

CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **Wednesday, March 4, 2020**
Commissioners' Meeting Room
Courthouse - Chaska

AGENDA

7:00 p.m.

Meeting call to order by Zoning Official

- A. Organization of the Board
- B. Election of Chair
- C. Election of Vice-Chair
- D. Appointment of Land Management Staff as Secretary

1. Approve minutes of November 6, 2019 Pages 1-1 through 1-7
2. **File #20200005**- Public hearing on request by Jason & Sandra Burmeister for a variance. (Expand a Non-Conforming Structure)
Hollywood Township Pages 2-1 through 2-11
Issue Order #20200005 – Jason & Sandra Burmeister
3. **File #20200001**- Public hearing on request by Thomas Kamrath for a variance. (Reduced Setback from Residence)
Waconia Township Pages 3-1 through 3-10
Issue Order #20200001 – Thomas Kamrath
4. **File #20200008**- Public hearing on request by Richard Parris Jr for a variance. (Reduced Road Frontage & Width/Depth Ratio)
Camden Township Pages 4-1 through 4-11
Issue Order #20200008 – Richard Parris Jr

Other Business

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting – November 6, 2019
Minutes

Members Present: Scott Hoese, Richard Kvitek, Mark Willems, Doug Weber, Robin Bielefeldt, Virgil Stender

Members Absent: None

Members Late: None

Staff Present: Jason Mielke, Kathleen Russell

Pursuant to due call and published notice thereof, the November 6, 2019, meeting of the Carver County Board of Adjustment was called to order by Chairman Hoese at 7:00 p.m.

Minutes – A motion was made by Kvitek and seconded by Weber to approve the minutes of the October 2, 2019, meeting as printed. Motion carried.

Public Hearing - File # 20190051 – William Boecker –Chairman Hoese called the public hearing to order at 7:01 p.m. to consider the application of William Boecker pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced access separation and lot width/depth ratio pursuant to Chapter 152 of the County Code. The property is located in Section 3 of San Francisco Township.

The following were present: William Boecker, Kent Lee, Pat Murphy, Sheri Murphy

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 October 9, 2019

Exhibit F – Letter to the Board of Adjustment and San Francisco Township dated October 29, 2019, and all attachments

Exhibit G – E-mail correspondence from Lori Brinkman, Carver County Septic Inspector

Russell explained the applicants own a vacant parcel of land with a 1 per 40 building eligibility and the potential for the additional density option. They are requesting a new residential driveway access at the same location as an existing field approach, which would serve two potential building sites, but does not meet the access separation requirement. The applicants are also requesting the ability to apply for an additional density lot which would have reduced width to depth ratio and road frontage requirement. The proposed access separation distance is approximately 475 feet and the required distance is 500 feet. The Carver County Public Works Department has reviewed the access request and issued a permit for the shared access with

requirements. Russell further explained the proposed subdivision creating the two lots and the reduced width to depth ratio, using an aerial map for illustration. The approximate 2.9-acre lot would use the 1 per 40 building eligibility and the remaining approximate 38-acre lot is proposed as the additional density 'one lot incentive' conservation lot. The applicants have indicated a practical difficulty in that there is an existing field approach at this proposed access location, which could be utilized as a shared driveway to service the proposed two lots. The shared access allows the 2.9-acre lot greater flexibility with the one acre building site location. And the previous owner's decision to sell portions of the original property created limited access for the proposed additional density building option, due to existing property lines, bluff setbacks and Silver Creek. San Francisco Township reviewed and request at their October 15, 2018, meeting and recommended approval. Russell read proposed conditions for consideration if the request is approved. Russell stated the email from Lori Brinkman further explains the soil borings and septic site locations, which was completed after the staff report was finished.

Mr. Boecker stated the request is for development of one additional density lot to preserve the bluff area and forego any additional residential lots which would also require construction of a public road.

Doug Weber, speaking for San Francisco Township, stated the Township heard the request at two meetings, addressing the access and then the additional density lot and width to depth ratio. He confirmed the Township's recommendation for approval.

Pat Murphy, 16380 Co Rd 40, stated he felt the additional lot would have an impact on his property and enjoyment. He moved to his property to enjoy hunting and the privacy of a 32-acre parcel. He stated additional houses would limit his ability to hunt and use his property as he chooses because of DNR regulations about hunting.

Chairman Hoeser asked to clarify that the variance is for the driveway access separation and the potential addition of one house over and above the 1 per 40 eligibility.

Mielke clarified that was correct. The approval for the additional density lot would be heard at the Planning Commission meeting on November 19th. The variance request for reduced lot width to depth ratio would need to be approved before the Planning Commission could act on the request for the additional lot. Mielke clarified the applicants are only asking for one lot in addition to the existing 1 per 40 eligibility. This variance is for the reduced access separation and reduced width to depth ratio for the potential lot.

Mr. Murphy understood the variance request and stated that he chose to address the entire issue as one unit, because he felt both requests are tied together. If the variances are approved, the request moves forward to the next step for the creation of the additional lot. If the access issue is approved, it creates the access for the front lot as well as the back lot. If the variance for the potential lot configuration is denied, he questioned if the Boeckers would choose the front location for their house or the location toward the back of the lot.

Mr. Boecker replied that the driveway access location will remain the same, whether the one lot

incentive is approved or not. If the one lot incentive is denied, then they would still choose to use their 1 per 40 building eligibility toward the back of the lot and forego the lot at the front of the property.

Mr. Murphy stated he wasn't challenging the access location but asked the Board to consider the impact additional lots have on the surrounding properties and neighborhood with increased people and traffic.

Mr. Boecker stated that they are trying to minimize the impact of the full potential of the high amenity option by only requesting the one lot incentive. Under the conservation high amenity rules, they could be allowed to plat the property and have the ability for three lots along the bluff area and the construction of a public road. He stated difficulty with the bulk of the property being toward the back and the narrow access to the road and they are trying to deal with that as best as they can. The proposed location of the houses toward the front of the lot near the other residences would still allow the wooded areas to be used for hunting.

Mr. Murphy cited the DNR setback requirement for discharging firearms is 500 feet from occupied residences. If a house is placed on the front lot, this would significantly impact the top of the bluff area available for hunting on his property but would not impact the wooded area on the Boecker property.

Kent Lee, 16450 Co Rd 40, stated the proposed driveway will be approximately 150 feet from the back door of his house. He felt this would negatively impact the value of his property and also invade his privacy. He stated the driveway is also very near where his septic system outlets. He stated the access location is not the issue if it would be constructed to go straight west to the location Boecker's wish to construct their house. But having the driveway run parallel and close to his northerly boundary would impact his property possibly to the point of causing him to sell the property and move.

Mr. Boecker stated the proposed driveway will only be a driveway and not a fully constructed public road. It is on the north side of an established tree line which offers some screening and separation from Mr. Lee's property. He didn't want to have a driveway cutting through the middle of a field because he would still like to farm the remaining land. He did not have a timeline on how soon the other lot would be created or developed.

Kvitek asked about any restrictions on the road location if Mr. Boecker was proposing to plat the property for additional lots and a public road.

Mielke explained the one lot incentive option which allows the applicant to forego the platting process and development of a township-grade road for development of multiple lots. Property must meet all the qualifications which allow for multiple lots, but the one lot incentive can be done as a minor subdivision and the applicant forfeits the opportunity to develop any more lots on the property in the future. The soils are being reviewed again to ensure the conditions exist for possible multiple lots. The variance request for width to depth ratio is being made with the intent of the the one lot incentive configuration. The variance for the access location is would be

necessary with or without the additional lot, because the access will be shared if the high amenity lot is granted. Mielke stated an easement agreement for ingress/egress with the access may be granted along with the shared access, which is between the property owners. The County would not be a part of that easement.

Mr. Boecker confirmed that an easement for the access will be included with the sale of the lot. He also clarified that the parcel size is 40.9 acres, which would allow up to four high amenity lots.

Mielke further explained that there must be a one-acre building site and appropriate septic sites for each amenity lot. He also explained that land will need to be put into a conservation easement with this amenity option. He stated that the soil information will be completed prior to the Planning Commission meeting which will determine the possibility of the additional density lot.

Mr. Murphy reiterated that a decision on the variance request and amenity lot should be considered together, as one will impact the other. He also used the aerial map to illustrate water drainage in the spring and stated the location of the house and septic system will also affect the drainage pattern. The driveway construction could also impact water flow and run-off.

Mr. Lee stated a berm was constructed along the north property line with a culvert that directs all of the water toward the road ditch from the field and flowing through the road ditch in front of his property. He stated there is a tremendous amount of water that drains to the south from this property.

Bielefeldt stated the parcel has a building eligibility which would allow the applicant to build his house. He stated difficulty in understanding the practical difficulty by the request for the additional high amenity lot.

A motion was made by Stender and seconded by Weber to conclude the public hearing.

Hoese asked if there were additional questions from the Board.

Weber, speaking for San Francisco Township, clarified if the variances were denied and applicant chose to plat the property and construct a public road, the road would need to be constructed to Township specifications, which would require blacktopping.

Hoese stated the variance request is for the reduced road access separation.

Mielke clarified there are two variance requests. One request is for the access separation and the other is for reduced lot width to depth ratio because of the proposed additional high amenity lot. The Planning Commission will hear the request and take action on the high amenity lot request, however, the variance is required because of the proposed lot configuration. Mielke explained the specific roles of the two boards.

Willems asked about the practical difficulty with the variance request, because if the variances are approved, the high amenity lot approval is the action of the Planning Commission.

Mielke stated the variance for the reduced lot width to depth configuration would allow the Planning Commission the opportunity to approve the amenity lot configuration, because the lot would meet the other minimum standards pursuant to the Carver County Zoning Code.

Bielefeldt reiterated his statement that the parcel already has one building eligibility for the applicant to build a house and is struggling with the practical difficulty in needing the approval for a high amenity lot. He stated he will not support the request for the reduced lot width to depth ratio.

Hoese called for a vote on the motion to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:36 p.m.

Hoese asked for the board's direction on the variances, noting there are two requests, and they could be viewed as separate requests for approval or denial.

Weber stated he sees a practical difficulty in the size and shape of the lot with road access location being narrow and not having the required separation distance. The applicant did not create the shape of the parcel. The drainage issues would need to be addressed if there is one house or two on the property. He would support the access separation issue but questioned the practical difficulty in the reduced lot width to depth ratio with the proposed configuration of the high amenity lot.

Bielefeldt agreed with support of the access separation but did not support the lot configuration.

Hoese stated the proposed lot meets the criteria of less than 2 acres of prime ag land.

A motion was made by Hoese and seconded by Stender to **approve and issue Order PZ20190051** allowing for reduced access separation and reduced lot width/depth ratio and the following conditions:

1. The property owners shall be subject to the local road authority (i.e. County Public Works) standards pertaining to road access. The appropriate permit(s) shall be obtained before any work commences within the right-of-way.
2. A Conditional Use Permit application shall be submitted and approved for the additional density option. If the CUP application is denied by the County Board, the portion of the variance allowing for a reduced lot width to depth ratio shall be considered null and void.

Willems stated he is struggling with this decision because there is a building eligibility available for the applicant and he does not find a practical difficulty in granting the configuration for the high amenity lot request. He would not support the width to depth variance for the proposed high amenity lot.

Hoese called for a vote on the motion to approve the two variance requests. Hoese, Kvitek, Stender and Weber voted aye. Willems and Bielefeldt voted nay. Motion carried.

Public Hearing - File # 20190056 – Keric & Catherine Seck –Chairman Hoese called the public hearing to order at 7:47 p.m. to consider the application of Keric & Catherine Seck pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for a new residential lot with more than two acres of prime ag soils pursuant to Chapter 152 of the County Code. The property is located in Section 4 of San Francisco Township.

The following were present: Keric Seck, Catherine Seck, Tim Werner

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 October 10, 2019

Exhibit F – Letter to the Board of Adjustment and San Francisco Township dated October 28, 2019, and all attachments

Russell explained the applicants request to subdivide an approximate 5.5-acre parcel with a building eligibility, which would exceed the maximum 2 acres of prime soils in a new residential lot. In 2003, the applicant's family received a variance to subdivide an approximate 6.47-acre parcel which also exceeded the prime ag soil maximum. The applicants expressed a practical difficulty in that the potential buyer could construct a larger accessory structure and have animals on a 5+ acre parcel and it would mirror the parcel across the road. A primary and alternate septic site would need to be identified on the proposed parcel prior to any subdivision, as well as a certificate of compliance or replacement system on the existing parcel. San Francisco Township heard and recommended approval of the request at their October 21, 2019, meeting. Russell read the condition for consideration if the request is approved.

Mr. Seck confirmed that the primary and alternate septic sites have been identified on the proposed lot. He also stated that the proposed lot location is on a distant corner of the farm so as not to disrupt a large farmable parcel. Mr. Seck also stated that the soil in that area contains a lot of gravel and is not the best farmland.

Weber, speaking for San Francisco Township, stated that the soil quality was a part of the discussion with the Township and he confirmed their decision to approve the request.

Tim Werner, 7855 Joyce Rd, asked if there is any potential for additional building eligibilities on the property in the future.

Russell explained that San Francisco Township does allow for additional density development if a parcel meets the criteria. There would not be any amenity in the parcel on the northwesterly side of the township road, however, it could be possible on the larger remnant parcel on the

southeasterly side of the township road. There may be restraints in providing adequate road frontage which might limit that development potential. She confirmed that the new 5.5-acre lot would have only 1 building eligibility available.

A motion was made by Willems and seconded by Bielefeldt to conclude the public hearing. All voted aye. The public hearing was concluded at 7:55 p.m.

A motion was made by Willems and seconded by Stender to **approve and issue Order PZ20190056** allowing for a new residential lot with more than two acres of prime ag soils and the following conditions:

1. The permittee shall obtain the appropriate building permit(s) prior to the relocation of the structure. All work shall be done in accordance with the submitted plan.
2. The structures shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by the Zoning Code. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.

All voted aye. Motion carried.

Other Business

Mielke stated that there may not be a meeting of the Board of Adjustment in December and he wanted to acknowledge that Chairman Hoesé has served nine years on the board and is not eligible for another consecutive term, so this could be his last meeting. The board members congratulated him and thanked him for his service with a round of applause.

Adjournment

A motion was made by Bielefeldt and seconded by Hoesé to adjourn the meeting. All voted aye. The meeting was adjourned at 7:57 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

February 19, 2020

TO: Carver County Board of Adjustment & Hollywood Town Board

FROM: The Land Management Department

SUBJECT: Expanding a Non-conformity

FILE #: PZ20200005

APPLICANT/OWNER: Jason & Sandy Burmeister

SITE ADDRESS: 5180 County Road 33, 55367

VARIANCE TYPE: Expand a Non-Conforming Structure

PURSUANT TO: County Code Sections 152.009, 152.119 (B)(1), and 152.034

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-029-0200

BACKGROUND:

1. Mr. and Mrs. Burmeister own a parcel located in the East Half (E½) of the Southeast Quarter (SE¼) of Section 29, Hollywood Township. The approximate 25-acre parcel is improved with a house and several agricultural buildings. The property is located in the Agricultural Zoning District, Shoreland Overlay District (Public Ditch Joint Ditch 1), and the CCWMO (Crow River watershed).
2. The applicants are requesting a variance to expand a legal non-conforming dwelling. The proposed addition onto a non-conforming structure would constitute the expansion of a legal non-conforming use; therefore, a variance has been requested.
3. This proposal was previously reviewed and approved by the Board of Adjustment on December 5, 2018. The Carver County Zoning Code requires any work permitted by an approved variance to be completed within one year of the granting of that variance. If the work has not been completed or a request for an extension of time has not been filed, that variance becomes null and void. The 2018 variance has been included as an attachment.

LEGAL BACKGROUND:

§ 152.009 NON-CONFORMING USES AND STRUCTURES.

- (A) Any structure or use of a structure or use of land lawfully existing upon the effective date of this chapter may be continued at the size and in the manner of operation existing upon the date, notwithstanding the certain classes pursuant to M.S. § 394.36, except as hereinafter specified.

§ 152.119 NONCONFORMITIES.

(B) Additions/expansions to nonconforming structures.

- (1) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback and other requirements of **§152.034**

§ 152.034 SETBACKS.

Front Setbacks		The front setback shall be required from any public road or private road serving the function of a public road. Front setbacks are measured from the center of the road. R-O-W shall be the typical planned right-of-way.		
<i>Class of Road as Shown in Roadway Systems Plan</i>	<i>Setback from Centerline</i>	<i>Reduced Setback*</i>	<i>R-O-W</i>	<i>Reduced R-O-W</i>
Minor arterial in Shoreland District	125	N/A	150	

STAFF ANALYSIS:

1. The applicants are proposing to construct an addition to the existing house. The proposed addition would be approximately 43 feet by 16 feet and would extend from the south side of the house. The proposed addition would not encroach any further into the existing setback from the center of County Road 33. The proposed addition would consist of a bedroom, bathroom, and office space on the main floor, with added storage space and an entertainment area in the basement. A bedroom within the existing house would be converted to another use to allow for a new bedroom within the proposed addition.
2. The applicants have described the practical difficulty in that the current house was constructed in approximately 1926, prior to the enactment of the Zoning Code. At the time when the structure was constructed, a setback requirement from the center of the roadway (County Road 33) would not have been required. When the Zoning Code was enacted in 1974, the structure became a legal non-conforming structure as it did not meet the required 125-foot setback from the center of the road. Legal non-conforming structures are permitted and can be maintained on their original footprint but, cannot be expanded within the Shoreland Overlay District; therefore, in order for the applicants to expand their living space, a variance request is required.
3. Septic compliance would be required prior to the issuance of a building permit. The current size of the septic supports the existing number of bedrooms. The applicants have indicated they would be removing one existing bedroom and adding a bedroom within the addition; therefore, the existing septic would continue to be sized appropriately. Building permit plans would be reviewed by Carver County Septic Inspector prior to approval.
4. Carver County Public Works Department originally reviewed this request in 2018. At that time, they commented that any additions to the structure should not expand to the east further reducing the setback to County Road 33. In February of 2020, Land Management staff contacted the Public Works Department again to ensure their 2018 comments were still valid. At the time this staff report was written, Public Works had not yet provided 2020 comments. More information would be available at the Board of Adjustment meeting.

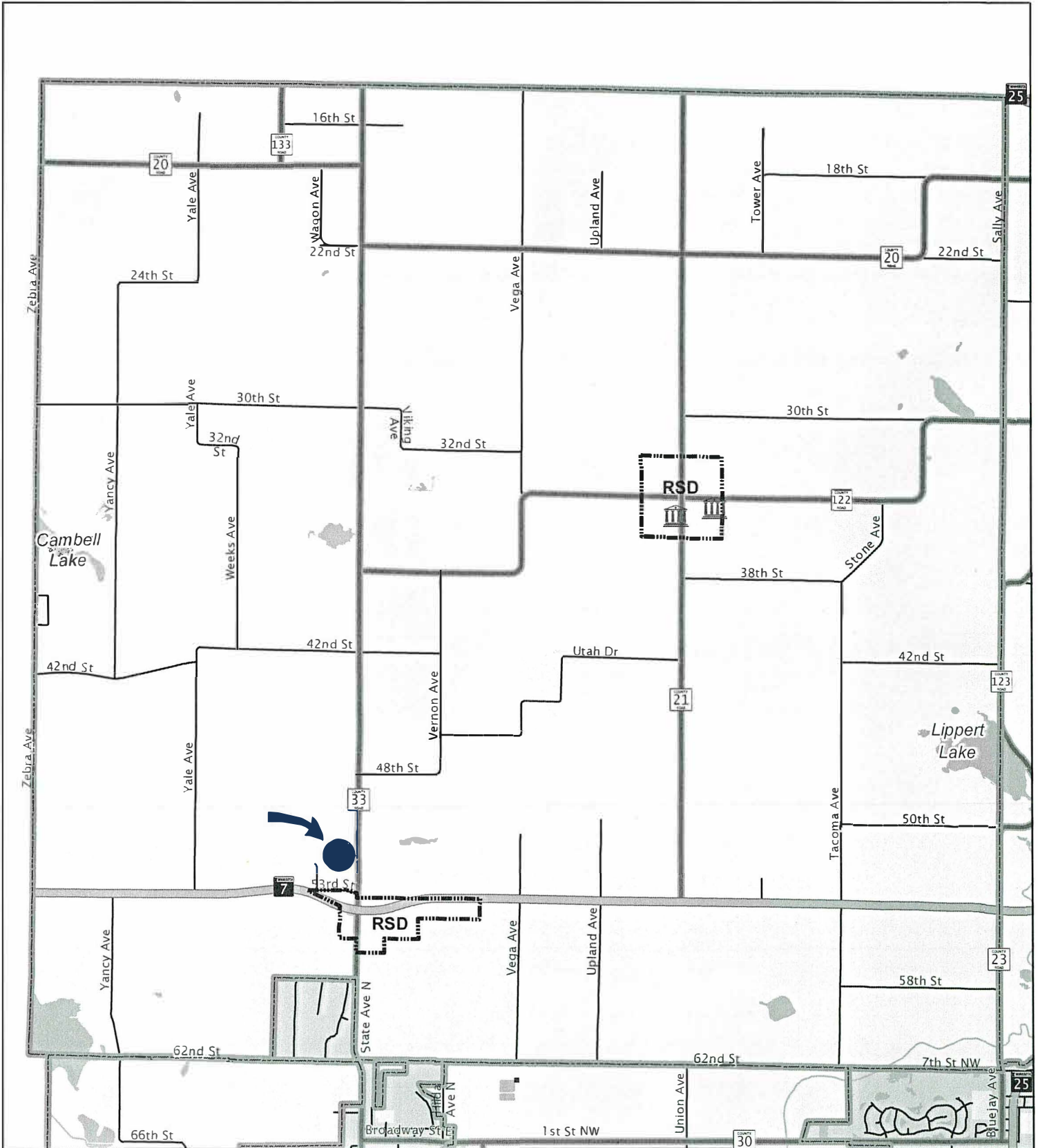
5. The neighborhood is comprised of agriculture uses and residences. The granting of the variance should not materially or adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and should not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.
6. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan and/or County Ordinances and should not alter the character of the neighborhood.
7. The Hollywood Town Board has reviewed the request, and recommended approval at their January 13, 2020, Town Board meeting.

BOARD CONSIDERATION:

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

1. Permittee shall obtain the appropriate building permit(s) prior to any construction of an addition to the existing house and shall not encroach any closer than 60 feet from the center of County Road 33.

HOLLYWOOD TOWNSHIP



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

0 1 2 Miles



Map Created by Carver County GIS

S 1/2 SEC. 29, T.117, R.26



BOOK NO.

January 13, 2020

To Whom It May Concern,

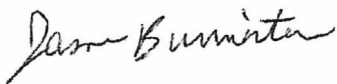
We are resubmitting a request for a variance to build an addition on the south side of the house located at 5180 County Road 33, New Germany, MN. A variance was approved for this on 12/9/2018 but has lapsed.

The addition would start at the southeast corner, extending out up to 16 feet to the south and running alongside the existing structure to the west. The existing structure was constructed prior to the required setback of 125 foot from the cent of the Co. Rd. There is no practical way that an addition could be constructed and meet the setback.

We would not build any closer to the road right-of-way from what the existing structure is now. Adding on to the west side of the house would be difficult and not a practical layout for what we want to do.

The added space would be used for a bedroom with bath and office space on the main floor and a storage area and entertainment area in the basement. We would be closing off closet space in a small bedroom in the existing structure to maintain septic requirements.

Thank you,

A handwritten signature in cursive script, appearing to read "Jason Burmeister".

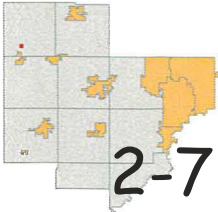
Jason Burmeister

06.029.0200 - PROPOSED SITE MAP



Date: 2/12/2020

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Township Presentation & Recommendation Form

PARCEL # 06.0290200	Permit # PZ20200005	
Owner's Name: Jason G Burmeister	Owner's Mailing Address: 5180 County Road 33	
City: New Germany	Owner State: MN	Owner Zip: 55367
Applicant (if other than owner): 	Site Address: 5180 County Road 33, New Germany, MN 55367	

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal	
Description of Request: To expand a non-conforming structure.	
Date of County Public Hearing: 3-4-20	Date of Township Meeting: 1-13-2020

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

Date 1-13-2020

Signature of Township Official

Date 1-13-2020



COUNTY OF CARVER
State of Minnesota

FILE #: PZ20180030

OWNER/APPLICANT: Jason & Sandy Burmeister

SITE ADDRESS: 5180 Co Rd 33, New Germany, MN 55367

VARIANCE TYPE: Intensify a Non-Conforming Use

PURSUANT TO: Carver County Code: Section 152.009

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-029-0200

Drafted by: Land Management

Return to: Land Management

BOARD OF ADJUSTMENT
FINDINGS OF FACT AND ORDER

A public hearing was held on this matter on December 5, 2018 by the Carver County Board of Adjustment. Upon the evidence presented at said hearing by the applicant and other persons named and all the files, records, and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. Mr. and Mrs. Burmeister own a parcel located in the East Half (E½) of the Southeast Quarter (SE¼) of Section 29, Hollywood Township. The approximate 25-acre parcel is improved with a house and several agricultural buildings. The property is located in the Agricultural Zoning District, Shoreland Overlay District (Public Ditch Joint Ditch 1), and the CCWMO – Crow River watershed.
2. The applicants are requesting a variance to expand a legal non-conforming dwelling. The proposed addition onto a non-conforming structure would constitute intensifying a legal non-conforming use; therefore, a variance has been requested. The applicants are proposing to construct an addition to the existing house, approximately 16 feet off of the south side of the house and maintaining the existing setback from the center of Co Rd 33. The addition would consist of a bedroom, bathroom, and office space on the main floor, with added storage space and an entertainment area in the basement. A bedroom within the existing house would be converted to another use to allow for a new bedroom within the proposed addition.
3. The applicants have described the practical difficulty in that the current house was constructed in approximately 1926, prior to the enactment of the Zoning Code. At the time when the structure was constructed, a setback requirement from the center of the roadway (Co Rd 33) would not have been required. When the Zoning Code was enacted in 1974 the structure became a legal non-conforming structure as it did not meet the required 125-foot setback from the center of the road. Legal non-conforming structures are permitted and can be maintained on their original footprint but, cannot be expanded within the Shoreland Overlay District; therefore, in order for the applicants to expand their living space, a variance request is required.
4. Septic compliance would be required prior to the issuance of a building permit. The current size of the septic supports the existing number of bedrooms. The applicants have indicated they would be removing one existing

bedroom and adding a bedroom within the addition; therefore, the existing septic would continue to be sized appropriately. Building permit plans would be reviewed by Carver County Septic Inspector prior to approval.

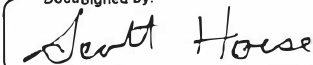
5. Carver County Public Works Department has reviewed the request and commented that any additions to the structure should not expand to the east further reducing the setback to County Road 33.
6. The neighborhood is comprised of agriculture uses and residences. The granting of the variance will not materially or adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.
7. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan and/or County Ordinances and will not alter the character of the neighborhood.
8. The Hollywood Town Board has reviewed the request, and recommended approval at their November 13, 2018, Town Board meeting.

ORDER # PZ20180030

IT IS HEREBY ORDERED: That the application of Jason & Sandy Burmeister for a variance to intensifying a non-conforming use pursuant to Section 152.009 of the Carver County Code, for property legally described on the attached Exhibit "A", is hereby approved with the following conditions:

1. Permittee shall obtain the appropriate building permit(s) prior to any construction of an addition to the existing house and shall not encroach any closer than 68 feet to the center of County Road 33.

DocuSigned by:



0100157498F54411
Scott Hoese, Chairman
Carver County Board of Adjustment

12/9/2018 | 5:58:54 PM PST

Date

IF ANY WORK OR ACTION, AS PERMITTED BY THIS ORDER IS NOT COMPLETED WITHIN ONE YEAR OF THE ISSUANCE OF THIS ORDER, THEN THIS ORDER SHALL BECOME NULL AND VOID UNLESS AN EXTENSION OF TIME IN WHICH TO COMPLETE THE WORK IS GRANTED BY THE BOARD OF ADJUSTMENT.

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 06-029-0200

File# PZ20200005

APPLICANT/OWNER: Jason G & Sandra L Burmeister

* * * * *

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 117, Range 26, Carver County, Minnesota, described as follows: Commencing at the Southeast corner of said Southeast Quarter of the Southeast Quarter; thence on an assumed bearing of North 00 degrees 00 minutes 00 seconds East, along the east line of said Southeast Quarter of the Southeast Quarter, a distance of 770.28 feet; thence South 90 degrees 00 minutes 00 seconds West, a distance of 250.05 feet to the point of beginning; thence North 63 degrees 28 minutes 32 seconds West, a distance of 273.53 feet; thence North 11 degrees 13 minutes 27 seconds East, a distance of 475.84 feet to the north line of said Southeast Quarter of the Southeast Quarter; thence South 89 degrees 26 minutes 05 seconds East, along said north line, a distance of 402.19 feet to the Northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 00 degrees 00 minutes 00 seconds West, along the east line of said Southeast Quarter of the Southeast Quarter, a distance of 574.66 feet to a line which bears North 87 degrees 38 minutes 57 seconds East from the point of beginning; thence South 87 degrees 38 minutes 57 seconds West, a distance of 250.26 feet to the point of beginning.

Together with the South Half of the Northeast Quarter of the Southeast Quarter of Section 29, Township 117, Range 26, Carver County, Minnesota.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

February 19, 2020

TO: Carver County Board of Adjustment & Waconia Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance to reduce setback to a neighboring residence from a home extended business accessory use.

FILE #: PZ20200001

APPLICANT/OWNER: Thomas J. Kamrath

SITE ADDRESS: 10150 Oak Avenue, 55322

VARIANCE TYPE: Reduced setback to accommodate a home extended business accessory use.

PURSUANT TO: Carver County Code: Section 152.079 (C)(9) (b)1

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-027-1035

BACKGROUND:

1. Thomas Kamrath owns approximately 3.53 acres in part of the SE ¼ of Section 27, Waconia Township. The property is improved with a house which includes a tuck under garage, and one accessory building. The parcel is located in the Agricultural Zoning District and CCWMO (Carver Creek watershed).
2. The applicants are requesting a variance which would allow them to apply for a Conditional Use Permit (CUP) to operate a home extended business accessory use (i.e. landscaping business) which would be approximately 326 feet from the neighboring residence located to the north. The County Zoning Code requires a new home extended business accessory use to be located a minimum of 500 feet from any neighboring residence not on the same parcel as the business. Therefore, a variance to reduce the required setback to a neighboring residence from a home extended business accessory use has been requested.

LEGAL BACKGROUND:

§152.079 CONDITIONAL USES—ACTIVITIES CENTERED AROUND A HOME OR A HOME/FARM COMBINATION.

(A) Minimum criteria for issuance of permit:

- (1) Minimum five-acre lot size; unless another size is specified under a particular provision;
- (2) Sewage can be managed in accordance with Chapter 52 of this code of ordinances;
- (3) Land is not subject to the land use restrictions of an AG preserve covenant;
- (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless written 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;
- (5) There is a single-family home on the parcel occupied as a homestead by a principal of the activity; or a single-family home will be constructed or homesteaded before the CUP for the activity is issued;
- (6) The scale and 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 disposal—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. A change in ownership, operations or operator shall be cause for the permit to be reviewed to determine whether an application for an amendment or similar consideration is necessary.
- (2) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The operational plan and site plan shall become part of the permit.
- (3) Outside storage is prohibited unless the storage area is adequately screened from nearby roads and residences.
- (4) The operational plan and site plan shall become part of the permit.
- (5) The applicant must submit a copy of workers' compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (6) All buildings utilized by the operation must meet the State Building Code.

(C) Activities.

(9) Home extended business accessory use.

- (a) It is the intent of this section to provide for the use of newly constructed accessory structures, or adaptive re-use of residential accessory and farm structures on parcels two acres or greater by permitting the use of the structures for limited business purposes upon the issuance of a conditional use permit pursuant to this section. Permits shall be issued and remain in effect pursuant to this section only upon findings that the proposed use will clearly be accessory and subordinate to the principal use of the land. Examples of businesses permitted under this section include: woodworking, repair, machining, professional services, and small-scale contractor's activities.
- (b) The following shall be the minimum conditions/operational standards for the issuance and continuation of such a permit; additional conditions may be added as necessary;
 1. The business shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.
 2. The business must be conducted in one or more of the following: an attached or detached garage, residential accessory structure, or agricultural structure.
 3. Businesses prohibited for the purposes of this section shall be on-site recreation and entertainment businesses, mini-storage or seasonal vehicle storage when storage is the principal activity of the business, and businesses that require more than one truck with capacity greater than one ton.
 4. There shall be no more than four employees in addition to the owner/operator of the business and family of the owner/operator residing in the home, providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two employees in addition to family members residing in the home.
 5. The business shall utilize no more than four business vehicles, providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two business vehicles.
 6. There shall be no retail sales. The sale of incidental stock-in-trade shall not be considered retail sales.
 7. No more than three clients shall be allowed on the premises at any one time.

STAFF ANALYSIS:

1. The County Code requires that the nearest corner of the operational area of a home extended business accessory use shall meet a 500-foot setback from the nearest corner of a neighboring residence. Approval of the variance would allow the applicant to operate a home extended business accessory use with an approximate 326' setback from the neighboring residence located to the north. The applicant has provided a letter with detailed information concerning the business that is attached.
2. The property is improved with an existing 52' x 80' (4,160 sq. ft.) accessory building that would be utilized for the proposed business. The use of the property for business activity was done without proper authorization; therefore, this is considered an "after the fact" variance request. The accessory building used for the business would be required to meet all applicable MN State Building Code standards.

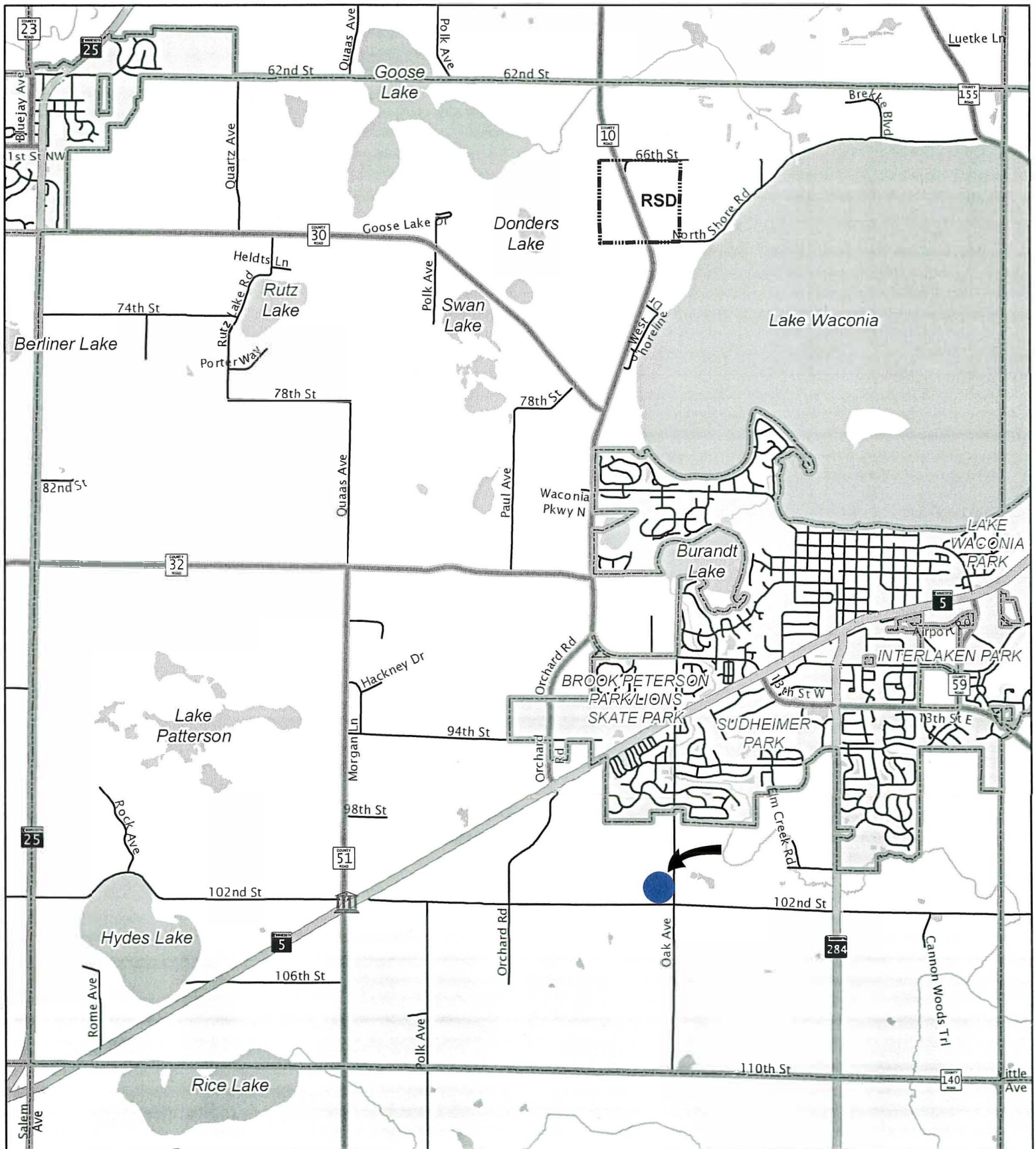
3. If the variance is approved, the applicants intend to apply to the Planning Commission for a Conditional Use Permit (CUP) for the establishment of a new home extended business accessory use pursuant to the Zoning Code. The site plan of the home extended business accessory use would be reviewed by the Planning Commission as part of an CUP request.
4. The accessory building is screened from the nearest neighbor by a wooded area located to the north/northwest and the existing residential structure located on the property.
5. The applicants have expressed that their practical difficulty is that the location for the existing accessory structure was selected by the previous land owner. Other than the distance to the neighbor, the property meets all other regulations for a home extended business accessory use. The building is used for both personal and commercial storage. There is not a setback limit for personal storage.
6. The neighborhood is comprised of agriculture uses and residences. The granting of the variance should not materially or adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and should not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.
7. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan and/or County Ordinances and should not alter the character of the neighborhood.
8. The Waconia Town Board reviewed and recommended approval of the application request during their December 9, 2019, Town Board meeting.

BOARD CONSIDERATION:

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

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 326 feet to the neighboring residence located to the north.

WACONIA TOWNSHIP



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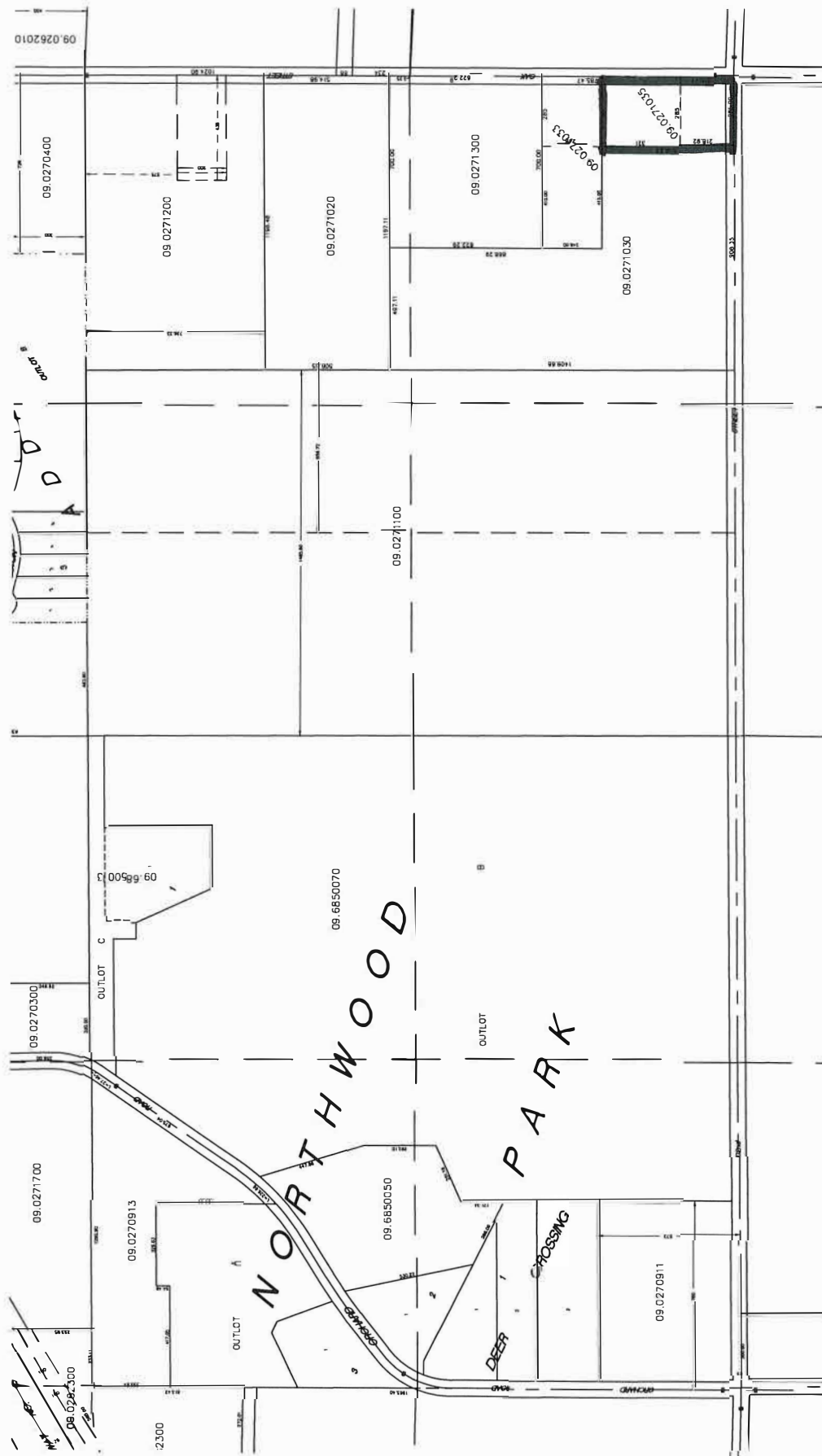
0 1 2 Miles



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 IT IS A PRELIMINARY SURVEY AND SHOULD NOT BE USED FOR ANY PURPOSES.
 AS THEY APPEAR IN THE CHANDLER COUNTY
 RECORDS. IT IS ONLY TO BE USED FOR REFERENCE.
 NO WARRANTIES ARE MADE BY THE SURVEYORS
 AND NOT RESPONSIBLE FOR ANY
 INACCURACIES CONTAINED THEREIN.

S 1/2 SEC. 27, T.116, R.25



Surveying & Mapping Office
 Carver County Gov. Center
 600 East Fourth Street
 Chaska MN 55318

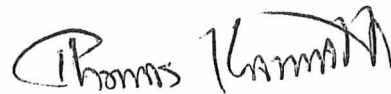
Thomas Kamrath
10150 Oak Ave
Cologne, MN 55322

I am applying for a Conditional Use Permit and a Variance for my Parcel # 09.0271035 located at 10150 Oak Avenue, Cologne, MN 55322. The permit would be for Home Extended business accessory use. My son operates a small lawn and landscaping business out of my home. He has 1 employee besides himself. The hours of operation are from 7:00 am to 5:00 pm in the summertime. We leave in the morning with 2 trucks that have a trailer attached and we do not return until the end of the day. Occasionally, vehicles leave outside of business hours due to snow plowing.

We are a service business so we go to our customers. There will be no customer traffic to and from our property. We store our equipment, trailers and truck in the shed while the other truck is used for personal and business use and does not stay on site. We also have off site storage so we can store seasonal equipment at another location. There will be no outside storage.

We are not requesting any signage at this time.

We need the variance because the shed on my property is less than 500 feet from our surrounding neighbor. The shed was existing prior to my purchasing the property. There is a line of trees along the property that does obstruct the view of the surrounding neighbor.

A handwritten signature in black ink that reads "Thomas Kamrath". The signature is written in a cursive, flowing style.

090271035 CUP APPLICATION

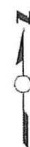


Carver County GIS



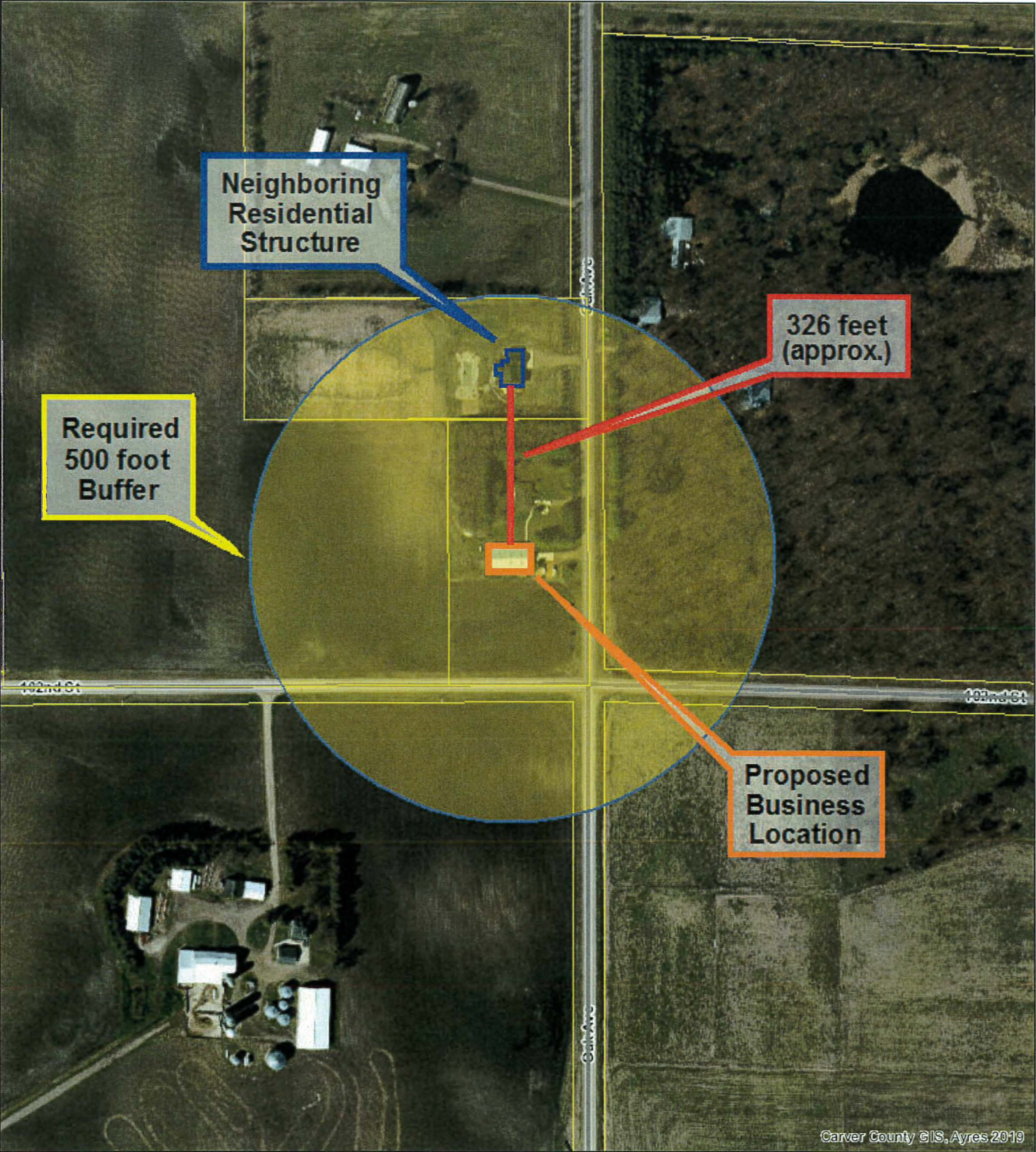
Date: 11/18/2019

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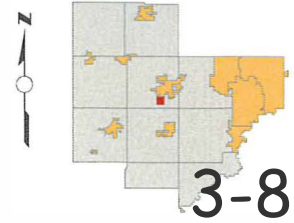
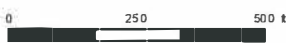


3-7

09.027.1035 - EXISTING SITE MAP



Date: 2/13/2020
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 # 09.0271035	Permit # PZ20200001	
Owner's Name: Thomas Kamrath	Owner's Mailing Address: 10150 Oak Ave	
City: Cologne	Owner State: MN	Owner Zip: 55322
Applicant (if other than owner):	Site Address:	

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

Description of Request:
 Apply for a Conditional Use permit for home extended business accessory use. See attached for additional information.
Work with father-son businesses within township -

Date of County Public Hearing: 3-4-20 **Date of Township Meeting:** November 25, 2019

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:

The business meets township approval!

****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.

<i>Thomas J. Kamrath</i> Signature of Applicant	Date 12-9-19
<i>Tom Motz</i> Signature of Township Official	Date 12-9-19

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-027-1035

File# PZ20200001

APPLICANT/OWNER: Thomas Kamrath

* * * * *

That part of the Southeast Quarter of Section 27, Township 116, Range 25, Carver County, Minnesota described as follows: Commencing at the southeast corner of said Section 27; thence northerly along the east line of said Southeast Quarter 219.47 feet to the point of beginning of the tract to be described; thence continuing northerly along said east line of the Southeast Quarter 321.00 feet; thence westerly deflecting left 90 degrees 00 minutes 00 seconds 285.00 feet; thence southerly deflecting left 90 degrees 00 minutes 00 seconds 321.00 feet; thence easterly deflecting left 90 degrees 00 minutes 00 seconds 285.00 feet to the point of beginning, according to the plat thereof on file or of record in the Office of the County Recorder, Carver County, Minnesota.

AND

That part of the Southeast Quarter of Section 27, Township 116, Range 25, Carver County, Minnesota, described as follows: Beginning at the southeast corner of said Southeast Quarter; thence northerly, along the east line of said Southeast Quarter 218.47 feet; thence westerly, deflecting to the left 90 degrees 00 minutes 00 seconds 285.00 feet; thence southerly, parallel with said east line 218.92 feet to the south line of said Southeast Quarter; thence easterly, along said south line 285.00 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

February 19, 2020

TO: Carver County Board of Adjustment & Camden Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance to reconfigure existing parcels with reduced lot requirements

FILE #: PZ20200008

OWNER/APPLICANT: Richard Parris Jr.

SITE ADDRESS: 8180 County Road 33, 55367

VARIANCE TYPE: Width/Depth Ratio and Reduced Road Frontage

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 02-017-0600

BACKGROUND:

1. Richard Parris Jr. owns approximately 40.48 acres in the SW ¼ of the NE ¼ of Section 17, Camden Township. The applicant also owns a 92.85-acre parcel (02-017-0940) and 40-acre parcel (02-017-1100) to the west. The 92.85-acre parcel is directly adjacent to the subject parcel. The subject parcel consists of crop production land, is improved with a home and several accessory structures and has 16.5 feet of road frontage. The property is located within the Agricultural Zoning District and the CCWMO (Crow River watershed).
2. The applicant is requesting a variance that would allow for a subdivision to create two (2) parcels – a residential parcel with the existing house and ag structures (approx. 10-acre farmstead) and an agricultural parcel (approx. 30 acres of tillable land). The agricultural parcel would be combined to the existing agricultural parcels to the west. The residential parcel would not meet the required 66-foot minimum road frontage requirements or the width/depth standard; therefore, an approximate 49.5-foot variance has been requested.

LEGAL BACKGROUND:

§ 152.033 LOT REQUIREMENTS.

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

(B) Reasonable use. All new lots created must have a reasonable use as defined by this chapter. If there is no reasonable use, the lot shall not be created.

(C) Minimum lot area requirements.

(1) Lots for a dwelling unit under the 1/40 (one per quarter-quarter) provision shall have the following minimum lot sizes: 1½ acres; in shoreland of rivers or watercourse, general or recreational development lakes 1½ acres; in shoreland of natural environment lakes 2 acres.

(2) Lots for a dwelling unit under the density options and all conditional use provisions shall have the following minimum lot size: 2½ acres unless a different size is specified in the requirements for a permit.

(3) A parcel for which agriculture is the only reasonable use as defined by this chapter must be a minimum of 20 acres.

(D) Road frontage, lot width and depth.

(1) Road frontage. All new lots shall have frontage on a public road or be attached to an adjacent parcel having the required road frontage; minimum road frontage is 125 feet.

(2) Minimum width. One hundred twenty-five feet with 125 feet of frontage on a public road existing at the time of application or the minimum width required to maintain width to depth ratio, whichever is greater. The minimum width must be maintained for the entire depth of the lot except where the lot is located on a cul-de-sac.

(3) Minimum lot depth. One hundred twenty-five feet.

(4) Width to depth ratio. Depth of the lot shall not exceed five times the width. Road frontage of 500 feet or more will support a lot of any depth.

(5) Minimum width for lots in the Shoreland Overlay District.

(a) Natural environment lakes - 200 feet;

(b) Recreational development lakes - 150 feet;

(c) General development lakes - 150 feet;

(d) Protected rivers and watercourses - 150 feet.

(E) Lot configuration. Lot configuration for new lots containing a home and associated buildings that existed prior to July 1, 1974: If the buildings are located such that to meet the requirements above would utilize more than five acres of SCS Class I and/or II land, then lot configuration may be as follows:

(1) Minimum road frontage and lot width - 66 feet. This 66 feet shall either include the existing driveway or a new driveway that is constructed to minimize the severing of tilled land.

(2) Lot width will be measured at the building location and must be such that the side yard setbacks of the zoning district are met for all existing buildings.

(3) Lot depth shall be such that the distance from the buildings to the rear lot line meets the rear yard setback of the zoning district.

(4) Lot shall be configured so that there is an area that can be utilized for an alternate SSTS.

(F) Use of prime AG land. Lots of less than 20 acres created for a new dwelling unit shall contain no more than 2 acres of tilled SCS Class I or II production land. The setbacks as required by this chapter shall not be included in the calculation. (Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11)

STAFF ANALYSIS:

1. The County Code typically requires the platting process (Major Subdivision) be completed for any subdivision request that does not meet the criteria for the Minor Subdivision as follows: the subdivision must meet the frontage requirement on an existing road; and the subdivision would not require the construction of any public improvements or new road. The approval of the Variance would negate the Major Subdivision requirement.
2. The existing parcel was created prior to the enactment of the ordinance in 1974; therefore, the parcel is a legal non-conforming parcel. The parcel currently has approximately 16.5 feet of road frontage consisting of the Township Cartway off County Road 33. Being that the parcel current has limited road frontage, the only possible way to subdivide without a variance would be to construct a road on the property to create a conforming lot.
3. The Zoning Code requires a minimum width of 66 feet for any new lot containing a home and associated buildings that existed prior to July 1, 1974. As a part of the Minor Subdivision process, the residential lot created would have a minimum of 16.5 feet of road frontage and widen to 40 feet over a portion of the existing driveway, which would create an access for the farmstead parcel, but would not meet the minimum frontage standards for a newly created lot. Additionally, the remnant agricultural land would be landlocked.
4. The applicant has indicated that the practical difficulty is that the existing parcel currently has very limited road frontage. This prohibits the ability to subdivide conforming parcels. Mr. Parris would like to split off the original farmstead and sell the building site while combining the remaining tillable land, including the northeast corner of tillable land on the subject parcel, with his adjacent parcels. The attached aerials identify current parcel configurations Mr. Parris owns as well as the proposed combination configuration. The subdivision and combination would create conforming lots with the agricultural land and improve the road frontage on Yale Avenue and Welcome Road through the combination of 02-017-0940, 02-027-1100 and the remaining agricultural land from the subject property. The remaining nonconforming parcel would be the farmstead (via approved variance request). Two of the three parcels Mr. Parris owns are non-conforming due to road frontage. The split and combination proposed would result in only one non-conforming parcel, improving the overall conformity of the parcels.

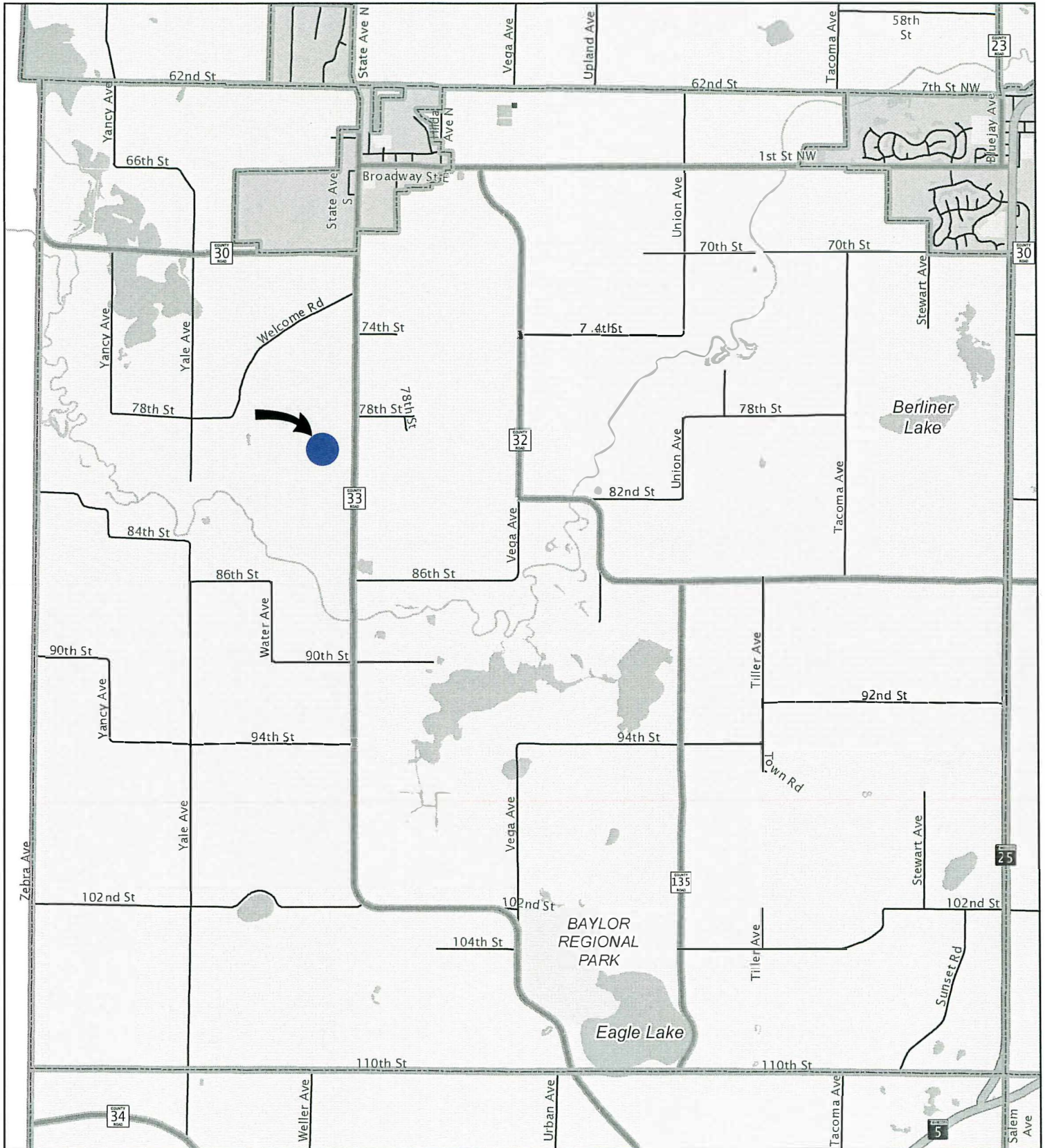
5. All setbacks would be met for the existing structures on the property with the proposed split.
6. As a requirement of the Minor Subdivision process and the sale of the approximate 10 acres and the existing house, septic compliance would be required, or an escrow be posted prior to approval of the minor subdivision.
7. The granting of the variance would not conflict with the intent of the Comprehensive Plan or the County Zoning Code. The proposed parcels would continue to have reasonable access to a public road.
8. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
9. The neighborhood is comprised of agricultural uses and residences, and the request would not cause a substantial change in the character of the neighborhood, nor would it have a negative impact on government services.
10. The Camden Town Board has reviewed and recommended approval of the request during their February 13, 2020, Town Board meeting.

BOARD CONSIDERATION:

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

1. 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.
2. A combination form shall be submitted and approved to combine the remnant agricultural land from 02-017-0600 to 02-017-0940 and 02-017-1100.

CAMDEN TOWNSHIP



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Map Created by Carver County GIS

43-
361-1828

02 07 2020

Carver Co. Land Management
Attn: K. Russell

In regards to the split of ten acres off of my forty acre parcel in Camden twp, MN (Parcel #02-0170600). We have limited frontage on Cartway gravel road to Co. Rd. 33. So we are going to combine my three parcels of agricultural land to utilize frontage on Yale Ave. to make up for it. The second goal is to include the remaining thirty acres from above parcel in the other two parcels!

Best Regards

A handwritten signature in black ink, appearing to read 'Richard Parris', with a long, sweeping horizontal line extending to the right.

Richard Parris
RP/ca

The West 635 feet of the North 700 feet, the South 40 feet of the North 580 feet lying East of the West 535 feet, and the East 40 feet lying South of the North 580 feet of the South One-half of the West One-half of the Northeast Quarter of Section 17, AND INCLUING, the street described as "commencing at a point at the Northeast corner of the North One-half of the Northeast Quarter of Section 17 and thence South 17 degrees West parallel with the Quarter Section line 62 rods north of the East line of said Quarter Section 17, and thence South 17 degrees West along the East line of said Quarter Section 17, to the East line of said Quarter Section 17, a distance of 26 rods, 56 feet, 6 inches, EXCEPT, the 26 rods, 56 feet, 6 inches of said Quarter Section 17, Township 116, Range 26, Carver County, Minnesota, described as follows: Beginning at the West line of said Southwest Quarter of the Northeast Quarter, thence Southerly along the West line of said Southwest Quarter of the Northeast Quarter, a distance of 28.28 feet, thence Northerly to a point on the North line of said Southwest Quarter of the Northeast Quarter, Northerly to a point on the North line of said Southwest Quarter of the Northeast Quarter, a distance of 28.28 feet East from the Northwest corner of said Southwest Quarter of the Northeast Quarter, thence West along said North line, a distance of 28.28 feet to the point of beginning, ALSO, the 28.28 feet West 228 feet of the North 320 feet of the South One-half of the West One-half of the West 120 feet of the West 635 feet of the North 700 feet of said South One-half of the West One-half of the Northeast Quarter of Section 17,

The South One-Half of the West One-Half of the Northwest Quarter of Section 17, EXCEPT, the West 0.35 feet of the North 790 feet thereof. AT SO EXCEPT, the South 40 feet of the North 540 feet lying lying east of the West 635 feet thereof. ALSO EXCEPT, the East 40 feet lying South of the North 380 feet; AT SO EXCEPT, 1/4 that part thereof as follows: 1/4 that part of the Northwest Quarter of Section 17, Township 110 N., Range 102 W., County Madison, State of North Dakota, lying North of the North 380 feet of the North 540 feet of the Northwest Quarter, thence Southwesterly along the West line of said Northwest Quarter, thence Southwesterly along the West line of said Southwest Quarter, thence Southwesterly along the West line of said Southwest Quarter, the Northwest Quarter, thence Southwesterly along the West line of said Southwest Quarter, the Northwest Quarter, a distance of 28.28 feet; thence Northeasterly to a point on the North line of said Southwest Quarter of the Northwest Quarter, thence 28.28 feet from the Northwest corner of said Southwest Quarter of the Northwest Quarter, thence Westerly along said North line, a distance of 28.28 feet to the point of beginning. ALSO EXCEPT, the following described pieces, to-wit: the East 1/4 of the Northwest Quarter of Section 17, Township 110 N., Range 102 W., County Madison, State of North Dakota, lying North of the North 380 feet of the North 540 feet of the Northwest Quarter of Section 17; AND, the East 1/4 of the North 120 feet of West 635 feet of the North 790 feet of said South One-Half of the West One-Half of the Northwest Quarter of section 17.

PROPOSED LEGAL DESCRIPTION FOR ACCESS EASEMENT (40 FT DRIVEWAY):
A 40 foot easement over and across the following described tract: The East 40 feet of the South
One-Half of the West One-Half of the Northeast Quarter of Section 17, Township 116, Range 26,
County of Ramsey, Minnesota, lying South of the North 540 feet thereof.

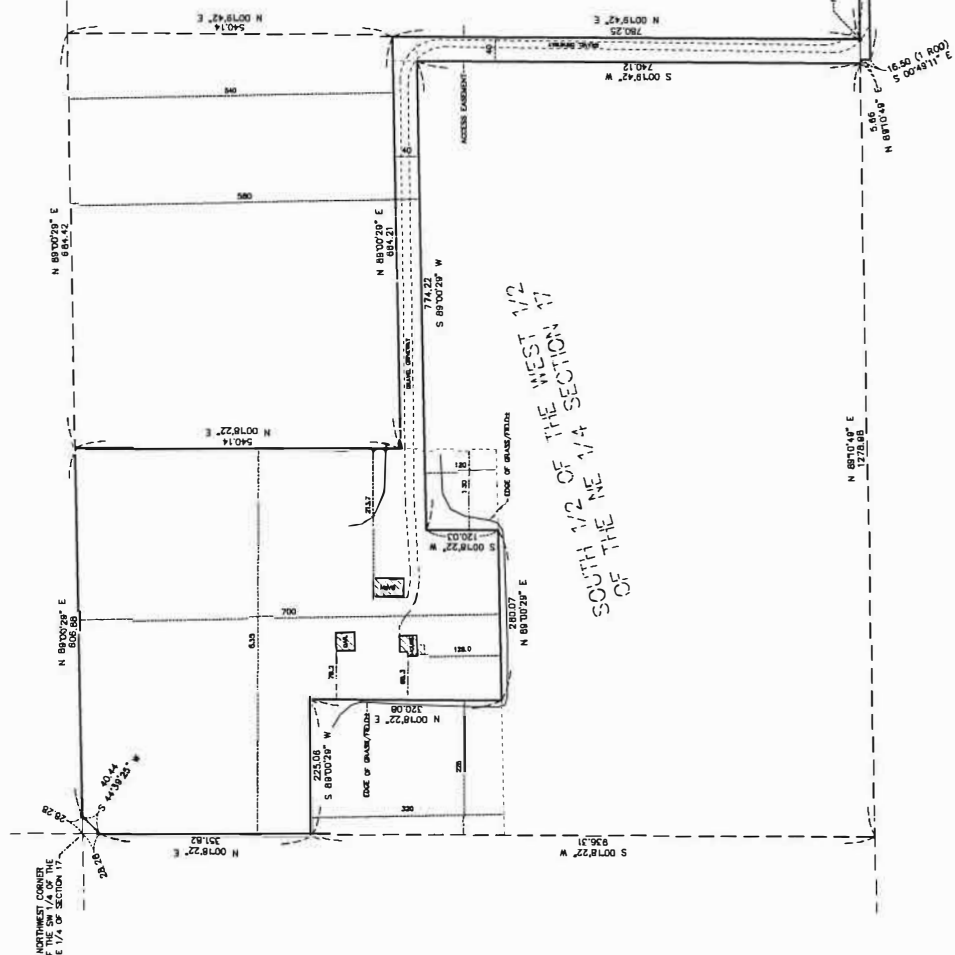
A 1100' east-west river, and across the following described tract. Commencing at a point at the Northeast corner of the North One-Half of the Southeast Quarter of said Section 17, Township 116, Range 20, Carver County, Minnesota; thence South 1100'; thence West parallel with the Quarter Section line 82 rods; thence North 1 rod to the Quarter Section line; thence East along the Quarter Section line to the place of beginning.

[illegible]

Showing the length and direction of boundary lines of the legal description listed above. These scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.

- Showing the location of observed existing improvements we deem necessary for the survey.
- Scanning survey markers or verifying existing survey markers to establish the corners of the property.
- Finding building dimensions and setbacks measured to outside of existing or adjacent.
- Showing any other survey data that may be relevant to this survey does not purport to show any easements or other interests that the owner may have in your tract. We do not intend to show any other information on your instructions. Please review the proposed findings to verify that it is what you intended. We suggest you submit this survey to the governmental agencies that have jurisdiction over it to obtain their approvals, if you can, before making any decisions regarding the property.

"•" Denotes iron survey marker, found, unless otherwise noted.



DATE	REVISION DESCRIPTION	DRAWING ORIENTATION & SCALE	CLIENT'S ADDRESS	RICK PARRIS 8180 CO. RD. NO. 33 NEW GERALTY, MN Advance <i>Surveying & Engineering, Co</i> 13971 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 443-9844 TELEFAX 00	1. I HEREBY CERTIFY THAT THE SIGN, SURVEY OR MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. <i>Wayne W. Parris</i> Wayne W. Parris JANUARY 15, 2020	SHEET TITLE LOT SPLIT SHEET SIZE 22 X 34 DRAWING NUMBER 200001 WP	SHEET NO. S1 SHEET / OF 1
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02-017-0600 VARIANCE APPLICATION EXISTING LOTS



Carver County GIS, Ayres 2019



Date: 2/19/2020

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

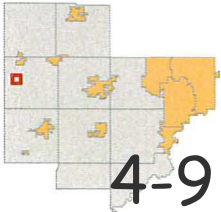
0 250 500 1,000 ft



02-017-0600 VARIANCE APPLICATION MINOR SUBDIVISION



Date: 2/12/2020
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 #	02-017-0600		Permit #	P220200008	
Owner's Name:	Richard K. Parris Jr		Owner's Mailing Address:	4050 Lotus Dr	
City:	Minnetrista	Owner State:	MN	Owner Zip:	55.331
Applicant (if other than owner):	Same		Site Address:	8180 Cu. Rd 33, Camden Twp	
Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal					
Description of Request: Separate off 10 Acres and combine 3 other parcels into one PFD # 02-0170600					
Date of County Public Hearing:			3/4/20		
Date of Township Meeting:			02-13-2020		

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		Date	02-07-2020
☒ Signature of Township Official		Date	2-13-20

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 02-017-0600

File# PZ20020008

APPLICANT/OWNER: Richard K Parris, Jr

* * * * *

The South One-Half of the West One-Half of the Northeast Quarter (S1/2 of W1/2 of NE1/4) of Section 17 and the tract described as: Commencing at a point at the Northeast corner of the North One-Half of the Southeast Quarter of said Section 17, and thence South 1 rod; thence West parallel with the Quarter Section line 82 rods; thence North 1 rod to the Quarter Section line; and thence East along the Quarter Section line to the place of beginning, all in Township 116 North of Range 26 West of the 5th Principal Meridian, EXCEPT that part described as follows: That part of the Southwest Quarter of said Northeast Quarter of Section 17, Township 116, Range 26, Carver County, Minnesota described as follows: Beginning at the Northwest corner of said Southwest Quarter of the Northeast Quarter; thence Southerly along the West line of said Southwest Quarter of the Northeast Quarter, a distance of 28.28 feet; thence Northeasterly to a point on the North line of said Southwest Quarter of the Northeast Quarter, distant 28.28 feet East from the Northwest corner of said Southwest Quarter of the Northeast Quarter; thence Westerly along said North line, a distance of 28.28 feet to the point of beginning.