



SCOTT COUNTY  
BOARD OF ADJUSTMENT  
MEETING MINUTES

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

Monday, August 12, 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 Vonhof, Donna Hentges and Lee Watson.

**County Staff Present:** Brad Davis-Planning Manager; Marty Schmitz-Zoning Administrator; Greg Wagner-Principal Planner; Nathan Hall-Associate Planner; Kate Sedlacek-Environmental Services Manager; Vanessa Strong-Natural Resources Supervisor; Tom Wolf-County Board Commissioner.

**II. APPROVAL OF JUNE 10, 2024 BOARD OF ADJUSTMENT MINUTES**

Chair Huber called for a motion to approve the minutes. Motion by Commissioner Robbins; second by Commissioner VonHof to approve the minutes of June 10, 2024. The motion carried unanimously.

**III. PUBLIC HEARING**

**3.1 PUBLIC HEARING 6:30 PM: CAMBRIA REH, LLC VARIANCE (PL#2024-014)**

- A. Request for a Variance from the Required 45 Foot Building Height Maximum in the I-2 District to 103 Feet to Construct a Material Processing Building

Location: Section 33  
Township: Louisville  
Current Zoning: I-2 Heaving Industrial District

Marty Schmitz presented the staff report for this application. The specific details within the staff report and video are available at the Scott County Website link: [August 12, 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](http://www.scottcountymn.gov) and searching under >Government>then County Board Agendas and Minutes>then search Board of Adjustment.

Commissioner Comments and Questions:

Commissioner Vonhof asked about building and whether fire sprinklers will be installed.

*Mr. Schmitz indicated this would be reviewed by the Building Official at time of permit.*

Commissioner Huber asked about material entering and exiting the site.

*Mr. Schmitz indicated the majority of material would come in by rail and be removed by truck.*

Commissioner Picha asked if Cambria has committed to the frontage road.

*Mr. Schmitz responded that they have committed to the road, but final plans have not been completed pending railroad review.*

Commissioner Hussain asked about the existing 110' building being kept.

Joel Peters from Cambria responded that the internal area is 60 feet of silos, but they need the entire 110 feet of clear space.

Chair Huber opened the public hearing.

#### Public Comments and Questions at the Podium

No public comment.

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

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

Motion by Commissioner Watson; second by Commissioner Robbins, based on the variance criteria listed in the staff report, I recommend approval of Cambria REH LLC's variance request from the required 45 foot building height maximum in the I-2 district to 103 feet to construct a material processing building.

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:

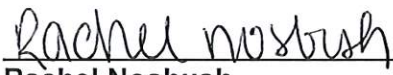
1. *Granting the variance will not be in conflict with Comprehensive Plan.*  
The Comprehensive Plan guides the site as I-2 heavy industrial. Other structures in the I-2 District have received height variances when necessary to accommodate equipment. In addition, granting the variance will not be in 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.*  
There are no exceptional or unique circumstances of the property that require the request for variance to building height requirement. The property provides access to the rail, which will allow the user to bring bulk materials to the site and process the materials into production ready material. The additional height is necessary to accommodate production equipment. Other structures in the I-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 deprive the applicant of their primary business function of this site, rendering the site unusable for their primary business.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*  
The variance requested is a result of the business function the applicant is seeking a conditional use permit for. The variance is necessary to accommodate processing equipment. Much of the building will be 62 feet or less in height however an approximately 135' x 72' area located on the north end of the building is proposed to be 103 feet high.
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 I-2 district have received height variances when necessary to meet business needs.

6. *The variance requested is the minimum variance that would alleviate the hardship.*  
The variance would remove the practical difficulty imposed by the 45-foot height restriction. The processing operation requires vertical height in order to move material through appropriate screening to achieve final processing standard.
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. While the proposed variance is above the structure height maximum in the I-2 district, the developer has taken care to develop the facility that is architecturally pleasing. Given the size of the property and adjacent land uses, the taller structure will not impose upon neighboring areas.
8. *Economic considerations alone shall not constitute a hardship if a reasonable use of the property otherwise exists under the provisions of this Ordinance.*  
In this case, the processing operation requires vertical height so material can be sorted and sized to achieve required design specifications. It is not as much an economic consideration as it is a basic design requirement of the intended use of the site.

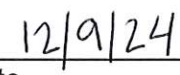
#### IV. GENERAL & ADJOURN

Motion by Commissioner Hentges; second by Commissioner Vonhof to adjourn the meeting at 6:41 PM. The motion carried unanimously.

  
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Ray Huber  
Chair, Board of Adjustment

  
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Rachel Nosbush  
Deputy Clerk to the Board

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Date

