

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, August 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

Members absent: 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
Jamie Freeman, 26566 330th Street, Shevlin, MN 56676
Dennis Niswander, 26566 330th Street, Shevlin, MN 56676
Tracy Anderson, 147 Woods Bluff Rd, Bemidji, MN 56601
Darlene Bergman, 18610 520th Street, Clearbrook, MN 56634
David & Judy Sheridan Christensen, 13560 Spruce Ledge Trail, Bemidji, MN 56601
Matthew Berger, 920 Washington Ave. S., 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 July 27, 2020, were brought forward for approval. **Wally Byklum moved to approve the meeting minutes of July 27, 2020. Motion seconded by John Simmons. Motion carried and approved.**

Board of Adjustment

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Tracy Anderson.

Variance Request	Tracy Anderson 147 Woods Bluff Rd NW Bemidji, MN 56601
Township:	Turtle Lake
Body of Water:	Movil (4-152) RD

The Purpose of:

The applicant is requesting a variance from the Beltrami County Shoreland Ordinance to construct a 16 foot by 24 foot storage building 33 feet from the road right-of-way of County Road 22. The required structure setback from the road right-of-way is 50 feet.

Legal Description:

Tax Parcel 47.00588.00

Part of Lot 1, Section 33, Township 148, 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 area and why right-of-way setback is restricting the use of the property for a storage building. Discussed maps and photos showing proposed location of building and why this area seems logical to place a structure on it. The County Highway Department has no concerns with this. Turtle Lake Township also has no concerns with this proposal. Staff recommended approval. Applicant answered questions regarding the project. The Board discussed stormwater and access. No other public comments were received. **Motion by Don Hazeman to approve the Variance request of Tracy Anderson. Motion seconded by Wally Byklum.**

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?

Intent of shoreline rules is met and Highway Department is okay with the proposal.

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

Yes (x) No ()

Why?

No other space for this with lot configurations, septic location, etc.

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

Yes (x) No ()

Why?

No other space for this with lot configurations, septic location, etc.

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

Yes (x) No ()

Why?

Lot was created and road expanded prior to rules being created.

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

Yes (x) No ()

Why?

Issuance of variance will not change anything.

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

Why?

Economics were not considered.

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

Motion was carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Tracy Anderson.

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Judith Sheridan.

Variance request of	Judith Sheridan
	135800 Spruce Ledge Trail NE
	Bemidji, MN 56601
Township:	Turtle River
Body of Water:	Beltrami (4-135) RD

The Purpose of:
The applicant is requesting a variance from the Beltrami County Shoreland Ordinance to tear down an existing 600 square foot structure located approximately 53 feet from the Ordinary High Water Mark [OHWM] and replace it with a 936 square foot structure located 69 feet from the OHWM. The existing structure is also located in a bluff which requires a structure setback of 30 feet from the top of the bluff. The proposed structure is located within the bluff with a setback of 0 feet. Lake Beltrami is classified as a Recreational Development lake with a 100 foot setback.

Legal Description:
Tax Parcel 47.00408.00
Part of Government Lot 4, Section 25, Township 148, 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 location of existing structure and bluff location. Discussed setback requirements and project proposal. Discussed the bluff details. County Highway and GIS Departments have no concerns. Received question regarding bluff and stormwater. Staff recommended approval with the following conditions:

- 1. Stormwater & vegetation management plans reviewed and approved prior to issuing building permit.**

Matt Berge (representative for owner) asked questions regarding patio and discussed the reasons for placing building at this location. David Hanson (neighbor) supports the application. No other public comments.

Motion by Joe Vene to approve the Variance request of Judith Sheridan with staff conditions. Motion seconded by Wally Byklum. Ed Fussy added second condition that there be no patio extending more than 10 feet toward the ordinary high water mark of Lake Beltrami.

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?

Extensive stormwater plan will be implemented.

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

Yes (x) No ()

Why?

Existing cabin needs to be replaced.

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

Yes (x) No ()

Why?

Existing cabin 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?

Topography, condition of cabin and cabin was built before the shoreland rules.

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

Yes (x) No ()

Why?

Issuance of the Variance will cause no change.

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 was carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Judith Sheridan.

Variance Request:

Heather Erholtz
13109 Birchview Drive NE
Bemidji, MN 56601
Port Hope
Beltrami (4-135) RD

Township:

Body of Water:

The Purpose of:

Applicant is requesting a variance from the Beltrami County Shoreland Ordinance to tear down and replace an existing 600 square foot structure and replace it with a 2,240 square foot structure on Lake Beltrami. The current structure sits 40 feet from the Ordinary High Water Mark [OHWM] and has a height of 10 feet, the proposed structure would be placed 50 feet from the OHWM and would have a height of 22'. Lake Beltrami is classified as a Recreational Development Lake with a 100 foot setback.

Legal Description:

Tax Parcel 34.00397.01
Part of Lots 1 & 2, Section 31, Township 148, Range 32. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

**Motion by Joe Vene to table the Variance request of Heather Erholtz at the request of the applicant.
Motion seconded by Wally Byklum. Motion carried and approved.**

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Dennis Niswander.

After the Fact Variance Request

Dennis Niswander
21369 Joas Beach Rd
Kelliher, MN 56650
Shotley
Upper Red (4-35) GD

Township:

Body of Water

The Purpose of:

Applicant is requesting an after-the-fact variance to complete an addition they are building at their legal, non-conforming home on Red Lake. Red Lake is classified as a General Development Lake and has a required 75 foot structure setback, both the applicant's existing home along with the addition itself are both located 20 feet back from the lake. The second story addition is 11' x 32' and the structure's height will increase from 19' to 24'. Applicants are also requesting a 5' 6" wide roof covering on an existing porch on the side of the house.

Legal Description:

Tax Parcel 40.00259.00
Lot 19, Mike Joa's Beach, Section 2, Township 153, Range 31.

Don Hazeman recused himself due to being friends and a neighbor with the applicant. Shane Foley gave staff report. Discussed history of lot and cabin. Discussed details of application. Discussed history of project and how the project was discovered. Dennis spoke about why the project happened before any permit was applied for. Discussed the deterioration of roof and sinking cabin. Board asked questions regarding the runoff, new roof and attic area and other options. County Highway and GIS Departments had no comment. There were no other comments. Board discussed after-the-fact concerns and why applicant should have known.

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?

Trying to make the structure better and more livable by fixing the roof.

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

Yes (x) No ()

Why?

Building in danger of being lost completely due to water.

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

Yes (x) No ()

Why?

Flat roof is the reason why they needed to fix it.

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

Yes (x) No ()

Why?

Heavy snow year on a flat roof.

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

Yes (x) No ()

Why?

It will make it look better.

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

Yes (x) No ()

Why?

Need to fix the structure before it is totaled.

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 ()

Applicant didn't know a permit was required for emergency repair. He talked to Brian Merschman and was told that no permit is needed if not expanding footprint.

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 ()

Investing significant amounts of money on lumber and materials.

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

Work has stopped since being informed.

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

Structure is very typical for this area.

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 ()

Doesn't appear they are trying to hide anything and are working in good faith.

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 ()

Cost to lower the roof isn't worth forcing them to do it.

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 Doug Underthun to approve the After-the-Fact Variance request of Dennis Niswander with the condition SSTS Certificate of Compliance is provided to the Environmental Services Department. Motion seconded by John Simmons. Motion carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Dennis Niswander.

Planning Commission

New Business

Chairman opened the Planning Commission Public Hearing on the proposed Conditional Use request of Darlene Bergman.

Conditional Use Permit

Darlene Bergman
20857 Joas Beach Rd NE

Tonwhip:
Body of Water

Kelliher, MN 56650
Shotley
Upper Red (4-35) GD

The Purpose of:

Applicants are requesting a conditional use permit to construct a private boat ramp on their Red Lake property. The Beltrami County Shoreland Management Ordinance requires a conditional use permit for the installation of any boat ramp. The proposed 12' wide concrete ramp will only be for private use. Red Lake is classified as a General Development Lake.

Legal Description:

Tax Parcel: 40.00278.00
Lot 39, Mike Joa's Beach, Section 2, Township 153, Range 31.

Shane Foley gave staff report. Discussed the details of existing shoreline and erosion issues and plan for restoring it. Applicant discussed the details of the previous owner building it and how they would build the ramp. Shane read a letter opposing the project. Brent Rud and Planning Commission reviewed factors listed in the Shoreland Management Ordinance to approve a conditional use permit.

Motion by Don Hazeman to approve the Conditional Use request of Darlene Bergman with the condition that no commercial use is allowed. Motion seconded by Wally Byklum. Motion carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed Conditional Use request of Darlene Bergman.

Motion by Doug Underthun to adjourn the Planning Commission/Board of Adjustment Public Hearing for August 24, 2020. Motion was seconded by Don Hazeman. Motion carried and approved. Chair called the meeting for August 24, 2020 officially adjourned. The next meeting will be on Monday, September 28, 2020 at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission