



CARVER COUNTY BOARD OF ADJUSTMENT

Regular Meeting – **April 2, 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. Attendance
- 1.4. Agenda review and adoption
- 1.5. Approve Minutes from March 5, 2025**2-5**

2. **Agenda**

- 2.1. File #20250008 - Public hearing request by Dillon Derner for a
variance
(Reduced distance from neighboring residence to Contractor's Yard)
Watertown Township.....**6-19**

3. **Other Business**

4. **Adjourn**

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

March 21, 2025

TO: Carver County Board of Adjustment & Watertown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Variance to reduce setback to a neighboring residence from a Contractor's Yard

FILE #: PZ20250008

OWNER: Dillon Derner

APPLICANT: Dillon Derner

SITE ADDRESS: 5580 County Rd 10, 55387

VARIANCE TYPE: Reduced setback for a Contractor's Yard to a neighboring residence

PURSUANT TO: Carver County Code: Section 152.079 (C)(10) (b)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-034-0310

BACKGROUND:

1. Dillon Derner owns and resides on an approximate 6.5-acre parcel in the East Half (E½) of the Northwest Quarter (NW¼) of Section 34, Watertown Township. The property is homesteaded and includes a residence and several accessory buildings. The site is located in the Agriculture Zoning District and within the Carver County Water Management Organization (CCWMO) - Crow River watershed.
2. The applicant is requesting a variance to reduce the required setback for a Contractor's Yard from 500 feet to approximately 421 feet from the nearest neighboring residence to the south. If approved, this variance would allow the applicant to apply for a Conditional Use Permit (CUP) to operate a Contractor's Yard for a residential irrigation and snow removal business. According to Section 152.079 (C)(10)(b) of the County Zoning Code, a Contractor's Yard must be at least 500 feet any neighboring residence not located on the same parcel. Therefore, a variance to reduce the required setback has been requested.

LEGAL BACKGROUND:

§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.

(10) Contractor's yards.

- (a) This subsection is intended to provide for contractor's yards established after January 1, 1989. A contractor's yard is a site used for storage of equipment and supplies by a contractor in the operation of his or her business. For purposes of this subsection a contractor is a person whose business is contracting work in any of the building trades, landscaping, road building, sewer installation, or has at least two trucks, but fewer than ten used to supply a service to local communities.
- (b) 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.
- (c) Site shall not be located within the Shoreland Overlay District or the Floodplain Overlay District.
- (d) Employees, except office personnel, report to the site only for the purpose of picking up equipment and supplies, necessary fabrication and general maintenance.

§ 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.

STAFF ANALYSIS:

1. The County Code requires that the operational area of a Contractor's Yard maintain a 500-foot setback from the nearest neighboring residence on an adjacent parcel. The applicant is requesting a variance to operate a Contractor's Yard within an existing 44-foot x 60-foot (2,640 sq. ft.) accessory building, which is approximately 421 feet from the neighboring residence located to the south. If approved, this variance would reduce the required setback.
2. The applicant has submitted a letter (dated March 2, 2025) providing detailed information about the variance request and the scale and operation of the business. In the letter, Mr. Derner states: *"The existing shed's location predates my ownership and sits about 421 feet from the southern neighbor. Rebuilding or relocating the shed immediately to meet the full 500-foot setback would create an undue hardship given existing site constraints."* The accessory building used for the business must comply with all applicable Minnesota State Building Code standards. Mr. Derner also reports that his business currently operates with eight work vehicles, some of which are already stored on the property.
3. The applicant has submitted a variance site plan (dated March 7, 2025) outlining the existing property layout. The plan includes the existing shed, which is proposed for commercial storage, and a work vehicle storage area, most of which is within the 500-foot required setback from the neighboring residence to the south. The site plan also identifies the applicant's residence and two accessory structures, which are not part of the variance request. Additionally, it acknowledges the 500-foot required setback from a residence to the northeast of the proposed operational area. The work vehicle parking area was positioned to comply with this setback, helping to limit the scope of the variance request.
4. If the variance is approved, the applicant plans to apply to the Planning Commission for a CUP to establish a Contractor's Yard in accordance with the Zoning Code. The CUP site plan (dated March 7, 2025) would be reviewed by the Planning Commission as part of a CUP request. The applicant intends to relocate the business – if the variance and subsequent CUP are approved - to a new 6,000 square-foot shed in the future (year 2027+) that would be situated outside the 500-foot setback from nearby residences. The proposed operational area, including the vehicle parking area, would also comply with the setback requirements. A driveway leading to the operational area is located within the 500-foot setback, but it would not be included in the CUP operational area. The operational area would be screened by existing trees, proposed vegetation, structures and distance from neighbors and public view. Once the new commercial structure is completed, the existing shed would revert to personal storage use for the property owner.
5. The accessory building and proposed operational area are screened from the nearest neighbor by a row of trees along the common property boundary. Additionally, there is an existing Contractor's Yard on the neighboring property, and the residence on this property is the subject of this variance request.
6. Mr. Derner believes that his practical difficulty is the location of the existing accessory structure, which was built by a previous owner. He states: *"Rebuilding or relocating the shed to fully meet the 500-foot setback would create an undue hardship due to the existing site constraints."* He also adds, *"This variance request will allow me to gradually move all contractor-related activities to a more suitable location on the property..."* Aside from the distance to the neighboring home, the property appears to meet all other permit conditions for a Contractor's Yard.
7. Jacob McLain, Senior Environmentalist with Carver County Environmental Services, reviewed the application materials and, in an email dated March 11, 2025, stated: *"I see no issues. The system was inspected on April 4, 2024, and is compliant until April 4, 2027."* Mr. McLain also noted that if the proposed structure includes a bathroom, sink, or floor drain, septic compliance will be required as part of the construction.

8. Drew Pflaumer, Transportation Planning Manager with Carver County Public Works, reviewed the application materials and in an email dated March 12, 2025, stated that Public Works has no comments on the variance request. He wrote, *"We're all 100% good with it."*
9. Tim Sundby, Water Resources Supervisor with Carver County Planning & Water, reviewed the application materials and in an email dated March 11, 2025, stated that the area of disturbance appears to be under an acre, so no Erosion & Sediment Control permit is required. He recommended perimeter control around any grading activity.
10. The granting of the variance does not appear to conflict with the intent of the Comprehensive Plan or County Ordinances and should not alter the character of the neighborhood.
11. The neighborhood is comprised of agriculture uses, residences, and a utility facility (a Great River Energy electrical substation). There are also two conditional use home-based businesses in the immediate vicinity: a contractor's yard and farmstand. Granting the variance should not materially or adversely affect the health or safety of persons residing or working in the area adjacent to the property, nor should it be detrimental to the public welfare or injurious to property or improvements in the surrounding area.
12. The Watertown Town Board reviewed the application request during their March 3, 2025, meeting and recommended approval with the following comment: *"Per the desc. of request. All good!"*

BOARD CONSIDERATION:

If the Board of Adjustment determines that a practical difficulty has been identified, and that approving the variance to reduce the required 500-foot setback from the nearest residence for a contractor's yard on an adjacent parcel would serve in the interest of justice, the following conditions should be considered:

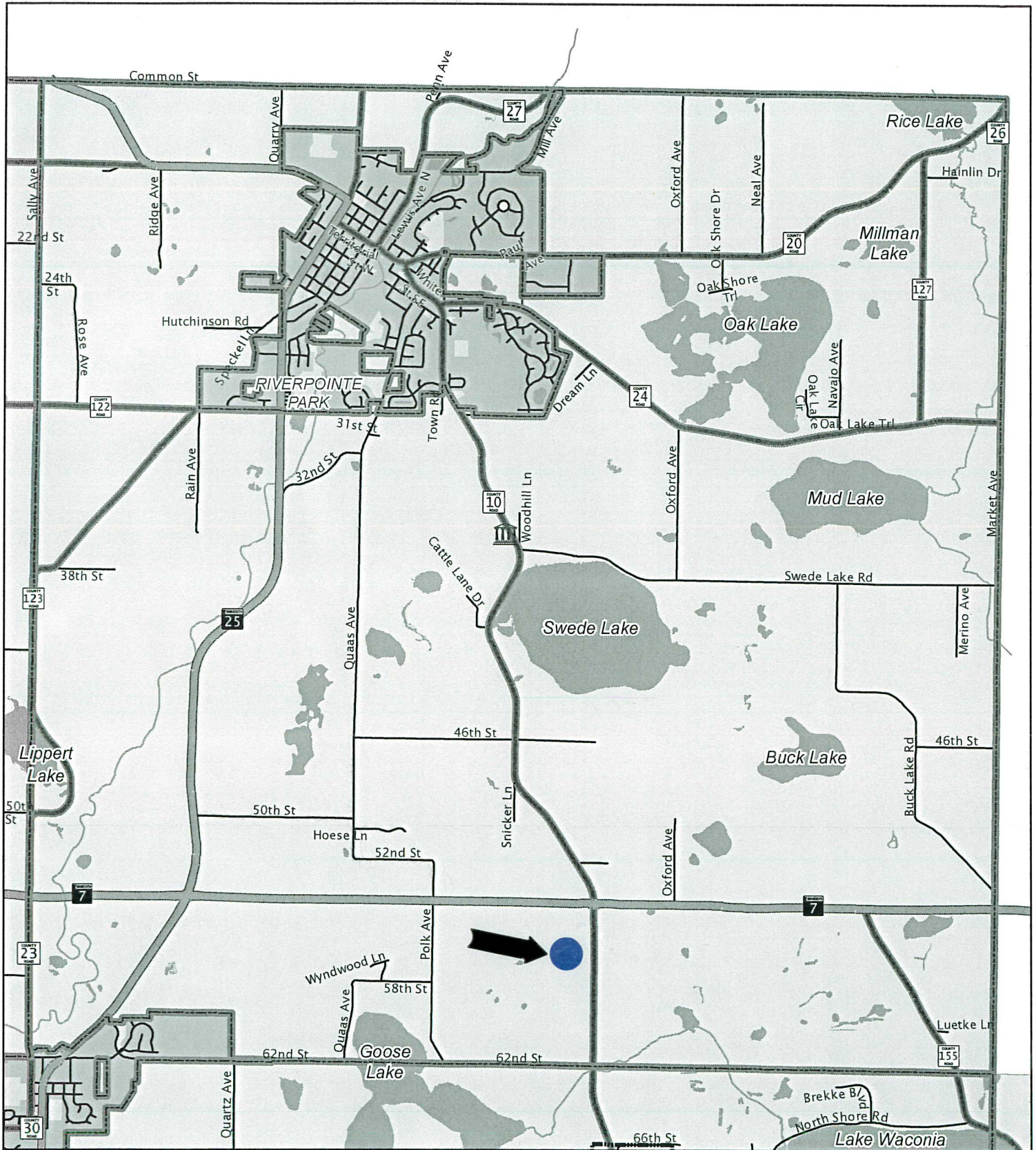
1. A Conditional Use Permit (CUP) application for a Contractor's Yard shall be submitted, reviewed and approved. If the County Board denies the CUP application, the variance shall be considered null and void. The Contractor's Yard and property shall comply with all other requirements of the Carver County Zoning Code and the Minnesota State Building Code.
2. If the future CUP application is approved, the approved operational area shall not extend closer than approximately 421 feet to the neighboring residence located to the south.

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.

WATERTOWN TOWNSHIP

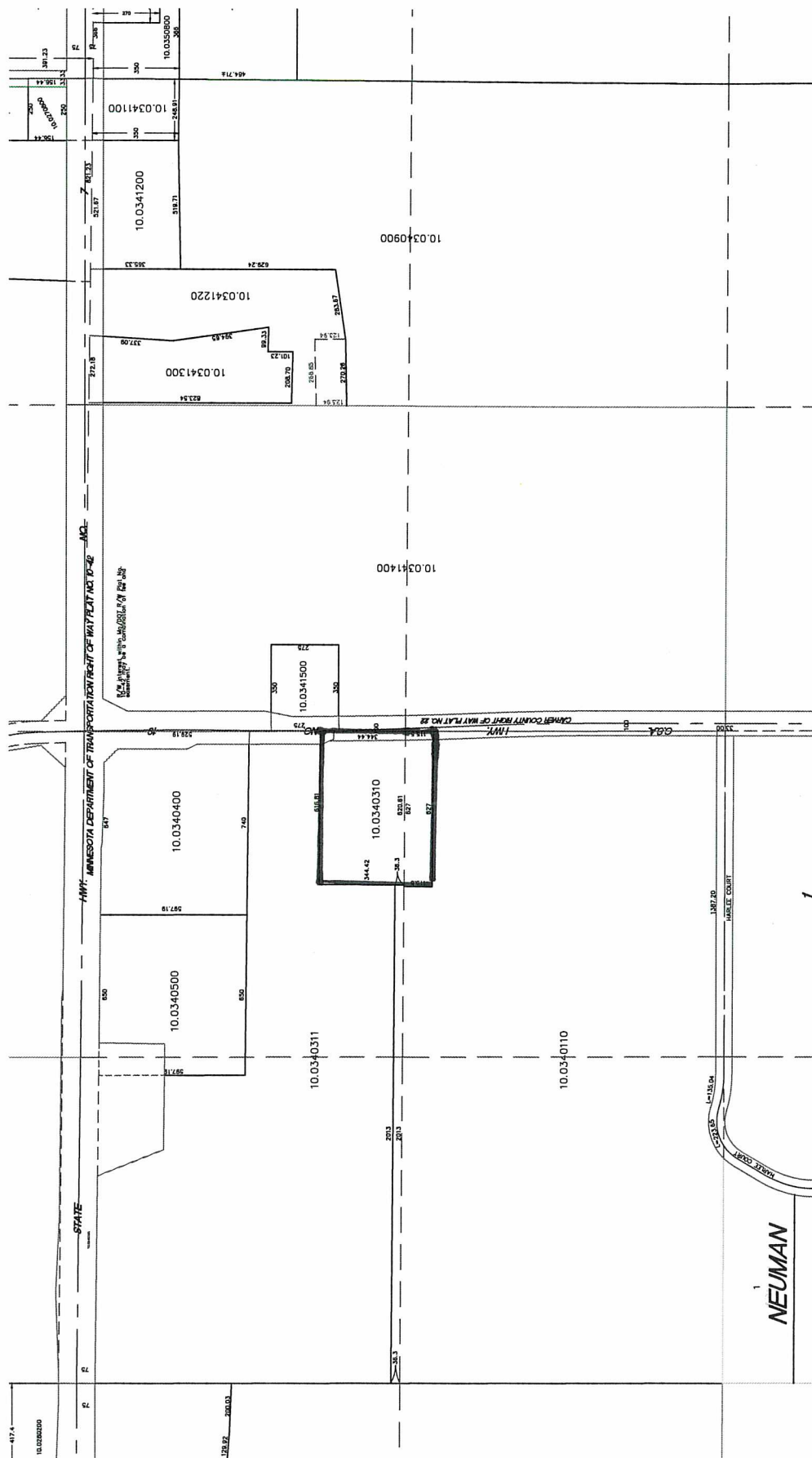


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Map Created by Carver County GIS

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AS THEY APPEAR IN THE CARVER COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
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INACCURACIES CONTAINED THEREIN.



3/2/2025

Carver County Board of Adjustment
600 East 4th Street
Chaska, MN 55318

Re: Variance Application – Dillon Derner / Aqua Pro Sprinklers / 5580 County Rd 10 N Waconia, MN 55387

Dear Chairperson and Members of the Board of Adjustment:

I appreciate the opportunity to present this request for a variance to operate my small, home-based irrigation and snowplowing business (contractor's yard) within 500 feet of a neighboring residence. My name is Dillon Derner, and I reside at 5580 County Rd 10 N Waconia, MN 55387. I am seeking relief from the 500-foot setback required in § 152.079(C)(10) of the Carver County Zoning Code for contractor's yards.

Below is an overview of my business operations, the reasons for the requested variance, and how this request aligns with Carver County's official controls and Comprehensive Plan.

1. Business Description and Current Operations

- **Type of Business:** I install and maintain residential irrigation systems throughout the west metro and provide snowplowing services to Watertown, Waconia, and St. Boni in winter.
- **Scale of Operations:**
 - I currently have 8 work vehicles in total (5 vans and 3 trucks).
 - Employees keep their work vehicles at their own homes and only come to my property approximately once a week for restocking supplies or light maintenance.
 - There are no regular on-site customers or public traffic.
- **Property & Structures:**
 - The property is in the Agriculture (A) Zoning District.
 - There is an existing shed on-site, currently located **approximately 421 feet** from a neighboring residence to the south.
 - Per the County's definition, the desired business operation could qualify as a "contractor's yard."

Currently, in an effort to comply while seeking the necessary approvals, I will be storing any business vehicles and equipment beyond personal use at my father's property. My current on-site activity is minimal: only routine administrative tasks (home office), parking of personal 3 vehicles, parking of a few business trucks, parking of a few enclosed trailers, and a small area for equipment restocking.

2. Request for Variance

I am respectfully requesting a variance from the 500-foot setback requirement for contractor's yards. Due to the layout of the property and the location of the existing shed, operating the business at the required 500-foot distance is not feasible unless I construct a new building further into the parcel.

- **Variance Needed:**

- Allow the contractor's yard to be located **approximately 421 feet** from the neighboring residence to the south instead of the required 500 feet.
-

3. Future Plans and Mitigation

Recognizing the importance of meeting the 500-foot setback, my goal is to construct a **6,000-square-foot building** and move the business activities and parking further to the rear of the property, outside the 500-foot setback. A conceptual site plan is included showing this future layout. Once I obtain the variance, I plan to proceed with a Conditional Use Permit (CUP) application, as required for contractor's yards in the Agriculture District.

4. Addressing the Variance Criteria

In accordance with Carver County Zoning Code § 152.215(D), variances shall be granted when a practical difficulty is found, and the request is in harmony with the official controls and the Comprehensive Plan. Below is how my request meets these criteria:

1. Harmony with the General Purpose and Intent of the Official Controls

- The Agriculture District allows home-based or farm-related businesses under a CUP. My proposed use aligns with the allowable uses and the County's intention to support agrarian and rural-based entrepreneurship.
- By limiting on-site storage and parking, and by not inviting customers to the site, I am reducing impacts on neighbors, traffic, and infrastructure.

2. Consistency with the Comprehensive Plan

- The Comprehensive Plan supports a balance of agricultural uses and small businesses that can operate compatibly in the rural setting.
- My business will maintain the rural character, as most of my operations occur off-site (customer properties) and thus do not introduce heavy traffic or additional development pressure.

3. Reasonable Use of the Property (Practical Difficulty)

- **Reasonable Manner:** I propose to use my property for a small business that has minimal on-site activity, which is a typical, reasonable use under a CUP for a contractor's yard in an agricultural district.

- **Unique Circumstances:** The existing shed's location predates my ownership and sits about 421 feet from the southern neighbor. Rebuilding or relocating the shed immediately to meet the full 500-foot setback would create an undue hardship given existing site constraints. I plan, however, to build a new structure in the future that meets the setback.
- **Essential Character:** The variance will not alter the character of the neighborhood. Traffic levels remain low; noise and disturbance are minimal; and no customer visits are proposed.
- **Economic Considerations:** My difficulty arises from the existing configuration of buildings and topography, not merely from financial factors. I am proposing a phased approach that ultimately meets County code.

4. Health, Safety, and Public Welfare

- No negative impact on public health or safety is anticipated; the business does not generate hazardous materials or excessive noise.
- On-site activities are minimal and infrequent, and roads will not experience a significant increase in traffic or wear.

5. Proposed Operations & Site Plan Details

- **Hours of Operation:**

- Typical "on-site" hours are Monday through Friday, 7:00 AM – 5:00 PM, with basically no weekend loading/unloading.
- Snowplowing activities occur during winter storms, off-site, and only some equipment actually returns re-fuel.

- **Traffic and Parking:**

- Employees drive directly to their job sites from their home; they only park on-site for restocking. I anticipate at most there to ever be 1–2 vehicles on the property for a weekly restocking.
- No customers visit the site, ensuring minimal vehicle trips.

- **Building Use:**

- Existing shed: Used for storage of essential tools and small equipment and sprinkler parts.
- Future 6,000 SF building: Will be designed to fully meet or exceed the 500-foot neighbor setback, consolidating all work vehicle parking, equipment storage, and any business-related activities away from neighboring residences.

- **Outside Storage and Screening:**

- I plan to screen any visible buildings/cars/trucks/trailers and equipment with 2x rows of arborvitae trees as needed to respect neighbor privacy and comply with code requirements.

6. Conclusion

I am committed to operating my irrigation and snowplowing business in a manner respectful of my neighbors and in full compliance with Carver County regulations. This variance request enables me to gradually transition all contractor-related activities to a more suitable location on the property, while preserving the rural character and minimizing impacts on adjacent landowners.

I appreciate your consideration of my application. I will also submit a Conditional Use Permit application in accordance with the required timeline if the variance is granted.

Thank you for your time and thoughtful review of my request.

Sincerely,

Dillon Derner
Property Owner / Applicant
5580 County Rd 10 N.
Waconia MN 55387

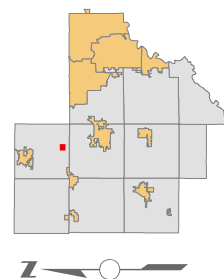
DERNER VARIANCE SITE PLAN



Date: 3/7/2025



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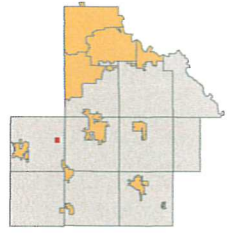
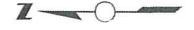


DERNER CUP SITE PLAN (Future Plan - Year 2027+)



Date: 3/7/2025

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Variance **Township Presentation & Recommendation Form**

PARCEL # <u>10.0340310</u>	Permit # <u>PZ20250008</u>
Owner's Name: <u>Dillon Derner</u>	Owner's Mailing Address: <u>5580 County Rd. 10N Waconia</u>
City: <u>Waconia (Watertown Township)</u>	Owner State: <u>Minnesota</u> Owner Zip: <u>55387</u>
Applicant (if other than owner): <u></u>	Site Address: <u>5580 County Rd. 10N Waconia 55387</u>

Type of Request: ☐ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☒ Variance ☐ Appeal	
Description of Request: <u>Variance to operate small home service business At 420 Ft. from neighboring residence (typically 500 Ft.)</u>	
Date of County Public Hearing: <u>4/2/2025</u>	Date of Township Meeting: <u>3/3/2025</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:

Per the desc of request.
All good!

****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.

Dillon Derner

Date 3-3-25

Signature of Applicant
[Signature]

Date 3-3-25

Signature of Township Official

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 10-034-0310

File# PZ-20250008

APPLICANT/OWNER: Dillon Derner

All that part of Section 34, Township 117, Range 25, described as follows: Commencing at the Northeast Corner of the South Half of the northwest Quarter of Section 4, running thence south 7 Rods; thence West 38 Rods; thence north 7 rods; thence east 38 rods to the point of beginning.

AND

Beginning at the southeast corner of the North Half of the Northwest Quarter of Section 34, Township 117, Range 25; thence north 89 degrees 35 minutes 26 seconds west, assumed bearing along the south line of the said North Half a distance of 620.61 feet to a point 122 rods east of the southwest corner of said North Half; thence north 0 degrees 24 minutes 34 seconds east a distance of 344.42 feet; thence south 89 degrees 35 minutes 26 seconds east a distance of 616.81 feet to the east line of the North Half of the Northwest Quarter; thence south 0 degrees 13 minutes 21 seconds east a distance of 344.44 feet to the point of beginning and there terminating. EXCEPT all that part of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 10-42, Carver County, Minnesota.