

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, November 25, 2024
County Administration Building – County Board Room
701 Minnesota Ave NW
Bemidji, Minnesota 56601**

General Business

Members present: Todd Stanley
 Bruce Poppel
 Don Hazeman
 Ed Fussy

Members absent: Bill Best
 Craig Gaasvig
 Doug Underthun

Others present: Brent Rud, Director, Beltrami County Environmental Services Department
 Greg Larson, Beltrami County Environmental Services Department
 Shannon Schmidt, Beltrami County Environmental Services Department
 Rose Moore, Beltrami County Environmental Services Department
 Jim Lucachick, 13318 Wildwood RD NE, Bemidji, MN 56601

The 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 Rud reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for October 28, 2024, were brought forward for approval. **Bruce Poppel moved to approve the meeting minutes of October 28, 2024. Motion seconded by Todd Stanley.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of: **Douglas H & Lori L Martin**
 15367 Big Turtle Dr NE
 Bemidji, MN 56601

Township: Turtle Lake
Body of Water: Big Turtle Lake (4-159) RD

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Management Ordinance to remove an existing 912 square-foot home that is located 20' from the OHWM and construct a new 1,500 square-foot home, including attached garage, with a setback of 55' from the OHWM of Big Turtle Lake (RD 4-159). Big Turtle Lake is classified as a residential development lake which requires a 100' structure setback.

Applicants are also requesting a variance to re-build an existing 15' x 20' boathouse, located on the shoreline, setback of 0' from the OHWM, at a larger size of 20' x 30'.

Legal Description:

Tax Parcel 47.00793.00

Section Twenty-two (22), Township One Hundred Forty-eight (148), Range Thirty-three (33), Lot One (1), Block One (1), SUNSET VIEW CHALET.

Greg Larson gave the staff report, reviewing property background, parcel history, and existing structures on the lot. GIS aerial maps, the proposed building design of the new house/cabin, and photos of the lot and existing structures on the property were viewed. Pictures of the hillside where the proposed cabin would be built were also shown. Staff gave a two-part recommendation: 1.) To deny the boathouse expansion, and 2.) To approve the 1,500 square-foot cabin rebuild with a maximum roof height of 25' at the 55' setback, contingent on the existing cabin being completely removed. Applicant will need to submit stormwater and vegetation management plans to Environmental Services for approval before beginning any work. Board members asked clarifying questions of Greg Larson and Brent Rud about impervious surfaces on the lot, which adjacent lots the applicants currently own, and the existing boathouse. Brent Rud referenced state statute regarding nonconforming structures and county ordinance requirements.

Jim Lucachick, architect for the applicants, came forward to represent Douglas H and Lori L Martin. Jim stated that the 1960-built boathouse is made of solid concrete and on top of it, there is a permanent steel patio umbrella. Applicants want to rebuild the boathouse to accommodate a modern sized boat with motor. Jim stated that removing the existing cabin and rebuilding further back on the lot would really improve the look from the lake overall. Don Hazeman asked if the applicants were to rebuild the boat house, would they be willing to decrease the size. Jim stated that the applicants could possibly rebuild it the same square footage but would not be able to decrease the boathouse size. Relocation of the septic to an area behind the structure setback was also discussed.

The Chairman opened the floor for public comment. Emailed comments received from the public were read aloud by Brent Rud and Greg Larson.

- Email – **Michael and Lori Martin, neighbors two houses to the East:** Are in favor of the variance. Noted the end result of this variance would be a huge improvement to the property.

- Email – **Tammie Bertelson, neighbor to the south:** Wrote an email addressing her concerns. Tammie noted she met with her landscaper and Beltrami County Environmental Services Department in 2023 to discuss the possibility of redesigning her boat house to increase the size to accommodate a larger boat. Tammie was advised that her variance would not be approved because the total area of the boat storage could not be increased. Near the end of her letter, Tammie questioned if this boathouse variance is approved, why she was advised against a variance to expand her boathouse.

Tammie also noted Beltrami County requires a structure setback of 100' from the shoreline to protect the lake from runoff and contamination. Tammie noted that there *is* an exception for structures to be built within the 100' setback, but this variance request is far from meeting the requirements for a Water-Oriented Accessory Structure exception.

In reviewing the Finding of Facts, Tammie would answer all questions as “No”, other than the last question regarding economic considerations, which she answered “Yes”.

Tammie is opposed to the variance requests, as they do not conform to state, regional, and local water and related land resource management plans.

- Email – **Arne Wick, Minnesota Department of Natural Resources (DNR):** Wrote an email addressing the following concerns:
 - o Summary of variance request: Based on the evaluation of Minnesota Statute 394.27 criteria, the DNR recommends denial of both variances. The applicant would like to increase the size of the current boathouse, and this is 2.4 times larger than the Beltrami County Shoreland Ordinance allows for a Water-Oriented Accessory Structure. In addition, ordinance requires a 50' setback, and this applicant proposes 0'. For the second part of the variance on the new house, the setback required is 100' and the proposed setback in the application is a 45% deviation from the required setback.
 - o Evaluation Criteria and Approach: State law only allows variances if all three practical difficulties criteria are met.
 - o Analysis of Facts and Recommendation: Both variances should be denied because there are no unique circumstances of the property not created by the property owner. The applicant's justification is based on personal design and not a unique circumstance of the property.
 - This lot is a nonconforming lot, and if the subject lot is combined with the lot to the north to make a conforming lot, there may be additional room to build a house while meeting the setbacks. There is nothing that makes this property physically unique, and that if this property is entitled to a variance that others should be entitled to similar variances. This variance request should be denied because state law requires nonconforming lots to be combined to be as conforming as much as possible.

- The property owner does not propose to use the property in a reasonable manner given the purpose of the OHWL setback requirements. The purpose of the ordinary high-water setback, is to protect and not degrade the wildlife, habitat and the shoreland.
 - The variance will alter the essential character of the area.
- Conditions of approval: The DNR recommends both variance requests be denied. If the new 1,500 square-foot home is approved, it should have conditions that nonconforming lots under common ownership be combined for development. If the previous condition is met, then it will allow for more area to locate the house project back to the 100-foot setback.
- Email - **Arne Wick, Minnesota Department of Natural Resources (DNR)**: Wrote a follow-up email *addressing a change to his original email*:
 - When originally writing the comment letter on the variance requests, Arne did not notice the cabin on the adjacent lot to the north owned by the same applicants. That northern lot already includes a habitable dwelling. This changes his comments related to the combining of nonconforming lots. Please disregard the part of the DNR's original letter about the combination of nonconforming lots.

After the emailed comments were read, the Chairman invited Jim Lucachick to the podium to respond to any concerns created by the public comments. Jim explained that the applicants tried to move the house elsewhere on the lot, but the need to keep a minimum of 10' between buildings to protect from fire prevented placement elsewhere. Brue Poppel asked specifically when the garage was built. Jim noted it was built in 2020. The Board asked more questions about the new house, such as plans for a walkout basement and a balcony. Jim noted the focus was more on the footprint and other basic designs of the house so the applicants did not waste time nor money on plans before knowing the height and size of the house that would be allowed. Jim commented further on the design of the house, offering a 25' height restriction. The Board discussed what a 25' height restriction would look like on the property and agreed this was reasonable and within the requirements of the Shoreland Ordinance.

Finding no further public comment, the Chairman closed the floor for public comment on the Douglas H & Lori L Martin variance requests.

Findings of Fact for House/Cabin

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

Yes (x) No ()

Why? It would be an improvement to move both the cabin and the septic system further back on the lot.

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

Yes (x) No ()

Why? Existing cabin is 912 square feet. The cabin will be rebuilt at 1,500 square feet, of which 400 square feet is garage, but further back on the lot. This is a reasonable request, considering lot size.

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

Yes (x) No ()

Why? Existing garage on a very narrow lot prevents the house from meeting OHWL setback. Other existing features also drive location of 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 was created in 1940 and is very narrow. Cabin was built prior to Shoreland Management Ordinance.

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

Yes(x) No ()

Why? Maximum height of the new cabin will be 25'. The rebuild will push the buildings further away from the shoreline and into the hillside.

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

Yes (x) No ()

Why? Economics was not considered.

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

Motion by Bruce Poppel to approve the House/Cabin variance request of Douglas H & Lori L Martin with the following conditions: 1.) The new 1,500 square-foot house/cabin will be no taller than 25' around the entire grade and being built no closer than the 55' setback. Applicants will completely remove the old cabin, 2.) A Vegetation Management Plan to address plantings on the pervious surfaces near the shoreline will be developed with and approved by Environmental Services staff prior to starting any work. No fire pits nor pavers to be allowed on the shoreline – must be kept pervious, 3.) A Stormwater Management Plan to address runoff and gutters into a French drain will be developed with and approved by Environmental Services staff prior to starting any work. Don Hazeman seconded the motion.

Motion unanimously carried and approved.

The Board then continued the discussion about the existing boathouse. Jim Lucachick asked the Board if they would consider the option to change the dimensions, but not increase the size in square footage of the boathouse. The option to rebuild the boathouse at possibly 12' x 25' instead of the original 15' x 20' could keep the boathouse at the existing 300 square foot size but allow more depth for a longer boat. The Board responded that the reconstruction of the boathouse must keep the existing height, make use of a silt fence, and the excavation must be done to State Statute requirements.

Findings of Fact for Boathouse

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? There will be no increase in square footage, and it will be more aesthetically pleasing.
2. Without the variance is the owner deprived of a reasonable use of the property?
Yes (x) No ()
Why? The present boathouse is outdated and too small for a boat with motor.
3. Is the alleged hardship due to circumstances unique to this property?
Yes (x) No ()
Why? The current boathouse is built of six-foot high concrete walls. The concrete walls cause condensation, making everything in the boathouse damp and musty.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
Yes (x) No ()
Why? The boathouse was built prior to the Shoreland Management Ordinance.
5. Will the issuance of the variance maintain the essential character of the locality?
Yes (x) No ()
Why? Rebuilding the boathouse will improve the look overall from the lake.
6. Does the alleged hardship involve more than economic consideration?
Yes (x) No ()
Why? The inability to use the current boathouse was the main consideration, not economics.

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

Motion by Don Hazeman to approve the Boathouse variance request of Douglas H & Lori L Martin with the following conditions: 1.) The boathouse must not exceed 300 square feet in size, 2.) The maximum height of the boathouse must stay the same as the existing boathouse, 3.) The width of the rebuilt boathouse must not exceed 15', 4.) The boathouse cannot be any closer to the OHWL than it is currently, 5.) A Vegetation Management

Plans for the property will be developed with Environmental Services staff, and 6.) A Stormwater Management plan for the property will be developed with Environmental Services staff. Bruce Poppel seconded the motion.

Motion unanimously carried and approved.

The Chairman then closed the Board of Adjustment Public Hearing on the proposed variance request of Douglas H & Lori L Martin.

Motion by Todd Stanley to adjourn the Planning Commission/Board of Adjustment Public Hearing for November 25, 2024. Motion was seconded by Bruce Poppel. Motion carried and approved. Chair called the meeting for November 25, 2024, officially adjourned. The next meeting will be held on Monday, December 16, 2024, at 6:00 PM.

Respectfully submitted,



Brent Rud
Beltrami County ESD Director

Vice 
Chairman
Beltrami County Planning Commission