

RESOLUTION NO. PC2022-011

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING A 20-FOOT SETBACK VARIANCE TO CITY CODE SECTION 151.045 (LIGHT INDUSTRY ZONE (I-1) TO ALLOW AN 80-FOOT STRUCTURE SETBACK ADJACENT TO A RESIDENTIAL ZONE

WHEREAS, John Mesenbrink (applicant) and Eugene Hansen, representing Hansen Avenue LLC (property owner) have made application for a variance in the Light Industry (1-1) Zoning District to allow a building to be setback 80' from a residential zone, where a 100' setback is required; and

WHEREAS, the property upon which the request is being made is legally described as:

Lot 1, Block 2, Reliakor First Addition (proposed); and

WHEREAS, all required public notices regarding the public hearing for the application were duly sent and posted and all persons appearing at the hearing have been given an opportunity to be heard thereon; and

WHEREAS, the Board of Adjustment and Appeals of the City of Shakopee did review the application on October 6, 2022 and adopted the following findings:

Findings for the Variance Request to City Code Section 151.045 (I-1, Light Industry Zone)

Criterion I

The strict enforcement of the ordinance provisions would cause undue hardship because of circumstances unique to the individual property under consideration. Undue hardship means the following:

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

***Finding 1.A.** The applicant is proposing a reasonable use of the property and in a manner that is consistent with the spirit and intent of the setback requirement, which is to mitigate potential impacts of industrial users on adjacent residential properties.*

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

Finding 1.B. The existing Reliakor building on the site, the required 100' setback to a residential zone and mature trees west of the proposed building limit the locations for buildings in this area. The applicant's initial plan met the requirements, but overhead doors faced the residential zone to allow better vehicle circulation on the site.

1.C. The circumstances were not created by the landowner;

Finding 1.C. The applicant's building can meet the required setback, but the Planning Commission and adjacent residents requested that the applicant shift the building to allow the overhead doors to be placed on a different side of the building.

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

Finding 1.D. The variance will not alter the character of the area. The applicant had proposed a building that met the 100' setback requirement but has adjusted their plan to address concerns about noise.

1.E. The problems extend beyond economic considerations. Economic considerations do not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Finding 1.E. The problems extend beyond economic considerations. The applicant is able to meet the requirements of City Code, but has agreed to apply for a variance to address concerns raised by the neighboring property owners and Planning Commission at a public hearing.

Criterion 2:

It has been demonstrated that a variance as requested will be in harmony with the general purposes and intent of the chapter.

Finding 2 The proposed variance would be in harmony with the general purpose and intent of Chapter 151 (Zoning) as it allows the applicant to adjust the design of their building to reduce impacts on surrounding properties.

Criterion 3

The request is not for a use variance.

Finding 3: The request is not a use variance.

Criterion 4

Conditions to be imposed by the Board of Adjustment and Appeals will insure compliance to protect the adjacent properties.

Finding 4: The applicant is proposing to plant trees in this area on the site plan. The overhead doors not facing the residential property will reduce traffic south of the building and not direct noise toward the residential properties.

Criterion 5

Variances in the flood plain overlay zone also shall meet additional criteria:

Finding 5: (Not applicable since the property is not within the flood plain overlay zone.)

Adopted in the regular session of the Board of Adjustment and Appeals of the City of Shakopee, Minnesota, held the _____ day of October, 2022.

Chairperson,
Board of Adjustment and Appeals

ATTEST:

Michael Kerski,
Director of Planning and Development

PREPARED BY:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379