

AGENDA
GREATER BEMIDJI AREA JOINT PLANNING BOARD
City Hall Council Chambers/Webex
(For log in information <https://www.jpbgba.org/planning-actions>)
Wednesday, September 8, 2021 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of August 11, 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 2021-20** – Approval of 2022 Meeting Calendar **Chair**

C. VISITORS **Chair**

D. NEW BUSINESS

1. **Northern Township** – Resolution No. 2021-18 – V-21-31.01380.00 – Michael & Kimberly Roysland **NP**
2. **Northern Township** – Resolution No. 2021-19 – V-21-31.00878.00 – Mark & Bonita Haley **NP**

E. OTHER BUSINESS

1. **Ordinance 2021-08 Greater Bemidji Area Land Use Regulation Matrix** **MF**

F. DIRECTOR’S REPORT **JC**

G. ENFORCEMENT UPDATE **NP/MF**

H. UPCOMING MEETINGS **Chair**

1. September 23, 2021 6:00 pm JPC Regular Meeting
2. October 13, 2021 6:00 pm JPB Regular Meeting
3. October 28, 2021 6:00 pm JPC Regular Meeting
4. November 10, 2021 6:00 pm JPB Regular Meeting

I. ADJOURN **Chair**

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**GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
September 8, 2021**

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, September 8, 2021, 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, Peterson, Kelly, Frenzel, Rivera.

Members absent: None.

Staff present: Jamin Carlson, Ainslee Knudson, Nick Phillips, Melissa Fahrenbruch.

Others in attendance: Matt Murray, Mark Haley, Michael Roysland, Kimberly Roysland, Wes Newell.

Pledge of Allegiance was performed.

AGENDA

Motion by Kelly, second by Rivera, to approve the agenda. Motion carried unanimously.

MINUTES

Motion by Rivera, second by Kelly, to approve the August 11, 2021 minutes as presented. Motion carried. Abstention by Peterson.

CONSENT AGENDA

- 1) Bills for the total amount of \$4,676.18 were presented for payment.
- 2) **Resolution 2021-20** – Approval of 2022 Meeting Calendar

Prince noted the need to schedule a Joint LGU meeting. Members agreed to add this to the agenda of the next Joint Planning Board meeting.

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

NO VISITORS

NEW BUSINESS

RESOLUTION 2021-18 – V-21-31.01380.00 – MICHAEL & KIMBERLY ROYSLAND

Michael & Kimberly Roysland are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 4025 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered (Waville Sanitary) Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,232 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A one-hundred foot reduction in lot width from the underlying R-3 Zoning District requirement of 150 feet per Section 402;
3. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the north property line;
4. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the south property line;
5. An additional thirteen and seven-tenths percent or 1,062 square feet of impervious surface coverage throughout the property per Section 901;

The applicants and applicant's representative have met with staff regarding this proposal to redevelop the lake lot. The legal non-conforming lot is currently developed with nonconforming structures that encroach on the neighbor's property to the North. The existing cabin sits approximately forty-four (44) feet from the ordinary high water level (OHWL) and one plus four-tenths feet over the North property line. The applicants plan to tear down the existing 1920's cabin to build a new home with attached garage on the property. Staff noted that this property is in the Waville sanitary district, and this property is within the jurisdiction of the Mississippi Headwaters Board and this variance will need to go before them for approval.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of five (5) variances in order to reconstruct a single family structure at 4025 Waville RD NE. Approval recommended with the following conditions and findings of fact:

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.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. 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; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed for the typical use as a year-round house, and would be limited to the placement of a small cabin with limited to no garage space.

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. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance for lot size, this includes any expansion of the existing structure. In addition, the lot does not provide enough suitable area to build a modestly sized garage and dwelling without exceeding impervious surface coverage.

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 measureable environmental protection aspects of the lot by reducing the impact of the existing nonconformities. The request proposes to exceed impervious surface coverage, but the ordinance provides an avenue to mitigate increased impervious surface through onsite storm-water mitigation, which would be required for the issuance of a land-use permit.

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

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years, which includes an increase in the number of dwellings building vertically to achieve increased floor-space while maintaining a smaller building footprint.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Kelly expressed support of the variance because of the property being in the Waville sanitary district, and the setbacks of the proposed plan bringing the property closer to conformity.
- Rivera inquired about stormwater mitigation. Staff addressed that any one specific stormwater mitigation plan would not be a condition of the variance, but would be addressed as required under the Ordinance.
- Frenzel inquired as to the Waville sanitary district and its capacity. Staff addressed the ability of JPB to evaluate system load under current regulations. Kelly noted the system is monitored on a monthly basis and a major update was made in the spring of 2021 that is expected to give this system another 18-20 years of use.
- Frenzel noted his support, but expressed the need to continue monitoring the Waville sanitary district.

Motion by Kelly, second by Peterson, to approve Resolution 2021-18 to approve five (5) variances in order to reconstruct a single family structure at 4025 Waville RD NE with the findings of facts and conditions as presented.

Ayes: Rivera, Frenzel, Kelly, Prince, Peterson.

Nays: None.

Motion carried unanimously.

RESOLUTION 2021-19 – V-21-31.00878.00 – MARK & BONITA HALEY

Mark and Bonita Haley are requesting multiple variances in order to rebuild a detached garage on their substandard lot of record located at 826 Birchmont Beach RD NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 1,020 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A twenty-five and three-hundredths foot reduction in lot width from the Shoreland District requirement of one-hundred feet per Section 901;
3. A side-yard setback reduction for the replacement garage of five feet from the required ten feet per Section 901;
4. An additional six and one-tenth percent or 1,780 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;

As an existing lot of record that meets the requirements of Section 502 (Substandard Lots of Record) to be considered a buildable lot, this property would not require a variance from lot size or width, as requested. In addition, impervious surface coverage exceeding the twenty-five (25) percent maximum can be mitigated up to thirty-one and one-quarter (31.25) percent onsite without the need for variance approval by providing an approved plan from a licensed design professional. However, these variances are necessary due to the request for setback relief from the side-lot setback, per the requirement in Ordinance Section 903(C)(1)(a) and as required by MN Statute 462.357.

The applicants and applicant's representative have met with staff regarding this proposal to replace the existing garage. The legal non-conforming lot is currently developed with a nonconforming dwelling and compliant septic system. The existing garage sits approximately two hundred (200) feet from the ordinary high water level (OHWL) and two feet from the west property line. The applicants plan to remove the existing garage and replace it with a slightly larger structure that fits their parking needs. As shown on the site plan, the proposed garage will be moved to a more conforming setback location.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of four (4) variances in order to reconstruct a detached garage at 826 Birchmont Beach Rd NE, with the following conditions and findings of fact:

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 mitigated onsite.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).

7. 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 garage as a side-loading structure has been the established use on the lot, and would remain a reasonable and allowable use into the future but for the replacement of the structure. The owners 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 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 reducing an existing non-conformity. The comprehensive plan and shoreland rules regarding side-lot setbacks are in place to provide access to properties while reducing conflict between property owners. These side-lot buffers also provide a pathway for stormwater to follow vegetated groundcover, rather than impervious, as it drains into the aquatic resource. Any increase in the dimensions of such flowages provides additional pollutant and sediment filtering capacity to the shoreland. While the ideal setback would maximize this area, the property owners have the right to choose not to replace the garage if they can't retain their current loading arrangement, and the opportunity for realizing the added stormwater benefit would disappear.

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

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Kelly expressed his support, and noted that this proposed structure is not encroaching on Lake Bemidji or the road right-of-way, and will be moved further off of the property line.

Motion by Kelly, second by Rivera, to approve Resolution 2021-19 for approval of four (4) variances in order to reconstruct a detached garage at 826 Birchmont Beach Rd NE, with the above stated conditions and findings of fact.

Ayes: Rivera, Frenzel, Kelly, Prince, Peterson.

Nays: None.

Motion carried unanimously.

OTHER BUSINESS

ORDINANCE NO. 2021-08 – AMENDED LAND USE MATRIX

Fahrenbruch presented the updated proposed land use matrix to include short term rentals.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Prince inquired if anyone has been held up in obtaining a short term rental permit due to this oversight. Fahrenbruch noted that Staff has had some inquiries and has given out a few applications, but nothing further.

Motion by Prince, second by Rivera, to approve Ordinance 2021-08 Amended Land Use Matrix.

Ayes: Rivera, Frenzel, Kelly, Prince, Peterson.

Nays: None.

Motion carried unanimously.

DIRECTOR'S REPORT

Carlson noted that there were no planning cases submitted for next month. There will be no Joint Planning Commission meeting, but there will still be a Joint Planning Board meeting to review previous planning cases. Carlson described year-to-date activity as well as completed, current and upcoming development projects.

ENFORCEMENT REPORT

Fahrenbruch addressed current enforcement issues. Members and staff discussed alley vacations, current issues, enforcement, citations, and assessments. Rivera requested enforcement data from staff. Staff noted that the new software will aid in providing more detailed reports for the Board. Staff noted the Board's ability to enact conditions and review conditional and interim use permits.

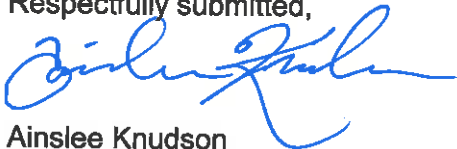
UPCOMING MEETING DATES

October 13, 2021	6:00 pm	JPB Regular Meeting
October 28, 2021	6:00 pm	JPC Regular Meeting
November 10, 2021	6:00 pm	JPB Regular Meeting

ADJOURNMENT

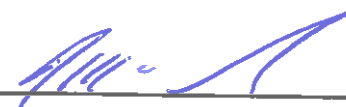
There being no further business, motion by Peterson, second by Kelly, to adjourn the Joint Planning Board meeting at 6:49 p.m. Motion carried.

Respectfully submitted,



Ainslee Knudson
Planning & Building Administrative Assistant

JPB Minutes approved and attested by:



Joint Planning Board Representative