POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, May 22, 2025

The Board of Adjustment convened in regular session on Thursday, May 22, 2025 at the Pope County Courthouse, 3rd floor Meeting Room.

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

Other Officials Present: David Green (Land & Resource Management, Director), Shelley Retrum (Sr Administrative Associate), 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 Halls and seconded by Board member Messenger. Motion carried unanimously.

Review minutes of April 24, 2025 Regular Meeting of the BOA

The minutes of the Board of Adjustment meeting that was held on April 24, 2025 were submitted for approval. Motion to accept the minutes as written was made by Board member Barkeim and seconded by Board member Christiansen. Motion carried unanimously.

Tabled/Old Business

Adoption of Findings for Approved VAR-25-004, **Cindy Ohlson** PID# 08-0088-100

Adoption of Findings for Approved VAR-25-003, **Cindy Ohlson** PID# 08-0088-100

Director Green comments *based upon the information as presented to the Board of Adjustment on April 24, 2025, it was determined to not be in conflict with the comprehensive plan and a Practical Difficulty was established. Therefore, the Pope County Board of Adjustment approved the variance requests. Staff has prepared Findings to support the actions taken by the Board that night.*

Chairman Isdahl asks for the Board to take action on staff prepared Findings for VAR-25-004 and VAR-25-003 on Parcel ID 08-0088-100.

Motion:

Board member Halls made motion to approve the Findings as presented in the staff report and as follows:

Var 25-004

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. In this case, the road has not been fully developed and is locally maintained. There is only one other developed parcel that is further west that utilizes this road for access. Reduction of the setback does not impact snow storage capacity or increase a safety risk for traveling public.

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

   Finding: A detached garage is not uncommon in shoreland areas.

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

   Finding: The proposed structure is consistent with other uses and development in the shoreland neighborhood. The owner/applicant has taken into consideration the view shed of the neighboring property to the north so as to minimize any impact on their view of the lake.

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

   Finding: The owner/applicant has identified sloping topography, parcel geometry, the location of existing utilities, and physical access as impediments to locating the proposed garage/accessory structure in any other location on the parcel.

Var 25-003

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

   Finding: The Pope County Land Use Controls Ordinance regulates the size of accessory structures in shoreland designated areas by specifying specific setback distances from the OHWL based on structure size. The purpose of the requirements is to maintain neighborhood character and aesthetics. Providing for consistent development patterns that take into account neighborhood character and aesthetics is consistent with the Comprehensive Plan.

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

   Finding: A detached garage is not uncommon in shoreland areas.

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

   Finding: The structure is consistent with other accessory structures and development in the shoreland neighborhood. The size of this accessory structure will not have a negative impact on neighboring property owners.

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

   Finding: The plight of the land owner relates to the burden of conformance as compared to the public benefit derived. Local ordinance limits the size of an accessory structure, when located at less than 200 feet from the OHWL, to 1,000 square feet. In this specific case, if the structure was to be located several feet north, then it could be administratively permitted to be constructed as large as 2,000 square feet in size. There is no financial or economic gain or loss as it relates to building materials when considering a conforming structure at 30 x 33 (1,000 sq ft) versus one constructed at 30 x 36 (1080 sq ft). The smaller structure would result in more material waste due to dimensional lumber being sold in even numbered increments. So, the granting of the size variance reduces the quantity of materials introduced in to the waste stream. The purpose for the standard is to minimize impacts on nearby and adjacent property owners as well as to the boating public. In this case those impacts are negligible as the garage is located behind the existing residential structure, thereby reducing its visibility. The burden of compliance outweighs the public benefit.

Motion is seconded by Board member Christiansen. With no further discussion, motion carried unanimously.

New Business

Variance Request #VAR-25-006, **Tom & Darlene Boike and David & Pamela Foster** PID# 07-0395-000 & 07-0278-600

The applicants are neighboring property owners. They are seeking to resolve some property line and road use issues through a reallocation of vacated road right-of-way and adjustment of private property boundary lines.

Director Green presented the applicant's request and staff report noting that *the subdivision of land and resulting reconfiguration as presented by the Bonnema Runke Stern survey document does not meet any of the exceptions as identified in the ordinance. However, it is noted that what has been presented is a mutually agreed upon solution to the property boundary and roadway use issues. Having reviewed and considered the application, staff does not object to the issuance of a variance in this case.*

Chair Isdahl asks *is this basically to clean up property lines.* Applicant Darlene Boike comments *we lost the use of our own driveway. The Township made changes that has resulted in our driveway being used as a turnaround. The Fosters have signed off on this agreement and after*

the meeting tonight, the Township will sign off as well. This agreement will straighten out all of the mistakes that were made.

Chair Isdahl opened the hearing for public comments. There were no comments offered from the public in attendance, for or against the proposal. Chair Isdahl closed the public hearing.

Motion:

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

1. That all parcels as identified on the Bonnema Runke Stern survey (Tracts B1, B2 F1, F2, F3, F4, K1 and T) are incorporated into the adjacent parcels such that there are no remnant parcels that do not meet the minimum lot size standards as per the Pope County Land Use Controls Ordinance unless the tract is identified and accepted as public road right-of-way.

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

Variance Request #VAR-25-005 **Shawn & Kristin Palmer** PID# 09-0409-104

The applicant is requesting consideration to locate a recreational vehicle and patio at approximately 125 feet from the Ordinary High Water Level (OHWL) of Lake Marlu, a public water basin designated as a Shoreland-Natural Environment Lake.

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

The applicant's Shawn and Kristin Palmer were present and given an opportunity to provide additional information and comments. Shawn comments *I would argue condition number one (1) in the staff report that the patio may not be located any closer than 125 feet from the ordinary high water level. We are pushing the tree line and this would require us to take out ten to twelve trees.* Kristin Palmer comments *we are looking at approximately 20' x 60' patio and we just want to have some room for our family to enjoy the lake without taking out the trees that are already there. It would extend approximately twelve feet closer to the lake.*

Chair Isdahl opened the hearing for public comments. There were no comments offered from the public in attendance, for or against the proposal. Chair Isdahl closed the public hearing.

The Board site team, comprised of Board members, Barkeim, and Christiansen, provided comment about their onsite observations. Board member Christiansen comments *they are tucked away as far back as they can go and it is by the trees. The trees protect the RV.* Board member Barkeim comments *I agree. The trees on the site are probably ten to twenty years old.* Applicant Shawn Palmer comments *the tree line is safety for us in our RV.*

Board member Halls comments to staff *what if they were to use permeable pavers?* Director Green comments *it is not an issue for storm water. It is a minimum structure setback. The applicants are proposing to put the patio at approximately 113 feet from the ordinary high water level.*

Board member Messenger asks the applicants *do you plan to build a permanent structure?*

Applicant Kristin Palmer comments *not right now but possibly when we are ready to retire.*

Motion:

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

1. The proposed recreational vehicle and patio may not be located any closer than one hundred twenty-five (125) feet from the ordinary high water level.
2. That prior 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 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 Christiansen. With no further discussion, motion carried unanimously.

Adjournment

Motion by Board member Barkiem to adjourn the Board of Adjustment meeting with a second by Board member Messenger. Motion carried unanimously. Meeting adjourned at 6:35 p.m.

Respectfully submitted,

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

&

David Green/Director
Pope County Land & Resource Management