



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES

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

Monday, August 14, 2023
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

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

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 JUNE 12, 2023 BOARD OF ADJUSTMENT MINUTES

Chair Huber called for a motion to approve the minutes. The motion carried unanimously.

III. PUBLIC HEARING 6:30 PM: JOHNSON VARIANCE (PL#2023-050)

- A. Request for a variance from the 50-foot bluff setback to install a replacement septic system.

Location: Section 19
Township: Blakeley
Current Zoning: A-1

Greg Wagner 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: [August 14, 2023 Board of Adjustment](#) Agenda Packet. The staff report can be found in the full agenda packet located by clicking Board of Adjustment.

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 Board of Adjustment.

Commissioner Comments and Questions:

Commissioner Robbins questioned why a 50 ft. setback in place in the first place.

Mr. Wagner responded that land areas containing bluffs recede with time and setbacks are put in place to protect landowners from making decisions which could affect their property and structures.

Commissioner Robbins asked if Staff did approve this setback variance.

Mr. Wagner clarified that the Natural Resource Department reviewed the area and felt this is the best solution, along with this area being surrounded by trees, which should help stabilize the ground below.

Commissioner Watson commented there is only good to come from new septic sites and while the Township approved this, buyer beware of the bluff and possible outcomes.

Mr. Wagner responded that this is the best solution and the owner should be mindful of not clearing trees.

Commissioner Husain questioned the impact of the new septic system would have on the land surrounding the area and if there will be concerns with the bluff.

Mr. Wagner explained this will be a mound system that will better treat wastewater effluent. Any potential soils issues would be improved with the replacement system as the current system is failing for separation.

Commissioner Huber made comments that in the 1950-60s this site was built on clay and to have the site elevated is a better solution.

Chair Huber verbally opened the public hearing.

Public Comments and Questions at the Podium

No one approached the podium.

Chair Huber called for a motion to close the public hearing.

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

Motion by Commissioner Vonhof; second by Commissioner Robbins, based on the criteria for approval listed in the staff report, to approve the requested variance from the required 50-foot bluff setback to install a replacement septic system.

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: Aye
Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

Criteria for Approval:

1. *Granting the variance will not be in conflict with the Comprehensive Plan.*
The proposal is not in conflict with the Scott County 2040 Comprehensive Plan. The property is within a planned regional park boundary; however, the County is in the acquisition phase for the park and works with willing sellers, but currently allows existing uses to continue.
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 home and septic system were installed in 1979 prior to establishment of the bluff overlay zoning district and the 50-foot setback.
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 not allow the property owner to install a compliant septic system.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*
The circumstances are not based on actions of the applicant; the lot was created in 1979 prior to current lot and setback requirements from bluff areas.
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.*
The proposal would not provide the owner any special privileges denied to other property but would allow the replacement of a non-compliant septic system.

6. *The variance requested is the minimum variance which would alleviate the practical difficulty.*
The variance is likely the best alternative having the least impact on the bluff area and that would allow replacement of a non-compliant septic system.
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 alter the character of the property but would allow installation of a compliant septic drainfield.
8. *Economic considerations alone shall not constitute a practical difficulty if a reasonable use of the property otherwise exists under the provisions of this Ordinance.*
Economic considerations are not a practical difficulty factor in the variance request.

IV. PUBLIC HEARING 6:42 PM: WEIDNER VARIANCE (PL#2023-053)

- A. Request for a variance from the required 30 foot setback to the side property line to 17.4 feet to construct an accessory building.

Location: Section 32
Township: Spring Lake
Current Zoning: TR - Transition Reserve

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: [August 14, 2023 Board of Adjustment](#) Agenda Packet. The staff report can be found in the full agenda packet located by clicking Board of Adjustment.

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 Board of Adjustment.

Commissioner Comments and Questions:

No comments or questions were made.

Chair Huber verbally opened the public hearing.

Public Comments and Questions at the Podium

No one approached the podium.

Chair Huber called for a motion to close the public hearing.

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

Motion by Commissioner Watson; second by Commissioner Vonhof, based on the criteria for approval listed in the staff report, I recommend approval of the variance from the required 30-foot setback to the side property line to 17.4 feet to construct an accessory building based on the eight hardship considerations listed below.

Commissioner Watson also recognized the neighboring property owner supports the variance request.

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: Aye

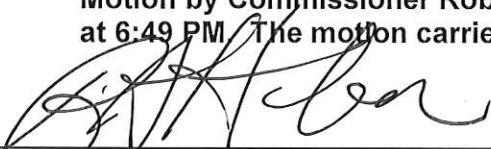
Commissioner Watson: Aye
The motion passed unanimously with 7 Ayes.

Criteria for Approval:

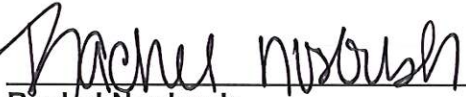
1. *Granting the variance will not be in conflict with the Comprehensive Plan.*
The proposal is in conformance with the Scott County 2040 Comprehensive Plan goals and policies for promoting public health, safety, and general welfare.
2. *Exceptional or extraordinary circumstances apply to the property 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.*
The unique characteristics of the subject property do not generally apply to other properties in the same area. There is limited area on the site that is at a suitable elevation to construct the 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.*
The literal interpretation of the ordinance would deprive the applicants of rights enjoyed by surrounding properties. There are numerous buildings in and around the Hamlet of Lydia that do not meet the minimum required setbacks.
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 property has restrictions including topography that restrict the buildable area. The owners did not willingly demolish the previous legal non-conforming structure.
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.*
The variance requested is due to the unique topography of the parcel and location of the existing structures which are circumstances that are not a result of the applicant or property owners' actions. The parcel was created prior to current floodplain maps and regulations.
6. *The variance requested is the minimum variance which would alleviate the hardship.*
The requested variance alleviates the practical difficulty created by the Scott County Zoning Ordinance. The proposed structure would not be closer to the northern property line than the placement of the previous accessory building.
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 since the previous barn structure was in the same location.
8. *Economic considerations alone do not constitute practical difficulties.*
There are a number of considerations other than added cost that contribute to this request.

V. GENERAL & ADJOURN

Motion by Commissioner Robbins; second by Commissioner Hentges to adjourn the meeting at 6:49 PM. The motion carried unanimously.


Ray Huber
Chair, Board of Adjustment


Date


Rachel Nosbush
Deputy Clerk to the Board

NOV 13 2023
Date