

CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **Wednesday, April 3, 2024**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska

AGENDA

7:00 p.m.

1. Approve minutes of February 7, 2024 meeting
Pages 1-1 through 1-7
 2. **File #20240009**- Public hearing on request by Doug Kilibarda, representing Donald & Carrie Pearson, for a variance. (SSTS setback – tank from structure)
San Francisco Township Pages 2-1 through 2-10
Issue Order #PZ20240009 – Donald & Carrie Pearson
 3. **File #20240010**- Public hearing on request by Chad Braun for a variance.
(Reduced Rear Yard Setback)
Camden Township Pages 3-1 through 3-10
Issue Order #PZ20240010 – Chad Braun
 4. **File #20240008**- Public hearing on request by Anthony & Dana Reno and Louis & Alyssa Heim for a variance.
(Reduced Road Frontage & Width/Depth Ratio)
Dahlgren Township Pages 4-1 through 4-11
Issue Order #PZ20240008 –Anthony & Dana Reno
and Louis & Alyssa Heim
- Other Business**

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting – February 7, 2024
Minutes

Members Present: Gerald Bruner, Robin Bielefeldt, Amanda Gorra, Scott Selken, Steve Washburn, Andy Steinhagen

Members Absent: Jeff Thompson

Members Late: None

Staff Present: Jason Mielke, Donovan Hart, Matt Steele

Pursuant to due call and published notice thereof, the February 7, 2024, meeting of the Carver County Board of Adjustment was called to order by Jason Mielke at 7:00 p.m.

The first order of business was the organization of the Board of Adjustment and the election of Chair.

Election of Chairman – Mielke called for nominations for the office of Chair. Gorra made a nomination for Gerry Bruner as Chairman. The nomination for Bruner was seconded by Washburn. No other nominations were made. A motion was made by Steinhagen and seconded by Selken to cease nominations and cast a unanimous ballot for Gerald Bruner as Chair. Mielke called for the vote. All voted aye. Motion carried. Gerry Bruner is the newly elected Chair.

Election of Vice-Chairman – Chairman Bruner called for nominations for the office of Vice-Chair. Bruner made a nomination for Gorra as Vice-Chair. Selken seconded the nomination for Gorra as Vice-Chair. A motion was made by Washburn to cease nominations and cast a unanimous vote for Gorra as Vice-Chair. Bruner seconded the motion. All voted aye. Amanda Gorra was elected as Vice-Chair.

Appointment of Secretary –Traditionally, the Land Management Department has been elected to act as the Secretary to the Board of Adjustment. Steinhagen made a nomination for Land Management staff as Secretary. The nomination was seconded by Selken. Hearing no other nominations, Chairman Bruner called for a vote on the nomination. All voted aye. Motion carried. Land Management staff will serve as Secretary to the Board of Adjustment.

Roll Call – Chairman Bruner acknowledged 6 board members were present at this meeting. Jeff Thompson notified staff that he had another commitment and could not attend. Chairman Bruner welcomed and acknowledged Andy Steinhagen as the appointed representative from the Planning Commission and asked him to introduce himself. Andy stated he also serves as a Benton Township supervisor.

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

Minutes – Chairman Bruner asked if there were any corrections to the minutes from the December 6, 2023, meeting. Hearing none, he asked for a motion to approve the minutes. Gorra made a motion to approve the minutes of the December 6, 2023, meeting. Washburn seconded the motion for approval. Chairman Bruner called for a vote on the motion. All voted aye. Motion carried.

Public Hearing - File #PZ20240002 – Paul Silseth –Chairman Bruner called the public hearing to order at 7:04 p.m. to consider the application of Paul Silseth pursuant to Chapter 54 of the County Code. The purpose of the public hearing was to consider a request to expand an existing animal feedlot of over 30 animal units within 1,000 feet of an existing residence pursuant to Chapter 54 of the County Code. The property is in Section 16 of Young America Township.

The following were present: Paul Silseth, Anne Silseth, Brad Schrupp, Ron Trick, Don Andrix

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 December 27, 2023

Exhibit F – Staff Report addressed to the Board of Adjustment and Young America Town Board dated January 26, 2024, and all attachments

Matt Steele, Carver County Feedlot Officer, explained the applicant owns an approximate 59.75-acre parcel improved with a house and attached garage and several agricultural buildings. Mr. Silseth is requesting to expand his existing animal feedlot to 30 animal units or more within approximately 700 feet of an existing residence not located on the subject property. Chapter 54 of the Carver County Zoning Code requires a 1,000-foot setback from a feedlot of 30 animal units or more from an existing residence. The applicant purchased the property and in 1996 established a feedlot of less than 10 animal units. He increased the animal units to 29.4 in 2006 and registered the same number of livestock in 2012. The feedlot operation consists of 2 confinement barns and a lean-to shelter barn, earthen lots and 15+ acre of pasture for rotational grazing. The applicant would like to expand the operation and increase the number of animal units to 70 within the current barns and open lots. The applicant's letter describes a practical difficulty exists with the location of the current barns and open lots. The animals serve as the family's livelihood as their hobby and life's dream and also offers supplemental income. This feedlot was established with less than 10 animal units prior to the 1,000-foot setback requirement from a residence. The existing residence within 1,000 feet of the feedlot was constructed in 1992, approximately 4 years before the applicant constructed the first barn and operating his feedlot. If the variance is approved, the applicant would be allowed to increase the animal units to a maximum number of 70, noting that rarely would that number be present on the property. Kristen Larson, Carver County Water Resources Specialist, conducted a wetland review of the property and did not identify any Type III or greater wetland areas or any areas of special protection where wetlands setbacks would apply for a new feedlot. A residence owned by Robert Kloth is approximately 640 feet from the feedlot. However, the residence is in the city limits of Norwood Young America and the County Zoning Code only applies to land outside of city limits. Letters of support for the variance request were received from adjacent property owners Don & Cheryl Andrix and Robert Kloth. Granting of the variance would not conflict

with the intent of the Comprehensive Plan or the County Zoning Code and would not alter the character of the neighborhood. It would not materially, adversely affect the health or safety of persons residing or working in the area or be materially detrimental to the public welfare or injurious to property in the adjacent area. The Young America Town Board reviewed the request at their November 14, 2023, meeting and recommended approval with the following comment: "Township approval of variance to 70 animal units for seasonal calving to cover averages of over 30 animal units approved at Township meeting on 11/14/2023." Steele read the proposed conditions for consideration if the request is approved. If the Board of Adjustment determines that a practical difficulty has not been identified, the reasons supporting denial must be identified and stated.

The applicant had no additional comments at this time.

Brad Schrupp, Young America Township supervisor, confirmed the Township's recommendation for approval of the request.

There was no one present from the public to comment on this request.

A motion was made by Bielefeldt to close the public hearing. Gorra seconded the motion to close. Chairman Bruner called for a vote on the motion. All voted aye. The public hearing was closed at 7:16 p.m.

Commissioner Bielefeldt asked if this variance is an after-the-fact request.

Steele confirmed that is the case.

Bielefeldt asked how many animal units are currently on the property.

Mr. Silseth replied there are approximately 40-some animal units currently on the site.

Gorra asked if the practical difficulty was caused because the feedlot was established prior to the 1,000-foot setback requirement being put into effect.

Mielke replied that he is not familiar with the details of the feedlot ordinance but understands that animal units can fluctuate. He acknowledged that Environmental Services is working with the applicant to achieve compliance and realized a variance is now required to comply with the setback requirement.

Bruner stated he visited the site and was impressed with the cleanliness of the feedlot. He also viewed a practical difficulty with the fluctuation of animal units, having new calves overlapping with selling some of the mature stock.

Bielefeldt stated he struggled with his decision because as it is an after-the-fact request.

A motion was made by Steinhagen to **approve and issue Order PZ20240002** allowing expansion of an existing feedlot of 30 animal units or more approximately 700 feet from a neighboring residence pursuant

to Section 54.46 (E) of the Carver County Code, for property legally described on the attached Exhibit “A”, is hereby **approved** with the following conditions:

1. The number of animal units (AU) at the feedlot shall not exceed a maximum of 70 AU.
2. The permittee shall operate the facility in full compliance with MPCA Feedlot Rules.
3. The applicant shall submit a Feedlot Registration Update Form to be processed by the County Feedlot Officer if the request is approved.
4. The applicant must operate and maintain the short-term manure stockpile such that the manure is removed from the site and land applied in accordance with Minn. Rules 7020.2225, within one year of the date when the stockpile was initially established pursuant to Minn. Rules 7020.2125 (A). A vegetative cover must be established on the site for at least one full growing season prior to reuse as a short-term stockpiling site.
5. Pursuant to Minn. Rules 7020.2125 (C), the manure stockpile site must not be located within 300 feet of flow distance and at least 50 feet horizontal distance, to waters of the state, sinkholes, rock outcroppings, open tile intakes, and any uncultivated wetlands which are not seeded to annual farm crops or crop rotations involving perennial grasses or forages.
6. All feedlot activities shall be done in accordance with the submitted site plan(s). Expansion of the existing feedlot shall not encroach any closer to the residence than as approved as part of this permit application (approx. 700 feet from 16980 County Road 31 W).

Selken seconded the motion for approval. Chairman Bruner called for a vote on the motion. All voted aye. Motion carried.

Public Hearing - File #PZ20240001 – Shea Lange –Chairman Bruner called the public hearing to order at 7:20 p.m. to consider the application of Shea Lange pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request to reduce the required setback for a structure from a County Rd designated as a Collector Rd not in the Shoreland District pursuant to Chapter 152 of the County Code. The property is in Section 18 of Watertown Township.

The following were present: Shea Lange

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 3, 2024

Exhibit F – Staff Report addressed to the Board of Adjustment and Watertown Town Board dated January 26, 2024, and all attachments

Donovan Hart, Carver County Senior Planner, stated the applicant owns an approximate 2-acre parcel improved with a single-family dwelling with attached garage, a corn crib and a 32' x 48' accessory structure. He is requesting a variance to reduce the required structure setback from the centerline of a county road designated as a Collector Road not in the Shoreland District. The result is a reduction in the required setback of 95 feet to 71 feet to accommodate an existing lean-to addition to the existing structure. In 2007, Mr. Lange obtained a variance to construct the existing 32' x 48' accessory structure at 65 feet from the road center. Hart used an aerial map of the property to illustrate the current structures and setback distances. In 2017, the approximate 288 square foot lean-to was constructed without a variance or a building permit. The lean-to addition is further from the road center than the existing shed structure, however, a variance is still required for the reduced setback. The applicant is seeking to obtain an after-the-fact variance and also an after-the fact building permit for this lean-to. In his letter, the applicant explains the practical difficulty of meeting the front yard setback and stated, *"the location of the lean-to is the only realistic place to put it on the property."* The applicant explained he did not apply for a building permit because *"it was my understanding that if it was for agricultural purposes, we would not have to acquire additional permits as one had already been approved for the existing shed."* Granting the variance is in harmony with the general purpose and intent of the official control, the setback for a Collector Road. The requested variance is a reasonable request and does not encroach further into the setback than the existing shed structure. It does appear that the landowner acted in good faith to make an effort to comply with the setback requirement, although he misunderstood the 2007 variance applied only to construction of the existing structure. Hart explained that the Zoning Code language is such that the lean-to addition requires a separate variance even though the setback encroachment is less than the existing structure. Jack Johansen, Carver County Transportation Planner, reviewed the request and stated in an email, *"The subject structure is no closer than the existing shed to the centerline of County Rd 123. Public Works does not anticipate any issues with permitting the subject structure at the setback distance. This is not in conflict with any future roadway plans."* Granting the variance would not conflict with the intent of the Comprehensive Plan and will not alter the character of the neighborhood. It would not materially, adversely affect the health or safety of persons living or working in the area adjacent to the subject property. The Watertown Town Board reviewed the request and recommended approval at their January 2, 2024, meeting with the additional comment, *"Twp is accepting of the shed lean-to addition variance."* Hart read the proposed conditions for consideration if the request is approved. If the Board of Adjustment determines that a practical difficulty is not identified, the reasons supporting denial must be identified and stated.

The applicant had no additional comments at this time.

Chairman Bruner, speaking as Watertown Township supervisor, confirmed the Township's unanimous recommendation for approval of the variance request.

There was no one present from the public for comment on this request.

A motion was made by Bielefeldt to close the public hearing. Steinhagen seconded the motion. Chairman Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:29 p.m.

Bielefeldt acknowledged this request is another after-the-fact variance. He asked to clarify the variance distance and if the variance pertained to the entire shed or just the lean-to.

Hart used the aerial map to explain the variance pertained only to the lean-to and would result in a 24-foot reduction to the required setback. Bielefeldt stated he is not in favor of after-the-fact variance requests and did not want to set a precedence for future applications. He can recognize the practical nature of the location of the lean-to on the existing shed.

Mielke further explained the pertinence of the variance in 2007 was to establish the location of the existing shed, which did not meet the required road setback. If the lean-to addition had been done at the same time as the structure, it would not have needed a separate variance as a part of the structure. But since it was constructed later and did not meet the minimum setback distance, it is required to obtain a variance for the lean-to addition, even though it is further from the road center than the existing shed.

Bielefeldt asked what the recourse is on an after-the-fact variance if the request is denied.

Mielke stated the Board of Adjustment, as the authority, makes a decision for each request which is final. If this variance would be denied, the lean-to portion could be removed so the property would be in compliance, or the applicant could appeal the decision and take it to District Court for a ruling. The ramifications for an after-the-fact building permit would be an application for a permit, approval from the building official, and a double fee cost for the permit, if applicable.

Hart also noted there is a provision in the Zoning Code addressing an after-the fact variance request, and things the Board of Adjustment should take into consideration. This offers the applicant a pathway to get their property into compliance with the Code.

Gorra stated she was not concerned about precedent-setting since that would require two or more requests to be the same, which is highly unlikely. She views each request as unique to the characteristics of the property and would support this request. She believes it is a minor request and was not done intentionally to violate the setback requirement.

Washburn stated the intent appears to be an honest mistake or oversight and he said the reaction to a violation and wanting to correct it speaks well for the applicant.

Bruner echoed the opinion that this appears to be an honest mistake or misunderstanding and would support the variance.

A motion was made by Bielefeldt to **approve and issue Board Order PZ20240001** for a reduced front yard setback to an existing accessory structure addition pursuant to Section 152.034 (D) of the Carver County Zoning Code, for property legally described on the attached Exhibit "A", with the following conditions:

1. The permittee shall obtain the appropriate building permit(s) related to the construction of the shed lean-to addition. All work shall be done in accordance with the submitted and approved building permit plans.
2. All construction activities shall be done in accordance with the submitted site plan and Carver County Public Works requirements. The new construction shall not encroach any closer to the

centerline of the road that than approved (i.e., 71 feet from the center of County Rd 123) as part of this permit application.

3. Prior to the issuance of a building permit, the landowner shall obtain any required SSTs (septic system) approval(s) and submit all required documentation.
4. No additional expansions shall be permitted without obtaining all necessary building permits and/or Variances. The conditions of the previously approved variance (V-PZ20070018) shall still apply to the 32'x 48' accessory structure.

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

Other Business

Mielke notified the Board that there will not be a meeting in March due to renovations and upgrades to the AV equipment in the County Board room and the time needed to complete those improvements.

Adjournment

Having completed the agenda items and seeing no other business, a motion was made by Bielefeldt and seconded by Washburn to adjourn. Bruner called for a vote on the motion. All voted aye. The meeting was adjourned at 7:38 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Environmental Services

March 22, 2024

TO: Carver County Board of Adjustment & San Francisco Town Board

FROM: The Environmental Services Department

SUBJECT: Application for a Variance (SSTS Setback)

FILE #: PZ20240009

APPLICANT: Doug Kilibarda

OWNER: Donald & Carrie Pearson

SITE ADDRESS: 16550 County Road 40, Carver, MN 55315

VARIANCE TYPE: Reduced Setback to a holding tank from a structure

PURSUANT TO: Carver County Code Section 52.022

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-003-1400

BACKGROUND:

1. Donald & Carrie Pearson own an approximately 20-acre parcel located in the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 3, San Francisco Township. The property is improved with a house and attached garage, as well as a detached shed.
2. The applicant is requesting an after-the-fact variance that would allow the previously installed holding tank to remain approximately 8-feet from the detached shed. Chapter 52 of the County Code requires a minimum 10-foot setback from a structure to a holding tank. Therefore, a variance for reduced setbacks pursuant to Chapter 52 – Section 52.022 has been requested.

LEGAL BACKGROUND:

§ 52.022 SSTS SETBACKS.

SSTS must be designed and installed to comply with the following minimum setback distances measured in feet:

Feature	Tank(s)/Sealed Privy	Soil Treatment and Dispersal Area/Unsealed Privy	Building Sewer or Supply Pipes
Structure(s)	10	20	-

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.
 - (E) In consideration of an after-the-fact variance request, and in addition to the criteria listed in § 152.215(D), the Board of Adjustment shall take into consideration and weigh the following:
 - (1) Whether or not the applicant acted in good faith or attempted to comply with this chapter.
 - (2) Whether a substantial investment of money has been made.
 - (3) Whether the construction is fully completed.
 - (4) Whether there are similar structures or similarly situated structures in the area.
 - (5) Whether the benefit to the county is outweighed by the burden on the applicant, if the applicant is required to comply with this chapter.
 - (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. Donald & Carrie Pearson purchased the property on May 22, 2000, and built the existing residence consisting of a house with an attached garage, as well as a detached shed. The holding tank servicing the shed was installed prior to the house construction without a permit.
2. The owners' letter dated February 15, 2024, describes the desire to bring the holding tank servicing the shed on the property into compliance, and therefore are requesting a variance. Carver County Chapter 52 of the County Code requires a 10-foot setback for tank(s) to a structure. Approval of the variance would allow the owners to sell the property in compliance with state and local rules. Further, approval of the variance would allow the holding tank to remain approximately 8-feet from the structure, reflecting an approximate 2-foot variance.
3. A compliance inspection was completed for the existing holding tank by Dirt Diggers Contracting on January 31, 2024. The compliance inspection determined that the tank is watertight, and that, despite not meeting the required setback, there is adequate room for proper future maintenance.

4. A maintenance agreement has been established with Dirt Diggers Contracting Inc for proper and timely maintenance of the system.
5. The owners have obtained an after-the-fact permit for the holding tank from Carver County Environmental Services.
6. Upon inspection of the shed, staff identified the existing floor drains discharge outside the structure. Minnesota Plumbing Code requires floor drains be connected to a holding tank. Donald and Carrie Pearson have proposed to install (2) new 500 gallon holding tanks for discharge of the floor drains.
7. The granting of the variance would not conflict with the intent of the Comprehensive Plan and/or County Ordinances and would not alter the character of the neighborhood.
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 San Francisco Board reviewed and recommended approval of the request at their February 12, 2024, Town Board meeting without any additional conditions.

BOARD CONSIDERATION:

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

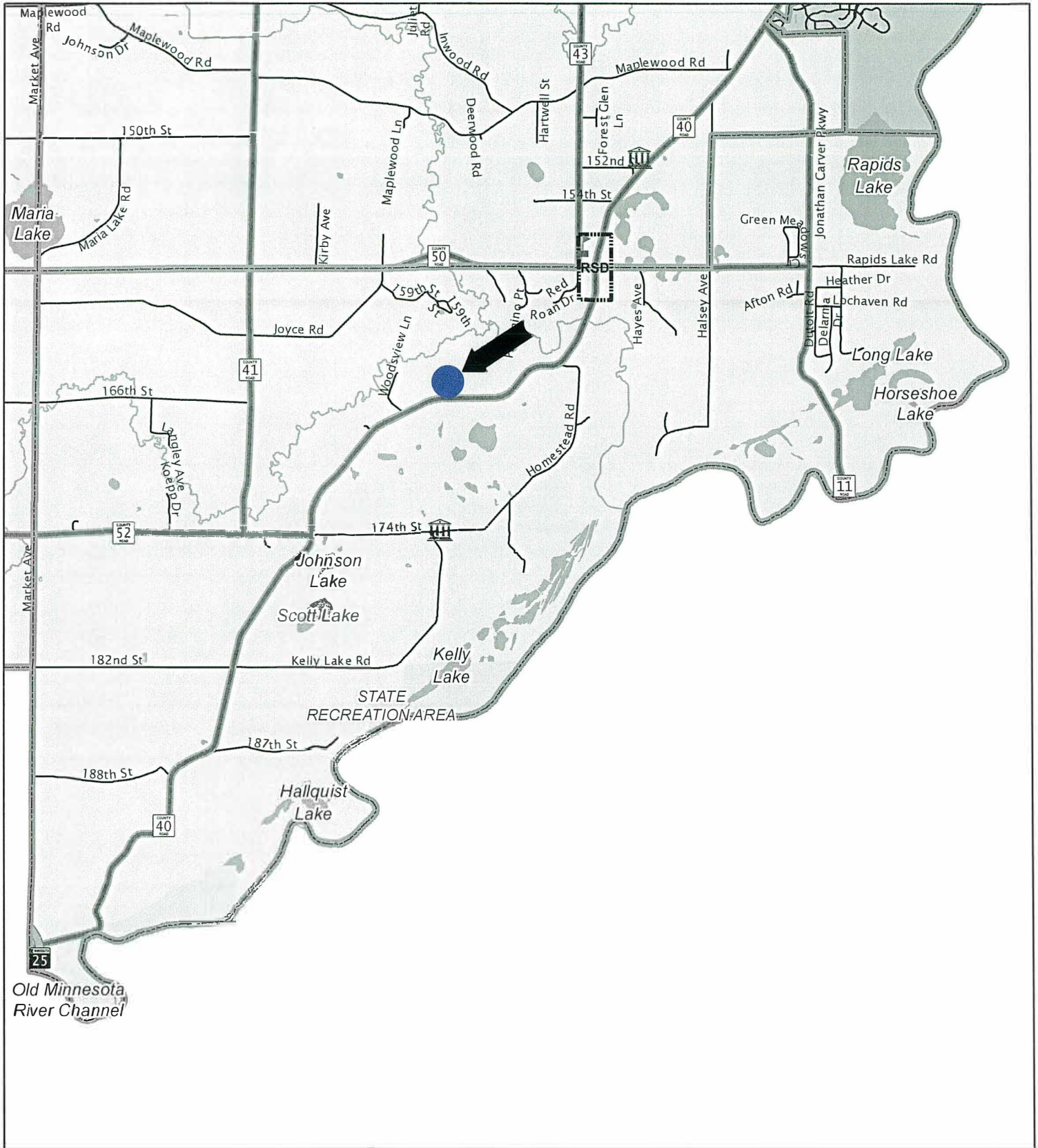
1. The holding tank shall be maintained according to the maintenance agreement on file at the county, and adequate room must be left for future maintenance. (Approx. 8-feet from the structure).
2. Floor drains in the existing detached shed must be connected to a holding tank per 2020 Minnesota Plumbing Code 4714.0100. The (2) 500 gallon holding tanks shall be located according to the final design approved by Carver County Environmental Services. Property owners must obtain appropriate permit for installation of the holding tank.
3. The permittee shall obtain the appropriate building permit for the structure change of use from entirely agricultural use to 50% agricultural use and 50% personal storage. All work shall be done in accordance with the submitted and approved building permit plans.

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.

SAN FRANCISCO TOWNSHIP



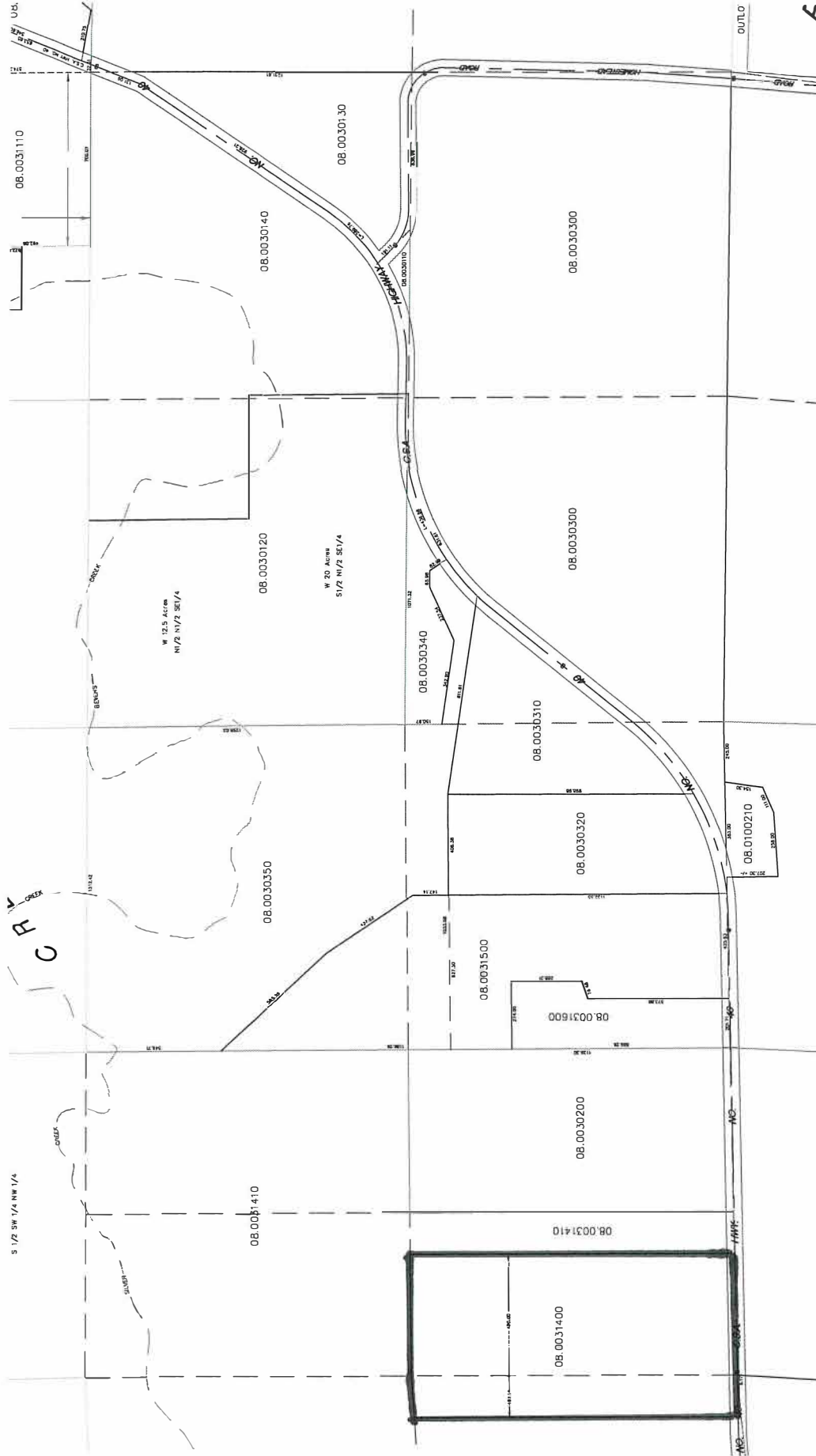
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 THIS IS A PRELIMINARY PLAT.
 AS THEY APPEAR IN THE CARVER COUNTY
 RECORDS. THIS PLAT IS FOR INFORMATION
 ONLY. IT IS NOT TO BE USED FOR REFERENCE
 IN ANY COURT OF LAW. THE SURVEYORS
 AND ENGINEERS ASSUME NO LIABILITY FOR ANY
 ERRORS CONTAINED THEREIN.

S 1/2 SEC. 3, T.114, R.24



Donald & Carrie Pearson

16550 County Road 40

Carver, MN 55315

2/15/2024

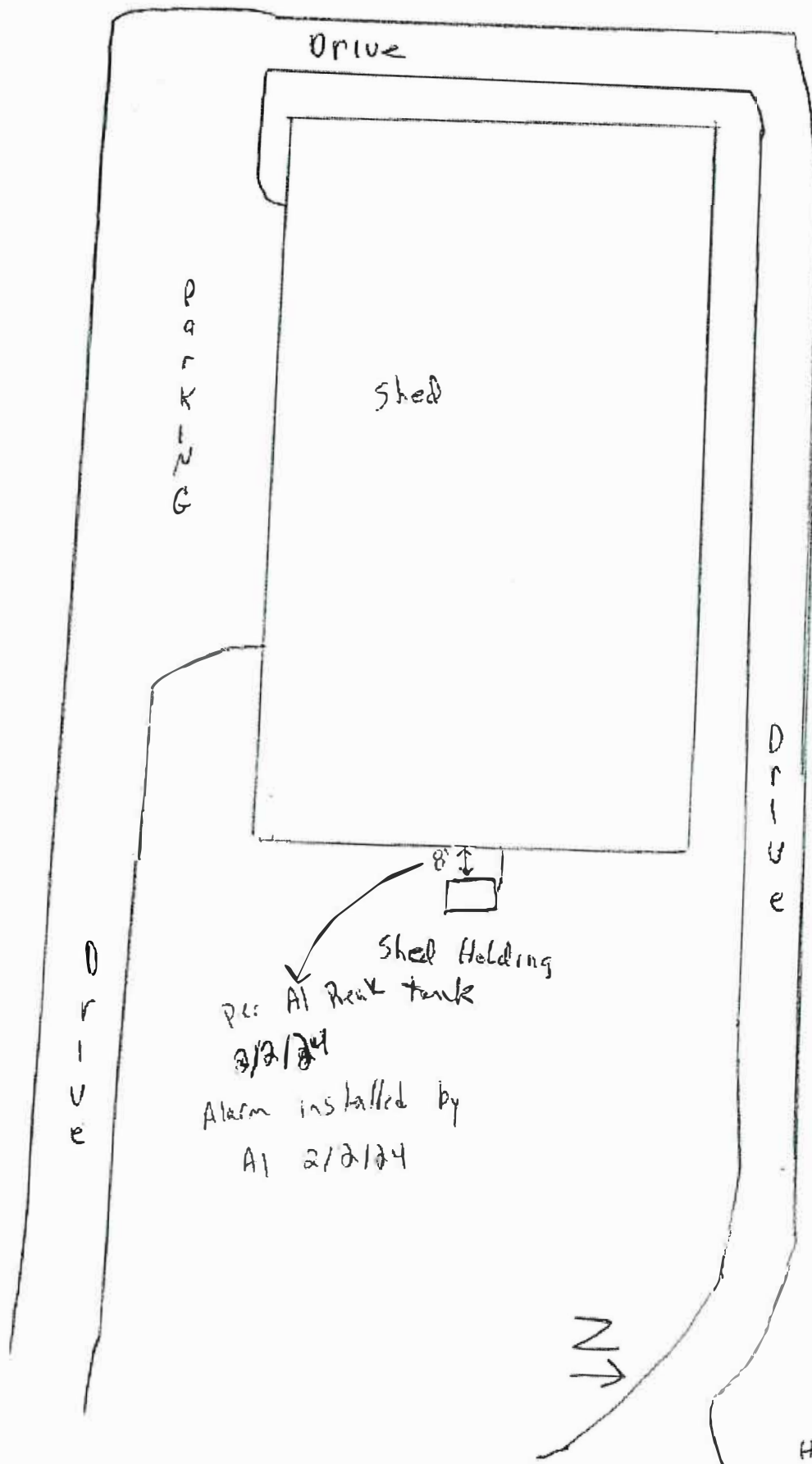
Dear Board of Adjustment:

We had a 1500 gal holding tank installed for our shed. It is our understanding that the tank currently does not meet the required setback of 10' from a tank to a structure and is actually 8' from the shed. A compliance inspection was completed on 1/31/2024 by Al Reak of Dirt Diggers Contracting Inc L790. That compliance inspection determined that the tank was watertight, and that despite not meeting the required setback there is adequate room for proper maintenance of the system. A maintenance agreement has been established with Mr. Reak and Dirt Diggers Contracting Inc for proper and timely maintenance of the system. We are proposing the required 2' variance so that the property may be sold and be in compliance with all Carver County requirements.

Thank you for your consideration in this matter,

Don & Carrie Pearson

Dont Carrie Pearson
16550 CORDYO Caves

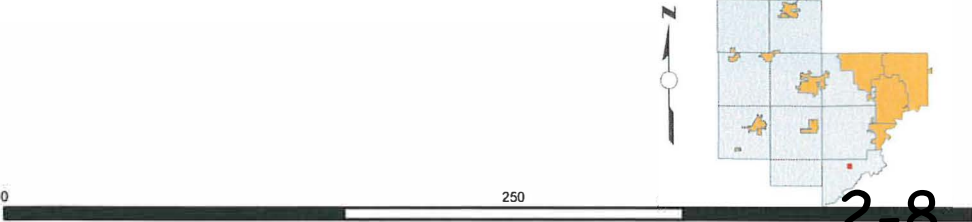


AL REAK
C-3/101
1-31-24

PEARSON SSTS VARIANCE



Date: 3/22/2024
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.





Township Presentation & Recommendation Form

PARCEL # <u>080031400</u>	Permit # <u>P22024 0009</u>
Owner's Name: <u>DONALD & CARRIE PEARSON</u>	Owner's Mailing Address: <u>16550 CO. RD. 40</u>
City: <u>CARVER</u>	Owner State: <u>MIN</u> Owner Zip: <u>55315</u>
Applicant (if other than owner): <u>DOUG KILBARRDA</u>	Site Address: <u>16550 CO RD 40, CARVER</u>

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request: <u>VARIANCE CODE 52.022 SSTS SETBACKS FROM</u> <u>10' TO 8'.</u>						
Date of County Public Hearing: <u>4/3/2024</u>			Date of Township Meeting: <u>2/12/24</u>			

Actions:

Township Action Taken:

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

***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.

<u>[Signature]</u>	Date <u>2/8/2024</u>
Signature of Applicant	
<u>[Signature]</u>	Date <u>2/8/2024</u>
Signature of Township Official	

TWP Heidi Schmitt / clerk 2/12/24

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-003-1400

File# A20240009

APPLICANT/OWNER: Donald L Pearson & Carrie L Pearson

* * * * *

The West 490.00 feet of the Southwest Quarter of the Southwest Quarter of Section 3, Township 114, Range 24, and the East 167.14 feet of the Southeast Quarter of the Southeast Quarter of Section 4, Township 114, Range 24, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

March 25, 2024

TO: Carver County Board of Adjustment & Camden Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Reduced Rear Yard Setback)

FILE #: PZ20240010

APPLICANT: Chad Braun

OWNER: Chad Braun

SITE ADDRESS: 10276 Co Rd 135, Young America, 55397

VARIANCE TYPE: Reduced Rear Setback

PURSUANT TO: County Code Section 152.034 D

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 02-027-0800

BACKGROUND:

1. Mr. Chad Braun owns an approximate 3.52-acre parcel located in the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 34 & Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 27, Camden Township. The property is improved with a single-family dwelling with an attached garage. The property is located in the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO) - Crow River Watershed.
2. The applicant is requesting a variance to reduce the required rear yard setback in order to construct an attached garage addition to his residence. The request would consist of a reduced setback from 30 feet to 4 feet to accommodate the new attached garage. The proposed structure would be closer to the rear property line than what is permitted by the Zoning Code; therefore, a variance has been requested pursuant to Section 152.034 (D) of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.034 SETBACKS.

(D) *Table of setback requirements.* All structures unless exempted above; and signs and parking areas near a public right-of-way:

Rear Lot Line Setbacks	All Districts	30
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BOARD OF ADJUSTMENT

§ 152.210 CREATION.

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

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

§ 152.215 VARIANCES.

(D) *Grounds for variance.* The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall be granted in

accordance with M.S. Chapter 394, as it may be amended from time to time, in cases where the applicant establishes that there is a practical difficulty in the way of carrying out the strict letter of any official control.

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

(F) *Other provisions related to variances.*

- (1) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
 - (2) Inadequate access to direct sunlight for solar energy systems is considered a practical difficulty.
 - (3) Variances shall be granted for earth shelter construction as defined in MN State Statute section 216C.06, subdivision 14, when in harmony with the official controls.
 - (4) The board of adjustment may impose conditions on the granting of any variance pursuant to subsection 152.216 (B).
 - (5) Granting of the variance shall not have the effect of violating a state or federal rule or law.
 - (6) *Floodplain standards.* A variance issued to property within the Floodplain Overlay District must meet the requirements set forth in §§ 152.143 through 152.156.
 - (7) *Shoreland Overlay District.* A variance issued to property within the Shoreland Overlay District must meet the requirements set forth in §§ 152.108 and 152.135.
 - (8) That the granting of the variance will not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.
- (Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 88-2018, passed 11-20-18; Am. Ord. 97-2021, passed 7-20-21)

STAFF ANALYSIS:

1. Section 152.034 (D) of the County Zoning Code requires that the nearest corner of any structure, in all zoning districts, meets or exceeds a 30-foot setback from a rear property line. Approval of this request would allow the applicant to apply for a building permit to construct a house addition (garage) with an approximate 4-foot setback from the property's rear boundary.
2. In the submitted narrative (dated March 6, 2024), Mr. Braun describes the practical difficulty of the configuration of the lot whose boundaries delineated a Farm-Related Manufactured Home dwelling (CUP #5194) and did not include the septic system that served the residence and created a nonconforming 20' rear setback for the house, whose construction preceded creation of the property boundary. It appears that the location of Mr. Braun's house was determined by the location of a common well to serve both the farm-related dwelling and the farmstead, as well as provide close proximity to the agricultural buildings for the farm worker. Further, the narrative notes that a house addition to the east, where there are not tight property boundary limitations, is not possible due to the location of the house's septic system. Mr. Braun mentions that he has approached the adjacent landowner about purchasing additional land but was unable to do so. He states the depth of attached garage addition has been kept "to a feasible minimum to retain enough space to...avoid semi-trucks, low-boys, and large farm equipment" that travel the driveway to the adjacent agricultural buildings. Except for the rear yard setback, the house addition would meet all other applicable setbacks.

3. The submitted site plan (dated March 6, 2024) shows the unusual configuration of the lot which stretches about 1,100 feet deep with only about 110-feet of width in the area where the house is located. As Mr. Braun references in the narrative, there is an expanded lot width by the road, but that odd shape only confirms the practical difficulty inherent in the variance request. The site plan shows the limited side and rear yards and the septic system obstructing any conforming expansion of the residence.
4. Jacob McLain, Senior Environmentalist with Carver County Environmental Services, reviewed the application. In an email dated March 12, 2024, stated that he had no comments regarding the reduced setback request.
5. 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 structure setback from a property line. In this specific context the land adjacent to the proposed house addition is a garden area, with the closet structures about 225 feet away. Although this request does not meet the specific standards, it appears to meet the intent of the regulations.
6. The granting of the variance would not conflict with the intent of the Comprehensive Plan and will not alter the character of the neighborhood, nor will government services be negatively impacted by the addition of the attached garage structure. The land use in the area is predominantly agricultural in nature, with scattered homesteads surrounded by trees.
7. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
8. The Camden Town Board has reviewed the request, and recommended approval at their February 8, 2024, Town Board meeting with the comment: "Approved by Camden Township with Carver County recommendations."

BOARD CONSIDERATION:

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

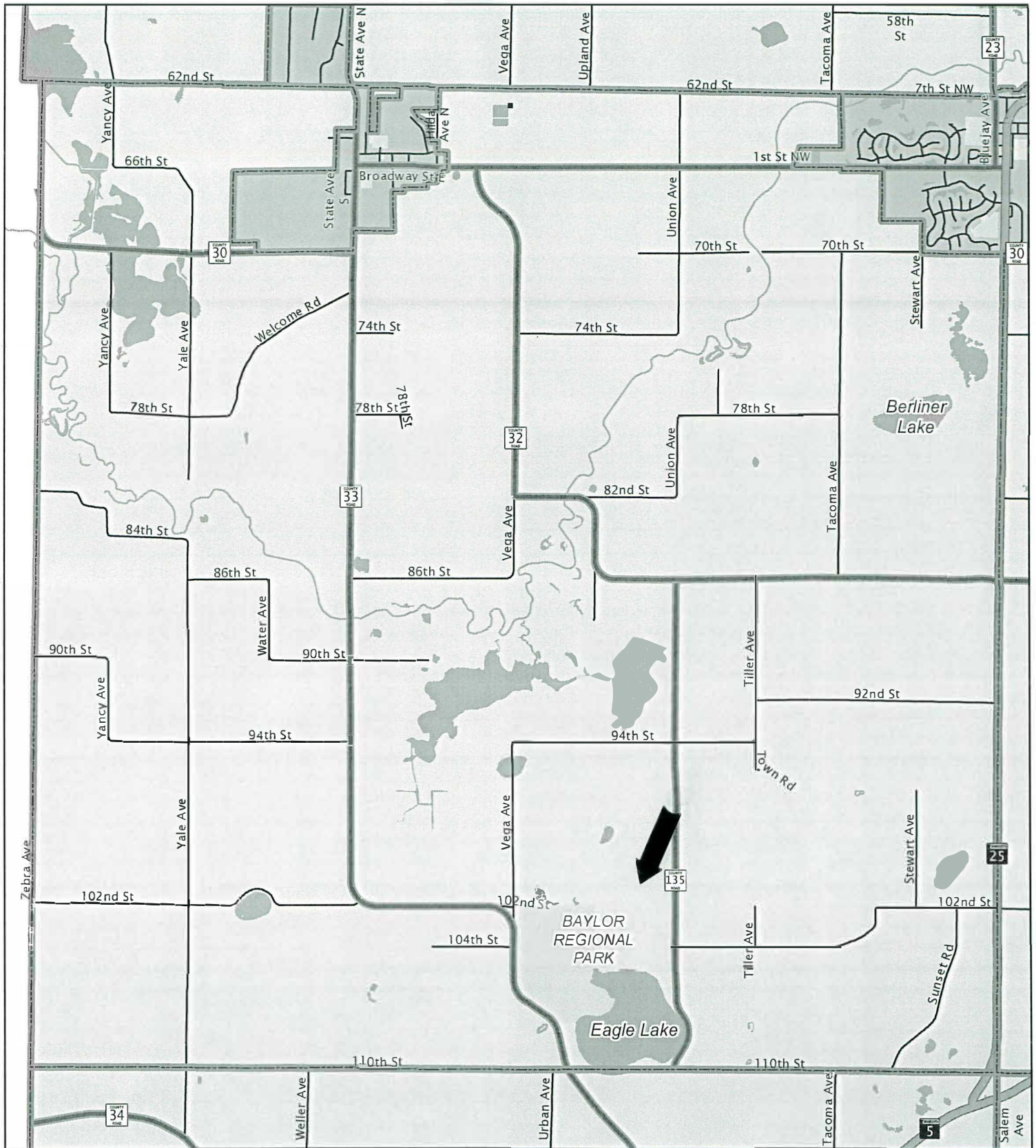
1. The permittee shall obtain the appropriate building permit(s) prior to the construction of the proposed attached garage addition. All work shall be done in accordance with the submitted and approved building permit plans.
2. All construction activities shall be done in accordance with the submitted site plan. The new construction shall not encroach any closer to the rear property line than approved (i.e., 4 feet) as part of this permit application.
3. 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.

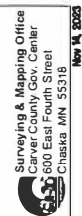
CAMDEN TOWNSHIP



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.



N 1/2 SEC. 34, T.116, R.26



PID# 020270800 Setback Variance Narrative

3-6-2024

Carver County Board of Adjustment

600 East 4th Street

Chaska, MN 55318

RE: Request for Setback Variance

To whom it may concern,

The owners (Chad & Julia Braun) are formally requesting a variance to the setback ordinance (Ordinance 152.034 Subsection D) to facilitate the safe and orderly construction of an attached garage structure at 10276 County Road 135.

The subject property is an extremely deep reverse flag lot having road frontage along County Road 135. This non-conforming lot was created as a result of an administrative split done some years after the home was built as part of a Farm Related Permanent Home (CUP #5194). The following administrative split did not include the septic system that served the property at the time, although the septic location was clearly depicted on multiple recorded documents. The split was allowed to draw the lot lines at approximately 20 ft north and west of the home.

The lot is over 1,100 feet deep from the centerline of County Road 135, with the existing home set within 20 feet of the western (rear) and northern (side) lot lines. The home location was selected to utilize a common well for both properties. This location places the existing structure already outside of the setback ordinance rules. The western (rear) lot line abuts open land with no other structures or setback related items within several hundred feet. To the north and east of the existing home lie sanitary sewer lines, septic tanks and a mound type drain field system which prohibits expansion to the east or north.

We have pursued the purchase of additional acreage to the west to facilitate construction of a structure, but due to other conflicting ordinances (Septic Compliance and Minimum size) have been unable to do so.

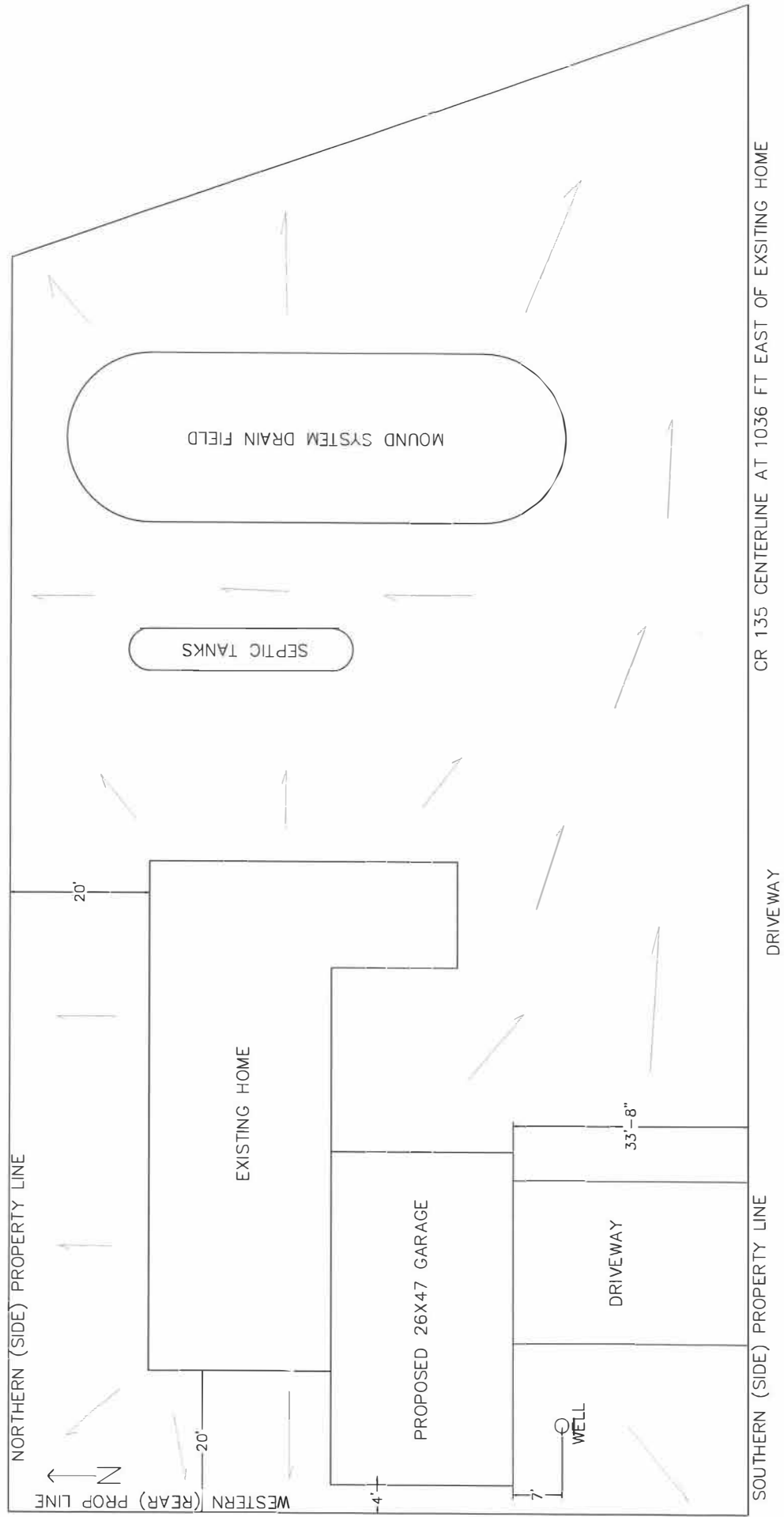
55 feet south of the existing home there is a highly traveled driveway that is shared with a factory farm (10270). To facilitate safe and orderly ingress and egress from the proposed attached garage we desire to keep depth of the proposed structure to a feasible minimum to retain enough space to dodge in to avoid semi-trucks, low-boys, and large farm equipment in front of the structure. We request a variance to the setback ordinance (Ordinance 152.034 Subsection D) along the western lot line of PID 02.027.0800 to allow us to construct a 26' x47' attached garage with the foundation wall no less than 4 feet from the western lot line as surveyed and monumented in the field. The proposed attached structure will be used for vehicle and personal storage.

Chad & Julia Braun

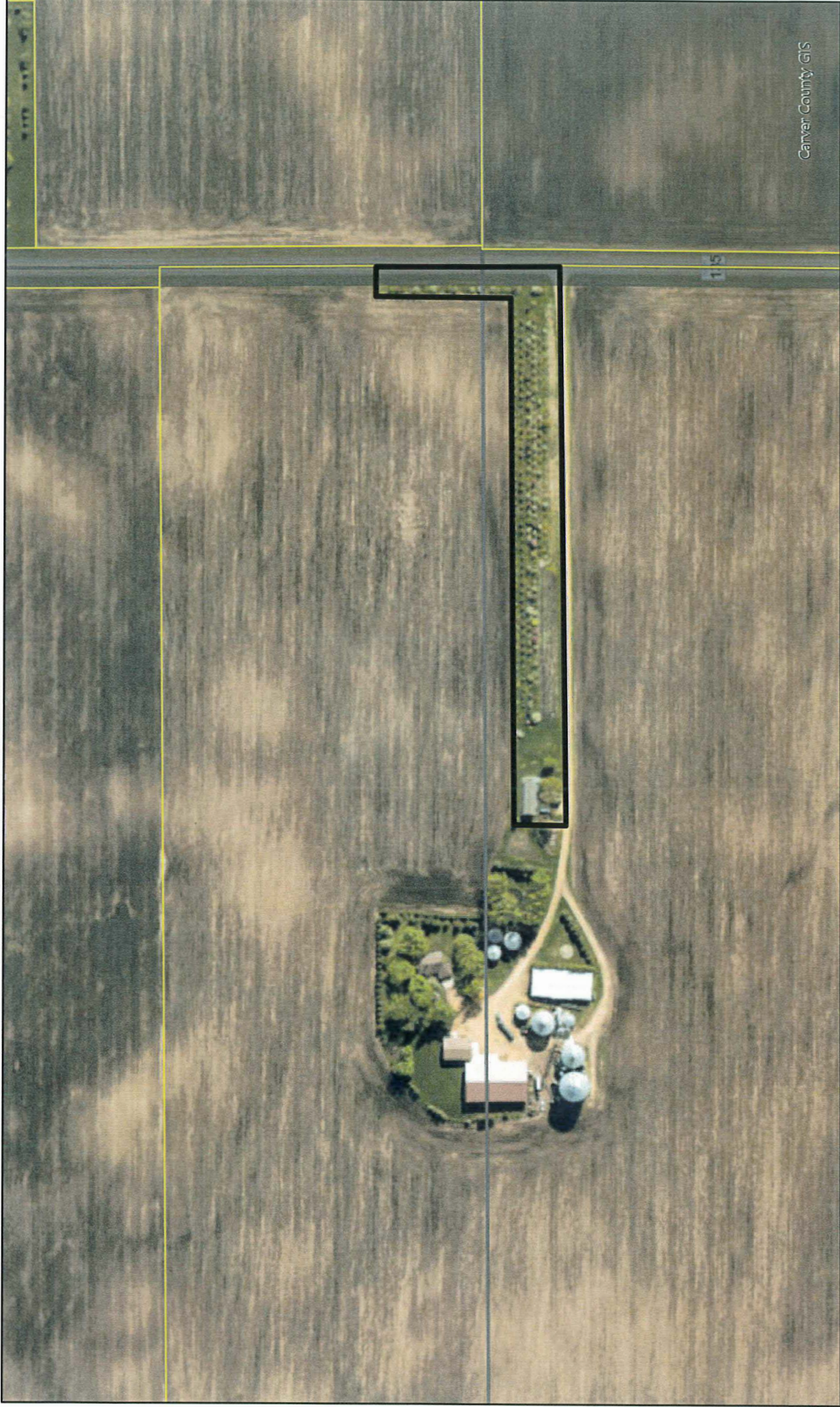
10276 County Road 135

Young America, MN 55397

SITE PLAN 3/6/2024

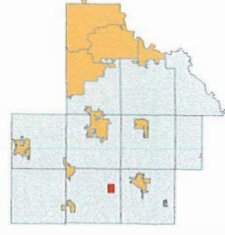
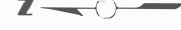


BRAUN PARCEL (OUTLINED IN BLACK)



Date: 3/22/2024

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Township Presentation & Recommendation Form

PARCEL # 020270800	Permit # P220240010		
Owner's Name: Chad Braun	Owner's Mailing Address: 10276 County Road 135		
City: Young America	Owner State: Minnesota	Owner Zip: 55397	
Applicant (if other than owner): 	Site Address: 10276 County Road 135		

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal				
Description of Request: We are requesting a variance from Ordinance 152.034 Sub D to reduce setbacks to the western lot line (rear) to 4 feet from the foundation wall of a proposed 26 x 47 attached garage structure due to the constraints of an irregular shaped lot.				
Date of County Public Hearing: 4-3-24		Date of Township Meeting: February 8th, 2024		

Actions:

Township Action Taken:

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

approved by Camden Township with Carver Counties Recommendations.

****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.

Chad R. Braun

Date 3-6-24

Signature of Applicant

William Devine

Date 2-9-24

Signature of Township Official

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 02-027-0800

File# PZ20240010

APPLICANT/OWNER: Chad R Braun

* * * * *

That part of the South Half of the South Half of the Southeast Quarter of Section 27, Township 116, Range 26, Carver County, Minnesota, and that part of the North Half of the Northeast Quarter of Section 34, Township 116, Range 26, Carver County, Minnesota, described as follows: Beginning at the Southeast corner of said South Half of the South Half of the Southeast Quarter of Section 27; thence north along the east line of said South Half of the South Half of the Southeast Quarter, a distance of 217.56 feet; thence west parallel with the south line of said South Half of the South Half of the Southeast Quarter, a distance of 66.00 feet; thence south parallel with the east line of said South Half of the South Half of the Southeast Quarter, a distance of 217.56 feet to the north line of the said North Half of the Northeast Quarter of Section 34; thence south parallel with the east line of said North Half of the Northeast Quarter, a distance of 57.94 feet; thence west parallel with the north line of said North Half of the Northeast Quarter, a distance of 1,063.65 feet; thence south parallel with the east line of said North Half of the Northeast Quarter, a distance of 105.66 feet; thence easterly, deflecting 90 degrees 16 minutes 52 seconds left, a distance of 678.82 feet; thence easterly deflecting 1 degree 30 minutes 54 seconds left, a distance of 450.99 feet to the east line of said North Half of the Northeast Quarter; thence north along said east line, a distance of 159.14 feet to the point of beginning.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

March 25, 2024

TO: Carver County Board of Adjustment & Dahlgren Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Changes to Non-conforming Parcels, Reduced Road Frontage and Width to Depth Ratio)

FILE #: PZ20240008

APPLICANT: Anthony Reno

PROPERTY OWNERS: Louis & Alyssa Heim and Anthony & Dana Reno

SITE ADDRESSES: 8580 and 8570 Mapleview Dr, Cologne, MN 55322

VARIANCE TYPE: Reduced Road Frontage and Width-to-Depth Ratio

PURSUANT TO: County Code Sections 152.009 (M), 152.033 (D)(1) & (4)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 04-300-0030 & 04-300-0020

BACKGROUND:

1. Anthony and Dana Reno own an approximate 2.83-acre parcel located in the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) in Section 20, Dahlgren Township. Louis and Alyssa Heim own the adjoining approximate 2.79-acre parcel directly west. These properties are platted as Lot 3 and 2 respectively of Maple View Hillside Plat, recorded in 1994. Both properties are improved with existing single-family homes with attached garages, and wooded land. The properties are located in the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO) – Bevens Creek watershed.
2. The applicant is requesting a multi-component variance that would allow for a lot line adjustment. The intent of the lot line adjustment is to reconfigure the property line separating the two properties to increase the side yard setback from Reno's existing house. If approved, both homes would meet all required setbacks; however, both properties would not meet the County's requirement for width-to-depth ratio and the Reno property would not meet the County's requirement for road frontage, and the Heim property would not maintain the minimum width standard the entire lot depth. Therefore, a variance has been requested pursuant to Sections 152.033 (D) (1) (2) & (4) 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.
- (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 of a specified lot must be maintained for the entire depth of the lot except where the lot is located on a cul-de-sac.
 - (3) *Minimum lot depth.* One hundred twenty-five feet.

- (4) *Width to depth ratio.* Depth of the lot shall not exceed five times the width. Road frontage of 500 feet or more will support a lot of any depth.
(Ord. 47, passed 7-23-02; Am. Ord. 70-2010, passed 1-25-11; 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.
- (E) In consideration of an after-the-fact variance request, and in addition to the criteria listed in § 152.215(D), the Board of Adjustment shall take into consideration and weigh the following:
- (1) Whether or not the applicant acted in good faith or attempted to comply with this chapter.
 - (2) Whether a substantial investment of money has been made.
 - (3) Whether the construction is fully completed.
 - (4) Whether there are similar structures or similarly situated structures in the area.
 - (5) Whether the benefit to the county is outweighed by the burden on the applicant, if the applicant is required to comply with this chapter.
- (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 applicant is proposing a reconfiguration of existing parcels by swapping approximately 1,544 square feet (0.035 acres) along the common boundary between the properties to more accurately describe the land use. 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 applicant is proposing to adjust the side property line that separates the Heim and Reno properties, as shown in the site plan, dated March 11, 2024. The total acreage of each property will remain the same, as the applicants are proposing an equal “land swap” decided to one another. Currently the road frontage for each parcel is 151 feet. With the proposed land swap, the Reno property will have approximately 122.72 feet, so the applicants are requesting a 2.28’ variance.
3. Both properties have a depth of approximately 748.97 feet. Per Section 152.033 (D)(4), the depth of a lot may not exceed 5 times the width. To support the existing depth, each lot would need a width of at least 149.79’. With the reduced road frontage of 122.78’ of the Reno property (PID 04-300-0030), a variance for reduced width-to-depth ratio is necessary. Code also requires that the minimum width of a lot must be maintained the entire depth of the property. The proposed Heim property configuration (PID 04-300-0020) has a reduced width of approximately 134.98 feet at the narrowest point in order to accommodate the setback from the Reno residence and enough space to maintain landscaping.
4. In the applicant’s letter dated February 7, 2024, the applicant explains that they seek to fix the long-existing lot line issue. After they purchased the homes over 3 years ago, they discovered that the property line gets as close as 36 inches from the west facing wall of the Renos’ home, and some of the landscaping is encroaching onto the Heims’ property. The Reno’s also utilize the west side of their house to access the backyard for lawn mowing. To correct the issue, they wish to adjust the boundary line and exchange an equal amount of acreage. The lot line adjustment will allow Renos to access their backyard more effectively and ensure their home can meet the required 15’ side yard setback.
5. The request was reviewed by Jacob McLain, Carver County Senior Environmentalist – Subsurface Sewage Treatment Systems (SSTS). Mr. McLain reported in an email (dated March 12, 2024) that both properties affected by this variance request have compliant septic systems and Certificates of Compliance on file.
6. The plight of the landowners is due to circumstances created by the previous landowners. The land was platted as two conforming lots, but the Reno’s home was built in 1994 with an incorrect setback to the western property line in the narrowest part of the lot. When the Reno family purchased the property in 2020, the practical difficulty became obvious when examining property lines and existing setbacks. However, each variance application request is based on its own merit, property uniqueness, and reasons described by the applicant. As confirmed in his narrative, the applicant seeks to use the land in a reasonable manner for which it has been used for several years.
7. The applicant is proposing to use the property in a reasonable manner and in harmony with the general purpose and intent of the official control. The official control in this matter is to ensure adequate access is provided to accommodate future development. Although the proposal does not meet the road frontage standard, adjusting the lot lines appears to be a reasonable request and meets the parcel configuration standards for the residential parcel, as well as the intent of the regulations.
8. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan. The neighborhood is comprised of agricultural uses, residences, and wooded areas. The request would not cause a substantial change in the character of the neighborhood, nor would it have a negative impact on government services.
9. 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.

10. The Dahlgren Town Board reviewed the request and recommended approval unanimously at their February 12, 2024, Town Board meeting, stating “Town is in favor.”

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for reduced road frontage and excessive width/depth ratio would serve in the interest of justice, the following condition should be attached to the approved variance:

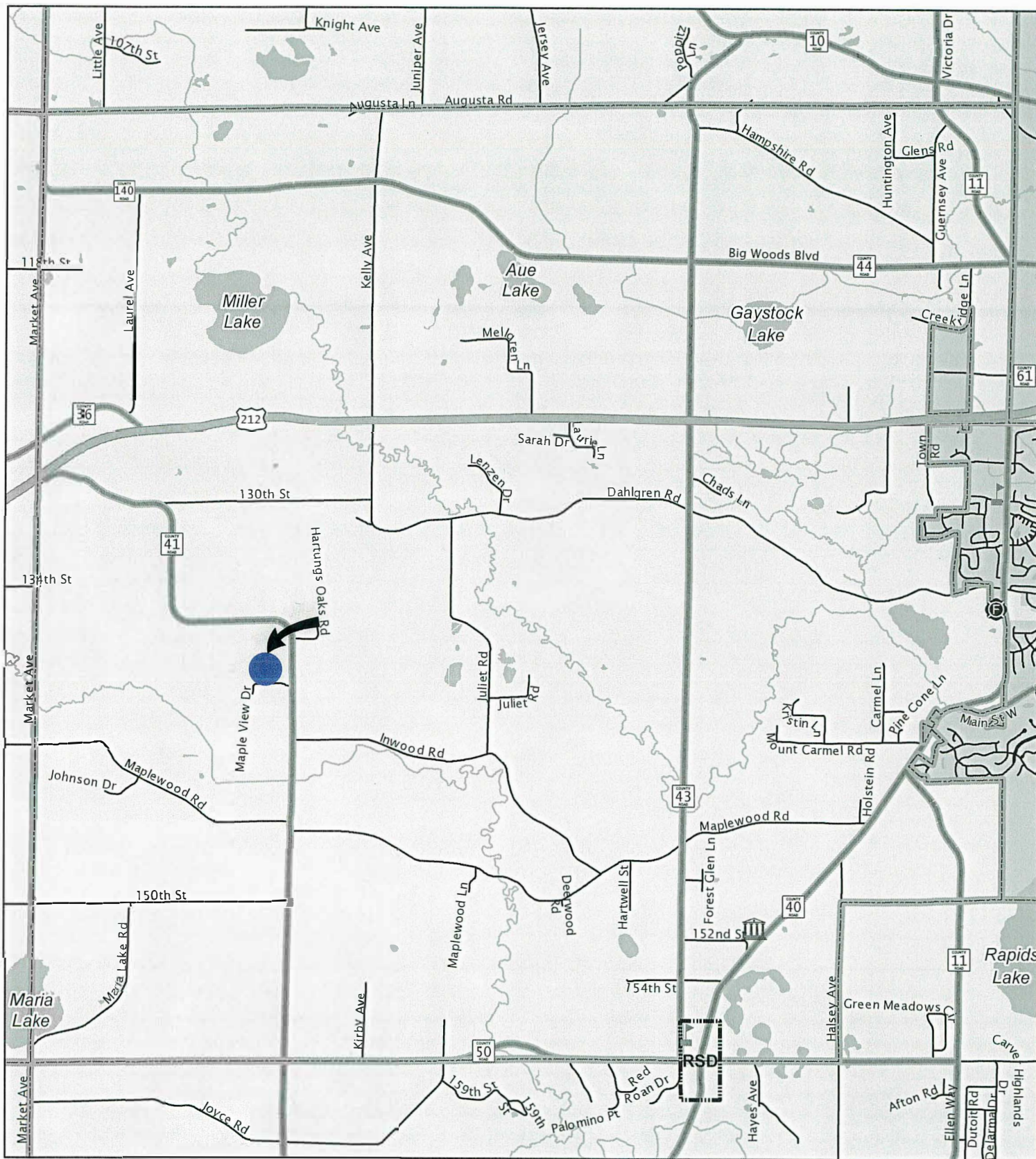
1. A Minor Subdivision (Boundary Line Adjustment) application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code requirements including by not limited to, a completed Minor Subdivision Application, Survey, and SSTS Compliance.

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.

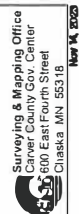
DAHLGREN TOWNSHIP



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S 1/2 SEC. 20, T.115, R.24



To: Carver County Board of Adjustment

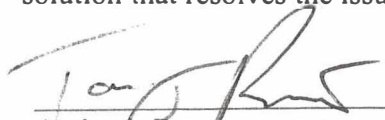
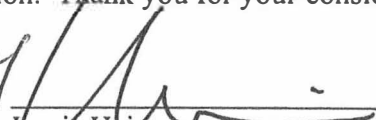
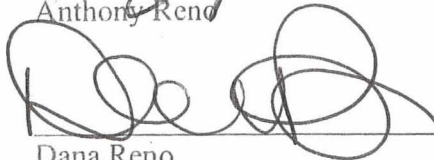
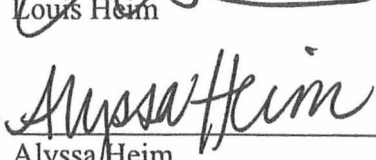
This letter is attached to the joint application for variances related to the adjustment of the common boundary line between properties owned by Anthony and Dana Reno, and Louis and Alyssa Heim, respectively. The variances relate to reduced road frontage (for the Reno parcel) and noncompliant width to depth ratio (for both the Reno and Heim parcels), Land Use Ordinance 152.033(d). The Renos and the Heims respectfully request that the variances be approved for the reasons discussed herein.

Since purchasing our homes some 3+ years ago we have since discovered a lot line issue. The current common boundary line of the Reno parcel (8570 Maple View Dr, Cologne) and the Heim parcel (8580 Maple View Dr, Cologne) gets as close as 36 inches to the west facing wall of the Renos' home and some of the Renos' landscaping encroaches onto the Heim parcel. Accordingly, the Renos are not able to even get a lawn mower to the backyard without crossing the property line. To correct this issue, we seek to adjust the boundary line and we have agreed to an even exchange of land that we would deed to each other, as depicted and legally described on the Certificate of Survey submitted herewith. In summary, the Heims would convey a small area of land to the Renos to allow the Renos to access their back yard from the westerly side of the Reno parcel, and the Renos would convey a similarly-sized small area of land to the Heims near the road frontage (southern) side of the property. The survey also depicts a relocated drainage and utility easement that tracks the proposed adjusted boundary line.

Current lot road frontage for both parcels is 151 feet. The proposed lot dimensions (width to depth ratio) would be slightly compromised with the proposed boundary line adjustment. We believe the described variances would be only a slight compromise and, on balance, will benefit both parcels and current and future owners. The application requests a variance to allow the Reno parcel to have a reduced lot road frontage width to approximately 122.72 feet. The width to depth ratio would not be met based on the new width requested, thus a variance is required.

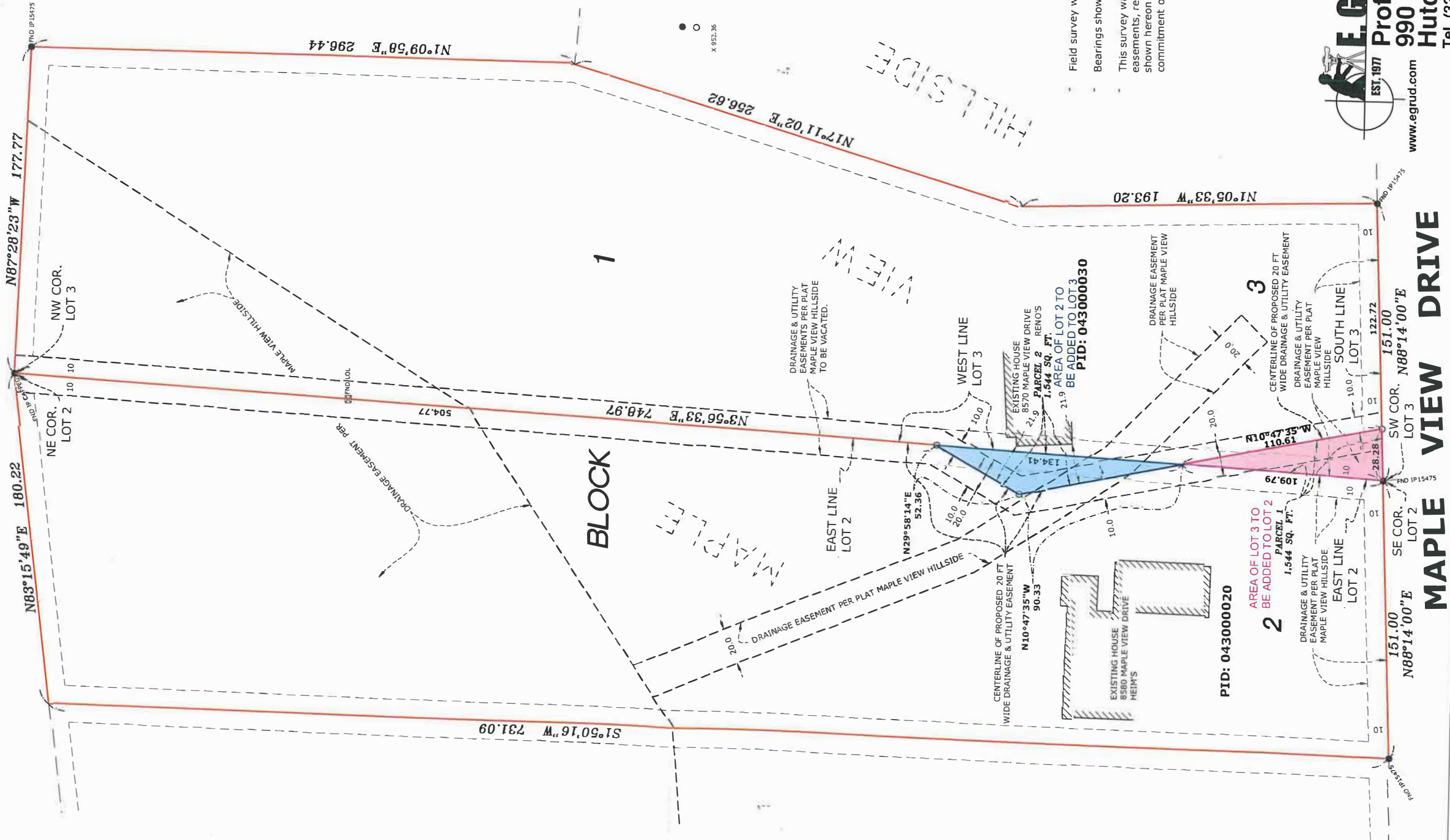
We also request a variance for the Heim parcel to allow a reduced width of approximately 134.98 feet at the eastern-most part of the Heim parcel where land would be conveyed to the Renos, which would otherwise require a maximum parcel depth of 674.90 feet. The existing parcel has a depth of 748.97 feet. Because the minimum width would not be maintained through the entire depth of the parcel, we are requesting a variance.

Neither the Renos nor the Heims created this issue and we have worked together to reach a solution that resolves the issue and avoids litigation. Thank you for your consideration.

 Anthony Reno	2-8-24 Date	 Louis Heim	2-7-24 Date
 Dana Reno	2/8/24 Date	 Alyssa Heim	2/7/24 Date

CERTIFICATE OF SURVEY

~for~ FNF FAMILY OF COMPANIES (RENO / HEIM)
~Part of~ Lots 2 & 3, Block 1, MAPLE VIEW HILLSIDE,
Carver Co., MN.



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED #'s 45356 & 52705
- DENOTES EXISTING SPOT ELEVATION

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

KURT D. NELSON
Date: 3NOV23 License No. 45356

NOTES

Field survey was completed by E.G. Rud and Sons, Inc. on 10/25/2023.
Bearings shown are based on the record plat 'MAPLE VIEW HILLSIDE'.
This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

DRAWN BY:	KDN	JOB NO:	23.1114	DATE:	11/3/2024
CHECK BY:	KDN	FIELD CREW:	JWM		
1	11MAR24	PER CARVER CO. LAND MANAGER	KDN		
2					
3					
NO.	DATE	DESCRIPTION		BY	



E.G. RUD & SONS, INC.

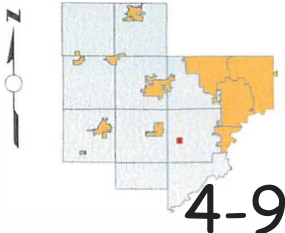
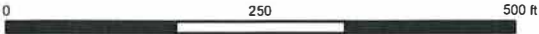
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025

MAPLE VIEW DRIVE

RENO/HEIM VARIANCE



Date: 3/22/2024
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.





Township Presentation & Recommendation Form

PARCEL # 04-300-0030 / 04-300-0020		Permit # P22024/0008	
Owner's Name: Louis and Alyssa Heim		Owner's Mailing Address: 8580 Maple View Dr.	
City: Cologne	Owner State: MN	Owner Zip: 55322	
Applicant (if other than owner): Anthony Reno		Site Address: 8570 Maple View Dr Cologne MN 55322	

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal			
Description of Request: Lot Variance Due to inability to access the west side of 8570 Maple View Dr. The access prohibits our ability to reach our backyard as it stands.			
Date of County Public Hearing: 4/3/24		Date of Township Meeting: 2/12/24	

Actions:

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

****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 1-19-24
Signature of Township Official 	Date 2-12-24

EXHIBIT "A" – LEGAL DESCRIPTION

**PID NUMBER: 04-300-0030
04-300-0020**

File# PZ20240008

APPLICANT: Anthony L Reno

OWNERS: Anthony L Reno & Dana R Reno (-0030)

Louis Ryan Heim & Alyssa Donna Heim (-0020)

*** * * * ***

04-300-0030 (Reno)

Lot 3, Block 1, Maple View Hillside, Carver County, Minnesota.

04-300-0020 (Heim)

Lot 2, Block 1, Maple view Hillside, Carver County, Minnesota.