

***Carver County Planning Commission***

Regular Meeting - **Tuesday, May 21, 2024**

Commissioners' Meeting Room

2<sup>nd</sup> Floor Human Services Bldg

Government Center – Chaska, Mn

**AGENDA**

**7:00 P.M.**

- 1.) Approve minutes of April 16, 2024 regular meeting  
Pages 1-1 through 1-2
- 2.) **File #20240020** – Public hearing on application by Patrick Brose for a  
Conditional Use Permit. (Temporary Manufactured Home for special needs parent)  
**Laketown Township** Pages 2-1 through 2-10

**Other Business**

**COUNTY OF CARVER**  
**PUBLIC SERVICES DIVISION**  
*Department of Land Management*

May 10, 2023

**TO:** Carver County Planning Commission & Laketown Town Board

**FROM:** The Land Management Department

**SUBJECT:** Application for an Interim Use Permit (Temporary Manufactured Home for Special Needs Parent)

**FILE #:** PZ20240020

**APPLICANT:** Patrick Brose

**OWNERS:** Patrick and Deanne Brose

**SITE ADDRESS:** 8577 Scandia Rd, Waconia, MN 55387

**PERMIT TYPE:** IUP – Temporary Manufactured Home for Special Needs Parent

**PURSUANT TO:** County Code: Chapter 152, Section 152.082 (C)(2)(c)

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 07-017-1420

**STAFF ANALYSIS:**

1. Patrick and Deanne Brose own an approximate 24.23-acre parcel located in the Southeast Quarter (SE¼) of Section 17, Laketown Township. The property is improved with a single-family dwelling with attached garage, and an accessory building. The parcel is located in the Agricultural Zoning District and Minnehaha Creek Watershed District.
2. The applicant, Pat Brose is requesting an Interim Use Permit (IUP) for a Temporary Manufactured Home for a Special Needs Parent to allow his son to be able live on the property due to Pat's health condition pursuant to Section 152.082 of the Carver County Zoning Code, which reads as follows:

**§ 152.082 INTERIM USE PERMIT-AG DISTRICT.**

**(A) *Minimum criteria for issuance.***

- (1) If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
- (2) The activity conforms to all other county ordinances, state, and federal regulations.
- (3) Minimum five-acre lot size, unless another size is specified under a particular provision.
- (4) Waste generated shall be treated in accordance with Chapter 52 of this code of ordinances. The county may require design by a registered engineer.
- (5) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The Town Board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.
- (6) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads, or streets, can be accommodated within the context of the service levels available in the commercial agricultural area. Adequate water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
- (7) The operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs-traffic capacity or roads, waste disposal or management, fire or police protection, sewage treatment and dispersal-that will exceed those available in the area should locate in municipalities where the services are available.

(B) *Minimum conditions.*

- (1) Permit shall be subject to administrative review or compliance review as set by the permit.
- (2) The operational plan and site plan shall become part of the permit.
- (3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.
- (4) The applicant must submit a copy of workers compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (5) All buildings used in the operation must meet the State Building Code.
- (6) The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.
- (7) The date or event that will terminate the use shall be identified.

(C) Activities (For the purpose of this section, conditional use permit activities may also be considered and processed as interim uses).

(2) ***Temporary manufactured homes (allowed in AG Preserve).***

(a) *General provisions.*

1. *Location.* Temporary manufactured homes shall be located on the same site as the principal residence. The manufactured home shall be located so that land that was in crop production is utilized only to the extent that it is necessary to meet other requirements and provide a feasible location.
2. *Removal.* At such time as a temporary home cease to be occupied as required, the home shall be removed within 120 days of the cessation of the required occupancy and no other occupancy shall occur.
3. Temporary manufactured homes shall not be made a permanent structure. The manufactured home shall not be greater than 20 feet in width nor shall an existing manufactured home be replaced with a structure greater than 20 feet in width. Additions other than decks or steps shall not be made to a manufactured home.
4. The applicant shall demonstrate a need to provide the housing.
5. Temporary manufactured homes shall use the existing well.

(c) ***Elderly/special needs parent/grandparent.*** A manufactured home 20 feet or less in width may be temporarily located on a parcel in order to accommodate parents or grandparents with special needs. The parcel must be at least five acres with one permanent dwelling. The elderly or special needs parent or grandparent may occupy either the temporary or permanent home. The principal occupant of each home shall be specified by name in the permit.

3. The applicant's letter (dated April 19, 2024) describes their desire based on medical need for a manufactured home to be placed on the Brose property for their son, Connor Brose to live in and serve as a caregiver. Due to Mr. Brose suffering from Parkinson's, he is not able to do maintenance on their current home and upkeep the property. Due to proximity of mobile home on the property to his main dwelling, their son would be available to assist the applicant with any house issues. The applicant understands that this a temporary situation and does not identify the length of time the Broses would need the mobile home on the property. They would hook up to the existing well for domestic water service.
4. On behalf of the applicant, Land Management staff generated a site plan (dated May 1, 2024) for the temporary manufactured home location on the subject property. The approximate size of the single-story structure is no wider than 16 feet with 1-2 bedrooms identified. The maximum width of a temporary mobile home is 20 feet, so this width complies with the Zoning Code standard. The proposed manufactured home meets applicable setbacks. The site plan shows the existing well and SSTs sites that will serve the mobile home.
5. An Interim Use Permit requires a sunset date or event to be identified which would terminate the use. A condition of this request shall require termination of the permit at such time that a person not listed on the permit or Patrick and Deane Brose no longer own the subject property.



6. The existing SSTS was installed in 1998 and is not sized to accommodate the additional bedroom(s) within the temporary manufactured home. As a result, a new holding tank with a high-level alarm must be installed to accommodate the extra capacity. Per Carver County Code Chapter 52.024 (E) & (F) the property owner must provide a copy of a valid monitoring and disposal contract executed between the property owner and a licensed SSTS maintainer, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge. The property owner must hold a valid contract with a licensed SSTS maintainer at all times.
7. The request was heard by the Laketown Town Board during their April 22, 2024, Town Board Meeting. The Town Board recommended approval of the IUP request without additional comments or conditions.

**PLANNING COMMISSION CONSIDERATION:**

If the Planning Commission recommends approval of the Interim Use Permit (IUP) application to install a Temporary Manufactured Home for a Special Needs Parent on the property addressed as 8577 Scandia Road (PID 07-017-1420), the following conditions should be considered for the permit:

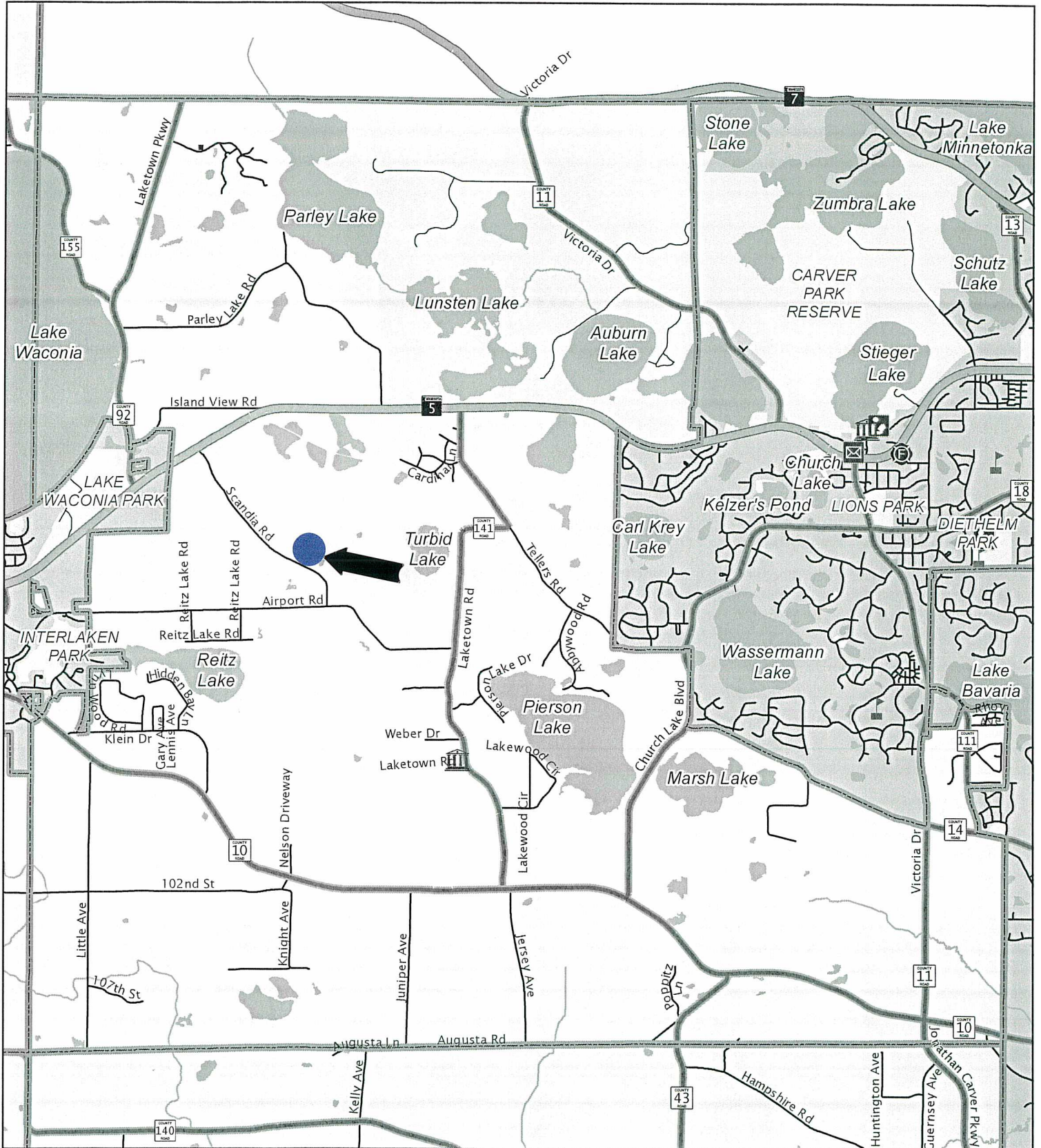
1. The permit is subject to compliance review. The Interim Use Permit (IUP) is issued to Patrick Brose to accommodate the occupancy of Connor Brose or Patrick and Deanne Brose. This permit is not transferable to another person/owner/occupant. A change in ownership or occupant(s) of the manufactured home shall be cause for the permit to expire. The Land Management Department must be notified if the occupancy changes.
2. The IUP shall expire at such time that Patrick and Deanne Brose no longer own the property. The temporary manufactured home shall be removed from the property within 120 days of when the occupants named on this permit cease to be occupy the mobile home in accordance with this permit.
3. The temporary manufactured home is required to meet a 20-foot setback to the existing SSTS drainfield.
4. If the holding tank servicing the temporary manufactured home is not intended to be used after the temporary manufactured home is removed, it shall be abandoned in accordance with Minn. Rules Chapter 7080.2500.
5. Prior to any construction activities, the appropriate building permits shall be obtained (submitted, reviewed, and issued) for the manufactured home.
6. The Permittee shall maintain a conforming Subsurface Sewage Treatment System pursuant to Chapter 52 of the Carver County Code to accommodate wastewater produced from the manufactured home.
7. The temporary manufactured home shall comply with all local, state, and federal regulations.

**OR**

If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced.



# LAKETOWN TOWNSHIP

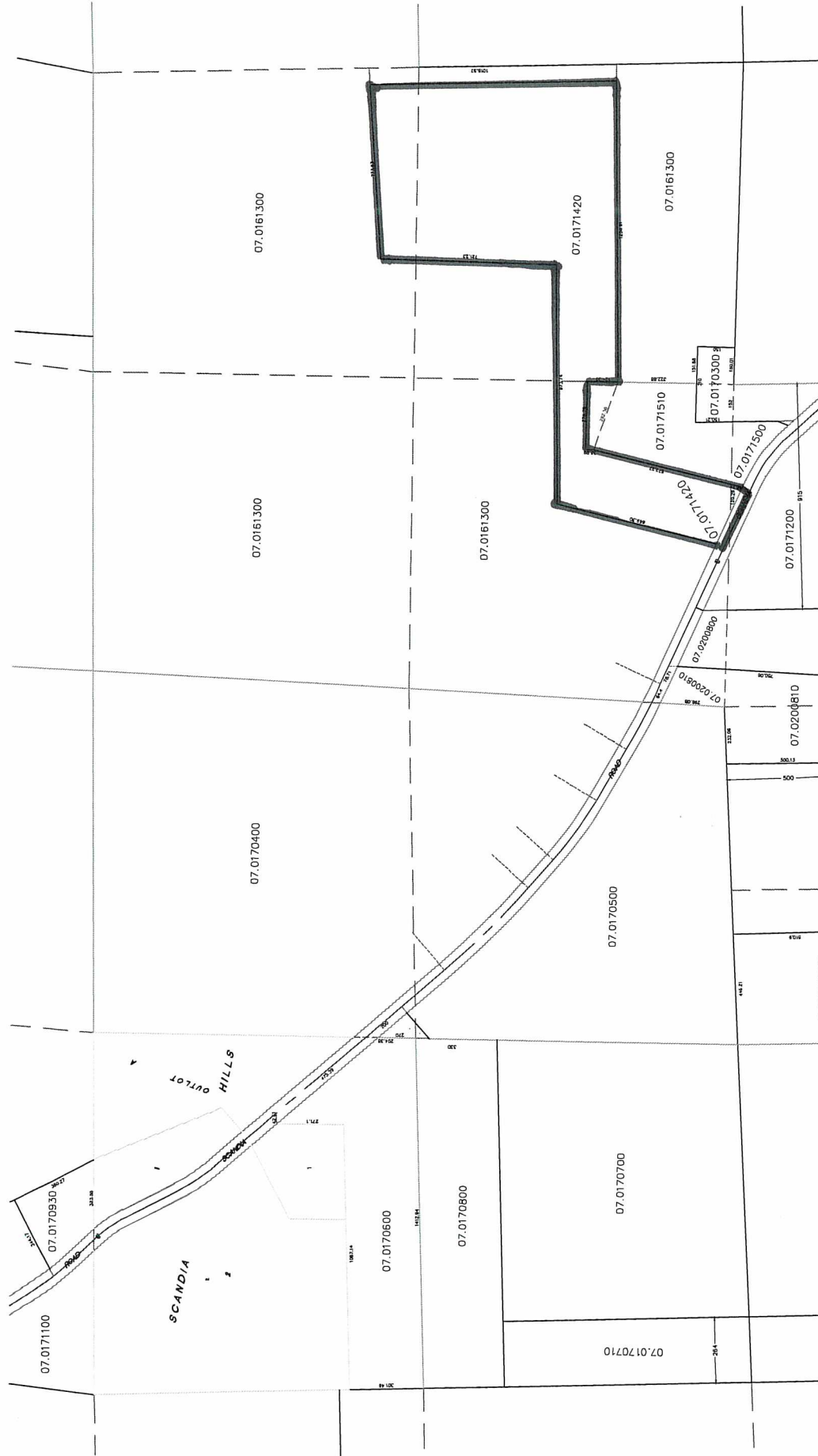


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



THIS IS NOT A LEGALLY RECORDED PLAT.  
 IT IS A PRELIMINARY SURVEY MAP  
 AS THEY APPEAR IN THE CARVER COUNTY  
 RECORDS. IT IS NOT TO BE USED FOR  
 REFERENCE. THE SURVEYORS AND  
 AGENTS ARE NOT RESPONSIBLE FOR ANY  
 INACCURACIES CONTAINED THEREIN.

# S 1/2 SEC. 17, T.116, R.24



Patrick Brose

8577 Scandia Rd, Waconia, MN 55387 (952-240-7157) ([patbrose@gmail.com](mailto:patbrose@gmail.com))

April 19, 2024

Carver County Planning Commission  
600 E 4th Street  
Chaska, MN 55318

To whom it may concern,

I am requesting an interim use permit to place temporary HUD housing on my property this year. This housing will be lived in by my son in order to provide assistance to me and my wife with the possibility of switching places if needed. The housing will be a single-wide manufactured home with a maximum width of 16 feet.

We are in need of assistance as I was diagnosed with Parkinson's four years ago and am continuing to struggle with the day to day maintenance of our property.

Septic will be updated to account for the added housing and placement of housing will require minimal site disruption. Will be using existing well and electrical service.

Thank you for your consideration,

Pat Brose



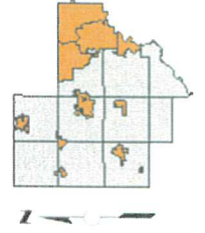
4/23/24

# BROSE INTERIM USE



Date: 5/1/2024

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.







# Township Presentation & Recommendation Form

|                                  |                                  |            |            |
|----------------------------------|----------------------------------|------------|------------|
| PARCEL #                         | 07.0171420                       | Permit #   | P220240020 |
| Owner's Name:                    | Owner's Mailing Address:         |            |            |
| Patrick Brose                    | 8577 Scandia Rd.                 |            |            |
| City:                            | Owner State:                     | Owner Zip: |            |
| Wadena                           | MN                               | 55387      |            |
| Applicant (if other than owner): | Site Address:                    |            |            |
|                                  | 8577 Scandia Rd. Wadena MN 55387 |            |            |

|                                                                                                             |                           |                           |                                        |                                  |                                           |                              |
|-------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------|----------------------------------------|----------------------------------|-------------------------------------------|------------------------------|
| Type of Request:                                                                                            | <input type="radio"/> CUP | <input type="radio"/> IUP | <input type="radio"/> Preliminary Plat | <input type="radio"/> Final Plat | <input checked="" type="radio"/> Variance | <input type="radio"/> Appeal |
| Description of Request:                                                                                     |                           |                           |                                        |                                  |                                           |                              |
| We would like to add a temporary mobile home that my son can live in and act as a caregiver/land caretaker. |                           |                           |                                        |                                  |                                           |                              |
| Date of County Public Hearing:                                                                              | June 4th 2024             |                           | Date of Township Meeting:              | June 5th 2024                    |                                           |                              |
| May 21, 2024                                                                                                | MAY 21st                  |                           | April 22, 2024                         |                                  |                                           |                              |

### 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:

Support

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

|                                         |                 |
|-----------------------------------------|-----------------|
| Signature of Applicant<br>Patrick Brose | Date<br>4/19/24 |
| Signature of Township Official<br>      | Date<br>4/19/24 |

Signature of Township Official

04-22-24

## EXHIBIT "A" – LEGAL DESCRIPTION

**PID NUMBER: 07-017-1420**

**File# PZ20240020**

### **APPLICANT/OWNER: Patrick J K Brose & Deanne M Brose**

\* \* \* \* \*

That part of the Northwest Quarter of the Northeast Quarter of Section 209, Township 116, Range 245, Carver County, Minnesota, described as follows: Commencing at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds West along the north line of said Northwest Quarter of the Northeast Quarter, a distance of 405.94 feet to the point of beginning; thence continue North 90 degrees 00 minutes 00 seconds West along said north line of the Northwest Quarter of the Northeast Quarter, a distance of 120.26 feet to the northeasterly right of way line of Scandia Road; thence southwesterly along said northeasterly right of way line to a line which bears South 12 degrees 12 minutes 43 seconds West from the point of beginning; thence North 12 degrees 12 minutes 43 seconds East, a distance of 48.11 feet to the point of beginning.

AND

That part of the Southeast Quarter of Section 17, Township 116, Range 24, Carver County, Minnesota, described as follows: Commencing at the southeast corner of the Southwest Quarter of said Southeast Quarter, thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds East along the south line of said Southeast Quarter, a distance of 150.01 feet; thence North 00 degrees 00 minutes 00 seconds West, a distance of 150.00 feet; thence South 90 degrees 00 minutes 00 seconds West, a distance of 151.88 feet to the east line of the Southwest Quarter of said Southeast Quarter; thence North 00 degrees 42 minutes 50 seconds West along said east line of the Southwest Quarter of the Southeast Quarter, a distance of 322.88 feet; thence North 71 degrees 48 minutes 21 seconds West, a distance of 292.56 feet; thence South 12 degrees 12 minutes 43 seconds West, a distance of 577.27 feet to a point on the south line of said Southeast Quarter, said point being the point of beginning; thence North 12 degrees 12 minutes 43 seconds East, a distance of 577.27 feet; thence South 71 degrees 48 minutes 21 seconds East, a distance of 292.56 feet to the east line of said Southwest quarter of the Southeast Quarter; thence North 87 degrees 56 minutes 59 seconds East, a distance of 1288.891 feet to the east line of said Southeast Quarter, thence North 02 degrees 46 minutes 11 seconds West along said east line of said Southeast Quarter, a distance of 1018.52 feet; thence South 84 degrees 31 minutes 26 seconds West, a distance of 773.63 feet; thence South 00 degrees 08 minutes 03 seconds East, a distance of 721.23 feet; thence South 87 degrees 59 minutes 37 seconds West, a distance of 973.74 feet; thence South 12 degrees 12 minutes 43 seconds West, a distance of 669.30 feet to the northeasterly right of way of Scandia Road; thence southeasterly along said northeasterly right of way line, to the south line of said Southeast Quarter, thence North 90 degrees 00 minutes 00 seconds East along said south line, a distance of 120.26 feet to the point of beginning.

EXCEPTING THEREFROM that part thereof which lies east of a line distant 66.00 feet westerly of, measured at right angles to and parallel with the east line of said Southeast Quarter of Section 17,

ALSO EXCEPTING THEREFROM that part of the Southwest Quarter of the Southeast Quarter of Section 17, Township 116, Range 24, Carver County, Minnesota, described as follows: Commencing at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds East along the south line of said Southeast Quarter, 150.01 feet; thence North 00 degrees 00 minutes 00 seconds West, 150.00 feet; thence South 90 degrees 00 minutes 00 seconds West, 151.88 feet



to the east line of said Southwest Quarter of the Southeast Quarter, thence North 00 degrees 42 minutes 50 seconds West along said east line, 322.88 feet to the point of beginning; thence North 71 degrees 48 minutes 21 seconds West, 292.56 feet; thence North 00 degrees 42 minutes 50 seconds West, 32.99 feet; thence North 90 degrees 00 minutes 00 seconds East, 276.79 feet to said east line; thence South 00 degrees 42 minutes 50 seconds East, along said east line, 124.35 feet to the point of beginning.

**CARVER COUNTY PLANNING COMMISSION**  
**Regular Meeting – May 21, 2024**  
**Minutes**

**Members Present:** Scott Wakefield, Scott Hoesel, Frank Mendez, Matthew Kerber, Andy Steinhagen, John P Fahey

**Members Late:** None

**Members Absent:** Greg Grazzini

**Staff Present:** Christina Neel, Donovan Hart

Pursuant to due call and published notice thereof, the May 21, 2024, regular meeting of the Carver County Planning Commission was called to order by Chairman Hoesel at 7:00 p.m.

**Minutes** – Chairman Hoesel called for a motion on the minutes from the April 16, 2024, meeting. A motion was made by Wakefield and seconded by Steinhagen to approve the minutes from the April 16, 2024, regular meeting. All voted aye. Motion carried.

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

**File #PZ20240020 – Patrick Brose** – Chairman Hoesel called the public hearing to order at 7:01 p.m. to consider a request by Patrick Brose. The purpose of the public hearing was to consider a request for a temporary manufactured home for special needs parent pursuant to Chapter 152 of the County Code. The property is located in Section 35 of Waconia Township.

The following were present: Pat Brose, Deanne Brose, Conner Brose, Pete Parris

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated April 19, 2024

Exhibit F – Staff Report addressed to the Planning Commission and Laketown Township dated May 10, 2024, and all attachments.

Neel stated Patrick & Deanne Brose own an approximate 24.23-acre parcel improved with a single-family dwelling with attached garage, and an accessory structure. They are requesting an Interim Use Permit (IUP) for a temporary manufactured home on the property for their son to be able to live on the property to help care for his parents and the property. The applicant's letter describes their desire to remain on the property and have their son, Connor, live on the property



also to offer care assistance due to Mr. Brose's health condition. The applicants are aware that this is a temporary situation, but there is no designated length of time that it will be necessary. The mobile home will be serviced by the existing well on the site and will comply with the Zoning Code standards for size. The proposed location indicated on the site plan, will meet all of the required setbacks. An IUP requires a sunset date or a triggering event for termination of the use. A condition of this permit will require termination at such time that a person not listed on the permit inhabits the manufactured home or Patrick and Deanne Brose no longer own the subject property. The existing SSTS system was installed in 1998 and is not sized to accommodate the additional bedroom(s) within the temporary manufactured home. A new holding tank with a high-level alarm must be installed to accommodate the extra capacity. A valid monitoring and disposal contract executed between the property owner and a licensed SSTS maintainer is required to guarantee the removal of the holding tank contents in a timely manner which prevents any illegal discharge. The property owner must hold a valid contract with a licensed SSTS maintainer at all times. Laketown Town Board heard the request at their April 22, 2024, meeting and recommended approval of the IUP request without any additional comments or conditions. Neel read the proposed conditions for consideration if the request is recommended for approval. If the Planning Commission recommends denial of the application, the deficiencies found in the required findings should be referenced.

Chairman Hoese asked if the applicants had any additional information to add concerning the report or if they had read and agree with the proposed conditions for consideration.

Patrick Brose, 8577 Scandia Rd, stated the report was thorough and they agree with the proposed conditions.

Pete Parris, Laketown Town Board supervisor, confirmed the applicants attendance at their meeting and the Town Board voted unanimously to recommend approval of the request.

No one from the public was present to comment on the request.

A motion was made by Fahey to close the public hearing. The motion was seconded by Mendez.

Fahey stated he feels this is a good example of the Zoning Code for the use of an IUP which is a temporary use that benefits the residents of the County.

Chairman Hoese called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:08 p.m.

Steinhagen made a motion to **approve and issue Resolution #24-04** incorporating the findings of fact and staff recommendations approving the Interim Use Permit for a temporary manufacture home for a special needs parent. Fahey seconded the motion for approval. All voted aye. Motion carried.

### **Adjournment**

A motion was made by Wakefield and seconded by Kerber to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:10 p.m.