

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting May 7, 2025
Minutes

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

Members Absent: Steve Washburn

Members Late: None

Staff Present: Jason Mielke, Donovan Hart, Matt Steele

Pursuant to due call and published notice thereof, the May 7, 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 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 April 2, 2025, meeting. Hearing none, he asked for a motion to approve the minutes. A motion was made by Bielefeldt to approve the minutes of the April 2, 2025, meeting. Gorra seconded the motion for approval. All voted aye. Motion carried.

Public Hearing - File #20250009 – Roy Widmer – Chairman Bruner called the public hearing to order at 7:01 p.m. to consider the application of Roy Widmer for a variance pursuant to Chapter 54 of the County Code. The purpose of the public hearing was to consider a request for a reduced setback from a property line for an expansion of an existing animal feedlot of 10 animal units or more. The property is in Section 19 of Benton Township.

The following were present: Roy Widmer, Lowell Herrmann, David Fuglsang

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 received March 28, 2025

Exhibit F – Staff Report addressed to the Board of Adjustment and Benton Town Board dated April 24, 2025, and all attachments.

Exhibit G – Email from Mandy Harms, on behalf of MaryAnn Harms, received on May 1, 2025

Matt Steele, Carver County Feedlot Officer, stated Roy & Laura Widmer own an approximate 80-acre parcel improved with numerous agricultural structures and two residences. The parcel consists of crop production land and a small, wooded area northwest of the building site. The applicant is requesting a variance to expand the feedlot area with an earthen lot approximately 50 feet from the west property line. Chapter 54 of the County

Code may allow for modifications and/or expansions of existing feedlots that are located within 20 feet of existing property lines, if they do not further encroach on the established setback (165 feet). The request for a 50-foot setback from the property line requires a variance. Mr. Widmer and his brother, Gary, purchased the property in 1976 and established a feedlot operation permitted for 389.80 animal units in 1991. The feedlot increased to 475.5 animal units in 2003 through successive registration update until significantly reducing and re-registering the feedlot for 260 animal units in 2024. The site plan identifies the feedlot operations with existing barns and their uses. The applicant would like to expand by establishing a new earthen lot to accommodate his cattle. His letter describes a practical difficulty exists with the need of additional outdoor space for livestock to feed, lie, and rest comfortably after concerns for animal welfare have occurred due to illness among the herd. He states, *“At the direction of our vet, we would like to implement a new feedlot extending within 50 feet of property lines. The vet has informed us we need more outdoor area for the animals to lay due to concerns of pneumonia.”* In order to keep livestock healthy, it is essential for the cattle to spend more time outdoors. Without this expansion, it will be detrimental to the health of the animals and the farming operation. The new proposed earthen lot is in a suitable area because of the presence of existing trees and vegetation which will provide shade and grass for grazing. It is also closest to the existing configuration (Barn 1 & Lot 1) as the remaining barns and lots are operating at capacity. The established west property line setback is 165 feet. The applicant is proposing a 50-foot setback, reflecting a 115-foot variance. A routine compliance inspection of the feedlot operation conducted in June 2024 determined the feedlot operation was non-compliant with recordkeeping and setback requirements. The applicant returned to compliance by October 2024. A wetland review of the property in April 2025 did not identify any wetlands or special protection areas where setbacks would apply to a new feedlot. On May 1, 2025, staff received an email from Mandy Harms, representing MaryAnn Harms, who owns adjacent property adjacent, supporting the applicant’s request. Granting the variance would not conflict with the intent of the Comprehensive Plan or County Ordinances and would not alter the character of the neighborhood, nor would government services be negatively impacted by the establishment of the feedlot. It 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 would not be materially detrimental to the public welfare or injurious to property or improvements in the adjacent area. The Benton Town Board reviewed the request and recommended approval at their February 13, 2025, meeting without any additional conditions. Steele 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.

Roy Widmer, 13975 138th St, noted the letter of support from the adjacent neighbor and concluded there should be no problem with the request. He plans to keep the feedlot compliant.

Andy Steinhagen, speaking as Benton Township supervisor, confirmed the Town Board’s unanimous approval of the request. There have never been any complaints received about the operation and they know the neighbor is in support of the request.

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

A motion was made by Thompson and seconded by Selken to close the public hearing. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:11 p.m.

Bielefeldt stated he visited the site and recognized this to be a suitable area with the trees for shade.

Gorra asked for confirmation if the adjacent property owner who submitted the email was the property owner to the west.

Steinhagen the Town Board knows all of the neighbors and if any of them would have an issue with the request, they would be well aware of it.

A motion was made by Steinhagen to **approve and issue Order #PZ20250009** allowing a variance to expand an existing feedlot of 10 animal units or more within approximately 50 feet of a property line and with the following conditions:

1. The permittee shall operate the facility in full compliance with MPCA Feedlot Rules.
2. The applicant must operate and maintain the short-term manure stockpile such that the manure is removed from the site and land applied in accordance with Minn. Rules 7020.2225, within one year of the date when the stockpile was initially established pursuant to Minn. Rules 7020.2125 (A). A vegetative cover must be established on the site for at least one full growing season prior to reuse as a short-term stockpiling site.
3. Pursuant to Minn. Rules 7020.2125 (C), the manure stockpile site must not be located within 300 feet of flow distance and at least 50 feet horizontal distance, to waters of the state, sinkholes, rock outcroppings, open tile intakes, and any uncultivated wetlands which are not seeded to annual farm crops or crop rotations involving perennial grasses or forages.
4. All feedlot activities shall be done in accordance with the submitted site plan(s). Expansion of the existing feedlot shall not encroach any closer to the west property line than as approved as part of this permit application. (Approx. 50 feet).

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

Public Hearing - File #20250011 – Michael Hoverson – Chairman Bruner called the public hearing to order at 7:13 p.m. to consider the application of Michael Hoverson for a variance pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request to exceed the total personal storage space on a parcel. The property is in Section 18 of San Francisco Township.

The following were present: Michael Hoverson

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 5, 2025

Exhibit F – Staff Report addressed to the Board of Adjustment and Benton Town Board dated April 23, 2025, and all attachments.

Mielke stated the Hoverson family owns and resides on an approximate 5-acre parcel improved with a single-family residence, a detached accessory structure (used as a horse stable) and a metal shed. The applicant is requesting to construct an approximate 40' x 60' structure for personal storage on the property. The addition of this structure would increase the total personal storage on the property to approximately 4,804 square feet, which

exceeds the maximum allowed by the Zoning Code by 804 square feet. If approved, the metal structure would be removed from the property. Mielke explained that every parcel is given a 'credit' of 624 square feet for personal storage which has been determined to be a standard size (24' x 26') for a two-car garage. The applicant's letter states that the proposed structure would be used to house a tractor & tractor implements, horse trailer, utility trailer, Ice Castle fish house, a truck and various outdoor tools. He stated that most of these items are currently stored outside and scattered around the property. The site plan indicates that the proposed location for the structure also meets all of the required setbacks. Carver County Senior Environmentalist, Jacob McLain, reviewed the request and confirmed the property is not within a designated shoreland area, so septic compliance is not required. He further stated, "*Proposed storage building will not interfere with where the septic system is located.*" Tim Sundby, Carver County Water Resources Program Supervisor, reviewed the request and had no specific comments regarding the proposal. The plight of the landowner is a result of circumstances they have created; however, each variance application is evaluated based on its own merits. Granting the variance would not conflict with the Comprehensive Plan nor would it alter the neighborhood's character or negatively impact government services due to the additional storage structure. It would not materially adversely affect the health or safety of those residing or working in the area adjacent to the property or be detrimental to the public welfare or injurious to nearby properties or improvements. The San Francisco Town Board reviewed the request at their March 10, 2025, meeting and unanimously approved the request. Mielke 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.

Michael Hoverson, 17545 Market Av, stated the purpose of the shed would be to clean up the property and maintain the equipment by having things stored inside. He will remove the stand-alone carport (metal shed) after construction of the new structure is complete. He has someone who is interested in it and will dismantle it and sell it.

Scott Selken, speaking as San Francisco Town Board supervisor, confirmed the Town Board's unanimous support of the variance. He stated it will be a good improvement for the property.

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

A motion was made by Steinhagen and seconded by Gorra to close the public hearing. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:23 p.m.

Bielefeldt asked the applicant for explanation of a practical difficulty not created by the landowner for needing the additional space.

Mr. Hoverson stated he purchased the 5-acre parcel and built the house in 1995. Within two years they got horses and built a structure to house them. Over thirty years' time, he has accumulated a tractor, trailers, and other things that he would like to keep stored indoors rather than scattered around the property.

Bruner stated he visited the site and talked with the applicant. It appears to him that constructing the building to store items inside would clean up the property and protect the equipment.

Mr. Hoverson also noted the location of the proposed structure is screened from view of the road by a treeline.

Steinhagen stated the property has trees and grassland which takes more equipment to maintain a larger property. It good for the property and for the township that properties are maintained and orderly with items stored indoors.

Mielke added that the property is in the Ag Zoning district and property owners are allowed to have animals. He reminded the board that when a parcel is smaller than 20 acres, any accessory structure space will be included in the total personal storage allowed for the property, whether it is used to house animals or personal belongings. He expanded on the difference between agricultural structures, parcel size, personal storage structures and building code requirements.

Gorra agreed with the statement by Steinhagen about equipment and items necessary to maintain a property, and having had horses herself, recognized that specific items are necessary for their care and maintenance, and it is much better for the equipment to be stored indoors.

A motion was made by Thompson to **approve and issue Order #PZ20250011** allowing a variance to exceed the personal storage space allowed on a parcel of this size and with the following conditions:

1. The permit is subject to administrative review. The proposed structure shall be used solely by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family activities, and private maintenance and repair, as regulated by this Ordinance. Guest quarters and additional dwelling units are strictly prohibited. No products or services shall be sold for pay or other remuneration, except as permitted for a home occupation or as otherwise regulated by this Code.
2. The permittee shall obtain the necessary building permit(s) prior to constructing the proposed structure. All work must adhere to the submitted plans and comply with the approved variance. The proposed structure shall meet all required setbacks from property lines, Subsurface Sewage Treatment System (SSTS) locations, and comply with Carver County Water Management Organization (CCWMO) standards and necessary permitting.
3. No additional accessory structures or expansions shall be permitted based on the current total allowable personal storage square-footage on the property, unless a new variance is approved and issued.

Steinhagen seconded the motion for approval. Chairman Bruner called for a vote on the motion. Thompson, Steinhagen, Gorra, Selken, and Bruner voted aye. Bielefeldt voted nay. Motion carried.

Public Hearing - File #20250014 – James Sultany – Chairman Bruner called the public hearing to order at 7:32 p.m. to consider the application of James Sultany for a variance pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced rear yard setback for a structure. The property is in Section 2 of San Francisco Township.

The following were present: James Sultany, Jessica Sultany Bobby Olson

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 April 7, 2025

Exhibit F – Staff Report addressed to the Board of Adjustment and San Francisco Town Board dated April 23, 2025, and all attachments.

Hart stated the applicants own and reside on an approximate 2.24-acre parcel improved with a single-family dwelling, an attached garage, and an accessory structure. They are requesting a variance for reduced rear yard setback to accommodate construction of a 3-season porch which will replace a previously existing deck to enhance rear yard privacy. The required minimum rear yard setback is 30 feet. The proposed 3-season porch would be approximately 15 feet from the rear property line, reflecting a 15-foot variance. The proposed house addition would be 22' x 25'. The existing house is located approximately 40 feet from the rear property line and previously had a conforming deck on the rear side of the house which is the location for the 3-season porch. Mr. Sultany described the practical difficulties stating, *"Relocating the septic system presents significant financial challenges. Preserving the large, mature trees on the property is a priority. Avoiding the relocation of the natural gas line and meter is necessary to minimize costs and disruptions."* These conditions are unique to the site, were not created by the landowners, and significantly limit the available space for construction. Hart displayed an aerial view of the property indicating the location of utilities and the limited available area for construction. Carver County Senior Environmentalist, Jacob McLain, reviewed the request and confirmed the proposed location would avoid both the primary and alternate septic sites. A letter of support for the request was received from the adjacent landowner, Wendell Schott, who affirmed the proposed project would not have any adverse effect on his property. The plight of the landowner is due to circumstances not created by the current owner. The location of the house, constructed in 1990, significantly limits expansion options and makes it difficult to construct a house addition without encroaching into the rear yard setback. Granting the variance is in harmony with the general purpose and intent of the official control. It would not conflict with the goals or intent of the Comprehensive Plan. It would not alter the character of the neighborhood, nor would it negatively impact the provision of government services. It would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the applicant's property or be detrimental to the public welfare of injurious to neighboring properties or improvements. The San Francisco Town Board reviewed the request at their April 14, 2025, meeting and unanimously recommended approval. 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.

James Sultany, 6175 County Rd 50, wanted to thank the board for their time to hear and consider the request. He stated the reason for the house addition is to increase the living space of the house to offer more room for his family of four daughters.

Scott Selken, representing San Francisco Town Board, confirmed the board's unanimous support of the request.

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

A motion was made by Bielefeldt and seconded by Gorra to close the public hearing. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:39 p.m.

Bielefeldt stated he visited the site to view the proposed location. He thanked the applicant for the thorough information about the request.

Bruner visited the site and concluded the proposed location was reasonable and appropriate considering the parcel layout.

A motion was made by Steinhagen to **approve and issue Order #PZ20250014** allowing a variance to reduce the rear yard setback and with the following conditions:

1. The permittee shall obtain all required building permits prior to the commencement of construction for the proposed expansion of their residence. All construction activities must be done in accordance with the plans submitted and approved as part of the building permit application.
2. All construction activities shall be done in accordance with the submitted site plan. The expansion of the residence shall not encroach any closer than 15 feet to the rear property line, as approved as part of this variance request. The rear property line shall be clearly staked on-site prior to the issuance of the building permit for the addition.

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

Public Hearing - File #20250015 – Alexandra Akins – Chairman Bruner called the public hearing to order at 7:40 p.m. to consider the application of Alexandra Akins for a variance pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request reduced structure setback from OHWL from a Natural Environment Lake (Mud Lake). The property is in Section 14 of Watertown Township.

The following were present: Alexandra Akins, Connor Schrempp

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 April 10, 2025

Exhibit F – Staff Report addressed to the Board of Adjustment and Watertown Town Board dated April 24, 2025, and all attachments.

Hart stated the applicant owns an approximate 2-acre parcel improved with a 1,200 square foot accessory structure. She is requesting a variance to allow her to apply for building permits to construct a house on the property which would be approximately 92 feet from the OHWL of Mud Lake. The Zoning Code requires a minimum setback of 150 feet for a structure from the OHWL of a Natural Environment Lake. The property has had previous variances for a pool within the shoreline and bluff setbacks in 1979, and an attached garage within the OHWL setback in 2001. In 2014, a former property owner received a variance to build a house within the OHWL and SSTS setbacks, however, the house was never constructed, and the variance became null and void. The applicant purchased the subject property as a legal non-conforming lot of record due to its lack of public road frontage. The parcel is of conforming size for a shoreland parcel, and the previous house was located in a non-conforming location. That house was removed in 2014. In the shoreland area, the lowest floor elevation of a structure must be at least 3 feet above the OHWL. The established OHWL elevation for Mud Lake is 938.7 feet and the proposed structure's lowest floor is expected to be approximately 19 feet above the Mud Lake OHWL. Hart showed the submitted site plans to illustrate the property and drainage patterns. The applicant's letter states the setback requirement from the OHWL has changed over time and notes the existing drainage patterns as a limiting factor. The applicant believes that relocating the house would require additional site preparation and also references the existing shed and a desire for convenient access to the east-side door as additional constraints. The submitted site plan shows the proposed building layout overlaid on a survey which noted "no bluff was documented on the property that would impose a setback restricting construction on the proposed building site." The site layout also included a driveway that would serve both the attached garage of the proposed house and the existing shed. Carver County Senior Environmentalist, Jacob McLain, reviewed the request and provided the following statement: *'The septic area identified on the site plan should include the layout of the primary and*

secondary septic system just to make sure there is adequate room for a primary and alternate site since the lot is not very large in size, and with property line and lake setbacks further limiting suitable area. Also, they will want to keep in mind the setback of both the tanks and the drainfield when designing the new system. Additionally, the existing system that was on site was never confirmed to be abandoned, so when the new system is installed, they will want to make sure that anything existing is properly abandoned and documented.” Tim Sundby, Carver County WMO, reviewed the request and indicated an Erosion & Sediment Control permit is not required unless the area of disturbance exceeds one acre. David De Paz, Area Hydrologist with the DNR provided the following comments and recommended denial of the variance stating: *“The applicant has requested a variance to build a house 100 feet back from Mud Lake (10-94) OHWL 963.7 feet (NGVD29), including a deck which would be 92 feet setback from OHWL. This is a significant deviation of 50 feet, or 67% from the required setback of 150 feet for a new structure on classified Natural Environment Lake. In addition to the setback variance, the slope from the OHWL to the location of proposed home building is potentially a bluff and should be evaluated to determine if bluff setbacks are required. Although attempting to utilize the historic building footprint could save earthwork, there is plenty of room to accommodate other designs that meet all setback standards and avoid impacts to sensitive steep slopes or bluffs. This criterion is about what is reasonable given the purpose of the ordinance, NOT what is reasonable to the property owner. Variance requests should only be the minimum necessary to achieve the purposes of the ordinance.”* Hart continued saying the plight of the landowner arises from both circumstances created by the landowner and unique characteristics of the property. The parcel is of adequate size for a shoreland lot, 150-foot setback, an existing shed and drainage patterns limit the available buildable area. The large footprint of the proposed house, including decks, combined with the applicant’s desire for a walkout style house and the angled shape of the footprint, further complicate identification of a conforming building site. The applicant’s decision to not improve the existing drainage patterns on the tilled portion of the lot further restricts the buildable area. Granting of the variance is in harmony with the general purpose of the official control and aligns with the intent of the regulations by not significantly impacting the shoreland area. It would not materially or adversely affect the health or safety of those residing or working in the surrounding area, nor would it be detrimental to the public welfare or injurious to nearby properties or improvements. It would not conflict with the intent of the Comprehensive Plan or alter the character of the neighborhood or negatively impact the provision of government services. The Watertown Town Board reviewed the request and recommended approval at their April 7, 2025, meeting. 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.

Alexandra Akins, 10480 Swede Lake Rd, thanked the board for allowing her to present her request. She stated she is hopeful it will be approved so she can move forward and construct her forever home.

Gerald Bruner, representing Watertown Town Board, confirmed the board’s review of the request and recommendation for approval, noting limited area on the property for construction.

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

A motion was made by Bielefeldt and seconded by Selken to close the public hearing. Bruner called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:52 p.m.

Bielefeldt asked to view the aerial photo and confirmed this variance request was only for reduced setback to the lake. He asked the applicant about her plan for access to the parcel.

Ms. Akins stated there is access to the property by easement.

Bruner stated it will be good to have someone constructing a house and living on the property.

A motion was made by Bielefeldt to **approve and issue Order #PZ20250015** allowing a variance to reduce the setback for a structure from the OHWL of a Natural Environment Lake (Mud Lake) and with the following conditions:

1. The permittee shall obtain all required building and septic permits prior to the commencement of construction for the proposed new house.
2. All construction activities shall be conducted in accordance with the submitted site plan, as confirmed by a certificate of survey. The new construction shall not encroach any closer to the OHWL of Mud Lake than the approved setback (approximately 92 feet). All work shall comply with the approved building permit plans.
3. The permittee shall obtain any necessary permits from the Carver County Water Management Organization (CCWMO), if applicable.
4. The permittee shall comply with all Shoreland Overlay District regulations, including restrictions on intensive vegetation removal within the shore impact zone and on steep slopes.
5. No additional expansions shall be permitted without obtaining all necessary building permits and/or variances.

Gorra seconded the motion for approval. Chairman Bruner called for a vote on the motion. All voted aye. Motion carried.

Adjournment

A motion was made by Steinhagen and seconded by Bielefeldt to adjourn. All voted aye. The meeting was adjourned at 7:57 p.m.