



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES

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

Monday, January 8, 2024
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 and Donna Hentges. Lee Watson 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 NOVEMBER 13, 2023 BOARD OF ADJUSTMENT MINUTES

Chair Huber called for a motion to approve the minutes. Motion by Commissioner Robbins; second by Commissioner Vohnhof to approve the minutes of November 13, 2023. The motion carried unanimously.

III. PUBLIC HEARING

3.1 PUBLIC HEARING 6:30 PM: JAMES MICHAEL VARIANCE (PL#2023-099)

- A. Request for a Variance from the requirement that no more than two lots may utilize a shared private driveway in the Rural Residential Service area to three lots sharing the private drive in a township road right-of-way.

Location: Section 23
Township: Spring Lake
Current Zoning: RR-2 Rural Residential Single Family District

Marty Schmitz presented the staff report for this application. The specific details within the staff report and video are available at the Scott County Website link: [January 8, 2024 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 Hussain questioned the right of way for the existing driveways.

Mr. Schmitz explained there are two acres dedicated to the township for future road use through the site.

Commissioner Hussain questioned the driveway maintenance agreement and who will be in charge of maintaining the right of way.

Mr. Schmitz responded the owners of the three properties will share the maintenance of the driveway.

Chair Huber verbally opened the public hearing.

created while addressing the goal of facilitating a continuous public road system and interconnected neighborhoods.

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 the construction and maintenance cost of a public road.

6. *The variance requested is the minimum variance which would alleviate the practical difficulty.*

The variance is not permanent relief from the shared driveway requirement, when there is a need for the private drive to become a public street, this lot will be assessed for a portion of the construction of the road and will access a publicly maintained township road.

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 right-of-way. In addition, there are other examples of private driveways serving 3 or more lots in the area so it would not be out of character with existing development.

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 applicant's review with Spring Lake Township the Township determined that the cost of constructing and maintaining a public road for one additional was not feasible.

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 Robbins; second by Commissioner Hentges 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 Vonnhof nominated Commissioner Hentges.

Chair Huber called for any further nominations 3 times.

Motion by Commissioner Vonnhof; second by Commissioner Robbins 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 Hentges nominated the Deputy Clerk of the Board of Adjustment for Secretary.

Chair Huber called for any further nominations 3 times.

Motion by Commissioner Hentges; second by Commissioner Vonnhof 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