



CITY OF  
**MILACA** *Minnesota*

255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

CITY OF MILACA  
PLANNING COMMISSION AGENDA  
OCTOBER 6, 2025  
6:00 P.M.  
255 1<sup>ST</sup> ST E, CITY HALL COUNCIL ROOM

1. Call to Order Regular Planning Commission Meeting    Time \_\_\_\_\_
2. Roll Call  
  
\_\_\_\_\_ Brett Freese    \_\_\_\_\_ Lainy Hoskins    \_\_\_\_\_ Jake Lepper    \_\_\_\_\_ Joel Millam    \_\_\_\_\_ Mitch Siemers  
\_\_\_\_\_ Brad Tolzman    \_\_\_\_\_ Alex Veurink
3. Approve minutes from August 18, 2025    MB \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ AIF \_\_\_\_\_ O \_\_\_\_\_
4. **Open Public Hearings: Time** \_\_\_\_\_ (Discussion from Planning Commission members conducted under New Business)
  - a. Variance Request from Milaca Park    MB \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ AIF \_\_\_\_\_ O \_\_\_\_\_
  - b. Minor Lot Split from Milaca Park    MB \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ AIF \_\_\_\_\_ O \_\_\_\_\_
  - c. Variance Request from Mille Lacs Vet Holdings, LLC    MB \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ AIF \_\_\_\_\_ O \_\_\_\_\_**Closed Public Hearings: Time** \_\_\_\_\_
5. Old Business
6. New Business
  - a. Variance Request from Milaca Park    MB \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ AIF \_\_\_\_\_ O \_\_\_\_\_
  - b. Minor Lot Split from Milaca Park    MB \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ AIF \_\_\_\_\_ O \_\_\_\_\_
  - c. Variance Request from Mille Lacs Vet Holdings, LLC    MB \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ AIF \_\_\_\_\_ O \_\_\_\_\_
7. Miscellaneous
  - a.
8. Adjourn Time \_\_\_\_\_    MB \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ AIF \_\_\_\_\_ O \_\_\_\_\_

## CITY OF MILACA PLANNING COMMISSION MEETING MINUTES

August 18, 2025

6:00 P.M.

1. OPEN PLANNING COMMISSION MEETING: Brad Tolzman –Chairman, called meeting to order @ 6:00 p.m.

2. MEMBERS PRESENT: Roll Call:

a. Brett Freese, Lainy Hoskins, Joel Millam, Mitch Siemers, Brad Tolzman

ABSENT Jake Lepper

b. Others Present: City Manager Tammy Pfaff, Assistant City Clerk Deloris Katke, Council Liaison Norris Johnson.

3. APPROVAL OF MINUTES FROM July 14, 2025:

Chairman Tolzman called for a motion to approve the minutes from July 14, 2025.

Motion to approve minutes from July 14, 2025, made by Lainy Hoskins, seconded by Mitch Siemers. No further discussion. All in favor.

Motion passes.

4. PUBLIC HEARINGS: Opened at 6:01

a. **Cannabis Business and Cultivation Ordinance Regulations**

b. **Amend Ordinance #156.056(F)(7) to Allow Front Porches**

-No public comment on either topic.

5. PUBLIC HEARINGS: Closed at 6:02

6. NEW BUSINESS:

a. **Cannabis Business and Cultivation Ordinance Regulations**

A motion was made by PC Member Millam, seconded by PC Member Freese to recommend approval of the Ordinance Regulation to the City Council.

No further discussion. All in favor. Motion passes.

b. **Amend Ordinance #156.056(F)(7) to Allow Front Porches**

A motion was made by PC Member Siemers, seconded by PC Member Hoskins to recommend approval to the City Council of an amendment to Ordinance #156.056(f)(7), reading: *“Front porches and landings are allowed as long as the structure is within the setbacks of that zoning district.”*

No further discussion. All in favor. Motion passes.

7. MISCELLANEOUS:

a. **Interview Questions/ Answers from Planning Commission Candidate Alex Veurink**

Following discussion, A motion was made by PC Member Siemers, seconded by PC Member Freese to approve Alex Veurink for Planning Commission vacancy.

No further discussion. All in favor. Motion passes.

8. ADJOURN:

PC Chairman Tolzman called for a motion to adjourn. PC Member Milliam made the motion to adjourn. PC Member Hoskins seconded the motion. No further discussion. All In favor.

Motion passes.

Meeting adjourned at 6:18 p.m.



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**VARIANCE APPLICATION**

Application is hereby submitted for Variance (Detailed Description of Variance -attach if necessary)

Parcel A Sec. 25 T. 38 R. 27

ADDRESS OF PROPERTY 410 2nd ST NE

PROPERTY IDENTIFICATION NUMBER 21-\_\_\_\_\_

OWNER NAME Josh Winter - Milaca Park LLC

OWNER ADDRESS 350 State Hwy 7, Suite 224

STREET ADDRESS

Faceliner

MN

55331

CITY

STATE

ZIP CODE

TELEPHONE (612) 701-5876

EMAIL ADDRESS joshuawinter23@hotmail.com

APPLICANT NAME Randy Reiman

APPLICANT ADDRESS 410 2nd ST NE Home 280 3rd Ave SE

STREET ADDRESS

Milaca

MN

56353

CITY

STATE

ZIP CODE

TELEPHONE ( ) \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

THE FOLLOWING INFORMATION IS SUBMITTED IN SUPPORT OF THIS APPLICATION:

- ☒ COMPLETED APPLICATION FOR VARIANCE
- ☒ FEE OF \$400.00
- ☒ LEGAL DESCRIPTION OF PROPERTY ATTACHED
- ☐ DEPENDING ON THE VARIANCE REQUESTED, THE FOLLOWING MAY BE REQUIRED:
- ☐ 8 COPIES OF SITE PLAN
  - ☐ 8 COPIES OF SIGN PLAN
  - ☐ 8 COPIES OF ANY OTHER APPROPRIATE PLANS OR DRAWINGS
- ☐ A NARRATIVE EXPLAINING THE PURPOSE OF THE REQUEST, THE EXACT NATURE OF THE VARIANCE AND THE JUSTIFICATION OF THE REQUEST (ATTACH SHEET IF NECESSARY)
- ☐ OTHER \_\_\_\_\_

\*\*\*\*\*  
I FULLY UNDERSTAND THAT ALL OF THE ABOVE REQUIRED INFORMATION MUST BE SUBMITTED AT  
LEAST 16 DAYS PRIOR TO THE PLANNING COMMISSION MEETING TO ENSURE REVIEW BY THE  
PLANNING COMMISSION ON THAT DATE.

OWNER'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

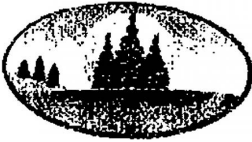
COMMENTS/REVISIONS \_\_\_\_\_

\*\*\*\*\*  
For more information on Variances, go to <https://codelibrary.amlegal.com/codes/milaca/latest/overview> and search for  
Chapter 156

RECEIVED BY: \_\_\_\_\_

CITY MANAGER SIGNATURE/ZONING ADMINISTRATOR

DATE



CITY OF  
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255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

**MINOR LOT SPLIT/COMBINATION APPLICATION**

**OWNER**

OWNER NAME Milaca Park LLC

OWNER ADDRESS 350 State Hwy 7 Suite 224  
STREET ADDRESS

Excelsior MN 55331  
CITY STATE ZIP CODE

EMAIL: \_\_\_\_\_

TELEPHONE: (612) 701-5856

**PROPERTY**

ADDRESS/LOCATION 410 2nd ST NE Milaca, MN

LEGAL DESCRIPTION Sec 25, TWP 03B Range 27

CURRENT ZONING \_\_\_\_\_ LOT AREA 4.92 acres

**APPLICANT INCLUDES:**

- COMPLETED SURVEY BY CERTIFIED SURVEYOR
- NONREFUNDABLE FEE OF \$300 PLUS \$500 ESCROW

**GENERAL REQUIREMENTS**

- ALL RESIDENTIAL LOTS MUST BE 10,000 SQUARE FEET
- 80 FOOT MINIMUM WIDTH FOR LOTS BEING CREATED
- ALL LOTS MUST HAVE STREET FRONTAGE

\*CITY WILL CONTACT YOU WHEN EXEMPTION CERTIFICATE IS COMPLETE

DATE RECEIVED 09.02.2025 DATE PAID \_\_\_\_\_

J:\Share\Forms\Zoning\MINOR LOT SPLIT-COMBINATION APPLICATION.docx J:\Share\Forms\Zoning\MINOR LOT SPLIT-COMBINATION APPLICATION.docx

[www.cityofmilaca.org](http://www.cityofmilaca.org)

Exemption Certificate

NAME OF OWNER: Milaca Park LLC

NAME OF BUYER: Randy Reiman

ADDRESS OF OWNER: 410 2nd ST NE

LEGAL DESCRIPTION OF EXISTING PARCEL(S) (ATTACH SURVEY):

LEGAL DESCRIPTION OF NEW PARCEL SPLIT OR COMBINED LOT(S) (ATTACH SURVEY):

SECTION 25 TOWNSHIP 03B RANGE 27

SURVEYOR'S NAME: Ram River (Seth Monroe)

OWNER'S SIGNATURE [Signature] DATE 8/24/25

**SURVEY OF PARCELS REQUIRED**

I have reviewed the above lot split/combination request and find that:

The proposal meets all applicable requirements of the Zoning and Subdivision Ordinances and may be recorded without any additional review by the Planning Commission or City Council.

By: [Signature]  
Zoning Administrator

Date: 09.02.2025

Original to be recorded with deed within six (6) months of the date approved. Failure to record within the six (6) month time period will make this Exemption Certificate null and void.

J:\Share\Forms\Zoning\MINOR LOT SPLIT-COMBINATION APPLICATION.docx J:\Share\Forms\Zoning\MINOR LOT SPLIT-COMBINATION APPLICATION.docx

[www.cityofmilaca.org](http://www.cityofmilaca.org)







To: Milaca Planning Commission

From: Evan Monson, AICP

Project/File: 193800515

Date: September 22, 2025

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**REQUEST:** Minor Subdivision/Lot Split and Side Setback Variance request for 410 2<sup>nd</sup> Street NE

**APPLICANT:** Randy Reiman, Josh Winter

**OWNER:** Milaca Park, LLC

**PROPERTY LOCATION:** 410/500 2<sup>nd</sup> Street Northeast; Parcel ID 21-025-0500

**ZONING CLASSIFICATION:** I-1 Light Industrial District, B-4 Mobile Home, & C-1 Conservation

**REVIEW PERIOD:** 60-day review period ends 10/24/2025, 120-day review period ends 12/23/2025.

**ITEMS REVIEWED:** Application and materials received on 8/25/2025.

## OVERVIEW

Milaca Park, LLC owns the property that is occupied by the *Mobile Manor* mobile home park, two industrial buildings, an open storage area, and the large wetland area behind it. Randy Reiman owns the larger industrial building on the west side of the property and wants to separate it from the mobile home park property. The Reiman family previously owned the mobile home park but sold it a few years ago; they now want to separate their industrial building and part of the property from the mobile home park property and buildings. To accomplish this, they are requesting a lot split to divide off a lot “Parcel A” on the west side of the property, while the rest of the property “Parcel B” will remain as the mobile home park and most of the wetland.

A new lot line will separate the two existing buildings that are currently approximately ten (10) feet apart, which would place each building approximately five (5) feet from the proposed lot line. The required side setback is ten (10) feet; since this cannot be met a side setback variance is requested for side setbacks of five (5) feet on each side. The subdivision and variance requests are illustrated in Figures 2 and 3.

Variances from zoning requirements are covered in Sections 156.165 – 156.170 of the city code. Section 156.168 requires review of variances by the city’s Planning Commission. The City Council can then approve or deny a variance request.

Minor Subdivisions are covered under Section 155.126 of the city code. These requests can go directly to the City Council, or can be reviewed by the Planning Commission and approved or denied by the council.

## PROPERTY INFORMATION

**Parcel Description:** 410 2nd Street NE is 36.47 acres in size per Mille Lacs County records. The west end of the site has access from 2<sup>nd</sup> Street NE, while the east end of the site has access to 1<sup>st</sup> Street East / County State Aid Highway (CSAH) 37. The middle of the site has access to 6<sup>th</sup> Avenue NE. The south and east portion of the site is a mobile/manufactured home park, while the west end consists of some industrial buildings and outdoor storage. Most of the northern half of the site is a wetland.



Figure 1: County GIS aerial image of 410 2nd Street NE. Parcel lines are in red; the subject parcel is outlined in orange.

**Current Land Uses:** Mobile/manufactured home park, light industrial and outdoor storage, open space/wetlands.



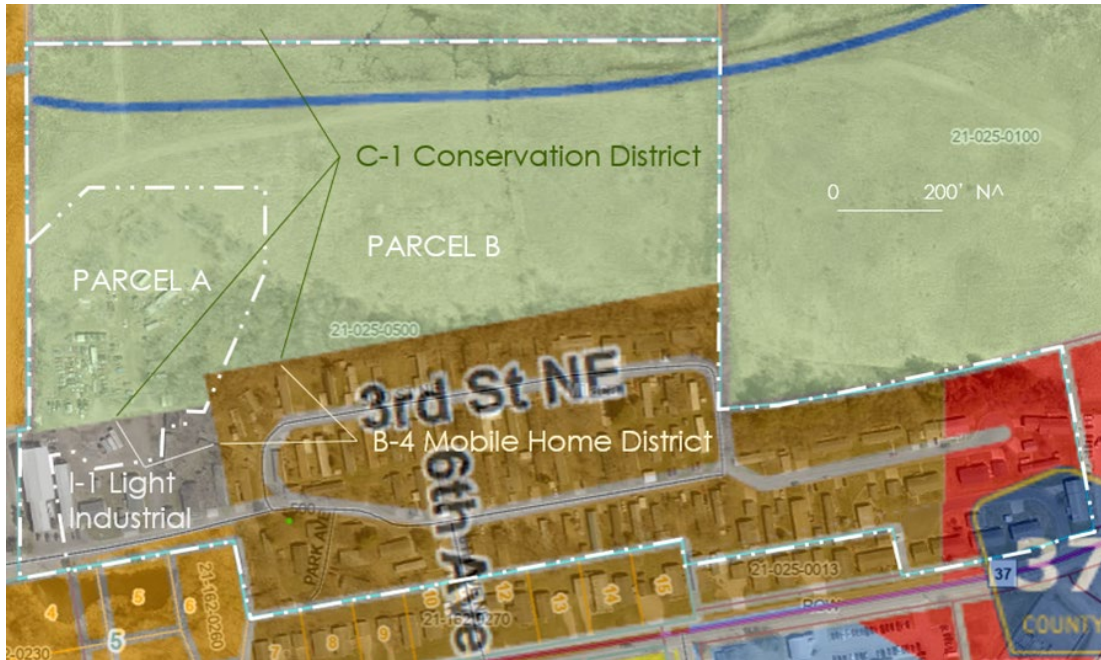


Figure 2: Illustration of proposed request, with proposed lot lines in white and existing zoning designations also shown.



Figure 3: Illustration of Parcel A (right), with excerpt zoomed in on the proposed lot line of Parcel A (left).

## EVALUATION OF THE REQUEST

### Subdivision Code

The request will create two lots. The city code says that the resulting parcels cannot be in violation of Chapter 156, the Zoning Code. The variances to the side setbacks for the two buildings will have to be approved to approve the subdivision request.

### Site Access

The Reiman building currently has access to the rear to the property only via 2nd Street NE and past the mobile home park buildings, illustrated with the yellow arrow and easement in Figure 4. There is not enough space on either side of the Reiman building to get to the rear of the property within the proposed Parcel A. The certificate of survey for the minor subdivision shows a 30-ft-wide ingress, egress and utility easement connecting Parcel A across Parcel B along 2nd Street NE and the mobile home park driveway to the rear of Parcel A.



Figure 4: Proposed access for Parcel A via an 'ingress, egress, and utility easement' that would run through portions of Parcel B.

### Variance

The Milaca Zoning Code, in Sections 156.166 and 156.167, details findings of fact and conditions for granting variances. These standards closely follow State statute requirements. The city's code requirements are listed on the following pages in *italics*, with staff findings and comments following.

#### *Variance Findings, per Section 156.166*

*In considering all requests for a variance or appeal, the Board of Adjustments and Appeals shall make a finding of fact as appropriate that the proposed action will not:*

- (A) *Impair an adequate supply of light and air to adjacent property;*
- (B) *Unreasonably increase the congestion in the public right-of-way;*
- (C) *Increase the danger of fire or endanger the public safety;*
- (D) *Unreasonably diminish or impair established property values within the neighborhood;*



- (E) Cause an unreasonable strain upon existing municipal facilities and services;*
- (F) Be contrary in any way to the provisions and intent of the city's growth management system/Comprehensive Plan; or*
- (G) Have a negative direct and indirect fiscal impact upon the city, county, or school district, unless the proposed use is determined to be in the public interest.*

The proposed variance will not be noticeable to adjacent properties – it is only allowing a new property line to be placed between two existing buildings; nothing new is being built with this subdivision and variance request. The variance will not negatively impact any of the above standards; therefore these criteria are met.

*Variance Conditions, per Section 156.167:*

*(A) (1) The City Council, after receiving recommendations from the Planning Commission, may not permit as a variance any use that is not permitted under this chapter for property in the zone where the affected person's land is located.*

The requested setback variance does not change the uses of the applicant's properties, which are permitted. This criterion is met.

*(2) A variance may be granted when it is demonstrated that this action will be in keeping with the spirit and intent of this chapter and when the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his or her property and not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.*

This criterion is met. The request to separate buildings onto different parcels is a “reasonable use” of the property. The location of the buildings being 10 feet apart is a pre-existing condition unique to this property and not caused by the applicant. It is impossible to meet the setback standard in the ordinance without removing the existing structures. The proposed lot lines will not alter the essential character of the locality – there is no visible change in the buildings or uses.

*(B) Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the chapter. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. A non-economic hardship shall exist by reason of one or more of the following:*

- (1) Narrowness, shallowness, or shape of a specific parcel of property or a lot existing and of record upon the effective date of this chapter;*
- (2) Exceptional topographic or water conditions of a specific parcel of land or lot; or*
- (3) Inadequate access to direct sunlight for solar energy systems.*

These criteria are met. The economic issue usually means that the applicant could meet the code by spending more money, which is not the case in this situation. [Note: the term “undue hardship” is from previous State statute before 2011 and has been replaced by the term “practical difficulties” in current statute on variances.]

*(C) A variance may be granted for the above reasons when the strict application of the provisions of this chapter would result in exceptional difficulties in developing the property in a legally permissible manner. The City Council may impose conditions in granting the variance to insure [sic] compliance and to protect adjacent properties.*

This criterion is met. The two buildings in question are existing; there would be “exceptional difficulties” in separating the buildings by 20 feet to meet the setback standard. Separating the buildings into different lots is legally permissible. The development of the property will remain as it is with this subdivision and variance.

*(D) A variance shall not allow any use which is not a permitted principal use, a permitted accessory use, or a permitted use requiring a conditional use permit. The only lawful variance is one which is usually called a “non-use variance,” and the use of the variance procedure does not authorize any kind of unlawful “spot zoning.”*

This is not a case of ‘spot zoning’ or a ‘use variance.’ The request meets this criterion.

#### **STAFF / AGENCY COMMENTS**

- **Mille Lacs County**
  - The County Zoning Administrator had no issues with the proposed requests.
  - The County Engineer had not provided comments at the time of writing this report.
  - Mille Lacs Soil & Water Conservation District noted that a delineation of the wetland on the property should be performed prior to any new development.
- **City Staff**
  - Engineering: The city engineer had no comments or issues with these requests.

#### **ACTION**

The Planning Commission can do one of the following for each request:

1. Recommend the City Council approve, with findings for approval and with/without conditions.
2. Recommend the City Council deny, with findings for denial.
3. Table the request for further review and/or study.
  - a. If tabling the request for the variance, the city shall extend their review period an additional 60 days, for a total review period of 120 days. Subdivisions have a review period of 120 days.

## **RECOMMENDATION:**

### **Variance**

Staff recommends that the Planning Commission recommend approval of the side setback variance for Randy Reiman and Milaca Park LLC as depicted on the Certificate of Survey from Rum River Land Surveyors + Engineers dated 2/12/2024, with the following findings of fact:

1. Milaca Park LLC owns the property at 410 2nd Street NE identified and described on the Certificate of Survey from Rum River Land Surveyors + Engineers dated 2/12/2024.
2. Randy Reiman owns the existing building on the west side of that property. Milaca Park LLC owns the existing building immediately east of the Reiman building. The buildings are between 10.2 feet and 10.4 feet apart.
3. The area where the above noted buildings are located is zoned I-1 Light Industrial. The required side setback for structures in the I-1 district in the Milaca Zoning Code is ten feet.
4. The applicants have requested a side setback variance to allow a setback of 5.1 to 5.2 feet from each building to the new common side lot line in the proposed minor subdivision.
5. The Milaca Zoning Code, in Section 156.166, has findings to be considered in variance requests. The requested variance will not negatively impact any of the findings.
6. The Milaca Zoning Code, in Section 156.166, has conditions to be considered in variance requests. The requested variance satisfies these conditions as follows:
  - a. The current uses of the property and buildings involved are permitted under the Milaca Zoning Code.
  - b. The requested minor subdivision is a reasonable use of the property.
  - c. The location of the buildings being ten feet apart is a pre-existing condition unique to this property not caused by the applicant making it impossible to meet the setback standard in the ordinance.
  - d. The proposed lot lines will not alter the essential character of the locality – there is no visible change in the buildings or uses.
  - e. Economic considerations are not at issue with this variance request.
  - f. The two buildings in question are existing; there would be “exceptional difficulties” in separating the buildings by 20 feet to meet the setback standard.
  - g. Separating the buildings into separate lots is legally permissible. The development of the property will remain as it is with this subdivision and variance.
  - h. The existing uses are allowed and do not involve spot zoning.
7. The requested variance satisfies the findings and the conditions for approving a variance in the Milaca Zoning Code.

Staff would also recommend the following conditions of approval:

1. The applicant shall split the lot, in accordance with the certificate of survey dated 2/12/2024 and submitted to the city for review with this request.
  - a. The setback from the proposed side lot line for the existing buildings located on proposed parcels A and B shall adhere to the setbacks as shown on the certificate of survey dated 2/12/2024 and submitted to the city for review with this request.
2. The applicant shall acquire all applicable permits and approvals for this request.

3. The applicant shall pay any fees or escrows associated with this request.

### **Minor Subdivision**

Staff recommends the Planning Commission recommend approval of the minor subdivision for Milaca Park LLC as depicted on the Certificate of Survey from Rum River Land Surveyors + Engineers dated 2/12/2024, with the following findings of fact:

1. Milaca Park LLC owns the property at 410 2nd Street NE identified and described on the Certificate of Survey from Rum River Land Surveyors + Engineers dated 2/12/2024.
2. The owner has proposed a minor subdivision depicted on the above noted survey that creates a Parcel A 4.92 acres in size and a Parcel B 31.00 acres in size.
3. The proposed subdivision as submitted meets the criteria for approving a minor subdivision in the Milaca City Code, provided the side setback variance is also approved.

### **Conditions for Approval**

1. The applicants will prepare and record an easement between the two parcels in the subdivision allowing access for Parcel A from 2nd Street NE through the Mobile Manor Parcel B to the rear of Parcel A, consistent with the easement as shown in the certificate of survey dated 2/12/2024 and submitted to the city for review with this request.
2. The minor subdivision is approved only if the accompanying side setback variance is also approved.
3. The applicant shall acquire all applicable permits and approvals for this request.
4. The applicant shall pay any fees or escrows associated with this request.



## RESOLUTION NO. 25-XX

### A RESOLUTION APPROVING A SIDE VARIANCE FOR A 5.1 to 5.2 FOOT SETBACK

WHEREAS, Milaca Park is requesting a variance for a 5.1 to 5.2 foot side setback between structures rather than a 10 foot setback that is required by City Ordinance per 156.042 located at 410 - 420 2<sup>nd</sup> St NE , legally described as;

See Exhibit “A”

WHEREAS, City Ordinance 156.167 Variances states: The basic standard is that there are “practical difficulties” in meeting the ordinance and;

The proposed use of the property is reasonable. i.e., it is an acceptable use of the property and not something out of the ordinary that might impact surrounding properties.

There are circumstances unique to the property not created by the applicant. i.e., something in the property itself and not in the proposed action.

The variance would not alter the essential character of the locality, i.e., it wouldn't be dramatically out of place in terms of size, height, appearance, etc.

Economic considerations alone are not justification for a variance, i.e., could the applicant spend more money and meet the code.

A reasonable reading of these standards would conclude that the current request meets them all. The variance is justified.

WHEREAS, the Milaca Planning Commission held a public meeting on October 6, 2025, to allow for public input regarding the variance request; and

WHEREAS, on the basis of the public hearing, the Planning Commission hereby makes the following findings of fact:

1. Milaca Park LLC owns the property at 410 2nd Street NE identified and described on the Certificate of Survey from Rum River Land Surveyors + Engineers dated 2/12/2024.
2. Randy Reiman owns the existing building on the west side of that property. Milaca Park LLC owns the existing building immediately east of the Reiman building. The buildings are between 10.2 feet and 10.4 feet apart.
3. The area where the above noted buildings are located is zoned I-1 Light Industrial. The required side setback for structures in the I-1 district in the Milaca Zoning Code is ten feet.
4. The applicants have requested a side setback variance to allow a setback of 5.1 to 5.2 feet from each building to the new common side lot line in the proposed minor subdivision.
5. The Milaca Zoning Code, in Section 156.166, has findings to be considered in variance requests. The requested variance will not negatively impact any of the findings.
6. The Milaca Zoning Code, in Section 156.166, has conditions to be considered in variance requests. The requested variance satisfies these conditions as follows:
  - a. The current uses of the property and buildings involved are permitted under the Milaca Zoning Code.
  - b. The requested minor subdivision is a reasonable use of the property.
  - c. The location of the buildings being ten feet apart is a pre-existing condition unique to this property not caused by the applicant making it impossible to meet the setback standard in the ordinance.
  - d. The proposed lot lines will not alter the essential character of the locality – there is no visible change in the buildings or uses.
  - e. Economic considerations are not at issue with this variance request.
  - f. The two buildings in question are existing; there would be “exceptional difficulties” in separating the buildings by 20 feet to meet the setback standard.
  - g. Separating the buildings into separate lots is legally permissible. The development of the property will remain as it is with this subdivision and variance.
  - h. The existing uses are allowed and do not involve spot zoning.
7. The requested variance satisfies the findings and the conditions for approving a variance in the Milaca Zoning Code.

#### CONDITIONS FOR APPROVAL:

1. The applicant shall split the lot, in accordance with the certificate of survey dated 2/12/2024 and submitted to the city for review with this request.

- a. The setback from the proposed side lot line for the existing buildings located on proposed parcels A and B shall adhere to the setbacks as shown on the certificate of survey dated 2/12/2024 and submitted to the city for review with this request.
2. The applicant shall acquire all applicable permits and approvals for this request.
3. Minor Lot Split is also approved
4. The applicant shall pay any fees or escrows associated with this request

WHEREAS, The Planning Commission recommends that the City Council approve the variance request as submitted, with the Findings of Fact in the Planner's report of 09-22-25.

NOW, THEREFORE, BE IT RESOLVED that the Milaca City Council, based on the above-findings of fact, hereby *grants* the variance to allow a side setback to be less than the required 10 feet located at 410 2<sup>nd</sup> St NE/420 2<sup>nd</sup> St NE.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Mayor Dave Dillan

ATTEST

\_\_\_\_\_  
Tammy Pfaff, City Manager

THIS INSTRUMENT DRAFTED BY TAMMY PFAFF,  
CITY OF MILACA CITY MANAGER, 255 1<sup>ST</sup> ST E,  
MILACA MN 56353.

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION OF PARCEL SPLIT:**

#### **PARCEL A DESCRIPTION: ( 4.92 Acres)**

That part of Section 25, Township 38, Range 27, Mille Lacs County, Minnesota, described as follows:

Commencing at the point of intersection of the North-South Quarter line of said Section 25 with the North right of way line of the former Burlington Northern Railway, now being the North line of Block 5, CENTENNIAL ADDITION TO MILACA, said Mille Lacs County, Minnesota; thence South 79 degrees 56 minutes 19 seconds West, assumed bearing along said North right of way line of the former Burlington Northern Railway, a distance of 20.00 feet to the point of beginning of the land to be described; thence North 79 degrees 56 minutes 19 seconds East, along said North right of way line of the former Burlington Northern Railway, a distance of 90.19 feet; thence North 08 degrees 58 minutes 12 seconds West, a distance of 220.50 feet; thence North 81 degrees 01 minutes 48 seconds East, a distance of 50.00 feet; thence South 50 degrees 40 minutes 54 seconds East, a distance of 50.00 feet; thence North 81 degrees 01 minutes 48 seconds East, a distance of 131.45 feet; thence North 02 degrees 13 minutes 31 seconds East, a distance of 60.00 feet; thence South 87 degrees 31 minutes 41 seconds East, a distance of 41.50 feet; thence North 02 degrees 28 minutes 19 seconds East, a distance of 30.00 feet; thence South 87 degrees 31 minutes 41 seconds East, a distance of 35.00 feet; thence North 23 degrees 31 minutes 31 seconds East, a distance of 290.91 feet; thence North 00 degrees 37 minutes 08 seconds East, a distance of 164.41 feet; thence South 89 degrees 47 minutes 26 seconds West, a distance of 339.50 feet; thence South 46 degrees 23 minutes 45 seconds West, a distance of 156.63 feet to the intersection with said North-South Quarter line; thence South 00 degrees 12 minutes 34 seconds West, along said North-South Quarter line to the intersection with the North line of the tract described in Document Number 214258; thence South 79 degrees 56 minutes 19 seconds West, along said North line of the tract described in Document Number 214258, a distance of 20.01 feet to the intersection with a line drawn parallel with the East line of said Section 25 extended North from the point of beginning; thence South 00 degrees 12 minutes 41 seconds East, parallel with said East line of Section 25, a distance of 284.70 feet to the point of beginning.

Subject to an ingress, egress, and utility easement over, under, and across the South 66.00 feet of the above-described property.



### **INGRESS EGRESS & UTILITY EASEMENT DESCRIPTION:**

A 30.00-foot-wide permanent easement for ingress, egress, and utility purposes over, under, and across the Southwest Quarter of the Northeast Quarter, the North Half of the Southeast Quarter, and the West Half, all being in Section 25, Township 38, Range 27, Mille Lacs County, Minnesota, the centerline of said 30.00-foot-wide easement is described as follows:

Commencing at the point of Intersection of the North-South Quarter line of said Section 25 with the North right of way line of the former Burlington Northern Railway, now being the North line of Block 5, CENTENNIAL ADDITION TO MILACA, said Mille Lacs County, Minnesota; thence South 79 degrees 56 minutes 19 seconds West, assumed bearing along said North right of way line of the former Burlington Northern Railway, a distance of 20.00 feet; thence North 79 degrees 56 minutes 19 seconds East, along said North right of way line of the former Burlington Northern Railway, a distance of 90.19 feet; thence North 08 degrees 58 minutes 12 seconds West, a distance of 32.42 feet to the point of beginning of the centerline to be described; thence North 78 degrees 37 minutes 42 seconds East, a distance of 185.98 feet; thence North 03 degrees 24 minutes 44 seconds West, a distance of 143.63 feet to the intersection with the following described "Line A":

Commencing at the point of intersection of the North-South Quarter line of said Section 25 with the North right of way line of the former Burlington Northern Railway, now being the North line of Block 5, CENTENNIAL ADDITION TO MILACA, said Mille Lacs County, Minnesota; thence South 79 degrees 56 minutes 19 seconds West, assumed bearing along said North right of way line of the former Burlington Northern Railway, a distance of 20.00 feet; thence North 79 degrees 56 minutes 19 seconds East, along said North right of way line of the former Burlington Northern Railway, a distance of 90.19 feet; thence North 08 degrees 58 minutes 12 seconds West, a distance of 220.50 feet; thence North 81 degrees 01 minutes 48 seconds East, a distance of 50.00 feet; thence South 50 degrees 40 minutes 54 seconds East, a distance of 50.00 feet to the point of beginning of said "Line A"; thence North 81 degrees 01 minutes 48 seconds East, a distance of 131.45 feet and said "Line A" there terminating.

The sidelines of said 30.00-foot-wide permanent easement are to be prolonged or shortened to terminate on a line which , bears North 08 degrees 58 minutes 12 seconds West and passes through said point of beginning and said "Line A".

### **PARCEL B DESCRIPTION: (31.00 Acres)**

That part of the North Half of the Southeast Quarter and that part of the Southeast Quarter of the Northeast Quarter, all in Section 25, Township 38, Range 27, Mille Lacs County, Minnesota, described as follows: Beginning at the point of intersection of the northerly extension of the Easterly line of that certain tract of land described in Book 64 of Mortgages, page 277 with the Northerly right of way line of First Street Southeast; thence northerly along said northerly

extension a distance of 90.38 feet; thence westerly and parallel with the Southerly right of way line of the former Burlington Northern Railroad Company a distance of 402.28 feet, more or less

to the point of intersection with the East line of said Lot 15, Block 5, Centennial Addition to Milaca; thence northerly along said East line distance of 45.69 feet, more or less to the Northerly right of way line of said former Burlington Northern Railroad Company; thence easterly along said Northerly right of way line to the point of intersection with the Westerly right of way line of Minnesota Department of Transportation Right of Way Plat No. 48-11, Mille Lacs County, Minnesota; thence southerly and westerly along said right of way line and westerly and southerly along the Northerly right of way line of State Trunk Highway No. 23 as monumented per Minnesota Department of Transportation Right of Way Plat No. 48-28, Mille Lacs County, Minnesota, to the point of intersection with

said Northerly right of way line of First Street Southeast; thence northerly and westerly along said Northerly right of way line of First Street Southeast to said point of beginning. Excepting that part of the Southeast Quarter of the Northeast Quarter together with that part of the Northeast Quarter of the Southeast Quarter, all within Section 25, Township 38, Range 27, Mille Lacs County, Minnesota, described as follows: Beginning at the point of intersection of the Westerly right of way line of Minnesota Department of Transportation Right Way Plat No. 48-25, Mille Lacs County, Minnesota, with a line parallel with and distant 237.00 feet northerly of the Northerly line of the former Burlington Northern, Inc. Railway, thence southerly and southwesterly along said Westerly right of way line to the point of intersection with the South line of said Southeast Quarter of the Northeast Quarter; thence southwesterly, southeasterly and southwesterly along the northerly right of way line of Minnesota Department of Transportation Right of Way Plat No. 48-28; Mille Lacs County, Minnesota, to the point of intersection with the Northerly right of way line of First Street Southeast; thence northwesterly along said Northerly right of way line of First Street Southeast a distance of 377.21 feet; thence northerly, deflecting to the right 98 degrees 37 minutes 50 seconds, a distance of 359.07 feet to the point of intersection with said line distant 237.00 feet northerly of and parallel with the Northerly right of way line of the former Burlington Northern, Inc. Railway; thence easterly along said parallel line a distance of 452.19 feet to said point of beginning.

AND

The South 48 rods of the Southwest Quarter of the Northeast Quarter, Mille Lacs County, Minnesota, and all of the North Half of the Southeast Quarter lying North of the right of Way of the Great Northern Railway Company, excepting, and reserving a tract of land heretofore conveyed to Lars Olson by Deed recorded In Book 26 of Deeds, page 155, all In Section 25, Township 38, Range 27, Mille Lacs County, Minnesota

AND

All that part of the Southeast Quarter of the Northeast Quarter and that part of the Northeast Quarter of the Southeast Quarter, all in Section 25, Township 38, Range 27, Mille Lacs County, Minnesota, described as follows:

Commencing at the point of intersection of the East line of said Southeast Quarter of the Northeast Quarter with the northerly right of way line of the former St. Paul, Minneapolis & Manitoba Railway; thence southwesterly along said northerly right of way line to the point of intersection with the westerly right of way line of Minnesota Department of Transportation Right

of Way Plat No. 48-11, according to the recorded plat thereof, Mille Lacs County, Minnesota, and to the point of beginning of the property being described; thence continuing southwesterly along said northerly right of way line to a point distant 1320.00 feet southwesterly, as measured along said northerly right of way line, from said point of commencement; thence northerly parallel with the West line of said Northeast Quarter of the Southeast Quarter to the North line of said Northeast Quarter of the Southeast Quarter; thence westerly along said North line to the Southwest corner of said Southeast Quarter of the Northeast Quarter; thence northerly along the West line of said Southeast Quarter of the Northeast Quarter to the point of intersection with a line 237.00 feet northerly of and parallel to said northerly right of way line of the former St. Paul, Minneapolis & Manitoba Railway; thence northeasterly along said parallel line to the point of intersection with said westerly right of way of Minnesota Department of Transportation Right of Way Plat No. 48-11; thence southerly along said westerly right of way line to said point of beginning.

EXCEPT:

That part of the Southeast Quarter of the Northeast Quarter together with that part of the Northeast Quarter of the Southeast Quarter, all within Section 25, Township 38; Range 27, Mille Lacs County, Minnesota, described as follows; Beginning at the point of intersection of the Westerly right of way line of Minnesota Department of Transportation Right of Way Plat No. 48-25, Mille Lacs County, Minnesota, with a line parallel with and distant 237.00 feet northerly of the Northerly line of the former Burlington Northern, Inc. Railway, thence southerly and southwesterly along said Westerly right of way line to the point of intersection with the South line of said Southeast Quarter of the Northeast Quarter; thence southwesterly, southeasterly and southwesterly along the northerly right of way line of Minnesota Department of Transportation Right of Way Plat No. 48-28, Mille Lacs County, Minnesota, to the point of intersection with the Northerly right of way line of First Street Southeast; thence northwesterly along said Northerly right of way line of First Street Southeast a distance of 377.21 feet; thence northerly, deflecting to the right 98 degrees, 37 minutes 50 seconds, a distance of 359.07 feet to the point of intersection with said line distant 237.00 feet northerly of and parallel with the Northerly right of way line of the formerly Burlington Northern, Inc. Railway; thence easterly along said parallel line a distance of 452.19 feet to said point of beginning.

AND

That portion of the West Half of Section 25, Township 38, Range 27, described as follows: Beginning at the point of intersection of the North-South centerline of said section 25 and the North right-of-way line of the former Burlington Northern Railway Right-of-Way now being the North line of Block 5 of Centennial Addition to Milaca; thence Southwesterly on and along said North Right-of-Way line of distance of 20.0 feet; thence northerly on and along a line parallel to

the East line of said Section 25 to the North line of that certain tract of land described in Warranty Deed filed as Document No. 214258; thence Northeasterly on and along said North line of tract described In Document No. 214258 to the North-South center line of said Section 25; thence proceeding South on and along, said center line to the point of beginning and there terminating.

ALSO EXCEPT

That part of Section 25, Township 38, Range 27, Mille Lacs County, Minnesota, described as follows:

Commencing at the point of intersection of the North-South Quarter line of said Section 25 with the North right of way line of the former Burlington Northern Railway, now being the North line of Block 5, CENTENNIAL ADDITION TO MILACA, said Mille Lacs County, Minnesota; thence South 79 degrees 56 minutes 19 seconds West, assumed bearing along said North right of way line of the former Burlington Northern Railway, a distance of 20.00 feet to the point of beginning of the land to be described; thence North 79 degrees 56 minutes 19 seconds East, along said North right of way line of the former Burlington Northern Railway, a distance of 90.19 feet; thence North 08 degrees 58 minutes 12 seconds West, a distance of 220.50 feet; thence North 81 degrees 01 minutes 48 seconds East, a distance of 50.00 feet; thence South 50 degrees 40 minutes 54 seconds East, a distance of 50.00 feet; thence North 81 degrees 01 minutes 48 seconds East, a distance of 131.45 feet; thence North 02 degrees 13 minutes 31 seconds East, a distance of 60.00 feet; thence South 87 degrees 31 minutes 41 seconds East, a distance of 41.50 feet; thence North 02 degrees 28 minutes 19 seconds East, a distance of 30.00 feet; thence South 87 degrees 31 minutes 41 seconds East, a distance of 35.00 feet; thence North 23 degrees 31 minutes 31 seconds East, a distance of 290.91 feet; thence North 00 degrees 37 minutes 08 seconds East, a distance of 164.41 feet; thence South 89 degrees 47 minutes 26 seconds West, a distance of 339.50 feet; thence South 46 degrees 23 minutes 45 seconds West, a distance of 156.63 feet to the intersection with said North-South Quarter line; thence South 00 degrees 12 minutes 34 seconds West, along said North-South Quarter line to the intersection with the North line of the tract described in Document Number 214258; thence South 79 degrees 56 minutes 19 seconds West, along said North line of the tract described in Document Number 214258, a distance of 20.01 feet to the Intersection with a line drawn parallel with the East line of said Section 25 extended North from the point of beginning; thence South 00 degrees 12 minutes 41 seconds East, parallel with said East line of Section 25, a distance of 284.70 feet to the point of beginning.



CITY OF  
**MILACA** *Minnesota*

255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

**VARIANCE APPLICATION**

Application is hereby submitted for Variance (Detailed Description of Variance -attach if necessary)

*In 1979 when this bldg was built parking was adequate. Today the parking is no longer adequate. This variance is to add 6 more spaces.*

ADDRESS OF PROPERTY 255 3rd Ave SW Milaca MN 56353

PROPERTY IDENTIFICATION NUMBER 21-042-0850

OWNER NAME Mille Lacs Veterinary Holdings LLC.

OWNER

ADDRESS 255 3rd Ave SW

STREET ADDRESS

Milaca

CITY

MN.

STATE

56353

ZIP CODE

TELEPHONE (320) 983-6303

EMAIL ADDRESS drenord@millelacsnet.com

APPLICANT NAME D & K Milaca Rentals LLC.

APPLICANT

ADDRESS 18-21st Ave No.

STREET ADDRESS

St. Cloud

CITY

MN

STATE

56303

ZIP CODE

TELEPHONE (320) 250-5512

EMAIL ADDRESS clavida@kueflerproperties.com



THE FOLLOWING INFORMATION IS SUBMITTED IN SUPPORT OF THIS APPLICATION:

- ☒ COMPLETED APPLICATION FOR VARIANCE
- ☒ FEE OF \$400.00
- ☒ LEGAL DESCRIPTION OF PROPERTY ATTACHED
- ☒ DEPENDING ON THE VARIANCE REQUESTED, THE FOLLOWING MAY BE REQUIRED:
- ☐ 8 COPIES OF SITE PLAN
- ☐ 8 COPIES OF SIGN PLAN
- ☐ 8 COPIES OF ANY OTHER APPROPRIATE PLANS OR DRAWINGS
- ☐ A NARRATIVE EXPLAINING THE PURPOSE OF THE REQUEST, THE EXACT NATURE OF THE VARIANCE AND THE JUSTIFICATION OF THE REQUEST (ATTACH SHEET IF NECESSARY)
- ☐ OTHER See explanation on page 1

\*\*\*\*\*  
I FULLY UNDERSTAND THAT ALL OF THE ABOVE REQUIRED INFORMATION MUST BE SUBMITTED AT LEAST 15 DAYS PRIOR TO THE PLANNING COMMISSION MEETING TO ENSURE REVIEW BY THE PLANNING COMMISSION ON THAT DATE.

OWNER'S SIGNATURE

Christy Ann Nord

DATE 09.19.25

COMMENTS/REVISIONS

Owner is concerned of drainage into the Melle hoes Vet clinic. Please address this + drainage towards house to south.

\*\*\*\*\*  
For more information on Variances, go to <https://codelibrary.amlegal.com/codes/milaca/latest/overview> and search for Chapter 156

RECEIVED BY:

D. Louis Katke  
CITY MANAGER SIGNATURE/ZONING ADMINISTRATOR

DATE

09.19.25

**Deloris Katke**

---

**From:** Chris Nord <drcnord@millelacsnet.com>  
**Sent:** Friday, September 19, 2025 11:04 AM  
**To:** Deloris Katke  
**Subject:** RE: Variance Application for Parking Spaces

Good morning,

Mr. Kuefler approached our ownership group about purchasing a piece of our property at 255 3<sup>rd</sup> Ave SW in Milaca in order to build a small parking lot connected to the rest of his lot to the east of our property. My partners and I are willing to sell the approximately 1624 sf of land surveyed in the NE corner of our property as it is not being used by us currently and does not have any specific developmental potential for our group.

However, as it would be a significant benefit to Mr. Kuefler for the construction of 6 additional parking spots for his building and we would be able to generate some funds with the sale, we are in favor of the sale of this section. MLVHoldings, LLC requests a variance to the requirement that a minimum size of 6000 sf is required for the sale of property. Please consider a variance for the ~1624 sf section of our property as surveyed and submitted to you.

Our only requirement relative to the property is that the construction of the parking spots does not increase erosion or increase drainage of rainwater or snowmelt onto our property in the NE corner as being below the grade we have issues enough as it is with a grass hill and rock filter.

Sincerely,  
Christopher Nord, DVM  
President, MLVHoldings

**From:** Joe Diethelm <Joe.Diethelm@ecemn.com>  
**Sent:** Tuesday, September 2, 2025 9:04 AM  
**To:** david kueflerproperties.com  
**Subject:** Milaca parking lot

Hi David,

Per our conversation the other day. It is ok to fill in to the south of our junction box as long as we have a 5-foot distance to the filled in area so we can access our equipment and change it out if needed. It's ok to fill on top of our existing wire the serves the vet clinic. Any other questions, feel free to reach out to me. Thanks.

Joe

Joe Diethelm

Construction/ Maintenance Supervisor East Central Energy

320-982-4004 | [joe.diethelm@ecemn.com](mailto:joe.diethelm@ecemn.com)

412 Main Avenue N | PO Box 39 | Braham, MN 55006



(EXISTING LEGAL DESCRIPTION PER DOC. NO. 155883)

That part of the Southwest Quarter of Southwest Quarter (SW1/4 of SW1/4) of Section Twenty-five (25), Township Thirty-eight (38), Range Twenty-seven (27), and the Second Addition to the Village of Milaca, described as follows: Commencing at the southwest corner of Lot Eleven (11), Block Seventeen (17), Second Addition to the Village of Milaca, thence westerly along the south line of said Lot 11 extended a distance of 156.57 feet; thence deflecting to the right interior angle 78 degrees 07 minutes 00 seconds and along the easterly right of way line of the old Milaca to Foreston road a distance of 202.33 feet; thence easterly along the north line of Lot 10, Block 17, Second Addition to the Village of Milaca, extended, a distance of 181.77 feet to the northeast corner of said Lot 10; thence southerly along said easterly line of said Lot 10 a distance of 80.00 feet to the southeast corner thereof; thence westerly along the south line of said Lot 10, a distance of 66.00 feet; thence southerly on a line parallel to the easterly line of Lot 11 a distance of 118.00 feet to the point of beginning and there terminating.

#### TRACT A

That part of the Southwest Quarter of Southwest Quarter (SW1/4 of SW1/4) of Section Twenty-five (25), Township Thirty-eight (38), Range Twenty-seven (27), and the Second Addition to the Village of Milaca, described as follows: Commencing at the southwest corner of Lot Eleven (11), Block Seventeen (17), Second Addition to the Village of Milaca, thence westerly along the south line of said Lot 11 extended a distance of 156.57 feet; thence deflecting to the right interior angle 78 degrees 07 minutes 00 seconds and along the easterly right of way line of the old Milaca to Foreston road a distance of 202.33 feet; thence easterly along the north line of Lot 10, Block 17, Second Addition to the Village of Milaca, extended, a distance of 181.77 feet to the northeast corner of said Lot 10; thence southerly along said easterly line of said Lot 10 a distance of 80.00 feet to the southeast corner thereof; thence westerly along the south line of said Lot 10, a distance of 66.00 feet; thence southerly on a line parallel to the easterly line of Lot 11 a distance of 118.00 feet to the point of beginning and there terminating.

#### LESS AND EXCEPT

That part of Lot 10, Block 17, SECOND ADDITION TO THE VILLAGE OF MILACA, according to the recorded plat thereof, Mille Lacs County, Minnesota, described as follows: Beginning at the southeast corner of said Lot 10; thence South 79 degrees 24 minutes 36 seconds West, assumed bearing, along the southerly line of said Lot 10, a distance of 29.00 feet; thence North 09 degrees 41 minutes 45 seconds West, 56.31 feet; thence North 79 degrees 45 minutes 56 seconds East, 29.00 feet, to the easterly line of said Lot 10; thence South 09 degrees 41 minutes 45 seconds East, along said easterly line of Lot 10, a distance of 56.13 feet, to the point of beginning.

#### TRACT B

That part of Lot 10, Block 17, SECOND ADDITION TO THE VILLAGE OF MILACA, according to the recorded plat thereof, Mille Lacs County, Minnesota, described as follows: Beginning at the southeast corner of said Lot 10; thence South 79 degrees 24 minutes 36 seconds West, assumed bearing, along the southerly line of said Lot 10, a distance of 29.00 feet; thence North 09 degrees 41 minutes 45 seconds West, 56.31 feet; thence North 79 degrees 45 minutes 56 seconds East, 29.00 feet, to the easterly line of said Lot 10; thence South 09 degrees 41

minutes 45 seconds East, along said easterly line of Lot 10, a distance of 56.13 feet, to the point of beginning.

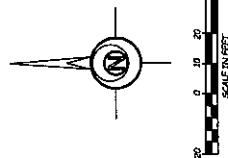
[illegible][illegible]

That part of Lot 10, Block 17, SECOND ADDITION TO THE VILLAGE OF MILACA, according to the recorded plat thereof, Milaca County, Minnesota, described as follows: Beginning at the southeast corner of said Lot 10; thence South 79 degrees 24 minutes 36 seconds West, acrossed bearing, along the northerly line of said Lot 10, a distance of 219.02 feet; thence North 09 degrees 41 minutes 45 seconds East, along the southerly line of said Lot 10, a distance of 219.02 feet; thence North 09 degrees 41 minutes 45 seconds East, along the southerly line of said Lot 10, a distance of 56.13 feet, to the point of beginning.

**TRACT B.**

That part of Lot 10, Block 12, ADDITION TO THE VILLAGE OF MILACA, according to the recorded plat thereof, Miller Lake County, Minnesota, described as follows: Beginning at the southeast corner of said Lot 10; thence South 79 degrees 24 minutes 60 seconds West, along the southerly line of said Lot 10, a distance of 29.00 feet; thence North 68 degrees 41 minutes 45 seconds West, along the westerly line of said Lot 10, a distance of 56.20 feet; thence North 69 degrees 41 minutes 45 seconds West, along the northerly line of said Lot 10, a distance of 56.20 feet; thence South 79 degrees 41 minutes 45 seconds East, along the easterly line of said Lot 10, a distance of 56.13 feet; to the point of beginning.

JO8 NO:2025-496  
FILE NAME:2025-496.DW6  
LOCATION:25-38-27



- | Legend                         |  |
|--------------------------------|--|
| INDICATES IRON MONUMENT PLACED |  |
| INDICATES IRON MONUMENT FOUND  |  |
| INDICATES OVERHEAD POWER       |  |
| INDICATES FENCE LINE           |  |
| INDICATES SANITARY MANHOLE     |  |
| INDICATES SATCHET 84-53N       |  |
| INDICATES WATER VALVE          |  |
| INDICATES INHABIT              |  |
| INDICATES POWER POLE           |  |
| INDICATES 53N                  |  |
| INDICATES ATTENUOUS SURFACE    |  |
| INDICATES CONCRETE SURFACE     |  |

HERBURY CURTIS THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY HIM OR UNDER HIS DIRECT SUPERVISION AND THAT I AM A DAILY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 08-21-25

ADAM E. CHRISTENSON

MINNESOTA REGISTRATION NO. 30333

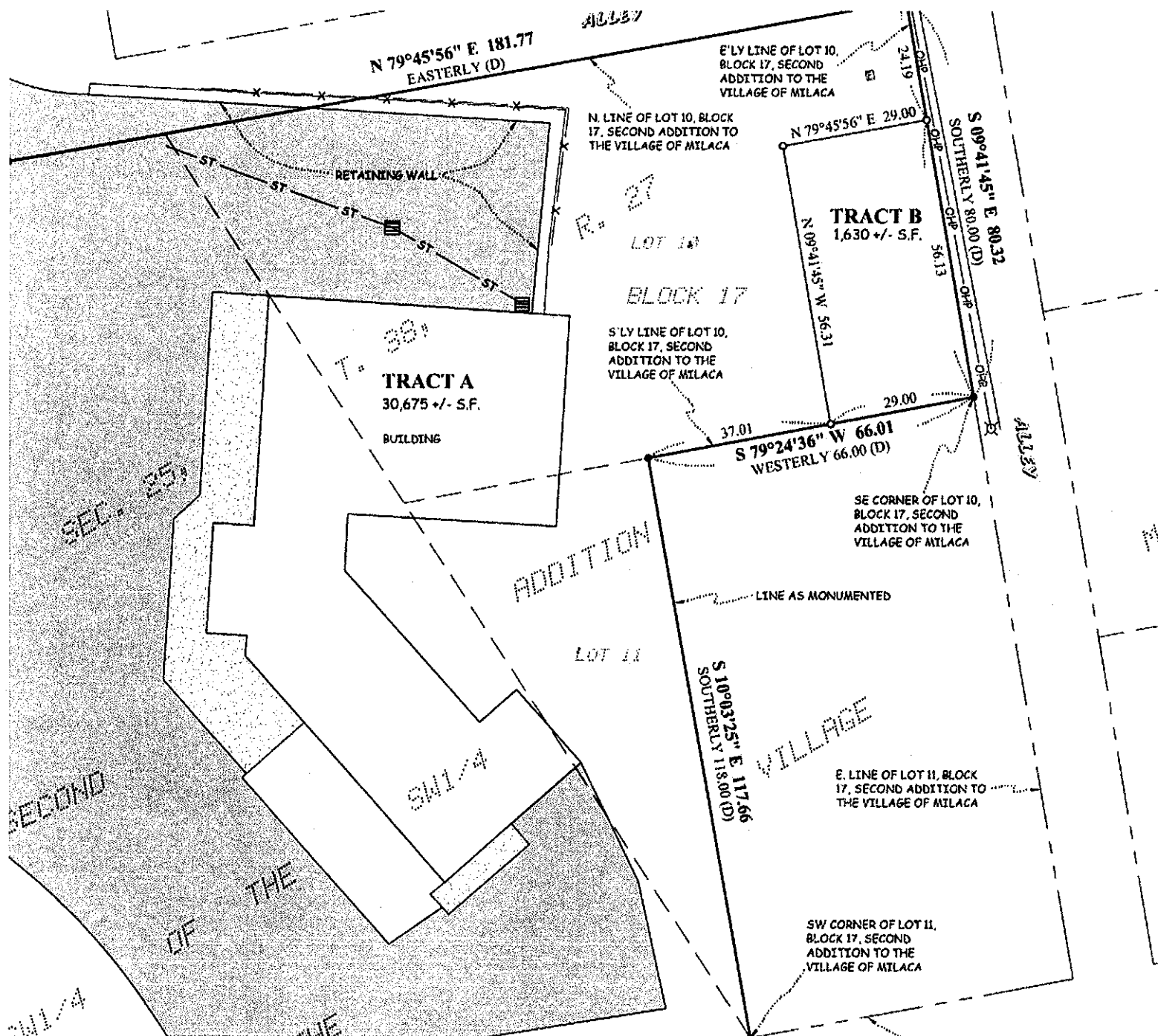
1004 2nd ST. SE  
WILLMAR, MN 56201  
PH. 320-235-4012

340 CHAPEL HILL RD.  
COLD SPRING, MN 56320  
PH. 320-685-5905

1250 HWY 15 SOUTH  
HUTCHINSON, MN 55350  
PH. 320-234-1223

**NOTE:** THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.





To: Milaca Planning Commission

From: Evan Monson, AICP

Project/File: 193800515

Date: September 25, 2025

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**REQUEST:** Minor Subdivision/Lot Split and Lot Size Variance request for 255 3<sup>rd</sup> Avenue SW

**APPLICANT:** David Kuefler – D & K Milaca Rentals LLC

**OWNER:** MLV Holdings, LLC

**PROPERTY LOCATION:** 255 3rd Avenue SW; Parcel ID 21-042-0850

**ZONING CLASSIFICATION:** B-2 General Business

**REVIEW PERIOD:** 60-day review period (for the variance request) ends 11/18/2025. 120-day review period (for the minor subdivision/lot split request) ends 1/2/2026.

**ITEMS REVIEWED:** Application and materials received by the city on 9/4/2025 (minor subdivision/lot split) and 9/19/2025 (variance).

## OVERVIEW

The owners of the Milaca Park Apartments, located at 240 2<sup>nd</sup> Avenue SW, are interested in providing more parking for the residents of their apartment building. The building was built in 1979, per county records. The 240 2<sup>nd</sup> Avenue SW site cannot accommodate additional off-street parking; as a result the property owner has approached their neighbor to the west, 255 3<sup>rd</sup> Avenue SW – Mille Lacs Vet Clinic, about acquiring some space to construct additional off-street parking on. The two property owners have determined that creation of a new lot would be the optimal way to do this.

The applicant has prepared a survey showing the proposed lot that they would split off of the Vet Clinic parcel – Tract A would be the remaining Vet Clinic parcel, while Tract B would be the new off-street parking parcel for the Milaca Park Apartments. The proposed Tract B is 1,630 square feet (SF) in size. The Vet Clinic parcel is zoned B-2, so both tract A and B would also be zoned B-2. Per 156.039(C), the minimum lot size in the B-2 zone is 6,000 SF if a lot has sewer service or access to sewer; the proposed Tract B is below this requirement by 4,370 SF. As a result, the applicant is requesting a variance to allow for the creation of proposed Tract B at a size that is less than the minimum required under the B-2 zone.

If both the variance and minor subdivision are approved, the applicant can then prepare plans and apply for a building permit to build the proposed off-street parking. Those plans would have to adhere to city requirements regarding drainage, surfacing, and screening.

Variances from zoning requirements are covered in Sections 156.165 – 156.170 of the city code. Section 156.168 requires review of variances by the city's Planning Commission. The City Council can then approve or deny a variance request. Minor Subdivisions are covered under Section 155.126 of the city code. These requests can go directly to the City Council, or can be reviewed by the Planning Commission and approved or denied by the council.

## PROPERTY INFORMATION

**Parcel Description:** 255 3rd Avenue SW is 32,305 SF in size per the applicant's survey. The west end of the site abuts 3rd Avenue SW / CR 32, while the south side abuts 3rd Street SW. An undeveloped alleyway runs along the north side of the lot, while a paved alleyway runs along the east side. The site slopes down from the NE corner towards the Veterinary Clinic building. The alleyway slopes down towards 3rd Street SW. The Milaca Park Apartments are located across the alleyway to the east, while a single-family home is located on a parcel next to 255 3rd Avenue SW.



Figure 1: County GIS aerial image. Parcel lines are in red. 255 3rd Avenue SW is outlined in orange, 240 2nd Avenue SW is outlined in light red.

**Current Land Uses:** Veterinary Clinic

## EVALUATION OF THE REQUEST

### Subdivision Code

The request will create two lots. Section 155.126 of Milaca city code says that the resulting parcels cannot be in violation of Chapter 156, the city's zoning code. The variances to the minimum lot size as required under the B-2 zone will have to be approved in order to approve the subdivision request. Granting the variance would also ensure that Section 155.067 of the subdivision code, which covers requirements for newly created lots, would be met.

### Variance

The Milaca Zoning Code, in Sections 156.166 and 156.167, details findings of fact and conditions for granting variances. These standards closely follow State statute requirements. The city's code requirements are listed on the following pages in *italics*, with staff findings and comments following.

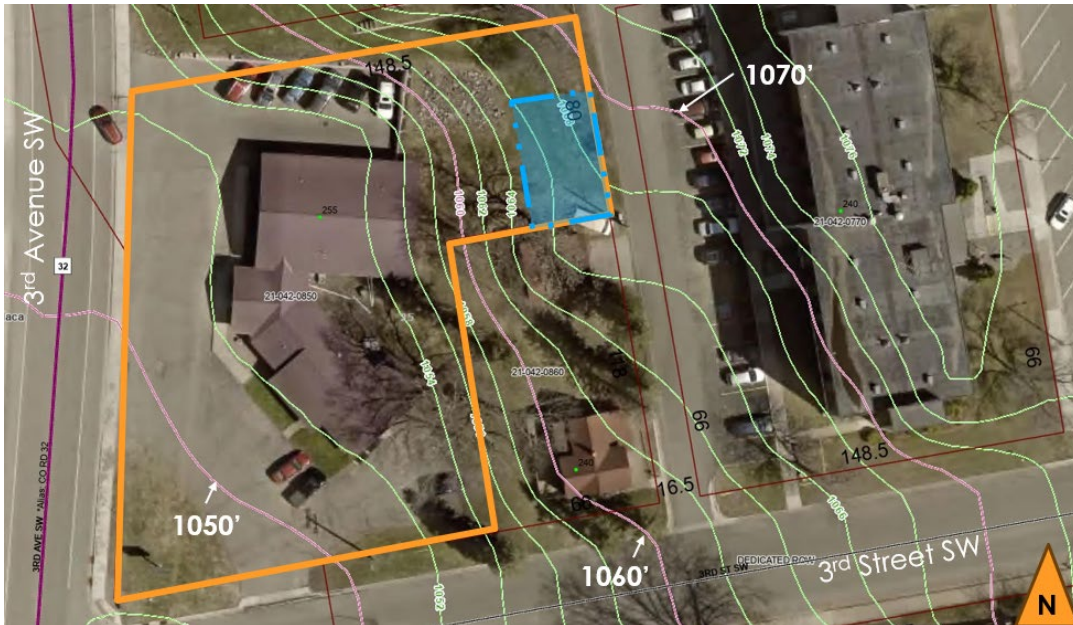


Figure 2: Aerial of the site, with contours and elevations shown per Mille Lacs County. 255 3rd Avenue SW is outlined in orange. Proposed Tract B is shown in light blue.

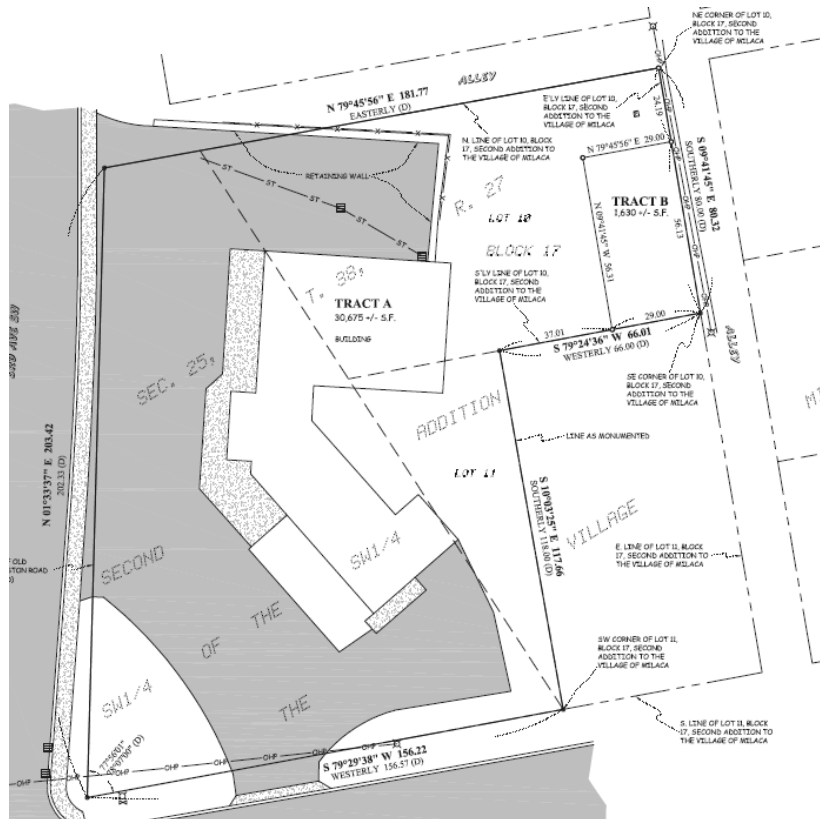


Figure 3: Excerpt from the applicant's survey.



*Variance Findings, per Section 156.166*

*In considering all requests for a variance or appeal, the Board of Adjustments and Appeals shall make a finding of fact as appropriate that the proposed action will not:*

- (A) Impair an adequate supply of light and air to adjacent property;*
- (B) Unreasonably increase the congestion in the public right-of-way;*
- (C) Increase the danger of fire or endanger the public safety;*
- (D) Unreasonably diminish or impair established property values within the neighborhood;*
- (E) Cause an unreasonable strain upon existing municipal facilities and services;*
- (F) Be contrary in any way to the provisions and intent of the city's growth management system/Comprehensive Plan; or*
- (G) Have a negative direct and indirect fiscal impact upon the city, county, or school district, unless the proposed use is determined to be in the public interest.*

The proposed lot would be to provide additional parking for the Milaca Park Apartments located to the east, across the alleyway. The parking area will need to be reviewed by city staff to ensure applicable city codes are met, and that the design of the parking area will not negatively impact the alleyway (which is city right-of-way) or neighboring properties. The variance will not negatively impact any of the above standards; therefore these criteria are met.

*Variance Conditions, per Section 156.167:*

*(A) (1) The City Council, after receiving recommendations from the Planning Commission, may not permit as a variance any use that is not permitted under this chapter for property in the zone where the affected person's land is located.*

The requested variance is for the size of the lot, not the use. Off-street parking is permitted on all lots in the city. This criterion is met.

*(2) A variance may be granted when it is demonstrated that this action will be in keeping with the spirit and intent of this chapter and when the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his or her property and not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.*

This criterion is met. The applicant's proposed use of the new lot (tract B) would be for off-street parking, which is a reasonable use. The Vet Clinic would be permitted to construct parking in this area if they so choose. The applicant's property (240 2nd Avenue SW) does not have room for additional parking. The applicant's property, and all of the lots in this block, were platted and developed prior to the owner owning the property; the landowner did not create these issues. It is impossible to provide additional off-street parking on the 240 2nd Avenue SW property without removing the existing apartment building. The proposed tract B, being smaller than 6,000 SF in size will not alter the essential character of the locality. The site is on the edge of the city's downtown, which has numerous lots of varying size and dimensions, with off-street parking abutting different lots and uses.

*(B) Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the chapter. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. A non-economic hardship shall exist by reason of one or more of the following:*

- (1) Narrowness, shallowness, or shape of a specific parcel of property or a lot existing and of record upon the effective date of this chapter;*
- (2) Exceptional topographic or water conditions of a specific parcel of land or lot; or*
- (3) Inadequate access to direct sunlight for solar energy systems.*

These criteria are met. The economic issue usually means that the applicant could meet the code by spending more money, which is not the case in this situation. [Note: the term “undue hardship” is from previous State statute before 2011 and has been replaced by the term “practical difficulties” in current statute on variances.]. Given the shape of the lot, and layout of existing development on the 255 3<sup>rd</sup> Avenue SW property, there is not enough room to create a new lot that meets the minimum lot size of 6,000 SF.

*(C) A variance may be granted for the above reasons when the strict application of the provisions of this chapter would result in exceptional difficulties in developing the property in a legally permissible manner. The City Council may impose conditions in granting the variance to insure [sic] compliance and to protect adjacent properties.*

This criterion is met. There would be “exceptional difficulties” in creating a code compliant lot that is 6,000 SF out of the 255 3<sup>rd</sup> Avenue SW parcel without removing existing parking and portions of the Vet Clinic facility; similar issues arise when trying to add off-street parking onto the applicant’s property of 240 2<sup>nd</sup> Avenue SW. The council can impose conditions on the future off-street parking that the applicant proposes on tract B to ensure that the use does not negatively impact the existing Vet Clinic facility, or the single-family residence on the 240 3<sup>rd</sup> Street SW property to the south.

*(D) A variance shall not allow any use which is not a permitted principal use, a permitted accessory use, or a permitted use requiring a conditional use permit. The only lawful variance is one which is usually called a “non-use variance,” and the use of the variance procedure does not authorize any kind of unlawful “spot zoning.”*

This is not a case of ‘spot zoning’ or a ‘use variance.’ The request meets this criterion.

## **STAFF / AGENCY COMMENTS**

- **City Staff**
  - City Engineer comments: “Approval of the lot split does not include approval for construction of parking facilities on the new parcel. Parking lot design shall be completed by a licensed professional engineer. The design shall include improvements that do not increase the amount of surface water runoff onto adjacent properties including the property at 240 3<sup>rd</sup> Ave SW.”

## **ACTION**

The Planning Commission can do one of the following for each request:

1. Recommend the City Council approve, with findings for approval and with/without conditions.
2. Recommend the City Council deny, with findings for denial.
3. Table the request for further review and/or study.

## **RECOMMENDATIONS**

### **Variance**

Staff recommends that the Planning Commission recommend approval of the minimum lot size variance for David Kuefler – D & K Milaca Rentals LLC, on behalf of property owner MLV Holdings LLC, as depicted on the Certificate of Survey from O’Malley & Kron Land Surveyors, dated 8/21/2025, with the following findings of fact:

1. The proposed lot would be to provide additional parking for the Milaca Park Apartments located to the east, across the alleyway. The parking area will need to be reviewed by city staff to ensure applicable city codes are met, and that the design of the parking area will not negatively impact the



alleyway (which is city right-of-way) or neighboring properties. The variance will not negatively impact any of the standards in Section 156.166.

2. The requested variance is for the proposed size of the lot, not the use. Off-street parking is permitted on all lots in the city.
3. The applicant's proposed use of the new lot (tract B) would be for off-street parking, which is a reasonable use. The Vet Clinic would be permitted to construct parking in this area if they so choose. The applicant's property (240 2nd Avenue SW) does not have room for additional parking. The applicant's property, and all of the lots in this block, were platted and developed prior to the owner owning the property; these issues were not created by the landowner. It is impossible to provide additional off-street parking on the 240 2nd Avenue SW property without removing the existing apartment building. The proposed tract B, being smaller than 6,000 SF in size will not alter the essential character of the locality. The site is on the edge of the city's downtown, which has numerous lots of varying size and dimensions, with off-street parking abutting different lots and uses.
4. Economic considerations alone do not constitute an undue hardship in this case. The economic issue usually means that the applicant could meet the code by spending more money, which is not the case in this situation. Given the shape of the lot, and layout of existing development on the 255 3rd Avenue SW property, there is not enough room to create a new lot that meets the minimum lot size of 6,000 SF.
5. There would be "exceptional difficulties" in creating a code compliant lot that is 6,000 SF out of the 255 3rd Avenue SW parcel without removing existing parking and portions of the Vet Clinic facility; similar issues arise when trying to add off-street parking onto the applicant's property of 240 2nd Avenue SW. The council can impose conditions on the future off-street parking that the applicant proposes on tract B to ensure that the use does not negatively impact the existing Vet Clinic facility, or the single-family residence on the 240 3rd Street SW property to the south.
6. This is not a case of 'spot zoning' or a 'use variance.'

Staff would also recommend the following conditions of approval:

1. The applicant shall split 255 3<sup>rd</sup> Avenue SW, in accordance with the certificate of survey dated 8/21/2025 and submitted to the city for review with this request.
  - a. The applicant's proposed off-street parking on the proposed Tract B shall adhere to design requirements of the City Engineer to ensure that runoff onto adjacent properties does not increase.
  - b. The applicant's proposed off-street parking on the proposed Tract B shall be screened from the property to the south (240 3<sup>rd</sup> Avenue SW), in accordance with Section 156.078(D) of Milaca City Code.
2. The applicant shall acquire all applicable permits and approvals for this request.
3. The applicant shall pay any fees or escrows associated with this request.

### **Minor Subdivision**

Staff recommends the Planning Commission recommend approval of the minor subdivision for David Kuefler – D & K Milaca Rentals LLC, on behalf of property owner MLV Holdings LLC, as depicted on the Certificate of Survey from O'Malley & Kron Land Surveyors, dated 8/21/2025, with the following findings of fact:

1. MLV Holdings LLC owns the property at 255 3<sup>rd</sup> Avenue SW, identified and described on the Certificate of Survey from O'Malley & Kron Land Surveyors, dated 8/21/2025.
2. The applicant, on behalf of the property owner, has proposed a minor subdivision depicted on the above noted survey that creates a Tract A 30,675 square feet in size and a Tract B 1,630 square feet in size.
3. The proposed subdivision as submitted meets the criteria for approving a minor subdivision in the Milaca City Code, provided the variance from the minimum lot size requirement is also approved.

Conditions for Approval:

1. The applicant shall split 255 3<sup>rd</sup> Avenue SW, in accordance with the certificate of survey dated 8/21/2025 and submitted to the city for review with this request.
2. The minor subdivision is approved only if the accompanying minimum lot size variance is also approved.
3. The applicant shall acquire all applicable permits and approvals for this request.
4. The applicant shall pay any fees or escrows associated with this request.

RESOLUTION NO. 25-XX

A RESOLUTION APPROVING A VARIANCE TO CREATE A LOT SMALLER THAN THE  
MINIMUM LOT SIZE

WHEREAS, Mille Lacs Veterinary Holdings, LLC is requesting a variance for smaller lot than is required by City Ordinance per 156.039 located at 255 3<sup>rd</sup> Ave SW, legally described as;

See Exhibit “A”

WHEREAS, City Ordinance 156.167 Variances states: The basic standard is that there are “practical difficulties” in meeting the ordinance and;

The proposed use of the property is reasonable. i.e., it is an acceptable use of the property and not something out of the ordinary that might impact surrounding properties.

There are circumstances unique to the property not created by the applicant. i.e., something in the property itself and not in the proposed action.

The variance would not alter the essential character of the locality, i.e., it wouldn’t be dramatically out of place in terms of size, height, appearance, etc.

Economic considerations alone are not justification for a variance, i.e., could the applicant spend more money and meet the code.

A reasonable reading of these standards would conclude that the current request meets them all. The variance is justified.

WHEREAS, the Milaca Planning Commission held a public meeting on October 6, 2025, to allow for public input regarding the variance request; and

WHEREAS, on the basis of the public hearing, the Planning Commission hereby makes the following findings of fact:

## Variance

Staff recommends that the Planning Commission recommend approval of the minimum lot size variance for David Kuefler – D & K Milaca Rentals LLC, on behalf of property owner MLV Holdings LLC, as depicted on the Certificate of Survey from O'Malley & Kron Land Surveyors, dated 8/21/2025, with the following findings of fact:

1. The proposed lot would be to provide additional parking for the Milaca Park Apartments located to the east, across the alleyway. The parking area will need to be reviewed by city staff to ensure applicable city codes are met, and that the design of the parking area will not negatively impact the alleyway (which is city right-of-way) or neighboring properties. The variance will not negatively impact any of the standards in Section 156.166.
2. The requested variance is for the proposed size of the lot, not the use. Off-street parking is permitted on all lots in the city.
3. The applicant's proposed use of the new lot (tract B) would be for off-street parking, which is a reasonable use. The Vet Clinic would be permitted to construct parking in this area if they so choose. The applicant's property (240 2nd Avenue SW) does not have room for additional parking. The applicant's property, and all of the lots in this block, were platted and developed prior to the owner owning the property; these issues were not created by the landowner. It is impossible to provide additional off-street parking on the 240 2nd Avenue SW property without removing the existing apartment building. The proposed tract B, being smaller than 6,000 SF in size will not alter the essential character of the locality. The site is on the edge of the city's downtown, which has numerous lots of varying size and dimensions, with off-street parking abutting different lots and uses.
4. Economic considerations alone do not constitute an undue hardship in this case. The economic issue usually means that the applicant could meet the code by spending more money, which is not the case in this situation. Given the shape of the lot, and layout of existing development on the 255 3rd Avenue SW property, there is not enough room to create a new lot that meets the minimum lot size of 6,000 SF.
5. There would be "exceptional difficulties" in creating a code compliant lot that is 6,000 SF out of the 255 3rd Avenue SW parcel without removing existing parking and portions of the Vet Clinic facility; similar issues arise when trying to add off-street parking onto the applicant's property of 240 2nd Avenue SW. The council can impose conditions on the future off-street parking that the applicant proposes on tract B to ensure that the use does not negatively impact the existing Vet Clinic facility, or the single-family residence on the 240 3rd Street SW property to the south.
6. This is not a case of 'spot zoning' or a 'use variance.'

CONDITIONS OF APPROVAL:

Staff would also recommend the following conditions of approval:

1. The applicant shall split 255 3<sup>rd</sup> Avenue SW, in accordance with the certificate of survey dated 8/21/2025 and submitted to the city for review with this request.
  - a. The applicant's proposed off-street parking on the proposed Tract B shall adhere to design requirements of the City Engineer to ensure that runoff onto adjacent properties does not increase.
  - b. The applicant's proposed off-street parking on the proposed Tract B shall be screened from the property to the south (240 3<sup>rd</sup> Avenue SW), in accordance with Section 156.078(D) of Milaca City Code.
2. The applicant shall acquire all applicable permits and approvals for this request.
3. The applicant shall pay any fees or escrows associated with this request.

WHEREAS, The Planning Commission recommends that the City Council approve the variance request as submitted, with the Findings of Fact in the Planner's report of 09-25-25.

NOW, THEREFORE, BE IT RESOLVED that the Milaca City Council, based on the above-findings of fact, hereby *grants* the variance to allow a lot to be less than the required 6,000 square feet located at 255 3<sup>rd</sup> Ave SW.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST

\_\_\_\_\_  
Mayor Dave Dillan

\_\_\_\_\_  
Tammy Pfaff, City Manager

THIS INSTRUMENT DRAFTED BY TAMMY PFAFF,  
CITY OF MILACA CITY MANAGER, 255 1<sup>ST</sup> ST E,  
MILACA MN 56353.



## EXHIBIT "A"

### LEGAL DESCRIPTION:

(EXISTING LEGAL DESCRIPTION PER DOC. NO. 155883)

That part of the Southwest Quarter of Southwest Quarter (SW 1/4 of SW 1/4) of Section Twenty-five (25), Township Thirty-eight (38), Range Twenty-seven (27), and the Second Addition to the Village of Milaca, described as follows: Commencing at the southwest corner of Lot Eleven (11), Block Seventeen (17), Second Addition to the Village of Milaca, thence westerly along the south line of said Lot 11 extended a distance of 156.57 feet; thence deflecting to the right interior angle 78 degrees 07 minutes 00 seconds and along the easterly right of way line of the old Milaca to Foreston road a distance of 202.33 feet; thence easterly along the north line of Lot 10, Block 17, Second Addition to the Village of Milaca, extended, a distance of 181.77 feet to the northeast corner of said Lot 10; thence southerly along said easterly line of said Lot 10 a distance of 80.00 feet to the southeast corner thereof; thence westerly along the south line of said Lot 10, a distance of 66.00 feet; thence southerly on a line parallel to the easterly line of Lot 11 a distance of 118.00 feet to the point of beginning and there terminating.

### TRACT A

That part of the Southwest Quarter of Southwest Quarter (SW 1/4 of SW 1/4) of Section Twenty-five (25), Township Thirty-eight (38), Range Twenty-seven (27), and the Second Addition to the Village of Milaca, described as follows: Commencing at the southwest corner of Lot Eleven (11), Block Seventeen (17), Second Addition to the Village of Milaca, thence westerly along the south line of said Lot 11 extended a distance of 156.57 feet; thence deflecting to the right interior angle 78 degrees 07 minutes 00 seconds and along the easterly right of way line of the old Milaca to Foreston road a distance of 202.33 feet; thence easterly along the north line of Lot 10, Block 17, Second Addition to the Village of Milaca, extended, a distance of 181.77 feet to the northeast corner of said Lot 10; thence southerly along said easterly line of said Lot 10 a distance of 80.00 feet to the southeast corner thereof; thence westerly along the south line of said Lot 10, a distance of 66.00 feet; thence southerly on a line parallel to the easterly line of Lot 11 a distance of 118.00 feet to the point of beginning and there terminating.

### LESS AND EXCEPT

That part of Lot 10, Block 17, SECOND ADDITION TO THE VILLAGE OF MILACA, according to the recorded plat thereof, Mille Lacs County, Minnesota, described as follows: Beginning at the southeast corner of said Lot 10; thence South 79 degrees 24 minutes 36 seconds West, assumed bearing, along the southerly line of said Lot 10, a distance of 29.00 feet; thence North 09 degrees 41 minutes 45 seconds West, 56.31 feet; thence North 79 degrees 45 minutes 56 seconds East, 29.00 feet, to the easterly line of said Lot 10; thence South 09 degrees 41

minutes 45 seconds East, along said easterly line of Lot 10, a distance of 56.13 feet, to the point of beginning.

#### TRACT B

That part of Lot 10, Block 17, SECOND ADDITION TO THE VILLAGE OF MILACA, according to the recorded plat thereof, Mille Lacs County, Minnesota, described as follows: Beginning at the southeast corner of said Lot 10; thence South 79 degrees 24 minutes 36 seconds West, assumed bearing, along the southerly line of said Lot 10, a distance of 29.00 feet; thence North 09 degrees 41 minutes 45 seconds West, 56.31 feet; thence North 79 degrees 45 minutes 56 seconds East, 29.00 feet, to the easterly line of said Lot 10; thence South 09 degrees 41 minutes 45 seconds East, along said easterly line of Lot 10, a distance of 56.13 feet, to the point of beginning.