



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINTUES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, August 10, 2020 6:30PM

I. ROLL CALL AND INTRODUCTIONS

Chair Gary Hartmann opened the meeting at 6:30 PM with the following members present: Donna Hentges by phone, Ed Hrabe by phone, Thomas Vonhof, Barbara Johnson by phone, Ray Huber and Lee Watson. Phone attendees through Skype teleconference.

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 JULY 13, 2020 BOARD OF ADJUSTMENT MINUTES.

Motion by Commissioner Vonhoff; Second by Commissioner Huber to approve the July 13, 2020 BOA minutes. The motion carried unanimously with Commissioner Watson abstaining due to not being present at the July meeting.

Chair Hartmann called for a roll call vote with results as follows:

Commissioner Vonhof: Aye
Commissioner Hartmann: Aye
Commissioner Hentges: Aye
Commissioner Hrabe: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye
Commissioner Watson: Abstain

The motion passed with 6 Ayes

III. PUBLIC HEARING 6:30 PM DUSTIN RASMUSSEN VARIANCE (PL#2020-042)

A. Request for a Variance to Reduce the Required Structure Setback From 35' to 27' to a Local Road Right-of-Way.

Location: Section 20
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: [August 10, 2020 Board of Adjustment Agenda Packet](#).

(To view the staff report on the website, www.scottcountymn.gov, 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 Rassmussen Variance project.)

Comments and Questions from the Commissioners:

Commissioner Huber inquired about the portion of the proposed deck that is within the 18-inch compliance and would not have needed a variance. *Mr. Wagner outlined the portion on the site photo and plans that fell within the 18-inch height requirement on the displayed photo.*

Commissioner Hartman commented on the history of the property and noted the Commission had recently approved a variance in the hamlet for a garage setback.

Chair Hartmann opened the meeting up to the public:

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

Motion by Commissioner Huber; second by Commissioner Vonhof to approve the variance based on the criteria for variance consideration I recommend approval of the requested variance to reduce the 35-foot road right-of-way setback to 27 feet in order to construct a deck.

Chair Hartmann called for a roll call vote with results as follows:

- Commissioner Vonhof: Aye**
- Commissioner Hartmann: Aye**
- Commissioner Hentges: Aye**
- Commissioner Hrabec: Aye**
- Commissioner Huber: Aye**
- Commissioner Johnson: Aye**
- Commissioner Watson: Aye**

The motion passed with 7 Ayes

Criteria for Granting Variance:

1. *Granting the variance will not conflict with the Comprehensive Plan.*
The proposal is in conformance with the Scott County 2040 Comprehensive Plan goals and policies for promoting public health, safety, and general welfare.
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.*
Most of the parcels in the St. Benedict hamlet are legal non-conforming lots of record created before current zoning ordinance standards, and the existing home was built in the 1910 well before current land use standards. The need for the variance is due to the topography of the parcel causing a portion of the deck to be higher than 18 inches from ground level, which would otherwise be exempt.
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, the majority have decks and some of the homes and other structures are of similar distance back from the road.
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 1910 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 construct a small deck on the front of the home, similar to other single-family homes in rural Scott County.

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

The requested variance is for a reasonable front deck that would extend 11 feet out from the front of the home. This is about an average depth for a deck when comparing to other new decks, and it would be situated approximately 46 feet from the edge of the public 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 be materially detrimental or alter the character of the property, nor of the St. Benedict 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

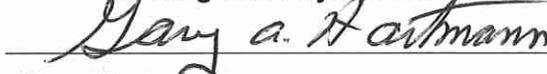
IV. GENERAL & ADJOURN

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

Chair Hartmann called for a roll call vote with results as follows:

- Commissioner Vonhof: Aye**
- Commissioner Hartmann: Aye**
- Commissioner Hentges: Aye**
- Commissioner Hrabe: Aye**
- Commissioner Huber: Aye**
- Commissioner Johnson: Aye**
- Commissioner Watson: Aye**

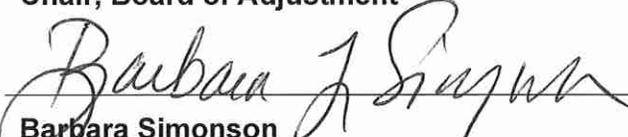
Meeting was adjourned.



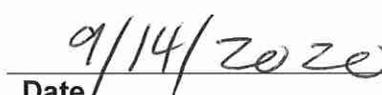
 Gary Hartmann
 Chair, Board of Adjustment



 Date



 Barbara Simonson
 Deputy Clerk to the Board



 Date