

CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **Wednesday, July 6, 2022**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska

AGENDA

7:00 p.m.

1. Approve minutes of June 1, 2022 meeting

Pages 1-1 through 1-7
 2. **File #20220025**- Public hearing on request by Nicholas Hartwig for a variance. (Reduced setback to property line)
Hollywood Township

Pages 2-1 through 2-10

Issue Order #PZ20220025 – Nicholas Hartwig
 3. **File #20220026**- Public hearing on request by Brett MacNally/Short Stack Industries, LLC for a variance. (Increase Non-Conformity of a parcel)
Camden Township

Pages 3-1 through 3-10

Issue Order #PZ20220026 – Brett MacNally/Short Stack Industries, LLC
- Other Business**

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting June 1, 2022
Minutes

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

Members Absent: Frank Mendez

Members Late: None

Staff Present: Jason Mielke, Christina Neel

Pursuant to due call and published notice thereof, the June 1, 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 six members present, with Frank Mendez absent.

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 May 4, 2022, meeting. A motion was made by Bielefeldt to approve the minutes of the May 4, 2022, meeting as written. Stender seconded the motion for approval. All voted aye. Motion carried.

Public Hearing - File # 20220020 – Daniel & Jeanette Bruesehoff – Chairman Bruner called the public hearing to order at 7:01 p.m. to consider the application of Daniel & Jeanette Bruesehoff pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request to create two parcels with reduced road frontage and width/depth ratio pursuant to Chapter 152 of the County Code. The property is in Section 25 of Benton Township.

The following were present: Daniel Bruesehoff, Jeanette Bruesehoff

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 April 26, 2022

Exhibit F – Staff Report addressed to the Board of Adjustment and Benton Town Board dated May 23, 2022, and all attachments

Mielke explained the applicant's request to subdivide an existing house with a few acres as a residential parcel, leaving the remnant as a large agricultural parcel. The existing cartway would be extended to

provide legal road frontage, however, the remnant parcel would not meet the minimum road frontage or width to depth requirements and therefore, a variance is being requested. Mielke used an aerial map to illustrate the proposed 2.5-acre residential parcel and the extension of the cartway. He stated the current parcel, which was created prior to enactment of the ordinance in 1974, is considered 'legal non-conforming'. There was a variance request in 1982 to subdivide a 3-acre parcel and construct a house, however, the variance was never recorded and was null and void. In 2012, the original farmstead was subdivided from the tillable land utilizing the 66-foot subdivision rule for existing farmsteads. The current parcel configuration is the result of a minor subdivision granted in 2013, retaining the outbuildings with the large agricultural parcel. The proposed configuration for the 2.5-acre parcel would meet the road frontage and width to depth requirements with a cartway easement and there would be no need to construct a Township road. The practical difficulty exists in that the property is at the end of a cartway, which situation was not created by the landowner. The existing septic system for this house would need to have a certificate of compliance or a guarantee ensuring the issuance of a COC within ten months of the minor subdivision application approval date, or the time required by Chapter 52 of the Ordinance, whichever is more restrictive. Soil borings for an alternate SSTS site are also required prior to the minor subdivision approval. It was discovered that a document recorded in 2012 granted an easement extension of approximately 208 feet east of the existing cartway, which would provide adequate road frontage for the proposed residential parcel, but not for the remnant parcel. It will be a decision of this board to determine if the length of the easement should be extended to 357 feet to provide the minimum road frontage for the remnant parcel as required by the ordinance. Mielke used an aerial photo to illustrate the recorded easement area and the proposed additional easement length. If the Board determines that the existing recorded easement is sufficient, then the language of the conditions will be changed to reflect that. Granting the variance is in harmony with the general purpose and intent of the official control and would not conflict with the intent of the Comprehensive Plan. The Benton Town Board heard the request at their May 12, 2022, meeting, and recommended approval with no additional comments or concerns. Mielke read the proposed conditions for consideration if the request is approved.

Bruner asked if it would be right to provide the appropriate easement with this variance, since there are potential future building eligibilities available to use.

Mielke stated it would not necessarily need to be done at this time because the Bruesehoff family could decide to not use any more eligibilities on this land and transfer them as allowed by the Zoning Code. If they decide to use another eligibility on this property, it will require another variance at that time, but that is not a part of this request. This request is only for subdividing the existing house with approximately 2.5 acres and reduced road frontage for the remnant parcel containing 2 building eligibilities.

Bruner asked if the original farmstead contains 2 houses.

Mielke stated the original farmstead has only 1 house. The original house was removed and replaced with a new house in 2009. The parcel reconfiguration done in 2013 was done to exclude the agricultural outbuildings from the house, most likely for financing purposes. The agricultural structures, machine sheds and grain bins, etc., are allowed to be on an agricultural parcel without a house.

Janette Bruesehoff concurred that they reduced the size of their lot to exclude the agricultural

outbuildings to get a better interest rate for financing.

Chairman Bruner asked if the applicant read and agrees with the proposed conditions of the variance.

Ms. Brueseoff agreed with the proposed conditions.

No one representing the Township was present at the meeting for comment.

Mielke reiterated the facts surrounding the easement issue as illustrated on the aerial map and confirmed the language of Condition #2 would reflect the Board's decision on the suitable length of the easement. He stated the width of 66 feet is a typical road width, if the cartway would be converted to a road in the future.

Stender asked if the easement extends to the original farmstead.

Mielke stated the current easement extends only 208 feet easterly beyond the east end of the cartway, as was recorded on the document in 2012. He used the aerial map to indicate the existing and proposed easement areas. He also explained the '66-foot rule' for subdivision of existing farm buildings, which created the existing configuration which is a conforming parcel. Their driveway is privately maintained.

Bielefeldt asked if a document would be recorded to grant the easement to the Township.

Mielke stated the document filed in 2012 granted a 208-foot easement to the Township, identified with a specific legal description. The easement runs with the land and maintenance is the responsibility of the property owner. He stated the Board should decide whether the existing easement in place will be satisfactory for this subdivision request, or if a new easement should be recorded with a legal description for an extended length. He stated a new easement document will incur additional costs to draft the legal description language and recording the document.

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 7:20 p.m.

Gorra stated the existing easement is recorded and in place and would serve the purpose for the residential lot and would be more convenient for the applicant.

Bruner agreed with that statement.

Stender stated if any building eligibilities would be subdivided in the future, a variance would be required at that time for additional road frontage, so any changes could be addressed at that time.

Bielefeldt commented that the language in Condition #2 would need to be changed to reflect the current easement description and asked if that would require a motion and second to complete.

Mielke explained that staff can modify the language to reflect the Board's wishes as stated in a motion. He proposed language referring to the recorded easement document from 2012.

A motion was made by Schmidt to change Condition #2 to reflect the existing recorded easement language. The motion was seconded by Stender. Chairman Bruner called for a vote on the motion. Bruner, Schmidt, Stender, Polunc & Gorra voted aye. Bielefeldt voted nay. Motion carried.

A motion was made by Bielefeldt to **approve and issue Order PZ20220020** to subdivide an existing parcel with reduced road frontage and width-to-depth ratio, pursuant to Section 152.033 (D) of the Carver County Zoning Code on property legally described on the attached Exhibit “A”, with 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 Carver County Zoning Code requirements including but not limited to, a completed Minor Subdivision application, a survey, SSTS compliance, and township cartway easement.
2. Along with the Minor Subdivision approval, the township cartway easement shall be shown on the survey, providing for a minimum of 66 feet wide x 208 ft long description. An Easement Agreement has already been reviewed and approved by the Benton Town Board and Carver County and recorded November 13, 2012 (Document No. A565643). The township road easement shall be privately maintained, pursuant to Benton Town Board requirements.

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

Public Hearing - File # 20220021 –John Pearce – Chairman Bruner called the public hearing to order at 7:21 p.m. to consider the application of John Pearce pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for a reduced setback from a Minor Arterial road pursuant to Chapter 152 of the County Code. The property is in Section 6 of Watertown Township.

The following were present: John Pearce, Lisa Pearce

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 May 2, 2022

Exhibit F – Staff Report addressed to the Board of Adjustment and Watertown Town Board dated May 20, 2022, and all attachments

Neel stated the applicant owns an approximate 0.7-acre parcel improved with a single-family dwelling with an attached garage. The applicant is requesting a variance for reduced road frontage to accommodate proposed construction of a covered front porch on the house. The variance request is to reduce the setback to approximately 70 feet. The County Code requires the nearest corner of any structure to meet or exceed a setback of 120 feet from a Minor Arterial road not in the Shoreland area. The applicant described a practical difficulty in that the house was built in 1964, prior to the setback requirements being codified. There is no way to improve the existing stoop or add to the front porch in

a way to meet the required setback, or the reduced setback of 80 feet (Future Functional Class of Road modification) which the Public Works department can allow. The land-related difficulty is due to the location of the house, which was not created by the landowner. Approval of this variance request would allow the homeowner to apply for the building permit(s) for the proposed construction. Granting this variance is in harmony with the general purpose and intent of the official control and appears to meet the intent of the regulations which existed prior to the Future Functional Class of the Road modification. The setback modification was designed to assist the Carver County Public Works Division for future road planning purposes. On May 20, 2022, Carver County Public Works reviewed the request and provided the following comment: *There is a planned future road project with engineering plans along CSAH 20, this project will not prohibit the proposed structural addition the variance will allow for. As part of the road project, the County will be realigning the driveway adjacent to the proposed addition. There is some risk associated with constructing the addition where it is currently proposed due to its proximity to CSAH 20 and the future driveway realignment.* Granting the variance would not conflict with the intent of the Comprehensive Plan or alter the character of the neighborhood and will not adversely affect the health or safety of persons residing or working in the area. The Watertown Town Board reviewed the request and recommended approval at their May 2, 2022, meeting with no additional comments or concerns. Neel read the proposed conditions for consideration if the request is approved.

The applicant stated the reason for the porch addition is to control rainwater and sunlight into the picture window.

Bielefeldt asked staff if the Public Works Department elaborated on the comment about the risk associated with the construction.

Neel replied they did not provide any further information on that.

Chairman Bruner, speaking as Watertown Town Board supervisor, affirmed the Township's unanimous vote for approval of the request.

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 7:32 p.m.

Bielefeldt asked the applicant if he agreed to the proposed conditions of the variance.

Mr. Pearce confirmed he agreed with the proposed conditions.

Bielefeldt stated he recognizes the practical difficulty with the location of the house.

A motion was made by Bielefeldt to **approve and issue Order PZ20220021** for a reduced front yard setback pursuant to Section 152.034 (D) of the Carver County Code on property legally described on the attached Exhibit "A", with the following conditions:

1. The permittee shall obtain the appropriate building permit(s) prior to the construction of the proposed attached porch addition. All work shall be done in accordance with the submitted and approved building permit plans.

2. All construction activities shall be done in accordance with the submitted site plan and Carver County Public Works requirements. The new construction shall not encroach any closer to the centerline of the road than approved (i.e., 70 feet from the center of County Road 20) as part of this permit application.
3. Prior to the issuance of a building permit, the landowner/contractor shall obtain the appropriate SSTS approval(s) and submit all required documentation to the Environmental Services Department.
4. No additional expansions within the required setback(s) shall be permitted without obtaining all necessary building permits and/or variances, if applicable.

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

Public Hearing - File # 20220016 –Michael & Tamara Wojtasiak – Chairman Bruner called the public hearing to order at 7:33 p.m. to consider the application of Michael & Tamara Wojtasiak pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request to exceed personal storage size and accessory structure total height pursuant to Chapter 152 of the County Code. The property is in Section 10 of Waconia Township.

The following were present: Michael Wojtasiak, Tammy Wojtasiak

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 May 13, 2022

Exhibit F – Staff Report addressed to the Board of Adjustment and Waconia Town Board dated May 23, 2022, and all attachments

Mielke stated the applicants own an approximate 1.2-acre parcel adjacent to Lake Waconia improved with a house and detached garage. He stated the lot is part of a plat which was created in 1933 and the lot is considered a legal non-conforming lot because it does not meet the current lot standards. The parcel was subject to a previous variance in 2020 which allowed for reduced front and lake setbacks for a new house, which was recently granted an extension. The applicants are requesting a variance to exceed the total allowable personal storage on the property. They are proposing to remove the existing detached structure on the west side of West Shoreline Dr and replace it with a 30' x 46' structure which would result in 2,080 total square feet of personal storage space on the property, which includes a future 700 square foot attached garage. The total permitted personal storage on the property is 2,050 square feet, and with a 624 square foot exemption for a typical attached garage size, the request exceeds the maximum personal storage space allowed by approximately 206 square feet. The proposed 30' x 46' detached structure is also 24 feet in height, which exceeds the total allowable structure height of 17 feet. The applicants' plan and design is in line with many of the surrounding houses and would be esthetically pleasing in the neighborhood. The location of the proposed detached structure will meet the setbacks

from property lines and the road. This should also improve safety for vehicles entering and exiting the structure. Granting the variance will not conflict with the intent of the Comprehensive Plan nor alter the character of the neighborhood. It will not adversely affect the health or safety of persons residing or working in the area. The applicants attended two Township meetings, on March 28th discussing the structure size, and on April 29th discussing the total structure height. The Township recommended approval of both variances as indicated on the Township Recommendation forms. Mielke read the proposed conditions for consideration if the request is approved.

Mr. Wojtasiak had no additional comments at this time.

There was no one present to represent the Waconia Town Board. The written comment on the Township Recommendation Form states the Township approves the variance request.

A motion was made by Bielefeldt to close the public hearing. Stender seconded the motion. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:42 p.m.

Bruner stated he visited the site and felt the new detached structure would improve the property and be more in line with the surrounding properties.

A motion was made by Bielefeldt to **approve and issue Order PZ20220016** for exceeding the personal storage square footage and height standards, pursuant to Section 152.073 (A)(1) of the Carver County Zoning Code, for property legally described on the attached Exhibit "A", with the following conditions:

1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. Appropriate building permits shall be obtained prior to any construction activity. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the approval and issuance of a new Variance.

The motion for approval was seconded by Stender. 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 Stender to adjourn. All voted aye. The meeting was adjourned at 7:44 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Environmental Services

June 22, 2022

TO: Carver County Board of Adjustment & Hollywood Town Board

FROM: The Environmental Services Department

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

FILE #: PZ20220025

OWNER/APPLICANT: Nicholas Hartwig

SITE ADDRESS: 3380 Vega Ave, Mayer, MN 55360

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 #: 06-016-0810

BACKGROUND:

1. Nicholas Hartwig owns an approximately 10.79-acre parcel located in the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 16, Hollywood Township. The property is improved with an existing farmstead consisting of agricultural buildings and a 1 per 40, house. The property contains a wooded area in the west section of the parcel. The property is located within the Agricultural Zoning District and the CCWMO (Crow River Watershed).
2. The applicant is requesting a Variance that would allow him to register and operate a new feedlot of 10 animal units or more (horses, cattle, and chickens) approximately 130 feet from the west property line and 10 feet from the north 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.

STAFF ANALYSIS:

1. Nicholas Hartwig, the applicant, purchased the property with existing barns that are located within 200 feet of existing property lines. The property is used for equine purposes such as horse boarding, training, and riding. The applicant would like to expand his operation for additional horses, cattle, and chickens. The current operation consists of six horses and four feeders, totaling 8.8 animal units. The applicant is currently boarding four of the six horses on site. The

property has not been registered as a feedlot by the County because it falls below the County Code threshold of 10 animal units.

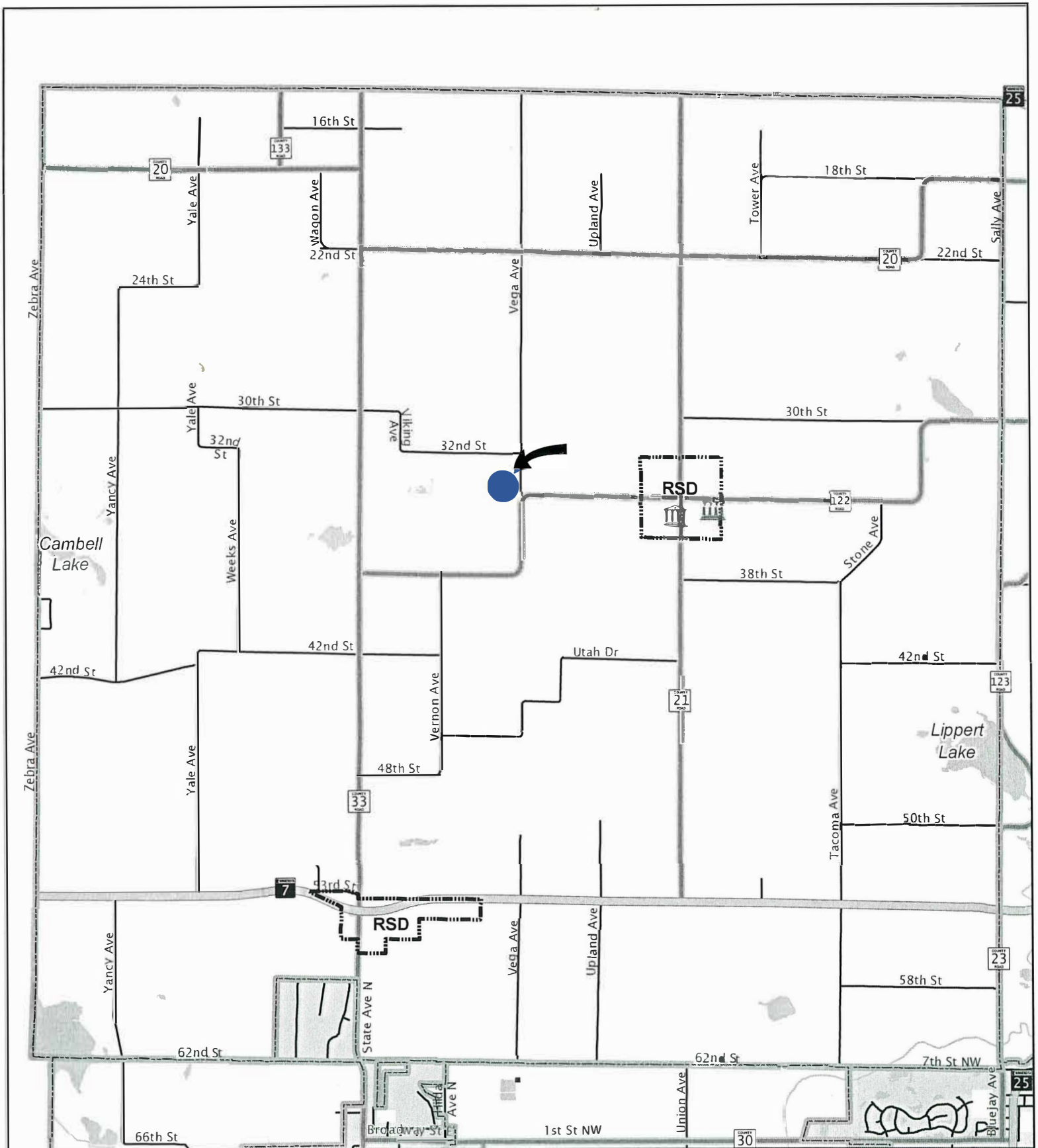
2. The applicant's letter, dated June 6, 2022, describes a practical difficulty exists based on the locations of the existing feedlot components. The horses will primarily be in pasture, but they will utilize the existing barn and lots during winter months and wet weather. The property is surrounded by agricultural production land, and the closest residence is over 1,000 feet from the existing feedlot components on site. 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 Mr. Hartwig to operate a new feedlot within an approximate 130-foot setback to the west property line, reflecting an approximate 70-foot variance and an approximate 10-foot setback to the north property line, reflecting an approximate 190-foot variance.
3. The applicant submitted a feedlot registration form to be processed by the County Feedlot Officer if the request is approved.
4. 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.
5. 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.
6. The Hollywood Town Board reviewed and recommended approval of the request at their May 9, 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 permittee shall obtain an agricultural building permit for the addition placed on the east side of the existing barn to house horses.
2. A Conditional Use Permit for an Equestrian Facility - Public Use pursuant to Section 152.079(C)(5), shall be obtained for commercial horse boarding.
3. All construction activities shall be done in accordance with the submitted site plan(s). The new construction shall not encroach any closer to the existing feedlot than as approved as part of this permit application (Approx. 130 feet from the west and 10 feet from the north).

HOLLYWOOD TOWNSHIP



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

0 1 2 Miles



Map Created by Carver County GIS

THIS IS A LOCAL INSTRUMENT AND
 IT IS NOT A PUBLIC RECORD.
 AS THEY APPEAR IN THE CANTON COUNTY
 RECORDS, THE INSTRUMENTS
 ARE NOT TO BE USED FOR EVIDENCE
 AND ARE NOT RESPONSIBLE FOR ANY
 INACCURACIES CONTAINED THEREIN.

N 1/2 SEC. 16, T.117, R.26



Surveying & Mapping Office
 Cass County, Minnesota
 600 East Fourth Street
 Chaska, MN 55318
 May 27, 2022

6/6/22

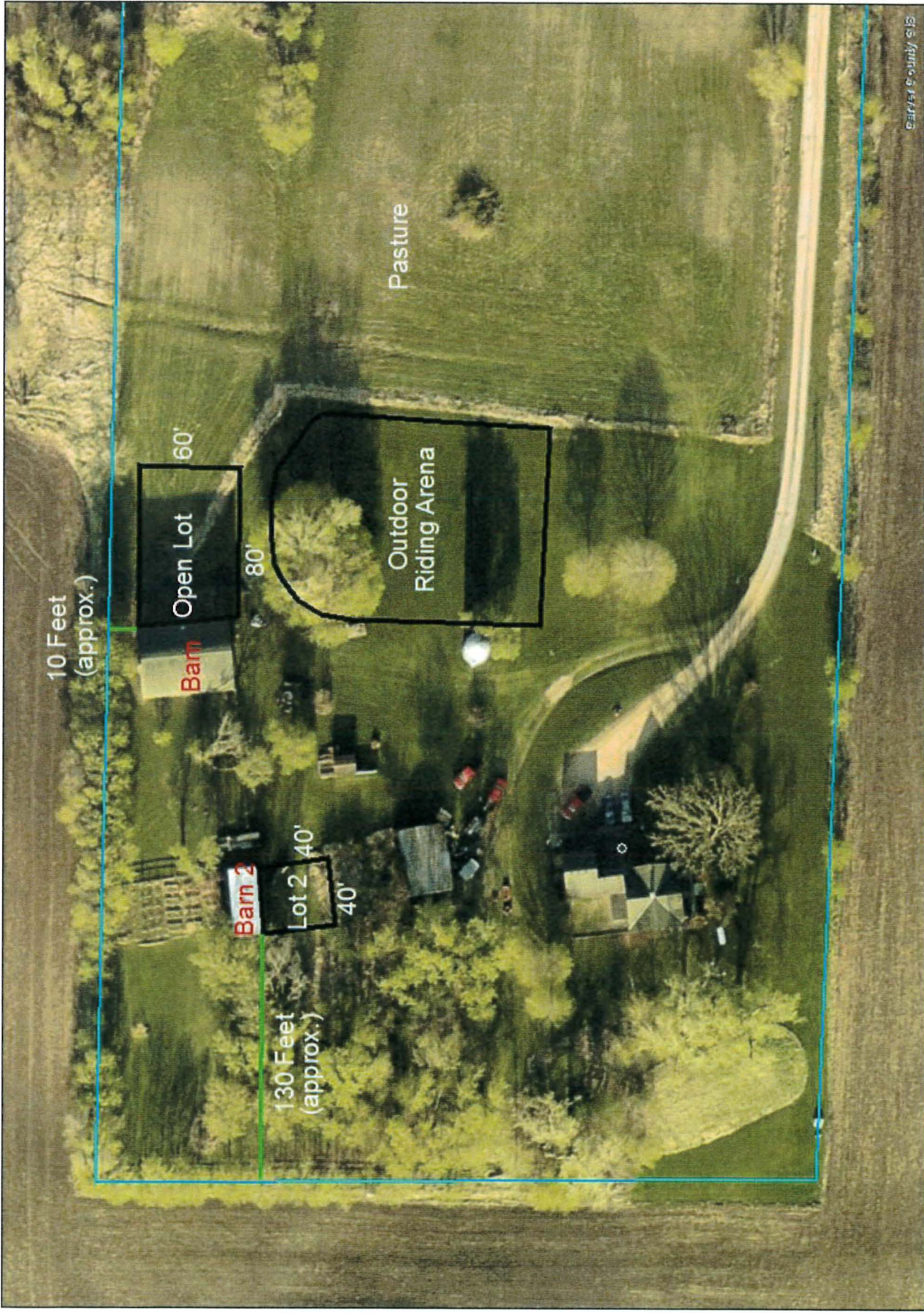
Dear Board members,

I have requested a variance for the setback requirements for feedlot registration on my property at 3380 Vega Ave in Mayer so I can gain the registration. I purchased the property with an existing barn that is within the 200' of the property line which makes it impossible to meet the setback requirement. Over the past couple years as our use of the property has evolved; we are reaching an amount of animals that requires us to register as a feed lot. The property is used for equine purposes (boarding, training , riding). The property is bordered on three sides by agricultural fields and Vega Ave. on the east side. There are no residences bordering the property on any sides that I would be interfering with. We are looking at a maximum head count of approximately 12 to 15 head when at full capacity. The majority of the property is in pasture grass/hay, but in the winter months and during wet weather the horses are kept in and around the existing building on dry lots consisting of dirt and clay so as to require the registration.

I also have manure disposable available to me on the adjacent property to dispose of all animal waste from the drylot areas.

Thank you
Sincerely
Nick Hartwig

Hartwig Proposed Feedlot Setbacks (06.016.0810)



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Date: 6/20/2022



**CARVER
COUNTY**

Public Services Division
Carver County
Government Center 600
East 4th Street
Chaska, MN 55318-2102

RECEIVED

JUN 3 2022
BY: *[Signature]*

Data Collection Sheet for Registration (New and/or Existing sites)

For Delegated Counties

Instructions: The following pieces of data are required to complete the online registration service process. The online registration service can be found here: <https://webapp.pca.state.mn.us/services/login>. This form will **NOT** be processed if sent to the MPCA. Registrations are required to be processed only through the online registration service. Counties may ask for more information pertaining to their County Ordinances as needed. Counties would need to add the following qualifier if they were to add county specific data to this form "This data is being collected for County purposes only and would not be required to meet MN 7020 rules for registration." *Disclaimer - What is entered in the online registration system is the official registration information. This is only a data collection sheet. This is not an official MPCA Form.

Facility name and address ☐ The information below reflects a change to the name of an existing registered facility.

Facility name: _____ Registration number: _____
Facility Address: 3380 Vega Ave Parcel ID number: 06-016-0810
City: Mayer State: MN Zip code: 55360
Phone: 612-616-4691 Email: _____

Ownership information ☐ The information below reflects a change of ownership of an existing registered facility.

Contact Person ☒ Same as feedlot name and address
Name: Nick Hardwig
Address: 3380 Vega Ave
City: Mayer State: MN
Phone: 612-616-4691 Zip: 55360
Email: nhardwig@chaskamn.com

Feedlot Owner ☒ Same as feedlot contact
Name: _____
Address: _____
City: _____ State: _____
Phone: _____ Zip: _____
Email: _____

Facility locational information

County: _____ City/Township: _____

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
<u>117</u>	<u>26</u>	<u>16</u>		

Any surface waters or tile intakes within 1,000 feet of the facility? (If Yes, indicate types below) ☐ Yes ☐ No
☐ Lake/Pond larger than 25 acres ☐ Wetland ☐ Drainage ditch ☐ River/Stream/Creek ☐ Tile intake
 Is any part of the facility within 300 feet of a river/stream? ☐ Yes ☒ No
 Any part of the facility located within a delineated flood plain (100 year flood)? ☐ Yes ☒ No
 Any part of the facility located within designated shoreland? ☐ Yes ☒ No
 Any part of the facility within 300 feet of a known sinkhole? ☐ Yes ☒ No

Facility operations information (indicate components that are currently part of your livestock or poultry operation)

Animals on pasture for part of the year ☒ Yes ☐ No
 Open lots (dirt, concrete, other) that are designed as animal holding areas ☒ Yes ☐ No
 Buildings that are designed for animal confinement or as animal holding areas ☒ Yes ☐ No
 If yes to either above, what is the shortest distance from an animal holding area to a well? (including unused or unsealed wells) 278' feet
 A liquid manure storage structure ☐ Yes ☒ No
 A manure stockpile (solid manure storage area) ☐ Yes ☒ No
 If yes to either above, what is the shortest distance from a manure storage area to a well? (including unused or unsealed wells) _____ feet

If you closed a liquid manure storage area or permanent manure stockpile since your last registration, complete the following:

Date closed: _____ ☐ Liquid storage ☐ Solid storage
 Date closed: _____ ☐ Liquid storage ☐ Solid storage

Number of animals at the facility

If you currently do **not** maintain animals at the site, list the date that you last had animals (mm/dd/yyyy): _____

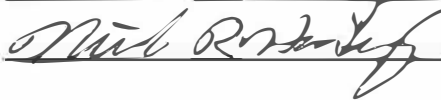
Enter in column E the maximum number of animals that you have maintained (standing herd or flock size) at the facility at any given time **in the past five years**. Then calculate the animal units in column F by multiplying the value in column E by the value in column B. No changes are needed in columns C and D as this is the information currently on file with the MCPA.

A	B	C	D	E	F
Animal type	Animal unit factor	Current Registration Info <i>No changes Required</i>		Registration Update <i>MAKE CHANGES HERE</i>	
		Number of animals (head)	Animal Units (B x C)	Number of animals (head)	Animal Units (B x E)
Dairy Cattle >1000 lbs	1.40				
Dairy Cattle <1000 lbs	1				
Dairy Cattle - Heifer	0.70				
Dairy Cattle - Calf	0.20				
Beef Cattle - Slaughter/Stock	1				
Beef Cattle - Feeder/heifer	0.70	3	2.1		
Beef Cattle - Cow & calf pair	1.20	2	1.2		
Beef Cattle - Calf	0.20				
Veal Cattle - Calf	0.20				
Swine >300 lbs	0.40				
Swine 55-300 lbs	0.30				
Swine <55 lbs	0.05				
Horses	1	10	10		
Sheep, Lambs	0.10				
Chickens - liquid manure	0.0330				
Chickens - Broilers >5 lbs	0.0050				
Chickens - Broilers <5 lbs	0.0030				
Chickens - Layers >5 lbs	0.0050	10	.05		
Chickens - Layers <5 lbs	0.0030				
Turkeys >5 lbs	0.0180				
Turkeys <5 lbs	0.0050				
Ducks - dry manure	0.01				
Ducks - liquid manure	0.01				
Other animals (not listed above – specify in space below):					
			Current Total AU 13.35		Updated Total AU

Signature (person completing the form) and Submittal

Print name: Nick Hartwig

Title: owner

Signature: 

Date: 5-9-2022



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	<u>060160810</u>	Permit #	<u>P720220025</u>
Owner's Name:	<u>Nick Hartwig</u>	Owner's Mailing Address:	<u>3380 Vega Ave</u>
City:	<u>Mayer</u>	Owner State:	<u>MN</u>
Applicant (if other than owner):		Owner Zip:	<u>55360</u>
		Site Address:	<u>3380 Vega Ave</u>

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request:						
<u>Variance for equine chrylot that is less than 200' from the property line for Feedlot registration</u>						
Date of County Public Hearing:			<u>7-6-2022</u>			
Date of Township Meeting:			<u>5-9-2022</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:

Board passed okay by 3-0 vote.

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

<u>Phil R. Hartwig</u>	Date <u>5-9-2022</u>
Signature of Applicant	
<u>Ronald Kassulke</u>	Date <u>5-9-2022</u>
Signature of Township Official	

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 06-016-0810

Permit# PZ20220025

APPLICANT/OWNER: Nicholas R Hartwig & Jennifer M Hartwig

* * * * *

That part of the Northeast Quarter of Section 16, Township 117, Range 26, Carver County, Minnesota, described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence on an assumed bearing of North along the east line of said Northeast Quarter, a distance of 125.52 feet to the point of beginning; thence continue on a bearing of North along said east line, a distance of 430.71 feet; thence North 88 degrees 19 minutes 24 seconds West, a distance of 1,148.48 feet; thence on a bearing of South, a distance of 404.15 feet; thence South 87 degrees 00 minutes 00 seconds East, a distance of 1,149.56 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

June 27, 2022

TO: Carver County Board of Adjustment & Camden Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (expand a non-conformity – reduced road frontage and width/depth ratio)

FILE #: PZ20220026

PROPERTY OWNER: Short Stack Industries, LLC

APPLICANT: Brett MacNally

SITE ADDRESS: 330 Manning Street, Camden Township, MN 55367

VARIANCE TYPE: Expand a Non-Conformity with Reduced Road Frontage

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 02-005-0400

BACKGROUND:

1. Mr. MacNally owns an approximate 94-acre parcel located in the North Half (N½) of the North Half (N½) of Section 5, Camden Township. The property primarily consists of wooded land, wetlands, and farm fields, but also includes a building site. The building site is comprised of a single-family dwelling with an attached garage, pool, and a detached accessory structure. The property is located in the Agricultural Zoning District and the CCWMO (Crow River watershed).
2. The applicant is requesting a multi-component variance that would allow for a Minor Subdivision to expand the existing agricultural parcel by adding approximately 15 acres from the adjacent parcel to the north. Mr. MacNally's property, located at the western end of Manning Street, only has 66' of road frontage, thus is nonconforming through inadequate public road frontage and width-to-depth ratio. The additional land, to be subdivided from a separate parcel north of the subject property if a variance is obtained, is located at 6420 County Road 33 and owned by Arthur and Judith Solie. If approved, the new agricultural parcel would be approximately 109 acres; however, the proposed parcel configuration does not change the non-conforming status of the site parcel. Therefore, a variance has been requested pursuant to Section 152.009 (M) and 152.033 (D) of the Carver County Zoning code.

LEGAL BACKGROUND:

§ 152.009 NON-CONFORMING USES AND STRUCTURES.

- (M) A residential parcel of land with existing structures on the effective date of this chapter because of its dimensions or because it does not have sufficient road frontage is considered a legal lot. The lot may be expanded provided a variance is approved, and the new lot meets all chapter criteria except the minimum road frontage standard.
- (Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 88-2018, passed 11-20-18; Am. Ord. 97-2021, passed 7-20-21)

§ 152.033 LOT REQUIREMENTS.

- (A) *Generally.* A new lot shall not be created unless it conforms to all of the following requirements. Any action that changes the size, configuration, or shape of a lot is considered to be creating a new lot. The only exception is where changes are being made to correct discrepancies in a legal description or to recognize actual occupation.

(D) *Road frontage, lot width and depth.*

- (1) *Road frontage.* All new lots shall have frontage on a public road or be attached to an adjacent parcel having the required road frontage; minimum road frontage is 125 feet.
- (2) *Minimum width.* One hundred twenty-five feet with 125 feet of frontage on a public road existing at the time of application or the minimum width required to maintain width to depth ratio, whichever is greater. The minimum width of a specified lot must be maintained for the entire depth of the lot except where the lot is located on a cul-de-sac.
- (3) *Minimum lot depth.* One hundred twenty-five feet.
- (4) *Width to depth ratio.* Depth of the lot shall not exceed five times the width. Road frontage of 500 feet or more will support a lot of any depth.

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

STAFF ANALYSIS:

1. The County Code typically requires the platting process (Major Subdivision) be completed for any subdivision request that does not meet the criteria for the minor subdivision as follows: the subdivision must meet the frontage requirement on an existing road; and the subdivision would not require the construction of any public improvements or new road. The approval of the variance would negate the major subdivision requirement.
2. The applicant is proposing to purchase and combine approximately 15 acres of land from the Arthur and Judith Solie property located to the north. The proposal would increase the size of an existing legal nonconforming parcel with only 66 feet of road frontage and a lot depth of about 3,320 feet. That dimension of road frontage does not meet the minimum 125-foot standard nor does it supply the adequate width to depth ratio. The land to be added to Mr. MacNally's parcel is currently wooded, wooded pasture, wetlands, or vacant land not under till. The Solie's property, an agricultural parcel on which they live, would remain a legal conforming parcel and would meet all applicable County Zoning Code requirements.
3. The applicant's letter, dated June 14, 2022, notes that the parcel is "already irregular and adding this small amount will have no effect on drainage or use of any surrounding properties." The narrative also reports that the land is "not buildable or tillable in the future." The letter states, "We purchased the property with only minimal Manning Street road frontage and didn't create the situation of the nonconforming lot."
4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. The applicant purchased the property in 2018. It appears that the current configuration of the subject property was created sometime between 1974 and 1985. The land to the east of the subject property has been annexed to the City of New Germany; therefore, creating the non-conforming parcel. The shape and size of the nonconforming parcel presents a unique circumstance.
5. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan and would not alter the character of the neighborhood. If the proposed land split were to be done in a manner consistent with County guidelines, the subdivision would result in approximately 15 acres of land which consists of woods and wildlife habitat being included with the existing parcel. No additional Building Eligibilities would be added with the Minor Subdivision and any plans for development would be reviewed by the Land Management Department. Expanding an existing parcel for the preservation of open space area and wildlife preservation would not be in conflict with the intent of the Comprehensive Plan.
6. The applicant is proposing to use the property in a reasonable manner and in harmony with the general purpose and intent of the official control. The official control in this matter is to ensure adequate access is provided to accommodate future development. No additional development would occur unless the parcel is annexed into the City of New Germany. The addition of land to this parcel doesn't appear to inhibit the extension of Manning Street or the development of the parcel under the City's subdivision standards. Although the proposal does not meet the road frontage standard, adding the non-tillable land appears to be a reasonable request and meets all other lot configuration requirements, as well as the intent of the regulations.

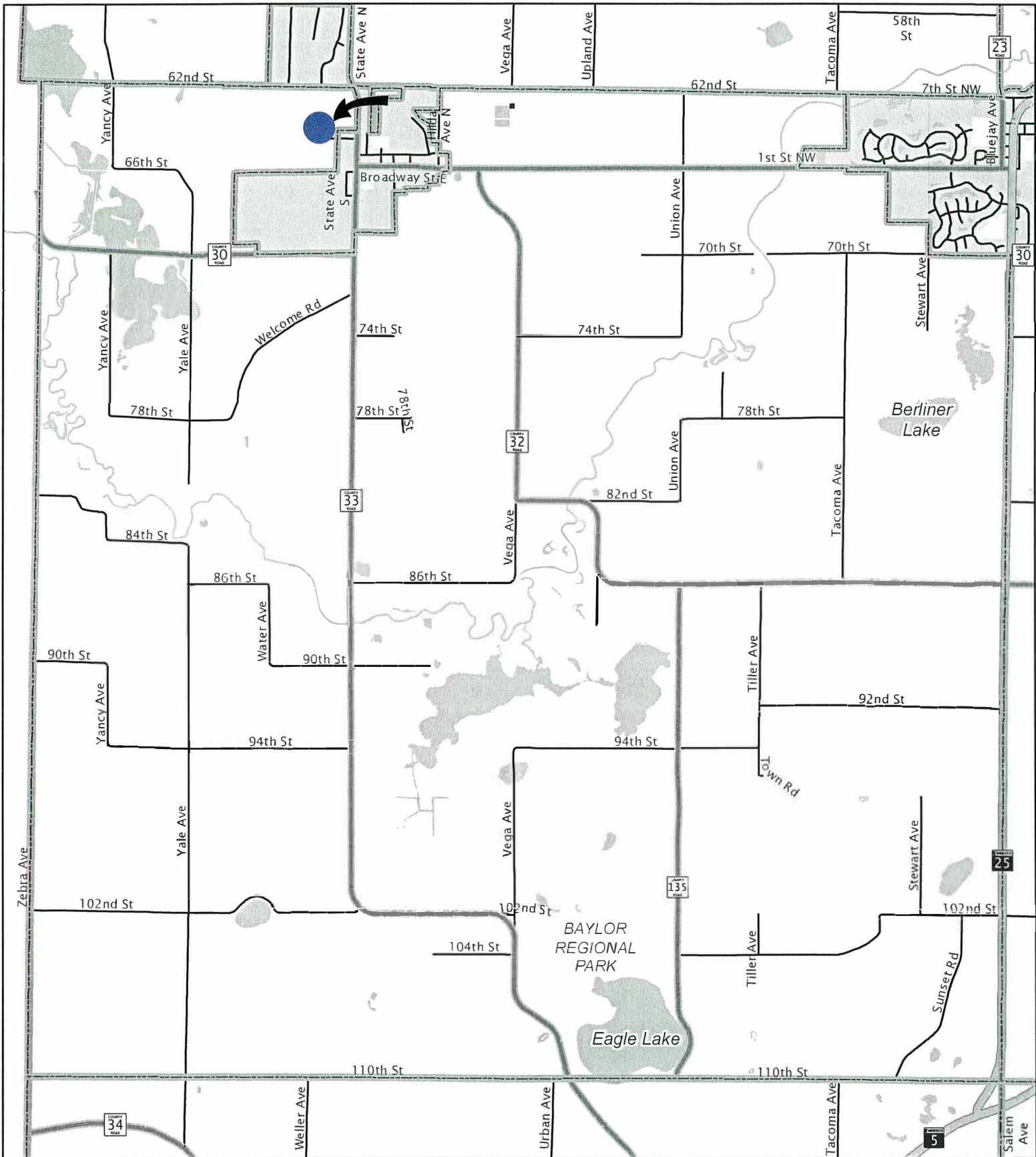
7. The neighborhood is comprised of agricultural uses, residences and city limits of New Germany, and the request would not cause a substantial change in the character of the neighborhood, nor would it have a negative impact on government services.
8. The granting of the variance would not materially, 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. On June 27, 2022, the request was reviewed by Lori Brinkman, Carver County Senior Environmentalist. Ms. Brinkman indicated that there are no SSTS related concerns with the MacNally property. However, as part of the minor subdivision process the Solie property would be required to submit, for review and approval, an SSTS design by a Licensed SSTS Contractor (i.e. primary and alternate locations).
10. The Camden Town Board reviewed the request and recommended approval at their June 9, 2021, Town Board meeting without the addition of further conditions.

BOARD CONSIDERATION:

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

1. A Minor Subdivision application 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.

CAMDEN TOWNSHIP

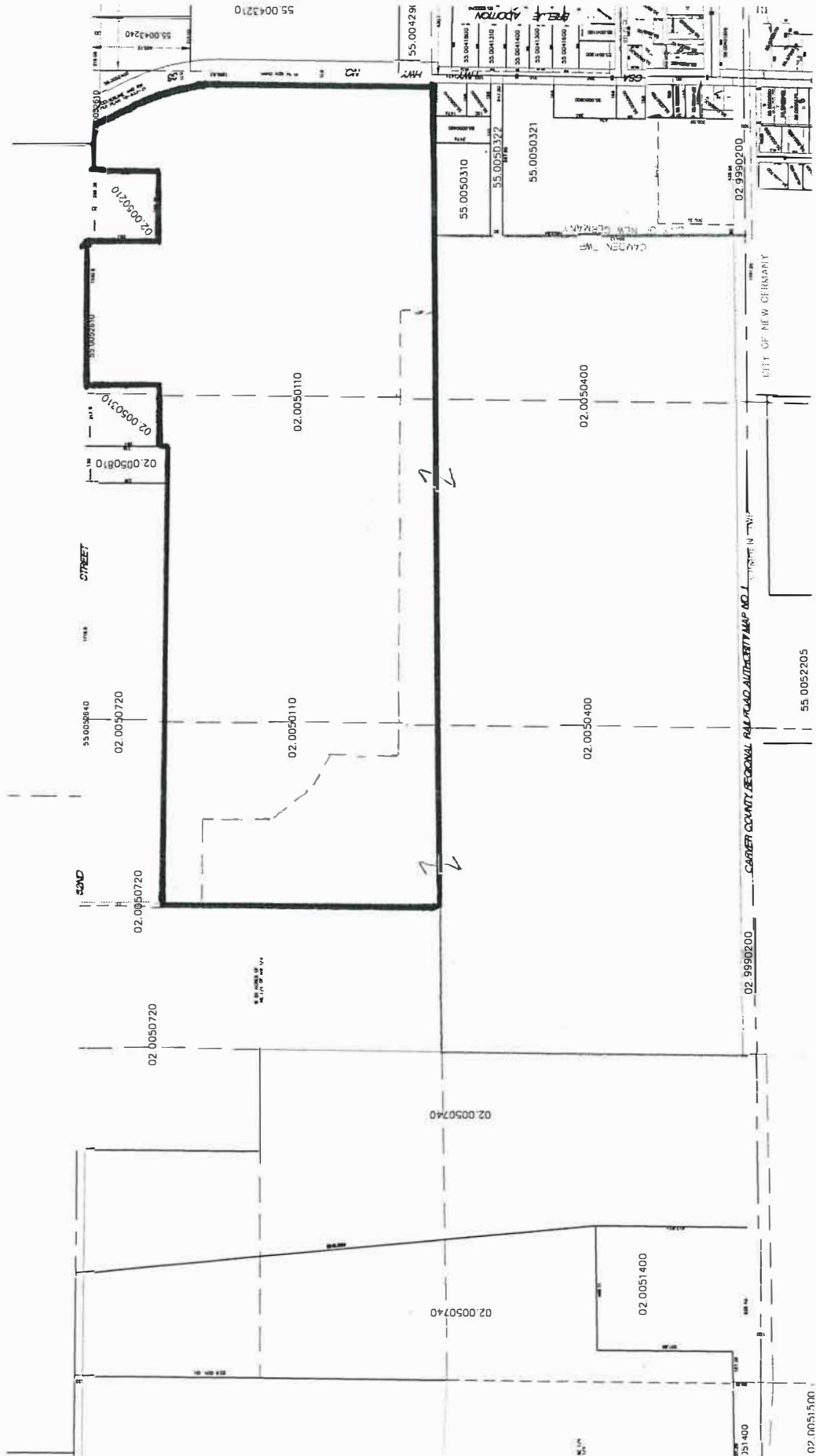


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



THIS IS NOT A LEGALLY RECORDED P.L.S.
 THIS MAP IS A COMPILED RECORD OF RECORDS
 FROM THE CAMERON COUNTY CLERK'S OFFICE
 OFFICE AND OTHER SOURCES. THIS MAP
 IS NOT A LEGALLY RECORDED P.L.S.
 PURPOSES IN THE COUNTY AND ITS AGENTS
 AND AGENTS SHALL BE RESPONSIBLE FOR
 ANY ERRORS OR OMISSIONS.

N 1/2 SEC. 5, T.116, R.26



June 14, 2022

Proposed Variance for Short Stack Industries, LLC

To Whom it May Concern,

We are requesting a variance to purchase approximately 15 acres from Arthur and Judith Solie at 6420 County Road 33 (PID 02-005-0110) and adjoin it to our adjacent lot at 330 Manning Street.

We have hired a surveyor to do the initial work to split this property and will have a correct survey before the County meeting on July 6, 2022.

The drawing that I have provided you with today is very close and I would expect it to be off by a few inches.

The variance requested is to increase the nonconformity of a legal nonconforming lot. The current lot, PID 02-005-0400, is nonconforming since it doesn't have the required minimum road frontage and it doesn't have the minimum width-to-depth ratio. The parcel at 330 Manning Street is already irregular and adding this small amount will have no effect on drainage or use of any surrounding properties. Being wetland, it is also not buildable or tillable in the future and seems to make sense to combine it with our existing parcel. We purchased the lot with only minimal Manning Street road frontage and didn't create the situation of the nonconforming lot.

Thank you for your consideration.

Sincerely,

Brett & Kelly MacNally

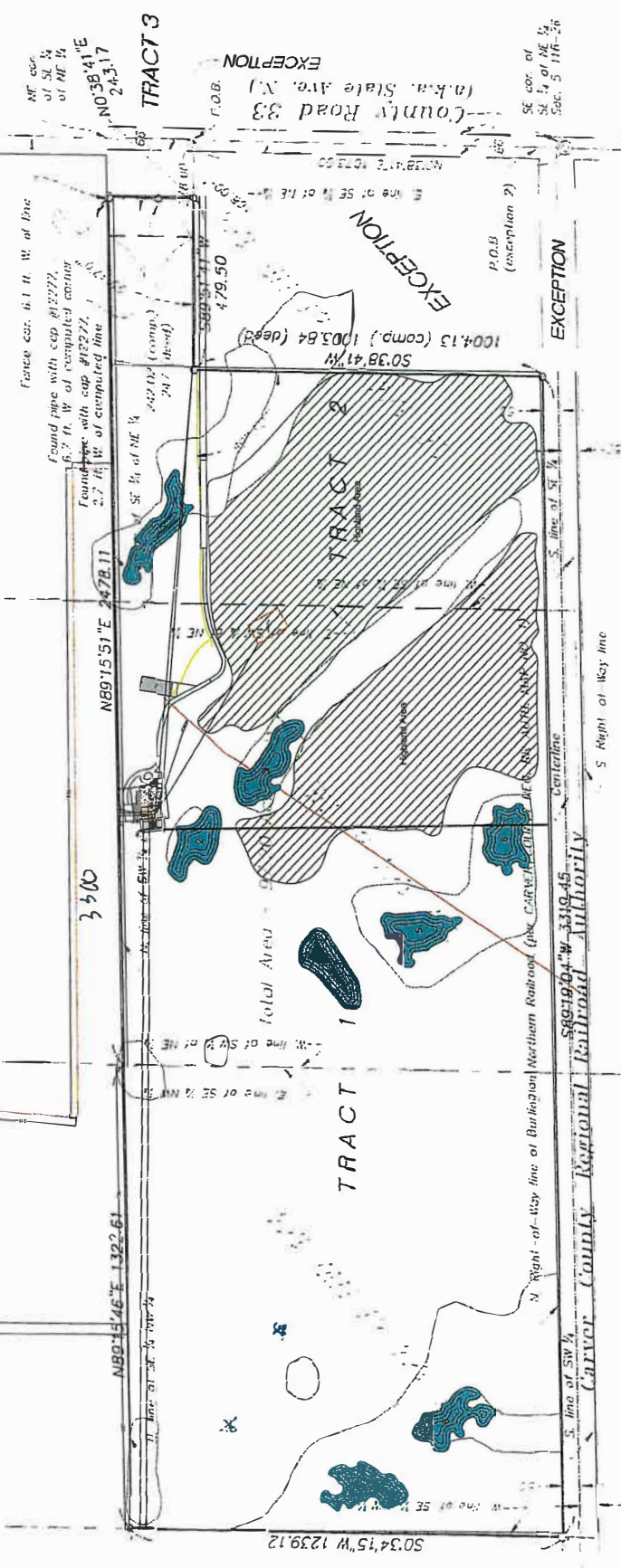
Received 6/10/2022 Parcel Map



Note: There appears to be a possible encroachment along the east line of lot 1. A fence and monuments with the cap number 12277 were found to be west of the surveyed boundary line. I stopped and took an attorney or title company to address any possible encroachment.

Certificate of Survey Prepared for: Connie & Linda Vencke

- Legend
- Found Iron Monument
 - Set Iron Monument (1/5 12/90)
 - (C) East Iron Monument



Received 6/10/2022

Based on resumed data



Township Presentation & Recommendation Form

PARCEL # 02-005-0110	Permit # RZ 20220026	
Owner's Name: Short Stack Industries LLC	Owner's Mailing Address: 5024 Tuxedo Blvd.	
City: Mound	Owner State: MN	Owner Zip: 55364
Applicant (if other than owner):	Site Address: 330 Manning St.	

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal
Description of Request: Purchase aprox 15 AC from Arthur & Judith Solie at 6420 Co. Rd 33 (020050110) and Lot combination to adjacent property 330 Manning St
Date of County Public Hearing: 7/6/2022 Date of Township Meeting: 6/9/2022

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:

****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]

Date 6/9/22

Signature of Applicant

[Signature]

Date 6/9/22

Signature of Township Official

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 02-005-0400/part of

Permit# PZ20220026

APPLICANT: Brett MacNally

OWNERS: Arthur E Solie Jr & Judith A Solie

That part of the North Half of the Northeast Quarter, and of the Northeast Quarter of the Northwest Quarter, of Section 5, Township 116, Range 26, Carver County, Minnesota, described as follows: Beginning at the southeast corner of the West 20 acres of the Northeast Quarter of the Northwest Quarter of said Section 5; thence easterly along the south line of said Northeast Quarter of the Northwest Quarter and along the south line of said North Half of the Northeast Quarter of Section 5, to the southwest corner of the East 930.00 feet of said North Half; thence North 00 degrees 38 minutes 41 seconds West, along the west line of said East 930.00 feet, 112.03 feet; thence North 89 degrees 47 minutes 30 seconds West, 1,856.81 feet; thence North 04 degrees 49 minutes 12 seconds East, 277.78 feet; thence North 56 degrees 21 minutes 48 seconds West, 307.33 feet; thence North 03 degrees 34 minutes 40 seconds West, 327.64 feet; thence South 89 degrees 23 minutes 56 seconds West, 334.89 feet to the east line of said West 20 acres; thence southerly along said east line to the point of beginning. The south line of said North Half has an assumed bearing of South 89 degrees 15 minutes 51 seconds West.