



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES

Scott County Board Room
200 Fourth Ave West
Shakopee, Minnesota
Monday, May 9, 2022, 6:30PM

I. ROLL CALL AND INTRODUCTIONS

Chair Ray Huber opened the meeting at 6:30 PM with the following members present: Jay Picha, Lee Watson, Donna Hentges, Barbara Johnson, Kent Robbins, and Tom Vonnhof.

County Staff Present: Brad Davis, Planning Manager; Greg Wagner, Principal Planner; Marty Schmitz, Zoning Administrator, Nathan Hall, Associate Planner; Tom Wolf, County Board Commissioner and Kim Cave, Deputy Clerk to the Board.

II. APPROVAL OF April 11, 2022 BOARD OF ADJUSTMENT MINUTES.

Motion by Commissioner Vonnhof; Second by Commissioner Robbins to approve the April 11, 2022 BOA minutes. The motion passed unanimously.

III. PUBLIC HEARING 6:33 PM SUTTON RIDGE FARMS VARIANCE (PL#2022-024)

- A. Request for a Variance From the Required 150' Road Centerline Setback to 133' to Construct a building for farm-stays.

Location:	Section 23
Township:	Sand Creek
Current Zoning:	A-1

Planner Nathan Hall presented the staff report for this application. The specific details within the staff report are available on the official Scott County Website at www.scottcountymn.gov under Government and then under County Board Agendas and Minutes by searching Board of Adjustment meeting to download the packet file.

Commissioner Questions and Comments:

Commissioner Robbins asked what Agri-tourism entails? *Mr. Hall explained purpose of farm-stay and farm experience and how the proposed building will support ag tourism.*

Chair Huber asked about location of the proposed building compared to the footprint of the previous farmhouse building. The proposed building would be set back further than the previous building.

Commissioner Johnson noted Township approval request.

Chair Huber opened the floor for public comment. No one approached the podium.

Noting no further comments from the public there was a motion by Commissioner Robbins; second by Commissioner Hentges to close the public hearing. The motion carried unanimously.

Motion by Commissioner Watson; second by Commissioner Robbins, based on the criteria for granting a variance, I recommend approval of the requested variance from

the required 150' road centerline setback to 133' to construct a building for farm-stays subject to the conditions listed in the staff report.

Chair Huber called for a roll call vote with results as follows:

Commissioner Robbins: Aye
Commissioner Picha: Aye
Commissioner Hentges: Aye
Commissioner Huber: Aye
Commissioner Vonhof: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye
The motion for passed with 7 Ayes.

Criteria for Granting Variances:

1. Granting the variance will not be in conflict with the Comprehensive Plan.
The proposal is in conformance with the goals and policies identified in the 2040 Scott County Comprehensive Plan.
2. Exceptional or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the enactment of this Ordinance had no control.
The building site on this property was developed many years ago prior to zoning and setback requirements. The location of the road, existing buildings, and utilities create limitations for placement of the agricultural tourism building. The building will be 29' further from the road than the original farmhouse.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Literal interpretation of the Zoning Ordinance would push the building to the north of the granary in an area that would not work with the farm operation.
4. That the special conditions or circumstances do not result from the actions of the applicant. The circumstances are not based on actions of the property owners, but rather are the result of the farmstead being developed prior to zoning and setback requirements.
5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district. Granting the variance will not confer any special privilege to the applicant. Other properties with similar circumstances have received variances.
6. The variance requested is the minimum variance which would alleviate the hardship. The request for a 17' variance from the required 150' road centerline is the minimum setback needed to operate the agricultural tourism business and to function with other buildings and utilities on the property.
7. The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.
The variance would not be materially detrimental to the character of the property in the same zoning district. The original farmhouse on the property existed for many years at a location 29' closer to the road.
8. Economic considerations alone shall not constitute practical difficulties.
The proposal is not based on economic factors.

- A. Request for a Variance From the Required 45' Maximum Building Height to 52' 9" to Construct a 45,000-sf Production Building.

Location: Section 4
Township: Sand Creek
Current Zoning: I-2

Planner Marty Schmitz presented the staff report for this application. The specific details within the staff report are available on the official Scott County Website at www.scottcountymn.gov under Government and then under County Board Agendas and Minutes by searching Board of Adjustment meeting to download the packet file.

Commissioner Questions and Comments:

Commissioner Vonhof asked did Jordan Fire District comment on the building height? *Mr. Schmitz responded that would be part of the building permit process.*

Commissioner Picha asked about the exception area indicated on the survey? *Mr. Schmitz responded that could be because of a separate tax district and noted that the applicant did not own the exception. Commissioner Picha then asked about outdoor storage area use? Applicant Chris Price came forward and explained they have a long-term lease with Final Grade.*

Chair Huber opened the floor for public comment. No one approached the podium.

Noting no further comments from the public there was a motion by Commissioner Vonhof; second by Commissioner Picha to close the public hearing. The motion carried unanimously.

Motion by Commissioner Johnson; second by Commissioner Watson based on the criteria for granting a variance, I recommend approval of the requested variance from the required 45' Maximum Building Height to 52' 9" to construct a 45,000-sf Production Building subject to the conditions listed in the staff report.

Chair Huber called for a roll call vote with results as follows:

**Commissioner Robbins: Aye
Commissioner Picha: Aye
Commissioner Hentges: Aye
Commissioner Huber: Aye
Commissioner Vonhof: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye
The motion for passed with 7 Ayes.**

Criteria for Granting Variances:

- 1. Granting the variance will not be in conflict with Comprehensive Plan.*
The Comprehensive Plan guides the site as 1-2 heavy industrial. Other structures in the 1-2 District have received height variances when necessary to accommodate equipment. In addition, granting the variance will not be in conflict with the 2040 Comprehensive Plan, as the use is consistent with goals and policies in the Comprehensive Plan.
- 2. Exceptional or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since the enactment of this ordinance have no control.*
The additional height is necessary to accommodate production equipment. Other structures in the 1-2 district have received variances when necessary for a business need.

3. *The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.*

The literal interpretation of the ordinance would cause the applicant to adjust the height of equipment in the building or possibly prevent them from expanding production at this location.

4. *That the special conditions or circumstances do not result from the actions of the applicant.*

The variance requested is necessary to accommodate processing equipment. Much of the building will be under 38' in height. It is a 76'-10" x 113'-1' area located in the southwest corner of the building that is proposed to be 52'-9' high requiring the variance.

5. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to owners of other lands, structures or buildings in the same district.*

Granting the variance will not confer any special privilege to the applicant as other buildings in the 1-2 district have received height variances.

6. *The variance requested is the minimum variance that would alleviate the hardship.*

The variance requested is the minimum variance needed to accommodate the processing equipment. Much of the building will be under 38' in height. It is a 76'-10" x 113'-1' area located in the southwest corner of the building that is proposed to be 52'-9' high requiring the variance.

7. *The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.*

The variance would not be materially detrimental to the character of the property. The existing building and other buildings in the 1-2 district exceed the height requirement.

8. *Economic considerations alone shall not constitute a hardship if a reasonable use of the property otherwise exists under the provisions of this Ordinance.*

Economic considerations alone do not constitute the hardship for granting this variance.

VI. GENERAL & ADJOURN

Motion by Commissioner Hentges; second by Commission Robbins to adjourn the meeting.
The motion carried unanimously.

Meeting was adjourned at 6:45 pm by Chair Huber.



Ray Huber
Chair, Board of Adjustment

Date



Barbara Simonson
Deputy Clerk to the Board

Date

