MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday August 26, 2021

The Board of Adjustment convened in regular session on Thursday, August 26, 2021 at the Pope County Courthouse, Community Meeting Room.

Members Present: Roger Isdahl, *Ronald Feigum, Ivie Cooley, John Messenger, and Brian Jergenson

Other Officials Present: David Green (Land & Resource Management Director), Shelley Cameron (Sr. Administrative Associate), Cody Rogahn (County Commissioner), Larry Lindor (County Commissioner)

The meeting was called to order by Chairwoman Cooley at precisely 6:00 p.m.

Additions and Corrections to the Agenda

There was no additions or corrections to the agenda.

Review minutes of July 22, 2021

The minutes of the Board of Adjustment meeting that was held on July 22, 2021 were submitted for approval. Motion to accept the minutes as written was made by Messenger. Seconded by Jergenson. Motion carried with no dissenting votes noted.

Variance-Dean Kleindl

Chairwoman Cooley introduces the item. Applicant Dean Kleindl is present. Director Green presents staff report with a staff recommendation to approve with conditions stated in the staff report. Chairwoman Cooley asks for any additional comments from the applicant. Applicant Dean Kleindl states "it will be for storage. I make cabinets and I will store my overflow of cabinets and maybe International tractor." Chairwoman Cooley opens to the public asking "is there anyone speaking in favor of this variance?" None noted. Chairwoman Cooley asks "is there anyone speaking against this variance?" None noted. Chairwoman Cooley closes the public hearing. Comments from the site team indicate that they have no objections or concerns. Chairwoman Cooley seeks a motion. Jergenson states "based upon the information as presented in the staff report and facts as gathered this evening, I move to approve of the variance request to locate the used garage structure as proposed, at a reduced setback of approximately 85 feet from the right of way and as close as zero feet from the adjacent parcel which is in the same ownership." Messenger seconded. Motion carried with all members present (Isdahl, Cooley, Messenger, and Jergenson) voting in favor.

Variance-Lucas Braaten

Chairwoman Cooley introduces the item. Applicants Lucas and Danielle Braaten are present. Director Green presents staff report and indicates staff does not object to the issuance of a variance with conditions stated in staff report. Chairwoman Cooley asks for any additional comments from the applicants. Applicant Lucas Braaten states "basically we would like to upgrade. Our well and trees are there and it would be nice to keep them. That is why we have the building set up the way we do. Basically, we would build the garage part first, move into that, get rid of the farm house and add on the

living quarters. We find it the best place on the property to build." Chairwoman Cooley opens to the public asking "is there anyone speaking in favor of this variance?" None noted. Chairwoman Cooley asks "is there anyone speaking against this variance?" None noted. Chairwoman Cooley closes the public hearing. Comments from the site team indicate that they have no objections or concerns. Chairwoman Cooley seeks a motion. Roger Isdahl states "based upon the information as presented in the staff report and facts as gathered this evening, I move to approve of the variance request to locate a residential home at 150 feet from the ordinary high-water level of a Natural Environment Lake." Jergenson seconded. Motion carried with all members present (Isdahl, Cooley, Messenger, Jergenson and Fiegum) voting in favor.

Variance-Lawrence & Kathy Martin

Chairwoman Cooley introduces the item. Applicants Lawrence and Kathy Martin are present. Director Green presents staff report with a staff recommendation to approve with conditions stated in the staff report. Chairwoman Cooley asks for any additional comments from the applicants. Lawrence Martin states "we have been trying very hard to sell our house. The house is sold we just cannot close it because of this issue. The expense of the other possible options would be thousands of dollars is what we have been told. Essentially, we would have to sue the state of Minnesota. This a way that we can sell our house to a very nice lady and her children. The situation is unique because the state won't help." Applicant Kathy Martin states "the state attorney will not give the county attorney a legal document. The lender needs an encroachment agreement from the state. The state says the county can give that. The county cannot give that unless the state gives them a legal document stating that they can do that. We are in between a rock and a hard place. We are hoping we can come to some kind of agreement that will appease the lender. Our buyer is living in the house because she has no place to go." Chairwoman Cooley opens to the public asking "is there anyone speaking in favor of this variance?" Christine Gurney states "I am trying to purchase this property. We have been living there for almost two months now. There isn't much to rent in the area and we don't have anywhere to go. I just want my children to have some stability. It would likely take six months to even possibly find something to rent. We would really like it if we could close on the property." Chairwoman Cooley asks "is there anyone speaking against this variance?" Jeff Finke states "I am on the City Counsel of Cyrus." Tyler Berg states "I am the Mayor of Cyrus." Jeff Finke states "a couple of things here. The survey pins in the road. The cities curb and gutter and lot lines come to what would be closer to that shrub line by the survey pins and the state highway. We have a proposal of a state highway project coming through town and the state is going to do that portion of the street. The east line which is close to that shrub line is where they are going to do our street project. I feel the seller's pain and I feel the buyer's pain. The thing that I am concerned about is does this change everybody's lot down the line? How did the surveyor derive his pin marks and why these pins are in the middle of the street and they start right where the curb and gutter are? There was also a property dispute on the back of the yard that the city owned and the city already gave them that property to try and clear this up." Tyler Berg states "my parents own property on the other side of the road and there is a driveway there. My dad owns 50% of that. Now that all got moved down. All of these properties in town are getting moved. It was 50 feet prior and now it is 40 feet. You can't even put a trailer house on it because of the setbacks."

Chairwoman Cooley closes the public hearing. Comments from the site team indicate that they have no objections or concerns. Chairwoman Cooley seeks a motion. Messenger states "based upon the information as presented in the staff report and facts as gathered this evening, I move to approve of the variance request to create a nonconforming parcel. Feigum seconded. Motion carried with no dissenting votes noted.

Tabled/Old Business

There was no additions or corrections to the agenda.

Adjournment 6:53 p.m. Motion by Feigum to adjourn the Board of Adjustment meeting. Motion seconded by Messenger. Motion carried with no dissenting votes noted.

Note: Feigum arrived at 6:25 p.m.

Respectfully submitted,

Shelley Cameron/Sr. Administrative Associate
Pope County Land & Resource Management