

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, February 24, 2020  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

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

Members absent: None

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Ray & Carolyn Guthrie, 20326 Tepee Hill Lane NE, Hines, MN 56647  
Christina Regas, City of Blackduck  
Kevin Erpelding, City of Blackduck  
Diana Plath, 9842 Long Lake Drive NE, Bemidji, MN 56601  
Dan Gartrell, 10,000 Long Lake Drive NE, Bemidji, MN 56601  
Jay & Charlet Mahs, 4507 Cherry Lane NE, Bemidji, MN 56601  
Jenna Mahs, 10088 Stallion CT 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.** The meeting minutes for January 27, 2020 were brought forward for approval. **Wally Byklum moved to approve the meeting minutes of January 27, 2020. Motion seconded by Don Hazeman. Motion carried and approved. Brent reviewed the meeting procedures and process for those in attendance.**

**Board of Adjustment**

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of the City of Blackduck.

**Variance Request of:** City of Blackduck  
**Christina Regas, Representative**  
20857 Blackduck Lake Road NE  
Blackduck, MN 56630

Township: Hines  
Body of Water: Blackduck

**The Purpose of:**

The City of Blackduck Golf Course is requesting a variance to build a 32' x 108' golf cart shed with a height of 16'. The Beltrami County Shoreland Management Ordinance requires the shed to be setback 50' from County Road 31 and 100' from Coburn Creek but the proposed shed will only be setback 25' from County Road 31 and 80' from Coburn Creek and therefore requires a variance.

**Legal Description:**

Tax Parcel 18.00148.00

The South Half of the West 10 acres of the Southeast Quarter of the Southwest Quarter (SE1/4 of SW1/4), Section Eleven (11), Township One Hundred Forty-nine (149), Range Thirty-one (31)

Shane Foley gave staff report. Discussed original proposal and how the applicant revised the application based on the County Highway Department concerns. Staff recommendation is to approve variance request with the condition that a Stormwater Management Plan be approved by the Environmental Services Department prior to construction. Christina Regas, City Manager, have some information regarding the old shed and why the new one is necessary. Discussion about drainage and stormwater run-off. Reviewed the two letters of comment to this application.

**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?

Replacing old existing structure where reasonable is in harmony with existing plans and rules.

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

Yes (X) No ( )

Why?

No other reasonable place for essential building.

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

Yes (X) No ( )

Why?

Proximity of road and river and lack of additional space near the clubhouse.

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

Yes (X) No ( )

Why?

Golf Course area was developed prior to county road location.

5. Will the issuance of the variance maintain the essential character of the locality?  
Yes (X) No ( )

Why?

The essential character of the locality won't change.

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

Why?

Economic consideration was not a factor.

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

**Motion by Joe Vene to approve Variance with recommended condition that a Stormwater Management Plan be approved by the ESD prior to construction. Motion seconded by Wally Byklum. Motion carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing for the Variance request of the City of Blackduck.

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Daniel & Julie Gartrell.

<b>Variance Request of:</b>	<b>Daniel &amp; Julie Gartrell</b>
	10000 Long Lake Rive NE
	Bemidji, MN 56601
Township:	Turtle River
Body of Water	Long Lake East (4-76) Gallaher Lake (4-92)

**The Purpose of:**  
Property owners are proposing to subdivide a 4.5 acre parcel into two parcels. Parcel A would contain 1.48 acres and Parcel B would contain 3.0 acres. This parcel is within 1000 feet of Gallagher Lake and under the Beltrami County Shoreland Management Ordinance No. 6 has a 3 acre minimum requirement. The lot however, is riparian to Long Lake and has no frontage on Gallagher Lake and proposed lots will meet requirements of Long Lake.

**Legal Description:**  
Tax Parcel 48.00177.00  
Part of Government Lot 4, Section Twelve (12), Township One Hundred Forty-seven (147), Range Thirty-two (32). 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 overlapping shoreland zone and why more restrictive standards apply. Discussed lot requirements for both lakes. Neither proposed lot will meet standards for Gallagher Lake but both meet standards for Long Lake. Staff recommends approval. Dan Gartrell came forward to answer any questions and discussed what cabin will be removed. Discussed possible septic locations. Diana Plath, Long

Lake Rd NE, came forward to discuss the area and indicated no objection. Reviewed the two letters commenting on the application. Neither were opposed.

### 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?

Situation affects Long Lake not Gallagher Lake and meets the standards for Long Lake.

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

Yes (X) No ( )

Why?

Long Lake standards are met and reasonable uses of property have been established in lot sizes for that lake.

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

Yes (X) No ( )

Why?

Unique situation with overlapping shoreland districts .

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

Yes (X) No ( )

Why?

Shoreland Management Ordinance Sensitive Area Lake standards were created after the owners bought the property.

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

Yes (X) No ( )

Why?

It will not change the essential character.

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

Yes (X) No ( )

Why?

Economic consideration was not a factor.

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

**Motion by Don Hazeman to approve Variance request of Daniel & Julie Gartrell. Motion seconded by John Simmons. Motion carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the Variance request of Daniel & Julie Gartrell.

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Nicholas Prachar & Jenna Mahs.

<b>Variance Request of:</b>	<b>Nicholas Prachar &amp; Jenna Mahs</b>
	10088 Stallion CT. NE
	Tenstrike, MN 56683
Township	Hagali
Body of Water	Gull Lake (4-120)

**The Purpose of:**

Property owners are proposing to create a 45,000 sq. ft. non-riparian parcel that falls within 1000 feet of Gull Lake. The variance is being requested because the proposed 120' lot will not meet the 150' minimum width requirement of the Beltrami County Shoreland Ordinance No. 6.

**Legal Description:**

Tax Parcel 16.00423.00

Portions of Government Lot Six (6) and the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) Section Thirty-four, Township One Hundred Forty-nine (149), Range Thirty-two (32). 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 application details. Also, discussed proposed lot size and stormwater movement. No staff recommendation. Applicant Nick Pracher discussed the reason why the application is reasonable as proposed. Jay Mahs, father-in-law, discussed why they want to build a house in this exact location. Jay discussed all of the area on this parcel that is unbuildable wetland. Owner indicated that the area west of the existing storage building is wet at certain times of the year. Building was built by a previous owner and is 32' x 48'. Discussion about potential future issues with the smaller lot size. Discussed other alternative lot shapes and ability to create this lot without a variance. Board of Adjustment discussed the rationale for approval or denial. Shane reviewed three letters of comments; one with no concern, two opposed.

**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?

Owner made the attempt to follow the rules and also avoid the storage building on the property.

2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (X) No ( )

Why?

A very unreasonably complex shaped lot would be allowed without a variance.

3. Is the alleged hardship due to circumstances unique to this property?  
Yes (X) No ( )

Why?

Topography and wetlands.

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

Yes (X) No ( )

Why?

Topography and wetlands create the hardship.

5. Will the issuance of the variance maintain the essential character of the locality?  
Yes (X) No ( )

Why?

Will not change the essential character.

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

Why?

Economic consideration was not the factor for decision based on reasonableness.

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

**Motion by Doug Underthun to approve Variance request of Nicholas Prachar & Jenna Mahs. Motion seconded by Don Hazeman. Motion carried and approved.**

Chairman then closed the Public Hearing on the Variance request of Nicholas Prachar & Jenna Mahs.

### Planning Commission

Chairman opened the Planning Commission Public Hearing on the Proposed Conditional Use Request of Ray & Carolyn Guthrie, DBA Tepee Tonka Resort.

**Conditional Use Request of: Ray & Carolyn Guthrie**

**DBA Tepee Tonka Resort**  
20326 Tepee Hill Lane NE  
Hines, MN 56647  
Hines  
Blackduck Lake ((4-69))

Township  
Body of Water

**For the Purpose of:**

The owners of Tepee Tonka resort would like to remove 4 existing cabins and install 8 Park Model RV pads at their existing commercial business. All pads would be further back from the lakeshore than the existing cabins and will meet the density requirements of the Beltrami County Shoreland Management Ordinance No. 6. New septic and well to be installed. Blackduck Lake is classified as a Recreational Development Lake.

**Legal Description:**

Tax Parcel 18.00127.00

Part of Government Lot One (1), Section Ten (10), Township One Hundred Forty-nine (149), Range Thirty-one (31). This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley discussed staff report. Resort exists without a CUP and predates shoreland regulations. Discussed property size and current cabins and RV's. Proposal to remove four cabins in tier 1 and replace with five RV sites in tiers 1 and 2 RV sites in tier 2. New septic will be designed and installed to treat entire resort. Reviewed drone footage for resort. Recommendation to approve with condition that septic system is in compliance prior to any improvements made and utilized. Owners/applicants discussed history of resort and plans for upgrades of well and septic. Planning Commission asked about lot sizes for RV's and how sheds or decks will be utilized. Brent reviewed items to be considered for approval in ordinance. **Motion by Doug Underthun to approve the Conditional Use request of Ray and Carolyn Guthrie/Tepee Tonka Resort with staff conditions that the septic system is in compliance prior to any improvements made and utilized. Motion seconded by Joe Vene. Motion carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the Conditional Use request of Ray & Carolyn Guthrie, DBA Tepee Tonka Resort.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn. **Doug Underthun moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting for February 24, 2020. Motion seconded by Don Hazeman. Motion carried and approved.**

**Chair called the meeting for February 24, 2020 officially adjourned. The next meeting will be on Monday, March 23, 2020 at 6:00 PM.**

Respectfully submitted,

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Brent Rud  
Beltrami County ESD Director

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Chairman  
Beltrami County Planning Commission