

CARVER COUNTY BOARD OF ADJUSTMENT
Regular Meeting – September 5, 2018
Minutes

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

Members Absent: None

Members Late: None

Staff Present: Jason Mielke

Pursuant to due call and published notice thereof, the September 5, 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 Kvittek and seconded by Stender to approve the minutes of the July 11, 2018, meeting. All voted aye. Motion carried.

Public Hearing - File # 20180016 – David & Katie Pierson –Chairman Hoese called the public hearing to order at 7:01 p.m. to consider the application of David & Katie Pierson pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced front yard setback for a new house pursuant to Chapter 152 of the County Code. The property is in Section 27 of Laketown Township.

The following were present: David Pierson, Katie Pierson, John Pierson, Arlene Pierson, Charles Held

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 Laketown Twp dated August 27, 2018, and all attachments

Mielke explained the applicant’s request to construct a new house on an approximate 2.5 acre parcel on Piersons Lake which they own. The parcel is a ‘lot of record’ which allows one building eligibility. The proposed house and attached garage would be approximately 110 feet from the center of County Road 43, which is 15 feet closer than the required 125-foot setback for this parcel, and therefore the variance request. Mielke used an aerial map to illustrate the property and point out areas of steep slopes and other limiting factors for the building envelope. The steep slope areas are not designated bluffs and the house is not in the shoreland impact zone. The house location is as far to the west as is practical to still retain a reasonable backyard area and possible future deck. The porch area on the front of the house is the part that does not meet the required 125-foot setback. The applicants have indicated a practical difficulty in that the lot was created prior to the current Zoning Code requirements which limit the available area for

building and meeting all required setbacks. Primary and alternate septic sites have been identified and approved for the property. The DNR had no concerns about the variance request. Mielke explained the process for obtaining a building permit for a future deck on the west side of the house as it pertained to the steep slopes and stabilizing the footings. Carver County Public Works Department has reviewed the request and commented on future upgrades to the road, but acknowledged the structure meets all of their current required setbacks. Laketown Township heard the request and recommended approval at their August 13th meeting. Mielke read the conditions for consideration if the request is approved.

Charles Held, representing Laketown Township, confirmed the Township's recommendation for approval of the request.

Huang asked for clarification on the portion of the structure that did not meet the required setback to the road.

Mielke stated that most of the reduced setback is because of the covered porch. Because of the angle of the house and the lot and the curve in the road, a small portion of the house may also be encroaching on that setback. However, the majority of the reduced setback is with the front porch.

Huang stated he felt the house could be designed without the porch or could be located to meet all of the setbacks and could not justify a hardship or practical difficulty.

Mielke replied that moving the house further west to meet the road setback would encroach on the steep slopes which may cause more of an environmental impact on the property. He reiterated the limited area of the building envelope because of the slopes.

Huang asked if a smaller house could be designed to meet all required setbacks.

Kvitek stated a smaller house may not meet the applicants' needs for living space for their family. They have chosen a design that meets their needs, but not necessarily all of the required setbacks on this lot because of the limited building envelope.

Mr. Pierson replied that they have carefully planned this house and will need to proceed in order to avoid additional costs associated with delays.

Mrs. Pierson stated that they worked with a designer and architect to plan their house and living space to suit their needs.

Huang noted that an economic hardship is not a valid reason to be considered. He understood their position and wish to build their 'dream house' but felt the setbacks could be met with a smaller house design.

Hoese stated other requests have been made in which plans could have been changed to remove the requirement for a variance and many of those have also been granted.

Willems stated that redesigning the house could be a hardship. He stated that a 15-foot variance for a reduced setback for a porch was not a huge issue.

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 Willems and seconded by Kvitek to **approve and issue Order # PZ20180016** allowing for reduced front yard setback for a new house and the following conditions:

1. The final location of the structure shall maintain a minimum of 60 feet from the Ordinary High Water Level (930') of Pierson Lake as identified on the site plan.
2. The Permittee shall obtain the appropriate building permit(s) prior to the construction of the structure. All work shall be done in accordance with the submitted site plan.
3. Any structure proposed to be closer than 30 feet to the crest of a slope of 18% or greater will require a grading and filling permit with plans prepared by a registered engineer.
4. This structure shall be used only by the occupant(s) of the residence 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.
5. 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.

Hoese, Buetow, Kvitek, Stender, & Willems voted aye. Huang voted nay. Motion carried.

Adjournment

Having completed all the agenda items and seeing no other business, Chairman Hoese deemed the meeting adjourned at 7:13 p.m.