MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday September 22, 2022

The Board of Adjustment convened in regular session on Thursday, September 22, 2022 at the Pope County Courthouse, 1st floor Community Room.

Members Present: Roger Isdahl (C), John Messenger, Ivie Cooley, Ted Kannegiesser, Mark Halls and Ron Feigum

Other Officials Present: David Green and Jessica Hill, (Land & Resource Management, staff), Larry Lindor (County Commissioner) and Paul Gerde (County Commissioner)

Call to Order

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

Additions and Corrections to the Agenda

There were no additions or corrections to the agenda.

Review minutes of August 25, 2022

The minutes of the Board of Adjustment meeting that was held on August 25th, 2022 were submitted for approval. Motion to accept the minutes as presented was made by Feigum and seconded by Cooley. Motion carried with no dissenting votes noted.

General Business

Director Green comments on the role of the Board of Adjustment and the standard by which variance requests are to be measured. The proposed variance cannot be in conflict with the comprehensive plan and that the applicant needs to establish that a "Practical Difficulty" exists. Director Green reiterates that a "Practical Difficulty" includes establishment of Reasonable Use, Unique feature, and Essential Character.

Tabled/Old Business

There was no tabled or old business to act upon.

New Business

Variance, applicant Stephanie Howe and Randy Hagen (PID 09-0894-000)

Chairman Isdahl introduces the item followed by a staff report as presented by Director Green. The report did include any agency and public comments received prior to the meeting date. There was no comment received from Glenwood Township or neighboring citizens. The only comment received was from the County Recorder's office. Green discusses the general concern relating to development in, on or near Bluff features in a shoreland area. He states that Bluff setback standards help to minimize visual impacts from structures and provide "general" slope protection from construction activities. "Sufficient" protection should include a complete understanding of slope stability, which would require geological and hydrological analysis. The proposed project does not involve a structure that could

result in significant impact to the Bluff feature. So, in conclusion Director Green stated that staff does not object to the issuance of a variance in this case provided that the conditions, as submitted by staff, are considered.

1. That the structure dimensions be limited to 250 square feet.
2. That the variance is specific only to the patio structure as has been proposed.
3. Parcel is to be compliant with the impervious surface standard which limits such coverage at 25% of the parcel size, unless a variance has been issued specific to that standard.
4. That County staff may enter onto the property at reasonable times and in a reasonable manner to ensure that the variance holder is in compliance with the conditions imposed and all other applicable statutes, rules and ordinances.
5. That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.
6. That prior to any construction activities, the owner or identified contractor, secures an accessory structure/construction activity permit from the Land & Resource Management Department.

Hagen and Howe are offered an opportunity to comment on the variance request. Howe mentions the history of the cabin and their renovation of it. She states that there is a septic system in place which does have an impact on being able to locate the patio structure further back onto the property. Hagen comments that the location of the proposed patio is where they have always sat and had a fire ring. With or without the patio that is where that activity will take place. It doesn't make sense to move it further back into the property. Mark Halls asks about the height of the bluff. Howe states that it is the highest on the lake but didn't know the exact height. Feigum inquires as to any concerns about safety being that close to the edge of the bluff. Hagen states that they have been sitting in that area for a long time and nobody has gotten hurt yet. He stated that if they were to propose putting up a fence that that may trigger the call for another variance and the that type of structure would be visible from the lake. At 6:11 pm, Chairman Isdahl opens a public hearing and seeks comments. There were no comments offered from the public in attendance, for or against the proposal at this time. The Public Hearing was followed by a site visit report. Feigum reiterates his concern about how close the sitting area is to the edge of the bluff. Messenger agrees stating that "it is awful close". At the conclusion of the site visit report there was brief discussion followed by the following motion to approve of the variance by Cooley: *Based upon the information and conditions as presented in the staff report, and facts as gathered this evening, I move to approve of the variance request.* Motion is seconded by Messenger. Motion passes unanimously.
Findings are prepared as follows:

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

   Finding: The Pope County Land Use Controls Ordinance is the official controlling document for land uses within Pope County. Regarding structure location, there are identified regulated setback dimensions established for each particular zoning district. The purpose of the required setback is to provide for yard space such that there may be assurance of adequate light, air, privacy and safety. In addition, there are other "use specific" standards established for

purposes of maintaining neighborhood character and esthetics. The location of this structure(s) as proposed will not impact adequate lighting, air or privacy nor should it impact the integrity or stability of the bluff feature.

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

   Finding: An accessory structure, such as a patio, is a reasonable and permissible use in a Shoreland-General Development zoned district.

3. **Character of locality and detriment to neighboring properties:**

   Finding: The structure is not inconsistent with other uses and development in the neighborhood. Therefore, there is no change in character of the locality nor shall there be a detriment to the neighboring properties.

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

   Finding: The contributing circumstance dictating the need for the variance is the set location of the cabin structure and the onsite septic system. These preexisting development decisions limit the location options for a patio structure.

Variance, applicant Michael Roggeman (PID 20-0197-000)

Chairman Isdahl introduces the item followed by a staff report as presented by Director Green. The report did include any agency and public comments received prior to the meeting date. In addition to a comment received from the County Recorder's office there were a few comments received from the public that were in support of the request. There was no official comment received from the township (Lake Johanna). In conclusion, Director Green stated that staff does not object to the issuance of a variance in this case. Applicants are offered an opportunity to comment on the variance request. Applicant states that he and his family are looking forward to owning property in the county and would like to someday build a home there. He would not pursue purchase of the property if he couldn't eventually build upon it. Lindor asks about the definition of "farmer" and if Roggeman could be considered as such. Green replies that the definition of "farmer" is tied to income and that it probably doesn't fit in this case. The applicant isn't denying that this would be a nonfarm residence. But that they would be using the property in an agricultural manner. They intended to have cattle graze the grounds. Isdahl asks if there was further development pressure in this quarter section. Green stated that there was interest in the remaining balance of this quarter section located north of 335th Street but that it was for open space and agricultural (grazing) use. So, there was no known interest in more residential development. Gerde states that he would rather see property stay in private ownership where it is taxable as opposed to a nontaxable government holding. At 6:24 pm, Chairman Isdahl opens a public hearing and seeks comments. Kenton Anderson states that he would like to have the Roggemans as neighbors and jokingly requests that Brad Fischer be kicked out of the neighborhood. There were no other comments offered from the public in attendance, for or against the proposal. The Public Hearing was followed by a site visit report. Feigum stated that is a fine place. Messenger states that by all accounts is seems that they would be fine stewards of the land. During discussion, Halls states that he used to rent the land for pasture and is aware of the unstable soils. He is wondering if there needs to be soil compaction testing done in advance of house construction. Green states that

such a requirement is not going to come from the County as we have not adopted the Minnesota Building Code. Gerde states that all builders have a responsibility to construct to the standard identified in the building code regardless. Motion to approve of the variance by Messenger with a second by Feigum. Motion passes unanimously.

Findings are prepared as follows:

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. The nearest livestock operation is over 6,000 feet away. The Comprehensive Plan does indicate a growing concern regarding population decline in rural areas and a desire for development of non-farm homestead in the rural areas.

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

   Findings: A rural residence is a common use on agriculture lands 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.

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

   Findings: 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.

Adjournment

Feigum offers a motion to adjourn that was seconded by Messenger. The motion is supported unanimously. Therefore, Chairman Isdahl adjourns the Board of Adjustment meeting at 6:30 pm.

Respectfully submitted,

David Green

David Green/Director
Pope County Land & Resource Management