



CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **January 8, 2025, 7:00 PM**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

1. Convene

- 1.1. Call to Order by Zoning Official
- 1.2. Pledge of allegiance
- 1.3. Attendance
- 1.4. Organization of the Board
 - A. Election of Chair
 - B. Election of Vice-Chair
 - C. Appointment of Land Management Staff as Secretary
- 1.5. Agenda review and adoption
- 1.6. Approve Minutes from December 4, 20242-6

2. Agenda

- 2.1. File #20240046 - Public hearing on request by Tim Raser for a
variance
(Reduced Lot Depth) Dahlgren Township 7-15

3. Other Business

4. Adjourn

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

December 23, 2024

TO: Carver County Board of Adjustment & Dahlgren Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Reduced Lot Depth)

FILE #: PZ20240046

APPLICANT: Tim Raser

OWNER: Timothy W & Ann M Raser

SITE ADDRESS: 8920 County Rd 50, Carver, 55315

VARIANCE TYPE: Reduced Lot Depth

PURSUANT TO: County Code Section 152.033 (D)(3)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-031-0410

BACKGROUND:

1. Tim and Ann Raser own an approximate 40-acre parcel located in the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 31, Dahlgren Township. The property is improved with a single-family dwelling with an attached garage and several large detached accessory structures. The property is located in the Agricultural Zoning District, Agricultural Preservation Program, and the Carver County Water Management Organization (CCWMO) – Bevens Creek Watershed.
2. The applicant is requesting a variance to reduce the required lot depth in order to subdivide property, separating the farmstead from the agricultural parcel. The County Zoning Code requires that the minimum lot depth for a parcel to be 125 feet. The request would reduce the ag parcel's lot depth for a portion of the lot lying north of the homestead parcel from 125 feet to 100 feet; therefore, a variance has been requested pursuant to Section 152.034 (D)(3) of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.033 LOT REQUIREMENTS

(D) *Road frontage, lot width and depth*

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

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 November 21, 2024), Mr. Raser describes the circumstances of the proposed minor subdivision. Explaining that due to health reasons, he and his wife need to move to a smaller place in town near needed recreational facilities. Mr. Raser writes, “Our son and his family live in Carver and want to buy our home and building site. The buildings are located so deep on the property, we cannot meet the minimum depth of 125’ on the north property line of the proposed agricultural parcel.” The narrative points out that only one 290-foot section of the ¼-mile wide lot has this reduced lot depth. Their son is not purchasing the agricultural land, so the applicant wants to subdivide the current parcel. The parcel is not large enough to create a farmstead parcel plus two adjoining 20-acre parcels, so to create a conforming ag parcel, the horseshoe shaped ag parcel with one area of minimal depth is proposed.
2. The submitted site plan (dated November 22, 2024) shows the layout of the property, with the home, septic system (blue diamonds), long driveway, and several sheds. Except for the lot depth, the proposed ag lot would meet minimum lot requirements. The proposed farmstead parcel boundaries were drawn to meet all other applicable structure and septic setbacks. As noted in the narrative, the lot frontage requirement is met. The ag parcel has the minimum road frontage as well.
3. Jacob McLain, Senior Environmentalist with Carver County Environmental Services, reviewed the application. In an email dated December 11, 2024, he stated: “Compliance inspection has been completed for the existing system, and secondary site has been identified for minor subdivision.”
4. In 2019, the applicant received a feedlot setback variance (PZ20190018) in order to construct a partial animal confinement barn 140 feet from the rear property line and 900 feet from a neighboring residence. With a proposed change of the farmstead parcel’s property line to establish a 30-foot setback for that structure, the applicant faced the prospect of applying for both zoning code (lot depth) and Feedlot Ordinance (structure/neighboring residence proximity

setbacks) variance requests. Mr. Raser writes: “We had planned on beef feedlot for another 10-15 years. However, I have relinquished that permit. The new parcel will not be able to meet the required setbacks for a feedlot. I have talked to Matt Steele, the County Feedlot Officer. He informed me that our son and his family will still be able to have up to 10 animal units so if our son wants to raise a few beef cattle to provide our family with home grown beef he will be able to.”

Matt Steele, Carver County Feedlot Officer, received the application and reports in an email (dated December 12, 2024):

- *The applicant, Tim Raser, was granted a variance for a reduced setback to a property line and neighboring residence to a new feedlot on June 11, 2019. The facility was registered for 50 slaughter steer/stock cow (50 animal units) on August 20, 2019. A routine compliance inspection was performed on May 15, 2023, and the operation was compliant with Minnesota Rules Chapter 7020. The site was re-registered for the same number of animals on May 22, 2023.*
- *I performed a compliance inspection and permanently terminated the feedlot registration on November 25, 2024. The facility was compliant with Minn. R. 7020.2025, animal feedlot closure requirements, and Minnesota’s Animal Feedlot Rules.*

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 lot depth. The reduced lot depth is for a limited distance due to existing agricultural structures, hidden about a quarter mile from public view, and enables access between two larger portions of the property. 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 proposed shed structure. The land use in the area is predominantly agricultural in nature, with scattered residences.
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 Dahlgren Town Board has reviewed the request, and recommended approval at their December 9, 2024, Town Board meeting with the comment: “3 Yes votes.”

BOARD CONSIDERATION:

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

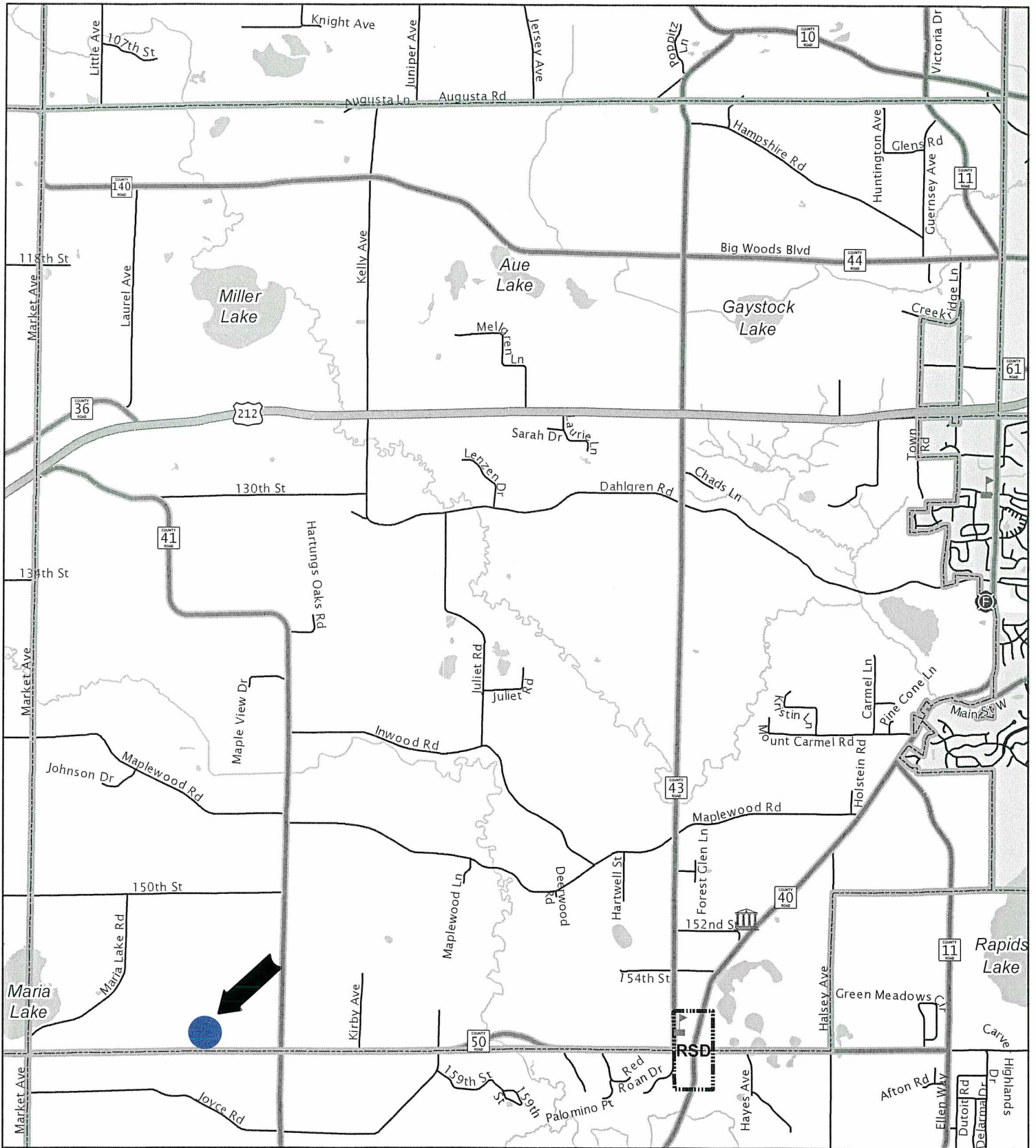
1. A Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code application requirements including by not limited to, a completed Minor Subdivision Application, Survey, SSTS Compliance,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

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



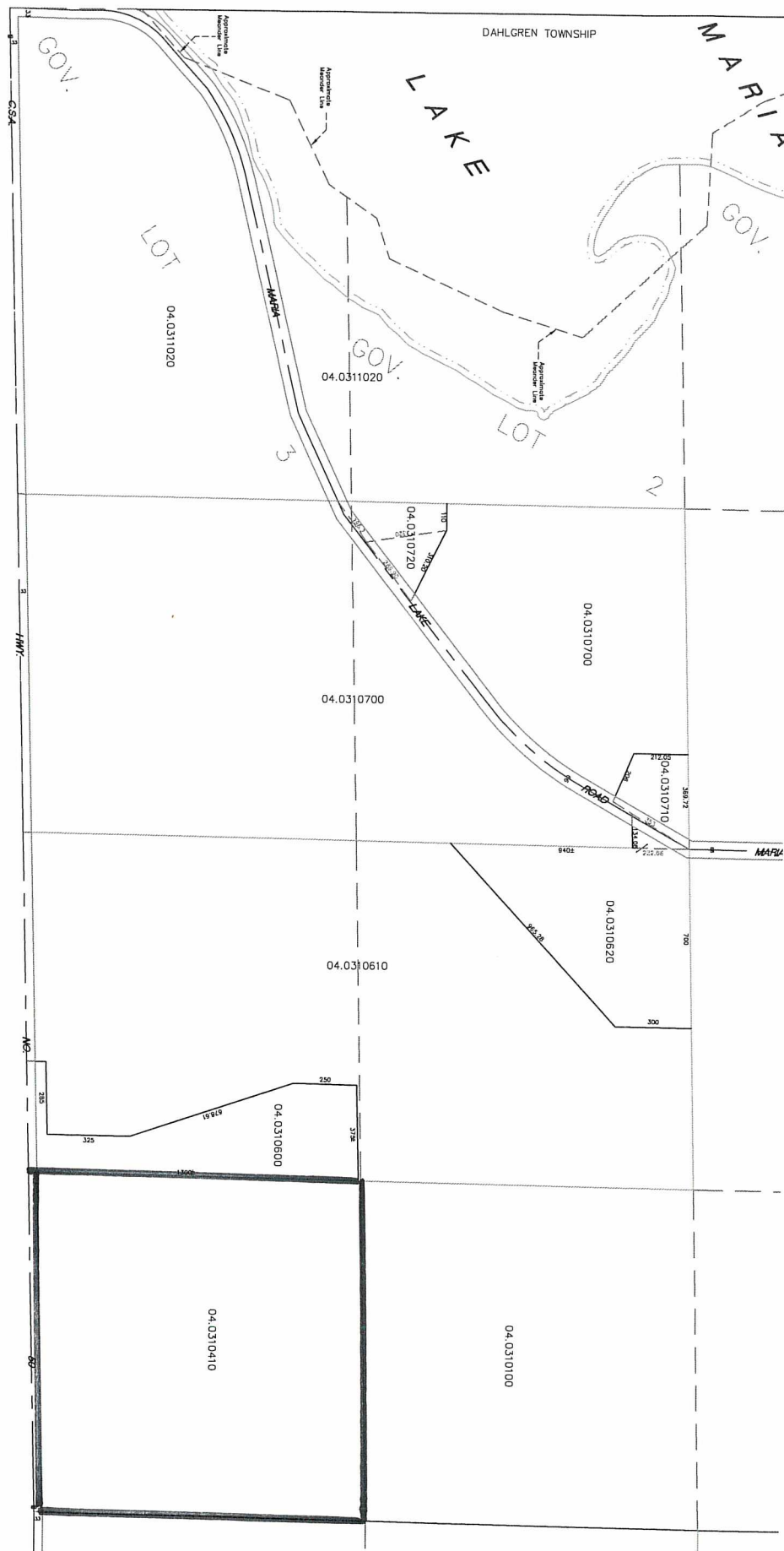
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
 AS THEY APPEAR IN THE CHASKEE COUNTY
 RECORDS, THE CHASKEE COUNTY RECORDS
 OFFICE HAS NO RECORD OF THIS PLAT.
 ANY INFORMATION CONTAINED HEREIN
 IS UNRELIABLE AND SHOULD NOT BE
 USED FOR ANY PURPOSE.

S 1/2 SEC. 31, T.115, R.24



11/21/2024

To the Board of Adjustment:

My name is Tim Raser, my wife's name is Ann. We have owned our property at 8920 County Road 50, Carver since 2012. Since then, we have made many improvements to the property. We tore down the old house and built a new house in 2017. At that same time, we restored an older out building. We have built two new out buildings and planted a shelter belt along the west side of the buildings.

Old age has crept up on us. Ann now has Arthritis throughout her whole body. She has found relief from her pain by working out in a pool swimming laps and walking in the water. We feel it is time to move into a smaller space in town and get Ann closer to the Community Center.

Our son and his family live in Carver and want to buy our home and building site. The buildings are located so deep on the property, we cannot meet the minimum depth of 125' on the north property line of the proposed agricultural parcel. We would like to retain as much of the Ag land as possible as it is a good source of income for us. Land Management has come up with a concept plan of 7.9 acres that will meet the required road frontage and all setbacks except for lot depth along the north property line.

The north property line will create a piece of AG land that is only 100' in depth and the county minimum is 125'. We are requesting a reduction of 25' in the minimum depth in only a 290-foot wide segment of Ag land at the north side of the new parcel – see attached concept plan. If we obtain the variance, we can move forward with the minor subdivision of our land. If we were to run the new parcel subdivision the full length of the property, we would end up with two parcels of Ag land that do not meet the minimum of 20 acres for Ag land.

I have had a feedlot permit since 2019. When we moved to the property, we received a variance to set up a feedlot with a 140' setback from the north property line. We had planned on running our beef feedlot for another 10-15 years. However, I have relinquished that permit. The new parcel will not be able to meet the required setbacks for a feedlot. I have talked to Matt Steele, the County Feedlot Officer. He informed me that our son and his family will still be able to have up to 10 animal units so if our son wants to raise a few beef cattle to provide our family with home grown beef he will be able to. This is something Ann and I have done for the past 25 years.

Please consider our request for a variance.

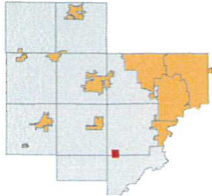
Sincerely,

Tim Raser

RASER LOT SPLIT CONCEPT PLAN



Date: 11/22/2024
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CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL #	04.031.0410		Permit #	P220240046	
Owner's Name:	Tim Raser		Owner's Mailing Address:	8920 County Road 50	
City:	Carver	Owner State:	MN	Owner Zip:	55315
Applicant (if other than owner):			Site Address:	8920 County Road 50	

Type of Request:	☐ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☒ Variance	☐ Appeal
Description of Request:	See attached - Reduced Lot Depth					
Date of County Public Hearing:	Jan. 8, 2025		Date of Township Meeting:	Dec. 9 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:
3 yes votes

****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
	11-22-24
Signature of Township Official	Date
	12-9-24

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 04-031-0410

File# A20240046

APPLICANT/OWNER: Timothy W Raser & Ann M Raser

The Southeast Quarter of the Southeast Quarter (SE1/4 of SE/14) of Section 31, Township 115,
Range 24, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department