

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, February 27, 2023
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

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

Members absent: Todd Stanley

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
 William Best, Beltrami County Environmental Services Department
 Albert Belleveau, 24011 Hwy 89 NW, Puposky, MN 56667
 Audrey J Roy Luukkonen, 24452 Snowshoe Ln NW, Puposky, MN 56667
 Dennis J Warner, 15182 Sago 4, Warba, MN 55793
 Bronson Roy, 24452 Snowshoe Ln NW, Puposky, MN 56667

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 October 24, 2022, were brought forward for approval. **Bruce Poppel moved to approve the meeting minutes of October 24, 2022. Motion seconded by Don Hazeman.**

Motion carried and approved.

Planning Commission

New Business

Chairman opened the Planning Commission Public Hearing on the proposed plat request of Bear Cemetery.

Proposed Plat Request of:

Bear Cemetery
24452 Snowshoe Ln NW
Puposky, MN 56667

Township:

Maple Ridge

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 #5.

Legal Description:

Tax Parcel 27.00115.01

The West 650 feet of the South 550 feet of the Southwest Quarter of the Northwest Quarter (SW1/4 of NW1/4), Section Fifteen (15), Township One Hundred Forty-nine (149), Range Thirty-four (34).

Bill Best gave the staff report, discussing property details, location, size of proposed cemetery, access, and the number of plots. Bill also went over the platting requirements in Ordinance and Statute. 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 and individual burial plots. The final site survey shows the proposed 50 burial plots covering approximately 1.52 acres, avoiding the wetlands, and being accessed by a private drive. County Highway has no issues or concerns with the proposed subdivision; GIS/Mapping has no questions, nor concerns. Bill read two emails in support of the cemetery plat from Albert Belleveau and Cate Belleveau, nearby property owners. Staff recommends proposed subdivision be submitted to the County Board, after a letter of approval from Maple Ridge Township and a final declaration of approval by County Recorder has been received.

Applicant, Audrey Roy-Luukkonen, read a statement with a history of the proposed name and why they are proposing a cemetery.

The Planning Commission opened the floor for public comments.

Albert Belleveau, Chairperson on Maple Ridge Township Board, stated that the Maple Ridge Town Board had discussed, and is in support of, the proposed subdivision. The Township was unaware that an approval letter from them would be required and would be happy to submit a letter of support.

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

Motion by Don Hazeman to approve the Proposed Plat request of Bear Cemetery with the following conditions: 1.) Letter of support from Maple Ridge Township will be obtained prior to recording. Motion seconded by John Simmons.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed plat request of Bear Cemetery.

Discussion of Planning Commission/Board of Adjustment By-Laws:

Three (3) changes were discussed and approved.

1. Article IV Membership and Duties

Section 1. Commission Membership

A second paragraph was added to this section which states, "Membership term shall coincide with the respective County Commissioner District term, and the at-large member term shall be the same duration as Commissioner Districts 1 and 3."

2. Article V Meetings and Officers

Section 1.

The second sentence of the first paragraph shall be changed to say, "If a holiday falls on the fourth Monday, the official meeting shall be on that following Tuesday, or as otherwise agreed upon by majority of Planning Commission/Board of Adjustment."

3. Article V Meetings and Officers

Section 4.

The first sentence of this section will be changed as follows, "Each member shall have one vote." The second half of the first sentence, "...excluding the Chairman who shall vote only in the case of a tie vote." will be removed from the document.

Motion by John Simmons to approve the changes to the By-Laws as discussed.

Motion seconded by Bruce Poppel.

Shoreland Management Ordinance # 6 Discussion:

A separate meeting will be held on Monday, April 3, 2023, from 1:00pm to 5:00pm to discuss the Shoreland Management Ordinance.

Chair called the meeting for February 27, 2023, officially adjourned. The next meeting will be held on Monday, March 27, 2023, at 6:00 PM, if any applications are received.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, March 27, 2023
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
 Bruce Poppel
 Don Hazeman
 Doug Underthun
 Craig Gaasvig

Members absent: Todd Stanley
 John Simmons

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
 Shane Foley, Beltrami County Environmental Services Department
 Shannon Schmidt, Beltrami County Environmental Services Department
 Dustin Evans, 12003 Paper Birch Dr NE, Tenstrike, MN 56683
 Brian Yerbich, 12315 Sharp Rock Rd 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 February 27, 2023, were brought forward for approval. **Don Hazeman moved to approve the meeting minutes of February 27, 2023. Motion seconded by Bruce Poppel.**

Motion carried and approved.

Planning Commission

New Business

Chairman opened the Planning Commission Public Hearing on the proposed Conditional Use request of Birch Haven Campground and Dustin Evans.

Conditional Use Request of: **Birch Haven Campground,**
 Dustin Evans
 12003 Paper Birch Dr NE
 Tenstrike, MN 56683

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

The Purpose of:

Applicant is requesting a Conditional Use Permit to convert his existing mobile home park on Gull Lake to a seasonal, recreational vehicle campground. Gull Lake is a recreational development lake with a 100' structure setback. The conversion would result in a campground totaling 48 seasonal sites and 24 boats slips. The number of sites falls in line with the number allowed by the Beltrami County Shoreland Ordinance # 6 based on lake type and property size.

Legal Description:

Tax Parcel: 16.00432.01

That part of Government Lot 4, Section 35, Township 149, Range 32, described as follows: Beginning at the Southeast corner of said Government Lot 4; running West... The full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report, discussing property details, location, proposed number of RV lots and boat slips, private access, and existing mobile homes and cabins. Paper Birch Drive is a privately owned and maintained road with a 20' setback. The Planning Commission looked at aerial photos, photos of the site, the location of the parcel on GIS mapping, and an overlay map showing the final proposed layout of the campground. Using the density formula in the Shoreland Management Ordinance, 19 RV sites would be allowed in Tier 1, the first 300' from the lake shore and back. 4-5 of the existing sites in Tier 1 may have to be pulled back 20' and into Tier 2, but Shane won't be able to measure until the snow is gone. The next 300' of Tier 2 would allow for 23 RV sites. The final 300' of Tier 3 would allow for 20 RV sites. Since only 19 units will be allowed in Tier 1, only 19 boat slips can be allowed. Applicant is only requesting 48 seasonal RV sites and maintenance of 2 existing cabins, with all mobile homes being removed by the end of a 5-year plan. Designs for 3 new septic mound systems were received in the ESD office today. Applicant is actively working with the Minnesota Department of Health to secure all required permits and licenses. Staff recommends approval of the conditional use request with the following conditions: The resort must stay below the density allowed in the Shoreland Ordinance at all phases of construction. Considering only RVs, the allowed density would be: 19 RVs in Tier 1, 23 RVs in Tier 2, and 20 RVs in Tier 3. Any cabins or mobile homes that remain in place will reduce the number of RVs allowed on a square foot basis within the respective tier. The resort shall be limited to 48 seasonal sites, 2 cabins, and 19 boat slips. A stormwater management plan will be developed for the resort and approved by ESD.

Applicant, Dustin Evans, explained that his parcel, Birch Haven Campground, and the neighboring parcel, Birch Haven Resort, all used to be part of a single resort. The seller split the parcel, creating two separate businesses. Dustin also answered Commission questions regarding the vegetation between the driveway and the lake – cattails, very swampy. Vegetation in this area will not be changed. The Commission was concerned about there being proper setbacks from the property line and an easement for neighboring property to access a garage near the southwest corner of the parcel. Dustin was asked if there will be any new roads being

constructed. The only new road needed would be the future road that will service the sites 39-48 loop in the southwest corner of the parcel, when those sites are constructed. The Commission asked if the remaining mobile homes have any sort of lease or contract with the landowners. Dustin and his wife had to write up new leases when they took over ownership, allowing owners to eventually phase out the mobile homes. Long-term renters of 30-40 years will be given first pick of the seasonal Tier 1 RV sites, per Dustin.

The Planning Commission opened the floor for public comments.

Shane Foley read an email from Brent Mason at the Minnesota DNR. Brent pointed out that the number of boat slips cannot be greater than the number of Tier 1 units, which is 19. Boat slips would need to be reduced from the proposed 24 to 19, the maximum allowed by ordinance, before he could recommend approval.

Brent Rud went over Section 1106 “Conditional Use Permits”, A, 2, a.-m. on page 66 of the Shoreland Management Ordinance # 6 with the Planning Commission.

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

Motion by Bruce Poppel to approve the proposed Conditional Use request of Birch Haven Campground and Dustin Evans with the following conditions: 1.) The resort must stay below the density allowed in the Shoreland Ordinance at all phases of construction, 2.) A stormwater management plan will be developed for the resort and approved by ESD, 3.) Applicant must be in contact with ESD before starting any construction on this project, and 4.) Applicant must contact ESD on an annual basis, until completion, to ensure permit and Ordinance compliance. Motion seconded by Doug Underthun.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed Conditional Use request of Birch Haven Campground and Dustin Evans.

Motion by Don Hazeman to adjourn the Planning Commission/Board of Adjustment Public Hearing for March 27, 2023. Motion was seconded by Doug Underthun. Motion carried and approved. Chair called the meeting for March 27, 2023, officially adjourned. The next meeting will be held on Monday, April 24, 2023, at 6:00 PM, if any applications are received.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, May 22, 2023
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

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

Members absent: Todd Stanley
Doug Underthun

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
William Best, Beltrami County Environmental Services Department
Shannon Schmidt, Beltrami County Environmental Services Department
Peter Fredrickson, Bemidji Township Zoning Administrator
Brian Merschman, 407 Meadow Ct NE, Bemidji, MN 56601
Rob Elliott, 1006 Arch Ln SW, Bemidji, MN 56601
Jim Schoonover, 12361 Waters Edge Dr SE, Bemidji, MN 56601
Scott Mattfield, 3478 Buchanan Ave 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 March 27, 2023, were brought forward for approval. **Bruce Poppel moved to approve the meeting minutes of March 27, 2023. Motion seconded by Don Hazeman.**

Motion carried and approved.

Planning Commission

New Business

Chairman opened the Planning Commission Public Hearing on the proposed plat request of South Ridge Estates.

Proposed Plat Request of: **South Ridge Estates**
Carr Lake Rd SW & Buchanan Ave SW
Bemidji, MN 56601

Township: Bemidji
Body of Water: N/A

The Purpose of:

Applicant is requesting both preliminary and final plat approvals to subdivide parcels 03.00607.00 & 03.00607.01 into 10 lots in Bemidji Township. The property is currently undeveloped. The division request meets the platting requirements in Beltrami County Subdivision Ordinance # 5.

Legal Description:

Tax Parcel 03.00607.00 & 03.00607.01

The west 469.00 feet of Government Lot 6, Section 30, Township 146 North, Range 33 West, Beltrami County, Minnesota. Except the south 200.00 feet thereof, subject to easements, restrictions, and reservations of record. AND Government Lot 6, Section 30, Township 146 North, Range 33 West, Beltrami County, Minnesota. Except the west 469.00 feet thereof, subject to easements, restrictions, and reservations of record.

Bill Best gave the staff report for the proposed plat request of Northstar Properties of Bemidji LLC. Property details and background information of the 34.31+/- acre area covered by two parcels, location in respect to Carr Lake Rd and Buchanan Ave, proposed number of single-family dwelling lots, private access road which will be turned over to Bemidji Township in the future were all discussed. At the May 9, 2023, Bemidji Township Board meeting, Fredrickson made a motion to accept the final plat for South Ridge Estates as long as Beltrami County does not make any additional changes to the plat. The developers are to sign a Road Agreement with Bemidji Township after Beltrami County signs off on the plat. Seconded by Larson. Motion passed unanimously. The Planning Commission looked at aerial photos, photos of the site, the location of the parcel on GIS mapping, and a survey map showing the final proposed layout of the 10 lots. South Ridge Ct SW, providing access to the lower six lots, has been renamed as Open Prairie Ct SW. Unnamed SP lake 4-145 boundaries are not showing correctly on GIS Mapping. The shoreland zone actually falls inside the northeast corner of Lot 4 – acreage for this lot has been adjusted to meet building requirements. There is a small wetland area inside the east and southeast property line of Lot 10. Bill read letters and comments that were received. Beltrami County Surveyor, Robert Murray, said “the boundary of the preliminary plat has been checked and found to meet mathematical closure tolerance defined in County Ordinance No. 5, Section 5, Subd. 5.01, Subsection 3”. The Beltrami County Highway Department has no concerns nor issues with this application. Deputy Fire Chief, Mike Yarrow, indicated that the Bemidji Fire Department has no concerns with this plat. Staff recommends approval and forwarding of the plat request to the Beltrami County Board with the condition that the following items be obtained:

- Secure Title Opinion in a form acceptable to a county licensed attorney
- Final Declaration approval by County Recorder
- Certification that all taxes due have been paid

Applicant, Northstar Properties of Bemidji LLC, had nothing further to add to Bill's presentation. They have already received the approval of the Bemidji Township Board and are just waiting for the Beltrami County Board approval. The Commission asked if there would be any issue with the number of driveways and approaches that would be necessary in close proximity for lots 1-4. Per Pete Fredrickson, driveways have already been reviewed. It would be required that the driveway access for Lot 1 from Buchanan Ave be placed far enough away from the intersection of Buchanan Ave and Carr Lake Rd to not impede traffic.

The Planning Commission opened the floor for public comments.

Receiving no public comments, the public comment period was closed.

Brent Rud clarified that there is no Finding of Facts for a plat request. A Suitability Determination, in writing, must be submitted to the County Board. The Beltrami County Planning Commission has already discussed that there are no land restrictions and that the plat request has met all Township and County requirements.

Motion by Bruce Poppel to approve, and forward to the County Board, the proposed Plat request of South Ridge Estates, once the following items have been obtained: 1.) Secure Title Opinion in a form acceptable to a county licensed attorney, 2.) Final Declaration approval by County Recorder, and 3.) Certification that all taxes due have been paid. Motion seconded by Don Hazeman.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed Plat request of South Ridge Estates.

Shoreland Management Ordinance # 6 Discussion:

A separate meeting will be held later in June or July 2023 to discuss the Shoreland Management Ordinance revision.

Chair called the meeting for May 22, 2023, officially adjourned. The next meeting will be held on Monday, June 26, 2023, at 6:00 PM, if any applications are received.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, June 26, 2023
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
 Todd Stanley
 Don Hazeman
 Doug Underthun

Members absent: Bruce Poppel
 John Simmons
 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
 Shannon Schmidt, Beltrami County Environmental Services Department
 Keith Balsiger, 6 Pyreness Ct, Henderson, NV 89011
 Sue Balsiger, 6 Pyreness Ct, Henderson, NV 89011
 Brian Zacharias, 13295 Wildwood 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, as well as the agenda, for those in attendance. The meeting minutes for May 22, 2023, were brought forward for approval. Don Hazeman moved to approve the meeting minutes of May 22, 2023. Motion seconded by Todd Stanley.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of:

Mark E Kelly
10339 Long Lake Dr NE
Bemidji, MN 56601

Township:

Turtle River

Body of Water:

Gallagher Lake (4-092) SA

The Purpose of:

Applicant is requesting a variance from the Beltrami County Shoreland Ordinance # 6 to build a 1,000 square foot cabin on Gallagher Lake in Turtle River Township. Gallagher Lake is classified as a Sensitive Area lake which requires a 150' structure setback. The proposed setback for the new cabin is 83'.

Legal Description:

Tax Parcel 48.00168.00

The North 500' of that portion of Government Lot Two (2), Section Twelve (12), Township One Hundred Forty-seven (147) North, Range Thirty-two (32) West, lying West of the county road as it existed on November 17, 1981. Full legal description is on file in the Beltrami County Environmental Services Department.

It was discovered, after the original legal ad was run, that this hearing will require a revised legal ad which prevents a decision from being made at this meeting. The applicant asked that we postpone any discussion on this file until next month. The gallery was asked if anyone in attendance was here specifically for the Kelly hearing. There were none.

Motion by Don Hazeman to table this hearing until the July meeting so the public has time to review the revision. Doug Underthun seconded the motion.

Motion unanimously carried and approved.

Variance Request of:

Brian A & Teresa M Zacharias
13295 Wildwood Rd NE
Bemidji, MN 56601

Township:

Turtle Lake

Body of Water:

Beltrami Lake (4-135) RD

The Purpose of:

Applicants are requesting a variance to construct a 30' deep by 38' wide garage at approximately 17' from the Right-of-Way (ROW) of Wildwood Rd NE. The proposed structure would be constructed no closer than 50' from the county road centerline. Section 503.4 of the County's

Shoreland Management Ordinance # 6 requires a 50' minimum structure setback from the County road ROW.

Legal Description:

Tax Parcel 47.00634.00

That part of Government Lot One (1), Section Thirty-five (35), Township One Hundred Forty-eight (148), Range Thirty-three (33), described as follows: 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, and a map showing the proposed location of the new garage were viewed. Bill described the proposal, the lake and road right-of-way setbacks, and the location of the new mound SSTS system servicing this residence that was installed in 2020. The proposed garage would be constructed in the only possible location on this parcel. There were no written comments received prior to this meeting. Kelly Booge of Turtle Lake Township is OK with the proposal, as is the Beltrami County Highway Department. Staff recommends approval with the following conditions:

- 1.) Existing woody vegetation screen between new structure and county road must be maintained and preserved.

The applicant confirmed the information in Bill Best's report was accurate. Brian Zacharias pointed out the drop off behind the septic system and house, as well as the county road elevation. Applicant is proposing to put the garage between these two topographical challenges. Applicant wants to keep as much vegetation as possible. The Board had no questions for the applicant.

The Board opened the floor for public comment.

Finding no public comment, the Chairman closed the floor for public comment on the Brian A and Teresa M Zacharias 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? Building a garage is allowed and the structure is proposed to be built as far back as possible.
2. Without the variance is the owner deprived of a reasonable use of the property?
Yes (x) No ()
Why? There is no other practical place available to build a garage.
3. Is the alleged hardship due to circumstances unique to this property?
Yes (x) No ()

Why? The size and shape of this lot prove to be challenging. Add to that, the space required for the large septic that was recently installed.

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

Yes (x) No ()

Why? This lot was created prior to the Shoreland Management Ordinance. Lot topography is very limiting.

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

Yes(x) No ()

Why? The lot is very wooded, and will remain so.

- 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 Brian A and Teresa M Zacharias with the following condition: 1.) Existing woody vegetation screen between new structure and county road must be maintained and preserved. 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 Brian A and Teresa M Zacharias.

Planning Commission

New Business

Chairman opened the Planning Commission Public Hearing on the proposed Conditional Use request of Robert K Balsiger, Trustee of the Siena Square Trust.

Conditional Use Request of:

**Robert K Balsiger, Trustee
Siena Square Trust
22994 Jenson Ct NE
Tenstrike, MN 56683**

Township:
Body of Water:

Hagali
Sandy Lake (4-124) SA

The Purpose of:

Applicant is requesting a Conditional Use Permit to build a guest cabin on a 3.88-acre lot on Sandy Lake in Hagali Township. Sandy Lake is classified as a Sensitive Area lake and the Beltrami County Shoreland Ordinance # 6 requires a Conditional Use Permit for all guest cabins on Sensitive Area lakes. The proposed cabin would be 1,000 square feet in size, set back more than 200' from the lake, and meet all ordinance requirements of a guest cabin.

Legal Description:

Tax Parcel: 16.00231.00

That part of Government Lot 5, Section Nineteen (19), Township One Hundred Forty-nine (149), Range Thirty-two (32), Beltrami County, Minnesota, being described as follows: The full legal description is on file in the Beltrami County Environmental Services Department.

Shane Foley gave the staff report. Sandy Lake is a Sensitive Area lake. A Conditional Use Permit is required prior to the addition of any guest quarters to a property bordering a Sensitive Area lake. The Planning Commission looked at aerial photos, the location of the parcel on GIS mapping, photos of existing structures, as well as maps showing the location of the proposed new guest cabin and garage. Applicant owns three adjoining lots accessed by a private road. The total area of these three lots is 6.61 acres and is 780' wide. Shane discussed setback requirements, 150' structure setback from lake and 20' structure setback from private road. Applicants plan to remove the existing garage. New structures will be placed 210' from OHWL. Applicant is working with a septic designer to figure out whether the guest cabin can be connected to the new septic that is being installed for the main residence, if enlarged, or if the guest cabin will need its own separate septic. Staff is aware of, and will make an exception to, the "guest cottage must utilize the same septic system as the principle structure" ordinance rule, if needed. An email was received from Linda Martin-Myers wanting to know why a Planning Commission meeting was needed, but she had no concerns on the proposed project. Staff recommends approval.

Keith Balsiger, applicant, addressed the Planning Commission. The Board asked about the closeness of the new buildings to the road. Applicant has ordered (25) 4' trees and will be planting those between the buildings and the private road. The guest cabin with attached storage will be a 1-story building with matching rooflines. The white existing garage will be given away. A new 2-story garage will also be constructed as part of this project.

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. There were no items on this list that required further evaluation. Brent also confirmed that the proposed project meets the minimum requirements of the Minnesota Rules (lot must be 2.75 acres and 375' wide) regarding guest cottages on a Natural Environment lake.

Motion by Don Hazeman to approve the Conditional Use request of R Keith Balsiger, Trustee of the Siena Square Trust with the following condition: 1.) Applicant must keep in contact with Environmental Services staff and a licensed septic designer until a decision has been made on acceptable septic systems to service all structures on the property. Motion seconded by Doug Underthun.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed Conditional Use request of Robert K Balsiger, Trustee of the Siena Square Trust.

Motion by Don Hazeman to adjourn the Planning Commission/Board of Adjustment Public Hearing for June 26, 2023. Motion was seconded by Doug Underthun. Motion carried and approved. Chair called the meeting for June 26, 2023, officially adjourned. The next meeting will be held on Monday, July 24, 2023, 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, July 24, 2023
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

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

Members absent: John Simmons
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
Gant Wegner, 714 37th St NW, Bemidji, MN 56601
Richard Anderson, 7278 Lammers Rd NW, Solway, MN 56678
Clark Chambers, 7022 Dickinson Dr NW, Bemidji, MN 56601
Mark Kelly, 10339 Long Lake Dr NE, Bemidji, MN 56601
Linda Kelly, 10339 Long Lake Dr NE, Bemidji, MN 56601
Sue Warcup, 13153 Lorelei Ln NE, Bemidji, MN 56601
Brendan Duffy, 13153 Lorelei Ln NE, Bemidji, MN 56601
Diane Plath, 9842 long Lake Dr 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, as well as the agenda, for those in attendance.** The meeting minutes for June 26, 2023, were brought forward for approval. **Todd Stanley moved to approve the meeting minutes of June 26, 2023. Motion seconded by Don Hazeman.**

Motion carried and approved.

Board of Adjustment

Old Business

Variance Request of:

Mark E Kelly
10339 Long Lake Dr NE
Bemidji, MN 56601

Township:

Turtle River

Body of Water:

Gallagher Lake (4-092) SA

The Purpose of:

Applicant is requesting a variance from the Beltrami County Shoreland Ordinance to build a 1,000 square-foot cabin on Gallagher Lake in Turtle River Township not meeting the setback requirements to the lake, nor the County Road. Gallagher Lake is classified as a Sensitive Area Lake which requires a 150' structure setback, the proposed setback for the new cabin is 83'. The required County Road setback is 50' from the Road Right-of-Way, the proposed setback is 20' from the Road ROW.

Legal Description:

Tax Parcel 48.00168.00

The North 500' of that portion of Government Lot Two (2), Section Twelve (12), Township One Hundred Forty-seven (147) North, Range Thirty-two (32) West, lying West of the county road as it existed on November 17, 1981. 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, the location of remaining structures on the parcel, and a map showing the proposed location of the replacement cabin were viewed. Shane described the proposal, the lake and road right-of-way setbacks, and the current non-compliant septic. The structure and road right-of-way setbacks overlap, leaving no buildable location, without a variance. This is a 4.49-acre parcel, but almost half of the parcel is under water. The proposed structure would be constructed in the same location as the previous pre-1977 structure, which was removed in 2022. The existing garage is 75' from the water and was built after a 1993 variance was approved. The non-compliant septic will be replaced with a mound system even further back from the lake than the current system. Trees have already been removed in the process of removing the foundation of the prior structure. Only one more tree should need to be removed to complete the proposed project. Shane Foley read emails received:

- Angie Lockwood – opposed to this request
- Tyler Sondrol – support existing structures and structures placed on original footprint, but no new development
- Karin Snortland – supports request to improve lot
- Beltrami County Highway – no concerns, nor issues, with revised variance request
- Roland Armstrong – concerned about destruction of lake ecosystem

- Gant Wegner – Gant was present at the hearing and spoke to the Board about prior variances being approved without proving hardships on the same water body, asked that conditions be imposed on any approval given for this project, feels that approval of this variance will set a precedent for neighboring new owners

Staff recommends approval with the following conditions:

- 1.) Existing vegetation must remain in place.
- 2.) Stormwater Management Plan must be implemented to prevent issues with water runoff.

Mark Kelly came forward and addressed the Board. Mark pointed out that the new replacement structure will be set back further from the lake and cover less square footage than the previous structure. The Board asked if Mark would be using a silt fence during construction. Mark was agreeable to this and stated that the foundation of the structure will actually slope away from the lake. There is a clearing in the trees about 10’ wide for a trail that goes down to the lake – this will remain untouched. Other than the opening for the trail, the shoreline is almost completely vegetated. Mark will be replacing the non-compliant septic.

The Board opened the floor for additional public comment.

Finding no further public comment, the Chairman closed the floor for public comment on the Mark E Kelly 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 replacement structure will be further away from the lake than the previous structure, and the new septic will not be an environmental hazard.
2. Without the variance is the owner deprived of a reasonable use of the property?
Yes (x) No ()
 Why? The setbacks overlap, creating no buildable location on the property.
3. Is the alleged hardship due to circumstances unique to this property?
Yes (x) No ()
 Why? Half of this parcel is under water, and the road right-of-way is 132’, larger than most.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
Yes (x) No ()
 Why? This lot was created prior to the Shoreland Management Ordinance. Small lot size is very restrictive.

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

Why? The appearance will be improved. The old mobile home has been removed and a new structure will replace it.

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

Why? Environmental concerns, not economic consideration, are at the forefront.

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 Mark E Kelly with the following conditions: 1.) Existing vegetation must remain in place, 2.) Stormwater Management Plan must be implemented to prevent issues with water run-off, 3.) A silt fence must be used during construction, and 4.) An SSTS design must be completed, moving the drainfield back from the lake as far as possible. 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 Mark E Kelly.

New Business

Variance Request of:

Brendan Duffy & Susan D Warcup

13153 Lorelei Ln NE
Bemidji, MN 56601

Township:

Turtle Lake

Body of Water:

Beltrami Lake (4-135) RD

The Purpose of:

Applicant is requesting a variance from the Beltrami County Shoreland Ordinance Section 602 to construct a new deck not meeting the setback requirements from a bluff. The proposal is a 12' X 14' (168 ft²) deck onto an existing non-conforming structure that was built into the bluff.

Legal Description:

Tax Parcel 47.00940.00

Section 36, Township 148, Range 033, Gearman's Addition - Lot 016, Beltrami County, Minnesota.

Bill Best gave the staff report. Maps showing the location of the parcel, the location of structures on the parcel, photos showing the proposed location of the new deck, and drawings of the existing and proposed decks were viewed. Bill described the proposal, the lake and bluff setbacks. The proposed 2nd-story deck would be constructed to replace an existing triangular

ground-level deck in the same location. This is a lot of record, and prior to the Shoreland Management Ordinance. The house was permitted in 1989 and the deck and stairs were permitted in 1991. Bluff zones were not regulated until 1992. The existing septic is non-compliant and the property owners are currently working on getting this replaced. There is a very narrow corridor to view the lake. Otherwise, the shoreline is very wooded. The Beltrami County Highway Department has no issues, nor concerns, with this project. Staff recommends approval with the following conditions:

- 1.) A Beltrami County Building Permit must be obtained prior to work.
- 2.) The current non-compliant SSTS must be replaced before November 2023.
- 3.) Re-establishment and maintenance of woody vegetation in the Shoreland Impact Zone.

Brendan Duffy confirmed the information in Bill Best's report, and stated that the failing septic system was already replaced last week. Per Brendan, the old deck will be completely removed. The existing stairs to the lake will be tied into the small deck on the side of the house near the rear door by means of a series of small landings. Stairs will not be connected to the new deck. The Board asked what steps will be taken to mitigate erosion once the existing deck is removed and the ground is bare. Applicants intend to plant small pines and build a French drain to the neighboring property line to deal with run-off. They will be planting grass under the new deck, as this area gets sun for most of the day.

The Board opened the floor for public comment.

Finding no public comment, the Chairman closed the floor for public comment on the Brendan Duffy and Susan D Warcup 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? Deck is being upgraded and will be further back from the lake.
- 2.) Without the variance is the owner deprived of a reasonable use of the property?
Yes (x) No ()
Why? Old deck may be unsafe and is starting to fall apart.
- 3.) Is the alleged hardship due to circumstances unique to this property?
Yes (x) No ()
Why? The structure was created prior to the Bluff Impact Zone designation.
- 4.) Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
Yes (x) No ()
Why? The bluff is causing the hardship.

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

Why? There is a very small corridor to view the lake. The new raised deck will improve the view.

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

Why? Economic consideration was not a factor. The existing deck needs to be modernized, this will be an improvement.

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 Brendan Duffy and Susan D Warcup with the following conditions: 1.) A Beltrami County Building Permit must be obtained prior to work, 2.) Re-establishment and maintenance of woody vegetation in the Shoreland Impact Zone, and 3.) Establishment of erosion controls in bare area under proposed new deck. 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 Brendan Duffy and Susan D Warcup.

Motion by Don Hazeman to adjourn the Planning Commission/Board of Adjustment Public Hearing for July 24, 2023. Motion was seconded by Todd Stanley. Motion carried and approved. Chair called the meeting for July 24, 2023, officially adjourned. The next meeting will be held on Monday, August 28, 2023, 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 28, 2023
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
 Todd Stanley
 Don Hazeman
 Doug Underthun
 Bruce Poppel
 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
 Shannon Schmidt, Beltrami County Environmental Services Department
 James W Mattson, 960 Pheasant Trl, Centuria, WI 54824
 Matt Murray, 304 3rd 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 July 24, 2023, were brought forward for approval. Bruce Poppel moved to approve the meeting minutes of July 24, 2023. Motion seconded by Todd Stanley.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of: **James Mattson**
 15785 Rocky Point Rd NE
 Waskish, MN 56685

Township: Red Lake
Body of Water: Upper Red Lake (4-035) GD

The Purpose of:

Applicant is requesting a variance from the Beltrami County Shoreland Management Ordinance to construct a cabin on his lot on Rocky Point Road north of Waskish. The proposed cabin would be 32' x 32' and would be set back 40 feet from an existing canal of Upper Red Lake. Upper Red Lake is a General Development Lake and requires a 75' structure setback.

Legal Description:

Tax Parcel 37.00115.00

A tract of land designated as Tract K and described as follows:

That part of Government Lot 1, Section 31, Township 155 North, Range 31 West, described as follows: Commencing at the northeast corner of said Lot 1; thence on a bearing of South along the east line of said Lot 1 a distance of 146.27 feet; thence on a bearing of West a distance of 780.00 feet to the actual point of beginning of the tract to be described; thence continue on a bearing of West a distance of 75.0 feet; thence on a bearing of south a distance of 172 feet, more or less, to the north shore of existing channel harbor; thence easterly along said channel to its intersection with a line bearing south from the point of beginning; thence north along said line a distance of 176 feet to the point of beginning.

Subject to a road easement 33 feet wide lying 16.5 feet on each side of the following described centerline: Commencing at the northeast corner of said Government Lot 1; thence on a bearing of south along the east line of said Lot 1, a distance of 274.77 feet to the actual point of beginning of the line to be described; thence on a bearing of west a distance of 83.00 feet; thence westerly along a tangential curve concave to the south having a radius of 1415.32 feet and a central angle of 4°0' for a distance of 98.81 feet; thence S. 86° W. tangent to last described curve a distance of 167.00 feet; thence westerly along a tangential curve concave to the north having a radius of 338.24 feet and a central angle of 17°40' for a distance of 104.29 feet to a point of reverse curvature; thence westerly along a reverse curve concave to the south having a radius of 508.51 feet and a central angle of 29°15' for a distance of 259.60 feet; thence on a bearing of S. 74°25' W. tangent to last described curve a distance of 8.0 feet; thence westerly along a tangential curve concave to the north having a radius of 346.14 feet and a central angle of 17°15' for a distance of 104.21 feet; thence on a bearing of N. 88°20' W. tangent to last described curve a distance of 40.00 feet; thence westerly along a tangential curve concave to the north having a radius of 779.35 feet and a central angle of 7°30' for a distance of 102.02 feet; thence on a bearing of N. 80°50' W. tangent to last described curve a distance of 32.0 feet; thence westerly along a tangential curve concave to the south having a radius of 945.59 feet and a central angle of 5°57' a distance of 98.20 feet; thence on a bearing of N. 86°47' W. tangent to last described curve a distance of 150.0 feet and there terminating.

Subject to prior reservations of minerals, if any.

The following are covenants which shall run with the land and which shall be binding on the heirs and assigns of the grantees herein. The grantors herein hereby grant to the grantees an easement of way for purposes of ingress and egress to and from the said property in the channel on the southerly boundary of said property, the easement and parcel being hereby conveyed being subject to the following restrictions:

1. All travel in said channel shall be at a speed not exceeding two (2) miles per hour.

2. All watercraft must be moored parallel to the channel bank.
3. No docks or other obstructions shall be erected or maintained in the water channel.
4. No more than two boats shall be moored parallel to the bank abutting the parcel herein described at any one time.
5. Right of way on and along the said channel may not be obstructed in any manner at any time.
6. The premises herein described may not further be subdivided and must remain as one tract.
7. Not more than one dwelling shall be maintained on the premises and not more than one garage or service building may be constructed or maintained on the premises.

Shane Foley gave the staff report. Maps showing the location of the parcel, the location of previous structures now removed from the parcel, and a map showing the proposed location of the new structure were viewed. Photos of the canal and lot were viewed. Shane described the parcel as 100% wetland. The parcel is located north of the canal and north of Rocky Point Rd, which is a private road. Wetland replacement has been approved for this project and a holding tank will serve as the septic system. No variance would be needed if built at 75' setback. The proposed structure requires a variance in order to be constructed 40' back from the canal and 20' back from the road to reduce the amount of wetland that will be affected. There were no written comments received prior to this meeting. Staff recommends approval with the following condition:

- 1.) Any fill placed on the lot must be sloped away from the road and canal.

The applicant confirmed the information in Shane's report was accurate. James Mattson explained how the area used to be the Rocky Point Resort and his wife's grandfather used to manage the resort. The area has sentimental value to the family. Runoff from the house will be slanted to the sides of the lot. There is a drainage ditch on the east side of the lot.

The Board opened the floor for public comment.

Finding no public comment, the Chairman closed the floor for public comment on the James Mattson 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? Applicant has gone through the permitting and wetlands process and is proposing to have the smallest impact on the environment as possible.
2. Without the variance is the owner deprived of a reasonable use of the property?

Yes (x) No ()

Why? There is no buildable land on this lot.

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

Why? The size of this lot is very small, and the lot is 100% comprised of 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 are creating practical difficulties. Wetland Conservation Act passed after lots were created.

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

Why? The new building will improve the character of the locality.

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

Why? Reducing wetland impact is the issue.

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 James Mattson with the following condition: 1.) Any fill placed on the lot must be sloped away from the road and canal in accordance with the wetland mitigation plan. 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 James Mattson.

Planning Commission

New Business

Chairman opened the Planning Commission Public Hearing on the proposed Plat request of Jacquelyn Crisman, Crisman Estates.

Proposed Plat Request of: **Jacquelyn Crisman, Trustee**
Crisman Estates
 4545 Cartway Rd NW
 Bemidji, MN 56601

Township:
Body of Water:

Eckles
Meadow Lake (4-219) SP

The Purpose of:

Applicant is proposing to subdivide 13.7 acres into five (5) residential lots. New roads to access the lots are not proposed. Proposed lots meet the requirements found in the Beltrami County Shoreland Management Ordinance # 6 and Subdivision Controls Ordinance # 5.

Legal Description:

Tax Parcel 12.00148.00

That part of Lot Three (3), Section Twelve (12), Township One Hundred Forty-seven (147), Range Thirty-four (34), described as follows: Beginning at the northwest corner of the Southeast Quarter of the Northwest Quarter (SE1/4 of NW1/4), said Section 12; thence running west on a line parallel to the south line of said Lot 3 to the west boundary of said Lot 3; thence south along the west line of said Lot 3 to the southwest corner thereof; thence running east along the south line of said Lot 3 to the southeast corner of said Lot 3, thence north along the east line of said Lot 3 to the point of beginning; Less the West 66 feet thereof; together with all hereditaments and appurtenances belonging thereto, and subject to any prior conveyances of minerals or mineral rights, any prior reservations, restrictions, easements, rights of way and any zoning and use regulations, and subject also to the lien of any unpaid special assessments and interest thereon.

Bill Best gave the staff report for the combined preliminary and final hearing. The Planning Commission looked at aerial photos, the location of the parcel on GIS mapping, and survey maps showing the proposed subdivision. County Surveyor, Robert Murray, provided a letter confirming that boundaries of the preliminary plat had been checked and found to meet mathematical closure tolerance as defined in County Ordinance No. 5, Section 5, Subd. 5.01, Subsection 3. The Beltrami County Highway Department did not have any concerns nor issues with the plat request but did have comments regarding the number of driveways that would be allowed off of the county road. A letter from the Eckles Township Board was received – they have no issues with the plat request. The Township did, however, also have questions about the number of driveways that would be allowed. The Township Board was told by the County Engineer and Surveyor Matt Murray that there would need to be a shared driveway for every two plots. Bemidji Area Schools sent a letter indicating that under current school district policy, student pickup and drop off for the new lots would occur on Cardinal Rd NW (County Road 9).

Matt Murray, surveyor, addressed the Planning Commission on behalf of the applicant. The property line for proposed lot # 5 has moved slightly in order to meet all requirements of a lot in a shoreland management zone. There is currently playground equipment in the backyard of the existing residence. Two more rows of Norway pines will be planted to provide more privacy. The owner to the north of the existing parcel will purchase additional buffer property on the north side of the plat. Cartway is currently under construction. It would be nice to decide where the approach to Lot 1 will be placed while construction is ongoing. Buyers will bear the expense of culvert/approach placement.

Prior to the Planning Commission plat submission to the County Board for final approval, it must have the following:

1. Secure Title Opinion in a form acceptable to a county licensed attorney
2. Final Declaration approval by County Recorder
3. Certification that all taxes due have been paid

ESD staff recommend that the Planning Commission approve and forward the Crisman Estates plat to the County Board with the plat approval recommendations given by the Beltrami County Highway Department.

The Planning Commission opened the floor for public comments.

Finding no further public comment, the Chairman closed the floor for public comment on the Crisman Estates Plat request.

Motion by Bruce Poppel to recommend the Plat request of Jacquelyn Crisman and Crisman Estates to the Beltrami County Board with the following conditions: 1.) Existing access to Lot 1 from County Road 9 will be removed and access moved around the side of the lot to Cartway Ave, and 2.) No more than two new shared accesses will be allowed from County Road 9 for these lots. Motion seconded by John Simmons.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed Plat request of Jacquelyn Crisman and Crisman Estates.

Motion by Don Hazeman to adjourn the Planning Commission/Board of Adjustment Public Hearing for August 28, 2023. Motion was seconded by Todd Stanley. Motion carried and approved. Chair called the meeting for August 28, 2023, officially adjourned. The next meeting will be held on Monday, September 25, 2023, 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, September 25, 2023
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

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

Members absent: Don Hazeman

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
 Bill Best, Beltrami County Environmental Services Department
 Shannon Schmidt, Beltrami County Environmental Services Department
 Howie Zetah, 12769 Idlewild Dr NE, Bemidji, MN 56601
 Kelly Fossand, 13557 Centerline Rd NW, Pinewood, MN 56676
 Tina Fossand, 13557 Centerline Rd NW, Pinewood, MN 56676

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:03 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 28, 2023, were brought forward for approval. **Todd Stanley moved to approve the meeting minutes of August 28, 2023. Motion seconded by Bruce Poppel.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of: **Colin and Suzanne Meier**
 1416 Wilton Hill Rd NW
 Bemidji, MN 56601

Township: Grant Valley
Body of Water: Grant Lake (4-217) RD, and Grant Creek (TR)

The Purpose of:

Applicants are requesting a variance from the 30' top-of-bluff structure setback to construct an attached garage and to straighten exterior walls of an existing residential structure. Proposed garage is 30' x 38' (1,140 square feet) and the exterior wall changes will total 42 square feet. The variance requests being sought are found in Sections 504 and 603 of the county Shoreland Management Ordinance (SMO) #6.

Legal Description:

Tax Parcel 15.00114.00

Government Lot 8, Section 4, Township 146, Range 34, less that part described as follows: Commencing at the southwest corner of said Government Lot 8, thence running north along the west boundary line of said Government Lot 8 a distance of 1,285 feet which is the point of beginning, thence running east on a line parallel with the south boundary line of said Government Lot 8 a distance of 170 feet to the shore of Grant Lake, thence running in a northwesterly direction along the shore of said Grant Lake to a point directly north of the point of beginning on the west boundary line of said Lot 8, thence south along the west boundary line of said Lot 8 to the point of beginning, Beltrami County, Minnesota.

And the Northeast Quarter of the Northwest Quarter AND the Northwest Quarter of the Northwest Quarter, Section 9, Township 146, Range 34, Beltrami County, Minnesota;

And that part of Government Lot 7, Section 4, Township 146, Range 34, described as follows: Beginning at the southeast corner of said Government Lot 7, thence running North along the east boundary line of said Government Lot 7 a distance of 439 feet, thence running west on a line parallel with the south boundary line of said Government Lot 7 a distance of 350 feet, thence running southwesterly at an interior angle to 122 degrees a distance of 192 feet, thence running west on a line parallel with the south boundary line of said Government Lot 7 a distance of 869 feet, thence running south along the west boundary line of said Government Lot 7 a distance of 264 feet, to the southwest corner of said Government Lot 7, thence running east along the south boundary line of said Government Lot 7 to the point of beginning, Beltrami County, Minnesota.

Bill Best gave the staff report. Maps showing the location of the parcel, as well as a contour map showing a bluff on both sides of the residence, were viewed. The residence was built in 1966, prior to the Shoreland Management Ordinance. Photos of the existing structures, driveway, and yard were viewed. A property survey map with setbacks marked was also viewed. The existing septic will be replaced. There were no written comments received prior to this meeting. Staff recommends approval as proposed with the following conditions:

- 1.) Maintain existing woody vegetative screening.
- 2.) Prepare Stormwater Management Plan.

Howie Zetah, builder for the applicant, came forward to address the Board on behalf of the applicants. Howie clarified that the correct dimensions for the proposed garage addition are 30' x 40', an area of 1,200 square feet. An Existing Septic Compliance Inspection Report was just recently completed. The existing septic is compliant and will not be moved, nor replaced. Builder intends to replace septic pipe with heavier pipe and to insulate over this pipe so that when driveway is moved, the septic piping can be driven over to allow access to proposed garage

addition. Board members asked where the well is located. The well is on the opposite side of the house, behind where the proposed garage will be added.

The Board opened the floor for public comment.

Finding no public comment, the Chairman closed the floor for public comment on the Colin and Suzanne Meier 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 residential structure was built pre-Ordinance. This is the only location that the garage addition could be built.
2. Without the variance is the owner deprived of a reasonable use of the property?
Yes (x) No ()
Why? Having a garage is a reasonable expectation in Minnesota.
3. Is the alleged hardship due to circumstances unique to this property?
Yes (x) No ()
Why? There is a bluff on both sides of the property.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
Yes (x) No ()
Why? Topography is creating practical difficulties.
5. Will the issuance of the variance maintain the essential character of the locality?
Yes(x) No ()
Why? The straightening of the exterior wall is a minor change. The garage is being built on the back side of the house, and there will be no change in vegetation.
6. Does the alleged hardship involve more than economic consideration?
Yes (x) No ()
Why? Topography is the issue.

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 Colin and Suzanne Meier with the following conditions: 1.) Maintain existing woody vegetative screening, and 2.) Prepare Stormwater 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 Colin and Suzanne Meier.

Planning Commission

New Business

Chairman opened the Planning Commission Public Hearing on the proposed Plat request of Kelly and Athena Fossand, Fossand Acres.

Proposed Plat Request of: **Kelly and Athena Fossand**
Fossand Acres
13557 Centerline Rd NW
Pinewood, MN 56676

Township: Buzzle
Body of Water: N/A

The Purpose of:

Applicants are proposing to subdivide a 28.25-acre lot into two (2) lots. Proposed plat name is Fossand Acres. No new roads to access the lots are proposed. The lots meet the requirements found in the Beltrami County Subdivision Controls Ordinance No. 5, and requirements in Section 3.03 apply.

Legal Description:

Tax Parcel 09.00350.00
Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), Section 28, Township 148, Range 35, LESS the North 660 feet of the West 660 feet,
And
LESS that part of the Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼) , Section 28, Township 148, Range 35, lying Southeasterly of the centerline of C.S.A.H. No. 5 as described by Highway Easement recorded in the office of the Beltrami County Recorder by Document No. 239623.

Bill Best gave the staff report for the combined preliminary and final plat application. Bill went over the reasons why this property division required a plat. No new roads to access the lots are proposed. The Planning Commission looked at aerial photos, the location of the parcel on GIS mapping, and survey maps showing the proposed subdivision. County Surveyor, Robert Murray, provided a letter confirming that boundaries of the preliminary plat had been checked and found to meet mathematical closure tolerance as defined in County Ordinance No. 5, Section 5, Subd.

5.01, Subsection 3. The Beltrami County Highway Department did not have any concerns nor issues with the plat request but did have comments regarding where access to each property would be allowed. 13557 Centerline Road NW would continue to be accessed from the county road. The new property to the southwest would be required to use access from Big Buzzle Road NW.

Kelly Fossand, applicant, addressed the Planning Commission and agreed with Bill Best's presentation. Kelly requested that a condition be noted on the plat that access to the property to the southwest be allowed ONLY from Big Buzzle Road NW, a township road, and not from Centerline Road NW, a county road. The northeasterly property will continue to be accessed from Centerline Road NW.

Prior to the Planning Commission plat submission to the County Board for final approval, it must have the following:

1. Secure Title Opinion in a form acceptable to a county licensed attorney
2. Final Declaration approval by County Recorder
3. Certification that all taxes due have been paid

Brent Rud went over the suitability requirements in the Ordinance for a plat. ESD staff recommend that the Planning Commission approve and forward the Fossand Acres plat to the County Board with the plat approval recommendation given by the Beltrami County Highway Department.

The Planning Commission opened the floor for public comments.

Finding no further public comment, the Chairman closed the floor for public comment on the Fossand Acres plat request.

Motion by Bruce Poppel to recommend the Plat request of Kelly and Athena Fossand, Fossand Acres, to the Beltrami County Board with the following conditions: 1.) Existing access to 13557 Centerline Road NW will continue from the county road, and 2.) Access to the new parcel will be from Big Buzzle Rd NW, a township road, only. Motion seconded by John Simmons.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed Plat request of Kelly and Athena Fossand, Fossand Acres.

Motion by John Simmons to adjourn the Planning Commission/Board of Adjustment Public Hearing for September 25, 2023. Motion was seconded by Todd Stanley. Motion

carried and approved. Chair called the meeting for September 25, 2023, officially adjourned. The next meeting will be held on Monday, November 27, 2023, 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, November 27, 2023
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Todd Stanley
 Doug Underthun
 John Simmons
 Don Hazeman
 Craig Gaasvig

Members absent: Ed Fussy
 Bruce Poppel

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
 Shane Foley, Beltrami County Environmental Services Department
 Shannon Schmidt, Beltrami County Environmental Services Department
 Howie Zetah, 12769 Idlewild Dr NE, Bemidji, MN 56601
 Beth Curb, 12769 Idlewild Dr NE, Bemidji, MN 56601
 Jason Seitz, 8637 Hillcrest Dr NE, Bemidji, MN 56601

Vice-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 25, 2023, were brought forward for approval. **Todd Stanley moved to approve the meeting minutes of September 25, 2023. Motion seconded by John Simmons.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of: **Howard Zetah & Beth Curb**
 12769 Idlewild Dr NE
 Bemidji, MN 56601

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

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Management Ordinance to re-build a guest cabin on their property located at 12769 Idlewild Dr NE. The existing cabin is located 46' from Movil Lake, is 590 square feet in size, and 11'3" in height. Applicant is requesting to build a 650 square foot structure that is 17' in height at the same 46' lake setback. Movil Lake is a recreational development lake and therefore requires a 100' structure setback. The guest cabin would be connected to the septic system of the main home.

Legal Description:

Tax Parcel 47.00713.00

Section Thirty-three (33), Township One Hundred Forty-eight (148), Range Thirty-three (033), Lots 12 and 13, Angler's Paradise, and that portion of vacated walkway as stated in order vacating walkways recorded February 16, 1954, in Book 125 of Deeds, Page 335.

Shane Foley gave the staff report, discussing lot information and details of the application. Maps showing the location of the parcel on GIS mapping were viewed. Parcel is a legal lot of record, 0.64 acres in size. Movil Lake has a 100' structure setback. Photos of the existing structures, cabin, and garage at 17' in height were viewed. The septic system was upgraded in 2017 to accommodate the home and guest cabin. The guest cabin meets all other setback requirements of the Shoreland Ordinance. Prior owners of this parcel received variances in 1989 to remove main residence at 46' and rebuild main residence at 55' and in 1999 to add a 640 square-foot addition to main residence. The 2017 variance application by the current property owners included a secondary proposal to rebuild the guest house with a small addition on the back side, increasing the roof height by about 7' and changing the direction of the roof ridge line. After discussion by the Board in 2017, the secondary proposal to rebuild the guest house was withdrawn by the applicant from the variance, leaving only the request to add on to the main residence. Before the proposal to rebuild the guest house was withdrawn from the variance in 2017, Bill Best had calculated the impervious surface area to be 24.6% with all requested changes included.

Howie Zetah and Beth Curb, applicants, came forward to address the Board. The Board asked why the applicants needed to rebuild the guest cabin. Applicants explained that the side walls of the old cabin were only 6' tall with a flat roof on the back half of the cabin. The cabin was built as two separate pieces and combined some time back in the 1950s. The old cabin had a block foundation with a very small crawl space and many of the foundation blocks were busted. The roof and sides of the cabin were deteriorated to the point it needs to be rebuilt. The 63 square-foot addition to the back of the cabin would be for cold storage and to support the new roof. The Board asked why the roof height had to be increased to 17', and not 16' or even 15'. Applicants explained that they are requesting to change the direction of the roof ridge line to divert stormwater runoff to the back side of the cabin and a 6/12 pitch would make snow removal easier. Increasing the roof height to only 15' would result in something closer to a 4/12 pitch, which could accumulate snow. The Board asked if the applicants had considered moving the guest cabin and maybe attaching it to the garage or pushing it back further on the lot. Applicants indicated that there would not be space to do so and that they have already removed the old cabin and poured a replacement slab-on-grade floor with a legal Building permit issued in October of this year.

The Board opened the floor for public comment. Emailed comments received from the public were read aloud by Shane Foley and Brent Rud.

- Email - **Beltrami County Highway Department** does not have any issues nor concerns with this request.
- Email - **Todd and Danelle Haugen** have no issues with this request, feel that the new cabin would improve their neighborhood.
- Email - **Stephanie Klamm, Area Hydrologist for the DNR**, submitted comments:
 - Economic considerations alone do not constitute practical difficulties.
 - Unique Circumstances: Variance request is being driven by design preferences, not uniqueness of the lot.
 - Essential Character: Land disturbance will alter how water moves on the property and alter the essential character of the property.
 - Reasonable Manner: Purpose of this provision is to minimize negative impacts to views of the land from the lake. Wanting structure to be similar to other structures around the lake keeps a non-conforming lot non-conforming.
 - Proposed new cabin will increase impervious surface area of lot, resulting in higher rates of storm water runoff and storm water volumes negatively affecting the surrounding wetlands and Movil Lake.
 - There are other options that can be explored for the new cabin. Applicants have not shown that there is “practical difficulty” associated with this property.
 - Recommend the Board of Adjustment decide as to whether a “unique circumstance” and a “practical difficulty” exists.
 - Please notify this office within ten (10) days following the Board’s decision on these matters. Thank you for the opportunity to comment on this variance.

Applicants asked to approach the Board again, explaining that the change in direction of the roof ridge line and moving downspouts to the back of the cabin will actually divert more stormwater away from the lake than the gutters on the old cabin did. Applicants will not be changing the essential character of the lot, as guest cabin will be built to match the main residence and blend in with existing structures better.

Finding no further public comment, the Vice-Chairman closed the floor for public comment on the Howard Zetah and Beth Curb 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 guest cabin was built pre-ordinance and prior to any shoreland regulations. The old cabin will be replaced with a new cabin that is no closer to the lake and that has a roofline running away from the shoreline, improving stormwater control.

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

Why? Building is very short with sidewalls that are not practical. Due to deterioration of existing cabin, use of structure is not safe. Cabin could be rebuilt at the same location without a variance and the small expansion that is proposed is reasonable.

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

Why? The lot and structures on it were created prior to the Shoreland Management Ordinance. The practical difficulty exists due to a lack of space to retain and improve these existing features on this small lot.

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

Yes (x) No ()

Why? The rules were established after this lot was developed. The age of the cabin is causing it to decay and eventually fall apart without being rebuilt.

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

Why? The issuance of the variance will not alter the character of the locality. The old structure stands out currently and the new rebuilt guest cabin will blend in better with the existing surroundings.

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

Why? Guest cabin is virtually unusable and needs replacement. Economic consideration was not a factor.

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

Motion by Doug Underthun to approve the variance request of Howard Zetah and Beth Curb with the following conditions: 1.) Maintain vegetation on shoreline, 2.) Construct gutters and downspouts that will divert stormwater to the back of the cabin and away from the lake, 3.) Guest cabin roof at highest point must not exceed 17 feet, and 4.) Ensure appearance and color of guest cabin matches the main residence. Todd Stanley seconded the motion.

Motion unanimously carried and approved.

Vice-Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Howard Zetah and Beth Curb.

Variance Request of:

Damon & Ashley Stroble
12014 Irvine Ave NW
Bemidji, MN 56601

Township:

Turtle Lake

Body of Water:

Movil Lake (4-152) RD

The Purpose of:

Applicants are requesting an after-the-fact variance from the Beltrami County Shoreland Management Ordinance to install a new subsurface sewage treatment system (SSTS) within the 100' setback of Movil Lake. The SSTS was installed 66' from Movil Lake.

Legal Description:

Tax Parcel 47.00606.00

Beginning at the southwest corner of Lot Six (6), Section Thirty-three (33), Township One Hundred Forty-eight (148) North, Range Thirty-three (033) West; Full legal description is on file in the Beltrami County Environmental Services Department.

Brent Rud gave the staff report and went over the details of the application for an after-the-fact septic system not meeting the required 100' lake setback for Movil Lake. Maps showing the location and size of the parcel on GIS mapping were viewed. Photos of the existing structures, yard and driveway, new septic, and shoreline were viewed. The SSTS permit application was submitted on 08-22-23. System was installed on 08-23 and 08-24, prior to the permit being issued. On 08-24-23, Bill Best emailed Wes' Plumbing to inform them that the septic design location did not meet the lake setback and a variance would be required prior to installation. 0.64-acre lot of record was created in 1961. The previous SSTS at this site was failing. The replacement septic is located in the same location. Staff recommends approving this variance request as proposed.

Jason Seitz of Wes' Plumbing, the septic installer, represented the property owners at this hearing. Jason was hired by the Strobles after they received a letter requiring them to replace their failing septic. Jason had done work with the prior owners at this same property. As the replacement system would be no closer to the lake than the front of the house, Jason thought this was something that could be approved as an over-the-counter variance by Bill Best, something he had done in the past. Jason indicated that he actually moved the absorption area from 50' from the lake, back to 72' from the lake, as far back as possible. The Board agreed that this was the only place the replacement septic could be installed, but why was the system installed without a permit? Jason has been installing septic systems for 18 years and thought that he had verbal approval from Bill Best to proceed. The Board explained that homeowners do not know the rules and regulations, as they pertain to septic systems. Homeowners rely on septic professionals to know the rules and regulations. The Board verified with Jason Seitz that he now knows the rules for any septic application where setbacks are not met.

The Board opened the floor for public comment.

- Email - **Beltrami County Highway Department** does not have any issues or concerns with this variance request.

Finding no further public comment, the Vice-Chairman closed the floor for public comment on the Damon and Ashley Stroble after-the-fact 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 replacement septic system was installed in the only place on the lot that the septic could go. Installer put the septic as far away from the lake as he could.
2. Without the variance is the owner deprived of a reasonable use of the property?

Yes (x) No ()

Why? No septic could be installed without the variance now that the setbacks have changed since the house and septic system was first installed. Having a full septic system is a reasonable use for this property.
3. Is the alleged hardship due to circumstances unique to this property?

Yes (x) No ()

Why? The lot is very small, and the septic was failing. The original septic system was built in this same location at a time when the required setback was 75 feet.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?

Yes (x) No ()

Why? Practical difficulty was caused by the failing septic system and the topography of the small lot and the rule change that increased the required setback for septic to 100 feet.
5. Will the issuance of the variance maintain the essential character of the locality?

Yes(x) No ()

Why? Mound system went in almost the exact same location – essential character of the location did not change.
6. Does the alleged hardship involve more than economic consideration?

Yes (x) No ()

Why? Public health and water quality were the considerations, not economics.

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

Additional Questions for After-the-Fact Variance Request

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

Yes (x) No ()

Installer misunderstood rules and was going by old standards.

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 ()

Replacement septic was completely installed.

3. Did the applicant complete the work before being informed of the violation of applicable official controls?

Yes (x) No ()

System was already installed when installer was informed of the need for a variance.

4. Are there similar structures in the area?

Yes (x) No ()

A mound septic is common along lakeshore.

5. Based on all the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?

Yes(x) No ()

Installer thought he had verbal approval to proceed.

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 ()

Septic would still need to be installed in same location.

Motion by Doug Underthun to approve the after-the-fact variance request of Damon and Ashley Stroble as proposed. John Simmons seconded the motion.

Motion unanimously carried and approved.

Vice-Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Damon and Ashley Stroble.

Motion by Doug Underthun to adjourn the Planning Commission/Board of Adjustment Public Hearing for November 27, 2023. Motion was seconded by Todd Stanley. Motion carried and approved. Vice-Chair called the meeting for November 27, 2023, officially

adjourned. The next meeting will be held on Monday, January 22, 2024, at 6:00 PM, unless a meeting to review the Shoreland Management Ordinance is scheduled prior to January.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission