



ITASCA COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT
123 NE 4th St
Grand Rapids, MN 55744
(218) 327-2857

Wednesday, 6/12/2024

9:00 A.M.

Itasca County Boardroom

The regular meeting of the Itasca County Planning Commission/Board of Adjustment (PC/BoA) was held on Wednesday, 6/12/2024, at 9:00 a.m. in the County Board Room of the Courthouse with the following in attendance:

MEMBERS PRESENT: Lisa Maasch, Richard Kortekaas, Dan Butterfield, Mike Bellomy;

ABSENT: Mike Oja;

EXOFFICIO: Environmental Services Director Katie Benes,

GUESTS: Jeff Peterson, Peggy Clayton, Dave Eckstein, John Angell, Amy Flynn, Eric Schramm, Aaron Lantz, Aaron Bialke, Rusty Eichorn, Rich Libbey, Amy Bestland, Crystal Smith, Roy Smith, Karl Larsen, Brook Kirwin, Bonnie Bird, Aaron Hansen

Chair Maasch called the Planning Commission/Board of Adjustment meeting to order, opening with the Pledge of Allegiance. Copies of the agenda and opening statement were available for the audience.

Agenda. There were no modifications to the agenda.

Minutes. Upon the motion of Bellomy/Butterfield, which carried unanimously, the minutes of the 4/10/2024 hearing were approved as distributed.

Stephen & Paulette Kutschat/Minor Subdivision (Not a Public Hearing)—(Part of Govt. Lot 1, Section 29, Unorganized Township 57-26, Parcel #65-029-1106) submitted a request for an extension to complete the requirements of the minor subdivision entitled Cedar Wild which was approved by the PCBA on 6/14/2023. As per Section 304B.1.d of the Subdivision Ordinance, a minor subdivision plat becomes void within one year following approval unless the official plat is filed for public record in the Recorder's office. Ms. Benes explained that the applicant is requesting a one-year extension to resolve easement issues.

Motion: Bellomy/Kortekaas to grant a one-year extension to complete the requirements for the Minor Subdivision entitled Cedar Wild submitted by Steven & Paulette Kutschat (which was previously approved on 6/14/2023) and as set forth in the 6/7/2024 staff report. Motion carried unanimously.

Jeff Peterson/Rezone—(Part of Lot 4 and Part of the NW SE, Section 17, Harris Township 54-25, Parcels #19-017-1307, 19-017-1308, 19-017-4203) submitted a rezone application for rezone from Rural Residential to Recreational Commercial. Two documents were added to the record: PCBA 01C (criteria questions completed by applicant); PCBA 07 (email dated 6/10/2024 from Rich Libbey). An aerial photo was reviewed on the overhead screen and the existing zoning districts. Jeff Peterson was present and discussed his rezone application which he is requesting to allow him to utilize his property as a resort again. He purchased the operating resort/properties in order to establish a new resort, but he didn't feel the need to keep the license current since it would be a few years before it would be operating as a resort again (since he purchased the properties he has removed the existing cabins and constructed two dwellings). It was clarified that this application is only for a rezone and a new resort would require a conditional use permit. Peggy Clayton, Harris Township Chair, was present and commented that Harris Twp. has recommended approval of the rezone. Dave Eckstein, was present in opposition and submitted a packet of information for the record (PCBA 08). His comments included there is no existing resort; the proposed rezone would be spot zoning; has traffic/safety

concerns since Southwood Rd. is only 24' in width, has blind spots and there are many residential homes within the .4 miles between these parcels and Hwy. 169 and concerned with increased boat traffic. He is submitting for the record a signed petition with over 40 signatures of residents in opposition. John Angell, was present in opposition with concerns and referred to Court Case #44199, Hawkinson vs. Itasca County; and recommended officials review this court case to confirm this would not be considered spot zoning and also comment that rezoning should not be for financial reasons. Mr. Eckstein commented that the Harris Twp. findings indicated this application would be spot zoning. Amy Flynn, was also present in opposition, and discussed a previous rezone request (for Parcel 19-017-1308) for rezone from Residential to Recreational Commercial which was denied in 2000 because there was no evidence that an error has been made in the present zoning and this would be spot zoning and submitted this information for the record (PCBA 09). Others present, in opposition, were Eric Schramm, Aaron Lantz, Aaron Bialke, Rusty Eichorn (submitted photos, PCBA 10), Rich Libbey (submitted PCBA 11), Amy Bestland, Crystal Smith (submitted statement, PCBA 12) and Roy Smith. Many had public safety/traffic concerns since this is a residentially populated area with no road shoulder, lots of foot traffic and blind spots/approaches. Other concerns mentioned included: noise, development would not be compatible with the area; rezone could allow other uses, spot zoning, conflicts with the CLUP and Zoning Ordinance (S.20.3.4), environmental (unregulated boat landing) and increased boat traffic. Bellomy/Butterfield motioned to close the public portion of the meeting which carried unanimously.

At 10:16 a.m., Butterfield/Kortekaas motioned to recess the meeting and then the meeting was re-opened to address other applications (and the Board will come back to this application later in the meeting).

LAKE Academy/CUP—(Part of SE SE, Section 12, Harris Township 54-25, Parcel #19-012-4419, 19-012-4431) — submitted an Conditional Use Permit application to establish an educational facility (for 30 – 50 students, ages 5 – 18). Karl Larsen and Brook Kirwin were present to discuss their CUP application to expand the school to better serve the community and people; there are now three full-time staff which will be increased as they expand and they noted the school is regulated by the state. Peggy Clayton, Harris Township Chair, was present and noted that Harris Township has recommended approval. The property was viewed on the overhead screen. Bonnie Bird was present with concerns of the impact on the quiet, residential neighborhood. The applicants noted they have widened the driveway (which they plan to gate) and also plan to install a privacy fence and plant trees. Bellomy/Maasch motioned to close the public portion of the meeting which carried unanimously.

Motion: Butterfield/Bellomy motioned to approve the Conditional Use Permit application submitted by LAKE Academy/Karl Larsen/Brook Kirwin to establish an educational facility (for 30 – 50 students, ages 5 – 18) as set forth in the 6/7/2024 staff report. Motion carried unanimously.

Condition/s: 1) Add screening from neighbors;
2) Comply with Best Management Practices;

Michael Schuster/Lonnie Witkofsky/CUP—(Part of NE SE and Part of SE SE, Section 11, Unorganized Township 146-27 (Winnibigoshish, General Development), Parcels #79-011-4103, 79-011-4401—submitted a Conditional Use Permit application for a Home Occupation II to establish a seasonal ice fishing access. On 6/5/2024, the applicants requested their application be tabled and waived the MS 15.99 time-limit requirements.

Motion: Butterfield/Bellomy to table the CUP application submitted by Michael Schuster/Lonnie Witkofsky. Motion carried unanimously.

Bellomy/Butterfield motioned to adjourn the Planning Commission meeting and open the Board of Adjustment meeting and motion carried unanimously.

Aaron Hansen/Variance--(Part of Govt Lot 4, Section 6, Marcell Township 59-26, Parcel 26-006-2311)—submitted an application for variance from Section 5.6.7B for construction of a 22'x38' dwelling/6'x14' porch to be located 75' from the Ordinary High-Water Level (OHWL) of Turtle Lake, Recreational Development 2 Class. Aaron Hansen was present and discussed his variance request noting that he did discuss his variance request with his neighbors, and they had no concerns. He also discussed his proposed plan further with Waylon/SWCD and revised the plan for the driveway and garage to comply with his recommendations (to relocate the garage off the wetlands and reduce wetland fill). An aerial photo of the property was reviewed on the overhead screen. The applicant commented that runoff will be directed to the wetlands. Kortekaas/Bellomy motioned to close the public portion of the meeting which carried unanimously.

Motion: Bellomy/Butterfield motioned to approve the variance application submitted by Aaron Hansen for construction of a 22'x38' dwelling/6'x14' porch to be located 75' from the OHWL as set forth in the 6/7/2024 staff report, and motion carried unanimously.

At 11:05 a.m., Chair Maasch recessed the meeting for 5 min. Before the meeting was called back to order, members reviewed document copies that were submitted for the record earlier in the meeting by Dave Eckstein (PCBA 08), Amy Flynn (PCBA 09), Rusty Eichorn (PCBA 10), Rich Libbey (PCBA 11) and Crystal Smith (PCBA 12). At 11:50 a.m., the meeting was called back to order.

Jeff Peterson/Rezone (continued)--Ms. Benes commented that uses only allowed in the Shoreland Overlay District would be allowed if rezoned (not all the uses allowed in the Recreational Commercial Zoning District). Peggy Clayton commented that the Harris Township findings were marked incorrectly (#2/spot zoning); all members said it was not spot zoning and findings will be corrected. The map was reviewed on the overhead screen and Member Bellomy explained how the three properties (proposed to be rezoned) were adjacent. Jeff Peterson, commented that he would prefer to have seasonal RV sites (and RVs would remain for the season) and there is no proposed boat landing. It was mentioned that the last time the resort was licensed was in 2021.

The meeting was reopened to allow John Angell to address the members and he questioned what the impact would be to the two properties that would be completely surrounded by Recreational Commercial zoning if the rezone was approved and if the properties would be considered spot zoned. It was the consensus of the Board that this would not be considered spot zoning.

Motion: Bellomy/Kortekaas motioned to recommend (to the County Board) approval of the rezone application submitted by Jeff Peterson for rezone from Rural Residential to Recreational Commercial as set forth in the 6/7/2024 staff report. Motion to recommend was denied (2:2 vote). Nays: Butterfield, Maasch; Ayes: Kortekaas, Bellomy.

(County Board hearing is scheduled for 6/18/2024).

At 12:40 p.m., Butterfield/Kortekaas motioned to adjourn and motion carried unanimously.

By: _____
Diane Nelson, Recording Secretary