



SCOTT COUNTY
BOARD OF ADJUSTMENT
MEETING MINUTES

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

Monday, September 8, 2025
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Vice-Chair Hentges opened the meeting at 6:30 PM with the following members present: Ammar Husain, Jay Picha, Ken Robbins, Tom Vonhof, Donna Hentges and Lee Watson. Ray Huber 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, Tom Wolf – County Board Commissioner.

II. APPROVAL OF AUGUST 13, 2025 BOARD OF ADJUSTMENT MINUTES

Vice-Chair Hentges called for a motion to approve the minutes. Motion by Commissioner Vonhof; second by Commissioner Robbins to approve the minutes of August 13, 2025 Board of Adjustment meeting.

III. PUBLIC HEARING

3.1 PUBLIC HEARING 6:31 PM: FRENZEN VARIANCE (PL#2025-061)

- A. Request for a Variance to Reduce the 30-Foot Side Yard Setback to 20-Feet for an Accessory Structure

Location: Section 16
Township: New Market
Current Zoning: RR-1, Rural Residential Reserve

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: [September 8, 2025 Board of Adjustment](#) or by visiting www.scottcountymn.gov/pacreports and selecting the current date.

Commissioner Comments and Questions:

Vice Chair Hentges asked to clarify the type of structure.

Mr. Wagner stated it was a standard pole shed similar to other rural accessory structures.

Commissioner Robbins stated that he heard in Mr. Wagner's staff presentation that an earlier property survey prepared for a previous property owner was discovered during the process. He asked where the property survey was found.

Mr. Wagner explained the Building Department files had a survey for the property that was completed by a previous landowner. Mr. Wager stated that the applicant also had a copy of this earlier survey, but this survey does not provide field verification of the lot lines. The lot line was staked by a licensed surveyor after the property line setback issue came into question and as the building was under construction.

Commissioner Husain asked why there was not a survey for the property required before the building permit was issued and further asked the reason for the building.

Mr. Wagner stated the County's zoning ordinance does not require a survey drawing, prepared and signed by a licensed land surveyor, illustrating property boundaries for building permits for homes or accessory structures on parcels 10 acres or larger. Mr. Wagner further stated that when the property was first created, it appears in the late 1960's, the county and townships did not require a survey or plat to be filed, landowners could just record deeds with legal descriptions for parcels 10 acres or larger. Mr. Wagner stated the building permit application states that the shed will be for personal storage.

Vice Chair Hentges commented that in her experience as a rural property owner, it is difficult to identify lot lines when parcels have not been surveyed.

Commissioner Watson questioned the site of the building and wondered, given topography, if the selected location is the only location on the property where the shed would work.

Mr. Wagner stated that the property has a 20-foot elevation change to the north and east of the building and the shed was built on a flat area of the property before the elevation change and slope down to wetland areas.

Vice Chair Hentges opened the public hearing at 6:49 pm.

Public Comments and Questions at the Podium

Commissioner Picha asked about the concerns that have been expressed by a neighboring property owner. *Nick Frenzen, Applicant, stated that he and the neighboring property owner were under the impression the property line followed a light pole and a drainage ditch between their two properties. Mr. Frenzen stated that building their shed within the required 30-foot setback area was not their intention. Mr. Frenzen stated they had been maintaining their side of the drainage ditch for several years.*

Nick Bedeaux, Neighboring Property Owner, stated the Applicant didn't complete a survey or verify exact lot lines on the ground until after the shed was built and felt this could have been completed by legal means, and they have concerns on how the shed could affect a potential sale of their property.

Commissioner Picha asked how Mr. Bedeaux became aware of the setback requirements if the concerns were not brought up until after the shed was mostly completed.

Mr. Bedeaux explained a friend had stopped by and they had a discussion on setbacks and looked up the property line using a GPS hunting app on their phone.

Commissioner Husain questioned Mr. Bedeaux if there were any concerns about the shed prior to finding out about a possible setback issue.

Mr. Bedeaux indicated that they had no concerns until they discovered there might be an issue with the property line setback.

Vice Chair Hentges 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.

Vice Chair Hentges called for discussion.

Commissioner Robbins commented on his confusion on why a survey or verification of lot lines on the ground was never completed as this situation was an unintentional error and not done in malice. Commissioner Robbins stated he does not see how the shed could impact on the potential sale of the neighboring property.

Commissioner Husain commented on the large cost of moving the shed now that it has been built.

Commissioner Watson commented this is a complicated matter, and if the location of the shed cannot be moved to another location, there should be proper screening of the shed from the property line.

Commissioner Vonhof made comment on the fact that the houses themselves are so close together for two large parcels. Commissioner Vonhof further suggested that staff explore changes to the ordinance in the future that would require licensed surveys for homes or accessory buildings on parcels 10 acres or larger. He also supported that no storage and only screening of the shed be allowed between the neighboring property and the building.

Commissioner Husain agreed with screening of the shed.

Commissioner Vonhof questioned if conditions can be added to the variance approval.

Vice Chair Hentges asked again for clarity on requirements on surveys for buildings.

Mr. Wagner explained if the property is 10 acres or larger, County Ordinance does not require a survey.

Motion by Commissioner Watson; second by Commissioner Robbins, based on the variance criteria listed in the staff report I recommend approval of the variance to reduce the required 30-foot setback to 20 feet for an accessory structure. Adding friendly amendments that no storage of any kind shall be between the shed and property line, only screening of the shed and that the Township had a split vote resulting in no recommendation.

Vice-Chair Hentges called for a vote on the motion to continue the request as follows:

Commissioner Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Absent

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 6 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 use of rural residential properties.

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 main circumstance for variance is the observed property line versus the property line based on a property survey. Historically, it appears that multiple landowners have used a natural vegetative barrier as the common property line versus a marked, surveyed line. In addition, the property has a topographical change from the front 5 acres to the rear 5 acres that make the northern area non-buildable due to slope, wetlands, and woodlands.

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 require removal or adjustment of the nearly completed structure

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

The special circumstances result from historical interpretation of the property line, and the applicant has made every effort to show that they were complying with what they understood to be the side property line.

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 would allow the owners to have their permitted accessory building, which is a right allowed to other owners in the same zoning district.

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

While the requested variance would not meet the required side yard setback, the accessory building is entirely on the landowner's property, which was part of the adjacent neighbor's concern.

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 it is adding an accessory structure, which is common for most rural residential lots.

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 solely based on any economic considerations.

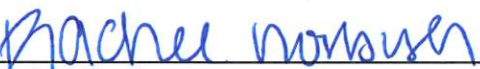
IV. GENERAL & ADJOURN

Motion by Commissioner Robbins; second by Commissioner Watson to adjourn the meeting at 7:11 PM. The motion carried unanimously.



Donna Hentges
Vice-Chair, Board of Adjustment

10/13/25
Date



Rachel Nosbush
Deputy Clerk to the Board

10/13/25
Date