

**GREATER BEMIDJI AREA  
REGULAR JOINT PLANNING COMMISSION MEETING**

**Thursday, August 26, 2021  
6:00 P.M.**

**Bemidji City Hall 317 4<sup>th</sup> Street NW, Bemidji, MN 56601  
/Cisco Webex Video Conferencing  
(For log in information <https://www.jpbgba.org/planning-actions>)**

**AGENDA**

- |  |              |
|--|--------------|
| <b>➤ Call to Order/Roll Call</b>                 | <b>Chair</b> |
| <b>➤ Pledge of Allegiance</b>                    |              |
| <b>➤ Approve Agenda</b>                          |              |
| <b>➤ Approve Minutes</b>                         |              |
| • <b>Thursday, July 22, 2021 Regular Meeting</b> |              |

**NEW BUSINESS**

- |                    |              |
|--------------------|--------------|
| <b>1. Visitors</b> | <b>Chair</b> |
|--------------------|--------------|

**Public Hearings**

- |   |           |
|---|-----------|
| <b>1. <u>Northern Township</u> – V-21-31.01380.00 – Michael &amp; Kimberly Roysland</b> | <b>NP</b> |
| <b>2. <u>Northern Township</u> – V-21-31.00878.00 – Mark &amp; Bonita Haley</b>         | <b>NP</b> |

**OTHER BUSINESS**

- |                              |                     |
|------------------------------|---------------------|
| <b>1. Director’s Report</b>  | <b>JC</b>           |
| <b>2. Upcoming Meetings</b>  | <b>Chair</b>        |
| • September 8, 2021 6:00 pm  | JPB Regular Meeting |
| • September 23, 2021 6:00 pm | JPC Regular Meeting |
| • October 13, 2021 6:00 pm   | JPB Regular Meeting |
| • October 28, 2021 6:00 pm   | JPC Regular Meeting |
| <b>3. Adjourn</b>            | <b>Chair</b>        |

**MINUTES  
GREATER BEMIDJI AREA  
REGULAR PLANNING COMMISSION MEETING**

**August 26, 2021  
6:00 p.m.**

**Cisco Webex / Council Chambers  
317 4<sup>th</sup> St NW**

**CALL TO ORDER:** Chair Mike Granlund called the regular meeting of the Greater Bemidji Area Joint Planning Commission to order at 6:00 p.m., roll call was taken and the pledge of allegiance was recited.

**MEMBERS PRESENT:** Berg, Heinonen, Lemmer, Steffen, David, Faver, Granlund, Gould, Smith.

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Jamin Carlson, Ainslee Knudson, Nickolaus Phillips.

**OTHERS:** Matt Murray, Michael Roysland, Kelly Roysland Curry, Mark Haley, Bonita Haley.

**APPROVAL OF AGENDA:**

Motion by Heinonen, second by Smith, to approve the agenda as presented. Motion carried unanimously.

**APPROVAL OF MINUTES:**

Motion by Heinonen, second by Steffen, to approve minutes from the July 22, 2021, Greater Bemidji Area Regular Joint Planning Commission as presented. Motion carried unanimously.

**VISITORS:**

**NEW BUSINESS:**

**Public Hearings:**

**Phillips presented the first case:**

**PLANNING CASE – V-21-31.01380.00 – MICHAEL & KIMBERLY ROYSLAND**

Michael & Kimberly Roysland are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 4025 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered (Waville Sanitary) Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,232 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A one-hundred (100) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (100) feet per Section 402;
3. A side-yard setback reduction of one-tenth (0.1) foot from the required ten (10) feet per Section 901, for the north property line;
4. A side-yard setback reduction of one-tenth (0.1) foot from the required ten (10) feet per Section 901, for the south property line;
5. An additional thirteen and seven-tenths (13.7) percent or one-thousand sixty-two (1,062) square feet of impervious surface coverage throughout the property per Section 901;

Staff noted a correction to variance #2, that the lot width reduction numbers are not consistent as written, and the request is for a 100 foot reduction from R-3 requirement. The applicants and applicant's representative have met with staff regarding this proposal to redevelop the lake lot. The legal non-conforming lot is currently developed with nonconforming structures that encroach on the neighbor's property to the North. The existing cabin sits approximately forty-four (44) feet from the ordinary high water level (OHWL) and one plus four-tenths feet over the North property line. The applicants plan to tear down the existing 1920's cabin to build a new home with attached garage on the property.

### **RECOMMENDATION & FINDINGS**

Staff recommends approval of the five (5) variances listed above in order to reconstruct a single family structure at 4025 Waville RD NE, subject to the following conditions and findings of fact:

#### **CONDITIONS:**

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

#### **FINDINGS**

##### **1. Has the applicant demonstrated a practical difficulty?**

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed for the typical use as a year-round house, and would be limited to the placement of a small cabin with limited to no garage space.

##### **2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance for lot size, this includes any expansion of the existing structure. In addition, the lot does not provide enough suitable area to build a modestly sized garage and dwelling without exceeding impervious surface coverage.

##### **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. This request is proposing to make use of the property in a reasonable manner while improving measureable environmental protection aspects of the lot by reducing the impact of the existing nonconformities. The request proposes to exceed impervious surface coverage, but the

ordinance provides an avenue to mitigate increased impervious surface through onsite storm-water mitigation, which would be required for the issuance of a land-use permit.

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

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years, which includes an increase in the number of dwellings building vertically to achieve increased floor-space while maintaining a smaller building footprint.

**Commission members had the following comments:**

- Granlund noted the location of the structure being in close proximity to the neighboring house, and expressed concern over stormwater affecting the foundation as the lot is in a low area. Phillips responded that there will be a need for stormwater mitigation and that will be addressed in the required plans and permits.
- Smith inquired about setbacks and the well. Phillips clarified that the ordinary high water mark setback for a lot on services is fifty (50) feet, and noted that the applicant would need to follow the MDH regulations in regards to the well.

**Public Hearing opened at 6:11 p.m.**

- The applicant, Michael Roysland, and his daughter Kelly Roysland Curry, addressed the Commission and expressed their desire to pull their house back to the ordinary high water mark and stormwater mitigation particularly in regards to the neighbors. Michael Roysland noted their practical difficulty lying in the size of their lot. Michael Roysland and Kelly Roysland expressed desire to improve their property.

**Public Hearing closed at 6:16 p.m.**

**Commission members had additional comments:**

- David inquired about sewer system. Staff clarified that it is in the Waville sanitary district.

Motion by Heinonen, second by Lemmer, to approve the five (5) variances in order to reconstruct a single family structure at 4025 Waville RD NE, provided all requirements of the JPB Zoning Ordinance are met, and subject to the above conditions and findings of fact.

Ayes: Steffen, Faver, Berg, Heinonen, Lemmer, David, Smith, Granlund, Gould.

Nays: None.

Motion carried unanimously.

**Phillips presented the second case:**

**PLANNING CASE – V-21-31.00878.00 – MARK & BONITA HALEY**

Mark and Bonita Haley are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 826 Birchmont Beach Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. Staff noted the error in the report and stated that the correct address is 826 Birchmont Beach Rd NE. The requested variances are as follows:

1. A reduction of 1,020 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;

2. A twenty-five and three-hundredths (25.03) foot reduction in lot width from the Shoreland District requirement of one hundred (100) feet per Section 901;
3. A side-yard setback reduction for the replacement garage of five (5) feet from the required ten (10) feet per Section 901;
4. An additional six and one-tenth (6.1) percent or one-thousand seven-hundred eighty (1,780) square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;

As an existing lot of record that meets the requirements of Section 502 (Substandard Lots of Record) to be considered a buildable lot, this property would not require a variance from lot size or width, as requested. In addition, impervious surface coverage exceeding the twenty-five (25) percent maximum can be mitigated up to thirty-one and one-quarter (31.25) percent onsite without the need for variance approval by providing an approved plan from a licensed design professional. However, these variances are necessary due to the request for setback relief from the side-lot setback, per the requirement in Ordinance Section 903(C)(1)(a) and as required by MN Statute 462.357.

The applicants and applicant's representative have met with staff regarding this proposal to replace the existing garage. The legal non-conforming lot is currently developed with a nonconforming dwelling and compliant septic system. The existing garage sits approximately two hundred (200) feet from the ordinary high water level (OHWL) and two feet from the west property line. The applicants plan to remove the existing garage and replace it with a slightly larger structure that fits their parking needs. As shown on the site plan, the proposed garage will be moved to a more conforming setback location.

### **RECOMMENDATION & FINDINGS**

Staff recommends approval of the four (4) variances listed above in order to reconstruct a detached garage at 826 Birchmont Beach Rd NE. Approval recommended with the following conditions and findings of fact:

#### **Conditions**

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued. All additional stormwater produced by impervious surface areas that exceed the allowable twenty-five (25) percent of the lot area must be contained and mitigated onsite.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

#### **Findings of Fact**

##### **1. Has the applicant demonstrated a practical difficulty?**

Yes. This is an existing lot of record that is currently developed and the surrounding area is heavily developed on substandard lots. The existing use of the garage as a side-loading structure has been

the established use on the lot, and would remain a reasonable and allowable use into the future but for the replacement of the structure. The owners would be put under an undue hardship in order to meet the ordinance standards without the issuance of a variance.

**2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**

Yes. This is a previously platted and developed lot of record that lacks the required lot width to move the structure to a conforming setback while maintaining its use.

**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. This request is proposing to make use of the property in a reasonable manner while reducing an existing non-conformity. The comprehensive plan and shoreland rules regarding side-lot setbacks are in place to provide access to properties while reducing conflict between property owners. These side-lot buffers also provide a pathway for stormwater to follow vegetated groundcover, rather than impervious, as it drains into the aquatic resource. Any increase in the dimensions of such flowages provides additional pollutant and sediment filtering capacity to the shoreland. While the ideal setback would maximize this area, the property owners have the right to choose not to replace the garage if they can't retain their current loading arrangement, and the opportunity for realizing the added stormwater benefit would disappear.

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

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

**Commission members had no comments.**

**Public Hearing opened at 6:24 p.m.**

- The applicants, Mark and Bonita Haley, addressed the Commission and noted their desire to retire to the subject property, and to update the garage to better fit their needs.

**Public Hearing closed at 6:25 p.m.**

Motion by Steffen, second by Heinonen, to approve the above stated variances in order to rebuild a single-family summer house on their substandard lot of record located at 826 Birchmont Beach Rd NE in Northern Township with the above stated conditions and findings of fact.

Ayes: Heinonen, Steffen, Faver, Lemmer, David, Berg, Granlund, Smith, Gould.

Nays: None.

Motion carried unanimously.

**DIRECTOR'S REPORT**

Carlson provided updates on current developments as well as proposed cases, and noted meetings between the City of Bemidji and Northern Township in regards to services along the north end of Lake Bemidji.

**UPCOMING MEETING DATES:**

September 8, 2021	6:00 pm	JPB Regular Meeting
September 23, 2021	6:00 pm	JPC Regular Meeting

October 13, 2021                      6:00 pm                      JPB Regular Meeting  
October 28, 2021                      6:00 pm                      JPC Regular Meeting

**ADJOURNMENT:**

There being no further business, motion by Steffen, second by Smith, to adjourn the Regular Planning Commission meeting at 6:33 p.m. Motion carried.

Respectfully submitted,



Ainslee Knudson  
Administrative Assistant

Approved and attested by:



Joint Planning Commission Representative