

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

**Thursday, June 22, 2017  
6:00 P.M.**

**Council Chambers, City Hall  
317 4<sup>th</sup> ST NW  
Bemidji, MN 56601**

**AGENDA**

- |   |              |
|---|--------------|
| <p>➤ <b>Call to Order/Roll Call</b></p>         | <b>Chair</b> |
| ➤ <b>Pledge of Allegiance</b>                   |              |
| ➤ <b>Approve Agenda</b>                         |              |
| ➤ <b>Approve Minutes</b>                        |              |
| • <b>Thursday, May 25, 2017 Regular Meeting</b> |              |

**NEW BUSINESS**

**Public Hearings**

- |   |           |
|---|-----------|
| 1. <b><u>Northern Township</u> - V-17-31.00516.00 – Mike Kelsey</b>       | <b>CM</b> |
| 2. <b><u>City of Bemidji</u> – V-17-80.01482.00 – BJC Properties, LLC</b> | <b>CB</b> |

**OTHER BUSINESS**

- |   |              |
|---|--------------|
| 1. <b>Visitors</b>  | <b>Chair</b> |
| 2. <b>Director Report</b>                                       | <b>CM</b>    |
| 3. <b>Upcoming Meetings</b>                                     | <b>Chair</b> |
| • July 12, 2017           6:00 pm           JPB Regular Meeting |              |
| • July 27, 2017           6:00 pm           JPC Regular Meeting |              |
| • August 9, 2017         6:00 pm           JPB Regular Meeting  |              |
| • August 24, 2017       6:00 pm           JPC Regular Meeting   |              |

- |                   |              |
|-------------------|--------------|
| 4. <b>Adjourn</b> | <b>Chair</b> |
|-------------------|--------------|

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

June 22, 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, Steffen, David (6:02), Lahn, Lemmer, Smith

**MEMBERS ABSENT:** Hendricks, Miller

**STAFF PRESENT:** Casey Mai, Cory Boushee, Terri Ball

**OTHERS:** Matt Berge

**APPROVAL OF AGENDA:**

Motion by Smith, second by Lahn, to approve the Agenda as presented.

Motion carried unanimously.

**APPROVAL OF MINUTES:**

Motion by Steffen, second by Smith, to approve minutes from the May 25, 2017 Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

**NEW BUSINESS:**

**Public Hearing:**

**Mai presented the first case:**

**PLANNING CASE – V-17-31.00516.00 – Mike Kelsey**

The applicant is needing to replace the failing system at 125 Lakewood Dr NW in the Suburban Residential (R-3) Zoning District within the Shoreland Overlay.

## **BACKGROUND**

The applicant is requesting a variance of eight (8) feet from the required ten (10) foot side yard setback for placement of septic tank. 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 will be placed in front of the house and will not require any variances as it meets all setback requirements.

## **PLANNING CONSIDERATIONS**

In regulating locations for a septic tank, septic system drain fields or a mound system, there are concerns that need to be addressed. Including increased run-off draining towards the drain field and protecting the system during construction.

Mr. Larson, the hired septic installer and JPB staff were on site in early May reviewing all alternative options for new septic tank and drain field. At that time Mr. Larson deemed this as the best possible location for the septic tank.

### **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 are 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 at the time of writing this report.

### **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 a 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. Approval recommended with the following conditions:

1. \$25 setback verification fee will be paid before septic permit can be issued.
2. A septic permit shall be obtained prior to installation.

The Joint Planning Board directed staff at the June 14 meeting to eliminate minor conditions which are considered part of the approved process. Staff requested JPC remove both conditions above as presented in written report.

**Public Hearing opened at 6:15 p.m.**

No one commented.

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

Motion by Steffen, second by Smith for the approval of a variance on parcel 31.005116.00 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, 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.

**Boushee presented the second case:**

**PLANNING CASE – 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 approached JPB staff about making 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.

### 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 the following condition:

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

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

Applicant's representative, Matt Berge of Wausau Homes, corrected eave depth to be 18" not 24" as presented. Berge stated applicant is aware of safety issue to his handicapped clients, thus his regular use of sidewalk salt is deteriorating the cement surface.

**Public Hearing closed at 6:27 p.m.**

Motion by Smith, second by Lahn to approve (4) variance's for parcel 80.01482.00:

- 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 the following 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**

None

**DIRECTOR REPORT:**

Mai summarized recent planning cases, detailed development projects, and discussed upcoming training opportunities for commission members. Mai also described recent meeting with Houston Engineering about the Comprehensive Plan.

**UPCOMING MEETING DATES:**

July 12, 2017	6:00 pm	JPB Regular Meeting
July 27, 2017	6:00 pm	JPC Regular Meeting
August 9, 2017	6:00 pm	JPB Regular Meeting
August 24, 2017	6:00 pm	JPC Regular Meeting

**ADJOURNMENT:**

There being no further business, motion by Steffen, second by David to adjourn the Regular Planning Commission meeting at 6:37 p.m.

Motion carried unanimously.

Respectfully submitted.  
Terri Ball, Planning Assistant

Approved and attested by:   
Joint Planning Commission Representative