

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, June 22, 2020
County Administration Building - County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: DonHazeman
JoeVene
WallyByklum
DougUnderthun
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
D. Trudeau, PO Box 88, Bemidji, MN 56619
C.J. Montbriend, PO Box 3037, Bemidji, MN 56619
Al Ungerecht, 11817 Cty Rd 51, Northome, MN 56661
Jerry Saltness, 14133 Broken Paddle Ln NE, Bemidji, MN 56601
Wayne & Becky Coulthart, 125 Manuel Circle, Grafton, ND 58237
Diane Plath, 9842 Long Lake Dr. NE, Bemidji, MN 56601
Millie Smith, PO Box 63, Bemidji, MN 56601
Lyle Erickson, 4641 Martha Ln NW, Solway, MN 56678
Ron Kiel, 10248 Long Lake Dr. NE, Bemidji, MN 56601
Nate & Sarah Lundeen, 10810 Fall Court NW, Bemidji, MN 56601
Kris Kolar, 15906 Siskin Ln 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 18, 2020, were brought forward for approval. **Don Hazeman moved to approve the meeting minutes of May 18, 2020, 2020. Motion seconded by Joe Vene. Motion carried and approved.**

Board of Adjustment

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Wayne & Rebecca Coulthart.

Old Business

Variance Request of:

Wayne & Rebecca Coulthart

27460 Chippewa Paws LN SE

Pennington, MN 56663

Township:

Brook Lake

Lake:

Cass (4-30) GD

For the Purpose

The applicants are requesting a variance from the structure setback of Cass Lake to build an addition onto their existing legal, non-conforming cabin. The current 26' x 42' structure is 36' from the lake and 23' from the property line. The proposed 14' x 28' addition would not encroach any closer to the lake and would not be visible from the lake. Cass Lake is a General Development Lake for which the Mississippi Headwaters Board has a 100 feet setback requirement. The lot line setback requirement is 10 feet.

Legal Description:

Tax Parcel 08.00175.00 Part of Government Lot Two, Section Sixteen, Township One Hundred Forty-six, Range 30. , Section 31, Township 154 North, Range 30 West. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave staff report. This application was tabled from October 2019. Went over details of history of lot and application from 2019 and how the application has changed since then. Staff recommends approval with a storm.water and vegetation management plan approved by Environmental Services Department.

Applicant, Wayne Coulthart, discussed the revised application and storm.water corrections he has made. Septic tank will be moved closer to the garage and shed will be moved. Shane Foley reviewed written comments. Highway Department had no concerns. A neighbor (Mr. Moosbrugger) submitted a letter of support. Another neighbor (Mr. & Mrs. Kinhom) submitted a letter of opposition based on many reasons but include storm.water and the feel of enclosure in their backyard. No other public comments. Applicant discussed neighbor's views and how the neighbor's view won't really change and discussed trees being killed and he denies any cause of that. Board discussed the details.

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.

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

Yes (x) No ()

Why?

In harmony with intent of ordinance so proposal is reasonable.

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

Yes (x) No ()

Why?

Existing cabin is close to the lake and needs a variance for the addition.

- 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 constructed prior to shoreland zoning and the rules have made this a variance request.

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

Yes(x) No()

Why?

Proposal fits the area.

- 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 Wally Byklum to approve the variance request of Wayne and Rebecca Coulthart with the following conditions: that a vegetation and stormwater management plan is approved by the Environmental Services Department. Doug Underthun seconded motion. Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Wayne & Rebecca Coulthart.

New Business

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Allen & Diane Ungerecht.

Variance Request of: **Allen & Diane Ungerecht**
 11817 County Rd 51
 Northome, MN 56661
 Township: Waskish
 Body of Water: Red Lake Harbor (4-35) GD

The Purpose of:

Applicant is requesting a variance from the required 75' structure setback from Red Lake, a general development lake. The applicant would like to place a seasonal camper on the legal non-conforming lot 75'

Why?

Existing cabin is close to the lake and needs a variance for the addition.

- 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 constructed prior to shoreland zoning and the rules have made this a variance request.

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

Yes(x) No()

Why?

Proposal fits the area.

- 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 Wally Byklum to approve the variance request of Wayne and Rebecca Coulthart with the following conditions: that a vegetation and stormwater management plan is approved by the Environmental Services Department. Doug Underthun seconded motion. Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Wayne & Rebecca Coulthart.

New Business

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Allen & Diane Ungerecht.

Variance Request of: Allen & Diane Ungerecht
 11817 County Rd 51
 Northome, MN 56661
 Township: Waskish
 Body of Water: Red Lake Harbor (4-35) GD

The Purpose of:

Applicant is requesting a variance from the required 75' structure setback from Red Lake, a general development lake. The applicant would like to place a seasonal camper on the legal non-conforming lot 75'

Why?

Blends in with the RV's and fish house storage on both sides of the lot.

- 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 Doug Underthun to approve the variance application of Allen & Diane Ungerecht. Motion seconded by Joe Vene. Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the variance request of Allen & Diane Ungerecht.

Chairman opened the Board of Adjustment Public Hearing on the Variance request of Nate Lundeen.

Variance Request of:	Nate Lundeen
	13948 Moonlight Ct NE
	Bemidji, MN 56601
Township:	Turtle River
Body of Water	Long Lake (4-76) RD

The Purpose of:

Applicants are requesting a variance to tear down and replace a legal, non-conforming house and garage and replace them with a new house and a new garage on Long Lake. Long Lake is a recreational development lake with a required 100 foot setback. The current house with a 1,150 square foot footprint sits 42' from the lake and is 15' tall. The proposed house has a 1,560 square foot footprint and would also be set 42' from the lake with a height of 30'. They are proposing to replace the current 24' x 16' garage that is 13' tall and set back 83' from the lake with a 28' x 24' garage with a 20' height and is setback 75' from the lake.

Legal Description:

Tax Parcel 48.00721.00
Lot 7, Block 1, Nod-Away Subdivision, Section Twelve, Township One Hundred, Forty-seven, Range 32.

Shane Foley gave staff report. Shane discussed details of the property and recreational development lake requirements. Part of this property includes a bay of the lake. Discussed current structure details and proposal. Proposed new home is 30' in height and the height of new garage is 20'. New home would be approximately 1500 square feet total with a setback of 45' from Long Lake and 50' from bay of the lake. Shane discussed existing shoreline violations and how they could be resolved. Applicants (Nick & Sara Lundeen) discussed how and why they bought the lot and why they want to build a new home here. Shane discussed written comments. Mrs. Montbriend asked some questions of the owner regarding proposed location of the garage.

Board discussed the structure proposal and talked about how the aesthetics will be negatively impacted by the proposed structure. Board also discussed going out to review the site. Decided Wednesday, June 24th at 4:00 pm there will be a site visit. **Motion by Wally Byklum to table the hearing until after site visit Motion seconded by John Simmons. Motion was unanimous to table until June 24th at 4:00 pm.**

Chairman opened the Board of Adjustment Public Hearing on the variance request of Millie Smith.

Variance Request of: **Millie Smith**
14126 Broken Paddle Ln NE
Bemidji, MN 56601
Township Turtle Lake
Body of Water Beltrami (4-135) RD

The Purpose of:
The applicant is requesting a Variance to remove a nonconforming cabin and to construct a residential structure at same setback but outside of the existing structure dimensions. Existing structure is 1,022 square feet in size, 13 feet in height, and approximately 43 feet from the Ordinary High Water Level. Proposed structure to be 1,120 square feet in size and 20 feet in height. Big Turtle Lake [4-159] 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 47.00911.01, Part of Lot 2, Section Twenty-seven, Township One Hundred Forty-eight, Range 33. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave staff report. Discussed details of property history and application details. Bill showed a drone video of the existing cabin and lot and looked at proposed structure and where it would be located on the property. Staff recommendation is to approve the proposed new structure no closer than 50' from the ordinary high water mark of Lake Beltrami. Applicant Millie Smith didn't have any additional comments. Board asked questions about how far the three new structures could go back and discussed the existing vegetation along the lake. Public comments: County highway had no concerns. Jerry Saltness spoke with several other neighbors and he and the neighbors are in support of the variance and discussed how the vegetation is great along the shore.

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 development meets the intent of plans and ordinance.

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

Yes(x) No()

Why?

The proposal is reasonable.

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

Yes (x) No ()

Why?

The old building was built years ago.

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

Yes (x) No()

Why?

There was no ordinance when structure was built.

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

Yes(x) No()

Why?

It won't change the area.

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.

Motion by John Simmons to approve the variance request of Millie Smith with the recommendation that the structure is approved at a 50' setback from the ordinary high water mark of Lake Beltrami. Doug Underthun seconded the motion. Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the variance request of Millie Smith.

Chairman opened the Board of Adjustment Public Hearing on the Variance request of Lyle Erickson.

Variance Request of:

Lyle Erickson

1590 Black Lake Rd NE

Bemidji, MN 56601

Township:

Turtle Lake

Body of Water

Three Island Lake (4-134) SP

The Purpose of:

The applicant is requesting a Variance to remove a portion of a nonconforming cabin and to construct an addition at same setback but outside of the existing structure dimensions. Existing structure to be removed is 286 square feet in size. Proposed new addition will increase the total square footage to 468 square feet. Three Island Lake [4-134] is classified as a Special Protection lake in the Beltrami County Shoreland Management Ordinance #6 with a required structure setback of 150 feet.

Legal Description: Tax Parcel 47.00369.00, The South 100' of the North 774' of Lot 5, Section Twenty-four, Township One Hundred Forty-eight, Range Thirty-three.

Bill Best gave staff report. Discussed application details and history of the property. Original structure is from circa 1940 with an addition in 1987. The cabin is about 36' from the ordinary high water mark of Three Island Lake. The addition would be to the rear of the old portion of the structure. Reviewed the drone footage and discussed details of application. Staff recommends approval to demolish existing 286 square feet portion of the structure and replace it plus the additional 182 square feet, totaling 468 square feet with a building permit. Also, to replace existing deck with no increase to length, width or height and remove the existing privy.

Comments: Kristine Kolar submitted written comment. Provided comment and read portions of her letter. In opposition to variance and made several reasons why the application should be denied. Known to Board. Letter from County highway- no concerns. Letter from Billy Ayers - in opposition to request.

Mr. Erickson spoke about the stormwater and proposal to add more gravel on top of the existing parking area and discussed the holding tank and water use. Board discussed details of height, holding tank, stormwater, trees and vegetation along shoreline. Applicant clarified that no roof will go over the deck.

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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 conditions placed on approval are trying to meet the intent of comprehensive plan and Shoreland Management Ordinance.

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

Yes(x) No()

Why?

Conditions and size of the building makes it reasonable to replace with the small addition.

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

Yes (x) No ()

Why?

Topography and lot size make this unique.

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

Yes (x) No ()

Why?

The time the building was built and the deterioration of the building.

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

Yes(x) No()

Why?

It won't change 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.

Conditions were discussed: holding tank alarm, vegetation management plan, and stormwater runoff plan. **Motion by Doug Underthun to approve the variance request of Lyle Erickson with the conditions discussed and not including the top over the deck. Motion seconded by Wally Byklum. Motion unanimously carried and approved.**

Chairman closed the Board of Adjustment Public Hearing on the Variance request of Lyle Erickson.

Motion by Joe Vene to recess and reconvene on June 24, 2020 at 4:00 p.m. at the property of Nate Lundeen at 13948 Moonlight Ct NE. Motion was seconded by Wally Byklum. Motion unanimously carried and approved.

June 24, 2020 Meeting Reconvened

Members present: DonHazeman
JoeVene
WallyByklum
DougUnderthun
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
Chuck Meyers, 8343 Watema CT, Bemidji, MN 56601
Mike Jay, 8926 Cranberry Ct NE, Bemidji, MN 56601
Jerry Fiat, 14228 Hilltop Dr NE, Bemidji, MN 56601
Doug & Karen Schultz, 9134 Marcella Dr. NE, Bemidji, MN 56601
Maggie Schwegman, 9010 Marcella Dr. NE, Bemidji, MN 56601
Jane Carlson, 9647 Howling Wolf Dr. NE, Bemidji, MN 56601
Curtiss Hunt, 9217 Oman Rd NE, Bemidji, MN 56601
Elizabeth Eriksen, 9639 Howling Wolf Dr. NE, Bemidji, MN 56601
D.Trudeau, PO Box 88, Bemidji, MN 56619

C. J. Montbriand, 13949 Moonlight Ct. NW, Bemidji, MN 56601
Dave Forte, 13883 Jay Ct NE, Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 4:50 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process for those in attendance.**

This is a continuation of the Public Hearing for a variance request for Nate Lundeen on property located at 13948 Moonlight Ct NE.

The Board of Adjustment Members gave their comments regarding what they have seen and thoughts regarding the application based on this site visit.

The applicant, Nate Lundeen, gave comment regarding the beach area that will be restored on the south end of the property and discussed shoreline vegetation restoration that they will complete as part of this process.

Chairman opened it up for public comment;

Chuck Meyers - discussed the setback intent in the Ord imce and discussed. filtering the runoff to not hann Long Lake.

Curtiss Hunt - Could live with the variance if it could be brought back to the area where the garage currently is and lowering the height as much as possible.

Larry Ellingson - I had to meet setbacks when I built and worked very hard at keeping everything natural, incumbent on everyone to keep everything as close to possible with the setbacks required and what the ordinance requires.

Dan Trudeau- If this was raw property, they wouldn't be able to build here, but buildings are here. He was rejected for building a screen porch or gazebo because of setbacks, rules are rules.

Karen Schultz - If we don't follow the rules the lake will change and the natural feel will be destroyed, why have rules? Where does it stop?

Mike Jay - We built 3 years ago - rules are rules - if gonna do new construction they need to meet the rules.

David Forte- I built 12-14 years ago. 2 choices are either give variance for lake or "pond". The pond variance would be better.

Jerry Fiat - We remodeled 1972 cabin. We couldn't go up or closer to the lake then and these people shouldn't be able to.

Diane Plath - email submitted and read aloud

Public comment period closed.

BOA member John Simmons discussed potential changes to the application/proposal. The Board discussed with the landowner, the possibility of moving the house back 20' further from the existing setback. **Motion by Joe Vene to approve the variance request at 65 feet from the OHW and require a vegetation management plan and stormwater plan be approved prior to construction.** (Clarifying question about the motion by John Simmons - asked if the proposed height in the application is part of the motion as landowner verified that the height would be close to 30 feet). **Motion was seconded by Wally Byklum.**

The Board of Adjustment had a discussion about the height of the proposed structure and took a roll call vote on motion; **motion passed 3-2.**

The Board of Adjustment started completing the Findings of Fact and on the first question, "Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance, and State Shoreland Management Ordinance Rules, the Board failed to answer the question in the affirmative on a 3-2 vote against. A variance can't be approved with a negative answer so the Board of Adjustment discussed the height and what is reasonable. Landowner wants the height as requested.

Joe Vene offered a modification to the original motion. Motion now is to approve the variance request at 65 feet from the OHW and a maximum height of 24 feet and require a vegetation management plan and stormwater plan be approved prior to construction. Wally Byklum agreed and seconds the motion. After discussion with staff and the landowner, Joe Vene adds to the motion an allowance to increase the size of the proposed structure up to 10% going away from the lake if needed to accommodate the reduced height and new configuration of the structure. Wally Byklum agrees and seconds. Motion unanimously carried and approved.

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 now to move as far away from the lake as possible and meets the intent of the plans and rules.

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

Yes (x) No ()

Why?
The shape of the land and the lake setbacks from the "pond" area to the south.

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

Yes (x) No ()

Why?
Topography and the shape of the land and the lake setbacks from the "pond" area to the south.

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

Yes (x) No ()

Why?
Mother Nature created the pond to the south which is limiting what could possibly be done here without a variance.

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

Yes(x) No()

Why?
It won't change the area as it keeps the house as low as possible and matches 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 Doug Underthun to adjourn. Motion was seconded by John Simmons. Motion unanimously carried and approved.

Respectfully submitted,



Brent Rud
Beltrami County ESD Director


Chairman
Beltrami County Planning Commission