

**AGENDA**  
**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
317 4<sup>th</sup> Street NW

**Wednesday, November 8, 2017 REGULAR MEETING – 6:00 p.m.**

- **Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approval of the Agenda**

**A. MINUTES** **Chair**  
Approval of October 11, 2017 Minutes

**B. CONSENT AGENDA**  
Items in the Consent Agenda are approved with one motion without discussion/debate. The Chairman will ask if any Board member wishes to remove an item. If no items are to be removed, the chairman will then ask for a motion to approve the consent Agenda.

1. Approve/Pay Bills (see attached list of bills) **Chair**
2. **Resolution No. 2017- 37** - Approval of 2018 Budget /Preliminary 2019 Budget **Chair**

**C. VISITORS** **Chair**

**D. NEW BUSINESS**  
1. City of Bemidji – **Resolution No. 2017-38** – V-17-80.01939.00 – Bob Lucas **CM**

**E. OTHER BUSINESS**  
1. **Resolution No. 2017-39/Ordinance No. 2017-07** Moratorium on VRBOs **CM**  
2. 2018 Fee Schedule **CM**

**F. DIRECTOR’S REPORT** **CM**

**G. UPCOMING MEETINGS** **Chair**  
1. November 16, 2017 6:00 pm JPC Regular Meeting  
2. December 13, 2017 6:00 pm JPB Regular Meeting  
3. December 21, 2017 6:00 pm JPC Regular Meeting  
4. January 10, 2018 6:00 pm JPB Regular Meeting

**H. ADJOURN** **Chair**

**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**Meeting Minutes**  
**November 8, 2017**

Pursuant to due call and notice a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, November 8, 2017, at 6:00 p.m. in City Hall. Chair Kelly presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Albrecht, Erickson, Meehlhause, Kelly, Frenzel

Members absent: None

Staff present: Casey Mai, Cory Boushee, Josh Stearns, Terri Ball

Others in attendance: Donna Dickinson, Ann Austad, Liz & Bill Nichols, Matt Murray

Pledge of Allegiance was performed.

**AGENDA**

Motion by Frenzel, second by Erickson to approve the agenda as presented.

Motion carried unanimously.

**MINUTES**

Motion by Erickson, second by Meehlhause to approve the October 11, 2017 JPB minutes.

Motion carried unanimously.

**CONSENT AGENDA**

- 1) Bills for the total amount of \$6,498.02 were presented for payment.
- 2) Resolution No. 2017-37 – Approval of 2018 Budget and Preliminary 2019 Budget was presented.

Motion by Erickson, second by Frenzel to approve consent agenda as presented.

Motion passed unanimously.

**VISITORS** - None addressed the board.

**NEW BUSINESS**

## RESOLUTION NO. 2017-38 -V-17-80.01939.00 – BOB LUCAS

Bob Lucas is requesting four (4) variances to replace and expand a detached structure on a substandard lot in the (R-4) Moderate Density Zoning District of the City of Bemidji and within the Shoreland Overlay. Located at 1309 S Lake Irving Dr SW on the south side of Lake Irving. The four (4) variances are as follows:

1. A 15.4' setback reduction from right-of-way of other roads;
2. A 4.9' setback reduction from side yard property line;
3. To increase the allowed green space / impervious surface from 25 percent to (36.5) percent; a (11.5) percent increase or 1,692 Square Feet;;
4. To replace and expand the existing structure on a substandard parcel of land

### **BACKGROUND**

The applicant is requesting approval to demo the existing dilapidated garage and replace it with a new detached garage within the shoreland overlay. The applicant would like to add two (2) feet in depth to the structure to allow his boat and trailer to fit inside. The applicant will also change the structure from a flat roof to a gable roof as part of the variance process.

### **PLANNING CONSIDERATIONS**

This lot does meet the dimensional standards of the (R-4) Residential District, but does not meet the shoreland requirements for General Development Lakes. This lot does not meet minimum size requirements for substandard lots in the shoreland overlay nor can the enlargement and expansion meet all other current zoning standards.

#### Existing Conditions

Properties adjacent in this neighborhood all have attached garages or detached accessory structures. Properties located at the end of S Lake Irving Drive SW that have been constructed are nearly all nonconforming structures in accordance with our current regulations, the fact that South Lake Irving Drive SE does not follow the shape of Lake Irving unique shape and smaller lot sizes are created.

JPB staff anticipate that this lakeshore neighborhood will maintain its same character as properties continue to be updated, repaired and maintained as allowed by current zoning ordinance regulation.

#### Impervious Surface / Drainage

The proposed impervious surface is 39% as the requirement is no greater than 25% without providing increased stormwater mitigation. A large portion of roof water is proposed to be drained from the structure and into a shallow swale just on the north side of the structure to prevent water from running towards Lake Irvine. In a large rain event this swale may overflow with water directed towards Lake Irving. The proposed

plan will be an improvement to the site and allow for any increase in stormwater to infiltrate into the ground before reaching other properties or Lake Irving. This is also to mitigate any potential runoff issues created by increased impervious surface within the side yard setback. The applicant has stated that they are willing to remove the concrete pad on the southwest side of the structure, what use to be a prior driveway access. With the elimination of the concrete pad, this would decrease the proposed impervious surface coverage on site by 2.5%. It would also create a 0.5% decrease in existing impervious surface, so this request does not increase overall impervious.

As displayed in the site plans the applicant is also willing to install a dry well on-site to vertically infiltrate the water from the roof. Currently the water is supposed to flow to the southwest corner of the garage and then would travel over land for infiltration, large water events would eventually flow towards the easterly neighbor's house and Lake Irving. This system will allow for underground vertical infiltration, the rock bed will allow filtering in the rare event water overflows to Lake Irving.

#### Rear Yard / Public ROW Setback

Typical ROW in the city encroaches ten (10) feet to fifteen (15) feet from the edge of the road or curb. In this case the ROW is approximately five (5) to eight (8) feet from the road. The City of Bemidji does have a utility easement that runs through the property and within the ROW setback; however, the proposed structure will not be in the easement.

#### Side Yard Setback

The existing garage has been built within the current side yard setback on the east side, but is meeting the side yard setback on the west side as this still provides access to the principal structure for emergencies or other necessities.

#### Fire Department

The fire department had no concerns with the proposed accessory structure location in regards to fire protection.

#### Building Department

A building permit and variance verification will be required before construction can begin.

#### Public Works Department

The Public Works Department did not have any concerns regarding this project.

#### Neighborhood Comment

No concerns were given to JPB at the time of writing this report

### Comprehensive Plan References

In regards to the comprehensive plan, the goals of the plan are to protect the safety, health and welfare of the community population and environment. With the proper construction steps for mitigating potential impacts, this request is in keeping with the goals and policies of the comprehensive plan. This request also provides opportunity to continue to improve and maintain the character of an existing neighborhood.

### **RECOMMENDATION**

Staff recommends approval of four (4) variances to replace and expand a detached structure on a substandard lot in the (R-4) Moderate Density Zoning District of the City of Bemidji and within the Shoreland Overlay. The four (4) variances are as follows: 1.) A 15.4' setback reduction from right-of-way of other roads; 2.) A 4.9' setback reduction from side yard property line; 3.) To increase the allowed impervious surface from 25 percent to (36.5) percent; a (11.5) percent increase or 1,692 Square Feet; and 4.) To replace and expand the existing structure on a substandard parcel of land.

Approval recommended with the following conditions:

1. Building corners of proposed garage shall be staked by a professional surveyor to ensure accuracy and mitigate chance for setback encroachment.
2. The applicant is responsible to provide proof of a stormwater runoff plan to be reviewed and approved by an engineer of the JPB choosing prior to construction, as well as an as-built site plan after the completion of the project.
3. Concrete pad to be removed shall be removed before building permit can be issued.

Board members had the following concerns:

- Albrecht sought clarification on variance number three (3), as presented in the introduction. Staff will remove "greenspace/." Further, Albrecht questioned where runoff goes now. Applicant's representative, Matt Murray, explained the downspout is on the northeast corner of the house and exits onto concrete, whereas the remainder infiltrates into the grass via sheet flows.
- Murray referenced elevations on sheet two (2) of the site plans, which shows the hump between the garage and neighbor's house. Runoff runs down embankment toward the lake.
- Albrecht questioned changes to garage access. Staff stated the access will remain on the south side with curb being maintained as designed to direct water runoff.
- Albrecht clarified that applicant was not required to engineer a dry well. Staff explained the Assistant City Engineer, Sam Anderson, stated approval for either mitigation system. Applicant has not yet decided which method will be used, so

Murray summarized the benefits of each. Albrecht commented the swale would save yard space.

- Staff stated that the neighbors to the west were in favor of the concrete removal.
- Erickson questioned presence of gutters. Staff explained gutters currently run along sides of home, but clarified the variance is only for the garage. Further, staff stated the mitigation system will be a huge improvement for this site, as currently none is present.

Motion by Meehlhause, second by Frenzel to approve Resolution No. 2017-38 on parcel 80.01939.00 for four (4) variances to replace and expand a detached structure on a substandard lot in the (R-4) Moderate Density Zoning District of the City of Bemidji and within the Shoreland Overlay: 1.) A 15.4' setback reduction from right-of-way of other roads; 2.) A 4.9' setback reduction from side yard property line; 3.) To increase the allowed impervious surface from 25 percent to (36.5) percent; a (11.5) percent increase or 1,692 Square Feet; and 4.) To replace and expand the existing structure on a substandard parcel of land, with the following conditions:

1. Building corners of proposed garage shall be staked by a professional surveyor to ensure accuracy and mitigate chance for setback encroachment.
2. The applicant is responsible to provide proof of stormwater runoff plan to be reviewed and approved by an engineer of JPB choosing, before construction.
3. Concrete pad to be removed shall be removed before building permit can be issued.

and findings:

1. **Has the applicant demonstrated a practical difficulty?**  
Yes. The existing detached garage was constructed on a substandard parcel within the side yard setback before the official controls and oversight of today's setbacks, as well as surveying and platting practices.
2. **Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**  
Yes. The building was placed in this location before the official controls and oversight of today for setbacks, as well as surveying and platting practices. There was a legal agreement for many years that the driveway to the west was a shared access; however, the prior ownership's agreement was terminated by the previous neighbors. This led to the concrete pad west of the structure and the increased impervious surface coverage. With the way the property is laid out, other alternative options with less variance are available, but are most likely not practical.

**3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**

Yes. Having an attached garage or detached accessory structure is in keeping with the character of the property and neighborhood, and does not compromise the intent of the zoning ordinance.

**4. Can the variance be granted without altering the essential character of the surrounding area?**

Yes. Nearly every property in this neighborhood has the benefit of a garage, likely constructed before the implementation of stricter regulation and oversight. With this property replacing the existing structure, this provides opportunity to continue to improve and maintain the character of an existing neighborhood.

Motion carried unanimously.

**OTHER BUSINESS**

**RESOLUTION NO. 2017-39/ORDINANCE NO. 2017-07– MORATORIUM ON VRBOS**

Staff presented a resolution for an ordinance as prepared by legal counsel. Moratorium will be in effect for six (6) months to allow staff proper time to compile information for further regulation of VRBOs. Sixty (60) days prior to the expiration of the moratorium, staff will present results and suggestions to the JPB. Legal counsel supports our IUP process and has found it to be the most effective way to regulate short term rentals, unless licensing becomes available.

Motion by Albrecht, second by Erickson to authorize Resolution No. 2017-39.

Motion carried unanimously.

Board members had the following concerns:

- Frenzel asked staff if any VRBO cases are awaiting a decision. Staff stated no planning cases are in the IUP process.
- Kelly commented that VRBOs are a hot topic as well as a nationwide issue, and both sides of the debate have valid concerns. Further, Kelly questioned actual intent of this moratorium – if JPB wants heavier restrictions or ways to prohibit VRBOs. Kelly wants clear expectations for staff.
- Frenzel asked if it makes sense to have a specific location for VRBOs. Kelly had similar comment.
- Kelly stated the 2014 Ordinance Updates permitted the existence of VRBOs, but did not have enforcement capabilities.

- Erickson seeks strict guidelines, rules and regulations as well as consequences for violations. Further, she likes the idea of licensing and wants to know how other communities manage VRBOs.
- Albrecht questioned if VRBOs should collect lodging tax, and wants to know how other communities handle this.
- Kelly wants more regulation and control, as well as funding for the enforcement of violations.

Motion by Meehlhause, second by Frenzel to approve Ordinance No. 2017-07 as presented.

Motion carried unanimously.

### FEE SCHEDULE

Staff presented proposed changes for 2018.

Board members had the following concerns:

- Frenzel agreed with changes.
- Kelly agreed with the proactive decision of elimination of temporary sign permits.
- Albrecht stated concern with community becoming over run with banners, and urged staff to communicate with businesses.

### DIRECTOR'S REPORT

Mai summarized upcoming planning cases, development projects, and presented updates on staff projects. Mai also stated that the first two chapters of the comprehensive plan have been completed by the consultant.

Albrecht urged staff to think about traffic impact from future projects, giving the example of the development along Norton Avenue.

Kelly reminded board about two (2) annual Joint LGU meetings as required in bylaws. He suggested staff coordinate a meeting before the end of the year, which will be hosted by Northern Township. Albrecht agreed and suggested staff present a review of major projects and staffing changes.

### UPCOMING MEETING DATES:

|                   |                                    |
|-------------------|------------------------------------|
| November 16, 2017 | -- JPC Regular Meeting @ 6:00 p.m. |
| December 13, 2017 | -- JPB Regular Meeting @ 6:00 p.m. |
| December 21, 2017 | -- JPC Regular Meeting @ 6:00 p.m. |
| January 10, 2018  | -- JPB Regular Meeting @ 6:00 p.m. |



ADJOURNMENT:

There being no further business, motion by Albrecht, second by Meehlhause, to adjourn the Joint Planning Board meeting at 7:12 PM.

Motion carried unanimously.

Respectfully submitted,  
Terri Ball  
Planning Assistant

JPB Minutes Approved and attested by:



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Joint Planning Board Representative