



CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **September 3, 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 August 6, 2025.....**2-4**

2. **Agenda**

- 2.1. PZ20250037 - Public Hearing on Request by Brandon Olson
for a Variance.
(Reduced Setback for a New House from an Existing Animal Feedlot)
Dahlgren Township.....**5-20**
- 2.2. PZ20250038 - Public Hearing on Request by Alexandra Akins
for a Variance.
(Expand Non-conforming Lot)
Watertown Township**21-31**

3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Environmental Services

August 25, 2025

TO: Carver County Board of Adjustment & Dahlgren Town Board

FROM: The Environmental Services Department

SUBJECT: Application for a Variance (Reduced Setback to an Existing Animal Feedlot for a New House)

FILE #: PZ20250037

OWNER: Donald and Mark Hesse

APPLICANT: Brandon Olson

SITE ADDRESS: 6XXX County Road 140, Cologne, MN 55322

VARIANCE TYPE: Reduced Setback to an Existing Animal Feedlot for New Home Construction

PURSUANT TO: Carver County Code Section 54.46 (C)(2)(a)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-010-0100

BACKGROUND:

1. Donald and Mark Hesse own an approximately 157.93-acre parcel located in the Northeast Quarter (NE¼) of Section 10, Dahlgren Township. The property is improved with an existing farmstead consisting of agricultural buildings and three 1 per 40, homes. There is one remaining 1 per 40 building eligibility on the property. The parcel consists of crop production land, wetlands, and contains wooded areas in the southwest and northwest section of the parcel. The property is located within the Agricultural Zoning District, Shoreland Overlay District of a protected public water, and the Carver County Water Management Organization (West Chaska Creek Watershed).
2. The applicant, Brandon Olson, has proposed to subdivide a residential parcel, comprising approximately 4 acres and utilizing a 1 per 40 eligibility, from his fathers-in-law's land. He is requesting a variance that would allow him to construct a house and garage at a minimum of approximately 800 feet from an existing feedlot (Donald & Mark Hesse Farm) located to the east of the subject property. Chapter 54 of the County Code requires a minimum setback of 1,000 feet from an existing feedlot of 30 animal units or more to all new residences. Therefore, a variance for a reduced setback pursuant to Chapter 54 – Section 54.46 (C)(2)(a) has been requested.

LEGAL BACKGROUND:

§ 54.04 DEFINITIONS.

EXISTING ANIMAL FEEDLOT. An animal feedlot that has registered with Carver County or the MPCA prior to July 7, 2003, and has been utilized for livestock production within the past five years.
(Ord. 49, passed 7-7-03; Am. Ord. 101-2022, passed 7-19-22)

§ 54.46 SETBACKS.

(C) New feedlots.

(2)(a) A setback of 1,000 feet shall apply to all new residences, churches, schools, regional parks, cemeteries, non-agricultural commercial activities, and restaurants from animal feedlots of 30 animal units or more.

(Ord. 49, passed 7-7-03; Am. Ord. 101-2022, passed 7-19-22)

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. Brandon Olson, the applicant, has proposed to subdivide approximately 4 acres, accompanied by a 1 per 40 eligibility, from an approximately 157.93-acre parcel owned by Donald and Mark Hesse. This action would create a new, legally distinct residential parcel in accordance with Sections 151 and 152 of the Carver County Zoning Code.
2. The applicant would like to construct a house on the property; however, based on topography and site restrictions, he has minimal choices to locate the house outside of the required 1,000-foot setback from an existing feedlot. If approved, the variance would allow the applicant to construct a house and garage at a minimum of approximately 800 feet from an existing feedlot (Donald & Mark Hesse Farm) to the east. The applicant's request reflects an approximate 200-foot variance to the neighboring feedlot owned and operated by his father-in-law.

3. The applicant's letter, dated July 10, 2025, describes a practical difficulty exists based on topography and physical features located on the property. The subject parcel contains a protected public water (Chaska Creek), woods, wetlands, and tillable land. The proposed building site contains high ground and is easily accessible to County Road 140. The placement of the house in the proposed parcel shall exceed the minimum required setback from the ordinary high water level of a protected public water (Chaska Creek) and maintain a feasible distance from the existing feedlot.
4. As referenced in the applicant's narrative, staff generated a concept plan for a potential residential parcel on the west side of Chaska Creek, but that parcel would have included about 6.5 acres of prime agricultural soils under till, necessitating a different type of variance request. The proposed parcel in this application includes less than 2 acres of prime ag soils under till. Except for the requested variance, the proposed parcel meets all other zoning code requirements. The remnant Hesse Farms parcel would remain a conforming parcel.
5. The applicant expresses a strong desire to reside in close proximity to the farming operation, as he will be actively involved in the day-to-day activities essential to its successful functioning. His responsibilities will include not only assisting with the operation of agricultural equipment during planting and harvest seasons, but also performing routine maintenance, repairs, and other tasks necessary to ensure that the machinery remains in optimal working condition throughout the year. Living nearby will enable him to respond quickly to urgent needs, contribute consistently to the efficiency of the farm, and support the long-term sustainability of the operation.
6. The application includes a site plan, dated August 21, 2025, depicting the subject property and features relevant to the variance request. The site plan illustrates the proposed parcel shaded in green and the approximate 800-foot distance from the eastern boundary line of the proposed parcel to the nearest feedlot component, which is identified as Barn 5. The site plan also shows the adjacency of Chaska Creek and Co Rd 140 to the proposed residential parcel. The precise home building site has not been identified, so the applicant has established the 800-foot minimum setback as the basis of the variance request.
7. On August 10, August 12, August 14, and August 15, 2025, staff received letters of support for the applicant's variance request from the following homeowners:
 - a) Donald Hesse – 6455 County Road 140, Cologne, MN 55322
 - b) Betty Hesse – 11850 County Road 43, Cologne, MN 55322
 - c) Mark and Julie Hesse – 6755 County Road 140, Cologne, MN 55322
 - d) Randi and Eric Eiden – 6850 County Road 140, Cologne, MN 55322
 - e) Nick Tschida – 6720 County Road 140, Cologne, MN 55322
 - f) Daniel Hesse – 6640 County Road 140, Cologne, MN 55322
8. Lori Brinkman, Senior Environmentalist, with the Carver County Environmental Services Department, reviewed and approved Subsurface Sewage Treatment System (SSTS) primary and alternate locations on Thursday, August 7, 2025, to verify all requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances are met.
9. The granting of the Variance would not conflict with the intent of the Comprehensive Plan and/or County Ordinances and would not alter the character of the neighborhood.
10. The granting of the Variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
11. The Dahlgren Town Board reviewed and recommended approval of the request at their July 14, 2025, Town Board meeting without any additional conditions.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for the reduced feedlot setback to a new residence pursuant to Section 54.46 (C)(2)(a) of the Carver County Feedlot Ordinance, would serve in the interest of justice, the following conditions should be considered:

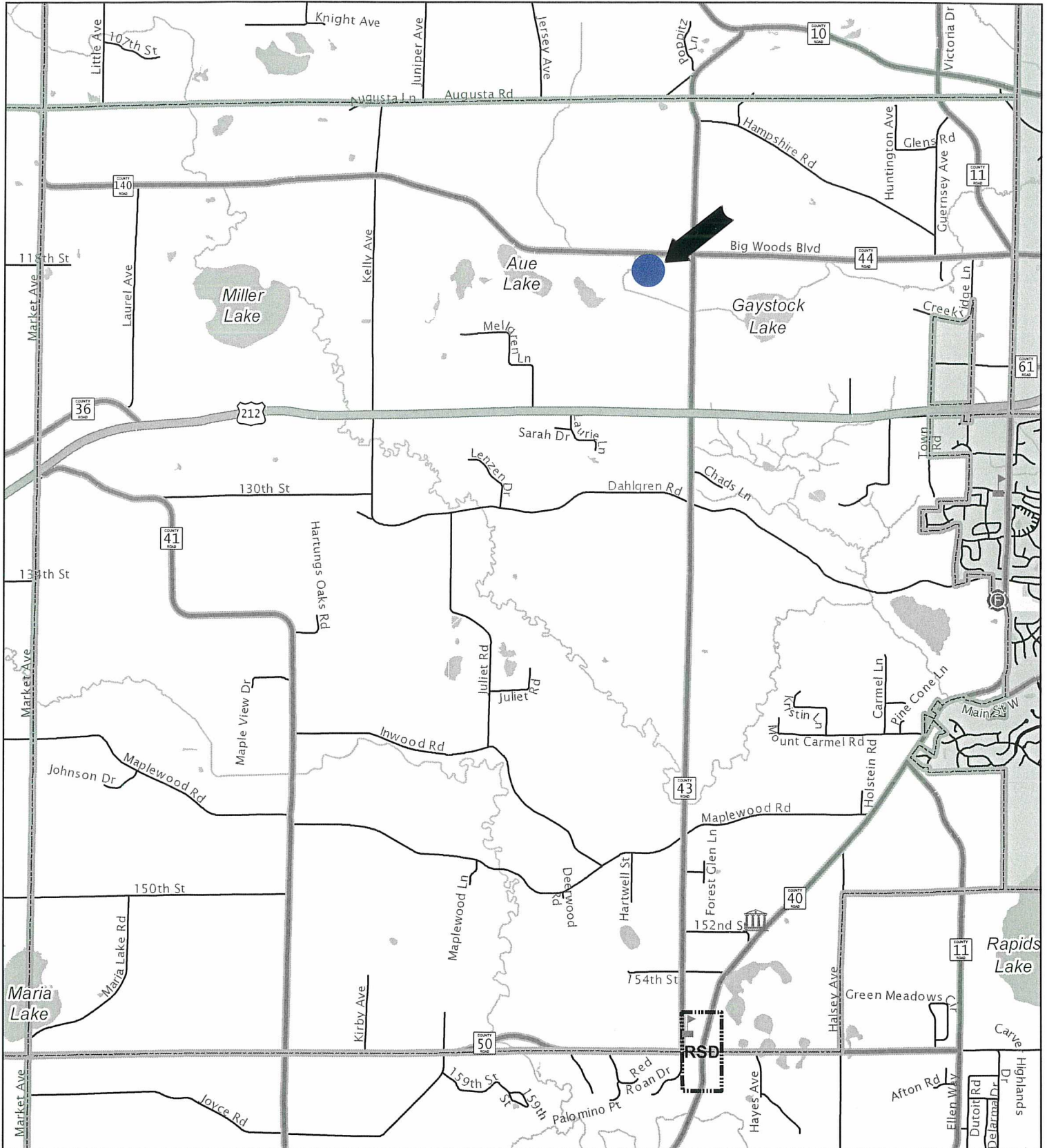
1. A Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code requirements including but not limited to, a completed Minor Subdivision application, a survey, and SSTS compliance.
2. The Permittee shall not locate the proposed residence closer than 800 feet to the nearest feedlot component.
3. The permittee shall obtain the appropriate building permit(s) and septic permit(s) prior to the construction of the residential house. A grading plan and erosion/sediment control plan shall also be prepared, submitted, and implemented in accordance with the CCWMO Water Rules (Chapter 153) as part of the building permit application process. The lowest floor elevation of the residential house must comply with Section 152.117 of the Carver County Zoning Code.
4. The permittee shall obtain a Residential Access Permit issued by the Carver County Public Works Division.
5. All construction activities shall be done in accordance with the submitted site plan(s). The new construction shall not encroach any closer to the existing feedlot than as approved as part of this permit application (Approx. 800 feet).

NOTE: The Board of Adjustment may consider it necessary to protect the public health, safety and welfare; therefore, imposing additional conditions on granting the variance. Any conditions should bear a rough proportionality 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



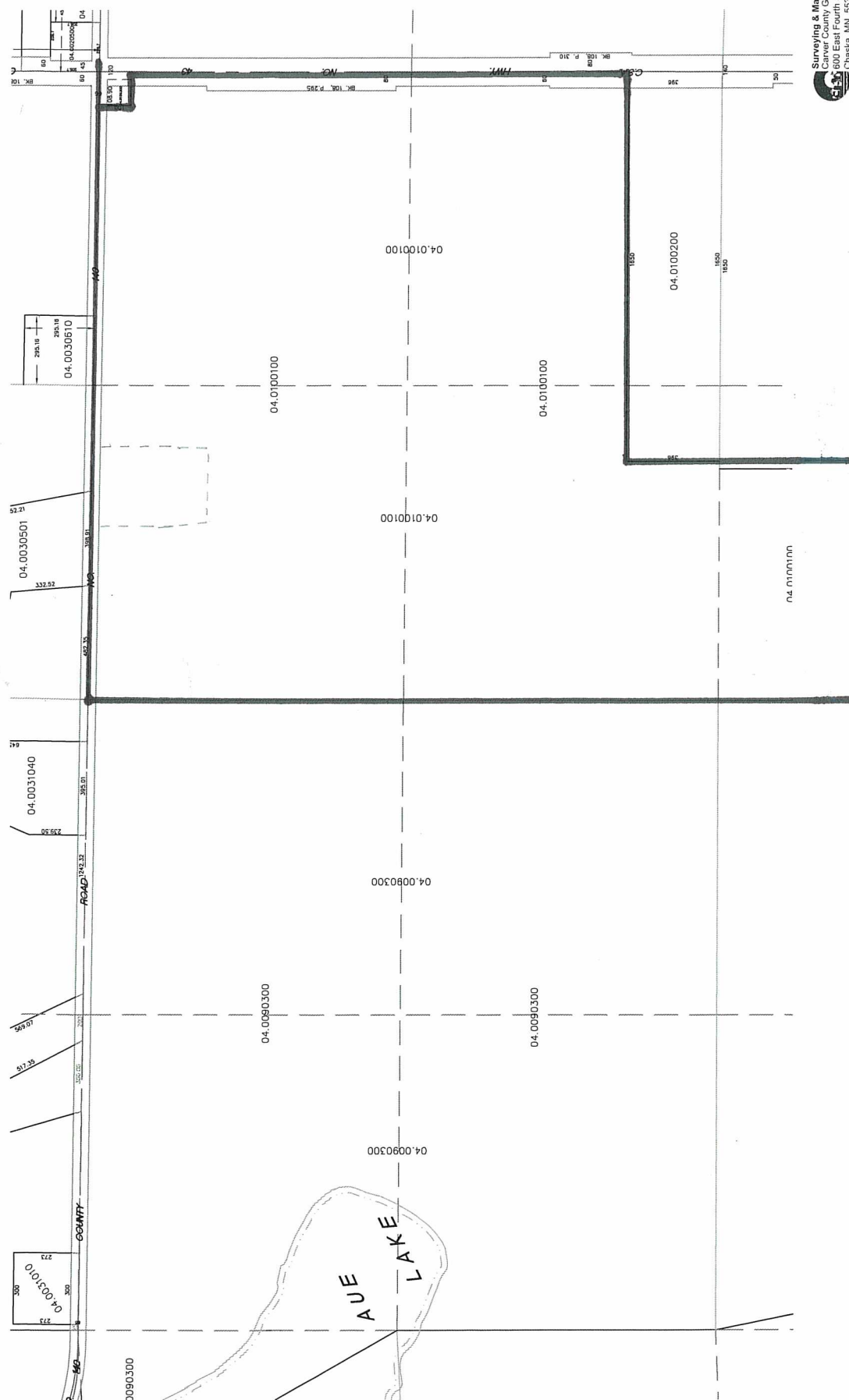
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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

0 1 2 Miles



Map Created by Carver County GIS

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.



Don & Mark Hesse
11850 Co Rd 43
Cologne, MN 55322

July 10, 2025

Dear Carver County Board of Adjustment:

We would like to split off a parcel of our property to allow Brandon & Katelyn to build a house on the property. The location we would like to have would require a variance for the minor subdivision to be approved. We considered locating the proposed lot by the property's western boundary line, but it would've included too much prime agricultural soils. The proposed lot would be a conforming lot, except for the 1,000-foot feedlot setback. We also must maintain a minimum required setback of 100 feet from Chaska Creek. We request to locate a new residence at least 800 feet from the boundaries of the feedlot on Mark's farmstead.

We respectfully request for the follow variance to be reviewed and considered at the next meeting.

Variance request #1:

Request to reduce the setback between a feedlot and a new residential structure at a minimum distance of 800' to accommodate a future minor subdivision.

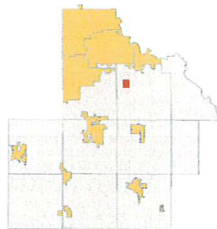
Respectfully Yours,
Don & Mark Hesse, Brandon & Katelyn

HESSE FEEDLOT SETBACK VARIANCE SITE PLAN



Date: 8/21/2025

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Township Presentation & Recommendation Form

PARCEL # 640100100	Permit # PZ20250037	
Owner's Name: Donald / Mark Hesse	Owner's Mailing Address: 6455 County rd 140	
City: Cologne	Owner State: MN	Owner Zip: 55322
Applicant (if other than owner): Brandon Olson	Site Address: 11850 county rd 43 Cologne MN	

Type of Request:	☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal
Description of Request:	Reduced set-back to an existing Feed lot due to new house to be built
Date of County Public Hearing:	8-6-25
Date of Township Meeting:	7-14-25

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:

****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.

	Date 7-10-25 Date 7-14-25
Signature of Applicant Signature of Township Official	

In Support of Request for Variance

This letter is being presented to you in hopes you will support approval for a variance to be granted to Brandon & Katelyn Olson. The purpose of this variance is to reduce the existing feed lot setback of 1,000 feet to 800 feet. This will allow us to move closer to our goal of building a single-family home directly to the east of Mark and Julie Hesse located at 6755 County Road 140 Cologne, MN in the future.

This Variance is needed as the rough area where the home would be constructed is located between two existing setbacks. One is the existing feedlot setback of 1,000 feet, the second is a 100-foot setback from the creek located on the west side of the proposed subdivision for the future home. Reducing the feet lot setback would allow the future home to be constructed further away from the creek resulting in reduced slopes and less risk of erosion.

Thank you for your consideration,

Brandon & Katelyn Olson

Printed Name(s):

Donald Hesse

Signature(s):

Donald Hesse

Address:

6455 Co. Rd 140 Cologne 55322

Date:

8/10/25

In Support of Request for Variance

This letter is being presented to you in hopes you will support approval for a variance to be granted to Brandon & Katelyn Olson. The purpose of this variance is to reduce the existing feed lot setback of 1,000 feet to 800 feet. This will allow us to move closer to our goal of building a single-family home directly to the east of Mark and Julie Hesse located at 6755 County Road 140 Cologne, MN in the future.

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Thank you for your consideration,

Brandon & Katelyn Olson

Printed Name(s):

Betty J. Hesse

Signature(s):

11850 Co Rd 43

Address:

Cologne MN 55322

Date:

August 10 2025

In Support of Request for Variance

This letter is being presented to you in hopes you will support approval for a variance to be granted to Brandon & Katelyn Olson. The purpose of this variance is to reduce the existing feed lot setback of 1,000 feet to 800 feet. This will allow us to move closer to our goal of building a single-family home directly to the east of Mark and Julie Hesse located at 6755 County Road 140 Cologne, MN in the future.

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Thank you for your consideration,

Brandon & Katelyn Olson

Printed Name(s):

MARK HESSE Julie Hesse

Signature(s):

Mark Hesse Julie A Hesse

Address:

6755 CO RD 140 COLOGNE
County Road

Date:

8-12-25

In Support of Request for Variance

This letter is being presented to you in hopes you will support approval for a variance to be granted to Brandon & Katelyn Olson. The purpose of this variance is to reduce the existing feed lot setback of 1,000 feet to 800 feet. This will allow us to move closer to our goal of building a single-family home directly to the east of Mark and Julie Hesse located at 6755 County Road 140 Cologne, MN in the future.

This Variance is needed as the rough area where the home would be constructed is located between two existing setbacks. One is the existing feedlot setback of 1,000 feet, the second is a 100-foot setback from the creek located on the west side of the proposed subdivision for the future home. Reducing the feet lot setback would allow the future home to be constructed further away from the creek resulting in reduced slopes and less risk of erosion.

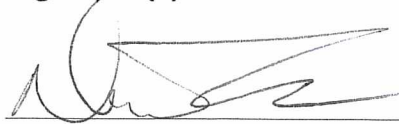
Thank you for your consideration,

Brandon & Katelyn Olson

Printed Name(s):

Nick Tschida

Signature(s):



Address:

6720 County Rd 140 Cologne MN 55322

Date:

8-14-25

In Support of Request for Variance

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Thank you for your consideration,

Brandon & Katelyn Olson

Printed Name(s):

Randi & Eric Eiden

Signature(s):

Randi Eiden

Address:

6850 county Rd 140 Cologne MN 55322

Date:

8/14/25

In Support of Request for Variance

This letter is being presented to you in hopes you will support approval for a variance to be granted to Brandon & Katelyn Olson. The purpose of this variance is to reduce the existing feed lot setback of 1,000 feet to 800 feet. This will allow us to move closer to our goal of building a single-family home directly to the east of Mark and Julie Hesse located at 6755 County Road 140 Cologne, MN in the future.

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Thank you for your consideration,

Brandon & Katelyn Olson

Printed Name(s):

Daniel Hesse

Signature(s):

Daniel Hesse

Address:

6640 Co. Rd. 140 Cologne Mn 55322

Date:

8-15-25

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 04-010-0100

File# PZ20250037

APPLICANT: Brandon Olson

OWNERS: Donald J Hesse & Mark A Hesse

LIFE ESTATE: Roman J Hesse & Betty J Hesse

* * * * *

The East Half of the Northeast Quarter of Section 10, Township 115, Range 24,
AND

The West Half of the West Half of the Northeast Quarter of Section 10, Township 115, Range 24,
AND

The East Half of the West Half of the Northeast Quarter of Section 10, Township 115, Range 24,

The North 15 acres of the West 60 acres of the Southeast Quarter of Section 10, Township 115, Range 24,

EXCEPTING THEREFROM the following two parcels:

1. All that part of the Northeast Quarter of the Northeast Quarter of Section 10, Township 115, Range 24, included within and bounded as follows: Beginning at a point 33 feet south and 33 feet west of the Northeast corner of said Northeast Quarter of the Northeast Quarter; thence westerly along the southerly line of highway, a distance of 108.9 feet; thence southerly and at right angles to said highway, a distance of 100 feet; thence at right angles easterly and parallel to aforesaid highway, a distance of 108.9 feet to the westerly line of highway; thence at right angles northerly and along the west line of said highway, a distance of 100 feet to the point of beginning.
2. Commencing at the southeast corner of the Northeast Quarter of Section 10 in Township 115, Range 24; turning thence West along the East and West one-half section line, a distance of 100 rods to a point on said East and West one-half Section line; thence turning at a right angle and running North parallel to the East Section line, a distance of 24 rods to a point; thence turning and running East, parallel to said East and West one-half section line, a distance of 100 rods to a point on the East section line of said Section 10; thence turning and running South along said East Section line, a distance of 24 rods to the place of beginning.
Being situated in the South Half of the Northeast Quarter of Section 10, Township 115, Range 24.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

August 25, 2025

TO: Carver County Board of Adjustment & Watertown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Expand Non-conforming Lot)

FILE #: PZ20250038

APPLICANT: Alexandra Akins

OWNER: Alexandra Akins and Dean Akins & Doris Lynch

SITE ADDRESS: 10480 Swede Lake Rd, Watertown, 55388

VARIANCE TYPE: Expand a Non-conforming Lot

PURSUANT TO: Carver County Code: Section 152.009 (M)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-014-2000 & 10-452-0010

BACKGROUND:

1. Alexandra Akins owns an approximately two acre residential parcel located in Government Lot 5 of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 14, Watertown Township. Dean Akins and Doris Lynch own an adjacent 62.34-acre parcel also in the Southeast Quarter (SE¼) of Section 14, Watertown Township. The Akins property is currently improved with an approximate 1,200-square-foot accessory structure. The Akins & Lynch property consists of tillable production land, wooded area, as well as wetlands. The properties are located within the Agricultural Zoning District, the Shoreland Overlay District (Mud Lake), and the Carver County Water Management Organization (CCWMO) - Crow River watershed.
2. The applicant is requesting a variance to allow her to enlarge the existing legal nonconforming parcel in order to install a Subsurface Sewage Treatment System (SSTS) to serve a new home on the property. To accommodate the SSTS site, the applicant is proposing to add 0.31 acres of the neighboring parcel to her property. Expansion of a legal non-conforming parcel may be permitted through an approved variance, pursuant to Section 152.009 (M) of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.009 NON-CONFORMING USES AND STRUCTURES.

(M)A residential parcel of land with existing structures on the effective date of this chapter because of its dimensions or because it does not have sufficient road frontage is considered a legal lot. The lot may be expanded provided a variance is approved, and the new lot meets all chapter criteria except the minimum road frontage standard.

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 88-2018, passed 11-20-18; Am. Ord. 97-2021, passed 7-20-21; Am. Ord. 108-2024, passed 11-19-24)

BOARD OF ADJUSTMENT

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§ 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.
 - (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. Section 152.009 (M) of the County Zoning Code requires a variance to expand a legal non-conforming parcel of land, provided the new lot meets all other chapter criteria except the minimum road frontage standard. The residential parcel of land had existing structures prior to the effective date of the zoning code chapter, July 1, 1974, allowing it to be considered a legal lot even though it does not have sufficient road frontage. The lot meets all the other Zoning Code criteria.
2. In March 2025, Ms. Akins became owner of the subject property, which is considered a legal non-conforming lot of record under the Carver County Zoning Code due to its lack of public road frontage. The property is located approximately one-third of a mile from the nearest public road (Swede Lake Road).
3. In May 2025, a variance (PZ20250015) requesting a reduced setback from 150 feet to 92 feet for the Ordinary High Water Level (OHWL) of a Department of Natural Resources (DNR) Protected Natural Environment Lake (Mud Lake) was approved by the Carver County Board of Adjustment. This approval allowed Ms. Akins to apply for building permits to construct a home on the property, where no residence currently exists. Subsequent site investigation revealed that area on the parcel designated for the septic system in the variance application site plan was not a compliant location, necessitating an alternate site to be identified and therefore, this variance request.

4. The property was previously improved with a nonconforming dwelling constructed at the edge of the slope. That home was the subject of a 1979 variance (#3782) to build a pool within the shoreline and bluff setbacks, and a 2001 variance (#12557) to construct an attached garage within the OHWL setback. In 2014, a former property owner received a variance to build a home within the OHWL and SSTS setbacks; however, the home was never constructed, and the variance subsequently became null and void.
5. The submitted narrative, dated August 11, 2025, outlines the circumstances prompting the current variance request. It notes that the expansion of the subject property *“allows for the septic system to be placed in a location with passing soil samples as well as in a location where drainage from the system will not result in water flow problems into the nearby shed.”*

The narrative further explains that two septic locations were proposed. The first, southeast of the new home, was deemed unsuitable by two separate design teams. Ms. Akins reports the second proposed location, south of the existing shed, *“fits only the rock bed just within the 150-foot setback.”* This site was also unsuitable because *“the nearby shed already has water drainage problems and the proximity to this would continue to worsen said problems.”*

6. The applicant provided a site plan, dated August 11, 2025, showing the proposed SSTS location southwest of the existing accessory structure, crossing the southern property line onto the adjacent parcel (PID 10-452-0010). The proposed system meets the 150-foot shoreline setback requirement. A site plan prepared by Land Management staff (dated August 4, 2025) shows that approximately 0.31 acres of the adjacent parcel would be acquired and combined with the subject property to accommodate the new septic system. A minor subdivision application would be required to allow for reconfiguration of the two lots.
7. The applicant submitted a building application for the new home and attached garage in August 2025. Accompanying the house plans were septic system plans to serve the residence. The site plan identified a design (not shown in the attached documents) that complies with zoning code setbacks. However, the applicant stated that the compliant location was not the preferred location due to its proximity to the existing pole barn. As a result, the applicant chose to apply for a variance to enlarge the property so the septic system could be installed in the preferred location shown on the variance site plan.
8. Lori Brinkman, Carver County Senior Environmentalist – Subsurface Sewage Treatment Systems (SSTS), reviewed the application. In an email dated August 20, 2025, she provided the following comments:
“Carver County has reviewed both proposed SSTS locations. Soils are similar at each proposed location meeting minimum requirements for a Type I mound drainfield. The SSTS location that is within the proposed land addition does allow a 10 foot setback to the proposed property lines, and it will allow storm water runoff to be better graded around existing structures. Field access to the small field west of the driveway for PID 10-452-0010 is currently through PID 10-01-42000. The proposed SSTS location within the proposed land additions would allow that field access to continue to be used without creating a new access. The SSTS location that has been identified on PID 10-014-2000 should be preserved as an alternate SSTS location until a another alternate SSTS location is identified in the future.”
9. Since the subject property is in the shoreland area David DePaz, South Metro Area Hydrologist at Minnesota Department of Natural Resources (MNDNR), was sent the application materials for review. At the time of writing this staff report, no review comments had been received.
10. The granting of the variance would not conflict with the intent of the Comprehensive Plan and/or County Ordinances and would not alter the character of the neighborhood.
11. The neighborhood is comprised of agriculture uses and residences. Granting the variance would not materially or adversely affect the health or safety of persons residing or working in the area, nor would it be materially detrimental to the public welfare or injurious to property or improvements in the area.

12. The Watertown Town Board has reviewed the Akins variance request at their August 4, 2025, meeting and recommended approval.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance to allow the expansion of a legal non-conforming lot pursuant to Section 152.009 (M) of the Carver County Zoning Code for SSTS purposes serves in the interest of justice, the following conditions should be attached:

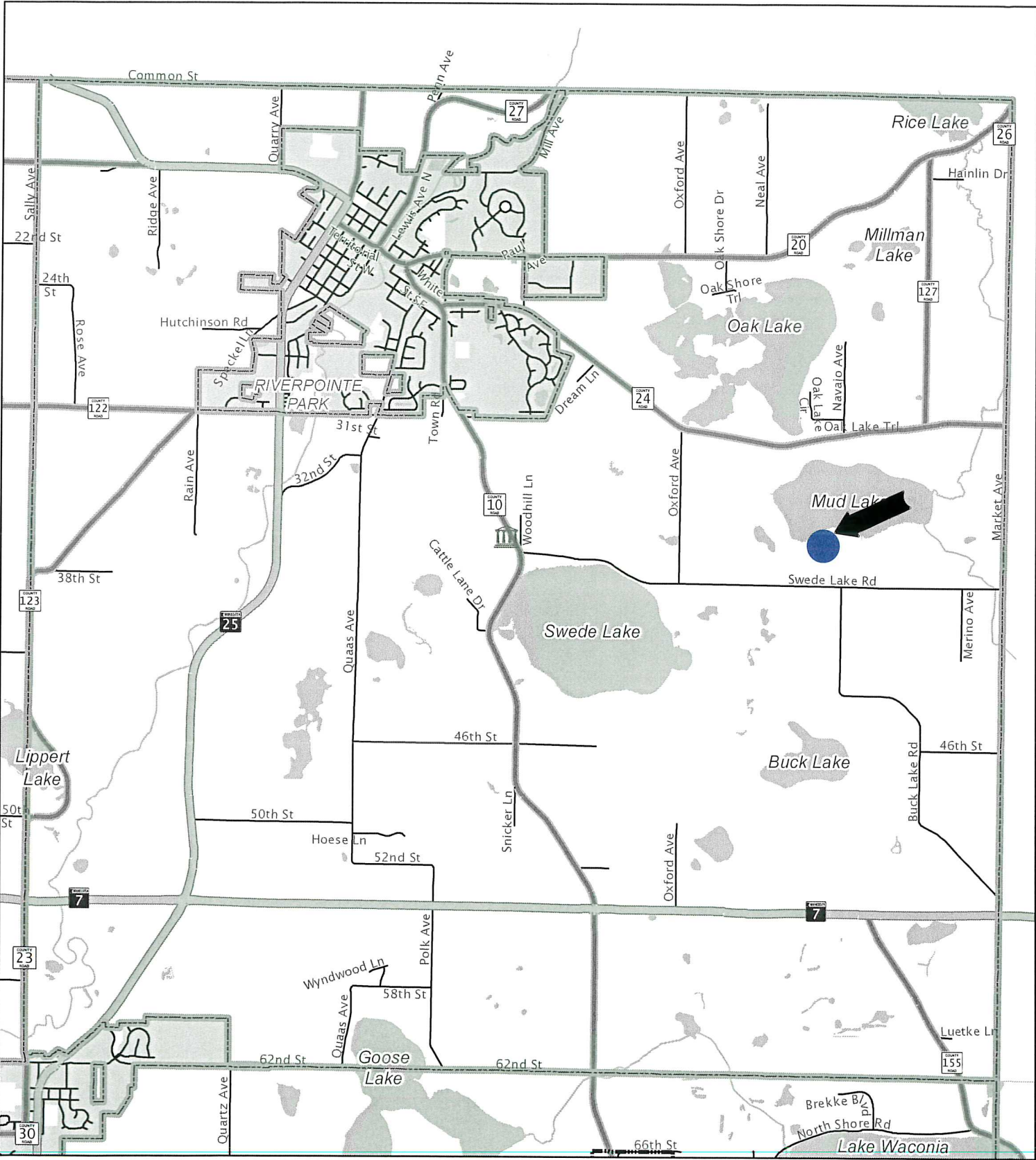
1. A Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code requirements, including but not limited to a completed Minor Subdivision application, a survey, and SSTS compliance.
2. The permittee shall obtain all required SSTS permits prior to the commencement of construction for the proposed new house.
3. The SSTS shall be located consistent with the submitted site plan dated August 11, 2025, and installed according to the final design approved by the Carver County Environmental Services Department.
4. The permittee shall comply with all conditions of Variance PZ20250015 (reduced OHWL setback).
5. No further expansion of the subject parcel shall be permitted without first obtaining all necessary variances, if applicable.

NOTE: The Board of Adjustment may consider it necessary to protect the public health, safety, and welfare; therefore, imposing additional conditions on granting the variance. Any conditions should bear a rough proportionality 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.

WATERTOWN TOWNSHIP



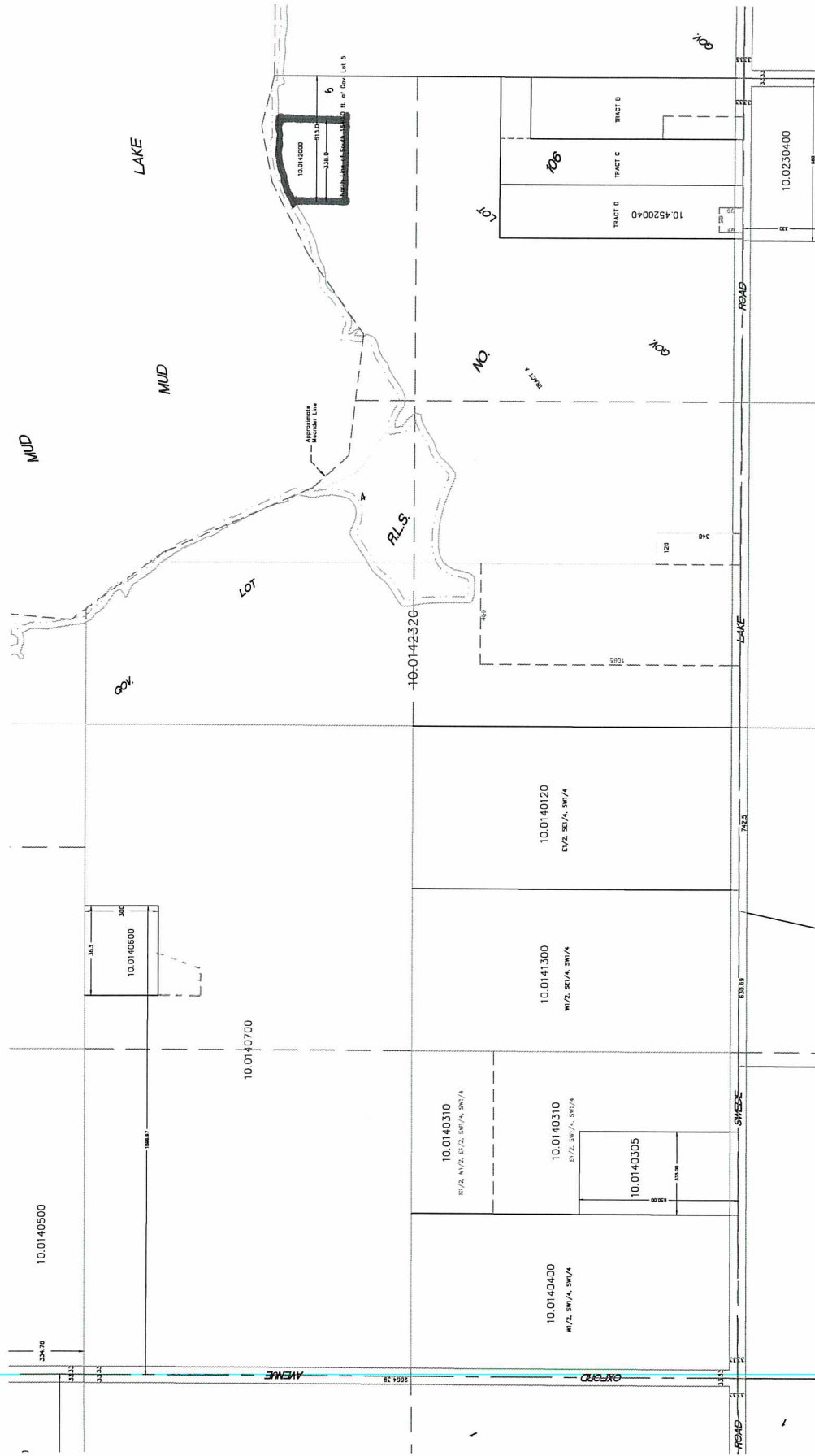
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Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 IT IS A PRELIMINARY SURVEY AND SHOULD
 NOT BE USED FOR ANY PURPOSES WITHOUT
 THE APPROVAL OF THE CHARGE COUNTY
 ENGINEER. THE CHARGE COUNTY ENGINEER
 HAS REVIEWED THIS MAP AND HAS
 ADVISED THE COUNTY AND ITS AGENTS
 THAT THE MAP IS ACCURATE AND THE
 INSURANCES CONTAINED THEREIN.

S 1/2 SEC. 14, T.117, R.25



Surveying & Mapping Office
 Charge County Engineer
 600 East Fourth Street
 Chaska, MN 55318
 Mar 04, 2005

Alexandra Akins
28135 Boulder Bridge Dr
Shorewood, MN 55331
alexakins@mchsi.com
612-655-0147

August 11, 2025

Jason Mielke
Land Use Manager
600 E 4th St
Chaska, MN 55318

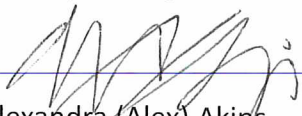
Dear board of adjustment,

The purpose of this variance application is to subdivide parcel 104520010. This is to separate off 0.31 acres for the purpose of parcel 100142000 to have a proper location for a septic system. The space included allows for the septic system to be place in a location with passing soil samples as well as in a location where drainage from the system will not result in water flow problems into the near by shed. The location also includes at least a 10 foot buffer around the system, as requested by the SSTS committee.

The previously proposed septic location during the variance application related to lot 100142000 was assumed as appropriate for a septic location as seen on previous site plans from building applications in 2013. The 2013 documentation described the proposed septic location to be to the south east corner of the build. It was therefor surprising when two separate septic design teams did not find this location appropriate for the system.

An additional possible septic system spot was found on parcel 100142000. This location is south of the existing shed on this property. This location fits only the rock bed just within the 150-foot setback. The nearby shed already has water drainage problems and the proximity to this would continue to worsen said problems. The surrounding ground needs lowering and drain work not raising that would be seen from the septic system. The mound would also be in a location that prevents field access and eliminates the access to parcel 100142000 on its lake access trail to the west side of the property.

Thank you for your consideration,

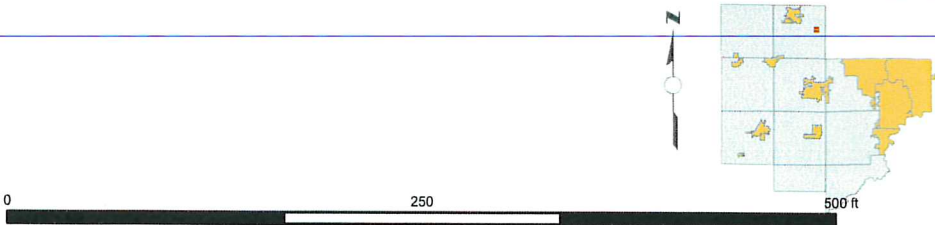


Alexandra (Alex) Akins

AKINS - VARIANCE REQUEST TO ADD SSTS LOCATION



Date: 8/4/2025
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.



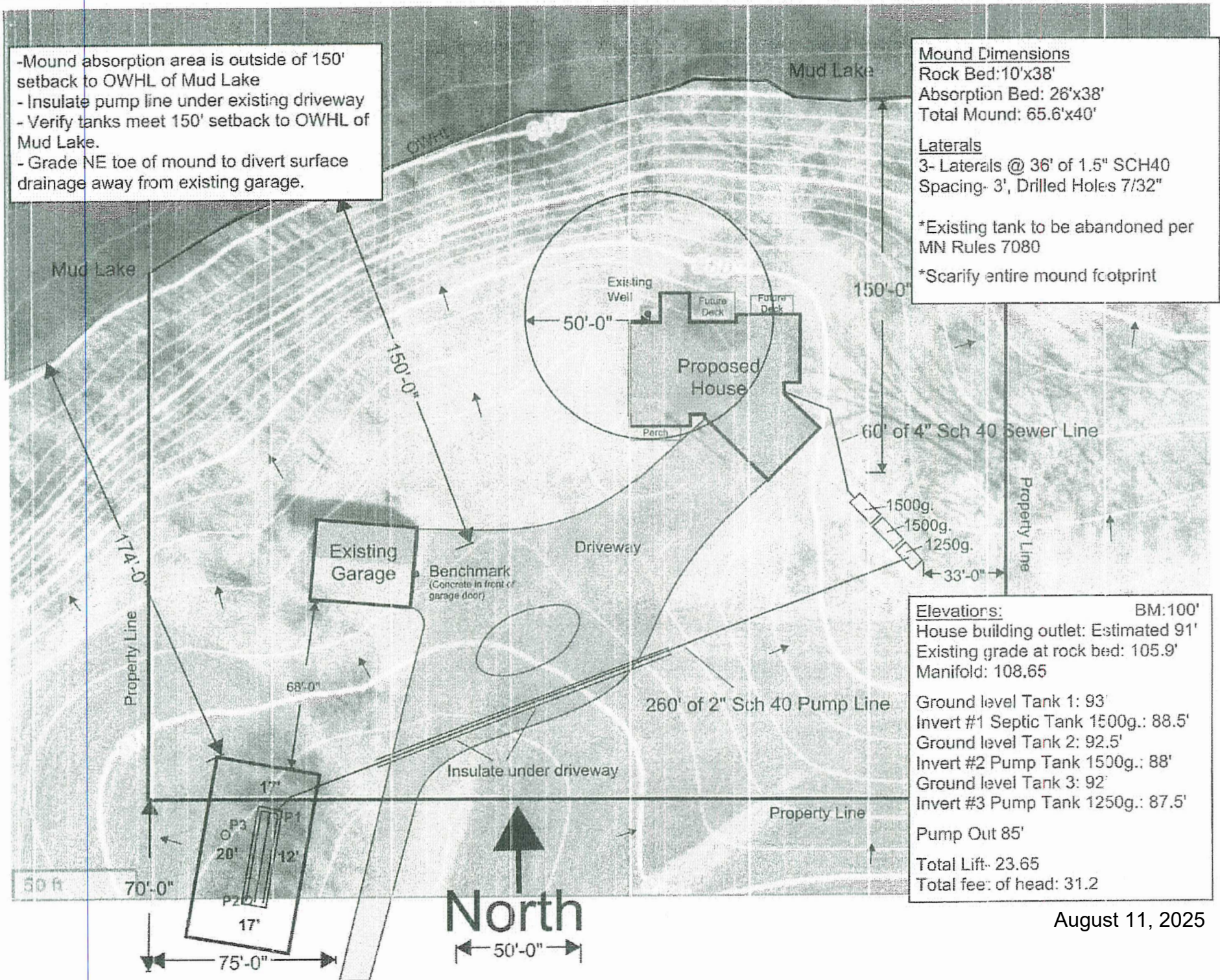
- Mound absorption area is outside of 150' setback to OWHL of Mud Lake
- Insulate pump line under existing driveway
- Verify tanks meet 150' setback to OWHL of Mud Lake.
- Grade NE toe of mound to divert surface drainage away from existing garage.

Mound Dimensions
 Rock Bed: 10'x38'
 Absorption Bed: 26'x38'
 Total Mound: 65.6'x40'

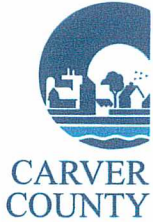
Laterals
 3- Laterals @ 36' of 1.5" SCH40
 Spacing- 3', Drilled Holes 7/32"

*Existing tank to be abandoned per MN Rules 7080

*Scarify entire mound footprint



August 11, 2025



Township Presentation & Recommendation Form

PARCEL # 100142000	Permit # PZ2025 0038
Owner's Name: Dean Akins	Owner's Mailing Address: 27720 Island View Road
City: Excelsior	Owner State: MN Owner Zip: 5533
Applicant (if other than owner): Alexandra Akins	Site Address: 10480 Swede Lk Rd. Watertown

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal

Description of Request:
 Allow a portion of land to put septic system as being the original Planned location failed inspection

Date of County Public Hearing: Sept 3, 2025 **Date of Township Meeting:** Aug 4, 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:

Positive recommendation
per the desc of the request.

****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.

Signature of Applicant

Date Aug 4, 2025

Signature of Township Official

Date 8-4-25

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-014-2000

File# PZ20250038

APPLICANT/OWNER: Alexandra Akins

PID NUMBER: 10-452-0010

OWNER: Dean M Akins & Doris M Lynch

* * * * *

10-014-2000

The West 338.00 feet of the East 513.00 feet of that part of Government Lot 5, lying North of the South 1,640.00 feet thereof, all in Section 14, Township 117, Range 25, Carver County, Minnesota.

10-452-0010

Tract A, REGISTERED LAND SURVEY NO. 106