Board of Adjustment
September 24, 2026
VAR-26-022

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STAFF REPORT

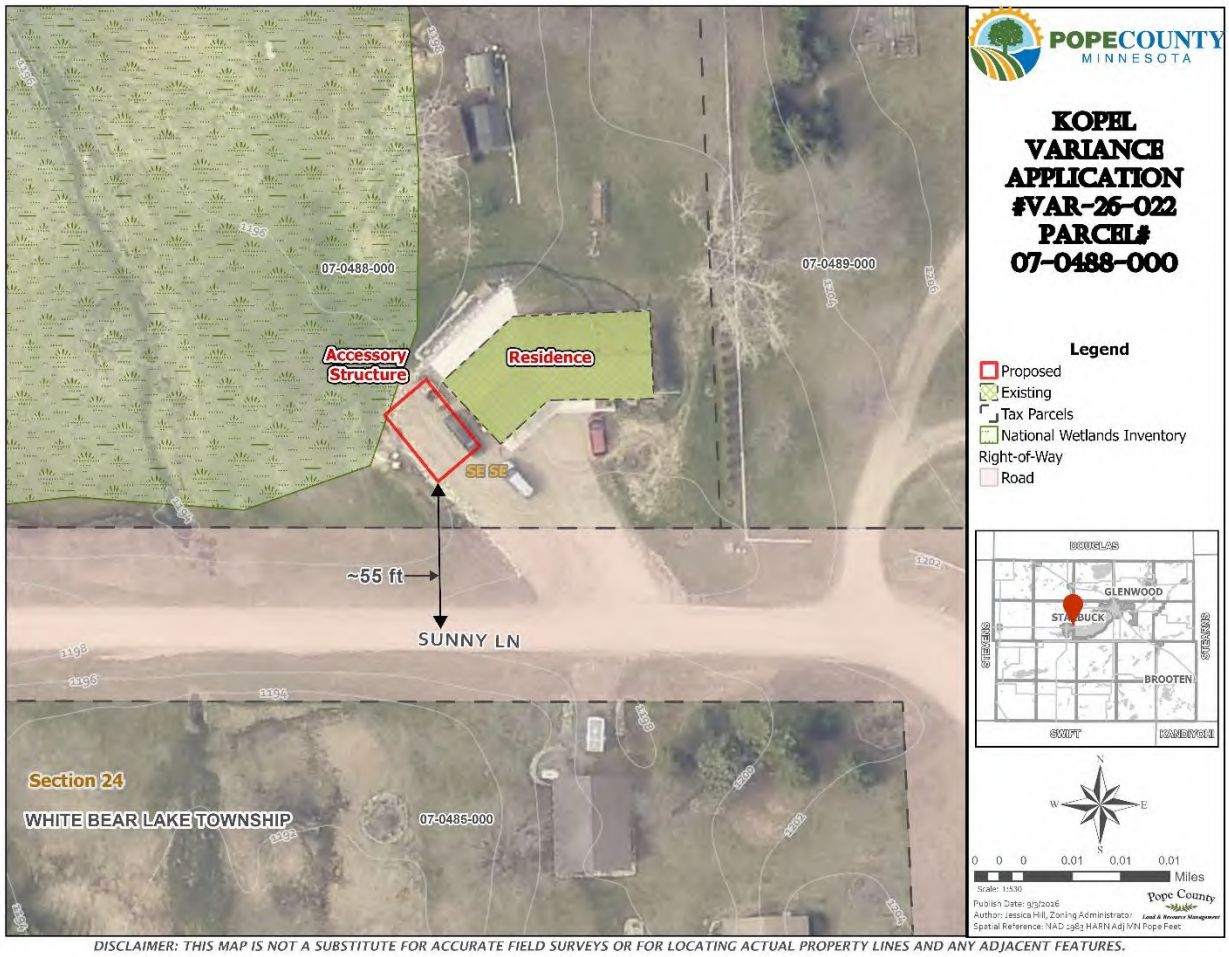
Applicant Information

Applicant: Ross Kopel

Application: Variance (VAR-26-022)

Zoning: Residential (R)

Location: Lot 1, Block 2, Plat of Sunny Hills, Section 24, 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 requests a variance to place a shed or garage approximately 55 feet from the centerline of Sunny Lane, where Section 5.6.D requires a 100-foot road centerline setback in the Residential zoning district.

The parcel is a platted residential lot improved with a dwelling and accessory features. Sunny Lane borders the south side of the property. The supplied site plan depicts the dwelling at an angle to the roadway, with measured centerline setbacks of approximately 70.55 feet at the nearer corner and 102.61 feet at the farther corner. A mapped wetland occupies much of the western and central portion of the parcel. The applicant proposes to use the developed area near the dwelling for a shed or garage and represents that moving the project farther north would conflict with wetland and mound-system constraints.

The application identifies the proposed use as a shed or garage for vehicle and storage purposes and requests relief to approximately 55 feet from the Sunny Lane centerline. Based on additional information provided by the applicant, the proposed shed or garage is 32 feet by 20 feet (640 square feet) with 10-foot sidewalls. The applicant further identified the existing poured concrete surface at the proposed location as approximately 32 feet by 21 feet. The proposed structure would utilize the existing concrete surface.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 5 Residential District (R)
    - Section 5.2 Permitted Uses

      J. Accessory Structures…
    - Section 5.6 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 5.7 Residential District Regulations

      5.7.1 Accessory Structures

State Statute/Rule

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

Comprehensive Plan Consistency

Based on Minnesota Statute § 394.27, subd. 7: A variance may be granted only when it is in harmony with the general purposes and intent of the official control and consistent with the comprehensive plan. The Board should consider whether allowing the proposed reduction from the 100-foot road-centerline setback is consistent with the applicable goals and policies of the Pope County Comprehensive Plan.

Staff Analysis

The proposal would retain the established residential use of a platted lot. The variance concerns the location of an accessory structure associated with the existing residential use rather than establishment of a new land use. In determining whether the requested 55-foot centerline setback, considering the existing development pattern and physical constraints of the parcel, remains consistent with the purposes of the Residential District and applicable Comprehensive Plan policies, the Board should consider that the proposal retains the existing residential use and places the accessory structure on an already developed portion of the parcel.

Road setbacks provide separation from traffic, preserve space for drainage and maintenance, and reduce conflicts with the public right-of-way. The proposed 55-foot centerline setback retains separation from the traveled roadway, but the record does not state the right-of-way width or the resulting setback from the right-of-way line. Any approval should require that the structure, eaves, and associated permanent improvements remain outside the dedicated right-of-way and do not obstruct sight distance, drainage, snow storage, or road maintenance. Because the proposed structure would be located substantially closer to Sunny Lane than the normally required setback, roof runoff should be directed away from the roadway and neighboring property to avoid drainage or erosion impacts that could result from the reduced road setback.

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 practical-difficulties criteria must be satisfied, in addition to the requirement that the variance be in harmony with the purposes and intent of the official controls and consistent with the Comprehensive Plan.

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. Here, the applicant proposes an accessory structure that would not meet the required 100-foot road-centerline setback. The relevant question is whether the applicant's proposed use of the property,

including placement of the accessory structure at the requested setback, is reasonable notwithstanding its noncompliance with the 100-foot road-centerline setback.

Staff Analysis

A residential accessory building for vehicle and household storage is a customary and reasonable use of an improved residential parcel. The request concerns the location of the building, not authorization of a prohibited use. The proposed shed or garage measures 32 feet by 20 feet (640 square feet) with 10-foot sidewalls and is proposed on an existing poured concrete surface identified by the applicant as approximately 32 feet by 21 feet. A setback of approximately 55 feet is a 45-foot reduction from the 100-foot standard, but the proposed placement is within an already developed portion of the lot adjacent to the existing dwelling, the nearer portion of which is shown approximately 70.55 feet from the road centerline.

The Board should determine whether use of the property for the proposed 640-square-foot accessory structure at the requested setback is reasonable considering the structure's dimensions, height, location, existing development, and physical constraints of the parcel.

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, sloping topography, or other natural features like wetlands or trees that materially constrain the structure from being located in compliance.

Staff Analysis

The mapped wetland occupies a substantial portion of the parcel behind and west of the dwelling, restricting the area available for an accessory building. The existing dwelling is angled across the southeasterly developed portion of the lot, and the applicant identifies the mound system as an additional constraint. The applicant further states that the proposed structure would utilize an existing developed surface rather than extend development farther into the constrained portion of the parcel. These are physical site conditions rather than merely personal preferences.

The parcel configuration, mapped wetland, location of existing development, and septic-system constraints are circumstances associated with the property itself. The record does not indicate that the applicant created the wetland or original lot configuration. The site plan, site inspection, and application materials indicate that these physical conditions materially constrain the availability of a conforming location for the proposed 32-foot by 20-foot accessory structure.

3. **Essential Character**

The third factor is that the variance, if granted, will not alter the essential character of the locality. This factor considers whether the proposed structure and its location would be out of scale, out of place, or otherwise inconsistent with the surrounding area.

Staff Analysis

The locality consists of platted residential lots along Sunny Lane, including dwellings and accessory structures near the roadway. Locating a residential-scale shed or garage near the existing dwelling would not introduce a new use. The proposed structure measures 32 feet by 20 feet (640 square feet) with 10-foot sidewalls and would be located on an existing developed surface adjacent to the dwelling. The Board should consider the proposed structure's size, height, setback from Sunny Lane, and relationship to surrounding residential development in determining whether the variance would alter the essential character of the locality.

Staff Recommendation

Staff recommends that the Board evaluate the requested variance under Minn. Stat. §394.27, subd. 7 based upon the application, site plan, site inspection, agency comments, public testimony, and information presented at the hearing. The proposed accessory structure is 32 feet by 20 feet (640 square feet) with 10-foot sidewalls and is proposed on an existing poured concrete surface identified as approximately 32 feet by 21 feet, with the structure proposed approximately 55 feet from the centerline of Sunny Lane.

If the Board determines that the statutory variance criteria are satisfied, staff recommends approval subject to the following conditions.

1. The variance authorizes one 32-foot by 20-foot (640-square-foot) accessory structure with 10-foot sidewalls at the location approved by the Board, with no portion of the structure, including eaves or overhangs, closer than 55 feet from the centerline of Sunny Lane.
2. Prior to issuance of a land use permit, the applicant shall submit a final site plan showing the approved 32-foot by 20-foot structure and demonstrating that its location is consistent with the variance approved by the Board and all other applicable setbacks.

3. The structure shall be constructed substantially in accordance with the approved 32-foot by 20-foot footprint and location. No portion of the structure, including eaves or overhangs, shall be located closer than 55 feet from the Sunny Lane centerline. All other dimensional standards shall comply with the Pope County Land Use Controls Ordinance.
4. The structure and associated development shall remain outside the dedicated road right-of-way and shall not interfere with roadway sight distance, drainage, utilities, snow storage, or road maintenance.
5. All applicable structure-to-septic setbacks shall be met.
6. If additional fill is proposed north or west of the existing rock edge of the parking area, the affected area shall first be assessed for wetland characteristics and all applicable wetland requirements shall be satisfied.
7. Stormwater and roof runoff from the proposed accessory structure shall be directed and managed so that it does not discharge onto Sunny Lane or neighboring property or create erosion impacts associated with the reduced road setback.
8. All applicable federal, state, and local permits shall be obtained prior to construction, including a Pope County land use permit.

Staff Findings

Based upon the information available at the time of writing of this report, Staff proposes the following findings of fact for consideration by the Board of Adjustment. These findings may be amended based upon additional information gathered during the public hearing and discussion process.

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

   Finding: The proposed 32-foot by 20-foot (640-square-foot) accessory structure with 10-foot sidewalls is associated with an existing residential use on a platted Residential (R) lot. The variance concerns the structure's location relative to the road-centerline setback and does not authorize a new or otherwise prohibited land use. Based upon the physical characteristics of the parcel, existing development, proposed use, and conditions of approval, the requested setback is consistent with the purposes and intent of the applicable official controls and Comprehensive Plan.

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

   Finding: A residential accessory building for vehicle and household storage is a customary and reasonable use in the Residential District. The variance concerns the proposed location of the structure rather than authorization of a prohibited use. The proposed structure measures 32 feet by 20 feet (640 square feet) with 10-foot sidewalls and would utilize an existing poured concrete surface identified by the applicant as approximately 32 feet by 21 feet. The proposed location utilizes an already developed area adjacent to the existing dwelling, and the existing dwelling is shown as approximately 70.55 feet from the road centerline at its nearer point. Based upon these circumstances, use of the property for the proposed accessory structure is reasonable.

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

   Finding: The surrounding locality consists of platted residential lots developed with dwellings and accessory structures. The proposed 32-foot by 20-foot (640-square-foot) accessory structure with 10-foot sidewalls would remain accessory to the existing residential use and would be located adjacent to the existing dwelling on the existing developed concrete surface. Based upon the proposed structure's footprint, sidewall height, location, surrounding development, and conditions imposed by the Board, 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 contains physical constraints including a substantial mapped wetland, the configuration of the platted lot, the location of existing development, and the existing septic system. The WCA Officer confirms that development of the property is constrained by a significant wetland area and indicates that the proposed location is understood to utilize existing fill adjacent to the dwelling. The applicant similarly states that wetlands occupy the backyard and that the proposed structure would utilize the existing developed surface. These conditions relate to the property itself rather than solely to the applicant's personal preferences. The record does not indicate that the applicant created the wetland or original lot configuration. These physical conditions materially constrain available locations for the proposed 32-foot by 20-foot accessory structure.

   Based primarily upon the mapped wetland and original platted lot configuration, together with the existing development pattern and septic-system constraints, the practical difficulties are due to circumstances unique to the property. The record does not indicate that the circumstances principally giving rise to the practical difficulties were created by the landowner.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Variance Application (Ross Kopel, 20 August 2026)*
  - **Attachment 2:** *Submitted Site Plan (Ross Kopel, 20 August 2026)*
  - **Attachment 3:** *Site Visit Photos (L&RM Staff, 14 September 2026)*

Routing Sheet

Comments, Concerns and Conditions

County Department	
Attorney	*No comment received.*
LUS	*No comment received.*
Recorder	*COMMENTS: From the Recorder's Office perspective, I don't see any issues with the proposals.*
WCA Officer	*COMMENTS: Development on this property is constrained by a significant area of wetland. My understanding is that the applicant proposes to place a structure on existing fill soil adjacent to the house, and no additional fill will be required. If that is the case, I have no concerns from a WCA standpoint. If additional fill is required, the area should be assessed for wetland status.* *PROPOSED CONDITIONS: If additional fill is proposed to be added to the north or west of the current rock edge of the parking area, the area should be assessed for wetland characteristics.*
Municipality	
Starbuck	*No comment received.*
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, September 24th, 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 Ross Kopel (VAR-26-022, Parcel#07-0488-000), if granted would allow applicants relief from the road centerline setback standard in a Residential (R) zoning district per section 5.6.D of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Lot 1, Block 2, Plat of Sunny Hills, Section 24, 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: September 4, 2026,
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Variance Application (Ross Kopel, 20 August 2026)

POPECOUNTY
MINNESOTA

VARIANCE APPLICATION

L&RM FORM 18

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VARIANCE APPLICATION

VAR-26-022

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
AUG 20 2026
BY

Applicant Information

Applicant Names	Ross Kopel
[redacted]	

Property Description

Property Address	19802 Sunny Lane			City	Starbuck	State MN	Zip 56381
Township Name	White Bear Lake			Section 24		Twp 125	Range 39
Parcel No.	07-0488-000			Associated Parcel No.			

Project Narrative

What is the variance application for? Shed / garage closer to the road

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

Set Back of 65 Feet Not 100 From center of Road
Existing House is About 75 Feet From center line Now / House Built Crooked At A 45°
No Room in Back All wetland AND Mound System

*From communication with applicant: Shed is 32'X20' with 10' sidewalls. Poured cement onsite is 32'X21'.

9/16/2026

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:	

I want a shed for Vehicles And Storage

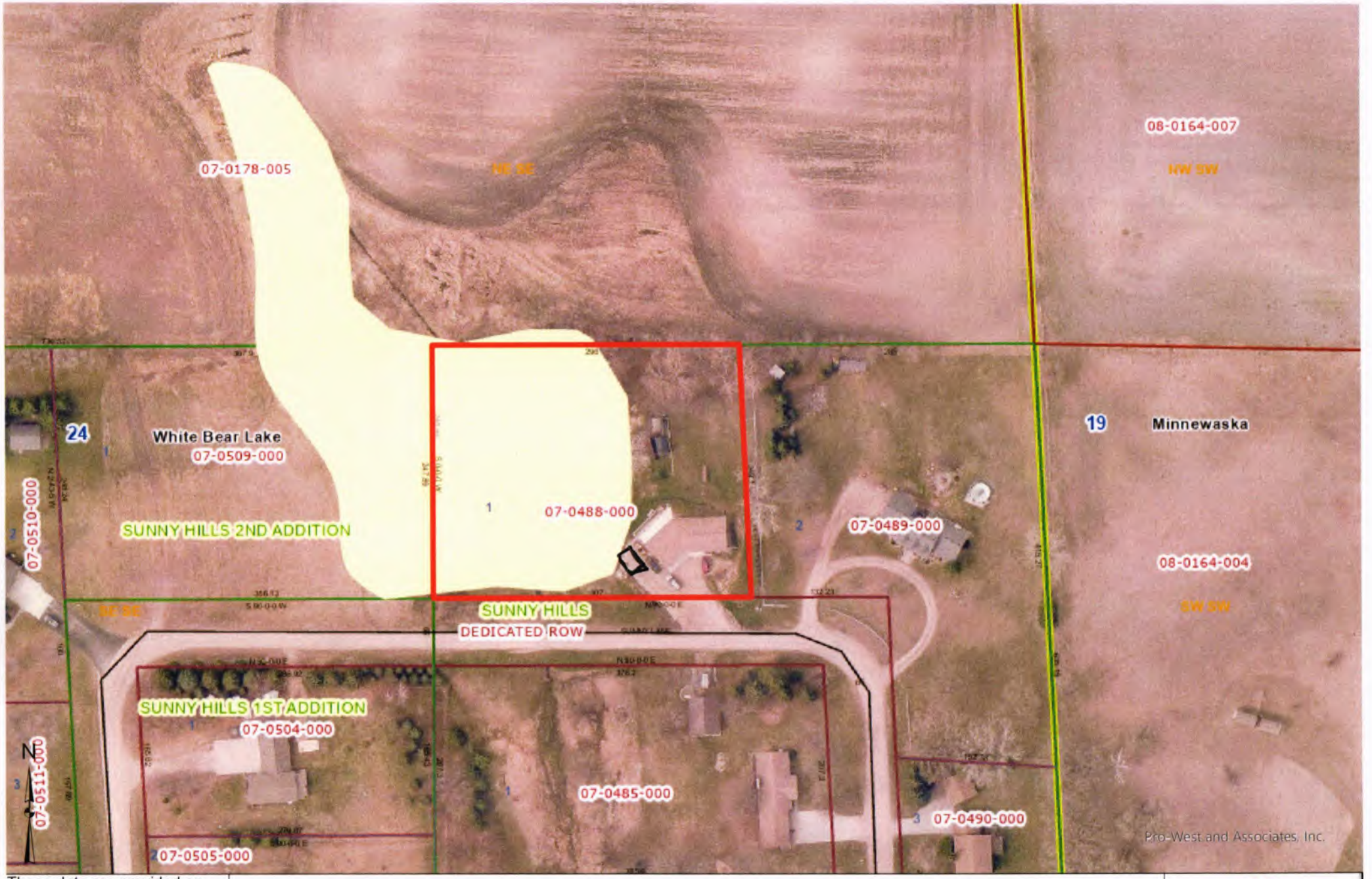
House was Built Not meeting set Back

wet land's All in Back yard
only location Dry in Back yard is Sewer

Utilize existing Surface for Project

Supplemental Information Attachment 2:

Submitted Site Plan (Ross Kopel, 20 August 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

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Date: 8/20/2026

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BY:

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Date: 8/20/2026

POPE COUNTY
MINNESOTA

Supplemental Information Attachment 3:

Site Visit Photos (L&RM Staff, 14 September 2026)