

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, May 18, 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
Bill Best, Beltrami County Environmental Services Department
Derek Bernard, 11801 Paper Birch Dr. NE, Tenstrike, MN 56683
James & Brenda Roesch, 1033 Blazewood Dr. NE, Bemidji, MN 56601
Debbie Anderson, 13876 Baywood Dr. NE, Bemidji, MN 56601

In response to COVID-19, and pursuant to Minnesota Statute Chapter 12 relating to Emergency Management, the Planning Commission/ Board of Adjustment members and the applicants participated by electronic means (Zoom).

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 February 24, 2020 were brought forward for approval. **Don Hazeman moved to approve the meeting minutes of February 24, 2020. Motion seconded by Joe Vene. Don Hazeman, Doug Underthun, John Simmons, Joe Vene, Ed Fussy, and Waly Byklum voted to approve the minutes. Motion carried and approved 6:0 on a roll call vote**

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 Derek Bernard.

Variance Request of: **Derek Bernard**
11801 Paper Birch Dr. NE
Tenstrike, MN 56683

Township: Hagali
Body of Water: Gull (4-120) RD

The Purpose of:

Property owners are proposing to replace an existing 17' x 20' resort cabin that is 30 feet from the ordinary high water mark of Gull Lake with a new 20' x 30' cabin. The new cabin will be placed in the same location and will maintain the current 30 foot distance from the lake. The height of the new cabin will increase slightly to facilitate modern building codes. Gull Lake is a Recreational Development Lake with a minimum setback of 100 feet.

Legal Description:

Tax Parcel 16.00433.00

Part of Lot 4, Section Thirty-five, Township One Hundred Forty-nine, Range Thirty-two. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave staff report discussing details of the application. Applicant provided additional information regarding the size of the existing cabin and the need for additional space. There will be no increase in number of bedrooms. There were no public comments provided.

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 State Shoreline Management Rules allow for existing non-conforming structures at resorts to be expanded to meet MDH requirements and also the general support for existing resorts to keep operating as resorts.

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

Yes (x) No ()

Why? Due to size of the cabin and dates they were built prior to zoning.

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

Yes (x) No ()

Why? There is no room to move cabin back and the original cabin was built in 1946.

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

Yes (x) No ()

Why? The lake and road squeeze the property and the shoreland rules were created later.

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

Yes (x) No ()

Why? No change to the character and the addition is fairly minor.

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

Yes (x) No ()

Why? Economic consideration was not discussed.

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

Why? Property is a peninsula with limited space.

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

Yes (x) No ()

Why? The limited space doesn't allow a building or addition without a variance.

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

Yes (x) No ()

Why? It will improve the essential character.

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

Yes (x) No ()

Why? The hardship involves topography not economics.

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

Motion by Doug Underthun to approve variance application of James & Brenda Roesch with staff conditions; 1. Erosions control is installed prior to construction, 2. Planting, establishment, and maintenance of vegetation of disturbed soils, and 3. The removal of any beds from the storage building referred to as the "bunk house". Motion seconded by John Simmons. Don Hazeman, Doug Underthun, John Simmons, Joe Vene, and Ed Fussy voted to approve the variance request. Motion carried and approved 5:0 on a roll call vote (Wally Byklum didn't vote).

(Wally lost internet service and was not part of the rest of the meeting).

Chairman then closed the Board of Adjustment public hearing on the variance request of James & Brenda Roesch.

Chairman opened the Board of Adjustment public hearing on the request of Gary & Debbie Anderson.

Variance Request of: **Gary & Debbie Anderson**
13876 Baywood Dr NE
Bemidji, MN 56601
Township Turtle Lake
Body of Water Beltrami (4-135) RD

The Purpose of:

The applicant is requesting a variance to increase the structure height of a guest cottage. The Beltrami County Shoreland Management Ordinance allows for a maximum structure height of 15 feet. Applicant requesting a structure height of 18 feet to facilitate an 8:12 pitched roof.

Legal Description:

Tax Parcel 47.00401.00
Part of the Northeast Quarter of the Southwest Quarter part of Government Lot 5, Section 25, Township 148, Range 33 West and part of the vacated Township Road and C.S.A.H. No. 22. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave staff report and discussed details of the application. Staff recommends approval. Applicant discussed that they applied for a variance now so they don't have to wait any longer for the Shoreland

Ordinance revision to go into effect. No action will be taken on the ordinance during the pandemic so the variance seems prudent. Bill discussed the one email in support of the application and the Beltrami County Highway Department has no concerns.

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 Shoreland Ordinance allows this and will meet requirements once it's approved.

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

Yes (x) No ()

Why? Can't build this structure without a variance currently but this type of structure will likely be allowed without a variance within the next 12 months.

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

Yes (x) No ()

Why? The property is allowed to construct a guest cabin and the proposed shoreland ordinance revisions include changes that would make this proposal a standard

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

Yes (x) No ()

Why? The pandemic has not allowed the new ordinance to move forward which will allow this and the landowner has been waiting for about a year for this change to be implemented.

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

Yes (x) No ()

Why? Building will not be seen by many and the neighbor is okay with it.

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

Yes (x) No ()

Why? It will help facilitate snow removal. It wasn't economically driven and is compliant with the new ordinance.

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

Motion by Don Hazeman to approve the variance application of Gary & Debbie Anderson. Motion seconded by Doug Underthun. Don Hazeman, Doug Underthun, John Simmons, Joe Vene, and Ed Fussy voted to approve the variance request. Motion carried and approved 5:0 on a roll call vote (Wally Byklum didn't vote).

Chairman then closed the Board of Adjustment public hearing on the variance request of Gary & Diane Anderson.

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 May 18, 2020. Motion seconded by Joe Vene. Don Hazeman, Doug Underthun, John Simmons, Joe Vene, and Ed Fussy voted to adjourn the meeting. Motion carried and approved 5:0 by roll call vote (Wally Byklum did not vote).**

Chair called the meeting for May 18, 2020 officially adjourned. The next meeting will be on Monday, June 22, 2020 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission