

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.