POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, February 26th, 2026

The Board of Adjustment convened in regular session on Thursday, February 26th, 2026 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Roger Isdahl (Chairman), John Messenger, Ted Kannegiesser, Mark Halls, Haylee Wildman and Russell Barkeim.

Other Officials Present: David Green (Director) and Leigh Nelson (Senior Administrative Associate), Paul Gerde (County Commissioner) and Paul Wildman (County Commissioner).

Call to Order

The meeting was called to order by Chair Isdahl at 6:00 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 Member Halls and seconded by Member Barkeim. Motion carried unanimously.

Review minutes of January 22nd, 2026 Regular Meeting of the BOA

The minutes of the Board of Adjustment meeting that was held on January 22nd, 2026 were submitted for approval. Motion to accept the minutes as written was made by Member Barkeim and seconded by Member Messenger. Motion carried unanimously.

General Business

Director Green addressed those in attendance, providing a brief overview of the Board of Adjustment's role as a quasi-judicial body that hears applications for variances to the Pope County Land Use Controls Ordinance. He also described standard by which an applicant for a variance is to be judged, known as the Practical Difficulty Test.

Tabled/Old Business

None.

New Business

Variance Request #VAR-26-001, **Payton & Brittany Madison,** PID #19-0242-601

The applicant is seeking a variance from "The 200-foot structure setback from the Ordinary High Water Level (OHWL) of a Natural Environment Lake; and "The 30-foot setback from the top of bluff (Bluff Impact Zone)." The proposed single-family residence would encroach into both required setback areas.

The parcel is located in Gilchrist Township and has shoreline on both an unnamed Natural Environment lake and Scandinavian Lake (Recreational Development). It is burdened by two shoreland zoning districts. Because the Natural Environment district imposes the more restrictive OHWL setback (200 feet), that standard applies.

Chair Isdahl read the full background from the Staff Report. The Applicants, Payton & Brittany Madison, were not present at the meeting, however the landowners, Jess & Tamara Berge, were prepared to present the Variance Application. Chair Isdahl invited the Berges to sit at the presentation table.

Director Green explained the ordinary high water level and the bluff impact standards, zones and setbacks. This is a newly subdivided parcel, and as such, was subdivided with a buildable envelope on the parcel. Director Green further stated that after reviewing the applications, local ordinances and state statutes, that staff does object to the issuance of a variance. As there is a buildable envelope on this property, a practical difficulty does not exist.

Chair Isdahl invited the Berges to speak on behalf of the Applicants. Mr. Berge asked the Board to refer to Variance #21013, to the east of their property, and assumed that the practical difficulty for that project would also be relevant to this variance application. The Board of Adjustment was not provided a copy of this Variance to refer to. The Applicants no longer want to impact the Bluff Impact Zone, but are now asking for a 10 foot bluff setback, which would be a 16.2 foot setback into the OHWL. Per Mr. Berge, in Variance #21013, the applicants were granted a 100 foot setback to the OHWL, based upon the practical difficulty of "a shorter walk to the lake" and that the "house wouldn't look bad from the lake". Mr. Berge further addressed the uniqueness of the property, and indicated that the sloping topography is not conducive to build on, and that per Mn Statute Sec. 394.27, the Board of Adjustment has the power to issue a variance, and further stated that this property is in line with the Comprehensive Plan.

Mr. Berge then addressed the essential character of the locality. He described again Variance #21013, which was granted a 100' setback from the OHWL, and that they were only asking for a 180' setback from the shoreline, and that because of the unique topography, without a Variance, the house would be "right on the road". He further added that he spoke with the Kandiyohi County Administrator, and in that county, if you don't want a variance, he will "run a string line to approve the project".

Chair Isdahl asked the Board if they had any questions, and clarified with Mr. Berge that the property to the east that they had been referring to was the Dingman property. Berge affirmed that it was. Member Halls asked how did the bluff setback change to only 16'? Mr. Berge relied that is son-in-law found the math error made by the surveyor, and that they had thereby requested more of a setback than needed. He said that "the kids" are asking for the bare minimum, and they should have asked for more and negotiated down. They are only asking now for the minimum, and will move the house back. They are asking for 16.2' on the OHWL & 10' on the bluff.

Chair Isdahl opened the hearing for public comment. Hearing no comments for or against, the public hearing portion was closed at 6:26 p.m.

The Board site team comprised of Board members Barkeim and Kannegiesser. Member Barkeim said that this was a steep slope, and asked them why not just move the house back? Mr. Berge replied that then they would have to fill in the ditch. The problem with moving toward the south is that it looks level, but there's a big ditch to fill in, and neighbors probably would be impacted. It's flatter but not flat. Member Barkeim asked if they could terrace the drive. Mr. Berge replied that it would be a lot of fill. Mrs. Berge added that the road leads to the public access, and it's very busy. Member Kannegiesser said that for simplicity, this would make the most sense, but the snow is going to come right over the hill.

Chair Isdahl asked if the Board had any more questions. Member Halls asked – Can they make the structure smaller? The Berges commented that the Applicants did tighten up the house, and that it's a very small house.

Motion:

Chair Isdahl seeks a motion. Director Green asked the Board to refer to the list of findings on page 6 of the Staff Report, and it may help with the decision. Mr. Berge argued the findings based on the previous variance were relevant. Chair Isdahl asked for clarification on the Bluff Impact Zone vs the bluff setback, and asked if we were reasonable sure that this has been established. Director Green brought the most recent site plan up on the screen, and indicated the Bluff Impact Zone on the map, and said that per statute, there are to be no structures in the Bluff Impact Zone. 30' is the setback, so it fives space for construction. The discussion of adjoining lots using the string method is not unique to Kandiyohi County. Proving that structures are not in the Bluff Impact Zone, there is a grey area in that10' setback.

Chair Isdahl again seeks a motion. Member Barkeim made motion to approve the variance request with the condition that the residential structure (exterior walls) cannot encroach into the Bluff Impact zone, resulting in being located at approximately 190' from the Ordinary High Water level. This motion was seconded by Member Kannegiesser. With no further discussion, motion carried with members Halls & Chair Isdahl opposed, with the findings as follows:

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. The proposed structure would be similar in scale and character to surrounding development and would not significantly alter neighborhood character.

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

   Finding: The proposed residential use is permitted in the zoning district.

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

Finding: The structure will not affect the character or be a detriment to neighboring properties.

4. **Plight of the landowner is due to circumstances unique to the property and not self-created:**
    1. ***Findings:*** The parcel contains unique topographic constraints limiting conforming development.

Variance Request #VAR-26-002, **Steve & Jeanne Ball,** PID #08-0577-000

The applicant is seeking a variance from the minimum setback standard between a residence and an onsite septic system. This relief is sought in conjunction with a proposal to replace the existing residential structure with a larger home. In 2020, the owner had installed a septic system which conforms with the minimum setback standard between a residence and a septic tank as prescribed in Section 10.20 subdivision 3.30 (Sanitation Standards) of the Pope County Land Use Controls Ordinance. However, the proposed residential structure does not meet the setback standards due to the increased size/area of the new structure. This 19,122 square foot parcel is located in Minnewaska Township and has approximately 90 feet of Lake Minnewaska shoreline.

Chair Isdahl read the full Background from the Staff Report, and invited the applicants forward. Steve Ball was present, as were his contractors Jerry Kerkvliet and Tanner Bailey.

Director Green presented the applicant's request, and indicated that this is a tear down, and new build situation. The Pope County Land Use Controls Ordinance, section 10.20 (Sanitation Standards) requires septic drainfields be located twenty (20) feet from Occupied Buildings and septic tanks to be located ten (10) feet from Occupied Buildings. As proposed, the structure would be located approximately **3.5 feet** from the septic tank and **14 feet** from the drainfield, resulting in a reduction of 6.5 feet and 6 feet respectively. From the Staff's perspective, this is the homeowner's choice to build a house of that size on this lot.

Chair Isdahl asked the applicants if they would like to provide any additional information. Mr. Ball explained that this house will become their permanent residence, and that the septic system was new. If they were to move it back, then the big trees on the lot would have to go.

Chair Isdahl opened the hearing for public comment. Hearing no comments for or against, the public hearing portion was closed at 6:49 p.m.

The Board site team comprised of Board members Barkeim and Kannegiesser provided comment about their onsite observations. Member Kannegiesser said that if this lot was longer than wider, you wouldn't have this problem. If somebody drives over your septic, you're going to be in trouble. Member Barkeim said that this is a nice level lot, but you're trying to fit a big house on a little lot. Could you flip the house? Mr. Ball said that no, that they designed this house to be what they need, and that it is still under the impervious surface requirements. Member Barkeim asked how are they going to build this house without running over the septic? Mr. Kerkvliet said

that the lot is very drivable. Member Halls presented his concern about the footings, since the soil has already been disturbed by the septic system, that the footings may not stay in place.

Motion:

Chair Isdahl seeks a motion. Member Halls asked Director Green if the Applicants could come back with a different plan if denied? Director Green replied that they would have to wait a year for a variance, plus another $500. Member Barkeim asked if they could move the septic? Director Green replied yes, but that would still require a variance. Member Halls asked if they could table the request. Director Green replied that tabling means that more information is needed to establish practical difficulty. Practical difficulty either exists or it doesn't. If they meet all the setbacks, then no variance is needed - just a land use permit.

Chair Isdahl again seeks a motion. Member Messenger made motion to deny the variance request. This motion was seconded by Member Halls. The motion passed, with Member Kannegiesser opposing the motion to deny.

With no further discussion, motion carried with the findings as follows:

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 structures and septic system components 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. The locating (as proposed) of the septic system components does not create an aesthetic issue with the travelling public or neighboring property owners and is not in conflict with the Pope County Comprehensive Plan. However, minimum setback standards have been established in an effort to protect the structural integrity of the home, allow space for routine maintenance (home and tank), prevent health hazards, and safeguard against system failure. Because of the potential impact on personal property, the variance partially conflicts with the intent of official controls.

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

   Finding: Residential use served by an onsite septic system is a reasonable use of property within a Shoreland-General Development district. However, the ordinance provides standards governing the relationship between structures and septic components.

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

   Finding: 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:**

Finding: There has been no identified circumstance unique to the property that causes the need for the variance. There currently exists a residential structure that is located in conformance with the setback standard from the septic tank. So, the variance is necessitated by property owner preference to replace existing structure with a larger structure.

No other business.

Adjournment

Motion by Member Kannegiesser to adjourn the Board of Adjustment meeting with a second by Member Barkeim. Motion carried unanimously. Meeting adjourned at 6:53 p.m.

Respectfully submitted,

Leigh A. Nelson/Senior Administrative Associate
Pope County Land & Resource Management

David Green/Director
Pope County Land & Resource Management