

CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **Wednesday, August 4, 2021**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska

AGENDA

7:00 p.m.

1. Approve minutes of July 7, 2021 meeting
Pages 1-1 through 1-5

2. **File #20210043** - Public hearing on request by Brandon Worm for a variance.
(Reduced Setback from Road)
Dahlgren Township Pages 2-1 through 2-10
Issue Order #PZ20210043 – Brandon Worm

3. **File #20210045** - Public hearing on request by Dianne Bonniwell for a variance.
(Reduced Width/Depth Ratio)
Young America Township Pages 3-1 through 3-10
Issue Order #PZ20210045 – Dianne Bonniwell

4. **File #20210046** – Public hearing on request by Nathan Schneewind for a variance.
(Change to Non-Conforming Parcel)
Camden Township Pages 4-1 through 4-8
Issue Order #PZ20210046 – Nathan Schneewind

Other Business

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting – July 7, 2021
Minutes

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

Members Absent: Joe Polunc

Members Late: None

Staff Present: Jason Mielke, Christine Neel, Nancy Buckentine

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

Minutes – Chairman Bruner called for a motion on the minutes from the June 2, 2021, meeting. A motion was made by Stender to approve the June 2, 2021 meeting minutes. Smith seconded the motion for approval. All voted aye. Motion carried.

Public Hearing - File # 20210041 – David Meuleners – Chairman Bruner called the public hearing to order at 7:01 p.m. to consider the application of David Meuleners pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced road frontage and width to depth ratio for a new residential lot pursuant to Chapter 152 of the County Code. The property is in Section 2 of Hollywood Township.

The following were present: David Meuleners

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 20, 2021

Exhibit F – Letter to the Board of Adjustment and Hollywood Township dated June 28, 2021 and all attachments

Neel explained Jeff Meuleners owns an approximate 144.22 acre parcel which is improved with a single-family dwelling, a detached garage, a former dairy barn and several agricultural structures. There is one ‘1 per 40’ building eligibility available on the land which can be used to create a residential lot. A previous variance was granted in 2012 to create a 2.5-acre residential parcel but has expired since no action on that request took place within a one-year period of the approval. The applicant is requesting a variance to allow for a 66-foot extension of a Township Road right-of-way without platting. The variance would facilitate a minor subdivision to create a new 2.5-acre residential parcel, using the remaining building eligibility on the property. The Township Road extension would provide road frontage for the new lot, however it would not be enough to meet the County Zoning Code road frontage requirements or the parcel width to depth ratio, and therefore the reason for the variance. The Zoning Code requires a minimum of

125 feet of road frontage for a new residential lot. Currently, Tower Av ends at the property line which provides the parcel with approximately 33 feet of road frontage. A township road easement dedicated to the public would be recorded to extend Tower Av to the north 66 feet and 66 feet to the west. Neel illustrated the proposed easement area on an aerial photo. The location of the active farming operation to the west as well as Tower Av not extending through the property represent a unique set of circumstances not created by the landowner. The granting of the variance would not conflict with the Comprehensive Plan or the Carver County Zoning Code. On June 16, 2021, Joe Enfield, Senior Environmentalist, reviewed the request and stated there are no SSTS concerns at this time. The Hollywood Town Board reviewed the request at their June 14, 2021 meeting and recommended approval with a condition that the driveway be constructed to accommodate the weight of a plow and tandem truck and wide enough for them to turn around. Neel read the proposed conditions for consideration if the request is approved.

David Meuleners, 835 Merganser Av, had no comments or information to add.

Chairman Bruner asked the applicant if he agreed with the proposed conditions of the request.

Mr. Meuleners stated he agrees with the proposed conditions.

No one representing the Hollywood Township Board was present for comments.

A motion was made by Bielefeldt to close the public hearing. Schmidt seconded the motion to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 7:07 p.m.

Smith asked about the Township maintenance to Tower Av.

Mr. Meuleners stated the Township has plowed the neighbor's driveway and turned around on their yard. The Township has asked that Mr. Meuleners construct his driveway to accommodate the weight and space for the plow truck to turn around. Mr. Meuleners stated he has agreed to plow the neighbor's driveway.

Bielefeldt asked where the farmstead is in relation to the proposed new lot.

Mr. Meuleners stated the farm is to the west on County Rd 21.

Bruner stated he visited the site and asked where Tower Av ended.

Mr. Meuleners stated that Tower Av ends at the south property line and the neighbor's driveway connects to Tower Av.

Mielke illustrated the area in question with an aerial map.

Bruner asked if the neighbor understands that Tower Av will be extended 66 feet beyond its current location and they will no longer be plowing his driveway.

Mr. Meuleners stated that he has talked with Mr. Domjahn, the neighbor, and let him know that he will plow the driveway for him. He stated that they also plow the driveways of other neighbors.

A motion was made by Kvitek to **approve and issue Order PZ20210041** allowing for creation of a new residential lot with reduced width to depth ratio and road frontage 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 and road easement description.
2. Prior to the Minor Subdivision completion, the township road easement (or deed) shall be dedicated to Hollywood Township, and recorded at the County Recorder's Office, providing for a minimum of 66 feet of frontage for the proposed parcel. The dedication as a right-of-way easement of the township road shall be pursuant to the approved site plan, providing frontage to all parcels. The easement shall be reviewed Hollywood Township and Carver County, prior to recording. shall be privately maintained until such time as the Hollywood Town Board takes over maintenance responsibilities.
3. The township road easement (i.e. Driveway) shall be constructed to support a Township plow and tandem truck, and wide enough for tandem truck to turn around.

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

Public Hearing - File # 20210040 – Christopher Neaton – Chairman Bruner called the public hearing to order at 7:12 p.m. to consider the application of Christopher Neaton pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced side yard setback pursuant to Chapter 152 of the County Code. The property is in Section 12 of Hollywood Township.

The following were present: Christopher Neaton

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 11, 2021

Exhibit F – Letter to the Board of Adjustment and Hollywood Township dated June 28, 2021, and all attachments

Neel explained the applicant is purchasing an approximate 76.97-acre parcel (on a Contract for Deed) that is improved with a single-family dwelling, 2 pole sheds, a large accessory structure and grain bins and dryer. The applicant is requesting a variance to place a small solar energy system approximately 1 foot from the side property line. The Zoning Code requires a minimum of 15 feet for any structure from a side yard property line. The solar array would be used for personal use to generate power to operate the grain dryer set-up. The applicants letter describes a practical difficulty in locating the solar energy system in an area that is not high producing agricultural land. The location of the house and outbuildings, the large wooded area and the agricultural land make positioning the proposed structure in a manner that conforms with the required setbacks difficult without a variance. On June 16, 2021, Joe Enfield, Senior Environmentalist, reviewed the request and stated the two alternate SSTS drain fields are to be protected during construction activities. The Hollywood Town Board reviewed this request and unanimously recommended approval without any additional conditions. Neel read the proposed conditions for consideration if the request is approved.

Dan Neaton, 4085 Zebra Av, representing the applicant, had no additional comments.

No one representing Hollywood Township Board was present for comments.

Mr. Neaton stated the location of a field tile line would interfere with the solar array if it was placed further to the west.

A motion was made by Schmidt to close the public hearing. Smith seconded the motion. All voted aye. Motion carried. The public hearing was closed at 7:16 p.m.

Bielefeldt asked about the power generation and storage capacity of the proposed solar array.

Mr. Neaton did not have the exact details of the array. He stated they want to use it to power the grain bins and dryer operation and will not be selling any additional power.

Mielke commented about the proposed size of the solar array and stated this is much smaller personal project than a large solar garden project which produces energy measured in megawatts (MW). As a permitted use, a small-scale operation would only need building permits to operate, however, this request needed a variance because of the setback requirement, or it would have been issued with the appropriate building permit. A CUP would be needed for a large-scale operation producing over 1 MW of energy and used as a commercial operation. Mielke did not recall the exact size of this array, but stated it would be producing energy in kilowatts of power, which is under the threshold of a CUP requirement.

Stender asked where the solar array will lie in relation to the field tile line. He expressed concern with the 1-foot setback from the property line.

Mr. Neaton stated that the solar panels would be over the field tile line if they were placed to meet the required side yard setback. They are requesting a very minimal setback so the panels have the least interference with the tile line. He stated that the adjacent parcel is owned by relatives and it is their intention to acquire ownership of that property when it becomes available in the future.

A motion was made by Bielefeldt to **approve and issue Order PZ20210040** allowing for reduced side yard setback and the following conditions:

1. The permittee shall obtain the appropriate building permit(s) prior to the construction of the proposed structures. All work shall be done in accordance with the submitted building permit plans.
2. The two alternate SSTS drain fields are to be protected during construction activities.

Schmidt seconded the motion. Bruner, Kvitek, Smith, Schmidt & Bielefeldt voted aye. Stender abstained from the vote, stating he did not agree with the 1-foot setback distance. Motion carried.

File # 20200024 – Michael Wojtasiak

Neel explained this request is not a public hearing, but a request for an extension of time to begin work on an approved variance from 2020. The applicant is requesting a 12-month extension to an approved variance. The delay with construction of a new house with reduced setbacks to the front yard and shoreland is due to the contractors' schedules and rising costs of materials related to the pandemic.

Mielke stated an approved variance is valid for a 1-year period after issuance. If the applicant is not able to take substantial action within that time, they are allowed to request an extension in which to begin the work.

A motion was made by Kvitek to acknowledge the request and grant a one-year extension of time in which to begin the work approved with variance PZ20200024. Schmidt seconded the motion. All voted aye. Motion carried.

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 7:28 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 26, 2021

TO: Carver County Board of Adjustment & Dahlgren Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Reduced Setback from the center of a Local Road)

FILE #: PZ20210043

PROPERTY OWNER: Brandon Worm

APPLICANT: Brandon Worm

SITE ADDRESS: 5120 Kreekwood Rd

VARIANCE TYPE: Reduced Setback from the Center of a Local Road

PURSUANT TO: County Code Section 152.034 D

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-012-0100

BACKGROUND:

1. Brandon Worm owns an approximate 1.0-acre parcel located in part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section 12, Dahlgren Township. The property is improved with a single-family dwelling and an attached garage. The property is located in the Agricultural Zoning District, Transition Overlay Zone for the City of Carver, the Shoreland Overlay District (unnamed natural wetland), and the West Chaska Creek Watershed District.
2. The applicant is requesting a Variance to reduce the required structure setback from the centerline of a local road to accommodate a future detached garage. The proposed structure would be closer to the centerline of a local road than what is permitted by the Zoning Code (i.e. 68 feet); therefore, an approx. 23-foot variance has been requested.

LEGAL BACKGROUND:

§ 152.034 SETBACKS.

- (D) *Table of setback requirements.* All structures unless exempted above; and signs and parking areas near a public right-of-way:

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>Class of Road as Shown in Roadway Systems Plan</i>	<i>Setback from Centerline</i>	<i>Reduced Setback*</i>	<i>R-O-W</i>	<i>Reduced R-O-W</i>
Local roads in Shoreland District	68	N/A	66	Local roads in Shoreland District

STAFF ANALYSIS:

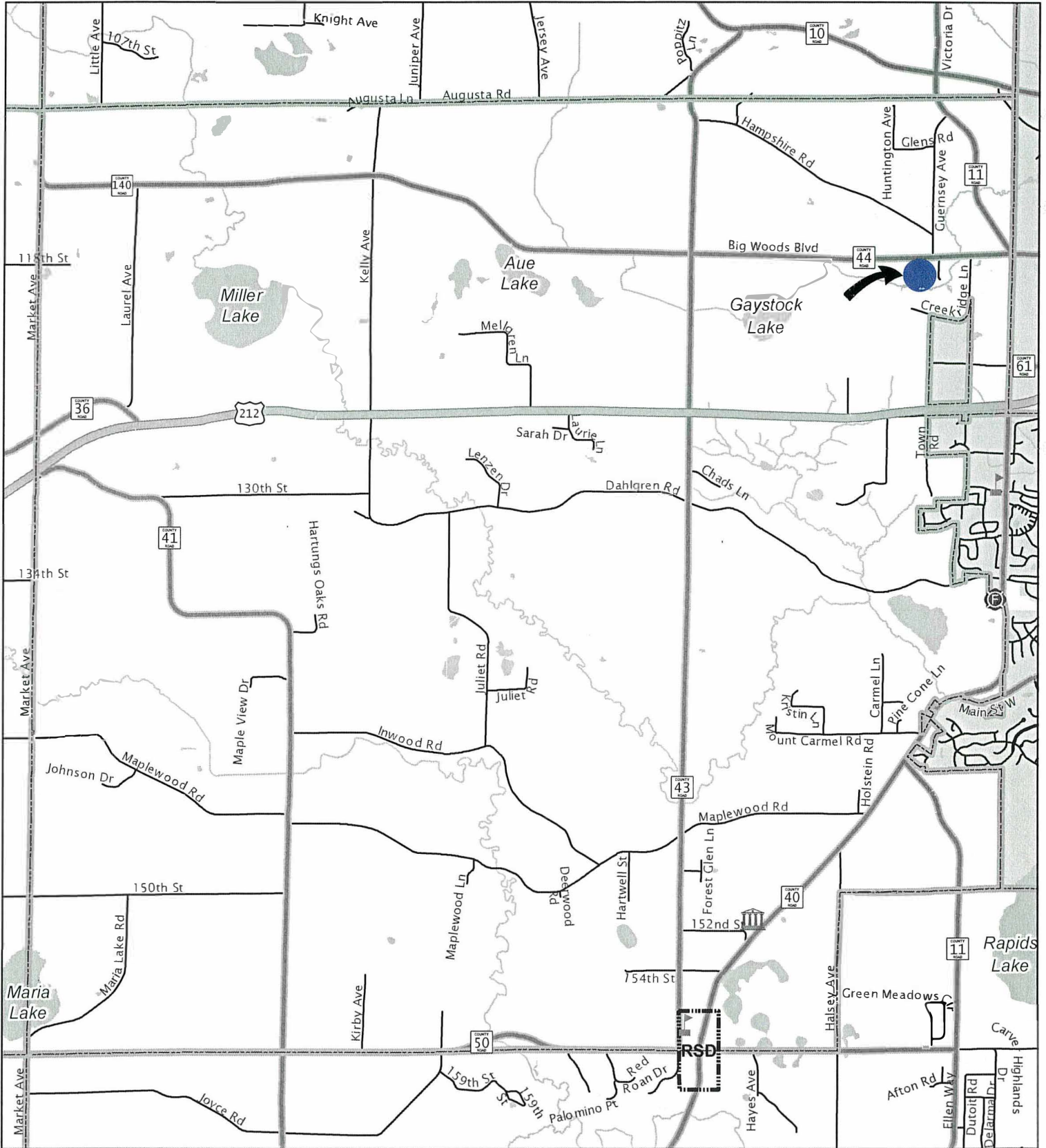
1. Section 152.034 D of the County Zoning Code requires that the nearest corner of any structure, in all zoning districts, meets or exceeds a 68-foot setback from the centerline of all local roads. Approval of this request would allow the applicants to apply for a building permit to construct a detached garage with an approximate 45-foot setback from the centerline of Kreekwood Road.
2. The applicants' letter (Dated 6/17/21) describes a practical difficulty in that the subject parcel contains two mature oak trees and a hill within the area of the 68' front setback. This change in elevation along with the desire to preserve the large oak trees makes positioning the proposed structure in a manner that conforms with required setbacks difficult without a variance.
3. 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 68-foot setback from the centerline of a local road. The intent of these regulations is to ensure structures do not negatively impact the normal maintenance and use of a road, create any safety hazard for drivers using the road. Although this request does not meet the specific standards, it appears to meet the intent of the regulations.
4. The granting of the variance would not conflict with the intent of the Comprehensive Plan. The 2040 Comprehensive Plan is silent on specific types of variance requests that the County would or would not support. The Comprehensive Plan does state that development should be designed to minimize disturbance of natural areas. Constructing a detached garage with a reduced setback from the center of a local road is an acceptable alternative to taking out large trees in a residential neighborhood. Therefore, the request does not appear to be in conflict with the intent of the Comprehensive Plan.
5. The applicant is proposing to use the property in a reasonable manner, not permitted by an official control. The official controls in this instance are the required 68-foot setback from the centerline of a local road. The purpose of the variance is to facilitate the future construction of a detached garage which would be used for personal storage. A property owner wanting a garage on a residential piece of property appears to be a reasonable use of the property that would not be permitted by an official control.
6. The plight of the landowner is due to circumstances of the property, not created by the landowner. The location of the house and driveway, the topography of the parcel, and the existing trees represent a set of circumstances unique to this property that were not created by the landowner.
7. The neighborhood is comprised of residential development, areas of nearby wetland and vegetation, and agricultural development to the north. 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, nor would it have a negative impact on government services.
8. 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.
9. On July 26, 2021, this request was reviewed by Joe Enfield, Senior Environmentalist for Carver County. Mr. Enfield stated that the detached garage must meet the setbacks of the existing SSTs.
10. The Dahlgren Town Board has reviewed the request, and unanimously recommended approval at their June 14, 2021, Town Board meeting, with no additional conditions or comments.

BOARD CONSIDERATION:

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

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. Detached garage must meet all setbacks, including existing SSTS setback.

DAHLGREN TOWNSHIP



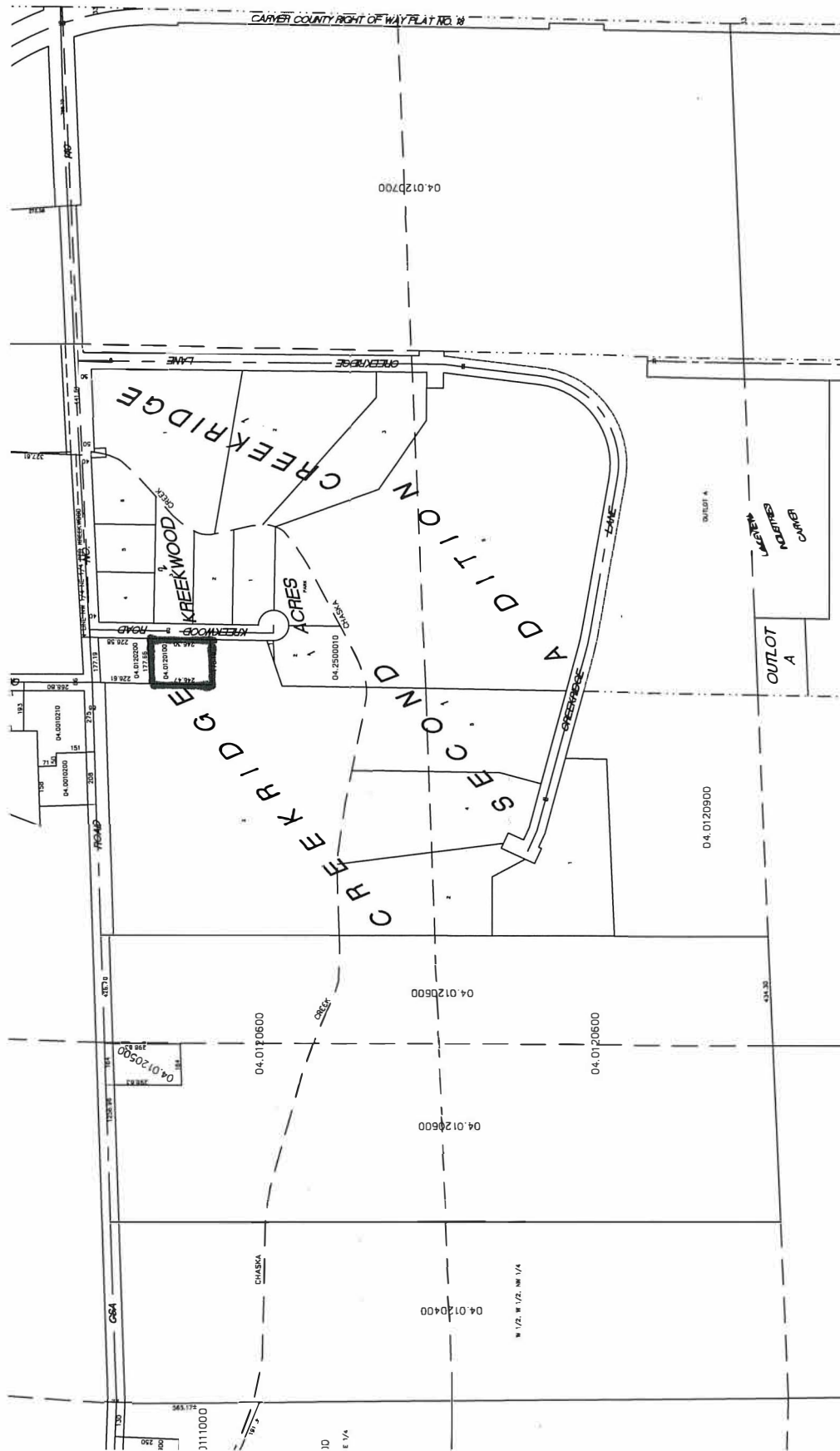
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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

0 1 2 Miles



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.



6/17/21

Dear, Board of Adjustment

I Proposed to build a detached 24'x32' garage at 5120 Keekwood Rd Chaska, Mn 55318

The Land use Ordinance states you need a set back of 68' from the center of the rd. I would have the set backs at 45' to avoid taking down the 2 trees.

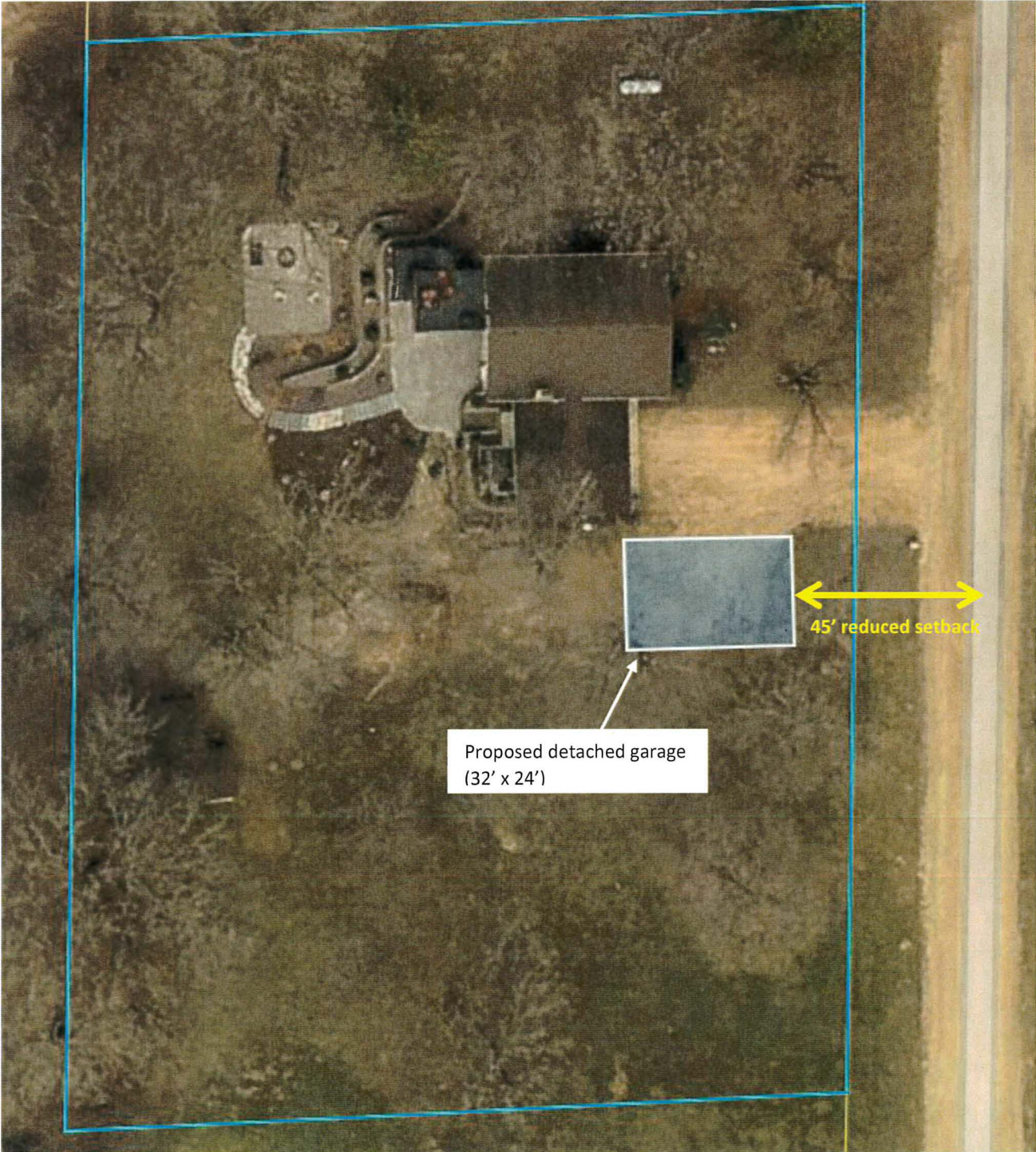
The difficulty is there are two Large Oak trees in area for the 68' ft set back . There also is a hill where the trees are so the 45' set back would a levitate dealing with that too.

Septic tanks are set at the bottom of the hill, with the mound System off to the right, looking from the street. The lot is 1 Acer.

Thank you,
Brandon Worm
5120 Kreekwood Rd
Chaska, Mn 55318
952-994-9101

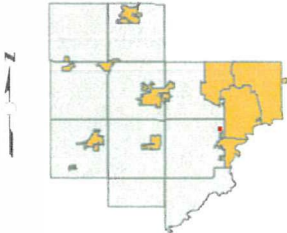


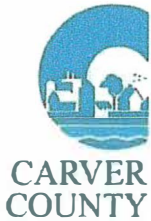
5120 KREEKWOOD RD



Date | 7/14/2021

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.





Township Presentation & Recommendation Form

PARCEL #	<u>04020100</u>	X	Permit #	<u>PZ 20210043</u>
Owner's Name:	<u>Brandon Worn</u>	Owner's Mailing Address:	<u>5120 Keekwood Rd</u>	
City:	<u>Chaska</u>	Owner State:	<u>MN</u>	Owner Zip:
			<u>55318</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>Build (32' x 24') Garage 45' From Center of Keekwood Rd.</u> <u>Big Oak tree in the way of the 68' Set Back</u>						
Date of County Public Hearing:	<u>August 4, 2021</u>	Date of Township Meeting:	<u>June 14, 21</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.

X [Signature]

Signature of Applicant

[Signature]

Signature of Township Official

Date 5-26-21

Date 6-14-2021

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 04-012-0100

File# PZ20210043

APPLICANT/OWNER: Brandon H Worm

* * * * *

That part of the Northwest Quarter of the Northeast Quarter of Section 12, Township 115, Range 24, Carver County, Minnesota, described as follows: Commencing at the Northwest corner of said Northwest Quarter of the Northeast Quarter; thence on an assumed bearing of South 03 degrees 00 minutes 16 seconds West along the west line of said Northwest Quarter of the Northeast Quarter, a distance of 226.61 feet to the point of beginning; thence North 89 degrees 10 minutes 34 seconds East, a distance of 177.66 feet to the west line of Kreekwood Road; thence South 2 degrees 53 minutes 04 seconds West along said west line of Kreekwood Road, a distance of 246.30 feet to the northeast corner of Lot 1, Block 1, KREEKWOOD ACRES, as on file and of record in the office of the County Recorder; thence South 89 degrees 07 minutes 58 seconds West along the north line of said Lot 1 and its westerly extension, a distance of 178.19 feet to said west line of the Northwest Quarter of the Northeast Quarter; thence North 03 degrees 00 minutes 16 seconds East along said west line, a distance of 246.47 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 26, 2021

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

FROM: The Land Management Department

SUBJECT: Application for a Variance (reduced width/depth ratio).

FILE #: PZ20210045

PROPERTY OWNERS: James E. Heckmann & Janel A. Heckmann, The Trust Agreement of Jack & Dianne Bonniwell,
and Carol J. Heckman Revocable Trust

APPLICANT: Dianne Bonniwell

SITE ADDRESS: 17260 County Road 34, 55368

VARIANCE TYPE: Width/Depth Ratio

PURSUANT TO: Carver County Zoning Code: Section 152.033 (D)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 11-004-0700

BACKGROUND:

1. James E. Heckmann & Janel A. Heckmann, The Trust Agreement of Jack & Dianne Bonniwell, and Carol J. Heckman Revocable Trust own approximately 106.34 acres in part of the South Half (S½) of Section 4, Young America Township. The property currently has two (2), 1 per 40, building eligibilities (i.e. the existing uninhabitable house & 1 available to create a new residential dwelling.) The subject parcel 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 Shoreland Overlay District (portion of Tiger Lake and a protected stream), and the CCWMO (Crow River Watershed).
2. The applicant, Dianne Bonniwell, is requesting a variance that would allow for a Minor Subdivision to create a new 38.4-acre residential parcel consisting of the wooded area, original farmstead building site with road frontage, and a portion of agricultural land. The remnant agricultural parcel would be approximately 67.94 acres with the remaining available building eligibility and would meet all County regulations for agricultural parcels. The proposed residential parcel would not meet the width/depth standard; therefore, a variance has been requested.

LEGAL BACKGROUND:

§ 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 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 “public” 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 current 106.34-acre parcel exists today as it did in 1974, consisting of one complete quarter-quarter and one Government Lot which was bisected by County Road 34. Records show that the property was homesteaded prior to 1900, with the existing house, barn, and outbuildings having been in place as-is for at least 50 years.
3. The Zoning Code requires all newly created parcels to have a minimum of 125 feet of road frontage to a publicly dedicated road and a minimum depth of 125 feet. As the depth of a proposed parcel increases, the width must also increase so that the depth does not exceed five times the width of the proposed parcel. A width of 500 feet, would support any depth. In addition, all newly created parcels must maintain the required minimum width for the entire depth of the lot.
4. The applicant is proposing to subdivide the building site with a connection to the wooded area and therefore, creating an approximate 38.4-acre parcel with a maximum depth of approximately 2,586 feet. The newly created parcel would be sold to a proposed buyer. Based on the Zoning Code regulations, this depth would require a maintained minimum lot width of 500 feet to meet the County’s standards. The smallest width of the proposed parcel is approximately 250 feet.
5. The applicant has stated that the practical difficulty in this case is related to the existing lot configuration. The wooded area cannot be sold alone, as it would end up landlocked without any accessibility. Additionally, selling the wooded areas with the tillable acreage is not practical from a farming perspective unless all the woods would to be cleared. The best possible use of the property is to tie the woods to the building site, with a minimal amount of agricultural land and wetland included.
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 width to depth regulations. The intent of these regulations is to prohibit the creation of a parcel configuration which would not meet the future SSTS needs of a location. This parcel is being proposed with approximately 500 feet of road frontage and maintains a width no less than 250 feet for the entire depth of the parcel. Although it does not meet the specific standards, it appears to meet the intent of the regulations.
7. The granting of the variance would not conflict with the intent of the Comprehensive Plan. In the Comprehensive Plan, the preservation of agriculture land is listed as one of the major themes. If the proposed land split were to be done in a manner consistent with County guidelines, it would result in tillable land being fragmented from the parent parcel.
8. The applicant is proposing to use the property in a reasonable manner, not permitted by an official control. The property does have an existing 1 per 40 building eligibility. Trying to use the existing B.E. 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.
9. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. In order to include the wooded area with the building site, without removing tillable acreage, the width of the lot would need to be smaller than what is permitted via the Code. The natural formations on this property create a unique set of circumstances not created by the landowner.
10. 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.

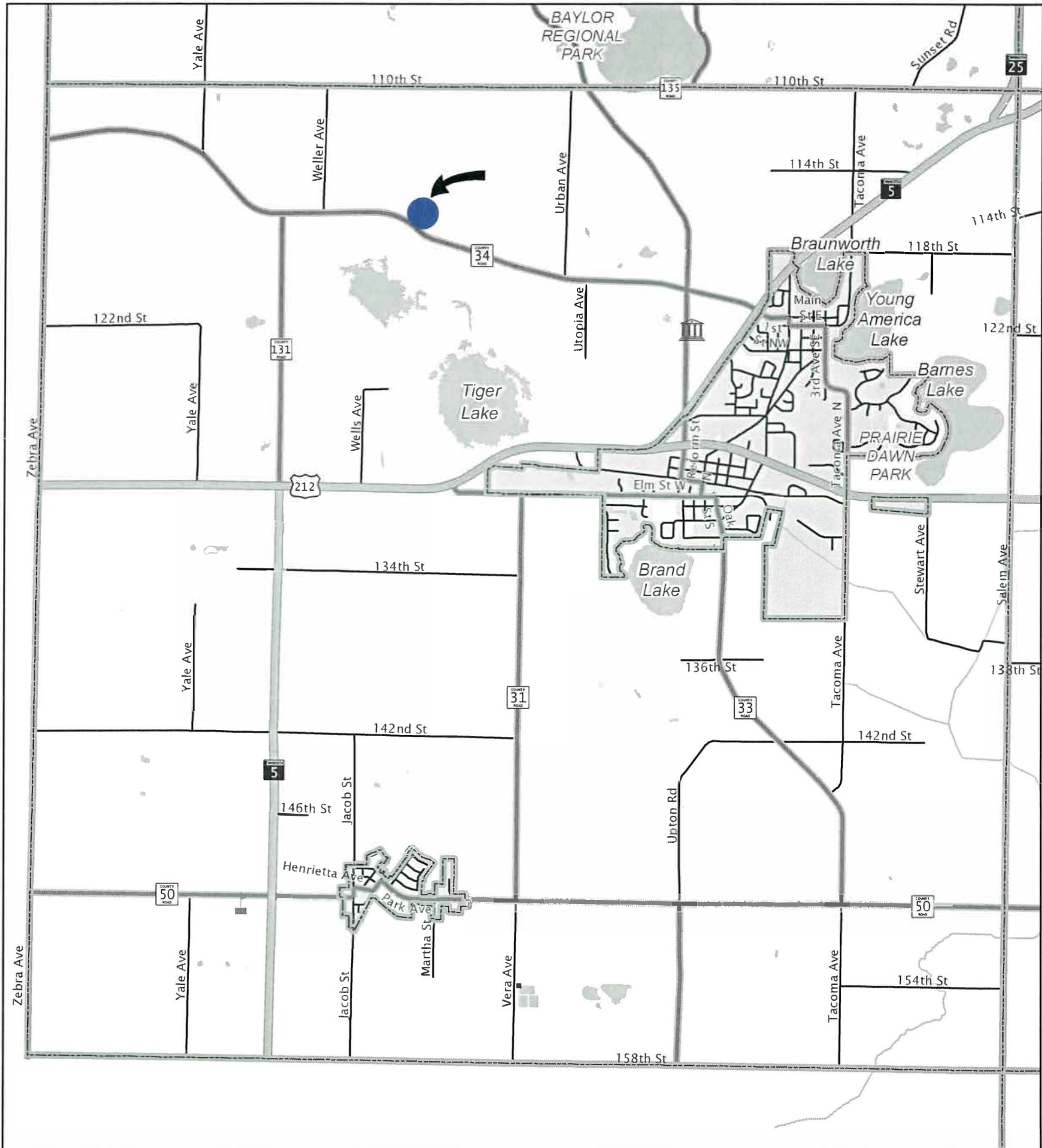
11. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
12. On July 26, 2021, this request was reviewed by Joe Enfield, Senior Environmentalist for Carver County. Mr. Enfield stated that there are no SSTS concerns for this site at this time.
13. On July 26, 2021, this request was reviewed by Joe Richter, District Appropriations Hydrologist with Minnesota Department of Natural Resources. Mr. Richter stated that if there is to be construction dewatering in volumes greater than 10,000 gallons per day, or one million gallons per year, a DNR Water Appropriation Permit will be required. Additionally, if a well is to be used to irrigation of crops or for watering livestock, a DNR Water Appropriation Permit will be required.
14. On July 14, 2021, this request was reviewed by Chad Braun, Transportation Engineering Coordinator with Carver County Public Works. Braun stated that one access will be allowed to County Road 34 for the parcel, and if the western field access location is selected for the new residential property, the legacy farm access on the east will be removed.
15. The Young America Town Board has reviewed and recommended approval of the request during their July 13, 2021, Town Board meeting.

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:

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.

YOUNG AMERICA TOWNSHIP

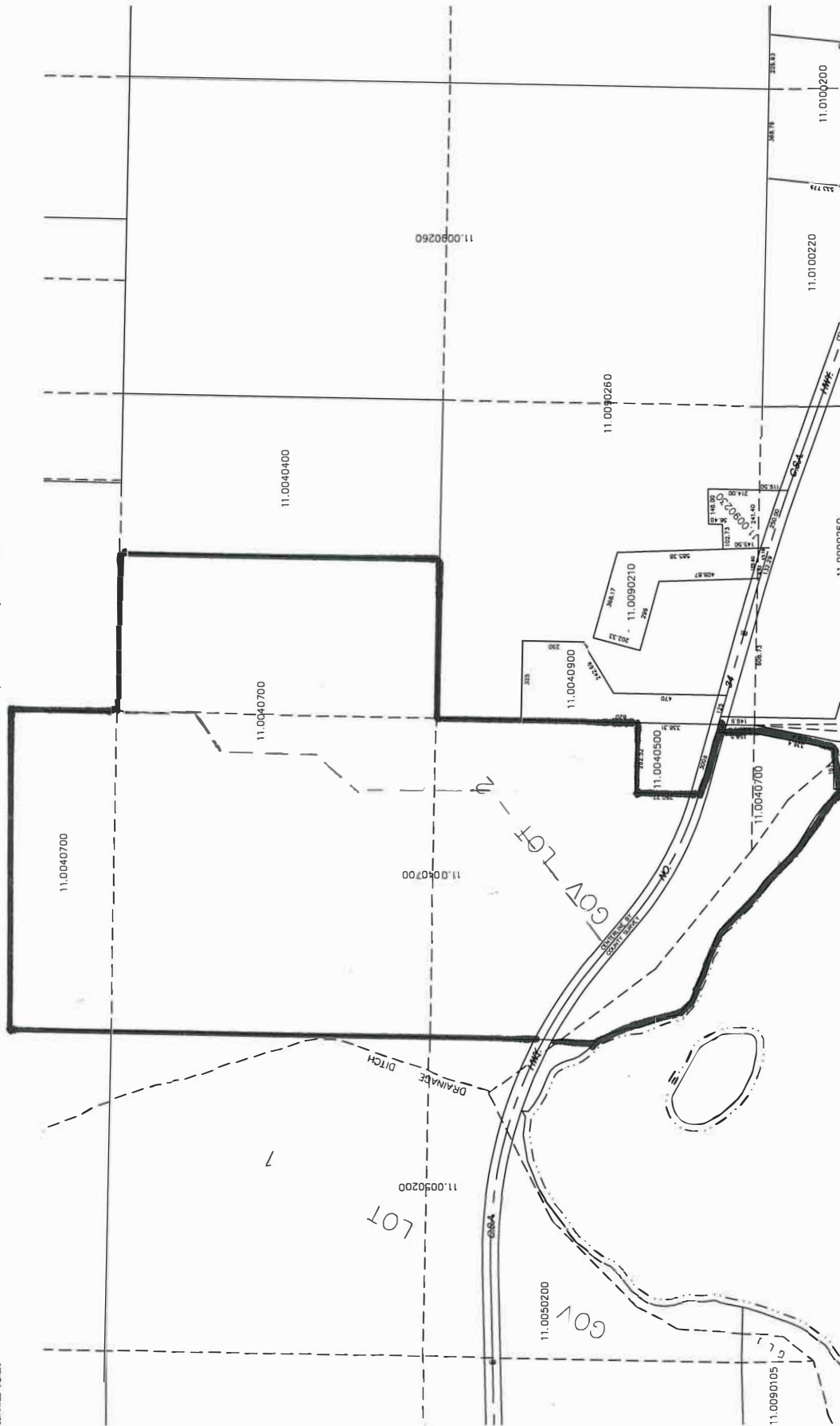


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.



July 6, 2021

From: The Heckmann Estate

To: The Carver County Board of Adjustment,

The attached draft map shows an approx. 38.4-acre property. The potential parcel would have the appropriate road frontage to accommodate the depth of the parcel (5:1 ratio); however, the minimum width on the land connecting the woods and the building site would not be met. Therefore, the reason for needing an approval of a variance through the Young America Township and the Carver County Board of Adjustment.

Selling the woods alone is impractical because it would end up land locked and not accessible. Selling the woods with the agricultural acres is not practical because the woods cannot be cleared. The highest and best possible use of this property is to tie the woods to the building site. We have unsuccessfully attempted for a period of over 7 years to figure a way to sell the building site without having the woods ending up land locked and/or unnecessarily using too much of the agricultural acres. The proposed building site ties the woods, a minimal amount of ag land, wetlands, and existing building site together. The proposed property lines will leave a practical and usable agricultural property. Besides a new residential home, the proposed buyer intends to place any ag property within the parcel into CRP. This proposal improves the value of the entire property.

Sincerely,

Dianne Bonniwell

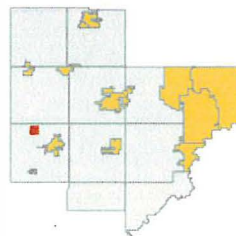
For The Heckmann Estate

HECKMANN (11.004.0700)



Date: 7/13/2021

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.



CARVER
COUNTY

Township Presentation & Recommendation Form

Bring to Twp Mtg
for signature!

PARCEL # 11.004.0700	Permit #
Owner's Name: Dianne Bonniwell	Owner's Mailing Address: 505 Northwoods Ave NE Hutchinson
City: Hutchinson	Owner State: MN Owner Zip: 55350-1296
Applicant (if other than owner): 	Site Address:

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal	
Description of Request: 	
Date of County Public Hearing: 8-4-21	Date of Township Meeting: 7-13-21

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:

Young America Township has no objection to variance of width to depth

****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.

Dianne Bonniwell

Signature of Applicant

Bradley Schupp

Signature of Township Official

Date 7-6-2021

Date 7/13/21

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 11-004-0700

File# PZ20210045

APPLICANT: Dianne Bonniwell

OWNERS: James E Heckmann & Janel A Heckmann

The Trust Agreement of Jack & Dianne Bonniwell

Carol J Heckmann Revocable Trust

* * * * *

Tract 1:

The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), saving and excepting therefrom the North 25 acres thereof, of Section 4, Township 115, Range 26.

Tract 2:

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 4, Township 115, Range 26.

Tract 3:

The West Half of the Northwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$), of Section 4, Township 115, Range 26.

Tract 4:

Government Lot 2, Section 4, Township 115, Range 26, excepting therefrom that part thereof described as follows: Commencing at the south quarter corner of said Section 4; thence North along the east line of said Southwest Quarter, for a distance of 149.72 feet to a point on the centerline of C.S.A.H. No. 34, said point being the actual point of beginning of the tract to be described; thence continuing North along said east line of the Southwest Quarter for a distance of 338.31 feet; thence West deflecting to the left 90 degrees 00 minutes 00 seconds for a distance of 290.27 feet; thence South deflecting to the left 90 degrees 00 minutes 00 seconds parallel with said east line of the Southwest Quarter, for a distance of 262.52 feet to said centerline of C.S.A.H. No. 34; thence southeasterly deflecting to the left 75 degrees 22 minutes 00 seconds along said centerline of C.S.A.H. No. 34, for a distance of 300.00 feet to the actual point of beginning. This excepted tract contains 2.00 acres of land and is subject to right of way in existing County roads.

Tract 5:

2.84 acres of land in Government Lot 6, of Section 9, Township 115, Range 26, which remains after deducting 20.30 deeded October 15, 1860, to F. Bray, and 13.56 acres deeded to E. Bray, September 15, 1869, and described as follows: Commencing at quarter post of Sections 4 and 9, Township 115, Range 26; thence South 10 degrees 15 minutes West, 6.05 chains to meander line of Tiger Lake; thence North along meander line of said lake to section line of Sections 4 and 9; thence East to place of beginning.

EXCEPTING from Tracts 4 and 5 above described, the following described tract: All that part of Government Lot 2 in Section 4, and Government Lot 6 in Section 9, located in Township 115, Range 26 West of the 5th P.M. bounded by the water's edge of Tiger Lake and the following described lines: Beginning at the south quarter corner of said Section 4, thence North 00 degrees 00 minutes East, 149.9 feet on and along the east line of said Government Lot 2 to the center line of C.S.A.H. No. 34; thence North 75 degrees 16 minutes 20 seconds West, 34.0 feet

on and along said center line; thence South 00 degrees 00 minutes East, 158.50 feet to a point on the south line of said Section 4; thence South 11 degrees 22 minutes West, 336.4 feet; thence North 90 degrees 00 minutes West, 167.0 feet; thence South 00 degrees 00 minutes East, 600.00 feet, more or less, to the water's edge of Tiger Lake and there terminating; and from the point of beginning South 11 degrees 22 minutes West 336.4 feet; thence South 07 degrees 32 minutes West 750.0 feet, more or less, to the water's edge of Tiger Lake and there terminating.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 26, 2021

TO: Carver County Board of Adjustment & Camden Town Board

FROM: The Land Management Department

SUBJECT: Changes to a Non-Conforming Parcel

FILE #: PZ20210046

PROPERTY OWNER: Nathan Schneewind

APPLICANT: Lori Schneewind (mother to Nathan)

SITE ADDRESS: 401 Adams Ave S, New Germany, MN 55367

VARIANCE TYPE: Change to a Non-Conforming Use

PURSUANT TO: County Code Section 152.009

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 02-004-0600

BACKGROUND:

1. Mr. Schneewind owns an approximate 5-acre parcel located in the East Half (E½) of the Southwest Quarter (SW¼) of Section 4, Camden Township. The approximate 5-acre parcel is improved with an uninhabitable house and a detached "agricultural" structure. New house building permit is pending. The property is located in the Agricultural Zoning District and the CCWMO (Crow River watershed).
2. The applicant is requesting a variance to change the boundaries of two non-conforming properties. The proposed lot reconfiguration does not change the non-conforming status of the site; therefore, a variance has been requested.

LEGAL BACKGROUND:

§ 152.009 NON-CONFORMING USES AND STRUCTURES.

- (A) Any structure or use of a structure, or use of land lawfully existing upon the effective date of this chapter may be continued at the size and in the manner of operation existing upon the date, notwithstanding the certain classes pursuant to M.S. § 394.36, except as hereinafter specified.

§ 152.119 NONCONFORMITIES.

- (B) Additions/expansions to nonconforming structures.

(1) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback and other requirements of § 152.034.

STAFF ANALYSIS:

1. The applicant is proposing a reconfiguration of existing nonconforming parcels with no road frontage by swapping approximately 0.57 acres on the east border of the property with 0.57 acres on the north border of the neighboring property. This would more accurately describe the land occupancy boundaries that both the current owner and the surrounding neighbor each use. 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.

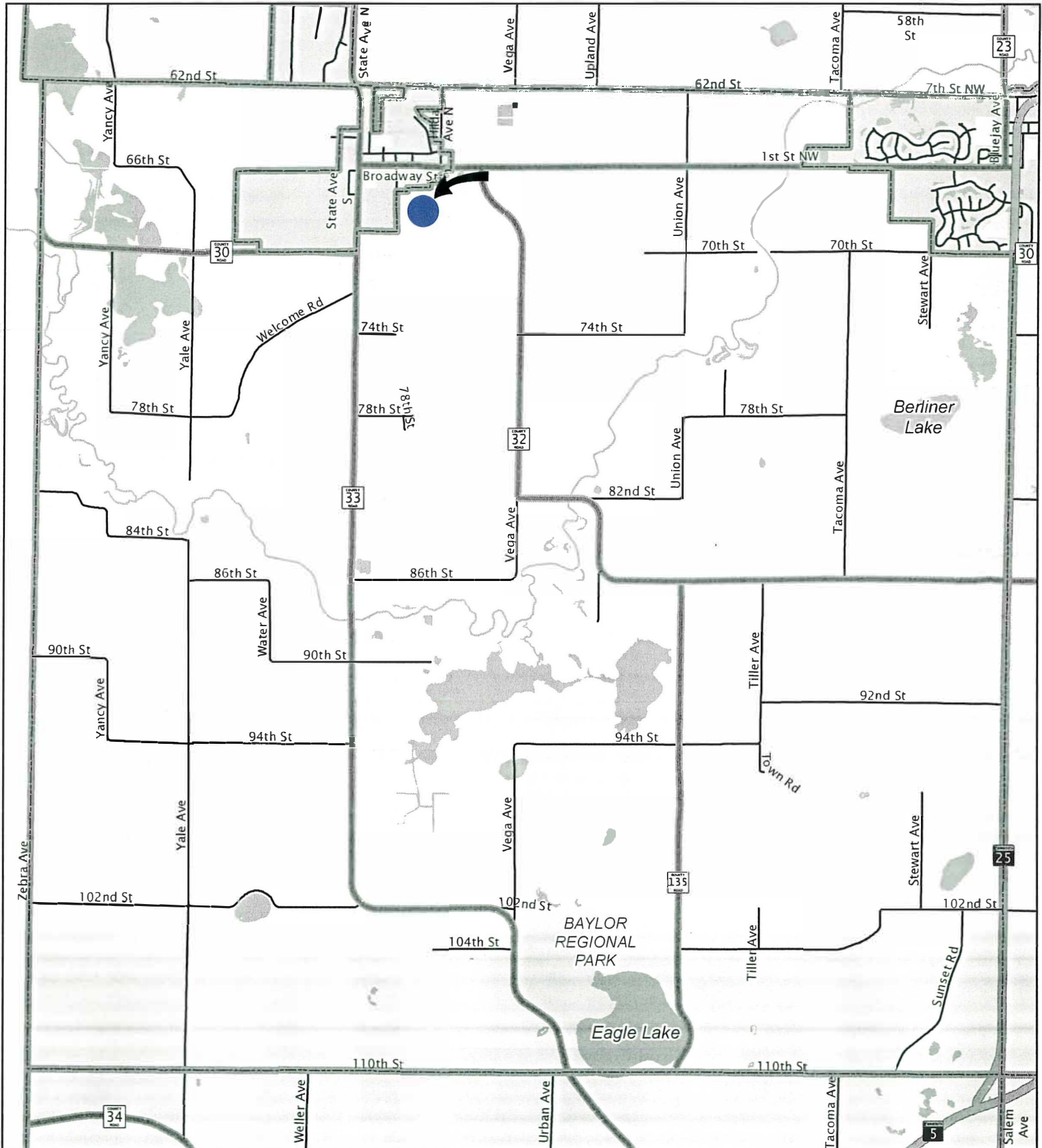
2. The applicant's letter, dated July 8, 2021, described the unique situation affecting this property. The half-acre area to the east of the current property line has been historically farmed by a neighbor, and the area to the north includes a treeline that prevents a half-acre that borders the applicant's land to be tilled. This lot adjustment also transfers all tillable land from the applicant's property. The resulting parcels would still consist of no road frontage; therefore, in order for the applicant to reconfigure the non-conforming parcel, a variance is required.
3. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. The existing property was created via warranty deed in 1975 and contains the original homestead with house and outbuildings that were built in the early 1900's. The shape and size of the nonconforming parcels present a unique set of circumstances not created by the landowner.
4. 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 size of the parcel, and no additional development will occur. Adjusting the lot lines for the parcel to match the current use of the land appears to be a reasonable request that would not be permitted by an official control.
5. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan and/or County Ordinances and will not alter the character of the neighborhood. 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 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.
6. On July 26, 2021, this application was reviewed by Joe Enfield, Senior Environmentalist for Carver County. Mr. Enfield stated that there are no SSTS concerns on the subject parcel.
7. The Camden Town Board has reviewed the request, and recommended approval at their July 8, 2021, Town Board meeting without the addition of further conditions.

BOARD CONSIDERATION:

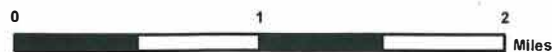
If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance would serve in the interest of justice, the following condition should be attached to the approved variance:

1. A Minor Subdivision application and Combination form shall be submitted and approved prior to the recording of any 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.

CAMDEN TOWNSHIP

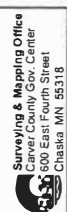


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.



Nathan Schneewind
760 Park Avenue
Hamburg MN 55339

July 8, 2021

To: Carver County Board of Adjustments

RE: Property at 401 Adams Ave S, New Germany, MN 55367

In 2020 I purchased 5 acres of land at 401 Adams Ave S., New Germany, MN 55367. I am in the process of building a new home there now and my contractor informed me that I can expect the digging to start very soon.

The property owner surrounding my property and I are requesting to readjust the property lines to show occupancy boundaries. It is a legal non-conforming parcel that is land-locked and as such requires a variance.

I am adding ½ acre to the north of my existing property in exchange for ½ acre to the east of my property. The reason for this is because the neighbor has been and is currently farming my ½ acre to the east. The property at the north has a tree line that prevents the farmer from using all his land to farm. This readjustment will benefit both of us. Aside from that, it will be easier for me to get home financing if there is no tillable land on my property. I have had my land surveyed twice. After the first survey I talked to the neighbor to discuss an agreeable solution for both of us. This person agreed to readjust our lots to reflect how we are using the property. I had the surveyor come to move the pins and write up a new legal description. We both went to Title Mark to sign the closing paperwork and make this legal. The next step is for Carver County to approve this variance request.

Thank you,


Nathan Schneewind

SCHNEEWIND: EXISTING



SCHNEEWIND: PROPOSED





Township Presentation & Recommendation Form

PARCEL # 02-0040600	Permit # PZ20210046
Owner's Name: Nathan Schneewind	Owner's Mailing Address: 760 Park Avenue
City: Hamburg	Owner State: Mn Owner Zip: 55339
Applicant (if other than owner): Lori Schneewind	Site Address: 401 Adams Ave S., New Germany Mn

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request: This is a legal non-conforming parcel that the property owners wish to readjust the property lines to reflect occupancy boundaries. A variance is needed because this property is landlocked. We wish to swap 1/2 acre to the east in exchange for 1/2 acre to the north.						
Date of County Public Hearing: 8-4-21			Date of Township Meeting: 7-8-21			

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:

****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 Nathan Schneewind, Lori Schneewind	Date 7-6-21
Signature of Township Official William Devine	Date 7-8-21

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 02-004-0600

File# PZ20210046

APPLICANT/OWNER: Nathan Schneewind

* * * * *

That part of the Southwest Quarter of Section 4, Township 116, Range 26, Carver County, Minnesota, described as follows: Commencing at the northwest corner of Outlot 4 of the PLAT OF NEW GERMANY as of record and on file in the office of the Register of Deeds, Carver County, Minnesota; thence Southerly along a line extended Southerly to the southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 4, a distance of 1,038.75 feet; thence deflect to the left 88 degrees 58 minutes 20 seconds and parallel to the North line of said Outlot 4, a distance of 200.00 feet to the point of beginning of the land to be described; thence deflect to the right 88 degrees 58 minutes 20 seconds and parallel with said line extended southerly from the northwest corner of said Outlot 4 to the southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 4, a distance of 225.00 feet; thence deflect to the left 88 degrees 58 minutes 20 seconds and parallel to the North line of said Outlot 4, a distance of 968.17 feet; thence deflecting to the left 91 degrees 01 minutes 40 seconds and parallel with said line extended Southerly from the northwest corner of said Outlot 4 to the southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 4, a distance of 225.00 feet; thence deflecting to the left 88 degrees 58 minutes 20 seconds and parallel to the North line of said Outlot 4, a distance of 968.17 feet to the point of beginning.

Together with an easement for ingress and egress purposes over and across the following described property, said easement being 33.00 feet in width as measured at right angles to and parallel with and lying easterly of the following described line: Commencing at the northwest corner of Outlot 4 of the PLAT OF NEW GERMANY as of record and on file in the office of the Register of Deeds, Carver County, Minnesota; thence southerly along a line extended southerly to the southwest corner of the Southeast Quarter of the Southwest Quarter of Section 4, a distance of 441.00 feet to the point of beginning of the line to be described; thence continuing southerly along said line extended southerly to the southwest corner of the Southeast Quarter of the Southwest Quarter of Section 4, a distance of 597.75 feet and there terminating.

And continuing with said easement being 33.00 feet in width as measured at right angles to and parallel with and lying southerly of the following described line: Beginning at the point of terminus of the last described line; thence deflecting to the left 88 degrees 58 minutes 20 seconds and parallel to the North line of said Outlot 4, a distance of 200.00 feet and there terminating.