MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday March 28, 2019

The Board of Adjustment convened in regular session on Thursday, March 28, 2019 the Pope County Courthouse, Community Room.

Members Present: Dave Henke, Ronald Feigum, Ivie Cooley, John Messenger, Mark Halls and Brian Jergenson

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

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

Additions and Corrections to the Agenda

There was no additions or corrections to the agenda.

Review minutes of February 28, 2019

The minutes of the Board of Adjustment meeting that was held on February 28, 2019 were submitted for approval. Motion to accept the minutes as written was made by Jergenson. Seconded by Messenger. Motion carried.

Variance-Dennis Buysse on behalf of Christopher & Jessica Buysse

Chairman Feigum introduces the item. Applicants Dennis Buysse and Christopher Buysse are present. Director Green presents staff report indicating that the applicants are proposing to construct a new residential structure with an attached garage. In order to maintain the minimum setback from the OHWL it is necessary to encroach within the right-of-way setback. The applicant is requesting to locate structure at 16 feet from the right-of-way. It is consistent with the neighbors. However, Leven Township has a 20 foot setback requirement. It is noted that the applicant will need to work with Leven Township in this regard. Staff does not object to the variance request. Chairman Feigum asks for any comments from the applicants. Applicant Dennis Buysse states "we have met with Leven Township and they do not recognize it as a township road and want nothing to do with it. They have no concerns with the setbacks." Chairman Feigum opens to the public asking if there is anyone speaking in favor. None noted. Chairman Feigum asks if there is anyone speaking against this Variance. None noted. Chairman Feigum closes the public hearing. Cooley makes a motion to approve the findings as prepared. Messenger seconded. Motion carried with no dissenting votes noted. Messenger makes a motion to accept/approve the Variance. Cooley seconded. Motion carried with no dissenting votes noted.

Tabled/Old Business

Nokomis Energy LLC (Strandness Garden LLC)

Chairman Feigum states "I am going to abstain from the next Variance and will be recused due to involvement in the project." Vice Chairman Messenger takes over the meeting. Vice Chairman Messenger introduces the item. Applicants Nate Bell and Dan Rogers are present. Director Green presents staff report indicating that staff received the drainage report which indicated that 4000 square foot of retention basin would be necessary to account for additional stormwater runoff. There is discussion on average rain fall. Cooley voices concerns about the visibility to the north and asks if the applicants would be willing to put in trees to block the visibility. Applicant Nate Bell responds "we have discussed this and would consider that if this is necessary. We can put up trees if need be." Commissioner Lindor makes comments in regard to being optional. Henke makes comment that it should be up to the landowners and is too much to police. Vice Chairman Messenger open to the public asking if there is anyone speaking in support of this Variance request. Scott Smedstad states "I feel it is going to be better option than growing crop because it will remain native. There will be no fertilizer and I think it is a no brainer." Vice Chairman Messenger asks if there is anyone speaking against this Variance request. None noted. Vice Chairman Messenger closes the public hearing. Director Green asks if the applicants would care to update the Board with the information brought forward. Applicant Nate Bell provides an update stating "we have included the basins to collect storm water from heavy rainfall. It is above and beyond the requirements and should have no adverse impact from the basin. It is a unique shape of parcel. It is at an odd angle. It is an interesting design and we get to support the church so it has access to funds in the future." Director Green provides an update of the findings and points in particular to item number four in regard to the plight of the landowner is due to circumstances unique to the property and not self-created. The circumstances contributing to the need for the variance include; the geometry of the parcel limits the solar garden layout options; and part of the surface areas of this parcel is burdened by a minimum setback requirement from a public water stream. Vice Chairman Messenger seeks a motion to approve staff findings. Jergenson makes a motion to approve the findings as presented. Cooley seconded. Motion carried with no dissenting votes noted. Vice Chairman Messenger seeks a motion in regard to the Variance. Jergenson makes a motion to approve Variance with findings. Messenger seconded. Henke, Messenger, Jergenson and Halls vote in favor. Cooley opposed. Motion carried.

Adjournment 6:32 p.m. Motion by Henke to adjourn the Board of Adjustment meeting. Motion seconded by Jergenson. Motion carried with no dissenting votes noted.

Respectfully submitted,

Shelley Cameron

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