

CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **Wednesday, June 1, 2022**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska

AGENDA

7:00 p.m.

1. Approve minutes of May 4, 2022 meeting

Pages 1-1 through 1-13
2. **File #20220020**- Public hearing on request by Daniel & Jeanette Bruesehoff for a variance. (Reduced Road Frontage & Width/Depth Ratio & Extend Twp Cartway)
Benton Township

Pages 2-1 through 2-13

Issue Order #PZ20220020 – Daniel & Jeanette Bruesehoff
3. **File #20220021**- Public hearing on request by John Pearce for a variance. (Reduced Setback from Minor Arterial Road)
Watertown Township

Pages 3-1 through 3-10

Issue Order #PZ20220021 – John Pearce
4. **File #20220016**- Public hearing on request by Michael & Tammy Wojtasiak for a variance. (Exceed Maximum Personal Storage Space & Structure Height)
Waconia Township

Pages 4-1 through 4-20

Issue Order #PZ20220016 – Michael & Tammy Wojtasiak

Other Business

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting May 4, 2022
Minutes

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

Members Absent: None

Members Late: None

Staff Present: Jason Mielke, Donovan Hart

Pursuant to due call and published notice thereof, the May 4, 2022, meeting of the Carver County Board of Adjustment was called to order by Chairman Bruner at 7:00 p.m.

Chairman Bruner announced the roll call indicated all seven members present.

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

Minutes – Chairman Bruner asked if there were any corrections to the minutes from the April 6, 2022, meeting. Schmidt asked for additional language on page 1-6 to clarify the sign discussion. Bielefeldt noted a change to language on page 1-4, saying he was asking about the practical difficulty, not stating it. A motion was made by Bielefeldt to approve the minutes of the April 6, 2022, meeting with the noted corrections. Stender seconded the motion for approval. All voted aye. Motion carried.

Public Hearing - File # 20220018 – Robert Dauwalter – Chairman Bruner called the public hearing to order at 7:03 p.m. to consider the application of Robert Dauwalter pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request to reduce the required structure setback from the centerline of a local road designated as a future Minor Arterial not in Shoreland District pursuant to Chapter 152 of the County Code. The property is in Section 6 of Dahlgren Township.

The following were present: Robert Dauwalter, Cassie Dauwalter, Amy Burkhart, Brian Gennrich

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 April 8, 2022

Exhibit F – Staff Report addressed to the Board of Adjustment and Dahlgren Town Board dated April 25, 2022, and all attachments

Hart explained the request is for a reduced setback from the centerline of a future County road. The property is in Dahlgren township and improved with a single-family dwelling and attached tuck-under 2-stall garage. The applicants would like to construct an addition on to the house which would be closer to the centerline of a road than permitted by the Zoning Code. This request is unique in that currently, the road is a Township road, but in the future would be considered a Minor arterial. The setback for a structure from a Township road is 68 feet, but Public Works has determined a reduced setback for the future functional road classification to be 80 feet. The applicant had the plans for his house addition drawn up prior to the adoption of the new setbacks and road classification table in the Zoning Code but did not submit the application for building until recently and was informed of the increased setback distance. Hart used an aerial photo to illustrate the location of the current structure, the proposed addition, and the property boundary lines. The applicant described a practical difficulty of a steep hill and the septic system location in the area available for the proposed addition, explaining the reason for the addition to be angled forward toward the road. The lack of buildable land near the house was due to the original placement of the residence. Mr. Dauwalter previously imported approximately 6,000 cubic yards of fill material to create a flat outdoor storage area east of the house, there was a scarcity of flat land near the road and close to the residence. The Carver County Public Works Department reviewed the proposed variance for a 13-foot variance to the reduced setback for the future road classification. They stated there are no additional County planning documents that reference or define the long-term alignment of for the future road and determined the County would be able to accommodate this variance request. The request does not conflict with the Comprehensive Plan, nor does it alter the character of the neighborhood or negatively impact any government services. The Dahlgren Town Board reviewed the request and recommended approval at their April 11, 2022, meeting without additional comments. Hart read the conditions for consideration if the request is approved.

Mr. Dauwalter stated the information presented for the request was accurate. He stated they would also like to relocation the driveway a little further to the east to accommodate a better angle to access the garage addition. He stated the driveway relocation had already been approved by Dahlgren Township.

Brian Gennrich, Dahlgren Township supervisor, confirmed the information was correct and the Town Board voted unanimously to recommend approval.

A motion was made by Stender and seconded by Bielefeldt to close the public hearing. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:10 p.m.

Bielefeldt stated he had visited the site and noted this to be the best location for the proposed addition given the topography of the parcel.

A motion was made by Bielefeldt to **approve and issue Order PZ2022001** to reduce the required structure setback from the centerline of a local road designated as a future Minor Arterial not in Shoreland District and the following conditions:

1. The permittee shall obtain the appropriate building permit(s) prior to the construction of the proposed attached garage 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 that than approved (i.e., 67 feet from the center of Little Avenue) as part of this permit application.

3. The permittee shall comply with all Dahlgren Township access requirements.
4. Prior to the issuance of a building permit, the landowner/contractor shall obtain the appropriate SSTs (septic system) approval(s) and submit all required documentation.
5. No additional expansions shall be permitted without obtaining all necessary building permits and/or Variances.

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

Public Hearing - File # 20220014 –Greg & Lisa Wenlund – Chairman Bruner called the public hearing to order at 7:12 p.m. to consider the application of Greg & Lisa Wenlund pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request to create a residential lot and exceed the prime ag land standard pursuant to Chapter 152 of the County Code. The property is in Section 23 of Young America Township.

The following were present: Greg Wenlund, Lisa Wenlund, Gladys Wolter, Verner Mielke, Joann Mielke, Harvin Smith, Ron Trick

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 5, 2022

Exhibit F – Staff Report addressed to the Board of Adjustment and Young America Town Board dated April 25, 2022, and all attachments

Neel described the subject parcel of approximately 73.14 acres of undeveloped tillable acres and wooded area with small pocket wetlands or seasonally flooded basins and 1 building eligibility. The applicants are requesting to subdivide and create a new residential parcel on the land south of the railroad tracks. The new parcel would be approximately 15 acres and meets the regulations for a residential parcel excepting the amount of prime ag soils. The proposed parcel would include approximately 8 acres of prime ag soils which exceeds the 2-acre limit allowed by the Zoning Code on a parcel of less than 20 acres. The applicants were granted a variance in 2009 for a request which is nearly identical to this one, however, no action was taken to finalize the prior request and the variance was considered null and void, so the applicants needed to reapply. The current parcel configuration was created in 2011 when the existing farmstead was subdivided as a 10-acre parcel, leaving the remnant 73.14-acre undeveloped land with 1 building eligibility. The applicant identified a practical difficulty related to the way the property is shaped and zoned. The proposed new lot is the only part of the 73.14-acre parcel that is not in the Transition Overlay Zone for the City of Norwood Young America and is physically separated from the larger tract by the railroad tracks. The City has indicated there are no current plans to annex the approximate 15 acres south of the railroad tracks. Although the land has consistently been farmed, the applicants see a building site as being a better use of the property. Creating a residential parcel on this site which would conform to the ag soils standard would leave a

remnant parcel too small to be utilized as agricultural land. The plight of the landowner appears to be due to circumstances unique to the property and not created by the landowner. Granting the variance would not be in conflict with the intent of the Comprehensive Plan, nor would it cause a substantial change in the character of the neighborhood which is comprised of agricultural uses and residences. On April 15, 2022, the request was reviewed by Senior Environmentalist, Lori Brinkman, who determined the soil borings from the 2009 variance request are no longer valid and new soil observations will be required for the primary and alternate septic locations. Chan Braun, Transportation Engineering Coordinator for Carver County Public Works, determined the access for this parcel would need to be from 136th St, a Township road. The Young America Town Board reviewed the request at their April 12, 2022, meeting and recommended approval without additional comments. Neel read the proposed conditions for consideration if the request is approved.

Ron Trick, Young America Township supervisor, confirmed the applicants had attended their meeting and presented the request. The Town Board voted to recommend approval of the request and had no additional comments or concerns.

Mr. Wenlund added he has a septic designer scheduled next week to identify the primary and alternate septic sites for the property so that information will be completed.

A motion was made by Stender to close the public hearing. Schmidt seconded the motion. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:21 p.m.

A motion was made by Mendez to **approve and issue Order PZ20220014** to exceed the prime agricultural standard, and the following conditions:

1. A Minor Subdivision application shall be submitted, reviewed, and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code and Subdivision requirements including but not limited to, a completed minor subdivision application, a survey, and SSTS compliance.
2. Permittee shall contact Young America Township regarding access location from 136th Street and apply for all necessary permits for a driveway access.
3. Landowners, purchasers and successors or assigns shall be on notice that the area is rural in nature and commercial agriculture activities such as odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities may occur, as well as other rural land use activities. Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with Carver County Rules and Regulations.

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 # 20220013 –Timothy VanTassel – Chairman Bruner called the public hearing to order at 7:22 p.m. to consider the application of Timothy VanTassel pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced structure setback from the Ordinary High Water Level of a Natural Environment Lake pursuant to Chapter 152 of the County Code. The property is in Section 34 of Camden Township.

The following were present: Timothy VanTassel, Susan VanTassel

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 5, 2022

Exhibit F – Staff Report addressed to the Board of Adjustment and Camden Town Board dated April 25, 2022, and all attachments

Neel stated the applicants own a .98-acre (legal-nonconforming) residential parcel improved with a house and attached garage. They are requesting to replace a deck that would not meet the required 150-foot setback from the Ordinary High Water (OHW) Level of a Department of Natural Resources (DNR) Protected Natural Environment Lake. The deck would be approximately 45 feet from the OHW. The house was constructed in 1969, prior to any Zoning Code regulations being enforced by the County. The applicant's letter describes a practical difficulty in locating the deck within an area that is not within the Shoreland setback area. The current deck is in deteriorating condition and needs to be replaced. If the deck were placed in an area which meets the setback, it would be located on the front of the house. The property has a current Certificate of Compliance for the existing septic system. The neighborhood is comprised of residential and agricultural activities. The request would not cause a substantial change in the character of the neighborhood, as there are similarly situated structures on other properties in the immediate area. No comments or concerns were received from the DNR concerning this request. The Camden Town Board reviewed the request and recommended approval at their April 13, 2022, meeting. Neel read the conditions for consideration if the request is approved.

Mr. VanTassel had no additional comments at this time.

There was no one present to represent the Camden 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. Mendez seconded the motion. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:28 p.m.

Bielefeldt stated he visited the site and identified a practical difficulty in that the existing structure is non-conforming, so the replacement of the deck does not change the resulting outcome of the structure.

Bruner stated he also had visited the site and spoke with the applicant and concurred with that opinion.

Stender asked if the Board could request that a Town Board representative be present at the meeting.

Mielke stated each township provides a recommendation on requests within their township, but it is not a requirement that someone be present at the County public hearing.

A motion was made by Bielefeldt to **approve and issue Order PZ20220013** for reduced structure setback from the Ordinary High Water Level of a Natural Environment Lake, and the following conditions:

1. The permittee shall obtain the appropriate building permit(s) prior to the construction of the proposed deck structure. 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(s). The new construction shall not encroach any closer to the OHW of Eagle Lake than approved (i.e. 45± feet) as part of this permit application.
3. No additional expansions shall be permitted without obtaining all necessary building permits and/or Variances.

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 # 20220017 –Oakwood Community Church – Chairman Bruner called the public hearing to order at 7:30 p.m. to consider the application of Jon Tolly & Kirk Van Blaircom, Oakwood Community Church, pursuant to Chapter 15 of the County Code. The purpose of the public hearing was to consider a request to exceed the allowable maximum sign size pursuant to Chapter 15 of the County Code. The property is in Section 30 of Laketown Township.

The following were present: Kirk Van Blaircom, Jon Tolly, Jim Klein, Cathy Nielsen, Colleen Klingelhutz

The following items were entered into the hearing record: Jon Tolly, Kirk Van Blaircom, Cathie Nielsen,

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 9, 2022

Exhibit F – Staff Report addressed to the Board of Adjustment and Laketown Town Board dated April 25, 2022, and all attachments

Mielke stated Oakwood Church owns and operates their church on a 15+ acre parcel in Laketown Township. In 2012, the church received a CUP for a Large-Scale Activity to construct the church facility with parking lot, a stormwater pond, SSTS site, and a monument style sign. Mielke used an aerial view of the property for illustration. Kirk Van Blaircom, an employee of Blue Label Creative and representing Oakwood Church, submitted illustrations of the proposed sign which were included in the packet. The proposed sign exceeds the maximum standard of 32 square feet of surface area per sign and the maximum standard of 36 square feet of surface area for the total signage on a property. The previously approved monument sign located at the corner of County Rd 10 and Klein Dr was destroyed by a vehicle that veered off the road this past winter. The applicant and the Oakwood Church community are requesting to remove the monument sign and replace it with a logo and name plate

single-sided sign attached to the side of the church building. The proposed sign would be approximately 102.5 square feet in size, which results in a variance of 70.5 square feet for a single sign and 66.5 square feet more than allowed for total signage on the property. A practical difficulty has been identified with future growth of the church membership and expansion of the parking lot, increasing the stormwater ponding area, and alternate Subsurface Sewage Treatment System (SSTS) location, the current location of the monument sign would need to be moved. If the sign was placed on the church building, it would also remove the probability of it being damaged or destroyed by vehicle accidents in the future. The proposed sign and location would also offer better visibility and identification of the facility. The size of the building and the required setback from the road make a sign meeting the sign ordinance regulations virtually unrecognizable. Mielke stated a variance request for increased signage had been proposed a few years ago, but the application was withdrawn and the monument sign was erected, which is simply not adequate to meet their desires. The church building is located nearly twice the required setback distance from County Rd 10. Granting the variance would not be in conflict with the intent of the Comprehensive Plan and does not appear to alter the character of the neighborhood. Sign ordinance standards appear to be reasonable for most of the businesses located in the rural areas of the County. For a large-scale activity serving the public, such as the church, it would be more desirable to have larger signage. The proposed sign would have lighting that is enclosed as a part of the sign. There should be no glare or reflection to any neighboring properties. The Laketown Town Board reviewed and recommended approval of the request at their April 11, 2022, meeting. They requested the following conditions: 1) One (1) internally illuminated sign, as per plans (102 sq. ft.) be allowed, 2) The sign be controlled by a dimmer, as well as a timer, and 3) The sign lighting be turned off by 10 PM each night. Mielke read the proposed conditions for consideration if the variance is approved.

Kirk VanBlaircom stated the wall sign location seemed to be the perfect location because the current sign is further removed from the building creating a disconnect between the sign and the church. He also noted a significant grade change which is below the elevation of the road making the lower portion of the sign difficult to read, without additional consideration of snow piling up in the winter. He evaluated the site and calculated the size of the proposed logo and sign on the church wall based upon the distance of the structure from the road. These calculations result in minimum visibility of the sign for the church in relation to the surrounding neighborhood. Initially, when the CUP was approved for the church, there were 2 signs originally designed which totaled approximately 147 square feet of space which were on the plans when the original CUP was approved. Mr. VanBlaircom stated he reviewed information from the previous sign request and found that the original wall sign was over 200 square feet and the Town Board's recommendation at that time was that they were more in line with approximately 100 square feet, which is the current size request.

Cathy Nielsen, Laketown Town Board supervisor, questioned a statement in the submitted letter for the request which noted the 'Site at a glance' and stated: The property developed in 2014 fits into the surroundings and buffers light industrial, retail and residential. It is an office building primarily for business to business activities. She clarified that this structure is a church building with associated activities, not an office building or surrounded by light industrial or retail.

Mr. VanBlaircom apologized and stated that sentence is in error and should not have been in this letter.

Ms. Nielsen acknowledged the church had proposed an approximate 300 square foot illuminated sign last time, and said it is not so much the size but the illumination that has been the cause of their concern.

She stated the Town Board vote for this request was 2-1 to approve, citing the one supervisor expressed concern with illumination because there is a residence located across the street. She felt the illumination from this type of sign would not be too great and the church has agreed to have it turned off in the evenings at 10:00 p.m.

Mielke clarified that the comments which were just heard were based on the information in the applicant's letter, which was submitted and included in the packet information. He stated that churches are allowed in the Zoning Code as a large-scale activity and are not classified as a business.

Mr. VanBlaircom interjected stating he may have erroneously included that statement which he confirmed should not have been included with this application. He asked that the statement about the business be stricken from the record as an error.

Colleen Klingelhutz, 7940 Airport Rd, felt this sign variance sets a really bad precedence because there are three other churches located along County Rd 10 that conform to the current sign ordinance. Two of those churches are set back further from the road and one is not at all visible from County Rd 10. She felt there is no practical difficulty which isn't created by the church itself, when they sited the building and septic system, and retention pond on the property. She is not in support of the request.

Jim Klein, 8815 County Rd 10, expressed concern with the sign lights being on until 10 p.m. He stated it could be a distraction to traffic and asked that the time be earlier than 10 p.m., especially in the winter months. He also asked if the sign would be lit during the day.

Mr. VanBlaircom declared the hardship or difficulty in this request is the location of the current sign, which is significantly below the grade of the road, and quite a distance from the church building, that it is hardly practical to serve the church. He is not familiar with the other churches previously referenced but surmised that their signs are much closer to the church structure. He stated this is a uniquely shaped property with the road angle and curve and the retention pond location. He stated a monument sign does not work as well as a wall sign would on this property.

A motion was made by Mendez to close the public hearing. Bielefeldt seconded the motion. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:52 p.m.

Bielefeldt spoke about the prior church signage request and noted the considerable reduction in sign size with this request and the restrictions to the illumination. He was not able to identify a practical difficulty and asked why an improved monument sign would not be practical.

Jon Tolly, Pastor for Oakwood Community Church, stated the initial sign company had proposed a sign size of around 300 square feet. The applicants adhered to the Town Board and the Board of Adjustment statements from the previous public hearing and are proposing a reduced sign size on the building wall. He claimed the covid pandemic played a part in this delay and they chose to erect the monument sign just to have some visibility and identity for the property. The church has been in existence for seven years at this site without the signage they would like. The location of the current sign has been the location of a vehicle leaving the road and four months later, the second vehicle which hit and destroyed the sign, demonstrating the location is not ideal. The church has been working with a new sign company

who recommended a wall sign for better visibility and eliminating the risk for potential harm and/or destruction from vehicles with the current location. The proposed sign is large in comparison to the regulations, but they feel it is reasonable and appropriate relative to the building sign and distance from the road. The church is growing and they want it to be visible and identified.

Bielefeldt asked what changed with the Town Board to have them recommend approval for this request.

Pastor Tolly stated the damage to the sign from two vehicles within four months played a large part. Everyone was grateful that no one was hurt in either accident. This proposal is also more in line with the size they were willing to accept. The illumination of the sign is not excessive, but they would like it to be visible in the evenings as there are many events taking place at the church after 5 p.m. when it starts getting dark. The Town Board wanted the sign turned off earlier, but the church requested 10 p.m. as they have programs running until then most evenings during the week. They felt this was a reasonable request and would still be respectful to the neighbors.

Bruner stated he recalled the prior meeting and noted two differences between then and now. One was that the Town Board voted unanimously against the initial request and the other is the change from a monument sign to the wall sign. Bruner visited the site and felt the wall is the better location for the sign.

Mendez asked Ms. Klingelhutz where she lives in relation to the church.

Ms. Klingelhutz replied she lives on Airport Rd, approximately 1.5 miles away as the crow flies and the church building is visible from Airport Rd and Laketown Rd.

Mendez asked if the proposed sign would be a distraction at her residence.

Ms. Klingelhutz stated her comments were more about the principle of the ordinance standards and the fact that three other churches have conformed to the sign ordinance. She stated she is also not in favor of the lighting.

Bruner stated that Airport Rd is toward the back side of the church, so Ms. Klingelhutz would likely not even be able to see the sign.

Ms. Klingelhutz confirmed that to be correct, however, she stated the parking lot is lit and she is able to see that.

Mendez asked the location of Jim Klein's residence.

Mr. Klein described the location of his house on the aerial map (south of the church). He stated he was the landowner who sold the property to the church. He reiterated that his concern is the sign lighting being a distraction for traffic. The traffic numbers are increasing on County Rd 10 and so is the speed the vehicles travel.

Mendez surmised this might be more of a traffic issue than a distraction issue contributing to the accidents. He felt the signage may not be a contributing factor as a distraction to traffic, and possibly

the lighting would be better also. He asked what hours the sign is proposed to be lit.

Mr. VanBlaircom replied the sign doesn't need lighting during daylight hours, so in the summertime, it may not be lit at all. As daylight fades in the later afternoon in winter, a digital timer would be set to match the sunset time.

Mielke confirmed other requests have had signage lit at dusk, which isn't a specific time of day, as the daylight hours change seasonally.

Schmidt asked if the church would want the sign to remain lit for special occasions, such as holidays, that might continue beyond 10:00 p.m.

Pastor Tolly stated it would be their preference to have the sign lit until activities at the church are completed, but they also want to be respectful of the neighbors. He stated the Town Board had initially requested the sign be turned off at 5:00 p.m., but after more discussion agreed to the suggested 10:00 p.m.

Bruner reiterated he felt the lighting of the sign would not change people's driving habits or abilities.

Gorra asked if there was a measure of the backlighting from the sign.

Mr. VanBlaircom stated the lighting would be controlled by a dimmer. He has experience with similar signs in close residential neighborhoods and would evaluate and average the photometric information to apply it for this situation. It should not be too bright, but the point of a sign is for it to be visible.

Schmidt asked and found that the intersection of County Rd 10 and Klein Dr is lit with a night watch light provided by a utility company which lights the intersection at night. He has not heard it mentioned that this light or the LED parking lot lights cause a burden to the neighborhood at night. The focus is on the proposed signage lighting which is going to be controlled with a timer and dimmer at night.

Mr. VanBlaircom affirmed that the signage lighting would not compete with those lights at all.

Schmidt stated that backlighting from the sign would not emit light to the same capacity as the parking lot or intersection lighting. He also noted no one has commented or complained about the brightness of vehicle headlights.

Bielefeldt stated there is much discussion about the illumination of the sign, but he could not identify that a practical difficulty has been stated. He felt the grade of the road in relation to the monument sign was not unique to this property, but it is a circumstance across the entire County.

Mendez stated the possibility of a vehicle running off the road and hitting the monument sign is greater than a vehicle hitting the building if a wall sign was approved. He felt the monument sign could be a safety hazard and the wall sign would reduce that hazard. He felt a practical difficulty could be a combination of different factors and he would be in favor of the wall sign for safety reasons.

Bielefeldt maintained he felt there were no circumstance unique to this property to identify a practical

difficulty and justify his approving this request.

Gorra stated the church would benefit most with a sign facing the road with higher traffic numbers. She acknowledged the potential for vehicles to leave the road near the curve at the intersection of Klein Dr and County Rd 10; therefore, making that location less desirable. She visited the site and identified another possible location in a grassy area; however, it is also further off the road and would require a larger sign for optimal visibility. Any of these options would require a variance. She recognized the reasons for choosing to have the sign on the building wall.

Mr. VanBlaircom agreed that no matter what signage would be requested, a variance would be necessary for it to be visible and effectively serve the church. He stated the current monument sign is blocked from view because of the elevation of the road, not to mention additional obstruction from plowed snow in the winter.

Polunc asked if there was any special lighting on the side of the church around Christmas time.

Pastor Tolly answered a manger scene (e.g. silhouette) was projected on the church wall at Christmas time.

Polunc asked if there was any special lighting at Easter, like a white crucifix.

Pastor Tolly did not recall any. He noted the cross on the west side of the building is lit all of the time.

Polunc stated he saw the manger scene at Christmas time and did not find it at all distracting to traffic on County Rd 10. He felt the proposed wall sign on the church building would connect the identity to the building and is a good fit.

Bielefeldt asked that the language in Condition #3 be adjusted to reflect lighting of the sign be turned on at dusk and turned off at an appropriate agreed upon time.

Mendez stated he thought 10 p.m. was a reasonable time.

Polunc asked the applicant if the parking lot lights are turned off at night.

Pastor Tolly replied they are currently on a timer and stay on later, but he wasn't certain at the time they are turned off.

Polunc stated the parking lot lighting likely projects more lumens than the proposed wall sign would.

Hearing no more discussion, Chairman Bruner asked for a motion on this request.

Mendez made a motion to approve the request with the staff recommendations.

Gorra seconded the motion for approval.

Schmidt asked to discuss holiday hours for the lighting if the church has special services which extend

later into the evening. If a Christmas gathering would begin at 10 p.m., it would be nice to have the sign lighted.

Bruner agreed that a 10 p.m. designation was only arbitrary, and the time should be later especially if there are services or events extending beyond that time. He felt it should be amended to allow the sign lighting to be on concurrent with any evening church event.

Schmidt agreed and said it would not make sense to let the parking lot lights remain on and not the sign.

Bruner stated the variance request is for the sign size and location on the wall, not necessarily the lighting.

Mielke clarified the recommendation about the sign lighting was from the Laketown Town Board. The Board of Adjustment has the authority to make the decision on the specific conditions placed on the variance. He noted the variance request is for increased sign size and if the Board feels there are other concerns that need to be addressed or controlled, the conditions placed on the variance are the opportunity to regulate them.

Bruner suggested the hours for the sign lighting should be extended, especially if the parking lot lighting is still on.

Polunc stated the parking lot lighting has not been recognized as a distraction to the traffic on County Rd 10. He noted County Rd 10 was recently reconstructed to improve the safety of the road, but there is no way to control the driving habits of the traffic on that road. He felt that turning off the parking lot lighting would put the church in greater jeopardy of vandalism or burglary, because lighting precludes criminal activity. He suggested that the sign should be allowed to remain lighted as long as the parking lot lighting is on.

Mendez amended his motion to **approve and issue Order PZ20220017** to exceed the maximum sign square footage allowed for a single sign, and the maximum allowed total square footage of signage on their property pursuant to Sections 154.20 of the Carver County Code and the following conditions:

1. The permittee shall obtain the appropriate building permit(s) prior to the construction of the proposed sign. All work shall be done in accordance with the submitted plan. NOTE: Signage with illumination from behind must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement.
2. The existing roadside monument sign shall be removed prior to the final inspection of the proposed wall sign.
3. The sign shall be controlled by a dimmer and timer, with sign lighting not to illuminate before dusk. The parking lot lighting and the lighting of the signage shall be in sync to the same lighting hours.
4. No additional signage or expansion of signage related to the primary use of the property shall be permitted without obtaining all necessary building permits and/or variances, if applicable.

Gorra seconded the motion for approval. Bruner called for a vote on the motion. Gorra, Bruner, Schmidt, Stender, Mendez and Polunc voted aye. Bielefeldt voted nay. Motion carried.

Adjournment

Having completed the agenda items and seeing no other business, a motion was made by Bielefeldt and seconded by Mendez to adjourn. All voted aye. The meeting was adjourned at 8:32 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 23, 2022

TO: Carver County Board of Adjustment & Benton Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance to reconfigure an existing parcel with reduced Lot Requirements and a Township Cartway (road) extension

FILE #: PZ20220020

APPLICANT: Daniel D. Bruesehoff

OWNER: Daniel & Janette Bruesehoff

SITE ADDRESS: 14595 County Road 53, Cologne, 55322

VARIANCE TYPE: Width/Depth Ratio, Reduced Road Frontage, and Township Cartway (road) extension

PURSUANT TO: County Code Section 152.033 (D)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-025-0110

BACKGROUND:

1. Daniel and Janette Bruesehoff own an approximate 155.81-acre parcel located in the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 25, Benton Township. The property is improved with a single-family dwelling with an attached 2-stall garage and Subsurface Sewage Treatment System (SSTS). The property is located in the Agricultural Zoning District and the CCWMO (Bevens Creek Watershed).
2. The applicant is requesting a variance that would allow the extension of a Township cartway (66-ft) right-of-way further to the east without platting and subdivide to create two (2) parcels – a residential parcel with the existing home and an agricultural parcel of (20+ acres). Neither the proposed agricultural parcel or residential parcel with existing house would meet the minimum road frontage or width to depth requirements; therefore, a variance has been requested, pursuant to Section 152.033 (D) of the Carver County Zoning Code.

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)

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

The Board of Adjustment is hereby established and invested with the authority as is hereinafter provided and as provided by M.S. §§ 394.21 through 394.37, as they may be amended from time to time.
(Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

§ 152.215 VARIANCES.

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

STAFF ANALYSIS:

1. The County Code typically requires the platting process (i.e. Major Subdivision) to 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 a new road.
2. The applicant is requesting to subdivide the existing parcel (i.e. minor subdivision) with an approximate 2.5-acre residential parcel (i.e. house w/attached garage) and a 153.31-acre agricultural parcel (tillable and wetland parcel w/2 building eligibilities). The approval of this variance would allow the family to subdivide the existing house site in order to allow other family (i.e. daughter and son-in-law) to reside there and retain the tillable land for continued farming activities. The current parcel configuration has limited road frontage which restricts them from creating the conforming parcels needed in order to meet the standards in the Carver County Zoning Code; therefore, a variance has been requested.

3. The original parcel (160 acres) was created prior to the enactment of the Zoning Ordinance in 1974; therefore, the parcel was considered a legal non-conformity. At that time, the farmstead had a driveway access connecting to Co Rd 53 via an identified 66-foot township cartway. In 1982, the Bruesehoff family was granted Variance #5286 allowing for the subdivision of a building site with reduced road frontage; however, the variance was never recorded. The County issued a building permit to the Bruesehoff family to construct a house on a 3-acre parcel. In 2012, the original farmstead was subdivided off the tillable land to create an 8.4-acre farmstead utilizing the Zoning Code 66-foot subdivision rule for existing farmsteads. A 2013 Minor Subdivision #A20130035 was granted in order to reconfigure the farmstead building site with outbuildings for mortgage purposes while allowing the agricultural preserve to remain intact; therefore, creating the current parcel configuration.
4. 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 and a width of 500 feet, would support any depth. In addition, all newly created parcels and their remnants must maintain the required width for the entire depth of the lot. The approximate 2.5-acre proposed parcel would consist of approximately 215 feet of road frontage and accommodate the required depth standard. The remnant parcel is required to have a minimum of 500 feet of road frontage; therefore, extending the cartway approximately 355 feet east would give both parcels the appropriate road frontage to meet Zoning Code requirements. Being that these parcels are at the end of a township cartway, the only possible way to subdivide without a variance would be to construct a road on the property(s) to create legal conforming lot(s). This would require the construction of an approximate 1,600-foot road built to township standards. If the Board of Adjustment granted the requested variances, the property owner must grant a cartway easement, but no Township road would need to be constructed.
5. In the submitted narrative (dated: 4/26/2022), Dan and Janette Bruesehoff describe the practical difficulty in that the current properties share an existing access at the point where the current township cartway ends. They wish to split off an approximate 2.5-acre wooded area with an existing home from the surrounding agricultural land to better represent the uses of the property, but the current cartway does not provide enough road frontage to create a conforming parcel. The applicants' daughter and son-in-law plan to live at this subject property (e.g. existing house location).
6. On May 12, 2022, Lori Brinkman, Senior Environmentalist with Carver County Environmental Services, reviewed the request. The existing house would need an SSTS Certificate of Compliance or a guarantee ensuring the issuance of a Certificate of Compliance within ten months of the application approval date, or the time required by Chapter 52 of the Carver County Code of Ordinances, whichever is more restrictive. A plan with soil borings for an alternate SSTS site must also be submitted for review and approval. The plan shall include a soil borings report for the site, which will be prepared by a licensed SSTS designer.
7. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. The location of the existing parcel off the end of a privately maintained township cartways (66 feet) represents a unique set of circumstances not created by the landowner. The applicant is proposing to use the property in a reasonable manner, not permitted by an official control. Using the existing building eligibility (current house) outside of the active farming operation and in a location that still has road frontage is a reasonable use of the property that would not be permitted by the official control.
8. 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 road frontage standard and the width to depth regulations. The intent of these regulations is to prohibit the development of parcels that do not have adequate frontage to accommodate future needs. The proposed parcels would continue to have reasonable access to a public road, and the proposed township cartway easement would be an improvement to the existing nonconforming parcels (i.e. increasing road frontage for both). Therefore, the request appears to meet the intent of the Zoning Code regulations.
9. The granting of the variance would not conflict with the intent of the Comprehensive Plan nor the Carver County Zoning Code. The proposed parcel would continue to have reasonable access to a public road.

10. The neighborhood is comprised of agricultural uses and residences, the request would not cause a substantial change in the character of the neighborhood, nor would the cartway extension or minor subdivision approval 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. The Benton Town Board has reviewed the request, and recommended approval at their May 12, 2022, Town Board meeting. There were no comments for this application (i.e., no concerns or objections).

BOARD CONSIDERATION:

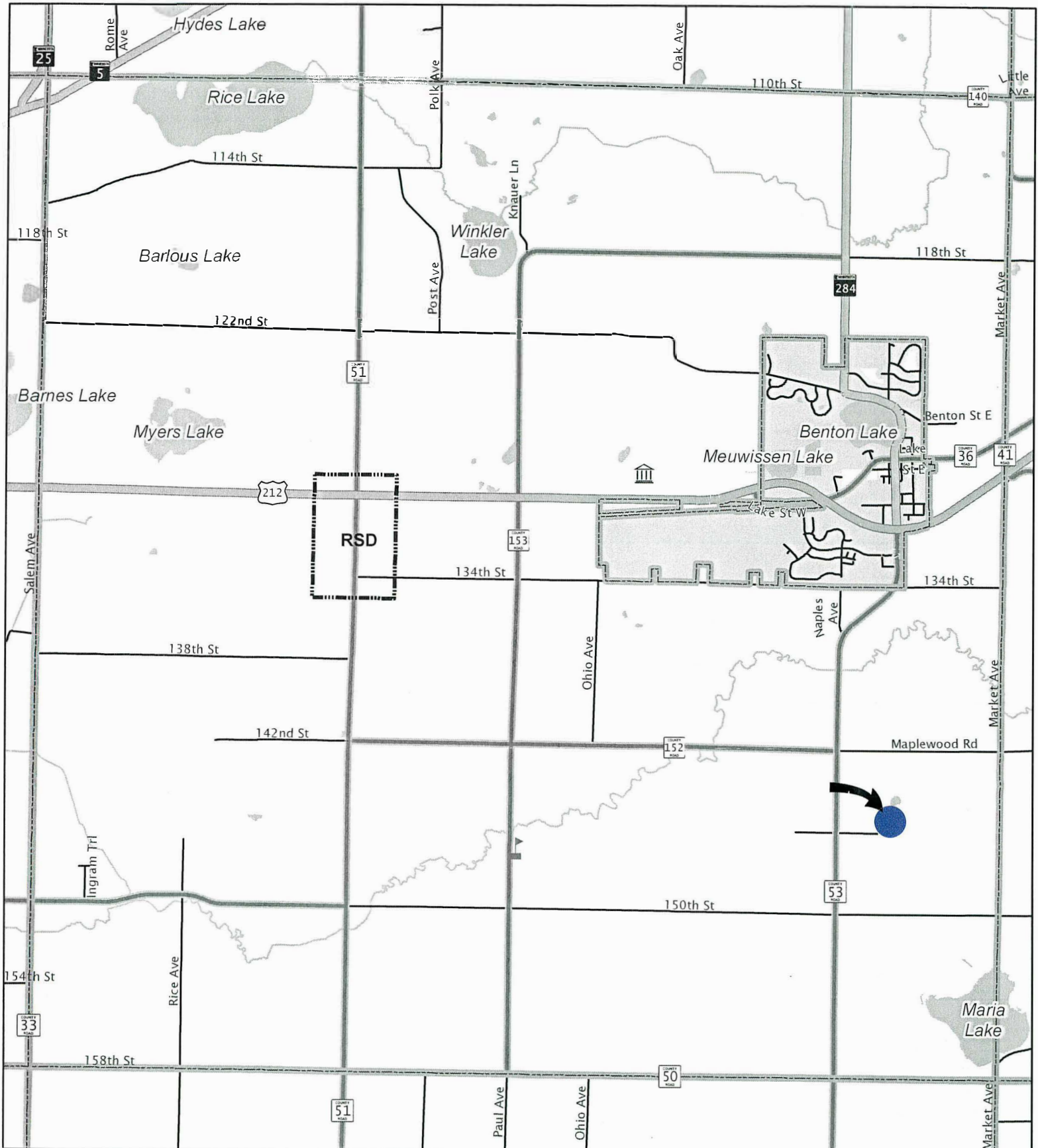
If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance to subdivide an existing parcel with reduced road frontage and width-to-depth ratio, pursuant to Section 152.033 (D) of the Carver County Zoning Code, would serve in the interest of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

1. A Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code requirements including but not limited to, a completed Minor Subdivision application, a survey, SSTS compliance, and cartway easement description.
2. Prior to the Minor Subdivision approval, Township cartway easement (or deed) shall be dedicated to Benton Township, and recorded at the Carver County Recorder's Office, providing for a minimum of 66 feet wide x 355 ft. The dedication as a right-of-way extension of the cartway would be pursuant to the approved site plan, providing appropriate road frontage to both the new parcels (i.e. existing house and remnant agricultural land). The easement extension shall be reviewed and approved by the Benton Town Board and Carver County, prior to recording. The township road easement shall be privately maintained, pursuant to Benton Town Board requirements.

OR

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

BENTON TOWNSHIP



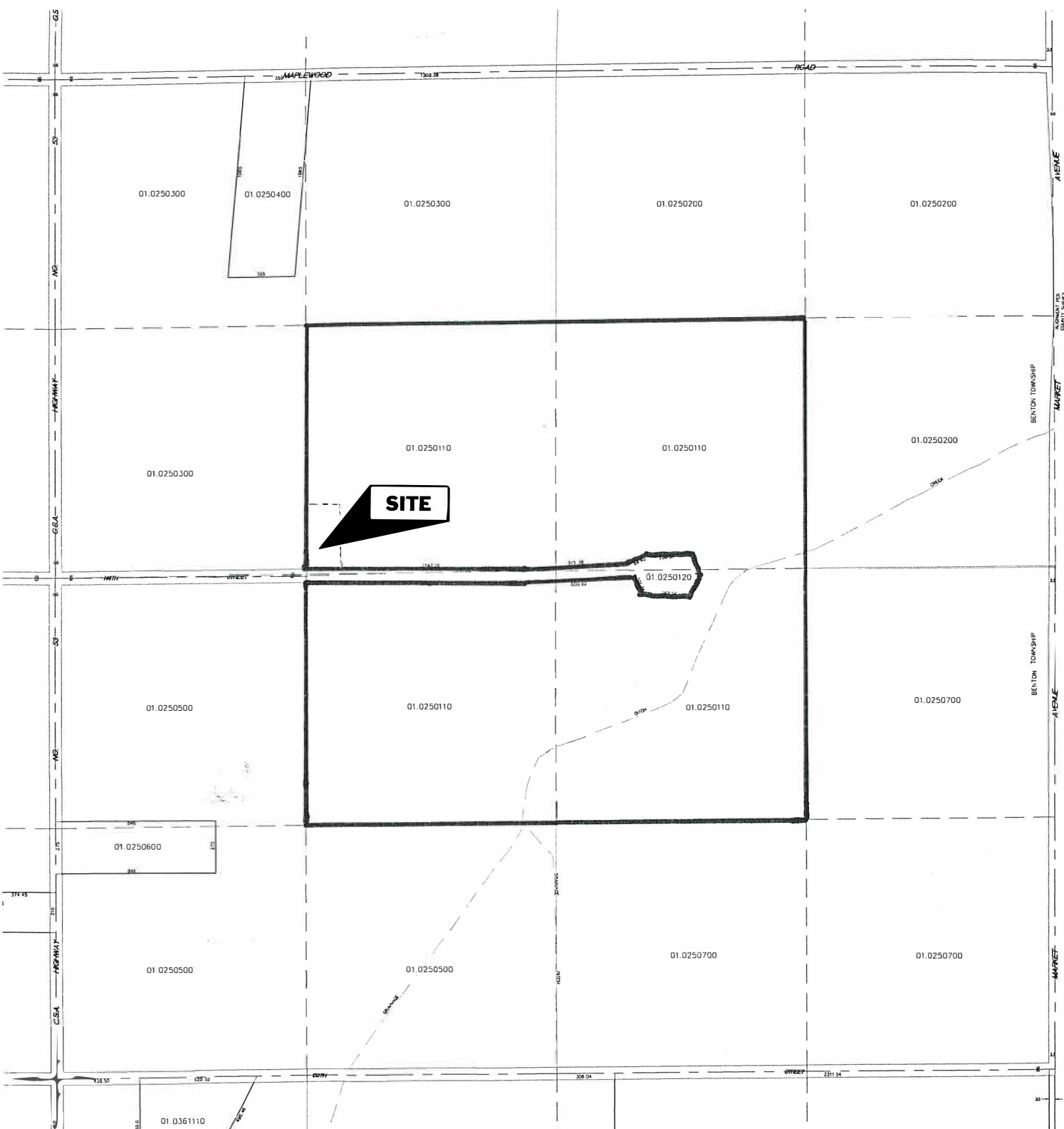
This map was created using Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

SEC. 25, T.115, R.25

1. LEGALLY RECORDED PLAT.
2. COMPILATION OF RECORDS
3. IN THE CARVER COUNTY
4. OFFICE RECORDS. THIS MAP
5. IS FOR REFERENCE
6. CARVER COUNTY AND ITS AGENTS
7. POSSIBLE FOR ANY
8. CONTAINED THEREIN.



4/26/22

Carver County Board of Adjustment

To Whom it May Concern

My husband, Dan, and I are applying for a minor subdivision of approximately 2.5 acres from PID 01-025-0110 (property address 14595 County Road 53). There is currently a house on this property which was occupied by Dan's brother, Harry, who passed away in Feb. 2022. Our daughter and son-in-law desire to live there which means we need to split off 2.5 acres from the 01-025-0110 and am looking for approval from the board to do so. We were told we need a variance for road frontage because the road ends in a cartway at the edge of the driveway and we'll be doing a shared access with this lot. We have met or will be meeting with the Township May 12 to get a recommendation for this variance which is due to unique circumstances not caused by any of us. There will not be any agricultural land affected in splitting this 2.5 acres from the existing parcel. The lot will meet all other qualifications, like width to depth ratio, all setbacks, the SSTS system is going to be upgraded.

DAN & JANETTE BRUESEHOFF PROPERTY



Township Presentation & Recommendation Form

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

Description of Request: Reduced Road Frontage

Date of County Public Hearing: 6/1/22 Date of Township Meeting: May 12, 2022

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:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

Date _____

Gary Widmer

Date 5-12-2022

2-9

STATE OF MINNESOTA

CARVER COUNTY BOARD

COUNTY OF CARVER

OF ADJUSTMENT

In the matter of the appeal of
Harry Bruesehoff, Appellant
File #5286

FINDINGS OF FACT AND ORDER APPROVING THE APPEAL
FOR A VARIANCE TO CARVER COUNTY ORDINANCE
No. 3-8 SECTION 14, SUBDIVISION 3.1c

IF THE WORK, AS PERMITTED BY THE VARIANCE, IS NOT COMPLETED WITHIN ONE YEAR AFTER THE GRANTING OF THE VARIANCE, THEN THE VARIANCE SHALL BECOME NULL AND VOID, UNLESS A PETITION FOR EXTENSION OF TIME IN WHICH TO COMPLETE THE WORK HAS BEEN GRANTED BY THE BOARD OF ADJUSTMENT

The above matter came up for hearing before the above named Board of Adjustment at a hearing in the Carver County Courthouse in Chaska, Minnesota at 9:10 p.m. on August 11, 1982 on the appeal of Harry Bruesehoff for a Variance to Section 14, Subdivision 3.1c to subdivide a parcel to be used for a building site. Said parcel and remaining parcel will not have the required road frontage on property in Section 25, Benton Township. The following were present for the hearing: George Schrupp, Frank Karnitz, Harold Noernemann, Jr., Harry Bruesehoff, Gordon Tellers, members of the Board of Adjustment (Lothar Wolter, Jr., Gene Miller, Caspar Schmitt, Al Klingelutz, James Moese, Bill Engelhardt, John Samuelson).

Upon the evidence adduced at said hearing by the applicant and other persons named above and all the files, records and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. Harry Bruesehoff owns four quarter quarters in Benton Township described as follows:

The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) and the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) Section 25, Township 115 North, Range 25 West, containing 160 acres of land, more or less, according to the Government Survey thereof.

2. Mr. Bruesehoff would like to subdivide four acres from this property in order to construct a residential dwelling.
3. He plans to subdivide from the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25.
4. Presently there is one dwelling unit on the 160 acres. It is located on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25.
5. The 160 acres has a total of 66 feet of road frontage. A township road terminates at the property line.
6. Thirty-three feet of this road abuts the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25. Thirty-three feet abuts the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25.
7. Therefore, the proposed lot would have 33 feet of road frontage rather than the required 40 feet. Therefore, Mr. Bruesehoff is requesting a Variance.
8. Section 8, Subdivision 1.6 states: "Each two quarter quarter section farm having a dwelling unit thereon may convey therefrom a parcel of land for the purposes of residential construction provided the conveyance of such lot conforms to the following:
 1. The minimum size of the parcel so conveyed shall be one acre or more.
 2. The soil and water conditions shall permit a well and on-site sewer system in conformance with County regulations.
 3. Access may be from an existing driveway.
9. All of the conditions of this section are met by the proposed subdivision.
10. Section 6, Subdivision 3.23b states: "Grounds for Variance - Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control and when the terms of the variance are consistent with the comprehensive plan."

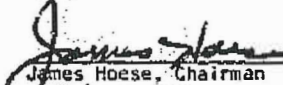
11. A second house on this 150 acres would be within the density standards of the ordinance. Although it was recognized when the standard was adopted that some quarter quarters would not have a building eligibility because of lack of required road frontage, at the time of adoption of the ordinance it was the intent that each farmer who had the required acreage would be permitted to sell off at least one residential lot.
12. Section 6, Subdivision 3.23b (1) defines hardship as follows: "Hardship as used in connection with the granting of the variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls. The plight of the landowner is due to circumstances unique to his property not created by the landowner and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance."
13. The property can be and is being put to a reasonable use under the terms of the ordinance, however, the case could be made that because of the unusual circumstances (although not unique) he would be deprived of his rights if a Variance is not granted, to permit two parcels each with 33' of road frontage.
14. Granting the Variance will not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

Order

IT IS HEREBY ORDERED:

That the request of Harry Brueschoff for a Variance from Section 14, Subdivision 3.1c to subdivide a parcel to be used for a building site in which said parcel & remaining parcel will not have the required road frontage on the above described property is hereby approved.

Carver County Board of Adjustment


James Hoese, Chairman


Gene Miller, Vice Chairman

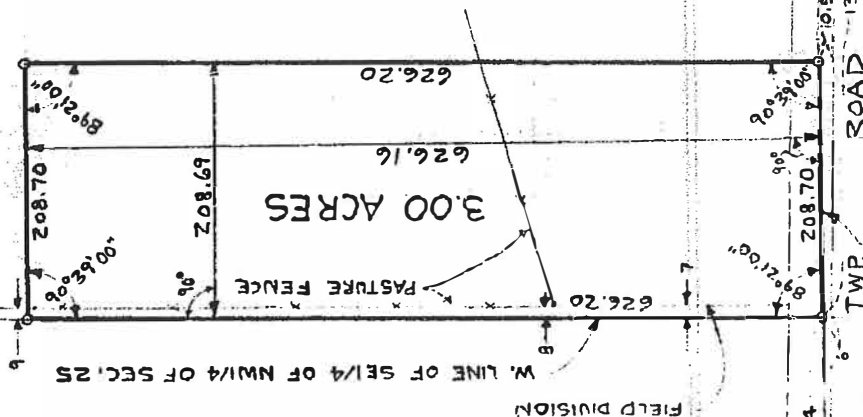
Dated: 9/8/82


Virginia R. Harris, Director
Planning, Zoning, Environmental Services

SCALE: 1 INCH = 100 FEET
 O DENOTES IRON PIPE SET
 (C) DENOTES CARVER CO. MON.

DESCRIPTION

The West 208.69 feet of the South 626.16 feet of the Southeast Quarter of the Northwest Quarter of Section 25, Township 115, Range 25, Carver County, Minnesota. This tract contains 3.00 acres of land and is subject to right-of-way in existing township road and subject to any and all easements of record.



W 1/4 CORNER OF SEC. 25, T115, R25
 CENTER OF SEC. 25
 CENTER OF TWP. ROAD
 S. LINE OF SE 1/4 OF NW 1/4 OF SEC. 25
 FIELD DIVISION

HARRY BRUESEHOFF SURVEY
 SE 1/4 OF NW 1/4 OF SEC. 25
 BENTON TWP., CARVER CO. MN.

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

Seibz Drewe

DATE 9/3/82 REGISTRATION NO. 12277

DRAWN TJS
 CHECK LFG
 SURVEY BY DHC

rice carroll muller associates inc
 architects engineers land surveyors planners

DRAWING NUMBER RERE
 PVT BK 43
 P. 44
 FILE NO. 823117

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-025-0110

Permit# PZ20220020

APPLICANT/OWNER: Daniel D Bruesehoff & Jeanette J Bruesehoff

* * * * *

The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$), and the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), all in Section 25, Township 115 North, Range 25 West,

EXCEPTING THEREFROM that part of the Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the Northwest Quarter of the Southeast Quarter, and the Northeast Quarter of the Southwest Quarter, all in Section 25, Township 115, Range 25, Carver County, Minnesota, described as follows: Beginning at the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence on an assumed bearing of North 00 degrees 01 minutes 25 seconds West, along the West line of said Southeast Quarter of the Northwest Quarter, a distance of 33.00 feet; thence South 89 degrees 35 minutes 33 seconds East, a distance of 1,147.26 feet; thence North 86 degrees 54 minutes 02 seconds East, a distance of 575.38 feet; thence North 65 degrees 10 minutes 50 seconds East, a distance of 84.40 feet; thence North 84 degrees 58 minutes 34 seconds East, a distance of 256.31 feet; thence South 23 degrees 50 minutes 06 seconds East, a distance of 117.80 feet; thence South 22 degrees 22 minutes 39 seconds West, a distance of 135.10 feet; thence North 86 degrees 21 minutes 46 seconds West, a distance of 262.56 feet; thence North 22 degrees 40 minutes 31 seconds West, a distance of 600.92 feet; thence North 89 degrees 35 minutes 33 seconds West, a distance of 1,148.74 feet to a point on the West line of said Northeast Quarter of the Southwest Quarter, distant 33.00 feet South of the point of beginning, as measured along said line; thence North 00 degrees 01 minutes 20 seconds West, a long said line, a distance of 33.00 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 20, 2022

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

FILE #: PZ20220021
APPLICANT: John D. Pearce
OWNER: John David Pearce
SITE ADDRESS: 13950 County Road 20, Watertown 55388
VARIANCE TYPE: Reduced Setback from a Minor Arterial Road
PURSUANT TO: County Code Section 152.034 D
LEGAL DESCRIPTION: See attached Exhibit "A"
PARCEL #: 10-006-0200

BACKGROUND:

1. John Pearce owns an approximate 9.7-acre parcel located in the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 6, Watertown Township. The property is improved with a single-family dwelling with an attached garage and Subsurface Sewage Treatment System (SSTS). The property is located in the Agricultural Zoning District and the CCWMO (Crow River Watershed).
2. The applicant is requesting a variance for a reduced structure addition setback from the centerline of a future Minor Arterial not in Shoreland District. The request would consist of a setback reduction from the required 120-foot setback to 70 feet to accommodate a proposed covered porch addition. The proposed structure would be closer to the centerline of a road than what is permitted by the Zoning Code; therefore, a variance has been requested pursuant to Section 152.034 (D) of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.034 SETBACKS.

(D) *Table of setback requirements.*

<i>Future Functional Class of Road as Shown in Roadway Systems Plan Figure 4.13</i>	<i>Setback from Centerline</i>	<i>Reduced Setback*</i>	<i>R-O-W</i>	<i>Reduced R-O-W</i>
Minor arterial not in Shoreland District	120	80	150	110

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

The Board of Adjustment is hereby established and invested with the authority as is hereinafter provided and as provided by M.S. §§ 394.21 through 394.37, as they may be amended from time to time.
(Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

§ 152.215 VARIANCES.

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

STAFF ANALYSIS:

1. Section 152.034 (D) of the County Zoning Code requires that the nearest corner of any structure, in all zoning districts, meets or exceeds a 120-foot reduced setback from a minor arterial road not in the Shoreland area. Approval of this request would allow the applicant to apply for a building permit to construct a house addition (i.e. covered porch) with an approximate 70-foot setback from the centerline of County Road 20.
2. In the submitted narrative (dated: 5/2/2022) and as shown on the site plan (dated: 4/28/2022), Mr. Pearce describes the practical difficulty in that the home 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 that would meet the required setback, nor the reduced setback. The land-related difficulty is due to the location the house was built, not due to circumstances caused by the landowner.
3. The subject property is on County Road 20, which is designated a Minor Arterial road by the 2040 Comprehensive Plan, in the County Public Works Future Functional Class figure (Figure 4.13). The County Zoning Code, adopted in July 2021, categorized this type of road as a minor arterial in the Zoning Code setbacks table. Even if the applicant pursued a reduced setback, as permitted by Public Works, the setback for the proposed porch would not meet the 80-foot minimum.

4. The granting of the variance is in harmony with the general purpose and intent of the official control. The official control in this request identifies the road classification setback (i.e., 120 feet or reduced 80 feet). Although this request does not meet the specific standards, it 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.
5. On May 20, 2022, Carver County Public Works reviewed the proposed variance 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.
6. The granting of the variance would not conflict with the intent of the Comprehensive Plan and will not alter the character of the neighborhood, nor will government services be negatively impacted by the addition of the covered porch. The neighborhood is comprised of agricultural and residential activities.
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 Watertown Town Board has reviewed the request, and recommended approval at their May 2, 2022, Town Board meeting. There were no comments for this application (i.e. no concerns or objections).

BOARD CONSIDERATION:

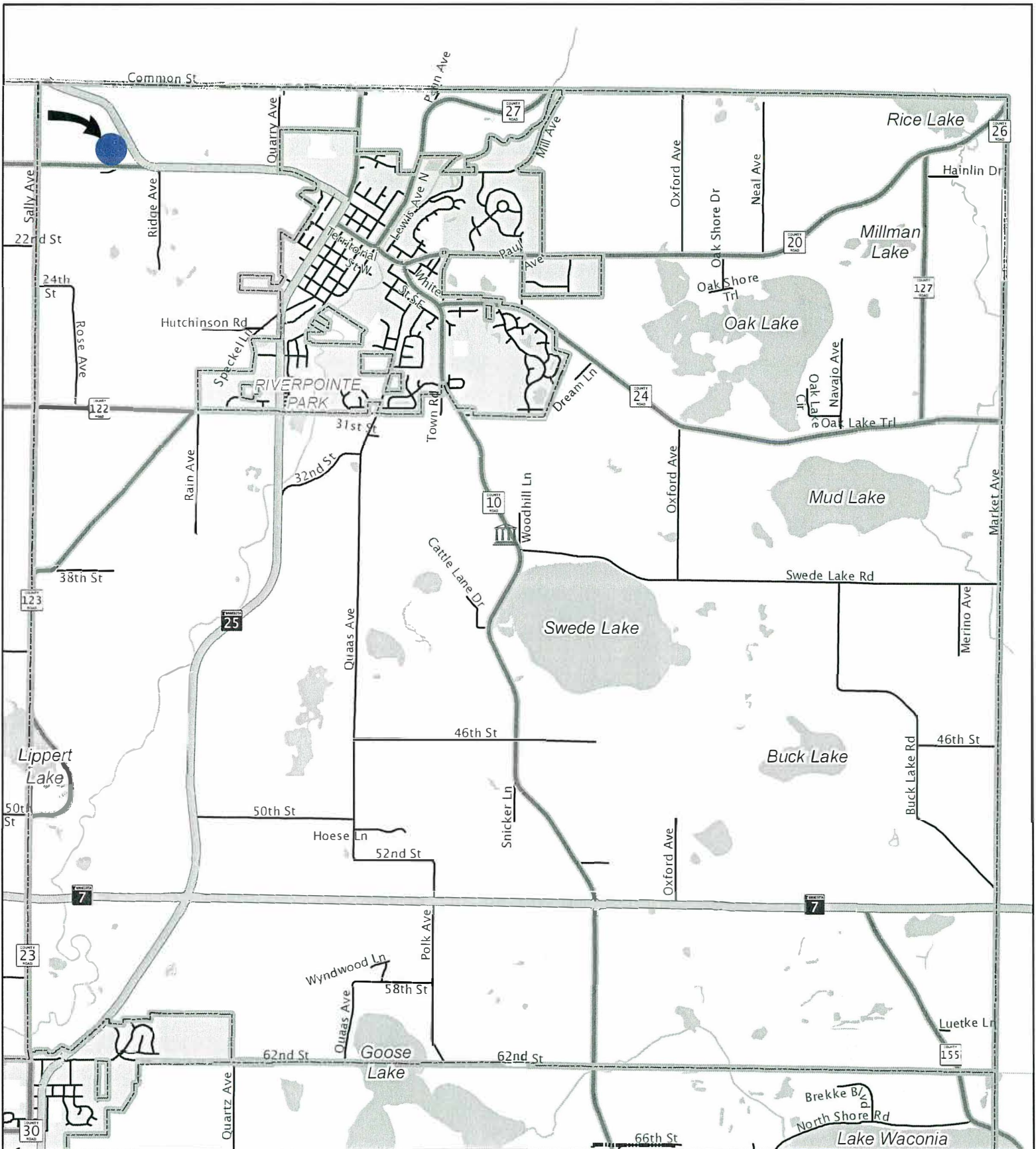
If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for a reduced front yard setback pursuant to Section 152.034 (D) of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be attached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

1. 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.

OR

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

WATERTOWN TOWNSHIP



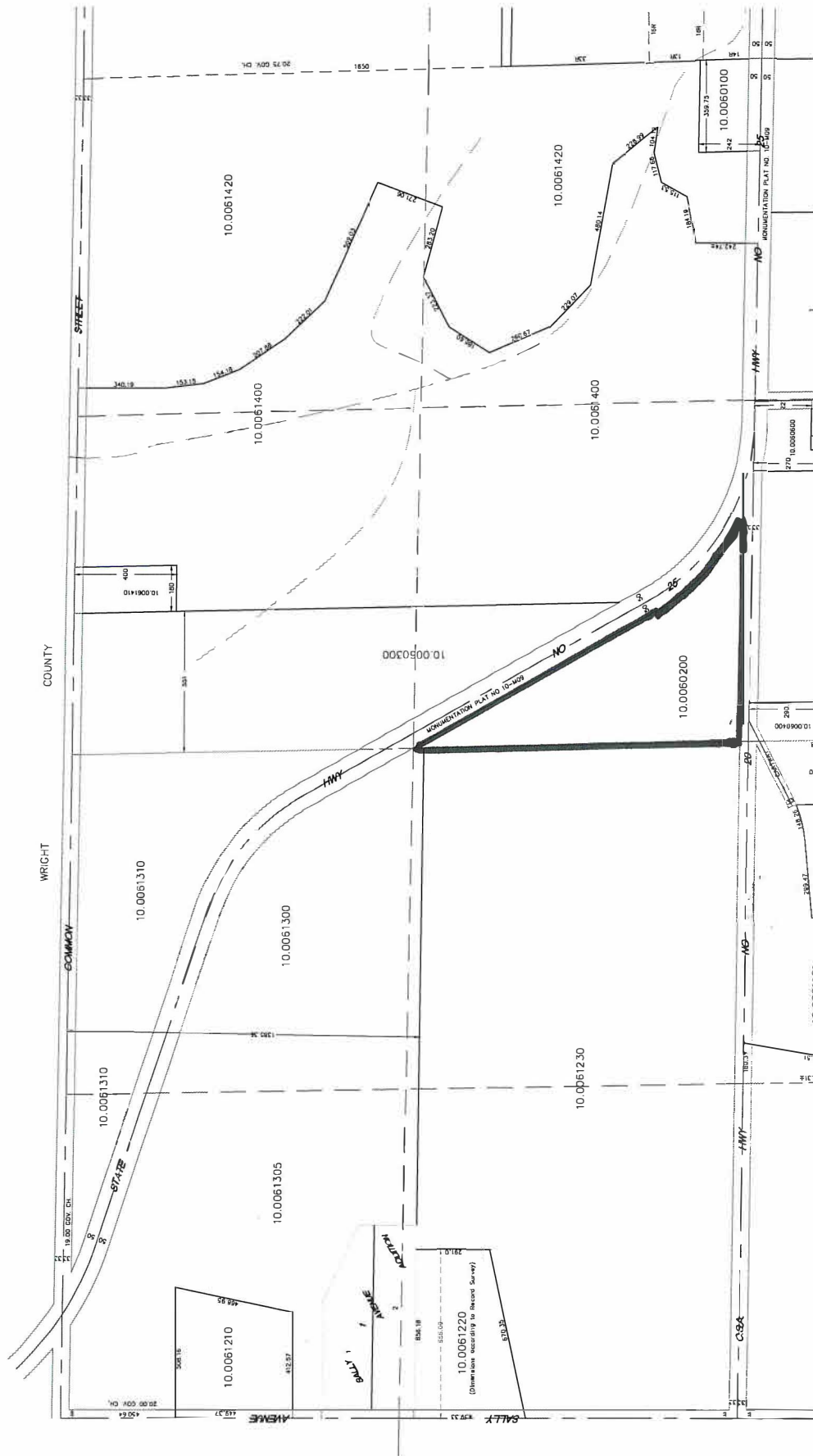
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

N 1/2 SEC. 6, T.117, R.25

THIS IS NOT A LEGAL RECORD. AS THIS MAP IS A COMPILED OF RECORDS, IT DOES NOT REPRESENT THE SURVEYOR'S OWN FIELD WORK. THE SURVEYOR'S FIELD WORK IS SUBJECT TO THE USUAL LIMITATIONS OF A SURVEY. THE SURVEYOR'S FIELD WORK IS NOT RESPONSIBLE FOR ANY UNLAWFUL CONDUCT THEREON.



To whom it may concern.

We recently purchased our new home at 13950 county road 20 in Watertown. The home is a bit outdated and we'd like to add a larger front porch. The existing front porch is only covering the entry door, approximately 8' feet wide overhanging 6' feet.

The proposed front porch would be the width of the front of the house with a 8' covered porch. The entry would be 9'. (See plans)

It will add more space for our 5 kids to put mud boots and hang outdoor cloths before coming in the house along with a much more attractive curb appeal.

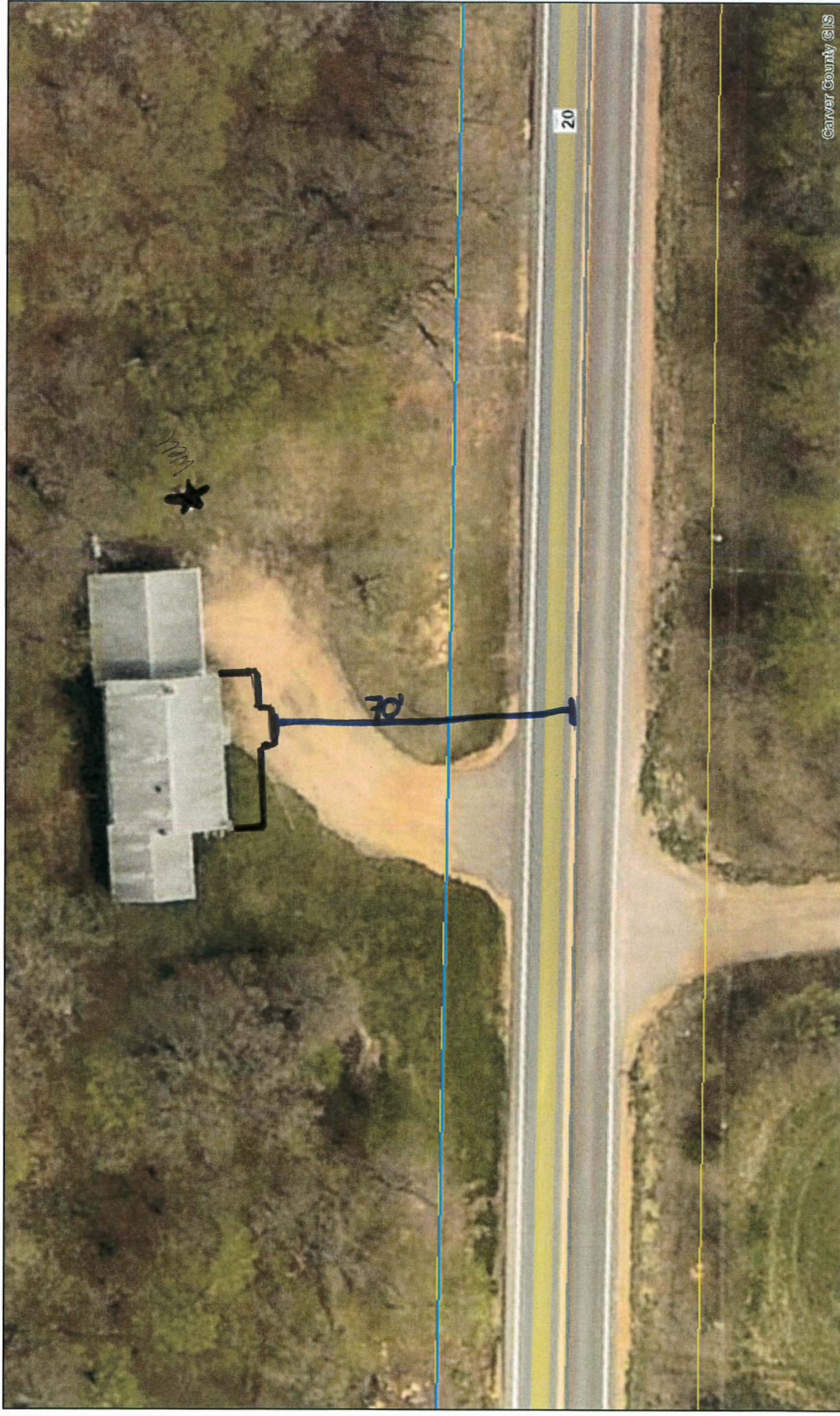
Also, the new space will allow us to use our outdoor patio furniture because we are limited space in the back of the house. Our back yard is a wooded steep hill limiting any space for a patio.

Regards,

John Pearce

5/2/22

PEARCE PORCH ADDITION

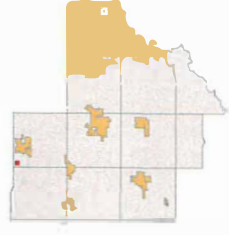
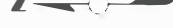


Date: 4/28/2022



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

4/28/22



Carver County GIS

4/28/22



NOTE: * THE FOLLOWING ITEMS MUST BE MET BEFORE AND DURING CONSTRUCTION 1) ALL FOOTINGS TO BE BELOW THE FIRST LINE 2) ALL MEASUREMENTS ARE FROM OUTSIDE OF SKIRTING	RESIDENCE FOR JOHN PEARCE THIS PLAN IS THE PROPERTY OF MOSSWORX DESIGN INC. NO PART OF THIS PLAN MAY BE REPRODUCED IN ANY FORM OR MEANS WITHOUT WRITTEN PERMISSION.		COPYRIGHT © 2022 MOSSWORX DESIGN, INC.
	DATE 4/12/2022	STOCK NUMBER PEARCE	PLAN NUMBER PEARCE
	REVISION DAVE M.	DRAWN BY DAVE M.	SHEET 1 OF 1



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL # <u>10-006-0200</u>	Permit # <u>PZ2022002.1</u>
Owner's Name: <u>John Pearce</u>	Owner's Mailing Address: <u>13950 County Rd. 20</u>
City: <u>Watertown</u>	Owner State: <u>MN</u>
	Owner Zip: <u>55388</u>
Applicant (if other than owner): <u></u>	Site Address: <u>13950 Cty Rd. 20 Watertown</u>

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request: <u>Reduced front setback for porch</u>						
Date of County Public Hearing: <u>6/1/22</u>			Date of Township Meeting: <u>5/2/22</u>			

Actions:

Township Action Taken:

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

As requested

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

	Date <u>4-28-22</u> Date <u>5/2/22</u>
Signature of Applicant Signature of Township Official	

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-006-0200

Permit# PZ20220021

APPLICANT/OWNER: John David Pearce

* * * * *

That part of the Northeast Quarter of Section 6, Township 117, Range 25, lying Southwesterly of the center line of Minnesota State Highway No. 25, said centerline being more particularly described in that certain highway easement recorded in Book 33 of Deeds, at page 431, in the office of the Register of Deeds in and for Carver County, Minnesota.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 23, 2022

TO: Carver County Board of Adjustment & Waconia Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (exceed personal storage square footage & structure height)

FILE #: PZ20220016

APPLICANTS: Michael & Tamara Wojtasiak

PROPERTY OWNERS: Michel L. Wojtasiak Revocable Trust

SITE ADDRESS: 7380 West Shoreline Dr. Waconia, 55387

VARIANCE TYPE: Personal Storage Square Footage & Accessory Structure Total Height

PURSUANT TO: Carver County Zoning Code: Section 152.073 (A)(1) & (A)(8)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-848-0040

BACKGROUND:

1. The Wojtasiaks own an approximately 1.2-acre parcel in the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 10, Waconia Township. The subject parcel is also part of Wagener's Subdivision No. 2. The property, adjacent to Lake Waconia, is currently improved with the existing house, detached garage and Subsurface Sewage Treatment System (SSTS). The house was the subject of a previous variance request (#PZ20200024) to allow for reduced front and lake setbacks for a new house construction project, which was recently granted an extension by the Board of Adjustment (BOA). The property is located within the Agricultural Zoning District, Shoreland Overlay District of Lake Waconia, and the CCWMO (Carver Creek Watershed).
2. The applicants are requesting a variance to exceed the total allowable personal storage square-footage area on their property. The proposed 1,380 square-foot (30' x 46') shed would result in a total of 2,080 square feet of total personal storage area on the parcel, which includes a future 700 square foot attached garage. With the 624-square foot credit, the proposed total personal square footage is 1,456 square feet. The request would exceed the permitted personal storage square-footage by about 206 square feet. The application requests a variance for an additional 210 square feet of personal storage. Also, the storage shed is proposed to be 24 feet in height, exceeding the allowable maximum height by 7 feet. Therefore, variances have been requested pursuant to sections § 152.073 (A)(1) and (A)(8) of the Zoning Code.
3. Previously, applicant requests for accessory structures exceeding the allowable square-footage area pursuant to the Zoning Ordinance were processed as Conditional Use Permits (CUP's) and were reviewed by the Carver County Planning Commission. As part of the summer 2021 Zoning Code update process, which followed the enactment of the 2040 Comprehensive Plan, these types of requests were re-categorized as a variance. As a variance application, it is now reviewed by the Board of Adjustment with the application evaluated using the "grounds for variance" criteria found in § 153.215 (D) & (F).

LEGAL BACKGROUND:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note—Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification

by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

(A) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit was issued prior to August 1, 2021 or a variance has been issued allowing for additional square footage:

- (1) Parcels of less than one and a half acres – a total square footage of 1,250 square feet is permitted in a combination of a garage and accessory structures. For detached accessory structures, the maximum sidewall height shall be 12 feet and the total height from the average grade shall not exceed 17 feet. The roof and exterior of the structure shall be new material or material with the appearance of new material; the material shall be painted, stained, coated or otherwise finished.
- (8) Each residential parcel in the county shall be given a personal storage credit of 624 square feet to represent a standard (24 feet by 26 feet) two-car garage. This credit shall not be included in the calculation for personal storage.

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

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

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

§ 152.215 VARIANCES.

(D) *Grounds for variance.* The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall be granted in accordance with M.S. Chapter 394, as it may be amended from time to time, in cases where the applicant establishes that there is a practical difficulty in the way of carrying out the strict letter of any official control.

- (1) A variance shall only be permitted when the following can be found as fact:
 - (a) The variance is in harmony with the general purpose and intent of the official control.
 - (b) The variance is consistent with the intent of the comprehensive plan.
- (2) In addition, a variance may be granted when the applicant establishes a practical difficulty in complying with the official control. A practical difficulty is established when the following items are found as fact:
 - (a) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
 - (b) The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
 - (c) The variance will not alter the essential character of the locality.
 - (d) The practical difficulty includes more than economic considerations alone.

(F) *Other provisions related to variances.*

- (1) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
- (2) Inadequate access to direct sunlight for solar energy systems is considered a practical difficulty.
- (3) Variances shall be granted for earth shelter construction as defined in MN State Statute section 216C.06, subdivision 14, when in harmony with the official controls.
- (4) The board of adjustment may impose conditions on the granting of any variance pursuant to subsection 152.216 (B).
- (5) Granting of the variance shall not have the effect of violating a state or federal rule or law.
- (6) *Floodplain standards.* A variance issued to property within the Floodplain Overlay District must meet the requirements set forth in §§ 152.143 through 152.156.
- (7) *Shoreland Overlay District.* A variance issued to property within the Shoreland Overlay District must meet the requirements set forth in §§ 152.108 and 152.135.

- (8) That the granting of the variance will not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.
- (Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 88-2018, passed 11-20-18; Am. Ord. 97-2021, passed 7-20-21)

STAFF ANALYSIS:

1. The subject parcel, platted in 1933, is legal nonconforming, with less than minimum area and width to be a conforming lot according to current zoning code Shoreland standards. The current accessory structure is also in a legal nonconforming location, with an inadequate setback from the public road. The proposed structure meets the required minimum setbacks.
2. The applicants' letter (received: 5/13/2022) requests a variance of 210 square feet and describes the intended use of the accessory structure, which would be only for personal use/storage (i.e. watercraft, personal vehicles, shop, etc.). The narrative states that the proposed garage re-build would comply with zoning code minimum setback requirements and current building code standards. The applicant's letter does not identify a land-related practical difficulty. The letter focuses on the dilapidated state of the existing garage, safety issues related to the electrical system, and maintenance issues related to inadequate drainage as reasons for replacing the structure. The narrative does not reference the fact that the existing detached garage is in a nonconforming location and the proposed garage would be constructed in a location that complies with the 68-foot front setback and 15-foot side required setbacks. A separate approximately 140-square foot accessory structure is in a conforming location and is proposed to be removed with the construction of the new detached garage. The applicant submitted a survey (dated 5/10/2022) that shows the existing conditions, as well as proposed structure locations on the subject property.
3. The current total personal storage square footage on the property is approximately 1,132 square feet. This includes an attached garage of about 140 square feet, the detached 852 square-foot garage (approx. 30' x 28') and an approximately 140 square-foot shed. Given that the Zoning Code allows a credit for garage space up to 624 square feet, the total amount of existing accessory storage is about 992 square feet. The Zoning Code allows a parcel of this size a total of 1,250 square feet of personal storage area in a combination of garage and accessory structure(s) minus a 624-square foot credit for any attached garage space. The proposed 46' x 30' accessory structure, with a proposed 700 square foot attached garage, would increase the total amount of personal storage square footage to 2,080 square feet. When the 624-square foot attached garage credit is taken into account, the proposed personal square footage is approximately 206 square feet more than the Zoning Code allows without a variance.
4. The landowner did not create a nonconforming lot that only allows a limited amount of personal storage square footage. However, the circumstance is not unique to the property.
5. The granting of the variance would not conflict with the intent of the Comprehensive Plan and will not alter the character of the neighborhood, nor will government services be negatively impacted by the additional square footage of personal accessory structure storage space. The neighborhood is comprised of legal non-conforming residential lakeshore lots which have similar detached garages exceeding the allowable personal storage square footage and height standards.
6. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
7. The applicant did not consolidate the two variance requests in seeking the township recommendation, so the Waconia Town Board reviewed the requests at two separate meetings. The Town Board reviewed and recommended approval of the extra square footage request during their March 28, 2022, meeting and commented: "Board saw no issues with this increase in square footage for storage." At their April 29, 2022, Town Board meeting, the Town Board recommended approval of the height request and commented: "Town Board grants variance for additional height for garage; matches and fits into the neighborhood!"

BOARD CONSIDERATION:

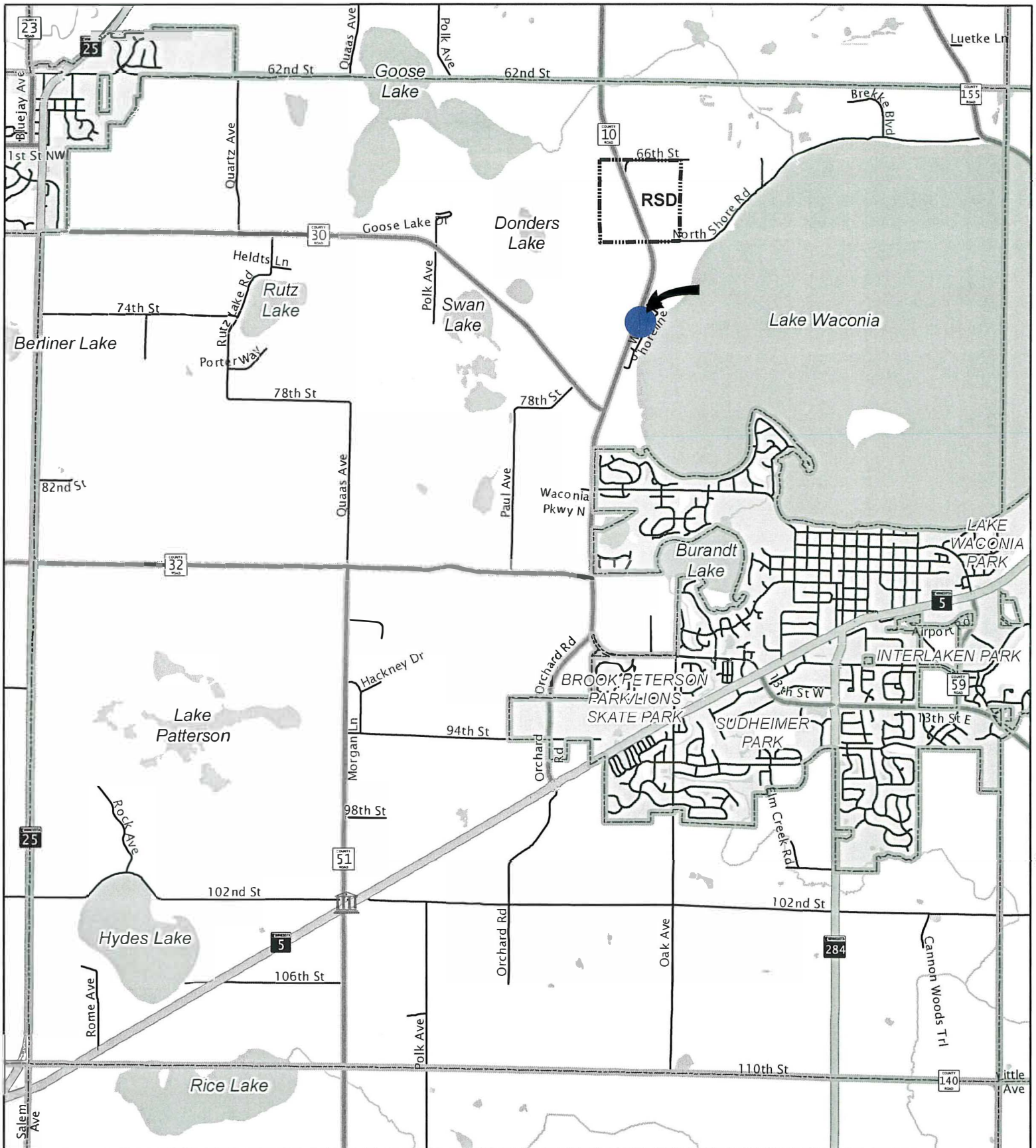
If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance to exceed the personal square footage and height standards pursuant to Section 152.073 (A)(1) of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be attached to the approved variance:

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.

OR

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

WACONIA TOWNSHIP



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



Map Created by Carver County GIS

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



received 5/13/22

June 1, 2022 – Board of Adjustment Meeting

From: Michael Wojtasiak
7380 W. Shoreline Dr
Waconia, MN 55387

To: Carver County Land Management

My wife, Tammy, and I own a property located at 7380 W. Shoreline Dr in Waconia. We are requesting a variance approval to rebuild an existing garage to comply with Carver County setback requirements and current building codes. This rebuild will also provide increased storage for a third car and recreational vehicles (i.e. our boat and personal watercraft).

The existing garage, located on the west side of W. Shoreline Dr., is only 30 feet from the center of the road and does not meet the 68-foot setback as required in the Carver County code (Title XV: 152.034). We intend to relocate the garage further away from the road, so that it complies with the county's setback requirements from the street.

Built in the 1960's, the existing garage's electrical design is outdated, such that we have experienced power outages because of obsolete fuse panels/design and poor wiring throughout the structure. We are concerned that it poses a safety/fire risk to any property stored in the garage. Also, the garage door seal has deteriorated causing water to enter; Decay is present on the untreated wood side walls at the base of the foundation and holes in the gables of the structure that will require replacement and continual maintenance in the future. We would like to rebuild the garage to update the electricity and include maintenance free materials to properly seal the garage and update the aesthetics of the property. Please note the attached pictures in the appendix.

Additionally, the size of the garage is not adequate to properly secure and store our personal watercraft. We often park the watercraft and trailer in the grass adjacent to the garage, causing an undesirable view to our neighborhood. In addition, because of the inadequate size of the garage, we have incurred additional costs to transport and store the watercraft offsite through the winter months. Rebuilding the garage would eliminate the offsite storage expense and promote a consistent and pleasant appearance with the neighboring garages, ultimately adding value to the property.

According to the Carver County Code (Title XV: 152.073) related to garages and other accessory structures:

- (1) *Parcels of less than one and a half acres – a total square footage of 1,250 square feet is permitted in a combination of a garage and accessory structures. For detached accessory structures, the maximum sidewall height shall be 12 feet and the total height from the average*

grade shall not exceed 17 feet. The roof and exterior of the structure shall be new material or material with the appearance of new material; the material shall be painted, stained, coated or otherwise finished.

Our plan is to remove existing storage space totaling 1,040 square feet comprised of a detached garage (30x30) and storage shed (14x10) that currently exist on the west side of the local road (W. Shoreline Dr.). We will construct a 30x46 garage, totaling approximately 1,380 square feet (a difference of 340 square feet). Additionally, the 2-car garage that will be attached to our new home will be approximately 700 square feet, resulting in an overall total square footage of 2,080 square feet of storage space on the property. With the attached garage 624 square feet credit, this is 206 square feet above the maximum allowed per Carver County. We kindly request your approval of the additional 210 square feet of storage space.

At the same time, we plan to increase the height of the garage to 24ft, consistent with the detached garages in the neighborhood, to accommodate our vehicles. Our detached garage will be only 7 feet above the maximum allowed by Carver County (17ft). The purpose of the additional height is to provide enough pitch in the roof to allow rain and snow to flow quickly and efficiently off the garage to maximize its life, as well as accommodate a 10 ft garage door in order to provide enough entry and interior clearance to service and store our watercraft. The side walls of the garage would remain in compliance with the County's maximum allowable side wall height of 12 ft. *Note:* Most of the garages on the street have heights of 24+ feet, so our structure will be visually consistent with the other neighboring garages and not disrupt the overall aesthetics of the surrounding properties, ultimately improving the value of the neighborhood. Please refer to the following pages for pictures of our existing garage, our proposed new garage, and the neighboring garages on our street.

In summary, our intent is to comply with the building codes and provide safe, secure, and cost-friendly indoor storage for our sons' vehicle and recreational vehicles. We kindly request your variance approval to rebuild a new garage across the street from our home to reasonably accommodate our personal property needs.

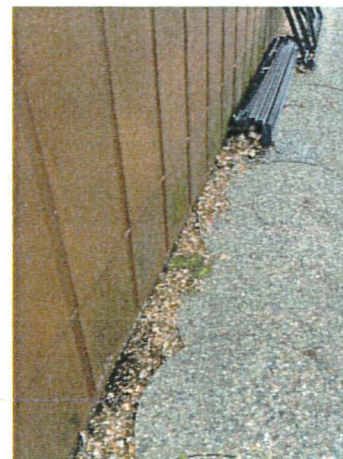
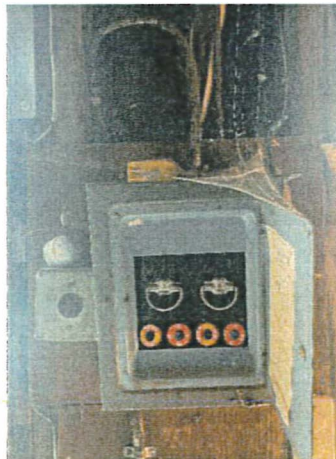
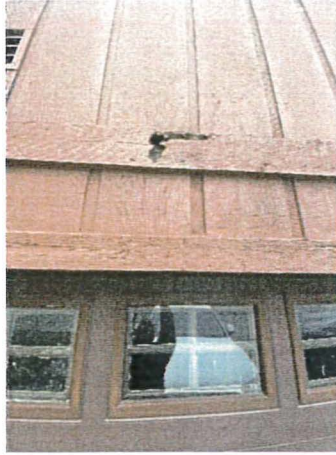
Thank you for your consideration,

Michael L. Wojtasiak

Appendix:

Pictures of the existing garage hardships:

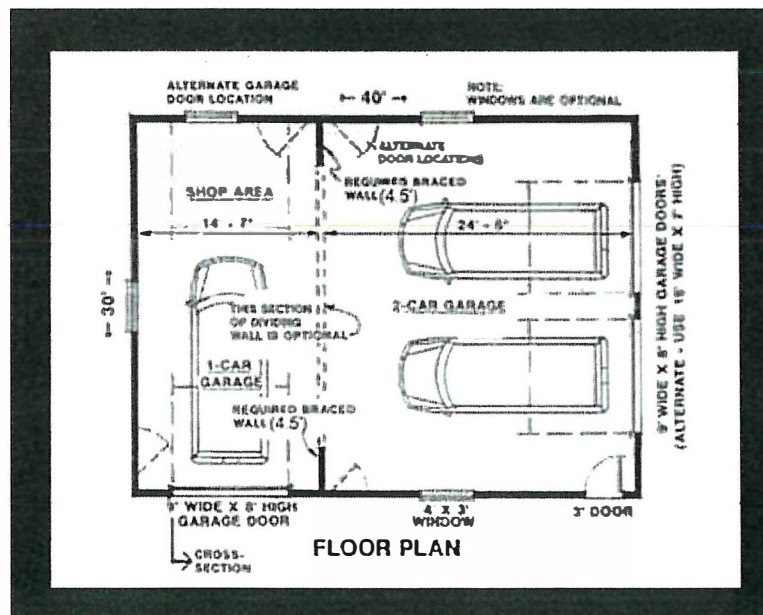
The holes in the garage are located throughout the structure and are attracting rodents, woodpeckers, etc.



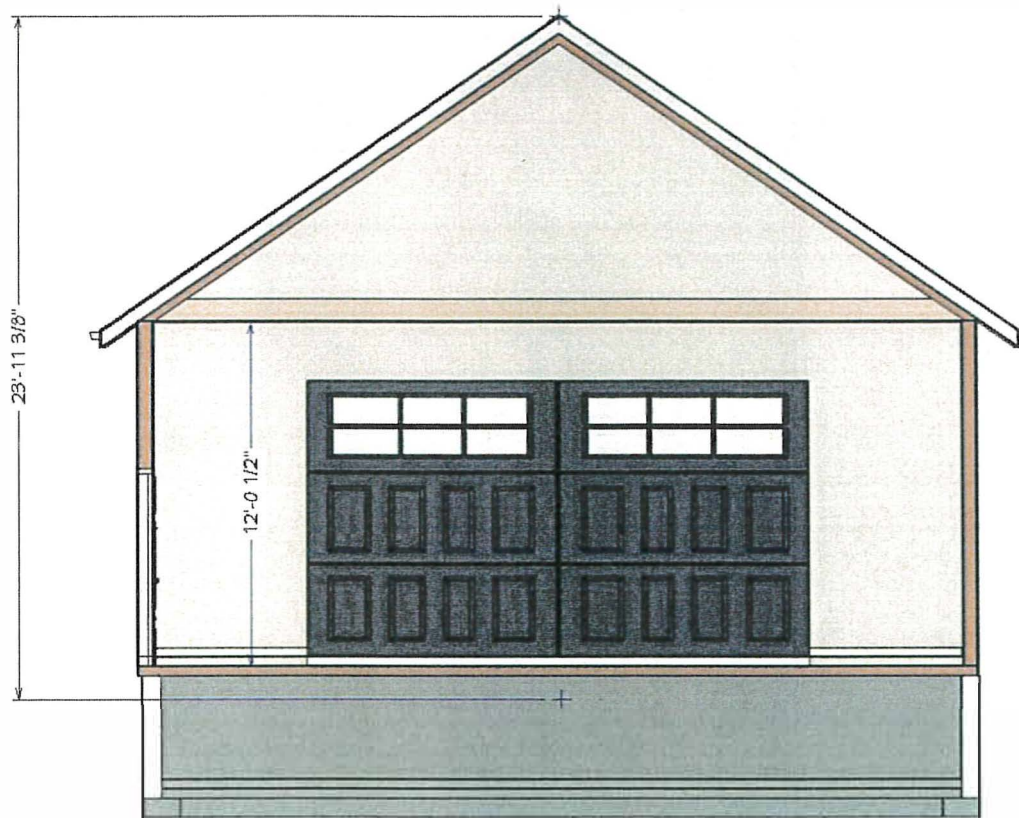
Our plan is to construct a garage that is very similar to the plan below; The purpose of the additional square footage and height is to accommodate the length and height of our watercraft for winter storage and a third stall for our sons' car.

The dimensions will be 30x46 with a height not greater than 24ft. (a plan that is consistent with the pictures below and the neighboring garages).

Example Plan



Note: The floor plan pictured above indicates a depth of 40'. Our current plan is to extend the depth to 46' to accommodate the length of our watercraft (and trailers) and allow space for a third stall for our sons' vehicle.



Note:

We are requesting a 24ft maximum height (a variance of 7 additional feet) to remain consistent with the neighboring garages, as pictured above.

Our garage plan will not include a loft or storage area above.

Pictures of our neighbors' garages:

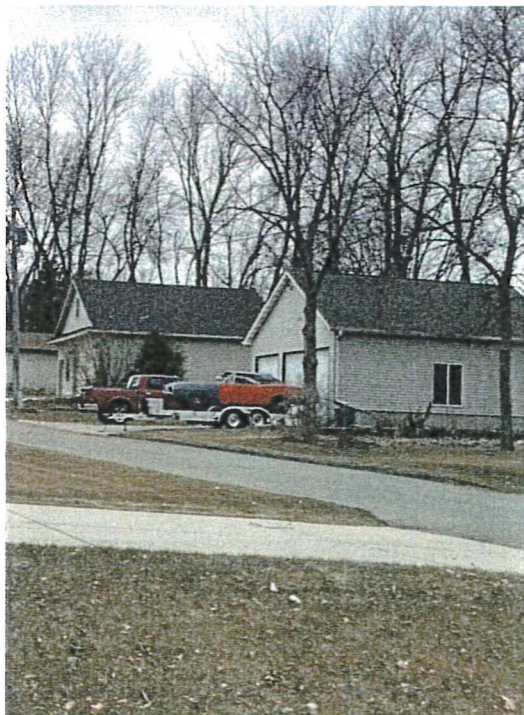
7385 Shoreline Dr (next door neighbor)



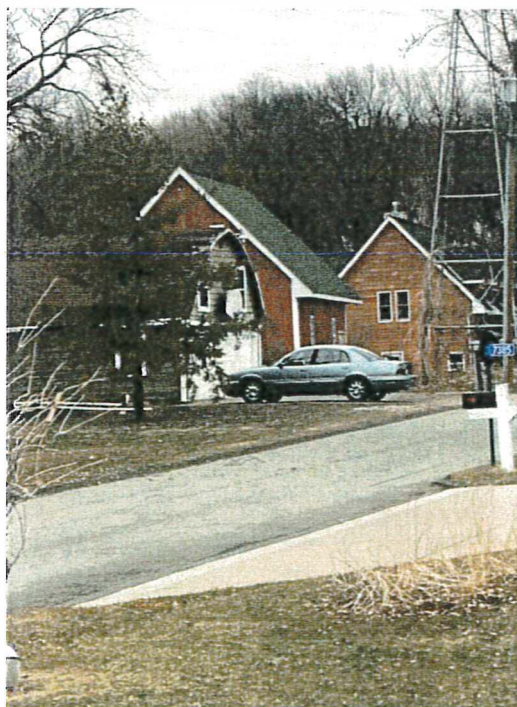
7415 W. Shoreline Dr (next door neighbor)

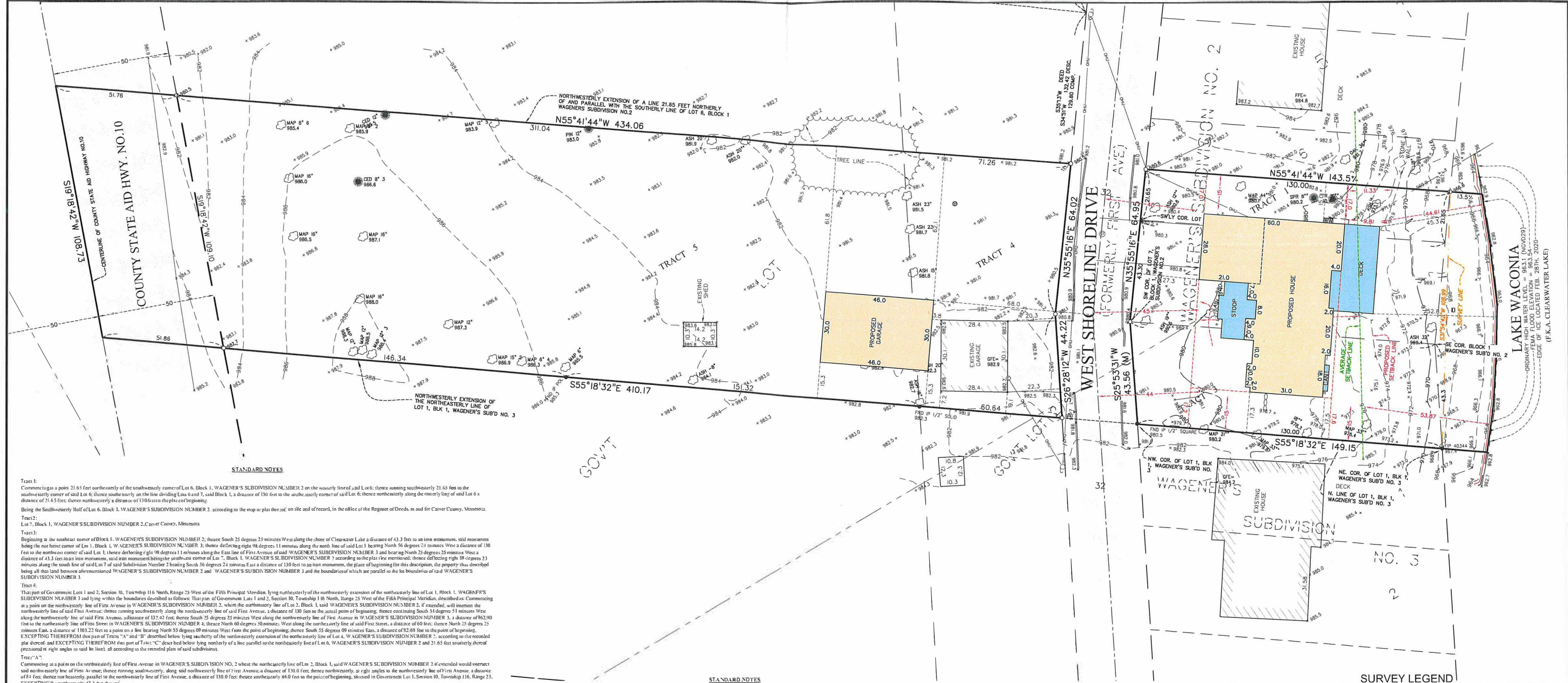


7419 W. Shoreline Dr (2 homes down)



7350 W. Shoreline Dr (red garage, 3 homes down)





Tract 1:
Commencing at a point 21.65 feet northeasterly of the southwesterly corner of Lot 6, Block 1, WAGENER'S SUBDIVISION NUMBER 2 on the westerly line of said Lot 6; thence running southeasterly 21.65 feet to the southwesterly corner of said Lot 6; thence southeasterly on the line dividing Lots 6 and 7, said Block 1, a distance of 130 feet to the southwesterly corner of said Lot 7; thence northeasterly along the easterly line of said Lot 6 a distance of 21.65 feet; thence northeasterly a distance of 130 feet to the place of beginning.
Being the Southwesterly Half of Lot 6, Block 1, WAGENER'S SUBDIVISION NUMBER 2 according to the map or plat thereof on file and of record, in the office of the Register of Deeds, in and for Carver County, Minnesota.

Tract 2:
Lot 7, Block 1, WAGENER'S SUBDIVISION NUMBER 2, Carver County, Minnesota.

Tract 3:
Beginning at the southeast corner of Block 1, WAGENER'S SUBDIVISION NUMBER 2; thence South 25 degrees 25 minutes West along the shore of Clearwater Lake a distance of 43.3 feet to an iron monument, said monument being the northeast corner of Lot 1, Block 1, WAGENER'S SUBDIVISION NUMBER 3; thence deflecting right 98 degrees 11 minutes along the north line of said Lot 1 bearing North 56 degrees 24 minutes West a distance of 130 feet to the northwest corner of said Lot 1, thence deflecting right 98 degrees 11 minutes along the East line of said WAGENER'S SUBDIVISION NUMBER 3 and bearing North 25 degrees 25 minutes West a distance of 43.3 feet to an iron monument being the southeast corner of Lot 7, Block 1, WAGENER'S SUBDIVISION NUMBER 2 according to the map or plat thereof on file and of record, in the office of the Register of Deeds, in and for Carver County, Minnesota.
Being the Southwesterly Half of Lot 6, Block 1, WAGENER'S SUBDIVISION NUMBER 2 according to the map or plat thereof on file and of record, in the office of the Register of Deeds, in and for Carver County, Minnesota.

Tract 4:
That part of Government Lots 1 and 2, Section 10, Township 116 North, Range 25 West of the Fifth Principal Meridian, lying northeasterly of the northeasterly extension of the northeasterly line of Lot 1, Block 1, WAGENER'S SUBDIVISION NUMBER 3 and lying within the boundaries described as follows: That part of Government Lots 1 and 2, Section 10, Township 116 North, Range 25 West of the Fifth Principal Meridian, described as: Commencing at a point on the northeasterly line of First Avenue in WAGENER'S SUBDIVISION NUMBER 2, where the northeasterly line of Lot 2, Block 1, said WAGENER'S SUBDIVISION NUMBER 2, if extended, will intersect the northeasterly line of said First Avenue; thence running southeasterly along the northeasterly line of said First Avenue, a distance of 130 feet to the actual point of beginning; thence continuing South 34 degrees 51 minutes West along the northeasterly line of said First Avenue, a distance of 132.42 feet South 25 degrees 25 minutes West along the northeasterly line of First Avenue in WAGENER'S SUBDIVISION NUMBER 3, a distance of 962.90 feet to the northeasterly line of First Street in WAGENER'S SUBDIVISION NUMBER 4, thence North 60 degrees 30 minutes West along the northeasterly line of said First Street, a distance of 60 feet; thence North 25 degrees 25 minutes East, a distance of 1103.22 feet to a point on a line bearing North 55 degrees 09 minutes West from the point of beginning; thence South 55 degrees 09 minutes East, a distance of 82.68 feet to the point of beginning.
EXCEPTING THEREFROM that part of Tracts "A" and "B" described below lying southeasterly of the northeasterly extension of the northeasterly line of Lot 4, WAGENER'S SUBDIVISION NUMBER 2, according to the recorded plat thereof, and EXCEPTING THEREFROM that part of Tract "C" described below lying northeasterly of a line parallel to the northeasterly line of Lot 6, WAGENER'S SUBDIVISION NUMBER 2 and 21.65 feet southeasterly thereof (measured at right angles to said line), all according to the recorded plats of said subdivisions.

Tract "A":
Commencing at a point on the northeasterly line of First Avenue in WAGENER'S SUBDIVISION NO. 2 where the northeasterly line of Lot 2, Block 1, said WAGENER'S SUBDIVISION NUMBER 2 if extended would intersect said northeasterly line of First Avenue; thence running southeasterly along said northeasterly line of First Avenue, a distance of 130 feet; thence northeasterly, at right angles to the northeasterly line of First Avenue, a distance of 21.65 feet; thence northeasterly, parallel to the northeasterly line of First Avenue, a distance of 130 feet to the point of beginning, situated in Government Lot 1, Section 10, Township 116, Range 25, EXCEPTING the northeasterly 43.3 feet thereof.

Tract "B":
Starting at the southwest corner of Block 3, WAGENER'S SUBDIVISION; thence South 35 degrees 13 minutes West, along the northerly line of First Avenue in said Subdivision, a distance of 43.3 feet; thence North 50 degrees 21 minutes West a distance of 81 feet to the point of beginning of the land to be hereby conveyed; thence South 35 degrees 13 minutes West, along the northerly line of First Avenue a distance of 130 feet; thence North 50 degrees 21 minutes West a distance of 70.75 feet; thence North 36 degrees 59 minutes East, a distance of 133.1 feet; thence South 50 degrees 21 minutes East, a distance of 57 feet to the point of beginning, EXCEPTING THEREFROM the northeasterly 43.3 feet thereof, said land being a part of Government Lot 1, Section 10, Township 116, Range 25.

Tract "C":
That part of Government Lots 1 and 2, Section 10, Township 116 North, Range 25 West, described as commencing at a point on the northeasterly line of First Avenue in WAGENER'S SUBDIVISION NO. 2, where the northeasterly line of Lot 2, Block 1, said WAGENER'S SUBDIVISION, if extended, will intersect the northeasterly line of said First Avenue; thence running southeasterly along the northeasterly line of said First Avenue, a distance of 130 feet to the actual point of beginning; thence continuing South 34 degrees 51 minutes West, along the northeasterly line of First Avenue, a distance of 132.42 feet South 25 degrees 25 minutes West, along the northeasterly line of First Avenue in WAGENER'S SUBDIVISION NO. 3, a distance of 962.90 feet to the northeasterly line of First Street in WAGENER'S SUBDIVISION NO. 4, thence North 60 degrees 30 minutes West along the northeasterly line of said First Street, a distance of 60 feet; thence North 25 degrees 25 minutes East, a distance of 1103.22 feet to a point on a line bearing North 55 degrees 09 minutes West, from the point of beginning; thence South 55 degrees 09 minutes East, a distance of 82.68 feet to the point of beginning.

Tract 5:
That part of Parcel "A" described below which lies between the northeasterly extension of the northerly line of Lot 1, WAGENER'S SUBDIVISION NUMBER 3 and the northeasterly extension of a line parallel to the southerly line of Lot 4, and 21.65 feet northeasterly thereof, WAGENER'S SUBDIVISION NUMBER 2, according to the plat thereof on file and of record in the office of the County Recorder, Carver County, Minnesota.

Parcel A:
That part of Government Lots 1 and 2, Section 10, Township 116 North, Range 25 West, Carver County, Minnesota, lying southeasterly of the centerline of County State Aid Highway No. 10, and which lies northeasterly of the northeasterly line of First Street as shown in WAGENER'S SUBDIVISION NUMBER 4, according to the recorded plat thereof, and which lies southeasterly of the southeasterly line of Elm Street as shown in WAGENER'S SUBDIVISION, according to the recorded plat thereof, and which lies northeasterly of the following described line.

Commencing at a point on the northeasterly line of said First Avenue where the northeasterly extension of the northeasterly line of Lot 2, Block 1, WAGENER'S SUBDIVISION NUMBER 2, according to the recorded plat, intersects said northeasterly line of First Avenue; thence on an assumed bearing of South 34 degrees 51 minutes West, along the northeasterly line of said First Avenue 130.00 feet to a point for descriptive purposes only to be referred to as "Point A"; thence continue South 35 degrees 13 minutes West along the northeasterly line of said First Avenue 132.42 feet; thence South 25 degrees 25 minutes West along the northeasterly line of said First Avenue 962.90 feet to the northeasterly line of First Street; thence North 60 degrees 30 minutes West along the northeasterly line of First Street 60.00 feet to the point of beginning of said line to be described; thence North 25 degrees 25 minutes East 1103.22 feet to the intersection with a line extended northeasterly from said "Point A"; and measured at a right angle to the northeasterly line of said First Avenue, a distance of 82.68 feet from "Point A"; thence continue northeasterly on said extended line 114.13 feet as measured from said "Point A"; thence northeasterly, along a line to a point on the southeasterly line of Block 3, WAGENER'S SUBDIVISION, according to the recorded plat, said line if extended northeasterly would intersect the northeasterly line of said Block 3, at a point 195 feet northeasterly of the most easterly corner of said Block 3; thence northeasterly along the southeasterly line of said Block 3, to the most westerly corner of said Block 3; thence northeasterly along the northeasterly line of said Block 3 to the most northerly corner of said Block 3; and said line then terminating.

*Not all calls in this description are shown hereon. The bounds of this description extend far beyond the limits of this sheet.
** Boundary hereon extends to the ordinary high-water of Lake Waconia. The description provided does not include that portion between the plaza of WAGENER'S SUBDIVISIONS and said ordinary high-water line.

FIELD CREW	NO.	BY	DATE	REVISION
OM ORAK	1	JPR	10/11/2021	REF. JOB NUMBER 64685-041
DRAWN		JPR		
CHECKED				
OLS				
DATE				
10/1/21				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Dated this 10th day of May, 2022.
Donal L. Schmidt
Daniel L. Schmidt, PLS
javerbock@sathre.com
Minnesota License No. 26147

ENGINEERS
DESIGNERS
SURVEYORS
PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:116-RGE-25-SEC.10
Carver County
**WACONIA,
MINNESOTA**

CERTIFICATE OF SURVEY
PREPARED FOR:
NORTON HOMES

FILE NO.
71895-001
1

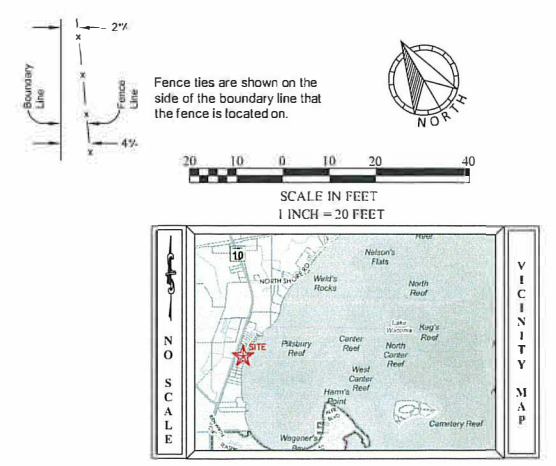
- STANDARD NOTES**
- Site Address:** 7380 West Shoreline Drive, Waconia, Minnesota
 - A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.
 - Flood Zone Information:** Areas determined to be outside of the 0.2% annual chance (floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply) per Flood Insurance Rate Map, Community Plan No. 27019C0181D, effective date of December 12, 2018.
 - Parcel Area Information:**

Tract 1, 2, and 3:	16,490 s.f. ~ 0.379= acres (as measured to ordinary high water line)
Tract 4 and 5:	39,219 s.f. ~ 0.900 acres
Tract 4 and 5 B/W:	5,446 s.f. ~ 0.125 acres
Gross:	61,155 s.f. ~ 1.40= acres
 - Benchmark:** Top of top of fire hydrant at northwest quad m of Lake Street and Vine Street in Waconia.
 - Zoning Information:** The current Zoning for the subject property is (Agricultural) per the Land Use Department from Carver County.
Principal Structure Subsets:

Street:	83 feet from centerline
Side:	15 feet
Lake:	75 feet (From Ordinary High Water Line)

Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

We have not received the current Zoning classification and building setback requirements from the insurer.
 - Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visually observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-0002.



SURVEY LEGEND	
	CAST IRON MONUMENT
	IRON PIPE MONUMENT SET
	IRON PIPE MONUMENT FOUND
	DRILL HOLE FOUND
	CHISELED "X" MONUMENT SET
	CHISELED "X" MONUMENT FOUND
	REBAR MONUMENT FOUND
	PK NAIL MONUMENT SET
	PK NAIL MONUMENT FOUND
	PK NAIL W/ ALUMINUM DISC
	SURVEY CONTROL POINT
	A/C UNIT
	TREE DECIDUOUS
	TREE DECIDUOUS REMOVED
	ELECTRIC METER
	ELECTRIC MANHOLE
	ELECTRIC TRANSFORMER
	ELECTRIC OUTLET
	YARD LIGHT
	LIGHT POLE
	FIBER OPTIC MANHOLE
	FIRE DEPT. HOOK UP
	FLAG POLE
	FUEL PUMP
	FUEL TANK
	PROPANE TANK
	GAS METER
	GAS VALVE
	GAS MANHOLE
	GENERATOR
	GUARD POST
	HAND HOLE
	MAIL BOX
	PIEZOMETER
	POWER POLE
	GUY WIRE
	ROOF DRAIN
	LIFT STATION
	SANITARY MANHOLE
	SANITARY CLEANOUT
	STORM MANHOLE
	STORM DRAIN
	CATCH BASIN
	FLARED END SECTION
	TREE CONIFEROUS
	TREE DECIDUOUS REMOVED
	TELEPHONE MANHOLE
	TELEPHONE PEDESTAL
	UTILITY MANHOLE
	UTILITY PEDESTAL
	UTILITY VAULT
	WATERMAIN MANHOLE
	WATER METER
	WATER SPIGOT
	WELL
	MONITORING WELL
	GAS STOP
	HYDRANT VALVE
	IRRIGATION VALVE
	POST INDICATOR VALVE
	SIGN
	SOIL BORING
	WOE WALKOUT ELEVATION
	FFE FIRST FLOOR ELEVATION
	GFE GARAGE FLOOR ELEVATION
	TOP OF FOUNDATION ELEV.
	LOE LOWEST OPENING ELEV.
	CONCRETE
	BITUMINOUS
	BUILDING SETBACK LINE
	CABLE TV
	CONCRETE CURB
	CONTOUR EXISTING
	CONTOUR PROPOSED
	GUARD RAIL
	DRAIN TILE
	ELECTRIC UNDERGROUND
	FENCE
	FIBER OPTIC UNDERGROUND
	GAS UNDERGROUND
	OVERHEAD UTILITY
	TREE LINE
	SANITARY SEWER
	STORM SEWER
	TELEPHONE UNDERGROUND
	RETAINING WALL
	UTILITY UNDERGROUND
	WATERMAIN
	TRAFFIC SIGNAL
	RAILROAD TRACKS
	RAILROAD SIGNAL
	RAILROAD SWITCH
	SATELLITE DISH
	WETLAND BUFFER SIGN



CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	092480040		Permit #	PZ20220016	
Owner's Name:	MICHAEL WITASIAK		Owner's Mailing Address:	7380 W. Shoreline DR.	
City:	WACONIA	Owner State:	MIN	Owner Zip:	55387
Applicant (if other than owner):			Site Address:	7380 W. Shoreline DR.	

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

Description of Request:

WE ARE Proposing a variance to the allowable size and height of the GARAGE

Date of County Public Hearing: 6-1-2022

Date of Township Meeting: 4-25-2022

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:

Town Board grants variance for additional height for garage; matches + fits into the neighborhood!

****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 4-25-2022

Signature of Applicant

Mark Nickerson

Date 4-25-2022

Signature of Township Official



Township Presentation & Recommendation Form

PARCEL # <u>098480040</u>	Permit # <u>PZ20220016</u>	
Owner's Name: <u>MICHAEL WOITASIAK</u>	Owner's Mailing Address: <u>7380 W. Shoreline DR</u>	
City: <u>WACONIA</u>	Owner State: <u>MN</u>	Owner Zip: <u>55387</u>
Applicant (if other than owner): 	Site Address: <u>7380 W. Shoreline DR</u>	

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request: <i>We are proposing a variance to the allowable size of the GARAGE. Detached across the street from the home</i>						
Date of County Public Hearing: <u>5-4-2022</u>			Date of Township Meeting: <u>3-28-2022</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 saw no issues with this increase in square footage for storage

****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.

Mark Nickenhauer

Signature of Applicant

Mark Nickenhauer

Signature of Township Official

Date 3-28-2022

Date 3-28-2022

Donovan Hart

From: Mike Hall
Sent: Sunday, May 15, 2022 9:59 PM
To: Land Management
Subject: variance for 7380 W shoreline drive

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

I'm a neighbor on shoreline drive. 7435 w Shoreline drive Mike & AnneMarie Hall. I wanted to write to say we're 100% in favor of approving the variance for the larger outbuilding requested by the Wojtasiak family. I think the lots across the street have plenty of room and will in no way interfere with anyone's use and/or enjoyment of their own properties.

Thanks,

MIKE HALL
REALTOR

This information is intended only for the use of the addressee and may contain information that is privileged, confidential, and exempt from disclosure under the law. If you are not the intended recipient, or the agent or delivering agent of the recipient, you hereby are notified that any disclosure, use, or copying of this communication strictly is prohibited. Please call Michael Hall immediately if you receive this communication in error. Thank you

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-848-0040

FILE#PZ20220016

APPLICANTS: Michael L & Tamara D Wojtasiak

OWNER: Michael L Wojtasiak Revocable Trust

* * * * *

Those certain tracts of land in Wagener's Subdivision Number 2 and Government Lots 1 and 2, Section 10, Township 116 North, Range 25 West, as more particularly described as follows:

Tract 1

Commencing at a point 21.65 feet Northeasterly of the southwesterly corner of Lot 6, Block 1, Wagener's Subdivision Number 2 on the westerly line of said Lot 6; thence running Southwesterly 21.65 feet to the southwesterly corner of said Lot 6; thence Southeasterly on the line dividing Lots 6 and 7, said Block 1, a distance of 130 feet to the southeasterly corner of said Lot 6; thence Northeasterly along the easterly line of said Lot 6 a distance of 21.65 feet; thence Northwesterly a distance of 130 feet to the place of beginning.

Being the Southwesterly Half of Lot 6, Block 1, Wagener's Subdivision Number 2, according to the map or plat thereof, on file and of record, in the office of the Register of Deeds, in and for Carver County, Minnesota.

Tract 2

Lot 7, Block 1, Wagener's Subdivision Number 2, Carver County, Minnesota.

Tract 3

Beginning at the southeast corner of Block 1, Wagener's Subdivision Number 2; thence South 25 degrees 25 minutes West along the shore of Clearwater Lake a distance of 43.3 feet to an iron monument, said monument being the northeast corner of Lot 1, Block 1, Wagener's Subdivision Number 3; thence deflecting right 98 degrees 11 minutes along the north line of said Lot 1 bearing North 56 degrees 24 minutes West a distance of 130 feet to the Northwest corner of said Lot 1; thence deflecting right 98 degrees 11 minutes along the East line of First Avenue of said Wagener's Subdivision Number 3 and bearing North 25 degrees 25 minutes West a distance of 43.3 feet to an iron monument, said iron monument being the southwest corner of Lot 7, Block 1, Wagener's Subdivision Number 2 according to the plat first mentioned; thence deflecting right 88 degrees 23 minutes along the south line of said Lot 7 of said Subdivision Number 2 bearing South 56 degrees 24 minutes East a distance of 130 feet to an iron monument, the place of beginning for this description, the property thus described being all that land between aforementioned Wagener's Subdivision Number 2 and Wagener's Subdivision Number 3 and the boundaries of which are parallel to the lot boundaries of said Wagener's Subdivision Number 3.

Tract 4

That part of Government Lots 1 and 2, Section 10, Township 116 North, Range 25 West of the Fifth Principal Meridian, lying Northeasterly of the northwesterly extension of the northeasterly line of Lot 1, Block 1, Wagener's Subdivision Number 3 and lying within the boundaries described as follows: That part of Government Lots 1 and 2, Section 10,

Township 116 North, Range 25 West of the Fifth Principal Meridian, described as: Commencing at a point on the Northwestern line of First Avenue in Wagener's Subdivision Number 2, where the northeasterly line of Lot 2, Block 1, said Wagener's Subdivision Number 2, if extended, will intersect the northwesterly line of said First Avenue; thence running Southwesterly along the northwesterly line of said First Avenue, a distance of 130 feet to the actual point of beginning; thence continuing South 34 degrees 51 minutes West along the northwesterly line of said First Avenue, a distance of 132.42 feet; thence South 25 degrees 25 minutes West along the northwesterly line of First Avenue in Wagener's Subdivision Number 3, a distance of 962.90 feet to the northeasterly line of First Street in Wagener's Subdivision Number 4; thence North 60 degrees 50 minutes West along the northeasterly line of said First Street, a distance of 60 feet; thence North 25 degrees 25 minutes East, a distance of 1103.22 feet to a point on a line bearing North 55 degrees 09 minutes West from the point of beginning; thence South 55 degrees 09 minutes East, a distance of 82.68 feet to the point of beginning, EXCEPTING THEREFROM that part of Tracts "A" and "B" described below lying southerly of the northwesterly extension of the northeasterly line of Lot 4, Wagener's Subdivision Number 2, according to the recorded plat thereof and EXCEPTING THEREFROM that part of Tract "C" described below lying northerly of a line parallel to the northeasterly line of Lot 6, Wagener's Subdivision Number 2 and 21.65 feet southerly thereof (measured at right angles to said lot line), all according to the recorded plats of said subdivisions.

TRACT "A"

Commencing at a point on the northwesterly line of First Avenue in Wagener's Subdivision Number 2 where the northeasterly line of Lot 2 of Block 1, said Wagener's Subdivision Number 2, if extended, would intersect said northwesterly line of First Avenue; thence running Southwesterly, along said northwesterly line of First Avenue, a distance of 130.0 feet; thence Northwesterly, at right angles to the northwesterly line of First Avenue, a distance of 84 feet; thence Northeasterly, parallel to the northwesterly line of First Avenue, a distance of 130.0 feet; thence Southeasterly 84.0 feet to the point of beginning, situated in Government Lot 1, Section 10, Township 116, Range 25, containing approximately 0.25 acres, EXCEPTING the northeasterly 43.3 feet thereof.

TRACT "B"

Starting at the southwest corner of Block 3, Wagener's Subdivision; thence South 35 degrees 13 minutes West, along the northerly line of First Avenue in said Subdivision, a distance of 43.3 feet; thence North 50 degrees 21 minutes West a distance of 84 feet to the point of beginning of the land to be hereby conveyed; thence South 35 degrees 13 minutes West and parallel to the northerly line of First Avenue a distance of 130.0 feet; thence North 50 degrees 21 minutes West a distance of 31.75 feet; thence North 26 degrees 59 minutes East, a distance of 133.1 feet; thence South 50 degrees 21 minutes East, a distance of 57 feet to the point of beginning, EXCEPTING THEREFROM the Northeasterly 43.3 feet thereof, said land being a part of Government Lot 1, Section 10, Township 116, Range 25.

TRACT "C"

That part of Government Lots 1 and 2, Section 10, Township 116 North, Range 25 West, described as commencing at a point on the northwesterly line of First Avenue in Wagener's Subdivision Number 2, where the northeasterly line of Lot 2, Block 1, said Wagener's Subdivision, if extended, will intersect the northwesterly line of said First Avenue; thence

running southwesterly along the northwesterly line of said First Avenue, a distance of 130 feet to the actual point of beginning; thence continuing South 34 degrees 51 minutes West, along the northwesterly line of First Avenue, a distance of 132.42 feet; thence South 25 degrees 25 minutes West, along the northwesterly line of First Avenue in Wagener's Subdivision Number 3, a distance of 962.90 feet to the northeasterly line of First Street in Wagener's Subdivision No. 4; thence North 60 degrees 50 minutes West along the northeasterly line of said First Street, a distance of 60 feet; thence North 25 degrees 25 minutes East, a distance of 1103.22 feet to a point on a line bearing North 55 degrees 09 minutes West, from the point of beginning; thence South 55 degrees 09 minutes East, a distance of 82.68 feet to the point of beginning.

Tract 5

That part of Parcel "A" described below which lies between the northwesterly extension of the northerly line of Lot 1, Wagener's Subdivision Number 3 and the northwesterly extension of a line parallel to the southerly line of Lot 6, and 21.65 feet northerly thereof, Wagener's Subdivision Number 2, according to the plats thereof on file and of record in the office of the County Recorder, Carver County, Minnesota.

Parcel A

That part of Government Lots 1 and 2, Section 10, Township 116, Range 25, Carver County, Minnesota, lying southeasterly of the centerline of County State Aid Highway No. 10, and which lies northeasterly of the northeasterly line of First Street as platted in Wagener's Subdivision Number 4, according to the recorded plat thereof, and which lies southwesterly of the southwesterly line of Elm Street as platted in Wagener's Subdivision, according to the recorded plat thereof, and which lies northwesterly of the following described line:

Commencing at a point on the northwesterly line of said First Avenue where the northwesterly extension of the northeasterly line of Lot 2, Block 1, Wagener's Subdivision Number 2, according to the recorded plat, intersects said northwesterly line of First Avenue; thence on an assumed bearing of South 35 degrees 13 minutes West along the northwesterly line of said First Avenue 130.00 feet to a point for descriptive purposes only is referred to as "Point A"; thence continue South 35 degrees 13 minute West along the northwesterly line of said First Avenue 132.42 feet; thence South 25 degrees 25 minutes West along the northwesterly line of said First Avenue 962.90 feet to the northeasterly line of First Street; thence North 60 degrees 50 minutes West along the northeasterly line of First Street 60.00 feet to the point of beginning of said line to be described; thence North 25 degrees 25 minutes East 1103.22 feet to the intersection with a line extended northwesterly from said "Point A" and measured at a right angle to the northwesterly line of said First Avenue, distant 82.68 feet from "Point A"; thence continue northwesterly on said extended line distant 114.43 feet as measured from said "Point A"; thence northeasterly, along a line to a point on the southwesterly line of Block 3, Wagener's Subdivision, according to the recorded plat, said line, if extended northeasterly, would intersect the northeasterly line of said Block 3, at a point 195 feet northwesterly of the most easterly corner of said Block 3; thence northwesterly along the southwesterly line of said Block 3, to the most westerly corner of said Block 3; thence northeasterly along the northwesterly line of said Block 3 to the most northerly corner of said Block 3, and said line there terminating.