



# PLANNING COMMISSION/BOARD OF ADJUSTMENT - AMENDED

**Wednesday, August 14, 2024 at 7:00 PM**

City Hall 8319 Co. Rd. 11 Breezy Point, MN 56472

(218) 562-4441 | Office Hours 8:00 a.m. - 4:00 p.m. | [cityadmin@cityofbreezypointmn.us](mailto:cityadmin@cityofbreezypointmn.us)

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## AGENDA

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**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL/AMENDMENT OF THE AGENDA**

**5. OPEN FORUM**

**6. APPROVAL OF MINUTES**

A. July 9, 2024 Regular Planning Commission/Board of Adjustment Meeting Minutes

**7. NEW BUSINESS**

A. Variance Application V-24-006: Loren John Kerfeld Trust

B. Variance Application V-24-007: Michael & Fonda Schuetz

C. Variance Application V-24-008: Robert & Linda Panure

D. Variance Application V-24-009: Bonnie & Joseph Stroinski

**8. OLD BUSINESS**

**9. STAFF REPORTS**

**10. COMMISSIONER REPORTS**

**11. ADJOURN**

**Breezy Point Planning Commission/Board of Adjustment**

**July 9, 2024  
Regular Meeting**

The regular meeting of the Breezy Point Planning Commission/Board of Adjustment was called to order by Commission Chair Marcy Weaver at 7:00 p.m. Those in attendance included members Joe Ayers, Lee Brisbin, Roger Theis, Teddy Zierden, Board Chair Marcy Weaver, Planning and Zoning Administrator Peter Gansen and Deputy Clerk Deb Runksmeier.

Approval of Agenda

Motion Zierden/Ayers to approve Agenda, Motion Carried 5-0.

Open Forum

No one spoke.

Approval of 6/11/2024 Regular Meeting Minutes

Motion Theis/Brisbin to approve the minutes as written, Motion carried 5-0.

New Business

**A. Variance Application V-24-002: Sackreiter**

The Commission Chair Weaver noted the applicant was present.

Planning and Zoning Administrator Gansen read the staff report into record.

See staff report on file.

Gansen read the MNDNR letter.

See letter on file.

Zierden asked if the variance request was for both impervious overages and lake setback reduction.

Gansen replied yes the request is for multiple variances.

The Chair noted the applicant has been before the Planning Commission at a prior meeting.

The prior meeting was reviewed and there were many things that made the application incomplete.

The Chair noted the applicant was to have an appropriate stormwater management plan to address the onsite stormwater. Also noting the applicant was proposing to increase impervious surface coverage, where the Commission findings were to have the applicant

reduce the impervious amounts. These were also concerns that were not addressed in the letter from the DNR.

See MNDNR letter on file.

The Chair asked the applicant to state their name and address.

Jim Sackreiter 32601 Timberline.

The Chair asked the applicant to summarize the request before the Commission.

Sackreiter stated he feels he has an uphill battle.

Sackreiter discussed where he grew up and went to school and said he cannot take Minnesota winters anymore. He brought his wife here years ago and she fell in love with the lake country area. So they bought this property on the lake.

Stating the purpose of his request is to add a bathroom.

Sackreiter went in discussion about using a bathroom in cabins etc.,

Sackreiter discussed the survey and how the lot is situated in a tight area but also understands the Commission has a legal requirement to fulfill.

Sackreiter stated that it probably will not be visible from the lake.

The applicant read and discussed the practical difficulties etc., and spoke in length about the layout of the lot.

He disagrees with the imperious surface calculations on the survey in his application.

Wondering why the driveway should count against the impervious numbers. That his project was going to propose and engineered stormwater management plant to mitigate any runoff associated with the addition.

The applicant spoke about removing hardscapes vs his custom stormwater management plan. If he doesn't get the variance he would only have one bathroom and he would not fix any of the existing drainage patterns.

Sackreiter read the MNDNR's floodplain variance considerations.

The Chair asked the applicant to describe the stormwater management plan.

Sackreiter handed out copies of his stormwater runoff plan to the board and discussed the details of the stormwater plan that was prepared by Back Yard Landscaping Company.

Sackreiter talked about the layout of the septic system.

The Chair asked how many bedrooms where in the house.

The applicant replied 3.

Theis inquired about the concrete on the west side of the house.

The applicant replied it is their outdoor eating area.

He stated he could start removing concrete if that needs to happen to make the variance work. However has limited funds and do not think that he could afford to put the driveway into pervious surface.

Theis asked the applicant if he could move the addition to the back.

Zierden said it might interfere with the septic.

The Chair asked if the addition could be reconfigured and moved to other side of the house so that it would not decrease the setback to the lake and it would be over existing hardscape. Noting that the current addition is going closer to the lake and adding impervious area.

The applicant replied he would need to reconfigure the inside of the house to achieve that. Adding various descriptions and scenarios about remodeling or relocating one of the bedrooms etc.,

Theis stated unfortunately the addition proposed would be reducing the setback to the lake.

Zierden said he felt the addition could be reconfigured to not require additional encroachment into the setback and remodel would only reduce the size of bedroom by a foot or so.

Theis, concerned that the impervious coverage is still in the mid 30 percentage quite a bit over the 25 percent.

Zierden, the interior could be remodeled and need to encroach so close to the lake.

Sackreiter, the big picture is I am trying to improve this lot and solve the problems the DNR regulations create.

Theis, had question about the gravel drive is that included in the impervious figures.

Gansen, it does and it actually doesn't include the south part of the road so the impervious numbers would be even worse.

Zierden, confirmed everything north of the road.

Gansen, actually the variance should be republished as it isn't representative of the actual impervious amounts.

The applicant spoke about "the reasonable man" concept and options to purchase more property to reduce the impervious ratio.

The Chair, the other property owner could develop their property so that's not a scenario we can speculate on here.

Zierden, where is the parking.

Sackreiter, spoke about parking scenarios on the property etc.,

Theis, there still is a lot of impervious surface on this lot.

Sackreiter, I now I do but I cant remove any of it.

Chair, are there any additional questions for the applicant.

Brisbin asked about the porch area.

Sackreiter, I could remove some of the hardscape to have a no net loss, if the Commission would like.

Theis, who inspects the raingarderns.

Gansen, no one does. They can be installed and a new owner could pave over them.

Theis, does the DNR.

Gansen, they do not.

Sackreiter, I am an Airforce veteran and you have my word it will work.

Zierden, was the stormwater plan done by a landscaper or a civil engineer.

Sackreiter, a landscaper. If you would like I could provide stormwater planned stamped by a civil engineer.

The Chair called for audience comment.

The Chair asked for any other public comment.

None.

The Chair closed the public comment period and opened the meeting to Board deliberation.

Chair then read the findings of fact questions to the Planning Commission for consideration.

See findings on file.

The Chair asked the Commission if there were any further discussion regarding the findings.

Theis, it really comes down to the DNR recommending denial, the property is less than 1/3 fo the setback from the lake and proposing to go even closer, and the impervious numbers 15% or more over which is well over what is allowed by today's standards.

Zierden, its also a very irregularly shaped lot. It really is what it is. And yes the impervious numbers are very high.

Theis and Zierden, yes the configuration of the lot is very challenging and there is topography the blocks the back of the lot. However, the impervious surfaces can be reduced and the remodel configured to better fit within todays standards.

Chair, if we approved this variance we would only be making the non-conformity more non-conforming.

Zierden, discussed how the applicant can change the plans to better fit the lot. Flip the addition to the roadside. Get a stormwater management plan approved by a civil engineer. Then remove some of the hardscape to reduce the impervious numbers.

Chair, summarized the commission agrees the site plan can be reconfigured, hardscapes reduced and provide a stormwater plan by a licensed engineer.

Gansen, reiterated staff recommendation is to deny the variance pending design change and the applicant can start with a new request that represents the project accurately.

Ayers, if setback and impervious met would the addition need a variance.

Gansen, yes the location of the buildings location within the setback make it non-conforming and require variance for any structure modification.

Chair, quoted the MNDNR letter and noted the applicant would need to reduce impervious surface amounts then could perhaps apply for a variance for setback relief. With moving the addition for the residence.

Sackreiter, if the board approves, I will pull concrete out to meet the impervious surface standards.

There was various discussion about the impervious surface numbers relating to the survey the applicant submitted.

Summarizing that if impervious surfaces were reduced to within ordinance allowance perhaps a variance could be more successful.

None.

The Chair then asked for motion.

**Ayers made a motion to table.**

Chair, asked Ayers if he meant to deny as the application as the applicant would need to submit new designs and a new request.

Gansen, confirmed.

**Ayers amended his motion to table to a motion to deny.**

**Zierden seconded.**

**All members voting 5-0 to deny Variance Application V-24-002.**

See file for findings and notice of decision.

**B. Variance Application V-24-003: Loren John Kerfeld Trust**

The Commission Chair Weaver noted the applicant was present.

Planning and Zoning Administrator Gansen read the staff report into record.

See staff report on file.

Chair, asked if the Commission had any questions on the staff report.

Theis, if they tore it down would they be allowed to build on the same site.

Gansen, stated there is a building envelope meeting all setbacks because the building was built under the 75 foot setback which was reduced to 50.

Gansen, spoke about challenges of tight lots with respect to parking and snow removal etc.,

The Chair asked the applicant to state their name and address.

Loren Kerfeld 29845 Shoreview Lane.

The Chair asked the applicant to summarize the request before the Commission.

Kerfeld, summarized the application and said the main goal was to add addition sleeping space on the upper level above the garage and to expand garage space below and expand the bedroom below.

For parking they would maintain 3 vehicles as they have done before and park a full-size truck and not be encroaching on the road.

Chair, what is the distance between the garage and road right of way.

Kerfeld, I think its approximately 20 feet.

Theis, is that City property.

Chair, I believe it is.

Theis, it doesn't seem like there is that much room there from the right of way.

Zierden, clarified he's measuring part of the driveway that is actually within the right of way not the property line.

Kerfeld, there is space for my Silverado and not encroach into the road.

Bribin, the garage will not extend any further than the current setback.

Kerfeld, correct.

There was discussion on the dimensions of the bedrooms and the building etc.,

Theis, asked about the bedrooms upstairs on the lake side.

Kerfeld, said they would expand the bedrooms on the lakeside as well.

Gansen, the expansion on the lake side was not noted in the application and was not published as such. The board cannot take action on something that was not published correctly.

Gansen spoke about how altering building dimensions effects the variance request after construction would lead to project stopper.

Gansen, apologized to the Commission for interjecting.

Kerfeld, the building was proposed like that for aesthetics.

Ayers, is that a single garage.

Kerfeld, yes.

Kerfeld spoke about snow removal in the area.

Ayers, is that true of several of houses.

Kerfeld, yes.

Zierder, is that a deck.

Kerfeld, no it's a patio at ground level.

Theis, is that a variance request.

Gansen, yes it was not included on the site plan so they need to submit new plans.

Kerfeld, the location of the lakeside additions would be in a compliant location.

Gansen, yes however it is attached to a non-conforming structure and would require variance approval.

Zierden, does the City plow this road.

Gansen, yes.

Chair, they would be bumping it out flush with the profile of the building.

There was varying discussion on building dimensions and parking.

The Chair called for audience comment.

The Chair asked for any other public comment.

None.

The Chair closed the public comment period and opened the meeting to Board deliberation.

Chair then read the findings of fact questions to the Planning Commission for consideration.

See findings on file.

The Chair asked the Commission if there were any further discussion regarding the findings.

Zierden, he doesn't believe its getting closer to the road.

Chair, specified the setback is not reducing the building is expanding towards the road.

Ayers, there's more building expanding towards the road.

The Chair asked the Commission if there were any further discussion regarding the findings.

The Chair asked for motion.

Zierden, the building plans changed, they would just have to come back anyway.

Theis, is that something Gansen need to address.

Gansen, yes legally it cannot happen because it was not represented correctly in the application.

They need to reapply with the new plans.

Chair, are their two options here to deny the application as is, or to approve portions of the request.

Gansen, the Board could always approve less, just not more.

There was discussion about reducing the approval to just the garage and parking.

Chair, perhaps this lot is just too small for its intended use now as there is obviously no room and is leaning towards requiring a new application for clarity.

Ayers, we need to consider the other property next door where the garage request was denied.

There was additional discussion about the dimensions and encroachments etc.,

Building in areas that snow can be pushed into.

There was additional discussion on moving snow.

Theis, can we bring the first applicant back up.

Chair, the public input has been closed.

There was additional discussion amongst the Commission that the plans are confusing to read and difficult to tell how the building is going to look.

The Chair asked again for a motion.

**Zierden made a motion to deny.**

**Brisbin seconded.**

**All members voting 5-0 to deny Variance Application V-24-03.**

See file for findings and notice of decision.

**C. Variance Application V-24-004: Michael & Fonda Schuetz**

The Commission Chair Weaver noted the applicant was present.

The Chair asked for the staff report.

Gansen read the staff report into record.

Gansen, the variance cannot be granted if the site plan is not accurate to the request due publication requirements.

See staff report on file.

The Chair asked if there were any more questions relating to the staff report.

There were none.

The Chair asked if the applicant to state their name and address and to summarize the request before the Commission.

Mike and Fonda Schuetz 29853 Shoreview Lane.

Mike, we moved up to the property in 2015 and their property is very similar to the prior app as its duplex. We have an interior design. We met with Peter and understood what the setback ramifications were.

Mike, we wanted to get the footprint approved so they could go ahead with the building. I plowed this driveway for 12 years and the cars will be in the garage and the plows are pretty slow in the area.

The Chair asked if the Commission had any questions for the applicant.

Theis, where is the kitchen.

Fonda, spoke in varying details about the use of the property and the dimensions of the project. I would like to keep my stuff put away in the garage.

Fonda, we are asking to expand the building. It would make the property more functional for our use. We do understand we are within the setbacks.

Fonda spoke more about the layout of the building in relationship to the interior footprint.

Gansen, the plan has to match the variance request. Even if the variance was granted we could not allow a permit for it because it would illegal to permit something that requires an accurate site plan and variance request.

Procedurally the request cannot be approved as presented. The plans need to be submitted on the site plan accurately.

The Chair asked for public comment.

None.

The Chair closed the public comment period and opened the meeting to Board deliberation.

Chair, summarized the scope of the project then read the findings of fact questions to the Planning Commission for consideration.

See file for findings.

The Chair asked the Commission or Staff if there were any further discussion regarding the findings or conditions.

None.

**The Chair made a motion to deny.**

**This is seconded.**

**All members voting 5-0 to deny Variance Application V-24-04.**

Old Business

**A. None.**

The Chair called for staff reports.

Staff Reports

Gansen said there will be a couple variance applications at the next meeting.

The next PC meeting Wed is August 14<sup>th</sup> due to elections on Tuesday.

That concludes the staff report.

The Chair asked for any Commissioner reports.

Commissioner reports

**A. None.**

There being no further business the meeting adjourned at 8:30 p.m.

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Submitted by Peter Gansen  
Planning & Zoning Administrator.

Received by City: 7/18/2022  
Application Number: U-24-006  
Non-refundable Fee Paid: 250  
Receipt #: 23566



8319 County Road 11  
Breezy Point, MN 56472  
Phone: (218) 562-4441  
Fax: (218) 656-1326  
www.cityofbreezypointmn.us

# Variance Application

Name of Applicant Loren and Melinda Kerfeld  
Address 3172 Orchid Dr. NE Email: ljkker11@gmail.com  
City, State, Zip Sauk Rapids, MN 56379  
Phone (320) 493-1218 Alternate Phone (320) 250-3262

Physical Address / Location of Property 29845 Shorview Lane, Breezy Point, MN 56472

Legal Description of Property Lot 8 Seventeenth Addition to Breezy Point Estates, Section 21, Township 136 North, Range 28 West, Crow Wing County, MN, Total Area =7018 Sq. Ft.+0.2 acres+area above OHW =6937 Sq. Ft.=/0.2 Acres+

Parcel ID Number 10210839 Zoning District \_\_\_\_\_

Applicant is:  Legal Owner of Property  Contract Buyer  Option Holder  Agent  Other \_\_\_\_\_  
Title Holder of Property (if different than applicant):  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, ZIP \_\_\_\_\_  
Phone \_\_\_\_\_

State the nature of your request in detail. What are you proposing for your property?

We are requesting to add an additional garage stall, main floor bedroom space, 2 bedrooms above the garage space, additional dining space, and extend the upstairs bedroom over the additional dining space.

Signature of Owner, authorizing application Loren Kerfeld  
(By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner) \_\_\_\_\_  
(By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

**\*By signing above, I acknowledge that I understand that I am responsible for all fees incurred by the City as a result of professional services provided by the City Engineer, City Attorney, and other contracted agencies in reviewing my application.\***

**APPLICANTS, PLEASE NOTE:** Pursuant to the Breezy Point Zoning Ordinance, the applicant should be prepared to explain the unique situation on the property that requires the proposed variance. The Zoning Ordinance defines a practical difficulty as follows: "A practical difficulty exists if the property in question cannot be reasonably utilized under the conditions allowed by the official controls, if the plight of the landowner is due to circumstances

8. Discuss any environmental limitations of the site or the area that limit building in other areas.

The impervious percentage limits us to the amount of building on our property.

9. Please include any other comments pertinent to this request.

The revisions to the structure would not impact the current drainage on the property; the existing grade slopes away from the lake, and sandy soil provide sufficient conditions to manage abnormal weather events.

*Definition of PRACTICAL DIFFICULTY: The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his or her property not created by the landowner and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a PRACTICAL DIFFICULTY if reasonable use for the property exists under the terms of the ordinance.*

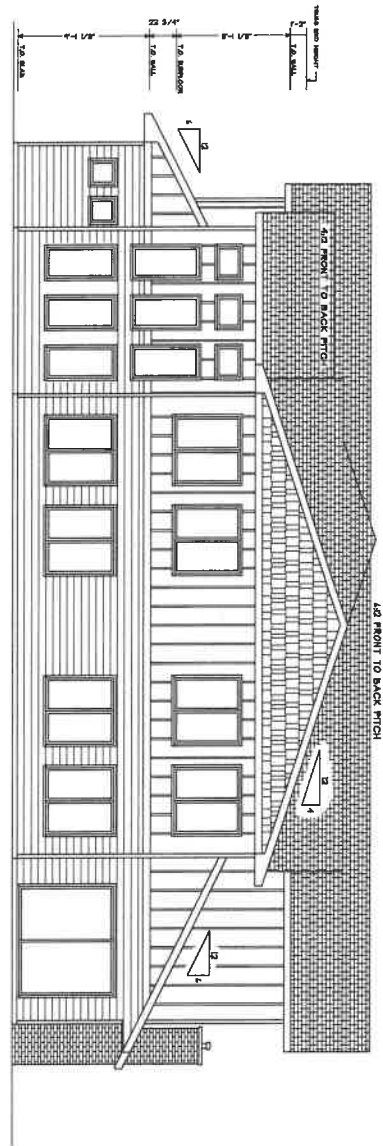
10. Please state the practical difficulty that exists with this property.

The difficulty with the property is improving the usability while maintaining the current building footprint, setbacks, and impervious percentage.

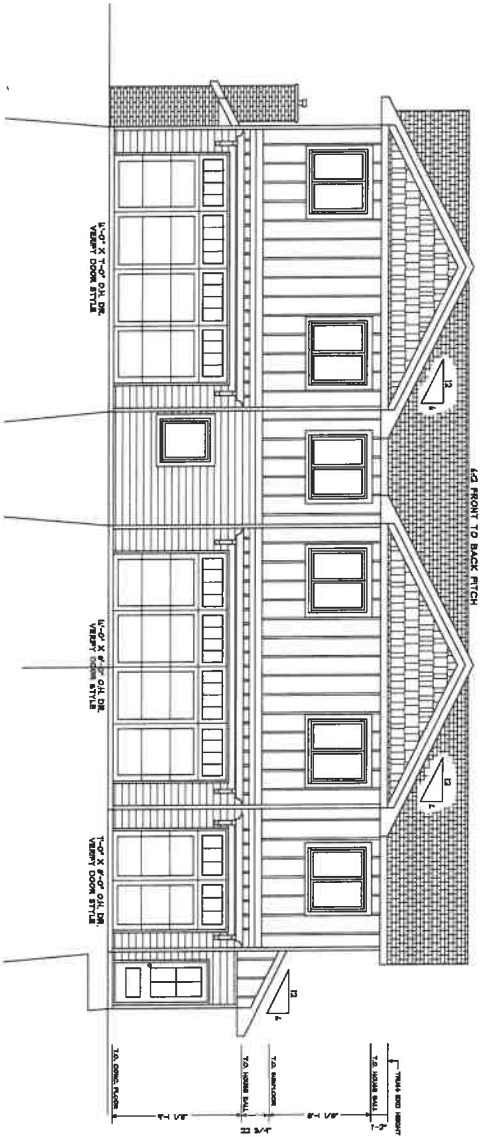
**INSTRUCTIONS TO THE APPLICANT**

Completed applications, with all submittal requirements, must be submitted to the Planning & Zoning Department no fewer than 25 days prior to the meeting date. In order for your application to be accepted as complete, and to have a public hearing scheduled, the following

- 1. This application must be completed, including responses to all parts of this application.
- 2. The required fee must be paid. See fee schedule for details.
- 3. Certificate of Survey with the following information, as a minimum, unless waived by the Planning Commission / Board of Adjustment.
  - Legal description of the site.
  - Site plan, prepared by a licensed surveyor, showing parcel and existing structure dimension, water features, and 10 foot contour lines (smaller contour lines may be required if deemed necessary by the Planning Department, Planning Commission, or City Council).
  - Location of all structures and their square footage.
  - Existing and proposed curb cuts, driveways, access roads, turn-arounds, parking including RV, boat and additional vehicle storage, off-street loading, and sidewalks. Size and type of surface should also be included.
  - Proposed landscaping and screening plans: garbage dumpsters, areas preserved in natural state including buffer areas, areas to be developed into lawn (grass), areas to be covered by woodchips or mulch, garden areas, shrubbery, types, size, age, and number of proposed trees and their locations, exterior lighting to be proposed including location and type, any other items deemed appropriate.
  - Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
  - Proposed drainage plan.
  - Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
  - Soils data showing capability for building and on-site sewage treatment.
  - Existing iron pipe boundary monuments marked with proof of survey.
  - Approximate location of any proposed signs (if applicable).
- 4. Color scheme for all existing and proposed structures.
- 5. Outside storage proposal.
- 6. Elevation plans for all existing and proposed structures.



2 REAR ELEVATION  
SCALE 1/4" = 1'-0"



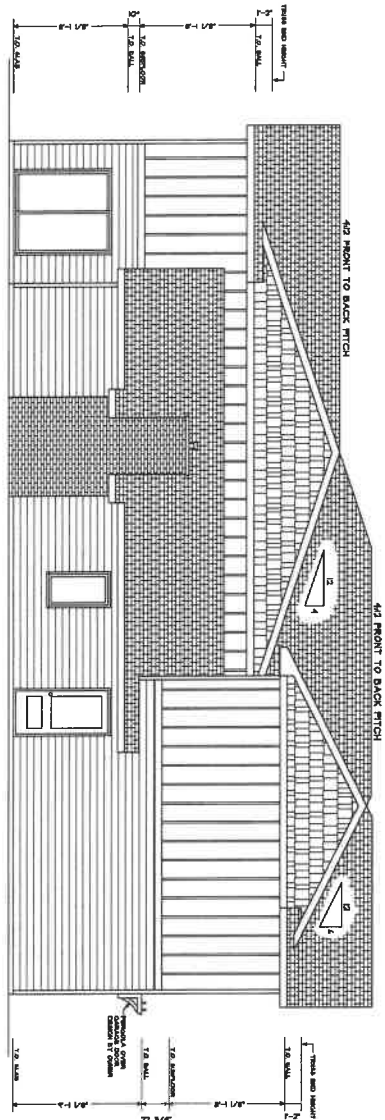
1 FRONT ELEVATION  
SCALE 1/4" = 1'-0"

**DISCLAIMER OF WARRANTIES**  
The Client hereby acknowledges and warrants that it is a responsible party for the design and construction of the project. The Client warrants that it has provided all necessary information and that the design and construction of the project are in accordance with the applicable laws and regulations. The Client warrants that it has obtained all necessary permits and approvals. The Client warrants that it has provided all necessary information and that the design and construction of the project are in accordance with the applicable laws and regulations. The Client warrants that it has obtained all necessary permits and approvals.

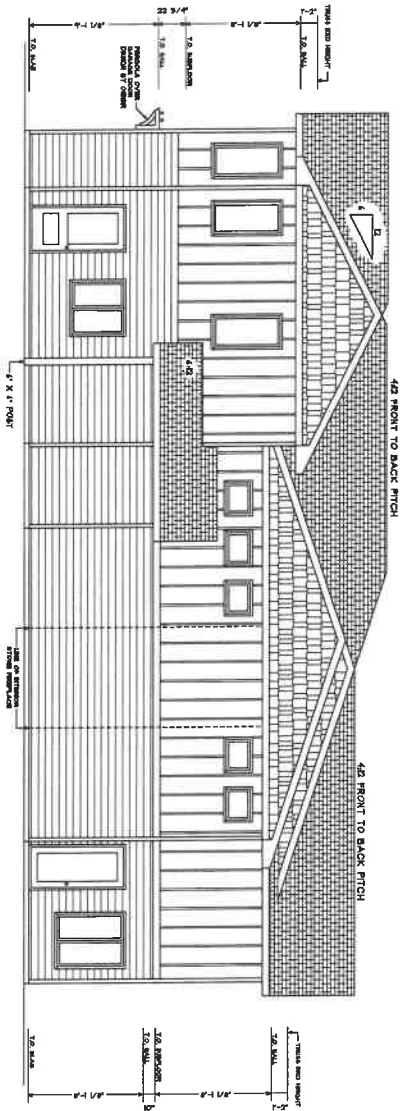
KIRFELD / SCHUETZ  
SHOREVIEW LANE  
BREEZY POINT, MN.

DESIGNER	KIRFELD / SCHUETZ
LOCATION	BREEZY POINT, MN.
DATE	8/3/2024
PROJECT	18/2024 DG
REVISION	
DATE	
BY	
CHECKED	
DATE	

1-6



2 LEFT ELEVATION  
SCALE 1/4" = 1'-0"



1 RIGHT ELEVATION  
SCALE 1/4" = 1'-0"

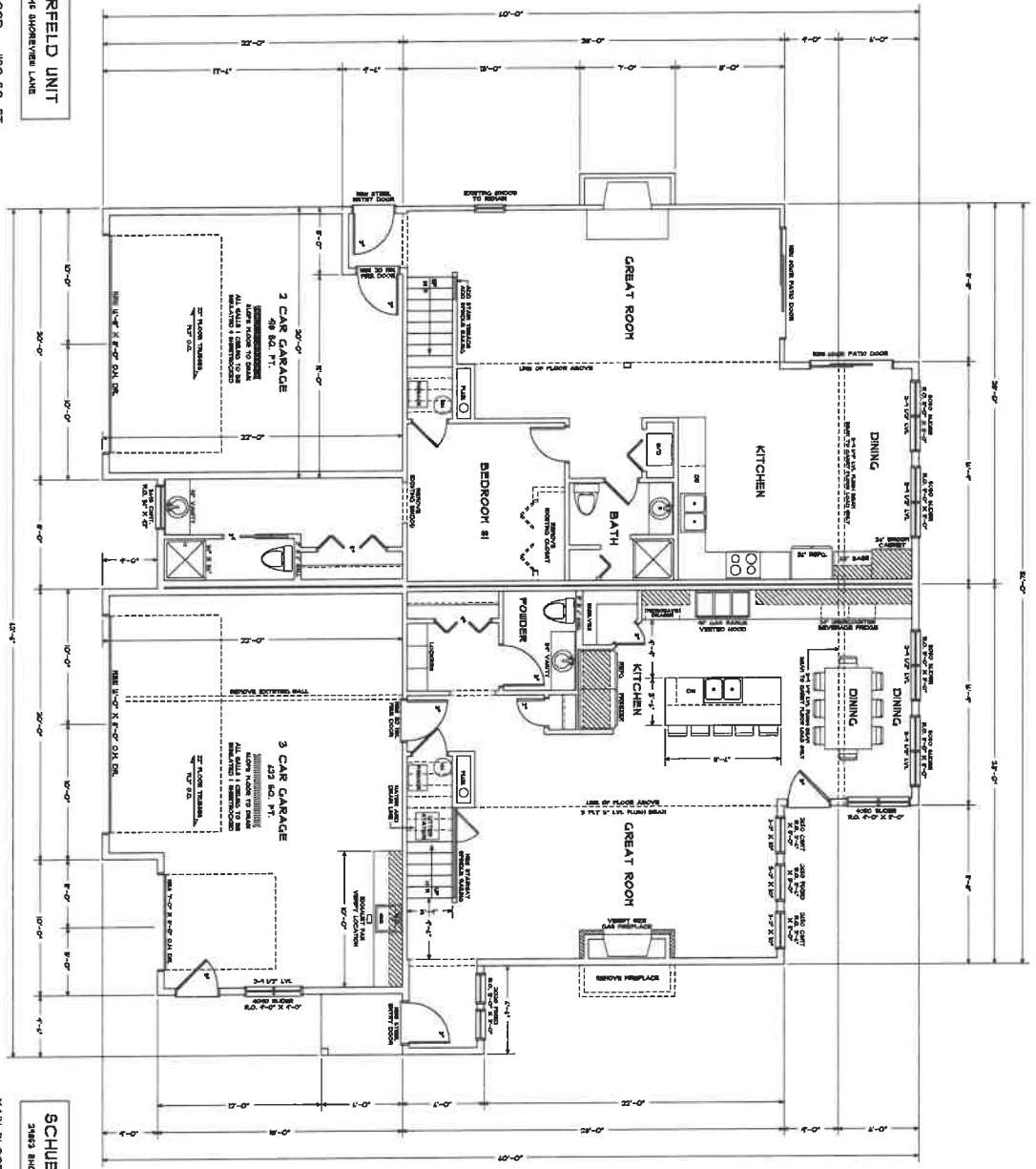
**DISCLAIMER  
OF  
WARRANTIES**

The undersigned hereby certifies that the drawings and specifications herein were prepared by the undersigned or under the direct supervision and control of the undersigned, and that the undersigned is a duly Licensed Professional Engineer in the State of North Carolina. The undersigned further certifies that the drawings and specifications herein were prepared by the undersigned or under the direct supervision and control of the undersigned, and that the undersigned is a duly Licensed Professional Engineer in the State of North Carolina.

**KIRKFIELD / SCHUETZ**  
SHOREVIEW LANE  
BREEZY POINT, NN.

OWNER	KIRKFIELD / SCHUETZ
DESIGNER	KIRKFIELD / SCHUETZ
DATE	3/27/2024
PROJECT	DD
SCALE	1/4" = 1'-0"
REVISION	
DATE	
BY	
CHECKED	

2-6



**1**  
**KERFELD UNIT**  
 2946 SHOREVIEW LANE  
 MAIN FLOOR 1120 SQ. FT.  
 UPPER LEVEL 1114 SQ. FT.  
 TOTAL 2234 SQ. FT.  
 SCALE 1/4" = 1'-0"

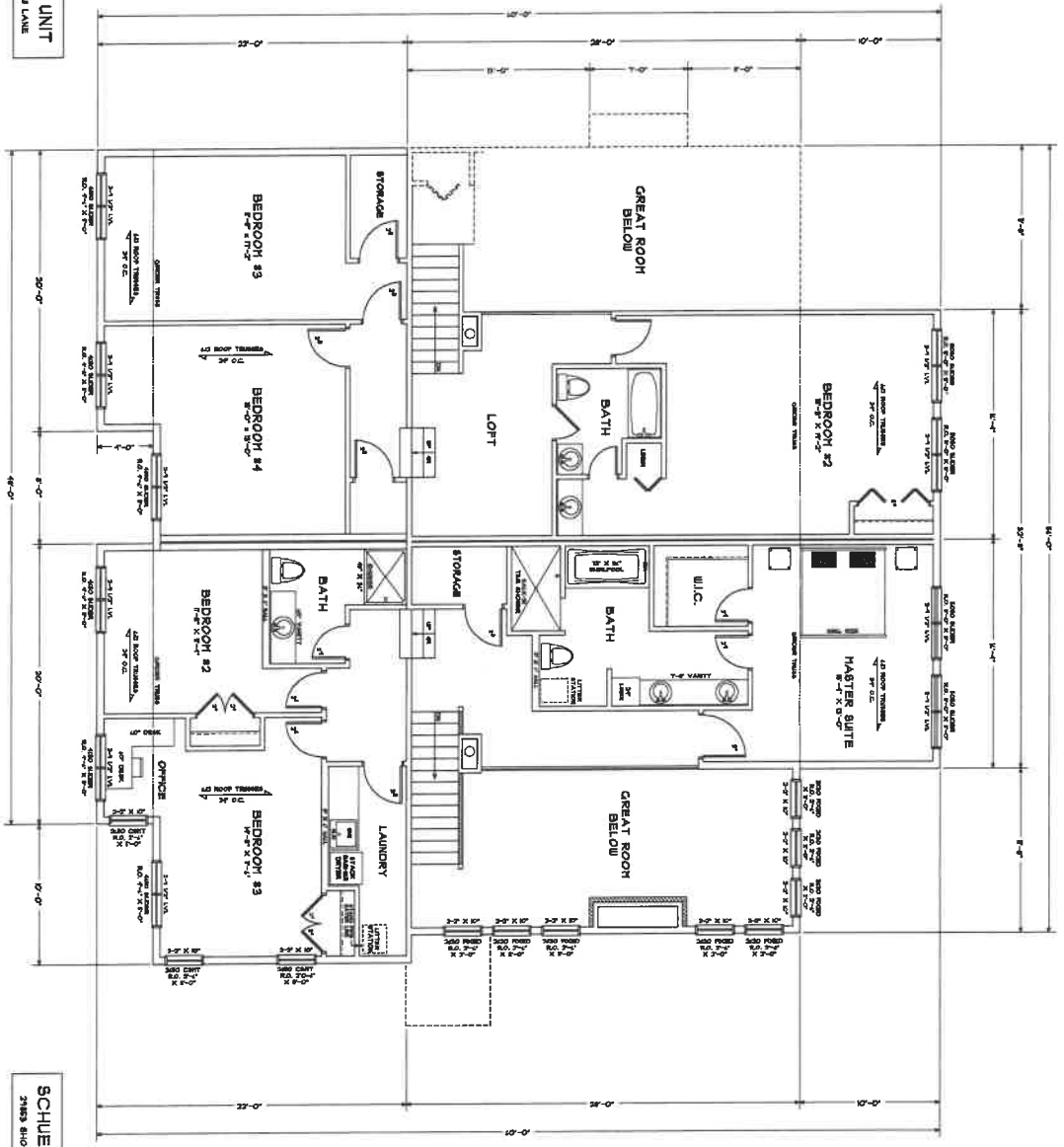
**1**  
**SCHUETZ UNIT**  
 2943 SHOREVIEW LANE  
 MAIN FLOOR 989 SQ. FT.  
 UPPER LEVEL 1211 SQ. FT.  
 TOTAL 2200 SQ. FT.  
 SCALE 1/4" = 1'-0"

**KERFELD / SCHUETZ**  
 SHOREVIEW LANE  
 BREEZY POINT, MN.

**DISCLAIMER OF WARRANTIES**  
 The undersigned warrants that the drawings and specifications herein were prepared by the undersigned or under the direct supervision and control of the undersigned and that the undersigned is a duly Licensed Professional Engineer in the State of Minnesota. The undersigned warrants that the drawings and specifications herein were prepared by the undersigned or under the direct supervision and control of the undersigned and that the undersigned is a duly Licensed Professional Engineer in the State of Minnesota. The undersigned warrants that the drawings and specifications herein were prepared by the undersigned or under the direct supervision and control of the undersigned and that the undersigned is a duly Licensed Professional Engineer in the State of Minnesota.

DATE	DESCRIPTION	BY	CHKD.
3/27/2024	ISSUE FOR PERMITS	DS	DS
7/8/2024	ISSUE FOR PERMITS	DS	DS

MAIN FLOOR PLAN  
 4-6



**1**  
**UPPER FLOOR PLAN**  
 SCALE 1/4" = 1'-0"

**KERFELD UNIT**  
 2346 SHOREVIEW LANE  
 MAIN FLOOR 1020 SQ. FT.  
 UPPER LEVEL 196 SQ. FT.  
 TOTAL 2346 SQ. FT.

**1**  
**UPPER FLOOR PLAN**  
 SCALE 1/4" = 1'-0"

**SCHUETZ UNIT**  
 2345 SHOREVIEW LANE  
 MAIN FLOOR 989 SQ. FT.  
 UPPER LEVEL 1271 SQ. FT.  
 TOTAL 2260 SQ. FT.

**KERFELD / SCHUETZ**  
 SHOREVIEW LANE  
 BREEZY POINT, MN.

OWNER NAME	GERARD D. SCHUETZ
OWNER ADDRESS	KERFELD / SCHUETZ
CITY	BREEZY POINT, MN
DATE	3/23/2014
REVISION	00
DATE	1/8/2014
BY	DD
SCALE	1/4" = 1'-0"
PROJECT	UPPER FLOOR PLAN
SHEET NO.	5-6

**DISCLAIMER OF WARRANTIES**

The Plans, Specifications, and Schedules are prepared by the Architect and are intended to be used in conjunction with the Contract Documents. The Architect does not warrant that the Plans, Specifications, and Schedules are complete or that they conform to the applicable laws and regulations. The Architect is not responsible for any errors or omissions in the Plans, Specifications, and Schedules. The Contractor shall be responsible for verifying the accuracy of the information provided in the Plans, Specifications, and Schedules. The Architect is not responsible for any delays or costs incurred by the Contractor due to any errors or omissions in the Plans, Specifications, and Schedules.

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)**

File Number: 2006811  
Exhibit "A"

All the real property in Crow Wing County, Minnesota, described as follows:

Lot 7 and all that part of Lot 8, Seventeenth Addition to Breezy Point Estates, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State, lying North of the following described line: Commencing at the most Southeastern corner of said Lot 8, thence Northernly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86°47'24" 137 feet, more or less, to the shore of Pelican Lake and there terminating.

Except all minerals and mineral rights of record.

Torrens Property - Certificate Number 89983 for Michael R. Schuetz  
- Certificate Number 83735 for Steven F. Soukup and Cynthia A. Soukup

Commonly known as: 29853 Shoreview Lane, Breezy Point, MN 56472

Parcel Number (s): 10127000007Y009

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-238692 (Kerfeld Tract)**

All that part of Lot Eight (8), SEVENTEENTH ADDITION TO BREEZY POINT ESTATES, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said county and state, lying South of the following described line: Commencing at the most Southeastern corner of said Lot 8, thence Northernly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86 degrees 47 minutes 24 seconds 137 feet, more or less, to the shore of Pelican Lake and there terminating, Crow Wing County, Minnesota.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Easements, Covenants, Restrictions and Reservations of record, if any.

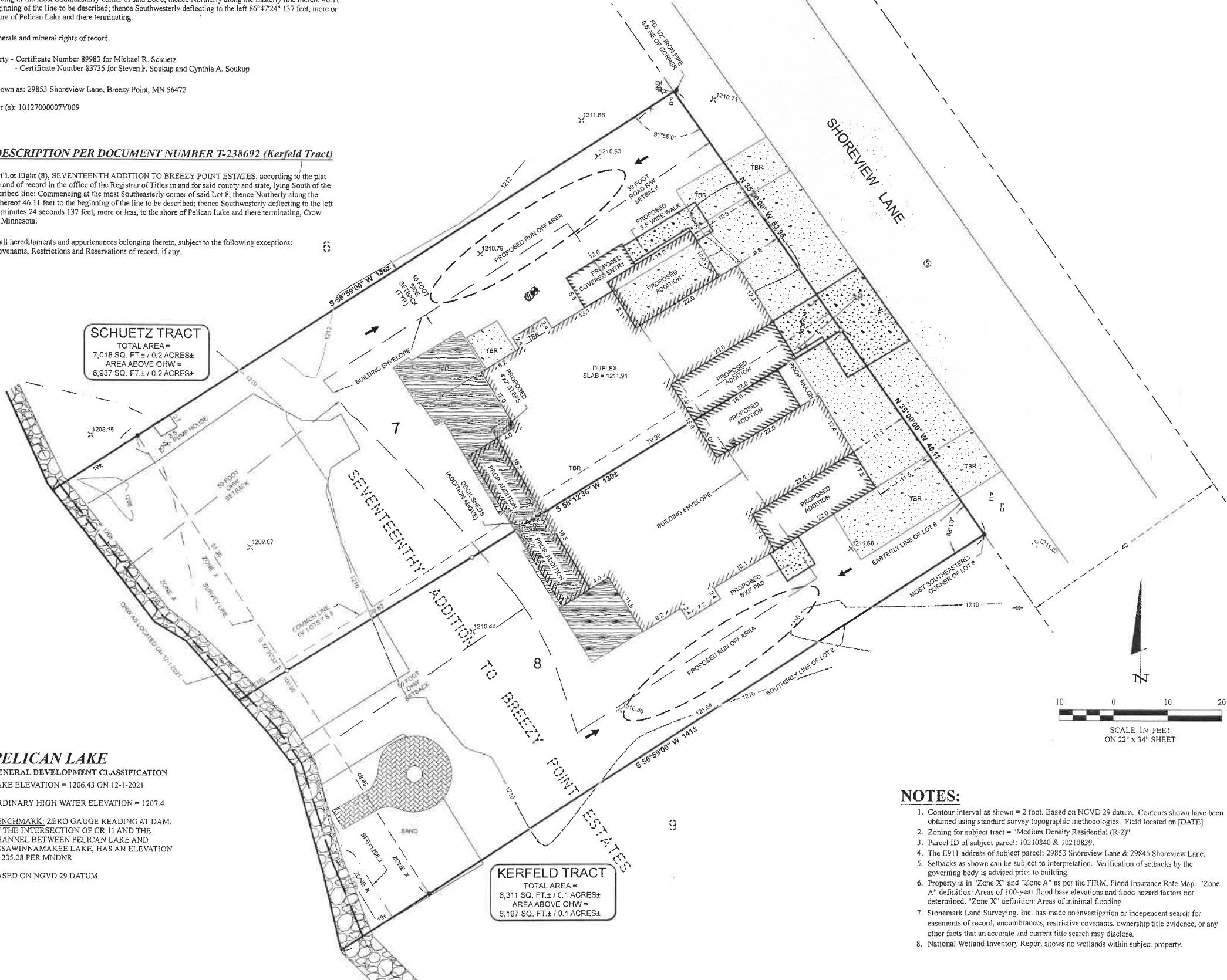
# CERTIFICATE OF SURVEY

LOT 7 AND LOT 8, SEVENTEENTH ADDITION TO BREEZY POINT ESTATES,  
SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA

**LEGEND**

	DENOTES EXISTING SATELLITE		DENOTES EXISTING GAS METER
	DENOTES EXISTING FENCE LINE		DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
	DENOTES EDGE OF EXISTING BITUMINOUS		DENOTES EXISTING WELL
	DENOTES EDGE OF EXISTING CONCRETE		DENOTES EXISTING SANITARY SEWER MANHOLE
	DENOTES EDGE OF EXISTING PAVING STONES		<b>BENCHMARK:</b> HIGH POINT OF WELL ELEV. = 1211.79 BASED ON NGVD 29 DATUM
	DENOTES EDGE OF EXISTING WOODEN DECKING		DENOTES MONUMENT FOUND
	DENOTES EDGE OF EXISTING RIP-RAP		DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 41002
	DENOTES EXISTING INTERMEDIATE CONTOURS		DENOTES SPOT ELEVATION (EXISTING GRADE)
	DENOTES EXISTING INDEX CONTOURS		DENOTES EXISTING UTILITY POLE W/ GUY WIRE
	DENOTES SPOT ELEVATION (EXISTING GRADE)		DENOTES EXISTING GROUND TRANSFORMER

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTHERLY LINE OF LOT 8 TO HAVE AN ASSUMED BEARING OF S 56°00' 00" W.



**SCHUETZ TRACT**  
TOTAL AREA =  
7,018 SQ. FT. ± / 0.2 ACRES ±  
AREA ABOVE OHW =  
6,937 SQ. FT. ± / 0.2 ACRES ±

**KERFELD TRACT**  
TOTAL AREA =  
6,311 SQ. FT. ± / 0.1 ACRES ±  
AREA ABOVE OHW =  
6,197 SQ. FT. ± / 0.1 ACRES ±

**PELICAN LAKE**  
GENERAL DEVELOPMENT CLASSIFICATION  
LAKE ELEVATION = 1206.43 ON 12-1-2021  
ORDINARY HIGH WATER ELEVATION = 1207.4  
BENCHMARK: ZERO GAUGE READING AT DAM.  
AT THE INTERSECTION OF CR 11 AND THE  
CHANNEL BETWEEN PELICAN LAKE AND  
OSSAWINNAKEE LAKE, HAS AN ELEVATION  
= 1205.28 PER MNDNR  
BASED ON NGVD 29 DATUM

**SCHUETZ TRACT**

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	1,157	6,937	16.7%
Deck (includes deck shed)	363	6,937	5.2%
Concrete	504	6,937	7.3%
<b>Total</b>	<b>2,024</b>	<b>6,937</b>	<b>29.2%</b>

**IMPERVIOUS CALCULATIONS**

PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	1,140	6,937	16.4%
Deck	8	6,937	0.1%
Concrete	207	6,937	3.0%
Proposed Concrete	148	6,937	2.1%
Proposed Additions	518	6,937	7.5%
<b>Total</b>	<b>2,022</b>	<b>6,937</b>	<b>29.1%</b>

Net Area = Area above OHW

**KERFELD TRACT**

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Building	1,161	6,197	18.7%
Deck (includes deck shed)	236	6,197	3.8%
Pavers & Concrete	835	6,197	13.5%
<b>Total</b>	<b>2,232</b>	<b>6,197</b>	<b>36.0%</b>

**IMPERVIOUS CALCULATIONS**

PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Building	1,161	6,197	18.7%
Deck	121	6,197	2.0%
Pavers & Concrete	525	6,197	8.5%
Proposed Addition	416	6,197	6.7%
<b>Total</b>	<b>2,223</b>	<b>6,197</b>	<b>35.9%</b>

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**NOTES:**

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- Zoning for subject tract = "Medium Density Residential (R-2)".
- Parcel ID of subject parcel: 10210840 & 10210839.
- The E911 address of subject parcel: 29853 Shoreview Lane & 29845 Shoreview Lane.
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- Property is in "Zone X" and "Zone A" as per the FIRM, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
- Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- National Wetland Inventory Report shows no wetlands within subject property.



I HEREBY CERTIFY THAT THIS SURVEY PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*Patricia Trotter*  
PATRICIA TROTTER, L.S. 1154402  
DATE: 7-17-2024 L.C. NO. 11002

REVISIONS	DATE	DESCRIPTION	BY	DATE	SCALE	VERT.	NO.
	6-12-2024	revised layout	PAT	11-10-20	1"=10'	NCRZ	NONE

PROJECT NO.: 21366-1  
FILE NAME: C:\1366-1.dwg  
DRAWN BY: PJF  
CHECKED BY: PJF

CERTIFICATE OF SURVEY  
Mike Schuetz  
13723 Garden Ave.  
Glencoe, MN 55336

SHEET 1 OF 1

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)**

File Number: 2006811

Exhibit "A"

All the real property in Crow Wing County, Minnesota, described as follows:

Lot 7 and all that part of Lot 8, Seventeenth Addition to Breezy Point Estates, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State, lying North of the following described line: Commencing at the most Southeasterly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86°47'24" 137 feet, more or less, to the shore of Pelican Lake and there terminating.

Except all minerals and mineral rights of record.

Torrens Property - Certificate Number 89985 for Michael R. Schuetz  
 - Certificate Number 83735 for Steven F. Soukup and Cynthia A. Soukup

Commonly known as: 29853 Shoreview Lane, Breezy Point, MN 56472

Parcel Number (s): 10127000007Y009

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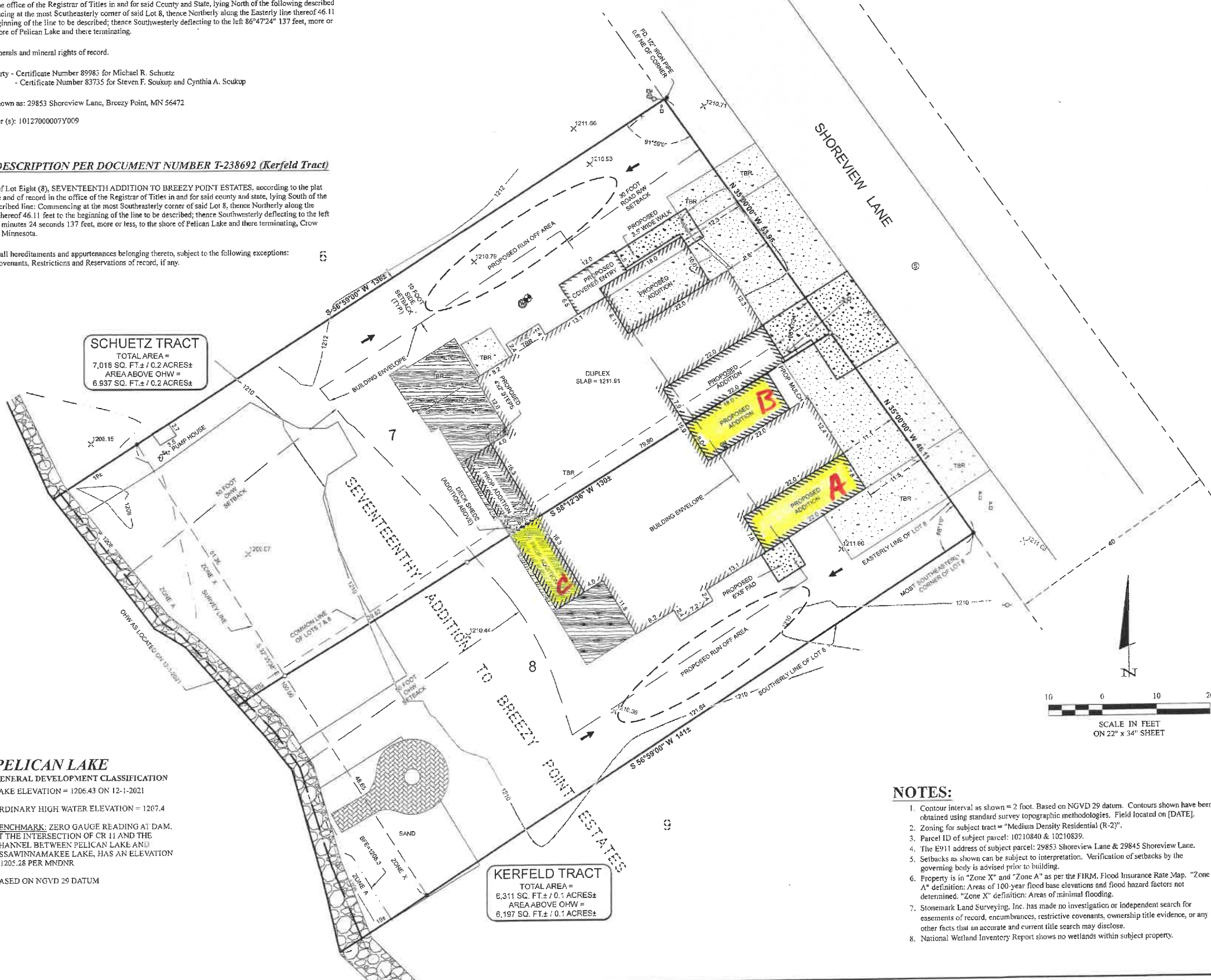
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Proposed additions



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 TOTAL AREA = 7,018 SQ. FT. ± / 0.2 ACRES ±  
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**SCHUETZ TRACT**

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30206 Rasmussen Road  
 Suite 1  
 P. O. Box 874  
 Pequot Lakes, MN 56472  
 218-568-4940  
 www.stonemarksurvey.com

**LEGEND**

SEVENTEENTH ADDITION TO BREEZY POINT ESTATES OR THEREOF WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Patricia A. Trotter, P.L.S. 10102  
 7-17-2024  
 I.C. No. 41002

REVISIONS	DATE	DESCRIPTION
1	6-12-2024	revised layout

PROJECT No.: 21366-1  
 FILE NAME: C21366-Long  
 PLOT BLOCK: NONE  
 BOOK: NONE  
 T.C.

CERTIFICATE OF SURVEY

Mike Schuetz  
 13723 Garden Ave.  
 Glencoc, MN 55336

SHEET 1 OF 1

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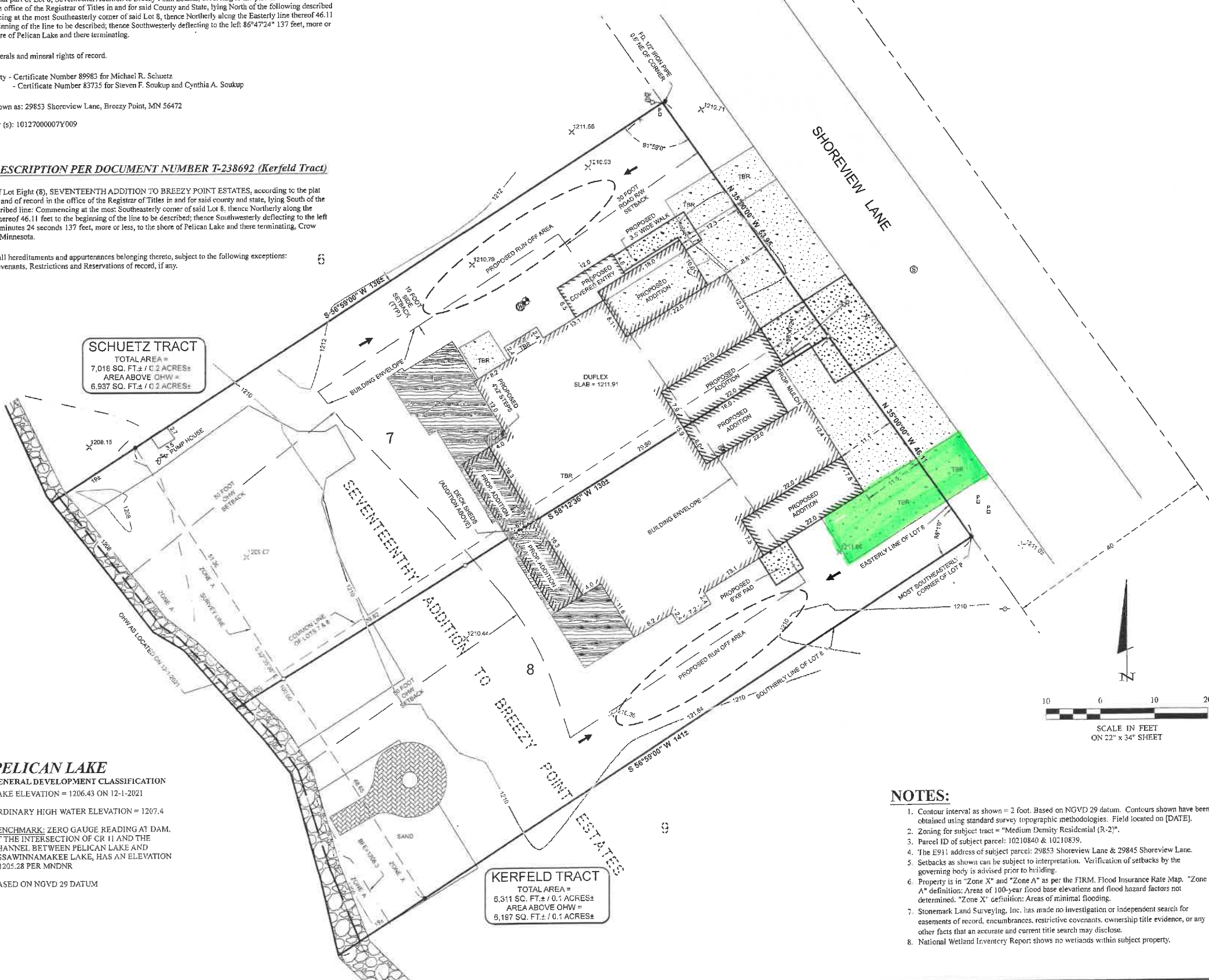
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Concrete to be Removed

**SCHUETZ TRACT**

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Pequot Lakes, MN 56472  
218-568-4040  
www.stonemarksurvey.com

REVISIONS	DESCRIPTION	DATE	BY
1	revised layout	7/12/2024	PAT

DATE: 6-12-2024  
SCALE: 1"=10'  
HORZ. NONE  
VERT. NONE

PROJECT No.: 21366-1  
FILE NAME: C21366-1.dwg  
PLOT DTHK: PLOT DTHK

CHECKED BY: PAT  
DRAWN BY: R/JF

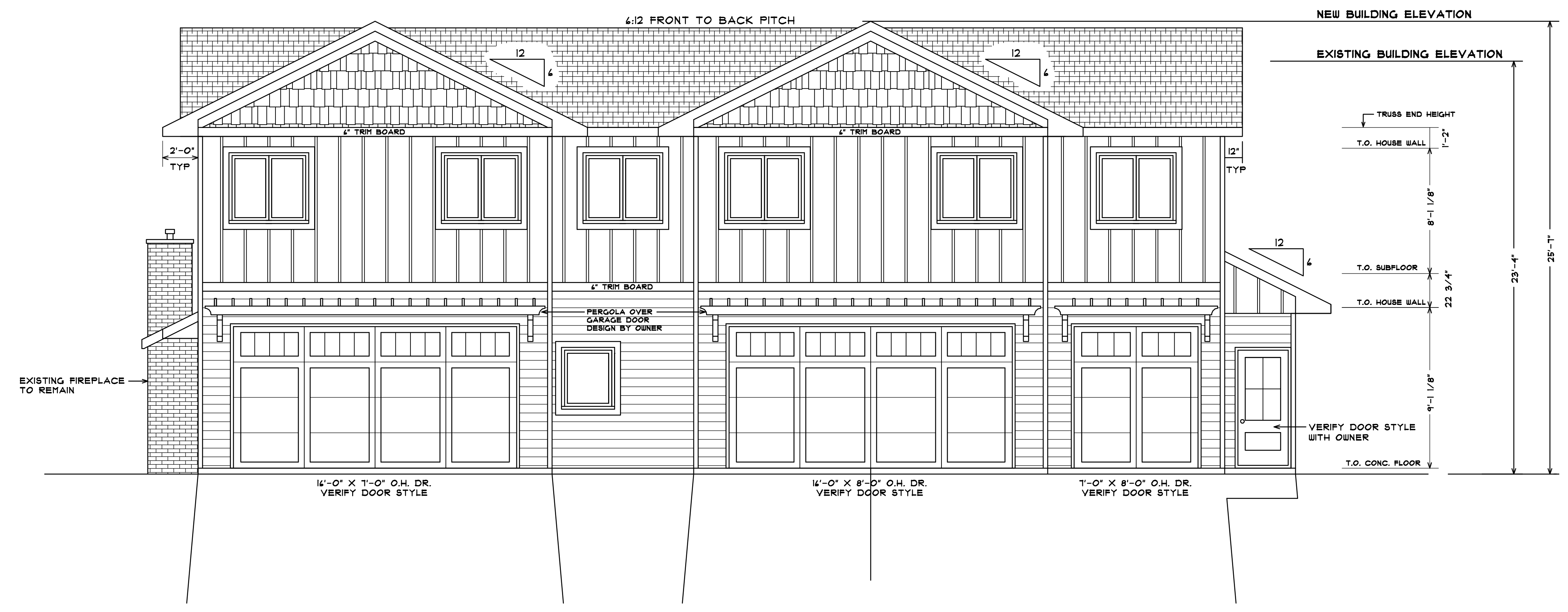
CERTIFICATE OF SURVEY

Mike Schuetz  
13723 Garden Ave.  
Glencoe, MN 55336

1 OF 1



**2 REAR ELEVATION**  
SCALE 1/4" = 1'-0"



**1 FRONT ELEVATION**  
SCALE 1/4" = 1'-0"

**DISCLAIMER OF WARRANTIES**

The plans furnished hereunder were prepared upon request by draftsmen who are not registered architects or professional engineers and are for INFORMATION PURPOSES ONLY. NO WARRANTIES WHATSOEVER ARE EITHER EXPRESSED OR IMPLIED as to merchantability or fitness for a particular purpose and reliance upon said plans shall be at the sole risk of the user(s). The selection of correct structural materials and the application of architectural finishes is a precise art, the responsibility for which rests with the builder, the owner, or the user of these plans.

**KERFELD / SCHUETZ**  
SHOREVIEW LANE  
BREEZY POINT, MN.

CUSTOMER NAME: KERFELD/SCHUETZ		
LOCATION: BREEZY POINT, MN.		
DATE: 3/3/2024	DRAFT DG	CHK'D
REVISED: 7/18/2024	DG	
REVISED: 8/2/2024	DG	
REVISED:		

FRONT/REAR ELEVATION



TO: Planning Commission  
 FROM: Peter Gansen, Planning & Zoning Administrator  
 RE: Staff Report for V-24-006 Kerfeld  
 DATE: August 14, 2024 Regular Meeting

---

Variance Application V-24-006  
 Applicant: Loren and Melinda Kerfeld  
 Property Address: 29845 Shoreview Lane  
 Legal Description: LOT 8, 17TH ADDITION TO BREEZY POINT ESTATES  
 Parcel ID: 10210839  
 Zoned: R-2 Residential Sewered (50ft setback)

- The applicant has had the required pre-app meeting with staff.
- Applicant has filed the appropriate application for a variance.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350’ were mailed a notice of hearing.
- Public notice was given to the DNR, as the property is in a shoreland overlay district.

Variance Request:

- Is requesting a variance from the from the required road right-of-way setback of 30ft to construct an 8.1ft x 18ft addition, 7.9ft x 22ft addition, 12ft x 6.5ft addition and a 16.3ft x 6ft addition onto an existing non-conforming residence located 8.8ft from the road right-of-way.

Summary of the property

LOT 8, 17TH ADDITION TO BREEZY POINT ESTATES was platted in 1964 is located at 29845 Shoreview Lane. The property is a unit in a duplex in a residential neighborhood bordered by other residential property on the Breezy Point Peninsula. There are other multi-unit dwellings near this property of similar character and commercial zoned properties as well.

The property exceeds the lake setback of 50FT, please see attached survey and building envelope denoted by the dashed lines. The height of the proposed construction is under the allowed 35FT structure height.

The applicant is requesting the variance from the City Road Right of way to add additional interior parking. The applicant is NOT reducing any existing setback distance with respect to the Road Right of Way.

This applicant was before the Planning Commission at the last meeting and was denied due to the proposed construction not being consistent with the published request.

The property is over the allowed 25% impervious amounts and is currently at 36% and is proposing to reduce that to 35.9%.

Most of the proposed additions are going over existing hardscaped parking areas and additional hardscape is being removed, see TBR area on the attached survey color coded illustration.

If allowed some of the additions could allow the applicant additional indoor parking which seems to be a reasonable request.

Both City and applicant could benefit by this variance which increases interior parking in an already congested area and to mitigate stormwater runoff in a shoreland area.

Due to the de minimis nature of the encroachment staff recommends the Commission consider approval, based on the information presented at this time.

The following are recommended findings the Commission can adopt.

Notice of Decision and Findings of Fact

The Planning Commission shall consider the following in its decision and make written findings concerning the variance approval or denial.

- (1) The strict interpretation of the ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner;

**Yes, the encroachment was created by a prior landowner.**

- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;

**Yes, the encroachment into the setback is minimal and pretty much inline with the existing building facade.**

- (3) The land use created by the variance is permitted in the zoning district where the property is located;

**Yes, Seasonal/Year round residential use is allowed in the zoning district.**

- (4) The variance will not alter the essential character of the locality;

**Yes, the proposed request is residential, similar to the adjacent neighbors.**

(5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

**Yes, the existing owners did not create the encroachment, the prior owner did. If the strict application of the ordinance was applied the existing owners would not be allowed to construct the additions as proposed.**

The following are recommended conditions.

- 1) **First floor roadside additions granted through this variance are for vehicular parking.**

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)**

File Number: 2006811

Exhibit "A"

All the real property in Crow Wing County, Minnesota, described as follows:

Lot 7 and all that part of Lot 8, Seventeenth Addition to Breezy Point Estates, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State, lying North of the following described line: Commencing at the most Southeasterly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86°47'24" 137 feet, more or less, to the shore of Pelican Lake and there terminating.

Except all minerals and mineral rights of record.

Torrens Property - Certificate Number 89985 for Michael R. Schuetz  
 - Certificate Number 83735 for Steven F. Soukup and Cynthia A. Soukup

Commonly known as: 29853 Shoreview Lane, Breezy Point, MN 56472

Parcel Number (s): 10127000007Y009

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-238692 (Kerfeld Tract)**

All that part of Lot Eight (8), SEVENTEENTH ADDITION TO BREEZY POINT ESTATES, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said county and state, lying South of the following described line: Commencing at the most Southeasterly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86 degrees 47 minutes 24 seconds 137 feet, more or less, to the shore of Pelican Lake and there terminating, Crow Wing County, Minnesota.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Easements, Covenants, Restrictions and Reservations of record, if any.

# CERTIFICATE OF SURVEY

LOT 7 AND LOT 8, SEVENTEENTH ADDITION TO BREEZY POINT ESTATES,  
 SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
 CROW WING COUNTY, MINNESOTA

**LEGEND**

	DENOTES EXISTING SATELLITE		DENOTES EXISTING GAS METER
	DENOTES EXISTING FENCE LINE		DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
	DENOTES EDGE OF EXISTING BITUMINOUS		DENOTES EXISTING WELL
	DENOTES EDGE OF EXISTING CONCRETE		DENOTES EXISTING SANITARY SEWER MANHOLE
	DENOTES EDGE OF EXISTING PAVING STONES		BENCHMARK: HIGH POINT OF WELL ELEV. = 1211.79 BASED ON NGVD 29 DATUM
	DENOTES EDGE OF EXISTING WOODEN DECKING		(TBR) DENOTES "TO BE REMOVED"
	DENOTES EDGE OF EXISTING RIP-RAP		DENOTES MONUMENT FOUND
	DENOTES EXISTING INTERMEDIATE CONTOURS		DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 41002
	DENOTES EXISTING INDEX CONTOURS		
	DENOTES SPOT ELEVATION (EXISTING GRADE)		
	DENOTES EXISTING UTILITY POLE W/ GUY WIRE		
	DENOTES EXISTING GROUND TRANSFORMER		

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTHERLY LINE OF LOT 8 TO HAVE AN ASSUMED BEARING OF S 56°00' 00" W.

Proposed additions

**SCHUETZ TRACT**  
 TOTAL AREA = 7,018 SQ. FT. ± / 0.2 ACRES ±  
 AREA ABOVE OHW = 6,937 SQ. FT. ± / 0.2 ACRES ±

**KERFELD TRACT**  
 TOTAL AREA = 6,311 SQ. FT. ± / 0.1 ACRES ±  
 AREA ABOVE OHW = 6,197 SQ. FT. ± / 0.1 ACRES ±

**SCHUETZ TRACT**

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	1,157	6,937	16.7%
Deck (includes deck shed)	263	6,937	6.2%
Concrete	504	6,937	7.3%
<b>Total</b>	<b>2,024</b>	<b>6,937</b>	<b>29.2%</b>

**IMPERVIOUS CALCULATIONS**

PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	1,140	6,937	16.4%
Deck	8	6,937	0.1%
Concrete	207	6,937	3.0%
Proposed Concrete	149	6,937	2.1%
Proposed Additions	518	6,937	7.5%
<b>Total</b>	<b>2,022</b>	<b>6,937</b>	<b>29.1%</b>

Net Area = Area above OHW

**KERFELD TRACT**

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Building	1,161	6,197	18.7%
Deck (includes deck shed)	236	6,197	3.8%
Favers & Concrete	835	6,197	13.5%
<b>Total</b>	<b>2,232</b>	<b>6,197</b>	<b>36.0%</b>

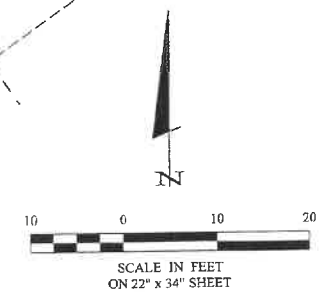
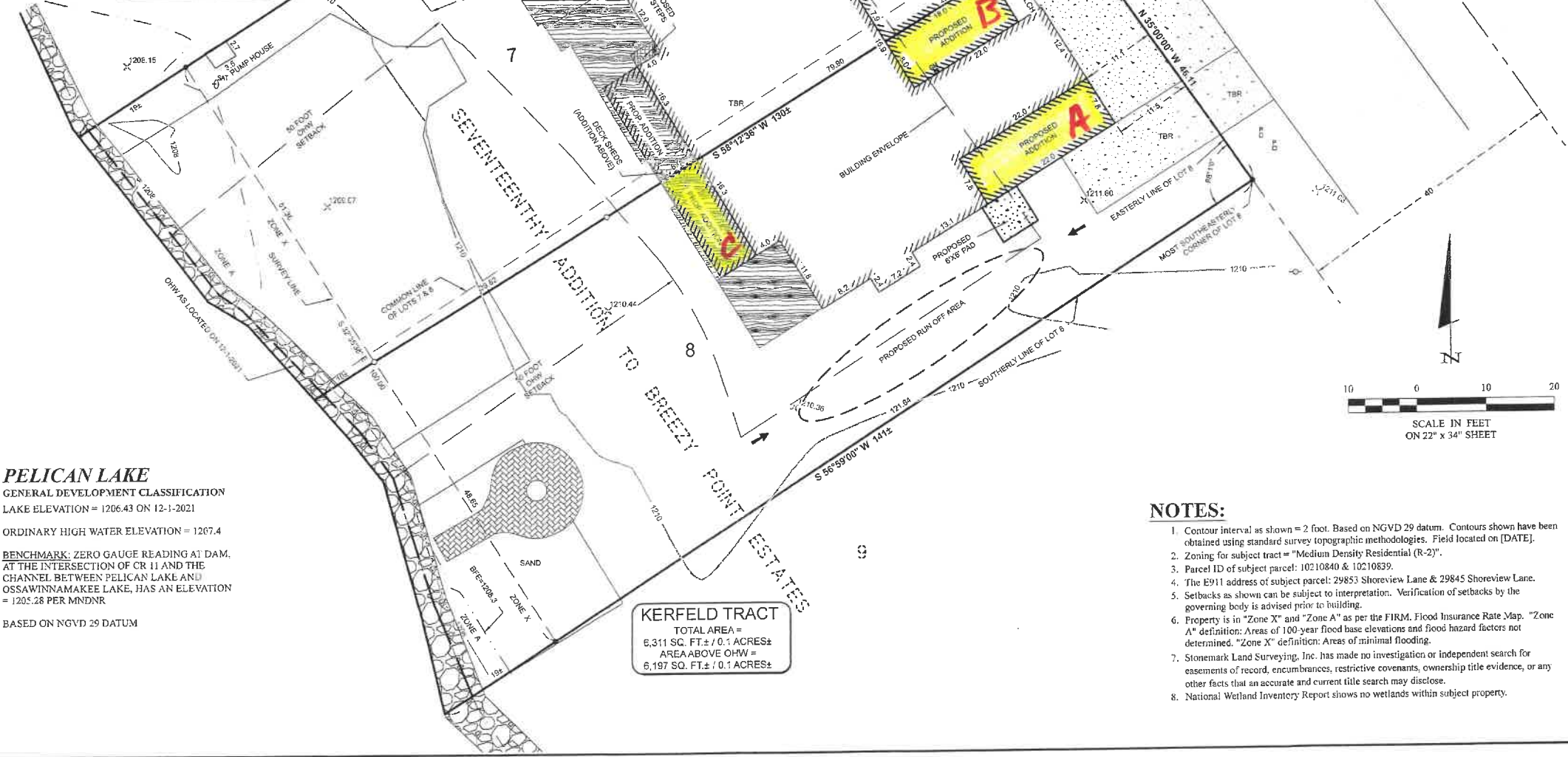
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Favers & Concrete	525	6,197	8.5%
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<b>Total</b>	<b>2,223</b>	<b>6,197</b>	<b>35.9%</b>

Net Area = Area above OHW

**NOTES:**

- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on [DATE].
- Zoning for subject tract = "Medium Density Residential (R-2)".
- Parcel ID of subject parcel: 10210840 & 10210839.
- The E911 address of subject parcel: 29853 Shoreview Lane & 29845 Shoreview Lane.
- Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
- Property is in "Zone X" and "Zone A" as per the FIRM, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
- Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- National Wetland Inventory Report shows no wetlands within subject property.



**PELICAN LAKE**  
 GENERAL DEVELOPMENT CLASSIFICATION  
 LAKE ELEVATION = 1206.43 ON 12-1-2021  
 ORDINARY HIGH WATER ELEVATION = 1207.4  
 BENCHMARK: ZERO GAUGE READING AT DAM, AT THE INTERSECTION OF CR 11 AND THE CHANNEL BETWEEN PELICAN LAKE AND OSSAWINNAMAKEE LAKE, HAS AN ELEVATION = 1205.28 PER MNDNR  
 BASED ON NGVD 29 DATUM

30206 Rasmussen Road Suite 1 P. O. Box 874 Pequot Lakes, MN 56472 218-568-4940 www.stonemarksurvey.com	DATE: 7-17-2024 BY: PAT CHECKED BY: PAT DRAWN BY: R/J	PROJECT NO.: 21366-1 FILE NAME: C21366-Long PHOTO BOOK	DATE: 6-12-2024 SCALE: 1"=10' HORIZ: NONE VERT: NONE	REVISIONS: DATE: 7-17-2024 DESCRIPTION: revised layout	DATE: 7-17-2024 BY: PAT CHECKED BY: PAT DRAWN BY: R/J
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Ranger Forensic 21/02/2024 9:48 AM, F:\Drawings\2024\21366-Schuetz\CS1366.dwg

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)**

File Number: 2006811

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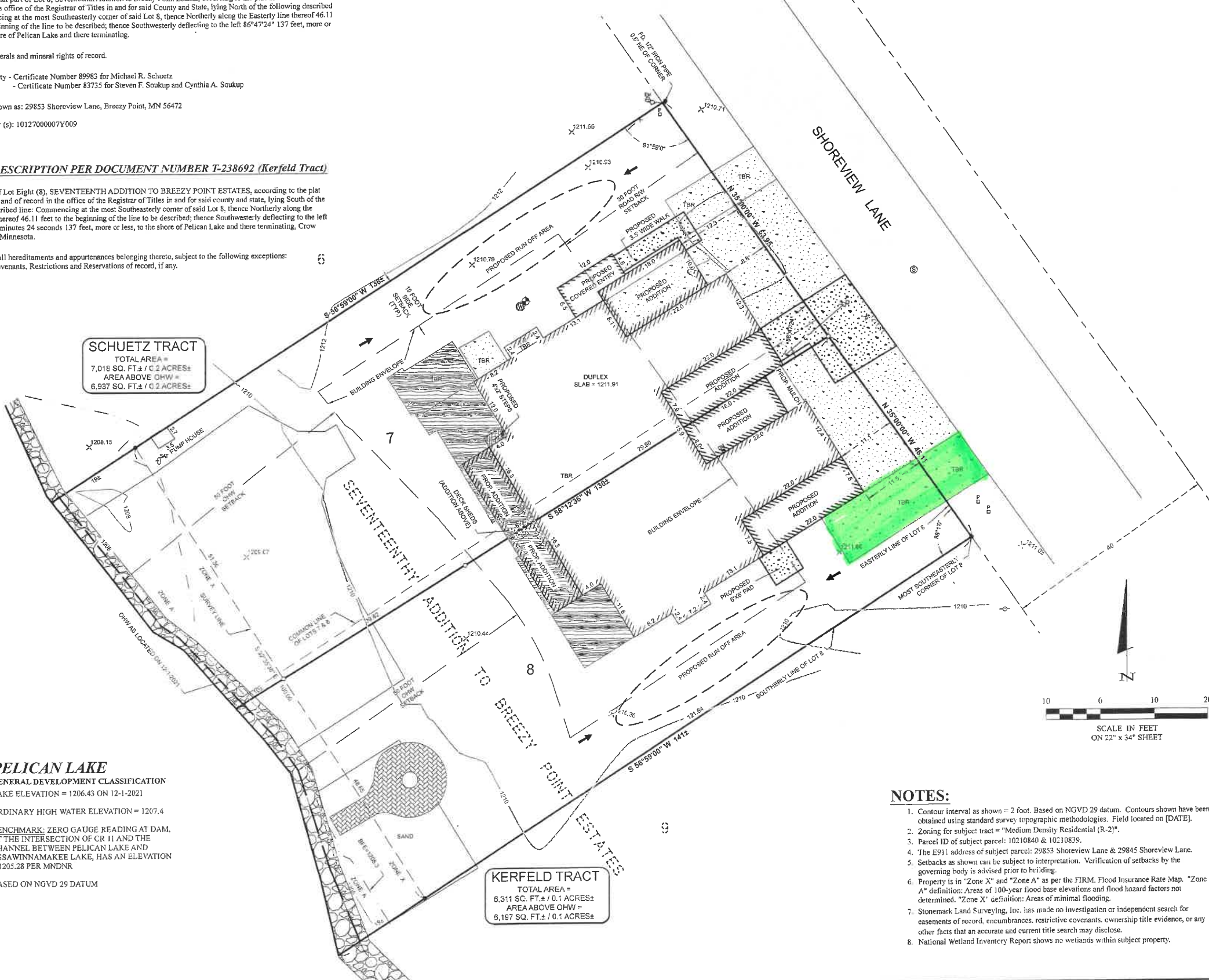
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SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA



**SCHUETZ TRACT**  
TOTAL AREA =  
7,016 SQ. FT. ± / 0.2 ACRES ±  
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BASED ON NGVD 29 DATUM

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	DENOTES EXISTING GROUND TRANSFORMER		

Concrete to be Removed

**SCHUETZ TRACT**

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30006 Rammeisen Road  
Suite 1  
P. O. Box 874  
Pequot Lakes, MN 56472  
218-568-4040  
www.stonemarksurvey.com

REVISIONS	DESCRIPTION	DATE	BY
1	revised layout	7/12/2024	PAT

DATE: 6-12-2024  
SCALE: 1"=10'  
HORZ.: NONE  
VERT.: NONE

PROJECT No.: 21366-1  
FILE NAME: C21366-1.dwg  
PLOT DTHK: P1000

CHECKED BY: PAT  
DRAWN BY: R/JF

CERTIFICATE OF SURVEY  
Mike Schuetz  
13723 Garden Ave.  
Glencoe, MN 55336

SHEET 1 OF 1

City of Breezy Point  
Notice of Public Hearing  
Wednesday, August 14, 2024, 7:00 p.m.  
Breezy Point City Hall

To Whom It May Concern:

Notice is hereby given that the City of Breezy Point Planning Commission / Board of Adjustment will hold a public hearing on Wednesday August 14, 2024 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Variance Application V-24-006  
KERFELD, LOREN JOHN TRUST 3172 ORCHID DR NE SAUK RAPIDS MN 56379. LOT 8, 17TH ADDITION TO BREEZY POINT ESTATES. Parcel 10210839. Is requesting a variance from the from the required road right-of-way setback of 30ft to construct an 8.1ft x 18ft addition, 7.9ft x 22ft addition, 12ft x 6.5ft addition and a 16.3ft x 6ft addition onto an existing non-conforming residence located 8.8ft from the road right-of-way. Zoned R-2.

Variance Application V-24-007  
SCHUETZ, MICHAEL R & FONDA J 29853 SHOREVIEW LANE BREEZY POINT MN 56472. LOT 7, 17TH ADDITION TO BREEZY POINT ESTATES. Parcel 10210840. Is requesting a from the required road right-of-way setback of 30ft to construct an 8ft x 18ft addition, 7.8ft x 22ft addition and a 6ft x 16.3ft addition onto an existing non-conforming residence located 11ft from the road right-of-way. Zoned R-2.

Variance Application V-24-008  
PANURE, ROBERT W & LINDA A 6501 CHEROKEE TRAIL W EDEN PRAIRIE MN 55344. N. 100 FT OF S. 500 FT OF GOV. LOT 5. Parcel 10030682. Is requesting a variance from the required 30ft setback from a wetland to a setback distance of 16ft 8 inches to construct 1244SQFT garage. Zoned R-2.

Variance Application V-24-009  
STROINSKI, BONNIE LYNN & JOSEPH G 30982 WOLF LN BREEZY POINT MN 56472. LOTS 40 AND 41 FOURTEENTH ADDITION TO BREEZY POINT ESTATES. Parcel 10161523. Is requesting a variance from the required road right-of-way setback of 30ft setback to construct a 11.6ft x 13.9ft addition onto an existing non-conforming residence located 22.3ft from the road right-of-way. Zoned R-2.

A notice relative to above listed requests is sent to all property owners located within 350 feet of the applicant’s property. Please share this information with your neighbor in the event that any property owner has been missed, or that our records are not correct.

Public is invited to attend and be heard on these matters.

Peter Gansen  
Planning & Zoning Administrator  
City of Breezy Point  
218-569-1003  
[pgansen@cityofbreezypointmn.us](mailto:pgansen@cityofbreezypointmn.us)

Echo Journal July 31, 2024



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.

Received by City: 7/18/20

Application Number: V-24-007

Non-refundable Fee Paid: 250

Receipt #: 23567



8319 County Road 11  
Breezy Point, MN 56472  
Phone: (218) 562-4093  
Fax: (218) 562-4486  
[www.cityofbreezypointmn.us](http://www.cityofbreezypointmn.us)

# Variance Application

Name of Applicant Mike and Fonda Schuetz  
Address 29853 Shoreview Ln  
City, State, Zip Breezy Point, MN 56472  
Phone 320-282-4735 Alternate Phone 320-510-3289

Physical Address / Location of Property 29853 Shoreview Ln, Breezy Point, MN 56472

Legal Description of Property Lot 7 and part of lot 8, seventeenth addition to Breezy Point Estates, section 21, township 136 north, range 28 West, Crow Wing County, Minnesota.

Parcel ID Number 10127000007Y009 Zoning District \_\_\_\_\_

Applicant is:	Title Holder of Property (if different than applicant):
<input checked="" type="checkbox"/> Legal Owner of Property	Name _____
<input type="checkbox"/> Contract Buyer	Address _____
<input type="checkbox"/> Option Holder	City, State, ZIP _____
<input type="checkbox"/> Agent	Phone _____
<input type="checkbox"/> Other _____	

State the nature of your request in detail. What are you proposing for your property?  
We are requesting to add additional garage space, main floor dining space, bedrooms above the garage space, and extending the upstairs master bedroom over the additional dining space.

Signature of Owner, authorizing application Mike Schuetz & Fonda Schuetz  
(By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner) \_\_\_\_\_  
(By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

**\*By signing above, I acknowledge that I understand that I am responsible for all fees incurred by the City as a result of professional services provided by the City Engineer, City Attorney, and other contracted agencies in reviewing my application.\***

**APPLICANTS, PLEASE NOTE:** Pursuant to the Breezy Point Zoning Ordinance, the applicant should be prepared to explain the unique situation on the property that requires the proposed variance. The Zoning Ordinance defines a hardship as the follows: "A hardship exists if the property in question cannot be reasonably utilized under the conditions allowed by the official controls, if the plight of the landowner is due to circumstances unique to the property"

and not of his own making, and the variance (if granted) would not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship as reasonable use of utilization of the property exists under the terms of the Ordinance.”

**The following questions must be answered.**

1. What changes are you proposing to make to this property?

Building: Additional garage, dining and bedroom space

Landscaping: Remove concrete, fireplace, kennel, and decking to meet the existing percentage of impervious

Parking/Signs: N/A

2. What are the unique circumstances of the property (parcel size, shape, topography, or other characteristics not created by the landowner) that make strict interpretation of the Ordinance impractical?

The existing garage was not built within current setback guidelines.

3. How is granting this variance consistent with the intent of the City of Breezy Point Zoning Ordinance?

our request does not exceed the current impervious percentage: we would maintain the current setbacks and are not asking for anything additional.

4. How will **reasonable** use of the property be deprived if the variance is not granted?

We have made this our permanent home. If the variance is not granted, the property lacks appropriate parking, sleeping, and dining accommodations.

5. What other options, either conforming or non-conforming, have been considered and why were those options not chosen?

Due to the unique nature of this multi-family home, many ideas were discussed. We believe we have come up with a plan that works for both families while also being respectful of the land, neighbors, and current setbacks.

6. Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

There would be no negative impact on the other properties as our setback would not need to be amended.

7. Describe the character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

There is a combination of primary and secondary residences in the surrounding area. Since we have chosen to make this our

primary residence, these changes would blend well in our immediate community.

8. Discuss any environmental limitations of the site or the area that limit building in other areas.

The impervious percentage limits us to the amount of building on our property.

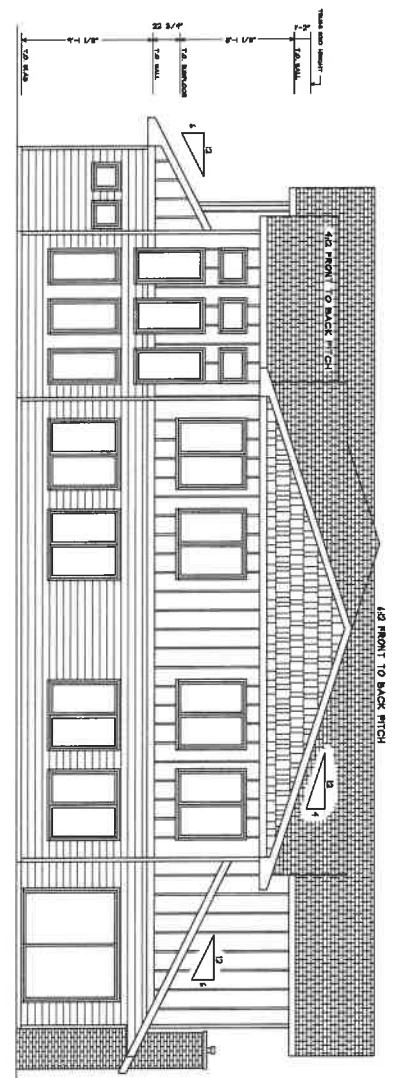
9. Please include any other comments pertinent to this request.

The revisions to the structure would not impact the current drainage on the property: the existing grade slopes away from the lake, and the sandy soil provides sufficient conditions to manage abnormal weather events. Our renovations would also allow for ease of snow removal in the event of a very harsh winter.

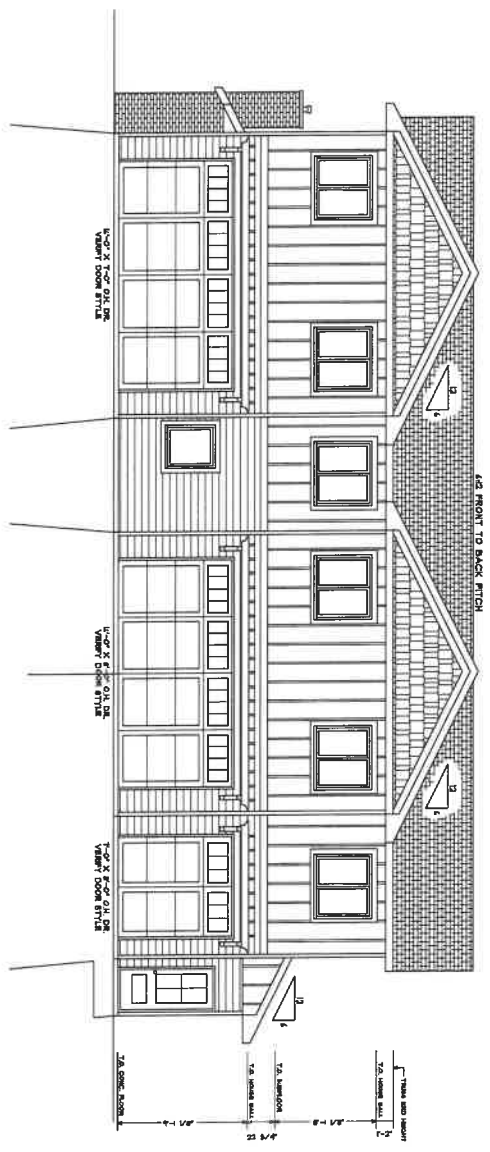
**INSTRUCTIONS TO THE APPLICANT**

Completed applications, with all submittal requirements, must be submitted to the Planning & Zoning Department no fewer than 25 days prior to the meeting date. In order for your application to be accepted as complete, and to have a public hearing scheduled, the following

- 1. This application must be completed, including responses to all parts of this application.
- 2. The required fee must be paid. See fee schedule for details.
- 3. Certificate of Survey with the following information, as a minimum, unless waived by the Planning Commission / Board of Adjustment.
  - Legal description of the site.
  - Site plan, prepared by a licensed surveyor, showing parcel and existing structure dimension, water features, and 10 foot contour lines (smaller contour lines may be required if deemed necessary by the Planning Department, Planning Commission, or City Council).
  - Location of all structures and their square footage.
  - Existing and proposed curb cuts, driveways, access roads, turn-arounds, parking including RV, boat and additional vehicle storage, off-street loading, and sidewalks. Size and type of surface should also be included.
  - Proposed landscaping and screening plans: garbage dumpsters, areas preserved in natural state including buffer areas, areas to be developed into lawn (grass), areas to be covered by woodchips or mulch, garden areas, shrubbery, types, size, age, and number of proposed trees and their locations, exterior lighting to be proposed including location and type, any other items deemed appropriate.
  - Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
  - Proposed drainage plan.
  - Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
  - Soils data showing capability for building and on-site sewage treatment.
  - Existing iron pipe boundary monuments marked with proof of survey.
  - Approximate location of any proposed signs (if applicable).
- 4. Color scheme for all existing and proposed structures.
- 5. Outside storage proposal.
- 6. Elevation plans for all existing and proposed structures.



2 REAR ELEVATION  
SCALE 1/4" = 1'-0"

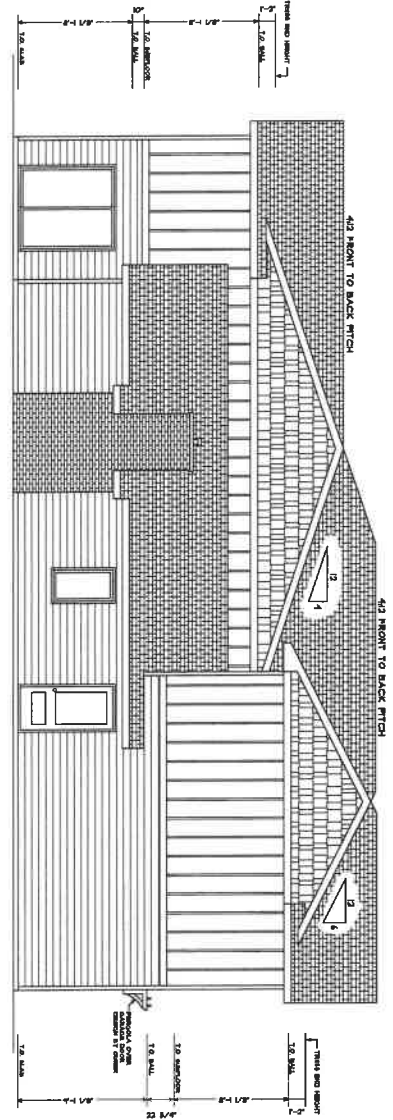


1 FRONT ELEVATION  
SCALE 1/4" = 1'-0"

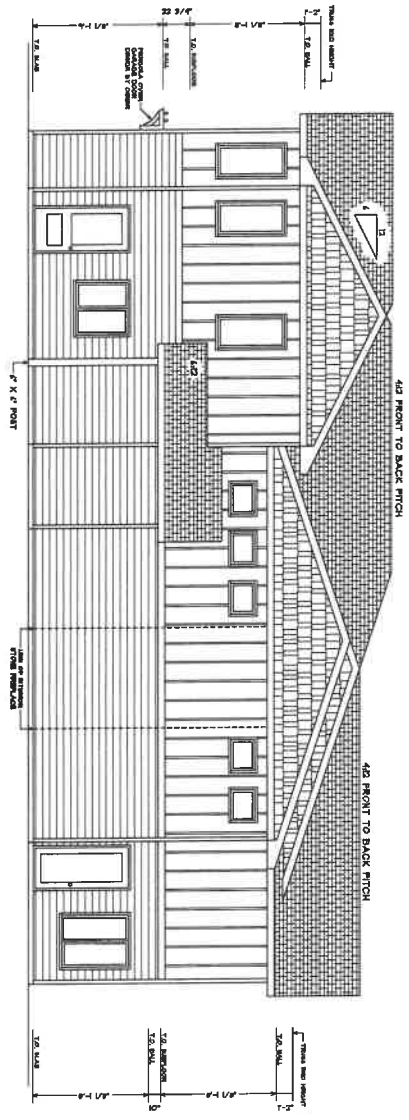
**DISCLAIMER OF WARRANTIES**  
The Architect makes no express or implied warranty of fitness for a particular purpose, or any other warranty, express or implied, in connection with the preparation of these drawings. The Architect's liability is limited to the performance of the services specifically stated in the contract documents. The Architect shall not be responsible for the construction of the project or for the accuracy of the information provided by others. The Architect shall not be responsible for the construction of the project or for the accuracy of the information provided by others.

**KIRKFIELD / SCHUETZ**  
SHOREVIEW LANE  
BREEZY POINT, MN.

PROJECT NAME	KIRKFIELD / SCHUETZ
LOCATION	BREEZY POINT, MN.
DATE	3/7/2024
DESIGNED BY	DS
DRAWN BY	DS
CHECKED BY	
DATE	



2 LEFT ELEVATION  
SCALE 1/4" = 1'-0"



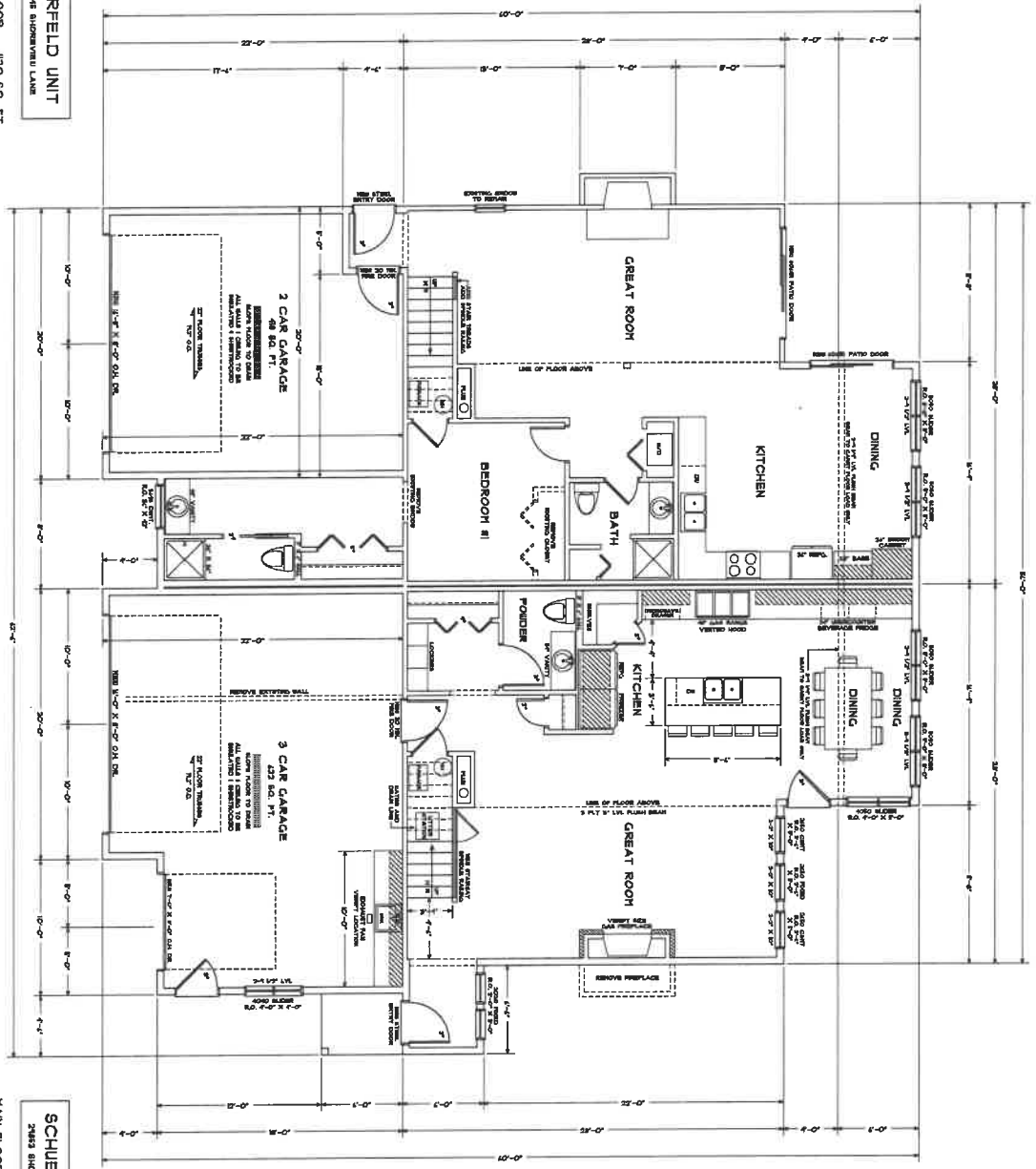
1 RIGHT ELEVATION  
SCALE 1/4" = 1'-0"

**DISCLAIMER OF WARRANTIES**  
 The undersigned hereby certifies that the drawings and specifications herein were prepared by him or her or under his or her direct supervision and that he or she is a duly Licensed Professional Engineer in the State of Tennessee. The undersigned further certifies that he or she is not providing any services in any other state where he or she is not a duly Licensed Professional Engineer. The undersigned further certifies that he or she is not providing any services in any other state where he or she is not a duly Licensed Professional Engineer. The undersigned further certifies that he or she is not providing any services in any other state where he or she is not a duly Licensed Professional Engineer.

**KIRKFIELD / SCHUETZ**  
 SHOREVIEW LANE  
 BREEZY POINT, MN.

OWNER NAME	KIRKFIELD / SCHUETZ
OWNER ADDRESS	SHOREVIEW LANE, BREEZY POINT, MN.
DATE	3/27/2024
BY	DD
SCALE	1/4" = 1'-0"
PROJECT	RIGHT/LEFT ELEVATION

2-6



**1** MAIN LEVEL PLAN  
SCALE 1/4" = 1'-0"

**KERFELD UNIT**  
2945 SHOREVIEW LANE

MAIN FLOOR 120 SQ. FT.  
UPPER LEVEL 194 SQ. FT.  
TOTAL 234 SQ. FT.

**1** MAIN LEVEL PLAN  
SCALE 1/4" = 1'-0"

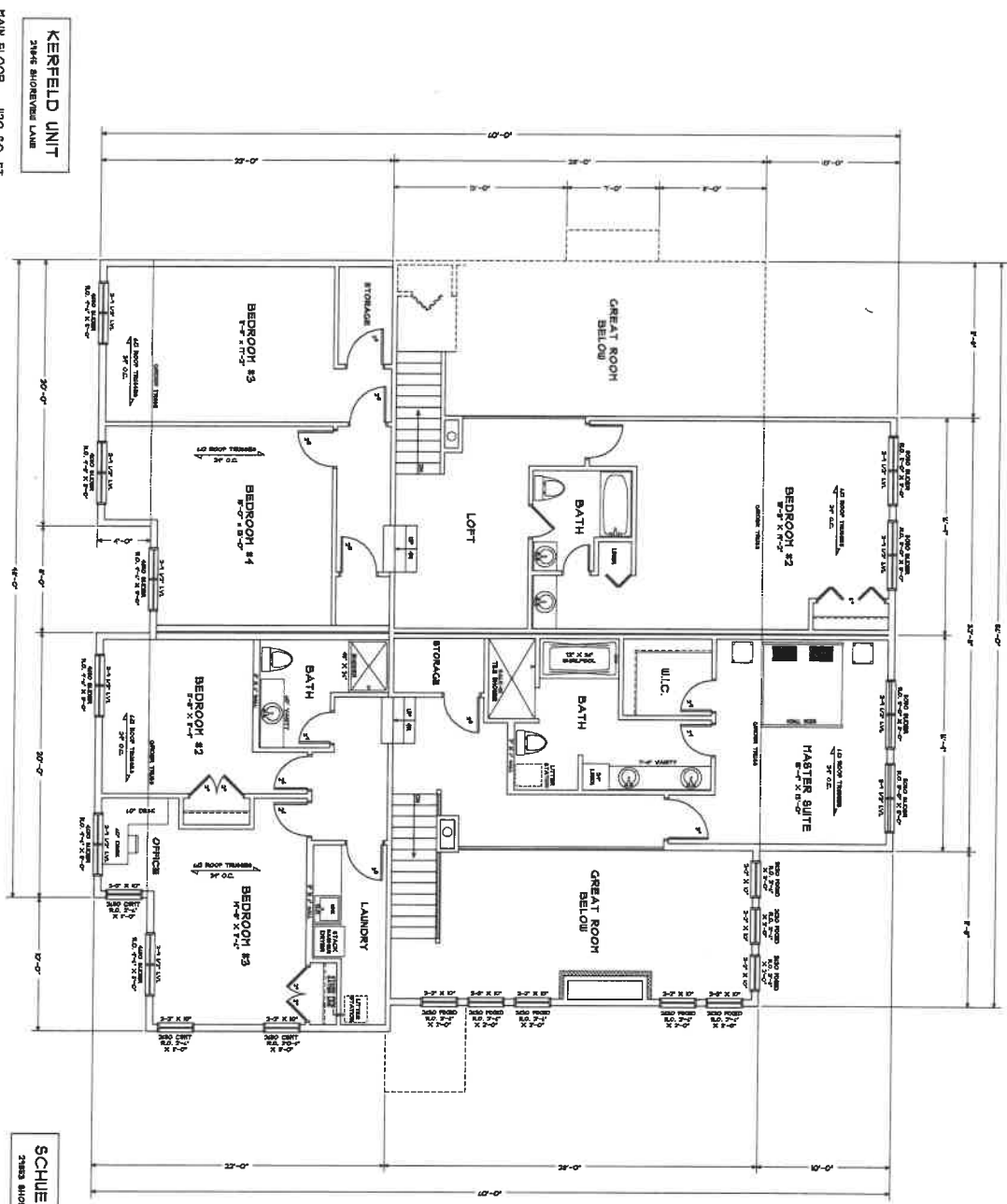
**SCHUETZ UNIT**  
2943 SHOREVIEW LANE

MAIN FLOOR 985 SQ. FT.  
UPPER LEVEL 1271 SQ. FT.  
TOTAL 2256 SQ. FT.

DATE	DESCRIPTION	BY	CHK
1/1/2024	CONCEPT	KS	MS
1/1/2024	SCHEMATIC	KS	MS
1/1/2024	PERMITS	KS	MS
1/1/2024	CONSTRUCTION	KS	MS

**KERFELD / SCHUETZ**  
SHOREVIEW LANE  
BREEZY POINT, NN.

**DISCLAIMER OF WARRANTIES**  
The Architect warrants that the design and construction documents were prepared by him or her or under his or her direct supervision and control, and that they conform to the professional standards of the architectural profession. The Architect does not warrant that the design and construction documents are complete, accurate, or that they will be interpreted or used in accordance with the professional standards of the architectural profession. The Architect shall not be responsible for any errors or omissions in the design and construction documents, or for any consequences arising therefrom, whether or not such errors or omissions are caused by the negligence of the Architect. The Architect's liability shall be limited to the amount of the fee paid to the Architect for the preparation of the design and construction documents.



**1** UPPER FLOOR PLAN  
 SCALE 1/4" = 1'-0"

**1** UPPER FLOOR PLAN  
 SCALE 1/4" = 1'-0"

**KERFELD UNIT**  
 2146 SHOREVIEW LANE

**SCHUETZ UNIT**  
 2183 SHOREVIEW LANE

MAIN FLOOR 100 SQ. FT.  
 UPPER LEVEL 119 SQ. FT.  
 TOTAL 219 SQ. FT.

MAIN FLOOR 783 SQ. FT.  
 UPPER LEVEL 1271 SQ. FT.  
 TOTAL 2054 SQ. FT.

**KERFELD / SCHUETZ**  
 SHOREVIEW LANE  
 BREEZY POINT, MN.

**DISCLAIMER OF WARRANTIES**  
 The undersigned hereby certifies that the drawings and specifications herein were prepared by the undersigned or under the direct supervision and control of the undersigned, and that the undersigned is a duly licensed professional engineer in the State of Minnesota. The undersigned further certifies that the drawings and specifications herein were prepared by the undersigned or under the direct supervision and control of the undersigned, and that the undersigned is a duly licensed professional engineer in the State of Minnesota.

DATE	2/20/24	BY	DD
SCALE	1/4" = 1'-0"	NO.	00
TITLE	UPPER FLOOR PLAN		

5-6

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)**

File Number: 2006811  
Exhibit "A"

All the real property in Crow Wing County, Minnesota, described as follows:

Lot 7 and all that part of Lot 8, Seventeenth Addition to Breezy Point Estates, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State, lying North of the following described line: Commencing at the most Southeastern corner of said Lot 8, thence Northernly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86°47'24" 137 feet, more or less, to the shore of Pelican Lake and there terminating.

Except all minerals and mineral rights of record.

Torrens Property - Certificate Number 89983 for Michael R. Schuetz  
- Certificate Number 83735 for Steven F. Soukup and Cynthia A. Soukup

Commonly known as: 29853 Shoreview Lane, Breezy Point, MN 56472

Parcel Number (s): 10127000007Y009

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-238692 (Kerfeld Tract)**

All that part of Lot Eight (8), SEVENTEENTH ADDITION TO BREEZY POINT ESTATES, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said county and state, lying South of the following described line: Commencing at the most Southeastern corner of said Lot 8, thence Northernly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86 degrees 47 minutes 24 seconds 137 feet, more or less, to the shore of Pelican Lake and there terminating, Crow Wing County, Minnesota.

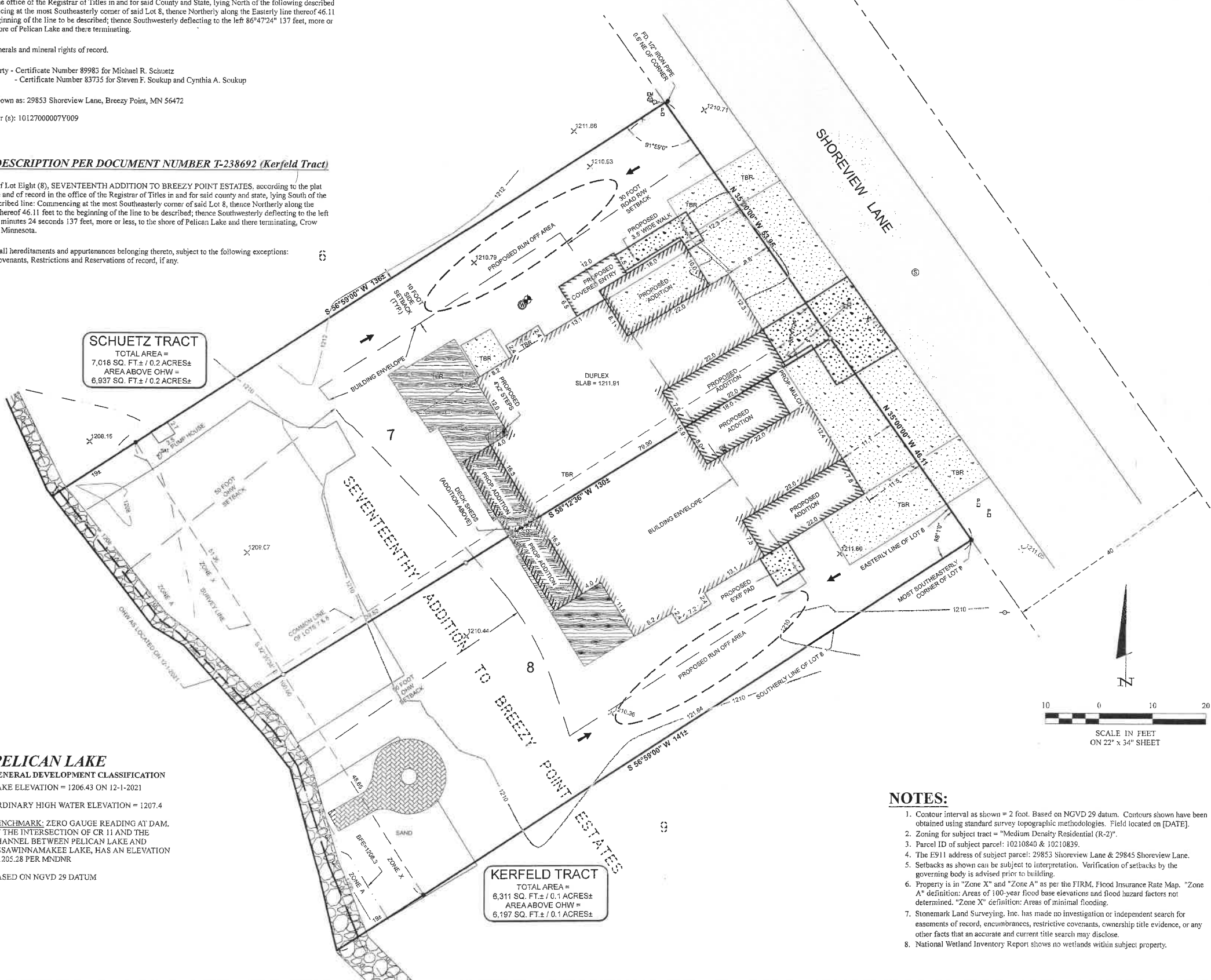
together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Easements, Covenants, Restrictions and Reservations of record, if any.

# CERTIFICATE OF SURVEY

LOT 7 AND LOT 8, SEVENTEENTH ADDITION TO BREEZY POINT ESTATES,  
SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA

**LEGEND**

- ☉ DENOTES EXISTING SATELLITE
  - X — X — DENOTES EXISTING FENCE LINE
  - DENOTES EDGE OF EXISTING BITUMINOUS CONCRETE
  - DENOTES EDGE OF EXISTING PAVING STONES
  - DENOTES EDGE OF EXISTING WOODEN DECKING
  - DENOTES EDGE OF EXISTING RIP-RAP
  - 1208— DENOTES EXISTING INTERMEDIATE CONTOURS
  - 1210— DENOTES EXISTING INDEX CONTOURS
  - X 1234.5 DENOTES SPOT ELEVATION (EXISTING GRADE)
  - DENOTES EXISTING UTILITY POLE W/ GUY WIRE
  - ⊞ DENOTES EXISTING GROUND TRANSFORMER
  - ⊞ DENOTES EXISTING GAS METER
  - ⊞ DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
  - ⊞ DENOTES EXISTING WELL
  - ⊞ DENOTES EXISTING SANITARY SEWER MANHOLE
  - ⊞ BENCHMARK: HIGH POINT OF WELL. ELEV. = 1211.79. BASED ON NGVD 29 DATUM
  - (TBR) DENOTES "TO BE REMOVED"
  - DENOTES MONUMENT FOUND
  - DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 41002
- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTHERLY LINE OF LOT 8 TO HAVE AN ASSUMED BEARING OF S 56°00' 00" W.



**SCHUETZ TRACT**  
TOTAL AREA = 7,018 SQ. FT. ± / 0.2 ACRES ±  
AREA ABOVE OHW = 6,937 SQ. FT. ± / 0.2 ACRES ±

**KERFELD TRACT**  
TOTAL AREA = 6,311 SQ. FT. ± / 0.1 ACRES ±  
AREA ABOVE OHW = 6,197 SQ. FT. ± / 0.1 ACRES ±

**PELICAN LAKE**  
GENERAL DEVELOPMENT CLASSIFICATION  
LAKE ELEVATION = 1206.43 ON 12-1-2021  
ORDINARY HIGH WATER ELEVATION = 1207.4  
BENCHMARK: ZERO GAUGE READING AT DAM, AT THE INTERSECTION OF CR 11 AND THE CHANNEL BETWEEN PELICAN LAKE AND OSSAWINNAKEE LAKE, HAS AN ELEVATION = 1205.28 PER MNDNR  
BASED ON NGVD 29 DATUM

- NOTES:**
- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on [DATE].
  - Zoning for subject tract = "Medium Density Residential (R-2)".
  - Parcel ID of subject parcel: 10210840 & 10210839.
  - The E911 address of subject parcel: 29853 Shoreview Lane & 29845 Shoreview Lane.
  - Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
  - Property is in "Zone X" and "Zone A" as per the FIRM, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
  - Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
  - National Wetland Inventory Report shows no wetlands within subject property.

**SCHUETZ TRACT**

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	1,157	6,937	16.7%
Deck (includes deck shed/Concrete)	363	6,937	5.2%
	504	6,937	7.3%
<b>Total</b>	<b>2,024</b>	<b>6,937</b>	<b>29.2%</b>

**IMPERVIOUS CALCULATIONS**

PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	1,140	6,937	16.4%
Deck	8	6,937	0.1%
Concrete	207	6,937	3.0%
Proposed Concrete	148	6,937	2.1%
Proposed Additions	518	6,937	7.5%
<b>Total</b>	<b>2,022</b>	<b>6,937</b>	<b>29.1%</b>

Net Area = Area above OHW

**KERFELD TRACT**

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Building	1,161	6,197	18.7%
Deck (includes deck shed)	236	6,197	3.8%
Pavers & Concrete	835	6,197	13.5%
<b>Total</b>	<b>2,232</b>	<b>6,197</b>	<b>36.0%</b>

**IMPERVIOUS CALCULATIONS**

PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Building	1,161	6,197	18.7%
Deck	121	6,197	2.0%
Pavers & Concrete	525	6,197	8.5%
Proposed Addition	416	6,197	6.7%
<b>Total</b>	<b>2,223</b>	<b>6,197</b>	<b>35.9%</b>

Net Area = Area above OHW



I HEREBY CERTIFY THAT THIS SURVEY PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*Patricia Trotter*  
PATRICIA TROTTER, L.S. 1154402  
DATE: 7-17-2024  
LIC. NO. 11002

REVISIONS	DATE	DESCRIPTION
	6-12-2024	revised layout

DATE: 6-12-2024  
SCALE: 1"=10'  
NCRZ:  
VERT. NONE  
PROJECT NO.: 21366-1  
FILE NAME: C:\1366-1.dwg  
PLOT NO.:  
PROJECT MANAGER: PAT  
CHECKED: P.V.T.  
DRAWN BY: R.J.F.

**CERTIFICATE OF SURVEY**  
Mike Schuetz  
13723 Garden Ave.  
Glencoe, MN 55336

SHEET 1 OF 1

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)**

File Number: 2006811

Exhibit "A"

All the real property in Crow Wing County, Minnesota, described as follows:

Lot 7 and all that part of Lot 8, Seventeenth Addition to Breezy Point Estates, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State, lying North of the following described line: Commencing at the most Southeasterly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86°47'24" 137 feet, more or less, to the shore of Pelican Lake and there terminating.

Except all minerals and mineral rights of record.

Torrens Property - Certificate Number 89985 for Michael R. Schuetz  
 - Certificate Number 83735 for Steven F. Soukup and Cynthia A. Soukup

Commonly known as: 29853 Shoreview Lane, Breezy Point, MN 56472

Parcel Number (s): 1012700007Y009

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-238692 (Kerfeld Tract)**

All that part of Lot Eight (8), SEVENTEENTH ADDITION TO BREEZY POINT ESTATES, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State, lying South of the following described line: Commencing at the most Southeasterly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86 degrees 47 minutes 24 seconds 137 feet, more or less, to the shore of Pelican Lake and there terminating, Crow Wing County, Minnesota.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Easements, Covenants, Restrictions and Reservations of record, if any.

# CERTIFICATE OF SURVEY

LOT 7 AND LOT 8, SEVENTEENTH ADDITION TO BREEZY POINT ESTATES,  
 SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
 CROW WING COUNTY, MINNESOTA

**LEGEND**

- DENOTES EXISTING SATELLITE
  - x — x — DENOTES EXISTING FENCE LINE
  - DENOTES EXISTING BITUMINOUS
  - ▨ DENOTES EDGE OF EXISTING CONCRETE
  - ▩ DENOTES EDGE OF EXISTING PAVING STONES
  - ▧ DENOTES EDGE OF EXISTING WOODEN DECKING
  - ▦ DENOTES EDGE OF EXISTING RUP-RAP
  - 1208— DENOTES EXISTING INTERMEDIATE CONTOURS
  - 1210— DENOTES EXISTING INDEX CONTOURS
  - 1234.5 DENOTES SPOT ELEVATION (EXISTING GRADE)
  - DENOTES EXISTING UTILITY POLE W/ GUY WIRE
  - DENOTES EXISTING GROUND TRANSFORMER
  - DENOTES EXISTING GAS METER
  - DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
  - DENOTES EXISTING WELL
  - DENOTES EXISTING SANITARY SEWER MANHOLE
  - ⊕ DENOTES BENCHMARK HIGH POINT OF WELL ELEV. = 1211.79 BASED ON NGVD 29 DATUM
  - (TBR) DENOTES "TO BE REMOVED"
  - DENOTES MONUMENT FOUND
  - DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 41002
- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTHERLY LINE OF LOT 8 TO HAVE AN ASSUMED BEARING OF S 56°00' 00" W.

= proposed additions

**SCHUETZ TRACT**

IMPERVIOUS CALCULATIONS			
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<b>Total</b>	<b>2,024</b>	<b>6,937</b>	<b>29.2%</b>

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PROPOSED	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
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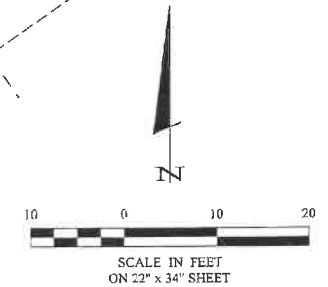
Net Area = Area above OHW

**KERFELD TRACT**

IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
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**NOTES:**

- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on [DATE].
- Zoning for subject tract = "Medium Density Residential (R-2)".
- Parcel ID of subject parcel: 10210840 & 10210839.
- The E911 address of subject parcel: 29853 Shoreview Lane & 29845 Shoreview Lane.
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- Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- National Wetland Inventory Report shows no wetlands within subject property.

**SCHUETZ TRACT**  
 TOTAL AREA = 7,016 SQ. FT. ± / 0.2 ACRES ±  
 AREA ABOVE OHW = 6,937 SQ. FT. ± / 0.2 ACRES ±

**KERFELD TRACT**  
 TOTAL AREA = 6,311 SQ. FT. ± / 0.1 ACRES ±  
 AREA ABOVE OHW = 6,197 SQ. FT. ± / 0.1 ACRES ±

**PELICAN LAKE**  
 GENERAL DEVELOPMENT CLASSIFICATION  
 LAKE ELEVATION = 1206.43 ON 12-1-2021  
 ORDINARY HIGH WATER ELEVATION = 1207.4  
 BENCHMARK: ZERO GAUGE READING AT DAM, AT THE INTERSECTION OF CR 11 AND THE CHANNEL BETWEEN PELICAN LAKE AND OSSAWINNAMAKEE LAKE, HAS AN ELEVATION = 1205.28 PER MNDNR  
 BASED ON NGVD 29 DATUM

30606 Reamstein Road  
 Suite 1  
 P. O. Box 874  
 Pequot Lakes, MN 56472  
 218-568-0040  
 www.stonemarksurvey.com

STONEMARK LAND SURVEYING

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Patrick J. Kerfeld  
 Patrick J. Kerfeld, P.L.S. No. 10127  
 DATE: 7-17-2024 LIC. NO. 11002

REVISIONS	DATE	DESCRIPTION
1	7/17/2024	Revised layout

DATE: 6-12-2024  
 SCALE: 1" = 10'  
 BOOK: C21366-1.dwg  
 VERT: NONE

PROJECT NO.: 21366-1  
 FILE NAME: C21366-1.dwg  
 PUBLISHED: 6/12/2024  
 BOOK: NONE

PROJECT MANAGER: MJK  
 CHECKED BY: MJK  
 DRAWN BY: R/J

CERTIFICATE OF SURVEY

Mike Schuetz  
 13723 Garden Ave.  
 Glencoe, MN 55336

SHEET 1 OF 1

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)**

File Number: 2006811

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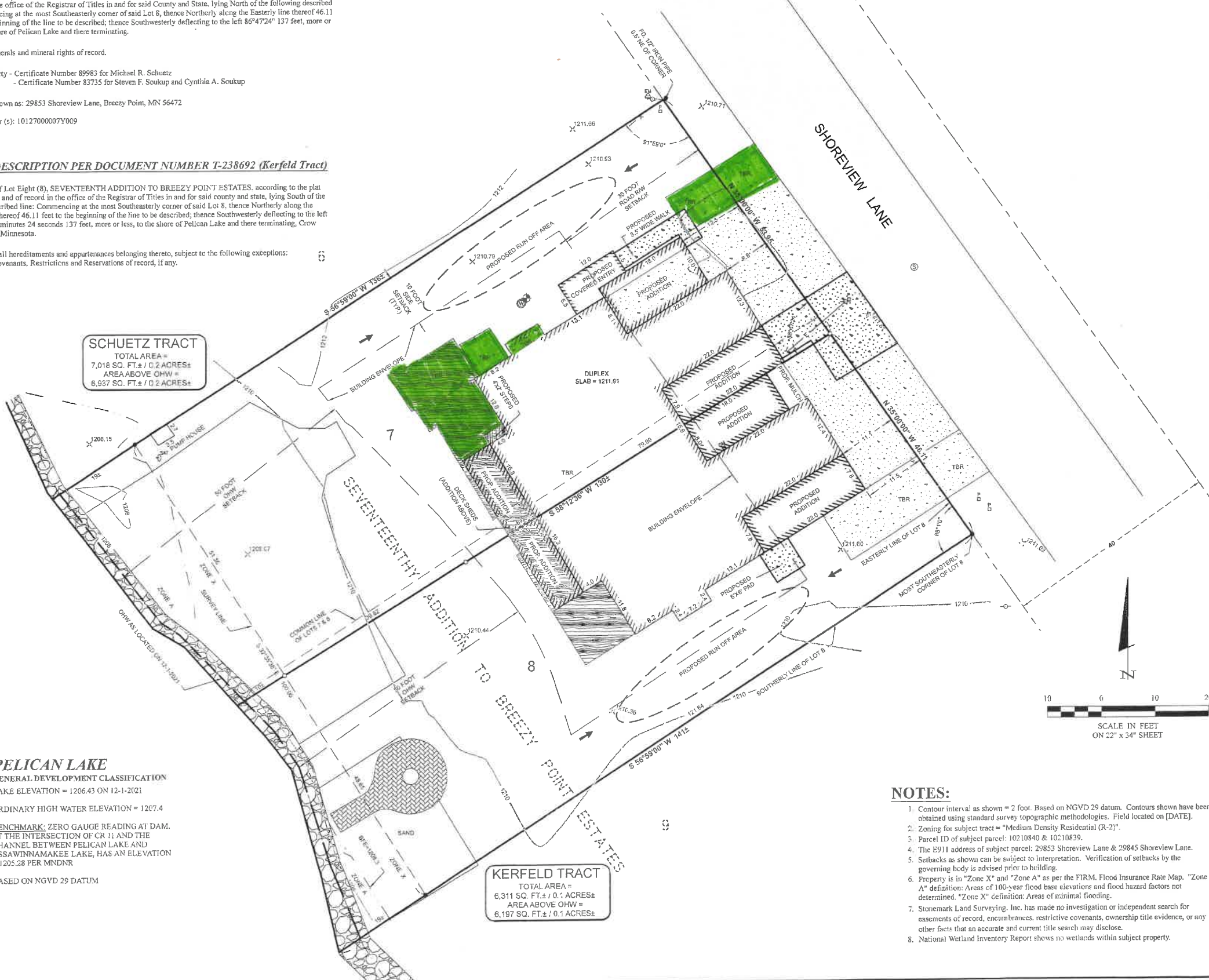
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# CERTIFICATE OF SURVEY

LOT 7 AND LOT 8, SEVENTEENTH ADDITION TO BREEZY POINT ESTATES,  
SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA



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TOTAL AREA =  
7,018 SQ. FT. ± / 0.2 ACRES ±  
AREA ABOVE OHW =  
6,937 SQ. FT. ± / 0.2 ACRES ±

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TOTAL AREA =  
6,311 SQ. FT. ± / 0.1 ACRES ±  
AREA ABOVE OHW =  
6,197 SQ. FT. ± / 0.1 ACRES ±

**PELICAN LAKE**  
GENERAL DEVELOPMENT CLASSIFICATION  
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ORDINARY HIGH WATER ELEVATION = 1207.4  
BENCHMARK: ZERO GAUGE READING AT DAM,  
AT THE INTERSECTION OF CR 11 AND THE  
CHANNEL BETWEEN PELICAN LAKE AND  
OSSAWINNAMAKEE LAKE, HAS AN ELEVATION  
= 1205.28 PER MNDNR  
BASED ON NGVD 29 DATUM

**NOTES:**

- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on [DATE].
- Zoning for subject tract = "Medium Density Residential (R-2)".
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**LEGEND**

- ⊙ DENOTES EXISTING SATELLITE
- X — X — DENOTES EXISTING FENCE LINE
- DENOTES EDGE OF EXISTING BITUMINIOUS
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- ⊕ DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
- ⊕ DENOTES EXISTING WELL
- ⊕ DENOTES EXISTING SANITARY SEWER MANHOLE
- ⊕ DENOTES BENCHMARK HIGH POINT OF WELL ELEV = 1211.79 BASED ON NGVD 29 DATUM
- (TBR) DENOTES "TO BE REMOVED"
- DENOTES MONUMENT FOUND
- DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 41002

= concrete/decking to be removed.

**SCHUETZ TRACT**

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
Buildings	1,157	6,937	16.7%
Deck (includes deck shed)	363	6,937	5.2%
Concrete	504	6,937	7.3%
<b>Total</b>	<b>2,024</b>	<b>6,937</b>	<b>29.2%</b>

**IMPERVIOUS CALCULATIONS**

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Proposed Additions	518	6,937	7.5%
<b>Total</b>	<b>2,022</b>	<b>6,937</b>	<b>29.1%</b>

Net Area = Area above OHW

**KERFELD TRACT**

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
Building	1,161	6,197	18.7%
Deck (includes deck shed)	236	6,197	3.8%
Favers & Concrete	835	6,197	13.5%
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**IMPERVIOUS CALCULATIONS**

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Deck	121	6,197	2.0%
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Proposed Addition	416	6,197	6.7%
<b>Total</b>	<b>2,223</b>	<b>6,197</b>	<b>35.9%</b>

Net Area = Area above OHW

30206 Barmussen Road  
Suite 1  
P. O. Box 874  
Pelican Lake, MN 56472  
218-568-4040  
www.stonemarksurvey.com

STONEMARK SURVEYING

DATE: 7/18/2024  
BY: Patrick A. Soukup  
I HEREBY CERTIFY THAT THIS SURVEY, PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
PATRICK A. SOUKUP, T. 1841012  
DATE: 7/18/2024  
LIC. NO. 111002

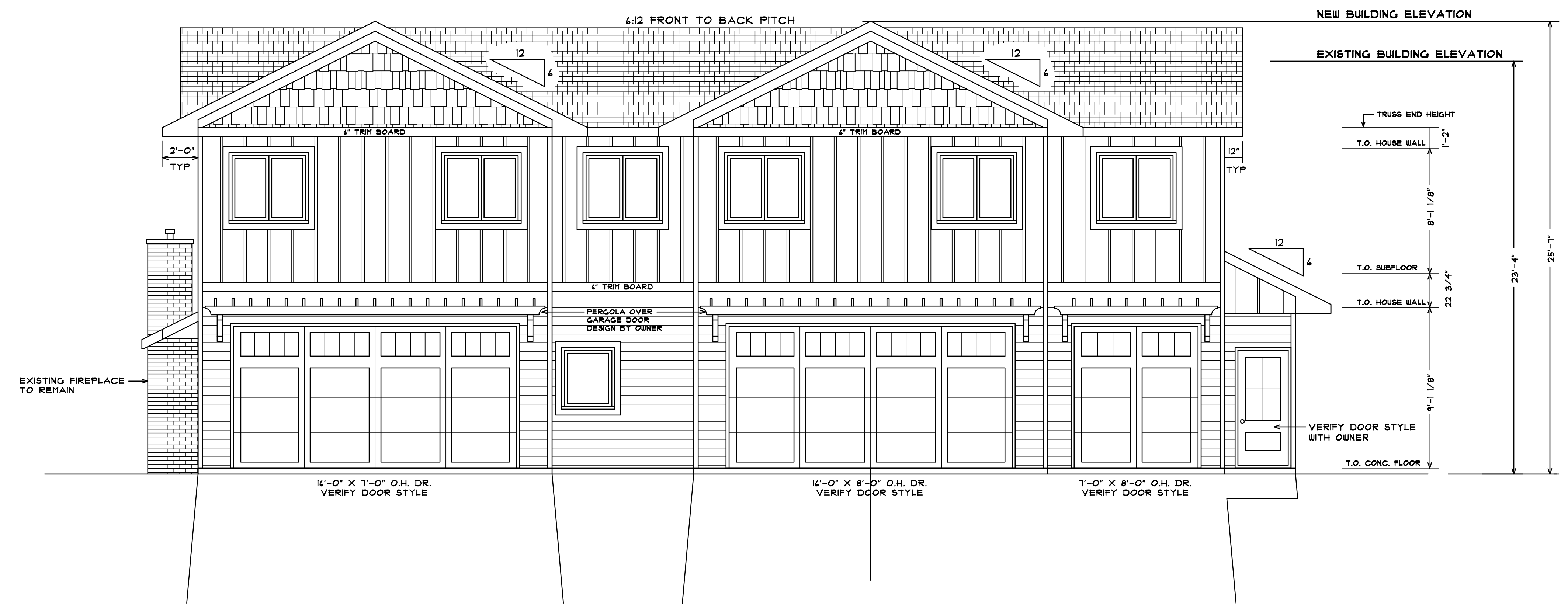
REVISIONS: 1. revised layout  
DATE: 6-12-2024  
BY: PAT  
SCALE: 1"=10'  
BOOK: C21566-1.dwg  
VERT: NONE  
PROJECT NO.: 21366-1  
FILE NAME: C21566-1.dwg  
DRAWN BY: R/JF  
CHECKED BY: PAT  
PROJECT MANAGER: PAT

CERTIFICATE OF SURVEY  
Mike Schuetz  
13723 Garden Ave.  
Glencoe, MN 55336

SHEET 1 OF 1



**2 REAR ELEVATION**  
SCALE 1/4" = 1'-0"



**1 FRONT ELEVATION**  
SCALE 1/4" = 1'-0"

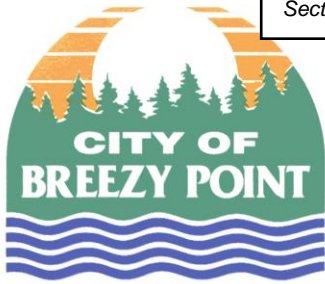
**DISCLAIMER OF WARRANTIES**  
The plans furnished hereunder were prepared upon request by draftsman who are not registered architects or professional engineers and are for INFORMATION PURPOSES ONLY. NO WARRANTIES (WHATEVER) EITHER EXPRESSED OR IMPLIED as to merchantability or fitness for a particular purpose and reliance upon said plans shall be at the sole risk of the user(s). The selection of correct structural materials and the application of architectural symbols is a precise art, the responsibility for which rests with the builder, the owner, or the user of these plans.

**KERFELD / SCHUETZ**  
SHOREVIEW LANE  
BREEZY POINT, MN.

CUSTOMER NAME: KERFELD/SCHUETZ		
LOCATION: BREEZY POINT, MN.		
DATE: 3/3/2024	DRAFT DG	CHK'D
REVISED: 7/18/2024	DG	
REVISED: 8/2/2024	DG	
REVISED:		

FRONT/REAR ELEVATION

1-7



TO: Planning Commission  
 FROM: Peter Gansen, Planning & Zoning Administrator  
 RE: Staff Report for V-24-007 Schuetz  
 DATE: August 14, 2024 Regular Meeting

---

Variance Application V-24-007  
 Applicant: Michael and Fonda Schuetz  
 Property Address: 29853 Shoreview Lane  
 Legal Description: LOT 7, 17TH ADDITION TO BREEZY POINT ESTATES  
 Parcel ID: 10210840  
 Zoned: R-2 Residential Sewered (50ft setback)

- The applicant attended the required pre-app meeting with staff.
- Applicant has filed the appropriate application for a variance.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350' were mailed a notice of hearing.
- Public notice was given to the DNR, as the property is in a shoreland overlay district.

Variance Request:

- Is requesting a variance from the required road right-of-way setback of 30ft to construct an 8ft x 18ft addition, 7.8ft x 22ft addition and a 6ft x 16.3ft addition onto an existing non-conforming residence located 11ft from the road right-of-way.

Summary of the property

LOT 7, 17TH ADDITION TO BREEZY POINT ESTATES was platted in 1964 is located at 29853 Shoreview Lane. The property is a unit in a duplex in a residential neighborhood bordered by other residential property on the Breezy Point Peninsula. There are other multi-unit dwellings near this property of similar character and commercial zoned properties as well.

The property exceeds the lake setback of 50FT, please see attached survey and building envelope denoted by the dashed lines. The height of the proposed construction is under the allowed 35FT structure height.

The applicant is requesting the variance from the City Road Right of way to add to the existing duplex. The applicant is NOT reducing any existing setback distance with respect to the Road Right of Way.

This applicant was before the Planning Commission at the last meeting and was denied due to the proposed construction not being consistent with the published request.

The applicant has since resubmitted revised drawings to better illustrate the scope of the proposed construction which is now consistent with the request.

The property is over the allowed 25% impervious amounts and is currently at 29.2% and is proposing to reduce that to 29.1%.

Most of the proposed additions are going over existing hardscaped parking areas and additional hardscape is being removed, see TBR area on the attached survey color coded illustration.

If allowed some of the additions could allow the applicant additional indoor parking which seems to be a reasonable request.

The applicant also has dedicated additional stormwater management areas to address any runoff associated with the structural modifications.

Both City and applicant could benefit by this variance which increases interior parking in an already congested area and to mitigate stormwater runoff in a shoreland area.

Due to the de minimis nature of the encroachment staff recommends the Commission consider approval, based on the information presented at this time.

The following are recommended findings the Commission can adopt.

Notice of Decision and Findings of Fact

The Planning Commission shall consider the following in its decision and make written findings concerning the variance approval or denial.

- (1) The strict interpretation of the ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner;

**Yes, the encroachment was created by a prior landowner.**

- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;

**Yes, the encroachment into the setback is minimal and pretty much inline with the existing building facade.**

- (3) The land use created by the variance is permitted in the zoning district where

the property is located;

**Yes, Seasonal/Year round residential use is allowed in the zoning district.**

(4) The variance will not alter the essential character of the locality;

**Yes, the proposed request is residential, similar to the adjacent neighbors.**

(5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

**Yes, the existing owners did not create the encroachment, the prior owner did. If the strict application of the ordinance was applied the existing owners would not be allowed to construct the additions as proposed.**

The following are recommended conditions.

- 1) **First floor roadside additions granted through this variance are for vehicular parking.**

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)**

File Number: 2006811

Exhibit "A"

All the real property in Crow Wing County, Minnesota, described as follows:

Lot 7 and all that part of Lot 8, Seventeenth Addition to Breezy Point Estates, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State, lying North of the following described line: Commencing at the most Southeasterly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86°47'24" 137 feet, more or less, to the shore of Pelican Lake and there terminating.

Except all minerals and mineral rights of record.

Torrens Property - Certificate Number 89985 for Michael R. Schuetz  
 - Certificate Number 83735 for Steven F. Soukup and Cynthia A. Soukup

Commonly known as: 29853 Shoreview Lane, Breezy Point, MN 56472

Parcel Number (s): 1012700007Y009

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-238692 (Kerfeld Tract)**

All that part of Lot Eight (8), SEVENTEENTH ADDITION TO BREEZY POINT ESTATES, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State, lying South of the following described line: Commencing at the most Southeasterly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86 degrees 47 minutes 24 seconds 137 feet, more or less, to the shore of Pelican Lake and there terminating, Crow Wing County, Minnesota.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Easements, Covenants, Restrictions and Reservations of record, if any.

# CERTIFICATE OF SURVEY

LOT 7 AND LOT 8, SEVENTEENTH ADDITION TO BREEZY POINT ESTATES,  
 SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
 CROW WING COUNTY, MINNESOTA

**LEGEND**

- DENOTES EXISTING SATELLITE
  - x — x — DENOTES EXISTING FENCE LINE
  - DENOTES EXISTING BITUMINOUS
  - DENOTES EDGE OF EXISTING CONCRETE
  - DENOTES EDGE OF EXISTING PAVING STONES
  - DENOTES EDGE OF EXISTING WOODEN DECKING
  - DENOTES EDGE OF EXISTING RIP-RAP
  - 1208— DENOTES EXISTING INTERMEDIATE CONTOURS
  - 1210— DENOTES EXISTING INDEX CONTOURS
  - 1234.5 DENOTES SPOT ELEVATION (EXISTING GRADE)
  - DENOTES EXISTING UTILITY POLE W/ GUY WIRE
  - DENOTES EXISTING GROUND TRANSFORMER
  - DENOTES EXISTING GAS METER
  - DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
  - DENOTES EXISTING WELL
  - DENOTES EXISTING SANITARY SEWER MANHOLE
  - **BENCHMARK:** HIGH POINT OF WELL ELEV. = 1211.79 BASED ON NGVD 29 DATUM
  - (TBR) DENOTES "TO BE REMOVED"
  - DENOTES MONUMENT FOUND SET MARKED BY LICENSE No. 41002
- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTHERLY LINE OF LOT 8 TO HAVE AN ASSUMED BEARING OF S 56°00' 00" W.

= proposed additions

**SCHUETZ TRACT**

IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
Buildings	1,157	6,937	16.7%
Deck (includes deck shed)	263	6,937	6.2%
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<b>Total</b>	<b>2,024</b>	<b>6,937</b>	<b>29.2%</b>

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**KERFELD TRACT**

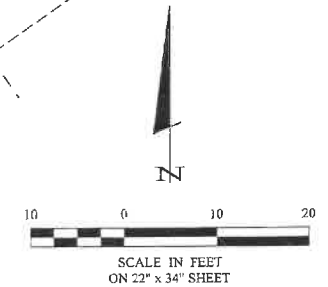
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Net Area = Area above OHW

**NOTES:**

- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on [DATE].
- Zoning for subject tract = "Medium Density Residential (R-2)".
- Parcel ID of subject parcel: 10210840 & 10210839.
- The E911 address of subject parcel: 29853 Shoreview Lane & 29845 Shoreview Lane.
- Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
- Property is in "Zone X" and "Zone A" as per the FIRM. Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
- Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- National Wetland Inventory Report shows no wetlands within subject property.



**SCHUETZ TRACT**  
 TOTAL AREA = 7,016 SQ. FT. ± / 0.2 ACRES ±  
 AREA ABOVE OHW = 6,937 SQ. FT. ± / 0.2 ACRES ±

**KERFELD TRACT**  
 TOTAL AREA = 6,311 SQ. FT. ± / 0.1 ACRES ±  
 AREA ABOVE OHW = 6,197 SQ. FT. ± / 0.1 ACRES ±

**PELICAN LAKE**

GENERAL DEVELOPMENT CLASSIFICATION  
 LAKE ELEVATION = 1206.43 ON 12-1-2021

ORDINARY HIGH WATER ELEVATION = 1207.4

BENCHMARK: ZERO GAUGE READING AT DAM. AT THE INTERSECTION OF CR 11 AND THE CHANNEL BETWEEN PELICAN LAKE AND OSSAWINNAMAKEE LAKE, HAS AN ELEVATION = 1205.28 PER MNDNR

BASED ON NGVD 29 DATUM

30606 Reamissen Road  
 Suite 1  
 P. O. Box 874  
 Pequot Lakes, MN 56472  
 218-568-0040  
 www.stonemarksurvey.com

STONEMARK LAND SURVEYING

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Patrick J. Schuetz  
 Patrick J. Schuetz, P.E. License No. 11002  
 DATE: 7-17-2024 LIC. NO.

REVISIONS	DATE	DESCRIPTION
1	7-17-2024	Revised layout

DATE: 6-12-2024  
 SCALE: 1" = 10'  
 BOOK: C21366-1.dwg  
 SHEET: 1 OF 1

PROJECT NO.: 21366-1  
 FILE NAME: C21366-1.dwg  
 PUBLISHED: 6/12/2024  
 PROJECT MANAGER: MJS  
 CHECKED BY: MJS  
 DRAWN BY: R/JF

CERTIFICATE OF SURVEY

Mike Schuetz  
 13723 Garden Ave.  
 Glencoe, MN 55336

**LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)**

File Number: 2006811

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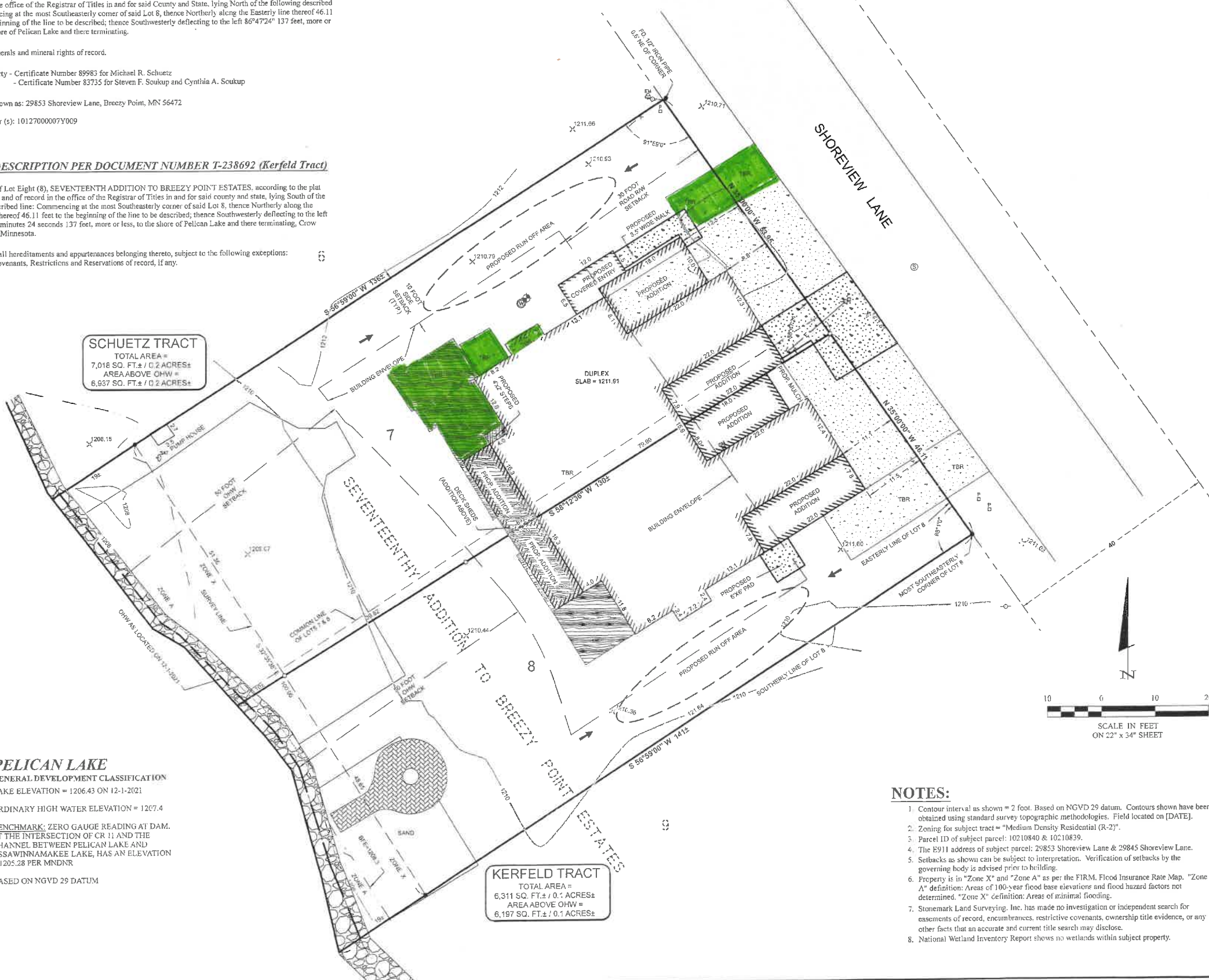
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SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA



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TOTAL AREA =  
7,018 SQ. FT. ± / 0.2 ACRES ±  
AREA ABOVE OHW =  
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AT THE INTERSECTION OF CR 11 AND THE  
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**LEGEND**

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218-568-4040  
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STONEMARK SURVEYING

DATE: 7-18-2024  
BY: Patrick A. Kerfeld  
L.S. NO. 111002

REVISIONS: 1. revised layout

DATE: 6-12-2024  
SCALE: 1"=10'  
BOOK: C21566-1.dwg  
VERT: NONE

PROJECT NO.: 21366-1  
FILE NAME: C21566-1.dwg  
PROJECT MANAGER: PAT  
CHECKED BY: PAT  
DRAWN BY: R/JF

CERTIFICATE OF SURVEY  
Mike Schuetz  
13723 Garden Ave.  
Glencoe, MN 55336

SHEET 1 OF 1

City of Breezy Point  
Notice of Public Hearing  
Wednesday, August 14, 2024, 7:00 p.m.  
Breezy Point City Hall

To Whom It May Concern:

Notice is hereby given that the City of Breezy Point Planning Commission / Board of Adjustment will hold a public hearing on Wednesday August 14, 2024 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Variance Application V-24-006  
KERFELD, LOREN JOHN TRUST 3172 ORCHID DR NE SAUK RAPIDS MN 56379. LOT 8, 17TH ADDITION TO BREEZY POINT ESTATES. Parcel 10210839. Is requesting a variance from the from the required road right-of-way setback of 30ft to construct an 8.1ft x 18ft addition, 7.9ft x 22ft addition, 12ft x 6.5ft addition and a 16.3ft x 6ft addition onto an existing non-conforming residence located 8.8ft from the road right-of-way. Zoned R-2.

Variance Application V-24-007  
SCHUETZ, MICHAEL R & FONDA J 29853 SHOREVIEW LANE BREEZY POINT MN 56472. LOT 7, 17TH ADDITION TO BREEZY POINT ESTATES. Parcel 10210840. Is requesting a from the required road right-of-way setback of 30ft to construct an 8ft x 18ft addition, 7.8ft x 22ft addition and a 6ft x 16.3ft addition onto an existing non-conforming residence located 11ft from the road right-of-way. Zoned R-2.

Variance Application V-24-008  
PANURE, ROBERT W & LINDA A 6501 CHEROKEE TRAIL W EDEN PRAIRIE MN 55344. N. 100 FT OF S. 500 FT OF GOV. LOT 5. Parcel 10030682. Is requesting a variance from the required 30ft setback from a wetland to a setback distance of 16ft 8 inches to construct 1244SQFT garage. Zoned R-2.

Variance Application V-24-009  
STROINSKI, BONNIE LYNN & JOSEPH G 30982 WOLF LN BREEZY POINT MN 56472. LOTS 40 AND 41 FOURTEENTH ADDITION TO BREEZY POINT ESTATES. Parcel 10161523. Is requesting a variance from the required road right-of-way setback of 30ft setback to construct a 11.6ft x 13.9ft addition onto an existing non-conforming residence located 22.3ft from the road right-of-way. Zoned R-2.

A notice relative to above listed requests is sent to all property owners located within 350 feet of the applicant’s property. Please share this information with your neighbor in the event that any property owner has been missed, or that our records are not correct.

Public is invited to attend and be heard on these matters.

Peter Gansen  
Planning & Zoning Administrator  
City of Breezy Point  
218-569-1003  
[pgansen@cityofbreezypointmn.us](mailto:pgansen@cityofbreezypointmn.us)

Echo Journal July 31, 2024



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.



8319 County Road 11  
Breezy Point, MN 56472  
Phone: (218) 562-4093  
Fax: (218) 562-4486  
[www.cityofbreezypointmn.us](http://www.cityofbreezypointmn.us)

Received by City: 2/24/24  
Application Number: U-24-008  
Non-refundable Fee Paid: 250  
Receipt #: 23568

# Variance Application

Name of Applicant BOB PANURE  
Address 6501 CHEROKEE TRAIL W  
City, State, Zip EDEN PRAIRIE MN 55344  
Phone 952-221-0791 Alternate Phone \_\_\_\_\_

Physical Address / Location of Property 32614 SOUTH BAY LN  
BREEZY POINT MN 56472

Legal Description of Property N. 100 FT OF S. 500 FT OF GOV. LOT 5

Parcel ID Number 10030682 Zoning District R-2

Applicant is:	Title Holder of Property (if different than applicant):
<input type="checkbox"/> Legal Owner of Property	Name _____
<input type="checkbox"/> Contract Buyer	Address _____
<input type="checkbox"/> Option Holder	City, State, ZIP _____
<input checked="" type="checkbox"/> Agent	Phone _____
<input type="checkbox"/> Other _____	

State the nature of your request in detail. What are you proposing for your property?  
DEMO OF EXISTING 638 SQFT TO BUILD NEW 1244 SQFT GARAGE WITH A 16'8" SETBACK TO A WET LAND.

Signature of Owner, authorizing application \_\_\_\_\_  
(By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner) \_\_\_\_\_  
(By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

**\*By signing above, I acknowledge that I understand that I am responsible for all fees incurred by the City as a result of professional services provided by the City Engineer, City Attorney, and other contracted agencies in reviewing my application.\***

**APPLICANTS, PLEASE NOTE:** Pursuant to the Breezy Point Zoning Ordinance, the applicant should be prepared to explain the unique situation on the property that requires the proposed variance. The Zoning Ordinance defines a hardship as the follows: "A hardship exists if the property in question cannot be reasonably utilized under the conditions allowed by the official controls, if the plight of the landowner is due to circumstances unique to the property

and not of his own making, and the variance (if granted) would not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship as reasonable use of utilization of the property exists under the terms of the Ordinance."

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: DEMO EXISTING GARAGE + BUILD NEW  
Landscaping: IMPLEMENT STORMWATER PLAN  
Parking/Signs: DRIVEWAY ACCESS TO GARAGE

2. What are the unique circumstances of the property (parcel size, shape, topography, or other characteristics not created by the landowner) that make strict interpretation of the Ordinance impractical?

DUE TO PARCEL SIZE, TOPOGRAPHY, ROADWAY, AND THE WETLAND THE PROPERTY HAS A SMALL WINDOW TO WORK IN.

3. How is granting this variance consistent with the intent of the City of Breezy Point Zoning Ordinance?

THE PROPOSED STRUCTURE IS ALLOWABLE IN SIZE PER THE ORDINANCE AND IS CONSISTENT WITH OTHER STRUCTURES IN THE COMMUNITY

4. How will reasonable use of the property be deprived if the variance is not granted?

VARIANCE IS NEEDED FOR ANY INCREASE IN THIS STRUCTURE SIZE WHICH IS ALLOWABLE IN THE ORDINANCE

5. What other options, either conforming or non-conforming, have been considered and why were those options not chosen?

DUE TO LOT CONSTRAINTS NO OTHER OPTIONS HAVE BEEN CONSIDERED AS THIS IS THE ONLY LOCATION AVAILABLE

6. Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

THE PROPOSED STRUCTURE IN SIZE AND SCALE IS CONSISTANT WITH THE LOCAL CHARACTER. THE NEW STRUCTURE WILL NOW HAVE A CONFORMING SIDE SETBACK.

7. Describe the character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

THERE ARE DETACHED GARAGES ALONG SOUTH BAY LN

THAT ARE CONSISTANT IN CHARACTER AND USE

8. Discuss any environmental limitations of the site or the area that limit building in other areas.

THE WETLAND, AND AREA NEEDED FOR SEPTIC, AS WELL AS THE ROAD LIMIT OTHER AREAS.

9. Please include any other comments pertinent to this request.

INSTRUCTIONS TO THE APPLICANT

Completed applications, with all submittal requirements, must be submitted to the Planning & Zoning Department no fewer than 25 days prior to the meeting date. In order for your application to be accepted as complete, and to have a public hearing scheduled, the following

- 1. This application must be completed, including responses to all parts of this application.
- 2. The required fee must be paid. See fee schedule for details.
- 3. Certificate of Survey with the following information, as a minimum, unless waived by the Planning Commission / Board of Adjustment.
  - Legal description of the site.
  - Site plan, prepared by a licensed surveyor, showing parcel and existing structure dimension, water features, and 10 foot contour lines (smaller contour lines may be required if deemed necessary by the Planning Department, Planning Commission, or City Council).
  - Location of all structures and their square footage.
  - Existing and proposed curb cuts, driveways, access roads, turn-arounds, parking including RV, boat and additional vehicle storage, off-street loading, and sidewalks. Size and type of surface should also be included.
  - Proposed landscaping and screening plans: garbage dumpsters, areas preserved in natural state including buffer areas, areas to be developed into lawn (grass), areas to be covered by woodchips or mulch, garden areas, shrubbery, types, size, age, and number of proposed trees and their locations, exterior lighting to be proposed including location and type, any other items deemed appropriate.
  - Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
  - Proposed drainage plan.
  - IN DESIGN Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
  - IN DESIGN Soils data showing capability for building and on-site sewage treatment.
  - Existing iron pipe boundary monuments marked with proof of survey.
  - N/A Approximate location of any proposed signs (if applicable).
- N/A 4. Color scheme for all existing and proposed structures.
- N/A 5. Outside storage proposal.
- N/A 6. Elevation plans for all existing and proposed structures.

TH GRAVDANL  
-2951

Panure Site

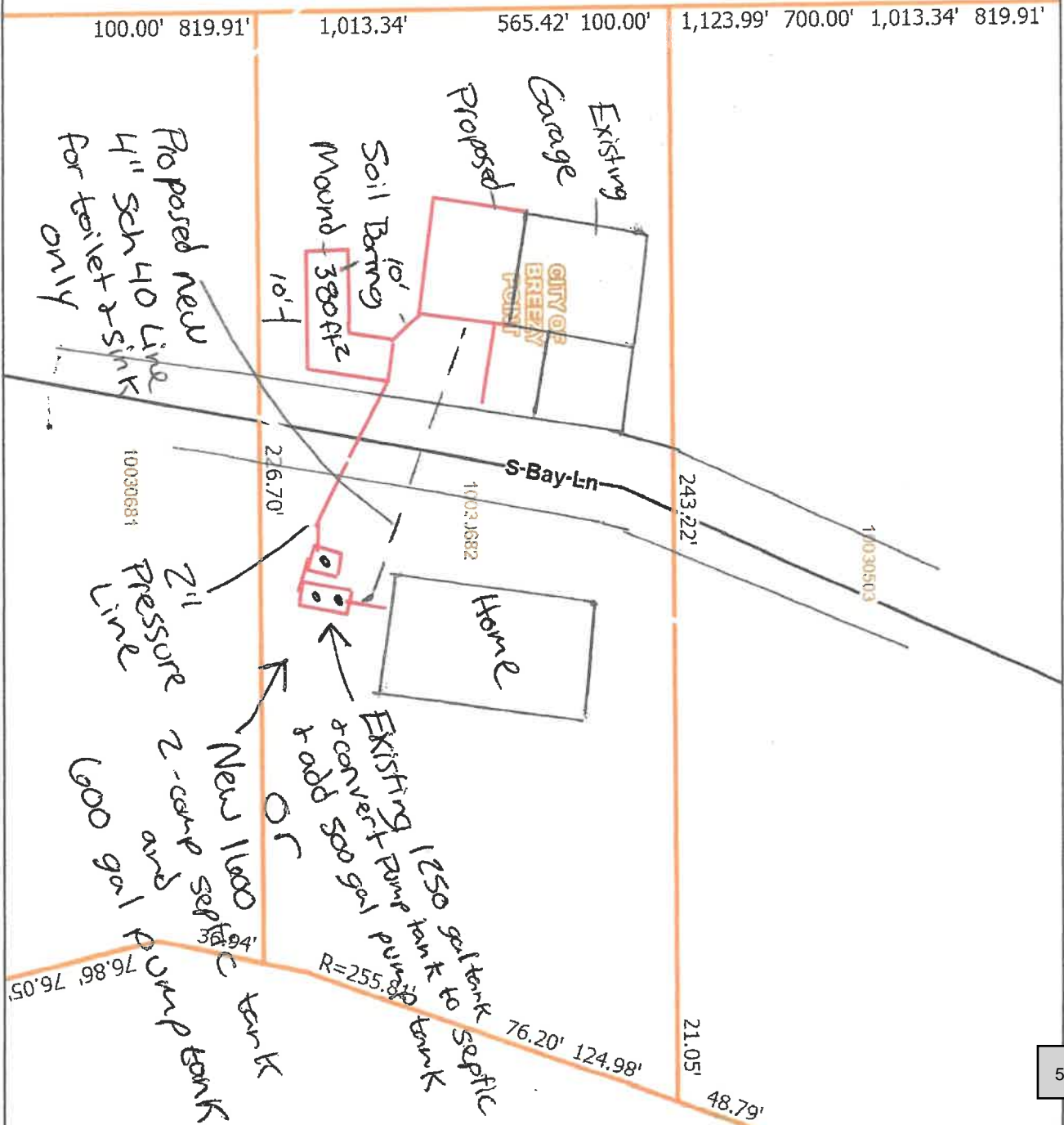
10030658

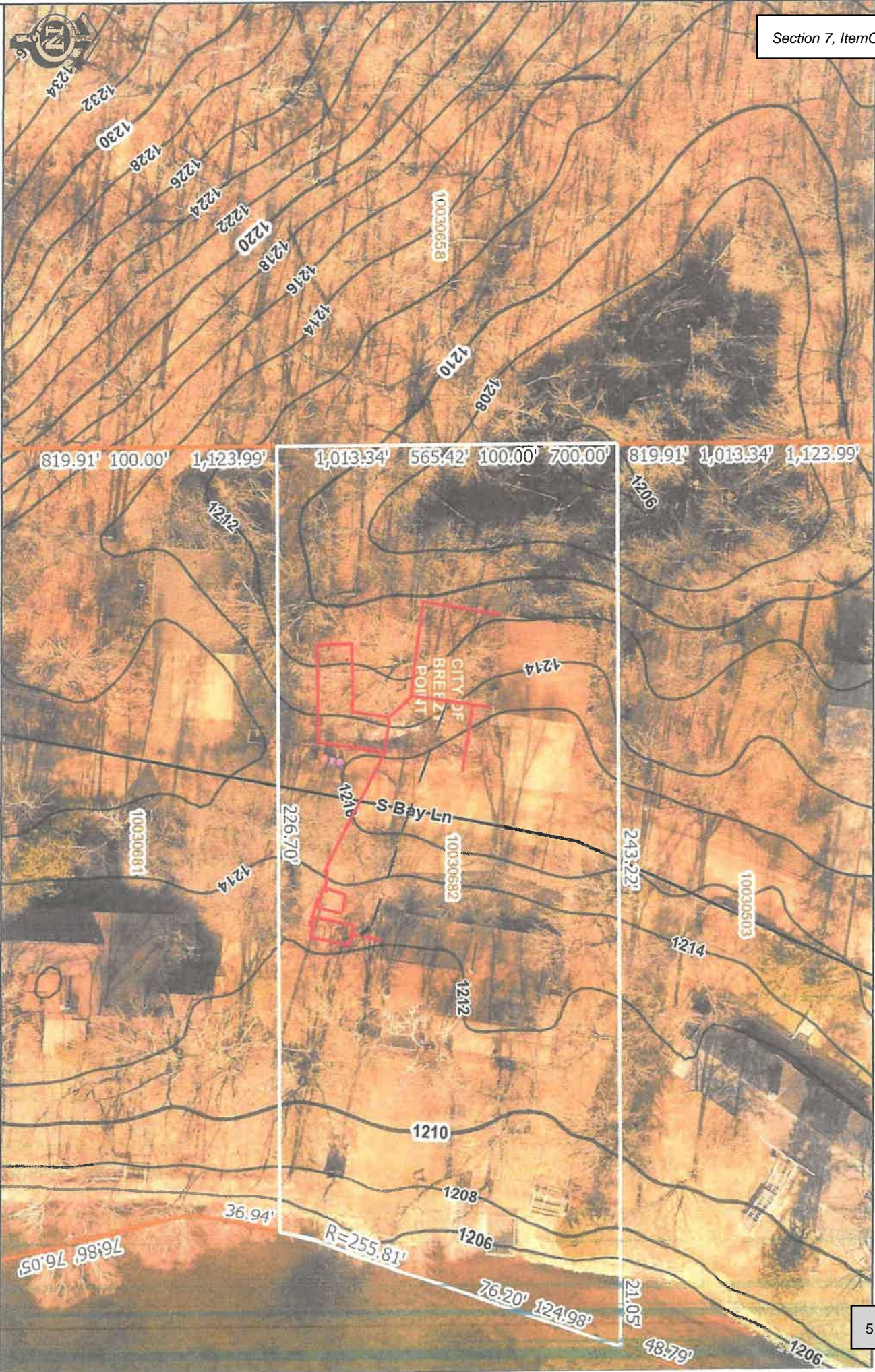
Soil Boring

- 0-10" 10YR 3/3 SL
- 10-20" 10YR 5/4 MS
- 20-37" 10YR 6/6 MS
- 37" + Water Table



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.





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## Map Unit Description (MN)

Crow Wing County, Minnesota

[Data apply to the entire extent of the map unit within the survey area. Map unit and soil properties for a specific parcel of land may vary somewhat and should be determined by onsite investigation]

### D76D--Graycalm-Grayling complex, pitted, 2 to 20 percent slopes

#### Graycalm

*Extent:* 15 to 70 percent of the unit  
*Landform(s):* rises on outwash plains  
*Slope gradient:* 8 to 20 percent  
*Parent material:* outwash  
*Restrictive feature(s):* greater than 60 inches  
*Flooding:* none  
*Ponding:* none  
*Drainage class:* somewhat excessively drained

*Soil loss tolerance (T factor):* 5  
*Wind erodibility group (WEG):* 2  
*Wind erodibility index (WEI):* 134  
*Kw factor (surface layer):* .15  
*Land capability, nonirrigated:* 4s  
*Hydric soil:* no  
*Hydrologic group:* A  
*Potential for frost action:* low

Representative soil profile:	Texture	Permeability	Available water capacity	pH
A -- 0 to 4 in	Loamy sand	rapid	0.35 to 0.43 in	4.5 to 5.5
Bw1 -- 4 to 20 in	Loamy sand	rapid	1.29 to 1.61 in	5.0 to 6.0
Bw2 -- 20 to 31 in	Sand	rapid	0.44 to 0.66 in	5.0 to 6.0
E and Bt -- 31 to 79 in	Sand	rapid	2.38 to 3.81 in	5.5 to 6.5

#### Grayling

*Extent:* 15 to 40 percent of the unit  
*Landform(s):* rises, outwash plains  
*Slope gradient:* 8 to 20 percent  
*Parent material:* outwash  
*Restrictive feature(s):* greater than 60 inches  
*Flooding:* none  
*Ponding:* none  
*Drainage class:* excessively drained

*Soil loss tolerance (T factor):* 5  
*Wind erodibility group (WEG):* 2  
*Wind erodibility index (WEI):* 134  
*Kw factor (surface layer):* .20  
*Land capability, nonirrigated:* 4s  
*Hydric soil:* no  
*Hydrologic group:* A  
*Potential for frost action:* low

Representative soil profile:	Texture	Permeability	Available water capacity	pH
A -- 0 to 8 in	Loamy sand	rapid	0.63 to 0.87 in	5.1 to 6.5
Bw -- 8 to 47 in	Sand	rapid	1.95 to 4.29 in	5.1 to 6.5
BC -- 47 to 79 in	Sand	rapid	1.59 to 2.23 in	5.1 to 6.5

## Map Unit Description (MN)

Crow Wing County, Minnesota

### D76D--Graycalm-Grayling complex, pitted, 2 to 20 percent slopes

#### Graycalm, moderately sloping

*Extent:* 10 to 25 percent of the unit  
*Landform(s):* rises on outwash plains  
*Slope gradient:* 2 to 8 percent  
*Parent material:* outwash  
*Restrictive feature(s):* greater than 60 inches  
*Flooding:* none  
*Ponding:* none  
*Drainage class:* somewhat excessively drained

*Soil loss tolerance (T factor):* 5  
*Wind erodibility group (WEG):* 2  
*Wind erodibility index (WEI):* 134  
*Kw factor (surface layer):* .15  
*Land capability, nonirrigated:* 4s  
*Hydric soil:* no  
*Hydrologic group:* A  
*Potential for frost action:* low

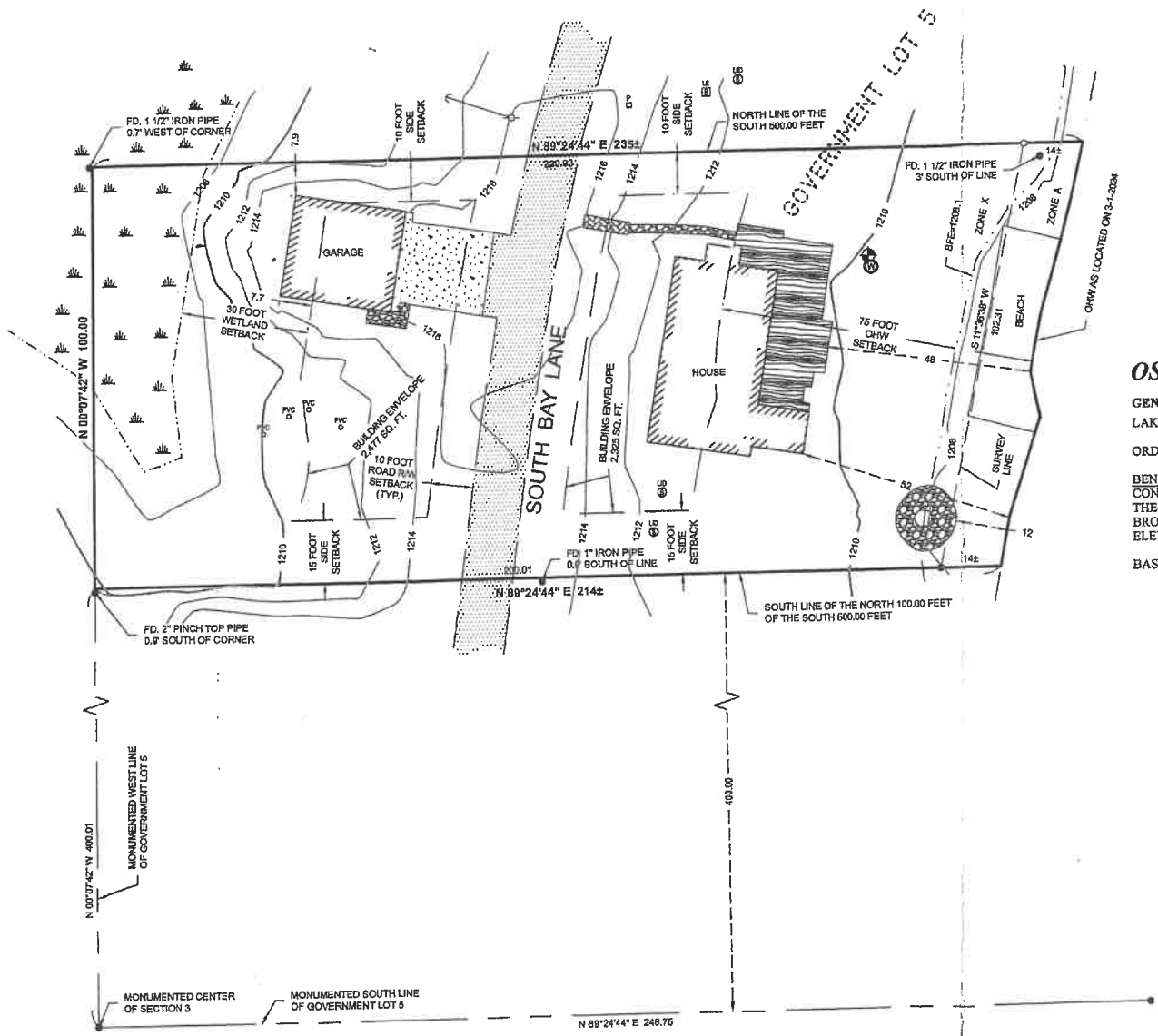
<i>Representative soil profile:</i>	<i>Texture</i>	<i>Permeability</i>	<i>Available water capacity</i>	<i>pH</i>
A -- 0 to 4 in	Loamy sand	rapid	0.35 to 0.43 in	4.5 to 5.5
Bw1 -- 4 to 20 in	Loamy sand	rapid	1.29 to 1.61 in	5.0 to 6.0
Bw2 -- 20 to 31 in	Sand	rapid	0.44 to 0.66 in	5.0 to 6.0
E and Bt -- 31 to 79 in	Sand	rapid	2.38 to 3.81 in	5.5 to 6.5

This report provides a semitabular listing of some soil and site properties and interpretations that are valuable in communicating the concept of a map unit. The report also provides easy access to the commonly used conservation planning information in one place. The major soil components in each map unit are displayed. Minor components may be displayed if they are included in the database and are selected at the time the report is generated.

EXISTING CONDITIONS  
4/29/24  
WETLAND DELINEATION  
3/15/24

# CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 5,  
SECTION 3, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA  
TOTAL AREA = 22,433 SQ. FT. ± / 0.5 ACRES ±



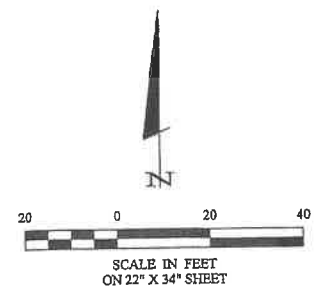
### OSSAWINNAKEE LAKE

GENERAL DEVELOPMENT CLASSIFICATION  
LAKE ELEVATION = 1205.42 ON 3-1-2024  
ORDINARY HIGH WATER ELEVATION = 1206.10  
BENCHMARK: 3" BRASS CAP STAMPED "DEPT. OF CONSERVATION" ON NW CORNER ABUTMENT OF THE DAM AT THE EASTERLY OUTLET (PELICAN BROOK) ON OSSAWINNAKEE LAKE, HAS AN ELEVATION = 1210.87  
BASED ON NGVD 29 DATUM

### LEGEND

- DENOTES EDGE OF EXISTING GRAVEL
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING PAVING STONES
- DENOTES EDGE OF EXISTING WOODEN DECKING
- DENOTES EDGE OF EXISTING FLAGSTONE
- DENOTES EXISTING INTERMEDIATE CONTOURS
- DENOTES EXISTING INDEX CONTOURS
- DENOTES WET LAND(S)
- DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
- DENOTES EXISTING WELL
- DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
- DENOTES EXISTING SEPTIC LIFT STATION
- BENCHMARK HIGH POINT OF WELL  
ELEV. = 1211.04  
BASED ON NGVD 29 DATUM
- DENOTES MONUMENT FOUND
- DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 41002

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE CROW WING COUNTY COORDINATE SYSTEM.



### NOTES:

1. Contour interval as shown = 2 feet. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 3-1-2024.
2. Zoning for subject tract = "Medium Density Residential (R-2)".
3. Parcel ID of subject parcel: 10030682.
4. The E911 address of subject parcel: 32614 South Bay Lane.
5. Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
6. Property is in "Zone X" and "Zone A" as per the FIRM, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
7. There are no bluffs within surveyed property.
8. Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
9. Wetland delineation was completed on 3-15-2024, by Ben Meister, Melster Environmental, LLC. MN Certified Wetland Delineator #1031.

### IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (eq. ft.)
House	1,238	21,217	5.8%
Garage	638	21,217	3.0%
Concrete, Pavers & Flagstone	712	21,217	3.4%
Deck	608	21,217	2.9%
Gravel Driveway	78	21,217	0.4%
<b>Total</b>	<b>3,270</b>	<b>21,217</b>	<b>15.4%</b>

NET AREA = TOTAL AREA LESS SOUTH BAY LANE DRIVING SURFACE.

REVISIONS	DESCRIPTION	DATE

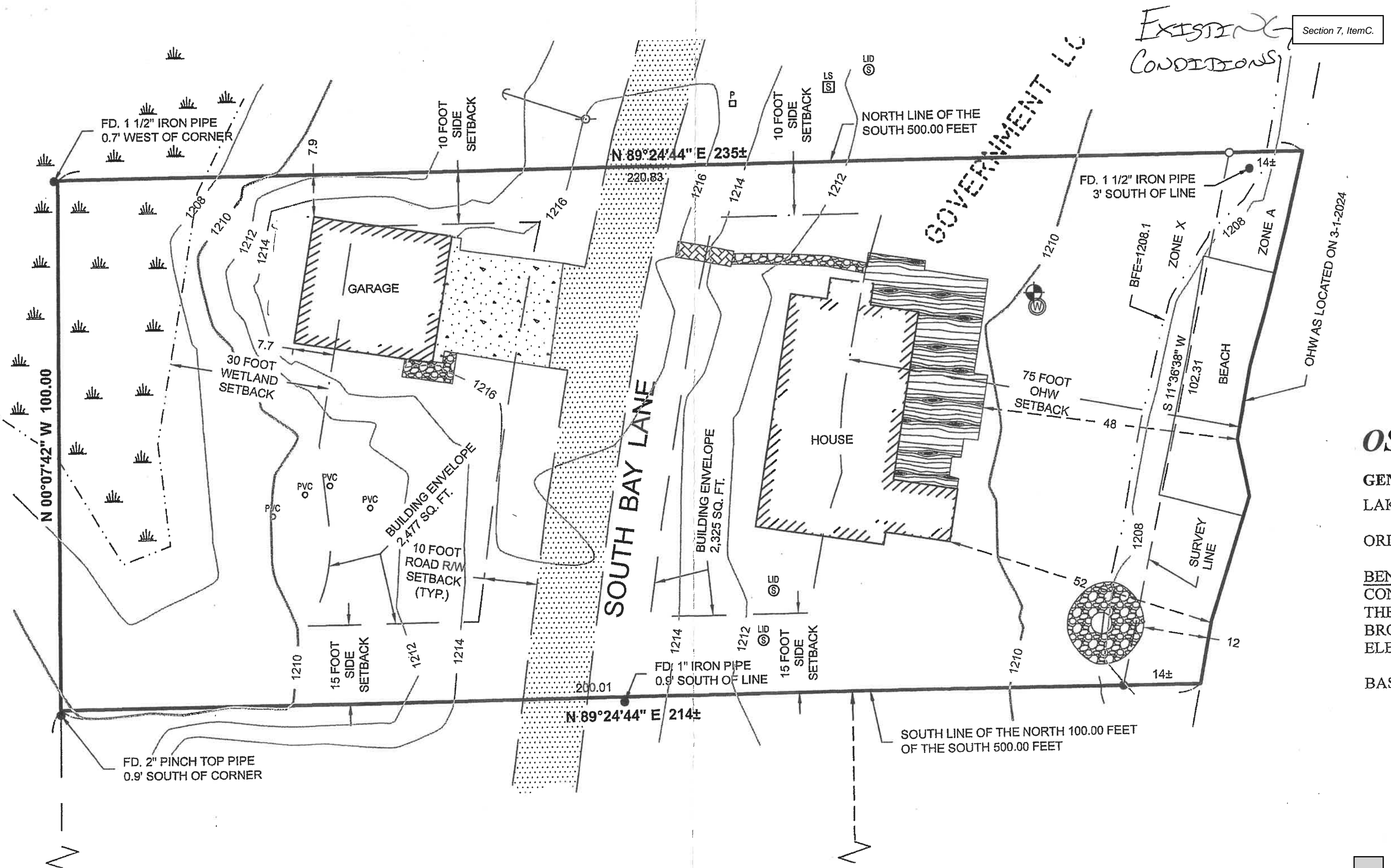
  

DATE:	4-29-2024	SCALE:	1"=20'	VERT.:	NONE
PROJECT NO.:	74027	FILE NAME:	C24027.dwg	FIELD BOOK:	BOOK
PROJECT MANAGER:	PAT	CHECKED:	PAT	DRAWN BY:	RJF

CERTIFICATE OF SURVEY	Bob Parure 6501 Cherokee Trail W Eden Prairie, MN 55344
SHEET	1 of 1

EXISTING  
CONDITIONS

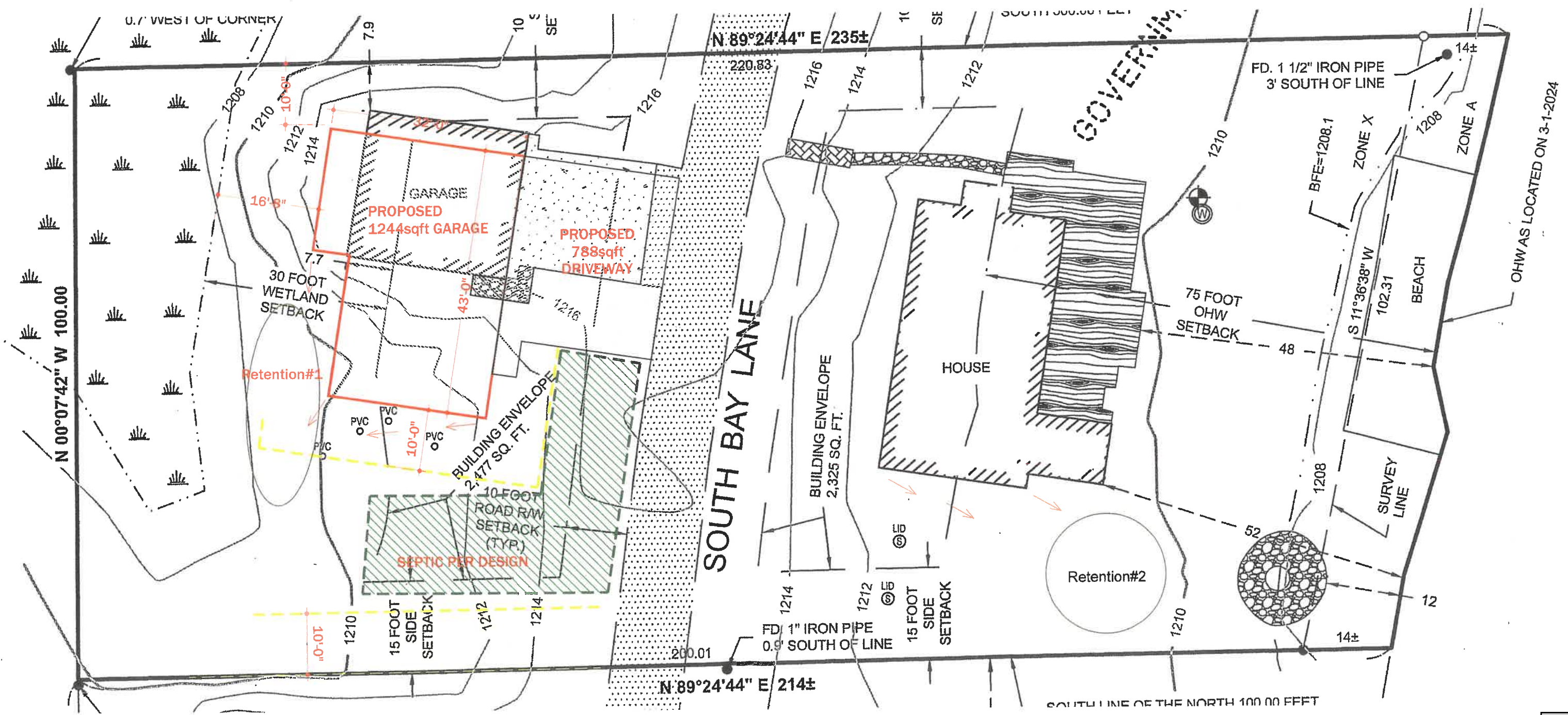


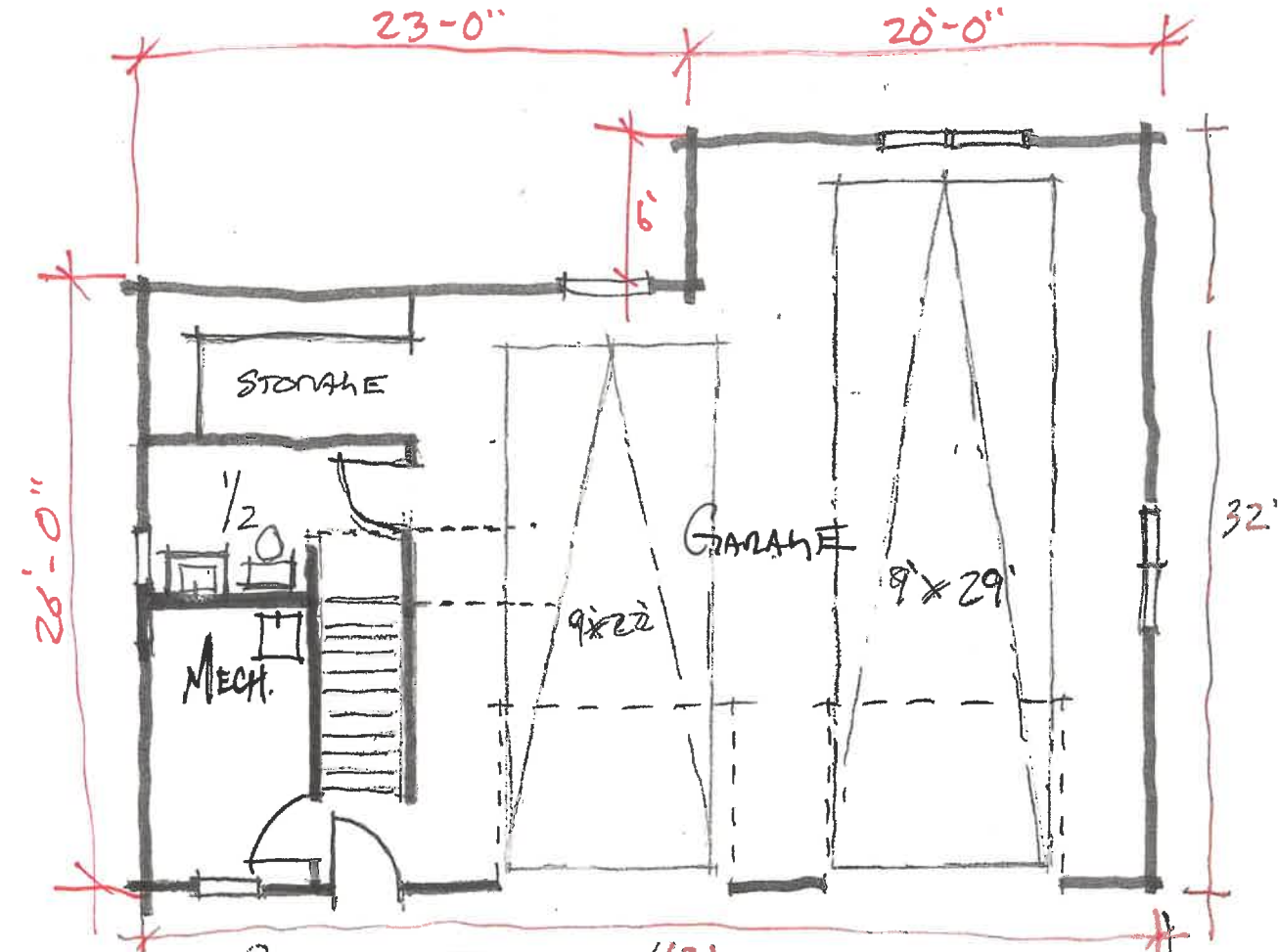
OS  
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# PROPOSED SITE PLAN

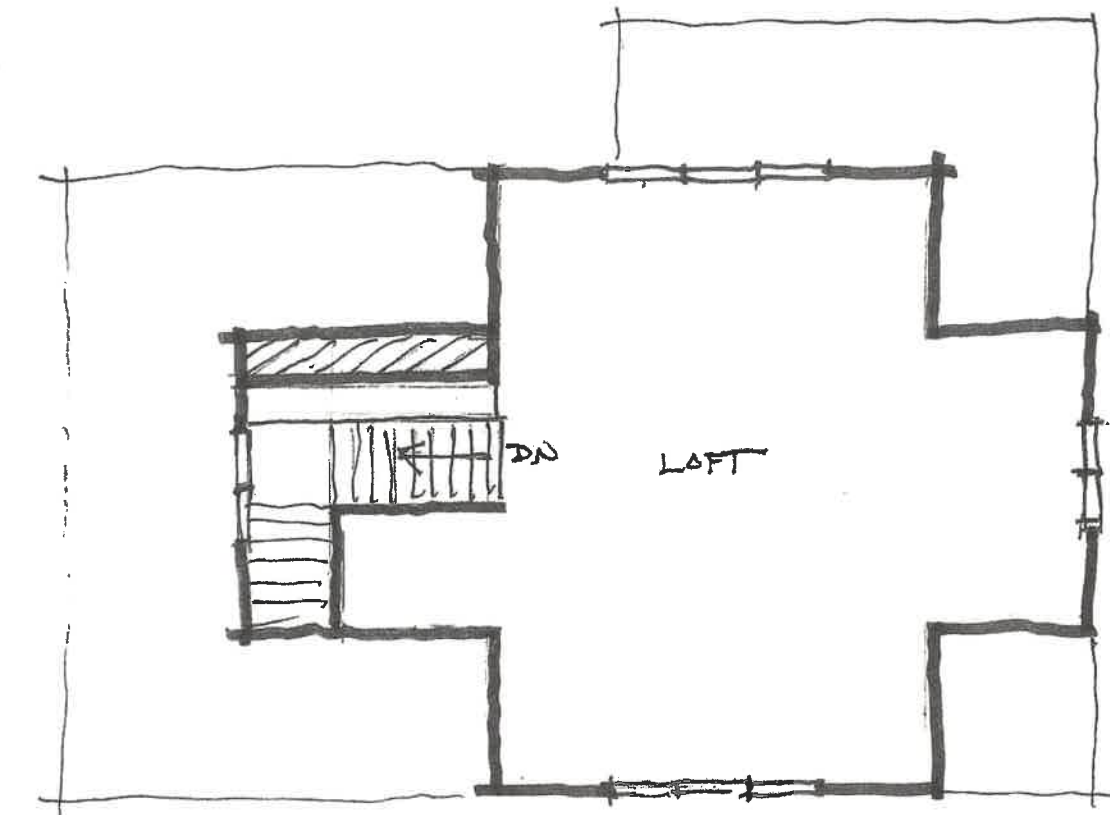
IMPERVIOUS CALCULATIONS			
	Impervious Area (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
HOUSE	1236	21217	5.8%
NEW GARAGE	1244	21217	5.9%
NEW DRIVEWAY	788	21217	3.7%
PAVERS & LANDSCAPING	244	21217	1.2%
<b>Total</b>	<b>7845</b>	<b>21217</b>	<b>16.6%</b>

REQUIRED STORM WATER STORAGE AREA			
(cu. ft.)	Depth (ft.)	Area (sq. ft.)	
			7845 sq. ft. X 0.0833ft = 653 cu. ft.
326.5	1	326.5	Stormwater Retention Garden #1
326.5	1	326.5	Stormwater Retention Garden #2
<b>653</b>		<b>653</b>	<b>Total</b>

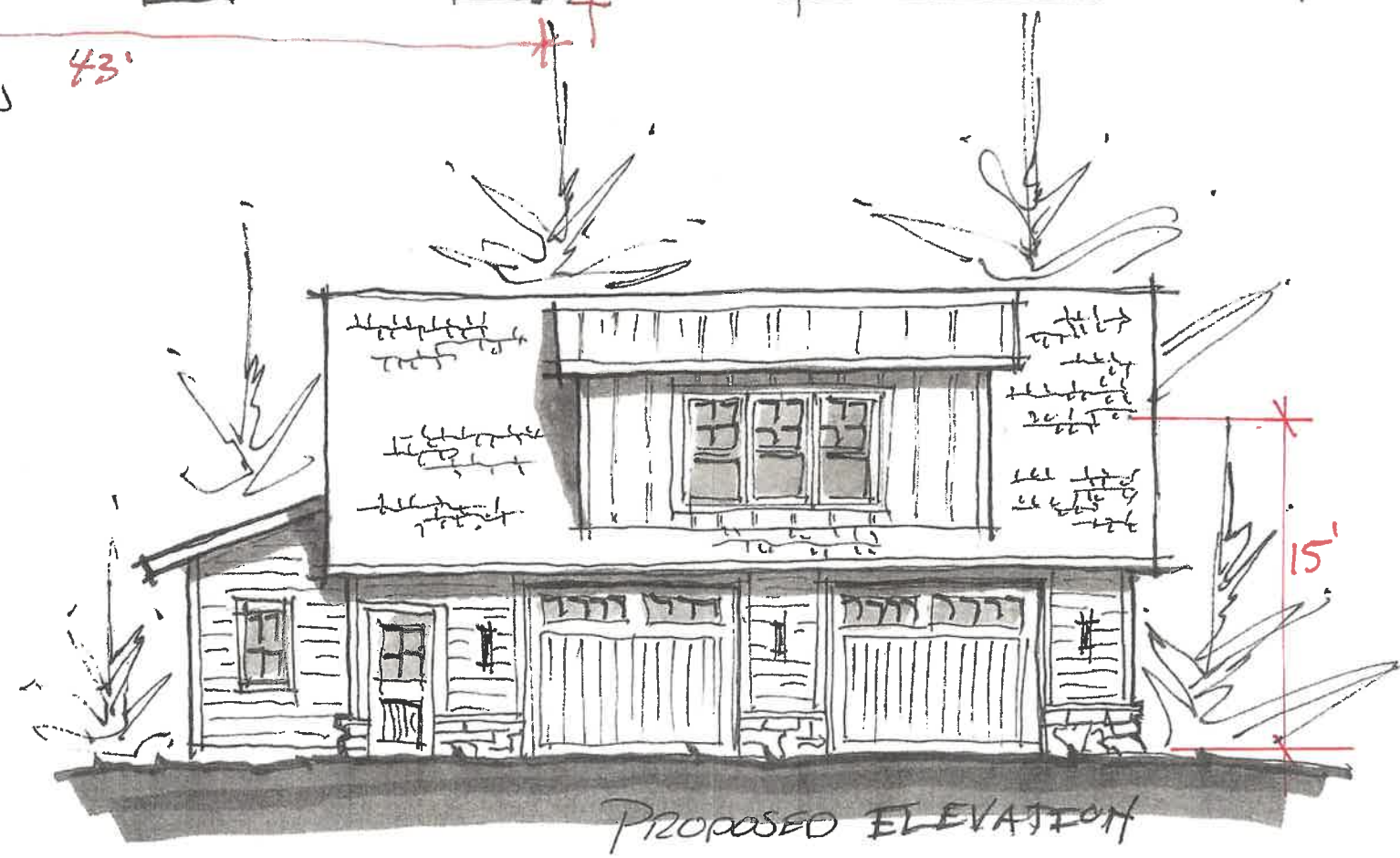




Garage Plan  
1244 SQFT



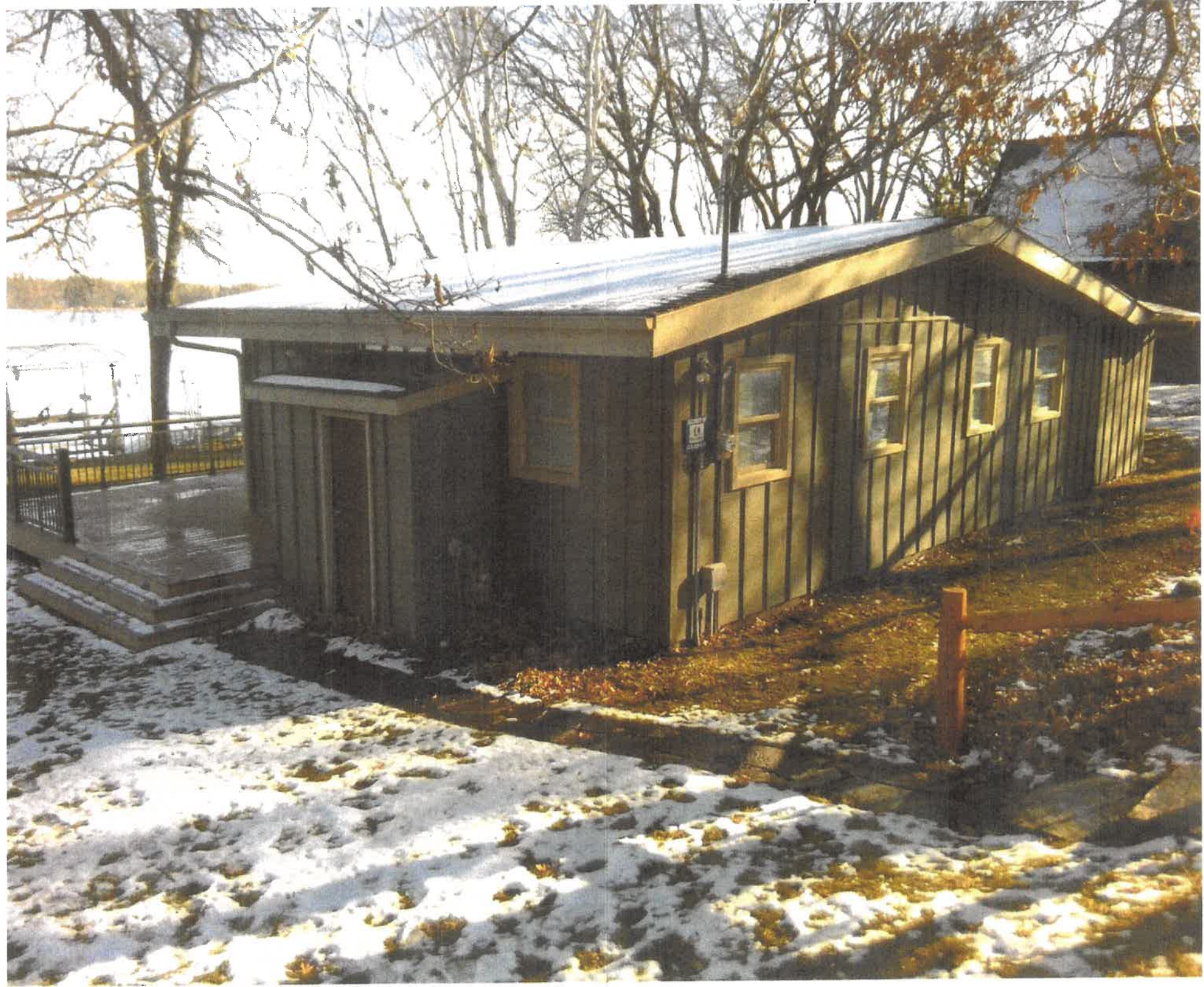
LOFT PLAN



PROJECT Panure Garage  
DATE 07.03.24

marka.design  
218-821-7349

\* PROPOSED GARAGE TO MATCH COLOR SCHEME OF EXISTING CABIN.





TO: Planning Commission  
 FROM: Peter Gansen, Planning & Zoning Administrator  
 RE: Staff Report for V-24-008  
 DATE: August 14, 2024 Regular Meeting

---

Variance Application V-24-008  
 Applicant: Robert & Linda Panure  
 Property Address: 32614 South Bay Lane  
 Legal Description: N. 100 FT OF S. 500 FT OF GOV. LOT 5  
 Parcel ID: 10030682  
 Zoned: R-2 Medium Density

- Applicant has filed the appropriate application for an after-the-fact variance.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350’ were mailed a notice of hearing.
- Public notice was given to the DNR, as the property is in a shoreland overlay district.

Variance Request:

- Is requesting a variance from the required 30ft setback from a wetland to a setback distance of 16ft 8 inches to construct 1244SQFT garage.

Summary of the property

This property was subdivided through metes and bounds prior to land use ordinance adoption.

The property is in a lake shore residential neighborhood bisected by South Bay Lane.

The adjacent neighbor’s properties are similarly developed with a residence on the lake side of the lot and garage or accessory structure on the opposite side of the road.

The wetland is a unique factor to which requires a variance request on this property because the applicant is proposing a structure encroaching into the wetland setback.

The City has adopted wetland setbacks to keep development out of watershed sensitive areas and discourage the development of substandard land/unsuitable areas.

Crow Wing County is the delegatory authority when it comes to impacting wetland with such activities like filling them in, building on them and/or directing unfiltered stormwater discharge into them.

Much of the concern the Planning Commission should consider is how the function of this wetland could potentially be affected by the proposed plans.

Staff see's no significant impact as the wetland still has some buffer and the stormwater plan proposed with the application appears to address and improve onsite stormwater management.

Allowing the variance would move the structure to a conforming area with respect to the property line to the north and improve that current condition as well.

If the Commission applies the strict interpretation of Chapter 153 and the Codes of the City, the applicant could keep the non-conforming structure and maintain it as its dimensions currently exist.

Due to the de minimis nature of the encroachment staff recommends the Commission consider approval, based on the information presented at this time.

The following are recommended findings the Commission can adopt.

Notice of Decision and Findings of Fact

The Planning Commission shall consider the following in its decision and make written findings concerning the variance approval or denial.

- (1) The strict interpretation of the ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner;

**Yes, the wetland is a unique attribute to this property and adversely effects the development potential of the lot.**

- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;

**Yes, the encroachment into the setback is minimal.**

- (3) The land use created by the variance is permitted in the zoning district where the property is located;

**Yes, Seasonal/Year round residential use is allowed in the zoning district.**

(4) The variance will not alter the essential character of the locality;

**Yes, the proposed request is residential similar to the adjacent neighbors. They have similar sized accessory structures on the roadside parts of their lots.**

(5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

**Yes, granting the variance would allow the landowner to comply with today's property line setbacks and improve site drainage/stormwater management.**

The following are recommended conditions.

- 1) **Do not direct any unfiltered stormwater pre or post construction to the wetland.**

City of Breezy Point  
Notice of Public Hearing  
Wednesday, August 14, 2024, 7:00 p.m.  
Breezy Point City Hall

To Whom It May Concern:

Notice is hereby given that the City of Breezy Point Planning Commission / Board of Adjustment will hold a public hearing on Wednesday August 14, 2024 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Variance Application V-24-006  
KERFELD, LOREN JOHN TRUST 3172 ORCHID DR NE SAUK RAPIDS MN 56379. LOT 8, 17TH ADDITION TO BREEZY POINT ESTATES. Parcel 10210839. Is requesting a variance from the from the required road right-of-way setback of 30ft to construct an 8.1ft x 18ft addition, 7.9ft x 22ft addition, 12ft x 6.5ft addition and a 16.3ft x 6ft addition onto an existing non-conforming residence located 8.8ft from the road right-of-way. Zoned R-2.

Variance Application V-24-007  
SCHUETZ, MICHAEL R & FONDA J 29853 SHOREVIEW LANE BREEZY POINT MN 56472. LOT 7, 17TH ADDITION TO BREEZY POINT ESTATES. Parcel 10210840. Is requesting a from the required road right-of-way setback of 30ft to construct an 8ft x 18ft addition, 7.8ft x 22ft addition and a 6ft x 16.3ft addition onto an existing non-conforming residence located 11ft from the road right-of-way. Zoned R-2.

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Public is invited to attend and be heard on these matters.

Peter Gansen  
Planning & Zoning Administrator  
City of Breezy Point  
218-569-1003  
[pgansen@cityofbreezypointmn.us](mailto:pgansen@cityofbreezypointmn.us)

Echo Journal July 31, 2024



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8319 County Road 11  
 Breezy Point, MN 56472  
 Phone: (218) 562-4093  
 Fax: (218) 562-4486  
[www.cityofbreezypointmn.us](http://www.cityofbreezypointmn.us)

Received by City:	2/24/20	Section 7, Item D.
Application Number:	U-24-009	
Non-refundable Fee Paid:	250-	
Receipt #:	23569	

# Variance Application

Name of Applicant Joseph & Bonnie Stroinski  
 Address 30982 Wolf Lane  
 City, State, Zip Breezy Point, MN 56472  
 Phone 218 838-3070 Alternate Phone 218-232-0634

Physical Address / Location of Property 30982 Wolf Lane, B.P.

Legal Description of Property Lots 40 & 41, 14<sup>th</sup> Addn to Breezy Point Estates, Sec 16, Twp 136N, Range 28W

Parcel ID Number 10161523 Zoning District R3

Applicant is:	Title Holder of Property (if different than applicant):
<input checked="" type="checkbox"/> Legal Owner of Property	Name _____
<input type="checkbox"/> Contract Buyer	Address _____
<input type="checkbox"/> Option Holder	City, State, ZIP _____
<input type="checkbox"/> Agent	Phone _____
<input type="checkbox"/> Other _____	

State the nature of your request in detail. What are you proposing for your property?  
Enclose back patio and add 1/2 Bath.

Signature of Owner, authorizing application Bonnie J. Stroinski  
 (By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner) \_\_\_\_\_  
 (By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

**\*By signing above, I acknowledge that I understand that I am responsible for all fees incurred by the City as a result of professional services provided by the City Engineer, City Attorney, and other contracted agencies in reviewing my application.\***

**APPLICANTS, PLEASE NOTE:** Pursuant to the Breezy Point Zoning Ordinance, the applicant should be prepared to explain the unique situation on the property that requires the proposed variance. The Zoning Ordinance defines a hardship as the follows: "A hardship exists if the property in question cannot be reasonably utilized under the conditions allowed by the official controls, if the plight of the landowner is due to circumstances unique to the property"

and not of his own making, and the variance (if granted) would not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship as reasonable use of utilization of the property exists under the terms of the Ordinance."

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: enclose cement area of back patio

Landscaping: N/A

Parking/Signs: N/A

2. What are the unique circumstances of the property (parcel size, shape, topography, or other characteristics not created by the landowner) that make strict interpretation of the Ordinance impractical?

set back from Weaver's Point Road is NOT in compliance with existing 35' setback.

3. How is granting this variance consistent with the intent of the City of Breezy Point Zoning Ordinance?

patio is NOT near any set-back or property line

4. How will reasonable use of the property be deprived if the variance is not granted?

as is

5. What other options, either conforming or non-conforming, have been considered and why were those options not chosen?

this is less expensive than doing an addition to the house

6. Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

NONE - NOT close to anyone else

7. Describe the character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

old neighborhood. Newest building is the Deacon's

8. Discuss any environmental limitations of the site or the area that limit building in other areas.

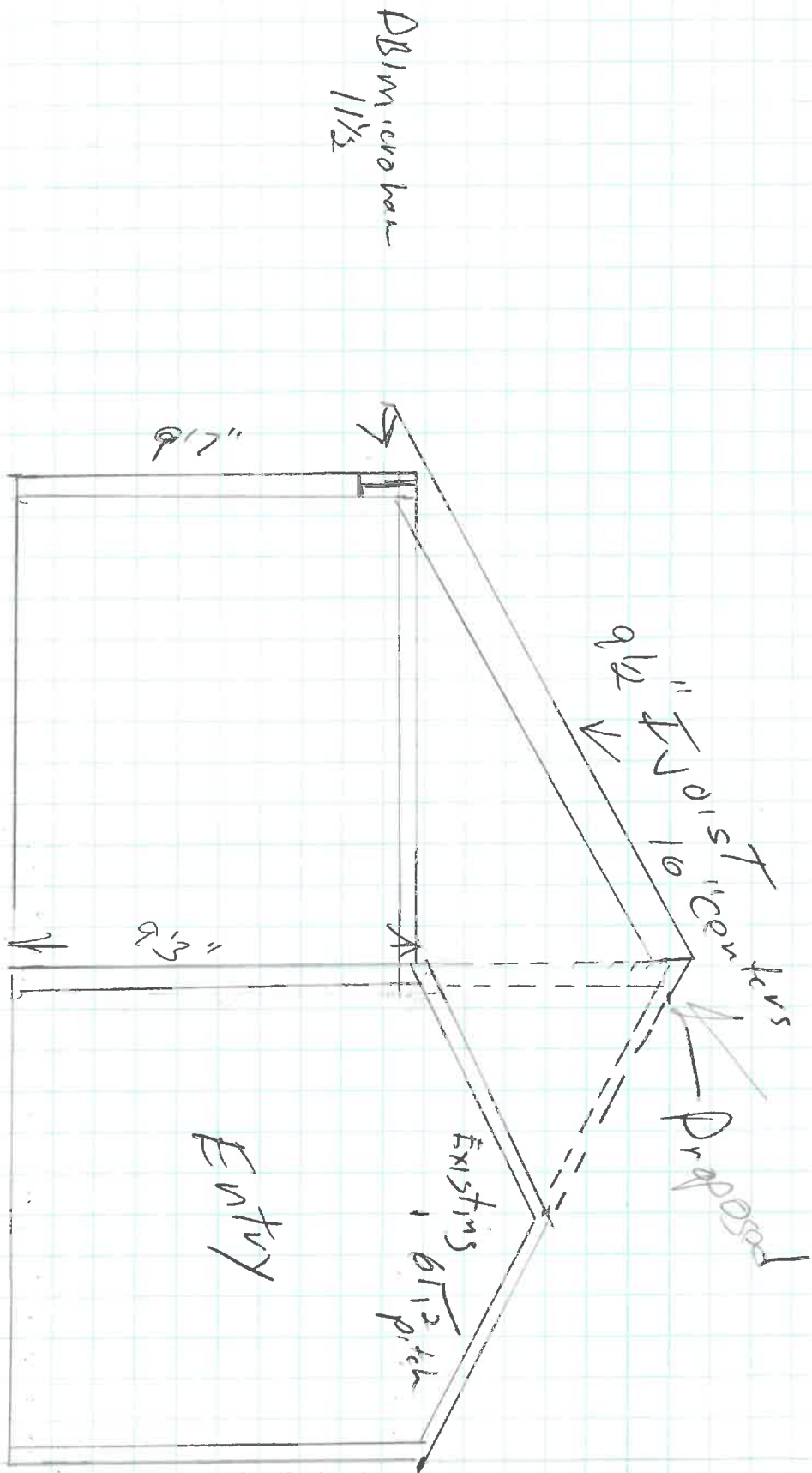
No - you cannot see this from the road or neighbors

9. Please include any other comments pertinent to this request.

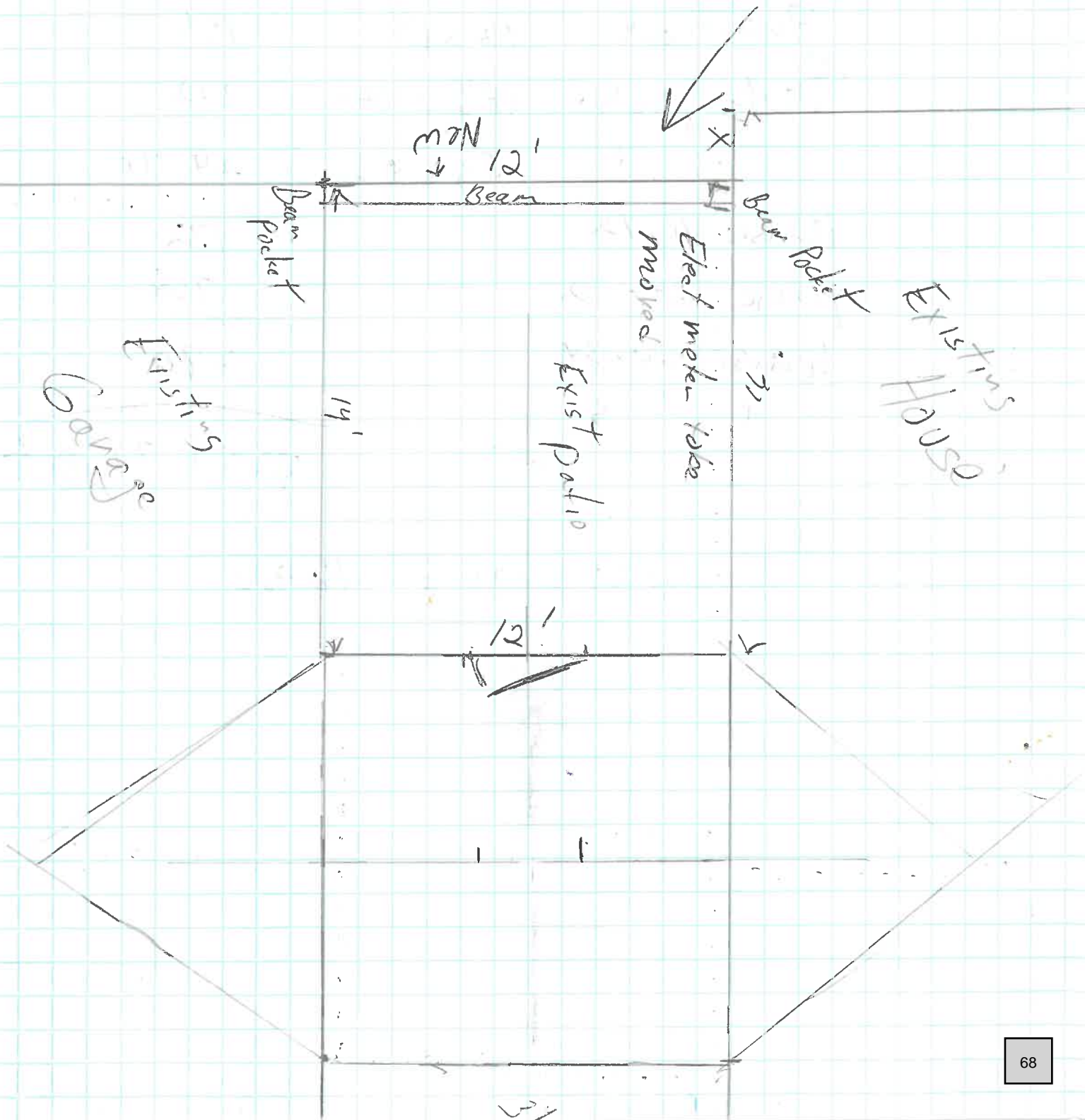
**INSTRUCTIONS TO THE APPLICANT**

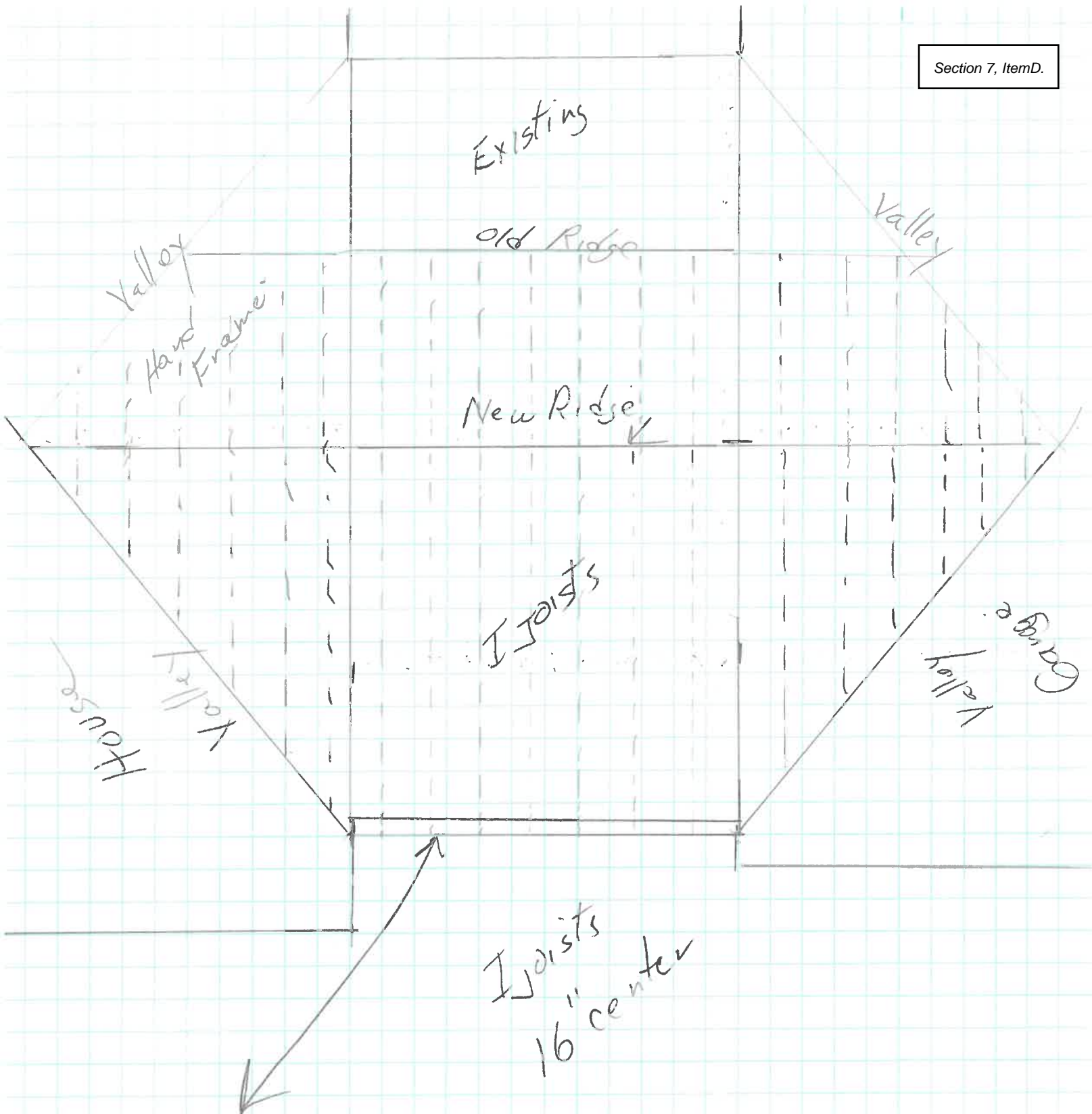
Completed applications, with all submittal requirements, must be submitted to the Planning & Zoning Department no fewer than 25 days prior to the meeting date. In order for your application to be accepted as complete, and to have a public hearing scheduled, the following

- 1. This application must be completed, including responses to all parts of this application.
- 2. The required fee must be paid. See fee schedule for details.
- 3. Certificate of Survey with the following information, as a minimum, unless waived by the Planning Commission / Board of Adjustment.
  - Legal description of the site.
  - Site plan, prepared by a licensed surveyor, showing parcel and existing structure dimension, water features, and 10 foot contour lines (smaller contour lines may be required if deemed necessary by the Planning Department, Planning Commission, or City Council).
  - Location of all structures and their square footage.
  - Existing and proposed curb cuts, driveways, access roads, turn-arounds, parking including RV, boat and additional vehicle storage, off-street loading, and sidewalks. Size and type of surface should also be included.
  - Proposed landscaping and screening plans: garbage dumpsters, areas preserved in natural state including buffer areas, areas to be developed into lawn (grass), areas to be covered by woodchips or mulch, garden areas, shrubbery, types, size, age, and number of proposed trees and their locations, exterior lighting to be proposed including location and type, any other items deemed appropriate.
  - Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
  - Proposed drainage plan.
  - Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
  - Soils data showing capability for building and on-site sewage treatment.
  - Existing iron pipe boundary monuments marked with proof of survey.
  - Approximate location of any proposed signs (if applicable).
- 4. Color scheme for all existing and proposed structures.
- 5. Outside storage proposal.
- 6. Elevation plans for all existing and proposed structures.



12" DB | 1 1/2 Micro/lam





Existing

Old Ridge

Valley

Valley

House Valley  
House

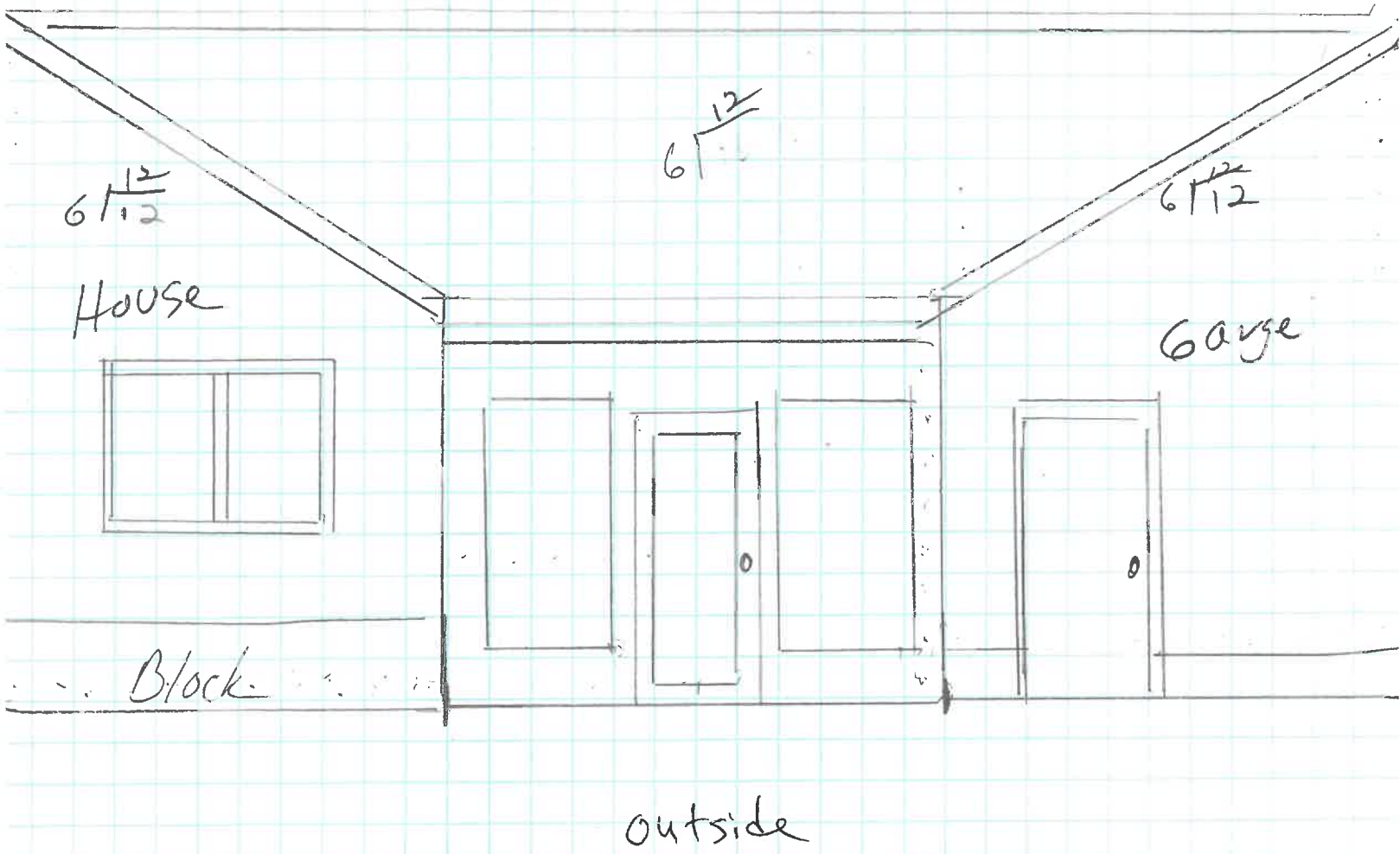
New Ridge

Joists

Garage Valley  
Garage

Joists  
16" center

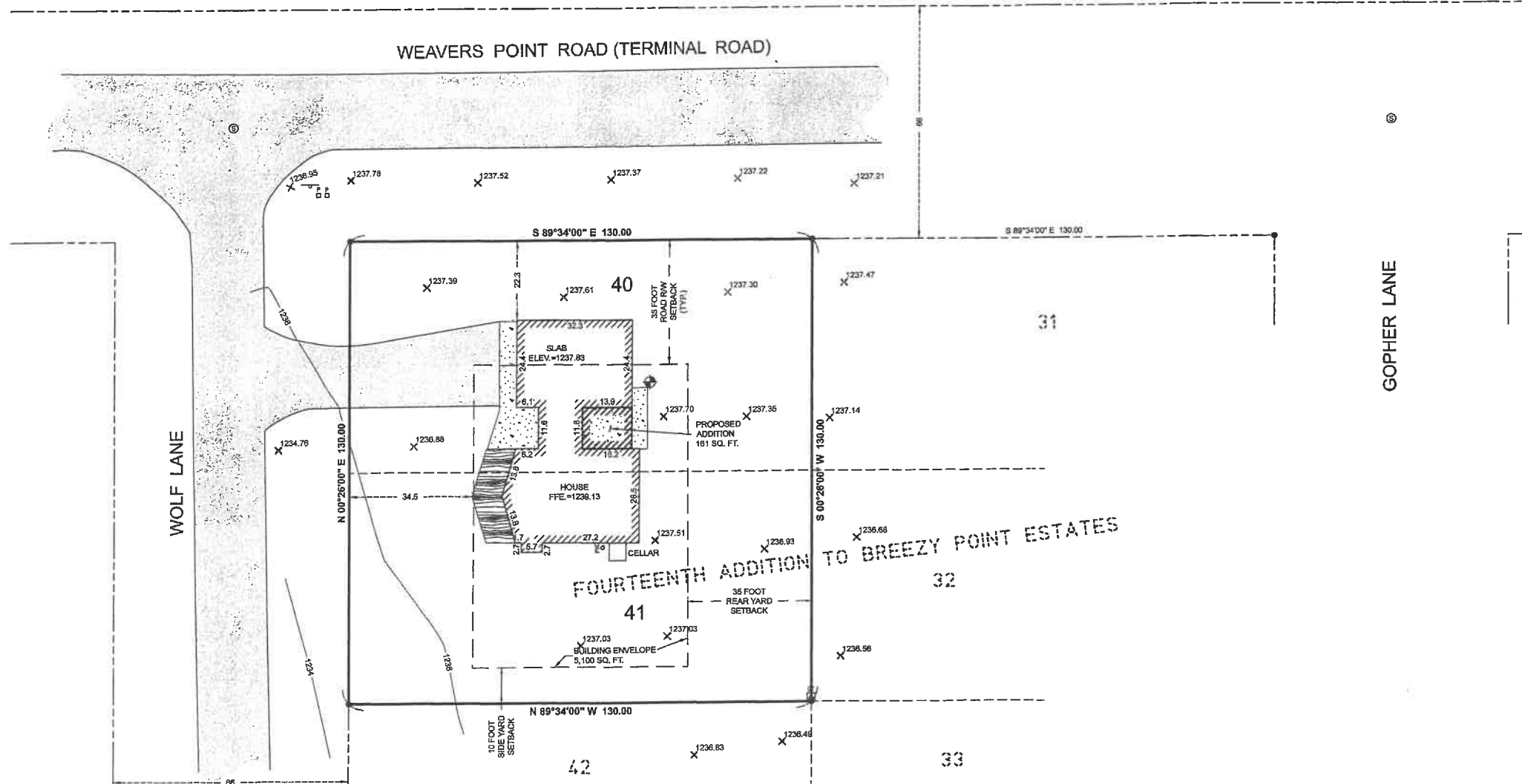
Dbl 1 1/2 microtan  
Joist hangers where  
required





# CERTIFICATE OF SURVEY

LOTS 40 AND 41, FOURTEENTH ADDITION TO BREEZY POINT ESTATES,  
SECTION 16, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA  
16,900 SQ. FT. / 0.4 ACRES



**LEGAL DESCRIPTION PER DOCUMENT NUMBER A-902528**  
Lots 40 and 41, 14th Addition to Breezy Point Estates, Crow Wing County, Minnesota  
together with all hereditaments and appurtenances.

### LEGEND

- DENOTES EXISTING SIGN(S)
- DENOTES EDGE OF EXISTING BITUMINIOUS
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING WOODEN DECKING
- DENOTES EXISTING INTERMEDIATE CONTOURS
- DENOTES SPOT ELEVATION (EXISTING GRADE)
- DENOTES EXISTING GROUND TRANSFORMER
- DENOTES EXISTING SANITARY SEWER MANHOLE
- DENOTES EXISTING SEPTIC TANK VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
- BENCHMARK**  
CORNER OF CONCRETE SLAB  
ELEV. = 1237.77  
BASED ON NGVD 29 DATUM
- DENOTES MONUMENT FOUND

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE RECORDED PLAT OF FOURTEENTH ADDITION TO BREEZY POINT ESTATES.

### NOTES:

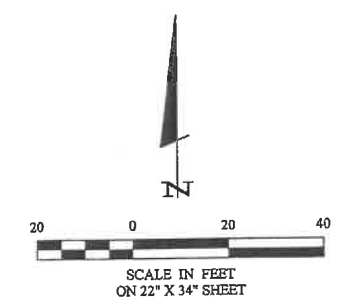
1. Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 6-26-2024.
2. Zoning for subject tract = "Original Neighborhood (R-3), Sewered".
3. Parcel ID of subject parcel: 10161523.
4. The E911 address of subject parcel: 30982 Wolf Lane.
5. Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
6. There are no bluffs within surveyed property.
7. Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
8. National Wetland Inventory Report shows no wetlands within subject property.

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House & Cellar	1,939	16,900	11.5%
Concrete	485	16,900	2.9%
Deck	216	16,900	1.3%
Bituminous Driveway	850	16,900	5.0%
<b>Total</b>	<b>3,500</b>	<b>16,900</b>	<b>20.7%</b>

**IMPERVIOUS CALCULATIONS**

PROPOSED	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House & Cellar	1,939	16,900	11.5%
Concrete	334	16,900	2.0%
Deck	216	16,900	1.3%
Bituminous Driveway	850	16,900	5.0%
Proposed Addition	181	16,900	1.0%
<b>Total</b>	<b>3,500</b>	<b>16,900</b>	<b>20.7%</b>



30206 Reageness  
Suite 1  
P. O. Box 874  
Pequot Lakes, MN  
218-568-4940  
www.stonemarksurvey.com

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Christina M. Hilde*  
DATE: 7/3/2024 LIC. NO. 441881

REVISIONS	DESCRIPTION	DATE	BY

PROJECT No.: 24123  
CHECKED: CMH  
PROJECT MANAGER: CMH

DATE: 7-3-2024  
SCALE: 1"=20'  
FILE NAME: C24123.dwg  
FIELD BOOK: BOOK 474 PG. 14

VERT. NONE

CERTIFICATE OF SURVEY

Bonnie Stroinski  
30982 Wolf Lane  
Breezy Point, Minnesota

SHEET 1



TO: Planning Commission  
FROM: Peter Gansen, Planning & Zoning Administrator  
RE: Staff Report for V-24-009  
DATE: August 14, 2024 Regular Meeting

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Variance Application V-24-009  
Applicant: Bonnie & Joseph Stroinski  
Property Address: 30982 WOLF LN  
Legal Description: LOTS 40 AND 41 FOURTEENTH ADDITION TO BREEZY POINT  
Parcel ID: 10161523  
Zoned: R-3 Original Neighborhood

- Applicant has filed the appropriate application.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350’ were mailed a notice of hearing.
- Public notice was not given to the DNR, as the property is not in a shoreland overlay district.

Variance Request:

- Is requesting a variance from the required road right-of-way setback of 30ft setback to construct a 11.6ft x 13.9ft addition onto an existing non-conforming residence located 22.3ft from the road right-of-way.

Summary of the property

This property was platted\subdivided in 1964 as the 14<sup>th</sup> addition to Breezy Point Estates prior to land use ordinance adoption.

The property is in a residential neighborhood.

The adjacent neighbor’s properties are similarly developed with single-family year-round residences.

The City has established structural setbacks from roads and associated right-of-way to keep travel corridors clear, promote safe travel, site lines at intersections and provide areas that do not have structures that could interfere with right of way maintenance and utilities etc.,

The proposed addition meets the right-of-way setback, however the existing structure does not and is therefore considered non-conforming and requires variance approval for any structural expansion.

This is common language in ordinances. It provides a mechanism that allows communities the opportunity to review additions to non-conforming buildings. If the structure is grossly non-conforming public safety hazard the community can disallow expansion.

On the other hand, some ordinances allow expansions without a variance to non-conforming buildings when setbacks can be met by the addition. This has proved to be problematic in cases where a city would not wish to allow or encourage an enlargement of a nonconforming use.

The Planning Commission should consider how approving this variance could affect the functional safety and maintenance of the right-of-way in this immediate area.

Staff see's no significant impact to the road right-of-way as the addition is meeting setbacks.

If the Commission applies the strict interpretation of Chapter 153 and the Codes of the City, the applicant would not be allowed to increase the size of the structure.

Due to the de minimis nature of the non-conformity and the addition meeting all setbacks staff recommends the Commission consider approval, based on the information presented at this time.

The following are recommended findings the Commission can adopt.

Notice of Decision and Findings of Fact

The Planning Commission shall consider the following in its decision and make written findings concerning the variance approval or denial.

- (1) The strict interpretation of the ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner;

**Yes, the structure was built non-conforming without anyone's knowledge.**

- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;

**Yes, the structures location is non-conforming, but the addition meets all setbacks.**

(3) The land use created by the variance is permitted in the zoning district where the property is located;

**Yes, Seasonal/Year round residential use is allowed in the zoning district.**

(4) The variance will not alter the essential character of the locality;

**Yes, the proposed request is residential similar to the adjacent neighbors and shares the same setback as the residence across the street.**

(5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

**Yes, without the variance the landowner would not be allowed this addition. See findings 1-5.**

The following are recommended conditions.

- 1) **None.**

City of Breezy Point  
Notice of Public Hearing  
Wednesday, August 14, 2024, 7:00 p.m.  
Breezy Point City Hall

To Whom It May Concern:

Notice is hereby given that the City of Breezy Point Planning Commission / Board of Adjustment will hold a public hearing on Wednesday August 14, 2024 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Variance Application V-24-006  
KERFELD, LOREN JOHN TRUST 3172 ORCHID DR NE SAUK RAPIDS MN 56379. LOT 8, 17TH ADDITION TO BREEZY POINT ESTATES. Parcel 10210839. Is requesting a variance from the from the required road right-of-way setback of 30ft to construct an 8.1ft x 18ft addition, 7.9ft x 22ft addition, 12ft x 6.5ft addition and a 16.3ft x 6ft addition onto an existing non-conforming residence located 8.8ft from the road right-of-way. Zoned R-2.

Variance Application V-24-007  
SCHUETZ, MICHAEL R & FONDA J 29853 SHOREVIEW LANE BREEZY POINT MN 56472. LOT 7, 17TH ADDITION TO BREEZY POINT ESTATES. Parcel 10210840. Is requesting a from the required road right-of-way setback of 30ft to construct an 8ft x 18ft addition, 7.8ft x 22ft addition and a 6ft x 16.3ft addition onto an existing non-conforming residence located 11ft from the road right-of-way. Zoned R-2.

Variance Application V-24-008  
PANURE, ROBERT W & LINDA A 6501 CHEROKEE TRAIL W EDEN PRAIRIE MN 55344. N. 100 FT OF S. 500 FT OF GOV. LOT 5. Parcel 10030682. Is requesting a variance from the required 30ft setback from a wetland to a setback distance of 16ft 8 inches to construct 1244SQFT garage. Zoned R-2.

Variance Application V-24-009  
STROINSKI, BONNIE LYNN & JOSEPH G 30982 WOLF LN BREEZY POINT MN 56472. LOTS 40 AND 41 FOURTEENTH ADDITION TO BREEZY POINT ESTATES. Parcel 10161523. Is requesting a variance from the required road right-of-way setback of 30ft setback to construct a 11.6ft x 13.9ft addition onto an existing non-conforming residence located 22.3ft from the road right-of-way. Zoned R-2.

A notice relative to above listed requests is sent to all property owners located within 350 feet of the applicant’s property. Please share this information with your neighbor in the event that any property owner has been missed, or that our records are not correct.

Public is invited to attend and be heard on these matters.

Peter Gansen  
Planning & Zoning Administrator  
City of Breezy Point  
218-569-1003  
[pgansen@cityofbreezypointmn.us](mailto:pgansen@cityofbreezypointmn.us)

Echo Journal July 31, 2024

