



PLANNING COMMISSION/BOARD OF ADJUSTMENT

Tuesday, December 10, 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

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL/AMENDMENT OF THE AGENDA
5. OPEN FORUM

APPROVAL OF MINUTES

[November](#) 12, 2024 Planning Commission Minutes

6. NEW BUSINESS

[A.](#) Variance V-24-013 Pysick

7. OLD BUSINESS

8. STAFF REPORTS

[A.](#) 2025 Planning Commission Meeting Schedule

9. COMMISSIONER REPORTS

10. ADJOURN

Breezy Point Planning Commission/Board of Adjustment

**November 12, 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 Lee Brisbin, Board Chair Marcy Weaver, Teddy Zierden, Roger Theis, Planning and Zoning Administrator Peter Gansen and Deputy Clerk Deb Runksmeier. Those absent Joe Ayers.

Approval of Agenda

Motion Theis/Brisbin to approve Agenda, Motion Carried 4-0.

Open Forum

No one spoke.

Approval of 10/8/2024 Regular Meeting Minutes

Motion Zierden/Theis to approve the minutes as written, Motion carried 4-0.

New Business

A. IUP Application I-24-001 Grunzke

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.

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

The Chair asked what staff typically sees for a time frame on an IUP such as this.

Gansen, some IUPs require renewal every 5 years and the Commission can set a timeline for renewal or expiration.

Chair, it appears one of the proposed conditions would make the IUP expire upon property ownership change or property transfer.

Gansen, yes I think that would be sufficient for the proposed use.

The Chair asked if there were any other questions pertaining to the staff report.

None.

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

Nick Grunzke, 32060 Huron Circle Breezy Point, MN.

Grunzke, this is a project myself and my wife would like to pursue. We plan on updating the property for this project. The fencing would be well away from the property. There are three sections for grazing on-site and we plan on managing the manure associated with the animal on-site.

Theis, technically they could have 4 horses based on the density allowance in the ordinance.

Grunzke, that would be kinda of expensive to have four horses.

Grunzke asked if there was a time limit for having a horse on the property.

Gansen, yes the Commission can set a time frame on the IUP for expiration. Right now property ownership change is the recommended trigger point for that.

Gansen spoke about some of the purposed of IUPs being a land use tool that allows Cities to better manage land use as the dynamics of development in Cities changes over the years.

Gansen specified the requirement would be on a deed change whether adding an owner or modifying the deed.

Grunzke, I would want to come in and reapply for this when my property would transfer to my son?

Gansen, yes.

The Chair, I appreciate the reply to that as we understand the scope of the project's times frame.

The Chair asked the Commission if they had any concerns or questions pertaining to the application at this time.

There were none.

The Chair called for audience comment.

Wendy Johnson, 9023 1st Avenue Breezy Point, MN.

Johnson, did the applicant say he was just going to have one horse for now? Is the fence electric or boards?

The Chair asked Gansen what the proposed fence material would be.

Gansen, I would need to defer to the applicant to reply to that question. The City does have a fence ordinance that prohibits certain materials and dimensions, regardless of the outcome of this request.

Johnson, where does the applicant live?

Grunzke, we currently live on Huron Circle in town here.

Johnson, so you live a mile and half away? What happens when the horse gets out and you are not there see that happen?

Grunzke, we plan on selling our house and building a house here where we will keep the horse.

Johson, are you going to build prior to getting the animal.

Grunzke, we are going to move there before getting the animal.

The Chair asked for any other public comment.

There were none.

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

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

Recommended Conditions:

- 1) All stormwater runoff associated with the pasture area must be maintained onsite.
- 2) Any deviation from the submitted plan requires prior administrative approval from the City up to and including the Planning Commission.
- 3) IUP shall expire upon property ownership transfer/change or modification of property deed.
- 4) Animal units not to exceed ordinance limits.
- 5) Any violation of the conditions of this permit or use of the subject property shall terminate this permit.

The Chair opened the meeting to Board deliberation on the findings and proposed conditions.

Theis, so we do not want to put a time limit on this?

Chair, yes it would be upon a property transfer do you have a different consideration.

Theis, I think it should be five years.

Zierden, I think transfer of property is fine. Because they are going to be living on the property then the have to come back before a different Planning Commission in five years it puts the property owner in a difficult situation. It makes sense to extend the IUP to the ownership of the property.

Chair, does the applicant need to come before the Board if they add more than one.

Gansen, if the IUP is approved they would be good for 4 horses per ordinance.

If they wanted more than Ordinance allowed, they would have to apply for variance, which has completely different considerations than an interim use permit.

Thies, how about two horses and two cows?

Gansen, yes four animal units.

Gansen spoke about how time frames for vacation rentals managed through IUP's in some municipalities started off very strict requiring renewals every three years then over the years as Communities found most rentals to be nonproblematic they rolled the renewals back to five years then basically now just do over the counter renewals without public hearings. However with a use like this the IUP allows you to extend this use to ONLY this landowner, so it's not something like a CUP that runs legacy with the land despite ownership change.

Gansen, due to a proposed owner-occupied dwelling on site I think it would be appropriate to tie the permit time frame to property ownership. However, if the Board feels a different time frame is needed the Commission can certainly set that parameter.

Chair, how about if the IUP was based on a limit on animals the applicant would have to come back in for that consideration?

Thies, this seems very open ended to me. I know we did an IUP on sheep years ago and that really blew up on us.

Gansen, all good points to consider.

Thies, there really should be a time cap on this.

Gansen, good point. Perhaps Buschman Road is substantially modified, now the situation is much different. As staff I am comfortable with property ownership change however, if the Board wants it to be less, absolutely do so and we will manage the permit based on that.

Thies, I know ones we did in the past were three years. It's pretty easy and inexpensive to apply for a new one with the City.

Gansen, yes however they cannot go over four horses period.

Thies, what about chickens.

Gansen, that would be a different permit the City has for specific regs on chickens.

Chair, condition number two states: Any deviation from the submitted plan requires prior administrative approval from the City up to and including the Planning Commission. To me this seems quite clear that any change in the plan from what was presented here today or there was question on something the applicant would need to come back before the Commission.

Theis, good point.

Chair, are there any other concerns?

Zierden, do we want to change condition number four to list horses not exceed (four horses) to be very clear?

Chair, we could modify this read horse units.

Grunzke, technically equine.

Zierden, would that consider other animals then perhaps a donkey.

Gansen, good point a donkey could be something much louder.

Zierden, that's why I would want the condition to be specific to (horses only)

Chair, I would like to point out that condition number two is very specific. If the plan is changed from what is before the Commission today, the applicant could be required to come back before the Commission.

Theis, the applicant stated he may have two horses.

Chair, the application that is in front of us today only proposes one horse. Any deviation from this plan would require the applicant to come back before the Commission.

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

None.

The Chair asked for a motion.

Zierden made a motion to approve.

With the five recommended conditions:

- 1) All stormwater runoff associated with the pasture area must be maintained onsite.
- 2) Any deviation from the submitted plan requires prior administrative approval from the City up to and including the Planning Commission.
- 3) IUP shall expire upon property ownership transfer/change or modification of property deed.
- 4) Animal units not to exceed ordinance limits.
- 5) Any violation of the conditions of this permit or use of the subject property shall terminate this permit.

Theis, no changes to condition number four?

Zierden, correct no changes to condition number four.

The Chair asked for a second to the motion.

Brisbin seconded.

All members voting 4-0 to approve IUP Application I-24-001.

Conditions:

- 1) All stormwater runoff associated with the pasture area must be maintained onsite.**
- 2) Any deviation from the submitted plan requires prior administrative approval from the City up to and including the Planning Commission.**
- 3) IUP shall expire upon property ownership transfer/change or modification of property deed.**
- 4) Animal units not to exceed ordinance limits.**
- 5) Any violation of the conditions of this permit or use of the subject property shall terminate this permit.**

See file for findings and notice of decision.

B. CUP Application C-24-005 Gruenhagen.

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.

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

None.

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

Terry Gruenhagen, 8959 Ossawinnamakee Road Breezy Point, MN. We also have a home and mailing address in Minneapolis, and you can find that address in the application.

Gruenhagen, my wife and I purchased this property about five years ago, with the intentions to retire, sell our house in Minneapolis, and move here full time. We initially built the existing garage with living space in the attic above as a place to store the pontoon and have space to stay when we are up at the lake. Let me know if you have any questions.

The Chair asked the Commission if they had any concerns or questions pertaining to the application.

Theis, so the existing garage is going to be remodeled.

Gruenhagen, no. We are proposing to use the garage exactly as it is. Jerry Bohnsack told us in order to have the living area we had to dedicate the upstairs area as living space. Now we want to build a new home and designate this as our primary residence.

Theis, so the new home will be within the building envelope? That seems to be rare on Lake Ossie.

Gruenhagen, correct the proposed house will meet all setbacks.

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

None.

The Chair called for audience comment.

None.

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

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

Theis, as far as getting the permit for the dwelling, it is a fairly straight forward process.

Gansen, correct I misspoke, they are not going to remodel the garage.

Zierden, so they used garage to live in before they built a house.

Gansen, correct when they permitted the garage it was classified as the primary residence as it was the only structure on the property with dwelling quarters.

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

See findings on file.

None.

The Chair asked for a motion.

Theis made a motion to approve with one condition.

1) Guest dwelling/living quarters must not exceed 700 square feet.

The Chair asked for a second to the motion.

Zierden seconded.

All members voting 4-0 to approve CUP Application C-24-005.

Conditions:

1) Guest dwelling/living quarters must not exceed 700 square feet.

C. Cannabis Ordinance.

The Commission Chair Weaver asked the for the staff report on the agenda item.

Gansen, the City currently has a moratorium placed on cannabis related uses that is set to expire on December 31, 2024. This means the City needs to have rules in place in the event someone makes a request for a cannabis use in 2025 that the City is prepared to respond with a process for that.

City Council is adopting an ordinance addressing cannabis related uses and this means the Planning Commission is involved because it is related to land use.

Crow Wing County essentially gets to decide where they want the Cannabis related uses through out the County. We may get none, we may get several requests.

The language proposed here is essentially the same as the City of Brainerd and Nisswa.

Where it will only be considered in a commercial district.

Theis will they be able to grow here.

Gansen, no. Not commercially. The only proposal is retail sales in the commercial zoning districts.

City Council will likely enact the most stringent setback relating to this use.

Runksmeier, yes Crow Wing County will need to manage where these 6 locations in the County exist whether that's all in Brainerd or spread out.

Theis, and this proposed ordinance language comes from where?

Gansen, we took it from the City of Brainerd.

Chair, and we can see the proposed setback relating to the use.

Theis, well there's always someone that want to push those limits.

Gansen, this would provide a starting point for the process.

Chair, our job tonight is to review the proposed ordinance amendments and edits and make a recomention to the City Council.

Gansen, correct.

The Chair made a motion, on a recommendation to City Council to consider the proposed ordinance changes and edits.

Zierden, should all of sections be referenced to be included?

The Chair modified the motion to include all proposed sections.

Zierden seconded the motion.

All members voting 4-0 to recommend City Council to consider the proposed ordinance changes and edits.

See draft ordinance on file.

The Chair called for any old business

Old Business

A. None.

The Chair called for staff reports.

Staff Reports

Gansen updated the Commission on the Sourcewell training if anyone is interested in going. Interim City Administrator, Jerry Bohnsack and will likely begin the recruitment process for the City Administrator. This is likely a couple months out.

There will likely be a couple applications at the next meeting if the applicants can get their surveys completed before the submittal deadline.

The next PC meeting is Tuesday, December 10th.

That concludes the staff report.

Also noting the City will have a new Mayor effective January 2025, so we have sidelined the ordinance updates until then due to Council changes, Administrator changes and the new building construction.

Theis, what's the time line for the new addition?

Gansen, this meeting space will be shut down after the December meeting and we will have additional resources for meetings which include the Conservation Club or the Police Departments meeting room.

The Chair asked for any Commissioner reports.

Commissioner reports

A. None.

There being no further business the meeting adjourned at 8:56 p.m.

Submitted by Peter Gansen
Planning & Zoning Administrator.

DRAFT

City of Breezy Point
Notice of Public Hearing
Tuesday December 10, 2024, 7:00 p.m.
Breezy Point City Hall

To Whom It May Concern:

Notice is hereby given the City of Breezy Point Planning Commission / Board of Adjustment will hold a public hearing on December 10, 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-24-013

STUART & PAULA PYSICK, 140 COUNTY ROAD 112 SW WATERTOWN, MN 55388.
Are requesting a variance from the required 75 foot ordinary high water level setback on a general development lake (Pelican), a variance from the required 10 foot property line setback and a variance from the maximum impervious surface allowance of 25% to construct a 5ft x 14ft addition onto an existing non-conforming residence located by 71ft from ordinary high water level, 9.9ft from the property line at 26.4% impervious surface coverage. 9813 WEAVERS POINT RD, Zoned R2.

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 any property owner has been missed, or 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

Echo Journal November 27, 2024

Received by City: PA 11/21/17
Application Number: V-24-013
Non-refundable Fee Paid: 250-
Receipt #: 23856



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

Variance Application

Name of Applicant Stuart and Paula Pysick
Address 140 County Road 112 Email: pbpysick@hotmail.com
City, State, Zip Watertown, MN 55388
Phone 612.747.2200 Alternate Phone 612.801.3207

Physical Address / Location of Property 9813 Weavers Point Road, Pequot Lakes, MN 56472

Legal Description of Property See attached.

Parcel ID Number 10150512 Zoning District R2 - Unsewered

Applicant is: Legal Owner of Property
 Contract Buyer
 Option Holder
 Agent
 Other _____

Title Holder of Property (if different than applicant):
Name Same as applicant
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 additional space in our existing kitchen by extending an exterior wall out by 5 ft. The length of the extended wall will be 13 ft 8 in.

Signature of Owner, authorizing application Paula Pysick Stuart Pysick
(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

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 practical difficulty 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 kitchen space
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?
The existing home was not built within the current setback guidelines. The proposed addition will not change the existing setbacks. The proposed addition will not increase the maximum exterior dimensions of the home.

3. How is granting this variance consistent with the intent of the City of Breezy Point Zoning Ordinance?
We would maintain the current setbacks and are not asking for anything additional. Our request does not exceed the current impervious percentage.

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, which is allowable in the ordinance. It is the only plan that allows for increased kitchen space.

5. What other options, either conforming or non-conforming, have been considered and why were those options not chosen?
Many options have been explored and considered by architectural professionals. We believe this plan will increase the size of the kitchen without altering the size of other living spaces while still respecting 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 other neighboring properties, as setbacks would not need to be amended. The proposed expansion would bring the current exterior kitchen wall flush with the remainder of the north side of the house. This side does not face the lake.

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?
The proposed exterior wall expansion of 5 ft x 13 ft 8 in will blend with the existing exterior appearance. It will blend very well in our existing community.

8. Discuss any environmental limitations of the site or the area that limit building in other areas.
Current guidelines regarding setbacks and impervious coverage.

9. Please include any other comments pertinent to this request.
The proposed revision to the structure will not impact the current drainage on the property. The existing grade slopes would not change with this proposed revision. This revision does not face the lake.

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 setbacks and impervious coverage.

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.
 - NA 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.
 - NA Soils data showing capability for building and on-site sewage treatment.
 - Existing iron pipe boundary monuments marked with proof of survey.
 - NA Approximate location of any proposed signs (if applicable).
- 4. Color scheme for all existing and proposed structures.
- NA 5. Outside storage proposal.
- 6. Elevation plans for all existing and proposed structures.

Authentisign ID: 3C8891B9-8C56-4AC6-9B10-6FBB5D1B566A

Crow Wing County Property Information

instead
relative

Yes

Plat Name:

THAT PART OF GOV. LOTS 1 & 2 SEC. 15
DESCRIBED AS FOLLOWS; COMM. AT THE NW CORNER
OF SAID SECTION 15, AND CONSIDERING THE N.
LINE OF SAID SEC. 15 AS AN E-W LINE, THEN N.
89 DEG 12 MIN E. 269.6 FT, THEN S. 56 DEG 57
MIN E. 427.9 FT, THEN S. 69 DEG 38 MIN E.
241.2 FT, THEN S. 19 DEG 29 MIN E. 417.6 FT,
THEN S. 30 DEG 49 MIN E. 133.24 FT, THEN S.
49 DEG 57 MIN 40 SEC E. 298.33 FT
TO THE POINT OF BEG OF TRACT TO BE
HEREIN DESCRIBED, THEN S. 49 DEG 57 MIN 40
SEC E. 96.45 FT, THEN S. 64 DEG 24 MIN 05 SEC
E. 5.96 FT, THEN S. 27 DEG 13 MIN W. 230 FT
M/O/L TO THE SHORE OF PELICAN
LAKE, THEN NW'LY ALONG SAID SHORE TO ITS
INTERSECTION WITH A LINE BEARING S. 27 DEG 13
MIN W. FROM THE POINT OF BEG, THEN N. 27 DEG
13 MIN E. 245 FT M/O/L TO THE POINT OF BEG.



TO: Planning Commission
 FROM: Peter Gansen, Planning & Zoning Administrator
 RE: Staff Report for V-24-013
 DATE: December 10, 2024 Regular Meeting

Variance Application V-24-013
 Applicant: STUART & PAULA PYSICK
 Property Address: 9813 WEAVERS POINT RD
 Legal Description: THAT PART OF GOV. LOTS 1 & 2 SEC. 15
 Parcel ID: 10150512
 Zoned: R-2 Medium Density Residential/Unsewered

- 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 given to the DNR, as the property is in the shoreland district.

Variance Request:

- Is requesting a variance from the required 75 foot ordinary high water level setback on a general development lake (Pelican), a variance from the required 10 foot property line setback and a variance from the maximum impervious surface allowance of 25% to construct a 5ft x 14ft addition onto an existing non-conforming residence located by 71ft from ordinary high water level, 9.9ft from the property line at 26.4% impervious surface coverage.

Summary of the property

This property is un-platted land that was subdivided via metes and bounds. The property has now been surveyed as part of this process.

The property is in a lake shore residential zoned area towards the end of Weavers Point Road. The adjacent neighbors are similar year round homes and seasonal homes. The property requires the 75 foot structure setback because these properties are on their own septic systems.

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

The City has established structural setbacks with minimum residential structure size and the proposed additional location appears to meet these standards.

However, the residence itself is a non-conforming structure because it does not meet the lake setback or the property line setback and it exceeds the allowed lot coverage and therefore requires variance approval if it is to be constructed.

Based on the information presented at this time and in the applicants survey it appears the proposed addition is minimal in size and appears to be proposed in an area already covered with impervious surface.

Please see the impervious surface table on the site plan drawing and the location of the proposed addition.

Aside from removing small parts of the deck and a part of though house that encroach there appears to be no other feasible remedies that exist that could be explored to alleviate the need for the variance due to the non-conforming location of the existing house. But the applicant could easily remove some impervious surface somewhere else on the property get back in conformance with the impervious surface allowance of 25%.

The applicant could also install engineered pervious product that would not require a variance and also meet this standard.

There are many non-conforming properties that are bought and sold and have very limited or no expansion opportunities. It is also the landowner's responsibility to be aware of development limitations with their property as rules change over time.

The proposed project in the application material submitted at this time appears to meet the spirit and intent of ordinance, by proposing the addition in an area meeting setbacks. However, staff fails to see any hardship or practical difficulty relating to the impervious surface request.

Please keep in mind that granting a variance does not create or set a precedence. This Planning Commission/Board of Adjustment is the venue for deciding whether unique circumstances exist that create a practical difficulty and justify variance approval.

The Commission can grant a variance on one property and not on another, given they follow the proper procedure and adopt the appropriate findings. This is based on prior case law and the findings of fact can be considered uniquely and applied to the subject property in different place and time.

Staff recommends the Commission consider approval based on the plans submitted in the application with the following proposed condition.

- 1) **Variance request for impervious surface allowance is not granted. applicant must submit a plan that requires approval from the City to meet impervious surface allowances before a building permit is issued.**

If the Commission denies the applicant could modify the building to meet setbacks and not require a variance to build. This would involve removing the parts of the deck and house that encroach into the setbacks.

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 lot is over the allowed impervious surface coverage area. Hardscape areas can be removed to meet the allowed 25 percent impervious coverage. The encroaching portions of the structure could be removed and the addition would not require a variance.

- (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 proposed addition's location is not reducing or encroaching setbacks and the owner can remove impervious surface areas to meet ordinance requirements.

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

Yes, residence additions are allowed in this zoning district.

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

The proposed request is residential similar to the adjacent neighbors and shares similar setbacks.

- (5) The variance is not for economic reasons alone, but reasonable use of the

property does not exist under the ordinance.

Yes, technically reasonable use already exists, and this addition is land owner preference.

Without the variance the landowner could still add the addition, it would just require removing small areas of the deck and house that are within the setbacks and the economics bore to the applicant to do so

However, the current owners likely did not create this situation, and the encroachments into the setback could be considered minimal and the size of the addition is so small that the City would not gain much by requiring the applicant to remove the encroachments.

If the addition proposed was much larger then it would be more reasonable to require compliance with all setbacks and look at the project from a more comprehensive view. The economics here do not appear to be the only limiting consideration. See findings 1-5.

With the following condition.

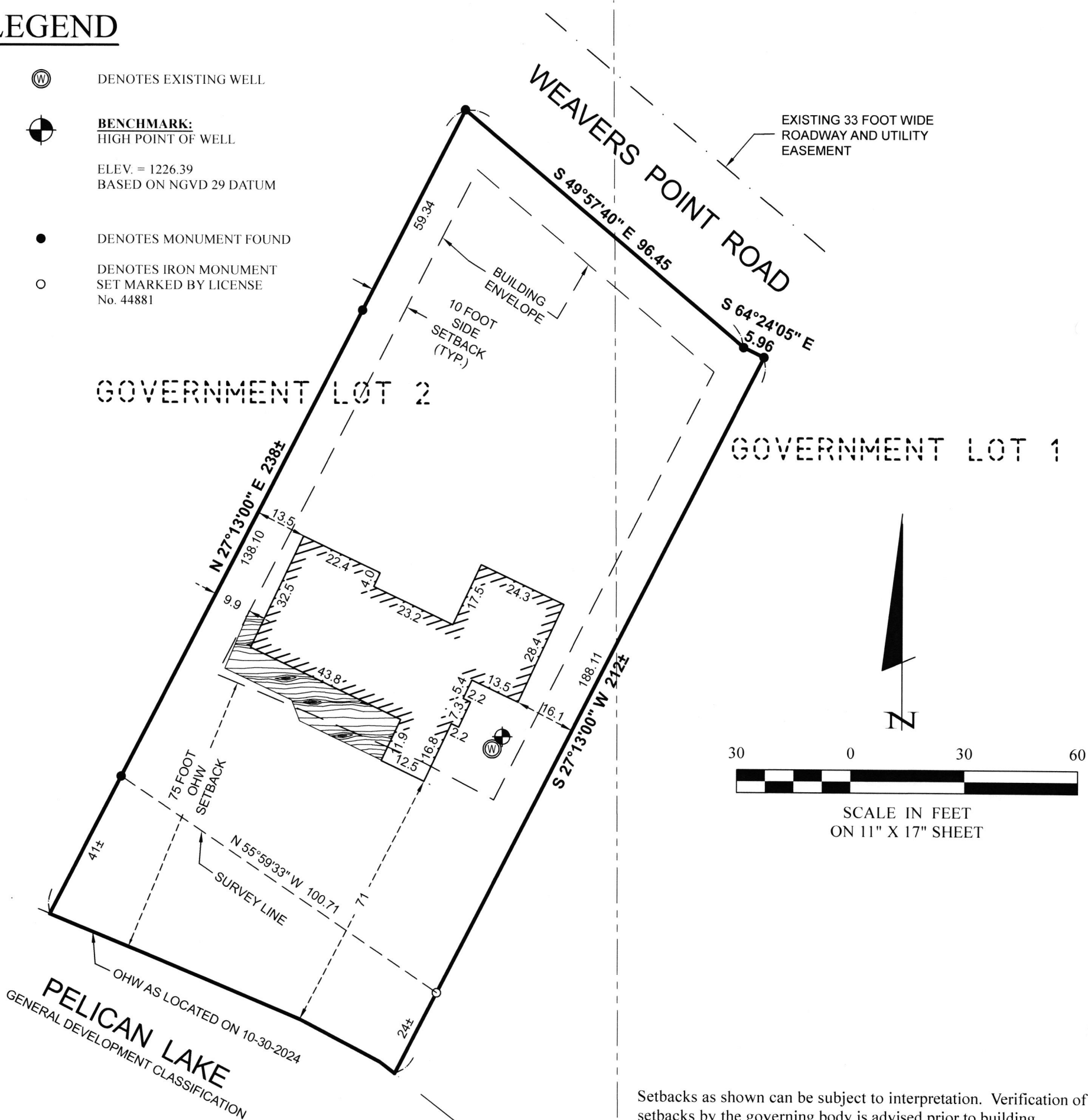
- 1) The variance request for impervious surface allowance is not granted. The applicant must submit a plan that requires approval from the City to meet impervious surface allowances before a building permit is issued.**

SKETCH OF SURVEY

PART OF GOVERNMENT LOTS 1 & 2,
SECTION 15, TOWNSHIP 136 NORTH, RANGE 28 WEST,
CROW WING COUNTY, MINNESOTA
AREA = 22,311 SQ. FT.± / 0.5 ACRES±

LEGEND

- ⊙ DENOTES EXISTING WELL
- ⊕ **BENCHMARK:**
HIGH POINT OF WELL
ELEV. = 1226.39
BASED ON NGVD 29 DATUM
- DENOTES MONUMENT FOUND
- DENOTES IRON MONUMENT
SET MARKED BY LICENSE
No. 44881



Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
Boundary & House only located. No other improvements were located.

LEGAL DESCRIPTION PER DOCUMENT NUMBER 932090

That part of Government Lots 1 and 2, Section 15, Township 136, Range 28, described as follows: Commencing at the Northwest corner of said Section 15, and considering the North line of said Section 15 as an East-West line; thence North 89 degrees 12 minutes East 269.6 feet; thence South 56 degrees 57 minutes East 427.9 feet; thence South 69 degrees 38 minutes East 241.2 feet; thence South 19 degrees 29 minutes East 417.6 feet; thence South 30 degrees 49 minutes East 133.24 feet; thence South 49 degrees 57 minutes 40 seconds East 298.33 feet to the point of beginning of tract to be herein described; thence South 49 degrees 57 minutes 40 seconds East 96.45 feet; thence South 64 degrees 24 minutes 05 seconds East 5.96 feet; thence South 27 degrees 13 minutes West 230 feet more or less to the shore of Pelican Lake; thence Northwesterly along said shore to its intersection with a line bearing South 27 degrees 13 minutes West from the point of beginning; thence North 27 degrees 13 minutes East 245 feet more or less to the point of beginning.

TOGETHER WITH AND SUBJECT TO a non-exclusive 33 foot wide roadway and utility easement for ingress and egress through a part of the SW1/4 SW1/4, Section 10 and Government Lots 1 and 2, Section 15, Township 136, Range 28, said easement lying 16.5 feet on each side of the following described centerline: Beginning at the Northwest corner of said Section 15; thence East, assumed bearing along the North line of said Section 15 a distance of 272.08 feet; thence South 57 degrees 26 minutes 02 seconds East 698.46 feet; thence South 25 degrees 06 minutes 13 seconds East 392.34 feet; thence South 30 degrees 49 minutes 00 seconds East 92.66 feet; thence South 49 degrees 57 minutes 40 seconds East 389.91 feet, Crow Wing County, Minnesota.

PAULA PYSICK
PID NO.:10150512
PROJECT NUMBER: 24276
DATE: NOVEMBER 6, 2024



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

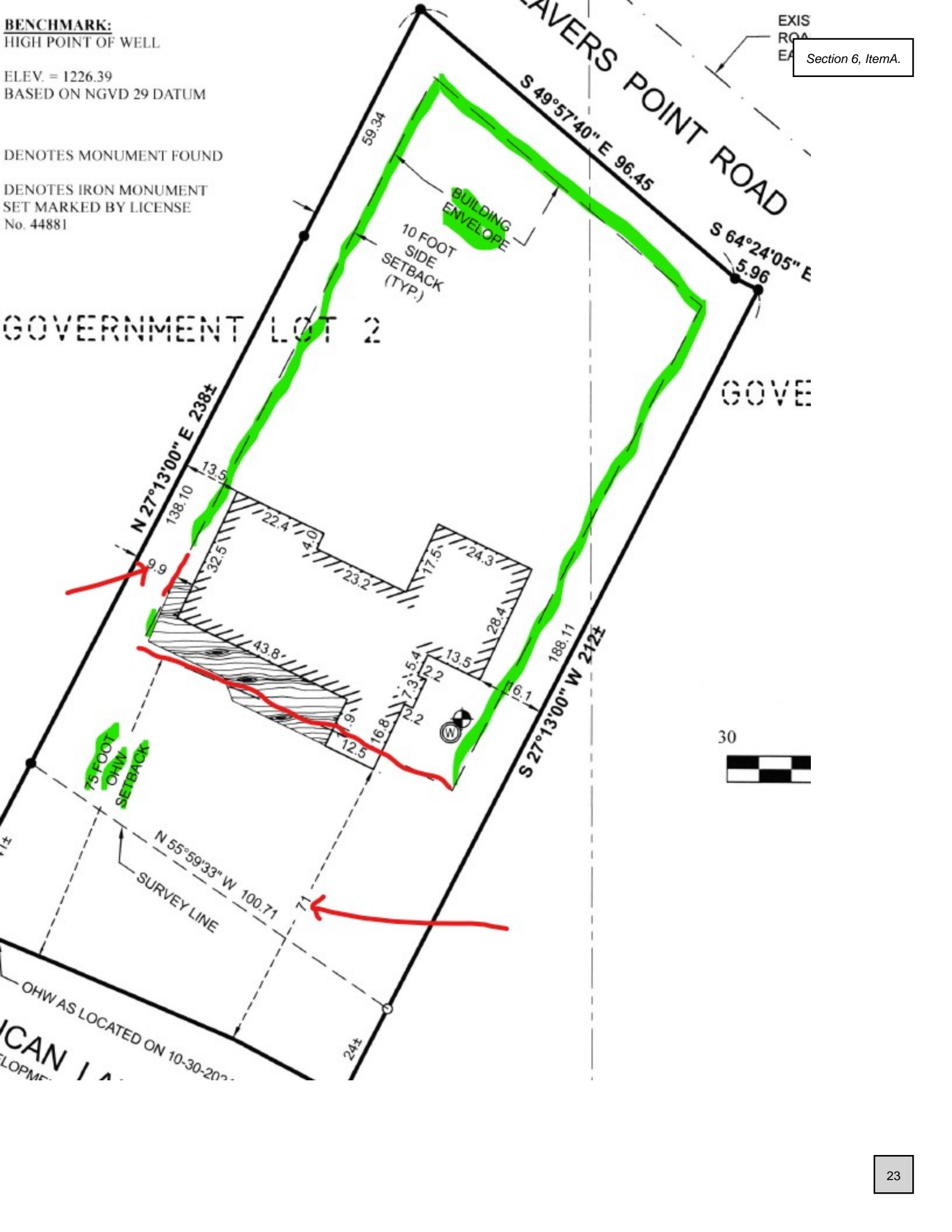
BENCHMARK:
HIGH POINT OF WELL

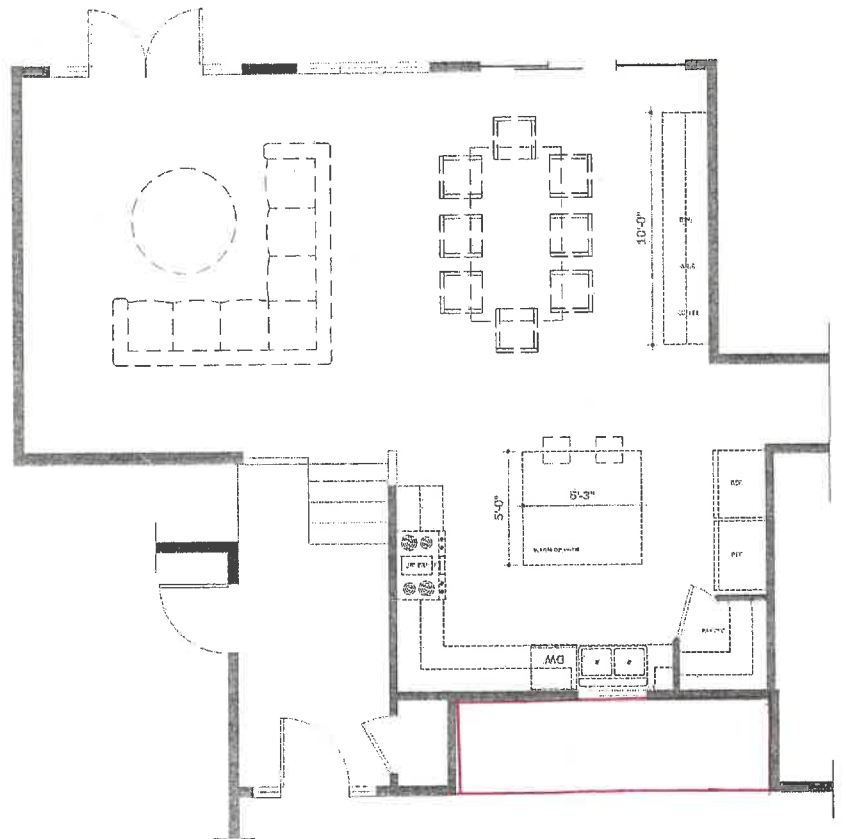
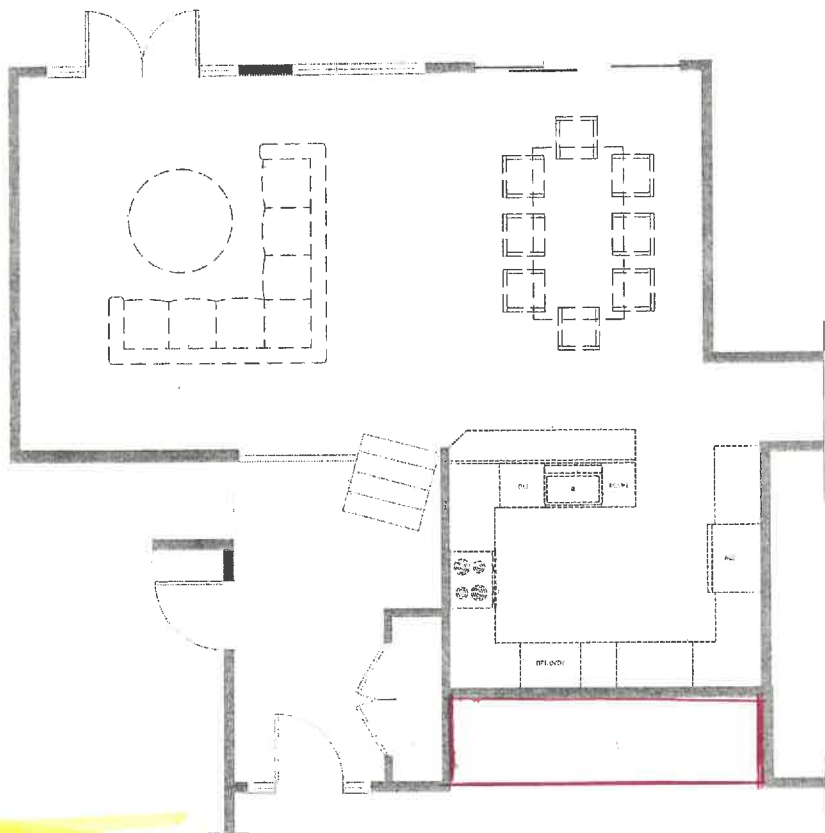
ELEV. = 1226.39
BASED ON NGVD 29 DATUM

DENOTES MONUMENT FOUND

DENOTES IRON MONUMENT
SET MARKED BY LICENSE
No. 44881

Section 6, Item A.





PROJECT Pysick Cabin - Kitchen Remodel
DATE 12.05.23

www.newheritagemn.com
218-821-7349

CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOTS 1 & 2,
SECTION 15, TOWNSHIP 136 NORTH, RANGE 28 WEST,
CROW WING COUNTY, MINNESOTA
AREA = 22,311 SQ. FT.± / 0.5 ACRES±

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IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft)	Percent Impervious (sq.ft)
House, Porch & Overhang	2,521	22,311	11.3%
Deck	113	22,311	0.5%
Concrete & Flagstone	1,227	22,311	5.5%
Bituminous Driveway	2,023	22,311	9.1%
Total	5,884	22,311	26.4%

IMPERVIOUS CALCULATIONS

PROPOSED	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft)	Percent Impervious (sq.ft)
House, Porch & Overhang	2,521	22,311	11.3%
Proposed Addition	54	22,311	0.2%
Decks	63	22,311	0.3%
Concrete & Flagstone	1,227	22,311	5.5%
Bituminous Driveway	2,023	22,311	9.1%
Total	5,888	22,311	26.4%

RUN OFF CALCULATIONS

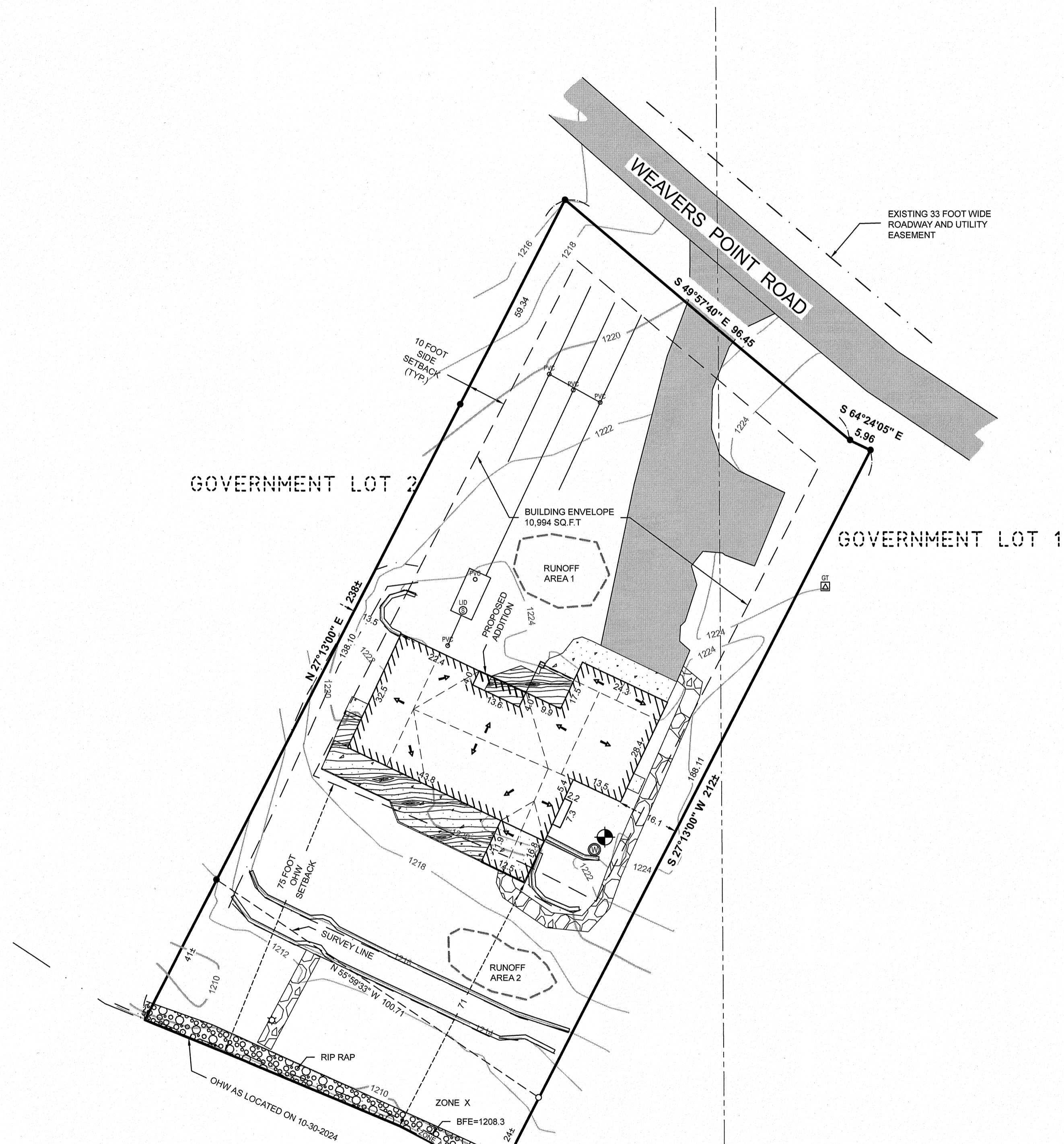
Total Impervious Surface Area	5,888 sq. ft.	x	0.0833 ft.	=	491 cu. ft.
(from table above)					

PROPOSED RUN OFF AREAS

TOP SURFACE AREA = 362 SQ. FT.
BOTTOM SURFACE AREA = 180 SQ. FT.
1' DEEP WITH 3:1 SIDE SLOPES
TOTAL RUN OFF STORAGE PROPOSED = 271 CU. FT.
TOP SURFACE AREA = 316 SQ. FT.
BOTTOM SURFACE AREA = 129 SQ. FT.
1' DEEP WITH 3:1 SIDE SLOPES
TOTAL RUN OFF STORAGE PROPOSED = 222 CU. FT.

NOTES:

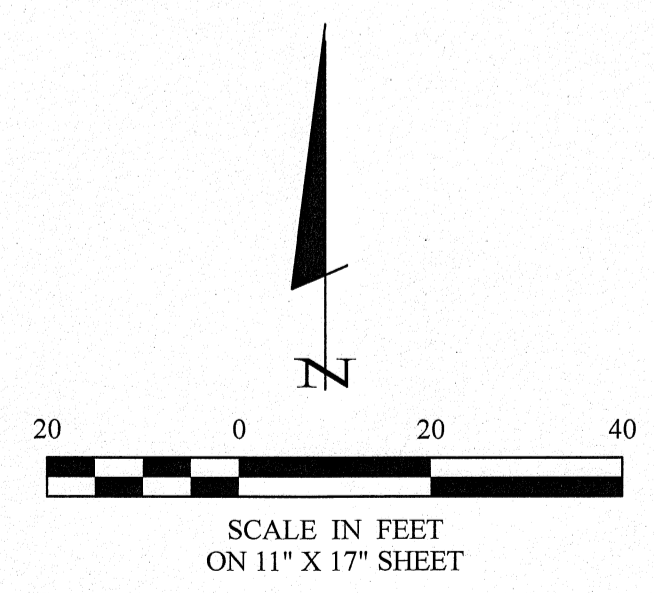
- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 10-30-2024.
- Zoning for subject tract = "Medium Density Residential (R-2)".
- Parcel ID of subject parcel: 10150512.
- The E911 address of subject parcel: 9813 Weavers Point Road.
- 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.
- Approximate location of septic system per sketch prepared by Martin Joyce, Martin Joyce Septic Services, LLC
- 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.



LEGEND

- DENOTES EXISTING RETAINING WALL
- DENOTES EDGE OF EXISTING BITUMINOUS
- DENOTES FLAGSTONE
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EXISTING WOODEN DECKING
- 1208 DENOTES EXISTING INTERMEDIATE CONTOURS
- 1210 DENOTES EXISTING INDEX CONTOURS
- DENOTES EXISTING MOUNTED LIGHT
- DENOTES EXISTING GROUND TRANSFORMER
- 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. = 1226.39
NGVD 29 DATUM
- BFE DENOTES BASE FLOOD ELEVATION
- DENOTES MONUMENT FOUND
- DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 44881

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF SECTION 15 TO HAVE AN ASSUMED BEARING OF N 00°00'00" E.



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

DATE: 11/20/2024
SCALE: 1" = 20'
HORIZ.: 1" = 20'
VERT.: NONE

PROJECT No.: 24276
FILE NAME: C24276.DWG
FIELD BOOK: PG.

PROJECT MANAGER: CMH
CHECKED: RJJ
DRAWN BY: CMH

CERTIFICATE OF SURVEY
Paula Pysiek
140 County Rd 112
Watertown, MN 55588

REVISIONS

NO.	DATE	DESCRIPTION

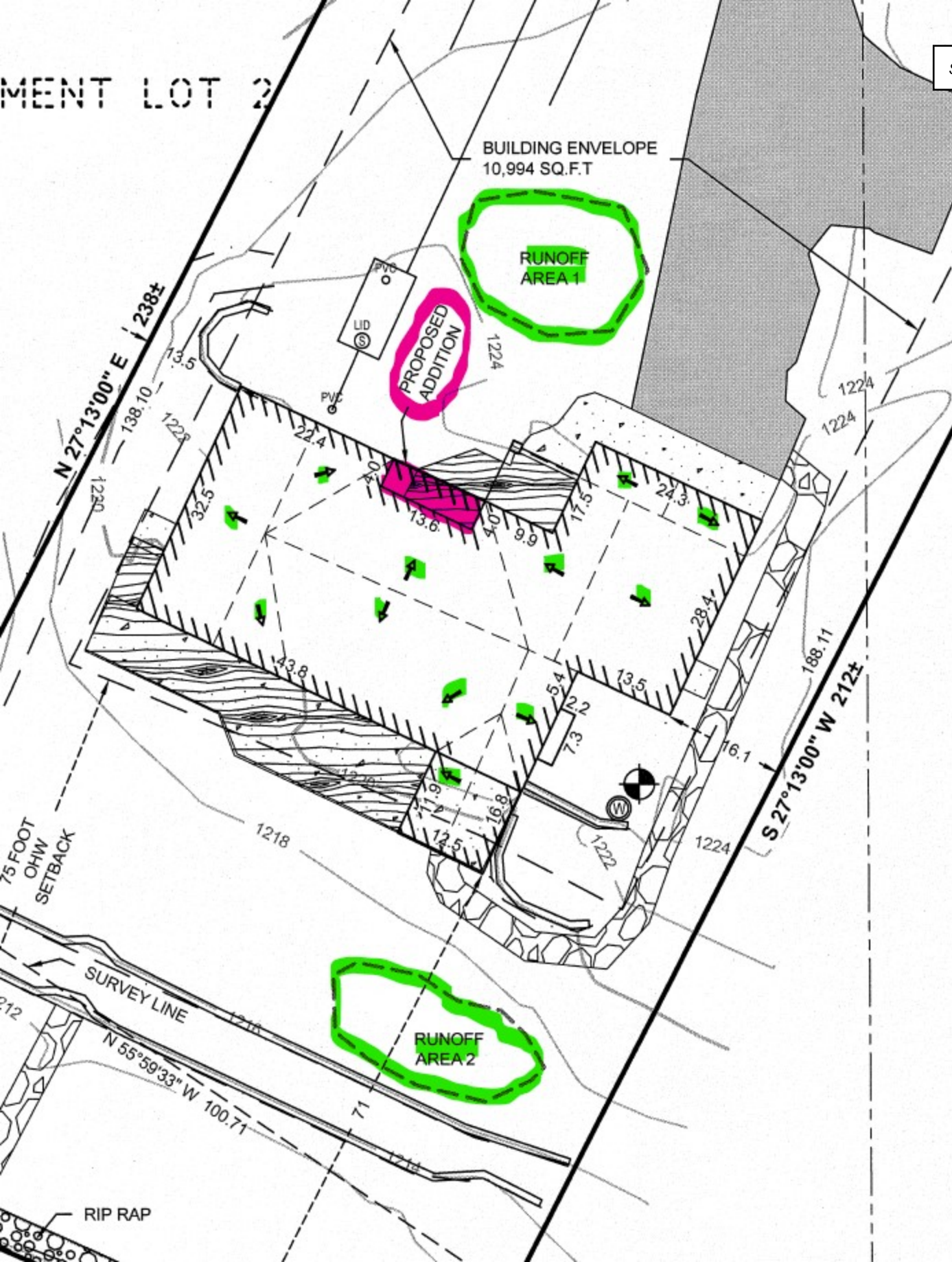
BY: [Signature]

DATE: 11/20/2024
LIC. NO.: 44881

I HEREBY CERTIFY THAT THIS SURVEY PLAN, SPECIFICATION OR REPORT 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.
Cynthia M. Hyde, P.E., L.S.
11/20/2024

SHEET
1 OF 1

MENT LOT 2





520 Lafayette Road North
St. Paul, MN 55155-4194

Compliance inspection report form

Existing Subsurface Sewage Treatment Systems (SSTS)

Doc Type: Compliance and Enforcement

Instructions: Inspector must submit completed form to Local Governmental Unit (LGU) and system owner within 15 days of final determination of compliance or noncompliance. Instructions for filling out this form are located on the Minnesota Pollution Control Agency (MPCA) website at <https://www.pca.state.mn.us/sites/default/files/wq-wwists4-31a.pdf>.

Inspector must submit completed form to Local Governmental Unit (LGU) and system owner within 15 days of final determination of compliance or noncompliance.

For local tracking purposes:				
City of Breezy Point				
Sec	15	Twp	136	Rg 28

Property Information

Local tracking number: _____

Parcel ID # or Sec/Twp/Range: 10150512 Reason for inspection: permit

Local regulatory authority info: City of Breezy Point

Property address: 9813 Weavers Point Rd, Breezy Point, MN 56472

Owner/representative: Stuart & Paula Pysick Owner's phone: 612-747-2200

Brief system description: Gravity from the main level of the house to a 1350 gallon Sather septic tank. Manhole cover is 6" deep. Gravity flows to a trench, then drop boxes and into a rock trench drainfield. There is 150 in. ft. of trench with 12" of rock. Located 3 inspection pipes at the trench ends.

System Status

System Status on date (mm/dd/yyyy): 11/8/2024

Compliant - Certificate of compliance*

(Valid for 3 years from report date unless evidence of an imminent threat to public health or safety requiring removal and abatement under section 145A.04, subdivision 8 is discovered or a shorter time frame exists in Local Ordinance.)

***Note: Compliance indicates conformance with Minn. R. 7080.1500 as of system status date above and does not guarantee future performance.**

Noncompliant - Notice of noncompliance

Systems failing to protect ground water must be upgraded, replaced, or use discontinued within the time required by local ordinance.

An imminent threat to public health and safety (ITPHS) must be upgraded, replaced or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance or under section 145A.04 subdivision 8.

Reason(s) for noncompliance (check all applicable)

- Impact on Public Health (Compliance Component #1) - *Imminent threat to public health and safety*
- Tank Integrity (Compliance Component #2) - *Failing to protect groundwater*
- Other Compliance Conditions (Compliance Component #3) - *Imminent threat to public health and safety*
- Other Compliance Conditions (Compliance Component #3) - *Failing to protect groundwater*
- System not abandoned according to Minn. R. 7080.2500 (Compliance component #3) - *Failing to protect groundwater*
- Soil Separation (Compliance Component #5) - *Failing to protect groundwater*
- Operating permit/monitoring plan requirements (Compliance Component #4) - *Noncompliant - local ordinance applies*

Comments or recommendations:

Permit #2-94

Certification

I hereby certify that all the necessary information has been gathered to determine the compliance status of this system. No determination of future system performance has been nor can be made due to unknown conditions during system construction, possible abuse of the system, inadequate maintenance, or future water usage.

By typing my name below, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing this form.

Business name: Martin Joyce Septic Service, Inc. Certification number: 5453

Inspector signature: Martin Joyce License number: 2129

(This document has been electronically signed) Phone number: 218-820-2621

Necessary or locally required supporting documentation (must be attached)

- Soil boring logs
- System/As-Built
- Locally required forms
- Tank Integrity Assessment
- Operating Permit
- Other information (list): _____

Property address: 9813 Weavers Point Rd, Breezy Point, MN 56472
Business Name: Martin Joyce Septic Service, Inc. Date: 11/11/2024

1. Impact on Public Health - Compliance component #1 of 5

Compliance criteria:

System discharges sewage to the ground surface.	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
System discharges sewage to drain tile or surface waters.	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
System causes sewage backup into dwelling or establishment.	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No

Attached supporting documentation:

- Other: _____
- Not Applicable

Any "yes" answer above indicates the system is an Imminent Threat to Public Health and Safety.

Describe verification methods and results:

Video inspected from the tank outlet to the 1st drop box. High hole leaving the box is the middle trench to the north. The trenches are deeper in the ground to the south and shallower to the north due to the contour of the yard. Checked inspection pipes on the north end. All were dry.

2. Tank Integrity - Compliance component #2 of 5

Compliance criteria:

System consists of a seepage pit, cesspool, drywell, or leaching pit, or other pit?	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
Sewage tank(s) leak below their designed operating depth.	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
If yes, which sewage tank(s) leaks:	

Attached supporting documentation:

- Empty tank(s) viewed by inspector
Name of maintenance business: Honey Wagon
License number of maintenance business: L3943
Date of maintenance: 11/8/2024
- Existing tank integrity assessment (Attach)
Date of maintenance (mm/dd/yyyy): _____ (must be within three years)
(See form instructions to ensure assessment complies with Minn. R. 7082.0700 subp. 4 B (1))
- Tank is Noncompliant (pumping not necessary - explain below)
- Other: _____

Any "yes" answer above indicates the system is failing to protect groundwater.

Describe verification methods and results:

Video inspected the tank for cracks and baffles - OK.

Property address: 9813 Weavers Point Rd, Breezy Point, MN 56472
Business Name: Martin Joyce Septic Service, Inc. Date: 11/11/2024

3. Other Compliance Conditions - Compliance component #3 of 5

- 3a. Maintenance hole covers appear to be structurally unsound (damaged, cracked, etc.), or unsecured. [] Yes* [x] No [] nknown
3b. Other issues (electrical hazards, etc.) to immediately and adversely impact public health or safety. [] Yes* [x] No [] nknown
*Yes to 3a or 3b - System is an imminent threat to public health and safety.
3c. System is non-protective of ground water for other conditions as determined by inspector. [] Yes* [x] No
3d. System not abandoned in accordance with Minn. R. 7080.2500.
*Yes to 3c or 3d - System is failing to protect groundwater.

Describe verification methods and results:

Attached supporting documentation: [] Not applicable []

4. Operating Permit and Nitrogen BMP * - Compliance #4 of 5 [x] Not Applicable

- Is the system operated under an Operating Permit? [] Yes [] No If "yes", A below is required
Is the system required to employ a Nitrogen BMP specified in the system design? [] Yes [] No If "yes", B below is required
BMP=Best Management Practice(s) specified in the system design
If the answer to both questions is "no", this section does not need to be completed.

Compliance criteria:

- a. Have the Operating Permit requirements been met? [] Yes [] No
b. Is the required nitrogen BMP in place and properly functioning? [] Yes [] No
Any "no" answer indicates Noncompliance.

Describe verification methods and results:

Attached supporting documentation: [] Operating permit (Attach) []

Property address: 9813 Weavers Point Rd, Breezy Point, MN 56472
 Business Name: Martin Joyce Septic Service, Inc. Date: 11/11/2024

5. Soil Separation - Compliance component #5 of 5

Date of installation: 4/26/1994 Unknown
 (mm/dd/yyyy)
Shoreland/Wellhead protection/Food beverage lodging? Yes No

Compliance criteria (select one):

<p>5a. For systems built prior to April 1, 1996, and not located in Shoreland or Wellhead Protection Area or not serving a food, beverage or lodging establishment:</p> <p>Drainfield has at least a two-foot vertical separation distance from periodically saturated soil or bedrock.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No*
<p>5b. Non-performance systems built April 1, 1996, or later or for non-performance systems located in Shoreland or Wellhead Protection Areas or serving a food, beverage, or lodging establishment:</p> <p>Drainfield has a three-foot vertical separation distance from periodically saturated soil bedrock. *</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*
<p>5c. "Experimental", "Other", or "Performance" systems built under pre-2008 Rules; Type IV or V systems built under 2008 Rules (7080. 2350 or 7080.2400 (Advanced Inspector License required)</p> <p>Drainfield meets the designed vertical separation distance from periodically saturated soil or bedrock.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No*

**Any "no" answer above indicates the system is failing to protect groundwater.*

Describe verification methods and results:

Upgrade requirements: (Minn. Stat. 115.55) An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance. If the system is failing to protect ground water, the system must be upgraded, replaced, or its use discontinued within the time required by local ordinance. If an existing system is not failing as defined in law, and has at least two feet of design soil separation, then the system need not be upgraded, repaired, or its use discontinued, notwithstanding any local ordinance that is mor strict. This provision does not apply to systems in shoreland areas, Wellhead Protection Areas, or those used in connection with food, beverage, and lodging establishments as defined in law.

Attached supporting documentation:

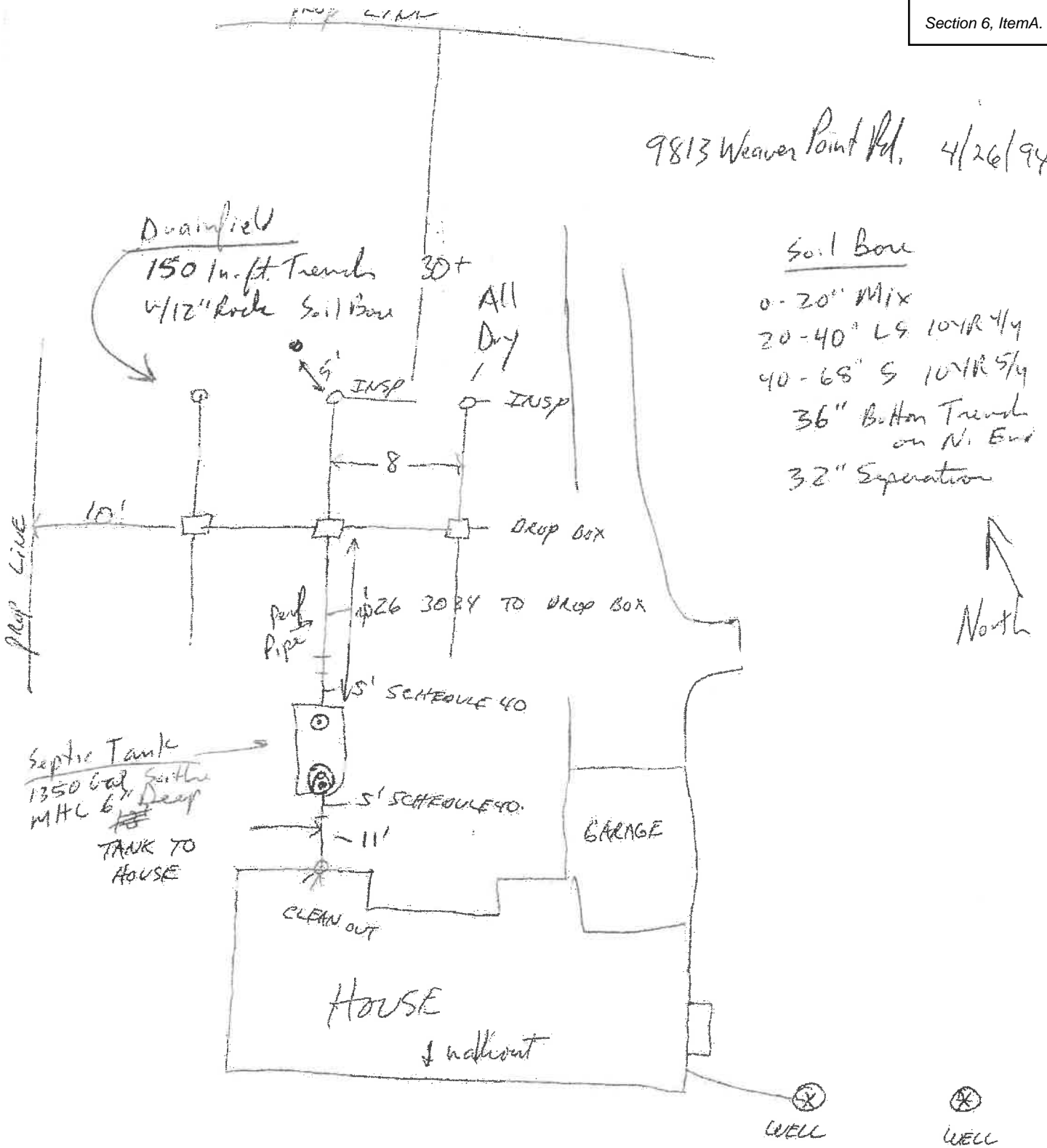
- Soil observation logs completed for report (Attach)
- Two previous verifications of required vertical separation (Attach)
- Not applicable (No soil treatment area)
- Soils used for this inspection are from the 2019 septic compliance inspection I performed.

Indicate depths of elevations

A. Bottom of distribution media	36"
B. Periodically saturated soil/bedrock	68"
C. System separation	32"
D. Required compliance separation*	*32"

*May be reduced up to 15 percent if allowed by Local Ordinance.

9813 Weaver Point Rd, 4/26/94



Soil Bore
 0-20" Mix
 20-40" L.S. 10xR 4/4
 40-68" S 10xR 5/4
 36" Bottom Trench on N. End
 32" Separation



WELL 100' TO SEPTIC
 SEPTIC 100+ TO OHW
 WATER TABLE NO PROBLEM
 DEPTH OF TRENCH < 48"
 GPD 675

Pelican Lake

WELL #543552
 WELL

Mark J. Jacy 10/7/19
 L2129 11/8/24



8319 County Road 11
Breezy Point, MN 56472
Phone: (218) 569-1003
www.breezypointmn.gov

Planning Commission 2025 Meeting Schedule

All Planning Commission meetings are held at City Hall, located at the address listed above. Regular meetings are held to deal with the official business of the Planning Commission, including holding public hearings, reviewing applications, and hearing appeals. Special Meetings may be held upon approval by the Planning Commission and payment of a Special Meeting Fee. **All Regular Meetings begin at 7:00 p.m.**

MEETING DATES	APPLICATION DEADLINE**
Tuesday, January 14, 2025	December 13, 2024
Tuesday, February 11, 2025	January 17, 2025
Tuesday, March 11, 2025	February 14, 2025
Tuesday, April 8, 2028	March 14, 2025
Tuesday, May 13, 2025	April 18, 2025
Tuesday, June 10, 2025	May 16, 2025
Tuesday, July 8, 2025	June 13, 2025
Tuesday, August 12, 2025	July 18, 2025
Tuesday, September 9, 2025	August 15, 2025
Tuesday, October 14, 2025	September 12, 2025
Wednesday, November 12, 2025	October 17, 2025
Tuesday, December 9, 2025	November 14, 2025

****Completed application materials for all Land Use Applications are due prior to 4:00 p.m. on the Application Deadline Date. Late or incomplete applications will be pushed to the next Regular Meeting date.**

It is recommended that applicants schedule a pre-application meeting with the City Planner to ensure that all materials are provided and to help avoid further delays.

T:\Administration\Master Forms\Meeting Calendars\Meeting Schedules\Planning Commission Schedule 2025.doc