



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES

Scott County Government Center
County Board Room 226
200 Fourth Ave West
Shakopee, Minnesota

Monday, November 13, 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 Vonhof, 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 AUGUST 14, 2023 BOARD OF ADJUSTMENT MINUTES

Chair Huber called for a motion to approve the minutes. Motion by Commissioner Vonhof; second by Commissioner Robbins to approve the minutes of August 14, 2023. The motion carried unanimously.

III. PUBLIC HEARING

3.1 PUBLIC HEARING 6:31 PM: SHIMEK VARIANCE (PL#2023-070)

- A. Request For a Variance from the Required 66-Foot Long Frontage on a Publicly Maintained Road.

Location: Section 20
Township: Spring Lake
Current Zoning: TR-C Transition Reserve Cluster

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: [November 13, 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 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 Hentges 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 66-foot lot frontage on a publicly maintained road.

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 maintaining platted road right-of-way corridors for future connected road extensions to adjacent developable parcels.
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 Monarch Meadows development dedicated right-of-way for a future road extension but was only required to build the cul-de-sac to the west property line. It was not anticipated that this lot may have sufficient width and the ability to obtain additional building density to create an additional parcel.
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 require moving the existing temporary cul-de-sac approximately 100 feet to the east and removing the current temporary cul-de-sac. The applicants reviewed this with Spring Lake Township and determined this to be an unnecessary for just 1 new lot.
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 and cul-de-sac were created in 1997 ahead of three county comprehensive plan updates, which changed land use policies in Spring Lake Township.
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 one additional lot to be created without adding an additional driveway or additional road maintenance costs to the township.
6. *The variance requested is the minimum variance which would alleviate the practical difficulty.*
The variance is not permanent relief from the public road frontage requirement as the adjacent 50-acre parcel is eligible to be subdivided at which time that development would be required to extend the public road and would then provide public road frontage to this 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 change the character of the neighborhood or any adjacent properties since it does not add an additional driveway or modify the public road.
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 alone are not the sole practical difficulty. In the applicants review with Spring Lake Township the Township determined that the cost of extending the road outweigh the public benefit as the

Township would be required to maintain additional road while only gaining 1 additional lot to offset those maintenance costs.

3.2 PUBLIC HEARING 6:38 PM: KREUSER VARIANCE (PL#2023-077)

- A. Variance From the Required 100 Foot Road Right-Of-Way Setback to 53 Feet to Expand an Existing Legal Non-Conforming Structure by More Than 50%.
- B. A 1 Foot Variance From the Requirement That the Roofline of an Attached Garage Cannot Extend Above the Roofline of the Principal Building.

Location: Section 18
Township: Spring Lake
Current Zoning: UBR, Urban Business Reserve

Marty Schmitz 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: [November 13, 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 the size of the garage and the types of vehicles or equipment to be stored. *Mr. Schmitz explained there are 4 vehicles in use on a daily basis which is why they built the garage as large as they could.*

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 Hentges. The motion carried unanimously.

Motion by Commissioner Watson; second by Commissioner Robbins, I recommend approval of the requested variance from the required 100 foot road right-of-way setback to 53 feet to expand an existing legal non-conforming structure by more than 50%. And a 1 foot variance from the requirement that the roofline of an attached garage cannot extend above the roofline of the principal building.

Commissioner Watson noted the Township's recommendation.

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 Comprehensive Plan.*
The 2040 Comprehensive Plan guides the land use in this area as Urban Business Reserve Area. The use of the property for a single-family residence and agriculture is not in conflict with the Comprehensive Plan.
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 variance to expand an existing legal non-conforming structure by more than 50% and a 1 foot variance from the requirement that the roofline of an attached garage not extend above the roofline of the home relates to the location and relatively low height of the home. The home was constructed decades ago prior to the adoption of land use requirements and was out of the control of the current property owners.
3. *The literal interpretation of the provisions of this ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.*
The literal interpretation of the ordinance would limit the size of the addition and attached garage; rights enjoyed by other properties in the area.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*
The variance requested is due to the location and relatively low height of the home. The home was constructed decades ago prior to the adoption of land use requirements in the County which are circumstances that are not a result of the property owners' actions.
5. *That granting the variance requested will not confer on the applicants 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 applicants that does not exist on other adjacent properties. The variance is due to the location and relatively low height of the home which was constructed decades ago prior to the adoption of land use requirements.
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.
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.
8. *Economic considerations alone do not constitute practical difficulties.*
Economic consideration does not figure into this request; this is a variance to construct a home addition and attached garage.

3.3 PUBLIC HEARING 6:45 PM: XPAND VARIANCE (PL#2023-079)

- A. Variance from the maximum impervious lot coverage of 25% to 28.1% and a variance from the required 10' side yard setback to 8.5' to create a house addition.

Location: Section 18
Township: Spring Lake
Current Zoning: UBR, Urban Business 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: [November 13, 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 Husain asked for clarification as to what the proposed area of the house addition is like at the present moment.

Mr. Hall explained the proposed area is a flat concrete slab used for parking at the moment.

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 Pica to close the public hearing; second by Commissioner Hentges. The motion carried unanimously.

Motion by Commissioner Robbins; second by Commissioner Hentges, I recommend approval of the requested variance from the maximum impervious lot coverage of 25% to 28.1% and a variance from the required 10' side yard setback to 8.5' to create a house addition.

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 small size of the parcel and its approximately 65-foot width create a situation where a variance is necessary to accommodate an average size house and a garage. The existing house was created in 1961 prior to current setback and impervious surface standards and was out of the control of the current property owners.

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. Several lots of similar size along Spring Lake have single family residences and are at or above the maximum impervious surface coverage and have side setbacks of less than 10 feet. The variance would allow development of this parcel at the lot coverage standard allowed by the City of Prior Lake for lakeshore lots within their jurisdiction.

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 other lots adjacent to Spring Lake. Due to the small lot sizes platted around Spring Lake it is challenging for lot owners to develop a modern, single-family home that meets current lot standards without minor relief

from zoning regulations. This home will fall within the impervious surface maximum and side setbacks allowed by the City of Prior Lake.

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. Upon annexation the property would conform to the City of Prior Lake standard for lot coverage and side setbacks on non-conforming lots.

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 lots have single family residences on similar sized 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.*

Economic consideration does not figure into this request; this is a variance to construct a more modern sized home than what was anticipated when the lot was created.

IV. GENERAL & ADJOURN

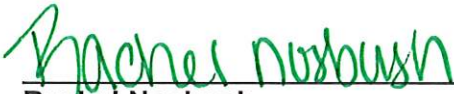
Motion by Commissioner Vonhof; second by Commissioner Hentges to adjourn the meeting at 6:54 PM. The motion carried unanimously.



Ray Huber
Chair, Board of Adjustment



Date



Rachel Nosbush
Deputy Clerk to the Board



Date