



CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **March 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 February 5, 2025.....2-8

2. **Agenda**

- 2.1. File #20250004 - Public hearing request by Jeff Hoxie (Hoxie Homes) representing Elizabeth & Loran Jacobs for a variance.
(Reduced Lake Setback from OHWL)
Laketown Township9-22

3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Land Management Department

February 14, 2025

TO: Carver County Board of Adjustment & Laketown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance (Reduced Setback to OHWL)

FILE #: PZ20250004

APPLICANT: Jeff Hoxie, Hoxie Homes

OWNERS: Elizabeth & Loran Jacobs

SITE ADDRESS: 9675 Lakewood Circle, Chaska MN 55318

VARIANCE TYPE: Reduced Structure Setback from OHWL

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-027-2720

BACKGROUND:

1. Elizabeth and Loran Jacobs own an approximate 1.98-acre residential parcel located in Government Lot 6 in the West Half (W½) of the Northwest Quarter (NW¼) of Section 27, Laketown Township. The property is improved with a house with an attached garage, built in 1971, and an accessory structure, which was granted a variance (V-PZ20130017) in 2013 for a reduced setback to Piersons Lake. The parcel is located within the Agricultural Zoning District, Shoreland Overlay District (Piersons Lake), and the Minnehaha Creek Watershed District.
2. The applicant, Jeff Hoxie of Hoxie Homes, is requesting a variance which would allow him to apply for home addition and remodel building permits on the subject property. The proposed house additions would encroach on the required 100-foot Ordinary High Water (OHWL) setback from Piersons Lake, a Minnesota Department of Natural Resources (MNDNR) - classified Recreational Development Lake. Therefore, a reduced structure setback has been requested pursuant to Section 152.034 (D) of the Carver County Zoning Code.

LEGAL BACKGROUND:

§ 152.009 NON-CONFORMING USES AND STRUCTURES.

(A) Any structure or use of a structure, or use of land lawfully existing upon the effective date of this chapter may be continued at the size and in the manner of operation existing upon the date, notwithstanding the certain classes pursuant to M.S. § 394.36, except as hereinafter specified.

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

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

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

§ 152.034 SETBACKS.

(D) *Table of setback requirements.*

<i>Setbacks from Ordinary High-Water Level in Shoreland District</i>	<i>Setback Required for Structures</i>	<i>Setback Required for SSTS</i>
Recreational development lake (Pierson's)	100	as required by Chapter 52

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

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. Mr. and Mrs. Jacobs purchased the property in 2017. The existing house was constructed in 1971, before, Carver County began enforcing Zoning Code regulations, and is therefore classified as a legal non-conforming structure. Section 152.009 of the County Zoning Code addresses non-conforming uses and structures, stating that *“Any structure or use of a structure, or use of land lawfully existing upon the effective date of this chapter may be continued at the size and in the manner of operation existing upon the date”* and further references that a nonconformity, *“may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.”* Any additions to the structure must comply with current Carver County Zoning Code standards or be successful in obtaining the necessary variance(s) for any reduced setback(s).
2. The established OHWL for Piersons Lake is 963.2 feet, as determined by the MNDNR. Section 152.034 of the Carver County Zoning Code requires all structures to maintain a minimum 100-foot setback from the OHWL of a Recreational Development Lake. The applicant proposes constructing a screened porch addition approximately 78.6 feet from the OHWL of Piersons Lake, requiring an approximate 21.4-foot variance. This setback would allow the addition to remain outside the Shore Impact Zone, which is defined as “land located between the ordinary high-water level of a public water, and a line parallel to it at a setback of 50% of the structure setback.”
3. The applicant’s letter (dated February 6, 2025) outlines the challenges of expanding the house within the required setbacks, as it is bordered by water on two sides. Mr. Hoxie explains, *“We looked at adding a 2nd level onto the home to get more ‘living space’ but that was quickly ruled out as it became cost prohibitive and there was no great place to add a stairway.”* He notes that the three small additions were designed to blend with the existing architecture while enhancing the home’s living and entertaining spaces. A basement was not an option due to the high lake water level.
4. The provided site survey, dated January 23, 2025, shows the existing house along with three proposed additions. The proposed front entry porch is located on the south side of the house, over existing pavers. An approximate 16-foot x 34-foot living room addition is planned for the east side of the house, with its nearest corner identified approximately 83.2 feet from Piersons Lake. The proposed 16-foot by 12-foot screened porch addition on the north side of the house is set approximately 78.6 feet from the OHWL at its closest point. In total, the applicant is proposing approximately 853 square feet of new living space. The site plan includes calculations for both existing and proposed impervious surfaces, including the house, driveway, pavers, and shed. The proposed total impervious coverage is 13,778 square feet, or 8.0% of the total property, which complies with the Carver County Zoning Code’s maximum allowable impervious coverage of 25% for shoreland parcels.
5. Senior Environmentalist Jacob McLain reviewed this request on February 10, 2025. He noted that the property is served by the Lakewood Community Septic 201 system, but its last certificate of compliance is expired. As Laketown Township no longer conducts compliance inspections, the property owners must hire a contractor to complete the compliance inspection.
6. On February 12, 2025, Taylor Huinker, South Metro Area Hydrologist at MNDNR, reviewed the request and provided feedback. She recommended considering stormwater treatment for the additional runoff created by the additions, given the property’s proximity to Piersons Lake and the limited buffer between the lake and the structure.

7. This request was sent to the Minnehaha Creek Watershed District (MCWD) for review. On February 13, 2025, Abigail Couture, Permitting Technician, reviewed the request and stated: *"We request the applicant contact the District for their review for potential applicable District rules if the proposed development will disturb more than 5,000 square feet of land or excavate or grade more than 50 cubic yard, an Erosion and Sediment Control permit would be required."*
8. The granting of the variance is in harmony with the general purpose and intent of the official control. In this case, the official control refers to the required OHWL setbacks and the non-conformity provisions of the County Zoning Code. Although this request does not fully comply with the specific standards, it appears to meet the intent of the regulations since the parcel and existing structures are considered as legal non-conformities.
9. The plight of the landowner results from both their decisions and the unique characteristics of the property, which contribute to the need for this variance. The house was constructed prior to the County adopting zoning regulations, and the legal non-conforming structure cannot be expanded in a way that meets the lake setback requirements. The property's narrow size and peninsula location make future development or redevelopment challenging while complying with County requirements. The location of the house and the parcel configuration in relation to two shorelines represent a set of circumstances unique to this property. Although the property owner chose to pursue a home addition, each variance request is evaluated based on its own merits and site-specific conditions.
10. The neighborhood consists of residential lake homes and recreational areas, as well as some dense vegetation and wetlands. Other properties in the immediate area feature similarly situated houses and accessory structures. This request would not result in a substantial change to the character of the neighborhood.
11. The granting of the variance would not conflict with the intent of the Comprehensive Plan, nor would it negatively impact government services due to the location of the additions.
12. The granting of the variance would not materially or adversely affect the health or safety individuals residing or working in the adjacent area, nor would it be detrimental to public welfare or injurious to property or improvements in the surrounding area.
13. The Laketown Town Board reviewed and unanimously recommended approval of the request during their February 10, 2025, stating, *"To support the variance request as presented"*.

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance for the house addition construction with a reduced lake 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:

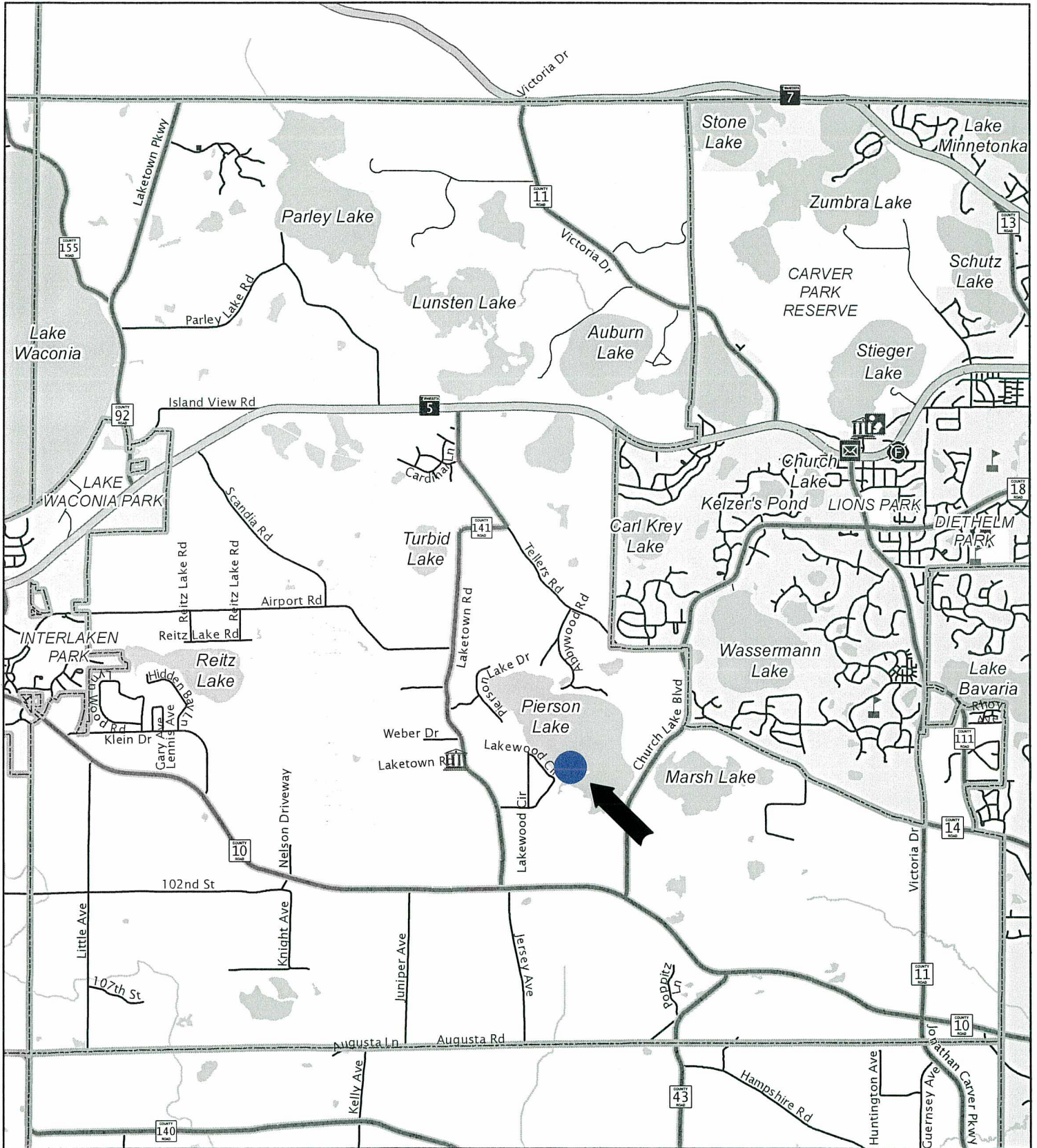
1. The permittee shall obtain the appropriate building and septic permits prior to the construction of the additions.
2. All construction activities shall conform to the submitted site plan. The new construction shall not encroach any closer to the OHWL of Piersons Lake than approved (i.e., 78± feet). All work must comply with the submitted and approved building permit plans.
3. The house remodel/construction project must comply with all Subsurface Sewage Treatment System (SSTS) requirements and the Laketown Septic Ordinance standards (e.g., obtain an SSTS Certificate of Compliance).
4. The Permittee shall obtain any necessary permits from the Minnehaha Creek Watershed District, if applicable.
5. No additional expansions shall be permitted without first 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 by imposing additional conditions on the variance. Any conditions imposed should be roughly proportional 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 the interest of justice, the Board of Adjustment must provide reasons to support the denial.

LAKETOWN TOWNSHIP

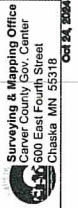


This map was created using Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



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.





Board of Adjustment,

02/06/2025

I, Jeff Hoxie owner of Hoxie Homes & Remodeling LLC, write to you today on behalf of Betsy & Loran Jacobs in regards to their property @
9675 Lakewood Circle
Chaska, Mn 55318

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

- Build a front entry deck and porch to the front of the home(south)
- Build a screen porch towards the back of the home(North)
- Build a new living room addition onto the side of the home(East)

It has been brought to our attention that the existing home is located within the OHWL setback(100') Due to the irregular shape of the property and with water on 2 sides of the property any addition to this home will fall within this setback, which is why we are requesting a variance.

The existing home does not have a basement due to its elevation in relation to the water level. We looked at adding a 2nd level onto the home to get more "living space"...but that was quickly ruled out as it became cost prohibitive and there was no great place to add a stairway within the existing home. These additions will add necessary living and entertainment spaces for the current family. We have designed these 3 spaces to blend nicely into the existing architecture of the home while also trying to not encroach any closer to the lake than the existing home does. The 1 corner of the new screen porch is slightly closer to the lake than the existing home. We are asking for approval of this so we can get a modest size porch to accommodate 4-6 people comfortably.

Thank you for your consideration,

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

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

Certificate of Survey
~ for ~ Hoxie Homes & Remodeling
of: 9675 Lakewood Cir.
Chaska, MN 55318

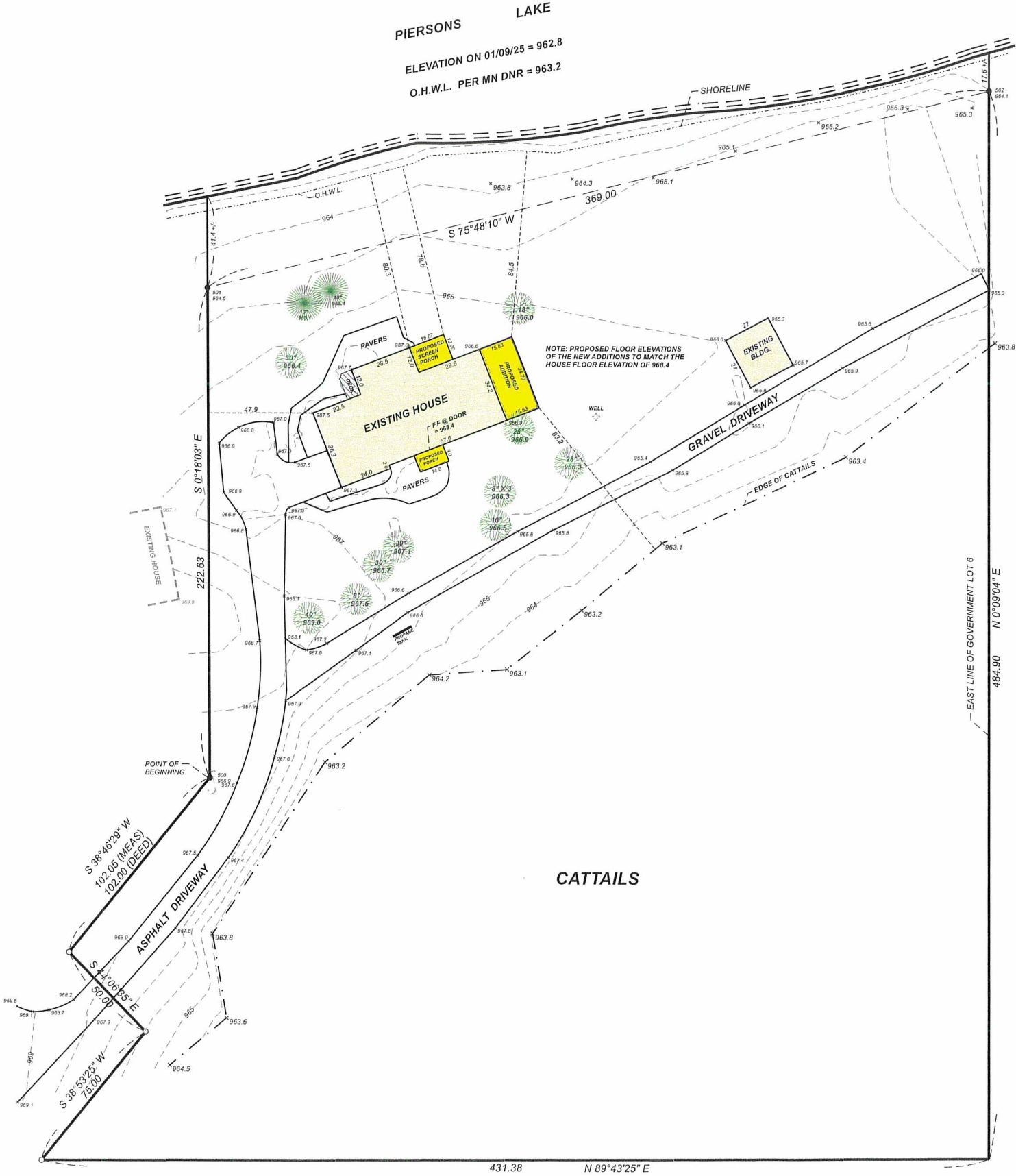
LEGAL DESCRIPTION:

That part of Government Lot 6, Section 27, Township 116, Range 24, Carver County, Minnesota, described as follows:

Commencing at the southwest corner of said Government Lot 6; thence on a bearing of North along the West line of said Government Lot 6 a distance of 1831.5 feet; thence North 88 degrees 30 minutes East a distance of 16.5 feet; thence South parallel with said West line 20.26 feet; thence South 64 degrees 52 minutes 30 seconds East a distance of 205.05 feet; thence South 37 degrees 24 minutes 30 seconds East a distance of 824.67 feet; thence East a distance of 90.0 feet; thence South 43 degrees 50 minutes East a distance of 154.2 feet; thence North 39 degrees 00 minutes East a distance of 102.0 feet to the actual point of beginning; thence South 39 degrees 00 minutes West 102.0 feet; thence South 43 degrees 50 minutes East a distance of 50.0 feet; thence South 39 degrees 10 minutes West 75.0 feet; thence East 431.38 feet more or less to the east line of said Government Lot 6, thence northerly along said east line 481.6 feet more or less to the shore line of Pierson Lake; thence southwesterly along said shore line 366.2 feet more or less to its intersection with a line drawn North from the point of beginning; thence South 237.0 feet more or less to the point of beginning.

IMPERVIOUS COVERAGE:

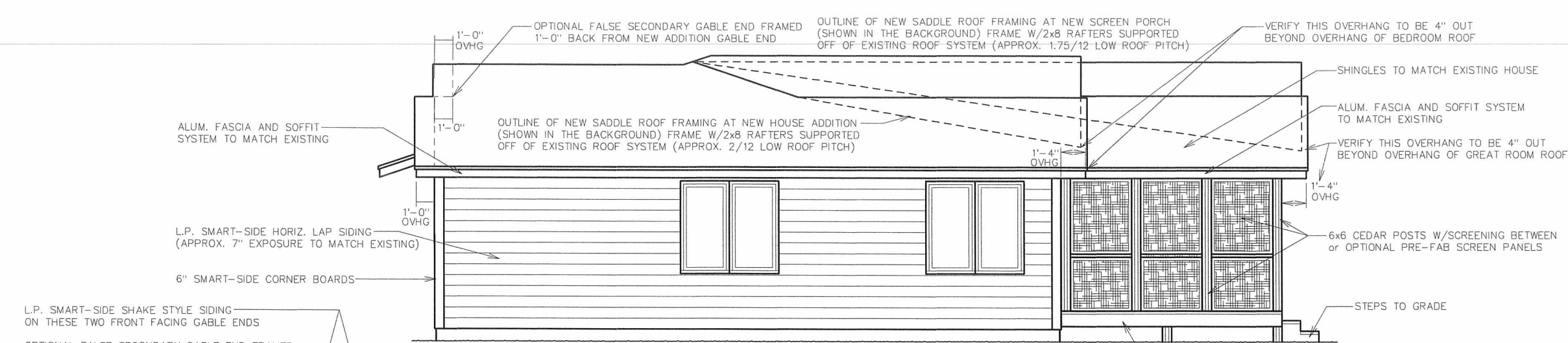
EXISTING HOUSE:	3,206 S.F.
EXISTING BUILDING:	528 S.F.
GRAVEL DRIVEWAY:	3,174 S.F.
ASPHALT DRIVEWAY:	4,549 S.F.
PAVERS:	1,471 S.F.
PROPOSED ADDITIONS:	853 S.F.
TOTAL IMPERVIOUS:	13,778 S.F.
PARCEL AREA:	172,708 S.F.
IMPERVIOUS COVERAGE:	8.0 %



REVISED: 01/30/24 - PROPOSED ELEVATIONS

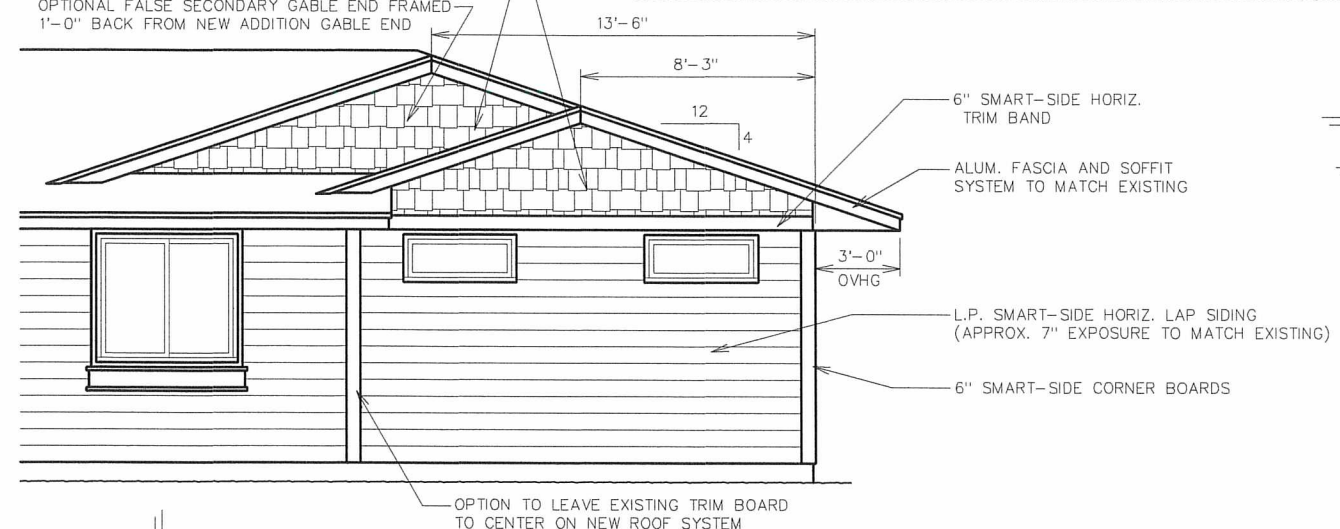
PROJ. #2494-00 NAVD88 VERTICAL DATUM

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



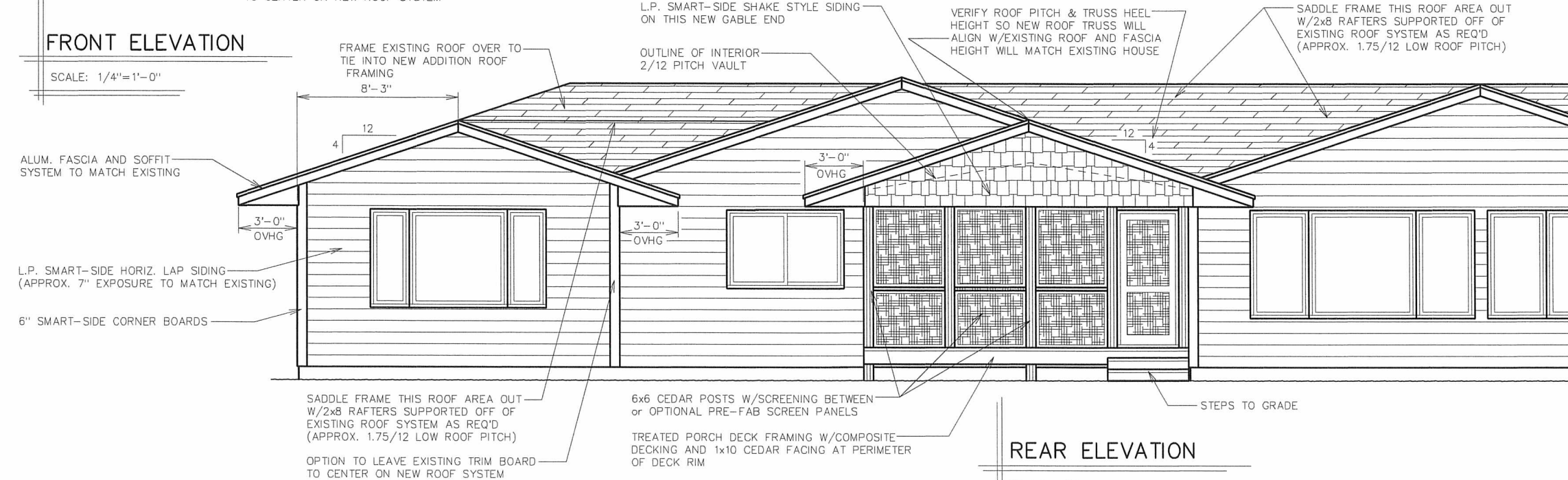
SIDE ELEVATION

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



FRONT ELEVATION

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



REAR ELEVATION

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

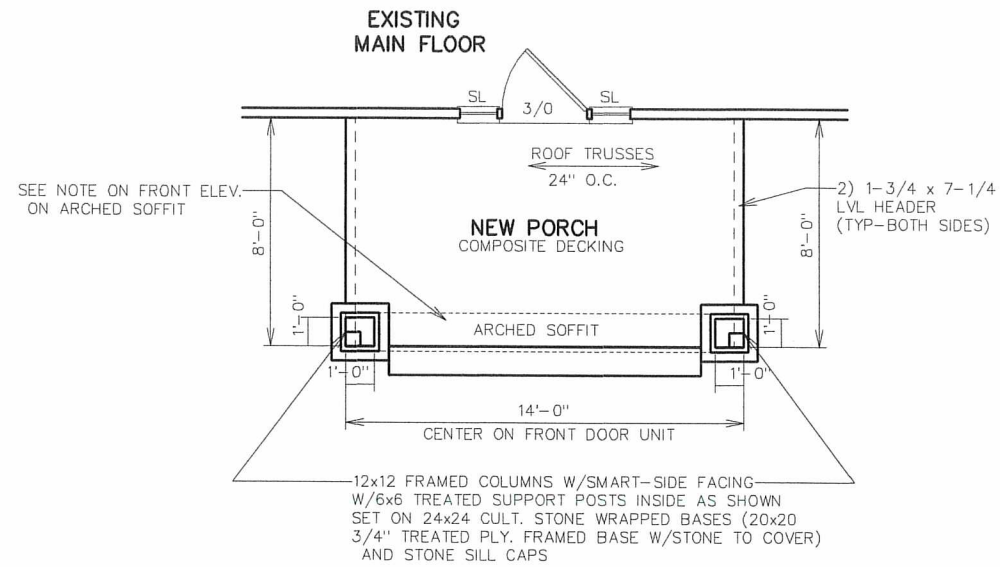
NOTE: AUTUMN DESIGN OF MN, INC. IS NOT RESPONSIBLE FOR THE COMPLIANCE OR ACCURACY OF THESE DRAWINGS TO ANY OF THE ESTABLISHED BUILDING CODES, NOR ARE WE RESPONSIBLE FOR ANY VIOLATIONS OF THE BUILDING CODES. THE CLIENT'S RESPONSIBILITY IS TO HAVE THESE DRAWINGS APPROVED BY A LICENSED INSPECTOR. WRITTEN DIMENSIONS SHALL PREVAIL OVER ANY DIMENSIONS SHOWN ON THESE DRAWINGS. WE RESERVE THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.

DRN	TYPE	DATE
PRLM	SB	11/29/17
FINAL	REV.	12/12/24
SB	REV.	01/07/25

HOXIE HOMES & REMODELING
JACOBS

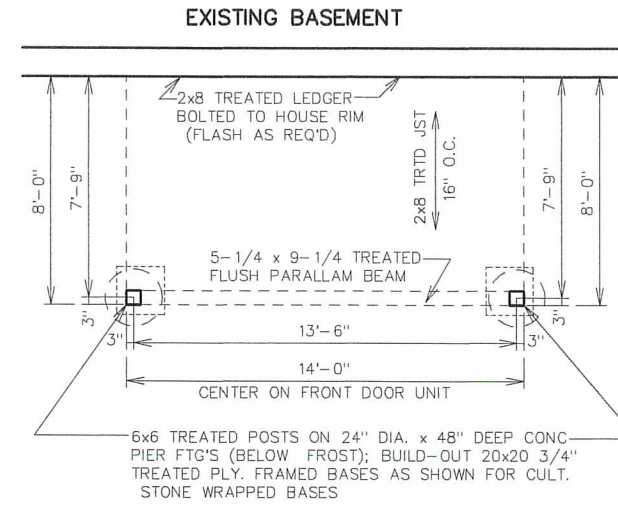
AUTUMN DESIGN
of Minnesota, Inc.
(952) 873-4311

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FIRST FLOOR PLAN

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



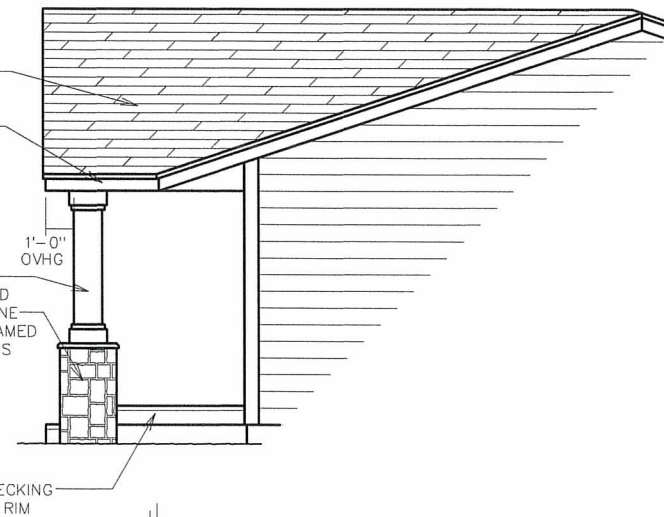
FOUNDATION PLAN

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



FRONT ELEVATION

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



SIDE ELEVATION

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

NOTE: AUTUMN DESIGN OF MN, INC. IS NOT RESPONSIBLE FOR THE
DESIGN OR CONSTRUCTION OF THIS PROJECT. THE CLIENT IS
RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND
APPROVED BY A LICENSED INSPECTOR. WRITTEN DIMENSIONS SHALL
PREVAILE OVER ANY DIMENSIONS SHOWN ON THESE DRAWINGS.
SERVES THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.

DRN	TYPE	DATE
PRLM	PRLM	11/29/17
SB	FINAL	12/12/24
SB	REV.	01/07/25

HOXIE HOMES & REMODELING

JACOBS

AUTUMN DESIGN
of Minnesota, Inc. (952) 873-4311

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199R-1



Township Presentation & Recommendation Form

PARCEL # 070272720	Permit # PZ20250004
Owner's Name: Loren & Betsy Jacobs	Owner's Mailing Address: 9675 Lakewood Circle
City: Chaska	Owner State: Mn Owner Zip: 55318
Applicant (if other than owner):	Site Address: 9675 Lakewood Circle

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal	
Description of Request: Build new screen porch and living room addition within 100' OHW setback	
Date of County Public Hearing: March 5th, 2025	Date of Township Meeting: 2/10/25

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:	
Laketown Township Board of Supervisors considered the variance application at their February 10, 2025 meeting. The board passed the following motion: (unanimous) "TO support variance request as presented." (one of the board supervisors will attend the Public Hearing)	
*Important: I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.	
Signature of Applicant Betsy Jacobs	Date 2/6/25
Signature of Township Official 	Date 2-10-25

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-027-2720

File# PZ20250004

APPLICANT: Jeff Hoxie (Hoxie Homes & Remodeling)

OWNERS: Loran Jacobs & Elizabeth Jacobs

* * * * *

That part of Government Lot 6, Section 27, Township 116, Range 24, Carver County, Minnesota, described as follows: Commencing at the southwest corner of said Government Lot 6; thence on a bearing of North along the West line of said Government Lot 6, a distance of 1831.5 feet; thence North 88 degrees 30 minutes East, a distance of 16.5 feet; thence South parallel with said West line, 20.26 feet; thence South 64 degrees 52 minutes 30 seconds East, a distance of 205.05 feet; thence South 37 degrees 24 minutes 30 seconds East, a distance of 824.67 feet; thence East, a distance of 90.0 feet; thence South 43 degrees 50 minutes East, a distance of 154.2 feet; thence North 39 degrees 00 minutes East, a distance of 102.0 feet to the actual point of beginning; thence South 39 degrees 00 minutes West, 102.0 feet; thence South 43 degrees 50 minutes East, a distance of 50.0 feet; thence South 39 degrees 10 minutes West, 75.0 feet; thence East 431.38 feet, more or less, to the east line of said Government Lot 6; thence northerly along said east line, 481.8 feet, more or less, to the shore line of Pierson Lake; thence southwesterly along said shore line 366.2 feet, more or less, to its intersection with a line drawn North from the point of beginning; thence South 237.0 feet, more or less, to the point of beginning.