

RESOLUTION NO. PC17-011

**A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING THE EXPANSION OF A TYPE-B NON-CONFORMITY IN THE RURAL
RESIDENTIAL (RR) ZONE IN MAPLE TRAIL ESTATES 2nd ADDITION**

WHEREAS, Cal Haasken, applicant and Harland Hohenstein, property owner, have filed an application received February 16, 2017, for a determination to allow for the expansion of a Type B Non-Conformity under the provisions of Chapter 151, Land Use Regulation (Zoning), Specifically Shakopee City Code, Section 151.017 (Non-Conformities),

WHEREAS, the parcels are presently zoned Rural Residential (RR); and

WHEREAS, the properties upon which the request is being made is legally described as;

*Lot 1, Block 1, Maple Trail Estates 2nd Addition
and
Outlot A, Maple Trail Estates 2nd Addition
; and*

WHEREAS, the Board of Adjustment met and heard testimony from the applicant and from the Planning and Development Director; and

WHEREAS, the required findings set forth by City Code for regulation and expansion of Type B Non-Conformities is as follows:

(1) Expansion of an existing use or structure, reconstruction of a partially destroyed structure, construction of a new structure, or other intensification of a Type B nonconformity may be permitted upon a finding by the Board of Adjustment and Appeals of the following:

Criteria #1: The number and extent of nonconformities will not be increased in conjunction with the proposed construction or intensification;

Finding #1: The proposal does not increase the number of non-conformities. The extent of the non-conformity is not increased, as a driveway easement and lack of sewer and water service limits the development of the site.

Criteria #2: The impact of nonconformities upon adjacent property will not be increased in conjunction with the proposed construction or intensification; and

Finding #2: The impact of the non-conformity will not result in impacts on adjacent property owners. The number of future buildable lots on this site are not increasing as a result of this property.

Criteria #3: The conditions to be imposed by the Board of Adjustment and Appeals will effect the intent of this section.

Finding #3: The proposed conditions below require the property owner to comply with all other sections of City Code regarding subdivision and development of the site. The proposed condition eliminates the need for the driveway easement. Driveway easements are to be discouraged, which is why City Code requires lots to have frontage on a public street.

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

That the application for determination for the expansion of a Type B Non-Conformity is hereby **GRANTED**, subject to the following conditions:

1. In order to subdivide the property, the property must receive final plat approval from the City Council.
2. The final plat is allowed to create a maximum of three lots, one lot for the existing residence with frontage on Hohenstein Court and one additional lot on each side of Hohenstein Court. The lots for new home sites are to be sized no smaller than 3.10 acres for the lot west of Hohenstein Court and 4.26 acres for the lot east of Hohenstein Court and must comply with all other design standards of the Rural Residential Zone.
3. The applicant must comply with all City requirements for final platting of lots, including the payment of required development fees in accordance with the adopted fee schedule at the time of final plat. A developer's agreement may be required if public improvements are required for the subdivision.

Chair of the Board of Adjustment and Appeals

ATTEST: _____
Community Development Director

CERTIFICATION OF RESOLUTION NO. PC17-011

I, Lori Hensen, City Clerk for the City of Shakopee, do hereby certify that the attached is a true and correct copy of Resolution No. PC17-011, presented to and adopted by the Board of Adjustment and Appeals of the City of Shakopee at a duly authorized meeting thereof held on the 6th day of April, 2017, as shown by minutes of the meeting in my possession.

Dated this _____ day of _____, 20____.

Lori Hensen, City Clerk