

CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **Wednesday, April 5, 2023**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska

AGENDA

7:00 p.m.

1. Approve minutes of March 1, 2023 meeting
Pages 1-1 through 1-5
2. **File #20230009**- Public hearing on request by Colin Buechel, representing Charles Essig, for a variance. (Rooftop solar exceeding total coverage limit)
Hollywood Township Pages 2-1 through 2-13
Issue Order #PZ20230009 – Charles Essig
3. **File #20230010**- Public hearing on request by Jeff Hoxie, representing John Estrada, for a variance. (Reduced Front Yard, Side, and Lake Setbacks)
Waconia Township Pages 3-1 through 3-12
Issue Order #PZ20230010 – John Estrada
4. **File #20230008**- Public hearing on request by Craig & Lori Thaemert for a variance. (Increase Non-Conformity)
Hancock Township Pages 4-1 through 4-10
Issue Order #PZ20230008 – Muehlenhardt Family Trust
5. **File #20230012**- Public hearing on request by Russell Storms for a variance. (Exceed Personal Storage Space & Reduced Rear Yard Setback)
Benton Township Pages 5-1 through 5-10
Issue Order #PZ20230012 – Russell Storms
6. **File #20230011**- Public hearing on request by Mitchell Jamison for a variance. (Allow a CUP in Residential Cluster)
San Francisco Township Pages 6-1 through 6-13
Issue Order #PZ20230011 – Mitchell Jamison

Other Business

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting March 1, 2023
Minutes

Members Present: Gerald Bruner, Amanda Gorra, Jeff Thompson, Scott Selken, Robin Bielefeldt, Scott Wakefield

Members Absent: Chad Reisner

Members Late: None

Staff Present: Jason Mielke, Christina Neel, Matt Steele, Greg Boe

Pursuant to due call and published notice thereof, the March 1, 2023, meeting of the Carver County Board of Adjustment was called to order by Chairman Bruner at 7:00 p.m.

Chairman Bruner announced the roll call indicated six members are present and acknowledged the absence of Chad Reisner.

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

Minutes – Chairman Bruner asked if there were any corrections to the minutes from the February 1, 2023, meeting. A motion was made by Thompson to approve the minutes of the February 1, 2023, meeting as written. Gorra seconded the motion for approval. All voted aye. Motion carried.

Public Hearing - File #20230004 – Ronald Olson – Chairman Bruner stated a letter was submitted by Mr. Olson that he requests to withdraw his variance request at this time.

A motion was made by Wakefield and seconded by Gorra to accept the withdrawal request. Bruner called for a vote on the motion. All voted aye. Motion carried. The variance request was withdrawn.

Public Hearing - File #20230003 – Kevin Ciernia – Chairman Bruner called the public hearing to order at 7:02 p.m. to consider the application of Kevin Ciernia pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for a reduced setback to neighboring residences to accommodate a Home Extended Business Accessory Use pursuant to Chapter 152 of the County Code. The property is in Section 25 of Dahlgren Township.

The following were present: Kevin Ciernia, Bob Haselmann, Brian Gennrich

The following items were entered into the hearing record:

Exhibit A - Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E - Letter from the Applicant dated February 10, 2023

Exhibit F – Staff Report addressed to the Board of Adjustment and Dahlgren Town Board dated February 17, 2023, and all attachments

Mielke explained the applicant owns an approximate 10-acre parcel improved with a house and attached garage, an accessory structure and three cargo containers. The applicant is requesting a variance which would allow him to apply for a Conditional Use Permit to operate a Home Extended Business Accessory Use for a small motor repair business, Full Spectrum Motors. The applicant has been operating the business since he purchased the property. The variance is required because the Zoning Code standards require a minimum 500-foot setback for the operation from any neighboring residences not on the same property. There are three residences within 500 feet of the existing accessory structure, approximately 498 feet, 86 feet, and 377 feet from the structure. The previous owner of the property was issued a Certificate of Zoning Compliance to operate a Contractor's Yard, however, this permit is not transferrable to another owner and was terminated when the property was sold. Mr. Ciernia established his small-scale motor repair business, believing he could operate in the same fashion, not aware the permit was no longer valid with the property sale. This is an after-the-fact variance request. Staff discovered the terminated permit during the review of existing CUP's and Zoning Compliance certificates and identified the business being run from the property. If the variance is approved, Mr. Ciernia will apply for a Conditional Use Permit to establish the Home Extended Business Accessory Use to operate his business. There are no plans to expand the business beyond its current size in the structure, the two cargo containers for storage, and exterior storage of vehicles repaired and waiting for repair. Various trees, the house, and a descending grade provide screening for the building and outside storage areas from the road. There were no comments received from any of the neighbors about this request. The neighborhood is comprised of a mixture of agricultural and residential uses. No comments were received from the City of Carver concerning the property which is in the Transition Zoning area. Carver County Public Works reviewed this request and if this variance request is approved, they will have a comment at the CUP public hearing concerning removing a field access. Granting the variance should not adversely affect the health or safety of persons residing or working in the area adjacent to the property, and it does not appear to be in conflict with the intent of the Comprehensive Plan or County Zoning Code. Dahlgren Township reviewed this request at their February 13, 2023, meeting and recommended approval. Mielke read the proposed conditions for approval if this variance request is approved. If the Board determines that a practical difficulty has not been identified, they will need to identify reasons to support denial of the request.

The applicant had no additional comments to make at this time.

Brian Gennrich, Dahlgren Township Supervisor, confirmed the Town Board's review and discussion of this request and stated the board voted unanimously to recommend approval.

No one from the public had any comments about this request.

A motion was made by Bielefeldt and seconded by Thompson to close the public hearing. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:13 p.m.

Bielefeldt stated he is not generally in favor of after-the-fact variance requests, however, no objections were presented by the neighbors, so he will support the request.

Thompson stated he will also support the variance request. He had spoke to several people who are clients of Mr. Ciernia who stated this is a well-run business and provides a service to the area community. He also felt the business is naturally screened from view and has received no complaints.

Wakefield asked the applicant if he had a preference for which one of the three field accesses would be removed.

Mr. Ciernia replied that the middle access is pretty much abandoned already. He has planted grass there but it is mostly rocks and has a difficult time growing. He stated there is a gas line and an ethernet cable that is located in the ditch area and that access has not been used since he purchased the property. The south entrance is used for the residence and the north access is for the shop.

Selken stated he would support the request and complimented Mr. Ciernia on keeping the property neat and orderly. He also spoke with some of the neighbors who had no objection to the business activity.

Bruner stated he visited the site and commented the building seems ideal for the operation. He would also support the request.

A motion was made by Bielefeldt to **approve and issue Order PZ20230003** for a variance allowing three residences not on the property within 500-feet of a Home Extended Business Accessory Use's operational area pursuant to Section 152.079 (C)(9)(b)1 of the Carver County Zoning Code with the following conditions:

1. Prior to applying for a Building Permit, 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 and/or property shall meet all other requirements of the Carver County Zoning Code and MN State Building Code.
2. If the future CUP application is approved, the approved operational area shall not extend closer than 498 feet, 86 feet, and 377 feet from three residences on neighboring properties.
3. The permittee shall obtain building permits for the three cargo containers currently on site. (two commercial & one personal storage)

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

Public Hearing - File #20230002 – Jerrad Sunde – Chairman Bruner called the public hearing to order at 7:18 p.m. to consider the application of Jerrad Sunde pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for a reduced setback to the Ordinary High Water Level of a DNR protected watercourse pursuant to Chapter 152 of the County Code. The property is in Section 26 of Waconia Township.

The following were present: Jerrad Sunde, Sharon Sunde, Gordy Winter

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 January 23, 2023

Exhibit F – Staff Report addressed to the Board of Adjustment and Waconia Town Board dated February 17, 2023, and all attachments

Neel stated the applicants own an approximate 18.48-acre parcel improved with a house and attached garage and several accessory structures. They are requesting a variance which would allow them to apply for a building permit for construction of a sunroom addition and replacement of a deck which would be approximately 94 feet from the Ordinary High Water Level (OHWL) of a DNR protected watercourse (Carver Creek). The required minimum setback distance for a structure from the OHWL of a DNR protected watercourse is 100 feet. The applicant's letter describes a practical difficulty in locating the sunroom and deck in an area that is not within the 100-foot required shoreland setback. Mr. Sunde states that the current deck is in deteriorating condition and in need of repair, and he feels the sunroom addition is an appropriate size for the needs of their family. He feels the request for a 6-foot variance is reasonable. The site plans and building plans indicate the size of the sunroom addition and deck location. Carver County Environmental Services reviewed the request and the existing SSTS system. The plans indicate changes to bedrooms and prior issuing any building permits, the applicant will need to submit an affidavit stating the number of bedrooms in the house will not exceed the number for which the current septic system is sized. It was also noted that the building plans show the proposed deck as directly over the sewer line from the house and the applicants should take caution to protect the sewer line during construction. Granting the variance is in harmony with the general purpose and intent of the official control, and would not conflict with the intent of the Comprehensive Plan nor alter the character of the neighborhood. The request was sent to the DNR for review and comments were received that *"the DNR does not see this as a problematic variance request."* The Waconia Town Board reviewed the request at their January 23, 2023, meeting and recommended approval, stating, *"The bank is gradual slope and completely wooded that meets up with the creek."* An email was received on March 1, 2023, (a copy provided to each Board member) from a neighbor in support of the request, but also expressed concerns about drainage near the roadway and creek. Land Management staff and Carver County Soil & Water District personnel are in conversation with her about those concerns. Neel read the proposed conditions for consideration if the request is approved. If the Board determines that a practical difficulty has not been identified, they will need to identify reasons to support denial of the request.

Mr. Sunde clarified that the sunroom addition will have a basement underneath which will be used as a bedroom. The bedrooms on the main floor of the house are small and will be remodeled to comply with the current septic size.

Chairman Bruner asked if the applicant agrees with all of the proposed conditions.

Mr. Sunde stated he agrees with the proposed conditions.

No one was present to represent the Waconia Town Board. Wakefield, Waconia Township Treasurer, confirmed the information presented in the staff report was correct.

Gordon Winter, 10575 Elm Creek Rd, stated he is in favor of the proposed property improvements Mr. Sunde is requesting and felt it will enhance the value of the area. He also noted the unique water course patterns and water flow in the area and hoped that the expansion of the City of Waconia would not impair the area.

Mr. Sunde agreed the property is rather unique in that it is 18 acres with limited building area because of the creek running in front of the house and also behind it.

A motion was made by Gorra and seconded by Thompson to close the public hearing. Bruner called for

a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:32 p.m.

Thompson stated he agrees that this is unique and beautiful property and the request is a minor deviation from the standard. He would support the request for the variance.

Gorra echoed those comments and agreed it is a reasonable request.

Bruner stated he visited the site and does not have any objection to the request.

Selken stated the statement from the DNR made a huge impact to him about the request.

A motion was made by Bielefeldt to **approve and issue Order PZ20230002** for a variance for reduced shoreland setback pursuant to Section 152.034 (D) of the Carver County Zoning Code, for property legally described on the attached Exhibit "A", is hereby **approved** with the following conditions:

1. The permittee shall obtain the appropriate building permit(s) prior to the construction of the proposed sunroom addition. All work shall be done in accordance with the submitted and approved building permit plans.
2. All construction activities shall be done in accordance with the submitted site plan(s). The new construction shall not encroach any closer to the OHWL of Carver Creek than approved (i.e. 94± feet) as part of this variance application.
3. Permittee shall submit an affidavit of septic system compliance standards that states the residence shall have no more than four bedrooms, unless the SSTS has been increased in size to accommodate additional bedroom(s) and approved by Carver County Environmental Services. This affidavit is to be completed prior to building permit issuance.
4. No additional expansions shall be permitted without obtaining all necessary building permits and/or Variances.

Adjournment

Having completed the agenda items and seeing no other business, a motion was made by Bielefeldt and seconded by Thompson to adjourn. All voted aye. The meeting was adjourned at 7:34 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

March 22, 2023

TO: Carver County Board of Adjustment & Hollywood Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance to exceed roof coverage for solar system mounted to detached accessory structure

FILE #: PZ20230009

APPLICANT: Colin Buechel, All Energy Solar

OWNER: Charles Essig

SITE ADDRESS: 15320 Co Road 122 Watertown, MN 55388

VARIANCE TYPE: Solar energy system exceeding 80% coverage of accessory roof

PURSUANT TO: Carver County Code: Section 152.057 (C)(2)(a)3i

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-014-0300

BACKGROUND:

1. Charles Essig owns an approximately 14.49-acre parcel located in the South Half (S½) of the Northeast Quarter (NE¼) of Section 14, Hollywood Township. The property is homesteaded and improved with a single-family residence, as well as two legal nonconforming additional single-family homes. The additional residences were built prior to 1974, before the existing parcel was split from an 80-acre parcel. The property also contains several barns and accessory structures that have been used for commercial boat storage since prior to 1989, as a legal nonconforming land use. The parcel is located in the Agricultural Zoning District, and Carver County Water Management Organization (CCWMO) - Crow River watershed.
2. The applicant, Colin Buechel of All Energy Solar, is requesting a variance which would allow him to apply for a building permit to install a rooftop solar energy system on a pole shed that exceeds allowable roof coverage. The south facing roof plane on said structure is 3,216 square feet. The proposed solar energy system would be 2,831 square feet (approximately 88% coverage). The County Zoning Code requires that any solar system located on the south-facing roof of a detached accessory structure have no more than 80% coverage. Therefore, a variance for up to 88% coverage of a south facing roof of a detached accessory structure has been requested pursuant to Section 152.057 (C)(2)(a)3i of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.057 ENERGY PRODUCTION

(C) Solar energy system (SES).

(2) Activities.

(a) Small SES.

1. Permitted use. Small SES shall be permitted on parcels with an existing single-family home.
2. Height. Building or roof-mounted SES shall not exceed 35 feet. Ground-or pole-mounted SES shall not exceed 20 feet in height when orientated at maximum tilt.
3. Maximum coverage.

2-1

- i. For Detached Garages or Accessory Structures. In addition to meeting all regulations required by the most current MN State Building Code and Chapter 150 of this Ordinance, roof or building mounted solar systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted.
 - ii. For Attached Garages or Residential Structures. Shall meet all requirements of the most current MN State Building Code and Chapter 150 of this Ordinance.
- (Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 84-2017, passed 7-11-17)

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

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

§ 152.215 VARIANCES.

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

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

(F) Other provisions related to variances.

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

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 88-2018, passed 11-20-18; Am. Ord. 97-2021, passed 7-20-21)

2-2

STAFF ANALYSIS:

1. The applicant's narrative, dated February 16, 2023, states that he believes that this is a reasonable request based on the size and location of the roof that the owner would like to install the panels. In order to meet the 80% coverage limit, the design would need to be reduced from 121 solar panels to 107 panels. According to the applicant's narrative, this results in a 204,350-kilowatt hour reduction over the course of the system's lifetime. If this structure had been an attached accessory structure, the variance would not be needed. The letter also points out that the Minnesota State Statute 462.357, subd 6, states that inadequate access to direct sunlight for solar energy systems is a practical difficulty and placing the additional panels on the north-facing roof would not be as productive. The applicant has included the proposed building plans along with a narrative to the application.
2. The plight of the landowner is due to circumstances created by the landowner. The owner could still construct a solar energy system that meets the 80% coverage regulation but is requesting a slightly larger system.
3. The proposed solar energy system would be mounted on an existing pole shed that meets all required setbacks to property lines and the property's septic system.
4. 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.
5. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan and/or County Ordinances and would not alter the character of the neighborhood. The property has been legally nonconforming since 1974 and has had commercial boat storage for about 30 years.
6. The Hollywood Town Board reviewed and recommended approval of the application request during their October 10, 2022, Town Board meeting. Staff confirmed the meeting minutes with Hollywood Township on March 6, 2023, as part of an updated Township Recommendation Form.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance to permit the installation of a solar energy system that exceeds 80% coverage of a south-facing roof on a detached accessory structure pursuant Section 152.057 (C)(2)(a)3i of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be considered:

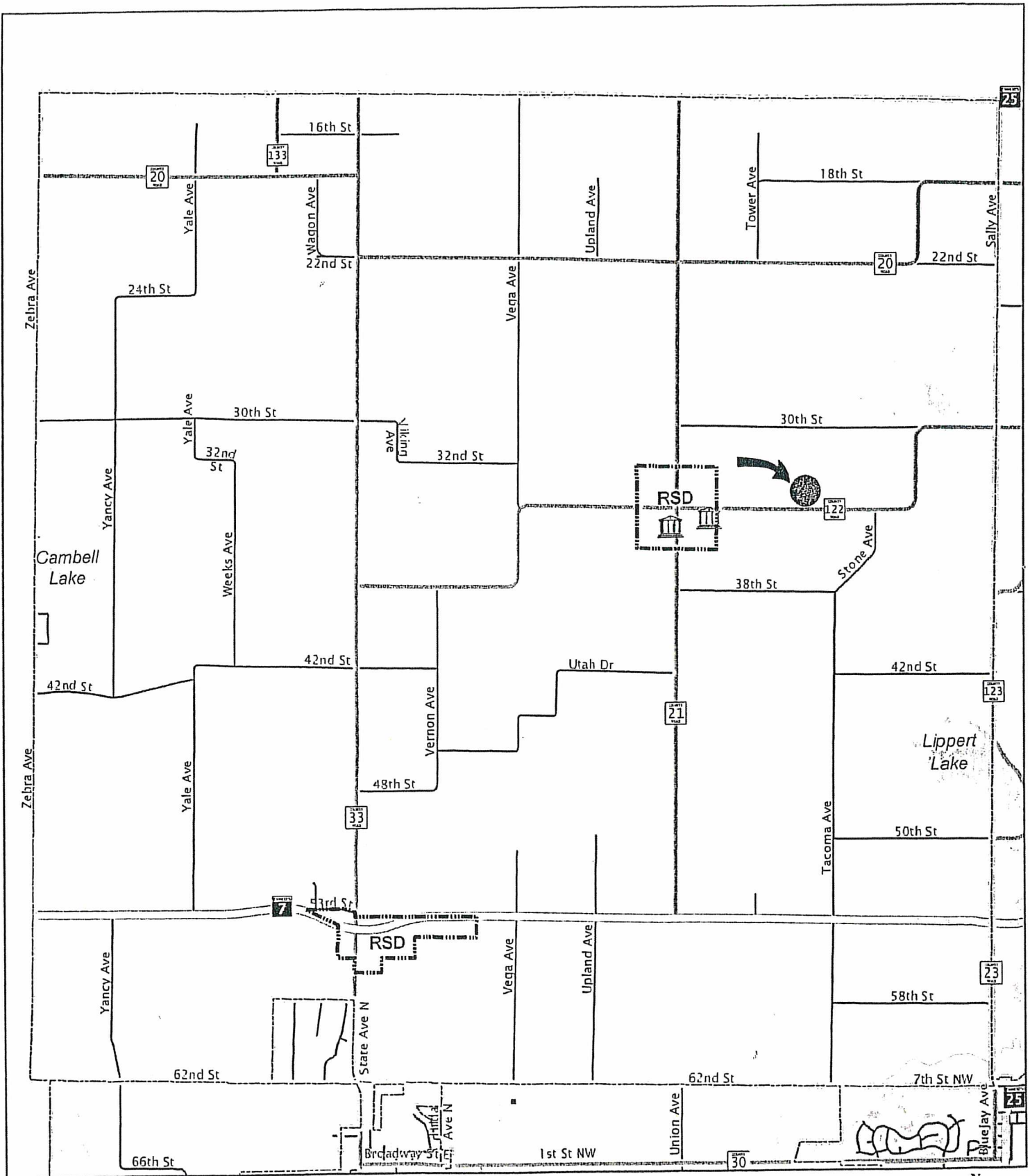
1. The permittee shall obtain the appropriate building permit(s) prior to the construction of the proposed solar energy structure. All work shall be done in accordance with the submitted plan and shall comply with the approved variance and plans.
2. No expansions or additional solar structures shall be permitted without obtaining all necessary building permits and/or variance(s).

NOTE: The Board of Adjustment may consider it necessary to protect the public health, safety and welfare; therefore, imposing additional conditions on granting the variance. Any conditions should bear a rough proportionality to the impact created by the variance.

OR

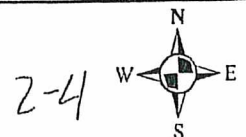
If the Board of Adjustment determines that a practical difficulty has not been identified, and that approving the variances would not serve in the interest of justice, the Board of Adjustment would need to identify reasons to support the denial.

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.

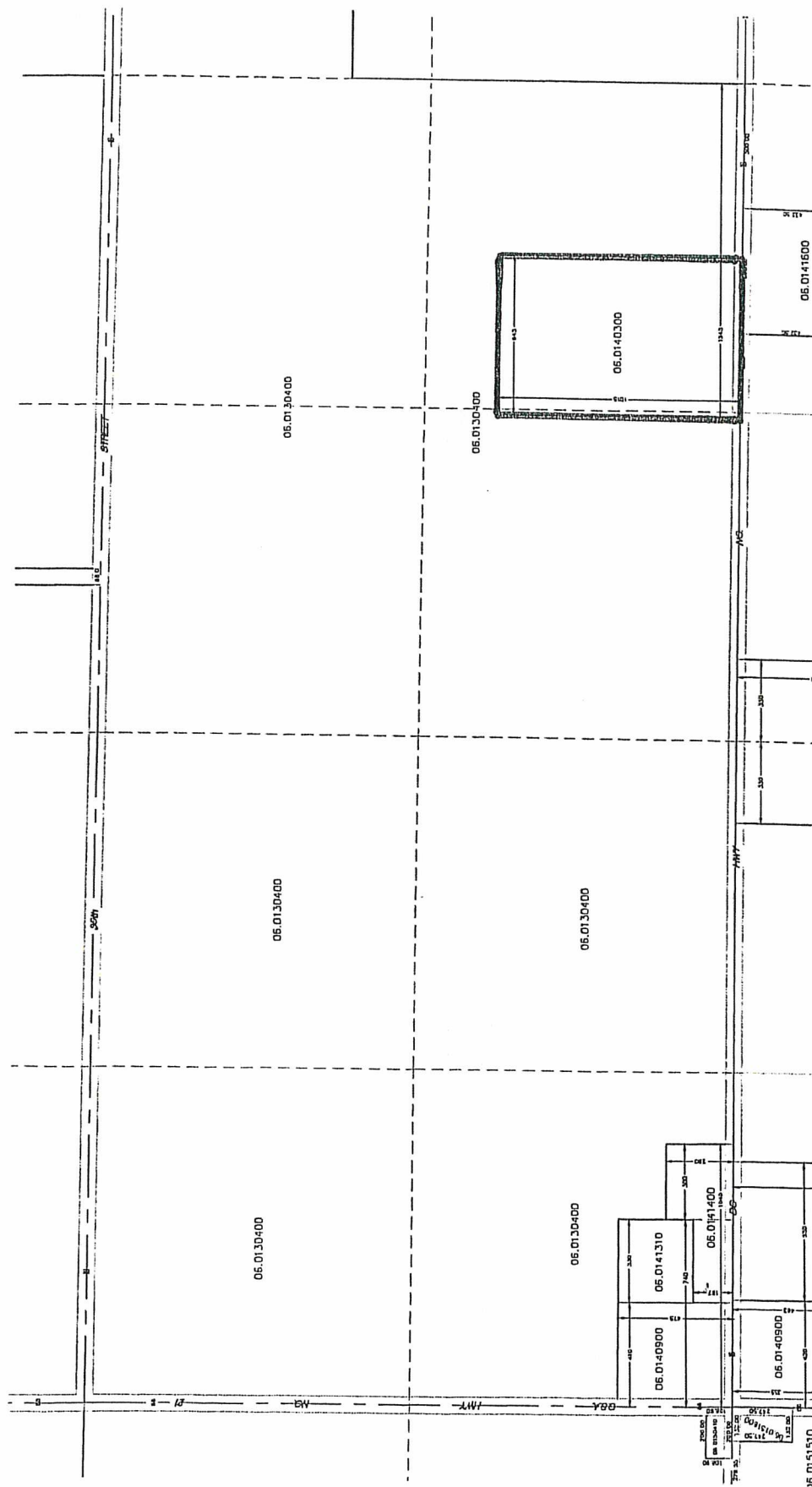
0 1 2 Miles



Map Created by Carver County GIS

N 1/2 SEC. 14, T.117, R.26

THIS IS NOT A LEGALLY RECORDED PLAN.
 IT IS A PRELIMINARY SURVEY ONLY.
 IT IS NOT TO BE USED FOR ANY PURPOSE.
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Surveying & Mapping Office
 100 East Fourth Street
 Chaska, MN 55319



Feb 14, 2023

1264 Energy Lane
St. Paul, MN 55108
www.allenergysolar.com

Dear Hollywood Township and Carver County,

Charles Essig resides at 15320 Co Rd 122 in Watertown. He is seeking to install a rooftop solar energy system on a pole shed on the property that is used for storage. We are the solar contractor for the project and are pursuing a variance from the 80% coverage limit for rooftop solar on south facing roof planes of accessory structures.

The proposed design meets the 2020 State of Minnesota Building code; however, it does not meet one of Carver County's requirements outlined in Section 152.057 of the Zoning Ordinance. Specifically requirement C.2.a which states, "For detached garages or accessory structures. In addition to meeting all regulations required by the most current MN State Building Code and Chapter 150 of this code, roof- or building-mounted solar systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted"

The State of Minnesota Building code only requires fire access setbacks for rooftop solar systems on habitable structures. These requirements are to allow fire response personnel to perform life-saving measures by cutting into the roof as a fire fighting technique. These setbacks were written into the most recent version of the State of Minnesota Building code in 2020.

The proposed rooftop solar project is proposed on an accessory structure used for storage; it is not a habitable structure.

The south facing roof plane on this structure is 3,216 square feet and the solar panels cover 2,831 square feet, so the solar panels are covering 88% of the roof plane. In order to meet the 80% coverage limit the design would need to be reduced from 121 solar panels to 107 solar panels or a reduction of 204,350 kWh over the lifetime of the system.

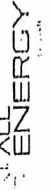
Minnesota §462.357, subd. 6, states that inadequate access to direct sunlight for solar energy systems is a practical difficulty. The south facing roof plane has the greatest amount of direct sunlight and is the ideal location for solar panels. The 80% coverage limit only applies to south facing roof planes which seems counterintuitive when no other roof plane is limited by coverage.

The 121 panel design is much more uniform than a 107 panel or multi-roof plane alternative system, so the aesthetics of the current design are much better.

Sincerely,

Colin Buechel

Permitting Liaison
All Energy Solar
colin.buechel@allenergysolar.com
(651) 842-9404

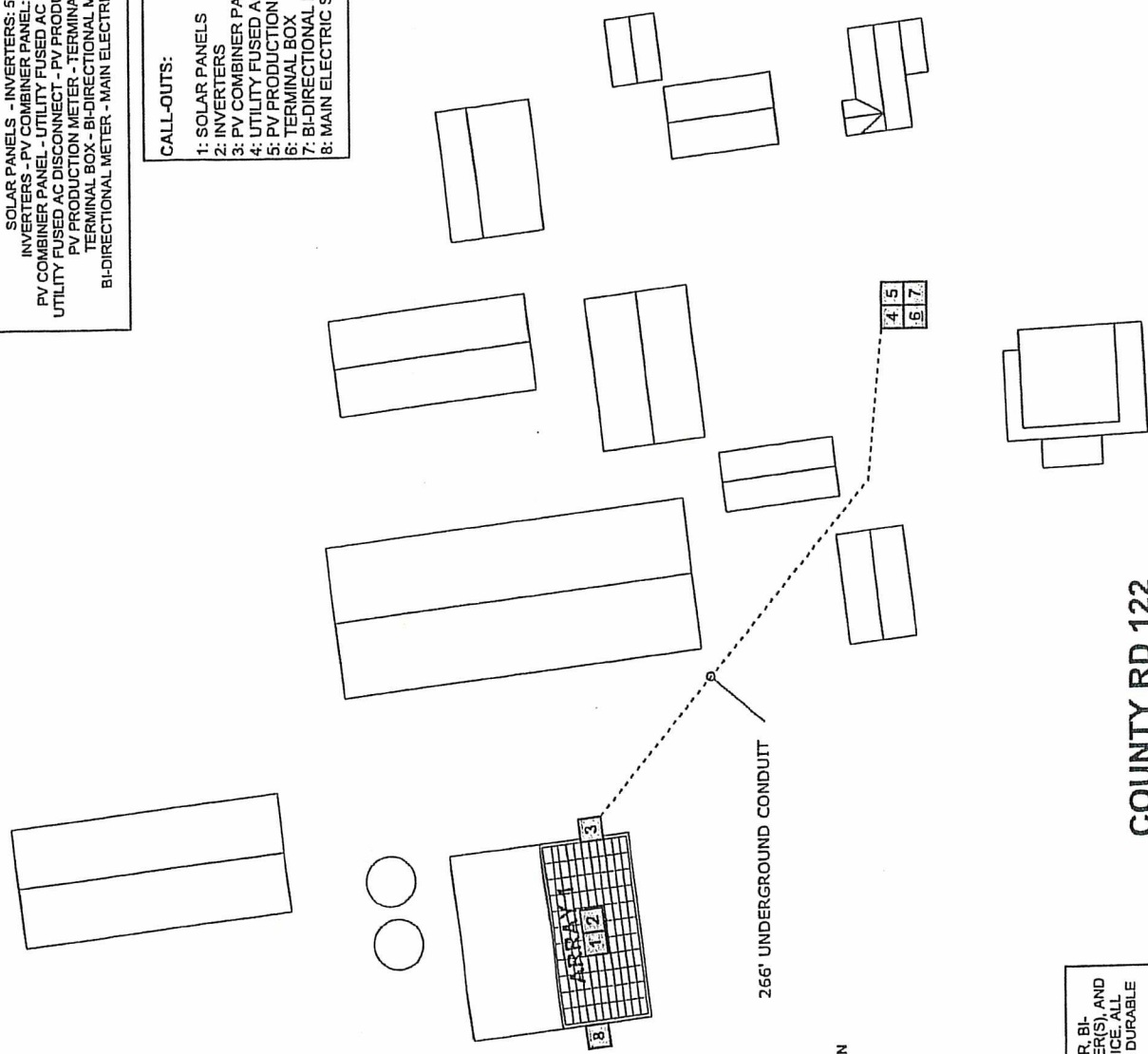
	
COMPANY INFORMATION ALL ENERGY SOLAR, INC 1264 ENERGY LANE ST PAUL, MN 55108 (800) 620-3370 INFO@ALLENGYSOLAR.COM	
CLIENT INFORMATION JOEL R ESSIG & SHERRY ESSIG 15320 COUNTY RD 122 WATERTOWN, MN 55388 PO 53038	
SYSTEM DETAILS NOTES: 1. (66) ENPHASE IQ7A INVERTERS = 23.034KW AC (65) ENPHASE IQ7+ INVERTERS = 15.95KW AC 39.984KW AC TOTAL 2. ARRAY 1: 173° AZIMUTH, 47° TILT (121) LONGI 450W = 54.45KW	
ACCOUNT: 873400 PREMISE: 76-14-022 METER: 128605424	
AZIMUTH 	
REVISIONS LAST: 08/10/22 MG	
PROJECT-PAGE TITLE	
SITE MAP	
PAGE NUMBER A1	

DISTANCES

SOLAR PANELS - INVERTERS: 5' MAX
INVERTERS - PV COMBINER PANEL: 100' MAX
PV COMBINER PANEL - UTILITY FUSED AC DISCONNECT: 2'
UTILITY FUSED AC DISCONNECT - PV PRODUCTION METER: 2'
PV PRODUCTION METER - TERMINAL BOX: 2'
TERMINAL BOX - BI-DIRECTIONAL METER: 2'
BI-DIRECTIONAL METER - MAIN ELECTRIC SERVICE: 5'

CALL-OUTS:

- 1: SOLAR PANELS
- 2: INVERTERS
- 3: PV COMBINER PANEL
- 4: UTILITY FUSED AC DISCONNECT
- 5: PV PRODUCTION METER
- 6: TERMINAL BOX
- 7: BI-DIRECTIONAL METER
- 8: MAIN ELECTRIC SERVICE



COUNTY RD 122

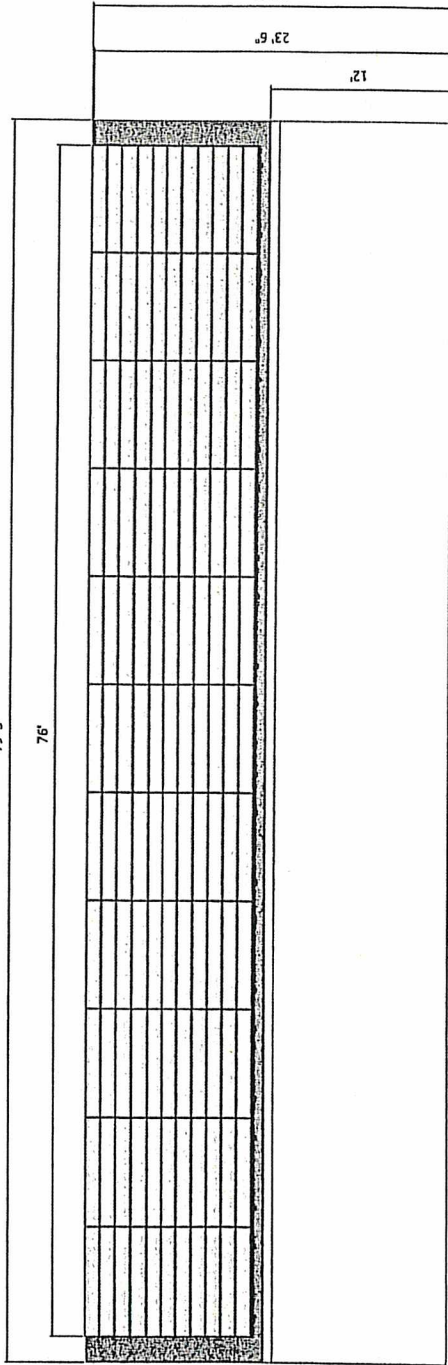
NOTES:

1. LOCATION OF SERVICE PANEL AND ELECTRICAL EQUIPMENT ARE SHOWN. FINAL LOCATION MAY CHANGE
2. LOCATION OF SERVICE PANEL AND ADDITIONAL ELECTRICAL EQUIPMENT NOT DRAWN TO SCALE
3. PV INTERCONNECTION IS A SECONDARY INTERCONNECTION
4. AC DISCONNECT AND PRODUCTION METER IN READILY ACCESSIBLE LOCATION WITHIN 10' OF MAIN SERVICE METER/BI-DIRECTIONAL METER. 24/7 UNESCORTED KEYLESS ACCESS TO BE PROVIDED FOR UTILITY AC DISCONNECT, PV PRODUCTION METER, & BI-DIRECTIONAL METER.
5. PV EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH NEC 690 AND POSTED WITH APPLICABLE WARNINGS, SIGNAGE, AND PLAQUES PER NEC 705-10, 690-17, & 690-64 (b)(5).
6. CIRCUITS:
(11) CIRCUIT(S) OF 11 (20AMPS EACH)
LABELS LOCATED ON PV PRODUCTION METER, BI-DIRECTIONAL METER, AC DISCONNECT(S), INVERTER(S), AND APPROPRIATE LABELS ON MAIN ELECTRIC SERVICE. ALL LABELS ARE PERMANENT, WEATHERPROOF, AND DURABLE
THERE ARE NO CLEARANCE ISSUES DUE TO OVERHEAD POWERLINES.

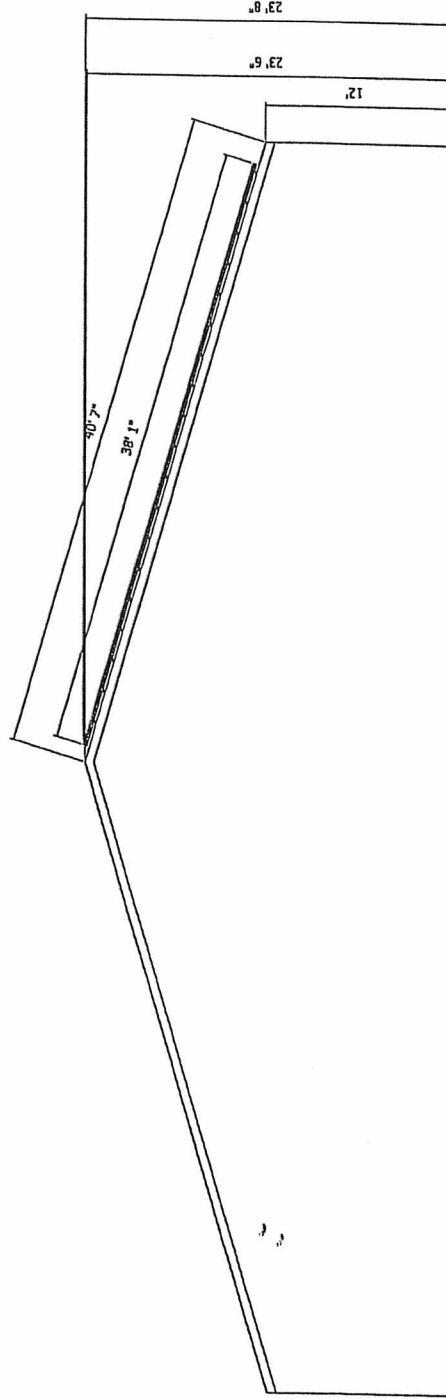
SOUTH ELEVATION

79' 3"

76'



WEST ELEVATION



2-9



COMPANY INFORMATION

ALL ENERGY SOLAR, INC
1264 ENERGY LANE
ST PAUL, MN 55108
(800) 620-3370
INFO@ALLENERGYSOLAR.COM

CLIENT INFORMATION

CHARLES ESSIG
15320 COUNTY RD 122
WATERTOWN, MN 55388
PO 53038

SYSTEM DETAILS

NOTES:

1. ELEVATIONS MAY VARY DEPENDING ON GROUND ELEVATION BUT ARE DRAWN TO THE BEST OF OUR ABILITY
2. 24" OC PURLINS

REVISIONS

LAST: 08/10/22 MG

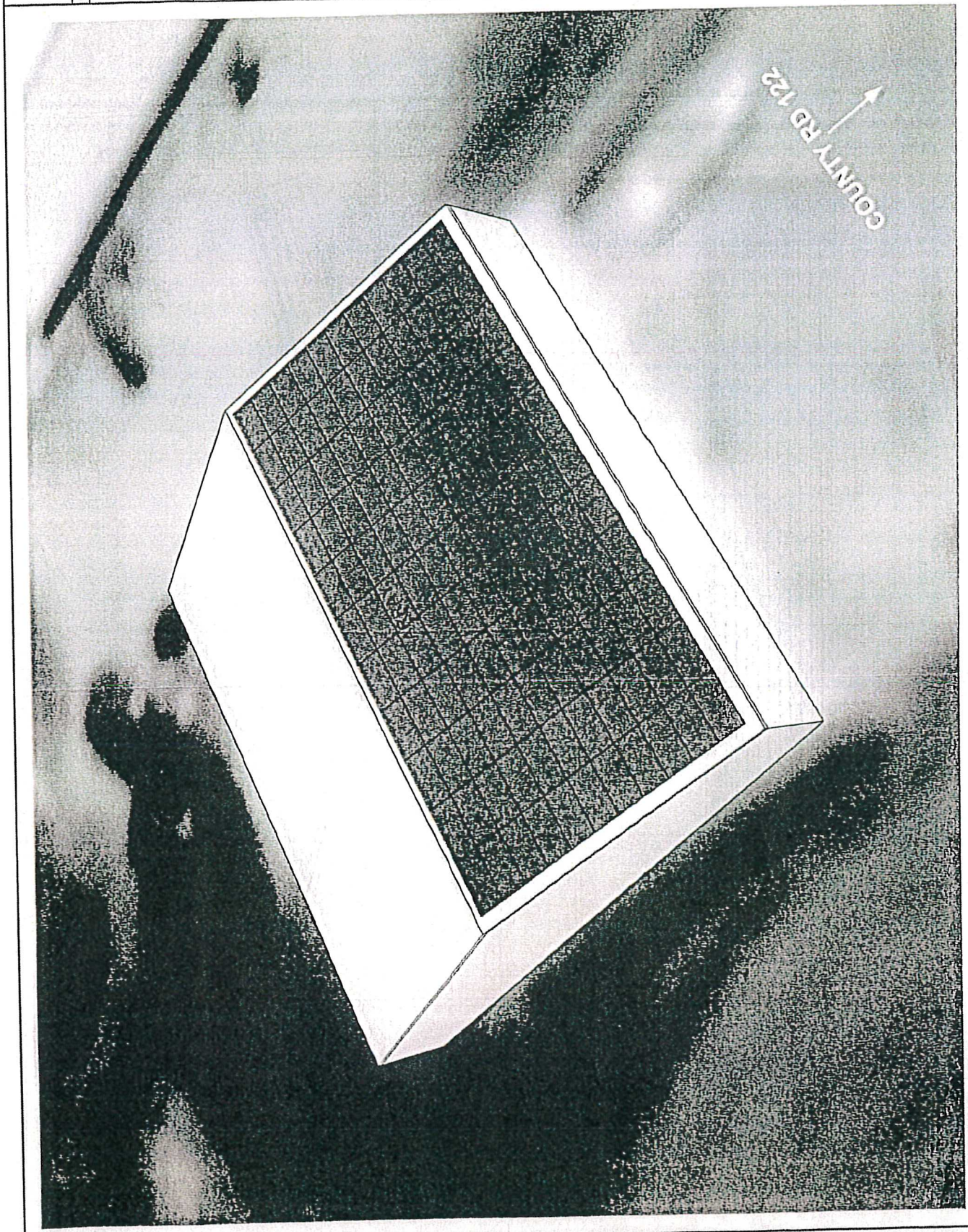
PROJECT-PAGE TITLE

ELEVATION
DRAWINGS

PAGE NUMBER

A2

	
COMPANY INFORMATION ALL ENERGY SOLAR, INC 1264 ENERGY LANE ST PAUL, MN 55108 (800) 620-3370 INFO@ALLENERGYSOLAR.COM	
CLIENT INFORMATION CHARLES ESSIG 15320 COUNTY RD 122 WATERTOWN, MN 55388 PO 53038	
Panel Type	LONGI 450
# of Panels	121
System Size (kW)	54.45
FLUSH ROOF MOUNT	
NOTES: 1. (K1) ENPHASE IQ7A INVERTER(S) 2. ARRAY 1: 17° TILT, 173° AZIMUTH	
AZIMUTH 	
REVISIONS LAST: 08/10/22 M.G	
PROJECT-PAGE TITLE	
COVER PAGE	
PAGE NUMBER A0	





CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	060140300	Permit #	PTW130009
Owner's Name:	Charles Essig	Owner's Mailing Address:	15320 Co Rd 122
City:	Watertown	Owner State:	MN
		Owner Zip:	55388
Applicant (if other than owner):	All Energy Solar - Colin Buechel	Site Address:	15320 Co Rd 122, Watertown, MN 55388

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

Description of Request:

Installation of a flush-mounted rooftop solar PV system on a pole shed, seeking variance from 80% coverage limit on south facing roof plane.

South facing roof plane is 3,216 sqft and the solar panels cover 2,831 sqft, so 88% coverage of solar panels on roof plane

Date of County Public Hearing: 4/4/23

Date of Township Meeting: 10/10/22 *see minutes*

resigned form 3/6/2023

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:

See minutes from Oct 10, 2022 - just paper originally signed at that mtg. Resigned on March 6, 2023.

****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	Colin Buechel	Date	1/20/2023
Signature of Township Official	Tom Hennep-Hector	Date	3-6-2023

2-11

Hollywood Twp Minutes
Monday - October 10, 2022

10/14/2022

Page 3

Claims are General \$ 5,543.54
 R & B \$101,867.30
 \$ 107,410.84

Mark made motion to approve claims and disbursements, seconded by Ron, MSC (3-0-0)

6) Public comment: There was no public comment.

7) New Business:

- a. George Reinhart – building door - Discussion was held on what type of doors would be used to complete the project of new doors that have been installed in the township shed. Mark made motion to purchase partial glass doors (double doors) for \$1525, seconded by Bruce F., MSC (3-0-0) These expenses are being paid for out of the ARP funds. Completion of the project will be done before the election on November 8, 2022
- b. Hwy 7 Safety Audit – MN DOT representatives Diane Langenbach and Derek Leuer spoke to the township board about Hwy 7 safety audit that has been completed. Theu spoke of comments at the public meetings that included the following general themes:

- * Different intersection controls
- * More roundabouts or traffic lights
- * More safe pedestrian crossings
- * Nighttime visibility issues
- * Traffic light visibility and timing issues

Segment wide recommended Improvements on Hwy 7 from Hollywood township to Minnetrista.

Short term

- Conduct a corridor study from west of Cty Rd 33 to Cty Rd 44 to determine the appropriate roadway design.
- Install street names signs prior to all intersections – a concern from the board was brought up about this as the signs are fading and they asked who is responsible for the cost. MN Dot is responsible for the cost of the signs. Derek said he would look into it.

Long Term

- Construct improvements recommended in the future corridor study.
- ** there was other information broken down by specific areas. Anyone wanting to see the study or a copy of the study may contact the township clerk.



- c. Charles Essig – appeared before the township board regarding solar panels that he would like to put on his building. He would like to put 121 panels on the building roof but is only allowed 107 according to the ordinance He would like to add up to 121 to make it look aesthetically nice. Mark made motion to approve 121 panels, seconded by Bruce F., MSC (3-0-0).
- d. Building permits – were reviewed and no action needed to be taken.
- e. Public hearing amending county building code - Tuesday, October 18, 2022. No action needed.
- f. Set date for canvassing votes – a date will need to be set for canvassing votes after the election. Date was decided to be the night of the monthly meeting at 6:30 PM on Monday, November 14.

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 06-014-0300

File# PZ20230009

APPLICANT/OWNER: Charles Martin Essig

* * * * *

The West 643 feet of the East 1,343 feet of the South 1,015 feet of the South Half of the Northeast Quarter of Section 14, Township 117 North, Range 26 West of the Fifth Principal Meridian, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Land Management Department

March 26, 2023

TO: Carver County Board of Adjustment & Waconia Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Reduced Setbacks to Property Lines & OHWL)

FILE #: PZ20230010

APPLICANT: Jeff Hoxie, Hoxie Homes

OWNER: John Estrada & Andrea Vanhook

SITE ADDRESS: 7475 W Shoreline Dr Waconia, MN 55387

VARIANCE TYPE: Reduced Structure Setback from OHWL & Property Lines

PURSUANT TO: Carver County Code: Section 152.034 (D)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-850-0050

BACKGROUND:

1. John Estrada and Andrea Vanhook, recently purchased an approximate 1-acre residential parcel located in the North Half (N½) of the Southeast Quarter (SE¼) of Section 10, Waconia Township. The subject parcel is also known to be part of Wagener's Subdivision #2, which was platted in 1933. The property is improved with a house w/attached garage and Subsurface Sewage Treatment System (SSTS). The parcel is located in the Agricultural Zoning District, Shoreland Overlay District (Lake Waconia) and the Carver County Water Management Organization (CCWMO) - Carver Creek watershed.
2. The applicant, Jeff Hoxie - Hoxie Homes, is requesting a variance which would allow him to apply for home construction and remodel building permits on the subject property. The proposed house additions would not meet the required 68-foot (Local Road) front yard setback from the centerline of West Shoreline Drive, required side yard setback of 15 feet, or the required Ordinary High Water (OHWL) 75-foot setback from a Department of Natural Resources (DNR) Protected General Development Lake (Lake Waconia). Therefore, a reduced structure setback from the front yard, side yard and lake has been requested pursuant to Section 152.034 (D) and 152.119 (C)(4) of the Carver County Zoning Code.

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.

- (1) *Certain classes of property.* This division applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the County Assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any

subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the County Assessor at the time of the damage, the Board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the Shoreland District with less than 50% of the required setback from the water is destroyed by fire or other peril to greater than 50% of its estimated market value, as indicated in the records of the County Assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

- (J) Alterations may be made to a building containing lawful, nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units. The bulk of the building may be increased if the Department rules that the increase in bulk will not intensify the non-conformity.
- (L) A structure existing on the date of the adoption of this chapter that intrudes upon a required setback may be expanded provided a variance is approved, and the expansion does not decrease the distance between the structure and the applicable lot line.

§ 152.034 SETBACKS.

(D) Table of setback requirements.

Side Lot Line Setbacks	All Districts	15 feet
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.

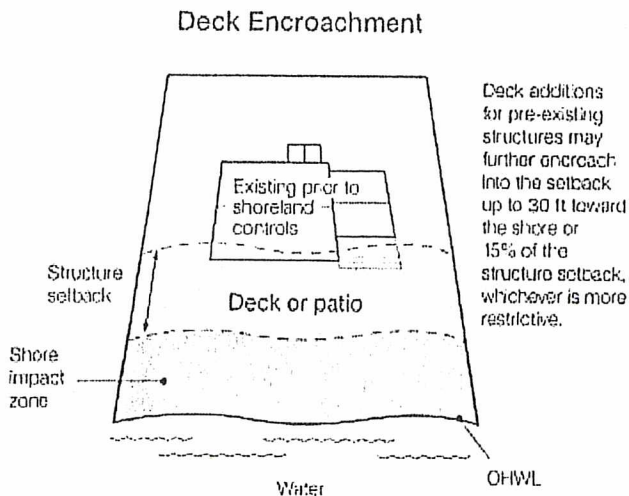
<i>Future Functional Class of Road as Shown in Roadway Systems Plan Figure 4.13</i>	<i>Setback from Centerline</i>	<i>Reduced Setback*</i>	<i>R-O-W</i>	<i>Reduced R-O-W</i>
Local roads in Shoreland District	68	N/A	66	

<i>Setbacks from Ordinary High Water Level in Shoreland District</i>	<i>Setback Required for Structures</i>	<i>Setback Required for SSTS</i>
General development lake (Waconia)	75	as required by Chapter 52

(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 97-2021, passed 7-20-21)

§ 152.119 NONCONFORMITIES. (ZONING CODE - SHORELAND OVERLAY DISTRICT)

- (A) See standards section (§§ 152.025 through 152.041) and provisions below.
- (B) Any structure must meet § 152.034. Additional provisions with regard to setbacks include:
- (1) Any structure proposed to be set closer than 30 feet to the crest of a slope of 18% or greater and which meets the ordinary high water level setback, will require a separate grading and filling permit with plans prepared by a registered engineer.
- (C) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
- (1) The structure existed on the date of adoption of this chapter;
 - (2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - (3) The deck encroachment toward the ordinary high water level does not exceed 15% of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
 - (4) The deck is constructed primarily of wood and is not roofed or screened.



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

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

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

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

§ 152.215 VARIANCES.

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

(1) A variance shall only be permitted when the following can be found as fact:

- (a) The variance is in harmony with the general purpose and intent of the official control.
- (b) The variance is consistent with the intent of the comprehensive plan.

(2) In addition, a variance may be granted when the applicant establishes a practical difficulty in complying with the official control. A practical difficulty is established when the following items are found as fact:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
- (b) The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
- (c) The variance will not alter the essential character of the locality.
- (d) The practical difficulty includes more than economic considerations alone.

(F) Other provisions related to variances.

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

3-3

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

STAFF ANALYSIS:

1. Mr. Estrada and Ms. Vanhook purchased the property in Fall 2022. Based on when the parcel was created (1933), their parcel is considered to be a legal non-conforming lot of record pursuant to the Carver County Zoning Code. The existing house is also considered to be a legal non-conforming structure pursuant to the Shoreland regulations of the Carver County Zoning Code. Therefore, the remodel and proposed additions to the existing structure must meet the current Carver County Zoning Code standards or be successful in obtaining the necessary variance(s) for any reduced setback(s).
2. Section 152.034 of the County Zoning Code requires a 68-foot front yard setback from the centerline of the local road to a structure. The applicant's proposal consists of placing a garage addition onto the north side of the current house (approximately 43.1 feet) and a porch/addition onto the south side of the house (51.6 feet). The closest addition onto the current house would be approximately 43.1 feet from the centerline; therefore, reflecting an approximate 24.9-foot variance. West Shoreline Drive was platted with only a 32-foot right-of-way (66 feet is the current standard). In other words, the setback from the right-of-way would be approximately 27.1 feet. The current garage when constructed was placed approximately 37-39 feet from the centerline of W Shoreline Drive; therefore, all house additions located to the west of the house would not be constructed closer than the existing structure. The proposed road setback appears to be in line with other area structures in the neighborhood.
3. Section 152.034 of the County Zoning Code also requires a 15-foot side yard setback from a property line. Based on the draft house remodel design, the applicant's proposal reflects a reduced south property line setback of approximately 14.8 feet; therefore, reflecting an approximate 2-inch variance. Even though this setback seems extremely minimal, the variance would be necessary due to the design and functionality of the layout.
4. The established OHWL for Lake Waconia is 963.1, pursuant to the Minnesota Department of Natural Resources (MN DNR). The Zoning Code structure setback from the OHWL is 75 feet. The applicant's proposal consists of placing the house addition (north side) approximate 72.4 feet from the OHWL and replace an existing 4 season porch and deck with a new screen porch in the same location approximately 47.6 feet from the OHWL of Lake Waconia; therefore, reflecting an approximate 27.4-foot variance. This setback would allow the house addition and new screen porch to be located outside of the Shore Impact Zoning of Lake Waconia which is defined as "land located between the ordinary high water level of a public water, and a line parallel to it at a setback of 50% of the structure setback". The replacement of the 4 season porch with a new screen porch (no deck) requires a variance due to the existing being completely removed and new construction taking place as part of the replacement.
5. The applicants' letter (dated March 3, 2023) describes the practical difficulty in locating house additions (a new front entry, addition of 2nd floor, garage addition, and screen porch replacement) within the required setbacks. He also states; *"These improvements are in line with other improvements done in the past on W Shoreline Dr. The existing home is also in need of many updates to bring it up to current standards for growing families."*
6. The provided site survey plan most recently revised on March 8, 2023, show all proposed additions and the location of the existing screen porch. Based on the limited areas for house remodeling and construction improvements due to the parcel being physically severed by the local road (W Shoreline Drive), the property owners and builder have proposed a plan which minimizes impacts to the current setbacks but allows for necessary improvements to make the existing layout more functional.

3-4

7. The house remodel/construction project would be required to comply with all Subsurface Sewage Treatment System (SSTS) standards (i.e. obtain county approval). The house design plan would be reviewed once submitted to the Carver County Environmental Services staff to verify all requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances.
8. On March 16, 2023, Kristen Larson, CCWMO Water Resource Program Specialist, reviewed the variance request and indicated she did not have specific concerns with the request. However, she did provide the following comments: *"Due to the proximity of the proposed work to Lake Waconia, an erosion and sediment control plan (perimeter control and other appropriate erosion and sediment control BMPs) should be included in the information submitted as part of the building permit. Planning and Water Management and SWCD review of the erosion and sediment plan can occur as part of the building permit review process."*
9. This request was sent to Minnesota Department of Natural Resources (MN DNR) for review. On March 15, 2023, David De Paz, Watershed Specialist and Acting South Metro Area Hydrologist, reviewed the request and indicated the DNR have no comment.
10. The granting of the variance is in harmony with the general purpose and intent of the official control. The official control in this request is the required setbacks (front yard, side yard and OHWL) as well as the non-conformity sections of the County Zoning Code. Although this request does not meet the specific standards, it appears to meet the intent of the regulations, as the parcel and house structure are considered legal non-conformities.
11. The neighborhood is comprised of residential lake homes & activities, as well as some areas of dense vegetation. There are similarly situated structures on other properties in the immediate area. This request would not cause a substantial change in the character of the neighborhood.
12. The granting of the variance would not conflict with the intent of the Comprehensive Plan, nor will government services be negatively impacted by the relocation of the structure.
13. 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.
14. The Waconia Town Board has reviewed and recommended approval of the request during their March 13, 2023, Town Board meeting. The Board stated *"Board approves setback variance for this remodel project."*

BOARD CONSIDERATION:

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

1. The permittee shall obtain the appropriate building permit(s) 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.
2. All construction activities shall be done in accordance with the submitted site plan dated "revised" March 8, 2023. The new construction shall not encroach any closer to the OHWL of Lake Waconia than approved (i.e. 47.6± feet) as part of this permit application.
3. The house remodel/construction project would be required to comply with all Subsurface Sewage Treatment System (SSTS) standards (i.e. obtain county approval). The house design plan would be reviewed once submitted to the Carver County Environmental Services staff to verify all requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances.

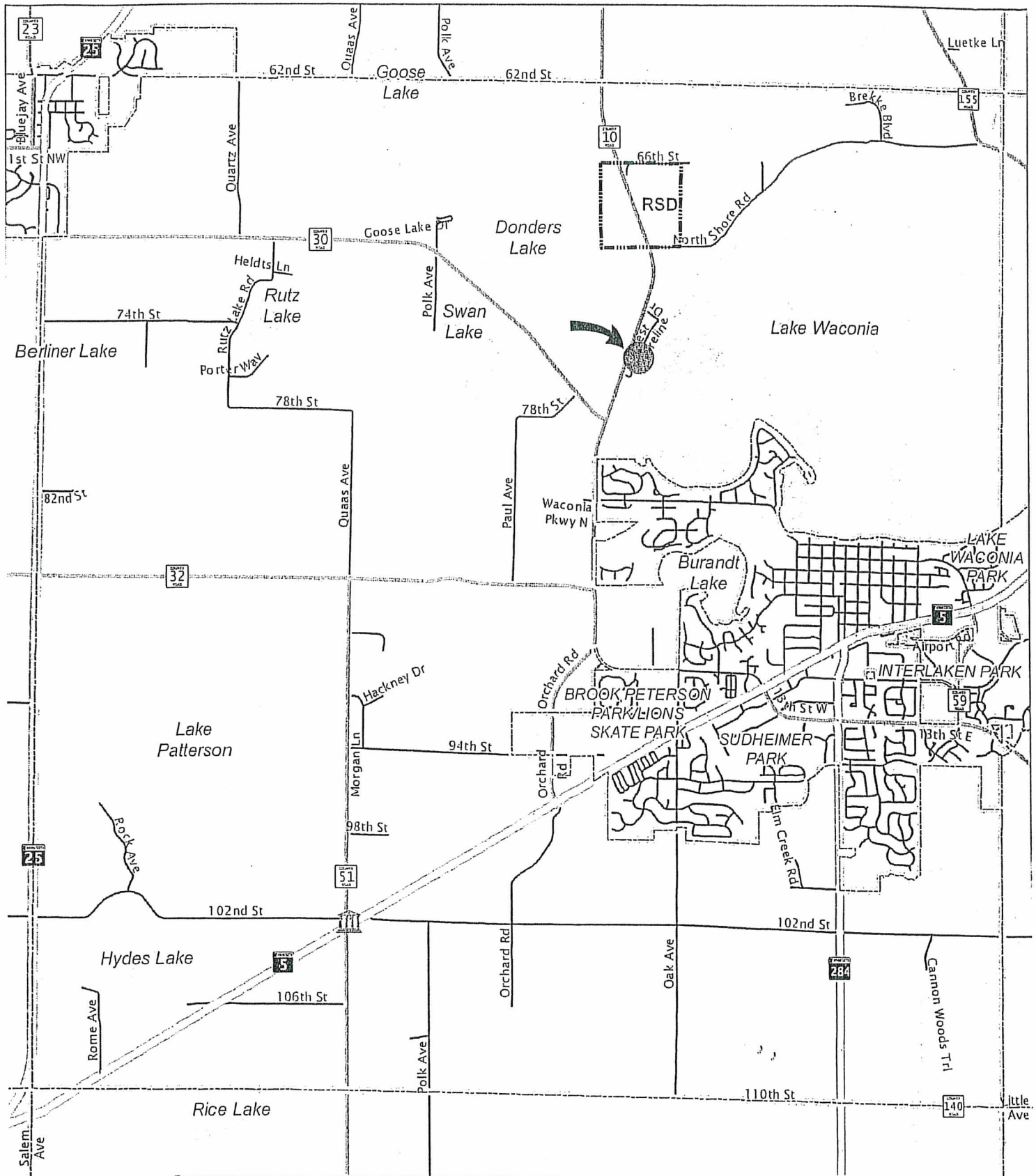
4. No additional expansions shall be permitted without obtaining all necessary building permits and/or variances.

NOTE: The Board of Adjustment may consider it necessary to protect the public health, safety and welfare; therefore, imposing additional conditions on granting the variance. Any conditions should bear a rough proportionality to the impact created by the variance.

OR

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

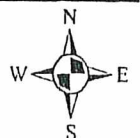
WACONIA TOWNSHIP



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

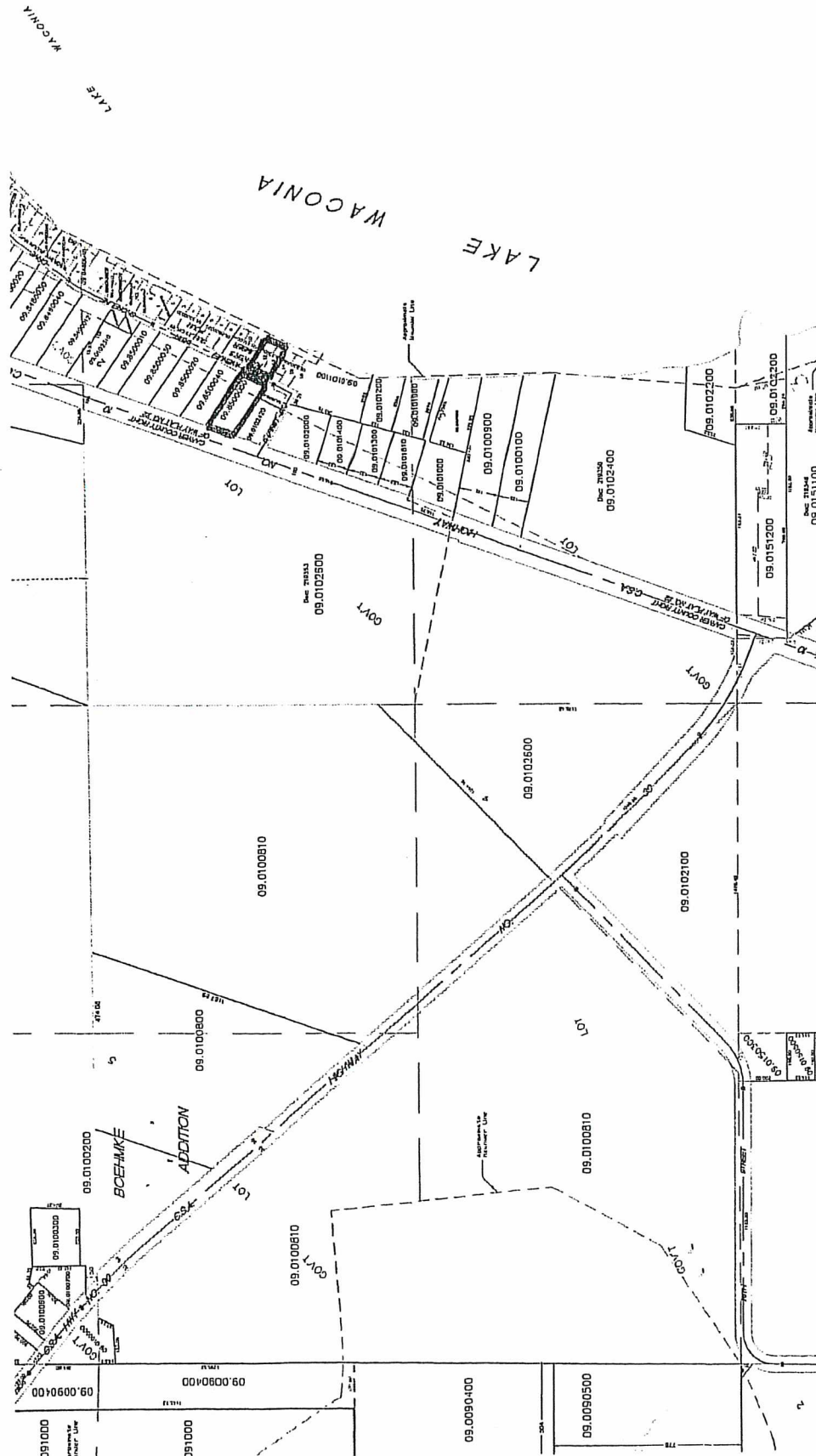


3-7



Map Created by Carver County GIS

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





Board of Adjustment,

03/03/2023

I, Jeff Hoxie owner of Hoxie Homes & Remodeling LLC, write to you today on behalf of John Estrada & Andrea Vanhook in regards to their property @
7475 W Shoreline Dr
Waconia, Mn 55387

John & Andrea have hired our company to construct and remodel the existing home on their property. The scope of work is as follows:

- Remove the current roof structure over the existing home so we can add a new 2nd floor onto the home
- Expand the garage from a 2 car garage to a 4 car garage
- Remove the existing 4 season porch and deck from the back of the home and install a new screen porch only - no decks
- Add a new front entry on to the home with a new stair system to the existing basement and new 2nd floor
- Misc interior remodeling of the existing main floor and basement

It has been brought to our attention that the existing structure is located within the OHWL setback(75') as well as the front yard setback(68'). Any addition to this home will fall within one of these setbacks, which is why we are requesting a variance.

- The new garage does encroach on both the front(68') and back(75') setback requirements
- The front entry addition is out of the 75' OHWL setback but can not be out of the 68' front yard setback. The south corner on the new front addition also crosses the 15' side yard setback by 2".
- The new screen porch is proposed to be within the 75' OHWL setback but no closer to the lake than the existing 4 season porch is today.
- We are also removing the existing decks from the back of the home that are all within the 75' OHWL setback to help decrease our impact to the setback requirements.

We are asking for approval to move ahead with the construction as shown in the plans provided. These improvements are in line with other improvements done in the past on W Shoreline Dr. The existing home is also in need of many updates to bring it up to current standards for growing families.

Thank you for your consideration,

Jeff Hoxie
Hoxie Homes & Remodeling LLC
jeff@hoxiehomes.com
952-457-4275

364 Industrial Boulevard
Waconia, MN 55387
www.hoxiehomes.com

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SITE PLAN

~ for ~ John Estrada
7475 W. Shoreline Dr.
Waconia, MN 55387



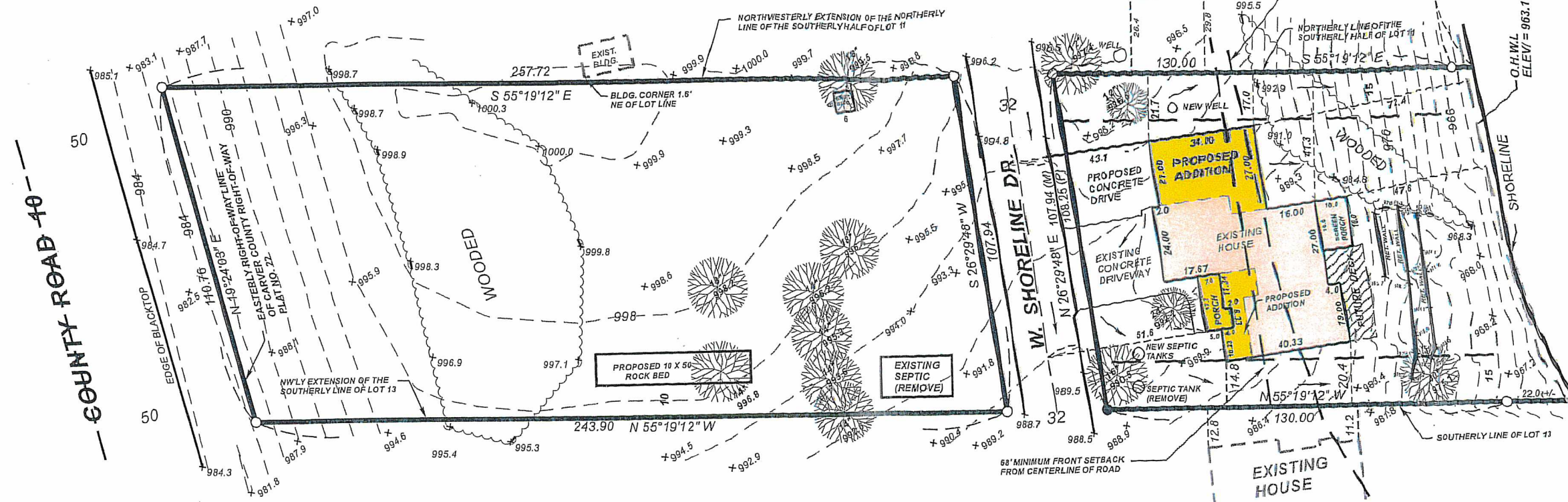
0 40 80
SCALE IN FEET

MINIMUM SETBACKS:

FRONT: 68' FROM CENTERLINE OF ROAD
SIDE: 15'
LAKESIDE: 75' FROM O.H.W.L.

SSTS SETBACKS:

TANKS: 10' FROM ANY STRUCTURE, PROPERTY LINE,
OR R/W, 50' FROM O.H.W.L.



LAKE WACONIA

ELEVATION ON 08/19/22 = 961.9

PROPOSED ELEVATIONS:

ELEVATION OF NEW ADDITIONS TO
MATCH THE EXISTING FOUNDATION.
BACKFILL AS REQUIRED TO PROVIDE
DRAINAGE AWAY FROM STRUCTURE

DESCRIPTION OF PROPERTY - PER DOCUMENT NO. A 601425

Lots 13, 12 and the southerly half of Lot 11, Block 1, WAGENER'S SUBDIVISION NO. 4, Carver County, Minnesota.

And that part of "Parcel A" described below, which lies between the northwesterly extension of the southerly line of Lot 13 and the northwesterly extension of a line parallel to the southerly line of Lot 11 and 21.65 northerly thereof, WAGENER'S SUBDIVISION NO. 4, Carver County, Minnesota.

Parcel A:

That part of Government Lots 1 and 2, Section 10, Township 116, Range 25, Carver County, Minnesota, lying southeasterly of the centerline of County State Aid Highway No. 10 and which lies northeasterly of the northeasterly line of First Street as platted in WAGENER'S SUBDIVISION NO. 4, according to the recorded plat thereof, and which lies southwesterly of the southwesterly line of Elm Street as platted in WAGENER'S SUBDIVISION, according to the recorded plat thereof, and which lies northwesterly of the following described line: Commencing at a point on the northwesterly line of said First Avenue where the northwesterly extension of the northeasterly line of Lot 2, Block 1, WAGENER'S SUBDIVISION NO. 2, according to the recorded plat, intersects said northwesterly line of said First Avenue; thence on an assumed bearing of South 35 degrees 13 minutes West along the northwesterly line of said First Avenue 132.42 feet; thence South 25 degrees 25 minutes West along the northwesterly line of said First Avenue 962.90 feet to the northeasterly line of First Street; point for descriptive purposes only is referred to as "Point A"; thence continue South 35 degrees 13 minutes West along the northwesterly line of said First Avenue 132.42 feet; thence South 25 degrees 25 minutes West along the northwesterly line of said First Avenue 962.90 feet to the northeasterly line of First Street; thence North 60 degrees 50 minutes West along the northwesterly line of First Street 60.00 feet to the point of beginning of said line to be described; thence North 25 degrees 25 minutes East 1103.22 feet to the intersection with a line extended northwesterly from said "Point A" and measured at a right angle to the northwesterly line of First Avenue, distant 82.68 feet from "Point A"; thence continue northwesterly on said extended line distant 114.43 feet as measured from said "Point A"; thence northeasterly, along a line, to a point on the southwesterly line of Block 3, WAGENER'S SUBDIVISION, according to the recorded plat, said line if extended northeasterly would intersect the northeasterly line of said Block 3, at a point 195 feet northwesterly of the most easterly corner of said Block 3; thence northwesterly along the southwesterly line of said Block 3, to the most westerly corner of said Block 3; thence northeasterly along the northwesterly line of said Block 3 to the most northerly corner of said Block 3 and said line there terminating.

IMPERVIOUS COVERAGE:

EXISTING HOUSE: 1,918 S.F.
EXISTING SCREEN PORCH: 160 S.F.
PROPOSED ADDITIONS: 993 S.F.
FRONT PORCH: 136 S.F.
CONCRETE: 1,364 S.F.

TOTAL IMPERVIOUS: 4,571 S.F.

LOT AREA: 41,996 S.F.

IMPERVIOUS COVERAGE: 10.9 %

I hereby certify that this survey was prepared by me
or under my direct supervision and that I am a duly
licensed Professional Land Surveyor under the laws
of the State of Minnesota.

Steven V. Ische

22703
License No.

08/30/22
Date

REVISED: 03/08/23 - SETBACKS

REVISED: 03/06/23 - SETBACKS, WELL, SEPTIC

REVISED: 02/07/23 - IMPERVIOUS COVERAGE

REVISED: 01/31/23 - SCREEN PORCH

REVISED: 01/30/23 - SITE PLAN

PROJ. #2140-00

NAVD88 VERTICAL DATUM

LEGEND

	Set 1/2" X 14" rebar marked with cap number 22703
	Found Iron Monument
	Deciduous Tree
	Contour Line
	Spot Elevation
	Minimum Setback
	Direction of Surface Drainage

PREMIER
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203
Victoria, MN 55386
952-443-3010

CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	09.8500050	Permit #	PZ20230010
Owner's Name:	John Estrada	Owner's Mailing Address:	7475 W Shonlin Dr
City:	Waconia	Owner State:	Mn
		Owner Zip:	55387
Applicant (if other than owner):	Home Homes / Jeff Home	Site Address:	7475 W Shonlin Dr Waconia

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

Description of Request:

- Remodel existing home
- New garage, entry, and 2nd floor added

Date of County Public Hearing: 4/5/23

Date of Township Meeting: 3/13/23 8pm

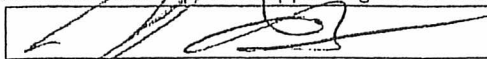
Actions:

Township Action Taken:

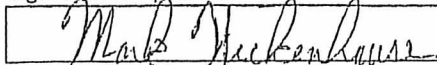
- ☒ Recommends approval and use of the Township Road (if applicable) with the following comments:
- ☐ Recommends denial for the following reasons:
- ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

Board approves set back variance for this remodel project!

****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 2/28/23

Date 3/13/23

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-850-0050

File# PZ20230010

APPLICANT/OWNER: John W Estrada & Andrea E VanHook

Lots 13, 12, and the southerly half of Lot 11, Block 1, Wagener's Subdivision No. 4;

AND

That part of Parcel "A", described below, which lies between the Northwesterly extension of the southerly line of Lot 13 and the Northwesterly extension of a line parallel to the southerly line of Lot 11 and 21.65 feet northerly thereof, Wagener's Subdivision No. 4, according to the plat thereof on file and of record in the Office of the County Recorder, Carver County, Minnesota.

PARCEL A:

That part of Government Lots 1 and 2, Section 10, Township 116, Range 25, Carver County, Minnesota, lying southeasterly of the centerline of County State Aid Highway No. 10, and which lies northeasterly of the northeasterly line of First Street as platted in Wagener's Subdivision No. 4, according to the recorded plat thereof, and which lies southwesterly of the southwesterly line of Elm Street, as platted in Wageners Subdivision, according to the recorded plat thereof, and which lies northwesterly of the following described line: Commencing at a point on the northwesterly line of said First Avenue where the Northwesterly extension of the northeasterly line of Lot 2, Block 1, Wagener's Subdivision No. 2, according to the recorded plat, intersects said northwesterly line of First Avenue; thence on an assumed bearing of South 35 degrees 13 minutes West along the northwesterly line of said First Avenue, 130.00 feet to a point for descriptive purposes only is referred to as "Point A"; thence continue South 35 degrees 13 minutes West along the northwesterly line of said First Avenue, 132.42 feet; thence South 25 degrees 25 minutes West along the northwesterly line of said First Avenue, 962.90 feet to the northeasterly line of First Street; thence North 60 degrees 50 minutes West along the northeasterly line of First Street 60.00 feet to the point of beginning of said line to be described; thence North 25 degrees 25 minutes East 1103.22 feet to the intersection with a line extended northwesterly from said "Point A" and measured at a right angle to the northwesterly line of said First Avenue, distant 82.68 feet from "Point A"; thence continue northwesterly on said extended line, distant 114.43 feet as measured from said "Point A"; thence northeasterly, along a line, to a point on the southwesterly line of Block 3, Wageners Subdivision, according to the recorded plat, said line if extended northeasterly would intersect the northeasterly line of said Block 3, at a point 195 feet northwesterly of the most easterly corner of said Block 3; thence northwesterly along the southwesterly line of said Block 3, to the most westerly corner of said Block 3; thence northeasterly along the northwesterly line of said Block 3, to the most northerly corner of said Block 3, and said line there terminating.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 11, 2023

TO: Carver County Board of Adjustment & Hancock Town Board

FROM: The Land Management Department

SUBJECT: Application for a variance (Reconfiguration of Legal Non-Conforming Lot)

FILE #: PZ20230008

APPLICANT: Craig & Lori Thaemert

OWNER: Muelenhardt Family Trust

SITE ADDRESS: 179XX County Rd 53 Belle Plaine, MN 56011

PERMIT TYPE: Increasing Non-conformity of a Legal Non-Conforming Lot

PURSUANT TO: County Code, Chapter 152, Section 152.033(C)(3)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 05-013-0701

BACKGROUND:

1. The Muelenhardts own an approximate 17-acre parcel located in the Northwest Quarter (NW¼) of the Southwest (SW¼) of Section 13, Hancock Township. The property consists entirely of land in agricultural production. The parcel is located in the Agricultural Zoning District, Shoreland Overlay District, and the Carver County Water Management Organization (CCWMO) -Bevens Creek Watershed.
2. The subject parcel received variance approval (#7767) in 1989 to allow for the separation of the agricultural production land from the homestead, thus creating a legal non-conforming agricultural parcel as it does not meet the required minimum lot size of 20 acres for an agricultural parcel without a building eligibility. The homestead, located directly to the north of the subject property, is the current residence of the applicants, Craig and Lori Thaemert. The applicants seek to add approximately 2.68 acres of the agricultural production field to their residential parcel. The proposed residential parcel would still contain less than 2 acres of prime agricultural soils.
3. The applicants' proposed subdivision of an existing legal nonconforming parcel would further decrease the parcel's size below the minimum 20 acres for a parcel in which agriculture is the only reasonable use; therefore, a variance has been requested pursuant to Section 152.033 (C)(3) of the Carver County Zoning Code.

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 non-shoreland; 1½ acres in shoreland of rivers or watercourse, general or recreational development lakes; 2 acres in shoreland of natural environment lakes.
 - (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.
- (F) *Use of prime AG land.* Lots of less than 20 acres created for a new residential building site shall contain no more than 2 acres of prime agricultural land under till. 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; Am. Ord. 97-2021, passed 7-20-21)

§ 151.028 BOARD OF ADJUSTMENT/VARIANCES.

A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lot(s) for their intended use. But, where the Board of Adjustment finds that extraordinary hardship(s) or practical difficulty(s) may result from strict compliance with these regulations and/or the purposes of these regulations may be serviced to a greater extent by an alternative proposal, the Board of Adjustment may approve variances from these subdivision regulations, provided that such variances shall not have the effect of nullifying the intent and purpose of this chapter, the Zoning Code, or the Comprehensive Plan, and further provided the Board of Adjustment shall not approve or disapprove variances unless it shall make findings based upon the evidence presented in the Zoning Code regulations, Chapter 152 of this code of ordinances.

BOARD OF ADJUSTMENT

§ 152.210 CREATION.

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

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

§ 152.215 VARIANCES.

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

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

(F) *Other provisions related to variances.*

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

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

STAFF ANALYSIS:

1. The subject parcel is a legal nonconforming parcel which has been in existence since 1989 following the variance issued to allow for its creation. The submitted survey (dated November 11, 2022) shows the proposed parcel configuration with the additional 2.68 acres wrapping around the southern and eastern sides of the parcel to increase its size to about 5 acres. The remnant agricultural parcel would be approximately 14.91 acres in size.
2. As part of the variance request, the owners and applicants submitted a letter (dated February 20, 2023) describing the request. The owner states that their intent in buying the agricultural parcel was to sell a portion of the land to the Thaemert family in order to add to their existing residential parcel. The letter identifies the practical difficulty as a potential situation “if the current septic system were to become fully dysfunctional in the future, there is not enough useable land space to build a new septic with the current acreage that includes a home and two buildings, various trees hillside, and wetland area.”
3. The agricultural parcel acreage proposed to be added to the residential lot appears to exceed what is needed for an alternative septic site and no evidence has been submitted to show that the acreage would be suitable for a future septic location. In addition, a large portion of the additional acreage appears to be hundreds of feet away from the Thaemert’s residence behind the large accessory structure, an inconvenient location for a septic system to serve the residence in the future. The stated goal of the applicant to obtain additional property in which to locate an alternative septic field could be achieved with far less acreage and not significantly decrease the size of the non-conforming agricultural parcel.
4. In response to a query about whether any soil borings were done to verify that the additional acreage sought for the residential partial would be suitable for an additional septic field, in an email dated March 23, 2023, Ms. Thaemert wrote: “There would be no soil borings done as our current septic was put in in 2009 and is in good working order. We are not applying for a septic at this time. The additional land would help with the septic need, in case it was needed in the future, which could be many years from now. We wanted to have additional land to the East if we put a garden in. There is no area for a garden currently which is why we had it surveyed to 5 acres total.”
5. In part, the stated reason for the variance request – to gain more land for a future septic field – is due to the actions of the current owners of the residential parcel. The variance narrative references the number of structures on the property as decreasing the amount of land available for an additional septic field. However, the current owners sought and received a CUP in 1996 (CUP #10380) for an oversized accessory structure for a parcel of this size. The permit references the Zoning Code intent of the restriction on large accessory structures “is to curtail the future use of oversized buildings for commercial purposes.”
6. This request was reviewed by Jacob McLain, Senior Environmentalist with Carver County Environmental Services on March 15, 2023. Mr. McLain indicated that since the property is in the Shoreland Overlay District a compliance inspection is required.
7. The neighborhood is comprised of scattered residences, agricultural farmsteads, and tilled agricultural fields. The request would not cause a substantial change in the character of the neighborhood, nor would the approval of the variance result in a detriment to neighboring properties.
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 Hancock Town Board reviewed the request at their February 21, 2023, Town Board meeting and recommended approval of the request without further comment.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for a reduced parcel configuration size pursuant to Section 152.033 (C)(3) of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be attached to the approved variance:

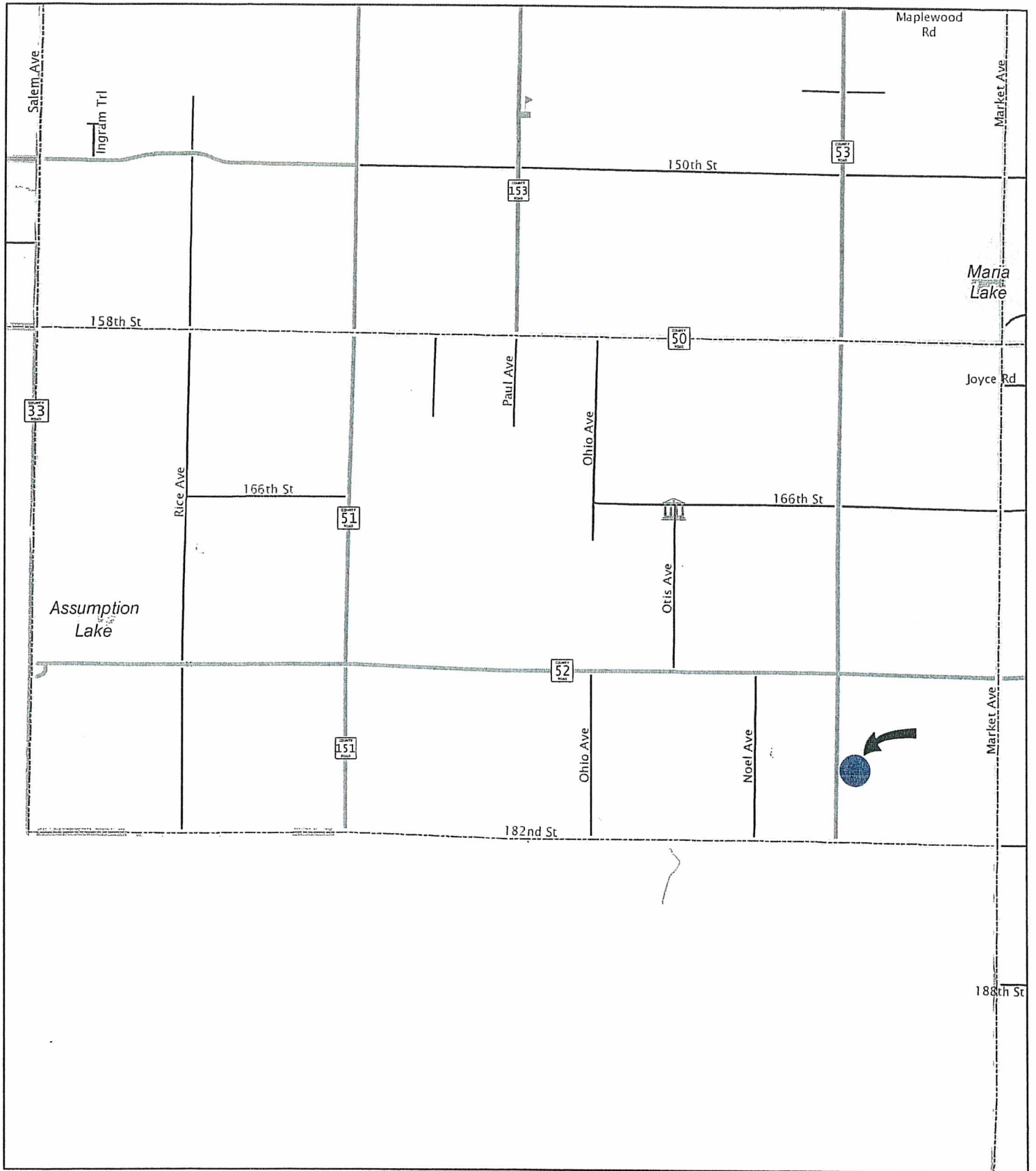
1. A complete Minor Subdivision application shall be submitted for review and approval by Land Management staff prior to the recording of any deeds. The parcels shall be subdivided and combined in accordance with the County Zoning Code requirements including by not limited to, a completed minor subdivision application, survey, and appropriate deeds.
2. The residential property must comply with all SSTs requirements prior to completion of the minor subdivision.

NOTE: The Board of Adjustment may consider it necessary to protect the public health, safety and welfare; therefore, imposing additional conditions on granting the variance. Any conditions should bear a rough proportionality to the impact created by the variance.

OR

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

HANCOCK 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.



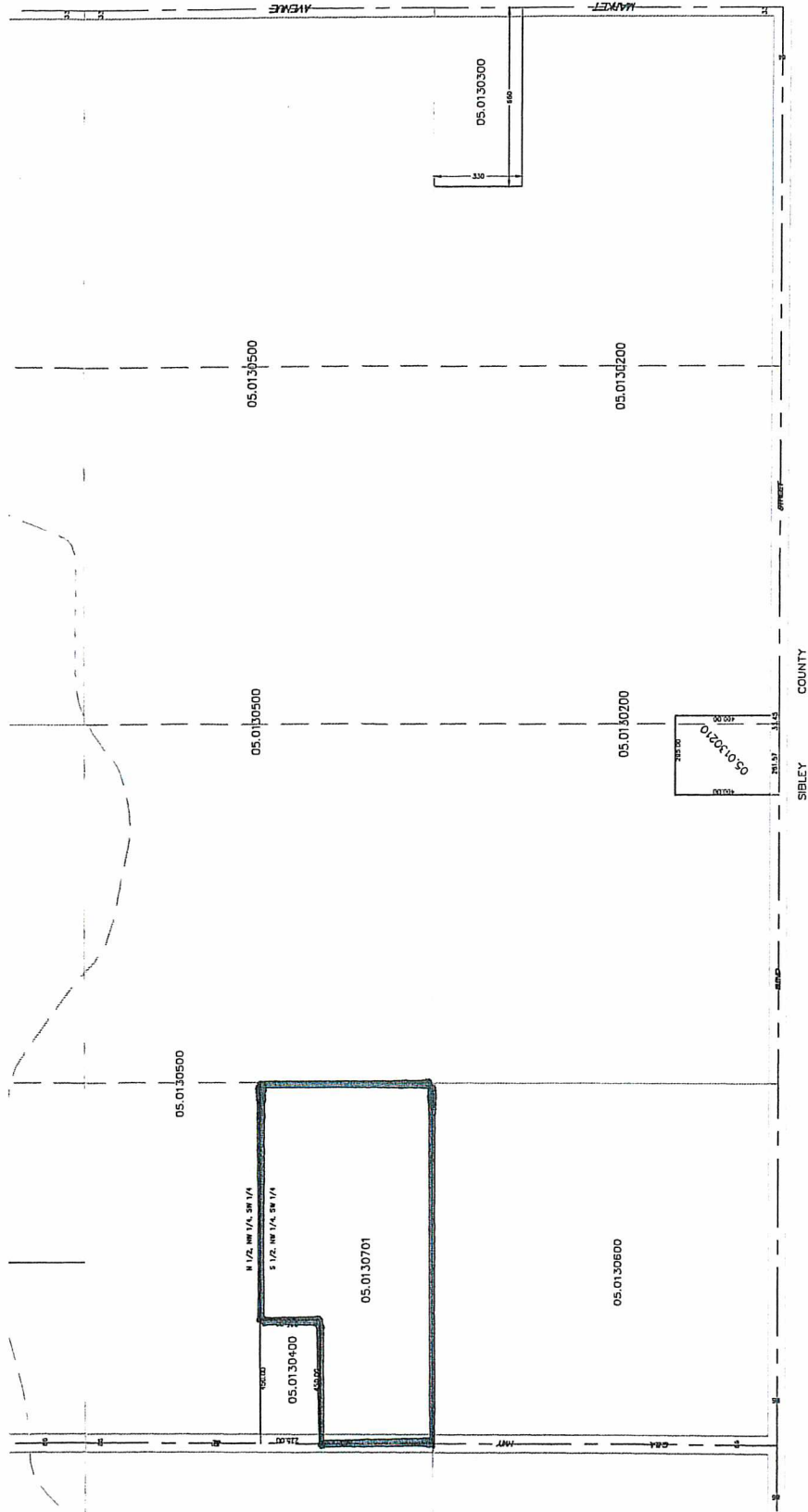
4-5



Map Created by Carver County GIS

S 1/2 SEC. 13, T.114, R.25

THIS MAP IS A LEGAL INSTRUMENT IN
 THE STATE OF MINNESOTA, AND IT IS
 THE POLICY OF THE STATE TO
 PROTECT THE PUBLIC INTEREST IN
 THE LAND RECORDS BY INSURING
 THE ACCURACY AND RELIABILITY OF
 THE RECORDS BY THE SURVEYING
 BOARD OF MINNESOTA.



February 20, 2023

Board of Adjustment:

RE: Lee Muehlenhardt, Trustee of the Muehlenhardt Family Trust (OWNER)
Parcel 05-0130701 17.59 Acres

Craig & Lori Thaemert (APPLICANTS)
Parcel 05-0130400 2.32 Acres

A required variance is needed for a request to decrease acreage on a non-conforming parcel from the current 17.59 acres to 14.91 acres. The Owner of the property purchased the 17.59 acre parcel in 2022 with the intent and agreement to sell 2.68 acres to the adjoining property owner (Applicants). The Applicants currently own 2.32 acres which would increase to 5 acres as shown on the completed survey.

In 1989, before the two above parcels were sold, a variance was requested and approved due to the property being under the 20 acres at that time. The property has been non-conforming and would continue to be non-conforming.

The Applicants current parcel of 2.32 acres is limited on land useable land space. The practical difficulty would be if the current septic system were to become fully dysfunctional in the future, there is not enough useable land space to build a new septic with the current acreage that includes a home & two buildings, various trees, hillside, and wetland area. With the additional acreage of 2.68 (total of 5 acres), it would give additional useable land space on the South and East sides of the property.

We are requesting this variance in order to continue with the land survey/split.

OWNER

Lee Muehlenhardt Trustee 2-21-23
Muehlenhardt Family Trust

Date

APPLICANTS

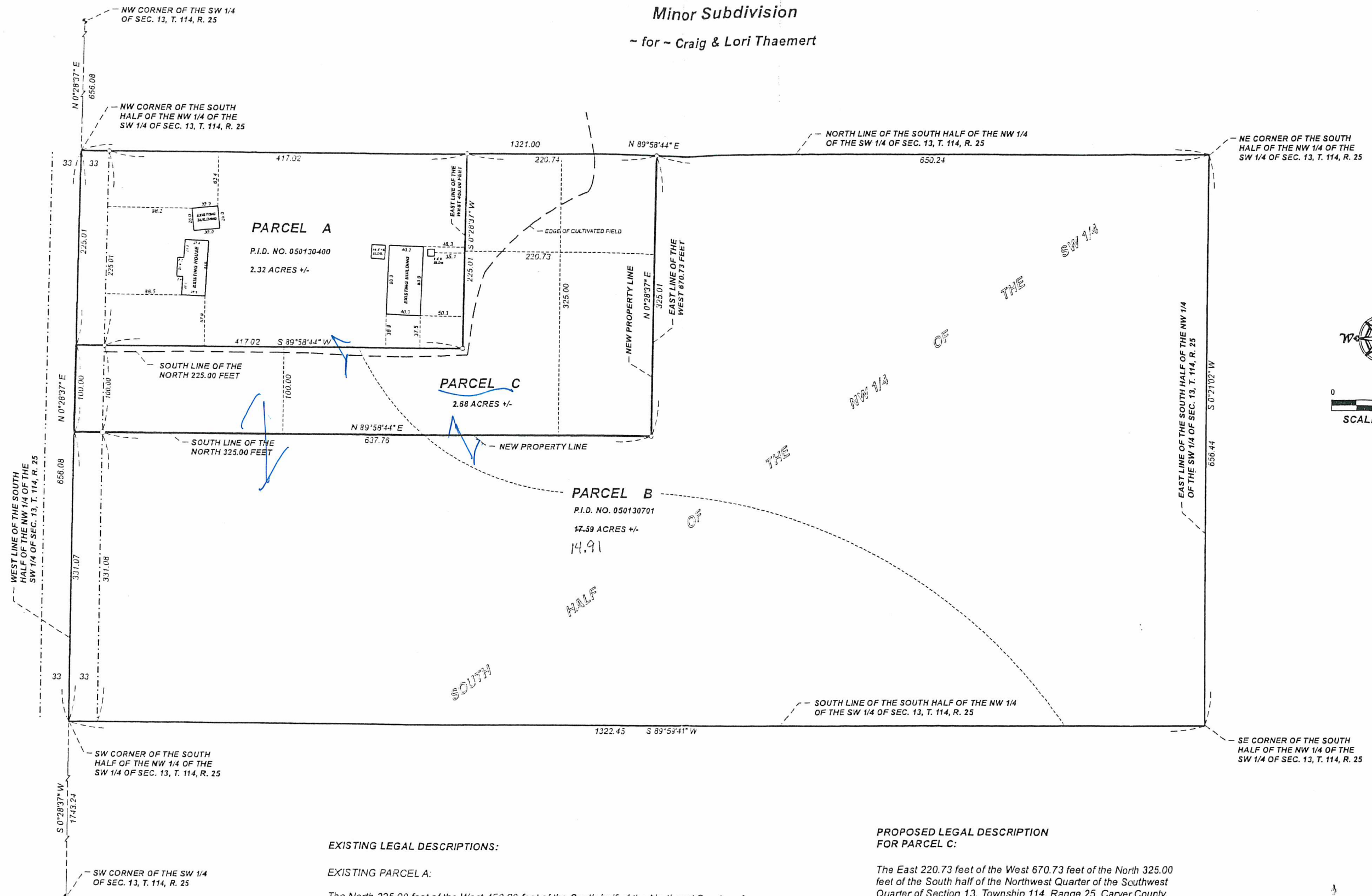
Craig Thaemert 2-21-23
Craig Thaemert

Date

Lori Thaemert 2-21-23
Lori Thaemert

Date

Minor Subdivision
- for - Craig & Lori Thaemert



EXISTING LEGAL DESCRIPTIONS:

EXISTING PARCEL A:

The North 225.00 feet of the West 450.00 feet of the South half of the Northwest Quarter of the Southwest Quarter of Section 13, Township 114 North, Range 25 West, Carver County, Minnesota. Containing 2.32 acres +/-.

EXISTING PARCEL B:

The South half of the Northwest Quarter of the Southwest Quarter of Section 13, Township 114 North, Range 25 West, Carver County, Minnesota, excepting therefrom the North 225.00 feet of the West 450.00 feet thereof. Containing 17.59 acres +/-.

PROPOSED LEGAL DESCRIPTION
FOR PARCEL C:

The East 220.73 feet of the West 670.73 feet of the North 325.00 feet of the South half of the Northwest Quarter of the Southwest Quarter of Section 13, Township 114, Range 25, Carver County, Minnesota, and also the South 100.00 feet of the North 325.00 feet of the West 450.00 feet of said South half of the Northwest Quarter.

Subject to County Road 53 and easements of record.

Containing 2.68 acres +/-

LEGEND

- Set 1/2" X 14" rebar marked with cap number 22703
- Carver County Cast Iron Monument

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Stevan V. Ische 22703 11/21/22
License No. Date

PROJ #2173-00

4-8
PREMIER
LAND SURVEYING, LLC
1600 Arboretum Blvd., Suite 203
Victoria, MN 55386
952-443-3010



Township Presentation & Recommendation Form

PARCEL #	05-0130701	Permit #	P720230008
Owner's Name:	Lee Muehlenhardt, ^{trustee}	Owner's Mailing Address:	
	Muehlenhardt Family Trust		18375 Market Ave.
City:	Belle Plaine	Owner State:	MN
		Owner Zip:	56011
Applicant (if other than owner):	Craig & Lori Thaerner	Site Address:	17XXX County Rd. 53, Belle Plaine MN 56011
Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal			
Description of Request:			
Required Variance is needed to decrease acreage on a non-conforming parcel			
Date of County Public Hearing:		Date of Township Meeting:	
4/4/23		2-21-23	

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 2-21-23
Signature of Township Official 	Date 2-21-23

49

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 05-013-0701

File# PZ20230008

APPLICANTS: Craig & Lori Thaemert

OWNER: Muehlenhardt Family Trust

Lee Muehlenhardt & Mary Muehlenhardt, Trustees

* * * * *

The South Half of the Northwest Quarter of the Southwest Quarter, Section 13, Township 114 North, Range 25 West, Carver County, Minnesota, EXCEPTING THEREFROM the North 225.00 feet of the West 450.00 feet thereof, as measured along the north and west lines thereof.

DRAFTED BY: Carver County Land Management Department