

**CARVER COUNTY BOARD OF ADJUSTMENT**  
**Regular Meeting – February 7, 2018**  
**Minutes**

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

Members Absent: None

Members Late: None

Staff Present: Steve Just, Emily Schmitz

Pursuant to due call and published notice thereof, the February 7, 2018, 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 Huang and seconded by Kvitek to approve the minutes of the January 3, 2018, meeting. All voted aye. Motion carried.

**Public Hearing - File # 20170057 – Keith Ziermann** –Chairman Hoese called the public hearing to order at 7:01 p.m. to consider the application of Keith Ziermann pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 12 of Camden Township.

The following were present: Gerald Goede, Keith Ziermann, Ron Hoese

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 Camden Township dated January 30, 2018, and all attachments

Just explained the applicant’s request to construct an approximate 40’ x 80’ machine shed which would not meet the 125 foot front yard setback requirement from Hwy 25. The proposed shed location is 65 feet from the road centerline. The right-of-way width is 60 feet, placing the shed 5 feet outside of the right-of-way. The applicant has described a practical difficulty in trying to preserve the maximum amount of crop production land. MnDOT has reviewed the request and is not opposed to the location as long as it is outside of the right-of-way. X-cel Energy has also reviewed the request and commented that trees would not be allowed close to the power line. Camden Township reviewed the request and recommended approval at their December 14, 2017, meeting. Just read the proposed conditions for consideration if the request is approved.

Mr. Ziermann stated that this is the ideal location for the shed, because placing it further to the west will require more fill to be hauled onto the site.

Gerald Goede, representing Camden Township, confirmed the Township's recommendation for approval of the request.

Stender asked if there is a building eligibility on the parcel and if the applicant intended to build a residence there.

Mr. Ziermann confirmed there is a building eligibility, however, he does not intend to build a house on the property.

Ron Hoese, 5000 Hwy 25, stated there is equipment sitting outside on the property and asked that the shed be constructed large enough to store all of the items inside at the site. He was concerned that there were restrictions to the structure size.

Chairman Hoese stated the size of the structure is not the concern of the Board.

Just clarified that there is no restriction to the size of an agricultural structure as it reasonably relates to the equipment being stored. He stated residential accessory structures are restricted by the parcel size, but requests can be made to exceed that size with a Conditional Use Permit.

Mr. Hoese asked if there are any restrictions on having items stored outside the building. He stated as the adjacent landowner, he preferred that the shed be large enough so all of the equipment can be stored inside.

Chairman Hoese stated that language could be added into the conditions of the variance.

Huang asked if the request is limited to a specific size of building or any size.

Just clarified that the variance states the building size as approximately 40' x 80'.

Mr. Ziermann confirmed that he has already purchased a 40' x 80' structure.

Just stated the variance is for the setback from the Highway and not the structure size.

Stender stated that 65 foot variance is almost half the required distance and placing the building 60 feet from the road centerline would be too close to the highway.

Just used an illustration to indicate the proposed location of the building approximately 5 feet outside of the highway right-of-way.

Buetow also noted that the applicant intends to plant trees or shrubs and felt that 5 feet would not be enough room to accommodate the plantings. He suggested it should be moved 20 feet further to the west.

Chairman Hoese asked how tall the sidewalls are and if this is for personal storage.

Mr. Ziermann stated the building will have 14 foot sidewalls and he owns everything that will be stored there.

A motion was made by Buetow and seconded by Stender to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:16 p.m.

A motion was made by Kvitek and seconded by Stender to **approve and issue Order PZ20170057** allowing for reduced front yard setback for an accessory structure, including changing the setback from centerline to 85 feet and the following conditions:

1. The location of the structure shall be in accordance with the approved site plan (i.e. a minimum of 85 feet from the road centerline). An agricultural structure permit, for the landowner's farm machinery only, must be obtained prior to any construction.
2. Prior to construction and/or tree planting(s), the landowner shall obtain final verification (approval) from MnDOT and Xcel Energy that the location is acceptable.

All voted aye. Motion carried.

**Public Hearing - File # 20180001 – Gonyea Construction** –Chairman Hoese called the public hearing to order at 7:17 p.m. to consider the application of Gonyea Construction pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced shoreland setback for a house pursuant to Chapter 152 of the County Code. The property is located in Section 16 of San Francisco Township.

The following were present: Jennifer Otto, Joseph Robbins, Larry Schmidt, 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

Exhibit F – Letter to the Board of Adjustment and San Francisco Township dated January 29, 2018, and all attachments

Exhibit G – Letter from Mr. & Mrs. Felton received on February 5, 2018

Schmitz explained the applicant's request to remove the existing house and replace it with a new house which would have an attached deck and porch that would not meet the required 150-foot setback from Johnson/Scott Lake. The original house was approximately 152.8 feet from the OHW of Johnson/Scott Lake, and has a deck which encroaches 1 – 6 feet on the required setback. The builders would like to reuse most of the existing original foundation in rebuilding the new house. The new house will have a proposed deck and 3-season porch which will further encroach on the setback to the lake, therefore requiring the variance of approximately 10 feet. The owners have also indicated the site has other complications in changing the location such as, septic and well locations, grade, and trees. The DNR has also reviewed the application and has indicated no concerns as long as the deck footings are located at least 5+ feet above the OHW. San Francisco Township heard and reviewed the request and recommended approval at their January 8, 2018, meeting. Schmitz read the conditions for consideration if the request is approved.

Jennifer Otto, Gonyea Homes, confirmed the existing house structure will be removed and the new house with deck and screen porch will be constructed.

Doug Weber, representing San Francisco Township, confirmed the Township's recommendation for approval of the request.

Larry Schmidt, San Francisco Township, asked for clarification of the language 'no additional expansions shall be permitted without obtaining all necessary building permits. He asked if an addition away from the lake would be permitted.

Just clarified that house additions meeting the required setbacks will be permitted. If a future request is made that does not meet the requirements, another variance will be required.

A motion was made by Stender and seconded by Huang 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 Willems and seconded by Huang to **approve and issue Order PZ20180001** allowing for reduced shoreland setback and the following conditions:

1. The Permittee shall obtain the appropriate building permit(s) prior to the construction of the residential house. A grading plan and erosion/sediment control plan shall be prepared, submitted and approved as part of the building permit application process. The lowest floor elevation for the new house shall conform to the appropriate Carver County Shoreland Regulations.
2. No additional expansions shall be permitted without obtaining all necessary building permits.
3. All work shall be completed in accordance with the submitted site plan(s). The new construction shall not encroach any closer to the OHW of Johnson/Scott Lake than approved as part of this permit application.
4. This house w/attached garage shall be used only by the occupant(s) of the residence as a residence and for personal storage, hobbies, recreation, entertainment, family uses, private

maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.

All voted aye. Motion carried.

**Public Hearing - File # 20170058 – Kevin Lundquist** –Chairman Hoesle called the public hearing to order at 7:24 p.m. to consider the application of Kevin Lundquist pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for additional agricultural land in a residential lot pursuant to Chapter 152 of the County Code. The property is located in Section 36 of San Francisco Township.

The following were present: Daniel Robb, Larry Schmidt, 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

Exhibit F – Letter to the Board of Adjustment and San Francisco Township dated January 29, 2018, and all attachments

Schmitz described the applicant's property and the adjacent property owned by Mr. Robb. Mr. Robb operates a contractor's yard and is interested in increasing his property size by approximately 5 acres. Mr. Lundquist is working on selling a majority of his land to the US Fish and Wildlife Service, and the 5 acres adjacent to Mr. Robb's land would be outside of the area that USF&WS is proposing to purchase and would create a non-contiguous parcel for Mr. Lundquist. The proposed additional 5 acres requested by Mr. Robb would increase his lot size and exceed the allowable 2 acres of prime ag soils in a residential lot, and therefore; a variance is required. San Francisco Township has heard and recommended approval of the request at their January 8, 2018, meeting. Schmitz read the condition for approval if the request is approved.

Doug Weber, representing San Francisco Township, confirmed the Township's recommendation for approval. They questioned the classification of the soils as prime ag and stated it will be favorable to have that portion of the land remain on the tax rolls, if the US Fish & Wildlife Service purchases the remainder.

Buetow commented that the proposal would be practical in maintaining parcel continuity.

A motion was made by Huang and seconded by Buetow to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:28 p.m.

A motion was made by Buetow and seconded by Kvitek to **approve and issue Order PZ20170058** allowing for additional agriculture land in a residential lot 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 Zoning Code requirements, including but not limited to, a survey and the combination of the parcels as a single lot.

### **Adjournment**

Having completed the agenda items and seeing no other business, Chairman Hoese deemed the meeting adjourned at 7:29 p.m.