

Nicollet County Board of Adjustment and Appeals



December 20, 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

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, 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: November 15, 2021
5. Public Appearances
6. **PUBLIC HEARING PLN21-40**
Applicant/Property Owner: Torrey and Julie Carlblom
Request: To construct an accessory structure closer to the front property line than the primary structure. Accessory structure to be constructed closer to County Road 20 than the existing residence.
Location: Part of Lot 6, Block 1 Lake Prairie Subdivision of Section 32-111-26 in Lake Prairie Township
Parcel Number: 07.611.0070
7. **PUBLIC HEARING PLN21-41**
Applicant/Property Owner: John Stenson/Stenson Living Trust
Request: To allow the construction of an additional single family dwelling within the Northeast ¼ of the Northeast ¼, Section 29-111-26. Exceeding the density standard of one new dwelling per quarter-quarter on lots recorded after January 2, 1996 that meet minimum lot size requirements
Location: In Part of the Northeast ¼ of the Northeast ¼ of Section 29-111-26 in Lake Prairie Township
Parcel Number: 07.129.0310
8. Old Business
9. Other Business
10. Communications
11. Adjourn

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.



Board of Adjustment & Appeals

MINUTES

NOVEMBER 15, 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	County Administrator Mandy Landkamer ☒ Assistant County Attorney (ACA) Megan E. Gaudette Coryell ☒ Other Staff: ☒ Pete Otterness, Property Services Manager ☒ Jaci Kopet, Property and Public Services Director				

REVIEW OF CANCELLATIONS & ADDITIONS		None.			
MOTION TO APPROVE MINUTES OF OCTOBER 18, 2021		APPROVE ☒		APPROVE WITH REVISIONS ☐	
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 ☐
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐	VOTE: 4-0	

MOTION TO APPROVE FINDINGS OF FACT, CRITERIA, AND CONDITIONS FOR PLN21-32, GIESEKE		APPROVE WITH CONDITIONS ☑		APPROVE WITH REVISIONS ☐	
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 ☑
VOTE TO APPROVE FINDINGS OF FACT		PASS ☑	FAIL ☐	VOTE: 4-0	
		The Board reconsidered and provided amended Findings of Fact and Criteria for approval. Upon a motion by Ubel and seconded by Laven, to recess the meeting to allow staff to prepare the Findings of Fact for review by the Board. Following the recess, the Board approved the After-the-Fact variance request with conditions by a vote of 4-0.			

	Members Hermanson and Ubel drove by the site, Member Regenscheid visited the site with the applicants.
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PUBLIC HEARINGS: None

OLD BUSINESS		None			
OTHER BUSINESS		None			
REVIEW OF ADMINISTRATIVE VARIANCES		None			
COMMUNICATIONS		None.			
MOTION TO ADJOURN					
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 HERMANSON, CHAIR		DATE	
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MANDY LANDKAMER, COUNTY ADMINISTRATOR		DATE	
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NICOLLET COUNTY BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING AN AFTER-THE-FACT VARIANCE

Name of Applicant/

Date: November 15, 2021

Property Owner: Patrick and Shana Gieseke

File #: PLN21-32

Variance Requested: After-the-fact variance to: expand a nonconforming structure; reduce the bluff setback; reduce the front yard setback; alter a bluff area for the purpose of constructing a dwelling addition; reduce the front yard setback for the purpose of constructing a replacement septic system; and allow fill to be placed in a protected bluff.

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. "Practical difficulties" 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 "yes" in order for the variance to be granted.

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 request is for an after-the-fact variance for a dwelling addition and replacement of an existing septic system. It is not unreasonable to construct an addition onto an existing building site that is in compliance with the zoning ordinance.
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 property is currently residential and will remain residential. A plan is needed to protect the sensitive areas of the bluff and the agricultural land.
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	☒	☐	☐	☐

WHY:

The property already had a nonconforming structure in regards to the bluff setback. With proper erosion control, the work will not change the essential character of the property. The property will remain residential and natural environment.

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:

Yes – A part of the plight was caused by the landowners' decision not to obtain a building permit. However, the plight is unique to the property because the original structure was erected prior to the current zoning ordinances and regulations. This property is unique in that the house was originally built too close to the bluff.

No – It was the landowners' decision to build the addition without the property zoning permit.

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 essential character will remain natural environment and residential. There are also other cuts into the bluff that were done before the adoption of the bluff setbacks.

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:

There are economic considerations of the landowners in the removal of the addition and replacement of earthen material. There may also be a consideration to the county through an increase in property taxes.

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	WHY:
David Wendinger	☐	☐	☐	☒	The applicants did ask about a zoning permit on May 1 st , 2020, prior to construction but ultimately failed to obtain a permit. Construction also continued after applicants were issued a cease and desist order.
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	WHY:
David Wendinger	☐	☐	☐	☒	There are other residential dwellings in the area. The area is currently residential and agricultural.
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	WHY:
David Wendinger	☐	☐	☐	☒	Yes – The burden would lie in the removal of the addition. The county would benefit by removal of the fill and if the applicants apply erosion control to the remaining bluff.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Ron Regenscheid	☐	☒	☐	☐	
Dave Ubel	☒	☐	☐	☐	
					No – The benefit is to the county in the strict enforcement of the zoning ordinance.

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Wendinger	☐	☐	☐	☒	The applicants have stated the violation was unintentional and that they forgot to obtain a zoning permit. However, the applicants did continue construction after the cease and desist order was put in place.
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: _____ Vice Chair: _____



VARIANCE

**ALLOW AN ACCESSORY
STRUCTURE CLOSER TO THE
FRONT LOT LINE THAN THE
PRINCIPAL BUILDING**

TORREY AND JULIE CARLBLOM

PLN21-40

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN21-40
APPLICANTS/ PROPERTY OWNERS:	Torrey and Julie Carlblom
LOCATION:	Part of Lot 6, Block 1 Lake Prairie Subdivision of Section 32-111-26, Lake Prairie Township
PARCEL NUMER:	07.611.0070
ZONING:	Urban-Rural Residential (R-1), Conservancy
HEARING DATE:	December 20, 2021

REQUEST

The applicant has submitted a variance request to allow the construction of an accessory structure closer to the front lot line than the principal building within the Urban Rural Residential (R-1) and Conservancy zoning districts.

PROJECT DESCRIPTION

The applicants are requesting to locate the proposed shed closer to the front lot line than the principal building, i.e. the applicant's dwelling. The principal building is located 294.1 feet from the front (east) lot line (County Road 20) and 36.5 feet from front (north) lot line of 398th Lane. The proposed shed is 94 feet from the east property line and 49 feet from the north property line. The proposed garage will be 42 feet by 63 feet, or 2,646 square feet. The dwelling and attached garage were built in 1982. The accessory structure setback was adopted in 1992.

COUNTY STANDARDS

The applicants are requesting a variance from Section 703.1(1) of the Zoning Ordinance:

No accessory building shall be located nearer the front lot line than the principal building on the lot.

EXISTING LAND USE

The site presently contains a single family dwelling and a two-stall attached garage. The property contains 2.93 acres and is zoned R-1 and Conservancy. Roughly the southern two-thirds of the property is bluff land, with a slope in excess of 12%.

SURROUNDING LAND USE

The property is part of the Robart's/Robert's Creek (a Minnesota Department of Natural Resources protected waterway) ravine system. The northern property line is located at the highest elevation, at 974 feet. The property slopes towards the south and the Creek. The southern property line is located at an elevation of 930 feet.

The property is located within Lake Prairie Subdivision #1. The surrounding land use is a mix of residential, natural bluff environment, and agricultural. The parcel is roughly one mile north of the city limits of St. Peter.

SOIL SITE INFORMATION

The proposed location of the accessory structure is located in the soil type of 945D2 – Lester-Storden complex, which ranges from 10 to 16 percent slope, moderately eroded.

Lester Properties and qualities

- Slope: 10 to 16 percent
- Depth to restrictive feature: More than 80 inches
- Drainage class: Well drained
- Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 2.00 in/hr)
- Depth to water table: About 55 to 71 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum content: 20 percent
- Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
- Available water supply, 0 to 60 inches: High (about 10.4 inches)

Storden Properties and qualities

- Slope: 10 to 16 percent
- Depth to restrictive feature: More than 80 inches
- Drainage class: Well drained
- Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 2.00 in/hr)
- Depth to water table: About 55 to 71 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum content: 25 percent
- Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
- Available water supply, 0 to 60 inches: High (about 10.8 inches)

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 503 of the Zoning Ordinance and Minnesota Statutes Section 394.26.

PUBLIC WORKS COMMENT

Nicollet County Public Works was also notified of the request in relation to the county road. Public Works Director Seth Greenwood confirmed the structure would be sufficiently far away from the existing Right-of-Way on CSAH 20 in the event of a reconstruction project in the future which would involve the expansion of the Right-of-Way.

SITE REVIEW

A review of the site was completed by Property Services staff on September 24, 2020.

VARIANCE CRITERIA

NOTE: According to Minnesota Statutes Section 394.27, subdivision 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 intent of the accessory building setback in residential districts is to create a uniform character within those districts.
- The request would result in a 67% reduction in the accessory building residential setback.

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

- The proposal supports the conservation of the area’s natural resources by attempting to minimize impacts to the bluff.

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

- Without the variance, the applicants are not denied reasonable use of the property (e.g., for use as a dwelling site).
- The primary structure is located in the northeast corner of the property, creating a practical difficulty in siting an accessory structure that would meet the required accessory structure standards within the R-1 District. There is not sufficient room to locate the structure to the west of the dwelling and meet the required standards and setbacks.

- The proposal will alter the essential character of the locality. There are no other accessory structures located closer to the front property line than the primary structures within the subdivision.

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

- The plight is related to the landowners' desire to construct an accessory structure on the property. The applicants are not denied reasonable use of the property.
- The landowners could lessen the variance request by proposing the accessory structure closer to the dwelling, while also remaining outside of the bluff setback. However, due to the location of the dwelling and the slope of the lot, it does not appear feasible to locate an accessory structure on the property without a variance from the residential accessory structure setback. Additionally, the dwelling pre-exists the residential accessory structure setback.

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

- The proposal will alter the essential character of the locality. There are no other accessory structures located closer to the front property line than the primary structures within the subdivision.

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

- The request appears to include more than economic considerations alone. The request is based on the existing dwelling location and topography of the property.

RECOMMENDED CONDITIONS

Staff recommends that if the variance request for Torrey and Julie Carlblom, is recommended for approval, the following conditions be attached:

1. The applicants undertake 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 permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The applicants must obtain the appropriate zoning permits prior to construction.
4. The zoning permit is invalid if the permit holder has not substantially completed the accessory structure within the period of time allowed on the zoning permit connected with this variance.

Parcel No. 07.611.0070
Map No. 0832300025

**Applicants/Property Owners:
Torrey and Julie Carlblom**

PLN21-40

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial
ATTACHMENT D	Survey
ATTACHMENT E	Neighbor Notification List
ATTACHMENT F	Criteria for a Variance



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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$446.00

Map#: 0832300025
Parcel# 076110070
Permit#: [PLN21-00040](#)
Date: October 27, 2021

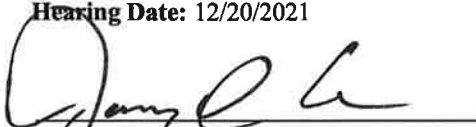
Applicant: CARLBLOM TORREY C & JULIE A CARLBLOM, , 35545 398TH LN, SAINT PETER MN 56082
Phone:
Owner: CARLBLOM TORREY C & JULIE A CARLBLOM, 35545 398TH LN, SAINT PETER MN 56082
Property Address: 35545 398TH LN, ST PETER MN 56082
Abbreviated Legal Description: SubdivisionName LAKE PRAIRIE SUB #1 SubdivisionCd 07611 PT LOT 6 BLK 1 BEG 280'
E OF NW COR LOT 6; S 383.41'; NE 67.05'; E 296.34'; NE 350.54'; W 369.92' TO POB
Township: Lake Prairie Township

Record Type: Variance

Category: Other

Project Description: Request a variance to construct an accessory structure closer to the front property line than the primary structure. Accessory structure to be constructed closer to County Road 20 than the existing residence.

Hearing Date: 12/20/2021

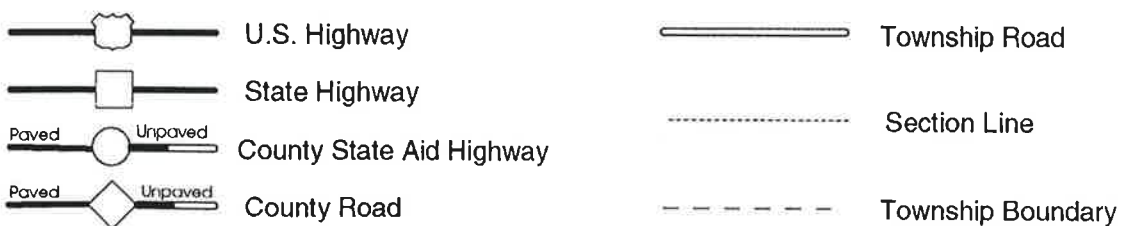
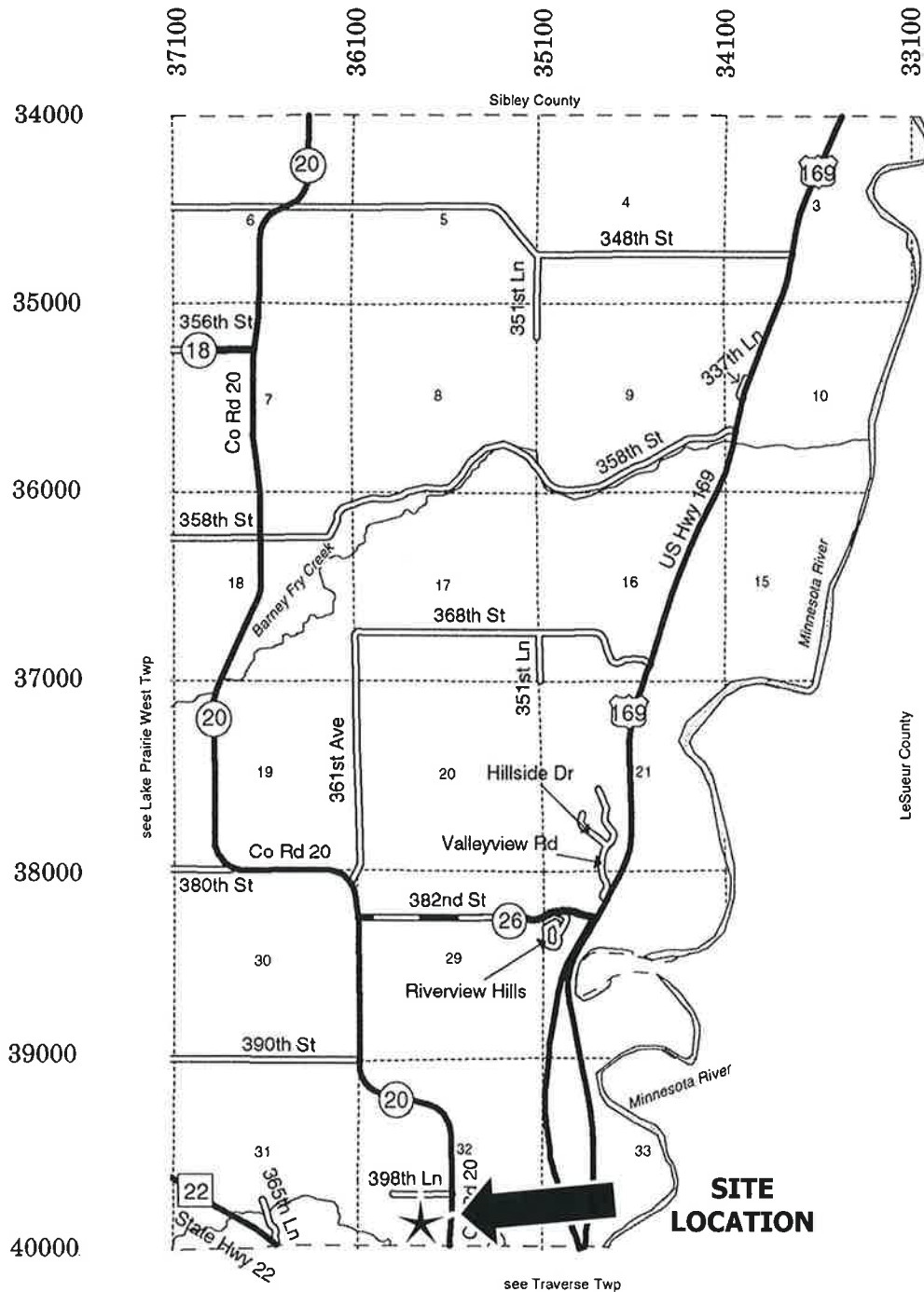
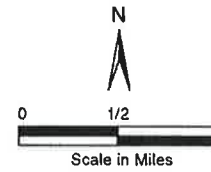

APPLICANT SIGNATURE

10/27/21
DATE

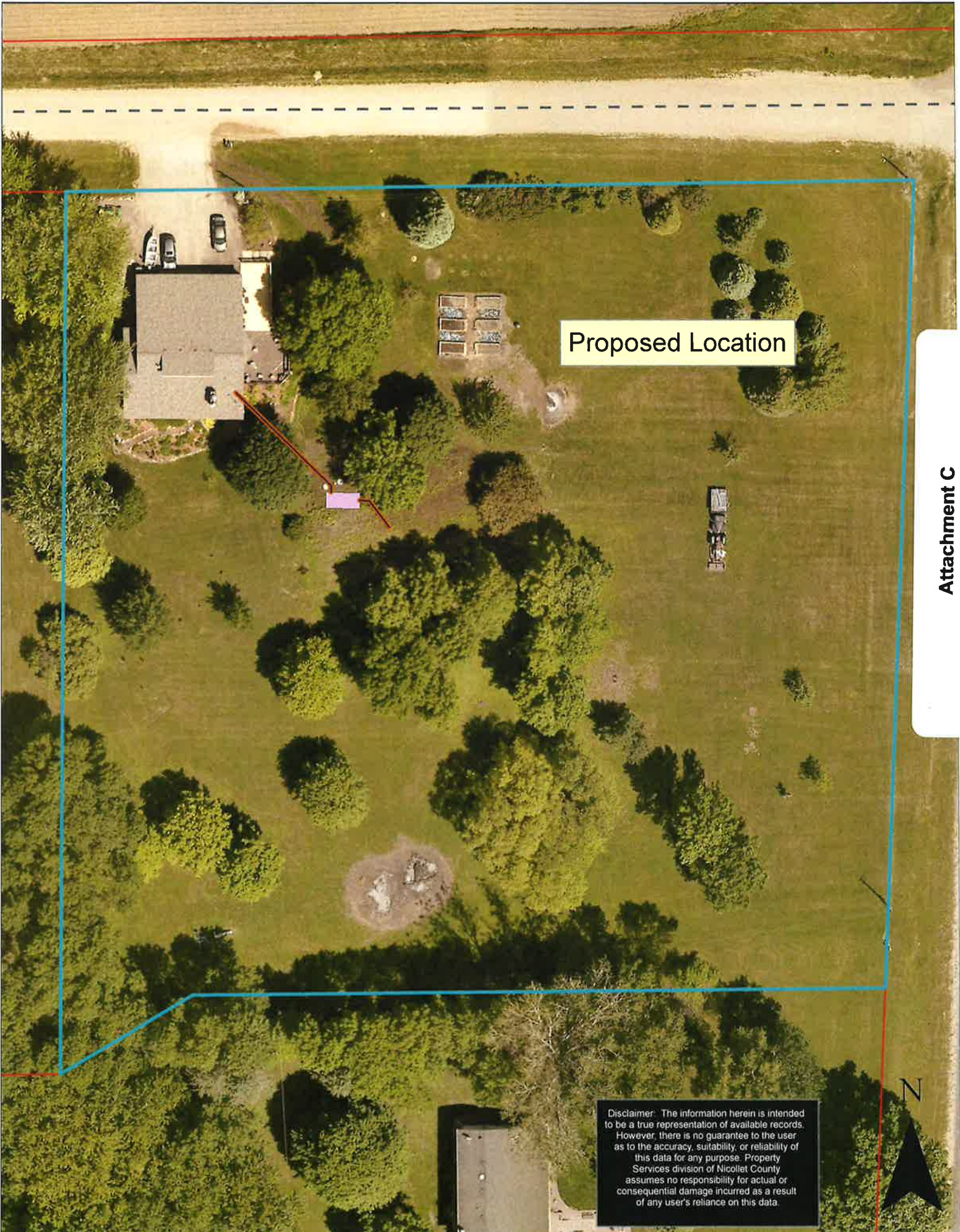
Attachment A
Application

Lake Prairie (East)

T-111-N R-26-W



Attachment B
Location Map



Proposed Location

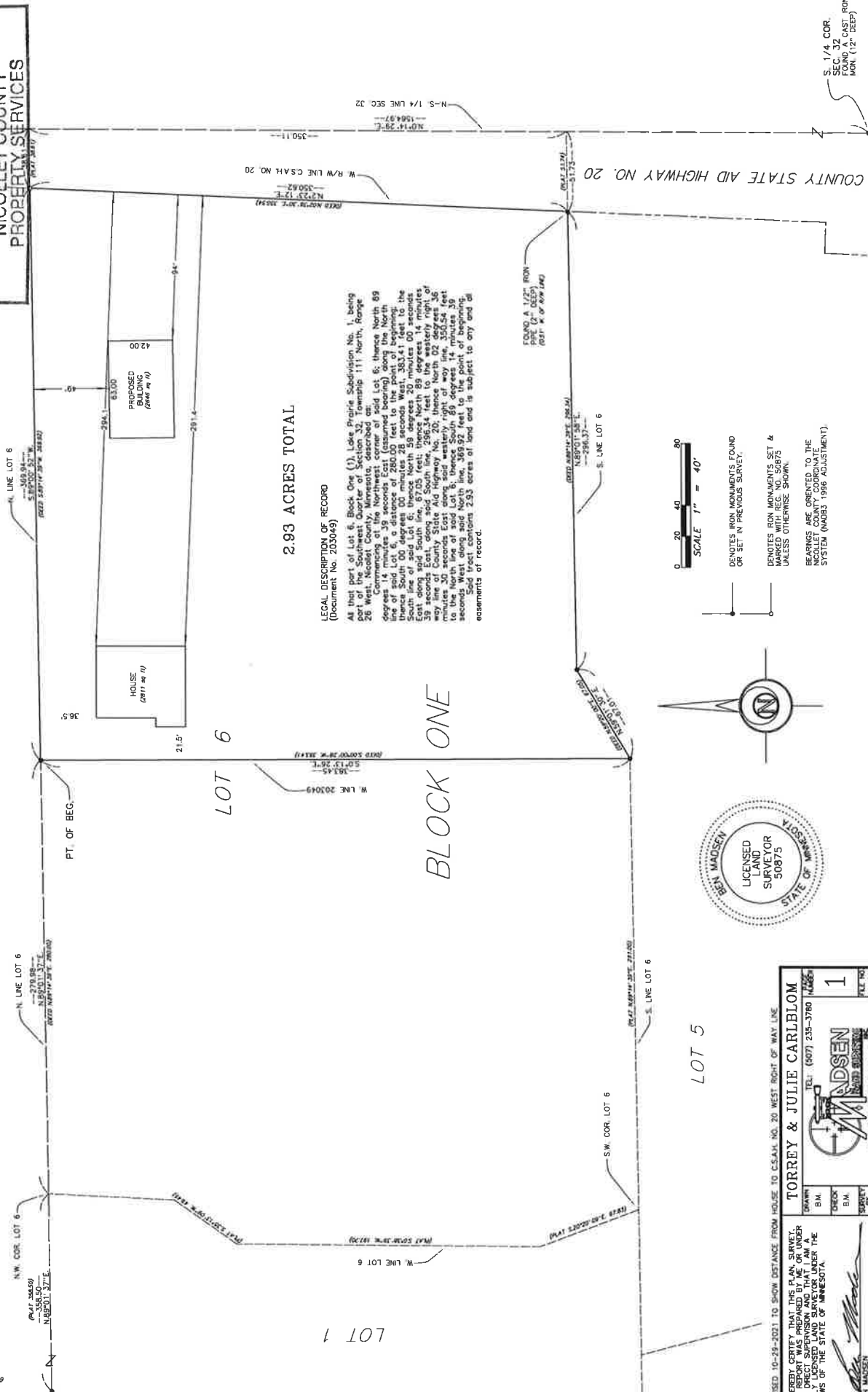
Attachment C
Aerial

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. 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.

SURVEY IN LOT 6, BLOCK ONE OF LAKE PRAIRIE SUBDIVISION NO. 1, IN THE S.W. 1/4, SEC. 32, T. 111 N., R. 26 W., NICOLLET COUNTY, MINNESOTA

(PLAT 5874-3780)

LAKE PRAIRIE DRIVE



REVISED 10-29-2021 TO SHOW DISTANCE FROM HOUSE TO CSAH NO. 20 WEST RIGHT OF WAY LINE

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

TORREY & JULIE CARLBLOM
TEL: (907) 235-3780
1

BEN MADSEN
318 EAST BLUE EARTH AVENUE
FARMINGTON, MINNEAPOLIS 55031

DATE: 10-29-2021 - LICENSE NO. 50875

JACYL PARTNERSHIP LLP
6216 SHAMROCK DR
MADISON LAKE MN 56063

HIGH POINT FARMS LLC
6216 SHAMROCK DR
MADISON LAKE MN 56063

SEITZER MERLIN H REVOCABLE TRUST
35698 398TH LN
SAINT PETER MN 56082

HART MARILYN C
35697 398TH LN
SAINT PETER MN 56082

KIENHOLZ JEFFERY L & DEBORAH J
35693 398TH LN
SAINT PETER MN 56082

SKOOG DAVID MICHAEL & ROSEMARIE
35689 398TH LN
SAINT PETER MN 56082

KEELEY JEFFREY J & KIM M
35667 398TH LN
SAINT PETER MN 56082

THOEMKE JOHN D & CHERYL M
35631 398TH LN
SAINT PETER MN 56082-4333

HELGESON TRUST RICHARD L & NANCY
S HELGESON TRUST
35615 398TH LN
SAINT PETER MN 56082

QUICK WESLEY H & KAREN E
35623 398TH LN
SAINT PETER MN 56082

EMICH SCOTT R
35627 398TH LN
SAINT PETER MN 56082

ANDERSON KIRK H & AMY M
39870 COUNTY ROAD 20
SAINT PETER MN 56082

SEVERSON JENNIFER T E & THOMAS J
35571 3989TH LN
SAINT PETER MN 56082

JASTER LYLE
38949 COUNTY ROAD 20
SAINT PETER MN 56082

JASTER CAROLINE JEANETTE
38949 COUNTY ROAD 20
SAINT PETER MN 56082

PETERSON JUSTIN & MADELEINE
WALTER
39757 COUNTY ROAD 20
SAINT PETER MN 56082

WALTER JEREMY A & LISA F
39761 COUNTY ROAD 20
SAINT PETER MN 56082

DAVIS JAMES S & ANNE L
39835 COUNTY ROAD 20
SAINT PETER MN 56082

SOROKA JACEK T & MALGORZATA D
39877 COUNTY ROAD 20
SAINT PETER MN 56082

MCCABE AMBROSE & SCHELL
REVOCABLE TRUST
40497 COUNTY ROAD 20
SAINT PETER MN 56082

WALTER WILLIS JOSEPH
40512 COUNTY RD 20
SAINT PETER MN 56082

GP-75 LLC
PO BOX 30
SAINT PETER MN 56082

Lake Prairie Township Clerk
Karen Brankamp
33952 348th St
Le Sueur, MN 56058



NICOLLET COUNTY BOARD OF ADJUSTMENTS AND APPEALS

CRITERIA FOR GRANTING A VARIANCE

Name of Applicant/ Torrey and Julie Carlblom
Property Owner: Torrey and Julie Carlblom

Date: December 20, 2021

File #: PLN21-40

Variance Requested: Allow an accessory structure closer to the front lot line than the principal building

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 F
Criteria for a Variance

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: _____



VARIANCE

To allow the construction of an additional single family dwelling within the Northeast ¼ of the Northeast ¼, Section 29-111-26, exceeding the density standard of one new dwelling per quarter-quarter on lots recorded after January 2, 1996 that meet minimum lot size requirements

**JOHN STENSON/STENSON LIVING
TRUST**

PLN21-41

**NICOLLET COUNTY
BOARD OF ADJUSTMENT & APPEALS**

SUBJECT:	Variance PLN21-41
APPLICANTS/ PROPERTY OWNERS:	John Stenson/Stenson Living Trust
LOCATION:	Part of the Northeast ¼ of the Northeast ¼ of Section 29-111-26, Lake Prairie Township
PARCEL:	07.129.0310
ZONING:	Conservancy, Agricultural Preservation
HEARING DATE:	December 20, 2021

REQUEST

The applicant has submitted a variance request to allow the construction of an additional single family dwelling within the Northeast ¼ of the Northeast ¼ of Section 29-111-26, exceeding the density standard of one new dwelling per quarter-quarter on lots recorded after January 2, 1996 that meet minimum lot size requirements, per the Nicollet County Zoning Ordinance, Section 603.2(10).

PROJECT DESCRIPTION

The Northeast ¼ of the Northeast ¼ of Section 29-111-26 currently contains the following:

- Parcel #07.129.0300 contained a single family dwelling, the construction date is unavailable. In 2005, the Stensons removed the existing dwelling and constructed a replacement single family dwelling with an attached garage. This dwelling was considered a replacement home because the existing dwelling predated the Zoning Ordinance amendment and it did not increase the density of the dwellings within the quarter-quarter. In 2018, the property was split, creating two parcels consisting of a 10 acre parcel and a 30 acre parcel. The 10 acre parcel was also sold at that time.
- The split of Parcel #07.129.0300 created parcel #07.129.0310 which contains 30 acres. Stenson Living Trust has ownership of this property. This property contains a single family dwelling and an attached garage that were constructed in 2018 by the Trust. The property also contains an existing pole shed. The issuance of the zoning permit for the single family dwelling and an attached garage fulfilled the Northeast ¼ of the Northeast ¼ of Section 29-111-26, in Lake Prairie Township.
- The applicant proposes to split parcel #07.129.0310 and create a new 15.51 acre parcel for the purpose of constructing a single family dwelling on the property. The remaining 15.14 acres would be maintained by parcel #07.129.0310. This would request would exceed the density standard for lots created after 1996 in the Conservancy District.

The density standard was adopted in 1996 for the Conservancy Zoning District.

COUNTY STANDARDS

The applicant is requesting a variance from Section 603.2(10) of the Zoning Ordinance:

New dwellings at a maximum density of one (1) per quarter-quarter on lots recorded after January 2, 1996 that meet minimum lot size requirements in Section 603.4

EXISTING LAND USE

The proposed 15.51 acre site consists of a wooded area, north of the single family dwelling that was constructed in 2018. The applicant has submitted a survey indicating compliance with all other applicable setbacks and standards.

SURROUNDING LAND USE

The property is located along the Minnesota River bluff, west and above U.S. Highway 169. The parcel is roughly a third of a mile to U.S. Highway 169 and a half mile from the Minnesota River. The Riverview Hills subdivision is located to the southeast of the site. The Riverview Hills North subdivision is located to the north approximately a third of a mile. The surrounding land use is a mix of residential, natural bluff environment, and agricultural.

SOIL SITE INFORMATION

The proposed location of the single family dwelling is located in the soil type of L113B – Reedslake-Le Sueur complex, which ranges from 1 to 6 percent slope.

Reedslake Properties and qualities

- Slope: 2 to 6 percent
- Depth to restrictive feature: More than 80 inches
- Drainage class: Moderately well drained
- Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 2.00 in/hr)
- Depth to water table: About 20 to 41 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum content: 25 percent
- Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
- Available water supply, 0 to 60 inches: High (about 10.9 inches)

Le Sueur Properties and qualities

- Slope: 1 to 3 percent
- Depth to restrictive feature: More than 80 inches
- Drainage class: Somewhat poorly drained
- Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high (0.06 to 2.00 in/hr)

- Depth to water table: About 12 to 24 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum content: 25 percent
- Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
- Available water supply, 0 to 60 inches: High (about 10.6 inches)

SITE REVIEW

A review of the site was completed by Property Services staff on November 18, 2021.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 503 of the Zoning Ordinance and Minnesota Statutes Section 394.26.

VARIANCE CRITERIA

NOTE: According to Minnesota Statutes Section 394.27, subdivision 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 intent of the density standard is to provide a buffer between land uses and single family structures.
- The request, if approved, would eliminate the density standard for this quarter-quarter.

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

- A land use goal of the comprehensive plan is to only allow development in unincorporated areas that minimizes impacts to resources, infrastructure, municipal growth, and planning and overall quality of life.

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

- A practical difficulty has not been established. Without the variance, the applicant is not denied reasonable use of the property. The existing 30 acre parcel contains a single family dwelling constructed in 2018.

- The plight is directly attributed to the landowner and is not unique to the physical circumstances of the property.
- The proposal will alter the essential character of the locality. There are no other quarter-quarters within the area that have exceeded the density standard.

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

- The plight is directly attributed to the landowner's desire to split the existing 30 acre parcel and to create another building site that would contain 10 acres.
- The applicant is not denied reasonable use of the 30 acre parcel. The parcel contains a single family dwelling built in 2018 and is located within a heavily wooded natural environment area.

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

- The proposed construction of the additional dwelling within the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ would alter the essential character of the locality. There are no other quarter-quarters within the area that have exceeded the density standard.

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

- The practical difficulty does not appear to include additional factors in support of a variance.

**Applicants/Property Owners:
John Stenson/Stenson Living Trust**

PLN21-41

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial
ATTACHMENT D	Survey
ATTACHMENT E	Access Permit
ATTACHMENT F	Applicant Questionnaire Project Description
ATTACHMENT G	Applicant Questionnaire
ATTACHMENT H	Applicant House Plans
ATTACHMENT I	Neighbor Notification List
ATTACHMENT J	Criteria for a Variance



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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$446.00

Map#: 0829200012

Parcel#

Permit#: [PLN21-00041](#)

Date: November 18, 2021

Applicant: Stenson Living Trust, , St Peter MN 56082

Phone: 507-740-0657

Owner: Stenson Living Trust, St Peter MN 56082

Property Address: 35222 382nd St, Saint Peter MN 56082

Abbreviated Legal Description:

Township: Lake Prairie

Record Type: Variance

Category: Other

Project Description: Seek relief from section 603.2(10) to allow the construction of an additional single family dwelling within the NE 1/4 of the NE 1/4, Section 29 Township 111 Range 26, Lake Prairie Township. Exceeding the density standard of one new dwelling per quarter-quarter on lots recorded after January 2, 1996 that meet minimum lot size requirements in section 603.4 Section 503 and 603.2 (10)

Hearing Date: 12/20/2021

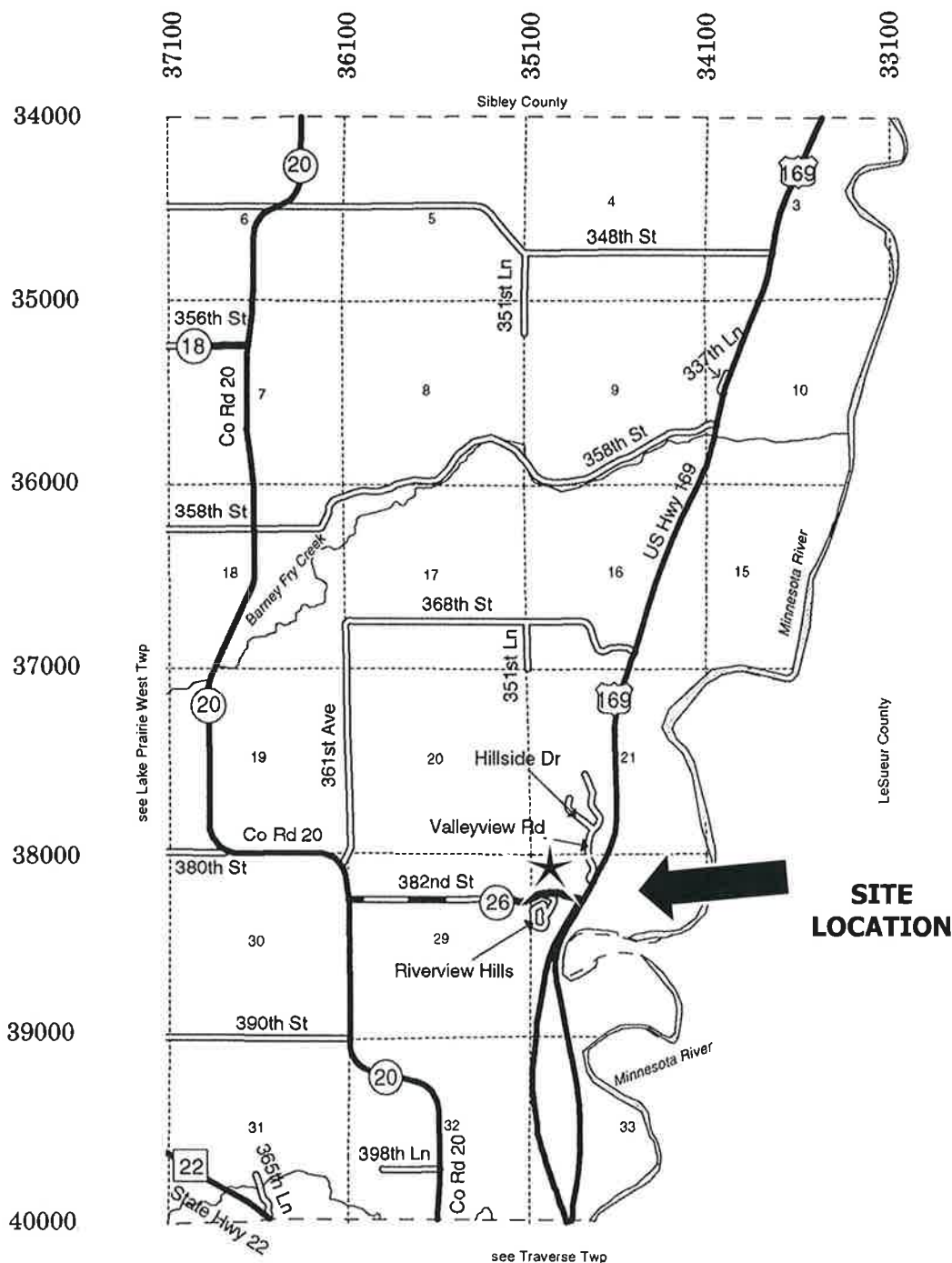


APPLICANT SIGNATURE

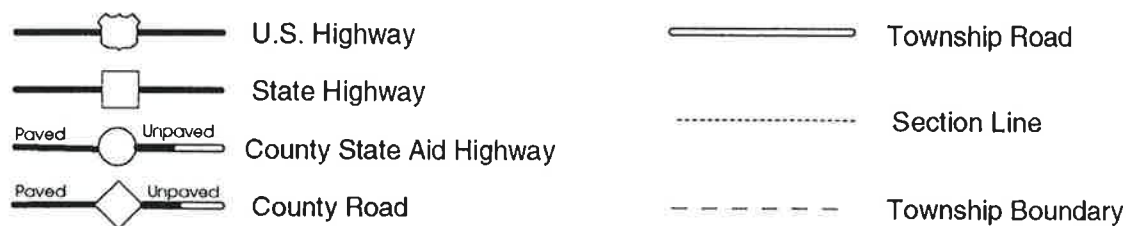
11-18-2021
DATE

Attachment A
Application

T-111-N R-26-W

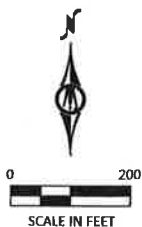
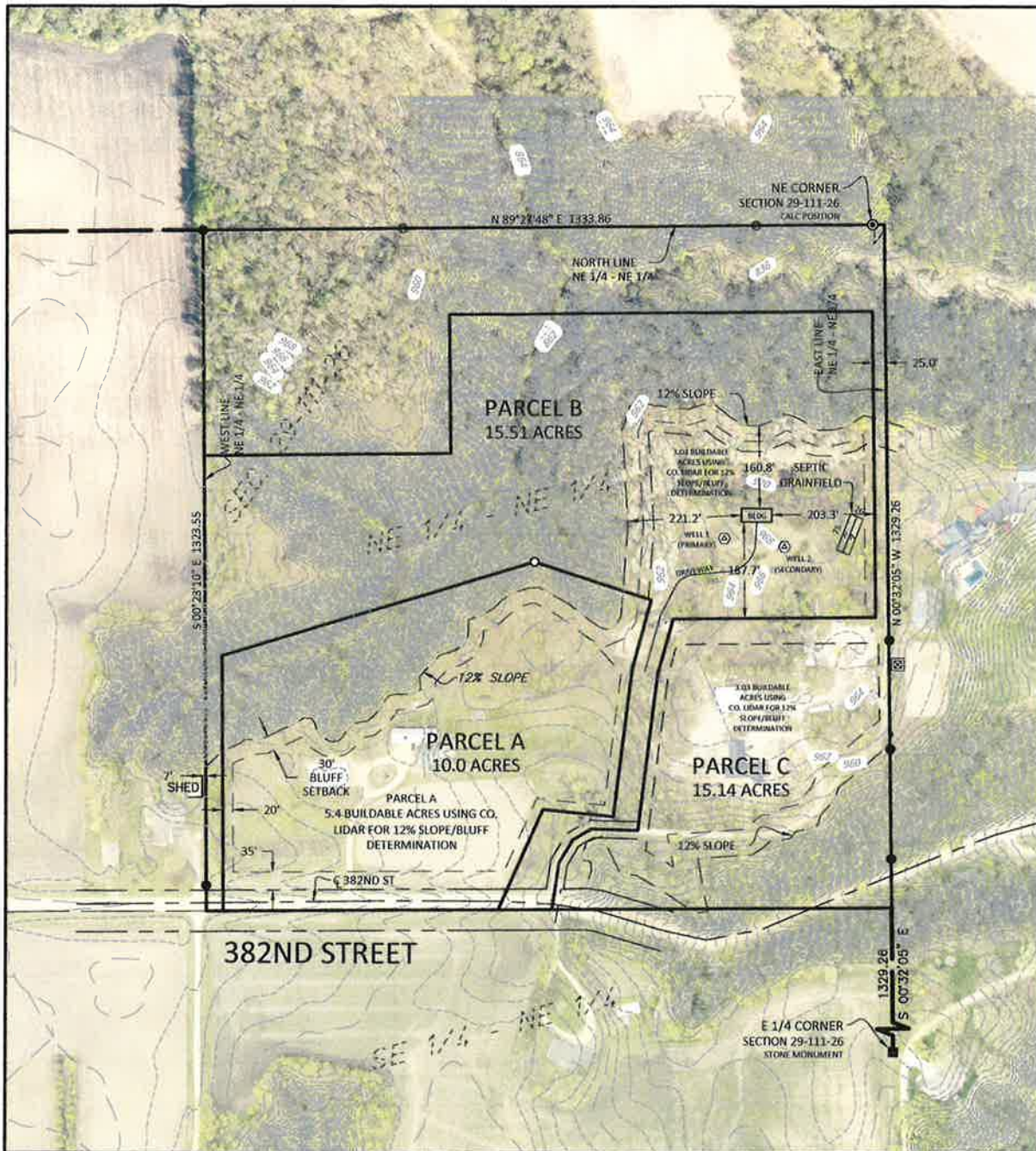


Attachment B Location Map



Proposed Location

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. 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.



LEGEND

- 3/4" IRON PIPE MONUMENT SET
MARKED BY LIC. NO. 46564
- MONUMENT FOUND
- ⊕ WELL
- ▭ SEPTIC SITE

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

11/18/2021
Date

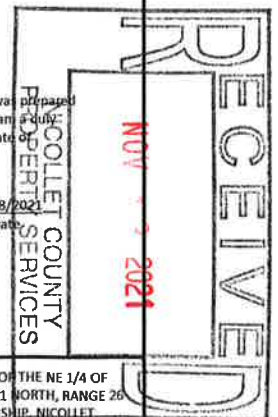


EXHIBIT SKETCH
LAKE PRAIRIE TOWNSHIP, NICOLLET COUNTY, MINNESOTA



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

THAT PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWNSHIP 111 NORTH, RANGE 26 WEST, LAKE PRAIRIE TOWNSHIP, NICOLLET COUNTY, MINNESOTA FOR: JOHN STENSON

S08125628

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H:\STENSOJO_PR\0M3125628\CAD\C30\125628_V_PROP_N1.dwg 11/18/2021 1:46 PM

JOB NUMBER: 0M3.125628 FIELD BOOK: SEE FILE

DRAWN BY: JLA

2.0 S29-T111N-R26W

Nicollet County Highway Department
1700 Sunrise Drive St. Peter, MN 56082
Phone 507-931-1760 Fax 507-931-6978
Application for Access Driveway Permit #A21-10

Name of Applicant John Stenson
Address 35222 382nd Street, Saint Peter, MN
Phone 507-740-0657
Name of Property Owner The Stenson Living Trust
Address 35222 382nd Street MN 56082
Phone 507-740-0657
Road Number 382nd Street Township Lake Prairie Twnshp
Section 29, 111, Range 026
Location/description of proposed driveway

~~There is a present driveway.~~ I need a driveway permit for access to a new home build, for a variance application.

Number of present driveways to the property 1
Date proposed driveway will be needed 2022

I, the undersigned, shall indemnify & save harmless the County of Nicollet, its officers & employees from all suits, actions & claims of any character brought because of injuries or damages received or sustained by any person, persons or property on account of the operations of said driveway construction, or on account of or in consequence of any neglect in safeguarding the work; the work, operations or activities being inclusive of, but not limited to the construction of this driveway culvert & the construction of the driveway.

I, the undersigned, herewith make application for permission to construct the above access driveway in conformance with the below requirements of Nicollet County, as well as, any special provisions included in the permit. It is agreed that no work will be started until the permit is issued & that all work will be done to the satisfaction of the Nicollet County Highway Engineer.


Signature of Applicant

11-14-2021
Date

AUTHORIZATION NOT COMPLETE UNTIL SIGNED BY COUNTY ENGINEER

1. No work under this application is to be started until application is approved & the permit issued.
2. Where work on traveled roadway is necessary, traffic must be protected; flags, flares & proper barricades must be placed in accordance with the standards of the MN Dept. of Transportation.
3. No foreign material such as dirt, gravel or bituminous material shall be left or deposited on the road during the construction of driveway or installation of drainage facilities.
4. Roadside must be cleaned up after work is completed.
5. After driveway construction is completed, the permit holder shall notify the County Engineer's office that the work has been completed & is ready for final inspection & approval by the County Highway Department.
6. No changes or alterations in entrances may be made at any time without written permission from the County.
7. Driveway fill slopes shall be constructed 4:1 (4' horizontal to 1' vertical) where existing roadside slopes are 4:1 or better & shall be hand finished & seeded.
8. Driveways shall be so constructed as to slope down & away from the shoulder line of the county highway for a distance of at least 15 feet with a fall of at least 3 inches but not more than 6 inches.
9. Special provisions Applicant is permitted to use the existing access as noted on the attached aerial photos. This permit does not allow any modifications to the existing driveway.

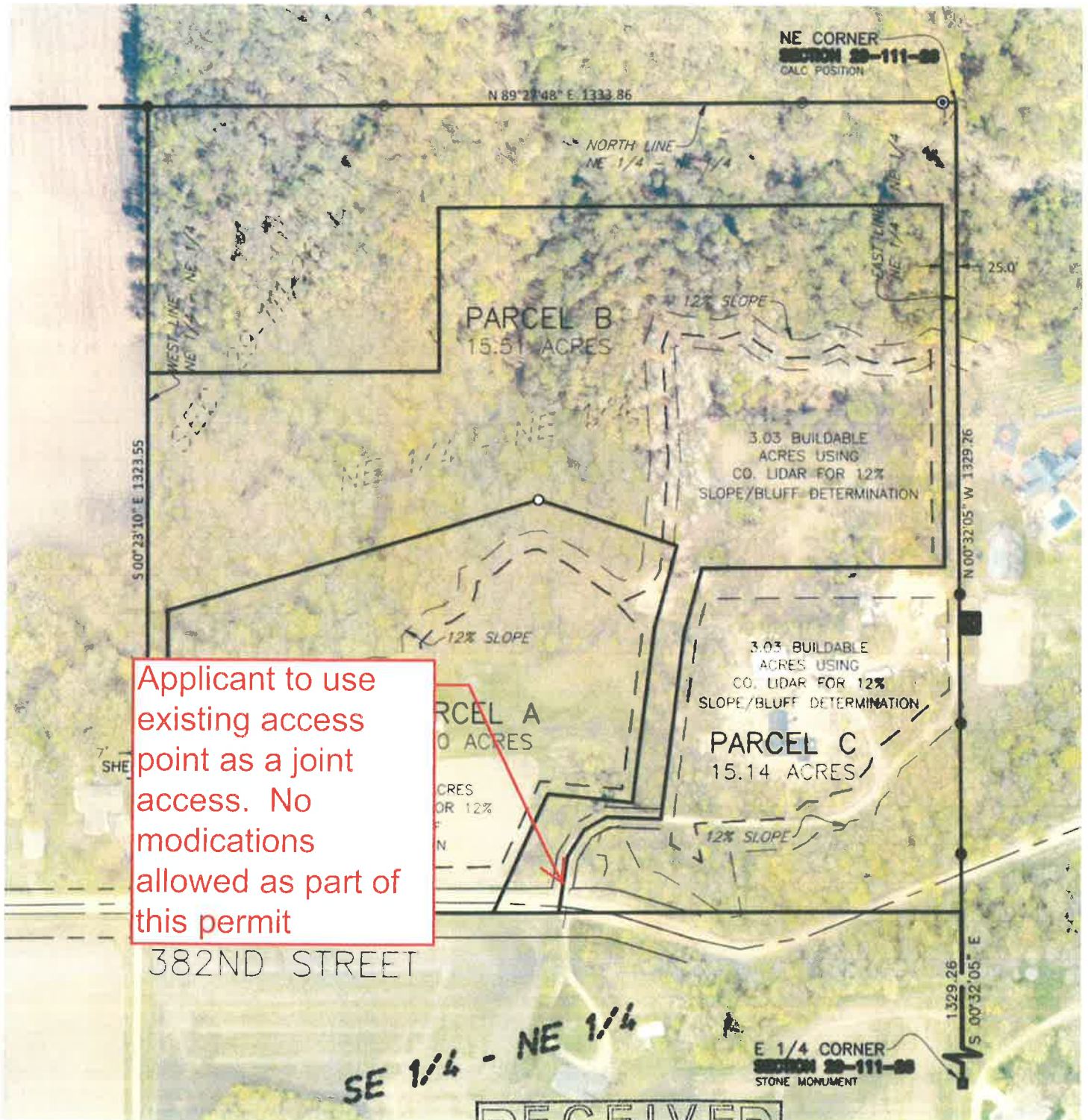
THIS APPLICATION MAY BE DENIED DUE TO SAFETY CONSIDERATIONS, SUCH AS, POOR SIGHT DISTANCE OR POOR SLOPE TO THE SHOULDER LINE.

All work to be completed by N/A Applicant to purchase _____ x _____ culvert
aprons & _____ hands. \$ N/A

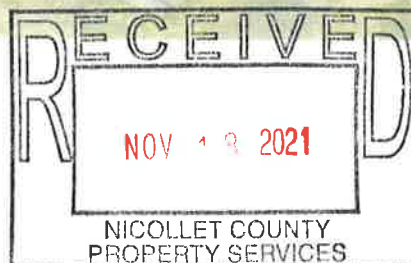


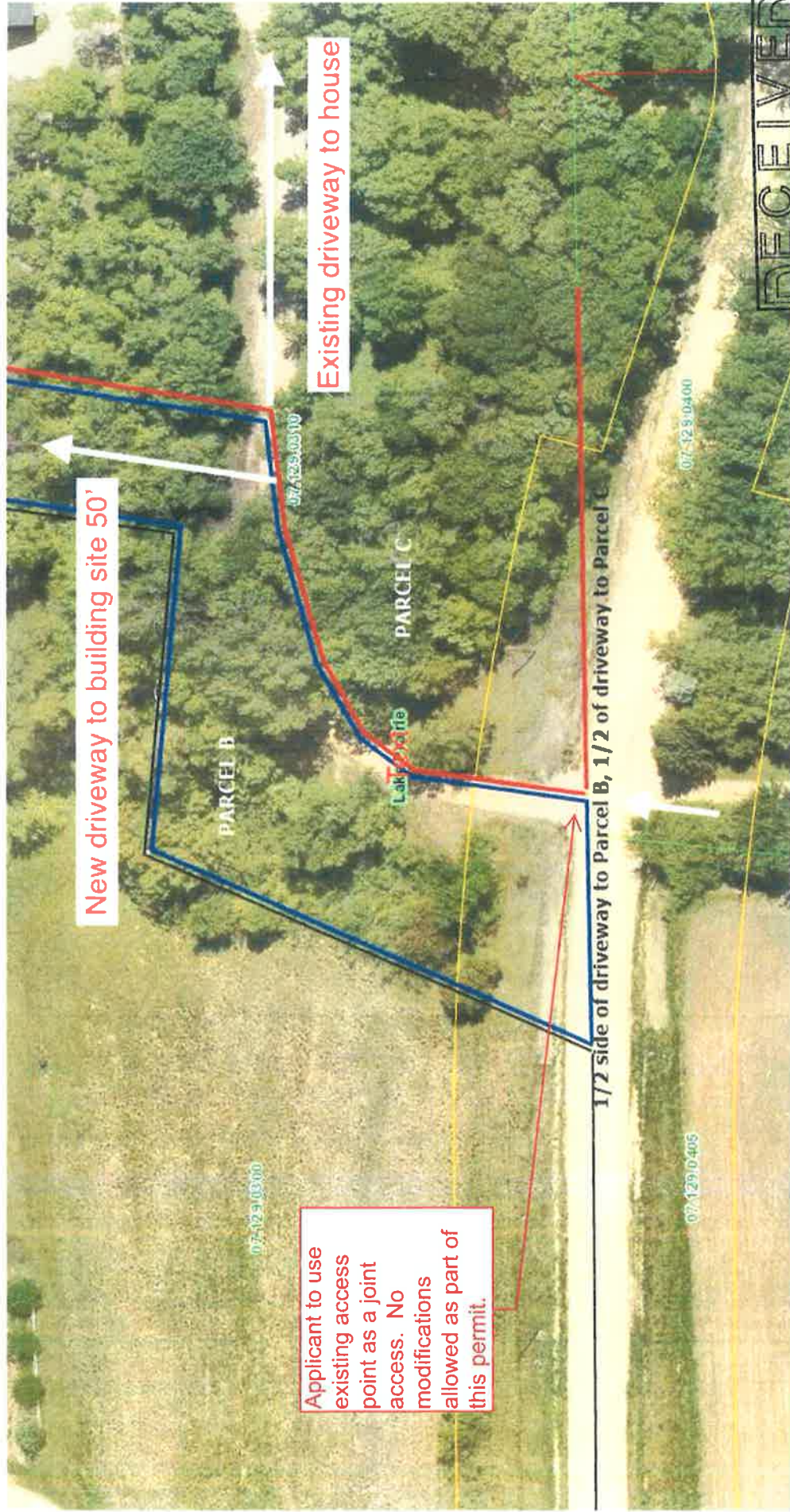
County Highway Engineer: 

Attachment E
Access Permit



Applicant to use
existing access
point as a joint
access. No
modifications
allowed as part of
this permit





Applicant to use existing access point as a joint access. No modifications allowed as part of this permit.

New driveway to building site 50'

Existing driveway to house

1/2 side of driveway to Parcel B, 1/2 of driveway to Parcel C

RECEIVED

NOV 18 2021

NICOLLET COUNTY
PROPERTY SERVICES



VARIANCE APPLICANT QUESTIONNAIRE PROJECT DESCRIPTION

Name of Applicant: John Stenson Date: 11-18-2021

Our family is seeking a variance to Section 603.2 (10) of the NCZO (the density standard). Since the passing of my father in August 2021, it has become an unnecessary burden of stress for our family to maintain such a large home. We feel it is necessary for our family to build a safer, smaller, more efficient, practical patio home to promote a high quality of life for our future, here in Nicollet County.

Resulting in a successful variance application, a new 15 acre lot will be created from the existing 30 acres, with the opportunity to design and construct a new dwelling located within the 3 acre buildable lot. We will be using the same architect to maintain a design harmony with previous (2) house builds on the original 40 acres.

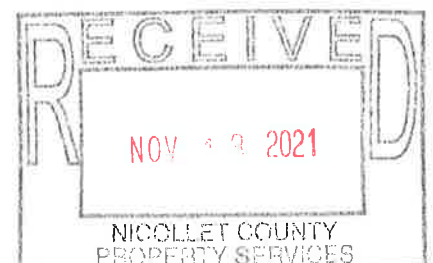
After studying the goals and policies of the Comprehensive Plan. It is evident that the variance application procedure allows an opportunity for the County to fulfill the goals of the Comprehensive Plan and act in a manner in which all involved parties would benefit. Because our family has met the requirements of the application process, we feel it is within the power of the County to grant a variance.

If all requirements, fees, and plans are accepted and a variance granted; we understand that we will be held to the plans and specifications submitted to the County with our application.

Your time and consideration is appreciated.

Sincerely,

John Stenson



VARIANCE APPLICANT QUESTIONNAIRE

Name of Applicant: John Stenson Date: 11-18-21

Request: Variance to Section 603.2 (10) of the NCZO (the density standard)

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?

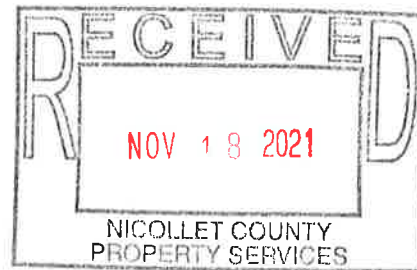
1. The variance is in harmony with the general purposes and intent of the official control.

All requirements have been met and necessary fees paid for the Variance Application to Section 603.2 (10).

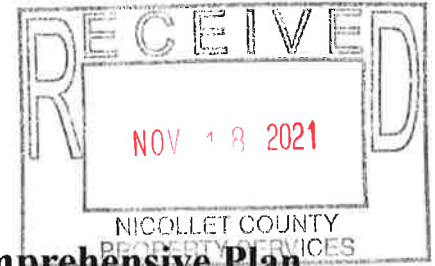
A successful variance application would create a new 15 acre lot (LOT B) with a 3 acre buildable lot area from the existing 30 acres. The remaining 15 acres will be paired with LOT C and the current home at 35222 382nd St.

The variance is in harmony with the general purposes and intent of the official control because:

1. LOT B will have 15 acres (min 10 acres)
2. 3 acre buildable lot area (min 2 acres)
3. 50' setbacks from 12% grade (min 30')
4. 100' road access/setback (min 66')
5. Nicollet Country Road Authority has confirmed Permit for Road Access



6. St. Peter Well has confirmed Primary and Secondary Septic/Drainfield locations
7. St. Peter Well has confirmed Well location
8. Benco Power has confirmed New Power Box location and Power Line upgrades
9. Bolten & Menk has confirmed Drafting Sketches and will proceed with in field updates
10. All necessary fees have been paid



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

A successful variance would achieve these goals from the Comprehensive Plan.

Chapter 3: Goals and Policies p.28-32

- Promote the development of a housing stock that meets the needs of residents and is in areas that support the growth goals of the county and municipalities.
- Utilize policies and regulations that provide opportunities for future development that meets the needs of county residents and protects existing investments.

A granted variance would be in line with policies of the Comprehensive Plan.

- The county will guide residential development to areas within the county that can adequately support the proposed density and development types, while providing access to utility and transportation infrastructure and limiting impacts to county and municipal resources.

The Comprehensive Land Use Plan Intent Statement should also be considered.

- Nicollet County is a community built from its agricultural heritage, sense of place, and cooperative spirit that will be forward thinking while planning for the future. The county will lead efforts to be sustainable, inviting, and proactive as it works with residents and stakeholders to guide development. Nicollet County will work to preserve infrastructure, the natural environment, and access to a high quality of life through thoughtful planning and innovative actions for the benefit of all residents, current and future.

We have the necessary resources and experience to accomplish the goal of creating a high quality development. This would improve our independent high quality of life in the countryside of Lake Prairie Township.

The submitted application meets the requirements and would be consistent with the intent of the Comprehensive Plan.

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

We are seeking a variance to Section 603.2 (10) of the NCZO (the density standard). Since the passing of my father Thomas Stenson, our current living situation is not practical and a smaller more efficient home would be a benefit to our quality of life. A variance would allow the county to fulfill the goals of the Comprehensive Plan to create future development opportunities and encourage high quality development that serves as an asset to the county and its residents. A safer, smaller, more efficient and practical patio home would be a benefit to our family and become a quality long term asset to the community.

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

Our family feels that the plight of the landowner is unique to the property. Most of the Conservancy zoned land in Nicollet Country is not suitable for agriculture because of deep ravines. Our property is unique because of the 3 acre buildable lot. A variance for Section 603.2 (10) would allow a new dwelling to be constructed on that 3 acre buildable lot. We have meet the requirements for the allowance of a variance. We feel the variance application process provides a case by case opportunity for the County to consider the goals and policies put forth by Comprehensive Plan and how they would apply to this case.



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

If granted, a variance will NOT alter the essential character of the locality. We will be using the same architect as previous homes to maintain overall design and harmony of nearby homes. The location of a new eco-friendly patio home would be

almost impossible to see through the trees and would not affect or interrupt views from neighboring homes.

The proposed building area on LOT B is located on one of the largest non-bluff/non-ravine areas that are zoned conservancy(3 acres). The natural beauty of this location will not be affected negatively. Ideas for natural conservation: planting of local prairie grasses, removal of invasive species (buckthorn, bittersweet), forestry maintenance (firewood). Setbacks from 12% bluff areas are at 50 feet for the proposed buildable area.

It is our feeling that a variance would create a high quality development opportunity for this area, while maintaining the natural character and harmony of the surrounding land.

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

Our family planned to live in our current home for the next 10-15 years when it was finished in 2019. My father passed away in August 2021. It was a wish of his for me to try for a variance, with the hope of building a safer, smaller, more efficient and practical patio home for our family.

Because our family has met the requirements of the variance application process, we feel it is within the power of the County to grant a variance.

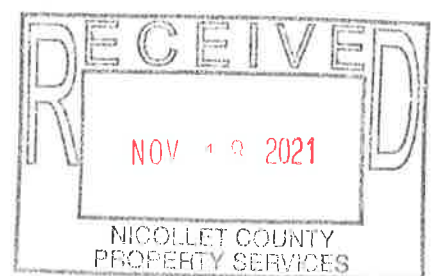
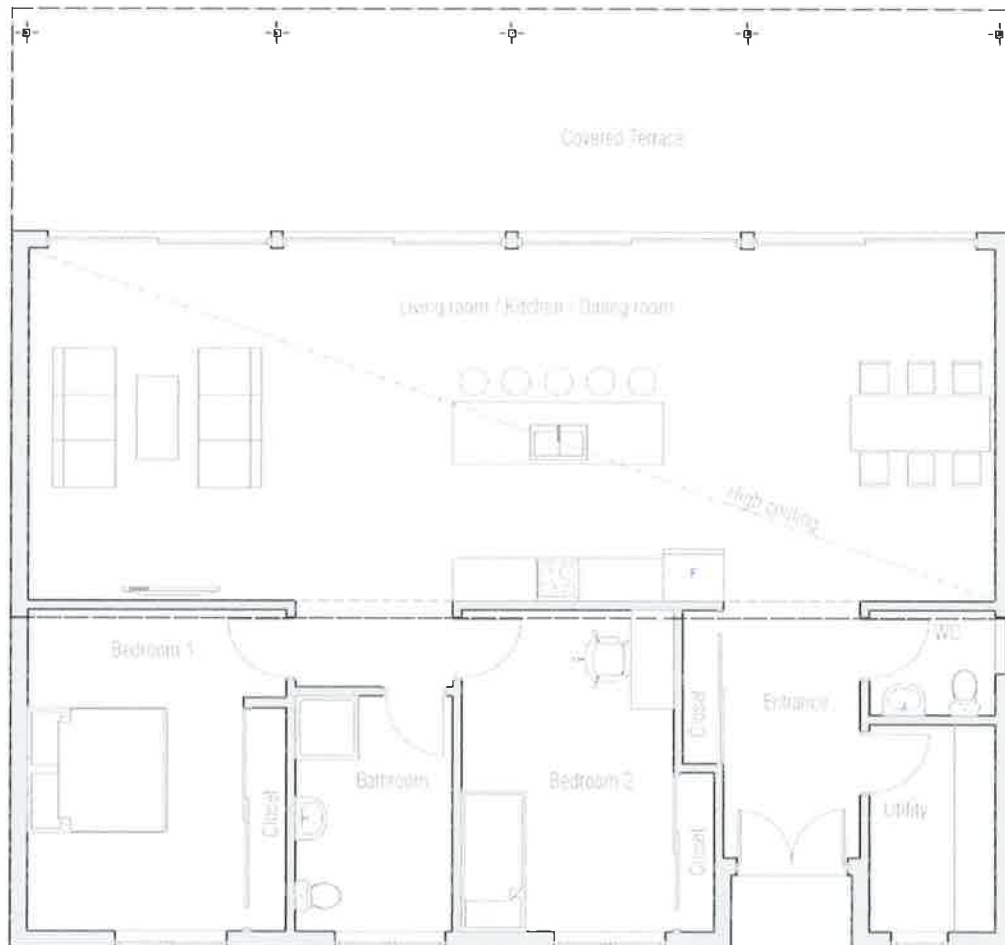
ALL SIX VARIANCE CRITERIA MUST BE MET IN ORDER FOR THE REQUEST TO BE APPROVED.





Attachment H
Applicant House Plans





LUTZ JANICE L
35352 382ND ST
SAINT PETER MN 56082

STRUCK LYDELL K & JOY A
35351 382ND ST
SAINT PETER MN 56082

RIVERLAND LLC
6216 SHAMROCK DR
MADISON LAKE MN 56063

SANNES MICHAEL & STACY
35219 382ND ST
SAINT PETER MN 56082

HIGH POINT FARMS LLC
6216 SHAMROCK DR
MADISON LAKE MN 56063

BOYUM HEIDI L TRUST
37980 VALLEY VIEW RD
SAINT PETER MN 56082

DEPUYDT KENNETH J
38241 RIVERVIEW HLS
SAINT PETER MN 56082

DALY JOSEPHINE T & DENIS J
38467 RIVERVIEW HILLS
SAINT PETER MN 56082

G & J RODNING FAMILY TRUST
38450 RIVERVIEW HILLS
SAINT PETER MN 56082

ROSBURG THOMAS L & TAMMY J
38408 RIVERVIEW HLS
SAINT PETER MN 56082-1661

UHLER CHARLES T & MELODY A
38371 RIVERVIEW HILLS DR
SAINT PETER MN 56082

MUNSEN DAVID H & TAMY L
38325 RIVERVIEW HILLS
SAINT PETER MN 56082

MELVIN MICHAEL W & TABITHA S
38321 RIVERVIEW HILLS
SAINT PETER MN 56082

HELDKE LISA M
38275 RIVERVIEW HLS
SAINT PETER MN 56082

RIVERVIEW HILLS MEMB ASSN
38371 RIVERVIEW HLS
SAINT PETER MN 56082

LAGER JESSE C & CARRIE K
37517 375TH AVE
SAINT PETER MN 56082

STATE OF MINNESOTA
MAIL STATION 3340
SAINT PAUL MN 55146

ROLOFF ROBERT J & LINDAL Y
37808 HILLSIDE DR
SAINT PETER MN 56082

NORTH WATER WELL ASSN
37699 HILLSIDE DR
SAINT PETER MN 56082

Lake Prairie Township Clerk
Karen Brankamp
33952 348th St
Le Sueur, MN 56058



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

Name of Applicant/ John Stenson
Property Owner: Stenson Living Trust

Date: December 20, 2021

File #: PLN21-41

Variance Requested: To allow the construction of an additional single family dwelling within the Northeast ¼ of the Northeast ¼, Section 29-111-26. Exceeding the density standard of one new dwelling per quarter-quarter on lots recorded after January 2, 1996 that meet minimum lot size requirements

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 J
Criteria for a Variance

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: _____

12/8/2021 - 2:40 PM



Permit Form

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
BLD21-00253	Renewable Energy Permit	Installation of a Small Solar Energy System. Max capacity 38.5 KW(AC) Ground Mounted 168 collectors 5 inverters. See submitted attachments	46454 370TH ST NICOLLET, MN 56074	ANTHONY PETER
BLD21-00254	Structure Permit	Construct a 80'x132' Pole Shed for farm storage	35389 575TH LN LAFAYETTE, MN 56054	PLATZ BRUCE R
BLD21-00255	SSTS Permit	Install 1500 gallon holding tank for RV	49619 443RD AVE N MANKATO, MN 56003	COX ADAM LEO
BLD21-00256	SSTS Permit	Replace septic system for a 4 bedroom house. New Tanks and New Mound soil treatment area. Old tank must be properly abandoned/	50464 506TH ST COURTLAND, MN 56021	HUFFER CAROLYN TRUST
BLD21-00257	Structure Permit	Construct a 700 sq foot open shed with fiberglass hoop style roof for personal storage, dirt floor.	60950 FORT RD NEW ULM, MN 56073	HILLESHEIM JEREMY R AND STACEY L HILLESHEIM
BLD21-00258	SSTS Permit	New Septic system for a new 4 bedroom house. Must be out of the floodplain elevation of 757'. Site only requires 1 septic location due to age of parcel	0	LEONARD DAVID C REVOCABLE TRUST
BLD21-00259	Sign Permit	Installation of temporary signage due to the HWY 14 construction. Sign will be mounted on stand alone posts. Sign must be removed within 45 days after the full closure of Hwy 14. Applicant must apply for new permanent sign if a sign is desired to be installed after the HWY 14 construction is complete.	45638 561ST AVE NEW ULM, MN 56073	MN VALLEY LUTH HIGH SCHOOL & ASSN
BLD21-00260	Structure Permit	After the Fact permit to construct a 5x16 house addition to the south, a 26x26 attached garage to the north of the existing garage and a 10x24 covered porch attached to the existing garage. Total of 996 Sq Ft of addition. Project cost \$137,100.00 Remodel of house to become a 4 bedroom house. New septic system installation required within 1 year of this permit issuance. Setbacks reduced by Variance PLN21-00032	62208 COUNTY ROAD 21 NEW ULM, MN 56073	GIESEKE PATRICK E & SHANA E GIESEKE
BLD21-00261	Structure Permit	Construct a new 18x24 detached shed for personal storage. Concrete Floor. No Plumbing. No heat at this time	50833 BIRCH BLUFF DR N MANKATO, MN 56003	DUEHLMAYER RONALD L & LORI J DUEHLMAYER