I. ROLL CALL AND INTRODUCTIONS
Chair Hartmann opened the meeting at 6:30 PM with the following members present: Ray Huber, Donna Hentges, Gary Hartmann, Lee Watson, Thomas Vonhof, and Barbara Johnson. Ed Hrabe was absent with notice.

County Staff Present: Brad Davis, Planning Manager; Marty Schmitz, Zoning Administrator; Greg Wagner, Principal Planner; Nathan Hall, Associate Planner; Deb Brazil, Administration; Tom Wolf, County Board Commissioner; and Deputy Clerk to the Board, Barb Simcson.

II. APPROVAL OF OCTOBER 8, 2018 MINUTES.
Motion by Commissioner Johnson; Second by Commissioner Vonhof to approve the October 8, 2019 minutes. The motion carried unanimously.

III. PUBLIC HEARING 6:30 PM VARIANCE FRANCIS AND COLLEEN BEUCH (PL#2019-015)
1. Request for a Variance to reduce the side setback from thirty (30) feet to four (4) feet to expand a legal non-conforming structure by more than 50%.

| Location:   | Section 29 |
| Township:   | Spring Lake |
| Current Zoning: | UTR |

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 May 13, 2019 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 Beuch Variance project.)

The video of this meeting is also available for viewing on the website if you would click on the media button to the left of the agenda.

Comments and Questions from the Commissioners:
Commissioner Johnson inquired about any past variances that may have been issued for other additions. Staff Nathan Hall replied that he was not aware of any past additions to the home.
Commissioner Hartmann stated he visited the home site and it did not appear to have any additions.
Applicant Colleen Beuch reported there have been no past additions made to the original home, built in 1963.

Chair Hartman opened the meeting up to the public and public comment.
No one approached the podium for comment.
Noting no comments from the public there was a motion by Commissioner Watson; second by Commissioner Vonhof to close the public hearing. The motion carried unanimously.

Motion by Commissioner Johnson; second by Commissioner Watson to approve the variance based on the findings listed in the staff report, to recommend approval to reduce the side set back from thirty (30) feet to four (4) feet and to expand a legal non-conforming structure by more than 50%, noting the Township of Spring Lake approved this request.

The motion carried unanimously.

Criteria for Granting Variance:

1. *Granting the variance will not be in conflict with the Comprehensive Plan.*

   The Comprehensive Plan guides this parcel as Urban Transition Reserve. The property will continue to be used as a single-family residence and is not in conflict with the Comprehensive plan.

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 was constructed prior to current zoning regulations that would require minimum setbacks.

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. Other properties in the area have homes that do not meet the setback requirements due to aspects of the historic hamlet.

4. *That the special conditions or circumstances do not result from the actions of the applicant.*

   As stated, the property was developed prior to the current zoning standards; a situation that was out of the control of the applicant.

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 the applicant any special privilege, as it would allow them to replace their detached garage (which was closer to the right-of-way) with an attached garage.

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. The requested variance would reduce the side yard setback on the property allowing the existing home to be extended.

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 or the area if granted since neighboring properties have similar sized homes and garages.
8. Economic considerations alone do not constitute a practical difficulty.

Economic considerations are not suggested as a reason for this variance request.

IV. PUBLIC HEARING 6:35 PM VARIANCE TOM AND JANAE VOGEL (PL#2019-017)

1. Request for a Variance to reduce the required front setback from thirty-five (35) feet to ten point three (10.3) feet and to expand a legal non-conforming structure by over 50% of the existing square footage.

   Location:   Section 30
   Township:   Spring Lake
   Current Zoning: UTR

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 [May 13, 2019 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 Vogel Variance.)

The video of this meeting is also available for viewing on the website if you would click on the media button to the left of the agenda.

Comments and Questions from the Commissioners:

Commissioner Hartmann commented on his visit to the site, noting the landscape and topography result in the proposed addition being the best location on the property for the project. He also noted the road is not a heavily used roadway. Staff Nathan Hall replied in support of the Commissioner's comment.

Commissioner Hentges inquired about recommended change in the porch setback to 12.7 feet and where is it located in the staff report. Also asking if it should be a requirement and not just a recommendation. Staff Nathan Hall explained where the recommendation can be found in the staff report and this is part of the suggested motion for the Board, therefore would be addressed in the motion.

Commissioner Johnson inquired if the applicants are aware of the recommendation for the porch setback. Staff Nathan Hall noted the applicants are aware of the new setback criteria for the porch.

Chair Hartman opened the meeting up to the public and public comment.

Applicant Tom Vogel approached the podium and reported he had 3 additional letters from his neighbors indicating support for their project and submitted those to the commission.

Commissioner Huber asked the applicant if he was in agreement with the new setback distance for the porch as recommended by the staff.

Applicant Tom Vogel replied they are willing to make the change to the setback.

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

   Motion by Commissioner Huber; second by Commissioner Watson to approve the variance based on the findings listed in the staff report, to recommend approval of a variance to reduce the required setback from sixty-seven (67) feet to twelve point seven (12.7) feet and to expand a legal non-conforming structure by over 50% of the existing square footage, noting the Township of Spring Lake approved this request.

   The motion carried unanimously.
Criteria for Granting Variances:

1. Grating the variance will not be in conflict with the Comprehensive Plan.
   The 2030 Comprehensive Plan guides this parcel as Urban Transition Reserve. The property will continue to be used as a single-family residence and is not in conflict with the Comprehensive plan.

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 was constructed prior to current zoning regulations that would require minimum setbacks.

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. Other properties in the area have homes that do not meet the setback requirements due to aspects of the historic hamlet.

4. That the special conditions or circumstances do not result from the actions of the applicant.
   As stated, the property was developed prior to the current zoning standards; a situation that was out of the control of the applicant.

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 the applicant any special privilege, as it would allow them to replace part of their existing structure without further encroaching into the front setback.

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. The requested variance would reduce the front yard setback on the property allowing the existing home to be rebuilt.

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 or the area if granted since neighboring properties are built at a similar distance to the local street.

8. Economic considerations alone do not constitute a practical difficulty.
   Economic considerations are not suggested as a reason for this variance request.
V. PUBLIC HEARING 6:40 PM VARIANCE VERN SCHWARTZ (PL#2019-016)

1. Request for a Variance to replace a non-conforming structure more than 50% of existing square footage and to locate a detached accessory building 5 feet from the local road right-of-way.

   Location: Section 17
   Township: Helena
   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 on the Scott County Website May 13, 2019 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 Schwartz Variance.)

The video of this meeting is also available for viewing on the website if you would click on the media button to the left of the agenda.

Comments and Questions from the Commissioners:

Commissioner Watson inquired about backing out of the driveway and if the owners will have room to turn around and then pull on to the street. He asked about the traffic volume on the street.

Staff Greg Wagner replied the drive way will be straight out from the single garage door and is around 24 feet to the road so a car can park there, but will have to back in to the street. Traffic volume is very low.

Commissioner Johnson inquired about the Township citing their right-to-farm ordinance on their recommendation.

Staff Greg Wagner explained a number of Township Board do this and it is primarily for notification purposes to the owners of residential properties they are in an agricultural zone and that agricultural properties have the right to farm.

Commissioner Hartmann noted he is familiar with the property and the area and believes it to be a fairly isolated area and has no concerns about the owners backing out on to the road.

Chair Hartman opened the meeting up to the public and public comment.

No one approached the podium for comment.

   Noting no further comments from the public there was a motion by Commissioner Watson; 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 to replace a non-conforming structure more than 50% of existing square footage and to locate a detached accessory building 5 feet from local right-of-way, noting the Township of Helena approved this request.

   The motion carried unanimously.

Criteria for Granting Variance:

1. Granting the variance will not be in conflict with the Comprehensive Plan.

   The Comprehensive Plan guides this parcel as Agricultural Area, which allows single family residential structures and accessory buildings

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 was created and the home built in 1930 prior to current Zoning Ordinance standards. The property owner has also combined the three parcels that make up the property into a single parcel to eliminate any other property line encumbrances.

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.

This home and previous single stall accessory building were developed when garage sizes were largely smaller. The applicants could replace to the same size and specifications; however, they have chosen to build a larger garage that would allow them to keep more items stored inside for security and site aesthetics.

4. That the special conditions or circumstances do not result from the actions of the applicant.

The lot and home were not created by the applicant as this area was developed prior to the applicant owning the lot.

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 applicant any special privilege, as it would allow them to build a reasonable sized garage on a property that does not have any garage storage building.

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

The proposed structure meets the side yard setback, will be 8 feet further from the DNR Stream than the previous garage, and will be set 8 feet further back from the road than the existing home. This will allow for off-street parking of a vehicle in the driveway without extending onto St. Benedict 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 alter the character of the property or the area as many of the other homes in the St. Benedict area have detached garages or other detached accessory buildings.

8. Economic considerations alone do not constitute a practical difficulty.

Economic considerations are not a reason for this variance request; the variance allows the applicants to make a reasonable use of the property by constructing a garage

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 Johnson and second by Commissioner Vonhof. 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 Hentges; second by Commission Huber to adjourn the meeting at 6:55 PM. The motion carried unanimously.

Gary Hartmann
Chair, Board of Adjustment

Barbara Simonson
Deputy Clerk to the Board

Date 11-12-2019