

RESOLUTION NO. R2018-136
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
AFFIRMING THE BOARD OF ADJUSTMENT AND APPEALS DENIAL OF AN
OVERHEIGHT ACCESSORY STRUCTURE VARIANCE FOR PROPERTY
LOCATED AT 1806 COUNTY STATE AID HIGHWAY 14

WHEREAS, Brad Reiland, applicant and property owner, made an application for a variance under the provisions of Section 151.015, Land Use Regulation (Zoning), for a Variance for Overheight Accessory Structure in the Rural Residential Zone; and

WHEREAS, the Board of Adjustment and Appeals held a public hearing and reviewed Brad Reiland's application at the Board's October 4, 2018 and November 8, 2018 meetings; and

WHEREAS, the Board adopted Resolution No. PC2018-021, a resolution approving a variance of the materials standards and denial of the variance request to allow an overheight accessory structure;

WHEREAS, City Code Section 151.016, Subd. B allows for an appeal to the City Council of the Board of Adjustment and Appeals decision within 10 days of the Board's decision; and

WHEREAS, Brad Reiland filed an appeal of the Board's decision on November 19, 2018 and included a narrative describing where he thought the Board erred in their decision; and

WHEREAS, the City Council heard the appeal at its meeting on December 4, 2018; and

WHEREAS, the City Council has reviewed the materials related to the Variance.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Shakopee adopts the following findings of facts and conclusion relative to this matter:

FINDINGS

1. Reasonable use of the property exists without the overheight variance. A structure can be built that would comply with the zoning and building codes. 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. The owner already has one structure on his property.

2. 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.

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

4. 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.

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

CONCLUSIONS

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

2. 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.

3. The appellant has provided a revised building plan that would meet the City Code regulations.

BE IT FURTHER RESOLVED that the appeal of the Board of Adjustment and Appeals Approval of Resolution No. PC2018-021 is denied and that the Board's decision is affirmed in all respects.

BE IT FURTHER RESOLVED that the findings adopted by the Board of Adjustment and Appeals are incorporated by reference into this Resolution.

Adopted by the City Council of Shakopee, Minnesota, 4th day of December, 2018.

William Mars,
Mayor of the City of Shakopee

ATTEST:

Lori Hansen, City Clerk