POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, September 26, 2024

The Board of Adjustment convened in regular session on Thursday, September 26, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Roger Isdahl, John Messenger, Ivie Cooley, Mark Halls, and Russell Barkeim

Other Officials Present: David Green (Land & Resource Management, Director), Jessica Hill (Zoning Administrator), Paul Gerde (County Commissioner) and Paul Wildman (County Commissioner)

Call to Order

The meeting was called to order by Chairman Isdahl at 6:01 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 Board member Barkeim and seconded by Board member Cooley. Motion carried with no dissenting votes noted.

Review minutes of August 22, 2024 Regular Meeting of the BOA

The minutes of the Board of Adjustment meeting that was held on August 22, 2024 were submitted for approval. Motion to accept the minutes as written was made by Board member Messenger and seconded by Board member Barkeim. Motion carried with no dissenting votes noted.

General Business

Director Green addressed those in attendance, providing a brief overview of the Board of Adjustment's role, the applicants responsibility in identifying that a practical difficulty exists, and the general process of the public hearing.

Tabled/Old Business

Variance Request #24194, **Nancy Pesta and Patrick Walsh** (Pat Walsh, present) PID# 02-0294-000

This item was tabled at the 22 August 2024 regular BOA meeting. The applicants are proposing to replace/upgrade their existing residential structure located on their Lake Amelia parcel. The applicants seek consideration in the form of a variance that would result in an increase of the impervious surface coverage.

Zoning Administrator Hill presented the application and staff report and comments *since the last meeting, the applicant has met with myself and Director Green to go over the proposed project in further detail. Since that meeting the applicant has revised their house plans, their septic*

system design, their impervious surface calculations and their stormwater management plan. We provide them to you now for your consideration.

Applicant Patrick Walsh is present and given an opportunity to provide additional information and Patrick comments *we have traded 800 square feet for 200 square feet with taking the old garage off the site and making the new attached garage slightly bigger.*

Board member Isdahl comments *what's the impervious surface at now?* Applicant Patrick Walsh comments *under 30.* Board member Isdahl comments *Is that a new septic design?* Applicant Patrick Walsh comments *yes.* Board member Cooley asks *is your old garage removed?* Applicant Patrick Walsh comments *yes.* Board member Isdahl comments *what is staff's comfort level?* Director Green comments that the environmental impact relating to stormwater runoff has been almost completely mitigated. Board member Cooley asks if pervious pavers would be an option for the driveway and what that would do to the impervious total. Patrick Walsh explained the driveway was approximately 6% of the total lot area. Director Green provides clarification on pervious pavers and that installing them would be a mitigation method, however the total impervious surface would not be decreased. Patrick Walsh states *if we have the opportunity to use those pervious pavers, we'll use them, possibly for our sidewalk.* Commissioner Gerde comments *I'd like to express my appreciation for the effort you've put in on what you've worked on since last month.* Board member Cooley adds *I appreciate you pushing your house back away from the lake as well.*

Motion:

Board Chair Isdahl asks for a motion. Board member Barkeim made motion to approve the request as presented with the amendment of condition 2:

1. A Type I septic system design which is adequately sized for the proposed development is submitted to the Land & Resource Management department.
2. That the variance to the impervious surface standard of 30% is limited to the scope of work as presented with the application and is specific to the areas as identified in the stormwater management plan as prepared and submitted by LANDTEAM/Interstate Engineering of Alexandria, Minnesota;
3. Construction of the stormwater collection and treatment system shall be according to the design prepared by a professional engineer, landscape architect, or certified professional in stormwater quality and approved by the Land & Resource Management Director prior to installation;
4. Prior to issuance of a permit to construct a stormwater collection system, Owner to agree to a management plan for the stormwater treatment system as prepared by the design professional;
5. That the variance is invalid, or expires, if the holder/Owner has not substantially completed the stormwater collection system within one year of issuance of construction activity permits relating to the residential structure;

6. If the variance expires due to noncompliance with construction of the stormwater collection system, then the Owner is to abate excess impervious surface areas upon receipt of notice of violation; and
7. That County staff may enter onto the property at reasonable times and in a reasonable manner to ensure the variance holder is in compliance with the conditions as specified and all other applicable statutes, rules and ordinances.

This motion was seconded by Board member Cooley. With no further discussion, motion carried unanimously with the findings as follows:

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

   Finding: The purpose of the stormwater management regulations in the County Ordinance, are to limit impacts to surface water quality and habitat, by development that generates additional stormwater runoff. Stormwater runoff from impervious surfaces carries sediment and nutrients from those surfaces, as well as nutrients and pollutants from lawns and landscaping, into the adjacent lakes and wetlands. By limiting the amount of impervious surface on a lot, these impacts from stormwater may also be limited. Emphasis on preventing non-point source pollution from stormwater in urban areas has led to the development of many best management practices that are designed to capture and treat runoff. By implementing the type of mitigation strategies as identified in the Stormwater Management Plan, the impacts of stormwater generated by a lot that is over-impervious may be mitigated and the intent of the official controls can be met.

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

   Finding: It is reasonable and permissible to have a residential structure in this shoreland designated neighborhood.

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

   Finding: Granting the variance to allow the parcel to be over-impervious will not change the character of the locality, but it could detrimentally impact the lake and neighboring properties if the additional runoff from the impervious surfaces is not controlled. For this reason, staff has recommended conditions that are intended to mitigate impacts from stormwater on lake water quality and habitat.

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

   Finding: The applicant's riparian parcel is currently developed below the impervious surface coverage limit. The proposed development of the property further increases the impervious surface coverage. However, with the implementation of the stormwater management mitigation strategies, as proposed, the rate and amount of stormwater runoff that impacts Lake Amelia will be reduced.

New Business

Variance Request #24238 – Bluff & OHWL Setbacks, **Mary O'Connell** (present Bruce Goad & Charlotte O'Connell, representatives for Mary O'Connell) PID# 08-0286-000

Variance hearing on the request to construct a new residential structure to replace an existing seasonal/rustic cabin structure. This parcel is situated on Lake Minnewaska, a shoreland zoned General Development lake, in Minnewaska Township. The parcel is 10,489 square feet with approximately 5,000 square feet on the southern/lakeside portion of the parcel being considered a bluff. The existing residential structure is approximately fifty six (56) feet from the Ordinary High Water Level (OHWL). The proposed residential structure is forty (40) feet by forty (40) feet and would be approximately fifty seven (57) feet from the OHWL. Specific to this property, the minimum setback to the OHWL is the average distance between the residential structure and the OHWL of the two neighboring property owners. This has been calculated to be, approximately 61.5 feet. Also, the proposed location does not meet the minimum setback distance from a bluff feature. The shoreland zoned district setback standard is that structures are to be located at least 30 feet from a bluff. Because the proposed location does not comply with all setback standards, the permit is not administratively approvable and therefore requires a variance to be secured to be in compliance. Therefore, the owner is seeking a variance to the bluff setback standard identified in Section 4.2.4.C and 4.6.5.A.3.

Director Green introduced the application and staff report.

The applicant's representative, Bruce Goad (stated relative) is present and given an opportunity to provide any additional information and comments *I am Mary's neighbor and would like to note this parcel has been in the O'Connell family for 105 years. Mary is 65 years old with one son, what she is proposing is no garage, no storage, wants a single level with no basement. There are really only a couple properties down this road that would ask for a request. She's going to do a slab on grade.*

Board member Barkeim asks *is there a plan for a well?* Bruce Goad answers *yes, off to the side of the house.* Board member Isdahl asks *under revised location what's the setback to the road?* Director Green replies *the road has been vacated, there is no road setback, just the typical property line setback.* Board member Halls enquires *what's the road setback for the SSTS?* Director Green replies *10 feet.*

Board Chair Isdahl opened the hearing for public comment. Hearing no comments, the public hearing portion was closed.

The Board site team comprised of Board members, Barkeim, Cooley, and Messenger provided comment about their onsite observations stating that the bluff is super steep and she will need a lot of fill to level the area. They also comment that it seems to be too much house for the lot and appears to be overbuilt and too close to the bluff.

Board member Cooley asks *how much have you worked with staff to try fit this property?* Bruce Goad replies *she'd like to build a 40'x40' if possible.* Board member Cooley asks *would you like time to work with staff to make this fit?* Bruce Goad replies *yes.*

Motion:

Board Chair Isdahl asked for a motion. Board member Cooley made motion to table the request until the next regularly scheduled BOA meeting to work out the differences by shrinking the house and setting it back further.

This motion was seconded by Board member Barkeim. With no further discussion, motion carried unanimously.

Variance Request #24237 - SSTS, **Mary O'Connell** (present Bruce Goad & Charlotte O'Connell, representatives for Mary O'Connell) PID# 08-0286-000

Variance hearing on a request to replace the septic system on her riparian parcel to allow for the placement of a larger residential structure. This parcel is situated on Lake Minnewaska, a General Development lake, in Minnewaska Township. The parcel is 10,489 square feet with approximately 5,000 square feet on the southern/lakeside portion of the parcel being considered a bluff. The existing residential structure is approximately fifty six (56) feet from the Ordinary High Water Level (OHWL). The proposed residential structure is forty (40) feet by forty (40) feet and would be approximately fifty seven (57) feet from the OHWL. A replacement septic system design was received from Justin Ziemer (MPCA Designer, C9308) which indicates the proposed location for the replacement septic system drainfield would be approximately three (3) feet from the north and west property lines and fifteen (15) feet from the proposed residential structure. The replacement septic tank would be approximately five (5) feet from the proposed residential structure.

Board Chair Isdahl enquires *should we even consider this application given it is linked to the one we just heard?*

Director Green explains how this application is linked to the previously heard application 24238.

Board member Halls comments *I think we should table this item.*

Board Chair Isdahl opened the hearing for public comment. Hearing no comments, the public hearing portion was closed.

Motion:

Board member Halls made motion to table the request until the next regularly scheduled BOA meeting. This motion was seconded by Board member Messenger. With no further discussion, motion carried unanimously.

Adjournment

Board of Adjustment meeting was adjourned at 6:45 pm.

Respectfully submitted,

Jessica Hill/Zoning Administrator
Pope County Land & Resource Management