

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, February 26, 2024
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Doug Underthun
 Don Hazeman
 Ed Fussy
 Bruce Poppel
 Craig Gaasvig

Members absent: Todd Stanley
 Bill Best

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
 Shane Foley, Beltrami County Environmental Services Department
 Shannon Schmidt, Beltrami County Environmental Services Department
 Jesse Roberts, 11510 Point Comfort Ct NE, Bemidji, MN 56601
 Diane Douglas, 11510 Point Comfort Ct NE, Bemidji, MN 56601
 Damon Stroble, 12014 Irvine Ave NW, Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for February 08, 2024, were brought forward for approval. **Bruce Poppel moved to approve the meeting minutes of February 08, 2024. Motion seconded by Don Hazeman.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of: **Diane Douglas & Jesse Roberts**
 11510 Point Comfort Ct NE
 Bemidji, MN 56601

Township: Turtle River
Body of Water: Turtle River Lake (4-111) RD

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Ordinance # 6 to tear down an existing 8' tall 1.5-stall garage and replace it with a 16.5' tall 3-stall garage. Applicants are also requesting to add a 10' X 12' deck to the NE corner of the existing residence. The proposed deck will extend 6' beyond current exterior wall. Dirt will be removed from basement doorway and moved to new garage site. Property is located on Turtle River Lake which is classified as a Recreational Development Lake and requires a 100' structure setback from the Ordinary High-Water Level. The proposed structure setback for the new garage is 41'.

Legal Description:

Tax Parcel 48.00004.00

All that part of Government Lot 3, Section 1, Township 147, Range 32, lying easterly of the following described line: Commencing at the northeast corner of said Section 1; thence on an assumed bearing of South 88°30'54" West, along the north line of said Section 1, to the north quarter corner of said Section 1; thence South 04°51'52" West a distance of 1294.06 feet; thence South 41°44'56" East a distance of 48.41 feet; thence South 53°40'11" East a distance of 72.81 feet; thence South 49°03'07" East a distance of 82.55 feet to the point of beginning of the line to be described; thence South 23°07'06" West a distance of 110 feet, more or less, to the shoreline of Turtle River Lake; thence return North 23°07'06" East to the point of beginning; thence continue said line North 64°38'45" East a distance of 132 feet, more or less, to the intersection with the shoreline of Turtle River Lake and said line there terminating.

Shane Foley gave the staff report, discussing lot information and details of the two-part application. Maps showing the location of the parcel on GIS mapping and the peninsula on Turtle River Lake were viewed. Applicants' drawing of current and proposed structures was reviewed. Parcel is 0.77 acres in size and 170 feet in width with water on three sides. Turtle River Lake has a 100' structure setback. Photos of the existing structure from all sides, the point, and the lake were viewed. The home and garage were built prior to any shoreland rules in 1947. The previous owners of the property received a variance in 1996 to install a mound septic system within the 100' setback. The existing residence is 1,465 square feet in size, 60' from the lake, and does not currently have a deck on the front of the structure. The existing 21' X 24' garage is 504 square feet in size, 12 feet tall, and set back 67' from the lake. The proposed replacement garage would be 36' X 30', 1,080 square feet, 16.5' in height, and 54' from the lake. Staff recommends that a 50% expansion of the garage be allowed (max 784 square feet, 28' X 28', or similar size), with a 5/12 max roof pitch, and maintain at least a 60' setback from the lake. AND- Referring to a formula in the Shoreland Management Ordinance that allows for a 15% of current lake setback expansion from existing exterior walls to add a deck without a variance, Shane made the following deck recommendation. Staff recommends approval of a 10' X 10' deck expansion with a hot tub allowance that maintains a 65' setback from the lake, or a hot tub allowance on a ground level patio that also maintains a 65' setback from the lake. Ground level patio must be reasonable and keep impervious surface percentage below 25% but does not need to meet any lake setbacks. The hot tub *would* need to meet the 65' structure setback from the lake.

Jesse Roberts and Diane Douglas, applicants, approached the Board. Applicants proposed a 3-car garage because they would like to be approved for the square footage they need on their

initial application. They do not want to come back to try to enlarge the garage at a later date. They would like a stall for each vehicle and a stall for lawn mowers and storage. Also, applicants explained that since turning in their variance application, they have increased the proposed size of the deck to 16' X 10'. Applicants and Commissioner Gaasvig felt that measurements should be taken from the outside corner of the proposed deck location, not the inside corner of L-shaped walls. Diane Douglas understood that measurements for the deck would be the outside wall *plus* 7' when she originally spoke to Shane Foley. Brent Rud explained that this is not the definition nor the intent of this rule. Measurements will start from the inside corner of the exterior walls in proposed deck location. Shane explained that a 10' X 10' deck would still allow enough room for 3' wide stairs to be built to allow access to the deck from outside. Applicants explained that this is a 3-bedroom house with 22" roof overhangs and that they intend to install a 3–4-person hot tub on the proposed deck. An access door from the house would be built where the porch window currently exists. Interior stairs to the lower level are not the best and applicants would like to avoid a ground-level patio, if possible. The Board asked what was more important to the applicants, space on the deck to entertain guests? Or a hot tub on the deck? Applicants would like a large enough deck to entertain, but also want a hot tub.

The Board opened the floor for public comment. Emailed comments received from the public were read aloud by Shane Foley.

- Email – **Beltrami County Highway Department**, has no concerns with this request.
- Email - **Stephanie Klamm, Area Hydrologist for the DNR**, wrote a letter addressing the following concerns:
 - Unique Circumstances – as related to physical characteristics of the land such as lot shape and dimensions, applicants have not demonstrated a unique circumstance. Variance request is being driven by design preferences of the owners, not the uniqueness of the lot.
 - Essential Character – increasing the height and square footage of the garage will increase the storm water runoff into Turtle River Lake. The addition of a deck will put the property closer to the OHWL of the lake, as well. The land disturbance will alter how water moves on this property. Applicants have not demonstrated that the new garage and deck will not alter the essential character of the property.
 - Reasonable Manner – this application does not speak to the reasonable manner nor give a rationale for the need for the new garage and deck. Though applicants want it to be similar to other structures on the lake, this also keeps a non-conforming lot non-conforming.
 - Impervious Surface – the proposed new garage will increase the amount of the lot covered by impervious surface. Also, adding concrete around the garage and between the garage and house will increase impervious surface. Additional impervious surface would result in higher rates of storm water runoff and storm water volumes negatively affecting the surrounding wetlands and Turtle River Lake.
 - “This lot is small, and both the existing garage and house do not meet the setbacks from the OHWL of the lake, but if there is something that can offset the proposed impacts with impervious surface coverage, setbacks from side lots and the

OHWL, those options should be reviewed and discussed with the applicant. We recommend that Ms. Douglas and Mr. Roberts investigate other options that could be implemented which would comply with your ordinance.”

- Please notify this office within ten (10) days following the Board’s decisions on these matters. Thank you for the opportunity to comment on this variance request.

Applicants were asked if there was anything they would like to respond to, or any additional information they would like to offer. Applicants approached the Board again and clarified that the existing concrete between the garage and house is a tripping hazard and needs to be replaced. This is not “new” concrete that would be increasing impervious surface. Further discussion took place between the Board members on what would be an acceptable size for the new garage and deck. It was decided to put together a recommendation that all Board members could support before proceeding with the Findings of Fact.

The Board discussed the garage first. Would it be possible to attach the garage to the house, thus pushing the garage further back from the lake? Not possible, as guests would need to walk through the entire garage to get to the front door of the house on the back side of the garage. There would also be an issue getting the eaves to line up. The canvas storage building, as well as the pine tree that is pushing up the existing garage floor, would need to be removed before any expansion. The Board decided to approve a little greater than 50% footprint expansion of the existing garage (30’ X 30’ or similar size, not to exceed 900 square feet in area), with a 5/12 maximum roof pitch, and maintaining at least a 60’ setback from the lake.

Next, the Board discussed the deck. The Board proposed the idea of using the deck for entertaining and putting the hot tub on a cement patio at ground level. The Board decided to approve a 10’ X 12’ deck expansion with a hot tub allowance that maintains a 65’ setback from the lake. The approved deck would be large enough for entertaining and still allow space for exterior stairs. If the hot tub is larger than what would comfortably fit on the deck, the hot tub could be placed on a lower-level patio. No matter where the hot tub is placed, the 65’ hot tub setback from the lake must be maintained. The clump of Birch right next to the house may have to be removed in order to complete the deck and stairway.

Finding no further public comment, the Chairman closed the floor for public comment on the Jesse Roberts and Diane Douglas variance request.

Findings of Fact

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?
Yes(x) No ()
Why? The Ordinance and statutes allow for a variance in difficult areas and the structures were built pre-ordinance.

2. Without the variance is the owner deprived of a reasonable use of the property?

Yes (x) No ()

Why? The structures are old, and garage is in need of repairs. There is no existing deck to enjoy the lake view.

3. Is the alleged hardship due to circumstances unique to this property?

Yes (x) No ()

Why? Property is a small parcel right on the peninsula surrounded by water on three sides.

4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?

Yes (x) No ()

Why? The size, shape, and proximity to water of this parcel makes a variance necessary for any improvements.

5. Will the issuance of the variance maintain the essential character of the locality?

Yes(x) No ()

Why? The view from the lake will be enhanced by any improvements made to the run-down garage.

6. Does the alleged hardship involve more than economic consideration?

Yes (x) No ()

Why? Economic consideration was not a factor.

If all answers are "yes" the criteria for granting the variance request have been met.

Motion by Don Hazeman to approve the variance request of Diane Douglas and Jesse Roberts with the following conditions: 1.) Maximum size of the garage would be 900 square feet, or less, with a max roof pitch of 5/12, and maintaining a setback of at least 60' from the lake; 2.) Deck approved for 10' X 12' maximum size in the proposed location with a hot tub allowance that maintains a 65' setback from the lake. Hot tub can be placed on deck or on ground-level patio, as long as 65' setback is maintained; and 3.) Existing shoreland vegetation must be maintained and lawn area must not be increased. Doug Underthun seconded the motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Diane Douglas and Jesse Roberts.

Variance Request of:

Damon & Ashley Stroble
12014 Irvine Ave NW
Bemidji, MN 56601

Township:

Turtle Lake

Body of Water:

Movil Lake (4-152) RD

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Ordinance # 6 to remove an existing detached garage and replace it with a 54' x 36' attached garage, increasing the impervious surface area of the lot. The property is located on Movil Lake which is classified as a Recreational Development Lake and requires a 100' structure setback from the Ordinary High-Water Level. The existing residence is within the 100' setback, making the proposed attached garage also within the 100' structure setback.

Legal Description:

Tax Parcel 47.00606.00

Beginning at the southwest corner of Lot Six (6), Section Thirty-three (33), Township One Hundred Forty-eight (148) North, Range Thirty-three (33) West, thence east along the south line of said Lot 776.3 feet which constitutes the place of beginning of the tract to be conveyed; thence North at right angles 167.3 feet; thence east at right angles 133.7 feet more or less to the low water mark on the west shore of Movil Lake; thence Southeasterly along the low water mark on said west shore to the south line of said Lot Six (6); thence west along said south line 212.1 feet more or less to the place of beginning, together with a right-of-way over and across said Lot 6 to State Aid Road No. 12 along the west line of said lot together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: any prior conveyances of minerals or mineral rights, any prior reservations, restrictions, easements, rights of way and any zoning and use regulations, and subject also to the lien of any unpaid special assessments and interest thereon.

Brent Rud gave the staff report and went over the details of the application for demolishing the existing 32' X 24' detached garage and building a new 54' X 36' attached garage with a lofted storage area. A variance would be required for this project as the proposed garage would be approximately 84' from the OHWL and is also increasing the impervious surface coverage to approximately 30.8%. Maps showing the location and size of the parcel, the current structures, the topography, the lake and the adjoining wetlands, and setbacks were viewed on GIS mapping. Photos showing the current structures, as well as the topography of the parcel, were also viewed. Previous variances for this property were approved in 2001 for the home addition by prior owner and in 2023 for the replacement septic system for current owner. Staff recommends approving this variance request with the following revisions: Approve a 42' X 28' garage to cover existing impervious surface at no more than 17' high and with no living quarters in/above the garage.

Damon Stroble, applicant, approached the Board. Damon explained that the height of the existing detached garage does not allow him to park his pickup inside. There is an existing tuck-under 1-car garage that is used for the lawn mower – it isn't tall enough to park anything else inside. The Board discussed changing the size of the proposed garage, realizing that making the

garage deeper would increase the roof height. Rebuilding in the current location, but with a breezeway attaching the garage to the house was discussed. There would be several issues with a breezeway, including blocked access to all utility hookups and no way to access the back side of the lot (in case dock repairs are needed, etc.). It was suggested that the garage could be attached to the west side of the house, having a 10' section of wall in common where the utilities to both buildings would be located. This would allow a wider path on the west side of the proposed garage for vehicles to access the back part of the lot. Adding garage doors to both the front and back of the proposed garage was also discussed as a way to allow vehicles to drive through the garage to the back of the lot. Attaching the garage to the house could increase the amount of pervious surface on this parcel if unused impervious surfaces are turned back into lawn. Currently, storm water runoff drains towards the wetlands and will continue to do so in order to protect the lake.

The Board opened the floor for public comment. Emailed comments were read aloud by Brent Rud.

- Email – **Pamela Fankhanel** sees no reason to deny the Stroble variance request and hopes it will be granted.
- Email – **Beltrami County Highway Department** does not have any concerns with this request.
- Email – **Stephanie Klamm, Area Hydrologist for the DNR**, wrote a letter addressing the following concerns:
 - Unique Circumstances – are related to physical characteristics of the land, such as lot shape and dimensions.
 - Stroble's have not demonstrated a unique circumstance. The variance request is being driven by design preferences of the owner.
 - Essential Character – is whether the resulting structure or land disturbance will alter the hydrology, soil stability, vegetation, aesthetics, and landscape features on the site.
 - By increasing the square footage of the garage, and at a closer setback to the lake, the applicant will be increasing the storm water runoff into Movil Lake. The land disturbance will alter how water moves on this property.
 - Reasonable Manner – the purpose of this provision is to minimize negative impacts to views of the land from the lake.
 - The application does not speak to the reasonable manner nor give a rationale for the need for the new garage.
 - If there are other options that can be explored for the new garage that may meet setbacks, it is suggested that those options be explored. If there is something that can offset the proposed impacts with impervious surface coverage, those options should also be reviewed.
 - Please notify this office within ten (10) days following the Board's decisions on these matters. Thank you for the opportunity to share concerns.

Finding no further public comment, the Chairman closed the floor for public comment on the Damon and Ashley Stroble variance request.

Findings of Fact

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?
Yes (x) No ()
Why? There are similar structures up and down the shoreline near this parcel.
2. Without the variance is the owner deprived of a reasonable use of the property?
Yes (x) No ()
Why? The existing garage is too short and too small to be used for vehicle parking.
3. Is the alleged hardship due to circumstances unique to this property?
Yes (x) No ()
Why? The size of the lot and the topography of the lot are causing practical difficulty.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
Yes (x) No ()
Why? Parcel is small and surrounded by wetlands. Structures had already been built when owner purchased the property.
5. Will the issuance of the variance maintain the essential character of the locality?
Yes(x) No ()
Why? This property will look similar to other nearby properties. Part of garage will be hidden behind the house and away from the lake.
6. Does the alleged hardship involve more than economic consideration?
Yes (x) No ()
Why? Economic consideration was not a factor.

If all answers are "yes" the criteria for granting the variance request have been met.

Motion by Bruce Poppel to approve the variance request of Damon and Ashley Stroble with the following conditions:

- 1.) **New garage will be a maximum of 1,512 square feet (42' X 36' or similar size) and be built to replace the existing 32' X 24' garage in the same location, with a maximum height of 19', and going no closer to the lake than 10' from the existing garage, OR**

- 2.) New garage will be a maximum of 1,512 square feet (42' X 36' or similar size), with a maximum height of 19', and be built as an attached garage to existing residence with at least 10' of the garage wall directly attached to the west wall of the house, and not extending any closer to the OHWL than the west wall of the house.
- 3.) No increase in impervious surface allowed.
- 4.) No living quarters allowed if new structure is not attached to the residence.
- 5.) Previous impervious surfaces related to the existing garage structure that are outside of the footprint of the new structure must be restored as pervious surfaces.
- 6.) Runoff towards wetlands will be maintained to protect the lake.

Doug Underthun seconded the motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Damon and Ashley Stroble.

Motion by Doug Underthun to adjourn the Planning Commission/Board of Adjustment Public Hearing for February 26, 2024. Motion was seconded by Don Hazeman. Motion carried and approved. Chair called the meeting for February 26, 2024, officially adjourned. The next meeting will be held on Monday, March 25, 2024, at 6:00 PM.

Respectfully submitted,



Brent Rud
Beltrami County ESD Director



Chairman
Beltrami County Planning Commission