



CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **October 1, 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 September 3, 2025.....**3-7**

2. **Agenda**

- 2.1. PZ20250043 - Public Hearing on request by Greg Huiras,
representing Mathiowetz Construction Company, for a variance.
(Reduced setbacks from property line and residence for hauling fill)
Benton Township**8-21**
- 2.2. PZ20250040 - Public Hearing on request by Dan Held,
representing Martha Harris, for a variance.
(Reduced side yard setbacks-residence construction)
Laketown Township.....**22-37**
- 2.3. PZ20250041 - Public Hearing on request by Dan Held,
representing Martha Harris, for a variance.
(Reduced front and side yard setbacks-detached garage
construction)
Laketown Township.....**38-51**

2.4. PZ20250042 - Public Hearing on request by Paul Wenner for a variance. (Expanding Non-conformity Land Use) Young America Township	52-79
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3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

September 19, 2025

TO: Carver County Board of Adjustment & Benton Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Reduced Mining Setbacks)

FILE #: V-PZ20250043

APPLICANT: Mathiowetz Construction Co. (Greg Huiras)

OWNERS: David Tellers (CFD Purchaser)

Kenneth M. Tellers Family Trust (Owner & CFD Seller)

Marcia K. Tellers Trust (Owner & CFD Seller)

SITE ADDRESS: 11610 Hwy 212, Norwood Young America, 55368

VARIANCE TYPE: Land Reclamation within setbacks to property line and neighboring residences

PURSUANT TO: County Code, Chapter 152, Section 152.082 (C)(1)(b)2(iv)

LEGAL DESCRIPTIONS: See attached Exhibit "A"

PARCELS #: 01-015-0105

BACKGROUND:

1. The Tellers Family owns an approximately 28.4-acre parcel located in the West Half (W½) of West Half (W½) of Northwest Quarter (NW¼) of Section 15, Benton Township. The property consists primarily of a tilled farm field with some scattered wetland pockets. It is located within the Agricultural Zoning District and the jurisdiction of the Carver County Water Management Organization (CCWMO) - Carver Creek watershed.
2. As part of the Highway 212 project, in March 2025, the Carver County Board of Commissioners approved Interim Use Permit (IUP #PZ20250003) authorizing temporary activities on the site including stockpiling, crushing, fill placement, and borrow excavation, with up to 80,000 cubic yards of soil placement. The applicant has since submitted a new IUP application, scheduled for Planning Commission consideration in October 2025, to extend the original permit, by adding two acres of site area, and allow placement of an additional 15,000 cubic yards of soil for reclamation on the subject property.
3. The project began in the spring of 2025 and is expected to be completed by the fall of 2027. The applicant is requesting permission to place fill material within the required 50-foot setback of any property boundary. In addition, the applicant seeks to place fill material within the required 500-foot setback from a neighboring residence not located on the property. Therefore, a variance has been requested pursuant to Section 152.082(C)(1)2(iv) of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.082 INTERIM USE PERMIT-AG DISTRICT.

(C) Activities (For the purpose of this section, conditional use permit activities may also be considered and processed as interim uses).

- (1) Mining and/or land reclamation involving 10,000 cubic yards or more (allowed in AG Preserve if the principal use remains ag and restoration is suitable for farming).
2. Minimum requirements for the operation.

- (iv) **Mining shall not take place within 50 feet of a property line.** All slopes at property lines shall maintain a 2.5:1 slope or flatter. The setback from the assumed road right-of-way shall be a minimum of 50 feet. **The setback from all homes shall be a minimum of 500 feet, excluding the residence of the mine owner and/or permittee.** The setback from a bluff shall be a minimum of 100 feet.

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 submitted narrative (dated September 5, 2025) requests variances to allow fill placement within 50 feet of a property line and within 500 feet of an adjacent residence. The proposed activities are intended to create more gradual finished slopes, improve grading, and maintain existing stormwater flow patterns on the site, which is currently in agricultural use. Mathiowetz Construction Company states the goal is to “create a more natural, blended landscape.” Both neighboring residents have submitted letters of support, noting that the project would enhance the overall appearance of the area.

2. The applicant has submitted a site plan (dated September 11, 2025) illustrating the requested variance. In the western portion of the proposed fill area, the property boundary is approximately 50 feet from an existing residence at 11610 Highway 212. Both parcels are owned by the Tellers Family. Mathiowetz Construction Company proposes to place fill within the required 50-foot setback from the property line, which also places the fill within 500 feet of the residence on the adjacent parcel.
3. The Planning Commission reviewed the project in March 2025 as part of the approved Interim Use Permit (IUP #PZ20250003). That permit authorized removal of approximately 60,000 cubic yards of material from the Highway 212 construction zone and placement of about 80,000 cubic yards of soil onto the subject property, within an operational area of approximately 9.5 acres. The applicant has since submitted a new IUP, scheduled for Board consideration in October 2025, to extend the original permit and expand the site by an additional 2 acres. This extension would allow placement of an additional 15,000 cubic yards of clean, uncontaminated soil from the Highway 212 project. In total, these activities would result in approximately 95,000 cubic yards of soil being placed on the Tellers property. All truck hauling between the subject property and the Highway 212 construction site will occur on state and county roads; no gravel roads will be used.
4. The plight of the landowner is, in part, due to circumstances created by the landowner, as they voluntarily entered into an agreement to allow fill placement on property that has historically been in productive agricultural use. The practical difficulty now arises from the altered topography of the parcel, which would be improved by allowing fill within the required land reclamation setbacks from the common property line and the adjacent residence. Granting the variance will not alter the essential character of the area, will maintain the property's agricultural use, and will result in a finished condition that benefits the landowner without changing existing drainage patterns or negatively impacting adjacent properties.
5. The variance application, together with the Interim Use Permit approved by the Carver County Board in March 2025 (and any subsequent amendment considered in October 2025), supports Carver County Comprehensive Plan land use goal **LU-12**: *"Maintain the ability to access aggregate resources while meeting other land use and natural resource goals."*
6. Granting the variance would not conflict with the Comprehensive Plan's Fundamental Land Use Goal to *"Maintain the County's unique and rural agricultural character."* The proposed fill placement would not alter the character of the surrounding neighborhood, nor would it negatively affect the provision of government services.
7. Approval of the variance would not materially or adversely affect the health or safety of persons residing or working in the area, nor would it be detrimental to public welfare or injurious to property or improvements on adjacent parcels. Temporary inconveniences such as noise and dust are common impacts of fill placement; however, these would be of limited duration under the proposed plan.
8. Comments from other reviewing agencies, including Carver County Public Works, the Carver County Water Management Organization, and the Carver County Soil and Water Conservation District, would be incorporated into the review of the October 2025 IUP amendment request.
9. The Benton Township Town Board reviewed the request and recommended approval at their August 21, 2025, meeting.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for the reduced property line setback and reduced distance to a residence on a neighboring property for mining pursuant to Section 152.082 (C)(1)(b)2(iv) of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be considered:

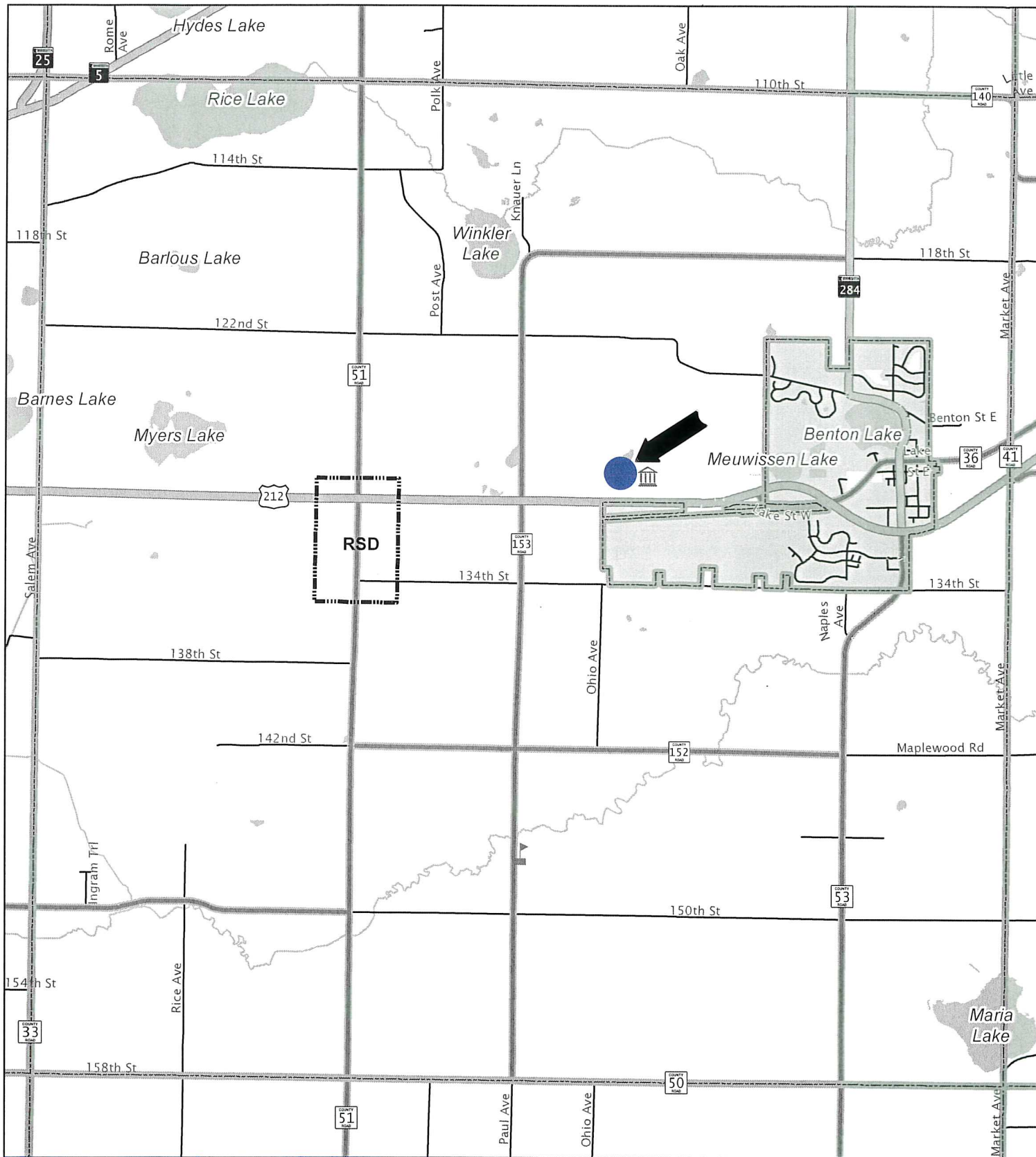
1. The applicant shall operate in full compliance with the Interim Use Permit (IUP) approved by the Carver County Board of Commissioners in March 2025, or with any subsequent amended IUP approvals granted. This variance shall apply to the additional areas and volumes only if the County Board of Commissioners approves the IUP amendment (PZ20250044). All fill activities authorized under this variance must be conducted in accordance with the IUP. Failure to maintain a valid IUP shall render this variance null and void, and no fill placement in the expanded areas may occur.
2. Fill activities within the reduced setback areas shall be limited to the boundaries identified on the site plan submitted by Mathiowetz Construction Company (dated September 11, 2025) or on any revised site plan subsequently approved as part of the IUP or IUP amendment. Any fill placement outside the IUP limits or beyond the variance-approved setback areas shall be considered a violation of any variance approval and IUP approval, unless subject to the zoning code standards.

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.

BENTON TOWNSHIP



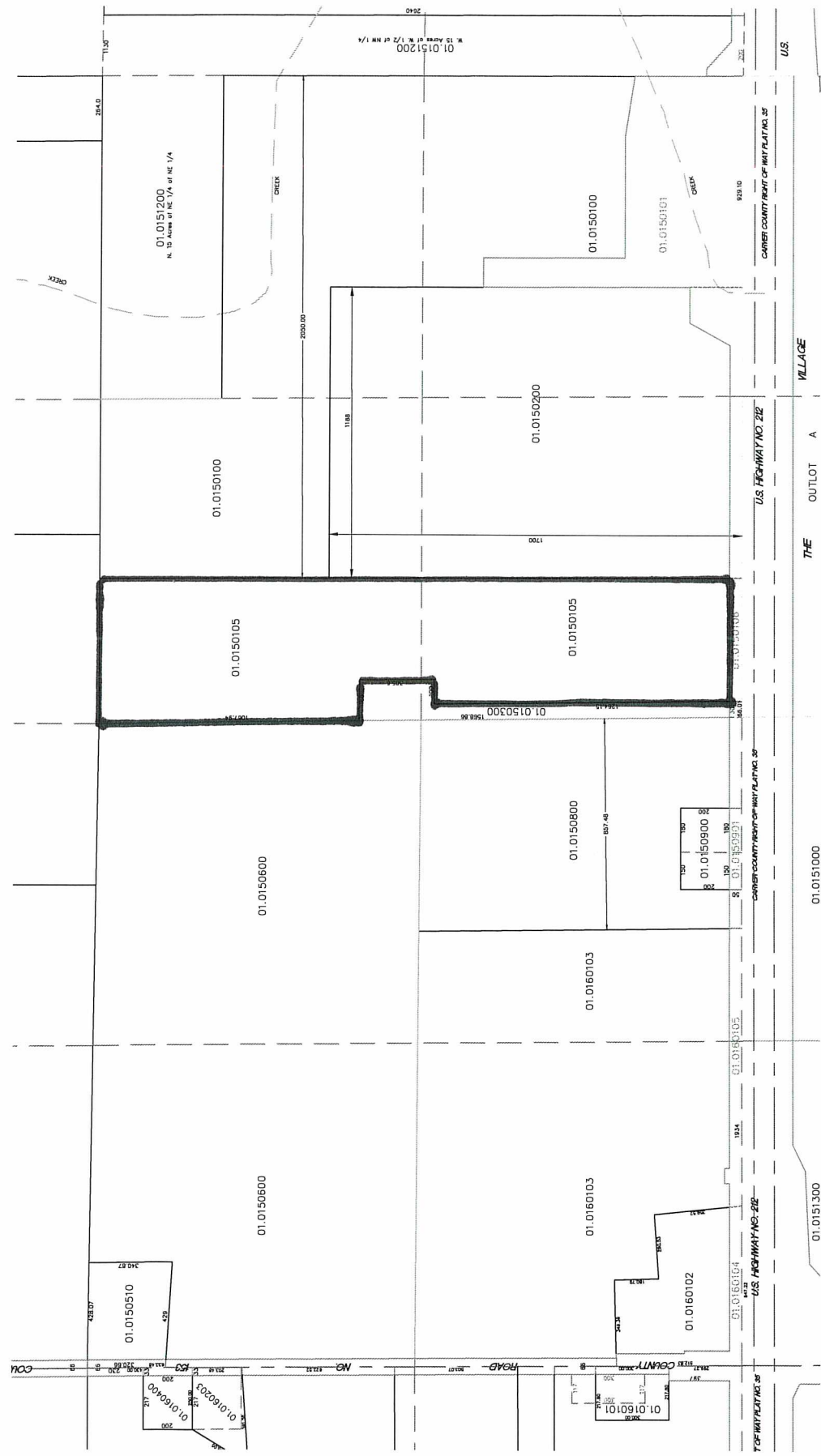
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 IT IS A PRELIMINARY MAP FOR INFORMATIONAL PURPOSES ONLY.
 IT IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN INFORMATIONAL.
 THE CARVER COUNTY GOV. CENTER IS NOT RESPONSIBLE FOR ANY AGENTS
 OR AGENTS CONTAINED THEREIN.

N 1/2 SEC. 15, T.115, R.25





Mathiowetz Construction Co.

30676 County Road 24, Sleepy Eye, MN 56085

P 507.794.6953 **F** 507.794.3514

MATHIOWETZCONST.COM

Property: Tellers Site – Section 15, Township 115, Range 25

We are requesting a variance from Carver County zoning to allow filling within the setback areas at the Tellers Site (highlighted on plan). The goal of this request is to improve the overall appearance of the property and create a more natural, blended landscape.

Variance Requests

1. To place fill within 50 feet of a property boundary.
2. To place fill within 500 feet of a residence on an adjacent property.

Both owners agree that granting this variance will allow the landscape to blend more smoothly across the properties and result in a natural appearance that benefits the area. The work will not negatively affect neighbors or change the character of the surrounding community.

Respectfully submitted,

Greg Hurias – Project Manager

Craig Berkner – Estimator

Mathiowetz Construction Company

30676 County Road 24

Sleepy Eye, MN 56085

507-794-6953



Construction Company

In All We Do, We Build It Right!!

30676 County Road 24
Sleepy Eye, MN 56085

(507) 794-6953 / (507) 794 3514 Fax
Visit us at: www.mathiowetzconst.com

Tellers Property Narrative

(See highlighted part at end for update to narrative)

Mathiowetz Construction Company will be reconstructing TH 212 between approximately Tacoma Ave and Lake St W. The work will convert this section of roadway from 2 lanes to 4 lanes over the course of 2.5 construction seasons (2024, 2025 & 2026). Part of this project involves removal of the in-place pavement on existing TH 212, removal of clean uncontaminated soils and common borrow.

We intend on recycling concrete and bituminous pavement and reusing it for the Aggregate Base needed to construct the new lanes of TH 212. To accomplish this, we need a site to temporarily pile the pavement removals. Then a mobile crusher would crush this material into a usable material and put it into a pile. This processed material would then be removed from the site and used on the new roadway. The equipment used for this process will be loaders, crusher, conveyors, and stackers.

We also intend to remove about 80,000 cy of clean uncontaminated soil from the 212 project and place it on the Tellers site. The area in which the soil would be placed consists of tillable farmland. The rate and pattern of the current stormwater surface flows will not be altered with the placement of the proposed soils. The proposed finished slopes are more gradual than current conditions.

Lastly, we intend on excavating about 60,000 cy of common borrow from Tellers for the TH 212 project. The depths will vary but will not exceed 20' from existing contours. The area identified on the plans will be the common borrow location and consists of tillable farmland.

We have made an agreement with David Tellers about stockpiling, filling, and excavating for borrow and crushing at this location. This site is directly adjacent to the road reconstruction work. The site would be fully reclaimed upon completion and returned to tillable farmland.

Material will be hauled to and from this property directly via existing and proposed TH 212 or right to construction project adjacent to Tellers. See attached access route and contour plans for more details about the route. There will be no use of any county or township roads to accomplish this. The hours of operation will be from 6 am to 7 pm Monday through Saturday. The equipment will be two loaders, two excavators, two dozers, seven off-road trucks and about twenty on-road trucks. There would be about 12 people on site at any given time not including the haul trucks. All equipment will be parked overnight on sight. We will provide dust control for operations with water and applied using water trucks.

Existing Tile

- Any existing tile will be protected and preserved

Sequence of operations, schedule

- Any entrances labeled will be stabilized to prevent tracking on live traffic roads
- A silt fence will be placed on the downgradient portions of the property as shown on our submittal
- Temporary sediment basins will be excavated, and pond skimmers will be put into place
- All topsoil will be saved and stockpiled in berms and will be temporarily stabilized. These stabilized berms will act as redundant perimeter stormwater retention on the down gradient portions of the site

- The site will be utilized for 4-1- 2025, all of 2026, and end 11-1- 2027
- In the fall of 2027, all topsoil that was salvaged from the property will be replaced back onto the disturbed areas. No topsoil will be removed from the site.
- The temporary sediment basins will be backfilled, and the outlet control structures will be removed
- There will be no permanent seeding to perform since this area will continue to be tilled farm field like it is now. The area will be planted with a cover crop of oats for over winter.

Topsoil Management:

- Topsoil will be tested in accordance with CCWMO rules
- All topsoil will be salvaged and stockpiled prior to placing any fill materials onto the property. Estimated in place topsoil thickness is 12"
- Temporary top-soil stockpiles will be temporarily stabilized
- There will be no topsoil removed from the property
- All topsoil will be placed back onto fields once use of the site is completed
- Topsoil will be tested in accordance with CCWMO rules
- Topsoil will be ripped after it has been spread back onto the field.
- There will be no permanent seeding to perform since this area will continue to be tilled farm field like it is now. The area will be planted with a cover crop of oats for over winter.

Erosion and Sediment Control

- Mathiowetz Construction will follow the SWPPP for the TH 212 project as it applies to this site (see attached SWPPP)

Wetland Review:

- WSB has completed a Wetland review on the property. There is a wetland on the property. But this wetland is not located within the area that we intend to work in.

Extension to North and Variance on West *(see attached plans)*

- We are applying for a variance and extension to the original permit #PZ20250003
- We would like to add an additional 2 acres to the site. This would be used as area to fill an additional 15,000 cy of clean uncontaminated soil from the 212 project.



LEGEND KEY	
	EXISTING CONTOURS
	CONSTRUCTION LIMITS
	PROPERTY LINE
	EXISTING WATER FLOW
	WETLAND

- NOTES:
- 1. NO ROCK OUTCROPS ARE PRESENT ON SITE
 - 2. THERE ARE NO UTILITY EASEMENTS ONSITE
 - 3. THERE ARE NO EXISTING STRUCTURES OR WELLS ONSITE
 - 4. THE PROJECT CONSTRUCTION LIMITS ARE NOT LOCATED IN A FLOOD ZONE



I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DESIGNED: CSB
DRAWN: CSB
CHECKED:
DATE: _____ LIC. NO. _____

DESIGNED: CSB
DRAWN: CSB
CHECKED:

TELLERS SITE - EXTENDED
EXISTING

8-8-2025
SHEET NO. 3 OF 8 SHEETS

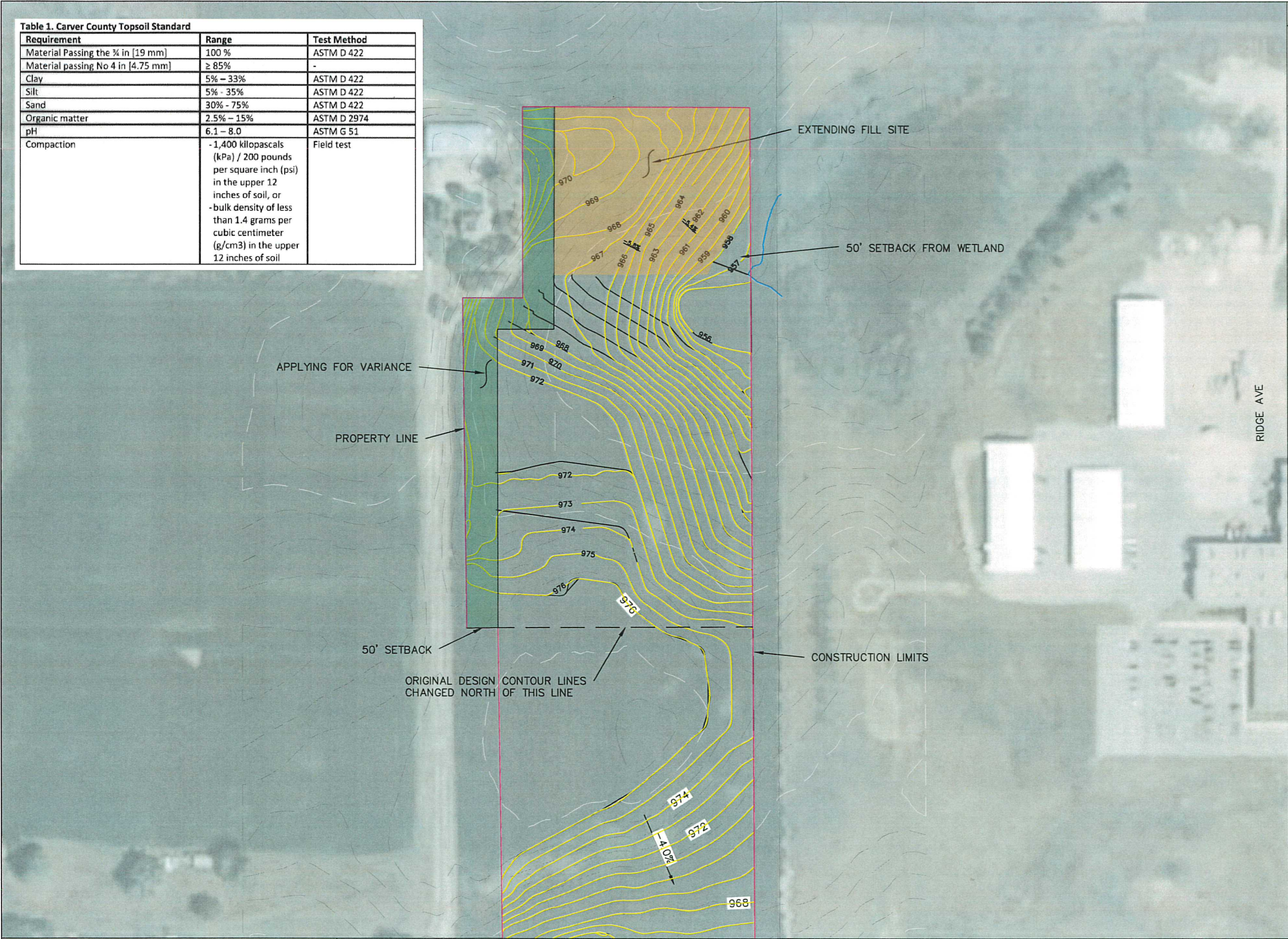
Table 1. Carver County Topsoil Standard

Requirement	Range	Test Method
Material Passing the ¾ in [19 mm]	100 %	ASTM D 422
Material passing No 4 in [4.75 mm]	≥ 85%	-
Clay	5% - 33%	ASTM D 422
Silt	5% - 35%	ASTM D 422
Sand	30% - 75%	ASTM D 422
Organic matter	2.5% - 15%	ASTM D 2974
pH	6.1 - 8.0	ASTM G 51
Compaction	-1,400 kilopascals (kPa) / 200 pounds per square inch (psi) in the upper 12 inches of soil, or -bulk density of less than 1.4 grams per cubic centimeter (g/cm3) in the upper 12 inches of soil	Field test

LEGEND KEY

- ORIGINAL PROPOSED CONTOURS
- EXISTING CONTOURS
- NEW EXTENDED CONSTRUCTION LIMITS CONTOURS
- PROPOSED WATER FLOW
- VARIANCE AREA
- CONSTRUCTION LIMIT EXTENDED AREA
- WETLAND

- NOTES:
- LAND TO BE RETURNED TO EXISTING FARMLAND WITH A MINIMUM OF 6" OF TOPSOIL.
 - A FINAL RECORD DRAWING/SURVEY SHOWING FINISHED GRADES ON SITE SHALL BE SUBMITTED TO THE COUNTY FOR VERIFICATION.



I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: _____ LIC. NO. _____

DESIGNED: CSB
DRAWN: CSB
CHECKED: JJR

TELLERS SITE - EXTENDED
RECLAMATION

9-11-2025
SHEET NO. 5 OF 8 SHEETS



Township Presentation & Recommendation Form

PARCEL # 01-015-0105	Permit # PZ20250043	
Owner's Name: David E Tellers	Owner's Mailing Address: 11610 Highway 212	
City: Cologne	Owner State: MN	Owner Zip: 55322
Applicant (if other than owner): Mathiowetz Construction Company	Site Address: 11610 Highway 212, Cologne, MN 55322	

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal
Description of Request: Mathiowetz Construction is requesting a variance per the attached plans to fill with clean muck fill. The excess will be coming from the Carver County TH 212 project. Land will be returned to existing agricultural use.
Date of County Public Hearing: 10/1/2025 Date of Township Meeting: 8/21/25

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.

	Chair, Benton Township Date 8-21-25 Date 9/3/25
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EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-015-0105

File# PZ20250043

APPLICANT: Mathiowetz Construction Company (Greg Huiras)

OWNERS: Kenneth M Tellers Family Trust

Marcia K Tellers Trust

David E Tellers

* * * * *

That part of the Northeast quarter of Section 15, Township 115, Range 25, Carver County, Minnesota, lying westerly of the East 2050.00 feet (as measured perpendicular to and parallel with the east line) of said Northeast Quarter.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:

Commencing at the north quarter corner of said Section 15; thence on an assumed bearing of South 00 degrees 39 minutes 55 seconds East along the West line of said Northeast Quarter, 1067.94 feet to the point of beginning of the tract to be described; thence continuing South 00 degrees 39 minutes 55 seconds East along said west line of the Northeast Quarter, 1568.86 feet to the center of said Section 15; thence South 89 degrees 53 minutes 31 seconds East along the south line of said Northeast Quarter, 66.01 feet; thence North 00 degrees 39 minutes 55 seconds West on a line parallel to said west line of the Northeast Quarter, 1264.15 feet; thence North 89 degrees 20 minutes 05 seconds East 100.00 feet; thence North 00 degrees 39 minutes 55 seconds West on a line parallel to said west line of the Northeast Quarter, 305.60 feet; thence South 89 degrees 20 minutes 05 seconds West 166.00 feet to the point of beginning.

Subject to right-of-way in existing U.S. Highway and subject to any and all easements of record.

Together with a non-exclusive easement for ingress and egress over, upon, and across the South 200.00 feet of that part of the Northeast Quarter of Section 15, Township 115, Range 25, Carver County, Minnesota as follows: Commencing at the north quarter corner of said Section 15; thence on an assumed bearing of South 00 degrees 39 minutes 55 seconds East along the West line of said Northeast Quarter 1067.94 feet to the point of beginning of the tract to be described; thence continuing South 00 degrees 39 minutes 55 seconds East along said west line of the Northeast Quarter 1568.86 feet to the center of said Section 15; thence South 89 degrees 53 minutes 31 seconds East along the south line of said Northeast Quarter 66.01 feet; thence North 00 degrees 39 minutes 55 seconds West on a line parallel to said west line of the Northeast Quarter 1264.15 feet; thence North 89 degrees 20 minutes 05 seconds East 100.00 feet; thence North 00 degrees 39 minutes 55 seconds West on a line parallel to said west line of the Northeast Quarter 305.60 feet; thence South 89 degrees 20 minutes 05 seconds West 166.00 feet to the point of beginning.

And ALSO EXCEPTING Parcel 25, Carver County Right-of-Way Plat No. 35.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

September 19, 2025

TO: Carver County Board of Adjustment & Laketown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Reduced Side Yard Setback)

FILE #: PZ20250040

APPLICANTS: Dan Held and Nick Wenner

PROPERTY OWNER: Martha Harris

SITE ADDRESS: 6875 Abbywood Ln, Chaska 55318

VARIANCE TYPE: Reduced Setback to Side Lot Line

PURSUANT TO: County Code Section 152.034 (D)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-022-1000

BACKGROUND:

1. Martha Harris owns an approximately 0.5-acre parcel located in Government Lot 2, of the Southwest Quarter (SW¼) of Section 22, Laketown Township. The property currently contains a garden shed, which the applicants propose to remove. The parcel is located within the Agricultural Zoning District, Shoreland Overlay District of a Minnesota Department of Natural Resources (MNDNR) Protected Lake (Piersons Lake), and the Minnehaha Creek Watershed District.
2. The applicants are requesting a variance to reduce the required structure setbacks from the side property lines to accommodate the construction of a future home on the currently vacant parcel. The proposed home would be located closer to the side property lines than permitted by the Zoning Code; therefore, a variance has been requested pursuant to Section 152.034(D) of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.034 SETBACKS.

(D) *Table of setback requirements.*

Side Lot Line Setbacks	All Districts	15 feet		
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- (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).
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 - (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 152.034(D) of the County Zoning Code requires that the nearest corner of any structure, in all zoning districts, maintain at least a 15-foot side yard setback from a property line. Approval of this request would allow the applicant to apply for a building permit to construct a home with an approximate 9.1-foot side yard setback from the west property line and an approximate 9-foot side yard setback from the east property line. Although the home is proposed within the standard 100-foot lake setback, the placement of the house—at a distance from the OHWL equivalent to the two adjacent existing homes—qualifies as a conforming lake setback; therefore, no variance from the lake setback is required.
2. In 1983, two variances (Board of Adjustment Orders #5598 and #5612) were approved to reduce side yard setbacks to 5 feet and 12 feet from the east and west property lines. The second variance allowed the former property owner to install a holding tank rather than a standard drainfield prior to the Township 201 system. No action was taken on those approvals; therefore, both requests become null and void.
3. In 2006, a variance (PZ20060057) was approved to reduce the required front yard setback from 68 feet to 42 feet, and to reduce side yard setbacks from 15 feet to 10 feet (east side) and 12 feet (west side) to allow construction of a home and attached garage. No action was taken on the approved variance; therefore, the request becomes null and void.

4. In the submitted narrative and as shown on the certificate of survey (dated August 6, 2025), the property owners describe the need for and intended use of the structure. The proposed home will measure 42 feet by 32 feet, with approximately 1,746 square feet of living space. In their narrative (dated August 14, 2025), the applicants outline the practical difficulty as follows:

“Our property, a legal nonconforming lot created in 1962, presents unique challenges for development due to its dimensions and existing site constraints. With the standard 15-foot side setbacks applied to a 50-foot-wide lot, coupled with the limited depth and the access road that passes through and splits off the rear quarter of our property, the buildable area is extremely restricted. Without a variance, our options for a functional and well-designed cabin are very limited.”

The allowable building envelope for a lot of this width is only 20 feet.

5. The proposed impervious surface coverage for the home, garage (subject of a separate front and side setback variance request, PZ20250041), sidewalk, and driveway is 21.4%, which is below the 25% maximum allowed. The proposed low-floor elevation of the home is 975.5 feet above sea level, which exceeds the required minimum elevation of 966.2 feet for structures in the Piersons Lake Shoreland District.
6. The applicant has submitted elevation drawings (dated September 25, 2024) of the proposed 1½ story structure.
7. The land-related difficulty is due to the lot size. The plight of the landowner results from circumstances unique to the property, not created by the landowner. The property was originally created in 1962, prior to adoption of County zoning regulations. The legal nonconforming parcel is approximately 50.1 feet wide, leaving a building envelope of about 20 feet. The reduced parcel width makes it difficult to develop the property in compliance with current standards.
8. The neighborhood consists of lakeshore residential development, wetlands and dense vegetation, and agricultural land to the north. Similar structures exist on nearby parcels. This request would not substantially alter the character of the neighborhood or negatively impact government services.
9. 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 detrimental to public welfare or injurious to adjacent properties or improvements.
10. Because the property is in the Shoreland Overlay District, the application materials were sent to David DePaz, South Metro Area Hydrologist, Minnesota Department of Natural Resources (MNDNR). At the time of this report, no comments had been received.
11. The subject property is in the Minnehaha Creek Watershed District (MCWD). Abigail Couture, Permitting Technician with MCWD, provided a comment letter (dated September 16, 2025; attached) noting the possible need for erosion and sediment control and floodplain alteration permits. If the variance is approved, the applicant must comply with all MCWD permit requirements.
12. Lori Brinkman, Carver County Senior Environmentalist – Subsurface Sewage Treatment Systems (SSTS), reviewed the application. In email (dated September 19, 2025) she provided the following comments: *“A SSTS design for a septic tank to be connected to the Abbywood 201 Community System has been submitted to Carver County. All SSTS design and installation requirements must be met.”*
13. The application packet includes letters of support (dated August 11, 2025) from two neighbors: Kevin Harris (6865 Abbywood Ln.) and Tim Surdelli (6885 Abbywood Ln.).

14. The Laketown Town Board reviewed the request at its August 25, 2025, meeting and recommended approval. The Laketown Town Board also passed a resolution (July 2020) prohibiting any new connections the 201-community septic system unless the Township Engineer determines that capacity is available for the proposed new connection. On July 14, 2025, the Town Board reviewed the applicant's request for a sanitary sewer connection, acknowledged the 201-system assessment paid at the time of original installation, and approved it unanimously.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for reduced side yard setbacks pursuant to Section 152.034 (D) of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be considered:

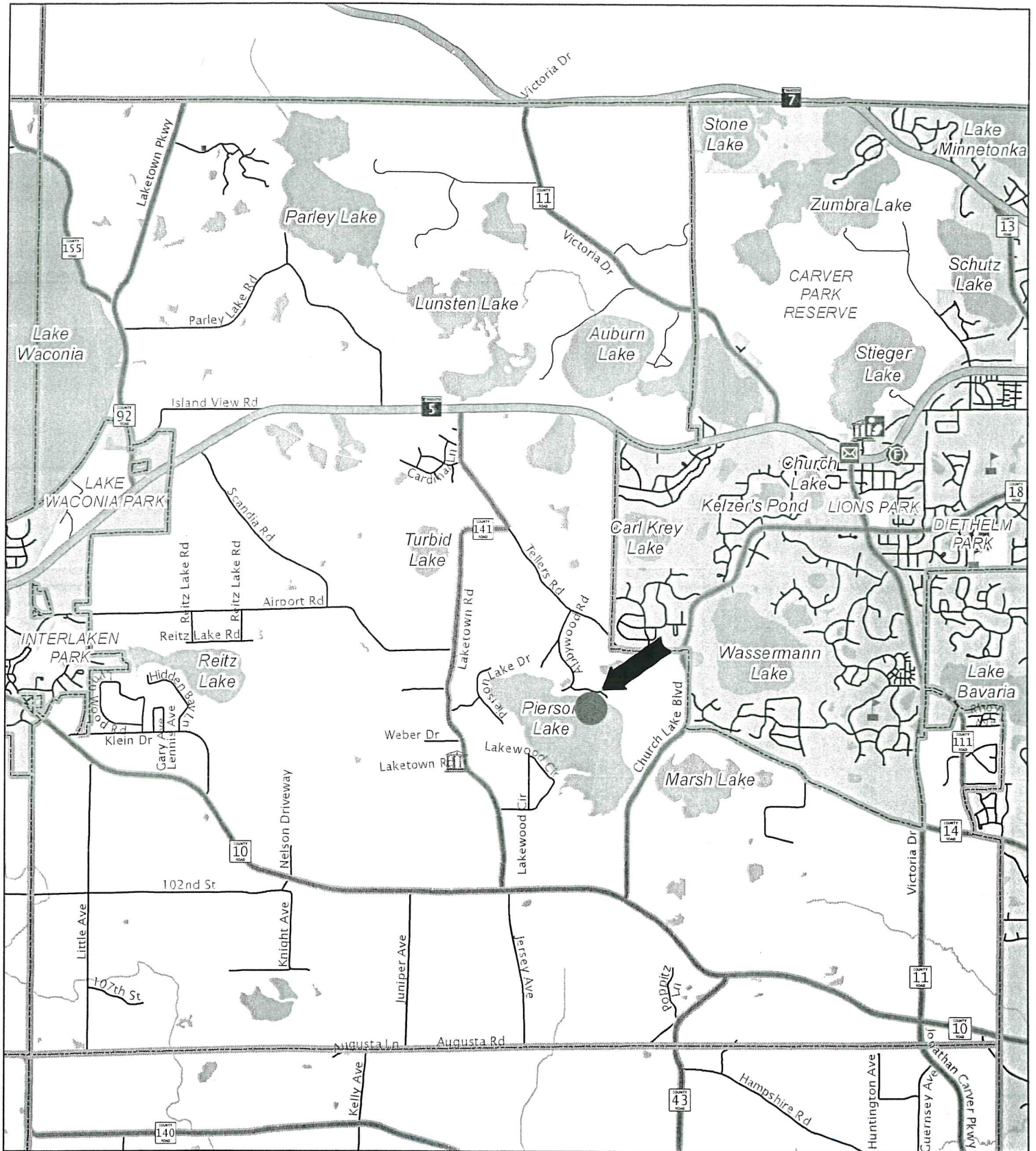
1. All construction shall be completed in accordance with the submitted site plan and approved building permit plans. The home shall not encroach closer than 9.1 feet from the west property line or 9.0 feet from the east property line.
2. Prior to issuance of a building permit, the west and east property lines shall be identified and staked by a licensed land surveyor to verify compliance with the approved setbacks.
3. A permit for the new Subsurface Sewage Treatment System (SSTS) tank shall be approved and installed prior to issuance of a Certificate of Occupancy for the new home.
4. The permittee shall obtain any required Laketown Township permits for connection to the 201 system and for driveway access to Abbywood Lane.
5. The permittee shall contact the Minnehaha Creek Watershed District (MCWD) to determine whether watershed permits are required and shall obtain any necessary approvals prior to construction.
6. No additional expansions within the required setbacks shall occur without first obtaining all necessary building permits and/or variances.

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.

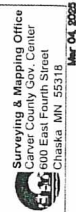
LAKETOWN TOWNSHIP



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.



S 1/2 SEC. 22, T.116, R.24



August 14, 2025

Dear Members of the Carver County Board of Adjustment,

We are writing to respectfully request approval for a side yard variance for our property located at 6875 Abbywood Lane, so that we may construct a modest family cabin on this cherished lakeshore lot.

Our property, a legal nonconforming lot created in 1962, presents unique challenges for development due to its dimensions and existing site constraints. With the standard 15-foot side setbacks applied to a 50-foot-wide lot, coupled with the limited depth and the access road that passes through and splits off the rear quarter of our property, the buildable area is extremely restricted. Without a variance, our options for a functional and well-designed cabin are very limited.

Accordingly, we are requesting a variance to allow 9.1-foot side setback to the western property line and a 9-foot setback to the eastern property line, enabling us to build a 32-foot wide 1745-square-foot finished cabin (1400-square-foot footprint). This design would create a gathering space with sleeping quarters for our growing family while maintaining harmony with the existing character of the neighborhood. The proposed cabin slab elevation is 975.5' which has been carefully selected to fit with the sites grading, drainage and access needs.

The cabin will conform to meet the required setbacks for the septic tank which are 75 foot from the high water mark, 10 foot side set back to the western property line and a 10 foot setback from the new cabin. The tank size is going to be 8 foot wide by 13 foot long. The septic tank placement will also depend on where the existing sewer line is located. We will be connecting to the sewer line that goes from the neighbor's septic tank to the lift station. The sewer connection was approved by the township on 7/14/25. If needed, we will move the cabin further north to conform to the required setbacks for the tank.

In consideration of reducing hardcover and its impact on lake water quality, instead of constructing a garage attached to the house, a detached garage (the subject of a separate variance request) will allow us to reduce the impervious surface coverage on the parcel with a shorter driveway. The proposed impervious surface for the proposed garage and house is about 21.4 percent.

Under previous owners the property was issued a side yard setback variance in 1983 (#5598) and side and front yard setback variance in 2007 (PZ20060057). Both variances expired, becoming null and void, when there wasn't construction of a home within a year. Our request is similar to previously issued variances.

We have proposed a lake setback that would keep the new cabin in line with the sightline of the cabins on both sides of our property, preserving the current visual rhythm along the shoreline. The proposed location does not require a shoreline setback.

Our family has been coming to Piersons Lake since our children were small. Over the years, we have made countless memories here, and now, as our children have grown and grandchildren are beginning to join us, we hope to continue this tradition. Our current cabin space on the adjacent property has reached its limits, and this new structure would allow us to host family gatherings while retaining the charm and scale appropriate for the lake.

Part of our vision for this project is to preserve the charm of our existing cabin while creating an additional space that is no larger than necessary. We have taken great care to design a cabin that will fit in well with neighboring structures, remain conservative in size/appearance, and preserve the natural beauty of the lakefront. During construction, our goal is to retain as many of the mature trees as possible.

We have spoken with our neighbors whose property is directly adjacent to our west property line, and they have expressed their full support for our project. Their signed letter of support is included with this request.

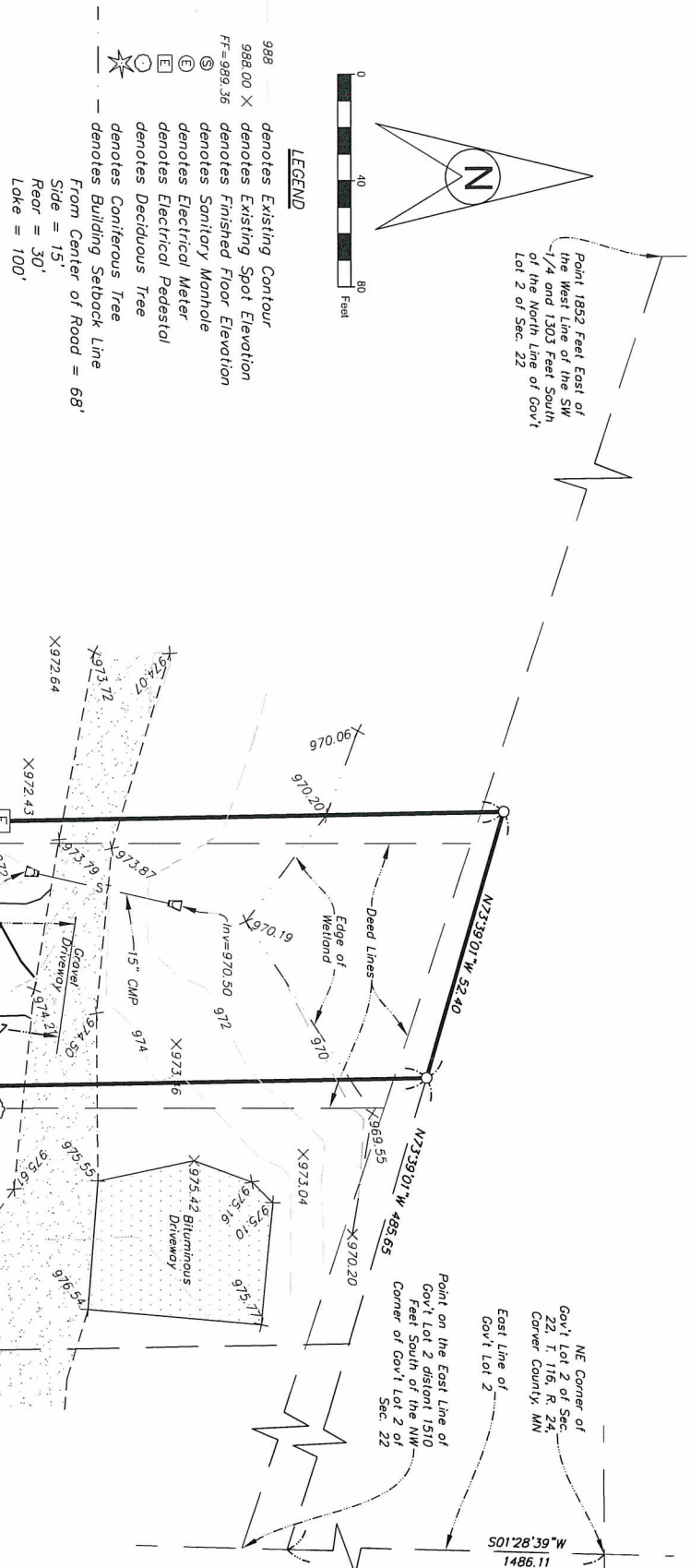
We greatly appreciate your consideration of our request. This variance will allow us to responsibly utilize our property in a way that respects the lake, the neighborhood, and the traditions that have made Piersons Lake such a special place for our family and community.

Thank you for your time and thoughtful review.

Sincerely,

Martha and Kevin Harris
6875 & 6865 Abby Wood Lane

Certificate of Survey & Topographic Survey



EXISTING HARDCOVER CALCULATIONS:		
AREA TO OHWL =	14,770±	S.F.
Gavel Driveway	592	S.F.
Existing Shed	49	S.F.
TOTAL	641	S.F.
% HARDCOVER	4.3	%

PROPOSED HARDCOVER CALCULATIONS:		
AREA TO OHWL =	14,770±	S.F.
Gavel Driveway	592	S.F.
Proposed Driveway	475	S.F.
Proposed Garage	572	S.F.
Proposed Sidewalk	90	S.F.
Proposed Concrete Porch	84	S.F.
Proposed House	1,344	S.F.
TOTAL	3157	S.F.
% HARDCOVER	21.4	%

Proposed Elevations:
House Main Floor = 975.50
Garage Floor = 973.50

EXISTING PROPERTY DESCRIPTION:

That part of Government Lot 2, Section 22, Township 116, Range 24, Carver County, Minnesota, described as the East 50.00 feet of the West 2002.00 feet of that part of fractional Southwest Quarter lying South of a line described as:

Commencing at a point on the East line of Government Lot 2, 1510.00 feet South from the Northeast corner of lot, thence Northwesterly 644.60 feet to a point 1503.00 feet South of the North line of Government Lot 2 and 1852.00 feet East of the West line of the Southwest Quarter; thence Westerly 600.00 feet, more or less, which is 1317.50 feet South of the North line of Government Lot 1 in Section 22 and 1252.00 feet East of the West line of the Southwest Quarter of Section 22.

SURVEYORS NOTE:

The Existing Property Description does not fit the property as monumented and occupied. I have written the following Suggested Revised Property Description to fit the property as monumented. An attorney should be contacted to discuss this.

SUGGESTED REVISED PROPERTY DESCRIPTION:

That part of Government Lot 2, Section 22, Township 116, Range 24, Carver County, Minnesota, described as follows:

Commencing at the Northeast corner of said Government Lot 2; thence on an assumed bearing of South 01 degrees 28 minutes 39 seconds West, along the East line of said Government Lot 2, a distance of 1486.11 feet; thence North 73 degrees 39 minutes 01 seconds West, a distance of 485.65 feet to the point of beginning; thence continue North 73 degrees 39 minutes 01 seconds West, a distance of 52.40 feet; thence South 01 degrees 03 minutes 05 seconds East to the shoreline of Pierson Lake; thence Southeasterly along said shoreline to a line that bears South 01 degrees 03 minutes 05 seconds East from the point of beginning; thence North 01 degrees 03 minutes 05 seconds West to the point of beginning.

□ = Septic Tank Location (NDS)
(minimum 10' from structure, 10' from property line, 75' from OHWL)

PIERSONS LAKE
Water Elevation on 11/02/23 = 1081.7
(NAD 83 1928 per MN DNR)

Note: Existing conditions are from Otto Associates
Certificate of Survey No 23-0444 Signed 12-8-2023

Certificate of Survey on part of Gov't Lot 2 of Sec. 22, T. 116, R. 24, Carver County, Minnesota

Revised: 7-31-25 NAB ADD PROPOSED BUILDINGS

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Paul E. Otto
Paul E. Otto
License # 40062 Date: 8-6-25

Requested By:

Martha Harris

Date:
11-27-23

Drawn By:
B.M.H.

Scale:
1"=20'

Checked By:
P.E.O.



www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

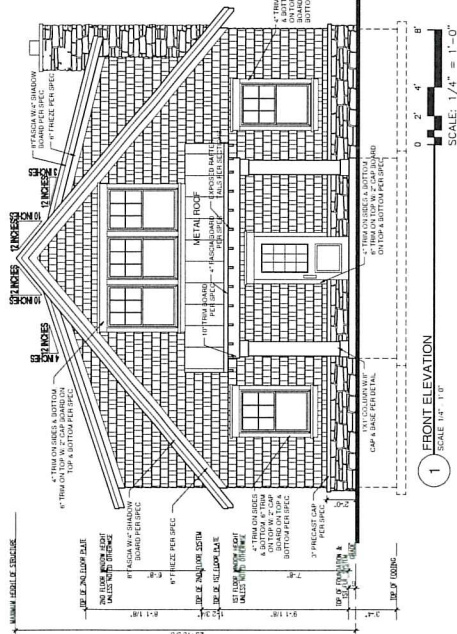
- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Project No. 25-0298

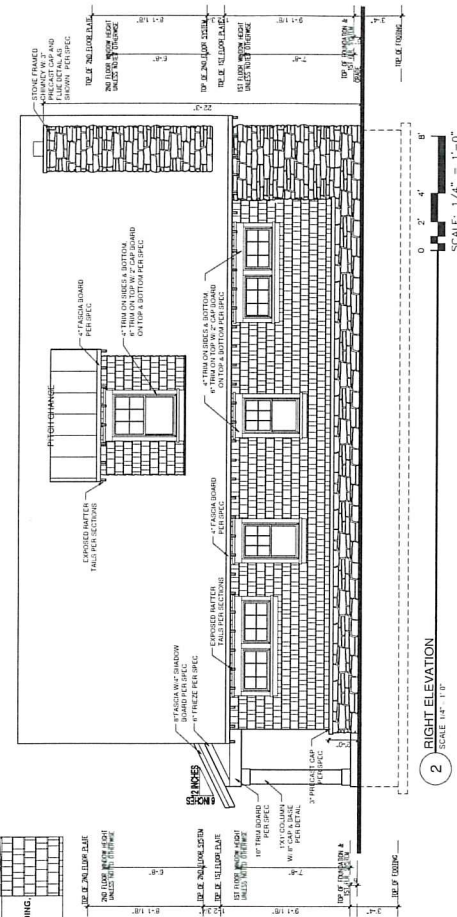
GENERAL EXTERIOR NOTES:

1. ICE AND WATER BARRIER @ BOTTOM 6" OF ALL ROOF LINES. EXTEND BARRIER MIN. 3" ON EACH SIDE OF VALLEY. COVER ENTIRE FACE OF ROOF.
2. PROVIDE ROOF AND SOFFIT VENTS PER IRC CODE REGULATIONS.
3. PROVIDE ROOF AND SOFFIT VENTS PER IRC CODE REGULATIONS.
4. ALL PENETRATIONS THROUGH ROOF OR HOME WHENEVER POSSIBLE.
5. EXTERIOR WALLS OR ROOFING MUST BE SEALED AND FLASHED PER MANUFACTURE SPECIFICATIONS AND IRC CODE REGULATIONS.
6. SUPPLY AT LEAST 6" OF SPACE BETWEEN BOTTOMS OF WINDOWS AND ROOFS.
7. ALL BEAMS HOLDING UP PORCH ROOFS ARE TO BE DROPPED UNLESS OTHERWISE NOTED.
8. SUPPLY DRIPCAPS ON ALL WINDOWS AND DOORS.
9. EXTERIOR TRIM TO BE FLASHED PER MANUFACTURE SPECIFICATIONS.
10. COMPOSITE WOOD, AND ANY OTHER WOOD MATERIAL PER SPECIFICATIONS. HOLD STONE OFF GRADE MINIMUM OF 3" OR PER TRADE SPECIFICATIONS.
11. REFER TO MANUFACTURE SPECIFICATIONS FOR STONE.
12. COMPOSITE WOOD AND SIZED TO COVER THE EDGE OF STONE.
13. GRADE CONDITIONS MAY VARY ON SITE.

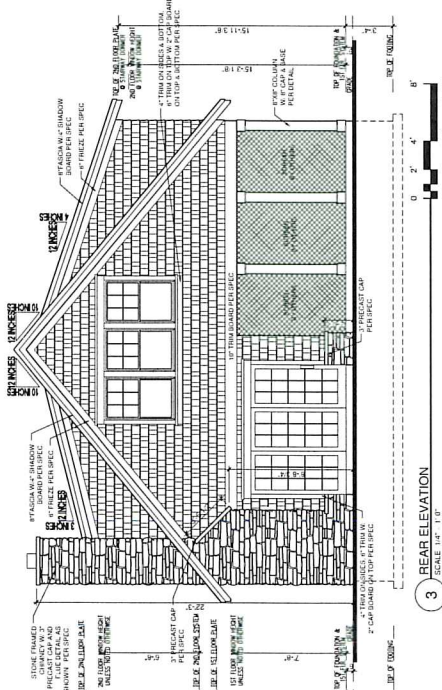
EXTERIOR MATERIAL KEY	
STONE VENEER	- MATERIAL: CULTURED STONE. VERIFY W/ SPEC.
SHAKE SIDING	- MATERIAL: SMART-SIDING. VERIFY W/ SPEC.



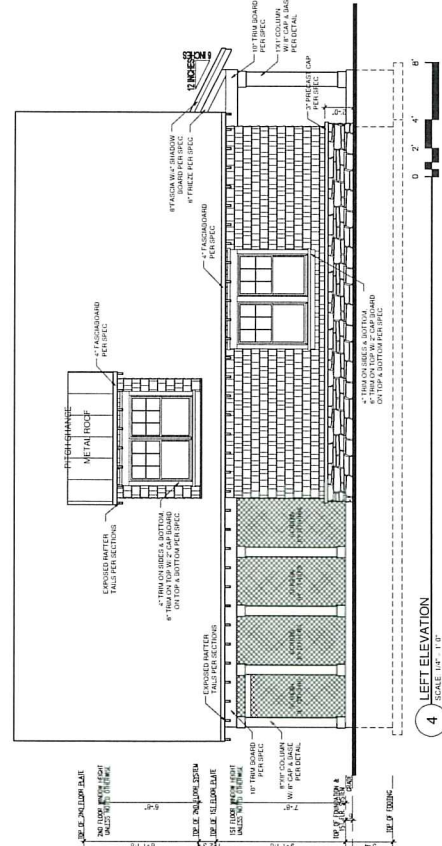
1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



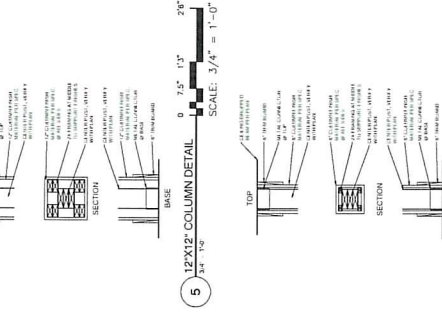
2 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"



4 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



5 12X12 COLUMN DETAIL
SCALE: 3/4" = 1'-0"

6 8X8 COLUMN DETAIL
SCALE: 3/4" = 1'-0"

REVISION:

REV. DATE:

DRAWING TITLE:

HARRIS CABIN

LOCATION:
6665 ABBY WOOD LANE, CHASKA, MN

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MLITTFIN@HOTMAIL.COM
320-224-7844
WINSTED, MN

DATE: 9-25-24

PAGE: 1

EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

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SCALE: 1/4" = 1'-0"



September 16, 2025

Carver County Public Services Division
Attn: Lauren Whetstone, Land Management Planner
600 East 4th Street
Chaska, MN 55318

RE: Request for Review – 6875 Abbywood Lane – Variance Requests

Dear Ms. Whetstone,

The Minnehaha Creek Watershed District (MCWD or District) received notice of two variance requests being reviewed by Carver County on September 9, 2025, regarding reduced setbacks for a new home and detached garage.

MCWD has reviewed the plans and requests that the applicant (Martha and Kevin Harris, or their representative) contact the District for their review for potential applicable District rules, outlined below, if the applicant moves forward with this proposed plan:

Erosion and Sediment Control Rule:

If proposed development will disturb more than 5,000 square feet of land or excavate or grade more than 50 cubic yards, an Erosion and Sediment Control permit would be required.

Floodplain Alteration Rule:

If any work is proposed within the floodplain of Pierson's Lake (at or below 963.59 NGVD 29), then a Floodplain Alteration permit would be required.

We encourage the applicant to communicate with the District regarding their proposed plans if the above rule will be triggered by the work.

Thank you for your ongoing coordination with MCWD. Please do not hesitate to reach out with any questions.

Abigail Couture

Abigail Couture
Permitting Technician
acouture@minnehahacreek.org

We collaborate with public and private partners to protect and improve land and water for current and future generations.



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	070221000		Permit #	PZ20250040	
Owner's Name:	Martha K Harris		Owner's Mailing Address:	4702 Lakeview Dr.	
City:	Edina	Owner State:	MN	Owner Zip:	55424
Applicant (if other than owner):			Site Address:	6875 Abbywood Lane, Chaska, MN 55318	

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request: Requesting a variance for the side setbacks of the cabin, side setback on the garage and road set back on the garage. Standard side setback is 15'. With a 50' lot that only leaves 20' of width left to work with. Requesting approval for variance down to 9' setbacks on both sides of the cabin to allow for a 32' wide cabin. Note that cabin dimensions were designed to fit with neighboring cabins (being at or below their relative sizes). Our main constraint is lot width in building a cabin. Requesting approval for variance on the detached garage for a side setback on one side of the garage from 15' down to 13' on the east property line and a road setback variance from 68' to 25'. Note that the neighboring property immediately to the east is owned by our family as well. Also note that the access road which we are requesting the variance to be closer to is a private access road and the proximity being requested from centerline is also further away than many of the neighbors so is consistent with surrounding structures.						
Date of County Public Hearing:	10-01-2025		Date of Township Meeting:	08-25-2025		

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: Laketown Twp Board of Supervisors recommends approval of variance requests.

****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
Martha K Harris	
Signature of Township Official	Date

GX 02 02 ← PETE. PARVIS 08-25-25

Approved Minutes from July 14, 2025 Meeting of the Laketown Township Board

G. Consider request for 6875 Abbywood connection to 201 mound system

Son-in-law of current property owner was present to answer questions.

This parcel had been discussed earlier this year and property owner is now ready to proceed with building. Had held off in case we had received the funding to proceed with the rehabilitation project involving the 201 system during this past legislative session.

Board consideration is needed due to the moratorium on new connections to the existing system. Property history shows inclusion in payment of the original assessment for 201 installation even though this parcel has not yet been improved. Property will be used as a seasonal recreational cabin – as can be seen in design with lack of closets, etc and realizes we need to consider future property owners who may turn it into primary residence year-round. All are hopeful to have a rehabilitated sewer system by then to avoid pressure on the existing mound system capacity.

Motion by Mullen, second by Parris to grant allowance to connect to existing 201 sewer/mound system at Abbywood due to historical data proving evidence that the 201 assessment was paid at the time of original installation with the following stipulations:

1. Coordinate with our Sewer Technician, James Schilling, to be on site when the contractor digs to remove pipe and install connection;
2. The portion of pipe cut out would be kept by Laketown Township;
3. Understanding of the parties that property owner will need to apply for variance through Carver County for any property line setbacks, etc and that requires coming before the town board for their recommendation before it goes before the County.

Motion carried 3-0

Received August 11, 2025

To Laketown Township and Carver County:

Please be advised that we are completely aware and supportive of the variance for the side setback on the cabin of 9 Feet from our Property line and the garage at 13 feet from our property line at the neighboring property owned by Martha Harris located at 6875 Abbywood Ln, Laketown Township, Carver County, MN.

Kind Regards,

A handwritten signature in dark ink, appearing to be 'KH' or similar initials, written over a horizontal line.

(Kevin Harris)

6865 Abbywood Ln.

To Laketown Township and Carver County:

Please be advised that we are completely aware and supportive of the variance for the side setback on the cabin of 9 Feet from our Property line at the neighboring property owned by Martha Harris located at 6875 Abbywood Ln. Laketown Township, Carver County, MN.

Kind Regards,

Tim Sordell

6885 Abbywood Ln.

Received August 11, 2025

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-022-1000

File# PZ20250040

APPLICANTS: Dan Held & Nick Wenner

OWNER: Martha K Harris

That part of Government Lot Two (2) in Section Twenty-two (22), Township One Hundred Sixteen (116), Range Twenty-four (24), which is also the East Fifty (E 50) feet of the West Two Thousand Two (W 2002) feet of that part of the fractional Southwest Quarter (SW1/4) of said Section lying South of the following described line: Commencing at a point on the East line of said Government Lot Two (2) distant 1510 feet south from the Northeast corner of said Lot; thence Northwesterly 644.6 feet, more or less, to a point distant 1303 feet south of the North line of said Government Lot Two (2) and 1852 feet east of the West line of said Southwest Quarter (SW1/4) of Section Twenty-two (22), Township One Hundred Sixteen (116), Range Twenty-four (24); thence Westerly 600 feet, more or less, to a point which is 1317.5 feet south of the North line of Government Lot One (1) in said Section Twenty-two (22) and 1252 feet East of the West line of said Southwest Quarter (SW1/4) of Section Twenty-two (22), according to United States Government survey thereof.

Subject to easement for roadway purposes across above said described property where road is now located.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

September 19, 2025

TO: Carver County Board of Adjustment & Laketown Town Board
FROM: The Land Management Department
SUBJECT: Application for a Variance (Reduced Front and Side Lot Line Setback)

FILE #: PZ20250041
APPLICANTS: Dan Held and Nick Wenner
PROPERTY OWNER: Martha Harris
SITE ADDRESS: 6875 Abbywood Ln, Chaska 55318
VARIANCE TYPE: Reduced Front and Side Lot Line Setbacks
PURSUANT TO: County Code Section 152.034 (D)
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 07-022-1000

BACKGROUND:

1. Martha Harris owns an approximately 0.5-acre parcel located in Government Lot 2, of the Southwest Quarter (SW¼) of Section 22, Laketown Township. The property currently contains a garden shed, which the applicants propose to remove. The parcel is located within the Agricultural Zoning District, Shoreland Overlay District of a Minnesota Department of Natural Resources (MNDNR) Protected Lake (Piersons Lake), and the Minnehaha Creek Watershed District.
2. The applicants are requesting a multi-component variance to (a) reduce the required structure setback from the centerline of a local road (cartway), and (b) reduce the required structure setback from a side property line, to accommodate a proposed detached garage. The proposed structure would encroach closer to both the road centerline and the side property line than the Zoning Code. Therefore, the applicants have requested variances pursuant to Section 152.034 (D) of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.034 SETBACKS.

(D) *Table of setback requirements.*

Side Lot Line Setbacks	All Districts	15 feet		
<i>Future Functional Class of Road as Shown in Roadway Systems Plan Figure 4.13</i>	<i>Setback from Centerline</i>	<i>Reduced Setback*</i>	<i>R-O-W</i>	<i>Reduced R-O-W</i>
Local roads in Shoreland District	68	N/A	66	

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. Section 152.034(D) of the County Zoning Code requires that the nearest corner of any structure, in all zoning districts, maintain at least a 68-foot reduced setback from the centerline of a local road in the Shoreland area, and at least a 15-foot side yard setback from a property line. Approval of this request would allow the applicants to apply for a building permit to construct a detached accessory storage structure with an approximate 25.7-foot setback from the centerline of Abbywood Road (cartway) and an approximate 13.1-foot setback from the east property line.
2. The subject property is located on Abbywood Lane, which is designated a local road (cartway) in the 2040 Comprehensive Plan (County Public Works Future Functional Class figure, Figure 4.13). The County Zoning Code, adopted in July 2021, classifies this type of road as a local road in the setback table pursuant to Section 152.034(D). This is a township road in which the required 68-foot setback applies.
3. In 1983, two variances (Board of Adjustment Orders #5598 and #5612) were approved to reduce side yard setbacks to 5 feet and 12 feet from the east and west property lines. The second variance allowed the former property owner to install a holding tank rather than a standard drainfield prior to the Township 201 system. No action was taken on those approvals; therefore, both requests become null and void.

4. In 2006, a variance (PZ20060057) was approved to reduce the required front yard setback from 68 feet to 42 feet, and to reduce side yard setbacks from 15 feet to 10 feet (east side) and 12 feet (west side) to allow construction of a home and attached garage. No action was taken on the approved variance; therefore, the request becomes null and void.
5. In the submitted narrative (dated August 14, 2025) and on the certificate of survey (dated August 6, 2025), the applicants reference the need for and intended use of the structure. The proposed detached garage, measuring 22' x 26' (857 square feet over two levels), would be used for storage of vehicles, tools, lake equipment, and miscellaneous personal items. The property owners state that the proposed detached accessory structure is "thoughtfully designed to fit within the existing character and aesthetic of the neighborhood." They further note in the narrative, "Instead of constructing an attached garage with the house, a detached garage will allow us to reduce the impervious surface coverage on the parcel with a shorter driveway. The proposed impervious surface coverage for the garage and house is approximately 21.4 percent." The land-related difficulty is due to the lot size, not circumstances created by the landowner.
6. The applicant submitted elevation drawings (dated September 25, 2024) of the proposed 1½-story structure.
7. The land-related difficulty is due to the lot size. The plight of the landowner results from circumstances unique to the property, not created by the landowner. The property was originally created in 1962, prior to adoption of County zoning regulations. The legal nonconforming parcel is approximately 50.1 feet wide, leaving a building envelope of about 20 feet. The submitted survey shows that a conforming attached garage would require a lengthy driveway, inconsistent with the character of the area, and would result in a garage of limited depth. The reduced parcel width makes it difficult to develop the property in compliance with current standards.
8. The purpose of the variance is to facilitate construction of a detached garage for personal storage. The applicants are proposing a reasonable use of the property not permitted by the Zoning Code. The applicable official controls are the 68-foot setback from the centerline of a local road and the 15-foot side yard setback. The intent of these regulations is to ensure that structures do not interfere with road maintenance, create safety hazards for drivers, or infringe upon neighboring properties. The neighbor to the west has submitted a letter of support. Although the request does not strictly meet the standards, it appears to be consistent with the intent of the regulations.
9. Granting the variance would not conflict with the intent of the Comprehensive Plan. The 2040 Comprehensive Plan does not specifically address variances of this type. County Policy LU-16 requires that lakes, wetlands, and other sensitive features be protected from construction impacts, and that development minimize disturbance of natural areas. Constructing a detached garage with reduced setbacks from a side property line and local road is a more acceptable alternative than reducing a setback to the lake or increasing impervious surface coverage. Therefore, the request does not appear to conflict with the intent of the Comprehensive Plan.
10. The neighborhood consists of lakeshore residential development, wetlands and dense vegetation, and agricultural land to the north. Similar structures exist on nearby parcels. This request would not substantially alter the character of the neighborhood or negatively impact government services.
11. 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 detrimental to public welfare or injurious to adjacent properties or improvements.
12. Because the property is in the Shoreland Overlay District, the application materials were sent to David DePaz, South Metro Area Hydrologist, Minnesota Department of Natural Resources (MNDNR). At the time of this report, no comments had been received.
13. The subject property is in the Minnehaha Creek Watershed District (MCWD). Abigail Couture, Permitting Technician with MCWD, provided a comment letter (dated September 16, 2025; attached) noting the possible need for erosion and sediment control and floodplain alteration permits. If the variance is approved, the applicant must comply with all MCWD permit requirements.

14. Carver County Environmental Services Department did not review the application because no plumbing is proposed in the accessory structure.
15. The application packet includes letters of support (dated August 11, 2025) from two neighbors: Kevin Harris (6865 Abbywood Ln.) and Tim Surdelli (6885 Abbywood Ln.).
16. The Laketown Town Board reviewed the request at its August 25, 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 for a reduced front yard setback and reduced side yard setback pursuant to Section 152.034 (D) of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be considered:

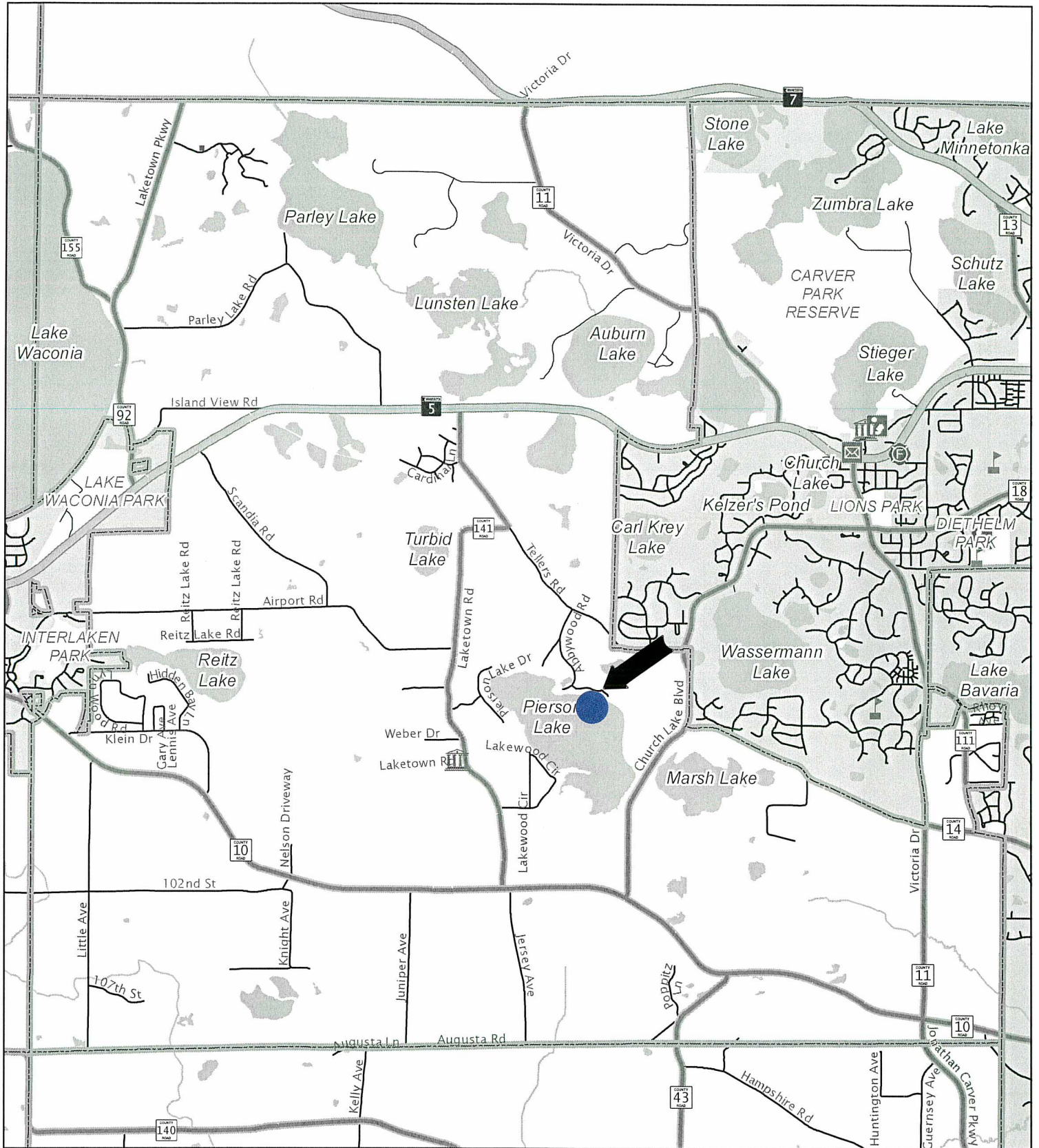
1. All construction shall be completed in accordance with the submitted site plan and approved building permit plans. The detached garage shall not encroach closer than 25.7 feet from the centerline of Abbywood Lane or 13.1 feet from the east property line, as approved with this variance.
2. Prior to issuance of a building permit, the property owners shall have the east property line of the subject parcel identified and staked by a licensed land surveyor to ensure the garage location complies with the approved setbacks.
3. The permittee shall contact the Minnehaha Creek Watershed District (MCWD) to determine whether watershed permits are required and shall obtain all necessary MCWD approvals prior to construction.
4. The permittee shall obtain any required Laketown Township permits for driveway access to Abbywood Lane.
5. No further expansion within the required setbacks shall occur without first obtaining all necessary permits and/or variances.

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.

LAKETOWN TOWNSHIP

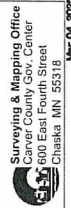


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



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.



August 14, 2025

Dear Members of the Carver County Board of Adjustment,

We are writing to respectfully request approval for a side setback variance and road/front yard setback variance for the construction of a detached garage on our property at 6875 Abby Wood Lane.

The side setback variance we are requesting would allow for 13.1 feet from the eastern property line that is adjacent to another property which we also own. The road setback variance we are requesting would allow for 25.7 feet from the nearest corner of the structure to the gravel access road centerline, as shown on the attached survey. The existing shed on the property will be removed. The proposed garage, measuring 22' x 26' or 572 square feet, would meet the permitted zoning code rules for height and personal storage square footage. The side setback to the western property line would be conforming.

Our proposed garage has been thoughtfully designed to fit within the existing character and aesthetic of the neighborhood. Many properties along our road have detached garages of similar size and many are positioned even closer to the road than what we are requesting. Our intention is to ensure that the design and placement of our garage harmonizes with the established look and feel of the area while maintaining a tidy and well-organized property. We have attached letters of support from three of our neighbors.

The garage with an upper level will serve an important purpose in allowing us to store vehicles, tools, and lake equipment under roof and out of sight, thereby reducing visual clutter and maintaining a clean, orderly appearance from both the road and the lake.

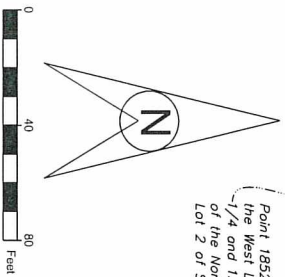
The proposed garage floor elevation is 975.5 feet, which has been carefully selected to fit the site's grading, drainage, and access needs. We have taken care to ensure that this garage will be no larger than necessary to meet our needs, will be constructed with materials and finishes that complement the existing and planned structures on our property, and will blend seamlessly with the neighboring properties. Instead of constructing an attached garage with the house, a detached garage will allow us to reduce the impervious surface coverage on the parcel with a shorter driveway. The proposed impervious surface for the proposed garage and house is about 21.4 percent.

We greatly appreciate your consideration of our request. Thank you for your time and thoughtful review.

Sincerely,

Martha and Kevin Harris
6875 & 6865 Abby Wood Lane

Certificate of Survey & Topographic Survey



- LEGEND**
- 988 denotes Existing Contour
 - 988.00 X denotes Existing Spot Elevation
 - FF=999.36 denotes Finished Floor Elevation
 - ⊙ denotes Sanitary Manhole
 - ⊕ denotes Electrical Meter
 - ⊖ denotes Electrical Pedestal
 - ⊗ denotes Deciduous Tree
 - ★ denotes Coniferous Tree
 - denotes Building Setback Line
 - From Center of Road = 68'
 - Side = 15'
 - Rear = 30'
 - Lake = 100'

EXISTING HARDCOVER CALCULATIONS:		
AREA TO OHWL =	14,770±	S.F.
	AREA	
Gravel Driveway	592	S.F.
Proposed Driveway	475	S.F.
Proposed Garage	572	S.F.
Proposed Sidewalk	90	S.F.
Proposed Concrete Porch	84	S.F.
Proposed House	1,344	S.F.
TOTAL	3157	S.F.
% HARDCOVER	4.3	%

PROPOSED HARDCOVER CALCULATIONS:		
AREA TO OHWL =	14,770±	S.F.
	AREA	
Gravel Driveway	592	S.F.
Proposed Driveway	475	S.F.
Proposed Garage	572	S.F.
Proposed Sidewalk	90	S.F.
Proposed Concrete Porch	84	S.F.
Proposed House	1,344	S.F.
TOTAL	3157	S.F.
% HARDCOVER	21.4	%

Proposed Elevations:
House Main Floor = 975.50
Garage Floor = 975.50

EXISTING PROPERTY DESCRIPTION:

That part of Government Lot 2, Section 22, Township 116, Range 24, Carver County, Minnesota, described as the East 50.00 feet of the West 2002.00 feet of that part of fractional Southwest Quarter lying South of a line described as:

Commencing at a point on the East line of Government Lot 2, 1510.00 feet South from the Northeast corner of lot; thence Northwest 644.60 feet to a point 1303.00 feet South of the North line of Government Lot 2 and 1852.00 feet East of the West line of the Southwest Quarter; thence West 600.00 feet, more or less, which is 1317.50 feet South of the North line of Government Lot 1 in Section 22 and 1252.00 feet East of the West line of the Southwest Quarter of Section 22.

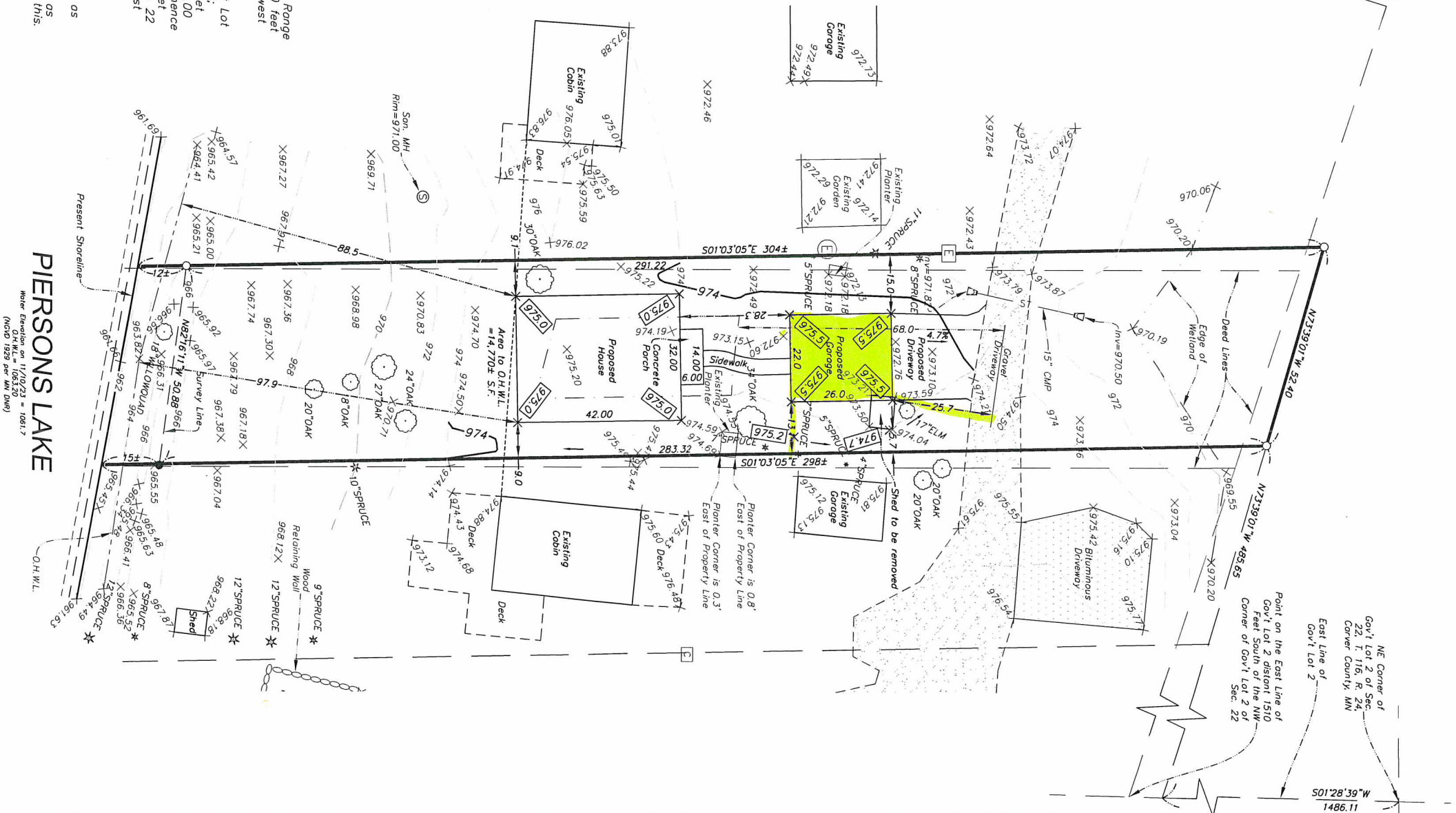
SURVEYORS NOTE:

The Existing Property Description does not fit the property as monumented and occupied. I have written the following Suggested Revised Property Description to fit the property as monumented. An attorney should be contacted to discuss this.

SUGGESTED REVISED PROPERTY DESCRIPTION:

That part of Government Lot 2, Section 22, Township 116, Range 24, Carver County, Minnesota, described as follows:

Commencing at the Northeast corner of said Government Lot 2; thence on an assumed bearing of South 01 degrees 28 minutes 39 seconds West, along the East line of said Government Lot 2, a distance of 1486.11 feet; thence North 73 degrees 39 minutes 01 seconds West, a distance of 485.65 feet to the point of beginning; thence continue North 73 degrees 39 minutes 01 seconds West, a distance of 52.40 feet; thence South 01 degrees 03 minutes 05 seconds East to the shoreline of Pierson Lake; thence Southeasterly along said shoreline to a line that bears South 01 degrees 03 minutes 05 seconds East from the point of beginning; thence North 01 degrees 03 minutes 05 seconds West to the point of beginning.



PIERSONS LAKE

Water Elevation on 11/10/23 = 1061.7
(NGVD 1929 per MN DNR)

Note: Existing conditions are from Otto Associates
Certificate of Survey No 23-0444 Signed 12-8-2023

Certificate of Survey on part of Gov't Lot
2 of Sec. 22, T. 116, R. 24, Carver
County, Minnesota

Revised: 7-31-25 NAB ADD PROPOSED BUILDINGS

I hereby certify that this plan, specification, or
report was prepared by me or under my direct
supervision and that I am a duly Licensed
Professional Engineer under the laws of the
State of Minnesota.

Paul E. Otto
Paul E. Otto
License # 40062 Date: 8-6-25

Requested By:

Martha Harris

Date:
11-27-23

Drawn By:
B.M.H.

Scale:
1"=20'

Checked By:
P.E.O.



www.ottoassociates.com

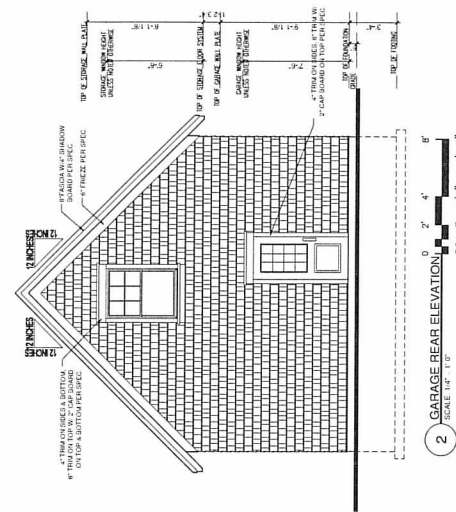
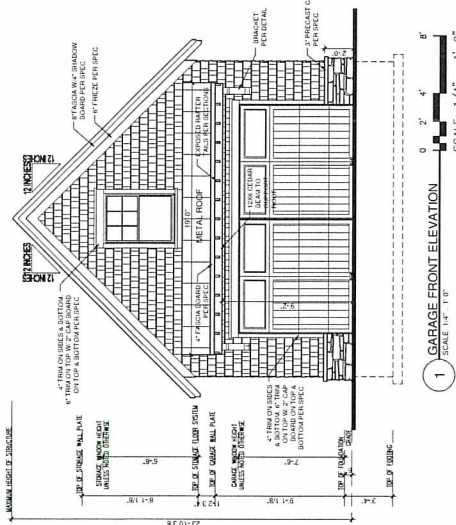
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

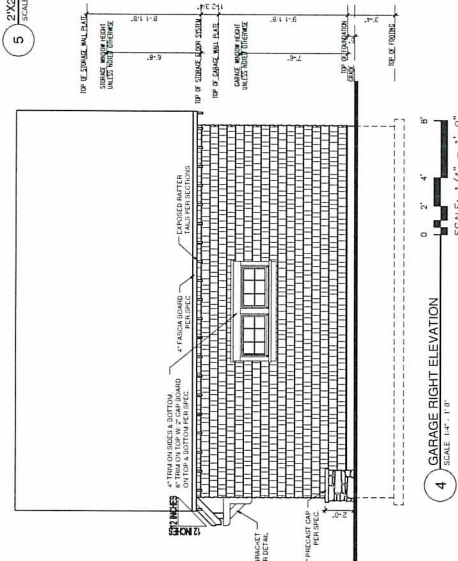
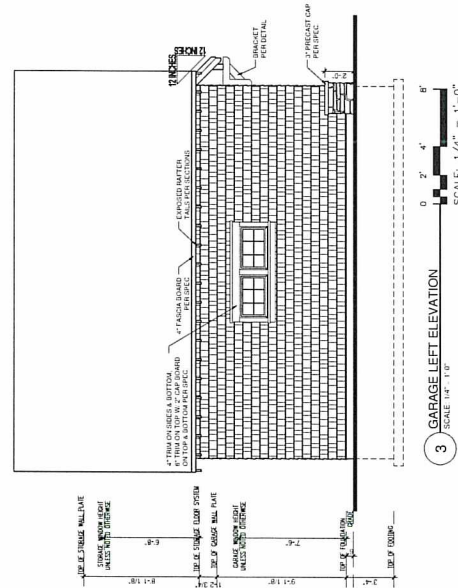
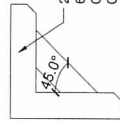
Project No. 25-0298

GENERAL EXTERIOR NOTES:

1. ICE AND WATER BARRIER @ BOTTOM 6" OF ALL ROOF LINES. EXTEND BARRIER DOWN ENTIRE FACE OF ROOF. COVER ENTIRE FACE OF ROOF SADDLES. VERIFY ADDITIONAL LOCATIONS OF ICE AND WATER BARRIER AS NEEDED IN FIELD.
2. PROVIDE ROOF AND SOFFIT VENTS PER IRC CODE REGULATIONS.
3. ALL FURNACE FLUES, PLUMBING VENTS, FIREPLACE VENTS, AND OTHER PENETRATIONS THROUGH ROOF OR WALLS TO EXTEND THROUGH REAR OF HOME WHENEVER POSSIBLE.
4. ALL PENETRATIONS THROUGH EXTERIOR WALLS OR ROOFING MUST BE SEALED AND FLASHED PER MANUFACTURE SPECIFICATIONS AND IRC CODE REGULATIONS.
5. SUPPLY AT LEAST 6" OF SPACE BETWEEN BOTTOMS OF WINDOWS AND ROOFS.
6. ALL BEAMS HOLDING UP PORCH ROOFS ARE TO BE DROPPED UNLESS OTHERWISE NOTED.
7. SUPPLY DRIP CAPS ON ALL WINDOWS.
8. ALL EXTERIOR TRIM TO BE FLASHED PER CODE.
9. SUPPLY SEPARATION BETWEEN WOOD, COMPOSITE WOOD, AND ANY OTHER WOOD MATERIAL PER SPECIFICATIONS.
10. HOLD STONE OFF GRADE MINIMUM OF 3" OR PER TRADE SPECIFICATIONS.
11. REFER TO MANUFACTURE SPECIFICATIONS FOR STONE.
12. GARAGE BUCK BOARD MATERIAL IS TO BE COMPOSITE WOOD AND SIZED TO COVER THE EDGE OF STONE.
13. GRADE CONDITIONS MAY VARY ON SITE.



EXTERIOR MATERIAL KEY	
STONE VENEER	- MATERIAL: CULTURED STONE, VERIFY W/ SPEC.
SHAKE SIDING	- MATERIAL: SMART-SIDING, VERIFY W/ SPEC.



REVISION:

REV. DATE:

DRAWING TITLE:

HARRIS CABIN

LOCATION:
6865 ABBY WOOD LANE, CHASKA, MN



LITTFIN DESIGN

ALL PLANS & DESIGNS SHOWN ARE THE PROPERTY OF LITTFIN DESIGN. NO PART OF THIS DOCUMENT OR ANY OTHER PROJECT THAT IS TITLED BLOCK WITHOUT THE WRITTEN PERMISSION OF LITTFIN DESIGN IS PROHIBITED.

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320-224-7844
WINSTED, MN

CURRENT DATE:

9.25.24

PAGE

LA4D

DATE DESCRIPTION:

DETACHED GARAGE ELEVATIONS
SCALED PRINT @ 24X36"



September 16, 2025

Carver County Public Services Division
Attn: Lauren Whetstone, Land Management Planner
600 East 4th Street
Chaska, MN 55318

RE: Request for Review – 6875 Abbywood Lane – Variance Requests

Dear Ms. Whetstone,

The Minnehaha Creek Watershed District (MCWD or District) received notice of two variance requests being reviewed by Carver County on September 9, 2025, regarding reduced setbacks for a new home and detached garage.

MCWD has reviewed the plans and requests that the applicant (Martha and Kevin Harris, or their representative) contact the District for their review for potential applicable District rules, outlined below, if the applicant moves forward with this proposed plan:

Erosion and Sediment Control Rule:

If proposed development will disturb more than 5,000 square feet of land or excavate or grade more than 50 cubic yards, an Erosion and Sediment Control permit would be required.

Floodplain Alteration Rule:

If any work is proposed within the floodplain of Pierson's Lake (at or below 963.59 NGVD 29), then a Floodplain Alteration permit would be required.

We encourage the applicant to communicate with the District regarding their proposed plans if the above rule will be triggered by the work.

Thank you for your ongoing coordination with MCWD. Please do not hesitate to reach out with any questions.

Abigail Couture

Abigail Couture
Permitting Technician
acouture@minnehahacreek.org

We collaborate with public and private partners to protect and improve land and water for current and future generations.



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	070221000		Permit #	PZ20250041	
Owner's Name:	Martha K Harris		Owner's Mailing Address:	4702 Lakeview Dr.	
City:	Edina	Owner State:	MN	Owner Zip:	55424
Applicant (if other than owner):			Site Address:	6875 Abbywood Lane, Chaska, MN 55318	

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request: Requesting a variance for the side setbacks of the cabin, side setback on the garage and road set back on the garage. Standard side setback is 15'. With a 50' lot that only leaves 20' of width left to work with. Requesting approval for variance down to 9' setbacks on both sides of the cabin to allow for a 32' wide cabin. Note that cabin dimensions were designed to fit with neighboring cabins (being at or below their relative sizes). Our main constraint is lot width in building a cabin. Requesting approval for variance on the detached garage for a side setback on one side of the garage from 15' down to 13' on the east property line and a road setback variance from 68' to 25'. Note that the neighboring property immediately to the east is owned by our family as well. Also note that the access road which we are requesting the variance to be closer to is a private access road and the proximity being requested from centerline is also further away than many of the neighbors so is consistent with surrounding structures.						
Date of County Public Hearing:	10-01-2025		Date of Township Meeting:	08-25-2025		

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: Laketown Twp Board of Supervisors recommends approval of variance requests.

****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
Martha K Harris	
Signature of Township Official	Date

GX 02 02 ← PETE PARULS 08-25-25

Received August 11, 2025

To Laketown Township and Carver County:

Please be advised that we are completely aware and supportive of the variance for the side setback on the cabin of 9 Feet from our Property line and the garage at 13 feet from our property line at the neighboring property owned by Martha Harris located at 6875 Abbywood Ln, Laketown Township, Carver County, MN.

Kind Regards,

 (Kevin Harris)
6865 Abbywood Ln.

To Laketown Township and Carver County:

Please be advised that we are completely aware and supportive of the variance for the side setback on the cabin of 9 Feet from our Property line at the neighboring property owned by Martha Harris located at 6875 Abbywood Ln. Laketown Township, Carver County, MN.

Kind Regards,

Tim Sordell

6885 Abbywood Ln.

Received August 11, 2025

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-022-1000

File# PZ20250041

APPLICANTS: Dan Held & Nick Wenner

OWNER: Martha K Harris

That part of Government Lot Two (2) in Section Twenty-two (22), Township One Hundred Sixteen (116), Range Twenty-four (24), which is also the East Fifty (E 50) feet of the West Two Thousand Two (W 2002) feet of that part of the fractional Southwest Quarter (SW1/4) of said Section lying South of the following described line: Commencing at a point on the East line of said Government Lot Two (2) distant 1510 feet south from the Northeast corner of said Lot; thence Northwesterly 644.6 feet, more or less, to a point distant 1303 feet south of the North line of said Government Lot Two (2) and 1852 feet east of the West line of said Southwest Quarter (SW1/4) of Section Twenty-two (22), Township One Hundred Sixteen (116), Range Twenty-four (24); thence Westerly 600 feet, more or less, to a point which is 1317.5 feet south of the North line of Government Lot One (1) in said Section Twenty-two (22) and 1252 feet East of the West line of said Southwest Quarter (SW1/4) of Section Twenty-two (22), according to United States Government survey thereof.

Subject to easement for roadway purposes across above said described property where road is now located.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

September 22, 2025

TO: Carver County Board of Adjustment & Young America Town Board

FROM: The Land Management Department

SUBJECT: Application for a variance (Adaptive reuse of an existing non-conformity)

FILE #: PZ20250042

APPLICANT: Paul Wenner

OWNER: Paul Wenner

SITE ADDRESS: 17550 Hwy 212, NYA, MN 55368

VARIANCE TYPE: Adaptive reuse of an existing non-conformity
(Similar to Contractors Yard and Farm Related Business)

PURSUANT TO: Carver County Code: Section 152.009, 152.079, 152.213

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 11-016-0700

BACKGROUND:

1. Paul Wenner owns an approximately 6.57-acre property, formerly operated as a truck stop, located in the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 16, Young America Township. The property is improved with the original truck stop building, which historically functioned as a gas station/convenience store and café and has since been converted into a commercial facility used for farm-related business and contractor's yard operations. The site also contains a large paved and gravel parking area. These business activities were previously approved under Variance PZ20170041 and PZ20250024, allowing for the adaptive reuse of a non-conforming use. The property is located within the Agricultural Zoning District and falls under the jurisdiction of the Carver County Water Management Organization (CCWMO) - Crow River watershed.
2. Mr. Wenner is requesting a variance to allow the continued and expanded adaptive reuse of the former truck stop site for business purposes, including:
 - Construction of new buildings for sales, service, and storage, expansion of the outdoor equipment display and parking areas,
 - Construction of a future-phase commercial building prior to the previously approved Phase 1 building (PZ20250024), and
 - Permanent placement of five storage containers for additional storage capacity.

A variance is required because the proposal represents an expansion of a non-conforming use, the Zoning Code does not permit contractor's yards or farm-related businesses on parcels without a homesteaded single-family dwelling, and sales/consignment activities are not otherwise permitted under the Code.

3. This combined variance request is submitted pursuant to Zoning Code §§152.009 (Non-Conforming Uses), 152.079 (Conditional Uses), and 152.213 (Variance Authority).

LEGAL BACKGROUND:

152.009 NON-CONFORMING USES AND STRUCTURES.

- (A) Any structure or use of a structure, or use of land lawfully existing upon the effective date of this chapter may be continued at the size and in the manner of operation existing upon the date, notwithstanding the certain classes pursuant to M.S. § 394.36, except as hereinafter specified.
- (1) *Certain classes of property.* This division applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, partial replacement, restoration, maintenance, or improvement, but not including physical expansion, substantial improvement, complete replacement, and intensification of use. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the County Assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the County Assessor at the time of the damage, the Board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the Shoreland District with less than 50% of the required setback from the water is destroyed by fire or other peril to greater than 50% of its estimated market value, as indicated in the records of the County Assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
- (B) Nothing in this chapter shall prevent the placing of a structure in a safe condition when the structure is declared unsafe by the Building Inspector, providing the necessary repair shall not constitute more than 50% of fair market value of the structure as shown in the records of the County Assessor.
- (C) When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.
- (D) A lawful non-conforming use of a structure or parcel of land may be changed to a similar non-conforming use or to a more restrictive nonconforming use.
- (E) Whenever a lawful non-conforming structure shall have been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, it may be reconstructed and used as before if it can be reconstructed within 12 months after the calamity, unless the damage to the building or structure is 50% or more of its fair market value of the entire nonconforming use, in which case the whole thereof shall be demolished, and any construction thereafter shall be for a use in accordance with the provisions of this chapter.
- (F) Whenever a lawful non-conforming use of a structure or land is discontinued for a period of 12 months, any future use of the structure or land shall be in conformity with the provisions of this chapter.
- (G) Any lawful non-conforming use of land not involving a structure and any lawful nonconforming use involving a structure with an assessor's true and full valuation upon the effective date of this chapter of \$1,000 or less, may continue for a period of one year from the date of adoption of this chapter, whereupon the non-conforming use shall cease unless brought into conformity.
- (H) Any proposed structure which will under this chapter become non-conforming, but for which a building permit has been lawfully granted not more than six months prior to the effective date of this chapter, may be completed in accordance with the approved plans provided construction is started within six months of the effective date of this chapter and continues to completion within two years of that date. The structure shall thereafter be a legally existing non-conforming structure.
- (I) Normal maintenance of a building or other structure containing or related to a lawful non- conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
- (J) Alterations may be made to a building containing lawful, nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units. The bulk of the building may be increased if the Department rules that the increase in bulk will not intensify the non-conformity.

- (K) Non-conforming uses which would or could be conforming if they were under the provisions of a conditional use permit, shall file for the permit. Should the permit be denied, a non-conforming use certificate shall be issued by the County Board defining the use, scale and operational limits in detail.
- (L) A structure existing on the date of the adoption of this chapter that intrudes upon a required setback may be expanded provided a variance is approved, and the expansion does not decrease the distance between the structure and the applicable lot line.
- (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)

§ 152.079 CONDITIONAL USES—ACTIVITIES CENTERED AROUND A HOME OR A HOME/FARM COMBINATION.

(A) Minimum criteria for issuance of permit:

- (1) Minimum five-acre lot size; unless another size is specified under a particular provision;
- (2) Sewage can be managed in accordance with [Chapter 52](#) of this code of ordinances;
- (3) Land is not subject to the land use restrictions of an AG preserve covenant;
- (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless written approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect;
- (5) There is a single-family home on the parcel occupied as a homestead by a principal of the activity; or a single-family home will be constructed or homesteaded before the CUP for the activity is issued;
- (6) The scale and operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs—traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal—that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions:

- (1) Permit shall be subject to administrative review or compliance review as set by the permit. A change in ownership, operations or operator shall be cause for the permit to be reviewed to determine whether an application for an amendment or similar consideration is necessary.
- (2) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The operational plan and site plan shall become part of the permit.
- (3) Outside storage is prohibited unless the storage area is adequately screened from nearby roads and residences.
- (4) The operational plan and site plan shall become part of the permit.
- (5) The applicant must submit a copy of workers' compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (6) All buildings utilized by the operation must meet the State Building Code.

(C) Activities.

(2) Farm-related businesses.

- (a) A business directly related to the conduct of agriculture that involves: retail sales beyond the scope of a roadside stand or yard sale, including "pick your own" sales; or operational limits exceeding that of a home occupation; or a commercial structure that would be constructed according to State Building Code.
- (b) The following specific standard must be met: the business is 70% farm-related under one or more of the following criteria:
 1. The business provides a repair or maintenance service for equipment unique and necessary to agricultural operations;
 2. The business produces a product or involves a process that utilizes locally grown or produced commodities; or
 3. The business involves sales and/or purchasing of products of the local agricultural economy or of goods unique and necessary to agricultural operations.

(10) Contractor's yards.

- (a) This subsection is intended to provide for contractor's yards established after January 1, 1989. A contractor's yard is a site used for storage of equipment and supplies by a contractor in the operation of his or her business. For purposes of this subsection a contractor is a person whose business is contracting work in any of the building trades, landscaping, road building, sewer installation, or has at least two trucks, but fewer than ten used to supply a service to local communities.
- (b) The business shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.
- (c) Site shall not be located within the Shoreland Overlay District or the Floodplain Overlay District.
- (d) Employees, except office personnel, report to the site only for the purpose of picking up equipment and supplies, necessary fabrication and general maintenance.

(Am. Ord. 58-2007, passed 3-27-07; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 97-2021, passed 7-20-21; Am. Ord. 108-2024, passed 11-19-24)

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)

152.213 AUTHORITY POWER OF VARIANCE AND APPEALS.

The Board of Adjustment shall have the exclusive power to:

- (A) Order the issuance of variances from the terms of any official control including restrictions placed on nonconformity;

§ 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.
- (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.
- (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 site has been in continuous commercial use since the 1960s, originally as a truck stop and, between 2007–2015, primarily as a parking area for semi-trailers. Mr. Wenner purchased the tax-forfeited property on September 6, 2016, with the intention of operating an equipment sales, rental, and service business, along with a seasonal landscaping and tree care operation. In August 2017, he was granted a variance for the adaptive reuse (PZ20170041). The current business includes sales (including consignment, auction, new equipment), rental, and servicing of farm, construction, and landscaping equipment, such as agricultural equipment, aerial lifts, trailer, forestry and landscape tools, and general construction equipment. Mr. Wenner asserts that the non-conforming use (sales and service of agricultural and construction equipment) remains appropriate for the site. Due to compacted soils and a preexisting septic system, establishing a residence may not be feasible, necessitating the current variance request. A condition of the prior variance specified that any future expansion, such as the Phase 2 building shown on the site plan, must receive new variance approval by Board of Adjustment Order.
2. On June 4, 2025, Mr. Wenner obtained a variance (PZ20250024) to construct a 16,000 square-foot shop/retail/office/storage building west of the current retail shop (Phase 1) and a 16,000 square-foot combination shop/storage/equipment repair building north of the retail shop in a future phase. The approval also included expansion of parking and display areas and installation of stormwater drainage features on both ends of the property. A condition of the variance specified that any changes to the approved plan or operation required a variance amendment.
3. As outlined in the applicant's narrative (dated September 5, 2025), Mr. Wenner requests approval to construct the northern (future-phase) building prior to the Phase 1 building. He also seeks permission to permanently place five storage containers on the property to supplement the commercial storage capacity of the existing and proposed structures. The narrative references "#10 in the recent approval to remove the verbiage about screening the property"; however, screening is not a condition of the current variance.
4. The applicant's narrative letter from PZ20250024 (dated May 9, 2025) outlines continued business operations with regular hours Monday through Friday from 7:30 AM to 6:00 PM, and Saturday hours from 8:00 AM to 1:00 PM, during spring–fall, and Monday through Friday from 8:00 AM to 5:00 PM in winter. Occasional appointments may occur outside these hours. Business activities include regular online auctions and occasional in-person auctions, with no significant increase in traffic anticipated during such events. Hours may be adjusted to accommodate local industry needs. The workforce includes approximately eight full-time and three part-time employees for the equipment business, plus two employees for the landscaping operations, all of whom report to the site daily. No new signage is proposed.
5. The proposed structure, labeled "Phase 1" on the site plan dated September 8, 2025, is intended to provide storage and repair capabilities, allowing Mr. Wenner to consolidate both business operations within a single building and conduct more indoor service work year-round. All structures must comply with Minnesota State Building Code requirements prior to occupancy. Materials stored on site include mulch, rock, dirt, sand, logs, tree debris, and various equipment. Outdoor display areas would be used for sale and rental equipment. The entire parcel is proposed to be utilized for storage and operational purposes, with auto-related services restricted per zoning regulations. Mr. Wenner plans to install security fencing, chain-link with optional barbed wire, which may include privacy screening; however, visibility from Highway 212 will be maintained where feasible to support sales.
6. The landscaping operation would store materials used for constructing and maintaining residential and commercial properties, including mulch, black dirt, landscaping rock, and sand in bulk/contractor quantities. Additional items include farm and tree care equipment, as well as trucks and trailers of various sizes. Mr. Wenner's adaptive reuse plan allows for outdoor display of equipment for sales, rental, and consignment purposes.
7. Mr. Wenner anticipates up to 50 vehicle trips per day during peak season and approximately 20 trips daily in winter. The site benefits from two Minnesota Department of Transportation (MNDOT) approved access points along Highway 212 and Wells Avenue. As part of a state project, these entrances will be upgraded to "J-turns". Parking capacity is extensive, in part due to the site's history as a truck stop.

8. The applicant submitted an email received from Minnesota Department of Transportation (MNDOT) dated September 4, 2025, stating *“Water Resources at MnDOT has reviewed and visited the site. We will NOT be requiring a drainage permit at this time from MnDOT based on the current activities and proposed site plans.”*
9. In an email dated September 19, 2025, Lori Brinkman, Carver County Senior Environmentalist, stated: *“The SSTS (Subsurface Sewage Treatment System) at 17550 Hwy 212 has an expired compliance status. The SSTS includes 2 holding tanks. A maintenance agreement with a licensed maintainer is on file but, only three maintenance records have been received since 2018. Due to expiration of SSTS compliance, all SSTS components must be inspected by a licensed SSTS inspector, and it is required that a SSTS design which includes a drainfield be completed and submitted by a licensed SSTS designer and installed for wastewater treatment. Portions of the previous septic system may be used if they are found to meet MPCA and Carver County SSTS compliance requirements. All unused SSTS components must be abandoned according to Carver County Code 52.058.”*
10. Paul Moline, Deputy Division Director for Public Services and Manager of the Carver County Water Management Organization (CCWMO), reviewed the application materials and, in an emailed memo dated September 19, 2025, stated: *“a CCWMO permit is required for further development of the site. Stormwater Management standards would need to be met because the proposed new and redeveloped impervious area has been increased by more than one-acre since 2002 with no stormwater treatment. Mr. Wenner has requested that CCWMO approval be granted in phases, corresponding with the stages of site expansion. Phase 1 of the applicant’s stormwater management plan was approved by the CCWMO in July 2025. Phase 2 (remainder of the site) materials were submitted July 30 with CCWMO comments returned on Aug. 19th. 212 Equipment sent additional details on Sept. 9th with CCWMO comments returned on Sept. 19th. Construction work on areas outside of the approved Phase 1 area began in mid to late August without final approval from the CCWMO. The CCWMO permit would be issued once all permitting requirements have been satisfied. Remaining issues as of Sept. 19, 2025 are 1) needed pretreatment for the proposed stormwater treatment swale and 2) written acceptance from YA township for construction of the stormwater treatment swale and high water level pooling in the township ROW.”*
11. The plight of the landowner is due to the circumstances unique to the property and not entirely created by the landowner. The property’s long-standing commercial use, as a truck stop from the 1960s through the mid-2010s, established its legal non-conforming status. Following its tax-forfeiture and subsequent sale, the property presented an opportunity for a new, adaptive use. Mr. Wenner is pursuing a business plan that seeks to redevelop and utilize the non-conforming property in a way that provides commercial services to Carver County and surrounding communities.
12. Granting of the variance would not be in conflict with the intent of the Comprehensive Plan and would not alter the character of the neighborhood. The proposed use would not negatively impact government services.
13. The surrounding area is characterized by agricultural uses, scattered residences, public hunting land, a major railroad corridor, and state highway. Approval of the variance is not expected to adversely affect the health or safety of individuals living or working nearby. Furthermore, the proposed use would not be detrimental to the public welfare or injurious to adjacent properties or improvements.
14. The Land Management Department received a letter of support from Rick Ziegler (dated September 21, 2025).
15. The Young America Town Board reviewed the request at their September 9, 2025, meeting and recommended approval with the following comments: *“No problem with Phase 2 before Phase 1. No issues with amend allowance of up to 5 containers on site. No issue with amend screening in variance to none required. Wells Ave. ditch OK with use of ditch for as already approved for drainage and filtration.”*

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance to expand upon the adaptive reuse of an existing non-conformity (Similar to a Farm-Related Business and Contractor's Yard) on the property pursuant to Section 152.009, 152.079, and 152.213 of the Carver County Zoning Code, would serve in the interest of justice, the previous Variance #PZ20250024 (recorded as Doc.# A787542) would be terminated upon final approval (and recording) of the new Variance #PZ20250042. Therefore, Variance #PZ20250042 would supersede any prior approvals, and the following conditions should be considered:

1. The permitted activities are subject to administrative review. This order allows for an adaptive reuse of the property on the approximate 6.50 acres. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or other action is required. Prospective owners and/or operators are strongly encouraged to contact Land Management as early as possible in the planning process.
2. The Permittee shall conduct all activities in accordance with the submitted operational plan (narratives dated May 9, 2025, and September 5, 2025), site plan (dated September 8, 2025) and any approved CCWMO permit plan documents. These materials are considered binding components of this Order. No expansion of business activities on the properties shall occur outside the operational area and within the Preserved Area for septic systems without an approved amendment to this Order. Construction of the building identified as Phase 2 on the September 8, 2025, site plan may proceed without an amendment to the issued variance, provided the building is enlarged from what is shown on the approved plan.
3. Items offered for sale, rental, or similar purposes shall be related to farm, landscaping, or construction activities. A maximum of ten (10) cargo containers may be used for sale or rental. Cargo containers currently used for storage on the property must be removed following construction and issuance of a Certificate of Occupancy for the new accessory structure. The sale or rental of semi-tractors or semi-trailers is prohibited.
4. All structures associated with business activities must comply with the Carver County Zoning Code and Minnesota State Building Code. Remodeling of existing structures is not permitted without prior review by the Carver County Building Official and approval of all required permits. Construction of any new structure for business purposes may only proceed after issuance of all necessary building permits, including any required CCWMO permits and verification of septic system compliance. Personal storage structures are not permitted on the commercial property.
5. In addition to sale or rental items, a maximum of nine (9) landscaping-related commercial vehicles (e.g., trucks, dump trucks) and twenty (20) Highway 212-related vehicles (e.g., trucks, semi-trucks) may be stored on the site. Outdoor storage shall be located to minimize visual impact from public roads, and all business-related vehicles, equipment, and supplies must be placed in an organized and orderly manner within the approved operational area.
6. Due to expired SSTS compliance, all components of the system must be inspected by a licensed SSTS inspector. A new SSTS design, including a drainfield, must be completed by a licensed designer and installed for wastewater treatment. Portions of the existing system may be reused if they meet MPCA and Carver County SSTS compliance requirements. No fill material may be placed over existing SSTS tanks or drainfield areas. To preserve future commercial expansion capacity, the area north and west of the existing SSTS components, shown as the "Preserved Area" (230' by 135') on the September 8, 2025, site plan, shall remain free of fill, equipment storage, and parked vehicles.
7. The permitted activity is subject to all applicable MnDOT standards regarding access and right-of-way use. Appropriate MnDOT permits must be obtained before any work commences within the road right-of-way or prior to the start of construction activities.

8. All grading and/or filling activities must comply with the CCWMO Rules and the Wetland Conservation Act (WCA), as applicable, and all site improvements shall conform to Chapter 153 – Water Resource Management. Stormwater management review and approvals are required prior to the issuance of any construction or building permits. No grading and or filling activity may occur across the property line on the Minnesota Department of Natural Resources (MNDNR) property.
9. A vegetative cover must be maintained on all areas outside the operational plan, including steep slopes along the perimeter of the property. The permittee is responsible for maintaining all ground cover—such as trees, grasses, weeds, and native vegetation, the duration of the operation.
10. The permitted activity shall remain in full compliance with applicable County and State regulations, including:
 - Chapter 50 – Solid Waste Management
 - Chapter 51 – Hazardous Water Management
 - Chapter 52 – Subsurface Sewage Treatment Systems
 - Chapter 152 – Zoning Code
 - Chapter 153 – Water Resource Management
 - Chapter 154 – Sign Regulations
 - Minnesota State Building Code
 - Minnesota Wetland Conservation Act
 - Minnesota Department of Natural Resources
11. The Permittee must obtain and maintain a Non-Generator Certificate or, if applicable, a Hazardous Waste Generator License through the Environmental Services (E.S.) Department.
12. The Permittee shall submit a valid Certificate of Workers' Compensation Insurance and/or appropriate affidavit to the Land Management Department, annually.

AND:

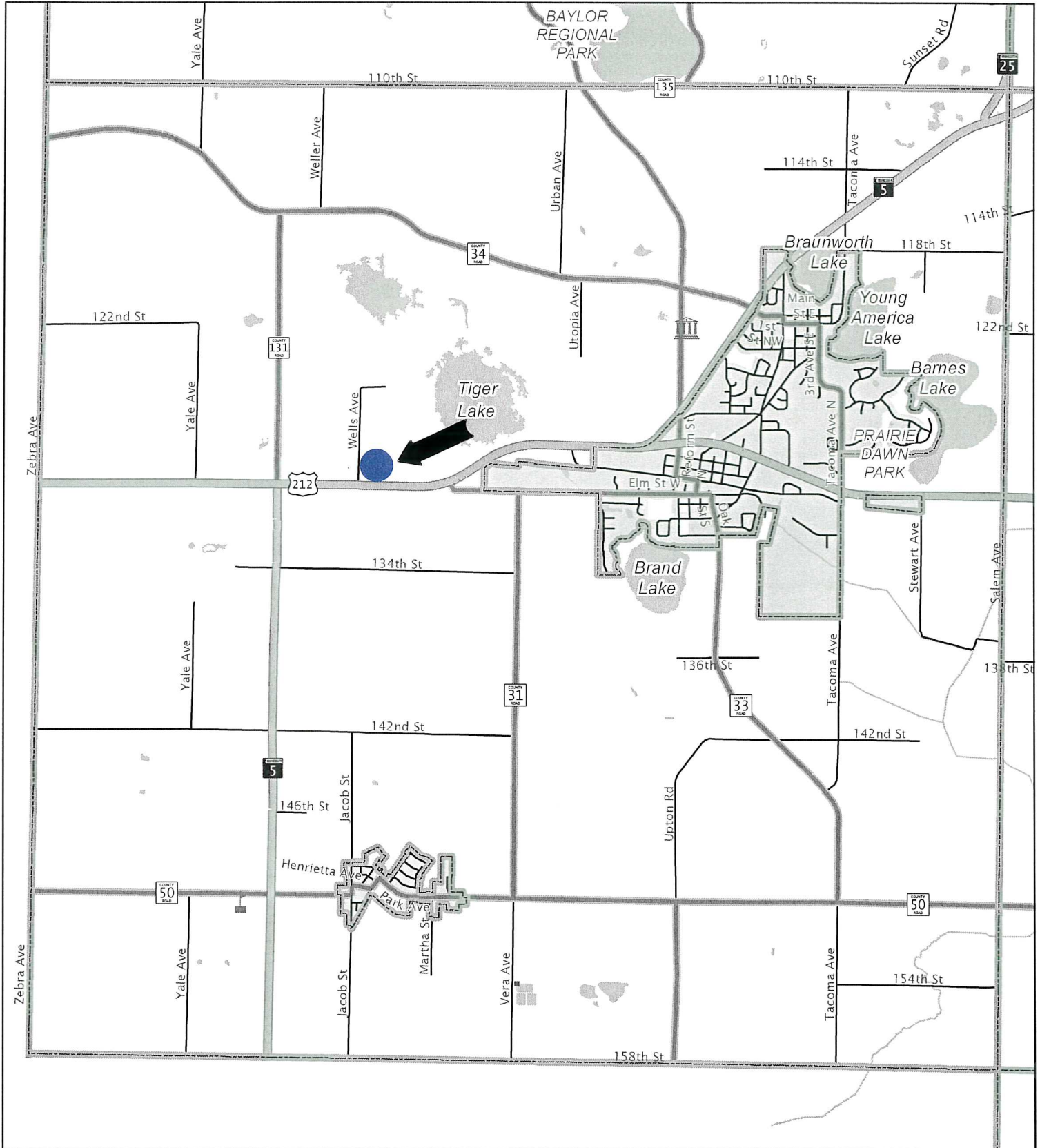
13. If the Board of Adjustment believes a practical difficulty has been identified and that allowing a maximum of five cargo containers to remain on-site for commercial storage following the construction of the “Phase 1” 16,000 square foot structure, staff recommends the Board work with the applicant to identify the location of the storage containers to amend the September 8, 2025 site plan and strike the sentence in Condition #3 requiring existing storage containers to be removed upon issuance of the Certificate of Occupancy of the new structure.

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.

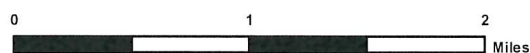
OR

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

YOUNG AMERICA TOWNSHIP

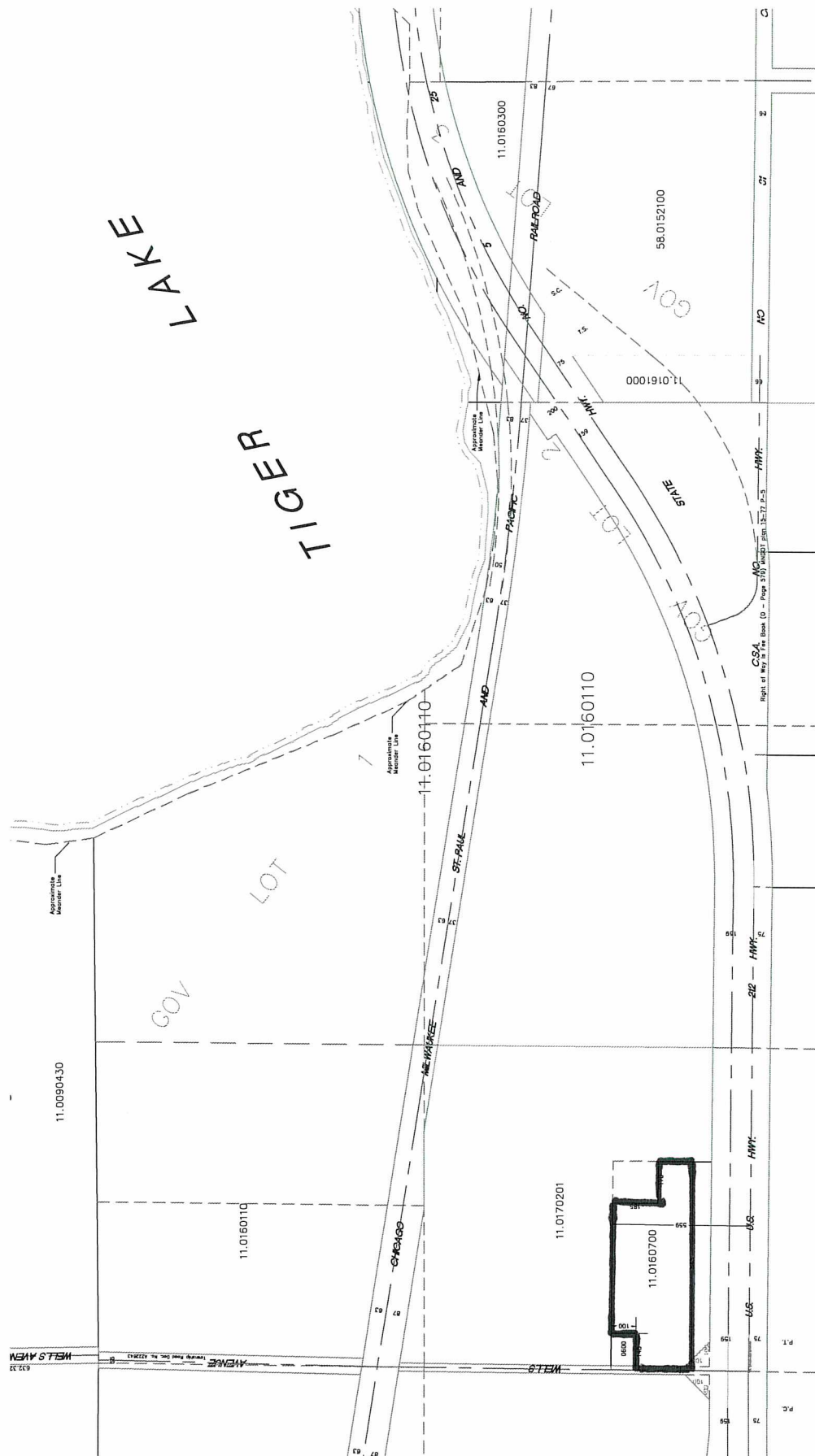


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

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AS THEY APPEAR IN THE CARVER COUNTY
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Amendments Requested:

September 5, 2025

We are amending the recent approval with the following changes.

We are switching the order of construction activities. Currently it reads that we will be doing phase one as a building attached to the West side of the building. We will be completing that at a later date. We will be proceeding with what was phase two, as our new phase one. This is a large, detached building to the north of our current building, this will now be phase one.

MNDOT has allowed us to proceed with lot grading and changes as approved in the recent variance approval. See attached Email from Jason Swenson dated 9/4/25. No additional comments/ requirements were made by MNDOT.

We are also asking for an amendment to the amount of storage containers we can keep on site for our storage needs. Currently it reads we must remove all of them. We utilize these for seasonal cold storage for our landscape equipment, rental equipment, seed, and supplies to keep them rodent and weather free. We are a commercial location that has had containers here since day one. All neighbors wrote in that they had no objection to our operations at all. See attached letters from Charles and Ursula Dimler/ Lance and Denise Holland (Neighbors to the South) Please also see the letter from Rick Ziegler (Neighbor the immediate west of the property.), as well as Young America Township approval May 15th stating they approve of everything detailed in the recent variance approval. They were also present at the Board of Adjusters meeting to answer any questions. We feel we can get by with 5 total storage containers on-site for our long-term needs. These again will be used for our off-season storage as stated above.

Lastly, we would like to Amend the #10 in the recent approval to remove the verbiage about screening the property. As listed above, we have nothing by support from neighbors and Township. We do not want to screen our sales and rental yard from the road as the passerby traffic gets to see our product offerings when screening is not present. We feel this increases foot traffic and overall sales for our local business.

We have met with Young America Township on multiple occasions, and they have given us written permission to utilize the ditch along Wells Ave on the West of our property. We have engineered numbers provided by Sunde Engineering suggesting this Ditch has approximately 30 times the capacity that is needed to filter our water. We are

requesting that the County moves forward and allows this to proceed without further delay. We have waited for responses from county employees for an exceedingly long period of time, only to get more questions that had many of the answers already provided. We first submitted draft plans for comment on July 23rd. On July 30th we sent Engineered calculations/ report. We had a response on Aug 4th, saying we would have a response within a week. We finally received a response on Aug. 19th. We will send in answers to the recent response, we are currently waiting on requested additional reports from Sunde Engineering to address Paul Moline's specific questions. We expect the answers to come back in the week of 9/8/25. We would really like to get this project wrapped up before winter comes.

We also have not yet seen a permit for fill activities on this property. The Variance approval allowed us to fill areas as directed by the diagram approved by the board. We are trying to proceed with fill activities on site. We have all sediment and silt control measures in place and have been inspected by Carver County staff multiple times. We asked Paul Moline on August 5th via email about the permit and there was no response. We paid the surety months ago and would like to get on the good side of this situation as everything we have done here has been to the liking of county staff. Again, they were inspected multiple times by multiple staff members. We look forward to getting this addressed and finalized so that we can proceed with our building.

Thank you for your time and consideration,

Paul Wenner



Original Request

Please provide a brief description of how operations are conducted on-site. If you have any questions, feel free to reach out to Jason for further assistance.

- A description of the activity/operation being proposed and related section of the Ordinance:

We intend to provide the sales, rental and servicing of, but not limited to farm, agricultural, aerial lifts, trucks, trailers, landscape, tree/forestry equipment, and general construction equipment. These pieces will be here in the form of consignments, business owned items, and auction goods to name a few. We plan to run our seasonal landscaping and tree business from this site as well. These operations, days, times, and employees will directly correlate with the sales, rentals and services side of the business. We plan on conducting regular online and occasional in-person auctions to sell items that are located on the property. These days and times will not differ from "regular business hours" and will not create a large variance in the volume of visitors to the site. We will also have by appointment times available for customers to come to the site to see items they are interested in.

- Hours of operation (i.e. start/end time, days of week, winter hours and summer hours):

We are open Monday through Friday 7:30 am. to 6:00 p.m.; Saturdays we are open from 8:00 am. to 1:00 p.m. (Spring-Fall). Winter hours will be from 8:00 am. to 5:00 pm. These are the proposed hours of operation, but we do offer sales appointments outside of normal "open hours" as well. As with any business, we may adjust hours to better suit the local agricultural/construction population and overall workload.

- # of employees, # of employees reporting to the site & number of family members working in operation:

We have a fantastic team of employees. We employ local, skilled and unskilled labor, mechanics, salespeople, and operators for both the landscaping and sales/rental businesses. We currently employ around 8 full-time employees for the sales and rental side of the business as well as 3 part-time. For the seasonal landscape side of the business, we have an additional 2 employees. All employees will report to the property location once in the morning and are on-site all day, unless they take a lunch break off-site. Landscape/ tree employees return to our property at the end of the work day. No additional family members are planning on being employed at the property.

- Number and types of business-related vehicles & personal vehicles:

We have all types of business-related vehicles. Located on-site we will have vehicles related to the landscape, agricultural, repair services, and construction industries.

These, in broad terms, would be pickup trucks, dump trucks, plow trucks, passenger cars, and miscellaneous service vehicles that they utilize or may be working on. We currently have approximately 20 trucks, some sale, some service trucks, and some landscape and tree/ landscape service trucks. We also have semi-trucks on site as well, both for sale and for use.

- Number of trips generated in & out of site each day (one vehicle would generate two (2) trips per day):

We anticipate approximately 50 trips per day during the high season and 20 trips during the winter season. We cannot control or estimate what quantities of general "passerby" traffic will occur. Local traffic is something we desire, but with the various agricultural/construction equipment drawing different levels of interest, we are unaware of the numbers of people stopping. We have not had any issues with any volume over the past 8 years. The new Minnesota Department of Transportation ("MNDOT") turn lanes / "J" turns will provide safe and proper access to the site from both Wells Avenue to the west, and the second turn lane from the east side of the property. We anticipate the amount of traffic to be still far less than the 57 years of previous daily truck stop visitor volume.

- Number of parking spaces available on the site:

The Property currently has a number of designated parking places for visitors and employees. Many of these are on a paved surfaces and due to the large gravel footprint, there are many areas for parking, (the entire lot is for parking) Again, with the previous 57 years of use, this property was a truck stop allowing trucks to park overnight and utilize the large open area for parking for extended periods of time, utilizing its commercial characteristics is something we will continue to do. Main employee/ visitor parking will surround the building with marked locations on the asphalt, concrete, and gravel with varying types of identification, paint, signs, cones etc.

- Use of proposed and existing structures including type and size:

We are currently using the original truck stop building as a sale, rental, storage, and repair facility. We plan to continue to use the building as we are. We are in the process of getting bids to construct a new building to the west of our current building. This will allow us to offer additional capacity to serve the local community. This new building will be approximately 100'x160' but could vary in size and orientation. This will have a bit of retail, storage, and service bays for working on the equipment we sell and rent and customer repairs. Along with this structure, we are looking to construct a large storage, service and repair type building to the northeast of the current truck stop structure. (shown in site plan). We plan to continue cleaning up and utilizing the property as we are and making a good business for the local community.

- Storage needed as part of operation (indoor & outdoor) and location of operational area(s):

We have a large lot that we use for storage. We use the property to the property boundaries. We will use the new building for indoor storage and maintenance of the equipment stored on site. Operational areas are the entire property to its current boundaries.

- Materials stored on the site (list types and indicate storage area on the site plan):

We store a variety of materials on site. We sell dirt, rock, mulch and other landscape supplies. We also store logs, branches, and other tree debris. See site plan- (listed as miscellaneous material storage)

- Water services, sewage disposal and waste management used:

We have a well on the property that was checked over and a new pump and pipe were installed by a local well company, so it works well. We have a septic system on the property. It is a holding tank system that was approved by a recent and former septic inspection as well as by the county. The septic will have a new inspection on the week of 5/12/25. It will be freshly certified at that point. We have hired a septic pumping company to empty the tanks as needed in the past. Due to our low water usage for simply washing hands and using the bathroom in the last 8 years, this has and will continue to work well for us.

- Area & capacity of parking area, access to site:

The parking area for the property is the entire lot. We have and continue to utilize the entire property for parking and storage of our equipment, trucks, trailers, and materials. Access to the property is easy utilizing the two MNDOT entrances off of Highway 212 and Wells Ave. These entrances are to be changed from "cross-over" 212 entrances/exits to "J" turns for entering/exiting the property. These changes will occur as the State of Minnesota/MNDOT performs these traffic/ highway safety projects. We don't have a set date/time as of 5/9/2025, but we know it will be in the next two years.

- Screening proposed

We are not doing any screening of the property as that would jeopardize the view of our sales and rental equipment. We will possibly fence the property when funds and final lot is done and laid out as we need.

- Signage being utilized including size, type, locations:

Current signage used is the original signage that the truck-stop had. We will work with the county when we decide on new property signage as well as our new building signage.

- Describe in detail, person(s) other than owner who would access the site (i.e. customers, employees, public).

People entering the site are general public, passersby, employees, rental/sales/service customers.

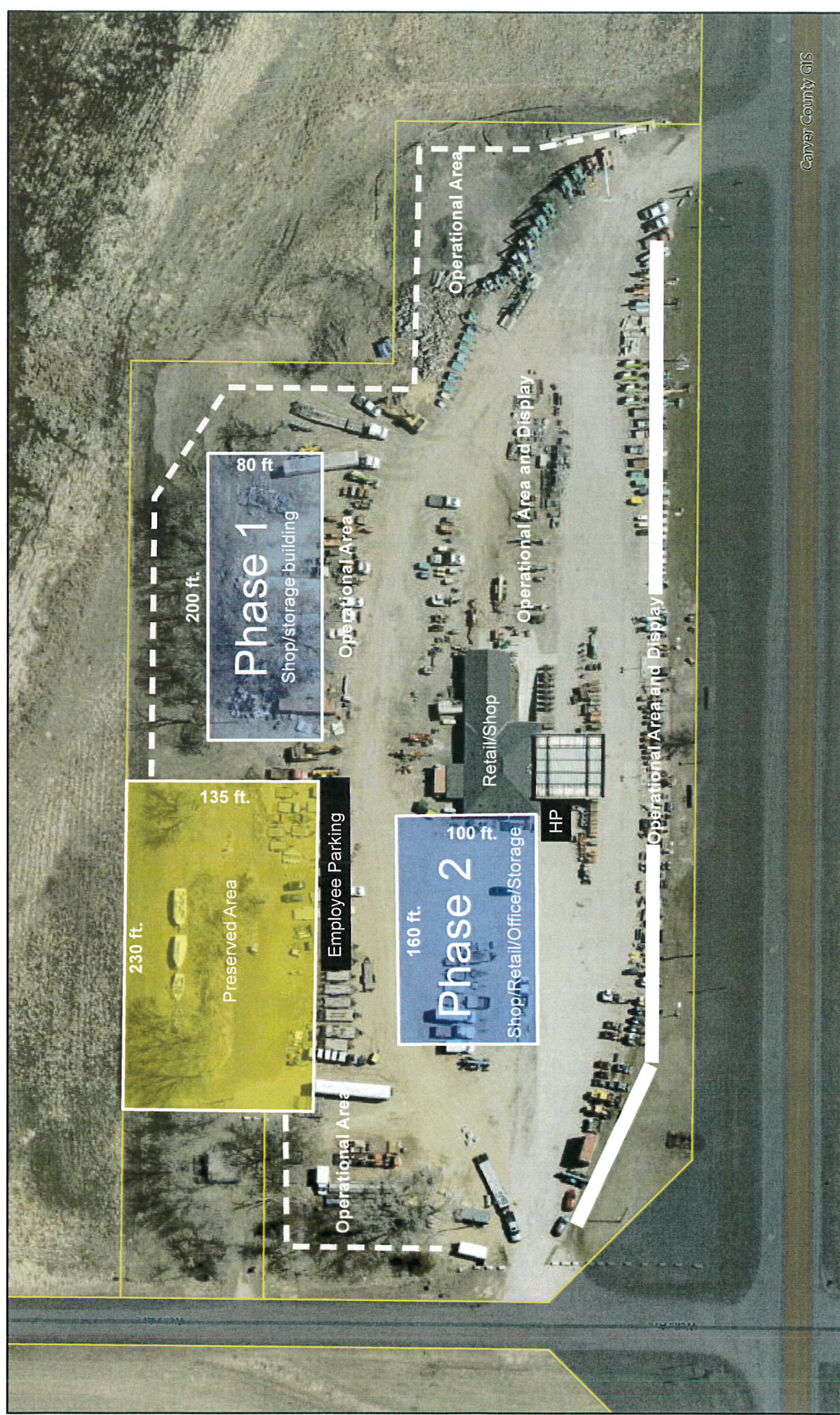
- Soil and water management/ fill permits/ constraints:

We have worked closely with Carver county on all the items laid out here, they have been on site numerous times and inspected us on a regular basis. They have had our erosion control measures checked and re-checked by additional county staff. We are following their guidelines and will continue to do so. We have installed silt fence around the property as well as erosion/ sediment logs in areas discussed with county staff. We have These have all been checked and approved. We have had difficulty getting a permit for the additional fill needed for our property, so with all this laid out, we ask that we are permitted so we can use the property we own. We have a well executed plan for all of this and will have it attached so the board can see the lengths we have gone through to continue operating at our site while binging in fill to help level our lot to a more desirable height. There are no issues with neighbors, or the local community in what we are doing at 212 Equipment and Quick N' Clean located at 17550 Highway 212, Norwood Young America, MN 55368 (See Memo with additional detailed watershed and site plan info attached)

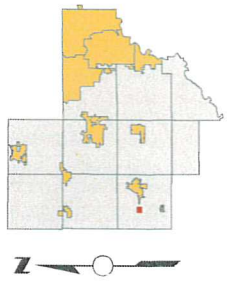
- Township Recommendation:

We met with the Township at their monthly meeting in April 2025. We discussed our building plans and asked if they had any objections. At the time of the meeting, there were no objections to what we discussed. Paul Wenner (owner) plans to attend the monthly meeting in May 2025 to get written approval for what we have on this plan. We will get in writing that they have no objection to us using the West ditch going north and south along Wells Ave. for water drainage. At the April meeting, this was discussed, and no objections were made. We will attach that as soon as we have that signed and approved by the township board.

WENNER PROPERTY - VARIANCE LAND USE SITE PLAN



Carver County GIS



Date: 9/8/2025

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.

NOTE: Areas designated for stormwater management have not been shown and must receive approval from the Carver County Water Management Organization (CCWMO) through the applicable permitting process.



212 Equipment and Proposed Site Plans

1 message

Swenson, Jason (DOT) <Jason.Swenson@state.mn.us>
To: "paul@212equipment.com" <paul@212equipment.com>
Cc: "Muhic, P Cameron (DOT)" <cameron.muhic@state.mn.us>

Thu, Sep 4, 2025 at 2:59 PM

Paul-

Per our discussion, Water Resources at MnDOT has reviewed and visited the site. We will NOT be requiring a drainage permit at this time from MnDOT based on the current activities and proposed site plans.

Contact me with any questions.

Thanks,

Jason

Jason Swenson, PE

Metro District MS4 Engineer

Phone 651-234-7539

Jason.swenson@state.mn.us





Township Presentation & Recommendation Form

PARCEL # <u>110160700</u>	Permit # <u>PZ20250042</u>	
Owner's Name: <u>Paul Wenner</u>	Owner's Mailing Address: <u>17550 Hwy 212</u>	
City: <u>NYA</u>	Owner State: <u>MN</u>	Owner Zip: <u>55368</u>
Applicant (if other than owner): <u></u>	Site Address: <u></u>	

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request:						
Amend Variance phase of events. Amend Shipping Container allowance to 5 containers on site. Amend Screening verbiage in Variance. • Wells Ave Ditch use allowed as already permitted/signed on 5/13/25.						
Date of County Public Hearing: <u>10/1/2025</u>			Date of Township Meeting: <u>9/9/25</u>			

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:	<u>No Problem with Phase 2 before Phase 1</u> <u>No Issues with amend allowance of up to 5 containers on site</u> <u>No Issues with amend screening in variance → none are required</u> <u>Wells Ave ditch OK with use of ditch for as already approved for drainage and filtration.</u>
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****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.

<u>Paul Wenner</u> Signature of Applicant	Date <u>9/9/25</u>
<u>Bradley Sprung</u> Signature of Township Official	Date <u>9/9/25</u>

Jason Mielke

From: Rick Ziegler <rickyz1951@yahoo.com>
Sent: Sunday, September 21, 2025 9:42 AM
To: Land Management
Subject: Paul Wenner variance

Follow Up Flag: Follow up
Flag Status: Flagged

In regard to the the variance appeal by Paul Wenner for adding a building and the cargo containers for storage is fine with me.

Richard M Ziegler
Sent from my iPad



COUNTY OF CARVER
State of Minnesota

FILE #: PZ20250024

APPLICANT: Paul Wenner

OWNER: Paul Wenner

SITE ADDRESS: 17550 Hwy 212, NYA, MN 55368

VARIANCE TYPE: Adaptive reuse of an existing non-conformity
(Similar to Contractor's Yard and Farm Related Business)

PURSUANT TO: Carver County Code: Section 152.009, 152.079, 152.213

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 11-016-0700

Drafted by: Land Management

Return to: Land Management

BOARD OF ADJUSTMENT FINDINGS OF FACT AND ORDER

A public hearing was held on this matter on June 4, 2025, by the Carver County Board of Adjustment. Upon the evidence presented at said hearing by the applicant and other persons named and all the files, records, and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. Paul Wenner owns an approximately 6.57-acre property (a former truck stop), located in the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 16, Young America Township. The property is improved with the original truck stop building (formerly a gas station/convenience store and café), which has since been converted into a commercial facility used for farm-related business and contractor's yard operations. The site also features a large paved and gravel parking area. These business activities were previously approved under Variance PZ20170041, allowing for the adaptive reuse of a non-conforming use. The property is located within the Agricultural Zoning District and falls under the jurisdiction of the Carver County Water Management Organization (CCWMO) - Crow River watershed.
2. Mr. Wenner is now requesting a new variance to allow for the continued and expanded adaptive reuse of the former truck stop site for business purposes. The proposed expansion includes the construction of new buildings for sales, service, storage, as well as the expansion of the outdoor equipment display and parking. The request is required because:
 - The expansion of the non-conforming use requires a new variance. Variance PZ20170041 also stated any expansion beyond Phase I would require an amendment to the Order.
 - The Zoning Code does not permit contractor's yards or farm-related businesses on parcels without a homesteaded single-family dwelling.
 - Sales and consignment activities are not permitted under the current code without a variance.The variance is requested pursuant to §152.009 (Non-Conforming Uses), §152.079 (Conditional Uses), and §152.213 (Variance Authority).

3. The site has been in continuous commercial use since the 1960s, primarily as a truck stop. Between 2007–2015, it was mostly used as a parking area for semi-trailers. Mr. Wenner purchased the tax-forfeited property on September 6, 2016, with the intention of operating an equipment sales, rental, and service business, along with a seasonal landscaping and tree care operation. In August 2017, he was granted a variance for the adaptive reuse. The current business includes sales (including consignment, auction, new equipment), rental, and servicing of farm, construction, and landscaping equipment, such as agricultural equipment, aerial lifts, trailer, forestry and landscape tools, and general construction equipment. Mr. Wenner asserts that the non-conforming use (sales and service of agricultural and construction equipment) remains an appropriate for the site. Due to compacted soils and a preexisting septic system, establishing a residence may not be feasible necessitating the current variance request. A condition of the prior variance was that any future expansion (Phase 2 – new building) must receive new variance approval.
4. The applicant's narrative letter dated May 9, 2025, outlines the proposed operational details, describing how the property would be utilized. Accompanying site plans, also dated May 9, 2025, visually depict the proposed improvements. Planned enhancements include construction of a new building west of the existing office, retail, and repair building, expanded parking and display areas (new impervious surface) along Hwy 212, and stormwater drainage features on both ends of the property. Mr. Wenner also intends to place fill material across much of the site to maximize useable space. Future plans show a second accessory structure and a full build-out plan.
5. Mr. Wenner plans to continue regular business hours, operating Monday through Friday from 7:30 AM to 6:00 PM, and Saturday hours from 8:00 AM to 1:00 PM during spring–fall, and Monday through Friday from 8:00 AM to 5:00 PM in winter. Occasional appointments may occur outside these hours. Business operations include regular online auctions and occasional in-person auctions, with no significant increase in traffic expected during such events. Hours may be adjusted to accommodate local industry needs. The workforce includes approximately eight full-time and three part-time employees for the equipment business, as well as two additional employees for the landscaping operations. All employees report to the site daily.
6. Phase 1 of site development involved using the existing building for sales, service, and rentals. Mr. Wenner is now pursuing Phase 2 – his 3 to 5-year plan - which includes constructing a building approximately 100-foot by 160-foot (or slightly larger), with service bays and retail space to consolidate operations indoors. A second structure is also planned for the future to expand storage and repair capabilities. Until the new building is constructed, the original building would continue to serve multiple functions. All structures must comply with Minnesota State Building Code requirements prior to occupancy. Materials stored on site include mulch, rock, dirt, sand, logs, tree debris, and various equipment. Outdoor display areas would be sale and rental equipment. The entire parcel is proposed to be utilized for storage and operational purposes. Auto-related services would be restricted per zoning regulations.
7. Mr. Wenner anticipates up to 50 vehicle trips per day during peak season and approximately 20 trips daily in winter. The site benefits from two Minnesota Department of Transportation (MNDOT) approved access points along Highway 212 and Wells Avenue. As part of a state project, these entrances will be upgraded to "J-turns". Parking capacity is extensive, in part due to the site's history as a truck stop.
8. Initially, Mr. Wenner will continue using the existing building for sales, service, rental, and storage until he secures funding to construct a larger, multi-bay facility. This would allow him to consolidate both business operations within a single building and conduct more indoor service work year-round. Any existing or proposed structures being used in the operation must meet Minnesota State Building Code standards before being occupied.
9. The landscaping operation would store products used for constructing and maintaining residential and commercial properties. utilized to construct and maintain residential and commercial properties. Materials stored on-site would include mulch, black dirt, landscaping rock and sand, all in bulk/contractor quantities. Other items would include farm and tree care equipment, along with trucks and trailers of various sizes. Mr. Wenner's adaptive reuse plan would allow for outdoor display of equipment for sales, rental, consignment purposes.
10. Site improvements continue, including mowing, weed control, tree trimming, and repainting. According to Mr. Wenner, installation of security fencing, chain-link with optional barbed wire, is planned and may include privacy screening if required. However, visibility from Highway 212 is essential for sales and would be maintained where feasible.

11. The applicant is proposing signage located along Hwy 212. Any signage would be subject to Chapter 154 of the County Code and must not exceed 32 square feet in surface area. For two-sided signs, the total area will be calculated based on one side only, provided both sides are completely flush. Additional applicable requirements from Chapter 154 will also be observed.

§ 154.04 DEFINITIONS.

ABANDONED SIGN. Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of **ABANDONED SIGN**.

§ 154.35 NONCONFORMING SIGNS; COMPLIANCE.

It is recognized that signs exist within the county which were lawful before this chapter was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this chapter that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses otherwise prohibited by this chapter. It is further the intent of this chapter to permit legal nonconforming signs existing on the effective date of this chapter, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- (A) No sign shall be enlarged or altered in a way which increases its nonconformity.
 - (B) Should such sign or sign structure be destroyed by any means to an extent greater than 50% of its replacement cost and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this chapter.
 - (C) Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the requirements of this chapter.
 - (D) No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which it is located.
 - (E) When a structure loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.
- (Ord. 58-2007, passed 3-27-07)

12. The submitted variance materials were sent to Minnesota Department of Transportation (MNDOT), the Highway 212 road authority, for review. No comments were received.
13. According to Lori Brinkman, Carver County Septic Inspector, the SSTS (Subsurface Sewage Treatment System) at 17550 Hwy 212 was originally designed and installed in 2005. It was designed as a performance system which included septic tanks, a pretreatment unit, a lift tank, and a drain field; however, much of the previous system is no longer in operation. The pretreatment unit was never installed, three of the original septic tanks have been abandoned after failing a compliance inspection, and three additional tanks were allowed to remain in place for future reuse as the business expanded. Two tanks were certified for reuse as holding tanks and a connect permit was issued in 2018. A maintenance agreement was required to be submitted to Carver County as part of the SSTS holding tank permit. A signed maintenance agreement was not received until November 2022 and only three maintenance records have been received since 2018. Due to expiration of SSTS compliance, all SSTS components must be inspected by a licensed SSTS inspector, and it is required that a SSTS design which includes a drainfield be completed and submitted by a licensed SSTS designer and installed for wastewater treatment. Portions of the previous septic system may be used if they are found to meet MPCA and Carver County SSTS compliance requirements.

14. Paul Moline, Deputy Division Director for Public Services and Manager of the Carver County Water Management Organization (CCWMO), reviewed the application materials and, in an emailed memo dated May 2, 2025, stated that a CCWMO permit is required. Stormwater Management standards would need to be met because the impervious area has been increased by more than one-acre since 2002 with no stormwater treatment. Mr. Wenner has requested that CCWMO approval be granted in phases, corresponding with the stages of site expansion. Current approval review by the CCWMO only pertains to Phase 1 of the applicant's stormwater management plan. The CCWMO permit would be issued once all other permitting requirements have been satisfied and the required surety for the permit has been submitted. Future phases would need to be approved by the CCWMO prior to filling, grading, and construction activities.
15. The plight of the landowner is due to the circumstances unique to the property and not entirely created by the landowner. The property's long-standing commercial use, as a truck stop from the 1960s through the mid-2010s, established its legal non-conforming status. Following its tax-forfeiture and subsequent sale, the property presented an opportunity for a new, adaptive use. Mr. Wenner is pursuing a business plan that seeks to redevelop and utilize the non-conforming property in a way that provides commercial services to Carver County and surrounding communities.
16. Granting of the variance would not be in conflict with the intent of the Comprehensive Plan and would not alter the character of the neighborhood. The proposed use would not negatively impact government services.
17. The surrounding area is characterized by agricultural uses, scattered residences, public hunting land, a major railroad corridor, and state highway. Approval of the variance is not expected to adversely affect the health or safety of individuals living or working nearby. Furthermore, the proposed use would not be detrimental to the public welfare or injurious to adjacent properties or improvements.
18. The Young America Town Board reviewed the request at their May 15, 2025, meeting and recommended approval. The Town Board stated: "*Township approves variance as presented plus use of Wells Ave ditch.*"
19. The Land Management Department received letters of support from Charles and Ursula Dimler & Lance and Denise Holland (dated May 28, 2025) and Richard Ziegler (dated May 30, 2025).
20. During the June 4, 2025, public hearing, Mr. Wenner and the Board of Adjustment discussed specific conditions related to cargo containers offered for sale or rental on the property, as well as the number of business-related vehicles associated with the Highway 212 operation. The Board determined that up to 10 cargo containers may be allowed on-site for sale or rental, a maximum of 20 Highway 212-related work vehicles may be permitted, and the existing prohibition on the sale or rental of semi-tractors and semi-trailers is to be removed.

Mr. Wenner also questioned the need to preserve a large undisturbed area for the existing and potential future septic systems. The Board reaffirmed the importance of prohibiting fill in that area to ensure adequate space remains available for future, yet-to-be-determined septic system needs. Accordingly, the Board determined that the area located north and west of the existing Subsurface Sewage Treatment System (SSTS) must be preserved for future SSTS use. No filling activities are permitted within the area identified on the County-generated map titled "*Wenner Property – SSTS Preservation Area*" dated May 5, 2025.
21. At their June 4, 2025, meeting, the Board of Adjustment and Paul Moline, Deputy Division Director for Public Services and Manager of the Carver County Watershed Management Organization (CCWMO), discussed the stormwater management plans and the need to implement stormwater treatment areas in response to the new and proposed impervious surfaces on the site. The CCWMO is working with Mr. Wenner to approve phased stormwater treatment areas based on the applicant's development needs.
22. The Board of Adjustment has considered all the factors required by Section 152.215 of the Carver County Code and finds that the grounds for a variance are hereby satisfied.

ORDER #PZ20250024

IT IS HEREBY ORDERED: That the application of Paul Wenner for a variance to expand upon the adaptive reuse of an existing non-conformity (Similar to a Farm-Related Business and Contractor's Yard) pursuant to Section 152.009, 152.079, and 152.213 of the Carver County Zoning Code for property legally described on the attached Exhibit "A", is hereby **approved**. The Board of Adjustment further orders approval with the following conditions:

1. The previous Variance #PZ201700421 (recorded as Doc. No. A649846) would be terminated upon final approval (and recording) of the new Variance #PZ20250024. Therefore, Variance #PZ20250024 would supersede any prior approvals.
2. The permitted activities are subject to administrative review. This order allows for an adaptive reuse of the property on the approximate 6.50 acres. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or other action is required. Prospective owners and/or operators are strongly encouraged to contact Land Management as early as possible in the planning process.
3. The Permittee shall conduct all activities in accordance with the submitted operational plan (narrative), site plans, and supporting documentation dated May 9, 2025. These materials are considered binding components of this Order. No expansion of business activities - including additional sales, services, or new buildings beyond the structure west of the current sales and repair building - shall occur without an approved amendment to this Order.
4. Items offered for sale, rental, etc. shall be associated with farm-related activities, landscaping projects, and construction activities. A maximum of ten (10) cargo containers may be offered for sale or rental. Cargo containers currently used for storage purposes on the property must be removed following the construction and issuance of a Certificate of Occupancy of the new accessory structure.
5. All structures associated with business activities must comply with the Carver County Zoning Code and State Building Code. Remodeling of existing structure is not permitted without prior review by the Carver County Building Official and approval of appropriate permits. Construction of any new structure intended for business shall only proceed after issuance of all required building permits. No personal storage structures are allowed on the commercial property.
6. In addition to sale or rental items, a maximum of nine (9) landscaping-related commercial business vehicles (e.g., trucks, dump trucks) and twenty (20) Highway 212-related business vehicles (e.g., trucks, semi-trucks) may be stored on the site. Outdoor storage shall be located to minimize visual impact from public roads, and all business-related vehicles, equipment, and supplies must be placed in an organized and orderly manner within the approved operational area.
7. Due to expiration of SSTS compliance, all SSTS components must be inspected by a licensed SSTS inspector, and an SSTS design that includes a drainfield be completed by a licensed SSTS designer and installed for wastewater treatment. Portions of the previous septic system may be used if they are found to meet MPCA and Carver County SSTS compliance requirements. No fill material may be placed over existing SSTS tanks or drainfield areas. To preserve future commercial expansion capacity, the area north and west of the existing SSTS components shall remain free of fill placement.
8. The permitted activity is subject to all applicable MnDOT standards regarding access and right-of-way use. Appropriate MnDOT permits must be obtained before any work commences within the road right-of-way or prior to the start of construction activities.
9. All grading and filling activities must comply with the CCWMO Rules and the Wetland Conservation Act (WCA), as applicable. All site improvements shall conform to Chapter 153 – Water Resource Management. Stormwater management review and approvals are required prior to the issuance of any construction or building permits. No grading and or filling activity may occur across the property line on the DNR property or within the SSTS preservation area.

10. A vegetative cover must be maintained on all areas outside the operational plan, including steep slopes along the perimeter of the property. The permittee is responsible for maintaining all ground cover—such as trees, grasses, weeds, and native vegetation, the duration of the operation.
11. The permitted activity shall remain in full compliance with applicable County and State regulations, including:
 - Chapter 50 – Solid Waste Management
 - Chapter 51 – Hazardous Water Management
 - Chapter 52 – Subsurface Sewage Treatment Systems
 - Chapter 152 – Zoning Code
 - Chapter 153 – Water Resource Management
 - Chapter 154 – Sign Regulations
 - MN Wetland Conservation Act
 - Minnesota State Building Code
12. The Permittee must obtain and maintain a Non-Generator Certificate or, if applicable, a Hazardous Waste Generator License through the Environmental Services (E.S.) Department.
13. The Permittee shall submit a valid Certificate of Workers' Compensation Insurance and/or appropriate affidavit to the Land Management Department, annually.

Gerald BRUNER

Gerald BRUNER (Jun 6, 2025 16:26 CDT)

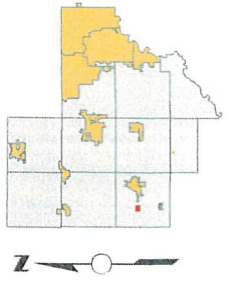
Gerald Bruner, Chairman

Carver County Board of Adjustment

WENNER PROPERTY - APPROVED VARIANCE LAND USE SITE PLAN (6-4-25)



Carver County GIS



Date: 6/6/2025

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.



NOTE: Areas designated for stormwater management have not been shown and must receive approval from the Carver County Water Management Organization (CCWMO) through the applicable permitting process.

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 11-016-0700

File# PZ20250042

APPLICANT/OWNER: Paul Michael Wenner

* * * * *

The South 559.00 feet of the West 842.9 feet of the Southwest Quarter of the Northwest Quarter of Section 16, Township 115, Range 26; EXCEPT the South 159.0 feet taken for State Highway No. 212; and EXCEPT the North 185.0 feet of the South 559.0 feet of the East 170.0 feet of the West 842.9 feet thereof; and ALSO EXCEPT the West 148 feet of the North 100 feet of the South 559 feet of the West 842.9 feet of said Southwest Quarter of the Northwest Quarter, Carver County, Minnesota.