

CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **Wednesday, June 2, 2021**
Via WebEx Conference Call

AGENDA

7:00 p.m.

1. Approve minutes of May 5, 2021 meeting

Pages 1-1 through 1-3
2. **File #20210025**- Public hearing on request by Ronald & Michelle Lahr
for a variance. (Reduced Road Frontage)
Hollywood Township

Pages 2-1 through 2-9

Issue Order #PZ20210025 – Ronald & Michelle Lahr
3. **File #20210034**- Public hearing on request by Cally & Stacy Trimbo
for a variance. (Reduced Driveway Separation)
San Francisco Township

Pages 3-1 through 3-9

Issue Order #PZ20210034 – Cally & Stacy Trimbo
4. **File #20210032**- Public hearing on request by Eliot King & Jennifer Jackson-
King for a variance.
(Expand a Non-Conformity and Reduced Road Frontage)
Laketown Township

Pages 4-1 through 4-9

Issue Order #PZ20210032 – Eliot King & Jennifer Jackson-King

Other Business

CARVER COUNTY BOARD OF ADJUSTMENT
Regular (WebEx video teleconference) Meeting – May 5, 2021
Minutes

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

Members Absent: None

Members Late: None

Staff Present: Aaron Stubbs, Brad Hanzel, Matt Steele

Prior to the official start of the meeting, Aaron Stubbs announced there is a new employee in the Environmental Services Department. Brad Hanzel, Interim Manager, introduced Matt Steele, as a newly hired Senior Environmentalist working as the Feedlot Officer. Matt mentioned his previous experience as feedlot officer for Renville County and is looking forward to his employment with Carver County.

Pursuant to due call and published notice thereof, the May 5, 2021, meeting of the Carver County Board of Adjustment was called to order by Chairman Gerald Bruner at 7:02 p.m. Chairman Bruner conducted a roll call indicating that all members of the Board are present.

Minutes – Chairman Bruner call for a motion on the minutes from the April 7, 2021, meeting. A motion was made by Bielefeldt and seconded by Kvitek to approve the minutes of the April 7, 2021, meeting. Chairman Bruner conducted a roll call vote. All voted aye. Motion carried. Bielefeldt expressed thanks to the staff for the prior meeting minutes, noting it was a lengthy meeting with much information which was accurately reflected in the minutes.

Public Hearing - File # 20210024 – Ronald & Michelle Lahr – Chairman Bruner called the public hearing to order at 7:04 p.m. to consider the application of Ronald & Michelle Lahr pursuant to Chapter 54 of the County Code. The purpose of the public hearing was to consider a request for reduced setback from a feedlot for a new residential lot pursuant to Chapter 54 of the County Code. The property is in Section of Hollywood Township.

The following were present: Ronald Lahr, Michelle Lahr

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 March 7, 2021

Exhibit F – Letter to the Board of Adjustment and Young America Township dated March 24, 2021, and all attachments

Stubbs entered the information into the record and turned the meeting over to Brad Hanzel, Interim Environmental Service Manager for the staff report.

Hanzel stated Louie & Sandra Junczewski own an approximate 80.65-acre parcel located in Hollywood Township. Their daughter and son-in-law, Michelle & Ronald Lahr, are proposing to subdivide a new residential lot of approximately 2.8 acres in size, using a '1 per 40' building eligibility, which would allow them to construct a new house and garage. The proposed location of the new house and garage would be approximately 629 feet from an existing feedlot to the south owned by Lonnie Hecksel. The County Code requires a 1,000-foot setback from an existing feedlot to a new residence, and therefore, a variance of approximately 371 feet is being requested. The applicants' letter describes a practical difficulty in that the subject parcel has limited road frontage and creating a new residential lot meeting all of the lot requirements and setbacks would be nearly impossible. The subject parcel appears to be in the same configuration as it was when the County Ordinance was adopted. The parcel configuration, reduced road frontage, and existing feedlot to the south are circumstances unique to the parcel and not created by the landowner. Prior to the minor subdivision approval, the SSTS primary and alternate locations would need to be reviewed and approved by Environmental Services. The proposed use of the property and granting of a variance would not conflict with the intent of the Comprehensive Plan and/or the County Ordinances and would not alter the character of the neighborhood. The Hollywood Township Board reviewed and recommended approval of this request at their April 12, 2021, meeting without any additional conditions. Hanzel read the proposed conditions for consideration of the variance is approved.

Michelle & Ronald Lahr, 334 Sunfish Ln, confirmed their request to create a lot in order to build their house and be close to her parents.

Chairman Bruner asked for comments from the Township Board. No one from Hollywood Township Board was on the meeting call for comments.

Chairman Bruner asked for public comment. No one from the public made any comment.

Bielefeldt stated he visited the site and wanted to ensure the adjacent property owner was aware of the meeting but found no one at home.

Bruner stated he had the same experience.

Stender asked if the new residence would impede future expansion of the feedlot.

Hanzel replied that the 1,000-foot setback is reciprocal for the house as well as the feedlot. The feedlot would not be able to expand in the direction toward the house. A variance would be necessary if the feedlot were to request expansion closer to the house and the process would be similar to this with a public hearing and public comments. Expansion would be allowed in a different direction away from the house and the 1,000-foot setback would apply to any house not on the property. Hanzel also explained that the minimum setback would be 629 feet for the house from the feedlot, estimating the buildable area on the lot. The house will likely be placed further from the feedlot, according to the lay of the land and lot configuration, as the applicants would like to have a walk-out basement.

Bielefeldt noted there would be another variance request concerning this property for reduced road frontage and width to depth and asked why the requests are separate.

Stubbs stated that the requests pertain to different departments and historically, they have been viewed separately on separate meetings, in the event that one request would fail, which would affect the outcome or could negate the need of the other.

Smith asked if there were cattle at the Juncewski property.

Ms. Lahr stated there are 4 head of cattle kept on the northerly side of the property.

A motion was made by Bielefeldt and seconded by Smith to close the public hearing. Bruner conducted a roll call vote. All voted aye. The public hearing was closed at 7:16 p.m.

A motion was made by Bielefeldt and seconded by Schmidt to **approve and issue Order PZ20210024** allowing for construction of a house and garage no closer than the approximate 629 feet from an existing registered feedlot and the following conditions:

1. The permittee shall obtain the appropriate building permit(s) and septic permit(s) prior to the construction of the residential house. A grading plan and erosion/sediment control plan shall also be prepared, submitted and implemented in accordance with the CCWMO Water Rules (Chapter 153) as part of the building permit application process. The lowest floor elevation for the house must meet to the Carver County Zoning Code Shoreland Regulations.
2. Prior to the minor subdivision approval, the Subsurface Sewage Treatment System (SSTS) primary and alternate locations will need to be reviewed and approved by Carver County Environmental Services staff to verify all requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances are met.
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. 629 feet).

Chairman Bruner conducted a roll call vote. All voted aye. Motion carried.

Adjournment

A motion was made by Bielefeldt and seconded by Polunc to adjourn. Bruner conducted a roll call vote. All voted aye. The meeting was adjourned at 7:18 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 24, 2021

TO: Carver County Board of Adjustment & Hollywood Town Board

FROM: The Land Management Department

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

FILE #: PZ20210025

PROPERTY OWNERS: Louis T Juncewski & Sandra K Juncewski Revocable Trust

APPLICANTS: Ronald & Michelle Lahr

SITE ADDRESS: 14XX Yale Avenue, Mayer, MN 55360

VARIANCE TYPE: Reduced Road Frontage

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-006-0100

BACKGROUND:

1. The Louis T Juncewski & Sandra K Juncewski Revocable Trust owns approximately 80.65 acres in part of the North Half (N½) of North Half (N½) of Section 6, Hollywood Township. The property is developed with a single-family dwelling, a detached accessory structure, and four agricultural structures. The subject parcel currently has one, 1 per 40, building eligibility remaining that can be used to create a new residential dwelling. The property is located within the Agricultural Zoning District, and the CCWMO (Crow River watershed).
2. The applicants, Ronald & Michelle Lahr, are requesting a variance that would allow for a Minor Subdivision to create a new residential parcel. The size and shape of proposed remnant parcel would have reduced road frontage and an increased width to depth ratio. The residential parcel would be approximately 2.8 acres and would meet all County regulations for residential parcels. The remnant parcel would be approximately 77.85 acres and would not meet the required road frontage or the width/depth standard; therefore, a variance has been requested.

LEGAL BACKGROUND:

§ 152.033 LOT REQUIREMENTS.

(D) Road frontage, lot width and depth.

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

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

STAFF ANALYSIS:

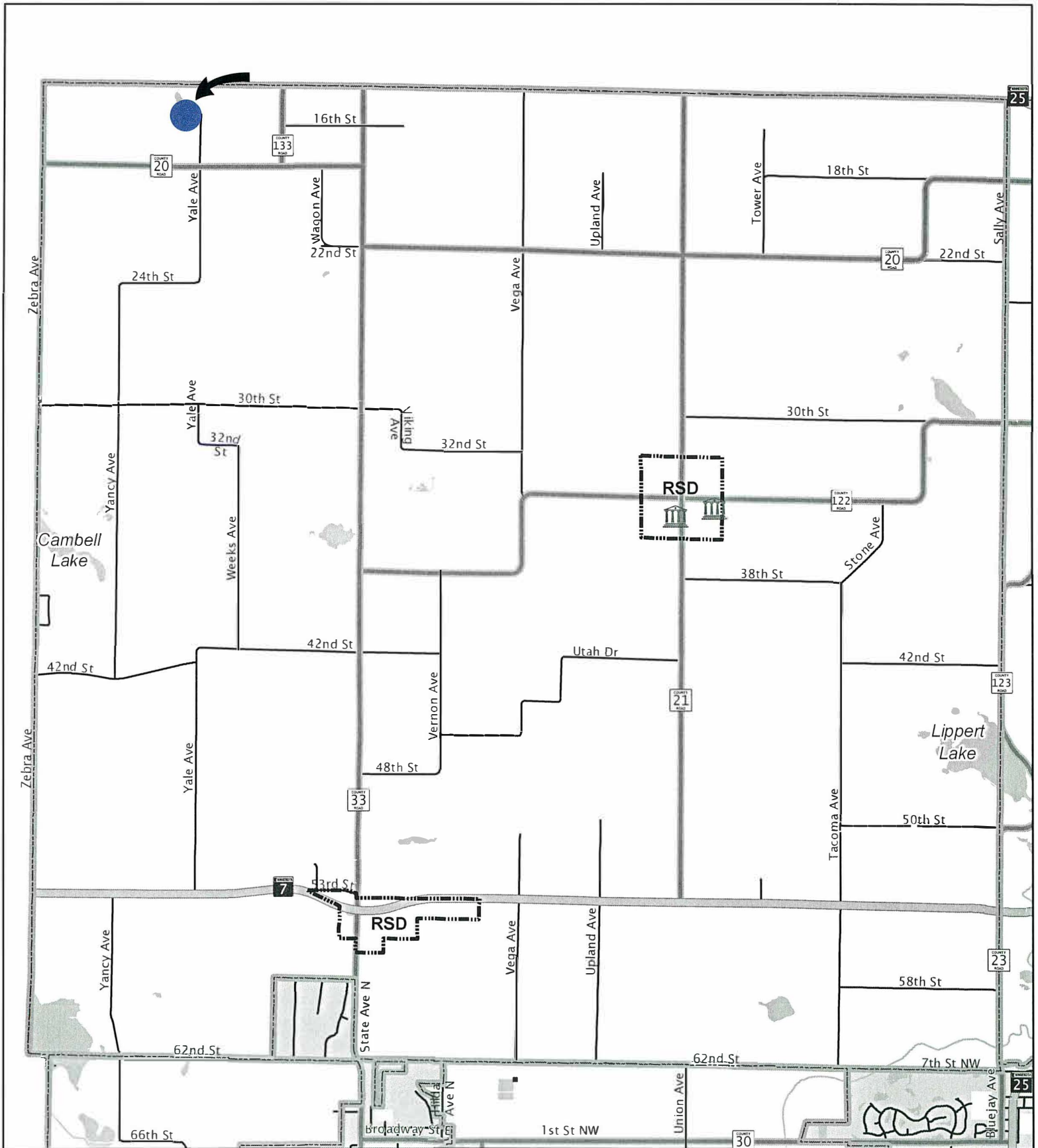
1. The County Code typically requires the platting process (Major Subdivision) be completed for any subdivision request that does not meet the criteria for the minor subdivision as follows: the subdivision must meet the frontage requirement on an existing road; and the subdivision would not require the construction of any public improvements or new road. The approval of the variance would negate the major subdivision requirement.
2. The Zoning Code requires all newly created parcels to have a minimum of 125 feet of road frontage to a publicly dedicated road and a minimum depth of 125 feet. As the depth of a proposed parcel increases, the width must also increase so that the depth does not exceed five times the width of the proposed parcel. A width of 500 feet, will support any depth. In addition, all newly created parcels and their remnants must maintain the required width for the entire depth of the lot.
3. The applicant has stated in a letter, dated 4/9/21, their practical difficulty is based on the fact the subject parcel has limited road frontage due to Yale Avenue not continuing through the property. The subject parcel has approximately 354 feet of road frontage. Based on current configuration, the subject parcel should have 500 feet of road frontage to accommodate its depth. Once the subdivision occurs, the parcel will have approximately 170 feet of road frontage.
4. The applicant is proposing to use the property in a reasonable manner, not permitted by an official control. The property does have an existing 1 per 40 building eligibility and enough area to create a conforming lot. The purpose of the variance is to facilitate a future Minor Subdivision to create a conforming lot in the Agricultural Zoning District. A property owner wanting to use an available Building Eligibility appears to be a reasonable use of the property that would not be permitted by an official control.
5. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. This property appears to be in the same configuration as it existed in 1974, prior to the County's adoption of zoning regulations. The legal non-conforming subject parcel has less road frontage than what is currently required to accommodate its depth. The reduced road frontage and existing feedlot to the south make it difficult for future development to occur while meeting the County's requirements. The presence of the feedlot to the south, the parcel configuration, and lack of available road frontage represent a set of circumstances unique to this property that were not created by the landowner.
6. The granting of the variance is in harmony with the general purpose and intent of the official control. The official control in this request is the width to depth regulations 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 which would not meet the future SSTS needs of a location.
7. The neighborhood is comprised of agricultural uses, rural-type residential development, and areas of woodland and wetlands. The request would not cause a substantial change in the character of the neighborhood, nor would it have a negative impact on government services. The granting of this variance would not conflict with the intent of the Comprehensive Plan and/or County Ordinances.
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 May 24, 2021, the request was reviewed by Joe Enfield, a Senior Environmentalist with Carver County. Mr. Enfield stated that there are no SSTS related comments or concerns with this request.
10. The Hollywood Town Board reviewed this request and recommended approval during their April 12, 2021, Town Board meeting. The Town Board did not ask for any conditions to be attached to their recommendation.

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:

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 for both proposed parcels.

HOLLYWOOD TOWNSHIP



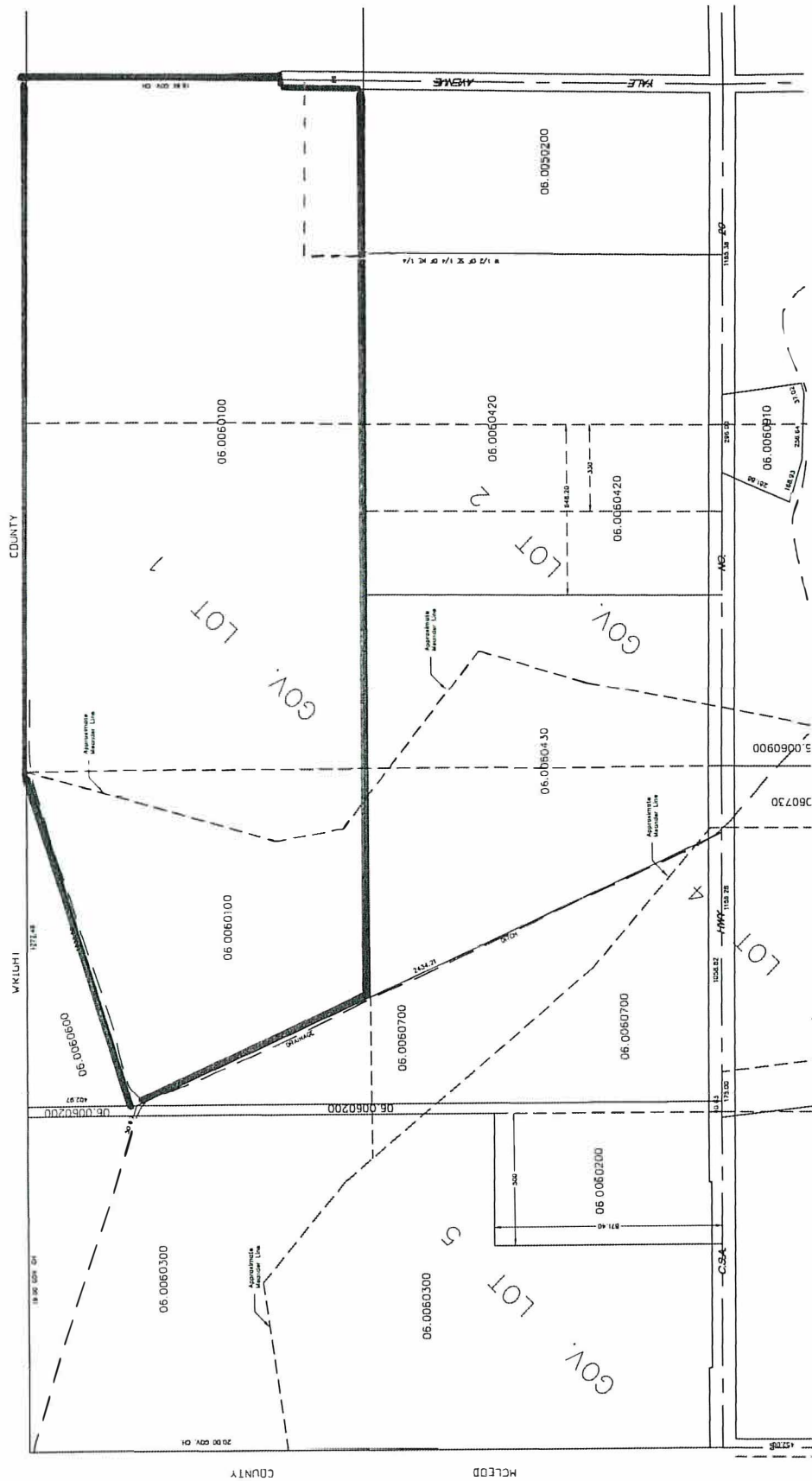
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Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED P.L.
 THIS MAP IS A COMPILED OF RECORDS
 OFFICES AND OTHER SOURCES. THIS MAP
 PROVIDES THE COUNTY AND ITS AGENTS
 INFORMATION CONTAINED THEREIN

N 1/2 SEC. 6, T.117, R.26



Ronald & Michelle Lahr (Louie & Sandra Junczewski)
1470 Yale Ave
Mayer, MN 55360
malahr28@yahoo.com
04/08/2021

Aaron Stubbs
Land Management Senior Planner
Carver County

Dear Carver County Board of Adjustment:

My husband and I are hoping to split off a parcel of my parents' property in order to build a house. The location we would like to have would require two variances to be approved. We wouldn't be able to choose a spot further north as this would eliminate all road frontage and cause issues with my parents selling the rest of their land in the future. We respectively request for the follow variances to be reviewed and considered at the next meeting.

Variance request # 1:

Request to reduce the setback between a feedlot and a new residential structure from 1,000' to approximately 629' to accommodate a future minor subdivision.

Variance request #2:

Request to reduce the required road frontage of an existing parcel from approximately 350' to 170'.

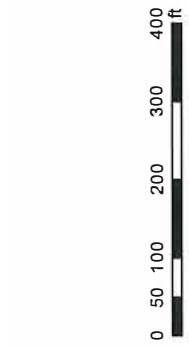
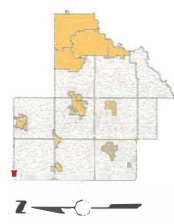
Respectfully Yours,
Ronald & Michelle Lahr
320-224-2039

Louie & Sandra Junczewski
763-221-1881

06.006.0100 - PROPOSED LOT



Carver County GIS



Date: 3/25/2021
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Township Presentation & Recommendation Form

PARCEL # 06.006.0100	Permit # PZ20210024 & PZ20210025	
Owner's Name: Louie & Sandra Junczewski	Owner's Mailing Address: P.O. Box 2	
City: Winsted	Owner State: MN	Owner Zip: 55395
Applicant (if other than owner): 	Site Address: 1470 Yale Avenue, Mayer, MN 55360	

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal	
Description of Request: Request to reduce the required road frontage of an existing parcel from approx. 350' to approx. 170' and to reduce the required setback between a feedlot and a new residential structure from 1,000' to approx. 629' to accommodate a future Minor Subdivision.	
Date of County Public Hearing: 05/05/2021	Date of Township Meeting: 04/12/2021

Actions:

Township Action Taken: ☒ Recommends approval and use of the Township Road (if applicable) with the following comments: ☐ Recommends denial for the following reasons: ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:	

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

[Signature of Applicant]

Signature of Applicant

Date

4/12/21

[Signature of Township Official]

Signature of Township Official

Date

4/12/21

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 06-006-0100

File# PZ20210025

APPLICANTS: Ronald & Michelle Lahr

OWNER: Louis T Juncewski & Sandra K Juncewski

Revocable Trust

* * * * *

The Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section 6, Township 117 North, Range 26 West, Carver County, Minnesota, containing 80.65 acres, according to the government survey thereof.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 24, 2021

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

FROM: The Land Management Department

SUBJECT: Application for a variance (Access Separation)

FILE #: PZ20210034

PROPERTY OWNERS: Cally and Stacy Trimbo

APPLICANTS: Cally and Stacy Trimbo

SITE ADDRESS: 52XX Co Rd 50 Carver, MN 55315

VARIANCE TYPE: Access Separation

PURSUANT TO: Carver County Code: Section 152.036 D

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-001-0200

BACKGROUND:

1. Cally and Stacy Trimbo recently purchased an approximate 16.8-acre parcel located in the East Half (E½) of the Northwest Quarter (NW¼) of Section 1, San Francisco Township. The parcel was created as a part of a Minor Subdivision in February 2021 and has one, 1 per 40, unused building eligibility. The subject parcel is located in the Agricultural Zoning District and CCWMO (Carver Creek watershed).
2. The Trimbo's are requesting to install a new driveway access which would service the future building site. The proposed access does not meet the minimum required access separation standards; therefore, a variance has been requested.

LEGAL BACKGROUND:

§ 152.036 ACCESS REQUIREMENTS.

- (A) *Relation to road authority.* Nothing in this chapter shall abrogate the ability of a road authority to approve, deny, or require modification of an access, require a permit for an access, develop and impose standards and conditions for an access. Approval by the Department of an access pursuant to this chapter shall not constitute approval by the road authority nor shall approval by the Department require that the road authority approve the access.
- (B) *Access separation.* All private accesses to a public road other than field access drives shall meet the standards in the table below. The separation standards shall apply to the side of the road where the access is located. In cases where the road frontage of a lot of record is insufficient to permit adequate separation, an access not meeting the standards may be permitted. The access shall be located as required by the road authority; if the road authority has no preference the access shall be located as far as possible from accesses on either side.

Access Requirements

Road Classification (as provided in § 152.007)

Minor Arterial

Access Separation

500 feet

STAFF ANALYSIS:

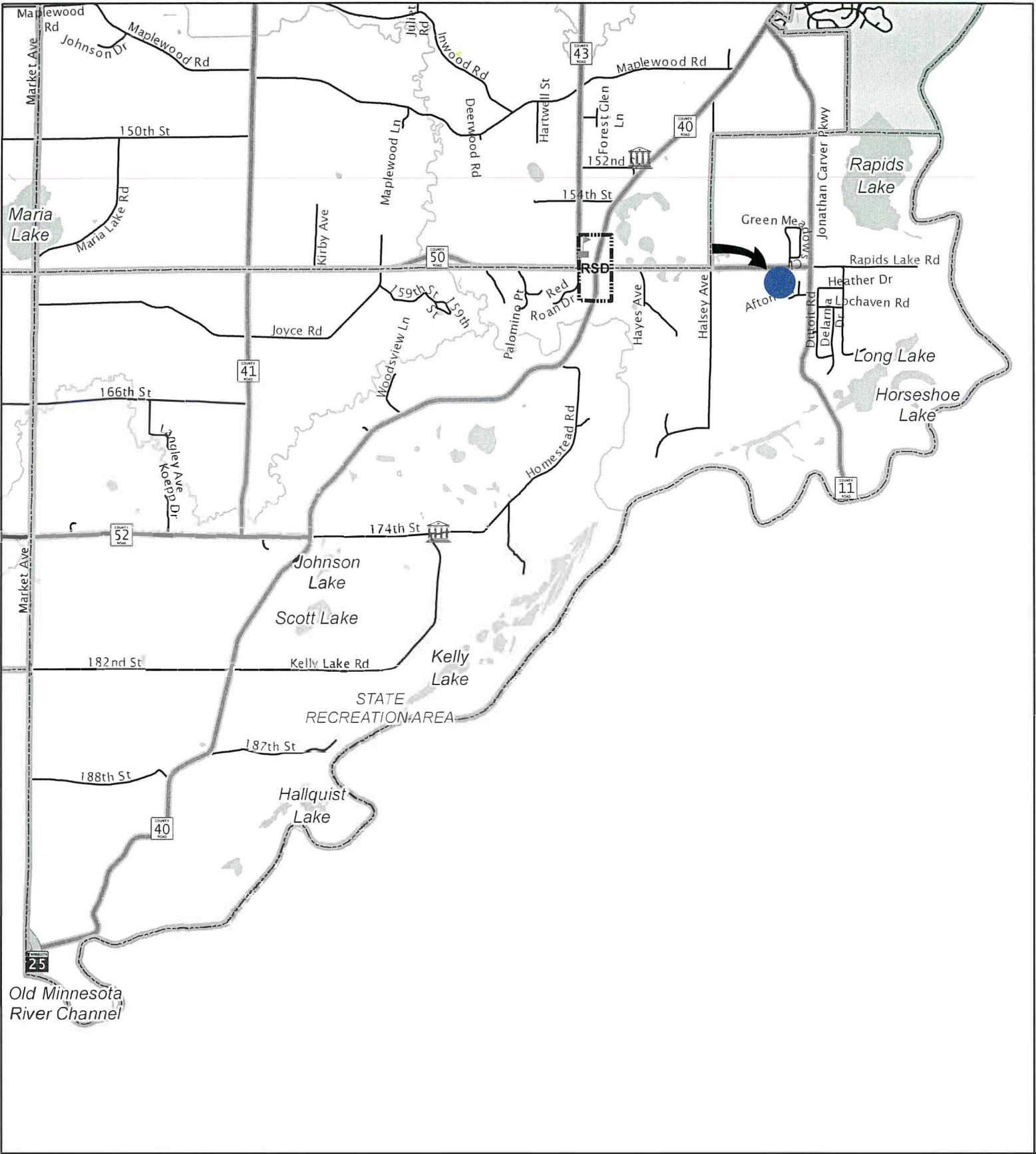
1. The Zoning Code requires access separation from centerline of driveway to centerline of adjacent driveways (on the same side of the road) to be a minimum of 500 feet on a minor arterial roadway. The applicant is requesting an access location which would be approximately 217 feet from the center of the nearest neighboring driveway (located to the east), reflecting a variance of 283 feet.
2. In a letter sent May 7, 2021, the applicant describes the practical difficulty that in order to construct a conforming access location, the applicant would be required to add fill material to meet sightline requirements. However, this area has been identified as wetland by the CCWMO and any type of wetland impact would be a direct violation of the Wetland Conservation Act (WCA). To best avoid the protected wetland, the applicant is requesting to move the driveway location to approximately 217 feet from the neighboring driveway to the east.
3. The granting of the variance is in harmony with the general purpose and intent of the official control. The official control in this request is the access separation regulations. The intent of this regulation is to ensure adequate time for merging into traffic or exiting the roadway, as well as maintaining effective sightlines. Although it does not meet the specific standards, it appears to meet the intent of the regulation.
4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. This property appears to be in the same configuration as it existed in 1974, prior to the County's adoption of zoning regulations. The grade changes and existing wetland represent a set of circumstances unique to this property that were not created by the landowner.
5. The applicant has been in contact with the Public Works department to acquire the appropriate access permit. Chad Braun, County Transportation Engineering Technician, has indicated Public Works would support the reduced access separation distance. The installation of the access would be subject to all road authority regulations.
6. Granting of the variance would not be in conflict with and will not be considered a substantial variation from the County Comprehensive Plan.
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 neighborhood is comprised of agricultural uses and residences, and the request would not cause a substantial change in the character of the neighborhood.
9. On May 24, 2021, the request was reviewed by Joe Enfield, a Senior Environmentalist with Carver County. Mr. Enfield stated that there are no SSTS related comments or concerns with this request.
10. San Francisco Town Board reviewed the request and recommended approval during their May 17, 2021, Town Board meeting. The Town Board did not ask for any conditions to be attached to their recommendation.

BOARD CONSIDERATION:

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

1. The installation of the access will be subject to appropriate permits, and compliance inspections by the road authority (i.e. Carver County Public Works Department). The Permittee shall obtain the necessary driveway access permit prior to construction.
2. A completed CCWMO Water Rules application and Land Management Administrative Permit application, with required attachments, shall be submitted for any grading/filling activity taking place on the property, if applicable.

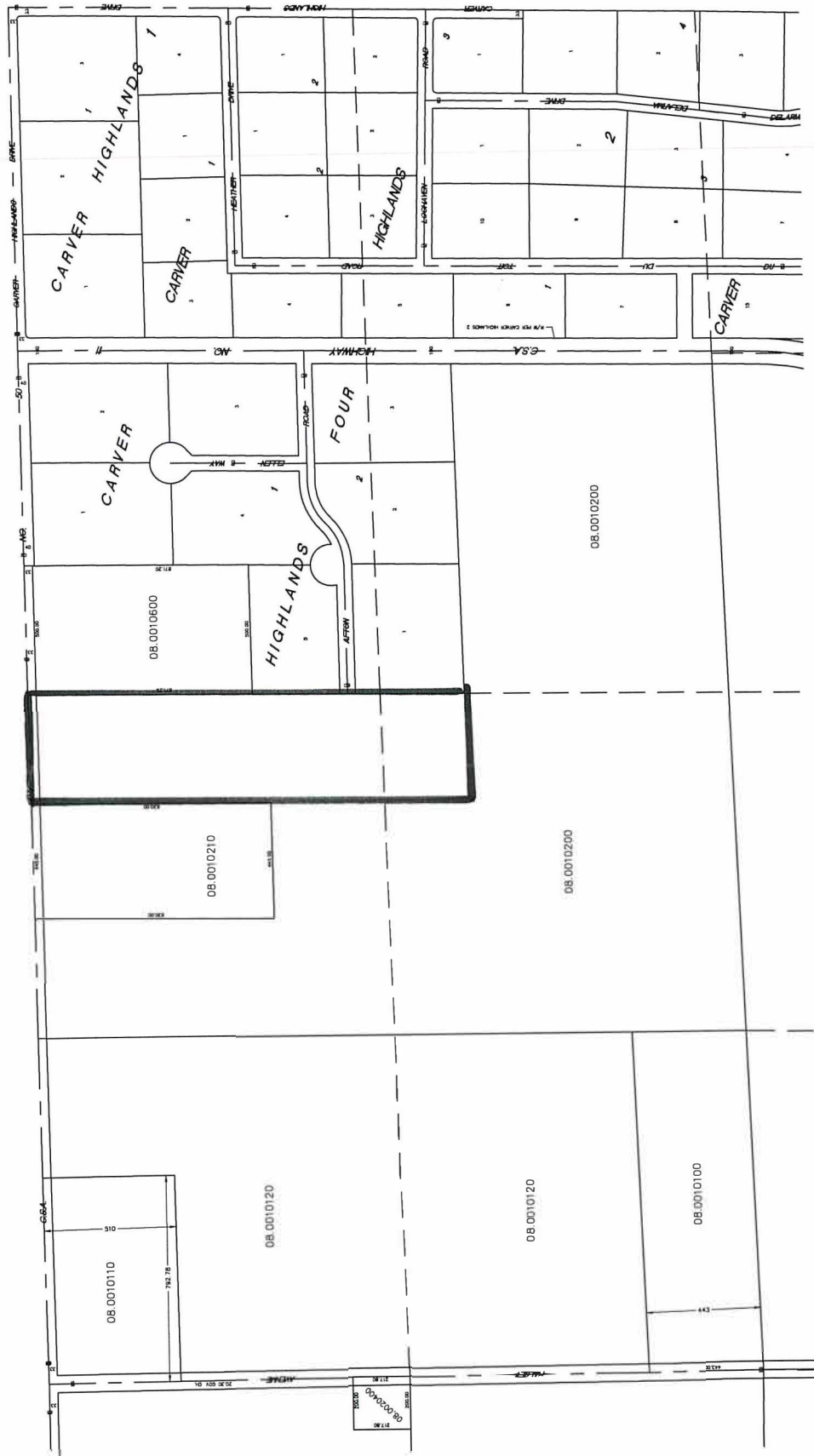
SAN FRANCISCO TOWNSHIP



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THIS IS NOT A LEGALLY RECORDED PLAT.
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OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.



From: Cally Trimbo <ctrimbo@gmail.com>
Sent: Friday, May 07, 2021 10:03 AM
To: Land Management; Aaron Stubbs
Subject: Fwd: Trimbo Variance application and site plan
Attachments: Site Plan.pdf; Variance App.pdf; Administrative Permit App.pdf; Public Works.pdf

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hello-

Please see the attached Site Plan, Variance Applicate and all other documentation previously submitted.

Project Description:

Haul in approximately 8,500 yards of fill to level out low area of property to create a new driveway and increase usable area of site. Drainage area with current culvert that runs under county road 50 along front of property will be kept at current grade. This will more less make a drainage pooling area. Fill will slope down to drainage pooling area and will maintain the current waterflow of the front piece of property. The ditch along 50 will be raised to create a new driveway for property access. The ditch will be have a slope as it does now to allow drainage. The low land with current tree coverage will not be touched and current waterflow will not be modified. Neighboring property waterflow will not be touched or modified. All raised areas will stay under 830' to maintain current water flow. Arrows on Proposed Site plan show proposed water drainage for property. Black dirt/topsoil will be scraped, saved and stored on the property and then placed back on top of fill once completed. Project will start once permit is obtained and is expected to last less than 6 months. Current field road will be used until new driveway can be installed. New driveway permit is in process with San Francisco Township. Permit is expected to be granted at next Township meeting on April 19th. No proposed structures or uses of the land besides outdoor storage are known at this time. At this time, we feel like an Administrative permit with <10,000 yards of fill would be more than efficient for our needs. If it is determined that more than 10,000 yards will be needed, we will apply for a conditional use permit and communicate with San Francisco Township and Carver County.

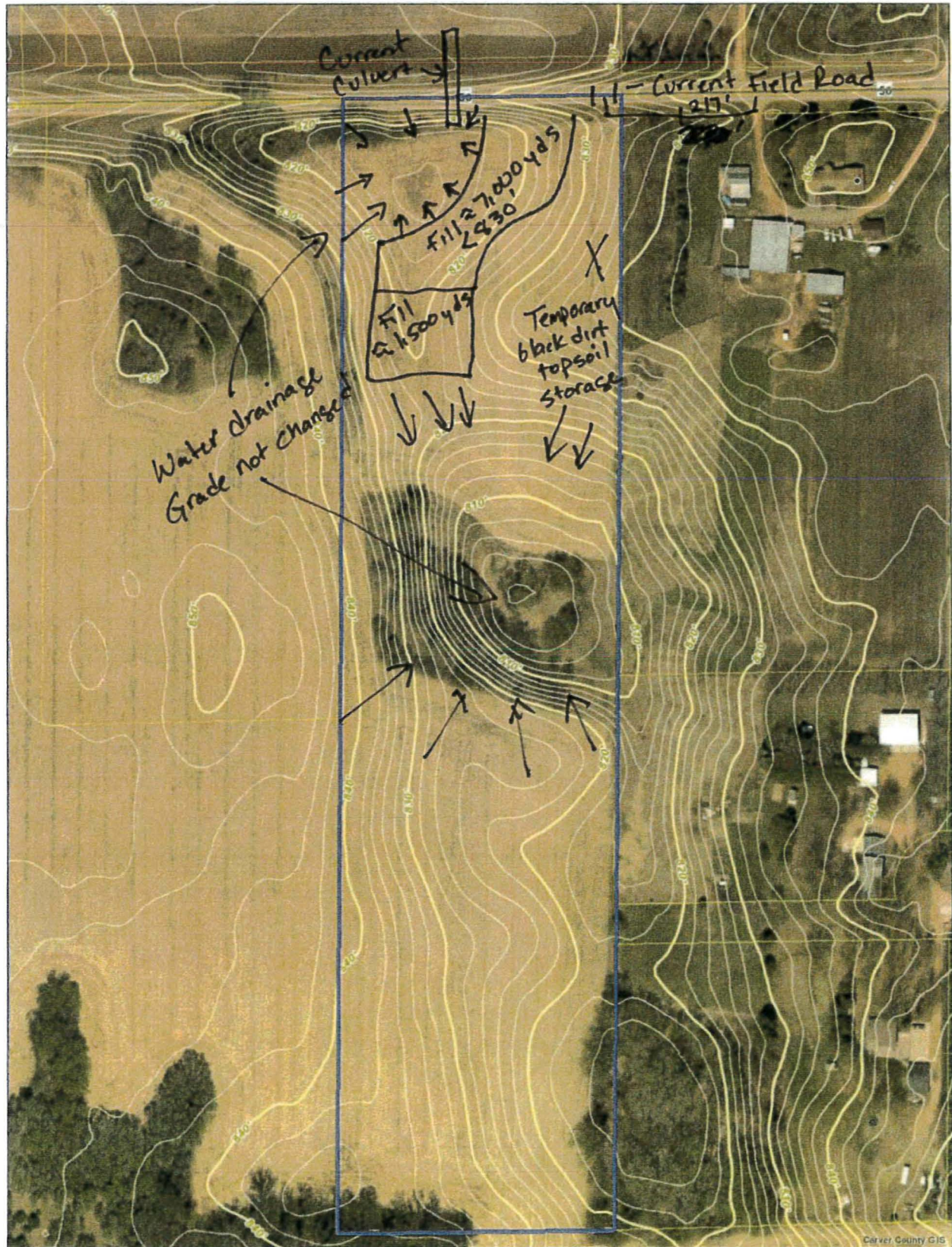
Reason for Variance Request:

Due to current culvert location under County Road 50 and location of wetland area of property, the location of the driveway is not sudable at the 500' separation distance generally requested by Carver County. We are asking to move the purposed driveway location to the existing field road that is 217' from neighboring driveway to the East.

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Thanks,

Cally Trimbo
Cell 952-594-9054

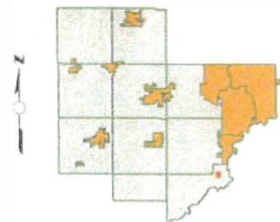
COUNTY ROAD 50 - PROPOSED SITE PLAN



Date: 4/5/2021

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0 34,500 69,000 138,000 Feet





Township Presentation & Recommendation Form

PARCEL # 08.001.0200	Permit # PZ202100
Owner's Name: Stacy Trimbo	Owner's Mailing Address: 5030 Afton Road
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: Request to reduce the required separation distance between access points along a Minor Arterial (County Road 50) from 500 feet to 217 feet.
Date of County Public Hearing: Date of Township Meeting: 5-17-21

Actions:

Township Action Taken:

- ☒ Recommends approval and use of the Township Road (if applicable) with the following comments:
- ☐ Recommends denial for the following reasons:
- ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

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

Heidi Schmitt

Signature of Applicant

Date **5/17/21**

[Signature]

Signature of Township Official

Date **5/5/2021**

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-001-0200/part of

File# PZ20210034

APPLICANT/OWNER: Cally N Trimbo & Stacy I Trimbo

* * * * *

That part of the East Half of the Northwest Quarter of Section 1, Township 114 North, Range 24 West, Carver County, Minnesota, described as follows: Commencing at the North Quarter Corner of said Section 1; thence South 88 degrees 57 minutes 54 seconds West (bearings based on Carver County Coordinate System NAD83, 1986 Adjustment) on the north line of said East Half of the Northwest Quarter, a distance of 421.70 feet; thence South 00 degrees 27 minutes 32 seconds West, a distance of 1,735.64 feet; thence North 88 degrees 57 minutes 54 seconds East, a distance of 421.70 feet to the East line of said East Half of the Northwest Quarter; thence North 00 degrees 27 minutes 32 seconds East on said East line, a distance of 1,735.64 feet to the point of beginning.

(Doc 718308)

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 24, 2021

TO: Carver County Board of Adjustment & Laketown Town Board

FROM: The Land Management Department

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

FILE #: PZ20210032

PROPERTY OWNER: Eliot King & Jennifer Jackson-King

APPLICANTS: Eliot King & Jennifer Jackson-King

SITE ADDRESS: 9560 Laketown Road, 55318

VARIANCE TYPE: Expand a Non-Conformity and Reduce Road Frontage

PURSUANT TO: Carver County Zoning Code: Sections 152.009 (M) & 152.033 (D)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-028-0900

BACKGROUND:

1. The applicants own approximately 19.67 acres in part of the South Half (S ½) of the Northwest Quarter (NW ¼) of Section 28, Laketown Township. The property primarily consists of wooded land, but also includes a building site, and pastureland. The building site is comprised of a single-family dwelling with an attached garage, a detached accessory structure, a barn and a small shed. The property is located within the Agricultural Zoning District, and the CCWMO (Carver Creek watershed).
2. The applicant is requesting a multi-component variance that would allow for a Minor Subdivision to expand the existing residential parcel by adding approximately 20 acres from the adjacent parcel to the southwest. If approved, the new residential parcel would be approximately 39.67 acres; however, the parcel would not meet the County's requirements for road frontage. The existing parcel was created prior to the adoption of the County's Zoning regulations (i.e. July 1, 1974). It was created with no road frontage; therefore, a variance has been requested.

LEGAL BACKGROUND:

§ 152.009 NON-CONFORMING USES AND STRUCTURES.

(M) A residential parcel of land with existing structures on the effective date of this chapter because of its dimensions or because it does not have sufficient road frontage is considered a legal lot. Should the lot be expanded the new lot must meet all chapter criteria except front yard setback for existing structures.

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

§ 152.033 LOT REQUIREMENTS.

(D) Road frontage, lot width and depth.

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

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

STAFF ANALYSIS:

1. The 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 existing 19.67-acre parcel was part of a 40-acre tract of land; however, a minor subdivision approval prior to July 1, 1974, created the current configuration which is a legal non-conforming parcel. That property split created two stand-alone parcels that do not meet the road frontage requirement.
3. The Zoning Code requires all newly created parcels to have a minimum of 125 feet of road frontage to a publicly dedicated road and a minimum depth of 125 feet. As the depth of a proposed parcel increases, the width must also increase so that the depth does not exceed five times the width of the proposed parcel. A width of 500 feet, would support any depth. In addition, all newly created parcels must maintain the required width for the entire depth of the lot.
4. The applicant is proposing to purchase and combine 20-acres of the farm field and wooded area southwest of the subject parcel; therefore, expanding the non-conformity by creating an approximate 39.67-acre agricultural/homesteaded parcel. The agricultural remnant would meet all applicable county agricultural lot requirements.
5. The applicant has stated that the practical difficulty in this case is related to the absence of any road frontage on the subject parcel. The applicant has stated that when they purchased the property in 2002, they were told that the Township was responsible for maintaining the road leading to their property. Based on that information, they assumed that made the driveway a Township Road.
6. The granting of the variance is in harmony with the general purpose and intent of the official control. The official control in this matter are the requirements for road frontage and the width to depth ratio. These regulations were put into place to ensure that adequate access and area is provided to accommodate future development and SSTS needs. This property is already developed, and the applicant's stated intention is to increase the overall size of their parcel to ensure no additional development occurs. The proposed parcel would have zero road frontage and a depth that would require approximately 300 feet of width. At its narrowest part, the subject parcel has a width of approximately 657 feet, which exceeds the minimum standard. Although it does not meet the road frontage standard, it appears to meet all other lot configuration requirements, and the intent of the regulations.
7. The granting of the variance would not conflict with the intent of the Comprehensive Plan. In the Comprehensive Plan, the preservation of agriculture land is listed as one of the major themes. If the proposed land split were to be done in a manner consistent with County guidelines, it would result in approximately 20 acres of land which consists of tillable acreage and wildlife habitat being included with the existing parcel. The applicant has stated that their intentions are to maintain the habitat and preserve the tillable land. No additional Building Eligibilities would be added with the Minor Subdivision and any plans for development would first be reviewed by the Land Management Department. Expanding an existing parcel for the preservation of agricultural land and wildlife preservation would not be in conflict with the intent of the Comprehensive Plan
8. The applicant is proposing to use the property in a reasonable manner, not permitted by an official control. The official controls in this matter are the requirements for road frontage and the width to depth ratio. These regulations were put into place to ensure that adequate access is provided to accommodate future development. This property is already developed, and the applicant's intention is to increase the overall size of their parcel to ensure no additional development occurs. Increasing the size of a parcel for preservation purposes appears to be a reasonable request, that would not be permitted by an official control.

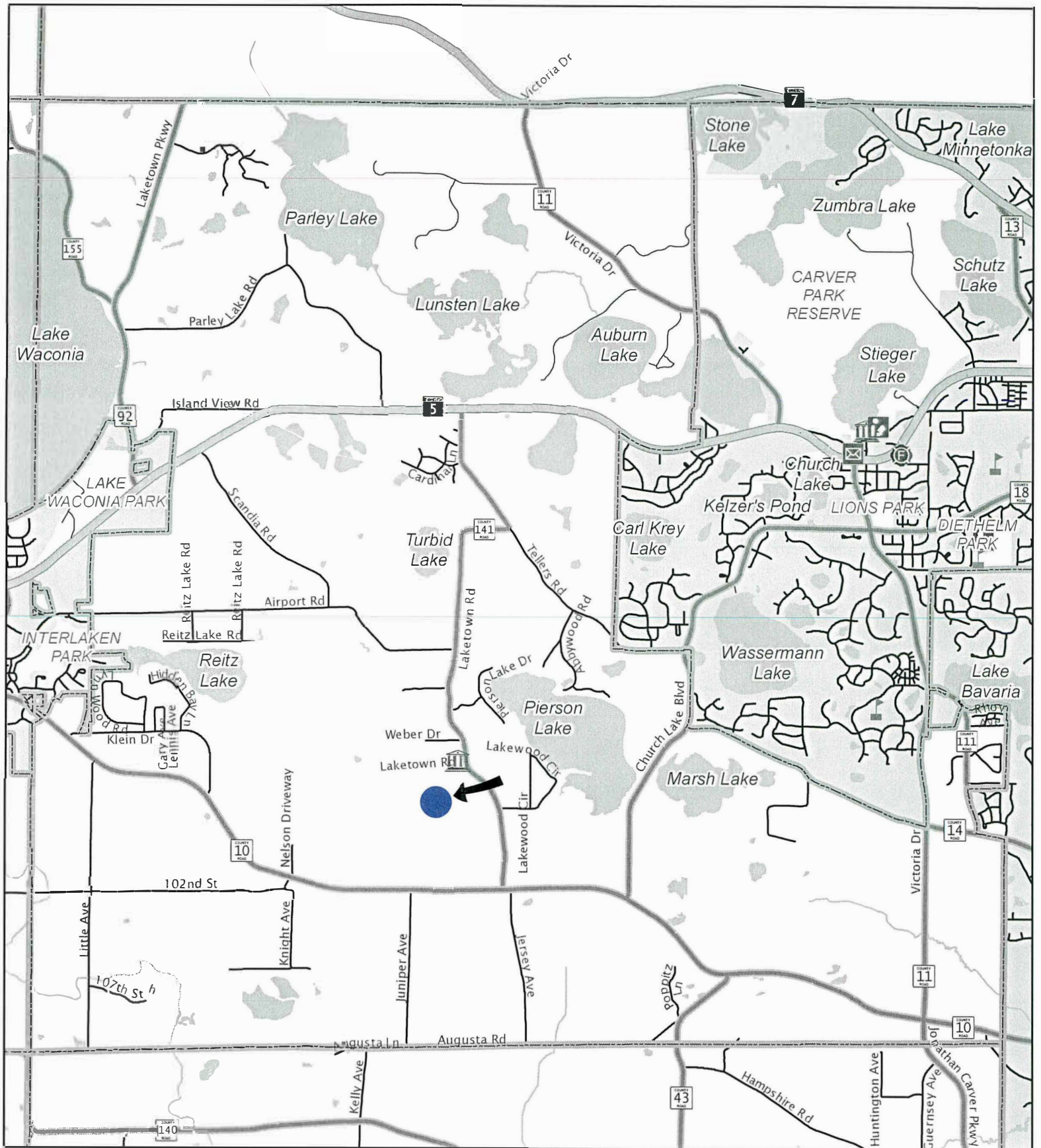
9. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. This property was split by a previous owner prior to July 1, 1974, creating legal non-conforming parcels. The absence of road frontage created by this configuration represents a unique set of circumstances not created by the landowner.
10. The neighborhood is comprised of agricultural uses and residences, and the request would not cause a substantial change in the character of the neighborhood, nor would it have a negative impact on government services.
11. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
12. On May 24, 2021, the request was reviewed by Joe Enfield, a Senior Environmentalist with Carver County. Mr. Enfield stated that there are no SSTS related comments or concerns with this request.
13. The Laketown Town Board reviewed this request and recommended approval during their May 10, 2021, Town Board meeting. The Town Board did not ask for any conditions to be attached to their recommendation.

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 conditions should be attached:

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 in accordance with the County Zoning Code requirements including but not limited to, a completed minor subdivision application, a survey and SSTS compliance.
2. Prior to the Minor Subdivision completion, an access easement allowing for the use of the existing driveway across the north parcel shall be approved by Land Management and recorded at the County Recorder's Office.

LAKETOWN TOWNSHIP

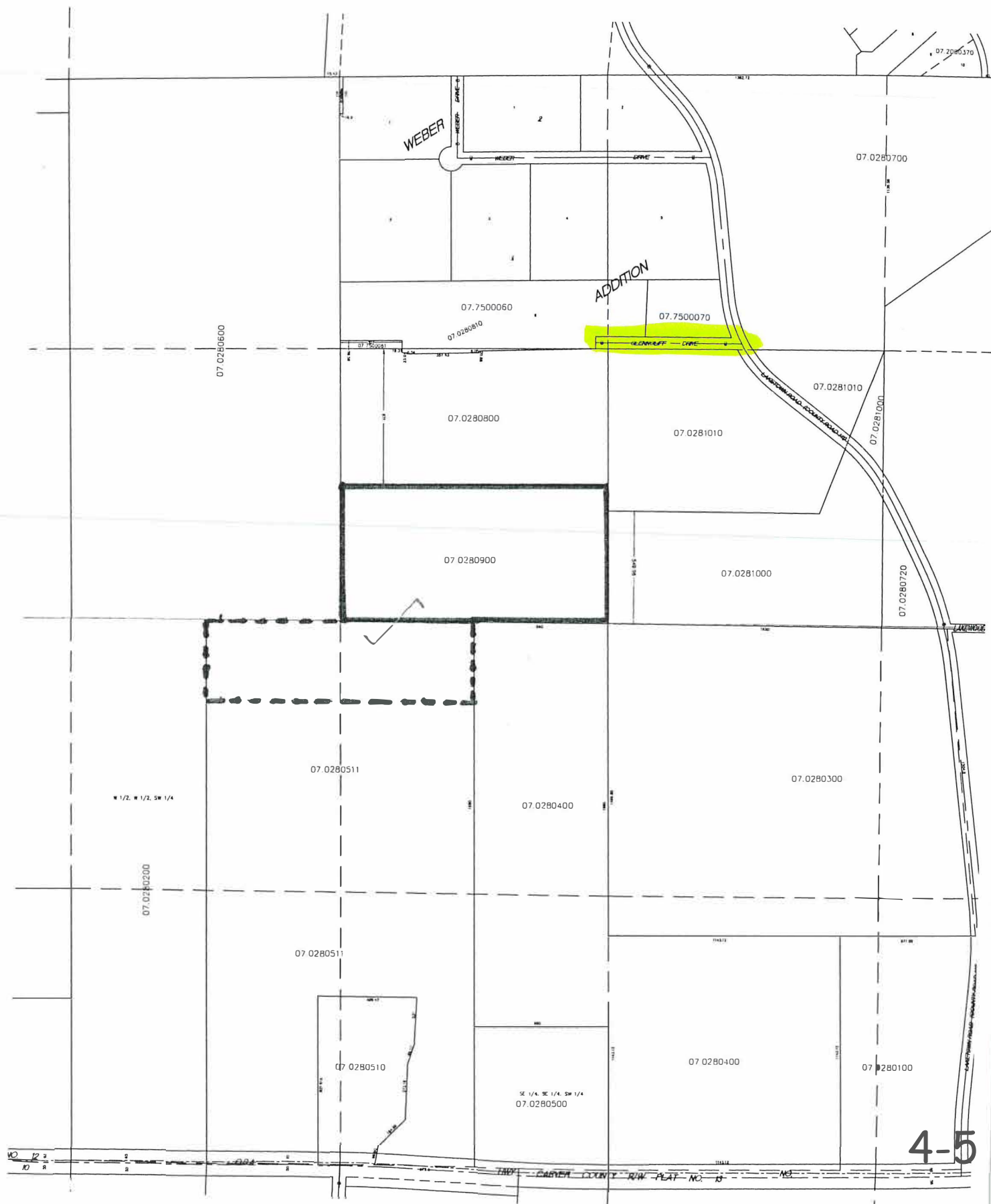


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

SEC. 28, T.116, R.24



Letter of Intent

In Support of Request for Variance

9560 Laketown Road, Chaska, Minnesota 55318

This Letter of Intent is in support of our request for a variance to add an additional 20 acres to our existing 20 acre legal non-conforming lot. (Non-Conforming due to lack of road frontage) The intention is to attach 20 acres located directly to the South of our property to our now current property to continue with agriculture, wildlife and marshland preservation. This additional land would continue to support the quiet, peaceful nature of our current farm while keeping the land free from development.

Our current home is built on a legal nonconforming parcel, due to lack of road frontage, that was established before July 1, 1974. When we purchased our farm in 2002, it was not disclosed to us nor mentioned that we had a "nonconforming parcel" which currently prohibits the addition of land acquisition. At no point in time did we think we owned land that did not have proper road frontage. The road leading directly off Laketown is and has been maintained up the start of the curved portion of our driveway for the last 19+ years we have been here. The Township maintains, grades, adds fill/red rock and plows the road exclusively. When we purchased the property in 2002 we were told that the Township is responsible for this portion of the road and has always maintained that piece long before we took occupancy. Since this was established long before our ownership, without full disclosure and given the fact the township has maintained this as a road, we are requesting a variance.

What is perhaps most relevant here, and what I would ask the Board to consider, is (1) the fact that as requested the new foot print would be in line with other property layouts within the immediate area; (2) the fact that preserving agricultural/tillable land is in the best interest of the area (3) the proposed property addition would preserve the habitat for wildlife, wetland/marshland birds and restoration in line with the Federally protected wetland directly West of our farm; (4) the proposed additional land would keep our farm quiet and free from development which is in fact, the main reason we moved here almost 20 years ago. The peace and quiet that nature provides all while continuing good stewardship of the land, which to my knowledge, is in line with goals set out by Carver County.

Thank you for your consideration,

Respectfully submitted,

Eliot King & Jennifer Jackson-King, Property Owners



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Township Presentation & Recommendation Form

PARCEL #	070280900	Permit #	PZ20210032
Owner's Name:		Owner's Mailing Address:	
Elton King & Jennifer Jackson		9560 Laketown Rd	
City:	King	Owner State:	Owner Zip:
Chaska	Mn	55388	
Applicant (if other than owner):		Site Address:	
Same			

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request:						
Add 20 Acres to Existing 20 Acre Farm which is now a Legal Non-conforming Lot.						
Date of County Public Hearing:	6-3-21	Date of Township Meeting:	5-10-21			

Actions:

Township Action Taken:	
☒ Recommends approval and use of the Township Road (If applicable) with the following comments:	
☐ Recommends denial for the following reasons:	
☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:	

****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 <i>Jennifer P. Jackson-King</i> Signature of Applicant <i>[Signature]</i> Signature of Township Official	Date 05/03/2021 Date 5-10-2021
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EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-028-0900

File# PZ20210032

& part of 07-028-0511

**APPLICANTS/OWNERS: Eliot S King & Jennifer Jackson-King &
Juniper North, LLC**

07-028-0900

The Southeast Quarter of the Northwest Quarter of Section 28, Township 116 North, Range 24 West, EXCEPT the Northerly 671 feet, as measured at right angles to the North line thereof.

Part of 07-028-0511

The North 659.42 feet of the West Half of the East Half of the Southwest Quarter and the East Half of the West Half of the Southwest Quarter of Section 28, Township 116 North, Range 24 West, Carver County, Minnesota. Said parcel contains 20.00 acres of land.