POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, February 27, 2025

The Board of Adjustment convened in regular session on Thursday, February 27, 2025 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Roger Isdahl, John Messenger, Kathy Christiansen, Ted Kannegiesser, Mark Halls, and Russell Barkeim

Other Officials Present: David Green (Land & Resource Management, Director), Galen Gruber (Land Use Specialist II), 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 Barkeim and seconded by Board member Christiansen. Motion carried unanimously.

Review minutes of January 23, 2025 Regular Meeting of the BOA

The minutes of the Board of Adjustment meeting that was held on January 23, 2025 were submitted for approval. Motion to accept the minutes as written was made by Board member Messenger and seconded by Board member Halls. Motion carried unanimously.

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

None.

New Business

Variance Request #VAR-25-001, **Matt Haats** (present) PID# 19-0193-000

The applicant seeks permission to reduce the structural setback to the road right-of-way for the construction of a garage. Director Green presented the applicant's request and staff report noting that staff does not object to granting the variance and provided recommended conditions.

Applicant Matt Haats was present and was given an opportunity to provide additional information and comments. Haats commented that the existing and proposed structures are oriented to align

with the shoreline which causes the northwest corner of the proposed structure to encroach on the setback.

Isdahl asked Director Green if the structural setback is taken to the eave or the wall of the structure. Director Green explained that the structural setback is taken from the nearest part of the structure which is generally the eave.

Halls asked Haats if the stormwater drains towards the road and if that will continue. Haats responded that yes.

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, Kannegiesser, and Messenger provided comment about their onsite observations. Messenger noted that there would be minimal vegetation alteration including a few trees. Kannegiesser noted in order to turn around, the structure needs to be where it's proposed. Barkeim noted that the topography will screen the proposed garage from the road. Haats commented that a part of the hill will be removed to allow entrance to the proposed structure from the north.

Motion:

Board Chair Isdahl seeks a motion. Board member Barkeim made motion to approve the variance request in accordance with the conditions as presented in the staff report. Conditions as follows:

1. Setback encroachment is limited to 40 feet from the edge of the road right-of-way.
2. That priority to any construction activities, all necessary permits are secured from County and State agencies.
3. That County staff may enter onto the property at reasonable times and in 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 Halls. 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 Minnesota DNR Shoreland Rules Ch 6120 as well as the Pope County Land Use Controls Ordinance regulate the location of structures in shoreland designated areas. 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. Providing for residential and recreational development on riparian parcels and recognizing that there are sometimes physical limitations on certain parcels due to topographic and other environmental impediments is not inconsistent with

the Comprehensive Plan provided that official processes and controls are adhered to.

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

   Finding: An attached garage is not uncommon in shoreland areas.

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

   Finding: The structure is consistent with other uses and development in the neighborhood. The character of the locality will not be altered with the construction of this attached garage at a reduced setback from the road right-of-way.

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

   Finding: The circumstances contributing to the need for the variance include that the parcel access is limited by the county road location and the location of the garage is relative to that access. The location of the garage is also somewhat limited by the onsite environmental and topographic features including wetlands, the required OHWL setback, and the topographical contours.

Variance Request #VAR-25-002 **Ben Dahl** (present) PID# 08-0187-109

The applicant seeks permission to reduce the structural setback to the ordinary high water level of Fosse Lake (90 feet) and to the Top of Bluff (0 feet) for the purpose of constructing an in-ground pool.

Galen Gruber, LUS II, presented the applicant's request and staff report noting the unique topography features on the parcel as well as other onsite variables. Gruber relays information specific to Fosse Lake, onsite soils, slope and existing vegetation. He concludes that the applicant had not effectively established a practical difficulty but provides some conditions for the Board to consider. Dahl was not in attendance and therefore could not defend the application. Board member discussed the site with questions for staff relating to existing vegetation, the bluff and other topographic features, requirements for a stormwater plan and importance of engineering details specific to the pool design and slope integrity.

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, Kannegiesser, and Messenger, provided comment about their onsite observations agreeing that it was "the only logical place to the pool being that there were homes and the school on the other side as well as a steep slope leading to very wet ground.

Motion:

Board Chair Isdahl seeks a motion. Board member Kannagiesser made motion to approve the variance request to allow applicants relief from the ordinary highwater and bluff setback standards in accordance with the conditions as presented in the staff report. Conditions as follows:

1. That the variance is specific only to the proposed structure and use.
2. That the variance be limited to a 0 foot setback from the Top of the Bluff or 90 feet to the OHWL, whichever is most restrictive.
3. That, prior to any construction activities, a Land Use Permit be obtained from the Land & Resource Management Department with the following submitted as part of the permit application:
    a. An approved erosion and sediment control plan in accordance with Section 10.24 of the Land Use Controls Ordinance.
    b. A professionally developed construction plan that includes verification by a qualified individual for continued slope stability and that pool walls located within 7 feet of the Top of Bluff are capable of supporting the weight of the pool water without soil support.
4. That the exemption as specified in Section 4.6.10.D 2 and 3 is limited to alterations to the topography and vegetation that do not extend beyond the Top of the Bluff or 10 feet from the pool wall whichever is less, without first obtaining a shoreland alteration permit.
5. That the property owner contacts the Township to assure compliance with any Township standards.
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 Barkeim. With no further discussion, motion carried unanimously.

Board member Halls provides motion to direct the Land & Resource Management staff to provide findings consistent with the Boards decision for consideration at their next meeting. This motion is seconded by Board member Messinger. The motion carries unanimously.

Adjournment

Motion by Board member Kannegiesser to adjourn the Board of Adjustment meeting with a second by Board member Barkeim. Motion carried unanimously. Meeting adjourned at 6:27 p.m.

Respectfully submitted,

David Green, Director
Pope County Land & Resource Management

Galen Gruber, Land Use Specialist II
Pope County Land & Resource Management