

# ***CARVER COUNTY BOARD OF ADJUSTMENT***

Regular Meeting – **Wednesday, September 1, 2021**  
Commissioners' Meeting Room  
2<sup>nd</sup> Floor Human Services Bldg  
Government Center – Chaska

## **AGENDA**

7:00 p.m.

1. Approve minutes of August 4, 2021 meeting  
Pages 1-1 through 1-6
  
2. **File #20210050** - Public hearing on request by Bradley & Therese Gunderson for a variance. (Reduced Bluff Setback)  
**Dahlgren Township** Pages 2-1 through 2-8  
Issue Order #PZ20210050 – Bradley & Therese Gunderson
  
3. **File #20210049** - Public hearing on request by Andrew Schroeder for a variance. (Reduced Feedlot Setback)  
**Young America Township** Pages 3-1 through 3-10  
Issue Order #PZ20210049 – Andrew Schroeder
  
4. **File #20210048** – Public hearing on request by Richard & Jane Ziegler for a variance. (Reconfigure a Non-Conforming Parcel)  
**Young America Township** Pages 4-1 through 4-9  
Issue Order #PZ20210048 – Richard & Jane Ziegler

### **Other Business**



**CARVER COUNTY BOARD OF ADJUSTMENT**  
**Regular Meeting – August 4, 2021**  
**Minutes**

Members Present: Gerald Bruner, Robin Bielefeldt, Richard Kvitek, Virgil Stender, Scott Smith, Kellen Schmidt, Joe Polunc

Members Absent: None

Members Late: None

Staff Present: Jason Mielke, Christina Neel, Nancy Buckentine

Pursuant to due call and published notice thereof, the August 4, 2021, meeting of the Carver County Board of Adjustment was called to order by Chairman Bruner at 7:00 p.m.

**Agenda** – Chairman Bruner asked for any changes or corrections to the agenda, or a motion to accept the agenda as printed. A motion was made by Bielefeldt to approve the agenda as printed. Kvitek seconded the motion for approval. All voted aye. Motion carried.

**Minutes** – Chairman called for a motion on the minutes from the July 7, 2021, meeting. A motion was made by Bielefeldt to approve the July 7, 2021 meeting minutes. Smith seconded the motion for approval. All voted aye. Motion carried.

**Public Hearing - File # 20210043 – Brandon Worm** – Chairman Bruner called the public hearing to order at 7:01 p.m. to consider the application of Brandon Worm pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced road setback pursuant to Chapter 152 of the County Code. The property is in Section 12 of Dahlgren Township.

The following were present: Brandon Worm, Randy Worm, Brian Gennrich

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 17, 2021

Exhibit F – Letter to the Board of Adjustment and Dahlgren Township dated July 26, 2021 and all attachments

Neel stated the applicant owns an approximate 1.0-acre parcel improved with a single-family dwelling and a detached garage. He would like to construct an approximate 24-foot x 32-foot detached accessory structure for personal storage which would not meet the required setback from the center of the local road. The applicant is requesting an approximate 23-foot variance to place the structure approximately 45 feet from the road center. The setback required in the Zoning Code is 68 feet. The applicant stated there are 2 mature oak trees and a slope which would prevent the placement of the proposed structure in an area that would meet the required road setback. The granting of this variance would not conflict with the intent

of the Comprehensive Plan and would not substantially change the character of the neighborhood. The parcel would continue to have access to a public road. On July 26, 2021, Joe Enfield, Carver County Senior Environmentalist, reviewed the request and stated the proposed structure must meet the required setbacks from the existing SSTS. The Dahlgren Town Board heard and reviewed the request at their June 14, 2021, meeting and recommended approval with no additional conditions or comments. On August 2, 2021, Land Management staff received a telephone call from neighbor, Thomas Strobel, residing at 5145 Kreekwood Rd, who was unable to be present at this meeting. He expressed his support for this request and recognizing the improvements being made to the property. Neel read the proposed conditions for consideration if the request is approved.

Mr. Worm had no additional information to offer concerning the request and stated he accepts and agrees with the proposed conditions.

Brian Gennrich, Dahlgren Town Board supervisor, stated the Board voted unanimously to recommend approval of the request.

Randy Worm, 5135 Kreekwood Rd, expressed support for the request, stating the applicant has already sacrificed some trees to allow room for the structure. He believed the structure would help to keep the property orderly. He stated he was asked by neighbor, Craig Bardal, residing at 5100 Kreekwood Rd, to pass along his statement of approval of the request also, as he was not able to attend the meeting.

A motion was made by Stender to close the public hearing. Stender seconded the motion to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 7:09 p.m.

Bruner stated he viewed the site and did not see any problem or issues with granting the request.

Bielefeldt stated he preferred to see the trees remain and grant the reduced road setback.

A motion was made by Kvitek to **approve and issue Order PZ20210043** allowing for a reduced road setback and the following conditions:

1. Prior to commencing any construction related activities on-site, the permittee shall obtain the appropriate building permit(s) and shall not encroach any closer than 45 feet from the center of Kreekwood Road.
2. The detached garage must meet all setbacks, including existing SSTS setback.

Schmidt seconded the motion for approval. All voted aye. Motion carried.

**Public Hearing - File # 20210045 – Dianne Bonniwell** – Chairman Bruner called the public hearing to order at 7:11 p.m. to consider the application of Dianne Bonniwell, representing the Heckmann family, pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced width/depth ratio pursuant to Chapter 152 of the County Code. The property is in Section 4 of Young America Township.

The following were present: Dianne Bonniwell, Jack Bonniwell, James Heckmann, Ron Trick

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 6, 2021

Exhibit F – Letter to the Board of Adjustment and Young America Township dated July 26, 2021, and all attachments

Mielke explained the applicant is a member of the Heckmann family who owns the property and is representing them in this request. The subject property is approximately 106.34 acres consisting of crop production land and a large wooded area. There are two ‘1 per 40’ building eligibilities; one is used in the existing uninhabitable farmhouse and there is one available. The applicant is proposing a minor subdivision to create a new residential lot containing the existing farmhouse, the wooded area and a small portion of the agricultural land. This configuration would not meet the Zoning Code width to depth standards as the required width is not maintained for the depth of the parcel. The remnant agricultural parcel would be approximately 67.94 acres and would retain the remaining building eligibility. The applicant’s letter states the practical difficulty is with the original configuration of the parcel. The wooded area cannot be sold separately as it is landlocked. Keeping the wooded area with the tillable land is not practical from a farming perspective unless all of the trees would be cleared, which is undesirable. The proposed configuration offers the best use and is most practical and contains a minimal amount of tillable ground, keeping the larger remnant parcel of tillable acreage intact. The remnant parcel would be a conforming parcel. The proposed residential parcel meets the appropriate road frontage requirement of 500 feet, however, since that width is not maintained for the entire depth of the parcel, a variance is required. Mielke used an aerial map illustrating the proposed parcel and explained the difference between the major and minor subdivision process and the width to depth requirements. The granting of the variance would not conflict with the intent of the Comprehensive Plan, as preservation of agricultural land is listed as one of the major themes. Proposing to use the existing building eligibility in a primarily wooded area that would not reduce the amount of tillable acreage on the remnant is a reasonable use of the property that would not be permitted by the official control. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. On July 26, 2021, this request was reviewed by Joe Enfield, Carver County Senior Environmentalist who stated there are no SSTS concerns for this site at this time. Joe Richter, District Appropriations Hydrologist with the DNR sent his comments stating a DNR Water Appropriate Permit would be required if construction dewatering uses volumes of water greater than 10,000 gallons per day or 1 million gallons per year. On July 14, 2021, the request was reviewed by Chad Braun, Carver County Transportation Engineering Coordinator, who stated that one access will be allowed for the parcel from County Rd 34. If the western field access location is selected for the new residential property, the legacy farm access on the east must be removed. The Young America Town Board reviewed and recommended approval of the request at their July 13, 2021, meeting. Mielke read the conditions for consideration if the request is approved.

Dianne Bonniwell, 505 Northwoods Av NE, spoke about moving the driveway access. The current renter of the tillable land has large equipment which is better suited to access the field from the westerly field access rather than the existing driveway. She also stated she understands and is in agreement with all of the proposed conditions.

Ron Trick, Young America Town Board supervisor, stated the applicant attended their meeting and they discussed the request. The Town Board has heard no objections to the request and recommends approval

of the variance.

There was no one from the public for comments about this request.

A motion was made by Smith to close the public hearing. Stender seconded the motion. All voted aye. Motion carried. The public hearing was closed at 7:27 p.m.

Bielefeldt asked for explanation of the comment from the DNR Appropriations Hydrologist.

Mielke stated that comment was received from someone who is not the usual contact for our items. He is referring to activity associated with a large development, which will not be happening on this parcel, so the comment is really not relevant to this request. Even though this land is within the Shoreland District, there will not be a special DNR permit required for the proposed activity from this request.

Schmidt stated this is a reasonable request.

Bruner echoed that statement.

A motion was made by Bielefeldt to **approve and issue Order PZ20210045** allowing for reduced width/depth ratio for a minor subdivision and the following conditions:

1. A Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code requirements including but not limited to, a completed minor subdivision application, a survey and SSTS compliance.
2. The remnant parcel shall maintain a minimum 500 feet of frontage along County Road 34.
3. All parcels should maintain access compliance in accordance with the Carver County Public Works Department standards.

Schmidt seconded the motion for approval. All voted aye. Motion carried.

**Public Hearing - File # 20210046 – Nathan Schneewind** – Chairman Bruner called the public hearing to order at 7:30 p.m. to consider the application of Lori Schneewind, representing Nathan Schneewind, pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reconfiguration of a non-conforming parcel pursuant to Chapter 152 of the County Code. The property is in Section 4 of Camden Township.

The following were present: Lori Schneewind, Russell Schneewind

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 8, 2021

Exhibit F – Letter to the Board of Adjustment and Camden Township dated July 26, 2021, and all attachments

Neel explained Nathan Schneewind owns an approximate 5-acre parcel which is improved with an uninhabitable house and a detached agricultural structure. Permits are pending for the demolition of the old buildings and construction of a new house and garage. The applicant is requesting to reconfigure the boundaries of two non-conforming parcels with no road frontage. The property owners have agreed to 'swap' approximately 0.57 acres from the east side of the subject parcel with approximately 0.57 acres on the north side of the parcel. This would more closely reflect the boundary areas that they each are currently occupying. Each parcel after the proposed land swap would still having no road frontage and therefore, a variance is requested. The reconfiguration transfers the tillable land from the residential parcel to the agricultural parcel and adds a non-farmable treed area to the residential parcel. The plight of the landowner is due to circumstances unique to the property and not created by the landowner, as the parcel was created in 1975 in its current configuration. The granting of this variance does not appear to conflict with the Comprehensive Plan and/or Zoning Code and will not alter the character of the neighborhood. On July 26, 2021, Carver County Senior Environmentalist, Joe Enfield, reviewed the request and stated there are no SSTs concerns with the request at this time. The Camden Town Board reviewed the request at their July 8, 2021, meeting and recommended approval without any additional conditions. Neel read the proposed condition for consideration if the request is approved.

Russ Schneewind, 760 Park Av, stated the information was presented accurately and he had no additional comments.

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

No one from the public was present for comment.

Bruner stated he visited the site and asked the location of the original house.

Mr. Schneewind used the aerial map to indicate the location.

Bielefeldt asked for more information concerning this parcel creation.

Mielke stated the parcel was likely created before any zoning regulations were in place. There are parcels within the County that do not meet the current Zoning Code and are considered 'legal non-conforming'. They are dealt with on an individual basis when issues arise. Mielke clarified that the pending permit for the new house on this parcel meets all current zoning setback requirements.

A motion was made by Schmidt to close the public hearing. Bielefeldt seconded the motion. All voted aye. The public hearing was concluded at 7:37 p.m.

A motion was made by Stender to **approve and issue Order PZ20210046** allowing for reconfiguration of a non-conforming parcel and the following condition:

1. A Minor Subdivision application and Combination form shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided and combined in accordance with the County Zoning Code requirements including by not limited to, a completed minor subdivision application, a survey, and SSTs compliance.

Kvitek seconded the motion for approval. All voted aye. Motion carried.

### **Other Business**

Mielke announced that the County Board approved and adopted the proposed changes to the Zoning Code at their July 20<sup>th</sup> meeting. He stated the Board recognized the work and effort that was put into drafting the changes and was happy with the outcome. The new changes were effective on August 3, 2021. The official publication and codification by American Legal Publishing will be coming at a future date. He stated the one of the changes that will affect this board is that oversized accessory structure requests will be considered a variance and not a Conditional Use to put the burden of proof for the request on the applicant. Mielke stated the changes to the Zoning Code will be sent to all Townships and Advisory Board members when they are available.

### **Adjournment**

A motion was made by Bielefeldt to adjourn the meeting. Kvitek seconded the motion for adjournment. All voted aye. The meeting was adjourned at 7:42 p.m.



**COUNTY OF CARVER**  
**PUBLIC HEALTH & ENVIRONMENT DIVISION**  
*Department of Environmental Services*

August 23, 2021

**TO:** Carver County Board of Adjustment & Dahlgren Town Board

**FROM:** The Environmental Services Department

**SUBJECT:** Application for a Variance (SSTS Setbacks).

**FILE #:** PZ20210050

**OWNER:** Brad Gunderson

**APPLICANT:** Brad Gunderson

**SITE ADDRESS:** 5360 Dahlgren Road, Dahlgren Township

**VARIANCE TYPE:** SSTS Setbacks

**PURSUANT TO:** Carver County Code: Section 52.022

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 04-080-0300

**BACKGROUND:**

1. Brad Gunderson owns an approximate 2.3-acre residential parcel located in the North Half (N½) of the Northwest Quarter (NW¼) of Section 24, Dahlgren Township. The property is improved with a house. The property is located within the Agricultural Zoning District, the Transition Overlay District of the City of Carver, and the CCWMO (Carver Creek Watershed).
2. The applicant, Brad Gunderson, is requesting a variance that would allow for the installation of a replacement Type IV advanced subsurface sewage treatment system (SSTS) that would not meet the required setback standards.

**LEGAL BACKGROUND:**

**§ 52.022 SSTS SETBACKS.**

SSTS must be designed and installed to comply with the following minimum setback distances measured in feet:

| <i>Feature</i> | <i>Tank(s)/<br/>Sealed<br/>Privy</i> | <i>Soil Treatment and<br/>Dispersal Area/<br/>Unsealed Privy</i> | <i>Building<br/>Sewer or<br/>Supply Pipes</i> |
|----------------|--------------------------------------|------------------------------------------------------------------|-----------------------------------------------|
| Bluff          | 50                                   | 50                                                               | -                                             |

**§ 52.021 (L) AMENDMENTS TO THE ADOPTED STANDARDS.**

1. Type IV Systems may be allowed, with the exception of those that would reduce the required three-foot separation to the periodically saturated soil or to downsize the required soil treatment and dispersal system.

**STAFF ANALYSIS:**

1. Section 52.022 of the County Code addresses the minimum setback requirements. The proposed SSTS setbacks would be approximately 20 feet from the bluff to the soil treatment area. The setback standard is 50 feet, reflecting a variance of approximately 30 feet for the soil treatment area.

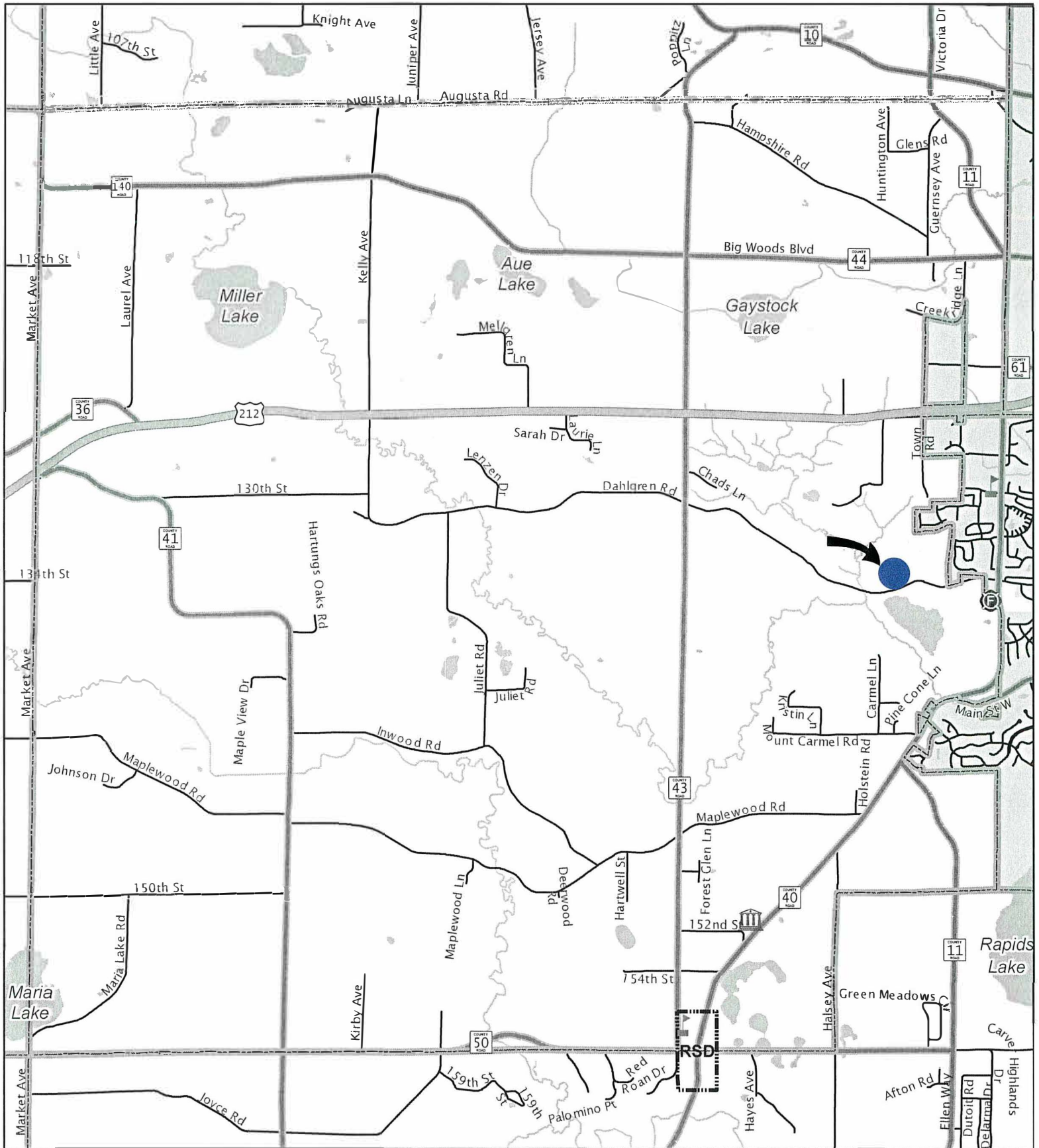
2. Section 52.021 of the County Code addresses the conditions of a Type IV SSTS. The Type IV will reduce the footprint of the drainfield to minimize encroachment of the bluff set-back reduction.
3. The applicant has identified a practical difficulty, in that the parcel is an existing lot of record, which has a large area of elevation change for an SSTS installation and it is not feasible to be connected to municipal services.
4. The request would be the minimum variation from the requirements of the County Code to alleviate the practical difficulty. There are no other options in order to bring the SSTS into compliance.
5. The request would not have an adverse effect on government services and would not result in any change in the character of the neighborhood.
6. The need for the variance is not a result of the actions of the applicant. A compliance inspection determined the SSTS was non-compliant. The proposed system will be replacing an existing non-compliant SSTS.
7. The Dahlgren Town Board has reviewed and recommended approval of the request during their August 9, 2021, Town Board meeting. There were no comments for this application (i.e. no concerns or objections).

**BOARD CONSIDERATION:**

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance would serve in the interest of justice, the following conditions should be attached to the approved variance:

1. The required SSTS construction permit must be obtained prior to the installation of the new septic system.
2. The required SSTS Operating permit must be obtained prior to the installation of the new septic system.
3. The SSTS shall be installed according to the final design approved by Carver County Environmental Services.

# DAHLGREN TOWNSHIP

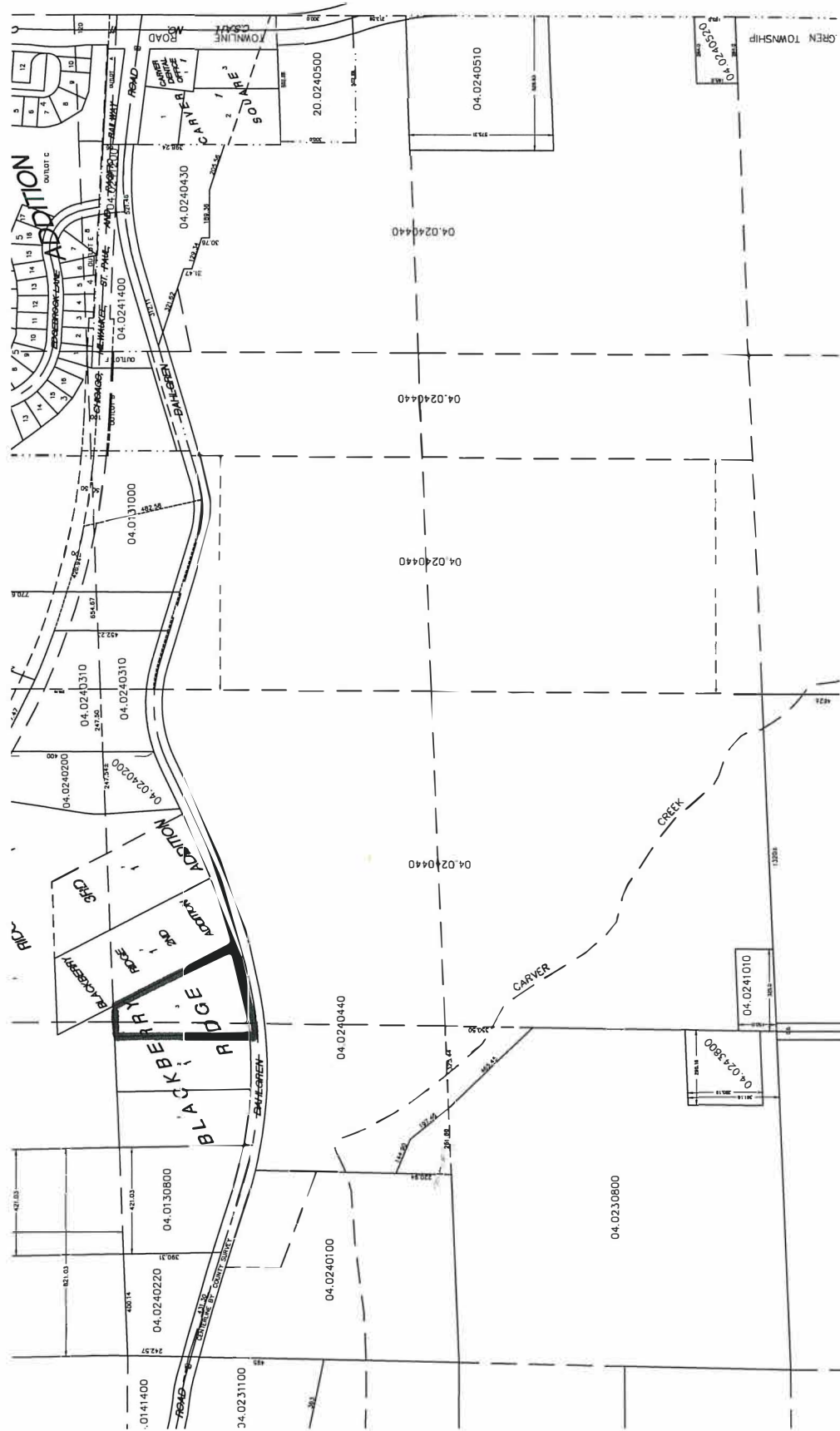


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



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  
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PURPOSES. THE COUNTY AND ITS AGENTS  
ARE NOT RESPONSIBLE FOR ANY  
INACCURACIES CONTAINED THEREIN.



August 4, 2021

Carver County  
Land Management  
Board of Adjustments  
600 E 4th St,  
Chaska, MN 55318

Dear Carver County Board of Adjustments:

I am the existing property owner at 5360 Dahlgren Rd, Chaska MN 55318, in Carver County. My wife and I purchased the property in 1999 with the current septic system in place. Over the past couple of years, the system has begun to fail, with wastewater leaking above ground and creating a hazardous condition. We have looked at septic options available with two septic contractors. We have decided to go with the proposed Type-4 system from Mid MN Septic System, which is a bit more expensive to install and maintain, but we believe environmentally better.

The property is located on a bluff with minimal level ground to build the drainage system on. A proposed design that has been reviewed by the county (Lori Brinkman) has been completed. Given the properties grade, the septic design has the rock beds and absorption areas 0-5 feet from the top of the Bluff, thus requiring a Variance of 50 feet on both sides of the drain fields. We will also need a variance for a TYPE-4 System. The septic design was prepared by Robert Billiet at Mid MN Septic Services. The design documents are attached.

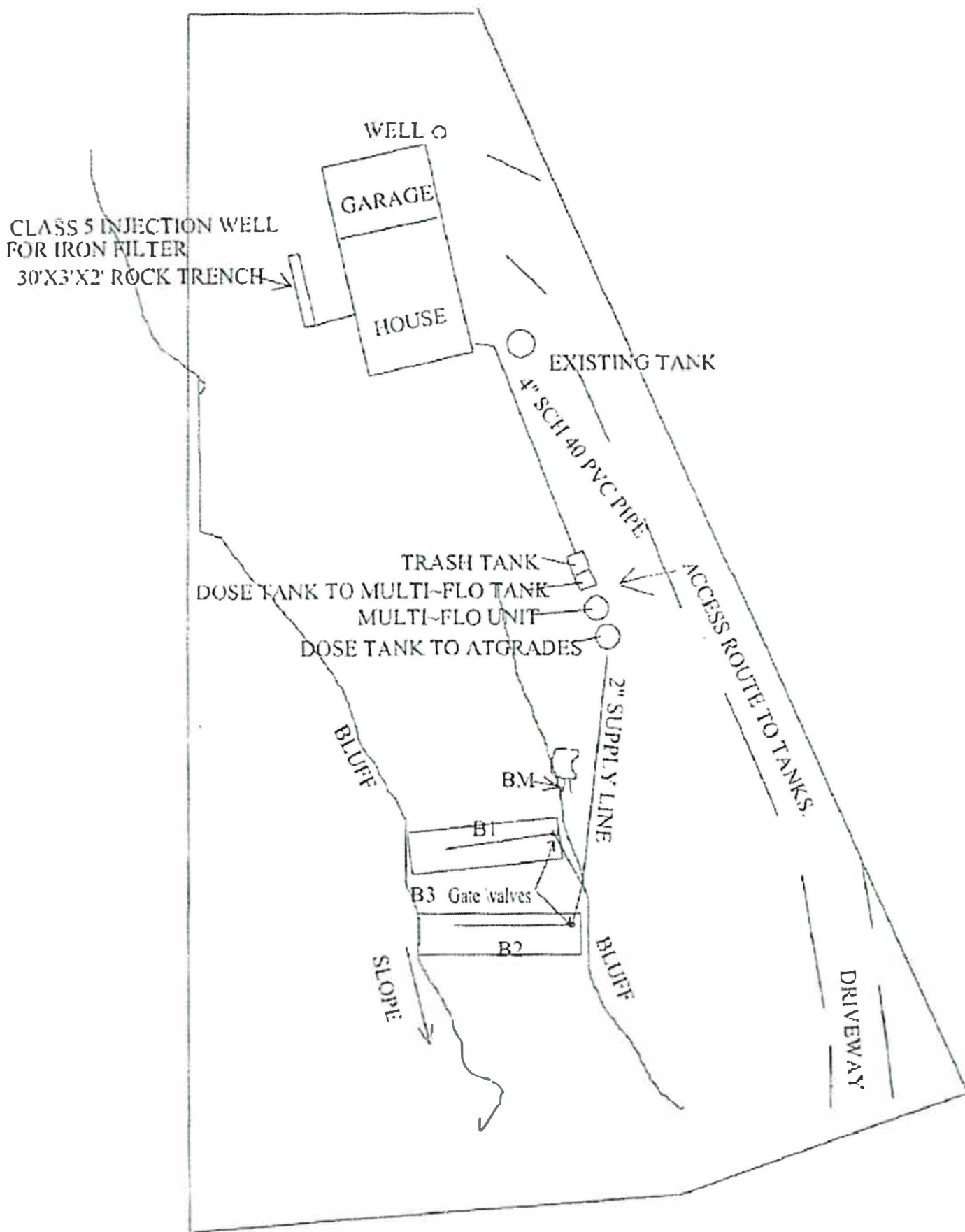
We are requesting the Carver County Board of Adjustments approve the variance as proposed in the septic design documents.

Sincerely,



Brad Gunderson  
5360 Dahlgren Rd.  
Chaska, MN 55318







## Township Presentation & Recommendation Form

|                                         |                     |                                 |                                     |
|-----------------------------------------|---------------------|---------------------------------|-------------------------------------|
| <b>PARCEL #</b>                         | R04.00800300        | <b>Permit #</b>                 | DPZ 20210050                        |
| <b>Owner's Name:</b>                    | Bradley J Gunderson | <b>Owner's Mailing Address:</b> | 5360 Dahlgren Rd                    |
| <b>City:</b>                            | Chaska              | <b>Owner State:</b>             | MN                                  |
|                                         |                     | <b>Owner Zip:</b>               | 55318                               |
| <b>Applicant (if other than owner):</b> |                     | <b>Site Address:</b>            | 5360 Dahlgren Rd - Chaska, MN 55318 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Type of Request:</b> <input type="radio"/> CUP <input type="radio"/> IUP <input type="radio"/> Preliminary Plat <input type="radio"/> Final Plat <input checked="" type="radio"/> Variance <input type="radio"/> Appeal                                                                                                                                                                                                                                                                                                                                                   |
| <b>Description of Request:</b><br>Existing septic system is failing and we need to put in a mound system. The property is on a bluff with very limited level ground to build the above ground system. A proposed design which has been reviewed by the county has been completed. Given the properties grade we are requesting a variance be granted on the setback from the slope. Existing design will require a variance to the bluff line. The west and southwest side of the mound is within 50 feet of the bluffline. Using GIS, the estimated the slope at about 40%. |
| <b>Date of County Public Hearing:</b> 9/1/21 <span style="margin-left: 100px;"><b>Date of Township Meeting:</b> August 9, 2021</span>                                                                                                                                                                                                                                                                                                                                                                                                                                        |

### Actions:

|                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Township Action Taken:</b><br><input checked="" type="radio"/> Recommends approval and use of the Township Road (if applicable) with the following comments:<br><input type="radio"/> Recommends denial for the following reasons:<br><input type="radio"/> No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing: |
| <div style="font-size: 2em; font-family: cursive;">Per plan</div>                                                                                                                                                                                                                                                                                                            |

**\*\*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: <u>Brad Gunderson</u>      | Date: <u>8/4/2021</u> |
| Signature of Township Official: <u>[Signature]</u> | Date: <u>8-9-2021</u> |

**EXHIBIT "A" – LEGAL DESCRIPTION**

**PID NUMBER: 04-080-0030**

**File# PZ20210050**

**APPLICANTS/OWNERS: Bradley J Gunderson  
& Therese M Gunderson**

**\* \* \* \* \***

Lot 3, Block 1, BLACKBERRY RIDGE, according to the plat thereof on file and recorded in the  
Office of the County Recorder, Carver County, Minnesota.



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**COUNTY OF CARVER**  
**PUBLIC SERVICES DIVISION**  
*Department of Environmental Services*

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August 23, 2021

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

**FROM:** The Environmental Services Department

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

**FILE #:** PZ20210049

**OWNER:** Schroeder Living Trust

**APPLICANTS:** Andrew Schroeder

**SITE ADDRESS:** 13XXX Zebra Ave, Norwood Young America, MN 55368

**VARIANCE TYPE:** Reduced Setback to an existing Feedlot for New Home Construction

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

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 11-018-0400

**BACKGROUND:**

1. William and Cindy Schroeder own an approximately 155.24-acre parcel located in the Southwest Quarter (SW¼) of Section 18, Young America Township. The property is improved with an existing farmstead consisting of agricultural buildings and two (2), 1 per 40, houses (i.e. the existing farmhouse & a manufactured house). There are two remaining 1 per 40 building eligibilities remaining on the property. The property consists primarily of crop production land and contains a large wooded area in the northeast section of the property. The property is located within the Agricultural Zoning District, the CCWMO (Crow River Watershed), and the Buffalo Creek Watershed.
2. The applicant, Andrew Schroeder, has proposed to subdivide a 1 per 40 eligibility of his parents' land, comprising of approximately 3.7 acres. He is requesting a Variance that would allow him to construct a house and garage at a minimum of approximately 110 feet from an existing feedlot (Bill Schroeder) located to the south of the subject property. Chapter 54 of the County Code requires a minimum setback of 1,000 feet from an existing feedlot to all new residences. Therefore, a Variance for reduced setbacks pursuant to Chapter 54 – Section 54.46 (D) (2)a has been requested.

**LEGAL BACKGROUND:**

**§ 54.04 DEFINITIONS.**

**FEEDLOT, (EXISTING) ANIMAL.** An animal feedlot that has registered, pursuant to Minn. Rule 7020.0350 and/or has registered with Carver County Environmental Services prior to July 7, 2003.

**§ 54.46 SETBACKS.**

(D) Existing feedlots as of July 7, 2003.

- 1) The modifications and/or expansions of animal feedlots, that are located within 200 feet of existing property lines, may be allowed if they do not further encroach on the established setback.
- 2) The modification or expansion of animal feedlots that are located within 1,000 feet of residences, churches, schools, regional parks, cemeteries, non-agricultural commercial and industrial activities, and restaurants may be allowed if the modification and/or expansion does not further encroach on the established setback.
  - a. This setback shall be reciprocal.

## **STAFF ANALYSIS:**

1. Andrew Schroeder, the applicant, has proposed to subdivide a 1 per 40 eligibility comprising of approximately 3.7 acres of an approximately 155.24-acre parcel owned by his parents, William and Cindy Schroeder.
2. The applicant would like to construct a house on the property; however, based on lot requirements and having to remove prime farmland out of production, he has no choice but to locate the house within the required 1,000-foot setback from an existing feedlot. If approved, the variance would allow the applicant to construct a house and garage at a minimum of approximately 110 feet from an existing feedlot to the south (Bill Schroeder). The applicant's request reflects an approximate 890-foot variance to the neighboring feedlot owned and operated by his father.
3. The applicant's letter, dated August 6, 2021, describes a practical difficulty in that the subject parcel is comprised of tillable land, and would require removing prime production land from the family farm operation. Carver County Zoning Code 152.033 (F) restricts 2 acres or more of tilled SCS Class I or II land being taken out of production in lots less than 20 acres created for a new dwelling. The proposed location would preserve nearly all tillable acres and be beneficial for the applicant being near the family farm when it's time to take over the operation. Pursuant to Carver County Zoning Code 152.033 (D) 4, the new lot depth cannot exceed five times the width, and the proposed configuration provides the best option to meet this requirement. The applicant currently resides on the property in a manufactured home that is approximately 200 feet from the existing feedlot. If approved, the existing manufactured house would be removed from the property.
4. The Subsurface Sewage Treatment System (SSTS) primary and alternate locations have been reviewed by the Carver County Environmental Services staff to verify all requirements of Minn. Rules 7080-7083 and Chapter 52 of the Carver County Code of Ordinances.
5. The granting of the Variance would not conflict with the intent of the Comprehensive Plan and/or County Ordinances and would not alter the character of the neighborhood.
6. 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.
7. On August 20, 2021, staff received a letter of support for the applicant's Variance request from Gene and Janice Eggersgluess, who own property within ¼ mile of the proposed residence.
8. The Young America Town Board reviewed and recommended approval of the request at their August 10, 2021, Town Board meeting without any additional conditions.

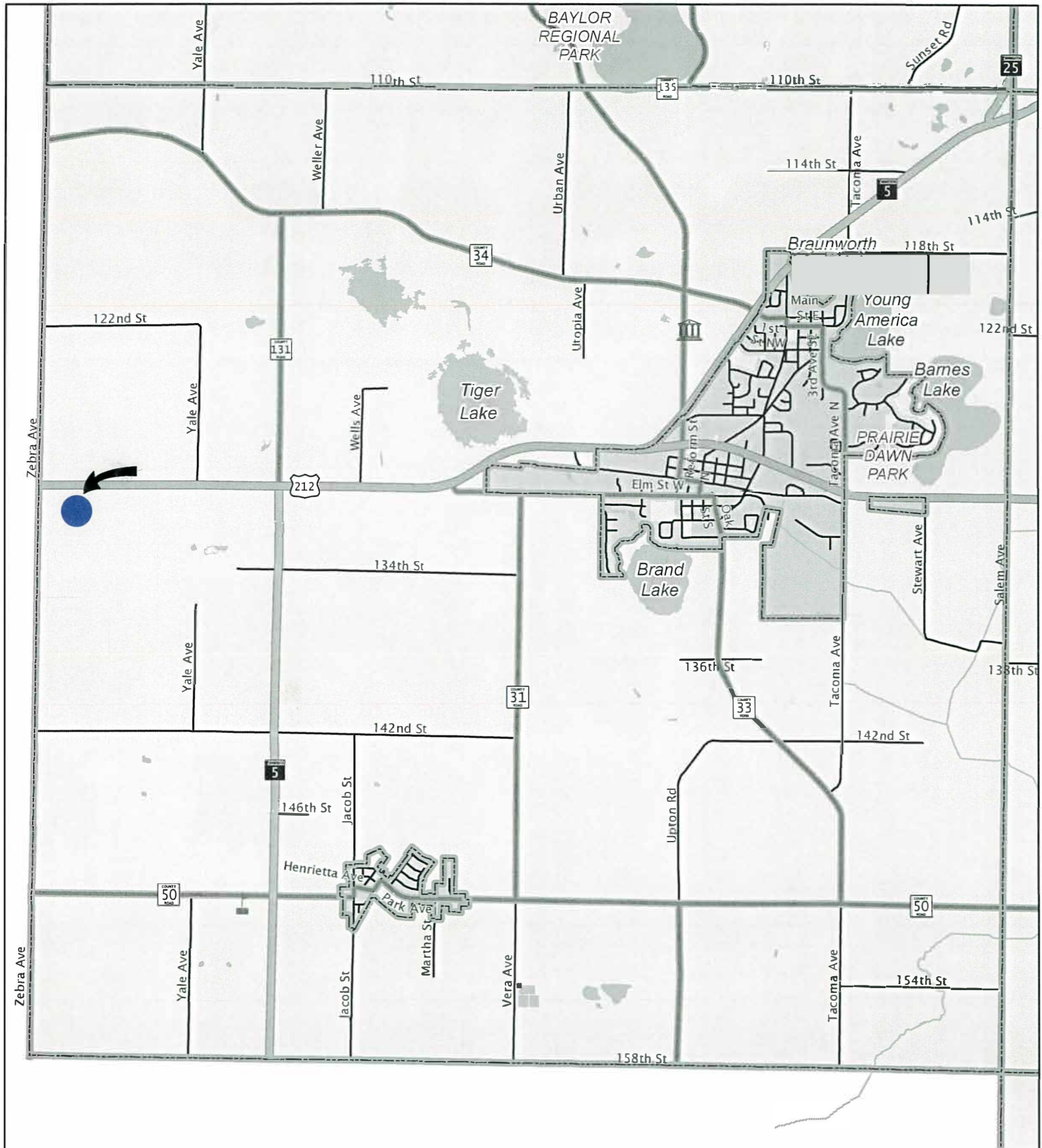
## **BOARD CONSIDERATION:**

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for the reduced feedlot setback would serve in the interest of justice, the following conditions should be considered:

1. The permittee shall obtain the appropriate building permit(s) and septic permit(s) prior to the construction of the residential house. A grading plan and erosion/sediment control plan shall also be prepared, submitted, and implemented in accordance with the CCWMO Water Rules (Chapter 153) as part of the building permit application process.
2. The previous Conditional Use Permit issued for a Farm-Related Manufactured Home (CUP #4148) shall be terminated upon approval of the Variance. The manufactured home on site shall be removed within 30 days of the Certificate of Occupancy (CO) being issued.

3. Subsurface Sewage Treatment System (SSTS) currently serving the manufactured home on site shall be properly abandoned in accordance with Minn. Rules Chapter 7080.2500 and Chapter 52 of the Carver County Code of Ordinances, within 30 days of the Certificate of Occupancy (CO) being issued.
4. All construction activities shall be done in accordance with the submitted site plan(s). The new construction shall not encroach any closer to the existing feedlot than as approved as part of this permit application (Approx. 110 feet).

# YOUNG AMERICA TOWNSHIP



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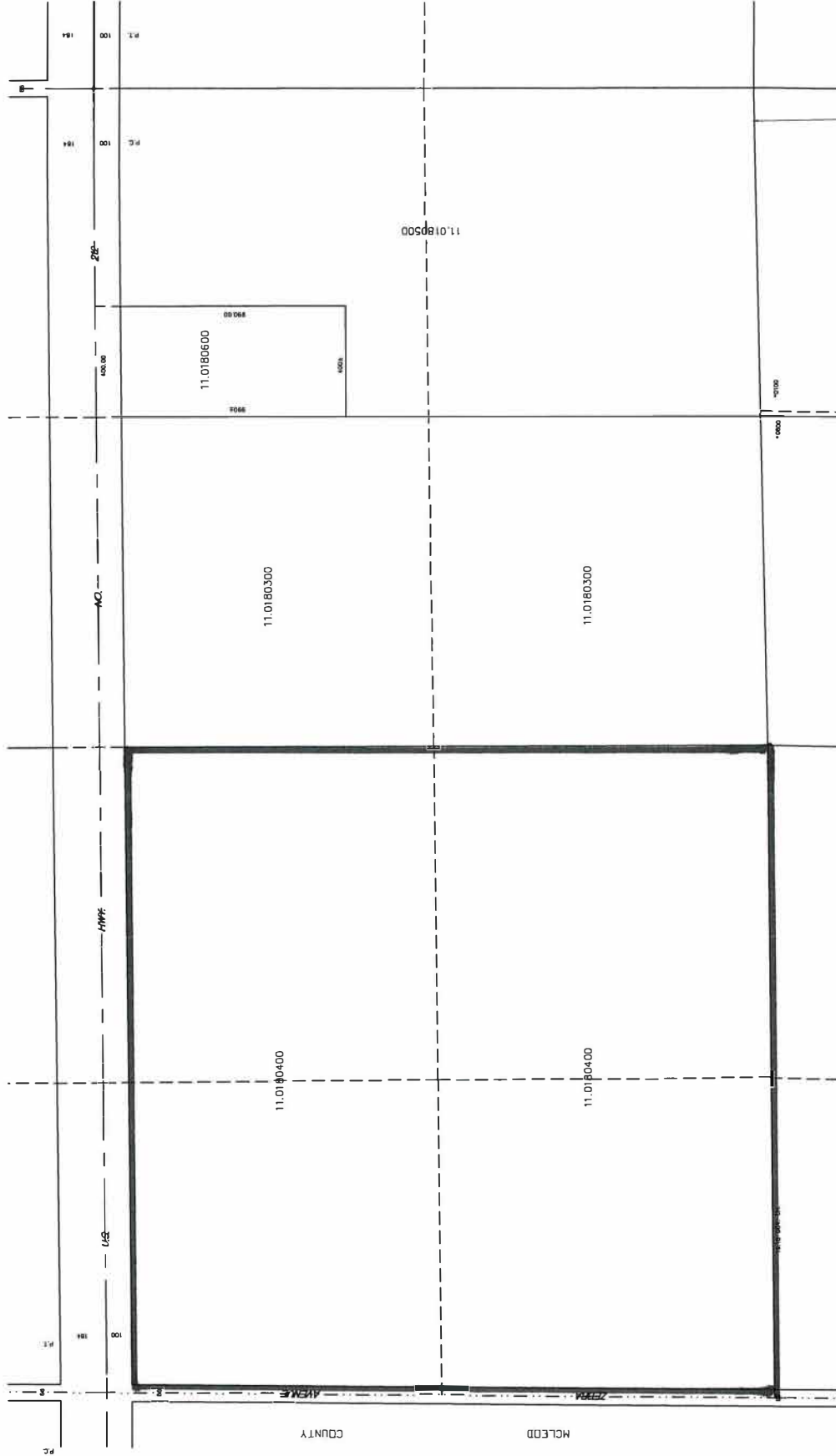


Map Created by Carver County GIS



THIS IS NOT A LEGALLY RECORDED PLAT.  
 IT IS A PRELIMINARY SURVEY MAP.  
 AS THEY APPEAR IN THIS CARVER COUNTY  
 SURVEY MAP, THE BOUNDARIES AND  
 AREAS SHOWN ARE ONLY TO BE USED FOR REFERENCE.  
 THE SURVEYING AND MAPPING OFFICE  
 DOES NOT GUARANTEE THE ACCURACY OF  
 THE INFORMATION CONTAINED THEREIN.

# S 1/2 SEC. 18, T.115, R.26



August 6, 2021

Carver County  
Board of Adjustment  
600 E. 4th Street  
Chaska, MN 55318

Dear Board of Adjustment Members,

We are writing to you today to ask for an exception in relation to the feedlot variance requirements to build a new construction house at 13125 Zebra Avenue, Norwood, MN 55368. This land is currently owned by my parents, William & Cindy Schroeder.

The main reason we are requesting to build in this area is so that we don't use the prime ag/tillable land on the property. We also would like to build here as it's close to the main farmland site, as we'll eventually be taking over/owning the farm/business within the next 5-10 years – we'd like to be close to the main farm site so that we can be nearby if issues or problems arise once we own the property/business. Another reason we're requesting this site is so that our home doesn't sit close to the property line by Highway 212. There is a lot of traffic that goes by on the highway every day, so we would prefer to be farther away from it to avoid the noise and distraction.

Just to give a little background on this property, the farm site has been in our family for 3 generations (and will be a 4<sup>th</sup> generation farm once we take it over) – so the family history that is intertwined in the property is of great personal value. We are currently in the process to deed off 3.7 acres of land (as shown in the attached picture from the county). We are working on an easement agreement with the land-owners for a driveway easement off the original driveway. And as mentioned above, we'll be taking over the farm/business in the next 5-10 years. To improve the property where we'd like to build, we will be planting trees along the northern & western edges of the property in the coming years, to help reduce the noise from the highway and to have more privacy.

In looking at the overall property, this location makes the most sense to build on as there is no other feasible location on the property which isn't already tillable farm/ag land or low ground or outside the 1,000 foot feedlot variance requirement. We've also been informed that a newly created lot may not include more than 2 acres of prime ag soil, which you can see in the included picture of the proposed deed of land, doesn't include more than ½ an acre of tillable land (possibly less than that). We've also been informed that the depth of the new lot can't exceed 5 times the width of the new lot – and there are no other options on the property that would fit the above requirements.

We thank you for your time in considering this proposal, and appreciate you giving us the chance to discuss this with you at the upcoming meeting in September. Please feel free to reach out with any questions.

Thank you,  
Andrew Schroeder  
(320) 224-6555  
[Andrewsch65@yahoo.com](mailto:Andrewsch65@yahoo.com)

Lindsay Schroeder  
(952) 228-8916  
[Lindsaytellers3@yahoo.com](mailto:Lindsaytellers3@yahoo.com)

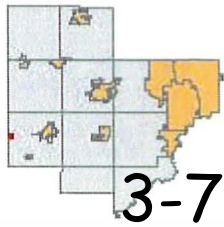


SCHROEDER FEEDLOT SETBACK (11.018.0400)

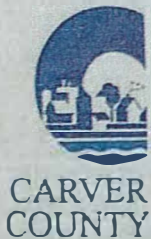


Date: 8/19/2021

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# Township Presentation & Recommendation Form

PARCEL # R11.0180400

Permit # PZ20210049

Owner's Name:

William J. Schroeder

Owner's Mailing Address:

13125 Zebra Avenue

City:

Northwood

Owner State:

MN

Owner Zip:

55368

Applicant (if other than owner):

Andrew Schroeder

Site Address:

13125 Zebra Avenue

Type of Request:

☐ CUP

☐ IUP

☐ Preliminary Plat

☐ Final Plat

☒ Variance

☐ Appeal

Description of Request:

We would like to build within the 1,000 foot feed lot variance requirement.

Date of County Public Hearing: 9/1/21

Date of Township Meeting: 8/10/21

## 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:

Township agrees to variance based on approval of driveway easement + septic approval.

**\*\*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.

*Andrew Schroeder*

Signature of Applicant

Date

8/10/21

*Bradley Schep*

Date

8/10/21

Signature of Township Official



NOTICE OF PUBLIC HEARING  
COUNTY OF CARVER  
CHASKA, MINNESOTA

Appeal for a Variance

NOTICE IS HEREBY GIVEN that on Wednesday, the 1<sup>st</sup> day of September 2021, as soon as possible after 7:00 p.m. upstairs in the Human Services Bldg (602) in the Commissioner's Meeting Room of the Carver County Government Center, Chaska, Minnesota, the Carver County Board of Adjustment will hold a public hearing to consider the application of Andrew Schroeder for a variance pursuant to Chapter 54 of the County Feedlot Ordinance.

The application is being made for the following described property (full legal description is on file with the application):

Approx. 3.7 acres in the SW¼ of Section 18, Young America Township  
Address: 13123 Zebra Av

If approved, this variance would allow Mr. Schroeder to subdivide a residential parcel and build a new house within 110 feet of an established feedlot. The Feedlot Ordinance requires a minimum setback of 1,000 feet for a new residence from an established feedlot.

All persons interested are invited to attend the hearing and be heard on this matter. Prior to the meeting, anyone who wishes to provide written comments related to the request may email them to: [landmanagement@co.carver.mn.us](mailto:landmanagement@co.carver.mn.us) or submit by mail to:

Dept. of Environmental Services  
Carver County Government Center  
600 East Fourth Street  
Chaska, MN 55318-2102

Carver County Board of Adjustment  
By: Greg Boe  
Environmental Services Department Manager  
(952) 361-1802

Date to Publish: August 19, 2021

Chaska Herald. News & Times

To be billed to: Public Services Division  
Environmental Services Department at the address above

END

Greg Boe:

We are O.K. with Mr. Schroeder's request  
as neighbors of Mr. Schroeder.

Signed

Alan & Don Eggenslund Trustees  
of The Eggenslund Living Trust

**EXHIBIT "A" – LEGAL DESCRIPTION**

**PID NUMBER: 11-018-0400**

**File# PZ20210049**

**APPLICANT: Andrew Schroeder**

**OWNER: Schroeder Living Trust**

**William J Schroeder & Cindy K Schroeder, Trustees**

\* \* \* \* \*

The Southwest Quarter (SW¼) of Section 18, Township 115, Range 26 West, containing 155.24 acres, more or less, according to the Government Survey thereof; subject to an easement of State Trunk Highway 212 along north line of said premises.

**COUNTY OF CARVER**  
**PUBLIC SERVICES DIVISION**  
*Department of Land Management*

August 23, 2021

**TO:** Carver County Board of Adjustment & Young America Town Board  
**FROM:** The Land Management Department  
**SUBJECT:** Changes to a Non-Conforming Parcel

**FILE #:** PZ20210048

**PROPERTY OWNERS:** Richard & Jane Ziegler

**APPLICANT:** Richard Ziegler

**SITE ADDRESS:** 12773 County Road 131

**VARIANCE TYPE:** Change of a Legal Non-Conforming and Reduced Road Frontage

**PURSUANT TO:** County Code Section 152.009 (M) & 152.033 (D)

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 11-017-1000

**BACKGROUND:**

1. Richard and Jane Ziegler own an approximate 1-acre parcel located in the East Half (E½) of the Southwest Quarter (SW¼) of Section 17, Young America Township. The property primarily consists of wooded land, but also includes a building site consisting of a double-wide home and a detached garage. The property is located within the Agricultural Zoning District and the CCWMO (Crow River Watershed).
2. The applicant is requesting a multi-component variance that would allow for a minor subdivision. The intent of the minor subdivision would allow the existing residential parcel to add approximately 0.5-acre from the adjacent parcel to the south. If approved, the new residential parcel would be approximately 1.5 acres and would allow the applicant to replace the existing house with a new modular home and also allow for the replacement of the current Subsurface Sewage Treatment System (SSTS) with a new system. The existing parcel was created in 1976 and was created with no road frontage. The proposed parcel configuration would not meet the County's requirements for road frontage; therefore, a variance has been requested.

**LEGAL BACKGROUND:**

**§ 152.009 NON-CONFORMING USES AND STRUCTURES.**

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

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 88-2018, passed 11-20-18)

**§ 152.033 LOT REQUIREMENTS.**

(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 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)

### **STAFF ANALYSIS:**

1. The applicant is proposing the addition of 0.5-acre to an existing legal nonconforming parcel with no road frontage. 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's letter, dated July 28, 2021, described the unique situation affecting this property. The 1-acre parcel was split from the surrounding farm (PID 11.016.0800, also owned by the applicants) in 1976 to be a future building site. The current size requirement for a residential parcel is 1.5 acres, so the applicant is proposing to add 0.5-acre to the south side of the subject property. The resulting parcel configuration would still have no road frontage; therefore, in order for the applicant to reconfigure the legal non-conforming parcel, a variance is required.
3. The applicant has stated that the practical difficulty in this case is related to the absence of any road frontage and reduced area to support the replacement of the existing manufactured home (w/setbacks) and new SSTS required. The existing house was placed very close to the south property line when constructed; therefore, more land is needed to meet setbacks for both the new manufactured house and SSTS. The most logical area to add land is to the south, requiring fewer trees being removed as part of the construction process.
4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. The existing property was created via subdivision in 1976. The shape and size of the nonconforming parcels present a unique set of circumstances not created by the landowner, but the location of the building site.
5. The applicant is proposing to use the property in a reasonable manner, not permitted by an official control. The official control in this matter is to ensure adequate access is provided to accommodate future development. This property is already developed, and the applicant's intention is to maintain the overall character of the parcel, and no additional development would occur. Adding acreage to allow for a conforming lot size appears to be a reasonable request that would not be permitted by an official control.
6. The granting of the variance does not appear to conflict with the intent of the Comprehensive Plan and/or County Code. The neighborhood is comprised of agricultural uses and residences, and the request would not cause a substantial change in the character of the neighborhood, nor would it have a negative impact on government services.
7. The granting of the variance will not materially or adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.
8. On August 23, 2021, this application was reviewed by Joe Enfield, Senior Environmentalist for Carver County, who stated that the existing SSTS must be replaced within 10 months of the issuance of the building permit.
9. The Young America Town Board has reviewed and recommended approval of the request during their August 10, 2021, Town Board meeting without the addition of further conditions.

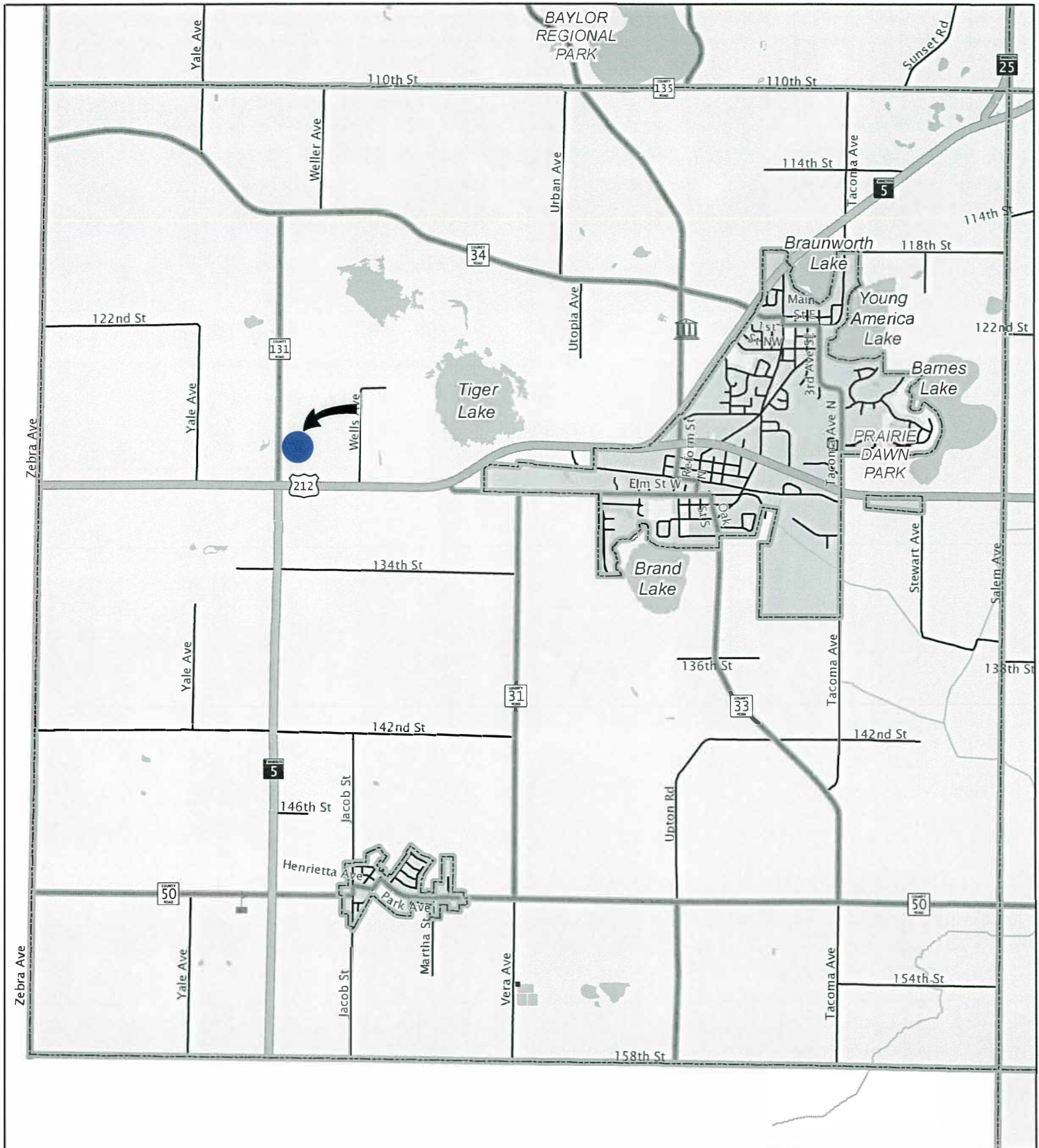
### **BOARD CONSIDERATION:**

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance would serve in the interest of justice, the following conditions should be attached to the approved variance:

1. A Minor Subdivision application and Combination form shall be submitted and approved prior to the recording of any deeds. The parcels shall be subdivided and combined in accordance with the County Zoning Code and County Recorder's Office requirements including by not limited to, a completed minor subdivision application, a survey, SSTS compliance and appropriate deeds.
2. The existing SSTS shall be replaced within 10 months of the issuance of the building permit.



# YOUNG AMERICA TOWNSHIP



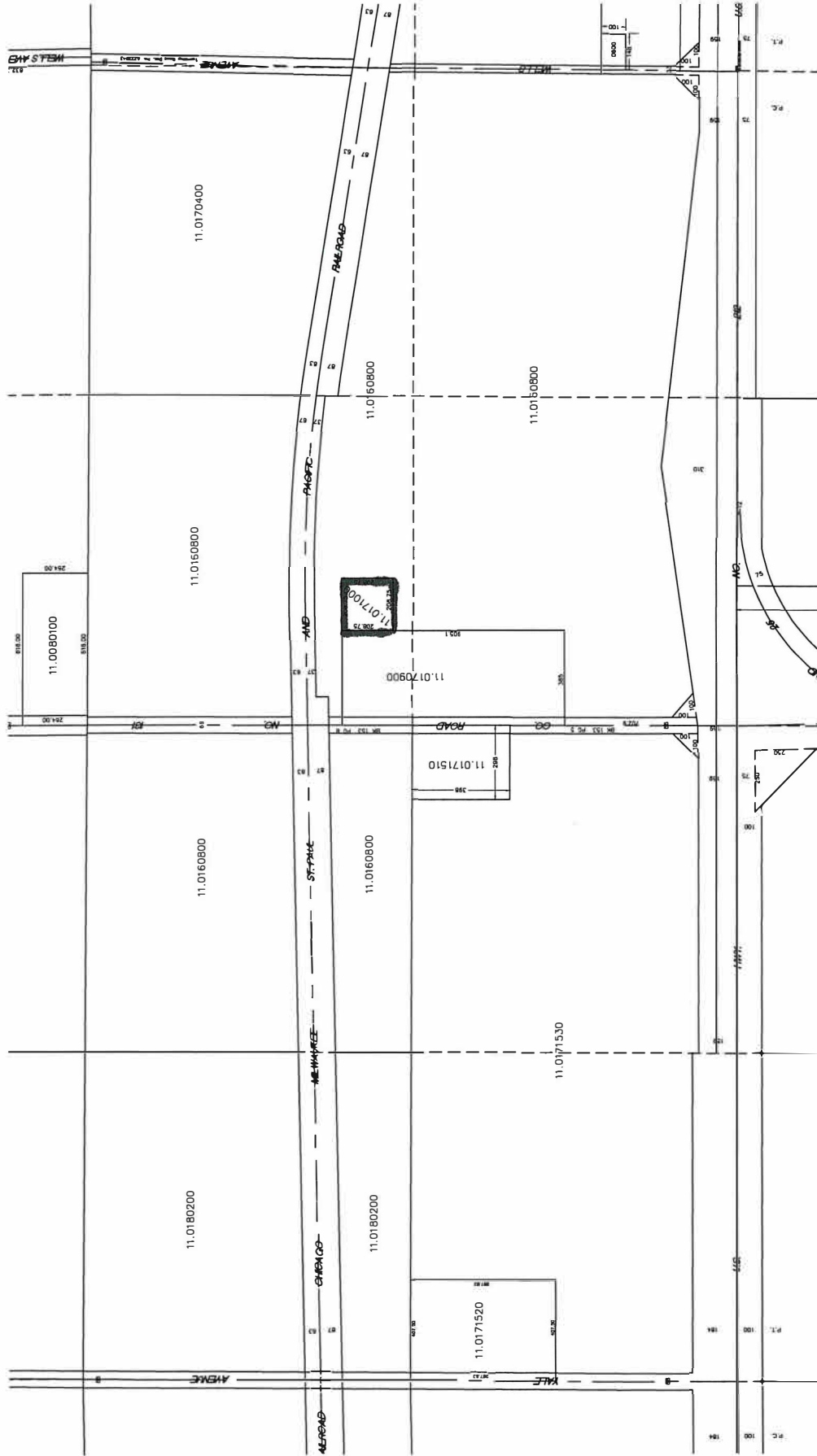
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Map Created by Carver County GIS

# N 1/2 SEC. 17, T.115, R.26

THIS IS NOT A LEGALLY RECORDED MAP  
THIS MAP IS A COMPILED OF RECORDS  
OWNERS AND OTHER SOURCES. THIS MAP  
PURPOSES, THE COUNTY AND ITS AGENTS  
MAINTAINANCES CONTAINED THEREIN.



July 28,

2021

To the Board of Adjustment

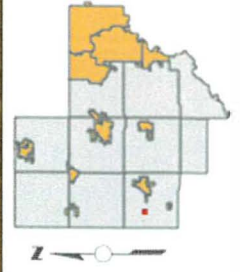
We are requesting a variance for reconfiguring a legal non-conforming parcel, number 11.0171000, at this time the parcel is only one acre, the parcel was transferred from the farm, parcel 11.0160800 in 1976. We are seeking a building permit to replace the existing double wide home with a new modular home and also replace the septic system to meet current county requirements. However the requirement now is a minimum of 1.5 acres for a parcel, we are proposing to add .5 acres to the south end of the property, approximately 105 feet. The land would be transferred from parcel 11.0160800 which we also own. As it is now the existing dwelling is very close to the property line, the existing septic drain field is on the other parcel.

Thank you for looking at this.

Richard and Jane Ziegler



# ZIEGLER NONCONFORMING LOT



Date: 8/20/2021  
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# Township Presentation & Recommendation Form

|                                         |                         |                                 |                            |
|-----------------------------------------|-------------------------|---------------------------------|----------------------------|
| <b>PARCEL #</b>                         | 11.0171000              | <b>Permit #</b>                 | PE 20210048                |
| <b>Owner's Name:</b>                    | Richard M. Ziegler      | <b>Owner's Mailing Address:</b> | 12775 County Road 131      |
| <b>City:</b>                            | Norwood / Young America | <b>Owner State:</b>             | Mn.                        |
|                                         |                         | <b>Owner Zip:</b>               | 55368                      |
| <b>Applicant (if other than owner):</b> |                         | <b>Site Address:</b>            | 12773 County Road 131, NYA |

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

**Description of Request:**

The request is to add acreage to the existing property to be in compliance with current County requirements. The plan is to replace the existing home with a new modular home and upgrade the septic system also.

**Date of County Public Hearing:** 9/1/21    **Date of Township Meeting:** 8/10/21

## 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:

Township approved based on increasing lot size to 1.5 acre site & upgrade septic system also.

**\*\*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.

Richard M. Ziegler

Signature of Applicant

Date 08/10/2021

Bradley Schubert

Signature of Township Official

Date 8/10/21

4-8



## EXHIBIT "A" – LEGAL DESCRIPTION

**PID NUMBER: 11-017-1000**

**File# PZ20210048**

**APPLICANTS/OWNERS: Richard M Ziegler & Jane M Ziegler**

\* \* \* \* \*

That part of the Northeast Quarter of Section 17, Township 115 North, Range 26 West, described as follows: Commencing at a point 702.9 feet North of the Southwest corner of the Northeast Quarter of Section 17, Township 115, Range 26; thence East 385.0 feet; thence North 905.1 feet to the actual point of beginning of the parcel to be her described; thence East on a line parallel with the North line of said Section 17, a distance of 208.75 feet; thence South on a line parallel with the West line of the Northeast Quarter of Section 17, Township 115, Range 26, a distance of 208.75 feet; thence West on a line parallel with the North line of said Section 17, a distance of 208.75 feet; thence North on a line parallel with the West line of the Northeast Quarter of said Section 17, a distance of 208.75 feet to the point of beginning. Containing 1.0 acre of land, more or less.

DRAFTED BY: Carver County Land Management Department