



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES

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

Monday, December 9, 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, Donna Hentges and Lee Watson; Tom Vonnhof absent with notice.

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

II. APPROVAL OF AUGUST 12, 2024 BOARD OF ADJUSTMENT MINUTES

Chair Huber called for a motion to approve the minutes. Motion by Commissioner Robbins; second by Commissioner Picha to approve the minutes of August 12, 2024. The motion carried unanimously.

III. PUBLIC HEARING

3.1 PUBLIC HEARING 6:30 PM: SKLUZACEK VARIANCE (PL#2024-064)

- A. Request for a Variance to Reduce the Required Front Yard Setback from 30 Feet to 17 Feet for a Single-Family Home

Location: Section 32
Township: Helena
Current Zoning: UER, Urban Expansion Reserve

Greg Wagner presented the staff report for this application. The specific details within the staff report and video are available at the Scott County Website link: [December 9, 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 Robbins questioned why the Applicant went through this process a second time.

Mr. Wagner explained variances have a limit of one year in which they need to be acted on, and the county can grant a 1-year extension, however, they did not apply for a building permit in that time, so the variance expired in 2023.

Commer Robbins asked if there are any adverse consequences.

Mr. Wagner commented there are no consequences to the variance as the actual paved portion of the road round-about the setback will be closer to 50 feet away from the road and this allows the home to be further away from the slope and the DNR protected stream.

Commissioner Hussain questioned what or if there is an auto-renewal plan for variances which have lapsed instead of spending resources on hearing the same variance again.

Mr. Wagner explained that County ordinances could have changed in between the lapsed time and new variance request and the County does not want to leave these variances going indefinitely in case something has changed with the property or ordinances.

Commissioner Husain asked what would stop the Applicant from building a second house on the second lot. *Mr. Wagner responded the Applicant has already combined the two separate lots into one lot which would prohibit him from building a second home.*

Chair Huber questioned how far back the pavement from the residence is. *Mr. Wagner responded 50 feet.*

Chair Huber opened the public hearing.

Public Comments and Questions at the Podium

No public comment.

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 Robbins; second by Commissioner Hentges, based on the variance criteria listed in the staff report, I recommend approval of the requested variance to reduce the 30-foot road right-of-way setback to 17 feet in order to construct a home.

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

Commissioner Husain: Aye
Commissioner Picha: Aye
Commissioner Robbins: Aye
Commissioner Huber: Aye
Commissioner Vonhof: Absent
Commissioner Hentges: Aye
Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes, 1 Abstention.

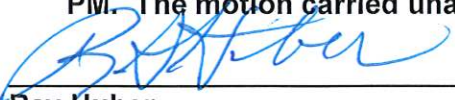
Criteria for Approval:

1. *Granting the variance will not conflict with the Comprehensive Plan.*
The proposal conforms to the Comprehensive Plan for development on existing, platted residential lots.
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 property has a sloped rear yard to a drainageway leading to Raven Stream. Based on the locations of other homes in this development it appears that many of them were similarly situated closer to the public roads and away from the stream or ravines.
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.*
In reviewing other parcels in the area several homes immediately adjacent or in the vicinity are closer to the public road than this requested variance. Many of these homes were built in the 1960's prior to current zoning ordinance setback regulations.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*
Lots 7 and 8, Raven Stream were created in 1964 prior to current standards. The applicants combined the parcels upon purchase to make one conforming property that would be better able to meet current setback standards.

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 on the applicants any special privilege, as many of the adjacent parcels have reduced road right-of-way setbacks
6. *The variance requested is the minimum variance which would alleviate the practical difficulty.*
The requested variance is to match the road right-of-way setback of the adjacent neighbor to the southeast who shares a portion of the ravine in the rear yard.
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 alter the character of the property as it would generally fit the distance of adjacent homes and still be to 50 feet from the actual cul-de-sac road pavement.
8. *Economic considerations alone do not constitute a practical difficulty.*
There are no economic considerations involved in this variance request.

IV. GENERAL & ADJOURN

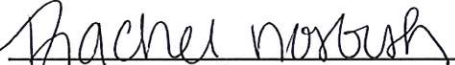
Motion by Commissioner Robbins; second by Commissioner Picha to adjourn the meeting at 6:45 PM. The motion carried unanimously.



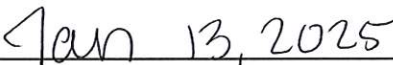
Ray Huber
Chair, Board of Adjustment



Date



Rachel Nosbush
Deputy Clerk to the Board



Date

