

**CITY OF AFTON  
PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN: Notice is hereby given that the City of Afton Planning Commission will convene on Monday, May 2, 2016 at 7:00 PM at Afton City Hall, 3033 St. Croix Trail S., to conduct the following public hearing:

To consider the Brown Trout LLC variance application at 15311 Putnam Boulevard to enable the only access to the 15311 Putnam Boulevard property to be through an easement on the 2573 Stagecoach Trail property.

Materials will be available for viewing at the Afton City Hall, 3033 St. Croix Trail, Afton MN. The materials will also be available on the City website at [www.ci.afton.mn.us](http://www.ci.afton.mn.us). All interested persons are encouraged to attend the public hearing. A quorum of the City Council or another Commission may also be present to receive information at the meeting.

Ron Moorse  
City Administrator  
City of Afton

Z16-12

### CITY OF AFTON VARIANCE APPLICATION

| Owner            | Address    | City     | State | Zip   | Phone        |
|------------------|------------|----------|-------|-------|--------------|
| Brown Trout, LLC | PO Box 157 | Lakeland | MN    | 55041 | 612-386-4962 |

| Applicant<br>(if different than owner) | Address              | City   | State | Zip   | Phone        |
|--|----------------------|--------|-------|-------|--------------|
| Bruce Lenzen                           | 106 Buckeye St # 202 | Hudson | WI    | 54016 | 651-329-4060 |

| Project Address                              | City  | State | Zip   |
|--|-------|-------|-------|
| 15311 Putnam Blvd S/ 2573 Stagecoach Trail S | AFTON | MN    | 55001 |

| Zoning Classification | Existing Use of Property  | PID# or Legal Description |
|-----------------------|---------------------------|---------------------------|
| Rural Residential     | Single Family Residential | 15.028.20.41.0012         |

Please list the section(s) of the code from which the variance(s) are requested.

12-84 /12-132

Description of Request

Variance for driveway access to existing lot due to City closure of Putnam Blvd

By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.

Signature of Owner/Applicant  Date 4/15/16

Make checks payable to: **City of Afton**

If multiple variances are necessary from the applicant only **one** fee is required. However, the deposit fee must be multiplied by the number of variances sought.

| <u>FEES:</u>      |       | <u>DEPOSITS:</u> |  |                           |
|-------------------|-------|------------------|--|---------------------------|
| Variance          | \$250 | \$600            |  | TOTAL: <u>\$800</u>       |
| Renewal/Extension | \$250 | \$350            |  | DATE PAID: <u>4-18-16</u> |
|                   |       |                  |  | CHECK #: <u>3226</u>      |
|                   |       |                  |  | RECVD BY: <u>RJM/dw</u>   |

5/3/16 - 15 day deadline  
 6/17/16 - 60 day deadline  
 8/16/16 - 120 day deadline

**ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION**

Applicant(s): \_\_\_\_\_ Brown Trout, LLC (C/O Tim Rivas)  
Phone: \_\_\_\_\_ 612-386-4962  
Mailing Address: \_\_\_\_\_ PO Box 157 Lakeland MN 55043 \_\_\_\_\_  
Property Address for variance: 15311 Putnam BLVD S / 2573 Stagecoach Trail S

Variance request description: 12-84 (A) Access required / Driveway access permits and standards. Road access for private residence, due to closure of Putnam BLVD S. Parcel A 300' Frontage requirement cannot be met.

City Ordinance Section number(s), that variance is requested for: 12-84 / 12-132

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Answer the following questions to the best of your ability - based on the criteria found in section 12-77 of Afton's Code (Land Use, Appeals and Variances). Completing this questionnaire will help the Planning Commission and the City of Afton evaluate your application in light of the requirements of Afton's Variance Ordinance. It does not guarantee that your variance request will be approved. If needed use a separate page.

Background: This questionnaire is designed to help you and the City of Afton determine whether a variance should be granted. Please consult with the City Administrator who can help you with your variance application and explain the Variance Ordinance to you. The City Administrator will work with you to ensure that the variance you request is the minimum variance required to provide the same rights commonly enjoyed by other properties in the same zoning district. Because of special provisions for certain types of construction, the City Administrator will also determine whether the property is in the Flood Plain District. There are also special provisions for earth-sheltered construction.

**Criteria #1** *The requested use, must be a reasonable use in order to receive a variance. Applicant -* Please explain why the proposed use which requires a variance is a reasonable use for this property? The property is zoned for single family residence and when the City of Afton closed Putnam Blvd, the required frontage for the existing lot no longer existed.

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**Criteria #2** *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography, or other circumstances over which the property owner, since enactment of this Ordinance, have had no control. Applicant -* What exceptional or extraordinary circumstances related to the property do not apply generally to other properties in the same zone or vicinity? Extraordinary circumstances would include lot size, irregular lot shape or topography. Are there other circumstances over which you, as the property owner, have no control?

Explain? Property owner did not create this hardship.

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**Criteria #3** *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.*

**Applicant** - How does the literal interpretation of the provisions of the Afton ordinance (from which you are requesting a variance) deprive you of rights commonly enjoyed by other properties in the same zoning district? Explain: In order to meet City requirements for access, applicant requires variance to be compliant.

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**Criteria #4** *The special conditions or circumstances do not result from actions of the applicant.*

**Applicant** - How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances? Explain: Property owner did not create hardship.

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**Criteria #5** *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.*

**Applicant** - Will the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district? Explain: Property is zoned for residential use.

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**Criteria #6** *The variance requested is the minimum variance which would alleviate the hardship.*

**Applicant** - Is the variance you are requesting the minimum variance which would alleviate the practical difficulty or hardship for your property? Explain: The requested variance is designed to meet the minimum driveway standard.

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**Criteria #7** *The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.*

**Applicant (Optional)** - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity?

Explain: Variance would have no effect on adjacent properties.

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**Criteria #8** *Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.*

**Applicant** - Is the requested variance for economic reasons?

Explain: Variance requested is to allow permitted use of property.

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**Criteria #9** *In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.*

**Applicant (optional), PC** - Is the property in a Flood Plain District? Yes  No

**Criteria #10** *Variances shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance.*

**Applicant** - Is the variance for earth-sheltered construction?  Yes  No

***ADDITIONAL CRITERIA THAT MAY BE CONSIDERED BY THE PLANNING COMMISSION (PC) AND/OR CITY COUNCIL(CC)- Applicant responses to criteria #11 and criteria #12 are optional.***

**Criteria #11** *Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance.* **Applicant (Optional), PC** - Is the requested variance in harmony with the Afton ordinances and code? How will this variance if granted (and the proposed use of the property allowed) affect the essential character of the area?

Explain: Variance would have no effect on character of area.

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**Criteria #12** *Variances shall only be permitted when they are in harmony with the general purposes and intent of the Afton Comprehensive Plan.* **Applicant (Optional), PC** - Is the requested variance in harmony with the Afton comprehensive plan?

Explain: \_Variance corrects access issue which was not created by applicant.

Receipt:# 261026

|                     |         |
|---------------------|---------|
| TRD                 | \$46.00 |
| CONV                | \$5.00  |
| SDT                 | \$1.65  |
| Transferred Entered |         |
| CRV Filed           |         |
| No Delinquent Taxes |         |

Return to:  
E - SIMPLIFILE  
4844 North 300 West  
Suite 202  
Provo UT 84604

**3993653**



**Certified Filed and/or recorded on:**

7/14/2014 11:57 AM

**3993653**

**Office of the County Recorder  
Washington County, Minnesota**

*Jennifer Wagenius, County Recorder  
Kevin Corbid, Auditor Treasurer*

(Top 3 inches reserved for recording data)

**TRUSTEE'S DEED  
by Individual Trustee**

**Minnesota Uniform Conveyancing Blanks  
Form 10.4.1 (2013)**

eCRV number: Exempt

DEED TAX DUE: \$ 1.65

DATE: June 27, 2014  
(month/day/year)

FOR VALUABLE CONSIDERATION, Robert Rivas and Carol J. Rivas  
(insert name of each Trustee)

\_\_\_\_\_, as Trustees  
of the Robert Rivas and Carol J. Rivas Revocable Trust of 1995  
(insert name of Trust)

("Grantor"), hereby conveys and quitclaims to Brown Trout, LLC, a Minnesota limited liability company  
(insert name of each Grantee)

("Grantee"), real property in Washington County, Minnesota, legally described as follows:

See attached Exhibit A

PINs: 15.028.20.41.0012, 15.028.20.41.0013

The consideration for this deed is less than \$500.00 as it is a conveyance from a revocable trust to its wholly owned limited liability company without actual consideration and subject to Minimum Deed Tax under exempt code number 18.

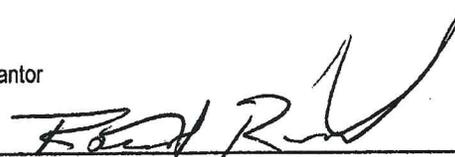
Check here if all or part of the described real property is Registered (Torrens)

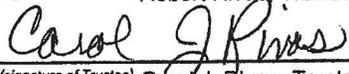
together with all hereditaments and appurtenances belonging thereto.

*Check applicable box:*

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: \_\_\_\_\_)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

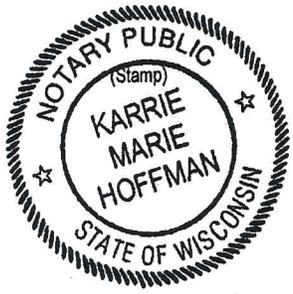
Grantor

  
(signature of Trustee) Robert Rivas, Trustee

  
(signature of Trustee) Carol J. Rivas, Trustee

State of Minnesota, County of ST-CROIX  
Wisconsin  
 This instrument was acknowledged before me on 00/27/2014, by Robert Rivas and Carol J. Rivas  
(month/day/year) (insert name of each Trustee)

as Trustee of the Robert Rivas and Carol J. Rivas Revocable Trust of 1995  
(insert name of Trust)



Karrie Marie Hoffman  
(signature of notarial officer)  
 Title (and Rank): Manager  
 My commission expires: 04/03/2018  
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:  
(insert name and address)  
 Paul G. Hoffman  
 Michael Best & Friedrich LLP  
 Two Riverwood Place, Suite 200  
 N19 W24133 Riverwood Drive  
 Waukesha, WI 53188

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:  
(insert legal name and residential or business address of Grantee)  
 Brown Trout, LLC  
 c/o Robert Rivas and Carol J. Rivas  
 P.O. Box 157  
 Lakeland, MN 55043

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**PARCEL A:**

All that part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter, thence South 01 degree 10 minutes 59 seconds East, assumed bearing, along the easterly line thereof 660.00 feet; thence South 88 degrees 49 minutes 01 seconds West 165.00 feet; thence South 88 degrees 25 minutes 46 seconds West along a line which if extended would intersect the centerline of Stagecoach Trail South (a.k.a. Afton and Lakeland Road) at a distance of 660.00 feet South of the North line of said Northeast Quarter of the Southeast Quarter, for a distance of 158.52 feet, more or less, to the point of intersection with the westerly line of the East 323.52 feet of said Northeast Quarter of the Southeast Quarter, said point of intersection also being the point of beginning of the parcel being described; thence North 01 degree 10 minutes 59 seconds West along said westerly line 451.93 feet; thence South 25 degrees 54 minutes 03 seconds West 200.28 feet; thence South 88 degrees 30 minutes 06 seconds West 125.00 feet; thence North 34 degrees 09 minutes 41 seconds West 117.00 feet; thence North 87 degrees 35 minutes 48 seconds West 214.29 feet; thence South 80 degrees 07 minutes 24 seconds West 73.00 feet; thence South 88 degrees 30 minutes 06 seconds West 114.61 feet, more or less, to the centerline of Putnam Boulevard South (a.k.a. Afton and Lakeland Road); thence North 21 degrees 03 minutes 21 seconds West along said centerline 300.05 feet, more or less, to the northerly line of said Northeast Quarter of the Southeast Quarter; thence North 88 degrees 30 minutes 06 seconds East along said northerly line, 1106.04 feet, more or less, to said northeasterly corner of the Northeast Quarter of the Southeast Quarter; thence South 24 degrees 53 minutes 35 seconds West 735.99 feet, more or less, to the point of beginning.

Containing 7.57 acres, more or less, subject to the right-of-way of Putnam Boulevard South (a.k.a. Afton and Lakeland Road).

**PARCEL B:**

All that part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter, thence South 01 degree 10 minutes 59 seconds East, assumed bearing, along the easterly line thereof 660.00 feet; thence South 88 degrees 49 minutes 01 seconds West 165.00 feet; thence South 88 degrees 25 minutes 46 seconds West along a line hereinafter referred to as "Line A" to a point in the centerline of Stagecoach Trail South, (a.k.a. Afton and Lakeland Road), said point being 660.00 feet South of the North line of said Northeast Quarter of the Southeast Quarter, said point also being the point of beginning of the parcel being described; thence North 88 degrees 25 minutes 46 seconds East along said "Line A" 569.30 feet, more or less, to the westerly line of the East 323.52 feet of said Northeast Quarter of the Southeast Quarter; thence North 01 degree 10

minutes 59 seconds West along said westerly line 451.93 feet; thence South 25 degrees 54 minutes 03 seconds West 200.28 feet; thence South 88 degrees 30 minutes 06 seconds West 125.00 feet thence North 34 degrees 09 minutes 41 seconds West 117.00 feet; thence North 87 degrees 35 minutes 48 seconds West 214.29 feet; thence South 80 degrees 07 minutes 24 seconds West 73.00 feet; thence South 88 degrees 30 minutes 06 seconds West 114.61 feet, more or less, to the centerline of Putnam Boulevard South (a.k.a. Afton and Lakeland Road); thence South 21 degrees 03 minutes 21 seconds East along said centerline 84.34 feet to an angle point in said Afton and Lakeland Road; thence South 16 degrees 41 minutes 59 seconds East along said centerline 308.59 feet to the point of beginning.

Containing 5.01 Acres, more or less.

Subject to the right-of-way of Putnam Boulevard South and Stagecoach Trail South, both formerly known as Afton and Lakeland Road.

**Easy Peel® Labels**  
Use Avery® Template 5160®

▲  Bend along line to  
Feed Paper  expose Pop-up Edge™



SEIDL TAMMY L & AUGUST H LARENZIE  
or Current Resident  
2696 STAGECOACH TRL  
AFTON MN 55001

CARLSON ALBERT W & SANDRA P  
or Current Resident  
2534 STAGECOACH TR S  
AFTON MN 55001

TREAT JAMES R  
or Current Resident  
PO BOX 117  
AFTON MN 55001

MUNSON ROY D  
or Current Resident  
2626 STAGECOACH TRL S  
AFTON MN 55001

BORGWARDT MARK A & BARBARA K  
or Current Resident  
PO BOX 223  
AFTON MN 55001-0223

STAGECOACH PORPERTIES LLC  
or Current Resident  
488 ATWATER CIR  
SAINT PAUL MN 55103

WEBER CAROL J & CONNIE LEMIRE & COLLEEN J NOWACKI  
or Current Resident  
1159 9TH AVE S  
SOUTH ST PAUL MN 55075

STANTON SUSAN J  
or Current Resident  
PO BOX 236  
LAKELAND MN 55043

ROBERTSON PAUL D  
or Current Resident  
PO BOX 5  
AFTON MN 55001-0005

BROWN TROUT LLC  
or Current Resident  
PO BOX 157  
LAKELAND MN 55043

BELWIN CONSERVANCY  
or Current Resident  
1553 STAGECOACH TR S  
AFTON MN 55001

BELWIN  
or Current Resident  
1553 STAGECOACH TRL S  
AFTON MN 55001

SCHUMANN DENNIS C & LINDA A  
or Current Resident  
2598 STAGECOACH TRL S  
AFTON MN 55001

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