POPECOUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, November 21, 2024

The Board of Adjustment convened in regular session on Thursday, November 21, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

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

Other Officials Present: David Green (Land & Resource Management, Director), and Paul Gerde (County Commissioner) and Paul Wildman (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 were no additions or corrections to the agenda. A motion to accept the agenda as prepared was made by Board member Messenger and seconded by Board member Barkeim. Motion carried with no dissenting votes noted.

Review minutes of October 24, 2024 Regular Meeting of the BOA

The minutes of the Board of Adjustment meeting that was held on October 24, 2024 were submitted for approval. Motion to accept the minutes as written was made by Board member Barkeim and seconded by Board member Cooley. Motion carried with no dissenting votes noted.

General Business

Director Green addressed the members of the BOA and the PAC regarding interest in an onsite training for BOA/PAC commissioners. The BOA/PAC members were receptive to the training opportunity. Director Green to follow up and to try to schedule such a training in the near future.

Tabled/Old Business

None

New Business

Variance Request #24318/VAR-24-007, **Allan Aaberg** (present) PID# 07-0274-600

The applicant is proposing to utilize an existing twenty-five (25) foot ingress/egress easement to access two (2) proposed future lots located in the Southeast Quarter of the Northeast Quarter, Section 35 of White Bear Lake Township. Compliance with the local ordinance requires that an access easement be no less than thirty-three (33) feet in width. Aaberg is seeking a variance to

this standard. Director Green presented the application and staff report and comments *staff does not object to the issuance of a variance with conditions stated in the staff report.*

Applicant Allan Aaberg is provided an opportunity to provide additional information. He comments that the purpose for subdividing the parcel is so that *each for the four family members that have interest in the land can have an individual parcel identified as their own.* He did not anticipate that there would be any development on several of the parcels due to topography, wetland soils and location in relation to the Starbuck Airport and therefore the wider easement would not serve a purpose.

Board Chair Isdahl received several questions from the Board including; *what is the smallest size lot that can be created in an A-1 zoning district* (Cooley)? And Hall seeking to gain an understanding of the width of the existing easements. At 6:19 pm, Chairman Isdahl opened the hearing for public comment. With no comments offered, Chairman Isdahl closes the public hearing portion of the meeting and asks for a Site Team report.

The Site Team, comprised of Board members, Barkeim, Kannagiesser, and Messenger, provided comment about their onsite observations stating that *the lands look low and swampy with limited to no development potential.*

Motion:

Board Chair Isdahl asks for a motion. Messenger made motion to approve the variance request to allow applicant relief from the minimum easement with standard of 33 feet in accordance with the conditions as presented in the staff report. Conditions as follows:

1. The variance is specific to the project as proposed. This variance is specific to the twenty-five (25) foot access easement which provides access to the Southeast Quarter of the Northeast Quarter of Section 35 in White Bear Lake Township.
2. 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 and all other applicable statutes, rules and ordinances.

This motion was seconded by Barkeim. 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:**

   Findings: The intent of the official control is to provide for adequate access for local traffic and emergency service providers if need be. Developments of a higher density require a wider and well-constructed road system. Specific to this particular parcel, the access easement as currently prescribed, provides access to the undeveloped parcel. This parcel appears to be burdened with a large area of wetland as well as being zoned for agricultural uses. There is very little potential for high density residential development. If there is no reasonable potential for high density development on the parcel then a wider road may not be necessary and thus a wider easement is not necessary. If the land use

does not significantly change, then there is no conflict with the official controls or comprehensive plan.

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

   Findings: Allowing this nonconforming easement to be utilized to access subdivided lots (if approved) is reasonable.

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

   Findings: There is no anticipated change in use or densities therefore there is no impact as it relates to neighborhood character. The neighborhood will remain primarily recreational and 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 easement was created and described, in a manner that does not conform, to the Subdivision Controls Ordinance minimum easement standard. There has been no previous action taken by the county or the township to rectify the nonconformity. The granting of a variance to the easement standard, will create a legal nonconforming easement, which can be utilized.

Adjournment

Motion by Board member Barkeim to adjourn the Board of Adjustment meeting with a second by Board member Kannegiesser. Motion carried unanimously. Meeting adjourned at 6:22 p.m.

Respectfully submitted,

David J. Green

David J. Green, Director
Pope County Land & Resource Management