

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

**Thursday, October 26, 2017
6:00 P.M.**

**Council Chambers, City Hall
317 4th ST NW
Bemidji, MN 56601**

AGENDA

- | | |
|---|--------------|
| ➤ Call to Order/Roll Call | Chair |
| ➤ Pledge of Allegiance | |
| ➤ Approve Agenda | |
| ➤ Approve Minutes | |
| • Thursday, September 21, 2017 Regular Meeting | |

NEW BUSINESS

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

- | | |
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| 1. <u>City of Bemidji: V-17-80.01939.00</u> – Bob Lucas | CM |
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OTHER BUSINESS

- | | |
|-----------------------------|---------------------|
| 1. Director Report | CM |
| 2. Upcoming Meetings | Chair |
| • November 8, 2017 6:00 pm | JPB Regular Meeting |
| • November 16, 2017 6:00 pm | JPC Regular Meeting |
| • December 13, 2017 6:00 pm | JPB Regular Meeting |
| • December 21, 2017 6:00 pm | JPC Regular Meeting |
| 3. Adjourn | Chair |

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

October 26, 2017
6:00 p.m.

City Hall
Council Chambers

CALL TO ORDER: Chair Nicki Lemmer 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, Faver, Steffen, David, Hendricks, Lahn, Lemmer, Miller, Smith

MEMBERS ABSENT: None

STAFF PRESENT: Casey Mai, Cory Boushee, Terri Ball

OTHERS: Dan & Linda Vital, Tom & Karen Lander, Bob Lucas, Matt Murray

APPROVAL OF AGENDA:

Motion by Steffen, second by David, to approve the Agenda as presented.

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Miller, second by Steffen, to approve minutes from the September 21, 2017 Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

NEW BUSINESS:

Public Hearing:

Mai presented the first case:

PLANNING CASE – 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

Two neighbors stated concern with extra water run off due to the proposed pitched roof. Staff met with both and explained water mitigation plans. Neighbors request that the curbs in front of the garage stay intact, as they help direct the water run off.

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, 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 the stormwater runoff plan was constructed as approved.
3. Concrete pad to be removed shall be removed before building permit can be issued.

Public Hearing opened at 6:16 p.m.

Bob Lucas replied to Commissioner Smith's question stating the garage is not intended to be habitable. He is unsure of exact pitch but its calculation will match that of the house. Further, Lucas stated he is unsure of which one (1) of the two (2) stormwater mitigation plans will be used. Staff assured applicant that a decision does not have to be made until plans are submitted for a building permit. Neighbor Tom Lander stated stormwater problems have always been a concern on the west side of his property, and prefers the dry well mitigation plan. Neighbor Karen Lander described her garage as close to the Lucas garage but a lot lower. She prefers the dry well be placed near the northwest corner of his garage. Commissioner Smith asked the Landers if they would be more comfortable with a swale if it is designed by an engineer; The Landers would not. Commissioner Miller clarified the Landers are requesting the JPC approve only the dry well mitigation system.

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Neighbor Dan Vital offered his support of the Lucas variance as everyone benefits from a nicer building. Vital's only concern is the concrete pad on the southwest corner of the Lucas home, as the removal to increase green space could create other problems. Surveyor Matt Murray assured the swale location contouring to the west of the garage is a good plan. Currently the only place for water to go is the northwest corner of the garage toward the house. Further, Murray described a grass swale as a long, deep indent in which overflow will run north toward the lake, then described a dry well as being below ground and not visible. Murray stated that either mitigation could incorporate an overflow. Commissioner Smith asked if there is a concern for freezing if dry well is not pumped. Murray explained that rock trenches aid a dry well's infiltration but it is possible, whereas a swale would not have that concern.

Public Hearing closed at 6:32 p.m.

Staff and Commissioners stated concerns.

- Staff summarized that the two (2) options perform the same task, and both will hold the same volume.
- Miller had concerns about standing water in a swale. Staff explained it could happen although it is not designed that way.
- Faver questioned the possibility of using both mitigation plans. Staff is unsure.
- Smith commented that neighbors would have more protection from a swale.
- Staff stated that either mitigation is designed for vertical infiltration.
- Hendricks questioned intent of condition #2. Staff explained it is meant for the new garage and property affected to the west, and to ensure completion.
- Berg questioned direction of gable. Staff stated it runs north/south, and the gutter runs north. Current flat roof has run off in all directions.
- Lahn questioned if an engineer has involvement with this project. Staff explained the JPC can specify when to utilize a licensed engineer.

Motion by Miller, second by Steffen to approve 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, 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 the professional stormwater runoff plan was constructed as approved.
3. Concrete pad to be removed shall be removed before building permit can be issued.

Motion amended by Miller, amendment seconded by Steefen to approve 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, 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.

With findings of fact:

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

None

DIRECTOR REPORT:

Mai summarized summarized results of last month's planning cases, including the JPB request for a six (6) month moratorium on IUPs for VRBOs. Mai stated development projects are on-going except for the completion of the Hazelton building and City Center Housing. Further, Mai recapped September staff training, and informed commissioners about enforcement updates.

UPCOMING MEETING DATES:

November 8, 2017	6:00 pm	JPB Regular Meeting
November 16, 2017	6:00 pm	JPC Regular Meeting
December 13, 2017	6:00 pm	JPB Regular Meeting
December 21, 2017	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Smith, second by Steffen to adjourn the Regular Planning Commission meeting at 7:02 p.m.

Motion carried unanimously.

Respectfully submitted.
Terri Ball, Planning Assistant

Approved and attested by: 
Joint Planning Commission Representative