MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday August 25, 2022

The Board of Adjustment convened in regular session on Thursday, August 25, 2022 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Roger Isdahl (C), John Messenger, Ivie Cooley, Ted Kannegiesser and Ron Feigum

Other Officials Present: David Green, Jessica Hill, Aerial Hughes (Land & Resource Management, staff), Larry Lindor (County Commissioner) and Paul Gerde (County Commissioner)

Call to Order

The meeting was called to order by Chairman Isdahl at 6:00 p.m.

Additions and Corrections to the Agenda

There was no additions or corrections to the agenda.

Review minutes of July 28, 2022

The minutes of the Board of Adjustment meeting that was held on July 28th, 2022 were submitted for approval. Motion to accept the minutes as presented was made by Feigum and seconded by Messenger. Motion carried with no dissenting votes noted.

General Business

Director Green comments on the role of the Board of Adjustment and responsibility of the applicants to establish that a "Practical Difficulty" exists. Director Green reiterates that a "Practical Difficulty" includes establishment of Reasonable Use, Unique feature, and Essential Character.

Tabled/Old Business

There was no tabled or old business to act upon.

New Business

Variance, applicant Robert Claussen (PID 11-0172-000)

Chairman Isdahl introduces the item followed by a staff report as presented by Director Green. The report did include any agency and public comments received prior to the meeting date. The only comment received was from the County Recorder's office. In conclusion, Director Green stated that staff does not object to the issuance of a variance in this case provided that the conditions, as submitted by staff, are considered. Claussen is offered an opportunity to comment on the variance request. Applicant states that his previous plan was to tear down the house and completely rebuild but that the cost was much more than anticipated. At 6:10 pm, Chairman Isdahl opens a public hearing and seeks comments. There were no comments offered from the public in attendance, for or against the proposal at this time. The Public Hearing was followed by a site visit report as presented by Messenger. He states that *Ron, Ted and myself visited the site. It seems reasonable what he is planning to do in the neighborhood*. Feigum notes that there are other structures in the neighborhood being closer to the

road. Kannegiesser says that it *makes sense to want to keep a ramble style*. At the conclusion of the site visit report there was brief discussion followed by the following motion to approve of the variance by Feigum: *Based upon the information and conditions as presented in the staff report, and facts as gathered this evening, I move to approve of the variance request to locate the residential structure at 32 feet from the right of way boundary.* Motion is seconded by Cooley. Motion passes unanimously.

Findings are prepared as follows:

1. **Variance request consistent with purposes and intent of the official controls and the comprehensive plan:**

   Finding: The Minnesota DNR Shoreland Rules Ch 6120 as well as the Pope County Land Use Controls Ordinance regulate the location of structures in shoreland designated areas. The purpose of the required setback for structures from roadways is to protect personal property; provide for maintenance and potential expansion of public roads; ensure safety for all users of roads and for those adjacent to roads; and to preserve the neighborhood character and aesthetics. The location of the proposed structure in relation to the road right-of-way is not wholly inconsistent with the intent of the local ordinance and would not be unique amongst this neighborhood.

2. **Use of property/structure is a reasonable use:**

   Finding: Residential use in the shoreland zoning district is a reasonable and typical use.

3. **Character of locality and detriment to neighboring properties:**

   Finding: The structure is not inconsistent with other uses and development in the neighborhood. Therefore, there is no change in character of the locality nor shall there be a detriment to the neighboring properties.

4. **Plight of the landowner is due to circumstances unique to the property and not self-created:**

   Finding: The circumstances contributing to the need for the variance include that the parcel has limited developability due to its dimensional size and by the location of an existing onsite wastewater system.

Adjournment 6:12 p.m.

Feigum offers a motion to adjourn that was seconded by Kannegiesser. The motion is supported unanimously. Therefore, Chairman Isdahl adjourns the Board of Adjustment meeting at 7:22 pm.

Respectfully submitted,

David Green

David Green/Director
Pope County Land & Resource Management