

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, March 25, 2024  
County Administration Building – County Board Room  
701 Minnesota Ave NW  
Bemidji, Minnesota 56601**

**General Business**

Members present: Doug Underthun  
Don Hazeman  
Bruce Poppel  
Bill Best  
Craig Gaasvig

Members absent: Todd Stanley  
Ed Fussy

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department  
Shannon Schmidt, Beltrami County Environmental Services Department  
Rick Olson, 5355 Early Pioneer Dr NW, Bemidji, MN 56601  
Kim Olson, 5355 Early Pioneer Dr NW, Bemidji, MN 56601

Co-Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for February 26, 2024, were brought forward for approval. **Bruce Poppel moved to approve the meeting minutes of February 26, 2024. Motion seconded by Doug Underthun.**

**Motion carried and approved.**

**Board of Adjustment**

**New Business**

**Variance Request of:** **Benjamin & Richard Olson**  
5100 Early Pioneer Dr NW  
Bemidji, MN 56601

Township: Liberty  
Body of Water: Campbell Lake (4-196) SP

**The Purpose of:**

Applicants are requesting a variance from the Beltrami County Shoreland Ordinance to rebuild a 540 square foot existing cabin with a 12'x12' deck in front and asking to add approximately 100 square feet in size in order to have bedrooms meet state code near Campbell Lake (SP 4-196). Campbell Lake is classified as a Special Protection Lake which requires a 150' structure setback. The rebuilt cabin will remain in the same location as the original cabin with the additional 100' of square footage being added to the back side of the cabin, moving away from the lake. The cabin is currently located at approximately 130' from the OHWL.

**Legal Description:**

Tax Parcel 26.00271.00

Government Lot Two (2) less the plat of Paul and Aleene Acres, Section Twenty-three (23), Township One Hundred Forty-eight (148), Range Thirty-four (34).

Brent Rud gave the staff report in Greg Larson's absence. Maps and photos showing the location of the parcel on GIS mapping, the resort layout, the topography of the cabin # 4 site, photos of the old cabin and fallen tree damage, as well as photos of the bare site where the cabin has now been removed, were also viewed. The cabin is located on a 1946 lot of record and part of the Pioneer Resort. Bedroom sizes on the rebuilt cabin need to be increased in order to meet Minnesota Department of Health fire code. Staff recommends approving as proposed with the condition that no part of the new cabin or deck will be any closer to the OHWL than the existing/former cabin # 4.

Richard and Kimberly Olson approached the podium. Earl and Margaret McNea entered into a Contract for Deed on March 30, 2023, to sell their property to Benjamin Olson and Kenia Torres-Olson. Richard and Kimberly, the parents of Benjamin Olson, live next door to the property and assist with property management. The Board asked about the septic situation for cabin # 4. Cabin # 4 is tied into the existing septic system for the resort. Richard confirmed that there is a substantial hill behind the cabin and many mature trees that he would prefer not to remove preventing him from replacing the cabin back further from the lake. The Board asked about the handling of water run-off. The new cabin will have rain gutters which will run to a few tiles and then out on the ground. Richard asked about the current building permit he obtained last fall to replace cabin # 4. That permit is still valid. The current permit will be reissued with a revised description of the project and the cost difference in square footage will be due.

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

- Email - **Stephanie Klamm, Area Hydrologist for the DNR**, wrote a letter addressing the following concerns:
  - Unique Circumstances – as related to physical characteristics of the land such as lot shape and dimensions. Applicants have not demonstrated a unique circumstance. Variance request is being driven by design preferences and economic concerns of the owner to build in the existing area that is protected by shoreland rules, not the uniqueness of the lot.

- Essential Character – increasing the size of the existing cabin will increase the impervious surface coverage and increase stormwater runoff from the additional roof into Campbell Lake. The 12’x12’ deck could put the structure closer to the OHWL of the lake as well. Though it seems like a small change in square footage, the land disturbance will alter how water moves on the property. Mr. Olson has not demonstrated that the new addition and porch will not alter the essential character of the property.
- Reasonable Manner – this application does not speak to the reasonable manner but does give a rationale for the need for the addition and porch. Though applicants want it to be similar to other structures on the lake, this also keeps a non-conforming lot non-conforming.
- “In the application, Mr. Olson does state that the intent of the addition is to meet code requirements for bedrooms and the porch is a gathering point. Though the addition will be on the backside of the existing cabin, they would still not be meeting the setback from the OHWL of the lake. Per the information received in the application there is no discussion on reasonable manner, essential character, or unique circumstances.”
- Please notify this office within ten (10) days following the Board’s decisions on these matters. Thank you for the opportunity to comment on this variance request.

Applicants were asked if there was anything they would like to respond to, or any additional information they would like to offer. The applicants declined.

Finding no further public comment, the Co-Chairman closed the floor for public comment on the Benjamin and Richard Olson 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? A fallen tree destroyed the existing cabin. State rules allow for the rebuilding of the cabin in the same spot.
2. Without the variance is the owner deprived of a reasonable use of the property?  

Yes (x)    No ( )

Why? The replacement cabin needs to be licensed by the Minnesota Department of Health in order to be occupied. The additional square footage is needed to meet the minimum size requirement for fire code.
3. Is the alleged hardship due to circumstances unique to this property?  

Yes (x)    No ( )

Why? The cabin was built prior to the Shoreland Management Ordinance being put in place. The cabin has now been destroyed by a fallen tree and needs to be replaced.

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

Yes (x) No ( )

Why? The fallen tree landing on the cabin has caused the need for cabin replacement. Topography and mature trees limit where cabin can be placed.

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

Yes(x) No ( )

Why? The replacement cabin will be built in the same exact location as the prior cabin and will look the same from the lake but will be an upgrade.

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

Yes (x) No ( )

Why? State fire code is causing the alleged hardship, not economics.

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

**Motion by Doug Underthun to approve the variance request of Benjamin and Richard Olson with the following condition: 1.) No part of the replacement cabin or deck will be any closer to the OHWL than the previous cabin. Bruce Poppel seconded the motion.**

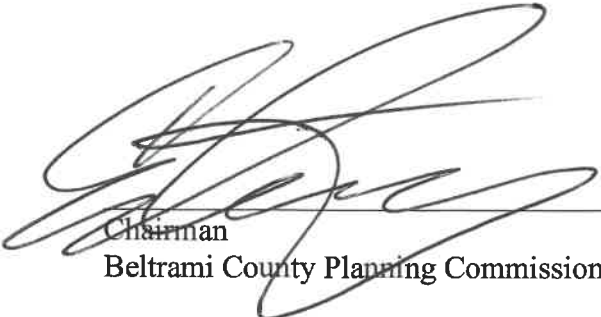
**Motion unanimously carried and approved.**

Co-Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Benjamin and Richard Olson.

**Motion by Bruce Poppel to adjourn the Planning Commission/Board of Adjustment Public Hearing for March 25, 2024. Motion was seconded by Bill Best. Motion carried and approved. Co-Chair called the meeting for March 25, 2024, officially adjourned. The next meeting will be held on Monday, April 22, 2024, at 6:00 PM.**

Respectfully submitted,

  
Brent Rud  
Beltrami County ESD Director

  
Chairman  
Beltrami County Planning Commission