

CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **Wednesday, May 5, 2021**
Via WebEx Conference Call

AGENDA

7:00 p.m.

1. Approve minutes of April 7, 2021 meeting
Pages 1-1 through 1-16
2. **File #202010024**- Public hearing on request by Ronald & Michelle Lahr
for a variance.
(Reduced Setback to an Existing Feedlot for New House Construction)
Hollywood Township Pages 2-1 through 2-9
Issue Order #PZ20210024 – Ronald & Michelle Lahr

Other Business

CARVER COUNTY BOARD OF ADJUSTMENT
Regular (WebEx video teleconference) Meeting – April 7, 2021
Minutes

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

Members Absent: None

Members Late: None

Staff Present: Jason Mielke, Aaron Stubbs, Jennifer Tichey, Nancy Buckentine

Pursuant to due call and published notice thereof, the April 7, 2021, meeting of the Carver County Board of Adjustment was called to order by Chairman Gerald Bruner at 7:00 p.m.

*It was noted that Commissioner Polunc was having technical difficulty with signing into the meeting.

Minutes – Chairman Bruner call for a motion on the minutes from the February 3, 2021, meeting. A motion was made by Bielefeldt and seconded by Kvitek to approve the minutes of the February 3, 2021, meeting. Hearing no corrections or objections to the proposed minutes, Chairman Bruner deemed the minutes approved.

Public Hearing - File # 20210015 – Jason Mackenthun – Chairman Bruner called the public hearing to order at 7:01 p.m. to consider the application of Jason Mackenthun pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced road frontage, width/depth ratio and exceeding 2 acres or prime ag soil in a new residential lot pursuant to Chapter 152 of the County Code. The property is in Section 33 of Young America Township.

The following were present: Jason Mackenthun, Otto Mackenthun, Janice Mackenthun

The following items were entered into the hearing record:

Exhibit A - Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E - Letter from the Applicant dated March 7, 2021

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

Stubbs stated Otto & Janice Mackenthun own an undeveloped parcel, consisting of mostly tillable acreage with a small wooded area, pastureland, and has one available building eligibility. The applicant, Jason Mackenthun, is requesting a multi-component variance which would allow him to create a new residential lot of approximately 4.76 acres. The proposed parcel would not meet the required 125 feet of road frontage, the 1:5 width to depth ratio, and would include approximately 3.5 acres of prime ag soils, which exceeds the maximum 2 acres which is allowed. The road frontage for the proposed lot is 85 feet and the proposed width to depth ratio is approximately 10:1. A minor subdivision approval in 2020 separated the existing farmstead from the remaining tillable land and created the current parcel configuration. The

proposed residential lot was granted a variance (#PZ20210006) in February 2021 to reduce the required setback distance between an existing feedlot and a residential structure from 1,000 feet to approximately 970 feet. The applicant has indicated a practical difficulty exists with the manner that Martha St dead ends at the subject parcel, reducing the available road frontage. The current configuration of the large parcel with the wooded area and pastureland leaves a small remnant of approximately 4.76 acres, which is the proposed residential lot. Subdividing this parcel to meet the County's requirement of allowing only 2 acres of prime ag soils would leave an even smaller remnant parcel which would not be able to be farmed with modern equipment. The proposed residential lot also includes a low spot which does not produce crops due to standing water. The intent of the regulations is to prohibit the development of parcels that convert large portions of tillable acreage into residential development. The applicant has stated that this location makes the most efficient use of the subject parcel. The proposed residential parcel is bounded by a driveway and wooded area. Granting this variance request would be in harmony with the general purpose and intent of the official control, even though it does not meet the specific ordinance requirements. Preservation of agricultural land is listed as one of the major themes for subdivision and if this subdivision were approved, it would preserve the larger tract of tillable acreage and make a more efficient use of a non-productive portion of the farm. The proposal to use the existing 1 per 40 building eligibility in the proposed location may increase the efficiency of the use for the remaining tillable acreage and is a reasonable use of the property. The unique circumstances of the parcel are related to the Township Road and the current parcel configuration, not created by the applicant. On March 15, 2021, the request was reviewed by Joe Enfield, Senior Environmentalist, who stated the soils for this location have been reviewed and approved by County Environmentalist II, Lori Brinkman, as a part of the proposed minor subdivision. The Young America Town Board reviewed the request and recommended approval during their February 9, 2021, meeting, and did not ask for any conditions to be attached to their recommendation. Stubbs read the condition for consideration if the request would be approved.

*Chairman Bruner noted that Joe Polunc was now present in the meeting.

*Jason Mielke, Land Use Manager, introduced Kellen Schmidt as a new member of the Board of Adjustment, continuing the term of Doug Weber. His appointment was made on Tuesday, April 6, 2021, by County Commissioner Fahey. All of the materials for this meeting were made available to Mr. Schmidt and he was in attendance.

Jason Mackenthun, 140 Main St, stated that he has been working with Stubbs on this request and everything was well-stated in the staff report.

No one from Young America Township was available for comment at this meeting.

A motion was made by Bielefeldt and seconded by Stender to close the public hearing. Bruner conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 7:11 p.m.

A motion was made by Bielefeldt and seconded by Smith to **approve and issue Order PZ20210015** allowing for reduced road frontage, width/depth ratio and exceeding 2 acres of prime ag soils in a new residential lot and the following condition:

1. A Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code requirements including but not limited to, a completed minor subdivision application, a survey and SSTS compliance.

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

Public Hearing - File # 20210018 – Larry Davis – Chairman Bruner called the public hearing to order at 7:12 p.m. to consider the application of Larry Davis pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for a reduced front yard setback, from the center of a Minor Arterial Road (County Road 10) in a Shoreland Overlay District and expand on an existing non-conforming structure pursuant to Chapter 152 of the County Code. The property is in Section 21 of Watertown Township.

The following were present: Larry Davis, Cheryl Davis,

The following items were entered into the hearing record:

Exhibit A - Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E - Letter from the Applicant dated March 12, 2021

Exhibit F – Letter to the Board of Adjustment and Watertown Township dated March 25, 2021, and all attachments

Stubbs explained the applicants own a 4.60-acre parcel with a single-family dwelling and a detached structure. They are requesting a variance to reduce the required front yard setback to accommodate a building addition to the west side of the house from 125 feet to approximately 85 feet and a 32' x 40' addition on the north side of the house. The variance would address both the reduced front yard setback and the expansion of a legal non-conforming use. The proposed 19' x 8' expansion of an enclosed porch on the west side of the house would encroach approximately 8 feet further into the existing setback from the center of County Rd 10. The addition on the north side of the house would include six bedrooms and additional living space. The applicant's letter described a practical difficulty in that the house was constructed in approximately 1972, prior to the enactment of the Zoning Code. Adoption of the Zoning Code deemed the current structure a legal non-conformity, which cannot be expanded in the Shoreland Overlay District without approval of a variance. In this instance, the majority of the proposed expansion would be further away from the centerline of County Rd 10 than the existing structure. The applicant stated his son and family are intending to purchase the property and the additional space is needed to accommodate the family size. The proposed addition on the north side would be approximately 3 feet further from the road than the existing house and the porch addition would encroach approximately 8 feet closer to the road. The location of the existing house and the alignment of County Rd 10 represent a unique set of circumstances not created by the landowner. On March 15, 2021, Joe Enfield, Senior Environmentalist, reviewed the request and stated that the existing SSTS has a current certificate of compliance. The addition of future bedrooms may initiate the requirement for an upgraded system and identification of an alternate drainfield site. On March 25, 2021, the request was reviewed by Angie Stenson, Senior Transportation Planner, and staff from Public Works Department noted explanation of their support of the reduced setback. Watertown Town Board reviewed the request at their April 5, 2021, meeting and recommended approval of the request. Stubbs read the proposed conditions for consideration if the request is approved.

Larry Davis, 12270 Cattle Lane Dr, explained they purchased the property with the intent of having their son and his family reside there. The proposed additions to the house are necessary to accommodate their family. The location of the septic tanks is to the east of the house and therefore, the expansion to the north is most logical.

Gerald Bruner, representing Watertown Town Board, stated the Township voted unanimously to approve the variance request with no additional requirements.

A motion was made by Bielefeldt and seconded by Kvitek to conclude the public hearing. Bruner conducted a roll call vote. All voted aye. The public hearing was closed at 7:22 p.m.

A motion was made by Kvitek and seconded by Bielefeldt to **approve and issue Order PZ20210018** allowing for reduced front yard setback and increasing a non-conforming structure and the following conditions:

1. Prior to commencing any construction related activities on-site, the permittee shall obtain the appropriate building permit(s) and shall not encroach any closer than 85 feet from the center of County Road 10.
2. 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.

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

Public Hearing - File # 20210019 – James Zavoral – Chairman Bruner called the public hearing to order at 7:23 p.m. to consider the application of James Zavoral pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced setbacks from center of a local road and side yard pursuant to Chapter 152 of the County Code. The property is in Section 22 of Laketown Township.

The following items were entered into the hearing record: James Zavoral,

Exhibit A - Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E - Letter from the Applicant dated March 10, 2021

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

Stubbs explained the applicant's own a .43-acre parcel which is improved with a single-family dwelling and a small garden shed. They are requesting a variance for reduced setbacks to the centerline of a local road and a side property line to accommodate a future detached garage. The required setback distances are 68 feet from the centerline of a local road and 15 feet from a side property line. They are requesting to reduce those setbacks to 28 feet from the centerline of Abbywood Ln and 5 feet from the side property line. Upon approval of the variance request, the applicants would be able to apply for the building permit for the detached structure. The applicant's letter describes a practical difficulty in that the lot was created prior to the County Zoning Code and the lot does not meet the current regulations for lot size and configuration. In addition, increased setbacks on the lake side of the property and the location of the well and lift station make positioning the proposed structure in a manner that conforms with required setbacks nearly impossible without a variance. The area is heavily vegetated so it is unlikely that the proposed structure would be a distraction to drivers on the road. The neighbor to the west of the subject parcel has submitted a letter of support of this request. Constructing a detached garage with a reduced setback from a side property line and a reduced setback from the center of a local road is an acceptable alternative to a

request to reduce the setback to a lake and appears to not be in conflict with the intent of the Comprehensive Plan. The request for a detached garage on a residential parcel appears to be a reasonable use of the property. The plight of the landowner is due to circumstances not created by the landowner. On March 15, 2021, Joe Enfield, Senior Environmentalist, stated there are no SSTS concerns on the subject parcel. The applicants would be required to contact the Minnehaha Creek Watershed District for a determination as to whether or not permitted for the placement of the structure would be required. Laketown Town Board reviewed the request and unanimously recommended approval of the request, citing the location of the well, lift station and existing mature trees as justification for their recommendation. The township Board stated there is a buried electrical line for the sewer system that will need to be located prior to any construction, and if the line needs to be relocated, it will be done at the landowner's expense. Stubbs read the proposed conditions for consideration if the request is approved.

James Zavoral, 4504 Edina Blvd, explained the family uses the cabin from Memorial Day to Labor Day. They purchased the property in 2007 and have made improvements to the cabin, keeping it small to be similar to other cabins on the lake. In an effort to be a good neighbor, they will use the storage space to keep property maintenance items and other personal equipment stored indoors and out of sight. He stated that they will construct the exterior to match the cabin and maintain a uniform look.

Mike Klingelhutz, Laketown Township Supervisor, confirmed the unanimous vote of Laketown Township to support the variance request. They felt his request is modest and reasonable.

Bruner stated he visited the site and spoke to the neighbor who had no objection to the request.

A motion was made by Bielefeldt and seconded by Smith to close the public hearing. Chairman Bruner conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 7:34 p.m.

A motion was made by Bielefeldt and seconded by Polunc to **approve and issue Order PZ20210019** allowing for reduced road frontage and width to depth ratio and the following conditions:

1. Prior to commencing any construction related activities on-site, the permittee shall obtain the appropriate building permit(s) and shall not encroach any closer than 28 feet from the center of Abbywood Lane.
2. Prior to the issuance of a building permit, the property owners shall have the west property line of the subject parcel identified and marked by a licensed surveyor to ensure the proposed structure does not encroach closer than 5 feet from the west property line.
3. Prior to the issuance of a building permit, the property owners shall locate the buried electrical line for the sewer system and determine if it needs to be relocated to accommodate the future garage.

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

Public Hearing - File # 20210008 – Michael & Kathy Formanek –Chairman Bruner called the public hearing to order at 7:35 p.m. to consider the application of Michael & Kathy Formanek pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced setback to a neighboring residence from a home extended business accessory use pursuant to Chapter 152 of the County Code. The property is in Section 16 of Waconia Township.

The following were present: Mike Formanek

The following items were entered into the hearing record:

Exhibit A - Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E - Letter from the Applicant dated March 15, 2021

Exhibit F – Letter to the Board of Adjustment and Waconia Township dated March 23, 2021, and all attachments

Stubbs stated the applicants own a 5.04-acre parcel improved with a house and attached garage and one accessory building. They are requesting a variance which would allow them to apply for a Conditional Use Permit to operate a Home Extended Business Accessory Use from the existing building which is approximately 330 feet from a neighboring residence. The Zoning Code requires a 500-foot setback for a Home Extended Business Accessory Use from a neighboring residence, and therefore the reason for the variance request. The applicant stated the practical difficulty is related to the manner in which the property was developed by previous owners. The house and accessory structure were placed closer to the road to limit the fragmentation of farmland. The property was subdivided in 2015 and the unique circumstances were not created by the landowner. The existing 60' x 40' accessory building would be used for the business and would need to meet all applicable Mn State Building Code standards. The applicant stated that any parking or outside storage associated with the business would be done on the north side of the building to shield it from view of the neighbors. On March 15, 2021, Joe Enfield, Senior Environmentalist, reviewed the request who stated there were no SSTs concerns on the property. The current septic system was compliant in 2015 and an alternate drainfield site has been identified. If the variance is approved, the applicants would apply for a CUP for their Home Extended Business Accessory Use. If the CUP is denied, the variance would be considered null and void. Waconia Town Board reviewed and recommended approval of the request during their January 19, 2021, meeting, and did not ask for any additional conditions to be attached to their recommendation. Stubbs read the proposed conditions for consideration if the request is approved.

Michael Formanek, 12260 County Rd 30, stated the information was correct as presented. He has personal trailers and other items that will also be stored in the accessory structure.

No one was present on the meeting call representing Waconia Township.

A motion was made by Smith and seconded by Kvitek to close the public hearing. Bruner conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 7:45 p.m.

A motion was made by Kvitek and seconded by Stender to **approve and issue Order PZ20210008** allowing for reduced setback from a neighboring residence for a Home Extended Business Accessory Use and the following conditions:

1. Prior to the commencement of the business, a Conditional Use Permit application shall be submitted, reviewed and approved. If the CUP application is denied by the County Board, the Variance shall be considered null and void. The Home Extended Business Accessory Use shall meet all other requirements of the Carver County Zoning Code.

2. If the future CUP application is approved, the approved operational area shall not extend closer than approximately 330 feet to the neighboring residence located to the south.

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

Public Hearing - File # 20210016 – Roger & Julie Falkenstein –Chairman Bruner called the public hearing to order at 7:47 p.m. to consider the application of Roger & Julie Falkenstein pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider an appeal to the Zoning Administrator’s decision pursuant to Chapter 152 of the County Code. The property is in Section 36 of San Francisco Township.

The following were present: Roger Falkenstein, Julie Falkenstein, John West, Adam Falkenstein

The following items were entered into the hearing record:

Exhibit A - Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E - Letter from the Applicant dated March 21, 2021

Exhibit F – Letter to the Board of Adjustment and San Francisco Township dated March 29, 2021, and all attachments

Mielke stated this request is an appeal which is different from a regular variance request. He stated the applicants own a 37.7-acre parcel which is a ‘land only’ parcel primarily consisting of production land, two small areas of tree/wetlands/steep slopes, and also has a pipeline easement running through it. The existing house on this quarter/quarter was subdivided from this land in 2016. The applicants are proposing to develop three additional density (high amenity) lots pursuant to the provisions of Section 152.078(C) of the Zoning Code. Based on a review of the parcel, the Zoning Administrator has determined the parcel does not qualify for the high amenity option and therefore the applicants are appealing that decision. Mielke briefly explained the appeal process, citing Section 152.214 of the Zoning Code, which states the appeal shall be heard at a public hearing by the Board of Adjustment, which is the reason this request is being heard at this meeting. He also cited Section 152.010 for the definition of Production Land and also Section 152.078 which states the qualifications for a Conditional Use Permit for Additional Density Options. Mielke stated that each Township has the ability to allow for an additional density option; wooded, lakeshore, higher amenity, or the conservation incentive in their chapter of the Comprehensive Plan. Not all townships have to choose the same options over and above the 1 per 40 base density which covers the entire County. The Zoning Code identifies the minimum standards for each option. San Francisco Township has opted to adopt High Amenity Lots as a higher density option in their chapter of the 2040 Comprehensive Plan. Mielke stated the Falkenstein’s have owned the parcel for over 25 years. He stated 36.93-acre parcel, which excludes the road right-of-way, consists of approximately 28 acres of tillable production land and approximately 8.93 acres of non-tillable land consisting of wooded area, steep slopes, wetlands and grass areas. Based on historic GIS information and aerial photography, the use of this land has remained consistent as it is currently since approximately 1937, which is the earliest available aerial photography in the County records. The production land has consistently been in crop production. The quality of production land is not taken into consideration, just the fact that the land is tillable production land. The areas not in production have other characteristics such as steep slopes in the northeast corner, pocket wetland areas with a few trees, or low-lying drainage swales which harbor water during the year and would likely erode if they were tilled. Mielke recognized the applicant’s submittal of

a narrative explanation addressed to the Board of Adjustment and dated March 21, 2021, a narrative with summary documents addressed to the Planning Commission dated March 21, 2021, and a concept plan dated March 9, 2021. All of this information was made available for this meeting. Mielke stated the applicant's request to proceed through the Board of Adjustment Appeal process for a determination as to whether or not the minimum criteria have been met on this parcel to qualify for high amenity lot development. Mielke stated this request is for the lots identified as 4 through 6 on the Concept Plan. Another request has been made for three high amenity lots on an adjacent parcel. The two requests are being heard separately as they are separate taxing parcels with the potential for independent or distinct outcomes. Mielke stated the Zoning Code minimum requirements "amenity area" must be established on a parcel for it to qualify for an additional density option. The applicant's application request indicates that the pasture grass amenity is not currently established but would be established in the future. Mr. Falkenstein's summary indicates the reasons for consideration include the gravel mine impacts to the west, the Kindred Prairie development to the east, alternative lot configuration, the natural gas pipeline, land is not prime farmland, the tree canopy in Kindred Prairie, pasture grass amenity and contingency, pending changes to the Zoning Code, the approval of San Francisco Township and similar considerations. Based on the Zoning Code and information on the parcel, the list of non-conformities identified in the concept plan proposing high amenity lots are:

- A. The Zoning code refers to eligible "qualifying" land as land considered wooded, wooded pasture and similar areas not in agricultural production with soils suitable for an SSTS (land that is not in production because of a state or federal program is considered production land). Based on the applicants proposed concept plan, GIS imagery, and historical aerial photography, none of the building lots created meet the general criteria and the criteria specific to the lot eligibility type. Therefore, the inability to meet one or more of those criteria shall negate the eligibility for additional lots under this provision.
- B. Based the current use of the parcel and the use of the parcel over the past 50+ years, it would not be possible to identify the minimum required two and one-half acres of land on each proposed amenity lot that meets the criteria for eligible land. Wetlands and/or non-wooded steep slope (12% and over) land may be added to the lot, but these lands shall not be counted as part of the two and one-half acres needed to qualify as a high amenity lot.
- C. The building sites would not be clustered in the amenity area because no amenity has been identified.
- D. The proposed lots would exceed the maximum two acres of long-term agricultural crop production land included in any residential lot. There is no existing/current/qualifying amenity area; therefore, the opportunity to apply for high amenity lots does not exist.
- E. The maximum lot size shall be five acres except for unusable lands being attached to individual lots, as determined to be necessary during the permitting process. The applicant has not identified an amenity area on any lots; therefore, each lot exceeds the five-acre maximum.

Mielke stated with the historical aerial photography, the land has consistently been in agricultural production and the lots as proposed on the concept plan do not meet the general criteria or the criteria specific to be identified as eligible lots for a high amenity development. The inability to meet one or more of the lot criteria negates the capacity for the additional density option on the parcel. It appears that the applicant has not identified an established amenity area on any of the proposed lots, the lots are mainly crop production land, and each of the lots exceeds the maximum 5-acre lot size. If the appeal is granted the applicant would be required to submit a Conditional Use Permit application for high amenity lots. The conditions of the CUP would address the specific requirements for the project. If the CUP is approved, this appeal would be considered null and void. San Francisco Township comments will be available at this meeting to explain the discussion at their township meeting. Mielke read the board consideration

options for this appeal. He provided another aerial map to justify the approximate acreage calculations of the production area (28± acres) and overall acreage (36.93± acres exceeding road ROW) and noted the pocket wetlands and small treed areas (8.93± acres).

Roger Falkenstein, 15255 Halsey Av, stated the Zoning Code provisions were carefully considered concerning additional density, particularly high amenity lots. He stated his narrative outlines his perspective for each of the provisions and exemptions of the high amenity criteria, which they addressed to the Planning Commission, but is also included for this board. He chose not to read the entire 12-page document but emphasized a few key points to help support the board's decision process. He explained the 80-acre property was acquired in three separate transactions, beginning in 1994 with 41 acres, purchasing another portion in 2000, and the remaining piece in 2005. In 2016, they sold four acres to their son, Adam, leaving them with the remaining 76 acres. He confirmed approximately 52 acres of this property was in crop production in 2020. He stated that leaves approximately 24 acres of wooded, grasslands and their current home site. He stated that removing the steep slopes and wetlands and the building sites, still leaves approximately 17 to 18 acres of existing grass and woods. He referenced page 5 of his narrative which indicated a possible configuration for six compliant lots, which he admitted is not the most desirable layout for reasons explained in the narrative. He disagreed with the staff report which indicated that no amenity exists in the proposed lots defined as wooded pasture. He felt the current code is not clear on the ratio of land in a lot to be defined as wooded pasture. He made a comparison to the tree canopy in the Kindred Prairie development, which was approved in 1999, and noted a very similar tree canopy, as stated on pages 7 and 8 in his narrative. He feels his proposal meets the tree canopy requirement. He stated the grass requirement is not established and becomes the foundation for their appeal request and a contingency for them move forward to apply for a CUP for the high amenity lots. He made another comparison to the land in Kindred Prairie and noted the provision including land temporarily out of production in accordance with a government program. He stated their land was also removed from a government program in December of 2020, and they accelerated their application for high amenity lots based on pending Zoning Code changes. Another motivation for this proposal is the impact of the gravel mine on their lives and enjoyment. They built their dream home prior to the gravel mining operation and now struggle to deal with heavy equipment noise, dust, long hours of operation, and an unsightly berm in front of their house which has a huge impact on their quality of life and enjoyment of the property. He stated the County is offering no compensation for the gravel operation and this development would aid in contributing to allow them to sell their house, build on one of the new lots and improve their quality of life. He stated it will also compliment the Kindred Prairie development and provide a separation from the gravel pit. He stated they have met with the neighbors and also have the support of the San Francisco Township Board. He asked the board to carefully consider all of the information in his narrative and stated that they feel the request is fair and reasonable.

Larry Schmidt, San Francisco Township Supervisor, stated the request was discussed and the board voted to approve the request. He commented that the best use of this property would be for a gravel mine, not because of the close proximity to the existing mine, but because it is poor crop production land.

John West, 14975 Halsey, stated he is in full support of the request. He said the negative impacts of the existing gravel mine on their quality of life and noise and dust cannot be overstated. He stated the berm is unsightly and he feels the property values are declining. He stated the proposed development would be a value addition to the neighborhood and felt the gravel mine was a value subtraction.

Adam Falkenstein, 15085 Halsey Av, wanted to be on record stating that he is in favor of this request for the same reasons that have been outlined previously.

Bruner called for any other comments from the public. Hearing none, he stated a motion to close the public hearing would be in order. A motion was made by Stender and seconded by Smith to close the public hearing. Bruner conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 8:18 p.m.

Bielefeldt asked if there are changes being made to the Zoning Code requirements for proposals like this.

Mielke replied that after the 2040 Comprehensive Plan was adopted by the County Board, Zoning Code updates are discussed, and potential changes are proposed to create consistency with the Comprehensive Plan. This process began with staff attending a meeting with each of the Townships to gain their input on proposed changes and issues with the Zoning Code. In the high amenity section, currently the requirement is that the land must be wooded, wooded pasture, or similar areas not in agricultural production. The proposed change is to add language clarifying the requirements for what is considered eligible land. These proposed changes have been presented through several work sessions with the Planning Commission and will be discussed with the County Board and must also be presented at a public hearing before any changes can be adopted. The proposed language may restrict the requirements to be more defined. He stated the current requirement of having a minimum of 2.5 acres of the amenity in each lot is not being met in this request. Steep slopes and wetlands cannot be included as a part of the 2.5 acres of the amenity. The subject parcel does not offer any land with the qualifying amenity. This does not restrict a request if there is an established amenity in the future.

Bielefeldt clarified that this request for an appeal is to overturn the decision which prohibits the applicant from applying for the high amenity development.

Mielke confirmed that is correct.

Bielefeldt voiced compassion for the applicant and his family at the inconvenience from the gravel mine and asked if they had expressed this to any County Commissioners.

Mr. Falkenstein stated that he and many of the neighbors in the area voiced their concerns at the public hearing, however, there wasn't much that could be done. He noted the different setback requirements for gravel mining activity in Dahlgren Township versus the regulations in San Francisco Township. He reiterated frustration with the negative impacts to his property, citing the unsightly berm, the noise, dust and traffic.

Bielefeldt stated he understood the frustration and recognized Mr. Falkenstein's need to move forward with this request, and stated he was leaning toward overturning the decision.

Kvitek stated his concern that the land does not meet the amenity requirements and he felt the Board needs to review the request with respect to the current Comprehensive Plan and Zoning Code requirements.

Stender echoed the same concerns as Kvitek and stated overturning the decision would set a bad precedence for future applications. He stated he would uphold the Zoning Administrator's decision. He acknowledged that the gravel mine may be undesirable, however, he may find that he could sell his land for gravel mine expansion in the future.

Smith stated he is also in agreement with statements made by Kvitek concerning this request.

Bielefeldt stated the applicant is attempting to apply for this now and is agreeing to establish the amenity before there are changes to the Zoning Code. He just hasn't taken the time to act on it yet.

Kvitek stated planting grass on the land is looking ahead, however, the requirement is to have the amenity established and looking back at the previous use of the land. The grass hasn't been planted yet so looking back 10 years at the land use as required does not meet the requirement.

Mielke stated other additional density options had been discussed with the applicant. The conservation incentive option would allow for restoration of the land either as prairie or wetlands, and there would need to be a perpetual easement on the property. The number of lots obtained under this option would be related to the number of acres restored in the easement. He reiterated that the applicant has development options available; however, the high amenity option is not available at this time because the amenity is not yet established. He stated that government entities that work with vegetation establishment, would inform you that planting grasses, whether it is pasture brome grass or native grasses, would require a minimum of 3 to 5 years before it is fully established. He likened this request to someone applying for wooded lots after having planted seedlings, when the qualification requires mature trees of 20 years.

Bielefeldt stated that a variance does not set a precedence.

Mielke clarified that this request is not a variance but an appeal of the Zoning Administrator's decision and explained the difference.

Mr. Falkenstein stated his primary motivation to make this application was because of the impact and effect the gravel mine has had on his loss of property value and quality of life. He again argued the fact that the amount of tree canopy by percentage, is very comparable to the neighboring property, even after removing the wetland areas. He stated that about 10 years ago, there was 20 acres of pastureland which was converted back to production land. He also stated that establishing a grass cover does not take 3 to 5 years but can be done in 1 year. He stated that asking for a contingency for the grass cover establishment is similar to a contingency for soil borings for a septic system or a wetland delineation or construction of a road. He lobbied for his request stating that it meets all of the requirements for high amenity lots with the exception of the established amenity. He stated it is a fair and reasonable request and gives the County a chance to help them with respect to the gravel mining nuisances.

Mielke stated making the comparison of a farm field in current ag production to a parcel of land that has been in a CRP program for the past twenty years is not the same. The CRP land was not production land for the past 20 years or more. He also noted that in each of the Kindred Prairie lots, there was a minimum of 2.5 acres of an amenity, trees or established vegetation, outside of the wetlands or steep slopes, which meets the Zoning Code requirements. There is no comparison to property where there is no amenity established yet. He encouraged the Board to note the Zoning Code standards and base their decision on the requirements and if the proposed request meets those standards to support overturning the Zoning Administrator's decision. Mielke stated the Zoning Code is very clear in that the steep slopes and wetlands cannot be considered as a part of the 2.5 acres of established amenity in each lot as stated in Section 152.078(C)(3)(c).

Mr. Falkenstein used the aerial map to illustrate that the southerly lots in the Kindred Prairie development do not have any tree canopy.

Mielke explained that the parcel was in the CRP program and the land was not in ag production for at least 20 years prior to their request. When the land was taken out of the CRP program, it is not viewed as production land because it had not been production land for the previous 20 years. He further explained that one lot in the development is allowed tillable land as long as the parcel size is over 20 acres and is considered an agricultural parcel. The amenity was the grassland area, not in active agricultural production, as noted in Section 152.078(C)(3)(f) of the Zoning Code.

Mr. Falkenstein contended that the land up until it was in the CRP program and when it came out of the program, it was the same as and equivalent to ag production land.

Polunc asked what proposed changes are being made to the Zoning Code language with respect to the high amenity lots.

Mielke replied the language will be a little stricter on the guidelines for qualifying lands and established timeframes as discussed in the work sessions with the Planning Commission. He stated that the application for this request must be based on the Zoning Code language, which is currently in place, and not based on proposed changes which have not yet been adopted. The amenity establishment requirement will remain the same.

Chairman Bruner clarified the Board's responsibility is to decide if there is support in the Zoning Code to uphold the Zoning Administrator's decision or if they find support to overturn the Zoning Administrator's decision and allow the applicant to move forward with a request to the Planning Commission for high amenity lots. He empathized with Mr. Falkenstein concerning the gravel mining operation, however, he stated the issue for this decision is the appeal.

Bielefeldt asked if the County Attorney had any information to include.

Jennifer Tichey, Carver County Assistant Attorney, stated she had no information to add. The request was presented clearly and hearing the comments being made, it appears that everyone has a clear understanding of the actions and decision before them and what the limitations are according to the Zoning Code.

Mr. Falkenstein emphasized that the land is not prime ag land. It is very sandy ground, which is highly erodible, and below it is gravel. He stated his development proposal would be a better use of the land and prevent erosion with the establishment of houses and grassland. He also wanted to recognize the natural gas pipeline which runs through the land which is not ideal for development and having the proposed road and parcel boundaries border that pipeline would allow for continued maintenance. He also noted the separation from the gravel mine and asked for the Board's consideration of his request.

A motion was made by Kvitek and seconded by Polunc to uphold the Zoning Administrator's decision, citing the information listed in **(File #20210016)** paragraphs 4 and 5 of the staff analyses. Bruner conducted a roll call vote. Smith, Stender, Kvitek, Polunc and Bruner voted aye. Bielefeldt and Schmidt voted nay. Motion carried.

The decision of the Zoning Administrator was upheld.

Public Hearing - File # 20210017 – Roger & Julie Falkenstein –Chairman Bruner called the public hearing to order at 8:44 p.m. to consider the application of Roger & Julie Falkenstein pursuant to Chapter

152 of the County Code. The purpose of the public hearing was to consider an appeal of the Zoning Administrator's decision pursuant to Chapter 152 of the County Code. The property is in Section 36 of San Francisco Township.

The following were present: Roger Falkenstein, Julie Falkenstein, John West, Adam Falkenstein

The following items were entered into the hearing record:

Exhibit A - Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E - Letter from the Applicant dated March 21, 2021

Exhibit F – Letter to the Board of Adjustment and San Francisco Township dated March 29, 2021, and all attachments

Mielke stated that much of the information for this request will be the same as the previous request. This request covers two parcels owned by the applicants, a 10-acre parcel with a single-family dwelling utilizing the 1 per 40 building eligibility, and an adjacent approximate 29-acre parcel, which is a land only parcel. The applicants are requesting to reconfigure the two parcels to apply for three high amenity lots and one larger agricultural parcel. This request is an appeal to the Zoning Administrator's decision that the parcels do not qualify for the high amenity option. Mielke briefly explained the appeal process, citing Section 152.214 of the Zoning Code, which states the appeal shall be heard at a public hearing by the Board of Adjustment, which is the reason this request is being heard at this meeting. He also cited Section 152.010 for the definition of Production Land and also Section 152.078 which states the qualifications and standards for a Conditional Use Permit for Additional Density Options. He stated the San Francisco Township chapter of the 2040 Comprehensive Plan allows for additional density development with the high amenity option. The Falkenstein's have owned the property for the past 25 years. Together, the parcels comprise of approximately 38.09 acres, excluding road right-of-way and consisting of approximately 27 acres of tillable production land and approximately 11.09 acres of non-tillable land, which includes wetlands, steep slopes, and low-lying drainage areas. He used an aerial photo to illustrate the noted areas. The property history using GIS aerial photography, indicates the areas of land currently in ag production have remained that way for many years and the lands not in production may be due to topographical limitations such as wetlands, steep slopes, or low-lying drainage swales not suitable for farming purposes. The applicant has submitted a narrative explanation addressed to the Board of Adjustment and dated March 21, 2021, a narrative with summary documents addressed to the Planning Commission dated March 21, 2021, and a concept plan dated March 9, 2021. All of this information was made available for this meeting. Similar to the previous request, the applicant states his reasons for consideration of this request including (1) gravel mine impacts, (2) Kindred Prairie Development, (3) alternative lot configuration, (4) natural gas pipeline, (5) no prime farmland, (6) tree canopy amenity in the Kindred Prairie Development, (7) pasture grass amenity & contingency, (8) pending changes to the Zoning Code, (9) San Francisco Township approval, & (10) similar consideration. Based on the Zoning Code and information on the parcel, the list of non-conformities identified in the concept plan proposing high amenity lots are:

- A. The Zoning code refers to eligible "qualifying" land as land considered wooded, wooded pasture and similar areas not in agricultural production with soils suitable for an SSTs (land that is not in production because of a state or federal program is considered production land). Based on the applicants proposed concept plan, GIS imagery, and historical aerial photography, none of the

building lots created meet the general criteria and the criteria specific to the lot eligibility type. Therefore, the inability to meet one or more of those criteria shall negate the eligibility for additional lots under this provision.

- B. Based the current use of the parcel and the use of the parcel over the past 50+ years, it would not be possible to identify the minimum required two and one-half acres of land on each proposed amenity lot that meets the criteria for eligible land. Wetlands and/or non-wooded steep slope (12% and over) land may be added to the lot, but these lands shall not be counted as part of the two and one-half acres needed to qualify as a high amenity lot.
- C. The building sites would not be clustered in the amenity area because no amenity has been identified.
- D. The proposed lots would exceed the maximum two acres of long-term agricultural crop production land included in any residential lot. There is no existing/current/qualifying amenity area; therefore, the opportunity to apply for high amenity lots does not exist.
- E. The maximum lot size shall be five acres except for unusable lands being attached to individual lots, as determined to be necessary during the permitting process. The applicant has not identified an amenity area on any lots; therefore, each lot exceeds the five-acre maximum.

Mielke stated it appears that the applicant's request does not meet the intent of the 2040 Comprehensive Plan, as there is not a qualifying amenity established at this time. The property is substantially ag production land and the approximate 11 acres of non-production land does not meet the minimum eligibility requirements for an amenity in a lot. He explained that the reconfiguration of the parcel with the applicant's house would not be considered an amenity lot but would be an agricultural parcel. If the Board rules to uphold the Zoning Administrator's decision, specific findings supporting the decision would be adopted. If the Board rules to overturn the Zoning Administrator's decision, the applicant would be allowed to apply for a Conditional Use Permit to pursue development of three high amenity lots. If the CUP is approved, the appeal would be considered null and void. The San Francisco Town Board has stated the board voted to approve the request. Mielke read the board consideration options for this appeal.

Roger Falkenstein, 15255 Halsey Av, stated that his statements and information presented for the prior request were meant to apply to this request also, as he views them as one and the same. He understands that it appears the amenity would need to be established for at least 10 years to qualify for the high amenity lot provision. He confirmed that alternative options for development were discussed; however, he was cautious to have a permanent conservation easement on the property and felt it could be challenging and be in conflict to future development in the area. He was hopeful to develop a plan allowing them to move further away from the gravel mining operation because he felt a 10-year waiting period to establish an amenity was too long to wait. He asked for consideration and the opportunity to return with this request in 1-year after the land is seeded in grass.

Bruner asked what length of time the amenity needs to be established to qualify for the high amenity lots.

Mielke replied the Zoning Code language sets the requirements. Currently, there is no amenity on the land and the stormwater review with a future plat will weigh in on the vegetation establishment (i.e. planting pasture grass with a mixture of some sort of benefit). The Planning & Water Department or Soil & Water Conservation District will hold escrow money for development projects for more than one growing season to determine if it is growing correctly and becoming established. Placing a fixed time period to determine establishment would be difficult. Currently, the only determining factor is the language in the Zoning Code and the request must be reviewed with the current language, not on something that is proposed and not yet adopted.

Mr. Falkenstein stated he is asking for some alternative options because he feels his hands are tied with his situation.

Larry Schmidt, San Francisco Township Supervisor, asked for the definition of an amenity, as he felt it was vague.

Mielke read language from the Zoning Code concerning eligible land and explained the wooded, wooded pasture or similar areas, meaning a combination of wooded and open space not in agricultural production. He clarified that the requirement is not for prime ag land, but only for land in ag production. Therefore, the reason for putting the definition of production land in the staff report.

Mr. Schmidt asked if lakeshore land was an amenity.

Mielke replied that if a township identifies lakeshore as an amenity, it certainly could qualify.

Mr. Schmidt stated there is an amenity, which is a gravel mine, but that is not identified as an amenity. The land is poor soil for ag production. San Francisco Township has a huge amount of aggregate resources and poor soils which would be better suited for housing rather than farming. He feels the applicant is pursuing an appropriate and reasonable use for this land; however, it is not identified in the Zoning Code language. He confirmed that San Francisco Township is in favor of the request and would support the applicant's request for high amenity lot development.

Mielke reiterated that the requirement is for land that is not in ag production, and the 2020 aerial photograph indicates the land is being actively farmed. The language does not address the quality of the crop on the production land and also notes that the amenity must be established. He stated that there is no qualifying amenity on the land at this time.

Mr. Schmidt stated he researched the definition of 'amenity' and found it to refer to 'something unique'. He noted the special characteristic about this land is that it is all gravel, which he feels is an amenity in itself.

Mr. Falkenstein stated the challenge will be if the language is changed to require the establishment of grass to be 10 years or more. He compared the land in Kindred Prairie to be in CRP and felt that was ag production land. He stated that if he plants grass this spring, by fall or certainly next summer, he expects it should be well established and that would be the amenity.

Mielke stated the Kindred Prairie land was in CRP and was removed from that program. The land had been left untilled for 20 or more years and included no active ag production land when the CRP program expired. He also reiterated that he is not able to predict the future language for the Zoning Code.

Mr. Falkenstein stated he feels his request is reasonable and meets the requirements for high amenity development and is asking for a contingency to plant grass to establish an amenity.

Mielke reviewed the proposed development and indicated that each lot did not meet the required 2.5 acres of an established amenity.

A motion was made by Bielefeldt and seconded by Stender to close the public hearing. Bruner conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 9:09 p.m.

Bielefeldt stated he will side with the property owner on issues like this and respects his request to try and change his situation with respect to the gravel mining operation.

Bruner acknowledged the applicant's plight with the gravel mine, however, he stated that the Board's responsibility to determine whether there is sufficient information to support the Zoning Administrator's decision or to overturn it.

A motion was made by Kvitek and seconded by Polunc to uphold the Zoning Administrator's decision, citing the information listed in **(File #20210017)** paragraphs 4 and 5 of the staff analyses. Bruner conducted a roll call vote. Smith, Stender, Kvitek, Polunc and Bruner voted aye. Bielefeldt and Schmidt voted nay. Motion carried.

The decision of the Zoning Administrator was upheld.

Adjournment

Having completed the agenda items and seeing no other business, a motion was made by Bielefeldt and seconded by Smith to adjourn. Bruner conducted a roll call vote. All voted aye. The meeting was adjourned at 9:12 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Environmental Services Department

April 27, 2021

TO: Carver County Board of Adjustment & Hollywood Town Board

FROM: The Environmental Services Department

SUBJECT: Application for a Variance (Reduced Setback to an Existing Feedlot for a New House)

FILE #: PZ20210024

OWNER: Louie T. Junczewski and Sandra K. Junczewski Revocable Trust

APPLICANTS: Michelle and Ronald Lahr

SITE ADDRESS: 14XX Yale Ave, 55360

VARIANCE TYPE: Reduced Setback to an existing Feedlot for New Home Construction

PURSUANT TO: Carver County Code Section 54.46 (D) 2a

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-006-0100

BACKGROUND:

1. Louie and Sandra Junczewski own an approximately 80.65-acre parcel located in the North Half (N ½) of the North Half (N ½) of Section 6, Hollywood Township. The property is in the Agricultural Zoning District and the CCWMO (Crow River watershed). Michelle and Ronald Lahr, their daughter and son-in-law, have proposed to subdivide a 1 per 40 eligibility of their parent's land, comprising of approximately 2.8 acres.
2. The applicants, Michelle and Ronald Lahr, are requesting a Variance that would allow them to construct a house and garage at a minimum of approximately 629 feet from an existing feedlot (Lonnie Hecksel) located to the south of the subject property. Chapter 54 of the County Code requires a minimum setback of 1,000 feet from an existing feedlot to all new residences. Therefore, a Variance for reduced setbacks pursuant to Chapter 54 – Section 54.46 (D) (2)a has been requested.

LEGAL BACKGROUND:

§ 54.04 DEFINITIONS.

FEEDLOT, (EXISTING) ANIMAL. An animal feedlot that has registered, pursuant to Minn. Rule 7020.0350 and/or has registered with Carver County Environmental Services prior to July 7, 2003.

§ 54.46 SETBACKS.

(D) Existing feedlots as of July 7, 2003.

- 1) The modifications and/or expansions of animal feedlots, that are located within 200 feet of existing property lines, may be allowed if they do not further encroach on the established setback.
- 2) The modification or expansion of animal feedlots that are located within 1,000 feet of residences, churches, schools, regional parks, cemeteries, non-agricultural commercial and industrial activities, and restaurants may be allowed if the modification and/or expansion does not further encroach on the established setback.
 - a. This setback shall be reciprocal.

STAFF ANALYSIS:

1. Ronald and Michelle Lahr, the applicants, have proposed to subdivide a 1 per 40 eligibility comprising of approximately 2.8 acres of an approximately 80.65-acre parcel owned by their parents, Louie and Sandra Junczewski. The applicant would like to construct a house on the property; however, based on road frontage requirements, they have no choice but to locate the house within the required 1,000-foot setback from an existing feedlot. If approved, the variance would allow the applicant to construct a house and garage at a minimum of approximately 629 feet from an existing feedlot to the south (Lonnie Hecksel). The applicants' request reflects an approximate 371-foot variance to the neighboring feedlot.
2. The applicants' letter, dated 4/9/21, describes a practical difficulty in that the subject parcel has limited road frontage due to Yale Avenue not continuing through the property. The subject parcel has approximately 354 feet of road frontage. Based on the current configuration the subject parcel should have 500 feet of road frontage to accommodate its depth. In addition, increased setbacks due to a feedlot operation to the south make creating a new parcel to use the available Building Eligibility, in a manner that conforms with required setbacks, nearly impossible without a variance.
3. The plight of the landowner is due to circumstances unique to the property, not created by the landowner. This property appears to be in the same configuration as it existed in 1974, prior to the County's adoption of zoning regulations. The legal non-conforming subject parcel has less road frontage than what is currently required to accommodate its depth. The reduced road frontage and existing feedlot to the south make it difficult for future development to occur while meeting the County's requirements. The presence of the feedlot to the south, the parcel configuration, and lack of available road frontage represent a set of circumstances unique to this property that were not created by the landowner.
4. The applicant is proposing to use the property in a reasonable manner, not permitted by an official control. The official controls in this instance is the required separation distance between a feedlot and a newly proposed residential dwelling unit. The subject parcel has an available Building Eligibility and enough property to create a conforming lot. The purpose of the variance is to facilitate the future a future Minor Subdivision to create a conforming lot in the Agricultural Zoning District. A property owner wanting to use an available Building Eligibility appears to be a reasonable use of the property that would not be permitted by an official control.
5. Prior to the minor subdivision approval, the Subsurface Sewage Treatment System (SSTS) primary and alternate locations will need to be reviewed and approved by Carver County Environmental Services staff to verify all requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances are met.
6. The neighborhood is comprised of Agricultural uses, rural-type residential development, and areas of woodland and wetlands. There is one other residential structure in the immediate area that appears to be within the required feedlot setback. The granting of the Variance would not conflict with the intent of the Comprehensive Plan and/or County Ordinances and would not alter the character of the neighborhood.
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 Hollywood Town Board reviewed and recommended approval of the request at their April 12, 2021 Town Board meeting.

BOARD CONSIDERATION:

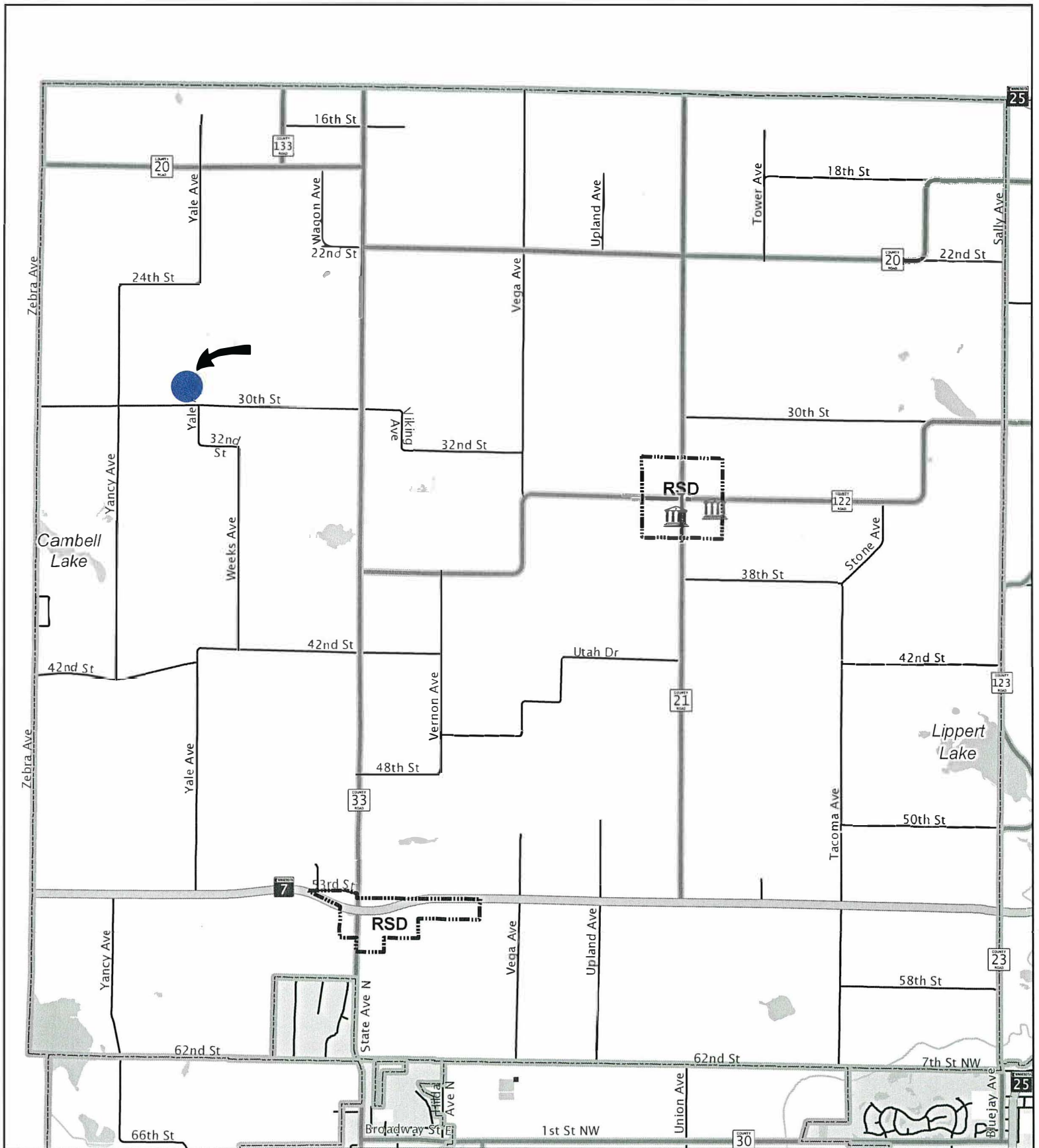
If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for the reduced feedlot setback would serve in the interest of justice, the following conditions should be considered:

1. The permittee shall obtain the appropriate building permit(s) and septic permit(s) prior to the construction of the residential house. A grading plan and erosion/sediment control plan shall also be prepared, submitted and implemented

in accordance with the CCWMO Water Rules (Chapter 153) as part of the building permit application process. The lowest floor elevation for the house must meet to the Carver County Zoning Code Shoreland Regulations.

2. Prior to the minor subdivision approval, the Subsurface Sewage Treatment System (SSTS) primary and alternate locations will need to be reviewed and approved by Carver County Environmental Services staff to verify all requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances are met.
3. All construction activities shall be done in accordance with the submitted site plan(s). The new construction shall not encroach any closer to the existing feedlot than as approved as part of this permit application (Approx. 629 feet).

HOLLYWOOD TOWNSHIP

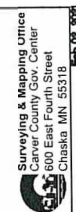


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Map Created by Carver County GIS

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



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

Aaron Stubbs
Land Management Senior Planner
Carver County

Dear Carver County Board of Adjustment:

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

Variance request # 1:

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

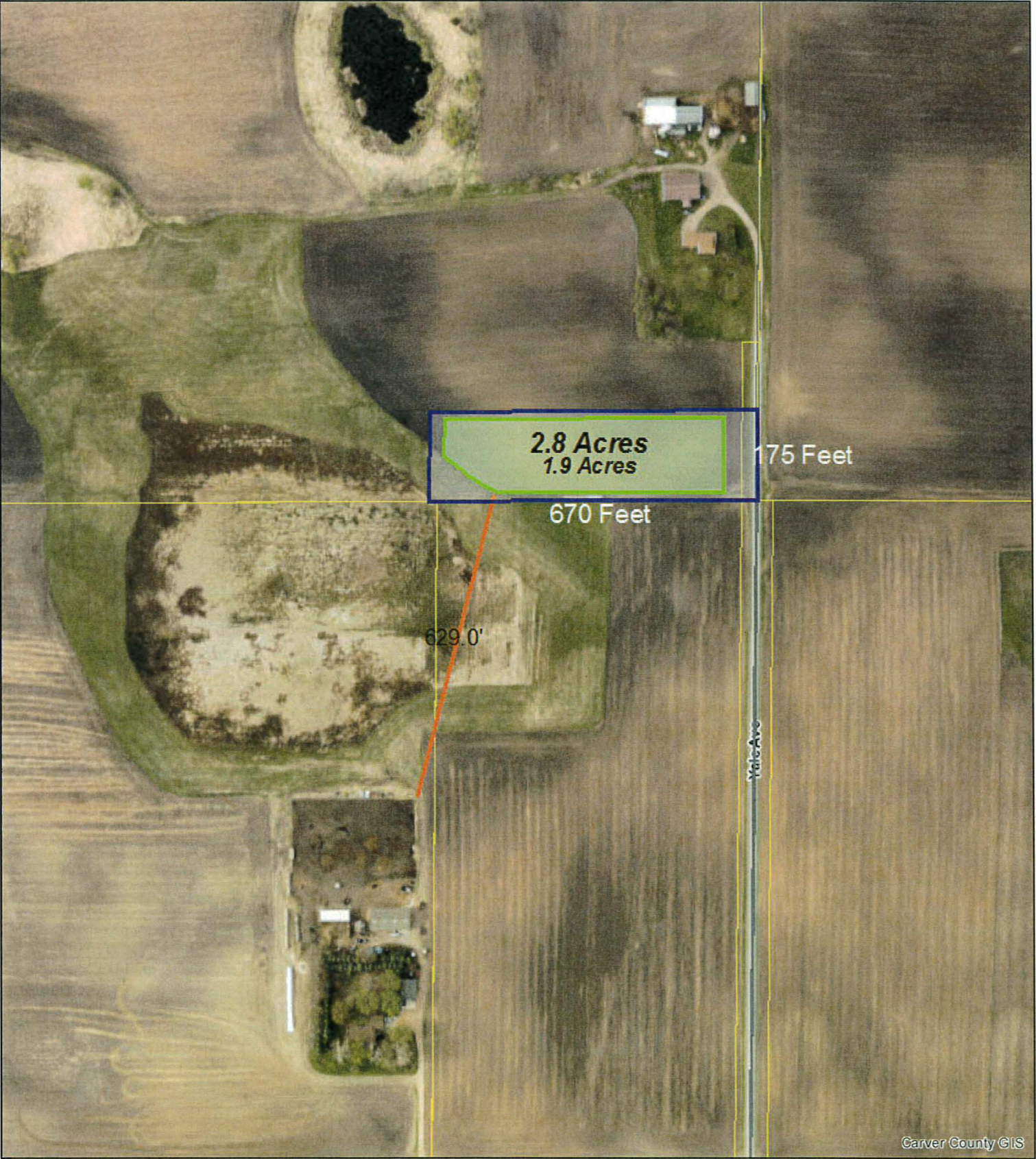
Variance request #2:

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

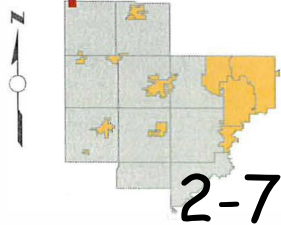
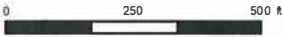
Respectfully Yours,
Ronald & Michelle Lahr
320-224-2039

Louie & Sandra Juncewski
763-221-1881

06.006.0100 - FEEDLOT SETBACK



Date: 3/25/2021
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

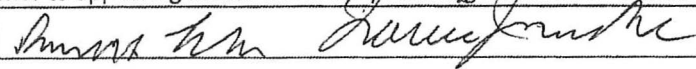
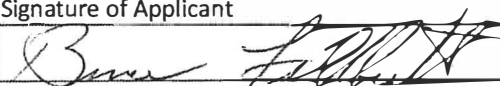
PARCEL # 06.006.0100	Permit # PZ20210024 & PZ20210025	
Owner's Name: Louie & Sandra Junczewski	Owner's Mailing Address: P.O. Box 2	
City: Winsted	Owner State: MN	Owner Zip: 55395
Applicant (if other than owner): 	Site Address: 1470 Yale Avenue, Mayer, MN 55360	

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

Actions:

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

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


 Signature of Applicant

 Signature of Township Official

Date 4/12/21
 Date 4/12/21

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 06-006-0100

File# PZ20210024

**APPLICANT/OWNER: Louis T Juncewski & Sandra K Juncewski
Revocable Trust**

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