

**Beltrami County Planning Commission/Board of Adjustment Meeting**  
**Minutes for Monday, January 24, 2022**  
**County Administration Building – County Board Room**  
**701 Minnesota Avenue NW**  
**Bemidji, Minnesota 56601**

**General Business**

Members present:

Ed Fussy  
Don Hazeman  
Doug Underthun  
Todd Stanley  
Joe Vene  
John Simmons  
Craig Gaasvig

Members absent:     None

Others Present:     Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Shannon Schmidt, Beltrami County Environmental Services Department  
Mark Zahn, 15410 Dellwood Dr, Brainerd, MN 56401  
Judith Zahn, 15410 Dellwood Dr, Brainerd, MN 56401

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for November 22, 2021, were brought forward for approval. **Joe Vene moved to approve the meeting minutes of November 22, 2021. Motion seconded by John Simmons.**

**Motion carried and approved.**

**Board of Adjustment**

**New Business**

**Variance Request of:**                     **Mark C Zahn and Scott A Lake**  
22437 and 22441 Hunting Haven Ln NE  
Hines, MN 56647

Township:                             Hines  
Body of Water:                     N/A

**The Purpose of:**

Applicants are requesting a variance from the Beltrami County Subdivision Ordinance to reconfigure the existing lot lines of two parcels located at 22441 Hunting Haven Lane to separate two existing structures, each on to their own parcel. The ordinance requires a 10-foot setback from all structures and the proposed lot line shift would only provide a 7-foot setback from both structures.

**Legal Description:**

Tax Parcel: 18.00390.00 and 18.00392.00

An undivided one-half interest in and to that part of the Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼), Section Twenty-eight (28), Township One Hundred Forty-nine (149), Range Thirty-one (31), lying Northerly of the northerly right of way of Highway No. 71 as located.

Shane Foley gave the staff report and explained that this was a non-shoreland variance request from the Subdivision Ordinance involving the structure setback from a new proposed property line. Shane also discussed the current size of the two existing parcels, as well as the proposed size of the two new parcels that would be created. Existing structures, well, septic, and access to both parcels was discussed. Photos of the site and the proposed property line survey plan were viewed. Staff recommends approval with the following conditions:

- 1.) A 33’ wide easement is recorded for the properties.
- 2.) A plan is made for the septic system of the mobile home.

Applicant, Mark Zahn and his wife Judith, confirmed staff report was accurate and explained that they are planning to make things easier for the families of both owners in the future. The Board had questions regarding the well and septic for the mobile home. Applicants stated that there is no running water, nor septic, connected to the mobile home. Board also asked if there are any foreseeable plans to remove the mobile home. Applicants stated that they have no immediate plans to do so, but will remove the mobile home when the mobile home starts to degrade. The Board asked about the possibility of relocating the property line so the permanent cabin would be 10’ from the new property line. Then, when the mobile home is removed, any new structure on the second parcel could be built at least 10’ from the property line. Both structures would then meet property line setbacks with no need for additional variance requests in the future. The Board also asked questions about the possibility of an easement to provide access to the property at the end of the driveway and to allow for snow removal. Applicants stated they would consider the Board’s recommendations.

The Board opened the floor for public comment. No public comment was received.

**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 property will likely be brought into compliance when the mobile home is replaced.

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

Yes (x)    No ( )

Why? Splitting into two useable parcels for two owners is reasonable. The structures can not be split without a variance.

3. Is the alleged hardship due to circumstances unique to this property?  
Yes (x) No ( )

Why? Two existing structures are currently on the same parcel.

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

Yes (x) No ( )

Why? Structures are legal existing structures, but require a variance to subdivide the property. The Subdivision Ordinance is causing the hardship.

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

Yes(x) No ( )

Why? Nothing will change.

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

Yes (x) No ( )

Why? The layout of the property is the issue.

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 Mark Zahn and Scott Lake as originally submitted, with no conditions. John Simmons seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Mark Zahn and Scott Lake.

## Planning Commission

### Old Business

Chairman opened the Planning Commission Public Hearing on the proposed Beltrami County Short-Term Rental Ordinance.

Brent Rud presented printed copies of the revised draft Beltrami County Short-Term Rental Ordinance to the Planning Commission members. This revised draft included changes that were recommended at the December 17, 2021, meeting for the new ordinance. Revisions were reviewed and checked. The Planning Commission recommended that the revised Short-Term Rental Ordinance be sent to the Beltrami County Board of Commissioners for review and a public hearing.

**Motion by Doug Underthun to approve the revised January 24, 2022, draft Beltrami County Short-Term Rental Ordinance and move the Ordinance forward to the Beltrami County Board of Commissioners for review. Don Hazeman seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the proposed Beltrami County Short-Term Rental Ordinance.

**Motion by Don Hazeman to adjourn the Planning Commission/Board of Adjustment Public Hearing for January 24, 2022. Motion was seconded by Doug Underthun. Motion carried and approved. Chair called the meeting for January 24, 2022 officially adjourned. The next meeting will be on Monday, February 28, 2022 at 6:00 PM.**

Respectfully submitted,

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Brent Rud  
Beltrami County ESD Director

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Chairman  
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, February 28, 2022  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present:

Ed Fussy  
Don Hazeman  
Doug Underthun  
John Simmons  
Craig Gaasvig

Members absent:

Todd Stanley  
Joe Vene

Others Present:

Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Shannon Schmidt, Beltrami County Environmental Services Department  
Robert K Smith, 3201 Snowmass Dr NW, Bemidji, MN 56601  
Mark Faris, 10246 Stallion Ct NE, Tenstrike, MN 56683  
Janine Faris, 10246 Stallion Ct NE, Tenstrike, MN 56683

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for January 24, 2022, were brought forward for approval. **John Simmons moved to approve the meeting minutes of January 24, 2022. Motion seconded by Doug Underthun.**

**Motion carried and approved.**

**Board of Adjustment**

**New Business**

**Variance Request of:**

**Robert K Smith**  
13188 Bellecourt Rd NE  
Hines, MN 56647

Township:

Taylor

Body of Water:

North Twin Lake (4-063)

**The Purpose of:**

Applicant is requesting a variance from the Beltrami County Shoreland Ordinance for his North Twin Lake property. The requested variance would allow the applicant to build a 2<sup>nd</sup> living structure on his property, in addition to a 720 square foot cabin that currently exists near the lake. The proposed structure would be conforming to all setback requirements of the Shoreland Ordinance and would be located approximately 175’ from the lake. To meet the Shoreland Ordinance requirements for a 2<sup>nd</sup> living structure, the lot would have to be at least 2.07 acres in size and 225’ wide. Mr. Smith’s property is 1.7 acres in size and 135’ wide.

**Legal Description:**

Tax Parcel: 45.00318.00

Section-34 Township-148 Range-031 TREGARDEN Lot-001 Block-001

Shane Foley gave the staff report, explaining that variance request involving the addition of a main living structure that would meet all setbacks on a parcel that already has a guest cabin on it is necessary, due to size of parcel. If not for the size of the parcel, only a building permit would be required. Shane briefly discussed the parcels to the north and the south of this parcel. Existing structures, well, septic, bluffs, and access to both structures was discussed. Photos of the site and the existing guest cabin were viewed. Staff recommends approval with the following condition:

- 1.) Septic systems on the property are compliant and sized appropriately.

Applicant, Robert Smith, confirmed staff report was accurate and explained that he had purchased the property in 1975. At the time of purchase, there were two existing cabins on the property. One cabin, in unlivable disrepair, was torn down in the early 90’s. The Board had questions regarding the well and septic for the existing guest cabin and proposed home. Applicant stated that there is 37’ well for the existing guest cabin and that guest cabin shares a septic with the neighbor to the south’s cabin (septic is on the neighbor’s parcel). A new permitted septic has already been installed for the proposed home on the top of the bluff. An inspection of the shared septic will need to be completed before any building permits can be issued. It may be necessary for a lift pump to be installed to connect the guest cabin to the new septic on the top of the bluff.

The Board opened the floor for public comment. No public comment was received.

**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? Properties on both sides have similar buildings and the proposal is for orderly development.

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

Yes (x) No ( )

Why? No place to build adequate residence.

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

Yes (x) No ( )

Why? No other place to build, and usable existing guest cabin would have to be removed to build another structure.

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

Yes (x) No ( )

Why? Applicant bought the property this way. Property was developed before the Shoreland Management Ordinance existed.

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

Yes(x) No ( )

Why? Additional structure is on top of a heavily wooded bluff. No changes are being made to the existing guest cabin. Property looks just like the properties on either side of it.

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

Yes (x) No ( )

Why? The topography of the property restricts possible building locations.

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

**Motion by John Simmons to approve the variance request of Robert K Smith with no conditions. Don Hazeman seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Robert K Smith.

**Variance Request of:**

**Faris LLC**  
10246 Stallion Ct NE  
Tenstrike, MN 56683

Township:

Hagali

Body of Water:

Gull Lake (4-120)

**The Purpose of:**

Eagle Ridge Resort is requesting a variance from the Beltrami County Shoreland Ordinance to remove a 784 square foot, 4-bedroom resort cabin that sits 70' from Gull Lake, and replace it with a new 1,056 square foot, 4-bedroom cabin. The new structure is proposed to be located 70' from the lake. The height of the existing structure is 13'. The height of the new structure would be 18'.

**Legal Description:**

Tax Parcel: 16.00428.00

Section-34 Township-149 Range-032 The full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report and explained that this was a variance request involving the replacement of a guest cabin in the exact same location, but with slightly larger dimensions to meet State of Minnesota code for bedroom sizes. If not replacing this cabin to meet current code, only a building permit would be required. Shane briefly discussed the size and height of the existing cabin vs the size and height of the proposed

replacement cabin. Existing structures, setbacks, utilities, driveways, and wetlands were discussed. Photos of the site and the existing guest cabin were viewed. Staff recommends approval with the following conditions:

- 1.) Applicant must submit and obtain approval of a Stormwater Management Plan.
- 2.) Applicant must submit and obtain approval of a Vegetation Management Plan.

Applicants, Mark and Janine Faris, confirmed staff report was accurate and showed the Board building plans, including plans for dirt work and retaining walls. The new foundation will be poured, allowing for a crawlspace tall enough to house the furnace. A deck will be added to the lakeside of the cabin, to conceal the crawlspace. The Board had questions regarding whether any of the materials from the old cabin could be used for the new cabin. They also had questions about runoff and how this will be handled. Mark explained that he has had several contractors looking at this project, and adjustments may need to be made along the way, as dirt work gets started.

The Board opened the floor for public comment. No public comment was received.

### **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? Replacement cabin is in exact same location as existing cabin, but needs to be slighter larger to comply with State of Minnesota code for bedrooms. Applicant came up with plans that try to meet the intent of the rules.

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

Yes (x)    No ( )

Why? Size increase is negligible and necessary to meet Minnesota Department of Health code.

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

Yes (x)    No ( )

Why? Topography of lot allows for replacement in same spot, but must meet Health Department code for bedroom size.

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

Yes (x)    No ( )

Why? Minnesota Department of Health bedroom size code requires size adjustment.

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

Yes(x)    No ( )

Why? New cabin will be in exact same location and look like existing cabin.

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

Yes (x)    No ( )

Why? Changes are necessary to meet Minnesota Department of Health code.

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



**Motion by Don Hazeman to approve the variance request of Faris LLC with the following conditions: 1) Applicant must submit and obtain approval of a Stormwater Management Plan, and 2) Applicant must submit and obtain approval of a Vegetation Management Plan. Doug Underthun seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Faris LLC.

**Motion by Doug Underthun to adjourn the Planning Commission/Board of Adjustment Public Hearing for February 28, 2022. Motion was seconded by Don Hazeman. Motion carried and approved. Chair called the meeting for February 28, 2022 officially adjourned. The next meeting will be on Monday, March 28, 2022 at 6:00 PM.**

Respectfully submitted,

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Brent Rud  
Beltrami County ESD Director

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Chairman  
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, March 28, 2022  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present:     Ed Fussy  
                              Todd Stanley  
                              Joe Vene  
                              John Simmons  
                              Craig Gaasvig

Members absent:     Don Hazeman  
                              Doug Underthun

Others Present:     Brent Rud, Director, Beltrami County Environmental Services Department  
                              Shane Foley, Beltrami County Environmental Services Department  
                              Bill Best, Beltrami County Environmental Services Department  
                              Shannon Schmidt, Beltrami County Environmental Services Department  
                              Mike Strodtman 48832 Thunderbolt Dr, Bemidji, MN 56601  
                              Todd Strassburg, 1516 Starlight Ln NE, Bemidji, MN 56601  
                              Joseph Osborn, 4882 Grant Valley Rd NW, Bemidji, MN 56601  
                              Jack White, 11914 Main St, Northome, MN 56661  
                              Freya White, 11914 Main St, Northome, MN 56661

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:10 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for February 28, 2022, were brought forward for approval. **Joe Vene moved to approve the meeting minutes of February 28, 2022. Motion seconded by John Simmons.**

**Motion carried and approved.**

**Board of Adjustment**

**New Business**

**Variance Request of:**                     **Jack and Freya White**  
  54792 Hwy 72 NE  
  Waskish, MN 56685

Township: Waskish  
Body of Water: Tamarac River (TR)

**The Purpose of:**

Applicants are requesting a variance from the Beltrami County Shoreland Ordinance to construct a 30' x 40' cabin on their parcel located at 54792 Hwy 72 NE on the Tamarac River. The proposed cabin would be located 50' from the river and 44' from the road right-of-way of US Highway 72. The Shoreland Ordinance requires a setback of 100' from the river and 50' from the road right-of-way.

**Legal Description:**

Tax Parcel 49.00135.01

Part of Lot 1, Section 17, Township 154, Range 030. 1.68 acres. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report. Maps showing the location of the parcel, as well as photos of the site, were viewed. Shane briefly discussed details of the parcel, including creation date, purchase as a tax forfeiture, size, setbacks, OHWL, vegetation, and the parcel's orientation in relation to the highway and the river on either side. Existing use of the parcel for RVs, septic, elevation, and other possible build sites were discussed. Staff recommends approval with the following conditions:

- 1.) Board should consider moving the structure as far back from the river as is reasonable.
- 2.) RV's are removed as soon as cabin is completed.
- 3.) A vegetation plan that limits the view of the cabin from the river is implemented.

The Board asked if anyone had seen flood plain maps for the area – wondering if the proposed building would be subject to flooding on wet years. Applicant, Jack White, came forward to explain that the selected build site is the highest elevation of his and all neighboring properties. Even with the proximity of OHWL, the extensive cattail growth will keep boaters a distance away from the parcel, as well as aid in filtration. The Board asked what plans are for septic to service the new build. There is a 2019 permitted holding tank already on site that new building will be tied in to.

The Board opened the floor for public comment.

- Thomas Bronczyk, neighbor to the south, came forward. When he purchased the two parcels to the south 20 years ago, he had to request a variance and was told that there was no way he could build anything closer than 100' from the Tamarac River. Thomas objects to the White variance request being approved, unless he can build 50' from the river, as well. Thomas felt that approving this variance request would set a precedence for others in the area to follow suit. Thomas also discussed MNDOT future road expansion for turn lanes, the power line setback, and how dangerous the stretch of highway these properties are located on is.

- Craig Gaasvig commented that each variance is reviewed on its own individual merits of the parcel – there is no “setting a precedence”. Mr. Bronczyk is welcome to request a variance on his own property, if he desires to do so.
- Shane read a letter from Ray “Mike” Bohne – Ray feels the variance should be denied and setbacks should be met.

The Board discussed the utilities easement for overhead power lines – Jack White confirmed that a 10’ setback is required and that his building would meet this. MNDOT does not have any sort of setback requirements for future expansion. Jack also explained that this stretch of highway is a 50-mph zone. Applicant intends to use this as a summer retirement home consisting of 2 bedrooms, storage, living room, kitchen, and bathroom. The Board discussed the possibility of moving the build site closer to the highway. Moving the build site further back from the river and closer to the highway would cause excess highway noise and make connecting to the existing holding tank more difficult.

### **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 Shoreland Management Ordinance provides relief in this situation, gives the owner the right to enjoy the same use of property as other neighboring parcels.
2. Without the variance is the owner deprived of a reasonable use of the property?  

Yes (x)    No ( )

Why? Without a variance, owner would not be able to build. Proposal is in the best spot to build on this parcel.
3. Is the alleged hardship due to circumstances unique to this property?  

Yes (x)    No ( )

Why? River and road setbacks cannot be met due to the shape of this property.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?  

Yes (x)    No ( )

Why? Lot was created before the Shoreland Management Ordinance existed. The highway location also limits build sites.
5. Will the issuance of the variance maintain the essential character of the locality?  

Yes(x)    No ( )

Why? There are many other properties and structures similar in nature in the area.
6. Does the alleged hardship involve more than economic consideration?  

Yes (x)    No ( )

Why? Road setback and river setback causing hardship.

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 Jack and Freya White with the following conditions: 1.) All RV's are removed as soon as cabin is completed, 2.) A Vegetation Management Plan that limits the view of the cabin from the river is implemented, and 3.) The utilities setback for the overhead power lines is met. Joe Vene seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Jack and Freya White.

## Planning Commission

### New Business

Chairman opened the Planning Commission Public Hearing on the proposed Plat request of Michael Strodtman, Strodtman Estates.

**Proposed Plat Request of:**                      **Mike Strodtman**  
**Strodtman Estates**  
4834 Grant Valley Rd NW  
Bemidji, MN 56601

Township:    Grant Valley  
Body of Water:                                      N/A

**The Purpose of:**

The applicant is proposing to subdivide a property into five (5) residential lots. The proposed lots meet the requirements of the Beltrami County Subdivision Controls Ordinance No. 5.

**Legal Description:**

Tax Parcel 15.00222.01  
Part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼), Section 11, Township 146, Range 034. 22.13 acres. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave the staff report. This will be a combined, preliminary and final, plat hearing. The Planning Commission looked at the survey maps, aerial photos, wetlands, proximity to neighbors, 300' easement for power lines, and other specifics of the property and surrounding area. Proposal is to divide a single parcel into five individual lots that each meet the requirements of the Subdivision Controls Ordinance # 5 . There will be no roads within the plat itself, as each

lot has access to an existing public road. Staff recommends approval with the following conditions:

- 1.) Secure Title Opinion in form acceptable to Beltrami County Attorney.
- 2.) Final Declaration approval by Beltrami County Recorder.
- 3.) Certification that all taxes due have been paid.

The Planning Commission opened the floor for public comments.

- Bill received several phone calls asking about restrictive covenants prohibiting any mobile homes from being moved on to these lots.
- Robert Murray, surveyor, confirmed that the plat mathematics are good.
- Beltrami County Highway Department and GIS Department have no issues with this plat.
- Grant Valley Township has no issues with approval of plat.
- Joseph Osborne, neighbor to the west, emailed and was present in person at the hearing. Joseph purchased his parcel from the same seller, but has a covenant on his parcel that does not allow mobile homes. Joseph would like the same covenant added to the Strodman Estates lots.

Applicant added that he is purchasing this property on Contract for Deed, for tax benefits for the seller. One lot will be released for building each year, as payments are made. One lot is already available for building, but Michael has no plans to build this year with supply prices as high as they are. Next year, there will be two lots available for building and Michael plans on using a general contractor to possibly start building then. Each lot with a completed home on it could then be sold.

Joseph Osborn asked again about who he needs to contact to get covenants put on these lots. The Planning Commission explained that this plat is not in a shoreland zone, no building permits are required, only septic permits are needed. There is no one that can require covenants to be added to these lots – this is something that would need to be worked out between neighbors.

**Motion by John Simmons to recommend approval of the Plat request of Michael Strodman, Strodman Estates, to the County Board of Commissioners. Motion seconded by Todd Stanley. Motion carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the proposed Plat request of Michael Strodman, Strodman Estates.

## **Old Business**

### **Short-Term Rental Ordinance:**

Engaged in follow-up conversation and review of proposed revisions from the County Board

Public Hearing that was held on March 15, 2022, during the regular Board of Commissioners meeting.

Brent provided a revised copy of the Short-Term Rental Ordinance to all on the Planning Commission. The revised copy included highlighted areas that are proposed to be adjusted, or clarified, before it goes before the Board of Commissioners for adoption.

- Page 4: G.1.b.i. – “this requirement (SSTS Compliance Inspection) will be waived for the initial permit application of Type A STR units if applied for within the first 90 days of adoption of this Ordinance”
  - Shane Foley commented that the wording of this paragraph is basically saying that the Type A units will never have to get a compliance inspection completed, as they only apply for a permit once. There is no renewing of this permit, if nothing changes with the property.
  - Ed Fussy commented that we don’t want to make it difficult for Type A units to get permitted – we want to encourage them to get permitted. Making an SSTS compliance inspection required at time of permitting could end up costing us more in enforcement than the cost of the actual permit.
- Page 4: G.2.b. – “Kids under 3” was changed to “Children under the age of 3”
- Page 4: G.2.c. – “as short-term rentals” was added
- Page 6: G.7.a. – “onsite, if necessary or requested” was added to the last sentence in that paragraph - “from a notified party” was removed from that same sentence
- Page 7: H.2. – “Penalties” - to be discussed and revised with Sheriff and County Attorney

Planning Commission consensus was that the proposed changes are good changes and the proposed Ordinance should move forward for County Board consideration of adoption. Planning Commission also discussed the fact that all of our Ordinances are living documents that can be amended if we find problems or situations that need to be addressed more thoroughly or differently.

**Motion by John Simmons to adjourn the Planning Commission/Board of Adjustment Public Hearing for March 28, 2022. Motion was seconded by Todd Stanley. Motion carried and approved. Chair called the meeting for March 28, 2022, officially adjourned. If any requests are received from the public, the next meeting will be on Monday, April 25, 2022, at 6:00 PM.**

Respectfully submitted,

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Brent Rud  
Beltrami County ESD Director

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Chairman  
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, July 25, 2022  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present: Ed Fussy  
Todd Stanley  
Bruce Poppel  
John Simmons  
Don Hazeman  
Craig Gaasvig

Members absent: Doug Underthun

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Bill Best, Beltrami County Environmental Services Department  
Shannon Schmidt, Beltrami County Environmental Services Department  
Damian Poxleitner, 817 Briar Ln NE, Bemidji, MN 56601  
Richard Anderson, 7278 Lammers Rd NW, Solway, MN 56678  
Jeff Tesch, 3215 Jackson Ave SW, Bemidji, MN 56601  
Bob Murray, PO Box 1038, Bemidji, MN 56619  
Phil Hodapp, 12805 Birchview Dr NE, Bemidji, MN 56601  
Marilynne Hodapp, 12805 Birchview Dr NE, Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:05 PM. **Board and staff introduced themselves to members of the audience. Welcome, to Bruce Poppel, the recently appointed member-at-large on the Board of Adjustment and Planning Commission! Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for March 28, 2022, were brought forward for approval. **John Simmons moved to approve the meeting minutes of March 28, 2022. Motion seconded by Don Hazeman.**

**Motion carried and approved.**



## Board of Adjustment

### New Business

**Variance Request of:**

**Damian Poxleitner**  
TBD Northstar Dr  
Bemidji, MN 56601

Township:

Port Hope

Body of Water:

Beltrami Lake (4-135)

**The Purpose of:**

Applicant is requesting a variance from the Beltrami County Shoreland Management Ordinance on his Lake Beltrami property. The applicant is requesting a 10' setback from the bluff on his property while the shoreland ordinance management ordinance requires a 30' setback. The standard 100' setback from the recreational development lake would still be met.

**Legal Description:**

Tax Parcel 34.00399.03

All that part of Government Lot 3, Section 31, Township 148 North, Range 32 West, Beltrami County, Minnesota, lying northerly of the northerly line of the land conveyed to the State of Minnesota for a public highway. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report. Maps showing the location of the parcel, as well as photos of the site and the knob on the bluff, were viewed. Shane discussed details of the newly created bare parcel including size, setbacks, described the bluff, vegetation and trees on slope, and the steep decline down to the shore. Northstar Drive NE is a private road. The size and height of the proposed home were discussed, as well as the location of the home on the parcel. Applicant is asking for approval to re-grade a high section of the bluff in front of the proposed home that would be blocking the view of the lake. Staff recommends approval with the following conditions:

- 1.) All excavated areas must have a finished grade that slope away from the lake.
- 2.) All stormwater from the structure is diverted away from the lake.
- 3.) No additional trees are removed from the bluff area except for a swath wide enough to accommodate a staircase and dock storage.

The Board was concerned about erosion on the bluff if six feet of bluff height is removed and material is pulled back to where the house would be built. Applicant explained that they intend to cover the excavated area with hostas and other vegetation, there would be no building in that area. The Board also asked questions about how many trees and how much vegetation would need to be removed from the lakeside slope in order to gain access to the lake with a stairway. Shane stated that a 15-foot swath would be the maximum.

The Board opened the floor for public comment.

- Phil Hodapp, neighbor to the north a couple parcels over, sent a letter in support of the requested variance.

There was no other public comment. The floor was closed to further public comment.

The Board asked if alternative plans for house types, or house locations, were considered. The applicant explained that they are at maximum height right now and would have absolutely no view of the lake if the structure was moved any further back on the lot.

### **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? ESD worked with the owner to minimize environmental concerns.
2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (x)    No ( )  
 Why? A view of the lake is a reasonable expectation on a lake lot.
3. Is the alleged hardship due to circumstances unique to this property?  
Yes (x)    No ( )  
 Why? The topography of the lot and the bluff blocking lake view are the issue.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?  
Yes (x)    No ( )  
 Why? Yes, nature created the knob on the bluff.
5. Will the issuance of the variance maintain the essential character of the locality?  
Yes(x)    No ( )  
 Why? This lot is one of several new lots next to each other that have been sold and will be developed very soon.
6. Does the alleged hardship involve more than economic consideration?  
Yes (x)    No ( )  
 Why? Economics was not discussed.

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

**Motion by Don Hazeman to approve the variance request of Damian Poxleitner with the following conditions: 1.) All excavated areas must have a finished grade that slope away from the lake, 2.) All stormwater from the structure is diverted away from the lake, 3.) No**

**additional trees are removed from the bluff area except for a swath wide enough to accommodate a staircase and dock storage. Bruce Poppel seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Damian Poxleitner.

**Variance Request of:**

**Jeffery D and Susan M Tesch**

3215 Jackson Ave SW

Bemidji, MN 56601

Township:

Bemidji

Body of Water:

Marquette Lake (4-142)

**The Purpose of:**

Applicants are proposing to replace a non-compliant Subsurface Sewage Treatment System (SSTS) with a compliant SSTS at the same location. The replacement SSTS to be installed at approximately 83' from the Ordinary High-Water Level (OHWL) and 11' from an occupied structure. Lake Marquette (4-142) is classified as a Recreational Development (RD) lake in the county's Shoreland Management Ordinance #6 with a required setback of 100' from the OHWL and 20' from an occupied structure.

**Legal Description:**

Tax Parcel 03.00866.01

Lot Seven (7), Marquette Addition, less that part thereof lying South of a line running Easterly and Westerly across lot 7, which line is parallel to, Southerly of and 100' distant from the Northerly boundary of said Lot 7. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave the staff report. Maps showing the location of the parcel, as well as photos of the site were viewed. Bill discussed details of the existing non-compliant septic, as well as details of where the proposed new septic would need to go, current setbacks, and previous septic compliance inspections. The replacement septic would be a Type III septic, requiring a monitoring agreement and a water meter. A drawing showing both septic locations was viewed and discussed. Staff recommends approval as proposed by SSTS inspector/designer.

The Board was concerned about where runoff from the roofline facing the lake would go – on to the new pressure bed? Applicant reassured Board that there are gutters on the house, carrying rainwater away from the front of the house and the proposed pressure bed. The Board agreed with the inspector/designer that this is the only possible location for a replacement septic on this lot and a compliant system needs to be installed.

The Board opened the floor for public comment.

There was no public comment. The floor was closed for public comment.

## 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? Variance is needed in order to replace non-compliant septic system and meet state requirements.
  
2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (x)      No ( )  
Why? Non-compliant septic must be replaced to use residence as intended.
  
3. Is the alleged hardship due to circumstances unique to this property?  
Yes (x)      No ( )  
Why? The size and layout of the lot are causing the hardship.
  
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?  
Yes (x)      No ( )  
Why? Size of lot and septic system failure.
  
5. Will the issuance of the variance maintain the essential character of the locality?  
Yes(x)      No ( )  
Why? The replacement septic will be in basically the same spot as the old system, not changing anything.
  
6. Does the alleged hardship involve more than economic consideration?  
Yes (x)      No ( )  
Why? Size of lot and allowable space for replacement system are involved.  
Economics was not discussed.

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 Jeffery and Susan Tesch with no conditions. John Simmons seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Jeffery and Susan Tesch.

## Planning Commission

### New Business

Chairman opened the Planning Commission Public Hearing on the proposed Plat request of Chief Cornerstone Cemetery.

**Proposed Plat Request of:**                      **Chief Cornerstone Cemetery**  
27237 Hwy 89 NW  
Puposky, MN 56667

Township:    Alaska  
Body of Water:                                      N/A

### **The Purpose of:**

Applicants are proposing to plat a private cemetery in accordance with Minnesota Statutes 307 and the Beltrami County Subdivision Ordinance.

### **Legal Description:**

Tax Parcel 01.00169.01

The North 270.00 feet of the West 168.00 feet of the Southeast Quarter of the Southeast Quarter, Section 33, Township 150 North, Range 34 West, Beltrami County, Minnesota.

Bill Best gave the staff report. This will be a combined, preliminary and final, plat hearing. The Planning Commission looked at the survey maps, aerial photos, proximity to State Highway 89, driveway easement, church on original parcel, and other specifics of the property and surrounding area. Proposal is to divide a single parcel to create a private cemetery area. Staff recommends approval with the following conditions:

- 1.) Secure Title Opinion in form acceptable to a county licensed attorney.
- 2.) Certification that all taxes due have been paid.

The Planning Commission opened the floor for public comments.

- Bill Best read a letter from Jon Mason, MNDOT District 2 Planning Director. MNDOT right-of-way on plat matches what MNDOT has on record and there are no concerns at this time. No MNDOT permits are required at this time.
- Robert Murray, surveyor and present at the meeting, confirmed that the plat mathematics are good.
- Beltrami County Highway Department and GIS Department have no issues with this plat.

As there was no further public comment, public comment was closed.

**Motion by Bruce Poppel to recommend approval of the Plat request of Chief Cornerstone Cemetery to the County Board of Commissioners. Motion seconded by John Simmons. Motion carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the proposed Plat request of Chief Cornerstone Cemetery.

**Motion by Todd Stanley to adjourn the Planning Commission/Board of Adjustment Public Hearing for July 25, 2022. Motion was seconded by John Simmons. Motion carried and approved. Chair called the meeting for July 25, 2022, officially adjourned. The next meeting will be held on Monday, August 22, 2022, at 6:00 PM.**

Respectfully submitted,

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Brent Rud  
Beltrami County ESD Director

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Chairman  
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, August 22, 2022  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present: Ed Fussy  
Todd Stanley  
Bruce Poppel  
John Simmons  
Don Hazeman  
Craig Gaasvig

Members absent: Doug Underthun

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Bill Best, Beltrami County Environmental Services Department  
Shannon Schmidt, Beltrami County Environmental Services Department  
Kevin Randolph, 24896 Power Dam Rd NE, Cass Lake, MN 56633  
Dave DeWaonl, 516 SC, Forest City, IA 50436  
Pam Carlson, 1444 Arborvitae Ln NE, Bemidji, MN 56601  
Brad Carlson, 1444 Arborvitae Ln NE, Bemidji, MN 56601  
Terry Holtz, 2879 River Bay Trl NE, Cass Lake, MN 56633  
Mike Kopczyk, 24750 Power Dam Rd NE, Cass Lake, MN 56633

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for July 25, 2022, were brought forward for approval. **Bruce Poppel moved to approve the meeting minutes of July 25, 2022. Motion seconded by Don Hazeman.**

**Motion carried and approved.**

## Board of Adjustment

### New Business

**Variance Request of:**

**Terry and Ann Holtz**  
2879 River Bay Trail NE  
Cass Lake, MN 56633

Township:

Brook Lake

Body of Water:

Turtle River RR

**The Purpose of:**

Applicant is requesting a variance from the Beltrami County Shoreland Ordinance to add a screened porch to their existing home. The screen porch would be 14' x 24' in size and would be located 100' from the shore of the Turtle River. This stretch of the Turtle River is classified as a Remote River and has a required 200' setback. The existing structure sits 114' from the river and the height of the existing structure would not be increased with the addition.

**Legal Description:**

Tax Parcel 08.00059.00

That part of Lot Eight (8), Section Six (6), Township One Hundred Forty-Six (146), Range Thirty (030), Beltrami County, Minnesota, described as follows: Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report. Discussed Remote River setback requirement of 200 feet. Maps showing the location of the parcel, as well as photos of the site, the river, and the proposed screened in porch and walkway area, were viewed. Shane discussed the earlier 2016 variance for an addition to the structure, the boat house right down by the water, tree removal, and a runoff management plan for rain running off the existing and proposed addition to the structure. Structures appear to be further away from the river than they are, due to wild rice and other vegetation growing in the river. A substantial rain gutter system is in place at the cabin already. Staff recommends approval, as there is no other good spot to put the screened in porch and walkway.

Terry Holtz addressed the Board, explaining that the boat house near the water's edge was rebuilt and is now used for storage. Requesting a screen porch and walkway so elderly family members can also enjoy the river. One tree, the tree seen on the left side of the cabin when looking at the front view, would need to be removed in order to accommodate the raised screen porch. Since this would be a raised screen porch, the impervious surface would not be increased below deck.

The Board opened the floor for public comment.

There was no public comment. The floor was closed to public comment.



## 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 lot is not large enough to build the porch and walkway anywhere else and the proposal seems reasonable.
  
2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (x)      No ( )  
Why? Being able to enjoy a view of the river is a reasonable expectation on a river lot.
  
3. Is the alleged hardship due to circumstances unique to this property?  
Yes (x)      No ( )  
Why? The cabin location in proximity to the river is the issue. The lot is not large enough to meet the required setbacks.
  
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?  
Yes (x)      No ( )  
Why? Cabin was built in current location prior to the Shoreland Management Ordinance.
  
5. Will the issuance of the variance maintain the essential character of the locality?  
Yes(x)      No ( )  
Why? The cabin is in a secluded location and difficult to see from the river. Essential character will be maintained.
  
6. Does the alleged hardship involve more than economic consideration?  
Yes (x)      No ( )  
Why? Topography and location of structures on the lot are causing hardship.

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

**Motion by John Simmons to approve the variance request of Terry and Ann Holtz with the following condition: 1.) The existing water runoff management system must be continued to the new roof line. Todd Stanley seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Terry and Ann Holtz.

**Variance Request of:**

**Bradley and Pamela Carlson**  
1444 Arborvitae Ln NE  
Bemidji, MN 56601

Township:

Turtle Lake

Body of Water:

Big Turtle Lake (4-159) RD

**The Purpose of:**

Applicants are proposing an 18' x 32.5' (585 square foot) addition to an existing two-story non-conforming residential structure. Addition to be constructed on the non-lakeshore side of the existing structure that is approximately 56' from the OHWL. Big Turtle Lake (4-159) is classified as a Recreational Development (RD) lake that requires a 100' structure setback from the Ordinary High-Water Level (OHWL) of the lake.

**Legal Description:**

Tax Parcel 47.01041.00

Section Twenty-Seven (27), Township One Forty-Eight (148), Range Thirty-Three (033), Lot Seven (7), Block One (1), Cedar Wood.

Bill Best gave the staff report. Maps showing the location of the parcel, the location of structures on the parcel, as well as photos of the site, were viewed. Bill discussed the previous variance, this being a lot of record platted in 1980, the mound septic that was installed in 2010, the July 2022 passing septic compliance inspection, as well as details of the proposed addition to the existing structure (no new bedrooms), current setbacks, and wetlands. The proposed addition would be to the back of the structure and would not be able to be viewed from the lake. Staff recommends approval with the following conditions:

1. Direct increase in runoff towards wetland.
2. Maintain existing woody vegetation in the Shoreland Impact Zone.

Brad Carlson addressed the Board. Brad is retired, but works from home for CHS. The proposed addition would be used for an office/study/living space/storage area. Structure currently only has a 3-4' high crawl space for storage. The roof on the structure drains to the wetland behind the house, not towards the lake.

The Board opened the floor for public comment.

- The Beltrami County Highway and GIS departments have no issues or comments on this variance request.
- An email from Clare and Elmer Kapphahn of 1588 Arborvitae Ln NE indicated that they “do not object to the suggested variance”.

Finding no further public comment, the Chairman closed the floor for public comment on the Bradley and Pamela Carlson variance request.

## 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 addition's roof lines will match up with the existing structure, and the proposed addition will be on the back side of the existing structure.
  
2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (x)      No ( )  
Why? Applicant works from home and needs suitable space to do so.
  
3. Is the alleged hardship due to circumstances unique to this property?  
Yes (x)      No ( )  
Why? The existing structure is too small for working requirements.
  
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?  
Yes (x)      No ( )  
Why? The wetlands behind the structure prevent building any further back.
  
5. Will the issuance of the variance maintain the essential character of the locality?  
Yes(x)      No ( )  
Why? Roof lines will match up, and the addition is on the non-lake side of existing structure.
  
6. Does the alleged hardship involve more than economic consideration?  
Yes (x)      No ( )  
Why? The layout of the lot and existing structures is causing hardship.

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

**Motion by Don Hazeman to approve the variance request of Bradley and Pamela Carlson with the following conditions: 1.) Direct any increase in runoff towards the wetland, and 2.) Maintain existing woody vegetation in the Shoreland Impact Zone with a Vegetation Management Plan that has been approved by the Environmental Services Department. Bruce Poppel seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Bradley and Pamela Carlson.

**Variance Request of:**

**Kevin Randolph – Pike Hole Bar & Grill**  
24896 Power Dam Rd NE  
Cass Lake, MN 56633

Township:

Brook Lake

Body of Water:

Pug Hole Lake (4-003) RD

**The Purpose of:**

Applicant is requesting a variance from the Beltrami County Shoreland Ordinance to add a 4-season porch to his existing commercial establishment and residential home. The enclosed porch would be 224 square feet in size and would be located 58' from the shoreline of Pug Hole Lake. Pug Hole Lake is a recreational development lake and requires a 100' setback. The existing structure currently sits 20' from the lake and the height of the existing structure would not be increased with the addition.

**Legal Description:**

Tax Parcel 08.00074.01

That part of Government Lot 4, Section 7, Township 146, Range 30, lying Southerly of the center line of CSAH No. 12 as established in 1970 and described on Microfilm No. 233058. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report. Shane discussed the existing building being both residential and commercial. Residence is upstairs, commercial establishment is downstairs. Maps showing the location of the parcel, the location of structures on the parcel, as well as photos of the site, were viewed. Shane discussed the size of the parcel, the current septic location, setback requirements of Pug Hole Lake, as well as the required 50' structure setback from the County highway. Current impervious coverage on the lot stands at 47% - the standard is 25%. The proposed addition would be to the south, or in front of, the existing upstairs residential deck. Staff recommends denial of the elevated deck in the proposed location. Staff would instead recommend that the new structure be moved back further from the lake and be built on the east side of the existing raised deck, or be incorporated into the existing deck. Staff also recommends a stormwater treatment plan be considered.

Kevin Randolph addressed the Board. Kevin would be agreeable to moving the proposed covered deck addition to the east end of the existing deck. This would also preserve the current view he has of the water out his sliding glass doors. The roofline of the new addition would be built so that runoff would be routed away from the lake. The Board discussed all options for proposed locations of the covered deck and agreed with Shane's recommendations.

The Board opened the floor for public comment.

There was no public comment. The floor was closed to public comment.

## 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 proposed addition would be built in the location furthest from the lake possible, maximizing the setbacks from the water.
  
2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (x)      No ( )  
Why? There is no other possible place to attach this addition to the upstairs residence.
  
3. Is the alleged hardship due to circumstances unique to this property?  
Yes (x)      No ( )  
Why? The parcel is small and well developed for commercial use with limiting setbacks on three sides.
  
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?  
Yes (x)      No ( )  
Why? The size of the lot in relation to the large size of the building is causing difficulties.
  
5. Will the issuance of the variance maintain the essential character of the locality?  
Yes(x)      No ( )  
Why? There are already several additions to this building; addition will keep residence separate from the business and won't essentially change anything.
  
6. Does the alleged hardship involve more than economic consideration?  
Yes (x)      No ( )  
Why? Large structure on small lot existed prior to Shoreland Management Ordinance.

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 Kevin Randolph and the Pike Hole Bar & Grill with the following condition: 1.) The northwest corner of the proposed addition will be moved to the side of the existing elevated deck and will be built from the corner of the house out to the south and to the east. John Simmons seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Kevin Randolph and the Pike Hole Bar & Grill.

**Motion by John Simmons to adjourn the Planning Commission/Board of Adjustment Public Hearing for August 22, 2022. Motion was seconded by Bruce Poppel. Motion carried and approved. Chair called the meeting for August 22, 2022, officially adjourned. The next meeting will be held on Monday, September 26, 2022, at 6:00 PM.**

Respectfully submitted,

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Brent Rud  
Beltrami County ESD Director

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Chairman  
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, September 26, 2022  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present: Ed Fussy  
Todd Stanley  
Bruce Poppel  
John Simmons  
Don Hazeman  
Craig Gaasvig  
Doug Underthun

Members absent: None

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Bill Best, Beltrami County Environmental Services Department  
Shannon Schmidt, Beltrami County Environmental Services Department  
Paul Stayduhar, 125 Michelle Dr, Glen Carbon, IL 62034  
Bruce Pratt, 10393 S Gull Lake Rd NE, Tenstrike, MN 56683  
Mary Pratt, 10393 S Gull Lake Rd NE, Tenstrike, MN 56683  
George Swenson, 5177 Hwy 11, International Falls, MN 56649  
Jesse Story, 7924 Hillcrest Dr NE, Bemidji, MN 56601  
Rob Elliott, 1006 Arch Ln SW, Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for August 22, 2022, were brought forward for approval. **John Simmons moved to approve the meeting minutes of August 22, 2022. Motion seconded by Bruce Poppel.**

**Motion carried and approved.**

## Board of Adjustment

### New Business

**Variance Request of:**

**Douglas C Frentress**  
511 Island View Dr NE  
Bemidji, MN 56601

Township:

Turtle Lake

Body of Water:

Big Turtle Lake (4-159) RD

**The Purpose of:**

Applicant is proposing to construct an addition onto an existing non-conforming residential structure. Structure is located approximately 73' from the Ordinary High-Water Level (OHWL). Proposed addition will be 12' X 28' (336 ft<sup>2</sup>) and will be constructed on the non-lake side of the structure. Big Turtle Lake (4-159) is classified as a Recreational Development lake in the Beltrami County Shoreland Management Ordinance with a required structure setback of 100' from the OHWL.

**Legal Description:**

Tax Parcel 47.00682.00

Section 33, Township 148, Range 033, ANGLER'S PARADISE, Lot 00J .60 AC, Beltrami County, Minnesota, described as follows: Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave the staff report. The applicant was unable to attend the hearing. Maps showing the location of the parcel on the lake, aerial photos, as well as photos of the site and the exterior of the existing residence were viewed. Bill discussed the earlier 1976 variance which allowed the residence to be built, this is a platted lot, the SSTS is being replaced, and the old platted right-of-way which must be crossed to access the parcel may be requested to be vacated in the future. The proposed addition is a single-story addition on the non-lake side of the structure. Currently, the residence is entered via stairs up to the second story, which can be treacherous in winter. The stairs will be removed, allowing entry by means of the new first floor addition. Staff recommends approval as proposed, with the following conditions:

- 1.) Installation of the replacement SSTS must be completed prior to issuance of this Building Permit.
- 2.) Establish shrub/sapling woody vegetation in the Shoreland Impact Zone.

The Board opened the floor for public comment.

- The Beltrami County Highway Department and GIS have no issues with this variance request.

There was no other public comment. The floor was closed to public comment.



## 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 proposed addition is on the non-lake side of the residence.
  
2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (x)      No ( )  
Why? The addition will allow for safer access to the residence and more useable space.
  
3. Is the alleged hardship due to circumstances unique to this property?  
Yes (x)      No ( )  
Why? The lot was platted long ago and this is the best place for this addition.
  
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?  
Yes (x)      No ( )  
Why? The residence was built where it is in 1976, prior to Shoreland Management Ordinance.
  
5. Will the issuance of the variance maintain the essential character of the locality?  
Yes(x)      No ( )  
Why? The view from the lake will not change. Essential character will be maintained.
  
6. Does the alleged hardship involve more than economic consideration?  
Yes (x)      No ( )  
Why? Yes, economic consideration was not an issue.

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

**Motion by Don Hazeman to approve the variance request of Douglas C Frentress with the following conditions: 1.) Installation of the replacement SSTS must be completed prior to issuance of this Building Permit, and 2.) Establish shrub/sapling woody vegetation in the Shoreland Impact Zone. John Simmons seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Douglas C Frentress.

**Variance Request of:**

**Paul Stayduhar, Sec-Treas**  
**Wildwood Resort Coop Assoc Inc**  
2408 Lodge Rd NE, Cabin # 3  
Bemidji, MN 56601

Township: Turtle Lake  
Body of Water: Movil Lake (4-152) RD

**The Purpose of:**

Applicant is proposing to construct an addition onto an existing non-conforming residential structure. Structure is located approximately 55' from the Ordinary High-Water Level (OHWL). Proposed addition will be 10' X 20' (200 ft<sup>2</sup>) and will be constructed on the non-lake side of the structure. Movil Lake (4-152) is classified as a Recreational Development lake in the Beltrami County Shoreland Management Ordinance with a required structure setback of 100' from the OHWL.

**Legal Description:**

Tax Parcel 47.00637.00  
Section 35, Township 148, Range 033 14.48 AC Lot 2 less that part lying North and East of County Hwy 305 and less County Road 305 as described in Doc 490212. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave the staff report. Maps showing the location of the parcel, the location of structures on the parcel, as well as photos of the site from all angles, and drawings of the proposed utility area and bathroom addition were viewed. Bill described the proposal, the setbacks, Wildwood Resort was created in 1985, the affected structure was formerly known as Cabin # 3, the Cooperative has approved the proposed addition, and the SSTS servicing this cabin is compliant. The proposed addition would be on the back of the structure, away from the lake. Staff recommends approval with the following conditions:

- 1.) Existing woody vegetation between cabin and the ordinary high-water level to be preserved.
- 2.) Direct increased roof run-off away from lakeshore.

The applicant confirmed that what Bill explained is what the applicant is proposing. Applicant is the Secretary-Treasurer, and stockholder, of the Coop, giving him the right to occupy this cabin.

The Board opened the floor for public comment.

- The Beltrami County Highway has no issues or comments on this variance request.

Finding no further public comment, the Chairman closed the floor for public comment on the Paul Stayduhar and Wildwood Resort variance request.

## 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 proposed addition is on the back, or non-lakeside, of the structure.
  
2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (x)      No ( )  
Why? Cabins originally built for short-term stay. Family needs more room and proposed addition is reasonable.
  
3. Is the alleged hardship due to circumstances unique to this property?  
Yes (x)      No ( )  
Why? The existing structure was built as a small resort cabin, prior to Shoreland Management Ordinance.
  
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?  
Yes (x)      No ( )  
Why? The old resort was created prior to the Shoreland Management Ordinance.
  
5. Will the issuance of the variance maintain the essential character of the locality?  
Yes(x)      No ( )  
Why? The old cabin is being upgraded, improving the structure.
  
6. Does the alleged hardship involve more than economic consideration?  
Yes (x)      No ( )  
Why? Economic consideration was not a factor.

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

**Motion by Todd Stanley to approve the variance request of Paul Stayduhar – Wildwood Resort Coop with the following conditions: 1.) Existing woody vegetation between cabin and the ordinary high-water level to be preserved, and 2.) Direct increased roof run-off away from lakeshore. Doug Underthun seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Paul Stayduhar – Wildwood Resort Coop.

**Variance Request of:**

**George L Swenson**  
54221 Alverayne Ave NE  
Waskish, MN 56685

Township:

Waskish

Body of Water:

Upper Red Lake (4-035) GD

**The Purpose of:**

Applicant is requesting an after-the-fact variance for a 24' X 32' storage building that was built 60' from an access canal of Upper Red Lake in the Lou Rayne Beach area of Waskish. The Beltrami County Shoreland Ordinance requires a 75' setback from the canal.

**Legal Description:**

Tax Parcel 49.00513.00

Section 17, Township 154, Range 030, ALVERAYNE SUBDIVISION, Lot 008, Block 002 .52 AC. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report on this after-the-fact variance request. Maps showing the location of the parcel, the location of structures on the parcel, as well as photos of the site, were viewed. Shane discussed the size of the parcel, lake and township road setback requirements, as well as the location of the partially completed garage. The proposed building is a detached garage and has been built up on piers. Staff would recommend denial, if this was not an after-the-fact request. Now, the Board of Adjustment must use the after-the-fact questions to decide the outcome of this request.

George Swenson addressed the Board, and was asked why he did not get a permit for the garage, when he had done so for the cabin/house. Applicant stated that the distance to Bemidji was an issue. The Board asked if the applicant had checked on the cost to move this structure, making it conforming. George had not checked, but knew it would be expensive. Applicant was asked why the cabin he built in 2003 was not 80' from the canal, as his permit indicated it would be. George insisted that the cabin was built 77-78' from the canal. Applicant and the Board discussed that possibly the location of the canal had changed slightly in the past 20 years. George wanted his cabin and the garage to "line up", and could not move the garage any further back without having to take out a small stand of trees. There is a hill right behind the trees that then drops down to the canal on the back side of the property. The Board also asked about the location of the holding tank – from the photos, it looked like it was between the two buildings.

The Board opened the floor for public comment.

- Catherine and Jerome Kelly, neighbors a few parcels to the north, emailed that they have no problem with the garage's location.
- Ray Berger, Waskish Town Board, requested by email that approval of this variance request be given.

Receiving no further public comment, the floor was closed to public comment.

## 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 neighbors and the Waskish Town Board feel this structure is acceptable.
  
2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (x)      No ( )  
Why? The size of the lots in this canal area make building difficult. It is reasonable to place the garage in line with the cabin built 77' from the canal.
  
3. Is the alleged hardship due to circumstances unique to this property?  
Yes (x)      No ( )  
Why? This parcel had no storage space. The garage is being built to line up with the cabin.
  
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?  
Yes (x)      No ( )  
Why? The lot size, the location of trees on the lot, and the shift of the canal are all creating difficulties.
  
5. Will the issuance of the variance maintain the essential character of the locality?  
Yes(x)      No ( )  
Why? This lot will look just like all the neighboring properties in the area.
  
6. Does the alleged hardship involve more than economic consideration?  
Yes (x)      No ( )  
Why? The details of this lot are causing the hardship.

### **Additional Questions for After-the-Fact Variance Request**

To be used in addition to currently used Findings of Fact.

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable Official controls?  
Yes ( X )      No ( )  

A permit was obtained for building the cabin/house 20 years ago. The distance to Bemidji made getting the additional garage permit difficult.
  
2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?  
Yes ( X )      No ( )

The structure is  $\frac{3}{4}$  finished – materials have been purchased.

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

The structure is not completely finished, but is  $\frac{3}{4}$  built.

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

Similar structures and situations are common in this area.

5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith? Yes ( X ) No ( )

If the revised Shoreland Management Ordinance had been approved, this would be a conforming structure. The Waskish Town Board is in support of the project. The cabin was built at 77' and the garage was being built to line up with the cabin.

6. Would the benefit to the County appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure? Yes ( X ) No ( )

No benefit to the County to remove the structure. Considerable cost and detriment to the applicant if forced to remove the structure.

The answers to the questions above, together with the Facts supporting the answers and those other facts that exist in the record, are hereby certified to be the Findings of the Board of Adjustment.

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

**Motion by Todd Stanley to approve the after-the-fact variance request of George Swenson with the following condition: 1.) The current SSTS must be inspected and a tank integrity form completed and filed with the ESD office. Bruce Poppel seconded the motion.**

**Motion unanimously carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of George Swenson.

## Planning Commission

### New Business

Chairman opened the Planning Commission Public Hearing on the proposed Conditional Use request of Pike Point Resort.

**Conditional Use Request of:**                    **Pike Point Resort**  
10393 S Gull Lake Rd NE  
Tenstrike, MN 56683

Township:    Port Hope  
Body of Water:                                    Gull Lake (4-120) RD

### **The Purpose of:**

Applicant is requesting a conditional use permit to expand the existing resort by adding four additional recreational vehicle sites. The new sites would be located in the second tier (300ft – 600ft from the lake) and would fall within the density threshold allowed by the Beltrami County Shoreland Ordinance.

### **Legal Description:**

Tax Parcel: 34.00016.00

Section 03, Township 148, Range 032 7.84 AC. That part of Lot 4 described as follows: Commencing at Southwest corner of Lot 5, thence on an assumed bearing. The full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report. The Planning Commission looked at aerial photos, the location of the parcel on GIS mapping, photos of existing cabins and RV sites, as well as photos of the proposed four new RV sites and other specifics of the property and surrounding area. Shane discussed setback requirements. Impervious surface must not exceed 25% - resort is currently at 15%. There is 1,900 square feet of available Tier 2 space, and only 1,600 square feet is being requested. A 2,000-gallon holding tank would be required to service the new RV sites. Staff recommends approval with the following conditions:

- 1.) All necessary Department of Health licensing requirements are met.
- 2.) A compliant septic system is installed that is sized adequately to handle the anticipated effluent demands, and pumping records are turned into the ESD office annually.
- 3.) No additional dock slips are permitted as a result of this application.
- 4.) New sites are located > 10 feet from the property line and > 37 feet from the centerline of the road.

Bruce Pratt, applicant and owner, addressed the Planning Commission. Bruce explained that the current RV sites are serviced by a 1,500-gallon holding tank. Bruce asked if a 2,000-gallon holding tank for the new sites is necessary. Code says the tank must be a minimum of 5X the water usage expected. 5 X 400 GPD = 2,000 gallons. Bruce explained that many of the RV site guests use the shower house. A mound system will be added in a couple years for all 9 RV sites.

One holding tank will be abandoned at that time. The Planning Commission asked if Bruce had any plans to lengthen the dock. Shane explained that this could only happen if space is still available for Tier 1 sites. Applicant has no plans to change the current dock.

The Planning Commission opened the floor for public comments.

As there was no public comment, public comment was closed.

Brent Rud reviewed with the Planning Commission pages 65-67, Section 1106 – Conditional Use Permits, of the Shoreland Management Ordinance # 6.

**Motion by Bruce Poppel to approve the Conditional Use request of Pike Point Resort with the following conditions: 1.) All necessary Department of Health licensing requirements are met, 2.) A compliant septic system is installed that is sized adequately to handle the anticipated effluent demands, and pumping records are turned into the ESD office annually, 3.) No additional dock slips are permitted as a result of this application, and 4.) New sites are located > 10 feet from the property line and > 37 feet from the centerline of the road. Motion seconded by Don Hazeman.**

**Motion unanimously carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the proposed Conditional Use request of Pike Point Resort. Chairman opened the Planning Commission Public Hearing on the after-the-fact Conditional Use request of Northstar Properties of Bemidji LLC.

**Conditional Use Request of:**

**Northstar Properties of Bemidji LLC**  
Northstar Dr NE  
Bemidji, MN 56601

Township:

Port Hope

Body of Water:

Beltrami Lake (4-135) RD

**The Purpose of:**

Applicant is requesting an after-the-fact conditional use permit to build Northstar Drive, a new road that accesses four newly created lots on Lake Beltrami. The Beltrami County Shoreland Ordinance requires a conditional use permit for all new roads built within the shoreland management zone. The private road is surfaced with gravel and is built within a 33' wide easement.

**Legal Description:**

Tax Parcel: 34.00399.01, 34.00399.02, 34.00399.03, and 34.00399.04

All that part of Government Lot 3, Section 31, Township 148 North, Range 32 West, Beltrami County, Minnesota lying northerly of the northerly line of the land conveyed to the State of Minnesota. The full legal description is on file in the Beltrami County Environmental Services Department.



Shane Foley gave the staff report. The Planning Commission looked at aerial photos, the location of the road and the parcels it accesses on GIS mapping, the size of the parcels, and photos of the completed road. Shane discussed the road distance being 500' from the lake, and that this is a private road 1,000 feet long by 20 feet wide with a class 5 top surface that impacts no wetlands. Shane also reviewed Section 903 – Placement and Design of Roads, Driveways and Parking Areas of the Shoreland Management Ordinance # 6 with all in attendance. Staff recommends approval with the following condition:

- 1.) All other necessary state or local township requirements are met.

Robert Elliott, business partner and co-applicant, addressed the Planning Commission. Robert explained that they did not know when they built the road in June 2022 that a Conditional Use Permit was required. They are now working on a second development and have been in regular contact with Environmental Services to make sure that all requirements are being met on this second project.

The Planning Commission opened the floor for public comments.

As there was no public comment, public comment was closed.

Brent Rud reviewed pages 65-67, Section 1106 – Conditional Use Permits, of the Shoreland Management Ordinance # 6, with all in attendance. Applicant used the lots' topography for stormwater control and has legal access easements.

**Motion by Doug Underthun to approve the after-the-fact Conditional Use request of Northstar Properties of Bemidji LLC with the following condition: 1.) All other necessary state or local township requirements are met. Motion seconded by John Simmons.**

**Motion unanimously carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the proposed Conditional Use request of Northstar Properties of Bemidji LLC.

**Motion by Bruce Poppel to adjourn the Planning Commission/Board of Adjustment Public Hearing for September 26, 2022. Motion was seconded by John Simmons. Motion carried and approved. Chair called the meeting for September 26, 2022, officially adjourned. The next meeting will be held on Monday, October 24, 2022, at 6:00 PM.**

Respectfully submitted,

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Brent Rud  
Beltrami County ESD Director

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Chairman  
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, October 24, 2022  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present:     Ed Fussy  
                              Todd Stanley  
                              Bruce Poppel  
                              John Simmons  
                              Don Hazeman  
                              Doug Underthun

Members absent:     Craig Gaasvig

Others Present:       Brent Rud, Director, Beltrami County Environmental Services Department  
                              Shannon Schmidt, Beltrami County Environmental Services Department  
                              Matt Murray, Murray Surveying Inc, 304 3<sup>rd</sup> St NW, Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for September 26, 2022, were brought forward for approval. **John Simmons moved to approve the meeting minutes of September 26, 2022. Motion seconded by Todd Stanley.**

**Motion carried and approved.**

## Planning Commission

### New Business

Chairman opened the Planning Commission Public Hearing on the proposed plat request of Theresa E Westlie.

**Proposed Plat Request of:**                      **Theresa E Westlie**  
6532 & 6488 Nature Rd NW  
Bemidji, MN 56601

Township:    Eckles  
Body of Water:                                      N/A

### **The Purpose of:**

Applicant is requesting preliminary and final plat approvals to subdivide parcel #12.00255.23. This parcel is currently developed with two single-family residential structures on it, each served by their own septic system and well. This division request meets all of the requirements found in the Beltrami County Subdivision Ordinance # 5 to subdivide land.

### **Legal Description:**

Tax Parcel 12.00255.23

The South 300 feet of the North 960 feet of the West 400 feet of the Northwest Quarter of the Southwest Quarter (NW1/4 of SW1/4), Section Twenty-two (22), Township One Hundred Forty-seven (147), Range Thirty-four (34).

Brent Rud gave the staff report. This hearing is to be a combined, preliminary and final, plat application to subdivide a single parcel. The Planning Commission looked at aerial photos, the location of the parcel on GIS mapping, and survey documents showing the proposed division. This subdivision came before the Commission because of the number of divisions that have already happened to the original parcel. The two residences involved are currently rental properties and renters have expressed an interest in purchasing these individual properties. County Highway has no issues or concerns with the proposed subdivision. Staff recommends proposed subdivision be submitted to the County Board, after Secure Title Opinion in form acceptable to County Attorney has been received.

Matt Murray, surveyor, addressed the Commission on the applicant's behalf. Matt agreed with staff that this is a pretty straight-forward subdivision.

The Planning Commission opened the floor for public comments.

Don Hazeman, Supervisor on Eckles Township Board, stated that the Eckles Town Board passed a resolution to support this proposed subdivision and it was unanimously approved.

As there were no additional public comments, the public comment period was closed.

**Motion by Don Hazeman to approve and submit the Proposed Plat request of Theresa E Westlie. with the following conditions: 1.) Secure Title Opinion in a form acceptable to County Attorney will be obtained. Motion seconded by Doug Underthun.**

**Motion unanimously carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the proposed plat request of Theresa E Westlie.

**Motion by Bruce Poppel to adjourn the Planning Commission/Board of Adjustment Public Hearing for October 24, 2022. Motion was seconded by John Simmons. Motion carried and approved. Chair called the meeting for October 24, 2022, officially adjourned. The next meeting will be held on Monday, November 28, 2022, at 6:00 PM, if any applications are received.**

Respectfully submitted,

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Brent Rud  
Beltrami County ESD Director

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Chairman  
Beltrami County Planning Commission