MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, June 26th, 2025

The Board of Adjustment convened in regular session on Thursday, June 26th, 2025 at the Pope County Courthouse, 3rd floor Meeting Room.

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

Other Officials Present: David Green (Land & Resource Management, Director), Ralph Hanson (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 6:01 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 Christiansen. 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 May 22nd, 2025 were submitted for approval. Motion to accept the minutes as written was made by Board member Messenger and seconded by Board member Christiansen. Motion carried unanimously.

New Business

Variance Request #VAR-25-011, **Joe Hauge,** PID #12-0132-602

The applicant is requesting permission to build a non-farm residence in an Agriculture Protection (A-2) zoning district, where there is already a non-farm residence in the quarter section.

Director Green presented the applicant's request and staff report, noting that only one non-farm residence is allowed in an A-2 zone. Since one non-farm residence already exists in the quarter section, a variance would be required to allow another. If a variance is granted, the applicant would then need to obtain a Conditional Use Permit to proceed. He pointed out that the site is burdened by wetlands, which prevents locating a residence within the Shoreland-Natural Environment zoning district surrounding Lake Swenoda. In regard to agricultural status, he stated that the proposed site is marginal for ag land and is not currently cropped. As for possible impacts on feedlots, he reported that there would be no additional impact beyond that already in existence. He stated that staff has no objection to the issuance of a variance.

Applicant Joe Hauge spoke about lengthy family history on the property and stated that the proposed building site is a wooded area that is close to the shoreland zone. He argued that there would be no negative effects from allowing building there. Chair Isdahl asked about the acreage of the property; Hauge answered that it is about 50 acres. (Acreage=39.01 acres per GIS) Board member Barkeim asked if there is a driveway off the highway; Hauge answered yes.

Chair Isdahl opened the hearing for public comments at 6:10. There were no comments for or against, and the public hearing was closed.

Chair Isdahl asked for comments from the site team. Board member Messenger stated that the proposed site was about the only high ground available. Board member Barkeim added that no ag land would be taken, and he did not foresee impacts on the neighbors. Board member Christiansen mentioned that it seemed like a quiet area with low traffic.

Commissioner Gerde stated that Chippewa Falls Township had expressed no problems with the application.

Motion: Board Chair Isdahl asked for a motion. Board member Barkeim made a motion to approve the variance request. This motion was seconded by Board member Christiansen. With no further discussion, motion carried unanimously. Findings as follows:

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

1. ***Findings:*** The purpose of limiting the number of non-farm residences in an Agriculture Protection zone is for preservation of prime agricultural soils and to reduce conflict with neighboring farming operations. In this instance, the soils are not particularly suited for crop farming and the property is located just outside of a Shoreland-Natural Environment area, which is more consistent with residential use. Additionally, the nearest livestock operation is over 6,100 feet away. The Comprehensive Plan does indicate a growing concern regarding population decline in rural areas and a desire for development of non-farm homestead in the rural areas.

2. **Use of property/structure is a reasonable use:** ***Findings:*** A rural residence is a common desire and a permittable use in Pope County.

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.

4. **Plight of the landowner is due to circumstances unique to the property and not self-created:** ***Findings:*** The property owner is burdened by limitations prescribed in the Land Use Controls Ordinance. The limitation imposed by the ordinance is for the protection of agricultural operations. That does not appear to be a concern in this instance as this property is not well suited for cropping purposes, nor is it near the identified feedlots in the general vicinity, therefore it is not likely to impact future feedlot development or expansion. The property owner can meet all other identified performance standards.

Variance Request #VAR-25-007 **Robert & Dolores Helgeson** PID #08-0393-000

The applicants are requesting relief from the setback standard from the Ordinary High Water Level (OHWL) to construct a three-season porch over an existing patio. The consequence would be the encroachment of a structure at 36.5 feet from the OHWL on Lake Minnewaska, a General Development lake.

Director Green presented the staff report and reported on pre-application meetings with the landowners. Applicants had stated that they considered building up to avoid the need for a variance, but due to health considerations, decided to request a variance to build toward the lake instead. The proposed porch would extend 12 feet from the house toward the lake. Director Green stated that staff does not object to issuance of a variance, provided that it is conditional upon the closest approach to the OHWL being 36.5 feet.

Board member Barkeim asked about the current setback and required setbacks. Director Green explained setback averaging and the deck exception and stated that the patio is currently compliant per those rules. He noted that a surveyor stated that the proposed structure would be 40 feet from the OHWL, but staff determined that the setback would be 36.5 feet.

Chair Isdahl opened the hearing for public comments at 6:18. There were no public comments for or against, and the public hearing was closed.

Chair Isdahl asked for comments from the site team. Board member Christiansen commented that the encroachment would not be much farther than the current concrete. Board member Barkeim stated that many neighbors in the area have decks, and the proposed structure would not be blocking any views. Board member Messenger stated that the proposal was not excessive and that the applicants' request seemed conservative.

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

1. The proposed three-season porch may not be located any closer than thirty six and one half (36.5) 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 Barkeim. With no further discussion, motion carried unanimously. 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 size and location of structures in shoreland designated areas. The purpose of the requirements is to preserve neighborhood

character and aesthetics as well as for the protection of surface water resources and personal property. This proposal will not deviate significantly from other structures in this area.

2. **Use of property/structure is a reasonable use:** ***Findings:*** A three season porch is a reasonable use.
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.
4. **Plight of the landowner is due to circumstances unique to the property and not self-created:** ***Findings:*** The landowner purchased the property in its current condition.

Variance Request #VAR-25-008 **Robert & Dolores Helgeson** PID# 08-0393-000

The applicants are requesting relief from the impervious surface coverage standard of 25%. The consequence would be impervious surface coverage of 27% on the property on Lake Minnewaska, a General Development lake.

Director Green presented the staff report and explained the applicants' proposal for mitigation. Applicants provided a stormwater management plan, developed by Interstate Engineering, which includes a small stormwater retention basin. They also propose removal of a portion of driveway, which will result in a reduction of impervious surface to 27%, while the current amount is 28%. Director Green stated that staff does not object to issuance of a variance, provided that the proposed conditions are met, including the installation of the retention pond.

Chair Isdahl opened the hearing for public comment at 6:25. There were no comments for or against, and the public hearing was closed.

Chair Isdahl requested comments from the site team. Board member Barkeim stated that applicants appeared to be doing their best to keep water from the lake by agreeing to an engineered plan. Board member Messenger stated that he had been concerned about stormwater, but he thought the plan looked satisfactory. Board member Christiansen thought the plan would work.

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

1. That the variance to the impervious surface standard is limited to the scope of work as presented with the application, which allows the site to cover 27.2% of the lot area with impervious surface, and is specific to the areas as identified in the stormwater management plan as prepared and submitted by Interstate Engineering of Alexandria, Minnesota;
2. Construction of the stormwater collection 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;
3. 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;

4. 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;
5. 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
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 as specified and all other applicable statutes, rules and ordinances.

This motion was seconded by Board member Barkeim. With no further discussion, motion carried unanimously. 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 over the impervious surface coverage limit. The proposed development of the property decreases the impervious surface coverage with the removal of impervious areas along with the addition to the residential structure. This decrease however, is still over the allowed 25% impervious surface coverage limit. Nevertheless, with the implementation of the stormwater management mitigation strategies, as proposed, the rate and amount of stormwater runoff that impacts Lake Minnewaska will be reduced.

Variance Request #VAR-25-010 **Kenneth & Diane Lesmeister** PID# 09-0582-000

The applicants are requesting relief from the size standard for guest quarters. The consequence would be allowing guest quarters of approximately 1120 square feet, an exceedance of 420 square feet beyond the required limit of 700 square feet.

Chair Isdahl stated that there were some new materials available tonight, comprising a survey and a legal document. Director Green stated that they will come up in the staff comments, but there will not be discussion of the judgment, except as regards removal of a shed. Chair Isdahl called for time for board members to review the documents.

Audience member Russ Hilk called for a point of information and asked if the documents were available for public consumption. Director Green handed copies to Hilk and two other parties.

Director Green presented the staff report and explained that the structure in question was permitted as a garage with a shop and a bathroom. The attic area was finished, which would be permittable, but it was done without benefit of a permit. If the finished area was limited to 700 square feet, the applicants would only have had to apply for a Land Use Permit for a change in use. Since the livable area exceeds the standard of 700 square feet, a variance would be necessary to continue the current use, without abating the size. In light of there being no change in use, and in consideration of there being little public benefit to abatement, staff does not object to issuance of a variance, provided recommended conditions are approved. Staff also recommends one other condition, based on comment from Glenwood Township regarding concerns over rental.

Applicant Ken Lesmeister spoke about their understanding of what would be allowed on their property based on the real estate listing. Chair Isdahl asked if there could have been a problem with disclosure. There was discussion about holding tank capacity. Director Green explained septic system sizing standards and said there would be enough holding tank capacity for guest quarters.

Chair Isdahl opened the hearing for public comment at 6:41. There were no comments in favor. Audience member Russ Hilk rose to speak in opposition. Hilk stated that the staff report did not include the judgment and said that the order has been ignored. He asked for a condition to enforce the judgment. He cited MN Statute 394.27, Subd. 7 in arguing that the request fails the practical difficulty test and should be denied. He stated that misrepresentation of property information by a realtor is not grounds for a variance. He argued that the request is not reasonable and the property is not unique, and he claimed that no other garages with bedrooms above them exist in the neighborhood. There were no other comments from the public, and the hearing was closed.

Chair Isdahl asked about the shed under discussion. Director Green explained that the shed mentioned in the proposed conditions is the same shed referred to in the judgment. Chair Isdahl asked Applicant K. Lesmeister about his plan for the shed. Lesmeister replied that he had thought he had more time to remove the shed, but he does plan to do so.

Chair Isdahl requested comments from the site team. Board member Messenger stated that the request seems reasonable, but he is concerned about timing of shed removal. Board member Barkeim said that it is not uncommon to have guest quarters above garages around Lake

Minnewaska, and remarked that this garage is already there. Board member Christiansen also remarked that the garage is already there, and added that it does not affect others, and that there is sufficient septic capacity.

Director Green reminded the Board that a vote to approve would require a majority of those present. Chair Isdahl responded by saying that four yes votes would be required.

Board member Barkeim stated that the proposal was for family use, and there was no stated intent to rent.

Audience member Richard Benson asked to comment, and he stated that his concern about future home rentals had been satisfied.

Board member Messenger asked if there was consensus on a timeframe for shed removal. Chair Isdahl addressed the question to Applicant K. Lesmeister, and discussion about removal/demolition issues ensued. Board member Messenger proposed a July 30th deadline. Chair Isdahl reminded Board members that it is within their authority to set a deadline, but it must be reasonable. Applicant K. Lesmeister agreed that a July 30th deadline would be reasonable.

Motion: Board Chair Isdahl asked for a motion. Board member Messenger made a motion to approve the variance request in accordance with the conditions as presented in the staff report, with additional conditions that the guest quarters never be used for rental and that there be a July 30th deadline for shed removal.

After a second from Board member Christiansen, Director Green made a clarification that there is no ordinance limiting long-term rental. Board member Messenger then amended his motion to prohibit short-term rental, and Board member Christiansen agreed to the amended motion.

Conditions as follows:

1. A Compliance Inspection of the onsite septic system that serves the Guest Quarters be completed and submitted to the Pope County Land & Resource Management department.
2. Removal of the non-conforming accessory structure currently located over the property line and the road right-of-way and five (5) feet from the edge of Shady Oaks Road, to be completed by July 30, 2025.
3. A change in use permit is secured for the Guest Quarters that are changing from a garage/shop to a garage with inhabitable space. And that, Land Use and/or Shoreland Alteration permits are to be secured prior to any other construction activities, change in use of any structure, or any land alterations, from the Pope County Land & Resource Management department.
4. The Guest Quarters can not be advertised or offered for short term vacation rental.
5. The property owner is responsible for reaching out to the Township to assure compliance with any Township standards.

6. 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. Findings as follows:

1. **Variance request consistent with purposes and intent of the official controls and the comprehensive plan:** ***Findings:*** The purpose of limiting the size of Guest Quarters on a parcel located in a shoreland designated zoning district is for protection of surface water environmental and recreational resources and for preservation of neighborhood esthetics. In this case, the accessory structure is already in existence, so the question is whether the proposed size of inhabitable space would create a situation in conflict with the goals of the ordinance and comprehensive plan. The 2018 Pope County Comprehensive Plan identified the following goal: *Continue to* ***allow for a variety of housing options*** *that meet the needs of Pope County residences, coordinates well with housing available in its cities, and reflects the rural character of the County. -The county will continue to contain primarily single-family residential housing. Attached townhome, condominium, and other multi-generational housing options that will allow for residents of various stages of life and income levels to live within the County may be allowed in appropriate areas - primarily in and near cities or other developed area and in appropriate shoreland areas.*
2. **Use of property/structure is a reasonable use:** ***Findings:*** Residential structures and other dwelling units are permittable and common uses in shoreland zoned districts in Pope County.
3. **Character of locality and detriment to neighboring properties:** ***Findings:*** In this locality, there are numerous other accessory structures, some of which contain inhabitable space. The granting of this variance will not have a negative effect relating to the character of the locality or be a detriment to the neighboring properties.
4. **Plight of the landowner is due to circumstances unique to the property and not self-created:** ***Findings:*** The applicants have not established that there is a unique feature relating to physical properties of the land itself that prevents them from using the property in a conforming manner. However, the unique circumstance that has been presented is the fact that the accessory structure, with its associated living quarters, was already in existence when they acquired the property.

Variance Request #VAR-25-009 **Kenneth & Diane Lesmeister** PID# 09-0582-000

The applicants are requesting permission to allow for the use of two existing structures as guest cottages. The consequence would be the existence of two guest cottages on a parcel that does not meet the duplex size standard.

Director Green presented the staff report. He explained that there are three accessory structures on the property which used to be resort cabins but are currently assessed as storage structures. The applicants wish to restore two of the cabins to livable condition, limited to occasional family

usage. One such guest cottage would be allowable without a variance on a duplex size lot, but this parcel is just shy of 40,000 square feet, so a variance is required. Green stated that staff had pre-application meetings with applicant. Given the existence of the structures and the proposed limitation to family usage, staff does not object to issuance of the variance, provided that conditions are met. These conditions include septic system compliance, issuance of a Land Use Permit for change in use, township review, and an additional condition related to rental.

Applicant K. Lesmeister spoke on his behalf, stating that he thought renovation of the cabins was allowed, based on realty information. He stated that two of the three cabins are in good enough shape to preserve, and he had already raised one cabin on a new foundation with a crawl space. Chair Isdahl asked about the septic system for the cabins. Director Green explained that there would be sufficient capacity in the holding tank for two additional bedrooms, on top of the bedrooms in the garage. If both cabins were to be hooked up to the tank, that would result in going over capacity, unless the two-bedroom cabin were converted to one bedroom. Board member Messenger asked about the facilities in the cabins. Applicant Lesmeister replied that the larger cabin would have a bathroom and shower, and it is considered to have two bedrooms, but it could be converted to one bedroom during renovation. Director Green clarified that the bedroom definition is key to septic system compliance, and two beds in one bedroom would be all right. He added that the total size of the two cabins together (400 sq. ft. and 280 sq. ft.) would still be under the 700 sq. ft. size limit for a guest cottage. Board member Barkeim asked if the Board needed to address the septic system situation. Director Green responded that if the Board sets a condition and it is not followed, LRM can pull back the variance.

Chair Isdahl opened the hearing for public comment. There were no comments in favor. Audience member Russ Hilk rose to speak in opposition. He argued that no practical difficulty existed on the property. He stated that it was a small property that was not fit for more dwellings, and it would be too densely packed. He argued that the cabins did not need to be used as living space, but could be used for other purposes. He also claimed that the proposal would result in going over septic system capacity. Audience member Rita Benson asked about water use. Audience member Robert Claussen asked about preventing a future owner from renting. Director Green explained that variance conditions are recorded, and that rental use would still be regulated even without variance conditions, since a permit from LRM would be required. Applicant Lesmeister stated that cabin use would be strictly for family and friends. Chair Isdahl closed the public hearing.

Chair Isdahl requested comments from the site team.

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

1. A Compliance Inspection of the onsite septic system that is currently serving the Guest Quarters be completed and submitted to the Pope County Land & Resource Management department.

2. A Septic System Design completed by a MPCA Certified Septic Designer, for the Guest Cottages proposed to be connected to the septic system serving the Guest Quarters, be submitted to the Pope County Land & Resource Management department and a Subsurface Sewage Treatment System Permit be applied for.
3. The non-conforming accessory structure currently located over the property line and the road right-of-way, and five (5) feet from the edge of Shady Oaks Road, be re-located to become conforming and meet all required setbacks as are required in a Shoreland-General Development zoning district, or be removed.
4. A change in use permit is secured for each of the Guest Cottages that are changing from storage to inhabitable. And that, Land Use and/or Shoreland Alteration permits are to be secured prior to any other construction activities, change in use of any structure, or any land alterations, from the Pope County Land & Resource Management department.
5. Owners are responsible for reaching out to the township to assure compliance with any township standards.
6. 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. 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 size and location of structures in shoreland designated areas. The purpose of the requirements is to neighborhood character and aesthetics as well as for the protection of surface water resources and personal property. This proposal will not cause personal property loss nor create a negative visual impact.
2. **Use of property/structure is a reasonable use:** ***Findings:*** A Guest Cottage is a permissible use 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 as residential and seasonal/recreational in 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 include that the property owners wish to restore historical structures that were present onsite prior to their ownership and to make them usable once again as living space.

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,

Ralph Hanson/Land Use Specialist II
Pope County Land & Resource Management

David Green/Director
Pope County Land & Resource Management