIVER BLUFF RD  
NORTH MANKATO MN 56003

TERRY E & GWEN A M HENRICKSEN  
38469 HONEYSUCKLE LN  
NORTH MANKATO MN 56003-8800

NATHAN HEYN  
5120 W RED BARN CT  
APPLETON WI 54913

JENNIFER & PATRICK HOLM  
38396 HONEYSUCKLE LN  
NORTH MANKATO MN 56003-4211

ROBERT J & MICHELLE R HOULIHAN  
38329 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

THOMAS R & RACHEL H JONES  
38418 498TH ST  
NORTH MANKATO MN 56003

GERALD K & SANDRA A KOWAL  
38125 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

JOSEPH & JILL FREDERICKSON-KRATZKE  
38334 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

DAVID G & MARIA E KVAMME  
38287 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

TODD & JENNIFER LANDGRAFF  
2205 ASPEN LN  
NORTH MANKATO MN 56003

JEFFREY W & KIM LANGER  
50566 OLD RIVER BLUFF RD  
NORTH MANKATO MN 56003

JOHN R & GAE L LARSON  
50298 OLD RIVER BLUFF RD  
NORTH MANKATO MN 56003

RICHARD D & NANCY A LOUCKS  
38600 498TH ST  
NORTH MANKATO MN 56003

GARRY L & NANCY J MANN  
48663 421ST AVE  
NORTH MANKATO MN 56003

CHRISTOPHER K & TAMI M MEEHAN  
38302 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

MATT E & CHRISTINE C MEHEGAN  
38171 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

MICHAEL J & RAYNELL L MELVIN  
50605 BIRCH BLUFF DR  
NORTH MANKATO MN 56003

ROBERT J & JENEINE M MICHELS  
38458 498TH ST  
NORTH MANKATO MN 56003

ROBERT E & LEATHA J NORMAN  
38188 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

BRUCE A & WENDY L PEDERSON  
50686 BIRCH BLUFF DR  
NORTH MANKATO MN 56003

PETERS FAMILY LLLP  
41129 STATE HIGHWAY 99  
SAINT PETER MN 56082

MARK & CHRISTINE S PHINNEY  
50792 BIRCH BLUFF DR  
NORTH MANKATO MN 56003

JOYCE E ROUST  
38109 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

BARBARA JEAN SABA  
50032 OLD RIVER BLUFF RD  
NORTH MANKATO MN 56003

RODNEY M & AUDRE A SCHEITEL  
38191 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

DANIEL J SCHEURER  
1810 MARY LN  
NORTH MANKATO MN 56003

SCHMIT BROTHERS PARTNERSHIP  
38388 512TH ST  
NORTH MANKATO MN 56003

JORDAN M SCHOENER  
50791 BIRCH BLUFF DR  
NORTH MANKATO MN 56003

JEHROD & NICOLE SMITHBACK  
38280 HONEYSUCKLE LN  
NORTH MANKATO MN 56003-4131

GERALD L & SHIRLEY J SPOORS  
49892 OLD RIVER BLUFF RD  
NORTH MANKATO MN 56003

LINDEN J & BRENDA J STENZEL  
50853 BIRCH BLUFF DR  
NORTH MANKATO MN 56003

RICHARD W & KAREN P TANNER  
2609 HARRELL RD  
HOWE TX 75459-3513

RODRIGO TEUBER & DORIA VERGAS  
CABEZAS  
38326 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

WILLIAM G & PAULA L THIEDE  
58307 BIRCH BLUFF LN  
NORTH MANKATO MN 56003

THORNS BEL-PRAIRIE FARMS LLC  
50297 405TH AVE  
NORTH MANKATO MN 56003

JOAN L TIMM REVOCABLE TRUST  
40283 506TH ST  
NORTH MANKATO MN 56003

LILLY L VERSTEEG  
113 APPLE NOOK CT  
MANKATO MN 56001

TERESA ANN VETTER  
58302 BIRCH BLUFF LN  
NORTH MANKATO MN 56003

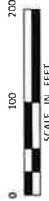
MARK J & PAULA J WEBER  
224 W SKYLINE CT  
MANKATO MN 56001

MATTHEW R & SARAH J WERSAL  
38258 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

JEFFREY W & ANGELA YOUNGE  
38431 HONEYSUCKLE LN  
NORTH MANKATO MN 56003

BELGRADE TOWN CLERK  
38310 490TH ST  
ST PETER MN 56082

MICHAEL FISCHER  
CITY OF NORTH MANKATO  
1001 BELGRADE AVENUE  
NORTH MANKATO MN 56002



LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND
- (D) DEED

**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 A. Eichers*  
Michael A. Eichers  
License Number 46564  
12/22/2020  
Date

Horizontal Datum: 1996 Nicollet County Coordinate System

**CERTIFICATE OF SURVEY**  
NICOLLET COUNTY, MINNESOTA

**BOLTON & MENK**

PART OF NE 1/4 - NE 1/4 OF SEC 26-109-27 AND  
PART OF NW 1/4 - NW 1/4 OF SEC 25-109-27,  
NICOLLET COUNTY, MINNESOTA

1960 PREMIER DRIVE  
MANKATO, MINNESOTA 56001  
(507) 625-4171

FOR: BRIAN DUERING

**ATTACHMENT F.1**  
**Survey**



From : Brian Duehring

To: Nicollet County, Attn: Jon Hammel

Date: Dec 30, 2020

Request: Variance application by Brian and Mary Duehring to seek relief from a 2 acre buildable lot requirement on property owned by us in Belgrade Township, Section 26 in Nicollet County to result in the construction of a residential home on the lot.

(Note – The owned property presently consists of two parcels, #01.026.3115 and #01.025.0625 where they will be combined under a separate survey and deed which results in an overall lot size of approximately 13.3 acres. This effort is underway with an approximate completion than mid Jan 2021)

This document lists our input to the questions of the 2 questionnaires provided by the Nicollet County Property Services office.

**VARIANCE APPLICANT QUESTIONNAIRE Questions 1 through 6 Dated - Dec 30, 2020**

- 1) This is Tract #3, Bldg Site #3 of a planned, surveyed, platted and county recorded 4 tract/lot plan, all meeting the 10 acre size for the purpose of construction of future single family residential homes in compliance with county ordinances.
- 2) Yes – This request is to construct a single family, 4 bedroom home on a 10+ acre lot. Additionally, the counties tax base will increase with the development.
- 3) Subsequent setback ordinances now potentially prevent the original intended purpose of the platted development that was reviewed and accepted by the county many years earlier.
- 4) Present county setback requirements results in the buildable area to less than 2 acres.
- 5) No – The construction plan for a single family residence is congruent to the 2 adjoining lots with similarly situated residential properties constructed thereon. Which also includes one of those properties constructed under less restrictive setback requirements than our lot falls under. (i.e. – closer to the terrain hillside).
- 6) The difficulty is not for monetary purposes but rather for a dwelling which was the intended purpose of the development when the county originally accepted the plat.

**VARIANCE APPLICATION QUESTIONNAIRE PROJECT DESCRIPTION – Questions 1 through 3 / dtd 12-30-20**

- 1) This property was presented and sold as a 'lot' for building a home including driveway easement and water rights to a community well. The investment cost of the property was market for this surveyed building lot and would be a significant loss to ownership if not allowed the completion of its' intended use. The construction is for the personal occupation by the Duehrings. Without its' development, the property/lot would be wooded, hillside rural property.
- 2) Unknown at this time – Buildable area has steep wooded hillside on three sides.
- 3) Construction of a personal residence. A surveyed site plan is developed and provided as a component of this application.

Individual (s) to Individual (s)

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed (✓) not required  
Certificate of Real Estate Value No. Dec 1, 1995

Robert Buons  
County Auditor  
by B Kennedy  
Deputy

STATE DEED TAX DUE HEREON: \$ 1.65Date: November 29, 1995

DOCUMENT NO. **204830**  
OFFICE OF COUNTY RECORDER  
Nicollet County, Minnesota

I hereby certify that the within  
instrument was filed for record on  
December 1, 1995 at 9:00 a.m.  
[Signature]  
County Recorder Nicollet Co., MN  
By \_\_\_\_\_ Deputy

GARY L JOHNSON  
100S 2nd STREET  
BOX 9  
EAGLE LAKE MN 56024 PD \$19.50  
(reserved for recording data)

FOR VALUABLE CONSIDERATION, Gary L. Johnson and Joan M. Johnson,  
husband and wife (marital status), Grantor (s),  
hereby convey (s) and quitclaim (s) to Joan M. Johnson, Grantee (s),  
real property in Nicollet County, Minnesota, described as follows:

(See reverse side)

THE TOTAL CONSIDERATION  
FOR THIS TRANSFER OF  
PROPERTY IS \$500 OR LESS

WELL CERTIFICATE  
RECEIVED \_\_\_\_\_  
NOT REQUIRED X

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

Nicollet County Deed Tax Paid 1.65  
Date Dec 1, 1995 Tax Stamped Here  
Myrna Schab me  
Nicollet County Treasurer

[Signature]  
Gary L. Johnson

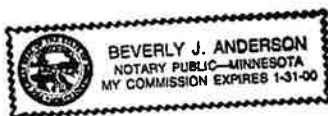
[Signature]  
Joan M. Johnson

STATE OF MINNESOTA

COUNTY OF BLUE EARTH } ss.

The foregoing instrument was acknowledged before me this 29th day of November, 1995,  
by Gary L. Johnson and Joan M. Johnson, husband and wife, Grantor (s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



1-31-00

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

LAMM, NELSON & CICH  
Attorneys at Law  
316 Belle Avenue  
P.O. Box 906  
Mankato, MN 56002  
507-345-4607

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

Joan M. Johnson  
Route 1  
Cleveland, MN 56017

Current Property Tax  
M.S. 272.121

1-31-95 Paid in Full  
Exempt  
Date 12-1-95 Myrna Schab me  
Co. Treasurer

ATTACHMENT G.1  
1995 Deed - Property Created

Tract III

That part of the Northeast Quarter of the Northeast Quarter of Section 26 Township 109 North Range 27 West, Nicollet County, Minnesota, described as:

Commencing at the Southwest Corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence South 88 degrees 07 minutes 00 seconds East (assumed bearing), along the south line of the Northeast Quarter of the Northeast Quarter of Section 26 a distance of 238.00 feet; thence North 00 degrees 04 minutes 08 seconds East, 890.00 feet; thence South 89 degrees 48 minutes 15 seconds East, 192.21 feet; thence North 32 degrees 02 minutes 52 seconds East, 200.00 feet; thence South 57 degrees 57 minutes 08 seconds East, 254.00 feet; thence South 07 degrees 21 minutes 11 seconds West, 274.80 feet to the point of beginning; thence North 80 degrees 00 minutes 00 seconds East, 423.00 feet; thence South 29 degrees 52 minutes 39 seconds East, 370 feet more or less to the point of intersection with the East line of the Northeast Quarter of the Northeast Quarter of Section 26; thence southerly along said east line, 440 feet more or less to the southeast corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence westerly along the south line of the Northeast Quarter of the Northeast Quarter of Section 26 a distance of 690 feet more or less to the point of intersection with a line which bears South 07 degrees 21 minutes 11 seconds West from the point of beginning; thence North 07 degrees 21 minutes 11 seconds East, 670 feet to the point of beginning.

Said tract contains 10 acres, more or less.

Together with a 66 foot wide roadway and utility easement the centerline of which is described as:

Commencing at the southwest corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence South 88 degrees 07 minutes 00 seconds East (assumed bearing), along the south line of the Northeast Quarter of the Northeast Quarter of Section 26 a distance of 238.00 feet; thence North 00 degrees 04 minutes 08 seconds East, 890.00 feet; thence South 89 degrees 48 minutes 15 seconds East, 167.21 feet to the point of beginning; thence South 27 degrees 39 minutes 36 seconds East, 591.07 feet to a point on the east line of said Tract I and there terminating.

Also together with a 66.00 foot wide roadway and utility easement the centerline of which is described as:

Commencing at the southwest corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence South 88 degrees 07 minutes 00 seconds East (assumed bearing), along the south line of the Northeast Quarter of the Northeast Quarter of Section 26 a distance of 238.00 feet; thence North 00 degrees 04 minutes 08 seconds East, 890.00 feet; thence South 89 degrees 48 minutes 15 seconds East, 167.21 feet to the point of beginning; thence North 27 degrees 39 minutes 36 seconds West, 138.00 feet; thence North 12 degrees 59 minutes 35 seconds West, 290 feet, more or less, to a point on the north line of Section 26 and there terminating.

No delinquent taxes

Transfer entered on **Aug 31, 2005**

Certificate Real Estate ( **X** ) filed ( ) not required

Certificate of Real Estate Value No **23674**

**ROBERT BRUNS** signed by  
Nicollet County Auditor **S Koch**



**KATHRYN CONLON**  
County Recorder  
Nicollet County, Minnesota *JD*

Document No. **264824** *(ca)*

Certified Recorded on 08-31-2005 at 09:00 **A** **M**

Well Certificate: \_\_\_\_\_ # Pages **3**

Rec'd: LAMM NELSON & CICH Fee: \$ 46.00

Form No. 5-M - WARRANTY DEED

Individual(s) to Joint Tenants

(Top 3 inches Reserved for Recording Data)

Minnesota Uniform Conveyancing Blanks

STATE DEED TAX DUE HEREON: \$ **475.20**

Date: **August 29, 2005**

FOR VALUABLE CONSIDERATION, **Dominic T. Cardelli and Roxanne L. Jadin-Cardelli,**  
**husband and wife** (marital status) \_\_\_\_\_, Grantor(s),

hereby convey(s) and warrant(s) to **Brian N. Duehring and Mary D. Duehring**  
\_\_\_\_\_, Grantees as joint  
tenants, real property in **Nicollet** County, Minnesota, described as follows:

**See attached legal description.**

The seller certifies that the seller does not know of any wells on  
the described real property.

### WELL CERTIFICATE

RECEIVED \_\_\_\_\_  
NOT REQUIRED ☒

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

Nicollet County Deed Tax Paid **\$475.00**  
Date **8-31-05**  
**M. Schaub**  
Nicollet County Treasurer

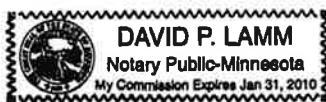
Affix Deed Tax Stamp Here

**Dominic T. Cardelli**  
**Roxanne L. Jadin-Cardelli**

STATE OF **Minnesota** } ss.  
COUNTY OF **Blue Earth**

The foregoing instrument was acknowledged before me this **29th** day of **August**, **2005**,  
by **Dominic T. Cardelli and Roxanne L. Jadin-Cardelli, husband and wife**  
\_\_\_\_\_, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



1-31-2010

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

**LAMM, NELSON & CICH**  
Attorneys at Law  
316 Belle Avenue  
Mankato, MN 56001

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should  
be sent to (Include name and address of Grantee):

**Brian N. Duehring**  
**Mary D. Duehring**  
**208 Glen Ellen Drive**  
**Mankato, MN 56001**

Current Property Tax  
M.S. 272.121

☒ paid in Full  
**8-31-05** **M. Schaub**  
Date County Treasurer

EXHIBIT A  
Parcel No. 1 01-025-0625

264824

*All that part of the Northwest Quarter of the Northwest quarter (NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ) of Section Twenty-five (25), Township 109 North, Range 27 West, Nicollet County, Minnesota, being bounded by the following described lines: On the North by the South line of the North 400.00 feet of said Northwest Quarter of the Northwest Quarter; On the East by the center line of the Township Road; On the South by the South line of the Northwest Quarter of the Northwest Quarter of Section 25; And on the West by the West line of Section 25*

EXHIBIT A  
Parcel No. 2 01-026-3115

264824

*That part of the Northeast Quarter of the Northeast Quarter of Section 26, Township 109 North, Range 27 West, Nicollet County, Minnesota, described as:*

*Commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence South 88 degrees 07 minutes 00 seconds East (assumed bearing), along the south line of the Northeast Quarter of the Northeast Quarter of Section 26, a distance of 238.00 feet; thence North 00 degrees 04 minutes 08 seconds East, 890.00 feet; thence South 89 degrees 48 minutes 15 seconds East, 192.21 feet; thence North 32 degrees 02 minutes 52 seconds East, 200.00 feet; thence South 57 degrees 57 minutes 08 seconds East, 254.00 feet; thence South 07 degrees 21 minutes 11 seconds West, 274.80 feet to the point of beginning; thence North 80 degrees 00 minutes 00 seconds East, 423.00 feet thence South 29 degrees 52 minutes 39 seconds East, 370 feet, more or less to the point of intersection with the East line of the Northeast Quarter of the Northeast Quarter of Section 26; thence Southerly along said East line, 440 feet more or less to the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence westerly along the south line of the Northeast Quarter of the Northeast Quarter of Section 26 a distance of 690 feet more or less to the point of intersection with a line which bears South 07 degrees 21 minutes 11 seconds West from the point of beginning; thence North 07 degrees 21 minutes 11 seconds East, 670 feet to the point of beginning. Said tract contains 10 acres, more or less.*

*Together with a 66 foot wide roadway and utility easement, the center line of which is described as:*

*Commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence South 88 degrees 07 minutes 00 seconds East (assumed bearing) along the south line of the Northeast Quarter of the Northeast Quarter of Section 26 a distance of 238.00 feet; thence North 00 degrees 04 minutes 08 seconds East, 890.00 feet; thence South 89 degrees 48 minutes 15 seconds East, 33.00 feet to the point of beginning; thence South 00 degrees 04 minutes 08 seconds West, 159.50 feet, thence South 53 degrees 32 minutes 43 seconds East, 517.39 feet to a point on the west line of the above described Tract III and there terminating.*

*ALSO, together with a 66.00 foot wide roadway and utility easement, the centerline of which is described as:*

*Commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence South 88 degrees 07 minutes 00 seconds East, (assumed bearing) along the South line of the Northeast Quarter of the Northeast Quarter of Section 26 a distance of 238.00 feet; thence North 00 degrees 04 minutes 08 seconds East, 890.00 feet; thence South 89 degrees 48 minutes 15 seconds East, 33.00 feet to the point of beginning; thence North 00 degrees 04 minutes 08 seconds East, 415.5 feet to a point on the north line of the Northeast Quarter of Section 26 and there terminating.*

*ALSO, together with an easement for water line purposes over, under and across a strip of land 10.00 feet in width lying coincident with and Easterly and Northeasterly of the following described line:*

*Commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence South 88 degrees 07 minutes 00 seconds East, (assumed bearing) along the south line of the Northeast Quarter of the Northeast Quarter of Section 26 a distance of 238.00 feet; thence North 00 degrees 04 minutes 08 seconds East, 890.00 feet; thence South 89 degrees 48 minutes 15 seconds East, 66.00 feet to the point of beginning; thence South 00 degrees 04 minutes 08 seconds West, 142.77 feet; thence South 53 degrees 32 minutes 43 seconds East, 373.22 feet to a point of intersection with a circular curve which center of radius bears South 20 degrees 10 minutes 06 seconds East, thence Easterly and Southeasterly along a 60.00 foot radius curve, central angle = 113 degrees 15 minutes 58 seconds, an arc distance of 118.61 feet; thence South 53 degrees 32 minutes 43 seconds East, 8.92 feet to a point on the westerly line of the above described Tract III and there terminating.*

*Recorder/Registrar Note:  
Portions of this document  
presented for recording/filing  
are illegible.*

No delinquent taxes and Transfer entered on **April 12, 2007**

Certificate Real Estate ( ☒ ) filed ( ) not required

Certificate of Real Estate Value No **24958**

County Deed Tax Paid **\$ 46.20**  
Current Property Tax Exempt ☐ ☒ Paid in full  
(MS 272.121)

Nicollet County Auditor-Treasurer, signed by bh



**KATHRYN CONLON**  
County Recorder  
Nicollet County, Minnesota

**Document No. 273378**

Certified Recorded on **04-12-2007** at **08:00 A M**  
Well Certificate: \_\_\_\_\_ # Pages **3**

Rec'd: FARRISH JOHNSON LAW OFFICE Fee: \$ **46.00**

Form No. 5-M - WARRANTY DEED

Individual(s) to Joint Tenants

(Top 3 inches Reserved for Recording Data)

Minnesota Uniform Conveyancing Blanks

STATE DEED TAX DUE HEREON: \$ **46.20**

Date: **April 4, 2007**

FOR VALUABLE CONSIDERATION, **Brian N. Duehring and Mary D. Duehring, husband and wife**, Grantor(s),  
(marital status)

hereby convey(s) and warrant(s) to **John H. Haley and Katerina D. Haley**, Grantees, as joint tenants, real property in **Nicollet** County, Minnesota, described as follows:

**See attached legal description.**

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

**Subject to easements of record.**

### WELL CERTIFICATE

RECEIVED \_\_\_\_\_  
NOT REQUIRED ☒

Check box if applicable:

- ☒ The Seller certifies that the seller does not know of any wells on the described real property.  
☐ A well disclosure certificate accompanies this document.  
☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Affix Deed Tax Stamp Here

STATE OF **MINNESOTA**

COUNTY OF **BLUE EARTH**

} ss.

**Brian N. Duehring**  
**Mary D. Duehring**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of **April**, **2007**,  
by **Brian N. Duehring and Mary D. Duehring, husband and wife**, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



**1-31-2010**

**Karen Karschnik**  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Check here if part or all of the land is Registered (Torrens) ☐  
Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

**Mr. and Mrs. John H. Haley**

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

**LAMM, NELSON & CICH**  
Attorneys at Law  
316 Belle Avenue  
Mankato MN 56001  
507-345-4607

273378

That part of the following described 10 acre parcel designated as Parcel 1 contained within the 10.5 acre parcel designated at Parcel 2.

Parcel 1:

That part of the Northeast Quarter of the Northeast Quarter of Section 26, Township 109 North, Range 27 West, Nicollet County, Minnesota, described as:

Commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence South 88 degrees 07 minutes 00 seconds East (assumed bearing), along the south line of the Northeast Quarter of the Northeast Quarter of Section 26, a distance of 238.00 feet; thence North 00 degrees 04 minutes 08 seconds East, 890.00 feet; thence South 89 degrees 48 minutes 15 seconds East, 192.21 feet; thence North 32 degrees 02 minutes 52 seconds East, 200.00 feet; thence South 57 degrees 57 minutes 08 seconds East, 254.00 feet; thence South 07 degrees 21 minutes 11 seconds West, 274.80 feet to the point of beginning; thence North 80 degrees 00 minutes 00 seconds East, 423.00 feet thence South 29 degrees 52 minutes 39 seconds East, 370 feet more or less to the point of intersection with the East line of the Northeast Quarter of the Northeast Quarter of Section 26; thence Southerly along said East line, 440 feet more or less to the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence westerly along the south line of the Northeast Quarter of the Northeast Quarter of Section 26 a distance of 690 feet more or less to the point of intersection with a line which bears South 07 degrees 21 minutes 11 seconds West from the point of beginning; thence North 07 degrees 21 minutes 11 seconds East, 670 feet to the point of beginning. Said tract contains 10 acres, more or less.

Parcel 2:

That part of the Northeast Quarter of the Northeast Quarter of Section 26 Township 109 North Range 27 West, Nicollet County, Minnesota, described as:

Commencing at the Southwest Corner of the Northeast Quarter of the Northeast Quarter of Section 26; thence South 88 degrees 07 minutes 00 seconds East (assumed bearing), along the south line of the Northeast Quarter of the Northeast Quarter of Section 26 a distance of 238.00 feet to the point of beginning; thence North 00 degrees 04 minutes 08 seconds East, 890.00 feet; thence South 89 degrees 48 minutes 15 seconds East, 192.21 feet; thence North 32 degrees 02 minutes 52 seconds East, 200.00 feet; thence South 57 degrees 57 minutes 08 seconds East, 254.00 feet; thence South 07 degrees 21 minutes 11 seconds West, 274.80 feet; thence North 80 degrees 00 minutes 00 seconds East, 53.28 feet; thence South 21 degrees 42 minutes 49 seconds West, 205.02 feet; thence South 07 degrees 21 minutes 11 seconds West, 85.54 feet; thence South 04 degrees 46 minutes 42 seconds East, 402.63 feet to the point of intersection with the south line of the Northeast Quarter of the Northeast Quarter of Section 26; thence North 88 degrees 07 minutes 00 seconds West, along said southerly line, 479.00 feet, to the point of beginning. Said tract contains 10.50 acres, subject to any and all easements or record.

See attached Survey Drawing showing the 10.5 acres Parcel designated as Parcel 2 above.



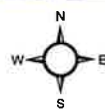


**ATTACHMENT H**  
**Map – Single Family Dwellings**

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. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

1:4,800

1 inch = 400 feet



0 205 410 Feet

**Legend**

 Duehring Property

 Dwellings