



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES

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

Monday, June 9, 2025
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: Jay Picha, Kent Robbins, Ray Huber, Donna Hentges and Lee Watson. Tom Vohnhof arriving at 6:32 and Ammar Husain absent with notice.

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

II. APPROVAL OF MAY 12, 2025 BOARD OF ADJUSTMENT MINUTES

Chair Huber called for a motion to approve the minutes. Motion by Commissioner Hentges; second by Commissioner Robbins to approve the minutes of May 12, 2025 Board of Adjustment meeting.

III. PUBLIC HEARING

3.1 PUBLIC HEARING 6:32 PM: CHURCH VARIANCE (PL#2025-038)

- A. Request for a Variance from the Required Setback to Cedar Lake to 35.3 Feet,
- B. Request for a Variance to Increase the Size of a Non-Conforming Structure by More Than 50%.
- C. Request for a Variance to Increase the Lot Impervious Surface Beyond the 25% Allowed in the RR-3 Zoning District.

Location: Section 13
Township: Helena
Current Zoning: RR-3, Residential Suburban Single Family

Nathan Hall presented the staff report for this application. Board of Adjustment packets, staff reports, video recording and approved minutes are available for download at the Scott County Website link: [June 9, 2025 Board of Adjustment](#) or by visiting www.scottcountymn.gov/pacreports and selecting the current date.

Commissioner Comments and Questions:

Chair Huber asked for confirmation that the applicant will be working with the county on the new placement of the deck and installing a rain garden to help with the water filtration prior to runoff entering the lake.
Mr. Hall confirmed the applicant will be working with the County on the building permits and on the rain garden.

Commissioner Robbins asked if the rain garden installation requirement is implied as part of the approval of this variance or will there be requirements for the applicant to follow separate from this variance.
Mr. Hall stated the applicant will be required to construct the addition and placement of the garden in line with the site plan they had provided as part of the variance approval.

Chair Huber opened the public hearing at 6:39 pm.

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 Vonhof. 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 a variance from the required setback to Cedar Lake to 35.3 feet, to increase the size of the non-conforming structure by more than 50% and to increase the impervious lot coverage to 35.2%.

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

Commissioner Husain: Absent

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes, 1 Abstention.

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 small, legal non-conforming parcel size and shape along with the existing legal non-conforming house size and placement does greatly limit the options for an addition to the single family home while meeting the all setbacks, the impervious lot coverage maximum of 25%, and not increasing the structure beyond 50%.
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 deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. Non-conformity with the lot coverage maximum or setbacks is not uncommon on nearby properties.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*
current owner did not create the non-conforming parcel or 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.*
There have been a number of variances on Cedar Lake to allow for the expansion of legal non-conforming structures and recent variances issued to increase impervious lot coverage.
6. *The variance requested is the minimum variance which would alleviate the hardship.*
Many lots on Cedar Lake exceed the 25% impervious surface requirement. A variance allowing up to 35.2% impervious lot coverage would allow for improvements to the property and be consistent with other approved variances.
7. *The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.*

With the appropriate review and implementation of shoreland best management practices, the variance would not increase stormwater runoff into Cedar Lake or essentially alter the character of the neighborhood.

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.*

There are no economic considerations involved in this variance request.

3.2 PUBLIC HEARING 6:42 PM: HAGER VARIANCE (PL#2025-042)

- A. Request for a Variance from the Required 30 Foot Side Setback to 16.4 Feet to Construct an Accessory Building Addition

Location: Section 33
Township: New Market
Current Zoning: UER, Urban Expansion Area

Nathan Hall presented the staff report for this application. Board of Adjustment packets, staff reports, video recording and approved minutes are available for download at the Scott County Website link: [June 9, 2025 Board of Adjustment](#) or by visiting www.scottcountymn.gov/pacreports and selecting the current date.

Commissioner Comments and Questions:

Chair Huber asked if the original building was in compliance with the setback requirement, and stated if the applicant would have followed the building process he would have known about the setbacks.

Mr. Hall confirmed both comments.

Commissioner Robbins questioned why staff is recommending denial of this variance.

Mr. Hall stated the reason for denial is because the applicant re-built the shed without following the proper steps and there is no evident hardships for this request; therefore, the request does not meet the criteria for approval.

Commissioner Hentges inquired as to why the applicant is now choosing to go through the proper process of attaining a variance.

Mr. Hall made comment the applicant had recently listed the property for sale.

Commissioner Watson stated it is his understanding from reading the staff report that there was fire damage to the original shed, the applicant ended up reconstructing the building making it 20 feet into the setback area and had attempted to obtain a building permit and because they have been denied the building permit because they needed to obtain this variance first.

Mr. Hall confirmed that this understanding of the situation is correct

Commissioner Watson further commented that property owners who build without a permit are not commonly granted after the fact variances, and feels reluctant to approve this variance based on staff recommendations.

Chair Huber stated there is a set of requirements the Board is required to follow, and this variance does not meet many of them.

Commissioner Robbins asked for clarification that the Township had approved this variance.

Mr. Hall confirmed that the Township recommended approval.

Commissioner Vonnhof made comment that they are not allowed to approve a variance that does not meet all 8 requirements.

Mr. Hall commented not all 8 criteria requirements were met.

Commissioner Picha questioned if the property is still up for sale or will be going back on sale.

Mr. Hall said he was unable to answer this question.

The Board had asked if the Applicant could answer the question. No one approached the podium.

Chair Huber opened the public hearing at 6:53 pm.

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 Vonnhof. The motion carried unanimously.

Motion by Commissioner Robbins; second by Commissioner Vonnhof, based on the variance criteria listed in the Staff Report, I recommend denial of the requested variance from side setback requirements.

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

Commissioner Husain: Absent

Commissioner Picha: Nay

Commissioner Robbins: Nay

Commissioner Huber: Nay

Commissioner Vonnhof: Nay

Commissioner Hentges: Nay

Commissioner Watson: Nay

The motion passed unanimously with 6 Nays, 1 Abstention.

The request was denied.

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 other properties in the immediate vicinity face similar circumstances and have complied with the requirements of the Ordinance.
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 may limit but not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. The building design would need to be altered or constructed in a different area of the property but it would be possible to place an accessory building while remaining in compliance with the setback requirements.
4. *That the special conditions or circumstances do not result from the actions of the applicant.*
The circumstances surrounding the variance request are partly related to the topography of the parcel and the previous owner's placement of the existing structures.
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 of the requested variance would confer the applicant special privilege denied by ordinance to owners of other lands, structures, and buildings within the immediate area.
6. *The variance requested is the minimum variance which would alleviate the hardship.*
The applicants are proposing a 13.6-foot reduction in the side setback. It appears that there is no hardship or practical difficulty present.

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 but may alter the character of the property by allowing a structure to be significantly closer to the property line than other accessory structures and houses in the rural residential neighborhood.
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 considerations are not the primary consideration involved in this variance request.

3.3 PUBLIC HEARING 6:54 PM: ROCKLAND VARIANCE (PL#2025-045)

- A. Request for a Variance to allow Outdoor Storage within the front yard setback.

Location: Section 4
Township: Sand Creek
Current Zoning: I-1, Rural Industrial

Greg Wagner presented the staff report for this application. Board of Adjustment packets, staff reports, video recording and approved minutes are available for download at the Scott County Website link: [June 9, 2025 Board of Adjustment](#) or by visiting www.scottcountymn.gov/pacreports and selecting the current date.

Commissioner Comments and Questions:

Chair Huber asked if the Applicant is not allowed to build into the floodplain, if it would be possible for the Applicant to apply for a credit with the DNR.

Mr. Wagner explained FEMA floodplain regulations are in County Ordinance and that storage is prohibited in the floodplain so they could not apply for a DNR exemption. They could apply for a CUP if they propose to fill in the floodplain but that requires replacement at 2:1.

Commissioner Picha questioned why they were not allowed to add additional spots along the road.

Mr. Wagner explained this is done for emergency access to the building and having non-movable vehicles/storage there would impede access to the building.

Chair Huber questioned if there is a maximum number of cars allowed on site.

Mr. Wagner explained the Applicant is allowed a certain number of parking spaces for the sale of vehicles, not for unlicensed/inoperable vehicles, which is classified as outdoor storage.

Chair Huber commented there is not a certain amount of vehicles regulated but as long as the vehicles are not in front of the building.

Mr. Wagner responded all vehicles have a defined parking spot for sales or defined storage area for inoperable vehicles.

Chair Huber questioned who oversees monitoring any non-compliance issues.

Mr. Wagner stated the County is ultimately responsible for monitoring all permits issued by the County, but the Township can review the CUP and inform the County of any non-compliance issues. When this happens, the County's Code Enforcement Officer will visit the property and investigate any issues.

Commissioner Vohnhof asked Staff for an update on the screening of this property when this variance is all set and final.

Mr. Wagner responded they will provide an update on this application when grading and landscaping are completed.

Chair Huber opened the public hearing at 7:06 pm.

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 Picha. The motion carried unanimously.

Motion by Commissioner Robbins; second by Commissioner Watson based on the variance criteria listed in the Staff Report, I recommend approval of the variance to allow outdoor storage within the required front yard setback located north of the existing building.

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 uses and development in the rural industrial area.

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 west side of the property, which is the rear yard, is largely floodplain that is not usable for any structures or storage area due to floodplain protection regulations. Generally most industrial property outdoor storage is within a rear or side yard, which is not possible on this 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.

Literal interpretation of the Zoning Ordinance would not allow outdoor storage typical of industrial uses of this type.

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

The applicant has been attempting to work the township and county to address code compliance issues pertaining to their storage of vehicles awaiting repair. This solution would allow expansion of an existing storage area closer to the township road, but on the subject property, provided that fencing and screening are installed and maintained by the applicant.

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 county and township have worked with other industrial property owners that have had outdoor storage area issues, specifically properties with double road frontage lots.

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

The variance would allow expansion of a storage area that is outside of the township road right-of-way and a utility easement.

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 they are allowed outdoor storage to the north of the building; this variance would just allow expansion of the storage area within the front yard setback.

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.

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

Commissioner Husain: Absent

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes, 1 Abstention.

IV. GENERAL & ADJOURN

Motion by Commissioner Vonhof; second by Commissioner Picha to adjourn the meeting at 7:06 PM. The motion carried unanimously.

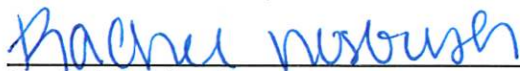


Ray Huber

Chair, Board of Adjustment

Date

Aug 11, 2025



Rachel Nosbush

Deputy Clerk to the Board

Date

Aug 12, 2025

