

4-25-19

Dear Board of adjustment,

Requesting additional 12 month  
extension of file PZ 2017 0046  
because I was unable to secure  
financing.

The conditions have not  
changed and I will be in  
full compliance when you  
able to move forward.

Thank you  
Mike Ewald

Mike Ewald

360-991-6673



**COUNTY OF CARVER**  
*State of Minnesota*

**CARVER  
COUNTY**



**Kaaren Lewis**  
County Recorder

**FILE #:** PZ20170046  
**OWNER/APPLICANT:** Mike Ewald  
**SITE ADDRESS:** 11020 Highway 212, Cologne, MN 55322  
**VARIANCE TYPE:** Intensify a Non-Conforming Use  
**PURSUANT TO:** Carver County Code: Section 152.009  
**LEGAL DESCRIPTION:** See attached Exhibit "A"  
**PARCEL #:** 01-014-0300  
**Drafted by:** Land Management  
**Return to:** Land Management

## **BOARD OF ADJUSTMENT FINDINGS OF FACT AND ORDER**

A public hearing was held on this matter on September 6, 2017 by the Carver County Board of Adjustment. Upon the evidence presented at said hearing by the applicant and other persons named and all the files, records, and proceedings herein, the Board makes the following:

### **FINDINGS OF FACT**

1. Mr. Ewald owns a parcel located in the South Half (S ½) of the North East Quarter (NE ¼) of Section 14 in Benton Township. The approximate 36.98 acre parcel is improved with two existing dwellings, a detached garage, and several agricultural structures. The property is located in the Agriculture Zoning District, Shoreland Overlay District and the CCWRMO – Carver Creek watershed.
2. The applicant is requesting a variance to remove an existing nonconforming second dwelling (original farm house) and replace it with a larger home/garage. The construction of a larger structure would constitute intensifying a legal nonconforming use; therefore, a variance has been requested.
3. Two (2) dwellings exist on the parcel, including; the original farm house; and a second permanent dwelling, which was approved and constructed in 1974 as a replacement for a mobile home. The farm house has been, until recently, occupied as a rental dwelling and is now vacant. Mr. Ewald purchased the property in April of 2017 and has noted the farm house is in disrepair and is requesting to remove and reconstruct a structure with a larger footprint. The applicant has indicated he would construct a reasonably sized rambler with attached garage where the existing farm house is located to reside in, and potentially rent out, the second dwelling. The Zoning Code allows for the reconstruction of a legal nonconforming structure although, because the applicant has requested the nonconformity be expanded, a variance is required.
4. The applicant has identified a practical difficulty that the age and current condition of the farmhouse is nearly uninhabitable. The substantial amount of work to address all repairs, including to the foundation, is not feasible. Removal and reconstruction of the structure would allow the applicant to ultimately utilize both dwellings.

5. At the time of the sale of the property to Mr. Ewald, both septic systems were inspected and failed compliance inspections. Escrow was provided by the sellers and two new septic systems are planned to be installed at the property. The applicant has submitted a design for a replacement system sized for a three (3) bedroom dwelling and may be installed prior to the submission of building permit application and plans for a new home/garage.
6. The applicant has indicated demolition of the second dwelling will take place prior to submittal of a building permit for a new home/garage and has noted submittal of a building permit application may not take place immediately. The applicant has requested the expiration of the variance, if approved, be extended 12 months from the 12 month expiration date as permitted in the Zoning Code; extending the expiration of the variance to September of 2019.
7. The neighborhood is comprised of agriculture uses and residences. The granting of the variance will not materially or adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.
8. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan and/or County Ordinances and will not alter the character of the neighborhood.
9. The Benton Town Board has reviewed the request, and recommended approval at their July 10, 2017, Town Board meeting.

**ORDER # PZ20170046**

**IT IS HEREBY ORDERED:** That the application of Mike Ewald for a variance to intensifying a non-conforming use pursuant to Section 152.009 of the Carver County Code, for property legally described on the attached Exhibit "A", is hereby approved with the following conditions:

1. The deadline for work to be completed (i.e. obtaining required building permits), as approved by this variance, shall be granted a 12 month extension and shall expire 24 months from the date of approval of the variance.
2. Permittee shall obtain the appropriate building permit (s) prior to demolition of the structure (farm house) and prior to construction of a new home/garage. The new home/garage shall be proposed in the same location as the existing structure.

DocuSigned by:



Scott Hoesche, Chairman  
Carver County Board of Adjustment

9/13/2017 | 6:55:00 PM PDT

Date

**IF ANY WORK OR ACTION, AS PERMITTED BY THIS ORDER IS NOT COMPLETED WITHIN ONE YEAR OF THE ISSUANCE OF THIS ORDER, THEN THIS ORDER SHALL BECOME NULL AND VOID UNLESS AN EXTENSION OF TIME IN WHICH TO COMPLETE THE WORK IS GRANTED BY THE BOARD OF ADJUSTMENT.**