Board of Adjustment
July 23, 2026
VAR-26-016

POPECOUNTY MINNESOTA

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STAFF REPORT

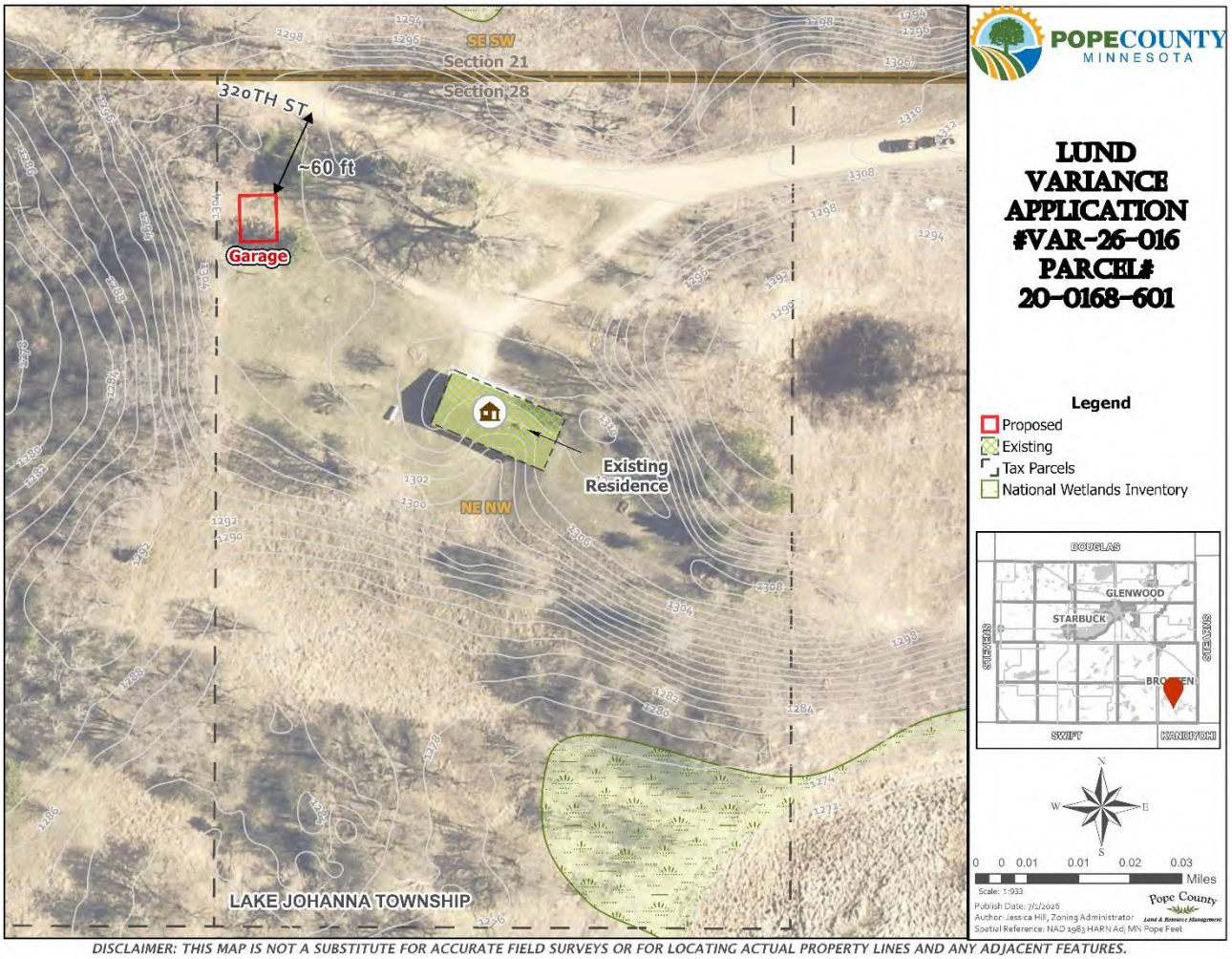
Applicant Information

Applicant: Travis & Kendra Lund

Application: Variance (VAR-26-016)

Zoning: Agriculture Protection (A-2)

Location: Part of the North Half (N ½) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼), Section 28, Township 123 (Lake Johanna), 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 applicants would like to locate a 24 ft by 30 ft detached garage at approximately 60 feet from the centerline of 320th Street, a township maintained road. The applicants state the proposed location was selected because of the location of the township road, existing driveway, topography, and wetlands affecting other portions of the parcel.

The parcel is located in the Agriculture Protection (A-2) zoning district, in Section 28 of Lake Johanna Township. An existing residential structure with an attached garage is located at approximately 140 feet from the centerline of 320th Street. The required setback to a local road within the A-2 zoning district is 100 feet from the centerline of the road. Therefore, as the applicants would like to place the proposed detached garage within the required setback, a variance is required.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 7 Agriculture Protection (A-2)
    - 7.6 Setbacks:

      D. From centerline of town roads, public streets, and all other legal roads or streets not classified as an arterial or collector: 100 Feet
  - Section 11.6 Variance from Standards

State Statute/Rule

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

Staff Comments

Staff offers the following comments for consideration:

320th Street is a township maintained road. The property is served by an access easement connecting to this township road. A large majority of the surrounding land in the vicinity of the proposed location is owned by the Nature Conservancy and is open space, including wetland areas, and public water basins and watercourses.

The southern portion of the parcel contains wetlands and steeper topography which reduce the area potentially available for accessory structures. Staff nevertheless observes that additional buildable area appears to remain outside the required road setback.

Staff observes that a compliant building location appears to exist generally south of the proposed building site, although such placement may require modifications to the driveway, grading, or site layout.

Neighborhood Analysis

There are four (4) residences along the 1.8 mile stretch of 320th Street, with structure setbacks from the road which range from 140 to 320 feet, with the average setback to the road centerline being 221 feet. The proposed garage would be approximately 60 feet from the road centerline making it the closest accessory structure to the road among the surrounding residential properties reviewed.

Table 1: Structures on 320th Street

Parcel	Structure Type	Distance to Road Centerline (ft)
20-0174-000	Residence	285
20-0168-601	Residence	140
20-0170-000	Residence	320
20-0111-000	Residence	140
	Average:	**221**

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 Comprehensive Plan supports preserving safe and efficient transportation corridors and protecting roadway function through appropriate development standards. These policies are implemented through the County's roadway setback requirements.

Staff Analysis

Reducing setbacks from the road centerline may affect road safety, future roadway maintenance, snow storage, and established development patterns; however, the Board must evaluate whether the requested variance remains in harmony with the purposes and intent of the ordinance based on the specific facts of the property.

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 satisfy any one of the three statutory criteria requires denial of the variance.

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 of a detached garage structure which would result in not meeting a minimum specified setback standard. The question to be considered is: whether locating the accessory structure as proposed is reasonable or can it be located within the ordinance standards.

Staff Analysis

The property currently supports a residential structure with an attached garage which is located in conformance with the zoning district performance standards. The location of the proposed detached garage may be considered reasonable because of its relationship to the existing driveway and well; although the Board may also consider whether another compliant location elsewhere on the parcel remains reasonably available.

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 encroach or intrude into a setback, 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 located in compliance.

Staff Analysis

The parcel contains wetlands, sloping topography, an existing residence, driveway, and well that influence placement of new structures. Staff observes that these physical characteristics, by themselves, do not appear to prevent the proposed garage from being located elsewhere on the parcel in compliance with the required setback.

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 locating a detached garage structure, 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 Analysis

Although the proposed garage would be substantially closer to the roadway than surrounding residences, it remains an accessory structure serving an existing residence and would not significantly alter the essential rural residential and agricultural character of the locality.

Staff Recommendation

Having reviewed and considered the application, local ordinances, state statutes, and all comments received, staff finds that the reasonableness and essential-character criteria could be supported by the record. However, the current record does not clearly establish that the applicant's plight is due to circumstances unique to the property and not created by the landowner. The Board may approve the variance only if the complete hearing record supports each required statutory finding, including that the applicants' plight is due to circumstances unique to the property and not created by the landowner. The Board may also consider whether the requested variance represents the minimum variance necessary to afford reasonable use of the property.

Additional facts may be presented during the public hearing for the Board's consideration. If the Board determines the statutory criteria for approval have been met, staff recommends consideration of the following conditions:

1. The proposed detached garage, including all overhangs, shall not be located closer than sixty (60) feet from the road centerline of 320th Street, as generally depicted on the approved site plan.
2. Prior to issuance of a Land Use Permit, the proposed garage location shall be staked in the field or otherwise verified to the satisfaction of the Administrator to demonstrate compliance with the approved variance and all remaining setback requirements.
3. That the applicant/property owner is responsible for compliance with all regulatory standards including from Township, County and State Agencies.
4. 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

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 Pope County Land Use Controls Ordinance regulates the location of structures in agricultural designated areas. The purpose of the required road setback is to promote safe and efficient transportation corridors, preserve roadway function, and provide adequate separation between development and public rights-of-way.

   The Board must evaluate whether the requested variance remains sufficiently consistent with the purposes and intent of the Pope County Land Use Controls Ordinance based on the specific physical characteristics and development context of the property.

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

   Findings: The property currently supports a reasonable residential use. Although the parcel contains wetlands and varying topography that limit portions of the site, the record indicates that sufficient area appears available to locate the proposed detached garage in compliance with the applicable setback requirements.

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

   Findings: The proposed detached garage would be located substantially closer to the road than surrounding structures. While this placement may differ from the prevailing setback pattern, the Board must determine whether the resulting development would materially alter the essential rural residential and agricultural character of the locality.

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

   Findings: The parcel contains physical characteristics including wetlands and varying topography; however, staff finds these characteristics do not appear to prevent the garage from being located in compliance with the required setback and therefore do not, based upon the record currently before the Board, constitute practical difficulties within the meaning of Minnesota Statue § 394.27, subdivision 7. Based on the complete hearing record, the Board [finds/does not find] that the applicant's plight is due to circumstances unique to the property and not created by the landowner.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Variance Application (Travis & Kendra Lund, 12 June 2026)*
  - **Attachment 2:** *Submitted Site Plan (Travis & Kendra Lund, 12 June 2026)*
  - **Attachment 3:** *Building Plans (Travis & Kendra Lund, 12 June 2026)*
  - **Attachment 4:** *Site Visit Photos (L&RM Staff, 13 July 2026)*

Routing Sheet

Comments, Concerns and Conditions

County Department

Attorney	No comment received.
Recorder	*COMMENTS: No Comments.*
WCA Officer	No comment received.

Township

Lake Johanna	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, July 23rd, 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 Travis & Kendra Lund (VAR-26-016, Parcel#20-0168-601), if granted would allow applicants relief from the road setback standard in an Agriculture Protection (A-2) zoning district per section 7.6.D of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Part of the North Half (N ½) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼), Section 28, Township 123 (Lake Johanna), 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: July 2, 2026
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Variance Application
(Travis & Kendra Lund, 12 June 2026)

POPE COUNTY
MINNESOTA

VARIANCE APPLICATION

L&RM FORM 18

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RECEIVED
JUN 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.

VAR-26-016

Applicant Information

Applicant Names	Travis & Kendra Lund
[redacted]	

Property Description

Property Address	13595 320th St										City	Brooten				State	MN		Zip	56316			
Township Name	Lake Johanna										Section	28		Twp	123	Range	36							
Parcel No.	2	0	-	0	1	6	8	-	6	0	1	Associated Parcel No.			-					-				

Project Narrative

What is the variance application for?	the 100' setback from a township road for a detached garage

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

I am requesting a variance to the 100-foot road setback requirement in the Pope County Land Use Controls Ordinance for the construction of a 24' x 30' detached garage.

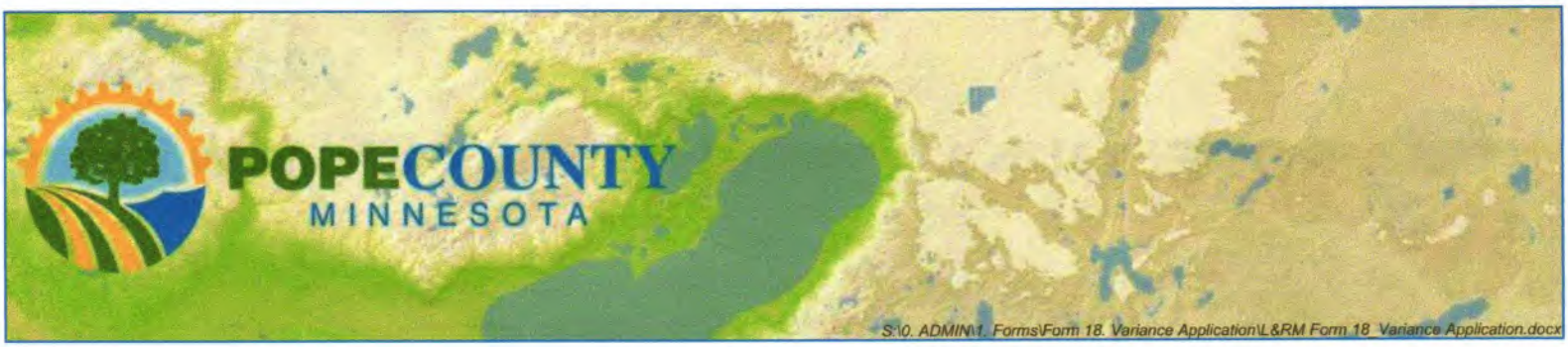
A township road runs directly along the northern boundary of my property. Due to the road's location on the very north edge of the parcel, combined with the shape, topography, and existing site conditions of the 5-acre lot, there is no other reasonable or practical location to site the garage while complying with the 100' setback. Locating the structure farther south would reduce the usable area of the property and future development of the site.

This variance represents the minimum variation necessary to allow reasonable use of the property. The proposed garage will be used solely for personal storage of personal property and equipment and will not generate additional traffic, noise, light, or activity beyond that typical of a single-family residential property.

The modest scale and placement of the garage near the northern edge, combined with existing vegetation for screening, will ensure compatibility with surrounding rural residential and agricultural land uses. No negative impacts to neighboring properties are anticipated, and all other zoning standards (lot coverage, building height, side and rear setbacks, etc.) will be fully met.

I discussed this request with the Pope County Land and Resource Management Department prior to submission.

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. Using the property in a reasonable manner - the intent of the variance is to allow for placement of a detached garage to store personal equipment, like lawnmowers, atvs, tools, etc., that would otherwise have to sit outside due to lack of storage, in a location that still allows for use of the property without interupting the usability of the parcel.

2. Uniqueness - the topography of the parcel as well as the location of the township road reduces the available area for constructing additional storage as well as providing reasonable access to the storage

3. Essential Character - if granted, in context of rural properties in the area, the planned building would be modest in scale, well maintained and consistent with the surronding 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/

Supplemental Information Attachment 2:

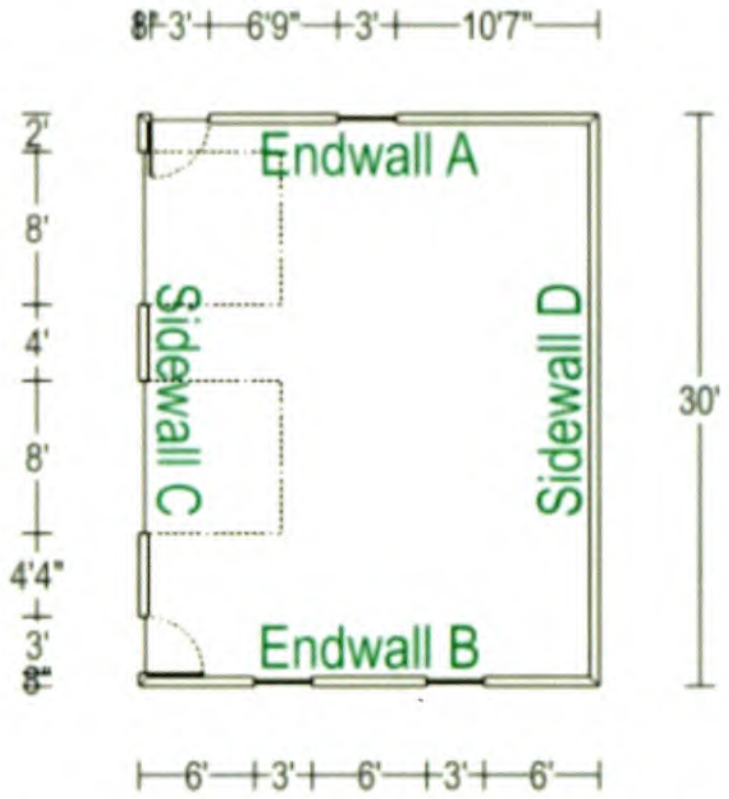
Submitted Site Plan
(Travis & Kendra Lund, 12 June 2026)

Township Road T-9
Proposed Garage 40'
Approx 161'
Driveway
House/ Garage
QUAM/ ARLENE
1,290ft
Approx 274'
1,280ft
Wetland
Property lines
N
Hyb
2D
Weather

Supplemental Information Attachment 3:

Building Plans
(Travis & Kendra Lund, 12 June 2026)

Garage Image



Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundat

Supplemental Information Attachment 4:

Site Visit Photos
(L&RM Staff, 13 July 2026)

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