POPE COUNTY
MINNESOTA

# MEETING MINUTES
# POPE COUNTY BOARD OF ADJUSTMENT
## Thursday, June 27, 2024

The Board of Adjustment convened in regular session on Thursday, June 27, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

**Members Present**: Roger Isdahl, John Messenger, Ted Kannegiesser, and Russell Barkeim

**Other Officials Present**: David Green (Land & Resource Management, Director), Jessica Hill (Zoning Administrator), Shelley Retrum (Sr. Administrative Associate), and Paul Gerde (County Commissioner)

**Call to Order**

The meeting was called to order by Chairman Isdahl at 6:04 p.m.

**Additions and Corrections to the Agenda**

There were no additions or corrections to the agenda. A motion to accept the agenda as prepared was made by Messenger and seconded by Kannegiesser. Motion carried with no dissenting votes noted.

**Review minutes of May 23, 2024 Regular Meeting of the BOA**

The minutes of the Board of Adjustment meeting that was held on May 23, 2024 were submitted for approval. Motion to accept the minutes as written was made by Barkeim and seconded by Messenger. Motion carried with no dissenting votes noted.

**General Business**

There was no General Business to discuss.

**Tabled/Old Business**

**Variance #24050,** applicant **Kenneth Moe** (absent) PID# 08-0183-000 tabled from April 25, 2024 and the May 23, 2024.

Director Green provided a summary of Mr. Moe's variance request, Board discussion, and the resulting motion to table the request for today's hearing. Director Green noted that the Board had requested the applicant to provide additional information and that Mr. Moe had not provided any additional comments or has not been into the Land & Resource Management office to further discuss his application.

Discussion was had among the Board about whether to table the request again in light of Mr. Moe not being present. Director Green provided comment on the need to comply with the statutory timeline to address applicant requests and the path to extending this timeline.

**Motion**

Board member Barkeim made motion to table this item until the next monthly meeting in order to allow Mr. Moe a chance to comply with the Board's request that the applicant work with L&RM staff. Motion seconded by Kannegiesser. Motion carried with no dissenting votes noted.

**New Business**

**Variance Request** #24129, **Jason and Jolene Moen** (present) PID# 09-0395-002

Variance hearing on the application to allow relief from the minimum lot width standard in a Shoreland-Natural Environment (S-NE) zoning district, per section 4.4.3 of the Pope County Land Use Controls Ordinance. Parcel is described as being located in: The North Half (N½) of the South Half (S½) of the North Half (N½) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼), Section 23, Township 125 (Glenwood), Range 37, Pope County, Minnesota.

Director Green presented the applicant's request and staff report noting that staff does not object to the issuance of a variance and provided recommended conditions for the Board to consider. Following Director Green's presentation, the applicant was offered an opportunity to defend their application and to establish the practical difficulty. Jason Moen thanked the Board for their time here tonight and made note that we have always had the understanding that we could not build because of the lot width requirement. Jason also mentioned how much his entire family enjoys spending time on the property and would like the opportunity to possibly build a future retirement home so that their grown children and parents may continue to enjoy the lot. Jason also noted that he has a neighbor that he shares an easement with and has had conversation with them in regards to building a home and creating a driveway in which they stated they are on board with this. Board member Isdahl asked the applicant if it is primarily RV use on these lots due to the lot width size. Jason Moen confirmed mostly RV's and one cabin.

A public hearing was called. With no one providing comment in support of or against the variance request, the Chairman closed the public hearing.

Board members who were onsite, Messenger, Kannegiesser, and Barkeim, provided comments on site conditions and offered no objection to a proposed location of a residential structure and further noted that, while onsite, it appeared to be a beautiful spot for a home with some trees that have been planted by the applicants. A residential structure could be set back far enough from the lake.

**Motion**

Barkeim made a motion to approve the variance as requested with a second from Messenger. Motion carried unanimously with the findings as follows:

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

   ***Findings:*** The proposed development of the lot would be consistent with the purposes and intent of the official controls and the comprehensive plan as the existing riparian lot's proposed use is an allowable use in the Shoreland-Natural Environment zoning district.

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

   ***Findings:*** Allowing this nonconforming parcel to be developed for residential use is reasonable.

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

   ***Findings:*** Granting the variance will not change the character of the locality or be a detriment to the neighboring properties. The neighborhood will remain primarily recreational and residential in nature and use.

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

   ***Findings:*** The circumstances contributing to the need for the variance are that the existing riparian parcel was subdivided and described, by a previous owner, in a manner that does not conform, to the Shoreland Ordinance minimum lot width. There has been no previous action taken by the county or the township to rectify the nonconformity. The granting of a variance to the minimum lot width, will create a **legal** nonconforming parcel, which can be developed.

**Adjournment** 6:19 p.m. Motion by Messenger to adjourn the Board of Adjustment meeting with a second by Kannegiesser. Motion carried unanimously.

Respectfully submitted,

*Shelley Retrum, Sr. Administrative Associate*
Pope County Land & Resource Management

*Jessica Hill, Zoning Administrator*
Pope County Land & Resource Management

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