



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES

Scott County Government Center
County Board Room 226
200 Fourth Ave West
Shakopee, Minnesota

Monday, May 13, 2024
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

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

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

II. APPROVAL OF APRIL 8, 2024 BOARD OF ADJUSTMENT MINUTES

Chair Huber called for a motion to approve the minutes. Motion by Commissioner Robbins; second by Commissioner Vohnhof to approve the minutes of April 8, 2024. The motion carried unanimously.

III. PUBLIC HEARING

3.1 PUBLIC HEARING 6:30 PM: ST. PATRICK ATHLETICS VARIANCE (PL#2024-017)

- A. Request for a Variance from the County Road Right-of-Way to replace baseball dugout and batting cage.

Location: Section 17
Township: Cedar Lake
Current Zoning: TR, Transition Reserve

Greg Wagner presented the staff report for this application. The specific details within the staff report and video are available at the Scott County Website link: [May 13, 2024 Board of Adjustment](#) Agenda Packet. The staff report can be found in the full agenda packet located by clicking Board of Adjustment.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Board of Adjustment.

Commissioner Comments and Questions:

Commissioner Robbins made comments that this improvement to the dugout is ultimately for the safety of the players.

Mr. Wagner confirmed that several safety and ADA compliant improvements are being made, but primarily player, spectator and even adjacent neighbor safety.

Commissioner Vohnhof questioned the elevation between the dugout and County Road 56.

Mr. Wagner explained the grade on County Road 56 from about the right field access area increases as you travel west. In right field the road and field are at the same elevation but as you get towards home plate and the parking entrance the road elevation is 20-30 feet higher than the field level.

Commissioner asked the speed limit along County Road 56 going past the baseball field.

Mr. Wagner responded it drops from 55 mph to 30 mph when you approach St. Patrick from the east.

Commissioner Picha questioned if the concession stands, and the restrooms will have any updates. *Mr. Wagner explained the concession stands are ADA compliant and will not have any updates.*

Chair Huber asked for a motion to open the public hearing. Motion by Commissioner Robbins to open the public hearing; second by Commissioner Picha. The motion carried unanimously.

Public Comments and Questions at the Podium

No one approached the podium.

Chair Huber called for a motion to close the public hearing.

Motion by Commissioner Watson to close the public hearing. The motion carried unanimously.

Motion by Commissioner Vonhof; second by Commissioner Robbins, based on the variance criteria listed in the staff report, I recommend approval of the variance from the County Road Right-of-Way to replace baseball dugouts and batting cage.

Chair Huber called for a vote on the motion to continue the request as follows:

Commissioner Husain: Aye
Commissioner Picha: Aye
Commissioner Robbins: Aye
Commissioner Huber: Aye
Commissioner Vonhof: Aye
Commissioner Hentges: Aye
Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

Criteria for Approval:

1. *Granting the variance will not be in conflict with the Comprehensive Plan.*

The proposal is in conformance with the Scott County 2040 Comprehensive Plan goals and policies for preservation of rural hamlet communities and outdoor commercial recreation.

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 rural baseball field has been in continuous use since the early 1960's, before county zoning standards were in place, and the dugouts have existed adjacent to the county road throughout the use of the field.

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 not allow the replacement of dugouts and fencing that are being made mainly for player safety and ADA compliance.

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 applicant; the field/dugouts existed prior to county zoning regulations and the upgrades are being made for safety improvements.

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.*

The proposal would not provide the owner any special privileges denied to other property since the baseball field is a unique use typically associated with hamlet areas.

6. *The variance requested is the minimum variance which would alleviate the practical difficulty.*

The variance would allow replacement of the non-conforming dugout structures no closer than the existing dugout structure. The bullpen/batting cage structure is a safety improvement as it encloses the existing bullpen into a fenced cage, but it would be further away from the county ROW due to the realignment of the 1st base fence.

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 alter the character of the property as is it replacing existing baseball dugouts and bullpen areas. The county road speed limit is 30 miles per hour through the hamlet of St. Patrick, recognizing that the hamlet has amenities in closer proximity to the roadway.

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

This proposal is not based on any economic considerations.

3.2 PUBLIC HEARING 6:30 PM: ROACH VARIANCE (PL#2024-020)

A. Request for a Variance From the Required 30' Side Yard Setback to 21.7' to Create a House Addition.

Location: Section 28
Township: Spring Lake
Current Zoning: Rural Residential Single Family, RR-2

Nathan Hall presented the staff report for this application. The specific details within the staff report and video are available at the Scott County Website link: [May 13, 2024 Board of Adjustment](#) Agenda Packet. The staff report can be found in the full agenda packet located by clicking Board of Adjustment.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Board of Adjustment.

Commissioner Comments and Questions:

Commissioner Robbins questioned there is no other place for the sunroom and due to the angle of the house they are unable to move it.

Mr. Hall explained that because of the topography, septic site and its alternate, the space was limited as to their options.

Commissioner Robbins further questioned if there are concerns considering they are in a high flood plain.

Mr. Hall responded the location of the house and requested sunroom is on the highest point on the site.

Chair Huber asked for a motion to open the public hearing. Motion by Commissioner Robbins to open the public hearing; second by Commissioner Vonhof. The motion carried unanimously.

Public Comments and Questions at the Podium

No one approached the podium.

Chair Huber called for a motion to close the public hearing.

Motion by Commissioner Robbins to close the public hearing; second by Commissioner Hentges. The motion carried unanimously.

Motion by Commissioner Watson; second by Commissioner Vonhof, based on the variance criteria listed in the staff report, I recommend approval of the requested variance from the required 30' side yard setback to 21.7' to create a house addition.

Chair Huber called for a vote on the motion to continue the request as follows:

Commissioner Husain: Aye
Commissioner Picha: Aye
Commissioner Robbins: Aye
Commissioner Huber: Aye
Commissioner Vonhof: Aye

Commissioner Hentges: Aye
Commissioner Watson: Aye
The motion passed unanimously with 7 Ayes.

Criteria for Approval:

1. *Granting the variance will not be in conflict with the Comprehensive Plan.*

The proposal is in conformance with the Scott County 2040 Comprehensive Plan goals and policies for promoting public health, safety, and general welfare.

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 lot size, shape, and topography have limited the placement of the house and subsequent house addition on the site.

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 deprive the applicants of rights enjoyed by other properties in the area to make basic improvements to their property.

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

The variance requested is due partly to the actions of the applicant. The applicant did not influence the topography of the site but the applicant and property owner did determine the placement of the house within the previous year to this request, when the current setback standards were already in place. However, the site conditions heavily limited the original placement of structure.

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 that does not already exist on other lots in the neighborhood.

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

The requested variance alleviates the practical difficulty created by the Scott County Zoning Ordinance. It is perceivable that the applicant could alter the design of the addition to further minimize the request, but the request is already relatively minimal.

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 will not be materially detrimental and will not alter the character of the property or neighborhood if granted and will not be visible to most of the surrounding properties.

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

Economic consideration does not figure into this request.

IV. GENERAL & ADJOURN

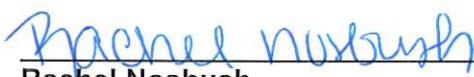
Motion by Commissioner Robbins; second by Commissioner Vonhof to adjourn the meeting at Vonhof PM. The motion carried unanimously.



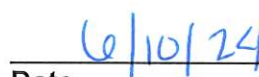
Ray Huber
Chair, Board of Adjustment



Date



Rachel Nosbush
Deputy Clerk to the Board



Date