Board of Adjustment
January 22, 2026
VAR-25-023

POPECOUNTY MINNESOTA

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STAFF REPORT

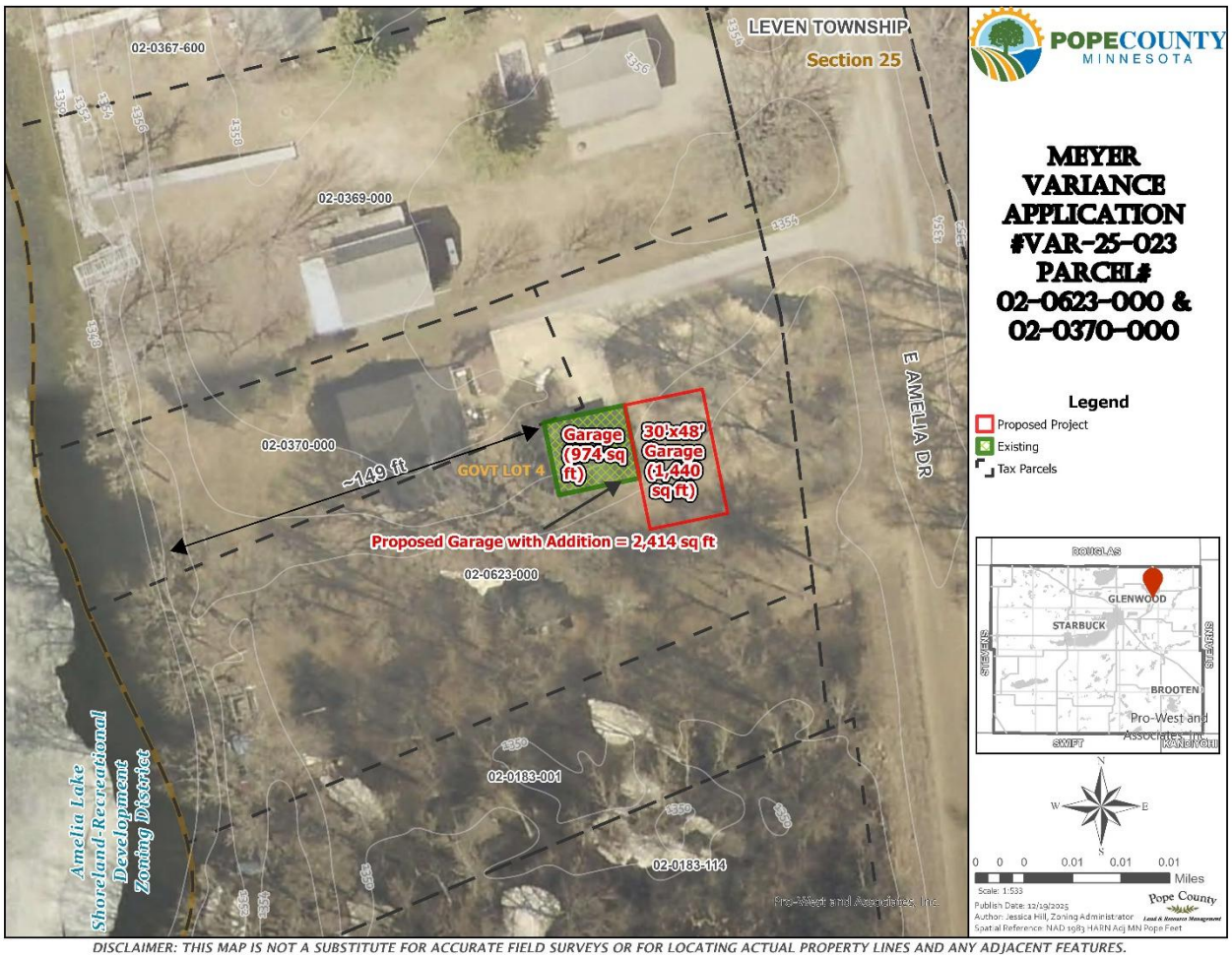
Applicant Information

Applicant: Peter & Kathy Meyer

Application: Variance (VAR-25-023)

Zoning: Shoreland-Recreational Development (S-RD)

Location: Lot 1 Block 1 of The First Addition to Acorn Ridge, Section 25, Township 126 (Leven), Range 37, 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 detached garage larger than 1000 square foot in size. The proposed location for the structure is less than 200 feet from the Ordinary High Water Level (OHWL) of Lake Amelia, a Recreational Development Lake located in Leven Township. 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-Recreational Development (S-RD) district, located in the 1st Range from the OHWL, 100-199 feet, the accessory structure size is limited to 1000 square feet and 12 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.*

Because this proposed project is an accessory structure greater than 1000 square feet at less than 200 feet from the OHWL, a Variance is required.

Applicable Statutes

Local Ordinance

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

Staff Comments

Staff offers the following comments for consideration:

In an effort to maintain neighborhood esthetics, the Pope County Land Use Controls Ordinance was amended (October 2024) to provide for a higher development standard as it relates to the size of accessory structures in a shoreland zoned district. This amendment came about as a result of a concern regarding the ever-increasing sizes of accessory structures. Particularly for such structures located in shoreland designated areas. In many cases the proposed accessory structures/storage buildings far exceeded the primary onsite residential structures in size and resulted in a view shed impact from the perspective of the boating public. The guidelines for an administrative review of this type of structure are provided for in the Land Use Control Ordinance, section 4.6.13.C.

1. The proposed structure will not look out-of-place in comparison with other structures of the same neighborhood (within 500 feet).
2. The proposed structure will not create a use that is incompatible with existing uses in the neighborhood.
3. The proposed location of the structure does not impact or create a nonconformity with regard to an existing on-site septic system or its components.
4. The proposed location of the structure does no encroach on or into area(s) set aside or designated for the primary or backup septic system locations.

Based on those guidelines, an evaluation of the neighborhood and specific parcel was performed. The neighborhood evaluation did not result in identification of any detached accessory structures that exceed 1000 square feet in size located within 500 feet of the proposed structure. The majority of development and use on the riparian side of East Amelia Drive appears to be seasonal cottage structures. While a few do have either an attached or detached garage, many do not. Rather, some have small storage/accessory structures associated with the cottages.

Table 2: Parcels within 500 feet of Proposed Structure

Parcel	Size	Structure Type	Distance from OHWL
02-0362-600	~ 12x20 (240 sq ft)	Accessory Storage Structure	>200’
02-0363-000	(2) ~8x10 (80 sq ft)	Accessory/shed Structures	>200’
02-0364-000 & 02-0629-000	-	None	>200’
02-0365-000 & 02-0628-001	~12x16 (192 sq ft)	Accessory/shed Structure	>200’
02-0366-000 & 02-0628-000	-	None	-
02-0367-600	~12x14 (168 sq ft)	Accessory/shed Structure	200’
02-0639-000	~22x38 (836 sq ft)	Detached Garage	200’
02-0370-000 & 02-0623-000	24x32 (768 sq ft)	Detached Garage	>200’
02-0183-114	-	None	-
Average:	**~338 sq ft**	**-**	

Regarding septic system, there is a Type III septic system that was installed in 2011, located south of the driveway. This will be near the proposed garage location. The minimum distance between an inhabited structure and a septic drain field is 20 feet. Therefore, the garage cannot contain livable inhabitable space. All parcels should have a backup/alternative septic system location. It is not known where the designated backup septic system location is at on this parcel. If it is where the proposed garage is to be, then a new backup septic system location will need to be designated.

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-Recreational 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 has not found evidence a practical difficulty has been established. 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. That prior to issuance of a Land Use Permit for an accessory structure, the owner provides a professional survey of the property to verify that minimum setbacks are adhered to and that the total impervious surface coverage is less than 25%.
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: A detached garage is not uncommon in shoreland areas.

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

   Finding: The structure is not consistent with other uses and development in the neighborhood.

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

   Finding: Staff has <u>not</u> 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 (Peter & Kathy Meyer, 8 December 2025)*
  - **Attachment 2:** *Submitted Site Plan (Peter Meyer, 17 December 2025)*
  - **Attachment 3:** *Submitted Garage Addition, Building Plans (Peter Meyer, 17 December 2025)*
  - **Attachment 4:** *Site Visit Photos (L&RM Staff, 12 January 2026)*

Routing Sheet

Comments, Concerns and Conditions

Agency

MN DNR	No comment received.

County Department

Assessor	No comment received.
Attorney	No comment received.
WCA Specialist	No comment received.

Township

Leven	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 Peter & Kathy Meyer (VAR-25-023, Parcel#02-0623-000 & 02-0370-000), if granted would allow applicants relief from the accessory structure performance standard in a Shoreland-Recreational Development (S-RD) zoning district per section 4.6.13.A of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Lot 1 Block 1 of The First Addition to Acorn Ridge, Section 25, Township 126 (Leven), Range 37, 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
(Peter & Kathy Meyer, 8 December 2025)

VAR-25-023

POPE COUNTY MINNESOTA

VARIANCE APPLICATION

L&RM FORM 18

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RECEIVED
DEC 08 2025
By:

VARIANCE APPLICATION

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	Peter & Kathy Meyer
[redacted]	

Property Description

Property Address	14819 E Amelia Drive										City	Villard				State	MN		Zip	56385			
Township Name	Leven										Section	25				Twp	126		Range	37			
Parcel No.	0	2	-	0	6	2	3	-	0	0	0	Associated Parcel No.	0	2	-	0	3	7	0	-	0	0	0

Project Narrative

What is the variance application for?	Garage Addition (36x44)

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

We can only use half of our existing garage to enter due to the septic in front of the 2nd stall area. By adding onto the existing garage, we would not have to add garage to existing house which is much closer to the lake. We would have to cut down 10 trees, 4 of which are huge beautiful 100-year-old oak trees. There should be no conflict of existing nearby land uses. All neighbors are ok with proposed project.

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. Existing garage is approximately 700 sq ft., existing rules say we can only have 1,000 sq. ft total? This is our only garage, there is no garage attached to the house.

2. We can not enter the garage with the septic tank in front & by doing this addition, we would put overhead door facing south, (opposite side of existing overhead door.)

3. This option will not alter the property; it is in my opinion is the least impact on the lake because we are further away from the lake & it will be aesthetically better than adding onto house & attached garage & cutting down 10 beautiful trees. It also keeps much of our 2nd lot open & natural. It is less impact on the property visually & less impact on the lake & we wouldn't have to cut down 4 beautiful 100-year-old oak trees. I have lived on Lake Amelia my entire life & I don't want to be one of those property owners that adds a large addition onto the existing house & it takes away from the property & lake.

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:

Submitted Site Plan
(Peter Meyer, 17 December 2025)

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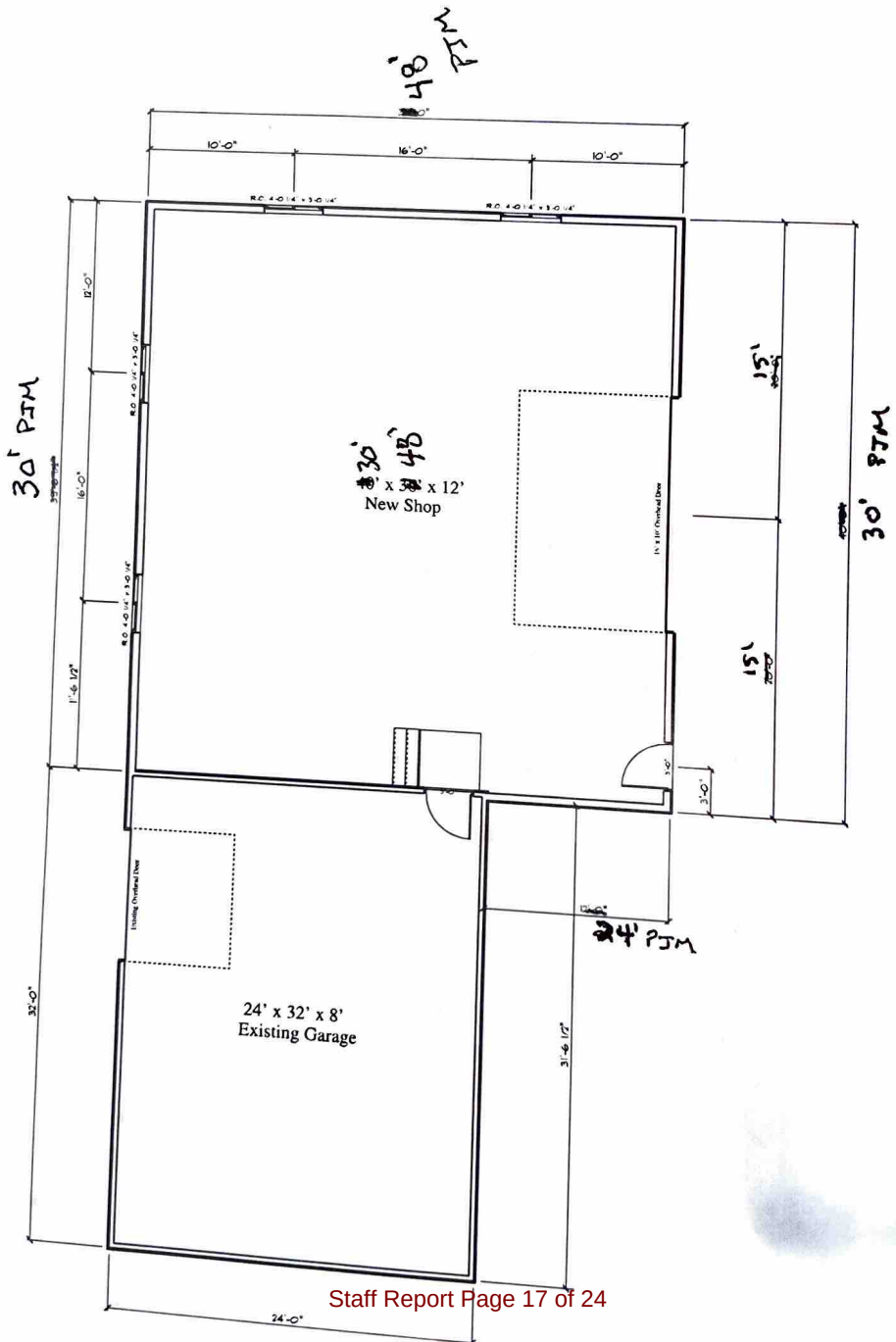
Supplemental Information Attachment 3:

Submitted Garage Addition, Building Plans
(Peter Meyer, 17 December 2025)


48' PJM
10'-0"
16'-0"
10'-0"
30' PJM
12'-0"
16'-0"
1'-6 1/2"
30' x 48' x 12'
New Shop
15'
15'
30' PJM
3'-0"
24' PJM
24' x 32' x 8'
Existing Garage
32'-0"
31'-6 1/2"
24'-0"

Supplemental Information Attachment 4:

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