POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, August 27th, 2026

The Board of Adjustment (BOA) convened in regular session on Thursday, August 27th, 2026 at the Pope County Courthouse, 3rd floor Meeting Room.

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

Other Officials Present: David Green (Director), Jessica Hill (Deputy Director), 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 Wildman and seconded by Member Barkeim. Motion carried unanimously.

Review minutes of July 23rd, 2026 Regular Meeting of the BOA

The minutes of the BOA meeting that was held on July 23rd, 2026 were submitted for approval. Motion to accept the minutes as presented was made by Member Barkeim and seconded by Member Messenger. Motion carried unanimously.

General Business

Deputy Director Hill addressed those in attendance, providing a brief overview of the BOA's role as a quasi-judicial body that hears applications for variances to the Pope County Land Use Controls Ordinance, and that Land & Resource Staff goes through an extensive research process in order to provide the staff reports. She then described the standards by which an applicant for a variance is to be judged, known as the Practical Difficulty Test. Deputy Director Hill went on to briefly describe the practical difficulty analysis, and that all three statutory criteria – reasonableness, uniqueness and essential character - must be met, and that failure to meet one of these requires denial by the BOA.

Old Business

No old business.

New Business

Variance Request # VAR-26-019, Rachel Goehring, PID #08-0247-000

The applicant is seeking a variance from the minimum setback standard of ten (10) feet applicable to a soil treatment or absorption area from both a property line and the Silver Beach Road right-of-way, as regulated in Section 10.20 of the Pope County Land Use Controls Ordinance.

Property is located at 25485 Silver Beach Road in Minnewaska Township. The proposed septic system drainfield would be located within the required ten-foot setbacks from the northern property line and the adjoining Silver Beach Road right-of-way, in the location depicted on the Certificate of Survey dated August 7, 2026 (Supplemental Information Attachment 3).

Therefore, because the proposed soil treatment area cannot satisfy the required ten-foot setback from either the northern property line or the adjoining road right-of-way, variance relief from both setback standards is required.

The requested variance would reduce the required ten-foot property-line setback to approximately one (1) foot and the required ten-foot road-right-of-way setback to one (1) foot, as depicted on the Certificate of Survey.

Chair Isdahl read the description of the application from the agenda, and then invited the Applicants, Rachel Goehring & Scott Beck, to sit at the presentation table. He asked Deputy Director Hill for information regarding the application. She described the parcel as approximately 12,934 square feet in area, with a residential structure and attached garage and shed located on the parcel. The submitted SSTS design specifies a Type III replacement system utilizing a 20-foot by 25-foot pressure-bed treatment area. The Certificate of Survey prepared by Bonnema Runke Stern Inc. and dated August 7, 2026 depicts the proposed rock-bed treatment area near the northern property line and adjoining Silver Beach Road right-of-way. The proposed location does not satisfy the required ten-foot setback from either feature and therefore requires variance relief from both setback standards.

Deputy Director Hill then read the Staff Analysis from the Staff Report, "*the applicant proposes to replace an existing septic system with a code-compliant replacement system. Properly functioning onsite sewage treatment systems further the Comprehensive Plan objective of protecting groundwater and surface-water resources.*

If approved, the requested variance would facilitate installation of the proposed replacement onsite sewage treatment system while maintaining compliance with applicable SSTS requirements other than the two setback standards specifically varied by the Board.

The variance would modify only the identified property-line and road-right-of-way setbacks. Approval would remain contingent upon installation of the system in accordance with the approved septic design and certified survey and compliance with all other applicable SSTS requirements and permits.

Staff therefore finds that the requested variance is in harmony with the general purposes and intent of the applicable official controls and is consistent with the Comprehensive Plan."

She then reviewed each of the three factors of the Practical Difficulty Test, stating that the applicant has satisfied each of the three factors, and that Staff recommends approval based upon the findings stated in this report, and that the variance is in harmony with the general purposes and intent of the official controls, is consistent with the Comprehensive Plan, and satisfies each element of the practical-difficulties standard in Minnesota Statutes § 394.27, subd. 7.

Deputy Director Hill said that if the Board decides to approve the variance, that the conditions in the Staff Report should be considered, and emphasized the following two conditions:

1. The variance authorizes a reduction of the required ten-foot property-line setback to a minimum of one (1) foot and the required ten-foot Silver Beach Road right-of-way setback to a minimum of one (1) foot for the soil treatment area depicted on the Certificate of Survey dated August 7, 2026 and the submitted SSTS design. The variance applies only to the soil treatment area and location approved by the Board. No portion of the SSTS may be located within the public road right-of-way unless separately authorized by the applicable road authority. Nothing in this variance grants the applicant any property interest in, or right to occupy, the public road right-of-way.

2. Approval is limited to the septic system configuration depicted on the submitted SSTS design and Certificate of Survey. No SSTS component may be relocated in a manner that results in a setback of less than one (1) foot from either the northern property line or road right-of-way without additional review and approval as required by the Pope County Land Use Controls Ordinance.

Chair Isdahl asked the Board if they had any questions. Member Barkeim asked what type of system this was, and Ms. Goehring replied that it was a flat system. Deputy Director Hill showed pictures from the site visit on the screens for the Board & audience to see. Member Barkeim asked if there is a culvert under the driveway? Ms. Goehring said that there is no culvert, that water comes follows the side of the garage.

Chair Isdahl asks a question regarding location of public utilities relative to the proposed septic system location. Director Green reply's that utilities are typically located within the right of way. Member Barkeim seeks information regarding stormwater flow.

Chair Isdahl opened the hearing for public comment. Hearing no comments for or against, the public hearing portion was closed at 6:14 p.m.

The Board site team comprised of Board Member Messenger. Member Messenger said that the constraints were "real". On the back side of the property, it would be too close to the well. After reviewing Elwood's design, this is the only logical place to put the system.

Motion:

Chair Isdahl seeks a motion. Member Barkeim made a motion to approve this variance allowing for the setback distance between a road right of way and a septic drainfield to be one (1) foot with the following conditions:

1. The variance authorizes a reduction of the required ten-foot property-line setback to a minimum of one (1) foot and the required ten-foot Silver Beach Road right-of-way setback to a minimum of one (1) foot for the soil treatment area depicted on the Certificate of Survey dated August 7, 2026 and the submitted SSTS design. The variance applies only to the soil treatment area and location approved by the Board. No portion of the SSTS may be located within the public road right-of-way unless separately authorized by the applicable road authority. Nothing in this variance grants the applicant any property interest in, or right to occupy, the public road right-of-way.
2. Approval is limited to the septic system configuration depicted on the submitted SSTS design and Certificate of Survey. No SSTS component may be relocated in a manner that results in a setback of less than one (1) foot from either the northern property line or road right-of-way without additional review and approval as required by the Pope County Land Use Controls Ordinance.
3. The applicant/property owner remains responsible for compliance with all Township, County, and State requirements not expressly modified by this variance and for obtaining all required SSTS and other applicable permits and approvals.
4. County staff may conduct inspections as authorized by applicable law and County permitting procedures to verify compliance with the approved variance, SSTS design, Certificate of Survey, and applicable permits.
5. Approval of this variance does not restrict the applicable road authority from conducting lawful road maintenance, drainage improvements, reconstruction, or other authorized work within the Silver Beach Road right-of-way. The County is not, through approval of this variance, granting any right to occupy the public right-of-way or requiring the road authority to modify otherwise lawful road activities to accommodate the SSTS.

This motion was seconded by Member Messenger. With no further discussion, the motion carried unanimously with the findings as follows:

1. **Variance request consistent with purposes and intent of the official controls and the comprehensive plan:**

   Finding: The Pope County Land Use Controls Ordinance regulates the location of septic-system components in shoreland-zoned areas, including minimum setbacks from property lines and road rights-of-way. These requirements protect public health and safety, groundwater and surface-water resources, neighboring property interests, public infrastructure, and the safe operation and maintenance of onsite sewage-treatment systems.

The requested variance is limited to reduction of the ten-foot setback from the northern property line to one (1) foot, and reduction of the ten-foot setback from the adjoining Silver Beach Road right-of-way to one (1) foot, for the proposed soil treatment area shown on the certified survey.

Installation of a properly designed and permitted replacement SSTS advances the Comprehensive Plan objective of protecting groundwater and surface-water resources. Subject to the recommended conditions and compliance with all other applicable SSTS standards, the requested setback relief is consistent with the purposes and intent of the official controls and the Comprehensive Plan.

The Board therefore finds that the variance is in harmony with the general purposes and intent of the official controls and is consistent with the Comprehensive Plan.

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 the Shoreland-General Development zoning district. The proposed replacement system has been designed by a certified SSTS professional and includes a Type III pressure-bed treatment system.

The parcel's physical constraints substantially limit locations in which the required treatment area can be installed. Locating the treatment area within the otherwise-required property-line and road-right-of-way setbacks, as shown on the submitted survey and design, is a reasonable means of providing a replacement SSTS for the existing residence.

The Board therefore finds that the property owner proposes to use the property in a reasonable manner not permitted by the applicable official control.

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

Finding: Granting the requested setback relief, subject to the recommended conditions, is not expected to alter the residential character of the locality or create a material detriment to neighboring properties.

The treatment system is associated with an existing residence and will be primarily subsurface. The property-line setback reduction is not expected to materially affect the adjoining property when the treatment area is installed in accordance with the approved design. The road-right-of-way setback reduction creates a potential long-term concern regarding road reconstruction, drainage, or maintenance, but this concern is addressed by conditions clarifying that the variance grants no right to occupy the public right-of-way and does not limit lawful road-authority activities.

The Board therefore finds that granting the variance will not alter the essential character of the locality.

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

created:

Finding: The parcel is approximately 12,934 square feet and contains an existing residence, attached garage, accessory structure, well, and other established improvements. Its location between Lake Minnewaska and Silver Beach Road, together with applicable well and SSTS separation requirements, soils, existing development, and the size and configuration of the available treatment area, substantially limits feasible locations for a replacement soil treatment system.

The submitted design requires a 20-foot by 25-foot pressure bed, and the certified septic designer selected the proposed location after considering the physical constraints of the property.

The Board finds that the parcel's size, configuration, location between Lake Minnewaska and Silver Beach Road, soils, existing development, and applicable separation requirements constitute circumstances unique to the property that materially restrict feasible locations for the replacement treatment area.

Based upon the record, the circumstances creating the need for the requested setback relief were not created by the current landowner. The need for relief from the property-line and road-right-of-way setbacks therefore results from circumstances unique to the property and not from the personal preferences of the applicant.

The Board therefore finds that the plight of the landowner is due to circumstances unique to the property and not created by the landowner.

Adjournment

Motion by Member Messenger to adjourn the Board of Adjustment meeting with a second by Member Wildman. Motion carried unanimously. The meeting adjourned at 6:16 p.m.

Respectfully submitted,

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

David Green/Director
Pope County Land and Resource Management