



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINTUES

Spring Lake Town Hall
20381 Fairlawn Ave
Prior Lake, Minnesota
Monday, March 14, 2022 6:30PM

I. ROLL CALL AND INTRODUCTIONS

Vice-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 Vohnhof.

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

II. APPROVAL OF DECEMBER 12, 2021 BOARD OF ADJUSTMENT MINUTES.

Motion by Commissioner Watson; Second by Commissioner Hentges to approve the December 12, 2021 BOA minutes. Commissioner Robbins and Picha and Vohnhof abstained due to not being present at the December 12th meeting. The motion carried with 4 Ayes.

III. PUBLIC HEARING 6:30 PM HEGGE VARIANCE (PL#2022-006)

- A. Request for a Variance to Increase the Maximum Ratio of Attached Garage from 100% to 114% of the House Footprint.

Location:	Section 21
Township:	Cedar Lake
Current Zoning:	RR-1C

Planner Nathan Hall presented the staff report for this application. The specific details within the staff report and a video and/or audio recording are available on the Scott County Website at LINK: March 14, 2022 Board of Adjustment Agenda Packet.

(To view the staff report or video/audio on the website at the link above, click on the download arrow and click on Agenda, Save and Open. Next open the bookmark at the top of the page and click on the project name.) The staff report can also be located by directly visiting the official Scott County website, www.scottcountymn.gov and locating Citizen Advisory Boards and Commissions, then Board of Adjustment, then Recent Agendas and Minutes.

Commissioner Questions and Comments:

Commissioner Robbins requested clarification on where the new additional structure will be located.

Commissioner Johnson inquired about whether the wood shop is a business, does the woodshop generate noise and if the space could be used as an apartment or living unit in the future. Mr. Hall explained the county requirements regarding the use as a dwelling unit and referred the business question to applicant.

Applicant, Matthew Hegge, came forward and reported his use of the woodshop is hobby based and not for business. He also noted the wood shop equipment does not generate much noise.

Commissioner Picha requested clarification on the water and storm drainage on the property. The applicant explained about the stormwater drainage and the pond on the property.

Vice-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 Vonhof; second by Commissioner Robbins based on the eight hardship criteria for granting a variance, I recommend approval of the requested variance to increase the maximum ratio of attached garage from 100% to 114% of the house footprint.

Chair Hartmann 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 Approval:

1. *Granting the variance will not be in conflict with the 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 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 had no control.*
Other properties in the same vicinity have not faced the same topographical and natural limitations regarding the placement of an accessory building.
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.*
Literal interpretation of the Zoning Ordinance may deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*
The circumstances surrounding the variance request result from topography or other natural features.
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 of the requested variance would not confer the applicant with any special privilege denied by ordinance to owners of other lands, structures, and buildings within the immediate area.
6. *The variance requested is the minimum variance which would alleviate the hardship.*
The applicants are proposing 200 square feet increase in the area limitation. It appears that this is the minimum needed to alleviate the hardship.
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 would not be materially detrimental or essentially alter the character of the neighborhood. Large, attached garages are common throughout the neighborhood.
8. *Economic considerations alone do not constitute a practical difficulty if a reasonable use of the property otherwise exists under the provisions of this Ordinance.*

There are no economic considerations involved in this variance request. The applicants intend to use the building for personal storage and hobby activities.

IV. PUBLIC HEARING 6:40 PM KOHLBECK VARIANCE (PL#2022-007)

- A. Request for a Variance From the Maximum Impervious Lot Coverage of 25% to 39% to Replace a Single-Family Home.

Location: Section 12
Township: Helena
Current Zoning: RR-3

Planner Nathan Hall presented the staff report for this application. The specific details within the staff report and a video and/or audio recording are available on the Scott County Website at LINK: March 14, 2022 Board of Adjustment Agenda Packet.

(To view the staff report or video/audio on the website at the link above, click on the download arrow and click on Agenda, Save and Open. Next open the bookmark at the top of the page and click on the project name.) The staff report can also be located by directly visiting the official Scott County website, www.scottcountymn.gov and locating Citizen Advisory Boards and Commissions, then Board of Adjustment, then Recent Agendas and Minutes.

Commissioner Questions and Comments:

Commissioner Johnson inquired about applicants understanding of the need for the rain garden and about the garages and the need for the accessory structure near the water. Mr. Hall explained the proposed rain gardens and proposed garages.

Commissioner Vonnhof commented on visitation to the site and about any modifications planned for the lakeshore, the patio pavers on the site drawing and the accessory structure close to the water. Mr. Hall reported on the accessory structure requirements and DNR regulations as it relates to the structure. Mr. Hall reported the applicant will not be adding the patio pavers.

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

Commissioner Johnson questioned the need for the water oriented accessory structure.

Applicant, Greg Kohlbeck, came forward and explained the purpose of the accessory structure near the water.

Ed Nytes, from Helena Town Board, came forward and reported on the Township position on the application.

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

Motion by Commissioner Watson; second by Commissioner Vonnhoff based on the eight hardship criteria for granting a variance, I recommend approval of the requested variance from the maximum impervious lot coverage of 25% to 39.6% to replace a single-family home.

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

**Commissioner Robbins: Aye
Commissioner Picha: Aye
Commissioner Huber: Aye
Commissioner Hentges: Aye
Commissioner Vonnhof: Aye
Commissioner Johnson: Nay
Commissioner Watson: Aye
The motion for passed with 6 Ayes.**

Criteria for Approval:

1. *Granting the variance will not be in conflict with the 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 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 had no control.*
The small, legal non-conforming parcel size does limit the options for placing a single family home on the property while meeting the impervious lot coverage minimum of 25%. However, the existing non-conforming structures will be removed, potentially allowing greater conformance with the Ordinance.
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.*
Literal interpretation of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. Non-conformity with the lot coverage maximum is not uncommon on nearby properties.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*
The circumstances surrounding the variance request do not result from the actions of the applicant. The current owner did not create the non-conforming parcel.
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.*
There have been a number of variances on Cedar Lake for the reduction of structure setbacks, but no recent variances have been issued related to an increase in impervious lot coverage. However, there are numerous existing properties that do not conform with the lot coverage requirements that have been allowed to remain unaltered.
6. *The variance requested is the minimum variance which would alleviate the hardship.*
Many lots on Cedar Lake exceed the 25% impervious surface requirement. The applicant's proposal meets all required setbacks, and they are not increasing the impervious surface from what is currently on the lot. In addition, they are proposing professionally designed rain gardens to treat runoff prior to entering Cedar Lake.
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 would not increase stormwater runoff into Cedar Lake or essentially alter the character of the neighborhood.
8. *Economic considerations alone do not constitute a practical difficulty if a reasonable use of the property otherwise exists under the provisions of this Ordinance.*
There are no economic considerations involved in this variance request.

V. ELECTIONS FOR 2022 BOARD OF ADJUSTMENT OFFICERS

Vice-Chair Huber opened the meeting for nominations for Chair of the Board of Adjustment.

Commissioner Johnson nominated Commissioner Huber; second by Commissioner Hentges.

Vice-Chair Huber called for any further nominations 3 times.

Motion by Commissioner Vohnhof; second by Commissioner Hentges to close the nominations.

The motion carried unanimously.

Vice-Chair Huber called for a vote on Chair nomination of Ray Huber. The vote carried unanimously for Commissioner Huber as noted below.

Vice-Chair Huber opened the meeting for nominations for Vice Chair of the Planning Commission.

Commissioner Vonhof nominated Commissioner Henges; second by Commissioner Johnson.
Vice-Chair Huber called for any further nominations 3 times.
Motion by Commissioner Robbins; second by Commissioner Vonhof to close the nominations.
The motion carried unanimously.
Vice-Chair Huber called for a vote on Vice Chair nomination of Donna Hentges. The vote carried unanimously for Commissioner Hentges as noted below.

Vice-Chair Huber opened the meeting for nominations for Secretary of the Planning Commission.
Commissioner Huber nominated the Deputy Clerk of the Board for Secretary; second by Commissioner Johnson.
Vice-Chair Huber called for any further nominations 3 times.
Motion by Commissioner Johnson; second by Commissioner Hentges to close the nominations.
The motion carried unanimously.
Vice-Chair Huber called for a vote on the Secretary nomination of the Deputy Clerk of the Board.
The vote carried unanimously as noted below.

Vice-Chair Huber called for a roll call vote on all 3 nominations with results as follows:

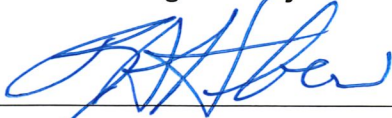
Commissioner Vonhof: Aye
Commissioner Robbins: Aye
Commissioner Hentges: Aye
Commissioner Picha: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye
The motion passed with 7 Ayes.

Vice-Chair read the officer vote results on the record.

VI. GENERAL & ADJOURN

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

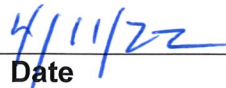
Meeting was adjourned at 7:01 pm by Vice-Chair Huber.



Ray Huber
Chair, Board of Adjustment


Date

Barbara Simonson
Deputy Clerk to the Board


Date