

AGENDA
GREATER BEMIDJI AREA JOINT PLANNING BOARD
City Hall Council Chambers/Webex
(For log in information <https://www.jpbgba.org/planning-actions>)
Wednesday, January 12, 2022 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of December 8, 2021 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 2021-23** – Approval of the 2022 Budget **NP**

C. VISITORS **Chair**

D. NEW BUSINESS
1. **Northern Township** – Resolution No. 2022-01 – V-21-31.00066.00 – Natalie Fredrickson **NP**

E. OTHER BUSINESS
1. **Election of 2022 Officers (New officers will be seated at the February meeting)**
Chair (City of Bemidji) / Vice Chair (Northern Township) **Chair**

F. DIRECTOR’S REPORT **NP**

G. ENFORCEMENT UPDATE **MF**

H. UPCOMING MEETINGS **Chair**

1. January 27, 2022	6:00 pm	JPC Regular Meeting
2. February 9, 2022	6:00 pm	JPB Regular Meeting
3. February 24, 2022	6:00 pm	JPC Regular Meeting
4. March 9, 2022	6:00 pm	JPB Regular Meeting

I. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
January 12, 2022

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, January 12, 2022, at 6:00 p.m. Chair Jess Frenzel called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Prince, Thayer, Peterson, Frenzel.

Members absent: Lahn.

Frenzel noted that Chris Lahn will be the Northern Township representative for the Joint Planning Board in Mike Kelly's stead. Frenzel noted that Lahn is absent due to illness.

Staff present: Nick Phillips, Ainslee Krause, Melissa Fahrenbruch.

Others in attendance: Natalie Fredrickson, Matt Murray, Curt Kleist.

Pledge of Allegiance was performed.

AGENDA

Motion by Thayer, second by Peterson, to approve the agenda. Motion carried unanimously.

MINUTES

Motion by Prince, second by Peterson, to approve the December 8, 2021 minutes as presented. Motion carried unanimously.

CONSENT AGENDA

- 1) An addition to the bills was noted in the amount of \$45.72 from Forum Communications for legal publishing. Bills in the updated amount of \$3,912.55 were presented for payment.
- 2) **Resolution 2021-23** – Approval of the 2022 Budget

Motion by Peterson, second by Thayer, to approve the consent agenda. Motion carried unanimously.

NO VISITORS

NEW BUSINESS

RESOLUTION 2022-01 – 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.

Background:

- The legal non-conforming lot is currently developed with a nonconforming dwelling.
- 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.

Discussion/Development Analysis:

- This is an existing substandard lot of record consisting of a house, attached garage used as indoor storage, patios, covered porches, and walkways.
- Current house is approximately 3,570 square feet, with all other impervious areas bringing the site 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. That easement is partially paved, but is likely to be fully paved in the future, and is counted towards site impervious surface.
- The proposal is to add onto the attached garage to provide parking space in addition to indoor storage, utilizing area that is currently covered with a combination of impervious surfaces.
- The proposed structure is generally in the same width of the existing garage, extending thirty-two feet further west from the side of the dwelling.
- Site adjustments were suggested, such as reducing impervious by redesigning existing driveway areas or dock approaches
- The applicant will be reducing impervious along the overhangs of the garage (south side) and at the dock approach (southeast corner of property).
- Existing driveway and maneuvering areas are already the minimum necessary to provide access, and will not be modified further.
- The existing septic system (mound installed in 1996) has a previous certificate of compliance showing three feet of vertical separation, though that report is older than three years and would need to be re-evaluated.
- 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.
- Since there is no proposed flow increase for the dwelling, the drain-field will simply need to be assessed for vertical separation at that time.
- 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.

Storm-water Mitigation:

- Staff recommend that the applicant install a gutter system on the new structure to direct storm-water towards a mitigation system

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

Landscaping Requirements:

- A landscaping plan would need to be submitted if any trees, shrubs, or vegetation are to be removed within the shore-land 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 the date of the Planning Report - December 10th.
- Staff received notice as of December 13th that comments would be expected in time for the commission meeting.
- 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 (east fork) moved off of their property.
- Smith inquired about the timeline of the existing 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.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of three variances in order to 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.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Members and staff discussed neighbor concern, location of the easements on the property, and the potential for further development on the lot.

Motion by Peterson, second by Prince, to approve Resolution 2022-01 to approve of three variances in order to construct an attached garage at 247 Hans CT NW with the above stated conditions and findings of fact.

Ayes: Frenzel, Prince, Thayer, Peterson.

Nays: None.

Motion carried unanimously.

OTHER BUSINESS

Election of 2022 Officers:

- Nomination by Peterson, second by Thayer, to appoint Jorge Prince as Chair. Motion carried.
- Nomination by Prince, second by Thayer, to appoint Chris Lahn as Vice Chair. Motion carried.
- New officers will be seated at the February 2022 meeting.

DIRECTOR'S REPORT

Phillips addressed that Bill Smith has stepped down from the Joint Planning Commission and Clark Chambers will be taking the open position. Phillips described year-to-date activity as well as completed, current and upcoming development projects, and the upcoming planning case.

Frenzel inquired about the Hill Development off of Whiting. Staff noted that no land use permits have been pulled for that development. Frenzel inquired about the Dollar General in Northern Township. Staff noted that the Dollar General is currently lining up a contractor to monitor the septic system, and they have additional exterior work. Frenzel inquired about the third Dollar General. Staff noted that they have seen requests for plan reviews, but they have not pulled permits or begun the Development Agreement process yet. Thayer inquired about Pizza Ranch. Staff addressed that they have been working with the property owner on the impervious surface and usage in the back of the property. Members and staff discussed the behavioral health facility and the county's stipulations. Prince inquired about the training planned for March 10, 2022 and if there will be the option to attend via Webex. Fahrenbruch noted that the training will be recorded for those who cannot attend.

ENFORCEMENT REPORT

Fahrenbruch addressed current enforcement issues and special enforcement projects.

Fahrenbruch noted that staff has plans to complete a sign audit and a light audit.

Members discussed enforcement issues.

Frenzel inquired about citations that were not taken care of for 2021. Fahrenbruch noted that she has turned over three citations to the legal department and staff is working with the legal department to get these issues taken care of.

UPCOMING MEETING DATES

January 27, 2021	6:00 pm	JPC Regular Meeting
February 9, 2021	6:00 pm	JPB Regular Meeting
February 24, 2021	6:00 pm	JPC Regular Meeting
March 9, 2021	6:00 pm	JPB Regular Meeting
March 10, 2022	1:00 pm	JPB Training

ADJOURNMENT

There being no further business, motion by Peterson, second by Prince, to adjourn the Joint Planning Board meeting at 6:40 p.m. Motion carried.

Respectfully submitted,



Ainslee Krause
Planning & Building Administrative Assistant

JPB Minutes approved and attested by:



Joint Planning Board Representative