

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

Thursday, December 16, 2021
6:00 P.M.

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

AGENDA

- | | |
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| ➤ Call to Order/Roll Call | Chair |
| ➤ Pledge of Allegiance | |
| ➤ Approve Agenda | |
| ➤ Approve Minutes | |
| • Thursday, November 18, 2021 Regular Meeting | |

NEW BUSINESS

- | | |
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| 1. Visitors | Chair |
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Public Hearings

- | | |
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| 1. <u>Northern Township</u> – V-21-31.00066.00 – Natalie Fredrickson | NP |
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OTHER BUSINESS

- | | |
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| 1. Director's Report | JC |
| 2. Upcoming Meetings | Chair |
| • January 12, 2022 6:00 pm JPB Regular Meeting | |
| • January 27, 2022 6:00 pm JPC Regular Meeting | |
| • February 9, 2022 6:00 pm JPB Regular Meeting | |
| • February 24, 2022 6:00 pm JPC Regular Meeting | |
| 3. Adjourn | Chair |

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

**December 16, 2021
6:00 p.m.**

**Cisco Webex / Council Chambers
317 4th 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, Steffen, David, Granlund, Lemmer, Smith.

MEMBERS ABSENT: Faver, Heinonen, Gould.

STAFF PRESENT: Jamin Carlson, Ainslee Krause, Nickolaus Phillips.

OTHERS: Clark Chambers, Natalie Fredrickson, Matt Murray, Dale Sorenson, Ryan Sorenson.

APPROVAL OF AGENDA:

Motion by Steffen, second by Lemmer, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Smith, second by Steffen, to approve the minutes from the November 18, 2021, Greater Bemidji Area Regular Joint Planning Commission as presented. Motion carried unanimously.

VISITORS WITH BUSINESS NOT ON THE AGENDA: No visitors.

NEW BUSINESS:

Public Hearings:

Phillips presented the first case:

PLANNING CASE – V-21-31.00066.00 – NATALIE FREDRICKSON

Natalie Fredrickson is requesting multiple variances in order to expand an attached storage area as part of a non-conforming dwelling on a substandard lot of record located at 247 Hans CT NW in Northern Township. This property is within the (R-2) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. An Ordinary High Water-Mark (OHWM) setback reduction for the replacement garage of twenty-two feet from the required one-hundred feet per Section 901;
2. An additional ten percent or 1,821 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
3. A reduction in the minimum lot width of twenty-eight feet from the required one-hundred foot lot width.

As this is an existing non-conforming dwelling that is positioned entirely within the OHWM setback, any expansion of the dwelling within the setback requires a variance. In addition, as the required setbacks cannot be met, Section 903C(1) stipulates that a variance for lot width is also required.

There is existing impervious coverage in the proposed building location, and staff note the overall increase in impervious surface over existing conditions is approximately one percent; this represents an increase that will also require variance approval.

The applicants and applicant's representative have met with staff regarding this proposal to expand the existing storage area into a functional garage. The legal non-conforming lot is currently developed with a nonconforming dwelling and compliant septic system. The proposed expansion area sits between seventy-eight and 113 feet from the OHWM, and would meet all other required setbacks. The applicants plan to expand from the existing storage area and replace it with a slightly larger structure that fits her parking and storage needs. As shown on the site plan, the proposed garage would be an extension of the building westward, following the existing width of that portion of the dwelling.

Existing Conditions

This is an existing substandard lot of record consisting of a house, attached garage used as indoor storage, patios, covered porches, and walkways. The current single-family house is approximately 3,570 square feet, with all other impervious areas bringing the site impervious to 6,365 square feet. The existing garage (storage) is set back from the OHWM approximately fifty-two feet. The driveway contains maneuverability area for vehicles within the lot, and an easement on the west side of the property provides access for the property to the south.

Septic System

As the proposed structure will encroach on the distribution line of the existing system, layout modification of the system will require issuance of an SSTS permit with as-built inspection. Staff suggest requiring a condition that, if the system layout shall be modified that an SSTS permit be issued and the system inspected, or in the case the layout does not change, that a certificate of compliance be provided before issuance of a land-use permit.

Stormwater Mitigation

A stormwater mitigation plan shall be submitted to JPB staff for review and approval prior to land use permit being issued.

Landscaping Requirements

While such activity is not proposed, a landscaping plan would need to be submitted if any trees, shrubs, or vegetation are to be removed within the shoreland protection zone. Erosion control would have to be in place before any construction or demolition begins and remain intact until suitable vegetation is established and in place.

Neighborhood Comment

No comments were received as of December 10th, 2021. Staff received notice on December 13, 2021 that comments would be submitted before the public hearing. A letter was received from a neighboring property on December 15, 2021 outlining concerns over this proposed variance. Staff responded with a letter to address concerns. Staff reiterated the neighbor's concerns and noted staff response to address said concerns.

RECOMMENDATION & FINDINGS

Staff recommends approval of three variances in order construct an attached garage at 247 Hans CT NW. The variances are as follows:

1. An Ordinary High Water-Mark (OHWM) setback reduction for the replacement garage of twenty-two feet from the required one-hundred feet per Section 901;
2. An additional ten percent or 1,821 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;

3. A reduction in the minimum lot width of twenty-eight feet from the required one-hundred foot lot width.

Approval recommended with the following findings of fact and conditions:

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 treated/mitigated onsite.
5. The property owner must either: a) be issued an SSTS permit allowing any necessary layout modifications to construct the proposed addition, or b) submit a certificate of compliance to JPB staff. A land-use permit for the proposed addition is conditioned on whether one of the actions is completed.
6. A land use permit shall be obtained prior to construction and demolition.
7. JPB site verification form and fee shall be submitted prior to construction.
8. 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 dwelling with a garage has been the established use on the lot, and would remain a reasonable and allowable use into the future, however any expansion of the structure to allow additional secure storage would not be possible outside of the existing impervious areas to the west of the dwelling. The owner 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 and depth 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 improving the function of the existing dwelling. The comprehensive plan and shore-land rules regarding ordinary high-water setbacks are in place to provide a buffer between developed areas and the aquatic resource, however the existing dwelling would be located between the proposed addition and the lake, negating the ability to buffer the impacts from the proposed construction. While a buffer would mitigate storm-water from this addition, the property owner has the ability to mitigate and treat

the additional storm-water in other areas of the lot before it enters the lake.

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

Yes. This expansion would not significantly change the appearance of the dwelling as viewed from the lake, would not change the overall character of the existing dwelling, and would be utilized in a manner that is common for the existing residential uses.

Commission members had the following comments:

- Smith inquired if there is a current easement with the driveway to the north. Staff addressed that there is. Smith asked Staff if converting garage space to living quarters is prohibited. Staff responded that it is not prohibited in the case of an attached garage.
- Steffen and Staff discussed the easement.

Public Hearing opened at 6:18 p.m.

- Natalie Fredrickson addressed the Commission. Fredrickson addressed impervious surface, and the septic system. Fredrickson identified that she will be the only one living at the property. Fredrickson addressed stormwater mitigation, and noted that the garage would be large enough for two cars with a second level for storage. Fredrickson noted that she has no details on any easements.
- Ryan Sorenson, representing Dale Sorenson, addressed the Commission and noted two additions on the house that were originally for storage and are now living space. Sorenson identified that they would like the driveway moved off of their property.
- Steffen noted that the driveway would not be able to be moved because of the wetland on the property.
- Steffen inquired about how far apart the applicant's house and the neighboring property are. Phillips noted that after the proposed addition the structures will be about 50 feet apart.
- Phillips clarified the neighbor's suggestion, noting that he misunderstood the initial request and that the driveway re-alignment issue was now understood as an issue with the eastern fork of their existing driveway, which provides a second access path to the Fredrickson property over the Sorenson property.
- Smith inquired about the timeline of the easement. Sorenson noted that he did not know.
- Sorenson discussed the additions converted to living space.
- Phillips noted that staff reviewed the previous variances of which the conditions did not address converting additions to living space.

Public Hearing closed at 6:32 p.m.

Commission members had additional comments:

- Members and staff discussed easements and the driveway. Staff discussed the potential impacts of moving the driveway and the effect of the easements.
- Commission members and staff commented that the driveway easement questions would need to be settled between property owners as this concern is considered a civil matter.

Motion by Steffen, second by Lemmer, to approve three variances in order to construct an attached garage at 247 Hans CT NW within Northern Township, and subject to the above stated conditions and findings of fact.

Ayes: Smith, Lemmer, Granlund, David, Steffen, Berg.

Nays: None.

Motion carried unanimously.

OTHER BUSINESS:

Granlund noted that Bill Smith's term is ending so this will be his last meeting.

Granlund noted that the election of the officers will take place at the next Joint Planning Commission meeting.

DIRECTOR'S REPORT:

Carlson addressed upcoming planning cases, and described year-to-date activity as well as completed, current and upcoming development projects, and described enforcement.

UPCOMING MEETING DATES:

January 12, 2022	6:00 pm	JPB Regular Meeting
January 27, 2022	6:00 pm	JPC Regular Meeting
February 9, 2022	6:00 pm	JPB Regular Meeting
February 24, 2022	6:00 pm	JPC Regular Meeting

Smith inquired about future trainings. Staff noted that information would be sent out to members within the next few days.

ADJOURNMENT:

There being no further business, motion by Steffen, second by Smith, to adjourn the Regular Planning Commission meeting at 6:44 p.m. Motion carried.

Respectfully submitted,



Ainslee Krause
Administrative Assistant

Approved and attested by:



Joint Planning Commission Representative