

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting – December 6, 2017
Minutes

Members Present: Scott Hoese, Michael Huang, Richard Kvitek, Virgil Stender, Mark Willems

Members Absent: Richard Buetow

Members Late: None

Staff Present: Steve Just, Emily Schmitz

Pursuant to due call and published notice thereof, the December 6, 2017, meeting of the Carver County Board of Adjustment was called to order by Chairman Hoese at 7:00 p.m.

Minutes – A motion was made by Willems and seconded by Kvitek to approve the minutes of the November 1, 2017, meeting. All voted aye. Motion carried.

Public Hearing - File # 20170053 – Buetow Farms, Inc. –Chairman Hoese called the public hearing to order at 7:01 p.m. to consider the application of Steven Buetow, representing Buetow Farms, Inc. pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for a minor subdivision with reduced side yard setback pursuant to Chapter 152 of the County Code. The property is located in Section 32 of Dahlgren Township.

The following were present: Gerald Buetow

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

Exhibit F – Letter to the Board of Adjustment and San Francisco Township dated November 27, 2017, and all attachments

Just explained the applicant’s request to subdivide a farmstead from the ag production land, including a large machine shed with the ag land, which would not meet the required side yard setback. He stated the proposed lot line would be approximately 14 feet from two existing structures, reflecting an approximate 1 foot variance from the 15 foot setback requirement. It is more practical to have the large machine shed remain with the agricultural land, as the farmstead has several other outbuildings. Dahlgren Township heard the request and recommended approval at their October 9th meeting. Just read the condition for consideration if the request is approved.

Willems, representing Dahlgren Township, confirmed the Township's recommendation for approval of the request.

Stender asked if there is access to the machine shed from the field, or if it will be necessary drive across the farmyard.

Gerald Buetow, representing Buetow Farms, Inc., explained there is an existing culvert allowing them to cross the ditch, and they will record an easement to cross the property for access.

A motion was made by Stender and seconded by Willems to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:03 p.m.

A motion was made by Huang and seconded by Willems to **approve and issue Board Order PZ20170053** allowing for reduced side yard setback and the following condition:

1. A Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcel(s) shall be subdivided in accordance with the County Zoning Code requirements, including but not limited to, an alternative SSTS location, and a survey identifying the distances from the existing buildings.

All voted aye. Motion carried.

Public Hearing - File # 20170055 – Chinmaya Mission-Twin Cities –Chairman Hoesle called the public hearing to order at 7:05 p.m. to consider the application of Chinmaya Mission-Twin Cities pursuant to Chapter 154 of the County Code. The purpose of the public hearing was to consider a request for additional signage pursuant to Chapter 154 of the County Code. The property is located in Section 11 of Dahlgren Township.

The following were present: Prasad Garimella

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

Exhibit F – Letter to the Board of Adjustment and Dahlgren Township dated November 29, 2017, and all attachments

Schmitz explained the applicant's request to install additional signage on their existing building. A variance was approved in 1999 for construction of a 70-square foot monument sign, which is 38 square feet larger than the maximum 36 square feet allowed on a property. The proposed signage would be an additional 17.2 square foot sign posted over the entrance of the building, containing the name and logo of the organization. This would increase the total signage on the property to approximately 87.2 square feet. The applicant indicated a practical difficulty in that

the building is set back from the intersection of two well-traveled, but higher speed roadways, making visibility of smaller signage difficult to read. The additional signage would also increase the curb appeal of the property. Dahlgren Township has not yet heard the request and would recommend that the public hearing be continued to the January 2018 meeting to allow a recommendation to be made. Schmitz read the conditions for consideration of the request, if it is recommended for approval in the future.

Willems, representing Dahlgren Township, confirmed that the Township has not heard the request and he would recommend that this public hearing be continued to allow the Township to make a recommendation.

A motion was made by Stender and seconded by Willems to continue the public hearing. All voted aye. Motion carried. The public hearing was continued at 7:09 p.m.

Willems asked if signage on a building was different from an independently constructed sign.

Schmitz confirmed that signage on a building is a part of the calculation for the total square footage for a property.

Huang asked how the size is calculated.

Just stated there is a definition in the ordinance on what is considered a part of the sign.

Public Hearing - File # 20170054 – Daniel Toma –Chairman Hoese called the public hearing to order at 7:11 p.m. to consider the application of Daniel Toma pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for the keeping of animals on a residential lot in a Residential Cluster District pursuant to Chapter 152 of the County Code. The property is located in Section 17 of San Francisco Township.

The following were present: Daniel Toma, Doug Weber

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 November 1, 2017

Exhibit F – Letter to the Board of Adjustment and San Francisco Township dated November 28, 2017, and all attachments

Schmitz explained that the Zoning Code prohibits the keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, on any lot in the residential area of a Residential Cluster District. The applicants are requesting to have ducks, chickens and geese on their residential parcel, which is in the Residential Cluster District. The Zoning Code no longer

allows for Residential Cluster Developments, however, the provisions remain in place to govern the ongoing provisions of the previous District regulations. The applicant intended to raise ducks, chickens, geese and other fowl when they purchased their property and were not told of any restrictions. The previous owner also had a building on the property where chickens had been kept. The applicant stated the neighboring ducks and other birds come to his pond from time to time and there have been no complaints. He would like to keep the birds in a moveable electric fence net part of the time and let them roam freely at other times. San Francisco Township reviewed the request and recommended approval of the request with the following comment: A total of 30 fowl/poultry be allowed; however, no roosters. Schmitz read the conditions for consideration if the variance is granted.

Mr. Toma stated he wants to have the birds as a way for his sons to earn money by selling eggs, etc.

Doug Weber, representing San Francisco Township, confirmed the recommendation having a limit to the number of fowl/poultry and no roosters, so that this does not become a production area. This also sets some limits if there are any complaints about the property.

Huang asked staff how often this type of variance has occurred.

Just replied it is the first one he could recall in 25 years.

Huang cautioned that he didn't want this decision to be setting a precedent for future requests.

Just stated that the Board's proceedings and decisions do not set precedence. Each variance is based on its own merits. This parcel already has a pond and there is no opposition which makes this case unique or specific enough that future requests would not be the same.

Hoese asked why the variance was necessary for this property when other properties in the area have fowl or poultry.

Just stated this parcel is a residential parcel in the Residential Cluster District and not in the Ag Zoning District. He speculated that restrictions were place on the residential parcels of that zoning district to restrict larger animals such as horses and cattle on smaller parcels.

A motion was made by Kvittek and seconded by Stender to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:23 p.m.

A motion was made by Huang and seconded by Willems to **approve and issue Board Order PZ20170054** allowing for keeping of animals and k and the following conditions:

1. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area, with the exception of allowing up to a maximum of 30 fowl/poultry on the site at any given time.

2. There shall be no roosters raised on the property at any time. If it is determined (and identified) that roosters are on the property, they shall be removed from the site within 7 days of being identified.

All voted aye. Motion carried.

Adjournment

Having completed the agenda items and seeing no other business, Chairman Hoese deemed the meeting adjourned at 7:24 p.m.