POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, July 24th, 2025

The Board of Adjustment convened in regular session on Thursday, July 24th, 2025 at the Pope County Courthouse, 3rd floor Meeting Room.

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

Other Officials Present: David Green (Land & Resource Management, Director), Galen Gruber (Land Use Specialist II), 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 Messenger. Motion carried unanimously.

Review minutes of June 26, 2025 Regular Meeting of the BOA

The minutes of the Board of Adjustment meeting that was held on June 26th, 2025 were submitted for approval. Motion to accept the minutes as written was made by Board member Kannegiesser and seconded by Board member Barkeim. Motion carried unanimously.

Director Green addressed those in attendance explaining the Board of Adjustment and public hearing process as well the necessity of the applicant to provide evidence of a practical difficulty as required by the Land Use Control Ordinance

Old Business

None.

New Business

Variance Request #VAR-25-014, **Brian Schreck,** PID #09-0252-001

The applicant is seeking relief from the side yard setback and road setback standards in a Commercial zoning district for the purpose of constructing an addition to an existing commercial use structure.

Director Green presented the applicant's request and staff report to the Board, noting that the property is currently developed. Director Green noted the applicant's intent to expand his business through the expansion of an existing building and noted the conflict with the side lot

line and road setback. Director Green noted that the request to side lot line would align with the existing structure's current setback to the side lot line. Director Green noted that staff does not object to issuing a variance.

Applicant Brian Schreck was present. Applicant noted that the proposed structure is only 40 ft wide rather than the 60 ft width noted in the report. Applicant noted that this change does not change the needed variance as currently requested.

Board member Halls asked to see neighborhood area on the GIS map. Director Green zoomed out to the neighbor area.

Chair Isdahl opened the hearing for public comments at 6:10 pm. 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 given the layout of the property and the size of the proposed structure, he sees no issues with neighborhood impacts. Board member Barkeim agreed noting that the proposed wouldn't be an impact and that the road does not have much for traffic.

Board member Halls asked who the road authority is. Director Green noted that it was a township road.

Motion: Board Chair Isdahl asked for a motion. Board member Barkeim made a motion to approve with conditions as listed in the staff report and as follows:

1. *The proposed structure is located no closer than 90 feet from the centerline of 210th Avenue.*
2. *The proposed structure is located no closer than 10 feet from the side yard property line.*
3. *Prior to construction, best management practices for erosion and stormwater control must be installed to ensure no off-site impacts are felt due to erosion or sedimentation associated with or as a result of the structure addition.*
4. *Permanent or temporary soil stabilization shall be applied to disturbed areas (areas where vegetation has been removed or where cuts have been made), as soon as possible, but not to exceed fourteen (14) days after a substantial portion of rough grading has been conducted.*

This motion was seconded by Board member Messenger. 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 the required setback for structures from the side yard property line and the centerline of roads is to protect personal property and to preserve the neighborhood character and aesthetics. The proposed location of the commercial structure expansion is approximately 90 feet from the centerline of 210th Avenue and 10 feet from the south side yard property line. It is not likely that allowing the structure will create a hazard to the travelling public or change the neighborhood character and aesthetics.*

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

   Findings: *A commercial structure expansion is permissible in a commercial 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 desired location of expansion of the existing commercial building would allow a more efficient and logistical workflow for the current business. The expansion is proposed for an area currently used as a gravel parking/driving area.*

Variance Request #VAR-25-012 **William O'Leary** PID #14-0058-001

The applicant is requesting relief from the non-farm residence density standard in an Agricultural Protection (A-2) zoning district for the purpose of establishing a non-farm residence.

Director Green presented the staff report and application to the Board. Director Green recounted the history of this area in that there was a rezoning request for this area fairly recently which the Planning Advisory Commission did not support and ultimately the County Board denied. Director Green noted that there had been comments from the Commission at that time that it may be more agreeable to build a few houses rather than rezone. Director Green noted that the applicant's request aligns with this discussion but that he needs a variance to the non-farm residence density. Director Green noted that staff does not object to the issuance of the variance.

Applicant William O'Leary was present. Applicant did not have any additional comments.

Board member Barkiem asked Director Green about tying on a "right-to-farm" and asked for an explanation of the impacts. Director Green noted that the variance request is in relation to the density and that the "right-to-farm" or other conditions relating to the use would be addressed at the time the applicant requests a CUP.

Board member Messenger asked the applicant about the layout of the building site asking if he was going to build on the high ground. Applicant said that this is correct. Messenger asked about an old orchard in this area. Applicant said yes, there is an old orchard, but it is severely out of maintenance.

Chair Isdahl opened the hearing for public comments at 6:17 pm. 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 Barkiem commented that the proposed area does not appear to be great farm land and a residence makes sense and that it

aligns with the neighboring parcels which also have residences. Board member Messenger agreed that this was a good spot for a house.

Board member Halls asked if there was an old building site there. Applicant noted that there was not. Discussion about a well and power onsite. Applicant noted that this was for the orchard.

Board member Halls asked about the necessary acreage to have a building site. Director Green said that the density of residence does not relate to the acreage but rather the number of other residences in the area. Director Green noted that the applicant does need at least 3 acres for a buildable parcel, of which he has.

Motion: Chair Isdahl sought a motion. Board member Messenger made a motion to approve the variance request with no conditions. This motion was seconded by Board member Barkeim. With no further discussion, motion carried with Board member Halls opposed. 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 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 adjacent to three other non-farm residences in the Southeast Quarter of the Northwest Quarter. Additionally, the nearest livestock operation is over 3,600 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, as the properties to the southeast of the proposed location are currently in residential use.*

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-25-013 **Matt Altendorf of Altendorf Landscaping Co. on behalf of Jon and Laurel Worms** PID# 09-0828-000

The applicant has requested relief from the standard which limits the number of permittable water oriented accessory structures to one per parcel. The granting of the variance would allow for and recognize the existence of two water oriented accessory structures on the parcel. The applicant was not in attendance. However, the property owners Jon and Laurel Worms were in attendance and provided information to support the request.

Land Use Specialist Galen Gruber presented the staff report which included identifying the existing onsite structures as well as the proposed relocating and improved patio structure that would be located nearer to the shoreline. The existing structures included a 150 square foot patio adjacent to the residential structure and a separate 64 square foot dilapidated patio structure located between the residence and the shoreline. Altendorf's application seeks an additional 150 square foot patio area. Gruber discussed the standards that apply to the permitting of water oriented accessory structures from a local ordinance as well as Agency Rules perspective. He also discussed the applicable standards, based on statute, for the consideration of variances. Galen concluded that staff recommended denial of the application because the practical difficulty was not established.

Chairman Isdahl provides an opportunity for the Worms to defend their application whom explain the need for the improved patio space was part is due to having a family member with a disability. They stated that they would be fine with minimizing the second patio to an 8 x 8 (64 sq. ft.) area. They stated that they wanted to improve the property for safety and erosion control purposes. The Board of Adjustment members asked several questions including Barkiem asking *how close to the lake will the patio be* and Halls asking about *how much disturbance will take place during construction*? There was also some discussion regarding replacing the existing patio near the residence with a deck structure and the impact that may have on whether or not a variance was actually needed. Director Green clarified that if the structure was constructed prior to April of 1972, then it may be considered a legal nonconforming (setback) structure and that the Pope County ordinance allows for the permitting of deck structures without the need for a variance. The deck would not be considered a water oriented accessory structure and therefore the Worms property would be compliant with the one water oriented accessory structure per lot standard. Worms noted that the residence was constructed around 1967 and that while they would ultimately like to replace the patio with a deck, that they wouldn't be able to do that this year. So, a variance would still be necessary to permit the second water oriented accessory structure.

At 6:40 pm, Chair Isdahl opened the hearing for public comment. With no public offering comments for or against the variance request, Isdahl closed the public hearing.

The site team of Messenger and Barkiem offered their observations about the site and conditions of the existing patio structure.

Motion: After more discussion, Chair Isdahl seeks a motion. Board member Halls made a motion to approve the variance request provided that the patio structure near the residence is abated/removed within 24 months. This motion was seconded by Barkiem.

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 location of structures in shoreland designated areas. The purpose of the required setback for structures from natural features such as the shoreline of a lake is in part to preserve 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 from the water viewing inward if located and constructed in conformance with section 4.6.17 of the Pope County Land Use Controls Ordinance.*

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

   Findings: *A WOAS use is a permitted and reasonable use for this property located within the Shoreland-Recreational Development zoning district.*

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

   Findings: *Granting the variance to reconstruct a patio, for access and safety reasons, nearby where one had already existed will not result in a detriment to neighboring properties. There is no evidence that the existence of the patio had ever caused a detriment to neighboring properties. Much of the neighborhood in this area of Lake Amelia has been developed for many years, including prior to the adoption of the shoreland rules in 1972. So, there are other similar situated structures on other nearby parcels.*

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

   Findings: *A ground level patio would be an administratively permissible WOAS if there was not already another WOAS on site. However, even though the circumstances appear to be a result of previous owner's development choices, the impact of the patio is minimal.*

Variance Request #VAR-25-015 **Matt Altendorf of Altendorf Landscaping Co. on behalf of Jon and Laurel Worms** PID# 09-0828-000

The applicant has requested, on behalf of the land owners Jon and Laurel Worms, relief from the impervious surface limitation of 25% coverage per parcel. The Board members were provided a site-specific impervious surface inventory survey as prepared by Radach Land Surveying. The Radach assessment resulted in an existing impervious surface coverage of 30.3%.

Land Use Specialist Galen Gruber presented the staff report including information about the request, current conditions and owners build out plans. Gruber also delineated the standard for issuance of variance including the criteria for establishing a Practical Difficulty. Gruber provides the Staff recommendation which states that based on the information available that a Practical Difficulty has not been established and that the variance should not be granted.

Jon and Laurel Worms were present and offered an opportunity to provide comment. Worms described what their development objectives were and that they were willing to compromise on their water-oriented patio size to minimize the amount of impervious surface and to do whatever else may be necessary to mitigate stormwater impacts.

Board member discussed potential impervious surface mitigation strategies and asked several questions of the owners. However, it was not determined to what extent a variance was being requested and the application did not include a stormwater plan detailing means of providing for mitigation of the excess stormwater.

At 6:57 pm, Chair Isdahl opened the hearing for public comment. With no public coming forward to offer comments the public hearing was closed.

Chair Isdahl requested comments from the site team. Board member Messenger describes seeing gutters on the cabin and offers the benefits of utilizing a rain garden and permeable pavers.

Motion: Board Chair Isdahl asked for a motion. Board member Halls made a motion to table the request and ask the applicant to work on providing plans to reduce the amount of impervious to as close to 25% as possible.

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

No other business.

Adjournment

Motion by Board member Barkeim to adjourn the Board of Adjustment meeting with a second by Board member Halls. Motion carried unanimously.
Meeting adjourned at 7:01 p.m.

Respectfully submitted,

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

David Green/Director
Pope County Land & Resource Management