

**Beltrami County Planning Commission
Board of Adjustment Public Hearing
Minutes for Monday, March 28, 2011
Administrative Services Center
First Floor – County Board Room, Suite 102
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Michael Haws
Ralph Morris
Ray Dalby
Commissioner Jack Frost
Don Hazeman

Members absent: Ed Fussy
Doug Underthun

Others Present: William Patnaude, Beltrami County Environmental Services Director
Tim Faver, Beltrami County Attorney
Charlene Sturk, Beltrami County Recorder
Scott Buxton, 315 – 15th Avenue S, St. Cloud, MN 56301
Russ Riley, 1617 – 15th Avenue S, St. Cloud, MN 56301
Pat Riley, 1617 – 15th Avenue S, St. Cloud, MN 56301
Leon & Betty Wright, 17263 Mission Road SE, Cass Lake, MN 56633
Jim Eickhorst, 15707 Big Turtle Drive NE, Bemidji, MN 56601

Chairman, Michael Haws, called the Beltrami County Planning Commission/Board of Adjustment Public Hearing for March 28, 2011, officially to order at 6:30 p.m. in the County Board Room, County Administration Building, Suite 102, at 701 Minnesota Avenue NW, Bemidji, MN 56601. Chairman, welcomed all those in attendance. The Chairman then asked for introductions of Planning Commission members to the public. Board members introduced themselves. Chairman then asked the Environmental Services Director to explain the meeting process.

Next item was the review and approval of the December 27, 2010 Meeting Minutes. Chairman noted that the meeting minutes had been sent out by Environmental Services Department staff person, Kathy Ruzicka and had not found any additions or corrections to the meeting minutes and therefore was prepared to entertain a motion on the meeting minutes. **Ralph Morris moved to officially approve the minutes of December 27, 2010 Beltrami County Planning Commission Board of Adjustment. Motion seconded by Don Hazeman. Chairman called for roll call vote. Motion carried and approved 3 to 0.**

Board of Adjustment

Chairman called the Beltrami County Board of Adjustment Public Hearing for March 28, 2011 officially to order.

OLD BUSINESS:

None

NEW BUSINESS:

Variance Request:	Leon & Betty Wright 17263 Mission Road SE Cass Lake, MN 56633
Township:	Ten Lake
Body of Water:	Mission Lake (4-46)

The Purpose of:

Obtaining a Variance Permit for a new septic system to be located with a setback of 90 feet from the ordinary high water mark of Mission Lake. The new system is required as Beltrami County Highway Department is proposing to re-grade Mission Road and with the proposed road widening, the existing septic system falls within the proposed right of way and must be moved. Mission Lake (4-46) is classified as a Natural Environment Lake with a required setback of 150 feet from the ordinary high water mark in accordance with the Beltrami County Shoreland Management Ordinance No. 6.

Legal Description:

Tax Parcel 46.00282.00
Part of the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼). Section Twenty (20), Township One Hundred Forty-six (146) North, Range Thirty-one (31) West. This is a partial legal description. Full legal description on file.

Bill Patnaude read into the record the “*Dear Property Owner Letter*” for the Wright’s Variance request. Leon Wright came forward and stated he was the resident at 17263 Mission Road SE, and he and his wife, Betty, were here this evening and were hoping that the matter could be taken care of by the Board of Adjustment.

Chairman, Michael Haws, indicated that Beltrami County had approached them about the need to relocate the existing septic system. Mr. Wright stated the County did indeed contact him and indicated Mission Road would have to be widened for the reconstruction and that his existing septic system is located within that new proposed road alignment and right of way and that the system would have to be relocated.

Chairman, Michael Haws, indicated that at the work session there was discussion on the merits of the request and that the hardship was not being imposed by anyone other than the County on to the Wright’s. Therefore, the Board of Adjustment would like a letter from the County Engineer stating the need for the Wright’s property for the expanded road right of way for the reconstruction of County Road 33 known as Mission Road.

Chairman, Michael Haws asked Board of Adjustment members if they had any questions of Mr. and Mrs. Wright. Board of Adjustment members indicated at this point in time they did not. Chairman, Michael Haws, then opened it up for public comment. Chairman made that announcement three times; there was no response from the public. Chairman then closed the public comment period on the Leon and Betty Wright Variance request. Chairman asked for a motion. **Don Hazeman moved to grant the Variance Permit as requested by Leon and Betty Wright subject to the condition that the Board of Adjustment, as part of the approval, will receive a letter from the County Highway Engineer indicating that the new septic system is needed at the location due to the fact of the reconstruction of County Road 33, referred to as Mission Road, and further, that the new septic system will be acceptable to the Beltrami County Highway Department with the ten foot side yard setback from the new road right of way. Motion seconded by Ray Dalby.** Chairman asked if there was any further discussion. Chairman then asked for the findings.

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?

It is a single family use. It is a permitted use under the Beltrami County Shoreland Management Ordinance No. 6 as well as the Ten Lake Township Land Use Ordinance. There is a need for an onsite sewer system for the single family home.

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

Yes (x) No ()

Why?

Again, the need for a sewer system. There is limited area on the property in which to comply with the 150 foot setback requirement from Mission Lake. Due to the narrowness of the property, the distance between the lake and the road right of way, the property owner is unable to comply with the 150 foot setback.

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

Yes (x) No ()

Why?

The Beltrami County Highway Department and the narrowness in the depth of the lot have prevented the property owner from complying with the 150 foot setback with the relocation requirements of a new septic system on the property due to the fact of the County now having to establish a new road right of way for the reconstruction of County Road 33.

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

Yes (x) No ()

Why?

The road right of way alignment of County Road 33 as stated in the other findings.

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

Yes (x) No ()

Why?

The essential character of the area is a single family residential. This will not change or alter the essential character of the neighborhood.

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

Yes (x) No ()

Why?

Economic hardship was not presented by the applicant.

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

Chairman stated the applicant had complied with all of the conditions for the approval of a Variance Permit. Chairman then called for roll call vote. Voting on the motion to approve the Variance Permit for Leon and Betty Wright:

Ray Dalby	Yes
Don Hazeman	Yes
Ralph Morris	Yes

Motion was approved and carried 3 to 0.

Chairman asked if there were any further business to come before the Board of Adjustment. Chairman stated he was prepared to entertain a motion to adjourn the Public Hearing for March 28, 2011. **Ralph Morris made a motion to adjourn the Beltrami County Board of Adjustment Public Hearing for March 28, 2011. Don Hazeman seconded the motion. Chairman called for roll call vote. Voting on the motion:**

Ray Dalby	Yes
Don Hazeman	Yes
Ralph Morris	Yes

Motion was carried and approved 3 to 0 to officially adjourn the Beltrami County Board of Adjustment Public Hearing for March 28, 2011.

Planning Commission

Chairman, Michael Haws, called the March 28, 2011 Beltrami County Planning Commission Public Hearing officially to order.

OLD BUSINESS:

None

NEW BUSINESS

Conditional Use Request: **The Eights on Big Turtle
Common Interest Community #23
Contact Person: Russ Riley
15756 Big Turtle Drive NE
Bemidji, MN 56601**

Township: Turtle Lake

Body of Water: Big Turtle (4-159)

The purpose of the Conditional Use Permit is:

Requesting the approval of a Conditional Use Permit for the creation of a new Common Interest Community #23 from the former Sunset View Chalet Condominium No. 6 consisting of nine existing single family residential structures and a proposed new single family structure on Unit #10 located on Big Turtle Lake (4-159) in accordance with the Beltrami County Shoreland Management Ordinance No. 6, Article IV, Table 1.

Legal Description:

Tax Parcels 47.01065.00, 47.01066.00, 47.01067.00, 47.01068.00, 47.01069.00, 47.01070.00, 47.01071.00, 47.01072.00, 47.01073.00.

Government Lots 5, 6 7, and part of Lot 8, Block 2, Sunset View Chalet, Section Twenty-two (22), Township One Hundred Forty-eight (148) North, Range Thirty-three (33) West.

This is a partial legal description. Full legal description on file.

Beltrami County Environmental Services Director, William Patnaude, read into the record the purpose of the Conditional Use Permit. After completing that reading the Chairman asked if there was anyone representing the proposed Conditional Use Permit. Mr. Russ Riley came forward and indicated he was the contact person and the person representing the association members this evening. Chairman stated if the Planning Commission members had any questions, they could direct the questions to Mr. Riley.

Planning Commission member, Ralph Morris, asked Mr. Riley how many docks you presently have in front of the property for Units 101, 102 and where D20 cabin is located. Mr. Riley started to respond but turned around and looked in the audience at Mr. Jim Eickhorst, who is the owner of Kohl's Resort and asked him what the answer is to that question. Mr. Eickhorst responded by saying presently we have one dock with 9 to 10 boat slips on that dock. Ralph Morris again asked what the number of docks was. The response was it is one dock with boat slips, that there are not multiple docks in front of the property that the association owns.

Chairman, Michael Haws, indicated during the work session the Planning Commission members reviewed the proposed submittals and one of the questions brought up was do all of the structures on the units comply with the 10 foot side yard setback requirement that the County has. Russ Riley indicated he was not 100 percent certain but the vast majority of them do. He went into the explanation about the drawing of the unit areas and how the association derived at approximately 12,000 square feet per unit

area. The total property was figured out in total property square footage and the number of units divided and that is where the 12,000 square foot number came up. He indicated that not all the unit areas are a perfect 12,000 square feet. There was then discussion on Unit 102 in regard to the deck area. It is shown as Unit 2 on the print. The question was if the deck complies with the 10 foot side yard setback. Scott the project surveyor from Widseth, Smith and Nolting, indicated the deck area on Unit 2 is approximately 10 feet above the ground. It is a pedestal unit and he was not 100 percent certain if the deck does comply with the 10 foot side yard setback.

There was then discussion about Unit 1 which is the resort cottage referred to as the reunion cabin. It was questioned whether this unit was in compliance with the 10 foot side yard setback. Scott indicated that in looking at the print it appeared that it was.

The Chairman then brought it back and indicated that before the Planning Commission gives final approval that they need to have proof on the survey that all of the structures do comply with the 10 foot side yard setback. Scott, the surveyor, indicated that definitely could be done and that he will take care of that matter.

Planning Commission member, Ralph Morris, asked Mr. Riley about the octagons. He stated it was more than apparent that if something should happen to one of the structures these structures will not be rebuilt as octagons and asked if the association had taken this into account. Mr. Riley responded there has been some discussion in regard to what happens if the structure is destroyed or removed what could be built.

At that point in time, Environmental Services Director, Mr. Patnaude, asked the Chairman if this could be a directed question to the proposer so they could point out in the declaration document, page and paragraph number as to where that is addressed. Chairman, Michael Haws, asked about existing garages. He stated on the print it shows there are some existing garages on the property now and asked if there would be future garages allowed on other unit areas. Mr. Riley stated that was the wish of the association.

Chairman, Michael Haws, asked about the sewer and water system. He asked if there were agreements between the association and the resort in case there is a failure of the system. Mr. Riley indicated there are agreements between the two bodies in regard to the sewer system; that the sewer system is the sole responsibility of the association. The condo association at present is responsible for maintaining the sewer and water system. There was discussion as to whether or not there is an actual official easement by Turtle Lake Town Board granting the authorization to be able to place the water and the sewer lines under the township road which is Big Turtle Drive NE.

Chairman, Michael Haws, asked Mr. Riley to explain what is owned by the association and what is not. Mr. Riley indicated that the only property that is owned by the condo association that is being proposed in the common interest community is the property that is showing on the presented plat before the Planning Commission this evening.

There was then a discussion about an item that was brought up during the work session, if there is adequate area that the association owns at present; that should the existing drainfields fail, an alternate secondary system could be installed. Mr. Riley explained there is adequate area that the association does own that could be utilized for that purpose. Chairman, Michael Haws, pointed out that during the work session it was a consensus of the Planning Commission that, this secondary area should be shown on the plat.

Planning Commission members asked about Unit 10 and that they wanted to know in regard to the drawing that Mr. Patnaude had up on the screen that shows the old original Units 208, 209 and 210, are there footings or foundations at those locations. Mr. Russ Riley turned to Jim Eickhorst, who is the owner of that area where Unit 10 is being proposed. Mr. Eickhorst explained that two of the units out of the three are flat patio units and the third one is an actual pedestal pad. Mr. Riley pointed out that the concrete that is there is quite old, is deteriorating and is no longer functional. He stated the pedestal pad has an eight sided concrete and does have a power box and junction box but there is no power or meter hooked to it.

Ralph Morris asked what the language is in regard to the proposed structure that would fit on Unit 10. There was considerable discussion on this matter and it was pointed out the declaration does not really address this specifically; that it is very vague. Planning Commission member, Don Hazeman, supported Ralph Morris by saying we need to have this more specific. He stated it was very apparent that Unit 10 will not be an octagon structure for to rebuild a stick built octagon structure is going to be very cost prohibitive.

Next question by Planning Commission member, Ralph Morris, was in regard to what size is Cabin 20 or shown as Unit 1. Mr. Eickhorst stated that Cabin 20 is not an eight sided unit but that it is a reunion cabin and operated by the resort.

Chairman, Michael Haws, explained to Mr. Riley that during the work session it was the consensus of the Planning Commission members that the Beltrami County Soil & Water Conservation District, working with staff in the Environmental Services Department will have to do a site visit to the property to make a determination as to whether or not there is a need for a vegetative management plan for the new CIC especially in the riparian area.

Ralph Morris asked Mr. Patnaude why the advertisement mentions commercial. He stated the Planning Commission understood this to be a single family residential Common Interest Community. Mr. Patnaude responded that is correct, however, there is a member of the association which is Jim Eickhorst, who does have units that he utilizes as part of his operating units for his resort which are Units 1, 2, 3, 4, 5 and the new Unit area 10. At this point Mr. Eickhorst indicated Unit 9 was purchased by he and his wife for a retirement unit but from time to time would be utilized as part of the resort operation when there was a need for overflow.

Chairman asked if there were any further comments from Planning Commission members. County Commissioner, Jack Frost asked if these are seasonal vacation type homes or are these actually year around homes. Mr. Riley stated these can be used for year around purposes. Commissioner Jack Frost thanked Mr. Riley for his response.

Chairman asked if there was any further discussion by Planning Commission members in regard to the request for the Conditional Use Permit for the new Common Interest Community. If not, he was prepared to open it up for public comment. Planning Commission members indicated they had no further questions at this time. Chairman, Michael Haws made the announcement that he was opening it up for public comment. Chairman made the announcement three times. There was no response from the audience. Chairman then stated he was closing the public comment period on the Conditional Use Permit request of Common Interest Community No. 23, The Eights on Big Turtle.

Commissioner Jack Frost said that in light of the discussion tonight he felt that the hard work that was done by the association with the help of County staff is bringing this matter to a conclusion and there definitely is light at the end of the tunnel and that he applauded the effort of all those involved in getting this matter resolved. Chairman asked if there was any further discussion. If not, he was prepared to entertain a motion. **Don Hazeman moved to grant preliminary approval of the proposed Common Interest Community No. 23, The Eights of Big Turtle, subject to the following conditions:**

- 1. The declaration must clearly spell out that the dock area is allowed one dock with 10 boat slips.**
- 2. All structures located on the property of the association that is going to become part of the Common Interest Community must comply with the 10 foot side yard setback and the association with their surveyor must show proof of this or the unit areas must be readjusted.**
- 3. The declaration document must address limitation on garage size.**
- 4. The final declaration must spell out the water and sewer agreement between the resort operation and the Common Interest Community.**
- 5. There must be a Compliance Inspection on the existing onsite septic system to show the system is in full compliance with the current rules.**
- 6. The proposers of the Common Interest Community must show the areas on the real estate where there is alternative drainfield space.**
- 7. Lot 10 must be addressed in the declaration as to what is the maximum allowable square footage size for that particular unit area.**
- 8. The Environmental Services Department is directed to put together recommendations in regard to the limitations on the Unit 10 area.**
- 9. The Environmental Services Department and the Soil and Water Conservation District are to prepare a vegetative management plan review of the property and to have the report prepared and submitted to the Planning Commission two weeks prior to the April 25, 2011 meeting.**
- 10. As shown on the Common Interest Community, Outlots A and B must be removed.**
- 11. Verification of the water and sewer lines that go under the Turtle Lake Township Road, Big Turtle Drive NE.**
- 12. Must be clearly defined in the declaration which units are to be used for commercial purposes.**
- 13. Final approval cannot be given to the proposed Common Interest Community and the Conditional Use Permit approved until all of the items that were contained on the March 28, 2011 sheet as handed out by the Environmental Services Director are also addressed.**

Chairman called for any further discussion on the motion. Chairman noted there had not been a second on the motion. **Ralph Morris moved to second the motion.** Chairman asked if there was any further discussion. Chairman called for roll call vote. **Voting on the motion:**

Ray Dalby	Yes
Don Hazeman	Yes
Ralph Morris	Yes

Motion carried and approved 3 to 0.

Chairman, Michael Haws, indicated that completed all the items before the Planning Commission for March 28, 2011. Therefore, he entertained a motion to adjourn. **Ralph Morris moved to officially**

adjourn the Beltrami County Planning Commission Public Hearing for March 28, 2011. Ray Dalby seconded the motion. Voting on the motion:

Don Hazeman	Yes
Ray Dalby	Yes
Ralph Morris	Yes

Motion carried and approved 3 to 0.

Respectfully submitted,

William J. Patnaude
Beltrami County ESD Director

Michael Haws, Chairperson
Beltrami County Planning Commission

**Beltrami County Planning Commission
Board of Adjustment Public Hearing
Minutes for Monday, April 25, 2011
Administrative Services Center
First Floor – County Board Room, Suite 102
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Michael Haws
Ralph Morris
Ray Dalby
Don Hazeman
Ed Fussy
Doug Underthun

Members absent: None

Others Present: William Patnaude, Beltrami County Environmental Services Director
Charlene Sturk, Beltrami County Recorder
Scott Buxton, Widseth, Smith Nolting, 315 – 5th Street NW, Bemidji, MN 56601
Russ Riley, 1617 – 15th Avenue S, St. Cloud, MN 56301
Pat Riley, 1617 – 15th Avenue S, St. Cloud, MN 56301
Jim Eickhorst, 15707 Big Turtle Drive NE, Bemidji, MN 56601
Dan Schaubhut, 12527 MEK-I-NOK CT NE, Bemidji, MN 56601
Steve Schaubhut, 15715 Pool Lake Rd NE, Bemidji, MN 56601
Danielle Johnson, 435 Chickadee Lane, Bemidji, MN 56601

Chairman, Michael Haws, called the Beltrami County Planning Commission/Board of Adjustment Public Hearing for April 25, 2011, officially to order at 6:30 p.m. in the County Board Room, County Administration Building, Suite 102, at 701 Minnesota Avenue NW, Bemidji, MN 56601. Chairman, welcomed all those in attendance. The Chairman then asked for introductions of Planning Commission members to the public. Board members introduced themselves. Chairman then asked the Environmental Services Director to explain the meeting process.

Next item was the review and approval of the March 28, 2011 Meeting Minutes. Minutes were electronically sent to all members in draft format. Noted changes were sent to Kathy and incorporated into the draft minutes before tonight's meeting. **Ralph Morris moved to officially approve the minutes of March 28, 2011 Beltrami County Planning Commission Board of Adjustment. Motion seconded by Ray Dalby. Chairman called for roll call vote.**

Ralph Morris	Yes
Ed Fussy	Yes
Don Hazeman	Yes
Ray Dalby	Yes

Doug Underthun Yes

Motion carried and approved 5 to 0.

Board of Adjustment

Chairman called the Beltrami County Board of Adjustment Public Hearing for April 25, 2011 officially to order.

OLD BUSINESS:

Variance Request:	Cynthia Dudley
	26233 Steel Bridge Rd
	Waskish, MN 56685
Township:	Waskish
Body of Water:	Tamarac River

Purpose of: Requesting a Variance permit construct a seasonal use only 22' x 34' log cabin with a height of approximately 18-20 feet with the closest point to the channel of the Tamarac River approximately Thirty Seven (37) feet.

Legal Description:

Tax Parcel 49.00385.00
Lot 11, River View Subdivision, Section Sixteen (16), Township One Hundred, Fifty-four (154) North, Range Thirty (30) West.

After contacting Cynthia Dudley by telephone and speaking with her, staff explained that she is no longer interested in the property and is no longer pursuing the purchase agreement which she had presented with her Variance request. Therefore, she requested the Variance Board rescind approval of her Variance. **Motion was made by Doug Underthun that based on the conversation staff had with the applicant, the Variance approval be rescinded for Cynthia Dudley. Motion seconded by Don Hazeman. Chairman called for roll call vote. Voting on the motion:**

Ralph Morris	Yes
Ed Fussy	Yes
Don Hazeman	Yes
Ray Dalby	Yes
Doug Underthun	Yes

Motion carried and approved 5 to 0.

NEW BUSINESS:

Variance Request:

Daniel Schaubhut

12527 Mek-I-Nok Court NE
Bemidji, MN 56601

Township:

Turtle River

Body of Water:

Turtle River Lake ((4-111))

The Purpose of:

Due to a fire, the property owner is applying for a Variance Permit to build a new 30' x 40' structure with a roof height of 26 feet with a setback of 65 feet from the ordinary high water mark of Turtle River Lake. The new structure is to replace the former 36' x 22' structure which had a roof height of 16 feet which is inhabitable due to the fire. The existing structure had a setback of 65 feet from the ordinary high water mark of Turtle River Lake. Due to the steep hill on the property, the new structure is proposed at the same setback of 65 feet. Turtle River Lake (4-111) is classified as a Recreational Development Lake with a required setback of 100 feet from the ordinary high water mark in accordance with the Beltrami County Shoreland Management Ordinance No. 6.

Legal Description:

Tax Parcel 48.00708.00

Part of Lots One and Two, Walhalla Beach, Section Two (2) Township One Hundred Forty-seven (147) North, Range Thirty-two (32) West. This is a partial legal description. Full legal description on file.

Board members reviewed the Variance request. There was discussion during the Work Session that was brought forward during the Public Hearing. The proposed structure renovation, because of the fire, would be no closer than what the existing structure was and there would be no further infringement towards Turtle River Lake which is classified as a Recreational Development Lake and requires a 100 foot setback.

Board of Adjustment member, Ed Fussy, asked Daniel about the proposed roof height. On the application it indicates a roof height of approximately 20-24 feet. Dan explained to the Board and made a drawing so the Board could see that he would place some fill in front of the new building where his frost footing would be placed and concrete block would come up from that frost footing. He stated he felt the roof height would be somewhere between 22 and 24 feet in height from the ground level to the peak of the roof.

Chairman, Michael Haws, indicated the Board's policy was at 65 foot setback, the allowance would be 23 three foot height maximum. Chairman, Michael Haws, asked Dan if he could live with the 23 foot height. Dan responded that the 23 foot would be adequate. The Chairman also indicated the Board of Adjustment members at the Work Session in looking at the photos discussed the need for a vegetative management plan and asked if Dan was aware of that. Dan indicated he has been buying and planting trees since he purchased the property and that he was very acceptable to the idea of a vegetative management plan being required. Board of Adjustment member, Ralph Morris, stated it was very apparent that Dan is doing this already but that there is a requirement on all Variances that there should be a vegetative management plan prepared by the Soil & Water Conservation District.

Chairman, Michael Haws, asked if there were any more comments from Board of Adjustment members. If not, the Chairman was prepared to open it up for public comment. Board members indicated they had no further questions. Chairman opened it up for public comment. There were two letters received that were read into the record. First letter read into the record was dated April 18, 2011 from Paul Preus, 2925 Quaker Lane North, Plymouth, MN 55441. The second letter read into the record was from Duane Erickson, 11687 Point Comfort Court NE, Bemidji, MN 56601. Also read into the record was the field review of the Dan Schaubhut Variance request by staff in the Environmental Services Department. Staff conducted a site review of the property on April 22, 2011. Stated the building appears to about 52 feet from the water level on this date. It appears the lake is a couple of feet above the ordinary high water mark so the 65 foot setback from the ordinary was not verified. Staff indicated there was minimal natural vegetation along the shoreline in front of the house. There is a silt fence already installed for protecting the debris to run off into the lake. The existing onsite septic system has been inspected and was found to be in full compliance and was originally designed to accommodate a two bedroom house and that is what is proposed by the applicant. Chairman asked if there were any more comments from the audience. Chairman asked for the third time. There was no response. Chairman then stated he was going to close the public comment period on the request of Daniel Schaubhut.

Chairman, Michael Haws, brought it back before the Board of Adjustment and indicated he was prepared to entertain a motion. **Ralph Morris moved to officially approve the Variance request of Daniel Schaubhut allowing him to construct the structure as proposed in his plans to be located no closer than the existing structure and that the height of the new structure is not to exceed 23 feet from ground level to the peak of the roof. Further stipulation is that a vegetative management plan be prepared and developed by the Soil & Water Conservation District and a report sent to the Board of Adjustment by the Environmental Services Department that the plan has been implemented by the applicant. Motion was seconded by Ray Dalby. We then went through the findings.**

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?

Single family residential permitted use. New house is no closer than the existing house.

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

Yes (x) No ()

Why?

Unable to build at the required setback of 100 feet. Extensive alteration of the steep slope would not be desirable. The applicant's need to rebuild a new modern structure.

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

Yes (x) No ()

The topography of the property. With the steep slope, would required extensive alteration for the placement of the new home at the required setback of 100 feet. The structure is afforded rights under the revised Minnesota Statute 394.27 which would permit the structure to be rebuilt at the same setback from turtle River Lake. This is a change from the original variance which had been approved in 2001.

Why?

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

Yes (x) No ()

Why?

The original structure was constructed prior to the Shoreland Management Program.

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

Yes (x) No ()

Why?

Single family home. Surrounding lots all have single family homes located on them.

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

Yes (x) No ()

Why?

Economic hardship was not presented by the applicant.

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

Chairman stated the Findings of Fact were all yes for the approval of the Variance Permit. Chairman then stated he was prepared to entertain a motion on the request. Chair then called for roll call vote. Voting on the motion to approve the Variance Permit for Daniel Schaubhut, 12527 Mek-I-Nok Court NE, Bemidji, MN 56601.

Doug Underthun	Yes
Ray Dalby	Yes
Don Hazeman	Yes
Ed Fussy	Yes
Ralph Morris	Yes

Motion approved and carried 5 to 0.

Chairman asked if there were any further business to come before the Board of Adjustment. Chairman stated he was prepared to entertain a motion to adjourn the Public Hearing for April 25, 2011. **Don Hazeman made a motion to adjourn the Beltrami County Board of Adjustment Public Hearing for April 25, 2011. Ray Dalby seconded the motion. Chairman called for roll call vote. Voting on the motion:**

Doug Underthun	Yes
Ray Dalby	Yes
Don Hazeman	Yes
Ed Fussy	Yes
Ralph Morris	Yes

Motion approved and carried 5 to 0.

Motion was carried and approved 5 to 0 to officially adjourn the Beltrami County Board of Adjustment Public Hearing for April 25, 2011.

Planning Commission

Chairman, Michael Haws, called the April 25, 2011 Beltrami County Planning Commission Public Hearing officially to order.

OLD BUSINESS:

None

NEW BUSINESS

Conditional Use Request:	The Eights on Big Turtle Common Interest Community #23 Contact Person: Russ Riley 15756 Big Turtle Drive NE Bemidji, MN 56601
Township:	Turtle Lake
Body of Water:	Big Turtle (4-159)

The purpose of the Conditional Use Permit is:

Requesting the approval of a Conditional Use Permit for the creation of a new Common Interest Community #23 from the former Sunset View Chalet Condominium No. 6 consisting of nine existing single family residential structures and a proposed new single family structure on Unit #10 located on Big Turtle Lake (4-159) in accordance with the Beltrami County Shoreland Management Ordinance No. 6, Article IV, Table 1.

Legal Description:

Tax Parcels 47.01065.00, 47.01066.00, 47.01067.00, 47.01068.00, 47.01069.00, 47.01070.00, 47.01071.00, 47.01072.00, 47.01073.00.

Government Lots 5, 6 7, and part of Lot 8, Block 2, Sunset View Chalet, Section Twenty-two (22), Township One Hundred Forty-eight (148) North, Range Thirty-three (33) West.

This is a partial legal description. Full legal description on file.

Chairman, Michael Haws asked if there was anyone present to represent the request. Russ Riley came forward and indicated there needed to be a notice that the address was incorrect. Chairman, thanked Mr. Riley for coming forward. Chairman asked if there had been a letter received from the Turtle Lake Town Board. William Patnaude, Environmental Services Director, indicated there had not been a letter from the Turtle River Town Board but that he had been in contact with the Turtle Lake Town Board Chairman, Howie Schultz, who indicated that there had been a verbal agreement between the Turtle Lake Town Board and the former owners of the property at the time of the development back in the 1980's which was Rex and Kurt Kohl. That was for the permission to put in the sewer and water lines underneath the township road. Chairman asked Mr. Patnaude if all of the items that had been listed in the March 28, 2011 meeting minutes had been complied with. Mr. Patnaude indicated that all of the items had been complied with. The only item that had not been addressed was the location of the secondary area for a drainfield and the reason for that was because the existing property is serviced by two drainfields that had been checked and found to be in full compliance and they are not even functioning at 100 percent.

Chairman, Michael Haws, asked if there was any further discussion by Planning Commission members. Planning Commission members indicated at the work session they had gone through the documentation and that they were very comfortable that all of their concerns from the March 28, 2011 meeting had been complied with.

Chairman, Michael Haws indicated he was ready to entertain a motion for final approval of the Conditional Use Permit request of The Eights on Big Turtle. **Don Hazeman made a motion for final approval of the Conditional Use Request for The Eights on Big Turtle. Ralph Morris seconded the motion. Chairman called for any further discussion. It was pointed out that there should be a letter from the Environmental Services Department indicating that the onsite septic system did pass a compliance inspection and that staff felt there was more than adequate area for additional drainfield if it ever became necessary. Also it was pointed out there should be a letter from the Turtle Lake Town Board indicating they are in favor of what is being proposed as well in regard to the agreement about the sewer and water lines under the Turtle Lake Township road. Chairman asked Mr. Riley if that was agreeable to him. Mr. Riley indicated that was fine. Chairman stated he was prepared to take a roll call vote if there was no further discussion. There was no further discussion. Voting on the motion:**

Doug Underthun	Yes
Ray Dalby	Yes
Don Hazeman	Yes
Ed Fussy	Yes
Ralph Morris	Yes

Motion carried and approved 5 to 0 to grant the issuance of a Conditional Use Permit for the new Common Interest Community No. 23, The Eights on Big Turtle.

Chairman, Michael Haws, indicated that completed all the items before the Planning Commission for April 25, 2011. Therefore, he entertained a motion to adjourn. It was at this time the Environmental Services Director, William Patnaude, pointed out that he, County Attorney, Tim Faver, Chris Parthun, Brent Rud and Ralph Morris from the Board of Adjustment had attended training on land use decisions at Polk County on April 15, 2011 and that Ralph had taken the lead and put together a brief summary of that training and wanted to present that. Ralph Morris did present the summary of the training and Board of Adjustment members had discussion but they also directed staff to send a memo to the County Attorney indicating that the present Findings of Fact forms are not up to date and need to be brought into compliance with the new requirements of the recent court cases. With that the Chairman thanked Ralph Morris for the update on the training and Chairman also indicated that staff would be sending the training material to all the Board of Adjustment members.

Chairman then stated he was ready to entertain a motion to adjourn. Ralph Morris **moved to officially adjourn the Beltrami County Planning Commission Public Hearing for April 25, 2011. Ray Dalby seconded the motion. Voting on the motion:**

Ralph Morris	Yes
Ed Fussy	Yes
Don Hazeman	Yes
Ray Dalby	Yes
Doug Underthun	Yes

Motion carried and approved 5 to 0.

Respectfully submitted,

William J. Patnaude
Beltrami County ESD Director

Michael Haws, Chairperson
Beltrami County Planning Commission

**Beltrami County Planning Commission
Board of Adjustment Public Hearing
Minutes for Monday, May 23, 2011
Administrative Services Center
First Floor – County Board Room, Suite 102
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Michael Haws
Ralph Morris
Ray Dalby
Don Hazeman
Doug Underthun

Members absent: Ed Fussy
Jack Frost

Others Present: William Patnaude, Beltrami County Environmental Services Director
Tim Faver, County Attorney
Chris Parthun, Environmental Resource Specialist
Susan Safstrom, 6432 Mac CT. NW, Bemidji, MN 56601
Matt Murray, Murray Surveying, 304 Third Street NW, Bemidji, MN 56601

Chairman, Michael Haws, called the Beltrami County Planning Commission/Board of Adjustment Public Hearing for May 23, 2011, officially to order at 6:30 p.m. in the County Board Room, County Administration Building, Suite 102, at 701 Minnesota Avenue NW, Bemidji, MN 56601. Chairman, welcomed all those in attendance. The Chairman then asked for introductions of Planning Commission members to the public. Board members introduced themselves. Chairman then asked the Environmental Services Director to explain the meeting process.

Next item was the review and approval of the April 25, 2011. **Ralph Morris moved to officially approve the minutes of April 25, 2011 Beltrami County Planning Commission Board of Adjustment. Motion seconded by Don Hazeman. Chairman called for roll call vote.**

Ray Dalby	Yes
Doug Underthun	Yes
Ralph Morris	Yes
Don Hazeman	Yes

Motion carried and approved 4 to 0.

Board of Adjustment

OLD BUSINESS:

None

NEW BUSINESS:

None

Planning Commission

Chairman, Michael Haws, called the May 23, 2011 Beltrami County Planning Commission Public Hearing officially to order at 6:30 p.m.

OLD BUSINESS:

None

NEW BUSINESS

Proposed Plat Request: **S & J Development, LLC**
 Contact Person: Steve Hill
 3801 Bemidji Avenue N
 Bemidji, MN 56601
Township: Eckles
Proposed Plat Name: Eckles Grassy Knolls

The purpose of:

To develop approximately 35.2 acres into 10 single family residential lots averaging 3 acres or more in area. The project will involve the construction of approximately 1600 linear feet of roadway. Infiltration basins will be constructed throughout the site for the treatment of storm water runoff.

Legal Description:

Tax Parcels 12.00267.00, 12.00267.02.
Part of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼), Section Twenty-three (23), Township One Hundred Forty-seven (147) North, Range Thirty-four (34) West.
This is a partial legal description. Full legal description on file.

Chairman, Michael Haws asked if there was anyone present to represent the proposed plat, Eckles Grassy Knolls. Matt Murray of Murray Surveying came forward and stated he was representing S & J Development, LLC.

Chairman, Michael Haws, asked Matt Murray if the plat had been before the Eckles Town Board and if there has been a road agreement executed between the Eckles Town Board and the developer. Matt Murray informed the Chairman and the Planning Commission that the road agreement had been signed and a copy was provided to the Environmental Services Department. He also stated there were conditions on the Town Board approval on the proposed plat one of which was to install an overflow culvert parallel to Balsam Road under Grassy Knoll Lane. However, due to the lack of topography, this just cannot be accomplished because there is not enough fall. Matt Murray stated there was a concern that was addressed during the work session as to the adequacy of the storm water design. He explained that under the Eckles Township requirement of a three inch rainfall event, its required storm water capacity per acre would be 14,688 cubic feet. In utilizing the Minnesota Pollution Control Agency's requirements, the storage capacity would need to be 60,228 cubic feet. Further, Matt Murray explained, that due to the soils located on the property and the relatively flat grade that is why the storm water design exceeds considerably the township's requirement. Chairman, Michael Haws thanked Matt Murray for the clarification of the concerns that had been expressed during the work session.

Chairman, Michael Haws asked Matt Murray to provide clarification in regard to the letter submitted by the Greater Bemidji Area Joint Planning Board which is the agency charged with the administration and enforcement of the Bemidji Regional Airport zoning. Matt Murray explained the proposed plat, Eckles Grassy Knolls, is located in Zone B of the land use safety zone of the Bemidji Regional Airport. Due to this location, the required minimum lot size as per Bemidji Regional Airport Zoning Ordinance is a three acre minimum lot area and requires any buildings constructed on these lots to be contained in an area not to exceed 10,900 square feet.

Planning Commission members reviewed the list of documents that had been prepared by the Environmental Services Department staff. Environmental Services Director, William Patnaude, stated that this evening there should be three additional documents added to that list. The first document is the surveyor's review of the preliminary plat; letter dated May 23, 2011. The second document is the calculations which had been prepared by the developer's consultant, Freeberg and Grund Engineering. The third document was the Environmental Services Department staff report prepared by Environmental Resource Specialist, Chris Parthun.

Chairman, Michael Haws, then asked if there was any further discussion by Planning Commission members and if not he was prepared to open the proposed plat, Eckles Grassy Knolls, for public comment. Chairman also stated that that all of the documents that have been listed as well as the additional three this evening are to be entered into the official record for the proposed plat, Eckles Grassy Knolls. With that the Chairman asked Chris Parthun to present his report. (See attached report.) The Chairman, on behalf of the Planning Commission, thanked Chris Parthun and the Environmental Services Department for a very thorough report.

Chairman, Michael Haws, asked if there were any further comments from the public. Chairman made the announcement three times. There was no response. Chairman, Michael Haws, stated he was closing the public comment period on the proposed plat, Eckles Grassy Knolls and bringing it back before the Planning Commission.

Chairman, Michael Haws, stated he was prepared to entertain a motion on the proposed plat for preliminary approval. **Planning Commission member, Don Hazeman, moved to grant preliminary approval for the proposed plat, Eckles Grassy Knolls, subject to the conditions and restrictions contained in the Eckles Township approval letter dated May 19, 2011. Motion was seconded by**

Doug Underthun. Chairman called for any further discussion. There was no further discussion. Chairman called for roll call vote. Voting on the motion to grant preliminary approval for the proposed plat, Eckles Grassy Knolls:

Ray Dalby	Yes
Ralph Morris	Yes
Don Hazeman	Yes
Doug Underthun	Yes

Motion approved and carried 4 to 0.

Chairman, Michael Haws, indicated that completed all the items before the Planning Commission for May 23, 2011. Therefore, he entertained a motion to adjourn. **Don Hazeman moved to officially adjourn the Beltrami County Planning Commission Public Hearing for May 23, 2011. Doug Underthun seconded the motion. Voting on the motion:**

Ralph Morris	Yes
Don Hazeman	Yes
Ray Dalby	Yes
Doug Underthun	Yes

Motion carried and approved 4 to 0.

Respectfully submitted,

William J. Patnaude
Beltrami County ESD Director

Michael Haws, Chairperson
Beltrami County Planning Commission

**Beltrami County Planning Commission
Board of Adjustment Public Hearing
Minutes for Monday, June 27, 2011
Administrative Services Center
First Floor – County Board Room, Suite 102
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Michael Haws
Ralph Morris
Ray Dalby
Doug Underthun
Ed Fussy

Members absent: Don Hazeman
County Commissioner, Jack Frost

Others Present: William Patnaude, Beltrami County Environmental Services Director
Tim Faver, Beltrami County Attorney
Matt Murray, Murray Surveying, 304 Third Street NW, Bemidji, MN 56601

Chairman, Michael Haws, called the Beltrami County Planning Commission/Board of Adjustment Public Hearing for June 27, 2011, officially to order at 7:00 p.m. in the County Board Room, County Administration Building, Suite 102, at 701 Minnesota Avenue NW, Bemidji, MN 56601. Chairman, Michael Haws, dispensed with the welcoming and the overview of the meeting process because of there being no audience. Chairman stated there was no old business or any Variance requests nor a scheduled Public Hearing for this evening and moved into Old Business which was the review of the meeting minutes of May 23, 2011. **Ralph Morris moved to officially approve the minutes of May 23, 2011 Beltrami County Planning Commission Board of Adjustment. Motion seconded by Ed Fussy. Chairman called for roll call vote.**

Doug Underthun	Yes
Ray Dalby	Yes
Ed Fussy	Yes
Ralph Morris	Yes

Motion carried and approved 4 to 0.

Board of Adjustment

OLD BUSINESS:

None

NEW BUSINESS:

None

Planning Commission

Chairman, Michael Haws, called the June 27, 2011 Beltrami County Planning Commission Public Hearing officially to order at 7:00 p.m.

OLD BUSINESS:

Proposed Plat Request: **S & J Development, LLC**
 Contact Person: Steve Hill
 3801 Bemidji Avenue N
 Bemidji, MN 56601
Township: Eckles
Proposed Plat Name: Eckles Grassy Knolls

The purpose of:

To develop approximately 35.2 acres into 10 single family residential lots averaging 3 acres or more in area.

Legal Description:

Tax Parcels 12.00267.00, 12.00267.02.

Part of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼), Section Twenty-three (23), Township One Hundred Forty-seven (147) North, Range Thirty-four (34) West.

This is a partial legal description. Full legal description on file.

As discussed during the work session, Mr. Murray came forward and presented a revised layout of the proposed plat, Eckles Grassy Knolls. The original layout had a roadway that would service the lots which was connected on the east side of Eckles Road NW and on the north side of Balsam Road NW. Mr. Murray explained that his client, S&J Development LLC, after making inquiries with local contractors, determined that the cost was too prohibitive for proceeding with the development of building a new public road within the proposed development. Mr. Murray informed the Planning Commission that he had met with the Eckles Town Board on June 21, 2011 and presented them the revised layout with no new road in the plat.

The revised layout now reduces the original plat from 10 lots down to 9 lots and has Lots 1, 2, 5, 6, 7 8 and 9 having proposed private accesses out to the existing Township Roads of Balsam Road NW and Eckles Road NW. Lots 3 and 4 would have a driveway of 33 feet each for a common driveway access which would be for both lots onto Eckles Road NW.

Planning Commission members discussed whether or not the applicant should be required to submit a new application due to the new revision presented this evening. It was the recommendation of the Environmental Services Director as well as the County Attorney that even with a new revised layout of the proposed plat, that still the majority of the documents would not be impacted. The Developer, S&J Development LLC, would be required to provide the following new documents:

- Letter from the Greater Bemidji Area Joint Planning Board
- New letter from Eckles Town Board stating they are in approval of the new revised plat, Eckles Grassy Knolls.
- Town Board rescinded Road Agreement
- New Storm Water Pollution Prevention Plan

Mr. Murray went on to explain that in a meeting with the Eckles Town Board on June 21, 2001, the Eckles Town Board officially declined to send a letter for this evening until a revised Storm Water Pollution Prevention Plan was presented to the Town Board. Planning Commission members asked whether or not this property could be used for multi-family purposes. Mr. Murray stated that under the airport zoning that is correct, the lots could be used for multi-family.

Environmental Services Director, Mr. Patnaude, asked Mr. Murray if the developer had yet disclosed to the Eckles Town Board what his plans were. Mr. Murray's response was the developer had not disclosed at this point in time what his plans were for the property other than the lots may be used for single family home construction.

Discussion centered on that this property is located in Zone B of the Bemidji Regional Airport and is administered and enforced by the Greater Bemidji Area Joint Powers Board with a contract with the Regional Airport Commission. Minimum impact area per lot is 10,900 square feet. That would be the building area. There was discussion that area would include the area for utilities such as a well or the onsite sewer system. Note: The Environmental Services Director did make contact with the Greater Bemidji Area Joint Planning Board Office and was informed that the 10,900 square feet was for the building and that the utilities are allowed to be outside of those 10,900 square feet.

Now that a newly revised layout has been presented of the proposed plat, Eckles Grassy Knolls and this is no longer the layout which had been given preliminary approval at the May 23, 2011 Planning Commission Meeting, the Planning Commission Members discussed with the county Attorney and staff what should be the action they needed to take this evening. County Attorney and Staff recommended that the preliminary approval motion at the May 23, 2011 should be rescinded. **Ralph Morris moved to rescind the Beltrami County Planning Commission's preliminary approval of the proposed plat Eckles Grassy Knolls due to the fact that a revised layout has been submitted at the June 27, 2011 Planning Commission Meeting. Ray Dalby seconded the motion.** Chairman asked for any further discussion. Mr. Murray asked if this motion goes through to rescind the proposed plat, would he be able to submit the revised plat and be able to get preliminary and final approval at the July 25, 2011 Meeting. Chairman, Michael Haws, indicated that it was up to Mr. Murray and his client, S&J Development LLC, if they so desire to bring in a final plat but there would be no guarantee by the Planning Commission this evening that it would receive final approval at the July meeting. Chairman asked if that concluded any further discussion on the motion. **Chairman stated he was prepared to entertain a roll call vote.**

Voting on the motion:

Doug Underthun

Yes

Ray Dalby	Yes
Ed Fussy	Yes
Ralph Morris	Yes

Motion carried and approved 4 to 0.

Chairman then brought the matter back before the Planning Commission and stated the Planning Commission would like to have the documents that have been spelled out in the discussion at least two weeks in advance of the July 25, 2011 Meeting. Mr. Murray indicated that would be a problem for the Eckles Town Board Letter; that they would be meeting 6 to 7 days in advance of the actual Public Hearing in July. Mr. Patnaude stated that would be okay due to the fact that as soon as the Eckles Town Board letter was submitted, he would have staff image the letter and send it out in an email to the Planning Commission Members. Mr. Murray also indicated he would give the Beltrami County Environmental Services Department a PDF file of the proposed plat that could also be electronically sent out to the Planning Commission Members prior to the July meeting.

Chairman, stated again that it was going to be necessary to have the Town Board letter at the July 25, 2011 meeting. Without that Town Board letter the Planning Commission will not take any official action on the revised plat for preliminary review and preliminary approval. Chairman asked if there was any further discussion that evening. Mr. Murray asked if he could bring with him a prepared final of the proposed plat. Chairman, Michael Haws, stated that was fine but that the Planning Commission could not guarantee that it would get final approval at the July 25, 2011 meeting. As long as that was clearly understood with Mr. Murray and his client, a final drawing can be brought to the meeting.

NEW BUSINESS:

None

Chairman, Michael Haws, indicated that completed all the items before the Planning Commission for June 27, 2011. Therefore, he was prepared to entertain a motion to adjourn. **Ralph Morris moved to officially adjourn the Beltrami County Planning Commission Public Hearing for June 27, 2011. Doug Underthun seconded the motion. Voting on the motion:**

Ed Fussy	Yes
Ralph Morris	Yes
Ray Dalby	Yes
Doug Underthun	Yes

Motion carried and approved 4 to 0.

Respectfully submitted,

William J. Patnaude
Beltrami County ESD Director

Michael Haws, Chairperson
Beltrami County Planning Commission

**Beltrami County Planning Commission
Board of Adjustment Public Hearing
Minutes for Monday, July 25, 2011
Administrative Services Center
First Floor – County Board Room, Suite 102
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Michael Haws
Ralph Morris
Ray Dalby
Ed Fussy
Don Hazeman

Members absent: Doug Underthun
County Commissioner, Jack Frost

Others Present: William Patnaude, Beltrami County Environmental Services Director
Matt Murray, Murray Surveying, 304 Third Street NW, Bemidji, MN 56601

Chairman, Michael Haws, called the Beltrami County Planning Commission/Board of Adjustment Public Hearing for July 25, 2011, officially to order at 6:30 p.m. in the County Board Room, County Administration Building, Suite 102, at 701 Minnesota Avenue NW, Bemidji, MN 56601. Chairman, Michael Haws, dispensed with the welcoming and the overview of the meeting process because of there being no audience and moved on to the review of the meeting minutes of June 27, 2011. Chairman stated he had contacted the office and had Kathy make minor corrections that he noted. Chairman asked if anyone else had corrections. It was stated that everything was okay with the minutes. **Ralph Morris moved to officially approve the minutes of June 27, 2011 Beltrami County Planning Commission Board of Adjustment. Motion seconded by Ed Fussy. Chairman called for roll call vote.**

Ray Dalby	Yes
Don Hazeman	Yes
Ed Fussy	Yes
Ralph Morris	Yes

Motion carried and approved 4 to 0.

Board of Adjustment

OLD BUSINESS:

None

NEW BUSINESS:

None

Planning Commission

Chairman, Michael Haws, called the July 25, 2011 Beltrami County Planning Commission Public Hearing officially to order.

OLD BUSINESS:

Proposed Plat Request: **S & J Development, LLC**
 Contact Person: Steve Hill
 3801 Bemidji Avenue N
 Bemidji, MN 56601
Township: Eckles
Proposed Plat Name: Eckles Grassy Knolls

The purpose of:

To develop approximately 35.2 acres into 9 single family residential lots averaging 3 acres or more in area.

Legal Description:

Tax Parcels 12.00267.00, 12.00267.02.

Part of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼), Section Twenty-three (23), Township One Hundred Forty-seven (147) North, Range Thirty-four (34) West.

This is a partial legal description. Full legal description on file.

Bill Patnaude stated the plat had been revised and presented to the Planning Commission at the June 27, 2011 Meeting. Planning Commission Board Members at that time decided to hold preliminary approval of the revised plat and requested the developer, S & J Development LLC would be required to provide the following documents at least a couple of weeks prior to the July meeting.

1. A letter from the Bemidji Area Joint Planning Board
2. A new letter from Eckles Town Board stating their approval of the new revised plat of Eckles Grassy Knolls and also the Town Board rescinds the former road agreement.
3. A new Storm Water Pollution Prevention Management Plan is submitted by the developer.

Chairman, Michael Haws, asked the Beltrami County Environmental Services Director, William Patnaude, if had sent out a memo on July 13, 2011 to the Planning Commission Members stating that all of the requirements had been resolved as required at the June 27, 2011. Mr. Patnaude stated for the record that was correct and we have received a new letter from the Town Board. However, the County Attorney would like a revised Town Board letter which clearly addressed who made the motion and who on the Town Board seconded it in order for the plat to be sent on to the County Board of Commissioners for their final approval.

Chairman then asked for Mr. Murray to come forward and review the revised plat and the letter from Eckles Town Board. Matt Murray came forward. Planning Commission members had some discussion about Lot 7 in the proposed plat. They felt that all items had been addressed and agreed with staff that the intent in the Eckles Town Board letter was there, however, the letter does have to be more specific. Chairman asked if there was any further discussion on the proposed plat. **Ralph Morris moved to give preliminary and final approval of the proposed plat, Eckles Grassy Knolls, Owner Developer, S & J Development LLC, Steve and Jerry Hill. Motion was seconded by Ed Fussy. Chairman called for further discussion. There was no further discussion. Chairman called for roll call vote. Voting on the motion for preliminary and final approval to the Beltrami County Board of Commissioners:**

Ray Dalby	Yes	
Don Hazeman		Yes
Ed Fussy	Yes	
Ralph Morris	Yes	

Motion approved and carried 4 to 0.

Chairman, Michael Haws, indicated that completed all the items before the Planning Commission for July 25, 2011. Therefore, he was prepared to entertain a motion to adjourn. **Don Hazeman moved to officially adjourn the Beltrami County Planning Commission Public Hearing for July 25, 2011. Ray Dalby seconded the motion. Voting on the motion:**

Ralph Morris	Yes
Ed Fussy	Yes
Ray Dalby	Yes
Don Hazeman	Yes

Motion carried and approved 4 to 0.

Respectfully submitted,

William J. Patnaude
Beltrami County ESD Director

Michael Haws, Chairperson
Beltrami County Planning Commission

**Beltrami County Planning Commission
Board of Adjustment Public Hearing
Minutes for Monday, August 22, 2011
Administrative Services Center
First Floor – County Board Room, Suite 102
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Michael Haws
Ralph Morris
Ray Dalby
Ed Fussy
Don Hazeman
Doug Underthun
County Commissioner, Jack Frost

Members absent: None

Others Present: William Patnaude, Beltrami County Environmental Services Director
Charlene Sturk, Beltrami County Recorder
Gerald & Joan Barthel, 19702 Woody Lane, Kelliher, MN 56650
Christine Imbra, 8826 Grace Lake Rd, Bemidji, MN 56601
Dylan Howard, Howard Homes, 602 – 1st Street, Princeton, MN 55371

Chairman, Michael Haws, called the Beltrami County Planning Commission/Board of Adjustment Public Hearing for August 22, 2011, officially to order at 6:30 p.m. in the County Board Room, County Administration Building, Suite 102, at 701 Minnesota Avenue NW, Bemidji, MN 56601. Chairman, Michael Haws, welcomed everyone. He then had members and staff introduce themselves. Beltrami County Environmental Services Director, William Patnaude, explained the meeting process. Next on the agenda was the review of the drafted July 25, 2011 meeting minutes. **Ed Fussy moved to officially approve the minutes of July 25, 2011 Beltrami County Planning Commission Board of Adjustment. Motion seconded by Ray Dalby. Chairman called for roll call vote.**

Doug Underthun	Yes
Ray Dalby	Yes
Don Hazeman	Yes
Ralph Morris	Yes
Ed Fussy	Yes

Motion carried and approved 5 to 0.

Mr. Patnaude read into the record the Public Hearing Notice dated August 4, 2011.

Board of Adjustment

OLD BUSINESS:

None

NEW BUSINESS:

Variance Request: **Kate Steffens & Christine Imbra**
8826 Grace Lake Road
Bemidji, MN 56601

Township: Frohn
Body of Water: Grace Lake (29-71)

The Purpose of: To replace an existing home and detached garage with a new home with attached garage 70 feet from the ordinary high water mark of Grace Lake. The existing home is presently 48 feet from the ordinary high water mark of Grace Lake. Grace Lake is classified as a recreational development lake with a required setback of 100 feet from the ordinary high water mark in accordance with the Beltrami County Shoreland Management Ordinance No. 6.

Legal Description:

Tax Parcel 14.00469.00

The East 44 yards of the West 88 yards of Lot Three (3), Section Thirty-three (33), Township One Hundred Forty-six (146) North, Range Thirty-two (32) West, less that part thereof lying North of C.S.A.H. No 4 as relocated in 1966.

Chairman asked if there was anyone present representing the applicant on this request. Mr. Patnaude explained that the applicant's builder, Mr. Dylan Howard of Howard Homes Inc was aware of the Public Hearing and had informed him that he would be attending. However, he was aware of a meeting conflict for Ms. Kate Steffens and she wasn't available to attend.

Board of Adjustment members had discussed the application at their earlier Work Session. Board Member, Don Hazeman, had informed the others he had been out to the property and found it hard to believe that the owners were talking about tearing down the existing home which appeared to him to be a pretty sound structure; a beautiful site on the north shore of Grace Lake.

Mr. Patnaude had recommended that the Board reconvene the August 23, 2011 Public Hearing at the property so that the entire Board could see the site of the Variance request. There was discussion as to whether or not to reconvene the Public Hearing. Board Member, Don Hazeman felt it was a good idea for the entire Board to see the property. Don Hazeman expressed he agreed with Mr. Patnaude and he felt it would be a very good idea to reconvene at the property at tonight's Public Hearing. Chairman asked if anyone had arrived yet in regard to this application. Mr. Patnaude informed him that there was still no one present.

Board Member, Doug Underthun, moved to reconvene the Public Hearing of August 22, 2011 at the Kate Steffens and Christine Imbra property at 8826 Grace Lake Road, Bemidji, MN at 2:15 p.m. on August 25, 2011. Motion was seconded by Ralph Morris. Chairman called for further

discussion. It was agreed that everyone who wished to ride with Mr. Patnaude should be at the Environmental Services Department Office a little before 2:00 p.m. **Chairman called for roll call vote: Voting on the motion:**

Ed Fussy	Yes
Ralph Morris	Yes
Don Hazeman	Yes
Ray Dalby	Yes
Doug Underthun	Yes

Motion carried and approved 5 to 0.

Note for the record: A little after 7:00 p.m. Dylan Howard, the builder, and Owner, Christine Imbra arrived. They explained that travel delays in getting here is the reason for their being late. Mr. Patnaude explained that their Public Hearing had been reconvened to the lake lot on Thursday, August 25, 2011 at 2:15 p.m. Mr. Patnaude provided copies of the received letters and a copy of the Environmental Services Staff Report to Christine.

Planning Commission

OLD BUSINESS:

None

NEW BUSINESS:

Conditional Use Request	Gerald & Joan Barthel Rogers Campground Cooperative Common Interest Community No. 56 49690 Rogers Road Kelliher, MN 56650
Township:	Shotley
Body of Water:	Upper Red Lake (4-35)

The Purpose of: Requesting a Conditional Use Permit for a Commercial Common Interest Community No. 56. A cooperative community, Rogers Campground, in accordance with Beltrami County Shoreland Management Ordinance No. 6, Section 401 and Section 1106 of the Shoreland Management Ordinance No. 6. Rogers Campground is located on the south shore of Upper Red Lake which is classified as a General Development Lake. The proposal is to convert the existing Recreational Vehicle Campground into a cooperative with the existing thirty-seven sites which have central water and onsite sewer system.

Legal Description:

Tax Parcel 40.00392.00

Part of Blocks 1, 2, and 4 and vacated streets, avenues, boulevards and alleys of Shotley. Lot 5, Block 1, Rogers Subdivision, Section Ten (10), Township One Hundred, Fifty-three (153) North, Range Thirty-one (31) West. This is a partial legal description. Full legal description on file.

Chairman asked if there was anyone present to represent the request. Mr. Jerry Barthel, 49690 Rogers Road stated he and his wife, Joan, were the owners of this property and were proposing to convert their private recreational campground into a Common Interest Community Cooperative. The Cooperative would consist of thirty-seven recreational vehicle sites already present in their campground. Each site would have electricity, water and sewer connected to them. The Barthel's would sell these sites. Each owner would have a 1/37 interest in the cooperative. There would be no real estate sold to individual owners. The cooperative would own all the real estate within the campground.

Mr. Barthel was asked the following questions:

- Are there any new public roads being proposed with the Cooperative? Answer was no. However, there will be some realignment of an existing roadway for the purpose of avoiding wetland impacts.
- Will there be an increase in the number of docks for watercraft? Answer was no increase. There is already adequate dock space available.

Board Members asked Jerry to explain the process one goes about in purchasing a site in the cooperative. Jerry stated first you become a member of the cooperative. The cooperative assigns you a site for your RV. You then pay what the cooperative has determined, by the nature of the site you have chosen. All other expenses are divided by 1/37: real estate taxes, maintenance, insurance and administrative expenses.

Board Members asked if there was a transfer of property. Jerry explained that no the cooperative owns the campground's real estate. Only the cooperative will retain the deed for the property. Board Members asked staff what the Minnesota Department of Health requirements are for the size of RV sites. Mr. Patnaude responded by saying each site must contain at least 2000 square feet of area. Total acreage of the campground is 14.09 acres. Of that, 4.02 are classified as wetlands. Upland consists of 10.06 acres or 438,478 square feet of area. Thirty-seven RV sites at 2000 square feet would be 74,000 square feet for the sites to comply with the Minnesota Department of Health requirements or 1.70 acres, leaving approximately 8.36 acres left for the cooperative.

Board Members then proceeded to look at photos Mr. Barthel had on his computer. These photos were of the campground. A question was asked in regard to how many mobile homes are presently in the campground. Jerry stated at present there are 5 for the duration. These will be replaced with RV's. No new manufactured or mobile homes will be allowed through the new declaration for the cooperative. There was discussion centered on the existing large bridge which is located over Shotley Brook. It was questioned if this bridge was safe for vehicular traffic and if this should be a requirement by the Planning Commission to assure public safety. Chairman stated he was wondering if the Planning Commission has the authority to request this. Mr. Barthel explained all roads are private and there are two bridges over Shotley Brook not just the large one on the lake side.

Next item for discussion was should it be considered to require a storm shelter for the residents at the cooperative, especially with the number of severe storms we have been experiencing. Planning Commission Member, Ralph Morris, raised this issue. Chairman asked staff if the Planning Commission has the authority to address this concern raised by Ralph Morris. Staff cited Section 1106,

Conditional Use Permits of the Shoreland Management Ordinance No. 6 and Section 2, Item (a). *In considering the granting of any Conditional Use Permit the Environmental Services Department and Planning Commission shall conduct a thorough site evaluation. The Planning Commission shall then evaluate the following: The maintenance of public health, safety and welfare.* With this language, staff strongly believes that the Planning Commission has the authority vested in it to be able to legally place a condition for a storm shelter. Planning Commission Members requested that staff do research and report back what the State requirements are for storm shelters.

County Commissioner, Jack Frost, stated he was directing these following questions to Mr. Patnaude:

1. Will the Minnesota Department of Health requirement for a recreational vehicle site of 2000 square feet be required?
2. Can the Planning Commission require a storm shelter on the existing recreation vehicle park?
3. Is there incurred liability to the County if the Conditional Use Permit is approved with no requirement about whether the bridges discussed tonight are deemed later on as unsafe for vehicular traffic including emergency service vehicles?
4. Is it the responsibility of the Planning Commission to address the governance which is outlined in the cooperative's declaration?

Commissioner Frost then stated he wanted to make it abundantly clear that he was not opposed to what is being proposed by the Barthels but only raising these questions because he wants to make sure that everything that is required by the County has been addressed to make this endeavor a success for everyone involved.

Planning Commission Chairman directed Mr. Patnaude to prepare and send a letter to the County Attorney requesting his review and comments on the items which were discussed tonight.

Chairman asked if there were anymore comments by the Planning Commission Members. If not he would open it up to public comment. Chairman then opened the request for public comment. Chairman asked the County Recorder, Charlene Sturk, if she had any comments on the proposal. Charlene responded she had reviewed the draft declaration and there were just a couple of minor changes needed. She stated she was also waiting on the County Attorney to complete his review and comments and that overall, it was close to being finalized.

Chairman asked if the Planning Commission was prepared to entertain a motion on the request of Jerry and Joan Barthel. **Don Hazeman moved to officially table the Conditional Use Permit request of Jerry and Joan Barthel and to request the County Attorney review the questions brought forward this evening and that those questions be addressed by him before the next regularly scheduled meeting on September 26, 2011. Doug Underthun seconded the motion. Chairman called for any further discussion. There being none, Chairman called for roll call vote: Voting on the motion:**

Ed Fussy	Yes	
Ralph Morris	Yes	
Don Hazeman		Yes
Ray Dalby	Yes	
Doug Underthun	Yes	

Motion carried and approved 5 to 0.

Chairman, Michael Haws, indicated that completed all the items before the Planning Commission for August 22, 2011. Therefore, he was prepared to entertain a motion to adjourn. **Ed Fussy moved to officially adjourn the Beltrami County Planning Commission Public Hearing for August 22, 2011. Ralph Morris seconded the motion. Voting on the motion:**

Ralph Morris	Yes
Ed Fussy	Yes
Ray Dalby	Yes
Don Hazeman	Yes
Doug Underthun	Yes

Motion carried and approved 5 to 0. Chairman called the Board of Adjustment and Planning Commission Public Hearing officially adjourned.

Respectfully submitted,

William J. Patnaude
Beltrami County ESD Director

Michael Haws, Chairperson
Beltrami County Planning Commission

**Beltrami County Planning Commission
Board of Adjustment Public Hearing
Minutes for Monday, August 22, 2011
Reconvening Thursday, August 25, 2011
At the Christine Imbra & Kate Steffens property
8826 N Grace Lake Road, Bemidji, MN**

Board of Adjustment

Chairman, Michael Haws, Board of Adjustment called to order the reconvened Public Hearing for August 22, 2011 on August 25, 2011 at 2:15 p.m. at 8826 N Grace Lake Rd, Bemidji, MN 56601.

Chairman did a headcount of the members that were present.

Members present: Michael Haws
Ralph Morris
Ray Dalby
Ed Fussy
Don Hazeman
Doug Underthun
County Commissioner, Jack Frost

Members absent: None

Others Present: William Patnaude, Beltrami County Environmental Services Director
Christine Imbra, 8826 N Grace Lake Rd, Bemidji, MN 56601
Kurt Funk, Howard Homes
Jim Gallagher, 9028 N Grace Lake Rd, Bemidji, MN 56601

OLD BUSINESS:

Variance Request: Kate Steffens & Christine Imbra
8826 Grace Lake Road
Bemidji, MN 56601
Township: Frohn
Body of Water: Grace Lake (29-71)

The Purpose of: To replace an existing home and detached garage with a new home with attached garage 70 feet from the ordinary high water mark of Grace Lake. The existing home is presently 48 feet from the ordinary high water mark of Grace Lake. Grace Lake is classified as a recreational development lake with a required setback of 100 feet from the ordinary high water mark in accordance with the Beltrami County Shoreland Management Ordinance No. 6.

Legal Description:
Tax Parcel 14.00649.00

The East 44 yards of the West 88 yards of Lot Three (3), Section Thirty-three (33), Township One Hundred Forty-six (146) North, Range Thirty-two (32) West, less that part thereof lying North of C.S.A.H. No 4 as relocated in 1966.

Chairman and Board Members proceeded to review the proposed construction site. Board of Adjustment Member, Ed Fussy, asked if there is a basement or crawl space under the existing structure and if there was storage in that crawl space. Christine Imbra, the owner of the property indicated that yes there is a crawl space under the structure but there is no storage area. Doug Underthun asked what was proposed for the new structure. The contractor, Kurt Funk, pointed out the structure will have a basement strictly for utility purposes and that there will not be any living area in the basement. Christine pointed out that there will be a trap door in the breezeway area which will provide access to the utility area of the basement.

Chairman, Michael Haws, asked where the roof height was going to be measured from. Kurt indicated it would be measured from the ground surface; that it would be 8 feet high side walls on the structure and the pitch would start from that point. The proposed roof height would be 26 feet at the requested structure setback of 70 feet from the ordinary high water mark of Grace Lake.

Board Members then discussed the topography on the property as they stood looking at the existing structure and its relationship to 48 feet away from the ordinary high water mark of Grace Lake at its closest point. Board Members had concerns about the direction of storm water coming off the new roof and the gutters. Board Members indicated with the new structure they would like the water directed toward the rear. Board Member, Ralph Morris, felt this would be a great improvement in protecting water quality of Grace Lake by redirecting the storm water off the roof line and the roof drains to the rear of the property rather than toward the front on the lakeside. Board Members then had a discussion with Kurt and Christina regarding if there is a possibility of moving proposed home site back to the 100 foot setback. Board Members then proceeded to review the flagged, staked out area of the new home to see if that was possible. Board of Adjustment members complimented Howard Homes for an excellent job in setting out the layout of the proposed new home. They stated this made it easier for them to visualize the new home layout. Board Members Ed Fussy and Ralph Morris went over to the east side of the flagged area to look at the terrain in that location. When they returned the Chairman asked if there was anyone who wanted to entertain a motion. Ed Fussy stated that he was not personally ready to make a motion at this time because he felt the structure could be brought further back from the lake; instead of the 70 foot, probably between 85 to 90 feet.

Chairman, Mike Haws, wanted to review what the applicants can do at their property legally under the Shoreland Ordinance. The existing structure is grandfathered in. The existing structure is 48 feet from the ordinary high water mark. There is nothing prohibiting the applicants from applying for a regular building permit to put an addition as well as a garage onto the existing structure which really does not address the fact that the structure is at the 48 foot setback. Chairman pointed out this could be done with a regular permit through the office and would not require a Variance Permit. With the Variance Permit, the applicant is requesting the house to be moved back to the 70 foot mark which is putting the house 22 feet further away from the ordinary mark of Grace Lake.

Christine also pointed to the Board of Adjustment Members that there are considerable older pines on the property that her and Kate are trying to protect and preserve. Board Member, Ed Fussy, also talked about getting the garage back to the 100 foot setback. Board Members reviewed there would be a considerable amount of fill that would have to be placed in the rear portion for the garage cement slab in

order to be at grade in the area where the garage would be pushed back another 10 feet from the marked area as the builder's representative, Kurt, pointed out to the Board Members. Christine also explained that the reason for the reconfiguration of the house with the attached garage was so there would be a decent turn around area so residents would not have to back up all the way down the long narrow driveway back to County Road 4 which is a safety issue.

Board of Adjustment Member, Don Hazeman, stated in looking at this structure, it is kind of beyond him why they would want to demo this building and why can't they accomplish what they want to do with putting on an addition onto it. Christine pointed out there is no permanent foundation, there is no frost footings and that this structure is strictly for seasonal use. She also stated the structure is not energy efficient to be a year around home. The new home they are proposing will be a green home with Howard Homes and will be energy efficient and will be built with environmental consciousness.

Board of Adjustment Member, Ray Dalby, stated that now standing out here on the property and looking at the actual site rather than a flat piece of paper with no contours on it; is very concerned about moving this house further back due to the way the slope is toward the drainage area. He stated he would be very supportive of the proposed setback of 70 feet away from the ordinary high water mark of Grace Lake.

Chairman, Michael Haws, asked if there are any proposed decks, porch areas or further encroachments on the proposed new home. Kurt pointed out that the actual drawing that was submitted with the proposed layout includes all of the overhangs and porch area. The porch is actually incorporated into the house. Chairman asked if there was any more discussion by Board Members. Board Members asked for clarification on the enclosed porch area. Chairman explained the porch area is included in the outline of the buildings shown on the proposed layout. There is nothing encroaching toward the lake past the 70 foot setback. **Chairman stated he was prepared to entertain a motion. Ed Fussy moved to approve the Variance Permit for Kate Steffens and Christine Imbra to be modified with the requirement that the attached garage would have to meet the 100 foot setback and the closest point of the new home would be 85 feet on the east side from the ordinary high water mark of Grace Lake. Board Member, Ralph Morris, stated he would second the motion to move discussion.** Chairman asked if there was any further discussion. Chairman emphasized the fact that under the current Shoreland Management Ordinance No. 6, Section 603, titled Additions to Nonconforming Single Family Structures. Kate and Christina, if they wished, could use the existing structure and place additions onto this structure not breaking the building line and could do so with a regular building permit.

Don Hazeman said he had some concerns about the motion that had been made by Board of Adjustment Member, Ed Fussy, about bringing the garage back to the 100 foot mark because when he had been out there prior to the Public Hearing of August 22, 2011, he found that he too had to back his vehicle out. There was no place for a turn around. Ralph Morris stated that in looking at the property actually onsite, looking at the drainage area, he felt again what he said earlier that it was a given, that the water quality would be improved by getting the storm water away from the lake to the rear of the property. **Ed Fussy stated based on the discussion, he moved to withdraw his motion. The motion was seconded by Ralph Morris.** Chairman, Michael Haws, stated that it probably should not be a condition regarding the location of the storm water away from the lake but that it should be a strong recommendation. The builder, Howard Homes, as well as the property owner have indicated they will definitely do that. Don Hazeman indicated the letters we have received were all addressing water quality; that was a major issue. He feels with the request of 70 feet for the new structure, the issues and the concerns have been

addressed by the Board of Adjustment this afternoon that water quality has been addressed and protected.

Chairman asked if there were any comments from the public. This was asked three times. There was no response. It should be noted that Jim Gallagher who submitted a letter for the August 22, 2011 Public Hearing was present at the property. Chairman closed the public comment period on the Variance request of Kate Steffens and Christine Imbra.

Chairman, Michael Haws stated he was prepared to entertain a motion. Ralph Morris moved to approve the Variance Request as submitted by Kate Steffens and Christine Imbra, 8826 N Grace Lake Road, Bemidji, MN, for a setback of 70 feet from the ordinary high water mark from the closest point of the new single family home, subject to the plan that was submitted by the applicant in the Variance Application in favor that a condition be placed that the Soil & Water Conservation District staff prepares and draws up a Vegetative Management Plan and a plan to address the storm water and that the storm water is to be directed to the rear of the property. The Vegetative Management Plan and Storm water Plan must be implemented in order for the Variance Permit to be considered valid. Motion was seconded by Ray Dalby. We then went through the findings.

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?

Single family home permitted by the Shoreland Management Ordinance No. 6. The onsite sewer system is in compliance with the Minnesota Pollution Control Agency.

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

Yes (X) No ()

Why?

The owner does not have an area where they can build the new home with the required setback of 100 feet from the ordinary high water mark of Grace Lake with the current ordinance. The owner could add an addition to the existing structure without having to change the original structure's setback from Grace Lake. With the Variance request, the existing home is being removed and the new home is being constructed twenty two feet further away from Grace Lake.

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

Yes (X) No ()

Why?

Existing structure originally constructed in 1995 according to the Assessor's records. Topography of the lot with the drainage ditch located behind the existing structure and to the elevation lakeside does not provide adequate room to rebuild in full compliance with the required setback of 100 feet from the ordinary high water mark of Grace Lake. Existing garage does not comply with the required side yard setback of 10 feet.

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

Yes (X) No ()

Why?

Same as #3.

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

Yes (X) No ()

Why?

Single family home. New construction in line with the neighbor's home to the west. New energy efficient home. Removing the existing detached garage which is over the neighbor's property line to the west.

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

Yes (X) No ()

Why?

Economic hardship was not cited by the applicants.

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

Chairman asked if there was any further discussion. Board Members indicated they were very pleased with the fact of coming out to the property and viewing it and have a better understanding of the request. **Chairman called for roll call vote. Voting on the motion to approve the Variance Permit for Kate Steffens and Christine Imbra, 8826 N Grace Lake Road, Bemidji MN:**

Ed Fussy	Yes
Doug Underthun	Yes
Ralph Morris	Yes
Ray Dalby	Yes
Don Hazeman	Yes

Motion approved and carried 5 to 0.

Chairman asked for a motion to officially adjourn the Beltrami County Board of Adjustment Public Hearing for August 22, 2011. **Motion by Ralph Morris and seconded by Ray Dalby to officially adjourn the Beltrami County Board of Adjustment Public Hearing for August 22, 2011.**

Respectfully submitted,

William J. Patnaude
Beltrami County ESD Director

Michael Haws, Chairperson
Beltrami County Planning Commission

**Beltrami County Planning Commission
Board of Adjustment Public Hearing
Minutes for Monday, September 26, 2011
County Administration Building
First Floor – County Board Room, Suite 102
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Michael Haws
Ralph Morris
Ray Dalby
Ed Fussy
Don Hazeman
County Commissioner, Jack Frost

Members absent: Doug Underthun

Others Present: William Patnaude, Beltrami County Environmental Services Director
Tim Faver, Beltrami County Attorney

Chairman, Michael Haws, called the Beltrami County Planning Commission/Board of Adjustment Public Hearing for September 26, 2011, officially to order at 6:30 p.m. in the County Board Room, County Administration Building, Suite 102, at 701 Minnesota Avenue NW, Bemidji, MN 56601. Chairman, Michael Haws, stated he was going to forgo the welcoming, introductions and meeting process for there was no one in the audience this evening. Next on the agenda was the review of the drafted August 22, 2011 meeting minutes. Chairman indicated there was only one item for correction which was the next meeting would be September 26, 2011 not September 25, 2011. Board members indicated they had gone through the minutes and they were satisfactory with that one change. **Ralph Morris moved to officially approve the minutes of August 22, 2011 and the continuation on August 25, 2011 at the Kate Steffens and Christine Imbra property, Beltrami County Planning Commission Board of Adjustment. Motion seconded by Don Hazeman. Chairman called for roll call vote.**

Ed Fussy	Yes
Ralph Morris	Yes
Don Hazeman	Yes
Ray Dalby	Yes

Motion carried and approved 4 to 0.

Board of Adjustment

OLD BUSINESS:

None

NEW BUSINESS:

None

Planning Commission

OLD BUSINESS:

None

NEW BUSINESS:

Conditional Use Request

**Gerald & Joan Barthel
Rogers Campground Cooperative
Common Interest Community No. 56
49690 Rogers Road
Kelliher, MN 56650
Shotley
Upper Red Lake (4-35)**

Township:

Body of Water:

The Purpose of: Requesting a Conditional Use Permit for a Commercial Common Interest Community No. 56. A cooperative community, Rogers Campground, in accordance with Beltrami County Shoreland Management Ordinance No. 6, Section 401 and Section 1106 of the Shoreland Management Ordinance No. 6. Rogers Campground is located on the south shore of Upper Red Lake which is classified as a General Development Lake. The proposal is to convert the existing Recreational Vehicle Campground into a cooperative with the existing thirty-seven sites which have central water and onsite sewer system.

Legal Description:

Tax Parcel 40.00392.00

Part of Blocks 1, 2, and 4 and vacated streets, avenues, boulevards and alleys of Shotley. Lot 5, Block 1, Rogers Subdivision, Section Ten (10), Township One Hundred, Fifty-three (153) North, Range Thirty-one (31) West. This is a partial legal description. Full legal description on file.

This was the matter that was heard on August 22, 2010 Meeting. Board members had discussed the questions that were raised and forwarded to the County Attorney at the work session. The following questions had been directed to the County Environmental Services Director at the August 22, 2011 Meeting:

1. Will the Minnesota Department of Health requirement for a recreational vehicle site of 2000 square feet be required?
2. Can the Planning Commission require a storm shelter on the existing recreation vehicle park?

3. Is there incurred liability to the County if the Conditional Use Permit is approved with no requirement about whether the bridges discussed tonight are deemed later on as unsafe for vehicular traffic including emergency service vehicles?
4. Is it the responsibility of the Planning Commission to address the governance which is outlined in the cooperative's declaration?

Planning Commission Members expressed they were satisfied these questions had been forwarded to the County Attorney, Tim Faver, and he had addressed these four questions of concern at tonight's work session.

Ralph Morris moved to approve the Conditional Use Permit application of Gerald and Joan Barthel of converting the current Rodgers Campground into a Common Interest Community No. 56, as a new cooperative with 37 recreational camping sites with sewer and water services connected to them. The Conditional Use Permit approval is subject to the following conditions:

1. **Maximum density for the Cooperative is no more than 37 sites**
2. **The Cooperative must provide proof, on an annual basis, that the Cooperative has maintained its Minnesota Department of Health Licensure for the campground.**
3. **That there must be a Compliance Inspection of the existing onsite sewer system conducted by a Minnesota Pollution Control Agency Licensed Inspector.**
4. **The applicant must identify to the Environmental Services Department which of the 37 sites currently have existing mobile homes.**
5. **All documents must be reviewed by the County Attorney, County Recorder and Environmental Services Director and approved for recording.**

Motion was seconded by Don Hazeman. Chairman called for any further discussion. Their being none, Chairman called for roll call vote: Voting on the motion:

Ed Fussy	Yes
Ray Dalby	Yes
Don Hazeman	Yes
Ralph Morris	Yes

Motion carried and approved 4 to 0.

Chairman, Michael Haws, indicated that completed all the items before the Planning Commission for September 26, 2011. Therefore, he was prepared to entertain a motion to adjourn. **Ralph Morris moved to officially adjourn the Beltrami County Planning Commission Public Hearing for September 26, 2011. Ray Dalby seconded the motion. Voting on the motion:**

Ed Fussy	Yes
Ray Dalby	Yes
Don Hazeman	Yes
Ralph Morris	Yes

Motion carried and approved 4 to 0. Chairman called the Board of Adjustment and Planning Commission Public Hearing officially adjourned.

Respectfully submitted,

William J. Patnaude
Beltrami County ESD Director

Michael Haws, Chairperson
Beltrami County Planning Commission

**Beltrami County Planning Commission
Board of Adjustment Public Hearing
Minutes for Monday, October 24, 2011
County Administration Building
First Floor – County Board Room, Suite 102
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Michael Haws
Ralph Morris
Ray Dalby
Doug Underthun
Don Hazeman
County Commissioner, Jack Frost

Members absent: Ed Fussy

Others Present: William Patnaude, Beltrami County Environmental Services Director
Ilene Sherlock, 44036 120tyh Street SW, EGF, MN 56721
Jan Smidt, 2522 – 19th Street, Grand Forks, ND 58201

Chairman, Michael Haws, called the Beltrami County Planning Commission/Board of Adjustment Public Hearing for October 24, 2011, officially to order at 6:30 p.m. in the County Board Room, County Administration Building, Suite 102, at 701 Minnesota Avenue NW, Bemidji, MN 56601. Chairman, Michael Haws introduced Board Members. Beltrami County Environmental Services Director, William Patnaude, explained the meeting process. Next the September 26, 2011 meeting minutes were reviewed. **Don Hazeman moved to officially approve the minutes of the September 26, 2011 Beltrami County Planning Commission Board of Adjustment Public Hearing. Motion seconded by Ralph Morris. September 26, 2011 Meeting Minutes were approved.**

Board of Adjustment

OLD BUSINESS:

None

NEW BUSINESS:

Proposed Variance Request: Jan Smidt
13709 Anchor Lane NE
Bemidji, MN 56601
Township: Turtle Lake
Body of Water: Lake Beltrami ((4-135)

The purpose of:

Obtaining a Variance Permit to remodel existing seasonal cabin by removing the existing 4.5' x 10' addition from the rear of the cabin and constructing a new 10' x 23.5' foot addition onto the rear for the purpose of making a larger bathroom and a new bedroom. Currently the cottage is just one large room with a very small bathroom. No increase in the number of bedrooms. The existing cabin has a setback of approximately 16 feet from the ordinary high water mark of Lake Beltrami (4-135). The addition onto the rear of the cabin would be approximately 48 feet from the ordinary high water mark. Lake Beltrami is classified as a Recreational Development Lake with a required setback of 100 feet from the ordinary high water mark in accordance with the Beltrami County Shoreland Management Ordinance No. 6.

Legal Description:

Tax Parcel 47.00425.00

Part of Government Lots Five (5) and Six (6) and of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4), Section Twenty-five (25), Township One Hundred Forty-eight (148) North, Range Thirty-three (33) West. This is a partial legal description. Full legal description on file in the Beltrami County Environmental Services Department.

Chairman asked if there was anyone present this evening representing Jan Smidt. Jan came forward. Chairman, Michael Haws, asked if this was just to increase the size of the cabin on the backside away from the lake. At the work session it was discussed the cabin was a seasonal structure and the Chairman asked if the cabin would remain a seasonal structure and would it be on the same type of foundation as shown in the photos which is a concrete block. Ms. Smidt responded that is correct. The cabin is strictly for seasonal use only and would not be utilized for year around use.

Board of Adjustment Member, Ralph Morris, asked about rain gutters on the cabin and stated they would require them to be on the cabin and asked Ms. Smidt if she understood why. He explained in order to be able to divert the storm water away from the lakeside and have it on the backside of the structure away from the lake. Ms. Smidt indicated she was more than willing to do that if that was a prerequisite of the approval of the Variance.

Board of Adjustment Member, Ray Dalby, inquired about the topography of the property. It was explained the property was pretty flat. Mr. Dalby was concerned there might be a ravine similar to the one the Board of Adjustment dealt with on the property of Grace Lake. Staff reassured Mr. Dalby this was not the same type of topography.

Chairman, Michael Haws, stated he was prepared to open it up for public comment if there were no other questions or comments by Board Members. Board Members indicated they had completed their questioning at this point. Chairman opened it up for public comment. Chairman made the announcement three times. There was no response from the public. Chairman then closed the public comment period on the Variance request of Jan Smidt.

Chairman brought it back before the Board of Adjustment and stated he was prepared to entertain a motion on the request. Don Hazeman moved to approve the Variance request for a 10 foot by 23.5 foot addition onto the rear side of the existing cottage with the following stipulation that the roof height is not to exceed its current height and a rain gutter system is to be installed on the cottage so the rain water will be directed to the rear of the cottage away from the lake. Chairman asked for a second to the motion. Ray Dalby seconded the motion. Chairman then called for the findings of fact.

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?

It is a permitted use. It is a seasonal use as listed by the Beltrami County Shoreland Management Ordinance. The septic system has been found to be in full compliance with the new requirements of the Minnesota Pollution Control Agency. Also, that the original structure has been a leftover from the old resort that was on the property back in the 1940's.

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

Yes (x) No ()

Why?

The need to modernize the cabin for a bedroom and a functional bathroom.

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

Yes (x) No ()

Why?

The original structure was constructed prior to the Beltrami County Shoreland Management Ordinance and is a remnant of the old resort that was present on Lake Beltrami.

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

Yes (x) No ()

Why?

The original structures were derived from the resort which was constructed prior to the Beltrami County Shoreland Management Ordinance. The old resort did not have modern bathrooms on it.

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

Yes (x) No ()

Why?

Single family seasonal structure. Year around structures within the adjacent neighborhood. Also it is an addition to the rear and not toward the lake. The storm water is being directed away from the lake to protect water quality. A modern bathroom is being installed with no additional bedrooms and the onsite septic system is found to be in compliance

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

Yes (x) No ()

Why?

Economic hardship was not considered.

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

Chairman called for voting on the motion to approve the Variance request of Jan Smidt. Voting on the motion:

Doug Underthun	Yes
Ray Dalby	Yes
Don Hazeman	Yes
Ralph Morris	Yes

Motion carried and approved 4 to 0.

Planning Commission

OLD BUSINESS:

None

NEW BUSINESS:

None

Because of the need for a special meeting date for a Variance for a new septic treatment area for an existing single family home located on the Mississippi River, Board members agreed to conduct a Public Hearing on November 14, 2011 so that the matter could be placed on the November Mississippi Headwaters Board Meeting Agenda.

Chairman stated there was no further business to come before the Beltrami County Board of Adjustment/ Planning Commission for October 24, 2011, therefore was prepared to entertain a motion of adjournment. Ralph Morris moved to officially adjourn the Beltrami County Board of Adjustment/Planning Commission Public Hearing for October 24, 2011. Motion carried and approved 4 to 0. Chairman called the Board of Adjustment and Planning Commission Public Hearing officially adjourned.

Respectfully submitted,

William J. Patnaude
Beltrami County ESD Director

Michael Haws, Chairperson
Beltrami County Planning Commission