



CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **February 5, 2025, 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. Pledge of allegiance

1.3. Agenda review and adoption

1.4. Approve Minutes from January 8, 2025 **2-4**

2. Agenda

2.1. File #20250001 - Public hearing on request by Rufino Mendoza for a variance.

(Exceed Allowed Number of Work Vehicles)

Laketown Township **5-21**

2.2. File #20250002 - Public hearing on request by Ryan & Esther O'Donnell for a variance.

(Exceed Maximum Accessory Structure Height)

Waconia Township **22-36**

3. Other Business

4. Adjourn

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

January 27, 2025

TO: Carver County Board of Adjustment & Laketown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance for Additional Vehicles for a Home Extended Business Accessory Use.

FILE #: PZ20250001

APPLICANT: Rufino Mendoza

OWNERS: Rufino Mendoza & Leticia Mendoza Gonzalez

SITE ADDRESS: 7485 State Hwy 5, Waconia, 55382

VARIANCE TYPE: Additional Vehicles for a Home Extended Business Accessory Use.

PURSUANT TO: Carver County Code: Section 152.079 (C)(9)(b)3 & (b)5

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-016-1001

BACKGROUND:

1. Rufino & Letitia Mendoza own and homestead an approximate 3.02-acre parcel located in the Northwest Quarter (NW¼) of Northeast Quarter (NE¼) of Section 16, Laketown Township. The property is improved with a single-family residence and an approximate 1,600 square foot accessory structure. The parcel is located in the Agricultural Zoning District, Shoreland Overlay District (Lunsten Lake and a DNR Protected Watercourse), 2040 Growth Area (City of Victoria), and Minnehaha Creek Watershed District.
2. The general scale of Mr. Mendoza's business classifies it as a Home Extended Business Accessory Use (HEBAU); however, the maximum number of work vehicles for a HEBAU on a parcel less than five acres in size is two vehicles. Also, only one vehicle with more than one-ton capacity is allowed with any HEBAU. Mr. Mendoza's operate would exceed the commercial vehicle threshold; therefore, a variance to allow a total of four work vehicles, including two trucks with more than one-ton capacity as part of Home Extended Business Accessory Use operation, has been requested.
3. The applicant is requesting a Variance to the maximum and type of vehicles for a Home Extended Business Accessory Use, in anticipation of applying for a Conditional Use Permit in order to operate his existing small landscaping business, pursuant to Section 152.079 (C)(9) of the Carver County Zoning Code, which reads as follows:

LEGAL BACKGROUND:

§ 152.215 VARIANCES.

- (A) Prior to submission of a variance application, the person applying for a variance shall submit a concept plan and meet with the Department to discuss the application. Through the pre-application, the Department may summarize the informational requirements and issues related to the specific variance request.
- (B) *Application.* The person applying for a variance shall submit to the Department a completed variance application stating the practical difficulty present, and provide all other information required by the Department. The Department shall prepare a report and refer the application to the County Board of Adjustment for consideration.
- (C) *Public hearing.* The Board of Adjustment shall hold a public hearing on the request pursuant to § [152.285](#).
- (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.

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

(A) Minimum criteria for issuance of permit:

- (1) Minimum five-acre lot size; unless another size is specified under a particular provision;
- (2) Sewage can be managed in accordance with Chapter 52 of this code of ordinances;
- (3) Land is not subject to the land use restrictions of an AG preserve covenant;
- (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless written approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect;
- (5) There is a single-family home on the parcel occupied as a homestead by a principal of the activity; or a single-family home will be constructed or homesteaded before the CUP for the activity is issued;
- (6) The scale and operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs—traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal—that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions:

- (1) Permit shall be subject to administrative review or compliance review as set by the permit. A change in ownership, operations or operator shall be cause for the permit to be reviewed to determine whether an application for an amendment or similar consideration is necessary.
- (2) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The operational plan and site plan shall become part of the permit.
- (3) Outside storage is prohibited unless the storage area is adequately screened from nearby roads and residences.
- (4) The operational plan and site plan shall become part of the permit.
- (5) The applicant must submit a copy of workers' compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (6) All buildings utilized by the operation must meet the State Building Code.

(C) Activities.

(9) Home extended business accessory use.

- (a) It is the intent of this section to provide for the use of newly constructed accessory structures, or adaptive re-use of residential accessory and farm structures on parcels two acres or greater by permitting the use of the structures for limited business purposes upon the issuance of a conditional use permit pursuant to this section. Permits shall be issued and remain in effect pursuant to this section only upon findings that the proposed use

will clearly be accessory and subordinate to the principal use of the land. Examples of businesses permitted under this section include: woodworking, repair, machining, professional services, and small-scale contractor's activities.

- (b) The following shall be the minimum conditions/operational standards for the issuance and continuation of such a permit; additional conditions may be added as necessary;
1. The business shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.
 2. The business must be conducted in one or more of the following: an attached or detached garage, residential accessory structure, or agricultural structure.
 3. Businesses prohibited for the purposes of this section shall be on-site recreation and entertainment businesses, mini-storage or seasonal vehicle storage when storage is the principal activity of the business, and **businesses that require more than one truck with capacity greater than one ton.**
 4. There shall be no more than four employees in addition to the owner/operator of the business and family of the owner/operator residing in the home, providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two employees in addition to family members residing in the home.
 5. The business shall utilize no more than four business vehicles, providing the parcel is five acres or greater. **Parcels two acres or greater but less than five acres shall be restricted to two business vehicles.**
 6. There shall be no retail sales. The sale of incidental stock-in-trade shall not be considered retail sales.
 7. No more than three clients shall be allowed on the premises at any one time.

STAFF ANALYSIS:

1. The County Code requires that the operational area of a Home Extended Business Accessory Use (HEBAU) on parcels less than five acres that shall have no more than two work vehicles, and any permitted HEBAU may have only one vehicle with more than one-ton capacity. Approval of the Variance would allow the applicant to apply for a Conditional Use Permit (CUP) to operate a Home Extended Business Accessory Use with a total of four work vehicles, including two dump trucks (vehicles with more than one-ton capacity). The applicant has provided a Business Operating Plan (dated: January 9, 2025) with detailed information about the business operations. Aside from the additional vehicles, the business appears to meet HEBAU zoning code standards for number of employees, work hours, screening of the operation, minimum 500-feet from adjacent residences, etc. One of the employees is the applicant's son, who also lives on the subject property.
2. If the Variance is approved, the applicant intends to apply to the Planning Commission for a CUP for the establishment of a Home Extended Business Accessory Use pursuant to the Zoning Code. The site plan of the Home Extended Business Accessory Use would be reviewed by the Planning Commission as part of a CUP request.
3. The applicant's narrative (dated January 9, 2025) states that basis of his variance request to allow a total of four work vehicles, including two trucks with more than one-ton capacity. In his letter Mr. Mendoza attests:
"I asked my Real Estate agent if I could run my small-scaled business here at 7485 State Highway 5 in Waconia, he said 'Yes not a problem. So I bought the property. I invested all my money into this property to prepare for my business. My wife and I excitedly started to prepare the property for said business, only to find out that we needed so many permits and letters along with expenses that were not mentioned to us. Neighbors have told me the property looks so much better since we moved in. I propose to build a shed for my business to make sure the property looks tidy.'"

If both the Variance and the CUP are approved, Mr. Mendoza plans to expand the business by constructing an approximate 4,200 square-foot structure (shown on the site plan dated January 2, 2025), along with dedicated employee parking and temporary outdoor storage, all screened by existing and proposed trees.

4. The neighborhood consists of a mix of agricultural and residential uses, as well as several properties with Conditional Use Permits (CUPs). The subject property is located within the City of Victoria's future growth area. Minnesota State Statute requires that public notice be given for land use applications located within two miles of any municipality to allow for comments. In an email dated January 15, 2025, Brian McCann, City Planner for the City of Victoria, wrote:
 - *"The current Zoning Code for the City of Victoria would not permit a home business of this magnitude (number of outdoor vehicles stored, types of vehicles stored, home occupation requirements, accessory structure requirements). When the property is annexed into the City of Victoria in the future, this would likely become a nonconforming use."*
 - *The City of Victoria does not see a legal allowance for a Variance in this case. Expansion of a business does not create a practical difficulty.*
 - *The proposed use may be undesirable to annex into the City because the property could not be developed with the landscaping business in operation."*
5. Abigail Couture, Permitting Technician with the Minnehaha Creek Watershed District, reviewed the variance request. In an email dated January 22, 2025, she stated: "If the applicant proceeds with the proposed work—such as adding outbuildings or pavement for their landscaping business—they may need to obtain permits from MCWD to do this work." A letter from Ms. Couture describing permitting thresholds is appended to this report.
6. Jacob McLain, Senior Environmentalist with Carver County Environmental Services, reviewed the applicant in terms of septic compliance. In an email dated January 14, 2025, he reported:
"The system was installed in 2023 and is compliant. An alternative site has also been identified. The site plan shows the driveway and employee parking in a location that does not interfere with the existing mound system. The owner should be reminded of the potential negative impacts of driving on a septic system. Otherwise, it appears the proposed commercial structure is intended for storage. However, if the use changes and septic is required, a design must be completed."
7. Since the parcel has direct access from MN State Hwy 5, Minnesota Department of Transportation (MNDOT) is the acting road authority. Cameron Muhic, Transportation Planner with MNDOT, reviewed the variance request, and in an email dated January 14, 2025, reported that he had no comments.
8. The Land Management Department received a petition, dated January 25, 2025, signed by ten neighborhood residents expressing support of the variance application and the presence of the business on the subject property. Ms. Diane Schrader, a family member of the previous landowner, sent an email dated January 26, 2025, expressing support for the variance request.
9. Granting the variance aligns with the general purpose and intent of the official control. In this case, the official control pertains to the number and size of vehicles associated with a small-scale, home-based business. The intent of the official control is to minimize the intrusion of commercial operations that could negatively affect neighboring households. With direct access to a state highway, complete screening of the vehicles, and the nearest homes located more than 1,000 feet away, the impact on neighbors appears to be minimal. While this request does not meet the specific standards, it seems to fulfill the overall intent of the regulations.
10. The plight of the landowner arises from both circumstances created by the landowner and the unique characteristics of the property. In late 2023, the residential property was subdivided into a small, oddly shaped parcel from a larger surrounding agricultural parcel and was then sold to the current owners. The owner of the adjacent land, who conducted the subdivision, has been asked but has refused to sell the applicant an additional 1.7 acres of land, which is currently unused for tilling. If the property were 5 acres in size, the variance would not be required.
11. This is an after-the-fact variance. The zoning code outlines criteria to be considered, including whether the applicant acted in good faith to comply with the zoning code and whether a substantial investment has been made, presumably in the property. In this case, according to the submitted narrative, both criteria appear to be met.

12. The granting of the Variance should not materially or adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and should not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.
13. The granting of the variance does not appear to conflict with the intent of the County's Comprehensive Plan and would not alter the character of the neighborhood. The proposed operations yard and commercial structure will be screened by existing vegetation.
14. Regarding the City of Victoria's Comprehensive Plan, the City's Future Land Use Plan designates this area for medium-density housing, with 6 to 12 units per acre. The economics of development will likely make it attractive for the property owner to sell the property for more intensive residential use. The City's Comprehensive Plan directs the city to "manage land uses to prevent the premature demand for the extension of urban services, so that existing service levels (such as on-site wastewater management, gravel, and other local roads) can meet service needs." The subject property is located on a state highway, and two of the four employees of the business reside on the property, which is served by a private well and septic system.
15. The Laketown Town Board reviewed and recommended approval of the variance request during their January 13, 2025, Town Board meeting.

BOARD CONSIDERATION:

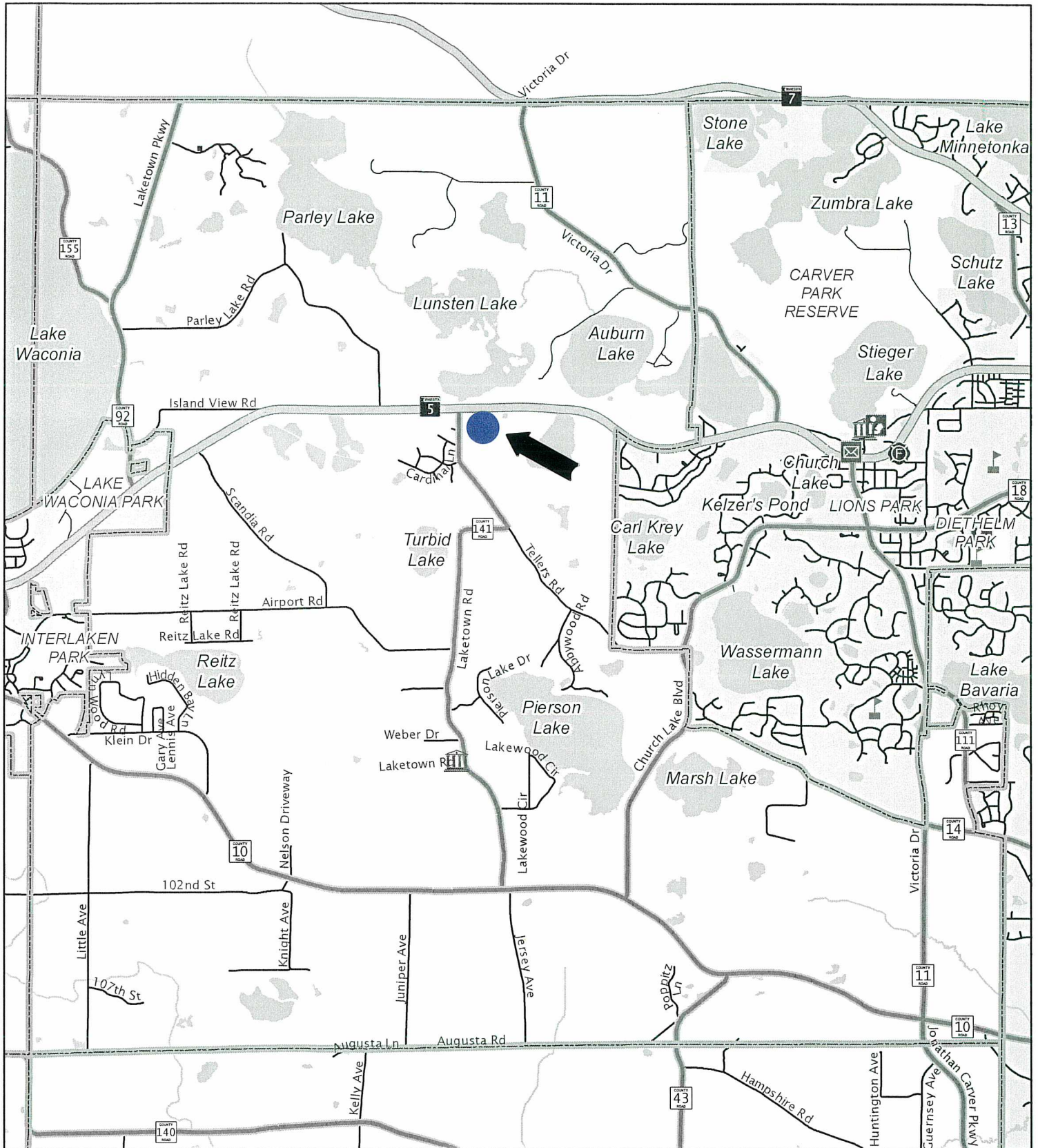
If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance to allow a total of four work vehicles, including two vehicles with more than one-ton capacity associated with the operation of a Home Extended Business Accessory Use pursuant to Section 152.079 (C)(9)(b)3 & (b)5 of the Carver County Zoning Code, would serve in the interest of justice, the following conditions should be considered:

1. Prior to applying for a Building Permit, a Conditional Use Permit application shall be submitted, reviewed and approved. If the CUP application is denied by the County Board, the Variance shall be considered null and void. The existing business and/or property shall meet all other requirements of the Carver County Zoning Code and MN State Building Code.
2. If the future CUP application is approved, the operation of the business shall not expand beyond four employees and four work vehicles, two of which may be vehicles with greater than one-ton capacity.
3. The permittee shall obtain building permits and all required permits for the proposed commercial structure.

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.

LAKETOWN TOWNSHIP



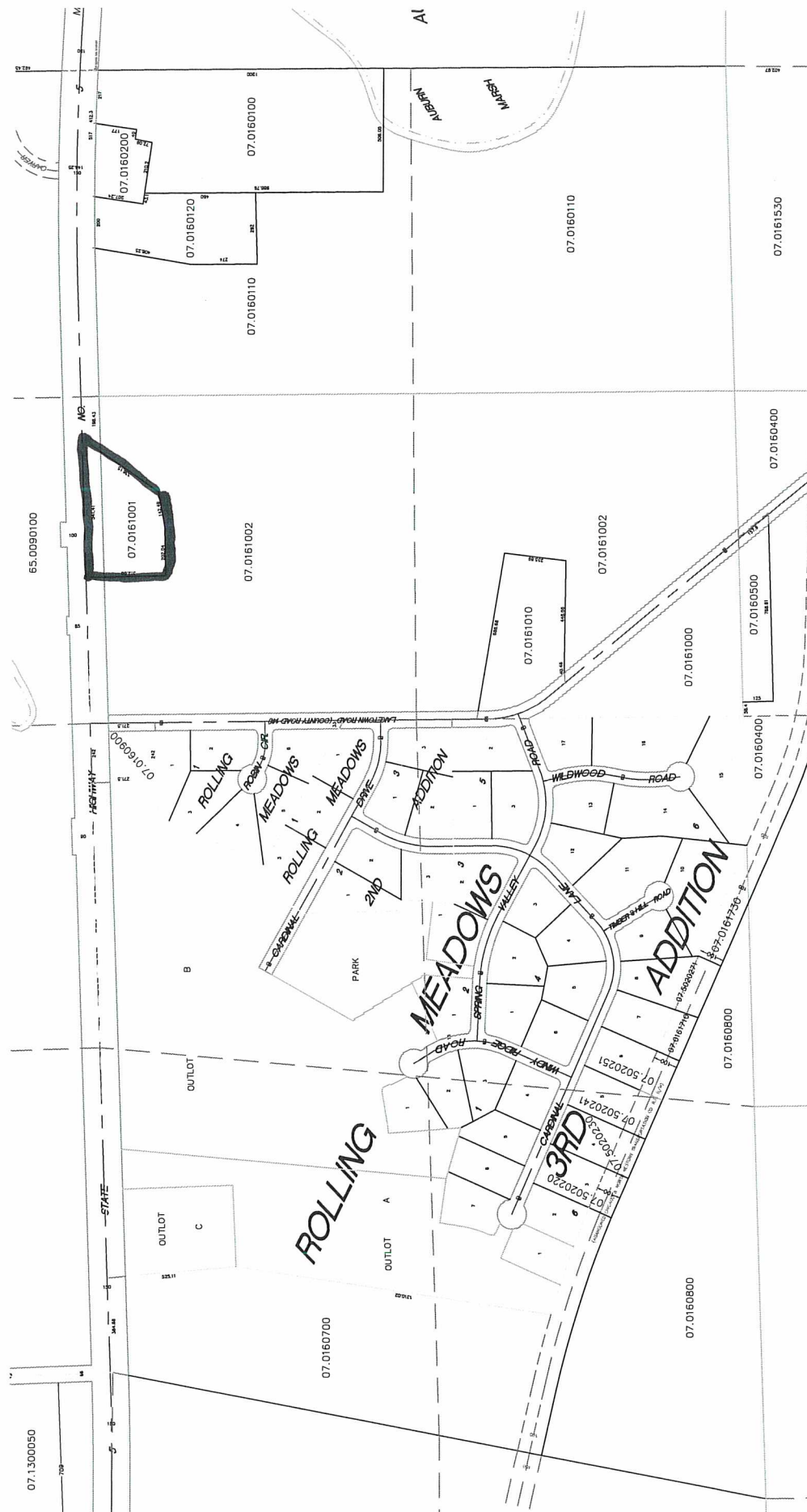
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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

0 1 2 Miles



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
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.



January 9, 2025

To the Board of Adjustment:

For my Variance,

I would like to run my family-based business from my property. I plan to apply for a Conditional Use Permit to have a Home Extended Business Accessory Use, but first I need a variance. The property is about 3.3 acres. The zoning code says with this size of parcel, I can only have only two trucks, with only one of them a large work vehicle with more than one ton capacity. I have four trucks with my business, which includes two dump trucks and don't plan to add more. The variance request is to have two more trucks than the zoning code allows for a parcel less than five acres and have one of those trucks is a dump truck with more than one ton capacity.

Before I bought this property, I asked my Real Estate agent if I could run my small-scaled business here 7485 State Highway 5 in Waconia, he said "Yes not a problem". So I bought the property.

I invested all my money into this property to prepare for my business. My wife and I excitedly started to prepare the property for said business, only to find out that we needed so many permits and letters along with expenses that were not mentioned to us.

We had this business in Young America with no permits and have never come across obstacles like we are now. This is new to us as it is our second property to have ever been in. I am deeply sorry to have come to your county as a "reckless" home owner. I'm trying to be a good homeowner. Neighbors have told me the property looks so much better since we moved in. I propose to build a shed for my business to make sure the property looks tidy.

We simply just weren't aware of the regulations here. We just want to make a living through our property. We have tried to buy property to increase the size of the property, but the other property owner won't sell us the land.

I have included a description of my business activities so you can see what kind of business I am trying to operate.

Sincerely

Rufino and Leticia Mendoza

January 9, 2025

Business Operating Plan

I, Rufino Mendoza, respectfully submit this request for a Conditional Use Permit for a Home Extended Business Accessory Use, pursuant to Section 152.079c9 of the zoning code. The purpose of this request is to operate a small-scale landscaping business, E&R Landscaping and Tree Service, within a proposed detached structure on my property located at 7485 State Highway 5. Waconia, MN

Business Overview:

My Proposal is to operate a small-scaled landscape business as a “Home Extended Business Accessory Use” I previously was granted a variance to allow me to apply for this CUP. The variance was to have this business on a lot smaller than 5 acres with four work vehicles including two dump trucks with a capacity greater than 1 ton. The variance request was to have two additional work trucks including one with a capacity greater than 1 ton, than otherwise permitted by the zoning code.

Landscaping is the art and practice of designing and maintaining outdoor spaces to enhance both their beauty and functionality. Services provided by E&R Landscaping and Tree Service include planting trees, shrubs, and flowers, designing and building outdoor features such as patios and walkways, as well as caring for lawns and gardens. Our operations also include tasks such as pruning, mulching, and seasonal maintenance to ensure the long-term health and aesthetics of outdoor spaces.

Our standard hours of operation are from 7:00 AM to 7:00 PM, Monday through Friday during the summer. Our Winter (November – March) Hours are from 8 AM to 4 PM, Monday through Friday. Certain projects may require extended hours or earlier start times, though this will remain within reasonable limits. The business generates an average of 12 trips per day with a fleet consisting of four work vehicles (trucks) and including two dump trucks. This includes four trips per day for the two employees who do not live at the residence. My son works with me and lives with me, so his work-related trips are only in a work vehicle. I will use the existing driveway to Hwy 5 for access.

Purpose of the Conditional Use Permit:

The Conditional Use Permit will allow me to legally operate my landscaping business from the property, in compliance with zoning regulations. The business will employ myself and up to four employees, including my son who lives at our residence. The landscaping business will serve as my primary source of income for my family and I, and access to the site will be restricted to myself, my family, and the employees.

Since moving to the property in 2023, no modifications have been made to the existing structure. Currently, the existing detached structure is used for company storage, but we are proposing to construct an additional detached structure measuring about 60' x 70' (4200 sq ft) to accommodate more equipment and vehicles. The existing detached structure would then be used for personal storage. I showed this on my site plan.

The structures will serve as storage for business materials, equipment, and vehicles. Should indoor storage capacity be reached, any vehicles will be stored in a neat and orderly manner along the side of the property. Additionally, materials such as logs and boulders may be temporarily stored outdoors, at the rear of the property, until they are used or disposed of. All materials will be stored in approved areas and in compliance with zoning requirements. Waste disposal will be handled off-site through a contracted company that will remove and properly dispose of any used materials. All exterior storage will be hidden from the public and neighbors.

For screening purposes, I plan to plant pine trees along the northern boundary adjacent to Highway 5, as well as between the workshop and Highway 5.

Currently, no signage is displayed on the property. Should a sign be necessary in the future, I propose a sign that meets all setback requirements, either at the end of the driveway or attached to the detached garage. The decision regarding signage will be made in accordance with the Planning Commission's discretion.

The business will be located 500 ft from neighboring residences.

I am fully committed to adhering to all conditions set forth by the Planning Commission and complying with the current Zoning Code.

Thank you for your time and consideration.

Sincerely,

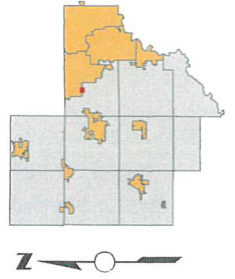
Rufino Mendoza

MENDOZA SITE PLAN



Date: 1/2/2025

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CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL # <u>070161 001</u>	Permit # <u>PZ20250001</u>
Owner's Name: <u>Helicia Gonzalez</u>	Owner's Mailing Address: <u>7485 State Hwy 5</u>
City: <u>Waconia</u>	Owner State: <u>MIN</u> Owner Zip: <u>55387</u>
Applicant (if other than owner): <u>Rafino Mendoza</u>	Site Address:

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal	
Description of Request: <u>Home exctated business Accessory Conditional Use Permit</u>	
Date of County Public Hearing: <u>3/18/2025</u>	Date of Township Meeting: <u>1/13/2025</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:

- ✓ CUP to operate business @ residence.
- ✓ Variance to add another shed to be able store business separate from personal storage.
- ✓ Board recommends approval.

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

[Signature]

Signature of Applicant

Date 01/02/2025

[Signature: Doreen Kume, Clerk]

Signature of Township Official

Date 01-13-25



January 22, 2025

Carver County Public Services Division
Attn: Christina Neel, Land Management Planner
600 East 4th Street
Chaska, MN 55318

RE: Request for Review – 7485 State Hwy 5 – Variance Request

Dear Ms. Neel,

The Minnehaha Creek Watershed District (MCWD or District) received notice of a variance request being reviewed by Carver County on January 14, 2025, regarding a Conditional Use Permit to operate a landscaping business and have two trucks with capacity greater than one ton on the site.

MCWD has reviewed the plans and requests that the applicant (Rufino Mendoza) contact the District for their review for potential applicable District rules, outlined below, if the applicant desires to move forward with this proposed plan:

Erosion and Sediment Control Rule:

If proposed development will disturb more than 5,000 square feet of land or excavate or grade more than 50 cubic yards, an Erosion and Sediment Control permit would be required.

Stormwater Management Rule:

Proposed development appears to be increasing impervious surface, therefore the Stormwater Management Rule may be triggered.

Wetland Protection Rule:

Proposed development appears to be occurring where MCWD has mapped wetlands. Impacts to these wetlands may require additional review through the Wetland Conservation Act (WCA) and a separate WCA application.

Wetland buffers may be required on wetlands down-gradient of the proposed impervious surface, if the Stormwater Management Rule is triggered.

We encourage the applicant to communicate with the District regarding their proposed plans in order to obtain the required permits.

Thank you for your ongoing coordination with MCWD. Please do not hesitate to reach out with any questions.

Abigail Couture

Abigail Couture

Permitting Technician

acouture@minnehahacreek.org

From: Di Schrader
To: Carver County Land Management Dept.
Subject: R, Mendoza Variance
Date: January 26, 2025

I am unable to attend the February 5, 2025 meeting regarding the variance for the property located at 7485 State Highway 5, Waconia, MN.

This is to inform you that I have NO objection to granting this variance.

Diane Schrader
108 2nd Avenue NW
Plato, MN. 55370

January 25, 2025

To Carver County Board of Adjustment,

I would like to express my support for my neighbor, Rufino Mendoza, and his family-based business, E & R Landscaping and Tree Service, for the request for a variance. I am aware of his plans to have his business at his property, which I have no problem with. I am also aware that they will have two dump trucks and are planning to build a shed to keep his business and property clean. I am very happy that there is finally some movement on this property, it has been abandoned for too long, especially a small family-based business. E & R Landscaping and Tree Service is essential in our community, as they provide such services that our community may need. I encourage the Board to approve E & R Landscaping and Tree Service's variance request as I see the positive impact this variance will have, not only will it benefit the business but also our community.

Sincerely,

Dennis m Locker

Denna Peters

Bd Wood

Jewell Hulitt

Pauline Gorkes

Roger Petergall

LUCAS JOHNSON

Steve Reul

Sandra R Tietz

Steven G. Tietz

8085 Laketown Rd

8085 Laketown Rd.

8130 Spring Valley Rd.

7830

~~7830~~ Laketown Rd

7830 Laketown Rd

" ↓ ↓ ↓ "

8135 WOODY RIDGE Rd

8245 CARDINAL LANE WACONIA

8225 Cardinal Lane Waconia MN

8225 Cardinal Lane Waconia MN

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-016-1001

File# PZ-20250001

**APPLICANTS/OWNERS: Rufino Mendoza & Leticia Mendoza
Gonzalez**

* * * * *

That part of the Northwest Quarter of the Northeast Quarter of Section 16, Township 116, Range 24, Carver County, Minnesota, described as follows: Commencing at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence on an assumed bearing of North 89 degrees 50 minutes 22 seconds West, along the North line of said Northwest Quarter of the Northeast Quarter, a distance of 198.43 feet to the point of beginning; thence continue North 89 degrees 50 minutes 22 seconds West, along said North line, a distance of 541.41 feet; thence South 01 degrees 24 minutes 24 seconds East, a distance of 312.68 feet; thence North 88 degrees 23 minutes 35 seconds East, a distance of 202.04 feet; thence North 79 degrees 06 minutes 12 seconds East, a distance of 142.49 feet to a line that bears South 34 degrees 33 minutes 57 seconds West from the point of beginning; thence North 34 degrees 33 minutes 57 seconds East, a distance of 338.15 feet to the point of beginning.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

January 27, 2025

TO: Carver County Board of Adjustment & Waconia Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Exceed Maximum Personal Storage Structure Height)

FILE #: PZ20250002

APPLICANTS: Ryan & Esther O'Donnell

PROPERTY OWNERS: Ryan & Esther O'Donnell

SITE ADDRESS: 10670 N Shore Road Waconia 55387

VARIANCE TYPE: Exceed Maximum Personal Storage Structure Height

PURSUANT TO: County Code Section 152.073 (A)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-002-2500

BACKGROUND:

1. Ryan and Esther O'Donnell own an approximate 1.22-acre parcel identified as part of Government Lot 2, located in the East Half (E½) of Section 2, Waconia Township. The property is improved with a single-family home with attached garage, a detached shed, and includes a small wetland (seasonally flooded basin) in the northern portion of the property. The property is located in the Agricultural Zoning District, Shoreland Overlay District (Lake Waconia & DNR Protected Watercourse), and the Carver County Water Management Organization (CCWMO) – Carver Creek Watershed.
2. The O'Donnells are requesting a variance to construct an accessory structure that would exceed the maximum allowable height for personal storage structures. The proposed two-story building would measure 19 feet by 30 feet on the first floor (570 square feet) and include an approximately 446-square-foot loft, resulting in a total area of 1,016 square feet. While the proposed structure complies with the permitted personal storage square footage for a parcel of this size, it exceeds the maximum allowable height. The structure would have a total height of 22 feet 10 inches, which is 5 feet 10 inches taller than the maximum permitted height of 17 feet for a structure on a parcel of this size. As a result, a 5-foot 10-inch variance has been requested pursuant to Section 152.073(A)(2) of the Carver County 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.

- (1) Parcels of less than one and a half acres – a total square footage of 1,250 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 applicants are proposing an accessory structure, which would measure 19 feet by 30 feet in size, exclusively for personal storage on the property. The Zoning Code allows a parcel of this size a total of 1,250 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, the attached garage is smaller than the 624-square foot credit and is not counted in the total storage calculations. The proposed 1,016-square foot, 2-story accessory structure would meet Code requirements for total square footage and sidewall height of 12 feet or less. The total height of the proposed structure prompts the variance request (i.e., 5-foot 10-inches). A parcel of this size –less than 1.5 acres– allowed an accessory structure a maximum 17-foot height. The proposed shed has a total height of 22 feet and 10 inches. The proposed location of the shed is northeast of the house and would meet all setbacks.

2. The applicants' letter (dated December 9, 2024) states the proposed accessory structure would shelter "*yard equipment, bikes, fertilizer, and snowblower*" on the first floor and seasonal storage on the upper level, for "*decorations, kids' toys, clothing, and camping equipment.*" Regarding the use, the O'Donnells' narrative states: "*We will not utilize the shed for any type of rental or commercial application, it will be purely for personal use.*" The applicants offer the reasons and circumstances involving the variance request. The small existing shed (approximately 388 square feet) has been damaged by water, due to its proximity to the seasonally flooded basin, and the property owners deem it unrepairable. The applicants plan to demolish the small shed once the proposed structure is constructed. Additionally, the only storage space within the home is a 4-foot-tall crawl space that is difficult to navigate. Due to the lot size, elevation changes, existing structure, wetland, and septic system setbacks, a two-story structure was chosen. The applicants explain that their design is shorter than the peaks of their home and neighboring structures and would reduce their impervious coverage compared to a one-story, larger structure footprint.
3. The site plan (submitted January 10, 2025) identifies the location of the proposed structure, along with the existing home, driveway, septic sites and wetland area. The proposed structure would be constructed northeast of the house, with conforming setbacks to the side and rear property lines, as well as to the septic system. The site plan calculates the proposed impervious coverage for site, once the existing shed is removed, at 12.3% hardcover. The applicant also submitted the building plans for the proposed structure, dated August 31, 2024, which show the shed 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 a lifting garage door and is approximately 570 square feet of storage space. The loft area, accessible via a staircase, is smaller in footprint than the ground floor, approximately 446 square feet, for a total of 1,016 square feet.
4. This request was reviewed by Carver County Water Management Organization. Tim Sundby, Water Resources Supervisor, replied in an email dated January 14, 2025, "*This project does not trigger any Stormwater or ESC permit as it is greater than 50' away from a sensitive area, however it is highly recommended to have erosion control measures in place while working on this project.*"
5. Taylor Huinker, Area Hydrologist for Minnesota Department of Resources, reviewed the request and indicated in an email dated January 14, 2025, that there are no comments or concerns from the DNR.
6. The challenges faced by the landowner stem from both circumstances created by the landowner and the unique characteristics of the property. The applicant purchased the property in 2019; however, the parcel has existed in its current configuration since before 1974, when the Carver County Zoning Code was adopted, making it a legally nonconforming lot. The lot's limited buildable area is constrained by the existing house, SSTS (subsurface sewage treatment system), and wetlands. Additionally, the applicants cannot acquire adjacent land to expand their property and create more space for constructing a one-level shed with equivalent accessory square footage. Each variance application is evaluated on its own merits, considering the property's unique characteristics and the applicant's specific reasoning.
7. 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.
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 it would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
9. The Waconia Town Board reviewed this request during their November 25, 2024, Town Board meeting. The Town Board recommended approval of the height variance and stated they "have no issues with wetland."

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance to construct an accessory structure exceeding the maximum allowable structure height on the property pursuant to Section 152.073 (A)(1) 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:

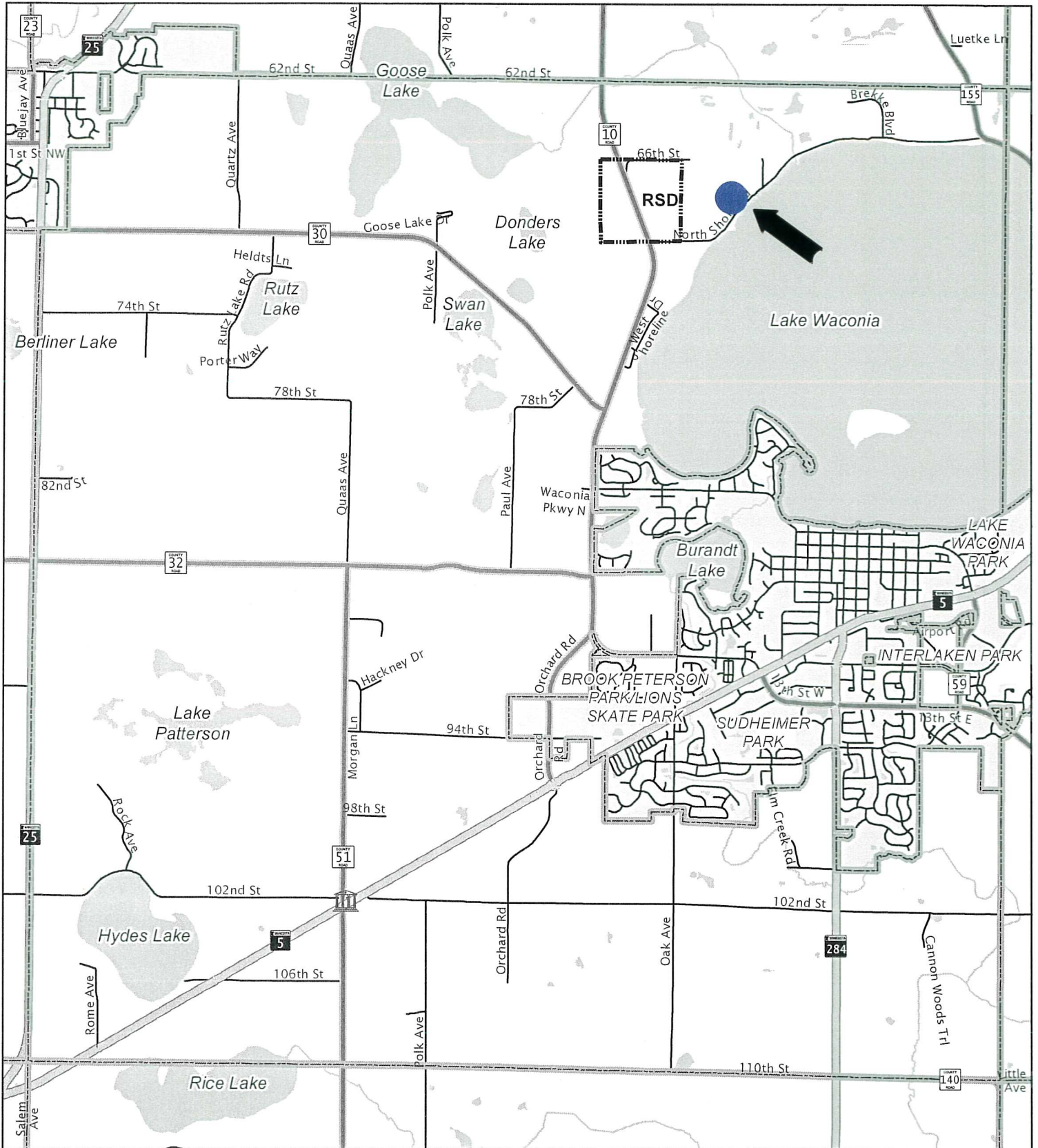
1. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly 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, and Subsurface Sewage Treatment System (SSTS) locations. The maximum height of the proposed accessory structure shall be limited to 20 feet 10 inches which is calculated from the average grade of the surrounding topography.
3. The permittee shall obtain any necessary erosion & sediment control permits from the Carver County Water Management Organization (if applicable), prior to beginning any construction activities.

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.

WACONIA TOWNSHIP



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



Map Created by Carver County GIS

Monday December 9th 2024

Dear Board of Adjustment, Carver County,

We request a variance to build a new outbuilding on our property in Waconia Township. We wish to build a new 19' x 30' outbuilding with an additional upper floor for dry storage. The proposed shed has been drafted and has a height of 22'10" exceeding the 17' limit for such structures given our property size. We request a 5'10" variance to the total shed height, pursuant to § 152.073 (A)(1).

We purchased this property in April of 2019. At the time there was an existing shed measuring 16x20 feet, which currently houses our groundskeeping equipment and serves as general storage. This current structure abuts a wetland at the rear of the property and was deteriorated beyond repair when we moved in. It has since continued to rot at the base, creating large defects in the siding as the foundation sits within the wetland and is often covered by water. We attached photos of the shed condition. The current shed sits within the wetland and the property's side yard setback. We're proposing to remove this non-conforming shed with our new build.

Our home has only one crawl space that is 4 ft tall to fit our dry storage and it is difficult to navigate. We desire more storage area that stays dry and away from yard equipment, bikes, fertilizer, snowblower, etc. on the lower level, which is why we need the additional storage in the upper level of the new shed. We will be using this additional space for seasonal decorations, kids' toys, clothing and camping equipment. We will not utilize the shed for any type of rental or commercial application, it will be purely for personal use.

The total square footage of the shed will be 1,016 square feet. The total square footage of the attached garage is about 591 square feet, so the shed represents the total amount of personal storage square footage for the lot. This is below the maximum 1,250 square feet allowed for a parcel of our size.

The impervious percentage from the survey done is 12.3% not including North Shore Road. As is evident from our new survey, the backyard area is limited by setbacks from the wetland, septic mound and neighboring property lines. We have had to change the design and size of the proposed shed multiple times to accommodate these setbacks. Further, there is no land adjacent to ours which could be purchased for additional storage structures. We therefore feel that building upwards is the only solution to these limitations. We are not asking for a variance to setbacks or maximum personal square footage totals, but we are asking for a variance to the height of the building.

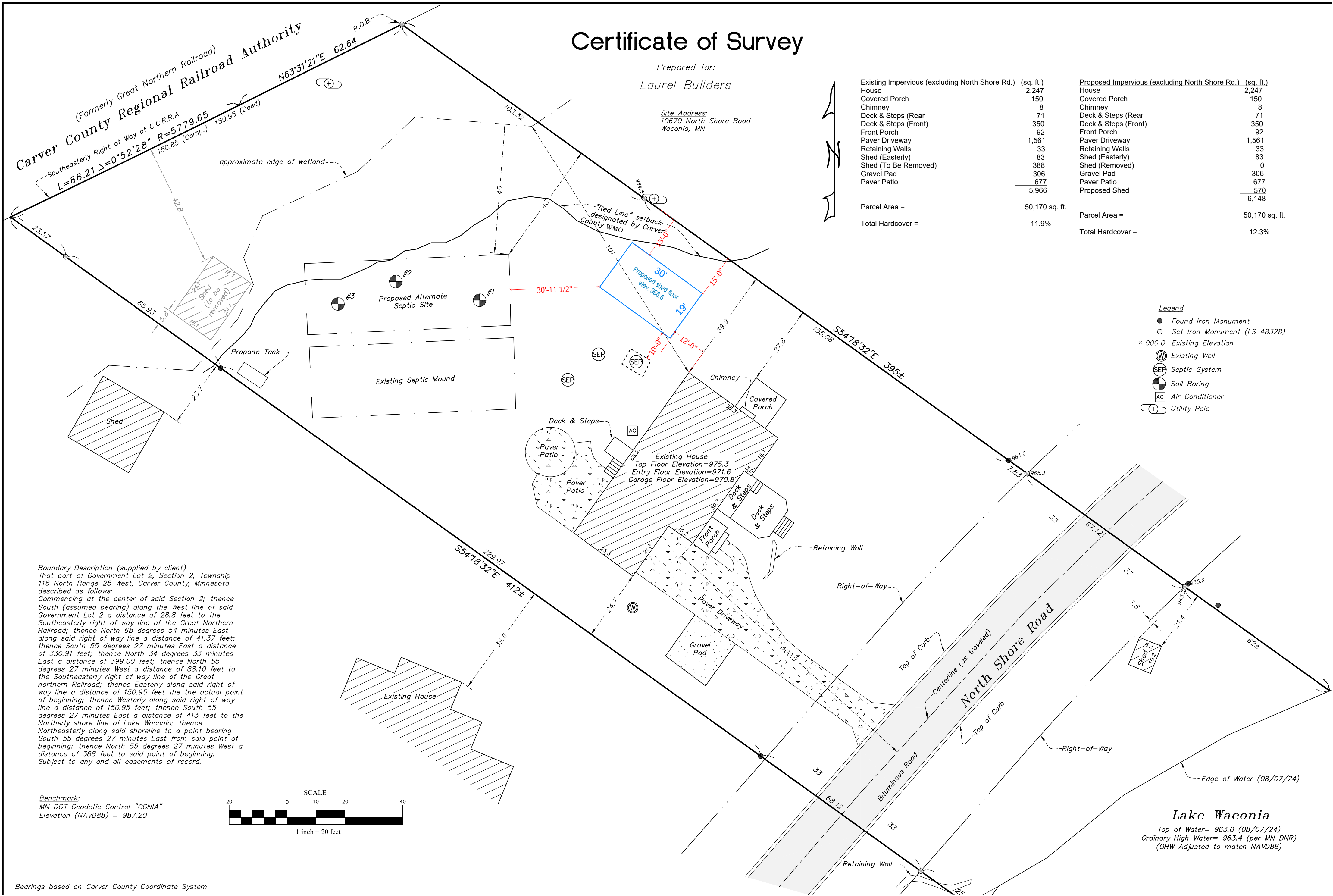
The proposed roof height will still be shorter than the peaks of our home and neighboring residences. This design would also reduce the coverage of permeable ground on land which lays between a marsh and lake. The aesthetics of our proposed structure will match our current home, a great improvement versus our current dilapidated shed.

We will not have a road or driveway going to the new shed build so it will have less effect on the hardcover percentage on the property.

Lastly, we have discussed our proposed building plans with our adjacent neighbors, who are fully supportive. We would gladly addend a signed letter to the effect if requested.

Respectfully Submitted,

Ryan and Esther O'Donnell
10670 N Shore Rd
Waconia, MN 55387



Certificate of Survey

Prepared for:
Laurel Builders

Site Address:
10670 North Shore Road
Waconia, MN

Existing Impervious (excluding North Shore Rd.)	(sq. ft.)
House	2,247
Covered Porch	150
Chimney	8
Deck & Steps (Rear)	71
Deck & Steps (Front)	350
Front Porch	92
Paver Driveway	1,561
Retaining Walls	33
Shed (Easterly)	83
Shed (To Be Removed)	388
Gravel Pad	306
Paver Patio	677
	5,966

Parcel Area = 50,170 sq. ft.
Total Hardcover = 11.9%

Proposed Impervious (excluding North Shore Rd.)	(sq. ft.)
House	2,247
Covered Porch	150
Chimney	8
Deck & Steps (Rear)	71
Deck & Steps (Front)	350
Front Porch	92
Paver Driveway	1,561
Retaining Walls	33
Shed (Easterly)	83
Shed (Removed)	0
Gravel Pad	306
Paver Patio	677
Proposed Shed	570
	6,148

Parcel Area = 50,170 sq. ft.
Total Hardcover = 12.3%

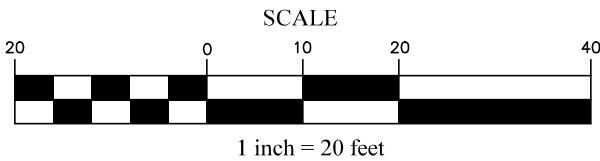
Legend

- Found Iron Monument
- Set Iron Monument (LS 48328)
- Existing Elevation
- Existing Well
- Septic System
- Soil Boring
- Air Conditioner
- Utility Pole

Boundary Description (supplied by client)

That part of Government Lot 2, Section 2, Township 116 North Range 25 West, Carver County, Minnesota described as follows:
Commencing at the center of said Section 2; thence South (assumed bearing) along the West line of said Government Lot 2 a distance of 28.8 feet to the Southeasterly right of way line of the Great Northern Railroad; thence North 68 degrees 54 minutes East along said right of way line a distance of 41.37 feet; thence South 55 degrees 27 minutes East a distance of 330.91 feet; thence North 34 degrees 33 minutes East a distance of 399.00 feet; thence North 55 degrees 27 minutes West a distance of 88.10 feet to the Southeasterly right of way line of the Great northern Railroad; thence Easterly along said right of way line a distance of 150.95 feet the the actual point of beginning; thence Westerly along said right of way line a distance of 150.95 feet; thence South 55 degrees 27 minutes East a distance of 413 feet to the Northerly shore line of Lake Waconia; thence Northeasterly along said shoreline to a point bearing South 55 degrees 27 minutes East from said point of beginning; thence North 55 degrees 27 minutes West a distance of 388 feet to said point of beginning. Subject to any and all easements of record.

Benchmark:
MN DOT Geodetic Control "CONIA"
Elevation (NAVD88) = 987.20



Lake Waconia

Top of Water= 963.0 (08/07/24)
Ordinary High Water= 963.4 (per MN DNR)
(OHW Adjusted to match NAVD88)

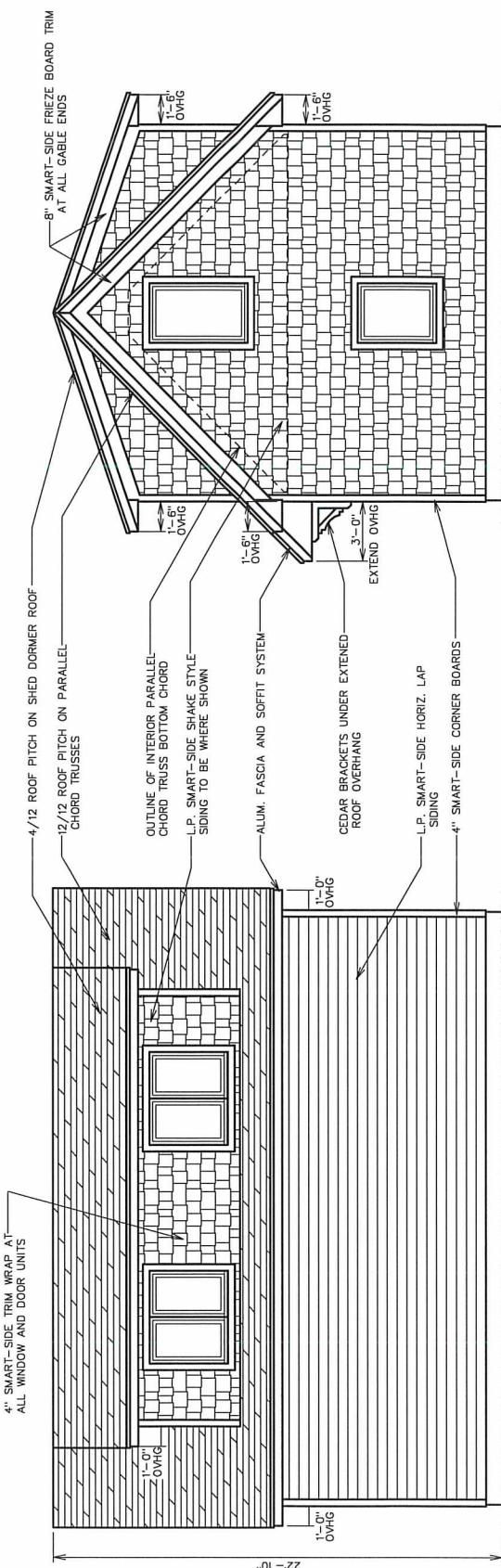
NOTES: AUTUMN DESIGN OF MINN. INC. IS NOT RESPONSIBLE FOR THE COMPLIANCE OR ACCURACY OF THESE DRAWINGS TO ANY OF THE CHANGES OR REVISIONS REQUESTED OR MADE BY THE CLIENT. AUTUMN DESIGN OF MINN. INC. IS NOT RESPONSIBLE FOR THE CHANGES OR REVISIONS REQUESTED OR MADE BY THE CLIENT. AUTUMN DESIGN OF MINN. INC. IS NOT RESPONSIBLE FOR THE CHANGES OR REVISIONS REQUESTED OR MADE BY THE CLIENT.

DRN	TYPE	DATE
SB	PRIM	08/26/24
SB	FINAL	08/31/24
REV	REV	

LAUREL BUILDERS
O'DONNELL

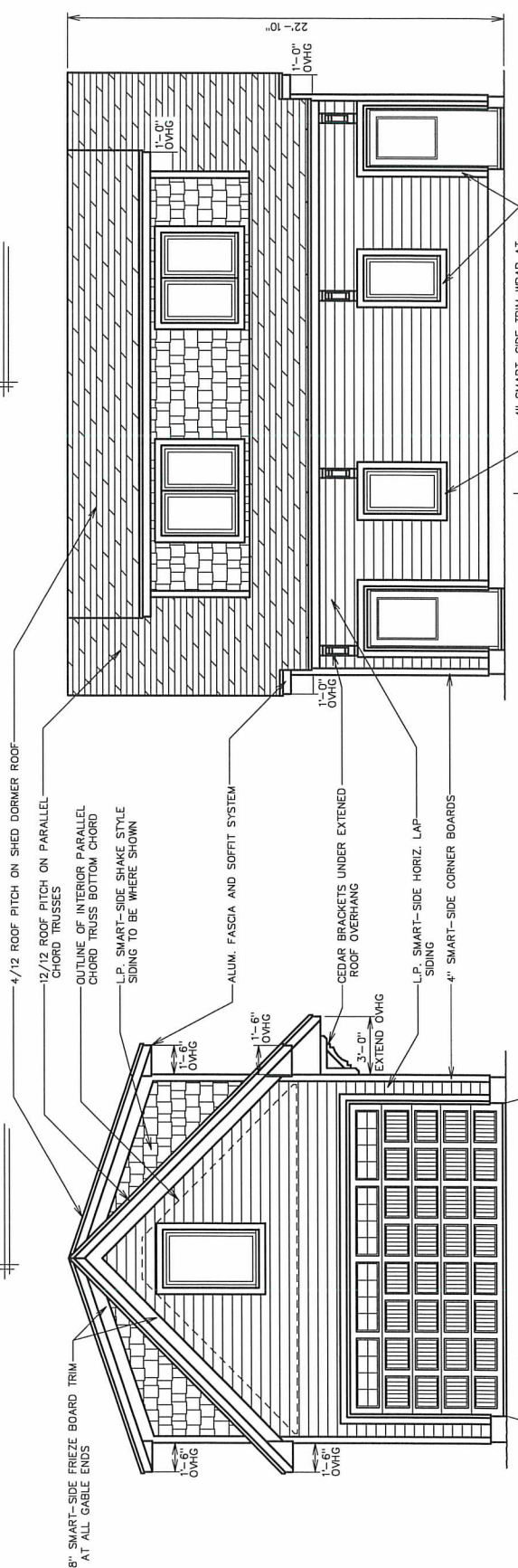
AUTUMN DESIGN
of Minnesota, Inc. (763) 614-4760

PAGE 1 of 3
INDEX NO. 7471-1

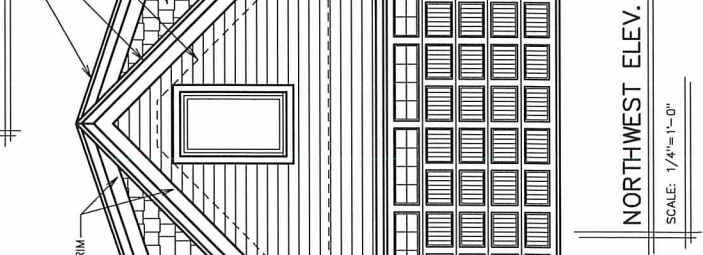


SOUTHEAST ELEV.
SCALE: 1/4"=1'-0"

NORTHEAST ELEV.
SCALE: 1/4"=1'-0"



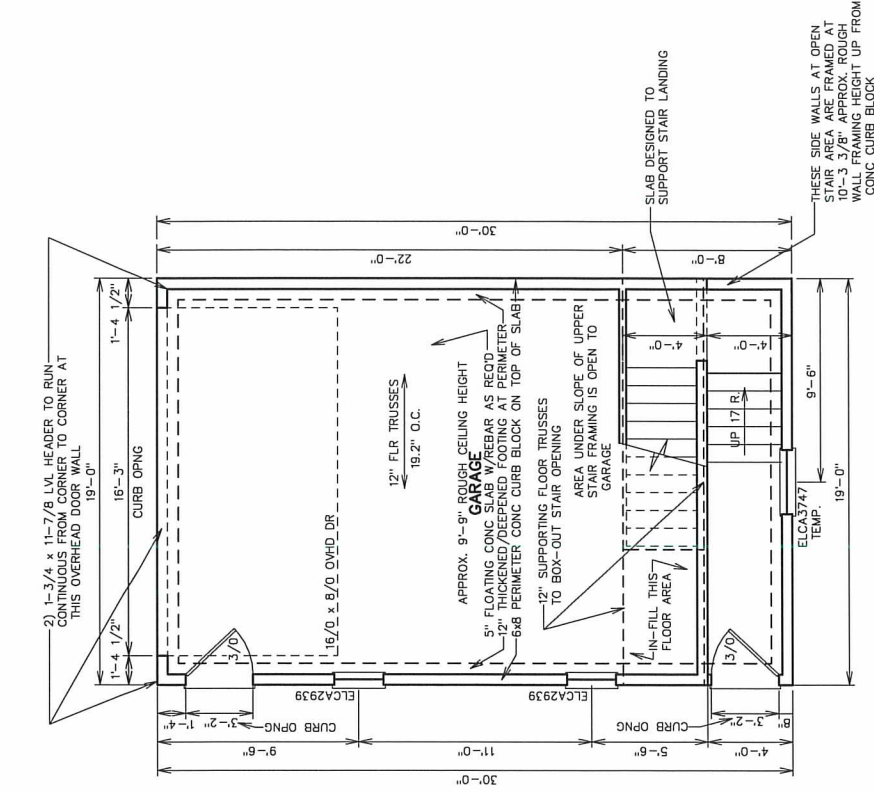
SOUTHWEST ELEV.
SCALE: 1/4"=1'-0"



NORTHWEST ELEV.
SCALE: 1/4"=1'-0"

DRN	TYPE	DATE
SB	PRLM	08 / 26 / 24
SB	FINAL	08 / 31 / 24
	REV.	/ /
	REV	/ /

NOTE: AUTUMN DESIGN OF NAL, INC. IS NOT RESPONSIBLE FOR THE
 ESTABLISHED BUILDING CODES. NOR ARE RESPONSIBLE FOR
 INCURRED COSTS RESULTING DIRECTLY FROM THESE DRAWINGS. IN
 AS THE RESPONSIBILITY OF THE CLIENT TO HAVE THESE DRAWINGS
 APPROVED BY A LICENSED INSPECTOR. WRITTEN DIMENSIONS SHALL
 HAVE PRECEDENCE OVER SCALED DIMENSIONS. AUTUMN DESIGN RE-
 SERVES THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.



FIRST FLOOR PLAN

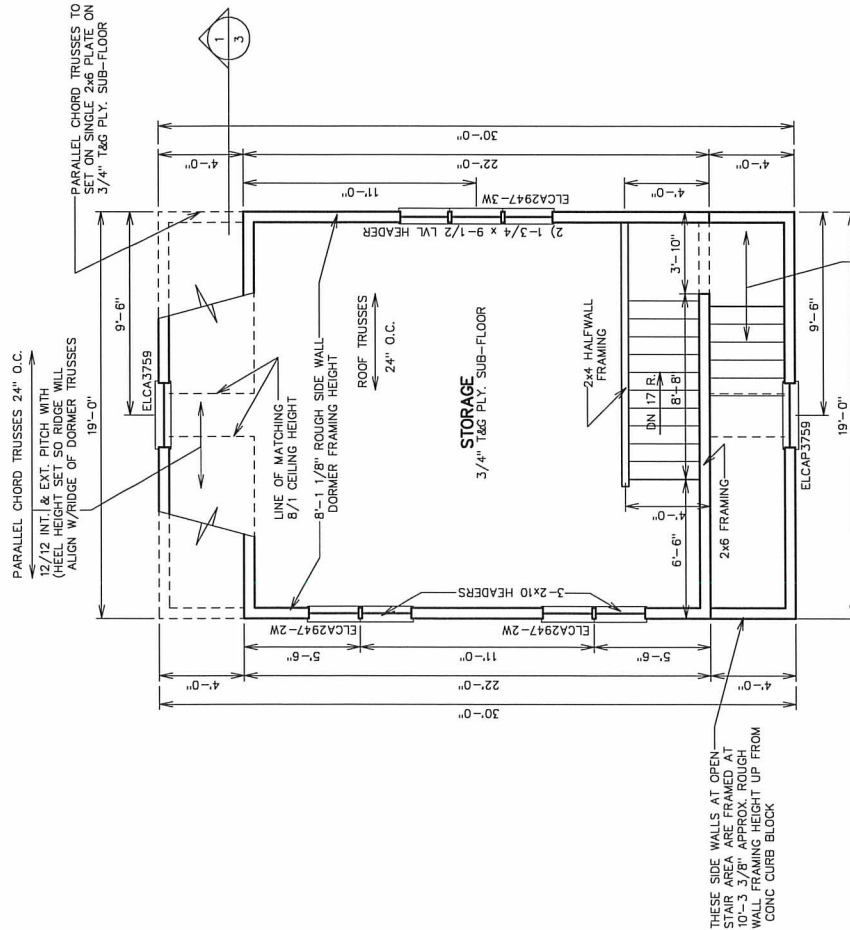
SCALE: 1/4" = 1'-0"

570 SF GARAGE AREA

NOTES

ALL INT. & EXT. BEARING OPENINGS SHALL HAVE 2-2x10 HEADERS UNLESS OTHERWISE SPECIFIED ON THE DRAWINGS; VERIFY ALL HEADER CHANGES FROM THE LUMBER CO., TRUSS CO. AND/OR BUILDING OFFICIALS

ALL LVL. BEAMS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION



SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

446 SF BONUS ROOM AREA

NOTES:

9'-1 1/8" GARAGE STUD WALL FRAMING HEIGHT
(SET ON 6x8 PERIMETER CONC CURB BLOCK GIVING
APPROX. 9'-9" TOTAL WALL HEIGHT)

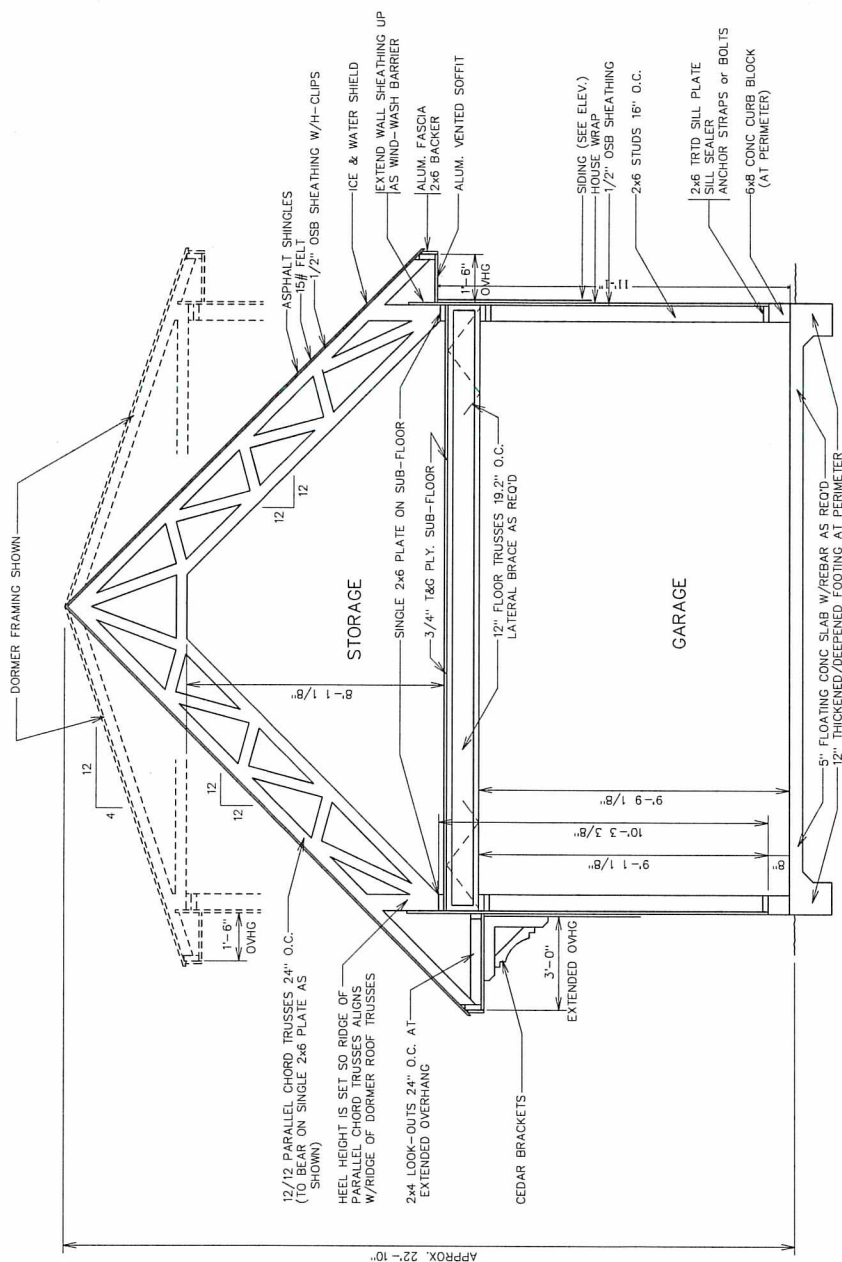
8'-1 1/8" ROUGH CEILING HEIGHT IN UPPER

2x6 TREATED SILL PLATES TO BE ANCHOR BOLTED
THRU 6x8 PERIMETER CONC CURB BLOCK AND SET
INTO FLOATING CONC SLAB

WINDOWS LISTED ARE MARVIN ELEVATE CASEMENT
STYLE UNITS

DRN	TYPE	DATE
SB	PRLM	08 / 26 / 24
SB	FINAL	08 / 31 / 24
	REV.	
	REV.	

NOTE: ARCHITURAL DESIGN OF MR. INC. IS NOT RESPONSIBLE FOR THE CONFORMANCE OR ACCURACY OF THESE DRAWINGS TO ANY OF THE ESTABLISHED BUILDING CODES. DIRECTLY FROM THESE DRAWINGS IT INCURRED COSTS RESULTING FROM THE CLIENT HAVE THESE DRAWINGS APPROVED BY A LICENSED ARCHITECT WITHOUT ANY DESIGN CHANGES HAVE BEEN MADE OVER SCALED DIMENSIONS. ARCHITURAL DESIGN SHALL BE SERVES THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.



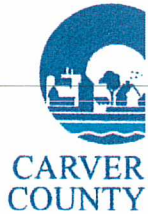
CROSS SECTION

SCALE: 3/8"=1'-0"

12-9-24

O'Donnell Variance – Existing Conditions





Township Presentation & Recommendation Form

PARCEL # 090022500	Permit # RZ20250002
Owner's Name: Ryan M O'Donnell	Owner's Mailing Address: 10670 N Shore Rd
City: Waconia	Owner State: MN Owner Zip: 55387
Applicant (if other than owner): 	Site Address:

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal	
Description of Request: Variance for height of new shed to maximize dry storage which is otherwise limited by setbacks.	
Date of County Public Hearing: 2/5/25	Date of Township Meeting: 11/25/24

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:	
We recommend approval of height variance & we have no issues with wetland	

****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 11/24/2024 Date 11-25-24
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EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-002-2500

File# PZ-20250002

APPLICANTS/OWNERS: Ryan M O'Donnell & Esther O'Donnell

That part of Government Lot 2, Section 2, Township 116 North, Range 25 West, Carver County, Minnesota described as follows: Commencing at the center of said Section 2; thence South (assumed bearing) along the West line of said Government Lot 2, a distance of 28.8 feet to the Southeasterly right of way line of the Great Northern Railroad; thence North 68 degrees 54 minutes East along said right of way line, a distance of 41.37 feet; thence South 55 degrees 27 minutes East, a distance of 330.91 feet; thence North 34 degrees 33 minutes East, a distance of 399.00 feet; thence North 55 degrees 27 minutes West, a distance of 88.10 feet to Southeasterly right of way line of the Great Northern Railroad; thence Easterly along said right of way line, a distance of 150.95 feet to the actual point of beginning; thence Westerly along said right of way line, a distance of 150.95 feet; thence South 55 degrees 27 minutes East, a distance of 413 feet to the Northerly shore line of Waconia Lake; thence Northeasterly along said shore line to a point bearing South 55 degrees 27 minutes East from said point of beginning; thence North 55 degrees 27 minutes West, a distance of 388 feet to said point of beginning.