

Nicollet County Board of Adjustment and Appeals



January 24, 2022
7:00 PM

Doors Open at 6:45 PM

County Board Room, Nicollet County Government Center, 501 South Minnesota Avenue, Saint Peter MN 56082

1. Call to Order
2. Roll Call
3. Election of Officers
4. Review of Cancellations and Additions
5. Approval of Minutes: December 20, 2021
6. Approval of Findings of Fact: December 20, 2021
 - **PLN21-40, Carlblom**
 - **PLN21-41, Stenson/Stenson Living Trust**
7. Public Appearances
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

DECEMBER 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	County Administrator Mandy Landkamer ☒				
	Assistant County Attorney (ACA) Megan E. Gaudette Coryell ☒				
	Other Staff: Pete Otterness, Assistant PPSD Director				

REVIEW OF CANCELLATIONS & ADDITIONS		None.			
MOTION TO APPROVE MINUTES OF NOVEMBER 15, 2021		APPROVE ☒		APPROVE WITH REVISIONS ☐	
1ST	David Wendinger ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☒
2ND	David Wendinger ☐ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐	VOTE: 5-0	

PUBLIC HEARINGS:

Torrey and Julie Carlbom PLN21-40 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.

APPLICANT COMMENT	Mr. Carlbom appeared on his behalf and had no additional comments.	
PUBLIC COMMENT	None.	
PUBLIC TESTIMONY	None.	
PUBLIC PARTICIPATION	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	Board Members Laven, Ubel, and Regenscheid commented on the R-1 structure setbacks and the application of the setbacks in relation to the dwelling location.				
VOTE	PASS ☒		FAIL ☐	VOTE: 5-0	

John Stenson/Stenson Living Trust PLN21-41 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.

APPLICANT COMMENT	Mr. John Stenson appeared on his own behalf and shared with the Board his family's plans to build another dwelling.				
PUBLIC COMMENT	Mr. Michael Sannes commented he supported the Stenson request and lives across the road from the proposed location.				
PUBLIC TESTIMONY	None.				
PUBLIC PARTICIPATION	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	Board Members Ubel and Laven commented with concern about future requests of this nature. Board Members Laven, Regenscheid, and Ubel inquired about the 1/4-1/4 standard, transfer of developmental rights, and the proposed parcels.				
VOTE	PASS ☒		FAIL ☐	VOTE: 5-0	

OLD BUSINESS	None.				
OTHER BUSINESS	None.				
REVIEW OF ADMINISTRATIVE VARIANCES	None.				
COMMUNICATIONS	Administrator Landkamer congratulated David Wendinger for reaching his maximum term limits and thanked him for his service over the last 9 years. Administrator Landkamer also thanked Ron Regenscheid for his service over the last two years. Mr. Regenscheid resigned his position, effective following the adjournment of the meeting.				
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: 5-0	

DAVID WENDINGER, CHAIR		DATE	
MANDY LANDKAMER, COUNTY ADMINISTRATOR		DATE	



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	☒	☐	☐	☐	The accessory building setback is designed to create a uniform character within the residential district, however there are no other options for an accessory structure on the property. The request will result in a 67% setback reduction although there is no other location on the property considering the existing house.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The proposal supports the conservation of natural resources by attempting to minimize impacts to the bluff.
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	☒	☐	☐	☐	There is not sufficient room to locate the structure to the west of the dwelling and meet the required standards and setbacks. The dwelling is located within the northeast corner of the property creating the large front yard standard.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The plight is created by the location of the dwelling, the applicable two front yard standards, and the slope of the property.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The area is zoned R-1 and there are other dwellings and accessory structures located in the area.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
David Wendinger	☒	☐	☐	☐	The request is based on the existing dwelling location and topography of the property.
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/ 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	☒	☐	☐	☐	This will be the last constructible property in the 1/4 - 1/4 due to the minimum lot size of the Conservancy zoning district.
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 request will minimize impacts to natural and agricultural resources.
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	☒	☐	☐	☐	There will be no additional building in this 1/4 – 1/4 due to the minimize lot size of the Conservancy zoning district.
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	WHY:
David Wendinger	☒	☐	☐	☐	The area proposed has at least 2.0 acres to contain two septic system sites and meet the setbacks and standards for a dwelling.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Wendinger	☒	☐	☐	☐	The area will remain conservancy and natural environment in nature.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Wendinger	☒	☐	☐	☐	This request will help the county tax base and strengthen the infrastructure in the area.
David Hermanson	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	

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