

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: May 16, 2022

Time: 7:00 p.m. (doors open at 6:45)

Location: Nicollet County Board Room, 501 S. Minnesota Ave., St. Peter, MN

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 Pete Otterness, Property & Public Services Assistant Director, at 507-934-7070, or pete.otterness@co.nicollet.mn.us

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: *April 18, 2022*
5. Public Appearances
6. **PUBLIC HEARING: PLN 22-06**

Applicant: Brian & Donna Dose

Landowner: Brian & Donna Dose

Request: Reduction of the bluff setback to 10.8 feet for the purpose of constructing a home addition

Location: Southeast ¼ of the Southeast ¼ of Section 15-111-32 in Ridgely Township

Parcel Number: 11.115.1000

7. Old Business
8. Other Business
9. Communications
10. Adjourn

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse

Core Values

Leadership. Integrity.
Accountability.
Efficiency. Innovation.



Board of Adjustment & Appeals

MINUTES

APRIL 18, 2022

7:00 PM

NICOLLET COUNTY BOARD
ROOM

BOARD MEMBERS	Justin Laven ☒ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Dave Ubel ☒	Lloyd Hoffmann ☒	
ABSENT EXCUSED	Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☐	
ABSENT	Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☐	
STAFF PRESENT	Property & Public Services Assistant Director, Pete Otterness ☒				
	Deputy Zoning Administrator (DZA) Spencer Crawford ☒				
	Assistant County Attorney (ACA) Megan E. Gaudette Coryell ☐				
	Other Staff: ☐				

REVIEW OF CANCELLATIONS & ADDITIONS	None.
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MOTION TO APPROVE MINUTES OF DECEMBER 20, 2021		APPROVE ☒		APPROVE WITH REVISIONS ☐	
1ST	Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☒	Lloyd Hoffmann ☐	
2ND	Justin Laven ☐ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☐	
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐	VOTE: 4-0	

MOTION TO APPROVE MINUTES OF JANUARY 24, 2022		APPROVE ☒		APPROVE WITH REVISIONS ☐	
1ST	Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☒	Lloyd Hoffmann ☐	
2ND	Justin Laven ☐ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☐	
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐	VOTE: 4-0	

MOTION TO APPROVE MINUTES OF MARCH 21, 2022		APPROVE ☒		APPROVE WITH REVISIONS ☐	
1 ST	Justin Laven ☐ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☐	
2 ND	Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☒	
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐	VOTE: 4-0	

VOTE TO ADOPT FINDINGS, PLN22-02 FREIER		APPROVE ☒		APPROVE WITH REVISIONS ☐	
1 ST	Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☒	Lloyd Hoffmann ☐	
2 ND	Justin Laven ☐ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☐	
VOTE TO ADOPT FINDINGS		PASS ☒	FAIL ☐	VOTE: 4-0	

PUBLIC APPEARANCES		None.			
OLD BUSINESS		None.			
OTHER BUSINESS		None.			
COMMUNICATIONS		Vice Chair Hermanson asked staff why the findings of fact are approved a month after the hearing for a variance. Property & Public Services Assistant Director Pete Otterness explained that it used to be done that way, but it was changed to give staff time to create the findings of fact document.			
MOTION TO ADJOURN					
1 ST	Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☒	Lloyd Hoffmann ☐	
2 ND	Justin Laven ☐ <i>Chair</i>	David Hermanson ☒ <i>Vice Chair</i>	Dave Ubel ☐	Lloyd Hoffmann ☐	
VOTE TO ADJOURN		PASS ☒	FAIL ☐	VOTE: 4-0	

JUSTIN LAVEN, CHAIR		DATE	
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	



VARIANCE

TO REDUCE THE BLUFF SETBACK TO 10.8 FEET IN THE CONSERVANCY ZONING DISTRICT

Brian & Donna Dose

PLN22-06

NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS

SUBJECT:	Variance PLN22-006
APPLICANT:	Brian & Donna Dose
LANDOWNER:	Brian & Donna Dose
LOCATION:	Part of the East ½ of the Southeast ¼, Section 15-111-32 in Ridgely Township
PARCEL NO:	11.115.1000
EXISTING ZONING:	Conservancy
HEARING DATE:	May 16 th , 2022

REQUEST

Brian & Donna Dose have submitted a variance request to reduce the bluff setback in the Conservancy District to 10.8 feet for the purpose of constructing a residential addition.

COUNTY STANDARDS

Nicollet County Zoning Ordinance 603.4(5)A *Bluffline* states:

For any structure, or excavation for a structure, but not for onsite sewage treatment systems, thirty (30) foot setback.

PROJECT DESCRIPTION

The proposal consists of a 16' x 24' home addition on the western side of the house, with an L-shaped deck wrapping around the Southwestern corner of the existing home. The deck would allow for ingress and egress out of the front door, as there is currently a three foot drop with no stairs. The additions are on the flattest area of the property, but still within the 30' bluff setback in the North, West, and South. The existing home is also within the bluff setback.

EXISTING LAND USE

The 12 acre lot is zoned Conservancy and contains a single family home with an attached garage. The property is covered by a northern sloping forested bluff with a large garden adjacent to the road and driveway.

SURROUNDING LAND USE

The property sits on a mostly undeveloped strip of bluff surrounded by farm fields, with some residential homes to the east. The Minnesota River and its associated floodplain is south across County Road 21.

SOIL SITE INFORMATION

Clarion-Storden-Pilot Grove complex

- Slope: 6 to 10%
- 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 47 to 63 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Available water supply, 0 to 60 inches: High (about 10.8 inches)

Belview-Omsrud Complex

- Slope: 22 to 40 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: More than 80 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 11.1 inches)

SITE REVIEW

A review of the site was completed by Property Services staff on April 27th, 2022. Staff observed the proposed construction area and took pictures.

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 bluff setback in the Conservancy District is to prevent slumping and improve slope stability.
- The request would result in a 64% reduction to the 30 foot bluff 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 a variance, the applicant is not denied reasonable use of the property (e.g., for use as a dwelling site).
- There is no legal place to construct a home addition due to close proximity of bluffs on all sides.

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 desire of the landowner to construct an addition to the house on the property. The applicant is not denied reasonable use of the property.
- The landowner has no legal way to place an addition of the proposed size without receiving a variance to Section 603.4(5)A.

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

- The addition will be minimally visible from the road due to tree coverage and topography.
- No other homes or development can be seen from the site of the proposed addition.

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

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.
5. The applicant must obtain an STSS compliance inspection before the zoning permit is issued.

**Applicants/Property Owners:
Brian & Donna Dose**

PLN22-006

ATTACHMENT A	Application
ATTACHMENT B	Variance Criteria
ATTACHMENT C	Location Map
ATTACHMENT D	Aerial Map
ATTACHMENT E	Submitted by Applicant
E 1.	Applicant Questionnaire
E 2.	Survey
ATTACHMENT F	Neighbor Notification List



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

BOARD OF ADJUSTMENT & APPEALS
APPLICATION

Total Fees: \$496.00

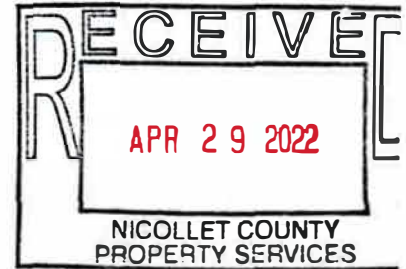
Map#: 0215400004
Parcel# 111151000
Permit#: PLN22-006
Date: April 22, 2022

Applicant: Brian & Donna Dose, , 69194 County Road 21, Fairfax MN 55332
Phone:
Owner: DOSE BRIAN L & DONNA J DOSE, 69194 COUNTY ROAD 21, FAIRFAX MN 55332
Property Address: 69194 COUNTY ROAD 21, FAIRFAX MN 55332
Abbreviated Legal Description: PT OF E 1/2 OF SE 1/4 LYING NLY OF SA 21 ACRES 12.00
Township: Ridgely Township

Record Type: Variance
Category: Bluff
Project Description: Variance to reduce the bluff setback to 10.8 feet.
Hearing Date: 05/16/2022


APPLICANT SIGNATURE

4/26/22
DATE



ATTACHMENT A
Application



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

Name of Applicant/
Property Owner:

Brian & Donna Dose

Date: May 16, 2022

File #: PLN22-06

PC Name:

Variance Requested: Reduce the bluff setback in the Conservancy District to 10.8 feet for the purpose of constructing a residential addition.

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 purposes and intent of the official control.

☐ YES ☐ NO WHY: _____

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

☐ YES ☐ NO WHY: _____

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

☐ YES ☐ NO WHY: _____

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

☐ YES ☐ NO WHY: _____

ATTACHMENT B
Variance Criteria

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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:

- ☐ Laven
- ☐ Hermanson
- ☐ Ubel
- ☐ Hoffmann
- ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Board of Adjustment and Appeals.

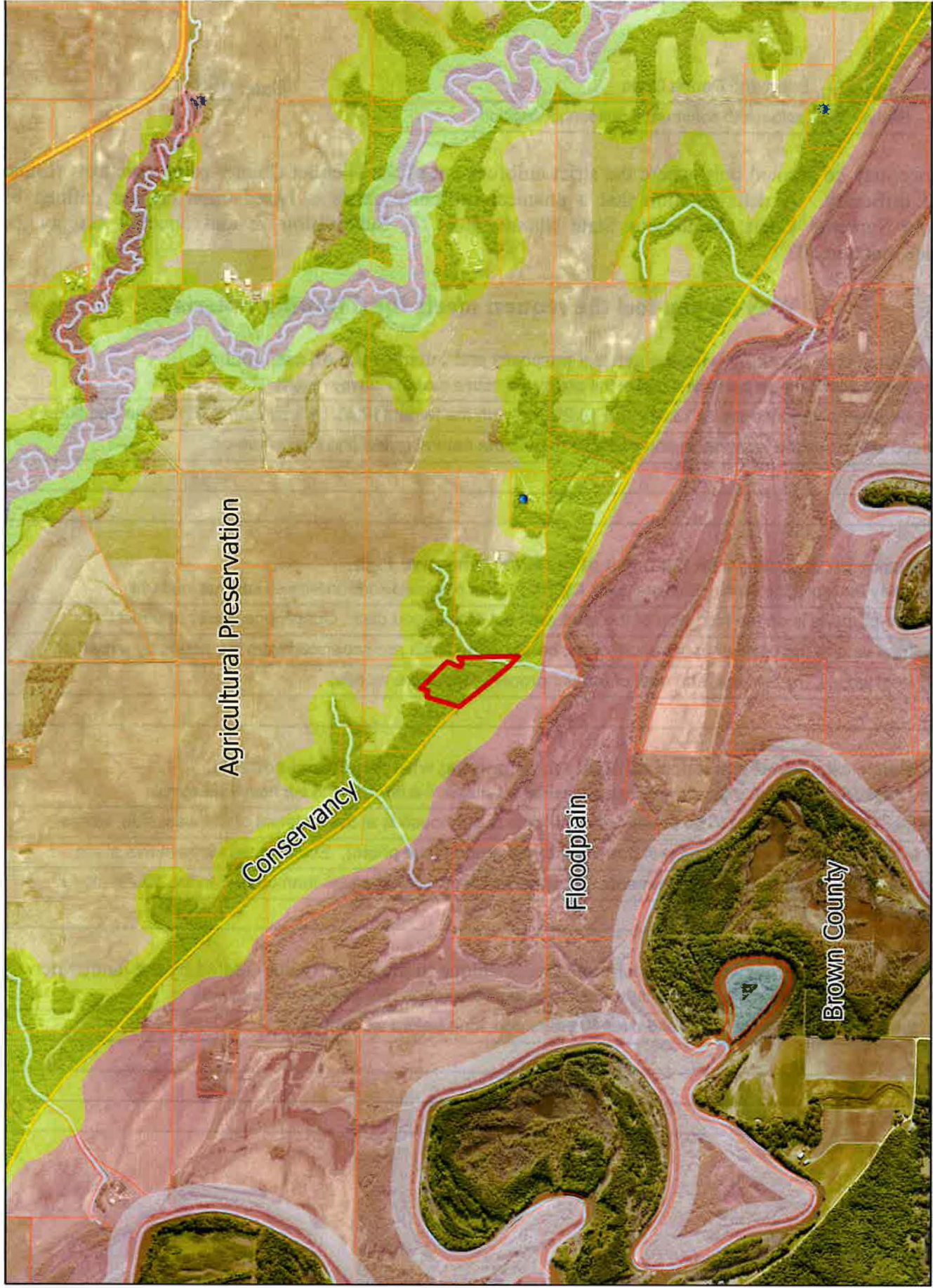
Date: _____ Chair: _____



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ATTACHMENT C **Location Map**



The information shown on this map is for informational purposes only. It is not intended to be used as a legal document. The information shown on this map is based on the best available information at the time of the map's creation. The information shown on this map is not a guarantee of accuracy. The information shown on this map is not a warranty of any kind. The information shown on this map is not a representation of any kind. The information shown on this map is not a statement of any kind. The information shown on this map is not a contract of any kind. The information shown on this map is not a promise of any kind. The information shown on this map is not a claim of any kind. The information shown on this map is not a demand of any kind. The information shown on this map is not a request of any kind. The information shown on this map is not a suggestion of any kind. The information shown on this map is not a recommendation of any kind. The information shown on this map is not a conclusion of any kind. The information shown on this map is not a finding of any kind. The information shown on this map is not a determination of any kind. The information shown on this map is not a decision of any kind. The information shown on this map is not an action of any kind. The information shown on this map is not a result of any kind. The information shown on this map is not a consequence of any kind. The information shown on this map is not a cause of any kind. The information shown on this map is not an effect of any kind. The information shown on this map is not a means of any kind. The information shown on this map is not an end of any kind. The information shown on this map is not a purpose of any kind. The information shown on this map is not a motive of any kind. The information shown on this map is not an object of any kind. The information shown on this map is not a subject of any kind. The information shown on this map is not a matter of any kind. The information shown on this map is not a thing of any kind. The information shown on this map is not a person of any kind. The information shown on this map is not a place of any kind. The information shown on this map is not a time of any kind. The information shown on this map is not a manner of any kind. The information shown on this map is not a method of any kind. The information shown on this map is not a means of any kind. The information shown on this map is not an end of any kind. The information shown on this map is not a purpose of any kind. The information shown on this map is not a motive of any kind. The information shown on this map is not an object of any kind. The information shown on this map is not a subject of any kind. The information shown on this map is not a matter of any kind. The information shown on this map is not a thing of any kind. The information shown on this map is not a person of any kind. The information shown on this map is not a place of any kind. The information shown on this map is not a time of any kind. The information shown on this map is not a manner of any kind. The information shown on this map is not a method of any kind.



ATTACHMENT D Zoning Map

Name of Applicant: Brian and Donna Dose
Request: Reduce bluff setback to construct a residential addition

Date: 4/26/22

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.
Our proposed addition is on the flattest part of the site by the house (see the survey report). The two slopes where we need a variance are at 13.2% and 14.2%, only off the target (12%) by less than 2.25%. The addition as proposed will cause the least disruption possible to both the natural grade and flow of run-off.

2. The variance is consistent with the intent of the Comprehensive Plan.
Our property lies along the scenic "Bottom Road," Cty Rd 21. Our proposed addition fits well into that land use. The entire property is on the high side of the road, well out of the flood plain. Our proposal will not affect the agricultural land to the north or to the south of us, because the fields are separated from the house by a road or by acres of woods. To the west and east of the our property, there are woods.

3. The variance establishes a practical difficulty in complying with the official controls.
The practical difficulty is that without a variance on the slope setback, the front door to our house will remain unusable. The door intended to be the primary entrance to our house is at the midpoint of the west side, where there is now no access due to a drop of three feet to the ground (see photo). Even simple steps at this place would not fit under the setback requirements, because the steps would be less than 30 feet to the 13.2% slope on the north side.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
There was no outside access to the front door when we bought the house. We assume the entry was when the house was moved to this site over 40 years ago, long before we arrived.

(Continued onto back)

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

The locality is rural and scenic rural. See the note at #2 above. We can see no other house from our house. The addition will be well over 100 ft from the county road. You can see the house from the road, but you will have to look quickly and through a bunch of mature oak trees.

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

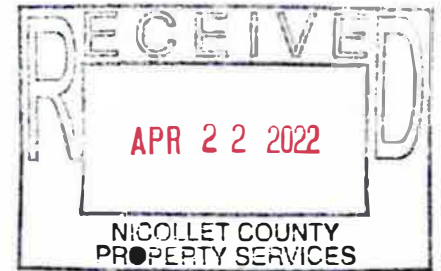
More than just increasing the value of our home, the proposed addition will add aesthetics, livability, and safety. Currently the front door doesn't look good, the living room (12 by 12 ft) is too small, and what is meant to be the primary entrance is only a dangerous emergency exit.

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

For Nicollet County

Variance Applicant Questionnaire

Project Description



Applicant: Brian and Donna Dose

Date: April 22, 2022

We are planning a 16 by 24 ft. addition to the west side of the house plus an 8ft. wide porch on the southwest corner. This structure will provide an entry way for the existing door on that side of the house as well as add living space.

The structure is needed because the west-side door is not useable due to the three-foot drop to the ground. (See photo.) This leaves the house with only one normal entrance through the garage. The original main entry on the west side was removed when the house was moved to the current location years ago, before we bought the property.

The current west-facing door is not seen from the driveway, so a porch or some structure is needed to guide visitors to the front door. The alternative we have explored would be to make the garage entrance the main entry to the house. This option does not fit the layout of the house, however, and still does not provide good access to the second entrance/exit on the west side.

This addition would also add needed living space to the small current living room, which is only 12 by 12 ft. It doesn't take many family members to fill up the available space in this small room.

Thank you for considering our request.

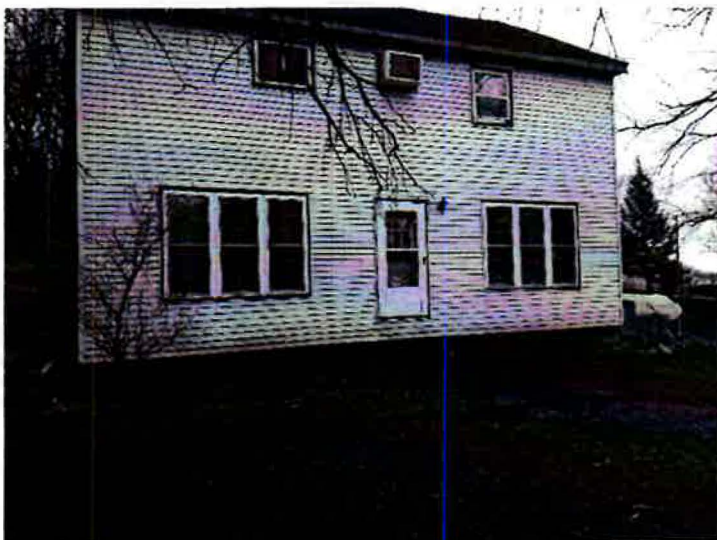
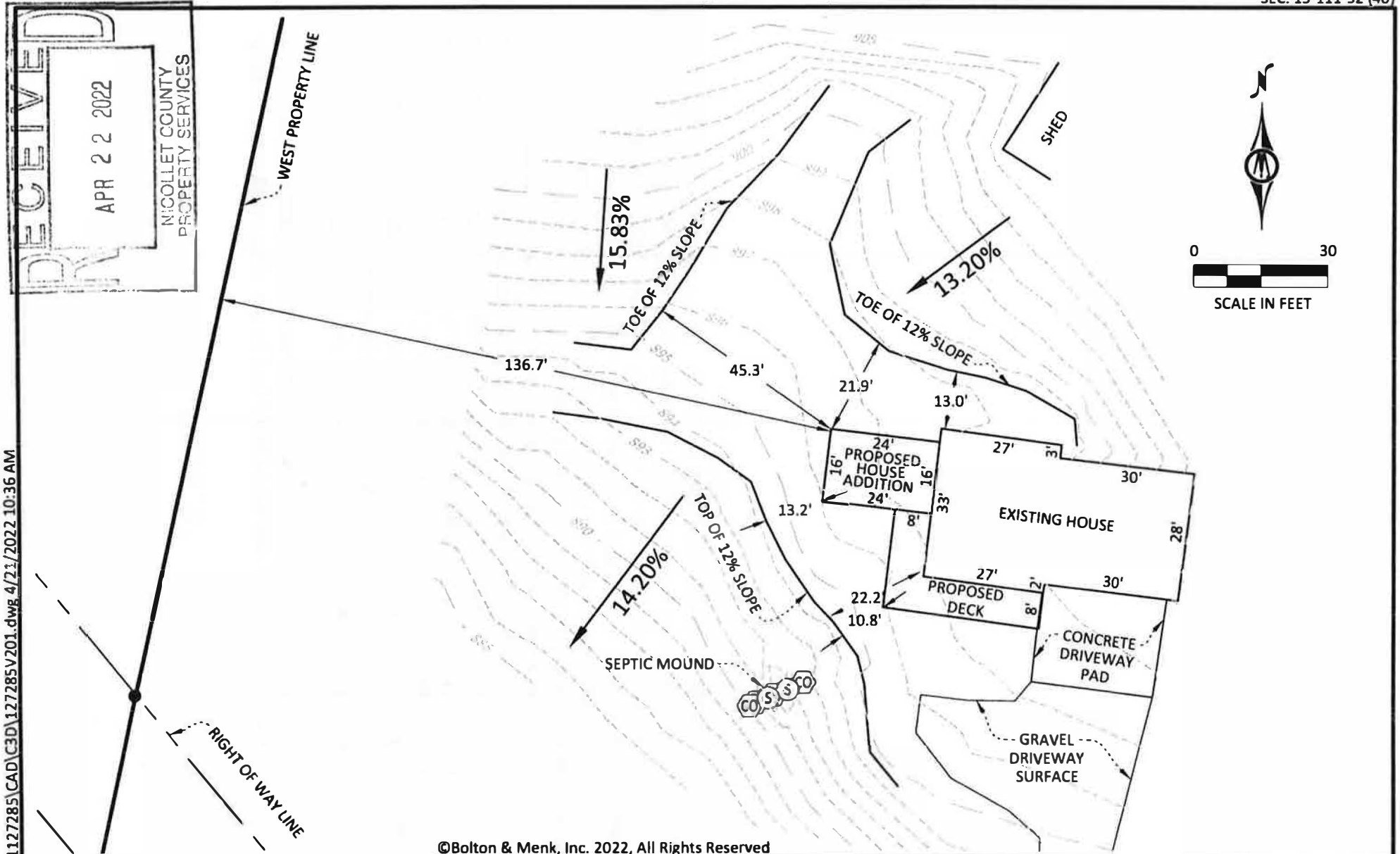




EXHIBIT "A"

A tract of land in the East Half of the Southeast Quarter of Section 15, Township 111 North, Range 32 West, Nicollet County, Minnesota, said tract being described as follows:

Commencing at the Southeast corner of said Section 15; thence North 00 degrees 24 minutes 25 seconds West along the east line of said Southeast Quarter a distance of 372.14 feet to the centerline of County Road No. 21 the point of beginning of the tract to be described; thence North 46 degrees 14 minutes 02 seconds West along said centerline a distance of 80.32 feet to the beginning of a circular curve concave to the Northeast and having a central angle of 07 degrees 37 minutes 41 seconds and a radius of 1710.02 feet; thence Northwesterly on said centerline and curve a distance of 227.66 feet; thence North 38 degrees 36 minutes 21 seconds West along said centerline a distance of 798.05 feet; thence North 12 degrees 55 minutes 19 seconds East a distance of 482.11 feet; thence South 76 degrees 16 minutes 35 seconds East a distance of 93.15 feet; thence North 20 degrees 31 minutes 58 seconds East a distance of 111.28 feet; thence South 44 degrees 29 minutes 07 seconds East a distance of 534.55 feet; thence South 13 degrees 25 minutes 21 seconds West a distance of 199.54 feet; thence South 60 degrees 02 minutes 11 seconds East a distance of 70.03 feet; thence North 55 degrees 49 minutes 46 seconds East a distance of 93.28 feet to the east line of said Southeast Quarter; thence South 00 degrees 24 minutes 25 seconds East along said West line a distance of 841.15 feet to the point of beginning.



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VARIANCE EXHIBIT
RIDGLEY TOWNSHIP, NICOLLET COUNTY, MINNESOTA



**BOLTON
& MENK**

1243 CEDAR STREET NE
SLEEPY EYE, MINNESOTA 56085
(507) 794-5541

PART OF THE E 1/2-SE 1/4
SECTION 15-111-32

FOR: BRIAN DOSE
69194 COUNTY ROAD 21

JOB NUMBER: OS1127285

FIELD BOOK:

DRAWN BY: RK

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RECEIVED
APR 22 2022
NICOLLET COUNTY
PROPERTY SERVICES

Jane Hellendrung
4501 Park Glen Rd Apt 235
Saint Louis Park, MN 55416

Richard & Joan Forst Revocable Trust
69746 County Road 21
Fairfax, MN 55332

James & Phyllis Wendinger
201 Scott St Se
Sleepy Eye, MN 56085

Patricia Nelson
29262 County Road 27
Sleepy Eye, MN 56085

Eugene & Joan Nachreiner
36476 693rd Ave
Fairfax, MN 55332

Rodger & Tricia Nachreiner
36480 693Rd Ave
Fairfax, MN 55332

Mark & Linda Forst Recvocable Living
Trust
67379 Fort Rd
Fairfax, MN 55332

Brian & Donna Dose
69194 County Road 21
Fairfax, MN 55332

Clinton & Cody Adams
57741 231St Ave
Mankato, MN 56001

Troy & Karen Traulich
701 23Rd St N
New Ulm, MN 56073

Blake Murnan & Joan Meldahl
8101 Oakmere Rd
Bloomington, MN 55438

Arlyn & Susan Boddy
1101 S Ridge Rd
New Ulm, MN 56073

Frederick Kienlen Living Trust
68093 County Road 21
Fairfax, MN 55332

Louette Nosbush
Ridgely Township Clerk
68849 Fort Rd
Fairfax, MN 55332

