

AGENDA
GREATER BEMIDJI AREA JOINT PLANNING BOARD
317 4th Street NW

Wednesday, July 12, 2017 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of June 14, 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**

C. NEW BUSINESS

1. Northern Township – Resolution No. 2017-23 - V-17-31.00516.00– Mike Kelsey **CM**
2. City of Bemidji – Resolution No. 2017-24 - V-17-80.01482.00– BJC Properties LLC **CB**

D. OTHER BUSINESS

1. Resolution No. 2016-23 & Ordinance No. 2016-06 – Moratorium on Rezoning

E. VISITORS **Chair**

F. DIRECTOR’S REPORT **CM**

G. UPCOMING MEETINGS **Chair**

1. July 27, 2017 6:00 pm JPC Regular Meeting
2. August 9, 2017 6:00 pm JPB Regular Meeting
3. August 24, 2017 6:00 pm JPC Regular Meeting
4. September 13, 2017 6:00 pm JPB Regular Meeting

H. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
July 12, 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, July 12, 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, Kelly, Johnson, Frenzel, Meehlhause, Erickson

Members absent: None

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

Others in attendance: Ben Caron

Pledge of Allegiance was performed.

AGENDA

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

Motion carried unanimously.

MINUTES

Motion by Frenzel, second by Meehlhause to approve the June 14, 2017 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$4293.11 (Check No. 2017-2120) were presented for payment.

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

Motion passed unanimously.

NEW BUSINESS

RESOLUTION NO. 2017-23-V-17-31.00516.00 – MICHAEL KELSEY

Mike Kelsey is requesting an after the fact variance of eight (8) feet from the septic tank side yard setback of ten (10) feet from the property line. The applicant needed to

replace the failing system at 125 Lakewood Dr NW in the Suburban Residential (R-3) Zoning District within the Shoreland Overlay, parcel number 31.00516.00.

BACKGROUND

The septic contractor evaluated several possible locations and deemed this was the best possible location with the least amount of variances and the most logical from an economic standpoint. The drain field was placed in front of the house and will not require any variances as it meets all setback requirements.

PLANNING CONSIDERATIONS

Existing Conditions/Alternative Sites

The house is currently meeting all setbacks on the property; however, with the location of the house and the well and with the lot size and layout, not many alternative sites for a new septic tank and drain field were available without altering the site.

Fire Marshal

The fire department had no concerns with the proposed septic tank location in regards to fire protection.

Agency Comment

No comments or concerns regarding the location of the septic tank.

Neighborhood Comment

No neighborhood comment was received.

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.

RECOMMENDATION

Staff recommends approval of an after the fact variance to allow for an eight (8) foot side yard setback encroachment within the ten (10) feet required from a septic tank to the property lot line. Conditions are no longer applicable as they were completed at time of permit issuance.

Board members had the following concerns:

- Albrecht asked if two homes were on this parcel. Staff explained other large building is a shop, and further assured that septic location was preferred by our consultant.

Motion by Frenzel, second by Meehlhause to approve Resolution No. 2017-23 granting an after the fact variance of eight (8) feet from the septic tank side yard setback of ten (10) feet from the property line for parcel number 31.00516.00, with findings:

1. **Has the applicant demonstrated a practical difficulty?**
Yes. The site is located on a parcel with a difficulty for suitable locations for the proposed septic system.
2. **Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**
Yes. The well and the existing septic system was placed in a location without regard for future construction or zoning changes. The location of the well and the house does not leave many alternative options for the location of a new septic tank and drain field.
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. Keeping the septic tank near the house and not having to pump far distance is keeping with the ordinance.
4. **Can the variance be granted without altering the essential character of the surrounding area?**
Yes. Other suitable locations for the septic tank could be approved but would most likely require additional variances or would alter the character of the surrounding area.

Motion carried unanimously.

RESOLUTION NO. 2017-24- V-17-80.01482.00 – BJC PROPERTIES LLC

Applicant is requesting multiple variances. 1.) Reduction in front yard setback of (7.1) feet of the required thirty (30) feet. 2.) Reduction in north side yard setback of (7.8) feet of the required ten (10) feet. 3.) Reduction in south side yard setback of (7.7) feet of the required ten (10) feet. 4.) Expand existing principle structure on a sub-standard lot in the (B-2) General Commercial Zoning District.

BACKGROUND

The applicant plans to make improvements to their current structure. These improvements are not to increase useable square footage or building occupancy, but rather improve the safety of ingress/egress for employees and clients, as well as ensure the long-term integrity of the building foundation. This area was platted as the Third Addition to Bemidji with twenty-five (25) foot lots. Many property owners in that area own multiple "original" lots that have now been combined in the tax systems.

PLANNING CONSIDERATIONS

Existing Conditions

This structure currently has no eaves or gutter systems to move storm water away from the buildings foundation. Large amounts of water infiltrating along a foundation can cause leaks and concrete to wear faster than normal increasing the chance of the building settling and the foundation cracking. The entrance to this building is also a concrete handicap accessible ramp, with melting snow and ice from the roof during the winter it creates a very slippery situation as it melts and freezes on the ramp. It is unclear the time that this building or lot was created, but it was safe to say it was done before official zoning controls were established.

Adjacent Zoning and Land Use

The existing land use of this property will have no change at this time. Commercial zoned properties exist to the north and west, the properties zoned commercial to the west are a mix of commercial and residential. The properties to the east and south are predominantly single family residential homes.

Setbacks

The footprint of the structure is not expanding, but does not meet setbacks. The variance is needed for the further encroachment of eaves and overhangs on the property. Setbacks are used in planning for safety, environmental concerns, and orderly, uniform development. In this case no negative impacts on right-of-way or other properties are expected, and this expansion will not make the structure out of place in the neighborhood. The main concern will be drainage of stormwater with the eaves and overhand expanding into the side yard setback. This concern will be mitigated by the use of gutters that will drain the stormwater to the east or west of the building, and not onto adjacent properties.

Parking

This building would require three (3) parking spaces and three (3) are available.

Landscaping

The landscaping requirements are being met as only one (1) tree is required and at least five (5) exist. If a tree is proposed to be removed as part of construction it will need to be added to the site plan, as well as location of remaining trees and plan for preservation.

Lighting

Any proposed exterior lighting as part of the improvements needs to be approved by JPB staff.

Signage

No new signage is being proposed at this time, the current signage is permitted by JPB.

Development Team (Public Works / Engineer; Building Official; Fire Department)

No concerns or issues regarding this request were received from City of Bemidji development review officials.

Neighborhood Comment

One comment, in favor of the improvement, was received.

Comprehensive Plan References

Redevelopment and improvement of existing structures is in keeping with the goals and policies of the GBAJPB Land Use Plan.

RECOMMENDATION

Staff recommends approval of (4) variance's. 1.) Reduction in front yard setback of (7.1) feet of the required thirty (30) feet. 2.) Reduction in north side yard setback of (7.8) feet of the required ten (10) feet. 3.) Reduction in south side yard setback of (7.7) feet of the required ten (10) feet. 4.) Expand existing principle structure on a sub-standard lot in the (B-2) General Commercial Zoning District, with one condition:

1. Gutters are placed on building to manage stormwater directing runoff to east and west maintaining it on the property.

Board members had the following concerns:

- Erickson sought clarification of overhang. Staff explained the initial report should have been written as 18', not 24'.

Motion by Albrecht, second by Meehlhause to approve Resolution No. 2017-24 on parcel 80.01482.00 for approval of (4) variance's. 1.) Reduction in front yard setback of (7.1) feet of the required thirty (30) feet. 2.) Reduction in north side yard setback of (7.8) feet of the required ten (10) feet. 3.) Reduction in south side yard setback of (7.7) feet of the required ten (10) feet. 4.) Expand existing principle structure on a sub-standard lot in the (B-2) General Commercial Zoning District, with one condition:

1. Gutters are placed on building to manage stormwater directing runoff to east and west maintaining it on the property.

And with findings:

1. Has the applicant demonstrated a practical difficulty?

Yes. The existing building was constructed within the setbacks without proper or current building design practices, constructing eaves and overhangs is reasonable and cannot be completed without variance approval.

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 and building codes.
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. With proper stormwater mitigation the setback encroachment for eaves and overhangs will not impact other properties or surrounding land uses in a negative manner, redevelopment is encouraged in the Greater Bemidji Area.
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 eaves and overhangs, as well as zoning non-conformities with setbacks.

Motion carried unanimously.

OTHER BUSINESS

Resolution No. 2016-23 & Ordinance No. 2016-06 – Moratorium on Rezoning
Staff discussed recent conversation with JPB attorney, who advised the board to let the moratorium expire as stated in the ordinance. Attorney referenced Minnesota statutes and detailed conditions which allow for an extension of a moratorium, but we do not currently meet these.

DIRECTOR'S REPORT

Mai summarized recent transition of JPB staff to city employees, and detailed financial processes that have also transitioned. Mai further summarized upcoming planning cases and development projects as well as recent progress with comprehensive plan. Revised Joint Powers Plan will take effect after City Council makes decision next week.

UPCOMING MEETING DATES:

July 27, 2017 -- JPC Regular Meeting @ 6:00 p.m.
August 9, 2017 -- JPB Regular Meeting @ 6:00 p.m.
August 24, 2017 -- JPC Regular Meeting @ 6:00 p.m.
September 13, 2017 -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Albrecht, second by Johnson to adjourn the Joint Planning Board meeting at 7:00 PM.

Motion carried unanimously.

Respectfully submitted,
Terri Ball
Planning Assistant

JPB Minutes Approved and attested by: Michael Kelly
Joint Planning Board Representative