MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday April 27, 2023

The Board of Adjustment convened in regular session on Thursday, April 27, 2023 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Roger Isdahl, Ivie Cooley, Mark Halls, John Messenger, Ted Kannegiesser and Russel Barkeim

Other Officials Present: David Green (Land & Resource Management Director), Jessica Hill (Land Use Specialist, Land & Resource Management staff), Larry Lindor (County Commissioner), 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 was no additions or corrections to the agenda. A motion to accept the agenda as prepared was made by Messenger and seconded by Cooley. Motion carried with no dissenting votes noted.

Review minutes of March 23, 2023
The minutes of the Board of Adjustment meeting that was held on March 23, 2023 were submitted for approval. Motion to accept the minutes as written was made by Kannegiesser and seconded by Cooley. Motion carried with no dissenting votes noted.

General Business
There were no updates from the Land & Resource Management department or concerns of the Board discussed.

Tabled/Old Business
There was no tabled or old business to discuss.

New Business
Variance #23033, applicant Jordan Johnsrud Construction, LLC on behalf of Brady and Halle Johnsrud (PID 09-1253-000)

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. After reviewing the minimum setback standards identified in the Land Use Controls Ordinance, discussing the development and permitting history in the neighborhood, and reviewing the standards for issuance of a variance, 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. Jordan Johnsrud is offered an opportunity to comment on the variance request. Applicant states that the parcel has several topographic challenges including a steep embankment, a drainage through the middle and mature

vegetation at the north end of the lot. In order to avoid being impacted by the drainage and to minimize impact to mature vegetation (trees), the home would need to be located closer to the roadway. Johnsrud claims that the encroachment would not be out of place when compared to the rest of the homes in the neighborhood. At 6:07 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. The Public Hearing was followed by a site visit report as presented by Messenger and Kannegiesser. The site team stated that *they could see from the topography why the applicant would want to locate where they had proposed*. At the conclusion of the site visit report there was brief discussion followed by the following motion to approve of the variance by Messenger: *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 to locate the residential structure at 68 feet from the centerline of the right of way.* Motion is seconded by Barkeim. Motion passes unanimously. Conditions include:

- The proposed accessory structure may not be located any closer than 68 feet from the centerline of the road right-of-way.
- There remains a vegetative buffer (existing trees to remain in place) between the roadway and the proposed new structure.
- That prior to any construction activities, all necessary permits are secured from Township, County and State Agencies.

With Findings as follows:

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

   Finding: The purpose of the required setback for structures from roadways is to protect personal property; provide for maintenance and potential expansion of public roads; ensure safety for all users of roads and for those adjacent to roads; and to preserve the neighborhood character and aesthetics. It is not likely that allowing the structure at 68 feet from the center of the roadway will create a hazard to motorists using the adjacent public road or limit future road improvement.

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

   Finding: A residential structure is a permissible use in Residential zoned districts.

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

   Finding: Granting the variance will not change the character of the locality or be a detriment to the neighboring properties. The neighborhood will remain primarily rural residential in nature and use.

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

   Finding: The circumstances contributing to the need for the variance include topography that has steep hill sides and a drainage way through the property.

Adjournment 6:12 p.m. Motion by Barkeim to adjourn the Board of Adjustment meeting with a second by Cooley. Motion carried with no dissenting votes noted.

Respectfully submitted,

David Green, Director
Pope County Land & Resource Management