



**Greater Bemidji Area  
Joint Planning Board**

**Application for Variance**

Please complete this application carefully and completely. PLEASE PRINT. Failure to fill in all of the required information may result in a delay of processing your application.

<b>OFFICE USE ONLY</b>	
Complete App. Rec'd _____	
Zoning District _____	
Comments _____	
_____	

A fee of \$ \_\_\_\_\_ made payable to the **City of Bemidji** must accompany this application. Additional escrow or verification fees may apply for approved projects.

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An escrow account is established as indicated above to cover technical and legal expenses incurred by the Joint Planning Board (JPB) as part of the plan review. The applicant is responsible for all costs incurred by the JPB during plan review. If the escrow amount drops below 10% of the original deposit amount the JPB may require submittal of an additional escrow deposit sufficient to cover any anticipated expenses. Upon determination by the JPB that the project is complete or expired, the JPB will return the remaining escrow deposit to the applicant.

**APPLICANT DATA**

NAME OF APPLICANT: _____	PHONE: _____
MAILING ADDRESS: _____	
SITE ADDRESS: _____	PARCEL: _____
EMAIL ADDRESS: _____	
Does your property contain low areas, wetlands, or areas with standing water? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, do you intend to drain, fill or otherwise alter this area for any reason?	
Explain _____	
_____	

**REQUEST FOR VARIANCE**

Are multiple variances being requested? <input type="checkbox"/> Yes <input type="checkbox"/> No
What specific standard(s) are you requesting variance(s) from? (ex. §402C Front Yard Setback)
_____
_____
What standard(s) or measurement(s) are you requesting? (ex. 10 ft. relief from required 50 ft. Front yard setback)
<b><u>Display on site plan.</u></b>
_____
_____

Describe the existing use of your property: \_\_\_\_\_  
\_\_\_\_\_

Will the use of your property change with the variance?  Yes  No

Will the granting of a variance impact the character of the surrounding properties?  Yes  No  Unknown

Explain \_\_\_\_\_

Are there unavoidable physical or topographical features (wetlands, buildings, roads, etc.) on your property that severely limit your construction site options?  Yes  No Explain

Does the design or floor plan of your building severely limit your construction options?  Yes  No

Are there construction options or alternatives that may eliminate the need for a variance?  Yes  No

Explain \_\_\_\_\_

Explain the practical difficulty that exists with your request (see definition in attached documents):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Assuming that a practical difficulty is demonstrated, and a variance justified, what measures are you willing to take to mitigate the impact of development on your property (remove other buildings, vegetative screens, etc.)?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Use additional sheets if necessary)

**Submit a complete site plan of your property drawn to scale with this application showing all buildings, proposed and existing, setbacks, wells, septic and accesses.**

**ALL APPLICANTS MUST SIGN BELOW**

I hereby certify that I am the owner or authorized agent of the owner of the above described property and that all uses will conform to the provisions of the Greater Bemidji Area Zoning and Subdivision Regulations. I further certify that I will comply with all conditions placed upon this permit should this application be approved. Intentional or unintentional falsification of this application or any attachments thereto will serve to make this application and any resultant permit invalid. I also authorize Greater Bemidji Area Joint Planning staff to inspect the property during review of this application and subsequent construction during reasonable times of the day.

Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**OFFICE USE ONLY**

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_ Complete Application  Yes  No

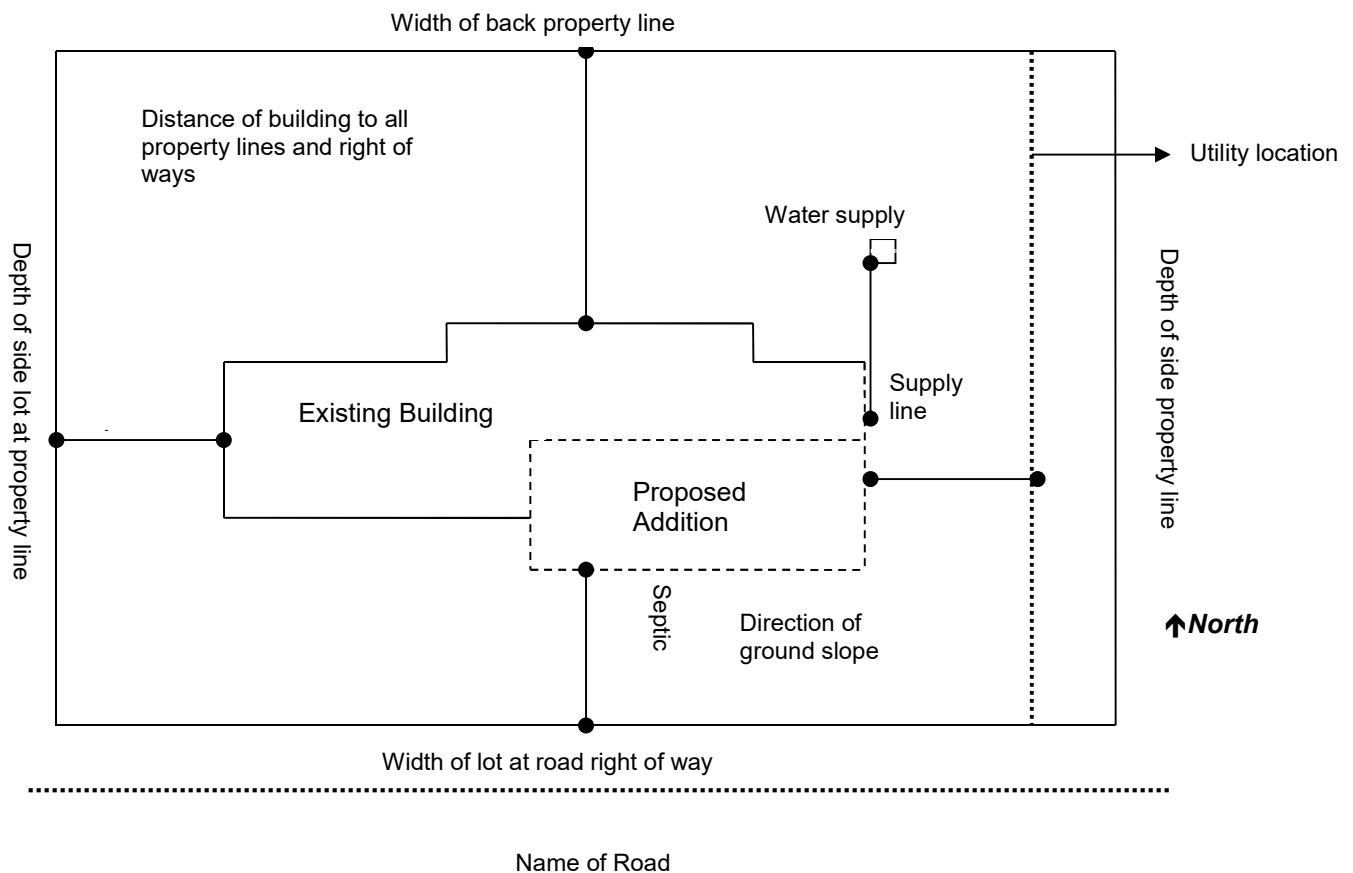
**COMPLETED FORMS CAN BE SUBMITTED AT 315 5<sup>TH</sup> STREET NW, SUITE #2, BEMIDJI, MN 56601**

## Sample Site Plan (See also **Checklist** on next page)

Indicate: Existing buildings with dimensions (solid line).  
Proposed buildings with dimensions (dashed line).  
Lot size and property lines.  
Distance from road right of way and property lines to: Existing and proposed buildings  
and existing and proposed septic and water supply.

Also indicate: Distance between buildings.  
Distance from septic to closest building intended for human occupancy.  
Distance from septic to well.  
Direction of ground slope in relation to well and septic.  
Underground and overhead utilities including water supply line.  
An arrow indicating north.  
Location of soil treatment and water supply systems on adjoining lots if within 150 ft. of  
existing or proposed system.

GIS Tools: The City of Bemidji online mapping system provides property data and measuring  
tools. Visit <http://arcgis.co.beltrami.mn.us/Bemidji/link/jsfe/index.aspx>



## **Practical difficulties**

“Practical difficulties” is a legal standard that the GBAJPB must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

### **Reasonableness**

The first factor is that the property owner proposes to use the property in a reasonable manner.

This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance.

It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

### **Uniqueness**

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner.

When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

### **Essential character**

The third factor is that the variance, if granted, will not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

## **FINDINGS OF FACT**

### **Conditional Use Permits:**

In considering the granting of any conditional use permit throughout the Greater Bemidji Area, the Planning Commission shall evaluate the effect of the proposed use upon the maintenance of the public health, safety and welfare; location and compatibility. In considering the granting of any conditional use permit in shoreland areas, the Planning Commission shall also evaluate the effect of the proposed use. Upon consideration of the factors listed above, the Planning Commission may attach such reasonable conditions, in addition to those required elsewhere in this Ordinance, which it deems necessary for the furtherance of the purposes set forth in this Ordinance.

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of surrounding land;**
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land;**
3. **Whether the proposed use adversely affects property in the surrounding area;**
4. **Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan; and,**
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**

### **Variances**

**Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the Greater Bemidji Area Land Use Plan.**

1. **Has the applicant demonstrated a practical difficulty?**
2. **Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**
3. **Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**
4. **Can the variance be granted without altering the essential character of the surrounding area?**



## Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

315 5<sup>th</sup> St NW Suite 2, Bemidji, MN, 56601 • Office (218) 759-3579 • Fax (218) 759-3591

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# **VARIANCE APPLICATION CHECKLIST**

1.  **Complete application form, including:**
  - A. Application w/ fee and escrow
  - B. Proof Ownership/Standing (Deed or Purchase Agreement with contingent sale)
  - C. One (1) digital copy of plans
  
2.  **Certificate of survey**, if modifications are located within three (3') feet or less of minimum required setbacks. Property line must be staked on lot next to planned building improvements and at all existing deficient setbacks. Certificate of survey must include:
  - A. Lot drawn to scale with dimensions & size (square footage)
  - B. Adjacent streets labeled and drawn on site plan
  - C. All existing structure(s) and proposed building improvements drawn to scale with dimensions (foot print of building areas shown on site plan)
  - D. Front, side & rear yard set backs identified
  - E. Building height stated or on elevation plan
  - F. All driveways, parking areas and improved surfaces drawn to scale
  - G. All green space and landscaped areas identified
  - H. All septic systems & wells (exist. & pro. if app.)
  - I. All recorded easements
  - J. Ordinary high-water mark (if within shoreland zones)
  - K. All adjacent bodies of water
  - L. All significant trees identified and located
  
3.  **Copies of previous CUP's and variances (if available)**
  
4.  **Septic System compliance inspection (as applicable)**
  
5.  **Other Documentation identified by staff at the time of application**



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### JPC/JPB Review Process

The JPC/JPB is required to review following requests:

- Plats / Subdivisions
- Planned Unit Development (CUP)
- Conditional Use Permit / Interim Use Permits
- **Variances**
- Zoning Map or Text Amendments
- Appeals

While each of these requests are seeking a different outcome, the basic process remains the same.

1. The deadline for submittal of a planning case application is on the last day of each month.
2. Upon receiving an application staff determines the completeness. It is strongly recommended to work with staff before the application deadline to ensure your application will be complete.
3. If the application is complete staff provides the application and supporting documentation to the appropriate review agencies including, but not limited to, township, city, county, and state representatives. The topics of review might be environmental, transportation or density. The agencies are given a timeline for responding.
4. Staff notifies the public through the local newspaper. While not required the meetings are televised, the information regarding the applications are placed on the website, updates to social media inform the public of upcoming meetings and staff works with local media to conduct a monthly radio program regarding the cases.
5. Neighborhood notification occurs to the properties within a 350' radius from the edge of the parcel(s) related to the application.
6. Staff works with the agencies and the applicant to address any questions or comments received from agencies of neighborhood.
7. Staff writes a planning report with a recommendation in support of approval or denial of the request.
8. Staff provides a planning report to the JPC for review at a public hearing, typically held the fourth Thursday of every month. This is where all public comments, concerns or support for a request are heard by the JPC. This is also the time for the applicant to



address the JPC regarding why the request should be approved, and can address any questions the JPC may have or address any comments or concerns from the public.

9. JPC reviews the planning report, agency comments and concerns, public comments and concerns, as well as any comments from the applicant. The JPC provides a recommendation supporting approval or denial with findings to the JPB.
10. JPB at its monthly board meeting typically held the second Wednesday of every month reviews all the information provided to the JPC including the minutes from the JPC meeting and the JPC recommendation at a closed hearing. The hearing is open to the public, but typically all public comment and comments from applicants are not received by the JPB.
11. JPB makes a final motion on the request based on the information provided to them, through the adoption of a resolution or ordinance amendment.
12. Staff notifies the applicant in writing of the JPB's decision. If the decision requires recording it will be recorded at the Beltrami County Recorder's office.

# 2023

## GREATER BEMIDJI AREA

### PLANNING COMMISSION MEETING / PUBLIC HEARING SCHEDULE

The following reflects the schedule of dates, which are to be met when an application requiring a Public Hearing is submitted for Planning Department review. If you have questions, please contact the Planning Department at 218-759-3579.

	APPLICATION CUTOFF DATE <i>(Last business day of previous month unless noted otherwise)</i>	NOTICE TO PAPER*	NOTICE PUBLISHED	JOINT PLANNING COMMISSION MEETING	JOINT PLANNING BOARD MEETING
JANUARY	Friday, Dec. 30, 2022	1/10	1/14	1/26	2/8
FEBRUARY	Tuesday, January 31	2/7	2/11	2/23	3/8
MARCH	Tuesday, February 28	3/7	3/11	3/23	4/12
APRIL	Friday, March 31	4/11	4/15	4/27	5/10
MAY	Friday, April 28	5/9	5/13	5/25	6/14
JUNE	Wednesday, May 31	6/6	6/10	6/22	7/12
JULY	Friday, June 30	7/11	7/15	7/27	8/9
AUGUST	Monday, July 31	8/8	8/12	8/24	9/13
SEPTEMBER	Thursday, August 31	9/12	9/16	9/28	10/11
OCTOBER	Friday, September 29	10/10	10/14	10/26	11/8
NOVEMBER	Monday, October 30	10/31	11/4	11/16	12/13
DECEMBER	Thursday, November 30	12/5	12/9	12/21	1/10/2024

\*Notice to newspaper *no later* than Tuesday at 4:00 PM for Saturday Publication.

GENERALLY:

- The Joint Planning Commission meets on the fourth Thursday of each month at 6:00 pm.\*\*
- The Joint Planning Board meets on the second Wednesday of each month at 6:00 pm.\*\*
- **\*\*All meetings held during summer months (June, July & August) will be at 5:00 pm.**
- All meetings will be held in the Bemidji City Council Chambers at 317 4<sup>th</sup> Street N.W.

**PLEASE NOTE: ALL MEETINGS ARE SUBJECT TO CHANGE.**

\*\*\* LGU Meeting Dates: To Be Determined

**GREATER BEMIDJI AREA JOINT PLANNING BOARD  
2023 FEE SCHEDULE**

<b>ENVIRONMENTAL</b>	<b>CITY &amp; NORTHERN TS</b>	<b>ESCROW</b>
AUAR/EIS	\$2,500	\$5,000
EAW	\$1,200	\$2,500
Shoreland Alteration	\$150 minimum	\$500 minimum
Tree Preservation	\$ 50< 1ac \$ 100 >1ac	\$500
Parkland Dedication - Com - City only	\$50,000 per acre	
Parkland Dedication - Res - City only	\$20,000 per acre	
Parkland Dedication - Single Family Residential Lot Simple Subdivision - City Only	\$800 per lot (creation of up to 3 lots)	
<b>Plat (Subdivision) - Lot Change</b>	<b>CITY &amp; NORTHERN TS</b>	<b>ESCROW</b>
Combination	\$50	
Division / Realignment	\$100 + \$25/lot	
Preliminary Plat Subdivision <20 acres	\$1200 + \$25/lot	\$1,500
Preliminary Plat Subdivision >20 acres	\$1800 + \$25/lot	\$3,000
Minor Subdivision	\$400 + \$25/lot	\$500
	"Lot" refers to the creation of a new tax parcel.	
<b>USE PERMITS</b>	<b>CITY &amp; NORTHERN TS</b>	<b>ESCROW</b>
CUP (Conditional Use Permit)	\$500 *	\$500
IUP (Interim Use Permit)	\$500 *	\$500
Variance	\$500 *	\$500
Zoning Amendment	\$550	\$500
PUD/CIC Concept Approval (Fee is for each review.)	\$250	\$500***
PUD / CIC	\$1500 + \$25/lot or unit	\$2,500
PUD / CIC (no public improvements)	\$800 + \$25/lot or unit	\$1,500
Home Occupation (Type II)	\$125	
Animal Permit	\$50	
Short Term Rental Initial Permit	\$1,000	
Short Term Rental Annual Renewal	\$500	
<b>CONSTRUCTION USE PERMITS</b>	<b>CITY &amp; NORTHERN TS</b>	<b>ESCROW</b>
Commercial Structure - TS only	\$250 + \$0.25 sq.ft.	
Residential Structure - TS only	\$150 + \$0.20 sq.ft.	
Temporary Moveable Storage Container / Semi-Trailer	\$150 per container/trailer	See Below
Parking Lot / Redevelopment (Determined by Planning Director)	\$500 minimum	
Fence Permit	\$25	
<b>SIGN PERMITS</b>	<b>CITY &amp; NORTHERN TS</b>	<b>ESCROW</b>
Permanent dynamic	\$300	
Permanent static	\$200	
Permanent static < 12 s.f.	\$60	
<b>SEPTIC PERMITS</b>	<b>CITY &amp; NORTHERN TS</b>	<b>ESCROW</b>
Commercial	\$550	\$500
Residential	\$400	
Holding Tanks	\$400	\$500

<b>ADMINISTRATIVE</b>	<b>CITY &amp; NORTHERN TS</b>	<b>ESCROW</b>
Copy of Subdivision & Zoning manual	\$50	
Map of zoning, large	\$25	
Copies of documents (B/W each page)	\$0.25	
Copies of documents (Color each page)	\$1	
Formal Appeal of Decision	\$500 *	\$500
After the Fact Applications **	<b>FEES X 3 &amp; ESCROWS X 3</b>	
Special Meeting of JPC/JPB	\$1,000	
<b>DEVELOPMENT ESCROWS</b>	<b>CITY &amp; NORTHERN TS</b>	<b>ESCROW</b>
COMMERCIAL/MULTI-FAMILY (Performance Standard)	\$1,000 each ****	
COMMERCIAL/MULTI-FAMILY (Landscaping / Trees/Temporary Containers/Trailers)	\$1000 + \$200/each tree > 5***** Max \$10,000 for Landscaping	
DEVELOPMENT/STIPULATIONS/OTHER/ RESIDENTIAL (Applies to all types of Land Use)	Fee determined by Planning Director.	
<b>SITE PLAN REVIEW /FIELD VERIFICATION</b>	<b>CITY &amp; NORTHERN TS</b>	<b>ESCROW</b>
Site Analysis - Performance Standards Review / Setback (Exclude SF Home)	\$750 minimum	
Residential Structure Plan Review / Condition Verification / Rental Review	\$50 minimum	
Zoning Verification Letter	\$75	
Other site visit verification.	Fee determined by Planning Director.	
OHW or Bluff (Engineer/Surveyor Required)	\$500	

Note: An escrow account shall be established as indicated above to cover all expenses incurred by the Joint Planning Board (JPB) as part of the plan review. In the case of applications, including multiple requests, the highest escrow deposit amount will be the only one initially required. The applicant is responsible for all costs incurred by the JPB during plan review. If the escrow amount drops below 10% of the original deposit amount the JPB will require the submittal of an additional escrow deposit sufficient to cover any anticipated expenses. Upon determination by the JPB that the project is complete or expired, the JPB will return the remaining escrow deposit to the applicant. In some cases the administrator may determine that escrow monies are not required or may be increased at the time of a new or subsequent project application.

- \* Includes Beltrami County Recording Fee
- \*\* Triple the usual permit fee shall apply for any permit applied for or obtained after the work or use has been initiated.
- \*\*\* Remaining balance shall count towards application or be returned.
- \*\*\*\* Used to determine escrow amount for total project, entire escrow held until all items are complete.
- \*\*\*\*\* Held for a period of one year after trees are planted.