

Nicollet County Board of Adjustment and Appeals



February 22, 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.

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: *January 25, 2021*
5. **PUBLIC HEARING PLN21-03** *Continued from January 25, 2021 Meeting*
Applicant/ Property Owner: Brian and Mary Duehring
Request: Reduce minimum buildable area, 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

Mission Statement

Providing efficient services
with innovation and
accountability.

Leadership. Efficiency. Accountability.
Innovation. Integrity.

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.

6. **PUBLIC HEARING PLN21-04**

Applicant/ Property Owner: Jamie Franta

Request: After-the-fact variance to reduce the bluff setback for a deck

Address: 61232 County Road 21, New Ulm MN 56073

Location: Lot 4 of Block 1 of Bushard's First Addition Subdivision in Lafayette Township

Parcel Number: 06.451.0030

7. Old Business

8. Other Business

9. Communications

10. Adjourn



Board of Adjustment & Appeals

MINUTES

JANUARY 25, 2021

7:00 PM

NICOLLET COUNTY
BOARD ROOM

BOARD MEMBERS	☒ David Wendinger CHAIR	David Hermanson ☒	Justin Laven ☐	Ron Regenscheid ☒	David Ubel ☒
ABSENT EXCUSED	☐ David Wendinger CHAIR	David Hermanson ☐	Justin Laven ☐	Ron Regenscheid ☐	David Ubel ☐
ABSENT	☐ David Wendinger CHAIR	David Hermanson ☐	Justin Laven ☒	Ron Regenscheid ☐	David Ubel ☐
STAFF PRESENT	Property and Public Services Director Mandy Landkamer ☒				
	Deputy Zoning Administrator (DZA) Jon Hammel ☒				
	Assistant County Attorney (ACA) Megan E. Gaudette Coryell ☒				
	Other Staff: ☐				

ELECTION OF OFFICERS	
CHAIR	Hermanson nominated Wendinger for Chair, seconded by Regenscheid. The Board voted unanimously to elect David Wendinger as Chair for 2021.
VICE-CHAIR	Regenscheid nominated Hermanson for Vice-Chair, seconded by Ubel. The Board voted unanimously to elect David Hermanson as Vice-Chair for 2021.

REVIEW OF CANCELLATIONS & ADDITIONS		None.			
MOTION TO APPROVE MINUTES OF DECEMBER 21, 2020			APPROVE ☒		APPROVE WITH REVISIONS ☐
1ST	David Hermanson ☒	Justin Laven ☐	Ron Regenscheid ☐	David Ubel ☐	David Wendinger ☐
2ND	David Hermanson ☐	Justin Laven ☐	Ron Regenscheid ☐	David Ubel ☒	David Wendinger ☐
VOTE TO APPROVE MINUTES		PASS ☒		FAIL ☐	VOTE: 4-0

Public Hearings

BRIAN AND MARY DUEHRING PLN21-03 REDUCE MINIMUM BUILDABLE AREA FOR THE PURPOSE OF CONSTRUCTING A NEW SINGLE FAMILY DWELLING

APPLICANT COMMENT	Brian and Mary Duehring were present. The applicants had no comment.
PUBLIC COMMENT	Staff received four inquiries/comments concerning the request prior to the meeting, including: Bev Thorn, Andy and Marilyn Fredericks, Suzie Hall, and Brenda Stenzel. None objected to the request.
PUBLIC TESTIMONY	Adjacent landowner Brent Hall (38417 498th Street, North Mankato MN 56003) asked about the well that would serve the proposed dwelling. Applicant Brian Duehring responded that there is a well agreement on file with the County to share an existing well with two neighboring landowners and that the existing well is plumbed to the boundary of his property. Adjacent landowner John Haley (38411 498th Street, North Mankato MN 56003) explained that when he purchased his property in 2007, he requested the sellers resolve a septic issue prior to purchase; the septic for their property was actually located on the Duehrings' property. To resolve this issue the Duehrings sold the area with the septic system to the previous owners of Mr. Haley's property. Mr. Haley then stated his main concern with the current request was that the dwelling to be built on the Duehrings' property would be a single family dwelling, and not a multi-family dwelling.

MOTION		MOTION TO CONTINUE – IN ORDER TO PROVIDE AN OPPORTUNITY FOR THE APPLICANT TO DETERMINE WHETHER OR NOT THERE IS ACCESS TO THE EXISTING WELL, AND PROVIDE VERIFICATION THAT IF THERE IS NOT ACCESS TO THE EXISTING WELL THAT THE PROPERTY CAN SUSTAIN A NEW WELL ☒			
1ST	David Hermanson ☐	Justin Laven ☐	Ron Regenscheid ☒	David Ubel ☐	David Wendinger ☐
2ND	David Hermanson ☒	Justin Laven ☐	Ron Regenscheid ☐	David Ubel ☐	David Wendinger ☐
BOARD DISCUSSION		Hermanson asked if there was a place on the property where a new well could be dug. Mr. Duehring said he had not looked into digging a new well. He understood the well agreement would allow him to connect to the existing shared well on an adjacent property. He would need to consult a well contractor concerning the ability to install a new well. Regenscheid asked if the applicant understood that there was a limited amount of building space on the property. Mr. Duehring responded that he understood the building space would be limited. Mr. Hall stated he was concerned that if another house was added to the shared well it would result in a loss of water pressure for the two houses already connected to the well. Landkamer stated the well was a part of the conversation and said the Board could request the applicant verify that a well could be dug on the property. Wendinger asked staff what the requirements were for a well. Landkamer explained that the County is not a well-delegated county. She stated there would be a 100-foot setback from the septic system. Mr. Hall pointed out the location of the existing shared well. Mr. Duehring pointed out the location of the existing stop-valve along the boundary of his property. Wendinger asked how old the well is. Mr. Hall stated it was installed in 1995. Hermanson suggested continuing the request so the applicant could provide more information concerning the well. Regenscheid agreed with the suggestion. Mr. Duehring stated he was against a continuance. Landkamer explained the concern over the well issue was an appropriate cause for a continuance, given the nature of the request.			
VOTE		PASS ☒		FAIL ☐	
				VOTE: 4-0	
OLD BUSINESS		None.			
OTHER BUSINESS		None.			
COMMUNICATIONS		None.			
MOTION TO ADJOURN		7:42 PM			
1ST	David Hermanson ☐	Justin Laven ☐	Ron Regenscheid ☒	David Ubel ☐	David Wendinger ☐
2ND	David Hermanson ☐	Justin Laven ☐	Ron Regenscheid ☐	David Ubel ☒	David Wendinger ☐
VOTE TO ADJOURN		PASS ☒		FAIL ☐	
				VOTE: 4-0	
DAVID WENDINGER, CHAIR				DATE	
JON HAMMEL, DEPUTY ZONING ADMINISTRATOR					



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

SUBJECT:	PLN21-03, Variance
APPLICANTS/LANDOWNER:	Brian and Mary Duehring
LOCATION:	Part of the Northeast 1/4 of the Northeast 1/4 of Section 26-109-27 in Belgrade Township
PARCEL NO:	01.026.3115
EXISTING ZONING:	Conservancy
HEARING DATE:	February 22, 2021 (<i>Continued from January 25, 2021</i>)

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.

Well: NEW INFORMATION

On February 2, 2021, the applicant has submitted written verification that a well can be installed on the property (see Attachment F.4). The written verification came from Jadd Seppman & Sons, Inc. and includes an exhibit identifying an area where a well could be installed (see Attachment F.5).

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, two septic system locations, and a well site 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

- ATTACHMENT A Application**
- ATTACHMENT B Variance Criteria**
- ATTACHMENT C Location Map**
- ATTACHMENT D Aerial**
- ATTACHMENT E Neighbor Notification List**
- ATTACHMENT F Documents Submitted by Applicant**

- F.1 Survey
- F.2 Exhibit
- F.3 Answers to Applicant Questionnaires
- F.4 Well Verification *NEW*
- F.5 Well Exhibit *NEW*

ATTACHMENT G Deeds

- G.1 1995 Deed – Property created
- G.2 2005 Deed – Applicant purchases property
- G.3 2007 Deed – Applicant sells portion of property to neighbor

ATTACHMENT H Map – Single Family Dwellings

Parcel No: 01.026.3115
Map No: 1826200039



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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

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
NES3.28',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

Date: February 22, 2021
File: PLN21-03

Variance Requested: Reduce the minimum buildable area, for the purpose of constructing a new single family dwelling

PC Name: _____

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 Wendinger	☐ YES	☐ NO
David Hermanson	☐ YES	☐ NO
Justin Laven	☐ YES	☐ NO
Ron Regenscheid	☐ YES	☐ NO
Dave Ubel	☐ YES	☐ NO

WHY: _____

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

David Wendinger	☐ YES	☐ NO
David Hermanson	☐ YES	☐ NO
Justin Laven	☐ YES	☐ NO
Ron Regenscheid	☐ YES	☐ NO
Dave Ubel	☐ YES	☐ NO

WHY: _____

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

David Wendinger	☐ YES	☐ NO
David Hermanson	☐ YES	☐ NO
Justin Laven	☐ YES	☐ NO
Ron Regenscheid	☐ YES	☐ NO
Dave Ubel	☐ YES	☐ NO

WHY: _____

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

David Wendinger	☐ YES	☐ NO
David Hermanson	☐ YES	☐ NO
Justin Laven	☐ YES	☐ NO
Ron Regenscheid	☐ YES	☐ NO
Dave Ubel	☐ YES	☐ NO

WHY: _____

**ATTACHMENT B
Variance Criteria**

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

David Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

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

David Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

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

THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS:
(☐ APPROVES) (☐ DENIES) THE REQUESTED VARIANCE

This decision is based on:	Viewed by Members of Board:
☐ Application	☐ Wendinger
☐ Staff Report	☐ Hermanson
☐ Pictures	☐ Laven
☐ Information received at public hearing	☐ Regenscheid
	☐ Ubel

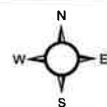
Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustments and Appeals.

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.

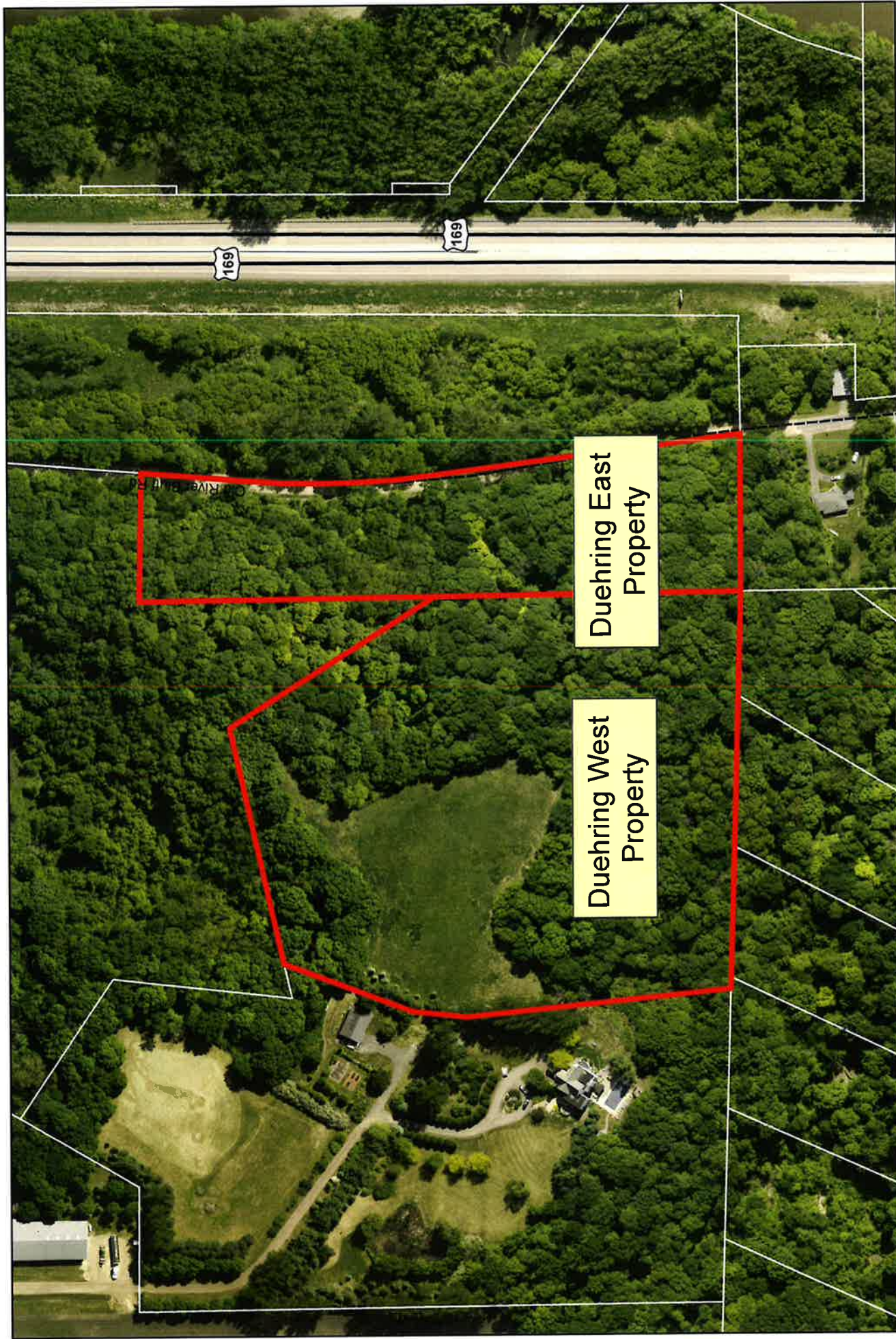


1:35,000 1 inch = 2,917 feet

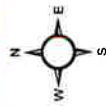
0 1,400 2,800 Feet

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. 45564
- MONUMENT FOUND
- 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 M. Eichers
Michael M. Eichers
License Number 45564
12/21/2020
Date

Horizontal Datum: 1995 Nicollet County Coordinate System

CERTIFICATE OF SURVEY
NICOLLET COUNTY, MINNESOTA



1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 653-4171

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.

"Continuing The Family Tradition of Excellent Service"

Jadd Seppmann & Sons INC
Well Drilling & Septic Systems
507-625-3400

54043 State Highway 68
Mankato, MN 56001
Phone (507) 625-3400
Fax (507) 625-7717

Located directly across from the
"Seppmann Mill"

February 1, 2021

To Whom it May Concern,

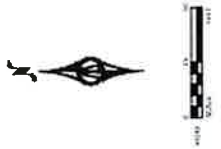
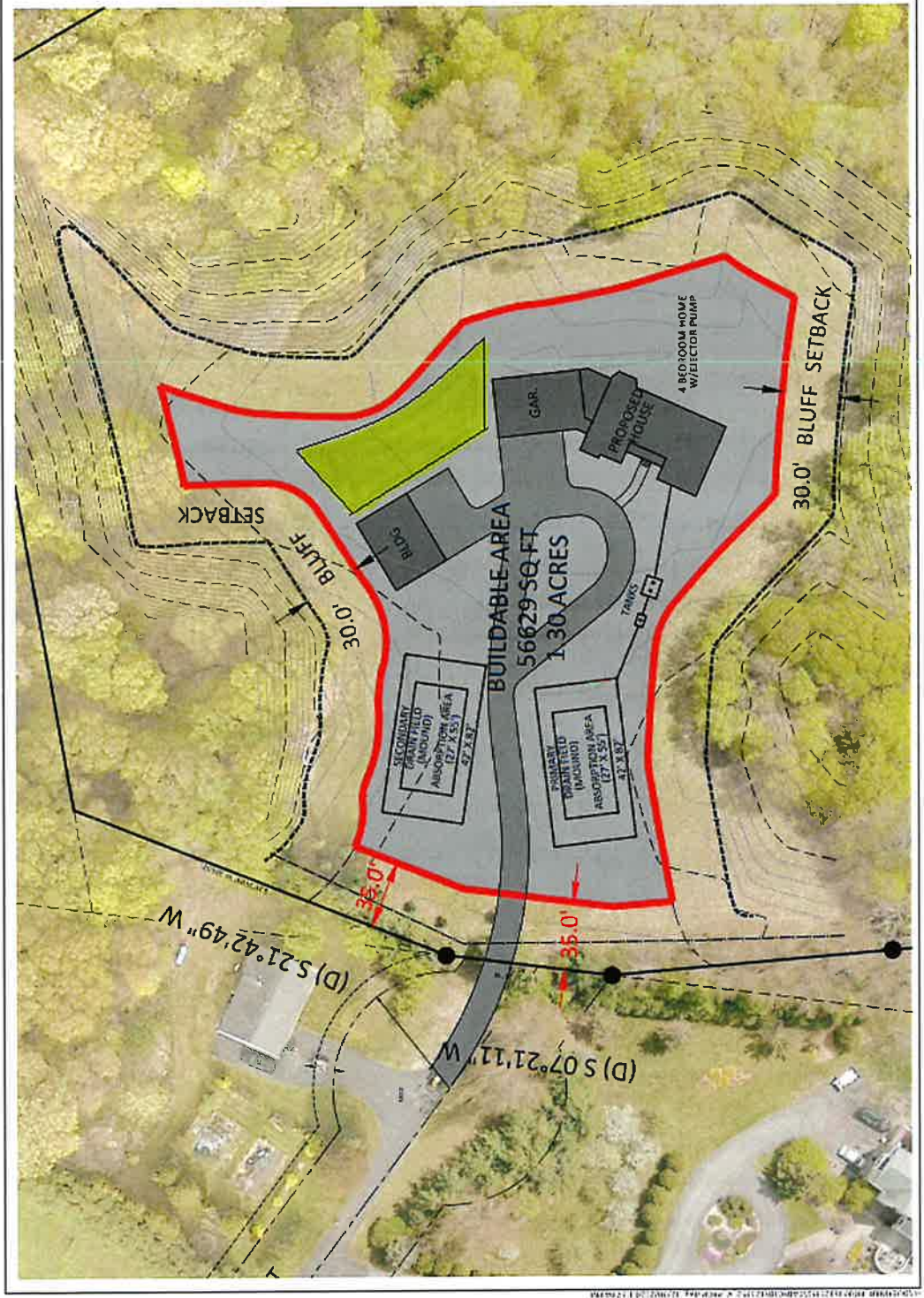
In regards to the Duehring property located in Part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26-109-27 in Belgrade Township, there is adequate room to install a well within the trapezoid area outlined in black Northwest of the building and North of the garage, as indicated on drawing.

Sincerely,



Todd Seppmann

ATTACHMENT F.4
Well Verification



ATTACHMENT F.5
Well Exhibit

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 Burns
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

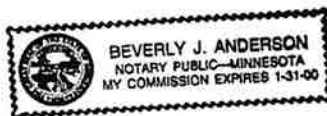
[Signature]
Joan M. Johnson

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

13-1-95 Paid in Full
Exempt
Date 13-1-95 Myrna Schab me
Co. Treasurer

ATTACHMENT G.1
1995 Deed

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

Document No. **264824**

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. Schaeby
Nicollet County Treasurer

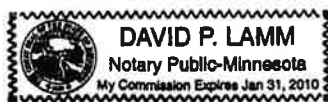
Affix Deed Tax Stamp Here

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

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

ATTACHMENT G.2
2005 Deed

EXHIBIT A
Parcel No. 1 01-025-0625

264824

All that part of the Northwest Quarter of the Northwest quarter (NW ¼ of NW ¼) 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.*

582

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 ☐ X Paid in full
(MS 272.121)

Nicollet County Auditor-Treasurer, signed by bh



KATHRYN CONLON
County Recorder
Nicollet County, Minnesota *FC*

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

Brian N. Duehring

Mary D. Duehring

STATE OF **MINNESOTA**

COUNTY OF **BLUE EARTH**

} ss.

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)



i-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

ATTACHMENT G.3
2007 Deed

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.

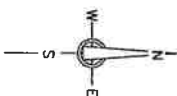
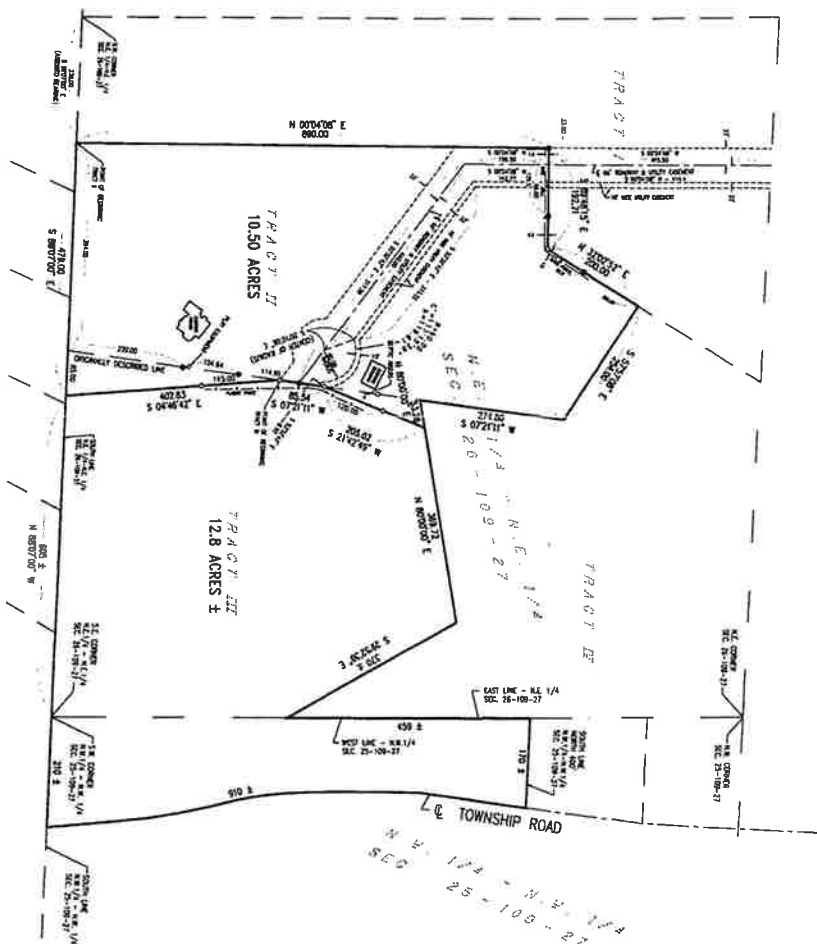
Parcel 2:

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.

273378



INDICATES 1/2" DIA. x 20' LONG FROM PIPE SET WITH PLASTIC CAP SUPPLIED BY UPGRADE NO. 13114.

INDICATES IRON PIPE MONUMENTS FOUND.

1. I hereby certify that the above, given in support of the application for the _____, is true and correct as far as it goes, and I am a duly licensed and bonded _____, and I am not a partner in the _____ of the _____ of _____.

W. J. F. F. F.

Not a partner in the _____ of _____.

Not a partner in the _____ of _____.

SURVEY DRAWING
DECATUR COUNTY, GEORGIA

PART OF N.E. 1/4 - N.E. 1/4, SEC. 28 &
PART OF N.W. 1/4 - N.W. 1/4, SEC. 25,
ALL IN T109N - R27W.



2.51 ACRES, EXCEPT EXCLUDED
TOWNSHIP, SEC. 28, T109N
RANGE 27, E. 1/4

7200 LAMB ROAD P.
STATE 333000 [Redacted] 2002 1/4 N. 1/4 N119

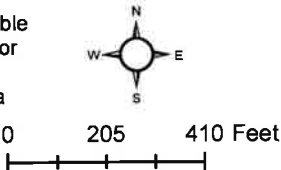
[illegible]



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



- Legend**
- Duehring Property
 - ★ Dwellings



AFTER-THE-FACT VARIANCE

**REDUCE REQUIRED BLUFF
SETBACK FOR TWO
UNPERMITTED ADDITIONS TO
AN EXISTING DECK**

JAMIE FRANTA

PLN21-04

NICOLLET COUNTY

BOARD OF ADJUSTMENT & APPEALS

SUBJECT:	PLN21-04, After-the-Fact Variance
APPLICANT/LANDOWNER:	Jamie Franta
LOCATION:	Lot 4 of Block 1 of Bushard's First Addition Subdivision in Lafayette Township
PARCEL NO:	06.451.0030
EXISTING ZONING:	Urban/Rural Residential, Conservancy, Shoreland
HEARING DATE:	February 22, 2021

REQUEST

The applicant has submitted an after-the-fact variance request to reduce the bluff setback an existing deck.

EXISTING LAND USE

The existing land use is residential and natural environment. The property currently contains a single family dwelling with an attached garage. The property contains approximately 3.4 acres and is zoned Urban-Rural Residential, Conservancy, and Shoreland [see Attachment D.5]. The property is predominantly bluff land, with a slope in excess of 12% [see Attachment D.3]. Bluff land is considered to be any area with a grade of 12% or more. Bluff areas are considered to be sensitive natural features and are generally protected from development.

SURROUNDING LAND USE

The surrounding land uses are a mix of natural environment, residential, and agricultural. The property is located along the north side of County Road 21. The Minnesota River is located just south of the property and the property is located within the Minnesota River Bluff. It is one mile north of the City of New Ulm. The Beussman Bridge is located approximately one-half mile to the northwest of the property and Huelskamp Creek is located one-half mile to the southeast.

VARIANCE

Background:

According to the 1966 Official Zoning Map, the area was zoned R-2, Residential Recreation. The 1965 Zoning Ordinance states the purpose of the R-2 district was to provide suitable areas for the orderly and esthetic development of residences along the shore of lakes, streams, and rivers, and in natural environment areas, which will retain the physical features of the shoreland and natural areas, and prevent the encroachment of agricultural, commercial, or industrial land uses.

The original plat of Bushard's First Addition subdivision was recorded in 1972 [see Attachment G]. The subject property is Lot 4 in Block 1 of the subdivision. A well was dug on the property and a future building pad was cut into the hillside in 1974. Otherwise, the property remained undeveloped for roughly 32 years.

The 1981 Zoning Ordinance created the Urban/Rural and Conservancy zoning districts. The purpose of the Urban/Rural Residential zoning district was to allow limited urban growth. It was intended that these zones would be located where urban services could be readily extended and provided, such as areas immediately adjacent to cities with existing sanitary sewer services. The purpose of the Conservancy zoning district was to protect those areas which contained a valuable natural resource and were not suitable for agriculture or urban development. It included wetlands, woodlands, and steep slopes. According to the 1987 Zoning Map the area was zoned Urban/Rural and Conservancy.

The bluff setback was adopted in the Conservancy zoning district on January 2, 1996, and in the Urban/Rural Residential zoning district on February 12, 2002. A 30-foot setback was required for any structure, or excavation for a structure, from the bluffline. Bluffline was defined as a line along the top of a slope connecting the points at which the slope becomes less than 12%.

The applicant purchased the property from his mother Heidi Franta on March 11, 2004 [see Attachment H]. On July 19, 2004, the applicant was granted a variance [V-24-04; see Attachments I.1 and I.2] in order to reduce the bluff setback for the purpose of constructing a single family dwelling. The variance reduced the setback as follows:

Area	2004 Variance Reduction
Front	30 feet to 16 feet
Front Basement	30 feet to zero feet
Rear	30 feet to 9 feet

On July 27, 2004, the applicant was granted a conditional use permit [C-25-04; see Attachments J.1 and J.2] to construct a single family dwelling in the Shoreland zoning district. Also in 2004, a zoning permit [Z-200406250170; see Attachment K] was issued for the construction of a three-bedroom, single family, log cabin-style dwelling, with an attached garage and new septic system. The permit included a deck on the front on the dwelling (facing southwest) [see Attachment F.3].

Current Request:

The current request is to reduce the required bluff setback from 30 feet to 6.2 feet for a main floor deck addition, and from 30 feet to zero feet for a second story deck addition.

Area	2021 Variance Reduction
Main Story Deck Addition	30 feet to 6.2 feet
Second Story Deck Addition	30 feet to zero feet

These projects were completed in 2018. The main floor deck addition is located on the side of the dwelling (facing northwest) and the rear of the dwelling (facing northeast). The main floor deck is approximately seven feet in width and provides a flat walking surface connecting the front of the house, around the side, to the rear of the house. The second story deck connects the second story of the dwelling, via an elevated walkway with hand railing, to the bluff north of the dwelling. The applicant has submitted a survey indicating the location of the main and secondary floor deck additions [see Attachment F.2]. Responses to the applicant questionnaires were also submitted [see Attachment F.1]. The applicant stated the reason for the deck addition is to provide a flat walking surface around the outside of the dwelling, particularly for his mother. The deck addition also helps for when the dwelling requires staining.

Septic System:

Should the request be granted, the applicant would be required to submit a compliance inspection prepared by a septic inspector licensed in the State of Minnesota prior to the issuance of the variance. As this requirement would take place during the months of November through April, an inspection may not be possible due to frozen ground conditions. If so, a compliance inspection must be done as soon as conditions allow – to be no later than June 15, 2021.

Slope

The majority of the property is sloped in excess of 12% [see Attachment D.3]. The applicant's survey depicts the existing grade with a slope of 90% to 105% north of the building pad [see Attachment F.2]. The hillside was originally disturbed in 1974 when the building pad was cut into the bluff. An existing retaining wall holds the hillside in place along the cut bank. The wall is approximately four feet high.

Soils:

The soil type present on the site is 960F, Storden-Clarion complex [see Attachment D.4]. This soil type is considered severely limited for development due to slope. The slope for 960F soils generally ranges from 18% to 50%. Areas with this soil type have rapid-to-very rapid surface runoff and are easily erodible.

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 purpose of the bluff setback is to provide a buffer between land uses (residential and natural environment) and to protect the bluff as a sensitive natural feature.
- The proposed after-the-fact variance would result in a 79% reduction of the bluff setback for the main story deck addition and a 100% reduction of the bluff setback for the second story deck addition.
- The 2018 deck additions did not require further cutting into the bluff. The original cut into the bluff to establish the building pad occurred 47 years ago – seven years before the creation of the Conservancy zoning district and 22 years before the adoption of the bluff setback applicable to the Conservancy district.

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

- The comprehensive plan aims to preserve, protect and conserve resources in the County, specifically including bluff lands.

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

- The request does appear to establish a practical difficulty.
 - The owner does propose to use the property in a reasonable manner. Decks are permitted in the R-1 zoning district. The project was an addition to an existing deck. The property already had a variance to the bluff setback granted in 2004 to construct the dwelling and original deck.
 - The plight is unique to the property. The property was originally zoned for residential use. The cut into the bluff to construct the building pad was completed in 1974. The bluff standard was adopted in 1996, 22 years after the building pad was originally created.
 - The deck addition will not change the essential character of the locality, which will remain residential and natural environment.

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

- The plight is unique to the property.
 - The property has been zoned for residential use since the 1960's.
 - The property was platted in 1972.
 - The building pad was cut into the bluff in 1974, seven years before the Conservancy zoning district was created, and 22 years before the bluff standard was adopted for the Conservancy zoning district.
 - A variance and conditional use permit were granted in 2004, which allowed for the construction of the dwelling and original deck.

- The subject of this after-the-fact variance is an addition to the original deck.

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

- The essential character of the locality will remain residential and natural environment regardless of whether the variance is granted.
- It is reasonable to construct a deck attached to a dwelling in a residentially zoned district.
- All other developed lots in the Bushard's First Addition subdivision have a deck attached to the dwelling. All these decks appear to be within a bluff setback.
- The project location will be mostly screened from view by existing vegetation and changes in topography.

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, topography, and history of the property.

After-the-Fact Variance Criteria:

Section 503.2 of the Zoning Ordinance states that when considering an after-the-fact variance request, and in addition to the above six criteria, the following additional criteria shall be taken into consideration:

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

- No, the applicant did not make an effort to obtain a permit for the deck additions prior to the completion of construction.

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

- Yes, the project was an addition to the existing deck on the property.
- All other developed lots in the subdivision have a deck, within the bluff setback, attached to the dwelling.

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

- Yes, the burden on the applicant would lie in the removal of the deck additions. The benefit to the county would lie in the strict application of the bluff setback standard.

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

- Yes, the applicant has told staff the violation was unintentional.

Applicant/Landowner: Jamie Franta

PLN21-04

ATTACHMENT A Application

ATTACHMENT B Variance Criteria

ATTACHMENT C Location Map

ATTACHMENT D Aerials

- D.1 Large Aerial
- D.2 Small Aerial
- D.3 Topographic Aerial (2-foot contours)
- D.4 Soils Type Aerial
- D.5 Zoning Aerial

ATTACHMENT E Neighbor Notification List

ATTACHMENT F Documents Submitted by Applicant

- F.1 Answers to Applicant Questionnaires
- F.2 Survey
- F.3 Elevations

ATTACHMENT G 1972 Plat of Bushard's First Addition

ATTACHMENT H 2004 Warranty Deed

ATTACHMENT I 2004 Variance

- I.1 2004 Narrative
- I.2 2004 Variance Recording Document

ATTACHMENT J 2004 Conditional Use Permit

- J.1 2004 Staff Report
- J.2 2004 CUP Recording Document

ATTACHMENT K 2004 Zoning Permit

Parcel No: 06.451.0030
Map No: 1006300002



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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$1,046.00

Map#: 1006300002
Parcel#: 064510030
Permit#: PLN21-00004
Date: January 25, 2021

Applicant: FRANTA JAMIE, 14132 LEADWELL ST, VAN NUYS CA 91405
Phone:

Owner: FRANTA JAMIE, 14132 LEADWELL ST, VAN NUYS CA 91405

Property Address: 61232 COUNTY ROAD 21, NEW ULM MN 56073

Abbreviated Legal Description: SubdivisionName BUSHARD'S FIRST ADD SubdivisionCd 06451 LOT 4 BLK 1

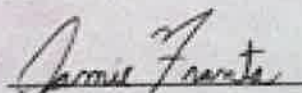
Township: Lafayette Township

Record Type: Variance

Category: Bluff

Project Description: After-the-fact variance to reduce the bluff setback from 30 feet to 6.2 feet for a deck, and to reduce the bluff setback from 30 feet to zero feet for a overhead deck. Ref: 503, 603.4(S.A).

Hearing Date: 02/22/2021


APPLICANT SIGNATURE

1/25/21
DATE

ATTACHMENT A
Application



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

Name of Applicant/
Property Owner: Jamie Franta
Variance Requested: Reduce bluff setback for an existing deck

Date: February 22, 2021
File: PLN21-04

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 Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

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

David Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

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

David Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

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

David Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

ATTACHMENT B
Variance Criteria

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

David Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

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

David Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

Additional After-the-Fact Criteria for use ONLY when 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?

David Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

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

David Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

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

David Wendinger	☐ YES	☐ NO	WHY: _____
David Hermanson	☐ YES	☐ NO	_____
Justin Laven	☐ YES	☐ NO	_____
Ron Regenscheid	☐ YES	☐ NO	_____
Dave Ubel	☐ YES	☐ NO	_____

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

David Wendinger ☐ YES ☐ NO

David Hermanson ☐ YES ☐ NO

Justin Laven ☐ YES ☐ NO

Ron Regenscheid ☐ YES ☐ NO

Dave Ubel ☐ YES ☐ NO

WHY: _____

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

THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS:

(☐ APPROVES) (☐ DENIES) THE REQUESTED VARIANCE

This decision is based on:

☐ Application

☐ Staff Report

☐ Pictures

☐ Information received at public hearing

Viewed by Members of Board:

☐ Wendinger

☐ Hermanson

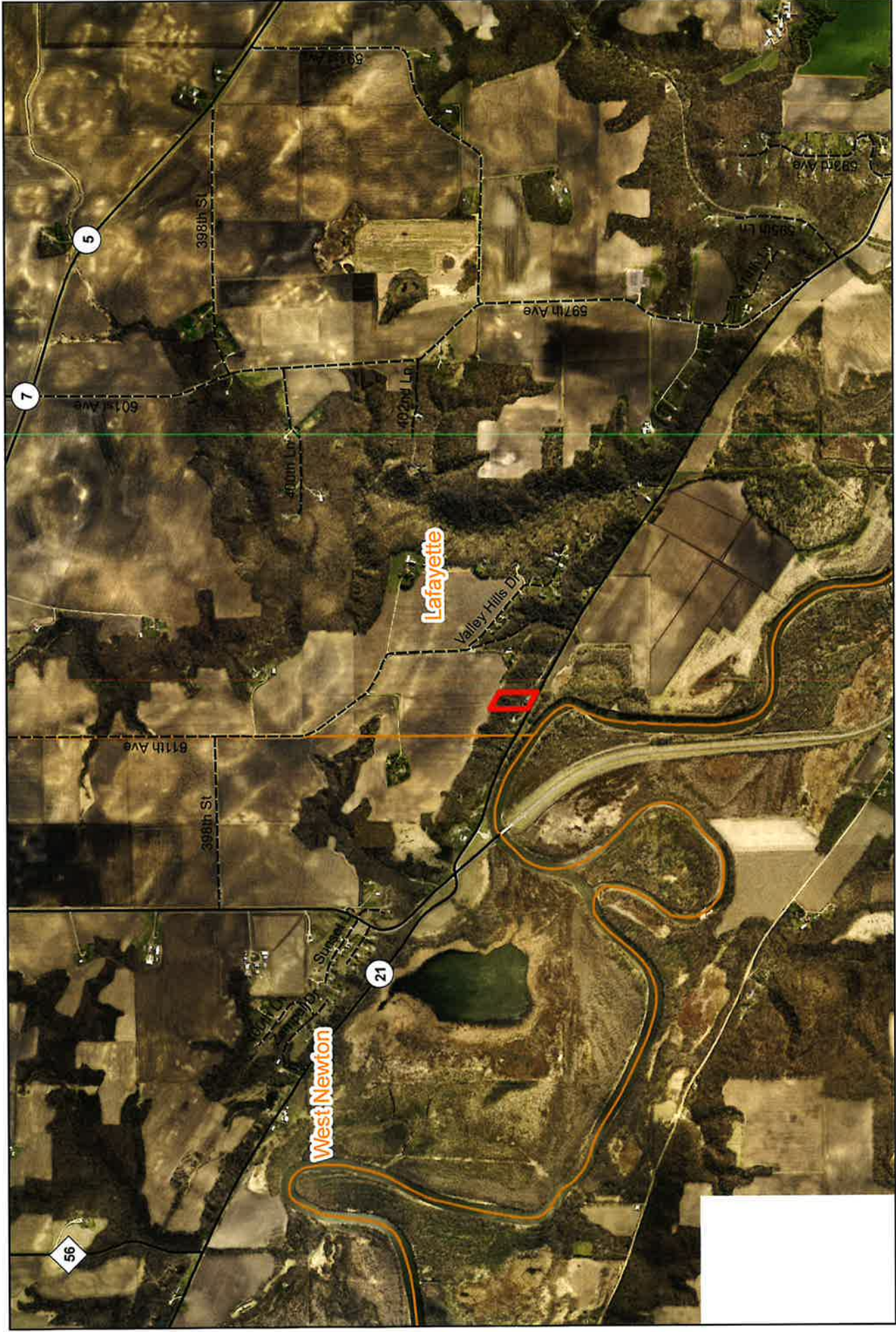
☐ Laven

☐ Regenscheid

☐ Ubel

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

Date: _____ Chair: _____



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.

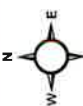
1:24,000 1 inch = 2,000 feet

0 950 1,900 Feet

Legend

 Franta Parcel

 Township



ATTACHMENT C
Location Map

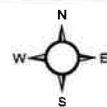


ATTACHMENT D.1
Large Aerial

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.

1:1,200

1 inch = 100 feet



0 50 100 Feet

Legend



Franta Parcel

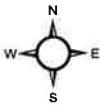


ATTACHMENT D.2
Small Aerial

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.

1:300

1 inch = 25 feet



0 12.5 25 Feet

Legend



Franta Parcel

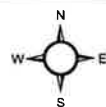


ATTACHMENT D.3 Topographic Aerial

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.

1:1,200

1 inch = 100 feet



0 50 100 Feet

Legend



Franta Parcel

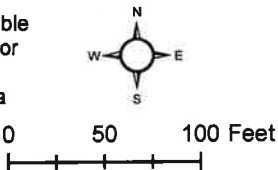


ATTACHMENT D.4
Soils Type Aerial

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.

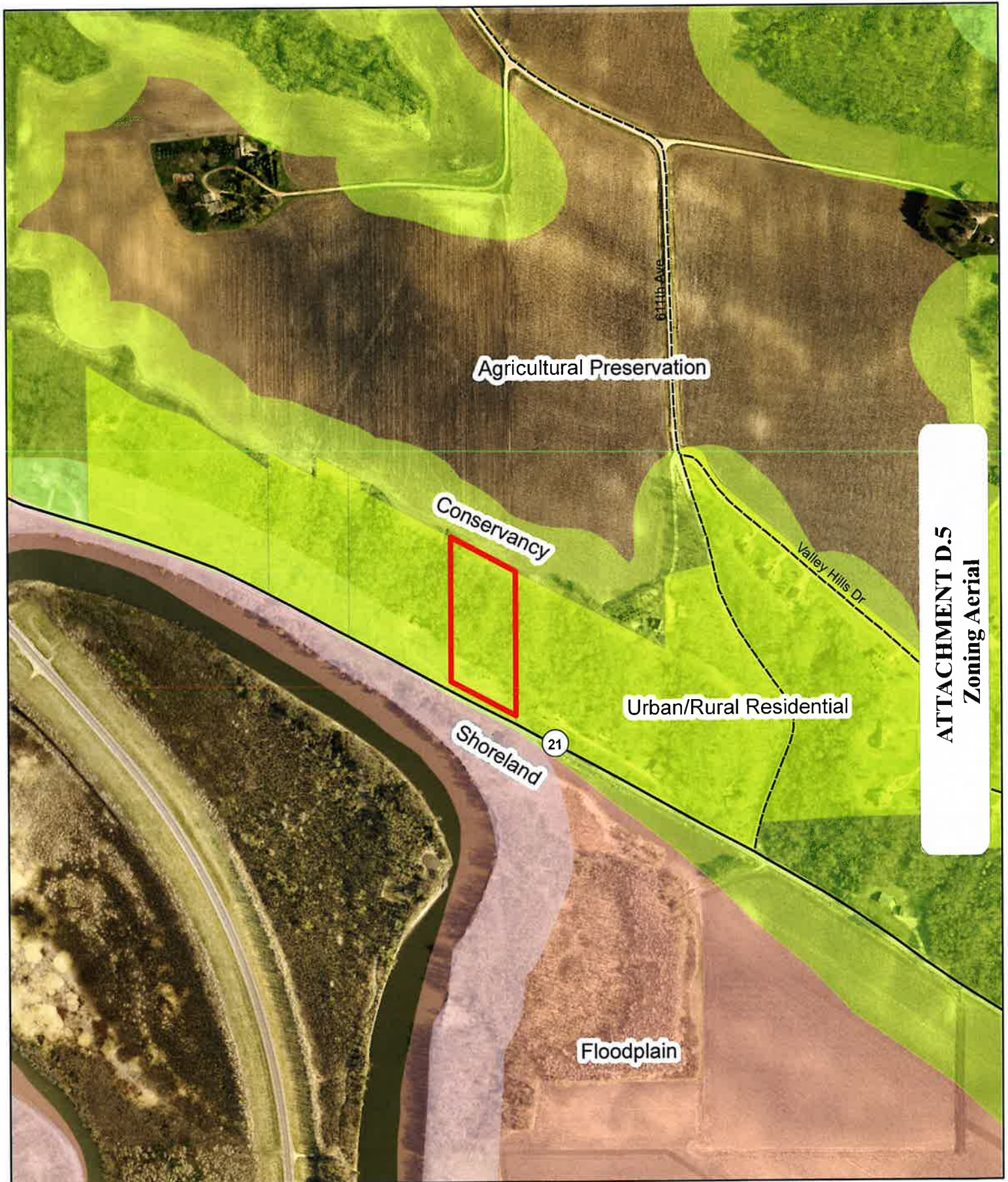
1:1,200

1 inch = 100 feet



Legend

 Franta Parcel

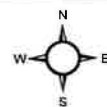


ATTACHMENT D.5
Zoning Aerial

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.

1:6,000

1 inch = 500 feet



0 250 500 Feet

Legend

 Franta Parcel

MARY ANN BERLE REV TRUST
40786 611TH AVE
NEW ULM MN 56073

TYLER JOHN BRAND
60559 VALLEY HILLS DR
NEW ULM MN 56073

WAYNE & JODIE BRAULICK
60641 VALLEY HILLS DR
NEW ULM MN 56073

JAMIE FRANTA
14132 LEADWELL ST
VAN NUYS CA 91405

ROSEMARY FRANTA TRUST
1440 8TH ST N
NEW ULM MN 56073

LUEY & NICOLE GRATHWOHL
61134 COUNTY ROAD 21
NEW ULM MN 56073

MITCH GRATHWOHL
61130 COUNTY ROAD 21
NEW ULM MN 56073

MICHAEL GRIEBEL
61278 COUNTY ROAD 21
NEW ULM MN 56073

RONALD & MARY GRUBER
60918 COUNTY ROAD 21
NEW ULM MN 56073

MATTHEW & ALICIA HINKLE
60587 VALLEY HILLS DR
NEW ULM MN 56073

HENRY KEUTE & CARLA GRUIS
40604 611TH AVE
NEW ULM MN 56073

KORNERSTONE LLC
3800 STONE POINT DR NE
ROCHESTER MN 55906

WENDY OWENS
25679 COUNTY RD 27
SLEEPY EYE MN 56085

DOUGLAS PATTERSON
61346 COUNTY ROAD 21
NEW ULM MN 56073

TRENT & GLORIA PEARSON
61282 COUNTY ROAD 21
NEW ULM MN 56073

KEVIN PETERSON
61238 COUNTY ROAD 21
NEW ULM MN 56073

PETER & SHERYL SCHAEFER
61256 COUNTY ROAD 21
NEW ULM MN 56073

BRADLEY & ANGELA SCHUGEL
60651 VALLEY HILLS DR
NEW ULM MN 56073

CYNTHIA SCHULTZ
61352 COUNTY RD 21
NEW ULM MN 56073

MICHAEL & VONDA STARKS
60663 VALLEY HILLS DR
NEW ULM MN 56073

LESTER ZWACH
60571 VALLEY HILLS DR
NEW ULM MN 56073

LAFAYETTE TOWN BOARD
60054 398TH ST
NEW ULM MN 56073

Page 1 of 1

(cat walk deck on side of house)

NICOLLET
COUNTY EST. 1852VARIANCE APPLICANT QUESTIONNAIRE
PROJECT DESCRIPTION

(att: Mandy)

Name of Applicant:

Gammie Franta

Date: 12/7/20

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

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



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

The need for this cat walk around the side of the home is for my mother to enjoy walking around the home on a flat surface because of her age. It was also built to make it easier for staining my home every two years because of the high stable ends!! This is something that should have been done right away when my home was built. (Gammie)

Mr. Morris Hanson, Gammie's uncle who handled the building of the home from start to finish, has been in the contracting / designing business for almost 45 years. Gammie is a good kid that will do anything for his mother. He works in California, so he only gets home a few weeks out of a year. He doesn't understand the codes and requirements needed for remodeling so I'd like to explain to you his reasons for the side deck. This is after the fact so please let me answer your questions in person to convince you that he did the "wrong" thing without going through Mandy!

Thanks

Morris

Gammie Franta
61232 County Rd 21
New Ulm, MN.

Call (507-412-1719)

Page 1 of 1

ATTACHMENT F.1
Applicant Questionnaires

NICOLLET
COUNTY EST. 1963

(Att: Mandy)

**APPLICANT QUESTIONNAIRE
AFTER-THE-FACT VARIANCE**Name of Applicant: gamie Franta
Request: cat - walk side deckDate: 12/7/20

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

Why do you feel the request meets the following criteria?

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

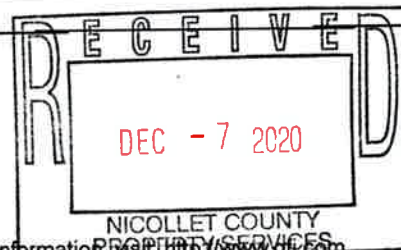
(See Page 2 of 2)

2. The variance is consistent with the intent of the Comprehensive Plan. (7 thru 10 on page 2)

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

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

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

(Continued onto back)

Page 1 of 2

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

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?

Unfortunately NO!! old like to explain his reason for doing the deck.

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

NO! Mandy has a blueprint of home!!

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

This side deck wasn't a life or death matter. All Jamie was trying to do was make life better for his mom. (He simply wants a beautiful home)

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

Jamie absolutely thought this would be okay to do.

(He will try to explain what happened)

a survey was done in Bolton + Mendota
The hill in back was untouched



Jamie Franta
(Deck) without permit

61232 County Rd 21
New Ulm, MN.
56073

Thanks
Morris Hanson
(Jamie's uncle)

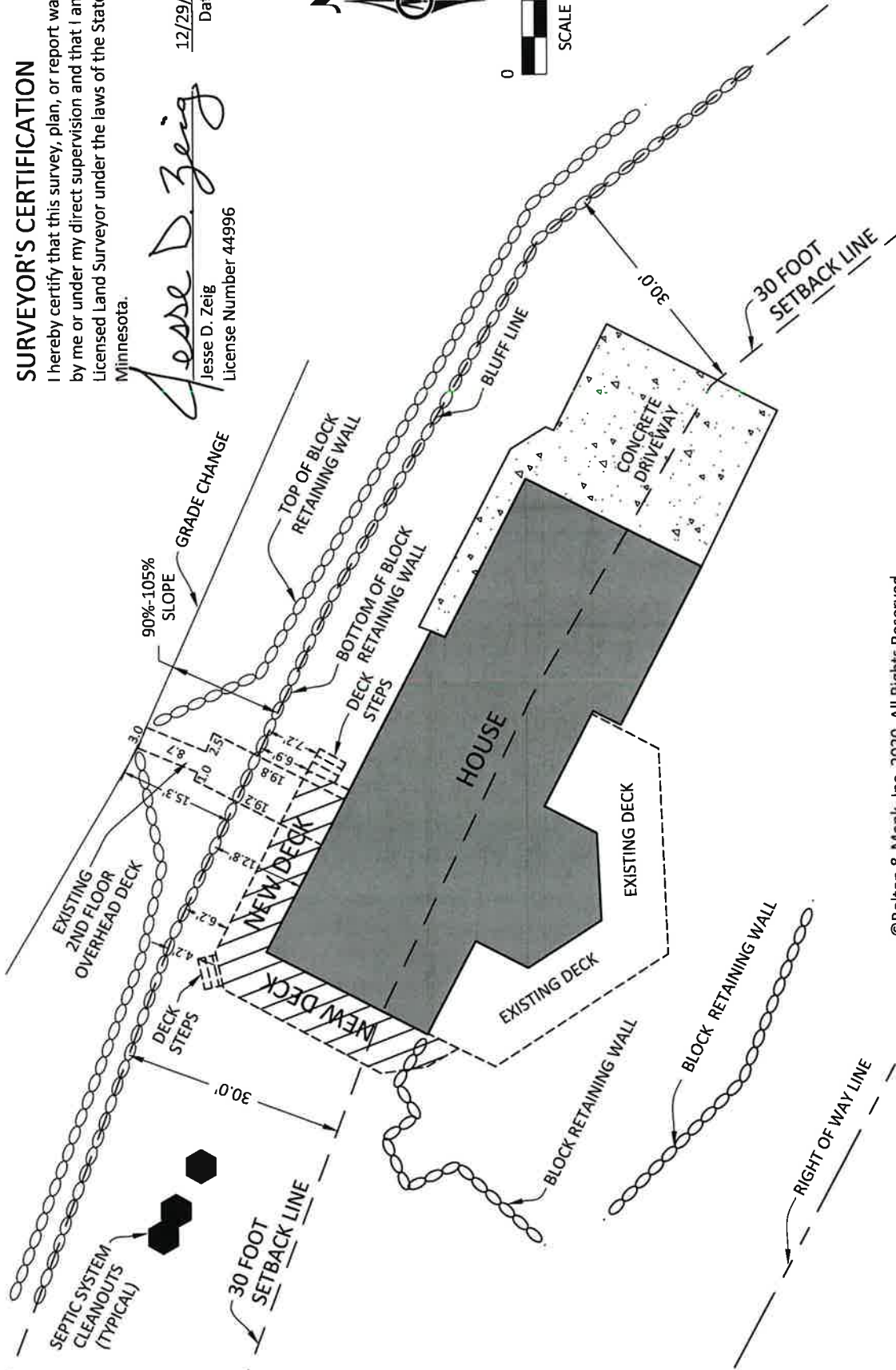
507-412-1719

SURVEYOR'S CERTIFICATION

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

Jesse D. Zeig
 Jesse D. Zeig
 License Number 44996

12/29/2020
 Date



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AFTER-FACT-VARIANCE
 LAFAYETTE TOWNSHIP, NICOLLET COUNTY, MINNESOTA

LOT 4, BLOCK 1, BUSHARD'S FIRST ADDITION
 SECTION 6-110-30



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

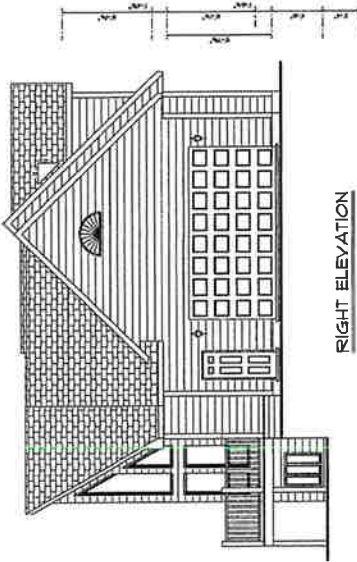
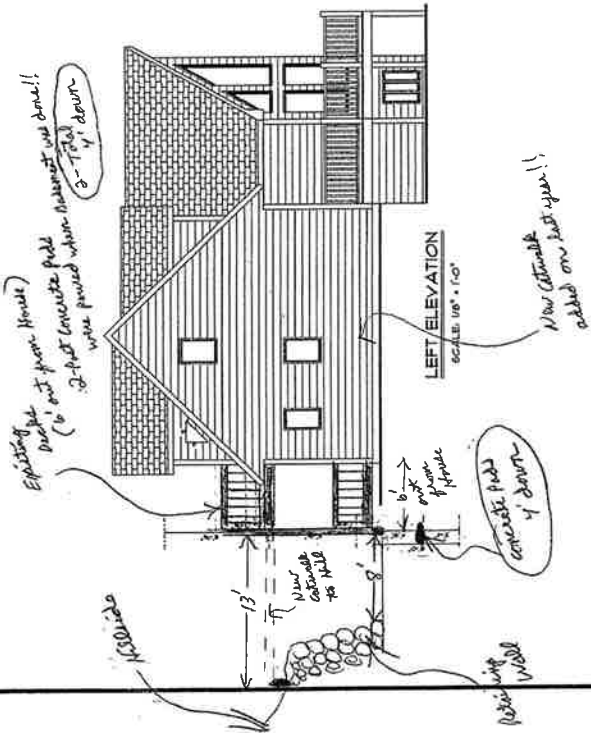
FOR: JAMIE FRANTA

ATTACHMENT F.2
 Survey

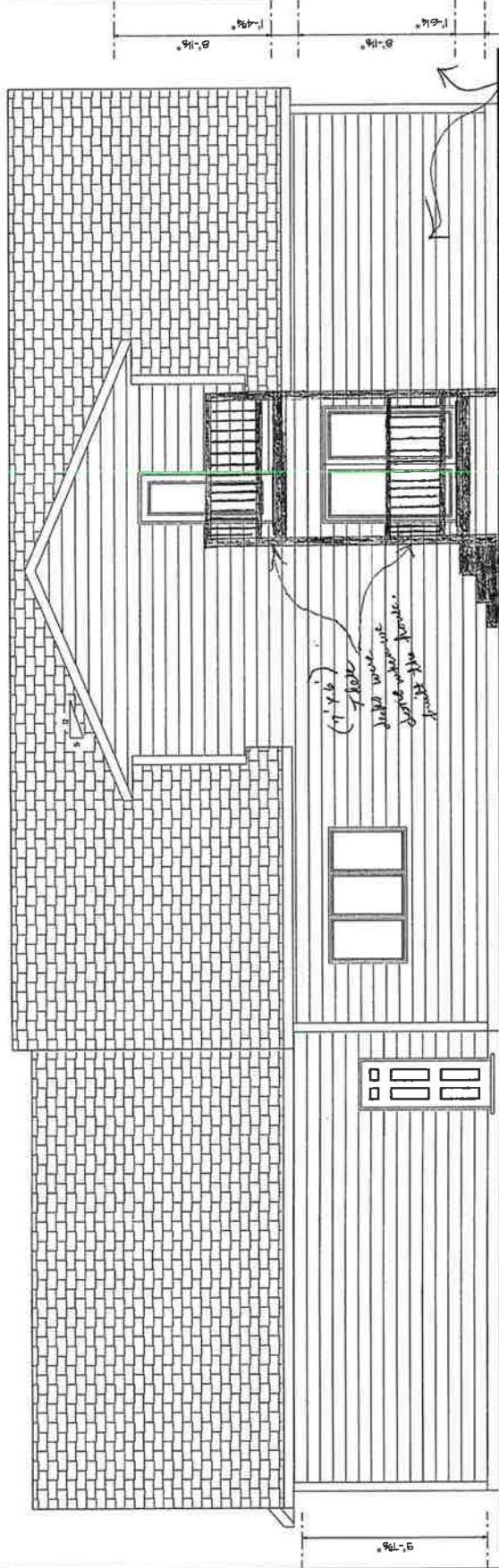
DRAWN BY: RK

OK:

Elevations



*you have the dummy specs
from bottom & think!!
For Hill reference*



THE DESIGNS AND PLANS INDICATED ON THIS SET ARE THE PROPERTY OF UNITED BUILDING CENTERS, HANOKATO, TN. ALL RIGHTS ARE RESERVED. NO DESIGNS OR PLANS WILL BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT WRITTEN PERMISSION OF UNITED BUILDING CENTERS, HANOKATO, TN. AUTHORIZED BY:

(6' out from house)

REAR ELEVATION
SCALE 1/8" = 1'-0"

New concrete added on last year!

ELEVATIONS
(New Main)

PLANS FOR: JAMIE FRANTA
6832 Country Rd 21

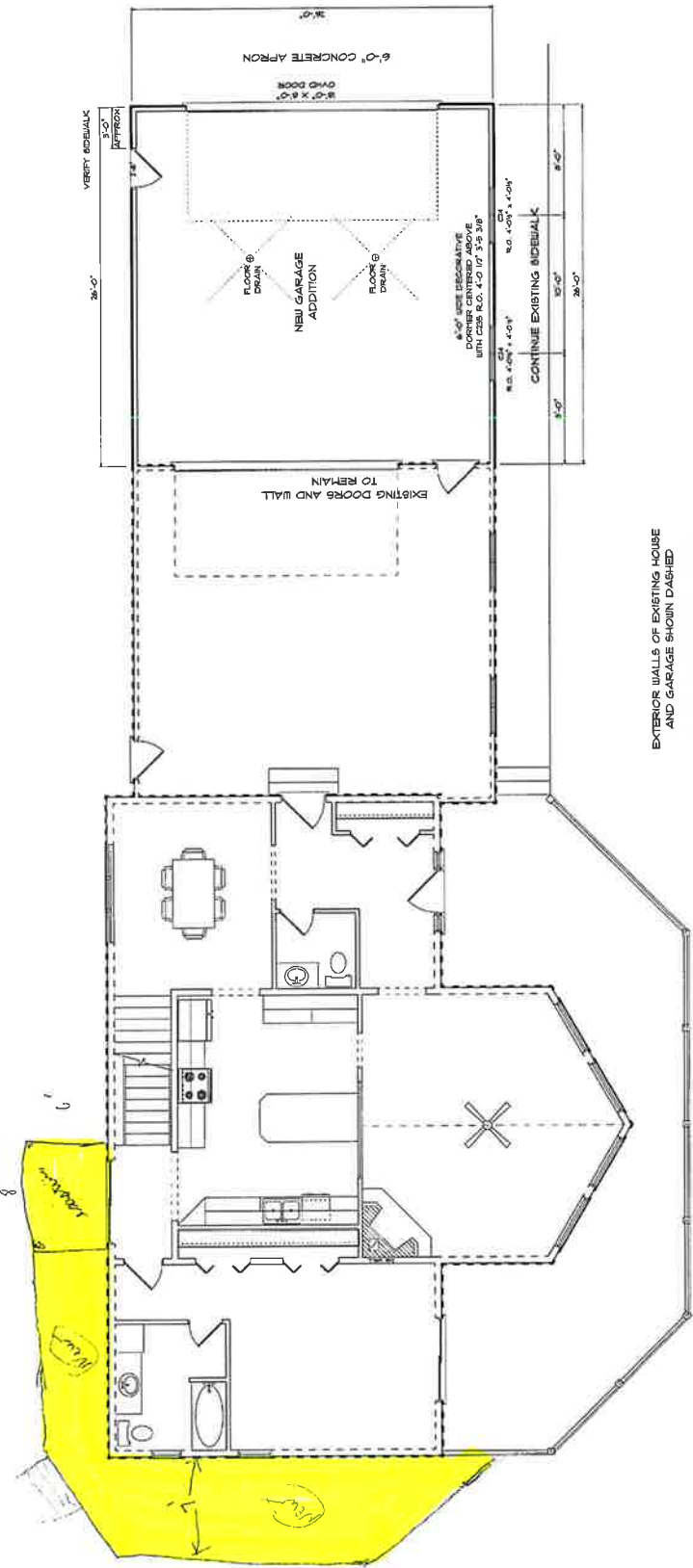


REVISION DATE: 06-10-04	REVISION DATE: 05-11-04	REVISION DATE: 07-03-04	REVISION DATE: 08-04-04
REVISION DATE: 06-10-04	REVISION DATE: 05-11-04	REVISION DATE: 07-03-04	REVISION DATE: 08-04-04
REVISION DATE: 06-10-04	REVISION DATE: 05-11-04	REVISION DATE: 07-03-04	REVISION DATE: 08-04-04
REVISION DATE: 06-10-04	REVISION DATE: 05-11-04	REVISION DATE: 07-03-04	REVISION DATE: 08-04-04

UNITED BUILDING CENTERS
CONTRACT NO. 150730156008
38063 NORTH ST. HANOKATO, TN 38003
FAX (901) 381-5608

CONSTRUCTION WARRANTY
BECAUSE OF THE POSSIBILITY OF FRAUD OR A PERSONAL ACTION ON THE CONTRACT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VARIANCES IN LOCAL BUILDING CODE REQUIREMENTS AND WEATHER CONDITIONS, UNITED BUILDING CENTERS, HANOKATO, TN SHALL ASSUME NO RESPONSIBILITY FOR ANY DAMAGES, INCLUDING STRUCTURAL DAMAGES, TO ANY DEPENDENT OPERATIONS, OR INJURY IN THE DESIGN OR BLUE PRINTS. IT IS RECOMMENDED THAT YOU CONSULT A LOCAL BUILDING OFFICIAL PRIOR TO THE START OF CONSTRUCTION. THE OWNER'S CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING DIMENSIONS, ROOM OPERATIONS, PLAN CHANGES AND SPECIFICATIONS THAT MAY AFFECT ORDERING AND DELIVERY OF MATERIALS.

Marie Haddon
507-412-1719



**EXTERIOR WALLS OF EXISTING HOUSE
AND GARAGE SHOWN DASHED
BUILDER TO VERIFY ALL EXISTING
DIMENSIONS ON SITE**

EXISTING DOORS AND WALL
TO REMAIN

NEW GARAGE
ADDITION
DRAIN

6'-0" WIDE DEGRADATIVE
DORMER CENTERED ABOVE
UNIT C725 R.O. 4'-0" 10" 3'-5" 3/8"

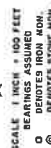
CONTINUE EXISTING SIDEWALK

CONTINUE EXISTING SIDEWALK

VERIFY SIDEWALK

APRON

COPY



HEIKE • CARROLL • MULLER
ASSOCIATES INC.
ARCHITECTS • ENGINEERS • SURVEYORS
Tepkins • Gaylord • Fairmont • St. Cloud

122238

Register of Deeds
Nicollet County, Minnesota

WUEKE • CARROLL • MULLER
ASSOCIATES INC.
ARCHITECTS • ENGINEERS • SURVEYORS
(ephine • Oxyford • Yairmont • St. Cloud

MacQuest County Auditor
Chairman, MacQuest Co. Board of Commissioners

No delinquent taxes
Transfer entered on March 11 2004
Certificate Real Estate () filed (x) not required



KATHRYN CONLON
County Recorder
Nicollet County, Minnesota *pc*

Document No. **255686**

Certified Recorded on 03-11-2004 at 09:00 A M

Well Certificate: ☒ # Pages 1

Rec'd: NIERENGARTEN & HIPPERT Fee: \$ 50.00

Certificate of Real Estate Value No. _____

ROBERT BRUNS signed by B. Holm
Nicollet County Auditor

WARRANTY DEED Form No. 1-M Minnesota Uniform
Individual(s) to Individual(s) (Top 3 inches Reserved for Recording Data) Conveyancing Blanks (6/17/97)

DEED TAX DUE: \$ 1.65

Date: March 8, 2004

FOR VALUABLE CONSIDERATION, Heidi Franta, a single person,

_____ , Grantor,

(marital status)

hereby conveys and warrants to Jamie Franta

_____ , Grantee,

real property in Nicollet _____ County, Minnesota, described as follows:

Lot Number Four (4) of Block Number One (1), Bushard's First Addition, Nicollet County Minnesota, according to the Plat thereof on file and of record in the office of the Register of Deeds within and for Nicollet County;

Nicollet County Deed Tax Paid 1.65
Date March 11, 2004
Myrna Schoel
Nicollet County Treasurer

WELL CERTIFICATE
RECEIVED ☒
NOT REQUIRED

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:
easements, agreements, restrictions and reservations of record, if any.

Consideration for this transfer is less than \$500.00

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.

Heidi Franta

Affix Deed Tax Stamp Here

STATE OF MINNESOTA

COUNTY OF BROWN

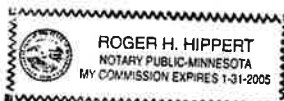
} ss.

This instrument was acknowledged before me on March 8, 2004

(Date)

by Heidi Franta, a single person.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



THIS INSTRUMENT WAS DRAFTED BY: (NAME AND ADDRESS)

Roger H. Hippert
Nierengarten & Hippert, Ltd.
PO Box 214
New Ulm, MN 56073-0214
507-359-2991

Roger H. Hippert
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

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):

Jamie Franta
14132 Leadwell Street
Van Nuys, CA 91405

Current Property Tax
M.S. 272.121

☒ paid in Full
☐ exempt

3-11-04
Date County Treasurer Myrna Schoel

ATTACHMENT H
2004 Warranty Deed

NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION

SUBJECT: V-23-04
Variance request to reduce the bluff setback

APPLICANT: Jamie and Heidi Franta

LOCATION: Lot 4 of Bushard's First Addition

EXISTING ZONING: Urban/Rural Residential C/Shoreland

DATE OF HEARING: July 19, 2004

REPORTED BY: Mandy Landkamer
Deputy Zoning Administrator

APPLICANT SUBMITTED:

The applicant has submitted a request to reduce the setback from a bluff in order to build a single family dwelling. The land has been in the applicant's family since the 1970's. A well was drilled onsite and electricity was brought to the lot around 1974. All of the site work was completed during that time period, very little disturbance of the existing lot will take place. Due to an untimely death of Joe Franta, plans were halted. The setback was adopted in 1996 that required a distance of 30-feet from a slope of 12% or greater.

FINDINGS:

Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity.

It is entirely reasonable to build a house in an Urban/Rural Residential and the Shoreland Zoning Districts. Prior to the adoption of the setbacks, they would have not been an issue.

Literal interpretations of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance:

The applicant is requesting a variance from the Nicollet County Zoning Ordinance Section 5.1 B (5)

Required Setback from a slope of 12% or greater - 30-feet.

The site conditions are such that denying this variance request would result in a defacto denial of the applicants having a single-family dwelling and a garage at all, and therefore it would unreasonable to do so.

The difficulty of confirming to the Ordinance is due to circumstances unique to the property and not created by the owner:

In 1996, the Nicollet County Environmental Services Department adopted a bluff setback of 30-feet from a 12% slope or greater. Trying to adhere to the bluff setback in this case is the hardship. The unique character of this lot is that the lots were platted in February 25, 1972, prior to many of the current standards. This was not a circumstance created by the landowner.

The variance will not alter the essential character of the locality nor be materially detrimental to the purpose of this Ordinance, or to property in the same zone.

The variance will not confer upon the landowners any special privilege that is not allowed in this district to any other landowners. Single-family homes and garages are considered a permitted and a conditional use in the Urban/Rural Residential and the Shoreland districts.

The variance as requested is in harmony with the general purposes and intent of the official control that is presenting a practical or particular hardship in the way of carrying out the strict letter of the official control, and the terms of the variance are consistent with the comprehensive plan.

This variance is being requested in order to enable the applicants to construct a single-family home and garage on this lot. This will permit a reasonable use to the landowner of having a house on it. Without the variance, this would not be the case. This is in harmony with the intent of the official controls, which in this case are to ensure that structures remain a sufficient distance from the bluff setback. This variance will not reduce that intent, but allow for construction of the single-family home and a garage.

FIELD REVIEW:

A field review was conducted by Environmental Services staff on June 7, 2004. They observed the granting of a variance from Section 5.1 B (5) would seem to meet the requirements set forth in the Nicollet County Ordinance Section 501.61, titled Criteria for Granting Variances.

RECOMMENDATION:

Based on the information provided and the staff inspection, this case appears to meet the necessary standards for a variance as stated above. Therefore, staff recommends that if approval of the variance request to reduce the setback from a bluff and to reduce the feedlot to a dwelling is granted, the following conditions apply:

- 1) That the applicant undertake the project according to the plans and specifications submitted to the county with the application.
- 2) That the permit is invalid if the holder has not substantially completed the building within the period of time allowed on the zoning permit connected with this variance.

- 3) That the permit will be periodically reviewed by the county to assure compliance with the permit and permit conditions.
- 4) That the county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
- 5) Prior to issuance of the zoning permit, the applicant shall provide an erosion control plan.
- 6) Disturbed soil shall be seeded, mulched, or other erosion control measures shall be done immediately to minimize surface erosion.
- 7) Disturbed soil shall be graded back to a 2 to 1 slope or a retaining wall shall be constructed to prevent erosion.
- 8) All excavated land shall be protected from erosion by an appropriate vegetative cover as listed in the "Minnesota Construction Site Erosion and Sediment Control Planning Handbook" which will be planted during the first seeding date period upon completion of construction.



KATHRYN CONLON
County Recorder
Nicollet County, Minnesota *J.D.*

Document No. 258314

Certified Recorded on 07-28-2004 at 09:00 AM
Well Certificate: _____ # Pages 4
Rec'd: ENVIRONMENTAL SERVICES Fee: \$ 20.00

STATE OF MINNESOTA
COUNTY OF NICOLLET

NICOLLET COUNTY BOARD OF
ADJUSTMENT AND APPEALS

In the Matter of Variance Application

FINDINGS OF FACT AND ORDER

Of Jamie Franta

GRANTING VARIANCE AS TO

Petitioner

BLUFF SETBACKS

The above entitled matter came for hearing before the above named Board of Adjustment and Appeals at an officially called hearing held in the County Board Room of the Nicollet County Government Center in St. Peter, Minnesota at 7:30 p.m. on Monday, July 19, 2004. Mr. Franta appeared on his own behalf.

That due notice of said application has been given by publication, in the St. Peter Herald, the official County Newspaper, and the New Ulm Journal, the paper of circulation, ten days prior to time appointed for hearing thereof, and upon the evidences presented at the said hearing by the applicant and the other persons named above, and upon reviewing all the files, records and proceedings herein, and there being no objection thereto, the Board finds, in accordance with the provisions of Section 506.1, 603.4(2a), and 703.1(1) of the Nicollet County Zoning Ordinance and pursuant to the requirements of Chapter 394.27, Minnesota Statutes, the following:

1. The Applicant is the owner of certain property located on Lot 4 Block 1, Bushard's First Addition, Section 6-110-30 in Lafayette Township.
2. The applicant requests a variance which would reduce the bluff setback in order to construct a single family dwelling.
3. The Town Board of Lafayette Township was duly notified of this request and voiced no objections.
4. There were exceptional or extraordinary circumstances which apply to the property which do not apply generally to other properties in the same district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this Ordinance have no control.
5. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
6. The special conditions or circumstances do not result from the actions of the applicant.

ATTACHMENT I.2
2004 Variance Recording Document

258314

7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.

8. The variance requested is the minimum variance which would alleviate the hardship.

9. The variance would not be materially detrimental to the purpose of this Ordinance, or to other property in the same district.

10. Economic conditions or circumstances alone were not a consideration in the granting of this variance request.

NOW, THEREFORE, it is ordered, adjudged and decreed that the application of Jamie Franta, 14132 Leadwell Street, VanNuys, California 91405 for a variance, which will reduce the following bluff setbacks:

- 30' to 9' in the rear;
- 30' to 16' in the front; and
- 30' to 0' to the front basement window,

herein described, to construct a single family dwelling be granted, with the following conditions:

1. That the applicant undertake the project according to the plans and specifications submitted to the county with the application.
2. That the permit is invalid if the holder has not substantially completed the building within the period of time allowed on the zoning permit connected with this variance.
3. That the permit will be periodically reviewed by the county to assure compliance with the permit and permit conditions.
4. That the county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. Prior to issuance of the zoning permit, the applicant shall provide an erosion control plan.
6. Disturbed soil shall be seeded, mulched, or other erosion control measures shall be done immediately to minimize surface erosion.
7. Disturbed soil shall be graded back to a 2 to 1 slope or a retaining wall shall be constructed to prevent erosion.
8. All excavated land shall be protected from erosion by an appropriate vegetative cover as listed in the "Minnesota Construction Site Erosion and Sediment Control Planning Handbook" which will be planted during the first seeding date period upon completion of construction.


Paul Eckberg, Chairman

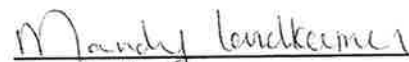
State of Minnesota

County of Nicollet

Nicollet County
Environmental Services Department

I, the undersigned Deputy Zoning Administrator, in and for said County and State, do hereby certify that I have compared the above information with the original minutes of record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on the resolution of the Nicollet County Board of Adjustment and Appeals meeting held on July 19, 2004 and on record in the Nicollet County Environmental Services Department.

WITNESS my hand this 19th day of July, 2004.


Mandy Landkamer
Deputy Zoning Administrator





NICOLLET COUNTY BOARD OF ADJUSTMENT
CRITERIA FOR GRANTING A VARIANCE

258314

Name of Applicant Jamde Franta Date 7-19-04
Variance Requested Reduce bluff setback in order to build house

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls result in unnecessary hardship. A determination that a 'hardship' exists is based upon Section 501.61 of the Nicollet County Zoning Ordinance, CRITERIA FOR GRANTING VARIANCES:

1. Are there exceptional or extraordinary circumstances that apply to the property which do not apply generally to other properties in the same zone or vicinity

Yes ☒ No ☐

Explain It's reasonable to build on Urban/Rural zoning. This land was rezoned after planning started (shoreland)

2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance?

Yes ☒ No ☐

Explain Required setback 30' 12% slope, is unreasonable in this case

3. Are there special conditions or circumstances that do not result from the actions of the applicant?

Yes ☒ No ☐

Explain the rule changed after building process started

4. Granting the variance will not confer on the applicant any special privilege that is denied by the Ordinance to owners of other lands, structures or buildings in the same zoning district.

Yes ☒ No ☐

Explain "1996" Bluff setback, to ^{Adhering} ~~having~~ creates difficulty (hardship)

5. Is this the minimum variance which would alleviate the hardship. Yes ☒ No ☐

Explain It's setback 9' rear 16' front 30' front window

6. The variance would not be materially detrimental to the purpose of this Ordinance, or to property in the same zone.

Yes ☒ No ☐

Explain Other houses can be built in the same area

7. Economic conditions alone were not considered in the granting of this variance request.

Yes ☒ No ☐

Explain the plans to build started ^{before} zoning laws changed

IF ALL ANSWERS ARE 'YES', THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.

APPROVED () DENIED ()

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

Date 7-19-04

Chair Paul J. Eckberg

258314

State of Minnesota

County of Blue Earth

Signed or attested before me on 19th day of July 2004

By Paul J. Eckberg
(name(s) of person(s)).

Mandelein Landkamer notarial officer

My commission expires: January 31, 2007

Seal



C-25-04

CONDITIONAL USE PERMIT

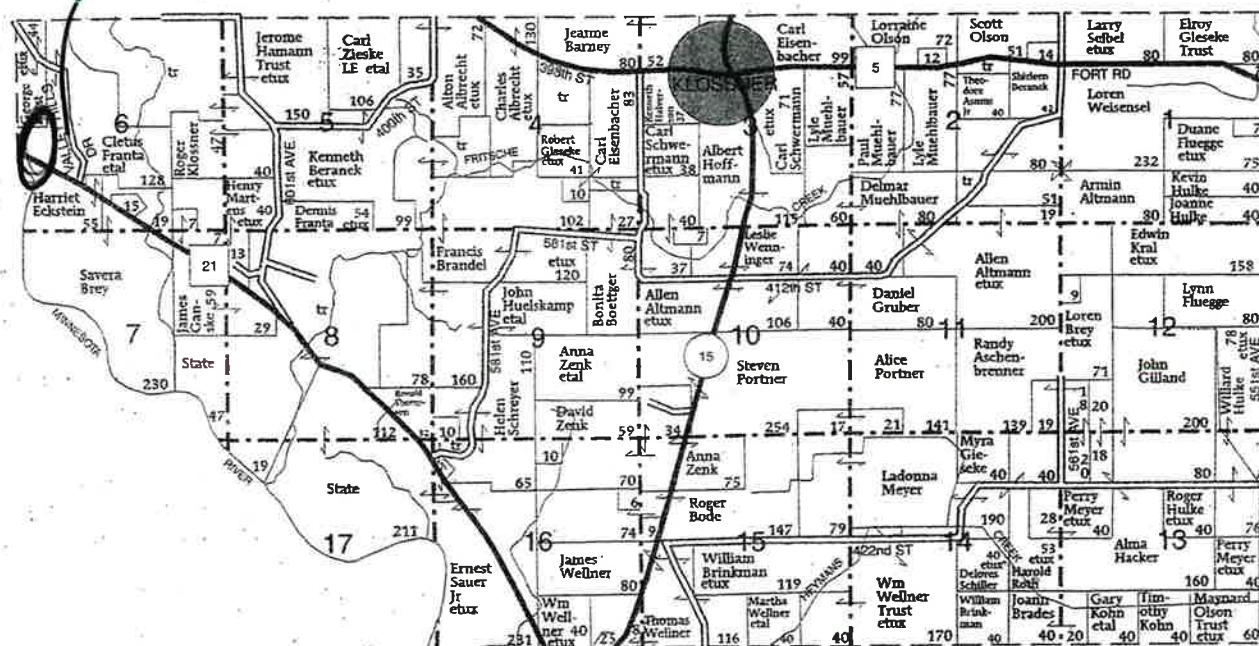
**CONSTRUCT HOUSE IN
SHORELAND DISTRICT**

JAMIE FRANTA

**ATTACHMENT J.1
2004 Staff Report**

R-30-W

Site
Location



NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION

SUBJECT: C-20-04
Conditional Use Permit

APPLICANT: Jamie and Heidi Franta

LOCATION: Lot 4 Block 1 Bushard's Addition
06-110-030
Lafayette Township

EXISTING ZONING: Shoreland

DATE OF HEARING: July 19, 2005

REPORTED BY: Mandy Landkamer
Deputy Zoning Administrator

APPLICANT SUBMITTED:

The applicant has submitted a request to construct a single family dwelling on land within 300-feet of the Minnesota River.

FINDINGS:

PROJECT PROPOSAL: The proposal includes a 3-bedroom house with new a sewage treatment system.

PRESENT USE OF LAND: The land that is being considered for development is bluff land and heavily wooded.

DNR NOTIFICATION: Staff notified the DNR of this application as required. No objections have been received at this date.

COUNTY STANDARDS: Single family dwellings are a conditional use in the Shoreland Zoning District, the property is also located in the Rural/Residential district.

Setbacks	Required	Proposed
Front Yard	50'	50'
Side Yard	20'	44'
Side Yard	20'	44'
Rear Yard	40'	480'
Ordinary High Water	200'	250'

Prior to the Planning and Zoning meeting, the applicant applied for a variance to decrease the bluff setback from 30-feet to 9-feet from the front of the house, 30-feet to 14-feet in the rear yard, and 30-feet to 0-feet for the front basement window.

Lot Size: The minimum lot size required for this use is 10 acres in the Shoreland Zoning District; the lot is pre-existing and was platted under the Rural/Residential standards. Therefore, the 10.0 acre minimum is not necessary.

Septic System: Any premises used for human occupancy must be provided with an adequate method of sewage treatment. Private sewage treatment systems must meet MPCA Chapter 7080 standards.

Topographic Alterations: The standards allow grading, filling, and excavations of less than 10 cubic yards for the construction of a structure within the shore impact zone (100-feet from the OHW). The standards also allow movement of less than 50 cubic yards of material outside the 100-foot shore impact zone that is not in relation to the construction of the structure is outside the shore impact zone and will require little fill or excavation.

Vegetative Alteration: Shoreland standards prohibit intensive vegetation clearing within the shore impact zones. Limited clearing may occur provided that the screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced. This site will have limited clearing for the structure. The vegetation between the structure and the creek will be maintained.

This application meets or exceeds all other applicable standards of the Nicollet County Zoning Ordinance.

FIELD REVIEW:

A field review was completed by Environmental Services staff on June 7, 2004. They observed that the granting of a conditional use permit from Section 4.22 Shoreland Management would seem to meet the requirements set forth in Nicollet County Ordinance Section 501.51, titled Criteria for Granting Conditional Use Permits.

RECOMMENDATION:

Staff recommends that if approval of the conditional use permit application for Jamie and Heidi Franta to construct a single family dwelling and a sewage treatment system in the Shoreland Zoning District, the following conditions apply:

- 1) That the applicant undertake the project according to the plans and specifications submitted to the county with the application.
- 2) That the permit is invalid if the holder has not substantially completed the construction within the period of time allowed on the zoning permit connected with this conditional use permit.
- 3) That the permit will be periodically reviewed by the county to assure compliance with the permit and permit conditions.

- 4) That the county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
- 5) All excavated land shall be protected from erosion by an appropriate vegetative cover as listed in the "Minnesota Construction Site Erosion and Sediment Control Planning Handbook" which will be planted during the first seeding date period upon completion of construction.
- 6) The house and any accessory buildings shall be maintained in a natural and/or earthen hue. (e.g. grey, browns, natural wood, forest green, etc.)

2" E 610.58

HILLSIDE

4' HIGH RETAINING WALL

9'

SEPTIC



HOUSE

GARAGE

WELL

ELECTRICAL BO.

85'

DRIVEWAY

COUNTY RD 21

N 61° 51' 47" W 233.92'

ditch

SCALE: 1" = 40'

JAMIE FRANTA
14132 LEADWELL ST
VAN NUYS CA 91405

PETER J SCHAEFER &
61256 COUNTY ROAD 21
NEW ULM MN 56073

WALLACE PETERSON &
61238 COUNTY ROAD 21
NEW ULM MN 56073

RONALD J GRUBER &
60918 COUNTY ROAD 21
NEW ULM MN 56073

HARRIET H ECKSTEIN
401 S WASHINGTON ST
NEW ULM MN 56073

WILLARD J BERLE &
40786 611TH AVE
NEW ULM MN 56073

HENRY L KEUTE &
40604 611TH AVE
NEW ULM MN 56073

ROBERT L GRATHWOHL
61134 COUNTY ROAD 21
NEW ULM MN 56073

LONNY R GRATHWOHL &
61130 COUNTY ROAD 21
NEW ULM MN 56073

CLETUS H FRANTA TRUST &
1440 N 8TH ST
NEW ULM MN 56073

GEORGE F FORST &
225 N WASHINGTON
NEW ULM MN 56073

STEPHEN T PETRON
104 N STATE ST
NEW ULM MN 56073

TRENT R PEARSON &
61282 COUNTY ROAD 21
NEW ULM MN 56073

MICHAEL W GRIEBEL
61278 COUNTY ROAD 21
NEW ULM MN 56073

DOUGLAS S PATTERSON
61346 COUNTY ROAD 21
NEW ULM MN 56073

WENDELIN G SELLNER LE ETAL
60559 VALLEY HILLS DR
NEW ULM MN 56073

LESTER L ZWACH
60571 VALLEY HILLS DR
NEW ULM MN 56073

STANLEY A SHEIE &
60587 VALLEY HILLS DR
NEW ULM MN 56073

DONALD W WENDEL &
60641 VALLEY HILLS DR
NEW ULM MN 56073

BRADLEY R SCHUGEL &
60651 VALLEY HILLS DR
NEW ULM MN 56073

STEVEN M LAWRENCE &
60663 VALLEY HILLS DR
NEW ULM MN 56073

Motion - Herding, Engel, Beatty, Conlon, Eckberg, Gleisner, Arbes

Seconded - Herding, Engel, Beatty, Conlon, Eckberg, Gleisner, Arbes

It was moved to recommend (approval) (denial) of the request of Jamie Franta, 14132 Leadwell Street, Van Nuys, CA 91405 for a conditional use permit to construct a single family dwelling in the Shoreland District, on property located on Lot 4, Block 1, Bushard's First Addition, Section 6-110-30 in Lafayette Township, with the following conditions:

1. That the applicant undertake the project according to the plans and specifications submitted to the county with the application.
2. That the permit is invalid if the holder has not substantially completed the building within the period of time allowed on the zoning permit connected with this conditional use permit.
3. That the permit will be periodically reviewed by the county to assure compliance with the permit and permit conditions.
4. That the county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. All excavated land shall be protected from erosion by appropriate vegetative cover as listed in the "Minnesota Construction Site Erosion and Sediment Control Planning Handbook" which will be planted during the first seeding date period upon completion of construction.
6. The house and any accessory buildings shall be maintained in a natural and /or earthen hue. (e.g. grey, browns, natural wood, forest green, etc.)



KATHRYN CONLON
County Recorder
Nicollet County, Minnesota

Document No. **258313**

Certified Recorded on 07-28-2004 at 09:00 AM

Well Certificate: _____ # Pages 3

Rec'd: ENVIRONMENTAL SERVICES Fee: \$ 20.00

NICOLLET COUNTY BOARD OF COMMISSIONERS APPROVED CONDITIONAL USE PERMIT

On this 27th day of July 2004, following the public hearing conducted by the Nicollet County Planning and Zoning Advisory Commission in the County Board Room of the Nicollet County Government Center, the Nicollet County Board of Commissioners hereby approved a Conditional Use Permit on behalf of:

Name: **Jamie Franta**

in accordance with the provisions of Sections 505.1 of the Nicollet County Zoning and Section 4.22 of the Nicollet County Shoreland Management Ordinance and pursuant to the requirements of Chapter 394.301, Minnesota Statutes.

The approved Conditional Use Permit authorizes the above named:

To construct a single family dwelling in the Shoreland
on the following described parcel (abstract-torrens) of land:

Lot 4, Block 1, Bushard's First Addition, Section 6-110-30, Lafayette Township

CONDITIONAL USE ORDER and subject to the following conditions:

1. That the applicant undertake the project according to the plans and specifications submitted to the county with the application.
2. That the permit is invalid if the holder has not substantially completed the building within the period of time allowed on the zoning permit connected with this conditional use permit.
3. That the permit will be periodically reviewed by the county to assure compliance with the permit and permit conditions.
4. That the county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. All excavated land shall be protected from erosion by appropriate vegetative cover as listed in the "Minnesota Construction Site Erosion and Sediment Control Planning Handbook" which will be planted during the first seeding date period upon completion of construction.
6. The house and any accessory buildings shall be maintained in a natural and /or earthen hue. (e.g. grey, browns, natural wood, forest green, etc.)

The Environmental Services Director is herewith directed to issue the appropriate permits pursuant to this Conditional Use Order.

Dr. David Dehen, Chairman
Nicollet County Board of Commissioners



DATE: July 27, 2004

State of Minnesota
County of Nicollet

Office of Nicollet County Administrator

I, the undersigned Clerk to the Board, in and for said County and State, do hereby certify that I have compared the above information with the original minutes of record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Nicollet County Board of Commissioners meeting held on July 27, 2004, and on record in the Nicollet County Administrator's Office.

WITNESS my hand this 27th day of July, 2004.

Robert Podhradsky, County Administrator/Clerk to the Board

ATTACHMENT J.2
2004 CUP Recording Document



NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

258313

Name of Applicant JAMIE FRANTA Date JULY 19, 2004

CUP Requested Construct a single family dwelling in the Shoreland District

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve this area.

Yes X No

2. The use will be sufficiently compatible or separated by distance or screening from adjacent, agricultural or residential zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land in the similar context of the uses in the vicinity.

Yes X No

3. The structure and site shall have an appearance, traffic, noise, and emission levels that will not have an adverse effect upon adjacent residential properties

Yes X No

4. The use, in the opinion of the Commission, is reasonably related to the overall needs of the County and to the existing land use.

Yes X No

5. The use is consistent with the purposes of the zoning code and the purpose of the zoning district in which the applicant intends to locate the proposed use.

Yes X No

6. The use will not cause traffic hazard or congestion.

Yes X No

7. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Yes X No

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE PERMIT AND RECORD.

If all answers are **YES** by a majority of the Planning and Zoning Advisory Commission, the criteria for granting of the Conditional Use Permit have been met. The conditional use permit will maintain the goals of health, safety, and general welfare of the public.

Facts supporting the answer to each question above are hereby certified to be the Findings of the Nicollet County Planning and Zoning Advisory Commission.

Date 7/19/04

Chair Joy Skerding

State of Minnesota

258313

County of Blue Earth

Signed or attested before me on 19th day of July 2004

By Troy Herding
(name(s) of person(s)).

Mandelein Landkamer notarial officer

My commission expires: January 31, 2007

Seal



**NICOLLET COUNTY ENVIRONMENTAL SERVICES DEPARTMENT
501 SOUTH MINNESOTA AVENUE
ST. PETER, MINNESOTA
507-934-0250 * 507-931-6800**

Map # 10-06-300-002
Permit # Z-200406250170

Regular Fee	\$609.50
Septic Fee	\$125.00
MPCA Fee	\$0.00
Sign fee	\$170.00
Total	<u>\$904.50</u>

APPLICATION FOR ZONING PERMIT

Type of Permit Requested
RESID/COMM NEW HOME/SEPTIC
New House and Septic

Hearing Required Y
Hearing Date 7/19/2004
CUP#

Enter Date 6/25/2004
Expiration Date 6/26/2005

Owner Address
JAMIE FRANTA
14132 LEADWELL ST

Property Address

Applicant
Heidi Franta
707 S Franklin St
New Ulm, MN 56073

VAN NUYS, CA 91405

Telephone 507-359-9030
Subdivision BUSHARD'S FIRST ADD
Township LAFAYETTE

Sect/Twp/Rnge 06/110/030

Legal Description
MAP # 10 06 300 002 RECORD #19851;65425-26; LOT 4 BLK 1

Description of Structure/Activity

Construct a single family dwelling 1430' sq ft with a 24' x 28' (672') 2-car attached garage.
3- bedrooms with an unfinished basement.
336' sq ft deck.

Zoning District:	URBAN/RURAL RESIDENTIAL C		
REQUIRED FRONT	50	ACTUAL FRONT	50
REQUIRED SIDE 1	50	ACTUAL SIDE 1	44'
REQUIRED SIDE 2	50	ACTUAL SIDE 2	44'
REQUIRED REAR	50	ACTUAL REAR	480'
REQUIRED OHW	200	ACTUAL OHW	250'

CONTRACTORS

General: Morrie Hanson
Heating: unknown
Electical: Wurtz Electric
Plumbing: unknown
Sewer System: HEIDERSCHIEDT DIGGING
Special Permission: Doug Kraus - contractor

Estimated Cost \$ 150,000.00
Estimated Completion Date 10/30/2004

CONSTRUCTION AUTHORIZED FOR 1 YEAR FROM DATE OF ISSUE

ZONING PERMIT AUTHORIZATION APPROVAL DATE 7-27-04

Morris C. Hanson
APPLICANT'S SIGNATURE

Mandy Landkammer
ENVIRONMENTAL SERVICES

**NOTE: CHANGES MADE AFTER THIS PERMIT IS ISSUED MUST BE REAPPROVED BY THE
ENVIRONMENTAL SERVICES DEPARTMENT BEFORE CONSTRUCTION BEGINS.**

**ATTACHMENT K
2004 Zoning Permit**

2' E 610.58

HILLSIDE

4' HIGH RETAINING WALL



COUNTY RD 21

SCALE: 1" = 40'