

RESOLUTION NO. R2019-045
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
DENYING VARIANCES OF HEIGHT AND BUILDING MATERIALS FOR AN
ACCESSORY STRUCTURE AT 8707 BOILING SPRINGS LANE

WHEREAS, Michael Pahl, applicant, and Stacy Pahl, property owner, have made application for an over-height structure Variance and a materials Variance; and

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

That part of the East one-half of the Southwest Quarter of Section 13, Township 115, Range 22, Scott County, Minnesota, described as follows: Commencing at the intersection of the East line of said East one-half of the Southwest Quarter and the center line of Co. Road No. 16, said point being 1486.36 feet South of the Northeast corner thereof; thence North along said East line a distance of 427.49 feet; thence West at right angles a distance of 300.0 feet to the point of beginning of the tract of land to be described; thence continuing West along the last described line a distance of 315.98 feet to its intersection with the east line of the plat of ZOSCHKE'S ADDITION TO SHAKOPEE Scott County, Minnesota; thence South along said East line to the center line of County Road No. 16; thence Easterly along said center line to its intersection with a line drawn South from the point of beginning and parallel with said East line of the East one-half of the Southwest Quarter; thence North along said parallel line a distance of 466.93 feet to the point of beginning.

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 April 4, 2019 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 ordinance has established language that allows 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 far exceeds the height regulation, and varies from the material standards, and therefore does not constitute a reasonable use 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 desires the ability to construct another accessory structure that would be made out of galvanized steel. The property owner could construct a structure in compliance with both the height and materials regulations of the City Code, and there are no known unique circumstances that would prohibit 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 than code allows made out of galvanized steel.

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

Finding 1.D. The variances requested would alter the character of the locality. Though this property is adjacent to an industrial zone, it is zoned as residential. A structure this tall and large that is built out of galvanized steel would alter the character of the neighborhood's residential use.

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 for the materials variance is economic in nature. The structure is not offered in another material from the post frame company that it will be coming from, and another type of material for the siding would cost substantially more. The height variance is not economic in nature, but instead has to do with logistics of storing a motor home, and housing an indoor basketball court.

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, and allowing a structure to be 6' over height and in a non-compliant material would be setting a significant precedent for future applications.

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 (Not applicable since the recommendation is for denial.)

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 variances for the over-height structure and materials for the property located at 8707 Boiling Springs Lane are hereby denied.

Adopted by the Shakopee Board of Adjustment and Appeals on the 4th day of April, 2019.

BOAA Chairperson

ATTEST:

Michael Kerski
Director of Planning & Development

PREPARED BY:
City of Shakopee
129 Holmes Street South
Shakopee, MN 55379