

Nicollet County Board of Adjustment and Appeals



March 15, 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: February 22, 2021
5. Approval of Findings of Fact: February 22, 2021
 - PLN21-03 – Brian and Mary Duehring
 - PLN21-04 – Jamie Franta

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 PLN21-06**

Applicants: Meurer Family, LLC, and Kevin and Pamela Truebenbach

Property Owner: Meurer Family, LLC

Request: Reduce minimum lot size in the Shoreland zoning district for the purpose of creating two new lots

Location: Part of Government Lot 2 in Section 18-109-27 in Belgrade Township

Parcel Number: 01.018.0100

7. **PUBLIC HEARING PLN21-08**

Applicant: BENCO Electric

Property Owner: Lavonne Olson

Request: Reduce minimum lot size in the AG zoning district for the purpose of constructing an electrical substation

Location: Part of the Southwest 1/4 of the Southeast 1/4 of Section 27-111-28 in New Sweden Township

Parcel Number: 08.027.0600

8. Old Business

9. Other Business

10. Communications

11. Adjourn



Board of Adjustment & Appeals

MINUTES

FEBRUARY 22, 2021

7:00 PM

NICOLLET COUNTY
BOARD ROOM

BOARD MEMBERS	David Wendinger ☒ CHAIR	David Hermanson ☒ Vice-Chair	Justin Laven ☐	Ron Regenscheid ☒	David Ubel ☒
ABSENT EXCUSED	David Wendinger ☐ CHAIR	David Hermanson ☐ Vice-Chair	Justin Laven ☒	Ron Regenscheid ☐	David Ubel ☐
ABSENT	David Wendinger ☐ CHAIR	David Hermanson ☐ Vice-Chair	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: ☐				

REVIEW OF CANCELLATIONS & ADDITIONS None.

MOTION TO APPROVE MINUTES OF JANUARY 25, 2021

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

APPLICANT COMMENT Brian and Mary Duehring were present and had no comment.

PUBLIC COMMENT None.

PUBLIC TESTIMONY None.

MOTION

APPROVE WITH ATTACHED CONDITIONS ☒

DENY ☐

1ST	David Hermanson ☒	Justin Laven ☐	Ron Regenscheid ☐	David Ubel ☐	David Wendinger ☐
2ND	David Hermanson ☐	Justin Laven ☐	Ron Regenscheid ☐	David Ubel ☒	David Wendinger ☐

Ubel noted the issue was continued due to concern over the well. He asked if the applicant intended to construct a new well.

BOARD DISCUSSION

Mr. Duehring stated his first option was to construct a new well. His second option is to utilize the existing well per a well agreement.

VOTE

PASS ☒

FAIL ☐

VOTE: 4-0

JAMIE FRANTA

PLN21-04

AFTER-THE-FACT VARIANCE TO REDUCE THE BLUFF SETBACK FOR A DECK

APPLICANT COMMENT

Morrie Hanson was present to represent the applicant. Mr. Hanson is the applicant's uncle. He explained the house was built for Mr. Franta's mother Heidi, who is Mr. Hanson's sister. He submitted dwelling plans and photographs for inclusion into the record. He stated the front deck and back landing were constructed when the dwelling was built in 2004. The bridge (upper deck addition) and catwalk (lower deck addition) were built later. The bridge is a shortcut to the uphill portion of the property. The catwalk was built to provide a level walking area surrounding the house and to aid when Mr. Franta stains the log-house style dwelling.

PUBLIC COMMENT

None.

PUBLIC TESTIMONY

Ubel asked if there were after the fact fees.

Landkamer explained the applicable after-the-fact variance and after-the-fact zoning permit fees.

MOTION

APPROVE WITH ATTACHED CONDITIONS ☒

DENY ☐

1ST David Hermanson ☐ Justin Laven ☐ Ron Regenscheid ☐ David Ubel ☐ David Wendinger ☒

2ND David Hermanson ☒ Justin Laven ☐ Ron Regenscheid ☐ David Ubel ☐ David Wendinger ☐

BOARD DISCUSSION

None.

VOTE

PASS ☒

FAIL ☐

VOTE: 4-0

OLD BUSINESS

None.

OTHER BUSINESS

None.

COMMUNICATIONS

None.

MOTION TO ADJOURN 8:03 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



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 minimum buildable area, for the purpose of constructing a new single family dwelling

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: The applicant has surveyed the proposed locations for the buildings, two septic system locations, and a well within the lot's 1.3 acres of buildable area. There is room for a new well, septic system, and house. The variance is in harmony for the purpose of a well and house.

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: The proposal does not include the development or disturbance of wooded or bluff lands, nor the development of agricultural lands. It does not change the plan to conserve natural resources. Building site does not go into the bluff.

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: The property lost its preexisting status in 2007 when applicant sold property to the neighboring landowner. Without the variance they cannot build on the site. The owner sold land to satisfy a neighbor's setback issue.

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: 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 property was in compliance and was preexisting before they sold a portion off to the neighbor.

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

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

WHY: The existing location will be screened from neighboring properties by existing woodland / vegetation and changes in topography. The character of the property is still residential. There are other single family homes in the area.

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

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

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

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: _____



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

Name of Applicant/

Property Owner: Jamie Franta

Date: February 25, 2021

File: PLN21-04

After-the-fact variance to reduce the bluff setback

Variance Requested: for a deck

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: The decks did not require additional cutting into the bluff. The bluff cut was made 47 years earlier. The bluff /natural resources were not disturbed. The setback provides a buffer between residential and natural environment.

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: The plan aims to preserve, protect and conserve resources in the county. The project did not remove more natural resources. It preserved and protected resources in the area. The bluff was not changed.

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: The owner proposes to use the property in a reasonable manner. Decks are permitted in the R-1 district. The project was an addition to an existing deck. The deck did not change the character of the locality. The property is still residential. The owner will use property in a reasonable manner.

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: The building pad was cut into the bluff in 1974, seven years before the Conservancy district was created. The property was platted in 1972. Variance is an addition to the original deck. Property has been zoned for residential use since 1972.

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

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

WHY: The project location is mostly screened from view by vegetation and changes in topography. Other dwellings in the area have decks. Property will remain residential and natural environment.

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

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

WHY: The request is based on location, topography, use, and history of the property. The project did not disturb the bluff.

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

WHY: No, the applicant did not make an effort to obtain a zoning permit prior to completion of the deck.

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

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

WHY: Yes, there are other decks in the area that are within the setback. All other lots have decks in the setback area.

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

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

WHY: Yes, the burden would be on the applicant to remove the deck. The burden would be the cost of removing the deck. The burden would be the cost to remove the deck additions vs. the strict application by the county of the setback standard.

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: Yes, the applicant told staff the violation was unintentional. Believe by Mr. Hanson's testimony the violation was unintentional.

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: _____



VARIANCE

**REDUCE THE MINIMUM LOT
SIZE IN THE SHORELAND
DISTRICT FOR THE PURPOSE OF
CREATING TWO NEW LOTS**

**MUERER FAMILY, LLC. / KEVIN &
PAMELA TRUEBENBACH**

PLN21-06

NICOLLET COUNTY

BOARD OF ADJUSTMENT & APPEALS

SUBJECT:	PLN21-06, Variance
APPLICANTS:	Meurer Family, LLC, and Kevin and Pamela Truebenbach
LANDOWNER:	Meurer Family, LLC
LOCATION:	Part of Government Lot 2 in Section 18-109-27 in Belgrade Township
PARCEL NO:	01.018.0100
EXISTING ZONING:	Shoreland
HEARING DATE:	March 15, 2021

REQUEST

The applicant has submitted a variance request to reduce the minimum lot size for the purpose of creating two new lots in the Shoreland zoning district.

EXISTING LAND USE

The project involves a 143.6 acre property that is currently used as cropland and owned by Meurer Family, LLC. The southern half of this property is traversed by a ditch which runs east-west. Horseshoe Lake is located north/northwest of the property (see Attachment C). This lake is a DNR protected water body. Kevin and Pamela Truebenbach own a 4.7 acre property and a 5.9 acre property directly adjacent to the 143.6 acre property owned by Meurer Family, LLC. The Truebenbach properties are located directly northwest of the Meurer Family, LLC property.

A portion of the Truebenbach's existing swine finishing barn crosses the property line from their 4.7 acre property into the Meurer Family, LLC's property (see Attachment D). The portion of the barn crossing the property line is approximately 1,700 square feet in size. The barn was constructed in 1989. The 4.7 acre property was created in 1998.

SURROUNDING LAND USE

The neighboring land uses are a mix of agricultural and natural environment. The property is located 0.8 miles north of U.S. Highway 14 between the cities of Nicollet and North Mankato. Nicollet is approximately 2.5 miles to the northwest, and North Mankato is approximately 4.5 miles to the southeast.

VARIANCE

Request:

The applicants' are requesting to vary from the 10 acre minimum lot size standard found in Section 501(3.A) of the Shoreland Management Ordinance, which requires a:

“Minimum lot size of ten (10) acres, the buildable lot area of which must be a minimum of two (2) acres.”

The minimum lot size standard is intended to ensure that properties contain enough room for existing and potential future development.

Purpose:

The purpose of the variance is to allow for the creation of two new lots from the existing Meurer Family, LLC property. The two lots would then be sold to the Truebenbachs. The lots would essentially square-up the Truebenbach's existing 4.7 acre property (see Attachment F.1). According to the survey submitted by the applicants the lots would be:

- Parcel 2 – 0.84 acres.
- Parcel 3 – 0.97 acres.

The survey also depicts Parcel 1, containing 14.87 acres. This lot meets the minimum 10 acre lot size standard for the Shoreland zone. Parcel 1 could be combined with Parcels 2 and 3 if the land was located in the same township. However, Parcel 1 is located in Nicollet Township and Parcels 2 and 3 are located in Belgrade Township.

Potential Alternatives:

- A. Annexation and Amendment to School Taxing District: One alternative to a variance would be to annex property from Belgrade Township into Nicollet Township, or to annex property from Nicollet Township into Belgrade Township. This alternative involves amending the school taxing district to align with the annexation boundaries (i.e. the new township boundaries).
- B. Purchase of Additional Land: Another alternative would be for the Truebenbachs to purchase additional land in Belgrade Township in order to reach the ten acre minimum lot size standard for the Shoreland district.

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 lot size standard is intended to ensure that properties contain enough room for existing and potential future development.
- The proposed variance decreasing the required minimum lot size to 0.84 acres and 0.97 acres would result in a 91% and 90% reduction of the standard, respectively.
- An alternative to a variance would be to annex a portion of the property in Belgrade Township into Nicollet Township, or vice-versa. Another alternative would be for the Meurer Family, LLC to sell additional land to the Truebenbachs. These alternatives were suggested to the applicants by staff. However, the applicants ultimately decided to apply for a variance from the standard.

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

- The county will ensure that land is used in an appropriate manner, by minimizing conflicts between land uses. It does not appear the proposal would increase the potential for land use conflict; the property is presently used for agricultural purposes and would remain agricultural if the request is approved.
- 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 agricultural lands. No new structures are proposed.

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

- The request does appear to establish a practical difficulty.
 - The proposal does not involve any new construction and does not involve the further development of agricultural land.
 - The plight is unique to the property. The plight is due to the location of the properties in relation to the boundary between Belgrade and Nicollet townships.
 - The essential character of the locality would remain agricultural.
- Without the variance the applicants’ are not denied reasonable use of the property. The properties could continue to be used for agricultural purposes.
- However, the request does resolve an existing structural side yard setback issue.

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

- The plight does appear to be unique to the property.
- The plight appears to be caused by the configuration of the existing properties in relation to the location of the township boundary, and by the location of the existing buildings on the properties.

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

- The essential character of the locality would remain agricultural regardless of whether the variance is granted.
- The proposal does not include the construction of any new structures on the properties involved in the request.

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

- The request includes more than economic considerations alone.
- The request is based on the applicants' intention to sell the least amount of land necessary to square-up ownership of the existing Truebenbach property.

RECOMMENDATIONS

If the request is approved, staff recommends the following conditions be attached:

1. The applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the variance holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

**Applicants: Meurer Family, LLC, and
Kevin and Pamela Truebenbach
Landowners: Meurer Family, LLC**

PLN21-06

ATTACHMENT A Application

ATTACHMENT B Variance Criteria

ATTACHMENT C Location Map

ATTACHMENT D Aerials

D.1 Large Aerial

D.2 Small Aerial

ATTACHMENT E Neighbor Notification List

ATTACHMENT F Survey Submitted by Applicant

Parcel No: 01.018.0100
Map No: 1818100003



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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$

Map#: 1818100003

Parcel#

Permit#: [PLN21-00006](#)

Date: February 11, 2021

Applicant: Meurer Family LLC - Rick Meurer, , 50267 461st Ave, Nicollet MN 56074

Phone: 507-380-4271

Owner: Meurer Family LLC - Rick Meurer, 50267 461st Ave, Nicollet MN 56074

Property Address: 50267 461st Ave, Nicollet MN 56074

Abbreviated Legal Description:

Township: Belgrade

Record Type: Variance

Category: Lot Size

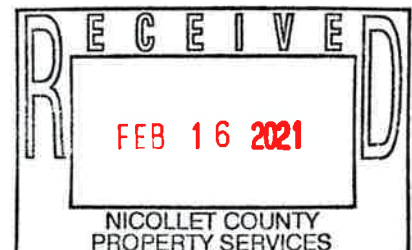
Project Description: Variance request to reduce the minimum lot size in the Shoreland District from 10.0 acres for the creation of two parcels containing .84 acres and .97 acres.

Hearing Date: 03/15/2021

ATTACHMENT A
Application

Meurer Family LLC by Rick A. Meurer
APPLICANT SIGNATURE

02-25-1948
DATE





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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Map#: 1818100003

Total Fees: \$

Parcel#

Permit#: PLN21-00006

Date: February 11, 2021

Applicant: Meurer Family LLC - Rick Meurer, , 50267 461st Ave, Nicollet MN 56074

Phone: 507-380-4271

Owner: Meurer Family LLC - Rick Meurer, 50267 461st Ave, Nicollet MN 56074

Property Address: 50267 461st Ave, Nicollet MN 56074

Abbreviated Legal Description:

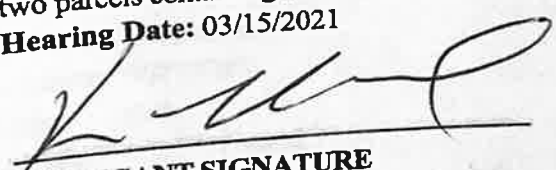
Township: Belgrade

Record Type: Variance

Category: Lot Size

Project Description: Variance request to reduce the minimum lot size in the Shoreland District from 10.0 acres for the creation of two parcels containing .84 acres and .97 acres.

Hearing Date: 03/15/2021


APPLICANT SIGNATURE

2-11-21
DATE



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

Name of Applicant: Meurer Family, LLC and
Kevin and Pamela Truebenbach

Date: March 15, 2021

Property Owner: Meurer Family, LLC

File: PLN21-06

Variance Requested: Reduce minimum lot size in the Shoreland zoning
district for the purpose of creating two new lots

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

**ATTACHMENT B
Variance Criteria**

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

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

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

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

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

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

This decision is based on:

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

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

Date: _____ Chair: _____



ATTACHMENT C

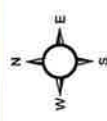
Location Map

Legend



Meurer Property

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.



1:48,000 1 inch = 4,000 feet 0 2,000 4,000 Feet



Horseshoe Lake

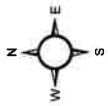
Truebenbach building site

ATTACHMENT D.1
Large Aerial

Legend



Meurer Property



1:6,000 1 inch = 500 feet

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.

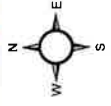
Nicollet Township

Belgrade Township

Truebenbach shed
divided by property line

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



Legend

-  Meurer Property
-  Township Boundary

ATTACHMENT D.2 Small Aerial

FRANCES RENNE
PO BOX 354
NICOLLET MN 56074

JEROME PETERS
824 WELS CT PO BOX 314
NICOLLET MN 56074-0314

JOAN TIMM REV TRUST
40283 506TH ST
NORTH MANKATO MN 56003

KEN HINIKER FARMS INC
28627 DERRY CT
BONITA SPRINGS FL 34135

KEVIN & PAMELA TRUEBENBACH
48007 435TH AVE
NICOLLET MN 56074

LARRY & LUJEAN STARKE
47749 421ST AVE
NORTH MANKATO MN 56003

MARLYS PETERS
824 WELS CT PO BOX 314
NICOLLET MN 56074-0314

MARY FLATEN
14812 OVERLOOK DR
SAVAGE MN 55378

MEURER FAMILY LLC
50267 461ST AVE
NICOLLET MN 56074

ROGER BRUNS
43093 US HIGHWAY 14
NORTH MANKATO MN 56003

SCOTT & JULIE RUDENICK
47893 435TH AVE
NICOLLET MN 56074

WAYNE MOLITOR
42878 470TH ST
NICOLLET MN 56074

BELGRADE TOWN BOARD
38310 490TH ST
NEW ULM MN 56073

GARRY BENNETT
ECOLOGICAL & WATER SERVICES
20596 HIGHWAY 7
HUTCHINSON MN 55350

ATTACHMENT E
Neighbor Notification List



PARCEL 2

That part of the Government Lot 2 of Section 18, Township 109 North, Range 27 West, Nicollet County, Minnesota described as follows:

Commencing at the Northwest Corner of said Section 18, thence South 00 degrees 06 minutes 08 seconds East (bearing based on Nicollet County Coordinate System NAD83 1996 adjustment) on the west line of said Government Lot 2, a distance of 90.84 feet; thence North 89 degrees 50 minutes 13 seconds East, a distance of 12.78 feet to the point of beginning; thence North 89 degrees 50 minutes 13 seconds East, a distance of 404.96 feet; thence North 00 degrees 06 minutes 08 seconds West, a distance of 90.18 feet to the north line of said Section 18; thence South 89 degrees 55 minutes 39 seconds West on said north line, a distance of 404.96 feet to a point being 12.78 feet east of the Northwest Corner of said Section 18; thence South 00 degrees 06 minutes 08 seconds East, a distance of 417.74 feet to the point of beginning.

Contains 0.84 acres of land.

PARCEL 3

That part of the Government Lot 2 of Section 18, Township 109 North, Range 27 West, Nicollet County, Minnesota described as follows:

Commencing at the Northwest Corner of said Section 18, thence South 00 degrees 06 minutes 08 seconds East (bearing based on Nicollet County Coordinate System NAD83 1996 adjustment) on the west line of said Government Lot 2, a distance of 90.84 feet; thence North 89 degrees 50 minutes 13 seconds East, a distance of 417.74 feet; thence South 00 degrees 06 minutes 08 seconds East, a distance of 508.08 feet to the point of beginning; thence North 89 degrees 50 minutes 13 seconds West, a distance of 302.74 feet; thence North 00 degrees 06 minutes 08 seconds West, a distance of 61.96 feet; thence North 89 degrees 46 minutes 18 seconds West, a distance of 115.00 feet to the west line of said Government Lot 2; thence South 00 degrees 06 minutes 08 seconds East, a distance of 417.74 feet; thence North 00 degrees 06 minutes 08 seconds West, a distance of 84.30 feet to the point of beginning.

Contains 0.97 acres of land.

PROPOSED DESCRIPTIONS

PARCEL 1

That part of the Northeast Quarter of the Northeast Quarter of Section 13, Township 109 North, Range 28 West, Nicollet County, Minnesota described as follows:

Commencing at the Northeast Corner of said Section 13, thence South 00 degrees 06 minutes 08 seconds East (bearing based on Nicollet County Coordinate System NAD83 1996 adjustment) on the east line of said Northeast Quarter of the Northeast Quarter, a distance of 90.84 feet; thence North 89 degrees 50 minutes 13 seconds East, a distance of 417.74 feet; thence South 00 degrees 06 minutes 08 seconds West, a distance of 508.08 feet; thence North 89 degrees 50 minutes 13 seconds West, a distance of 302.74 feet; thence North 00 degrees 06 minutes 08 seconds West, a distance of 61.96 feet; thence North 89 degrees 46 minutes 18 seconds West, a distance of 115.00 feet to the east line of said Northeast Quarter of the Northeast Quarter and the point of beginning; thence North 02 degrees 02 minutes 33 seconds East, a distance of 478.18 feet; thence South 89 degrees 50 minutes 13 seconds West parallel to the north line of said Northeast Quarter of the Northeast Quarter, a distance of 950.44 feet to the west line of said Northeast Quarter of the Northeast Quarter; thence South 00 degrees 09 minutes 25 seconds East, a distance of 627.56 feet; thence North 89 degrees 50 minutes 13 seconds East, a distance of 1325.19 feet to the east line of said Northeast Quarter of the Northeast Quarter; thence North 00 degrees 06 minutes 08 seconds West on said east line, a distance of 147.04 feet to the point of beginning.

Contains 14.87 acres of land.

BOLTON & MENK 1902 PHILLIPS DRIVE MANAHO, MINNESOTA 56001 (201) 625-4177		FIELD BOOK: SEE FILE DRAWN BY: MJ
CERTIFICATE OF SURVEY NICOLLET COUNTY, MINNESOTA		HORIZONTAL DATUM: HARN 1986 County Coordinate System PART OF GOVT LOT 7 SECTION 18, 109-27 PART OF NE 1/4 NE 1/4 SECTION 13, 109-28
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. <i>Ray J. Menk</i> Ray J. Menk License Number: 13185 Date: 03/26/2021		FOR: BUYER MEMBER KEVIN TRUEBACH PURCHASER



VARIANCE

**REDUCE THE MINIMUM LOT
SIZE IN THE AG DISTRICT FOR
THE PURPOSE OF
CONSTRUCTING AN
ELECTRICAL SUBSTATION**

**BENCO ELECTRIC /
LAVONNE OLSON**

PLN21-08

NICOLLET COUNTY BOARD OF ADJUSTMENT & APPEALS

SUBJECT:	PLN21-08, Variance
APPLICANT:	BENCO Electric
LANDOWNER:	Lavonne Olson
LOCATION:	Part of the Southwest 1/4 of the Southeast 1/4 of Section 27-111-28 in New Sweden Township
PARCEL NO:	08.027.0600
EXISTING ZONING:	Agricultural Preservation
HEARING DATE:	March 15, 2021

REQUEST

The applicant has submitted a variance request to reduce the minimum lot size for the purpose of constructing an electrical substation in the Agricultural Preservation zoning district.

EXISTING LAND USE

The project involves a 160 acre property currently used as cropland.

SURROUNDING LAND USE

The neighboring land uses are predominantly agricultural. The southern portion of the property borders County Road 15. State Highway 111 is located approximately 0.5 miles west of the property. BENCO Electric's existing New Sweden substation is directly southwest of the intersection of County Road 15 and 455th Avenue (Township Road).

VARIANCE

Background:

On August 19, 2020, John Hutchins with BENCO Electric called and spoke with Property Services staff concerning the project. Mr. Hutchins was mistakenly informed by staff that the minimum lot size in the Agricultural Preservation zoning district only applied to new dwellings. Property Services policy is that the minimum lot size standard applies to all principal structures (e.g. dwellings, feedlots, grain bins, etc.). As such, BENCO Electric designed a lot that was only large enough to adequately accommodate the proposed new electrical substation.

On January 26, 2021, Property Services received a split request to create a new 2 acre lot on which the substation was to be built. The split request was ultimately denied because the new lot did not meet the minimum 3.5 acre lot size. The legal description for the split also referenced a right-of-way plat that has not been formally adopted yet. The applicant then decided to seek a variance from the standard.

Request:

The applicant is requesting to vary from the 3.5 acre minimum lot size standard found in Section 602.4(7.A) of the Zoning Ordinance, which requires:

“For newly constructed dwellings on new lots three and one half (3½) acres, the buildable lot area of which shall be a minimum of two (2) contiguous acres.”

The minimum lot size standard is intended to ensure that properties contain enough room for potential future development.

Purpose:

The purpose of the variance is to allow for the creation of one new lot from the existing Lavonne Olson property. The lot would be sold to BENCO Electric. According to the survey submitted by the applicants (see Attachment F.1) the lot would be 2 acres in size.

A new electrical substation would be developed on the property. The site is desirable because it is located along an existing Great River Energy transmission line. There is an existing substation located directly southwest of the proposed new substation. The existing substation is 60 years old and is located on a property that is 0.25 acres in size. Constructing a replacement substation on the existing property is not possible due to the location of a gas pipeline. Once the new substation is functional, the existing substation would be removed. The existing substation location would then be returned to agricultural production. The applicant has stated the new substation would provide electricity to approximately 600 local residences.

The applicant did submit a set of answers to the variance questionnaires (see Attachment F.2).

Potential Alternatives:

The alternative to a variance would be to purchase an additional 1.5 acres in order to meet the minimum lot size of 3.5 acres.

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 lot size standard is intended to ensure that properties contain enough room for potential future development.
- The proposed variance decreasing the required minimum lot size to 2 acres would result in a 42% reduction of the standard.
- Within the new 2 acre lot, the applicant’s proposal for the new electrical substation meets all other standards and setbacks. The proposal does not include any potential upgrades to the Great River Energy transmission line. Additional permitting may be required for the transmission line upgrade.
- An alternative would be for Lavonne Olson to sell additional land to BENCO Electric. This alternative was suggested to the applicants by staff. However, the applicants ultimately decided to apply for a variance from the standard.

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

- The county will ensure that land is used in an appropriate manner, by minimizing conflicts between land uses.
- It does not appear the proposal would increase the potential for land use conflict.
- The property is presently used for agricultural purposes. If approved, the majority of the property would remain agricultural in nature.
- There is an existing substation directly southwest of the proposed site.

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

- The request does appear to establish a practical difficulty.
- The 2 acre lot has adequate space for the proposed new electrical substation. The proposal meets all other standards and setbacks. The proposal does not include any potential upgrades to the Great River Energy transmission line. An upgrade to the transmission line may require additional permitting.
- BENCO Electric staff was mistakenly provided an incorrect determination of the applicability of the minimum lot size standard by Property Services staff.
- The request will not alter the essential character of the locality; the locality will remain agricultural in nature.

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

- At the beginning of the project BENCO Electric staff was mistakenly provided inaccurate information by Property Services staff.
- The applicant decided to seek a variance rather than increase the size of the new lot.

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

- The essential character of the locality would remain agricultural regardless of whether the variance is granted.

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

- The request includes more than economic considerations alone.
- The request is based on the background of the project and the applicant's intention of using as little land as necessary for the project.

RECOMMENDATIONS

If the request is approved, staff recommends the following conditions be attached:

1. The applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the variance holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The applicant must obtain the appropriate zoning permits prior to construction, including any earthwork or site preparation.
4. The zoning permit is invalid if the variance holder has not substantially completed the structure within the period of time allowed on the zoning permit connected with this variance.

Applicant: BENCO Electric
Landowner: Lavonne Olson

PLN21-08

ATTACHMENT A Application

ATTACHMENT B Variance Criteria

ATTACHMENT C Location Map

ATTACHMENT D Aerials

D.1 Large Aerial

D.2 Small Aerial

ATTACHMENT E Neighbor Notification List

ATTACHMENT F Documents Submitted by Applicant

F.1 Survey

F.2 Applicant Questionnaires

Parcel No: 08.027.0600
Map No: 0627400001



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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$446.00

Map#: 0627400001
Parcel# 080270600
Permit#: [PLN21-00008](#)
Date: February 23, 2021

Applicant: TIM BRAULICK, BENCO ELECTRIC, 20946 549 AVENUE, MANKATO MN 56001
Phone: 387-7963
Owner: OLSEN LAVONNE, 44646 COUNTY RD 15, NICOLLET MN 56074
Property Address: 0,
Abbreviated Legal Description: SE 1/4 ACRES 160.00
Township: New Sweden Township

Record Type: Variance

Category: Lot Size

Project Description: Reduce the minimum lot size in the AG district from 3.5 acres to two acres for the purpose of constructing a replacement substation. Ref: Zoning Ordinance 503, 602.4(7).

Hearing Date: 03/15/2021

APPLICANT SIGNATURE

DATE

ATTACHMENT A
Application



NICOLLET COUNTY BOARD OF ADJUSTMENTS AND APPEALS

CRITERIA FOR GRANTING A VARIANCE

Name of Applicant: BENCO Electric
Property Owner: Lavonne Olson
Variance Requested: Reduce minimum lot size in the AG zoning district
for the purpose of constructing a replacement
electrical substation

Date: March 15, 2021
File: PLN21-08

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

ATTACHMENT B
Variance Criteria

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

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

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

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

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

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

This decision is based on:

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

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

Date: _____ Chair: _____



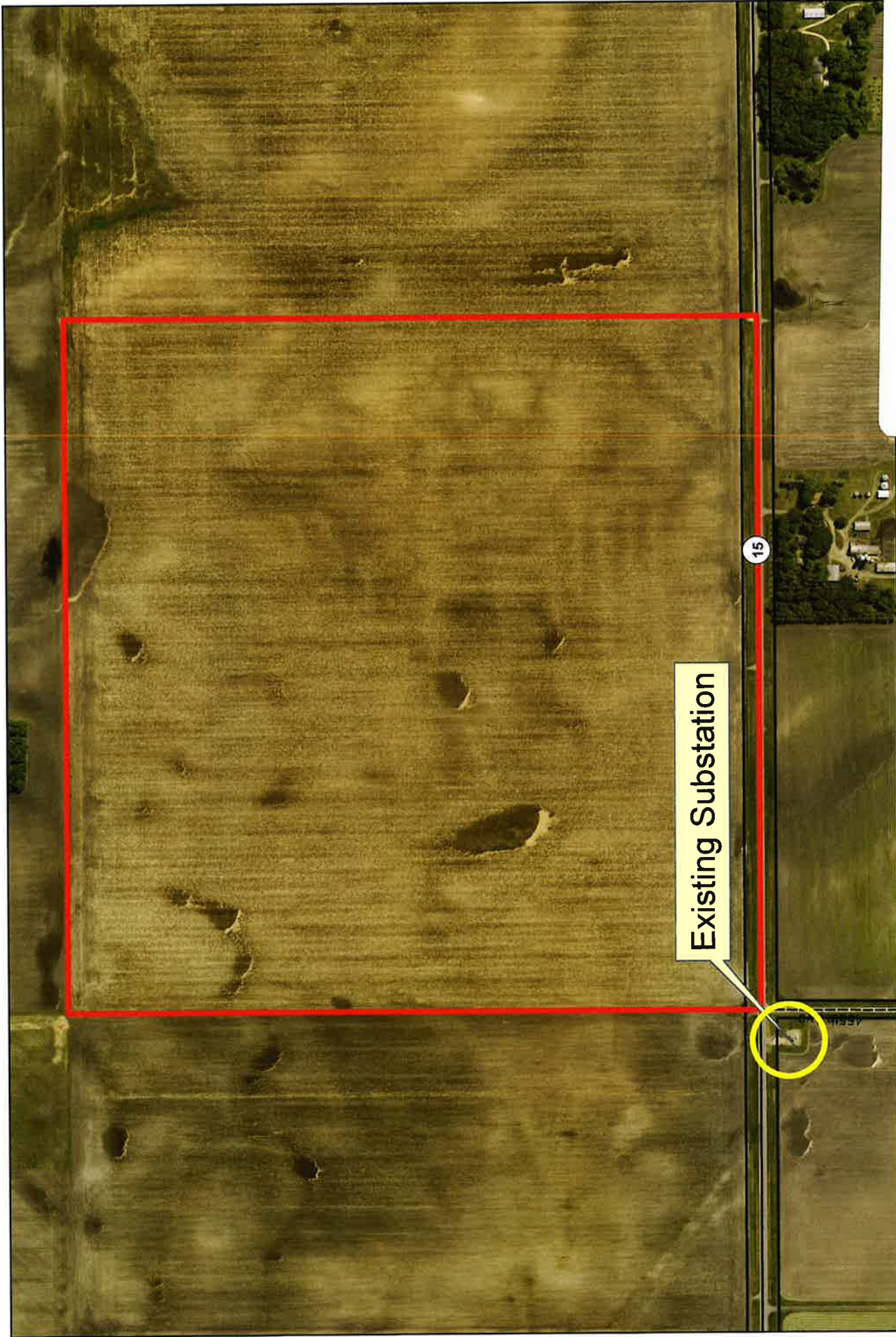
ATTACHMENT C Location Map

Legend



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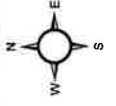
1:48,000 1 inch = 4,000 feet 0 2,000 4,000 Feet



ATTACHMENT D.1
Large Aerial

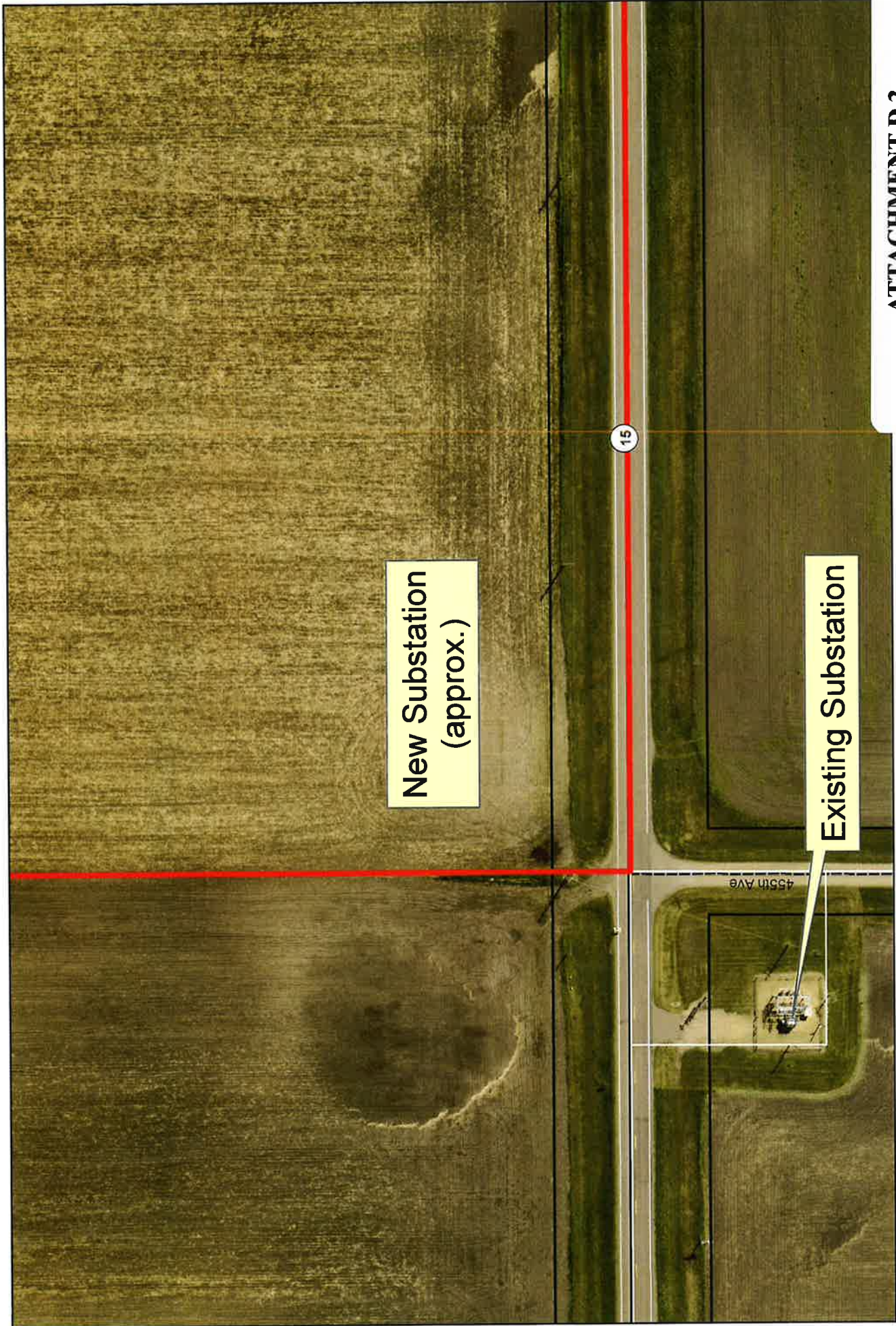
Legend

 Olson Property



1:6,000 1 inch = 500 feet

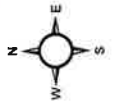
Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.



ATTACHMENT D.2
Small Aerial

Legend

 Olson Property



1:1,200 1 inch = 100 feet

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.

BENCO CO-OP ELEC ASSN
PO BOX 8
MANKATO MN 56002

CARROLL & ELAINE HERMANSON TRUST
45213 COUNTY ROAD 15
NICOLLET MN 56074-4247

DALE & WAYNE BJORKLUND
36610 451ST AVE
SAINT PETER MN 56082

DAVID & MICHELE GRAN
37135 425 AVE
SAINT PETER MN 56082

DAVID & VICKI HERMANSON
45209 COUNTY ROAD 15
NICOLLET MN 56074

DAVID HERMANSON REV TRUST
45209 COUNTY ROAD 15
NICOLLET MN 56074

DONALD C & RHONDA HERMANSON
44893 COUNTY ROAD 15
NICOLLET MN 56074

DOUGLAS & JUDITH SCHULTZ TRUST
45763 COUNTY ROAD 15
NICOLLET MN 56074

HAROLD & LOUISE RODNING TRUST
44562 CO RD 15
NICOLLET MN 56074

LAVONNE OLSEN
44646 COUNTY RD 15
NICOLLET MN 56074

PAUL SWENSON
45672 380TH ST
NICOLLET MN 56074

SCOTT & AMY REGNER
45345 380TH ST
NICOLLET MN 56074

WAYNE & DALE BJORKLUND
36329 STATE HIGHWAY 22
NICOLLET MN 56074

NEW SWEDEN TOWN BOARD
36329 STATE HIGHWAY 22
NICOLLET MN 56074

ATTACHMENT E
Neighbor Notification List



PROPOSED DESCRIPTION
That part of the Southwest Quarter of the Southeast Quarter of Section 27, Township 111 North, Range 28 West, Nicollet County, Minnesota, described as follows: Commencing at the South Quarter Corner of said Section 27; thence North 00 degrees 10 minutes 28 seconds East on the west line of said Southwest Quarter of the Southeast Quarter, a distance of 60.01 feet to the point of beginning; thence continuing North 00 degrees 10 minutes 28 seconds East on said west line, a distance of 295.16 feet; thence North 89 degrees 55 minutes 31 seconds East, a distance of 295.16 feet; thence South 00 degrees 10 minutes 28 seconds West, a distance of 295.16 feet; thence South 89 degrees 55 minutes 31 seconds West, a distance of 295.16 feet to the point of beginning.
Said parcel contains 2.00 acres of land.

AGRICULTURAL PRESERVATION (AG)
A district established to preserve, promote, maintain and enhance the use of the land for commercial agricultural purposes.

Minimum lot size - 3 1/2 acres
Minimum buildable area - 2 acres
1 New dwelling per 1/4-1/4 on lots recorded after 7/31/81

LEGEND
○ 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
● MONUMENT FOUND

SETBACKS
Front 85' State R/W
50' County R/W
35' Township R/W
Side 20' property line
Rear 20' property line
Frontage 66' minimum along public road



SURVEYOR'S CERTIFICATION
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota
Michael M. Eichers
Michael M. Eichers
License Number 46564
02/23/2021
Date

Horizontal Datum: Nicollet County Coordinate System NAD83, 1996 Adjustment

**BOLTON & MENK**
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

CERTIFICATE OF SURVEY
NEW SWEDEN TOWNSHIP, NICOLLET COUNTY, MINNESOTA
THAT PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 111 NORTH, RANGE 28 WEST, NEW SWEDEN TOWNSHIP, NICOLLET COUNTY, MINNESOTA
FOR: BENCO ELECTRIC COMPANY

ATTACHMENT F.1
Survey



VARIANCE APPLICANT QUESTIONNAIRE
PROJECT DESCRIPTION

Name of Applicant: BENCO Electric Cooperative Date: March 1, 2021

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.

As part of BENCO Electric Cooperative's commitment to provide reliable service, the cooperative has begun the process of constructing a new substation, located in New Sweden township, that provides electricity to approximately 600 residents of rural Nicollet County. Due to growth in the area, it is necessary to upgrade the substation that provides these residents with essential, reliable, electric service.

BENCO has identified a two acre parcel located on county road 15, directly across from the existing New Sweden substation that will meet the construction needs of the new substation, the minimum amount of land required, in order to preserve the agricultural integrity of Nicollet County. The new substation site was chosen due to the close proximity of the existing transmission line required to serve the substation. By building the new substation on this parcel, BENCO will be able to continue providing safe, reliable service to our members in Nicollet County.

Due to increased space required to construct the new substation, BENCO's existing 0.25 acre parcel no longer meets building requirements. Expansion of the existing site is not feasible due to an existing gas pipeline. After construction is complete, the former substation site will be sold and returned to agricultural land.

ATTACHMENT F.2
Applicant Questionnaires



VARIANCE APPLICANT QUESTIONNAIRE

Name of Applicant: BENCO Electric Cooperative
Request: Two acre substation site

Date: March 1, 2021

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.

BENCO would be able to meet all setbacks and codes and comply with official control on a
parcel smaller than 3.5 acres.

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

BENCO believes the upgrade of a 60 year old substation adheres with the intent of Nicollet County's
Comprehensive Plan. The upgrade will provide reliable electric service for residents and
agricultural businesses in the area for many years.

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

BENCO is only needing a limited amount of land to complete the new substation.
This would also take 1.5 acres of productive farmland out of service.

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

BENCO currently owns 0.25 acres across the road from the tentative new location. BENCO is
unable to expand this location due to an underground gas pipeline. Due to being unable to expand
the existing location, BENCO needed to purchase another larger piece of land for the expansion.

(Continued onto back)

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

BENCO currently has a substation within 100 feet of the proposed location. BENCO believes this improves the area's cosmetic appearance with new fencing and landscaping.

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

BENCO believes it is in everyone's best interest to only use the minimum amount of land required. This would adhere to the county's goal to preserve the agricultural integrity of the county and not tie up land resources unnecessarily.

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

