

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting April 2, 2025
Minutes

Members Present: Gerald Bruner, Robin Bielefeldt, Scott Selken, Andy Steinhagen, Jeff Thompson

Members Absent: Amanda Gorra, Steve Washburn

Members Late: None

Staff Present: Jason Mielke, Donovan Hart

Pursuant to due call and published notice thereof, the April 2, 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 five members are present with the absence of Amanda Gorra and Steve Washburn.

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 Steinhagen 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 March 5, 2025, meeting. Hearing none, he asked for a motion to approve the minutes. A motion was made by Selken to approve the minutes of the March 5, 2025, meeting. Bielefeldt seconded the motion for approval. All voted aye. Motion carried.

Public Hearing - File #20250008 – Dillon Derner – Chairman Bruner called the public hearing to order at 7:02 p.m. to consider the application of Dillon Derner for a variance pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for a reduced setback from a neighboring residence for a Contractor's Yard. The property is in Section 34 of Watertown Township.

The following were present: Dillon Derner

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 March 2, 2025

Exhibit F – Staff Report addressed to the Board of Adjustment and Watertown Town Board dated March 21, 2025, and all attachments.

Hart asked the applicant to confirm that he resides at and homesteads the property at 5580 County Road 10. Mr. Derner confirmed that he does. Hart stated that the applicant owns an approximately 6.5-acre property in Section 34 of Watertown Township, improved with a single-family residence and several sheds. Among the sheds is a 2,640-square-foot accessory structure where commercial storage for a Contractor's Yard operation is proposed. This structure is located approximately 421 feet from the neighboring residence to the south. Since a 500-foot

setback is required, a variance is being requested. If approved, the variance would allow the applicant to apply for a Conditional Use Permit (CUP) to operate his lawn irrigation and snow removal business from the property. Hart presented an aerial photo showing the layout of the property and its proximity to two nearby residences on adjacent parcels. He also reviewed the submitted site plan, which identifies the shed proposed for commercial storage and a work vehicle storage area, most of which lies within the required 500-foot setback from the southern neighbor's residence. The site plan also identifies the applicant's residence and two other accessory structures, which are not part of the variance request. The applicant provided a description of the business, which includes eight work vehicles. If the variance and subsequent CUP are approved, the applicant intends to relocate the business operations to a new 6,000-square-foot shed that would be situated outside the 500-foot setback. The proposed operational area, including the vehicle parking area, would also comply with setback requirements. Although the driveway leading to the operational area would fall within the 500-foot setback, it would not be included in the CUP's operational area. The current shed and vehicle parking area are partially screened by existing and proposed trees, as shown in an aerial view of the parcel. Hart explained that the applicant's narrative cited a practical difficulty, the location of the existing accessory structure, which was built by a previous owner. Rebuilding or relocating the shed to meet the 500-foot setback would create an undue economic hardship. Aside from the distance to the neighboring home, the property appears to meet all other permit conditions for a Contractor's Yard. The surrounding neighborhood consists of a mix of agricultural and residential uses, as well as several properties with CUPs, including an existing Contractor's Yard directly to the south and an electrical substation. The Watertown Town Board recommended approval of the request. Hart read the proposed conditions of the variance 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.

Chairman Bruner asked the applicant if he had any additional comments.

Dillon Derner, 5580 County Rd 10 N, replied, "Thank you, Donovan."

Gerry Bruner, speaking as Watertown Town Board supervisor, stated the Township was supportive of the request and happy to see that a son is taking over his father's business.

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.

Thompson asked if the applicant had reached out to the neighbor whose residence is within the 500-foot setback to discuss his business proposal.

Mr. Derner replied that he did not go directly to the neighbors with his business plan but noted that they had been at the site and helped move some larger equipment, so they are aware of the activity on the property.

Steinhagen asked if Mr. Derner's application for a CUP has been received or how soon it will be on the Planning Commission agenda.

Hart replied that the variance and CUP applications are reviewed sequentially, and he expects the CUP application to be on the May Planning Commission agenda.

Steinhagen stated that the future construction plans for a storage structure will meet the 500-foot setback which is good.

Mielke added that an area outside of the required setback has been identified for the future CUP plans. It appears that this variance will be a short-term situation until Mr. Derner gets his business established moved to this property. He talked with the applicant about the future plans and was hopeful that the new structure could possibly be constructed in 2027.

Steinhagen also noted the proposed location for the structure was in an area that did not remove any tilled ground from agricultural production and seemed to be an area not used for anything else.

Bielefeldt asked the applicant if he had any comments about the proposed conditions of the variance and if he agreed with them.

Mr. Derner replied he agreed with the proposed conditions.

Chairman Bruner stated he was in favor of the request and would support it.

A motion was made by Steinhagen to **approve and issue Order #PZ20250008** allowing a variance to reduce the required 500-foot setback from the nearest residence on an adjacent parcel for a Contractor's Yard with the following conditions:

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.

Thompson 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.

Other Business

Mielke announced that Christina Neel has accepted a new position with Hennepin County and will be leaving at the end of April.

Adjournment

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