

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting – April 1, 2026
Minutes

Members Present: Gerald Bruner, Jeff Thompson, Steve Washburn, Andy Steinhagen

Members Absent: Amanda Gorra, Robin Bielefeldt, Scott Selken

Members Late: None

Staff Present: Jason Mielke, Laura Jaunich

Pursuant to due call and published notice thereof, the April 1, 2026, meeting of the Carver County Board of Adjustment was called to order by Chairman Bruner at 7:00 p.m.

Chairman Bruner acknowledged four members of the board are present with the absence of Amanda Gorra, Robin Bielefeldt and Scott Selken.

Chairman asked everyone to rise and recite the Pledge of Allegiance.

Agenda – Chairman Bruner asked if there were any additions or deletions on the agenda. Hearing none, he asked for a motion to approve the agenda. A motion was made by Bielefeldt and seconded by Selken to approve the agenda as printed. All voted aye. Motion carried.

Minutes – Chairman Bruner asked if there were any corrections to the minutes from the February 4, 2026, meeting. Hearing none, he asked for a motion to approve the minutes. Washburn made a motion to approve the minutes. Steinhagen seconded the motion for approval. Chairman Bruner called for a vote on the motion. All voted aye. Motion carried.

Public Hearing - File #PZ20260005 – Tracy Dahlin –Chairman Bruner called the public hearing to order at 7:02 p.m. to consider the application of Tracy Dahlin pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced side yard and lake setbacks for an accessory structure pursuant to Chapter 152 of the County Code. The property is in Section 10 of Waconia Township.

The following were present: Tracy Dahlin, Dave Wiklund, Larry Dressen, Sue Dressen

The following items were entered into the hearing record:

Exhibit A - Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E - Letter from the Applicant dated November 7, 2025

Exhibit F – Staff Report addressed to the Board of Adjustment and Waconia Town Board dated April 1, 2026, and all attachments.

Mielke stated the applicant owns and resides on a parcel approximately 0.41 acres in size improved with a single-family dwelling, an attached garage and an accessory structure. The applicant, Tracy Dahlin, is requesting an ‘after-the-fact’ variance to allow an existing accessory structure to remain in its current

location, which is within the required shoreline and side yard setback areas. The required setbacks for a structure are 75 feet from the Ordinary High-Water Line (OHWL) of a General Development lake (Lake Waconia) and 15 feet from a side property line. The existing structure is approximately 14.4 feet from the OHWL and 10.7 feet from the north property line. The applicant purchased the property in 2015, at which time there was an existing legal nonconforming structure on a concrete slab on the property. The County Zoning Code allows legally nonconforming structures to continue, including repair and replacement, but not expansion. When a nonconforming structure is replaced or substantially altered, it loses its nonconforming status and must meet the current zoning code standards. The pre-existing structure was removed and replaced in 2016. A new structure would require a building permit and must comply with the current Zoning Code setback requirements. The variance is 'after-the-fact' because it was constructed without obtaining a building permit. Uniform building code requires any structure over 200 square feet in size requires a building permit. County staff were made aware of the situation following a complaint in 2021. Staff subsequently communicated with the applicant to identify possible compliance options and determined whether a variance was necessary to address setback deficiencies. The applicant was required to have the property surveyed to determine exact setback distances of the existing structure. The applicant's narrative indicates that during remodeling of the existing house in 2016, the owners replaced the deteriorated shed with a prefabricated shed which was placed slightly farther from the property line, but at 10.7 feet and not meeting the required 15-foot setback. The new structure is also larger than the prior one which put it closer to the lakeshore than the old one was. The applicant identified the structure to be 268 square feet, which requires a building permit, and stated steep slopes and limited available area near the front yard made it difficult to meet the required 75-foot shoreline setback. Senior Environmentalist, Lori Brinkman, reviewed the request and provided comments on March 11, 2026, stating a variance was granted in 2015 for reduced setbacks from the septic system, but there was no mention related to the shed. The shed does not impact the septic compliance, and the application continues to submit annual operating permit reports. The wastewater analysis submitted in December shows the system is functioning within required parameters. Abigail Ernst, Water Resources Program Analyst with Carver County Water Management Organization (CCWMO) reviewed the application request and determined that no CCWMO permit was required. She also confirmed that because the shed is non-habitable, freeboard requirements do not apply. Lane Braaten, City of Waconia Community Development Director, submitted comments expressing concerns regarding approval of the after-the-fact variance, which is generally inconsistent with State variance standards. He recommended the property owner submit a full parcel survey to verify compliance with the 25% maximum hard cover. If the limit is exceeded, he suggested removing excess hard cover or mitigating it through a stormwater management plan recorded against the property. He also recommended restoration of the Shore Impact Zone with native vegetation, except for the permitted dock access path, potentially secured through a recorded conservation easement. The restoration should include grass, shrubs and trees to help screen structures from the lake and support long-term protection of Lake Waconia. Land Management staff calculated the impervious surface coverage and determined it to be below the maximum 25%. Taylor Huinker, DNR South Metro Area Hydrologist, reviewed the variance request and provided a letter dated March 16, 2026, identifying a significant expansion of a nonconformity and the following difficulties:

- The previous shed appeared to be approximately 20 feet from the OHWL and around 140 square feet, while the current shed is closer at 14.4 feet and larger at 268 square feet.
- Expansion of nonconformity is prohibited under Minn. Stat. 394.36.
- The DNR also expressed concerns related to increased encroachment into the shore impact zone, aesthetic impacts, potential stormwater runoff issues, and visibility from the lake.
- The structure does not qualify as a water-oriented accessory structure because it exceeds the 250-square-foot maximum.

- The applicant did not demonstrate practical difficulty under State law.
- The DNR recommends denial of the variance.

The plight of the landowner is created by the landowner. The shed was constructed without the required building permit, and the applicant did not contact County staff prior to replacing the nonconforming structure. A water-oriented accessory structure could have been considered in a compliant size and location; however, the installed shed exceeds the allowable size and includes features such as lake-facing glass doors, not typical of a simple storage structure. The applicant states that a conforming location would result in steep-slope challenges and proximity to the front yard, which is not unique to this parcel and is common among lakeshore property on the western shore of Lake Waconia. Mielke stated a location for the shed meeting all setbacks would be difficult to identify. If the shed was placed at the 75-foot setback from the lake, it would interfere with some of the property landscaping. He figured the DNR was suggesting that a larger setback would have less of an impact on the aesthetics and water quality issues. Granting the variance is in direct conflict with the intent of the Comprehensive Plan and the Shoreland Overlay District regulations. Allowing the shed to remain as constructed would undermine regulations intended to protect water quality, preserve natural viewsheds, and manage development intensity in the Shoreland District. Mielke stated each variance request is based on its own merit and unique property features. The Waconia Town Board reviewed the request and recommended approval at their February 23, 2026, meeting. The Town Board supports granting variances for both the OHWL and north property line reduced setbacks. Mielke explained and read the proposed conditions if the Board of Adjustment determines that a practical difficulty has been identified and approves the request. He also read the statements to support denial of the request if the Board determines that a practical difficulty has not been clearly identified. Mielke suggested another condition of a denial, stating that the existing shed should be removed from its current location as depicted on the property survey and site plan.

Chairman Bruner asked the applicant if she had any additional comments to add.

Tracy Dahlin, 7355 West Shoreline Dr, stated she was unaware that a prefabricated shed required a building permit. She talked with the neighbor in 2016 informing him that she was going to remove the dilapidated metal shed and replace it with a new one which would be 10 feet off the property line. The neighbor was pleased to learn about the improvement. She did not consider the shed size to be much different from others in the area or even much larger than the old one on her property. She stated the existing shed was established in 2016 and the complaint was rendered in 2021. She has been compliant with providing the property survey and she disagreed that the shed would not qualify for a water-related structure. She stated that water item storage is the sole purpose of the shed. She stated the hardship of determining a compliant location is due to steep slopes, trees, and the septic system location in the same area. She stated a location with a 75-foot setback to the lakeshore would be difficult to attain.

No one was present representing the Waconia Town Board on this request.

No members of the public offered any comments about the request.

Chairman Bruner called for a motion to close the public hearing. Steinhagen made a motion to close the public hearing. Washburn seconded the motion to close the public hearing. Chairman Bruner call for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:25 p.m.

Washburn asked for more information if the applicant would have opportunity to reduce the structure size.

Mielke stated that, due to the published public hearing notice, the setbacks could be increased but not decreased from what currently exists. He noted that a shed sized less than 200 square feet would not require a building permit. He also explained that the current structure could not be identified as a water-related shed with the DNR because of the size, but increasing the setback from the lake would be an option.

Mielke clarified that other structures in the area have existed for many years. Maintenance and improvements to existing structures are allowed; however, a new structure must meet current zoning code standards. Many small lots in the area have required variances for home remodeling, though most maintain the lake setback.

Thompson noted that a practical difficulty not caused by the applicant must be identified. He stated this was difficult because there had been no inquiry prior to replacing the structure and the request was after-the-fact. He stated he could not identify a practical difficulty and would likely not support the request.

Washburn stated the board takes a lot of pride in trying to help find solutions to difficult situations, which is why he was inquiring about reducing the structure size to help reduce the lake setback. He noted the statements made by the DNR were strong in identifying violations to the regulations. He agreed with Thompson that it would be difficult to support this request.

Chairman Bruner stated at the time he visited the site, he did not have the staff report information. He asked the applicant if she had ever done a building project where a building permit was required.

Ms. Dahlin stated she had.

Chairman Bruner asked why she hadn't applied for a permit for this project.

Ms. Dahlin replied that the structure was a 'pre-fab' structure purchased from Mayer Lumber Co and thought that because it was a pre-fab product, it wouldn't require a building permit.

Chairman Bruner stated he could understand that confusion, however, no inquiries were ever made to confirm that notion. He was unaware of the negative feeling of the DNR about this request until he received the staff report.

Ms. Dahlin stated she was also unaware until she read it in the staff report.

Chairman Bruner stated the DNR has regulation of the waters in Minnesota and is careful about all situations imposing on the requirements. He commented that any inquiries about the project prior to construction would have been helpful in trying to find a compromising solution to the situation.

Ms. Dahlin stated she was unclear in the decision that was being formed. She asked if she would be required to remove the shed and wondered if she could ever construct another one in the future.

Chairman Bruner stated the existing structure is not legal in its current configuration.

Ms. Dahlin asked if reducing the structure size to 200 square feet, with the additional area removed from the lakeside, if that would be allowed or acceptable.

Bruner asked staff if it would be allowed to remain if it was reduced to the same size as the previous structure.

Mielke replied, a structure of less than 200 square feet would not require a building permit, which would satisfy that violation and also be identified by the DNR as a water-oriented structure, which could be placed within the shoreline setback. Even without the building permit requirement because of size, it should maintain the minimum side yard setback of 15 feet. He stated a discussion with staff to find suitable size and reasonable location should be able to be negotiated depending upon the shed purpose and use.

Ms. Dahlin summarized that the structure should be placed a minimum of 15 feet from the north property line and reduce the size to 200 square feet or less, with the reduced space coming off of the lakeside of the structure.

Mielke stated it should also be noted using the survey to identify the changes to the structure measurements and also the setback from the north property line.

Washburn stated that suggestion seems to provide a reasonable solution to resolve the issues identified. He also asked about the comments about native vegetation along the shoreline from the city of Waconia.

Mielke explained the shoreland regulations allow a 12-foot-wide access to the lake and the remainder of the shore impact zone (SIZ) should remain in its native natural condition. He stated that historically, all of the parcels have mown lawns to the water's edge. Most of the lots on the lake within the city limits do not maintain the natural vegetation, either. A buffer strip would certainly help filter any runoff and keep the lake clean; however, the city does not control the land within the Township. It will not be a condition for consideration of this request.

Washburn asked if this variance request is denied, it would not preclude the applicant from meeting with staff to develop a plan which would meet the required side yard setback and structure size within the shoreland setback.

Mielke stated a denial would be based on the information presented for the request, which identifies the lot conditions along with the existing structure's size and location. He noted that reducing the size of the structure and maintaining the minimum setback from the north property line should resolve the issue.

Steinhagen asked if another variance would be necessary to make those changes.

Mielke confirmed that no additional variance should be required, since the smaller structure size for a water-related structure would allow it to be placed within the shoreland setback area.

Bruner asked what items are currently stored in the shed.

Ms. Dahlin stated it houses ice fishing equipment, life jackets, and other miscellaneous floatation devices which are all water-related.

Bruner stated he would support a denial, with the intention that the applicant will meet with staff to document the reduced shed size and location based on the survey information. He reminded the

applicant that it is advised to consult with staff to confirm regulations and requirements prior to any building project.

Ms. Dahlin stated she had gotten permits when the house was remodeled and also with the replacement of the septic system.

Mielke agreed with Ms. Dahlin, citing that the remodeling and septic replacement were positive improvements to the property and were all done with appropriate permits and approved variances. The lakeshore lots are all unique and quite confined for space for almost any building project.

Steinhagen also recognized the terrain on most of the lots involves slopes, which add another dimension of difficulty.

A motion was made by Washburn to deny the variance request due to inconsistencies with the County Zoning Code, DNR regulations, and shoreland requirements, and because the request could be made conforming with modifications. Steinhagen seconded the motion.

Mielke confirmed Washburn's stated reasons for the denial.

Chairman Bruner called for a vote on the motion to deny the variance request. All voted aye. The motion to deny the variance request was denied.

Adjournment

A motion was made by Steinhagen and seconded by Thompson to adjourn. Bruner called for a vote on the motion. All voted aye. The meeting was adjourned at 7:44 p.m.