MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, June 25, 2020

The Board of Adjustment convened in regular session on Thursday, June 25, 2020 at the Pope County Courthouse, Commissioners Board room & Community Room in an effort to comply with MDH recommendations issued with the declared Peacetime Emergency in response to the spread of COVID-19 (coronavirus) in MN.

Members Present: Roger Isdahl, Ronald Feigum, Ivie Cooley (electronically), John Messenger, Brian Jergenson and Mark Halls

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

The meeting was called to order by Chairman Messenger at precisely 6:00 p.m.

Additions and Corrections to the Agenda

There was no additions or corrections to the agenda.

Review minutes of May 28, 2020

The minutes of the Board of Adjustment meeting that was held on May 28, 2020 were submitted for approval. Motion to accept the minutes as written was made by Feigum. Seconded by Jergenson. Motion carried.

Variance-Jestus Investments, LLC

Chairman Messenger introduces the item. Applicants Brandon and Maria Jestus are present. Director Green presents staff report and states "having reviewed and considered the application, staff does not object to the issuance of a variance in this case. If the BOA does grant a variance to the applicant, Staff recommends that the conditions stated in the staff report be considered." Feigum states that when we were out there looking at it, if a person would keep that roof line the same pitch and make sure that there was an 8' sidewall it should be quite a ways away from that road." There is discussion about sidewall height. Chairman Messenger asks for any additional comments from the applicant. Applicant Brandon Jestus states the current building is a pole building with 12' side walls and it would look the same. We are not requesting for it to be any higher. I would like to add an addition for more storage. The end of the building, for it to be useable, I would look to see it be 8' on the very west end of the building." Isdahl asks "in comments received it was asked why you are not able to expand to the east? Can you explain the hardship that would not allow you to do this? " Applicant Brandon Jestus states "the east side is used for boats and trailer parking as well as overflow of vehicles for the cabin rentals. If I moved my parking area then that would require me to remove significantly more trees to make this happen." Cooley asks "is there a reason the addition goes towards the road and can it be on the front instead?" Applicant Brandon Jestus states "there are garage doors to the east and they are 10' high doors. I would have to expand that roof line to the east. I would then lose my height for my garage doors that I need for pontoons and equipment." Cooley asks "could the doors be moved north or south?" Applicant Brandon Jestus states "the way the building is laid out you can't just because it is longer north and south in width than east and west

so you would limit how you could back things in and also the sewer system is on that side. On the south side it has a similar scenario. Also the interior of the south end is finished and heated as a workshop." Chairman Messenger opens to the public asking "is there anyone speaking against this variance?" Robert Elliott states "I submitted written comments that you have already received and the only comment I would like to add is 200 to 300 feet south is a garage that is probably located 10 feet from the road ROW and I would rather have that not be used as setting a precedence and then right south of that existing garage that we are talking about there is a two stall garage erected by Eleonore Hastings about 20 years ago and it is about 25 feet from a line. That particular building fell down while Eleonore lived there. Again I would rather that not be used as setting a precedence as to how close to the line that a building can be placed." Terry Wiley states "I am the adjacent property next to that garage. Part of the reason most of the neighbors are upset is that the previous owner would go beyond their property for hayrides and use that private road for their own profit. We didn't feel that was fair. It was my understanding that there was a call to the sheriff's office and they were told to stay in a certain area and stay off that road and a fence was built between so there shouldn't be any question as to where that resort property ended. The first question that came to mind to me was this was another attempt to utilize someone else's property or the road. The expansion to the east which would therefore encroach on the parking area 30 feet into five acres is certainly not a hazard to the storage area. In the request it was stated this would be used for storage. Storage of what? What kind of materials such as flammable, toxic or whatever might be there and if they are storing recreational vehicles do some of them have sewage that hasn't been pumped. All of this would drain downhill onto that roadway. Speaking to the south most garage when we met last fall there was no garage. Now there is a garage that is within the forty feet it is probably within 10 feet of the road. There was no variance request or at least we received no notice." Marlan Johnson states "my argument would be that the existing west side of that building forms the line 40 feet in compliance with the zoning laws. What would prevent anyone from knocking down that little shed that is immediately to the south and extend to the south." Gary Olson states I've been there since 1963 we know it is a private road. If they are allowed to be 11 feet away and they have gas in that thing or flammables how are they going to service that with fire and emergency equipment? You cannot set a precedence of using our public road or our private road to service this commercial property." Chairman Messenger states "is there anyone speaking in favor of this variance?" None noted. Chairman Messenger closes the public hearing. Chairman Messenger asks for comments from the site team. Cooley states "I can understand the applicants' decision to locate it there but it was not clear to me that there is an additional 4 acres which gives them a multitude of choices." Feigum states "I feel that if they keep the sidewall the same pitch I don't think that it should bother that road at all." Messenger states "I was there as well and if the alignment of the building was with the existing structure and you make it smaller with like an 8' sidewall on the west side it would line up much closer to the existing shed south of the larger one. That would put it a little over 20 feet of the road ROW. In addition one of the comments from the public about items being stored on the west side of the building that is one of the prime reasons that want to build this addition." Chairman Messenger asks the applicant if they would like an opportunity to respond to the public comments. Applicant Brandon Jestus states" yes I would like to address some of the major concerns over the use of the road and what we be stored. We have never intended to use that road to the west and from my standpoint I do not want multiple in's and out's from the property. As far as what is going to be stored in it we are required by our insurance to keep all of our gas and hazardous material outside of that building. We have an existing shed that holds all of our gas and any hazardous or flammable material. As far as emergency vehicles being able to access 11 feet is more than enough access behind there if someone ever needs. They can access from the front and the side. There was a

comment about storing recreational vehicles in there. It is not our intent to store anything other than resort equipment. That is the main reason we need this storage is there is multiple resort equipment that we need to store. Another reason is that firewood that we split that sits outside we have had issues with theft in the past. As far as the garage doors there was never meant to have garage doors on the west side. There would be one garage door on the south side and one garage door on the east side. One final note will it affect the use and enjoyment of the other existing properties and my answer would be absolutely not." Chairman Messenger seeks a motion. Feigum states "I will make a motion to approve with a minimum of an 8' sidewall on the south side with the same pitch on the roof and no doors on the west side of the building." Chairman Messenger seeks a second to the motion. Motion failed with no seconded 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 limited to the staff recommended conditions as identified in the staff report. Cooley seconded. Motion carried with no dissenting votes noted. Messenger seeks a motion to direct staff to develop Findings based on the information considered and action taken. Halls made a motion to approve. Jergenson seconded. Motion carried with no dissenting votes noted.

Variance-Brendon Stryhn

Chairman Messenger introduces the item. Applicant Brandon Stryhn is present (electronically). Director Green presents staff report and states "staff does not object to the issuance of a variance in this case. Chairman Messenger asks for any additional comments from the applicant. Applicant Brendon Stryhn states "I have no additional comments but I am open to any questions you may have." Cooley asks "will the small structure closer to the road be removed?" Applicant Brandon Stryhn states "yes, that is correct." Chairman Messenger opens to the public asking "is there anyone speaking in favor of this variance?" None noted. Chairman Messenger asks "is there anyone speaking against this variance?" None noted. Chairman Messenger closes the public hearing. Comments from the site team indicate that they have no objections or concerns. Chairman Messenger seeks a motion. Cooley states "I move to approve of the variance request to locate an accessory structure at 10.9 feet from the road right of way. Feigum seconded. Motion carried with no dissenting votes noted. Chairman Messenger seeks a motion to direct staff to develop Findings based on the information considered and action taken. Halls made a motion to approve. Messenger seconded. Motion carried with no dissenting votes noted.

Variance-Brendon Stryhn

Chairman Messenger introduces the item. Applicant Brandon Stryhn is present (electronically). Director Green presents staff report and states "staff does not object to an issuance of a variance in this case with conditions stated in staff report. There is discussion on impervious surface and an explanation provided by Director Green. Chairman Messenger asks for any additional comments from the applicant. Applicant Brandon Stryhn states "with the paver system the bottom of the paver is hallowed out and it works as a retention system." Chairman Messenger opens to the public asking "is there anyone speaking in favor of this variance?" None noted. Chairman Messenger asks "is there anyone speaking against this variance?" None noted. Chairman Messenger closes the public hearing. Comments from the site team indicate that they have no objections or concerns. Chairman Messenger 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 exceed the 25% impervious surface limit provided that the property owner remains compliant with the specified

conditions. Halls seconded. Motion carried with no dissenting votes noted. Chairman Messenger seeks a motion to direct staff to develop Findings based on the information considered and action taken. Jergenson makes a motion to approve. Isdahl seconded. Motion carried with no dissenting votes noted.

Tabled/Old Business

There was no tabled or old business.

Adjournment 9:18 p.m. Motion by Jergenson to adjourn the Board of Adjustment meeting. Motion Seconded by Isdahl. Motion carried with no dissenting votes noted.

Respectfully submitted,

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