



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINTUES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, March 9, 2020
6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Hartmann opened the meeting at 6:30 PM with the following members present: Ray Huber, Gary Hartmann, Ed Hrabe, Lee Watson, Thomas Vonhof, and Barbara Johnson. 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; Mary Von Eschen, Environmental Services; Deb Brazil, Administration; Tom Wolf, County Board Commissioner; and Deputy Clerk to the Board, Barb Simonson.

II. APPROVAL OF NOVEMBER 12, 2019 BOARD OF ADJUSTMENT MINUTES.

Motion by Commissioner Johnson; Second by Commissioner Vonhof to approve the November 12, 2019 BOA minutes. The motion carried unanimously.

III. PUBLIC HEARING 6:30 PM AUSTIN SEPTIC VARIANCE (PL#2020-008)

1. Request for a Variance from the required ten (10) foot property line setback to one (1) foot and from the required ten (10) foot structure setback to two (2) feet to install a septic holding tank.

Location: Section 8
Township: Blakeley
Current Zoning: A-1

Nathan Hall presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website: [March 9, 2020 Board of Adjustment Agenda Packet](#). (To view the staff report on the website, click on the download arrow and click on Agenda, Save and Open. Next open the bookmark at the top of the page and click on the Austin Variance project.)

Comments and Questions from the Commissioners:

Commissioner Huber inquired as to the depth of the tank and how much cover on the top is required. *Mr. Hall referred the matter to the Environmental Services Staff present at the meeting.*

Mary Von Eschen, Environmental Services Staff approached the podium and reported the tank size to be 6.5 feet wide by 13 feet long with a depth of 4 feet. There will be 2 feet of cover on the top, anything less than that would require additional insulation.

Commissioner Hartmann inquired if the area is subject to flooding. *Ms. Von Eschen reported that it is not as it is above the flood area. The existing tank is in the railroad right of way.*

Commissioner Johnson asked how the insulation effects the tank space. *Ms. Von Eschen explained the insulation is usually about 2 inches of Styrofoam around the tank and does not affect the tank space.*

Commissioner Johnson asked if the addition of the Hamlet zoning overlay would change the setbacks on this project. *Mr. Hall explained the overlay zoning being proposed for the Hamlet does not change the underlying zoning of A-1 or the setbacks that are in place.*

Chair Hartman opened the meeting up to the public:

Resident Arlene Albrecht (24785 Chatfield Dr) is concerned about:

- How the variance will affect her property
- How the proposed Hamlet zoning overlay may affect any business that may want to come onto the prime property which is located on a corner
- Could the home on the subject property become a duplex
- What can happen if the tank does not get pumped and where does it back up if not pumped

Mary Von Eschen, from Environmental Services responded that it is a holding tank not a septic system with a drainfield. There is not a setback from septic system to septic system. For a new well there is a 50-foot setback and the applicant is placing the holding tank on the small place they have available. They will be having engineers looking at the footings and placement to ensure it will not affect neighboring property. If the tank did not get pumped and had a backup, it would back up into the home.

Commissioner Vonhof asked for verification that septic systems and tanks are sized to the residence. *Ms. Von Eschen confirmed they are typically sized to the residence however in this case the property had some size limitations so the most appropriately sized tank for the space will be used which is 3,000 gallons. If it is smaller, then it will need pumping more often.*

Commissioner Johnson asked for clarification on the concern the home may become a duplex and about the potential for the property to become commercial.

Applicants Joshua and Elizabeth Austin approached the podium and explained the first issue they are addressing is the septic tank. At this time, they have not discussed or made plans to change the property into a duplex. They are first tackling the septic issue. If in the future, should they want to pursue a change to a duplex, they would go through the proper channels.

Planning Manager Brad Davis reported that the property is currently zoned A-1 and at this time that zone only allows a single-family home. In addition, regarding the commercial use questions, Mr. Davis reported the proposed overlay zoning, allowing more commercial uses, would require more lot size area than the subject property has at this time. For example, it would take 2 or 3 lots put together and a properly sized standard septic system for the properties to be considered for commercial use. The applicants acknowledged this information.

Noting no further comments from the public there was a motion by Commissioner Vonhof; second by Commissioner Huber to close the public hearing. The motion carried unanimously.

Motion by Commissioner Watson; second by Commissioner Huber to approve the variance based on the findings listed in the staff report, to recommend approval of the requested variance from the required ten (10) foot property line setback to one (1) foot and from required ten (10) foot structure setback to two (2) feet to install a septic holding tank, prior to issuing a permit for the holding tank, the applicant shall receive approval from a licensed civil/structural engineer stating that the placement of the holding tank does not pose a threat to the nearby structures. Also noting Blakeley Town Board recommended approval at their January 2020 meeting.

The motion carried unanimously.

Criteria for Granting Variance:

1. *The conditions causing the hardship are unique to the property, applicant, or licensee*

The conditions causing the hardship are due to the small size of the property, the location of the home and well, and the status of the existing septic system. The conditions are unique to the subject property.

2. *The variance is proved necessary in order to secure for the applicant right of rights that are enjoyed by other persons in the same area or district.*
The variance would allow the applicant to have a compliant Type II septic system for the home and to use the property in a similar manner to others in the same neighborhood and zoning district.
3. *Granting of the variance will not be contrary to the public interest or be damaging to the rights of other persons or properties in the same area or district.*
Granting of the variance will allow a replacement system and help eliminate a non-compliant system or discharge that could impact neighboring properties.
4. *The granting of the variance will not be contrary to the policy and intent of the ordinance or detrimental to the public health, safety, and welfare.*
Granting the variance is not contrary to the intent of the ordinance and will be a benefit to the public health, safety, and general welfare by eliminating a non-compliant septic system.
5. *No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than a proved hardship.*
The small lot size and necessary replacement of the septic system appears to be a hardship and that sanitary sewer service is not available to this area of the County.

Conditions of Approval:

1. Prior to issuing a permit for the holding tank the applicant shall receive approval from a licensed civil/structural engineer stating that the placement of the holding tank does not pose a threat to the nearby structures.

VI. ELECTIONS OF OFFICERS FOR THE BOARD OF ADJUSTMENT

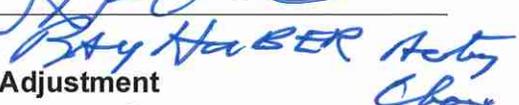
Motion by Commissioner Johnson; second by Commissioner Vonhof to nominate the same Officers as the prior year. Commissioner Hartmann read the nominations on the record and requested 3 times for any further nominations. No further nominations were made. Motion to close the nominations made by Commissioner Vonhof and second by Commissioner Hrabe. Both motions carried unanimously. A vote was held, and the vote was unanimous. The Officers elected are Chairman Gary Hartmann, Vice Chair Ray Huber and Secretary of the Board Barb Simonson

VII. GENERAL & ADJOURN

Motion by Commissioner Johnson; second by Commission Watson to adjourn the meeting at 6:54 PM. The motion carried unanimously.



Gary Hartmann,
Chair, Board of Adjustment



Date  13 July 20



Barbara Simonson
Deputy Clerk to the Board