

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, October 28, 2024  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present:     Bruce Poppel  
                              Todd Stanley  
                              Ed Fussy  
                              Don Hazeman  
                              Bill Best  
                              Doug Underthun  
                              Craig Gaasvig

Members absent:     None

Others Present:       Brent Rud, Director, Beltrami County Environmental Services Department  
                              Rose Moore, Environmental Services Technician, Beltrami County  
                              Environmental Services Department  
                              Robert Billings – 28569 Dancing Bear LN NW, Pinewood, MN 56676  
                              Roger Miller – 13187 Starfish LN NE, Bemidji, MN 56601  
                              Nancy Jean - 13187 Starfish LN NE, Bemidji, MN 56601

Ed Fussy called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent Rud reviewed the meeting procedures and process, as well as the agenda, for those in attendance. The meeting minutes for September 30, 2024 were brought forward for approval. Todd Stanley moved to approve the meeting minutes of September 30, 2024. Motion seconded by Bill Best**

**Motion carried and approved.**

**Planning Commission**

**New Business**

**Variance Request of:**                     **Roger Miller & Nancy Jean**  
    13187 Starfish LN NE  
    Bemidji, MN 56601

Township:                                    Turtle Lake

Body of Water:

Movil Lake (4-152) RD

**The Purpose of:**

Applicants are requesting a variance from the Beltrami County Shoreland Management Ordinance to construct a 24' x 15' screened porch onto existing house that does not meet the structure setback near Movil Lake (RD 4-152). Movil Lake is classified as a recreational development lake which requires a 100-foot structure setback. The proposed addition will be constructed onto the front side of the house going towards the lake. The existing house is currently located approximately 84' from the OHWL. The proposed new screened porch addition would be approximately 79' from the OHWL.

**Legal Description:**

Tax Parcel: 47.00954.00

Lot 7 & part of Lot 8 Arcadia Estates, Section Thirty-Four (34), Township One Hundred Forty-Eight (148), Range Thirty-Three (33), Beltrami County, Minnesota, being described as follows: The full legal description is on file in the Beltrami County Environmental Services Department.

Brent Rud gave a staff presentation on the variance Roger Miller and Nancy Jean requested which was to construct a 24' x 15' screened porch onto existing home, inside of the structure setback to the OHWL. Presentation included background information on the property and pictures were shown of the current porch, the proposed additions, and the certificate survey. Staff recommends approving a 24' x 12' porch and additional conditions such as the current deck may not be expanded any closer to the lake and that the vegetation plan must be submitted to ESD for approval prior to permit issuance for addition. The Planning Commission (PC) asked questions to Roger and Nancy if the plan was to have an all-season porch and if there were plans to change the lower deck in addition to the upper deck being discussed. Roger specified that it would only be a screened porch and no changes to the lower deck would be made, only the upper deck.

Roger and Nancy spoke and explained that the goal is for the porch addition to match the design of the rest of the property, to have more useable area to move around. The PC asked clarification questions to better understand the goals and the dimensions of the proposed project. In addition, the PC asked why it is essential for this addition to be made, Nancy and Roger noted that the screened porch area requested would be best for protection from airborne allergens and/or insect allergies because of existing autoimmune disorders and allergies within their family and make their home more comfortable.

The Board opened the floor for public comment. Emailed comment received from the Highway department was read aloud by Brent Rud. Finding no further public comment, the Chairman closed the floor for public comment on the variance requested.

The Board discussed different options for Nancy and Roger to modify their existing deck and which options would be reasonable for them to construct.

### **Findings of Fact**

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?  
Yes (x)      No ( )  
Why? The intent aligns because the applicants are taking out existing deck for the new deck.
2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (x)      No ( )  
Why? The use is not changing, the enclosed space is a safer space in the home for family members.
3. Is the alleged hardship due to circumstances unique to this property?  
Yes (x)      No ( )  
Why? Constructed with the setback of 1971, before shoreland rules existed.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?  
Yes (x)      No ( )  
Why? Previous owner built existing deck in 1971, before shoreland rules existed.
5. Will the issuance of the variance maintain the essential character of the locality?  
Yes (x)      No ( )  
Why? There is already an elevated deck and enclosing a portion of it will not change the character. The plan will reduce the overall impact.
6. Does the alleged hardship involve more than economic consideration?  
Yes (x)      No ( )  
Why? The screen porch adds protection against bugs and expanding living space. Economics were not considered at all.

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

**Motion by Todd Stanley to approve the variance request of Roger Miller and Nancy Jean, with the following conditions:**

**The variance of a 24' x 15' screened in porch with additional conditions to eliminate the octagon deck and the stairs connected to the octagon deck on the south side of the house and staff recommendations of; the current deck may not be expanded any closer to the lake and that the vegetation plan must be submitted to ESD for approval prior to permit issuance for addition.**

**Bruce Poppel seconded the motion.**

**Motion unanimously carried and approved.**

**Variance Request of:**

**Michael & Cheryl Garrison**  
28569 Dancing Bear LN NW  
Pinewood, MN 56676

Township:

Alaska

Body of Water:

Balm Lake (4-329) SA

**The Purpose of:**

Applicants are requesting a variance from the Beltrami County Shoreland Management Ordinance to construct a 301 sq ft addition onto existing cabin that does not meet the structure setback near Balm Lake (SA 4-329). Balm Lake is classified as a sensitive area lake which requires a 150-foot structure setback. The existing cabin is currently located approximately 45' from the OHWL. The proposed addition will be constructed onto the back side of the cabin going away from the lake.

**Legal Description:**

Tax Parcel: 01.00321.01

Part of Government Lot Two (2), Section Twenty-Eight (28), Township One Hundred Fifty (150), Range Thirty-Five (35), Beltrami County, Minnesota, being described as follows: The full legal description is on file in the Beltrami County Environmental Services Department.

Brent Rud presented Michael & Cheryl Garrison variance request and pictures of the cabin was shown. Staff recommendation was to approve as proposed with the following conditions, have an updated compliance inspection done for existing septic system(s) on property and update existing septic system size if needed for the two-bedroom addition. Clarification questions were asked to Brent.

Robert Billings spoke on behalf of Michael & Cheryl Garrison and noted that the resort wants to make the current two-bedroom cabin into a three bedroom. Robert noted that the existing foundation will not be changed, and the addition will not be going toward the lake. Clarification questions were asked from the BOA regarding the septic system. There was discussion regarding whether it was up to date and if the height was going to change. Robert noted that the roof would be changed and discussion with BOA continued. BOA asked if vegetation should be changed on the current shoreline and staff did not recommend any vegetation change to the current vegetation near the cabin.

The Board opened the floor for public comment. Finding no public comment, the Chairman closed the floor for public comment on the variance requested.

**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? Additions are on the back side of the cabin, away from the lake and won't be

seen from lake.

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

Yes (x) No ( )

Why? Cabins are built in 1947, the size must update to meet proper code.

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

Yes (x) No ( )

Why? Cabins are built in 1947, the size must be updated to meet proper code.

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

Yes (x) No ( )

Why? The Shoreline Ordinance was adopted after cabins were built.

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

Yes(x) No ( )

Why? The essential won't be changed and this project will be an improvement.

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

Yes (x) No ( )

Why? Needing to update bedroom sizes to meet code and building the addition away from the lake.

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

**Motion by Doug Underthun to approve the variance request of Michael & Cheryl Garrison, with the following conditions:**

**Approve as proposed with the following conditions, have an updated compliance inspection done for existing septic system(s) on property and update existing septic system size if needed for the two-bedroom addition.**

**Don Hazeman seconded the motion.**

**Motion unanimously carried and approved.**

**Planning Commission:**

**New Business: Cannabis Ordinance Discussion**

Brent Rud went through the Cannabis Ordinance document presented at the meeting. PC discussed the different topics within the Cannabis Ordinance document. Specifically, PC discussed maximum fees for application and noted that it is similar to liquor license and tobacco. Discussion regarding if there was a limitation to how many cannabis businesses that Tribal Nations can have within their nation and if this counted toward the county's cannabis business

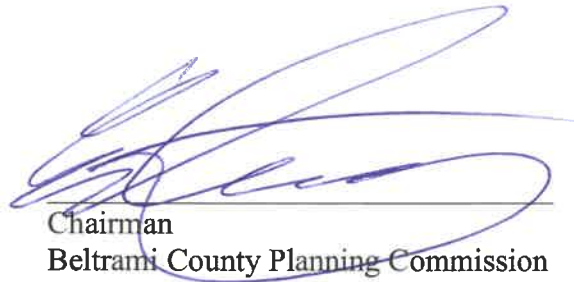
numbers, no answer known at the present. The Board noted the Cannabis Ordinance needs to be passed by January 1<sup>st</sup>, 2024. PC discussed the suggestion to add to have a minimum buffer for businesses to be near schools, requirements for growing cannabis, renaming “for all cannabis business types”. Discussed Lower potency hemp edibles in different zoning areas and if it should be conditional or permitted. The Board suggested an addition of a solid waste plan, such as a disposal plan, for all cannabis business as well as adding other regulation section to reduce the impact on other properties. Lastly the Public hearing dates were discussed to go over ordinance. It was decided that November 13<sup>th</sup>, at 6pm there will be a public hearing with the Planning Commission.

**Motion by Doug Underthun to adjourn the Planning Commission/Board of Adjustment Public Hearing for October 28, 2024. Motion was seconded by Bill Best. Motion carried and approved. Chair called the meeting for October 28, 2024, officially adjourned. The next meeting will be held on November 25<sup>th</sup> 2024, at 6:00 PM.**

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Rud", written over a horizontal line.

Brent Rud  
Beltrami County ESD Director

A large, stylized handwritten signature in blue ink, written over a horizontal line.

Chairman  
Beltrami County Planning Commission