

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, February 24, 2020  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present: Ed Fussy  
Don Hazeman  
Joe Vene  
Wally Byklum  
Doug Underthun  
John Simmons  
Craig Gaasvig

Members absent: None

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Ray & Carolyn Guthrie, 20326 Tepee Hill Lane NE, Hines, MN 56647  
Christina Regas, City of Blackduck  
Kevin Erpelding, City of Blackduck  
Diana Plath, 9842 Long Lake Drive NE, Bemidji, MN 56601  
Dan Gartrell, 10,000 Long Lake Drive NE, Bemidji, MN 56601  
Jay & Charlet Mahs, 4507 Cherry Lane NE, Bemidji, MN 56601  
Jenna Mahs, 10088 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.** The meeting minutes for January 27, 2020 were brought forward for approval. **Wally Byklum moved to approve the meeting minutes of January 27, 2020. Motion seconded by Don Hazeman. Motion carried and approved. Brent reviewed the meeting procedures and process for those in attendance.**

**Board of Adjustment**

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of the City of Blackduck.

**Variance Request of:** City of Blackduck  
**Christina Regas, Representative**  
20857 Blackduck Lake Road NE  
Blackduck, MN 56630

Township: Hines  
Body of Water: Blackduck

**The Purpose of:**

The City of Blackduck Golf Course is requesting a variance to build a 32' x 108' golf cart shed with a height of 16'. The Beltrami County Shoreland Management Ordinance requires the shed to be setback 50' from County Road 31 and 100' from Coburn Creek but the proposed shed will only be setback 25' from County Road 31 and 80' from Coburn Creek and therefore requires a variance.

**Legal Description:**

Tax Parcel 18.00148.00

The South Half of the West 10 acres of the Southeast Quarter of the Southwest Quarter (SE1/4 of SW1/4), Section Eleven (11), Township One Hundred Forty-nine (149), Range Thirty-one (31)

Shane Foley gave staff report. Discussed original proposal and how the applicant revised the application based on the County Highway Department concerns. Staff recommendation is to approve variance request with the condition that a Stormwater Management Plan be approved by the Environmental Services Department prior to construction. Christina Regas, City Manager, have some information regarding the old shed and why the new one is necessary. Discussion about drainage and stormwater run-off. Reviewed the two letters of comment to this application.

**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?

Replacing old existing structure where reasonable is in harmony with existing plans and rules.

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

Yes (X) No ( )

Why?

No other reasonable place for essential building.

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

Yes (X) No ( )

Why?

Proximity of road and river and lack of additional space near the clubhouse.

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

Yes (X) No ( )

Why?

Golf Course area was developed prior to county road location.

5. Will the issuance of the variance maintain the essential character of the locality?  
Yes (X) No ( )

Why?

The essential character of the locality won't change.

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 Joe Vene to approve Variance with recommended condition that a Stormwater Management Plan be approved by the ESD prior to construction. Motion seconded by Wally Byklum. Motion carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing for the Variance request of the City of Blackduck.

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Daniel & Julie Gartrell.

<b>Variance Request of:</b>	<b>Daniel &amp; Julie Gartrell</b>
	10000 Long Lake Rive NE
	Bemidji, MN 56601
Township:	Turtle River
Body of Water	Long Lake East (4-76) Gallaher Lake (4-92)

**The Purpose of:**

Property owners are proposing to subdivide a 4.5 acre parcel into two parcels. Parcel A would contain 1.48 acres and Parcel B would contain 3.0 acres. This parcel is within 1000 feet of Gallagher Lake and under the Beltrami County Shoreland Management Ordinance No. 6 has a 3 acre minimum requirement. The lot however, is riparian to Long Lake and has no frontage on Gallagher Lake and proposed lots will meet requirements of Long Lake.

**Legal Description:**

Tax Parcel 48.00177.00  
Part of Government Lot 4, Section Twelve (12), Township One Hundred Forty-seven (147), Range Thirty-two (32). This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave staff report. Discussed overlapping shoreland zone and why more restrictive standards apply. Discussed lot requirements for both lakes. Neither proposed lot will meet standards for Gallagher Lake but both meet standards for Long Lake. Staff recommends approval. Dan Gartrell came forward to answer any questions and discussed what cabin will be removed. Discussed possible septic locations. Diana Plath, Long

Lake Rd NE, came forward to discuss the area and indicated no objection. Reviewed the two letters commenting on the application. Neither were opposed.

### 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?

Situation affects Long Lake not Gallagher Lake and meets the standards for Long Lake.

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

Yes (X) No ( )

Why?

Long Lake standards are met and reasonable uses of property have been established in lot sizes for that lake.

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

Yes (X) No ( )

Why?

Unique situation with overlapping shoreland districts .

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

Yes (X) No ( )

Why?

Shoreland Management Ordinance Sensitive Area Lake standards were created after the owners bought the property.

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

Yes (X) No ( )

Why?

It will not change the essential character.

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 Don Hazeman to approve Variance request of Daniel & Julie Gartrell. Motion seconded by John Simmons. Motion carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the Variance request of Daniel & Julie Gartrell.

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Nicholas Prachar & Jenna Mahs.

<b>Variance Request of:</b>	<b>Nicholas Prachar &amp; Jenna Mahs</b>
	10088 Stallion CT. NE
	Tenstrike, MN 56683
Township	Hagali
Body of Water	Gull Lake (4-120)

**The Purpose of:**

Property owners are proposing to create a 45,000 sq. ft. non-riparian parcel that falls within 1000 feet of Gull Lake. The variance is being requested because the proposed 120' lot will not meet the 150' minimum width requirement of the Beltrami County Shoreland Ordinance No. 6.

**Legal Description:**

Tax Parcel 16.00423.00

Portions of Government Lot Six (6) and the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) Section Thirty-four, Township One Hundred Forty-nine (149), Range Thirty-two (32). This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave staff report. Discussed application details. Also, discussed proposed lot size and stormwater movement. No staff recommendation. Applicant Nick Pracher discussed the reason why the application is reasonable as proposed. Jay Mahs, father-in-law, discussed why they want to build a house in this exact location. Jay discussed all of the area on this parcel that is unbuildable wetland. Owner indicated that the area west of the existing storage building is wet at certain times of the year. Building was built by a previous owner and is 32' x 48'. Discussion about potential future issues with the smaller lot size. Discussed other alternative lot shapes and ability to create this lot without a variance. Board of Adjustment discussed the rationale for approval or denial. Shane reviewed three letters of comments; one with no concern, two opposed.

**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?

Owner made the attempt to follow the rules and also avoid the storage building on the property.

2. Without the variance is the owner deprived of a reasonable use of the property?  
Yes (X) No ( )

Why?

A very unreasonably complex shaped lot would be allowed without a variance.

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

Why?

Topography and wetlands.

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

Yes (X) No ( )

Why?

Topography and wetlands create the hardship.

5. Will the issuance of the variance maintain the essential character of the locality?  
Yes (X) No ( )

Why?

Will not change the essential character.

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

Why?

Economic consideration was not the factor for decision based on reasonableness.

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

**Motion by Doug Underthun to approve Variance request of Nicholas Prachar & Jenna Mahs. Motion seconded by Don Hazeman. Motion carried and approved.**

Chairman then closed the Public Hearing on the Variance request of Nicholas Prachar & Jenna Mahs.

### Planning Commission

Chairman opened the Planning Commission Public Hearing on the Proposed Conditional Use Request of Ray & Carolyn Guthrie, DBA Tepee Tonka Resort.

**Conditional Use Request of: Ray & Carolyn Guthrie**

**DBA Tepee Tonka Resort**  
20326 Tepee Hill Lane NE  
Hines, MN 56647  
Hines  
Blackduck Lake ((4-69))

Township  
Body of Water

**For the Purpose of:**

The owners of Tepee Tonka resort would like to remove 4 existing cabins and install 8 Park Model RV pads at their existing commercial business. All pads would be further back from the lakeshore than the existing cabins and will meet the density requirements of the Beltrami County Shoreland Management Ordinance No. 6. New septic and well to be installed. Blackduck Lake is classified as a Recreational Development Lake.

**Legal Description:**

Tax Parcel 18.00127.00

Part of Government Lot One (1), Section Ten (10), Township One Hundred Forty-nine (149), Range Thirty-one (31). This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley discussed staff report. Resort exists without a CUP and predates shoreland regulations. Discussed property size and current cabins and RV's. Proposal to remove four cabins in tier 1 and replace with five RV sites in tiers 1 and 2 RV sites in tier 2. New septic will be designed and installed to treat entire resort. Reviewed drone footage for resort. Recommendation to approve with condition that septic system is in compliance prior to any improvements made and utilized. Owners/applicants discussed history of resort and plans for upgrades of well and septic. Planning Commission asked about lot sizes for RV's and how sheds or decks will be utilized. Brent reviewed items to be considered for approval in ordinance. **Motion by Doug Underthun to approve the Conditional Use request of Ray and Carolyn Guthrie/Tepee Tonka Resort with staff conditions that the septic system is in compliance prior to any improvements made and utilized. Motion seconded by Joe Vene. Motion carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the Conditional Use request of Ray & Carolyn Guthrie, DBA Tepee Tonka Resort.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn. **Doug Underthun moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting for February 24, 2020. Motion seconded by Don Hazeman. Motion carried and approved.**

**Chair called the meeting for February 24, 2020 officially adjourned. The next meeting will be on Monday, March 23, 2020 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, May 18, 2020  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present: Ed Fussy  
Don Hazeman  
Joe Vene  
Wally Byklum  
Doug Underthun  
John Simmons  
Craig Gaasvig

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  
Derek Bernard, 11801 Paper Birch Dr. NE, Tenstrike, MN 56683  
James & Brenda Roesch, 1033 Blazewood Dr. NE, Bemidji, MN 56601  
Debbie Anderson, 13876 Baywood Dr. NE, Bemidji, MN 56601

In response to COVID-19, and pursuant to Minnesota Statute Chapter 12 relating to Emergency Management, the Planning Commission/ Board of Adjustment members and the applicants participated by electronic means (Zoom).

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.** The meeting minutes for February 24, 2020 were brought forward for approval. **Don Hazeman moved to approve the meeting minutes of February 24, 2020. Motion seconded by Joe Vene. Don Hazeman, Doug Underthun, John Simmons, Joe Vene, Ed Fussy, and Waly Byklum voted to approve the minutes. Motion carried and approved 6:0 on a roll call vote**

**Brent reviewed the meeting procedures and process for those in attendance.**

**Board of Adjustment**

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Derek Bernard.

**Variance Request of:** **Derek Bernard**  
11801 Paper Birch Dr. NE  
Tenstrike, MN 56683

Township: Hagali  
Body of Water: Gull (4-120) RD

**The Purpose of:**



Property owners are proposing to replace an existing 17' x 20' resort cabin that is 30 feet from the ordinary high water mark of Gull Lake with a new 20' x 30' cabin. The new cabin will be placed in the same location and will maintain the current 30 foot distance from the lake. The height of the new cabin will increase slightly to facilitate modern building codes. Gull Lake is a Recreational Development Lake with a minimum setback of 100 feet.

**Legal Description:**

Tax Parcel 16.00433.00

Part of Lot 4, Section Thirty-five, Township One Hundred Forty-nine, Range Thirty-two. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave staff report discussing details of the application. Applicant provided additional information regarding the size of the existing cabin and the need for additional space. There will be no increase in number of bedrooms. There were no public comments provided.

**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 State Shoreline Management Rules allow for existing non-conforming structures at resorts to be expanded to meet MDH requirements and also the general support for existing resorts to keep operating as resorts.

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

Yes (x)      No ( )

Why? Due to size of the cabin and dates they were built prior to zoning.

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

Yes (x)      No ( )

Why? There is no room to move cabin back and the original cabin was built in 1946.

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

Yes (x)      No ( )

Why? The lake and road squeeze the property and the shoreland rules were created later.

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

Yes (x)      No ( )

Why? No change to the character and the addition is fairly minor.

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

Yes (x)      No ( )

Why? Economic consideration was not discussed.

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

**Motion by Wally Byklum to approve the variance request of Derek Bernard based on the Findings of Fact. Motion seconded by Joe Vene. Don Hazeman, Doug Underthun, John Simmons, Joe Vene, Ed Fussy, and Wally Byklum voted to approve the variance request. Motion carried and approved 6:0 on a roll call vote.**

Chairman then closed the Board of Adjustment public hearing on the variance request of Derek Bernard.

Chairman opened the Board of Adjustment public hearing for the variance request of James and Brenda Roesch.

**Variance Request of:** **James & Brenda Roesch**  
1033 Blazewood Dr. NE  
Bemidji, MN 56601  
Township: Turtle Lake  
Body of Water: Big Turtle (4-159) RD

**The Purpose of:**

Applicant is requesting a Variance for a non-conforming cabin and a garage/storage building. A 312 square foot addition is proposed to be constructed on the east side of the existing cabin and also proposes to convert 952 square feet of crawlspace beneath the existing cabin to a full basement. Addition of 358 square feet is proposed for existing garage/storage building. Big Turtle Lake (4-159) is classified as a Recreational Development Lake in the Beltrami County Shoreland Management Ordinance #6 with a minimum structure setback of 100 feet from the OHWL.

**Legal Description:**

Tax Parcel 47.00314.00  
Part of Lot 1, Section Twenty-two (22), Township One Hundred Forty-eight (148), Range Thirty-three (33). This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave staff report discussing details of the application and discussed the size and history of the existing buildings. Staff recommends approval. Applicants discussed why the additions are necessary and reasonable. Bill Best stated that the Beltrami County Highway Department had no concerns and that there were no other public comments received. We reviewed photos of the interior of the buildings and discussed what the buildings were used for.

**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? Area of the lot doesn't allow buildings or additions without a variance.

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

Yes (x) No ( )

Why? Same as stated above.

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

Yes (x) No ( )

Why? Property is a peninsula with limited space.

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

Yes (x) No ( )

Why? The limited space doesn't allow a building or addition without a variance.

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

Yes (x) No ( )

Why? It will improve the essential character.

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

Yes (x) No ( )

Why? The hardship involves topography not economics.

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

**Motion by Doug Underthun to approve variance application of James & Brenda Roesch with staff conditions; 1. Erosions control is installed prior to construction, 2. Planting, establishment, and maintenance of vegetation of disturbed soils, and 3. The removal of any beds from the storage building referred to as the "bunk house". Motion seconded by John Simmons. Don Hazeman, Doug Underthun, John Simmons, Joe Vene, and Ed Fussy voted to approve the variance request. Motion carried and approved 5:0 on a roll call vote (Wally Byklum didn't vote).**

**(Wally lost internet service and was not part of the rest of the meeting).**

Chairman then closed the Board of Adjustment public hearing on the variance request of James & Brenda Roesch.

Chairman opened the Board of Adjustment public hearing on the request of Gary & Debbie Anderson.

**Variance Request of:** **Gary & Debbie Anderson**  
13876 Baywood Dr NE  
Bemidji, MN 56601  
Township Turtle Lake  
Body of Water Beltrami (4-135) RD

**The Purpose of:**

The applicant is requesting a variance to increase the structure height of a guest cottage. The Beltrami County Shoreland Management Ordinance allows for a maximum structure height of 15 feet. Applicant requesting a structure height of 18 feet to facilitate an 8:12 pitched roof.

**Legal Description:**

Tax Parcel 47.00401.00  
Part of the Northeast Quarter of the Southwest Quarter part of Government Lot 5, Section 25, Township 148, Range 33 West and part of the vacated Township Road and C.S.A.H. No. 22. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave staff report and discussed details of the application. Staff recommends approval. Applicant discussed that they applied for a variance now so they don't have to wait any longer for the Shoreland

Ordinance revision to go into effect. No action will be taken on the ordinance during the pandemic so the variance seems prudent. Bill discussed the one email in support of the application and the Beltrami County Highway Department has no concerns.

### 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? Proposed Shoreland Ordinance allows this and will meet requirements once it's approved.

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

Yes (x) No ( )

Why? Can't build this structure without a variance currently but this type of structure will likely be allowed without a variance within the next 12 months.

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

Yes (x) No ( )

Why? The property is allowed to construct a guest cabin and the proposed shoreland ordinance revisions include changes that would make this proposal a standard

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

Yes (x) No ( )

Why? The pandemic has not allowed the new ordinance to move forward which will allow this and the landowner has been waiting for about a year for this change to be implemented.

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

Yes (x) No ( )

Why? Building will not be seen by many and the neighbor is okay with it.

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

Yes (x) No ( )

Why? It will help facilitate snow removal. It wasn't economically driven and is compliant with the new ordinance.

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

**Motion by Don Hazeman to approve the variance application of Gary & Debbie Anderson. Motion seconded by Doug Underthun. Don Hazeman, Doug Underthun, John Simmons, Joe Vene, and Ed Fussy voted to approve the variance request. Motion carried and approved 5:0 on a roll call vote (Wally Byklum didn't vote).**

Chairman then closed the Board of Adjustment public hearing on the variance request of Gary & Diane Anderson.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn. **Doug Underthun moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting for May 18, 2020. Motion seconded by Joe Vene. Don Hazeman, Doug Underthun, John Simmons, Joe Vene, and Ed Fussy voted to adjourn the meeting. Motion carried and approved 5:0 by roll call vote (Wally Byklum did not vote).**

**Chair called the meeting for May 18, 2020 officially adjourned. The next meeting will be on Monday, June 22, 2020 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, June 22, 2020  
County Administration Building - County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

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**General Business**

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Members present: DonHazeman  
JoeVene  
WallyByklum  
DougUnderthun  
John Simmons  
Craig Gaasvig

Members absent: Ed Fussy

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Bill Best, Beltrami County Environmental Services Department  
D. Trudeau, PO Box 88, Bemidji, MN 56619  
C.J. Montbriend, PO Box 3037, Bemidji, MN 56619  
Al Ungerecht, 11817 Cty Rd 51, Northome, MN 56661  
Jerry Saltness, 14133 Broken Paddle Ln NE, Bemidji, MN 56601  
Wayne & Becky Coulthart, 125 Manuel Circle, Grafton, ND 58237  
Diane Plath, 9842 Long Lake Dr. NE, Bemidji, MN 56601  
Millie Smith, PO Box 63, Bemidji, MN 56601  
Lyle Erickson, 4641 Martha Ln NW, Solway, MN 56678  
Ron Kiel, 10248 Long Lake Dr. NE, Bemidji, MN 56601  
Nate & Sarah Lundeen, 10810 Fall Court NW, Bemidji, MN 56601  
Kris Kolar, 15906 Siskin Ln NE, Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process for those in attendance.** The meeting minutes for May 18, 2020, were brought forward for approval. **Don Hazeman moved to approve the meeting minutes of May 18, 2020, 2020. Motion seconded by Joe Vene. Motion carried and approved.**

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**Board of Adjustment**

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

**Old Business**

**Variance Request of:**

**Wayne & Rebecca Coulthart**

27460 Chippewa Paws LN SE

Pennington, MN 56663

Township:

Brook Lake

Lake:

Cass (4-30) GD

**For the Purpose**

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

**Legal Description:**

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

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

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

**Findings of Fact**

- 1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

Yes (x) No()

Why?

Landowner worked with Environmental Services and Board of Adjustment and got proposal as close to compliant as possible.

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

Yes (x) No ( )

Why?

In harmony with intent of ordinance so proposal is reasonable.

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

Yes (x) No ( )

Why?

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

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

Yes (x) No ( )

Why?

The cabin was constructed prior to shoreland zoning and the rules have made this a variance request.

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

Yes(x) No( )

Why?

Proposal fits the area.

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

Yes (x) No ( )

Why?

Economic consideration was not a factor.

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

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

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

### **New Business**

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

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

### **The Purpose of:**

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



Why?

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

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

Yes (x) No ()

Why?

The cabin was constructed prior to shoreland zoning and the rules have made this a variance request.

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

Yes(x) No()

Why?

Proposal fits the area.

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

Yes(x) No()

Why?

Economic consideration was not a factor.

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

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

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

**New Business**

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

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

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

Why?

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

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

Yes (x) No ( )

Why?

Economic consideration was not considered.

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

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

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

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

**Variance Request of:**

**Nate Lundeen**  
13948 Moonlight Ct NE  
Bemidji, MN 56601  
Turtle River  
Long Lake (4-76) RD

Township:  
Body of Water

**The Purpose of:**

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

**Legal Description:**

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

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

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

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

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

**The Purpose of:**  
The applicant is requesting a Variance to remove a nonconforming cabin and to construct a residential structure at same setback but outside of the existing structure dimensions. Existing structure is 1,022 square feet in size, 13 feet in height, and approximately 43 feet from the Ordinary High Water Level. Proposed structure to be 1,120 square feet in size and 20 feet in height. Big Turtle Lake [4-159] is classified as a Recreational Development lake in the Beltrami County Shoreland Management Ordinance #6 with a required structure setback of 100 feet from the OHWL.

**Legal Description:** Tax Parcel 47.00911.01, Part of Lot 2, Section Twenty-seven, Township One Hundred Forty-eight, Range 33. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

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

**Findings of Fact**

- 1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

Yes(x) No()

Why?

The development meets the intent of plans and ordinance.

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

Yes(x) No()

Why?

The proposal is reasonable.

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

Yes (x) No ()

Why?

The old building was built years ago.

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

Yes (x) No()

Why?

There was no ordinance when structure was built.

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

Yes(x) No()

Why?

It won't change the area.

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

Yes(x) No()

Why?

Economic consideration was not discussed.

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

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

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

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

**Variance Request of:**

**Lyle Erickson**

1590 Black Lake Rd NE

Bemidji, MN 56601

Township:

Turtle Lake

Body of Water

Three Island Lake (4-134) SP

**The Purpose of:**

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

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

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

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

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

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**Findings of Fact**

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

Yes (x)      No ()

Why?

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

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

Yes(x)      No()

Why?

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

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

Yes (x)      No ()

Why?

Topography and lot size make this unique.

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

Yes (x)      No ()

Why?

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

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

Yes(x) No()

Why?

It won't change the area.

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

Yes(x) No()

Why?

Economic consideration was not considered.

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

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

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

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

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**June 24, 2020 Meeting Reconvened**

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Members present: DonHazeman  
JoeVene  
WallyByklum  
DougUnderthun  
John Simmons  
Craig Gaasvig

Members absent: Ed Fussy

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Chuck Meyers, 8343 Watema CT, Bemidji, MN 56601  
Mike Jay, 8926 Cranberry Ct NE, Bemidji, MN 56601  
Jerry Fiat, 14228 Hilltop Dr NE, Bemidji, MN 56601  
Doug & Karen Schultz, 9134 Marcella Dr. NE, Bemidji, MN 56601  
Maggie Schwegman, 9010 Marcella Dr. NE, Bemidji, MN 56601  
Jane Carlson, 9647 Howling Wolf Dr. NE, Bemidji, MN 56601  
Curtiss Hunt, 9217 Oman Rd NE, Bemidji, MN 56601  
Elizabeth Eriksen, 9639 Howling Wolf Dr. NE, Bemidji, MN 56601  
D.Trudeau, PO Box 88, Bemidji, MN 56619

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

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

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

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

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

Chairman opened it up for public comment;

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

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

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

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

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

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

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

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

Diane Plath - email submitted and read aloud

Public comment period closed.

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

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

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

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

### Findings of Fact

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

Yes (x)      No ( )

Why?

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

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

Yes (x)      No ( )

Why?

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

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

Yes (x)      No ( )

Why?

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

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

Yes (x)      No ( )

Why?

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

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

Yes(x)      No()

Why?

It won't change the area as it keeps the house as low as possible and matches the area.



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

Why?

Economic consideration was not considered.

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

**Motion by Doug Underthun to adjourn. Motion was seconded by John Simmons. Motion unanimously carried and approved.**

Respectfully submitted,



Brent Rud  
Beltrami County ESD Director

  
Chairman  
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, July 27, 2020  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present: Ed Fussy  
Don Hazeman  
Joe Vene  
Wally Byklum  
John Simmons  
Craig Gaasvig

Members absent: Doug Underthun

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Kurt & Roxanne Lindquist, 22802 Jenson 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.** The meeting minutes for June 22, 2020 were brought forward for approval. **Brent reviewed the meeting procedures and process for those in attendance. Joe Vene moved to approve the meeting minutes of June 22, 2020. Motion seconded by Wally Byklum. Motion carried and approved.**

**Planning Commission**

Chairman opened the Planning Commission Public Hearing on the proposed Conditional Use request of Kurtiss & Roxanne Lindquist.

<b>Conditional Use Permit</b>	<b>Kurtiss &amp; Roxanne Lindquist</b>
	22802 Jenson Ct. NE
	Tenstrike, MN 56683
Township:	Hagali
Body of Water:	Sandy Lake ((4-124) SA

**The Purpose of:**

Applicants are requesting a conditional use permit to construct a 1,000 square foot guest cottage on their Sandy Lake property. Sandy Lake is classified as a Sensitive Area (SA) Lake and the Beltrami County Shoreland Ordinance requires a conditional use permit for guest cottages on lakes with that classification. The proposed guest cottage would meet all size, height, and setback requirements.

**Legal Description:**

Tax Parcel 16.00366.00  
Part of Lot 2, Section 30, Township 149 North, Range 32 West

Shane Foley gave staff report. Discussed details of proposed structure and proposal to meet all setbacks, Sensitive Area Lake requirements as well as why this requires a Conditional Use Permit. Discussed site details including existing buildings, shoreline and lot characteristics. Discussed existing hot tub violation.

Applicants, Kurtiss & Roxanne Lindquist indicated the hot tub isn't operable and it will be moved. Also discussed the expected lifespan of proposed structure as temporary. Once the elderly relative is done with the guest cabin.....

Brent Rud and the Planning Commission went through the 13 items in the County Shoreland Ordinance. **Motion by John Simmons to approve the Conditional Use request of Kurtiss & Roxanne Lindquist with the condition that the hot tub be moved from the site prior to issuing a building permit. Motion seconded by Don Hazeman. Motion carried and approved.**

Chairman then closed the Planning Commission Public Hearing on the Conditional Use request of Kurtiss & Roxanne Lindquist.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn. **John Simmons moved to officially adjourn the Beltrami County Board of Adjustment and Planning Commission Meeting for July 27, 2020. Motion seconded by Wally Byklum. Motion carried and approved.**

**Chair called the meeting for July 27, 2020 officially adjourned. The next meeting will be on Monday, August 24, 2020 at 6:00 PM.**

Respectfully submitted,

\_\_\_\_\_  
Brent Rud  
Beltrami County ESD Director

\_\_\_\_\_  
Chairman  
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting  
Minutes for Monday, August 24, 2020  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present: Ed Fussy  
Don Hazeman  
Joe Vene  
Wally Byklum  
Doug Underthun  
John Simmons

Members absent: Craig Gaasvig

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department  
Shane Foley, Beltrami County Environmental Services Department  
Bill Best, Beltrami County Environmental Services Department  
Jamie Freeman, 26566 330<sup>th</sup> Street, Shevlin, MN 56676  
Dennis Niswander, 26566 330<sup>th</sup> Street, Shevlin, MN 56676  
Tracy Anderson, 147 Woods Bluff Rd, Bemidji, MN 56601  
Darlene Bergman, 18610 520<sup>th</sup> Street, Clearbrook, MN 56634  
David & Judy Sheridan Christensen, 13560 Spruce Ledge Trail, Bemidji, MN 56601  
Matthew Berger, 920 Washington Ave. S., Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process for those in attendance.** The meeting minutes for July 27, 2020, were brought forward for approval. **Wally Byklum moved to approve the meeting minutes of July 27, 2020. Motion seconded by John Simmons. Motion carried and approved.**

**Board of Adjustment**

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

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

**The Purpose of:**

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

**Legal Description:**

Tax Parcel 47.00588.00

Part of Lot 1, Section 33, Township 148, Range 33. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

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

**Findings of Fact**

- 1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

Yes (x) No ( )

Why?

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

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

Yes (x) No ( )

Why?

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

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

Yes (x) No ( )

Why?

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

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

Yes (x) No ( )

Why?

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

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

Yes (x) No ( )

Why?

Issuance of variance will not change anything.

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

Why?

Economics were not considered.

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

**Motion was carried and approved.**

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

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

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

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

**Legal Description:**  
Tax Parcel 47.00408.00  
Part of Government Lot 4, Section 25, Township 148, Range 33. This is a partial legal description. Full legal description is on file in the Beltrami County Environmental Services Department.

Bill Best gave staff report. Discussed location of existing structure and bluff location. Discussed setback requirements and project proposal. Discussed the bluff details. County Highway and GIS Departments have no concerns. Received question regarding bluff and stormwater. Staff recommended approval with the following conditions:

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

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

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

## Findings of Fact

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

Yes (x)      No ( )

Why?

Extensive stormwater plan will be implemented.

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

Yes (x)      No ( )

Why?

Existing cabin needs to be replaced.

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

Yes (x)      No ( )

Why?

Existing cabin needs to be replaced.

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

Yes (x)      No ( )

Why?

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

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

Yes (x)      No ( )

Why?

Issuance of the Variance will cause no change.

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

Yes (x)      No ( )

Why?

Economic consideration was not discussed.

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

**Motion was carried and approved.**

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

**Variance Request:** **Heather Erholtz**  
13109 Birchview Drive NE  
Bemidji, MN 56601  
Township: Port Hope  
Body of Water: Beltrami (4-135) RD

**The Purpose of:**

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

**Legal Description:**

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

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

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

**After the Fact Variance Request** **Dennis Niswander**  
21369 Joas Beach Rd  
Kelliher, MN 56650  
Township: Shotley  
Body of Water: Upper Red (4-35) GD

**The Purpose of:**

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

**Legal Description:**

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

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

**Findings of Fact**



1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

Yes (x) No ( )

Why?

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

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

Yes (x) No ( )

Why?

Building in danger of being lost completely due to water.

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

Yes (x) No ( )

Why?

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

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

Yes (x) No ( )

Why?

Heavy snow year on a flat roof.

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

Yes (x) No ( )

Why?

It will make it look better.

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

Yes (x) No ( )

Why?

Need to fix the structure before it is totaled.

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

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

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

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable Official controls?

Yes (x) No ( )

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

2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls? Yes (x) No ( )

Investing significant amounts of money on lumber and materials.

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

Work has stopped since being informed.

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

Structure is very typical for this area.

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

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

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

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

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

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

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

## Planning Commission

### New Business

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

### Conditional Use Permit

**Darlene Bergman**  
20857 Joas Beach Rd NE

Tonwhip:  
Body of Water

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

**The Purpose of:**

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

**Legal Description:**

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

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

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

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

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

Respectfully submitted,

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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 28, 2020  
County Administration Building – County Board Room  
701 Minnesota Avenue NW  
Bemidji, Minnesota 56601**

**General Business**

Members present: Ed Fussy  
Don Hazeman  
Joe Vene  
Wally Byklum  
Doug Underthun  
John Simmons  
Craig Gaasvig

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  
Brad & Gayle Aafedt, 13073 Birchview Drive, Bemidji, MN 56601  
Sara Israelson, 5032 Island View Dr NE, Bemidji, MN 56601  
Tony Gustafson, 12927 Portage LN NE, Bemidji, MN 56601  
HwRHWE Weholr, 13109 Birchview Dr. NE, Bemidji, MN 56601  
Phil Olson, 4364 Gryce Styne Rd NE, Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process for those in attendance and discussed the agenda.** The meeting minutes for August 24, 2020, were brought forward for approval. **Don Hazeman moved to approve the meeting minutes of August 24, 2020 with one correction. Motion seconded by Wally Byklum. Motion carried and approved.**

**Board of Adjustment**

**Variance Request:** Heather Erholtz  
13109 Birchview Drive NE  
Bemidji, MN 56601

Township: Port Hope

Body of Water: Beltrami (4-135) RD

**The Purpose of:**

Applicant is requesting a variance from the Beltrami County Shoreland Ordinance to tear down and replace an existing 600 square foot structure and replace it with a 2,240 square foot structure on Lake Beltrami. The current structure sits 40 feet from the Ordinary High Water Mark [OHWM] and has a height of 10 feet, the

proposed structure would be placed 50 feet from the OHWM and would have a height of 22'. Lake Beltrami is classified as a Recreational Development Lake with a 100 foot setback.

**Legal Description:**

Tax Parcel 34.00397.01

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

Shane gave staff report. Discussed the existing conditions and proposed new structure. Heather Erholtz spoke about her proposal. She discussed the circle driveway and the stormwater that collects in the middle there and how changing the proposal will affect them. Brent and Shane read the submitted public comments.

Phil Olson spoke, representing the Turtle River Watershed Association, requests denial. He stated to maintain the 100' setback to maintain the beauty. He spoke about the importance of buffers (barriers) to protect water quality and why the reduced setback would make that not work. He stated they can meet the setback and should.

Brad Aafedt spoke about rules and why they should be followed. He asked for a survey to be completed prior to building. He asked for the variance to be denied.

Board of Adjustment had discussion and questions about how far could the building be moved back. They discussed possible septic locations and if the electric easement could be crossed or not. **Motion by Wally Byklum to table the variance application of Heather Erholtz for additional information. Motion seconded by Joe Vene. Motion carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the proposed variance request of Heather Erholtz.

Chairman opened the Board of Adjustment Public Hearing on the proposed Variance request of Carol Frykman

**Variance Request:**

**Carol Frykman**

12854 Portage Ln NE

Bemidji, MN 56601

Township:

Turtle Lake

Body of Water:

Movil (4-152)

**The Purpose of:**

Applicant proposing to remove a 352 square foot, two story structure located about 3 feet from the lakeshore and construct a 500 square foot, single story structure at 85 feet from the lake's Ordinary High Water Level. Lake Movil (4-152) is classified as a Recreational Development (RD) in the Beltrami County Shoreland Management Ordinance (#6) with a structure setback of 100 feet.

**Legal Description:**

Tax Parcel 47.00865.00

Lot 5, Block 1 of Idle Beach, Section 34, Township 148, Range 33.

Bill Best gave staff report. Discussed the existing structure and proposed structure. Discussed details of the property and area on Movil Lake. Discussed comments received: County Highway – no concerns, County GIS – no comment. Submitted comment from Michael & Susan Monsrud in support of application.

Staff recommended approval with the following conditions:

1. Complete SSTS Compliance Inspection
2. Preparation and submittal of a Stormwater Management Plan
3. Preparation and submittal of Vegetation Management Plan

### 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?

Moving existing structure back from the lake.

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

Yes (x)      No ( )

Why?

Structure is falling apart and needs to be replaced.

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

Yes (x)      No ( )

Why?

Nature is destroying the foundation

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

Yes (x)      No ( )

Why?

Same as number 3.

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

Yes (x)      No ( )

Why?

The proposal will improve the area.

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

Yes (x)      No ( )

Why?

Economic consideration was not discussed.

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

**Motion by Doug Underthun to approved the variance request of Carol Frykman with staff conditions. Motion seconded by Don Hazeman. Motion carried and approved.**

Chairman then closed the Board of Adjustment Public Hearing on the variance request of Carol Frykman.

Chairman stated this completed the business before the Beltrami County Board of Adjustment and Planning Commission, therefore was prepared to entertain a motion to adjourn. **Motion by Doug Underthun to adjourn the Planning Commission/Board of Adjustment Public Hearing for September 28, 2020. Motion was seconded by Don Hazeman. Motion carried and approved. Chair called the meeting for September 28, 2020 officially adjourned. The next meeting will be on Monday, October 26, 2020 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