MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, November 19, 2020

The Board of Adjustment convened in regular session on Thursday, November 19, 2020 via telephone conference call 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, John Messenger, Brian Jergenson and Mark Halls

Other Officials Present: David Green (Land & Resource Management Director), Shelley Cameron (Sr. Administrative Associate), Jessica Hill (Land Use Specialist), 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 October 22, 2020

The minutes of the Board of Adjustment meeting that was held on October 22, 2020 were submitted for approval. Motion to accept the minutes as written was made by Feigum. Seconded by Jergenson. Motion carried.

Variance-Gateway Construction on behalf of David & Gloria Nichtern

Chairman Messenger introduces the item. Applicants Shane Blair (Gateway Construction), David Nichtern and Gloria Nichtern are present. Director Green presents staff report and states "that you will find that a practical difficulty has not been established, however there is additional information to consider. The focus should be on whether the modification would afford a disabled person the same opportunity as those who may not be disabled. In recognition of this, the ADA requires public entities to make reasonable modifications to their usual policies to avoid discrimination on the basis of disability. Staff does not object to the issuance of a variance in this case with conditions." Chairman Messenger asks for any additional comments from the applicant. Gloria Nichtern states "we want to thank you for your consideration and we really hope that you vote in favor of this. With David's disability he is limited to the basement. By allowing us to place the garage on the front entrance, he will be able to get in and out better and be able to be upstairs. We want to make his world bigger." Kyle Nichtern states "I am his son and he is currently located in one room in the basement without a bedroom or bathroom. The hospital bed is basically in the middle of the family room. So, by moving upstairs it will allow him to have a handicap bedroom and bathroom. The variance is for the garage which will allow access to the main level. If you review the grade, there is really is no other entrance into the house other than through the front. With winter conditions coming on we need to be able to load and unload and park with a handicap ramp. This will also gain him entrance to the main level". 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.

Chairman Messenger asks for comments from the site team. Cooley (site team) states "the garage is much lower going more to the basement level and I think in our society, in general, that anything we can do to age in place and to make your home more accommodating is really good for the people and society in general. It seems highly appropriate to me." Feigum (site team) states "I agree and I think we should make a motion to approve and refund their filing fees." Commissioner Rogahn states "I fully support it." 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 construct an attached garage structure as close as one hundred four feet from the centerline of State Highway 114 and eight feet from the southern property line limited to the conditions as identified in the staff report and as amended this evening to also include refunding the application fee to the applicant." Cooley seconded. Motion carried with no dissenting votes noted.

Tabled/Old Business

There was no tabled or old business.

Adjournment 6:24 p.m. Motion by Jergenson to adjourn the Board of Adjustment meeting. Motion Seconded by Halls. Motion carried with no dissenting votes noted.

Respectfully submitted,

Shelley Cameron

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