



CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **August 6, 2025, 7:00 PM**

Commissioners' Meeting Room

2nd Floor Human Services Bldg

Government Center – Chaska, Mn

AGENDA

1. **Convene**

1.1. Call to Order

1.2. Pledge of allegiance

1.3. Attendance

1.4. Agenda review and adoption

1.5. Approve Minutes from July 2, 2025**2-10**

2. **Agenda**

2.1. #PZ20250033 - Public Hearing on Request by Michael Samuelson for a variance.

(Reduced road frontage & Exceed width-to-depth ratio)

Dahlgren Township**11-22**

3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 24, 2025

TO: Carver County Board of Adjustment & Dahlgren Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Reduced Road Frontage and Excessive Width/Depth Ratio)

FILE #: PZ20250033

APPLICANTS: Mike & Arnold Samuelson

PROPERTY OWNERS: Samuelson Farm LLC

SITE ADDRESS: 13445 Market Ave., Cologne, 55322

VARIANCE TYPE: Reduced Road Frontage, Width-to-Depth Ratio

PURSUANT TO: County Code Sections 152.033 (D) (1) & (4)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 04-019-0500

BACKGROUND:

1. The Samuelson family is the owner of an approximately 126.15-acre parcel located in the Northwest Quarter (NW¼) of Section 19, Dahlgren Township. The property includes a farmstead with agricultural buildings, tilled land, pasture, and some wetlands. It is located within the Agricultural Zoning District, the Carver County Water Management Organization (CCWMO) – Bevens Creek watershed, and the Shoreland Overlay District (in the portion of the parcel containing tilled land).
2. The applicants are requesting a variance to allow a Minor Subdivision that would separate the existing farmstead from the larger agricultural parcel and simultaneously create a third, 20-acre parcel that would utilize the remaining building eligibility (BE). Both the proposed farmstead parcel and the new 20-acre parcel would meet zoning dimensional requirements. However, the remnant agricultural parcel would only have approximately 125 feet of public road frontage, 375 feet less than the minimum required, and would also exceed the allowed width-to-depth ratio. As a result, a variance is being requested pursuant to Sections 152.033(D)(1) and (4) of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.033 LOT REQUIREMENTS.

(A) *Generally.* A new lot shall not be created unless it conforms to all of the following requirements. Any action that changes the size, configuration, or shape of a lot is considered to be creating a new lot. The only exception is where changes are being made to correct discrepancies in a legal description or to recognize actual occupation.

(D) *Road frontage, lot width and depth.*

(1) ***Road frontage.* All new lots shall have frontage on a public road or be attached to an adjacent parcel having the required road frontage; minimum road frontage is 125 feet.**

(2) *Minimum width.* One hundred twenty-five feet with 125 feet of frontage on a public road existing at the time of application or the minimum width required to maintain width to depth ratio, whichever is greater. The minimum width of a specified lot must be maintained for the entire depth of the lot except where the lot is located on a cul-de-sac.

(3) *Minimum lot depth.* One hundred twenty-five feet.

(4) ***Width to depth ratio.* Depth of the lot shall not exceed five times the width. Road frontage of 500 feet or more will support a lot of any depth.**

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 97-2021, passed 7-20-21)

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

The Board of Adjustment is hereby established and invested with the authority as is hereinafter provided and as provided by M.S. §§ 394.21 through 394.37, as they may be amended from time to time.
(Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

§ 152.215 VARIANCES.

- (D) *Grounds for variance.* The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall be granted in accordance with M.S. Chapter 394, as it may be amended from time to time, in cases where the applicant establishes that there is a practical difficulty in the way of carrying out the strict letter of any official control.
- (1) A variance shall only be permitted when the following can be found as fact:
- (a) The variance is in harmony with the general purpose and intent of the official control.
 - (b) The variance is consistent with the intent of the comprehensive plan.
- (2) In addition, a variance may be granted when the applicant establishes a practical difficulty in complying with the official control. A practical difficulty is established when the following items are found as fact:
- (a) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
 - (b) The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
 - (c) The variance will not alter the essential character of the locality.
 - (d) The practical difficulty includes more than economic considerations alone.
- (F) Other provisions related to variances.
- (1) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
 - (2) Inadequate access to direct sunlight for solar energy systems is considered a practical difficulty.
 - (3) Variances shall be granted for earth shelter construction as defined in MN State Statute section 216C.06, subdivision 14, when in harmony with the official controls.
 - (4) The board of adjustment may impose conditions on the granting of any variance pursuant to subsection 152.216 (B).
 - (5) Granting of the variance shall not have the effect of violating a state or federal rule or law.
 - (6) *Floodplain standards.* A variance issued to property within the Floodplain Overlay District must meet the requirements set forth in §§ 152.143 through 152.156.
 - (7) *Shoreland Overlay District.* A variance issued to property within the Shoreland Overlay District must meet the requirements set forth in §§ 152.108 and 152.135.
 - (8) That the granting of the variance will not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.
- (Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 88-2018, passed 11-20-18; Am. Ord. 97-2021, passed 7-20-21)

STAFF ANALYSIS:

1. The County Code typically requires the platting process (Major Subdivision) be completed for any subdivision request that does not meet the criteria for the minor subdivision as follows: the subdivision must meet the frontage requirement on an existing road; and the subdivision would not require the construction of any public improvements or new road. The approval of the variance would negate the major subdivision requirement.
2. The applicant is proposing to subdivide the original parcel to create three lots: a 20-acre farmstead lot, an approximately 20.5-acre lot to utilize the parcel's remaining 1 per 40 building eligibility (BE), and an approximately 81.5-acre agricultural "land only" parcel. Additionally, the applicant proposes a boundary adjustment with the adjacent residential parcel to the south—owned by Michael and Michelle Samuelson—to incorporate a small pasture and a second driveway into their lot. This adjustment would reduce the size of the BE designated lot to approximately 20 acres.

3. The remnant agricultural parcel, which is the subject of the variance request, would utilize a proposed field access. However, the parcel does not meet the minimum required road frontage of 500 feet for a lot of its depth—approximately 3,200 feet—nor does it comply with the required width-to-depth ratio. In contrast, both the proposed farmstead parcel and the lot utilizing the building eligibility (BE) would be legally conforming and meet all applicable requirements of the County Zoning Code.

4. The applicant’s letter, dated July 7, 2025, outlines the reason for creating the agricultural lot. It states: *“There are four principal owners of the family-owned LLC. Two members—the applicants—would like to keep some of the property in the family. In order to accomplish this, we need to sell the tillable acreage in order to buy the other two members out.”* The narrative further explains the practical difficulties in dividing the original parcel into conforming lots.

“The reason the variance is needed is to create a suitable residential building site in the red section. The only feasible spot to build a home is in the middle of the pasture area due to the natural gas pipeline and the two low-lying areas which frequently experience flooding. The 500-foot road frontage for the ag parcel would not allow a feasible building site. The 125 feet of frontage for the ag parcel that we are requesting is just for them (the future owner) to be able to access the tillable land from the road (Market Avenue).”

5. The “Image 1” Site Plan, dated July 7, 2025, graphically illustrates the proposed lot split using different property boundary colors. The applicant’s narrative includes a legend to describe the color coding and outlines the boundaries of each proposed parcel.

“On the provided Map (Image 1) the three sections are in Red, Blue, and Yellow. The proposed homestead lot, outlined in blue, and the proposed new residential lot, outlined in red would be conforming lots. The proposed agricultural lot, outlined in yellow is the subject of this variance.

The green line in the red section shows the most suitable driveway access point for the proposed residential parcel. The driveway would have to be built in the future according to Township and County regulations. Being that it is over the pipeline that is located there, we go into it with the understanding that the pipeline has an easement, and they can modify it if needed to access the pipeline. With the two new entrances that the new parcels would need, Dahlgren Township has already stated that they will provide driveway permits as soon as we need them.

If this variance is granted the future owners may install a field access driveway (shown by a green line in map of the yellow section) to access the tillable ground between the homestead and upper pasture, and the lower pasture. The current field access point from Market Avenue is from the homestead driveway through the pastures to get to the ag parcel (Image 3). With this variance approval it would grant a direct access point from Market Avenue to the fields.”

6. Finally, the narrative outlines and the “Image 2” site plan illustrates the proposed boundary line adjustment with the adjacent residential parcel to the south. The applicant notes:

“The property south of this parcel, which is owned by Michael and Michelle Samuelson has two driveways, of which one is partially on the Samuelson Farm LLC property. With this variance and when we apply for the minor subdivision process, we will be re-drawing/moving their property line about 50 feet north to follow a fence line so that there is not any other access point to the new red parcel other than the proposed access point.”

7. Jacob McLain, Senior Environmentalist with Carver County Environmental Services, reviewed the variance request and, in an email dated July 16, 2025, stated that the farmstead on the parcel “would need a compliance inspection on the existing system, and a secondary site would need to be located for future use. The new residential lot would need soil borings (Primary & Alternate Sites) completed for the subdivision to verify that suitable soils exist on site. Also, the property to the south (13685 Market Avenue) will need a compliance inspection, and a secondary site established when the property line is re-drawn.” If the variance is approved, the minor subdivision review will require submission of the septic system information for review and approval.

8. The landowner's plight is due to circumstances unique to the parcel that predate the Samuelson family's ownership. The property has limited road frontage for its size—only about 16 percent (1,700 feet out of a total 10,400 feet) of its perimeter borders a public road. Additionally, a natural gas line easement and existing wetlands further restrict potential building sites and access to Market Avenue. While the applicants have made deliberate decisions to create a 20-acre farmstead lot—to preserve agricultural use and retain existing agricultural buildings—and to establish a residential parcel larger than the 1.5-acre minimum, these choices reasonably reflect their land use priorities. As confirmed in the applicant's narrative, the intended use of the property aligns with how it has been used for decades and is consistent with permitted uses under the zoning code.
9. The applicant is proposing to use the property in a manner consistent with the general purpose and intent of the official control. In this case, the official control seeks to ensure that adequate access is provided to agricultural parcels. While the proposal does not meet the minimum road frontage requirement, it appears to be a reasonable request. The farmstead and the new parcel utilizing the building eligibility (BE) meet applicable lot configuration standards and align with the overall intent of the zoning regulations.
10. Granting the variance does not appear to conflict with the intent of the Comprehensive Plan and would not alter the character of the surrounding neighborhood. No building eligibilities would be assigned to the remnant agricultural parcel.
11. The surrounding neighborhood consists of agricultural uses, scattered residences, open fields, and wooded areas. The proposed request would not result in a substantial change to the neighborhood's character, nor would it negatively impact government services.
12. Approval of the variance would not materially or adversely affect the health or safety of individuals residing or working near the subject property. Additionally, it would not be detrimental to the public welfare or injurious to nearby properties or improvements.
13. The Dahlgren Town Board reviewed the variance request and recommended approval at their June 9, 2025, meeting, with the comment: "Approve with two new driveway accesses." Because Market Avenue borders Benton Township, the Township was notified of the variance application. In an email dated July 16, 2025, Town Clerk Chris Commers indicated they have no concerns.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance to allow for reduced road frontage and excessive width-to-dept ratio for a proposed lot split on the property pursuant to Sections 152.033 (D)(1) & (4) of the Carver County Zoning Code would serve in the interest of justice, the following conditions should be considered:

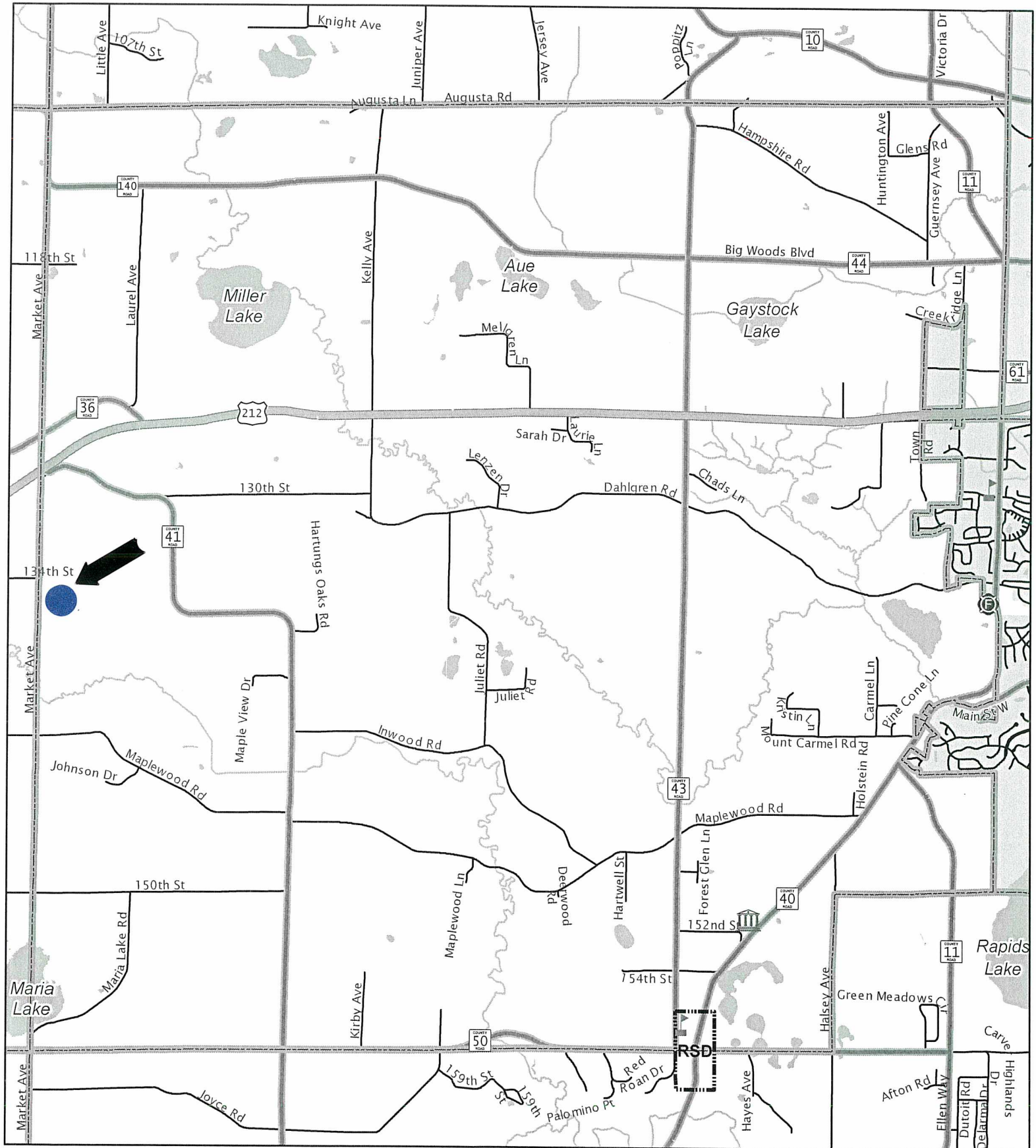
1. A Minor Subdivision application must be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with all applicable County Zoning Code requirements, including—but not limited to—a completed Minor Subdivision Application, surveys of all proposed lots, SSTS compliance, and required soil borings.
2. The subject properties must comply with Dahlgren Township access requirements, and the property owner(s) shall obtain necessary access permits, if applicable.

NOTE: The Board of Adjustment may find it necessary to protect the public health, safety, and welfare by imposing additional conditions when granting the variance. Any such conditions should bear a roughly proportional to the impact created by the variance.

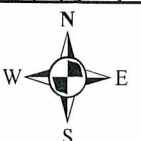
OR

If the Board of Adjustment determines that a practical difficulty has not been identified, and that approving the variances would not serve in the interest of justice, the Board of Adjustment would need to identify reasons to support the denial.

DAHLGREN TOWNSHIP



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.



07-07-2025

Samuelson Farm LLC

13445 Market Ave
Cologne, MN 55322

Parcel ID: 040190500

Carver County Board of Adjustment:

Samuelson Farm LLC is requesting a variance to reduce the road frontage access from the 500 feet required by the Carver County Zoning Code 152.033.D.4 to 125 feet for a proposed agricultural parcel. Due to the desire to create a conforming residential parcel and site constraints on the ag parcel, it is very difficult to create a conforming ag parcel, thus the variance request.

There are Four principal owners of the family-owned LLC. Two Members - the applicants - would like to keep some of the property in the family. In order to accomplish this, we need to sell the tillable acreage in order to buy the other two members out. With this in mind we are wanting to subdivide the current 123 acre parcel into 3 separate parcels. On the provided Map (Image 1) the three sections are in Red, Blue, and Yellow. The proposed homestead lot, outlined in blue, and the proposed new residential lot, outlined in red would be conforming lots. The proposed agricultural lot, outlined in yellow is the subject of this variance.

The reason the variance is needed is to create a suitable residential building site in the red section. The only feasible spot to build a home is in the middle of the pasture area due to the natural gas pipeline and the two low-lying areas which frequently experience flooding. The 500 foot road frontage for the ag parcel would not allow a feasible building site. The 125 feet of frontage for the ag parcel that we are requesting is just for them to be able to access the tillable land from the road (Market Avenue). The green line in the red section shows the most suitable driveway access point for the proposed residential parcel. The driveway would have to be built in the future according to Township and County regulations. Being that it is over the pipeline that is located there, we go into it with the understanding that the pipeline has an easement and they can modify it if needed to access the pipeline. With the two new entrances that the new parcels would need, Dahlgren Township has already stated that they will provide Driveway permits as soon as we need them.

If this variance is granted the future owners may install a field access driveway (shown by a green line in map of the yellow section) to access the tillable ground between the homestead and upper pasture, and the lower pasture. The current field access point from Market Avenue is from the homestead driveway through the pastures to get to the ag parcel (Image 3). With this variance approval it would grant a direct access point from Market Avenue to the fields.

The property south of this parcel, which is owned by Michael and Michelle Samuelson has two driveways. Of which one is partially on the Samuelson Farm LLC property. With this variance and when we apply for the minor subdivision process, we will be re-drawing/moving their property line about 50 feet north to follow a fence line so that there is not any other access point to the new RED Parcel other than the proposed access point (Image 2).

We thank you for your consideration and appreciate your time for this variance request. Please let me know if you have any questions or concerns we can address for you.

Sincerely,

Michael Samuelson & Arnold Samuelson
Samuelson Farm LLC
Manager/ Treasurer & LLC Member

Image 1 (Proposed Parcel Split):



Image 2 (Moving of Property lines for Michael and Michelle Samuelson):

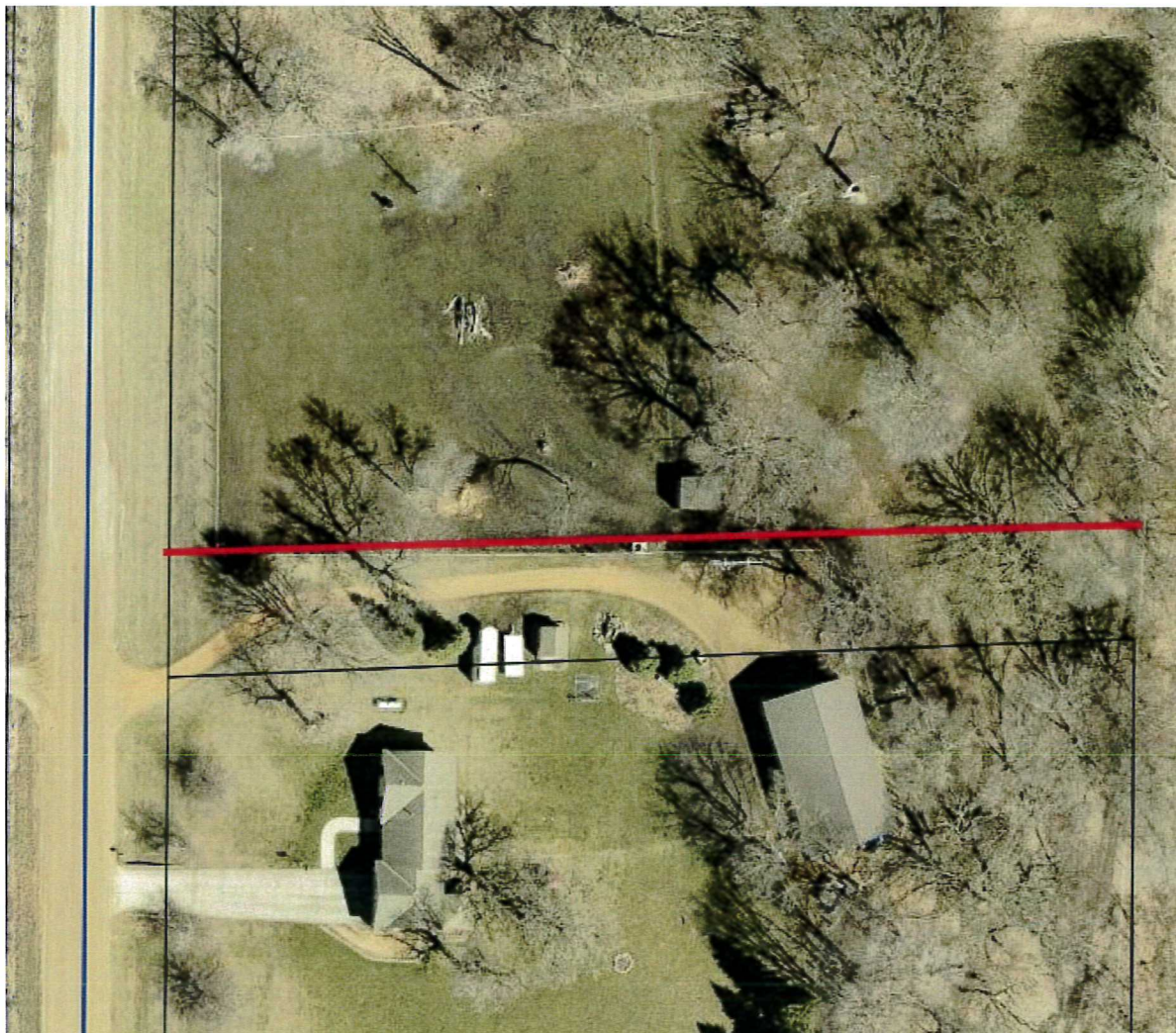


Image 3 (Current Field Access from Market Avenue):





Township Presentation & Recommendation Form

PARCEL # 040190500	Permit # PE 20250033	
Owner's Name: Samuelson Farm LLC	Owner's Mailing Address: 13685 Market Ave	
City: Mike Samuelson Cologne	Owner State: MN	Owner Zip: 55322
Applicant (if other than owner): 	Site Address: 13445 Market Ave Cologne	

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request: Requesting the Frontage of 500 Feet be reduced to 125 feet for tillable ground access if needed						
Date of County Public Hearing: 8-06-2025			Date of Township Meeting: 6-09-2025			

Actions:**Township Action Taken:**

- ☒ Recommends approval and use of the Township Road (if applicable) with the following comments:
- ☐ Recommends denial for the following reasons:
- ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

Approve with two new driveway accesses

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Mike Samuelson

Date 6-09-2025

Signature of Applicant

[Handwritten Signature]

Date 6-25-25

Signature of Township Official

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 04-019-0500

File# PZ20250033

APPLICANTS/OWNERS: Samuelson Farm, LLC

The North Half of the Northwest Quarter (N½ of NW¼) and the North Half of the Southwest Quarter of the Northwest Quarter (N½ of SW¼ of NW¼) of Section 19, Township 115 North, Range 24 West, EXCEPTING THEREFROM the South 253.26 feet of the West 430.00 feet of said North Half of the Southwest Quarter of the Northwest Quarter.

Together with all hereditaments and appurtenances belonging thereto, but subject to all covenants, conditions, restrictions of record, if any.