Board of Adjustment
June 25, 2026
VAR-26-012

POPECOUNTY MINNESOTA

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STAFF REPORT

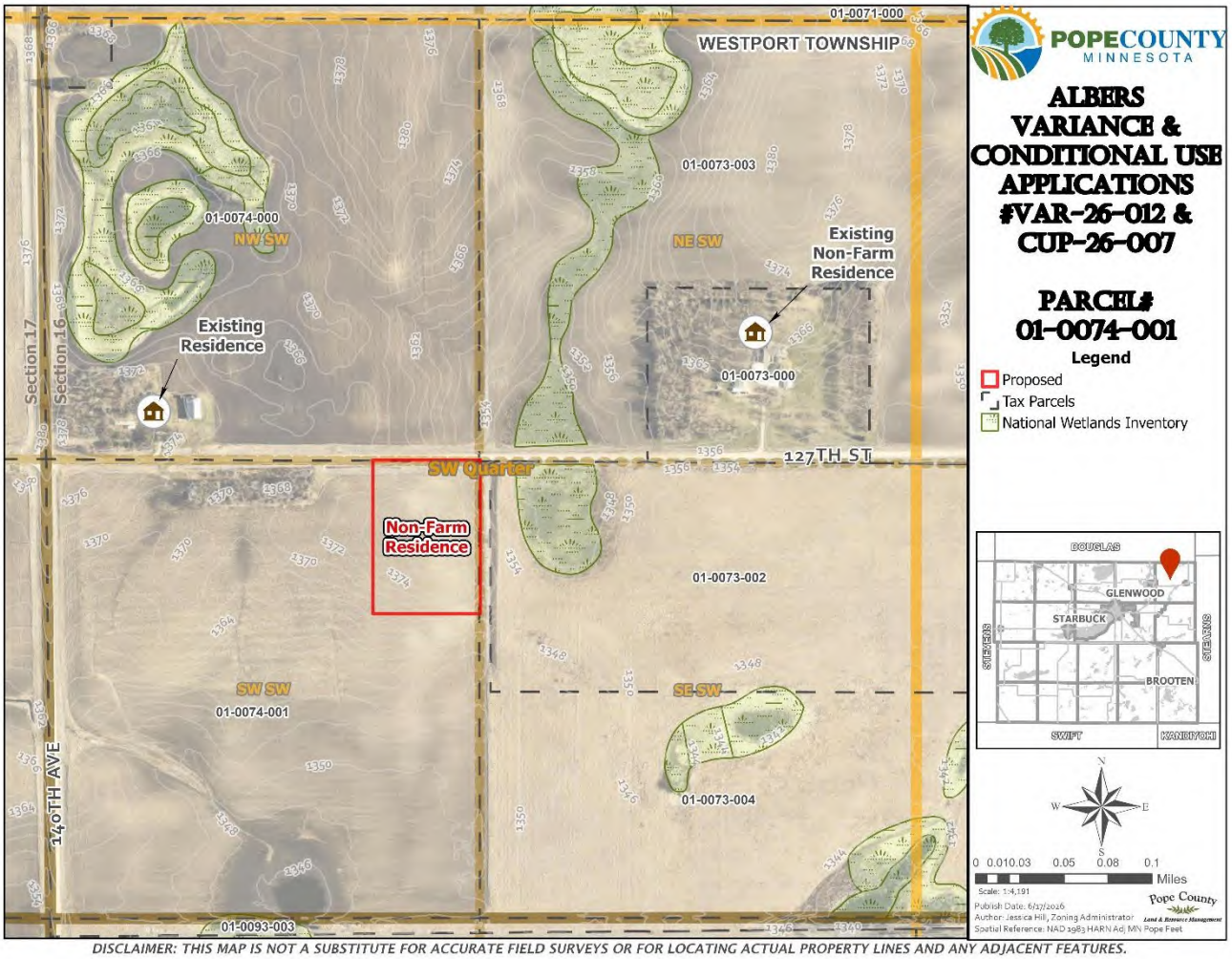
Applicant Information

Applicant: Joshua & Caitlin Albers

Application: Variance (VAR-26-012)

Zoning: Agriculture Protection (A-2)

Location: The Southwest Quarter (SW¼) of the Southwest Quarter (SW¼), Section 16, Township 126 (Westport), 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

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 south side of 127th Street and in the Northeast quarter of the Southwest quarter of the Southwest quarter of Section 16 in Westport Township. This residence would be considered the third residence to be located in the Southwest Quarter in Section 16; 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 two 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 Southwest Quarter of Section 16, Township 126, Range 36 already contains two residences. The residences are located in the North Half of the Southwest Quarter. The remaining land in the Southwest Quarter is in agricultural use. The proposed additional non-farm residence is to be located on a parcel that was previously and is currently in agricultural production.

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, the 3 acre site has three soil types, with the main soil types of the proposed building area being, Hokans-Buse complex (BbB2), 2 to 6 percent slopes, and Barnes-Buse complex (BbC2), 6-12 percent slopes. These soils are classified as "All areas are prime farmland" and "Farmland of Statewide Importance".

Applicants are proposing this location to allow them to build a residence to eventually take part in the family agricultural operation. Additionally, the selected location for the non-farm residence is on the knoll of a hill where soils were observed to be thinner and more marginal.

According to the Pope County Feedlot Officer, *"There are six (6) feedlots within two (2) miles of the proposal. The proposed reciprocal setback shown on the attached map is based on the feedlot located west of the proposed residence, which results in the largest applicable setback distance. The proposed residence may also affect future expansion considerations for the feedlot to the south; however, that feedlot is subject to separate shoreland-related and site limitations."* The Feedlot Analysis map is presented as Attachment 3.

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 proposal represents infill development adjacent to existing residences and concentrates residential use within an established rural residential cluster. Therefore, the proposal would be consistent with the Comprehensive Plan.

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 Southwest Quarter of Section 16, the request is to construct an additional 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 parcel, would be located near other residential uses. Therefore, it is reasonable to locate an additional non-farm residence on this site adjacent to existing residential development.

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 second 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 contains soils classified as prime farmland and farmland of statewide importance, the proposed building site is located on a knoll where soils are comparatively thinner and less productive than adjacent portions of the property. Locating the residence in this area minimizes impacts to agricultural production by utilizing an upland area with comparatively thinner soils and steeper topography than adjacent cropland. The proposed site is physically distinguishable from surrounding agricultural acreage and represents the portion of the property most suitable for residential development.

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 two 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 Southwest Quarter of Section 16, Township 126, Range 36, 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 non-farm residential density in the Agriculture Protection District is to preserve agricultural land and reduce conflicts with agricultural 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 proposed residence is located adjacent to existing residential development and is situated on a portion of the property identified as less productive for agricultural purposes, thereby minimizing impacts to agricultural land preservation goals.

   The Comprehensive Plan identifies concerns regarding rural population decline and supports appropriately located rural residential development. The proposal represents infill development within an existing residential cluster and is generally consistent with the Comprehensive Plan.

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

   Findings: Construction of a single-family residence is a reasonable use of the property. The proposed residence would be located adjacent to existing residential development and would be compatible with surrounding land uses.

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

   Findings: Granting the variance will not alter the character of the locality or be detrimental to neighboring properties, as adjacent properties are already developed with residential uses. 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 proposed building site is located on an upland knoll adjacent to existing residential development and contains comparatively thinner soils than surrounding agricultural land. Locating the residence in this area minimizes impacts to agricultural production while concentrating residential development within an existing residential cluster. The proposal does not create greater feedlot setbacks than those already established by existing residences in the area and can otherwise comply with applicable zoning and performance standards.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Variance Application (Joshua & Caitlin Albers, 12 May 2026)*
  - **Attachment 2:** *Site Plan (Joshua & Caitlin Albers, 12 May 2026)*
  - **Attachment 3:** *Feedlot Analysis, Proposed Non-Farm Residential Structure, (A.Hughes (Feedlot Officer, Land Use Specialist), 3 June 2026)*
  - **Attachment 4:** *Albers VAR-26-012 & CUP-26-007, Parcel#01-0074-001, Farmland Classification (J.Hill (Zoning Administrator), 16 June 2026)*
  - **Attachment 5:** *Site Visit Photos (L&RM Staff, 15 June 2026)*

Routing Sheet

Comments, Concerns and Conditions

County Department

Attorney	No comment received.
E911 Addressing	*COMMENTS: No Comment.* *PROPOSED CONDITIONS: None.*
Feedlot Officer	*COMMENTS: There are six (6) feedlots within two (2) miles of the proposal. The proposed reciprocal setback shown on the attached map is based on the feedlot located west of the proposed residence, which results in the largest applicable setback distance. The proposed residence may also affect future expansion considerations for the feedlot to the south; however, that feedlot is subject to separate shoreland-related and site limitations.*
WCA Officer	*COMMENTS: I have no concerns from a WCA standpoint.*

Township

Westport	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, June 25th, 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 Joshua & Caitlin Albers (VAR-26-012, Parcel#01-0074-001), 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 of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: The Southwest Quarter (SW¼) of the Southwest Quarter (SW¼), Section 16, Township 126 (Westport), 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: June 5, 2026
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Variance Application
(Joshua & Caitlin Albers, 12 May 2026)

15days - 5/30/26
60days - 7/14/26

VAR-26-012

POPE COUNTY MINNESOTA

VARIANCE APPLICATION

L&RM FORM 18

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RECEIVED
MAY 12 2026
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	Joshua & Caitlin Alhers
[redacted]	

Property Description

Property Address	NA			City		State MN	Zip 56385
Township Name	West Port			Section 16		Twp	Range
Parcel No.	01 - 0074 - 001			Associated Parcel No.	-		-

Project Narrative

What is the variance application for?	Residential Build

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

We are joining the farming operation and need a place to live for our family. We are using the north east corner of the 40 acre plot for the residential area with a maximum land use of a max of 3 acres

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/

$500

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. Use the property to establish our home for our family joining the family farm operation. The northeast corner for our home and the remaining 37acres will stay tillable.

2. non farming residence already in the ¼ of ¼ section. no unique characteristics of the Land

3. A single family residence will not alter the essential character of the locality with the corner being used for the homesite with trees planted to match the surrounding areas and the land remaining for Ag use

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
(Joshua & Caitlin Albers, 12 May 2026)

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for

1:4,514

Date: 4/15/2026

POPECOUNTY MINNESOTA

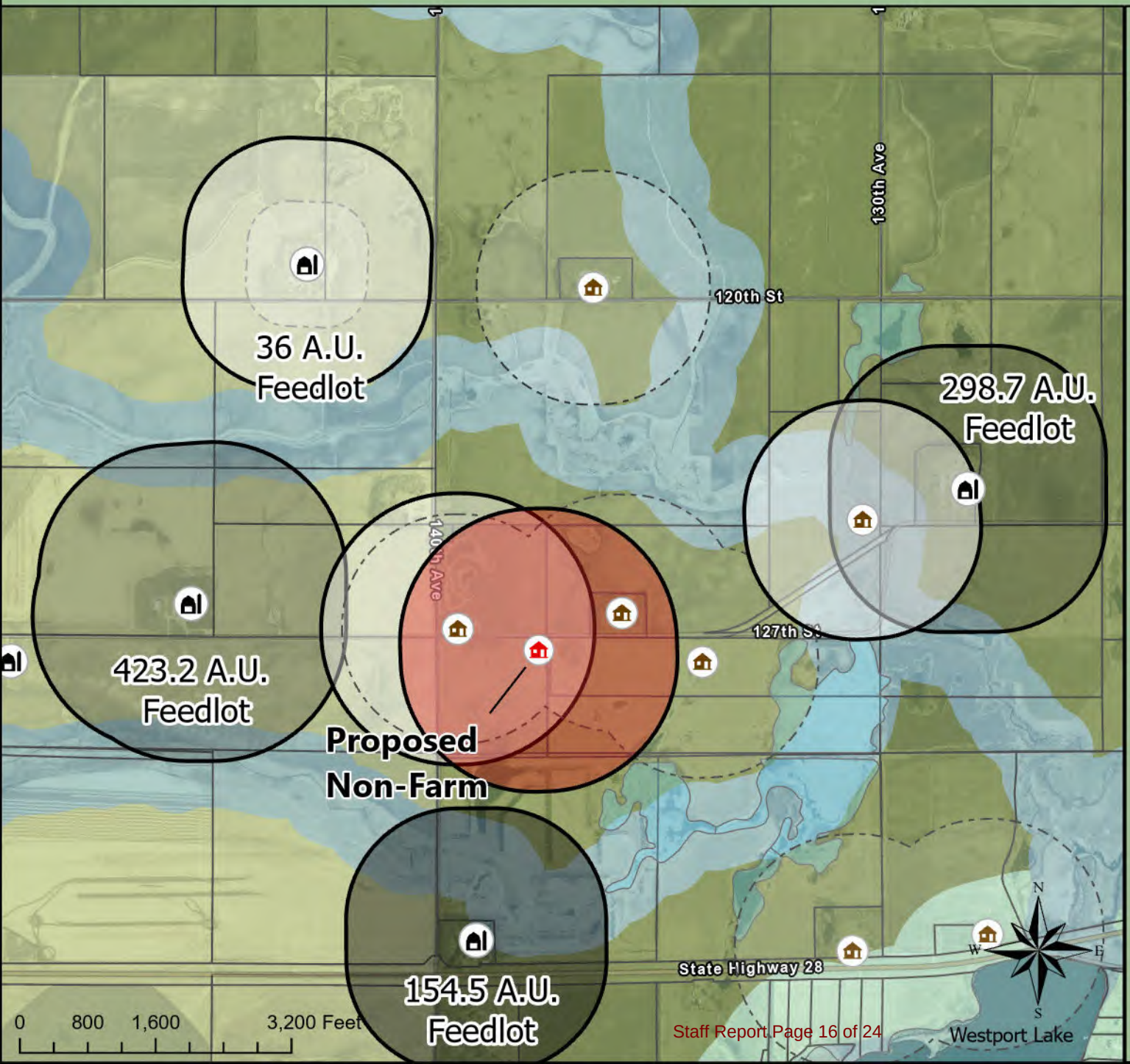
Supplemental Information Attachment 3:

Feedlot Analysis, Proposed Non-Farm Residential Structure, (A.Hughes (Feedlot Officer, Land Use Specialist), 3 June 2026)

FEEDLOT ANALYSIS

Proposed Non-Farm Residential Structure

POPE COUNTY
MINNESOTA



Albers

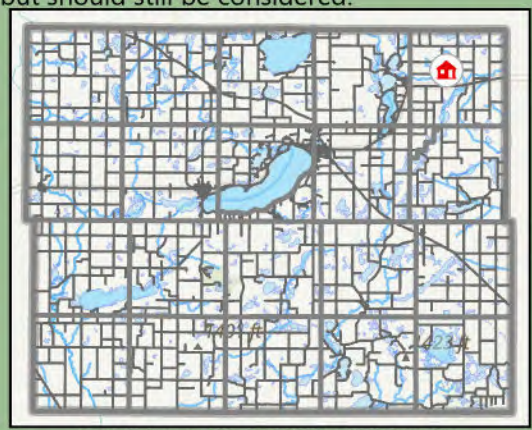
CUP-26-007, VAR-26-012

Legend

- Proposed Residence
- Existing Residences
- Proposed reciprocal setback (1566.4 ft)
- Existing setback based on district
- Feedlots
- Shoreland-Rivers/ Streams (S-RS)
- Feedlot setback based on A.U.
- Agriculture-Non-Intensive (A-1)
- Existing reciprocal setback
- Agricultural Protection (A-2)

Notes:

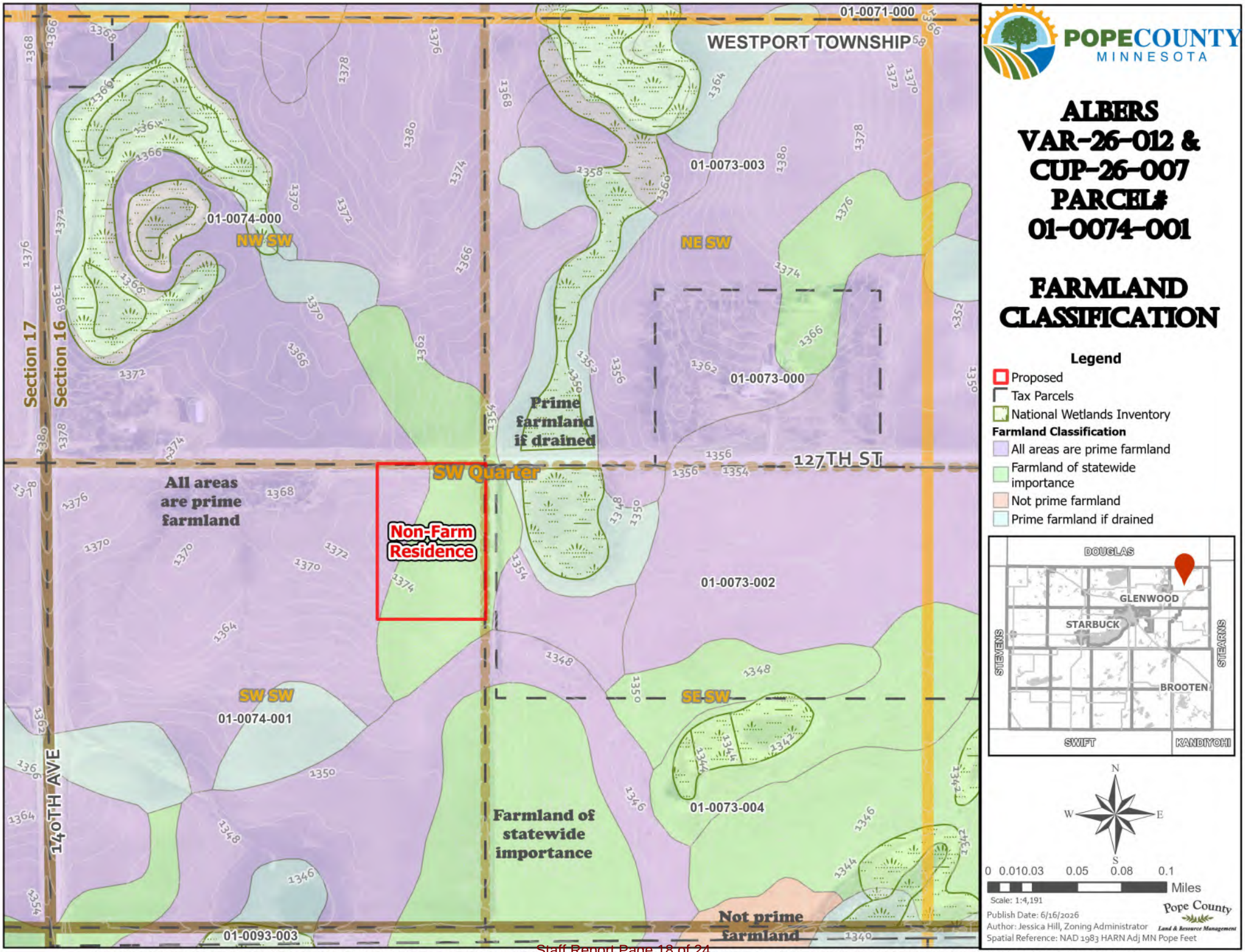
Existing residence reciprocal setbacks are shown only where they affect setback calculations for actively registered feedlots. The proposed reciprocal setback is based on the largest setback distance generated by nearby feedlots. The feedlot to the south is subject to a separate shoreland-related expansion limitation not shown on this map but should still be considered.



Spatial Reference: NAD 1983 HARN Adj MN Pope Feet
Author: Ariel Hughes
Date Exported: June 03, 2026

Supplemental Information Attachment 4:

Albers VAR-26-012 & CUP-26-007, Parcel#01-0074-001, Farmland Classification (J.Hill (Zoning Administrator), 16 June 2026)



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Supplemental Information Attachment 5:

Site Visit Photos
(L&RM Staff, 15 June 2026)