



PLANNING COMMISSION/BOARD OF ADJUSTMENT

Tuesday, October 10, 2023 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. APPROVAL OF MINUTES

A. September 12, 2023 Regular Planning Commission Meeting Minutes

6. COUNCIL LIAISON REPORT

A. October 2, 2023 City Council Meeting

7. OPEN FORUM

Items not included in the agenda.

8. NEW BUSINESS

A. Public Hearing: Conditional Use Permit Application C-232-006 Whitebirch Inc. 30898 Ranchette Drive Breezy Point. Lots 1, 2, 6 & E 7.5 Feet of 5 & S 30 Ft of Lots 3 & 5 All in Block 1 Whitebirch 11. Parcel 10170646. Construct Pickleball Courts Adjacent to Building and Simulated Golf within Building. (Recreation Facility Public) Zone Commercial

1) Open Public Hearing

2) Applicant Presentation

3) Staff Review

4) Public Input

5) Close Public Hearing

B. Official Action: Conditional Use Permit Application C-23-006

C. Public Hearing: Conditional Use Permit Application C-23-007 Patricia K Lane Rev Trust 9069 Apple Lane Breezy Point. Lot 3 Block 1 Copperud First Addtion. Parcel 10150537. Construct Accessory Structure 15-20 Feet in Height. Zone R-2

- 1) Open Public Hearing
- 2) Applicant Presentation
- 3) Staff Review
- 4) Public Input
- 5) Close Public Hearing

D. Official Action: Conditional Use Application C-23-007

9. OLD BUSINESS

A. Official Action: Variance Application V-23-005 James and Susan Sackreiter 32601 Timberlane Point. Lot 31 Trotter-Cade. Parcel 10030538. Request to Expand Legal Non-Conforming Use (Dwelling). Proposed 8' x 32' Addition to Dwelling. Proposed Addition 24 Ft from OHW. Zone R-2

10. STAFF REPORTS

11. COMMISSIONER REPORTS

12. ADJOURN

Breezy Point Planning Commission/Board of Adjustment

**September 12, 2023
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, Marcy Weaver, and Teddy Zierden; City Planner Jerry Bohnsack, Administrator Clerk David Chanski, and Deputy Clerk Deb Runksmeier. Commissioner Roger Theis and Council Liaison Steve Jensen were absent.

Approval of Agenda

Motion Ayers/Brisbin to approve Agenda, Motion Carried 4-0

Approval of 08/08/2023 regular meeting

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

City Council Liaison Report

Administrator Chanski reported on the September 5 City Council meeting.

Open Forum

No one spoke

Public Hearing – Variance Application V-23-005 James and Susan Sackreiter 32601 Timberlane Point. Expansion of Legal non-conforming use 8' x 32' addition to existing dwelling 24' from OHW. Impervious Coverage 31.24% Lots 31 & portion of vacated Timberlane Point Trotter-Cade.

The Public hearing was opened by Chairperson Weaver.

Mr. Mark Severson representing James & Susan Sackreiter reviewed the Variance application, the reason for the request, and answered questions from the board.

Planner Bohnsack reviewed the staff report.

Letter from DNR recommending denial of Variance request was noted.

There was no public comment

Chairperson Weaver Closed the Public Hearing.

The board then discussed the issues raised by the Variance request.

Existing:

- 1) Impervious coverage above 25%
- 2) Shared driveway with adjacent properties.

- 3) 24 ft. proposed setback from OHW.
- 4) Surface water management.
- 5) Expansion of structure increasing Impervious Coverage
- 6) Topography

Motion Ayers/Zierden to Table Variance request V-23-005, Motion Carried 4-0
Applicant to review site plan and address item of concern.

There being no further business the meeting adjourned at 7:52 p.m.

Submitted by Jerry Bohnsack
City Planner

DRAFT



CITY COUNCIL REGULAR MEETING

Monday, October 02, 2023 at 6:30 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

Items not included in the agenda.

6. PRESENTATIONS

- A. Convention & Visitors Bureau - Brainerd Lakes Chamber of Commerce
- B. Pequot Lakes School District Referendum
- C. Pequot Lakes School District Safe Routes to School
- D. Parks & Recreation Committee Update

7. CONSENT AGENDA

One action, topics will not be discussed unless removed from consent agenda. Items requiring the expenditures of funds are budgeted items or have been previously discussed by the City Council.

- A. September 5, 2023 Regular City Council Meeting Minutes
- B. Approval of Claims in the Amount of \$185,407.59.
- C. Resolution 13-2023 Donation to Breezy Point Police Department
- D. VOTER Account Agreement with Crow Wing County
- E. FNC Corporate Resolution Certification

8. ITEMS REMOVED FROM CONSENT AGENDA

9. NEW BUSINESS

- A. Organizational Assessment Proposals
- B. Setting October and November Council Workshops

[C.](#) Resolution 14-2023 Expanding the Parks & Recreation Committee

10. OLD BUSINESS

[A.](#) Disc Golf Course Event Permit

[B.](#) Proposed Ordinance 2023-04 Cannabis Use Regulations

11. STAFF REPORTS

12. MAYOR AND CITY COUNCIL REPORTS

13. AGENDA FORECAST

[A.](#) November City Council Meeting Agenda Forecast

14. ADJOURN

City of Breezy Point
Notice of Public Hearing
Tuesday, October 10, 2023, 7:00 p.m.
Breezy Point City Hall

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 Tuesday, October 10, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Conditional Use Permit Application C-23-006 Whitebirch Inc. 30898 Ranchette Drive Breezy Point. Lots 1, 2, 6 & E 7.5 feet of 5 & S 30 ft. of Lots 3 & 5 all in Block 1 Whitebirch 11. Parcel 10170646. Construct pickleball courts adjacent to building and simulated golf within building. (Recreation Facility Public) Zone Commercial.

Conditional Use Permit Application C-23-007 Patricia K Lane Rev Trust 9069 Apple Lane Breezy Point. Lot 3 Block 1 Copperud First Addition. Parcel 10150537. Construct accessory structure 15-20 feet height. Zone R-2.

A notice relative to above listed request 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.

Jerry Bohnsack, Planner
City of Breezy Point
218-569-1003
planner@cityofbreezypointmn.us



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

Received by City: 9/15/20
Application Number: C-23-006
Non-refundable Fee Paid: 350.00
Receipt #: 22455

Conditional Use Application

Name of Applicant Whitebirch INC
Address 9252 Breezy Point Dr Email: _____
City, State, Zip Breezy Point, MN 56472
Phone 218-831-1706 cell Alternate Phone 218-820-4038
DAVID Landecker Cell

Physical Address / Location of Property 30898 Ranchette Dr
Breezy Point MN

Legal Description of Property LOTS 1, 2 AND 6 AND THE EAST 7.5 Feet of LOTS
AND the south 30 feet of LOTS 3 AND LOT 5 ALL IN BLOCK 1,
Whitebirch ELEVEN, Plat of Record, Crow Wing County

Parcel ID Number 10170646 Zoning District COMMERCIAL
SEWERED

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

Title Holder of Property (if different than applicant):
Name Red Tail Investments LLC
Address 30898 Ranchette Dr
City, State, ZIP Breezy Point, MN 56472
Phone 218-831-9800 cell

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

The Property is currently an approved CUP allowing a Neighborhood
bar and restaurant which this use will continue plus this proposal
requests adding Pickleball and Simulated Golf as associated uses.
Retaining Commercial Use.

Signature of Owner, authorizing application Robert P. Pinski WM Regillo
(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) David Faulk (Agent)
(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.

CONDITIONAL USE: A land use or land development, as defined by the Ordinance, that is allowed, but would not be appropriate without restrictions or conditions as determined by the Planning Commission. The proposed use must meeting the following standards: (a) the use or development is an appropriate conditional use in the land use zone, (b) the use or development with conditions conforms to the comprehensive land use plan, (c) The use with conditions is compatible with the existing neighborhood, and (d) the use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, or prosperity of residents in the City.

The following questions must be answered.

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

Building: No structural changes. Possible Entry's maybe altered.
Landscaping: No additional landscaping planned other than blending
Parking/Signs: To accommodate pickleball and modified parking.
parking will be added as shown on the plan
The sign on CSAH 11 will be moved

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

The use will remain unchanged. The addition of Pickleball and Simulated Golf will be a use that fits into the nature of the bar and restaurant.
Original CUP Approved 12/28/2005 doc # 0182454

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

The property to the north and west are commercial
The property to the east is R-1. Adequate vegetative buffers exist and will remain in place.
No changes will impact current use patterns of the area.

4. Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Explain if additional facilities will be required.

The capacity of sewer will likely be reduced due to simulated golf space removing over 50 seating capacity of restaurant. Drainage will not be altered as current stormwater plan adequately serves the site.

5. Describe the impact on the character of the neighborhood in which the property is located.

No change of impact should be experienced with the addition of Pickleball and Simulated Golf.

6. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal?

Adequate off-street parking is planned and exists on the property. 10 additional golf cart only stalls will be provided. The Service Road entrance from CSAH 11 will be eliminated. Traffic should not be altered from the original 2007 CUP.

7. Discuss any environmental limitations of the area that would limit or constrain construction on this property.

NONE

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

None
Original CUP Attached

INSTRUCTIONS TO THE APPLICANT

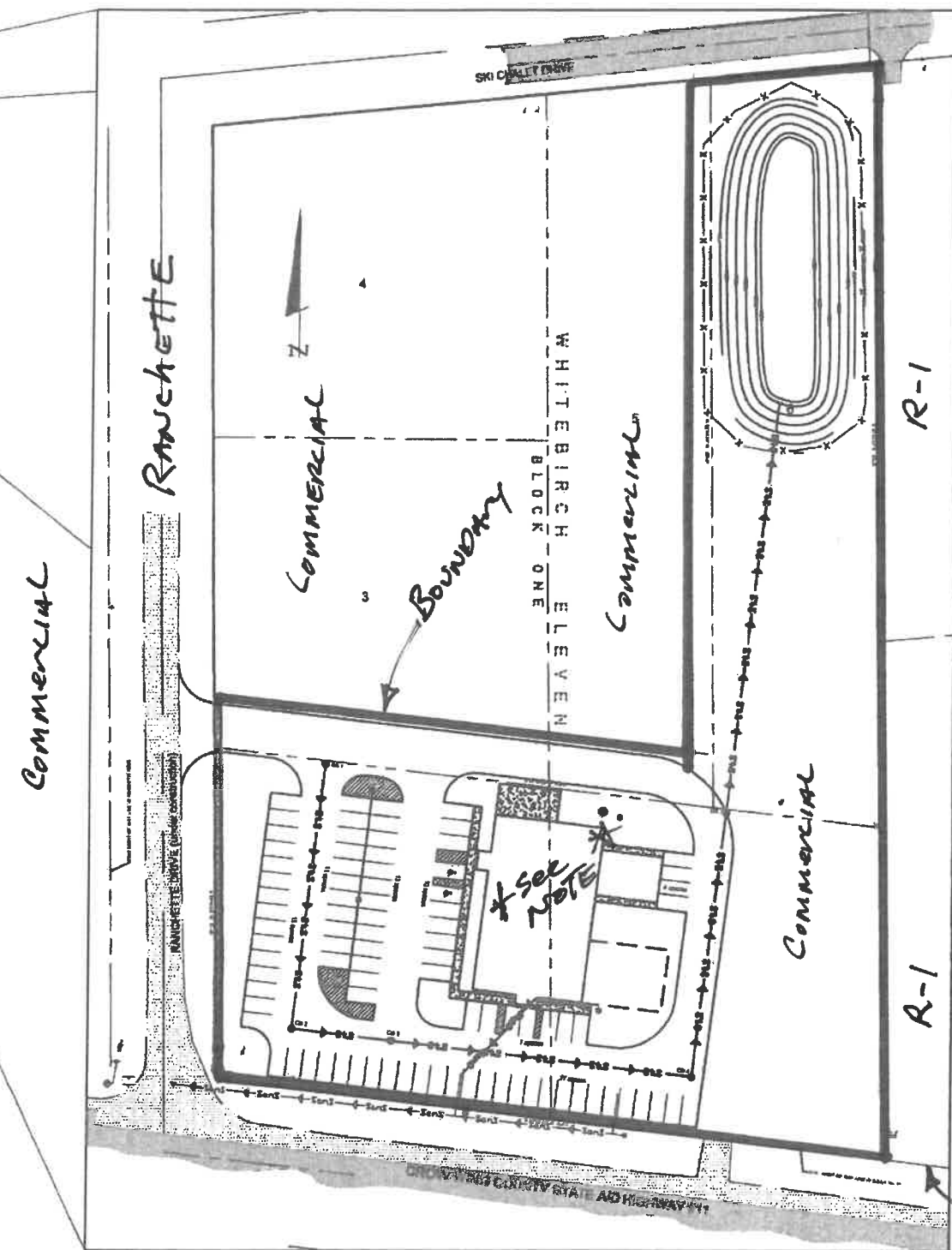
Completed applications, with all submittal requirements, must be submitted to the Planning & Zoning Department no fewer than 25 days prior to the meeting date. In order for your application to be accepted as complete, and to have a public hearing scheduled, the following information must be submitted:

- _____ 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. Legal description of the site.
- _____ 4. Site plan, drawn to scale, showing parcel and existing structure dimensions, 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).
- _____ 5. The site plan or should also show the location of all structures and their square footage.
- _____ 6. 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.
- _____ 7. 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.
- _____ 8. 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.
- _____ 9. Proposed drainage plan.
- _____ 10. Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
- _____ 11. Soils data showing capability for building and on-site sewage treatment.
- _____ 12. Existing iron pipe boundary monuments marked with proof of survey.
- _____ 13. Approximate location of any proposed signs (if applicable).
- _____ 14. Color scheme for all existing and proposed structures.
- _____ 15. Outside storage proposal.
- _____ 16. Elevation plans for all existing and proposed structures.



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.

LOT 1, LOT 2, LOT 6, THE EAST 7.5' OF LOT 5, & SOUTH 30' OF LOTS 3 & 5
BLOCK ONE, WHITEBIRCH ELEVEN
CITY OF BREEZY POINT
CROW WING COUNTY
PARCEL # 10170646
3.42 ACRES 149,084 sqft



LEGEND

- DENOTES EXISTING SIGN(S)
- DENOTES EDGE OF EXISTING BITUMINOUS
- DENOTES EDGE OF EXISTING GRAVEL
- DENOTES EXISTING INTERMEDIATE CONTOURS
- DENOTES EDGE OF TREELINE
- DENOTES EXISTING UTILITY POLE W/ GUY WIRE
- DENOTES EXISTING GROUND TRANSFORMER
- DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
- DENOTES EXISTING SANITARY SEWER MANHOLE
- DENOTES EXISTING SANITARY SEWER MAIN
- DENOTES PROPOSED EROSION CONTROL BLANKET, CATEPROY 3
- DENOTES MONUMENT FOUND
- DENOTES PROPOSED DEEP WELL LOCATION
- DENOTES EDGE OF PROPOSED PARKING LOT (BITUMINOUS)
- 1210--- DENOTES PROPOSED INTERMEDIATE CONTOURS
- DENOTES PROPOSED FENCE LINE
- ☆ PROPOSED LIGHT POLE
- DENOTES PROPOSED SANITARY SEWER SERVICE EXTENTION
- DENOTES PROPOSED STORM SEWER MANHOLE
- DENOTES PROPOSED STORM SEWER
- DENOTES PROPOSED SURFACE DRAINAGE FLOW
- DENOTES PROPOSED SILT FENCE LOCATION

ZONING = COMMERCIAL SEWERED

CSA# 11 Right of Way

Site Plan Shows on this page is previous plan APPROVED IN 2007 CUP

SEE NEW SITE PLAN FOR 2023 REQUEST CUP

09/15/2023
Albert Fush

PROJECT BOUNDARY

LOT 1, LOT 2, LOT 6, THE EAST 7.5' OF LOT 5, & SOUTH 30' OF LOTS 3 & 5
BLOCK ONE, WHITEBIRCH ELEVEN
CITY OF BREEZY POINT
CROW WING COUNTY

PARCEL # 10170646
3.42 ACRES 149,084 sqft

RESIDENTIAL ZONING EXCEPTION

RESIDENTIAL ZONING
LOT 7
101670010070009

LIMITED COMMERCIAL ZONING
LOT 6
101670010060009

LIMITED COMMERCIAL ZONING
LOT 1
101670010010009

LIMITED COMMERCIAL ZONING
LOT 5
101670010050009

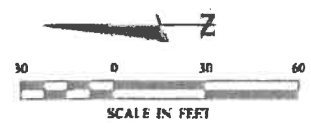
WHITEBIRCH ELEVEN
BLOCK ONE

LIMITED COMMERCIAL ZONING
LOT 4
101670010040009

LIMITED COMMERCIAL ZONING
LOT 3
101670010030009

LIMITED COMMERCIAL ZONING
LOT 2
101670010020009

SOIL DATUM
The Crow Wing County Soils Survey indicates soil in Lots 1, 2, & 6 to be classified as "Chetek-Churnia Association (COC)" and as Brainerd-Chetek Association



RANCHETTE DRIVE (under construction)

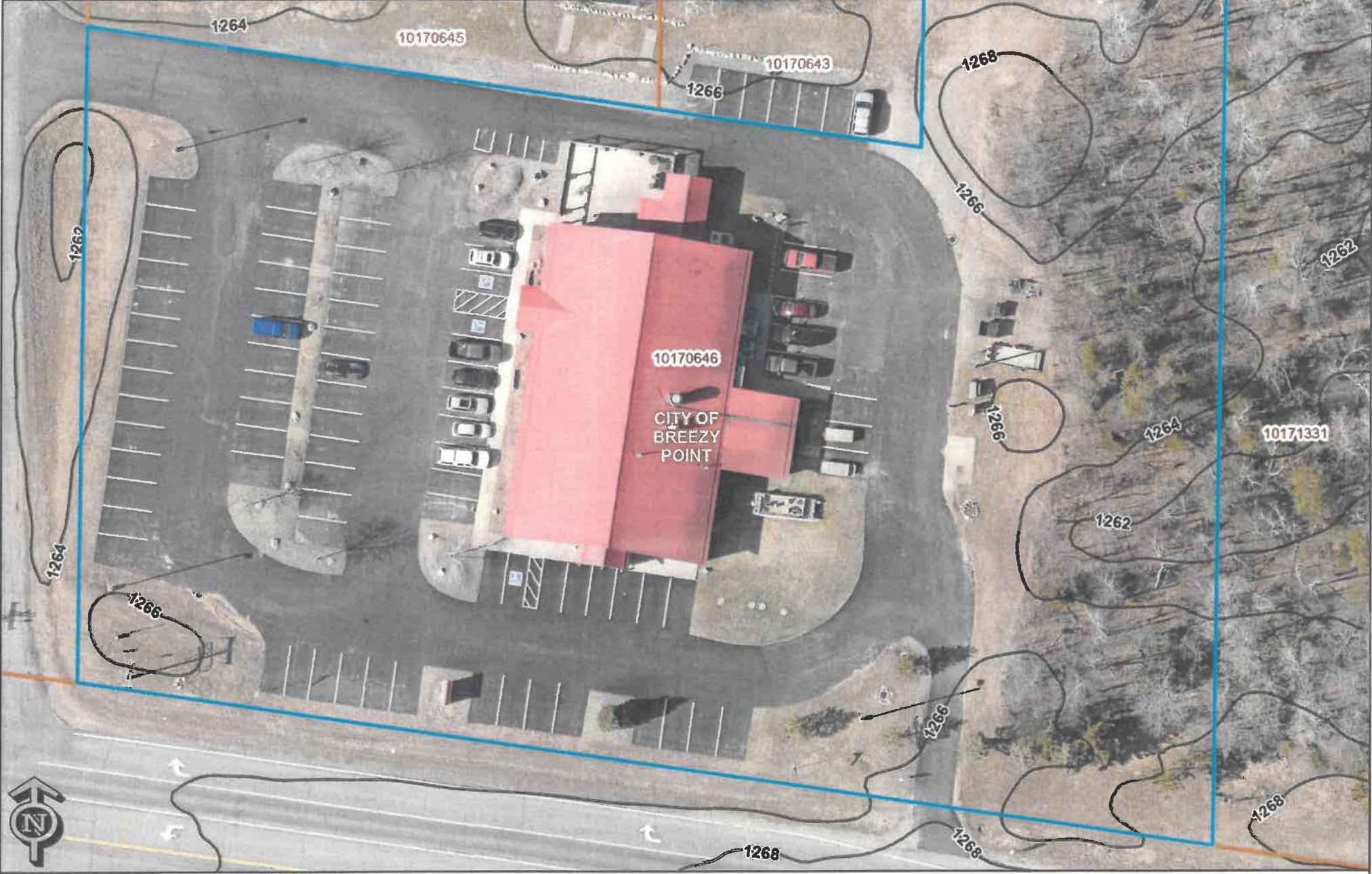
CROW WING COUNTY STATE AID HIGHWAY 7411

09/15/2023
Alfred J. Fush

EXISTING SITE CONDITIONS

LOT 1, LOT 2, LOT 6, THE EAST 7.5' OF LOT 5, & SOUTH 30' OF LOTS 3 & 5
BLOCK ONE, WHITEBIRCH ELEVEN
CITY OF BREEZY POINT
CROW WING COUNTY

PARCEL # 10170646
3.42 ACRES 149,084 sqft



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.

existing conditions
09/15/2023

SOIL DATUM
The Crow Wing County Soils Ss 1, 2, & 6 to be classified as "C" or (COC) and as Brainerd-Chetek



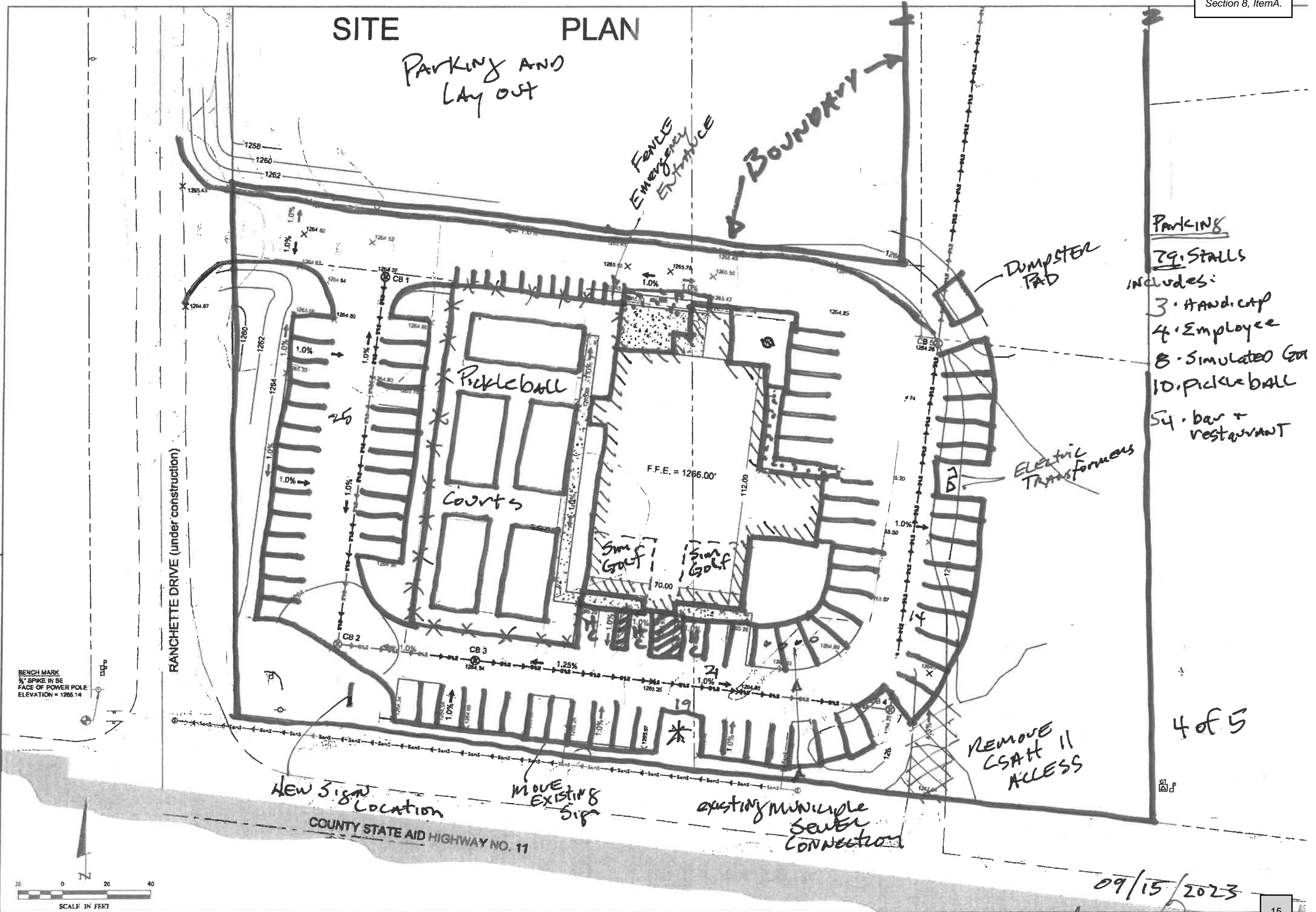
3 of 5

09/15/2023
Alvin J. Fisher

SITE PLAN

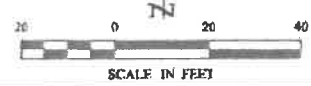
PARKING AND LAY OUT

Note:
No changes to existing sewer connection proposed at this time



- Parking
29 Stalls
includes:
- 3 Handicap
 - 4 Employee
 - 8 Simulated Golf
 - 10 Pickleball
 - 54 bar + restaurant

BENCHMARK
3" SPIKE IN SE
FACE OF POWER POLE
ELEVATION = 1265.14



4 of 5

REMOVE CSAT II ACCESS

existing multiple sewer connection

MOVE EXISTING SIGN

new sign location

09/15/2023

[Handwritten signature]

SITE PLAN

Impervious

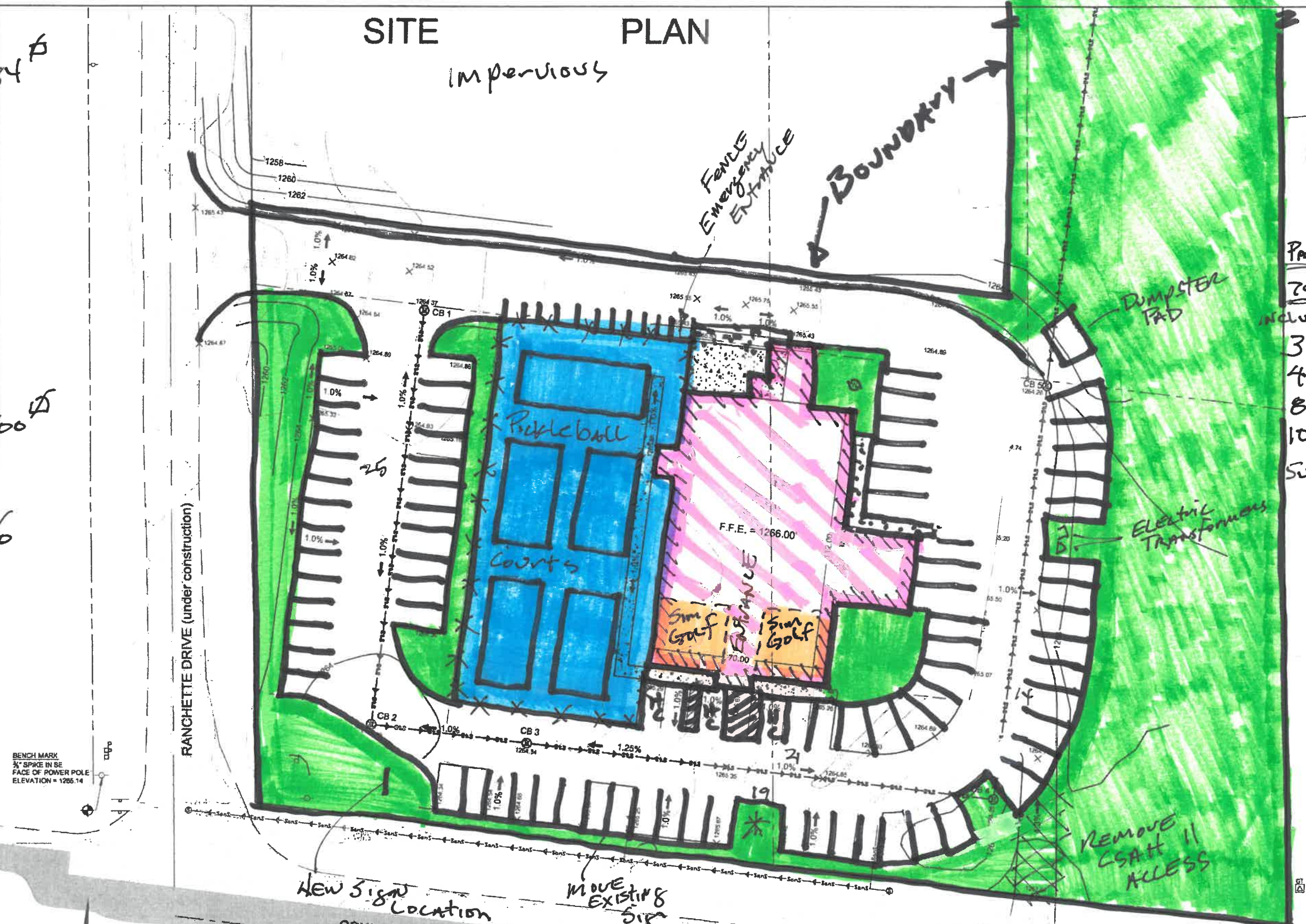
TOTAL PROJECT AREA = 149,084 \pm

PROPOSED IMPERVIOUS COVERAGE

Impervious Area includes existing Building parking AND NEW PLANNED IMPROVEMENTS = 68,500 \pm

Percent Impervious = 46%

NOTE: existing Storm Sewer AND Storm Sewer POND to REMAIN AS CONSTRUCTED



Parking
 79 Stalls includes:
 3 Handicap
 4 Employee
 8 Simulated Golf
 10 Pickleball
 54 bar + restaurant

BENCH MARK
 1/2" SPIKE IN SE
 FACE OF POWER POLE
 ELEVATION = 1266.14



- = GREEN SPACE
- = Pickleball Courts
- = Existing Building
- = Simulated Golf

5 of 5

09/15/2023

Alvin Juh









TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of October 10, 2023

Conditional Use Permit Application 2023-006

Applicant: Whitebirch Inc. / Redtail Investments LLC

Property Address: 30898 Ranchette Drive

Parcel ID: 10170646

Legal Description: Lots 1, 2 & 6 & E 7.5 ft of Lot 5 & S 30 Ft of Lots 3 & 5 Block 1 Whitebirch 11

Zoned: Commercial (C)

Code §153.040, 153.044, 153.045, 153.062, 153.119

Conditional Use Request:

- Develop and Construct Recreational facility public. Pickleball and Golf Simulation.

Applicant proposed to develop five outdoor pickleball courts and in door golf simulator on commercial property currently operated as Billy’s Bar & Restaurant.

The Property

The property is located at 30898 Ranchette Drive. Southeast intersection of County Road 11 and Ranchette Drive. Property is 3.42 acres and hosts a Bar and Restaurant. (8,000 sq. ft. +-) and 2,300 sq. ft. +- patio and cooler also 70 +- parking stalls. Conditional Use Permit to construct Bar and Restaurant in 2007.

Findings

Upon review of a Conditional Use application the commission needs to consider the findings as required in Section §153.119 (E). In review the commission should state whether or not the finding is acceptable towards granting the CUP, if applicable.

The following findings must be met:

- (a) The use or development is an appropriate conditional use in the land use zone

The property is zoned C and the request is appropriate under Section §153.044 & §153.040.

- (b) The use or development with conditions conforms to the Comprehensive Land Use Plan.

- (c) The use with conditions is compatible with the existing neighborhood.

(d) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.

The following must be considered:

(a) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair property values in the immediate vicinity;

- (b) The conditional use will not impede the normal and orderly development and

improvement of surrounding vacant property for uses predominant in the area;

(c) The conditional use will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

The use does not require any additional public infrastructure.

(d) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares;

The proposed use is in keeping with the commercial character of the neighborhood creating nominal additional traffic flow.

(e) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use;

The use is in keeping with the commercial character of the neighborhood creating nominal additional parking or loading requirements.

(f) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner that no disturbance to neighboring properties will result;

The proposed use is in keeping with the residential character of the neighborhood. No commercial use of the property is proposed as a condition of the CUP.

(g) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance; and

(h) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

The proposed use is in keeping with the residential character of the neighborhood.

- Applicant has filed the appropriate application for CUP.
- Applicant has paid the appropriate fee for the application.
- Public notice of Conditional Use Hearing was published in the legal newspaper and all property owners within 350' were given mailed notice of said hearing.
- Public Hearing was held on Tuesday, October 10, 2023.

Staff has reviewed the following:

- Site Plan
- CUP Application
- Building Code compliance

Findings §153.040 C-20

Recreation Facilities Public is an appropriate Conditional Use in C Zone. Pickleball and Golf Simulation is a public recreational facility.

The following may be appropriate conditions for approval of C.U.P.

- 1) Applicant shall obtain Building Permit for structure.
- 2) Applicant shall comply with all setback requirements.
- 3) All structures shall comply with state building code.
- 4) Impervious Coverage shall not exceed 50%.
- 5) All lighting to focus on property.
- 6) Entry to parking lot shall utilize existing entrances
- 7) Fencing shall not exceed ___ height.

City of Breezy Point
Notice of Public Hearing
Tuesday, October 10, 2023, 7:00 p.m.
Breezy Point City Hall

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 Tuesday, October 10, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Conditional Use Permit Application C-23-006 Whitebirch Inc. 30898 Ranchette Drive Breezy Point. Lots 1, 2, 6 & E 7.5 feet of 5 & S 30 ft. of Lots 3 & 5 all in Block 1 Whitebirch 11. Parcel 10170646. Construct pickleball courts adjacent to building and simulated golf within building. (Recreation Facility Public) Zone Commercial.

Conditional Use Permit Application C-23-007 Patricia K Lane Rev Trust 9069 Apple Lane Breezy Point. Lot 3 Block 1 Copperud First Addition. Parcel 10150537. Construct accessory structure 15-20 feet height. Zone R-2.

A notice relative to above listed request 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.

Jerry Bohnsack, Planner
City of Breezy Point
218-569-1003
planner@cityofbreezypointmn.us

Received by City: 09/22/2023
Application Number: C-23-007
Non-refundable Fee Paid: 250.00
Receipt #: 22491



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

Conditional Use Application

Name of Applicant Chuck Lane / Patricia Lane
Address 32485 Timberlane Pt Email: Chuck@kccompaniesinc.com
City, State, Zip Breezy Point Mn 56472
Phone 320-304-1683 Alternate Phone _____

Physical Address / Location of Property 9069 Apple Lane

Legal Description of Property Sec 15 TWP136 Range 028 Area 2.04
10207 Copperud First Addition to Breezy Point Lot 3 BLK 1

Parcel ID Number 100152202ADA009 Zoning District _____

Applicant is:

- Legal Owner of Property
- Contract Buyer
- Option Holder
- Agent
- Other _____

Title Holder of Property (if different than applicant):

Name Patricia K Lane / Charles J. Lane, as Trustees of the Patricia K Revocable Trust
Address _____
City, State, ZIP _____
Phone _____

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

Accessory structure: ~~30x44~~ 40x44 height.

Signature of Owner, authorizing application Patricia Lane
(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.

CONDITIONAL USE: A land use or land development, as defined by the Ordinance, that is allowed, but would not be appropriate without restrictions or conditions as determined by the Planning Commission. The proposed use must meeting the following standards: (a) the use or development is an appropriate conditional use in the land use zone, (b) the use or development with conditions conforms to the comprehensive land use plan, (c) The use with conditions is compatible with the existing neighborhood, and (d) the use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, or prosperity of residents in the City.

The following questions must be answered.

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

Building: Secondary Structure 40x44

Landscaping: _____

Parking/Signs: _____

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

There are no houses around property and no house can build around property when structure is being proposed. This is a wooded Area and private.

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

Neighbor built a secondary structure.

4. Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Explain if additional facilities will be required.

No impact

5. Describe the impact on the character of the neighborhood in which the property is located.

No impact as the proposed structure is in wooded private area.

6. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal?

Structure is on a private Road and will have no impact on parking as there is area by structure private to park.

7. Discuss any environmental limitations of the area that would limit or constrain construction on this property.

No impact

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

The Building is in a wooded area and private.

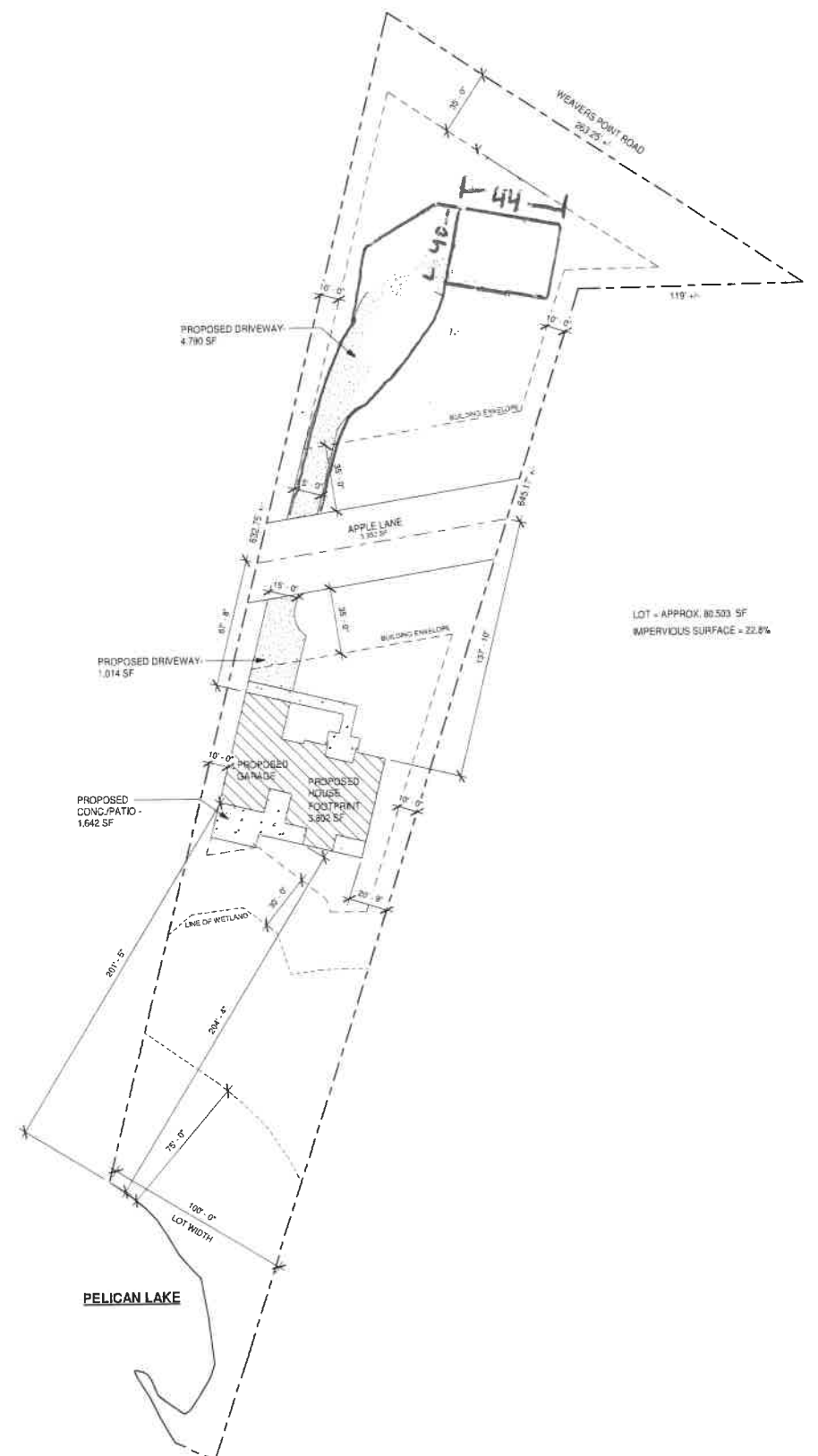
INSTRUCTIONS TO THE APPLICANT

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 information must be submitted:

- _____ 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. Legal description of the site.
- _____ 4. Site plan, drawn to scale, showing parcel and existing structure dimensions, 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).
- _____ 5. The site plan or should also show the location of all structures and their square footage.
- _____ 6. 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.
- _____ 7. 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.
- _____ 8. 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.
- _____ 9. Proposed drainage plan.
- _____ 10. Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
- _____ 11. Soils data showing capability for building and on-site sewage treatment.
- _____ 12. Existing iron pipe boundary monuments marked with proof of survey.
- _____ 13. Approximate location of any proposed signs (if applicable).
- _____ 14. Color scheme for all existing and proposed structures.
- _____ 15. Outside storage proposal.
- _____ 16. Elevation plans for all existing and proposed structures.



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.



1 SITE PLAN
A0.1 1" = 40'-0"



It is the responsibility of the OWNER to assure that all work is in accordance with the latest edition of all applicable Nation, State, and Local Building Codes. It is the OWNER's responsibility to ensure that all work is conducted in accordance with the latest edition of all applicable Construction Standards.

REVISIONS	

LANE RESIDENCE

BREEZY POINT, MN

DATE:
8.27.23

SHEET:

A0.1
ARCHITECTURAL SITE PLAN

PRINTED: 9/18/2023 6:12:24 AM

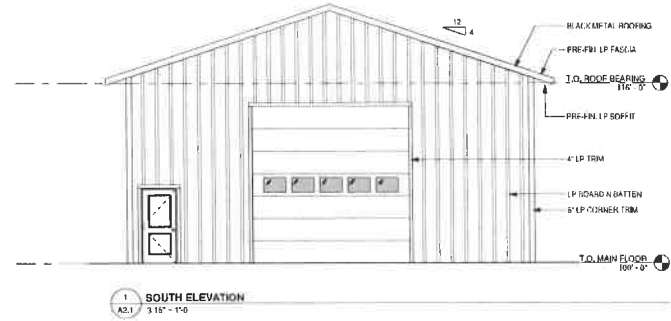
It is the responsibility of the OWNER to assure that all work is in accordance with the latest edition of all applicable National, State and Local Building Codes. It is the OWNER's responsibility to ensure that all work is conducted in accordance with the latest edition of all applicable Construction Standards.

REVISIONS

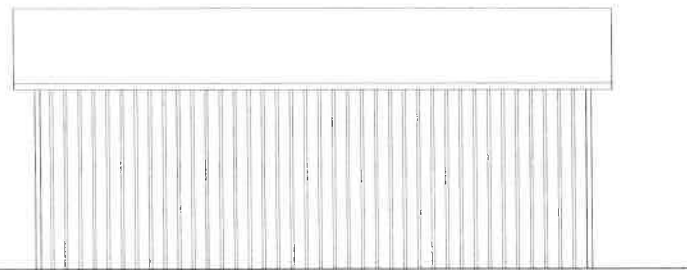
NO.	DESCRIPTION

LANE GARAGE

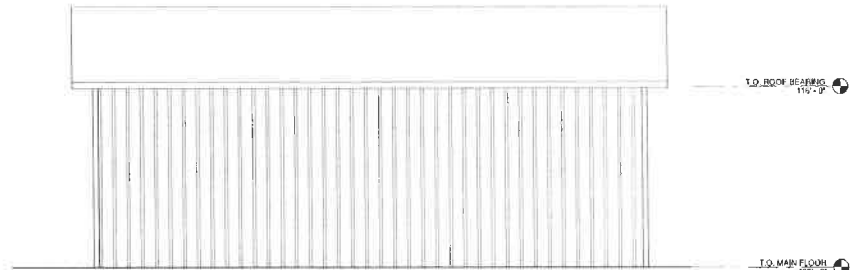
BREEZY POINT, MN



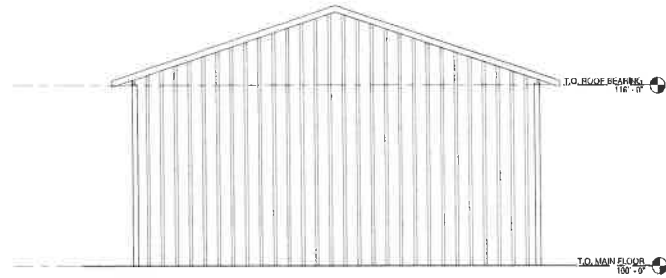
1 SOUTH ELEVATION
A2.1 3'10" - 1'-0"



2 WEST ELEVATION
A2.1 3'16" - 1'-0"



3 EAST ELEVATION
A2.1 3'16" - 1'-0"



4 NORTH ELEVATION
A2.1 3'16" - 1'-0"

DATE
9.4.23
SHEET

A2.1
EXTERIOR ELEVATIONS

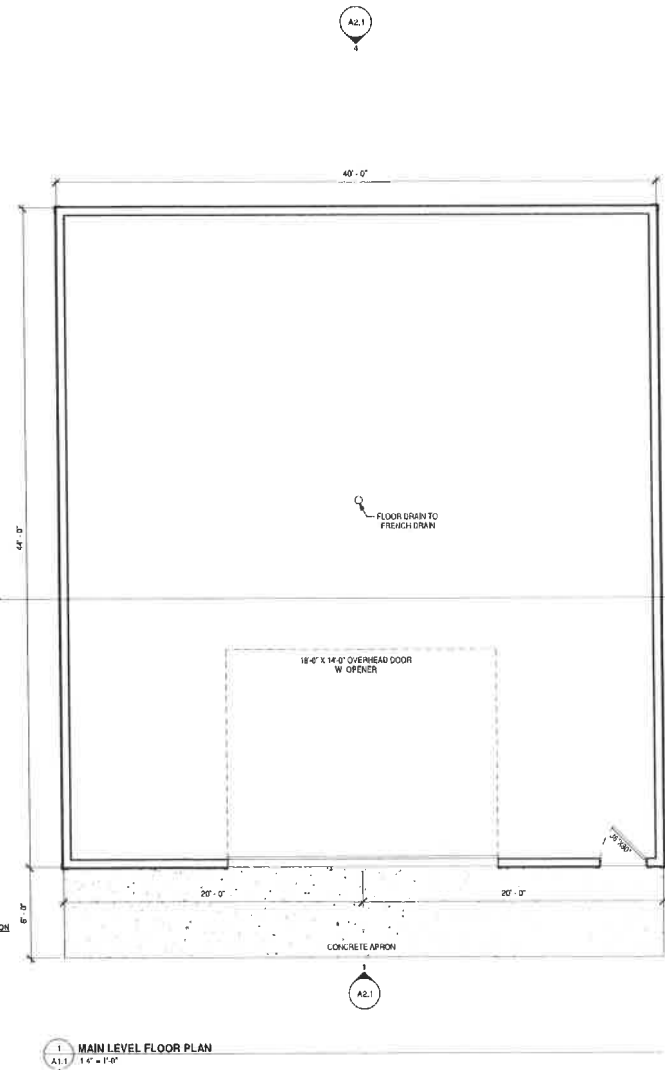
9/4/2023 6:11:21 PM

It is the responsibility of the OWNER to assure that all work is in accordance with the latest edition of all applicable Nation, State, and Local Building Codes. It is the OWNER's responsibility to ensure that all work is conducted in accordance with the latest edition of all applicable Construction Standards.

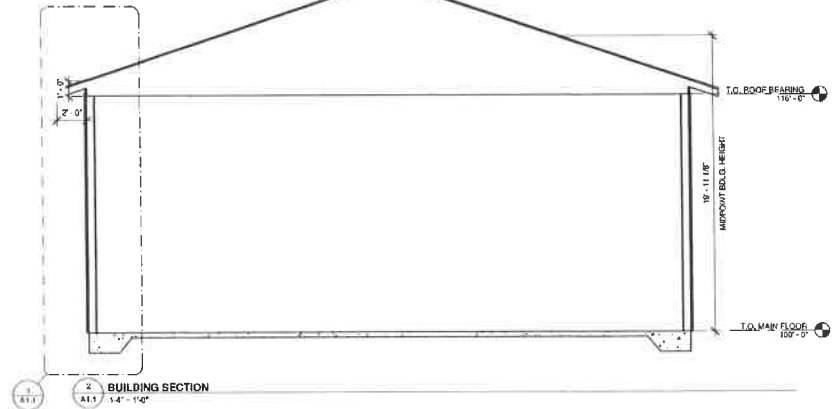
REVISIONS	

LANE GARAGE
BREEZY POINT, MN

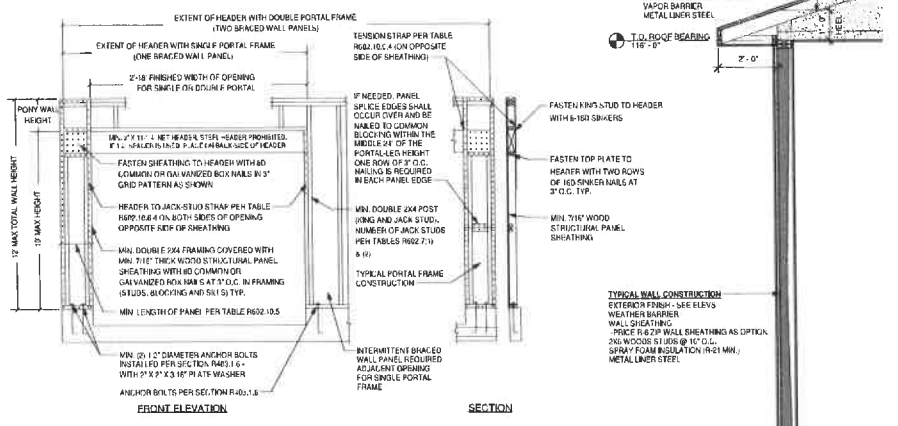
DATE	9.21.23
SHEET	A1.1
A1.1	
MAIN FLOOR PLAN	



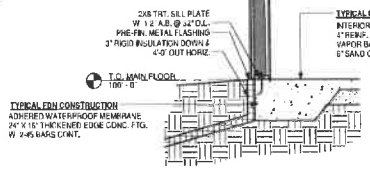
1 MAIN LEVEL FLOOR PLAN
A1.1 14' x 14'



2 BUILDING SECTION
A1.1 14' x 14'



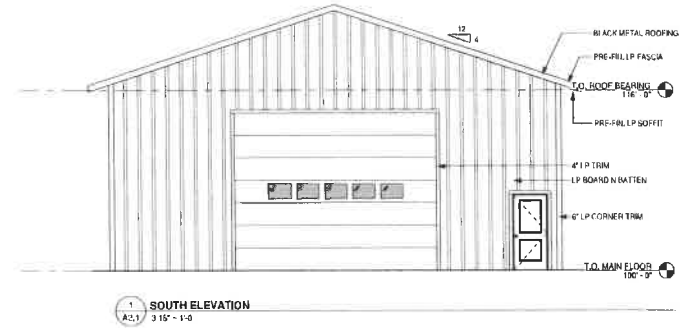
4 TYPICAL PORTAL FRAME DETAIL
A1.1 14' x 14'



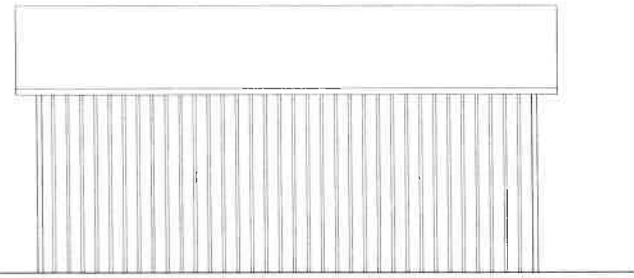
3 TYPICAL WALL SECTION
A1.1 12' x 14'

It is the responsibility of the OWNER to assure that all work is in accordance with the latest edition of all applicable Nation, State, and Local Building Codes. It is the OWNER's responsibility to ensure that all work is conducted in accordance with the latest edition of all applicable Construction Standards.

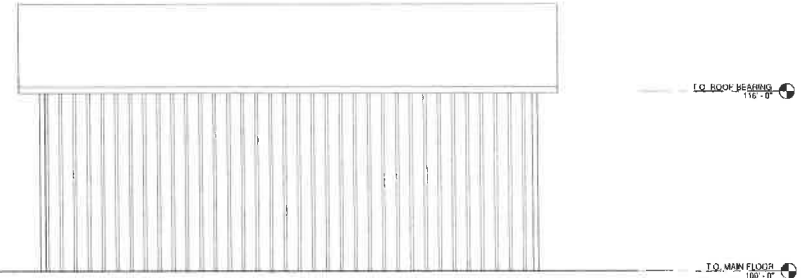
REVISIONS	



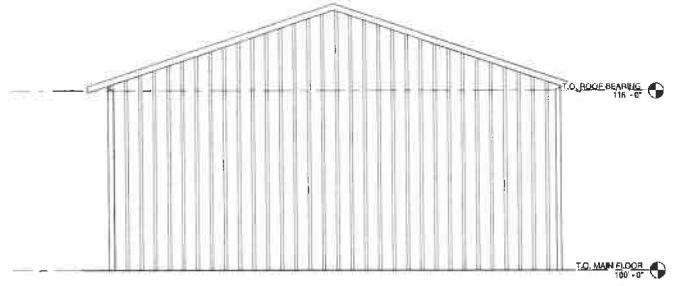
1 SOUTH ELEVATION
A2.1 3'15" - 1'-0"



2 WEST ELEVATION
A2.1 3'16" - 1'-0"



3 EAST ELEVATION
A2.1 3'16" - 1'-0"



4 NORTH ELEVATION
A2.1 3'16" - 1'-0"

LANE GARAGE

BREEZY POINT, MN

DATE
9.21.23
SHEET

A2.1
EXTERIOR ELEVATIONS

9/21/2023 6:11:53 AM

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of October 10, 2023

Conditional Use Permit Application 2023-007

Applicant: Patricia K. Lane Rev. Trust

Property Address: 9069 Apple Lane

Parcel ID: 10150537

Legal Description: Lot 3 Block 1 Copperud First Addition to Breezy Point

Zoned: Medium Density Residential (R-2)

Code §153.032 Medium Density Residential (R-2)

Conditional Use Request:

- Construct detached accessory structure (36' x 49') Height ____ ft.

The Property

Lot 3 Block 1 Copperrud First Addition is a 2.04 acre lot located in Copperud 1st Addition NW shore Pelican Lake (Nelson Bay). Lot is served by municipal sewer and access to lot and adjacent lots from Apple Lane (private easement). R-2 Zone.

Applicant has applied for building Permit to construct dwelling south of Apple Lane and is proposing a detached accessory structure north of Apple Lane access to both structures from Apple Lane.

Findings

Upon review of a Conditional Use application the commission needs to consider the findings as required in Section §153.119 (E). In review the commission should state whether or not the finding is acceptable towards granting the CUP, if applicable.

The following findings must be met:

- (a) The use or development is an appropriate conditional use in the land use zone

The property is zoned R-2 and the request is appropriate under Section §153.044 & §153.032.

- (b) The use or development with conditions conforms to the Comprehensive Land Use Plan.

- (c) The use with conditions is compatible with the existing neighborhood.

- (d) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.

The following must be considered:

- (a) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair property values in the immediate vicinity;

- (b) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;

(c) The conditional use will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

The use does not require any additional public infrastructure.

(d) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares;

The proposed use is in keeping with the residential character of the neighborhood creating nominal additional traffic flow.

(e) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use;

The use is in keeping with the residential character of the neighborhood creating nominal additional parking or loading requirements.

(f) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner that no disturbance to neighboring properties will result;

The proposed use is in keeping with the residential character of the neighborhood. No commercial use of the property is proposed as a condition of the CUP.

(g) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance; and

(h) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

The proposed use is in keeping with the residential character of the neighborhood.

- Applicant has filed the appropriate application for CUP.
- Applicant has paid the appropriate fee for the application.
- Public notice of Conditional Use Hearing was published in the legal newspaper and all property owners within 350' were given mailed notice of said hearing.
- Public Hearing was held on Wednesday, October 10, 2023.

Staff has reviewed the following:

- Site Plan
- CUP Application
- Building Code compliance

§153.032 C-3

Accessory Structure Height in excess of 15 to 20 feet in height.

The following may be appropriate conditions for approval of C.U.P.

- 1) Applicant shall obtain Building Permit for Accessory structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Siding and Roofing of principal structure and accessory structure shall be of similar colors.
- 4) All structures shall comply with state building code.
- 5) Height of accessory structure shall not exceed ___ feet.

Section 9, Item A.

Received by City: 08/11/2017
Application Number: V-23-005
Non-refundable Fee Paid: 250.00
Receipt #: 22392



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

Variance Application

Name of Applicant James and Susan Sackreiter
Address 32601 Timberlane Point Email: jim@sackreiter.net
City, State, Zip Breezy Point, MN 56472
Phone 979-203-5840 Alternate Phone 979-203-5620

Physical Address / Location of Property 32601 Timberlane Point

Legal Description of Property TROTTER-CADE LOT 31 & ALSO INCL PT OF VACATED TIMBER LN ON DOC #897023.

Parcel ID Number 101400000310009 Zoning District _____

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

Title Holder of Property (if different than applicant):
Name _____
Address 32601 Timberlane Point
City, State, ZIP Breezy Point, MN 56472
Phone 979-203-5840

State the nature of your request in detail. What are you proposing for your property?
The Sackreiters desire to extend the east side of their house eight feet (8') in a generally easterly/northeasterly direction to allow for a second bathroom and to enlarge two (2) bedrooms.

DocuSigned by:
James Sackreiter
6251A264BC8343E
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 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: See attached Exhibit A _____

Landscaping: _____

Parking/Signs: _____

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?

See attached Exhibit A _____

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

See attached Exhibit A _____

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

See attached Exhibit A _____

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

See attached Exhibit A _____

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

See attached Exhibit A _____

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?

See attached Exhibit A _____

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

9. Please include any other comments pertinent to this request.
See attached Exhibit A

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.
See attached Exhibit A

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.

Exhibit A

Please take this Exhibit as the answers to questions 1-10 of the Variance Petition for James and Susan Sackreiter and the lot located at 32601 Timberlane Point, Breezy Point, MN, 56472 (the "Subject Property").

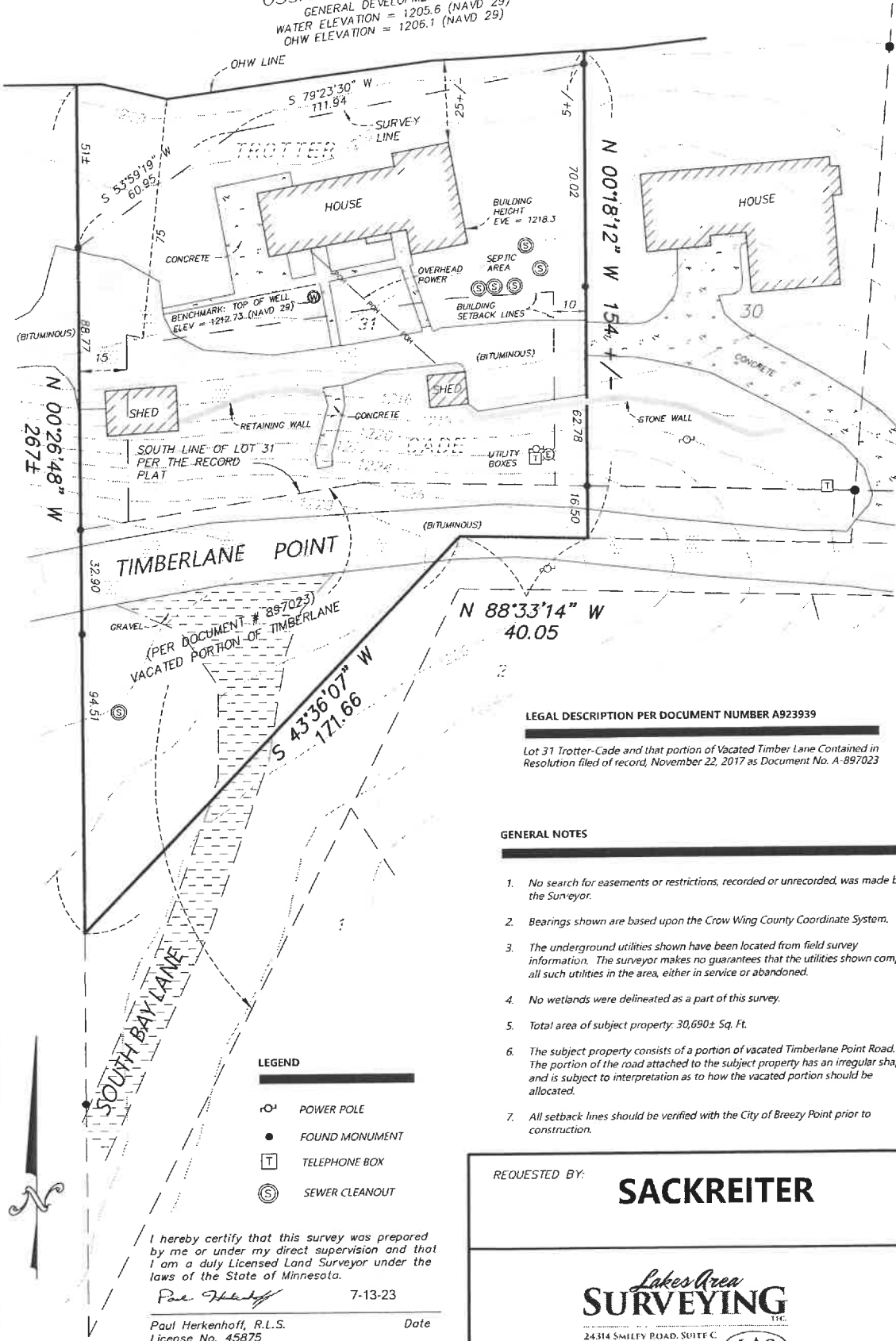
1. The Sackreiters' propose to extend the east wall of their house out eight feet (8').
2. The unique circumstances of the Subject Property that make strict interpretation of the Ordinance impractical are:
 - a. The lot is shaped in a way, and has a slope in it, that makes moving the driveway impossible.
 - b. A strict interpretation of the Ordinance would result in much more work, cost and environmental impact.
 - c. One of the stated goals of the Ordinance is to protect the environment so strict reading resulting in a greater impact on the environment does not seem practical.
3. Granting the variance is consistent with the intent of the Ordinance because Granting this application would increase the aesthetic and economic value to the surrounding properties. This variance would not cause any more impact on the shoreland, and any potential expansion of an encroachment would be negligible at worst. This variance would also, as stated in question 2, minimize impact on the local environment.
4. Reasonable use of the property will be deprived if the variance is not granted because the expansion will be negligible, if at all. Many lots in the local area have similar land use and encroach more of the shoreland than this proposed change.
5. Because of the topography of the property and layout of the house, no other options were seriously considered as they would have been incredibly burdensome on the environment and would have been extraordinarily more expensive.
6. There would be no negative impact on the enjoyment of other property in the immediate vicinity. This addition would not negatively impact the views of any neighbors and would only increase the aesthetic and economic values of the immediate area. The proposal would also not increase the number of visitors or increase the occupancy of the Subject Property.
7. The character of the area is single family residential homes in a shoreland area. There are numerous properties in the immediate vicinity of the Subject Property that encroach in a similar manner, or greater, than the proposal contained in this petition. This proposal simply allows the Sackreiters to use the Subject Property in the same way their neighbors have.
8. The slope of the lot confines the driveway to one location, it cannot reasonably be moved and there is further slope on the property that makes building in other locations impractical.

9. N/A

10. Due to the topography of this lot, the driveway cannot be moved and this proposed variance is for an encroachment that is of negligible change from the current encroachment. There are also many examples of similar land use in the immediate area so there would be no negative impact in the essential character of the locality, it will only enhance the locality.

CERTIFICATE OF SURVEY

OSSAWINNAKEE LAKE
 GENERAL DEVELOPMENT (GD)
 WATER ELEVATION = 1205.6 (NAVD 29)
 OHW ELEVATION = 1206.1 (NAVD 29)



LEGAL DESCRIPTION PER DOCUMENT NUMBER A923939
 Lot 31 Trotter-Cade and that portion of Vacated Timber Lane Contained in Resolution filed of record, November 22, 2017 as Document No. A-897023

GENERAL NOTES

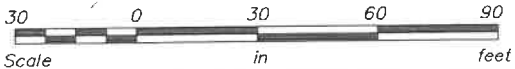
1. No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.
2. Bearings shown are based upon the Crow Wing County Coordinate System.
3. The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.
4. No wetlands were delineated as a part of this survey.
5. Total area of subject property: 30,690± Sq. Ft.
6. The subject property consists of a portion of vacated Timberlane Point Road. The portion of the road attached to the subject property has an irregular shape and is subject to interpretation as to how the vacated portion should be allocated.
7. All setback lines should be verified with the City of Breezy Point prior to construction.

LEGEND

- POWER POLE
- FOUND MONUMENT
- TELEPHONE BOX
- SEWER CLEANOUT

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

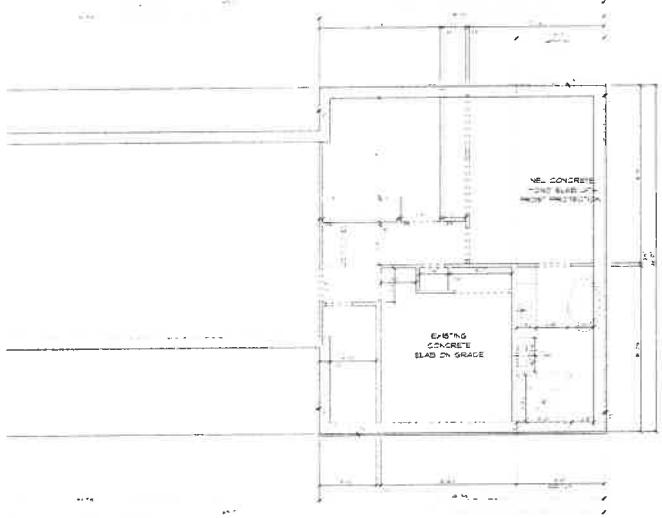
Paul Herkenhoff 7-13-23
 Paul Herkenhoff, R.L.S. Date
 License No. 45875



REQUESTED BY: **SACKREITER**

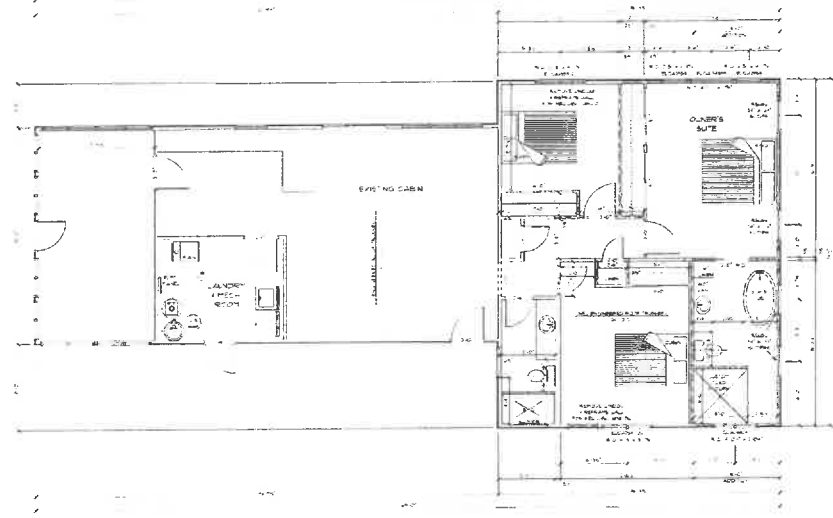
Lakes Area SURVEYING LLC
 24314 SMILEY ROAD, SUITE C
 NISSWA, MN 56468
 OFFICE (218) 961-0090

Drawn by: PDH Date: 07/13/23 Job No: 23-117

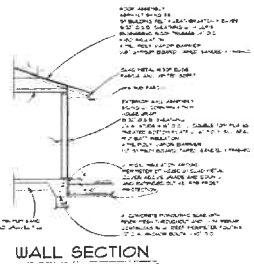


NEW FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

EXISTING BUILDING NOTES
 - THIS EXISTING BUILDING HEIGHT
 - EXISTING EXISTING CONCRETE SLAB
 WITH NO INSULATION



NEW MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

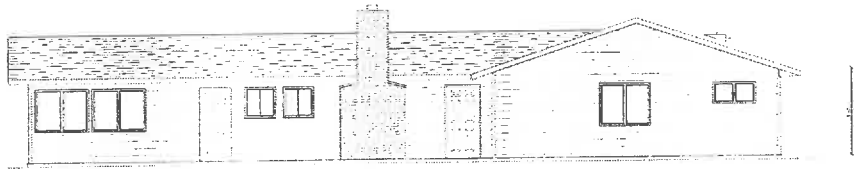


WALL SECTION
SCALE: 1/4" = 1'-0"

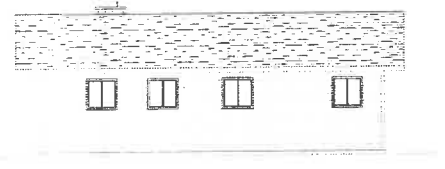
NOTE
 FIELD VERIFY ALL DIMENSIONS HEIGHTS AND
 SIZES OF EXISTING STRUCTURAL MEMBERS
 ALL DIMENSIONS ARE TO FACE UNLESS
 OTHERWISE NOTED
 2" X 4" OF INSULATION OVER ALL EXTERIOR
 OPENINGS, ALSEY OTHER SEE NOTES
 EXTERIOR DOORS BY THENPA...
 EQUAL JOISTS ARE THROUGH INTERIOR
 WITH ALL PROTECTION REQUIREMENTS
 VERIFY ALL SIZES AND ROUNDS OPENINGS
 WITH OWNER AND MANUFACTURER AND
 VERIFY WITH THE CONTRACTOR TO BE
 TEMPORARY AND NOTED - VERIFY
 EXTERIOR DOOR ROUGH OPENING HEIGHTS

VERIFY ALL TRIMMS, BEAMS AND
 PROFILES WITH TRUSS MANUFACTURER
 VERIFY ALL EXTERIOR DOORS
 AND WINDOWS
 VERIFY ALL ENERGY CODE REQUIREMENTS
 TO THE RESPONSIBILITY OF CONTRACTOR
 VERIFY ALL SIZES AND ROUNDS OPENINGS
 WITH OWNER AND MANUFACTURER AND
 VERIFY WITH THE CONTRACTOR TO BE
 TEMPORARY AND NOTED - VERIFY
 EXTERIOR DOOR ROUGH OPENING HEIGHTS

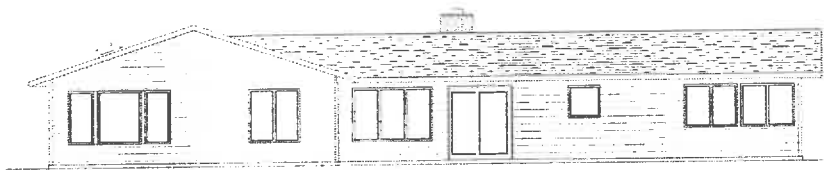
P.F.S. DESIGN LLC	
218-821-0630	
PROJECTION: 1/4"	PAGE NO: 2-2
DATE: JUNE 26, 2019	REVISED: JUNE 30, 2019



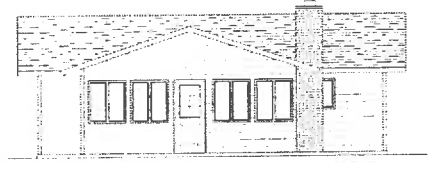
ROADSIDE ELEVATION
SCALE 1/4" = 1'-0"



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



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



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

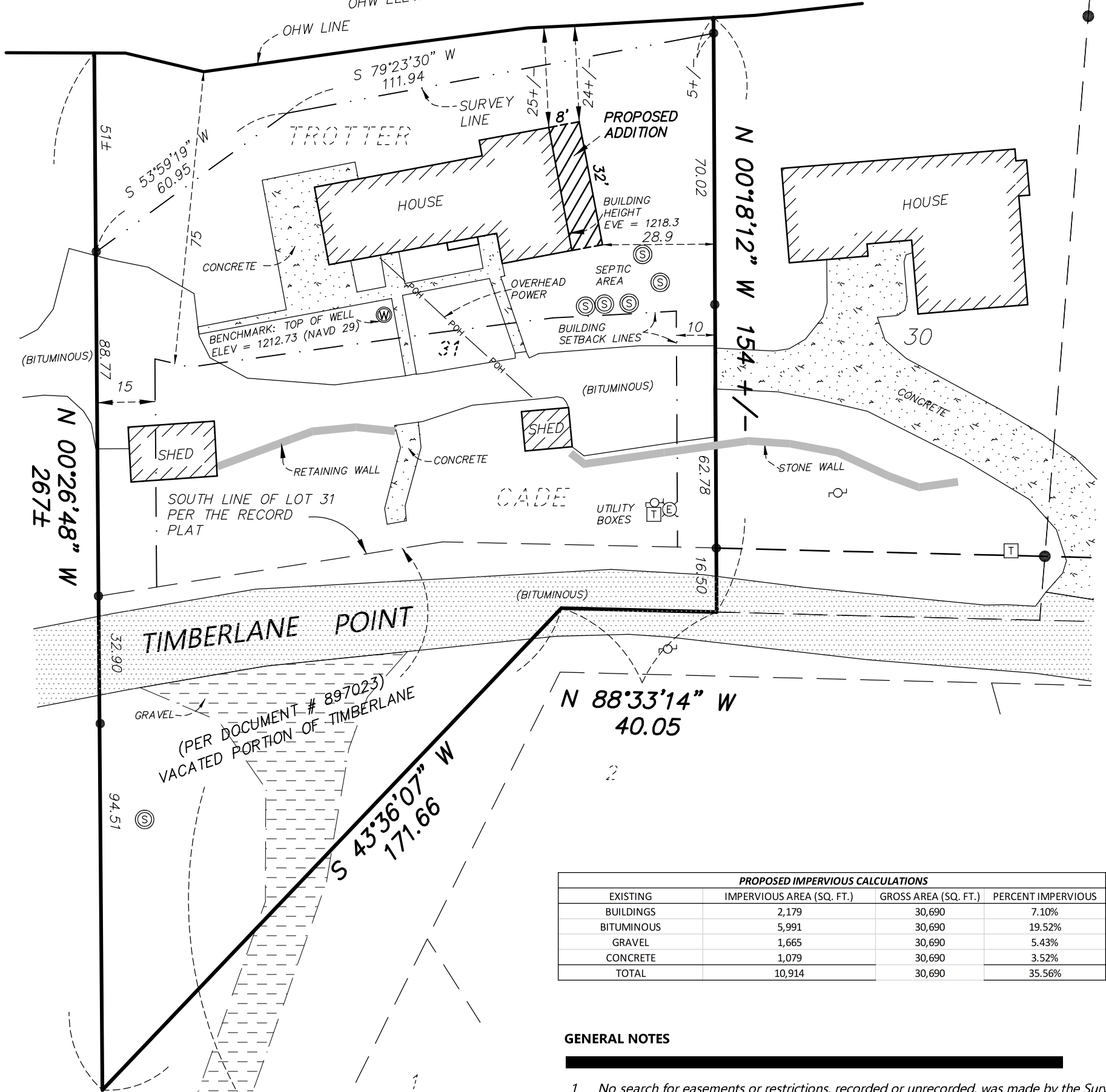
P.F.S. DESIGN LLC	
218-821-0630	
PROJECT FOR: SUZ BACKREITER	DRAWN BY: SUZ BACKREITER
DATE: APR 30 2013	1 of 2



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.

CERTIFICATE OF SURVEY

OSSAWINNAMAKEE LAKE
 GENERAL DEVELOPMENT (GD)
 WATER ELEVATION = 1205.6 (NAVD 29)
 OHW ELEVATION = 1206.1 (NAVD 29)



PROPOSED IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT IMPERVIOUS
BUILDINGS	2,179	30,690	7.10%
BITUMINOUS	5,991	30,690	19.52%
GRAVEL	1,665	30,690	5.43%
CONCRETE	1,079	30,690	3.52%
TOTAL	10,914	30,690	35.56%

GENERAL NOTES

- No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.
- Bearings shown are based upon the Crow Wing County Coordinate System.
- The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.
- No wetlands were delineated as a part of this survey.
- Total area of subject property: 30,690± Sq. Ft.
- The subject property consists of a portion of vacated Timberlane Point Road. The portion of the road attached to the subject property has an irregular shape and is subject to interpretation as to how the vacated portion should be allocated.
- All setback lines should be verified with the City of Breezy Point prior to construction.

LEGAL DESCRIPTION PER DOCUMENT NUMBER A923939

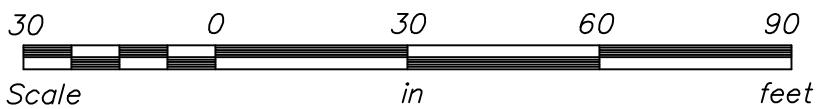
Lot 31 Trotter-Cade and that portion of Vacated Timber Lane Contained in Resolution filed of record, November 22, 2017 as Document No. A-897023

LEGEND

- POWER POLE
- FOUND MONUMENT
- TELEPHONE BOX
- SEWER CLEANOUT

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul Herkenhoff 7-13-23
 Paul Herkenhoff, R.L.S. Date
 License No. 45875 REVISED 8-16-23
 REVISED 8-21-23



REQUESTED BY:

SACKREITER

Lakes Area
SURVEYING
 LLC.

24314 SMILEY ROAD, SUITE C
 NISSWA, MN 56468
 OFFICE (218) 961-0090



Drawn by: PDH Date: 07/13/23 Job No: 23-117

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of September 12, 2023

Variance Request 2023-005

Applicant: James & Susan Sackreiter

Legal Description: Lots 31 & portion of vacated Timberlane Point. Trotter-Cade

Address: 32601 Timberlane Point, Breezy Point MN 56472

Property Identification Number (PIN): 10030538

Zoning: Residential Medium Density R-2

Applicable Code: 153.007, 153.032, 153.044, 153.045, 153.120

Request:

Expand legal nonconforming use 8 ft. x 32 ft. addition to dwelling unit. 24 ft. from OHW.

Property:

The property is located on Timberlane Point (vacated portion) Access to property from shared driveway on adjacent 32635 Timberlane Point. This property and adjacent properties (east) is a narrow peninsula in Lake Ossawinnamakee. The property currently hosts a dwelling, two out buildings, driveway, and miscellaneous concrete ground cover. The existing dwelling is located within the 75 ft. setback and the NE corner of the dwelling is 25 ft. from OHW.

Because the dwelling is located within the 75 ft. setback from OHW the dwelling is considered Legal Non-conforming use.

The applicant is seeking variance to expand existing dwelling (legal non-conforming use) with addition 8' x 32' on East wall of dwelling NE corner of proposed addition 24 ft. +- from OHW.

The existing impervious coverage of the original Lot 31 is 31.24%

VARIANCE. A legally permitted deviation as provided in M.S. § 462.357, Subd 6, as it may be amended from time to time, from the provision of this chapter as deemed necessary by the Board of Adjustment when the strict interpretation of the ordinance would create practical difficulty and be impractical because of circumstances, relating to lot size, shape, topography or other characteristics of the property, and when the deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance. Variances cannot create a land use not permitted in a zone.

Variance Review:

- Variance Review §153.120 E 1-5
- (E) Variances shall be decided within a reasonable time with considerations for the

following:

- (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;
- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;
- (3) The land use created by the variance is permitted in the zoning district where the property is located;
- (4) The variance will not alter the essential character of the locality; and
- (5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

Findings:

- 1) The applicant contends that the practical difficulty is _____
- 2) The property is part of a 1961 Plat.
- 3) The use is consistent with character of surrounding Neighborhood.
- 4) Impervious coverage is proposed to be 32.44%.
- 5) _____

The following finding of fact may be used to support denial of the Variance request.

- 1) The property preexists subdivision and zoning regulations.
- 2) The impervious Coverage does exceed 25% (31.24%)
- 3) The proposed expansions does encroach OHW more than the existing dwelling.
- 4) Proposed impervious coverage 32.44%

The following may be used to support Approval of the of the Variance request.

- 1) The subdivision was created prior to zoning and subdivision regulations. (1961)
- 2) The Request is inharmony with general purpose and intent of official controls and consistent with comprehensive plan.
- 3) The property owner is proposing to use the property in a reasonable manner.
- 4) The plight of the owner is due to circumstances unique to the property not created by the owner.
- 5) The Variance of granted will not alter the essential character of the locality.
- 6) The practical difficulty is _____.
- 7) If approved the following may be conditions of approval:
 - a) Minimum elevation of lowest floor 1210
 - b) Maximum impervious coverage ?
 - c) Develop surface water retention and management plan.
 - d) Other.

Planning Commission/Board of Review Direction

The Board may by resolution choose to approve, deny, or modify the requested variance. The resolution should clearly state the practical difficulty and reasons for approval, denial, or modification of the variance.

From: Frie, Jacob (DNR) <Jacob.Frie@state.mn.us>
Sent: Friday, September 1, 2023 2:57 PM
To: Deb Runksmeier <drunksmeier@cityofbreezypointmn.us>
Cc: Jerry Bohnsack <jbohnsack@cityofbreezypointmn.us>; Petrik, Daniel (DNR) <daniel.petrik@state.mn.us>
Subject: RE: Breezy Point Public Notice - 32601 Timberlane Point

Good afternoon Deb:

The MN DNR offers the following comments regarding the Sackreiter variance request(s):

The Minnesota DNR recommends DENIAL of the OHW setback request for the following reasons:

- 1.) The Variance is not due to circumstances unique to the property, and is created by the property owner:
 - a) Based on the certificate of survey provided from Lakes Area Surveying revised 8/21/2023, the existing residence is at 25 feet from OHW, represents a 75% existing deviation from the 75' GD classified lake setback. Further encroaching an additional one foot towards the OHW represents an exasperation of the issue, cause increased recreation and potential vegetation modification, increase impervious surfaces, and increase stormwater run-off close to open-water. This may result in reduced water quality benefits and a reduction in near-water habitat within the Shore Impact Zone (SIZ).
 - b) Unless other information is supplied to the contrary, there appears to be ample area to add an addition to the house on the west side, further away from the lake, and in an area already covered by existing concrete patio surfaces. It is also not clear why an addition could not be considered to the rear of the house or somewhere on the back-sides away from the lake.

- 2.) The variance is not in harmony with the purposes and intent of the Zoning Ordinance:
 - a) The proposed 8' addition to the east may end up causing a new variance from dwelling unit to septic tank – which MPCA rules mandates a minimum 10' setback from dwelling units to septic tanks. Doing so could cause maintenance access issues for pumpers and maintainers in the future. Measurements are not shown on the survey, but since the min. 10' distance is in doubt, the survey should be updated to include this information and a separate additional variance request will need to be called-out for and published within statutory timelines prior to a public hearing.
 - b) According to the certificate of survey, the proposed addition will result in an impervious coverage of 35.56%. According to the City of Breezy Point's Zoning Ordinance, Section 153.032 G23, the maximum allowed impervious coverage on this medium density residential (R-2) unsewered lot is 25%. Also, according to MN Rule 6120.3400 subp. 11 B(1), impervious surface coverage on residential lots in the Shoreland area must not exceed 25%. Any proposed improvements to this lot that involve increased impervious surfaces cannot and must not be considered unless/until the impervious coverage is reduced to 25%. Further, the Minnesota DNR would not be / is not supportive of any variance consideration to deviate from maximum impervious coverage LGU and State Rules.
 - a. For the above impervious coverage comment, the certificate of survey should be revised showing a detailed plan of how and where impervious surfaces are to be reduced to meet City and State shoreland rules standards, prior to considering the variance request for OHW setback due to a proposed addition. And, since it may result in an additional variance request for impervious coverage, a separate

additional variance request will need to be called-out for and published within statutory timelines prior to a public hearing.

- b. There appears to be ample opportunity to reduce impervious surface coverage by eliminating all of the concrete surfaces within the 75' building setback and also narrow the existing driveways and parking areas in the rear lot zone.

Thank you for allowing the DNR with an opportunity to comment on this application. Per Minnesota Rules, please be sure to send a copy of the record/notice of decision with supporting findings of fact within 10 days of decision for this application.

Jacob Frie

Area Hydrologist | Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1601 Minnesota Drive

Brainerd, MN, 56401

Phone: 218-203-4367

Email: Jacob.frie@state.mn.us

mndnr.gov





PROPOSED IMPERVIOUS CALCULATIONS ORIGINAL LOT 31			
EXISTING	IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT IMPERVIOUS
BUILDINGS	2,179	21,202	10.28%
BITUMINOUS	3,365	21,202	15.87%
GRAVEL	0	21,202	0.00%
CONCRETE	1,079	21,202	5.09%
TOTAL	6,623	21,202	31.24%