



Board of Adjustment & Appeals

MINUTES

JUNE 21, 2021

7:00 PM

NICOLLET COUNTY
 BOARD ROOM

BOARD MEMBERS	David Wendinger <input checked="" type="checkbox"/> <i>Chair</i>	David Hermanson <input checked="" type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input checked="" type="checkbox"/>	Ron Regenscheid <input checked="" type="checkbox"/>	Dave Ubel <input type="checkbox"/>
ABSENT EXCUSED	David Wendinger <input type="checkbox"/> <i>Chair</i>	David Hermanson <input type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input checked="" type="checkbox"/>
ABSENT	David Wendinger <input type="checkbox"/> <i>Chair</i>	David Hermanson <input type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>
STAFF PRESENT	Property and Public Services Director Mandy Landkamer <input checked="" type="checkbox"/>				
	Deputy Zoning Administrator (DZA) Jon Hammel <input checked="" type="checkbox"/>				
	Assistant County Attorney (ACA) Megan E. Gaudette Coryell <input checked="" type="checkbox"/>				
	Other Staff: <input type="checkbox"/>				

REVIEW OF CANCELLATIONS & ADDITIONS	None.				
MOTION TO APPROVE MINUTES OF APRIL 19, 2021			APPROVE <input checked="" type="checkbox"/>	APPROVE WITH REVISIONS <input type="checkbox"/>	
1ST	David Wendinger <input type="checkbox"/> <i>Chair</i>	David Hermanson <input checked="" type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>
2ND	David Wendinger <input type="checkbox"/> <i>Chair</i>	David Hermanson <input type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input checked="" type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>
VOTE TO APPROVE MINUTES	PASS <input checked="" type="checkbox"/>		FAIL <input type="checkbox"/>	VOTE: 4-0	

PUBLIC APPEARANCES None.

MOTION TO APPROVE FINDINGS OF FACT FOR PLN21-21, MOCK			APPROVE <input checked="" type="checkbox"/>	APPROVE WITH REVISIONS <input type="checkbox"/>	
1ST	David Wendinger <input type="checkbox"/> <i>Chair</i>	David Hermanson <input type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input checked="" type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>
2ND	David Wendinger <input type="checkbox"/> <i>Chair</i>	David Hermanson <input type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input checked="" type="checkbox"/>	Dave Ubel <input type="checkbox"/>
VOTE TO APPROVE FINDINGS OF FACT	PASS <input checked="" type="checkbox"/>		FAIL <input type="checkbox"/>	VOTE: 4-0	

PUBLIC HEARINGS:

APPLICANT: THOMAS AND PATRICIA BITTNER

FILE #: PLN21-18

DESCRIPTION: REDUCE THE MINIMUM FRONT YARD SETBACK AND ALLOW AN ACCESSORY BUILDING ON A PROPERTY WITH NO PRINCIPAL BUILDING FOR THE PURPOSE OF CONSTRUCTING A STORAGE SHED/SHOP

APPLICANT COMMENT	Thomas and Patricia Bittner were present.		
PUBLIC COMMENT	Barb Haack called prior to the meeting to inquire about the proposal. She did not object to the request.		
PUBLIC TESTIMONY	Gordon Long (731 Valley View Road, St. Peter MN 56082) stated he was with the committee for Resurrection Cemetery. He testified that he was concerned about water runoff and noise. Barb Haack (1305 Marshal Street, St. Peter MN 56082) also spoke on behalf of the cemetery and First Lutheran Church. She testified that she was concerned about drainage. She was also concerned about what might happen if the Bittners were to sell the property and how new owners may use the shed.		
MOTION	APPROVE WITH CONDITIONS <input checked="" type="checkbox"/>		DENY <input type="checkbox"/>
1ST	David Wendinger <input type="checkbox"/> <i>Chair</i>	David Hermanson <input type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input type="checkbox"/> Ron Regenscheid <input checked="" type="checkbox"/> Dave Ubel <input type="checkbox"/>
2ND	David Wendinger <input type="checkbox"/> <i>Chair</i>	David Hermanson <input checked="" type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input type="checkbox"/> Ron Regenscheid <input type="checkbox"/> Dave Ubel <input type="checkbox"/>
BOARD MEMBER DISCUSSION	Laven noted that according to the survey there appeared to be an area where the shed could be located onsite without need of a variance. This would involve rotating the orientation of the shed and moving the shed northwards. Mr. Bittner responded that rotating the shed would impact his ability to access the shed with this truck and trailer. He said he wanted to keep the shed on the flat area of the property and away from the northern lot line due to the slope and drainage concerns. Regenscheid noted the right-of-way was not parallel to Highway 99 and cuts inward towards the lot. Mr. Bittner stated that was correct and that he thought it was due to the location and slope of the hillside. Laven stated he felt it was possible to locate the shed on the property without a variance. He asked if the request was submitted to the State for review. Hammel responded the request had not been sent to the State for comment.		
VOTE	PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE: 4-0

APPLICANT: GREAT RIVER ENERGY/LAVONNE OLSEN

FILE #: PLN21-24

DESCRIPTION: REDUCE THE FRONT YARD SETBACK FOR THE PURPOSE OF INSTALLING A UTILITY POLE

APPLICANT COMMENT	Peter Schaub was present on behalf of applicant. He noted that Great River Energy is the supplier for Benco Electric.		
PUBLIC COMMENT	None.		
PUBLIC TESTIMONY	None.		
MOTION	APPROVE WITH CONDITIONS <input checked="" type="checkbox"/>		DENY <input type="checkbox"/>
1ST	David Wendinger <input type="checkbox"/> <i>Chair</i>	David Hermanson <input checked="" type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input type="checkbox"/> Ron Regenscheid <input type="checkbox"/> Dave Ubel <input type="checkbox"/>
2ND	David Wendinger <input type="checkbox"/> <i>Chair</i>	David Hermanson <input type="checkbox"/> <i>Vice Chair</i>	Justin Laven <input checked="" type="checkbox"/> Ron Regenscheid <input type="checkbox"/> Dave Ubel <input type="checkbox"/>
BOARD MEMBER DISCUSSION	Hermanson asked if the new utility pole would be impacted by upcoming road construction. Schaub stated the location of the pole had been determined in consultation with County Engineer Seth Greenwood and the Public Works Department. Laven noted the Board had previously granted a variance for the substation and that the Board does not generally hear requests to put in utility poles. He asked why this specific instance requires a variance. Landkamer noted the project involved two separate entities: Benco Electric and Great River Energy. The previous Benco variance was for the lot size. She explained that utility poles are required to either be within the right-of-way – which requires permitting by Public Works – or meet the 50-foot front yard setback.		

Schaub stated the original idea was to have both the lot size variance and the utility pole variance heard at one time. However, there was a miscommunication and the requests were not made simultaneously.

VOTE

PASS

FAIL

VOTE: 4-0

APPLICANT: JANA AND JAMES MOEDING/JERALD AND PHYLLIS KUEHN REVOCABLE TRUST

FILE #: PLN21-25

DESCRIPTION: REDUCE THE SETBACK BETWEEN A STRUCTURE USED FOR CANINE CONFINEMENT AND THE PROPERTY LINE AND REDUCE THE SETBACK BETWEEN AN OUTSIDE FENCED RUN AND THE PROPERTY LINE FOR THE PURPOSE OF ESTABLISHING A COMMERCIAL BREEDING KENNEL

APPLICANT COMMENT

James and Jana Moeding and Jerald and Phyllis Kuehn were present. He noted they have been operating a kennel for 15 years and are licensed by the State.

PUBLIC COMMENT

None.

PUBLIC TESTIMONY

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

Regenscheid asked about the shed located directly adjacent to the property line. Hammel noted the shed in question would become nonconforming and that the property line depicted on the survey is proposed. The lot has not yet been created.

Regenscheid asked if there was a maximum number of dogs allowed. Hammel stated the ordinance does not limit the number of dogs.

Laven asked for clarification concerning the variance request and the applicant's conditional use permit request. Hammel stated kennels are a conditional use and require a conditional use permit. In this instance, the proposal did not include meeting the property line setbacks. Therefore the applicants applied for a variance in addition to their conditional use permit request.

Laven asked if the property line was already created. Hammel responded the property has not been created yet. It is only a proposed property line.

Mr. Kuehn explained the property had been bought in two pieces years ago. The two properties have since been combined. The proposed property line is the same as the old property line prior to combination. He noted that he did not want to sell any more ag land than was absolutely necessary. He also stated he had informed the applicants the shed adjacent to the property line would become nonconforming.

Laven asked about the nonconforming status and how that may impact the use of the shed. Hammel stated the shed could be replaced like-for-like. However, if the shed dimensions or location was changed then it would have to meet the applicable setbacks.

VOTE

PASS

FAIL

VOTE: 4-0

OLD BUSINESS

None.

OTHER BUSINESS

None.

REVIEW OF ADMINISTRATIVE VARIANCES

None.

COMMUNICATIONS

None.

MOTION TO ADJOURN

7:58 P.M.

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 WENDINGER,
CHAIR

DATE

9/30/21

JON HAMMEL,
DEPUTY ZONING ADMINISTRATOR/
PLANNER

DATE

9-20-21

Mandy Lantkammer
County Administrator