



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINTUES

Spring Lake Town Hall
20381 Fairlawn Ave
Prior Lake, Minnesota

Monday, September 13, 2021 6:30PM

I. ROLL CALL AND INTRODUCTIONS

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

County Staff Present: Brad Davis, Planning Manager; Marty Schmitz, Zoning Administrator; Nathan Hall, Associate Planner, Tom Wolf, County Board Commissioner and Barb Simonson, Deputy Clerk to the Board.

II. APPROVAL OF AUGUST 9, 2021 BOARD OF ADJUSTMENT MINUTES.

Motion by Commissioner Johnson; Second by Commissioner Vonhof to approve the August 9, 2021 BOA minutes. The motion carried unanimously.

III. PUBLIC HEARING 6:30 PM REDEEMER LUTHERAN VARIANCE (PL#2021-078)

A. Request for a Variance to Reduce the Required Structure Setback From 60' to 13.5' to a Rear Property Line to Construct an Accessory Building.

Location:	Section 34
Township:	Blakeley
Current Zoning:	A-1

Planner Nathan Hall presented the staff report for this application. The specific details within the staff report and a video and/or audio recording are available on the Scott County Website at LINK: September 13, 2021 Board of Adjustment Agenda Packet.

(To view the staff report or video/audio on the website at the link above, 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 Heinz Variance project.) The staff report can also be located by directly visiting the official Scott County website and locating Citizen Advisory Boards and Commissions, then Board of Adjustment, then Recent Agendas.

Commissioner Questions and Comments:

Commissioner Johnson noted the subject property was near Le Sueur County line and asked for clarification on notification requirements for the adjacent property in that county. *Mr. Hall explained notification is required within 500ft regardless of county.*

Chair Hartmann opened the floor for public comment. No one approached the podium.

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

Motion by Commissioner Hrabe; second by Commissioner Johnson based on the findings listed in the staff report, I recommend approval of the requested variance to reduce the required 60-foot setback to the rear property line to 13.5 feet to construct an accessory building.

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: Absent
Commissioner Johnson: Aye
Commissioner Watson: Aye**

The motion passed with 6 Ayes.

Criteria for Granting Variances:

1. *Granting the variance will not be in conflict with Comprehensive Plan.*
The 2040 Comprehensive Plan guides the land use in this area as Agricultural Preservation where churches are permitted by conditional use permit.
2. *Exceptional, unique, 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 have no control.*
The atypical size and dimensions of the parcel do not reasonable allow the storage building to be placed elsewhere on the site. The parcel was created prior to the enactment of the zoning or subdivision ordinance.
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 the ability to fully use the property in the way it has been used for over 160 years.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*
The variance requested is due to the substandard size and unusual dimensions of the parcel. No one in the current congregation was present when the parcel was created.
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 the variance will not confer any special privilege to the applicant.
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 and allows for the replacement of the storage building.

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 will not be materially detrimental and will not alter the character of the property since the church and church buildings have existed on the site for many years.

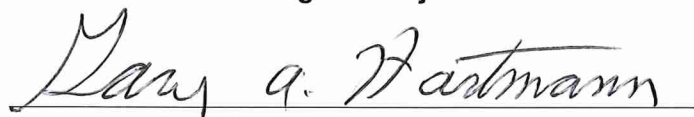
8. *Economic considerations alone do not constitute practical difficulties.*

Economic consideration does not figure into this request.

IV. GENERAL & ADJOURN

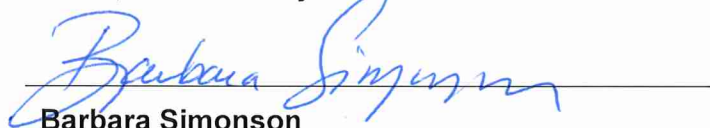
Motion by Commissioner Hentges; second by Commissioner Hrabec to adjourn the meeting at 6:39 PM. The motion carried unanimously.

Meeting was adjourned.



**Gary Hartmann
Chair, Board of Adjustment**

10-11-2021
Date



**Barbara Simonson
Deputy Clerk to the Board**

10/11/21
Date