

CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **Wednesday, September 6, 2023**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska

AGENDA

7:00 p.m.

1. Approve minutes of August 2, 2023 meeting
Pages 1-1 through 1-11
2. **File #20230032**- Public hearing on request by Joanne Rademacher for a variance.
(Reduced Setback - Structure from Road)
Hollywood Township Pages 2-1 through 2-12
Issue Order #PZ20230032 – Joanne Rademacher
3. **File #20230031**- Public hearing on request by Ronald Blauert for a variance.
(Reduced Road Frontage & Width/Depth Ratio)
Hollywood Township Pages 3-1 through 3-11
Issue Order #PZ20230031 – Ronald Blauert

Other Business

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting August 3, 2023
Minutes

Members Present: Gerald Bruner, Amanda Gorra, Scott Selken, Jeff Thompson, Scott Wakefield, Steve Washburn

Members Absent: Robin Bielefeldt

Members Late: None

Staff Present: Jason Mielke, Donovan Hart, Christina Neel, Jennifer Tichey

Pursuant to due call and published notice thereof, the August 3, 2023, meeting of the Carver County Board of Adjustment was called to order by Chairman Bruner at 7:00 p.m.

Chairman Bruner announced the roll call indicated six members are present, recognizing the absence of Robin Bielefeldt.

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

Minutes – Chairman Bruner asked if there were any corrections to the minutes from the June 7, 2023, meeting. A motion was made by Washburn to approve the minutes of the June 7, 2023, meeting as written. Thompson seconded the motion for approval. All voted aye. Motion carried.

Public Hearing - File #20230029 – Paul Kellermann – Chairman Bruner called the public hearing to order at 7:01 p.m. to consider the application of Paul Kellermann for a variance pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced setback for a structure from the road pursuant to Chapter 152 of the County Code. The property is in Section 24 of Camden Township.

The following were present: Paul Kellermann, Brittany Kellermann

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 July 7, 2023

Exhibit F – Staff Report addressed to the Board of Adjustment and Camden Town Board dated July 24, 2023, and all attachments

Neel stated the applicants own an approximate 75-acre parcel improved with a single-family dwelling and several agricultural outbuildings. The applicant is requesting a variance to apply for building permits to move the existing house on the property and construct a two-car attached garage which would not meet the required 95-foot setback from the centerline of County Rd 32. She used an aerial photo of

the parcel to illustrate the current location of the house and the proposed location of the house and attached garage. The applicant purchased the property in 2017 with the current house location approximately 55 feet from the road center. Moving the house to a new foundation would meet the setback requirements, however, the attached garage would be approximately 75 feet from the road center, requiring a 20-foot variance. The applicant described a practical difficulty attaining a suitable location to relocate the house and still be able to use the existing storage structures on the site. Based on the limited areas near the existing building site, the owners have proposed a plan which minimizes the impacts to all setbacks and limits the number of trees to be removed, reduces unnecessary grading and maintains the character of the farmstead. The proposed plan also indicates removal of two small storage sheds prior to constructing the foundation for the new house location. On July 13, 2023, the request was reviewed by Jacob McLain, Carver County Senior Environmentalist, who indicated the septic system would be required to comply with all SSTS standards. The applicant indicated the entire septic system will be replaced with the house is moved. On July 21, 2023, Kristen Larson, CCWMO Water Resource Program Specialist, reviewed the request and did not have any specific concerns. She provided the comment, *"An erosion and sediment control plan (perimeter control and other appropriate erosion and sediment control BMPs) should be included in the information submitted as part of the building permits. Planning & Water Management and SWCD review of the erosion and sediment plan can occur as part of the building permit review process."* On July 21, 2023, Jack Johanson, Carver County Transportation Planner, commented, *"Public Works has reviewed the variance request for a setback reduction and is in support. There appears to be no conflict with potential future projects along County Rd 32 and accommodating this request results in the structure being located further away from County Rd 32 than its current location."* This request would not cause a substantial change to the neighborhood and would not conflict with the intent of the Comprehensive Plan, nor would it materially adversely affect the health or safety of persons residing or working in the area. The Camden Town Board reviewed and approved this request at their July 13, 2023, meeting without any additional comments. Neel read the proposed conditions for consideration if the Board of Adjustment determines a practical difficulty has been identified and approval of the variance would serve in the interest of justice. She stated if a practical difficulty has not been identified, the reasons to support denial of the request must be stated.

Paul Kellermann, 14485 County Rd 32, stated this farm has been in his family since 1861. He is the 6th generation on this land and wants to preserve the look of the farmstead.

No one representing the Camden Town Board was present for comment.

No one from the public had any comments about this request.

A motion was made by Gorra and seconded by Wakefield to close the public hearing. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:08 p.m.

Gorra commented the request result will locate the house further from the road than it currently is and saw this as an improvement. She is supportive of the request.

Bruner and Thompson stated they visited the site and felt it was a valid request.

A motion was made by Wakefield to **approve and issue Order PZ20230029** for a variance allowing the construction of an attached garage with a reduced front setback pursuant to Section 152.034 (D) of the Carver County Zoning Code, for property legally described on the attached Exhibit "A", with the following conditions:

1. The permittee shall obtain the appropriate demo/building permits and septic permit(s) prior to the construction of the new foundation and moving of the residential house. A grading plan and erosion/sediment control plan shall also be prepared, submitted, and implemented in accordance with the CCWMO Water Rules (Chapter 153) as part of the building permit application process.
2. All construction activities shall be done in accordance with the submitted site plan dated July 24, 2023. The new home location shall not encroach any closer to the centerline of County Road 32 than approved (i.e., 75± feet) as part of this permit application.
3. The foundation construction and home moving project would be required to comply with all Subsurface Sewage Treatment System (SSTS) standards (i.e., obtain County approval). The SSTS design plan would be reviewed once submitted to the Carver County Environmental Services staff to verify all requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances.
4. No additional expansions shall be permitted without obtaining all necessary building permits and/or variances.

The motion for approval was seconded by Selken. Chairman Bruner called for a vote on the motion. All voted aye. Motion carried.

Public Hearing - File #20230018 – Alex Young – Chairman Bruner called the public hearing to order at 7:10 p.m. to consider the application of Alex Young for a variance pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced access separation from an intersection pursuant to Chapter 152 of the County Code. The property is in Section 28 of Laketown Township.

The following were present: Alex Young, Pete Parris

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 June 30, 2023

Exhibit F – Staff Report addressed to the Board of Adjustment and Laketown Town Board dated July 24, 2023, and all attachments

Exhibit G – email from Dr. Brianna Mann received on July 31, 2023

Neel stated Mr. Young owns an approximate 64-acre parcel consisting almost entirely of crop production land with lake shoreline. The property is mostly unimproved with 2 building eligibilities. The applicant is requesting to construct a driveway with an access separation of 550 feet of from the intersection of a County Road and a Township Road. She used an aerial photo for illustration. The Zoning Code requires the centerline of a driveway to an intersection of a County Road and a Township Road be at least 1/8 mile or 660 feet. The subject property was created by a minor subdivision in 2018 as a conforming parcel and one building eligibility. In 2021, an additional building eligibility was transferred to the parcel. The applicant's letter details the request and the need for the driveway location to be closer to the intersection. He states that Lakewood Circle is a highly traveled road due to the lake public access as well as 15 residential homes. Traffic speeds increase as travelers head east, away from the intersection, and a combination of better sightlines and lower vehicle speeds closer to the

intersection would allow for easier and safer access to the future homesite at the proposed driveway location. A second difficulty described is associated stormwater runoff due to steep slopes on the eastern and southeasterly property edges. The proposed driveway access location would allow for additional space for stormwater management ponds and ditches as recommended by the Minnehaha Creek Watershed District. The applicant stated preventing water runoff would protect neighboring properties also. The plight of the landowner is due to circumstances unique to this property and not created by the landowner. The configuration of the subject property and existing topography have created a practical difficulty in finding a driveway location that is far enough from the intersection but still provides safe sightlines for vehicles traveling on Lakewood Circle. Granting this variance would not conflict with the Comprehensive Plan or the Carver County Zoning Code. The request would not cause substantial change in the character of the neighborhood or have a negative impact on government services or adversely affect the health or safety of persons residing or working in the area. On July 19, 2023, this request was reviewed by Abigail Ernst, Minnehaha Creek Watershed Permitting Technician, who stated the applicant has applied for a permit with the MCWD which is currently under review. She stated, *"We are currently working with the applicant to assess stormwater treatment options while balancing the need for useable farmland."* On July 20, 2023, the request was reviewed by Jack Johansen, Carver County Transportation Planner, who stated *"a staff member from Public Works was present at the June 12th on-site meeting with Township Officials, the applicant, Public Works staff and Land Management staff. The demonstrated safety concerns with the topography's impact on sight lines and concerns relating to the stormwater runoff to the adjacent residential development appear to warrant the allowance of a driveway at 550 feet from the County Rd 141 intersection, rather than the minimum 660 feet. The rationale behind the 660 feet is to accommodate turn lanes for future planning needs, and a reduction of this setback would still allow for a future turn lane at this site if one were necessary."* The Laketown Town Board reviewed this request at their June 12, 2023, meeting, and recommended approval of the request without additional conditions. On July 31, 2023, Land Management staff received a letter from Dr. Brinana Mann with concerns that the property may contain Native American burial grounds. A copy of this correspondence was given to the Board of Adjustment members. Staff contacted the Mn State Archeologist who stated there are no known archeological sites near the property. The LiDAR data also indicated the unrecorded areas of archeological importance are not present on this parcel. Neel read the proposed conditions for consideration if the Board of Adjustment determines a practical difficulty has been identified and approval of the variance would serve in the interest of justice. She stated if a practical difficulty has not been identified, the reasons to support denial of the request must be stated.

Alex Young, 915 Cascade Dr, had no additional comments and offered to answer any questions.

Pete Parris, Laketown Town Board Supervisor, stated the entire Town Board was present for the on-site meeting on June 12th to review and discuss the proposed access location. The proposed site is a better location than at 660 feet from the intersection because of the topography and possible issues that could cause water drainage problems if it is at the bottom of the hill. The Board was strongly in favor of the proposed access location at 550 feet from the intersection.

There were no comments from the public concerning this request.

Wakefield made a motion to close the public hearing. Selken seconded the motion. Chairman Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:19 p.m.

Thompson stated he viewed the site and stated the proposed location at the top of the hill makes the most sense not only for the drainage issues but also for better sight and safety reasons. He is in support of the request.

Bruner and Gorra also visited the property and echoed the same justifications.

A motion was made by Washburn to **approve and issue Order PZ20230018** for a variance allowing the construction of a driveway with a reduced access separation from an intersection pursuant to Section 152.036 (G)(1) of the Carver County Zoning Code, for property legally described on the attached Exhibit "A" with the following conditions:

1. The driveway location shall be subject to the local road authority (Laketown Township) standards pertaining to road access. The appropriate County Administrative permit(s) shall be obtained before any work commences within the right-of-way. All work shall be done in accordance with the submitted site plans and shall comply with the approved variance.
2. The centerline of the future driveway shall not encroach any closer than 550' from the center of the intersection, without an additional variance.
3. The applicant shall provide approval documents from the Minnehaha Creek Watershed District related to erosion control, stormwater management and wetland protection prior to the issuance of the driveway permit.

Selken seconded the motion for approval. Chairman Bruner called for a vote on the motion. All voted aye. Motion carried.

Public Hearing - File #20230028 – Laura Zimmermann & Douglas Pritchard – Chairman Bruner called the public hearing to order at 7:20 p.m. to consider the application of Laura Zimmermann and Douglas Pritchard for a variance pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for two commercial kennel setbacks, reduced lot size and homestead requirement pursuant to Chapter 152 of the County Code. The property is in Section 31 of Waconia Township.

The following were present: Laura Zimmermann, Douglas Pritchard, Lyle Braun, Mike Lovich, Shannon Lovich, John Arvig, Felix Sohlin, Joan Smith, Michelle Rotell, Neal Reynolds, Rich Reynolds, Mary Teborg, Harlan Rieck

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 July 17, 2023

Exhibit F – Staff Report addressed to the Board of Adjustment and Waconia Town Board dated July 24, 2023, and all attachments

Exhibit G – Letter of support from Michelle Rotell dated July 26, 2023

Exhibit H – Letter of opposition from Mary Teborg dated July 28, 2023

Exhibit I – Letter of support from John Hormann dated August 2, 2023

Exhibit J – Letter of opposition from Matt Bergmann dated August 2, 2023

Hart stated this application is for the use of an existing 11,400 square foot commercial building and parking lot on a 3.5-acre parcel in Waconia Township. The property is a part of the Hydes Lake Shores Subdivision and was formerly used as a veterinary clinic and feed store and had a CUP (PZ20020009) for a farm-related business. The applicants are requesting variances from the zoning code to operate a commercial dog kennel at the property. The proposed commercial kennel would operate from the 3.5-acre parcel (where 5 acres is the minimum), on a property without a single-family dwelling for the owner to occupy and homestead, located within the 1,000-foot setback from a neighboring residence (approximately 420 feet), and within ½-mile of 12 neighboring residences (where 9 is the maximum number), as allowed by the Zoning Code. The applicants have submitted a site plan of the property indicating an outdoor fenced area for the dogs. Hart explained the current CUP on the property for the farm-related business (veterinary clinic & feed store) allows 5 full-time employees and 3 part-time employees in a total of approximately 60 operating hours per week. He stated this CUP was issued under a previous ordinance which had standards different from the current ordinance requirements. The applicants letter describes the requested variances and presents reasons to grant them. It makes note that a previous CUP issued to the property, implying ‘the Board of commissioners already made a finding with respect to the lot size in the 2002 Order.’ It is mentioned that the property size was created by a 1994 plat, which was not initiated by the applicants and is a pre-existing condition. Their narrative asserts that the current building will physically remain as it has been for the past 21 years, so the variance for the lot size will not alter the essential character of the locality. Jim King, CFO of WellHaven Pet Health, who currently leases the property stated, “[t]his place was clearly built with boarding and overnight kenneling in mind. It has much larger boarding spaces than the rest of our clinics and is set away from dense populated areas which lends to boarding. WellHaven does not kennel dogs overnight but believes that the former owner did.” The narrative addressed the homesteading requirement stating, “Regarding a single-family house on the property would materially contradict the findings and ruling set forth in the 2002 Order.” The absence of a single-family house will not alter the essential character of the locality and building a house would involve substantial disruption to the applicant’s business plan and require a change to the applicant’s personal living situation. It was also noted that the closest neighboring house which was built in 1993 and within 1,000 feet of the proposed kennel, was allowed by a 1990 CUP to house small domestic type pets/animals which predates the construction of the house, implying that the veterinary clinic and supply store qualifies for protections as a non-conforming use and structure as found in Section 159.009 of the Zoning Code. Similarly, the narrative states that the existing house in a ½ mile proximity “are due to circumstances unique to the property, a situation not created by the applicant.” The buildings and primary usage of the facility to house small domestic type pets/animals predates all but four of the affected uses as well as the enactment of the current Zoning Code. The narrative repeats the assertion that the subject property’s “buildings were lawfully existing when the Zoning Code was enacted, such that they qualify as permitted non-conforming uses and structures under Section 159.009.” Lastly, the narrative recognizes the Waconia Town Board recommendation for approval and there is a letter of support from Karen Hallquist, City of Norwood Young America’s Economic and Community Development Director. The operational plan describes a canine daycare which will operate 24/7, with proposed business hours of 7:00 a.m. to 7:00 p.m., Monday thru Friday, and 7:00 a.m. to 6:00 p.m. on Saturday and Sunday. The estimated average number of customers is about 25 per day, with 10 customers on the site a peak time. Carver Canines proposed a total of 17 employees plus two owners at the facility, with a maximum of 5 staff during the largest shift. One staff member will work overnight as Carver Canine will staff 24/7 for quality care and safety reasons. The proposed maximum number of boarded dogs will be 50, with an estimated daily average of 20 – 50 dogs. The fenced outdoor play areas are proposed at the rear and front of the building. Dogs will be divided into groups according to size, with the large dogs outside in

the back. The property survey shows the existing 11,400 square foot building, parking area with asphalt and gravel surfaces, and driveways leading to Hwy 5 and Rome Ave. It also indicates two proposed fenced areas enclosing approximately 6,800 square feet for outside dog-run areas. There is no proposed expansion of the existing building at this time. The applicant's narrative asserts that the proposed use as a commercial kennel is reasonable as a permitted farm-related business. Hart stated the Zoning Code text does not support this assertion and read the specific standards for farm-related businesses from Section 152.079(C)(2)(b). The Zoning Code does allow commercial kennels in Section 152.079(C)(4). The narrative states the 23-year-old existence of the veterinary clinic and feed store grant the proposed commercial kennel the status of a non-conforming use, however, the previous business and structure was permitted by a CUP issued by the County and not through any non-conforming status. The protections provided in the Zoning Code for non-conforming uses would not apply to this request as the proposed kennel is expanding the use of the building significantly so that the manner of operation is changing. The Zoning Code recognizes a distinct separation between a farm-related business and a commercial kennel, and the proposed number of employees and boarded dogs is significantly more than the previous CUP allowed, which is a greatly expanded proposed use. Granting this variance would be in conflict with the intent of the Comprehensive Plan. Hart read policy LU-19 recognizing three categories of non-agricultural/non-residential appropriate and/or essential land uses in the rural areas. A commercial kennel without an accompanying owner-occupied residence does not appear to fall into any of the three land use exceptions. The granting of the variance is not in harmony with the general purpose and intent of the official control in that the required separation distances enforce a buffer area around a commercial kennel because this type of land use creates noise that is atypical to an agricultural area. The intent of these regulations is to lessen the potential for negative impacts from activities or sounds associated with commercial kennels to nearby residentially developed areas. The variance is at odds with the Zoning Code intent to have home-based businesses, as stated in a Planning Commission resolution dated February 15, 2000, saying, *"It is important that commercial type uses in the Agricultural Zoning district be home-based to prevent uncontrolled growth and to promote compatibility within neighborhoods throughout the County. Also, it is essential that the Zoning Code conform to the Comprehensive Plan."* The neighborhood is comprised of large agricultural uses, home-based commercial uses, a community solar garden and several small acreage residences. This request would not cause a substantial change in the physical character of the neighborhood or have a negative impact on government services, or materially or adversely affect the safety of persons residing or working in the area adjacent to the property. However, it may create an adverse impact to nearby neighbors due to the number and consistent overnight boarding of dogs and the increased area for outside exercise areas allowing for an increased length of time for dogs to be outside and a greater probability that barking would impact neighbor's quiet enjoyment of their properties. If this variance request is granted, the applicants would be required to apply for a CUP for a commercial kennel. If the CUP is denied, then the variance will be considered null and void. Land Management staff received letters of support for the variance from Jazzlen & Zachary Newell, Jodene Diedrich and Karen Halquist (City of Norwood Young America). Letters opposing the request were received from Shannon & Mike Lovich and Gail Voller. Jacob McLain, Carver County Environmental Services, reviewed the application and stated a compliance inspection must be completed before any permit or variance is issued for a property with an SSTS located in shoreland area. Mn DNR and Mn DOT reviewed the variance applicant and responded in emails that they had no comments. The Waconia Town Board reviewed the request and recommended approval at their June 12, 2023, meeting, without any additional conditions. Hart read the conditions for consideration if the variance request is approved. He stated if the Board determines that a practical difficulty has not been identified and that approving the variances would not serve in the interest of justice, the Board would need to identify the reasons supporting the denial.

Laura Zimmermann, 2253 Naples Av, read a prepared letter and addressed expressed concerns received in letters of opposition to the request. Her letter gave a history of how and why Carver Canines was established and how the business has successfully grown to its current need for a larger building and more space. She explained their business model and operations. She recognized that dogs do bark, however, their dogs are not kept in kennels and are allowed to run, play, and interact with other dogs, which minimizes their need to bark excessively. She stated they have operated from their home in a residential neighborhood and have never experienced a noise complaint. She had copies of 5 additional letters in support of their business and gave a copy to each Board member. Staff asked for a copy to enter into the record.

Douglas Pritchard, 2253 Naples Av, had no other comments to add at this time.

Scott Wakefield, speaking as a representative for the Waconia Town Board, confirmed the Board's recommendation for approval of the request without any additional conditions.

Mike Lovich, 10625 Rome Av, stated he and his wife are animal lovers and owners of 3 dogs and 3 cats and have fostered animals for Carver Scott Humane Society. They had used the services from Countryside Vet and similar businesses and know what it entails. He stated they purchased their 8-acre lakeshore/hobby farm property and would like to retain the quiet and tranquil atmosphere. They feel the proposed increased days and hours of operation and animal numbers at the former vet clinic property will produce negative impacts to the area. He expressed the increases in outdoor dog run area, numbers of dogs kept at the facility and hours of operation in percentages of increase compared to the previous CUP. He would like to see a business like this but not in an area that requires these variances.

John Arvig, 10595 Rome Av, echoed the concerns expressed by Mr. Lovich. He asked how many commercial kennels are in Carver County and if any or how many variances were associated with them.

Hart stated there are currently 6 commercial kennels permitted with CUPs in Carver County.

Mr. Arvig stated he could not recall if there were ever more than 2 or 3 animals at the vet clinic at a time, when they were allowed up to 12. He stated that noise readily travels across the lake and he can hear things from the other side and presumed the noise from the dogs would also travel a distance. He enjoys the quiet and serene nature of the area and stated if a 50-dog kennel had been present before they moved, they would likely not have purchased the property. He felt this business would have a negative effect on the property values.

Joan Smith, 13690 County Rd 41, stated she is a Carver Canines customer and expressed her experiences with their business. She stated they have taken great care of her dog and have a great business model. The business is very professional and clean and well-run from their current house. She could only assume those traits would continue at the new location. She also lives in the country and understands noise and stated that being on a lake also brings noise from boats, jet skis, and snowmobiles. She stated there are other kennels within the county, but accessibility and affordability can be limiting issues. Doug & Laura's business is very accessible and affordable, and she encouraged the Board to allow the kennel at this location.

Lyle Braun, 15795 102nd St, is the owner of the proposed kennel property. He gave a history of how the parcel was created and the prior businesses that have operated from the property. Dr. Ralph Molnau, DVM, originally owned the property and the land around it and developed the plat of Hydes Lake Shores Subdivision. He stated there are 12 boarding kennels inside the building and at times, there were

as many as 20 dogs that stayed overnight. At other times, there was activity at the building all night long, because Dr. Molnau provided emergency services and would get calls at all times of the day and night. Mr. Braun stated he was manager at the site for many years and when Dr. Molnau passed away, he was entrusted by the family to find a successor or sell the business. He stated he found another veterinarian who ran a business at the site for a while and now Wellhaven has the current lease on the property. He stated the clinic closed in 2020 due to circumstances of the COVID Pandemic. He tried unsuccessfully for two years to find another veterinarian to operate from the site, but there just isn't anyone to be found. The warehousing space which was previously used for the feed store portion of Dr. Molnau's business is still being used by Mr. Braun occasionally, but most of his customers have bulk delivery directly to their farms. He felt a commercial kennel would be a good fit in this building since there are boarding kennels already in place.

Michelle Rotell, 2249 Naples Av, stated she is the closest neighbor to the applicants and their current operation and shares a property line with them. She compared the dog 'day care drop-off' as similar to any child daycare facility. The dog owners have been respectful about speed and noise when dropping their dogs off in the early morning hours. As an employee who works from home, she rarely experiences barking dogs coming from the neighbors' backyard. She emphasized the wonderful job they do to keep the dogs calm. She spoke well of the applicants and their presence in the community and feel their clients have grown to trust them and their business model. She expressed the care and concern they show at this location will certainly be carried forward to their new location. Mr. Rotell stated she had submitted a letter and photos which were made available at this meeting.

Doug Pritchard commented about the concern expressed about the hours of operation. He stated they are very customer orientated, guest focused, and they want to accommodate the service needs of their clients, which makes their business hours available to suit the customer's scheduling needs.

A motion was made by Wakefield to close the public hearing. Gorra seconded the motion. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 8:04 p.m.

Bruner recapped the variance request stating that there are 4 variances to consider when making a motion, and any motion will need to recognize that all 4 will either pass or fail. They will not be considered individually.

Mielke further clarified that if the request is approved and the 4 variances are granted, the specific details of the business, such as the days and times of operation, will be discussed when the applicants apply for a Conditional Use Permit. The conditions surrounding the operational procedures will be discussed and determined as a part of the CUP process. Staff had asked for some of the background information to have a little better understanding of the proposed business plan.

Wakefield asked if there is any history of complaints with any of the currently permitted commercial kennels within the County.

Mielke stated there was nothing that he could recall as an enforcement issue with repeated or routine calls about any of the currently operating kennels.

Wakefield stated much of the potential issues for complaints could be mitigated and regulated through the conditions placed on the CUP, if the request gets to that point.

Mielke also briefly explained the enforcement process for continued violations.

Thompson asked if the nearest resident to this property has expressed any concerns or written a letter about the request.

Mielke identified the neighbor, adjacent across Hwy 5 to the south, and stated they had signed a statement in June 2023 expressing they are in favor of the application. Mielke also explained the notification process for variances and especially noted that notices for this application were sent to a larger area because of the restriction of the proposed location of more than 9 residences within ½ mile radius of the proposed property. Mielke also restated the 4 variance requirements pertaining to this request for clarification.

Washburn asked if the setback variances were because the proposed use is a commercial kennel, or if they would apply to any type of business at the location.

Mielke stated the 1,000-foot setback and the residences within a ½-mile are restrictions that pertain specifically to a commercial kennel. He stated there are some other setback distances for other types of business operations, such as contractor's yards.

Thompson commented on the 4 variances and gave his opinion about each one, stating he feels the greater discussion about the exact business plan will be addressed at the Planning Commission meeting, and hoped that conditions of the permit could be established to everyone's satisfaction. He stated he would support the request for the variances.

Mielke addressed a previous concern about two accesses from the subject property. He stated all indications support the main access would be from Hwy 5 and if the secondary access on Rome Av was used, it would need to be with the support of the township as Rome Ave is a Township Rd.

Gorra stated she has considered the plight of the land versus the plight of the landowner and reasoned that some of the issues are because of the land, however, she agreed that the proposed business use is a change and expansion of the existing operation and constitutes a new business, which is a choice of the applicant and not related to the land. She could not see the land-related hardship of that request and would not be in support of the variance request.

Washburn stated the lot size and the non-homestead status are 2 circumstances that will not change and will likely affect this property for whatever business is proposed. He appreciated the information about the business operation but stated the support from the current location had little to do with how the business will look at the new site. He agreed with Gorra that the proposed business is a very different use from what had been at the site. He stated he would have difficulty supporting this request because of the 2 different setbacks from residences that are not met.

Bruner appreciated hearing from the applicants' neighbors, which informed him on how they run their business. He stated his experience on the township board has allowed him to hear both sides of an issue and make a decision based on what is best for the community. He feels there is a need for additional pet boarding with the increasing number of residents in the County. He stated he is also in favor of small businesses and would support this request.

A motion was made by Bruner to **approve and issue Order PZ20230028** for a variance to locate a commercial kennel on a 3.5-acre parcel, on a property without a single-family dwelling for the owner to occupy and homestead, on a property located within the 1,000-foot setback from a neighboring residence, and within ½-mile of 12 neighboring residences pursuant to Sections 152.079 (A)(1) & (5); (C)(4)(a) of the Carver County Zoning Code, for property legally described on the attached Exhibit "A" with the following conditions:

1. Prior to the commencement of the proposed Commercial Kennel business operation, the permittee shall obtain the required Conditional Use Permit and applicable building permit(s). All work shall be done in accordance with the submitted plan. The business activity shall meet all other requirements of the Carver County Zoning Code and other Carver County Code of Ordinances, if applicable. If the Conditional Use Permit request were to be denied by the County Board, this variance request shall be considered null and void.
2. If the future CUP application is approved, the approved operational area shall not be located closer than 420' from the neighboring residence.

Thompson seconded the motion for approval. Bruner called for a vote on the motion. Bruner, Gorra, Thompson, Selken and Wakefield voted aye. Washburn voted nay. Motion carried.

Adjournment

Having no other business to discuss, a motion was made by Wakefield and seconded by Selken to adjourn. All voted aye. The meeting was adjourned at 8:28 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Land Management Department

August 23, 2023

TO: Carver County Board of Adjustment & Hollywood Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Reduced Setback to Local Road)

FILE #: PZ20230032

APPLICANT: Joanne Rademacher

PROPERTY OWNERS: Christopher J Rademacher, Lori J Maloney, & Barry J Rademacher

SITE ADDRESS: 14415 58th St, Mayer, MN 55360

VARIANCE TYPE: Reduced Structure Setback to Local Road

PURSUANT TO: Carver County Code: Section 152.034 (D)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-036-2100

BACKGROUND:

1. Joanne Rademacher has a life estate interest on an approximate 0.58-acre parcel located in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 36, Hollywood Township. The property is improved with a house that was built in 1956 and a detached garage. The parcel is located in the Agricultural Zoning District, and the Carver County Water Management Organization (CCWMO) – Crow River watershed.
2. Ms. Rademacher is requesting a variance which would allow her to apply for building permits to construct an attached garage on the subject property. The proposed attached garage would not meet the required 68-foot (Local Road) front yard setback from the centerline of County Road 32 (Approximately 55 feet). Therefore, a reduced structure front yard setback 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.

Front Setbacks	The front setback shall be required from any public road or private road serving the function of a public road. Front setbacks are measured from the center of the road. R-O-W shall be the typical planned right-of-way.
----------------	---

<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 Road not in Shoreland District	68	N/A	66	

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

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

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

§ 152.215 VARIANCES.

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

STAFF ANALYSIS:

1. Joanne Rademacher and her family have owned the subject property since prior to 1974. The existing detached garage is considered to be a legal non-conforming structure pursuant to the Carver County Zoning Code, as it did not meet the side yard setback. In March 2023, the garage collapsed during a winter storm and was deemed unrepairable. Ms. Rademacher is requesting an attached garage for better access during inclement weather. The proposed attached garage would be approximately 55' from the centerline of 58th Street.

2. Section 152.034 of the County Zoning Code requires a 68-foot front yard setback from the centerline of a local road to a structure. The applicant's proposal consists of constructing an attached garage onto the west side of the current house, angled toward the driveway. The proposed 1.5-stall garage is approximately 20' x 25' (496 square feet). The closest point of the garage would be approximately 55 feet from the centerline of 58th Street; therefore, reflecting an approximate 13-foot variance.
3. The applicant's letter (dated August 7, 2023) describes the practical difficulty in finding a location for the new attached garage that meets setbacks and would not be too close to the well. Ms. Rademacher explains that she has lived in the home for over 50 years and wishes to remain as long as possible. Having an attached garage would allow her to move safely in the winter without icy sidewalks or needing to shovel the walkway to her car. Her property is smaller than most of the surrounding lots, so placing a garage that could meet all setback requirements has been challenging.
4. The provided site plan dated August 1, 2023, and the building plans, dated May 24, 2023, show the location of the previous detached garage, as well as the location and dimensions of the proposed attached garage. Based on the limited space and the location of the existing well, the property owner and her builder have proposed a plan which minimizes impacts to all setbacks and maintains the character of the home.
5. On August 17, 2023, this request was reviewed by Jacob McLain, Senior Environmentalist for Carver County Environmental Services. He stated that the County has accurate SSTS tank and drainfield records for the property and the project meets all required SSTS setbacks.
6. The granting of the variance is in harmony with the general purpose and intent of the official control. The official control in this request is the required front yard setback as well as the non-conformity sections of the County Zoning Code. Although this request does not meet the specific standards, it appears to meet the intent of the regulations, as the previous detached garage structure was considered a legal non-conformity.
7. The neighborhood is comprised of agricultural land, residential homes & activities. There are similarly situated structures on other properties in the immediate area. This request would not cause a substantial change in the character of the neighborhood.
8. The granting of the variance would not conflict with the intent of the Comprehensive Plan, nor will government services be negatively impacted by the relocation of the structure.
9. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
10. The Hollywood Town Board has reviewed and recommended approval of the request during their August 14, 2023, Town Board meeting, without additional conditions.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for reduced front 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 attached to the approved variance:

1. The permittee shall obtain the appropriate building permits and septic permit(s) prior to the construction of the new attached garage, if applicable. An erosion/sediment control plan shall also be prepared, submitted, and implemented in accordance with the CCWMO Water Rules (Chapter 153) as part of the building permit application process.
2. All construction activities shall be done in accordance with the submitted site plan dated August 1, 2023. The new garage location shall not encroach any closer to the centerline of 58th Street than approved (i.e. 55± feet) as part of this permit application.

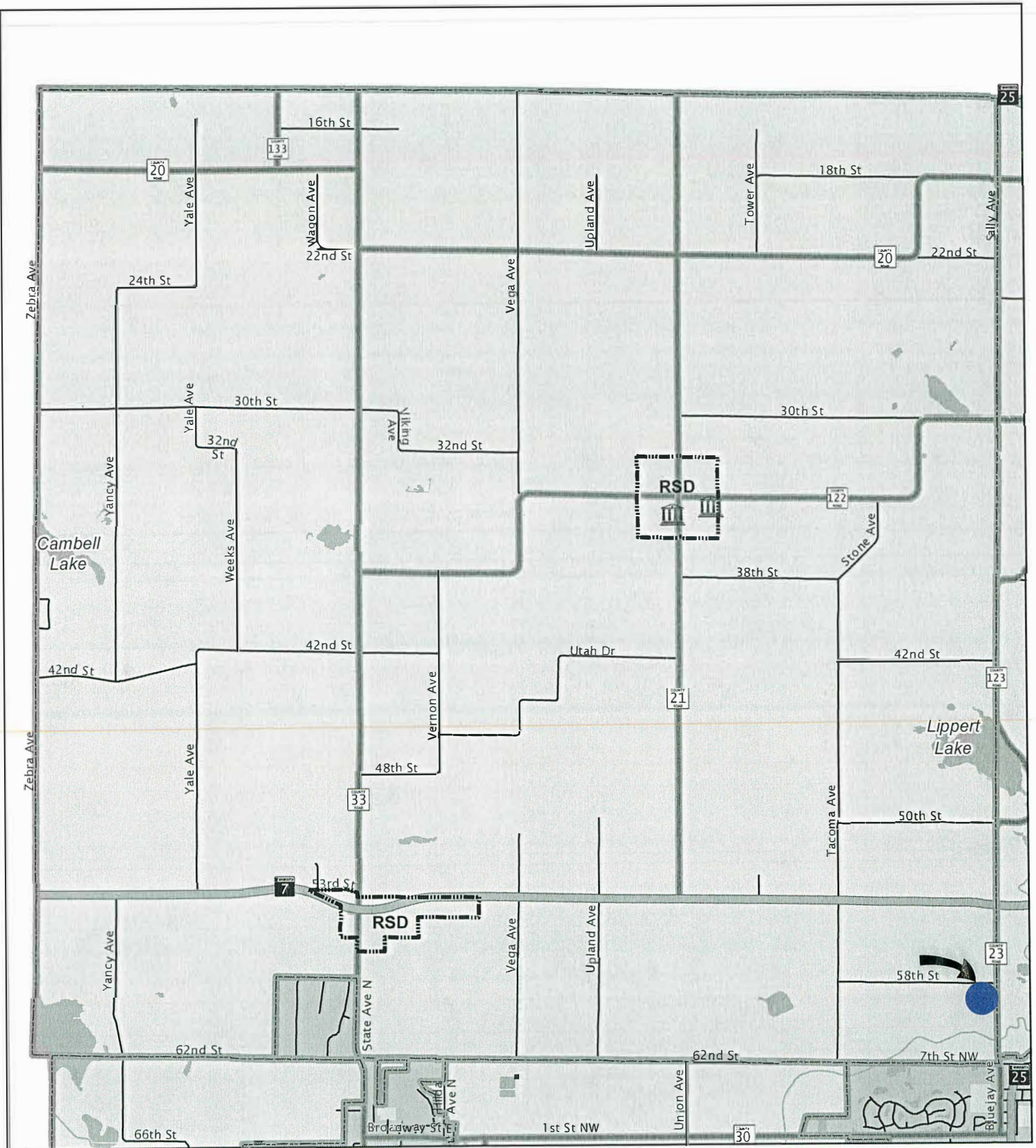
3. No additional expansions shall be permitted without obtaining all necessary building permits and/or variances.

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.

HOLLYWOOD TOWNSHIP



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Map Created by Carver County GIS

BOARD of ADJUSTMENT

August 7, 2023

I am requesting a land variance for an attached garage. On March 10, 2023 my garage collapsed due to the winter storms and the heavy weight of the snow. My car was in the garage and unfortunately both my garage and car were totaled.

I need a new garage and would like to have it attached to my house. The garage needs to be angled because the well is located between the old garage and the house.

The corner of this attached garage that extends to the road would be approximately 55' from the center of 58th street; so a variance would be needed. This attached garage needs to be angled because the well is in a particular location, the lot size is smaller than most lots in the area and the previous garage did not meet today's setbacks. On a personal note: I have lived here for over 50 years, an attached garage would allow me to stay in my house as long as possible, it would eliminate shoveling snow from the house sidewalk to the garage, walking on a slippery sidewalk and carrying groceries on an icy sidewalk. I live alone and an attached garage would give me added security.

I hope that you will approve my request for a land variance to add an attached garage.

Documentation is enclosed.

Thank you,



14415 58th street

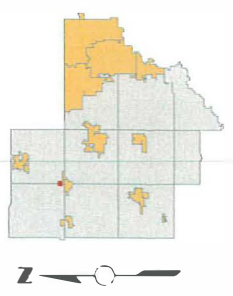
Mayer MN 55360

RADEMACHER VARIANCE REQUEST



Date: 8/1/2023

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Carver County GIS, Ayres 2019



 DENOTES NEW WALL CONSTRUCTION
 DENOTES EXISTING WALL CONSTRUCTION
 ALL EXISTING CONDITIONS AND DIMENSIONS ARE TO BE FIELD VERIFIED; ALTER AS REQ'D
 WINDOWS LISTED ARE THERMO-TECH DOUBLE-HUNG STYLE UNITS (MATCH SIZES IF AN ALTERNATE BRAND IS USED)



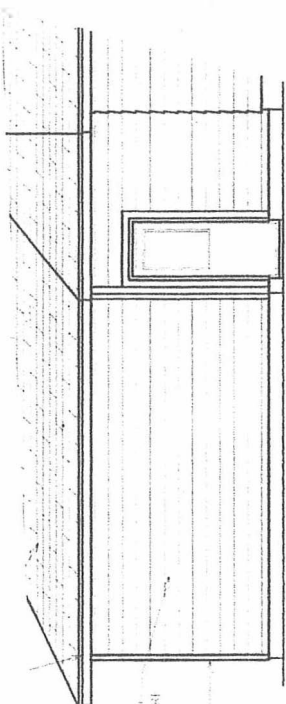
NOTES:
ALL FOOTINGS TO BE BELOW FROST
AND CONTINUOUS
ANCHOR BOLTS or STRAPS SPACED
PER MANUFACTURER'S SPECIFICATIONS

NOTES:

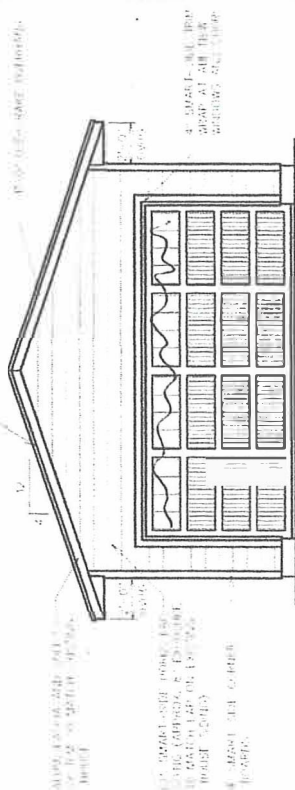
ALL INT. & EXT. BEARING OPENINGS SHALL HAVE 2-2x10 HEADERS UNLESS OTHERWISE SPECIFIED ON THE DRAWINGS. VERIFY ALL HEADER CHANGES FROM THE LUMBER CO., TRUSS CO. AND/OR BUILDING OFFICIALS.

ALL LVL BEAMS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION

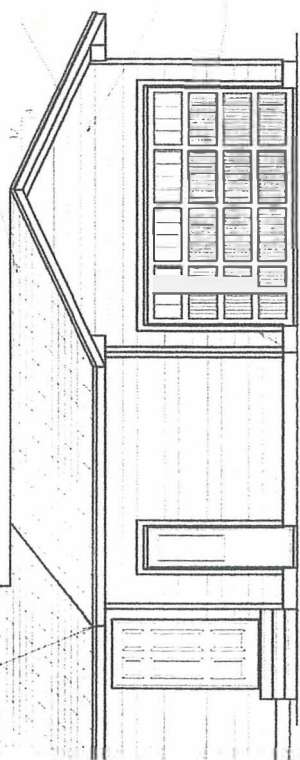
REAR ELEVATION



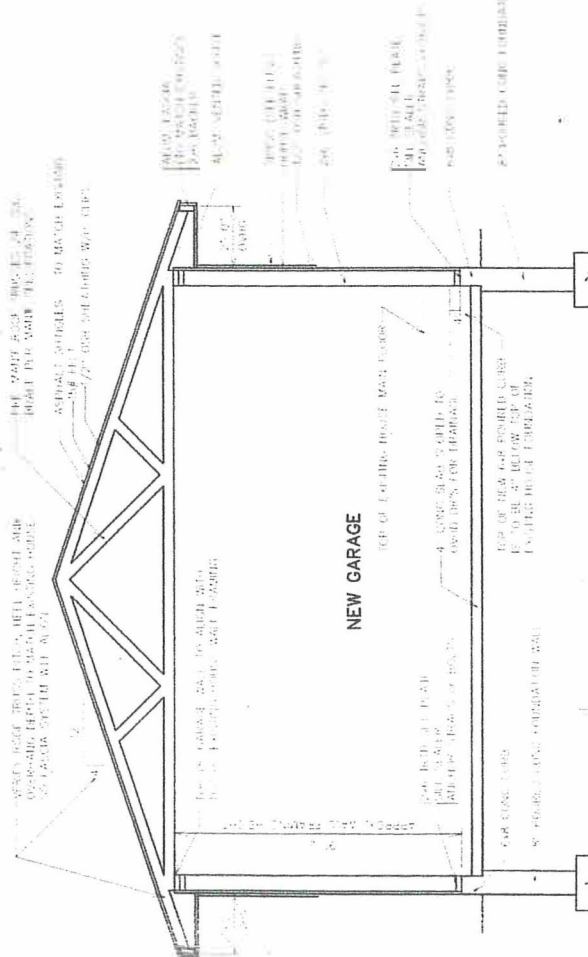
OVHD DOOR SIDE ELEV.



FRONT ELEVATION



NEW GARAGE



CROSS SECTION



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	06.0362100		Permit #	PZ 20230032	
Owner's Name:	Joanne Rademaehar		Owner's Mailing Address:	14415 58th St	
City:	Mayer		Owner State:	MN	Owner Zip:
Applicant (if other than owner):			Site Address:	55360	

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request:	Reduced front yard setback for replacement garage.					
Date of County Public Hearing:	9-6-23		Date of Township Meeting:	8-14-23		

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.

<i>Joanne Rademaehar</i>	Date	8/14/2023
Signature of Applicant		
<i>[Signature]</i>	Date	8/14/2023
Signature of Township Official		

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 06-036-2100

File# PZ20230032

APPLICANT: Joanne M Rademacher

**OWNERS: Christopher J Rademacher, Lori J Maloney, &
Barry J Rademacher**

* * * * *

The northerly 145 feet of the easterly 176.22 feet of the Northeast Quarter of the Southeast Quarter of Section 36, Township 117, Range 26.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

August 23, 2023

TO: Carver County Board of Adjustment & Hollywood Town Board

FROM: The Land Management Department

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

FILE #: PZ20230031

PROPERTY OWNERS: William & Patrick Blauert

APPLICANTS: Louise & Ronald Blauert

SITE ADDRESS: 15555 Co Rd 20, Watertown, MN 53388

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

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 06-011-0200

BACKGROUND:

1. Louise and Ronald Blauert are the applicants and have a life estate on an approximate 38.5-acre parcel located in the West Half (W½) of the West Half (W½) of Northeast Quarter (NE¼) in Section 11, Hollywood Township. The property primarily consists of a single-family dwelling, several agriculture buildings, vacant land, and farm fields. The property is located in the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO) - Crow River watershed.
2. The applicant is requesting a variance that would allow for a Minor Subdivision to separate the homestead from the agricultural field. The proposed homestead parcel would be conforming; however, the proposed agricultural parcel would only have approximately 390' of road frontage, thus consisting of inadequate public road frontage (approximately 110 feet less than required) and reduced width-to-depth ratio. Therefore, a variance has been requested pursuant to Sections 152.033 (D) (1) & (4) of the Carver County Zoning code.

LEGAL BACKGROUND:

§ 152.033 LOT REQUIREMENTS.

- (A) *Generally.* A new lot shall not be created unless it conforms to all of the following requirements. Any action that changes the size, configuration, or shape of a lot is considered to be creating a new lot. The only exception is where changes are being made to correct discrepancies in a legal description or to recognize actual occupation.
- (D) *Road frontage, lot width and depth.*
- (1) *Road frontage.* All new lots shall have frontage on a public road or be attached to an adjacent parcel having the required road frontage; minimum road frontage is 125 feet.
 - (2) *Minimum width.* One hundred twenty-five feet with 125 feet of frontage on a public road existing at the time of application or the minimum width required to maintain width to depth ratio, whichever is greater. The minimum width of a specified lot must be maintained for the entire depth of the lot except where the lot is located on a cul-de-sac.
 - (3) *Minimum lot depth.* One hundred twenty-five feet.
 - (4) *Width to depth ratio.* Depth of the lot shall not exceed five times the width. Road frontage of 500 feet or more will support a lot of any depth.
- (Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 97-2021, passed 7-20-21)

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

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

§ 152.215 VARIANCES.

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

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 88-2018, passed 11-20-18; Am. Ord. 97-2021, passed 7-20-21)

STAFF ANALYSIS:

1. The County Code typically requires the platting process (Major Subdivision) be completed for any subdivision request that does not meet the criteria for the minor subdivision as follows: the subdivision must meet the frontage requirement on an existing road; and the subdivision would not require the construction of any public improvements or new road. The approval of the variance would negate the major subdivision requirement.

2. The applicant is proposing to separate the property into two parcels pursuant to site plan dated August 23, 2023; one approximate 2.1-acre parcel would include the residence and several accessory structures, and the other approximate 36.4-acre parcel would contain cropland, pasture, and vacant land. A small portion of the agricultural parcel is south of the Luce Line Trail. The dimension of road frontage for the agricultural parcel does not meet the minimum 500-foot standard for a lot of this depth (about 2,600') nor does it supply the required width to depth ratio. The parcel with the home would be a legal conforming parcel and would meet all applicable County Zoning Code requirements.
3. The applicant's letter dated July 24, 2023, notes that they have owned the property since 1970 and haven't changed the parcel boundaries. Due to their age and health conditions, Mr. and Mrs. Blauert report they no longer can live in the house, thus prompting the variance request to "parcel off the building site from the cropland to better let us manage this property." They understand the need for a field access for the agricultural parcel if they are successful in obtaining the variance.
4. The request was reviewed by Jacob McLain, Carver County Senior Environmentalist. Mr. McLain reported in an email (dated August 17, 2023): "The system was installed in 2021/22 and the Certificate of Compliance is valid until 8/18/27. Also a site and soil evaluation was completed for the secondary site by Mid-MN Septic on 7/18/23 so I have no comments." If the variance is obtained, the minor subdivision review requires that the septic information be submitted for review and approval again.
5. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. The applicant purchased the property in 1970. It currently exists as a conforming parcel. There is approximately 660' of public road frontage, which at first glance appears to be enough to support the minimum frontage to support two lots – 125' for small residential lot and 500' for deep agricultural lot, for a total of 625' required minimum frontage. However, the numerous dispersed agricultural buildings, shown in aerial photos of the property that date to 1937, do not permit a minimum residential lot size that includes all the accessory structures, current and future SSTS system, and structure setbacks. Lot standards require a more or less rectangular shape for smaller parcels since "The minimum width of a specified lot must be maintained for the entire depth of the lot except where the lot is located on a cul-de-sac."
6. The applicant is proposing to use the property in a reasonable manner and in harmony with the general purpose and intent of the official control. The official control in this matter is to ensure adequate access is provided to accommodate future development. Although the proposal does not meet the road frontage standard, separating the dwelling and accompanying accessory structures from the tilled and vacant land appears to be a reasonable request and meets the lot configuration standards for the residential parcel, as well as the intent of the regulations.
7. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan and would not alter the character of the neighborhood. No Building Eligibilities would be attached to the agricultural parcel.
8. The neighborhood is comprised of agricultural uses, scattered residences, open fields, and tree lines. The request would not cause a substantial change in the character of the neighborhood, nor would it have a negative impact on government services.
9. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
10. The Hollywood Town Board reviewed the request and recommended approval at their July 10, 2023, Town Board meeting without the addition of further conditions.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for reduced road frontage and excessive width/depth ratio would serve in the interest of justice, the following condition should be attached to the approved variance:

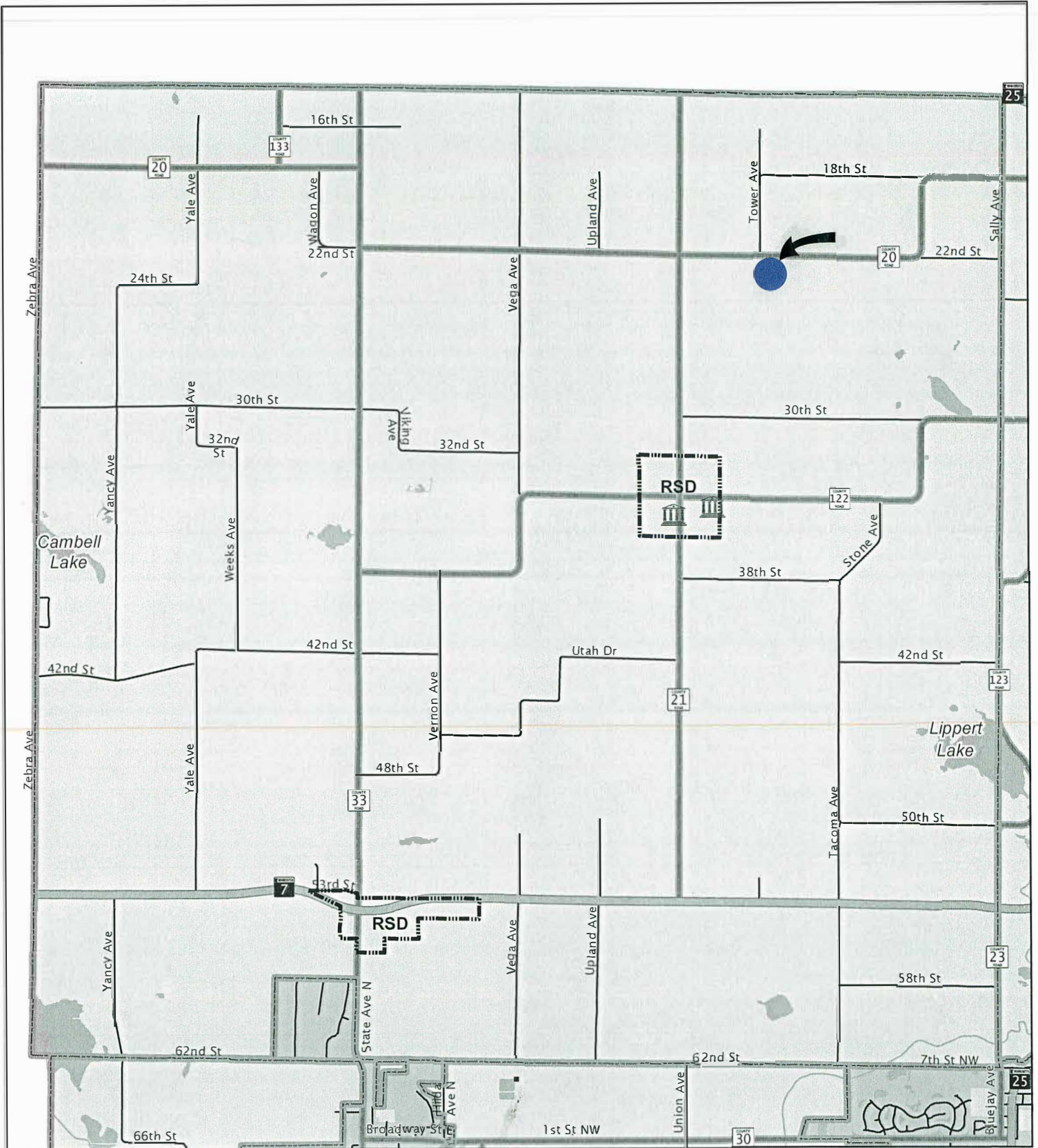
1. A Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code requirements including by not limited to, a completed Minor Subdivision Application, Survey, and SSTS Compliance.

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.

HOLLYWOOD TOWNSHIP



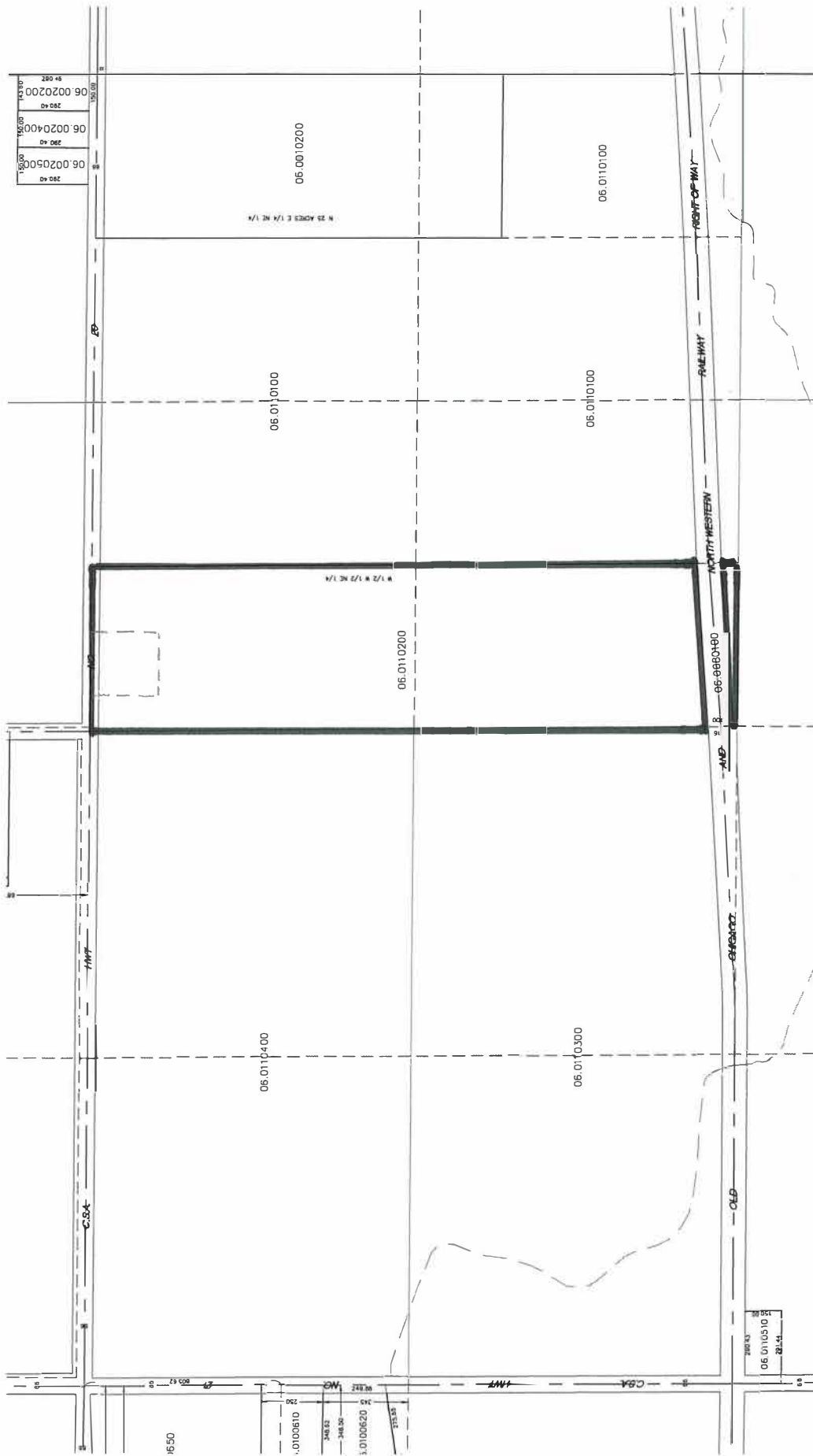
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Map Created by Carver County GIS

N 1/2 SEC. 11, T.117, R.26

THIS IS NOT A LEGAL DOCUMENT. IT IS A PRELIMINARY SURVEY. THE RESULTS OF THIS SURVEY ARE NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.



July 24, 2023

Carver County Board of Adjustment

600 E. Fourth St.

Chaska, Minn. 55318

Dear Board of Adjustment:

We have owned parcel #060110200 since we purchased this in 1970. No changes to this parcel have been requested or made in this time period. Our age and health conditions are no longer permitting us to live here with no family nearby to assist us. As such, we are proposing to parcel off the building site from the cropland to better let us manage this property. Our property is long and narrow and does not meet road frontage width-to-depth ratio requirements to accomplish this and keep adequate access to both parcels. We do not have enough road frontage to create a conforming agricultural lot. We need to apply for a field access to the agricultural lot. Thank you for your consideration in this matter.

Sincerely,

Ronald Blauert

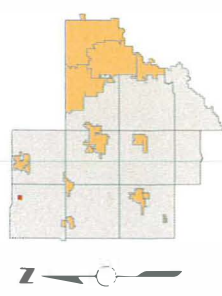
Louise Blauert

BLAUERT SITE PLAN



Date: 8/23/2023

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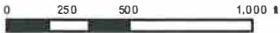


BLAUERT PROPERTY MAP



Date: 8/23/2023

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Township Presentation & Recommendation Form

PARCEL #	<u>060110200</u>	Permit #	<u>PZ 20230031</u>
Owner's Name:	<u>Ronald Blawie</u>	Owner's Mailing Address:	<u>15555 Co Rd 20</u>
City:	<u>Watertown MN</u>	Owner State:	<u>MN</u>
		Owner Zip:	<u>55388</u>
Applicant (if other than owner):		Site Address:	<u>same</u>

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request:						
<u>Create a lot with reduced road frontage and excessive width-to-depth ratio</u>						
Date of County Public Hearing:	<u>9-6-2023</u>	Date of Township Meeting:	<u>7-10-2023</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:

****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>X Ronald Blawie</u> Signature of Applicant	<u>Louise Blawie</u> Date <u>7-10-2023</u>
<u>[Signature]</u> Signature of Township Official	Date <u>7/10/2023</u>

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 06-011-0200

File# PZ20230031

APPLICANTS: Ronald D Blauert and Louise M Blauert

OWNERS: William A Blauert and Patrick A Blauert

* * * * *

The West Half of the Northeast Quarter of Section 11, Township 117, Range 26, containing 40 acres of land, more or less, according to the Government Survey thereof, EXCEPTING THEREFROM that portion thereof as described in Deeds recorded in the office of the Register of Deeds of Carver County, Minnesota in Book 26 of Deeds, Page 56 and in Book 35 of Deeds, page 504.