

October 31, 2018

From: Tony & Maria Poehling – Property owners of 1926 County Road 14, Shakopee, MN

To: Shakopee Planning Commission Members – Ashlee Sepulvado, Noreen Reding, Daniel Mock, Mark McQuillan, Jody Brennan, Kent Robbins, Lori Brandon

We appreciate you taking the time to review the following information regarding the two accessory structures located at 1806 County Road 14, Shakopee, MN 55379. If, after reading this document you feel it would be helpful to see for yourself the structures and their effect on the surrounding environment, we invite you to visit our home. Thank you for your consideration.

In presenting this document to you, we believe the following:

- 1) The first accessory structure, constructed during 2015/2016, never complied with code because the actual height is far in excess of the permitted height. The city of Shakopee has no files showing that an authorized representative from the city reviewed the plans for code compliance, and thus no approval was given to the current resident.
- 2) The square footage of the first accessory structure is in excess of the maximum allowed building area based on lot size, per Scott county code.
- 3) The second accessory structure is also not compliant with code due to its excessive height. In addition, the plan documents signed off by the city on 9/20/17, and then again on 1/23/18, show that the required engineering height would be far in excess of code.
- 4) The second accessory structure should never have been approved due to the square footage of the first accessory structure going over the maximum allowed building area based on lot size, per Scott county code.

It is our understanding that city codes are in place to protect and promote the general welfare of our community and its citizens. After reviewing the documents pertaining to the previously mentioned accessory structures, we believe there are obvious and egregious errors made by the city planners, and if not corrected, the city of Shakopee will be setting a precedence that could cause a negative impact to our community. Therefore, we request that the board denies the requested height variance and enforce all city and county accessory structure building codes for both accessory structures located at 1806 County Road 14, Shakopee, MN 55379.

- 1) **The first accessory structure, constructed during 2015/2016, never complied with code because the actual height is far in excess of the permitted height. The city of Shakopee has no files showing that an authorized representative from the city reviewed the plans for code compliance, and thus no approval was given to the current resident.**

In reference to Diagram D (Scott County Planning Department Accessory Buildings & Structures), Scott County Zoning Ordinance 4-3-9 Accessory Building and Structures for Rural Residential states:

“No accessory building shall exceed the height in the respective zoning district.”

The city of Shakopee defines this maximum height that no accessory building shall exceed. In reference to Diagram E (City of Shakopee, What you need to know...Accessory Buildings), under Zoning Requirements for Height Limitations it states:

“Except in the AG zone, no accessory structure shall exceed the height of the principal building or 15 feet in a residential zone, whichever is less.”

In reference to Diagram A, the City of Shakopee permit for the first accessory structure at 1806 County Road 14 states:

“Revision 2/5/(15) – Building height permitted for AG use only...Building height is at max 15’.”

The subject property is in a Rural Residential zone, and the property is not, and was never used for agricultural purposes during the time period in question.

The permitted max height for accessory buildings in the city of Shakopee is 15', per Diagram A and E. A review of Diagram B reveals the original plan for this first accessory structure to include two 14' sidewalls with a "4/12" pitch on the roof. The document also shows the floor dimensions to be 36' x 56' (the actual structure is 36' x 64', not including the 2' 6" roof line and added open lean porch – more on this later). In order for this documented structure to be built the roof must be 12' in total height (the math is (4/12) times 36' equals 12'). Thus, the midpoint for code measurements is 6' in height. Add this to the 14' walls, and you have a minimum required engineering height (as measured for code) of 20', far in excess of the maximum allowed. In addition, the actual structure was built on a raised foundation that measures approximately 4' in height from the east side for a midpoint of 2' of additional height to be factored in.

The total height of this first accessory structure, as measured for code is 22' or 147% of the maximum height allowed.

2) The square footage of the first accessory structure is in excess of the maximum allowed building area based on lot size, per Scott county code.

In reference to Diagram D (Scott County Planning Department Accessory Buildings & Structures), Scott County Zoning Ordinance 4-3-9 Accessory Building and Structures for Rural Residential, under number 3, Accessory Building Area and Height, states:

“Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.”

Lot Size	Maximum Building Area
Less than 1 acre	1,000 square feet
1 – 1.99 acres	1,600 square feet
2 – 4.99 acres	2,000 square feet
5 – 7.99 acres	2,600 square feet
8 – 9.99 acres	3,200 square feet
10 – 19.99 acres	4,000 square feet
20 – 39.99 acres	5,000 square feet

The subject property at 1806 County Road 14 is 4.94 acres. Based on this information, it is allowed to have accessory structures that take up a maximum building area of 2,000 total square feet.

According to the plan documents the first accessory building is 64' x 36' or 2,304 square feet, 115% in excess of the maximum building area allowed (refer to Diagram I for the actual length of 64' and Diagrams B and C1 for the actual width of 36'). In addition, the roofline hangs over the walls by 2' 6" (refer to Diagram C2 – 2' for the overhang jack and 6" for the fascia). If the roofline is over 2', according to city code, the entire roof overhang is considered to be part of the square footage, and therefore the additional 500 square feet should be factored in. Also, there was an open lean porch added to the structure that is 8' X 24' or 192 square feet.

The total square footage of this first accessory structure, as measured for code is 2,996 square feet or 150% of the maximum building area allowed.

3) The second accessory structure is also not compliant with code due to its excessive height. In addition, the plan documents signed off by the city on 9/20/17, and then again on 1/23/18, show that the required engineering height would be far in excess of code.

In reference to Diagram D (Scott County Planning Department Accessory Buildings & Structures), Scott County Zoning Ordinance 4-3-9 Accessory Building and Structures for Rural Residential states:

“No accessory building shall exceed the height in the respective zoning district.”

The city of Shakopee defines this maximum height that no accessory building shall exceed. In reference to Diagram E (City of Shakopee, What you need to know...Accessory Buildings), under Zoning Requirements for Height Limitations it states:

“Except in the AG zone, no accessory structure shall exceed the height of the principal building or 15 feet in a residential zone, whichever is less.”

A review of Diagram F, reveals the original plan for this second accessory structure was for 14' walls with a “4/12” pitch on the roof. The document also shows the floor dimensions to be 36' x 56'. Similar to the first accessory structure, in order for this documented structure to be built the roof must be 12' in total height (the math is (4/12) times 36' equals 12'). Thus, the midpoint for code purposes is 6' in height. Add this to the 14' walls, and you have a minimum height (as measured for code) of 20', far in excess of the maximum allowed. In addition, the actual structure was built on a raised foundation that measures approximately 2' in height on the east side for a midpoint of 1' of additional height to be factored in.

The total height of the second accessory structure, as measured for code is 21' or 140% of the maximum height allowed.

The documents shown in Diagrams F, G and H were reviewed for code compliance on 9/20/17 and authorized by a city representative. The document shown in Diagram I was reviewed for code compliance on 1/23/18 and authorized by the same city representative. There appears to be no check and balance on the authorized representative, and thus, the basic math described above was either not completed or ignored.

- 4) The second accessory structure should never have been approved due to the square footage of the first accessory structure going over the maximum allowed building area based on lot size, per Scott county code.

In reference to Diagram D (Scott County Planning Department Accessory Buildings & Structures), Scott County Zoning Ordinance 4-3-9 Accessory Building and Structures for Rural Residential, under number 3, Accessory Building Area and Height, states:

“Detached garages, buildings, and additional accessory structures, **individual and combined**, shall be subject to the maximums listed in the following table.”

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1 – 1.99 acres	1,600 square feet
2 – 4.99 acres	2,000 square feet
5 – 7.99 acres	2,600 square feet
8 – 9.99 acres	3,200 square feet
10 – 19.99 acres	4,000 square feet
20 – 39.99 acres	5,000 square feet

As previously mentioned, the subject property at 1806 County Road 14 is 4.94 acres. Based on this information, it is allowed to have accessory structures that take up a maximum building area of 2,000 total square feet.

In reference to Diagram I, the second accessory building is 56' x 36' or 2,016 square feet. Therefore, the first accessory structure (2,996 sq. ft.) added to the second accessory structure (2,016 sq. ft.) equates to a total of 5,012 square feet or 251% of the maximum building area allowed.

Diagram A:

City of Shakopee 129 Holmes Street South Shakopee, MN 55379 952-233-9396 www.ci.shakopee.mn.us PERMIT  SHAKOPEE COMMUNITY PRIDE SINCE 1857 Permit Type: Building Permit Number: SH078445  * 0 7 8 4 4 5 * Date Issued: 11/18/2014																					
Site Address: 1806 Co Rd 14 Loc: 000 Block: 000 Addition: Dominion Hills 2nd Addn. PID: 27-932003-0 Use: 2/5/15 REVISION TO SHED																					
Description: <table style="width: 100%;"> <tr> <td style="width: 50%;">Sub Type: Garages/Accessory Bldgs.</td> <td style="width: 50%;">Construction Type: V-B</td> </tr> <tr> <td>Work Type: New</td> <td></td> </tr> <tr> <td>Description:</td> <td></td> </tr> <tr> <td>Census Code: 438 - Garage & Garage Additions</td> <td>Occupancy:</td> </tr> <tr> <td>Zoning:</td> <td></td> </tr> <tr> <td>Bldg Sq Ft: 1,920</td> <td></td> </tr> <tr> <td>Bsmt Sq Ft: 0</td> <td></td> </tr> </table>		Sub Type: Garages/Accessory Bldgs.	Construction Type: V-B	Work Type: New		Description:		Census Code: 438 - Garage & Garage Additions	Occupancy:	Zoning:		Bldg Sq Ft: 1,920		Bsmt Sq Ft: 0							
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Bsmt Sq Ft: 0																					
Comments: REVISION 2/5/25-BLDG HEIGHT PERMITTED FOR AG USE ONLY. GARAGE DOORS SHALL NOT BE PERMITTED ON EAST SIDE OF STRUCTURE W/CURRENT SETBACK. 5' SETBACK SHALL BE MAINTAINED. INSP. VERIFY. 5' SETBACK. BLDG HEIGHT IS AT MAX 15'.																					
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 30%;">Fee Summary:</th> <th style="text-align: left; width: 40%;">Description</th> <th style="text-align: left; width: 15%;">Amount</th> <th style="text-align: left; width: 15%;">Revenue Code</th> </tr> </thead> <tbody> <tr> <td>Valuation: 58,637.00</td> <td>MN League valuation (BP)</td> <td>\$375.91</td> <td>0333-4251</td> </tr> <tr> <td></td> <td>Plan Review (PC)</td> <td>\$244.34</td> <td>0332.4259</td> </tr> <tr> <td></td> <td>Surcharge - Based on Valuation</td> <td>\$29.32</td> <td>0913.2060 (BS)</td> </tr> <tr> <td></td> <td>Total:</td> <td>\$649.57</td> <td></td> </tr> </tbody> </table>		Fee Summary:	Description	Amount	Revenue Code	Valuation: 58,637.00	MN League valuation (BP)	\$375.91	0333-4251		Plan Review (PC)	\$244.34	0332.4259		Surcharge - Based on Valuation	\$29.32	0913.2060 (BS)		Total:	\$649.57	
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This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction is suspended or abandoned for a period of 180 days at any time after the work is commence.																					
_____ Applicant/Permittee Signature _____ Issued By: Signature																					

Diagram B:

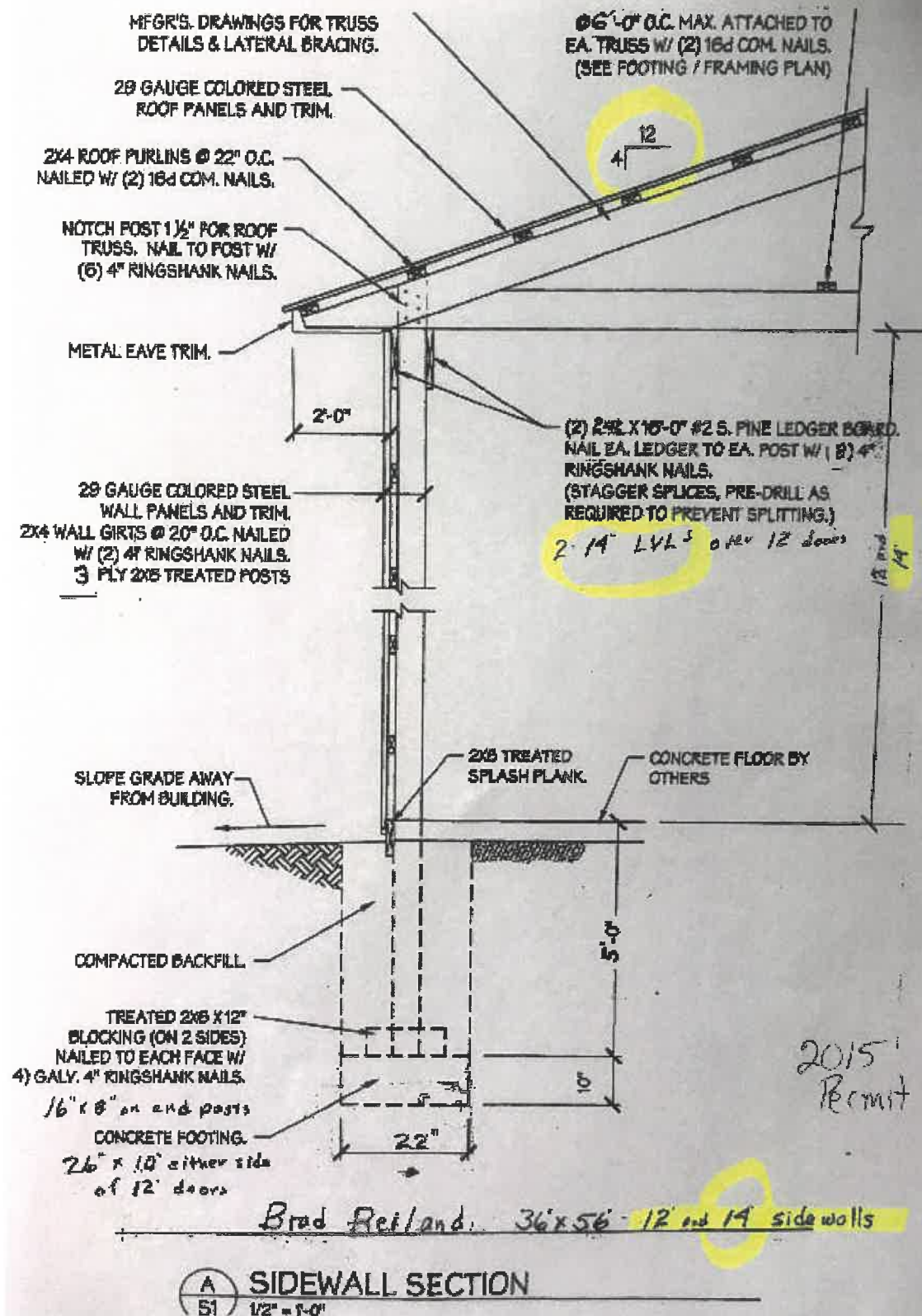


Diagram C1:

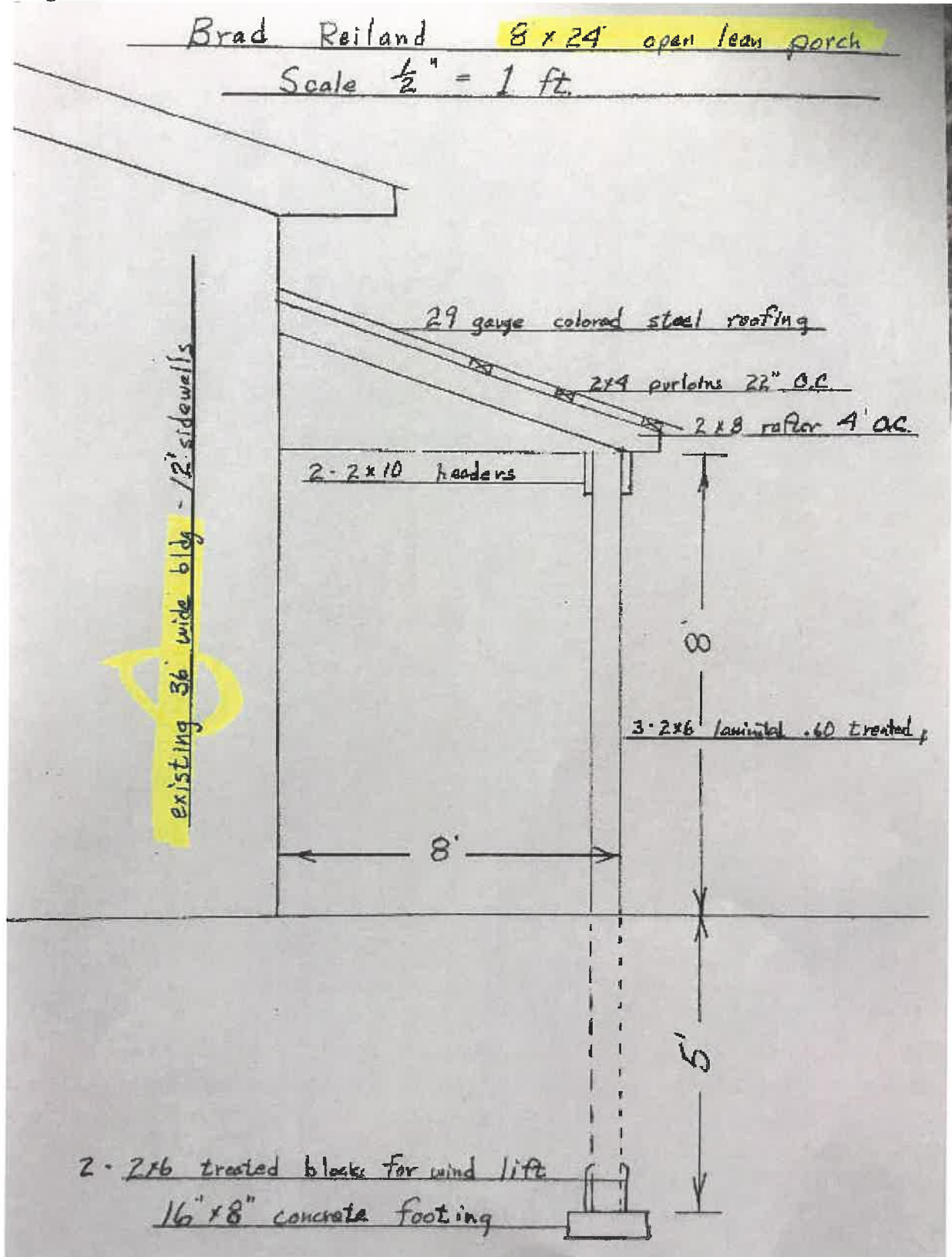


Diagram C2:

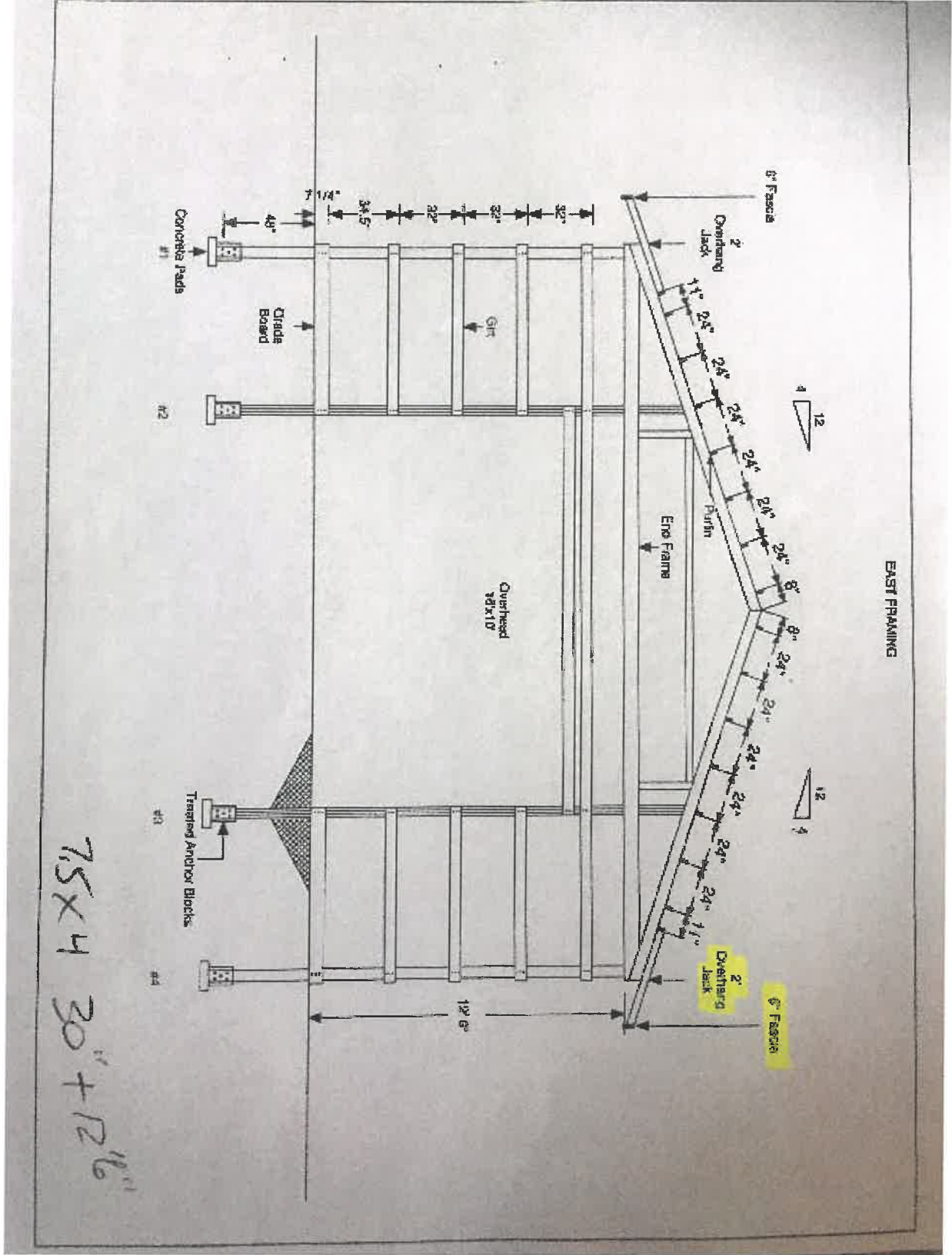


Diagram D:



SCOTT COUNTY PLANNING DEPARTMENT

GOVERNMENT CENTER 114 • 202 FOURTH AVENUE WEST • SHAKOPEE, MN 55376-1720
(952) 496-8475 • Fax (952) 490-8493 • Web www.co.scott.mn.us

ACCESSORY BUILDINGS AND STRUCTURES

An accessory structure is a structure of secondary or subordinate use to the principal structure, located on the same lot.

Scott County Zoning Ordinance 4-3-9 Accessory Building and Structures

1. Rural Residential, Residential Suburban, Urban Expansion, Urban Transition, Urban Business Reserve, and Agricultural Districts.
 - a. No accessory building shall exceed the height in the respective zoning district.
 - b. One (1) accessory building, not to exceed one hundred twenty (120) square feet of floor area shall be allowed and is not required to meet setbacks and shall be permitted in addition to the allowed square footage of accessory building size.
 - c. No accessory building shall be constructed on a lot before a building permit has been issued for the principal building to which it is accessory.
2. Single Family Accessory Buildings.
 - a. Detached Accessory Buildings. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.
 - b. Attached garages. The maximum floor area for attached garages shall be the greater of eight hundred (800) square feet or a footprint equal to the footprint of the principal building.
 - c. The roofline of attached garages shall not extend above the roofline of the principal structure on the lot.
3. Accessory Building Area and Height:
 - a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.

Lot Size	Maximum Building Area	Maximum Building Height
Less than 1 acre	1,000 square feet	15 feet
1 – 1.99 acres	1,600 square feet	18 feet
2 – 4.99 acres	2,000 square feet	18 feet
5 – 7.99 acres	2,600 square feet	20 feet
8 – 9.99 acres	3,200 square feet	20 feet
10 – 19.99 acres	4,000 square feet	24 feet
20 – 39.99 acres	5,000 square feet	24 feet

For setbacks please use the Zoning Ordinance link below and refer to the corresponding zoning district for the property or call for setback information at the above number.

- b. Exception – Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.
4. Commercial and Industrial Districts. No accessory building shall exceed the height of the principal building except by conditional use permit.

* The information presented on this sheet is a summary of the uses and performance standards as set forth in the Scott County Zoning Ordinance and is for informational purposes only. The official zoning regulations can be found within Scott County Zoning Ordinance No. 3 by contacting Scott County Community Development or on the Scott County Web-site at www.co.scott.mn.us or using the following link:

Zoning Ordinance

<http://www.co.scott.mn.us/CountyGov/Ordinances/Pages/CountyOrdinances.aspx> then select Ord 03 Zoning

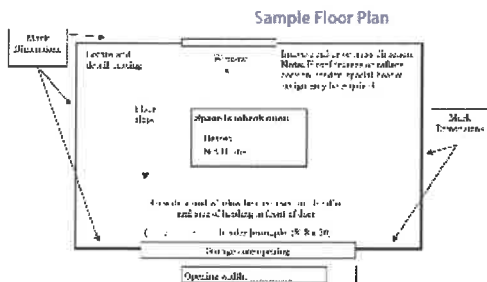
Diagram E:

SUBMITTALS

Reminder! Building permits are required for any accessory building greater than 200 square feet.

Building permits require:

- A completed building permit application.
- A property site plan or survey showing the size and location of the proposed structure and distances to all other structures, property lines easements and right-of-ways.
- Plans of the proposed structure showing the size, door and window locations, header information, roof framing type, foundation type, building type, finishing material and orientation of the building to the street or alley.



INSPECTIONS

A footing inspection is required for all garages; required after forms are set but before concrete is poured.

A framing and final inspection is required for all accessory buildings.



ZONING REQUIREMENTS

No accessory building or structure shall be constructed on any residential lot before construction of the principal building.

HEIGHT LIMITATIONS

Except in the AG zone, no accessory structure shall exceed the height of the principal building or 15 feet in a residential zone, whichever is less.

SIZE LIMITATIONS

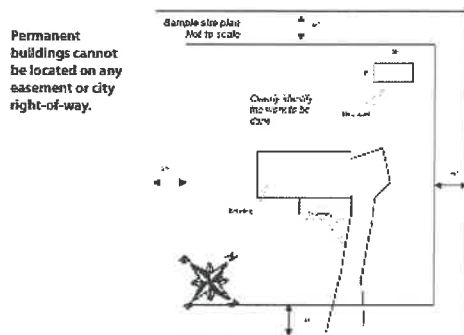
In the R-1A, R-1B, R-1C, R-2 and R-3 zones, no accessory building shall exceed 10 percent of the lot area or 75 percent of the square footage of the principal dwelling footprint, whichever is less.

FRONT YARD SETBACK

Each accessory structure shall be set back at least as far as the principal building on the lot. In the AG and RR zones, no accessory structure may be located closer to the front lot line than the principal building or 200 feet, whichever is less.

SIDE AND REAR YARD SETBACKS

An accessory structure shall be set back a minimum of 5 feet from the side or rear lot line. A garage shall be set back a minimum 20 feet from a lot line abutting a street or alley where the driveway takes access.



WHAT YOU NEED TO KNOW...



Accessory Buildings

BUILDING PERMIT IS REQUIRED FOR:

Any accessory building greater than 200 square feet

This includes:

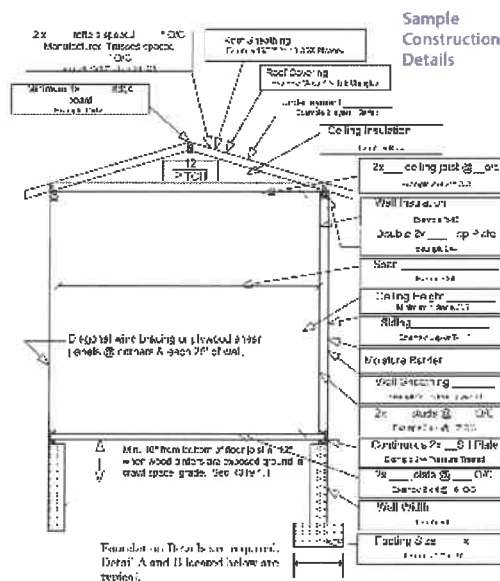
- ✓ Garages
- ✓ Sheds

PERMIT FEES

Permit fees vary based on the valuation of the project.

See the city's current fees at www.ci.milwaukee.wi.us/finance/fees.htm

www.ShakopeeMN.gov/feeschedule



BUILDING REQUIREMENTS

All accessory structures shall be fastened to the ground to prevent uplift and sliding action from wind sources.

The owner/contractor must provide on-site verification of setbacks by locating property corners as necessary for all buildings.

Garages or accessory buildings within 6'0" of a dwelling shall be protected with materials approved for one (1) hour fire resistive construction.

Diagram E (highlighted):

ZONING REQUIREMENTS

No accessory building or structure shall be constructed on any residential lot before construction of the principal building.

HEIGHT LIMITATIONS

Except in the AG zone, no accessory structure shall exceed the height of the principal building or 15 feet in a residential zone, whichever is less.

SIZE LIMITATIONS

In the R-1A, R-1B, R-1C, R-2 and R-3 zones, no accessory building shall exceed 10 percent of the lot area or 75 percent of the square footage of the principal dwelling footprint, whichever is less.

FRONT YARD SETBACK

Each accessory structure shall be set back at least as far as the principal building on the lot. In the AG and RH zones, no accessory structure may be located closer to the front lot line than the principal building or 200 feet, whichever is less.

SIDE AND REAR YARD SETBACKS

An accessory structure shall be set back a minimum of 5 feet from the side or rear lot line. A garage shall be set back a minimum 20 feet from a lot line abutting a street or alley where the driveway takes access.

Permanent buildings cannot be located on any easement or city right-of-way.

Sample Construction Details

7.5' Ceiling spread, 7.5' Floor spread, 7.5' Wall spread, 7.5' Roof spread, 7.5' Foundation spread, 7.5' Sill plate, 7.5' Joist, 7.5' Truss, 7.5' Rafter, 7.5' Gable end, 7.5' Hip end, 7.5' Valley end, 7.5' Corner end, 7.5' Edge end, 7.5' Flat end, 7.5' Pitched end, 7.5' Gabled end, 7.5' Gambrel end, 7.5' Mansard end, 7.5' Cupola end, 7.5' Tower end, 7.5' Spire end, 7.5' Steeple end, 7.5' Dome end, 7.5' Vaulted end, 7.5' Arched end, 7.5' Semi-circular end, 7.5' Semi-elliptical end, 7.5' Semi-oval end, 7.5' Semi-pentagonal end, 7.5' Semi-hexagonal end, 7.5' Semi-octagonal end, 7.5' Semi-decagonal end, 7.5' Semi-dodecagonal end, 7.5' Semi-polygonal end.

Foundation Details are required. Detail A and B inserted below are typical.

Min. 1" from bottom of floor joist or 1" from wood joists are exposed ground in areas square grade. See R318.1.1

Diagonal wind bracing or plywood shear panels @ corners & each 25' of wall.

2x Ceiling joist @ 16" o.c. Example per IRC Table R602.3.1

Wall insulation @ 15" Example R-13

Double 2x Top plates Example R-602.3.1

Roof 2x Example R-602.3.1

Ceiling Hallow Example R-602.3.1

Siding Example R-602.3.1

Modular Barrier

Wall Sheathing Example R-602.3.1

2x Studs @ 16" o.c. Example R-602.3.1

Continuous 2x Sill Plate Example R-602.3.1

2x Joists @ 16" o.c. Example R-602.3.1

Wall 2x Example R-602.3.1

Footing 12" Example R-602.3.1

Diagram F:

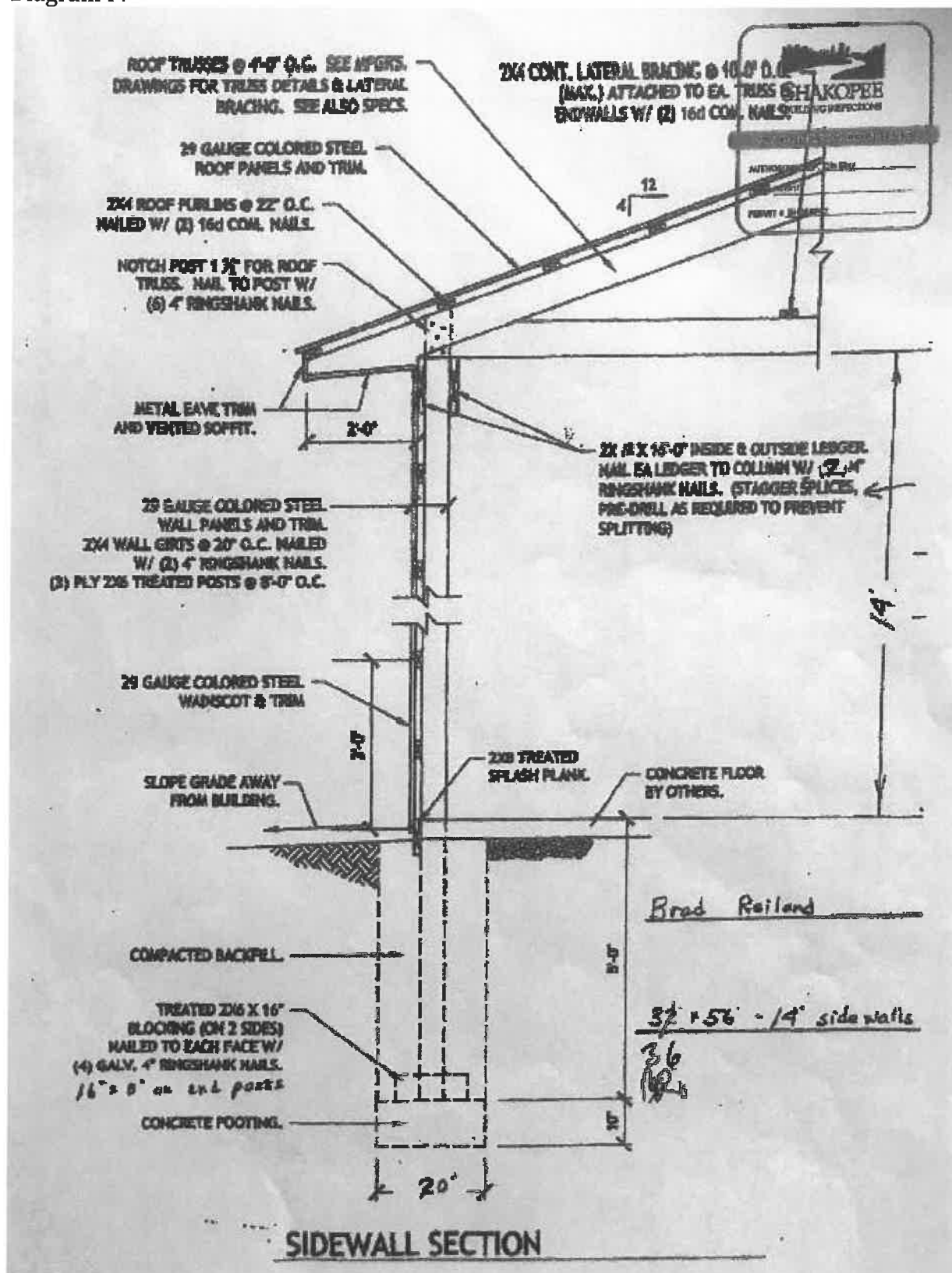
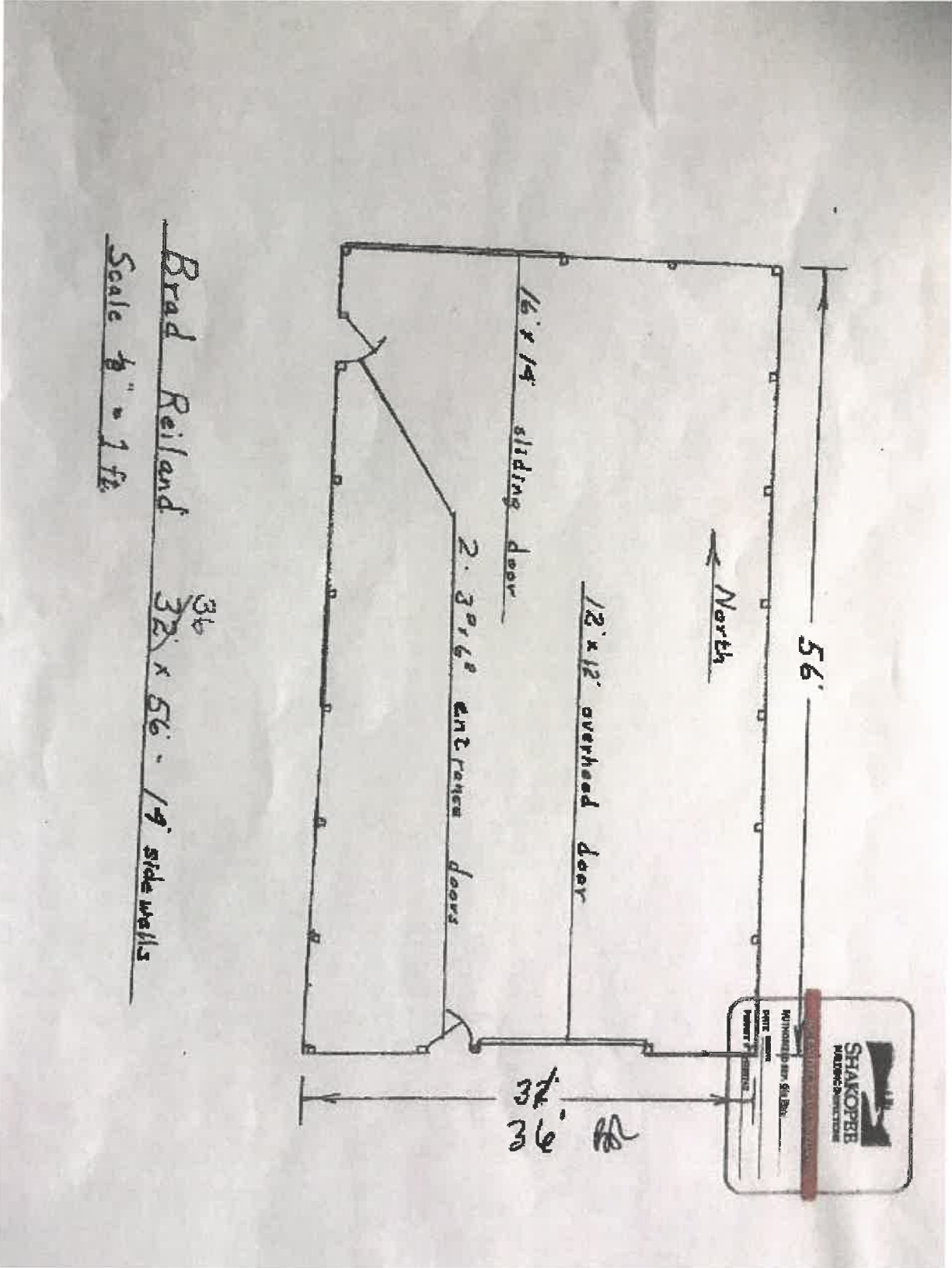


Diagram G:



Brad Reiland ³⁶32' x 56' - 14' side walls

Scale 1/8" = 1 ft.

Diagram H:

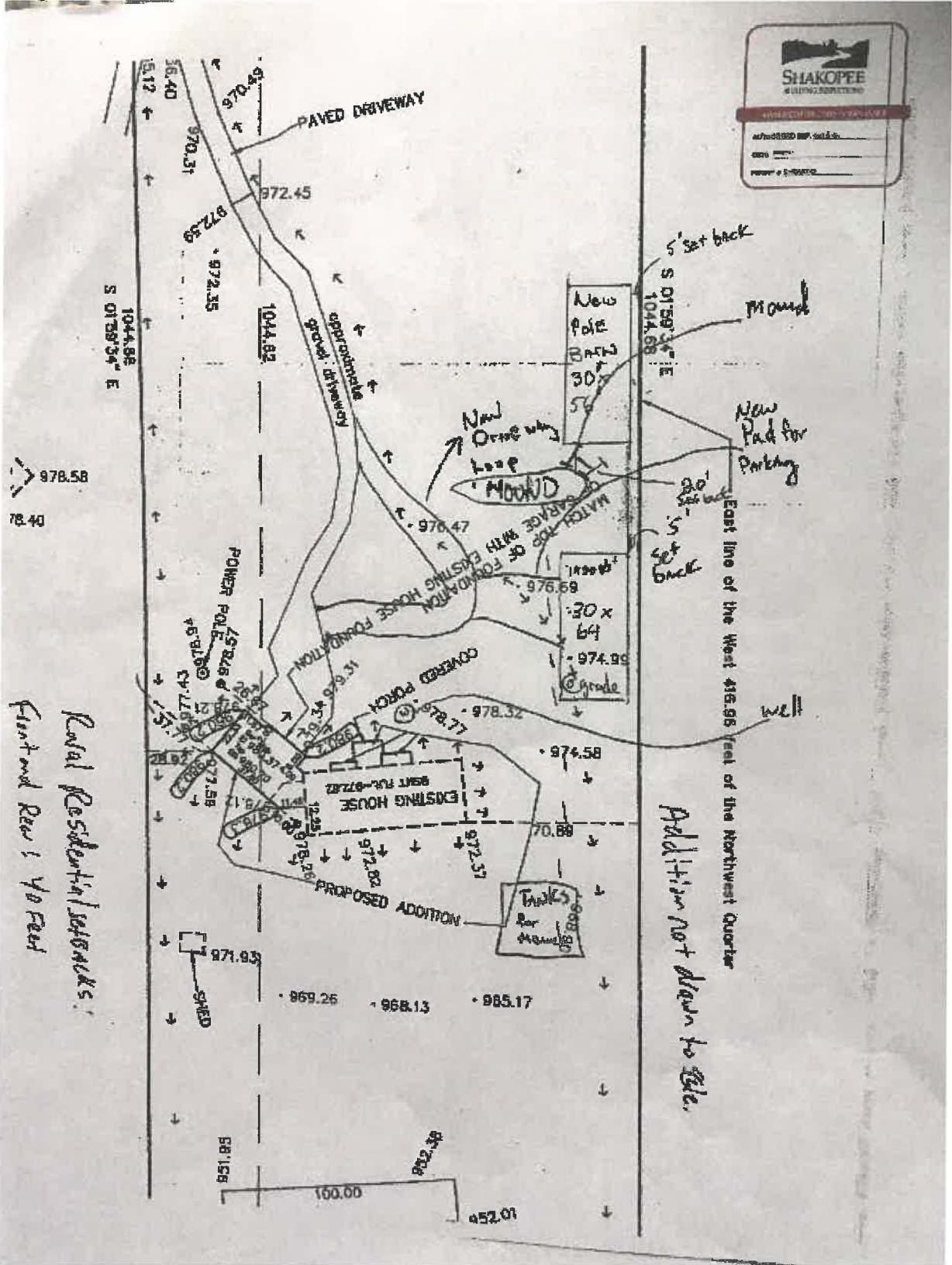
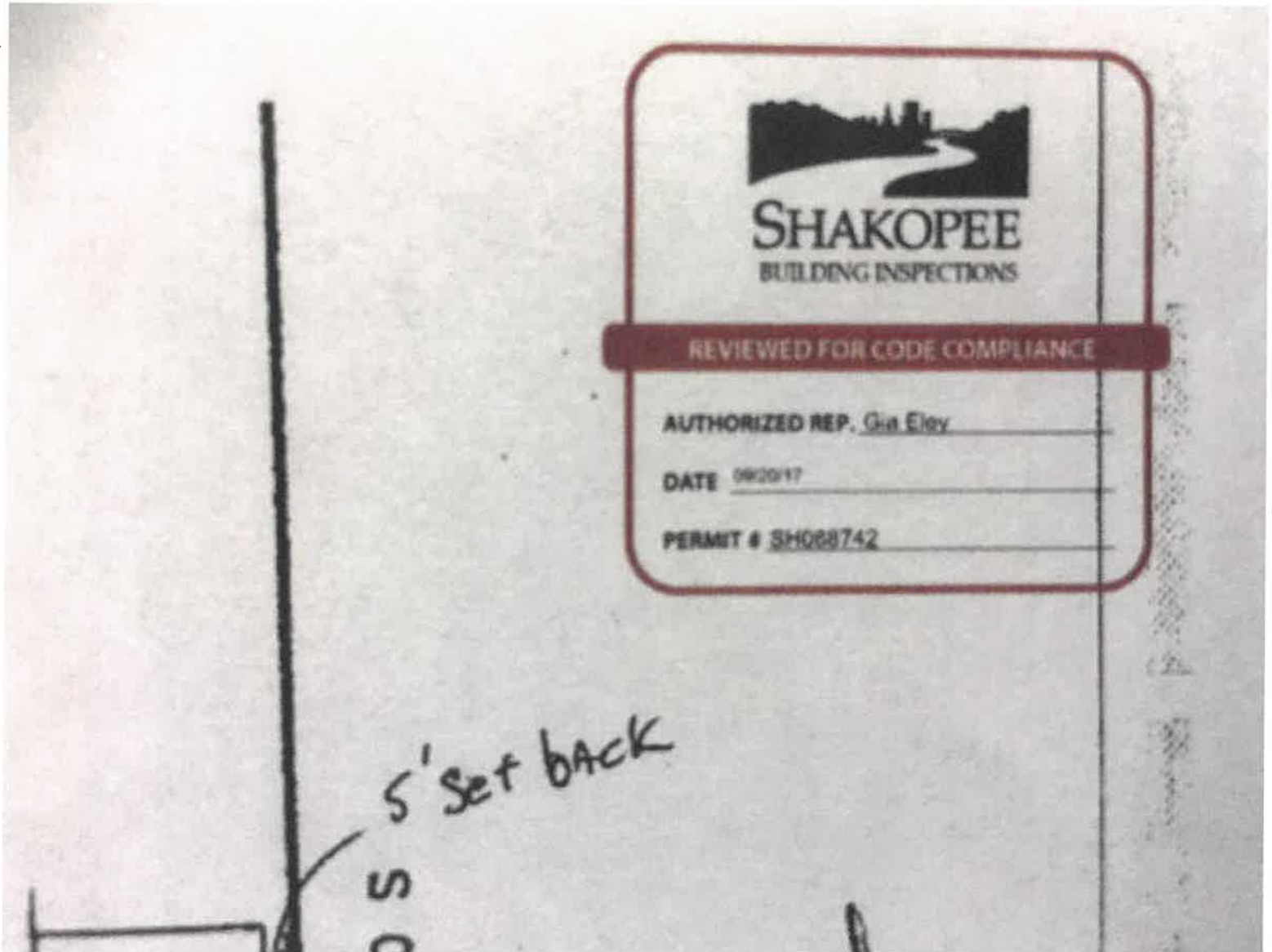
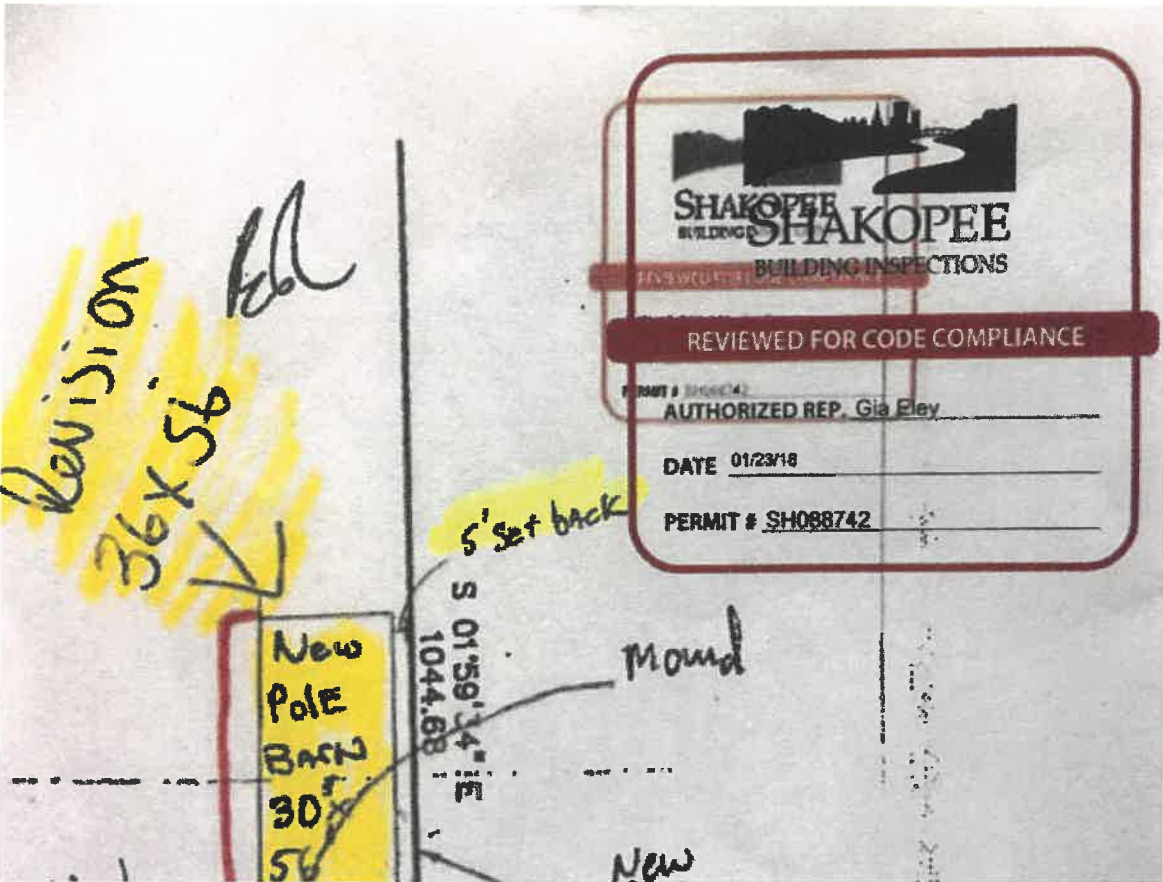


Diagram H (corner zoom):



Rafal Residential Jetways:
Front and Rear: 40 Feet

Diagram I (corner zoom):





Picture 1: Overhead of 1806 County Rd. 14 via Google Maps on 10/3/18.



Picture 2: October 30, 2018 – This is the view from County Road 14.



Picture 3: October 30, 2018 – This is a panoramic picture taken from our driveway at 1926 County Road 14 showing both accessory buildings.



Picture 4: October 30, 2018 – This is the view from our driveway of the first accessory building.



Picture 5: February 2, 2016 – Before the trees were cut down to make room for the second accessory structure.



Picture 6: October 30, 2018 – Same area as picture 2 showing the incomplete second accessory structure.



Picture 7: March 2018 – This is the view from our front door at 1926 County Road 14.



Picture 8: March 2018 – This is the view from the bottom of the stairs leading up to our front door.

The following is a set of pictures of what the property at 1806 County Road 14 looks like at the property line between it and 1926 County Road 14. Pictures taken October 30, 2018.



