Beltrami County Planning Commission/Board of Adjustment Meeting
Minutes for Monday, September 28, 2026
County Administration Building – County Board Room
701 Minnesota Ave NW
Bemidji, Minnesota 56601

General Business

Members present:	Don Hazeman Paul Nordby Doug Underthun Bruce Poppel Ed Fussy
Members absent:	Bill Best Craig Gaasvig
Others Present:	Brent Rud, Director, Beltrami County Environmental Services Department Greg Larson, Beltrami County Environmental Services Department Shannon Schmidt, Beltrami County Environmental Services Department Steven Larson, 5125 Woodberry Ct SE, Bemidji, MN 56601 Sharon Larson, 5125 Woodberry Ct SE, Bemidji, MN 56601 Melvin Klockmann, 830 Em St NE, Hutchinson, MN 55350 Karl Klockmann, 29139 521st Ave, Winthrop, MN 55396 Earl Rapp, 701 Mississippi Ave NW, Bemidji, MN 56601

Chairman called the Planning Commission/Board of Adjustment Meeting to order at 6:00 PM. **Board and staff introduced themselves to members of the audience. Brent reviewed the meeting procedures and process, as well as the agenda, for those in attendance.** The meeting minutes for August 24, 2026, were brought forward for approval. **Don Hazeman moved to approve the meeting minutes of August 24, 2026. Motion seconded by Doug Underthun.**

Motion carried and approved.

Board of Adjustment

New Business

Variance Request of: **Richard W Capes**
54559 Hwy 72 NE
Waskish, MN 56685

Township: Waskish
Body of Water: Tamarac River TR

The Purpose of:
Applicant is requesting a variance from the Beltrami County Shoreland Management Ordinance to replace existing dwellings with a new 1,848 square-foot residence located within the right-of-way (ROW) setback of Hwy 72 in Waskish. The existing residences total 1,348 square feet and are located 5' from the ROW. The proposed residence would be situated 15' from the ROW. The Beltrami County Shoreland Management Ordinance requires a 50' structure setback from the ROW of a county highway.

Legal Description:
Tax Parcel: 49.00292.00, 49.00291.00, and 49.00293.00
Lots 17, 18, and 19, Block 2, Arrigos 2nd Subdivision, AND, Lot 19, Block 2, Arrigos Subdivision of Part of Government Lot 2, Section 17, Township 154 North, Range 30 West, together with the full and free right and liberty, in common with all others having the like right, at all times hereafter for all purposes connected with the use and enjoyment of the said land for whatever purposes the said land may be from time to time lawfully used and enjoyed, to pass and repass over and across Lot 20, Block 2, Arrigos Subdivision of part of Government Lot 2, Section 17, Township 154, Range 30, and to anchor their boats along the East line of said Lot 20, Beltrami County, Minnesota.

Greg Larson gave the staff report. GIS maps showing the multiple parcel locations, structure and septic locations, and proximity to Hwy 72 were viewed. Property owners will be combining parcels 49.00291.00, 49.00292.00, and 49.00293.00 into one parcel. Each of these parcels is 0.17 acres in size. Existing structures were built in 1951 and 1970, predating shoreland zoning regulations. One structure has a 1,500-gallon septic tank with a mound sized for a 2-bedroom house and the other structure has a 1,500-gallon holding tank as a septic system. Capeses purchased the properties in 2017. The septic tank with the mound system just passed a compliance inspection and will be used as the septic for the new dwelling. GIS maps showing where the 50' setback would put the new structure were viewed. Maps showing the proposed direction and location of the new structure were viewed. Photos of the existing structures before demolition started were viewed, as well as photos during demolition. Staff recommends approving the variance request with the condition that the proposed dwelling be located 25' from the road right-of-way.

Earl Rapp, representing the applicants, approached the podium. Earl was unable to make any decisions on the applicants' behalf but answered the Board's questions as best he could. The Board asked why the proposed residence couldn't be moved further back from the road. Earl explained that there is a bunch of trees directly behind the previous residence that the applicants did not want to remove if they didn't have to. Earl also explained that the existing holding tank behind the main residence has been removed and the applicants were concerned about putting the

new residence over an area that might experience significant settling. The Board agreed that compaction could result in a sinkhole. The Board discussed the fact that no matter where the new residence is placed, it would have required a variance. The Board asked Earl if he thought the applicants would consider increasing the setback, or if the case should be tabled for another month. Earl asked that a decision be made at this meeting so the project could start before it is too late in the year. The Board discussed that the distance between the proposed new residence and where the holding tank was removed is 14'.

The Board opened the floor for public comment. Emailed comments received were read aloud by Greg Larson.

- **Ray and Sandy Berger email:** the Bergers are in support of the variance request made by the Capeses. As neighbors and adjoining property owners, the Bergers have observed the improvements the Capeses have made to their properties and welcome this growth to the Upper Red Lake area.
- **Melvin Klockmann:** Melvin approached the podium and told the Board the applicants planted a tree 12' across his property line on the adjacent parcel to the south. Melvin demanded that the applicants have an official survey completed, not just a GIS map. Melvin demanded that the Board order a survey, or he will pull the tree out! The Board explained that they cannot address personal property line disputes. Brent Rud offered to talk with Melvin about this issue after the Board meeting.

Finding no further public comment, the Chairman closed the floor for public comment on the Richard Capes variance request.

Findings of Fact

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreline Management Ordinance rules?

   Yes (x) No ( )

   Why? Lots along the Tamarac River are not very deep. Residence will be placed as far back as possible.

2. Without the variance is the owner deprived of a reasonable use of the property?

   Yes (x) No ( )

   Why? The applicant is unable to move the residence back any further.

3. Is the alleged hardship due to circumstances unique to this property?

   Yes (x) No ( )

   Why? These small lots were created before the shoreland management rules were put in place.

4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?

   Yes (x) No ( )

   Why? This area was platted many years ago.

5. Will the issuance of the variance maintain the essential character of the locality?
   Yes(x) No ( )
   Why? Moving the residence as far back on the lot as possible will increase applicants' safety from highway traffic. Many of the neighboring parcels have similar structures close to the highway.

6. Does the alleged hardship involve more than economic consideration?
   Yes (x) No ( )
   Why? Economics was not a consideration.

If all answers are "yes" the criteria for granting the variance request have been met.

Motion by Bruce Poppel to approve the variance request of Richard Capes with the following condition: 1.) The structure setback from the highway ROW will be increased from the proposed 15' to 25'. Paul Nordby seconded the motion.

Motion unanimously carried and approved.

Chairman then closed the Board of Adjustment Public Hearing on the proposed Variance request of Richard Capes.

Motion by Bruce Poppel to adjourn the Planning Commission/Board of Adjustment Public Hearing for September 28, 2026. Motion seconded by Doug Underthun. Motion carried and approved. Chair called the meeting for September 28, 2026, officially adjourned.

Respectfully submitted,

Brent Rud
Beltrami County ESD Director

Chairman
Beltrami County Planning Commission