



Board of Adjustment & Appeals

MINUTES

JULY 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 ☒				
	County Attorney (CA) Michelle Zehnder Fischer ☒				
	Other Staff: ☐				

REVIEW OF CANCELLATIONS & ADDITIONS		Zoning Administrator Crawford noted that the Planning & Zoning Advisory Commission Board workshop for the Floodplain Ordinance update had been canceled.			
MOTION TO APPROVE MINUTES OF FEBRUARY 5, 2021		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	

PUBLIC HEARINGS:

Michaletz PLN22-07

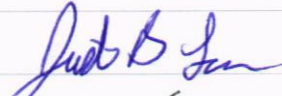
To allow the construction of an additional single family dwelling within the Northwest ¼ of the Northeast ¼, Section 5-108-27, exceeding the density standard of one new dwelling per quarter-quarter on lots recorded after 07/31/1981 that meet minimum lot size requirements.

APPLICANT COMMENT	The applicant, Scott Michaletz, stated that his property has road access, along with water, sewer, and gas from the City of North Mankato due to an easement which runs to the North Links Golf Course. Mr. Michaletz explained to the members of the Board that his property is 40 acres; contains existing buildings from an old home site; his proposal meets all required setbacks; the proposed dwelling site is not close to the ravine; would maintain 18 acres of woods, and 22 acres of tillable land. Mr. Michaletz further explained that he and his wife
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	purchased the land from Ruth Fitterer in 1985, and that a single family home would benefit the property by preventing further commercial development. His property is currently surrounded by a golf course and a campground. Mr. Michaletz stated that his variance request is in harmony with the one home per 40 acre rule, would be consistent with Nicollet County's Comprehensive Plan, and is a reasonable use of the property as it is a beautiful site. Mr. Michaletz stated his proposal would also increase tax revenue for Nicollet County. Mr. Michaletz stated that the current 40 acre quarter-quarter was not created by him, and that within the last 35 years the following changes have occurred: The Peterson property near him sold 10 acres, then built a home on the remaining 40; Mike Johnson, his neighbor to the south, sold a 10 acre parcel with an existing home, then built a second home on the remaining 30 acres; Dennis, who is down the road from him, has built two homes. Mr. Michaletz stated that he and his wife are proud citizens of Belgrade Township, and would like their proposal to be approved so that they may downsize, and stay in their neighborhood. Mr. Michaletz clarified that he and his wife jointly own Michaletz Building Properties.				
PUBLIC COMMENT	Chris Frederick, at 41396 526th Street, North Mankato, stated that he has empathy for the applicant and does not speak for or against the proposal, but wanted to offer caution and questions to the Board. He noted that Minnesota Statute requires <i>just difficulties</i> to grant a variance, and that he worries about the precedence granting this variance will set based on the language of the Ordinance. He explained that this was an opportunity for the County to evaluate the intent of the Ordinance. Mr. Frederick stated that other property owners will site this decision as a reason to build an additional home per quarter-quarter by using the same argument as the applicant. He further emphasized his opinion that the Board should take a closer look at the request.				
PUBLIC TESTIMONY	None.				
PUBLIC PARTICIPATION	None.				
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐		
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 ☐	
BOARD MEMBER DISCUSSION	Board Member Ubel asked for clarification about the one home per 40 acres rule, as the documents submitted by the applicant state the proposal is in compliance, whereas zoning staff disagree. Zoning Administrator Crawford interjected and asked Mr. Michaletz if he meant the proposal would be in compliance if the variance was granted, to which Mr. Michaletz stated yes. Mr. Michaletz then explained that he intentionally kept the property 40 acres. Zoning Administrator Crawford explained that a quarter-quarter is different from the lot size, and that the Ordinance states, "One new dwelling is allowed per quarter-quarter", which is 40 acres, not a 40 acre parcel. Board Member Ubel asked if he could take 20 acres from two different quarter-quarters and meet the requirements; Zoning Administrator Crawford stated no. Board Member Laven asked about the existing buildings and if they were a part of the Fitterer property; Mr. Michaletz stated that it was originally owned by the Michaels' family, contained a home, and the accessory structures were from a previous resident. Mr. Michaletz stated that staff told him the sheds could be replaced; Zoning Administrator Crawford confirmed this was true as the sheds predate the Ordinance. At the request of Board Member Laven, Mr. Michaletz clarified that he bought his current home in 1985 and purchased the Fitterer property about three years ago, then added two acres from the Fitterer property to his home site. Board Member Ubel asked staff how it was possible for the neighboring properties to build two homes on a ten acre site; Zoning Administrator Crawford stated that it may be that some of the homes were older than the quarter-quarter Ordinance, but that he would have to look into it. Board Member Hermanson asked how much land was farmable; Mr. Michaletz stated 22 acres which is farmed by Scott Fitterer. After hearing public comment, Board Member Laven asked if the applicant had any further statements. Mr. Michaletz stated that his quarter-quarter was odd shaped; Zoning Administrator Crawford confirmed this by saying it was more rectangular than typical but not a government lot. Mr. Michaletz stated other variances had been granted for additional homes, and that he thought the request was unique as the proposal would not need a septic system or well. Board Member Ubel asked Mr. Michaletz if he knew the Ordinance when he bought the neighboring 12 acres; Mr. Michaletz responded that he did. Board Member Ubel asked staff for clarification about the quarter-quarter map in the PowerPoint and				

Board Packet; Zoning Administrator Crawford explained the map. Board Member Laven asked staff about the purpose of the quarter-quarter standard; Zoning Administrator Crawford read the purpose of the density standard from the Comprehensive Plan. Board Member Laven stated that each situation is unique, and made a motion to approve with conditions. Board Member Hermanson seconded the motion. Board members Hermanson and Laven agreed that the intent of the density standard was to preserve agricultural land.					
VOTE		PASS ☒	FAIL ☐	VOTE:4-0	
MOTION TO ADOPT FINDINGS					
1 ST	Justin Laven ☒ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☐	Lloyd Hoffmann ☐	
2 ND	Justin Laven ☐ Chair	David Hermanson ☒ Vice Chair	Dave Ubel ☐	Lloyd Hoffmann ☐	
VOTE TO ADOPT FINDINGS		PASS ☒	FAIL ☐	VOTE: 4-0	

OLD BUSINESS		None.			
OTHER BUSINESS		None.			
COMMUNICATIONS		Zoning Administrator Crawford noted that the Planning & Zoning Board workshop for the Floodplain Ordinance update had been canceled, and that further information was forthcoming.			
MOTION TO ADJOURN					
1 ST	Justin Laven ☐ Chair	David Hermanson ☒ Vice Chair	Dave Ubel ☐	Lloyd Hoffmann ☐	
2 ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Dave Ubel ☒	Lloyd Hoffmann ☐	
VOTE TO ADJOURN		PASS ☒	FAIL ☐	VOTE:4-0	

JUSTIN LAVEN, CHAIR		DATE	8-15-22
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	8/15/22