



SCOTT COUNTY  
BOARD OF ADJUSTMENT  
MEETING MINTUES

Scott County Public Works Building  
600 Country Trail West  
Jordan, Minnesota

Monday, June 14, 2021 6:30PM

**I. ROLL CALL AND INTRODUCTIONS**

Chair Gary Hartmann opened the meeting at 6:30 PM with the following members present: Donna Hentges, Thomas Vonhof, Barbara Johnson, Ed Hrabec, Ray Huber and Lee Watson.

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

**II. APPROVAL OF MAY 10, 2021 BOARD OF ADJUSTMENT MINUTES.**

**Motion by Commissioner Vonhof; Second by Commissioner Johnson to approve the May 10, 2021 BOA minutes. The motion carried unanimously.**

**III. PUBLIC HEARING 6:30 PM HEINZ VARIANCE (PL#2021-043)**

A. Request for a Variance From the Required 100 Foot Right-of-Way Setback to 40 Feet to Construct a Grain Bin.

<b>Location:</b>	Section 14
<b>Township:</b>	Sand Creek
<b>Current Zoning:</b>	A-1

Planner Marty Schmitz presented the staff report for this application. The specific details within the staff report and a video and/or audio recording are available on the Scott County Website. LINK: June 14, 2021 Board of Adjustment Agenda Packet.

(To view the staff report or video/audio on the website at the link above, click on the download arrow and click on Agenda, Save and Open. Next open the bookmark at the top of the page and click on the Heinz Variance project.) This can also be located by directly visiting the official Scott County website and locating Citizen Advisory Boards and Commissions, then Board of Adjustment, then Recent Agendas.

Commissioner Questions and Comments:

Chair Hartmann commented on his familiarity with the property.

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

**Noting no comments from the public there was a motion by Commissioner Watson; second by Commissioner Huber to close the public hearing. The motion carried unanimously.**

**Motion by Commissioner Watson; second by Commissioner Hrabec based on the findings listed in the staff report, I recommend approval of the requested variance from the required 100' road right-of-way setback to 40' to construct a grain bin.**

Commissioner Johnson requested a friendly amendment noting Sand Creek Township recommended approval and MNDOT provided no comment on the project when requested.

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

- Commissioner Vonhof: Aye
- Commissioner Hartmann: Aye
- Commissioner Hentges: Aye
- Commissioner Hrabe: Aye
- Commissioner Huber: Aye
- Commissioner Johnson: Aye
- Commissioner Watson: Aye

The motion 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 right-of-way, existing buildings, and utilities create limitations for placement of a grain bin. The bin will be in the same general location as the home that was removed from the property. The shed to the west of the proposed grain bin received a variance in 1985.

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 grain bin to the north of the building site in an area that is more difficult to access. The grain bin will be located 140 feet or more from the center of the road.

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 the impacts of the right-of-way acquired for State Highway 282. The building site existed in this location prior to the State Highway and zoning setback standards.

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. State Highway 282 has a right-of-way width of 180. This is almost 3 times the right-of-way width of most county roads in the area. The greater right-of-way width requires the applicant to be further from the roadway than other landowner along county roads.

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

The request for a 40' variance from the required 100' from road right-of-way setback for the grain bin to be easily accessed and 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.

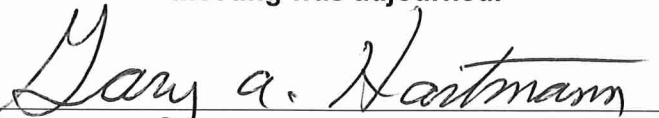
8. *Economic considerations alone shall not constitute practical difficulties.*

The proposal is not based on economic factors.

**IV. GENERAL & ADJOURN**


**Motion by Commissioner Hentges; second by Commissioner Huber to adjourn the meeting at 6:39 PM. The motion carried unanimously.**

Meeting was adjourned.



Gary Hartmann  
Chair, Board of Adjustment

  
Date



Barbara Simonson  
Deputy Clerk to the Board

  
Date