Board of Adjustment
November 20, 2025
VAR-25-020

POPE COUNTY MINNESOTA

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STAFF REPORT

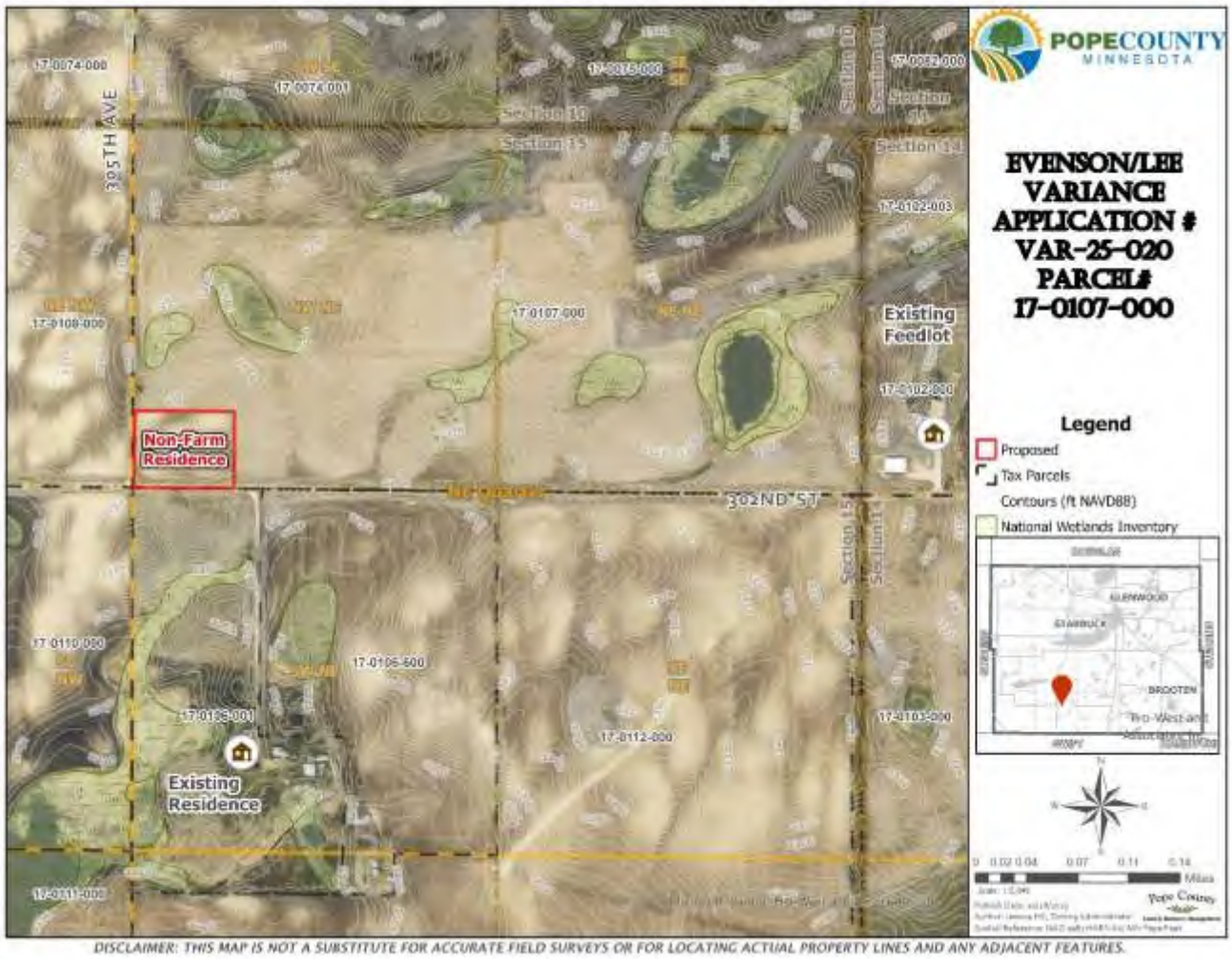
Applicant Information

Applicant: Alyssa Evenson and Brady Lee

Application: Variance (VAR-25-020)

Zoning: Agriculture Protection (A-2)

Location: Part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼), Section 15, Township 123 (Langhei), Range 39, Pope County, Minnesota



DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES.

Background

The applicant is requesting consideration to construct/locate a non-farm residential structure in an Agriculture Protection (A-2) zoning district. The Pope County Land Use Controls Ordinance section 7.3.K. requires a Conditional Use Permit to locate a non-farm residence in the A-2 zoning district.

The proposed home location is described as being on the north side of 302nd St and in the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 15 in Langhei Township. This residence would be considered the second non-farm residence to be located in the Northeast Quarter in Section 15; hence, the applicant seeks a variance as well as a Conditional Use Permit to be in compliance with section 7.3.K. of the Pope County Land Use Controls Ordinance. The Land and Resource Management office does not have records of a non-farm residence Conditional Use Permit relating to the existing residence at 30185 302nd St. This is probably due to the fact that the structure was a farm residence and that more recently the land was subdivided and the home sold off separately from the tillable land. Regardless, based on the current standards, it is not permittable to construct another residence without a variance or zoning change. Therefore, the next step in the permitting process is to seek a variance to the non-farm residence density standard as stated in section 7.3 of the Pope County Land Use Controls Ordinance.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 7.3. Agriculture Protection (A-2) Zoning District *(conditional uses)*
    - *K. Non-farm single family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development provided, however, that the construction of non-farm single family residential structures is prohibited if the proposed structure will result* ***in more than one*** *non-farm residential structure being located within any quarter section (160 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.)…….*
  - Section 11.6 Variance from Standards *(criteria and procedures)*

State Statute/Rule

- Minnesota Statute Chapter 394 Planning, Development, Zoning *(enabling legislation)*
- Minnesota Statutes 394.27 Subd. 7 *Variances; practical difficulties*

Staff Comments

The Northeast Quarter of Section 15, Township 123, Range 39 already contains a non-farm residence. This residence is located in the Southwest Quarter of the Northeast Quarter of the section. It is believed that this structure was historically associated with the farming of this property. Regarding the North half of the Northeast quarter, most of the land is in conservation easement/long term management programs. A small area of about two acres located in the SW corner of the NWNE quarter quarter section was set aside to be preserved for a building site. The land proposed for use as a non-farm residence is open space with varying topography, which may have been used for agricultural grazing. The parcel in question has a small portion shown with wetlands, this is supported by information from the National Wetland Inventory. According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, the two acre site is covered by a single soil type, Langhei-Barnes (LnD2), moderately eroded complex, 12 to 20 percent slopes. The soils classification on this parcel is described as "not prime farmland".

According to the Pope County Feedlot Officer, the closest registered feedlot (Parcel#17-0153-000, with 90.5 animal units) is located at over 4,000 feet to the south of the proposed location. There is already a limitation to the location and size of animal feedlots in this area due to the presence of other existing non-farm residences.

Staff offers the following comments for consideration based on Minnesota Statute 394.27 subd. 7: A variance may be granted if enforcement of the zoning ordinance as applied to a particular piece of property would cause the landowner "practical difficulties." There is a Three Factor Test for establishing practical difficulties. If the applicant does not satisfy all three factors of the test, then the variance should not be granted.

1. **Reasonableness**

   The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, this variance application may result in the construction of a new residential structure. The question to be considered is: is it reasonable to have another residential structure in this particular area?

2. **Uniqueness**

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner.

Essential Character

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about this variance which relates to the construction of a new residential structure, how will the use of the property look in relation to others in the neighborhood, and if that fits in with the character of the area.

Staff Recommendation

Having reviewed and considered the application, local ordinances, state statutes, all comments received, and based on the following findings, staff **does not object** to the issuance of a variance allowing for the locating of an additional non-farm residence in the quarter section identified as the Northeast Quarter of Section 15, Township 123, Range 39, Pope County, Minnesota.

Staff Findings

The Staff proposes the following findings of fact for consideration by the Board of Adjustment:

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

   Findings: The purpose of limiting the number of non-farm residences in an Agriculture Protection zone is for preservation of prime agricultural soils and to reduce conflict with neighboring farming operations. In this instance, the soils are not particularly suited for crop farming. Additionally, the nearest registered livestock operation is over 4,000 feet away. The Comprehensive Plan does indicate a growing concern regarding population decline in rural areas and a desire for development of non-farm homesteads in the rural areas.

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

   Findings: A rural residence is a common desire and a permittable use in Pope County.

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, as the properties to the south of the proposed location are currently in non-farm residential use.

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

   Findings: The property owner is burdened by limitations prescribed in the Land Use Controls Ordinance. The limitation imposed by the ordinance is for the protection of agricultural operations. That does not appear to be a concern in this instance as this property is not well suited for cropping purposes, nor is it near the identified feedlots in the general vicinity, therefore it is not likely to impact future feedlot development or expansion. The property owner can meet all other identified performance standards.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Variance Application (Alyssa Evenson and Brady Lee, 25 October 2025)*
  - **Attachment 2:** *Site Plan (Alyssa Evenson and Brady Lee, 25 October 2025)*
  - **Attachment 3:** *Evenson/Lee VAR-25-020 & CUP-25-015, Parcel#17-0107-000, Farmland Classification (J.Hill (Zoning Administrator), 6 November 2025)*
  - **Attachment 4:** *Proposed Non-Farm Resident, Feedlot Analysis (A.Hughes (Feedlot Officer, Land Use Specialist), 4 November 2025)*
  - **Attachment 5:** *Site Visit Photos (L&RM Staff, 10 November 2025)*

Routing Sheet

Comments, Concerns and Conditions

County Department

Attorney	No comment received.
Feedlot Officer	*COMMENTS: The closest animal agriculture activity to the proposal is roughly 2,500 feet east and appears to be pasturing horses with some feedlot confinement. The proposal and the feedlot are owned by the same individual. The residence directly south of the proposal appears to have buildings designed for animal confinement. However, there is no history of a feedlot registration and looking at aerial photography, there are no signs of denuded vegetation, hinting at feedlot conditions. There is a feedlot further south that has expansion limitation not related to the proposal. Please see my attached maps for a visual interpretation.*

Township

Langhei	No comment received.

Other Comments Received

No comment received.

Public Notice

POPE COUNTY LAND & RESOURCE MANAGEMENT
POPE COUNTY COURTHOUSE
130 E. MINNESOTA AVENUE
GLENWOOD, MINNESOTA 56334
(320) 634-7791

POPE COUNTY BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING FOR
VARIANCE REQUEST

Notice is hereby given that a Public Hearing will take place in conjunction with the Board of Adjustment meeting to be held at 6:00 pm or shortly thereafter on Thursday, November 20th, 2025 in the Pope County Courthouse, 3rd Floor Board Room, to consider the following variance request.

Description of Request: Variance hearing on the application by Alyssa Evenson and Brady Lee (VAR-25-020, Parcel#17-0107-000), if granted would allow applicant relief from the non-farm residential density standard in an Agriculture Protection (A-2) zoning district per section 7.3.K of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼), Section 15, Township 123 (Langhei), Range 39, Pope County, Minnesota.

Public participation will include an opportunity to:

1) submit written concerns and comment prior to the scheduled meeting. All such communications will be shared with the Board of Adjustment prior to or during the meeting;
2) submit concerns and comments via Pope County's Public Comment web map, go to https://www.popecountymn.gov, at the top of the page hover over Government, then under Board of Adjustment/Planning Advisory Commission, select Submit a Public Comment or type in the following link to access the Public Comment web map: (https://popecounty.maps.arcgis.com/apps/webappviewer/index.html?id=22a203912a864a77b4cdabe672e35e3f)
3) opportunity to review the staff prepared report via Pope County website;
4) observe and/or participate by providing verbal comments in the Public Hearing portion of the Board of Adjustment meeting.

Interested parties and citizens may contact the Land and Resource Management office for further information as to how to participate in the meeting. ***Notices of Decision*** *will be posted* ***online*** *shortly after decision making at the following Pope County webpage:*

- *https://www.popecountymn.gov/land-resource-management/boa-pac-notices-of-decision/*

Thank you for your patience and consideration in this matter.

Dated: November 7, 2025
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Variance Application
(Alyssa Evenson and Brady Lee, 25 October 2025)

VARIANCE APPLICATION

VAR-25-020

A variance allows a modification or variation of the provisions of the Pope County Land Use Controls Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the ordinance would cause the landowner "practical difficulty" (see Practical Difficulty Test on the following page).

Variances from official zoning controls are defined under Minnesota Statute 394.27 and require the landowner to prove the property could not otherwise be used or enjoyed in the proposed way by complying with the Pope County Land Use Controls Ordinance and there will be no negative impact on surrounding properties.

Prior to submission of this application, please discuss your variance request with the Land and Resource Management department.

RECEIVED
OCT 27 2025
BY:

Applicant Information

Applicant Names	Alyssa Evenson Brady Lee
[redacted]	

Property Description

Property Address	302nd Street								City	Starbuck			State	MN	Zip	56381			
Township Name	Langhei								Section				Twp		Range				
Parcel No.	1	7	-	0	1	0	7	-	0	0	0	Associated Parcel No.		-			-		

Project Narrative

What is the variance application for?	

Provide written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized:

We are hoping to purchase land (20 acres) for a future home build. To our knowledge there would not be any potential conflicts with existing nearby land uses. We are open and support any and all businesses in the area.

We are fine with and support all agricultural uses.

We recognize that most of the 20 acres is protected with WRP and RIM. There is a smaller section that we would be asking to build on (left corner of image below).

We would not be taking any agriculture production land out of production.

Pope County Land & Resource Management
130 East Minnesota Ave | Glenwood, Minnesota 56334 |
Phone (320) 634-7791 | Email: pub lrm@popecountymn.gov
Website https://www.popecountymn.gov/land-resource-management/

Practical Difficulty Test

A variance may be granted if enforcement of the zoning ordinance as applied to a particular piece of property would cause the landowner "practical difficulties." There is a three factor test for establishing practical difficulties. If the applicant does not satisfy all three factors of the test, then the variance should not be granted.

1. *Reasonableness*

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

2. *Uniqueness*

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner.

3. *Essential Character*

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

Questions	Yes/No
Does your project satisfy all three factors of the Practical Difficulty Test?	Yes
Please state how your project satisfies all three factors in the space provided below:	

1. We propose to use the property in a reasonable manner. There is a 2nd non-farm residence in the area. Our hope is to build a future home in which we are asking for the variance in order to do so. We recognize that most of the 20 acres is protected with WRP and RIM.

In this case arises from unique physical and environmental characteristics of our property, not from any actions or preferences on our part as landowners. Our 20-acre parcel is largely encumbered by Wetlands Reserve Program (WRP) and Reinvest in Minnesota (RIM) conservation easements, which substantially restrict where a residence can be located. These protected areas create significant limitations on the developable portion of the land, making our property distinct from others in the vicinity. Although there is another non-farm residence in the area, our situation is materially different because the WRP and RIM easements leave only a small portion of the parcel available for any reasonable residential use. This limitation is inherent to the property itself and not the result of any self-created condition.Therefore, the unique environmental constraints on our property make strict compliance with the zoning requirements an unnecessary hardship, and granting this variance would allow a reasonable and appropriate use of the land consistent with the character of the surrounding area.

2. "Uniqueness" refers to the physical characteristics of the land—such as its size, shape, topography, or location—that make it different from neighboring properties and cause compliance with zoning requirements to be unusually difficult or burdensome. In our case, the hardship arises from the unique environmental restrictions on our 20-acre parcel, most of which is protected under WRP and RIM easements. These protections significantly limit where a residence can be built, leaving only a small, specific section of the property available for development.The proposed non-farm residence will be located within this limited buildable area and will blend seamlessly with the surrounding properties, appearing no different from the other existing non-farm residence in the area. We will remain in full compliance with all applicable regulations and setback requirements.We also wish to emphasize our support for agricultural operations, feedlots, and other lawful businesses in the vicinity. We have no objections to current or future agricultural or commercial developments and intend to be good neighbors who respect and support the existing rural character and land uses of the area.

3. There is already one non-farm residence in the area, and we are requesting a variance to allow construction of a second non-farm residence. The proposed home will be built on the small portion of the land that is not restricted by the easements, and it will be designed to fit harmoniously with the surrounding area. Our goal is to ensure that the new home is not out of scale, out of place, or inconsistent with the rural character or nearby properties. We will remain in full compliance with applicable zoning and environmental regulations and are fully supportive of the agricultural operations, feedlots, and other lawful businesses in the area. We do not object to any current or future builds or enterprises nearby and are committed to being respectful, contributing members of the community.

Pope County Land & Resource Management
130 East Minnesota Ave. | Glenwood, Minnesota 56334 |
Phone: (320) 634-7791 | Email: pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

Supplemental Information Attachment 2:

Site Plan
(Alyssa Evenson and Brady Lee, 25 October 2025)

Aerial Map

Boundary Center: 45° 28' 5.67, -95° 33' 1.01

0ft 483ft 966ft

15-123N-39W
Pope County
Minnesota

N W E S

5/7/2025

Maps Provided By surety CUSTOMIZED ONLINE MAPPING
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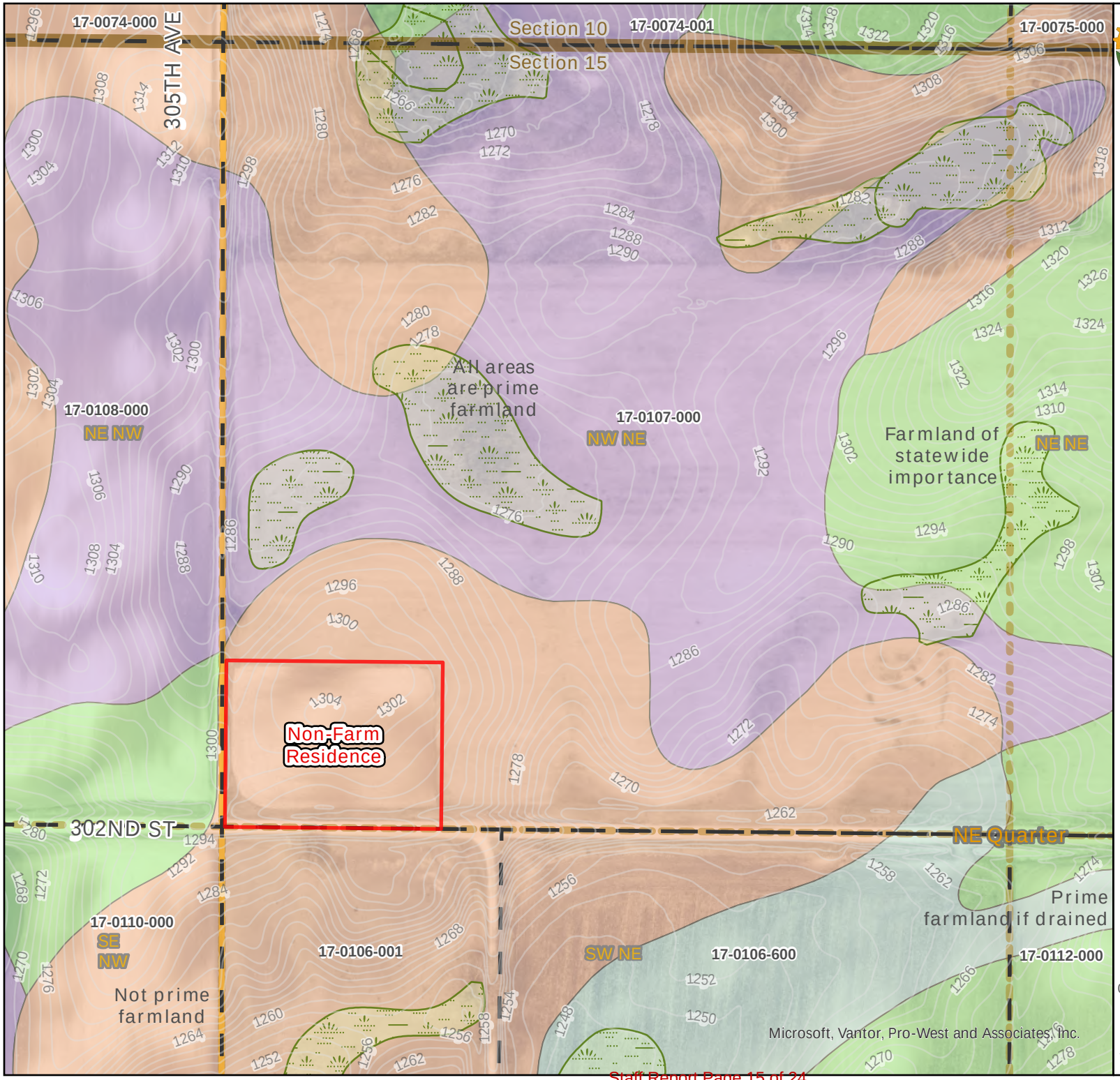
Supplemental Information Attachment 3:

Evenson/Lee VAR-25-020 & CUP-25-015, Parcel#17-0107-000, Farmland Classification (J.Hill (Zoning Administrator), 6 November 2025)



POPE COUNTY
MINNESOTA

EVENSON/LEE VAR-25-020 & CUP-25-015 PARCEL# 17-0107-000

FARMLAND CLASSIFICATION

Legend

- Proposed
- Tax Parcels
- Contours (ft NAVD88)
- National Wetlands Inventory

Farmland Classification

- All areas are prime farmland
- Farmland of statewide importance
- Not prime farmland
- Prime farmland if drained

N
W
E
S

0 0.01 0.01 0.03 0.04 0.06
Miles

Scale: 1:2,693

Publish Date: 11/6/2025
Author: Jessica Hill, Zoning Administrator
Spatial Reference: NAD 1983 HARN Adj MN Pope Feet

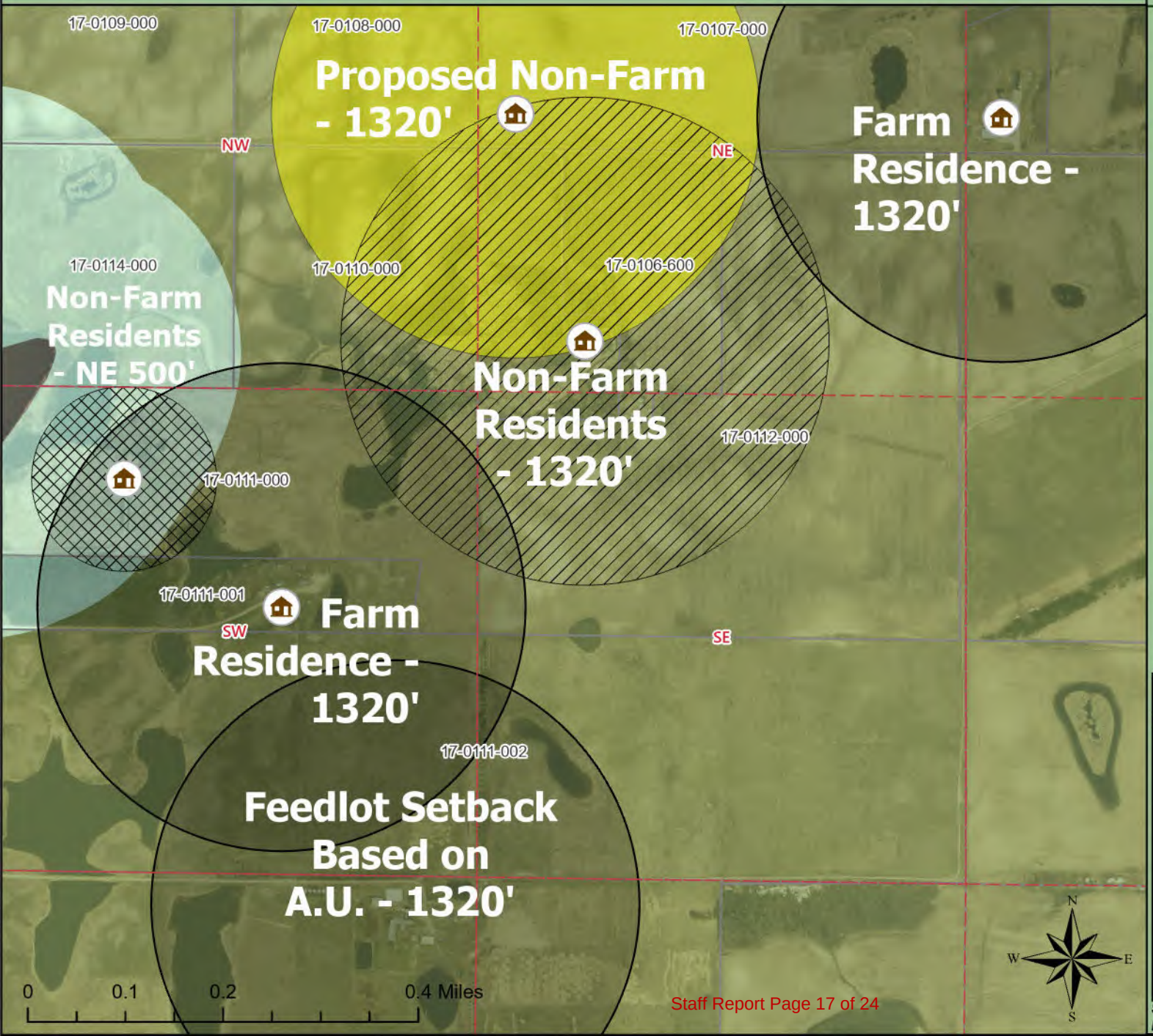
Pope County Land & Resource Management

DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES.

Supplemental Information Attachment 4:

Proposed Non-Farm Resident, Feedlot Analysis
(A.Hughes (Feedlot Officer, Land Use Specialist), 4 November 2025)

PROPOSED NON-FARM RESIDENT FEEDLOT ANALYSIS



POPE COUNTY MINNESOTA

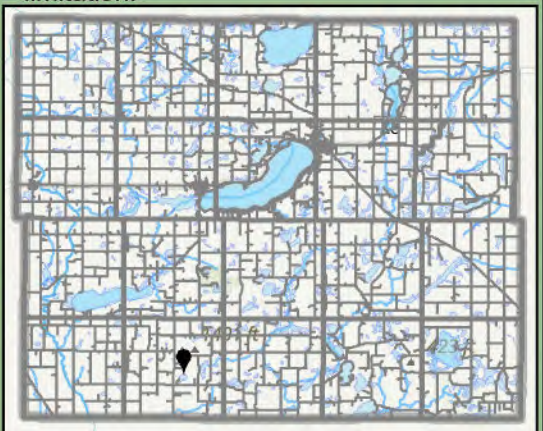
CUP-25-015 & VAR-25-020

PID#17-0107-000
Township: Langhei
Range: 39
Section: 15

Legend

- Shoreland-Natural Environment (S-NE)
- Agricultural Protection (A-2)
- Tax Parcel
- PLSS Quarter Section
- Residents
- Proposed Non-Farm
- Farm/Feedlot Setback
- 1320 Ft Non Farm Setback
- 500 Ft Natural Environment (NE) Setback

Notes: The closest farm/feedlot residence (east) mainly pastures horses and owns the proposed lot in question. The feedlot to the south has other limitation.



Spatial Reference
Name: NAD 1983 HARN Adj MN Pope Feet

Date Exported: November 04, 2025
Author: Ariel Hughes

Supplemental Information Attachment 5:

Site Visit Photos
(L&RM Staff, 10 November 2025)