

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting March 5, 2025
Minutes

Members Present: Gerald Bruner, Amanda Gorra, Robin Bielefeldt, Scott Selken, Andy Steinhagen, Steve Washburn

Members Absent: Jeff Thompson

Members Late: None

Staff Present: Jason Mielke, Christina Neel

Pursuant to due call and published notice thereof, the March 5, 2025, meeting of the Carver County Board of Adjustment was called to order by Chairman Bruner at 7:00 p.m.

Chairman Bruner announced the roll call indicated six members are present with the absence of Jeff Thompson.

Agenda – Chairman Bruner asked if there were any additions or deletions to the agenda. Hearing none, he asked for a motion to approve the agenda. A motion was made by Gorra to approve the agenda as printed. Bielefeldt seconded the motion for approval. All voted aye. Motion carried.

Minutes – Chairman Bruner asked if there were any corrections to the minutes from the February 5, 2025, meeting. Hearing none, he asked for a motion to approve the minutes. A motion was made by Steinhagen to approve the minutes of the February 5, 2025, meeting. Selken seconded the motion for approval. All voted aye. Motion carried.

Public Hearing - File #20250004 – Jeff Hoxie (Hoxie Homes) – Chairman Bruner called the public hearing to order at 7:01 p.m. to consider the application of Jeff Hoxie, representing Loran & Elizabeth Jacobs, for a variance pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced setbacks from the OHWL of a Recreational Development Lake pursuant to Chapter 152 of the County Code. The property is in Government Lot 6, Section 27 of Laketown Township.

The following were present: Jeff Hoxie, Peter Parris

The following items were entered into the hearing record:

Exhibit A - Legal Description

Exhibit B - Affidavit of Publication of the Hearing Notice

Exhibit C - Affidavit of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E - Letter from the Applicant dated February 14, 2025

Exhibit F – Email received February 11, 2025

Exhibit F – Staff Report addressed to the Board of Adjustment and Laketown Town Board dated February 14, 2025, and all attachments.

Neel stated Loran & Elizabeth Jacobs own an approximate 1.98-acre parcel improved with a house with attached garage, which was built in 1971, and an accessory structure, which was granted a variance in 2013, for a reduced setback to Piersons Lake. The applicant, Jeff Hoxie, is requesting a variance which would allow application for

building permits for a house addition and remodel on the subject property. The proposed house addition would not meet the required 100-foot setback from the OHWL of Piersons Lake. The Jacobs' purchased in the house in 2017. The existing house was constructed in 1971, prior to Carver County Zoning Code regulations, classifying the structure as a legal non-conforming structure. Any addition to or expansion of the structure must comply with the current Zoning Code regulations. The applicant is proposing a screened porch addition approximately 78.6 feet from the OHWL of the 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." Two other proposed additions, a living room would have the nearest corner identified approximately 83.2 feet from the lake, and a proposed screened front porch on the north side of the house is set approximately 78.6 feet from the OHWL at its closest point. Neel used an aerial photo of the site survey to illustrate the house location with proposed additions and the referenced distances to the OHWL of Piersons Lake. The applicant is requesting approximately 853 total square feet of new living space. The total impervious coverage is 8.0% of the total property, which complies with the Zoning Code maximum of 25% impervious coverage for shoreland parcels. The applicant's letter 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 house 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. Jacob McLain, Senior Environmentalist, reviewed the request and noted that the property is served by the Laketown Community Septic 201 system and the latest certificate of compliance is expired. The property owners must hire a contractor to complete the compliance inspection. Taylor Huinker, MnDNR Hydrologist, reviewed the request and 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. Abigail Couture, Permitting Technician with Minnehaha Creek Watershed District, 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 yards, and Erosion and Sediment Control permit would be required."* The plight of the landowner results from both their decisions and the unique characteristics of the property contributing to the need for the variance. The property's narrow size and peninsula location make future development or redevelopment challenging while complying with County requirements. 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 structure. This request would not result in a substantial change to the character of the neighborhood. Granting 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. It would not materially or adversely affect the health or safety of individuals residing or working in the area, nor would it be detrimental to public welfare or injurious to property or improvements in the surrounding area. The Laketown Town board reviewed the request and unanimously recommended approval stating, *"To support the variance request as presented."* Neel read the letter of support submitted by Darryl & Nancy Nelson on February 11, 2025.

Neel read the proposed conditions for consideration if the request is approved. 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.

Jeff Hoxie, 2103 Diamond Pt, stated the information was very thorough and he had no additional comments.

Peter Parris, Laketown Town Board supervisor, confirmed they reviewed the request with the applicant and have no issues with the proposal.

There was no one present from the public for comment on the request.

A motion was made by Bielefeldt and seconded by Steinhagen to close the public hearing. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:10 p.m.

Bielefeldt asked the applicant if he intends to comply with the board considerations are they are laid out.

Mr. Hoxie stated he certainly intends to do so.

Selken asked if there is any record of the house flooding due to high water.

Mr. Hoxie stated the house is built on a crawl space. He had not specifically asked the homeowners that question and the information would only relate back to 2017.

Selken asked staff if there is any record in the Land Management office with this information.

Mielke replied that flooding information is not something required to be reported to the County. He surmised that if the property has flooding issues, the homeowners may have purchased flood insurance on the property.

Mr. Hoxie confirmed the screened porch and the front porch will be constructed on piers so that water could flow through. The living room addition will have a crawl space to keep the floor warm like the rest of the house. The only thing in the crawl space would be an HVAC duct.

Mielke stated that the lowest floor elevation will be at a minimum of 3 feet above the known OHWL for Piersons Lake.

Washburn he appreciated the effort to make the additions fit the property and valued the discussion of the construction elevation and possible flooding issues.

Steinhagen asked about the recommendations from Minnehaha Creek Watershed District.

Mr. Hoxie stated this project should not reach the threshold for those requirements. He was familiar with their review process when that does apply, and stated he would also submit the information to the County for review if that would become an issue.

Bruner stated he visited the site and felt it was a reasonable request.

A motion was made by Bielefeldt to **approve and issue Order #PZ20250004** allowing a variance for the construction of a house addition with a reduced lake setback pursuant to Section 152.034 (D) of the Carver County Code, for property legally described on the attached Exhibit "A". The Board of Adjustment further orders approval with the following conditions:

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.

Washburn seconded the motion for approval of the request. Chairman Bruner called for a vote on the motion. All voted aye. Bielefeldt voted nay. Motion carried.

Adjournment

A motion was made by Selken and seconded by Bielefeldt to adjourn. All voted aye. The meeting was adjourned at 7:16 p.m.

Note:

Newly elected County Board member, Lisa Anderson, was in attendance to learn about the Board of Adjustment and its functions.