

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, May 20, 2024
County Administration Building – County Board Room
701 Minnesota Ave NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
Don Hazeman
Bruce Poppel
Bill Best
Craig Gaasvig

Members absent: Doug Underthun
Todd Stanley

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
Shane Foley, Beltrami County Environmental Services Department
Shannon Schmidt, Beltrami County Environmental Services Department
Keith Balsiger, 22994 Jenson Ct NE, Tenstrike, MN 56683
Sue Balsiger, 22994 Jenson Ct NE, Tenstrike, MN 56683
Ray Sweeney, 10543 Brandl Ln NE, Bemidji, MN 56601
Linda Martin-Myers, 23106 Mockingbird Ln NE, Tenstrike, MN 56683
Kurt Lindquist, 22802 Jenson Ct NE, Tenstrike, MN 56683
Roxy Lindquist, 22802 Jenson Ct NE, Tenstrike, MN 56683
Jeff Aas, 22850 Jenson Ct NE, Tenstrike, MN 56683

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for April 22 and April 29, 2024, were brought forward for approval. **Bruce Poppel moved to approve the meeting minutes of April 22 and April 29, 2024. Motion seconded by Don Hazeman.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of:

Ray and Brenda Sweeney
10543 Brandl Ln NE
Bemidji, MN 56601

Township:

Port Hope

Body of Water:

Turtle River Lake (4-111) RD

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Ordinance to build a 16' x 32' addition to the existing house inside of the lake setback near Turtle River Lake (4-111 RD). Turtle River Lake is classified as a residential development lake which requires a 100' structure setback. The proposed addition to the north will angle slightly away from the lake, beginning at approximately 50' from the lake. The house is currently located approximately 38-50' from the OHWL.

Legal Description:

Tax Parcel 34.00530.00

Lot Seven (7), Block One (1), High Hope Addition, including that part of the vacated township road lying within said plat and lying westerly of the southerly extension of the westerly right-of-way of Emanon Lane; 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.

Shane Foley gave the staff report. Maps showing the location of the 1.9-acre parcel on GIS mapping were viewed. Photos of all sides of the existing house and lake, as well as computer-generated pictures of the proposed addition and site plan, were also viewed. The addition will be on the north side of the house - visible from the lake, but no closer to the lake. The existing house was built in 2013 with a building permit that was issued in exchange for the owners removing a cabin 15' from the lake and a couple other old structures. The proposed addition will increase living space, but will not change the height, nor the number of bedrooms in the house. Staff recommends approval of the variance as requested with the condition that a stormwater/vegetation plan is developed for the property, and that the addition is built no closer to the lake than the current front wall of the house.

Ray Sweeney, applicant, approached the podium. Ray agreed with Shane's presentation and explained that the bedrooms are on the back side of the house. Behind the house is a wooded area including many mature trees. Adding to the back of the house where the addition would be out of sight from the lake would also require an entire rebuild to avoid having to gain access to the addition through the bedrooms.

The Chairman opened the floor for public comment. Emailed comments received from the public were read aloud by Shane Foley.

- **Jim and Celine Graham** – sent two emails in support of the Sweeney variance request. Grahams live next door to the Sweeneys at 12107 Starling Ln NE. Sweeneys’ current home and yard are beautifully maintained, and the Grahams are certain any addition would be of the same high quality and only add to the beauty of the area.
- Email, received after the response deadline and late in the day on May 20th, was put up on the big screen for all to read – **Arne Wick, Area Hydrologist for the DNR**, wrote a letter addressing the following concerns:
 - Unique Circumstances – as related to physical characteristics of the land such as lot shape and dimensions. It is unclear what previous variance permitted the non-conformity of the current cabin location. The current variance request appears to be driven by design preferences of the owner to build in the existing area that is protected by shoreland rules, not the uniqueness of the lot.
 - Essential Character – by increasing the size of the existing cabin, the applicant will be increasing the impervious surface coverage and increasing stormwater runoff into Turtle River Lake. The applicant has not demonstrated that the new addition will not alter the essential character of the property.
 - Reasonable Manner – this application does not address the reasonable manner. The proposed addition will alter lake-shoreland views. The proposed project will also keep a non-conforming lot non-conforming and magnify this non-conformity.
 - “I recommend:
 - An alternate design layout that would better comply with your Beltrami County Shoreland Management Ordinance.
 - Any new permitted addition at this site should:
 - Be moved as far back from OHWL in the east and northeast direction as possible and be located to the landward side of the cabin. Based on the variance plans, the current addition is proposing to extend the cabin’s lakeward facing side essentially parallel to the lake shore. If approved, this creates a larger visible lakeward facing wall that is already a non-conformity. Approving this variance as proposed would magnify this setback non-conformity within the OHWL, and it would also impact the lake landward views from the public waters of Turtle River Lake.
 - Retain and enhance native tree and shrub size and density to reduce lake landward views of structures, with the goal to increase tree and shrub distribution, and size to reduce and minimize structure views from the public waters.
 - No increased size of lakeward deck or patio from what is currently in place.”
 - Please notify this office within ten (10) days following the Board’s decisions on these matters. Thank you for the opportunity to comment on this variance request.

Finding no further public comment, the Chairman closed the floor for public comment on the Ray and Brenda Sweeney 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? This lot was created in 1903, prior to any Shoreland Management Ordinance. In 2013, the removal of buildings on the shoreline and the moving back of the main structure was approved.
2. Without the variance is the owner deprived of a reasonable use of the property?
Yes (x) No ()
Why? The home is small and in need of more family room.
3. Is the alleged hardship due to circumstances unique to this property?
Yes (x) No ()
Why? The original cabin pre-dated the Shoreland Management Ordinance. Owners took steps in 2013 to make structures more compliant.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
Yes (x) No ()
Why? The topography of the lot causes practical difficulty.
5. Will the issuance of the variance maintain the essential character of the locality?
Yes(x) No ()
Why? There will be no change in the height of the existing home. It is not practical to add on to the back, or landward side, of the home.
6. Does the alleged hardship involve more than economic consideration?
Yes (x) No ()
Why? Economics were not a consideration in this variance request.

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

Motion by Bruce Poppel to approve the variance request of Ray and Brenda Sweeney with the following conditions: 1.) No part of the proposed addition will extend any further out than the existing lakeward wall of the house, and 2.) Stormwater and Vegetation Management Plans for the property will be developed with ESD staff. Bill Best seconded the motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Ray and Brenda Sweeney.

Variance Request of:

Linda Myers
23106 Mockingbird Ln NE
Tenstrike, MN 56683

Township:
Body of Water:

Hagali
Sandy Lake (4-124) SA

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Ordinance to build a 3,000 sq ft addition to main floor of the existing structure, an attached 3-car garage to the west, and increasing the wall height in the basement and overall height of structure by 2' inside of the lake setback near Sandy Lake (4-124 SA). Sandy Lake is classified as a sensitive area lake which requires a 150' structure setback. The existing house with proposed additions will remain at current distance to lake with expansion being to the north and west. The house is currently located approximately 50' feet from the OHWL.

Legal Description:

Tax Parcel 16.00232.00

That part of Government Lot Five (5), Section Nineteen (19), Township One Hundred Forty-nine (149), Range Thirty-two (32), described as follows: Commencing at the boundary line between Government Lot Five (5), Section Nineteen (19), and Government Lot Two (2), Section Thirty (30), Township One Hundred Forty-nine (149), Range Thirty-two (32), and the intersection with the low water mark of Sandy Lake; thence west along said boundary line a distance of 150 feet; thence north at right angles a distance of 400 feet to a point which is the point of beginning of the parcel to be described; thence continuing north on the same last course for a distance of 475 feet; thence east on a line parallel with and 875 feet distant from the boundary line between said Government Lot Five (5), Section Nineteen (19), and Government Lot Two (2), Section Thirty (30), to the point of intersection with the low water mark of Sandy Lake; thence southerly along the low water mark of Sandy Lake to a point directly east of the point of beginning; thence west to the point of beginning.

Shane Foley gave the staff report. This variance request was submitted by Keith Balsiger, prospective buyer, along with Linda Myers, property owner. Maps showing the location of the 2.48-acre parcel, parcel topography, and existing structures were viewed on GIS mapping. Photos of all sides of the existing cabin built in 1975, upper deck and lower enclosed screen porch, and lake views were also viewed. Parcel is 475 feet wide and heavily treed, but only visible from the lake in a narrow section. Previous owners received a variance in 1974 to build the cabin 82 feet from the lake and in 1982 to enclose a screened porch 56 feet from the lake. The basement was built with six and a half foot ceilings. The proposed project does not impact wetlands but will be in close proximity. Since the addition to the structure is moving away from

the lake and in the most reasonable location possible, staff recommends approval of the project with special consideration given to the appropriate sizing of the structure.

Linda Myers, applicant, and Keith Balsiger, prospective buyer, approached the podium to address the Board. Keith confirmed that they plan to completely remove the lower enclosed screen porch and make the main lakeward wall of the existing cabin the main wall of the proposed cabin with only a deck in front. Buyers will be lifting the house, as they did on the cabin next door, and replacing the roof. Balsigers' son, son's wife, two kids, and mother-in-law will be inhabiting the cabin. Keith considered building further back but was prevented from doing so by wetlands. The current septic is to the north of the cabin. Buyers intend to replace the septic system. The current basement will be kept, and more basement added to the back of the proposed house project but will still only be a partial basement. Keith proposed moving the garage to the north side of the cabin to completely avoid impacting any wetlands. Proposal would add 16 feet to the north side of the house. There are no site plans, nor money outlaid for engineering, as the property sale has not yet been completed. The large chimney would be removed. The Board is concerned about the condition of the footings and concrete. Any chance they would require total replacement? All stormwater currently runs towards the wetlands, not the lake.

The Chairman opened the floor for public comment. Emailed comments received from the public were read aloud by Shane Foley.

- Email, received after the response deadline and late in the day on May 20th, was put up on the big screen for all to read – **Arne Wick, Area Hydrologist for the DNR**, wrote a letter addressing the following concerns:
 - Unique Circumstances – as related to physical characteristics of the land such as lot shape and dimensions. In this case, the narrow lot shape creates a unique circumstance. The variance, though incomplete, appears to be driven by design preferences of the owner to build in the existing area that is protected by shoreland rules, not the uniqueness of the lot.
 - Essential Character – by increasing the size of the existing cabin by 3,000 sq ft, the applicant will be increasing the impervious surface coverage and increased stormwater runoff into Sandy Lake. The applicant has not demonstrated that the new addition will not alter the essential character of the property.
 - Reasonable Manner – this application does not address the reasonable manner. The proposed structure square footage increases on this non-conforming lot will significantly alter lake-shoreland views. The proposed project will also keep a non-conforming lot non-conforming and magnify this non-conformity.
 - “I recommend:
 - A complete application be submitted.
 - Any new permitted structure or addition at this site be moved as far back from OHWL as possible.
 - Retain and enhance native tree and shrub size and density to reduce lake landward views of structures, with the goal to minimize structure views from the public waters of Sandy Lake.

- No increased size of lakeward deck or patio from what is currently in place.”
- Please notify this office within ten (10) days following the Board’s decisions on these matters. Thank you for the opportunity to comment on this variance request.
- Rob and Tammy Ingersoll – mailed a letter in support of the Myers-Balsiger variance request. The Ingersolls are lifelong residents of the area, with their property bordering the Myers property on the west and north sides. Even with the cabin’s proximity to Sandy Lake, they see no negative impact to the lake being caused by expansion to the north or south of the existing structure.
- Jeff Aas – neighbor south of Balsigers at 22850 Jenson Ct NE, commented in person. Jeff is in favor of the Myers- Balsiger variance request.
- Kurt Lindquist – neighbor south of the Balsigers at 22802 Jenson Ct NE, commented in person. Kurt is in favor of the Myers-Balsiger variance request and stated that they are “good neighbors”.

Finding no further public comment, the Chairman closed the floor for public comment on the Linda Myers variance request.

The Board felt that the Myers variance request would be better served by a site visit so Board members could see in person the topography of the lot, where current structures are located, and possible locations to expand this cabin before making their decision.

Old Business – None

Chairman then recessed the Board of Adjustment Public Hearing portion of the meeting.

Planning Commission

New Business – None

Old Business

Chairman opened the Planning Commission Public Hearing on the FINAL Plat request of Kirsten’s Grove – Michael and Kirsten Weiher.

Final Plat Approval of:

**Kirsten’s Grove
Michael & Kirsten Weiher
1449 Schroeder Rd NW
Bemidji, MN 56601**

Township: Grant Valley
Body of Water: N/A

The Purpose of:

Applicant is proposing to subdivide 5.04 acres into 4 residential lots. No new roads are proposed as all lots have access to existing public roads. Proposed lots meet the requirements found in the Subdivision Controls Ordinance # 5.

Legal Description:

Tax Parcel 15.00227.00

The North Half of the Northwest Quarter of the Northeast Quarter (N ½ of NW ¼ of NE ¼), Section Eleven (11), Township One Hundred Forty-six (146) North, Range Thirty-four (34) West, less the West 750.00 feet thereof; together with all hereditaments and appurtenances belonging thereto.

Brent Rud summarized the Kirsten’s Grove final plat request. Nothing has changed since the revised preliminary plat request meeting on April 22, 2024.

Motion by Bruce Poppel to approve the final Plat request of Kirsten’s Grove – Michael and Kirsten Weiher and forward this recommendation on to the County Board. Motion seconded by Bill Best.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the FINAL Plat request of Kirsten’s Grove – Michael and Kirsten Weiher.

Chairman opened the Planning Commission Public Hearing on the FINAL Plat request of Kirsten’s Corner – Michael and Kirsten Weiher.

Final Plat Approval of:

**Kirsten’s Corner
Michael & Kirsten Weiher
7291 Eckles Rd NW
Bemidji, MN 56601**

Township: Eckles
Body of Water: Unnamed Lake (4-223) NE

The Purpose of:

Applicant is proposing to subdivide 32 acres into 11 residential lots. No new roads are proposed as all lots have access to existing public roads. Proposed lots meet the requirements found in the Beltrami County Shoreland Management Ordinance # 6 and Subdivision Controls Ordinance # 5.

Legal Description:

Tax Parcel 12.00246.00

Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼), Section Twenty-two (22), Township One Hundred Forty-seven (147), Range Thirty-four (34), LESS and EXCEPT that part of the Northeast Quarter of the Northeast Quarter, Section 22, Township 147, Range 34, described as follows: Beginning at the southeast corner of said Northeast Quarter of the Northeast Quarter, thence North 89°13'37" West, bearing based on the Beltrami County Coordinate System, South Zone, along the south line of said Northeast Quarter of the Northeast Quarter, a distance of 1,188.75 feet; thence North 27°57'10" East a distance of 365.30 feet to the intersection with the south line of the North 1,005.00 feet; thence South 89°10'46" East, along said south line, a distance of 1,016.03 feet to the intersection with the east line of said Northeast Quarter of the Northeast Quarter, thence South 00°15'45" East, along said east line, a distance of 324.17 feet to the point of beginning. Beltrami County, Minnesota.

Brent Rud summarized the Kirsten's Corner final plat request. Nothing has changed since the preliminary plat hearing on April 22, 2024. Don Hazeman brought the revised plat request back to the Eckles Township Board and they approved.

Motion by Don Hazeman to approve the FINAL Plat request of Kirsten's Corner – Michael and Kirsten Weiher and forward this recommendation to the County Board. Motion seconded by Bruce Poppel.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed FINAL Plat request of Kirsten's Corner – Michael and Kirsten Weiher.

The Board discussed the best date and time for all to meet on site to continue the Myers – Balsiger hearing. It was decided to complete the site visit tonight, right after this meeting finishes. Those needing a ride to the site should meet at the Environmental Services office. Those driving themselves can meet the rest of the group at the site immediately following the recess of this meeting.

The May 20, 2024, Board of Adjustment meeting was recessed at 7:10pm.

The May 20, 2024, Board of Adjustment meeting resumed at 7:54pm at 23106 Mockingbird Ln NE, Tenstrike, MN 56683.

The following were in attendance:

Ed Fussy
Don Hazeman
Bruce Poppel
Bill Best
Craig Gaasvig
Brent Rud
Shane Foley
Shannon Schmidt
Keith Balsiger
Sue Balsiger

Board members walked the site, taking measurements and notes regarding the location of the wetlands, the hill the cabin is built on, the deck and enclosed porch beneath the deck, the septic system. The deck on the lakeward side of the cabin measures 8' deep across the entire width. Keith Balsiger stated that they intend to take the enclosed porch off, keep the 8' deck, and use the original cabin wall as the front wall for the proposed house remodel. They may split the roof pitch. The proposed 3,000 square foot addition to the existing cabin does not include the deck. The old sheds on the property will be removed. The block basement appeared to be in good condition from the outside. Balsigers confirmed that the basement is dry and in good condition.

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? This build will be similar to others nearby, will be mostly hidden by vegetation, and will result in actual living area being pushed back another eight feet from the lake.
2. Without the variance is the owner deprived of a reasonable use of the property?
Yes (x) No ()
Why? Large family needs more living space. The wetlands and topography of the lot limit building locations.
3. Is the alleged hardship due to circumstances unique to this property?
Yes (x) No ()
Why? The topography of the lot only allows building in limited areas.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
Yes (x) No ()
Why? The topography of the lot and previous variances make the proposed addition possible only in the area proposed.
5. Will the issuance of the variance maintain the essential character of the locality?

Yes(x) No ()

Why? Stormwater will continue to run back to the wetlands, not the lake.
Structure will still be mostly hidden from view from the lake.

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

Yes (x) No ()

Why? Economics were not a consideration in this variance request.

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

Motion by Bruce Poppel to approve the variance request of Linda Myers with the following conditions: 1.) The proposed garage will be moved to the north of the new house to prevent wetland impacts, 2.) The current septic to the north of the home will be replaced, 3.) The lakeward wall of the original house will continue to be the main wall of the new house, and 4.) The deck will not extend any further than 8' out from the original/new house front wall and the enclosed porch beneath will be removed. 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 Linda Myers.

Motion by Bruce Poppel to adjourn the Planning Commission/Board of Adjustment Public Hearing for May 20, 2024. Motion was seconded by Bill Best. Motion carried and approved. Chair called the meeting for May 20, 2024, officially adjourned. The next meeting will be held on Monday, June 24, 2024, at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission