**MEETING MINUTES**
**POPE COUNTY BOARD OF ADJUSTMENT**
**Thursday May 26, 2022**

The Board of Adjustment convened in regular session on Thursday, May 2, 2022 at the Pope County Courthouse, 3rd floor Meeting Room.

**Members Present**: Roger Isdahl (C), Mark Halls (VC), Ivie Cooley, John Messenger, Ted Kannegiesser (6:03) and Ron Feigum

**Other Officials Present**: David Green, Jessica Hill and Barry Bouwman (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 March 24, 2022**

The minutes of the Board of Adjustment meeting that was held on April 28th, 2022 were submitted for approval. Motion to accept the minutes as written was made by Feigum and seconded by Cooley. 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- Marlow and Shawn Engler and Kellie Hentges

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. Director Green stated that staff does not object to the issuance of a variance in this case. The applicants, Marlow and Shawn Engler are offered an opportunity to comment on their variance request. Halls request a larger geographic view of the parcel and area. Hill, opens the Pope County GIS map and displays a map of the area in question. 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. Director Green points out that there was a comment submitted by Bruce Friske via the Public Comment Map on the Land Use Outreach GIS Hub which was not in favor of this variance request. After brief discussion, Chairman Isdahl closes the Public Hearing. Cooley offers the following motion: 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 two residential structures on the parcel in Shoreland-Natural Environment zoning district. Motion is seconded by Kannegiesser. 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 purpose of limiting the number of residences on a single parcel located in a shoreland designated zoning district is for protection of surface water environmental and recreational resources and for preservation of neighborhood esthetics. In this instance, the surface water body provides limited recreational resource. The locating of two residential structures on a ten-acre parcel is not likely to impact the public water from an environmental perspective and will not have a negative esthetic impact. The 2018 Pope County Comprehensive Plan identified the following goal: *Continue to **allow for a variety of housing options** that meet the needs of Pope County residences, coordinates well with housing available in its cities, and reflects the rural character of the County. -The county will continue to contain primarily single-family residential housing. Attached townhome, condominium, **and other multi-generational housing options** that will allow for residents of various stages of life and income levels to live within the County may be allowed in appropriate areas - primarily in and near cities or other developed area **and in appropriate shoreland areas**.*

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

   ***Finding:*** Rural residences and accessory storage buildings are common uses in shoreland zoned districts in Pope County.

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

   ***Finding:*** Granting the variance will not change the character of the locality or 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 plight of the land owner is related to individual parcels being combined for tax purposes and the desire for multigenerational family cohabitation.

Variance-Jeremy Litwiller

Chairman Isdahl introduces the item followed by a staff report as presented by Director Green. The report did include a comment from the Recorder, but there were no other agency or public comments received prior to the meeting date. Director Green stated that staff does not object to the issuance of a variance in this case. The applicant, Jeremy Litwiller was offered an opportunity to comment on the variance request. At 6:16 pm, Chairman Isdahl opens a public hearing and seeks comments. As there were no comments offered for or against the proposal at this time, Chairman Isdahl closes the Public Hearing. The site team shared their impression of the site with some discussion of location options. Kannegiesser enquires regarding the access road and approach. Followed by a discussion of a gravel

access roadway through parcel. Cooley asks applicant if they planned on putting any signage on the building to which the Litwiller said "I wasn't planning on it". Kannegiesser offered the following motion: 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 an accessory structure at no closer than 95 feet from the centerline of the right of way. This motion is seconded by Messenger. 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 Pope County Land Use Controls Ordinance is the official controlling document for land uses within Pope County. Regarding structure location, there are identified regulated setback dimensions established for each particular zoning district. The purpose of the required setback is to provide for yard space such that there may be assurance of adequate light, air and privacy. In addition, there are other "use specific" standards established for purposes of maintaining neighborhood character and esthetics. The locating of this structure on the parcel will not impact adequate lighting, air or privacy nor will it create a safety hazard. So, there is no inconsistency with the purpose of official controls.

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

   ***Finding:*** Accessory structures are reasonable and permissible uses in Agricultural zoned districts and are typical for commercial business ventures.

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 this property was developed for residential use by previous owners and that the current permitted use (commercial business) requires structures and equipment for different reasons. Due to existing development, it is onerous to comply with the setback performance standard.

Variance-David and Pamela Foster

Chairman Isdahl introduces the item followed by a staff report as presented by Director Green. He stated that the variance was not to the size of the structure but rather to its proposed location. The report did include a comment from the Recorder, but there were no other agency or public comments received prior to the meeting date. Director Green stated that staff does not object to the issuance of a variance in this case. The applicant, David Foster was offered an opportunity to comment on the variance request. At 6:30 pm, Chairman Isdahl opens a public hearing and seeks comments. As there were no comments offered for or against the proposal at this time, Chairman Isdahl closes the Public Hearing. Site team shared their impression of the site with some discussion of location options. Messenger notes that "we've been in this neighborhood before and its tight." Foster mentions that the location of the septic system is one of the reasons that a variance is needed. Messenger offers the

following motion: 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 an accessory structure at a reduced setback from the property line and the right of way. Motion is seconded by Halls. 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 requirements is to maintain neighborhood character and aesthetics as well as for the protection of surface water resources and personal property. The proposal to locate an accessory structure on this parcel will not have a significant impact to the hydrology or natural characteristics of the riparian area. The accessory structure will not impact neighborhood character or aesthetics. Therefore, the request does not conflict with the intent of the official controls.

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

   ***Finding:*** An accessory structure, such as a garage, is a reasonable and permissible use in Shoreland zoned districts.

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 this property has an awkward geography as well as topographical constraints such as steep banks and a ravine.

**Adjournment** 6:35 p.m. Motion by Feigum to adjourn the Board of Adjustment meeting with a second by Kannegiesser. Motion carried with no dissenting votes noted.

Respectfully submitted,

David Green

*David Green/Director*
Pope County Land & Resource Management