

Nicollet County Board of Adjustment and Appeals



July 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: June 21, 2021
5. Approval of Findings of Fact: June 21, 2021
 - PLN21-18: Bittner
 - PLN21-24: Great River Energy/Olsen
 - PLN21-25: Moeding
6. Public Appearances

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.*

7. **PUBLIC HEARING PLN21-27**

Applicants/Property Owner: Richard and Linda Willaert

Request: Reduce the ordinary high water level setback for the purpose of installing a replacement septic tank

Location: Part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 18-111-26 in Lake Prairie Township

Parcel Number: 07.118.0600

8. **PUBLIC HEARING PLN21-29**

Applicants/Property Owner: Brian Roepke

Request: Reduce the property line setback for the purpose of constructing a replacement garage

Location: Part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1-110-31 in West Newtown Township

Parcel Number: 13.101.0500

9. Old Business

10. Other Business

11. Communications

12. Adjourn



Board of Adjustment & Appeals

MINUTES

JUNE 21, 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 APRIL 19, 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: 4-0	

PUBLIC APPEARANCES	None.
---------------------------	-------

MOTION TO APPROVE FINDINGS OF FACT FOR PLN21-21, MOCK		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 FINDINGS OF FACT		PASS ☒	FAIL ☐	VOTE: 4-0	

PUBLIC HEARINGS:

APPLICANT: THOMAS AND PATRICIA BITTNER

FILE #: PLN21-18

DESCRIPTION: REDUCE THE MINIMUM FRONT YARD SETBACK AND ALLOW AN ACCESSORY BUILDING ON A PROPERTY WITH NO PRINCIPAL BUILDING FOR THE PURPOSE OF CONSTRUCTING A STORAGE SHED/SHOP

APPLICANT COMMENT	Thomas and Patricia Bittner were present.				
PUBLIC COMMENT	Barb Haack called prior to the meeting to inquire about the proposal. She did not object to the request.				
PUBLIC TESTIMONY	Gordon Long (731 Valley View Road, St. Peter MN 56082) stated he was with the committee for Resurrection Cemetery. He testified that he was concerned about water runoff and noise. Barb Haack (1305 Marshal Street, St. Peter MN 56082) also spoke on behalf of the cemetery and First Lutheran Church. She testified that she was concerned about drainage. She was also concerned about what might happen if the Bittners were to sell the property and how new owners may use the shed.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		
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 ☐
BOARD MEMBER DISCUSSION	Laven noted that according to the survey there appeared to be an area where the shed could be located onsite without need of a variance. This would involve rotating the orientation of the shed and moving the shed northwards. Mr. Bittner responded that rotating the shed would impact his ability to access the shed with this truck and trailer. He said he wanted to keep the shed on the flat area of the property and away from the northern lot line due to the slope and drainage concerns. Regenscheid noted the right-of-way was not parallel to Highway 99 and cuts inward towards the lot. Mr. Bittner stated that was correct and that he thought it was due to the location and slope of the hillside. Laven stated he felt it was possible to locate the shed on the property without a variance. He asked if the request was submitted to the State for review. Hammel responded the request had not been sent to the State for comment.				
VOTE	PASS ☒		FAIL ☐		VOTE: 4-0

APPLICANT: GREAT RIVER ENERGY/LAVONNE OLSEN

FILE #: PLN21-24

DESCRIPTION: REDUCE THE FRONT YARD SETBACK FOR THE PURPOSE OF INSTALLING A UTILITY POLE

APPLICANT COMMENT	Peter Schaub was present on behalf of applicant. He noted that Great River Energy is the supplier for Benco Electric.				
PUBLIC COMMENT	None.				
PUBLIC TESTIMONY	None.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		
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 ☐
BOARD MEMBER DISCUSSION	Hermanson asked if the new utility pole would be impacted by upcoming road construction. Schaub stated the location of the pole had been determined in consultation with County Engineer Seth Greenwood and the Public Works Department. Laven noted the Board had previously granted a variance for the substation and that the Board does not generally hear requests to put in utility poles. He asked why this specific instance requires a variance. Landkamer noted the project involved two separate entities: Benco Electric and Great River Energy. The previous Benco variance was for the lot size. She explained that utility poles are required to either be within the right-of-way – which requires permitting by Public Works – or meet the 50-foot front yard setback.				

Schaub stated the original idea was to have both the lot size variance and the utility pole variance heard at one time. However, there was a miscommunication and the requests were not made simultaneously.			
VOTE	PASS ☒	FAIL ☐	VOTE: 4-0

APPLICANT: JANA AND JAMES MOEDING/JERALD AND PHYLLIS KUEHN REVOCABLE TRUST

FILE #: PLN21-25

DESCRIPTION: REDUCE THE SETBACK BETWEEN A STRUCTURE USED FOR CANINE CONFINEMENT AND THE PROPERTY LINE AND REDUCE THE SETBACK BETWEEN AN OUTSIDE FENCED RUN AND THE PROPERTY LINE FOR THE PURPOSE OF ESTABLISHING A COMMERCIAL BREEDING KENNEL

APPLICANT COMMENT	James and Jana Moeding and Jerald and Phyllis Kuehn were present. He noted they have been operating a kennel for 15 years and are licensed by the State.				
PUBLIC COMMENT	None.				
PUBLIC TESTIMONY	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	Regenscheid asked about the shed located directly adjacent to the property line. Hammel noted the shed in question would become nonconforming and that the property line depicted on the survey is proposed. The lot has not yet been created. Regenscheid asked if there was a maximum number of dogs allowed. Hammel stated the ordinance does not limit the number of dogs. Laven asked for clarification concerning the variance request and the applicant's conditional use permit request. Hammel stated kennels are a conditional use and require a conditional use permit. In this instance, the proposal did not include meeting the property line setbacks. Therefore the applicants applied for a variance in addition to their conditional use permit request. Laven asked if the property line was already created. Hammel responded the property has not been created yet. It is only a proposed property line. Mr. Kuehn explained the property had been bought in two pieces years ago. The two properties have since been combined. The proposed property line is the same as the old property line prior to combination. He noted that he did not want to sell any more ag land than was absolutely necessary. He also stated he had informed the applicants the shed adjacent to the property line would become nonconforming. Laven asked about the nonconforming status and how that may impact the use of the shed. Hammel stated the shed could be replaced like-for-like. However, if the shed dimensions or location was changed then it would have to meet the applicable setbacks.				
VOTE	PASS ☒		FAIL ☐		VOTE: 4-0

OLD BUSINESS	None.				
OTHER BUSINESS	None.				
REVIEW OF ADMINISTRATIVE VARIANCES	None.				
COMMUNICATIONS	None.				
MOTION TO ADJOURN	7:58 P.M.				
1 ST	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: 4-0	

DAVID WENDINGER, CHAIR		DATE	
-----------------------------------	--	-------------	--

JON HAMMEL, DEPUTY ZONING ADMINISTRATOR/ PLANNER		DATE	
---	--	-------------	--

DRAFT



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

Name of Applicant/

Date:

May 17, 2021

Property Owner:

Thomas and Patricia Bittner

Continuation Date:

June 21, 2021

File #:

PLN 21-18

Variance Requested:

Reduce the minimum front yard setback and to allow an accessory building on a property with no principal building, for the purpose of constructing a storage shed/shop

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	☐	☐	☐	☒

WHY: The property is directly adjacent to the site of the applicant's dwelling.

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	☐	☐	☐	☒

WHY: The property is presently vacant land. The proposal is to use the property for a residential accessory structure.

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	☐	☐	☐	☒

WHY: The proposed location is within an existing subdivision and is next to the applicant's dwelling. It will not alter the character of the locality which will remain residential.

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> : The plight is due to the location of the lot and its proximity to Highway 99.
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	<u>WHY</u> : There are two other sheds in the subdivision.
David Wendinger	☒	☐	☐	☐	
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> : The request is based on the existing property's location and topography.
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: _____



NICOLLET COUNTY BOARD OF ADJUSTMENTS AND APPEALS

CRITERIA FOR GRANTING A VARIANCE

Name of Applicant: Great River Energy **Date:** June 21, 2021
Property Owner: Lavonne Olsen **File #:** PLN21-24
Variance Requested: Reduce the front yard setback for the purpose of installing a utility pole

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> The request is necessary to properly align the pole with the existing transmission line and the replacement substation.
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	<u>WHY:</u> The property already contains existing transmission lines. The project is the relocation of an existing utility pole. The land will be used in an appropriate manner.
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	<u>WHY:</u> The request does establish a practical difficulty. The plight is unique to the property due to the existing transmission lines. The pole needs to be lined up with the existing lines.
David Wendinger	☒	☐	☐	☐	
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 plight is the result of the existing location of the transmission line.

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 property is the location for the replacement substation to be built by Benco Electric. The transmission line runs parallel to County Road 15. The area is predominantly ag.

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 necessary to keep the utility poles in proper alignment with the existing transmission line. If it is not property aligned it could damage the transmission line.

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 A VARIANCE**

Name of Applicant: Jana and James Moeding **Date:** June 21, 2021
Property Owner: Jerald and Phyllis Kuehn Revocable Trust **File #:** PLN21-25
Variance Requested: Reduce the setback between a structure used for animal confinement and the property line, and reduce the setback between an outside fenced run and the property line, for the purpose of establishing a commercial breeding kennel

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> The applicants are proposing to utilize existing structures for the kennel.
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	<u>WHY:</u> The request does not involve the further development of agricultural land.
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	<u>WHY:</u> The request does not involve the further development of agricultural land.
David Wendinger	☒	☐	☐	☐	
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: Plight is due to the existing landowner not wanting to sell any additional ag land. The request is due to the location of the proposed property line.

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 area will remain predominantly agricultural.

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 difficulty is caused by the landowners reluctance to sell any additional ag land and by the applicants desire to utilize existing buildings.

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 ORDINARY HIGH WATER
LEVEL SETBACK FOR A
REPLACEMENT SEPTIC TANK**

RICHARD AND LINDA WILLAERT

PLN21-27

NICOLLET COUNTY

BOARD OF ADJUSTMENT & APPEALS

SUBJECT:	PLN21-27, Variance
APPLICANT/LANDOWNER:	Richard and Linda Willaert
LOCATION:	Part of the Southeast ¼ of the Southwest ¼ of Section 18-111-26 in Lake Prairie Township
PARCEL NO:	07.118.0600
EXISTING ZONING:	Shoreland, Conservancy
HEARING DATE:	July 19, 2021

REQUEST

The applicants have submitted a request to reduce the ordinary high water level (OHWL) for the purpose of installing a replacement septic tank. The property is transected by Barney Fry Creek, which is a Minnesota Department of Natural Resources protected waterway. The request would reduce the setback for the tank portion of the system from 200 feet to 135 feet, a reduction of 65 feet. The existing system is a septic tank and leach well. The existing system is failing and must be replaced.

The proposed replacement system would consist of a soil treatment area and a septic tank. The soil treatment area can be located in the upper elevation of the property in a manner that meets the required setbacks. However, the septic tank cannot be located in a manner which meets the setback due to the location and plumbing of the house and the topography of the property.

The house was built in 1949 and is located within the current OHWL setback. The building sewer exits the house eastward from the southeast corner of the structure. It exits the house at a low elevation and runs under the footing to the existing leach well approximately 100 feet away from the OHWL. According to the County Sanitarian, locating the tank to the west of the house would require all the plumbing under the floor to be redone and would likely place the tank at a deeper than the allowable burial depth of the tank.

In general, the topography of the site slopes from an upper elevation in the west to a lower elevation in the east along the creek. Locating the tank in a manner that meets the setback would result in the tank being pushed to the northwest. This location is infeasible due to slope. It would locate the tank in a waterway portion of an existing ravine. The tank cannot be located so close to a waterway. This location would also result in the tank being located at a depth that exceeds the allowable burial depth for tanks as approved by the Minnesota Pollution Control Agency.

There does not appear to be a practical alternative to the variance request. The request would result in the tank being located as far as practically feasible from the OHWL.

Existing Land Use:

The property contains 12.5 acres and is zoned a mix of Shoreland and Conservancy. Barney Fry Creek runs through the property south-to-north. The building site contains the applicants' house and garage, a Quonset hut, and a machine shed.

Surrounding Land Use:

The surrounding land use is primarily agricultural and natural environment. The property is approximately four miles north of the City of Saint Peter.

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 request allows for the replacement of an existing septic system. The variance is in harmony because it would place the system as far as practically feasible from the OHWL. It allows for the timely replacement of a failing system. The request does not appear to endanger the health, safety, and welfare of the county.
- The request calls for a 33% reduction in the required OHWL setback.

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

- The plan states that the county will ensure that land is used in an appropriate manner by minimizing conflicts between land uses. Although the proposal would locate the tank in the OHWL setback, it would allow for the installation of a compliant, functional septic system and replace a noncompliant leach well system that is failing. The replacement system would not increase the likelihood for land use conflict.
- The plan also promotes the conservation of agricultural land. The request does not involve the further development of agricultural land.

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 appear to endanger the health, safety, and welfare of the county, nor does it appear to increase the likelihood for land use conflict.
- The plight is due to the location and plumbing of the existing house, the topography and layout of the site, and its proximity to a protected waterway.
- The variance would not alter the essential character of the locality. There are other septic systems in the area.
- Without the variance, the applicant is not denied reasonable use of the property.

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

- The plight is unique to the property. The plight appears to be due to the location of the existing house in relation to the protected waterway. It is also due to the existing plumbing of the house and the topography of the site.

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

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

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

- The applicant has not submitted any financial information.
- There are design, locational, and topographic considerations.

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 septic permits prior to construction, including any earthwork or site preparation.
4. The septic permit will become invalid if the variance holder has not substantially completed the septic system within the period of time allowed on the septic permit connected with this variance.

Parcel No: 07.118.0600
Map No: 0818300002

**Applicant/Landowner:
Richard & Linda Willaert**

PLN21-27

ATTACHMENT A Application

ATTACHMENT B Variance Criteria

ATTACHMENT C Location Map

ATTACHMENT D Aerials

D.1 Aerial

D.2 Topographic Aerial

ATTACHMENT E Neighbor Notification List

ATTACHMENT F Sanitarian Email

ATTACHMENT G Survey Submitted by Applicant



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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$446.00

Map#: 0818300002
Parcel# 071180600
Permit#: PLN21-00027
Date: June 16, 2021

Applicant: WILLAERT RICHARD H & LINDA L, , 36821 COUNTY ROAD 20, SAINT PETER MN 56082
Phone: 507-381-7942
Owner: WILLAERT RICHARD H & LINDA L, 36821 COUNTY ROAD 20, SAINT PETER MN 56082
Property Address: 36821 COUNTY ROAD 20, ST PETER MN 56082
Abbreviated Legal Description: PT S 1/2 OF SECTION 18 ACRES 12.50
Township: Lake Prairie Township

Record Type: Variance

Category: Ordinary High Water Level

Project Description: Variance request to reduce the OHWL setback from 200' to 135' or a reduction of 65', for the placement of a replacement septic tank from a protected waterway.

Hearing Date: 07/19/2021

Richard Willaert

APPLICANT SIGNATURE

6-17-21

DATE

ATTACHMENT A - Application



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

Name of Applicant/ _____ **Date:** July 19, 2021
Property Owner: Richard and Linda Willaert **File #:** PLN21-27
Variance Requested: Reduce the ordinary high water level setback for the purpose of installing a replacement septic tank

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	☐	☐	☐	☐	
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	☐	☐	☐	☐	
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	☐	☐	☐	☐	
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	<u>WHY:</u>
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	<u>WHY:</u>
David Wendinger	☐	☐	☐	☐	
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	☐	☐	☐	☐	
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:

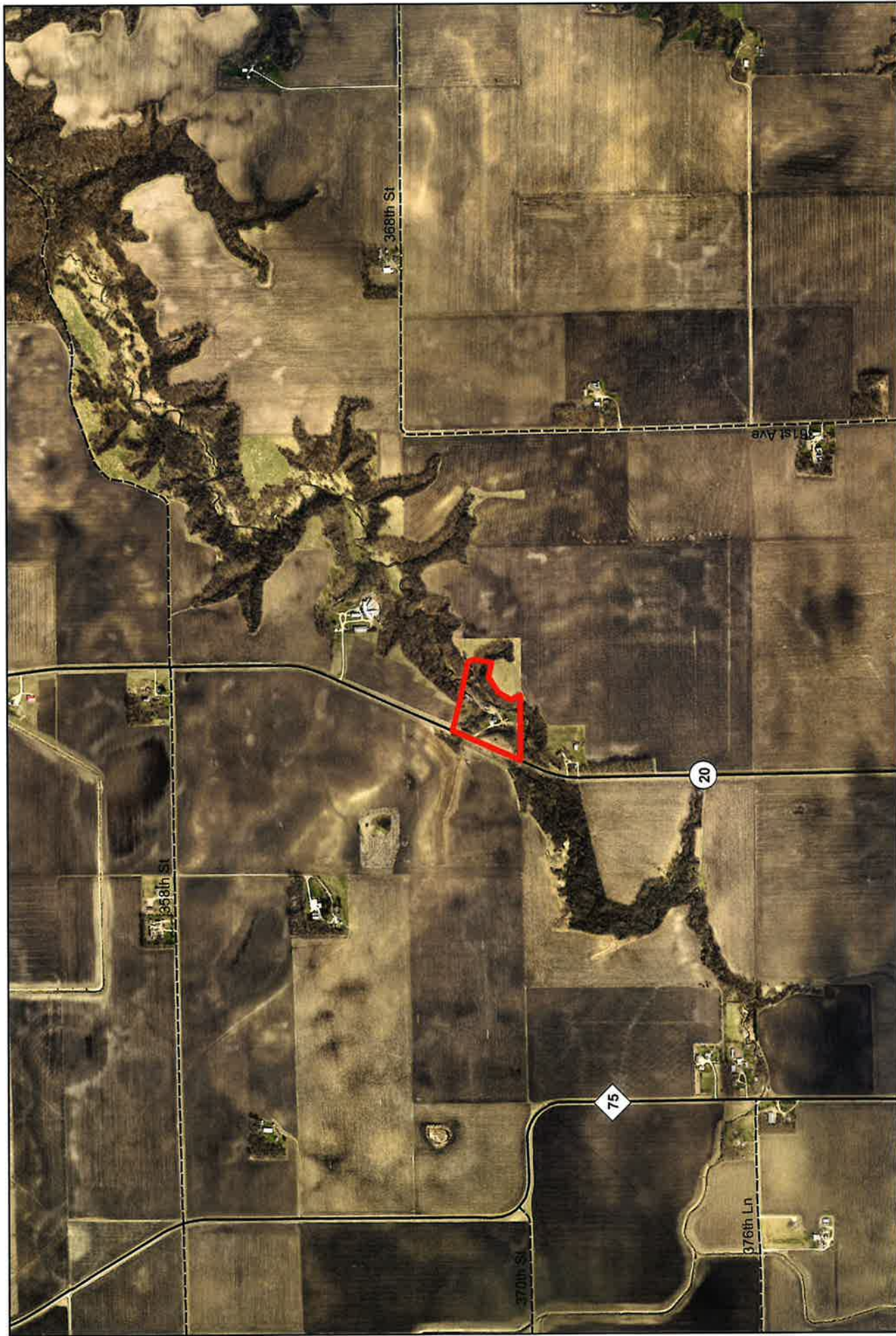
- ☐ Application
- ☐ Staff Report
- ☐ Pictures
- ☐ Information received at public hearing

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: _____



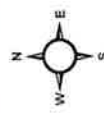
Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual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

ATTACHMENT C - Location Map

1:18,000 1 inch = 1,500 feet 0 750 1,500 Feet



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



1:2,400 1 inch = 200 feet

ATTACHMENT D.1 - Aerial

CHAD & ERIN DEBLIECK
37103 COUNTY RD 20
SAINT PETER MN 56082

CHARLES & HEIDI SCHULTZ
1313 PINE POINTE CRV
SAINT PETER MN 56082

DANIEL & ERIN BORN
37089 358TH ST
SAINT PETER MN 56082

ELLEN FIXSEN LIVING TRUST
317 PLUM RUN
LE SUEUR MN 56058

KAY OSBORNE
37213 361ST AVE
SAINT PETER MN 56082

LEGACY CREEK LLC
17721 FORMOSA AVE
LAKEVILLE MN 55044

MARK OSBORNE
36995 351ST LN
SAINT PETER MN 56082

POWERS FAMILY FARMS LLC
608 PARKVIEW CT N
HUDSON WI 54016

RICHARD & LINDA WILLAERT
36821 COUNTY ROAD 20
SAINT PETER MN 56082

STEVEN & MARK HERBERG
38836 STATE HIGHWAY 22
SAINT PETER MN 56082

STEVEN GOSTOMCZIK
524 N 9TH ST
SAINT PETER MN 56082

WILLIAM & CARRIE OSBORNE
36353 COUNTY ROAD 20
SAINT PETER MN 56082

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

LAKE PRAIRIE TOWN BOARD
33952 348TH ST
LE SUEUR MN 56058

Jon Hammel

From: Pete Otterness
Sent: Friday, June 18, 2021 4:08 PM
To: Jon Hammel
Subject: Willaert

This variance is needed due to the following circumstances:

The current system is a septic tank and leach well. This system is failing and needs to be replaced. The age of the system requires the entire system be replaced. As the house is closer than the required setback to the creek, locating the septic components far enough away is challenging. The mound soil treatment area is able to meet the setbacks on the upper elevation of the property. The tank is not able to meet the 200 foot setback to the creek. Even with excessive alteration to the house, the basement floor and redoing all plumbing, the tank location would have difficulty meeting the setback.

The house was built in 1949 and has the building sewer exiting at the lower elevation of the house. This building sewer exits to the East from the Southeast portion of the house. The sewer exits under the footing to an existing tank approximately 100 feet away from the creek. The new tank is planned to be located as far Northeast of the house as feasible and farther away from the existing location. The topography limits the location of the tanks to the location designed. 200 feet away from the creek to the East Northeast would put the tank in a waterway portion of a ravine and would place the tanks at a depth that would exceed the allowable burial depth of the tank as approved by the MPCA. This location was explored with the designer at the time of soil verification and determined to not be an option due mainly to the waterway and the problems with a water source that close to the tank. 200 Feet from the creek to the North or west of the house would require all the plumbing under the floor to be changed and would most likely place the tank deeper than the allowable burial depth of the tank. This was briefly discussed but determined not feasible by the designer.

The proposed location designed is not ideal as there will be nearly 30 vertical feet to pump up to the mound, but is the only location available for installation. The location of allows for the use of standard installation practices to install the system and allows the construction to occur without any additional delays. The vertical elevation differences can be overcome with a larger pump which is commonly available. This variance will aid in getting the system complaint yet this year.



Pete Otterness
Sanitarian, Sr.
Property Services
501 South Minnesota Avenue
St. Peter, MN 56082
Phone: 507-934-7076

Mission: Providing efficient services with innovation and accountability.

Core Values: Integrity. Accountability. Innovation. Leadership. Efficiency.



"Fear of Failure Kills More Dreams than Failure Ever Will!"

"Please note, the Nicollet County Government Center is requesting limited access to the public at this time. The majority of communication will take place via phone, email, or mail. Office Visits and Site Visits will be limited"

ATTACHMENT F - Sanitarian Email

to those absolutely necessary and by appointment only. All Documents can be submitted to the department at: niccopermitapps@co.nicollet.mn.us “

NOTICE:

Unless restricted by law, email correspondence to and from Nicollet County government offices may be public data subject to the Minnesota Data Practices Act and/or may be disclosed to third parties.

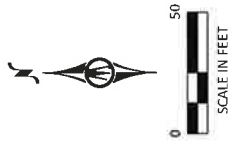
This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error, please destroy it and notify the sender immediately.



PID 071180600

SITE ADDRESS
36821 COUNTY ROAD 20
ST. PETER, MN 50682

OWNER ADDRESS
RICHARD & LINDA WILLAERT
36821 COUNTY ROAD 20
ST. PETER, MN 50682



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
Date 06/11/2021

Michael M. Eichers
License Number 46564

REVISED ORIGINAL SURVEY: 6-15-2021
ADDED SEPTIC INFO, DIMENSIONS

VARIANCE SKETCH

LAKE PRAIRIE TOWNSHIP, NICOLLET COUNTY, MINNESOTA

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

THAT PART OF THE SW 1/4 OF SECTION 18,
TOWNSHIP 111 NORTH, RANGE 26 WEST, LAKE
PRAIRIE TOWNSHIP, NICOLLET COUNTY, MN
FOR: RICHARD WILLAERT

ATTACHMENT G - Survey



VARIANCE

**REDUCE THE PROPERTY LINE
SETBACK FOR CONSTRUCTION OF A
REPLACEMENT GARAGE**

BRIAN ROEPKE

PLN21-29

NICOLLET COUNTY BOARD OF ADJUSTMENT & APPEALS

SUBJECT:	PLN21-29, Variance
APPLICANT/LANDOWNER:	Brian Roepke
LOCATION:	Part of the Northwest ¼ of the Northeast ¼ of Section 1-110-31 in West Newtown Township
PARCEL NO:	13.101.0500
EXISTING ZONING:	Shoreland, Conservancy
HEARING DATE:	July 19, 2021

REQUEST

The applicant has submitted a variance request to reduce the property line setbacks for the purpose of constructing a replacement garage. The existing garage is 14' x 18' (252 square feet) and is dilapidated. The replacement garage would be 22' x 26' (572 sf) and would be located in approximately the same location. The request would reduce the property lines as follows:

- North Property Line Setback – reduce from 50 feet to 31.2 feet. 38%
- West Property Line Setback – reduce from 50 feet to 48.7 feet. 3%
- South Property Line Setback – reduce from 50 feet to 42.8 feet. 14%

The property is zoned Shoreland, which requires a 50-foot property line setback. The request is due to the existing shape and location of the property. The property is long and narrow with the majority of the property located within one setback or another. The property is zoned Shoreland due to its proximity to the Minnesota River.

The alternative to the variance would be to replace the existing garage with a structure that has the same exact dimensions and location. The other alternative would be to not do the project.

Existing Land Use:

The property contains three (3) acres and is zoned a mix of Shoreland and Conservancy. The building site contains the applicant's house, garage, and two sheds.

Surrounding Land Use:

The surrounding land use is primarily 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 proposal involves the replacement of an existing garage. The variance is in harmony because it does not impact sensitive natural features in the area, nor does it increase the likelihood for land use conflict. The request would not endanger the health, safety, or welfare of the county.
- The setback to a property line in the Shoreland zone is 50 feet. The property is zoned Shoreland due to its proximity to the Minnesota River. The Shoreland zone goes out 300 feet from a protected waterway (river, creek, stream, etc.) and 1,000 feet from a protected water body (wetland, pond, lake, etc.).
- The request would result in reductions of 38%, 3%, and 14% in the Northern, Western, and Southern property line setbacks, respectively.

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

- The plan states that the county will ensure that land is used in an appropriate manner by minimizing conflicts between land uses. The request would not result in an increased potential for conflict – the project involves the replacement of an existing garage. The replacement garage will be larger than the existing garage.
- The plan also promotes the conservation of agricultural land. The request does not involve the further development of agricultural land.

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

- The request does appear to establish a practical difficulty.
- The difficulty lies within the unique shape and location of the property, making it difficult to locate a garage on the property outside of the required setbacks.
- The essential character of the locality would not change if the variance is granted.
- With or without the variance, the applicant is not denied reasonable use of the property. The applicant could continue to use the property as a residential site.

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

- The plight appears to be due to the location and shape of the existing property. The long, narrow nature of the property makes it difficult to locate a garage on the property in a manner that can meet the required setbacks.

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

- The essential character of the locality would remain predominantly residential and natural environment regardless of whether the variance is granted.

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

- The applicant has not submitted any financial information.
- The request includes locational and dimensional considerations.

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.
5. Any solid waste associated with the removal of the existing garage must meet all applicable regulations for the disposal of solid waste, including the Nicollet County Solid Waste Ordinance and Minnesota Pollution Control Agency Rules.

Parcel No: 13.101.0500
Map No: 0901200019

**Applicant/Landowner:
Brian Roepke**

PLN21-29

ATTACHMENT A Application

ATTACHMENT B Variance Criteria

ATTACHMENT C Location Map

ATTACHMENT D Aerials

D.1 Aerial large

D.2 Aerial small

ATTACHMENT E Neighbor Notification List

ATTACHMENT F Documents Submitted by Applicant

F.1 Survey

F.2 Variance Questionnaire



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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$446.00

Map#: 0901200019
Parcel# 131010500
Permit#: [PLN21-00029](#)
Date: June 17, 2021

Applicant: ROEPKE BRIAN, , 40111 615TH AVE, NEW ULM MN 56073
Phone: 766-3555
Owner: ROEPKE BRIAN, 40111 615TH AVE, NEW ULM MN 56073
Property Address: 40111 615TH AVE, NEW ULM MN 56073
Abbreviated Legal Description: S 100' OF NW 1/4 OF NE 1/4 ACRES 3.03 & 33' WIDE TRACT LYG BTW SA #14 & LN 100' N OF & PAR TO S LN OF NW 1/4 OF NE 1/4 ACRES .34 PL
Township: West Newton Township

Record Type: Variance

Category: Side Yard

Project Description: Reduce the property line setback from 50' to 31', a reduction of 19', for the purpose of constructing a garage.

Ref: 503 Zoning Ordinance, 501.2B Shoreland Management Ordinance.

Hearing Date: 07/19/2021



APPLICANT SIGNATURE

6-17-21
DATE

ATTACHMENT A - Application



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

Name of Applicant/

Property Owner: Brian Roepke

Date: July 19, 2021

File #: PLN21-29

Variance Requested: Reduce the property line setback for the purpose of constructing a replacement garage

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	☐	☐	☐	☐	
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	☐	☐	☐	☐	
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	☐	☐	☐	☐	
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	☐	☐	☐	☐	
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	☐	☐	☐	☐	
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	☐	☐	☐	☐	
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:

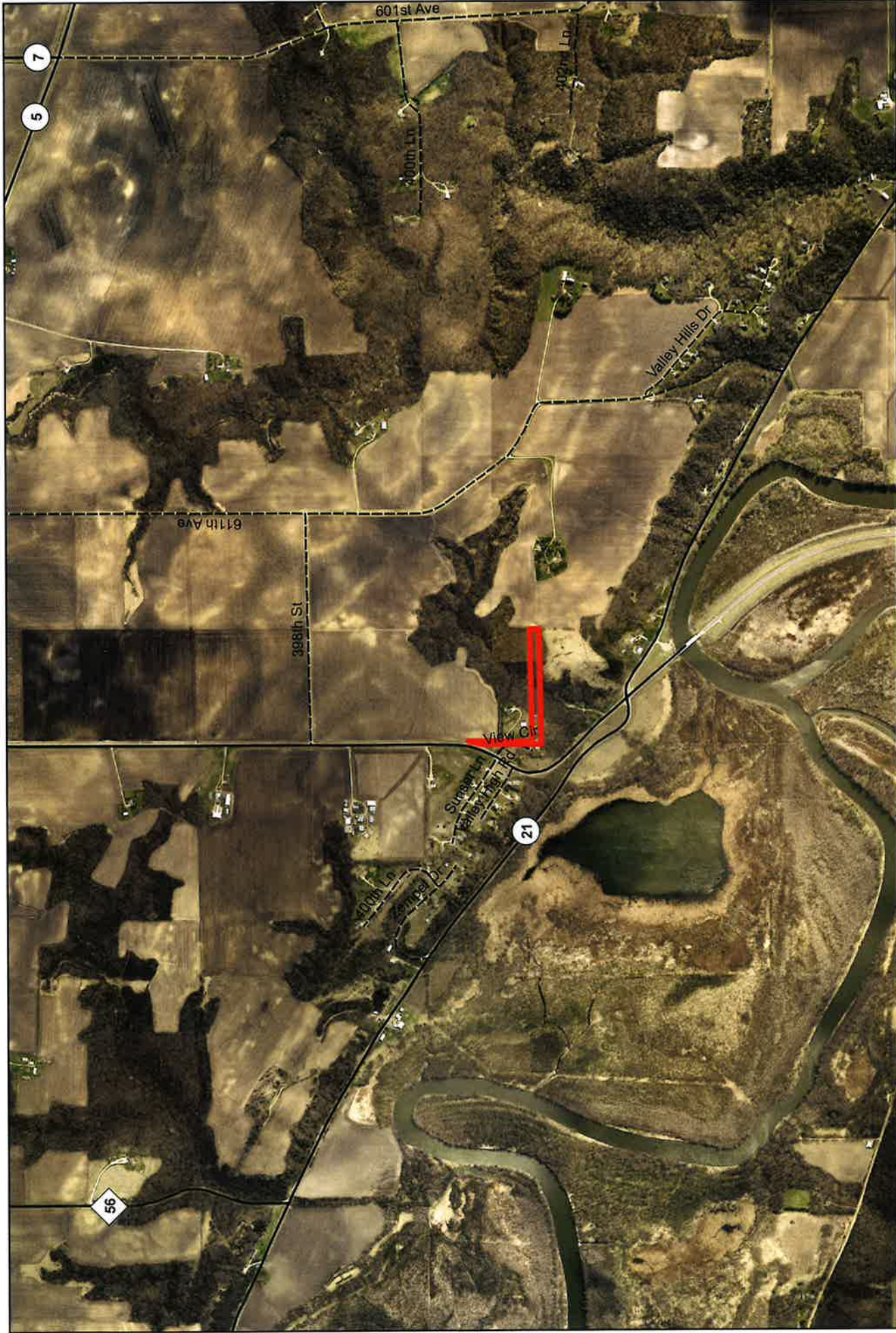
- ☐ Application
- ☐ Staff Report
- ☐ Pictures
- ☐ Information received at public hearing

Viewed by Members of Board:

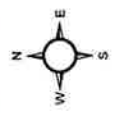
- ☐ Wendinger
- ☐ Hermanson
- ☐ Laven
- ☐ Regenscheid
- ☐ Ubel

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: _____



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.

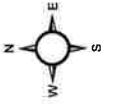


1:18,000 1 inch = 1,500 feet 0 750 1,500 Feet

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.

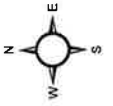


1:2,400 1 inch = 200 feet 0 100 200 Feet

ATTACHMENT D.1 - Aerial Large



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.



1:600 1 inch = 50 feet 0 25 50 Feet

ATTACHMENT D.2 - Aerial Small

ROBERT BERANEK
39866 615TH AVE
NEW ULM MN 56073

RONALD BROWN & VICTORIA WANG
61715 SUNSET LN
NEW ULM MN 56073

DOLORES FRANTA
61679 SUNSET LN
NEW ULM MN 56073

TOBY & AMANDA FREIER
61797 SUNSET LN
NEW ULM MN 56073

MARK & CLAUDIA GLEISNER
61737 SUNSET LN
NEW ULM MN 56073

JOHN & NANCY GRAUSAM
61686 SUNSET LN
NEW ULM MN 56073

RANDY & ANN MARIE GRIEBEL
61677 VALLEY HIGH RD
NEW ULM MN 56073

TROY & AMY GROSAM
40218 611TH AVE
NEW ULM MN 56073

DAVID & SUSAN GUGGISBERG
61794 SUNSET LN
NEW ULM MN 56073

SHARON GULDEN
61629 VALLEY HIGH RD
NEW ULM MN 56073

GERALD & MARY JO JOHNSON
PO BOX 304
SPIRIT LAKE IA 51360

TROY & JENIFER KALIS
61653 VALLEY HIGH RD
NEW ULM MN 56073

JACOB & CHELSEY MASON
61456 COUNTY ROAD 21
NEW ULM MN 56073

JAMES & ELIZABETH MURRAY
61785 SUNSET LN
NEW ULM MN 56073

RANDALL NETZKE
40105 615TH AVE
NEW ULM MN 56073

WENDY OWENS
25679 COUNTY RD 27
SLEEPY EYE MN 56085

DOUGLAS PATTERSON
61346 COUNTY ROAD 21
NEW ULM MN 56073

TODD & KELLY PFAFF
3 HORIZON ACRES
NEW ULM MN 56073

ROBERT & LORI PIETZ
61851 ZEMPLE DR
NEW ULM MN 56073

RENATE RAABE
925 N PAYNE
NEW ULM MN 56073

BRIAN ROEPKE
40111 615TH AVE
NEW ULM MN 56073

LEO & MADONNA SCHLUMPBERGER
TRUST
7555 W SHORELINE DR
WACONIA MN 55387

CYNTHIA SCHULTZ
61352 COUNTY RD 21
NEW ULM MN 56073

ELDOR SCHLUMPBERGER LIVING TRUST
61430 COUNTY ROAD 21
NEW ULM MN 56073

BERNICE SORENSON
40399 615TH AVE
NEW ULM MN 56073

ROBERT SORENSON
61436 COUNTY RD 21
NEW ULM MN 56073

JAMES & JANET UHLENKAMP
61569 VIEW CIR
NEW ULM MN 56073

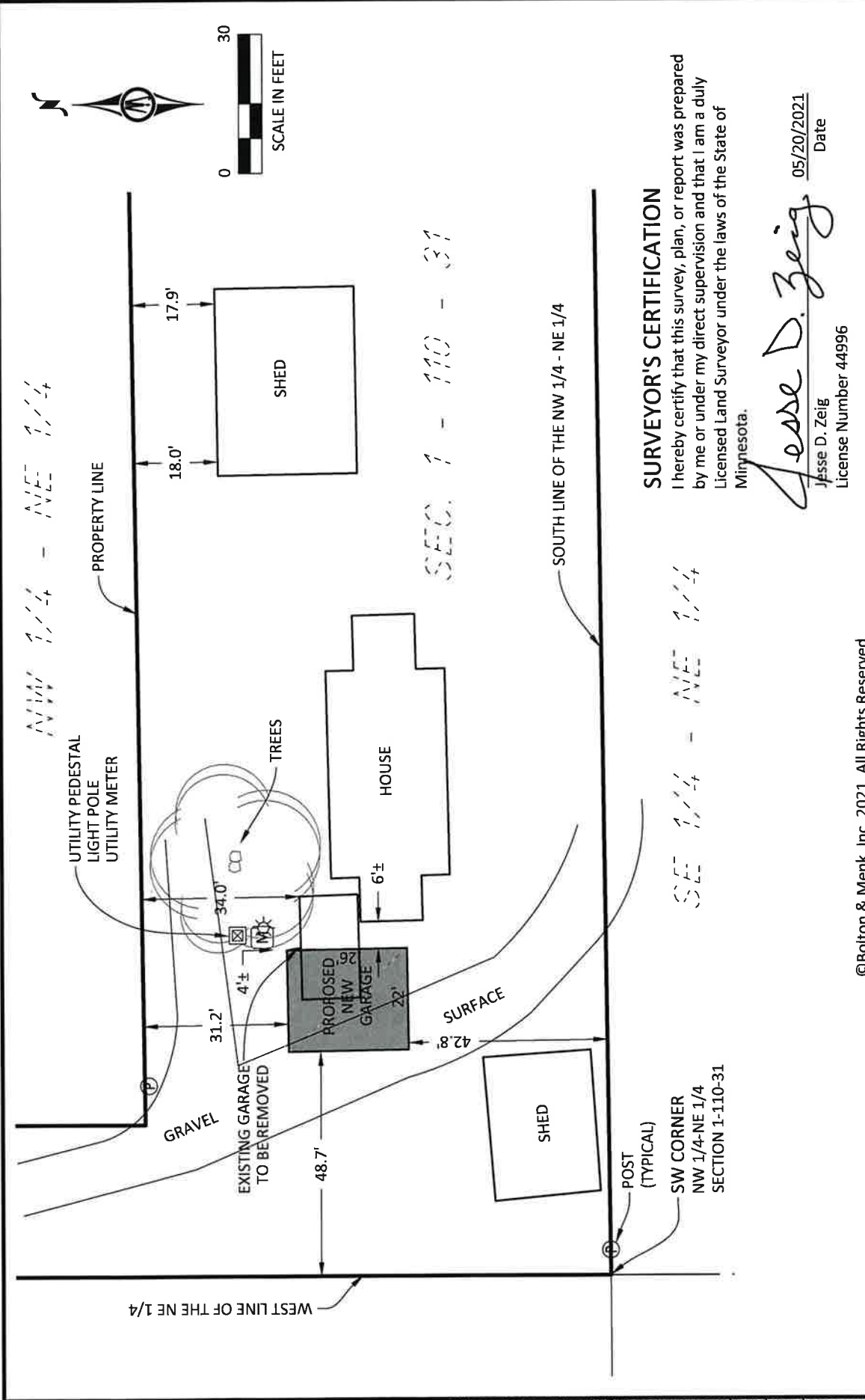
KAREN VANDERBOSCH REV TRUST
8246 ENCLAVE RD
WOODBURY MN 55125

DENNIS WEGNER
40004 615TH AVE
NEW ULM MN 56073

GREGORY & AMANDA WENDINGER
61697 VALLEY HIGH RD
NEW ULM MN 56073

AMY ZINNIEL
61710 SUNSET LN
NEW ULM MN 56073

WEST NEWTON TOWN BOARD
63152 388TH LN
NEW ULM MN 56073



SURVEYOR'S CERTIFICATION

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

Jesse D. Zeig
 Jesse D. Zeig
 License Number 44996
 Date 05/20/2021

© Bolton & Menk, Inc. 2021, All Rights Reserved

CERTIFICATE OF SURVEY WEST NEWTON TOWNSHIP, NICOLLET COUNTY	BOLTON & MENK 1243 CEDAR STREET NE SLEEPY EYE, MINNESOTA 56085 (507) 794-5541
SOUTH 100 FEET OF THE NW 1/4-NE 1/4 SECTION 1-110-31	FOR: LOIS SIEMER

OOK: DRAWN BY: RK

ATTACHMENT F.1 - Survey



VARIANCE APPLICANT QUESTIONNAIRE
PROJECT DESCRIPTION

Name of Applicant: Brian J. Royle

Date: _____

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.

I need to build a new garage the old one is in bad shape and has served its purpose.
I have thought about rebuilding the present garage but it is too far gone, and wasn't worth the time.
I will use this garage for storage of vehicles as well as a place to do small projects, to keep my things handy and to provide shelter for my stuff in the winter as well as the summer.

ATTACHMENT F.2 -
Applicant Questionnaire