Board of Adjustment
May 28, 2026
VAR-26-011

POPE COUNTY MINNESOTA

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STAFF REPORT

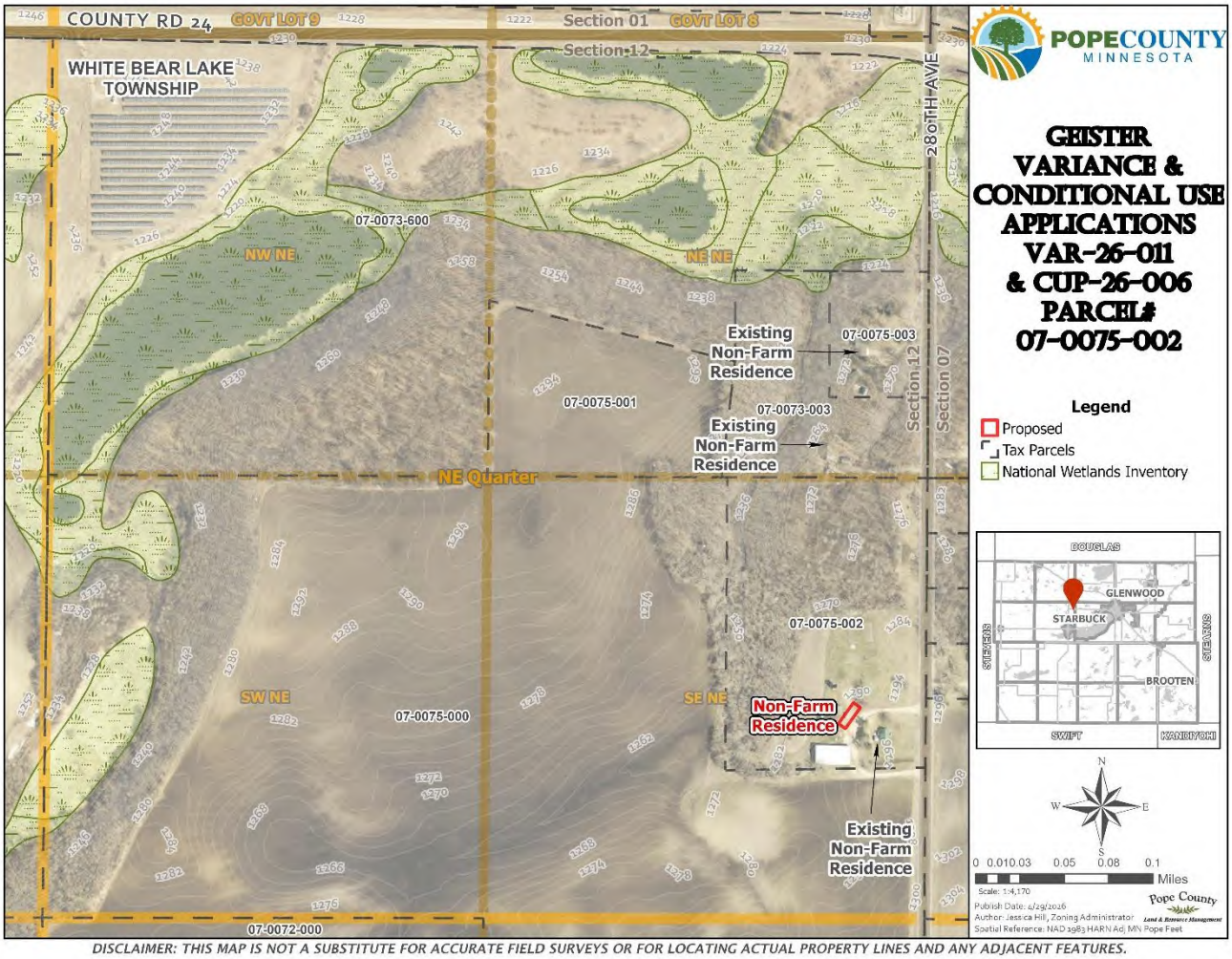
Applicant Information

Applicant: Kayla & Joshua Geister

Application: Variance (VAR-26-011)

Zoning: Agriculture Protection (A-2)

Location: Part of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼), Section 12, Township 125 (White Bear Lake), Range 39, 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 requesting consideration to construct/locate a non-farm residential structure in an Agriculture Protection (A-2) zoning district. The proposed home location is described as being on the west side of 280th Avenue and in the East half of the Southeast quarter of the Northeast quarter of Section 12 in White Bear Lake Township. This residence would be considered the fourth non-farm residence to be located in the Northeast Quarter in Section 12; hence, the applicant seeks a Variance as well as a Conditional Use Permit to be in compliance with section 7.3.K. of the Pope County Land Use Controls Ordinance.

The Land and Resource Management office does not have records of non-farm residence Conditional Use Permits relating to the three existing residences. Staff believes the residences may have historically functioned as farm residences prior to subdivision of the surrounding agricultural land. Regardless, based on the current standards, it is not permitted to construct another residence without a variance or zoning change. Therefore, the next step in the permitting process is to seek a variance to the non-farm residence density standard as stated in section 7.3 of the Pope County Land Use Controls Ordinance.

The requested variance, if approved, would address the residential density limitation contained within Section 7.3.K. Separate consideration of Conditional Use Permit application CUP-26-006 would still be required prior to construction of a non-farm residence.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 7.3. Agriculture Protection (A-2) Zoning District *(conditional uses)*
    - *K. Non-farm single family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development provided, however, that the construction of non-farm single family residential structures is prohibited if the proposed structure will result* ***in more than one*** *non-farm residential structure being located within any quarter section (160 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.)…….*
  - Section 11.6 Variance from Standards *(criteria and procedures)*

State Statute/Rule

- Minnesota Statute Chapter 394 Planning, Development, Zoning *(enabling legislation)*
- Minnesota Statutes 394.27 Subd. 7 *Variances; practical difficulties*

Staff Comments

The Northeast Quarter of Section 12, Township 125, Range 39 already contains three non-farm residences. All three residences are located in the east half of the Northeast Quarter. A majority of the south half of the Northeast Quarter is in agricultural use. The north half of the Northeast Quarter consists of wetlands and streams with some agricultural use as well as a portion being utilized for a solar garden.

The proposed fourth non-farm residence is to be located on a parcel that already has an existing non-farm residence. The parcel is not in agricultural use, and the proposed location of the new non-farm residence would be on land already in residential use.

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, the 11.8 acre site has six soil types, with the soil type of the proposed building area being, Waukon loam (WbB), 2 to 6 percent slopes. This soil classification is described as "All areas are prime farmland".

While the site contains prime farmland soils, the parcel itself is already developed and currently utilized for residential and recreational purposes rather than active agricultural production. The proposed residence would be located within an existing residential area on the parcel and would not substantially fragment additional agricultural land or establish a new isolated residential development pattern within productive farmland.

According to the Pope County Feedlot Officer, *"There are 3 smaller feedlots in the area however, no active registrations exist for those sites."* The Feedlot Analysis map in Attachment 4 indicates that the mapped feedlots show no evidence of expansion. In addition, the proposed non-farm residence's reciprocal setback falls within the existing setback pattern established by current residences in the area. Therefore, the proposed residence is not likely to adversely impact nearby feedlots.

Comprehensive Plan Consistency

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. The Pope County Comprehensive Plan prioritizes the protection of agricultural lands by encouraging residential development in higher densities in or near cities.

Staff Analysis

The proposed non-farm residence would be an additional residence in a neighborhood with five other existing residences. The addition of this residence near the other existing residences contains the residential development to an area already encumbered by residences. Therefore, the proposal would be consistent with the Comprehensive Plan.

The proposal represents additional residential development within an already established rural residential cluster rather than the creation of a new residential development area within active agricultural land. Existing roadway access and residential use of the parcel reduce the likelihood of additional impacts to surrounding agricultural operations.

Practical Difficulty Analysis

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." All three statutory criteria must be met; failure to meet any one requires denial.

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 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.

   In this case, within the Northeast Quarter of Section 12, the request is to construct a fourth non-farm residence. The question to be considered is: is it reasonable to have another residential structure in this particular area?

Staff Analysis

The addition of the non-farm residence on this particular parcel, which has an existing non-farm residence, would be located on an area currently in residential use. Therefore, it is reasonable to locate a second non-farm residence on this site.

The proposal is limited in scope and would utilize an existing residential parcel and established access rather than requiring conversion of additional agricultural acreage into a separate residential development site.

2. **Uniqueness**

The second factor is whether the landowner's difficulty is due to circumstances unique to the property not created by the landowner. The uniqueness must relate to the physical characteristics of the property, such as size, shape, topography, or natural features, and not to personal preferences or circumstances.

When considering the construction of a fourth non-farm residential structure, the focus is whether there are physical limitations of the property that prevent improvement or use of the structure in a manner that complies with current standards.

Staff Analysis

While the parcel does not contain unusual topographic limitations, the property is unique in that it already exists as an established residential parcel within an area containing multiple longstanding residential uses. The parcel is not currently utilized for agricultural production and is functionally integrated into an existing rural residential cluster. These existing development conditions distinguish the parcel from larger actively farmed agricultural properties within the zoning district.

Additionally, the surrounding development pattern and prior subdivision of the parcel from surrounding agricultural land have created circumstances where the parcel functions differently than larger contiguous agricultural properties subject to the same zoning district standards.

3. **Essential Character**

The third factor is whether granting the variance will alter the essential character of the locality. This includes consideration of whether the expanded structure would be out of scale, out of place, or inconsistent with the surrounding area.

Staff Analysis

The surrounding area is developed with five other residences; therefore, the addition of another non-farm residence will not likely change the essential character of the locality.

The proposed residence would be compatible with the scale and pattern of existing residential development in the immediate vicinity and is not anticipated to create additional conflicts with surrounding agricultural operations beyond those already existing in the area.

Staff Recommendation

Having reviewed and considered the application, local ordinances, state statutes, all comments received, and based on the following findings, staff **does not object** to the issuance of a variance allowing for the locating of an additional non-farm residence in the quarter section identified as the Northeast Quarter of Section 12, Township 125, Range 39, Pope County, Minnesota.

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 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 reciprocal non-farm residence to feedlot setback is no greater than that which already exists due to existing residences in the vicinity.

   The Comprehensive Plan does indicate a growing concern regarding population decline in rural areas and a desire for development of non-farm homesteads in the rural areas.

   The proposed residence would be located on a parcel already in residential use and would not establish a new isolated residential development pattern within active agricultural land. The proposal represents infill development within an existing rural residential cluster and is therefore generally consistent with the purposes and intent of the official controls and Comprehensive Plan.

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

   Findings: A rural residence is a common desire and a permitted use in Pope County. The proposed use represents a reasonable expansion of existing residential use on a parcel already utilized for residential purposes and would utilize existing roadway access and infrastructure.

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 north and east of the proposed location are currently in residential use. The proposed structure would be compatible with the surrounding residential development pattern and is not anticipated to materially increase impacts to nearby agricultural operations.

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 the property is already in residential use, 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.

   The parcel is unique in that it already exists as an established residential parcel located within a longstanding rural residential cluster and is functionally distinct from larger actively farmed agricultural properties located within the zoning district. These circumstances were not created by the current applicant.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Variance Application (Kayla & Joshua Geister, 16 April 2026)*
  - **Attachment 2:** *Site Plan (Kayla & Joshua Geister, 16 April 2026)*
  - **Attachment 3:** *Geister VAR-26-011 & CUP-26-006, Parcel#07-0075-002, Farmland Classification (J.Hill (Zoning Administrator), 18 May 2026)*
  - **Attachment 4:** *Feedlot Analysis, Proposed Non-Farm Residential Structure (A.Hughes (Feedlot Officer, Land Use Specialist), 28 April 2026)*
  - **Attachment 5:** *Site Visit Photos (L&RM Staff, 18 May 2026)*

Routing Sheet

Comments, Concerns and Conditions

County Department

Attorney	No comment received.
Feedlot Officer	*COMMENTS: There are 3 smaller feedlots in the area however, no active registrations exist for those sites.*
WCA Officer	*COMMENTS: No concerns from a WCA standpoint.*

Township

White Bear 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, May 28th, 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 Kayla & Joshua Geister (VAR-26-011, Parcel#07-0075-002), if granted would allow applicants relief from the non-farm residential density standard in an Agriculture Protection (A-2) zoning district per section 7.3.K the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Part of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼), Section 12, Township 125 (White Bear Lake), Range 39, 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: May 1, 2026
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Variance Application
(Kayla & Joshua Geister, 16 April 2026)

VARIANCE APPLICATION

VAR-26-011

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.

RECEIVED
APR 16 2026
BY:

Applicant Information

Applicant Names	Kayla & Joshua Geister
[redacted]	

Property Description

Property Address	17383 280th Ave			City	Starbuck	State MN	Zip 56381
Township Name	White Bear Lake			Section	12	Twp 125	Range 39
Parcel No.	07-0075-002			Associated Parcel No.			

Project Narrative

What is the variance application for?	Requesting Variance to Luco 7.3.K

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

We are hoping to add a 2nd residential structure to our currently owned 11.8 acre non-farm residence. The current residential structure will remain and be occupied by my son and his family.
To our knowledge, there would not be any potential conflicts with existing nearby land uses.

The location of the 2nd residential structure would not take any agricultural production land out of production.

We support any and all current and future agricultural uses and we support any current or future businesses in the area.

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. We propose to use the property in a reasonable manner. The entirety of the property will be used for residential purposes, with the possibility of adding a small number of farm animals in the future.

2. The proposed building site for the 2nd residential structure would be located within the boundaries of the 11.83 acre site. No agricultural production land will be taken out of production to construct this home. We recognize there are already more than the allowed number of non-farm residences in this section. We are requesting a variance to this ordinance citing the County Comprehensive Land Use Plan.

3. The proposed home will be built on a portion of our land that won't require tearing down any trees, or interrupting any farming production this summer. It will be designed to fit harmoniously with the surrounding area. The goal is to ensure that the new home is not out of scale, out of place or inconsistent with the rural character or nearby properties.
We will remain in full compliance with applicable zoning and environmental regulations and are fully supportive of the agricultural operations, feedlots and other lawful businesses in the area. We are committed to being respectful, contributing members of the community.

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/

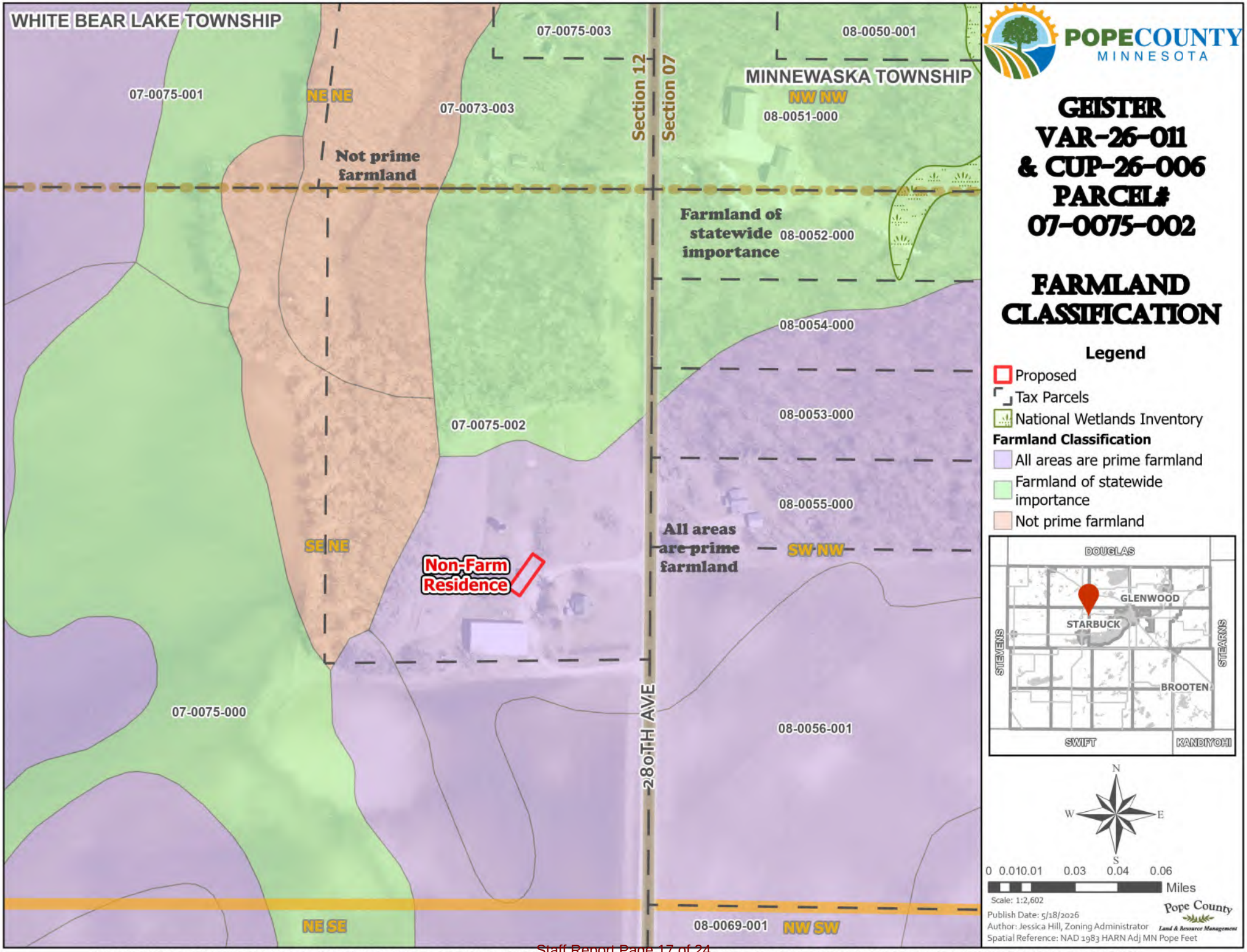
Supplemental Information Attachment 2:

Site Plan
(Kayla & Joshua Geister, 16 April 2026)

RECEIVED
MAY 06 2026
BY:
Verified by Applicant.

Supplemental Information Attachment 3:

Geister VAR-26-011 & CUP-26-006, Parcel#07-0075-002, Farmland Classification (J.Hill (Zoning Administrator), 18 May 2026)



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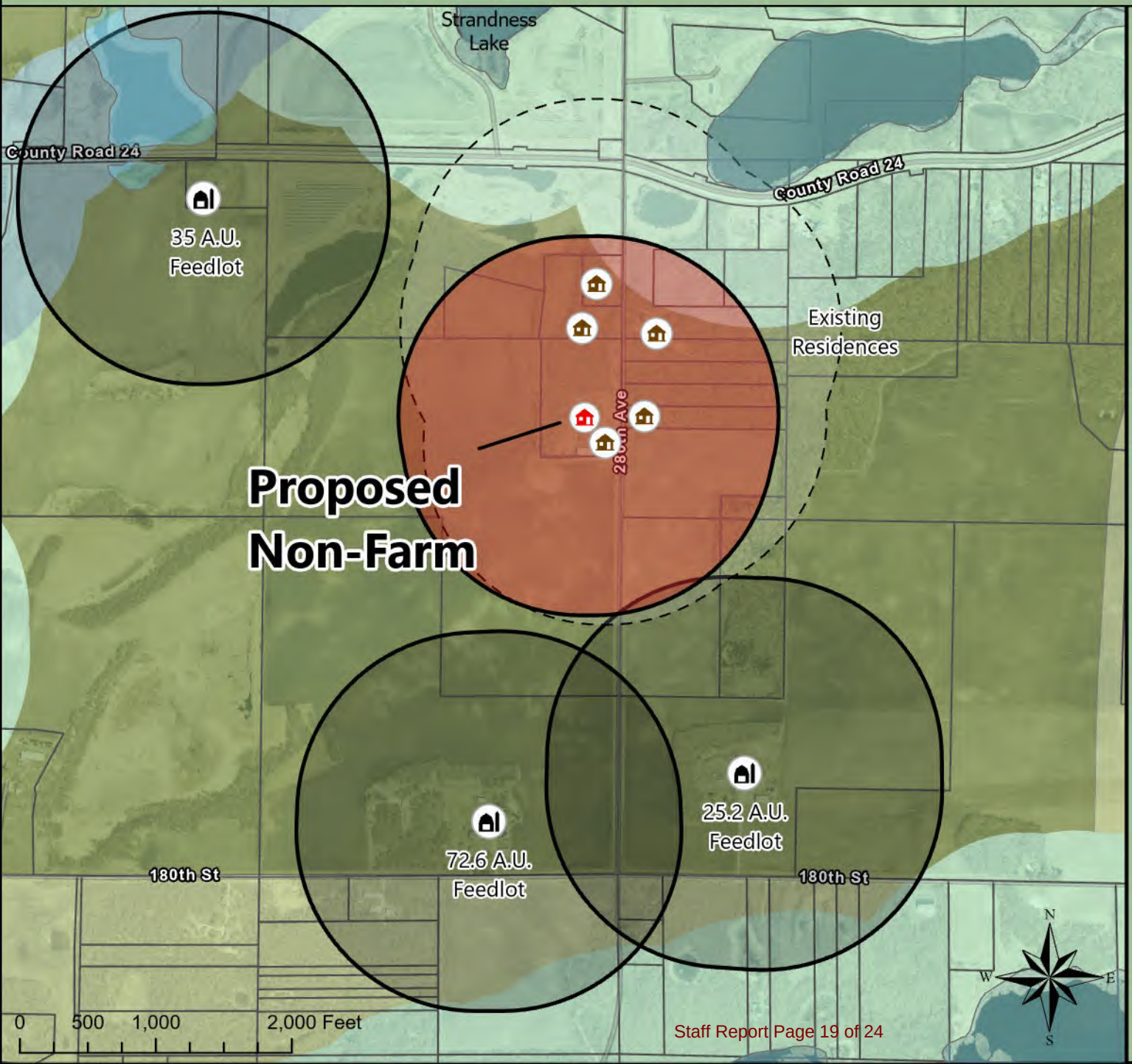
Supplemental Information Attachment 4:

Feedlot Analysis, Proposed Non-Farm Residential Structure
(A.Hughes (Feedlot Officer, Land Use Specialist), 28 April 2026)

FEEDLOT ANALYSIS

Proposed Non-Farm Residential Structure

POPE COUNTY MINNESOTA



Geister

CUP-26-006

VAR-26-011

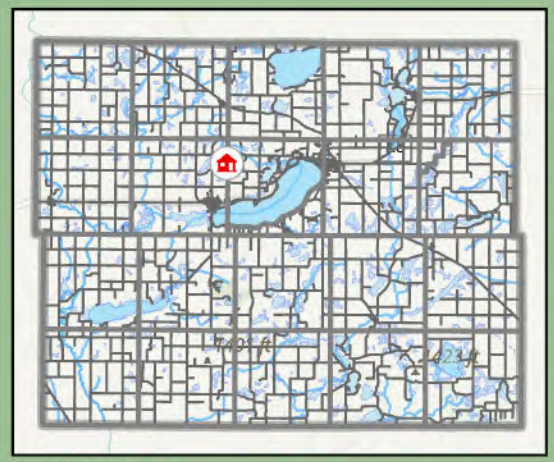
Legend

- Proposed Residence
- Proposed setback (1320 ft)
- Existing Residences
- Existing setback (1320 ft)
- Feedlots
- Feedlot setback (1320 ft)
- Shoreland-Natural Environment (S-NE)
- Shoreland-Rivers/ Streams (S-RS)
- Agriculture-Non-Intensive (A-1)
- Agricultural Protection (A-2)

Notes:

All setbacks = 1320 ft

Feedlots labelled in the map have not been updated in the last 4 years and show no evidence of expansion.



Spatial Reference

Name: NAD 1983 HARN Adj MN Pope Feet

Author: Ariel Hughes

Date Exported: April 28, 2026

Supplemental Information Attachment 5:

Site Visit Photos
(L&RM Staff, 18 May 2026)

Oasis