



BOARD OF ADJUSTMENT & APPEALS
REGULAR MONTHLY MEETING MINUTES

SEPTEMBER 18, 2023

6:00 PM

NICOLLET COUNTY BOARD ROOM

ROLL CALL	BOARD MEMBERS PRESENT	BOARD MEMBERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input checked="" type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input checked="" type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson <input checked="" type="checkbox"/> Dave Ubel* *appeared at 6:50 pm	<input checked="" type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel	<input checked="" type="checkbox"/> Spencer Crawford, Deputy Zoning Administrator (DZA) <input type="checkbox"/> Shana Jackson, County Assessor (Assessor) <input checked="" type="checkbox"/> Roxann Klein, Assistant County Attorney (ACA) <input checked="" type="checkbox"/> Crystal Madden, Recording Secretary <input type="checkbox"/> Other Staff: <input type="checkbox"/> Other Staff:

REVIEW OF CANCELLATIONS & ADDITIONS	None.
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APPROVAL OF AUGUST 21, 2023 MINUTES	MOTION	2 ND
APPROVE	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input type="checkbox"/> Dave Ubel <input type="checkbox"/> Jon Thoreson <input checked="" type="checkbox"/> Randy Schwab
VOTE TO APPROVE MINUTES	<input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL	VOTE: 3 - 0

FINDINGS OF FACT PLN23-10, LONG	MOTION	2 ND
APPROVE	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input checked="" type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel
VOTE TO APPROVE FINDINGS OF FACT	<input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL	VOTE: 3 - 0

PUBLIC APPEARANCES	None.
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PUBLIC HEARINGS – Variance

PLN23-16	APPLICANT/LANDOWNER: R&G Construction / Kevin Johnson
DESCRIPTION	Reduction of the temporary mineral extraction county road setback from one hundred (100) feet to thirty (30) feet for a temporary mineral extraction pit along County Road 3 / 425 th Avenue, in the Agricultural Preservation Zoning District.
CONFLICT OF INTEREST	None.
SITE VISIT & PUBLIC CONTACT	Board Member Thoreson visited the site. There was no contact with the Board from members of the public.
STAFF REPORT PRESENTED BY	DZA Crawford
APPLICANT TESTIMONY	Erika Coudron with R&G Construction, 2694 County Road 6, Marshall, provided testimony about the request, along with the property owner Kevin Johnson, 34908 425 th Avenue, Le Sueur.

PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.		
BOARD DISCUSSION	Further discussion between the Applicant, Board, and Staff took place.		
BOARD ACTION	MOTION	2ND	
APPROVE VARIANCE WITH CONDITIONS, as recommended	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input checked="" type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel	
VOTE TO APPROVE REQUEST	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	VOTE: 3 - 0

BOARD RECESS	The Board recessed at 6:30 pm, and resumed the meeting at 6:45 pm.
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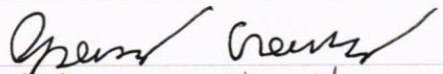
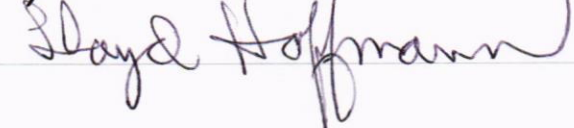
PLN23-17	APPLICANT/LANDOWNER: Thomas Clement / Thomas & Mary Clement		
DESCRIPTION	After-the-fact reduction of the accessory structure side yard property line setback from ten (10) feet to four (4) feet in the Urban/Rural Residential Zoning District for an existing detached garage.		
CONFLICT OF INTEREST	None.		
SITE VISIT & PUBLIC CONTACT	There was no contact with the Board from members of the public.		
STAFF REPORT PRESENTED BY	DZA Crawford		
APPLICANT TESTIMONY	Present to represent the application were Tom & Mary Clement, 52991 Deerwood Trail, N. Mankato		
PUBLIC TESTIMONY	<p>Public comment was received before the hearing from Paul Prah, 52995 Deerwood Trail, N. Mankato, and was entered into the record stating they opposed the request.</p> <p>Paul & Donna Prah, 52995 Deerwood Trail, N. Mankato were present to provide public testimony in opposition of the request.</p>		
BOARD DISCUSSION	Further discussion between the Applicant, Board, and Staff took place.		
BOARD ACTION	MOTION	2ND	
DENIAL OF THE VARIANCE	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input checked="" type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel	
VOTE TO APPROVE REQUEST	<input type="checkbox"/> PASS	<input checked="" type="checkbox"/> FAIL	VOTE: 4 - 0

PLN23-15	APPLICANT/LANDOWNER: Ken Opitz / MN Valley Lutheran High School		
DESCRIPTION	Increase the maximum multi-faced sign square footage from 40 square feet to 192.5 square feet, and increase the maximum number of allowed signs per property from 2 to 3 in the Conservancy Zoning District.		
CONFLICT OF INTEREST	None.		
SITE VISIT & PUBLIC CONTACT	Board Members Ubel visited the site. There was no contact with the Board from members of the public.		
STAFF REPORT PRESENTED BY	DZA Crawford		
APPLICANT TESTIMONY	Present to represent the application were Ken Opitz & Tim Plath, with Minnesota Valley Lutheran High School located at 45638 561 st Avenue, New Ulm.		
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.		
BOARD DISCUSSION	Further discussion between the Applicant, Board, and Staff took place.		
BOARD ACTION	MOTION	2ND	

APPROVE VARIANCE WITH CONDITIONS, as recommended	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson <input checked="" type="checkbox"/> Dave Ubel	
VOTE TO APPROVE REQUEST	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	VOTE: 4 - 0

ADDITIONAL ITEMS

OLD BUSINESS	None.		
OTHER BUSINESS	Discussion concerning a Zoning Ordinance revision to include requiring a survey for zoning permits within the Urban/Rural Zoning District. Member Ubel would like to know if the aggregate tax was applied to the PLN23-16.		
COMMUNICATIONS	None.		
MOTION TO ADJOURN MEETING	MOTION	2ND	
08:32 PM	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel	<input type="checkbox"/> Justin Laven, <i>Chair</i> <input type="checkbox"/> Lloyd Hoffmann, <i>Vice Chair</i> <input checked="" type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson <input type="checkbox"/> Dave Ubel	
VOTE TO ADJOURN MEETING	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	VOTE: 4 - 0

SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	10/16/2023
LLOYD HOFFMANN, VICE CHAIR		DATE	10/16/2023