

**Board of Adjustment Meeting
Minutes for Monday, April 29, 2024
Brian and Jill Wilson Variance – Site Visit
5005 Pincherry Rd NE
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
 Jim Dewenter, 4647 Sugar Bush Ct NE, Bemidji, MN 56601

Chairman called the Board of Adjustment Meeting to order at 3:55 PM. This meeting is a continuance of the variance request hearing that was tabled on April 22, 2024. **Brent asked that comments be made directly towards the device that was recording the meeting.**

Board of Adjustment

New Business – None

Old Business

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 and Bill Best assisted with marking the 100' setback from the OHWL from each direction of the lake shore on the point. The Board discussed that there are no restrictions on bringing in fill behind the setback, as long as wetlands are not affected. It appears from viewing the lot that two (2) mature white pines would possibly need to be removed, regardless of whether the variance is approved, or the cabin is moved back behind the setback. It was discovered that there is sufficient room to move the cabin back behind the lake setback, but in front of the garage, on part of the same hill the existing cabin sits on. Fill may need to be brought in to build up the backside of the hill nearest the garage. It was confirmed that there are two (2) individual septic systems, one servicing the cabin, and one servicing the residence over the garage. 1981 septic records indicate a 1,000-gallon septic tank with approximately 125' of drainfield was installed for use by the cabin. Current septic compliance inspections would be required before any building permits could be issued. The distance measured from the lake setback to the garage wall closest to the lake is 37.5'.

The Board discussed two options:

1. The cabin could be torn down and rebuilt in *exactly* the same footprint with *exactly* the same height and square footage in its current location with a building permit. OR,
2. The existing cabin could be removed and a new cabin built behind the 100' lake setback. This option would allow the owner to build any size and shape he would like with no

restrictions behind the 100' lake setback. No variance would be required – only a building permit would be needed.

The Board referred back to the original staff recommendation that, “if the existing structure is to be torn down and replaced, the variance is null and void”.

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 () No (X)
Why? There is room on this parcel to rebuild a cabin that does meet current shoreland rules and regulations.
2. Without the variance is the owner deprived of a reasonable use of the property?
Yes () No (X)
Why? This is a large parcel with multiple locations that could be used to build a cabin and still meet setbacks.
3. Is the alleged hardship due to circumstances unique to this property?
Yes () No (X)
Why? There are no bluffs, no wetlands, and this is not a narrow confining 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 cabin was built prior to shoreland management rules and in a high spot on the lot.
5. Will the issuance of the variance maintain the essential character of the locality?
Yes(x) No ()
Why? Essential character of locality would be maintained as there are other similar cabins on the lake.
6. Does the alleged hardship involve more than economic consideration?
Yes (x) No ()
Why? Economics were not a consideration. The deterioration of the existing structure prompted the variance request.

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

Motion by Bruce Poppel to deny the variance request of Brian and Jill Wilson based on the Findings of Fact and the site visit. 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 Brian and Jill Wilson.

Motion by Doug Underthun to adjourn the Board of Adjustment Public Hearing for April 29, 2024. Motion was seconded by Bill Best. Motion carried and approved. Chair called the meeting for April 29, 2024, officially adjourned. The next meeting will be held on Monday, May 20, 2024, at 6:00 PM.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission