Board of Adjustment
October 23, 2025
VAR-25-018

POPE COUNTY MINNESOTA

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STAFF REPORT

Applicant Information

Applicant: Melissa Hampton

Application: Variance (VAR-25-018)

Zoning: Shoreland-Recreational Development (S-RD)

Location: Lot 3, Plat of Scandia Shores, Section 20, Township 123 (Gilchrist), Range 37, Pope County, Minnesota

Background

Property owner is seeking to construct a basement underneath an existing cabin. The proposed addition will increase living space within the existing structure by increasing the size of bedrooms and common areas. The addition of the basement underneath the cabin will not include a further encroachment into the ordinary high water level (OHWL) distance from Scandinavian Lake, where one hundred (100) ft is the required setback of structures from the OHWL. Currently, the existing structure is approximately thirty-six (36) feet from the OHWL, which places the structure in the Shore Impact Zone (SIZ) of Scandinavian Lake which is half of the OHWL setback or fifty (50) feet. Setback averaging of the neighboring properties is allowable if the average is outside the SIZ of fifty (50) feet; however, it would result in the allowable distance to be forty-one (41) feet and therefore not outside the SIZ. If applying the setback averaging of the neighboring properties according to Section 4.6.5.A.2, the setback average would result in fifty (50) feet from the OHWL. Hence, as the structure is currently thirty-six (36) feet from the OHWL, it does not meet the required setback. The applicants are asking for a variance to the OHWL setback to bring the existing structure into conformance with the Pope County Land Use Controls Ordinance and thereby allow the legal expansion of the existing cabin.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 4.3 Shoreland-Recreational Development District (S-RD)
    - Section 4.3.4 Setbacks

      A. Structure Setbacks: 100 feet from Ordinary High Water Level
    - Section 4.6.5 Placement, Height, and Design of Structures

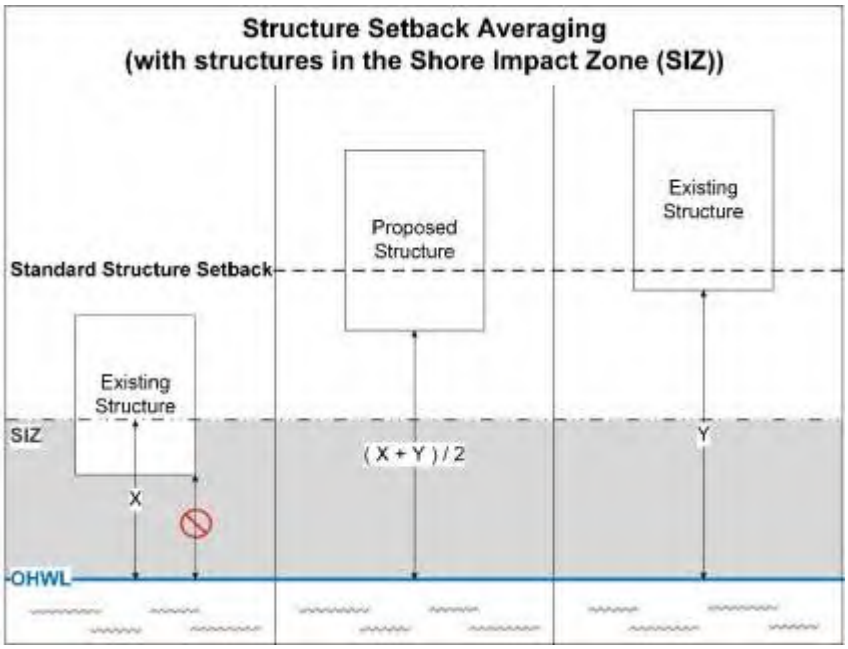
      A. Placement of Structures and Subsurface Sewage Treatment Systems on Lots

      1. OHWL Setbacks: Structures, and subsurface sewage treatment systems (SSTS) must meet the following setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure, designed in accordance with Section 4.6.17 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:

Zoning District	Structure Setback from OHWL (feet)	SSTS Setback from OHWL (feet)
S-GD	75	50

Zoning District	Structure Setback from OHWL (feet)	SSTS Setback from OHWL (feet)
S-RD	100	75
S-NE	200	150
S-RS	150	100

2. **Setback averaging:** Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone. In reference to the following diagram however, neither x nor y may be a number less than the shore impact zone.



- Section 11.6 Variance from Standards

State Statute/Rule

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

- Minnesota Administrative Rules Chapter 6120, *Shoreland and Floodplain Management*
  - 6120.3300 Zoning Provisions
  - 6120.3900 Subp. 3 Variances: *Variances may only be granted in accordance with Minnesota Statutes, chapters 394 or 462, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.*

Staff Comments

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 is for a structure to be located where it will not meet the required setback from the OHWL. The question to be considered is: whether the request to place the proposed structure there is reasonable.

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. When considering the variance for a structure to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees that prevent the structure from being located in compliance.

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. For example, when thinking about this variance for an encroachment into a setback from the OHWL, the focus is how the proposed structure might look closer to the lake, or from the perspective of the boating public, and if that fits in with the character of the area.

Staff Recommendation

Having reviewed and considered the application, local ordinances, state statutes, and all comments received, staff ***does not object*** to the issuance of a variance in this case provided that:

1. The residential structure with the basement addition and addition to the western side of the structure may not be located any closer than thirty six (36) feet from the ordinary high water level.
2. A Type I sewage treatment system must be installed to accommodate the residential structure expansion.
3. That prior to any construction activities, all necessary permits are secured from County and State agencies.
4. That County staff may enter onto the property at reasonable times and in a reasonable manner to ensure the variance holder is in compliance with the conditions and all other applicable statutes, rules and ordinances.

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 Minnesota DNR Shoreland Rules Ch 6120 as well as the Pope County Land Use Controls Ordinance regulate the size and location of structures in shoreland designated areas. The purpose of the requirements is to preserve neighborhood character and aesthetics as well as for the protection of surface water resources and personal property. This proposal will not deviate significantly from other structures in this area.

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

   Findings: The addition of a basement to this residential structure is a reasonable use.

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.

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

   Findings: The landowner purchased the property with the residential structure in its current location. The parcel is encumbered by a driveway going through it, the existing location of the septic holding tank, and the well. The location of the aforementioned structures makes the relocation of the existing cabin further from the lake extremely challenging and financially burdensome.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Variance Application (Melissa Hampton, 19 September 2025)*
  - **Attachment 2:** *Site Plan (L&RM Staff, 22 September 2025)*
  - **Attachment 3:** *Floor Plans (Melissa Hampton, 26 September 2025)*
  - **Attachment 4:** *Site Visit Photos (L&RM Staff, 13 October 2025)*

Routing Sheet

Comments, Concerns and Conditions

Agency	
MN DNR	No comment received.
County Department	
Assessor	*COMMENTS: No comment.*
Attorney	No comment received.
Township	
Gilchrist	*COMMENTS: No concerns from the Gilchrist Town Board. Joe White, Clerk/Treasurer, 10-14-2025*
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, October 23rd, 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 Melissa Hampton (VAR-25-018, Parcel#19-0420-000), if granted would allow applicant relief from the ordinary high water level setback standard in a Shoreland-Recreational Development (S-RD) zoning district per section 4.3.4.A and 4.6.5.A.1 of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Lot 3, Plat of Scandia Shores, Section 20, Township 123 (Gilchrist), Range 37, 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: October 3, 2025,
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Variance Application
(Melissa Hampton, 19 September 2025)

POPECOUNTY
MINNESOTA

VARIANCE APPLICATION

L&RM FORM 18

S:\0. ADMIN\1. Forms\Form 18. Variance Application\L&RM Form 18 Variance Application.docx

VARIANCE APPLICATION

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.

VAR-25-018

Applicant Information

Applicant Names	Melissa Hampton
[redacted]	

Property Description

Property Address	31614 Scandi Ln	City	Glenwood	State	MN	Zip	56334
Township Name	Gilchrist	Section	20	Twp	123	Range	37
Parcel No.	19-0420-000	Associated Parcel No.					

Project Narrative

What is the variance application for?	Requesting a reduced setback from the Ordinary High Water Level.

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

To lift cabin and put full basement under cabin where it sits. To use for future bedrooms and bathroom

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

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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:	

To make bigger bedrooms it has 3 bedrooms now

There is a road right behind house small lot would only be ~~put~~ting basement under existing foot print front of cabin lines up with both cabins on either side

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
(L&RM Staff, 22 September 2025)

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

19-0420-000 Hampton

Variance Application

1:845

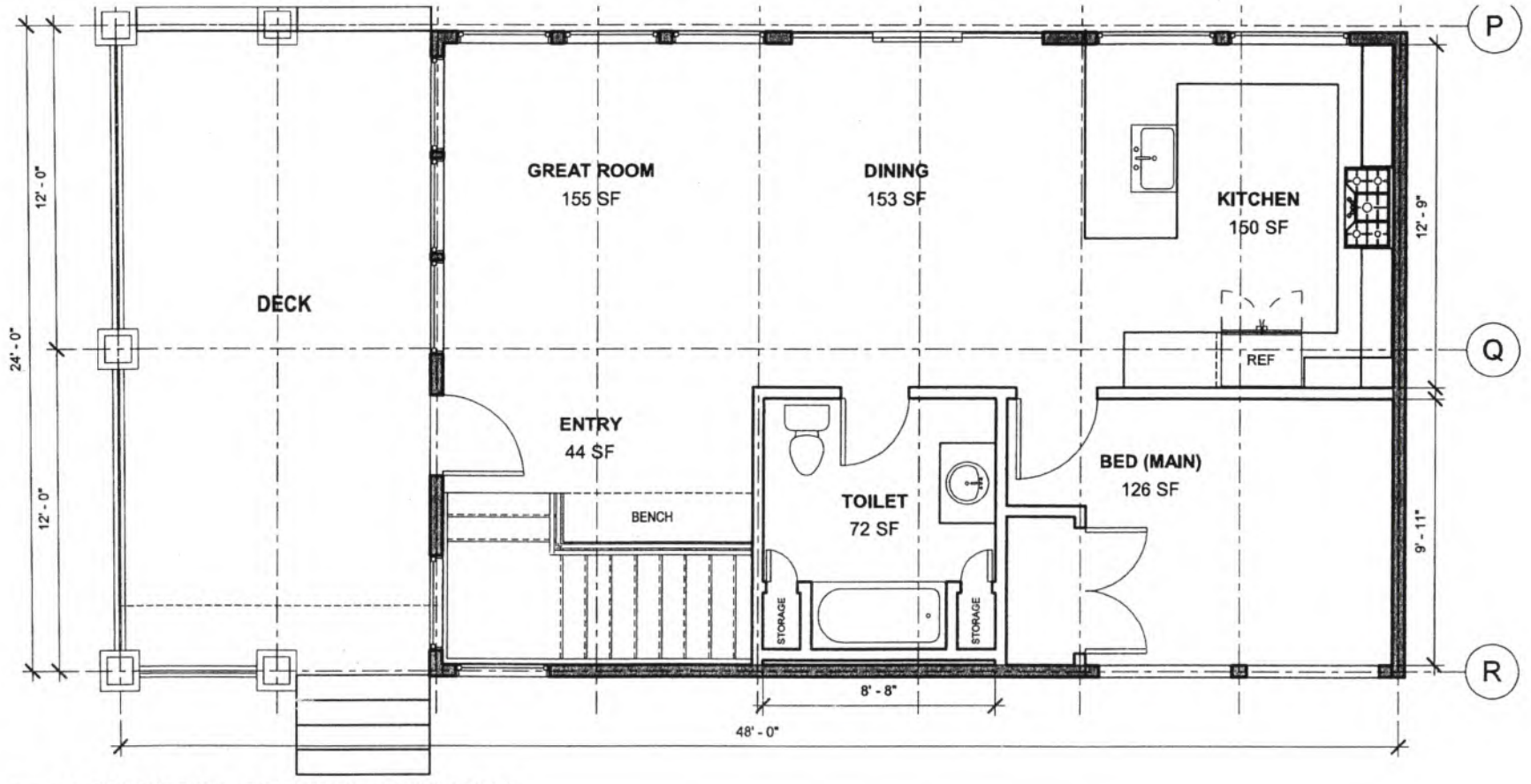
Date: 9/22/2025

POPE COUNTY MINNESOTA

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Supplemental Information Attachment 3:

Floor Plans
(Melissa Hampton, 26 September 2025)



1 CABIN SKETCH - REMODEL - MAIN LEVEL
1/4" = 1'-0"

PROJECT TITLE

ECKHOFF CABIN - SCANDINAVIAN LAKE

S.W. Scandi Dr
31614

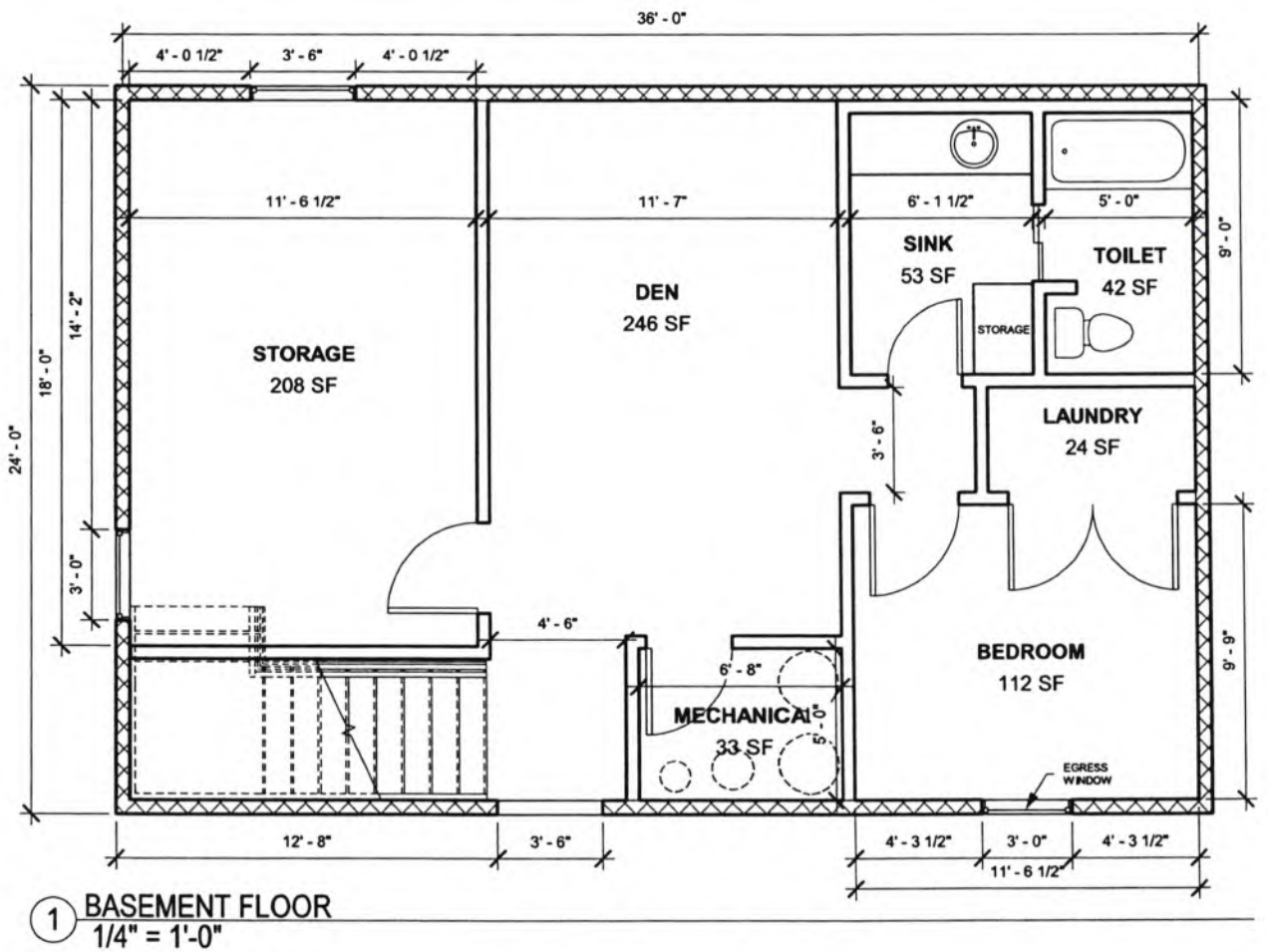
SHEET TITLE

MAIN LEVEL - FLOOR PLAN

DATE 06/20/2025

RECEIVED
SEP 18 2025
BY:

RECEIVED
SEP 26 2025
BY:



1 BASEMENT FLOOR
1/4" = 1'-0"

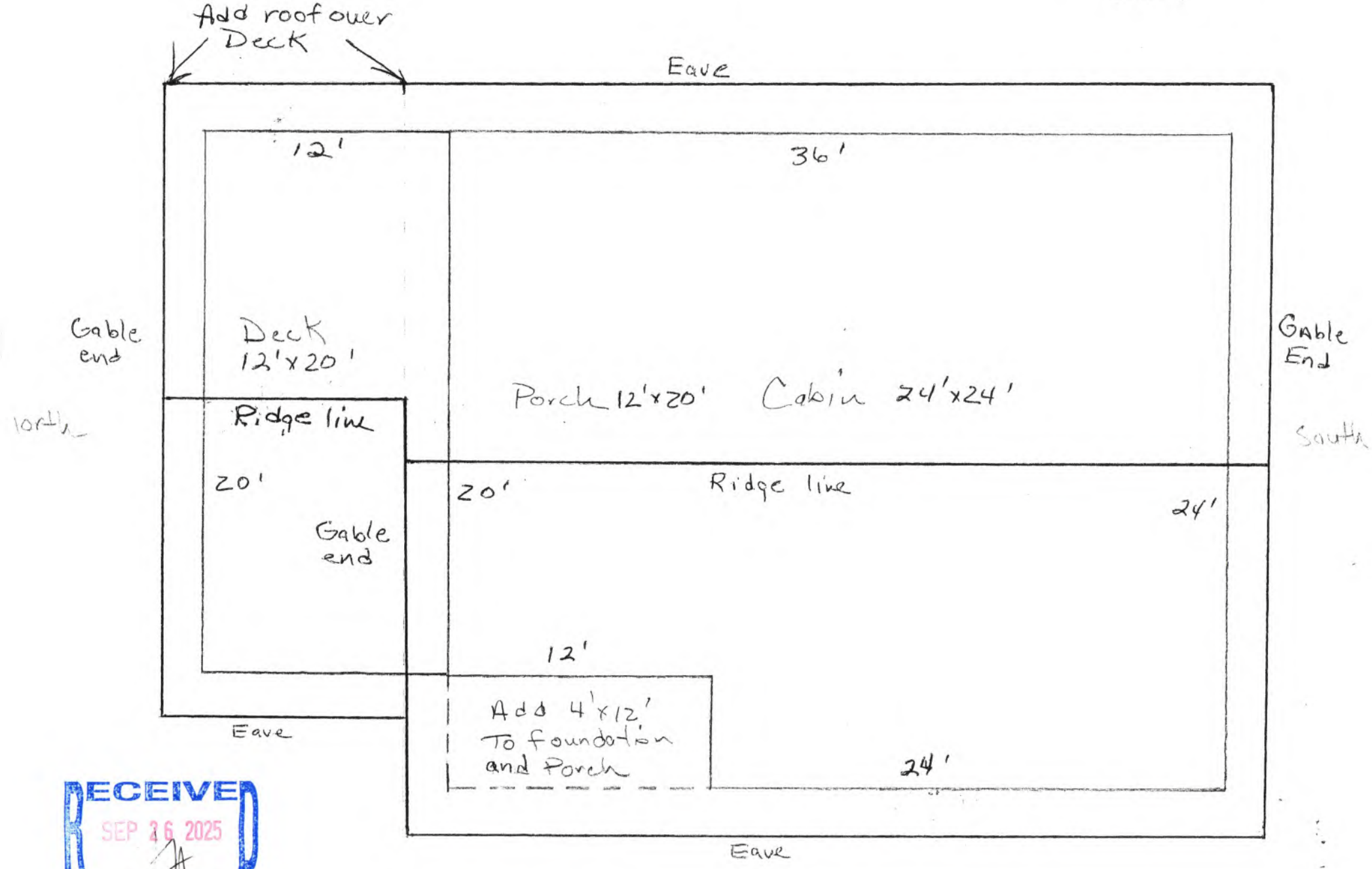
PROJECT TITLE
ECKHOFF CABIN - SCANDINAVIAN LAKE

SHEET TITLE
BASEMENT - FLOOR PLAN

DATE 09/24/2025

Lake Scandi East

Melissa Hampton
S.W Scandi Dr
31614



RECEIVED
SEP 26 2025
BY:

Supplemental Information Attachment 4:

Site Visit Photos
(L&RM Staff, 13 October 2025)