

**MEETING MINUTES**  
**POPE COUNTY BOARD OF ADJUSTMENT**  
**Thursday August 24, 2023**

The Board of Adjustment convened in regular session on Thursday, August 24, 2023 at the Pope County Courthouse, 3<sup>rd</sup> floor Meeting Room.

**Members Present:** Roger Isdahl, John Messenger, Ted Kannegiesser and Russell Barkeim

**Other Officials Present:** David Green (Land & Resource Management Director), Shelley Retrum (Sr. Administrative Associate), Jessica Hill (Zoning Administrator), Larry Lindor (County Commissioner)

**Call to Order**

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

**Additions and Corrections to the Agenda**

There were no additions or corrections to the agenda. A motion to accept the agenda as prepared was made by Barkeim and seconded by Messenger. Motion carried with no dissenting votes noted.

**Review minutes of July 27, 2023**

The minutes of the Board of Adjustment meeting that was held on July 27, 2023 were submitted for approval. Motion to accept the minutes as written was made by Messenger 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 standards for establishing a “practical difficulty”.

**Tabled/Old Business**

There was no tabled or old business to discuss.

**New Business**

**Variance #23215**, applicant Bonanza Valley Lumber (PID# 09-0311-002)

The applicants have purchased the property with intent to operate a full-service lumber yard from the site. Applicant seeks a variance to locate a lumber storage structure adjacent to an existing structure located on the Northeast side of the parcel. This location will provide for room necessary for supply trucks to be able to effectively maneuver in and out of the facilities. Chairman Isdahl introduces the item followed by a staff report as presented by Zoning Administrator, Jessica Hill. The report did include any agency and public comments received prior to the meeting date. Having reviewed and considered the application, local ordinances, state statutes, and all comments received, staff does not object to the issuance of a variance in this case provided that the proposed structure does not trespass upon the Canadian Pacific Railroad property (adjacent property to the east). The applicant Pat Illies with Bonanza Valley Lumber was offered an opportunity to defend their variance request. Pat Illies comments *staff presented it well. We are going to drive trucks through that area to keep the flow as easy as possible.* 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 *It seems logical to locate the structure there. It will allow them to drive the trucks through and provides room for additional structures.* 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.* Motion is seconded by Kannegiesser. Motion passes. Conditions include:

- The proposed structure does not trespass upon the Canadian Pacific Railroad property (adjacent property to the east).

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 only several feet from the railroad right-of-way. However, it will be at least one hundred (100) feet from the actual railroad tracks. There is also a vegetative buffer of approximately eighty-five (85) feet between the structure and the railroad tracks. It is not likely that allowing the structure will create a hazard to vehicular motorists using the adjacent public road or any railroad traffic. Nor will its location limit future road improvement.

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

*Findings:* A commercial bulk storage structure is permissible in an industrial zoning district.

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 commercial industrial in nature.

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 irregularly shaped with limited space to locate the new structure given the existing development and infrastructure that is already in place on the parcel.

**Variance #23210, applicants Chris & Jamie Boelke (PID# 07-0001-001)**

The applicants, property owners Chris and Jamie Bolke, seek a variance so that they may locate a carport structure at less than the minimum setback distance from a road right-of-way. Applicants claim that the area is already paved with impervious materials and is currently used for vehicle storage. Therefore, there is no change in use. The property owners also indicate that there is no other logical location for the carport structure that would not involve greater environmental impact such as tree removal or being located closer to the Ordinary High Water Level. 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. Having reviewed and considered the application, local ordinances, state statutes, and all comments received, staff does not object to the issuance of a variance in this case. The applicant Chris Boelke was offered an opportunity to defend his variance request. Boelke comments *we simply want to put a roof over an area that we have parked in for the last 15 years to keep our vehicles out of the elements.* There is a brief discussion on what the structure will look like. 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 already asphalt there currently so there is no more impact to the impervious surface and there are quite a few trees to make it less visible to the road.* 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 as presented in the staff report and facts as gathered this evening, I move to approve of the variance to locate a carport at a reduced setback from the right-of-way.* Motion is seconded by Barkeim. Motion passes. Conditions include:

- The proposed accessory structure does not trespass upon the road right-of-way or the Paul Freeman property (Parcel #07-0001-002, the adjacent property to the east).

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 two (2) 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:** A carport or accessory structure is a permissible use 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 burdened by performance/setback standards for being located in a Natural Environment Lake zoning district and being located adjacent to a state highway. Giving high priority to the protection of sensitive environmental features requires locating the proposed structure closer to the highway right-of-way.

**Variance #23209**, applicant LeAnn Chlian (PID# 08-0307-008)

The applicant is proposing to locate an 8' x 12' storage structure on her riparian parcel for purposes of storing a lawnmower, yard tools, camping supplies and other miscellaneous water-oriented furniture and equipment. As proposed, the structure will be located at approximately twenty-three (23) feet from the ordinary high-water level (OHWL) of Lake Minnewaska and five (5) feet from the north property line and ten (10) feet from the traveled roadway. The proposed location is giving consideration to protecting existing shoreline vegetation by not having to remove any trees. Chairman Isdahl introduces the item followed by a staff report as presented by Zoning Administrator, Jessica Hill. The report did include any agency and public comments received prior to the meeting date. Having reviewed and considered the application, local ordinances, state statutes, and all comments received, staff does not object to the issuance of a variance in this case. The applicant LeAnn Chlian was offered an opportunity to defend her variance request. Chlian comments *it would be a wooden structure with a shingled roof. It is already on a platform and there will not be any footings. The door will be on the east side. We would like to have a shed to store lake things and keep things looking tidy.* There is a brief discussion on what the structure will look like. 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 a level area and a good spot for a shed. You won't be disturbing any trees. It is a small lot and seems logical to locate a small shed.* 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 as presented in the staff report and facts as gathered this evening, I move to approve of the variance request to locate a storage shed at a reduced setback from the ordinary high-water level of Lake Minnewaska.* Motion is seconded by Barkeim. Motion passes. Conditions include:

1. That the structure is to be located at no closer than 23 feet from OHWL and 5 feet from the north boundary line.
2. The issuance of this variance does not include vegetative removal or topographic alterations. Those would need to be approved through a Shoreland Alteration permit.
3. 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.

4. That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.

With Findings as follows:

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

*Findings:* The Minnesota DNR Shoreland Rules Chapter 6120 as well as the Pope County Land Use Controls Ordinance regulate the location of structures in shoreland designated areas. The purpose of the requirements is to maintain neighborhood character and aesthetics as well as for the protection of surface water resources and personal property. The locating (as proposed) of this structure does not create an aesthetic issue with the boating public or neighboring property owners and is not in conflict with the Pope County Comprehensive Plan. The locating of the structure at a reduced setback distance will not impact the hydrology or natural characteristics of the riparian area of the lake.

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

*Findings:* Locating a storage structure onsite is a reasonable and permissible use in all Shoreland zoned districts.

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

*Findings:* The proposal to locate a storage structure onsite is consistent with existing uses on other properties around the lake. Therefore, there is no change in character of the locality nor shall there be a detriment to the neighboring properties.

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

*Findings:* The unique circumstance that contributes to the need for the variance relates to the dimensional limitations of the parcel. There is no area on this parcel in which a structure could be located in compliance with the existing setback standards.

**Variance #23214**, applicant David Bohmer (PID# 19-0516-000)

The applicant, property owner David Bohmer, is proposing to expand their existing deck lakeward by six (6) feet resulting in a deck that is sixteen (16) feet lakeward from the cottage. 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. Having reviewed and considered the application, local ordinances, state statutes, and all comments received, staff does not believe that a practical difficulty has been established. However, the public hearing as well as the applicant may offer additional facts that are not yet evident for the Board of Adjustment to consider. The applicant David Bohmer was offered an opportunity to defend his variance request. Bohmer comments *we have owned this property for some time. The deck doesn't suit us for our family needs any longer. We have family with health issues and handicap issues with one family member having cerebral palsy. If granted this variance, it would make life a whole lot better for my family. I don't feel it would affect our neighbors as we have no real close neighbors. We would be at the same setback from the ordinary high water level as our neighbors.* There is brief conversation about what the deck would look like. 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 *it is a nice big lawn there and there is only one neighbor that would even see it. Do not see it causing any issues.* At the conclusion of the site visit report there was brief discussion followed by the following motion to approve of the variance by Kannegiesser: *Based upon the information as presented in the staff report and facts as gathered this evening with consideration of the accessibility issues that the applicant raised, I move to approve of the variance request to locate a storage shed at a reduced setback from the ordinary high-water level of Lake Minnewaska and direct staff to create findings that are consistent.* Motion is seconded by Barkeim. Director Green questions whether or not a practical difficulty had been established. Conversation ensues regarding the applicant's comments relating to accessibility issues. The members of the BOA reconsider the variance question with consideration to providing for accessibility. Kannegiesser amends his motion to include a condition requiring the construction of a ramp for accessibility. Barkeim seconds the amended motion. The amended motion passes. Conditions include:

1. That the variance is specific to the proposed structure. i.e., size and location.
2. Structure is to be constructed with a ramp for purposes of accessibility.
3. 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.
4. That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.
5. That prior to any construction activities, all necessary permits (relating to this specific structure) are secured from 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 Minnesota DNR Shoreland Rules Chapter 6120 as well as the Pope County Land Use Controls Ordinance regulate the location of structures in shoreland designated areas. The purpose of the requirements is to maintain neighborhood character and aesthetics as well as for the protection of surface water resources and personal property. The continued encroachment of built structures towards the public water resource does impact shoreland aesthetics and can result in an environmental impact to the public water resource.

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

**Findings:** A residential structure with an attached deck is a reasonable and permissible use in all Shoreland zoned districts.

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

*Findings:* The proposed structure is not inconsistent with existing 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:**

*Findings:* This was not established. However, the variance was granted based on the accessibility needs of the property owner. The deck expansion was needed to account for an accessibility ramp that would permit/allow wheelchair users, strollers, carts, or other wheeled objects, to more easily access the deck.

**Adjournment** 6:43 p.m. Motion by Barkeim to adjourn the Board of Adjustment meeting with a second by Messenger. Motion carried with no dissenting votes noted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Shelley Retrum", with a long horizontal flourish extending to the right.

*Shelley Retrum/Sr Administrative Associate*  
Pope County Land & Resource Management

