



CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **November 6, 2024, 7:00 PM**

Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

1. **Convene**

- 1.1. Call to Order
- 1.2. Attendance
- 1.3. Agenda review and adoption
- 1.4. Approve Minutes from October 2, 2024 meeting

2. **Agenda**

- 2.1. File #20240041 - Public hearing on request by Phillip Bovy for a variance 10-20
(Reduced Rear Yard Setback)
- 2.2. File #20240044 - Public hearing on request by Mark & Angela Schwalbe for a variance..... 21-34
(Exceed Personal Storage Space, Structure Height, Sidewall Height)

3. **Other Business**

- 3.1. Discussion to set date of January 2025 meeting

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

October 24, 2024

TO: Carver County Board of Adjustment & Benton Town Board

FROM: The Land Management Department

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

FILE #: PZ20240041

APPLICANT: Philip Bovy

OWNER: Philip & Ann Bovy

SITE ADDRESS: 10713 Co Rd 153, Cologne 55322

VARIANCE TYPE: Reduced Rear Setback

PURSUANT TO: County Code Section 152.034 D

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-011-0110

BACKGROUND:

1. Philip and Ann Bovy own an approximate 3.30-acre parcel located in the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section 11, Benton Township. The property is improved with a single-family dwelling with an attached garage. Approximately 50 percent of the property is under till. The property is located in the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO) – Carver Creek Watershed.
2. The applicant is requesting a variance to reduce the required rear yard setback in order to construct a 3,000 square-foot detached accessory structure (shed) on his property. 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 (south) property line. The request would consist of a reduced rear setback from 30 feet to 15 feet to accommodate the proposed shed; 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. In the submitted narrative (dated September 8, 2024), Mr. Bovy describes the practical difficulty of constructing the shed in a conforming location. One possible conforming location would be in the southeast corner of the lot with a north-south orientation of the structure. However, due to the descending slope of land northward, to build a shed at that location, the narrative notes, *"We could need to bring a lot of fill material in to bring it up to grade."* Other areas in close proximity to the house would not be feasible due to the well and septic locations and their required setbacks. The narrative notes, *"In winter, if the shed is located by the driveway the snow would block the driveway up."* The narrative dismisses other locations further from the house since *"security-wide would not be able to see if people come up to shed."* Also, in addition to the security concern, building the shed some distance from the house would locate it on the approximate 1.6 acres of tilled land, therefore removing productive land from agricultural use.
2. Except for the rear yard setback, the proposed shed would meet all other applicable setbacks, does not contain an excessive amount of personal storage square footage for a parcel of this size, and does not exceed the maximum structure height. Mr. Bovy states: *"The shed would be used for personal use, like to store farm equipment, boat, camper, and snowmobiles."*
3. The submitted site plan (dated October 21, 2024) shows the layout of the property, with the home and septic system clustered at the southern end of the property. Access to the property is from a shared driveway located on the adjacent property. The proposed shed is shown as a blue rectangle. The site plan shows the limited side and rear yards near the house and the septic system (shown as the yellow rectangle), precluding those locations from shed placement. Contour lines show the change in grade mentioned in the narrative that make it difficult to place the shed in a conforming location near the house.

4. Jacob McLain, Senior Environmentalist with Carver County Environmental Services, reviewed the application. In an email dated October 14, 2024, he stated that since the structure plan does not include any floor drains or a bathroom and the property is not located in Shoreland, septic compliance is not required.
5. Tim Sundby, Water Resources Supervisor with Carver County Planning & Water, reviewed the application materials. In an email dated October 14, 2024, he stated that no CCWMO permit would be required for the shed construction.
6. 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. The placement of the shed in the proposed location does not appear to impact the use of surrounding property, nor represent a risk of erosion issues. Although this request does not meet the specific standards, it appears to meet the intent of the regulations.
7. 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 proposed shed structure. The land use in the area is predominantly agricultural in nature, with scattered residences.
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 Benton Town Board has reviewed the request, and recommended approval at their September 12, 2024, Town Board meeting with the comment: *"Approval with Co. staff 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:

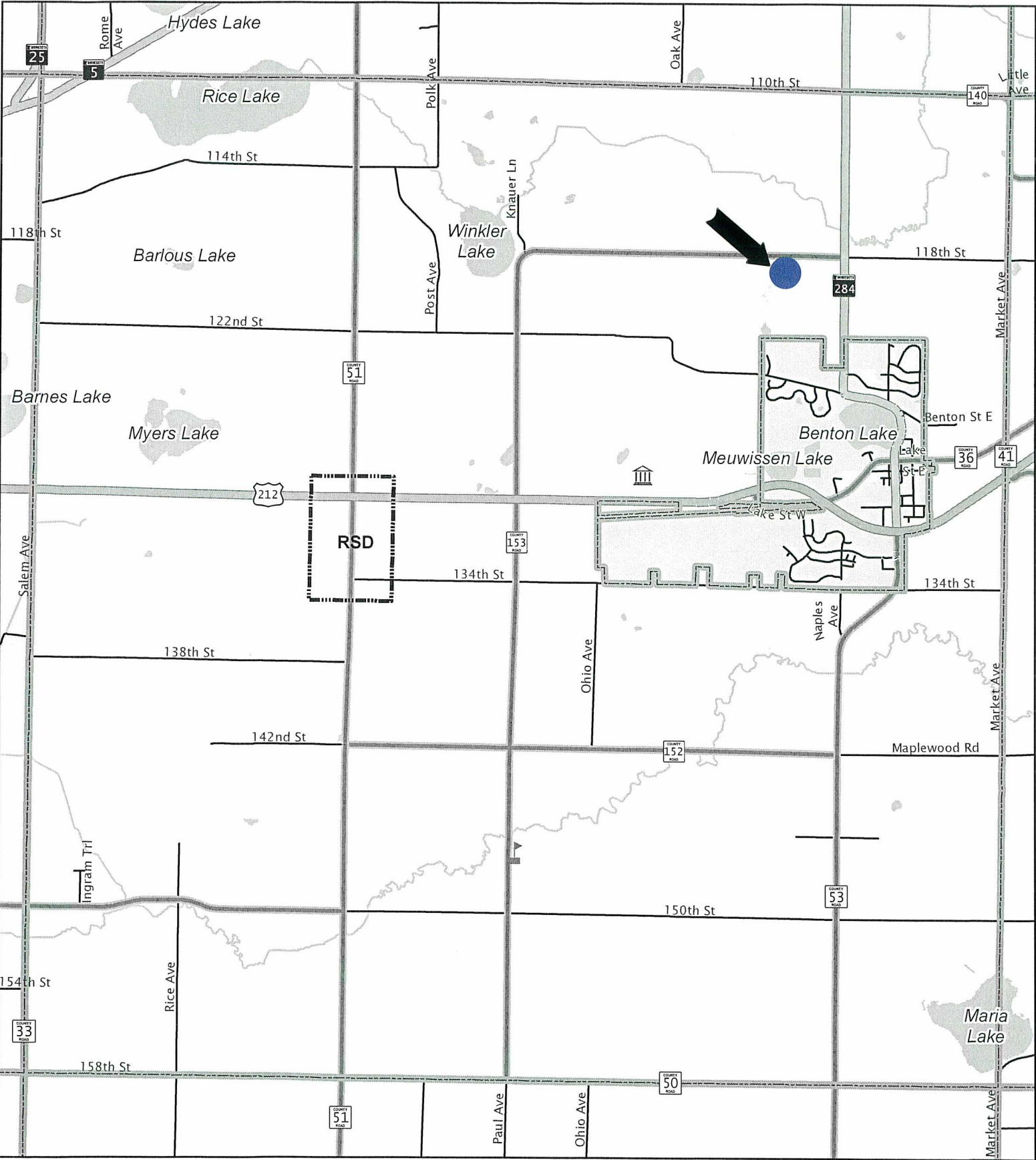
1. The permittee shall obtain the appropriate building permit(s) prior to the construction of the proposed shed. All work shall be done in accordance with the submitted and approved building permit plans.
2. All construction activities shall be done in accordance with the submitted site plan. The new construction shall not encroach any closer to the rear property line than approved (i.e., 15 feet) as part of this permit application. The rear property line shall be staked prior to the issuance of the accessory structure building permit.
3. No additional sheds 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.

BENTON TOWNSHIP

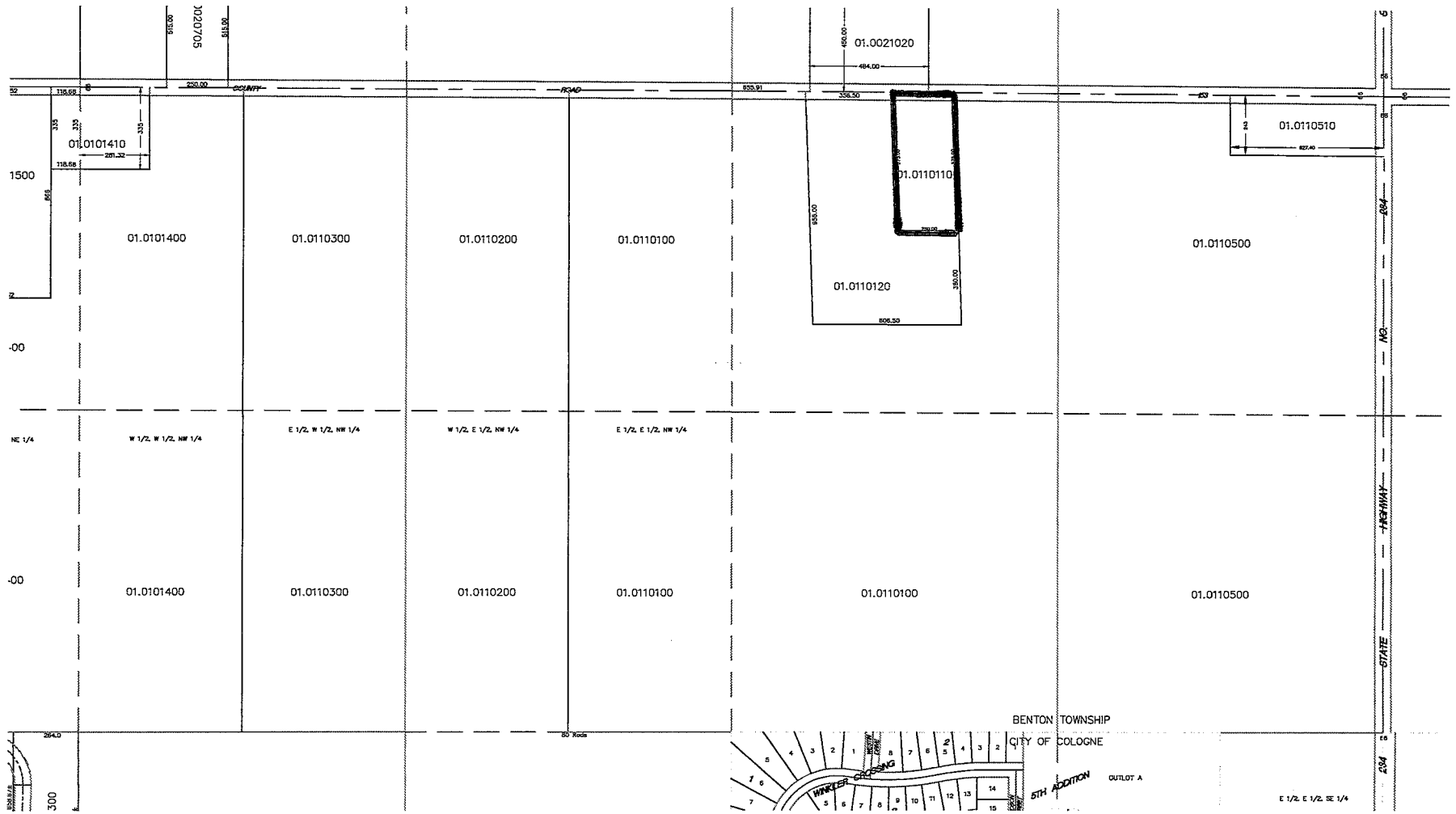


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THIS MAP IS A COMPILATION OF RECORDS
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OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
MISCONVEYANCES CONTAINED THEREIN.

N 1/2 SEC. 11, T.115, R.25



September 8, 2024

Dear Board of Adjustments,

I am Philip Bovy. I would like to have a shed constructed on my property located in Section 11, Township 115 North, Range 25 West. I am applying for a variance to construct the shed 15 feet from the rear (south) property line, instead of the required 30-foot setback. The shed would be 30 x 100. The practical difficulties, would be we would need to bring a lot of fill material in to bring it up to grade, put in another driveway if I put it in other locations, security wise would not be able to see if people come up to the shed. In winter, if the shed is located by the driveway the snow would block the driveway up. Also, the well is located is too close to the shed if put by driveway. The ground is fairly level so not much fill material would be needed to get the site prepped. The shed would be used for personal use, like to store farm equipment, boat, camper, and snowmobiles.

Thank you,

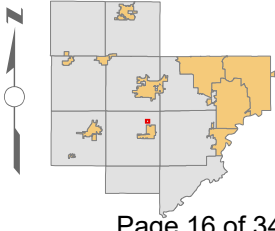
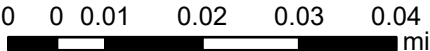
Philip Bovy

BOVY VARIANCE SITE PLAN



Date: 10/21/2024

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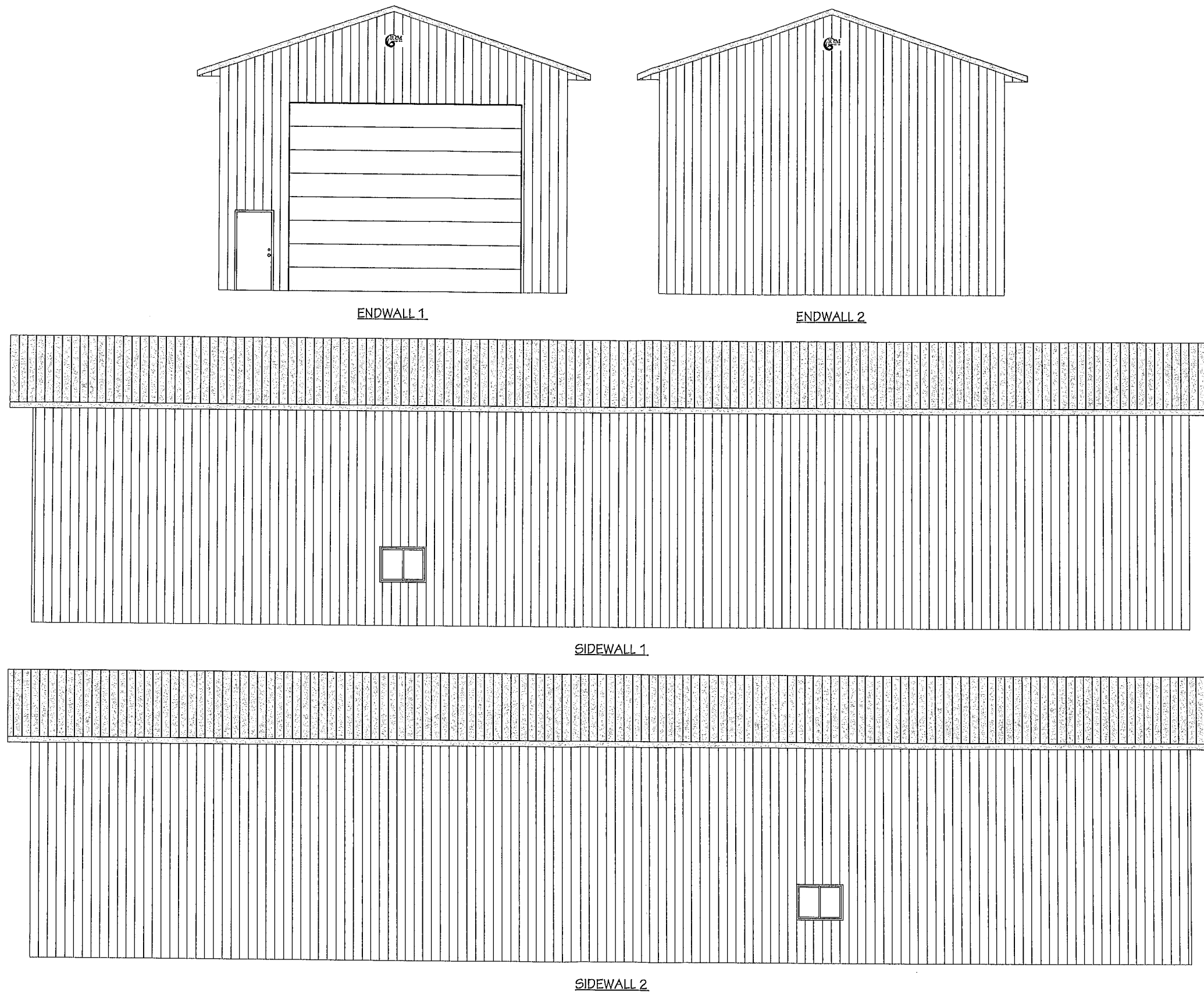


X

CUSTOMER SIGNATURE

DATE

BY SIGNING THIS DRAWING YOU ARE AGREEING TO THE LAYOUT AND DESIGN OF YOUR NEW RAM BUILDING.



ENDWALL 1

ENDWALL 2

SIDEWALL 1

SIDEWALL 2

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592 Industrial Drive
Winsted, Minnesota 55395
320-485-2844 800-710-4726
Fax 320-485-3625
www.rambuildings.com
Contractor License Number 20171976

PROJECT NAME:

ANN & PHILIP BOVY

PROJECT NUMBER: (24-)

DRAWN BY: JEREMY B.

DATE: 8/23/2024

SHEET 1 OF 2

BUILDING DESCRIPTION:

30'-0" X 100'-0" X 18'-0"

DESIGN NUMBER: P24355



Township Presentation & Recommendation Form

PARCEL # <u>01-011-0110</u>	Permit # <u>PZ 20240041</u>
Owner's Name: <u>Philip Bory</u>	Owner's Mailing Address: <u>10713 County Road 153</u>
City: <u>Cologne</u>	Owner State: <u>Mn</u> Owner Zip: <u>55322</u>
Applicant (if other than owner): <u></u>	Site Address: <u>10713 County Road 153</u>

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request: <u>Variance of Shed on South line of 15 feet from line</u>						
Date of County Public Hearing: <u>11-6-2024</u>			Date of Township Meeting: <u>9-12-24</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:	<u>Recommend approval with Co staff recommendations</u>
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****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>Philip Bory</u> Signature of Applicant	Date <u>9/5/24</u>
<u>[Signature]</u> Signature of Township Official	Date <u>9-12-24</u>

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-010-0110

File# PZ20240041

APPLICANTS/OWNERS: Philip D Bovy & Ann M Bovy

All that part of the Northeast Quarter of Section 11, Township 115, Range 25, Carver County, Minnesota, described as follows: Commencing at the North Quarter corner of said Section 11; thence on an assumed bearing of East along the North line of said Northeast Quarter, a distance of 655.91 feet to the point of beginning of the tract to be described; thence on a bearing of South 2 degrees 14 minutes 46 seconds East, a distance of 575.00 feet; thence on a bearing of East, a distance of 250.0 feet; thence on a bearing of North 2 degrees 25 minutes 46 seconds West, a distance of 575.00 feet to the North line of the Northeast Quarter of said Section 11; thence on a bearing of West along said North line, a distance of 250.00 feet to the point of beginning and there terminating.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

October 24, 2024

TO: Carver County Board of Adjustment & Laketown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Personal Storage Square Footage, Sidewall Height, Total Structure Height)

FILE #: PZ20240044

APPLICANT: Mark and Angela Schwalbe

PROPERTY OWNERS: Mark and Angela Schwalbe

SITE ADDRESS: 10050 County Road 43 Chaska 55318

VARIANCE TYPE: Excessive Personal Storage Square Footage, Tall Sidewall & Structure Height

PURSUANT TO: County Code Section 152.073 (A)(2)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-100-0010

BACKGROUND:

1. Mark and Angela Schwalbe own an approximate 1.76-acre parcel identified as Lot 1 of Block 1 of Gastler's East Shore Addition, which was platted in 1968, located in the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of Section 27, Laketown Township. The property is improved with a single-family home and attached garage and includes a small wetland (shallow marsh) in the northwest corner of the property. The property is located in the Agricultural Zoning District, Shoreland Overlay District (Pierson's Lake), and the Minnehaha Creek Watershed District.
2. The Schwalbes are requesting a variance to construct an accessory structure that would exceed the total allowable personal storage square footage, maximum structure sidewall height, and total structure height. The two-story proposed building would be 28 feet x 58 feet on the first floor, 28 feet x 50 feet for the second-floor loft (2,949 square feet total). The request would exceed the permitted personal storage square-footage by about 449 square feet for a parcel of this size. The proposed structure would also have 19-foot sidewalls and a total 25-foot height, which is taller than the allowable 12-foot sidewalls (7-foot variance) and maximum 17-foot height (8-foot variance) for a structure on a parcel of this size. Therefore, variances have been requested pursuant to Section 152.073 (A)(2) of the Carver County Zoning Code.
3. Previously, applicant requests for accessory structures exceeding the allowable square-footage area pursuant to the Zoning Code were processed as Conditional Use Permits (CUP's) and were reviewed by the Carver County Planning Commission. As part of the 2021 Zoning Code updates, these types of requests were re-categorized as a variance. As a variance application, it is now reviewed by the Board of Adjustment with the application evaluated using the "grounds for variance" criteria found in Section 152.215 (D) & (F) of the Zoning Code.

LEGAL BACKGROUND:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note—Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

- (A) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit was issued prior to August 1, 2021, or a variance has been issued allowing for additional square footage.
- (2) Parcels of one and a half acres or less than or equal to two acres— a total square footage of 2,500 square feet is permitted in a combination of a garage and accessory structures. For detached accessory structures, the maximum sidewall height shall be 12 feet and the total height from the average grade shall not exceed 17 feet. The roof and exterior of the structure shall be new material or material with the appearance of new material; the material shall be painted, stained, coated, or otherwise finished.

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.
 - (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.
 - (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 an accessory structure, which would measure 28 feet by 56 feet in size, exclusively for personal storage on the property. The Zoning Code allows a parcel of this size a total of 2,500 square feet of personal storage area to be permitted in a combination of attached garage and accessory structure(s). The Zoning Code allows a credit for attached garage space up to 624 square feet, however, attached garage is smaller than the 624-square foot credit, and is not counted in the total storage calculations. The proposed 2,949-square foot 2-story accessory structure would be approximately 449 square feet more than the Zoning Code allows without a variance on a property of this size. The height of the proposed structure prompts two additional variance requests. For a parcel of this size –greater than 1.5 acres to less than or equal to 2 acres– an accessory structure is required to have a maximum 12-foot-tall sidewall and a maximum 17-foot structure height. The proposed shed has a 19-foot sidewall and a total height of 25 feet. The proposed location of the shed is in the southwest corner of the lot and would meet all setbacks.
2. The applicants' letter (dated October 3, 2024) states the proposed accessory structure would shelter *“six vehicles, a camper, side by side with plow, large lawn mower, boat and 3 trailers.”* Regarding the use, the Schwalbe's narrative states: *“There will be no living quarters and no business or commercial use, is for personal use only.”* The applicants offer the reasons and circumstances involving the variance requests. The existing attached garage was built in 1979 and is not deep enough to fit a vehicle inside. Due to the lot size, elevation changes, and a wetland to the north, a two-story structure was chosen. They are unable to purchase additional land, as there is a right-of-way along the rear property line, similar to other neighboring properties. The applicants explain that they want to have the garage match the design of the house, hence the two-story design.
3. The site plan (dated: October 3, 2024) identifies the location of the proposed structure, along with the existing home, driveway, septic site, and well. The proposed structure would be constructed in the southwest corner of the property, with conforming 15-foot side setback and 30-foot rear setback. The location meets setbacks to the well, existing SSTS tanks, and mound system. The applicant also submitted the building plans for the proposed structure, dated October 14, 2024, which show the garage and loft floor plans, sidewall and total building height, and the side elevations of the proposed structure. The ground floor of the building would have garage doors open to the existing driveway and is approximately 1,549 square feet of storage space. The loft area, accessible via a staircase, is smaller in footprint than the ground floor, approximately 1,400 square feet.
4. Jacob McLain, Carver County Senior Environmentalist, reviewed the application materials and in an email dated October 14, 2024, noted: *“A compliance inspection was completed on 10/27/2022 so the COC is valid until 10/27/2025. I was looking at the site map, and I think they have the secondary site identified incorrectly. Attached is the site plan from the original design. Since they have no plans to complete the electrical or plumbing, I see no issues at this time.”*
5. This request was sent to Minnehaha Creek Watershed District (MCWD), for review. While no comments have been received that this time, the applicants would be required to contact MCWD for any necessary permits relating to erosion and sediment control, drainage, or other permits.
6. Taylor Huinker, Area Hydrologist for Minnesota Department of Resources, reviewed the request and stated in an email dated October 14, 2024, that there are no comments or concerns from the DNR.
7. The plight of the landowner is due to circumstances created by the landowner along with unique characteristics of the property. The applicant purchased the property in 1998; however, the parcel has existed in its current configuration since it was platted in 1968, prior to the adoption of the Carver County Zoning Code. The lot acreage only provides a limited amount of personal storage space. The standard established in the Zoning Code is 2,500 square feet maximum for allowable personal storage square footage for parcels greater than 1.5 acres but less than or equal to 2 acres. Each variance application request is based on its own merit, property uniqueness, and reasons described by the applicant.
8. The granting of the variance would not conflict with the intent of the Comprehensive Plan's Fundamental Land Use Goal to “Maintain the County's unique and rural agricultural character.” The proposed building would not alter the character of the neighborhood, nor would government services be negatively impacted by the additional storage structure.

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 it would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
10. On October 15, 2024, Land Management staff received an email in support, from Gary and Tracy Hoff, the neighbors directly south of the subject property. They stated *"We are fine with the plans as proposed. The garage addition will be behind our garage and while it's larger and taller than our detached garage, it's largely hidden by our garage and the large oak trees between us. Our house only has one small bathroom window facing the Schwalbes' property, so it won't affect our views or aesthetics in the least."*
11. The Laketown Town Board reviewed this request during their October 14, 2024, Town Board meeting. The Town Board expressed some concerns about the mechanical and electrical room in the building, which has been removed from the plans, as well as height of second floor and potential for future living space upstairs. The Town Board did not make a recommendation for approval or denial.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance to exceed the personal storage square-footage and construct an accessory structure would exceed maximum structure sidewall height, and total structure height on the property pursuant to Sections 152.073 (A)(2) of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be considered and attached to the approved variance:

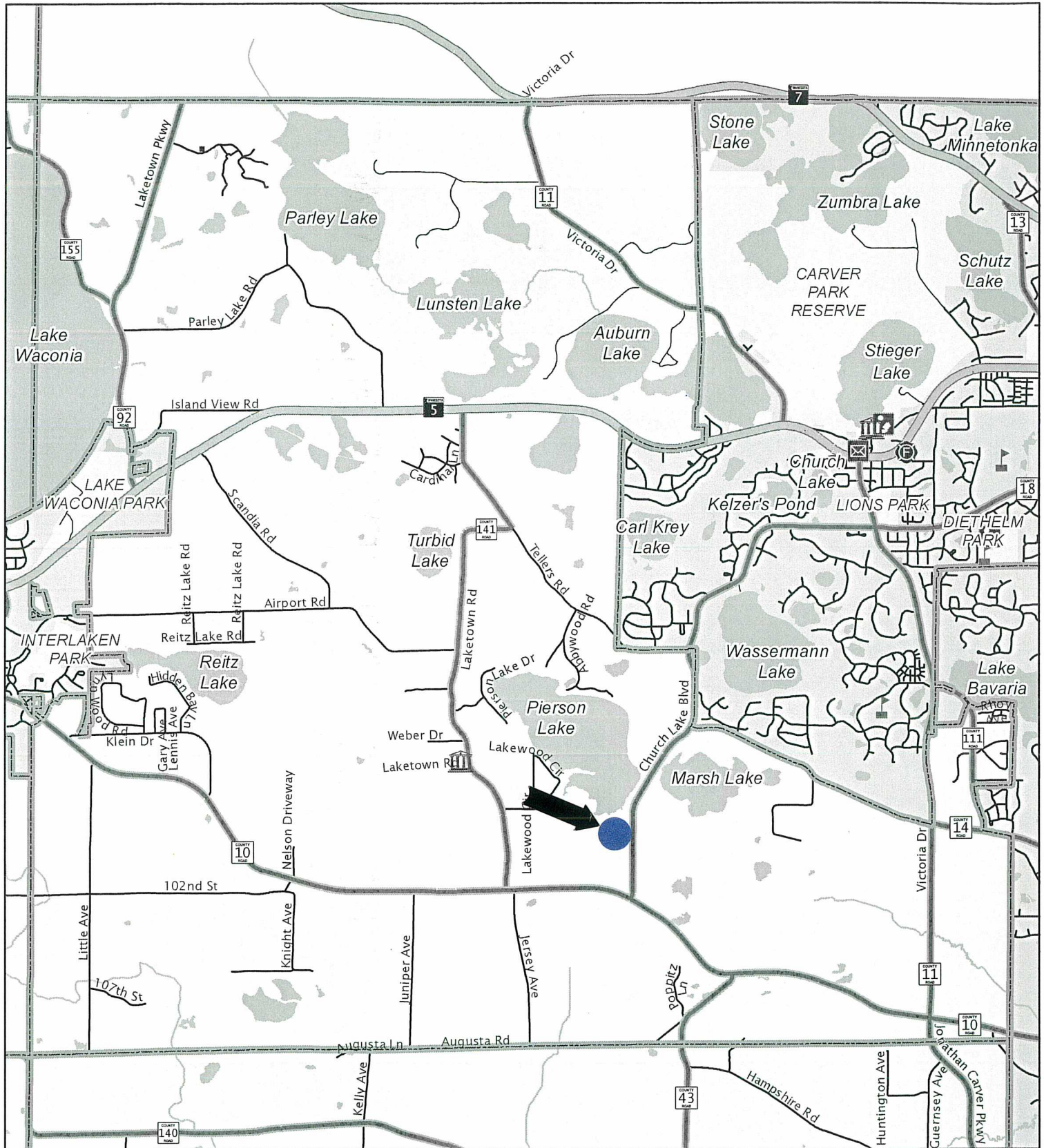
1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. The permittee shall obtain the appropriate building permit(s) prior to the construction of the proposed structure. All work shall be done in accordance with the submitted plan and shall comply with the approved variance and plans. The proposed structure shall comply with all required setbacks from property lines, existing buildings, Subsurface Sewage Treatment System (SSTS) locations.
3. The permittee shall obtain any necessary stormwater or erosion & sediment control permits from the Minnehaha Creek Watershed District (if applicable), prior to beginning any construction activities.
4. No additional accessory structures or additions shall be allowed, based on the total personal structure square footage proposed on the property, without the approval and issuance of a new variance.

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 variance would not serve in the interest of justice, the Board of Adjustment would need to identify reasons to support the denial.

LAKETOWN TOWNSHIP



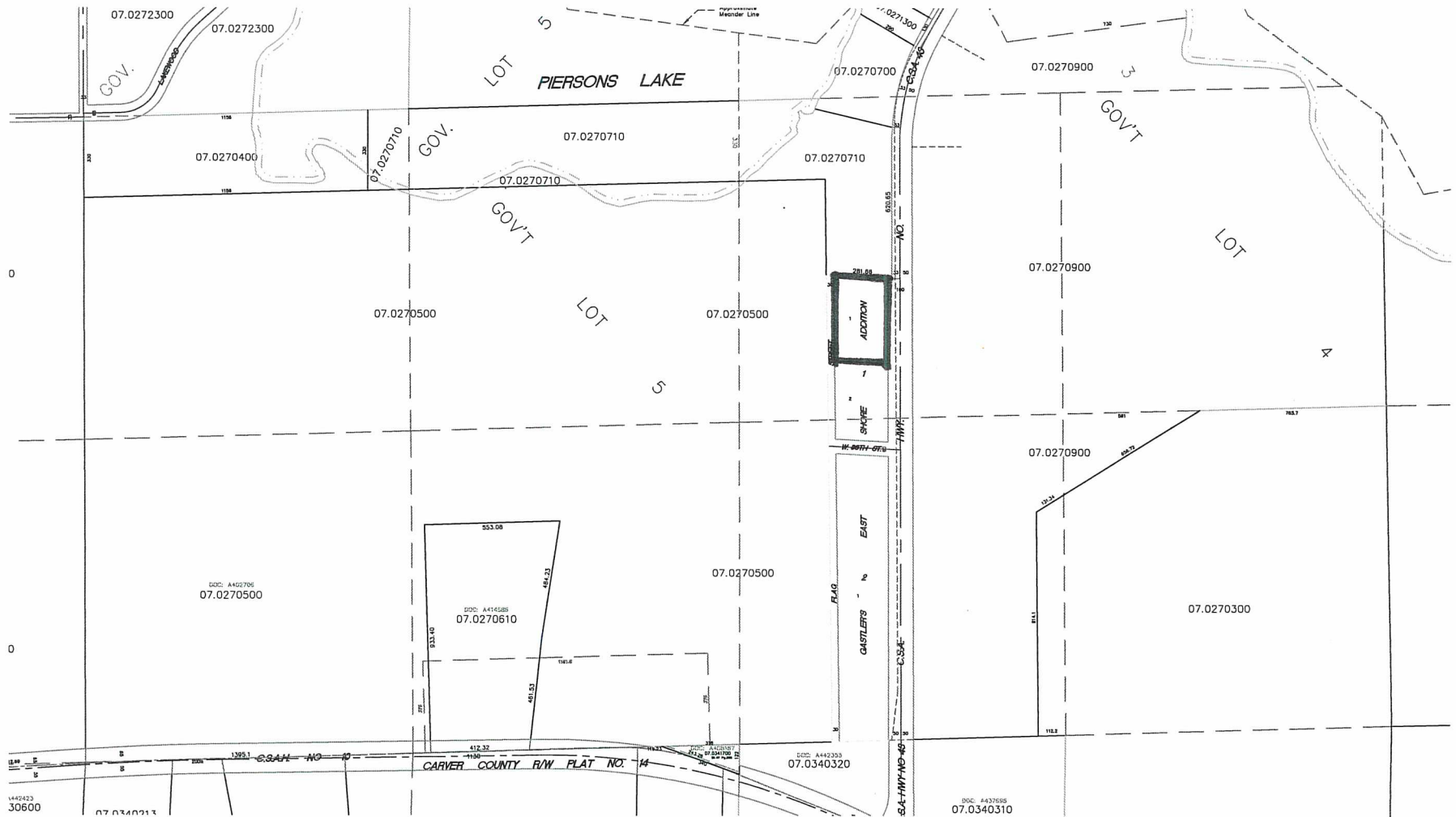
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AS THEY APPEAR IN THE CARVER COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.

S 1/2 SEC. 27, T.116, R.24



October 3, 2024

Carver County Board of Adjustment:

We are kindly requesting a variance to build a garage. We currently don't have the ability to park in our current garage, it just isn't deep enough to get a car inside. With the development coming closer and the increase of theft, we really need to clean up and lock up. We have six vehicles, a camper, side by side with plow, large lawn mower, boat and 3 trailers. There will be no living quarters and no business or commercial use, is for personal use only.

We would like the garage to match the design of the house, therefore 2 levels, base is 28' x 58' and loft is 28' x 50', with the total height from average grade being 25'.

Due to money constraints, we will not be able to install the electrical or any plumbing at this time and will leave that for some time in the future with no plans at this time.

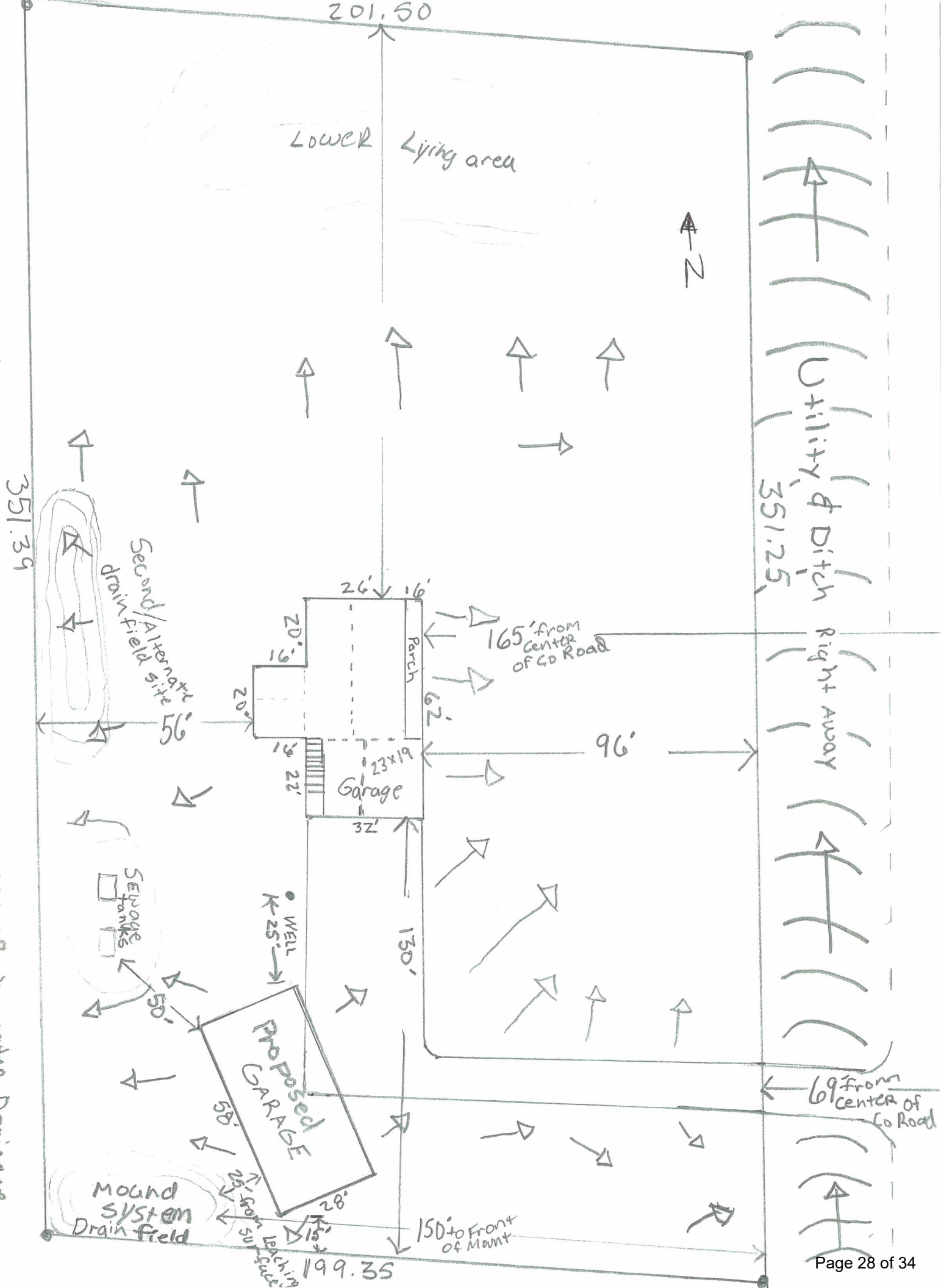
Our lot is 1.76 acres which is just shy of the 2 acres, which is the requirement for the size and design we are proposing which wouldn't require a variance. Unfortunately, due to the right-of-way to the rear of our lot, we are not able to purchase more property. Most of the lots around us are similar because of this. We meet all other requirements of setbacks from lot lines, well and septic.

Thank you in advance for your consideration, it is appreciated.

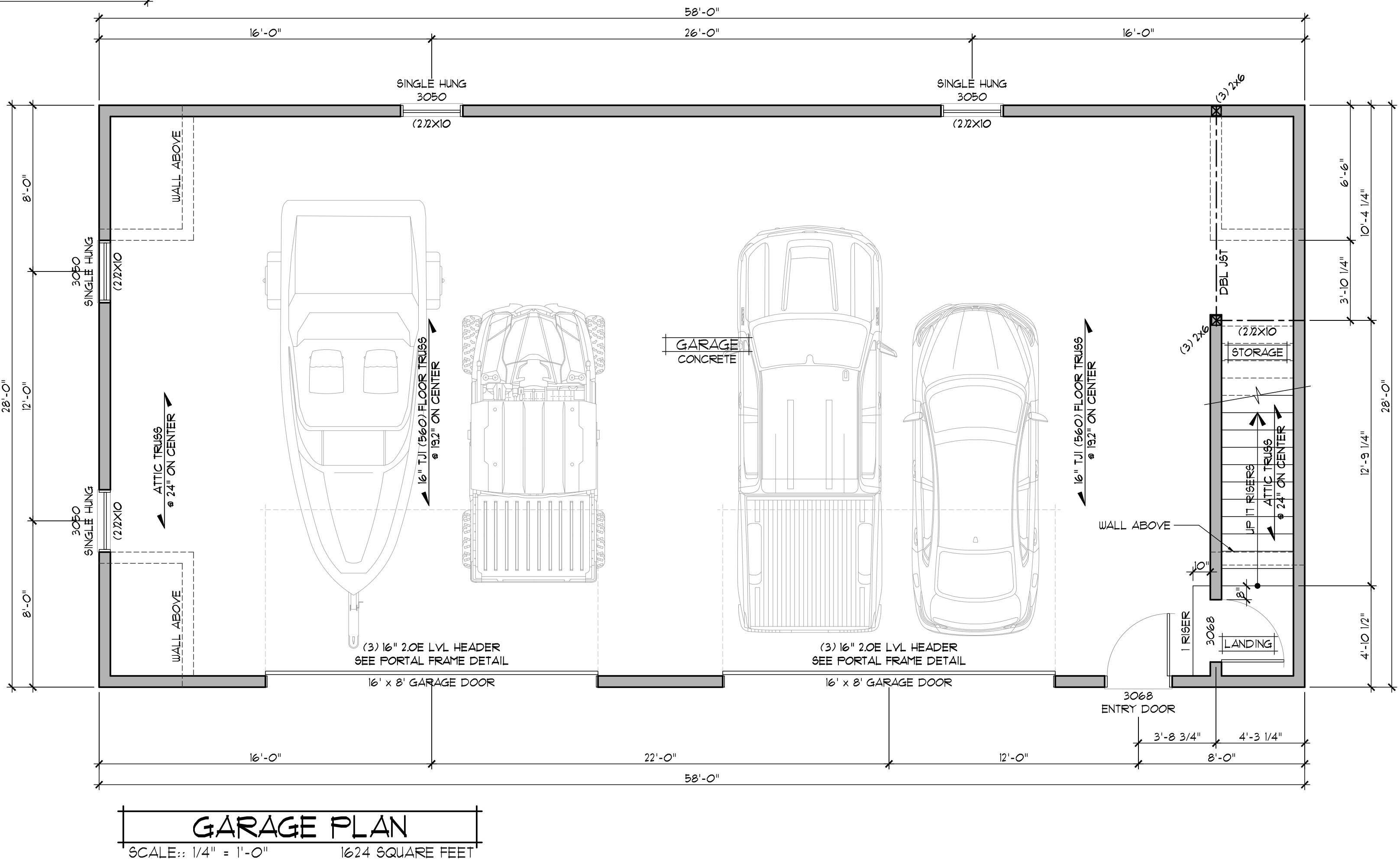
Mark and Angela Schwalbe

10050 County Road 43 Chaska MN 55318

→ ARROW = Rain water Drainage
• WELL & Lot Markers

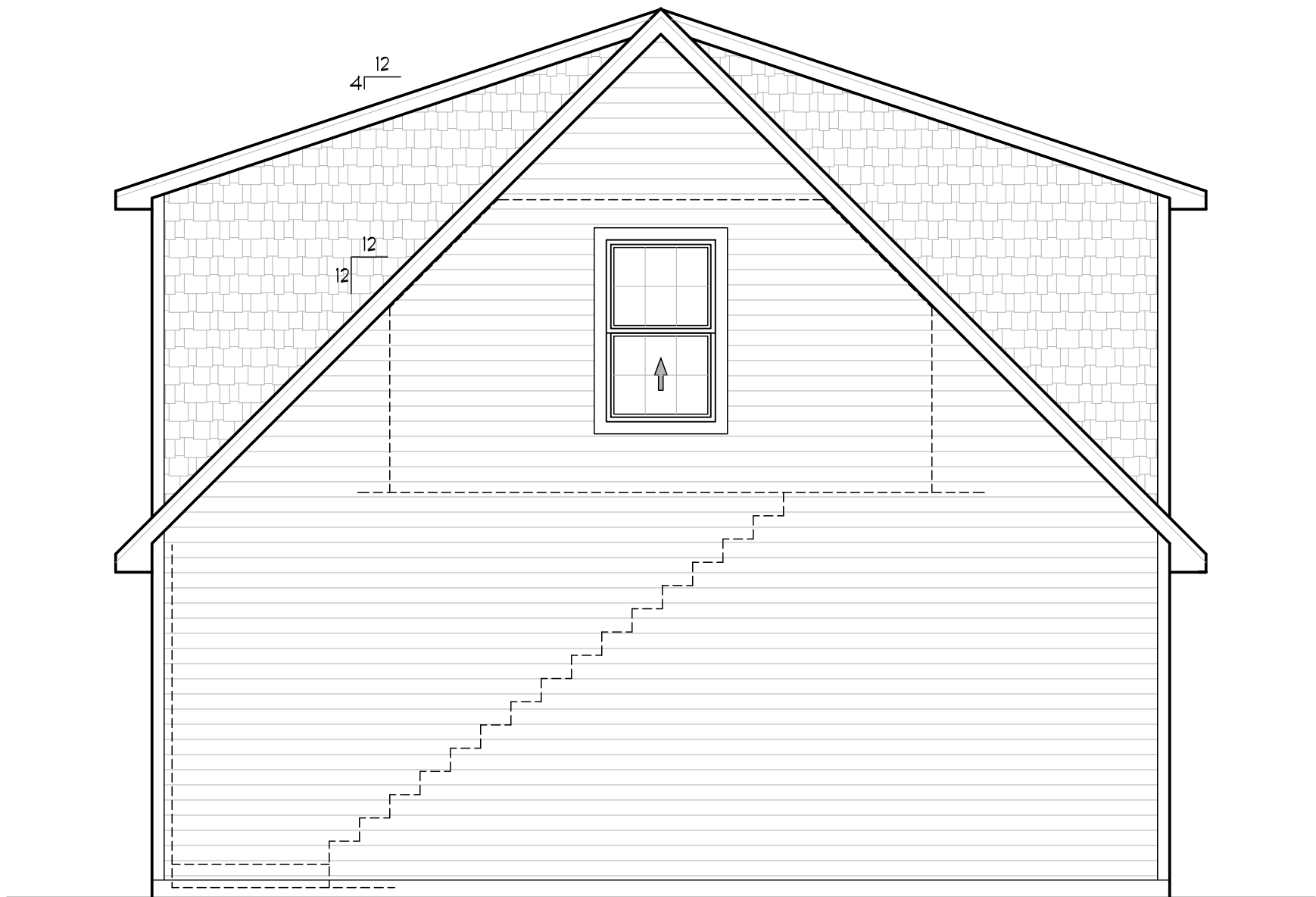
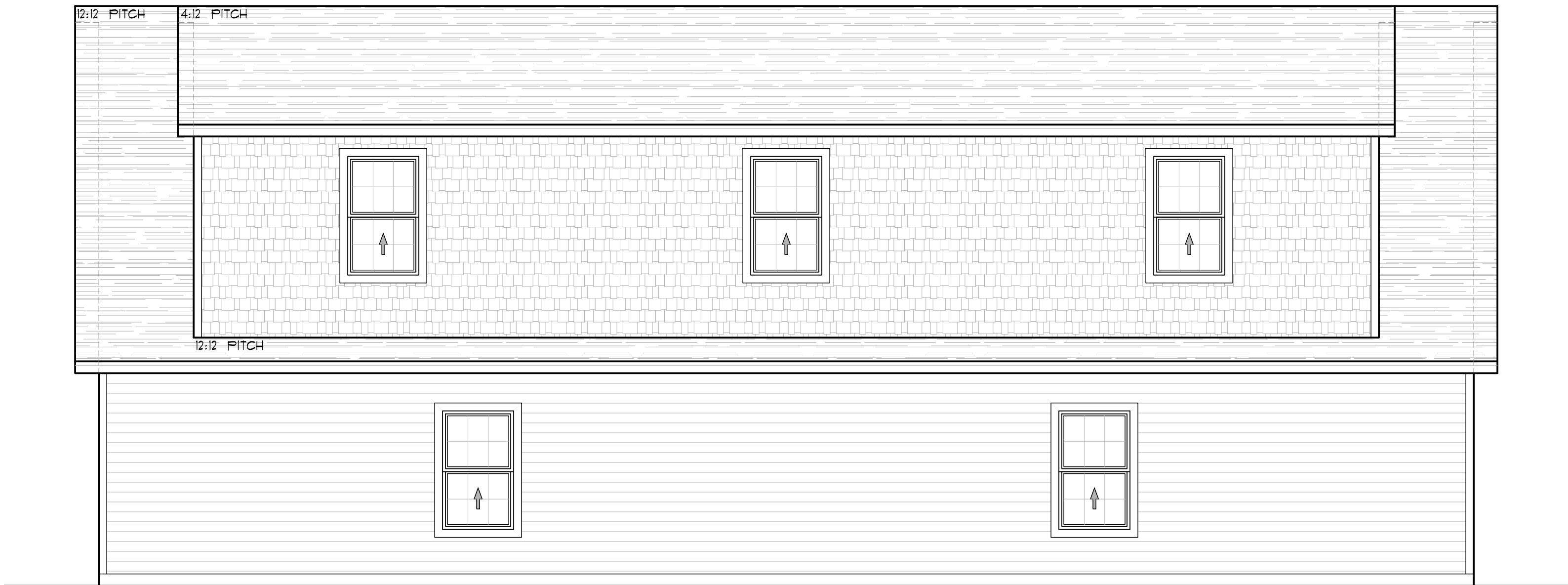
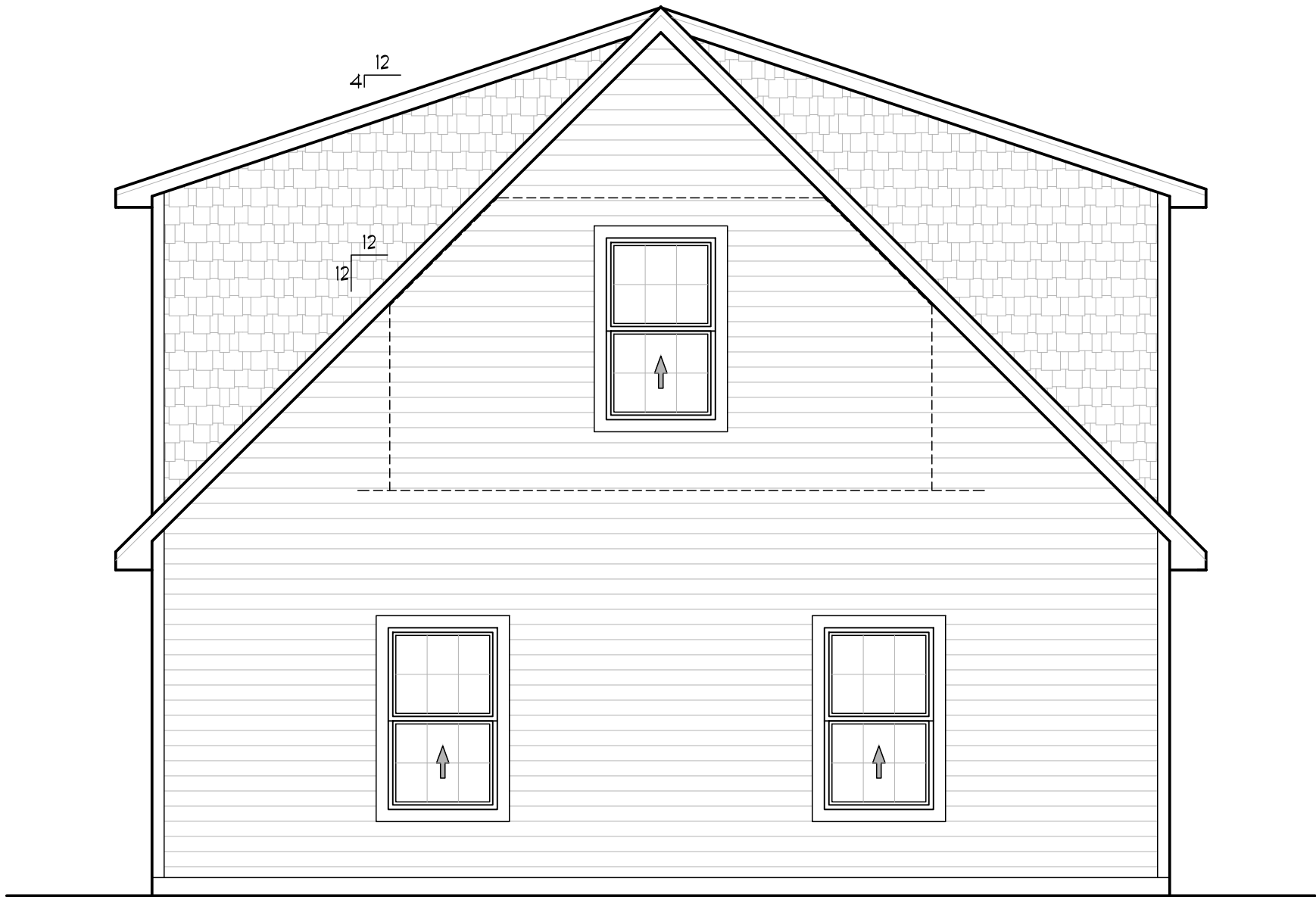


10050 COUNTY ROAD 43
CHASKA MINNESOTA



MARK & ANGELA SCHWALBE - LOFT GARAGE

10050 COUNTY ROAD 43
CHASKA MINNESOTA



WOODLAWN DESIGN



Township Presentation & Recommendation Form

PARCEL # 071000010	Permit # PZ20240044
Owner's Name: Mark + Angela Schwalbe	Owner's Mailing Address: 10050 Co Rd 43
City: Chaska	Owner State: MN Owner Zip: 55318
Applicant (if other than owner):	Site Address: 10050 Co Rd 43 Chaska MN 55318

Type of Request:	☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal
Description of Request:	
Additional square footage of garage due upper storage area, and height. We would like the garage to look similar to the design of the home.	
Date of County Public Hearing: 11-06-2024	Date of Township Meeting: 10-14-2024 5pm

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:
10/14/2024 Laketown Township Board of Supervisors Please include the following for Laketown Township Board of Supervisors' comments along with NO RECOMMENDATION. A Board member may attend the public hearing for the Variance Request. Concerns about mechanical room and electrical in building, height of second floor, garage door locations, potential for future living space upstairs (has been an issue in the past in township).

****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.

	Date
Signature of Applicant	
	Date

Signature of Township Official

Please include the following for Laketown Township Board of Supervisors' comments along with NO RECOMMENDATION. A Board member may attend the public hearing for the Variance Request. (draft minutes taken at our meeting yesterday 10/14/24.)

(A) Consider Request for Variance – Schwalbe – additional sq footage for garage

From applicant: Requesting variance – typically need 2 acres, we are 1.7 and cannot purchase additional land due to easement for designated future land use behind home. Would like 2 levels to match our home design & additional storage for what is in garage now (Christmas decorations, seasonal items, maybe a workbench in future) Current garage is not deep enough to park cars. We have too much stuff stored outside and we want to clean up and secure things (e.g., 6 vehicles, large lawn mower, 3 trailers, side-by-side, boat, camper) not all will fit in garage, but will help. Not going to run a business, not going to have any residential area, no sewer, no water, no mechanicals. Initial construction does not include electric – will look at finances in Spring for possible electrical next year.

Board questions:

- Klingelhutz: Spoke to Carver County. allowed 2500 sq ft; asking for 3108 sq ft

Will need 3 variances:

- (1) exceed square footage by 608'
- (2) side wall limit of 12' so over by 5'
- (3) overall height is 17' so over by 8'

Schwalbes: We cannot expand the ground floor area due to setbacks and sewers.

Parris: if you went to 6' height on top level, may help as current measurements cause concern for future living space as this has been an issue for Laketown in the past. Since Schwalbes do not plan to store camper in garage, height could be reduced.

Contractor: 8' tall garage doors and all will be in front; none on side like the drawings indicate and the electrical and mechanical room were to be removed from specs too.

Schwalbes state neighbors are in support of their plan. Nielsen concerned there is no documentation of neighbor support.

Parris: with our concerns and the fact that the plans submitted do not match what's being stated (mechanical room, electrical, height, etc.) we may need to table this item but also does not want to hold up their timeline with Carver County.

Motion by Klingelhutz, second by Parris to proceed with no recommendation based on these concerns.

Motion carries

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-100-0010

File# PZ20240044

APPLICANTS/OWNERS: Mark A Schwalbe & Angela Y Schwalbe

*** * * * ***

Lot 1, Block 1, Gastler's East Shore Addition, in Section 27, Township 116, Range 24, Carver County, Minnesota.