

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

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

Members Absent: Richard Kvitek

Members Late: None

Staff Present: Jason Mielke, Emily Schmitz, Jennifer Tichey

Pursuant to due call and published notice thereof, the November 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 Stender and seconded by Huang to approve the minutes of the October 3, 2018, meeting. All voted aye. Motion carried.

**Public Hearing - File # 20180025 – Terry Hoese, etal** –Chairman Hoese called the public hearing to order at 7:01 p.m. to consider the application of Debra Amundson, trustee of the Terry Hoese Trust, pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for two building eligibilities on less than 80 acres pursuant to Chapter 152 of the County Code. The property is in Section 28 of Watertown Township.

The following were present: Deb Amundson

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 September 24, 2018

Exhibit F – Letter to the Board of Adjustment and Watertown Twp dated October 30, 2018, and all attachments

Schmitz explained the applicant's request to declare a second building eligibility on a parcel of land that was deeded in 1974 as 79.99 acres in size. Schmitz used an aerial map to illustrate the .01 acre area in a corner which makes the parcel less than 80 acres and not entitled to 2 building eligibilities. The applicant indicated a practical difficulty in that the .01 acre was deeded to an adjoining parcel to use as access between fields. This was done prior to 1974 when the ordinance became effective. Another practical difficulty is that a number of other 80 acre parcels are in the area with two eligibilities and this parcel would have adequate road frontage to support a second eligibility. It would not be a considerable deviation from what is already in the neighborhood. Watertown Township heard and recommended approval of the request at their October 1, 2018, meeting. Schmitz read the condition for consideration if the request is approved.

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

A motion was made by Hoes and seconded by Buetow 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 Huang and seconded by Stender to **approve and issue Order # PZ20180025** allowing for a second building eligibility on a parcel of less than 80 acres and the following condition:

1. A Minor Subdivision application shall be submitted and approved prior to the recording of any deeds creating a new residential lot. The parcel shall be subdivided in accordance with the County Zoning Code requirements including but not limited to, a completed Minor Subdivision application and fee, a survey, and SSTS Certificate of Compliance.

All voted aye. Motion carried.

**Public Hearing - File # 20180027 – David & Jamie Zellmann** –Chairman Hoes called the public hearing to order at 7:05 p.m. to consider the application of David & Jamie Zellmann pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced road frontage and width to depth ratio pursuant to Chapter 152 of the County Code. The property is in Section 2 of Young America Township.

The following were present: David Zellmann, Jamie Zellmann, Tim Fahey, Brenda Schmitz, Brad Schrupp, Ron Trick

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 October 10, 2018

Exhibit F – Letter to the Board of Adjustment and Young America Twp dated October 29, 2018, and all attachments

Mielke explained the applicant's request to subdivide a parcel of land to separate the tillable acreage from a wooded/wetland area. The applicants would like to purchase the tillage acreage and make it a part of their farming operation. The remnant piece of wooded/wetland area would be a residential lot with one building eligibility. The original parcel had a variance of a similar nature in 2013 when Jamie Zellmann purchased the 5.5-acre building site. Mielke illustrated the reduced road frontage and width to depth ratio on the parcels and explained the dedicated road easement used to provide legal road frontage for all the parcels. He stated this dedication allows each parcel road frontage without actually constructing a new township road. He stated that after the road easement dedication, the tillable land parcel would meet the road frontage requirements and the wooded/wetland residential parcel would have the reduced frontage and width to depth ratio. Young America Township heard and recommended approval of the request noting the road easement dedication will be privately maintained. Mielke read the conditions for

consideration if the request is approved. Mielke noted that if this variance is approved, it would terminate and supersede the previous variance from 2013.

Brad Schrupp, representing Young America Township, confirmed the Township's recommendation for approval and reiterated the road easement extension will be public road, but privately maintained.

Stender asked for clarification on the road easement to the residential parcel.

Mielke used the map to illustrate the 66-foot reduced road frontage and extension of the easement area.

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 7:14 p.m.

A motion was made by Buetow and seconded by Stender to **approve and issue Order # PZ20180027** allowing for a minor subdivision resulting in a parcel with reduced road frontage and width to depth ratio and the following conditions:

1. A Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code requirements including but not limited to, a completed Minor Subdivision application, a survey, and road easement description.
2. Prior to the Minor Subdivision approval, the township road easement (or deed) shall be dedicated to Young America Township, and recorded at the County Recorder's Office, providing for a minimum of 66 feet x 578.72 feet. The dedication as a right-of-way extension of the township cartway would be pursuant to the approved site plan, providing frontage to all parcels. The extension shall be reviewed and approved by the Young America Town Board and Carver County, prior to recording. The township cartway extension shall be privately maintained, pursuant to Young America Town Board requirements.

All voted aye. Motion carried.

### **Adjournment**

Having completed all the agenda items and seeing no other business, Chairman Hoese deemed the meeting adjourned at 7:15 p.m.