POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, October 24, 2024

The Board of Adjustment convened in regular session on Thursday, October 24, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

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

Other Officials Present: David Green *by Webex* (Land & Resource Management, Director), Jessica Hill (Zoning Administrator), Shelley Retrum (Sr Administrative Associate) and Paul Gerde (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 Messenger and seconded by Board member Barkeim. Motion carried with no dissenting votes noted.

Review minutes of September 26, 2024 Regular Meeting of the BOA

The minutes of the Board of Adjustment meeting that was held on September 26, 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

Zoning Administrator Hill 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 #24238, **Mary O'Connell** Bluff Setback (Bruce Goad, representative for Mary O'Connell) PID# 08-0286-000

This item was tabled at the September 26, 2024 regular BOA meeting. The application, if granted, would allow relief form the Ordinary High Water Level (OHWL) and top of bluff setback standards. Zoning Administrator Hill presented the application and staff report and comments *staff had a phone conversation with the applicant and applicant has submitted a revised plan. The dimension of the structure has been changed to 36' x 36' and the sketch is included in the*

staff hand out. Note that the proposed new location puts the structure over the proposed location of the septic tank with the design that has been previously submitted.

Applicant Bruce Goad is present and given an opportunity to provide additional information and comments *the structure has been moved over and moved back with reduction in the width and the length. The bluff rises to the right, in reality there is 15 feet until the bluff. The yellow line is a string test and puts her right at that. Mary has sold her house in the cities and hoping to move to the site permanently. She is trying to make the best of this situation.*

There is discussion on the revised plan and the bluff designation with Zoning Administrator Hill indicating *the bluff designation is not arbitrary. Staff is comfortable at 0 setback from the bluff as indicated on the map before you.* Board member Barkeim comments *does staff have an impervious surface calculation with the reduced size of the structure?* Zoning Administrator Hill comments *I do not have that calculation but from memory I do not think it will be an issue.*

Motion:

Board Chair Isdahl asks for a motion. Board member Messenger made motion to approve the variance allowing relief from the top of bluff setback standards in accordance with the conditions as presented (or amended) in the staff report. Conditions as follows:

1. That the variance is specific only to the residential structure.
2. That the variance be limited to a zero (0) foot setback from the top of the bluff feature as identified by staff, with no part of the structure being at or lakeward of the identified bluff feature (approximately seventy five (75) feet from the OHWL).
3. That the residential structure not include any subterranean features such as a crawl space or basement.
4. That the residential structure utilizes gutters to direct stormwater away from the bluff feature.
5. That if any part of the proposed project involves grading and fill in or near the bluff feature that a sediment and erosion control plan, as prescribed in section 10.24 of the Land Use Controls Ordinance be developed and that continued slope stability be verified by a qualified professional.
6. That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.
7. That prior to any construction activities, the owner or identified contractor, secures a residential structure/construction activity permit from the Land & Resource Management Department.
8. 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 Board member Kannegiesser. 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 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 is to provide for yard space such that there may be assurance of adequate light, air, privacy and safety. Additionally, there are other feature specific setbacks such as for bluffs which are intended to minimize visual impacts from structures and to provide "general" slope protection from construction activities. Also, there are other "use specific" standards established for purposes of maintaining neighborhood character and esthetics. The location of this structure at approximately seventy five (75) feet from the OHWL will not impact adequate lighting, air or privacy nor should it impact the integrity or stability of the bluff feature.

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

   Finding: A seasonal 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 locating of the structure is not inconsistent with other uses and 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:**

   Finding: The contributing circumstances dictating the need for the variance include the overall parcel dimensional limitations as well as being burdened with a bluff feature and trying to account for a Type I onsite septic system.

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

This item was tabled at the September 26, 2024 regular BOA meeting. Zoning Administrator Hill presented the application and staff report and comments *no further information has been provided from the previous meeting. The applicant did note that she would like to get a Type I system but the applicant will have to figure this out with a septic designer. The spot where this could go is somewhat limited.*

Applicant Bruce Goad is present and given an opportunity to provide additional information and comments *it will be a two bedroom seasonal home because Mary goes to Arizona for the winter.*

The Board asks for clarification from staff as to what the staff recommendations are as to the setbacks. Zoning Administrator Hill comments *the staff proposed setbacks are listed as*

conditions in the staff report which would be three feet from the north and five feet from the west property lines. The unknown is how far from the house.

Director Green comments *the house is going to be slab on grade. This will be used seasonally and the reduced setbacks as proposed by staff are appropriate.*

Motion:

Board Chair Isdahl asks for a motion. Board member Cooley made motion to approve the variance request to allow applicants to locate their septic system components at reduced setback to the property line and residential structure setback standards in accordance with the conditions as presented in the staff report. Conditions as follows:

1. The proposed septic system components may not be located any closer than three (3) feet from the north property line.
2. The proposed septic system components may not be located any closer than five (5) feet from the west property line.
3. The proposed septic system drainfield may not be located any closer than fifteen (15) feet from the occupied building.
4. The proposed septic tank may not be located any closer than five (5) feet from the occupied building.
5. That prior to any construction activities, all necessary permits are secured from Township, County and State agencies.
6. 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 Board member Kannegiesser. 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 Minnesota DNR Shoreland Rules Ch 6120 as well as the Pope County Land Use Controls Ordinance regulate the location of structures and septic system components 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 the septic system components does not create an aesthetic issue with the travelling public or neighboring property owners and is not in conflict with the Pope County Comprehensive Plan. The locating of the septic system components 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: Septic 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 steep sloping topography and dense tree vegetation, which limits the space available to place a residential structure and a Type I (tank and drainfield) septic system on site to meet all required setbacks.

New Business

Variance Request #24293, **Jordan Johnsrud** (Jordan Johnsrud, present) PID# 02-0686-000

The applicant seeks permission to enlarge an existing commercial storage structure. The proposal includes a thirty-six (36) foot by thirty-six (36) foot addition to the east end of an existing structure. Zoning Administrator Hill 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 Jordan Johnsrud is present and given an opportunity to provide additional information and comments. *I have nothing additional to add to what staff has already provided here tonight and in the staff report.*

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 *it looks pretty straight forward. It is further away than the building that is currently there. It appears to be an ideal spot for this addition.*

Motion:

Board Chair Isdahl asks for a motion. Board member Cooley made motion to approve the variance request to allow applicant relief from the road centerline setback standard in an Industrial zoning district in accordance with the conditions as presented in the staff report. Conditions as follows:

1. The variance is specific to the project as proposed.
2. The setback encroachment is limited to the minimum distance necessary to locate the thirty-six (36) foot by thirty-six (36) foot structure addition as is shown on the Certificate of Survey by Stoeckel Jahner Land Surveying (File No 8645), dated 08-16-24, and to allow for up to two (2) feet of overhang. Thus, the proposed structure, including

overhangs, would be located at approximately one-hundred three (103) feet from the centerline of the roadway.

3. Prior to any construction activities, all necessary permits including septic system and construction activities permits are secured from Township, County and State Agencies.
4. 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 Board member 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 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 structure to be locate at one-hundred three (103) feet from the centerline of the roadway will create a hazard to vehicular motorists using the adjacent public road. Nor will its location limit future road improvement.

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

   Findings: A commercial 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 Request #24298, **Richard & Barbara Mrugala** (Richard & Barbara Mrugala, present) PID# 02-0444-000

The applicants are seeking to replace an existing garage with a larger garage on their Shoreland-Recreational Development designated parcel. Zoning Administrator Hill presented the application and staff report and comments *the applicant has previously secured a variance that would allow for the rebuilt garage structure to be located at 15 feet from the road right-of-way. They now seek consideration regarding the side yard setback. The proposed location for the new structure would be 15 feet from the road right-of-way and 5 feet from the adjacent parcel*

boundary line. Thus, the structure would be more conforming. Staff does not object to the issuance of a variance in this case with conditions stated in the staff report to be considered.

Applicant Richard Mrugala is present and given an opportunity to provide additional information and comments *We appreciate our green space and we also have a letter from our neighbor indicating they have no issues. I believe this is included in the staff prepared report. We appreciate your consideration for a 5 foot setback. The garage will be used for storage only.*

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 it would be an improvement from the current garage. Board member Cooley comments *we appreciate you reaching out to your neighbor and the comments received from your neighbor in support really means a lot in this situation.*

Motion:

Board Chair Isdahl asks for a motion. Board member Barkeim made motion to approve the variance request to allow applicants relief from the side yard setback standard in a Shoreland-Recreational Development (S-RD) zoning district in accordance with the conditions as presented in the staff report. Conditions as follows:

1. The proposed accessory structure, including overhangs, may not be located any closer than five (5) feet from the southern side yard line.
2. That stormwater runoff from the roof of the structure is to be collected and directed away from the neighboring property and the road right-of-way.
3. That prior to any construction activities, all necessary permits are secured from Township, County and State Agencies.

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:**

   Findings: The purpose of the required setback for structures from side lot line is to prevent overcrowding, for protection of personal property from fire hazards, to provide for privacy, and to preserve the neighborhood character and aesthetics. If a variance is granted that would allow for the structure to be at least five (5) feet from the property line, it would not conflict with the overall goal of the official controls

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 at the requested five (5) feet from the neighboring property line is an improvement as compared to where the structure currently exists at approximately two and a half (2.5) feet from the property line. So, it is not anticipated that the locating of the structure at five (5) feet the neighboring property line will have any negative impact or be detrimental to the neighborhood.

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 property owner desires to keep a garage structure in the same or similar location on their parcel, and there are limitations associated with having an undersized parcel that has already been limited by other development choices.

Adjournment

Motion by Board member Kannegiesser to adjourn the Board of Adjustment meeting with a second by Board member Cooley. Motion carried unanimously. Meeting adjourned at 6:33 p.m.

Respectfully submitted,

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