



Board of Adjustment & Appeals

MINUTES

APRIL 19, 2021

7:00 PM

NICOLLET COUNTY
BOARD ROOM

BOARD MEMBERS	David Wendinger ☒ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Justin Laven ☒	Ron Regenscheid ☒	Dave Ubel ☒
ABSENT EXCUSED	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
ABSENT	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☐	Dave 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 FEBRUARY 22, 2021		APPROVE ☒		APPROVE WITH REVISIONS ☐	
1ST	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☒
2ND	David Wendinger ☐ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐	VOTE: 5-0	
MOTION TO APPROVE FINDINGS OF FACT FOR PLN21-03, BRIAN AND MARY DUEHRING		APPROVE ☒		APPROVE WITH REVISIONS ☐	
1ST	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☒	Dave Ubel ☐
2ND	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☒
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐	VOTE: 5-0	
MOTION TO APPROVE FINDINGS OF FACT FOR PLN21-04, JAMIE FRANTA		APPROVE ☒		APPROVE WITH REVISIONS ☐	

1 ST	David Wendinger ☐ Chair	David Hermanson ☐ Vice Chair	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☒
2 ND	David Wendinger ☐ Chair	David Hermanson ☐ Vice Chair	Justin Laven ☐	Ron Regenscheid ☒	Dave Ubel ☐
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐	VOTE: 5-0	

PUBLIC HEARINGS:

APPLICANT: MEUER FAMILY, LLC, AND KEVIN & PAMELA TRUENBACH

FILE #: PLN21-06

DESCRIPTION: REDUCE THE MINIMUM LOT SIZE IN THE SHORELAND ZONING DISTRICT FOR THE PURPOSE OF CREATING NEW LOTS

APPLICANT COMMENT	Kevin Truebenbach was present. He noted the existing property line went through his hog barn. The request would allow him to square up his property.				
PUBLIC COMMENT	None.				
PUBLIC TESTIMONY	None.				
PUBLIC PARTICIPATION	Mary Milbrath, Supervisor with Belgrade Township, noted that Belgrade Township was open to the annexation alternative.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		
1 ST	David Wendinger ☐ Chair	David Hermanson ☐ Vice Chair	Justin Laven ☒	Ron Regenscheid ☐	Dave Ubel ☐
2 ND	David Wendinger ☐ Chair	David Hermanson ☒ Vice Chair	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
BOARD MEMBER DISCUSSION	Laven asked when the lots were designed. Truebenbach said when he bought the property he believed the property line was further south, and did not run through his hog barn.				
VOTE	PASS ☒		FAIL ☐	VOTE: 5-0	

APPLICANT: BENCO ELECTRIC

FILE #: PLN21-08

DESCRIPTION: REDUCE MINIMUM LOT SIZE IN THE AG ZONING DISTRICT FOR THE PURPOSE OF CONSTRUCTING AN ELECTRICAL SUBSTATION

APPLICANT COMMENT	Tim Braulick, with Benco Electric, was present. He stated the project was a capacity upgrade for safety reasons. He also stated two acres is more than enough room for the substation and that a 3.5 acre lot would be too much space.				
PUBLIC COMMENT	New Sweden Township called staff and stated that they support the project.				
PUBLIC TESTIMONY	None.				
PUBLIC PARTICIPATION	None.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		
1 ST	David Wendinger ☐ Chair	David Hermanson ☐ Vice Chair	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☒
2 ND	David Wendinger ☐ Chair	David Hermanson ☐ Vice Chair	Justin Laven ☐	Ron Regenscheid ☒	Dave Ubel ☐
BOARD MEMBER DISCUSSION	None.				

VOTE	PASS ☒	FAIL ☐	VOTE: 5-0
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APPLICANT: DAVID ZIMMERMAN

FILE #: PLN21-09

DESCRIPTION: REDUCE MINIMUM LOT SIZE FOR AN EXISTING LOT AND REDUCE THE PROPERTY LINE SETBACK FOR THE PURPOSE OF CONSTRUCTING A GRAIN BIN

APPLICANT COMMENT	David Zimmerman was present. He stated the proposed bin would replace an existing corn crib. The proposed location for the replacement bin was chosen because of its proximity to the applicants' existing grain bin setup.				
PUBLIC COMMENT	None.				
PUBLIC TESTIMONY	None.				
PUBLIC PARTICIPATION	None.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		
1ST	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☒	Dave Ubel ☐
2ND	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☒	Ron Regenscheid ☐	Dave Ubel ☐
BOARD MEMBER DISCUSSION	None.				
VOTE	PASS ☒		FAIL ☐		VOTE: 5-0

APPLICANT: JOHN AND LEANN HERRLEY

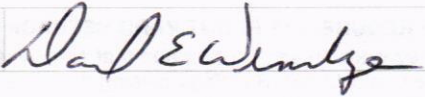
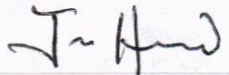
FILE #: PLN21-14

DESCRIPTION: AFTER-THE-FACT VARIANCE TO REDUCE THE FRONT YARD SETBACK FOR A POLE SHED

APPLICANT COMMENT	John and Leann Herrley were present. He stated that somewhere between R. Henry marking where the shed was to be located, and Cleary Buildings placing the shed on the property, an error was made and the shed was accidentally placed partially within the setback.				
PUBLIC COMMENT	Staff received one phone call about the request prior to the hearing from adjacent landowner Steven Burnett. Mr. Burnett did not object to the request.				
PUBLIC TESTIMONY	Cheryl Michels, with Belgrade Township, testified. She stated the Township feels placement of the shed in the setback was intentional. She said the location of the shed will create a hardship with the grading of the road, especially in the winter. Laven asked Cheryl Michels if the one-foot distance will make a difference with snow drifting in the winter. Michels replied yes, the Township felt it would make a difference due to the size of the shed. Mary Milbrath, with Belgrade Township, testified. She said she had discussed the issue with their road maintenance person. Drifting has been a problem on the road already. She stated rules are meant to be followed.				
PUBLIC PARTICIPATION	None.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		
1ST	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☒	Ron Regenscheid ☐	Dave Ubel ☐
2ND	David Wendinger ☐ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
BOARD MEMBER DISCUSSION	Regenscheid asked if the practical difficulty included more than economic considerations alone. Mr. Herrley responded yes, the difficulty lies in physically relocating the shed to meet the setback. The shed would have to be disassembled to be moved.				

Regenscheid asked if the shed was permitted with the house. Mr. Herrley stated yes, they were permitted at the same time. Ubel asked how the error occurred. Mr. Herrley stated he did not know precisely what happened. He said both R. Henry and Cleary Buildings denied any wrongdoing. Ubel asked who was responsible for identifying a right-of-way line. Landkamer responded that staff suggests people contact the local road authority. If an exact location is needed, a surveyor will need to identify it. Alternatively, some landowners may be able to find property pins, if pins were placed onsite. Hermanson asked if a snow fence would help with drifting. Mr. Herrley responded no, he felt a snow fence would make matters worse.			
VOTE	PASS ☒	FAIL ☐	VOTE: 5-0

OLD BUSINESS	None.				
OTHER BUSINESS	None.				
REVIEW OF ADMINISTRATIVE VARIANCES	None.				
COMMUNICATIONS	None.				
MOTION TO ADJOURN	8:18 P.M.				
1ST	David Wendinger ☐ Chair	David Hermanson ☐ Vice Chair	Justin Laven ☒	Ron Regenscheid ☐	Dave Ubel ☐
2ND	David Wendinger ☐ Chair	David Hermanson ☐ Vice Chair	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☒
VOTE TO ADJOURN	PASS ☒	FAIL ☐	VOTE: 5-0		

DAVID WENDINGER, CHAIR		DATE	6/21/21
JON HAMMEL, DEPUTY ZONING ADMINISTRATOR/ PLANNER		DATE	6-21-21