

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday February 22, 2024

The Board of Adjustment convened in regular session on Thursday, February 22, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Mark Halls, John Messenger, Ted Kannegiesser and Russel Barkeim

Other Officials Present: David Green (Land & Resource Management Director), Jesscia Hill (Deputy Land & Resource Director), Shelley Retrum (Sr Administrative Associate) and Paul Gerde (County Commissioner)

Call to Order

The meeting was called to order by Vice Chairman Messenger at 6:03 p.m.

Acceptance of Agenda

There was no additions or corrections to the agenda. On motion by Barkeim with second by Kannegiesser a unanimous vote by all members present was made to approve the agenda.

Review minutes of January 25, 2024

The minutes of the Board of Adjustment meeting that was held on January 25, 2024 were submitted for approval. Motion to accept the minutes as written was made by Kannegiesser and seconded by Halls. Motion carried with no dissenting votes noted.

General Business

Deputy Director Hill addresses the Board in regards to an appeal of issued permits relating to CSAH 17 special meeting to take place on February 29, 2024. Hill informs the Board that there has been detailed information submitted by the appellants that will be coming to all the Board members via email prior to the meeting for review by the Board.

Tabled/Old Business

Director Green comments that the proposed amendments to the By-Laws are still incomplete so they will not need to be considered by the Board of Adjustment at this time.

New Business

Variance #24003, applicant Stryhn, LLC on behalf of Kecia Anderson (PID# 09-0117-000)
The applicant is proposing to reconstruct an existing, seasonal residential structure. Currently, the existing structure is approximately 17 feet from the road right-of-way of County State Aid Highway 17/South Lakeshore Dive, where 50 feet is the required setback. The county has no permitting history of the original structure which indicates it was likely built prior to the 1972 Pope County Shoreland Management Ordinance. Hence, due to its location and lack of permitting history the structure would be considered a legal non-conforming structure. A variance is required to expand the legal, non-conforming residential structure as requested. Vice-Chairman Messenger introduced the item followed by a staff report as presented by Director Green concluding with the following comment: *having reviewed and considered the application, local ordinances, state statutes and any comments received, staff does not object to the issuance of a variance in this case.* After the delivery of the staff report, the Board did have some questions of staff and the applicant including, questions regarding building

location, water, well, and septic. Director Green comments *the parcel is typically inundated with water in the spring*. The applicant Brendon Stryhn was offered an opportunity to defend their variance request. Brendon Stryhn comments *staff presented it well. The property owners are seasonal people who plan to move here when they retire in the next year or two. For this reason, they wish to make it a four-season residence. There has been a lot of back-and-forth conversation with Land & Resource Management staff to try and achieve the most reasonable use of the property going forward*. Vice-Chairman Messenger 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, Kannegiesser and Barkeim. The site team stated *it is a nice lake lot and the house definitely could use some upgrades. They are using the original foundation and it is too wet to move it back. It is currently located in the best spot. Compared to the other homes in the area it isn't going to stand out too much and will not disrupt the neighborhood*. At the conclusion of the site visit report there was brief discussion followed by the following motion to approve of the variance by Barkeim: *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 expand the legal, non-conforming residential structure limited to the conditions identified in the staff report*. Motion is seconded by Kannegiesser. Motion passes unanimously. Conditions include:

- That the structure cannot be located or expanded to be closer than its current location to the road surface and the road right-of-way.
- That the variance is specific to this residential structure.
- 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.
- That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.
- That prior to any construction activities, the owner or identified contractor, secures a Land Use Permit from the Land & Resource Management Department.

With Findings 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 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 reconstruction of the existing structure at its current location, approximately 33.3 feet from the road surface, 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: The reconstruction of a residential structure is a reasonable and permissible use in a Shoreland-General Development zoned district.

3. Character of locality and detriment to neighboring properties:

Finding: The proposed upward expansion of the existing residential structure is not inconsistent


with other uses and development in the neighborhood. There are other examples of such projects in this 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 landowner is burdened with site constraints in regard to spring flooding hazards on the south east side of the existing residential structure and relatedly, limited location options for the replacement of their current on-site septic system. The current residential structure location would utilize a current foundation, which avoids spring flooding and consequently preserves space for the replacement of their current septic system.

Adjournment 6:19 p.m. Motion by Halls to adjourn the Board of Adjustment meeting with a second by Barkeim. Motion carried with no dissenting votes noted.

Respectfully submitted,



Shelley Retrum/Sr Admirative Associate
Pope County Land & Resource Management