MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday May 25, 2023

The Board of Adjustment convened in regular session on Thursday, May 25, 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 Halls. Motion carried with no dissenting votes noted.

Review minutes of April 27, 2023
The minutes of the Board of Adjustment meeting that was held on April 27, 2023 were submitted for approval. Motion to accept the minutes as written was made by Cooley and seconded by Barkeim. Motion carried with no dissenting votes noted.

General Business
Land & Resource Management Director Green briefed the Board and applicants in regard to the role of the Board of Adjustment and the standard for establishing a "practical difficulty".

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

New Business
Variance #23058, applicant Jon Jacobson (PID# 02-0496-000)

Jacobson is seeking variance to lot line and right-of-way setback standards for reconstruction of garage structure. 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, and a discussion of the development and permitting history of the parcel, 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. The applicant was not in attendance to comment on their variance request. Board members asked some questions regarding parcel boundaries and road locations. At 6:20 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, Kannegiesser and Barkeim. The site team stated *obviously the property would benefit from a new garage and that the attached garage would line up nicely with the existing structure. Barkeim noted that there would be no increase in nonconformity relating to the south property line.* 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 and conditions as presented in the staff report, and facts as gathered this evening, I move to approve of the variance request to reconstruct and expand existing garage at a reduced setback from the side yard line and the road right of way.* Motion is seconded by Kannegiesser. Motion passes unanimously. Conditions include:

- The proposed accessory structure may not be located any closer than 25 feet from the road right-of-way.
- The proposed accessory structure may not be located any closer than the existing building is located from the southern side yard line, approximately 3.5 feet.
- 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:**

   Findings: 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. The proposed location of the structure is approximately 25 feet from the road right-of-way. It is not likely that allowing the structure 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:**

   Findings: Accessory structures such as garages are permissible uses in the Shoreland zoning districts.

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. 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:**

   Findings: The circumstances contributing to the need for the variance are that the existing structure currently is 3.5 feet from the southern side yard line according to permitting history, which requires a variance to keep this at the same distance from the side yard line when tearing down and reconstructing a structure. The property also has two road right-of-ways on the west and east side of the property, thereby making a variance to the road right-of-way on the western side of his property necessary.

Variance #23065, applicant Blake Carlson (PID# 09-0789-000)

Carlson is seeking permission via variance to locate a septic tank at 4' from the road right-of-way setback where 10' is the minimum standard. 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, and a discussion of the proposed development of the parcel, Director Green stated that staff does not object to the issuance of a variance in this case. The applicant was offered an opportunity to defend his variance request. Carlson introduces himself as the property owner and that his family has owned this small lot on Lake Minnewaska for close to three decades. They have used the lot as their lake access and have only a small shed onsite. They sometimes camp on the lot. Board members asked some questions regarding parcel boundaries and road locations. At 6:30 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, Kannegiesser and Barkeim. The site team stated *there is not a lot of room for development but it's a cool spot.* They did not identify any impact that may result from the issuance of a variance in this case. 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 to locate a septic tank at no closer than 4' from the road right-of-way.* Motion is seconded by Barkeim. Motion passes unanimously. Conditions include:

- The proposed accessory structure may not be located any closer than four (4) feet from the road right-of-way.

With Findings as follows:

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

   Findings: 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. The proposed location of the structure is approximately four (4) feet from the road right-of-way. It is not likely that allowing the structure will create a hazard to motorist using the adjacent public road or limit future road improvement.

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

   Findings: Septic tanks as a component in individual subsurface sewage treatment systems are permissible uses in Shoreland zoned districts.

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. 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:**

   Findings: The circumstances contributing to the need for the variance are that the parcel is dimensionally challenged with limited space to place septic system components, residential structures and wells on site to meet all required setbacks.

Adjournment 6:46 p.m. Motion by Messenger to adjourn the Board of Adjustment meeting with a second by Cooley. Motion carried with no dissenting votes noted.

Respectfully submitted,

David Green

David Green, Director
Pope County Land & Resource Management