Board of Adjustment
September 25, 2025
VAR-25-017

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STAFF REPORT

Applicant Information

Applicant: Ronald & Natalie Pechia

Application: Variance (VAR-25-017)

Zoning: Shoreland-Recreational Development (S-RD)

Location: Lot 7, Kalina's First Addition, Section 34, Township 125 (Grove Lake), Range 36, Pope County, Minnesota

DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES.

Background

Property owner is seeking to construct a residential structure on Grove Lake, located in the Shoreland-Recreational Development zoning district. The proposed structure is forty (40) feet by seventy (70) feet. The lot in question is Lot 7 of Kalina's First Addition, Section 34, Township 125, Range 36, located in Grove Lake Township of Pope County, Minnesota. The proposed location of the residential structure is at approximately fifty-six (56) feet from the Ordinary High Water Level (OHWL) and twenty (20) feet from the road right-of-way of 215th Street. Required setbacks on a Shoreland-Recreational Development lake are 100 feet from the OHWL and 40 feet from the road right-of-way. Setback averaging per Section 4.6.5.A.2. of the Pope County Land Use Controls Ordinance is not applicable in this case as the property to the west of the lots owned by Pechia's does not have a structure on site. Therefore, the applicants are required to seek a variance to the OHWL setback and the road right-of-way setback as the proposed location of the residential structure will not meet either of these setbacks.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 4.3 Shoreland-Recreational Development District (S-RD)
    - Section 4.3.4 Setbacks

      A. Structure Setbacks: 100 feet from Ordinary High Water Level

      G. Right-of-way line of town road, public street, other legal roads or streets not classified: 40 Feet
    - Section 4.6.5 Placement, Height, and Design of Structures

      A. Placement of Structures and Subsurface Sewage Treatment Systems on Lots

      1. OHWL Setbacks: Structures, and subsurface sewage treatment systems (SSTS) must meet the following setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure, designed in accordance with Section 4.6.17 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:

Zoning District	Structure Setback from OHWL (feet)	SSTS Setback from OHWL (feet)
S-GD	75	50

Zoning District	Structure Setback from OHWL (feet)	SSTS Setback from OHWL (feet)
S-RD	100	75
S-NE	200	150
S-RS	150	100

3. **Additional structure setbacks:** Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (feet)
Top of Bluff	30
Side Yard	10
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, other legal roads or streets not classified	40

- Section 11.6 Variance from Standards

State Statute/Rule

- Minnesota Statute Chapter 394 Planning, Development, Zoning *(enabling legislation)*
  - 394.27 Subd 7 *Variances; practical difficulties*
- Minnesota Administrative Rules Chapter 6120, *Shoreland and Floodplain Management*
  - 6120.3300 Zoning Provisions
  - 6120.3300 Subp. 2D. *Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of items A to E and subparts 2a and 2b may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of the shoreland controls are met. Necessary variances from setback requirements must be obtained before any use, sewage treatment system, or building permits are issued for the lots. In evaluating all the variances, boards of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lots and shall*

deny the variances if adequate facilities cannot be provided. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of items A to E and subparts 2a and 2b, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of items A to E and subparts 2a and 2b as much as possible. Local shoreland controls may set a minimum size for nonconforming lots or impose their restrictions on their development.

- 6120.3900 Subp. 3 Variances: *Variances may only be granted in accordance with Minnesota Statutes, chapters 394 or 462, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.*

Staff Comments

Staff offers the following comments for consideration:

Based on Minnesota Statute 394.27 subd. 7: A variance may be granted if enforcement of the zoning ordinance as applied to a particular piece of property would cause the landowner "practical difficulties." There is a Three Factor Test for establishing practical difficulties. If the applicant does not satisfy all three factors of the test, then the variance should not be granted.

1. **Reasonableness**

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, this variance application is for a structure to be located where it will not meet the required setbacks from the OHWL or the road right-of-way. The question to be considered is: whether the request to place the proposed structure there is reasonable.

2. **Uniqueness**

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a structure to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees that prevent the structure from being located in compliance. In this case, the neighborhood was platted pre-adoption of shoreland ordinances in Pope County and did not account for a specific setback from the OHWL. As a consequence of the adoption of shoreland standards, these lots did not meet minimum development standards. They did not have enough area available for development that exists between the OHWL and the road right-of-way. It is not feasible to relocate either of these features.

3. **Essential Character**

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about this variance for an encroachment into a setback from the OHWL or the road right-of-way, the focus is how the proposed structure might look closer to the lake or the road, or from the perspective of the boating public or public travelling along 215th Street, and if that fits in with the character of the area. Of note, there appear to be at least fifteen (15) structures along this roadway that do not meet the minimum setback standards from the road right-of-way. And, there are at least forty six (46) parcels that have structures upon them that do not meet the minimum setback standard from the OHWL.

Staff Recommendation

Having reviewed and considered the application, local ordinances, state statutes, and all comments received, staff ***does not object*** to the issuance of a variance in this case provided that:

1. The proposed residential structure, including overhangs, may not be located any closer than fifty-six (56) feet from the ordinary high water level as shown on the Certificate of Survey by Nyberg Surveying dated 9/3/2025.
2. The proposed residential structure, including overhangs, may not be located any closer than twenty (20) feet from the road right-of-way of 215th Street as shown on the Certificate of Survey by Nyberg Surveying dated 9/3/2025.
3. Contiguous parcels under common ownership of Ronald & Natalie Pechia (Parcels 10-0289-000, 10-0290-000 and 10-0291-000) must be combined through the Pope County Recorder's Office.
4. That prior to any construction activities, all necessary permits are secured from County and State agencies.
5. 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.

Staff Findings

The Staff proposes the following findings of fact for consideration by the Board of Adjustment:

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 residential structure 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.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Variance Application (Ronald & Natalie Pechia, 10 August 2025)*
  - **Attachment 2:** *Certificate of Survey (Nyberg Surveying, 3 September 2025)*
  - **Attachment 3:** *Site Visit Photos (L&RM Staff, 15 September 2025)*

Routing Sheet

Comments, Concerns and Conditions

Agency

MN DNR	No comment received.

County Department

Assessor	*COMMENTS: None*
	PROPOSED CONDITIONS: None
Attorney	No comment received.

Township

Grove Lake	No comment received.

Other Comments Received

No comment received.

Public Notice

POPE COUNTY LAND & RESOURCE MANAGEMENT
POPE COUNTY COURTHOUSE
130 E. MINNESOTA AVENUE
GLENWOOD, MINNESOTA 56334
(320) 634-7791

POPE COUNTY BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING FOR
VARIANCE REQUEST

Notice is hereby given that a Public Hearing will take place in conjunction with the Board of Adjustment meeting to be held at 6:00 pm or shortly thereafter on Thursday, September 25th, 2025 in the Pope County Courthouse, 3rd Floor Board Room, to consider the following variance request.

Description of Request: Variance hearing on the application by Ronald & Natalie Pechia (VAR-25-017, Parcel#10-0290-000), if granted would allow applicant relief from the ordinary high water level and road right-of-way setback standards in a Shoreland-Recreational Development (S-RD) zoning district per section 4.3.4.A and 4.3.4.G of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Lot 7, Kalina's First Addition, Section 34, Township 125 (Grove Lake), Range 36, Pope County, Minnesota.

Public participation will include an opportunity to:

1) submit written concerns and comment prior to the scheduled meeting. All such communications will be shared with the Board of Adjustment prior to or during the meeting;
2) submit concerns and comments via Pope County's Public Comment web map, go to https://www.popecountymn.gov, at the top of the page hover over Government, then under Board of Adjustment/Planning Advisory Commission, select Submit a Public Comment or type in the following link to access the Public Comment web map: (https://popecounty.maps.arcgis.com/apps/webappviewer/index.html?id=22a203912a864a77b4cdabe672e35e3f)
3) opportunity to review the staff prepared report via Pope County website;
4) observe and/or participate by providing verbal comments in the Public Hearing portion of the Board of Adjustment meeting.

Interested parties and citizens may contact the Land and Resource Management office for further information as to how to participate in the meeting. ***Notices of Decision*** *will be posted* ***online*** *shortly after decision making at the following Pope County webpage:*

- *https://www.popecountymn.gov/land-resource-management/boa-pac-notices-of-decision/*

Thank you for your patience and consideration in this matter.

Dated: September 5, 2025
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Variance Application
(Ronald & Natalie Pechia, 10 August 2025)

POPECOUNTY MINNESOTA

VARIANCE APPLICATION

L&RM FORM 18

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VARIANCE APPLICATION VAR-25-017

A variance allows a modification or variation of the provisions of the Pope County Land Use Controls Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the ordinance would cause the landowner "practical difficulty" (see Practical Difficulty Test on the following page).

Variances from official zoning controls are defined under Minnesota Statute 394.27 and require the landowner to prove the property could not otherwise be used or enjoyed in the proposed way by complying with the Pope County Land Use Controls Ordinance and there will be no negative impact on surrounding properties.

Prior to submission of this application, please discuss your variance request with the Land and Resource Management department.

Applicant Information

Applicant Names	Ronald Pechia		
[redacted]		Lake	
[redacted]	City	State	Zip

Property Description

[redacted]		State	Zip
Township Name	Grove Lake	Section 34	Twp 125 Range 36
Parcel No.	10 - 0290 - 000	Associated Parcel No.	10 - 0289 - 000 10 0291 000

Project Narrative

What is the variance application for?	Recreational Structure VARIANCE TO OHWL + Road ROW

Provide written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized:

We don't believe there will be any conflicts as this request is residential in nature and does not exceed 25% of the permeable space.

L&RM FORM 18

RECEIVED
AUG 13 2025
BY:

INCOMPLETE FORMS WILL BE RETURNED

Pope County Land & Resource Management
130 East Minnesota Ave. | Glenwood, Minnesota 56334
Phone: 320.634.7731 | Email: pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-and-resource-management

POPECOUNTY
MINNESOTA

S:\0. ADMIN\1. Forms\Form 18. Variance Application\L&RM Form 18 Variance Application.docx

Practical Difficulty Test

A variance may be granted if enforcement of the zoning ordinance as applied to a particular piece of property would cause the landowner "practical difficulties." There is a three factor test for establishing practical difficulties. If the applicant does not satisfy all three factors of the test, then the variance should not be granted.

1. Reasonableness

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

2. Uniqueness

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner.

3. Essential Character

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

Questions	Yes/No
Does your project satisfy all three factors of the Practical Difficulty Test?	Yes
Please state how your project satisfies all three factors in the space provided below:	

1. We would use the property as a recreational Home/Garage with living Quarters. And to Store R.V Boats + Car's I would Consider Normal + Reasonable use's IN This Neiber Hood.

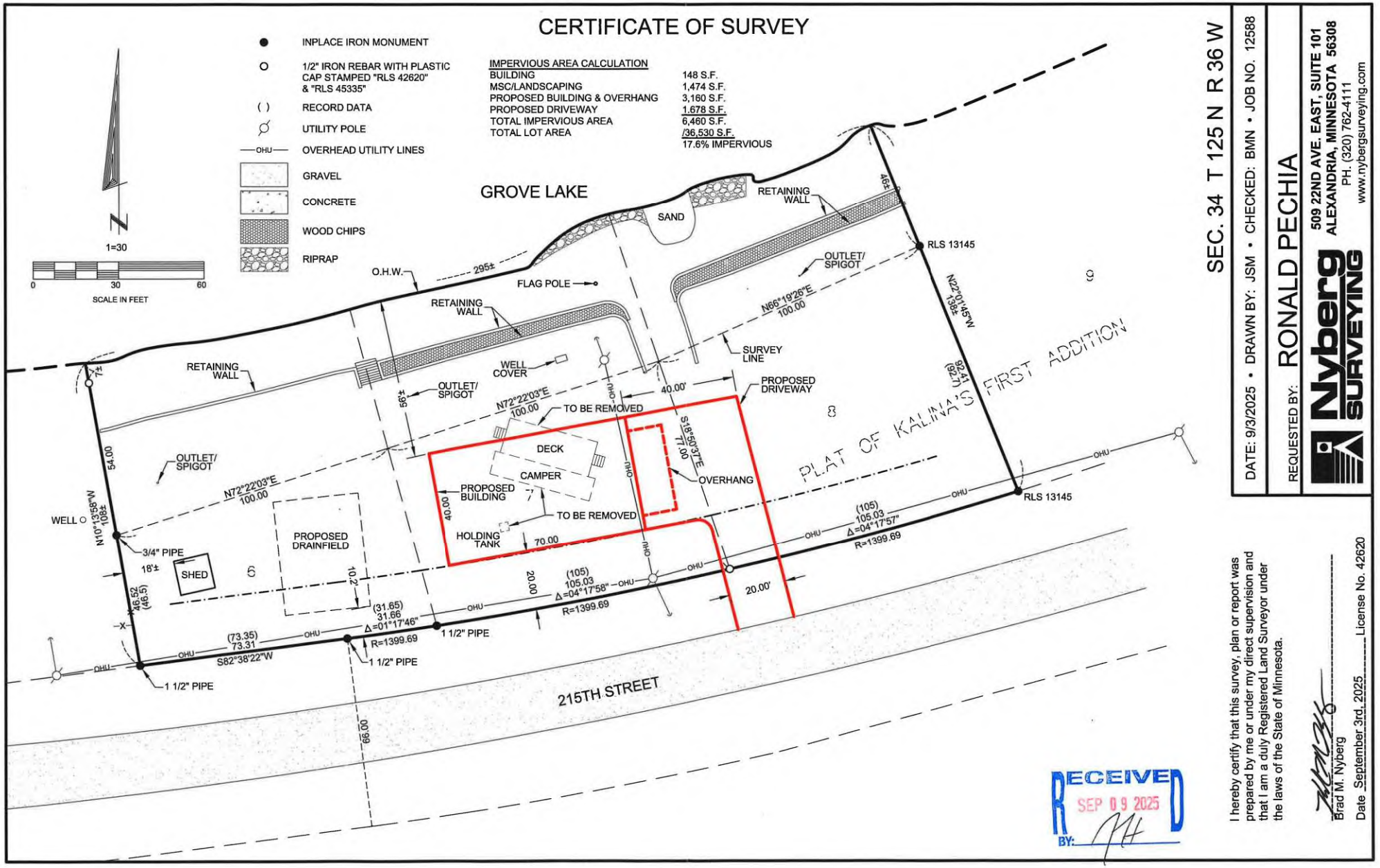
2. I would like To Put The Structure ON The middle Lot. my Lot lines ON The middle Lot East Side 122 feet. and ON The west Side It's 112 ft with The Lot Being 105 feet wide. These Lot were Maybe Plotted Back IN The 50's + 60's When Set Back weren't as Strict. I'm asking That we Reduce The Set Back ON The Lake Si To 50 Feet.

3. We Dont feel The Home would Look out of Character With most Home's ON The South Side of Lake Dont meet The 100 Foot Set Back Rule With The Closest Home ON The west Side at 50 Ft, From Water's Edge. and a New Home That's Being Built Now That is 40x80 Just To The west of us.

Pope County Land & Resource Management
130 East Minnesota Ave | Glenwood, Minnesota 56334 |
Phone: (320) 634-7791 | Email: pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

Supplemental Information Attachment 2:

Certificate of Survey
(Nyberg Surveying, 3 September 2025)


CERTIFICATE OF SURVEY
INPLACE IRON MONUMENT
1/2" IRON REBAR WITH PLASTIC CAP STAMPED "RLS 42620" & "RLS 45335"
RECORD DATA
UTILITY POLE
OVERHEAD UTILITY LINES
GRAVEL
CONCRETE
WOOD CHIPS
RIPRAP
1=30
SCALE IN FEET
IMPERVIOUS AREA CALCULATION
BUILDING 148 S.F.
MSC/LANDSCAPING 1,474 S.F.
PROPOSED BUILDING & OVERHANG 3,160 S.F.
PROPOSED DRIVEWAY 1,678 S.F.
TOTAL IMPERVIOUS AREA 6,460 S.F.
TOTAL LOT AREA /36,530 S.F.
17.6% IMPERVIOUS
GROVE LAKE
SAND
RETAINING WALL
RLS 13145
O.H.W.
295±
FLAG POLE
OUTLET/ SPIGOT
N22°01'45"W 138±
N66°19'26"E 100.00
SURVEY LINE
WELL COVER
N72°22'03"E 100.00
TO BE REMOVED
PROPOSED DRIVEWAY
40.00'
S18°50'37"E 77.00
DECK
CAMPER
PROPOSED BUILDING
OVERHANG
HOLDING TANK
70.00
PROPOSED DRAINFIELD
WELL
N10°13'58"W 108±
3/4" PIPE
SHED
18'±
S82°38'22"W
(73.35) 73.31
(31.65) 31.66
Δ=01°17'46"
R=1399.69
1 1/2" PIPE
(105) 105.03
Δ=04°17'58"
R=1399.69
Δ=04°17'57"
20.00'
215TH STREET
99.00'
PLAT OF KALINA'S FIRST ADDITION
SEC. 34 T 125 N R 36 W
DATE: 9/3/2025 • DRAWN BY: JSM • CHECKED: BMN • JOB NO. 12588
REQUESTED BY: RONALD PECHIA
Nyberg SURVEYING
509 22ND AVE. EAST, SUITE 101
ALEXANDRIA, MINNESOTA 56308
PH. (320) 762-4111
www.nybergsurveying.com
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.
Brad M. Nyberg
Date September 3rd, 2025 License No. 42620
RECEIVED
SEP 09 2025
BY:

Supplemental Information Attachment 3:

Site Visit Photos
(L&RM Staff, 15 September 2025)

R/W
SET-BACK

BLDG Cor.