



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

<https://us02web.zoom.us/j/84978709242>

**June 24, 2022
9:00 am**

9:00 AM

- Call to Order/Pledge of Allegiance

9:05 AM Approve/Amend

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

Correspondence

- June Press Release

Planning and Zoning (Actions)

- GBA6a22- Nord Variance- Decision

Action / Discussion Items:

- Conversation with DNR Commissioner Sarah Strommen about Sheep Ranch Parcels- Discussion
- Smiles on the 'Sippi volunteer help- Discussion
- Clearwater SWCD funding request- Decision
- Executive Directors report- Discussion

Misc: ☀ Legislature Update (if any) ☀ County Updates

Meeting Adjourned - Thank you

Mtgs: July 22, 2022 9:00 AM- Cass County Courthouse, Walker, MN

Attachment

Draft Minutes

Monthly Expenses

Mississippi Headwaters Board
May 27, 2022
Cass County Board Room
322 Laurel St.
Brainerd, MN

Optional interactive technology: <https://us02web.zoom.us/j/85386654081>

MEETING
MINUTES

Members present by Roll Call: Scott Bruns (Cass), Mike Wilson (Morrison), Craig Gaasvig (Beltrami), Ann Marcotte (Aitkin interactive) Steve Barrows (Crow Wing), and Tim Terrill (Executive Director).

Others Present: Paula West, Todd Holman (TNC), Kayli Skinner (TNC), Rich Biske (TNC), Jacob Frie (Crow Wing Environ. Serv. Director), Claire Hansen (Hubbard County SWCD).

Pledge of Allegiance

Chair Steve Barrows asked if there were any additions to the agenda. **M/S (Wilson/Gaasvig) to approve of the agenda by roll call. Motion carried unanimously.**

M/S (Bruns/Marcotte) to approve of the Consent agenda by roll call. Motion carried unanimously.

Correspondence

Tim noted that the article was sent out on 4/1/22 to all the county newspapers, and stated that it talked about the MHB approving of the annual work plan and budget. He also presented a letter that had been approved by the MHB board to send to Sen. Carrie Ruud for a funding request. Tim also discussed the American Rivers list of most endangered rivers in the U.S., and let Comm. Marcotte provide more detail. Marcotte said that she was reading in the newspaper that the Miss. river was listed as one of the top 10 rivers endangered, and she expressed concern that it might influence people to think that our portion of the river is endangered instead of protected. Comm. Barrows noted the water color difference in areas below our jurisdiction and concluded that we are doing a good job protecting our resource up here. Comm. Wilson expressed that if Tim were to follow up with American Rivers to be careful in how the conversation is crafted as it could be misinterpreted.

Planning and Zoning

Crow Wing county Land Use Ordinance. Tim said that he provided comments on the land use ordinance and let Jacob Frie provide additional information about the process. Mr. Frie stated that the ordinance was passed on April 12, 2022 by the Crow Wing county board with approval from planning commission. He gave a high level account of subdivision changes which included an inclusion of the First Assessment township because of the robust development occurring in it. He briefly explained that infrastructure rules were clarified and increased because of the nature of development. Discussion ensued and Comm. Barrows stated that they are having issue with shoreland properties and addressing them to be more restrictive in the First Assessment township. Comm. Marcotte asked about cargo containers and Jacob explained that this was clarified language

from the 2014 revision to make it overtly clear to the reader. Marcotte brought up some questions about roads, and Jacob explained that the ordinance clearly defines private roads having a certain width and maintenance agreement that carries with them when they are constructed. A follow up question was asked what First Assessment is, and it was explained that it is a township that is under county zoning. Comm. Wilson commented that this ordinance will help solve future maintenance issues. **M/S (Wilson/Marcotte) to certify the ordinance by roll call. Motion carried unanimously.**

Action/Discussion:

Hubbard county request- Claire Hansen from Hubbard SWCD explained that this opportunity is for the MHB to provide \$20K to the Hubbard SWCD for maintaining DNR accesses and improve shoreland vegetation on certain lakes provided in the agenda packet. Comm. Barrows asked if they were DNR landings and if “yes,” why has the DNR allowed them to degrade. Claire responded that some of them are DNR landings, and the SWCD is working to fix the issue. Barrows commented and the board agreed that using One Watershed One Plan funds instead of MHB funds would be more appropriate. Comm. Gaasvig thought that this request should be more directly linked to the Miss. river because the map only has Lake Plantagenet and LaSalle as lakes on the map that directly input to the Miss. river. Claire agreed that there are direct and indirect lakes on the map that directly affect the Miss. river. Comm. Marcotte had the same concerns as Comm. Gaasvig. Tim asked the board if there would be a possibility to only use the funds for restoration on just the direct lakes affecting the Mississippi. After much discussion, **M/S (Marcotte/Wilson) to deny funds for this project was taken by roll call. Motion carried unanimously.**

LSOHC update and TNC/MHB agreement- Paula West (MHB MHHCP program director) provided a PowerPoint to the Board about the success of the program. She provided a financial overview of the project along with some examples of habitat complexes being built and discussed the MN Heritage Forest parcels being processed and the DNR role in acquiring fee title acquisitions. Currently 31 easements and 8 acquisitions have been completed to date protecting 4,580 acres and 39 miles of shoreland protected. She also included the role of TNC in SWCD outreach to landowners that meet eligibility. Comm. Barrows asked what the timeframe is on acquiring easements and fee-title acquisition, and Paula explained that there are different proposals that provide a time limit of 3 years, but the most current one ends 6/30/22. Barrows asked if there is anything the MHB could do to encourage the DNR to speed up the acquisition process, and Paula responded that other non-profit groups are encouraging that. Tim said that we could possibly develop a resolution or invite DNR Comm. Sarah Strommen to our next board meeting. Comm. Gaasvig commented that the 39 miles of protection is collective and doesn't represent both sides of the river. Paula stated that it is true, but that we have increased protection on the Miss. River in addition to 50% of the river that is already protected. Gaasvig asked as to who makes the decision to the allocation amount of funds to easement and acquisition and Paula said that project partners (TPL, MHB, and BWSR) make that decision when the proposal is written based on need. Tim directed the conversation to the MHB contract between MHB and TNC and asked for an approval of the outreach contract. **M/S (Gaasvig/Bruns) to approve of the MHB/TNC outreach contract by roll call. Motion carried unanimously.**

Letter of Support for The Nature Conservancy- Tim provided a brief context as to how this conversation of a fish passage study came about and then asked Rich Biske from The Nature Conservancy to explain further. Rich stated that TNC is applying for Section 1135 funding from the Army Corps of Engineers to fund a fish passage study around the federal dam on Leech Lake, but needs local government consent before they can become the non-federal sponsor. Comm. Gaasvig asked what the fish passage would look like and Rich explained that it could be either a fish ladder or diversion channel around the Dam. Tim explained that this is money for a feasibility study (not implementation) which will take into account a defined set of effects. The Knutson dam fish passage was given as an example of what could be done. **M/S (Wilson/Bruns) to approve of the Letter of Consent by roll call. Motion carried unanimously.**

Executive Directors Report

1. Tim provided the board with an update on the Whiskey Creek project and told them that mercury was found on the Tee boxes which needed to be mitigated. He said the city is looking into different options, but prefer using an MPCA variance to move the contaminated soil to Becker landfill. More to follow as conversations occur between Good Samaritan and the City of Baxter.
2. Tim has received a permit from the city of Brainerd to allow alcohol at the Smiles on the 'Sippi event. After further review, the alcohol permit was revoked due to the fact that only alcohol can be served at Memorial park and not the other parks in Brainerd.
3. A Bill is being written by Rep. Pete Stauber's office for encouraging the exchange of USFS land with Bowen Lodge. The hope is that we get a companion bill from Senator Klobuchar and/or Tina Smith and this gets passed in the next 3-8 months.
4. Tim scheduled a meeting in September to present the Resourcetainment idea to the MN Association of Professional County Economic Developers. Mike Wimmer is the president and he will have a chance to present in Elk River.
5. Hubbard county accepted the donation of 720 acres from the Miss. Headwaters Habitat Corridor program. TPL will perform due diligence and buy the land using LSOHC funding and donate it to Hubbard county. There is no PILT because it is going to the county, but future timber sales will promote positive revenue.

Commissioner Barrows looked at the schedule and requested Tim to look at next year's board meeting schedule and hold the meeting on the 3rd week of May instead of the 4th week due to Memorial Day weekend. Comm. Gaasvig also stated that the November and December 2022 meetings need to be adjusted as well.

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

Chair, Ted VanKempen

Executive Director Tim Terrill

May SFY'22 Budget Summary

		YTD spending/rei mbursement	Projected Budget	% of budget spent	
Revenues:	Monthly Amount				Explanation
Governor's DNR grant (53290)		\$127,135.81	\$124,000.00	102.53%	non competitive quarterly reimbursement
LSOHC grant (53290)		\$9,088.60	\$6,000.00	151.48%	LSOHC reimbursement
Guidebook sales (58400)		\$100.00	\$200.00	50.00%	reimbursment for Guidebook sales
Enbridge program (58300)		\$5,942.92	\$7,000.00	84.90%	enbridge reimbursement
Miscell. Other revenue (58300)		\$3,600.00	\$3,000.00	120.00%	AIS reimbursement
MCIT Dividend (58300)		\$277.00	\$277.00	100.00%	MCIT refund
County Support (52990)		\$12,000.00	\$12,000.00	100.00%	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
Total	\$0.00	\$31,008.52	\$28,477.00		
Expenses:	Monthly Amount				Explanation
Salaries/Benefits FICA/Med/PERA/LIFE/LTD/Hlth/ WC(61000)	\$ 8,353.01	\$87,871.98	\$103,866.00	84.60%	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	\$1,800.00	\$2,700.00	66.67%	reimbursed by Gov. DNR grant
Hotel/Meals/travel exp. (63340)		\$881.64	\$500.00	176.33%	meal reimbursement
Commissioner Mileage (62720)	\$ 164.97	\$1,190.88	\$2,800.00	42.53%	reimbursed by Gov. DNR grant
Employee Mileage (63320)	\$ 240.60	\$2,542.71	\$4,400.00	57.79%	reimbursed by Gov. DNR grant
Professional Services (62990)	\$ 1,065.00	\$8,330.05	\$45,000.00	18.51%	CW financial, website renewal fee
Office supplies/operations (64090)	\$ 57.84	\$1,160.52	\$1,400.00	82.89%	telephone
Training & Registration Fees (63380)	\$345.00	\$375.00	\$300.00	125.00%	reimbursed by Gov. DNR grant- Economic Dev. Conference
Total	\$10,376.42	\$107,174.78	\$164,186.00		

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 05 TO 2022 05

ORG YR/PR	OBJECT JNL EFF DATE	PROJ SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	58400	MHB - Sales							
						REVISED BUDGET			.00
					PER 03		-100.00	-100.00	
22/05	1425 05/26/22	GNI 413381 Lisak		45116			-100.00	-200.00	
	iNovah	GUIDEBOOK SALES							
	LEDGER BALANCES --- DEBITS:			.00	CREDITS:	-200.00	NET:	-200.00	
74830	61000	Salaries & Wages - Regular							
						REVISED BUDGET			.00
					PER 01		5,523.01	5,523.01	
					PER 02		6,012.04	11,535.05	
					PER 03		5,802.46	17,337.51	
					PER 04		5,802.46	23,139.97	
22/05	256 05/06/22	PRJ PR0506 1220506	1220506	1220			2,901.23	26,041.20	
	PAY050622	WARRANT=220506	RUN=1 BI-WEEKL						
22/05	920 05/20/22	PRJ PR0520 1220520	1220520	1220			2,901.24	28,942.44	
	PAY052022	WARRANT=220520	RUN=1 BI-WEEKL						
	LEDGER BALANCES --- DEBITS:			28,942.44	CREDITS:	.00	NET:	28,942.44	
74830	61200	Active Insurance							
						REVISED BUDGET			.00
					PER 01		1,709.26	1,709.26	
					PER 02		1,709.26	3,418.52	
					PER 03		1,709.96	5,128.48	
					PER 04		1,709.96	6,838.44	
22/05	256 05/06/22	PRJ PR0506 1220506	1220506	1220			868.31	7,706.75	
	PAY050622	WARRANT=220506	RUN=1 BI-WEEKL						
22/05	920 05/20/22	PRJ PR0520 1220520	1220520	1220			843.05	8,549.80	
	PAY052022	WARRANT=220520	RUN=1 BI-WEEKL						
	LEDGER BALANCES --- DEBITS:			8,549.80	CREDITS:	.00	NET:	8,549.80	
74830	61300	Employee Pension & FICA							
						REVISED BUDGET			.00
					PER 01		796.85	796.85	
					PER 02		870.93	1,667.78	
					PER 03		839.18	2,506.96	
					PER 04		839.17	3,346.13	
22/05	256 05/06/22	PRJ PR0506 1220506	1220506	1220			419.59	3,765.72	
	PAY050622	WARRANT=220506	RUN=1 BI-WEEKL						

ACCOUNT DETAIL HISTORY FOR 2022 05 TO 2022 05

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
22/05	920	05/20/22	PRJ PR0520	1220520	1220520	1220		419.59	4,185.31	
	PAY052022	WARRANT=220520	RUN=1	BI-WEEKL						
	LEDGER BALANCES	---	DEBITS:		4,185.31	CREDITS:		.00	NET:	4,185.31
74830	62100		Telephone							
										REVISED BUDGET .00
										PER 01 57.37 57.37
										PER 02 56.83 114.20
										PER 03 56.91 171.11
										PER 04 57.66 228.77
22/05	514	05/17/22	API 006205		169879	30397		2.84	231.61	
	W C051722	MONTHLY CTC BILLING			CONSOLIDATED TELECOM					
22/05	920	05/20/22	PRJ PR0520	1220520	1220520	1220		55.00	286.61	
	PAY052022	WARRANT=220520	RUN=1	BI-WEEKL						
	LEDGER BALANCES	---	DEBITS:		286.61	CREDITS:		.00	NET:	286.61
74830	62680		Non-Employee Per Diems							
										REVISED BUDGET .00
										PER 02 150.00 150.00
										PER 03 550.00 700.00
22/05	1575	05/31/22	API 100532		170533	1939442		50.00	750.00	
	W A053122	MIKE WILSON MHB MEETING PER DI MORRISON COUNTY AUDI								
22/05	1575	05/31/22	API 003257		170534	30581		50.00	800.00	
	W A053122	MHB MEETING PER DIEM AND MILEA GAASVIG, CRAIG								
22/05	1575	05/31/22	API 001099		170535	30582		50.00	850.00	
	W A053122	MHB MEETING PER DIEM MARCOTTE, ANNE								
	LEDGER BALANCES	---	DEBITS:		850.00	CREDITS:		.00	NET:	850.00
74830	62720		Non-Employee Mileage							
										REVISED BUDGET .00
										PER 02 198.90 198.90
										PER 03 359.19 558.09
22/05	1575	05/31/22	API 101580		170532	30611		105.30	663.39	
	W A053122	MHB MEETING MILEAGE WILSON, MICHAEL								
22/05	1575	05/31/22	API 003257		170534	30581		59.67	723.06	
	W A053122	MHB MEETING PER DIEM AND MILEA GAASVIG, CRAIG								

ACCOUNT DETAIL HISTORY FOR 2022 05 TO 2022 05

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
LEDGER BALANCES --- DEBITS:					723.06			CREDITS: .00	NET: 723.06	
74830	62990		Prof. & Tech. Fee - Other							
REVISED BUDGET										.00
								PER 01 2,080.20	2,080.20	
								PER 02 595.00	2,675.20	
								PER 03 92,098.80	94,774.00	
								PER 04 6,725.98	101,499.98	
22/05	397	05/10/22	API 004261		169449			30391 540.00	102,039.98	
	W A051022		WEBSITE RENEWAL		SOUTHPOINT					
22/05	1309	05/25/22	GNI APR					753.08	102,793.06	
	BREM PCARD		lumber for signage project							
			TIM TERRILL - THE HOME DEPOT 2830							
22/05	1752	05/31/22	GEN					525.00	103,318.06	
	RECURRING		FINANCIAL SERVICE							
LEDGER BALANCES --- DEBITS:					103,318.06			CREDITS: .00	NET: 103,318.06	
74830	63320		Employee Mileage							
REVISED BUDGET										.00
								PER 01 239.96	239.96	
								PER 02 90.97	330.93	
								PER 03 345.21	676.14	
								PER 04 386.81	1,062.95	
22/05	1308	05/25/22	GNI APR					35.86	1,098.81	
	WF PCARD		1434 - Aitkin Resourcetainment							
			TIM TERRILL - OOP							
22/05	1308	05/25/22	GNI APR					136.30	1,235.11	
	WF PCARD		1434 - view signage places							
			TIM TERRILL - OOP							
22/05	1308	05/25/22	GNI APR					68.44	1,303.55	
	WF PCARD		1434 - Hubbard county mtg							
			TIM TERRILL - OOP							
LEDGER BALANCES --- DEBITS:					1,303.55			CREDITS: .00	NET: 1,303.55	
74830	63380		Training & Registration Fees							
REVISED BUDGET										.00
22/05	1309	05/25/22	GNI APR					345.00	345.00	
	BREM PCARD		EDAM trng							
			TIM TERRILL - ECONOMIC DEVELOPMENT ASS							
LEDGER BALANCES --- DEBITS:					345.00			CREDITS: .00	NET: 345.00	

ACCOUNT DETAIL HISTORY FOR 2022 05 TO 2022 05

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
GRAND TOTAL			---	DEBITS:	148,503.83	CREDITS:	-200.00	NET:	148,303.83	

21 Records printed

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



PROTECTING THE FIRST 400 MILES

IMMEDIATE PRESS RELEASE 6/3/22

Media Contact

Tim Terrill

218-824-1189

timt@mississippiheadwaters.org

www.mississippiheadwaters.org

322 Laurel St.

Brainerd, MN 56401

Mississippi Headwaters Board Develops Consent Letter to Federal Agency to Encourage Study for Fish Passage on the Leech Lake Dam

The Mississippi Headwaters Board (MHB) approved of a letter of support to the Army Corps of Engineers (ACOE) to encourage them to allow The Nature Conservancy to be a sponsor for the study of fish passage on the Leech Lake dam. “We realize that a fish passage structure was not included in the original design where the Leech Lake dam is located,” said Tim Terrill. “This study would allow for the ACOE to study the positive and negative impact that a fish passage structure might have to the ecosystem both upstream and downstream of the dam.” But before any funding can be appropriated; there needs to be a letter of support from a local unit of government to consent for The Nature Conservancy (TNC) to be the sponsor for the project. So the MHB wrote and approved of that letter of support. Rich Biske, Resilient Waters Director from TNC believes that once the study is completed that there is a good chance that a fish passage structure could be implemented. This is one approach of how the Mississippi Headwaters Board is applying their leadership and influence to help improve habitat passage through the Leech Lake dam which ultimately leads to the Mississippi river.

Planning and Zoning

GBA6a22- Nord Variance

**NORTHERN TOWNSHIP – V-22-31.00875.00 –
BRUCE NORD | NP**

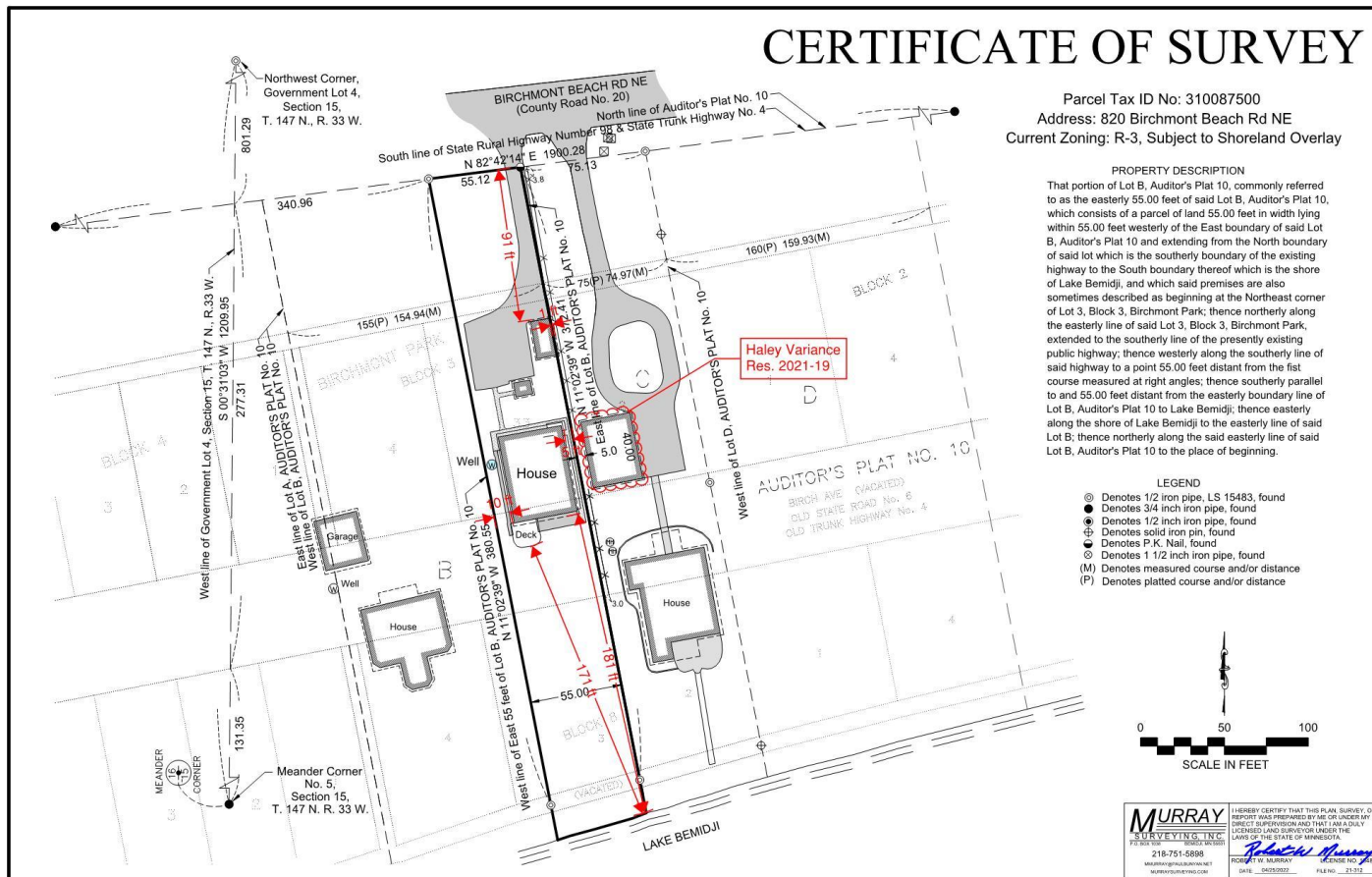


SUMMARY OF REQUEST



- Bruce & Susan Nord are requesting multiple variances in order to rebuild their lake home, which is a non-conforming dwelling on a substandard lot of record located at 820 Birchmont Beach Rd NE in Northern Township.
- The requested variances are as follows:
 1. A reduction in the minimum lot width of forty-five feet from the required one-hundred-foot lot width; and
 2. A reduction in the minimum lot size of 8,142 square feet from the required 30,000 square foot lot size; and
 3. A reduction for both minimum side-yard setbacks of one-and-one-half feet from the required ten-foot setbacks; and
 4. A reduction in the minimum septic tank setback from property lines of five feet from the required ten-foot setback.

BACKGROUND



- Bruce Nord has met with staff on a couple of occasions regarding this proposal to rebuild the existing dwelling on this lot and reconfigure their use of available space. In this case, the proposed redevelopment of the lot requires setback variances.
- The lot is also currently heavily developed with multiple accessory structures, and is exceeding the allowed impervious surface standard for the shoreland overlay.

BACKGROUND

East Property Line

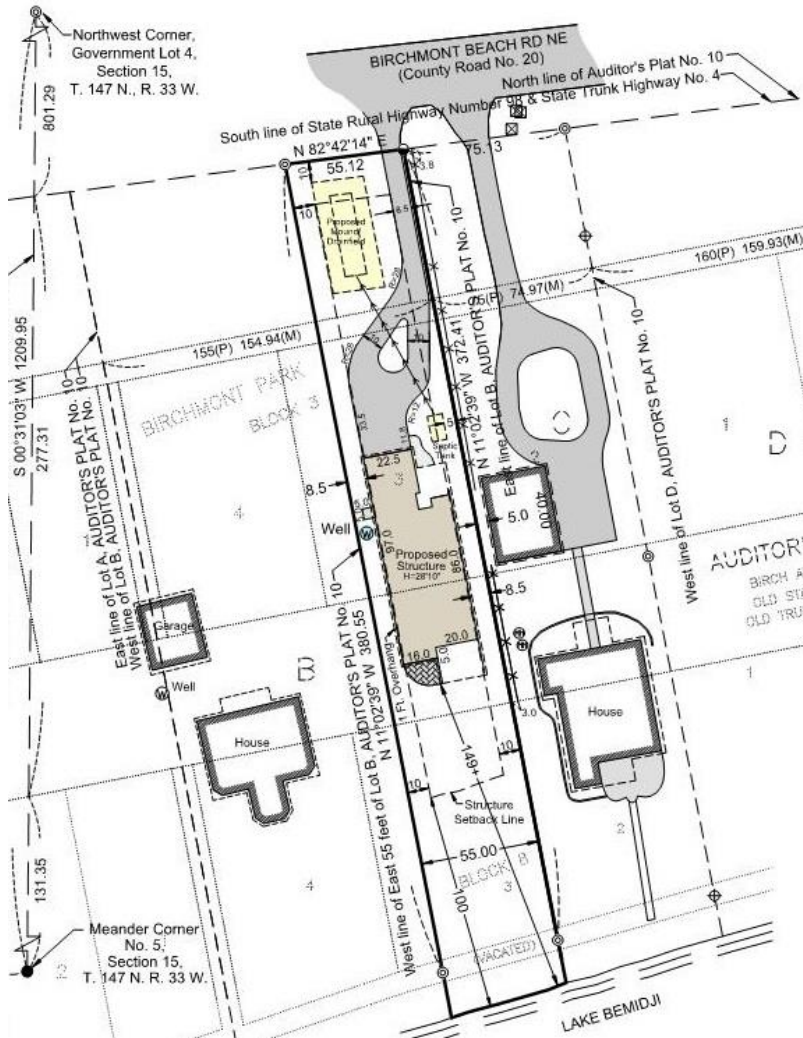


Storage Shed /
Rear of Garage

Lakeside



DISCUSSION/DEVELOPMENT ANALYSIS



- The Nords are proposing to remove the existing structures on the property and reconstruct a single structure to provide storage, parking, and dwelling needs.
- The new structure would be centered on the lot and built to the minimum width necessary to allow an efficient interior layout.
- Along with the reconstruction would be a new SSTS located at the rear of the lot, with the tank encroaching on the east property line to avoid structure setback issues.
- No variance is being requested for impervious surface over the maximum allowable with mitigation (31.25%) and as such conditions of this variance request will reflect that such mitigation plan cannot exceed 31.25% (6,831 sq. ft.) impervious.

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 appreciation that the proposed project would not encroach on the ordinary high-water mark setback.
- MHB staff indicated that a stormwater mitigation plan, as initially described to JPB staff, would need to be outlined on the site plan and submitted to the full MHB before certification of the variance would be considered.

Beltrami County Highway Department:

- Bruce Hasbargen stated that the Beltrami County Highway Department does not have any issues with the Nord's request.

DISCUSSION/DEVELOPMENT ANALYSIS

NEIGHBORHOOD COMMENT

- Staff received comment from the following neighbors, all of which were in favor of the variance request
 - Bonita Haley
 - Sally and Steve Patterson
 - Randy and Tina Ruttger

DISCUSSION/DEVELOPMENT ANALYSIS

Public Hearing opened at 6:30 p.m.

- Bruce Nord addressed the Commission and clarified that the dwelling would be a year-round dwelling and noted that their plan gets them closer to conformity specifically in regards to the side yard setbacks.

Public Hearing closed at 6:32 p.m.

Motion by Heinonen, second by Granlund, to approve four variances in order to rebuild their lake home, located at 820 Birchmont Beach Rd NE in Northern Township, subject to the above stated conditions and findings of fact.

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

Nays: None.

Motion carried unanimously.

RECOMMENDATION & FINDINGS

The JPC and Staff recommend conditioned approval of the four variances in order to reconstruct the principal dwelling at 820 Birchmont Beach Rd NW in Northern Township.

Approval recommended with the following conditions and findings of fact:

RECOMMENDATION & FINDINGS

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 approved by the Mississippi Headwaters Board at the time of variance certification. The allowable amount of impervious surface shall not exceed 31.25% of the lot area, which is 6,831 square feet.
4. The property owner must be issued an SSTS permit allowing replacement of the existing septic system to meet the requirements in §801 before occupying the new dwelling.

RECOMMENDATION & FINDINGS

Conditions – cont.

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

I. **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 within conforming setback locations, which would require more complex construction methods and site layouts to achieve for a similar square footage. To expand existing structures on this lot would result in piecemeal construction methods in order to stay in conformity with the ordinance. Such houses are much more difficult to maintain than more holistic architectural designs, and would present an undue burden to the homeowner that outweighs the potential benefit an additional one-and-one-half foot separation on the western property line may provide. The owner would be put under an undue hardship in order to meet the ordinance standards without the issuance of a variance.

RECOMMENDATION & FINDINGS

■ Findings of Fact

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.

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 space, including equalizing the side-yard encroachments between neighboring property lines while providing an overall narrower structure. While proper undisturbed space between structures would mitigate storm-water from this addition, the property owner has consulted design professionals to create a plan to mitigate and treat the additional storm-water in available areas of the lot, allowing infiltration for most typical rain events.

RECOMMENDATION & FINDINGS

■ Findings of Fact

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

- Yes. This reconstruction would not significantly change the appearance of the dwelling on the lot as viewed from the lake, would not change the overall character of the existing neighborhood, and would be utilized in a manner that is common for existing residential uses.



QUESTIONS?



**Bruce & Jane Nord -
Variance Request**

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2022-10

**RESOLUTION APPROVING VARIANCE
FOR PARCEL 31.00875.00**

WHEREAS, an application was submitted on April 29th, 2022 by Bruce Nord, requesting four variances from the Zoning and Subdivision Ordinance Requirements. The request comes as the Nord's plan to rebuild their lake home, which is a non-conforming dwelling on a substandard lot of record located at 820 Birchmont Beach Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction in the minimum lot width of forty-five feet from the required one-hundred-foot lot width; and
2. A reduction in the minimum lot size of 8,142 square feet from the required 30,000 square foot lot size; and
3. A reduction for both minimum side-yard setbacks of one-and-one-half feet from the required ten-foot setbacks; and
4. A reduction in the minimum septic tank setback from property lines of five feet from the required ten-foot setback; and

WHEREAS, the requested variances are for standards required of parcel 31.00875.00, legally described as SECT-15 TWP-147 RANGE-033 AUDITOR'S PLAT NO. 10 LOT-00B .57 AC THAT PORTION OF LOT B, COMMONLY REFERRED TO AS E'RLY 55' OF SAID LOT B, WHICH CONSISTS OF PARCEL OF LAND 55' IN WIDTH LYING WITHIN 55' W'RLY OF E BNDRY OF SAID LOT B & EXTEND FROM N BNDRY OF SAID LOT, WHICH IS S'RLY BNDRY OF EXIST HWY TO S BNDRY THEREOF, WHICH IS SHORE OF LAKE

BEMIDJI & WHICH SAID PREMISES ARE ALSO SOMETIMES DESC AS BEGIN AT NE CORNER OF LOT 3,BLOCK 3,BIRCHMONT PARK; THENCE N'RLY ALONG E'RLY LINE OF SAID LOT 3 EXTEND TO S'RLY LINE OF PRESENTLY EXIST PUBLIC HWY;THENCE W'RLY ALONG S'RLY LINE OF SAID HWY TO PT 55' DISTANT FROM FIRST COURSE MEAS AT RA;THENCE S'RLY PARALLEL TO & 55' DISTANT FROM E'RLY BNDRY LINE OF LOT B TO LAKE BEMIDJI; THENCE E'RLY ALONG SHORE OF LAKE BEMIDJI TO E'RLY LINE OF SAID LOT B;THENCE N'RLY ALONG SAID E'RLY LINE OF SAID LOT B TO PLACE OF BEGIN; and

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

WHEREAS, the requested variance meets 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 May 26th, 2022, to review the application for a variance following mailed and published noticed 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 follows all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the variance 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 within conforming setback locations, which would require more complex construction methods and site layouts to achieve for a similar square footage. To expand existing structures on this lot would result in piecemeal construction methods in order to stay in conformity with the ordinance. Such houses are much more difficult to maintain than more holistic architectural designs, and would present an undue burden to the homeowner that outweighs the potential benefit an additional one-and-one-half foot separation on the western property line may provide. 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.

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 space, including equalizing the side-yard encroachments between neighboring property lines while providing an overall narrower structure. While proper undisturbed space between structures would mitigate storm-water from this addition, the property owner has consulted design professionals to create a plan to mitigate and treat the additional storm-water in available areas of the lot, allowing infiltration for most typical rain events.

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

Yes. This reconstruction would not significantly change the appearance of the dwelling on the lot as viewed from the lake, would not change the overall character of the existing neighborhood, and would be utilized in a manner that is common for existing residential uses.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of the four requested variances, subject to the following 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 approved by the Mississippi Headwaters Board at the time of variance certification. The allowable amount of impervious surface shall not exceed 31.25% of the lot area, which is 6,831 square feet.
4. The property owner must be issued an SSTS permit allowing replacement of the existing septic system to meet the requirements in §801 before occupying the new dwelling.
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 8th day of June, 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**

PLANNING CASE: V-22-31.00875.00	JPC MEETING DATE: May 26, 2022
APPLICANT: Bruce & Susan Nord	60-DAY RULE DATE: June 28, 2022
PROCEEDING: Request for variance from minimum lot size, lot width, SSTS tank setback, and side-yard setback requirements	ZONING DISTRICT: (R-3) Suburban Residential, MHB Shoreland Overlay
PREPARED BY: Nickolaus Phillips Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Certificate of Survey, Site Plan, Supporting Documentation

JPB MEMORANDUM

I. SUMMARY OF REQUEST

Bruce & Susan Nord are requesting multiple variances in order to rebuild their lake home, which is a non-conforming dwelling on a substandard lot of record located at 820 Birchmont Beach Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction in the minimum lot width of forty-five feet from the required one-hundred-foot lot width; and
2. A reduction in the minimum lot size of 8,142 square feet from the required 30,000 square foot lot size; and
3. A reduction for both minimum side-yard setbacks of one-and-one-half feet from the required ten-foot setbacks; and
4. A reduction in the minimum septic tank setback from property lines of five feet from the required ten-foot setback.

The lot contains existing non-conforming structures that are positioned within the side yard setbacks, and any expansion of these structures must be reviewed to determine if the proposal requires a variance.

II. PUBLIC HEARING & DISCUSSION

Staff shared public comment provided by four neighbors of the Nord's, the Mississippi Headwaters Board, and Beltrami Highway Department, all in favor of the request as presented.

- Members discussed the request for a variance.

Public Hearing opened at 6:30 p.m.

- Bruce Nord addressed the Commission and clarified that the dwelling would be a year-round dwelling and noted that their plan gets them closer to conformity specifically in regards to the side yard setbacks.

Public Hearing closed at 6:32 p.m.

Motion by Heinonen, second by Granlund, to approve four variances in order to rebuild their lake home, located at 820 Birchmont Beach Rd NE in Northern Township, subject to the above stated conditions and findings of fact.

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

Nays: None.

Motion carried unanimously.

III. JPC & STAFF RECOMMENDATION & FINDINGS

Staff and JPC recommend approval of four variances in order to rebuild their lake home, located at 820 Birchmont Beach Rd NE in Northern Township

RECOMMENDATION FOR APPROVAL

Approval is recommended with the following conditions based on the findings of fact:

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 approved by the Mississippi Headwaters Board at the time of variance certification. The allowable amount of impervious surface shall not exceed 31.25% of the lot area, which is 6,831 square feet.
4. The property owner must be issued an SSTS permit allowing replacement of the existing septic system to meet the requirements in §801 before occupying the new dwelling.
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.

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 within conforming setback locations, which would require more complex construction methods and site layouts to achieve for a similar square footage. To expand existing structures on this lot would result in piecemeal construction methods in order to stay in conformity with the ordinance. Such houses are much more difficult to maintain than more holistic architectural designs, and would present an undue burden to the homeowner that outweighs the potential benefit an additional one-and-one-half foot separation on the western property line may provide. 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.

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 space, including equalizing the side-yard encroachments between neighboring property lines while providing an overall narrower structure. While proper undisturbed space between structures would mitigate storm-water from this addition, the property owner has consulted design professionals to create a plan to mitigate and treat the additional storm-water in available areas of the lot, allowing infiltration for most typical rain events.

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

Yes. This reconstruction would not significantly change the appearance of the dwelling on the lot as viewed from the lake, would not change the overall character of the existing neighborhood, and would be utilized in a manner that is common for existing residential uses.

**THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD**

PLANNING CASE: V-22-31.00875.00	JPC MEETING DATE: May 26, 2022
APPLICANT: Bruce & Susan Nord	60-DAY RULE DATE: June 28, 2022
PROCEEDING: Request for variance from minimum lot size, lot width, SSTS tank setback, and side-yard setback requirements	ZONING DISTRICT: (R-3) Suburban Residential, MHB Shoreland Overlay
PREPARED BY: Nickolaus Phillips Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Certificate of Survey, Site Plan, Supporting Documentation

PLANNING REPORT

I. SUMMARY OF REQUEST

Bruce & Susan Nord are requesting multiple variances in order to rebuild their lake home, which is a non-conforming dwelling on a substandard lot of record located at 820 Birchmont Beach Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction in the minimum lot width of forty-five feet from the required one-hundred-foot lot width; and
2. A reduction in the minimum lot size of 8,142 square feet from the required 30,000 square foot lot size; and
3. A reduction for both minimum side-yard setbacks of one-and-one-half feet from the required ten-foot setbacks; and
4. A reduction in the minimum septic tank setback from property lines of five feet from the required ten-foot setback.

The lot contains existing non-conforming structures that are positioned within the side yard setbacks, and any expansion of these structures must be reviewed to determine if the proposal requires a variance.

II. BACKGROUND

Bruce Nord has met with staff on a couple of occasions regarding this proposal to rebuild the existing dwelling on this lot and reconfigure their use of available space. In this case, the proposed redevelopment of the lot requires setback variances. The lot is also currently heavily developed with multiple accessory structures, and is exceeding the allowed impervious surface standard for the shoreland overlay. In addition, as the required side-yard setbacks cannot be met,

Section 903C(1) stipulates that variances for lot width and size are also required. Staff note the overall increase in impervious surface over existing conditions would be 1.1% (325 square feet), however stormwater mitigation could be utilized to reduce the effective impervious back down to the required 25%. The applicants plan to remove the existing structures on the lot and rebuild a combined dwelling with garage and storage space, adding 325 square feet of impervious surface over existing conditions.

III. DEVELOPMENT SUMMARY

SITE DEVELOPMENT	EXISTING	PROPOSED	REQUIRED/ALLOWED
Impervious Surface	29% (6,265 sq. ft.)	30.1% mitigated (6,590 sq. ft.)	25% or 31.25% mitigated (5,464 / 6,831 sq. ft.)
Lot Size	21,858 sq. ft.	21,858 sq. ft.	30,000 sq. ft.
Lot Width	55 ft.	55 ft.	100 ft. (at setback)
SSTS tank setback	N/A	5 ft.	10 ft.
Side-lot setback	1 ft. (shed) 5 ft. (house)	8.5 ft. (house)	10 ft.

IV. DISCUSSION/DEVELOPMENT ANALYSIS

Planning Considerations

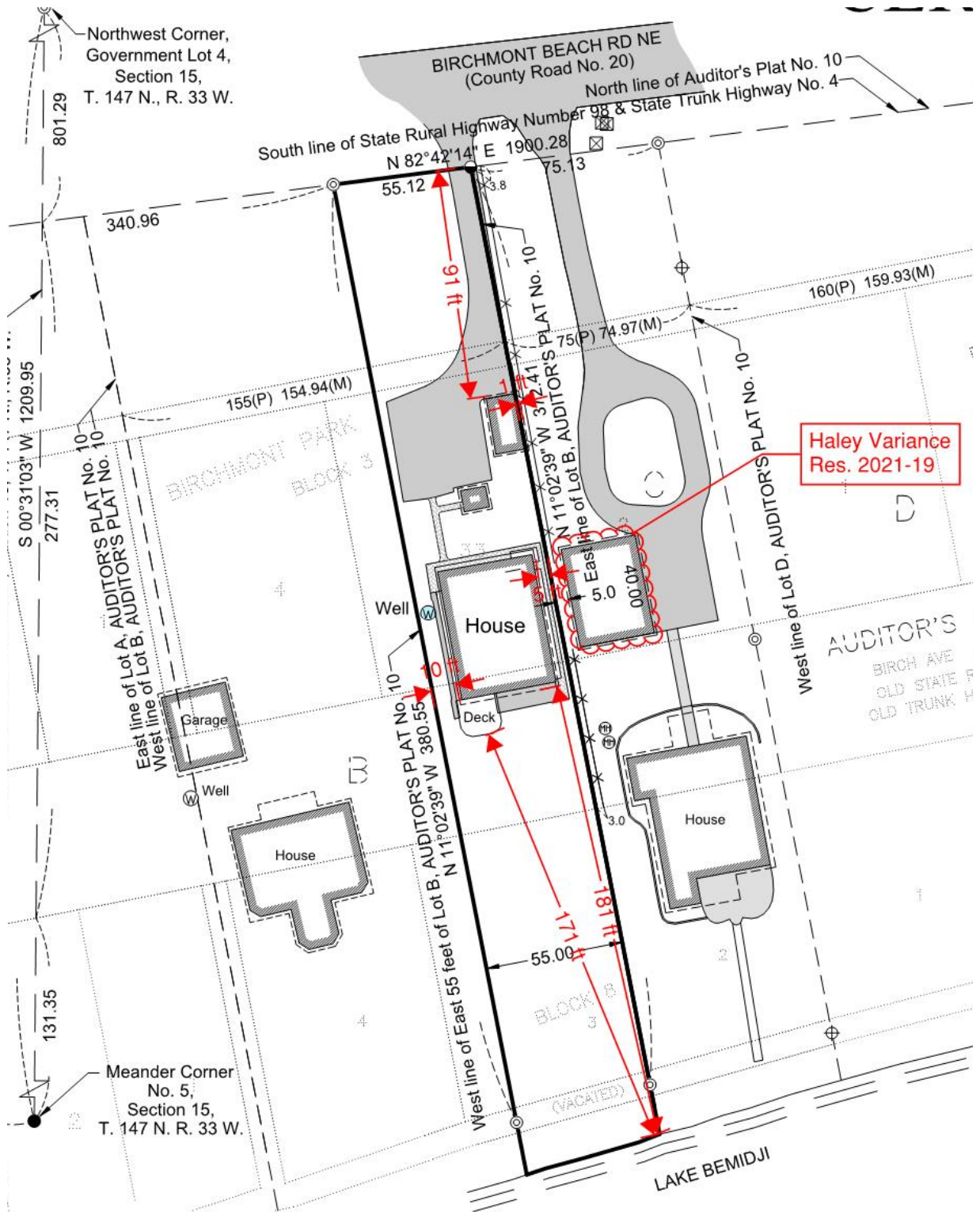
Variations should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variations. An applicant can demonstrate a practical difficulty when their proposal is 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, and creating a more efficient and holistic layout for storage and parking, the applicants reviewed some possible site layouts and material choices. In order to meet side-yard setbacks, the reconstructed dwelling would be no wider than thirty-five feet at roof edge, which dramatically limited interior space layout options, and would have led to more square footage to make those spaces function well. After consideration and feedback from staff, the owners found their proposed layout to be the most favorable to their residential needs while minimizing impervious surface area and centering the dwelling within the lot. 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 2,350 square feet, with all other structures and impervious areas bringing the site impervious to 6,265 square feet. The existing dwelling is set back from the OHWM approximately 181 feet. The driveway contains maneuverability area for vehicles to access the front-loading garage along with

parking near the storage shed and is counted towards site impervious surface. There are a few mature trees and shrubs adjacent to the existing structures.

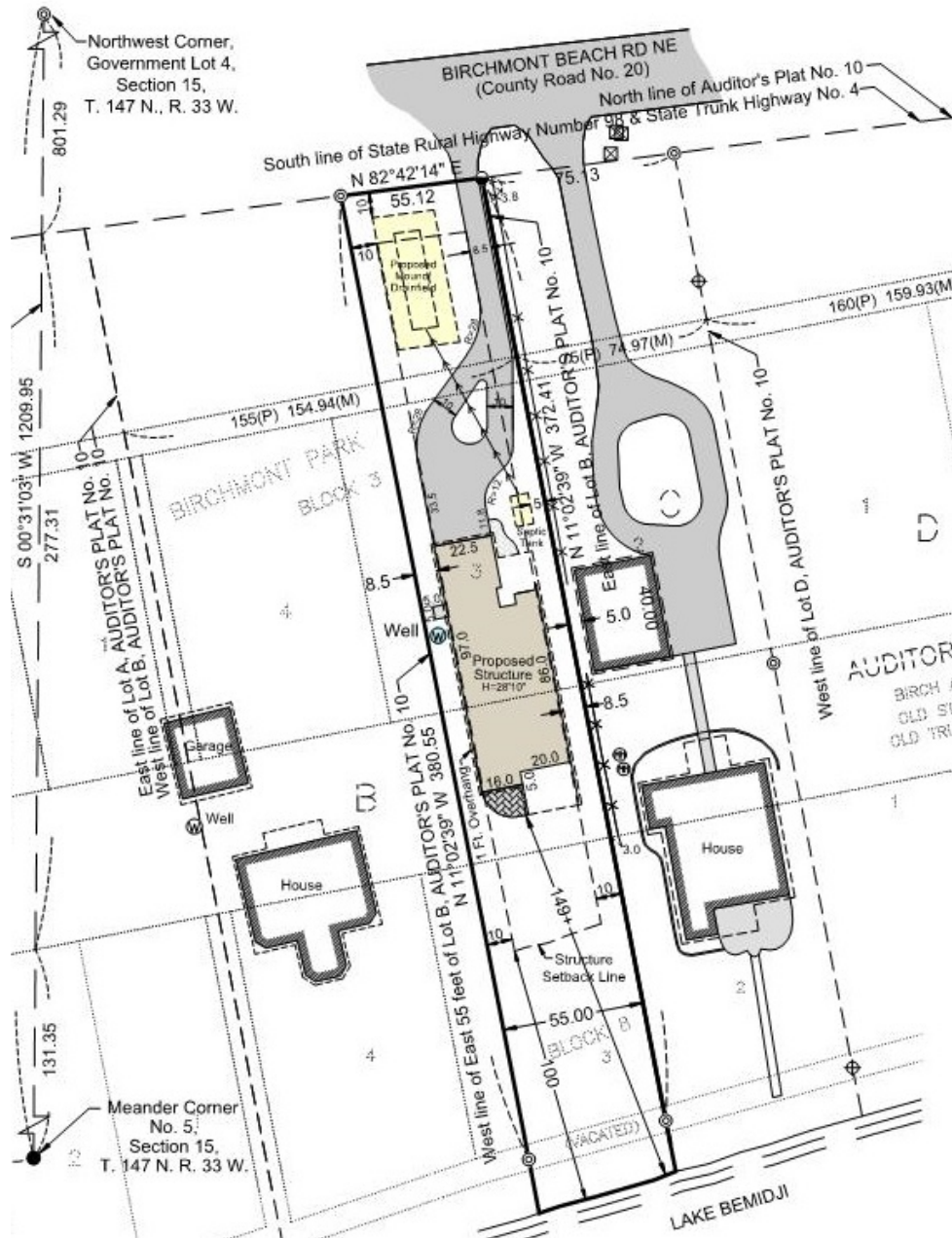






Proposed Improvements

The Nord's are proposing to remove the existing structures on the property and reconstruct a single structure to provide storage, parking, and dwelling needs. The new structure would be centered on the lot and built to the minimum width necessary to allow an efficient interior layout. This proposal would reduce the current encroachments on the eastern property line to no more than eight and one-half feet, matching that setback on the west side. Along with the reconstruction would be a new SSTS located at the rear of the lot, with the tank encroaching on the east property line to avoid structure setback issues. The new structure would be longer than the existing dwelling, but would not encroach onto the ordinary high-water setback, remaining behind both neighboring dwellings. The setbacks on the eastern side of the new structure would also increase the separation distance between the Nord's dwelling and the Haley's new garage structure.



Septic System

The existing system has no previous certificate of compliance on file, and consists of a cesspool, which will need to be replaced as part of the project. Replacement of the system will require issuance of an SSTS permit with an as-built inspection. However, the only feasible location for a new system requires a setback variance for the tank, which must encroach five feet onto the eastern property line to avoid structure setback standards in the GBAJPB ordinance. No other setbacks will need to be reduced to meet Article VIII standards. Any further expansion of the septic system on this site will likely require removal of additional driveway surface and an experimental or advanced treatment system, due to setback restrictions and limited amount of undisturbed soils.

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. No variance is being requested for impervious surface over the maximum allowable with mitigation (31.25%) and as such conditions of this variance request will reflect that such mitigation plan cannot exceed 31.25% (6,831 sq. ft.) impervious.

Landscaping Requirements

There are a few mature trees and some existing landscaping near portions of the proposed project, that are likely to be impacted during construction. This is more likely in the area at the rear of the property, where the SSTS system will need to be installed. 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 emails from neighboring property owners.

1) *“Hi Nickolaus,
Regarding Bruce and Jane Nord’s request for a variance.
We, Mark and Bonnie Haley are in support of the Nord’s rebuilding and we think it
would be a good addition to the neighborhood. We have seen their site plan and
everything they are proposing looks good.*

*Bonita (Bonnie) Rygg Haley
President”*

2) *“My husband and I support the Nord request for the setback variance for their
construction project on the north end of Lake Bemidji.*

Sincerely,

*Sally and Steve Patterson
924 Birchmont Beach RD NE
Bemidji, MN 5660”*

3) “*Dear Mr. Phillips,*

The Nord family have been my immediate neighbors to my east, ever since I bought my property in the late 1970s. My wife and I were married in 1988 and we have had a great relationship with the Nords for many years. They are wonderful people.

Their present one-story home sits well back from the lake, at least 150 feet, on what I believe to be a 55-foot-wide lot. Bruce has explained to me that they plan to construct a two-story home set back 130 or so feet from the lake. That places it well back from the lake and further back than their immediate neighbors' homes. This means it will not affect our view of the lake in any way. I believe their current home is too wide to meet the modern 10-foot side lot setback rules. I believe it is set back only 4 or 6 feet from their neighbor to the east property line, and about 8 or 9 feet from my property line. I understand that the Nords would like to improve this situation with their new house and increase the side setbacks by designing their new two-story house to be thinner than the old house. The location of the new house is actually set back further from the lake than either of their neighbor's homes so even though the walls of the new house will be less than 10 feet from either side lot, the house is behind the neighboring homes and will not be alongside or close to the neighboring homes which are located closer to the lake. Tina and I are very happy with their design considerations. We believe their new home will be an asset to the community. It should be better in all respects than their old home and will not adversely affect any of the homeowners in the neighborhood. We hope the planning board understands the efforts the Nords have taken to make their new home fit into the neighborhood, and we hope the planning board approves their variance request.

Sincerely,

Randy and Tina Ruttger”

Agency Comment

The following comments were received by the writing of this report (May 19, 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 appreciation that the proposed project would not encroach on the ordinary high-water mark setback. MHB staff indicated that a stormwater mitigation plan, as initially described to JPB staff, would need to be outlined on the site plan and submitted to the full MHB before certification of the variance would be considered.

Beltrami County Highway Department:

Bruce Hasbargen stated that the Beltrami County Highway Department does not have any issues with the Nord's request.

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 four variances in order to reconstruct the principal dwelling at 820 Birchmont Beach Rd NW in Northern Township. The variances are as follows:

1. A reduction in the minimum lot width of forty-five feet from the required one-hundred-foot lot width; and
2. A reduction in the minimum lot size of 8,142 square feet from the required 30,000 square foot lot size; and
3. A reduction for both minimum side-yard setbacks of one-and-one-half feet from the required ten-foot setbacks; and
4. A reduction in the minimum septic tank setback from property lines of five feet from the required ten-foot setback.

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 approved by the Mississippi Headwaters Board at the time of variance certification. The allowable amount of impervious surface shall not exceed 31.25% of the lot area, which is 6,831 square feet.
4. The property owner must be issued an SSTS permit allowing replacement of the existing septic system to meet the requirements in §801 before occupying the new dwelling.
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

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 within conforming setback locations, which would require more complex construction methods and site layouts to achieve for a similar square footage. To expand existing structures on this lot would result in piecemeal construction methods in order to stay in conformity with the ordinance. Such houses are much more difficult to maintain than more holistic architectural designs, and would present an undue burden to the homeowner that outweighs the potential benefit an additional one-and-one-half foot separation on the western property line may provide. 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.

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 space, including equalizing the side-yard encroachments between neighboring property lines while providing an overall narrower structure. While proper undisturbed space between structures would mitigate storm-water from this addition, the property owner has consulted design professionals to create a plan to mitigate and treat the additional storm-water in available areas of the lot, allowing infiltration for most typical rain events.

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

Yes. This reconstruction would not significantly change the appearance of the dwelling on the lot as viewed from the lake, would not change the overall character of the existing neighborhood, and would be utilized in a manner that is common for existing residential uses.

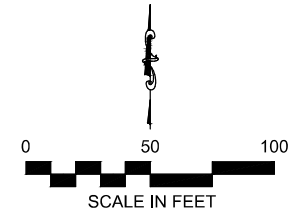
Site Plan(s)

SITE PLAN

NORD APPLICATION FOR VARIANCE

Parcel Tax ID No: 310087500
 Address: 820 Birchmont Beach Rd NE
 Current Zoning: R-3, Subject to Shoreland Overlay

- LEGEND**
- ⊙ Denotes 1/2 iron pipe, LS 15483, found
 - Denotes 3/4 inch iron pipe, found
 - ⊕ Denotes 1/2 inch iron pipe, found
 - ⊗ Denotes solid iron pin, found
 - ⊙ Denotes P.K. Nail, found
 - ⊗ Denotes 1 1/2 inch iron pipe, found
 - (M) Denotes measured course and/or distance
 - (P) Denotes platted course and/or distance

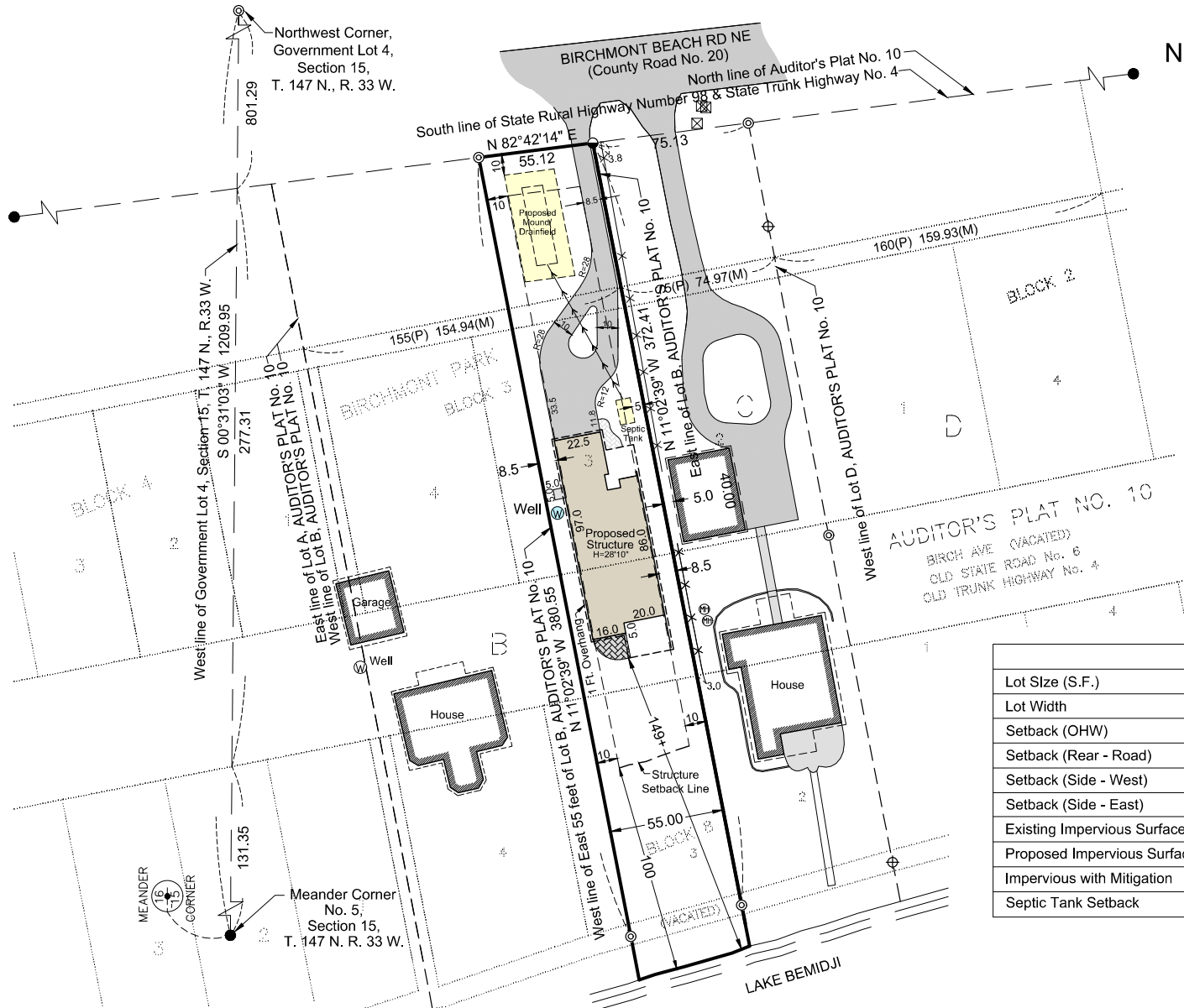


SITE INFORMATION

	Required	Existing	Proposed	Variance
Lot Size (S.F.)	30,000	21,858 ±		8,142 ±
Lot Width	100	55		45
Setback (OHW)	100		149±	
Setback (Rear - Road)	50		138±	
Setback (Side - West)	10		8.5	1.5
Setback (Side - East)	10		8.5	1.5
Existing Impervious Surface		6,265 (29%)		
Proposed Impervious Surface	5,464± (25%)		6,590 (30.1%)	1,126± (5.1%)
Impervious with Mitigation	6,830± (31.25%)		6,590 (30.1%)	
Septic Tank Setback			10	5

MURRAY
 SURVEYING, INC.
STATE OF MINNESOTA LICENSE NO. 1483
 218-751-5898
 MURRAY@MURRAYSURVEYING.COM

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Robert W. Murray
 ROBERT W. MURRAY LICENSE NO. 1483
 DATE: 04/25/2022 FILE NO. 21-312



CERTIFICATE OF SURVEY

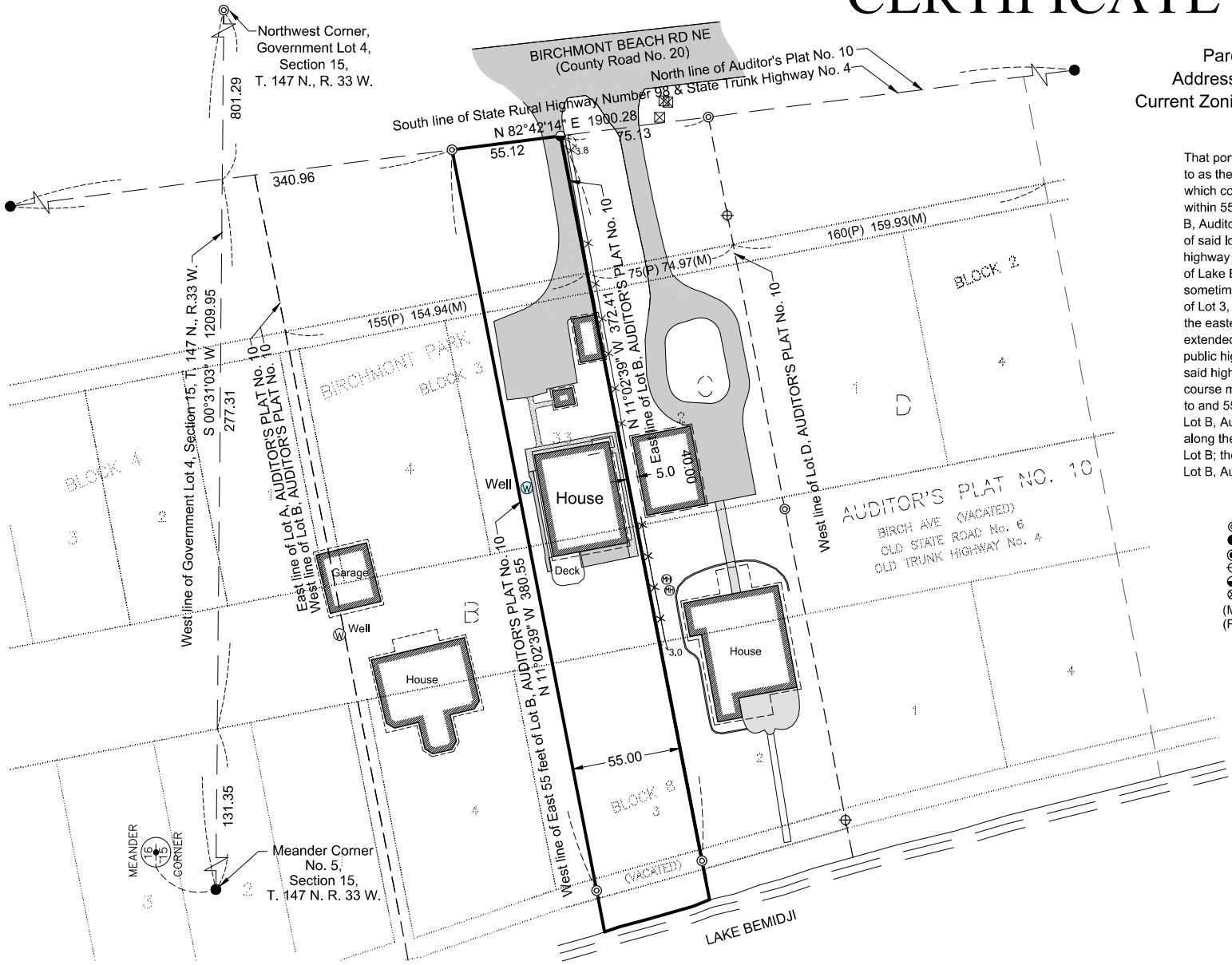
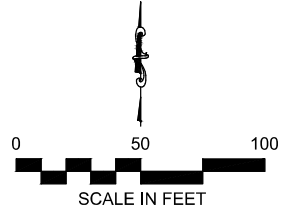
Parcel Tax ID No: 310087500
 Address: 820 Birchmont Beach Rd NE
 Current Zoning: R-3, Subject to Shoreland Overlay

PROPERTY DESCRIPTION

That portion of Lot B, Auditor's Plat 10, commonly referred to as the easterly 55.00 feet of said Lot B, Auditor's Plat 10, which consists of a parcel of land 55.00 feet in width lying within 55.00 feet westerly of the East boundary of said Lot B, Auditor's Plat 10 and extending from the North boundary of said lot which is the southerly boundary of the existing highway to the South boundary thereof which is the shore of Lake Bemidji, and which said premises are also sometimes described as beginning at the Northeast corner of Lot 3, Block 3, Birchmont Park; thence northerly along the easterly line of said Lot 3, Block 3, Birchmont Park, extended to the southerly line of the presently existing public highway; thence westerly along the southerly line of said highway to a point 55.00 feet distant from the first course measured at right angles; thence southerly parallel to and 55.00 feet distant from the easterly boundary line of Lot B, Auditor's Plat 10 to Lake Bemidji; thence easterly along the shore of Lake Bemidji to the easterly line of said Lot B, Auditor's Plat 10 to the place of beginning.

LEGEND

- ⊙ Denotes 1/2 inch iron pipe, LS 15483, found
- Denotes 3/4 inch iron pipe, found
- ⊕ Denotes 1/2 inch iron pipe, found
- ⊕ Denotes solid iron pin, found
- ⊙ Denotes P.K. Nail, found
- ⊗ Denotes 1 1/2 inch iron pipe, found
- (M) Denotes measured course and/or distance
- (P) Denotes platted course and/or distance



MURRAY SURVEYING, INC. <small>STATE BOX 1038 BENTON (MN 55905)</small> 218-751-5898 <small>MURRAY@MURRAYSURVEYING.COM MURRAYSURVEYING.COM</small>	I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
	<i>Robert W. Murray</i>
	ROBERT W. MURRAY LICENSE NO. 1483 DATE: 04/25/2022 FILE NO. 21-312

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: Bruce Nord PHONE: 701-741-1050
 MAILING ADDRESS: 5599 South 11th Street, Grand Forks, ND 58201
 SITE ADDRESS: 820 Birchmont Beach AVE, PARCEL: 310087500
 EMAIL ADDRESS: bruceozzienord@gmail.com
 CONTRACTOR NAME: Murray Surveying, Inc PHONE: 218-368-4647

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 N/A

OFFICE USE ONLY
 Complete Application Rec'd 4/29/2022
 Payment Rec'd 4/29/2022
 Field Checked _____
 Zoning District R-3 / Shoreland
 Date Permitted _____
 Permit Number _____
 Comments _____
Receipt # 666269

OFFICE USE ONLY
 Property Dimensions: Width 55 ft Depth 380 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

EXPLANATION OF REQUEST FOR VARIANCE

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

Lot width, Lot Area, side yard setbacks, Impervious Surface Coverage, Septic tank setback

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

Lot width: 45; Lot Area: 8142; side yard (west): 1.5; side yard (East): 1.5; Impervious Surface: 4218 (5.6%); septic tank setback: 5

Describe the existing use of your property: Single family residential

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 The development/re-development of the property will be positioned similarly to existing development on the property with an improvement to side yard setbacks.

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

The limitations are primarily attributed to the width and configuration of the property.

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 The property is substandard in size (area and width). The side yard setback (east line) is proposed to be improved from 5 feet to 8.5 feet.

Explain the practical difficulty that exists with your request:

The property is a substandard lot of record. The applicants are proposing to construct a new structure reasonably sized for the neighborhood. The construction will improve the side yard setback. The proposed structure will not change the harmony or character of the neighborhood.

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.)?

Two accessory buildings will be removed as part of this project. Stormwater mitigation is proposed. The septic system is proposed to be relocated from the lake side of the structure to the rear. The driveway will be modified so it does not encroach onto the neighbors property.

(Use additional sheets if necessary)

STRUCTURAL/CONSTRUCTION DATA (if applicable)

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

Structure Dimension(s): Width 36 ft. Length 97 ft. Height (to roof peak) 28'10" ft. Total S.F. 3035 *excluding covered patios.*

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

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

Total number of bedrooms after construction: 3

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

Estimated Cost of construction: \$ TBD

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: Brian W. Nowel Applicant _____

Date: 4-28-22

OFFICE USE ONLY		
Reviewed by _____	Date _____	Complete Application <input type="checkbox"/> Yes <input type="checkbox"/> No

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

Beltrami County, MN
No Delinquent Taxes and Transfer Entered:03/31/2022
Certificate of Real Estate Value () Filed (X) Not Required
Certificate of Real Estate Value Number: N/A
Certificate of Real Estate Value Date: N/A
JoDee Treat by TE
County Auditor/Treasurer Deputy
Parcel: 31.00875.00

OFFICE OF COUNTY RECORDER
COUNTY OF BELTRAMI, MINNESOTA
THIS IS TO CERTIFY
THAT THIS INSTRUMENT
WAS FILED IN THIS
OFFICE ON 03/31/2022 AT
10:22 AM BY DOCUMENT NUMBER
A000607054
By: ER
CHARLENE D. STURK
COUNTY RECORDER
WELL CERT RECEIVED: N
WELL CERT NOT REQUIRED: Y
PAGES: 3
Electronically Recorded Document

Single Individual to Single Individual

No. 2

Minnesota

QUIT CLAIM DEED

(shall convey after-acquired title)

This Indenture effective the 24 day of March, 2022, from Grantor

to Grantee:

1. **Definitions.** For the purpose of this Indenture:
 - a. "Grantor" shall mean Ruth M. Nord, a single individual, whose mailing address is 4570 Belmont Road, Grand Forks, North Dakota 58201.
 - b. "Grantee" shall mean Bruce W. Nord, whose mailing address is 5599 South 11th Street, Grand Forks, North Dakota 58201.
 - c. "Indenture" shall mean this quit claim deed between Grantor and Grantee.
 - d. "Property" shall mean the following described real estate, together with all improvements, hereditaments and appurtenances, in the County of Beltrami, in the State of Minnesota:

See attached Exhibit "A".

2. **Consideration and Conveyance.** For a valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby conveys and quit claims the Property to Grantee.

Exhibit "A"

Property in Beltrami County, State of Minnesota:

That portion of Lot B, Auditor's Plat 10, commonly referred to as the easterly 55.00 feet of said Lot B, Auditor's Plat 10, which consists of a parcel of land 55.00 feet in width lying within 55.00 feet westerly of the East boundary of said Lot B, Auditor's Plat 10 and extending from the North boundary of said lot which is the southerly boundary of the existing highway to the South boundary thereof which is the shore of Lake Bemidji, and which said premises are also sometime described as beginning at the Northeast corner of Lot Three (3), Block Three (3), Birchmont Park; thence northerly along the easterly line of said Lot Three (3), Block Three (3), Birchmont Park, extended to the southerly line of the presently existing public highway; thence westerly along the southerly line of said highway to a point 55.00 feet distant from the first course measured at right angles; thence southerly parallel to and 55.00 feet distant from the easterly boundary line of Lot B, Auditor's Plat 10 to Lake Bemidji; thence easterly along the shore of Lake Bemidji to the easterly line of said Lot B; thence northerly along the said easterly line of said Lot B, Auditor's Plat 10 to the place of beginning;

75317700 v1

Agency & Neighborhood Packet Distribution Information

Packet Distribution List

Northern Township: V-21-31.00875.00 – Bruce & Jane Nord

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



Greater Bemidji Area Joint Planning Board
City of Bemidji Northern Township

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

May 3rd, 2022

Northern Township – V-22-31.00875.00: - Bruce & Jane Nord are requesting a variance from the setback standards in Articles VIII and IX of the GBAJPB Ordinance in order to reconstruct their lake home. The subject property is located at 820 Birchmont Beach RD NE.

The parcel legal description is as follows:

SECT-15 TWP-147 RANGE-033 AUDITOR'S PLAT NO. 10 LOT-00B .57 AC THAT PORTION OF LOT B, COMMONLY REFERRED TO AS E'RLY 55' OF SAID LOT B, WHICH CONSISTS OF PARCEL OF LAND 55' IN WIDTH LYING WITHIN 55' W'RLY OF E BNDRY OF SAID LOT B & EXTEND FROM N BNDRY OF SAID LOT, WHICH IS S'RLY BNDRY OF EXIST HWY TO S BNDRY THEREOF, WHICH IS SHORE OF LAKE BEMIDJI & WHICH SAID PREMISES ARE ALSO SOMETIMES DESC AS BEGIN AT NE CORNER OF LOT 3, BLOCK 3, BIRCHMONT PARK; THENCE N'RLY ALONG E'RLY LINE OF SAID LOT 3 EXTEND TO S'RLY LINE OF PRESENTLY EXIST PUBLIC HWY; THENCE W'RLY ALONG S'RLY LINE OF SAID HWY TO PT 55' DISTANT FROM FIRST COURSE MEAS AT RA; THENCE S'RLY PARALLEL TO & 55' DISTANT FROM E'RLY BNDRY LINE OF LOT B TO LAKE BEMIDJI; THENCE E'RLY ALONG SHORE OF LAKE BEMIDJI TO E'RLY LINE OF SAID LOT B; THENCE N'RLY ALONG SAID E'RLY LINE OF SAID LOT B TO PLACE OF BEGIN

The Greater Bemidji Area Joint Planning Commission will consider this proposal at its meeting on **Thursday, May 26th, 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 4th Street NW, or by email at nickolaus.phillips@ci.bemidji.mn.us. If possible, your comments should be submitted by **Thursday, May 19th, 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 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

May 3rd, 2022

Dear Property Owner:

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

Northern Township – V-22-31.00875.00: - Bruce & Jane Nord are requesting a variance from the setback standards in Articles VIII and IX of the GBAJPB Ordinance in order to reconstruct their lake home. The subject property is located at 820 Birchmont Beach RD NE.

The parcel legal description is as follows:

SECT-15 TWP-147 RANGE-033 AUDITOR'S PLAT NO. 10 LOT-00B .57 AC THAT PORTION OF LOT B, COMMONLY REFERRED TO AS E'RLY 55' OF SAID LOT B, WHICH CONSISTS OF PARCEL OF LAND 55' IN WIDTH LYING WITHIN 55' W'RLY OF E BNDRY OF SAID LOT B & EXTEND FROM N BNDRY OF SAID LOT, WHICH IS S'RLY BNDRY OF EXIST HWY TO S BNDRY THEREOF, WHICH IS SHORE OF LAKE BEMIDJI & WHICH SAID PREMISES ARE ALSO SOMETIMES DESC AS BEGIN AT NE CORNER OF LOT 3, BLOCK 3, BIRCHMONT PARK; THENCE N'RLY ALONG E'RLY LINE OF SAID LOT 3 EXTEND TO S'RLY LINE OF PRESENTLY EXIST PUBLIC HWY; THENCE W'RLY ALONG S'RLY LINE OF SAID HWY TO PT 55' DISTANT FROM FIRST COURSE MEAS AT RA; THENCE S'RLY PARALLEL TO & 55' DISTANT FROM E'RLY BNDRY LINE OF LOT B TO LAKE BEMIDJI; THENCE E'RLY ALONG SHORE OF LAKE BEMIDJI TO E'RLY LINE OF SAID LOT B; THENCE N'RLY ALONG SAID E'RLY LINE OF SAID LOT B TO PLACE OF BEGIN

This public hearing will be held on **Thursday, May 26th, 2022 at 6:00 p.m.** The meeting will be held in the Council Chambers of the Bemidji City Hall located at 317 4th 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, May 19th, 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.

Respectfully,

Nickolaus Phillips
Assistant Planner

Greater Bemidji Area Joint Planning Board

RUTTGER,RANDOLPH J,TRUSTEE
RUTTGER FAMILY TRUST
814 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

PATTERSON,STEPHEN J
SALLY PATTERSON
924 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

NORD,BRUCE W
SUSAN D NORD
5599 S 11TH ST
GRAND FORKS, ND 58201

MIKKELSON CONSOLIDATED LP
449 DESIREE DR
GRAND FORKS, ND 58201

NORD,JANE L,TRUSTEE
NORD FAMILY TRUST
607 ISLAND VIEW DR NE
BEMIDJI, MN 56601-7139

HALEY,MARK D
BONITA RYGG HALEY
2100 S COLUMBIA RD STE 118
GRAND FORKS, ND 58201

BIRCHMONT INC
7598 BEMIDJI RD NE
BEMIDJI, MN 56601

RUTTGER,SALLY M,TRUSTEE
SALLY M RUTTGER TRUST
2009 NE 21ST CT
WILTON MANORS, FL 33305

RUTTGER,RANDOLPH J,TRUSTEE
RUTTGER FAMILY TRUST
814 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

MIKKELSON,DANIEL C
JOLENE R MIKKELSON
449 DESIREE DR
GRAND FORKS, ND 58201

PATTERSON,STEPHEN J
SALLY PATTERSON
924 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

LARSON,ROGER A
918 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

LARSON,ROGER A
918 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

BLAIR,ROBERT J
HEIDI BLAIR
460 CROMWELL DR
GRAND FORKS, ND 58201

HEGSTROM,KIMBERLY A
601 PLEASANT VIEW DR
STOUGHTON, WI 53589-1952

BIRCHMONT INC
7598 BEMIDJI 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.

Aerial Map

1:2,257

Date: 5/3/2022

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

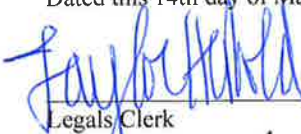
ss.

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 May 14, 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.

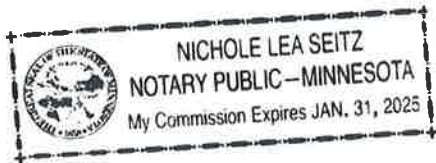
Dated this 14th day of May, 2022.



Legals Clerk



Notary Public



**GREATER BEMIDJI AREA JOINT
PLANNING COMMISSION
NOTICE OF**

PUBLIC HEARINGS & MEETINGS
NOTICE IS HEREBY GIVEN, that on Thursday, May 26, 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 Bemidji City Hall, located at 317 4th St. NW, Bemidji MN, and via Webex Video Conferencing (see log-in details on jpbgba.org), regarding the following requests:

Northern Township - V-22-31.00875.00: - Bruce & Jane Nord are requesting a variance from the setback standards in Articles VIII and IX of the GBAJPB Ordinance in order to reconstruct their lake home. The subject property is located at 820 Birchmont Beach RD NE.

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 for more information. Email comments must be received by Thursday, May 19, 2022, for inclusion in staff reports.
(May 14, 2022) 63076

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2022-10

**RESOLUTION APPROVING VARIANCE
FOR PARCEL 31.00875.00**

WHEREAS, an application was submitted on April 29th, 2022 by Bruce Nord, requesting four variances from the Zoning and Subdivision Ordinance Requirements. The request comes as the Nord's plan to rebuild their lake home, which is a non-conforming dwelling on a substandard lot of record located at 820 Birchmont Beach Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction in the minimum lot width of forty-five feet from the required one-hundred-foot lot width; and
2. A reduction in the minimum lot size of 8,142 square feet from the required 30,000 square foot lot size; and
3. A reduction for both minimum side-yard setbacks of one-and-one-half feet from the required ten-foot setbacks; and
4. A reduction in the minimum septic tank setback from property lines of five feet from the required ten-foot setback; and

WHEREAS, the requested variances are for standards required of parcel 31.00875.00, legally described as SECT-15 TWP-147 RANGE-033 AUDITOR'S PLAT NO. 10 LOT-00B .57 AC THAT PORTION OF LOT B, COMMONLY REFERRED TO AS E'RLY 55' OF SAID LOT B, WHICH CONSISTS OF PARCEL OF LAND 55' IN WIDTH LYING WITHIN 55' W'RLY OF E BNDRY OF SAID LOT B & EXTEND FROM N BNDRY OF SAID LOT, WHICH IS S'RLY BNDRY OF EXIST HWY TO S BNDRY THEREOF, WHICH IS SHORE OF LAKE

BEMIDJI & WHICH SAID PREMISES ARE ALSO SOMETIMES DESC AS BEGIN AT NE CORNER OF LOT 3,BLOCK 3,BIRCHMONT PARK; THENCE N'RLY ALONG E'RLY LINE OF SAID LOT 3 EXTEND TO S'RLY LINE OF PRESENTLY EXIST PUBLIC HWY;THENCE W'RLY ALONG S'RLY LINE OF SAID HWY TO PT 55' DISTANT FROM FIRST COURSE MEAS AT RA;THENCE S'RLY PARALLEL TO & 55' DISTANT FROM E'RLY BNDRY LINE OF LOT B TO LAKE BEMIDJI; THENCE E'RLY ALONG SHORE OF LAKE BEMIDJI TO E'RLY LINE OF SAID LOT B;THENCE N'RLY ALONG SAID E'RLY LINE OF SAID LOT B TO PLACE OF BEGIN; and

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

WHEREAS, the requested variance meets 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 May 26th, 2022, to review the application for a variance following mailed and published noticed 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 follows all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the variance 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 within conforming setback locations, which would require more complex construction methods and site layouts to achieve for a similar square footage. To expand existing structures on this lot would result in piecemeal construction methods in order to stay in conformity with the ordinance. Such houses are much more difficult to maintain than more holistic architectural designs, and would present an undue burden to the homeowner that outweighs the potential benefit an additional one-and-one-half foot separation on the western property line may provide. 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.

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 space, including equalizing the side-yard encroachments between neighboring property lines while providing an overall narrower structure. While proper undisturbed space between structures would mitigate storm-water from this addition, the property owner has consulted design professionals to create a plan to mitigate and treat the additional storm-water in available areas of the lot, allowing infiltration for most typical rain events.

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

Yes. This reconstruction would not significantly change the appearance of the dwelling on the lot as viewed from the lake, would not change the overall character of the existing neighborhood, and would be utilized in a manner that is common for existing residential uses.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of the four requested variances, subject to the following 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 approved by the Mississippi Headwaters Board at the time of variance certification. The allowable amount of impervious surface shall not exceed 31.25% of the lot area, which is 6,831 square feet.
4. The property owner must be issued an SSTS permit allowing replacement of the existing septic system to meet the requirements in §801 before occupying the new dwelling.
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.


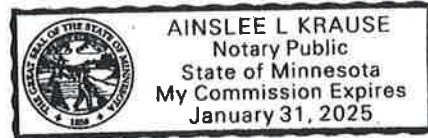
GREATER BEMIDJI AREA JOINT PLANNING BOARD
State of Minnesota
County of Beltrami

This instrument was acknowledged before me on this 8th day of June, 2022 by Jorge Prince, Joint Planning Board Chair.



~~Jorge Prince~~, Joint Planning Board Chair
Chris Lahn, acting Chair

Subscribed and sworn to before me
this 8 th day of June, 2022.


Notary Public

STORMWATER MITIGATION PLAN

Parcel Tax ID No: 310087500

Address: 820 Birchmont Beach Rd NE

BIRCHMONT BEACH RD NE
(County Road No. 20)

SITE CALCULATIONS

The increase in post development site runoff, above and beyond 25% of lot coverage, will be directed into a grass infiltration area with an overall storage volume sized to store a one inch rainfall event (calculated as an instantaneous event (no runoff coefficient)) over the amount of increase in impervious surface above 25% of lot coverage. Storage volume will be created by grass basin/swale. The one inch calculation results in an infiltration area sized for the additional impervious surface (1,126 sq. ft.) to meet or exceed a water quality volume specified by the Minnesota Pollution Control Agency General Permit No: MN RI00001, being a one (1) inch event (calculated as an instantaneous volume).



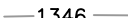



The post development increase (above and beyond 25%) in impervious surface is documented as follows:
Net increase in Impervious Surface above and beyond 25% of the parcel area: 1,126 sq. ft. (6,590 sq. ft. - 5,464 sq. ft. = 1,126 sq. ft.)

Proposed Retention Volume: One inch (calculated as an instantaneous volume) over the increase in impervious surface exceeding 25%.

Calculations: One inch/12 inches per foot = 0.083 ft. x 1,126 sq. ft. = 93.9 cubic feet of storage volume.

Proposed Basin Size: 12 x 25 Ft ± x .4 feet depth = 120 cubic feet. Based on existing ground elevations, the estimated storage capacity is expected to be 186 cubic feet.

LEGEND

-  Direction of site runoff
-  Direction of proposed runoff (grade to drain)
-  Existing 1 ft. contour interval
-  Existing spot elevation
-  Proposed ground elevation
-  Proposed contour interval

CONSTRUCTION AND MAINTENANCE PLAN

1. Excavate basin and drainage swales in accordance with plans. Ensure bottom of basin is flat and not compacted. Scour if necessary.
2. Add a minimum of four inches of top soil containing high amounts of organic content.
3. Ensure basin storage capacity is in accordance with plans.
4. Seed/sod and maintain to ensure a successful stand of vegetation.
5. Ensure ongoing stabilization and an effective stand of vegetation free of debris.



Action/Discussion

Conversation with DNR Commissioner Sarah Strommen about Sheep Ranch

Parcels- Discussion

Smiles on the 'Sippi volunteer help- Discussion

Clearwater SWCD funding request- Decision

Executive Directors report- Discussion



Mississippi Headwaters Board Funding Request Questionnaire

Crow Wing County Land Service Bldg. - 322 Laurel St. - Brainerd, MN 56401

Web Site: www.mississippiheadwaters.org

Below are some questions that the Mississippi Headwaters Board (MHB) requests your organization answer before the MHB board can distribute funds to requesting organizations. Please submit at least 1 month before any funding is needed. **The MHB was created in 1980 to protect the Natural, Recreational, Cultural, Scientific, and Historical values of the Mississippi River.**

1. Tell us about yourself. What is the primary purpose of your organization?

Clearwater County Soil and Water Conservation District (SWCD) is a Local Government unit established in 1954, with the purpose to conserve soil, water and natural resources.

2. Tell us how this project will align with one or more of the multiple values listed above, and what you want to accomplish with your project?

As a conservation district, our goal is the protection of our natural resources. Early detection is key to preventing major contamination issues in a water source. Offering free water testing within the Mississippi watershed will help identify any concerns, hopefully preventing or addressing any major issues within the watershed.

3. What amount of funding are you requesting, and what will it be used for? Have you requested funds from other sources and are they secured?

We are requesting funding in the amount of \$10,000. This funding will be used to offer free nitrate and bacteria testing of water sources within the Mississippi watershed. The Clearwater SWCD already contracts service with RMB labs and has a courier service that will pick and test water samples. For the full nitrate and total coliform (total coliform and E coli) bacteria series testing per source would be \$60.00. Major sources of nitrate contamination can be from fertilizers, animal waste, and human sewage. Coliforms are a group of bacteria that are almost everywhere. They are in soil, plants, sewage, and manure. *E. coli* are bacteria that people and some animals have in their intestines. If your water sample has *E. coli*, it means your drinking water has likely been contaminated by sewage or manure. It is highly recommended to test your drinking water supply on a regular basis. We will also use a portion of this funding for education/outreach and will create targeted informational mailers educating residents in the watershed of the importance of water testing

4. Is this project regional in scope and/or involve any of the MHB member counties (Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison)?

The SWCD would make the test available for anyone interested in the Mississippi watershed. Funding outlines:

- Individual work with Clearwater SWCD when submitting their water sample.
- Participants agree to give Clearwater SWCD a copy of water test results to be used by the district for reporting, tracking and monitoring purposes (all names will remain confidential when tracking)

5. What type of organization are you (governmental, Nonprofit, etc...)

The Clearwater Soil and Water Conservation District (SWCD) is a Local Unit of Government.

Executive Director Report

May - June 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. Forwarded email from Sarah Fogderud from CLARA to provide \$6K to organizations who might have projects they want to fund.
8. Sent social media accounts of MHB counties and SWCD's to Chip.
9. Performed some graphic design on Display to keep it updated.
10. Sent out summary of Sheep Ranch to board to help them better understand the context of the conversation we will be having with the DNR Commissioner.

Meetings & Networking

1. Returned a call to user who wanted information about the miles between two landings on the Miss. river. He is planning a paddling trip this summer so I provided him with the link to the DNR website that allows him to count the river miles between landings.
2. Attended Brainerd Miss. river 1W1P policy and advisory committee meeting and provided a presentation to the group.
3. Attended teleconference with Fishing the Wildside and journalist to explain and emphasize the purpose and reason for the campaign.
4. Attended Economic Development Assoc. of MN (EDAM) summer conference. I learned about different ways economic development people in cities and counties are dealing with supply chain logistics, childcare shortages, and filling empty buildings. Ron Wirtz from the Federal Reserve Bank of Minneapolis was there to provide statistics on the state of the MN economic recovery.
5. Held conversation with Stauber's office to discuss short and long term strategy for passage of land exchange bill. Bowen lodge will write email to CNF forest supervisor, Michael Stansbury to see if he is in favor of the land exchange with Bowen lodge, and Stauber's office will work to get house democratic and republican officials on board so a bill can be written.
6. Submitted request to Crow Wing Lakes and Rivers Association for a \$3,000 grant to promote the Smiles on the 'Sippi event.
7. Morrison Area Community Foundation will not be having a Resourcetainment event this year. They are opting to do better planning and hold the event next year.
8. Attended Morrison county EQIP local work group meeting and water plan meeting.

9. Miss. Riverside Park is under construction and they will be implementing a new landing there. I suggested the new landing because it makes sense for the area.
10. Went to the Aitkin Paddle Your Glass Off planning meeting. Two weeks away from the event and they already have around 80 people signed up for it. Taylor from the Aitkin chamber will be sending out a reminder email, and she will attach our QR code for that stretch of the Mississippi so people can download the map before they attend the event. Also, Taylor said since we advertised the event on the Minnesota Traditions social media, she has received comments from people saying they learned about this event from our Events webpage. It's good to see that people are learning about these events from our webpage as well as local marketing efforts.
11. Held MN Traditions statewide meeting with AIS coordinators and discussed the campaign for 2023. For the following year, we will implement a YouTube channel that will house all the videos for the public to listen to and coordinators to use on their county website. Also, I sent out a doodle Poll to identify a date in which counties can come and develop content for next year's campaign. Lake Pledge was also discussed as well.
12. Attended Variance meeting in Crow Wing County for the Magnus Variance.