

**CARVER COUNTY BOARD OF ADJUSTMENT**  
**Regular Meeting – July 11, 2018**  
**Minutes**

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

Members Absent: Michael Huang

Members Late: None

Staff Present: Steve Just, Emily Schmitz, Jennifer Tichey

Pursuant to due call and published notice thereof, the July 11, 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 Stender and seconded by Willems to approve the minutes of the June 6, 2018, meeting. All voted aye. Motion carried.

**Public Hearing - File # 20180011 – Reginald & Elizabeth Vinkemeier** –Chairman Hoese called the public hearing to order at 7:01 p.m. to consider the application of Reginald & Elizabeth Vinkemeier 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 new house pursuant to Chapter 152 of the County Code. The property is located in Section 11 of Watertown Township.

The following were present: Reginald Vinkemeier, Elizabeth Vinkemeier

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 June 13, 2018

Exhibit F – Letter to the Board of Adjustment and Watertown Twp dated July 2, 2018, and all attachments

Just explained the applicant’s request to construct a new house that would not meet the required 150 foot setback from the ordinary high water (OHW) of Oak Lake. Their request is for a 50 foot variance, placing the house 100 feet from the OHW. They want to maximize the distance from the existing feedlot to the east, which they own, and also place the house in line with the existing development to the south. The 1,000 foot setback from a feedlot will not be a factor, since they plan to reduce the number of animal units to below 30. The proposed location would also allow preservation of a few mature white oak trees. The house would meet the required bluff setback and the new septic system would also meet all setbacks. The DNR had no objection to the request. Watertown Township heard and approved the request at their June 4, 2018 meeting. Just read the condition for consideration if the request is approved.

Mr. Vinkemeier reiterated the proposed location allows for a beautiful setting with a walk-out to the south and would preserve four mature oak trees.

Scott Hoese, representing Watertown Township, confirmed the Township's recommendation for approval of the request.

A motion was made by Stender and seconded by Kvittek to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:04 p.m.

A motion was made by Hoese and seconded by Willems to **approve and issue Order PZ20180011** allowing for reduced shoreland setback for a new house and the following condition:

1. The new dwelling must comply with the minimum 50' bluff setback, and the septic system shall conform to the 150' OHW (lake) setback and other SSTS standards, if applicable.

All voted aye. Motion carried.

**Public Hearing - File # 20180014 – Benjamin & Jennifer Ische** –Chairman Hoese called the public hearing to order at 7:05 p.m. to consider the application of Benjamin and Jennifer Ische pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced access separation pursuant to Chapter 152 of the County Code. The property is located in Section 8 of Hancock Township.

The following were present: Benjamin Ische, Jim Ische

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 June 16, 2018

Exhibit F – Letter to the Board of Adjustment and Hancock Twp dated June 29, 2018, and all attachments

Just explained the applicant's request to construct a new driveway on their recently purchased 20 acres, which would not meet the required 300 foot access separation distance. The proposed access location is currently a field access, which they would upgrade to a residential driveway, and does not meet the required separation distance from a driveway to the east. Since the parcel is 20 acres in size, it is considered an agricultural parcel. The access separation would be approximately 250 feet, which is a 50 foot variance. The proposed access location is established and would not cut into the field to the west, and would allow the driveway to align with the trees to the east of the property. Carver County Public Works Department reviewed the request and suggested that the access maintain a 20 foot buffer from the trees for safety with the sight line onto County Road 52. Hancock Township reviewed and approved the request at their June 16, 2018, meeting. Just read the condition for consideration if the request is approved.

Mr. Ische confirmed they would like to use the existing approach because it would not cut into the field with the driveway. They would like to build their house approximately 400 feet back from the road.

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 7:07 p.m.

A motion was made by Hoese and seconded by Willems to **approve and issue Order PZ20180014** allowing for reduced access separation and the following condition:

1. The property owner(s) shall be subject to Public Works' additional standards pertaining to road access. The appropriate permit(s) shall be obtained before any work commences within the right-of-way.

All voted aye. Motion carried.

**Public Hearing - File # 20180012 – Kevin Lenzen** –Chairman Hoese called the public hearing to order at 7:08 p.m. to consider the application of Kevin Lenzen 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 new residential lot pursuant to Chapter 152 of the County Code. The property is located in Section 32 of Dahlgren Township.

The following were present: Kevin Lenzen, Rianna Lenzen, Wayne Lenzen, Terri Lenzen

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 May 30, 2018

Exhibit F – Letter to the Board of Adjustment and Dahlgren Twp dated July 3, 2018, and all attachments

Schmitz explained the applicant's request to subdivide approximately 7 acres in size for a new residential lot. The proposed lot would contain approximately 5 acres of prime ag soils, which exceeds the maximum allowed 2 acres of prime soils in a residential lot, therefore requiring the variance. The applicants would like to build their house in close proximity to the existing farmsite in order to utilize the animal infrastructure. They intend to acquire and continue to operate the 120-year old farm and would combine their 7 acre parcel to the remainder of the farm at that time. Most of the farm has prime ag soils with the exception of an area to the northeast, which is lower and becomes saturated as water flows through, making it unsuitable for a house and septic system. A condition of the minor subdivision is septic compliance of the existing septic system. A shared access for both parcels is being proposed. Dahlgren Township reviewed the request and recommended approval at their June 11, 2018, meeting. Schmitz read the condition for consideration if the request is approved.

Mr. Lenzen confirmed their desire to construct a house near the existing animal infrastructure.

Willems, speaking for Dahlgren Township, confirmed the recommendation for approval of the request.

Stender suggested that language concerning the easement with the shared driveway be put into writing to alleviate any future problems or misunderstandings.

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 7:12 p.m.

A motion was made by Buetow and seconded by Willems to **approve and issue Order PZ20180012** allowing for additional ag land in a new 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 SSTS compliance.

All voted aye. Motion carried.

### **Adjournment**

Having completed all the agenda items and seeing no other business, Chairman Hoese deemed the meeting adjourned at 7:14 p.m.