

Nicollet County Board of Adjustment and Appeals



**April 19, 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 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. **PUBLIC HEARING PLN21-09**

Applicant: David Zimmerman

Property Owners: Dale, David, and Lance Zimmerman

Request: Reduce the minimum lot size for an existing lot and reduce the property line setback for the purpose of constructing a grain bin

Location: Part of Government Lot 1 in Section 34-110-29 in Courtland Township

Parcel Number: 04.134.0315

9. **PUBLIC HEARING PLN21-14**

Applicant: John and Leann Herrley

Property Owner: R. Henry Investments, LLC

Request: After-the-fact variance to reduce front yard setback for a pole shed

Location: Part of the Southwest 1/4 of the Northeast 1/4 of Section 22-109-27 in Belgrade Township

Parcel Number: 01.022.0335

10. Old Business

11. Other Business

12. Communications

13. 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 ☐

Property and Public Services Director Mandy Landkamer ☒

STAFF PRESENT 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/ Brian and Mary Duehring

Date: February 22, 2021

Property Owner:

File: PLN21-03

Variance Requested: Reduce the minimum buildable are 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.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	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 systems, and a house. The variance is in harmony with general purposes and intent of the official control to allow the construction of a house and well.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☐	☐	☐	☒	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The proposal does not include the development or disturbance of wooded, bluff, or agricultural lands. The development does not change the plan to conserve natural resources. The building site does not go into the bluff setback.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☐	☐	☐	☒	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The property lost its pre-existing status in 2007 when the applicant sold property to the neighboring landowner to satisfy a setback issue. Without the variance, the applicant cannot build on the site.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☐	☐	☐	☒	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The plight appears to be caused by the applicant's decision to sell a portion of the property to a neighboring landowner in 2007 to address a setback issue. The lot was considered pre-existing and buildable at that time.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☐	☐	☐	☒	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The existing location will be screened from neighboring properties by existing woodland and vegetation. The character of the area will remain residential. There are other single family homes in the area.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☐	☐	☐	☒	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The request is based on location, dimensions, and the topography of the property. The request is based on more than economic considerations alone.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☐	☐	☐	☒	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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/ Jamie Franta

Date: February 22, 2021

Property Owner:

File: PLN21-04

Variance Requested: After-the-Fact Variance to reduce the bluff setback 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.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	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 bluff setback provides a buffer between residential and natural environment.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☐	☐	☐	☒	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The Comprehensive Plan aims to preserve, protect, and conserve resources in the county. The project did not remove more natural resources in the area. The bluff was not changed.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☐	☐	☐	☒	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The applicant proposes to use the property in a reasonable manner. Decks are a permitted use in the R-1 district. The project was an addition to an existing deck, originally permitted in 2004. The decks did not change the character of the locality. The property remains residential in nature.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☐	☐	☐	☒	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

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

WHY:

The building pad was cut into the bluff in 1974, seven (7) years before the Conservancy district was created. The property was platted in 1972. The request is for an after-the-fact variance to allow the deck additions to remain in the current location. The original deck was constructed in 2004 and also requested a variance to reduce the bluff setback

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

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

WHY:

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

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

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

WHY:

The request is based on location, topography, use, and history of the property. The project did not further 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?

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

WHY:

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

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

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

WHY:

Yes, there are other decks in the area that are within the bluff setback. The other developed lots in the subdivision have decks constructed in the setback area.

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

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

WHY:

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

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

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

WHY:

The applicant stated the act of constructing the deck additions 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:	April 19, 2021

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.

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 4.73 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.

Parcels 2 and 3 may be legally combined to the applicants' existing 4.73 acre property. This would result in the creation of a new 6.54 acre property. The 6.54 acre property would be 3.46 acres short of the required 10 acre minimum lot size for the Shoreland zone.

The survey also depicts Parcel 1, containing 14.87 acres. This lot meets the minimum 10 acre lot size standard. 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 to the variance include:

- 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.

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.

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

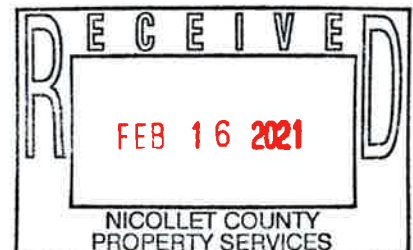
Project Description: Variance request to reduce the minimum lot size in the Shoreland District from 10.0 acres for the creation of two parcels containing .84 acres and .97 acres.

Hearing Date: 03/15/2021

Meurer Family L.L.C. by Rick A. Meurer
APPLICANT SIGNATURE

02-25-1948
DATE

ATTACHMENT A -
Application





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

Name of Applicant: Meurer Family, LLC. **Date:** April 19, 2021
Property Owner: Meurer Family, LLC. and Kevin and Pamela Truebenbach **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.

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

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

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

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

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

ATTACHMENT B -
Criteria

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

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

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

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

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

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

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

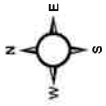
Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustments and Appeals.

Date: _____ Chair: _____



**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.

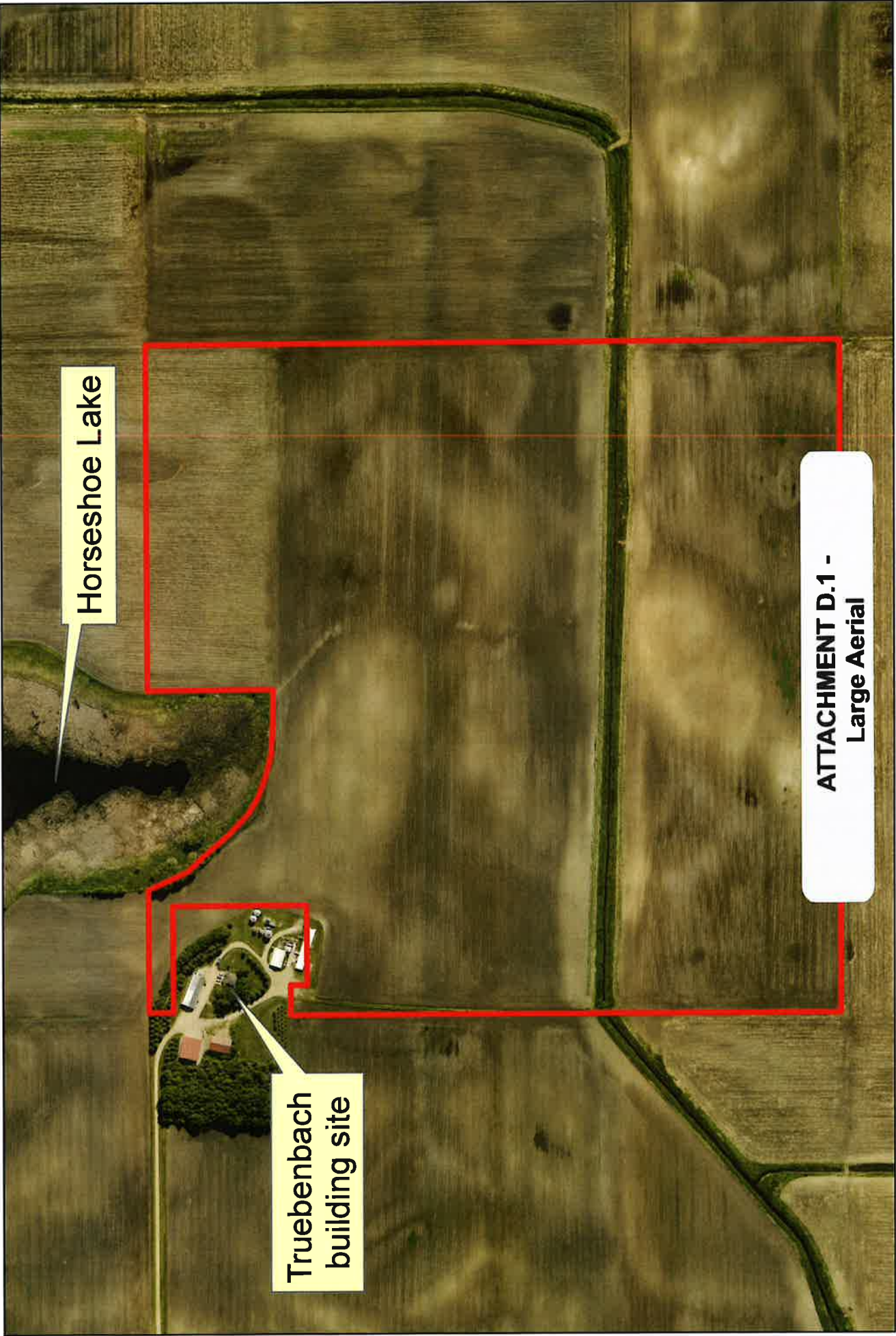


1:48,000 1 inch = 4,000 feet 0 2,000 4,000 Feet

Legend



Meurer Property

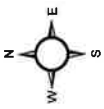


Horseshoe Lake

Truebenbach
building site

**ATTACHMENT D.1 -
Large Aerial**

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1:6,000 1 inch = 500 feet

Legend



Meurer Property

Nicollet Township

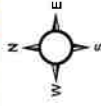
Belgrade Township

Truebenbach shed
divided by property line

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.

1:2,400 1 inch = 200 feet



Legend

-  Meurer Property
-  Township Boundary

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**

ATTACHMENT F - Survey



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 90.82 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 South 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 on said west line, a distance of 147.04 feet; thence North 89 degrees 50 minutes 13 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 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 South 89 degrees 50 minutes 13 seconds West, a distance of 302.74 feet; thence North 00 degrees 06 minutes 08 seconds East, 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 89 degrees 46 minutes 18 seconds West, 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 950.04 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

1950 PREMIER DRIVE
MANFATO, MINNESOTA 56001
(507) 675-4171

Horizontal Datum: HARN 1996 County Coordinate System

CERTIFICATE OF SURVEY
NICOLLET COUNTY, MINNESOTA

PART OF GOV'T LOT 2 SECTION 18-109-27
PART OF NE 1/4 NE 1/4 SECTION 13-109-28

FOR: RICK KALBERG
KEVIN TREIBENBACH PURCHASER

DRAWN BY: RJ

FIELD BOOK: SEE FILE

2.0 513 109-28, 518 109-27

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.

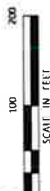
Rory Jensen
Rory Jensen
License Number 19789

Date

02/04/2021

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 19789
- ADJACENT FOUND





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:	April 19, 2021

REQUEST

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.

Variance:

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.

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).

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.

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).

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

F.3 Diagram

F.4 Service Area Map

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 **Date:** April 19, 2021
Property Owner: Lavonne Olson **File #:** PLN21-08
Variance Requested: Reduce minimum lot size in the AG zoning district for the purpose of constructing a electrical substation

FINDINGS OF FACT

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

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

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

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

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

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

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

ATTACHMENT B -
Criteria

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

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

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

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

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

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

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: _____



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Legend

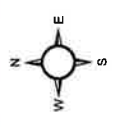
 Olson Property



Existing Substation

**ATTACHMENT D.1 -
Large Aerial**

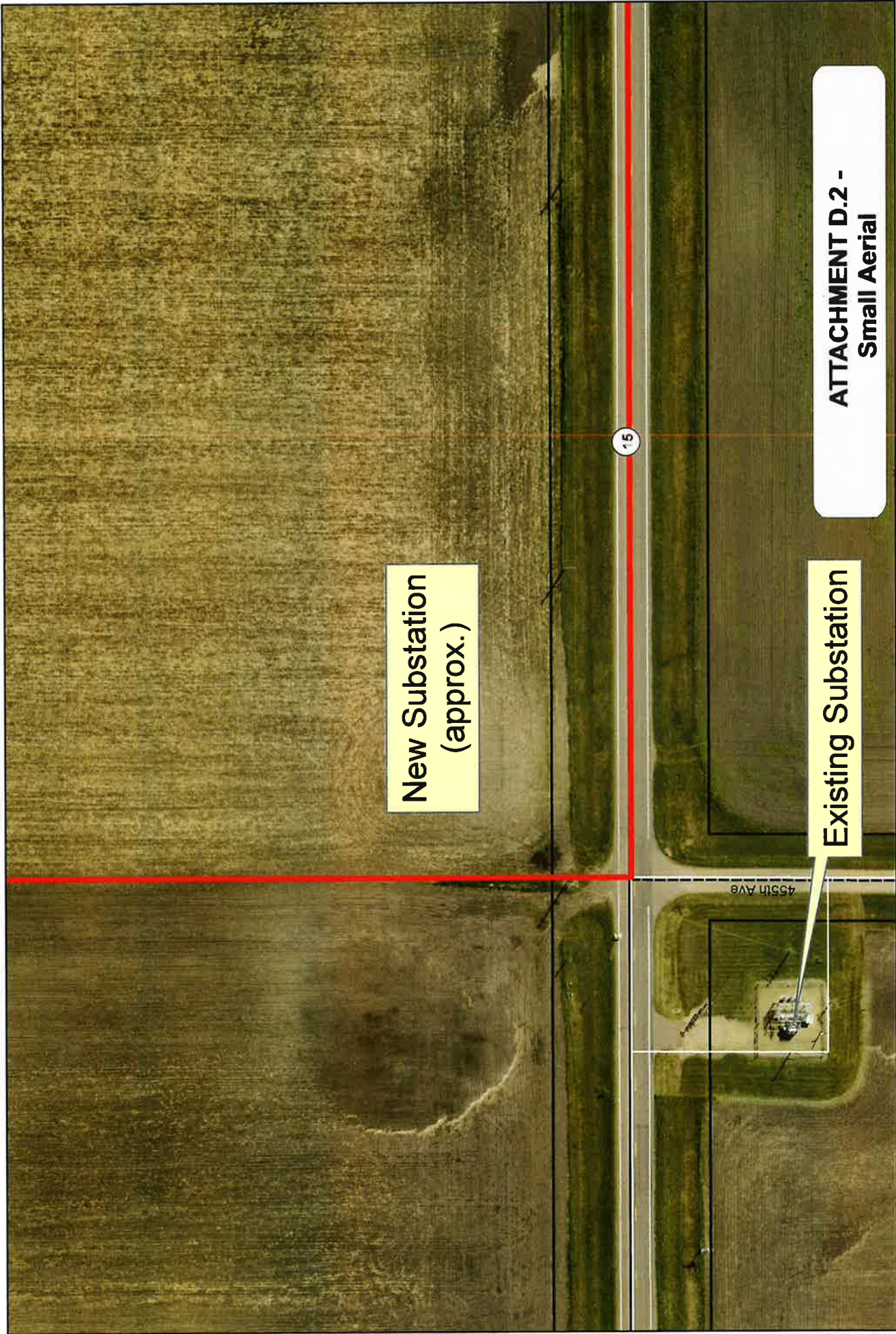
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1:6,000 1 inch = 500 feet
0 250 500 Feet

Legend

 Olson Property

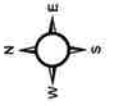


New Substation
(approx.)

Existing Substation

ATTACHMENT D.2 -
Small Aerial

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1:1,200 1 inch = 100 feet

Legend

 Olson Property

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

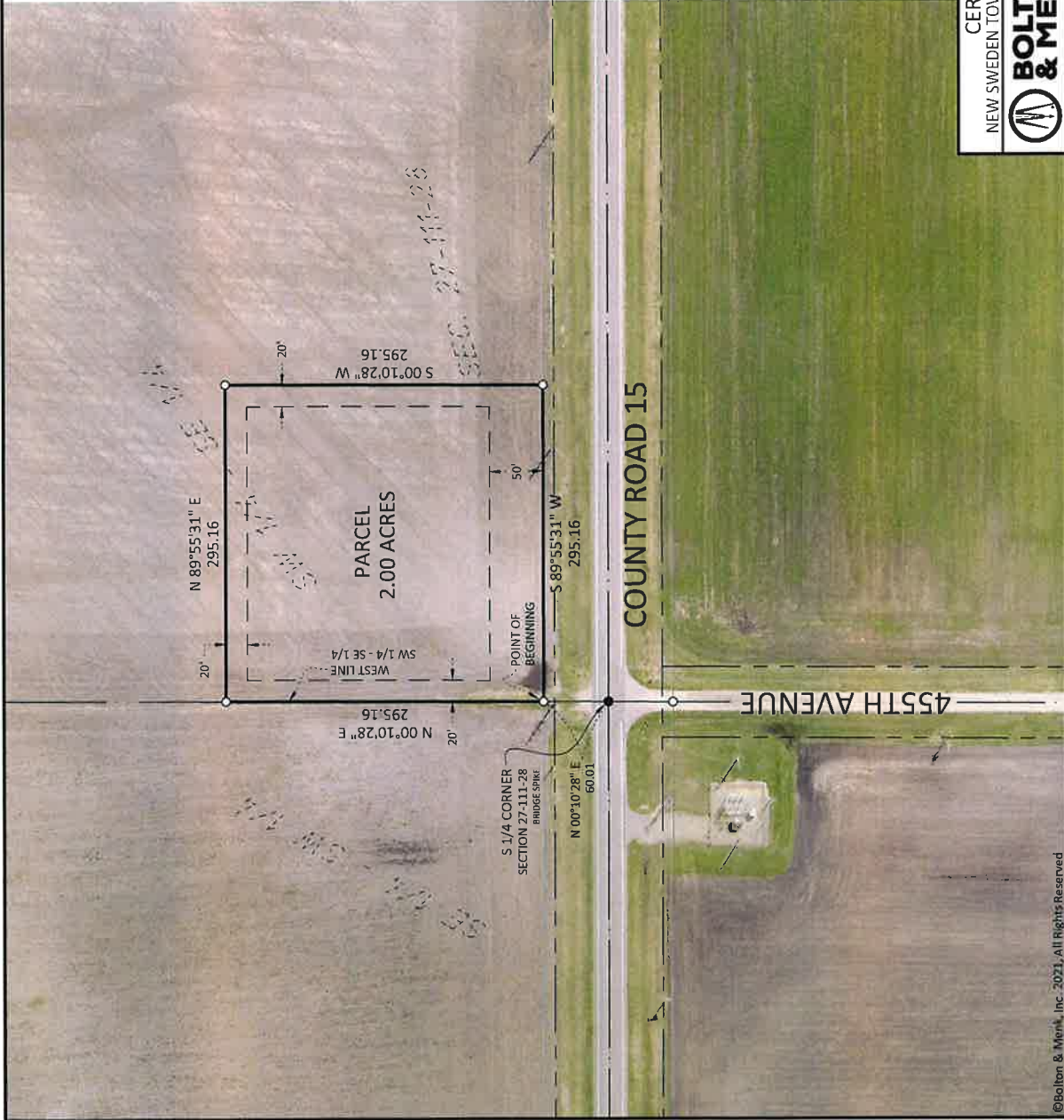
LAVONNE OLSEN
44646 COUNTY RD 15
NICOLLET MN 56074

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



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.

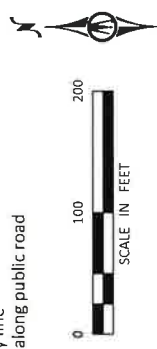
AGRICULTURAL PRESERVATION (AG)
A district established to preserve, promote, maintain and enhance the use of the land for commercial agricultural purposes.

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
20' property line
Rear 20' property line
Side 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	CERTIFICATE OF SURVEY NEW SWEDEN TOWNSHIP, NICOLLET COUNTY, MINNESOTA
	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171

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.

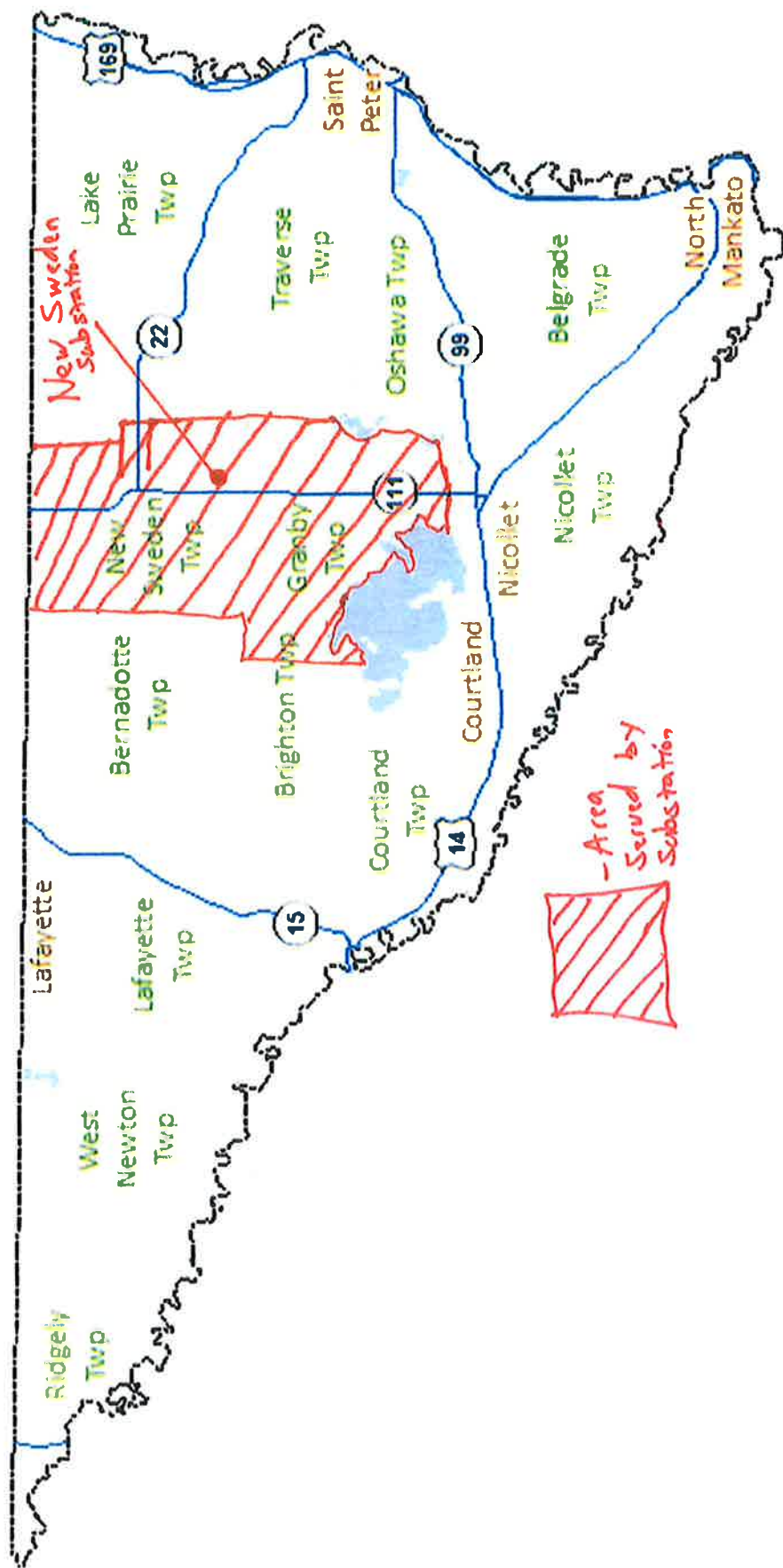
BENCO currently has a substation within 100 feet of the proposed location. BENCO believes this improves the area's cosmetic appearance with new fencing and landscaping.

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.***





**ATTACHMENT F.4 -
Service Area Map**



VARIANCE

**REDUCE THE MINIMUM LOT
SIZE FOR EXISTING LOT,
REDUCE PROPERTY LINE
SETBACK, FOR PURPOSE OF
CONSTRUCTING A GRAIN BIN**

**DAVID ZIMMERMAN /
DALE, DAVID, & LANCE
ZIMMERMAN**

PLN21-09

NICOLLET COUNTY BOARD OF ADJUSTMENT & APPEALS

SUBJECT:	PLN21-09, Variance
APPLICANT:	David Zimmerman
LANDOWNER:	Dale, David, and Lance Zimmerman
LOCATION:	Part of Government Lot 1 in Section 34-110-29 in Courtland Township
PARCEL NO:	04.134.0315
EXISTING ZONING:	Shoreland, Special Protection
HEARING DATE:	April 19, 2021

REQUEST

The applicant has submitted a variance request to reduce the minimum lot size for an existing lot and to reduce the property line setback. The proposal would reduce the minimum lot size for an existing lot in the Shoreland zoning district from 10 acres to 1.91 acres. The lot was created in 1999. At that time a minimum lot size of 10 acres was required in the Shoreland zone.

The proposal would reduce the property line setback from 50 feet to 17.2 feet. The purpose of the request is to allow for the construction of a grain bin on the property.

Standard	Required	Proposed	Difference
Minimum lot size	10 acres	1.91 acres	- 8.09 acres
Property line setback	50 feet	17.2 feet	- 32.8 feet

The alternative to a variance would be to purchase an additional 8.09 acres in a manner that would provide an additional 32.8 feet between the proposed grain bin location and the nearest property line. Meurer Family, LLC owns the adjacent property and is unwilling to sell the additional land necessary to meet the minimum lot size standard.

The applicant submitted the split for administrative approval in early 2021, but was denied because the lots did not meet the minimum lot size standard. The applicant then applied for the current variance request.

Existing Land Use:

The existing land use is agricultural. The property contains three existing grain bins and one storage shed. The property consists of 1.91 acres and is zoned Shoreland and Special Protection due to its proximity to Glimmer Bay on the west side of Swan Lake.

Surrounding Land Use:

The surrounding land use is agricultural and natural environment.

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 would result in an 80% reduction of the standard.
- The proposed variance decreasing the required property line setback would result in a 65% reduction of 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 new lots will be owned by the Truebenbachs and will functionally be part of an existing building site.
- The property is presently used for agricultural purposes. If approved, the property would remain agricultural.

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

- The request does appear to establish a practical difficulty.
 - The request involves an existing building site and does not involve the further development of agricultural land.
 - The proposal does not appear to increase the potential for land use conflict. The proposed location is already functionally part of an existing building site.

- 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:

- The plight does appear to be unique to the property.
- The plight appears to be the result of the location of the existing building site and lot lines.
- The applicant decided to seek a variance rather than increase the size of the lot.

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

- The essential character of the locality would remain agricultural and natural environment 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 existing property size and shape, as well as the location of the existing grain bins on the 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.
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.

Parcel No: 04.134.0315
Map No: 1134200005

Applicant: David Zimmerman
Landowner: Dale, David, and Lance Zimmerman

PLN21-09

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

F.1 Survey

F.2 Applicant Questionnaires



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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$

Map#: 1134200005
Parcel#: 041340315
Permit#: PLN21-00009
Date: March 11, 2021

Applicant: ZIMMERMAN DALE & DAVID & LANCE ZIMMERMAN, , 51846 COUNTY ROAD 21, COURTLAND MN 56021

Phone: 217-7066

Owner: ZIMMERMAN DALE & DAVID & LANCE ZIMMERMAN, 51846 COUNTY ROAD 21, COURTLAND MN 56021

Property Address: 51846 COUNTY ROAD 21, COURTLAND MN 56021

Abbreviated Legal Description: COMM E1/4 COR; N733.3'; NW970.66'; NE631.21'; NW37.23'; TO BEG; SW110.84'; NW395.47'; NW278.67'; SE530.92' TO POB. TOTAL ACRES 1.90

Township: Courtland Township

Record Type: Variance

Category: Lot Size

Project Description: Variance to reduce minimum lot size from 10 acres to 1.91 acres, and to reduce the required property line setback from 50 feet to 17.2 feet, for the purpose of constructing a grain bin. Ref: Zoning Ordinance 503, Shoreland Management Ordinance 501(2.B) and 501(3.A).

Hearing Date: 04/19/2021


APPLICANT SIGNATURE


DATE

ATTACHMENT A -
Application



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

Name of Applicant: David Zimmerman **Date:** April 19, 2021
Property Owner: Dale, David, and Lance Zimmerman **File #:** PLN21-09
Variance Requested: Reduce the minimum lot size and reduce the property line setback, for the purpose of constructing a grain bin

FINDINGS OF FACT

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

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

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

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

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

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

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

ATTACHMENT B -
Criteria

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

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

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

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

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

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

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:

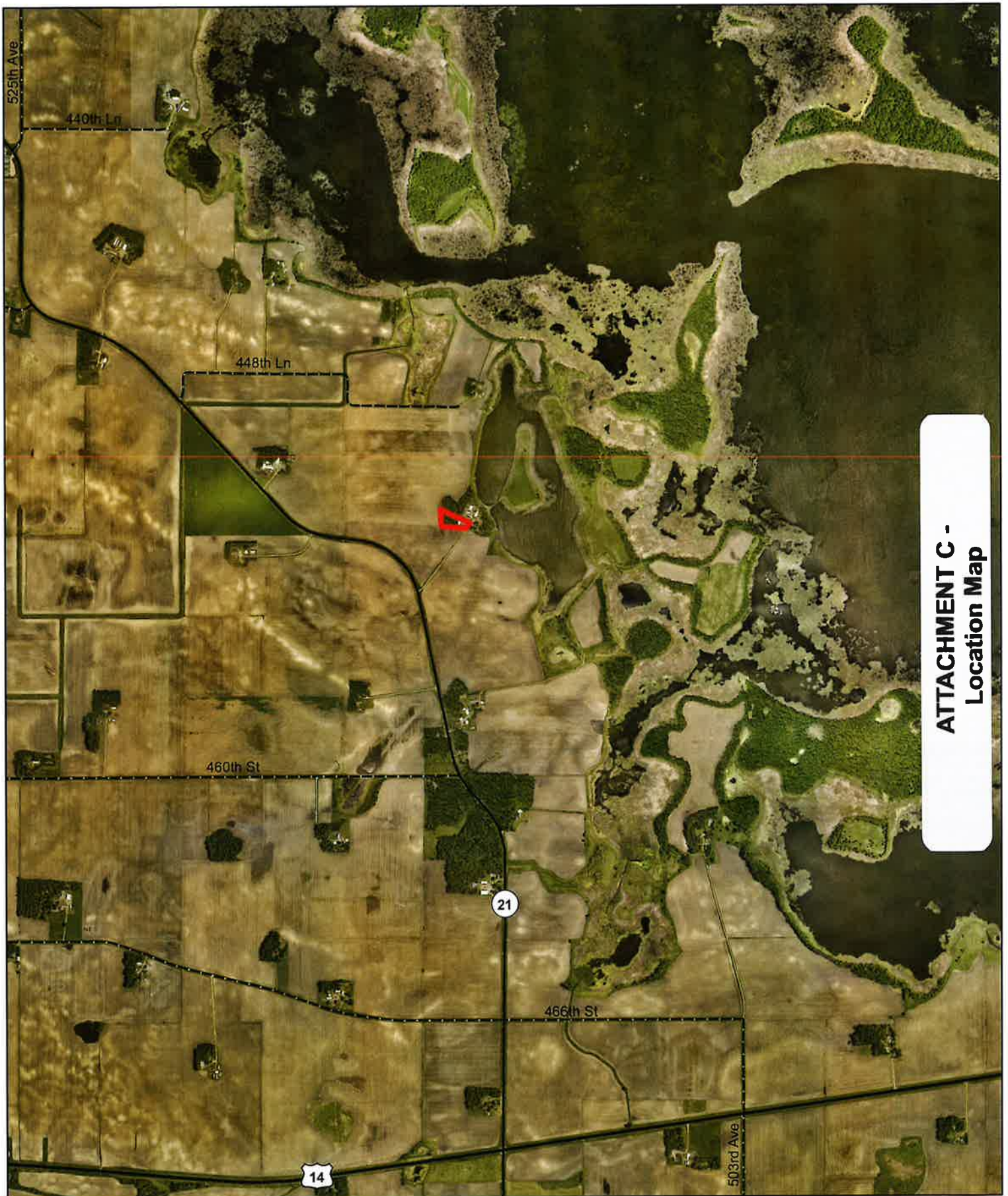
- ☐ Application
- ☐ Staff Report
- ☐ Pictures
- ☐ Information received at public hearing

Viewed by Members of Board:

- ☐ Wendinger
- ☐ Hermanson
- ☐ Laven
- ☐ Regenscheid
- ☐ Ubel

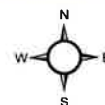
Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustments and Appeals.

Date: _____ Chair: _____



**ATTACHMENT C -
Location Map**

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



0 1,000 2,000 Feet

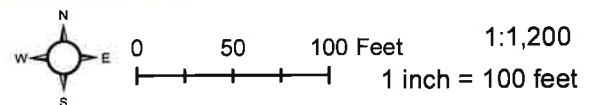
1:25,000

1 inch = 2,083 feet



**ATTACHMENT D -
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.



ADAM L ASCHENBRENNER
PO BOX 511
NICOLLET MN 56074

MYRON J ASCHENBRENNER
51232 448TH LN
COURTLAND MN 56021

GREGG & LOIS BODE
51850 COUNTY ROAD 21
COURTLAND MN 56021

RANDY D CORDES
1116 S WASHINGTON
NEW ULM MN 56073

GERALD M FITZNER LIV TRUST ETAL
45998 531ST AVE
COURTLAND MN 56021

PAUL W & SANDRA J GIESEKE
51814 448TH LN
COURTLAND MN 56021

BRUCE H HULKE LIVING TRUST
51589 COUNTY ROAD 21
COURTLAND MN 56021

DAVID A & REBECCA L HULKE
52004 COUNTY ROAD 21
COURTLAND MN 56021

GARY L & SHERI L HULKE
51771 COUNTY ROAD 21
COURTLAND MN 56021

TIMOTHY L KOHN
46266 547TH LN
COURTLAND MN 56021

THEODORE MARTI REVE TRUST
48601 241ST LN
NEW ULM MN 56073

LINDA L NEIGEBAUER TRUST
56216 COUNTY ROAD 21
COURTLAND MN 56021

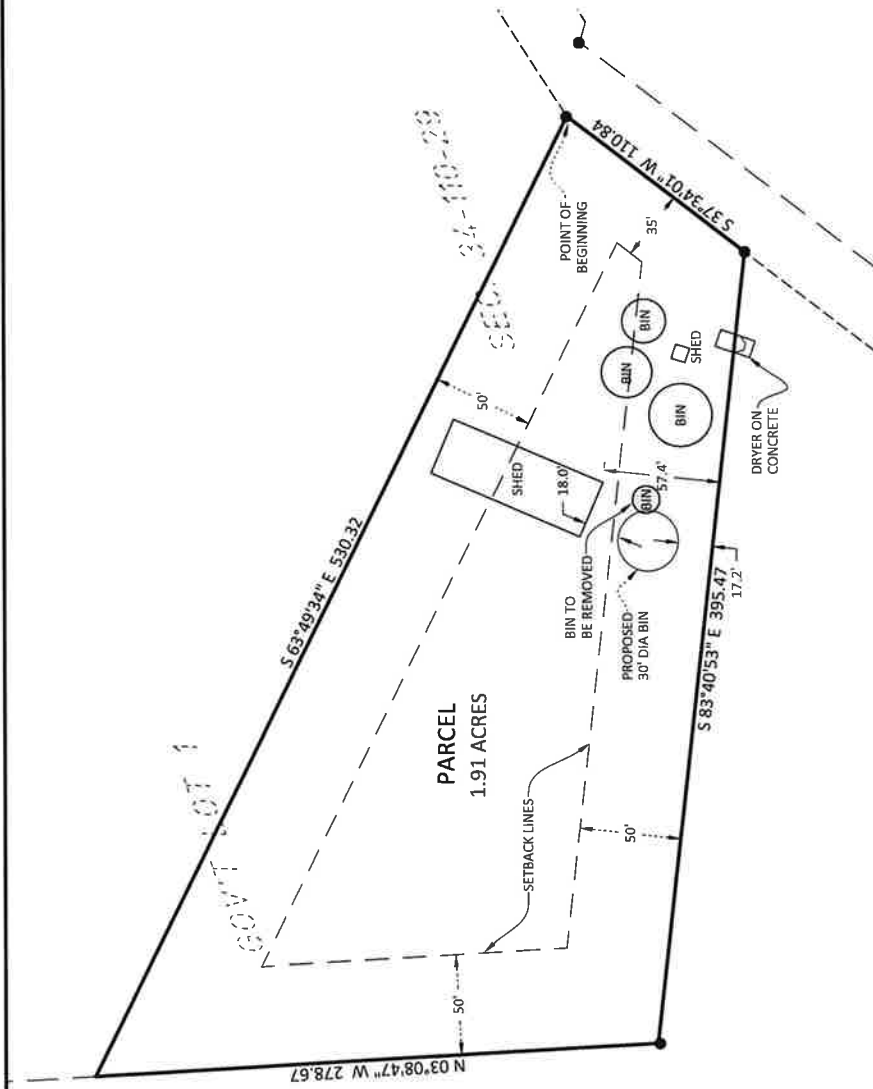
JOEY M & MOLLY J ZIMMERMAN
10724 108TH AVE N
HANOVER MN 55341

COURTLAND TOWNSHIP
43370 541ST AVENUE
COURTLAND MN 56021

GARRY BENNETT
20596 HIGHWAY 7
HUTCHINSON MN 55350

DESCRIPTION OF RECORD
THAT PART OF GOVERNMENT LOT 1 OF SECTION 34, TOWNSHIP 110 NORTH, RANGE 29 WEST, NICOLLET COUNTY, MINNESOTA, described as follows:

Commencing at the East Quarter of said Section 34; thence North 00 degrees 36 minutes 10 seconds East, an assumed bearing, along the east line of Government Lot 2 of said Section 34, a distance of 733.30 feet; thence North 73 degrees 34 minutes 31 seconds West 970.66 feet; thence North 37 degrees 34 minutes 01 seconds East 631.21 feet; thence North 80 degrees 01 minutes 03 seconds West 37.23 feet to the point of beginning; thence South 37 degrees 34 minutes 01 seconds West 110.84 feet; thence North 83 degrees 40 minutes 53 seconds West 395.47 feet; thence North 03 degrees 08 minutes 47 seconds West 278.67 feet; thence South 63 degrees 49 minutes 34 seconds East 530.92 feet to the point of beginning, containing 1.9 acres, more or less and being subject to easements of record in said county and state.



LEGEND

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

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.



03/09/2021
Date
Michael M. Eichers
License Number 46564

CERTIFICATE OF SURVEY

THAT PART OF GOV'T LOT 1 OF SECTION 34, TOWNSHIP 110 NORTH, RANGE 29 WEST, COURTLAND TOWNSHIP, NICOLLET COUNTY, MINNESOTA
FOR: DAVID ZIMMERMAN



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

FIELD BOOK: SEE FILE

JOB NUMBER: 0M3123807

SD6123807H

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DRAWN BY: JLA

2.0 534-T110N-R29W

SPECIAL PROTECTION (SP)

A district around Swan Lake and Middle Lake that has a unique natural wildlife resource that needs protection from permanent development, but yet allow a reasonable amount of recreational usage.

Minimum lot size - 10 acres
Minimum buildable area - 2 acres
1 New dwelling per ¼-¾ on lots recorded after 1/2/96

SETBACKS

Front 85' State R/W
50' County R/W
35' Township R/W
Side 50'
Rear 50'
OHW 200'
Elevation 3' above highest water level
Frontage 66' minimum along a public road

ATTACHMENT F.1 -
Survey



DESCRIPTION OF RECORD
THAT PART OF GOVERNMENT LOT 1 OF SECTION 34, TOWNSHIP 110
NORTH, RANGE 29 WEST, NICOLLET COUNTY, MINNESOTA, described
as follows:

Commencing at the East Quarter of said Section 34; thence North 00
degrees 36 minutes 10 seconds East, an assumed bearing, along the
east line of Government Lot 2 of said Section 34, a distance of 733.30
feet; thence North 73 degrees 34 minutes 31 seconds West 970.66
feet; thence North 37 degrees 34 minutes 01 seconds East 631.21
feet; thence North 80 degrees 01 minutes 03 seconds West 37.23
feet to the point of beginning; thence South 37 degrees 34 minutes
01 seconds West 110.84 feet; thence North 83 degrees 40 minutes 53
seconds West 395.47 feet; thence North 03 degrees 08 minutes 47
seconds West 278.67 feet; thence South 63 degrees 49 minutes 34
seconds East 530.92 feet to the point of beginning, containing 1.9
acres, more or less and being subject to easements of record in said
county and state.

LEGEND

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



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. Echers
Michael M. Echers
License Number 46564

09/03/2021
Date

**BOLTON
& MENK**

COURTLAND TOWNSHIP, NICOLLET COUNTY, MINNESOTA
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

THAT PART OF GOV'T LOT 1 OF SECTION 34,
TOWNSHIP 110 NORTH, RANGE 29 WEST,
COURTLAND TOWNSHIP, NICOLLET COUNTY,
MINNESOTA
FOR: DAVID ZIMMERMAN

SPECIAL PROTECTION (SP)
A district around Swan Lake and Middle
Lake that has a unique natural wildlife
resource that needs protection from
permanent development, but yet allow a
reasonable amount of recreational
usage.
Minimum lot size - 10 acres
Minimum buildable area - 2 acres
1 New dwelling per ¼-¼ on lots recorded
after 1/2/96

SETBACKS
Front 85' State R/W
50' County R/W
35' Township R/W
Side 50'
Rear 50'
OHW 200'
Elevation 3' above highest water level
Frontage 66' minimum along a public
road



Name of Applicant: Kimberly Zimmerman

Date: 2/18/2021

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.

The building of this bin will give us the capacity we need to help us with our corn capacity. Last year we filled the 3-bins that are there and had to shut down, and wait for a semi trucker to haul 20 loads to the grain bank in Withrop before we could start up again and we filled those bins back up.

Adding this new Bin will help us from this capacity problem, and also the Bin could open up a small bin for soy beans.

This bin will have a stairway with a roof walk and top platform for bin safety.

This site has 3 bins, a holding bin, continuous dryer with a air system to move grain from dryer to bins. A different location is not useful because of the the dryer setup is there.

This site is owned by my husband David and brother in laws Lance Zimmerman and Dale Zimmerman. They have no problem with this added capacity.

(The three have equal share in this lot)
The land that would be less than 50 feet is owned by Dale Zimmerman.





Name of Applicant: Kimberly Zimmerman
Request: To Build a grain Bin.

Date: 2/18/2021

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.

The adding of this bin will fit in with the rest of the grain setup. The bin is the right thing to do. The sight of the bin doesn't hinder the use of the machine shed where the bin will sit and also keep a drive way open for tractor and wagon access.

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

The bin goes right along with the rest of operation and is consistent with the setup. And just sit there with the other bins.

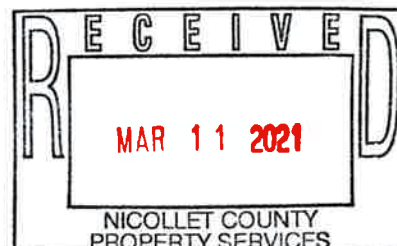
3. The variance establishes a practical difficulty in complying with the official controls.

The variance makes the operation feasible and goes along with the rest of things that are in the lot. And that it is a grain Bin so it is same, and not different from setup.

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

This 1.9 acre site which has a farrowing barn, a machine shed and our grain setup. It was made in 1999 by my father-in-law. So all sons had access to it. He had cancer and died in 2001.

(Continued onto back)



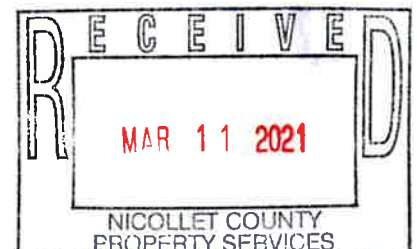
5. The variance will not alter the essential character of the locality.

The plan of the bin goes along with the ~~purpose~~^{rest} of this site. And would only be connected with a pipe from grain blower

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

Being this the grain setup it is there in this location, it is only makes sense to have it in this lot. The land that is next to my brother in law who owns the land next to this sight and also owns in the grain set-up lot.

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



158 1 11



AFTER-THE-FACT VARIANCE

**REDUCE THE FRONT YARD
SETBACK FOR A POLE SHED**

**JOHN & LEANN HERRLEY /
R. HENRY INVESTMENTS, LLC.**

PLN21-14

**NICOLLET COUNTY
BOARD OF ADJUSTMENT & APPEALS**

SUBJECT:	PLN21-14, After-the-Fact Variance
APPLICANT:	John and Leann Herrley
LANDOWNER:	R. Henry Investments, LLC.
LOCATION:	Part of the Southwest 1/4 of the Northeast 1/4 of Section 22-109-27 in Belgrade Township
PARCEL NO:	01.022.0335
EXISTING ZONING:	Agricultural Preservation
HEARING DATE:	April 19, 2021

REQUEST

The applicant has submitted an after-the-fact variance request to reduce the required front yard setback along a township road. The required front yard setback is 35 feet from the right of way. The request would reduce the setback from 35 feet to 33.74 feet, a reduction of 1.26 feet. The purpose of the request is to allow an existing shed to remain in its current location. The site plan submitted for the zoning permit for the shed indicated the shed would meet the required 35 foot setback. The property was created in spring of 2020 and the zoning permit for the dwelling and shed was issued in fall of 2020.

The alternative to the variance would be to relocate the shed to a location on the site that meets all applicable setbacks.

Existing Land Use:

The property is in the process of being developed for residential use. Presently, a dwelling and an attached garage are being constructed on the property. The property also contains a 32' x 60' pole shed, which is the subject of this variance. The property consists of 6 acres and is zoned Agricultural Preservation.

Surrounding Land Use:

The surrounding land use is predominantly agricultural.

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 front yard setback is intended to provide a buffer between land uses, in this case transportation and residential.
- The proposed variance decreasing the required front yard setback would result in a 3% reduction of 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.
- The property is presently used for residential purposes. If approved, the property would remain residential in nature.

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

- The request does appear to establish a practical difficulty.
 - The variance is a 3% reduction in the required front yard setback.
 - The situation is the result of the shed being improperly located on the property, in conflict with the zoning permit issued for the project.
 - Regardless of whether the variance is approved, the essential character of the locality would remain agricultural.

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

- The plight is due to error. The shed was located on the property in a manner which failed to adhere to the site plan for the zoning permit and the 35-foot front yard setback.
- The applicant decided to seek a variance rather than relocate the shed.

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 applicant has not submitted any information to verify the practical difficulty includes more than economic considerations.

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?

- Yes, a zoning permit was issued for the shed prior to construction.

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

- Yes, there are other pole sheds in the area. However, these sheds do appear to meet the required front yard setback.

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 relocation of the shed. The benefit to the county would lie in the strict application of the front yard setback standard.

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

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

Parcel No: 01.022.0335
Map No: 1822200018

Applicant: John & Leann Herrley
Landowner: R. Henry Investments, LLC.

PLN21-14

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

F.1 Survey



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#: 1822200018
Parcel# 010220335
Permit#: PLN21-00014
Date: March 24, 2021

Applicant: JOHN AND LEANN HERRLEY, , 51133 405TH AVENUE, NORTH MANKATO MN 56003
Phone: 380-4284
Owner: R HENRY INVESTMENTS LLC, 46155 JEFFERSON SHORES DR,
Property Address: 43174 371ST AVE, ST PETER MN 56082
Abbreviated Legal Description: SW ¼ NE ¼ Sec 22 - Comm N ¼ cor, S 1615.40', S 1007.56', E 691', N 638.68', N 623.10' to POB aka lying SWly CL ROW CR 13 = 6 acres.
Township: Belgrade Township

Record Type: Variance

Category: Front Yard

Project Description: After-the-fact variance to reduce the front yard setback from 35 feet to 33.74 feet for an existing pole shed.
Ref: 503, 602.4(2.A).

Hearing Date: 04/19/2021


APPLICANT SIGNATURE

3-25-21
DATE

ATTACHMENT A -
Application



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

Name of Applicant: Jonh & Leann Herrley
Property Owner: R. Henry Investments, LLC.

Date: April 19, 2021
File #: PLN21-14

Variance Requested: After-the-fact variance to reduce front yard setback for a pole shed

FINDINGS OF FACT

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

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

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

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

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

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

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

ATTACHMENT B -
Criteria

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

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

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

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

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

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

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?

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

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

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

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

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

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

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

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

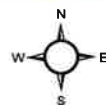
Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustments and Appeals.

Date: _____ Chair: _____



**ATTACHMENT C -
Location Map**

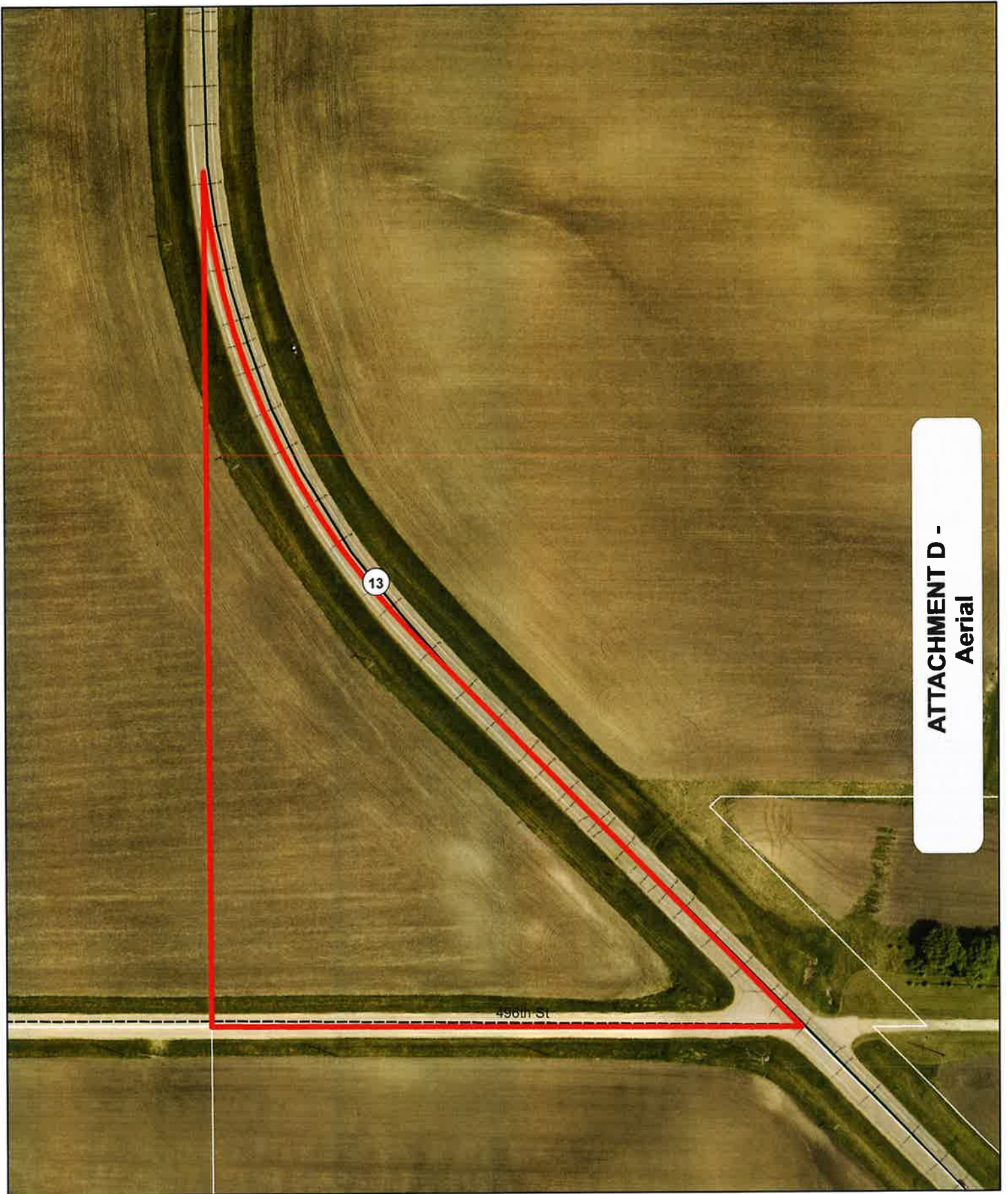
Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual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



0 1,000 2,000 Feet

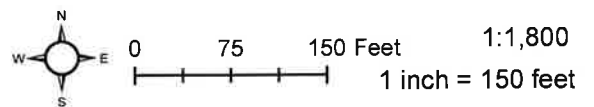
1:25,000

1 inch = 2,083 feet



**ATTACHMENT D -
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.



BURNETT LAND COMPANY LLC
53042 ROCKFORD RD
NORTH MANKATO MN 56003

DAVID CHAMBERS
39607 496TH ST
NORTH MANKATO MN 56003

ERIC EVANS & LORI MITCHELL EVANS
TRUST
45751 COUNTY ROAD 13
SAINT PETER MN 56082

JOSEPH & MARIE HARTMAN
49603 COUNTY ROAD 13
NORTH MANKATO MN 56003

KIP & PAULA HARTMAN
49708 COUNTY ROAD 13
NORTH MANKATO MN 56003

JOAN LANZ TRUST
48986 COUNTY ROAD 13
SAINT PETER MN 56082

CORY & SHAWNA MERRILL
39787 496TH ST
NORTH MANKATO MN 56003

R HENRY INVESTMENTS LLC
46155 JEFFERSON SHORES DR
CLEVELAND MN 56017

ROBIN & BERNADETTE SCHENDEL
39828 496TH ST
NORTH MANKATO MN 56003

BENJAMIN SNEER
100 CHANCERY LN
MANKATO MN 56001

PATRICIA THORN
9389 WHITE OAKS TRL
CHAMPLIN MN 55316

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

BELGRADE TOWN BOARD
53491 409TH AVE
NORTH MANKATO MN 56003

**ATTACHMENT E -
Neighbor Notification List**

SURVEY IN THE S.W. 1/4, N.E. 1/4, SEC. 22
T. 109 N., R. 27 W., NICOLLET COUNTY, MINNESOTA
(PARTIAL RETRACEMENT SURVEY OF A BOLTON & WENK SURVEY DATED 06-26-2020)

N. 1/4 COR. SEC. 22
IRON MON.

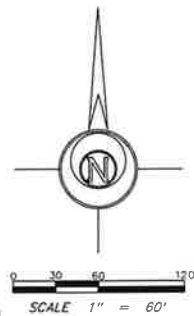
LEGAL DESCRIPTION

That part of the Southwest Quarter of the Northeast Quarter of Section 22, Township 109 North, Range 27 West, Nicollet County, Minnesota, described as follows:

Commencing at the North Quarter Corner of said Section 22; thence South 00 degrees 30 minutes 31 seconds East (bearings based on Nicollet County Coordinate System NAD83, 1996 adjustment) on the west line of said Northeast Quarter, a distance of 1615.40 feet to the point of beginning; thence continuing South 00 degrees 30 minutes 31 seconds East on said west line, a distance of 1007.56 feet to the Center of said Section 22; thence South 89 degrees 40 minutes 05 seconds East on the south line of said Northeast Quarter, a distance of 691.00 feet; thence North 44 degrees 28 minutes 41 seconds West, a distance of 636.66 feet; thence northwesterly a distance of 623.10 feet, along a tangential curve to the right, having a radius of 890.29 feet and a central angle of 40 degrees 06 minutes 02 seconds to the point of beginning.

Said parcel contains 5.94 acres of land.

5.95 ACRES TOTAL
2.41 ACRES BUILDABLE



- DENOTES IRON MONUMENTS FOUND OR SET IN PREVIOUS SURVEYS.
- DENOTES IRON MONUMENTS SET & MARKED WITH REG. NO. 50875 UNLESS OTHERWISE SHOWN

BEARINGS ARE ORIENTED TO THE NICOLLET COUNTY COORDINATE SYSTEM: NAD83 1996 ADJUSTMENT



ATTACHMENT F -
Survey

CENTER OF SEC. 22
FOUND A CAST IRON MON. (14" DEEP)

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, 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.

Ben Madsen
BEN MADSEN
DATE: 03-19-2021 LICENSE NO. 50875

R. HENRY

TEL: (507) 235-3780

DRAWN B.M.		1 FILE NO. 21081
CHECK B.M.		
SURVEY BY		
B.M.		

318 EAST BLUE EARTH AVENUE
FAIRMONT, MINNESOTA 56031