

CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **Wednesday, August 3, 2022**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska

AGENDA

7:00 p.m.

1. Approve minutes of July 6, 2022 meeting
Pages 1-1 through 1-5
2. **File #20220033**- Public hearing on request by Suz Stiyer for a variance.
(Reduced Setback - New Feedlot from Property Line)
Benton Township Pages 2-1 through 2-21
Issue Order #PZ20220033 – Suz Stiyer & Daniel Pinnerud
3. **File #20220032**- Public hearing on request by Kim Thaemert for a variance.
(Reduced Setback - Structure from SSTs)
San Francisco Township Pages 3-1 through 3-9
Issue Order #PZ20220032 – Jason & Kim Thaemert
4. **File #20220034**- Public hearing on request by David Stuessi for a variance.
(Reduced Setback - Structure from Road & Side Property Line)
Laketown Township Pages 4-1 through 4-13
Issue Order #PZ20220034 – David Stuessi & Lucia Merz Stuessi
5. **File #20220030**- Public hearing on request by Ronald Hoeser for a variance.
(Subdivide Parcel with Reduced Road Frontage & Width/Depth Ratio)
Watertown Township Pages 5-1 through 5-10
Issue Order #PZ20220030 – Ronald Hoeser & Karen Hoeser

Other Business

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting July 6, 2022
Minutes

Members Present: Gerald Bruner, Robin Bielefeldt, Joe Polunc, Kellen Schmidt, Amanda Gorra, Virgil Stender, Frank Mendez

Members Absent: None

Members Late: None

Staff Present: Jason Mielke, Matt Steele

Pursuant to due call and published notice thereof, the July 6, 2022, meeting of the Carver County Board of Adjustment was called to order by Chairman Bruner at 7:00 p.m.

Chairman Bruner announced the roll call indicated all members present.

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

Minutes – Chairman Bruner asked if there were any corrections to the minutes from the June 1, 2022, meeting. A motion was made by Stender to approve the minutes of the June 1, 2022, meeting as written. Schmidt seconded the motion for approval. Bruner, Polunc, Schmidt, Gorra, Stender & Mendez voted aye. Bielefeldt abstained from the vote, stating he had not received the minutes prior to the meeting. Motion carried.

Public Hearing - File # 20220025 – Nicholas Hartwig – Chairman Bruner called the public hearing to order at 7:01 p.m. to consider the application of Nick Hartwig pursuant to Chapter 54 of the County Code. The purpose of the public hearing was to consider a request for reduced setbacks to property lines for a new feedlot pursuant to Chapter 54 of the County Code. The property is in Section 16 of Hollywood Township.

The following were present: Nick Hartwig

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 6, 2022

Exhibit F – Staff Report addressed to the Board of Adjustment and Hollywood Town Board dated June 22, 2022, and all attachments

Steele stated the applicant owns an approximate 10-acre parcel with an existing farmstead consisting of a house and agricultural outbuildings. He is requesting a variance which would allow him to register and operate a new feedlot of 10 animal units or more approximately 130 feet from the west property line and approximately 10 feet from the north property line. Chapter 54 of the County Code requires a minimum setback of 200 feet for a new feedlot from rear, front, and side property lines. Mr. Hartwig purchased the property with the existing barns which are located within 200 feet of the existing property lines. The applicant uses the property for equine purposes, and he would like to expand the operation and increase the number of animals. He currently has 6 horses and 4 head of feeder cattle which calculates to 8.8 animal units and is not required to be registered as a feedlot because it is below the 10 animal unit threshold. Mr. Hartwig described a practical difficulty in that the existing feedlot components are located within the required setback. The horses will primarily be in pasture but will use the existing barn during wet weather and the winter months. The property is surrounding by agricultural production land with the nearest residence being over 1,000 feet from the feedlot components. If this request is approved, the applicant has submitted a feedlot registration form which would be processed by the County Feedlot Officer. Granting of the variance would not be in conflict with the intent of the Comprehensive Plan or adversely affect the health, safety, or welfare of anyone residing or working in the area. The Hollywood Town Board reviewed and recommended approval of the request at their May 9, 2022, regular meeting without any additional conditions. Steele read the proposed conditions for consideration of the request is approved.

Mr. Hartwig stated the information presented was accurate. He has considered boarding some horses and realizes that would require a Conditional Use Permit, but there are other factors preventing that from happening in the near future. If this dream materializes, he would apply for a CUP for that activity.

Bruner confirmed that the animal currently on site would factor into the total number of animal units for the feedlot.

Steele stated that was correct. The current 8.8 animal units will be included as a part of the increase which will be more than 10 and require the feedlot status.

There was no one present representing Hollywood Township for any additional comments.

There was no one present from the general public to comment on this request.

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

Bielefeldt stated he felt a practical difficulty had been identified and made a motion.

A motion was made by Bielefeldt to **approve and issue Order PZ20220025** allowing a new feedlot within 200 feet of existing property lines, pursuant to Section 54.46(C)(1)) of the Carver County Feedlot Ordinance on property legally described on the attached Exhibit "A", with the following conditions:

1. The permittee shall obtain an agricultural building permit for the addition placed on the east side of the existing barn to house horses.

2. If the applicant wishes to pursue the operation of an Equestrian Facility - Public Use pursuant to Section 152.079(C)(5), a Conditional Use Permit shall be obtained for commercial horse boarding.
3. All feedlot activities shall be done in accordance with the submitted site plan(s). The new feedlot shall not encroach any closer to property lines than as approved as part of this permit application (Approx. 130 feet from the west and 10 feet from the north).

The motion for approval was seconded by Gorra. She asked if the 12 to 15 head of cattle referenced in his letter was a total including both horses and cattle. She also asked about the available manure disposal which was mentioned.

Mr. Hartwig confirmed the 12 to 15 head was both horses and cattle. He stated the party who formerly owned the building site also owns the agricultural land surrounding the property. He has an agreement with the landowner for spreading his animal waste.

Bruner asked how many animal units are being requested or if there is a specific number to be identified on the feedlot registration.

Steele stated the applicant has requested 13.35 animal units on the feedlot registration form. He would be allowed to expand up to 29.9 animal units at this site.

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

Public Hearing - File # 20220026 –Brett MacNally/Short Stack Industries, LLC – Chairman Bruner called the public hearing to order at 7:11 p.m. to consider the application of Brett MacNally, representing Short Stack Industries, LLC, pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request to expand a non-conforming parcel with reduced road frontage pursuant to Chapter 152 of the County Code. The property is in Section 5 of Camden Township.

The following were present: Brett MacNally, Kelly MacNally, Susan VanEyll

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 received June 14, 2022

Exhibit F – Staff Report addressed to the Board of Adjustment and Camden Town Board dated June 27, 2022, and all attachments

Mielke stated the applicant owns an approximate 94-acre parcel consisting of wooded land, wetlands and farm fields. It has recently been improved with a single-family dwelling with an attached garage, a pool, and a detached accessory structure. The applicant and his family currently reside on the property.

Mielke explained that the applicant purchased his current property which had reduced road frontage from the east at Manning St, which is a street located in the city of New Germany. The city provided this 66-foot street access because the property east and adjacent to the 94 acres was annexed into the city, which would have left the parcel landlocked. He used an aerial photo to illustrate the property. The applicant would like to purchase approximately 15 acres of wooded pastureland from the adjoining parcel to the north and combine it to the 94-acre parcel. Mielke explained the subdivision and addition of the 15 acres would increase the non-conformity of the 94-parcel and therefore, a variance is being requested. The 94-acre parcel already has reduced road frontage. A new conforming parcel would require a minimum of 125 feet, and a minimum width to depth ratio of 1:5. The remnant of the adjacent parcel would be a conforming parcel. The applicant purchased the property in 2018 and indicated the parcel is already irregular and adding this small amount will have no effect on drainage or use of any surrounding properties. He also stated the additional land is not buildable or tillable. The lack of road frontage was not created by the landowner. Granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan nor would it alter the character of the neighborhood. It would not materially, adversely affect the health or safety of persons residing or working in the area and would not be materially detrimental to the public welfare or injurious to property or improvements in the area. On Jun 27, 2022, the request was reviewed by Lori Brinkman, Carver County Senior Environmentalist who indicated there are no SSTS related concerns with the MacNally property. The minor subdivision would require septic compliance of the existing SSTS on the adjacent (Solie) property. Camden Town Board reviewed the request at their June 9, 2022, meeting and recommended approval without any additional comments. Mielke read the proposed condition for consideration if the request is approved.

Mr. MacNally stated the information was complete and correct and complimented staff for their help with all the communications he has had with them.

No one representing Camden Township was present for comment.

Susan VanEyll, 18235 62nd St, expressed concern about the water and drainage from surrounding parcels if there would be future development.

Mr. MacNally explained his occupation is building swimming pools and he is knowledgeable about water and drainage. He stated that he has dramatically improved the drainage on his property and complied with the County and DNR rules and regulations with the process. He intends to create a few more ponds on his property to help with the water and drainage. In talking with other landowners, he learned that the water from surrounding properties drains toward his land before heading southward to a pumping station on the Latzig property. He stated the work they have done has had a positive effect on the drainage in the area. He used the aerial map to indicate the location of drain tile in the area and proposed locations for his future ponds.

Mielke confirmed that the County Planning & Water Department oversees the Wetlands Conservation Act. Any application for creating ponds or work within wetlands is reviewed and approved prior to a permit being issued for the project.

Mr. MacNally stated he would be willing to talk with Ms. VanEyll to see if there is anything they could work on together to improve her situation, as they want to be good neighbors and make improvements in

the area. He presumed that none of the work he has done has affected waterflow on her property and supposed it might be drainage from the tillable acreage of the Solie property.

A motion was made by Bielefeldt to close the public hearing. Gorra seconded the motion. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:31 p.m.

A motion was made by Mendez to **approve and issue Order PZ20220026** for increasing a non-conforming parcel with reduced road frontage and width/depth ratio pursuant to Section 152.009(M) & 152.033(D) of the Carver County Code on property legally described on the attached Exhibit "A", with 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 Records Office Lot Combination Application, a survey, and SSTS Compliance (i.e. primary and alternate sites) for the Solie property.

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

Adjournment

Having completed the agenda items and seeing no other business, a motion was made by Bielefeldt and seconded by Mendez to adjourn. All voted aye. The meeting was adjourned at 7:32p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Environmental Services

July 25, 2022

TO: Carver County Board of Adjustment & Benton Town Board

FROM: The Environmental Services Department

SUBJECT: Application for a Variance (Reduced Setbacks to Property Lines for a New Feedlot)

FILE #: PZ20220033

APPLICANT: Suz Stiyer

OWNER: Suz Stiyer Pinnerud & Daniel Pinnerud

SITE ADDRESS: 9650 134th St, Cologne, MN 55322

VARIANCE TYPE: Reduced Setback to Property Lines for a New Feedlot

PURSUANT TO: Carver County Code Section 54.46 (C) (1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-013-1000

BACKGROUND:

1. Suz Stiyer owns an approximately 20.43-acre parcel located in the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 13, Benton Township. The property is improved with an existing farmstead consisting of a hay storage shed, two barns, an indoor and outdoor riding arena, and a house allowed by a 1 per 40 building eligibility. A wooded area encompasses a significant portion of the parcel. The property is located within the Agricultural Zoning District and the CCWMO (Bevens Creek Watershed).
2. The applicant is requesting a variance that would allow her to register and operate a new feedlot of 10 animal units or more (horses) approximately 110 feet from the north property line, 9 feet from the south property line, and 14 feet from east property line. Chapter 54 of the County Code requires new feedlots of 10 animal units or more to be located a minimum of 200 feet from any property line. Therefore, a variance for reduced setbacks pursuant to Chapter 54 – Section 54.46 (C) (1) has been requested.

LEGAL BACKGROUND:

§ 54.04 DEFINITIONS.

FEEDLOT, (NEW) ANIMAL. An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of three years or more.

§ 54.46 SETBACKS.

(B) For the purpose of this section, when measuring from a road, the edge of the right-of-way line shall be considered the property line.

(C) New feedlots.

- (1) A setback of 200 feet shall apply to all new feedlots of ten animal units or more from rear, front, and side property lines.

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

The Board of Adjustment is hereby established and invested with the authority as is hereinafter provided and as provided by M.S. §§ 394.21 through 394.37, as they may be amended from time to time.

(Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

§ 152.215 VARIANCES.

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

STAFF ANALYSIS:

1. Suz Stiyer, the applicant, along with Daniel Pinnerud, purchased the property in 2014 to reside in the existing residence and utilize the property for horse boarding and other equine purposes. The property was purchased with existing feedlot components that are located within 200 feet of existing property lines. The applicant would like to expand the operation to have up to 13 horses (13 animal units), 3 personal horses, and 10 board horses to sustainably fund the equestrian facilities. The current operation consists of 11 horses and the applicant is currently boarding 10 of the horses on site. Mrs. Stiyer has not erected any new structures on the property and does not intend to in the future.
2. The applicant's letter dated July 7, 2022, by Allison Eklund of Eklund Law, on behalf of Mrs. Stiyer, describes a practical difficulty that exists based on locations of the existing feedlot components. Paddocks 1,2,3, and the existing barn (Barn B) identified on the site map cannot reasonably be moved or modified to comply with the minimum required setbacks. In her letter, Ms. Eklund states, "*The property was purchased for use as a horse boarding equestrian facility, and it would be unsustainably uneconomical for applicants to board fewer than 10 horses.*" Chapter 54 of the County Code requires new feedlots of 10 animal units or more to be located a minimum of 200 feet from all property lines. Approval of the variance would allow Mrs. Stiyer to operate a new feedlot within an approximate 110-foot setback to the north property line, reflecting an approximate 90-foot variance, 9-foot setback to the south property line, reflecting an approximate 191-foot variance, and an approximate 14-foot setback to the east property line, reflecting an approximate 186-foot variance.

3. The applicant removes manure from the arenas, barns, and paddocks daily. Manure is stockpiled, composted, and transferred to neighboring farmers to fertilize their cropland.
4. Kristen Larson, Water Resources Program Specialist, of the Carver County Planning and Water Management Department, conducted a wetland review of the property on July 12, 2022, and did not identify any wetlands classified as type III or greater (circular 39 wetland classification system) or a special protection area where setbacks would apply for a new feedlot.
5. On June 18, June 19, and June 21, 2022, staff received letters of support for the applicant's variance request from the following homeowners:
 - a) Tim and Lisa Sauer – 9675 134th St, Cologne, MN 55322
 - b) Ricky Sauter – 9985 134th St, Cologne, MN 55322
 - c) Russell Sauter – 9970 134th St, Cologne, MN 55322
 - d) Kimberly Way – 13295 Market Ave, Cologne, MN 55322
 - e) Mike Braun – 9655 134th St, Cologne, MN 55322
 - f) Michael Samuelson – 13685 Market Ave, Cologne, MN 55322
 - g) Brenda and Paul Yager – 13735 Market Ave, Cologne, MN 55322
 - h) Mark Stacken – 9705 134th St, Cologne, MN 55322
6. 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.
7. 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.
8. The Benton Town Board reviewed and recommended approval of the request at their July 14, 2022, 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:

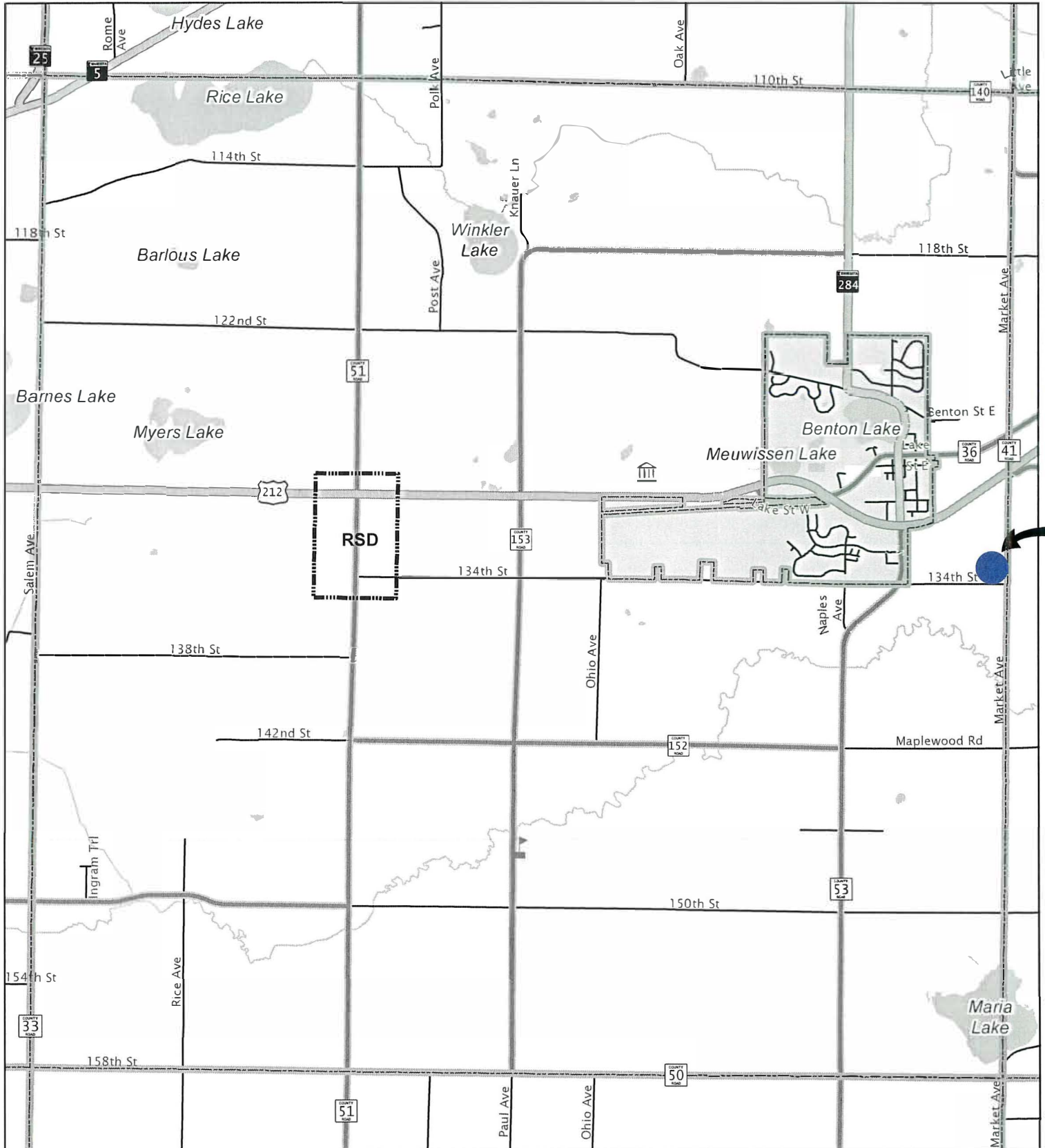
1. The current Conditional Use Permit (CUP #PZ20020076) shall be amended for an Equestrian Facility - Public Use pursuant to Section 152.079(C)(5), for a commercial horse boarding and a riding facility.
2. The feedlot shall not exceed 29.99 animal units unless a variance is obtained to allow for a new feedlot of 30 animal units or more within 1,000-feet of a residence.
3. The applicant shall submit a feedlot registration form to be processed by the County Feedlot Officer if the request is approved.
4. The applicant must operate and maintain the short-term manure stockpile such that the manure is removed from the site and land applied in accordance with Minn. Rules 7020.2225, within one year of the date when the stockpile was initially established pursuant to Minn. Rules 7020.2125 (A). A vegetative cover must be established on the site for at least one full growing season prior to reuse as a short-term stockpiling site.
5. Pursuant to Minn. Rules 7020.2125 (C), the manure stockpile site must not be located within 300 feet of flow distance and at least 50 feet horizontal distance, to waters of the state, sinkholes, rock outcroppings, open tile intakes, and any uncultivated wetlands which are not seeded to annual farm crops or crop rotations involving perennial grasses or forages.

6. All feedlot activities shall be done in accordance with the submitted site plan(s). The new feedlot shall not encroach any closer to property lines than as approved as part of this permit application (Approx. 110 feet from the north, 9 feet from the south, and 14 feet from the east).

OR

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

BENTON TOWNSHIP



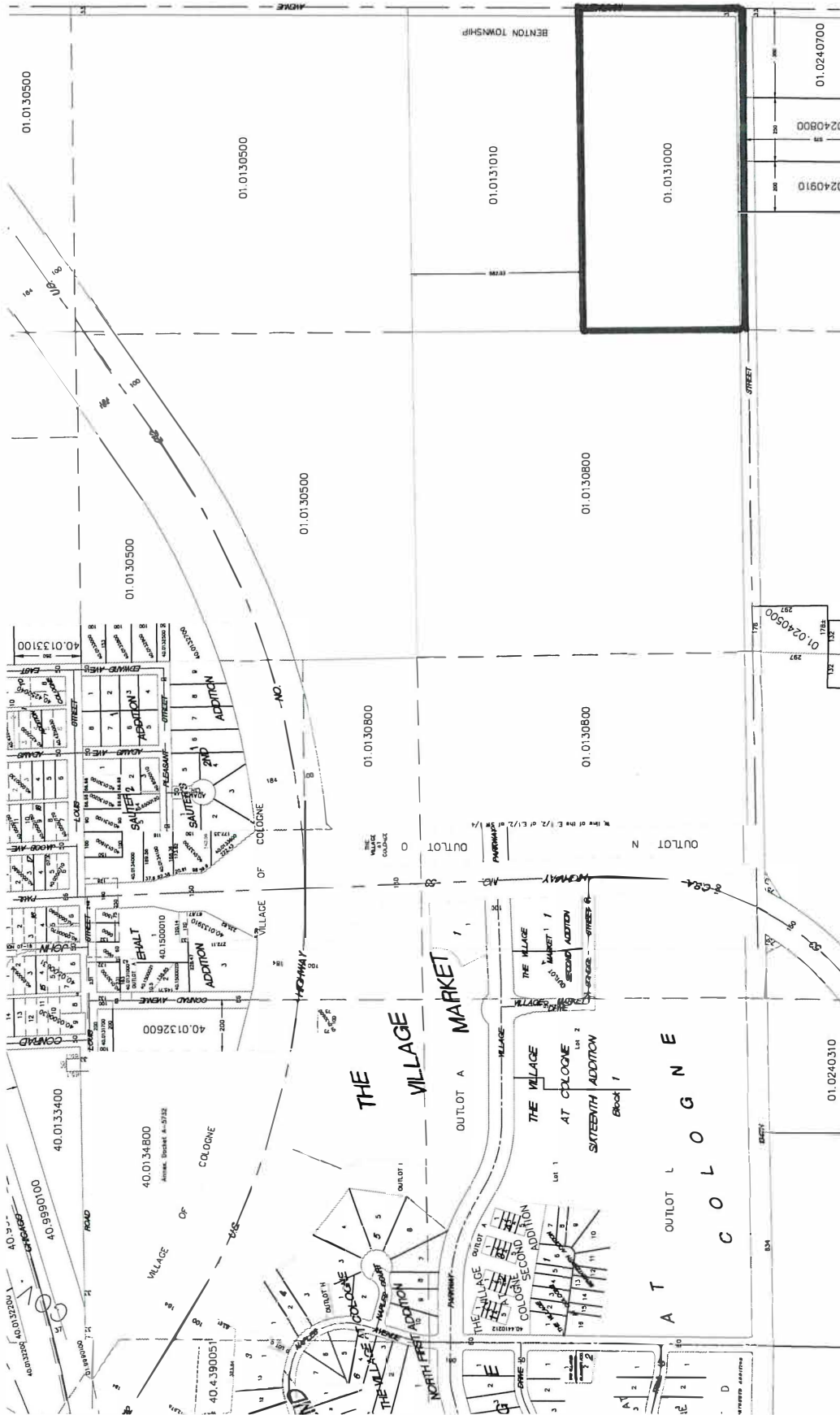
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

S 1/2 SEC. 13, T.115, R.25

THIS MAP IS A LEGAL RECORD FOR THE PURPOSES OF THE CARVER COUNTY RECORDS. IT IS NOT A SURVEY. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CARVER COUNTY RECORDS ARE NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED HEREIN.





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(651) 592-7858

ALLISON F. EKLUND, M.A., J.D.
ATTORNEY AT LAW

July 7, 2022

Gerald Bruner, Chairman
Carver County Board of Adjustment
Government Center, Admin Bldg
600 East 4th Street
Chaska, MN 55318-2101

Re: Application of Suz Stiyer and Dan Pinnerud for a feedlot variance
for 9650 134th Street, Cologne MN 55322

Dear Mr. Bruner:

This letter of explanation accompanies the feedlot variance application of the above applicants for the subject property at the above address. The application is submitted together with the application and a Site Plan for initial consideration at the July 14, 2022 meeting of the Benton Town Board. The \$500 variance application fee has been paid.

What is Proposed

The subject property is a 20.43 acre family farm in Cologne. Applicants purchased the subject property in 2014 for the purpose of residing in the home, keeping 2-3 of their own horses, and boarding up to 10 horses to sustainably fund the maintenance of the equestrian facilities. Under the Carver County Zoning Code section regarding equestrian facilities, applicants need a feedlot certificate of compliance to use this family farm to keep 10 or more horses. Section 152.079(C)(5). This will require a feedlot variance because the property's existing feedlot structures are within the 200 foot setback distance from the property line required for new feedlots. Section 154.46.

Practical Difficulty or Hardship

Applicants cannot reasonably move paddocks 1-3, the primary turnout area for horses, which were constructed prior to the July 7, 2003 enactment of the feedlot setback requirements in Chapter 54 of the Zoning Code. The property was purchased for use as a horse boarding equestrian facility, and it would be unsustainably uneconomical for applicants to board fewer than 10 horses.

Pertinent Background Information

Site Plan

The subject property, as shown on the accompanying Site Plan, includes:

- applicants' homestead residence (R)
- a machinery and hay storage barn (H)
- a 159x69 foot indoor arena for exercising horses (A)
- 31x80 horse barn with 10 stalls and storage for tack (B)
- a 48x24 pony barn (P) with attached 12x12 paddock (Q) for occasional emergency quarantine of individual animals
- outdoor paddocks (0, 1, 2, and 3) for daily turnout.

No New Structures or Improvements

Applicants have not built nor plan to build any new structures on the property. If a feedlot variance is granted in consideration of paddocks 1-3, applicants will be eligible for a certificate of feedlot compliance needed for them to apply for a new CUP to allow up to 13 horses on the property, including up to ten boarded horses.

Manure Management

Applicants remove manure daily from the paddocks, horse barn and arena, and maintain a small manure pile (M) that is composted and regularly removed for use as fertilizer by neighboring farmers. Applicants have a rented portable toilet next to the machinery and hay barn (H) for use by the owners and boarders.

Conditions that Exist on the Property such that the terms of the ordinance cannot be met.

Chapter 54 of the Zoning Code, Feedlot Management, contains a 200 foot setback requirement for new feedlots containing 10 or more animal units. Section 54.46. Applicants' paddocks are located at the corner of Market Avenue and 134th Street, with a distance of approximately 42 feet from the fenceline to centerline of Market Avenue and 47 feet from fenceline to centerline of 134th Street. Applicants cannot reasonably move or adapt existing structures to comply with the 200 foot setback requirement, and it would be uneconomical for them considering their intended property use to board fewer than 10 horses. To receive a feedlot compliance certificate needed to apply for a new CUP, the applicants will require a feedlot variance.

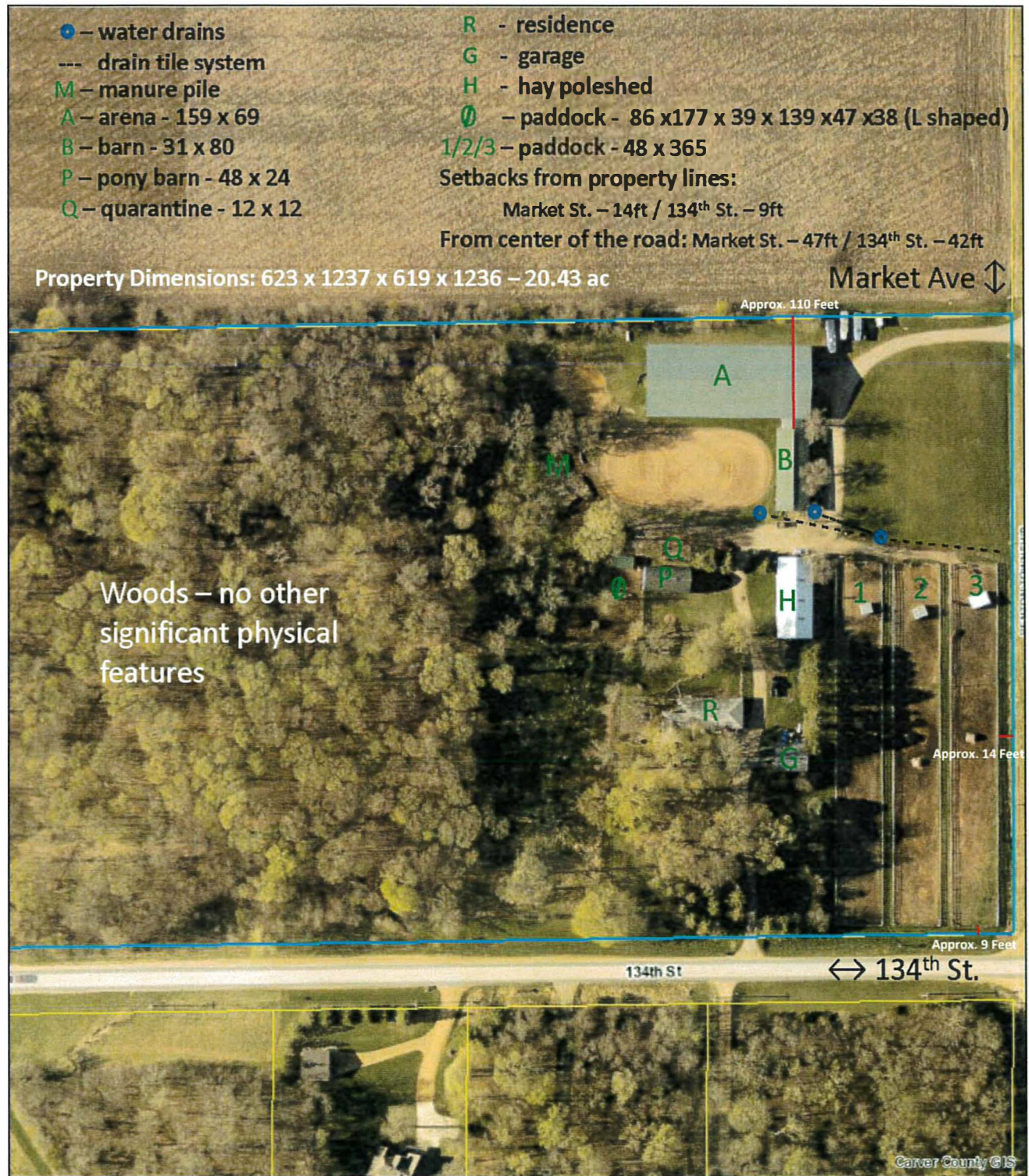
Sincerely,



Allison F. Eklund
Attorney for Applicants

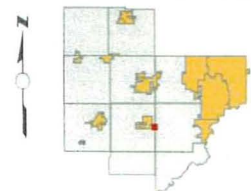
Cc: Suz Stiyer and Dan Pinnerud

SUZ STIYER SITE MAP



Date: 6/16/2022

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.



6-18-2022

I, Kim Way, neighbor of Saddlewood Stables owned by Suz Stifter and Dan Pinnerud, am fine with how they run their horse boarding business and have no issues with them.

Kimberley Way

As a homeowner near Saddlewood Stables, I support Suz Stiyr & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Jin A. Amer

Homeowner - Benton Township/Carver County

6-18-2022

Date

9675 134th St.

Cologne, MN 55322

Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Suz Stiyer
Homeowner - Benton Township/Carver County

6/10/22
Date

9675-134th
Cologne 55322
Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyr & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.



Homeowner – Benton Township/Carver County

6-18-2022

Date

9985 134 ST

COLO ONE MN 55322

Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyr & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Russell Sauter
Homeowner - Benton Township/Carver County

6-18-22
Date

9970 134th St

Cologne, Mn. 55322
Homeowner - Address

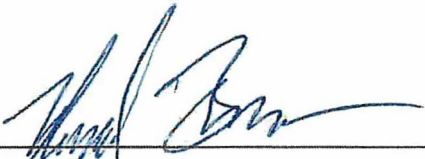
As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Brenda & Paul Yager
Homeowner – Benton Township/Carver County

6/19/22
Date

13735 Market Ave
Cologne MN 55322
Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.



Homeowner – Benton Township/Carver County

6-19-22
Date

9655 137th st
Lologne 55322

Homeowner - Address

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Mite Samuln

Homeowner - Benton Township/Carver County

6-19-22

Date

13685 Market Ave Cologne MN 55322

Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyr & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Mark C. Starker

Homeowner - Benton Township/Carver County

6-21-22

Date

7705 134th Street

Cologne, MN 55322

Homeowner - Address



Township Presentation & Recommendation Form

PARCEL #	01-013-1000	Permit #	PZ 2022 0033
Owner's Name:	Suz Stiyer	Owner's Mailing Address:	9650 134th Street
City:	Cologne	Owner State:	MN
		Owner Zip:	55322
Applicant (if other than owner):		Site Address:	9650 134th Street

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

Description of Request:

Applicant requests a feedlot ordinance variance due to location of existing feedlot structures within 200 feet of property line and applicant's intent to maintain up to 13 horses on the property. If a variance is granted, Applicant will apply for a new CUP to allow boarding up to 11 horses in addition to 2 personally owned horses.

Date of County Public Hearing: 8-3-22

Date of Township Meeting: 7-14-22

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.

Suz M. Stiyer
Suz M. Stiyer (Jun 21, 2022 15:40 CDT)

Signature of Applicant

Gary Widmer

Signature of Township Official

Date Jun 21, 2022

Date 7-14-22

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-013-1000

File# PZ20220033

APPLICANT/OWNER: Suz M Stiyer & Daniel M Pinnerud

* * * * *

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Thirteen (13), Township One Hundred Fifteen (115) North, Range Twenty-five (25) West, Carver County, Minnesota.

EXCEPTING THEREFROM the North 682.03 feet of said Southeast Quarter of the Southeast Quarter of Section 13, Township 115, Range 25, according to the plat thereof on file or of record in the office of the County Recorder, Carver County, Minnesota.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Environmental Services

July 25, 2022

TO: Carver County Board of Adjustment & San Francisco Town Board

FROM: The Environmental Services Department

SUBJECT: Application for a Variance (SSTS Setbacks)

FILE #: PZ20220032

OWNER/APPLICANT: Jason and Kimberly Thaemert

SITE ADDRESS: 9440 Shady Oak Lane, Carver, MN 55315

VARIANCE TYPE: Reduced SSTS Setback to a Structure

PURSUANT TO: Carver County Code Section 52.022

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-860-0020

BACKGROUND:

1. Jason and Kimberly Thaemert own an approximately 2.61-acre parcel located in the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 7, San Francisco Township. The property is improved with a house, attached garage, and outbuilding, and it is located within the Agriculture Zoning District and the CCWMO (Bevens Creek Watershed).
2. The applicants are requesting a Variance that would allow them to construct a 4-season porch approximately 8 feet from the existing septic tank. Chapter 52 of the County Code requires a setback of 10 feet for a structure to an SSTS tank(s). Therefore, a Variance for reduced setbacks pursuant to Chapter 52 – Section 52.022 has been requested.

LEGAL BACKGROUND:

§ 52.022 SSTS SETBACKS.

Feature	Tank(s)/ Sealed Privy	Soil Treatment and Dispersal Area/ Unsealed Privy	Building Sewer or Supply Pipes
Structure(s)	10	20	-

(Minn. Rules Chapter 7080.2150 Table VII)

§ 52.147 BOARD OF ADJUSTMENT.

- (A) The Board of Adjustment has the authority to consider variances in accordance with Minn. Rules Chapters 7080, 7081, and 7082. Variances shall only be allowed when they are in harmony with the general purposes and intent of this chapter where there are practical difficulties or particular hardship in meeting the strict letter of this chapter. Applicants must follow the requirements of Carver County Zoning Code § 152.215.
- (B) The Board of Adjustment may not grant variances to the following standards:
 - (1) Flow determinations under Minn. Rules Chapter 7081.0110, if the deviation reduces the average daily estimated flow from greater than 10,000 gallons per day to less than 10,000 gallons per day;
 - (2) Provisions in Minn. Rules Chapter 7080.2150, subpart 2, items A through D, and 7081.0080, subparts 2 through 5, regarding the vertical separation required beneath the distribution media and saturated soil or bedrock from

the required three feet of unsaturated soil material, except as provided in Minn. Rules Chapter 7080.2350, must be approved by MPCA; and

(3) Variances to wells and water supply lines must be approved by the Minnesota Department of Health. (Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

STAFF ANALYSIS:

1. Kimberly & Jason Thaemert are requesting to replace an existing 16' x 16' deck with a similar sized new 16' x 16' 4-season porch and a new deck on the west side of the house. The footings for the new 4-season porch would be placed within the required 10-foot septic tank setback to a structure(s). The proposed setback for the new footings would be 8 feet from the existing septic tank in a similar location to a deck that the applicant constructed in 2007. The foundation layout plans submitted as part of the variance application (dated July 11, 2022) is a modified version of the 2007 plans submitted as part of the original deck building permit application.
2. The applicant's letter (dated July 8, 2022) states that the footings for the new 4-season porch would be placed within the required setback due to the location of the existing footings. The existing footings would remain in place and not be removed. A site map (dated July 8, 2022) shows the proposed layout of the proposed 4-season porch and deck on the western side of the house, along with the location of the existing septic tank.
3. On July 12, 2022 a Sewage Tank Integrity Assessment Form was completed and indicated compliance for the septic tanks located at 9440 Shady Oak Lane Carver, MN 55315. The form was completed by Advanced Septic Solutions, Inc.
4. The Thaemaert's residence was constructed in 1994 with the present close proximity of the house to the septic tank. Thus, the applicant's purchased the home with this configuration and did not create the situation on which the variance request is based.
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. The San Francisco Town Board reviewed and recommended approval of the request at their July 18, 2022 Town Board meeting with the comment: "Township unanimously supports approval of the variance for the approval of the project."

BOARD CONSIDERATION:

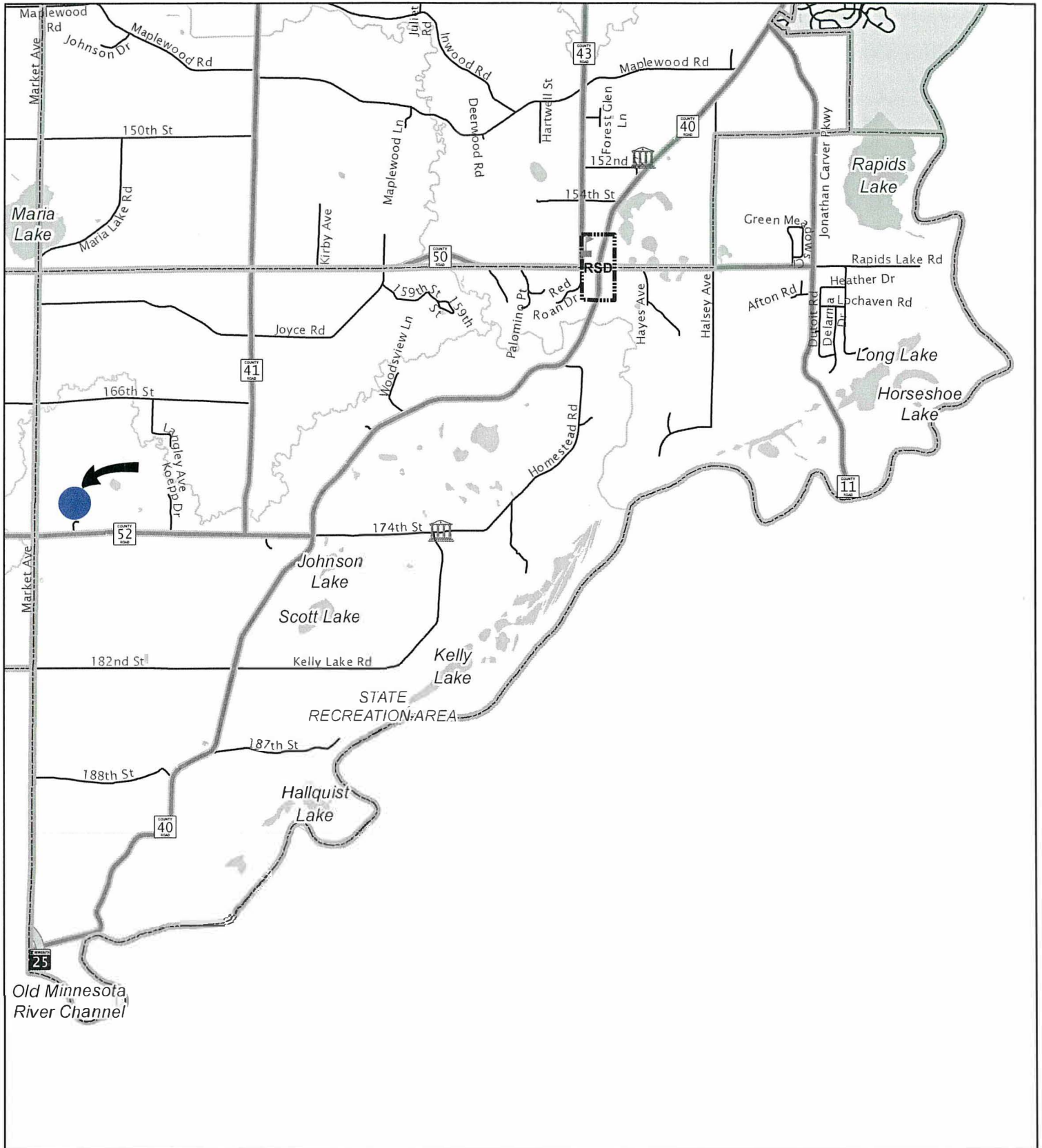
If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for the reduced septic setback, pursuant to Section 52.147 of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be considered:

1. All necessary building permits shall be obtained prior to construction of the 4-season porch and deck.
2. The SSTS tanks shall be protected from construction equipment and construction activities during the deck construction process.
3. Access to the tanks (manholes to the surface) should be maintained to allow proper maintenance and inspection of the septic system.

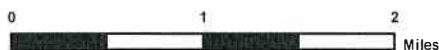
OR

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

SAN FRANCISCO TOWNSHIP

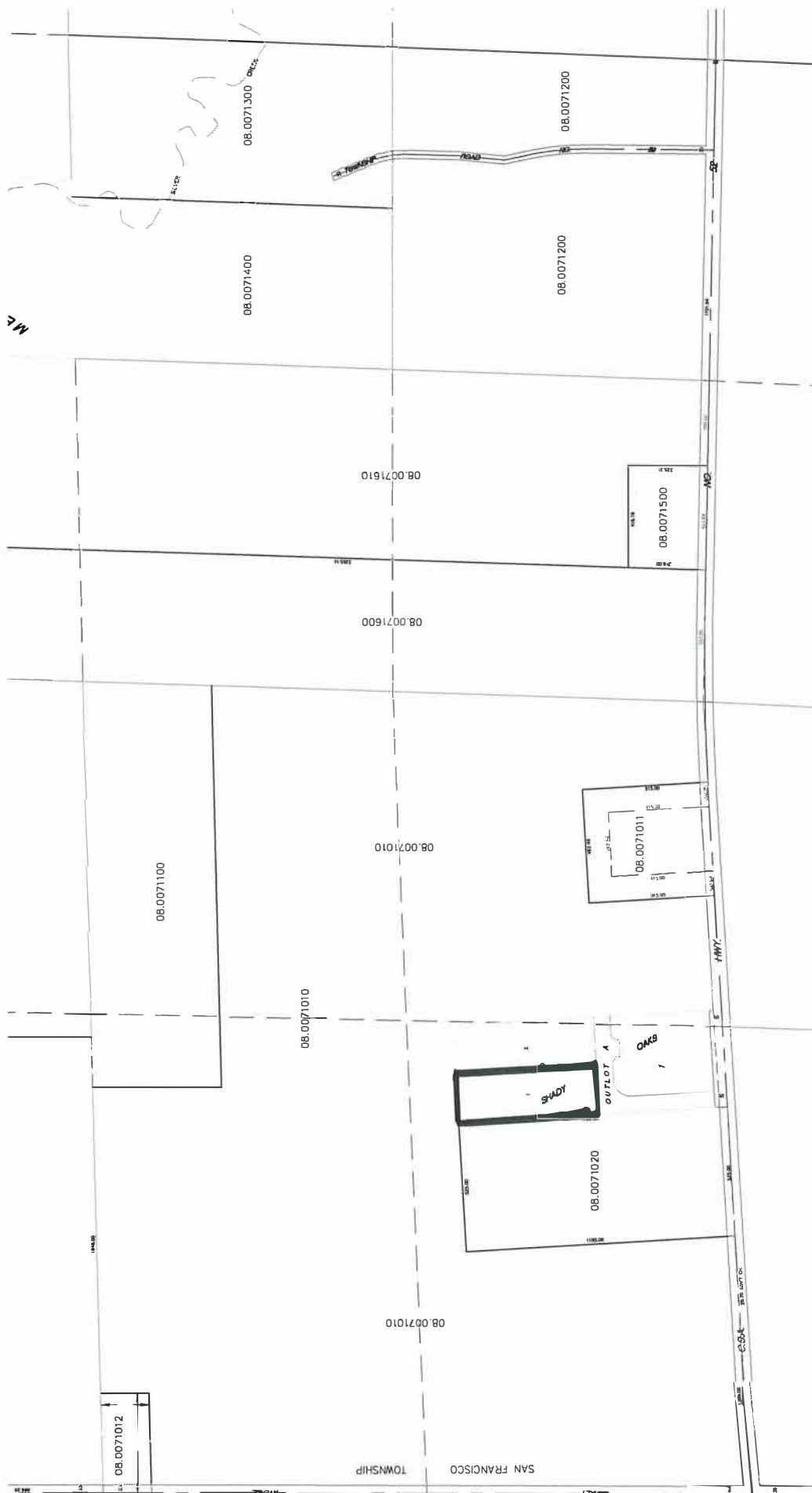


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Map Created by Carver County GIS

S 1/2 SEC. 7, T.114, R.24



Surveying & Mapping Office
Carver County Gov. Center
600 East Fourth Street
Chaska MN 55318

May 27, 2022

Kimberly and Jason Thaemert

9440 Shady Oak Lane

Carver, MN 55315

7/8/2022

Dear Board of Adjustment:

We had a 16'x16' deck on our home that was built 17 years ago, which has recently been removed, and we would like to replace it with a 4-season porch and a new deck to the side. It is our understanding that new porch footings are needed would be within 10 feet of the septic tank, which is the required setback, but we are requesting a variance to have the footings be at 8 feet due to the existing footings having to be moved from the deck and to put in new footings for the porch.

The septic system had a compliance inspection in 2002 and passed. We recently had our septic tank pumped and the septic company only had to pump one tank as the others were good.

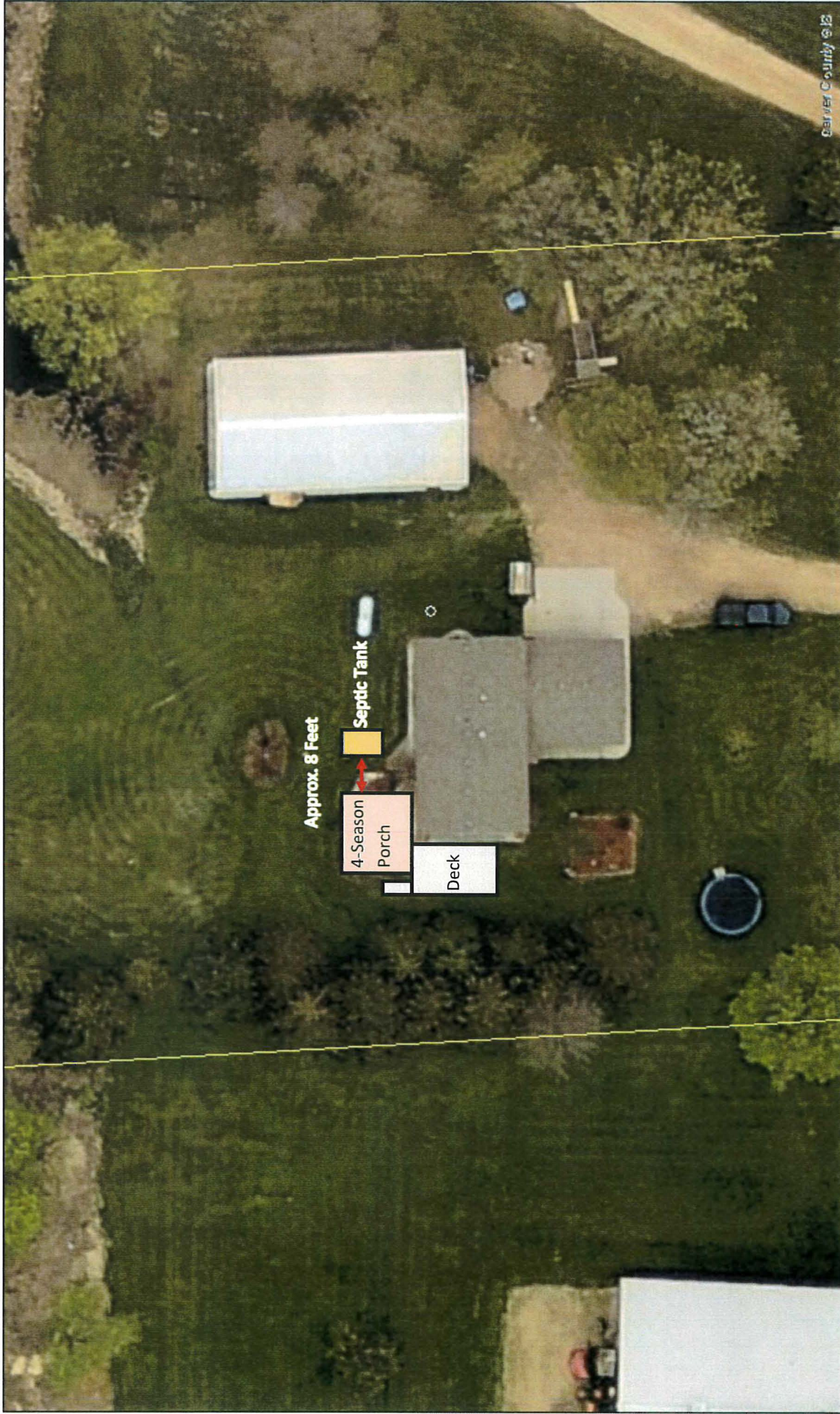
We are proposing to build a similar sized, 16'x16' porch that will require new footings, we would like to not have to remove the old footings to install new footings for the porch. The home and septic were put in by the previous homeowner so we were not the ones to originally lay out the house and septic locations, but we feel that we are only replacing a structure and footings.

In reading the practical difficulty from the ordinance we feel we are using the property in a reasonable manner, and the variance will not alter the character of the property except to add reasonable space and value to our home. The new porch is behind the home so it does not impact any neighbors, and it allows a home built in 1994 to be more modernized with size and space as newer homes are typically larger today. And granting the variance will not be in conflict with the comprehensive plan or other official controls, and just uses the same physical space we had already been using.

Thank you for your consideration in this matter

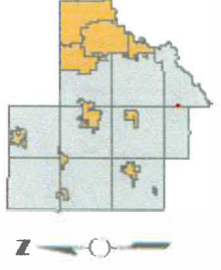
Kimberly and Jason Thaemert

JASON & KIMBERLY THAEMERT, 9440 SHADY OAK LN, CARVER



Date: 7/22/2022

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Township Presentation & Recommendation Form

PARCEL #	08-860-0020		Permit #	P20220032	
Owner's Name:	Jason and Kimberly Thaemert		Owner's Mailing Address:	9440 Shady Oak Lane	
City:	Carver	Owner State:	MN	Owner Zip:	55315
Applicant (if other than owner):			Site Address:		

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

Description of Request:

We are building a 4 season porch and would like the footings to be 8 feet from the septic tank vs the 10 feet that is currently required.

Date of County Public Hearing: 8/3/22 Date of Township Meeting: 7/18/2022

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 unanimously supports the approval of the variance for the approval of the project.

****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.

Ray Schmitt Chairman

Date 7-18-22

Kimberly Thaemert Owner

Date 7-18-22

Signature of Township Official

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-860-0020

File# PZ20220032

APPLICANT/OWNER: Jason L Thaemert & Kimberly K Thaemert

*** * * * ***

Lot 1, Block 2, Shady Oaks

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 25, 2022

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

FILE #: PZ20220034

APPLICANT: David and Lucia Stuessi

PROPERTY OWNER: Dave and Lucia Stuessi

SITE ADDRESS: 6955 Abbywood Ln, Chaska 55318

VARIANCE TYPE: Reduced Setback from a Local Road, Reduced Setback to side property line

PURSUANT TO: County Code Section 152.034 D

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-022-2200

BACKGROUND:

1. David and Lucia Stuessi own an approximate 0.58-acre parcel located in Government Lot 2, in the East Half (E½) of the Southwest Quarter (SW¼) of Section 22, Laketown Township. The property is improved with a single-family dwelling with a small, detached, shed and Subsurface Sewage Treatment System (SSTS). The property is located in the Agricultural Zoning District, Shoreland Overlay District (Pierson Lake), and the Minnehaha Creek Watershed.
2. The applicants are requesting a multi-component Variance to reduce the required structure setback from the centerline of a local road and to reduce the required structure setback from a side property line to accommodate a future detached garage. The proposed structure would be closer to the centerline of a local road and closer to a side property line than what is permitted by the Zoning Code; therefore, a variance has been requested pursuant to Section 152.034 (D) of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.034 SETBACKS.

(D) *Table of setback requirements.*

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

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

The Board of Adjustment is hereby established and invested with the authority as is hereinafter provided and as provided by M.S. §§ 394.21 through 394.37, as they may be amended from time to time.

(Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

§ 152.215 VARIANCES.

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

STAFF ANALYSIS:

1. Section 152.034 (D) of the County Zoning Code requires that the nearest corner of any structure, in all zoning districts, meets or exceeds a 68-foot reduced setback from a local road in the Shoreland area and meet or exceed a 15-foot side yard setback from a property line. Approval of this request would allow the applicant to apply for a building permit to construct a detached accessory storage structure with an approximate 28-foot setback from the centerline of Abbywood Road (cartway) and an approximate 5-foot side yard setback from the east property line.
2. In the submitted narrative and as shown on the site plan (dated: July 11, 2022), the applicants reference the need and use of the structure. The proposed 22' x 30' (660 square foot) detached garage will hold two cars, a lawn tractor, snowblower, power and hand tools, and other miscellaneous personal storage. They go on to describe the practical difficulty in that the home was built in 1955, prior to the setback requirements being codified. Placing the proposed garage outside of the required setbacks would involve the removal of several mature evergreen trees. Additionally, the applicants mention that keeping the parking area and garage to the side would mirror the other garages in the neighborhood. The land-related difficulty is due to the location the house was built, the lot size, and existing mature trees, not due to circumstances caused by the landowner.

3. The subject property is on Abbywood Lane, which is designated a local road by the 2040 Comprehensive Plan, in the County Public Works Future Functional Class figure (Figure 4.13). The County Zoning Code, adopted in July 2021, categorized this type of road as a local road in the Zoning Code setbacks table. Unlike other road classifications within Carver County, Public Works does not permit a reduced setback for local roads, only the required 68' setback.
4. The purpose of the variance is to facilitate the future construction of a detached garage which would be used for personal storage. The applicant is proposing to use the property in a reasonable manner, not permitted by an official control. The official controls in this request are the required 68-foot setback from the centerline of a local road, and the required 15-foot side yard setback. The intent of these regulations is the ensure structures do not negatively impact the normal maintenance and use of a road, create any safety hazard for drivers using the road, and do not infringe on neighboring properties. The neighbor to the east of the subject parcel has submitted a statement in support of this request. Although this request does not meet the specific standards, it appears to meet the intent of the regulations.
5. 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. However, County Policy LU-16 requires lakes, wetlands, and other sensitive features to be protected from adverse impacts of construction activities. In addition, the Plan states that development should be designed so as to minimize disturbance of natural areas. Constructing a detached garage with a reduced setback from a side property line and a reduced setback from the center of a local road is an acceptable alternative to a request to reduce the setback to a lake. Therefore, the request appears to not be in conflict with the intent of the Comprehensive Plan.
6. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. This property was initially developed in 1955, prior to the County's adoption of zoning regulations. The legal non-conforming subject parcel is approximately 94 feet wide with an existing township road cartway running through the property. The reduced size of the property makes it difficult for future development to occur while meeting the County's requirements. The location of the house, the well and sewage line, and the parcel configuration in relation to the roadway alignment represent a set of circumstances unique to this property that were not created by the landowner.
7. The neighborhood is comprised of lake shore residential development, areas of wetland and dense 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 25, 2022, this request was reviewed by Lori Brinkman, Senior Environmentalist for Carver County. Ms. Brinkman stated that there are no SSTs concerns on the subject parcel. In addition, Ms. Brinkman stated Laketown Township manages the SSTs system at this site.
10. The applicants would be required to contact the Minnehaha Creek Watershed District, for a determination as to whether or not permitting for the placement of the structure (i.e. elevations and/or water drainage) would be required.
11. The Laketown Town Board has reviewed and recommended approval of the request during their July 12, 2022, Town Board meeting. There were no comments for this application (i.e. no concerns or objections).

BOARD CONSIDERATION:

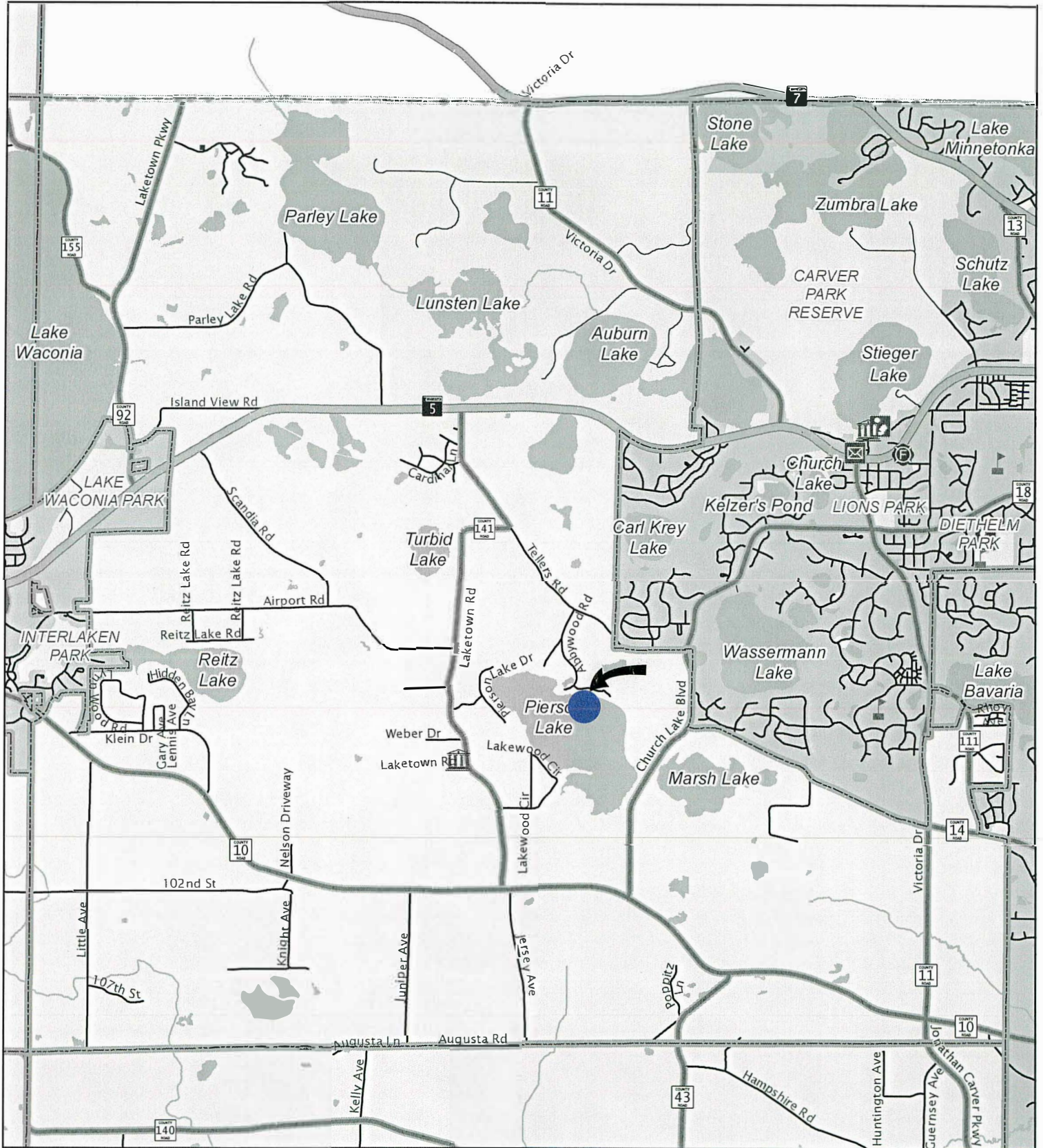
If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for a reduced front yard setback and reduced side yard setback pursuant to Section 152.034 (D) of the Carver County Zoning Code, would serve in the interest of justice, the following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

1. All construction activities shall be done in accordance with the submitted site plan and shall obtain the appropriate building permit(s). The new construction shall not encroach any closer to the centerline of the road than approved (28 feet from the center of Abbywood Lane) as part of this permit application. Additionally, the new construction shall not encroach any closer to the east property line than approved (5 feet). All work shall be done in accordance with the submitted and approved building permit plans.
2. Prior to the issuance of a building permit, the property owners shall have the east property line of the subject parcel identified and marked by a licensed surveyor to ensure the proposed structure does not encroach closer than 5 feet from the east property line.
3. Prior to the issuance of a building permit, the property owners shall locate the buried electrical line for the sewer system and determine if it needs to be relocated to accommodate the future garage.
4. No additional expansions within the required setback(s) shall be permitted without obtaining all necessary building permits and/or variances, if applicable.

OR

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

LAKETOWN TOWNSHIP

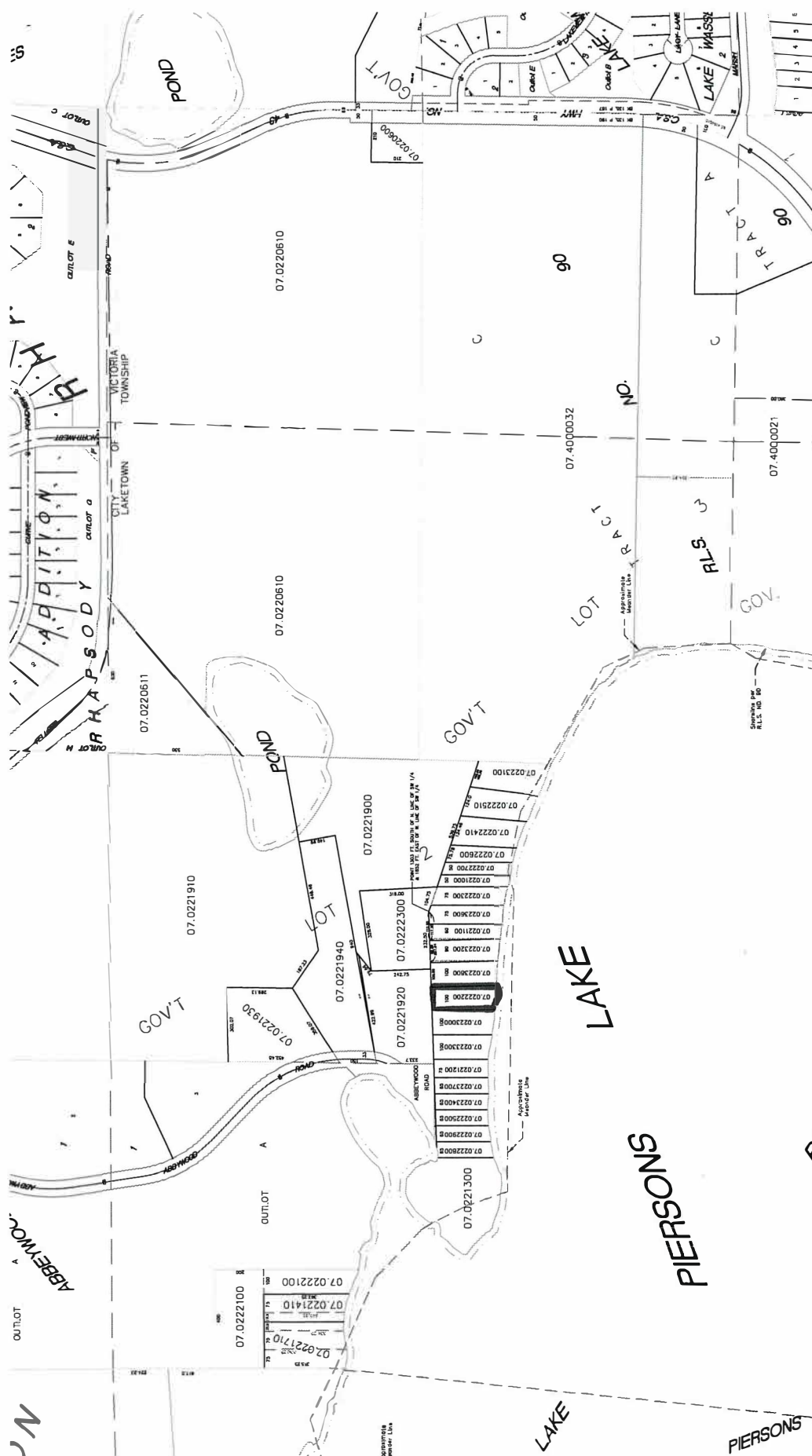


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Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
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ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.



Surveying & Mapping Office
Carver County Gov. Center
600 East Fourth Street
Chaska MN 55318

7/11/22

To: Carver County Variance Request Board

I am writing to request a variance to the 15' minimum distance from the property line for structures and to the 68' minimum distance to the centerline of Abbeywood Lane.

We would like to build a garage, which will replace the shed currently in a similar location. The size will allow two cars, with room for my lawn tractor, snowblower, miscellaneous power and hand tools, bikes, eventually an ATV, and other miscellaneous storage.

I am asking for a variance of 5' which allows for keeping the garage and our parking area to the side of our property rather than closer to the middle. This will mirror the distance to the neighboring garages on both sides, with a similar distance to the property line. Additionally this allows me to keep a 10-12' Colorado Blue spruce which matches 4 others along the road.

Thank you for your consideration.

Dave & Lucia Stuessi
6955 Abbywood Lane

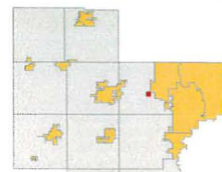
STUESSI SITE PLAN - REDUCED SETBACKS



Date: 7/11/2022

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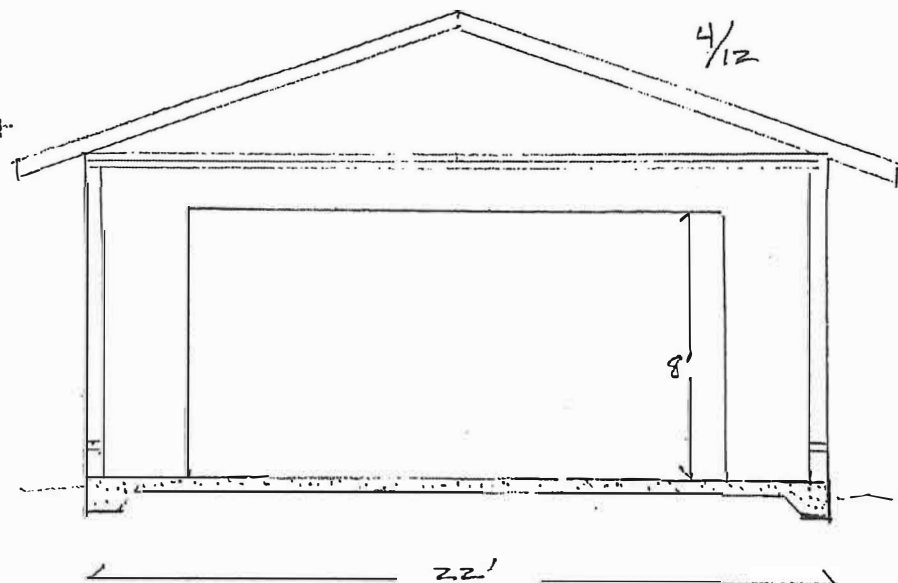
25' to centerline Abbywood
5' to E. Property line



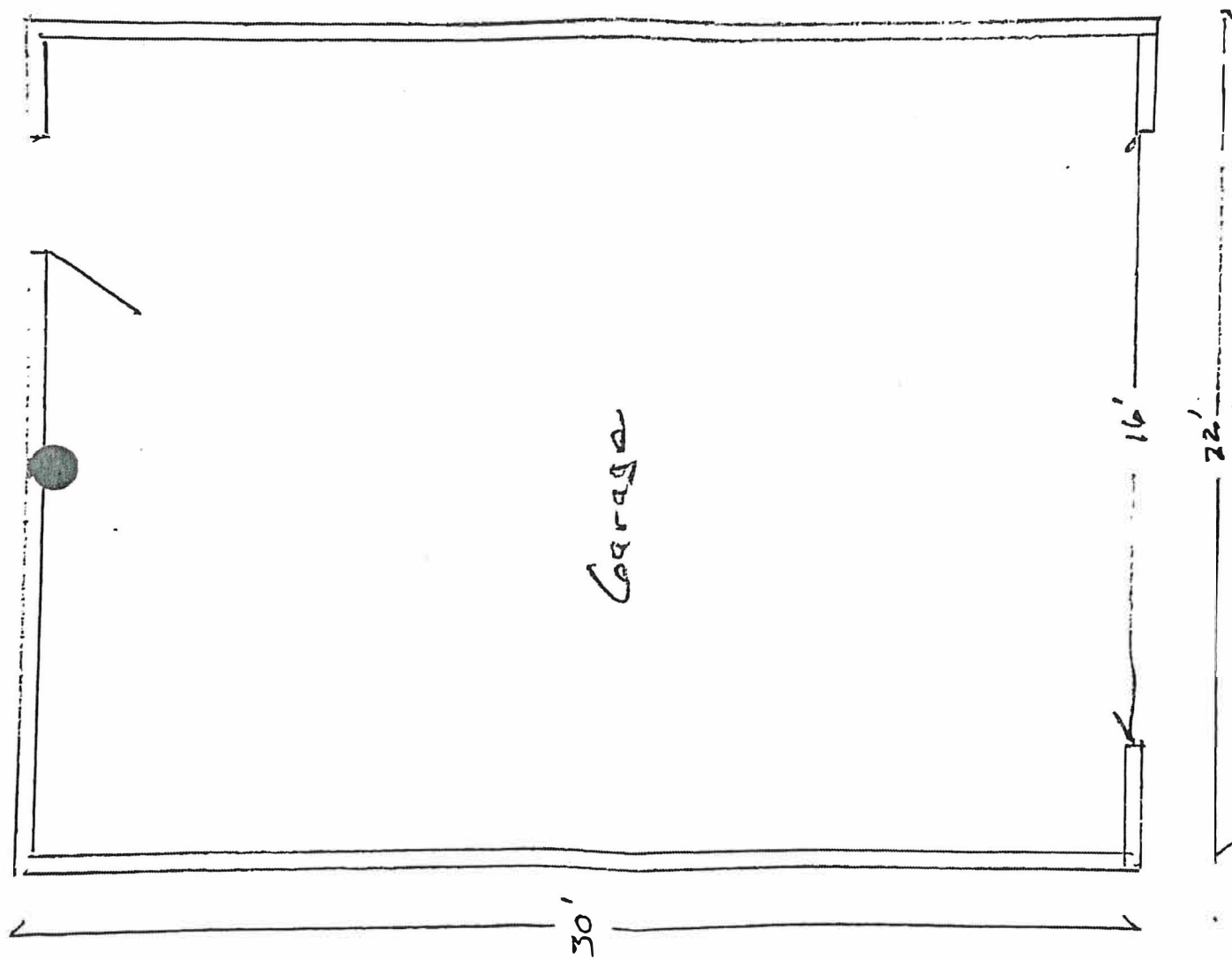
4-8

Dave Lucia Stuessi
 6955 Abbeywood Ln
 Chaska, MN

Asphalt Shingles
 Flat + Water / 15# felt
 1/2 OSB Sheeting
 Alum Soffits
 Trusses 24" o.c. 4/12
 8" LP Siding
 House wrap
 7/16 OSB Sheeting
 14" 1x1 header
 2x4-Studs 16" o.c.
 2x4 treated plates
 1 course block
 floating slab



Duct + 2 in stress.
6955 Applied to
chests, 11/11



Subject Variance at 6955
Abbywood Lane Chaska
MN 55318

From Michael Klingelhutz
<mikeklingel@hotmail.com>

To: Dave Stuessi
<dstuessi@yahoo.com>

Date May 5 at 8:06 AM

To Whom it May Concern,

We do not object to a variance from the 15-foot, side-yard set-back from the property line to a 5-foot, side-yard set-back for the proposed garage East sidewalk.

The neighborhood contains many side-yard variances, including our property. We also do not object to a significant reduction in the set-back requirement for the north side of the garage from the center-line of the private road. The neighborhood contains many road frontage variances including our property. The Steussi variance request will not alter the character of the neighborhood.

Mike and Colleen Klingelhutz
6945 Abbywood Lane
Chaska MN 55318



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL # <u>07.022200</u>	Permit # <u>PZ20220034</u>	
Owner's Name: <u>Dave + Lucia Stuessi</u>	Owner's Mailing Address: <u>6955 abbywood Lane</u>	
City: <u>Chaska</u>	Owner State: <u>MN</u>	Owner Zip: <u>55318</u>
Applicant (if other than owner): 	Site Address: 	

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request: <u>5' Distance to East Lot Line From Proposed Structure</u> <u>+ front Setback</u>						
ate of County Public Hearing: <u>8/3/22</u>			Date of Township Meeting: <u>7/12/22</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.

Dave Stuessi
Signature of Applicant

Date 6/18/22

[Signature]
Signature of Township Official

Date 7-12-22

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-022-2200

File# PZ-20220034

APPLICANT/OWNER: David Stuessi & Lucia Merz Stuessi

* * * * *

That part of Government Lot Two (2) in Section Twenty-two (22), Township One Hundred Sixteen (116), Range Twenty-four (24), which is also the East One Hundred (E 100) feet of the West Fifteen Hundred Fifty-two (W 1552) feet of that part of the fractional Southwest Quarter (SW $\frac{1}{4}$) of said Section, lying South of the following described line: Commencing at a point on the East line of said Government Lot Two (2) distant Fifteen Hundred Ten (1510) feet South from the Northeast corner of said Lot; thence Northwesterly 644.6 feet, more or less, to a point distant 1303 feet South of the North line of said Government Lot Two (2) and 1852 feet East of the West line of said Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-two (22), Township One Hundred Sixteen (116), Range Twenty-four (24); thence Westerly 600 feet, more or less, to a point which is 1317.5 feet South of the North line of Government Lot One (1) in said Section Twenty-two (22), and 1252 feet East of the West line of said Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-two (22), according to the United States Government Survey thereof, Carver County, Minnesota.

Together with a permanent easement for roadway purposes over the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) and Government Lots One (1) and Two (2) in Section Twenty-two (22), Township One Hundred Sixteen (116), Range Twenty-four (24), where graded road is now located.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 25, 2022

TO: Carver County Board of Adjustment & Watertown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance to reconfigure an existing parcel with reduced Lot Requirements and a Township Road Easement

FILE #: PZ20220030

APPLICANT: Ronald Hoesse

PROPERTY OWNER: Ronald & Karen Hoesse

SITE ADDRESS: 5000 Snicker Lane, Watertown, 55388

VARIANCE TYPE: Width/Depth Ratio, Reduced Road Frontage and Township Road Easement

PURSUANT TO: Carver County Zoning Code: Section 152.033 (D) (1-2, and 4)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-018-0100

BACKGROUND:

1. Ronald and Karen Hoesse own an approximate 75.6-acre parcel located in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 28, Watertown Township. The parcel consists of an existing farmstead and crop production land. The site was improved with a single-family dwelling and several agricultural related structures which have recently be removed. The parcel is located in the Agricultural Zoning District and CCWMO (Crow River Watershed).
2. The current parcel has 33' of public frontage on Snicker Lane in the northeast corner of the parcel. The applicant is requesting a variance that would allow for the dedication of a Township Road (33-foot) public easement to extend Snicker Lane without platting. The variance would also facilitate a minor subdivision to create an approximate 3-acre parcel which would utilize the only 1 per 40 building eligibility existing on the property. The proposed configuration of the building site, drawn to avoid including any crop production land under till, does not meet the road frontage standards or width to depth requirements; 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; Am. Ord. 97-2021, passed 7-20-21)

STAFF ANALYSIS:

1. The County Code typically requires the platting process (i.e. 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 residence on the property is abandoned and septic system abandoned. The owner received a demolition permit to remove all the agricultural buildings in Fall 2021. The house currently on the property will be demolished as well. Per a letter dated November 29, 2021, the applicant is proposing to subdivide (i.e. minor subdivision) “approximately 3-4 acres” for a building site separate from the farm field for his daughter and son-in-law. The Zoning Code requires a minimum of 125 feet of road frontage on a public road for any new lot, or the minimum width required to maintain the width to depth ratio (depth to be no more than five times the width). Currently Snicker Lane ends at the property line, which provides this corner of the property with approximately 33 feet of road frontage. The current parcel building site location has limited road frontage which restricts them from creating the conforming parcels needed in order to meet the standards in the Carver County Zoning Code; therefore, a variance has been requested.
3. According to the applicant, a township road easement dedicated to the public would be recorded to extend Snicker Lane. The proposed 33-foot wide easement would extend Snicker Lane 125 feet to the south. This easement would provide the proposed lot with approximately 108 feet of frontage and the farm field parcel would retain 50-foot of frontage on Snicker Lane. The remnant crop production farm field also has 500+ feet of road frontage along Hwy 7 to the south; therefore, the crop production parcel would remain a conforming parcel pursuant to the County Zoning Code standards.
4. Jacob McLain, Senior Environmentalist in the Environmental Services Division, reviewed the soils report and reported in an email dated July 21, 2022, that the soil quality and primary and secondary septic system sites were compliant with County SSTS standards. In addition, Lori Brinkman, Senior Environmentalist in the Environmental Services Division, visited the site and confirmed that the soil boring data was consistent with her field observations.
5. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. The location of the active farming operation to the west, as well as Snicker Lane not extending through the property represent a unique set of circumstances not created by the landowner. The applicant is proposing to use the property in a reasonable manner, not permitted by an official control. Using the existing building eligibility outside of the active farming operation and in a location that still has road frontage is a reasonable use of the property that would not be permitted by the official control.
6. The granting of the variance would not conflict with the intent of the Comprehensive Plan nor the Carver County Zoning Code. The proposed parcel would continue to have reasonable access to a public road and the remnant parcel (i.e. the farm field) would remaining a conforming parcel. The proposed residential parcel contains no prime ag land under till.
7. 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.
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. 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 and road frontage standards. The intent of these regulations is to prohibit the development of parcels that do not have adequate frontage to accommodate future needs and to prohibit the creation of a parcel configuration which would not meet the future SSTS needs of a location. Although it does not meet the specific standards, it appears to meet the intent of the regulations.

10. The Watertown Town Board reviewed and recommended approval of the request “as requested” during their July 5, 2022, Town Board meeting. At the March 1, 2021, Watertown Town Board meeting Mr. Hoese requested an extension of Snicker Lane (prior to submitting the current variance application). The Town Board approved a motion to approve the Snicker Lane extension request “with the owner funding 2 loads of gravel, and necessary fill to be delivered by the Township for a Township equipment turnaround at the end of the proposed extension.”

BOARD CONSIDERATION:

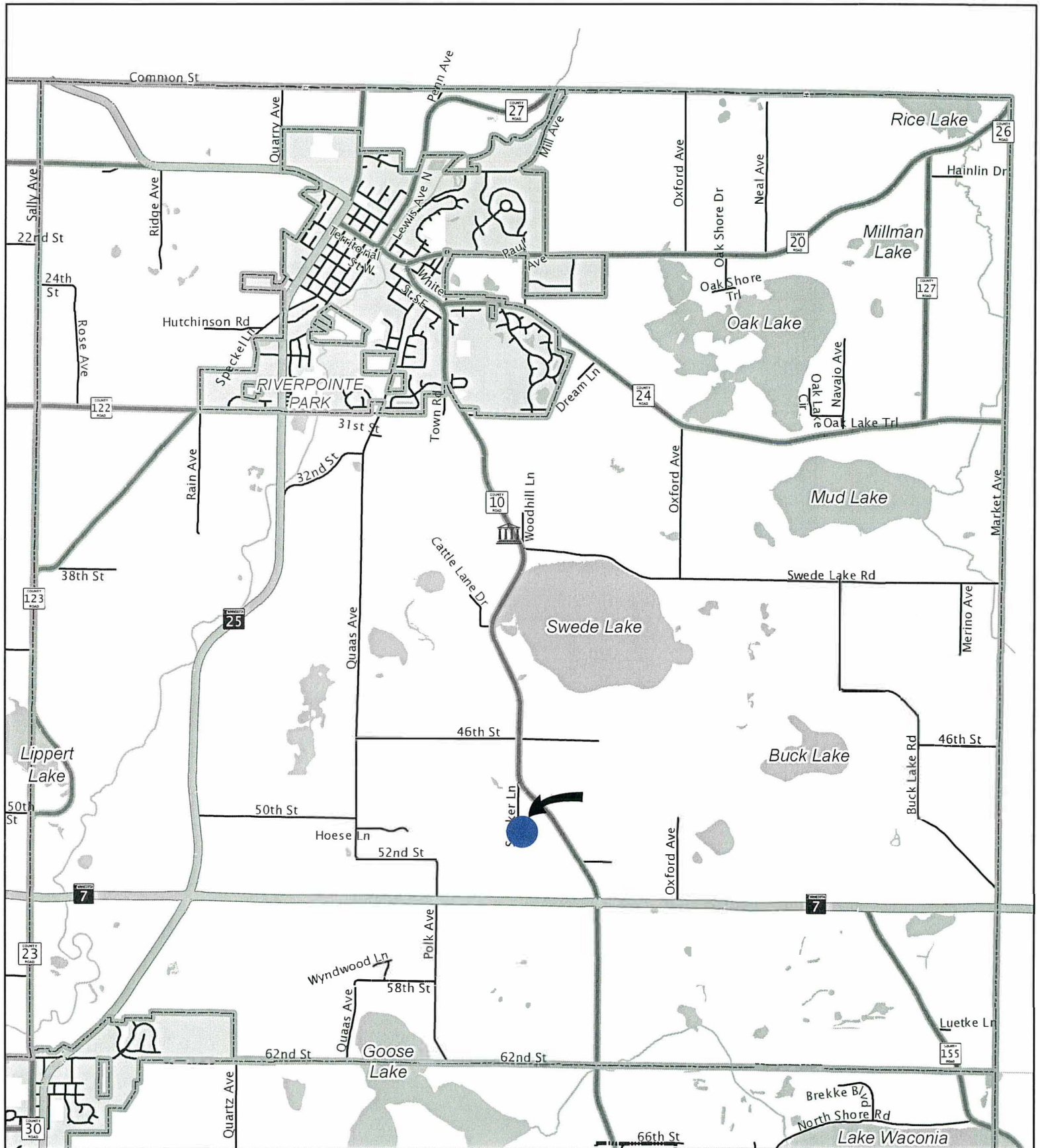
If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for reduced road frontage and width/depth ratio pursuant to Section 152.033 (D) of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be attached to the approved variance:

1. 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 Watertown Township, and recorded at the County Recorder’s Office, providing for a minimum of 33 feet x 125 feet. The dedication as a right-of-way easement of the township road shall be reviewed and approved by Watertown Township and Carver County, prior to recording. The easement area shall be privately maintained until such time as the Watertown Town Board takes over maintenance responsibilities.
3. The Township road easement (i.e. driveway and turnaround) shall be constructed to Township standards.
4. Prior to commencing any construction related activities on-site, the owner shall obtain the appropriate building and demolition permit(s).

OR

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

WATERTOWN TOWNSHIP



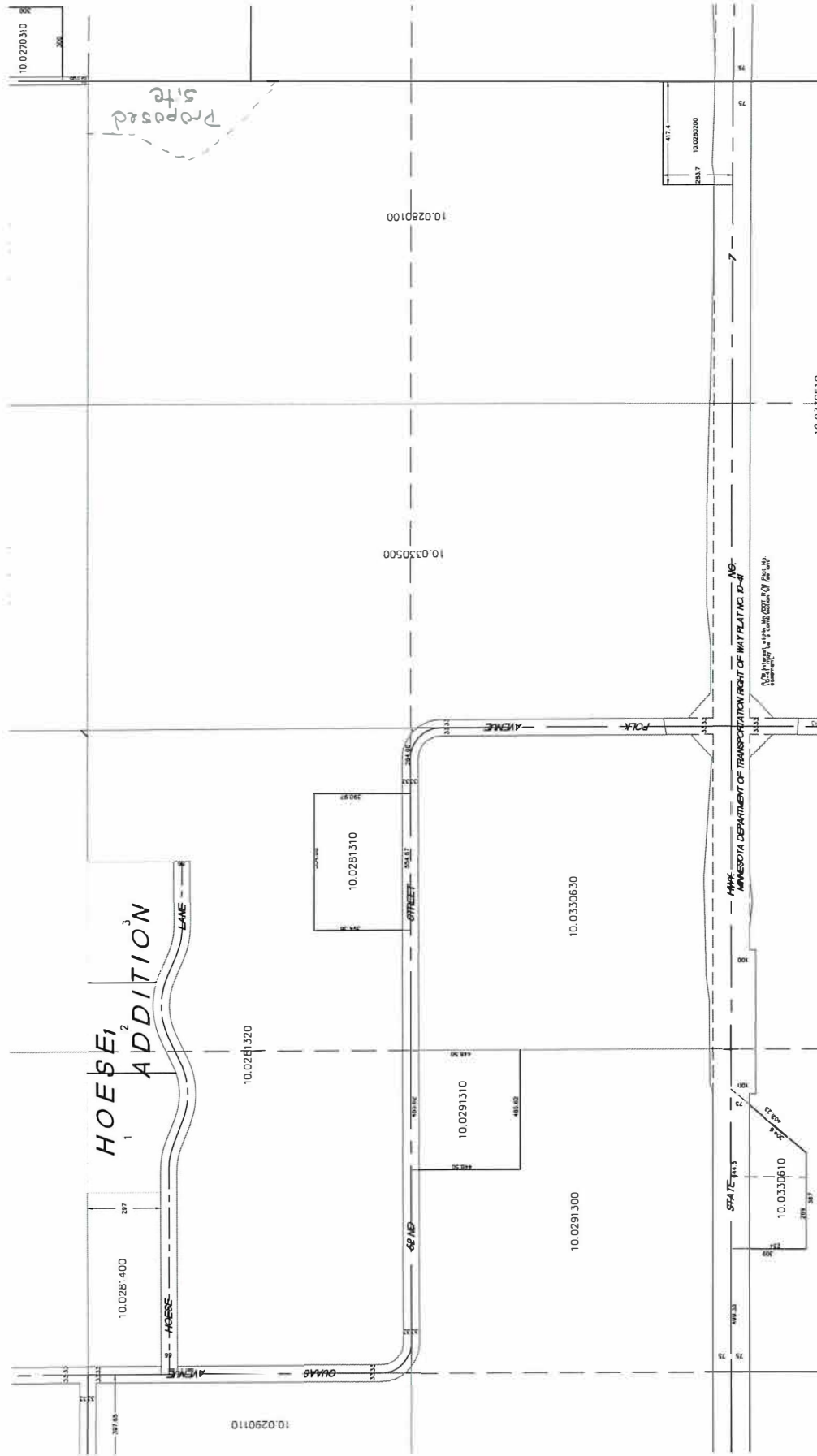
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
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S 1/2 SEC. 28, T.117, R.25

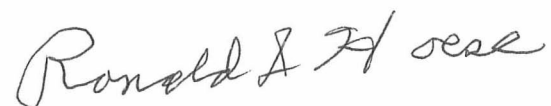


11/29/2021

To: Carver County Board of Adjustment and Watertown Township

From: Ronald & Karen Hoese
5000 Hwy 25
Mayer, MN 55360

We recently purchased an approximate 75-acre property (i.e. 5000 Snicker Lane - Watertown, MN 55388) with the building site. My daughter and son-in-law would like to subdivide the existing building site with approximately 3-4 acres from the rest of the property (i.e. farm field). Due to the current parcel configuration we are unable to provide the minimum road frontage to subdivide the existing building site. Therefore, we are requesting a variance for reduced road frontage (i.e. 66 feet) and width to depth requirements.



CERTIFICATE OF SURVEY

~for~ RON HOESE

~part of~ E1/2 - SE1/4, Sec.28, T.117, R.25
Watertown Twp, Carver County, MN

NORTH

PROPOSED SPLIT DESCRIPTION

All that part of the East Half of the Southeast Quarter of Section 28, Township 117, Range 25, Carver County, Minnesota, described as follows:

Commencing at the northeast corner of said East Half of the Southeast Quarter; thence South 0 degrees 12 minutes 07 seconds West, along the east line of said East Half of the Southeast Quarter, 60.00 feet to the point of beginning of the land to be described;
thence North 89 degrees 52 minutes 58 seconds West 201.73 feet;
thence South 9 degrees 54 minutes 06 seconds West 247.22 feet;
thence South 9 degrees 45 minutes 46 seconds East 90.14 feet;
thence South 20 degrees 50 minutes 41 seconds East 299.55 feet;
thence South 38 degrees 13 minutes 27 seconds East 193.41 feet to said east line of the East Half of the Southeast Quarter;
thence North 0 degrees 12 minutes 07 seconds East, along said east line, 763.85 feet to the point of beginning and there terminating.

REMNAINT DESCRIPTION

The East Half of the Southeast Quarter (E1/2 of SE1/4) of Section Twenty-eight (28), Township One Hundred Seventeen (117) North, Range Twenty-five (25) West, EXCEPTING THEREFROM the East 417.4 feet of the south 283.7 feet thereof.

ALSO EXCEPTING THEREFROM

All that part of the East Half of the Southeast Quarter of Section 28, Township 117, Range 25, Carver County, Minnesota, described as follows:

Commencing at the northeast corner of said East Half of the Southeast Quarter; thence South 0 degrees 12 minutes 07 seconds West, along the east line of said East Half of the Southeast Quarter, 60.00 feet to the point of beginning of the land to be described;
thence North 89 degrees 52 minutes 58 seconds West 201.73 feet;
thence South 9 degrees 54 minutes 06 seconds West 247.22 feet;
thence South 9 degrees 45 minutes 46 seconds East 90.14 feet;
thence South 20 degrees 50 minutes 41 seconds East 299.55 feet;
thence South 38 degrees 13 minutes 27 seconds East 193.41 feet to said east line of the East Half of the Southeast Quarter;
thence North 0 degrees 12 minutes 07 seconds East, along said east line, 763.85 feet to the point of beginning and there terminating.

PROPOSED RIGHT OF WAY

The North 125.00 feet of the East 33.0 feet of the East Half of the Southeast Quarter of Section 28, Township 117, Range 25, Carver County, Minnesota.

LEGEND

- DENOTES IRON MONUMENT SET, MARKED RLS# 45356/52705
- ⊕ DENOTES CARVER COUNTY CAST IRON MONUMENT
- ⊙ DENOTES WELL
- ⊞ DENOTES POWER POLE
- ⊕ DENOTES SEPTIC TANK COVER
- DENOTES GRAVEL SURFACE
- OHW — DENOTES OVERHEAD WIRE

GRAPHIC SCALE



1 INCH = 100 FEET

NOTES

- The fieldwork was done on March 18, 2021.
- The purpose of this survey was to split the proposed parcel.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or on attorney's title opinion.

Location: 5000 Snicker Lane, Watertown, MN

Scale 1" = 100'

Drawn By: SNN

Project Manager: SNN

Job No.: 210144



E.G. RUD & SONS, INC.
Professional Land Surveyors
990 5th Avenue SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025 Fax (320) 587-2595

Date: 3/29/21 License No. 52705

CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	10-028-0100		Permit #	P220220030	
Owner's Name:	Ronald & Karen Horse		Owner's Mailing Address:	5000 Hwy 25	
City:	Mayer	Owner State:	MN	Owner Zip:	55360
Applicant (if other than owner):			Site Address:		

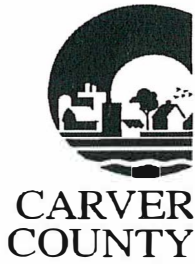
Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request:	Subdivide building site with reduced road frontage and width/depth ratio.					
Date of County Public Hearing:	08/03/22		Date of Township Meeting:	July 5, 2022		

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:
as requested

****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	Signature of Township Official	Date
		7-5-22
		7-5-22



Public Services Division
Department of Land Management
Carver County Government Center
600 East 4th Street
Chaska, Minnesota
(952) 361-1820

July 19, 2022

Ronald & Karen Hoese
5000 Hwy. 25
Mayer, MN 55360

RE: Snicker Lane Variance (PZ#20220030)
PID# 10-028-0100

Dear Mr. & Mrs. Hoese:

I'm writing in reference to the requirement that the County must make decisions on planning & zoning requests within 60 days of the application, as dictated by State Statute (MS. 15.99). The law states that the County may extend the timeline by providing written notice of the extension to the applicant. It also states that the notification must state the reasons for the extension and its anticipated length, which may not exceed the additional 60-days (i.e. 120 days total) unless approved by the applicant.

I want to take this opportunity to inform you of a 60-day extension for the decision on your request (File PZ#20220030) for a Variance to lot dimension requirements to create a new building site parcel on your property. This extension is based on the date your application was considered complete (June 29, 2022). The initial 60-day deadline for a final decision on your request was August 28, 2022.

However, the Carver County Board of Adjustment meets only once per month and the June 29th application submittal was too late to get on the July meeting. If for some reason the Board of Adjustment did not make a decision at their August 3rd meeting, then the County would not meet the August 28th deadline to make a decision. To allow for any unexpected delays, the deadline to make a decision is being extended.

This letter shall serve as the written notice of a 60-day extension (120 days), reflecting a October 27, 2022, County deadline for a final decision on your request. The 120-day time period will not be extended in the future without your approval.

Thanks for your time. If you have any questions, please feel free to contact me at 952-361-1815.

Sincerely,

Donovan Hart
Senior Planner

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-028-0100

File# PZ20210060

APPLICANTS/OWNERS: Ronald J & Karen Hoes

* * * * *

The East Half of the Southeast Quarter of Section 28, Township 117 North, Range 25 West, EXCEPTING THEREFROM the East 417.4 feet of the South 283.7 feet thereof, AND ALSO EXCEPTING THEREFROM Parcel 248, Minnesota Department of Transportation Right of Way Plat No. 10-41, Carver County, Minnesota.