

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Thursday, February 25, 2021
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Don Hazeman
Doug Underthun
John Simmons
Joe Vene

Members absent: Wally Byklum
Craig Gaasvig

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Marcus Bruning 3769 Estate CT. NE, Bemidji, MN 56601
Joel Townsend 7050 Riverview DR NE, Bemidji, Mn 56601
John Cota 7010 Riverview DR NE, Bemidji, MN 56601
Matt Murray 304 3rd ST, Bemidji, MN 56601
Sam Klisch 4538 Platt DR 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 for those in attendance.** The meeting minutes for November 23, 2020 were brought forward for approval. **Don Hazeman moved to approve the meeting minutes of November 23, 2020. Motion seconded by Doug Underthun. Motion carried and approved.**

Planning Commission

New Business

Chairman opened the Planning Commission Public Hearing on the proposed Conditional Use request of Joel Townsend.

Conditional Use: **Joel Townsend**
7050 Riverview Dr. NE
Bemidji, MN 56601

Township: Turtle River
Body of Water: Stump Lake (4-130-1)

The Purpose of:

Applicant is requesting a conditional use permit to operate a commercial gunsmith business out of an existing garage on his property. The garage falls within the shoreland zone of Stump Lake, which is a General

Development Lake under the jurisdiction of the Mississippi Headwaters Board. The shop would focus on gun repairs and customizations. It is not expected to produce any noise and would only have customers by appointment; no retail merchandise would be sold on-site.

Legal Description:

Tax Parcel 48.00899.00

Lot 4, Block 2, Riverview Estates, Section 32, Township 147, Range 32.

Shane Foley gave the staff report. The Planning Commission looked at the location, aerial photos, proximity to neighbors, and other specifics of the property and surrounding area. Proposal is for a home based business to operate a gunsmith/repair business in an existing detached garage/shop on the property. Proposal is to operate by appointment only with no retail sales. Staff recommends approval with conditions;

1. All other necessary permits are obtained
2. No retail sales
3. No excessive noise is produced

Shane discussed a potential covenant that exists on these properties in this area. After consulting with the County Attorney, we understand that the covenants no longer apply since they are expired.

Joel Townsend, applicant, discussed the covenant and a legal opinion he obtained stating that the covenants are expired. Spoke about plans for a sign being minimal as he doesn't want to attract walk-in customers but wants people to know they are in the right place. Business will be by appointment only and mostly through internet service.

Planning Commission asked questions and received answers from the applicant regarding security and plans for upgrades to the building. Commission also asked questions and received answers regarding noise produced.

John Cota, nearest neighbor, spoke about concerns he had when he first saw the notice but after talking with the applicant, he supports the application as long as the conditions are followed.

Marcus Bruning spoke about the proposal and wants to make sure the essential character of the area, signage, and traffic isn't changed in a detrimental manner.

Shane Foley read public comments received in the office;

1. Support from a neighbor
2. Question from Donna Zelinsky – staff answered the questions
3. John Cota – no problem with it
4. Beltrami County Highway – no concerns
5. Andrea Townsend – supports the application
6. Brad Erpelding – supports the application

Applicant added that he will need to obtain his FFL from the ATF before he can open. Planning Commission discussed other business details and discussed the proposal in general.

Motion by Joe Vene to approve the Conditional Use request of Joel Townsend with the conditions recommended by staff; 1. All necessary permits are obtained, 2. No retail sales, 3. No excessive noise, 4. No alteration of the essential character of the area, 5. Sign is allowed but can't exceed 20 square feet, 6. No noise can be generated after 9:00 PM. Motion seconded by Don Hazeman. Motion carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed Conditional Use request of Joel Townsend.

Chairman opened the Planning Commission Public Hearing on the proposed CIC Plat request of Sam Klisch.

Proposed Plat Request of:

**Sam's Keeps Up North, LLC
c/o Sam Klisch**

4538 Platt Dr. NW
Bemidji, MN 56601
Eckles

Township:

The purpose of the Plat is:

This project is to become phase 2 of common interest community CIC#16 The Keep at Pine Grove, adding 16 residential lots. Total area will encompass 21.2 acres. The common interest community will be responsible for maintenance and wellbeing of the community.

Legal Description:

Tax Parcel: 12.00312.02

Part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼), Section 26, Township 147, Range 34. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave the staff report. Discussed phase 1 of the plat and how phase 2 will be different but fit in with the existing plat. Discussed details of the stormwater plans and roads. Bill presented public comments from;

1. Robert Longo & Katie Kinsman against the plat.
2. City of Bemidji – discussed what can't be located in this area of the airport zoning area. It appears that this proposal meets the requirements of the airport zoning and recommends that all exterior lighting be downward facing and not towards the airport.

Staff recommends approval with the following conditions;

1. Final declarations for supplemental CIC must be submitted to ESD prior to final plat approval
2. Letter from Eckles Township regarding the proposed supplemental addition to the plat.

Sam Klisch, applicant, spoke about the details of the plan. New lots/units will be sold as bare lots or built to sell but will all be single family residential. Roads will be maintained by the CIC homeowners association.

Discussion regarding lighting, stormwater, water table, possibility for flooding if owners planned basements.

Don Hazeman discussed the Eckles Township Meeting regarding this proposal. Township has no concern with roads but this will be private roads so Township is ok with the proposal. No additional public comments.

Planning Commission discussed possible conditions.

Motion by Don Hazeman to approve the Preliminary Plat request of Sam Klisch with the conditions that buyers must be made aware of zoning regulations for airport zone, no basements are allowed, and mailbox location and type must meet USPS requirements and are located within the plat. Motion seconded by Doug Underthun. Motion carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed Preliminary Plat request of Sam Klisch.

Motion by John Simmons to adjourn the Planning Commission/Board of Adjustment Public Hearing for February 25, 2021. Motion was seconded by Joe Vene. Motion carried and approved. Chair called the meeting for February 25, 2021 officially adjourned. The next meeting will be on Monday, March 22, 2021 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, March 22, 2021
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Don Hazeman
Doug Underthun
John Simmons
Joe Vene
Craig Gaasvig

Members absent: Wally Byklum

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Matt Murray 304 3rd ST, Bemidji, MN 56601
Ann & Jim Wilde 24918 350th ST Shevlin, MN 56676
Mike & Sue Monsrud 21900 Portage LN NE
John Lindseth Waskish
Barb Mulan 30810 221st Ave Bagley, (22795 Lou Rayne Beach RD
Stacy Crystal 6003 Shady Lane NE

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 for those in attendance.** The meeting minutes for February 25, 2021 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of February 25, 2021. Motion seconded by Don Hazeman. Motion carried and approved.**

Board of Adjustment

New Business

Variance Request of: John Truedson and Stacy Crystal
1215 Minnesota Ave. NW
Bemidji, MN 56601

Township: Turtle Lake
Lake: Movil Lake (4-152)

The Purpose of:

Applicants are requesting a variance from the Ordinary High Water Level (OHWL) of Movil Lake to construct a single-family residence at TBD, Portage Ln. NE. The structure is proposed to be built no closer than 75 feet from the OHWL. Movil Lake is classified as a Recreational Development (RD) Lake under the Beltrami County Shoreland Ordinance No. 6, which requires a minimum structure setback of 100 feet from the OHWL.

Legal Description:

Tax Parcel: 47.00870.00

Sect-34 Twp-148 Range-033 Idle-Beach Lot-00A .76 ac. Lots A and B and part of Lot D. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave staff report. Report discussed property history, details of existing property, dimensions, and measures taken to make it as large as possible including buying additional property. Discussed wetlands and road right of way preventing compliance with setbacks. Discussed original application and changes made to it to make it as close to conforming as possible. House is proposed at 75' from the OHW and SSTS will meet all of the setbacks. No wetland impacts are proposed. Looked at photos of lot showing shoreline and wetland area. No public comments received. Staff recommends approval with conditions; 1. No closer than 75' to the OHW, 2. Meet all other setbacks, 3. Footprint not to exceed 45'x50' or 2,250 square feet, 4. No wetland impacts approved, 5. SSTS to be installed prior to occupancy, 6. Stormwater management and vegetation management plan approved prior to permit issued, 7. No woody vegetation removal within the structure setback prior to plan approvals.

Applicant, Stacy Crystal, confirmed that the staff report was accurate and had nothing else to add. No other public comments. Discussion from Board of Adjustment with staff and applicant.

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?

Landowner worked with Environmental Services and Board of Adjustment and got proposal as close to compliant as possible. With the wetland restrictions this was as good as it can get.

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

Yes (x) No ()

Why?

The wetlands severely limit what is possible on this property.

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

Yes (x) No ()

Why?

The existing wetlands and topography are severe limitations.

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

Yes (x) No ()

Why?

The wetlands and topography was created by Mother Nature and they restrict what can be done.

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

Yes(x) No()

Why?

Proposal fits the area as other homes are similar.

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

Yes (x) No ()

Why?

Economic consideration was not considered.

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 John Truedson and Stacy Crystal with the conditions in the staff report. Conditions are; 1. No closer than 75' to the OHW, 2. Meet all other setbacks, 3. Footprint not to exceed 45'x50' or 2,250 square feet, 4. No wetland impacts approved, 5. SSTS to be installed prior to occupancy, 6. Stormwater management and vegetation management plan approved prior to permit issued, 7. No woody vegetation removal within the structure setback prior to plan approvals. Joe Vene seconded motion. Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of John Truedson and Stacy Crystal.

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Ann Wilde.

Variance Request of:

Ann Wilde
24918 350th St.
Shevlin, MN 56676
Waskish
Upper Red Lake (4-035)

Township:

Body of Water:

The Purpose of:

Applicant is requesting a variance from both the structure and septic system setbacks required for Upper Red Lake in order to build a cabin and garage on her property located at TBD, Canal Ln. NE. The lot is in the Lou

Rayne Beach area of Waskish, MN and is bordered by canals on three sides and therefore has no legally buildable area under the current requirements of the Beltrami County Shoreland Ordinance No. 6. The required setback from Red Lake and its associated canals is 75 feet for structures and septic systems. The applicant is requesting a variance to allow the cabin and garage to be no closer than 47 feet to the nearest canal and the septic system to be no closer than 50 feet. All other setbacks can be met.

Legal Description:

Tax Parcel: 49.00523.00

Sect-17 Twp-154 Range-030 Alverayne Subdivision Lot-018 Block-002 .76 ac.

Shane Foley gave the staff report. Report included property discussion, history of the property, canals, ownership, and setback requirements. Proposal is for a garage at 936 square feet located 48 feet from each canal and a cabin 1,616 square feet, 24 feet in height and located 47 feet from nearest canal centered on the peninsula. Discussed details of the garage and cabin proposal. Staff recommendation is for approval with the following conditions; 1. SSTS absorption are maintains 50 foot setback from OHW, 2. No structure is closer than 47 feet from the OHW, and 3. Garage is limited to 936 square feet and cabin is 1,616 square feet.

Questions and discussion with Board of Adjustment regarding the retaining wall in the harbor and the SSTS location. Discussed Minnesota Rules Chapter 6120 and SSTS setbacks from the OHW.

Applicant, Ann Wilde, spoke regarding the application. She purchased the property from the County in 2016 with hopes of building here. She discussed options to alter the plans to accommodate the SSTS location. Discussed options to shrink the size of he SSTS so the setbacks from the building could be maintained.

Staff read public comments received prior to the meeting; Barbara and Robert Mulan in support of the application, Beltrami County Highway had no concerns, and Ray & Sandy Berger in support. Barb Mulan (neighbor) spoke about the application in support. No other public comments.

BOA, staff, and applicant discussed the SSTS sizing and other potential issues.

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?

Landowner worked with Environmental Services and Board of Adjustment and got proposal as close to compliant as possible. With the canals this was as good as it can get. This proposal is better than most of the existing development in the area.

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

Yes (x) No ()

Why?

The lot dimensions and the canals severely limit what is possible on this property.

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

Yes (x) No ()

Why?

The lot dimensions and the canals are severe limitations.

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

Yes (x) No ()

Why?

MN DNR Rules require a building setback from these canals that were dug prior to Shoreland Rules.

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

Yes(x) No()

Why?

It will improve the area.

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

Yes (x) No ()

Why?

Economic consideration was not considered.

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

Motion by John Simmons to approve the variance request of Ann Wilde with the conditions in the staff report. Conditions are; 1. SSTS absorption are maintains 50 foot setback from OHW, 2. No structure is closer than 47 feet from the OHW, and 3. Garage is limited to 936 square feet and cabin is 1,616 square feet. Joe Vene seconded motion. Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Ann Wilde.

Motion by John Simmons to adjourn the Planning Commission/Board of Adjustment Public Hearing for March 22, 2021. Motion was seconded by Doug Underthun. Motion carried and approved. Chair called the meeting for March 22, 2021 officially adjourned. The next meeting will be on Monday, April 26, 2021 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, April 26, 2021
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Don Hazeman
Doug Underthun
Wally Byklum
Joe Vene
Craig Gaasvig

Members absent: John Simmons

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Sam Klisch 4538 Platt DR NW, Bemidji, MN 56601
Mike Johnston 1425 Paul Bunyan DR NW #4, 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 for those in attendance.** The meeting minutes for March 22, 2021 were brought forward for approval. **Doug Underthun moved to approve the meeting minutes of March 22, 2021. Motion seconded by Joe Vene. Motion carried and approved.**

Planning Commission

Old Business

Final Proposed Plat Request of: Sam's Keeps Up North, LLC
c/o Sam Klisch
4538 Platt Dr. NW
Bemidji, MN 56601

Township: Eckles

The Purpose of:

This project is to become phase 2 of Common Interest Community CIC#16 The Keep at Pine Grove, adding 16 residential lots. Total area will encompass 21.2 acres. The common interest community will be responsible for maintenance and wellbeing of the community.

Legal Description:

Tax Parcel: 12.00312.02

Sect-26 Twp-147, Range-034 21.14 ac. Part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼). This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave a staff report. Discussion about the history of approvals for phase 1 of the plat, process for approvals, and future plans. Discussed changes made from preliminary plat to accommodate fire department vehicles and turnarounds. Township gave approval in March for final plat. Staff recommends approval of final plat. Discussed remaining items to be completed prior to County Board approval including title opinion and approval of the declarations.

Sam Klish, applicant, discussed the changes to the plat for the fire department vehicles. The turnarounds will be built just like the roads and cul de sacs.

Motion by Don Hazeman to recommend approval to the County Board for the final plat of Sam's Keep Up North, LLC. Doug Underthun seconded the motion. Motion unanimously carried and approved.

Board of Adjustment

New Business

Variance Request of: **Dustin Holloway**
4905 Evergreen Ln. NE
Bemidji, MN 56601
Township: Turtle Lake
Lake: Beltrami Lake (4-135)

The Purpose of:

Applicant is requesting a variance to construct two additions onto an existing residential structure located approximately 35.5 feet from the ordinary high water mark of Lake Beltrami. First proposed addition is a 207 square foot covered porch. Second addition is a 1,190 square foot, two-story structure consisting of garage space and living space that includes a bedroom plus full bathroom and will have a peak height of approximately 27 feet above grade. A shed dormer is also proposed to be added across the width of the existing two-story structure's roof facing the lake. Lake Beltrami is classified as a recreational development (RD) lake under the Beltrami Shoreland Ordinance No. 6, which requires a minimum structure setback of 100 feet from the OHWL.

Legal Description:

Tax Parcel: 47.00667.00
Sect-36 Twp-148 Range-033 1.57 ac. Part of Lot 4. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave staff report. Report discussed details of property and existing structures built with a variance in 2005. New SSTS was installed in 2006. The 2005 variance included a garage and foyer that were never constructed. Discussed the proposal for dormer on existing house to expand livable area on 2nd floor, foyer addition, and garage addition. No public comments were received prior to the hearing. Staff recommends approval with conditions;

1. Stormwater management plan approved prior to building permit issued
2. Vegetation management plan approved prior to building permit approval
3. Square footage and height can't exceed the proposed dimensions in the application.

Mike Johnston, Architect and representative of the applicant, spoke about the details of the bedrooms. The Board of Adjustment asked questions about the details of the proposal. Mr. Johnston spoke about reasons why the sizes are designed the way they are. Board of Adjustment spent time discussing options to lower the proposed height of the garage and discussed other options for the height.

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?

Existing structure was built with a variance and now will include slight modifications to the previously approved building plans.

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

Yes (x) No ()

Why?

The additional size and garage is reasonable and they can't be built anywhere else on the property.

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

Yes (x) No ()

Why?

The wetlands on the property and existing structure are unique and limiting.

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

Yes (x) No ()

Why?

The wetland location and implementation of Shoreland rules cause the hardship.

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

Yes(x) No()

Why?

Most of the addition is away from the lake and similar to the other homes in the area.

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

Yes (x) No ()

Why?

Economic considerations were discussed but were not a factor in the decision.

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

Motion by Wally Byklum to approve the variance request of Dustin Holloway with the conditions in the staff report. Conditions are; 1. Stormwater management plan approved prior to building permit issued, 2. Vegetation management plan approved prior to building permit approval, 3. Square footage and height

can't exceed the proposed dimensions in the application. Joe Vene seconded motion. Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Dustin Holloway.

Motion by Don Hazeman to adjourn the Planning Commission/Board of Adjustment Public Hearing for April 26, 2021. Motion was seconded by Doug Underthun. Motion carried and approved. Chair called the meeting for April 26, 2021 officially adjourned. The next meeting will be on Monday, May 24, 2021 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, May 24, 2021
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Don Hazeman
Doug Underthun
Wally Byklum
Joe Vene
John Simmons
Craig Gaasvig

Members absent: None

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Mike Johnston 1425 Paul Bunyan DR NW #4, Bemidji, MN 56601
John Lindseth, 54217 Torgersonville Ln. NE, Waskish, MN 56685
Philip Olson, 4364 Gryce Styne RD NE, Bemidji, MN 56601
Tim Dondelinger, 12835 Idlewild DR NE, Bemidji, MN 56601
Howie Zetah, 12769 Idlewild DR NE, Bemidji, MN 56601
Chuck Galli, Bagley, MN
Linda Platt, Bagley, MN
Mike Brower, 2514 15th ST SW, Bemidji, MN 56601
Sharon & Steve Larson, Bemidji, MN 56601
Colleen Hillman, 55332 Hillman DR NE, Waskish, MN 56685
Matt Murray, 304 3rd ST 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 for those in attendance.** The meeting minutes for April 26, 2021 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of April 26, 2021. Motion seconded by Wally Byklum. Motion carried and approved.**

Planning Commission

New Business

Conditional Use Request of: **Morris Frenzel**
20835 Joa's Beach Rd. NE
Kelliher, MN 56650

Township: Shotley

Body of Water: Upper Red Lake (4-035)

The Purpose of:

Applicant is requesting a conditional use permit to install a 10 foot wide concrete boat ramp at his property on Upper Red Lake. The proposed boat ramp would be incorporated into a riprap project to address erosion and allow for lake access. The Beltrami County Shoreland Management Ordinance #6 requires a Conditional Use Permit for any public or private boat ramp. This ramp would only be used for private access and would not have any commercial use.

Legal Description:

Tax Parcel: 40.00279.00

Sect-02 Twp-153 Range-031 Mike Joa's Beach Lot-040 .63 ac.

Shane Foley gave a staff report. Discussed the details of the application. Discussed details of existing shoreline and work that is needed due to erosion and the landowner's plan to restore the shoreline and protect it. Staff recommends approval with the condition that no commercial use is allowed. The conversation about winter access sites was had and it was specifically addressed as not being allowed on this property.

Mike Brower, applicant/co-owner, indicated that the staff report was accurate and covers the details that the Planning Commission asked about the application. No public comments were received prior to the meeting and none were presented at the meeting.

Staff reviewed the Conditional Use Permit consideration requirements in the Shoreland Management Ordinance with the Planning Commission and recommended approval with the conditions of no commercial use allowed and a 5' vegetated buffer behind the rip rap.

Motion by Don Hazeman to recommend approval to the County Board for the Conditional Use Permit for Morris Frenzel with the condition of a vegetation management plan approved prior to construction and no commercial use of the access site. Wally Byklum seconded the motion. Motion unanimously carried and approved.

Board of Adjustment

New Business

Variance Request of: **Tim and Susan Dondelinger**
12847 Idlewild Dr. NE
Bemidji, MN 56601
Township: Turtle Lake
Body of Water: Movil Lake (4-152)

The Purpose of:

Applicants are proposing to demolish and to rebuild the upper level of an existing boat house structure located at 0 feet setback from Movil Lake. Dimensions of the portion of the structure that will be rebuilt are approximately 15.5 feet by 22 feet (341 square feet). Applicants are proposing to replace the existing flat roof with a 6:12 pitch roof that will increase the roof height from about 8.3 feet to 14.25 feet. An extension of the existing roofline by 6 feet and 6.5 feet will increase the size of the upper level structure to a total of 616 square feet. Movil Lake [4-152] is classified as a Recreational Development Lake in the Beltrami County Shoreland Management Ordinance #6 with a required structure setback of 100 feet from the OHWL.

Legal Description:

Tax Parcel: 47.00709.00

Sect-33 Twp-148 Range-033 Angler's Paradise Lot-009 1.67 ac. inc. vacated walkway.

Bill Best gave staff report. Discussion included details of history of this unique structure. Discussed details of the proposal to increase the roof height, expand the roof coverage to the side and towards the lake. Discussed the view of the structure and what the proposal will be and how it will be changed. Reviewed images and sketches of the proposal looking at the details of the new upper level roof extension. One comment received prior to the meeting in favor of the variance application from a neighbor and also the general contractor of the project, Howie Zetah and Beth Curb. Staff also discussed a group of 18 signatures that the applicant submitted from landowners in the area that support the proposal. Bill went over the conditions recommended by staff;

1. Stormwater management plan submitted and approved prior to construction,
2. Vegetation management plan submitted and approved prior to construction

Staff recommends approval of the application with the above conditions and a change for the roof of the upper level not to exceed a 4:12 pitch roof with minimal eaves only.

Tim Dondelinger, owner and applicant, confirmed that the staff report was accurate. Howie Zetah, general contractor, answered the Board of Adjustment questions regarding stormwater management and runoff from the building onto the adjacent steep slopes. Discussion centered around how they will manage stormwater to not cause erosion on the hill. Discussion about lowering the pitch of the roof and keeping the size of the roof the same. Mr. Zetah discussed the 6:12 pitch roof as standard roof pitch in the industry.

Motion by Ed Fussy to approve the variance request of Tim Dondelinger with the 4:12 pitch roof, engineered gutter sizing, and conditions recommended in the staff report. Conditions are; 1. Stormwater management plan submitted and approved prior to construction, and 2. Vegetation management plan submitted and approved prior to construction. Don Hazeman seconded motion.

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? A minor expansion on a project that is otherwise allowed.

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

Yes (x) No ()

Why? The proposal is reasonable. The entire building could be rebuilt without a variance and this minor expansion in height to allow for better surface water management and snow load capabilities is reasonable in this instance.

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

Yes (x) No ()

Why? This boathouse was constructed long before any rules were in place about setbacks.

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

Yes (x) No ()

Why? The ordinances adopted and rules passed created the hardship after the building was constructed.

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

Yes(x) No()

Why? This building upgrade will make it more aesthetically pleasing to the neighborhood while preserving a landmark on the lake that has been there for generations.

6. Does the alleged hardship involve more than economic consideration?
Yes (x) No ()

Why? Economic considerations were not considered.

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

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Tim Dondelinger.

Variance Request of: Ashley & Brad Miln
346 Elvegard Ln. NW
Bemidji, MN 56601
Township: Turtle Lake
Body of Water: Movil Lake (4-152)

The Purpose of:

Applicants are proposing to build a 14.5 feet by 12.5 feet (181 square foot) bedroom addition to an existing cabin located within the 100 foot structure setback of Movil Lake. The existing cabin is 1,150 square feet in size and is located at about 47 feet from the Ordinary High Water Level (OHWL) of the lake. The proposed addition will be built on the non-lakeshore side of the structure. The existing roofline of the structure will increase in height from about 11 feet to 15.5 feet. Movil Lake [4-152] is classified as a Recreational Development Lake in the Beltrami County Shoreland Management Ordinance #6 with a required structure setback of 100 feet from the OHWL.

Legal Description:

Tax Parcel: 47.00857.00
Sect-33 Twp-148 Range-033 Elvegards Subdivision Lot-006 .66 ac.

Bill Best gave the staff report. Discussed details of the existing structure and property details including the steep slope areas, setbacks, and area. Discussed the interior layouts and exterior views of the proposed addition. No public comments were received prior to the hearing.

Staff recommends approval with conditions;

1. Stormwater management plan submitted and approved prior to permit approval, and
2. Vegetation management plan submitted and approved prior to permit approval.

Mike Johnston, architect representing the applicant, spoke about the proposal and why the proposal is submitted as it is. Discussed roof pitch proposal and why the 8:12 pitch is necessary.

Staff and BOA discussed the rule of rebuilding and what happens if the existing building is more rotten than anticipated and the project turns into a rebuilding of a new structure rather than an addition to an existing structure. The request is for an addition to an existing structure. No public comments were received at the meeting. BOA had a long discussion regarding roof pitch.

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? In harmony as an upgrade to the building that will make things better and be an improvement.

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

Yes (x) No ()

Why? The cabin was built in 1948 and needs a remodel and addition.

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

Yes (x) No ()

Why? This cabin was constructed long before any rules were in place about setbacks.

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

Yes (x) No ()

Why? The ordinances adopted and rules passed created the hardship after the building was constructed.

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

Yes(x) No()

Why? The structure needs to be remodeled and aesthetically will look better than it does now and will fit in the area.

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

Yes (x) No ()

Why? Economic considerations were not considered.

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

Motion by John Simmons to approve the variance request of Ashley & Brad Miln with conditions recommended in the staff report. Conditions are; 1. Stormwater management plan submitted and approved prior to permit approval, and 2. Vegetation management plan submitted and approved prior to permit approval. Wally Byklum seconded motion.

Motion unanimously carried and approved.

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

Variance Request of:

John Lindseth

54217 Torgersonville Ln. NE

Waskish, MN 56685

Township:

Waskish

Body of Water:

Upper Red Lake (4-035)

The Purpose of:

Applicant is requesting an after-the-fact variance from the Beltrami County Shoreland Management Ordinance #6 for a 690 square foot cabin and a 528 square foot single stall attached garage. The cabin was built 55 feet from the canal system in the Lou Rayne Beach area of Upper Red Lake. Upper Red Lake is classified as a General Development Lake and requires a 75 foot structure setback.

Legal Description:

Tax Parcel: 49.00524.00

Sect-17 Twp-154 Range-030 Alverayne Subdivision Lot-019 Block-002 .78 ac.

Shane Foley gave the staff report. This is an After-the-Fact request. Discussed details of proposal including history of permit for concrete slab and use of the property. Staff recommend approval with the condition that the 2 sheds are removed from the property as proposed by the applicant.

John Lindseth, applicant and owner, confirmed the staff report is accurate. He built the cabin right after the slab was poured that same fall. He was aware of the rules and knew he was in violation. The sheds were new to the property and placed there by the applicant. There was 1 letter received in support of the application from Carol Hillman. No other public comments were received at the meeting.

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? Proposed as far from the OHW as possible.

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

Yes (x) No ()

Why? Nothing would be allowed on this lot without a variance and this proposal seems reasonable.

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

Yes (x) No ()

Why? Legal lot was created prior to Shoreland regulations with no buildable area.

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

Yes (x) No ()

Why? Shoreland rules adopted after the property was created.

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

Yes(x) No()

Why? Will be very similar to every other property in the area.

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

Yes (x) No ()

Why? Economic considerations were not considered.

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

Additional Questions for After-the-Fact Variance Request

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable Official controls?

Yes (x) No ()

The owner was under the impression that the Ordinance would be revised and the rules would change. He did apply for a Shoreland alteration permit for the cement slab.

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?

Yes () No (x)

The applicant admitted that here at the meeting.

3. Did the applicant complete the work before being informed of the violation of applicable official controls? Yes (x) No (x)

For the cabin – no but for the garage – yes.

4. Are there similar structures in the area? Yes (x) No ()

Yes – many.

5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith? Yes (x) No ()

Applicant thought it would be just fine when the ordinance changes.

6. Would the benefit to the County appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure? Yes () No (x)

There wouldn't be a benefit to the County as this location would be where a cabin would be allowed under the draft Shoreland ordinance that was discussed.

Motion by Joe Vene to approve the variance request of John Lindseth with conditions that the two sheds are removed as proposed in this application by the applicant. Wally Byklum seconded motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of John Lindseth.

Variance Request of: Charles Galli
54170 Alverayne Ave. NE
Waskish, MN 56685
Township: Waskish
Body of Water: Upper Red Lake (4-035)

The Purpose of:

Applicant is requesting a variance from the Beltrami County Shoreland Management Ordinance #6 to replace an existing 532 square foot trailer and deck that sits 35 feet from the canal with a 328 square foot park model trailer, a 488 square foot deck, and a 160 square foot storage shed. The new park model and deck are proposed to be 37.5 feet from the canal system in the Lou Rayne Beach area of Upper Red Lake and zero feet from the existing road right-of-way of Alverayne Ave. NE. The storage shed is proposed to be 63 feet from the canal. Upper Red Lake is classified as a General Development Lake and requires a 75 foot structure setback. Alverayne Ave. NE is a township-administered roadway and requires a 20 foot structure setback.

Legal Description:

Tax Parcel: 49.00515.00
Sect-17 Twp-154 Range-030 Alverayne Subdivision Lot-010 Block-002 .64 ac.

Shane Foley gave the staff report. Discussed existing structures, locations, road right-of-way, patio and deck definitions, and the existing neighborhood. Township supervisor sent a comment that the Township has no concern with the Road Right-of Way setbacks proposed to the Township Road. Staff recommended approval

with the conditions; 1. Decks in application are less than 3 feet in height and 2. Sheds meet the 75 foot setback requirement. Discussion about road right-of-way and whether Township approval is necessary.

Charles Galli, applicant and owner, discussed the proposal and details of the deck and proposed shed location.

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 proposal makes the best possible use of the property as it exists with the existing constraints.

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

Yes (x) No ()

Why? Proposal is reasonable considering the existing use in the area.

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

Yes (x) No ()

Why? The channels are unique to this area.

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

Yes (x) No ()

Why? The channels were created and lots platted prior to Shoreland rules.

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

Yes(x) No()

Why? It will be like most other properties in the area.

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

Yes (x) No ()

Why? Economic considerations were not considered.

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

Motion by Wally Byklum to approve the variance request of Charles Galli with conditions recommended in the staff report. Conditions are; 1. Decks in application are less than 3 feet in height and 2. Sheds meet the 75 foot setback requirement. John Simmons seconded motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Charles Galli.

Variance Request of:

Wendy Shearer
13179 Birchview Dr. NE
Bemidji, MN 56601
Port Hope
Beltrami Lake (4-135)

Township:
Body of Water:

The Purpose of:

Applicant is requesting a variance from the Beltrami County Shoreland Management Ordinance #6 to add 586 square feet onto an existing 1,495 square foot cabin that sits 35 feet from Lake Beltrami. The proposal also includes replacing the existing flat roof with a 4:12 pitched roof. The proposal would change the structure height from 10 feet to 16 feet. Lake Beltrami is classified as a Recreational Development Lake and requires a 100 foot structure setback.

Legal Description:

Tax Parcel: 34.00381.00

Sect-31 Twp-148 Range-032 1.55 ac. Part of Lot 1. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave staff report. Discussed location and details of the property. Built in 1950 and remodeled in 1970. Discussed current structure details and dimensions and proposed dimensions and details. Proposed addition is 84 square feet on the rear of the cabin. Discussed the violation on property of vegetation management and proposal by the applicant to bring into compliance. Recommend approval with conditions; 1. Vegetation management plan submitted and approved prior to construction, 2. Stormwater plan is developed and approved by ESD prior to construction, and 3. If during the process of construction and sidewalls are replaced or in need of repair, then the variance is no longer valid and a new application for rebuilding the existing structure with the addition would need to be submitted.

Mike Johnston, architect representing the owner, confirmed that the staff report is accurate and covered everything. He confirmed that the building appeared to be in good condition so it shouldn't be an issue. Proposing a 4:12 pitch roof and as much overhang as possible to prevent issues with water damage and mold.

Shane Foley read comments received;

1. Lynn Sundy, 13023 Birchview DR, supports the roof proposal but not the addition
2. Brad & Gail Aafedt support the roof but not the addition
3. Heather Erholtz – supports the proposal

Public comments received at the meeting;

1. Phil Olson, lakeshore owner and TRWA Board Representative – goal of Board is to improve the beauty of the lakes and requests denial.
2. Matt Murray – comment that requiring a structure to be removed is not reasonable or legal.

Clarification from Brent Rud that comment from Matt Murray is not what was stated and intended. A structure would not need to be removed. If the building was removed and built new, a new variance application would be required as this proposal is imply for an addition to an existing no-conforming structure.

Discussion about Lake Beltrami and the number of comments received for these applications.

Motion by Don Hazeman to approve the variance request of Wendy Shearer with conditions recommended in the staff report. Conditions are; 1. Vegetation management plan submitted and approved prior to construction, 2. Stormwater plan is developed and approved by ESD prior to construction, and 3. If during the process of construction and sidewalls are replaced or in need of repair, then the variance is no longer valid and a new application for rebuilding the existing structure with the addition would need to be submitted. Wally Byklum seconded motion.

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 proposal is a small addition and a pitched roof.

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

Yes (x) No ()

Why? Proposal of a small addition and a small increase in height to accommodate a pitched roof is reasonable.

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

Yes (x) No ()

Why? Flat roof on a cabin that is that close to the lake is tough to deal with.

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

Yes (x) No ()

Why? The cabin was built before rules.

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

Yes(x) No()

Why? The area is similar to the ones in the neighborhood and will improve the area.

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

Yes (x) No ()

Why? Economic considerations were not considered.

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

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Wendy Shearer.

Acknowledged Wally Byklum's resignation and last meeting as a member of the Planning Commission and Board of Adjustment and thanked him for his many years of service to Beltrami County.

Motion by John Simmons to adjourn the Planning Commission/Board of Adjustment Public Hearing for May 24, 2021. Motion was seconded by Doug Underthun. Motion carried and approved. Chair called the meeting for May 24, 2021 officially adjourned. The next meeting will be on Monday, June 28, 2021 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, August 23, 2021
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601

General Business

Members present: Ed Fussy
Don Hazeman
Todd Stanley
Joe Vene
John Simmons
Craig Gaasvig

Members absent: Doug Underthun

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Shannon Schmidt, Beltrami County Environmental Services Department
Christina Regas, 17480 Grassy Island Ln NE, Hines, MN 56647
Bruce Schuman, 17538 Grassy Island Ln NE, Hines, MN 56647
Nicole LaMetterey, 29738 Woodchuck Ln NE, Pennington, MN 56663
Anna Miles, 17221 380th Street, Bagley, MN 56621
Debra Schuman, 17538 Grassy Island Ln NE, Hines, MN 56647
Linda Martin-Myers, 23106 Mockingbird Ln NE, Tenstrike, MN 56683
Roxanne Lindquist, 22802 Jenson Ct NE, Tenstrike, MN 56683
Kurt Lindquist, 22802 Jenson Ct NE, Tenstrike, MN 56683
Monte Sharbono, 18882 N Blackduck Lake Rd NE, Hines, MN 56647
Michael Haws, 17492 Grassy Island Ln NE, Hines, MN 56647
Bonnie Miller, 1237 Carr Lake Rd SW, Bemidji, MN 56601
Mike Miller, 1237 Carr Lake Rd SW, Bemidji, Mn 56601
Michael Cudmore, 22837 Aspen Rd, Shevlin, MN 56676
Linda Cudmore, 22837 Aspen Rd, Shevlin, MN 56676
Wyatt Stramer, 5119 8th Ave N, Grand Forks, ND 58203
Dannette Stramer, 5119 8th Ave N, Grand Forks, ND 58203
Annette Theroux, 7315 Tall Pines Rd NE, Bemidji, MN 56601
Gary Vogel, 7315 Tall Pines Rd NE, Bemidji, MN 56601
Dave Vogel, 7307 Tall Pines Rd NE, Bemidji, MN 56601
Joyce Vogel, 7307 Tall Pines Rd NE, Bemidji, MN 56601
Joyce Hedlin, 6755 Isle Wood Trl NE, Bemidji, MN 56601
Kari Carlson, 5603 Tall Pines Rd NE, Bemidji, MN 56601
Peter Carlson, 5603 Tall Pines Rd NE, Bemidji, MN 56601
Grace Vetter, 1024 Sherlock Cir SE, East Grand Forks, MN 56721
Ryan Troumbly, 10 Bennett St, Taconite, MN 55786
Edward J Rogers, 7115 Deer Valley Ct NE, Bemidji, MN 56601
Susanna Frenkel, 7300 Vireo Ct NE, Bemidji, MN 56601
Douglas Johnson, 7300 Vireo Ct NE, Bemidji, MN 56601
Mark Lunseth, 7405 Tall Pines Rd NE, Bemidji, MN 56601
Jon Huseby, 6724 Viking Ct NE, Bemidji, MN 56601
Tara Johnson, 7175 Deer Valley Ct NE, 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 for those in attendance.** The meeting minutes for May 24, 2021 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of May 24, 2021. Motion seconded by Don Hazeman. Motion carried and approved.**

Planning Commission

New Business

Conditional Use Request of: Michael and Linda Cudmore
22837 Aspen Rd
Shevlin, MN 56676

Township: Shotley
Body of Water: Upper Red Lake (4-035)

The Purpose of:

Applicants are requesting a Conditional Use Permit to install a private boat ramp at their 21139 Joas Beach Rd property on Upper Red Lake. The Beltrami County Shoreland Management Ordinance requires all new public or private boat ramps to receive a Conditional Use Permit prior to installation. The proposed concrete ramp would only be for private use and would be 12' x 30' in size.

Legal Description:

Tax Parcel: 40.00265.00
Section 02, Township 153, Range 031, MIKE JOA'S BEACH Lot 027, 0.81 AC.

Shane Foley gave a staff report. Conditional Use Permit request is for a 12' wide concrete boat ramp along with rip rap to be installed on their property. Several properties in the area have experienced erosion and are working on protection efforts, while trying to maintain the access they have always had over the natural sloping sandy shores. Discussed the property and existing conditions, need for access, compatibility with adjacent land uses, location of site, and existing topography.

Michael and Linda Cudmore, applicants, indicated that the staff report was accurate and spoke about the proposal and details of ramp construction. There was some discussion about the concrete pilings on their beach area that need to be removed before winter. No public comments were received prior to the meeting and none were presented at the meeting.

Brent Rud reviewed the Conditional Use Permit consideration requirements in the Shoreland Management Ordinance with the Planning Commission. Staff recommended approval with the conditions of no commercial use allowed and DNR permit guidelines are followed.

Motion by Don Hazeman to recommend approval to the County Board for the Conditional Use Permit for Michael and Linda Cudmore with the conditions of; 1.) No commercial use of the access site, and 2.) DNR permit guidelines will be followed. Joe Vene seconded the motion. Motion unanimously carried and approved.

Board of Adjustment

New Business

Variance Request of:

Bonnie Miller

1237 Carr Lake Rd SW

Bemidji, MN 56601

Township:

Bemidji

Body of Water:

Schoolcraft River (TR)

The Purpose of:

Applicant is applying for an after-the-fact variance of a 381 square foot deck and ramp. The deck is approximately 78 feet from the Ordinary High Water Level (OHWL) of the Schoolcraft River. The Schoolcraft River is classified as a Tributary River in the Beltrami County Shoreland Management Ordinance with a required setback of 100 feet from the OHWL.

Legal Description:

Tax Parcel: 03.00559.00

Section-29, Township-146, Range-033, 1.60 AC. That part of northwest ¼ of northeast ¼ lying north of CSAH No. 11, and lying west of the Schoolcraft River, and more fully described as follows: Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave staff report. Discussion included details of the deck, setbacks, history of the structure, and new structure permit. Photos of the site were reviewed and details of deck that was built. Bemidji Township has no concerns with the deck. Beltrami County Highway and GIS Department have no concerns with the deck. Bill recommended approval of the variance with the following conditions recommended by staff;

1. Owner must obtain an ESD approved after-the-fact Shoreland Alteration Permit

Owners, Bonnie Miller, and her husband, Mike, stated that they talked to the neighbors and no one was against the proposal.

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? Adaptable for handicap access and does not impact anyone.

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

Yes (x) No ()

Why? Setbacks made it impossible to get in and out of the house without it.

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

Yes (x) No ()

Why? There was no other place to put the trailer.

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

Yes (x) No ()

Why? Topography required location to be here.

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

Yes (x) No ()

Why? Won't change anything and neighbors are OK with it.

6. Does the alleged hardship involve more than economic consideration?
Yes (x) No ()

Why? Economic considerations were not considered.

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

Additional Questions for After-the-Fact Variance Request

To be used in addition to currently used Findings of Fact.

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable Official controls?
Yes (x) No ()

There was confusion regarding jurisdiction and requirement. Customer received a variance from the JPB to put the house there. Owner thought deck was included in permits from the JPB. It was a misunderstanding.

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?
Yes (x) No ()

The deck and ramp was already built.

3. Did the applicant complete the work before being informed of the violation of applicable official controls?
Yes (x) No ()

The deck and ramp were completed prior.

4. Are there similar structures in the area?
Yes (x) No ()

Similar river and lakeshore development exists.

5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?
Yes (x) No ()

Applicant is present at the meeting and trying to correct the situation.

6. Would the benefit to the County appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?
Yes (x) No ()

The applicant would not have handicap access to use the home if deck and ramp had to be removed. There is no benefit to the County to do this.

The answers to the questions above, together with the Facts supporting the answers and those other facts that exist in the record, are hereby certified to be the Findings of the Board of Adjustment.

Motion by John Simmons to approve the variance request of Bonnie Miller with the conditions recommended in the staff report. Conditions are; 1. Owner must obtain an ESD approved After-the-Fact Shoreland Alteration Permit. Joe Vene seconded motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Bonnie Miller.

Variance Request of: **Ryan Troumbly**
PO Box 51
Taconite, MN 55786
Township: Red Lake
Body of Water: Upper Red Lake (4-035)

The Purpose of:

Applicant is requesting a variance from the Beltrami County Shoreland Management Ordinance for parcel number 37.00106.00 on Rocky Point Road NE to build a 24' x 32' cabin 50 feet from a canal of Upper Red Lake. Upper Red Lake is a General Development Lake with a 75 foot structure setback requirement. Wetlands on the backside of the lot limit the cabin from being moved further back. All other setbacks can be met.

Legal Description:

Tax Parcel: 37.00106.00

That part of Government Lot 1, Section 31, Township 155, Range 031, described as follows: Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report. Discussed location of the property, surrounding area, details of the proposal, wetland locations, and setbacks from the right-of-way and OHWL. Currently using the property with an RV parked by the road, which is not meeting the setback. There was discussion about difficulties in developing this entire area. No public comments were received prior to the hearing. Staff recommends approval.

Ryan Troumbly, applicant, spoke about the details of the proposal and confirmed the 14' max proposed roof height with a 6:12 pitch. The Board had questions regarding the slope of the lot, which Ryan answered. Ryan spoke to his neighbors on the north side and they were supportive of his proposal.

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? This property is following the pattern of development in the area.

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

Yes (x) No ()

Why? There would be no way to put a cabin on this property without a variance, or major wetland fill.

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

Yes (x) No ()

Why? Hardship is caused by topography and the OHWL setbacks.

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

Yes (x) No ()

Why? Wetland and setback ordinances were adopted, regulating building placement in the area.

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

Yes (x) No ()

Why? This cabin will be very similar to other cabins in the area.

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

Yes (x) No ()

Why? Economic considerations were not considered.

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

Discussion regarding plans for a septic system and it was discussed that the SSTS will likely be a holding tank.

Motion by Todd Stanley to approve the variance request of Ryan Troumbly. Don Hazeman seconded motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Ryan Troumbly.

Variance Request of:

Wyatt and Dannette Stramer

5119 8th Ave N
Grand Forks, ND 58203

Township:

Turtle River

Body of Water:

Big Bass Lake (4-132)

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Management Ordinance to build a new house 54 feet from Big Bass Lake on their property located on Deer Valley Court NE. Big Bass Lake is classified as a Recreational Development Lake with a 100 foot setback required. The proposed house and attached garage would have a building footprint of 3,160 square feet and would be 28' in height. All other setbacks would be met but 3,700 square feet of wetland would have to be filled to accomplish the project.

Legal Description:

Tax Parcel: 48.00560.00

Section 20, Township 147, Range 032, BASS LAKE VINEYARDS Lot 001, Block 001, 1.80 AC. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley discussed the option for the public that submitted comments to our office to make their own comments, or to have staff read their letters for the record, in an effort to reduce duplication. Those in attendance mostly wanted staff to read the letter and the ability to add something later in the public comments if they felt necessary.

Shane Foley gave the staff report. Shane discussed the details of the property location, the road right-of-way, setback on rear of lot from Tall Pines Rd, right-of-way setback from easement for Deer Valley Ct through the property, the bluff setbacks from the top and bottom of the bluff, OHWL setback and wetlands on the property. Proposal is for a 2,880 square foot footprint for a new home on an undeveloped lot. Proposal includes 3,712 square feet of wetland to be filled (roughly 1/3 of existing wetland on the property). SSTS location will be on the opposite side of Deer Valley Ct from proposed home. Discussed details of the topography of lot with wetlands, proposed house location, proposed wetland fill, why it is necessary and how they would accomplish

that. Discussed details of the property line setbacks, and OHWL setback. Reviewed photos of property and existing conditions. Looked at topography map showing only buildable area on lot without a variance which is located on top of the bluff closer to Tall Pines Rd about 350 feet back from the lake. Staff recommendation is to deny/table this application to investigate building locations on the side and top of the slope in more detail. The Board of Adjustment discussed the details of the home size.

Wyatt Stramer, owner/applicant, and Jack Kroening, retired builder and advisor, addressed the Board. This is a 1 ½ story, 3 bedroom, home that is being proposed. The Stramers bought this lot 5 years ago and thought that the lot was buildable. Wyatt and Jack discussed why they thought that the proposal should be approved. They stated that their situation is similar to the lot exactly south of them, and that the only place to build is at the proposed location. They want to work with a hydrologist to ensure no negative effects are felt by neighbors with the runoff. Questions regarding whether or not the applicants contacted ESD to ask what could, or could not, be done on the property prior to purchase were answered. Wyatt Stramer said that he did not contact ESD, he just went on the advice of his realtor. Discussed the practical difficulty of crossing the road to get to, and accessing, the lake. Discussed the plan for not impacting neighbors, the view is more than necessary, and preserving as many trees as possible. There are no plans to remove trees, as it would not be necessary for construction. There is no culvert under the neighbor's driveway. Plans for soil evaluation and hydrologist, but not until the permit is approved. The 33 foot road right-of-way limits what can be done in the middle of the lot.

Shane Foley read portions of a letter that was from a previous County staff member to Mr. & Mrs. Stramer when they were considering the purchase of the lot, indicating what the limitations would be. Owners stated that the site visit was later in the same day after the lot was purchased.

Public Comments:

1. Kyle Crocker's letter was read, opposing the loss of important buffer and the mostly natural shoreline.
2. Derrick and Tara Johnson's letter was read, requesting a hydrology report and a water plan prior to moving forward to ensure no impact on their property due to wetland fill and loss of infiltration and storage areas.
3. Douglas Johnson's letter was read; opposed due to wetland fill and the shoreline vegetation loss that it will cause. Douglas is concerned about the water quality.
4. Mary Knox-Johnson and Dwayne Johnson's letter was read; opposed and concerned about degradation of water quality due to increased runoff, wetland loss, and vegetation removal.
5. Margaret Knox, Colin Long, Jessica Kane, Chris Skelton, Jane and Stubin Long's letter was read; they are all opposed to the variance. Allegedly, the owners knew what the restrictions were when they bought the property and are concerned that the removal of century trees and other plants will be detrimental to the lake.
6. Phil Lenzen's letter was read; he is opposed, and concerned about a large home that close to the lake and wetland fill. He is also concerned about water quality impacts.
7. Mark Lunseth's letter was read, he is opposed to the proposal. This letter answered the Finding of Facts questions negatively, and explained why for each question. Mark is concerned about the cumulative effects on water quality.
8. Jim McCabe's letter was read. He is concerned about the impacts to access to property he owns, as his only access is across the Stramer property. Jim objects to any plan that impacts the roadway and wetland.
9. Holly and Forest Milledge's letter was read. They are opposed to all elements of this request. They are against wetlands fill with concerns for water quality.
10. Edward Roger's letter was read, even though he was in attendance. Edward is in opposition to the requests, as the former owner of the property. Edward stated that he specifically informed the new owners that they would not be allowed to build on the lake side of the road.
11. Debbie Ward's letter was read. Again, she is opposed due to the effects this project would have on the water quality.
12. Beltrami County Highway Department and Beltrami County GIS & Mapping have no issues with this request.

13. Gary Vogel and Annette Theroux wrote a letter, but were also present at this meeting. Annette Theroux addressed the Board of Adjustment and talked about the area of the lake and discussed the bluff option as a feasible alternative as she lives in the house on the bluff next to this property. It can be done. There are concerns about stormwater. 43% of the homes on this lake are on top of the bluff (33 of 76). The situation is not unique to this property. Eight to nine years ago, properties on this lake were selling for \$163,000. The purchase price of \$78,000 should have been a red flag, as the buyers knew what properties on this lake were selling for. There are four cabins in the near proximity of the property that are within 100 feet of the lake, and none exceed 2,200 square feet. The lake would be impacted. Runoff from the bluff goes to the wetland and it is normally full of water.
 - a. Jack Kroening commented that the intent isn't to completely eliminate the 3,700 feet of wetland, but that some areas of the wetland would receive more fill than others.
14. Kari Carlson of 5603 Tall Pines Rd NE allegedly saw the property advertised as buildable walk-out lot and contacted the Stramers. The Stramers immediately put in an offer on the lot and purchased it. They found out after the purchase that there were issues.
15. Edward Rogers was the representative for the family selling the land. The family split the property and eventually sold the other properties. Murray Surveying surveyed the lot and noted that it could not be built on the lake side of the road. The lot is buildable, but likely on the bluff side of the road. Edward Rogers alleges that he personally told the Stramers that they could not build on the lake side of the road. Seller claims the buyer was fully aware of the restrictions on the lake side of the lot.
16. Doug Johnson spoke and discussed that past inquiries by prospective buyers of this property were all told that the buildable area of this property would be on top of the bluff.
17. Andy Hedlund spoke, as a long-time resident of Big Bass Lake. "Rules exist and everyone should follow them."
18. Grace Vetter of 5882 Kohler Ln NE agreed with Kari Carlson's comments.

Owner, Wyatt Stramer, clarified that he has worked with ESD the entire time and has not done anything without permits – he has followed all of the rules. He bought the property, and the day of the closing asked what could be done with it – it was too late to back out. Wyatt stated that he has done everything by the books and is not a bad person. Advisor, Jack Kroening, spoke about the bluff. Building on the bluff would also require a variance. Jack stated his opinion that water quality is a concern, but any new development isn't any more of a responsibility for new owners than any previous development.

The public comment period was then closed.

The Board of Adjustment discussed the potential of a site visit and would like to explore other potential building sites.

Motion by Joe Vene to table the Wyatt and Dannette Stramer variance application until a site visit can be completed and to adjourn the Planning Commission/Board of Adjustment Public Hearing for August 23, 2021. Motion was seconded by Don Hazeman. Motion carried and approved. Chair called the meeting for August 23, 2021 officially adjourned. The meeting will reconvene on Monday, September 13, 2021 at 4:00 PM at the property of Wyatt and Dannette Stramer.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, September 27, 2021
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

Site Visit to Tall Pines Rd NE; R48.00560.00

Members present:

Don Hazeman
Doug Underthun
Todd Stanley
Joe Vene
John Simmons

Members absent: Ed Fussy, Craig Gaasvig

Others Present:

Brent Rud, Director, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Shannon Schmidt, Beltrami County Environmental Services Department
Matt Murray, Murray Surveying Inc, 304 3rd St NW, Bemidji, MN 56601
Dave Larson, Larson Environmental Consulting, 5473 Timber Ridge Dr NE,
Bemidji, MN 56601
Jack Kroening, retired builder and consultant to the Stramers
Wyatt Stramer, 5119 8th Ave N, Grand Forks, ND 58203
Dannette Stramer, 5119 8th Ave N, Grand Forks, ND 58203
Gary Vogel, 7315 Tall Pines Rd NE, Bemidji, MN 56601
Annette Theroux, 7315 Tall Pines Rd NE, Bemidji, MN 56601
Mark Lunseth, 7405 Tall Pines Rd NE, Bemidji, MN 56601
Douglas P. Johnson, 7300 Vireo Ct NE, Bemidji, MN 56601

The August 23, 2021, hearing for Wyatt and Dannette Stramer had been tabled until such time as the Board of Adjustment could visit the physical site to see the topography and possible building sites for this variance application. Those wanting to visit the site, but needing a ride, met at the Beltrami County Board Room at 3:10pm, leaving for the site at 3:15pm. The site visit officially started onsite at 3:30pm. **Brent reviewed the site visit procedures and process for those in attendance, asking that the public please stay on the roadway and reserve all comments and questions for the official meeting at 6:00pm. No decisions would be made at the site visit; this was an opportunity for the Board members to see the site in person.**

General Business

Members present:

Don Hazeman
Doug Underthun
Todd Stanley
Joe Vene
John Simmons
Craig Gaasvig

Members absent: Ed Fussy

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Shannon Schmidt, Beltrami County Environmental Services Department
Trey Bowman, 3221 Jackson Ave SW, Bemidji, MN 56601
Barb and Jim Treat, 3309 Jackson Ave SW, Bemidji, MN 56601
Mary Schmoker, 821 Island View Dr NE, Bemidji, MN 56601
Peter Carlson, 5603 Tall Pines Rd NE, Bemidji, MN 56601
Gary Vogel, 7315 Tall Pines Rd NE, Bemidji, MN 56601
Annette Theroux, 7315 Tall Pines Rd NE, Bemidji, MN 56601
Mark Lunseth, 7405 Tall Pines Rd NE, Bemidji, MN 56601
Douglas P. Johnson, 7300 Vireo Ct NE, Bemidji, MN 56601
Dave Larson, 5473 Timber Ridge Dr NE, Bemidji, MN 56601
Jeff Tesch, 3215 Jackson Ave SW, Bemidji, MN 56601
Jon Chock, 13613 Bayview Ct NE, 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 for those in attendance.** The meeting minutes for August 23, 2021 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of August 23, 2021. Motion seconded by Todd Stanley.**

Motion carried and approved.

Board of Adjustment

Old Business

Variance Request of: Wyatt and Dannette Stramer
5119 8th Ave N
Grand Forks, ND 58203

Township: Turtle River
Body of Water: Big Bass Lake (4-132)

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Management Ordinance to build a new house 54 feet from Big Bass Lake on their property located on Deer Valley Court NE. Big Bass Lake is classified as a Recreational Development Lake with a 100 foot setback required. The proposed house and attached garage would have a building footprint of 3,160 square feet and would be 28' in height. All other setbacks would be met but 3,700 square feet of wetland would have to be filled to accomplish the project.

Legal Description:

Tax Parcel: 48.00560.00
Section 20, Township 147, Range 032, BASS LAKE VINEYARDS Lot 001, Block 001, 1.80 AC. Full legal description is on file in the Beltrami County Environmental Services Department.

Brent Rud gave an overview of the application and previous public hearing. The site visit made today, and why the application is on the agenda again for tonight, was discussed. Shane Foley gave a brief overview/refresher of the proposal.

Landowner, Dani Stramer, spoke about the letter they had received from ESD and how it related to the timing of their closing on this piece of property. Dani also talked about the information in the realtor's ad that indicated multiple walkout possibilities.

Jack Kroening, consultant, discussed the potential wetland impact reductions, lowering the garage floor elevation, and details of actual building sizes. The Board of Adjustment asked questions regarding drainage on the property.

The Board opened the floor to public comment.

- 1.) Shane Foley read a comment letter from Jim McCabe. Jim expressed his concerns about continued access to his own property – this road is his only access. He recommended any impacts to the roadway be evaluated prior to any approvals.
- 2.) Shane received a letter from Annette Theroux and Gary Vogel. They are present at the meeting and will address their letter a little later.
- 3.) Mark Lunseth of 7405 Tall Pines Rd NE addressed the Board. Mark discussed the wetland, shoreland erosion, history of wetland impacts on Big Bass Lake, and the application's incompleteness.
- 4.) Douglas Johnson of 7300 Vireo Ct NE is concerned that the Board isn't appreciative, or aware, of the strong opposition to this proposal. There is no justification for placing the structure within the 100' setback, per Douglas.
- 5.) Annette Theroux of 7307 Tall Pines Rd NE supports building on top of the bluff. 43% of the houses on Big Bass Lake are on top of the bluff. Stairs from the bluff to the lake are common on Big Bass Lake. The wetland is a Type 2 Wetland, a groundwater recharge wetland. The land between the wetland and the lake is a soft ridge and has water flowing under it. The increased impervious surface will result in increased stormwater runoff, pollutants, and sediment in the lake. Annette corrected an earlier statement about "neighbors have been fighting erosion". Neighbors have simply been working with and maintaining the property so it does not erode, not fighting with erosion. Annette also presented information that indicated the landowners knew they could not build by the lake prior to purchasing the property. The wetland has had water up close to the road and normally has standing water in it.
- 6.) Peter Carlson of 5603 Tall Pines Rd NE supports the application. Peter spoke about the democratic process and wishes the smear campaign was not happening.

The Board of Adjustment asked questions regarding the road easement and the flags they saw onsite. Members asked questions about the order of importance, is the lake setback, or the wetland impact, more critical. Shoreland erosion was discussed, along with the potential for increased erosion with the removal of vegetation for the placement of a house.

Dani Stramer, applicant, spoke about the vegetation and their love of existing vegetation. They don't want to remove any more vegetation than what is necessary. They have replanted small pine trees to replace blow down.

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 () No (x) - 5

Why? The intent of the plan is to maintain shoreline of lakes as pristinely as possible, and this lake has been developed within setback requirements.

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

Yes (x) - 3 No () - 2

Why? There are other options available. Access to the lake is diminished.

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

Yes (x) - 5 No ()

Why? Topography limits the most desirable sites where a structure could be built.

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

Yes (x) - 5 No ()

Why? Again, topography limits where a structure could be built.

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

Yes () No(x) - 5

Why? Newer homes are built at the setback.

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

Yes (x) - 5 No ()

Why? Economic considerations were not a factor in the decision.

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

A motion by John Simmons was made to deny the variance request of Wyatt and Dannette Stramer. Don Hazeman seconded the motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Wyatt and Dannette Stramer.

Board of Adjustment

New Business

Variance Request of:

Jonathon Chock
13613 Bayview Ct NE
Bemidji, MN 56601

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

The Purpose of:

Applicant is requesting a variance from the Beltrami County Shoreland Ordinance to add a 286 square foot 2nd story addition to part of his house that is setback 36 feet from Turtle River Lake. The addition will add 12 feet in height to the back of the house, but will not change the footprint of the structure and since the proposed addition lies behind an existing two story portion of the house, little if any view as observed from the lake will change.

Legal Description:

Tax Parcel: 48.00884.00
Section-01 Township-147 Range-032 SUNSET BAY ESTATES Lot-006 Block-002 1.00 AC

Shane Foley gave the staff report and discussed the history of this parcel. The proposal is for a 286 square foot addition to the second floor on the rear of the house, resulting in a height reduction, overall. Home will be a 3-bedroom home when finished and the existing SSTS was already designed for a 3-bedroom home. Shoreline and views were discussed. Staff recommends approval.

Applicant, Jonathon Chock, spoke about the reasons for this addition and why this proposal was submitted.

The Board opened the floor for public comment.

- 1.) The Beltrami County Highway Department had no concerns.
- 2.) Kim and Doug Williams wrote an email in support of the Chock's 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 proposal is away from the lake and out of sight, reducing the overall building height.

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

Yes (x) No ()

Why? The family is growing up and more bedrooms are needed.

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

Yes (x) No ()

Why? House was built prior to shoreland rules and is only a one bedroom home.

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

Yes (x) No ()

Why? Shoreland rules were created after the house was built.

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

Yes(x) No ()

Why? Character will not change.

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

Yes (x) No ()

Why? Economic considerations were not a factor.

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

Motion by Joe Vene to approve the variance request of Jonathon Chock. Todd Stanley seconded motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Jonathon Chock.

Variance Request of:

Urban (Trey) Bowman

3221 Jackson Ave SW

Bemidji, MN 56601

Township:

Bemidji

Body of Water:

Marquette Lake (4-142)

The Purpose of:

Applicants are requesting a variance to remove an existing residential structure located 82 feet from the Ordinary High Water Level (OHWL) and to build a new residential structure at 72 feet from the OHWL. The proposed impervious surface coverage of 30.3% would be a reduction from the existing 31.1% impervious surface coverage. Lake Marquette (4-142) is classified as a Recreational Development (RD) lake in the Beltrami County Shoreland Management Ordinance #6 with a required structure setback of 100 feet and a maximum impervious surface coverage of 25%.

Legal Description:

Tax Parcel: 03.00868.00

All of Lot 6, Block 1, Marquette Addition, and that part of Lot 7, Block 1, Marquette Addition lying South of a line running Easterly and Westerly across Lot 7, which line is parallel to, southerly of and 100 feet distant from the Northerly boundary of said Lot 7.

Bill Best provided the staff report. Bill discussed impervious surface limits and the proposed reduction on this property from 31.1% to 30.3%. The existing structure, history of the lot, history of permits including the 1990 variance, septic system location and future plans, and proposed new structure were all discussed. Discussed shoreline, rip rap, and existing stormwater drainage, and looked at photos of the site. Other options and possibilities and why they don't make sense were discussed. Graphics of proposed home were viewed. Staff recommends approval with the following conditions:

- 1.) Applicant must submit and obtain approval of a stormwater management plan.
- 2.) Applicant must submit and obtain approval of a vegetation management plan.
- 3.) Square footage of proposed structure and proposed increase in height cannot exceed the proposal.
- 4.) No portion of the structure can be located closer than 72' from OHWL.

The Board asked questions regarding the proposed increase in height and the impervious surface request.

Trey Bowman, owner, explained the proposed increases in size and height. He also discussed the string test.

The Board opened the floor for public comment.

- 1.) Jeff Tesch, neighbor, supports the Bowman request and is fine with the SSTS being closer to his property line than what is allowed.
- 2.) Peter Fredrickson, Bemidji Township Zoning Administrator, emailed. Bemidji Township has no problem with the variance, as long as the drainfield does not end in the ROW, and the building does not come any closer than what the plan shows.

There were no other public comments.

The Board further discussed the proposed height.

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? Applicant explored multiple options and chose to move forward with the least impactful proposal.

2. Without the variance is the owner deprived of a reasonable use of the property?
 Yes (x) No ()
 Why? Family is growing and need to replace the house, which is on a very small lot.

3. Is the alleged hardship due to circumstances unique to this property?
 Yes (x) No ()
 Why? Small lot with not many good options to build.

4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
 Yes (x) No ()
 Why? Size of the lot and SSTS location are limiting.

5. Will the issuance of the variance maintain the essential character of the locality?
 Yes(x) No ()
 Why? Roof heights are similar to others in the area.

6. Does the alleged hardship involve more than economic consideration?
 Yes (x) No ()
 Why? Economic considerations were not a factor.

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

Motion by Todd Stanley to approve the variance request of Trey Bowman with conditions recommended in the staff report. Conditions are: 1) Applicant must submit and obtain approval of a Stormwater Management Plan, 2) Applicant must submit and obtain approval of a Vegetation Management Plan, 3) Square footage of proposed structure and proposed increase in height cannot exceed the proposal, and 4) No portion of the structure can be located closer than 72' from OHWL. Joe Vene seconded motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Urban (Trey) Bowman.

Planning Commission

New Business

Conditional Use Request of: **Mark & Sally Schissel**
 18100 33rd Ave N
 Plymouth, MN 55447

Township: Turtle Lake
 Body of Water: Black Lake (4-157)

The Purpose of:
 Applicant is requesting an after-the-fact Conditional Use Permit (CUP) to complete the installation of a private watercraft access ramp. Black Lake (4-157) is classified as a Sensitive Area (SA) lake in the Beltrami County Shoreland Management Ordinance #6.

Legal Description:

Tax Parcel: 47.00193.01

That part of the North 300 feet of the South 900 feet of Government Lot 4, Section 14, Township 148 North, Range 33 West, lying easterly of a line described as follows: The full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave the staff report – applicant could not be present for this hearing. Bill discussed the history of the property and development of the area. Lot sizes, existing structures, SSTS, and shoreland alteration areas were also discussed. Photos of the site prior to the placement of rocks to stabilize shoreline were viewed. After Shoreland Alteration permit approval, landowner decided to excavate an area to flatten the slope, without a permit. The excavated area is about 55' long and 12' wide. Discussed a site visit that DNR Hydrologist, Brent Mason, and Bill Best made to the property. Recommendations for completing the work and stabilizing the slope were made. Staff recommends approval with the following conditions:

- 1.) MN DNR access guidelines – “Water Access: Installing a Boat Ramp” must be followed.
- 2.) Access is not for commercial use.
- 3.) AIS signs must be erected if others will be allowed to use the access.
- 4.) Berm at top of ramp to divert any runoff, side slopes reshaped to 3:1, and the establishment of vegetation on the ramp to reduce potential erosion and sedimentation must be satisfactorily completed.

The Board opened the floor for public comments.

- 1.) Beltrami County Highway Department had no concerns.
- 2.) An email was received from MN DNR, Brent Mason, outlining some recommended permit requirements and outlining what MN DNR allows.
- 3.) Gerald Litke emailed his concerns that excess traffic would be created if others are allowed to use the access, and boats brought in from other lakes could expose Black Lake to AIS.
- 4.) Billy Ayers urges denial. Access was always there.
- 5.) Mary Schmoker and Rodney Anttila letters recommend approval. No public water access on this lake and others should have reasonable access like some on the lake already have.
- 6.) Shanon Kalbrener is in favor of the request.
- 7.) Hilton Bakker opposes the request, based on applicant not following original permit and sensitivity of Black Lake.
- 8.) Steve Litke opposes the request. No need for the improvement, access was always usable. Steve is worried about more people being allowed access to the lake.
- 9.) Carol Schnell is opposed and included a copy of the “Journal of Conservation Planning Vol 8 (2012) 12-24” with her comments.
- 10.) James Peters, attorney, urges denial of this application. If the application is not denied, conditions necessary as outlined should be attached. James cited several court cases and Shoreland Ordinance sections that must be followed.
- 11.) Mary Schmoker asked for clarification of the rules regarding construction of a public access. Most people on Black Lake want to keep the lake private.

The Planning Commission asked questions regarding the application and history of work on the property.

Motion by Todd Stanley to recommend approval to the County Board for the Conditional Use Permit for Mark and Sally Schissel with the following conditions: 1) MN DNR access guidelines – “Water Access: Installing a Boat Ramp” must be followed, 2) Access is not for commercial use, 3) AIS signs must be erected if others will be allowed to use the access, and 4) Berm at top of ramp to divert any runoff, side slopes reshaped to 3:1, and the establishment of vegetation on the ramp to reduce potential erosion and sedimentation must be satisfactorily completed. John Simmons seconded the motion.

Motion unanimously carried and approved.

Motion by Doug Underthun to adjourn the Planning Commission/Board of Adjustment Public Hearing for September 27, 2021. Motion was seconded by Joe Vene. Motion carried and approved. Chair called the meeting for September 27, 2021 officially adjourned. The next meeting will be on Monday, October 25, 2021 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**BELTRAMI COUNTY PLANNING COMMISSION
SPECIAL PUBLIC HEARING MEETING AGENDA
BELTRAMI COUNTY BOARD ROOM, SUITE 102
BELTRAMI COUNTY ADMINISTRATIVE SERVICES BUILDING
701 MINNESOTA AVENUE NW
BEMIDJI, MN 56601
TIME: 3:00 P.M.
October 11, 2021**

- 1. Welcome**
- 2. Planning Commission:**

New Business

The purpose of this meeting will be for the Planning Commission to consider Short-Term Rental regulations in order to make a recommendation to the Beltrami County Board.

- 3. Other**
- 4. Adjourn**

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, October 25, 2021
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present:

Ed Fussy
Don Hazeman
Doug Underthun
Todd Stanley
Joe Vene

Members absent:

John Simmons
Craig Gaasvig

Others Present:

Brent Rud, Director, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Shannon Schmidt, Beltrami County Environmental Services Department
Steven Scherling, 2205 Monroe Ave SW, Bemidji, MN 56601
Lynn Strate, 20065 Buckhorn Rd NE, Hines, MN 56647
Keith Balsiger, 6 Pyrenees Ct, Henderson, NV 89011
Rob Ingersoll, 5524 Sandy Lake Rd NE, Tenstrike, MN 56683

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 September 27, 2021 were brought forward for approval. **Joe Vene moved to approve the meeting minutes of September 27, 2021. Motion seconded by Todd Stanley.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of:

**Lynn and Jeanne Strate
20065 Buckhorn Rd NE
Hines, MN 56647**

Township:

Hines

Body of Water:

Blackduck Lake (4-069)

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Management Ordinance to remove a 24’ by 40’ storage building and replace it with a 36’ by 46’ storage building on their Blackduck Lake (4-069) lot. The current building is located 300’ from the lake, 0’ from the property line and 10’ from the township road right-of-way of Buckhorn Rd NE. The building proposal is to maintain the same setbacks as they currently exist at 0’ and 10’, respectively. The Shoreland Ordinance requires a 10’ setback from property lines and a 20’ setback from road right-of-ways.

Legal Description:

Tax Parcel: 18.00546.00

Lot 1, Allen’s Acres, according to the plat of record in the Beltrami County Recorder’s Office. The full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report and discussed the variance application, parcel details, and current and proposed road right-of-way and property line setbacks. Staff recommends approval.

Applicant, Lynn Strate, confirmed staff report was accurate. Lynn also spoke about the reasons why this variance is necessary and why this proposal was submitted for this exact location and for this size. The existing well and setbacks were discussed. The Board discussed options to move the building.

- A letter was received from the owners of 20019 Buckhorn Rd NE; Melanie Chapel, Wesley Bray, Karen Baumler, Gregory Baumler, and Sara Baumler; these neighbors have no objections to the Strate’s variance request.
- A letter was also received from Jeff Wiebe, Clerk of Hines Township. The Hines Township Board has no objection to the right-of-way setback, but does wish that the property line setback could be at least 10’.

The Board opened the floor for public comment, and discussed the letters that were received.

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 building size is increasing, but is no closer to any setback lines.

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

Yes (x) No ()

Why? A reasonable size building is requested and property owner has nowhere else to move it to.

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

Yes (x) No ()

Why? The location of the well, the neighbor with a garage on the same property line, the driveway that is shared by the property owner and the neighbor, are all unique to this property.

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

Yes (x) No ()

Why? The road was built after the storage building was built, and created the right-of-way issue.

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

Yes(x) No ()

Why? The character will not change – the neighbor’s garage is also on the property line.

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

Yes (x) No ()

Why? Economic considerations were not a factor.

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

Motion by Todd Stanley to approve the variance request of Lynn and Jeanne Strate with the following conditions: 1.) The 3’ well setback must be maintained. 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 Lynn and Jeanne Strate.

Variance Request of:

Steven and Catherine Scherling

2205 Monroe Ave SW

Bemidji, MN 56601

Township:

Bemidji

Body of Water:

Carr Lake (4-141)

The Purpose of:

Applicants are requesting a variance to construct a 26’ by 26’ (676 square foot) addition and a 6’ by 26’ (156 square foot) covered walkway onto a non-conforming residential structure. The proposed addition and covered walkway would be located on the non-lakeshore side of the structure. Setback of the existing structure is 69’ from the Ordinary High Water Level of Carr Lake. Carr Lake (4-141) is classified as a Special Protection (SP) lake with a structure setback of 150’ in both the Beltrami County Shoreland Ordinance # 6 and the Mississippi Headwaters Board Comprehensive Plan.

Legal Description:

Tax Parcel: 03.00319.02

That part of the Southeast Quarter of the Southeast Quarter, Section 20, Township 146 North, Range 33 West, lying southerly of the following described line: The full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best provided the staff report. Bill discussed the existing structure, the details of the variance proposal, and property details. Staff recommends approval with the following conditions:

- 1.) Applicant must submit and obtain approval of a Stormwater Management Plan.
- 2.) Applicant must submit and obtain approval of a Vegetation Management Plan.
- 3.) Square footage of proposed structure cannot exceed the proposal.

Steven Scherling, owner, answered the Board’s questions regarding the existing impervious surfaces, and if anything would be changing. The Board clarified the proposed height.

The Board opened the floor for public comment.

- Clarence and LaMae Ritchie sent in an email expressing their full support.
- Beltrami County GIS had no comment.

There were no other public comments.

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? Addition is on the back side of the house, not increasing impervious surface, not visible from the water, and meets other requirements. The house, including additions, will be no closer to the water.

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

Yes (x) No ()

Why? Needs to expand to gain room and proposal is reasonable.

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

Yes (x) No ()

Why? House was built prior to Shoreland Ordinance and needs more family room.

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

Yes (x) No ()

Why? House was built prior to Shoreland Ordinance.

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

Yes(x) No ()

Why? The house will look very similar to what it does now.

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

Yes (x) No ()

Why? Owner is keeping the addition reasonable and as far back as possible.

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 Steven and Catherine Scherling with conditions recommended in the staff report. Conditions are: 1) Applicant must submit and obtain approval of a Stormwater Management Plan, 2) Applicant must submit and obtain approval of a Vegetation Management Plan, and 3) Square footage of proposed structure cannot exceed the proposal. 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 Steven and Catherine Scherling.

Variance Request of:

Siena Square Trust
Keith and Sue Balsiger
6 Pyrenees Ct
Henderson, NV 89011

Township: Hagali
Body of Water: Sandy Lake (4-124)

The Purpose of:

Applicant is requesting a variance from the Beltrami County Shoreland Management Ordinance to build an addition onto the current structure which is 1,200 square feet in size, 26' tall, and 54' from Sandy Lake (4-124). Sandy Lake is classified as a Sensitive Area (SA) lake and requires a 150' structure setback. The variance proposal includes raising the roof height by 2' in order to increase the ceiling height of the current walkout basement, adding a 1,536 square foot single story addition on the non-lakeside portion of the house, and making the existing 300 square foot deck into a screened porch.

Legal Description:

Tax Parcel: 16.00231.00

That part of Government Lot 5, Section 19, Township 149, Range 32, Beltrami County, Minnesota, being described as follows: The full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley provided the staff report. Shane discussed the existing structure, the proposed additions in the variance request, property details, and the purchase agreement. Topography, setbacks, and existing roads/driveways was also discussed. Staff does not recommend approval as submitted. However, staff would recommend approval without the width expansion and without enclosing the existing deck as a screened porch. The Board of Adjustment discussed the proposed additions and the height of the finished structure.

Keith Balsiger, applicant, discussed the proposal and the plans. Keith would be willing to alter the proposal to eliminate the 8' addition to the side of the existing home and move that square footage to the rear of the addition. Discussed new height of structure.

The Board opened the floor for public comment and Shane Foley read the comment letters.

- Kurt Lindquist, who shares the Jenson Ct driveway, sent a letter in support of the proposal.
- Linda Martin-Myers, the closest neighbor to the north, sent a letter stating she has no objections.
- Dan and Patty Reis phoned in their approval of the proposal.
- Rob and Tammy Ingersoll sent a letter in support of the proposal. They feel there should be no VRBOs on a family lake, a Sensitive Area lake.
- Jeff and Julie Aas, a neighbor to the south, is in favor of a single-family residence, not a VRBO, at this location.
- John and Jane Bolger of 23415 Hagali Rd NE sent a letter. They feel the home is very visible from the lake and they asked that the proposal for such a visible, large addition be denied. They have been working on building their own home on the lake and have been doing so within the setbacks.
- Rob Ingersoll, who also sent a personal letter, was present to speak as a Hagali Township Supervisor. The Hagali Township Board was able to discuss this variance in advance of the meeting. The applicant took the time to go around and explain his plans to the neighbors. Hagali Township supports this project. Mockingbird Ln is NOT a Township road. There was a court case many years ago where two residents sued to gain access to their properties via this private

driveway. Neither of those persons are around now, and there isn't anyone left that has a legal right to use this private driveway.

There were no other public comments.

The Board of Adjustment further discussed the roads, easements, roof height, and existing deck/porch proposal.

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? This is a residential area and the majority of the homes are located in the setback. The additions to this building will be behind the structure, away from the lake.

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

Yes (x) No ()

Why? Reasonable use is being proposed. Without the variance, applicant would need to remove current structure and rebuild further back, with additions.

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

Yes (x) No ()

Why? House was built prior to Shoreland Ordinance and is within the setback.

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

Yes (x) No ()

Why? House was built prior to Shoreland Ordinance.

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

Yes(x) No ()

Why? All additions are on the backside of the structure. The requested improvements will enhance the location.

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

Yes (x) No ()

Why? The addition makes the home more usable as a family residence and is reasonable.

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 Siena Square Trust with conditions recommended in the staff report. Conditions are: 1) The proposed addition must meet all setbacks from existing easements, 2) SSTS must be brought into compliance, 3) Screen porch not approved, must remain a deck, 4) Basement height can be increased by 2', 5) Roof height of addition cannot be more than 2' higher than finished height of existing structure, 6) Addition must not exceed width of existing house, and square footage of addition can't exceed 1,536 square feet, and 7) Vegetation Management Plan must be submitted and approved by ESD prior to permit approval. Todd Stanley seconded the motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Siena Square Trust.

Motion by Doug Underthun to adjourn the Planning Commission/Board of Adjustment Public Hearing for October 25, 2021. Motion was seconded by Don Hazeman. Motion carried and approved. Chair called the meeting for October 25, 2021 officially adjourned. The next meeting will be on Monday, November 22, 2021 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, November 22, 2021
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present:

Ed Fussy
Don Hazeman
Doug Underthun
Todd Stanley
Joe Vene
John Simmons
Craig Gaasvig

Members absent: None

Others Present:

Brent Rud, Director, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Bill Best, Beltrami County Environmental Services Department
Shannon Schmidt, Beltrami County Environmental Services Department
Al Stipek, 1252 Windmill Crk N, Waconia, MN 55387-1168
Eldean Ward, 12620 Shannon Pkwy, Rosemount, MN 55068-3373
Matt Murray, 304 3rd St NW, Bemidji, MN 56601-3113
Shane Wagner, 5056 Madison Ave SW, Bemidji, MN 56601-9049
Dawson Byler, 5136 Canvasback Rd NE, Pennington, MN 56663-3721
Crystal Peterson, 9315 Country Club Rd NE, Bemidji, MN 56601-8656

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 October 25, 2021, were brought forward for approval. **Doug Underthun moved to approve the meeting minutes of October 25, 2021. Motion seconded by Don Hazeman.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of:

Balsamo Lago Inc
Eldean M Ward
14787 Reindeer Ct NW
Shevlin, MN 56676

Township: Alaska
Body of Water: Balm Lake (4-329)

The Purpose of:

Applicants proposing to remove two non-conforming structures and replace with one non-conforming structure. Existing structures are located approximately 60 feet from the Ordinary High Water Level (OHWL) and total 1,150 square feet in size. Proposed new structure to be constructed at 100 feet from the OHWL and 1,242 square feet in size. Balm Lake (4-329) is classified as a Sensitive Area lake in the county Shoreland Management Ordinance #6 with a required structure setback of 150 feet from the OHWL.

Legal Description:

Tax Parcel: 01.00265.05

Those parts of Government Lots 12 and 13, Section 23, Township 150, Range 35 described as follows: The full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave the staff report and discussed the history of the property, the old resort, existing structures and infrastructure. The two structures that will be removed and replaced with the new structure were discussed. Photos of the site and the proposed structure concept plan were viewed. Bill read an email from Camille Williams, a neighbor, in support of the application. Staff recommends approval with the following conditions:

- 1.) Applicant must submit and have ESD approval of a Stormwater Management Plan before a building permit can be issued.
- 2.) Applicant must submit and have ESD approval of a Vegetation Management Plan before a building permit can be issued.
- 3.) Square footage and height of proposed structure cannot exceed that stated in the variance request application.
- 4.) Compliance inspection of holding tank, or an evaluation and design to connect the new structure to existing SSTS, must be completed.

Applicant, Eldean Ward, confirmed staff report was accurate. Eldean assured Board that Reindeer Court is a private driveway and any setback will be observed. Eldean confirmed that Dave Larson will be doing a compliance inspection for the septic, but won't be able to do so until the spring thaw.

The Board opened the floor for public comment. No public comment was received, other than the email that Bill Best already read.

Motion by Todd Stanley to approve the variance request of Balsamo Lago Inc and Eldean Ward with the following conditions: 1.) Applicant must submit and have ESD approval of a Stormwater Management Plan before a building permit can be issued, 2.) Applicant must submit and have ESD approval of a Vegetation Management Plan before a building permit can be issued, 3.) Square footage and height of proposed structure cannot exceed that stated in the variance request application, and 4.) Compliance inspection of holding tank, or an evaluation and design to connect the new structure to existing SSTS, must be completed. Joe Vene seconded the motion.

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 proposed new structure will be replacing two old structures and be constructed even further back on the lot away from the lake.

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

Yes (x) No ()

Why? One, if not both, of the structures being removed is not livable.

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

Yes (x) No ()

Why? The existing cabins were constructed prior to the Shoreland Management Ordinance and are very close to the lake.

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

Yes (x) No ()

Why? Nature has deteriorated the existing old cabins. The cabins were constructed prior to shoreland rules and are too close to the lake.

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

Yes(x) No ()

Why? The character will be improved with the removal of the old deteriorating cabins.

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

Yes (x) No ()

Why? Economic considerations were not a factor.

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

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Balsamo Lago Inc and Eldean Ward.

Variance Request of:

Allen and Cynthia Stipek
18703 Farington Ln NE
Hines, MN 56647

Township:

Hines

Body of Water:

Blackduck Lake (4-069)

The Purpose of:

Applicants are requesting a variance to add on to their non-conforming home on Blackduck Lake. The variance is required because both, the existing home and the addition, fall within the bluff setback zone. The proposal changes the existing 576 square foot home with a height of 18' into a 1,848 square foot structure with a height of 22'. The structure is currently set back 5' from the top of the bluff and the addition maintains a 5' setback from the bluff. The Shoreland Ordinance requires a 30' bluff setback. The structure is 110 feet from the lake.

Legal Description:

Tax Parcel: 18.00714.00

Shane Foley provided the staff report. Shane discussed the parcel size, the location, the topography, roads, and ordinance setback requirements. The proposed structure details, including height and size, were also discussed. The cabin is currently located behind the peak of the bluff and is lower in elevation so runoff will not be draining down the bluff towards the lake. The wetland behind the structure was also discussed, and why the location of the addition seems most practical and reasonable. Staff recommends approval with the following condition:

- 1.) The deck must not encroach into the 100 foot building setback.

The Board reviewed the site plan and discussed drainage and the deck size and location. Owner, Al Stipek, explained that the deck protrudes 6 feet out from the structure. Matt Murray, surveyor, confirmed that the existing cabin and deck do not meet the 100 foot setback. Matt provided drawings and gave his interpretation of the definition of a bluff and how it applies to this property. Matt discussed the lack of slope to the lake and how water flows.

The Board opened the floor for public comment.

- Jeff Wiebe, Hines Township Clerk, expressed in writing that the Township Board has reservations, but did not explain further.
- James and Jean Palmer, owners of the adjacent property, sent an email expressing their concerns.
- Nearby property owners; Craig Looney, Deb and Mark Schneider, and Terry Slowinski, wrote a combined letter in support of the Stipek's variance application.

There were no other public comments.

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 protects the environment, the bluff, and the lake. The addition is environmentally friendly and meets the intent of the rules.

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

Yes (x) No ()

Why? Topography limits use.

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

Yes (x) No ()

Why? The bluff, the wetlands, and the topography are limiting.

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

Yes (x) No ()

Why? Topography is the issue with this property.

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

Yes(x) No ()

Why? The character will remain unchanged.

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

Yes (x) No ()

Why? More living space is needed. 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 Allen and Cynthia Stipek with the following condition: 1.) The proposed deck must not extend more than 6 feet lake ward from the proposed addition and will match up with the existing deck. 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 Allen and Cynthia Stipek.

Variance Request of:

Kevin and Cathryn Forneck

24666 Cap Endres Rd NE

Cass Lake, MN 56633

Township:

Brook Lake

Body of Water:

Pug Hole Lake (4-003)

The Purpose of:

Applicants are requesting a variance to add on to their non-conforming home on Pug Hole Lake. The variance is required because both, the existing home and the addition, fall within the bluff setback zone. The proposal changes the existing 980 square foot home with a height of 15' into a 1,380 square foot home with the height remaining at 15'. The structure is currently setback 5' from the top of the bluff and the addition would be 10' from the top of the bluff. The Shoreland Ordinance requires a 30' bluff setback. The structure is 225 feet from the lake.

Legal Description:

Tax Parcel: 08.00071.00

That part of Government Lot Sixteen (16), Section Seven (7), Township One Hundred Forty-six (146), Range Thirty (30), described as follows: The full legal description is on file in the Beltrami County Environmental Services Department

Shane Foley provided the staff report. Shane discussed the existing structure, the bluff setbacks, the proposed addition, and topography details. Staff feels that the addition makes sense at this location and is not possible any other place. Staff recommends approval with the condition that a Stormwater Management Plan be submitted and approved prior to building permit issuance.

The Board discussed the need for immediate erosion prevention. Dawson Byler, the contractor, represented the owners, who were not present. Dawson discussed the reasons why the addition is needed. Dawson also discussed drainage, his willingness to direct the runoff away from the lake, and the erosion controls he will put in place. The Board requested clarification as to why the addition was needed. Dawson read the owners' comments directly from the variance application. The vegetation on the slope and yard was also discussed.

The Board opened the floor for public comment. No public comment.

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? Vegetation will protect the bluff and the shoreline. The intent of the Ordinance has been met.

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

Yes (x) No ()

Why? Type of existing structure limits flexibility. The owner needs more living space to accommodate growing extended family.

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

Yes (x) No ()

Why? Bluff and topography limit available building area.

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

Yes (x) No ()

Why? Topography limits use.

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

Yes (x) No ()

Why? Structure is not visible from the lake and will not disturb the environment.

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

Yes (x) No ()

Why? Topography is the issue.

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

Motion by Joe Vene to approve the variance request of Kevin and Cathryn Forneck with the condition recommended in the staff report. Condition is: 1) Stormwater Management Plan must be submitted and approved prior to building permit issuance. John Simmons seconded the motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Kevin and Cathryn Forneck.

Motion by Doug Underthun to adjourn the Planning Commission/Board of Adjustment Public Hearing for November 22, 2021. Motion was seconded by Don Hazeman. Motion carried and approved. Chair called the meeting for November 22, 2021 officially adjourned. The next meeting will be on Monday, January 24, 2022 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission