



8345 Gunn Highway

Tampa, Florida 33626

March 31, 2022

Kyle Sobota
Senior Planner
City of Shakopee Planning Department
485 Gorman Street
Shakopee, MN 55379

RE: 8108 Old Carriage Ct N Shakopee, MN - Take 5 Car Wash
Variance Request

Mr. Sobota,

The attached responses are for the City's consideration. A project narrative is attached, and consistency review responses have been provided for Zoning Ordinance 151.015 Variances. If you have any questions or wish to discuss the proposal further, please contact me at jbarbee@beaconcivil.com or via phone at the number listed below.

Sincere Thanks,

Jarice N. Barbee MSP
Principal Planner
O: (813) 882-4815
C: (850) 209 6109 (Preferred)
E: jbarbee@beaconcivil.com
Beacon Civil Engineering, LLC.
8345 Gunn Highway, Tampa, FL, 33626



CITY OF SHAKOPEE
SIDE YARD VARIANCE REQUEST

Project:

8108 OLD CARRIAGE CT N, SHAKOPEEN, MN 55379

Prepared for:

TAKE 5 CAR WASH

Preface:

It is understood by the applicant that the project may be further limited in design while undergoing this Variance review and through the Development Process. The final binding agreement shall be subject to the preparation, negotiation, and execution of any definitive legal documents.

Project: Take 5 Car Wash - City of Shakopee

Side Yard Variance Request Narrative

Introduction

The Applicant plans to develop the property with a car wash facility. The proposed request will allow for the development of a previously vacant site. The subject site is bounded to the North (access easement) and West (Old Carriage Court) which have reduced the buildable area of the lot through easement dedications. This variance request is being prepared to allow for the subject development to reduce the side yard setback from 20' to approximately 4'. Consistency reviews have been prepared below.

Zoning Ordinance 151.015 Variances Consistency Statements

A. Variance jurisdiction. The Board of Adjustment and Appeals shall have jurisdiction over any variance which is not closely related to a land use application requiring consideration by the Planning Commission and City Council. Any variance which is closely related to such a land use application shall be under the jurisdiction of the Planning Commission and City Council.

Applicant Response: *The applicant and owner acknowledge this statement.*

B. Criteria for granting variances. A variance from the requirements of the zoning ordinance may be granted where the following circumstances are found to exist:

Applicant Response: *The applicant and owner acknowledge this statement. An application for approval is being filed in writing and shall comply with all requirements set forth in Section 151.015.C, Application Requirements.*



1.a. When the application for the variance establishes that there are practical difficulties in complying with the official control.

1.b. Practical difficulties means the following:

1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;

Applicant Response: *The property owner is seeking to use the property in a reasonable manner but certain site requirements narrow the placeable area of the structure as proposed.*

2. The plight of the landowner is due to circumstances unique to the property;

Applicant Response: *The property in question is encumbered by several easements which disallow the placement of structures further limiting the placeable area of any proposed structures. If these were not previously in place the building could possibly be sifted and redesigned.*

3. The circumstances were not created by the landowner;

Applicant Response: *The property in question is encumbered by several easements which disallow the placement of structures further limiting the placeable area of any proposed structures. If these were not previously in place the building could possibly be sifted and redesigned. These were not self-created hardships.*

4. The variance, if granted, will not alter the essential character of the locality; and

Applicant Response: *The applicant and owner acknowledge this statement. The granting of this variance will not alter the essential character of the locality.*



5. The problems extend beyond economic considerations. Economic considerations alone do not constitute practical difficulties.

Applicant Response: *The applicant and owner acknowledge this statement. The problems faced with this development are not of any economic concern. The buildable area is simply more limited than other parcels.*

2. It has been demonstrated that a variance as requested will be in harmony with the general purposes and intent of the chapter and when the variance as requested is consistent with the comprehensive plan.

Applicant Response: *The proposed variance will not have any undue adverse effect upon the use or enjoyment of adjacent and surrounding property, will not impair an adequate amount of light or air, will not impair property values, and will not cause public health, safety nor general welfare concerns. The proposed variance is consistent with the Zoning Ordinance and Comprehensive Plan of the City of Shakopee, MN.*

3. The request is not for a use variance;

Applicant Response: *The applicant and owner acknowledge this statement. The request is not a use variance.*

4. Conditions to be imposed by the Board of Adjustment and Appeals must be directly related to and must bear a rough proportionality to the impact created by the variance; and

Applicant Response: *The applicant and owner acknowledge this statement.*



5. Variances in the Floodplain Overlay Zone also shall meet the following criteria:
 1. No variance shall have the effect of allowing a lower degree of flood protection than the regulatory flood protection elevation for the particular area;
 2. The Board shall submit to the Commissioner of the State Department of Natural Resources a copy of the application for proposed variance sufficiently in advance so that the Commissioner will receive at least 10 days' notice of the hearing;
 3. A copy of all decisions granting variances shall be forwarded to the Commissioner of the Department of Natural Resources within 10 days of such action; and
 4. The Zoning Administrator shall notify the applicant for a variance that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance and that such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The city shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

Applicant Response: *The applicant and owner acknowledge this statement. No Floodplain Overlay Zone is present on the property.*