

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

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

Members Absent: Richard Buetow

Members Late: Scott Hoese (7:03 p.m.)

Staff Present: Steve Just, Emily Schmitz, Jennifer Tichey

Pursuant to due call and published notice thereof, the December 5, 2018, meeting of the Carver County Board of Adjustment was called to order by Chairman Hoese at 7:04 p.m.

Minutes – A motion was made by Stender and seconded by Huang to approve the minutes of the November 7, 2018, meeting. All voted aye. Motion carried.

Public Hearing - File # 20180030 – Jason Burmeister –Chairman Hoese called the public hearing to order at 7:05 p.m. to consider the application of Jason Burmeister pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for expanding a non-conforming structure and reduced front setback pursuant to Chapter 152 of the County Code. The property is in Section 29 of Hollywood Township.

The following were present: Jason Burmeister

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 9, 2018

Exhibit F – Letter to the Board of Adjustment and Hollywood Twp dated November 28, 2018, and all attachments

Schmitz explained the applicant's request to add an approximate 16-foot addition to their existing house, which would not meet the required road setback. The practical difficulty is that the house was constructed prior to the ordinance enactment when there likely was no required setback from the road. Current ordinance regulations restrict expansion of non-conforming structures within the Shoreland Overlay District without a variance, and therefore, this request. Carver County Public Works Department reviewed the request and commented that any addition to the structure should be made no closer to the road than the existing structure. Septic compliance would be required prior to any building permits being issued. Hollywood Township heard the request at their November meeting and recommended approval. Schmitz read one condition to be considered if the request is approved.

A motion was made by Stender and seconded by Kvitek 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 Huang and seconded by Stender to **approve and issue Order # PZ20180030** allowing for an addition to a non-conforming structure and reduced front setback and the following condition:

1. Permittee shall obtain the appropriate building permit(s) prior to any construction of an addition to the existing house and shall not encroach any closer than 68 feet to the center of County Road 33.

All voted aye. Motion carried.

Public Hearing - File # 20180029 – Charles & Elizabeth Mooty –Chairman Hoese called the public hearing to order at 7:08 p.m. to consider the application of Tammy Angaran on behalf of Charles & Elizabeth Mooty pursuant to Chapter 152 of the County Code. The purpose of the public hearing was to consider a request for reduced side yard and lake setbacks and expanding a non-conforming structure pursuant to Chapter 152 of the County Code. The property is in Section 22 of Laketown Township.

The following were present: Tammy Angaran, Lars Peterson, Mike Klingelhutz, Chuck Mooty, Elizabeth Mooty

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 9, 2018

Exhibit F – Letter to the Board of Adjustment and Laketown Twp dated November 27, 2018, and all attachments

Just explained the applicant's parcel is a legal non-conforming parcel as it does not meet the lot size and structure setback requirements. A variance was approved in 2013 allowing for the reconfiguration of this parcel and the one to the west and allowed for a reduced side yard setback of 7.8 feet to the east. The current request is to replace the existing cabin and foundation with a modern structure, which would require variances for expanding a non-conforming structure and reduced setbacks. The existing cabin was built in 1955, prior to the County Code and Shoreland regulations. The Zoning Code requirement for a side yard setback is 15 feet, and the proposed cabin would be 7.8 feet from the east lot line, which is consistent with the 2013 variance approval. The typical setback from the ordinary high water mark of a recreational development lake is 100 feet. The existing cabin is approximately 71.8 feet, with a deck addition along the front side of the cabin. The deck addition on the new cabin would be at an angle and approximately 61.4 feet from the OHW. The average setback, which is allowed pursuant to Section 152.116, is calculated to be approximately 61.4 feet, which is the location of the corner of the deck steps. The proposed cabin would be approximately 66.8 feet, which is about 5 feet closer to the lake than the existing cabin. All of the proposed setbacks are greater than 50 feet, which is outside of the Shore Impact Zone, which is a primary concern of the DNR. Just referenced the site plan and letter from the applicant explaining the practical difficulties with the request. He noted that the property is serviced by the 201 septic system of Laketown Township that has a requirement that there is no increase in the number of bedrooms, and the applicants

intent to retain the number of bedrooms in the structure at three. The existing tank will need to be moved and is proposed to be larger than the current one. Environmental Services has reviewed the preliminary design and the inspector commented that a water use monitor would be required in addition to a management plan for pumping the tank. Laketown Township heard the request and recommended approval at their November meeting. Just read the conditions for consideration if the request is approved.

A motion was made by Willems and seconded by Kvitek 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 # PZ20180029** allowing for reduced side yard and lake setbacks and expanding a non-conforming structure and the following conditions:

1. Construction and development of the new improvements shall be in accordance with the approved site plan.
2. The landowner/contractor shall obtain the appropriate SSTS (septic system) permit(s) and submit the necessary documentation for the removal/replacement of the existing tank. Permittee shall comply with Environmental Services' recommendations regarding water use monitoring and system management.
3. The landowner/contractor shall obtain the appropriate building permit(s) prior to the construction of the new dwelling/deck on the subject property.
4. The landowner/contractor shall obtain any necessary permits from the Minnehaha Creek Watershed District.
5. No additional structures or future expansions shall be permitted without first obtaining a new/updated variance(s).

All voted aye. Motion carried.

Other Business

Just mentioned that this was Mike Huang's last meeting with the Board of Adjustment after nine years of service.

Adjournment

Having completed all the agenda items and seeing no other business, Chairman Hoese deemed the meeting adjourned at 7:17 p.m.