



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES

Scott County Government Center
County Board Room
200 Fourth Ave West
Shakopee, Minnesota

Monday, April 10, 2023
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:30 PM with the following members present: Ammar Husain, Jay Picha, Kent Robbins, Ray Huber, Tom Vonhof, and Lee Watson; Donna Hentges was absent with notice.

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

II. APPROVAL OF SEPTEMBER 12, 2022 BOARD OF ADJUSTMENT MINUTES

Chair Huber called for a motion to approve the minutes. The motion carried unanimously. Commissioner Robbins noted correction for General & Adjournment which Commissioner Vonhof did not make both the motion and seconded motion.

III. PUBLIC HEARING 6:30 PM: MEIERBOCHTAL VARIANCE (PL#2023-016)

- A. Request for a variance from the required 66 feet of lot frontage on a publicly maintained street.
- B. Request for a variance from the required 150 feet of lot width.

Location: Section 20
Township: Blakeley
Current Zoning: A-1 Agricultural Preservation District

Nathan Hall presented the staff report for this application. The specific details within the staff report and a video are available at the Scott County Website link: [April 10, 2023 Board of Adjustment](#) Agenda Packet. The staff report can be found in the full agenda packet located by clicking Planning Advisory Commission.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Planning Advisory Commission.

Commissioner Comments and Questions:

Commissioner Robbins asked what the variance request was to.
Mr. Hall clarified the variance is to 33 feet of width and 33 feet of frontage.

Commissioner Husain asked if this property has or will need access to the lake.
Mr. Hall explained there is a DNR protected water course that runs several hundred feet south of where this new lot would be created but this would not affect the access. Mr. Hall made further clarification there is need for access for the remaining outlot so when finalizing this plat they will create an access easement.

Chair Huber questioned the reason for this variance if there is lack of extension on the road.

Mr. Hall responded the variance is needed as the property has existed this way for a long time. The extension for the roadway is not deemed feasible and after meeting with the Applicant and Township at the Development Review Team meeting this is the approach both parties would like to take.

Chair Huber verbally opened the public hearing.

Public Comments and Questions at the Podium

No one approached the podium.

Chair Huber made a motion to close the public hearing.

Motion by Commissioner Watson to close the public hearing; second by Commissioner Vonhof. The motion carried unanimously.

Motion by Commissioner Vonhof; second by Commissioner Watson, based on the criteria for approval listed in the staff report, I recommend approval of the requested variance from the required 66 feet of lot frontage on a publicly maintained street and variance from the required 150 feet of lot width, noting the two conditions of approval.

Chair Huber called for a vote on the motion to approve the request as follows:

Commissioner Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Absent

Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes, 1 abstention.

Criteria for Approval:

1. *Granting the variance will not be in conflict with the Comprehensive Plan.*
Granting the variance will not be in conflict with the Comprehensive Plan as the proposed development is consistent with the goals and policies contained in the 2040 Comprehensive Plan.
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 parent parcel is a unique shape and was created prior to the enactment of this 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.*
The literal interpretation of this ordinance would not allow the applicant to create a lot for and subsequently construct a single-family home on the farm. There are numerous farmsteads within Blakeley Township that do not meet the minimum lot width requirements.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*
The unique shape of the parent parcel is largely due to the natural topography of the site and not the actions of the applicant.
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 as it will allow him to build a home on the parcel as many others in the same district have done.
6. *The variance requested is the minimum variance which would alleviate the hardship.*

The current proposal is the minimum variance necessary because the proposed lot width and road frontage match that of the existing parent parcel.

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 detrimental to the character of the area and would not impact the adjacent parcels.

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.*

The proposal is not based on economic factors but rather on issues related to the non-conforming parent parcel and unique topography.

Conditions of Variance Approval:

1. The applicant shall design the proposed residential lot to widen to 150 feet as soon as the width of the parent parcel allows.
2. The applicant shall provide an access easement to the remaining agricultural parcel.

IV. ELECTION OF 2023 BOARD OF ADJUSTMENT OFFICERS

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

Commissioner Robbins nominated Commissioner Huber.

Chair Huber called for any further nominations 3 times.

Motion by Commissioner Watson; second by Commissioner Vonhof to close the nominations. The motion carried unanimously.

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

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

Commissioner Robbins nominated Commissioner Hentges.

Chair Huber called for any further nominations 3 times.

Motion by Commissioner Watson; second by Commissioner Vonhof to close the nominations. The motion carried unanimously.

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

Chair Huber opened the meeting for nominations for Secretary of the Board of Adjustment.

Commissioner Robbins nominated the Deputy Clerk of the Board of Adjustment for Secretary.

Chair Huber called for any further nominations 3 times.

Motion by Commissioner Watson; second by Commissioner Vonhof to close the nominations. The motion carried unanimously.

Chair Huber called for a vote on the Secretary nomination of Deputy Clerk of the Board of Adjustment. The vote carried unanimously for Deputy Clerk of the Board as noted below.

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

Commissioner Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

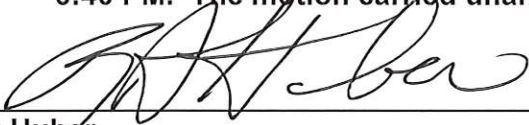
Commissioner Hentges: Absent

Commissioner Watson: Aye

The motion passed unanimously with 6 ayes, 1 abstention.

V. GENERAL & ADJOURN

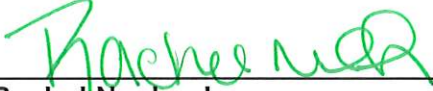
Motion by Commissioner Robbins; second by Commissioner Picha to adjourn the meeting at 6:40 PM. The motion carried unanimously.



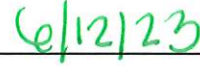
Ray Huber
Chair, Board of Adjustment



Date



Rachel Nosbush
Deputy Clerk to the Board



Date