



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINTUES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, July 13, 2020
6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Vice Chair Ray Huber opened the meeting at 6:30 PM with the following members present: Donna Hentges, Ed Hrabe, Thomas Vonhof, and Barbara Johnson. Gary Hartmann and Lee Watson appeared by phone through Skype teleconference. Note: Lee Watson attendance ended several minutes into the meeting due to technical difficulties.

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-appearing by phone with Skype; and Deputy Clerk to the Board, Barb Simonson.

II. APPROVAL OF MARCH 9, 2020 BOARD OF ADJUSTMENT MINUTES.

Motion by Commissioner Johnson; Second by Commissioner Vonhof to approve the March 9, 2020 BOA minutes. The motion carried unanimously with Commissioner Hentges abstaining due to not being present at the March meeting.

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

A. Request for a Variance to Increase a Legal Non-conforming Structure by 63% of the Existing Square Footage, Which is Over the 50% Expansion Allowed by Ordinance.

Location:	Section 36
Township:	Helena
Current Zoning:	A-1

Planner 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: July 13, 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 Giesen Variance project.)

Comments and Questions from the Commissioners:

Commissioner Hrabe asked for clarification on whether there is a requirement that the existing structure be removed prior to beginning the new construction. Mr. Wagner explained there is not a requirement for the existing to be removed first.

Applicant Giesen reported they will be using the existing structure as a staging area during construction of the new addition.

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

The need for the variance is due to the location of the existing home that was constructed in 1930 when Church Avenue was a rural country road. This home was built before current county zoning ordinance standards requiring larger structure setbacks.

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. They would be able to expand their family home to a similar size and style as other homes in rural Scott County.

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

The requested variance allows a slightly larger expansion of a non-conforming structure than the 50% expansion allowed by Ordinance. The expansion will be opposite of the existing setback encroachment so it will not further decrease the setback, and the applicants are also removing a detached garage that currently encroaches into another setback.

7. *The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.*

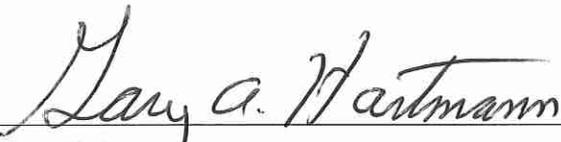
The variance would not be materially detrimental or alter the character of the property, nor of the Union Hill hamlet area that consists of other single-family homes.

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

There are no economic considerations involved in this variance request. They are also incurring the costs for removal of a driveway access and demolition of an accessory building as part of their site improvements.

IV. GENERAL & ADJOURN

Motion by Commissioner Johnson; second by Commission Watson to adjourn the meeting at 6:44 PM. The motion carried unanimously.



Ray Huber
Vice Chair, Board of Adjustment


Date



Barbara Simonson
Deputy Clerk to the Board


Date