

**Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, June 24, 2024
County Administration Building – County Board Room
701 Minnesota Avenue NW
Bemidji, Minnesota 56601**

General Business

Members present: Todd Stanley
 Doug Underthun
 Don Hazeman
 Ed Fussy
 Bill Best
 Craig Gaasvig

Members absent: Bruce Poppel

Others Present: Brent Rud, Director, Beltrami County Environmental Services Department
 Greg Larson, Beltrami County Environmental Services Department
 Shannon Schmidt, Beltrami County Environmental Services Department
 Brad Dumonceaux, 27300 Chippewa Paws Ln SE, Pennington, MN 56663
 Jodi Dumonceaux, 27300 Chippewa Paws Ln SE, Pennington, MN 56663

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 20, 2024, were brought forward for approval. **Bill Best moved to approve the meeting minutes of May 20, 2024. Motion seconded by Doug Underthun.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of: **Brad Dumonceaux – Dumonceaux Properties LLC**
 27300 Chippewa Paws Ln SE
 Pennington, MN 56663

Township: Brook Lake
Body of Water: Cass Lake (4-030) GD

The Purpose of:

Applicants are requesting a variance to rebuild a house with attached garage at a setback of 74' from the OHWL of Cass Lake. Cass Lake (GD 4-030) is a Mississippi Headwaters Lake and is classified as a General Development Lake which requires a 100' structure setback by the Mississippi Headwaters Board Management Plan. The existing 3,000 square foot house with attached garage, and 800 square foot detached storage building, will all be removed. A new 3,600 square foot house with attached garage is proposed to be built no closer than the existing setback of 74' from the OHWL.

Legal Description:

Tax Parcel 08.00179.00

That part of Government Lot Two (2), Section Sixteen (16), Township One Hundred Forty-six (146), Range Thirty (30), described as follows: Commencing at a point on the East line of Government Lot Two (2), Section Sixteen (16), Township One Hundred Forty-six (146), Range Thirty (30) West at the point of intersection of the North line of Government Lot One (1), said Section Sixteen (16); thence South 89°36'00" West along a line parallel with the North line of said Government Lot Two (2) a distance of 650.00 feet; thence North 57°30'00" West (N64 degrees W magnetic) a distance of 24.50 feet to the point of beginning of the parcel to be described; thence North 46°30'00" West (N53 degrees magnetic) a distance of 177.46 feet to the intersection of a line 15.00 feet Southeasterly and parallel with the previously identified William Okerman survey line, which follows previous deed descriptions; thence South 34°30'00" West (S28 degrees W magnetic) a distance of 101.83 feet; thence North 55°30'00" West, passing through the center of the most Northerly post of the existing basket weave fence, a distance of 15.00 feet; thence South 34°30'00" West (S28 degrees W magnetic) along previous deed line a distance of 133.00 feet, more or less, to the shoreline of Cass Lake, thence Southeasterly along the shoreline of Cass Lake to the intersection with a line that bears South 30°30'00" West (S24 degrees W magnetic) from the point of beginning; thence North 30°30'00" East (N24 degrees E magnetic) a distance of 261.00 feet, more or less, to the point of beginning, Beltrami County, Minnesota.

Greg Larson gave the staff report, discussing lot information and details of the application. Maps showing the location of the parcel on GIS mapping, topography, and proposed building site plans were viewed. Parcel is 1.12 acres in size and purchased in 2019. The existing home was built in 2000 with an approved variance at 85' from OHWL and is 30' tall. Mississippi Headwaters Board structure setback for Cass Lake is 100'. It was noted when reviewing the proposed replacement site build that the new home would be angled slightly further away from the lake on one side, pushing that corner of the home back to 86' from the OHWL. Applicants are removing an 800 square foot storage building but only adding 400 square feet to the attached garage and 200 square feet to the residence. There will be 200 square feet less of impervious surface when the proposed rebuild is complete. From a distance, the current home looks to be in good condition. However, upon closer inspection, the half-log siding is rotting away in several locations. There is a large crack and sizable slope inside the garage where the cement slab is sinking due to improper/no footings. A new septic system will be installed when construction on the home begins. The current mound system is overloaded. Staff recommends approval of this variance request as proposed.

Brad Dumonceaux, applicant and home builder, approached the podium. This home was purchased so that Brad and Jodi's kids would have a place to live while they attended BSU. Brad and Jodi intend to move into this home when they retire. Brad had considered cutting the garage off of the current house, pouring footings and a slab, rebuilding the garage, residing all, reroofing all, replacing sills that are rotting, etc. It would be more cost effective to tear down the entire structure and start over versus fixing all the individual issues. The Board asked where the well and sewer are located. The well can be seen in pictures on the west side of the property between the house and the lake. The septic system is located on the northeast side of the property between the house and the road. The Board also inquired as to what the small bump-out is on the lakeward side of the house. Brad said this is the "VIP Room", a screened in porch that is accessed through the garage. This room is a catch-all and will not be replaced when the home is rebuilt. The Board discussed a Stormwater Management Plan and possibly adding more vegetation behind the rip rap and between the existing rocks on the shoreline. The berm between the house and lake needs to remain. Brad has no intentions of changing anything in front of the house, other than possibly moving the retaining wall by the lower patio area. All stormwater currently drains towards the back of the lot and under the storage building that was built on posts and that will be completely removed. The replacement home will look almost identical to the current home, possibly a different color.

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

- Email – **Warren & Cindy Jensen**, live next door to the Dumonceaux property and are in support of this variance request.

Finding no further public comment, the Chairman closed the floor for public comment on the Brad Dumonceaux – Dumonceaux Properties LLC variance request.

Craig Gaasvig mentioned that this variance request is not on the Mississippi Headwaters Board's agenda for this Friday's meeting. Craig will see if it can be added, as the applicant would like to start building by August 1st.

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 home will be replaced in basically the same footprint, but further back from the lake on one side. The storage building within the setback will be removed and 200' of impervious surface will be returned to a pervious state.

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

Yes (x) No ()

Why? The home and garage are deteriorating. The driveway, septic system, and road will not allow this home to be moved back any further on the lot.

3. Is the alleged hardship due to circumstances unique to this property?
 Yes (x) No ()
 Why? The home was built in the only buildable location on the lot. Nature is taking its toll on the building.
4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?
 Yes (x) No ()
 Why? General Development lakes usually only require a 75' setback. Since Cass Lake is part of the Mississippi Headwaters, a 100' setback is required.
5. Will the issuance of the variance maintain the essential character of the locality?
 Yes(x) No ()
 Why? The replacement house will look the same; stormwater will continue to run to the side of the lot.
6. Does the alleged hardship involve more than economic consideration?
 Yes (x) No ()
 Why? The current house built in 2000 with a variance is deteriorating and needs extensive repair. Economic considerations are not an issue.

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 Brad Dumonceaux – Dumonceaux Properties LLC with the following conditions: 1.) A Stormwater Management Plan needs to be submitted and approved by the Environmental Services Office, and 2.) A Vegetation Management Plan needs to be submitted and approved by the Environmental Services Office. 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 Brad Dumonceaux – Dumonceaux Properties LLC.

Motion by Don Hazeman to adjourn the Planning Commission/Board of Adjustment Public Hearing for June 24, 2024. Motion was seconded by Bill Best. Motion carried and approved. Chair called the meeting for June 24, 2024, officially adjourned. The next meeting will be held on Monday, July 22, 2024, at 6:00 PM.

Respectfully submitted,

 Brent Rud
 Beltrami County ESD Director

 Chairman
 Beltrami County Planning Commission