



Shakopee Board of Adjustments and Appeals

Minutes

April 4, 2019

7:00 PM

City Hall 485 Gorman St.

1. Roll Call

Chair Reding called the meeting to order.

Commissioners present: Josh Forsythe, Lori Hogen, Daniel Mock, Daniel Olson, Noreen Reding, Kent Robbins, Ashlee Sepulvado

City staff present: Director of Planning & Development Michael Kerski, Long Range Planner Joe Widing, Planner Liz Bushaw

2. Approval of Agenda

Commissioner Kent Robbins made a motion to approve the Agenda, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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3. Call for Notarized Affidavits, Proof of Neighborhood Meeting and Sign in Sheet for appropriate Public Hearings

Staff has received these.

4. Recognition by Board of Adjustment and Appeals of Interested Citizens

No one responded.

5. Consent Business - (All items listed in this section are anticipated to be routine. After a discussion by the Chair there will be an opportunity for members of the BOAA to remove any items from the consent agenda for individual discussion. Those items removed will be considered following the Public hearing portion of the agenda. Items remaining on the Consent Agenda will not be discussed and will be approved in one motion.)

5.A. Approved Minutes of March 7, 2019 Board of Adjustments

Commissioner Lori Hogen made a motion to approve the Consent Business, seconded by Commissioner Kent Robbins and the motion passed.

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6. General Business

A. PUBLIC HEARING - Variance of Materials Standards and an Over-height Accessory Structure in the Rural Residential Zone

Commissioner Kent Robbins made a motion to open the Public Hearing, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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Planner Liz Bushaw presented the staff report.

Mr. Robbins asked for clarification on the rationale for city staff's recommendation to deny both of the variances and Ms. Bushaw did so.

Mr. Forsythe asked for details regarding altering the essential character of the neighborhood and Ms. Bushaw explained this in detail.

Mr. Kerski added some details on the history of accessory structures in this Rural Residential area. Mr. Robbins asked Mr. Kerski if the material being used (steel) was another reason for the denial and Mr. Kerski explained this as well.

Mr. Mock asked if the applicant had built a fence and was storing materials near it and Mr. Kerski clarified on the screen some aerial shots of the changes in the area over the past 15 years.

Mr. Matt Ripley, representative of applicant Michael Pahl, addressed the Board. He explained in detail the need for the over-height variance, due to the fact that the applicant would like to store a motor home in the new structure and this would require a 14 foot door. Mr. Ripley added that the applicant was also planning constructing an indoor basketball court for his children and that is why the building would be so large. Mr. Ripley clarified that the fence on the property that was previously mentioned by Mr. Mock was owned by the adjacent commercial business, Rick's Boatworks. Mr. Ripley also clarified the materials variance request and that if non-steel materials were used, the cost of the structure would double.

Ms. Hogen asked Mr. Ripley about the 14 steel buildings he referred to that were already in the area and if these buildings were grandfathered in or were given variances. Mr. Ripley stated that he did not have that information.

Mr. Robbins stated that the proposed building would be so large that it could hold much more than a motor home and basketball court and Mr. Ripley answered that he did not know what else would be stored inside.

Mr. Mock asked Mr. Ripley if Rick's Boatworks was zoned for commercial business or if it was zoned Rural Residential. Mr. Kerski clarified that this business was zoned for Rural Residential with a non-conforming existing use CUP. Mr. Kerski also explained in detail on the overhead screen aerial shots of the history of metal sheds on these properties going back to 2003. He stated that the BOAA had not approved any variances since the code change. Mr. Kerski also added that the fire marshal would require sprinklers inside the proposed structure, due to its large size.

Ms. Hogen asked Mr. Ripley if the structure could be built where it would not need to be as high and Mr. Ripley explained this in detail. Ms. Hogen shared her thoughts and concerns about the materials being used as well as the height. She asked Mr. Ripley if he had any more information that was not in the city staff report and Mr. Ripley explained in detail the benefits of this structure and the applicant's rationale for it. Ms. Hogen asked about the existing 30 foot trees that would serve as a buffer and if something were to occur that damaged or destroyed them, would the applicant be prepared to replant same size trees. Mr. Ripley answered that he could not speak for the applicant, but stated that he could vouch that the property owner would make a correct decision in a situation like that.

Mr. Howard Larson, 8785 Boiling Springs Lane, addressed the Board. He shared his concerns about the property owner and why he believed that this variance should be denied.

Mr. Thomas Pribyl, 9290 Boiling Springs Lane, addressed the Board. He shared his concerns about this property, and stated it was a dumping ground and would like it to be cleaned up, and that the applicant does not live there.

Mr. Ron Paschke, 8756 Boiling Springs Lane, addressed the Board. He shared his concerns with the condition of the property and thanked the Board for letting him speak.

Mr. Kerski added that this was going to be a very large building, approximately 7,000 square feet.

Commissioner Kent Robbins made a motion to close the Public Hearing, seconded by Commissioner Lori Hogen and the motion passed.

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Mr. Robbins stated that after hearing the staff report and comments by all, he would have to agree with city staff on denying the variance.

Commissioner Lori Hogen made a motion to approve Resolution No. PC2019-45, a resolution denying the proposed Variance of Materials Standards and Over-height Accessory Structure in the Rural Residential Zone, seconded by Commissioner Kent

Robbins and the motion passed.

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7. Other Business

None.

8. Adjourn to Thursday, May 9, 2019 at 7:00 p.m.

Commissioner Lori Hogen made a motion to adjourn the meeting at 7:44 pm, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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