



**Mississippi Headwaters Board  
Meeting Agenda  
Cass County Board Room Walker, MN**

<https://us02web.zoom.us/j/85386654081>

**March 25, 2022  
10:00 am**

**10:00 AM**

- Call to Order/Pledge of Allegiance

**10:05 AM Approve/Amend**

- Agenda
- Consent Agenda – February '22 Minutes & Expenses

**Correspondence**

- March Press Release

**Planning and Zoning (Actions)**

- GBA3a22- Gilbertson Variance- action

**Action / Discussion Items:**

- Additional funding opportunity- Discussion
- Executive Directors report- Discussion

**Misc:** ☼ Legislature Update (if any) ☼ County Updates

**Meeting Adjourned - Thank you**

**Mtgs: April 22, 2022 10:00 AM- Cass County Courthouse, Walker, MN**

**Attachment**

Draft Minutes

Monthly Expenses

Mississippi Headwaters Board  
February 25, 2022  
Miss. Headwaters Board Conference Room  
322 Laurel St.  
Brainerd, MN

Optional interactive technology: <https://us02web.zoom.us/j/81725382400>

MEETING

MINUTES

Members present by Roll Call: Ted Van Kempen (Hubbard), Scott Bruns (Cass), Mike Wilson (Morrison interactive), Davin Tinquist (Itasca), Craig Gaasvig (Beltrami), Dean Newland (Clearwater interactive) and Tim Terrill (Executive Director).

Pledge of Allegiance

Chair Van Kempen asked if there were any additions to the agenda. Tim offered that we add a line item after the executive director's report about the events webpage. **M/S (Gaasvig/Tinquist) to approve of the agenda. Motion carried unanimously.**

**M/S (Wilson/Bruns) to approve of the Consent agenda. Motion carried unanimously.**

**Correspondence**

Tim noted that the article was sent out on 2/1/22 to all the county newspapers, and stated that it was about the Letter of Inquiry from the MHB to Rep. Betty McCollum's office. Comm. Gaasvig pointed out a misspelling and also stated that the amount should be \$300 million instead of \$500 billion.

**Planning and Zoning**

None

**Action/Discussion:**

Annual Work plan and Budget- Tim presented the Work plan and Budget for sfy 2023 to the board and told them that the budget committee reviewed it at a work session. Comm. Gaasvig asked if Tim could send out the budget to all the board members with the worksheet that described how the numbers were formulated. Tim stated that he would. The board reviewed the work plan and Tim gave a brief overview of what the line items were and what the MHB hoped to accomplish. There were a few typo's that were pointed out. **M/S (Tinquist/Bruns) to approve of the sky 2023 work plan and budget. Motion carried unanimously.**

2022 Performance Review document- Tim said that he updated the 2022 performance review and is presenting it before the board. It was noted that the date on the last page needed to be changed from 2021 to 2022. Discussion ensued about the approval of it last month, and Tim pointed out that this document is for calendar year 2022 whereas last month was for calendar year 2021. **M/S (Gaasvig/Newland) to approve of the 2022 Performance Review. Motion carried unanimously.**

Letter of Support for Northern Township- Tim explained that in January he received a request from Northern Township to get a letter of support from the MHB. Tim forwarded the email to Craig. Comm. Gaasvig then resumed discussion stating that at first the conversation between the city of Bemidji and Northern Township did not include the county commissioners and no support was given from the county. Later discussion with Northern Township occurred between the county, Northern Township, and Bemidji, and the county signed a letter of support for legislation to be written by Rep. Matt Bliss to support a bond from the legislature for water and sewer to be implemented by the DNR office and Rutgers Resort. Comm. Van Kempen asked if this is something that the 1W1P is covering and Gaasvig said that it is a bonding request and not something from 1W1P. **M/S (Gaasvig/Tinquist) to approve of the letter of support. Motion carried unanimously.**

## **Executive Directors Report**

1. Tim said that he is working with the Brainerd YMCA and Smiles for Jake, and they are planning a event race where we could potentially bring in 1000 to 1500 people to experience the Mississippi river. Tim said they had their first meeting and options like a river race, therapist, historical leisure paddle, yoga instruction class, cover band, and lots of other options were being discussed at their first meeting.
2. Tim said that he is traveling to each MHB county and showing the video and salt demonstration analogy to the boards. He thinks it will provide a better understanding of the MHB and the way we work with counties.
3. Tim held a conversation with Zach Roberts who will install recreational signage on the Miss. for his Eagle Scout project. Tim envisioned Zach giving a short presentation about his work and have a small ceremony where he is given his Eagle Scout award at the biennial conference.
4. Tim said that the Itasca Historical society is planning a resourcetainment paddle from pokegama dam to the Forest History Center. He said it will bring attention to the resources available in Grand Rapids. He noted that Tom Saxhaug was present at the meeting and it was good to work with him in a planning capacity.
5. Tim stated that DNR is looking at writing a large LSOHC grant for the current The Conservation Fund parcels. He said that MHB is looking at partnering with the county on parcels not being chosen by the DNR. Comm. Van Kempen was curious to see if there was a way for other property to go into public landowners. Tim said that the county and state are given the right of first refusal and there are smaller parcels that may be more advantageous to private landowners. Comm. Van Kempen said that their county is trying to get legislation passed to sell less prioritized tax forfeited land and exchange that for more valuable high value land.
6. Events Webpage- Tim gave a brief example on how the MHB website has a calendar of events for Resourcetainment options across the first 400 miles. He says he will go around after each event and have people scan the QR code and add events to their phone.

Legislative and County Updates- Beltrami county is doing a needs assessment for a jail. Comm. Gaasvig said that the Sheriff will not run again, and there might be 3 people working for that position. Comm. Tinquist provided comment on the jail and said that Itasca County ran into a few snags when they designed their jail and then Covid hit and other considerations were brought into the process. Tinquist also commented on

Huber wood products and said the city is deciding if an EW is needed for the site. Davin stated that Huber has shown that the plant will be carbon neutral once built.

**M/S (Tinquist/Gaasvig) to adjourn. Motion carried unanimously.**

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Ted Van Kempen Chair

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Executive Director Tim Terrill



PROTECTING THE FIRST 400 MILES

IMMEDIATE PRESS RELEASE 3/1/22

Media Contact

Tim Terrill

218-824-1189

timt@mississippiheadwaters.org

[www.mississippiheadwaters.org](http://www.mississippiheadwaters.org)

322 Laurel St.

Brainerd, MN 56401

**Mississippi Headwaters Board Acts to Provide New Opportunity to Lake Homeowners and Recreational Groups**

At the January 2022 Mississippi Headwaters Board (MHB) meeting, the board made a decision to gather interest from county aquatic invasive species (AIS) coordinators about a program named Lakepledge. Executive Director, Tim Terrill, explained that lake homeowners and AIS coordinators now have a new opportunity to work closely together on a project to help protect their water resource from zebra mussels and other harmful invaders. Hennepin County as a pilot project in which lake homeowners can go to a website and click on activities watercraft that they own and do. Those actions could be: owning a dock or kayak; owning a pet, moving a boat from lake to lake, etc. When the owner clicks on a list of their specific actions, they are directed to information specific videos on that action in which they can watch and learn about ways to protect their lake and take a pledge to do those actions. The program not only keeps track of how many videos the landowner watched, but also keeps track of what lake they live on and provides a percentage of how many other landowners on that lake took the pledge as well. It then produces a quick report on the activities that people do on their specific lake and provides data on what AIS protection measures need to be implemented on the lake. The board thought it was a useful tool because it allows lake associations and county coordinators to fine tune their education efforts based on homeowner uses on the lake. They asked Tim to talk with county AIS coordinators and see if their county and/or lake associations have any interest in doing this.

## February SFY'22 Budget Summary

		YTD spending/rei mbursement	Projected Budget	% of budget spent	
<b>Revenues:</b>	<b>Monthly Amount</b>				<b>Explanation</b>
Governor's DNR grant (53290)		\$103,200.61	\$124,000.00	83.23%	non competitive quarterly reimbursement
LSOHC grant (53290)		\$6,386.54	\$6,000.00	106.44%	LSOHC reimbursement
Guidebook sales (58400)			\$200.00	0.00%	reimbursment for Guidebook sales
Enbridge program (58300)		\$5,942.92	\$7,000.00	84.90%	enbridge reimbursement
Miscell. Other revenue (58300)		\$100.00	\$3,000.00	3.33%	AIS reimbursement & muskie donation
MCIT Dividend (58300)		\$277.00	\$277.00	100.00%	MCIT refund
County Support (52990)	\$1,500.00	\$9,000.00	\$12,000.00	75.00%	8 county support
BWSR Grant Stormwater (53090)				#DIV/0!	This will not be reimbursed due to change of grant conditions.
LCCMR acquisition			\$1,000.00	0.00%	competitive reimbursement
<b>Total</b>	<b>\$1,500.00</b>	<b>\$21,706.46</b>	<b>\$28,477.00</b>		
<b>Expenses:</b>	<b>Monthly Amount</b>				<b>Explanation</b>
Salaries/Benefits FICA/Med/PERA/LIFE/LTD/Hlth/ WC(61000)	\$ 8,592.23	\$62,576.56	\$103,866.00	60.25%	reimbursed by Gov. DNR grant
MCIT insurance/work comp/liability (61500)		\$3,022.00	\$3,220.00	93.85%	reimbursed by Gov. DNR grant
MHB board Per Diem (62680)	\$ 150.00	\$1,100.00	\$2,700.00	40.74%	reimbursed by Gov. DNR grant
Hotel/Meals/travel exp. (63340)	\$ 9.33	\$845.77	\$500.00	169.15%	meal reimbursement
Commissioner Mileage (62720)	\$ 198.90	\$632.79	\$2,800.00	22.60%	reimbursed by Gov. DNR grant
Employee Mileage (63320)	\$ 90.97	\$1,719.72	\$4,400.00	39.08%	reimbursed by Gov. DNR grant
Professional Services (62990)	\$ 70.00	\$6,685.05	\$45,000.00	14.86%	Kiwanis Park registration
Office supplies/operations (64090)	\$ 58.59	\$916.83	\$1,400.00	65.49%	telephone
Training & Registration Fees (63380)		\$375.00	\$300.00	125.00%	reimbursed by Gov. DNR grant- AMC conf. registration
<b>Total</b>	<b>\$9,170.02</b>	<b>\$77,873.72</b>	<b>\$164,186.00</b>		

Governor's DNR grant is always \$124K every year

LSOHC grant is around \$6K to \$8K every year

\*The total under revenue does not reflect the \$124K because it is a non-competitive grant, and it doesn't always fall in the fiscal year.

ACCOUNT DETAIL HISTORY FOR 2022 02 TO 2022 02

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	52990		Local Grant							
										REVISIED BUDGET .00
						PER 01		-9,000.00	-9,000.00	
22/02	iNovah	125 02/02/22	GNI 340857	Lisak	43689			-1,500.00	-10,500.00	
			ITASCA COUNTY AID							
										LEDGER BALANCES --- DEBITS: .00
										CREDITS: -10,500.00
										NET: -10,500.00
74830	58300		Miscellaneous Other Revenue							
										REVISIED BUDGET .00
22/02	iNovah	125 02/02/22	GNI 340856	Lisak	43689			-2,500.00	-2,500.00	
			YELLOW MEDICINE AIS SUPPORT							
22/02	iNovah	331 02/08/22	GNI 341291	Lisak	43748			-7,500.00	-10,000.00	
			BELTRAMI AIS SUPPORT							
22/02	iNovah	671 02/15/22	GNI 341828	Lisak	43825			-15,000.00	-25,000.00	
			MORRISON AIS SUPPORT							
22/02	iNovah	671 02/15/22	GNI 341826	Lisak	43825			-2,000.00	-27,000.00	
			SHERBURNE AIS SUPPORT							
22/02	iNovah	1010 02/25/22	GNI 342611	Lisak	43943			-15,000.00	-42,000.00	
			AITKIN AIS SUPPORT							
										LEDGER BALANCES --- DEBITS: .00
										CREDITS: -42,000.00
										NET: -42,000.00
74830	61000		Salaries & Wages - Regular							
										REVISIED BUDGET .00
22/02		377 02/11/22	PRJ PR0211	1220211	1220211	1220	PER 01	5,523.01	5,523.01	
			WARRANT=220211 RUN=1 BI-WEEKL					3,110.81	8,633.82	
22/02		941 02/25/22	PRJ PR0225	1220225	1220225	1220		2,901.23	11,535.05	
			WARRANT=220225 RUN=1 BI-WEEKL							
										LEDGER BALANCES --- DEBITS: 11,535.05
										CREDITS: .00
										NET: 11,535.05
74830	61200		Active Insurance							
										REVISIED BUDGET .00
22/02		377 02/11/22	PRJ PR0211	1220211	1220211	1220	PER 01	1,709.26	1,709.26	
			WARRANT=220211 RUN=1 BI-WEEKL					866.21	2,575.47	

ACCOUNT DETAIL HISTORY FOR 2022 02 TO 2022 02

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
22/02	941	02/25/22	PRJ PR0225	1220225	1220225	1220		843.05	3,418.52		
	PAY022522	WARRANT=220225	RUN=1	BI-WEEKL							
LEDGER BALANCES --- DEBITS:			3,418.52	CREDITS:		.00	NET:	3,418.52			
74830	61300	Employee Pension & FICA									
										REVISED BUDGET	.00
										PER 01	
22/02	377	02/11/22	PRJ PR0211	1220211	1220211	1220		796.85	796.85		
	PAY021122	WARRANT=220211	RUN=1	BI-WEEKL				451.35	1,248.20		
22/02	941	02/25/22	PRJ PR0225	1220225	1220225	1220		419.58	1,667.78		
	PAY022522	WARRANT=220225	RUN=1	BI-WEEKL							
LEDGER BALANCES --- DEBITS:			1,667.78	CREDITS:		.00	NET:	1,667.78			
74830	62100	Telephone									
										REVISED BUDGET	.00
										PER 01	
22/02	724	02/22/22	API 006205		164260	29511		57.37	57.37		
	W C022222	FEBRUARY CTC & 02/22-02/22	LD CONSOLIDATED	TELECOM				1.78	59.15		
22/02	724	02/22/22	API 006205		164260	29511		.05	59.20		
	W C022222	FEBRUARY CTC & 02/22-02/22	LD CONSOLIDATED	TELECOM							
22/02	941	02/25/22	PRJ PR0225	1220225	1220225	1220		55.00	114.20		
	PAY022522	WARRANT=220225	RUN=1	BI-WEEKL							
LEDGER BALANCES --- DEBITS:			114.20	CREDITS:		.00	NET:	114.20			
74830	62680	Non-Employee Per Diems									
										REVISED BUDGET	.00
22/02	64	02/01/22	API 001099		163308	29381		50.00	50.00		
	W A020122	MHB PER DIEM			MARCOTTE, ANNE						
22/02	64	02/01/22	API 100532		163309	1936898		50.00	100.00		
	W A020122	MIKE WILSON MHB PER DIEM			MORRISON COUNTY AUDI						
22/02	64	02/01/22	API 003257		163312	29379		50.00	150.00		
	W A020122	MHB PER DIEM AND MILEAGE			GAASVIG, CRAIG						
LEDGER BALANCES --- DEBITS:			150.00	CREDITS:		.00	NET:	150.00			

ACCOUNT DETAIL HISTORY FOR 2022 02 TO 2022 02

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	62720		Non-Employee Mileage							
										REVISED BUDGET .00
22/02	64	02/01/22	API 101580		163310	29392		106.47	106.47	
	W A020122	MHB MILEAGE			WILSON, MICHAEL					
22/02	64	02/01/22	API 003356		163311	29380		32.76	139.23	
	W A020122	TED VANKEMPEN MHB MILEAGE			HUBBARD COUNTY TREAS					
22/02	64	02/01/22	API 003257		163312	29379		59.67	198.90	
	W A020122	MHB PER DIEM AND MILEAGE			GAASVIG, CRAIG					
			LEDGER BALANCES --- DEBITS:		198.90	CREDITS:		.00	NET:	198.90
74830	62990		Prof. & Tech. Fee - Other							
										REVISED BUDGET .00
22/02	790	02/22/22	API 004357		164729	29556		2,080.20	2,080.20	
	W A022222	REVISED PERMIT			Brainerd Parks and R			70.00	2,150.20	
			LEDGER BALANCES --- DEBITS:		2,150.20	CREDITS:		.00	NET:	2,150.20
74830	63320		Employee Mileage							
										REVISED BUDGET .00
22/02	1054	02/28/22	GNI JAN			PER 01		239.96	239.96	
	WF PCARD	1434 - Sentinel landscape mtg						28.96	268.92	
		TIM TERRILL - OOP								
22/02	1054	02/28/22	GNI JAN					62.01	330.93	
	WF PCARD	1434 - monthly board mtg								
		TIM TERRILL - OOP								
			LEDGER BALANCES --- DEBITS:		330.93	CREDITS:		.00	NET:	330.93
74830	63340		Hotel & Meals Travel Expense							
										REVISED BUDGET .00
22/02	1055	02/28/22	GNI JAN			PER 01		303.48	303.48	
	BREM PCARD	meal after board meeting						9.33	312.81	
		TIM TERRILL - DAIRY QUEEN 42429								
			LEDGER BALANCES --- DEBITS:		312.81	CREDITS:		.00	NET:	312.81

**ACCOUNT DETAIL HISTORY FOR 2022 02 TO 2022 02**

ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	64090	Office Supplies							
						REVISED BUDGET			.00
22/02	1055 02/28/22	GNI JAN					1.76	1.76	
	BREM PCARD mailing								
	TIM TERRILL - USPS PO 2611000401								
	LEDGER BALANCES --- DEBITS:			1.76	CREDITS:	.00	NET:	1.76	
	GRAND TOTAL --- DEBITS:		19,880.15	CREDITS:	-52,500.00	NET:	-32,619.85		

26 Records printed

\*\* END OF REPORT - Generated by Korie Wiggins \*\*

## **Planning and Zoning**

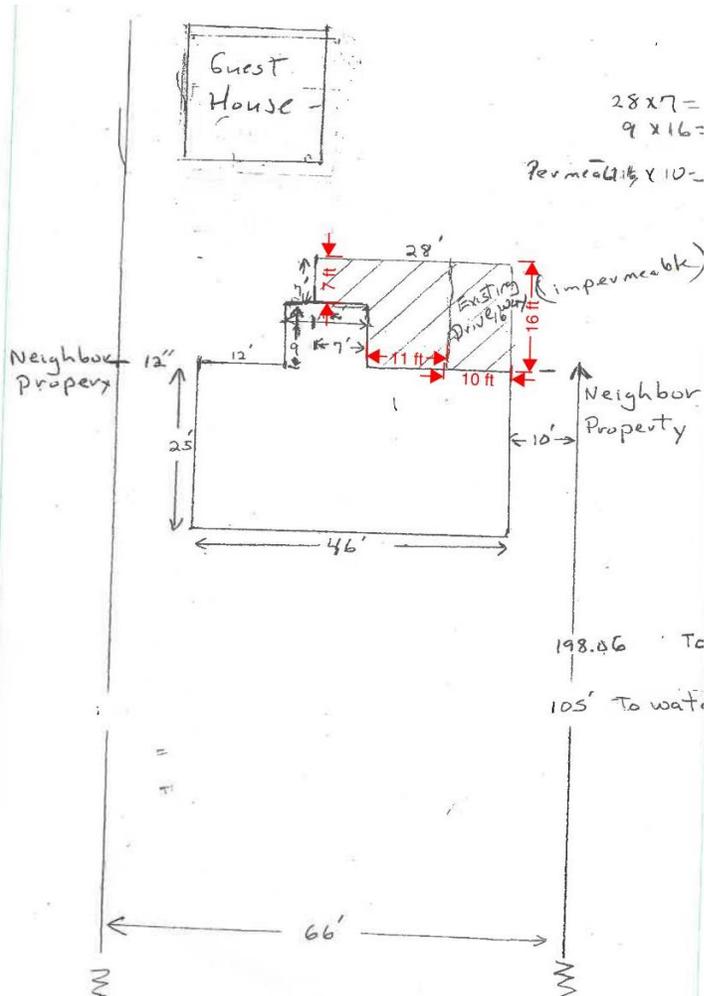
GBA3a22- Gilbertson Variance

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**NORTHERN TOWNSHIP – V-22-31.00979.00 –  
GRAIG & CAROL GILBERTSON | NP**



# SUMMARY OF REQUEST



- Graig and Carol Gilbertson are requesting multiple variances in order to expand a portion of their home.
- Property is a substandard lot of record located at 1608 Birchmont Beach Rd NE in Northern Township.
- The requested variances are as follows:
  - 1. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
  - 2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred-foot lot width; and
  - 3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

# BACKGROUND



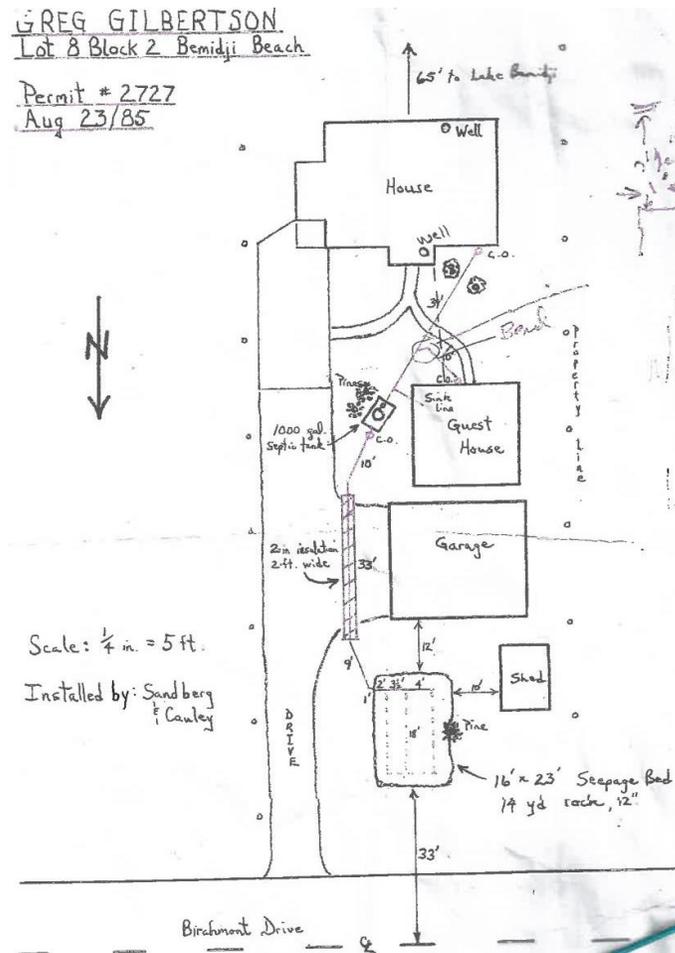
- Graig Gilbertson has met with staff regarding this proposal to expand the existing dwelling for year-round occupancy.
- The legal non-conforming lot is currently developed with a nonconforming dwelling.
- The proposed expansion area would meet all required setbacks.

## BACKGROUND – CONT.



- The applicants plan to expand from the existing northern side of the dwelling by adding 350 square feet of space over previously disturbed and undisturbed areas
- The proposed addition would be eight feet in height, extending sixteen feet north from the side of the dwelling. An additional 190 square feet of impervious surface would be created after construction, which is a one and one-half percent increase over existing conditions

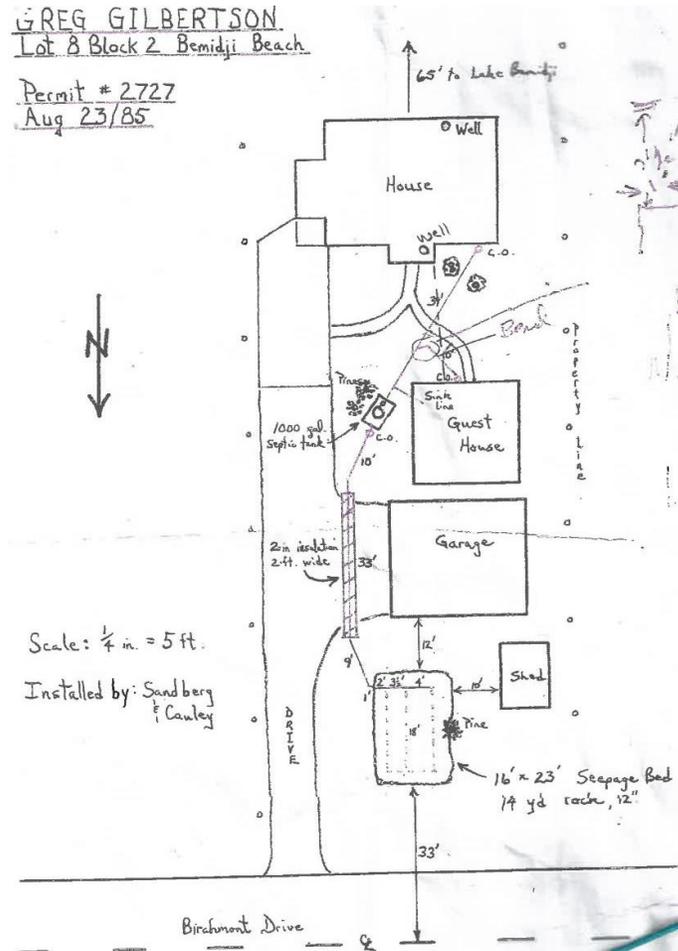
# DISCUSSION/DEVELOPMENT ANALYSIS



SITE DEVELOPMENT	EXISTING	PROPOSED	REQUIRED/ALLOWED
Impervious Surface	37.2% (4,860 sq. ft.)	38.7% (5,050 sq. ft.)	25% (3,262 sq. ft.)
Lot Size	13,048 sq. ft.	-	15,000 sq. ft.
Lot Width	66 ft.	-	100 ft. (at setback)

- The current single-family house is approximately 1,600 square feet, with all other impervious areas bringing the site impervious to 4,860 square feet.
- The existing dwelling is set back from the OHWM approximately seventy feet lakeside, and is one hundred three feet from the OHWM on the north facing side.
- The driveway contains maneuverability area for vehicles to access the side-loading garage along with parking near the dwelling and is counted towards site impervious surface.
- There are a few mature trees adjacent the proposed construction area.

# DISCUSSION/DEVELOPMENT ANALYSIS



## ■ Septic System (Condition #4)

- The existing system (installed in 1985) has no previous certificate of compliance on file and will need to be re-evaluated for compliance.
- Any modification that adds to overall number of bedrooms will require system redesign and permitting.

## ■ Stormwater Mitigation (Condition #3)

- A stormwater mitigation plan sufficient to treat stormwater above the allowed shoreland standard, as completed by a design professional, shall be submitted to JPB staff for review and approval prior to permit issuance.

## ■ Landscaping (Condition #2)

- A landscaping plan would need to be submitted for any trees, shrubs, or vegetation that are to be removed. Work proposed near existing mature trees that are not subject to removal shall utilize best management practices to avoid damage to existing high-quality trees or their root zone.

# DISCUSSION/DEVELOPMENT ANALYSIS

- Neighborhood Comment:

- *“Dear Mr. Phillips and the Greater Bemidji Area Joint Planning Board:*

*Our neighbors, three doors away, the Gilbertson’s, have applied for a variance from the maximum allowed impervious surface area for properties in the shore land zone of Lake Bemidji.*

*The reasons behind this zoning rule is multi-purposed, but primarily to allow rainwater and melting snow to soak into the soil, rather than running into Lake Bemidji. In the case of the Gilbertson’s property, they have no hill, or even slope enough to cause the slightest amount of water run-off. 90% of the water will run towards their back-yard grass area, the remaining 10% will soak into the ground between their house and the lake.*

*Aside from this, there’s another reason for writing to you today. We have lived in the neighborhood over ten years and know all residents, east and west of the Gilbertson’s. Their opinions of the Graig and Carol go pretty much like this:*

*"If you could magically make a list of all positive attributes for your neighbor to possess... WAA-LLA! ... you would end up with characteristics describing the Gilbertson’s! Let’s do whatever possible to keep them in the neighborhood!"*

***Please vote “YES” and approve the variance for Graig and Carol, thus, help us to keep them in the neighborhood. If they moved to a larger lot, we’d not likely end up with people of such excellent character. The health, safety and well-being of a community derives from the individuals living there. PLEASE HELP US... TO KEEP THEM AS OUR NEIGHBORS!!!***

*Yours truly,*

***Peter & Laurie Nordquist”***

# DISCUSSION/DEVELOPMENT ANALYSIS

- Agency Comment:
- Mississippi Headwaters Board:
  - Staff conversed via phone with Tim Terrill of the MHB to discuss the specifics of the variance request. MHB staff expressed concern for the ability of the applicant to **demonstrate a site layout that would achieve conforming onsite sewage treatment in addition to stormwater treatment.** MHB staff indicated that a **stormwater mitigation plan would need to be submitted to the full MHB before certification of the variance** would be considered.
  - See Condition #7
- Minnesota Department of Natural Resources Area Hydrologist:
  - Staff conversed via phone with Brent Mason of the MnDNR regarding this variance request. Brent expressed his support for a plan that would mitigate excess stormwater on a site that currently has a high amount of impervious, and **was generally supportive of approval** conditioned on receipt of a comprehensive site plan that includes stormwater and other site verifications.

# DISCUSSION/DEVELOPMENT ANALYSIS

- Agency Comment:
- Beltrami County Highway Department:
  - Bruce Hasbargen submitted the following comment:

*“**The Beltrami County Highway Department has concerns** with the Gilbertson variance request.*

*The County is in the preliminary stage of developing a project on CSAH 21, Birchmont Beach Rd NE. A public sanitary sewer system is being considered as part of that project. Properties with limited space, like the Gilbertson’s, would benefit from that public system. Currently, the **Gilbertson’s drain field is located within the road right of way.** The County has not made any decisions on how it will handle such encroachments, but there is the potential that the landowners would be required to remove them from the right of way. If a public sewer system is not part of the project, the limited impervious area will make it hard to relocate the private system. Reducing the impervious area under this variance request would make it even harder.*

***Therefore, at this time the County Highway Department is against approval of this variance request.** If a public system were to be constructed then our concern is eliminated.”*

## RECOMMENDATION & FINDINGS

The JPC recommends conditioned approval of three variances in order to construct an addition to the existing dwelling at 1608 Birchmont Beach Rd NW in Northern Township. The variances are as follows:

1. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred foot lot width; and
3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

Approval recommended with the following findings of fact and conditions as modified:

# RECOMMENDATION & FINDINGS

## Conditions

1. An erosion control plan shall be submitted, **approved**, and be in place before any construction commences on the property.
2. 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 approval**, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
3. 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, and so a stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Mississippi Headwaters Board prior to certification of the variance.
4. The property owner must either: a) be issued an SSTS permit allowing any necessary drainfield layout modifications necessary as required by Ordinance §801 before constructing additional bedroom space, or if no system modification is necessary shall b) submit a certificate of compliance to JPB staff for the existing system within 12 months of the date of this approval.

# RECOMMENDATION & FINDINGS

## Conditions

5. A land use permit shall be obtained prior to construction and demolition.
6. JPB site verification form and fee shall be submitted prior to construction.
7. Mississippi Headwaters Board Certification of the variance request must be obtained, as required by MN Statute 103F.373, prior to the effectiveness of this variance approval.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of variance approval. 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.

# RECOMMENDATION & FINDINGS

## ■ 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 uses are well established on the lot, and would remain reasonable and allowable into the future. Any expansion of the structure to allow additional living space would be limited to areas of existing impervious surface to the north of the dwelling, which would limit such an addition to an unreasonably small interior dimension. 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 area to allow contemporary forms of residential development. To expand any existing structure on this lot is not possible while staying in conformity with the ordinance.

# RECOMMENDATION & FINDINGS

## ■ Findings of Fact

### 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 maximum impervious surface in this zone are in place to provide adequate passive stormwater management in order to protect the aquatic resource, however active stormwater mitigation strategies are possible that can treat the same amount of water on a smaller footprint of land. While proper undisturbed space would mitigate storm-water from this addition, the property owner has the ability to consult a design professional to create a plan to mitigate and treat the additional storm-water in available areas of the lot before it enters the lake.

# RECOMMENDATION & FINDINGS

## ■ Findings of Fact

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.

**Gilbertson -  
Variance Request**

**GREATER BEMIDJI JOINT PLANNING BOARD**

**Resolution No. 2022-03**

**RESOLUTION APPROVING VARIANCE FOR PARCEL  
31.00979.00**

WHEREAS, an application was submitted on January 31<sup>st</sup>, 2022 by Graig and Carol Gilbertson requesting multiple variances in order to expand an existing dwelling on a substandard lot of record located at 1608 Birchmont Beach Road 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. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred-foot lot width; and
3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

WHEREAS, the requested variances will be for a structure located on parcel 31.00066.00 legally described as Sect-15 Twp-147 Range-033 BEMIDJI BEACH Lot-008 Block-002 .30 AC INC VACATED PORTION OF PUBLIC WAY IDENTIFIED AS BEACH (VACATION ORDER MF 406779); and

WHEREAS, the Property is zoned (R-3) Suburban Residential within the Shoreland Overlay; and

WHEREAS, the requested variances meet all requirements, standards and specifications of the Greater Bemidji Area Zoning and Subdivision Ordinance; and

WHEREAS, the Joint Planning Commission held a public hearing on Thursday, February 24<sup>th</sup>, 2022, to review the application for Variances following mailed and published notices as required by law; and

WHEREAS, the Greater Bemidji Area Joint Planning Board has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the Variance application request:

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 uses are well established on the lot, and would remain reasonable and allowable into the future. Any expansion of the structure to allow additional living space would be limited to areas of existing impervious surface to the north of the dwelling, which would limit such an addition to an unreasonably small interior dimension. 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 area to allow contemporary forms of residential development. To expand any existing structure on this lot is not possible while staying in conformity with the ordinance.

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 maximum impervious surface in this zone are in place to provide adequate passive stormwater management in order to protect the aquatic resource, however active stormwater mitigation strategies are possible that can treat the same amount of water on a smaller footprint of land. While proper undisturbed space would mitigate storm-water from this addition, the property owner has the ability to consult a design professional to create a plan to mitigate and treat the additional storm-water in available 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.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of three variances in order to expand the principle dwelling structure at 1608 Birchmont Beach Road NE on parcel 31.00979.00, with the following conditions:

1. An erosion control plan shall be submitted, approved, and be in place before any construction commences on the property.
2. 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 approval, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
3. 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, and so a stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Mississippi Headwaters Board prior to certification of the variance.
4. The property owner must either:
  - a) be issued an SSTS permit allowing any necessary drainfield layout modifications necessary as required by Ordinance §801 before constructing additional bedroom space, or if no system modification is necessary shall
  - b) submit a certificate of compliance to JPB staff for the existing system within 12 months of the date of this approval.
5. A land use permit shall be obtained prior to construction and demolition.
6. JPB site verification form and fee shall be submitted prior to construction.
7. Mississippi Headwaters Board Certification of the variance request must be obtained, as required by MN Statute 103F.373, prior to the effectiveness of this variance approval.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of variance approval. 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.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

County of Beltrami

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_ 2022 by Jorge Prince, Joint Planning Board Chair.

\_\_\_\_\_  
Jorge Prince, Joint Planning Board Chair

Subscribed and sworn to before me  
this \_\_\_\_\_th day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

**THE GREATER BEMIDJI AREA  
JOINT PLANNING BOARD**

<b>PLANNING CASE:</b> V-22-31.00979.00	<b>JPC MEETING DATE:</b> February 24 <sup>th</sup> , 2022
<b>APPLICANT:</b> Graig & Carol Gilbertson 1608 Birchmont Beach Rd NE	<b>60-DAY RULE DATE:</b> April 1 <sup>st</sup> , 2022
<b>PROCEEDING:</b> Variances for lot width, lot size, and exceeding maximum impervious surface for the construction of a house addition	<b>ZONING DISTRICT:</b> (R-3) Suburban Residential and Shoreland Overlay
<b>PREPARED BY:</b> Nickolaus Phillips Assistant Planner	<b>EXHIBITS:</b> Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

**JPB MEMORANDUM**

**I. SUMMARY OF REQUEST**

Graig and Carol Gilbertson are requesting multiple variances in order to expand a portion of their home, which is a non-conforming dwelling on a substandard lot of record located at 1608 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. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred-foot lot width; and
3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

As this is an existing non-conforming dwelling that is positioned partly within the OHWM setback, any expansion of the dwelling must be reviewed to determine if the proposal requires a variance. In this case, the proposed addition is to the rear of the home, starting at a setback of one hundred three feet from the ordinary high-water mark, does not require a setback variance. However, the lot is currently heavily developed with multiple accessory structures, and is exceeding the allowed impervious surface standard for the shoreland overlay. In addition, as the required lot impervious surface standard cannot be met, Section 903C(1) stipulates that variances for lot width and size are also required. There is existing impervious coverage in the proposed building location, and staff note the overall increase in impervious surface over existing conditions is approximately one and five-tenths percent.

**II. PUBLIC HEARING & DISCUSSION**

**Commission members had the following comments:**

Faver requested clarification on the conditions. Staff noted that JPB staff would need to review and approve the erosion control and landscaping plans, and the Mississippi Headwaters Board would need to approve the stormwater mitigation plan before they certified the variance. Staff noted that stormwater mitigation plans are typically approved by JPB staff.

Faver addressed that conditions #1 and #2 state that the applicant must submit a plan, which does not constitute a requirement for approval. Staff noted that the language of the conditions could be changed.

Lemmer inquired about the status of the current buildings. Staff noted that all existing buildings will be left. Lemmer inquired about the current use of the guest house. Staff noted their current understanding is that it is being used for family.

Chambers and Granlund inquired as to the future impact with the updates planned for Birchmont Beach Road, noting the possibility for water and sewer services and the potential for widening of the road. Staff noted that this could affect the proposed plan.

#### **Public Hearing opened at 6:13 p.m.**

Graig Gilbertson addressed the Commission. Lemmer inquired if the guest house or other buildings on their property were used as a rental. Gilbertson noted that the guest house was used for visiting guests and he uses it as a space to exercise. Gilbertson identified history of the property, and their upgrades to the septic system when they purchased the property in 1985.

#### **Public Hearing closed at 6:17 p.m.**

### **III. JPC & STAFF RECOMMENDATION & FINDINGS**

Staff recommends conditioned approval of three variances in order construct an addition to the existing dwelling at 1608 Birchmont Beach Rd NW in Northern Township. The variances are as follows:

1. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred-foot lot width; and
3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

Approval recommended with the following findings of fact and conditions:

#### **Conditions**

1. An erosion control plan shall be submitted, **approved**, and be in place before any construction commences on the property.
2. 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 approval**, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.

3. 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, and so a stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Mississippi Headwaters Board prior to certification of the variance.
4. The property owner must either:
  - a) be issued an SSTS permit allowing any necessary drainfield layout modifications necessary as required by Ordinance §801 before constructing additional bedroom space, or if no system modification is necessary shall
  - b) submit a certificate of compliance to JPB staff for the existing system within 12 months of the date of this approval.
5. A land use permit shall be obtained prior to construction and demolition.
6. JPB site verification form and fee shall be submitted prior to construction.
7. Mississippi Headwaters Board Certification of the variance request must be obtained, as required by MN Statute 103F.373, prior to the effectiveness of this variance approval.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of variance approval. 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 uses are well established on the lot, and would remain reasonable and allowable into the future. Any expansion of the structure to allow additional living space would be limited to areas of existing impervious surface to the north of the dwelling, which would limit such an addition to an unreasonably small interior dimension. 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 area to allow contemporary forms of residential development. To expand any existing structure on this lot is not possible while staying in conformity with the ordinance.**
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 maximum impervious surface in this zone are in place to provide adequate passive stormwater management in order to protect the aquatic resource, however active stormwater mitigation strategies are possible that can**

**treat the same amount of water on a smaller footprint of land. While proper undisturbed space would mitigate storm-water from this addition, the property owner has the ability to consult a design professional to create a plan to mitigate and treat the additional storm-water in available 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.**

Ayes: Chambers, Lemmer, Granlund, David, Steffen, Faver, Berg.

Nays: None.

**Motion carried 7-0.**

**THE GREATER BEMIDJI AREA  
JOINT PLANNING BOARD**

<b>PLANNING CASE:</b> V-22-31.00979.00	<b>JPC MEETING DATE:</b> February 24 <sup>th</sup> , 2022
<b>APPLICANT:</b> Graig & Carol Gilbertson 1608 Birchmont Beach Rd NE	<b>60-DAY RULE DATE:</b> April 1 <sup>st</sup> , 2022
<b>PROCEEDING:</b> Variances for lot width, lot size, and exceeding maximum impervious surface for the construction of a house addition	<b>ZONING DISTRICT:</b> (R-3) Suburban Residential and Shoreland Overlay
<b>PREPARED BY:</b> Nickolaus Phillips Assistant Planner	<b>EXHIBITS:</b> Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

**PLANNING REPORT**

**I. SUMMARY OF REQUEST**

Graig and Carol Gilbertson are requesting multiple variances in order to expand a portion of their home, which is a non-conforming dwelling on a substandard lot of record located at 1608 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. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred-foot lot width; and
3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

As this is an existing non-conforming dwelling that is positioned partly within the OHWM setback, any expansion of the dwelling must be reviewed to determine if the proposal requires a variance. In this case, the proposed addition is to the rear of the home, starting at a setback of one hundred three feet from the ordinary high-water mark, does not require a setback variance. However, the lot is currently heavily developed with multiple accessory structures, and is exceeding the allowed impervious surface standard for the shoreland overlay. In addition, as the required lot impervious surface standard cannot be met, Section 903C(1) stipulates that variances for lot width and size are also required. There is existing impervious coverage in the proposed building location, and staff note the overall increase in impervious surface over existing conditions is approximately one and five-tenths percent.

## **II. BACKGROUND**

Graig Gilbertson has met with staff regarding this proposal to expand the existing dwelling for year-round occupancy. The legal non-conforming lot is currently developed with a nonconforming dwelling. The proposed expansion area would meet all required setbacks. The applicants plan to expand from the existing northern side of the dwelling by adding 350 square feet of space over previously disturbed and undisturbed areas, and the proposal would add an additional 190 square feet of impervious surface over existing conditions.

## **III. DEVELOPMENT SUMMARY**

<b>SITE DEVELOPMENT</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ALLOWED</b>
<b>Impervious Surface</b>	<b>37.2%</b> <b>(4,860 sq. ft.)</b>	<b>38.7%</b> <b>(5,050 sq. ft.)</b>	<b>25%</b> <b>(3,262 sq. ft.)</b>
<b>Lot Size</b>	<b>13,048 sq. ft.</b>	<b>-</b>	<b>15,000 sq. ft.</b>
<b>Lot Width</b>	<b>66 ft.</b>	<b>-</b>	<b>100 ft.</b> <b>(at setback)</b>

## **IV. DISCUSSION/DEVELOPMENT ANALYSIS**

### **Planning Considerations**

Variations should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variations. An applicant can demonstrate a practical difficulty when their proposal is reasonable, will not alter the essential character of the neighborhood, and is caused by a unique circumstance related to the property not directly caused by the land owner. Economics and cost can be a factor of consideration, but alone does not constitute as a practical difficulty.

In evaluating the need for additional living space in their dwelling, the applicants reviewed two possible site layouts, either expanding the northwest or northeast side of their home. Expansion to the northwest would impact more greenspace, and would possibly encroach on the side-lot setback, whereas the northeast would cover some existing areas of impervious and avoid side-lot encroachment. After consideration of all the above factors, the owners found their proposed layout to be the most favorable to their residential needs while minimizing additional non-conforming expansion. The applicant indicates that the practical difficulty exists due to the location of the existing house, limited lot width and overall lot size.

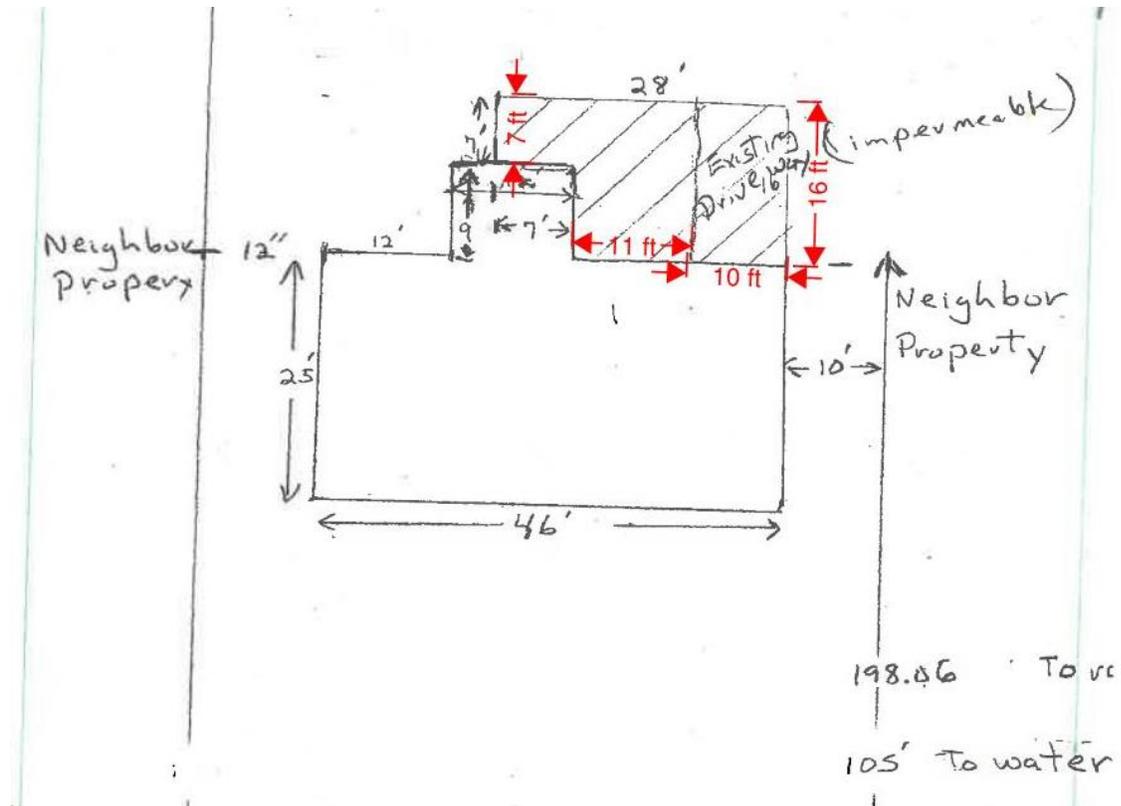
### **Existing Conditions**

This is an existing substandard lot of record consisting of a house, detached garage, multiple storage sheds, patios, decks, and walkways. The current single-family house is approximately 1,600 square feet, with all other impervious areas bringing the site impervious to 4,860 square feet. The existing dwelling is set back from the OHWM approximately seventy feet lakeside, and is one hundred three feet from the OHWM on the north facing side. The driveway contains maneuverability area for vehicles to access the side-loading garage along with parking near the dwelling and is counted towards site impervious surface. There are a few mature trees adjacent the proposed construction area.



### Proposed Improvements

The proposal is to add onto the existing dwelling to meet the year round needs of the applicants while utilizing area that is currently covered with a combination of impervious and pervious surfaces. The proposed addition would be eight feet in height, extending sixteen feet north from the side of the dwelling. Site adjustments were suggested, such as reducing impervious by shifting the addition over previously disturbed areas and away from property lines. An additional 190 square feet of impervious surface would be created after construction, which is a one and one-half percent increase over existing conditions, but brings the total site impervious to thirty-eight and seven-tenths percent impervious overall.



### Septic System

The existing system (installed in 1985) has no previous certificate of compliance on file and will need to be re-evaluated for compliance. As the proposed structure could be utilized for additional bedroom space, a modification or replacement of the system will require issuance of an SSTS permit with as-built inspection. If there is to be no proposed flow increase for the dwelling, the drain-field will simply need to be assessed for vertical separation through issuance of a current certificate of compliance. Any further expansion of the septic system on this site will likely require an experimental or advanced treatment system, due to setback restrictions and limited greenspace. Another option is to provide a holding tank system operated under an approved operating plan, if adequate drainfield area cannot be found. Staff suggest requiring a condition that, if the system layout shall be modified, an SSTS permit be issued and the system inspected, or in the case the layout does not change, a certificate of compliance be provided within a year of variance approval.

### **Stormwater Mitigation**

Staff would recommend that the applicant install gutter systems on existing structures to direct stormwater towards a mitigation system such as infiltration basins, or utilize tall grass plantings and outfall diffusers to treat storm-water before reaching the lake. A stormwater mitigation plan sufficient to treat stormwater above the allowed shoreland standard, as completed by a design professional, shall be submitted to JPB staff for review and approval prior to permit issuance.

### **Landscaping Requirements**

A landscaping plan would need to be submitted for any trees, shrubs, or vegetation that are to be removed. Work proposed near existing mature trees that are not subject to removal shall utilize best management practices to avoid damage to existing high-quality trees or their root 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**

Staff received the following email from neighboring property owners on February 15<sup>th</sup>:

*"Dear Mr. Phillips and the Greater Bemidji Area Joint Planning Board:*

*Our neighbors, three doors away, the Gilbertson's, have applied for a variance from the maximum allowed impervious surface area for properties in the shore land zone of Lake Bemidji.*

*The reasons behind this zoning rule is multi-purposed, but primarily to allow rainwater and melting snow to soak into the soil, rather than running into Lake Bemidji. In the case of the Gilbertson's property, they have no hill, or even slope enough to cause the slightest amount of water run-off. 90% of the water will run towards their back-yard grass area, the remaining 10% will soak into the ground between their house and the lake.*

*Aside from this, there's another reason for writing to you today. We have lived in the neighborhood over ten years and know all residents, east and west of the Gilbertson's. Their opinions of the Graig and Carol go pretty much like this:*

*"If you could magically make a list of all positive attributes for your neighbor to possess... WAA-LLA! ... you would end up with characteristics describing the Gilbertson's! Let's do whatever possible to keep them in the neighborhood!"*

*Please vote "YES" and approve the variance for Graig and Carol, thus, help us to keep them in the neighborhood. If they moved to a larger lot, we'd not likely end up with people of such excellent character. The health, safety and well-being of a community derives from the individuals living there. PLEASE HELP US... TO KEEP THEM AS OUR NEIGHBORS!!!*

*Yours truly,*

*Peter & Laurie Nordquist"*

## **Agency Comment**

The following comments were received by the writing of this report (Feb 17, 2022).

### **Mississippi Headwaters Board:**

Staff conversed via phone with Tim Terrill of the MHB to discuss the specifics of the variance request. MHB staff expressed concern for the ability of the applicant to demonstrate a site layout that would achieve conforming onsite sewage treatment in addition to stormwater treatment. MHB staff indicated that a stormwater mitigation plan would need to be submitted to the full MHB before certification of the variance would be considered.

### **Beltrami County Highway Department:**

Bruce Hasbargen submitted the following comment:

*“The Beltrami County Highway Department has concerns with the Gilbertson variance request.*

*The County is in the preliminary stage of developing a project on CSAH 21, Birchmont Beach Rd NE. A public sanitary sewer system is being considered as part of that project. Properties with limited space, like the Gilbertson’s, would benefit from that public system. Currently, the Gilbertson’s drain field is located within the road right of way. The County has not made any decisions on how it will handle such encroachments, but there is the potential that the landowners would be required to remove them from the right of way. If a public sewer system is not part of the project, the limited impervious area will make it hard to relocate the private system. Reducing the impervious area under this variance request would make it even harder.*

*Therefore, at this time the County Highway Department is against approval of this variance request. If a public system were to be constructed then our concern is eliminated.”*

### **Minnesota Department of Natural Resources Area Hydrologist:**

Staff conversed via phone with Brent Mason of the MnDNR regarding this variance request. Brent expressed his support for a plan that would mitigate excess stormwater on a site that currently has a high amount of impervious, and was generally supportive of approval conditioned on receipt of a comprehensive site plan that includes stormwater and other site verifications.

## **Comprehensive Plan References:**

The Greater Bemidji Area Comprehensive Plan has identified a few objectives and strategies that supports the variance request and is in keeping with the spirit, purpose and intent of the Plan.

### **Land Use Objective 4.1: Preserve the Quality Residential Neighborhoods**

Identify specific redevelopment opportunities and promote revitalization while maintaining character. Mapping of existing neighborhoods can provide a clearer boundary to ensure

preservation. This can also aid in the development of form-based zoning to allow redevelopment of existing nonconforming structures.

### **Natural Resources Objective 11.2 Preserve and Enhance Water Quality**

The protection of water quality is becoming increasingly important in all-natural resource environments. In an area that thrives on a strong connection to water and Mississippi River, water quality protection is key to preserving and improving a high quality of life standard that is so attractive to residents and visitors.

#### **Zoning Ordinance References**

Section 502: Substandard Lots of Record

Section 801: Sewage Treatment Standards

Section 901: Bulk Density and Lot Sizes

Section 903: Nonconforming Structures Substandard in Shoreland Overlay

Section 1206: Variances, Appeals and Adjustments

### **V. RECOMMENDATION & FINDINGS**

Staff will recommend conditioned approval of three variances in order construct an addition to the existing dwelling at 1608 Birchmont Beach Rd NW in Northern Township. The variances are as follows:

1. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred-foot lot width; and
3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

Approval recommended with the following findings of fact and conditions:

#### **Conditions**

1. An erosion control plan shall be submitted and be in place before any construction commences on the property.
2. 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.
3. 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, and so a stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Mississippi Headwaters Board prior to certification of the variance.
4. The property owner must either: a) be issued an SSTS permit allowing any necessary drainfield layout modifications necessary as required by Ordinance §801 before constructing additional bedroom space, or if no system modification is necessary shall b) submit a certificate of compliance to JPB staff for the existing system within 12 months of the date of this approval.
5. A land use permit shall be obtained prior to construction and demolition.

6. JPB site verification form and fee shall be submitted prior to construction.
7. Mississippi Headwaters Board Certification of the variance request must be obtained, as required by MN Statute 103F.373, prior to this the effectiveness of this variance approval.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of variance approval. 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**

### **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 uses are well established on the lot, and would remain reasonable and allowable into the future. Any expansion of the structure to allow additional living space would be limited to areas of existing impervious surface to the north of the dwelling, which would limit such an addition to an unreasonably small interior dimension. 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 area to allow contemporary forms of residential development. To expand any existing structure on this lot is not possible while staying in conformity with the ordinance.

### **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 maximum impervious surface in this zone are in place to provide adequate passive stormwater management in order to protect the aquatic resource, however active stormwater mitigation strategies are possible that can treat the same amount of water on a smaller footprint of land. While proper undisturbed space would mitigate storm-water from this addition, the property owner has the ability to consult a design professional to create a plan to mitigate and treat the additional storm-water in available areas of the lot before it enters the lake.

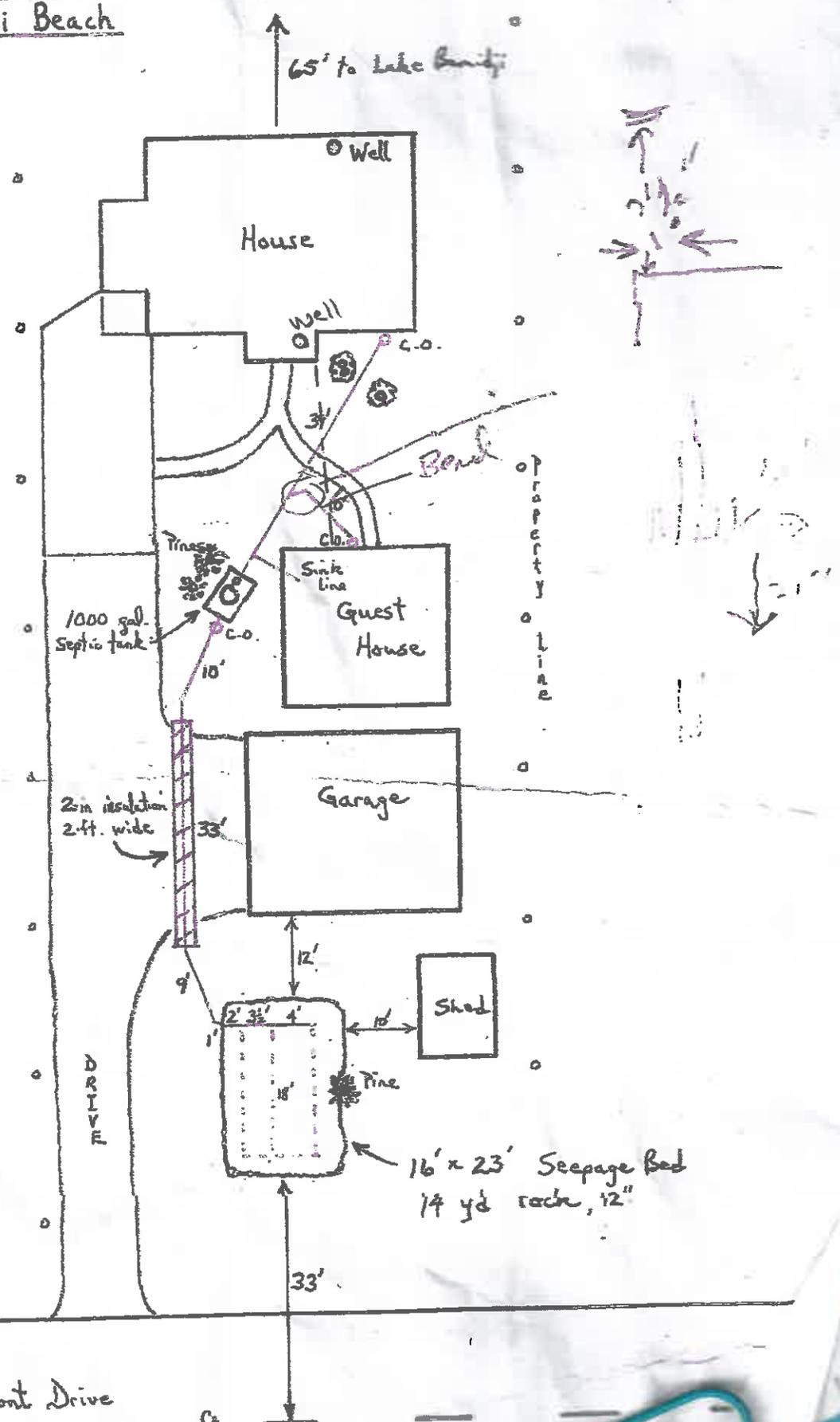
### **4. Can the variance be granted without altering the essential character of the surrounding area?**

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.

# Site Plan(s)

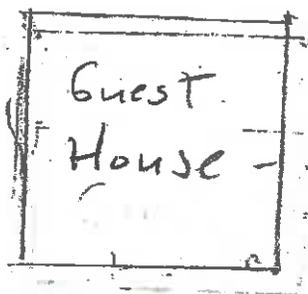
GREG GILBERTSON  
Lot 8 Block 2 Bemidji Beach

Permit # 2727  
Aug 23/85



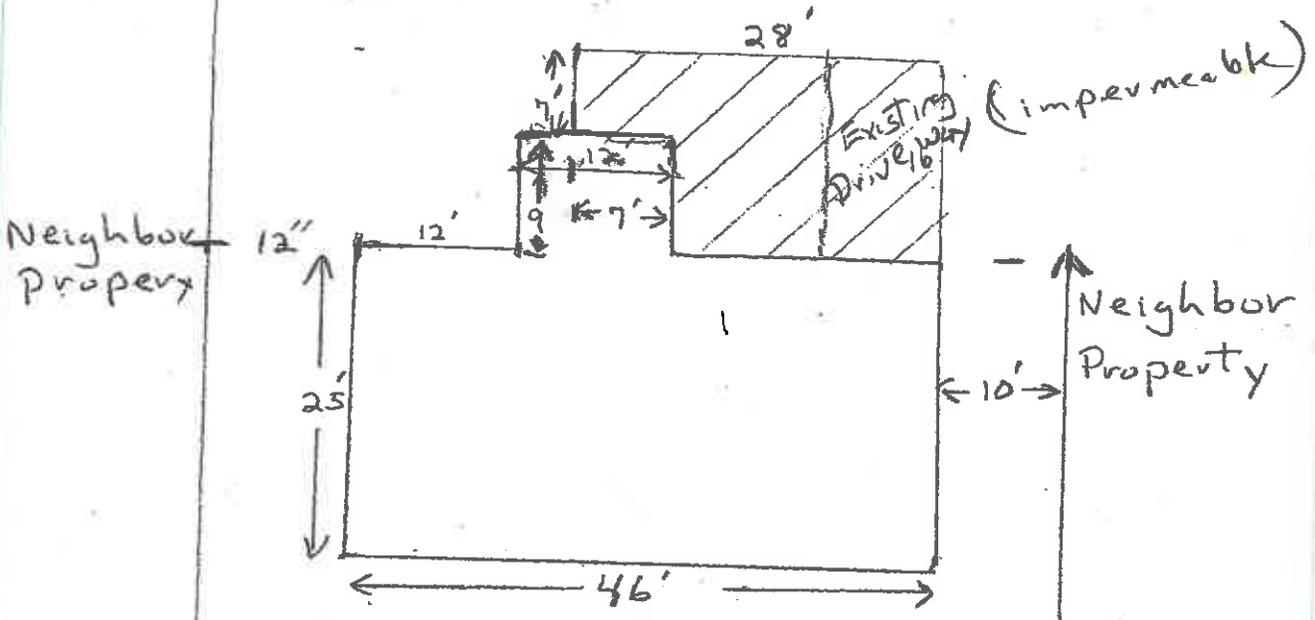
Scale:  $\frac{1}{4}$  in. = 5 ft.

Installed by: Sandberg  
& Canley



$28 \times 7 =$   
 $9 \times 16 =$

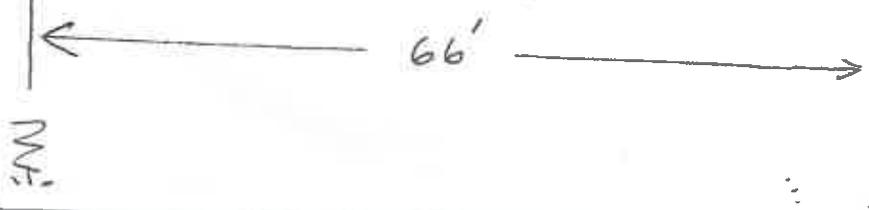
Permeability  $\times 10 =$



198.86 To rd

105' To water

$r = 15'$



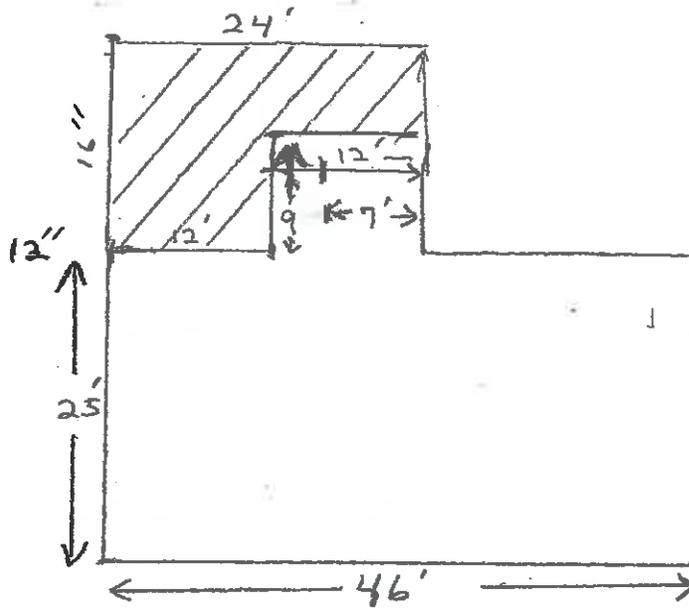
A

Original option



$$\begin{array}{r} 12 \times 12 = 144 \\ 12 \times 16 = 168 \\ \hline 312 \end{array}$$

Neighbor Property



Neighbor Property

198.06 To road

105' To water

1' = 15'

66'



# **Applications & Supporting Documents**



**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.

A fee of \$ 500.00 made payable to the City of Bemidji must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow of \$ 500.00 made payable to the City of Bemidji must accompany this application. Additional escrow or verification fees may apply for approved projects.

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: Graig & Carol Gilbertson PHONE: 218-209-7911  
 MAILING ADDRESS: 1608 Birchmont Beach Road N.E.  
 SITE ADDRESS: same PARCEL: 31.00979.00  
 EMAIL ADDRESS: paulb1@paulbunyan.net  
 CONTRACTOR NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

Does your property contain low areas, wetlands, or areas with standing water?  Yes  No If Yes, do you intend to drain, fill or otherwise alter this area for any reason?  
 Explain \_\_\_\_\_

**OFFICE USE ONLY**

Property Dimensions: Width \_\_\_\_\_ ft Depth \_\_\_\_\_ ft Total area \_\_\_\_\_ sq ft/acres  
 Is there one acre of contiguous land on the property?  Yes  No  
 Have there been any Variances/Use Permits granted on this property?  Yes  No  Don't Know  Attach copies  
 Is property within 1000 feet of a public water?  Yes  No is property in an airport zone?  Yes  No  
 Septic Data: Year Installed: \_\_\_\_\_ Last Compliance Inspection: \_\_\_\_\_  
 Pass Compliance  Fail Compliance  Notarized Stipulation  Other \_\_\_\_\_  
 Municipal Services: Water  Yes  No Sewer:  Yes  No If no, is hook up possible?  Yes  No

**OFFICE USE ONLY**

Complete Application Rec'd \_\_\_\_\_  
 Payment Rec'd 1/31/2022  
 Field Checked \_\_\_\_\_  
 Zoning District \_\_\_\_\_  
 Date Permitted \_\_\_\_\_  
 Permit Number V-22-310097900  
 Comments \_\_\_\_\_

EXPLANATION OF REQUEST FOR VARIANCE

What specific standard(s) are you requesting variance from (lot size, setbacks, etc.)? Display on site plan.

close to neighbors,

What standard(s) or measurement(s) are you requesting (be specific)? Display on site plan.

Describe the existing use of your property: Year round home

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 Does not go higher and does not go closer

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

Narrow lot.

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 drain roof onto grass. All soil is sandy. should help filter some viruses. Used option B

Explain the practical difficulty that exists with your request:

Small lot, close to neighbors.

cause saves permeability

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.)?

Need help with this. Run water off roof to where it can settle in grass. All soil is permeable and drains easy. Water is 5.5' from surface

(Use additional sheets if necessary)

**STRUCTURAL/CONSTRUCTION DATA (if applicable)**

Proposed Structure/Use:	New Single Family Residence _____	Building Alteration <input checked="" type="checkbox"/>	
	Garage (Attached) _____	Detached Garage _____	
	Accessory Building/Multi Family Dwelling _____		
	Commercial Building _____	Other (Explain) _____	

Structure Dimension(s): Width 7 ft. Length 28 ft. Height (to roof peak) 8 ft. Total S.F. 196

Structure Dimension(s): Width 9 ft. Length 22 ft. Height (to roof peak) 8 ft. Total S.F. 199

Structure Dimension(s): Width \_\_\_\_\_ ft. Length \_\_\_\_\_ ft. Height (to roof peak) \_\_\_\_\_ ft. Total S.F. \_\_\_\_\_

Total number of bedrooms after construction: 3 - same as now 394

Will there be any commercial use of this property after construction?  Yes  No

Estimated Cost of construction: \$ 40,000

**Submit a complete sketch 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: Graig R. Helbert Applicant \_\_\_\_\_

Date: 2-01-2022

**OFFICE USE ONLY**

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

COMPLETED FORMS CAN BE SUBMITTED AT CITY HALL, 317 4<sup>TH</sup> STREET NW, LOWER LEVEL

# **Agency & Neighborhood Packet Distribution Information**

## Packet Distribution List

**Northern Township: V-22-31.00979.00: - Graig and Carol Gilbertson Variance**

	<u>Contact</u>	<u>E-MAILED</u>	<u>US Mailed</u>
<input checked="" type="checkbox"/>	Applicant / Representative	<u>  X  </u>	<u>      </u>
<input checked="" type="checkbox"/>	JPB Attorney	<u>  X  </u>	<u>      </u>
<input type="checkbox"/>	JPB Engineer: _____	<u>      </u>	<u>      </u>
<input type="checkbox"/>	City Building Department	<u>      </u>	<u>      </u>
<input type="checkbox"/>	City Attorney	<u>      </u>	<u>      </u>
<input type="checkbox"/>	City Engineer	<u>      </u>	<u>      </u>
<input type="checkbox"/>	City Manager	<u>      </u>	<u>      </u>
<input type="checkbox"/>	City Community Development	<u>      </u>	<u>      </u>
<input type="checkbox"/>	City GIS Department	<u>      </u>	<u>      </u>
<input type="checkbox"/>	City Police Department	<u>      </u>	<u>      </u>
<input checked="" type="checkbox"/>	City Fire Department	<u>  X  </u>	<u>      </u>
<input type="checkbox"/>	City Parks Department	<u>      </u>	<u>      </u>
<input checked="" type="checkbox"/>	Northern Township	<u>  X  </u>	<u>      </u>
<input checked="" type="checkbox"/>	Beltrami County ESD/SWCD	<u>  X  </u>	<u>      </u>
<input type="checkbox"/>	Beltrami County Recorder	<u>      </u>	<u>      </u>
<input checked="" type="checkbox"/>	Beltrami County GIS Department	<u>  X  </u>	<u>      </u>
<input checked="" type="checkbox"/>	Beltrami County Sheriff	<u>  X  </u>	<u>      </u>
<input checked="" type="checkbox"/>	Beltrami County Engineer / Highway	<u>  X  </u>	<u>      </u>
<input type="checkbox"/>	Beltrami County Natural Resources	<u>      </u>	<u>      </u>
<input type="checkbox"/>	MnDNR Trails	<u>      </u>	<u>      </u>
<input checked="" type="checkbox"/>	MnDNR Waters	<u>  X  </u>	<u>      </u>
<input type="checkbox"/>	MnDNR District	<u>      </u>	<u>      </u>
<input type="checkbox"/>	MnDOT	<u>      </u>	<u>      </u>
<input type="checkbox"/>	Airport	<u>      </u>	<u>      </u>
<input checked="" type="checkbox"/>	Mississippi Headwaters Board	<u>  X  </u>	<u>      </u>
<input type="checkbox"/>	Bemidji School District	<u>      </u>	<u>      </u>
<input type="checkbox"/>	MPCA Closed Landfill Program	<u>      </u>	<u>      </u>
<input type="checkbox"/>	U.S. Army Corps of Engineers	<u>      </u>	<u>      </u>
<input type="checkbox"/>	Other: _____.	<u>      </u>	<u>      </u>



Greater Bemidji Area Joint Planning Board  
City of Bemidji Northern Township

317 4<sup>th</sup> Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

---

**February 2<sup>nd</sup>, 2022**

**Northern Township** – V-22-31.00979.00: - Graig and Carol Gilbertson are requesting a variance from the maximum allowed impervious surface area for properties in the shoreland zone of Lake Bemidji, in order to construct an addition to their existing home. The subject property is located at 1608 Birchmont Beach Road NE in Northern Township.

The parcel legal description is as follows:

Sect-15 Twp-147 Range-033 BEMIDJI BEACH Lot-008 Block-002 .30 AC INC VACATED PORTION OF PUBLIC WAY IDENTIFIED AS BEACH (VACATION ORDER MF 406779)

The Greater Bemidji Area Joint Planning Commission will consider this proposal at its meeting on **Thursday, February 24<sup>th</sup>, 2022 at 6:00 p.m.** in the Council Chambers at Bemidji City Hall or the meeting maybe attended through Cisco Webex Video Conferencing if needed due to Covid-19 restrictions.

If you have any comments, you may present them to the Commission at that time if allowed. It would be encouraged to direct your comments in writing to my attention at the JPB office at 317 4<sup>th</sup> Street NW, or by email at **[nickolaus.phillips@ci.bemidji.mn.us](mailto:nickolaus.phillips@ci.bemidji.mn.us)**. If possible, your comments should be submitted by **Thursday, February 17<sup>th</sup>, 2022** so they may be incorporated into my report to the Joint Planning Commission. Attached is a copy of the application and other supporting documentation.

If you have any questions or need further information, please feel free to contact me at 218-759-3561.

Respectfully,

Nickolaus Phillips  
Assistant Planner  
Greater Bemidji Area Joint Planning Board



# Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4<sup>th</sup> Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

---

**February 2nd, 2022**

Dear Property Owner:

The Greater Bemidji Area Joint Planning Commission will conduct a public hearing to discuss the following application:

**Northern Township** – V-22-31.00979.00: - Graig and Carol Gilbertson are requesting a variance from the maximum allowed impervious surface area for properties in the shoreland zone of Lake Bemidji, in order to construct an addition to their existing home. The subject property is located at 1608 Birchmont Beach Road NE in Northern Township.

The parcel legal description is as follows:

Sect-15 Twp-147 Range-033 BEMIDJI BEACH Lot-008 Block-002 .30 AC INC VACATED PORTION OF PUBLIC WAY IDENTIFIED AS BEACH (VACATION ORDER MF 406779)

This public hearing will be held on **Thursday, February 24<sup>th</sup>, 2022 at 6:00 p.m.** The meeting will be held in the Council Chambers of the Bemidji City Hall located at 317 4<sup>th</sup> Street NW or the meeting maybe attended through Cisco Webex Video Conferencing if needed due to the Covid-19 restrictions. You are invited to attend this hearing, or express your opinions on the proposal by letter (preferred method) to the Greater Bemidji Joint Planning Board. If possible, your written comments should be submitted by **Thursday, February 17<sup>th</sup>, 2022**, so they may be incorporated into my report to the Joint Planning Commission.

If you have any questions, please feel free to contact me at (218) 759-3561, or email comments to **[nickolaus.phillips@ci.bemidji.mn.us](mailto:nickolaus.phillips@ci.bemidji.mn.us)**.

Respectfully,

Nickolaus Phillips  
Assistant Planner  
Greater Bemidji Area Joint Planning Board

PROSTRAIN INC  
2332 CALIHAN AVE NE  
BEMIDJI, MN 56601

SMITH,PEGGY  
17976 JUDICIAL RD  
LAKEVILLE, MN 55044

SUTTON,WILLIAM B,TRUSTEE  
WILLIAM & M SUTTON FMLY TRUS  
1405 W YUCCA AVE  
MCALLEN, TX 78504

DANIELS,TODD J TRUSTEE  
TODD J DANIELS TRUST AGREEME  
244 GOLF COURSE PARKWAY  
DAVENPORT, FL 33837

NEWHOUSE,RYAN D  
TAYLOR E NEWHOUSE  
1625 BIRCHMONT BEACH RD NE  
BEMIDJI, MN 56601

MACKENSTADT,JEFFREY H  
1525 BIRCHMONT BEACH RD NE  
BEMIDJI, MN 56601

GRIGORYANTS,ASHOT E  
VERONIKA GRIGORYANTS  
1635 BIRCHMONT BEACH RD NE  
BEMIDJI, MN 56601

NORDQUIST,PETER J  
LAURIE B NORDQUIST  
3220 W CALHOUN PKWY #502  
MINNEAPOLIS, MN 55416

ANAM CARA BEMIDJI LLP  
132 ROLLING HILLS CIRCLE  
GRAND FORKS, ND 58201

GILBERTSON,GRAIG R  
CAROL L GILBERTSON  
1608 BIRCHMONT BEACH RD NE  
BEMIDJI, MN 56601

SWINGEN,NORMA C  
1530 BIRCHMONT BEACH RD NE  
BEMIDJI, MN 56601-8566

MALKOWSKI,KIRK P  
MICHELLE R MALKOWSKI  
1727 BIRCHMONT BEACH RD NE  
BEMIDJI, MN 56601

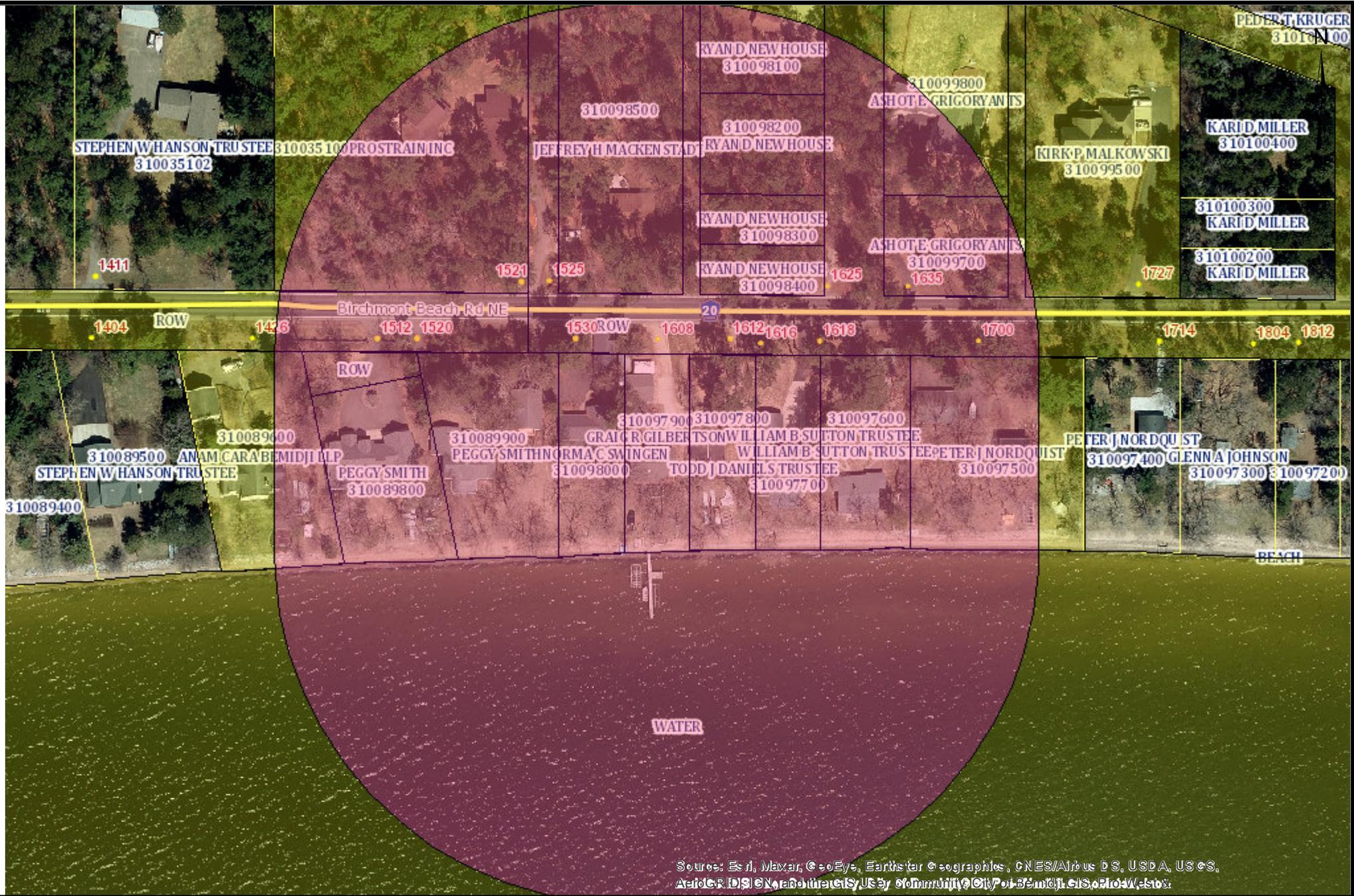


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

<h2>Aerial Map</h2>	
1:1,128	Date: 2/1/2022
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.	





Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

### 350 foot Buffer Map

1:2,257

Date: 2/1/2022

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



**AFFIDAVIT OF PUBLICATION**

STATE OF MINNESOTA

ss.

COUNTY OF BELTRAMI

Taylor Herhold, being first duly sworn, on oath states as follows:

1. I am the publisher of the THE BEMIDJI PIONEER, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: Saturday February 12, 2022.
4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$13.00 per column inch.
5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in BELTRAMI County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

Dated this 12th day of February, 2022.

*Taylor Herhold*

Legals Clerk

*Nichole Lea Seitz*

Notary Public

**GREATER BEMIDJI AREA JOINT PLANNING COMMISSION NOTICE OF PUBLIC HEARINGS & MEETINGS**

NOTICE IS HEREBY GIVEN, that on Thursday, February 24, 2022, at 6:00 p.m. or as soon thereafter as possible, the Greater Bemidji Area Joint Planning Commission will conduct a Public Hearing in-person in the Council Chambers of the Bemidji City Hall, located at 317 4th St. NW, Bemidji MN, and via Webex Video Conferencing (see log-in details on jpbgba.org) on the following requests:

**City of Bemidji** - CUP-22-80.03117.00 - Sanya Mortenson is requesting approval of a conditional use permit (CUP) to construct an Accessory Dwelling Unit within a detached garage located at 4680 Sherman Dr. within Bemidji city limits. This property is located in the R-3 Suburban Residential Zoning District within the Shoreland Overlay.

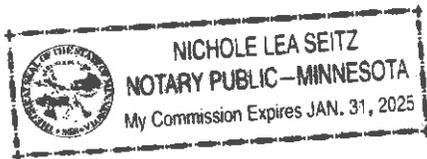
**Northern Township** - V-22-31.00979.00 - Graig and Carol Gilbertson are requesting a variance from the maximum allowed impervious surface area for properties in the shoreland zone of Lake Bemidji, in order to construct an addition to their existing home. The subject property is located at 1608 Birchmont Beach Road NE in Northern Township.

**City of Bemidji** - Z-22-80.01499.00, 80.01500.00, & 80.01502.00 - Dane Jones & Teresa Freeburg are requesting a rezone of ISD property at 1420 Beltrami Ave NW, currently in the R-4 Single Family Zoning District, to B-2 General Commercial. The subject properties have been used as professional offices and this rezone request will get the use closer to conformity with the Ordinance.

**Northern Township** - Z-22-31.02860.00 & 31.02861.00 - Brad Hensley is requesting a rezone of two vacant parcels (PID 31.02860.00 & 31.02861.00), currently in the B-1 Low-Density Commercial District, to R-2 residential. The subject properties are Lots 1 & 2, Block 2 of the Deerpath Plat in Northern Township.

**City of Bemidji** - CUP-22-80.06892.00 - Urman Properties, LLC is requesting a Conditional Use Permit to construct and operate an outdoor self-service storage operation. The subject property is located at 1465 Balsam Rd NW (PID 80.06892.00) in the City of Bemidji.

All interested parties are encouraged to view or listen to the Hearing, or call the Greater Bemidji Area Joint Planning Board Office at (218) 759-3579, or visit our web site at: [www.jpbgba.org](http://www.jpbgba.org) for more information. Email comments must be received by Thursday, February 17, 2022, for inclusion in staff reports. (Feb. 12, 2022) 31121



**GREATER BEMIDJI JOINT PLANNING BOARD**

**Resolution No. 2022-03**

**RESOLUTION APPROVING VARIANCE FOR PARCEL  
31.00979.00**

WHEREAS, an application was submitted on January 31<sup>st</sup>, 2022 by Graig and Carol Gilbertson requesting multiple variances in order to expand an existing dwelling on a substandard lot of record located at 1608 Birchmont Beach Road 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. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred-foot lot width; and
3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

WHEREAS, the requested variances will be for a structure located on parcel 31.00066.00 legally described as Sect-15 Twp-147 Range-033 BEMIDJI BEACH Lot-008 Block-002 .30 AC INC VACATED PORTION OF PUBLIC WAY IDENTIFIED AS BEACH (VACATION ORDER MF 406779); and

WHEREAS, the Property is zoned (R-3) Suburban Residential within the Shoreland Overlay; and

Page 1 of 4

WHEREAS, the requested variances meet all requirements, standards and specifications of the Greater Bemidji Area Zoning and Subdivision Ordinance; and

WHEREAS, the Joint Planning Commission held a public hearing on Thursday, February 24<sup>th</sup>, 2022, to review the application for Variances following mailed and published notices as required by law; and

WHEREAS, the Greater Bemidji Area Joint Planning Board has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the Variance application request:

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 uses are well established on the lot, and would remain reasonable and allowable into the future. Any expansion of the structure to allow additional living space would be limited to areas of existing impervious surface to the north of the dwelling, which would limit such an addition to an unreasonably small interior dimension. 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 area to allow contemporary forms of residential development. To expand any existing structure on this lot is not possible while staying in conformity with the ordinance.

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 maximum impervious surface in this zone are in place to provide adequate passive stormwater management in order to protect the aquatic resource, however active stormwater mitigation strategies are possible that can treat the same amount of water on a smaller footprint of land. While proper undisturbed space would mitigate storm-water from this addition, the property owner has the ability to consult a design professional to create a plan to mitigate and treat the additional storm-water in available 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.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of three variances in order to expand the principle dwelling structure at 1608 Birchmont Beach Road NE on parcel 31.00979.00, with the following conditions:

1. An erosion control plan shall be submitted, approved, and be in place before any construction commences on the property.
2. 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 approval, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
3. 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, and so a stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Mississippi Headwaters Board prior to certification of the variance.
4. The property owner must either:
  - a) be issued an SSTS permit allowing any necessary drainfield layout modifications necessary as required by Ordinance §801 before constructing additional bedroom space, or if no system modification is necessary shall
  - b) submit a certificate of compliance to JPB staff for the existing system within 12 months of the date of this approval, along with a site plan that shows an alternative drain-field location should replacement be necessary in the future.
5. A land use permit shall be obtained prior to construction and demolition.
6. JPB site verification form and fee shall be submitted prior to construction.
7. Mississippi Headwaters Board Certification of the variance request must be obtained, as required by MN Statute 103F.373, prior to the effectiveness of this variance approval.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of variance approval. 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.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

County of Beltrami

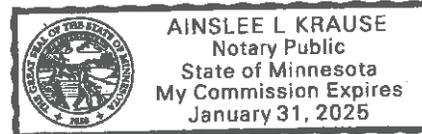
This instrument was acknowledged before me on this 9<sup>th</sup> day of March 2022 by Jorge Prince, Joint Planning Board Chair.

Jorge A Prince

Jorge Prince, Joint Planning Board Chair

Subscribed and sworn to before me this 9 th day of March, 2022.

Ainslee L Krause  
Notary Public



## **Action/Discussion**

Additional funding opportunity- Discussion  
Executive Directors report- Discussion

# Executive Director Report

February - March 2022

## Personnel, Budget, Administration, Information & Education, Correspondence

1. Reviewed monthly budget.
2. Prepared monthly agenda packet.
3. Sent in monthly expense report.
4. Sent press release to newspapers.
5. Sent press release to papers.
6. Reviewed potential variances that may be coming before the Board next month.
7. Followed up with various entities to see availability for Kiwanis park event.
8. Scheduled contract update with TNC for the MHHCP.

## Meetings & Networking

1. Held telephone conversation with Zack Roberts about building the kiosks for our signage program.. He will also install recreational signage on USDA landings for his eagle scout project.
2. Researched grants from the Initiative Foundation to help fund my time on talking to others about LakePledge.
3. Held conversation with Sharon Natzel from Hubbard county to look at possible LakePledge opportunity for the area.
4. Had meeting with the Miss. River Parkway Commission and gave signage and resourcetainment ppt. I hope it develops into a stronger working relationship or partnership.
5. Talked with Brian at the ACOE gull lake campground. He is interested in putting up signage from the campground to where the gull river meets with the Crow Wing river.
6. Updating events on the MHB webpage for correct times and descriptions. I need to get it done by April 15<sup>th</sup> when I will send out a mass email to everyone letting them know about the webpage. Right now I am collecting emails from people that attended last year so they can be included as well.
7. Held county meetings with Morrison, Crow Wing, Beltrami to play video of MHB formation.
8. Had zoom meeting with Scott Miller who attempted the guiness book of world records for the fastest paddle down the Miss. river. He has some good ideas about promoting a 500 mile race which could help with economic development in the first 400 miles.
9. Held meeting with Smiles for Jake, YMCA, & Brainerd Park and Rec. to discuss Paddling Day.
10. Held meeting with The Nature Conservancy to discuss and update outreach coordinator contract.

11. Held meeting with Shane Riffle from the YMCA to discuss race logistics. We developed a schedule of events that will last from 9 am – 4:30 pm and are working with Karma Racing to help with race logistics.
12. Dropped off signs to DNR, Grand Rapids, ACOE, and Zach for installation purposes.
13. Attended meeting with Congressman Pete Stauber and partners to discuss land exchange with Bowen Lodge. State Rep. Matt Bliss attended as well.