Board of Adjustment
January 22, 2026
VAR-25-022

POPE COUNTY MINNESOTA

S:\3. BOA-PAC\2026\1. 22 January 2026\5. BOA -2 Items\1. 08-0188-007 MBA-Lange VAR-25-022\3. Staff Report\BOA VI.B.1 MBA-Lange-VAR-24-022 - Staff Report.docx

STAFF REPORT

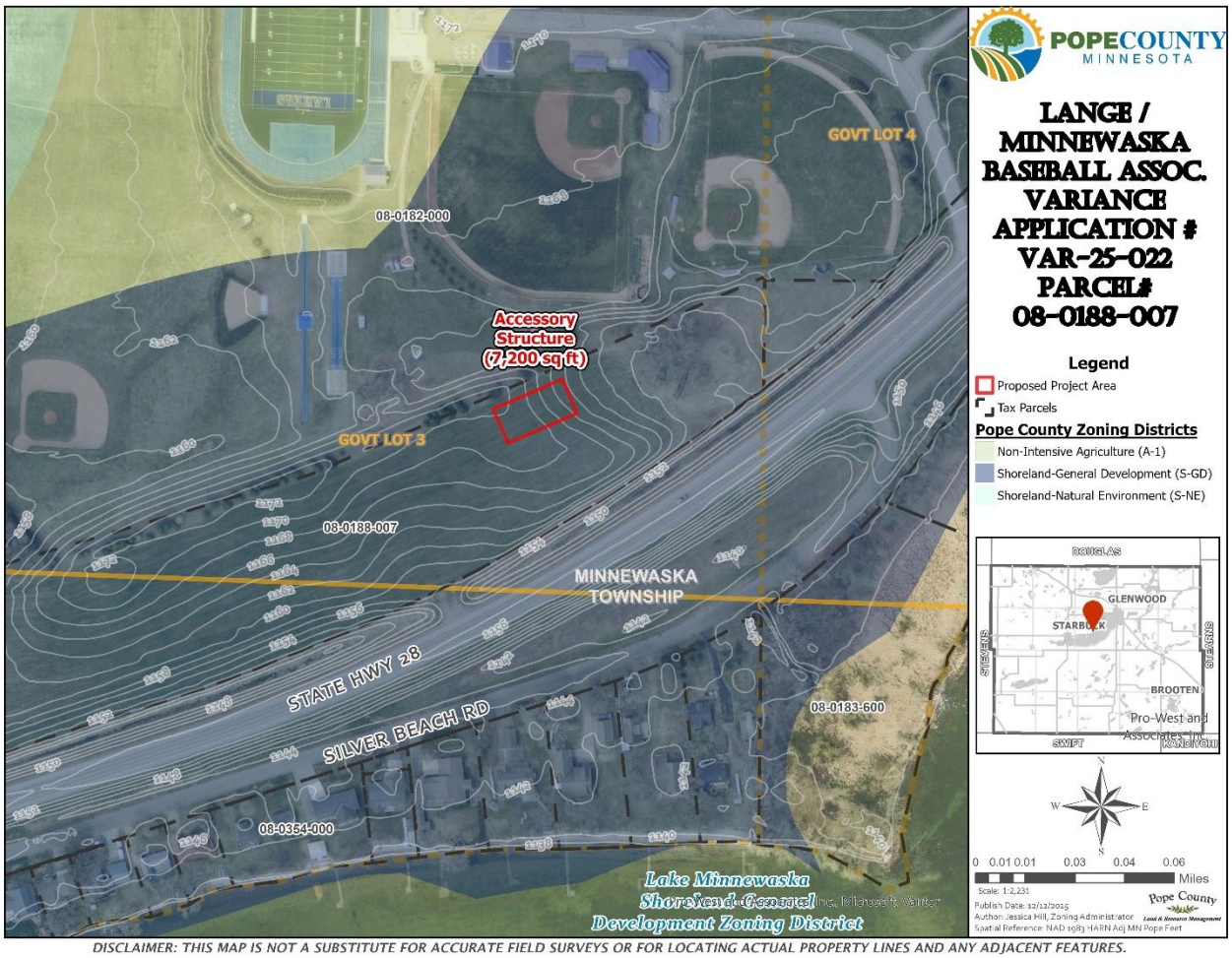
Applicant Information

Applicant: Bob Lange on behalf of the Minnewaska Baseball Association

Application: Variance (VAR-25-022)

Zoning: Shoreland-General Development (S-GD)

Location: Part of Government Lot 3, Section 21, Township 125 (Minnewaska), Range 38, 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

The applicant is seeking a variance that would allow the construction of a 7,020 square foot accessory structure with 16 foot sidewalls, in Minnewaska Township, at over 600 feet from the Ordinary High Water Level (OHWL) of Lake Minnewaska, a General Development Lake. The size of accessory structures is regulated under Pope County Land Use Controls Ordinance Section 4.6.13 as shown below in Table 1. According to the below table, in a Shoreland-General Development (S-GD) district, located in the 4th Range from the OHWL, 500+ feet, the accessory structure size is limited to 4000 square feet and 14 foot sidewalls.

Table 1: Accessory Structure Performance Standards

		1st Range	2nd Range	3rd Range	4th Range
Required OHWL Setbacks per zone (ft)	***S-GD***	75-149 ft	150-224 ft	225-499 ft	500+ ft
	S-RD	100-199 ft	200-299 ft	300-499 ft	500+ ft
	S-NE	200-399 ft	400-499 ft	500+ ft	
	S-RS	150-299 ft	300-500 ft	*	*
Maximum Footprint (sq ft)		1,000 sq ft	2,000 sq ft	3,000 sq ft	4,000 sq ft
Maximum Sidewall Height (ft)		12 ft	14 ft	14 ft	14 ft

**Outside of the shoreland zoning district boundary (1,000 ft from OHWL in S-GD, S-RD, S-NE and 500 ft from OHWL in S-RS), structure size is limited by the applicable zoning district performance standards.*

Therefore, as this proposed project is an accessory structure greater than 4000 square feet and sidewalls greater than 14 feet at 500+ feet from the OHWL, a Variance is required.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 4.6 Shoreland District Regulations

4.6.13 Accessory Structures

A. The following table provides dimension and location requirements per range as demarcated below, for accessory structures to be located in a Shoreland zoning district.

Table 2: Accessory Structure Performance Standards

		1st Range	2nd Range	3rd Range	4th Range
Required OHWL Setbacks per zone (ft)	***S-GD***	75-149 ft	150-224 ft	225-499 ft	500+ ft
	S-RD	100-199 ft	200-299 ft	300-499 ft	500+ ft
	S-NE	200-399 ft	400-499 ft	500+ ft	
	S-RS	150-299 ft	300-500 ft	*	*
Maximum Footprint (sq ft)		1,000 sq ft	2,000 sq ft	3,000 sq ft	4,000 sq ft
Maximum Sidewall Height (ft)		12 ft	14 ft	14 ft	14 ft

**Outside of the shoreland zoning district boundary (1,000 ft from OHWL in S-GD, S-RD, S-NE and 500 ft from OHWL in S-RS), structure size is limited by the applicable zoning district performance standards.*

- Section 11.6 Variance from Standards

State Statute/Rule

- Minnesota Statutes, Chapter 394 Planning, Development, Zoning *(enabling legislation)*
  - Section 394.27 Subdivision 7 *Variances; practical difficulties*
- Minnesota Administrative Rules, Chapter 1800 *Licensing and Operation*
  - Part 1800.5200 *General Requirement and Exceptions*
  - Part 1800.5900 *Classes of Buildings*
- Minnesota Administrative Rules, Chapter 6120, *Shoreland and Floodplain Management*
  - Part 6120.3300 Zoning Provisions
  - Part 6120.3900 Subpart 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.*

State Codes

- 2020 Minnesota Building Code, Chapter 3, *Occupancy Classification and Use.*

Staff Comments

Staff offers the following comments for consideration:

The proposed location for the accessory structure is north of State Highway 28 adjacent to the Minnewaska Area Schools complex. The Minnewaska Area school building, located on parcel 08-0182-000, which is over 950 feet to the north of the proposed building site, is over 230,000 sq ft. The Minnewaska Area School building is more than 750 feet from the OHWL of Lake Minnewaska, comparatively the proposed building site is over 600 feet from the OHWL.

The use of the surrounding area is for an education/sporting complex to the north, open space to the west and recreational to the south along the shoreline of Lake Minnewaska. When looking in the neighborhood within 500 feet of the proposed structure, the majority of the structures are residential along Silver Beach Road.

The proposed accessory structure will be utilized for storage as well as indoor baseball practices for less than 50 people, when necessary due to weather. As such, the building is classified under Occupancy type B as shown under the Minnesota Building Code, Section 304.1 Business Group B as there will be less than 50 people occupying the building at any time. According to MN Administrative Rules, Chapter 1800, Part 1800.5900 Business Group B buildings may be exempt from being required to have plans prepared by an architect or engineer if the building is *"Not greater than two story with a basement; and Not Greater than 2,250 GSF"*. Given the building is 4,950 square feet over the square footage threshold, the proposed building does not qualify for the exemption as listed in MN Administrative Rules, Chapter 1800, Part 1800.5200. Therefore, building plans prepared by an architect or engineer will be required for a Land Use Permit to be issued.

Based on Minnesota Statute 394.27 Subd. 7: A variance may be granted if it is in harmony with the general purposes and intent of the official control and when the variance is consistent with the comprehensive plan. 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." The standard for establishing a Practical Difficulty is as follows:

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 the land cannot be put to any reasonable use whatsoever without the variance. For example, this variance application is for the location/construction of an accessory structure that is larger than the minimum specified size standard for an accessory structure. The question to be considered is: whether the proposed accessory structure is a reasonable use.

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 be larger than the standard size allowed in close proximity to a lake designated as Shoreland-General Development, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as an irregular parcel shape or sloping topography or other natural features like wetlands or trees that prevent the structure from being sized and located in compliance.

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 the locating/construction of an accessory structure larger than the minimum specified, how will the proposed structure and its location look when compared to others in the neighborhood, and if that fits in with the character of the area.

Staff Recommendation

Having reviewed and considered the application, local ordinances, and state statutes, staff ***does not object*** to the issuance of a variance in this case. However, the public hearing as well as the applicant may offer additional facts that are not yet evident for the Board of Adjustment to consider. If the Board of Adjustment does grant a variance to the applicant, Staff recommends that the following conditions be considered:

1. A Land Use Permit from the County will be required which includes building plans prepared by an architect or engineer according to MN Administrative Rules, Chapter 1800, Part 1800.5200.
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.

Staff Findings

Based upon the information available at the time of writing of this report, Staff proposes the following findings of fact for consideration by the Board of Adjustment. These findings may be amended based upon additional information gathered during the public hearing and discussion process.

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 accessory structures in shoreland designated areas. The purpose of the requirements is to maintain neighborhood character and aesthetics as well as for the protection of surface water resources and personal property. 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 accessory structure is a reasonable use in shoreland areas.

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

   Finding: The structure is consistent with the school complex to the north of the proposed location; however, it is not consistent with other recreational uses to the south along the shoreline of Lake Minnewaska.

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

   Finding: Staff has not been presented with or found evidence the practical difficulty has been established for this finding.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Variance Application (Bob Lange on behalf of the Minnewaska Baseball Association, 17 November 2025)*
  - **Attachment 2:** *Certificate of Survey (Radach Land Surveying LLC, 18 December 2025)*
  - **Attachment 3:** *Building Plans (Clint Bachmann, 6 November 2025)*
  - **Attachment 4:** *Site Visit Photos (L&RM Staff, 12 January 2026)*

Routing Sheet

Comments, Concerns and Conditions

Agency	
MN DNR	No comment received.
MnDOT	*COMMENTS: How will they be accessing the structure? When do they plan on building?* *PROPOSED CONDITIONS: They will need to apply for a change of use access permit, since the parcel can be accessed via TH28*
County Department	
Assessor	No comment received.
Attorney	No comment received.
E911 Addressing	*COMMENTS: The Pope County E911 Rural Addressing Ordinance, Section 2.2.B. states, "Notice of New Construction. Every owner of real property in Pope County on which a structure is erected or placed after the effective date of this Ordinance shall notify the PCRA of the structure and obtain an E-911 address to be displayed as required per this ordinance."* *PROPOSED CONDITIONS: Applicant must apply for an E911 address in accordance with the Pope County E911 Rural Addressing Ordinance, Section 2.2.B.*
Emergency Mgt	No comment received.
Engineer	*COMMENTS: No comments or concerns.* *PROPOSED CONDITIONS: None*
WCA Officer	No comment received.
Township	
Minnewaska	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, January 22nd, 2026 in the Pope County Courthouse, 3rd Floor Board Room, to consider the following variance request.

Description of Request: Variance hearing on the application by Bob Lange on behalf of the Minnewaska Baseball Association (VAR-25-022, Parcel#08-0188-007), if granted would allow applicants relief from the accessory structure performance standard in a Shoreland-General Development (S-GD) zoning district per section 4.6.13.A of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Part of Government Lot 3, Section 21, Township 125 (Minnewaska), Range 38, 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: January 2, 2026
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Variance Application
(Bob Lange on behalf of the Minnewaska Baseball Association, 17 November 2025)

POPE COUNTY
MINNESOTA

VARIANCE APPLICATION

L&RM FORM 18

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VARIANCE APPLICATION

VAR-25-022

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	Minnewaska Baseball Association c/o Bob Lange

[redacted]

Property Description

Property Address	Not issued	City	Glenwood	State	MN
Zip	56334				
Township Name	Minnewaska	Section	21	Twp	125
Range	38				
Parcel No.	08-0188-007	Associated Parcel No.	08-0188-007		

Project Narrative

What is the variance application for?	Build 60'X120' w/16' sidewall & 8'X24' covered open entry

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

This building will be adjacent to the school property on the westerly appriximate 3 acres of the tax parcel and used in conjunction with the baseball complex. It will be as far as possible from the highway and not close any lakeshore structures. The person most affected will be Dick Johnson, who is donating the land and with Bob Lange paying for a substantial part of the building. The building will be dedicated to Jeff Holtberg, former student and school board menber at Minnewaska who passed away from pancreatic cancer. The building will be used to store items used to maintain the baseball complex as well as a practice area during inclement weather.Temporary batting cages and a throwing area require the larger size. A walkway will be created for easy access to the baseball complex. An open air entry and wainscot will break up the size of the longer and slightly higher sidewall. Minnewaska school colors will pleasantly highlight the building. Greenery will soften the impact of the building.

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/

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. Our request seems reasonable because of our need for the larger building and the distance to property on the lake. The building would not be larger than the nearby school building, baseball grandstand, or football grandstand. We intend to landscape to mitigate the impact of the larger size.

2. The land involved has been farm land forever. It will not be developed as lakeshore property. This is a perfect use for this hayfield located adjacent to the baseball complex.

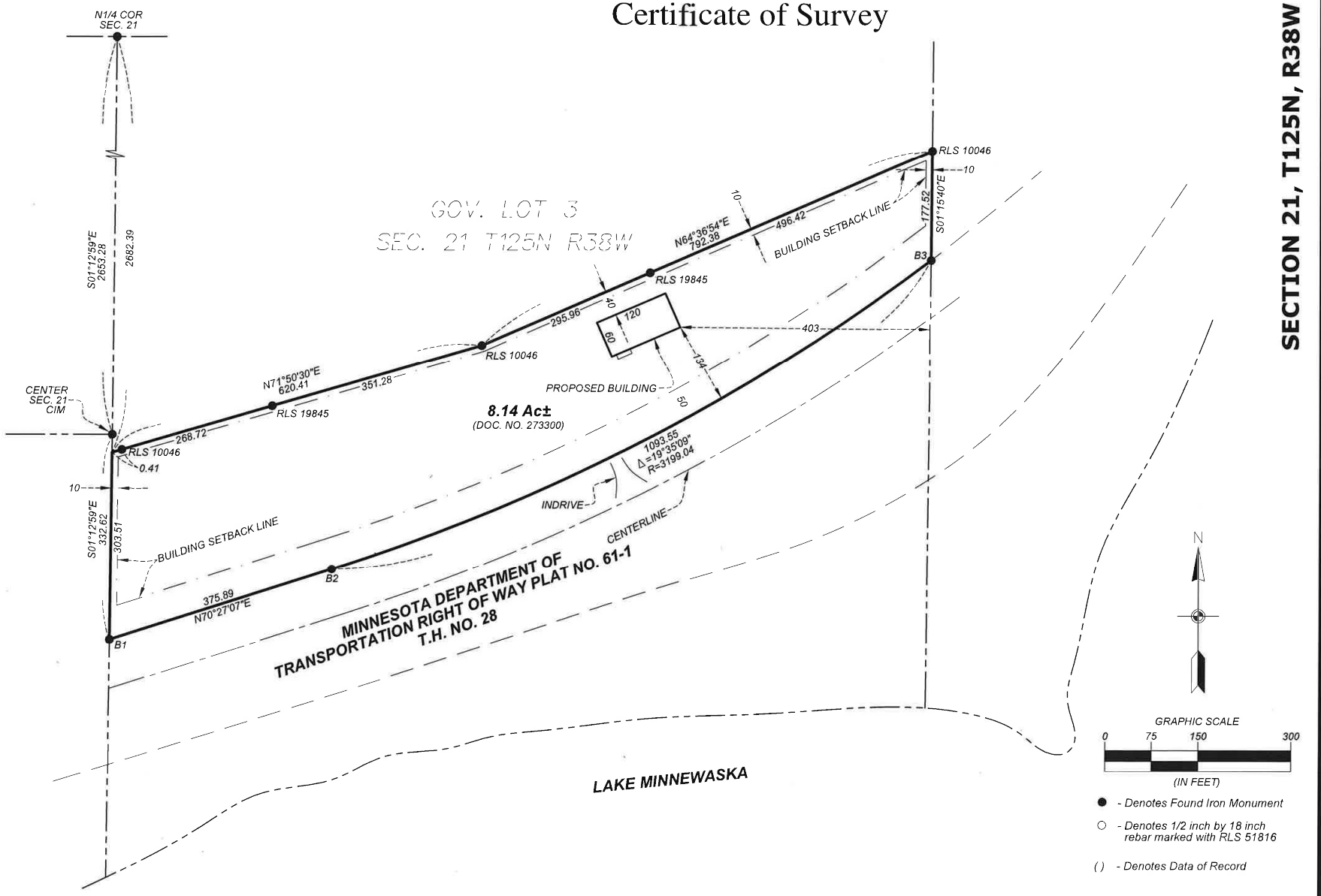
3. The building will not be out of scale because of the nearby school structures and 400' distance from nearest property on the lake. It will only be 2 feet higher and possibly 20 feet longer than the ordinance allows. We could build 40'X100' w/14' sidewalls with no variance but that doesn't suit our needs as well.

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
(Radach Land Surveying LLC, 18 December 2025)

Certificate of Survey



SECTION 21, T125N, R38W

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota

Name: Micah T. Radach

Date: 12/18/2025 License #: 51816

Signature:

DRAWN BY: MTR
ISSUE DATE: 12/18/2025
JOB NO. 1433

SURVEY PREPARED FOR:

Bob Lange

RADACH land surveying llc
4288 Little Ida Beach Rd NW, Alexandria, MN 56308
(320) 815-8582 | micah@radachlandsurveying.com

Supplemental Information Attachment 3:

Building Plans
(Clint Bachmann, 6 November 2025)

RECEIVED
11/13/2025
GG

DESIGNS

CLINT BACHMANN
320-808-5572
CBDESIGNSLLC.COM
CLINT.BACHMANN@GMAIL.COM

LEGAL DISCLAIMER

These drawings have been prepared to meet generally accepted professional standards and practices and have been developed without knowledge or reference to a specific site or geographical area. Therefore, supplemental to these documents, it is the owner and his/her builder's responsibility to follow the material and equipment manufacturers instructions, and to use accepted standards for each building trade. Topographic and subsurface conditions should be verified and foundation plans adapted accordingly. Before starting construction, the builder should check and be responsible for all dimensions and other details, and should review the plans for compliance with governing code requirements for the geographic area in which the house is to be built. All structural, mechanical and electrical requirements should also be reviewed before construction begins. Codes govern over drawings and dimensions govern over scale. The owner should check with the local building department to see if a professional stamp is required on the drawings for permit purposes. It is suggested that a local architect be retained to review and make any changes necessary to ensure that the plans meet the above requirements. Any use of this information without adaptation to changes and codes, standards, site conditions and other factors is at the owner's sole risk. The designer assumes no responsibility for changes made to these plans by others and makes no warranties, either expressed or implied, regarding these plans. The owner agrees to defend and indemnify the designer for all claims, costs, losses or damages resulting from the use of this information. Authorization of the use of this plan is on the express condition that you comply with all local building codes, zoning requirements, and other applicable laws, regulations, and ordinances.

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HOLTBERG MEMORIAL
BVL

Design Phase:
CONCEPTUAL / EARLY PRELIMINARY

Designer: CLINT

Checked by: AMANDA

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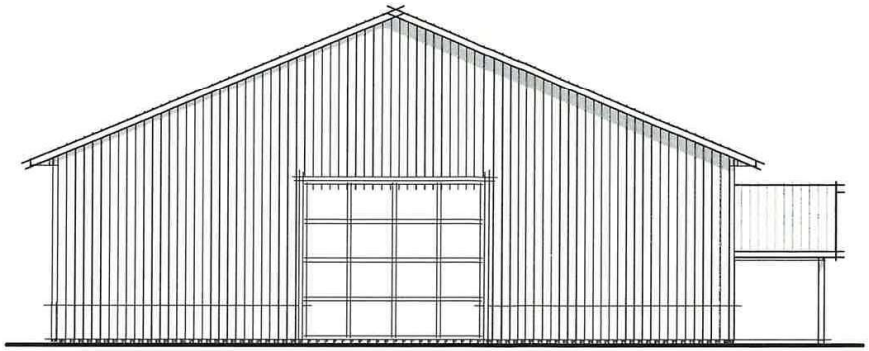
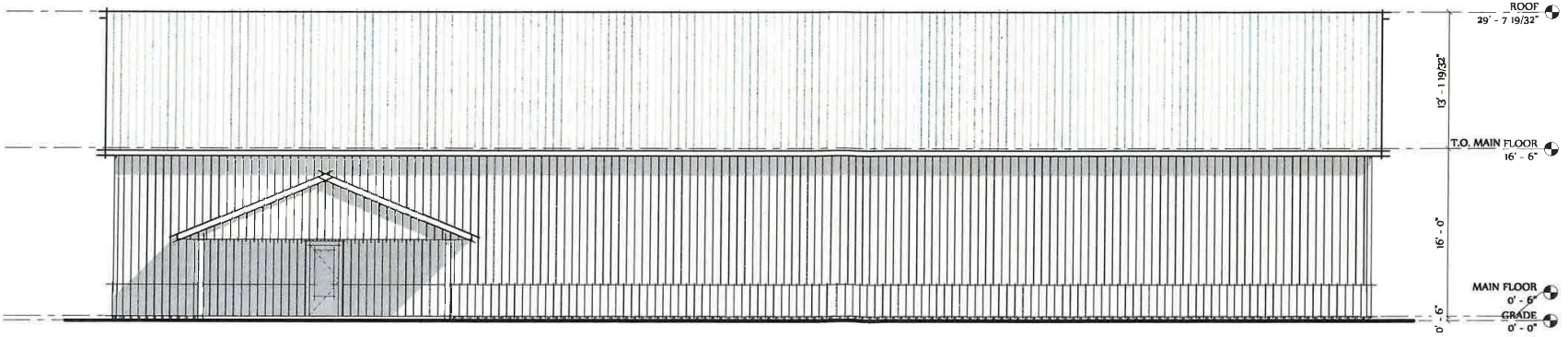
DETAILS

A5



LEFT
3/32" = 1'-0"



FRONT
3/32" = 1'-0"

DESIGNS

CLINT BACHMANN
320-606-5972
CBDESIGNS.LLC.COM
CLINT.BACHMANN@GMAIL.COM

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HOLTBERG MEMORIAL
BVL

Design Phase:
CONCEPTUAL / EARLY PRELIMINARY

Designer: CLINT
Checked by: AMANDA
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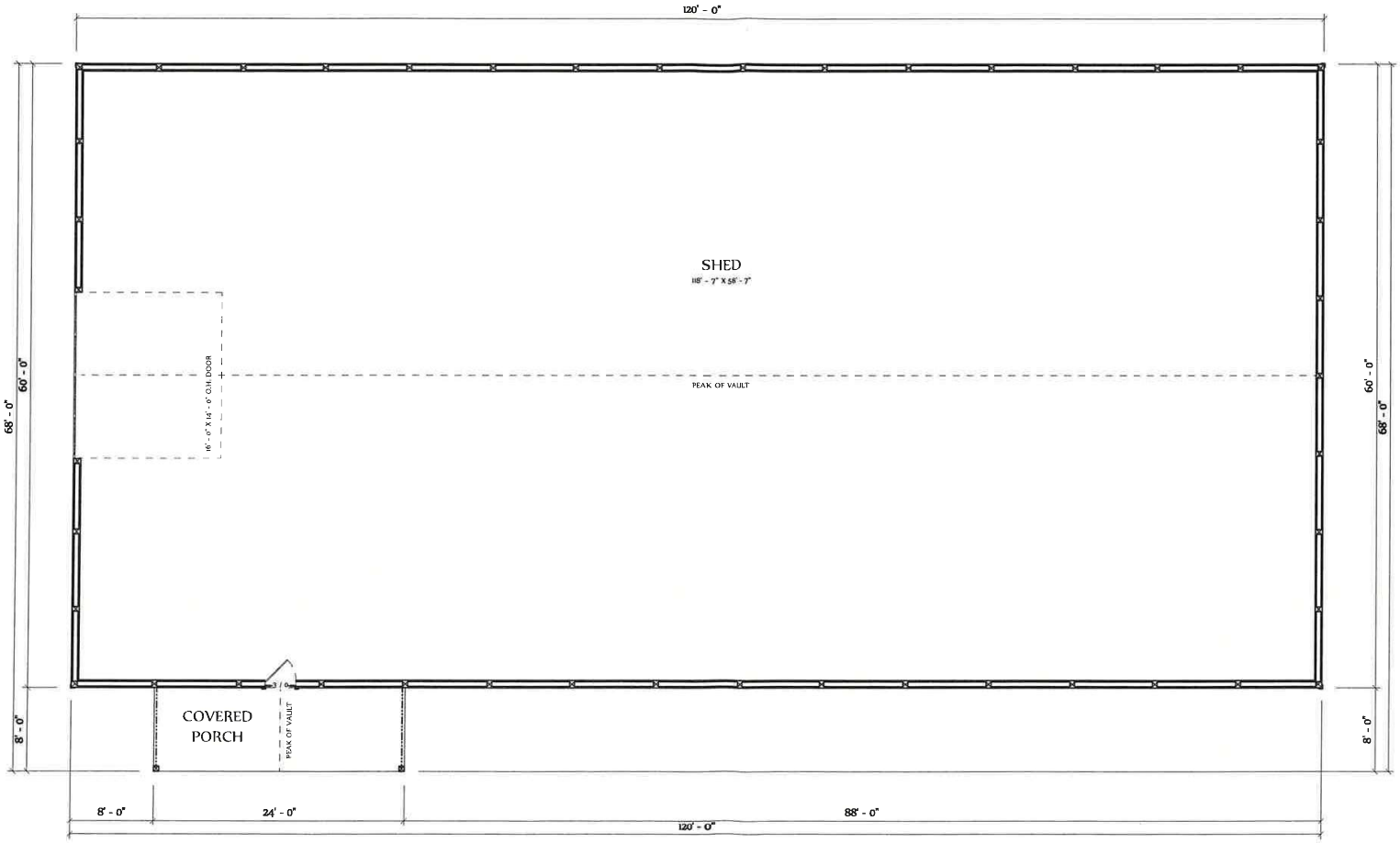
ELEVATIONS

A1



MAIN LEVEL

3/32" = 1'-0"

DESIGNS
CLINT BACHMANN
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CSDESIGNSLLC.COM
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HOLTBERG MEMORIAL BVL

Design Phase: CONCEPTUAL / EARLY PRELIMINARY

Designer: CLINT

Checked by: AMANDA

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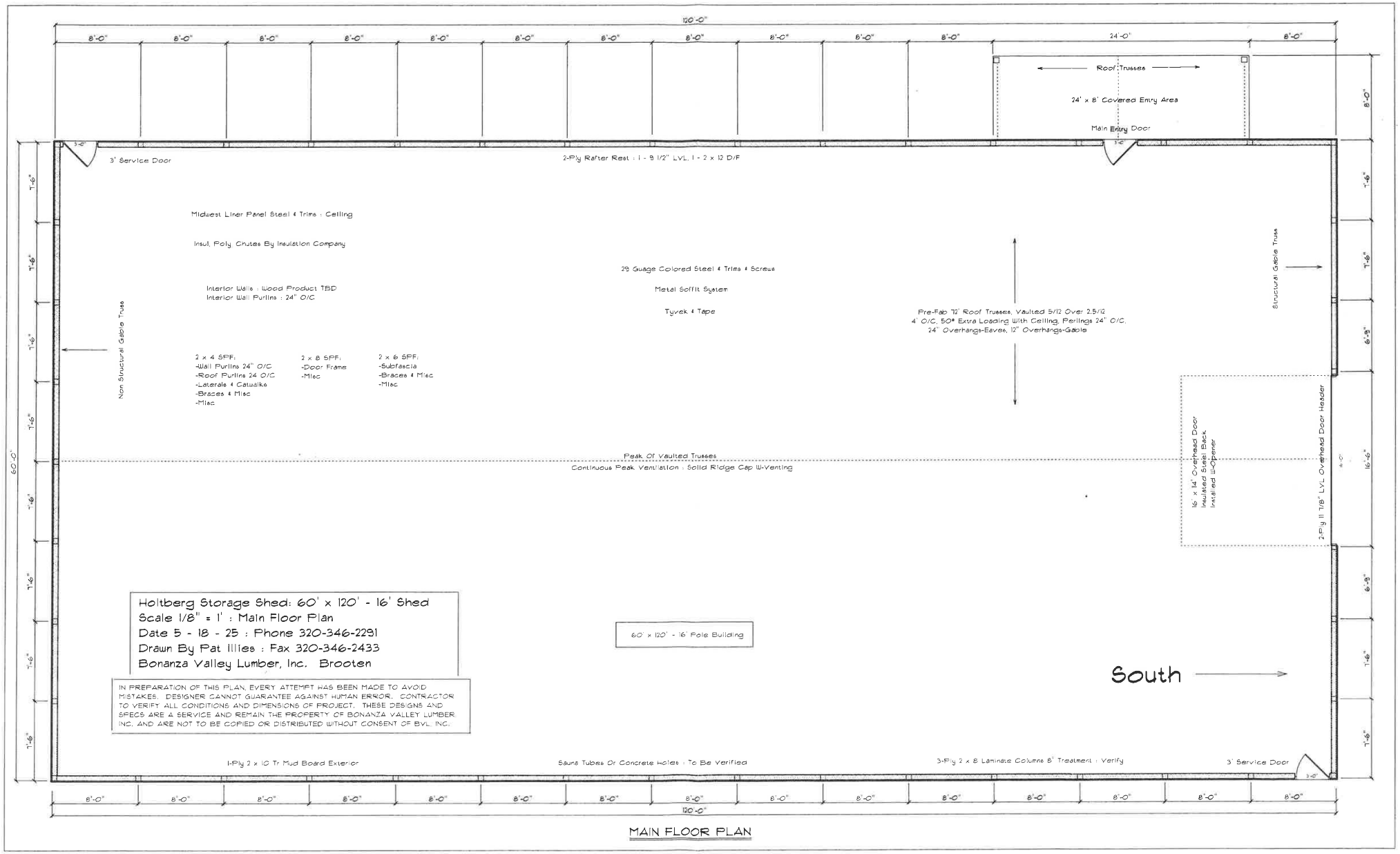
MAIN LEVEL

7,200 SQ. FT.

A3



MAIN FLOOR PLAN

Supplemental Information Attachment 4:

Site Visit Photos
(L&RM Staff, 12 January 2026)