

Announcement of Meeting
Board of Appeals and Adjustments
Regular Meeting Agenda

Monday, April 14, 2025

5:00 PM

Council Chambers

I. CALL TO ORDER

II. OATHS OF OFFICE

III. ELECTION OF OFFICERS

III.1. [2025-120](#) Elect Chair, Vice Chair and Secretary.

IV. APPROVAL OF MINUTES

IV.1. [2025-105](#) Board of Appeals and Adjustment Minutes of April 3, 2023.

V. RECOGNITION OF GUESTS

VI. OLD BUSINESS

VII. PUBLIC HEARING

The Chair or Presider will open the hearing and state the time to receive testimony from those present and to consider any written correspondence. The purpose of the public hearing is to rule on a requested variance by Dikun Properties, to City Code Section 153.056 Commercial Uses, subd. B. Commercial; dimensional requirements, setbacks, (3) Yard Setbacks to be allowed a building setback 8 feet from the West property line and 10 feet and 2 inches from the existing building, 704 S Kniss, City of Luverne, Minnesota. Following testimony, the Chair or Presider will close the public hearing and state the time.

VIII. NEW BUSINESS

VIII.1. [2025-106](#) Set meeting date to consider action on the requested variance at April 21, 2025 at 5:00 p.m.

XI. ADJOURNMENT

Staff Report

File #: 2025-120

Agenda Date: 4/14/2025

Agenda #: III.1.

Elect Chair, Vice Chair and Secretary.

Staff Report

File #: 2025-105

Agenda Date: 4/14/2025

Agenda #: IV.1.

Board of Appeals and Adjustment Minutes of April 3, 2023.

Announcement of Meeting
Board of Appeals and Adjustments
Regular Meeting Minutes

Monday, April 3, 2023

5:00 PM

Council Chambers

I. CALL TO ORDER

Present Commissioner Verlyn Van Batavia, Commissioner Caroline Thorson,
and Scott Viessman

Additional Chad McClure, Jill Wolf, and Patrick Baustian

II. APPROVAL OF MINUTES

[2023-85](#) Board of Appeals and Adjustments Minutes of March 20, 2023.

A motion was made by Council Member Viessman, seconded by Commissioner Thorson, that this Minutes be approved. The motion carried by a unanimous vote.

III. RECOGNITION OF GUESTS

Vance Walgrave, Becky Walgrave, Betty Mann and Tammy Makram.

IV. OLD BUSINESS

V. NEW BUSINESS

[2023-45](#) Variance Request to Section 153.151 Allowable Free-Standing Sign Area for Vance and Rebecca Walgrave at 924 South Kniss Ave, Luverne, MN.

A motion was made by Council Member Viessman, seconded by Commissioner Thorson, that this Motion be approved. The motion carried by a unanimous vote.

Zoning Administrator McClure provided an overview and recap of the 3/20/23 meeting.

Thorson discussed her thought process on the reasonableness of the variance.

Viessman provided his opinion on the practical difficulties in terms of meeting the standards of approving the variance.

Thorson/Viessman continued the conversation on the need for the scale to be as large as proposed.

Thorson called for a vote on the approval with the following conditions:

That the proposed access and parking easement be recorded on the property.

No additional changes to the Nutcracker without prior notice and review.

Non-profit corporation remain in good standing with the State of MN
FAA approval for the height

Structural Engineer provide report and design prior to erection

Any associated lighting not to become a nuisance.

VI. ADJOURNMENT

A motion was made by Council Member Viessman, seconded by Commissioner Thorson, to adjourn the meeting. The motion carried unanimously.

Submitted by,

Chad McClure
Building/Zoning Official

Staff Report

File #: 2025-106
VIII.1.

Agenda Date: 4/14/2025

Agenda #:

Set meeting date to consider action on the requested variance at April 21, 2025 at 5:00 p.m.

IN RE: THE APPLICATION FOR ZONING VARIANCE

APPLICANT: Dikun Properties LLC

LOCATED: 704 S Kniss ave

City of Luverne, MN. 5615

APPLICANT'S EMAIL: [REDACTED]

APPLICANT'S PHONE: [REDACTED]

Legally described as follows, to wit:

Lot - 1 BLK - 2 HATTING ADDTION LOTS 1, 2 & 3 BLOCK 2

The above-referenced matter came before the Board of Appeals and Adjustments. In accordance with State Law and City ordinance, a duly noticed public hearing was scheduled for: _____

Attach a list of all adjoining property owners and mailing addresses located within 200 feet of all property lines (obtain from Beacon).

Include address of applicant or other party that will represent the request at the hearing.

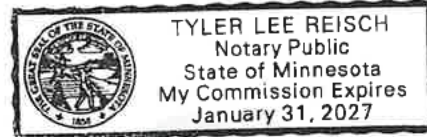
If this variance is granted the Formal Findings and order must be recorded in the County Recorder's Office or the variance is not valid. The recorded copy must be returned to the City.

I certify that all the information submitted in this application is true and correct and that I have full authority to apply for this variance.



Signature of Applicant

State of Minnesota
County of Rock
City of Luverne



This instrument was acknowledged before me on March 7, 2025 by
Peter Dikun, of Dikun Properties LLC.

Notary Public's Signature

IMPORTANT: Applicant must complete pages 1, 3 and 4 completely before the application will be considered.

City Code, Section 11.24, Subd. 3, requires that the Board of Appeals and Adjustments shall not grant a variance unless it finds the following facts after evidence is submitted by the applicant to exist:

A. A variance shall be permitted only if the applicant establishes "practical difficulty" in complying with the code, and that the variance is in harmony with the general purpose of this Chapter and consistent with the comprehensive plan. In its consideration of the standards of practical difficulties, the Board of Zoning Appeals and Adjustments must make the findings of fact, as follows:

1. The property in question cannot be put to a reasonable use if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; and
2. The plight of the landowner is due to circumstances unique to the property that are not normally applicable to landholdings within the same district and that were not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the neighborhood and locality.

B. A variance shall be granted only if the evidence, in the judgment of the Board of Appeals and Adjustments, satisfies the conditions enumerated in subparagraph A above. Variances from the provisions of this Chapter shall be granted by the Board of Appeals and Adjustments only in accordance with the

provisions of this section. The Board of Appeals and Adjustments may not permit, as a variance, any use that is not allowed under the code for property in the zone where the affected property is located.

C. Specific conditions and safeguards may be imposed upon the premises benefited by the granting of the variance. A condition must directly be related to and must bear a rough proportionality to the impact created by the variance. Violations of such conditions and safeguards shall constitute a violation of this Chapter.

D. No variance permitting the erection or alteration of a building shall be valid for a period longer than one year unless a building permit for such erection or alteration so issued and construction is actually begun within that period and is thereafter diligently pursued to completion.

VARIANCE APPLICATION ADDENDUM

To grant a variance, the City must make certain finding (see attached portion of City Code). The applicant must submit evidence supporting the following:

1) Without the variance, the property cannot be put to a reasonable use.
Why?-Reasons.

WITH PROPOSED BUILDING SIZE (45X130) THERE WOULD NO BE SUFFICIENT PARKING IN THE FRONT
IF WE NEED TO REDUCE BUILDING SIZE, IT WOULD HAVE TO BE MADE VERY LONG AND SKINNY,
NOT SUITABLE TO BUILD.

2) The circumstances requiring the variance are unique to the property (not normal to the zoning district or neighborhood) and were not created by the owner.
Why?-Reasons.

BOUNDARIES OF THE LOT WERE IN PLACE PRIOR TO THE ESTABLISHMENT OF THE 60' SET BACK FROM RIGHT-OF-WAY.

3) The variance will not alter harm the character of the neighborhood.
Why?-Reasons.

WE ARE ONLY SEEKING VARIANCE TO THE WEST, WE WOULD BE BUILDING NEW BUILDING AND DEMOLISHING
OLD BUILDING AND ADDING TO NEIGHBORHOOD APPEAL. EXISTING BUILDING TO THE WEST AND NORTH
DO NOT FOLLOW EXISTING SET BACKS AS WELL.

The applicant should be prepared to attend the public hearing and further justify the variance, answer questions, etc. It is the duty of the applicant to justify reasons and give evidence in support of granting the variance. It is not the City's responsibility to prove why the variance should or should not be granted.

This application, if granted, would vary the requirements set forth in Luverne City Code;

Chapter _____, Section _____

Current code requires that;

The variance would allow;

Chapter _____, Section _____

Current code requires that;

The variance would allow;

Based upon the foregoing data, the information contained on the application for a variance, and the observations and other information known to the Board of Appeals and Adjustments, the Board hereby finds and declares, in accordance with the requirements of the City Code, the following facts and conditions to exist:

INITIAL FINDINGS OF FACTS AND CONDITIONS

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Considerations:

- Is the variance request in harmony with the purpose of the requirements in the code?
- Is the variance consistent with the comprehensive plan?
- Will the variance put the property to use in a reasonable manner?
- Are the unique circumstances to the property not created by the applicant?
- Will the variance, if granted, alter the essential character of the locality?

ORDER

The Board specifically finds that based upon the aforementioned facts, it is in the best interests of the City and its residents that the herein-referred to zoning variance be

ADOPTED BY THE BOARD OF APPEALS AND ADJUSTMENTS:

This: ____ day of _____, 20__.

Caroline Thorson, Chairperson

ATTEST: _____
John Call, City Administrator

State of Minnesota
County of Rock
City of Luverne

This instrument was acknowledged before me on _____, 20__ by
_____, of _____, and
_____, of _____, on behalf of said
Municipal Corporation.

Notary Public's Signature

Any additional information regarding this proceeding is available and on file in the office of the City Administrator.

Application received: _____ By: _____

Fee: \$350.00 Date paid: 3/7/25 Rec. by: MM

Date of public notice: _____

By: Rock County Star Herald

Date of hearing: _____ Date final decision: _____

Date applicant notified of action: _____

LUVERNE, MN - RETAIL NEW BUILD

704 S KNISS AVENUE
LUVERNE, MN 56156



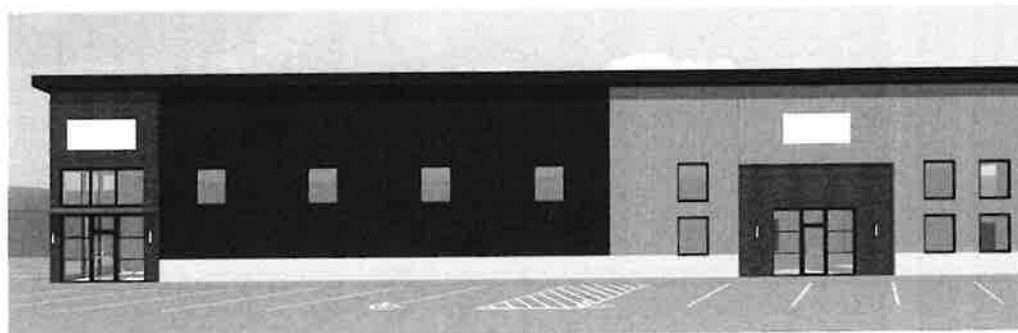
SOUTHEAST CORNER



NORTHEAST CORNER

PAGE INDEX

- P-1 : TITLE PAGE
- P-2 : SURVEY
- P-3 : SITE LAYOUT
- P-4 : GENERAL CODE
- A-2 : FLOOR PLAN
- A-3 : BUILDING SECTIONS
- A-4 : WALL SECTIONS
- A-5 : SECTION DETAILS
- A-7 : EXTERIOR ELEVATIONS
- A-9 : ROOF PLAN
- A-9.1 : TRUSS LAYOUT
- A-9.2 : TRUSS DETAILS
- A-9.3 : TRUSS DETAILS



EAST ELEVATION

MATT SCHULTZ CONSTRUCTION, LLC.
3801 S KOWANS AVENUE
SIOUX FALLS, SD 57105
OFF: 605.321.4102

LUVERNE, MN - RETAIL NEW BUILD
704 S KNISS AVENUE

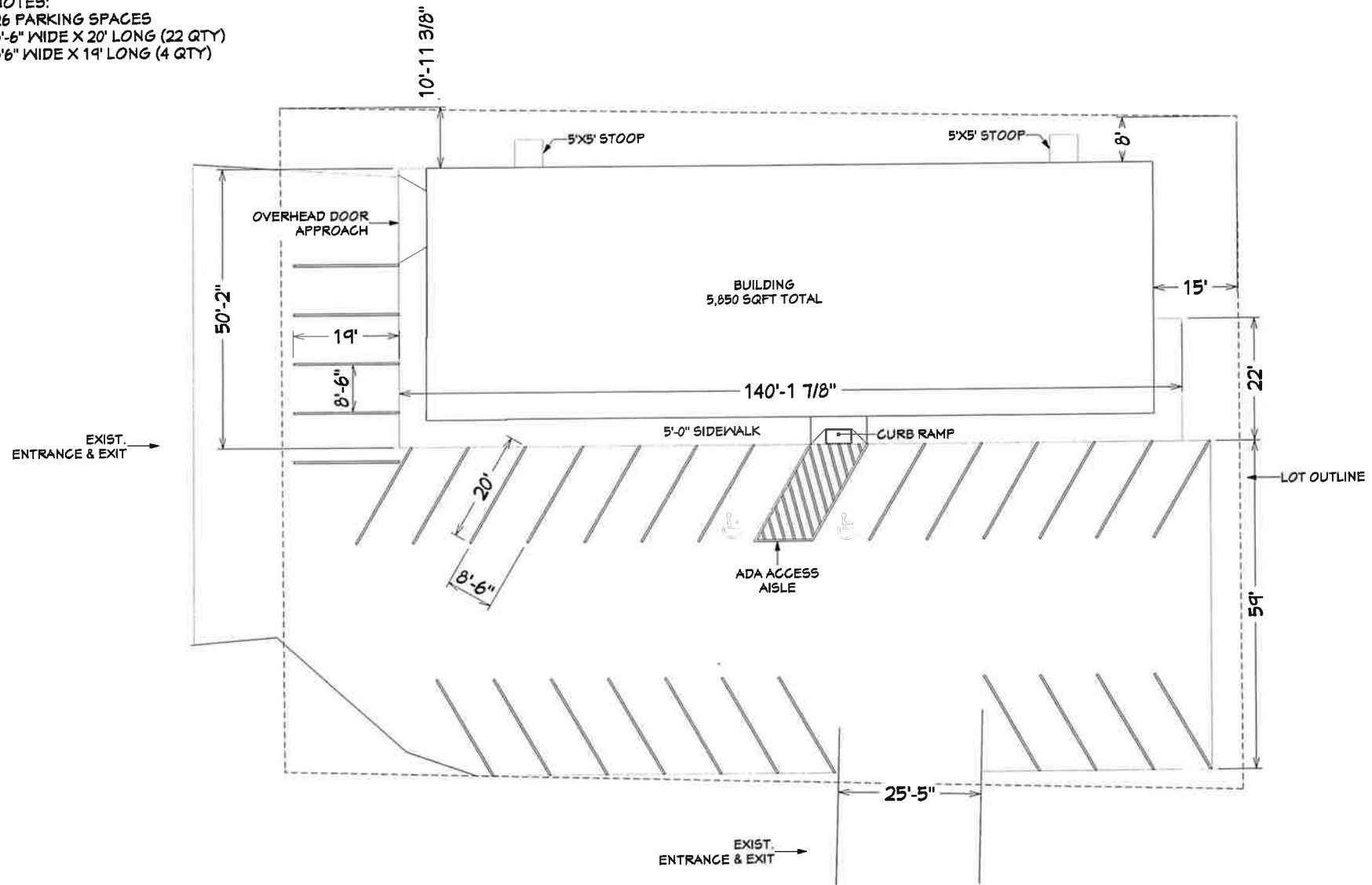
TITLE PAGE

DATE

2/27/2025

P-1

NOTES:
 26 PARKING SPACES
 8'-6" WIDE X 20' LONG (22 QTY)
 8'-6" WIDE X 19' LONG (4 QTY)



N SITE PLAN
 SCALE 1/8"=1'-0"

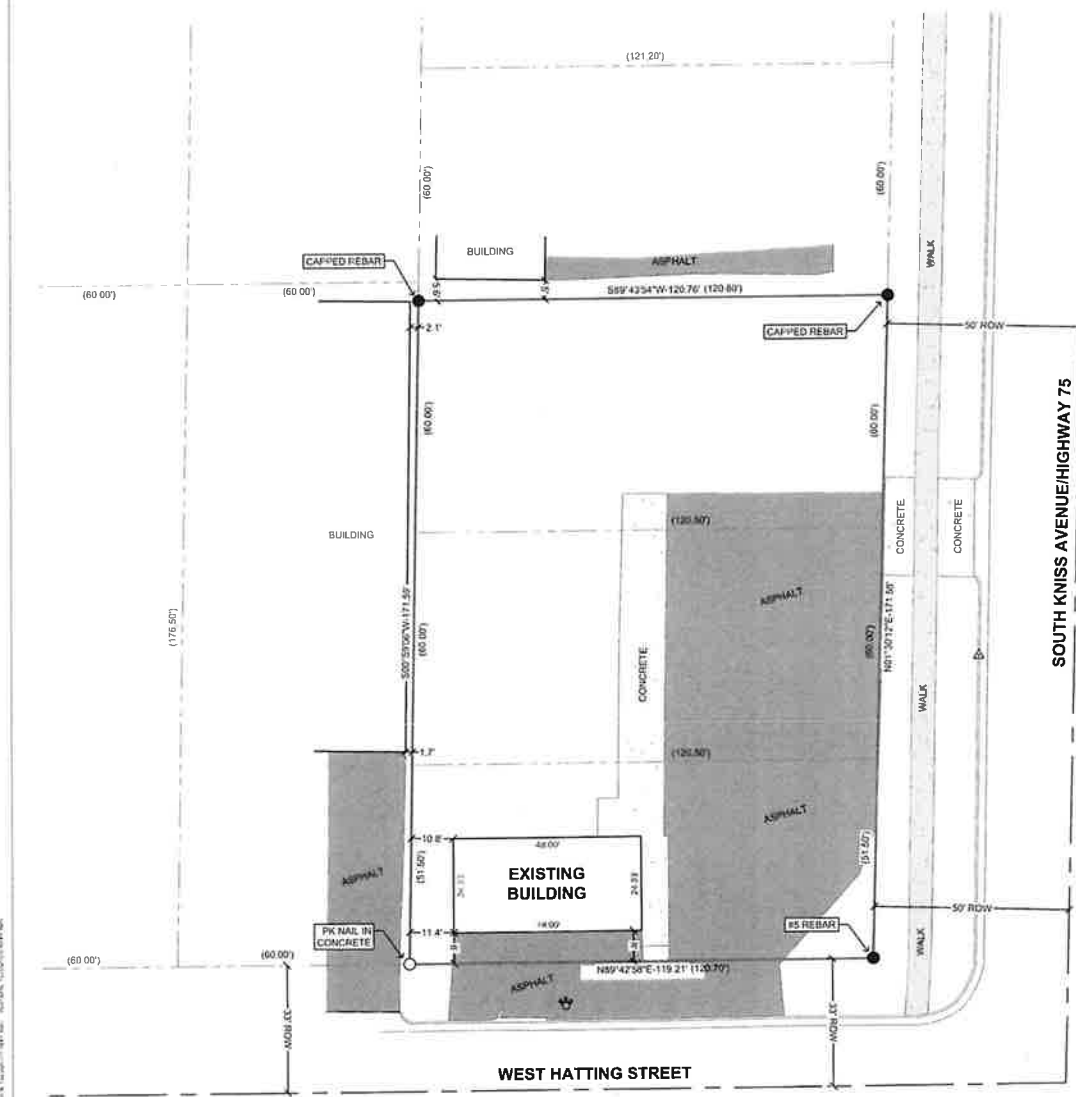
MATT SCHULTZ CONSTRUCTION, LLC
 3801 S KIOWAS AVENUE
 OFF. 605.321.4102
 SIOUX FALLS, SD 57105

LUVERNE, MN - RETAIL NEW BUILD
 704 S KNISS AVENUE

SITE LAYOUT

DATE
 3/7/2025

P-3



NOT TO SCALE

Owner:
The Flower Shop LLC
24568 South Garfield Avenue
Dells Rapids, SD 57105

Engineer / Surveyor:
Norman Engineering, Inc.
Aaron Norman, PE, LS
6221 E. Silver Maple Circle #2
Sioux Falls, SD 57110
aaron@normanengineeringinc.com
(605) 558-0808

Legal Description:
Lots 1, 2, and 3 in Block 2 of Hattling Addition to the
City of Luverne, Rock County, Minnesota.

Survey Information:
Date of Survey: 01.22.2025
Horizontal Datum: MN Rock County Coordinates
Vertical Datum: NAVD 88

SURVEYOR'S CERTIFICATE

I, AARON J. NORMAN, DO HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR
UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR IN
THE STATE OF MINNESOTA.

01.23.2025

AARON J. NORMAN PE/LS MN REG. NO. 49564
MY LICENSE RENEWAL DATE IS: 06-30-2026
SHEETS COVERED BY THIS SEAL: SHEET 1 OF 1



306 West Hattling Street
Luverne, MN

Survey

Revised:

MES Project #: 25-03-00886
Plot Date: 2025.01.23
Designed by: AJN
Checked by: AJN

NORMAN
ENGINEERING + SURVEYING

SHEET

1

MATT SCHULTZ CONSTRUCTION, LLC.
3801 S KIOWAS AVENUE
SIOUX FALLS, SD 57105
OFF: 605.321.4102

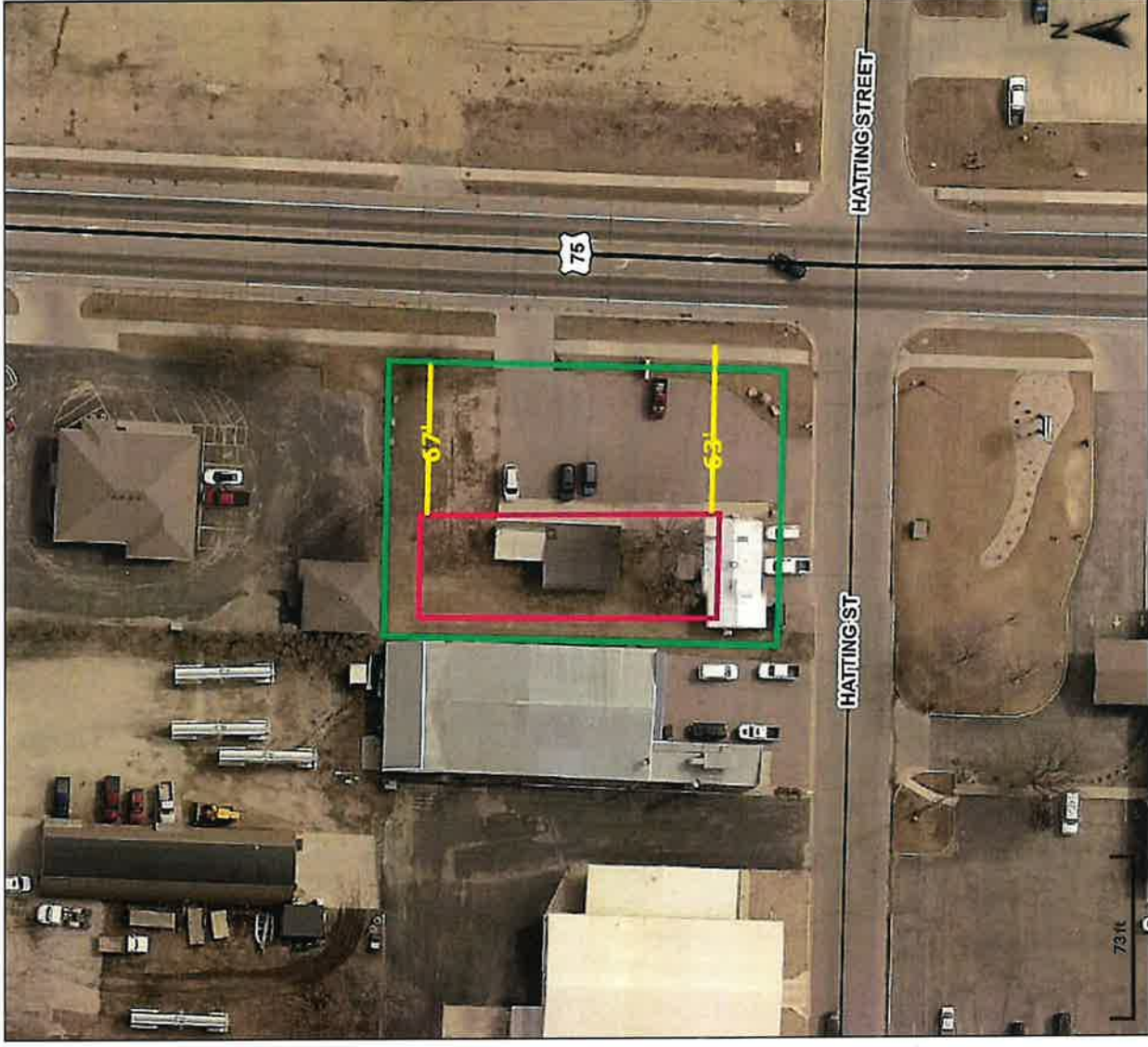
LUVERNE, MN - RETAIL NEW BUILD
704 S KNISS AVENUE

SURVEY

DATE

3/7/2025

P-2



Overview

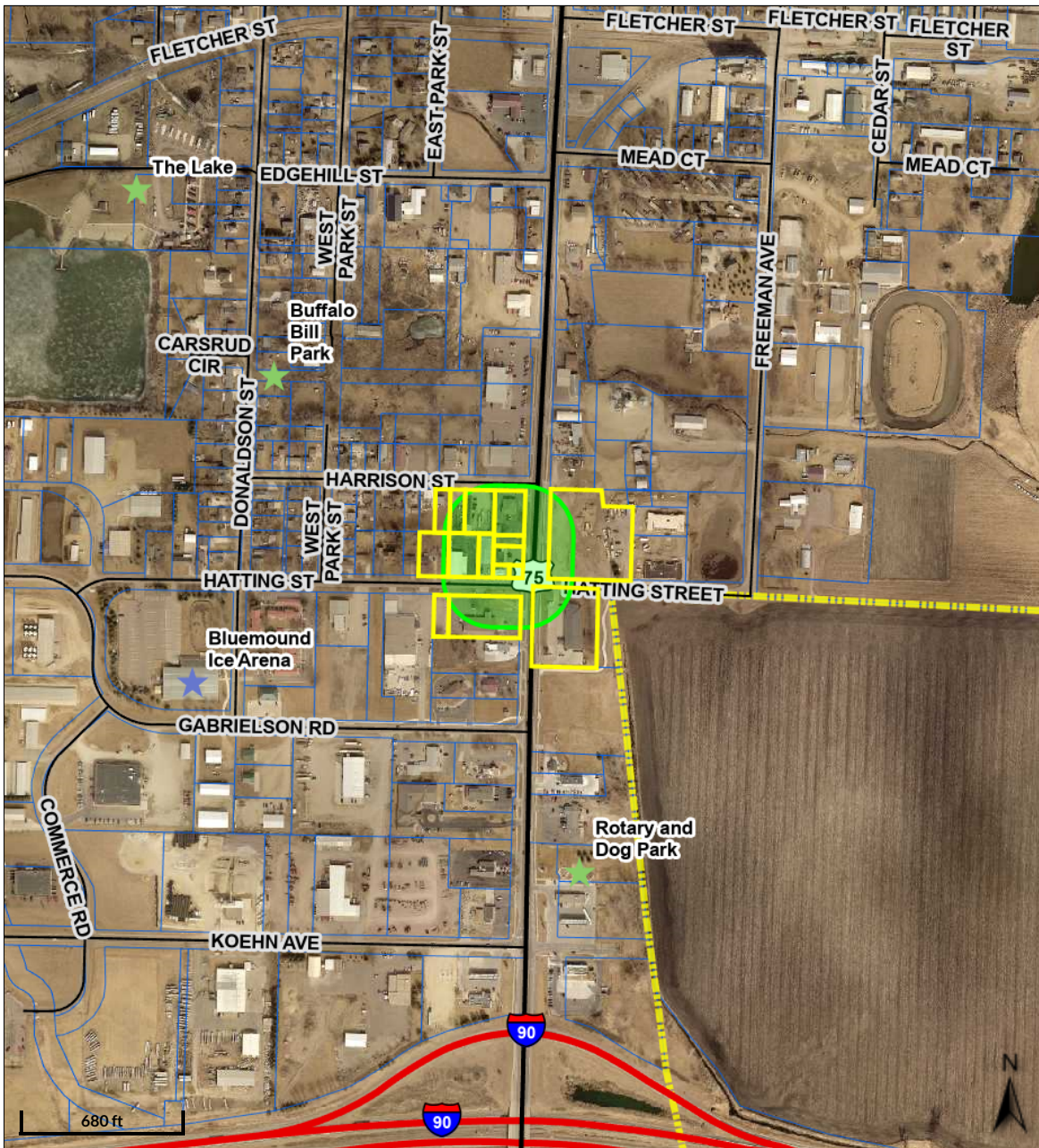


Legend

- Public Parking
- Local Roads
- County Highway
- State Highway
- US Highway
- Interstate
- Lot Sales
- Points of Interest**
- ★ Park maintained by the City of Luverne
- ★ Municipal building/facility maintained by the City of Luverne
- ★ Other points of interest
- Corporate Limits

Date created: 4/10/2025
Last Data Uploaded: 4/10/2025 8:36:34 AM

Developed by **SCHNEIDER**
GEOSPATIAL



Overview



Legend

- Public Parking
- Local Roads
- County Highway
- State Highway
- US Highway
- Interstate
- Lot Sales
- Points of Interest**
- ★ Park maintained by the City of Luverne
- ★ Municipal building/facility maintained by the City of Luverne
- ★ Other points of interest
- Parcels
- Corporate Limits

Date created: 3/20/2025
Last Data Uploaded: 3/20/2025 8:40:02 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

BIG TOP TENT RENTALS LLC
%JORDAN SMIDT
1274 131ST ST
LUVERNE MN 56156-4027

CATTNACH INS COMPANY
A MN CORP
P O BOX 747 702 S KNISS AVE
LUVERNE MN 56156-0747

HAMANN/ANDREW J
322 W HATTING ST
LUVERNE MN 56156-2232

LUVERNE/CITY OF
P O BOX 659
LUVERNE MN 56156-0659

MINNWEST BANK
CENTRAL BILLING
P O BOX 284
SLAYTON MN 56172-0284

ROOS/SCOTT & CHRISTINE J
870 51ST ST
LUVERNE MN 56156-4159

ROOS/SCOTT
870 51ST ST
LUVERNE MN 56156-4159

SARP LLC
5931 S BOUNTY PL
SIOUX FALLS SD 57108-5177

STOLTENBERG/DAVID L/&
PATRICIA R STOLTENBERG
1111 N ELMHURST AVE
LUVERNE MN 56156-1008

THE FLOWER SHOP LLC
24668 S GARFIELD AVE
DELL RAPIDS SD 57105-5336

WALGRAVE/WAYNE
% WAYNE'S BODY SHOP
310 W HATTING ST
LUVERNE MN 56156-2232

WAYNE'S BODY SHOP LLC
310 W HATTING ST
LUVERNE MN 56156-2232

WS LLC
%MICHAEL R WAGLEY
314 W HATTING ST
LUVERNE MN 56156-2232

Notice of Public Hearing for a Variance to the City of Luverne Zoning Ordinance

NOTICTE IS HEREBY GIVEN, by the City of Luverne Board of Appeals and Adjustments that a public hearing will be held in the Council Chambers located in the City Offices Building, 305 East Luverne Street, Luverne, Minnesota, commencing at 5:00 p.m. on Monday, April 14, 2025. The purpose of the hearing is to make a ruling on a requested variance by Dikun Properties, to City Code Section 153.056 Commercial Uses, subd. B. Commercial; dimensional requirements, setbacks, (3) Yard Setbacks to be allowed a building setback 8 feet from the West property line and 10 feet and 2 inches from the existing building, 704 S Kniss, City of Luverne, Minnesota.

All persons wishing to be heard in favor of or in opposition to the variance request should be present at the hearing or present written comments prior thereto to the Building Official. Anyone needing reasonable accommodations or an interpreter should contact the City Clerk's Office, 305 East Luverne Street, Luverne, MN. (507) 449-9898.

By order of the City of Luverne Board of Appeals and Adjustments, Luverne, Minnesota, this 27th day of March, 2025.

Jessica Mead
City Clerk

Published: 3/27/2025
Posted: 3/27/2025