

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, April 22, 2024
County Administration Building – County Board Room
701 Minnesota Ave NW
Bemidji, Minnesota 56601**

General Business

Members present: Ed Fussy
 Doug Underthun
 Don Hazeman
 Bruce Poppel
 Bill Best
 Todd Stanley

Members absent: Craig Gaasvig

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
 Gregory Larson, Beltrami County Environmental Services Department
 Shannon Schmidt, Beltrami County Environmental Services Department
 Bette Clemenson, 6272 Winding Dr NW, Bemidji, MN 56601
 Joan Beaumont, 6674 Beaumont Dr NE, Bemidji, MN 56601
 Greg Beaumont, 6674 Beaumont Dr NE, Bemidji, MN 56601
 Michael Weiher, 1565 Bucktail Dr SW, Bemidji, MN 56601
 Kirsten Weiher, 1565 Bucktail Dr SW, Bemidji, MN 56601
 Jim Dewenter, 4647 Sugar Bush Ct NE, Bemidji, MN 56601
 Deb Dewenter, 4647 Sugar Bush Ct NE, Bemidji, MN 56601
 Andrea Dahly, 5173 Whisper Ln NW, Bemidji, MN 56601
 Brian Wilson, 5005 Pincherry Rd NE, Bemidji, MN 56601
 Matt Berge, 920 Washington Ave S, Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for March 25, 2024, were brought forward for approval. **Doug Underthun moved to approve the meeting minutes of March 25, 2024. Motion seconded by Don Hazeman.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of:

Beaumont Family Trust
6615 Beaumont Dr NE
Bemidji, MN 56601

Township:

Turtle River

Body of Water:

Big Bass Lake (4-132) RD

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Ordinance to replace a bunkhouse on their Big Bass Lake property. The existing bunkhouse is 192 square feet in size, 9' in height, sits 40' from the lake and was built prior to 1972. The proposed replacement bunkhouse would keep the same footprint, remain 40' from the lake, but the roof height would increase to 17'. Big Bass Lake is classified as a recreational development lake with a 100' structure setback.

Legal Description:

Tax Parcel 48.00317.00

That part of Section (19), Township (147) North, Range (32) West, described as follows: Commencing at the Southeast corner of said Section (19), thence North 89° 00' West along the South line of said Section (19), a distance of 1,349.01 feet; thence North 31° 09' East a distance of 190.91 feet; thence North 50° 29' East a distance of 369.50 feet; thence North 36° 39' East a distance of 470.00 feet to the point hereinafter described as point "A"; thence North 75° 17' West a distance of 460 feet, more or less, to the shore of Big Bass Lake and the actual point of beginning; thence return along last described line to point "A"; thence North 36° 39' East a distance of 86.89 feet; thence North 41° 53' East to the South line of the North ½ of the North ½, Government Lot Eight (8), said Section (19); thence West along said south line to the shore of Big Bass Lake; thence Southwesterly a distance of 100 feet, more or less, to the actual point of beginning and there terminating. Beltrami County, Minnesota.

Greg Larson gave the staff report. Maps showing the location of the parcel and bunkhouse on GIS mapping were viewed. Photos of all sides of the existing bunkhouse and large patio, as well as building plans for the new bunkhouse, were also viewed. The cabin was built prior to any shoreland rules, possibly in the 1960's. The footprint of the bunkhouse will remain the same and in exactly the same location as the bunkhouse currently stands. The only change will be increasing the height of the bunkhouse from 9' to just under 15', reduced from the 17' height originally requested. No water or sewer will be connected to the bunkhouse. Staff recommends approving the replacement of the existing bunkhouse with a maximum footprint size of 192 square feet and a maximum roof height of 15 feet.

Matt Berge, builder, approached the podium to represent the applicants who were in the audience. Matt explained that the existing bunkhouse will be completely removed and rebuilt to correct the settling of the structure. The existing bunkhouse is only 6' tall with an almost flat

roof and is not practical. The replacement bunkhouse would have 8' standard wall framing and an engineered shed truss roof.

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

- The Beltrami County Highway Department does not have any issues with the Beaumont Family Trust variance request.
- Bill and Robyn Schulke – immediate neighbors to the north, are strongly in favor of this variance request. Improvements would positively enhance esthetics on Big Bass Lake.

Finding no further public comment, the Chairman closed the floor for public comment on the Beaumont Family Trust 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 bunkhouse was constructed prior to any shoreland rules or ordinances.
2. Without the variance is the owner deprived of a reasonable use of the property?
Yes (x) No ()
Why? The bunkhouse is settling into the ground and needs repairs.
3. Is the alleged hardship due to circumstances unique to this property?
Yes (x) No ()
Why? The age of the bunkhouse makes repairs and updates imperative in order to be able to continue the use of the structure.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
Yes (x) No ()
Why? Bunkhouse was constructed in current location prior to Shoreland Management Ordinance.
5. Will the issuance of the variance maintain the essential character of the locality?
Yes(x) No ()
Why? Essential character of locality will be maintained and esthetics on lake will be improved.
6. Does the alleged hardship involve more than economic consideration?
Yes (x) No ()
Why? Economics were not a consideration. Structure deterioration required 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 the Beaumont Family Trust with the following conditions: 1.) No part of the replacement bunkhouse or deck will be any closer to the OHWL than the existing bunkhouse, and 2.) Maximum size of replacement bunkhouse will be 192 square feet with a maximum roof height of 15 feet. 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 the Beaumont Family Trust.

Variance Request of:

Brian and Jill Wilson
5005 Pincherry Rd NE
Bemidji, MN 56601

Township:

Turtle River

Body of Water:

Little Bass Lake (4-110) RD

The Purpose of:

Applicants are requesting a variance from the Beltrami County Shoreland Ordinance to rebuild their existing cabin near Little Bass Lake. The existing 2-bedroom cabin is 1,065 square feet in size, 14' high, sits 40' from the lake and was built in 1951. The proposed 2-bedroom cabin would remain 40' from the lake, would increase in size to 1,225 square feet and the height would increase to 22'. Little Bass Lake is classified as a residential development lake and therefore requires a 100' structure setback.

Legal Description:

Tax Parcel 48.00458.00

South four hundred (400) feet of Government Lot Seven (7), Section Twenty-nine (29), Township One Hundred Forty-seven (147), Range Thirty-two (32), and North one hundred ninety-one (191) feet of Government Lot One (1) less the East one thousand (1,000) feet thereof, Section Thirty-two (32), Township One Hundred Forty-seven (147), Range Thirty-two (32), and an easement over and across the South twenty (20) feet of the East one thousand (1,000) feet of said Government Lot Seven (7), Section Twenty-nine (29), Township One Hundred Forty-seven (147), Range Thirty-two (32), for use of the Grantees, their successors in ownership of the above-named conveyed premises and the invitees of the Grantees or their successors in interest; for ingress and egress from and to public highway running along the East side of said Government Lots One (1) and Seven (7) and the premises herein conveyed subject to existing easements and restrictions and mineral reservation, if any, together with all hereditaments and appurtenances belonging thereto.

Greg Larson gave the staff report. Maps showing the location of the parcel, parcel topography, and existing structures on GIS mapping were viewed. Photos of all sides of the existing cabin, large patio, lake view, as well as building plans for the new cabin were also viewed. The cabin was built in 1951 and pre-dates any shoreland rules. This parcel is 10.31 acres in size and 400' wide. Staff recommends approving the addition to the structure as proposed. However, if the existing structure is to be torn down and replaced, the variance is null and void.

Brian Wilson, applicant, approached the podium to address the Board. Brian confirmed that they plan to do a complete teardown of the cabin. The main cabin was built in 1951 with an add-on being built in 1985. It is suspected that there is foundation damage near the window section of the original structure. Applicant would like to have 8-9' interior walls with room in the attic for an AC unit. Requesting to be allowed to build to 22' maximum height, in addition to expanding the back corner of the cabin. The Board asked applicant why he could not relocate cabin to another part of large lot that meets lake setback and avoid the need for a variance completely. Cabin location carries sentimental value for applicant's wife, and they don't want to have to remove any more mature pine trees than they absolutely have to. Brian explained that this parcel is owned by multiple family members and may be split some day in the future, but that they have no plans of changing or moving anything at this time. Applicant expressed his concerns about the excessive cost of putting in a driveway through low areas of the lot to relocate the cabin to another location. Applicants live in Maryland, are moving to North Carolina, and only visit the cabin for a short time during the summer. They will not be living in the structure. The Board asked if the applicant knows anything about the current septic condition. Applicant explained that the structure is serviced by its own septic, even though there is a second living structure and second septic on the property. A current septic compliance inspection would be a condition of any building permit issued on the property.

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

- The Beltrami County Highway Department does not have any issues with the Wilson variance request.
- Bill and Michele Fanning – 8166 Winterland Ct NE neighbors. Fannings have no issue at all with Wilson's proposal. One of the original cabins on the lake, not visible from the lake, should be allowed to stay in same location. Improvement of this old cabin will only increase property values of those around them.
- Sherry Nelson-Waling and Shawn Waling – 8102 Haven Ln NE neighbors. In favor of Wilson proposal to rebuild their cabin!
- Jim Dewenter, present in the audience, stepped forward to address the Board. Jim was a member of the Turtle River Township Board for many years, and family to the applicant. Wilson cabin was 1 of the 3 original cabins on the lake. Beautiful mature white pines would need to be removed in order to move the cabin back away from the lake. Cabin cannot be seen from the lake. The rock fireplace will be removed when the cabin comes down. Brian Wilson agreed with everything that Jim Dewenter stated. Brian Wilson also stated that they cannot afford to move the cabin *and* put in a driveway. "Not moving the cabin!!"

Finding no further public comment, the Chairman closed the floor for public comment on the Brian and Jill Wilson variance request.

The Board felt that the Wilson 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 rebuild this cabin before making their decision.

Motion by Don Hazeman to table the variance request of Brian and Jill Wilson until such time as a site visit can be completed. Doug Underthun seconded the motion.

Motion unanimously carried and approved.

The applicant would like the site visit to be scheduled as soon as possible to avoid delays in building. Since Brian Wilson lives out of state, Brent Rud asked the applicant if he would like to join the site visit via Facetime or some other similar service. Brian indicated that he would like Jim Dewenter to be his proxy and accompany the Board during the site visit.

Variance Request 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 create a new lot in a plat not meeting the minimum requirement of 150 feet of frontage in the Beltrami County Subdivision Controls Ordinance #5. The proposed lot will have 33 feet of frontage along Schroeder RD and will otherwise meet all lot size requirements.

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.

Applicants withdrew their Kirsten's Grove – Michael & Kirsten Weiher variance request prior to the start of tonight's Board of Adjustment meeting. The neighbors to the west of the proposed plat have purchased the two (2) westernmost lots, making the variance request no longer necessary.

Old Business – None

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

Planning Commission

New Business

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

Proposed Plat Request 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 8.3 acres into 6 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 with the exception of lot 6 not meeting the minimum frontage requirement of 150 feet in width.

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.

Greg Larson gave the staff report for the preliminary plat application. GIS maps showing the location of the property and the topography of the parcel were viewed. Preliminary survey maps of the plat were also viewed. Michael and Kirsten Weiher purchased this parcel in March of 2024. The neighbor to the West has purchased the two (2) westernmost lots originally included in this plat request. The revised project proposes to divide the remaining 5.04 acres into four (4) single-family residential lots. There is currently one single-family dwelling located on the property with the remaining land being a mix of wooded and open areas. Each lot has direct access to a public road with no new roads being proposed. Clearing activities of each lot will be done to accommodate a house, septic system, well, and driveway.

Section 3.04 of the Beltrami County Subdivision Ordinance states the following:

- LOT SIZE: Minimum lot size permitted by this Ordinance for all unincorporated lands lying outside of the Beltrami County Shoreland Management Ordinance is 45,000 square feet, with a minimum frontage of 150' in width.
- For lots less than 5 acres in size, no part of any street or right-of-way (other than utility and /or drainage easements) may be included in determining the size of such lots.

Shoreland lots are measured at the OHWL and at the building setback. Non-shoreland lots have frontage requirements. All the platted non-riparian lots in this request meets these regulations.

Michael Weiher, of BOD Construction and also the applicant, addressed the Planning Commission and agreed with Greg Larson's presentation. Michael explained that he and Kirsten had been looking for affordable housing for their son. Unable to find affordable housing, applicants decided to purchase this parcel, plat into individual lots, and build their own affordable housing.

Staff recommends approval of the revised preliminary plat application as proposed.

The Planning Commission opened the floor for public comments. Emails and letters from the public were read aloud by Greg Larson.

- Beltrami County Highway Department email on March 19, 2024: They have no issues nor comments on the Kirsten's Grove plat.
- Robert Murray, Beltrami County Surveyor wrote a letter on March 21, 2024: "The boundary of the preliminary plat of Kirsten's Grove has been checked and found to meet the mathematical closure tolerance as defined in Beltrami County Subdivision Controls Ordinance No. 5..."
- Beltrami County GIS Department email on March 21, 2024: Since no new roads are planned, the GIS Department has no comments related to the proposed plat.
- Grant Valley Township wrote a letter on March 22, 2024: Grant Valley Board Members were OK with either the original 6-lot plat, or the 5-lot plat, plat request as long as there were no easements.

Finding no further public comment, the Chairman closed the floor for public comment on the Kirsten's Grove – Michael and Kirsten Weiher plat request.

Motion by Doug Underthun to approve the revised preliminary Plat request of Kirsten's Grove – Michael and Kirsten Weiher. Motion seconded by Don Hazeman.

Motion unanimously carried and approved.

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

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

Proposed Plat Request 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, Minesota.

Greg Larson gave the staff report for this preliminary plat application. GIS maps showing the location of the property, the topography of the parcel, and the 150’ setback area of the unnamed lake were viewed. Preliminary survey maps of the plat were also viewed. Michael and Kirsten Weiher purchased this parcel in March of 2024. The proposed plat will divide the 32.37-acre parcel into eleven (11) single-family residential lots. Each lot will be accessed via a private driveway. The property is mainly comprised of a Norway pine plantation. Clearing activities of each lot will be done to accommodate a house, septic system, well, and driveway. Staff recommends approval of the preliminary plat application as proposed.

Section 501.3 of the Beltrami County Shoreland Management Ordinance states the following:

- LOT SIZE: All lots in a Natural Environment Lake District must be at least two acres in size.

- Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1-8 wetland.

All the platted lots in this request meet these requirements.

Michael Weiher, of BOD Construction and also the applicant, addressed the Planning Commission and agreed with Greg Larson’s presentation. Michael explained that affordable housing will be built on all lots before they sell to reduce the possibility of future variances. Homes will be slab on grade. There will be two (2) shared private driveways off of Eckles Rd NW, each allowing access to three (3) lots. The Board suggested that some sort of driveway agreement may be needed for these shared areas. Michael stated that the driveway turn-off for each of the side lots would be no more than 14’ beyond the road right-of-way on the shared driveways.

The Planning Commission opened the floor for public comments. Emails and letters from the public were read aloud by Greg Larson.

- Beltrami County Highway Department email on March 19, 2024: They have no issues nor comments on the Kirsten’s Corner plat.
- Robert Murray, Beltrami County Surveyor wrote a letter on March 21, 2024: “The boundary of the preliminary plat of Kirsten’s Corner has been checked and found to meet the mathematical closure tolerance as defined in Beltrami County Subdivision Controls Ordinance No. 5...”
- Eckles Township wrote a letter after their March 13, 2024, meeting with the applicants and Murray Surveying: Discussion centered around the number of entrances onto Eckles Rd and where mailboxes could be placed. Applicants, surveyor, and the Eckles Board were able to come to a resolution that was acceptable to all parties.
- Andrea Dahly April 04, 2024, email, and also present in person: Not objecting to proposal as long as environmental impacts are taken into consideration. Strongly advocating that the County build a park near any new developments. The area would be greatly enhanced if there was a playground area and maybe even a dog park. Consider possibly utilizing a lot that hasn’t been developed yet for a park area. Would like the County Board to consider the importance of building parks in new developments and add it to the agenda for a future meeting to identify how a public park could be built in Eckles Township before the end of 2025.
- Bette Clemenson April 16, 2024, email, and also present in person: Concerned neighbor near development is wondering how the 6 levels of wetlands in the potential build area will be protected, how deep is well water and is it sufficient to sustain the neighborhood, will city sewer and water be an option, and where will driveways be placed for all these lots. Shoreland Management rules protect the wetlands, water table is shallow but plentiful, no city water or sewer hookups, and driveways will be built as proposed above. Michael indicated that he is also well versed in shoreland protection rules.

Finding no further public comment, the Chairman closed the floor for public comment on the Kirsten’s Corner – Michael and Kirsten Weiher preliminary plat request.

Motion by Bill Best to approve the preliminary Plat request of Kirsten’s Corner – Michael and Kirsten Weiher. Motion seconded by Todd Stanley.

Motion unanimously carried and approved.

Chairman then closed the Planning Commission Public Hearing on the proposed preliminary 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 Brian and Jill Wilson hearing. It was decided to meet Monday, April 29, 2024. Those needing a ride to the site should meet at the Environmental Services office that day at 3:30pm. Those driving themselves can meet the rest of the group at the site at 3:45pm. A reminder will be sent out Monday morning, including the address of the site.

Motion by Don Hazeman to adjourn the Planning Commission/Board of Adjustment Public Hearing for April 22, 2024. Motion was seconded by Todd Stanley. Motion carried and approved. Chair called the meeting for April 22, 2024, officially adjourned. The next meeting will be held on Monday, April 29, 2024, at 3:45 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission