



Board of Adjustment & Appeals

MINUTES

SEPTEMBER 20, 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 ☒ Assistant County Attorney (ACA) Megan E. Gaudette Coryell ☒ Other Staff: ☒ Pete Otterness, County Sanitarian, Sr.				

REVIEW OF CANCELLATIONS & ADDITIONS		None.			
MOTION TO APPROVE MINUTES OF JULY 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	

MOTION TO APPROVE FINDINGS OF FACT FOR PLN21-30, KLOCKZIEM		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	

MOTION TO APPROVE FINDINGS OF FACT FOR PLN21-33, COTTOM		APPROVE ☒		APPROVE WITH REVISIONS ☐	
1ST	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☒	Dave Ubel ☐

2 ND	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 APPEARANCES	None.
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PUBLIC HEARINGS:

APPLICANT: PATRICK AND SHANA GIESEKE

FILE #: PLN21-32 CONTINUED FROM AUGUST 16, 2021 MEETING

DESCRIPTION: EXPAND A NONCONFORMING STRUCTURE, REDUCE THE BLUF SETBACK, REDUCE THE FRONT YARD SETBACK, ALTER A BLUF AREA, AND ALLOW FILL TO BE PLACED IN A PROTECTED BLUFF AREA

APPLICANT COMMENT	Patrick and Shana Gieseke were present. Mrs. Gieseke requested an amendment to the proposed conditions for approval presented at the August 16, 2021 meeting, specifically condition #2 – to require staff contact the applicants 15 prior days to a site visit to ensure Mr. and Mrs. Gieseke are available to be both onsite. In addition, she also asked that the conditions expire upon completion of all variances associated with PLN21-00032.				
PUBLIC COMMENT	None.				
PUBLIC TESTIMONY	None.				
MOTION	APPROVE WITH CONDITIONS ☐		DENY WITH CONDITIONS ☒		
1 ST	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☒	Ron Regenscheid ☐	Dave Ubel ☐
2 ND	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☒	Dave Ubel ☐
BOARD MEMBER DISCUSSION	Laven read within the staff report that Mr. Gieseke is a contractor. Laven stated that Mr. Gieseke should know a permit is required before starting work. Mr. Gieseke stated he is a contractor and builds small projects, not houses. He has never had to get a variance for a project and most permits he has dealt with have been in the City of New Ulm. He also stated more often than not, contractors start projects without a permit. Laven stated that he is not a contractor, rather he is an electrician and knows several contractors that obtain permits prior to starting a project. Mr. Gieseke agreed that he was aware a permit was required prior to starting. Mrs. Gieseke commented that she is responsible for not getting the permit, not Mr. Gieseke, as she handles the business side of the business. Laven asked about the septic system. Mr. Otterness explained the survey contains a box that addresses the area needed for the primary and secondary septic sites. Mr. Gieseke stated they understood the proposed conditions. Wendinger made a motion for approval, with the six proposed conditions prepared by staff. This was seconded by Ubel. The first six criteria were not unanimous in the "yes" manner, specifically, all four present Members voted no on the criteria that states "the plight of the landowner is due to circumstances unique to the property and not created by the landowner," therefore the request was denied and the BAA members did not consider criteria 7-10. Laven made a motion to deny, with the four proposed conditions prepared by the staff. This was seconded by Regenscheid. The motion to deny with conditions was then voted upon.				
VOTE	PASS ☒		FAIL ☐		VOTE: 4-0

APPLICANT: KEITH AND LARINDA BURG

FILE #: PLN21-35

DESCRIPTION: CREATE A SUBSTANDARD LOT IN THE CONSERVANCY ZONE

APPLICANT COMMENT	Keith and Larinda Burg were present. Mr. Burg stated it was the intent of his father-in-law to provide enough land to locate all three sheds onto their property, in addition to room for two septic system sites. He also stated the acreage listed in the staff report was incorrect, rather it should be an additional 1.41 acres not the .29 acres as stated. Mrs. Burg also stated it was her father's intent to have the three sheds on their property and room for two septic systems.	
PUBLIC COMMENT	None.	
PUBLIC TESTIMONY	Cheryl Michels, Belgrade Township Chair, presented the resolution opposing substandard lots in the Conservancy District. It is the position of the Township that this will take revenue away from the Township and they are experiencing financial hardship just like many other townships.	
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	Ubel asked how many acres were taken for the County Road 41 project. The Burgs were unsure however the current lot is what is remaining from the project. Ubel also asked why they could not purchase additional land. Mrs. Burg stated it was not for sale. Eventually her and her brother will own it, but not right now. Laven asked if the lot was in compliance prior to the road project. Landkamer reviewed the older zoning maps and it appeared the lot was in the Ag District, with a 2.5 acres minimum lot size. Landkamer confirmed the initial request on the application was still applicable. The staff report contained the incorrect information regarding the additional acreage.				
VOTE	PASS ☒		FAIL ☐	VOTE: 4-1	

APPLICANT: MINNESOTA VALLEY LUTHERAN HIGH SCHOOL

FILE #: PLN21-37

DESCRIPTION: INSTALL A TYPE IV REPLACEMENT SEPTIC SYSTEM

APPLICANT COMMENT	Ken Opitz was present at the meeting. Glen Schilling introduced himself as the designer and installer of the septic system and inquired about the permit timeline due to the proposed phased installation.				
PUBLIC COMMENT	Marcy Bode called to inquire about the septic system and if it would impact her water.				
PUBLIC TESTIMONY	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	Ubel stated he viewed the property and would make a motion for approval with the suggested conditions prepared by staff.				
VOTE	PASS ☒		FAIL ☐	VOTE: 4-0	

APPLICANT: DANIEL AND JULIE LONG

FILE #: PLN21-38

DESCRIPTION: REDUCE THE ORDINARY HIGH WATER LEVEL SETBACK FOR THE PURPOSE OF INSTALLING A REPLACEMENT SEPTIC SYSTEM

APPLICANT COMMENT	Daniel Long was present. He indicated his system is due to be replaced by March of 2022 and is working with Jadd Seppmann and Sons.				
PUBLIC COMMENT	None.				
PUBLIC TESTIMONY	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: 4-0	

OLD BUSINESS		None.		
OTHER BUSINESS		None.		
REVIEW OF ADMINISTRATIVE VARIANCES		None.		
COMMUNICATIONS		Ubel requested staff look into after the fact request fees. Laven clarified who the staff contact will be related to zoning requests.		
MOTION TO ADJOURN		8:45 PM		
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: 4-0

DAVID WENDINGER, CHAIR		DATE	12/20/21
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MANDY LANDKAMER, COUNTY ADMINISTRATOR		DATE	12-21-21
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