

RESOLUTION NO. PC18-021
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING A VARIANCE OF THE MATERIALS STANDARDS, AND DENIAL OF
AN OVERHEIGHT ACCESSORY STRUCTURE FOR PROPERTY LOCATED AT
1806 COUNTY STATE AID HIGHWAY 14

WHEREAS, Brad Reiland, applicant and property owner, has made application for a Variance of Materials Standards and an Overheight Accessory Structure in the Rural Residential Zone; and

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

The North 1044.62 feet of the East 208.48 feet of the West 416.96 feet of the Northwest Quarter of the Northwest Quarter of Section 32, Township 115, Range 22, Scott County, Minnesota; 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 this application on November 8, 2018 and adopted the following findings:

Variance Findings:

Criterion 1

The strict enforcement of the ordinance provisions would cause practical difficulties because of circumstances unique to the individual property under consideration. Practical difficulties mean the following:

1.A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance:

Finding 1.A. The property owner proposes to use the property in a manner not permitted by the zoning ordinance. The ordinance has established language that allow property owners to construct accessory structures on their property, with height, area, setback and materials standards, within certain parameters. Rural Residential property owners are afforded regulations that allow larger structures than one may find in the urban residential subdivisions. This application pertains to a request for a structure that exceeds those

regulations, or varies from the material standards, which one may view as unreasonable in this particular case.

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

Finding 1.B. The circumstances of this project are not unique to the property. The property owner is desiring the ability to construct a 2nd accessory structure that would match the existing structure. Staff believes the property owner could have constructed a 2nd structure in compliance with the height regulations of the City Code, and there are no known unique circumstances that would have prohibited that construction.

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

Finding 1.C. The circumstances were created by the landowner's desire to have a taller accessory structure.

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

Finding 1.D. Staff believe that a variance of the materials would not alter the character of the locality, as the properties in this area are substantially wooded such that the structure is virtually invisible from the public right-of-way and is partially screened from the adjacent properties such that it is difficult to ascertain the building materials until one is very close to the structure. Whereas, the building height would have more of an impact on the character of the locality, as the massing of the structure is approx. 25% greater than allowed by code, and the setback is established at the min. distance (5'), which causes it to appear all that more imposing.

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

Finding 1.E. The request is not economic in nature, rather a desire to match an existing accessory structure.

Criterion 2

It has been demonstrated that a variance as requested will be in keeping with the spirit and intent of the Zoning Ordinance.

Finding 2 The proposed variances would not be in keeping with the spirit and intent of Chapter 151.

Criterion 3

The request is not for a use variance.

Finding 3 The requests are 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 conditions listed below will regulate the use of the property by providing for ways of mitigating the impact of the proposed building materials. Additional plantings could mitigate the impact on the adjacent properties if the structure was setback further from the property line and plantings could be provided as a screening tool.

Criterion 5

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

That the Variance of an Overheight Accessory Structure in the Rural Residential Zone is hereby denied, and the Variance of Materials Standards is hereby approved, subject to the following conditions:

1. The applicant shall submit plans that are in compliance with the performance standards of Chapter 151.108 (B) (1) regarding building design and materials, except that materials shall match the color scheme of the existing accessory structure, which has a darker gray siding to approx. the wainscot height (approx. 3'-6"), with a plum color scheme the balance of the siding.
2. Maximum building height shall be 15'-0", based on the definition of height noted in the City of Shakopee City Code.
3. The property owner shall submit a building permit by December 8, 2018 that includes revised plans that comply with City Code regulations and with conditions #1 & #2 (above). Upon completion of staff's review and issuance of the permit, corrections to the structure shall be completed within 30 days from issuance of the permit.
4. Applicant shall contact Shakopee Public Utilities (SPU) to discuss electric service requirements related to increase in electric loads.

Adopted by the Shakopee Board of Adjustment and Appeals on the 8th day of November, 2018.


BOAA Chairperson

ATTEST:


Michael Kerski
Director of Planning & Development