

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: June 20, 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 Spencer Crawford, Deputy Zoning Administrator, at 507-934-7070, or spencer.crawford@co.nicollet.mn.us

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: May 16, 2022
5. Approval of Findings of Fact: May 16, 2022
 - PLN22-06, Dose
6. Public Appearances
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

MAY 16, 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 UNEXCUSED	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 ☒				

REVIEW OF CANCELLATIONS & ADDITIONS		None.			
MOTION TO APPROVE MINUTES OF FEBRUARY 5, 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: 3-0	

PUBLIC HEARINGS:

Brian & Donna Dose		PLN22-06				Variance to reduce the bluff setback to 10.8 feet in the Conservancy District			
APPLICANT COMMENT		The applicant, Mr. Dose, stated that he enjoyed living in the valley and did not want to change the character of it. He explained the house was 160 years old and that the variance would help to preserve the home and improve its livability. Mr. Dose explained that the house additionally has a door that cannot be used on the house unless an entry can be added in the bluff setback.							
PUBLIC COMMENT		None.							
PUBLIC TESTIMONY		None.							
PUBLIC PARTICIPATION		None.							
MOTION		APPROVE WITH CONDITIONS ☒			DENY ☐				
1 ST		Justin Laven ☐ <i>Chair</i>	David Hermanson ☐ <i>Vice Chair</i>	Dave Ubel ☒	Lloyd Hoffmann ☐				

2ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☐	Lloyd Hoffmann ☒	
BOARD MEMBER DISCUSSION	Board Member Ubel asked when the house was moved to its current location. Mr. Dose thought it was about 40 years ago. Vice Chair Hermanson asked if Mr. Dose was cutting into the bluff. Mr. Dose stated he was not, and that the slopes near the addition are not that steep. Board Member Ubel asked if the house was on top of the bluff. Mr. Dose stated that he was about one third up and that he thought the home sat on a natural shelf. Vice Chair Hermanson asked if there was vegetation on the hill leading to the home. Mr. Dose stated yes. Board member discussion moved directly to findings after speaking with Mr. Dose and the motion to approve with conditions.				
VOTE		PASS ☒	FAIL ☐	VOTE: 3-0	
MOTION TO ADOPT FINDINGS					
1ST	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☒	Lloyd Hoffmann ☐	
2ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☐	Lloyd Hoffmann ☒	
VOTE TO ADOPT FINDINGS		PASS ☒	FAIL ☐	VOTE: 3-0	

OLD BUSINESS		None.			
OTHER BUSINESS		None.			
COMMUNICATIONS		None.			
MOTION TO ADJOURN		8:00 PM			
1ST	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☐	Lloyd Hoffmann ☒	
2ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☒	Lloyd Hoffmann ☐	
VOTE TO ADJOURN		PASS ☒	FAIL ☐	VOTE: 3-0	

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



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

Name of Applicant/

Date: May 16, 2022

Property Owner: Brian & Donna Dose

File #: PLN22-006

Variance Requested: Reduce the 30 foot bluff setback in the Conservancy District to 10.8' 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 purpose and intent of the official control.

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The proposed addition is on the flattest part of the property and creates the least disruption to the bluff.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The proposal does not impact agricultural land. The proposal minimizes impact to the bluff.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The applicant has no other area to place the addition without requesting a greater reduction in the bluff setback. The applicant is not able to enter their home through the front door safely without a variance to add a deck with stairs.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

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>
Justin Laven	☐	☐	☐	☒	The plight is due to the location of the house near the bluff, the need for a second entrance to the house, and more living space in the house.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The area is predominantly wooded and the addition to the house will be minimally visible from the road.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u>
Justin Laven	☐	☐	☐	☒	The request is based on the dwelling location in respect to the topography of the property.
David Hermanson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
	☐	☐	☐	☐	

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 Adjustments and Appeals.

Date: _____ Chair: _____