



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES

Scott County Board Room
200 Fourth Ave West
Shakopee, Minnesota
Monday, April 11, 2022 6:30PM

I. ROLL CALL AND INTRODUCTIONS

Chair Ray Huber opened the meeting at 6:30 PM with the following members present: Jay Picha, Lee Watson, Donna Hentges, Barbara Johnson, Kent Robbins, and Tom Vonnhof.

County Staff Present: Brad Davis, Planning Manager; Greg Wagner, Principal Planner; Marty Schmitz, Zoning Administrator, Tom Wolf, County Board Commissioner and Barb Simonson, Deputy Clerk to the Board.

II. APPROVAL OF MARCH 14, 2022 BOARD OF ADJUSTMENT MINUTES.

Motion by Commissioner Watson; Second by Commissioner Robbins to approve the March 14, 2022 BOA minutes. The motion passed unanimously.

III. PUBLIC HEARING 6:30 PM TERESHKOV VARIANCE (PL#2022-015)

A. Request for a Variance From the Required 100' Setback From a DNR Protected Watercourse to 74.9' to Replace a Single-Family Home.

Location:	Section 16
Township:	Spring Lake
Current Zoning:	RR-2

Planner Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available on the official Scott County Website at www.scottcountymn.gov under Government and then under County Board Agendas and Minutes by searching Board of Adjustment meeting to download the packet file.

Commissioner Questions and Comments:

Chair Huber asked about inlet/outlet to Buck Lake. *Mr. Wagner responded yes; I believe it is.*

Commissioner Picha asked about the creek size. *Mr. Wagner responded it is very shallow, not a large creek. Applicant, Vitaliy Tereshkov, responded in some areas not even a foot deep. He continued reason for variance is to save the trees.*

Chair Huber asked if in the spring thaw the creek has the most water. *Applicant Tereshkov responded yes, there is none in the summertime.*

Commissioner Vonnhof asked about the DNR recommendation of 25' vegetation strip. *Applicant Tereshkov responded he submitted a permit to the DNR as requested by the DNR.*

Chair Huber opened the floor for public comment. No one approached the podium.

Noting no further comments from the public there was a motion by Commissioner Watson; second by Commissioner Vonhof to close the public hearing. The motion carried unanimously.

Motion by Commissioner Robbins; second by Commissioner Vonhof based on the criteria for granting a variance, I recommend approval of the requested variance from the required 100' setback from a DNR protected stream to 74.9' to replace a single-family home subject to the conditions listed in the staff report.

Chair Huber called for a roll call vote with results as follows:

Commissioner Robbins: Aye
Commissioner Picha: Aye
Commissioner Hentges: Aye
Commissioner Huber: Aye
Commissioner Vonhof: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye
The motion for passed with 7 Ayes.

Criteria for Granting Variances:

1. *Granting the variance will not be in conflict with Comprehensive Plan.*
The proposal is in conformance with the Scott County 2040 Comprehensive Plan goals and policies for promoting public health, safety, and general welfare.
2. *Exceptional, unique, or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since the enactment of this ordinance have no control.*
The parcel and existing home that is being replaced were established prior to the current setback standards and prior to the applicant's ownership of the property.
3. *The 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.*
The literal interpretation of the ordinance would deprive the applicants of rights enjoyed by other properties in the area. The neighboring property was established at a similar non-conforming distance from the stream.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*
The variance requested is due to the substandard lot size and location of the existing home which are circumstances that are not a result of the applicant or property owners' actions. The lot was created and developed with the existing home prior to current zoning regulations.
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.*
Granting the variance will not confer any special privilege to the applicant that does not already exist on adjacent properties. The home is not encroaching any further into the setback but is being rebuilt at the same distance.
6. *The variance requested is the minimum variance which would alleviate the practical difficulty*
The requested variance alleviates the practical difficulty created by the Scott County Zoning Ordinance and allows the house to be rebuilt at the same distance from the stream.
7. *The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.*
The variance will not be materially detrimental and will not alter the character of the property or neighborhood if granted since all adjacent properties are also non-conforming.
8. *Economic considerations alone do not constitute practical difficulties.*
Economic consideration does not figure into this request.

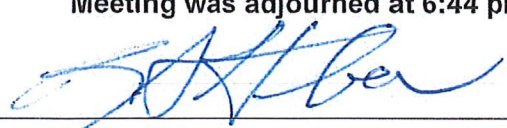
Conditions for Granting Variances:

1. Applicant shall receive a recommendation of approval from Spring Lake Township prior to issuance of a building permit.
2. The applicant shall include a native plant vegetative buffer that extends a minimum of 25 feet from the top of bank as part of their erosion control plan for the home.

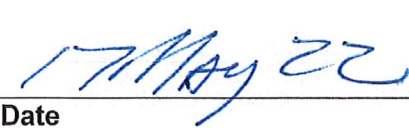
VI. GENERAL & ADJOURN

**Motion by Commissioner Hentges; second by Commission Johnson to adjourn the meeting.
The motion carried unanimously.**

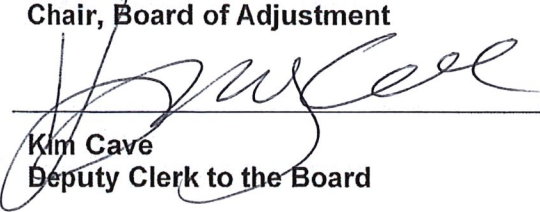
Meeting was adjourned at 6:44 pm by Chair Huber.



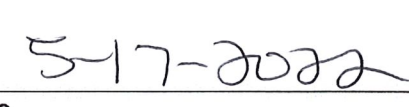
Ray Huber
Chair, Board of Adjustment



Date



Kim Cave
Deputy Clerk to the Board



Date