



# PLANNING COMMISSION/BOARD OF ADJUSTMENT

**Wednesday, July 12, 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](mailto:cityadmin@cityofbreezypointmn.us)

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## AGENDA

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**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

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

**5. APPROVAL OF MINUTES**

A. June 13, 2023 Regular Meeting Minutes

**6. COUNCIL LIAISON REPORT**

A. June 26, 2023 City Council Workshop

B. July 6, 2023 City Council Meeting

**7. OPEN FORUM**

Items not included in the agenda.

**8. NEW BUSINESS**

A. Public Hearing: Variance Application V-23-003 Chris Erickson / Dettinger Trust. 29206 Piney Way Breezy Point. Lots 20 & 21 Edgewater Beach. Parcels 10211067 and 10211068. Request for Variance to expand legal nonconforming use with addition of 276 sq. ft. screened porch. R-2 Zone.

B. Official Action Variance Application V-23-003

C. Public Hearing: Conditional Use permit Application C-23-004 Mark Pietig / BPMG LLC. 8101 County Road 11 Breezy Point. Lots 329, 330, & 331 15th Addition to Breezy Point Estates. Construct Mini-golf course and clubhouse (Recreation Facility – Public). Zoned C (Commercial).

D. Official Action Conditional Use Permit C-23-004

E. Public Hearing: Conditional Use permit Application C-23-005 Mark Olson 30213 Robin Lane Breezy Point. Lots 304 thru 307 15th Addition to Breezy Point Estates. Parcel 10161593. Construct 52' x 30' accessory structure (1560 sq. ft.) R-4 Zone.

F. Official Action Conditional Use Permit C-23-005

G. Public Hearing: Variance Application V-23-004 Joseph Martinson 29700 Lakeshore Drive Breezy Point. Lot 3 Block 1 Breezy Point Club. Parcel 10211222. Request for variance to expand legal non-conforming structure with Addition of 268 sq. ft. deck. Variance to exceed 25% impervious coverage.

H. Official Action Variance V-23-003

L. Whitebirch Inc. Discussion of Rezoning R-1 (Low Density Residential) to R-4 (Multi-Family Residential)

**9. OLD BUSINESS**

**10. STAFF REPORTS**

**11. COMMISSIONER REPORTS**

**12. ADJOURN**

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

**June 13, 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, Roger Theis, Marcy Weaver, and Teddy Zierden; City Planner Jerry Bohnsack, Administrator Clerk David Chanski, Deputy Clerk Deb Runksmeier, Planning Commission Council Liaison Steve Jensen.

Approval of Agenda

Motion Theis/Brisbin to approve Agenda, Motion Carried 5-0

Approval of 05/09/2023 regular meeting

Motion Ayers/Zierden to approve the minutes as written, Motion carried 5-0.

City Council Liaison Report

Council Liaison Jensen reported on the June 5, 2023 council meeting.

Open Forum

Bill Toft recommended that the Planning Commission decline to take a position regarding rezoning petition Lots 3, 4, 5 Block 1 Whitebirch 16 (R-2 to P)

Public Hearing - Conditional Use Application C-23-003 Scott Olson 8677 Pine Circle. Lots 27-28 Block 3 Whitebirch Three. Parcel 10040573. Request to construct accessory structure 15-20 ft. height. R-1 Zone

The Public hearing was opened by Chairperson Weaver.

Mr. Scott Olson Reviewed his request to construct a 2400 sq. ft. accessory structure height 18 ft. 4 in. to accommodate door openings for camper.

Planner Bohnsack reviewed the staff report.

Chair Weaver Closed the Public Hearing.

Motion Theis/Brisbin to Approve the following Resolution PC-23-04, Motion Carried 5-0

RESOLUTION PC 23-04

A RESOLUTION APPROVING CONDITIONAL USE PERMIT APPLICATION 2023-003

LOTS 27 & 28 BLOCK 3 WHITEBIRCH THREE

WHEREAS, Scott Olson has submitted Application for Conditional Use Permit to construct 40 x 60 accessory structures with height 18' 4"; and

WHEREAS, Mr. Olson owns Lots 27-28 Block 3 Whitebirch 3 Parcels 10040572, 10040573. Address 8677 Pine Circle Breezy Point, MN; and  
WHEREAS, Lots 27-28 Block 3 Whitebirch 3 is Zoned R-1 (Low density residential); and  
WHEREAS, Section 153.03, C-3, Accessory structure 15-20 height is a Conditional Use in the R-1 Zone; and  
WHEREAS, published and mailed notice of hearing to consider CUP application was given to property owners within 350 feet; and  
WHEREAS, a public hearing to consider CUP Application was held Tuesday, June 13, 2023; and  
WHEREAS, the following findings were made as provided for under Section §153.119 (E) of the Breezy Point City Code;

- 1) The proposed use is an appropriate Conditional Use in the R-1 Zone.
- 2) The use with conditions will conform to the Comprehensive Plan.
- 3) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.
- 4) The use is compatible with the neighborhood. (Residential)

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Conditional Use Permit 2023-003 is approved and be subject to conditions.  
BE IT FURTHER RESOLVED THAT THE Conditional Use Permit is subject to the following conditions;

- 1) Applicant shall obtain building permit for accessory structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Color of siding and roofing of accessory structure shall be similar to principal structure.
- 4) Accessory structure shall comply with state building code.
- 5) Height of accessory structure shall not exceed 18' 4"

Variance Application V-23-001 Schmidt Brothers Holdings LLC. Lots 13 and 14 Eighteenth Addition to Breezy Point Estates. Parcels 10211047 and 10211048. Request to construct dwelling and attached garage 13 feet from ROW County Road 4 and 15 feet from Delineated Wetland.

The Planning Commission discussed Variance Application V-23-001 Schmidt Brothers Holding. Public hearing was held May 9, 2023. No action taken May 9, 2023. Applicant asked to explore utilization of wetland replacement / wetland credits to minimize variances.

Planner Bohnsack advised the commission that the applicant had consulted with Crow Wing County Environmental Services about wetland replacement. Environmental services advised that the county will not support wetland replacement plan for the project. (Crow Wing County letter – part of agenda packet). Commission was advised of the Board options for the Variance application.

Option #1 - Deny Variance Application, Option #2 - Approve Variance Application as applied for approve with conditions, Option #3 - Approve revised Variance with conditions.

Motion Ayers/Brisbin to Approve Variance V-23-001 with Reduce proposed size of Dwelling to 20' width. ROW setback 19 ft., Wetland setback 15 ft.

Amend Motion Ayers/Brisbin to Approve Variance V-23-001 Lots 13 & 14 18<sup>th</sup> Addition to Breezy Point Estates Reduce proposed size of Dwelling to 22 ½ ft. width, ROW setback 16 ½ ft., Wetland setback 15 ft. with Lot size 13,288 sq. ft., Motion carried 3-2.  
Voting Aye – Ayers, Zierden, Brisbin. Nay – Weaver, Theis.

RESOLUTION PC 23-0?  
A RESOLUTION APPROVING VARIANCES C-2023-002

WHEREAS, Patrick Pfeiffer has submitted Application for Conditional Use Permit to

The Planning Commission then considered Rezoning request Z-23-001 City of Breezy Point. Request to Rezone Lots 3, 4, 5 Block 1 Whitebirch 16. R-2 to P Public.

Hearing to consider request held May 9, 2023 official action tabled for further consideration.

Discussion of the request and potential uses for the property was held.

Motion Weaver/Zierden to Recommend Rezoning of Lots 3, 4, 5 Block 1 of Whitebirch 16, R-2 to P Public. Further recommend that the proposed parking lot and on the lots be reduced in size and that the portions of the three lots be developed to provided future park amenities, Motion carried 5-0

Motion Ayers/Weaver to Reschedule July Planning Commission to Wednesday, July 12, 2023 at 7:00 P.M., Motion Carried 5-0

Administrator Chanski reported on website transaction and City Hall open house June 14, 2023.

There being no further business the meeting adjourned at 8:03 p.m.

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Submitted by Jerry Bohnsack  
City Planner



# CITY COUNCIL WORKSHOP

**Monday, June 26, 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](mailto:cityadmin@cityofbreezypointmn.us)

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## AGENDA

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### 1. DISCUSSION ON DRAFT RULES OF CONDUCT AND PROCEDURE

Draft Rules of Conduct and Procedure



# CITY COUNCIL REGULAR MEETING

**Thursday, July 06, 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](mailto:cityadmin@cityofbreezypointmn.us)

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## AGENDA

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**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

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

**5. OPEN FORUM**

Items not on agenda

**6. 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. June 5, 2023 Regular City Council Meeting Minutes

B. June 26, 2023 City Council Workshop Minutes

C. Approval of Claims Totaling \$98,338.75.

D. City Administrator Annual Review Summary

E. Sewer Plant Irrigation Turbine Replacement

F. State of Minnesota JPA and Court Services Amendment

**7. NEW BUSINESS**

A. 2022 Audit Report

B. Discussion of Night to Unite

**8. OLD BUSINESS**

A. Resolution 09-2023 Transition to Open Book for Appeals of Property Valuations

B. Budget Kickoff Workshop Date

**9. STAFF REPORTS**

**10. MAYOR AND CITY COUNCIL REPORTS**

**11. AGENDA FORECAST**

**12. ADJOURN**



City of Breezy Point  
Notice of Public Hearing  
Wednesday, July 12, 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 Wednesday, July 12, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Variance Application V-23-003 Chris Erickson / Dettinger Trust. 29206 Piney Way Breezy Point. Lots 20 & 21 Edgewater Beach. Parcels 10211067 and 10211068. Request for Variance to expand legal nonconforming use with addition of 276 sq. ft. screened porch. R-2 Zone.

Conditional Use permit Application C-23-004 Mark Pietig / BPMG LLC. 8101 County Road 11 Breezy Point. Lots 329, 330, & 331 15<sup>th</sup> Addition to Breezy Point Estates. Construct Mini-golf course and clubhouse (Recreation Facility – Public). Zone Commercial C.

Conditional Use permit Application C-23-005 Mark Olson 30213 Robin Lane Breezy Point. Lots 304 thru 307 15<sup>th</sup> Addition to Breezy Point Estates. Parcel 10161593. Construct 52' x 30' accessory structure (1560 sq. ft.) R-4 Zone.

Variance Application V-23-004 Joseph Martinson 29700 Lakeshore Drive Breezy Point. Lot 3 Block 1 Breezy Point Club. Parcel 10211222. Request for variance to expand legal non-conforming structure with Addition of 268 sq. ft. deck. Variance to exceed 25% impervious coverage.

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](mailto:planner@cityofbreezypointmn.us)



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.



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

Received by City: 06/14/2023  
Application Number: V-23-003  
Non-refundable Fee Paid: 250.00  
Receipt #: 22149

# Variance Application

Name of Applicant Chris Erickson - Dotty Brothers Construction Inc.  
Address 4593 Morehouse Drive  
City, State, Zip Pequot Lakes, MN 56472  
Phone 218-568-61-60 Alternate Phone 218-821-0270

Physical Address / Location of Property 29206 Piney Way, Breezy Point, Mn 56472

Legal Description of Property Lot 20 & Lot 21

Parcel ID Number 10211067 & 10211068 Zoning District Medium Density (R-2)

Applicant is:	Title Holder of Property (if different than applicant):
<input type="checkbox"/> Legal Owner of Property	Name <u>Dettinger Carrie S Rev Trust</u>
<input type="checkbox"/> Contract Buyer	Address <u>76 Quail Street</u>
<input type="checkbox"/> Option Holder	City, State, ZIP <u>Mahtomedi, MN 55115</u>
<input checked="" type="checkbox"/> Agent	Phone <u>1-612-508-7699</u>
<input type="checkbox"/> Other _____	

State the nature of your request in detail. What are you proposing for your property?  
We are proposing a covered open air porch addition to the existing cabin.

Signature of Owner, authorizing application Jerry Dettinger  
(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) Chris Erickson  
(By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

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

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

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

**The following questions must be answered.**

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

Building: 266 square foot open air porch addition and extension of the entry porch overhang 18"

Landscaping: installation of a lawn irrigation system

Parking/Signs: repairing existing gravel drive by adding new crushed concrete aggregate

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?

this structure pre-dates the ordinance, and has been once before granted a variance for work that was non conforming. the proposed project meets all guidelines of the current ordinance.

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

The ordinance is written to allow reasonable use of the property. The non-conformity of the existing structure has been approved, therefore it's reasonable to allow a conforming project be done as long as it doesn't increase the non-conformity

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

The owner has a need for additional covered exterior space for medical reasons to allow interaction with family and friends while enjoying his property.

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

The proposed project is conforming. It's not feasible to correct the existing non-conforming nature of this property previously deemed legal with the granting of the variance.

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

there is no impact to the neighboring properties whatsoever. the proposed is a relatively small covered open air addition constructed to match the existing building like it was part of the original cabin.

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?

This area has a mixture of summer cabins, year round homes, and vacation rental properties. all seemingly being kept up

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

No environmental concerns we are aware of

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

we feel that the past variance granted should establish the existing structure as legal, eliminating the need for additional variances for any work done that is within the guidelines of the current ordinance.

**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.

# CERTIFICATE OF SURVEY

LOTS 20 AND 21, EDGEWATER BEACH,  
SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST  
CROW WING COUNTY, MINNESOTA  
TOTAL/NET AREA= 28,842 SQ. FT. ± / 0.7 ACRES ±  
BUILDABLE AREA= 16,557 SQ. FT. ±

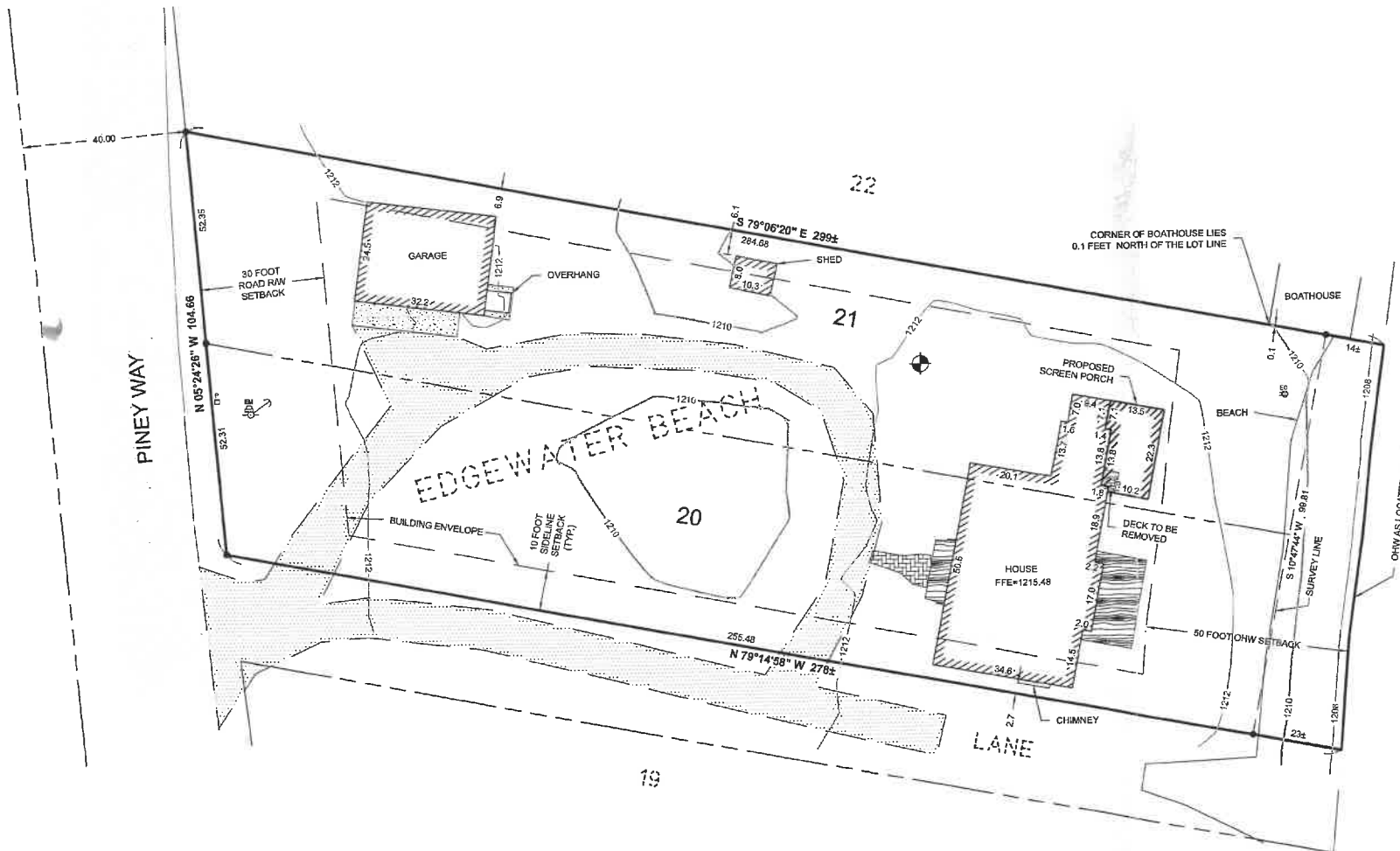
## LEGAL DESCRIPTION PER DOC#0604104

EXHIBIT A  
LEGAL DESCRIPTION  
That particular real property located in Crow Wing County, Minnesota described as follows: Lots 20 and 21, Edgewater Beach

30206 Ramseyer Rd  
Suite 1  
P. O. Box 874  
Pequot Lakes, MN 55450  
218-568-4940  
www.stonemarksurvey.com



I HEREBY CERTIFY THAT THIS SURVEY PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*Robert A. Trotter*  
ROBERT A. TROTTER, LICENSE #0007  
DATE: 6-16-2023  
LIC. NO.



### PELICAN LAKE

GENERAL DEVELOPMENT CLASSIFICATION

LAKE ELEVATION = 1207.18 ON 07/28/22

ORDINARY HIGH WATER ELEVATION = 1207.4

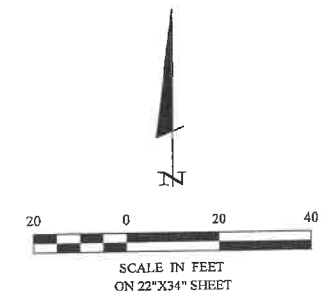
BENCHMARK: ZERO GAUGE READING AT DAM, AT THE INTERSECTION OF CR 11 AND THE CHANNEL BETWEEN PELICAN LAKE AND OSSAWINNAMAKEE LAKE, HAS AN ELEVATION = 1205.28 PER MN DNR

BASED ON NGVD 29 DATUM

### LEGEND

- DENOTES EDGE OF EXISTING BITUMINOUS
- DENOTES EDGE OF EXISTING GRAVEL
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING PAVING STONES
- DENOTES EDGE OF EXISTING WOODEN DECKING
- 1208- DENOTES EXISTING INTERMEDIATE CONTOURS
- 1210- DENOTES EXISTING INDEX CONTOURS
- DENOTES EXISTING UTILITY POLE W/ GUY WIRE
- ⊕ DENOTES EXISTING ELECTRIC METER
- ⊖ DENOTES EXISTING ELECTRIC OUTLET
- ⊞ DENOTES EXISTING PHONE PEDestal & PHONE BOX
- ⊙ DENOTES BENCHMARK: TOP OF 1/2" REBAR  
ELEV. = 1212.51 FT.  
BASED ON NGVD 29 DATUM
- DENOTES MONUMENT FOUND

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WEST LINE OF LOT 21 TO HAVE AN ASSUMED BEARING OF N 65°24'26" W.



**IMPERVIOUS CALCULATIONS**

PROPOSED	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House	2,017	28,842	7.0%
Garage	818	28,842	2.8%
Shed	82	28,842	0.3%
Concrete/Pavers	252	28,842	0.9%
Gravel	2,532	28,842	8.8%
Decks	317	28,842	1.1%
Proposed Screen Porch	276	28,842	1.0%
<b>Total</b>	<b>6,294</b>	<b>28,842</b>	<b>21.8%</b>

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House	2,017	28,842	7.0%
Garage	818	28,842	2.8%
Shed	82	28,842	0.3%
Concrete/Pavers	252	28,842	0.9%
Gravel	2,532	28,842	8.8%
Decks	331	28,842	1.1%
<b>Total</b>	<b>6,032</b>	<b>28,842</b>	<b>20.9%</b>

### 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 07/28/22.
- Zoning for subject tract = Medium Density Residential (R-2)-Sewered.
- There are no bluffs or wet lands located within surveyed property.
- Parcel ID of subject parcel: 10211067 & 10211068.
- The E911 address of subject parcel: 29206 Piney Way, Breezy Point, MN 56472.
- Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
- No evidence of a well was observed on the property. Contact owner for location.

Roger Forcels 6/16/2023 8:11 AM - F:\Drawings\2022\2175 Dcmr Brck Design\2175-1.dwg

CERTIFICATE OF SURVEY  
John Doty  
Doty Brothers Construction  
4593 Morehouse Drive  
Pequot Lakes, MN 56472  
SHEET  
1 OF 1

# JERRY & CARRIE DETTINGER

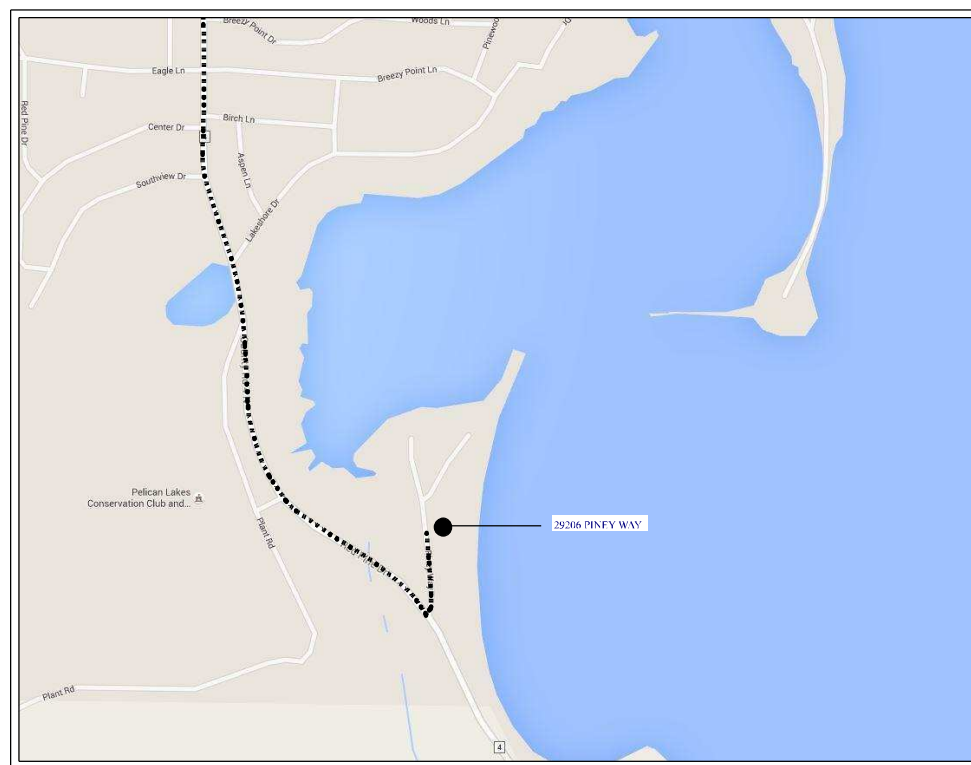
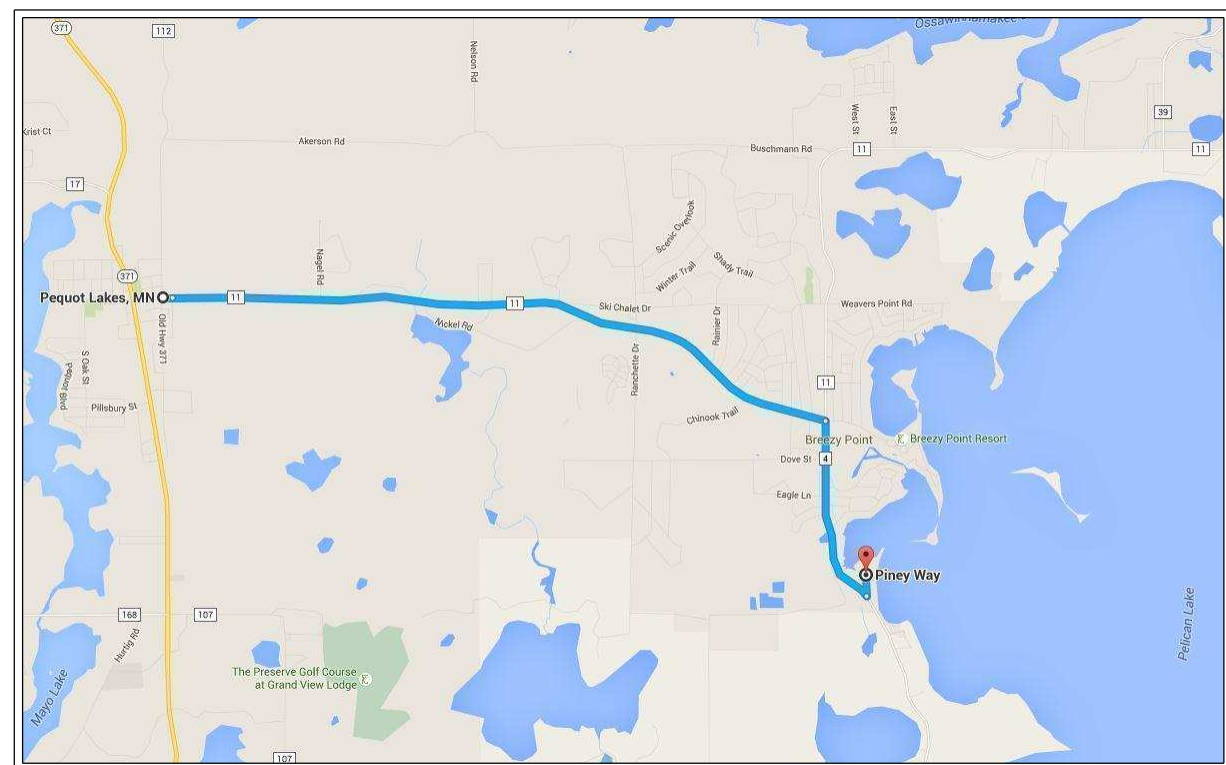
COPYRIGHT 2023 @ BY DOTTY BROTHERS  
CONSTRUCTION ALL RIGHTS RESERVED  
ANY REPRODUCTION OR DISTRIBUTION  
WITHOUT PERMISSION IS PROHIBITED

DESIGN BY: DOTTY  
BROTHERS CONSTRUCTION  
DATE: MAY 1, 2023  
BIDDING DOCUMENTS

JERRY & CARRIE DETTINGER  
29206 PINEY WAY  
BREEZY POINT MN, 56472

LICENSE# BC062426  
4593 MOREHOUSE DRIVE  
PEQUOT LAKES, MN  
1-218-568-6160

**DOTTY BROTHERS**  
Construction  
OUR REPUTATION IS BUILT



T1	TITLE PAGE
AS	SITE PLAN
A1	FOUNDATION - FLOOR PLAN
A2	ROOF PLAN
A3	EXTERIOR ELEVATIONS
A4	EXTERIOR ELEVATIONS
A5	BUILDING SECTIONS
A6	DETAILS
A7	SCHEDULES
A8	SCHEDULES

# 29206 PINEY WAY BREEZY POINT MN, 56472

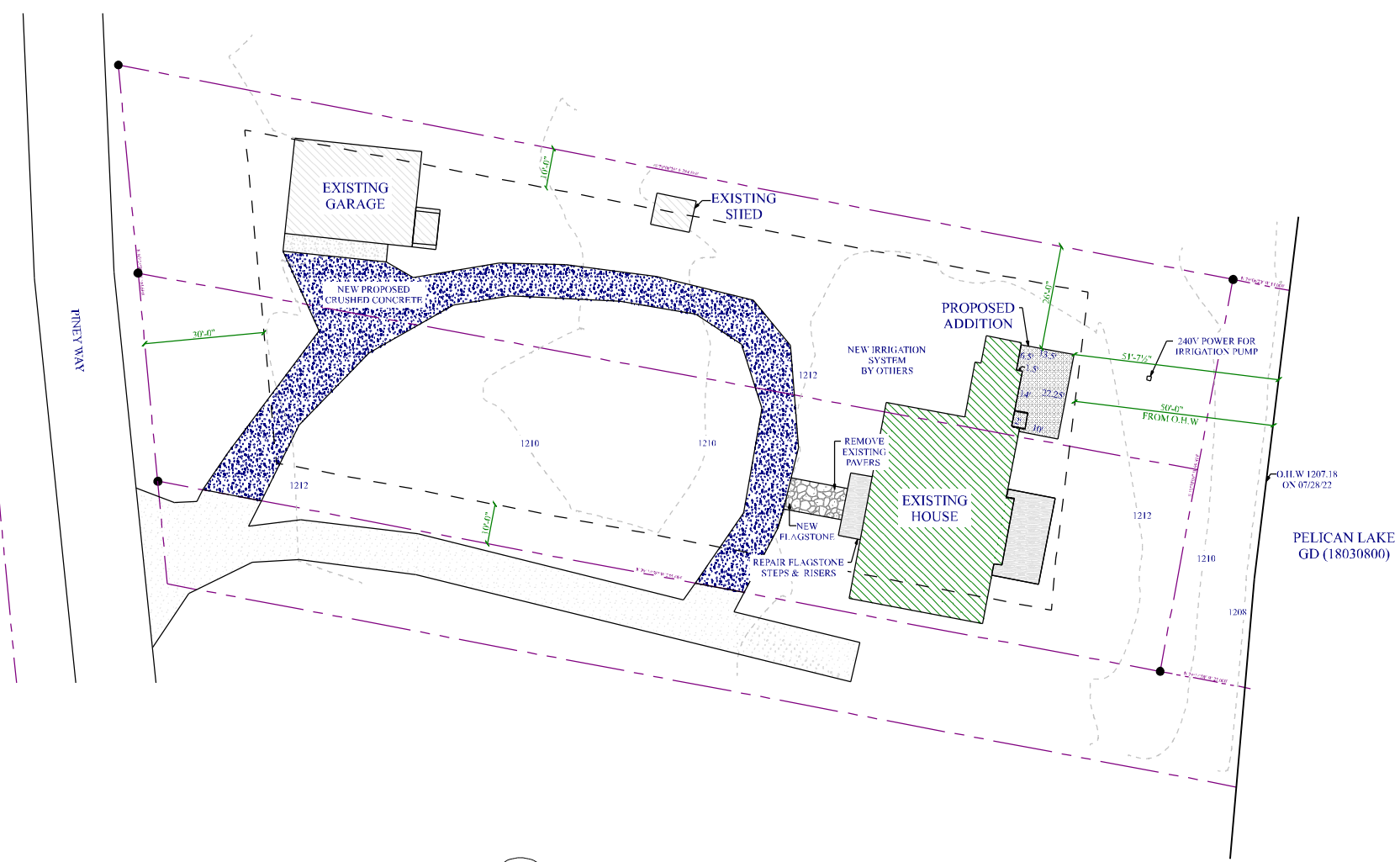
COPYRIGHT 2023 @ BY DOTTY BROTHERS  
CONSTRUCTION ALL RIGHTS RESERVED  
ANY REPRODUCTION OR DISTRIBUTION  
WITHOUT PERMISSION IS PROHIBITED

DESIGN BY: DOTTY  
BROTHERS CONSTRUCTION  
DATE: MAY 1, 2023  
BIDDING DOCUMENTS

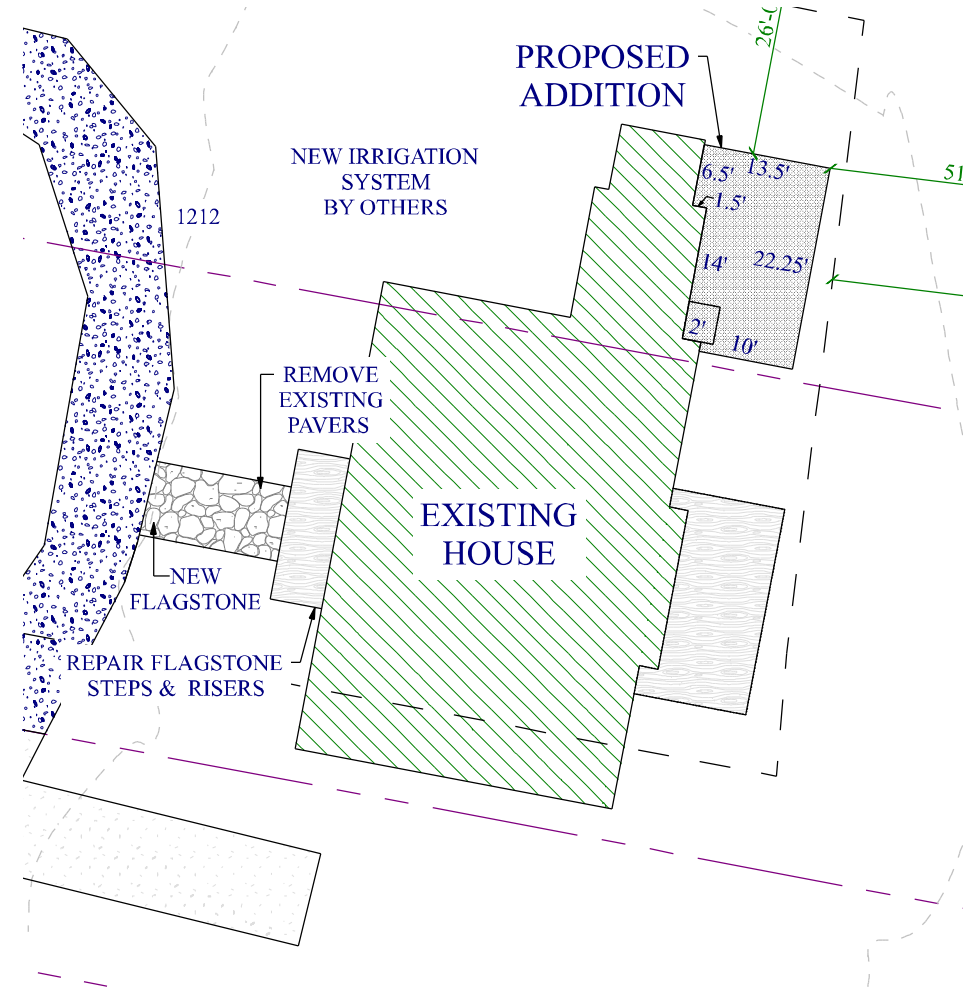
JERRY & CARRIE DETTINGER  
29206 PINEY WAY  
BREEZE POINT MN, 56472

LICENSE# BC062426  
4593 MOREHOUSE DRIVE  
PEQUOT LAKES, MN  
1-218-568-6160

**DOTTY BROTHERS**  
*Construction*  
OUR REPUTATION IS BUILT



1 SITE PLAN  
AS SCALE: 1" = 20'



2 ENLARGED SITE PLAN  
AS SCALE: 1" = 10'

**LEGAL DESCRIPTION**  
LOT 20 & LOT 21

**PARCEL# 10211067**  
**PARCEL# 10211068**

LOT #4 LEGACY POINTE CROW WING COUNTY	
TOWNSHIP	136
RANGE	28
SECTION	21
BLOCK	000
LOT	020 & 021
LOT SIZE .66 ACRES ( 28,889 SQ. FT. )	

**EXISTING IMPERVIOUS**

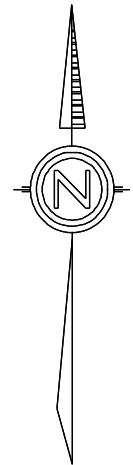
LOT SIZE .66 ACRES ( 28,889 SQ. FT. )	
EXISTING STRUCTURES =	2,917 SQ. FT.
CONCRETE/PAVERS =	252 SQ. FT.
EXISTING DRIVEWAY =	2532, SQ. FT.
EXISTING DECKS =	331 SQ. FT.
<b>TOTAL IMPERVIOUS =</b>	<b>6,032 SQ. FT.</b>
<b>PERCENT IMPERVIOUS =</b>	<b>20.9%</b>

**IMPERVIOUS COVERAGE**

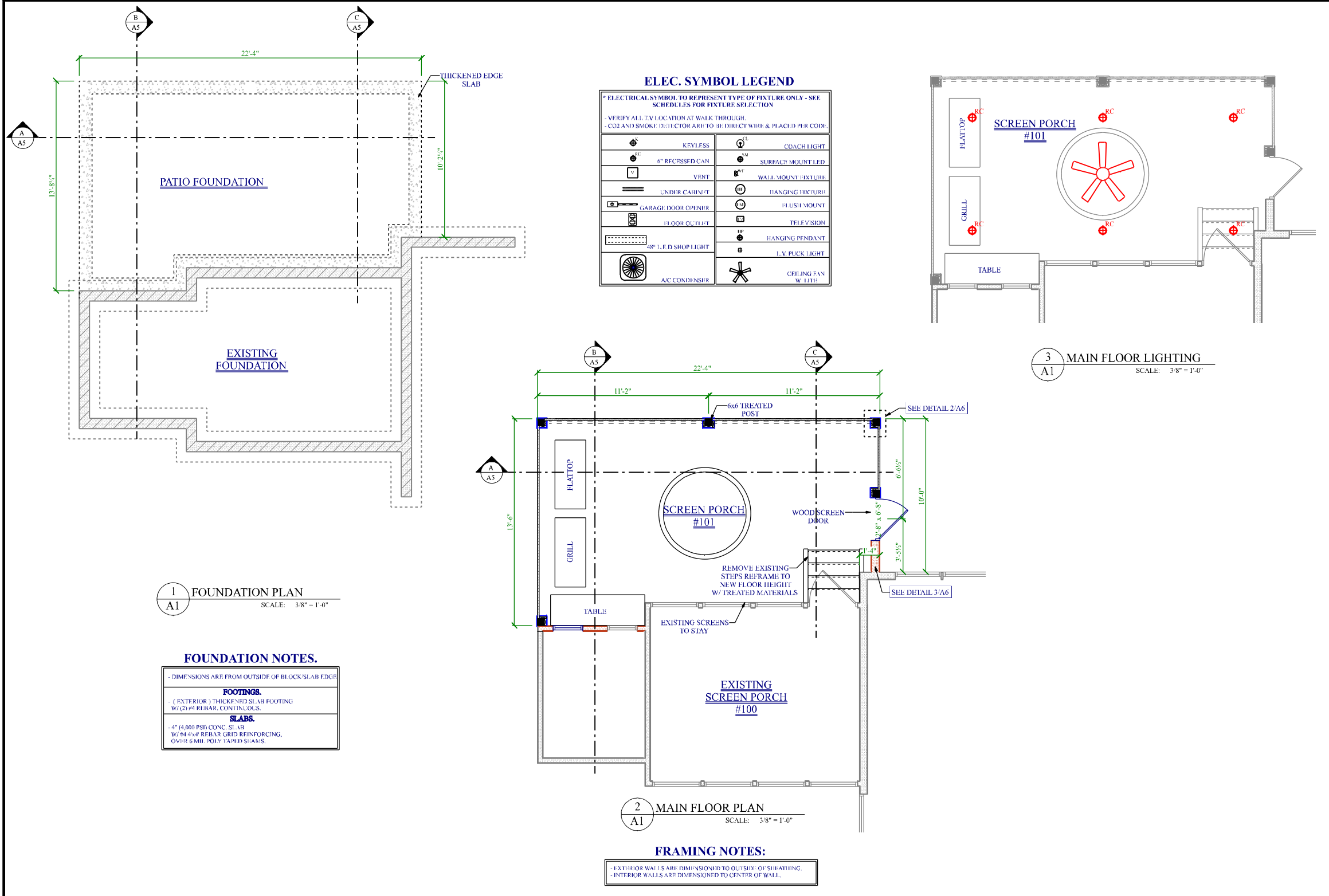
LOT SIZE .66 ACRES ( 28,889 SQ. FT. )	
PROPOSED DRIVEWAY =	2,532 SQ. FT.
CONCRETE/PAVERS =	288 SQ. FT.
EXISTING BUILDINGS =	2,917 SQ. FT.
EXISTING DECKS =	331 SQ. FT.
PROPOSED ADDITION =	266 SQ. FT.
<b>TOTAL IMPERVIOUS =</b>	<b>6,334 SQ. FT.</b>
<b>PERCENT IMPERVIOUS =</b>	<b>21.93%</b>

**SITE KEY**

SILT FENCE	
PROPERTY LINE	
SET BACK LINE	
IRON MONUMENT	
CONCRETE	
ASPHALT	
WATER	
SEWER	
POWER LINE	
GAS	







GENERATION **A**

DESIGN BY: DOTTY BROTHERS CONSTRUCTION  
DATE: MAY 1, 2023  
BIDDING DOCUMENTS

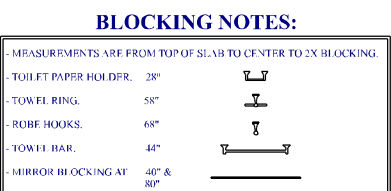
LICENSE# BC062426  
4593 MOREHOUSE DRIVE  
PEOLOT LAKES, MN  
1-218-568-6160

JERRY & CARRIE DETTINGER  
29206 PINEY WAY  
BREEZE POINT MN, 56472

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**DOTTY BROTHERS Construction**  
OUR REPUTATION IS BUILT

**A1**  
FLOOR PLAN



**EXISTING ROOF**

**TRUSS MANUFACTURER**

**TRUSS BRACING PER TRUSS MANUFACTURER'S SPECS.**

**1 ROOF PLAN**  
SCALE: 1/4" = 1'-0"

**2 ROOF EXTENSION DETAIL**  
SCALE: 3/8" = 1'-0"

**ROOFING NOTES**

- TRUSS MANUFACTURER IS RESPONSIBLE FOR FINAL LAYOUT AND DETAILS. ANY BRACKETS / BEAMS / OR HANGERS, ARE TO BE INCLUDED IN TRUSS PACKAGE.
- 42-10-10 ROOF LOADS.
- 24" O.C.
- ROOF PITCH 3/12 UNLESS NOTED.
- HOLD BACK 1/2" FOR SHEATHING.
- ALL OVERBRINGS ARE 2'-0" UNLESS NOTED.
- 3/4" DROP GABLES ON ALL NON VAULTED GABLE ENDS.
- TRUSS BRACING PER TRUSS MANUFACTURER'S SPECS.

**BLOCKING NOTES:**

MEASUREMENTS ARE FROM TOP OF SLAB TO CENTER TO 2X BLOCKING.

- TOILET PAPER HOLDER: 28"
- TOWEL RING: 58"
- ROBE DOORS: 68"
- TOWEL BAR: 44"
- MIRROR BLOCKING AT: 40" & 80"

**GENERATION**  
**A**

DESIGN BY: DOTTY BROTHERS CONSTRUCTION  
DATE: MAY 1, 2023  
**BIDDING DOCUMENTS**

JERRY & CARRIE DETTINGER  
29206 PINEY WAY  
BREEZE POINT MN, 56472

LICENSE# BC062426  
4593 MOREHOUSE DRIVE  
PEQUOT LAKES, MN  
1-218-568-6160

**DOTTY BROTHERS**  
*Construction*  
OUR REPUTATION IS BUILT

**A2**  
ROOF PLAN

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DATE: MAY 1, 2023  
BIDDING DOCUMENTS

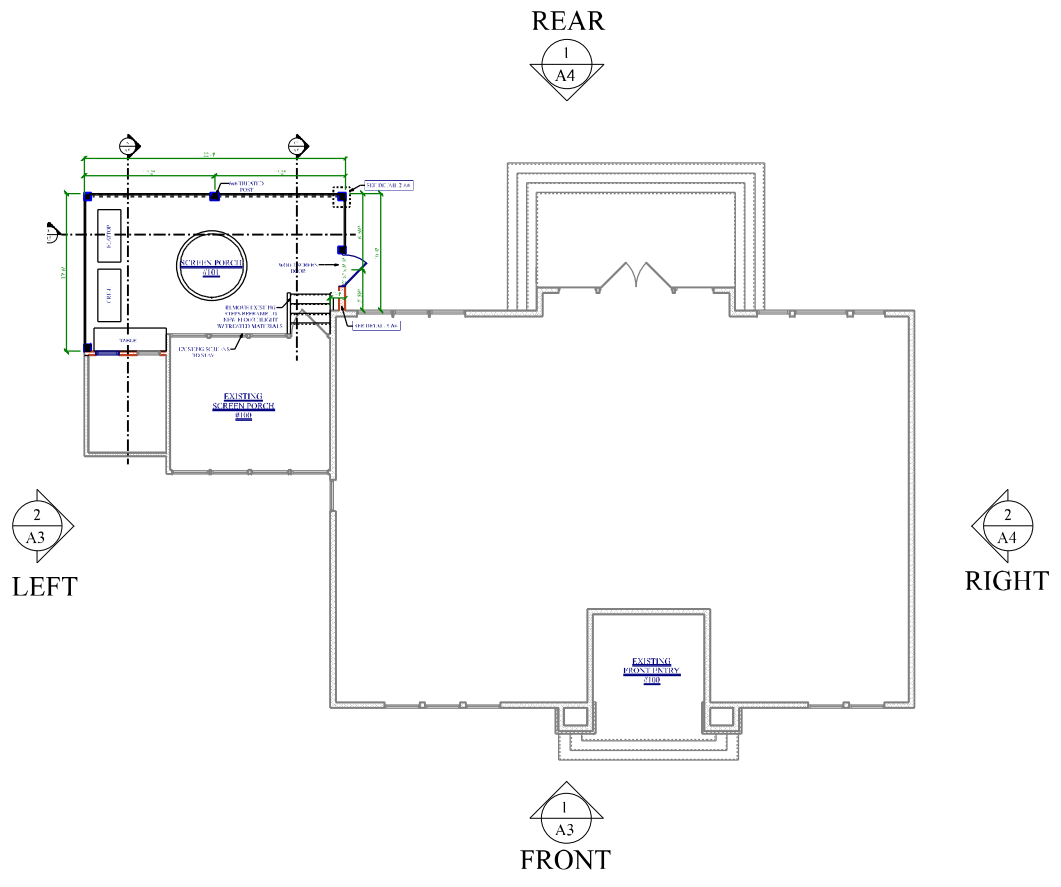
JERRY & CARRIE DETTINGER  
29206 PINEY WAY  
BREEZE POINT MN, 56472

LICENSE# BC062426  
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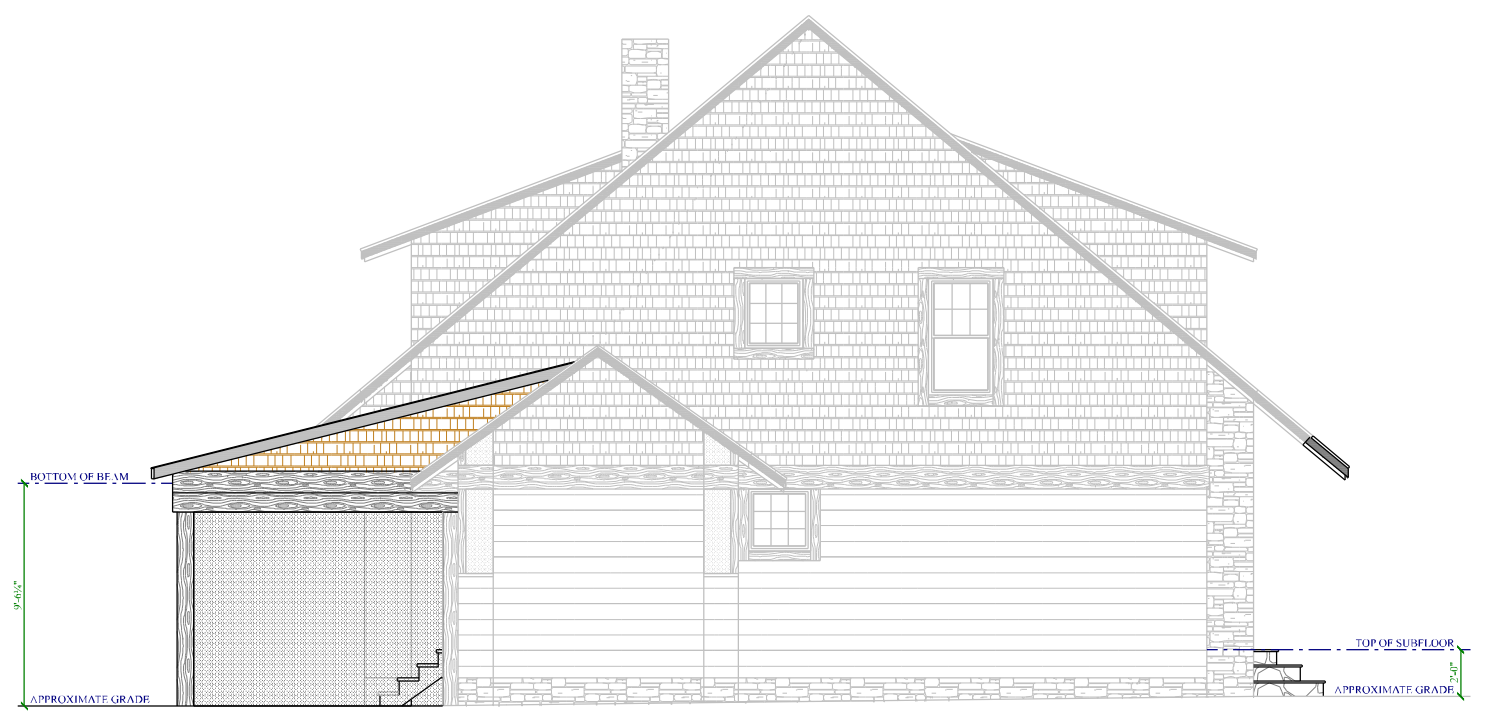
**DOTTY BROTHERS**  
Construction  
OUR REPUTATION IS BUILT



1 FRONT ELEVATION  
A2 SCALE: 1/4" = 1'-0"



ELEVATION KEY



2 LEFT ELEVATION  
A3 SCALE: 1/4" = 1'-0"

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

**EXTERIOR FINISH NOTES:**

- L.P. CEDAR TEXTURE LAP SIDING W. 7/8" EXPOSURE.
- L.P. CEDAR TEXTURE STRAIGHT SHAKE.
- L.P. CEDAR TEXTURE 5/4 x 9/4" BANDBOARD.
- 8x20x20 FIR TIMBER TAILS.
- 2 1/2" BROKEN FACE LIMESTONE CAP.
- THIN CUT VENEER STONE.
- CHIMNEY KING CHIMNEY TOPPER.
- 5/8x8" L.P. FASCIA.
- L.P. CEDAR TEXTURE 5/4x 5/4" WINDOW & DOOR TRIMS.
- L.P. CEDAR TEXTURE 5-4x 3" INSIDE CORNER TRIMS.
- L.P. CEDAR TEXTURE 5-4x 7/4" CHIMNEY TRIMS.
- L.P. CEDAR TEXTURE 5-4x 5/4" ONE PIECE OUTSIDE CORNER TRIMS.
- L.P. CEDAR TEXTURE 5/4x 3/4" GABLE FRIEZE BOARD.
- L.P. CEDAR TEXTURE 5/4 x 7/4" HEADBOARD.
- ROLLEX STEALTH SOFFIT.

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

**ELEVATION KEY**

GENERATION **A**

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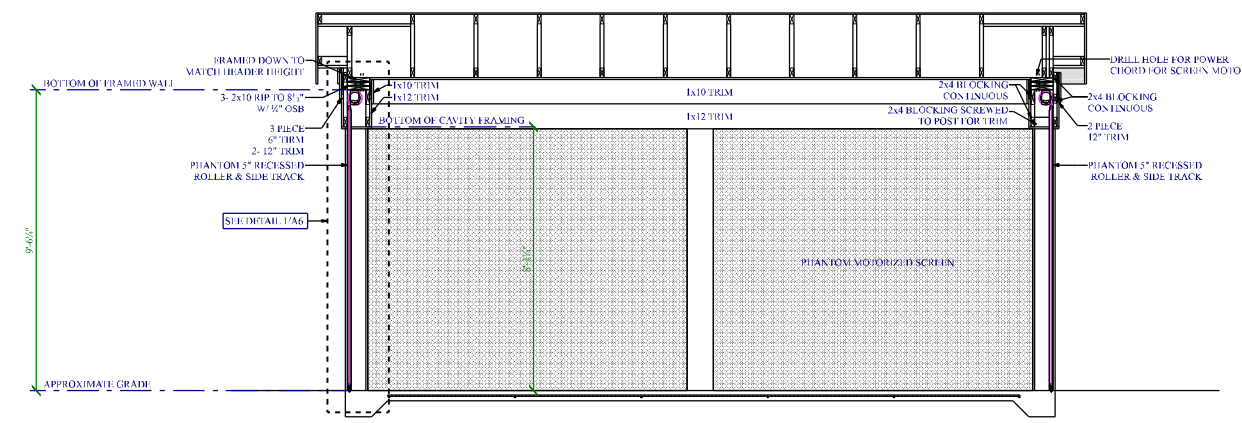
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DATE: MAY 1, 2023  
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JERRY & CARRIE DETTINGER  
29206 PINEY WAY  
BREEZE POINT MN, 56472

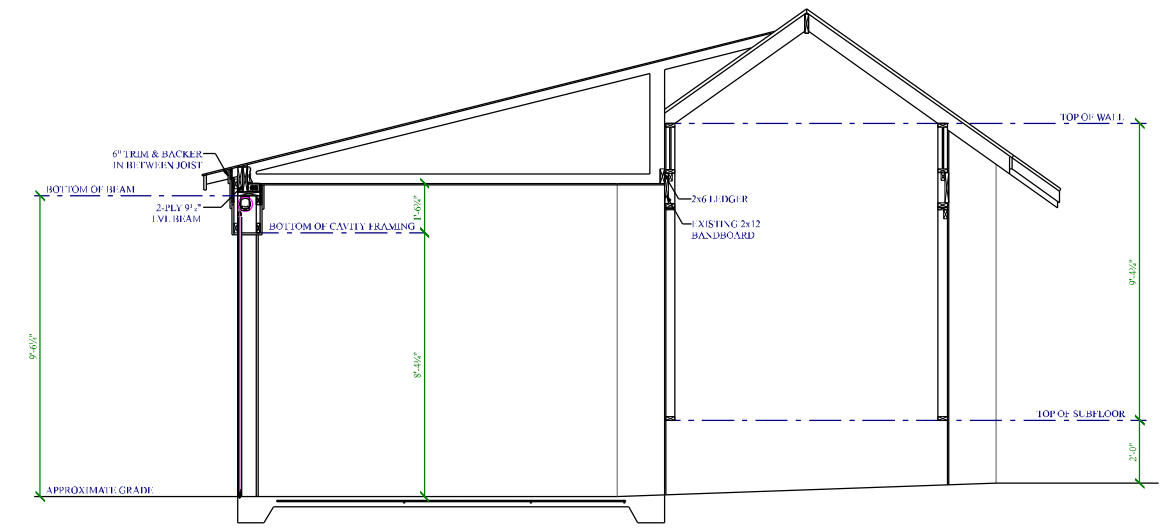
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PEQUOT LAKES, MN  
1-218-568-6160

**DOTTY BROTHERS Construction**  
OUR REPUTATION IS BUILT

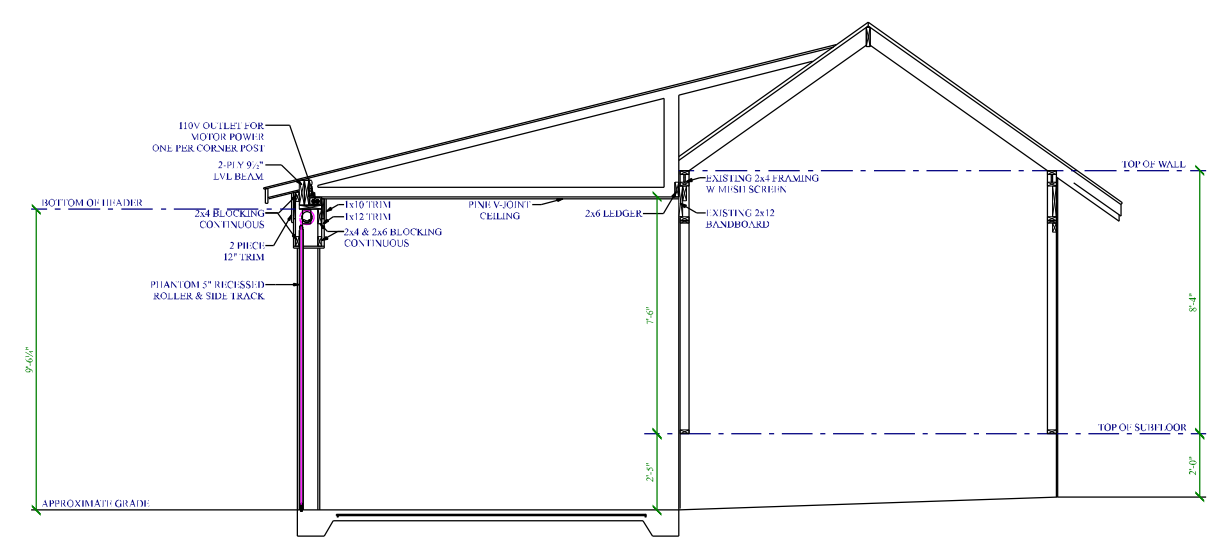
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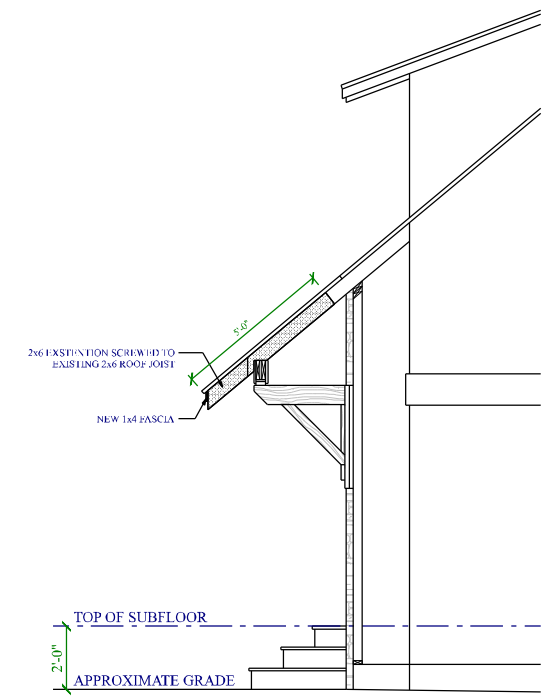
**A** BUILDING SECTION  
**A5** SCALE: 3/8" = 1'-0"



**B** BUILDING SECTION  
**A5** SCALE: 3/8" = 1'-0"



**C** BUILDING SECTION  
**A5** SCALE: 3/8" = 1'-0"



**D** BUILDING SECTION  
**A5** SCALE: 3/8" = 1'-0"

GENERATION



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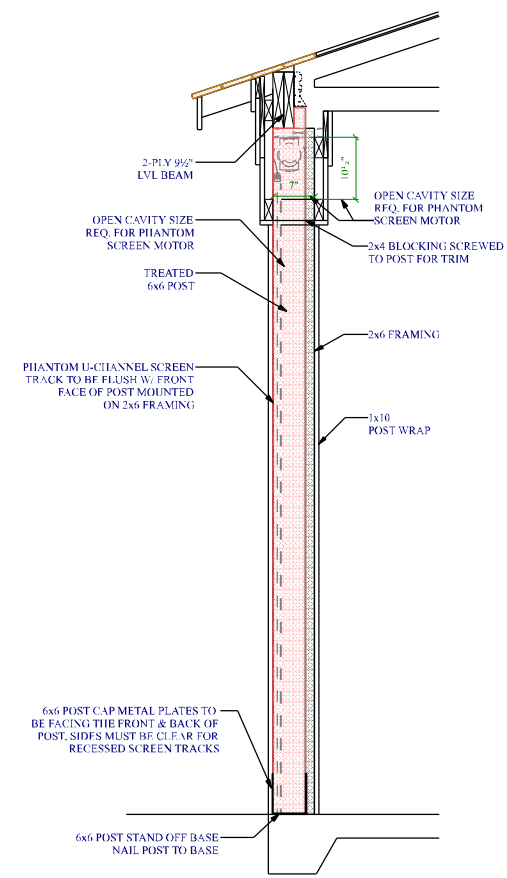
DESIGN BY: DOTTY  
 BROTHERS CONSTRUCTION  
 DATE: MAY 1, 2023  
**BIDDING DOCUMENTS**

JERRY & CARRIE DETTINGER  
 29206 PINEY WAY  
 BREEZE POINT MN, 56472

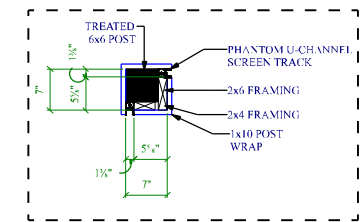
LICENSE# BC062426  
 4593 MOREHOUSE DRIVE  
 PEQUOT LAKES, MN  
 1-218-568-6160

**DOTTY BROTHERS**  
 Construction  
 OUR REPUTATION IS BUILT

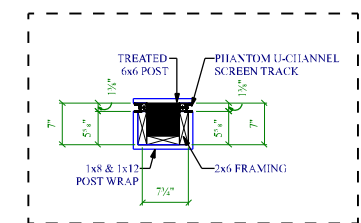




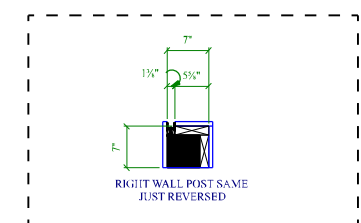
1 EXTERIOR POST DETAIL  
A6 SCALE: 3/4" = 1'-0"



CORNER POSTS

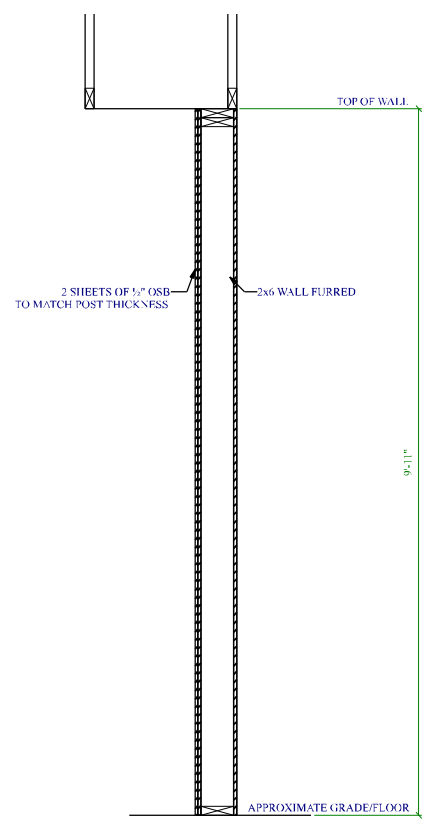


CENTER POST

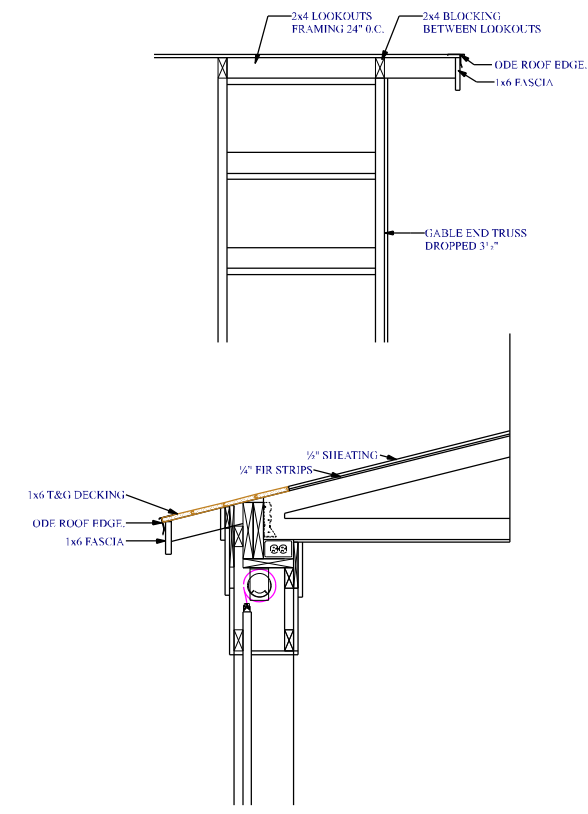


WALL POSTS

2 POST FRAMING DETAIL  
A6 SCALE: 3/4" = 1'-0"



3 THICKENED WALL DETAIL  
A6 SCALE: 3/4" = 1'-0"



4 RAKE & EAVE DETAIL  
A6 SCALE: 3/4" = 1'-0"

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BREEZE POINT MN, 56472

LICENSE# BC062426  
4593 MOREHOUSE DRIVE  
PEQUOT LAKES, MN  
1-218-568-6160

**DOTTY BROTHERS**  
Construction  
OUR REPUTATION IS BUILT

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of July 12, 2023

**Variance Request 2023-003**

Applicant: Dettinger Trust / Chris Erickson  
Legal Description: Lots 20 & 22 Edgewater Beach  
Address: 29206 Piney Way, Breezy Point MN 56472  
Property Identification Number (PIN): 10211067 & 10211068  
Zoning: Residential Medium Density (R-2 Sewered)  
Applicable Code: 153.007, 153.032, 153.044, 153.045, 153.120

Request:  
Construct 276 sq. ft. attached screen porch to existing dwelling (legal nonconforming use)

Property:  
The property is Pelican Lake Shore at 29206 Piney Way. Property is 29,842 sq. ft. 20.9 % impervious Coverage. Existing dwelling is approximately 2,000 sw. ft. +- built prior to Zoning. 2.7 ft. from South property line.

Variance to enlarge pre-existing nonconforming structure by increasing the height and adding a chimney was approved in 1995.

The dwelling is considered a legal nonconforming structure because it is less than 10 ft. (2.7 ft.) from the south property line.

Zoning:  
The property is currently Zoned Medium Density Residential (R-2 Sewered).

- Lot Size 20,000
- Ordinary High Water (OHW) 50 feet
- Setback side 10 feet
- Impervious coverage 25%
- Height 25 feet

**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) Impervious Coverage is proposed to be +- 21.8%
- 3) The proposed addition is located within building envelope.
- 4) The use is consistent with Residential use in the area.
- 5) The City Attorney has advised that expansion of a nonconforming use is allowed under state law provided the variance meets the "practical difficulties" test under Minnesota State Section 462.357, Sub. 6(2)

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

The Planning Commission / Board of Adjustment finds that no practical difficulty exists. A detached screen structure could be constructed within building envelope.

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

- 1) The property preexists subdivision and zoning regulations.
- 2) The impervious Coverage does not exceed 25%
- 3) The practical difficulty is \_\_\_\_\_
- 4) If approved the following may be conditions of approval:
  - a) Minimum elevation of lowest floor 1210
  - b) Building permit to be obtained and comply with applicable codes.
  - c) Consolidate Lots 20 & 21 Edgewater Beach

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.



City of Breezy Point  
Notice of Public Hearing  
Wednesday, July 12, 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 Wednesday, July 12, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Variance Application V-23-003 Chris Erickson / Dettinger Trust. 29206 Piney Way Breezy Point. Lots 20 & 21 Edgewater Beach. Parcels 10211067 and 10211068. Request for Variance to expand legal nonconforming use with addition of 276 sq. ft. screened porch. R-2 Zone.

Conditional Use permit Application C-23-004 Mark Pietig / BPMG LLC. 8101 County Road 11 Breezy Point. Lots 329, 330, & 331 15<sup>th</sup> Addition to Breezy Point Estates. Construct Mini-golf course and clubhouse (Recreation Facility – Public). Zone Commercial C.

Conditional Use permit Application C-23-005 Mark Olson 30213 Robin Lane Breezy Point. Lots 304 thru 307 15<sup>th</sup> Addition to Breezy Point Estates. Parcel 10161593. Construct 52' x 30' accessory structure (1560 sq. ft.) R-4 Zone.

Variance Application V-23-004 Joseph Martinson 29700 Lakeshore Drive Breezy Point. Lot 3 Block 1 Breezy Point Club. Parcel 10211222. Request for variance to expand legal non-conforming structure with Addition of 268 sq. ft. deck. Variance to exceed 25% impervious coverage.

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](mailto:planner@cityofbreezypointmn.us)



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.



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

Received by City:	6/15/20	Section 8, Item C.
Application Number:	C-23-004	
Non-refundable Fee Paid:	350.00	
Receipt #:	22138	

# Conditional Use Application

Name of Applicant Mark Pietig  
 Address 8101 County Road 11 Email: mark@pietigproperties.com  
 City, State, Zip Breezy Point, MN 56472  
 Phone 218-821-0767 Alternate Phone Ross - 612-323-8151

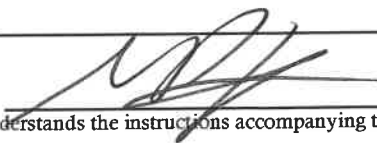
Physical Address / Location of Property Three contiguous lots west of 8101 County Rd 11

Legal Description of Property LOT 329, LOT 330, LOT 331, EXCEPT MINERALS.

Parcel ID Number 10161586, 10161585, 10161584 Zoning District \_\_\_\_\_

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

State the nature of your request in detail. What are you proposing for your property?  
Develop lots into a mini golf course. Clubhouse to include retail sales.

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.\***

**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: Build clubhouse with bathroom  
Landscaping: Surrounding mini golf holes and pond to be installed. See landscaping plan  
Parking/Signs: 16 regular parking spots with 1 additional ADA compliant spot. 8'x8' sign by road.

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

Both locals and visitors will be able to enjoy the facility, increasing tourism to the City of Breezy Point. Course will be in business from late spring through the fall.

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?

Lots are currently flanked by Re/Max Advantage Plus office and former commercial bakery turned residential dwelling. Commander Restaurant and Bar is across the Hwy. Our proposed use is consistent with commercial use.

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

Will need to connect to city sewer and drill a new well. Drainage and stormwater plan attached. Anticipated peak use of average 300 visitors per day, estimated 25% of visitors to use restroom facility based on similar use of other mini golf locations in area.

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

A new recreational opportunity will impact the community positively. We are hopeful the course attracts additional visitors to the area and gives the current residents and tourists an option to enjoy the area even further. We anticipate the business being a family friendly experience.

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?

There will be increased traffic due to visitors entering and exiting the parking lot. However, we expect 25% of visitors to arrive by golf cart or ATV. We have 16 regular parking spots with 1 additional ADA compliant spot. Golf carts will park 2 carts per car parking spot delineated by dotted line vertically through the space. Central location will also allow for walk-in traffic.

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

We do not foresee any environmental limitations that would constrain construction.

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

Survey is being completed by Widseth. Property is currently staked. We expect to have the certificate of survey back by the end of June.

**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.
- N/A 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.
- N/A 15. Outside storage proposal.
- 16. Elevation plans for all existing and proposed structures.

# CERTIFICATE OF SURVEY

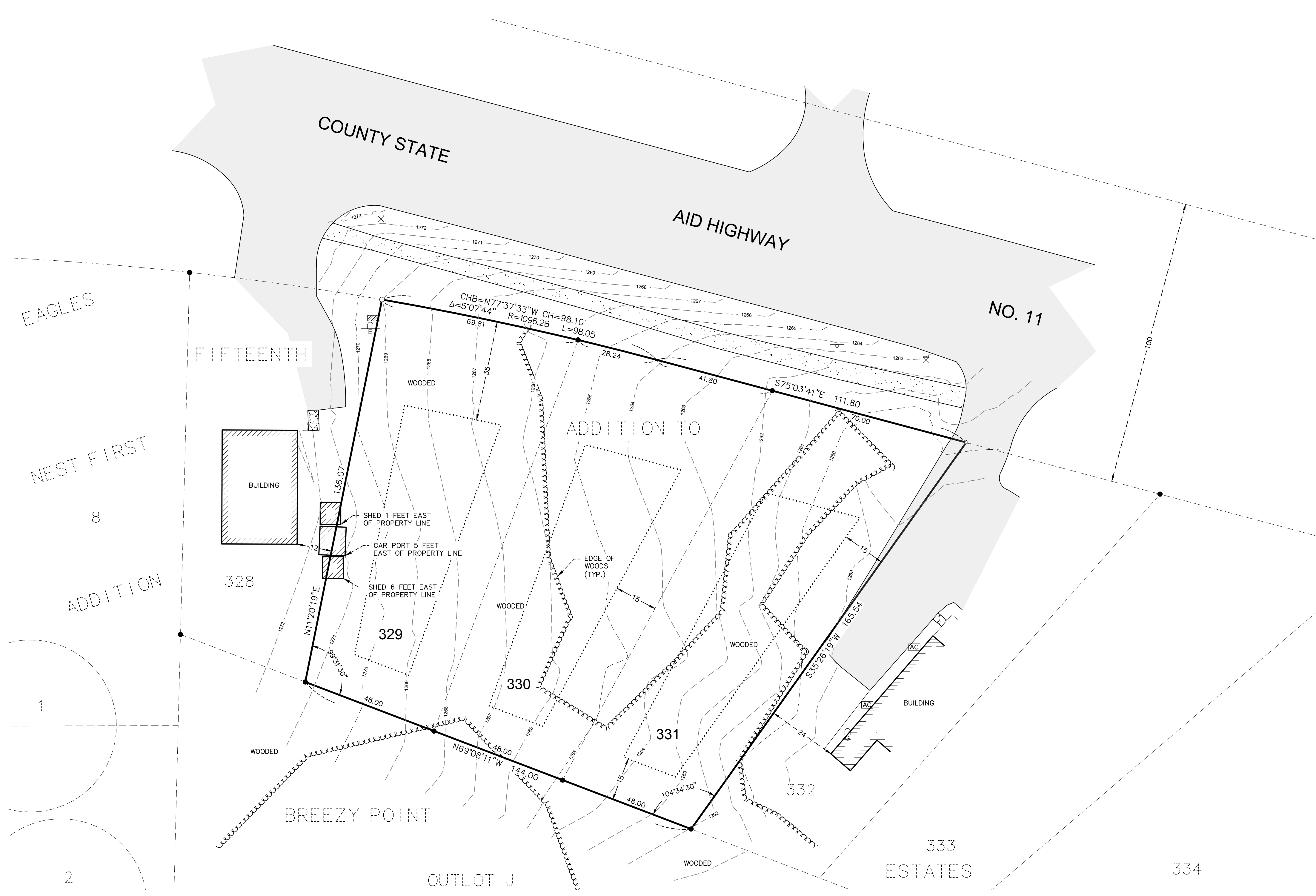
## LOTS 329, 330, AND 331, FIFTEENTH ADDITION TO BREEZY POINT ESTATES, SECTION 16, TOWNSHIP 136, RANGE 28, CROW WING COUNTY, MINNESOTA



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE CROW WING COUNTY COORDINATE DATABASE NAD83

ELEVATIONS BASED ON NAVD88

- = DENOTES FOUND IRON MONUMENT
- = DENOTES 1/2 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED RLS # 60122
- △ = DENOTES SET PK NAIL
- △(C) = DENOTES AIR CONDITIONER
- ✕ = DENOTES MAILBOX
- ⊞ = DENOTES ELECTRIC TRANSFORMER
- ⊞(E) = DENOTES ELECTRIC METER
- ⊞(G) = DENOTES GAS METER
- ⊞(S) = DENOTES SIGN POST
- [Stippled] = DENOTES GRAVEL SURFACE
- [Dotted] = DENOTES CONCRETE SURFACE
- [Solid] = DENOTES BITUMINOUS SURFACE



### SURVEYOR'S NOTES:

THERE IS NO ADDRESS LISTED FOR THE SUBJECT PROPERTY ON THE CROW WING COUNTY GIS INTERACTIVE MAPPING APPLICATION.

THE PARCEL NUMBERS FOR THE SUBJECT PROPERTIES ARE 10161586, 10161585, AND 10161584.

ACCORDING TO THE CITY OF BREEZY POINT ZONING MAP THE SUBJECT PROPERTIES ARE CURRENTLY LOCATED WITHIN THE COMMERCIAL ZONING DISTRICT.

ACCORDING TO THE CITY OF BREEZY POINT CODE OF ORDINANCES THE STRUCTURE SETBACKS FOR COMMERCIAL ZONED PROPERTIES (SEWERED) ARE AS FOLLOWS:  
COUNTY ROW-35 FEET    CITY ROW-25 FEET  
SIDE-15 FEET    REAR-15 FEET  
DRIVEWAY-20 FEET    SIDE BETWEEN BUILDINGS-10 FEET

ACCORDING TO THE CITY OF BREEZY POINT PLANNER, IN ORDER TO AVOID SETBACKS FROM EACH PARCEL LINE, THE OWNER WOULD NEED TO CONSOLIDATE PARCELS 10161586, 10161585, AND 10161584 INTO ONE PARCEL. THIS PROCESS WOULD INCREASE THE BUILDABLE AREA.

THE UTILITIES SHOWN ON THIS SURVEY ARE ACCORDING TO VISIBLE EVIDENCE ONLY. WIDSETH ASSUMES NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACIES OF THESE LOCATIONS. FURTHER LOCATION AND VERIFICATION ARE RECOMMENDED PRIOR TO ANY CONSTRUCTION OR EXCAVATION.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR OPINION. THERE MAY BE EASEMENTS OR OTHER LIMITING FACTORS WHICH AFFECT THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THIS SURVEY.

THIS SURVEY IS BASED ON THE CROW WING COUNTY COORDINATE DATABASE NAD 83. ALTHOUGH THE EXISTING PLAT BEARINGS DIFFER FROM THE CROW WING COUNTY BEARING SYSTEM, THE ANGULAR RELATIONSHIP BETWEEN THE BOUNDARY LINES SHOWN CORRESPONDS TO THE PLAT LINES.

### PROPERTY AREAS:

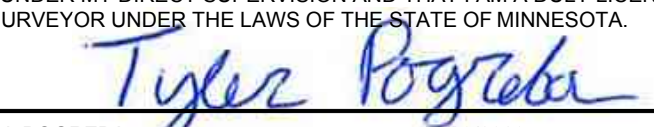
- TOTAL AREA OF 10161586 IS 8,274 SQ.FT.    BUILDABLE AREA IS 2,464 SQ.FT.
- TOTAL AREA OF 10161585 IS 8,249 SQ.FT.    BUILDABLE AREA IS 2,672 SQ.FT.
- TOTAL AREA OF 10161584 IS 9,098 SQ.FT.    BUILDABLE AREA IS 2,760 SQ.FT.

### EXISTING LEGAL DESCRIPTION (According to Document No. 271577):

Lots 330 & 331 Fifteenth Addition to Breezy Point Estates, according to the plat thereof on file and of record in the office of the registrar of titles in and for said Crow Wing County, Minnesota.

### EXISTING LEGAL DESCRIPTION (According to Document No. 271570):

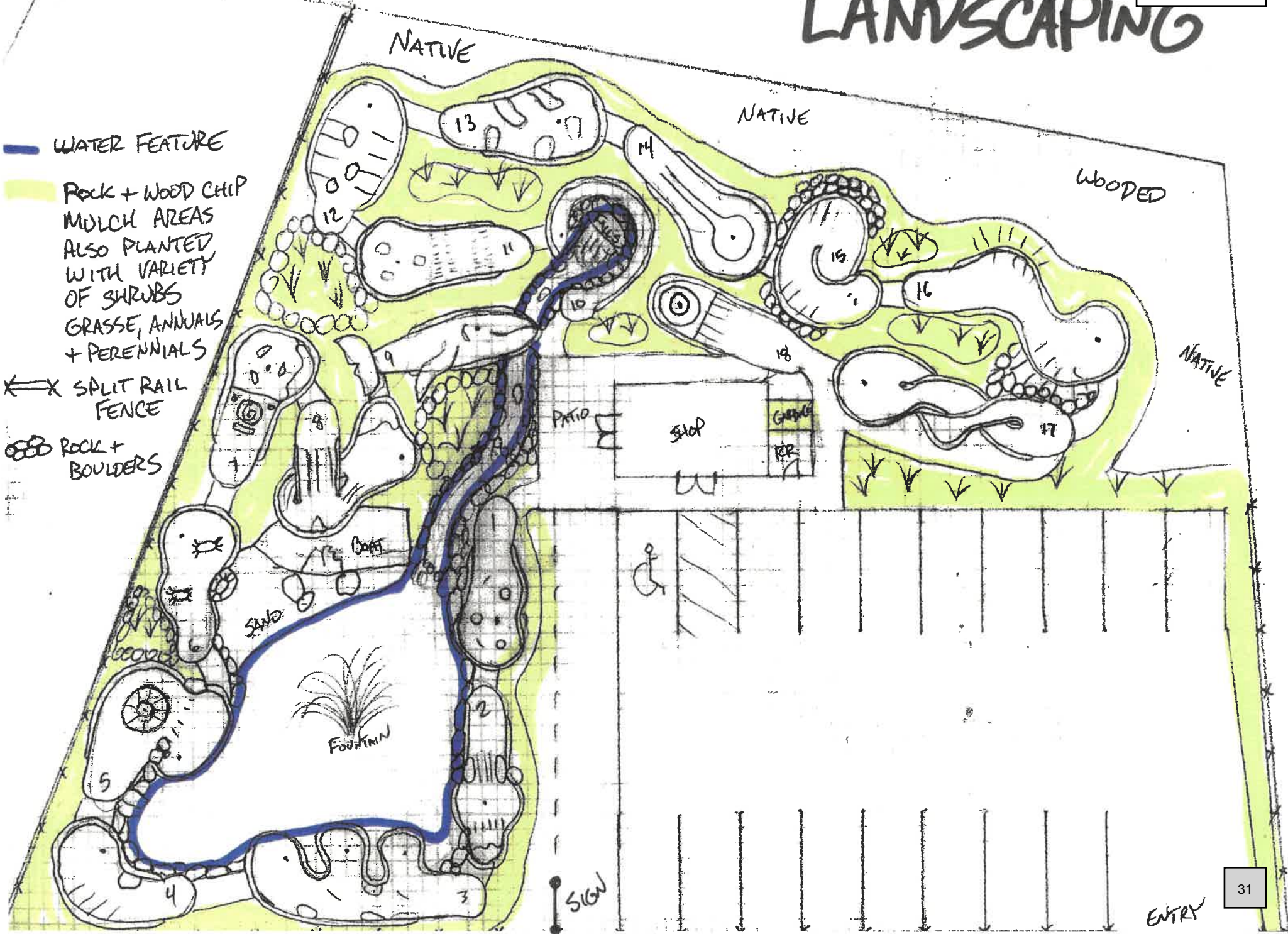
Lot 329 in Fifteenth Addition to Breezy Point Estates, according to the plat thereof on file in the office of the registrar of titles in and for said county.

DATE: JUNE 23, 2023	DATE:	AMENDMENTS:	BY:	PREPARED FOR: PIETIG PROPERTIES GROUP
SCALE: AS SHOWN				I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT 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.  TYLER J. POGREBA    DATE: 06/23/2023    LIC. NO. 60122
DRAWN BY: TJP				
CHECKED BY: CMC				
FILE NUMBER: 2023-10873				

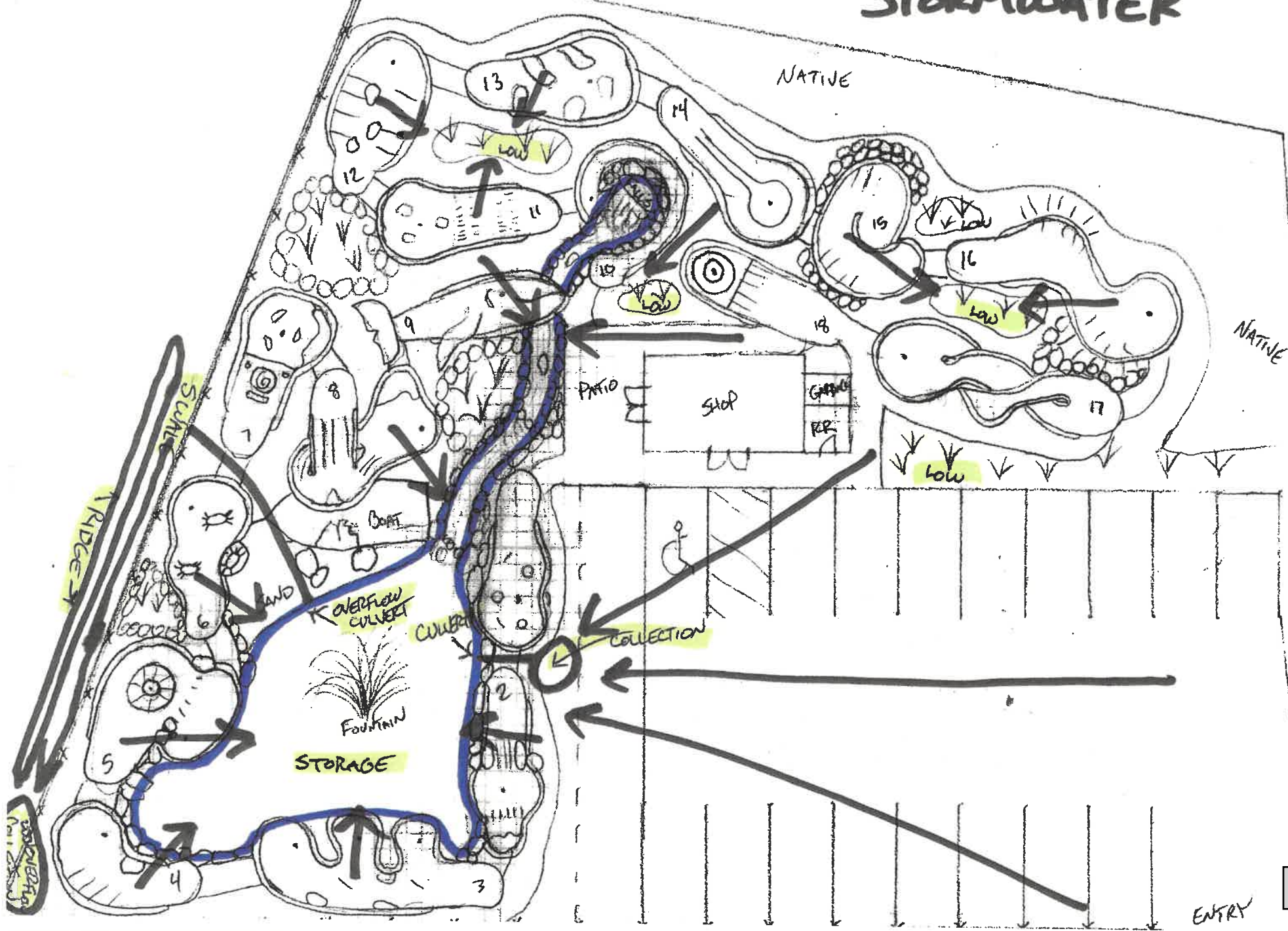


# LANDSCAPING

- WATER FEATURE
- Rock + Wood chip mulch areas also planted with variety of shrubs, grasses, annuals + perennials
- ← X SPLIT RAIL FENCE
- Rock + Boulders



# STORMWATER





# IMPERVIOUS

## IMPERVIOUS AREAS

- SHOP 384
- PATIO 288
- SIDEWALKS - 180'x4 = 720
- PARKING 6500
- COURSE 4500
- GARBAGE RESTROOM 84

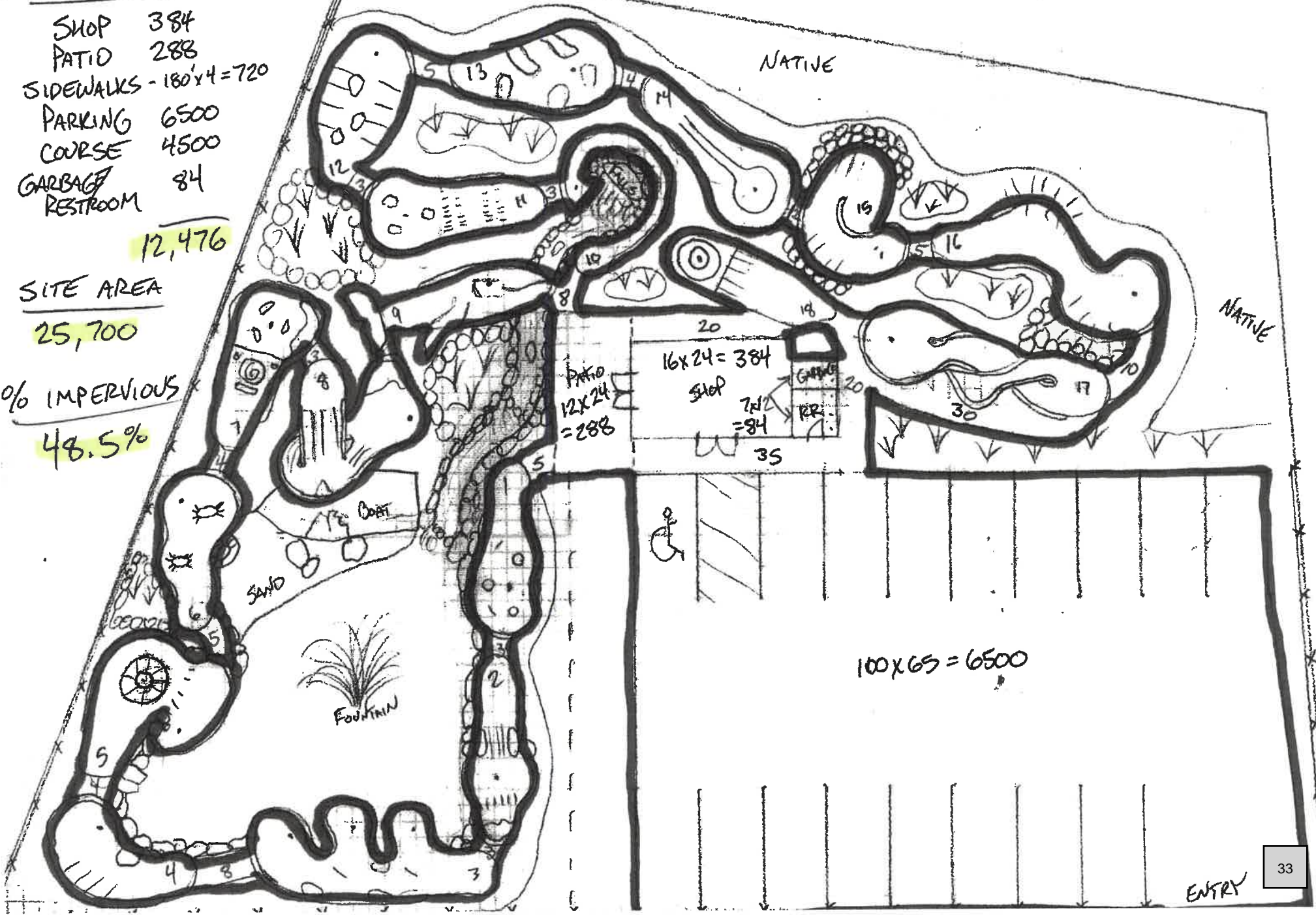
12,476

## SITE AREA

25,700

## % IMPERVIOUS

48.5%



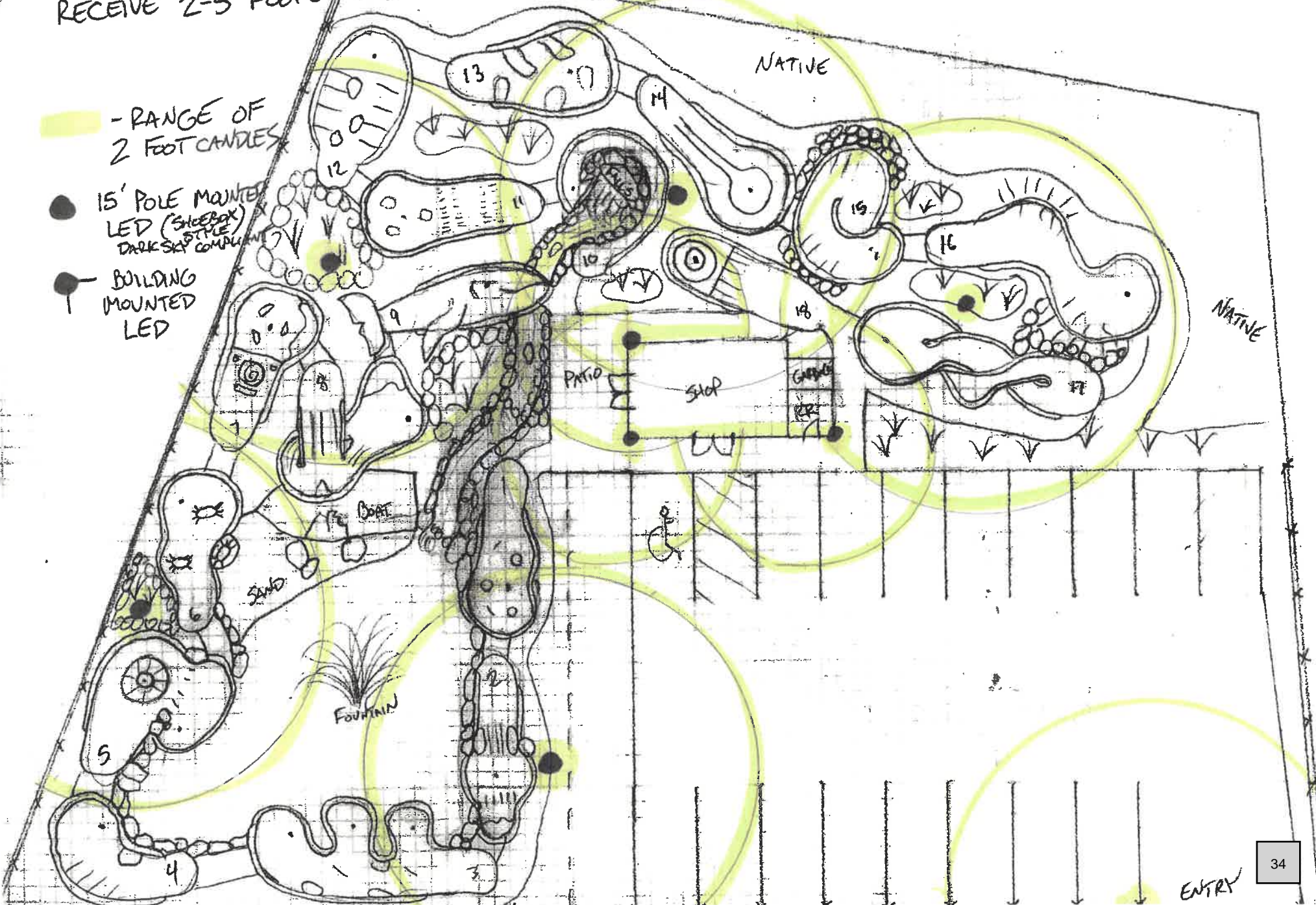
ALL AREAS OF THE COURSE WILL RECEIVE SOME AMBIENT LIGHT. FOR REFERENCE MOST PARKING LOTS RECEIVE 2-5 FOOT CANDLES.

# LIGHTING

Section 8, Item C.

- RANGE OF 2 FOOT CANDLES

- 15' POLE MOUNTED LED (SHOEBOX) DARK SKY COMPLIANT
- BUILDING MOUNTED LED



# Floor Plans Mini Golf Shop

Breezy Point, MN

Shop 24'x16'

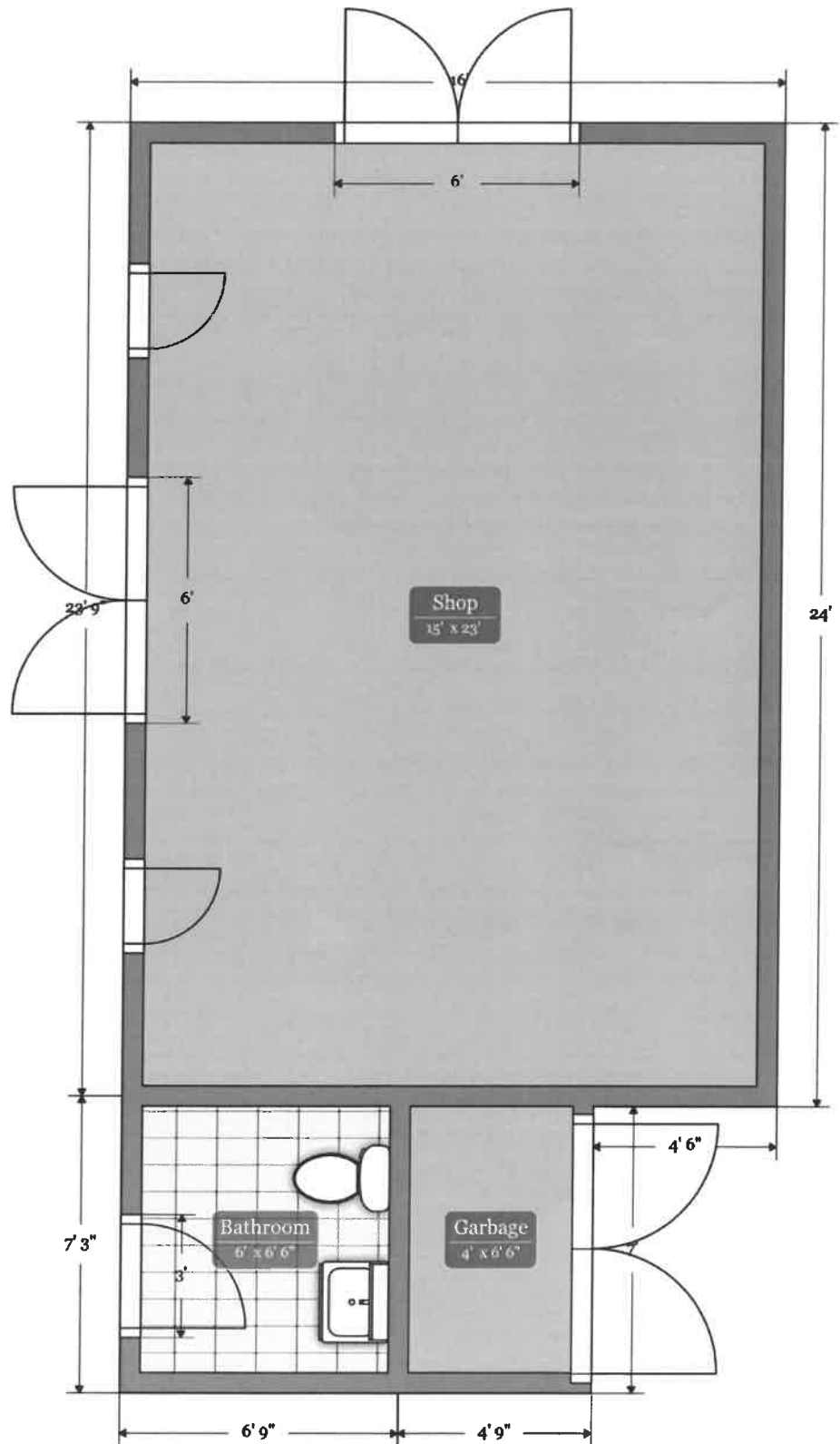
Bathroom 7'x7'

Garbage 5'x7'

Total Impervious

468 sq/ft

Wall Height 10'



Elevations Style Example

- Bathroom and Garbage area to be add to current elevations submission.





TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of July 12, 2023

Conditional Use Permit Application 2023-004

Applicant: Mark Pietig / BPMG LLC

Property Address: 8101 County Road 11

Parcel ID: 10161584, 10161585, 10161586

Legal Description: Lots 329, 330, & 331 Fifteenth Addition to Breezy Point Estates

Zoned: Commercial (C)

Code §153.040, 153.044, 153.045, 153.062, 153.119

Conditional Use Request:

- Develop and Construct Recreational facility public. Mini Golf course and club house.

Applicant has submitted Conditional Use Permit Application to develop a Mini Golf Course and Club House on 3 vacant lots adjacent to County Road 11. Zoned Commercial (C).

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 EL-R and the request is appropriate under Section §153.044 & §153.035.

- (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, July 12, 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. Mini Golf 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) Consolidate Lots – 329, 330, & 331.
- 7) Entry to parking lot shall utilize existing entrance at 8101 County Road 11.

City of Breezy Point  
Notice of Public Hearing  
Wednesday, July 12, 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 Wednesday, July 12, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Variance Application V-23-003 Chris Erickson / Dettinger Trust. 29206 Piney Way Breezy Point. Lots 20 & 21 Edgewater Beach. Parcels 10211067 and 10211068. Request for Variance to expand legal nonconforming use with addition of 276 sq. ft. screened porch. R-2 Zone.

Conditional Use permit Application C-23-004 Mark Pietig / BPMG LLC. 8101 County Road 11 Breezy Point. Lots 329, 330, & 331 15<sup>th</sup> Addition to Breezy Point Estates. Construct Mini-golf course and clubhouse (Recreation Facility – Public). Zone Commercial C.

Conditional Use permit Application C-23-005 Mark Olson 30213 Robin Lane Breezy Point. Lots 304 thru 307 15<sup>th</sup> Addition to Breezy Point Estates. Parcel 10161593. Construct 52' x 30' accessory structure (1560 sq. ft.) R-4 Zone.

Variance Application V-23-004 Joseph Martinson 29700 Lakeshore Drive Breezy Point. Lot 3 Block 1 Breezy Point Club. Parcel 10211222. Request for variance to expand legal non-conforming structure with Addition of 268 sq. ft. deck. Variance to exceed 25% impervious coverage.

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](mailto:planner@cityofbreezypointmn.us)





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Received by City: 6/20/2021  
Application Number: C-23-005  
Non-refundable Fee Paid: 250.00  
Receipt #: 22158



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 MARK OLSON  
Address 5515 SANIBEL DR Email: richfieldus1@gmail.com  
City, State, Zip MINNETONKA MN 55343  
Phone 612-306-0404 Alternate Phone \_\_\_\_\_

Physical Address / Location of Property 30213 ROBIN LN

Legal Description of Property LOT 304 THRU 307 15<sup>th</sup> Addn. to Breezy Point.

Parcel ID Number 10161593 Zoning District R-4

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

State the nature of your request in detail. What are you proposing for your property?  
A 52' x 30' Accessory Structure at the Southern end of property.  
(size includes soffits)

Signature of Owner, authorizing application [Signature]  
(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: Garage

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.

No impact, Building will only be on private property

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?

Homes in the area have attached and detached garages

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

No Additional Facilities required

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

No Impact.

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?

No Impact besides personal use in and out of the Driveway

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.

*No comments at this time. Building should fit all requirements presented by city ordinances.*

**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.
- N/A* 10. Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
- N/A* 11. Soils data showing capability for building and on-site sewage treatment.
- 12. Existing iron pipe boundary monuments marked with proof of survey. *Survey ordered*
- N/A* 13. Approximate location of any proposed signs (if applicable).
- 14. Color scheme for all existing and proposed structures.
- N/A* 15. Outside storage proposal.
- 16. Elevation plans for all existing and proposed structures.

Mark Olson

# Site Plan

Parcel ID(10161593) : Lot 304 Thru 307

1/4" = 1 Box

1 Box = 6.25 ft

16 Box = 100 ft

Storm water Runoff in Blue Pen

30213 Robin Ln, Breezy Point, MN 56472

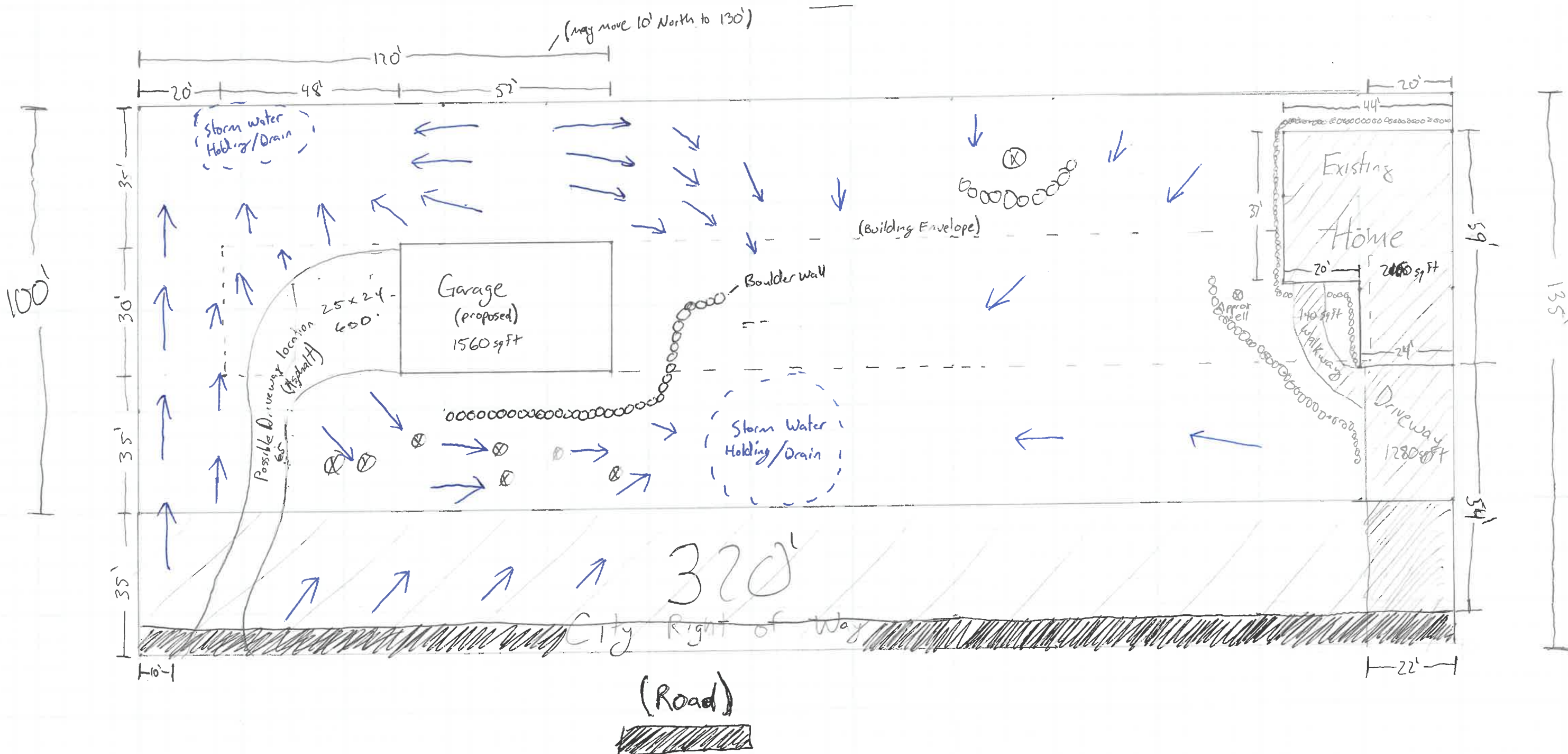
Parcel Sqft: 39,999.99 sqft

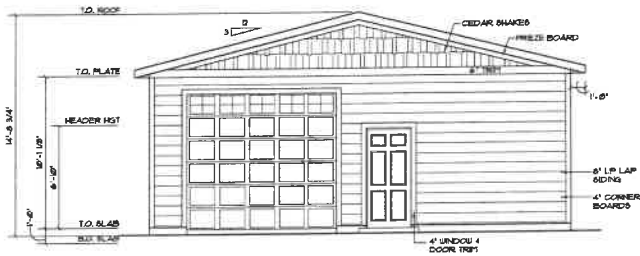
Existing Impervious: 3,570 sqft

proposed Building: 1,560 sqft

200

Landscaping: Grass will cover entire property that is not currently landscaped

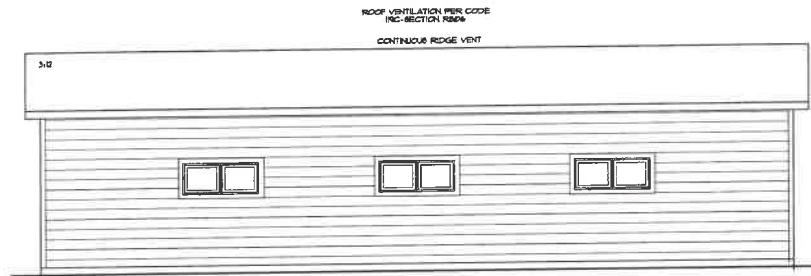




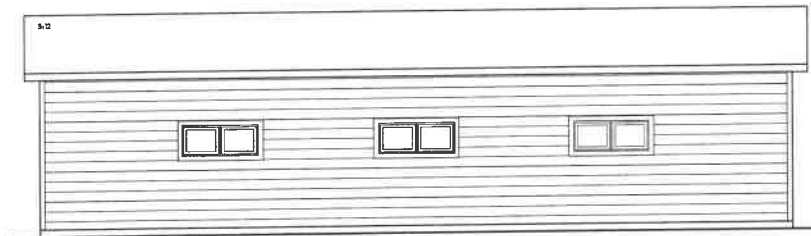
1 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



3 BACK ELEVATION  
SCALE: 1/8" = 1'-0"



2 LEFT ELEVATION  
SCALE: 1/8" = 1'-0"



4 RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"

DISCLAIMER OF WARRANTIES

The user hereby warrants any printed work prepared by architect or any other registered architect or professional engineers are for INFORMATION PURPOSES ONLY. The Design Team makes NO WARRANTIES WHATSOEVER OTHER EXPRESSED OR IMPLIED as to merchantability or fitness for a particular purpose and places any user(s) or other who reliance upon said plans shall be at the sole risk of the user(s). The execution of correct structural materials and the reproduction of production groups, is a practice and the responsibility of those who build, the owner, or the user of these plans.

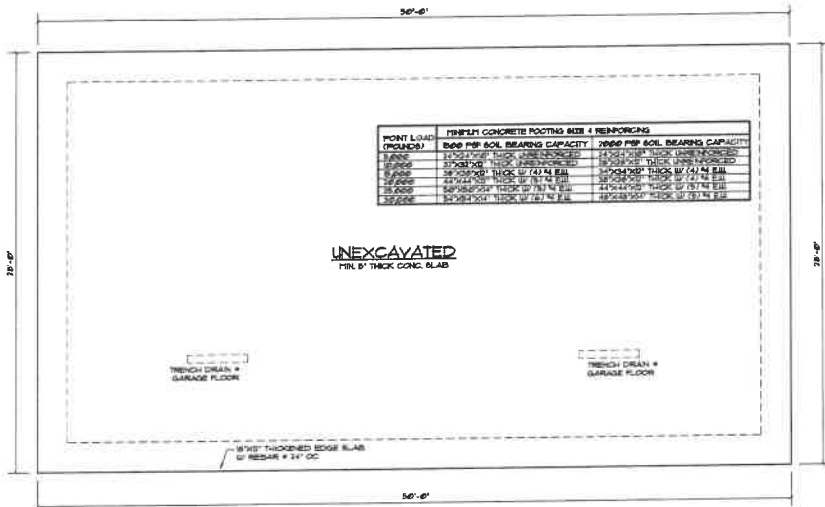


PARADIGM CONSTRUCTION  
MARK OLSON GARAGE

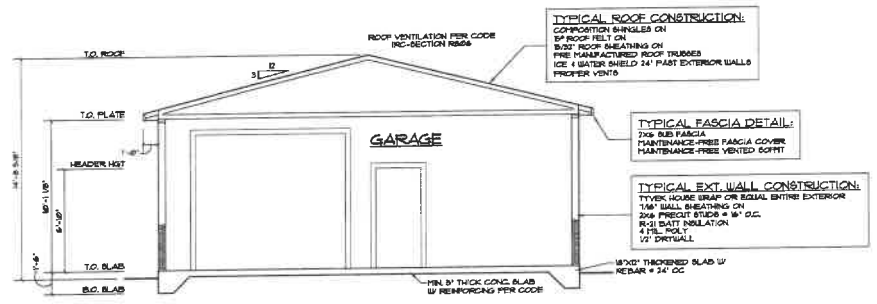
ELEVATIONS

JOB NUMBER	65322002		
FILE NUMBER	653220020		
DATE	10/28/22	DRAWN	TP
REVISION	1/4/23	TP	TP
REVISION	2/21/23	TP	TP
REVISION	8/28/23	TP	TP
REVISION			
REVISION			
ELEVATIONS			
A-1			
COPYRIGHT 2022			

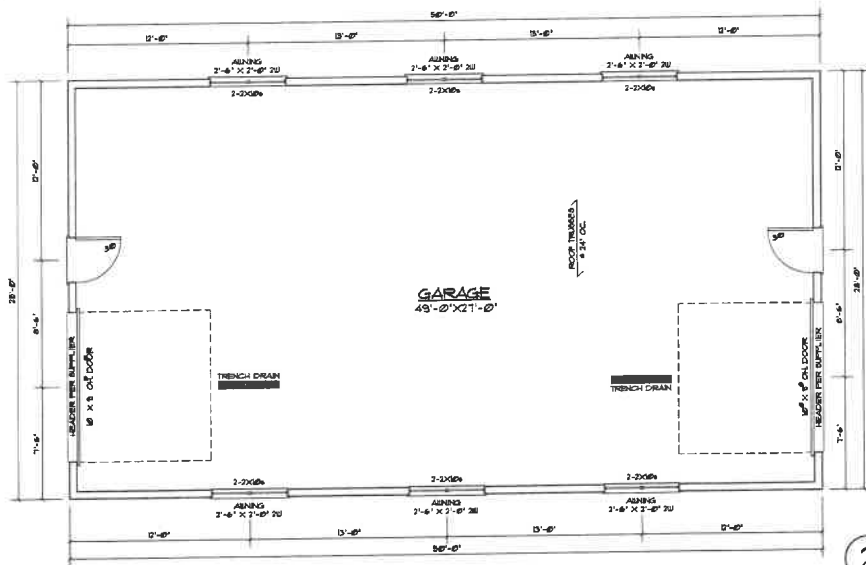
Siding will be same or similar to house.



1 FOUNDATION PLAN  
SCALE: 1/8" = 1'-0"



3 BUILDING SECTION  
SCALE: 1/8" = 1'-0"



2 FLOOR PLAN  
SCALE: 1/8" = 1'-0"

DISCLAIMER OF WARRANTIES

The plans and specifications are prepared by the architect and are not to be construed as a professional engineering or professional surveying or any other professional services. The Design Team makes no warranty, whether expressed or implied, or for a particular purpose and shall not be held responsible for any errors or omissions. The selection of correct structural materials and the application of structural materials is a matter of the responsibility for which shall rest with the builder, the owner, or the user of these plans.



PARADIGM CONSTRUCTION  
MARK OLSON GARAGE  
FLOOR PLANS/SECTIONS

JOB NUMBER	65321002				
FILE NUMBER	6532100220				
DATE	10/28/22	DRAWN	MM	CHECK	TP
REVISED	2/14/23	MM	TP		
REVISED	2/21/23	MM	TP		
REVISED	8/25/23	MM	TP		
REVISED					
REVISED					

FLOOR PLANS/SECTIONS  
A-2  
Copyrighted Plan-Concept

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of July 12, 2023

Conditional Use Permit Application 2023-005

Applicant: Mark Olson

Property Address: 30213 Robin Lane

Parcel ID: 10161593

Legal Description: Lots 304-307 Fifteenth Addition to Breezy Point Estates

Zoned: Multifamily Residential (R-4)

Code §153.034 Multifamily Residential (R-4)

Conditional Use Request:

- Construct a detached accessory structure 1560 sq. ft. 18' 4"

Applicant has submitted an application for Conditional Use Permit to construct detached accessory structure 1560 sq. ft. Property is zoned R-4.

The property is three adjacent lots located on Robin Lane. The lots are consolidated with a home.

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-4 and the request is appropriate under Section §153.044 & §153.034.

- (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, July 12, 2023.

Staff has reviewed the following:

- Site Plan
- CUP Application
- Building Code compliance

§153.034 C-1

Accessory Structure cumulative up to 1600 sq. ft. on parcels 2 acres or less is an appropriate Conditional Use in R-4.

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 material and colors.
- 4) All structures shall comply with state building code.
- 5) Height of accessory structure shall not exceed 15 feet.

City of Breezy Point  
Notice of Public Hearing  
Wednesday, July 12, 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 Wednesday, July 12, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Variance Application V-23-003 Chris Erickson / Dettinger Trust. 29206 Piney Way Breezy Point. Lots 20 & 21 Edgewater Beach. Parcels 10211067 and 10211068. Request for Variance to expand legal nonconforming use with addition of 276 sq. ft. screened porch. R-2 Zone.

Conditional Use permit Application C-23-004 Mark Pietig / BPMG LLC. 8101 County Road 11 Breezy Point. Lots 329, 330, & 331 15<sup>th</sup> Addition to Breezy Point Estates. Construct Mini-golf course and clubhouse (Recreation Facility – Public). Zone Commercial C.

Conditional Use permit Application C-23-005 Mark Olson 30213 Robin Lane Breezy Point. Lots 304 thru 307 15<sup>th</sup> Addition to Breezy Point Estates. Parcel 10161593. Construct 52' x 30' accessory structure (1560 sq. ft.) R-4 Zone.

Variance Application V-23-004 Joseph Martinson 29700 Lakeshore Drive Breezy Point. Lot 3 Block 1 Breezy Point Club. Parcel 10211222. Request for variance to expand legal non-conforming structure with Addition of 268 sq. ft. deck. Variance to exceed 25% impervious coverage.

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](mailto:planner@cityofbreezypointmn.us)



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.



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

Received by City: Breezy Point  
Application Number: V-23004  
Non-refundable Fee Paid: 250.00  
Receipt #: 22170

# Variance Application

Name of Applicant Joseph Martinson  
Address 29700 Lakeshore Dr Email: hello Leahandjoe@gmail.com  
City, State, Zip Breezy Point, MN 56472  
Phone 763.516.0494 Alternate Phone \_\_\_\_\_

Physical Address / Location of Property \_\_\_\_\_

Legal Description of Property Lot 3 Block 1 Breezy Point Club

Parcel ID Number 10211222 Zoning District R-2

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

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

Signature of Owner, authorizing application [Signature]  
(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: \_\_\_\_\_  
Landscaping: Removing Impervious Bricks, and make water Barrier to protect lake  
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?

Building decks inbetween Houses other Decks Middle of each other house Spacing within 10 ft setback

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

neighbors were able to build decks for lake view  
Remaining Bricks to make lots more towards 25%  
Impervious rule

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

the way properties are utilized in the area is for recreational use. Decks provide outdoor entertainment and lake views.

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

limited options are available. We are flexible with eliminating unnecessary pavers in yard.

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

A deck is a commonplace amenity in the neighborhood. It currently is out of place compared to neighboring properties.

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?

A deck is consistent with neighboring properties.

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

The lake side is the most reasonable location. We are within property lines.

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

A maintenance-free deck would enhance the appeal of neighborhood + increase property value.

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.

A deck is a reasonable use and fits within essential character of property and neighboring properties.

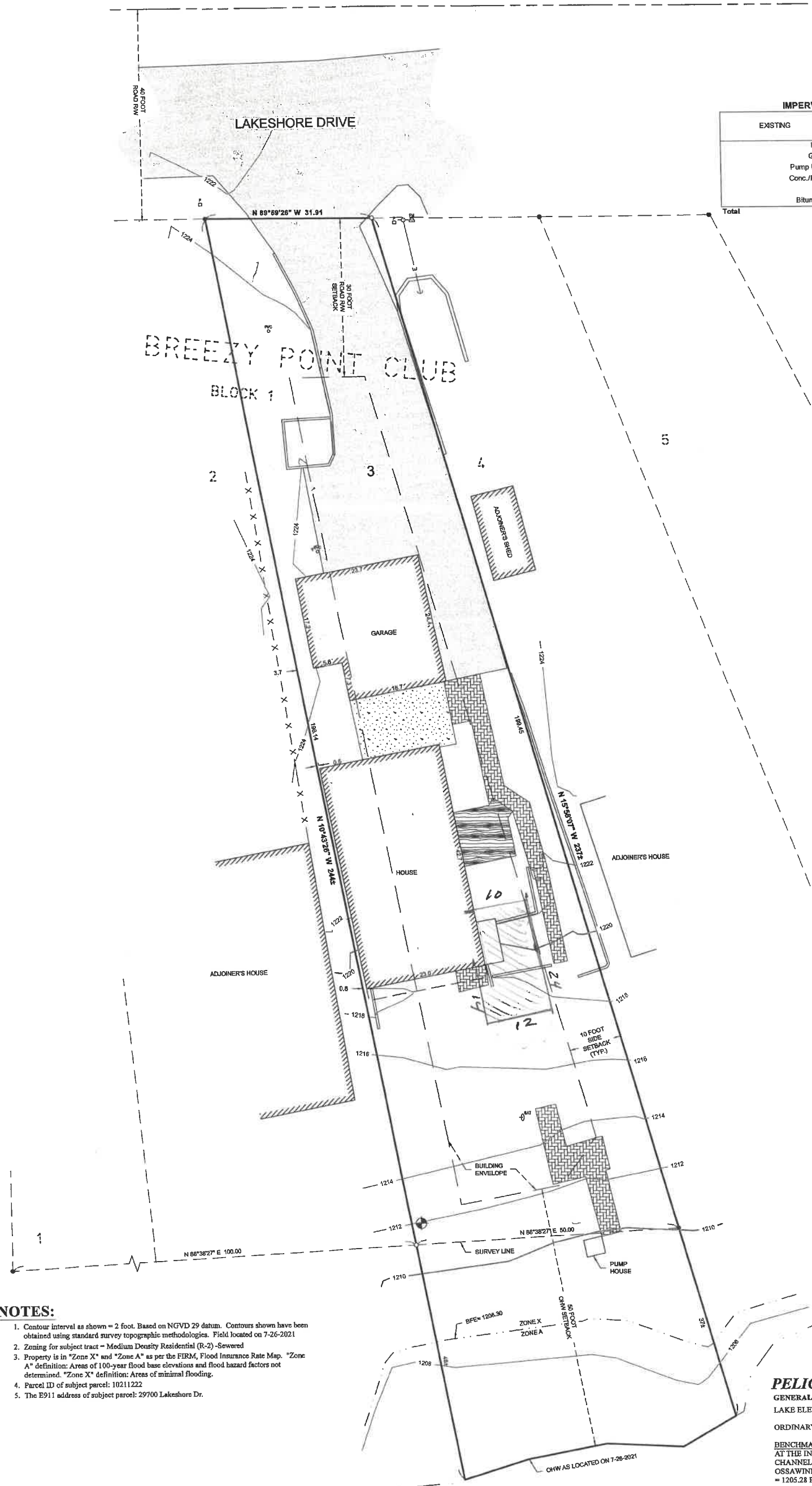
INSTRUCTIONS TO THE APPLICANT

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. - Timbertech "coconut husk" decking + cable railings
- 5. Outside storage proposal.
- 6. Elevation plans for all existing and proposed structures.

# CERTIFICATE OF SURVEY

**LOT 3, BLOCK 1, BREEZY POINT CLUB,  
SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA  
TOTAL AREA= 10,124 SQ.FT.±/0.23 ACRES±  
TOTAL BUILDABLE= 3,326 SQ.FT.**



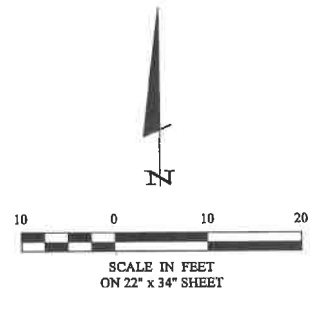
**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House	1,014	10,124	10.0%
Garage	546	10,124	5.4%
Pump House	12	10,124	0.1%
Conc./Pavers	598	10,124	5.9%
Deck	105	10,124	1.0%
Bituminous	1,634	10,124	16.1%
<b>Total</b>	<b>3,909</b>	<b>10,124</b>	<b>38.6%</b>

25%

+ 2639 -

- LEGEND**
- DENOTES EXISTING SATELLITE
  - DENOTES EXISTING FENCE LINE
  - DENOTES EXISTING RETAINING WALL
  - DENOTES EDGE OF EXISTING BITUMINOUS
  - DENOTES EDGE OF EXISTING CONCRETE
  - DENOTES EDGE OF EXISTING PAVING STONES
  - DENOTES EDGE OF EXISTING WOODEN DECKING
  - DENOTES EXISTING INTERMEDIATE CONTOURS
  - DENOTES EXISTING INDEX CONTOURS
  - DENOTES EXISTING UTILITY POLE W/ GUY WIRE
  - DENOTES EXISTING ELECTRIC METER
  - DENOTES EXISTING PHONE PBOESTAL & PHONE BOX
  - DENOTES EXISTING SEPTIC TANK, SEPTIC CLEANOUT, & SEPTIC TANK LID
  - DENOTES BENCHMARK SET 3/8" REBAR IN SO. FACE OF A 20" ASH
  - ELEV. = 1213.43
  - NGVD 29 DATUM
  - DENOTES MONUMENT FOUND
  - DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 41922
- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF LOT 3 TO HAVE AN ASSUMED BEARING OF S 89°59'26" W



- 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 7-26-2021
  - Zoning for subject tract = Medium Density Residential (R-2) - Sewered
  - 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.
  - Parcel ID of subject parcel: 10211222
  - The E911 address of subject parcel: 29700 Lakeshore Dr.

**PELICAN LAKE**  
GENERAL DEVELOPMENT CLASSIFICATION  
LAKE ELEVATION = 1206.54 ON 7-26-2021  
ORDINARY HIGH WATER ELEVATION = 1207.4  
BENCHMARK: ZERO GAUGE READING AT DAM, AT THE INTERSECTION OF CR 11 AND THE CHANNEL BETWEEN PELICAN LAKE AND OSSAWINNAMAKEE LAKE, HAS AN ELEVATION = 1205.28 PER MN DNR

130	CERTIFICATE OF SURVEY	PROJECT MANAGER: PAT	PROJECT No.: 21219	DATE: 1-20-22	DATE	REVISIONS DESCRIPTION	BY	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.	 30206 Rasmussen Road Suite 1 P. O. Box 874 Pequot Lakes, MN 56472 218-568-4940 www.stonemarksurveying.com
	JOE O'SHAUGHNESSY 29812 LAKESHORE DRIVE BREEZY POINT, MN 56472	CHECKED BY: PAT	FILE NAME: C21219.dwg	SCALE: HORZ. 1"=10'	SCALE:				

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of July 12, 2023

**Variance Request 2023-004**

Applicant: Joseph Matrinson

Legal Description: Lot 3 Block 1 Breezy Point Club

Address: 29700 Lakeshore Drive, Breezy Point MN 56472

Property Identification Number (PIN): 10211222

Zoning: Medium Density Residential (R-2 Sewered)

Applicable Code: 153.007, 153.132, 153.044, 153.045, 153.120

**Request:**

Construct Dwelling 268 sq. ft. Deck Addition to existing dwelling. (legal nonconforming use)

**Property:**

The property is Pelican Lake shore located at 29700 Lakeshore Drive. Property is 10,124 sq. ft. served by municipal sewer. Current impervious coveragae is 3909 sq. ft. 38.6%. existing Dwelling is 1014 sq. ft. built prior to zoning.

The Dwelling is considered a legal nonconforming structure because it is located less than 10 ft. (.5 - .8ft.) from property line.

**Zoning:**

The property is currently Zoned Residential Medium Density (R-2 sewered).

**Setbacks per zoning ordinance:**

- Lot Size 20, 000
- Ordinary High Water (OHW) 50 feet
- Setback side 10 feet
- Impervious coverage 25 %
- Height 25 feet

**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) Existing impervious coverage is 38.6%
- 3) The proposed structure deck is located within setbacks and building envelope.
- 4) The use is consistent with the Residential use in the area.
- 5) The City Attorney has advised that expansion of a nonconforming use is allowed under state law, provided the variance meets the "practical difficulty" test under Minnesota Stat. Section 462.357 Sub. 6 (2)
- 6) The existing impervious coverage exceeds 25%

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

The Planning Commission / Board of Adjustment finds that no practical difficulty exists. The existing impervious coverage exceeds 25% ( 38.6%). The addition would render impervious coverage of 41.2%.

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

- 1) The property preexists Zing rules.
- 2) The Practical Difficulty is \_\_\_\_\_.
- 3) Measures will be taken to reduce impervious coverage.
- 4) Proposed deck complies with setbacks.

If approved the following may be conditions of approval:

- 1) Deck addition to be within building envelope.
- 2) Area under deck to be excavated and filled with granular material that renders the area pervious.
- 3) Eliminate pavers
- 4) Impervious coverage not to exceed 32%.
- 5) Install rain gardens to catch and purify run off.

6) Other.

Planning Commission/Board of Review Direction

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

**Jerry Bohnsack**

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**From:** David S. Landecker <dlandecker@breezypointresort.com>  
**Sent:** Monday, June 19, 2023 11:25 AM  
**To:** planner; deputyclerk  
**Subject:** rezone and future development of Whitebirch Village addition  
**Attachments:** whitebirch rezone 3 sketches.pdf; whitebirch village proposed addition.pdf

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jerry,

As we discussed, Whitebirch Village located on the Whitebirch golf course has been a great success for Whitebirch Inc. and the city and is currently built out. The Whitebirch Inc. development team has been researching sites that would be available that has public sewer available for the next phase of continuing this project.

In the teams review they identified the site currently re-platted in 2022 as Whitebirch Vista. This site is located on the Whitebirch golf course and also has public sewer and street access to serve the site. The site is currently zoned R-1 and we would be asking the City of Breezy Point planning commission to consider rezoning the property to R-4 as I have identified on the attached sketches to support the processing of a planned unit development which in this case would be a continuation of the Whitebirch Village CIC.

I would like to represent the development teams request at the next regular City of Breezy Point planning commission meeting scheduled for July 12<sup>th</sup> at 7pm to discuss submitting a rezoning request application and holding a future public hearing to consider this request.

I have attached several sketches that would be helpful in this discussion.

Please let me know if you have added this to the July P & Z agenda and if there is any additional information you would need at this time.

*David Landecker*

*218-820-4038*



**OWNER & DEVELOPER**

Robert Spizzo  
Whitebirch, Inc.  
9252 Breezy Point Drive  
Breezy Point, MN 56472

**SURVEYOR**

Stonemark Land Surveying, Inc.  
P.O. Box 874  
Pequot Lakes, MN. 56472  
ATTN: Patrick A. Trotter

*Proposed Whitebirch Village CIC Addition*

**WHITEBIRCH VISTA**

**PRELIMINARY PLAT**  
LOTS 32 THRU 34, BLOCK ONE AND PART OF OUTLOT E, WHITEBIRCH SEVEN,  
SECTION 17, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA

Section 8, Item 1

**LEGAL DESCRIPTION**

Lots 32, 33, and 34 inclusive, all in Block One, WHITEBIRCH SEVEN, according to the recorded plat thereof, Crow Wing County, Minnesota and that part of Outlot E, said plat, described as follows: Beginning at the common corner of said Lots 31 and 32 on the northerly line of said Outlot E and assuming the westerly line of said Lot 32 bears North 39 degrees 47 minutes 50 seconds East; thence South 39 degrees 47 minutes 50 seconds West along the southwesterly extension of said westerly line 69.49 feet; thence South 48 degrees 47 minutes 13 seconds East 40.40 feet; thence North 89 degrees 54 minutes 08 seconds East 441.64 feet; thence North 17 degrees 45 minutes 20 seconds East 188.77 feet to the easterly line of said Lot 33; thence South 44 degrees 20 minutes 38 seconds West along said easterly line 139.39 feet; thence South 86 degrees 13 minutes 38 seconds West along the southerly lines of said Lots 33 and 32 for a distance of 358.00 feet; thence North 53 degrees 17 minutes 58 seconds West along said southerly line 38.00 feet, more or less, to the point of beginning.

**EXISTING AREAS**

Lot 32 = 49,847 sq. ft.  
Lot 33 = 47,530 sq. ft.  
Lot 34 = 57,431 sq. ft.  
Portion of Outlot E = 38,062 sq. ft.

**PROPOSED AREAS**

Lot 1 = 54,483 sq. ft.  
Lot 2 = 51,714 sq. ft.  
Lot 3 = 82,809 sq. ft.  
Outlot A = 21,883 sq. ft.

Owner: Roger & Judith Jensen  
7841 Chickasaw Circle  
Pequot Lakes, MN 56472  
Zoning: Low Density Residential (R-1)  
FID #: 10170746

Owner: Aleh & Maryam Kamrani  
13240 Spencer Sweet Pea Lane  
Eden Prairie, MN 55347  
Zoning: Low Density Residential (R-1)  
FID #: 10170742

Owner: Whitebirch, Inc.  
78419252 Breezy Point Drive  
Breezy Point, MN 56472  
Zoning: Resort Commercial (RC)  
FID #: 10170776

**CONTOUR INFORMATION**

Contours shown have been digitized from Crow Wing County GIS Site.  
Contour Interval is 2 feet as shown on this drawing.

**SOIL DATUM**

The United States Department of Agriculture Web Soil Survey indicates soil in the proposed platted area to be classified as "D83D - Entroblepts-Grayalm-Rollins complex, pitted, 10 to 20 percent slopes" and "D84D - Entroblepts-Grayalm-Rollins complex, 10 to 20 percent slopes.

**ZONING**

Current zoning is Low Density Residential (R-1) on Lots 32-34 and Resort Commercial (RC) on Outlot E.

**VEGETATION AND TOPOGRAPHIC ALTERATIONS**

The plat will consist of 3 lots for residential purposes. Each lot will support residential improvements where vegetation and land alterations will occur for the construction of homes, garages, drives, sewer systems, and other appropriate residential amenities.

**UTILITIES**

All lots have been designed large enough to allow for two (2) possible drainfield sites as shown on the plat. Drainfield sites must meet all setback requirements as set forth in the county's or city's ordinances. All lots will be served by private wells for their individual water supply.

**EROSION CONTROL PLAN**

1. All ground disturbed by construction is to be stabilized as soon as possible using seed and mulch turf establishment
2. Maintain vegetation along property lines and areas undisturbed by construction
3. No filling or disturbing wet land(s) areas.
4. Silt fences shall be placed at edge of wet lands during construction.

**LEGEND**

- DENOTES EXISTING SIGN(S)
- DENOTES EDGE OF EXISTING BITUMINOUS
- 1208 DENOTES EXISTING INTERMEDIATE CONTOURS
- 1210 DENOTES EXISTING INDEX CONTOURS
- DENOTES EDGE OF TREE LINE
- DENOTES EXISTING CONIFEROUS TREES, TYPES & SIZES
- DENOTES EXISTING GROUND TRANSFORMER
- DENOTES EXISTING ELECTRIC OUTLET
- DENOTES EXISTING PHONE PEDISTAL & PHONE BOX
- DENOTES EXISTING WELL
- (123.45) DENOTES FLAT AND/OR DREDGED MEASURE
- DENOTES MONUMENT FOUND

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WESTERLY LINE OF LOT 32, BLOCK ONE, WHITEBIRCH SEVEN, TO HAVE AN ASSUMED BEARING OF SOUTH 39°47'50" WEST.



**VICINITY MAP**

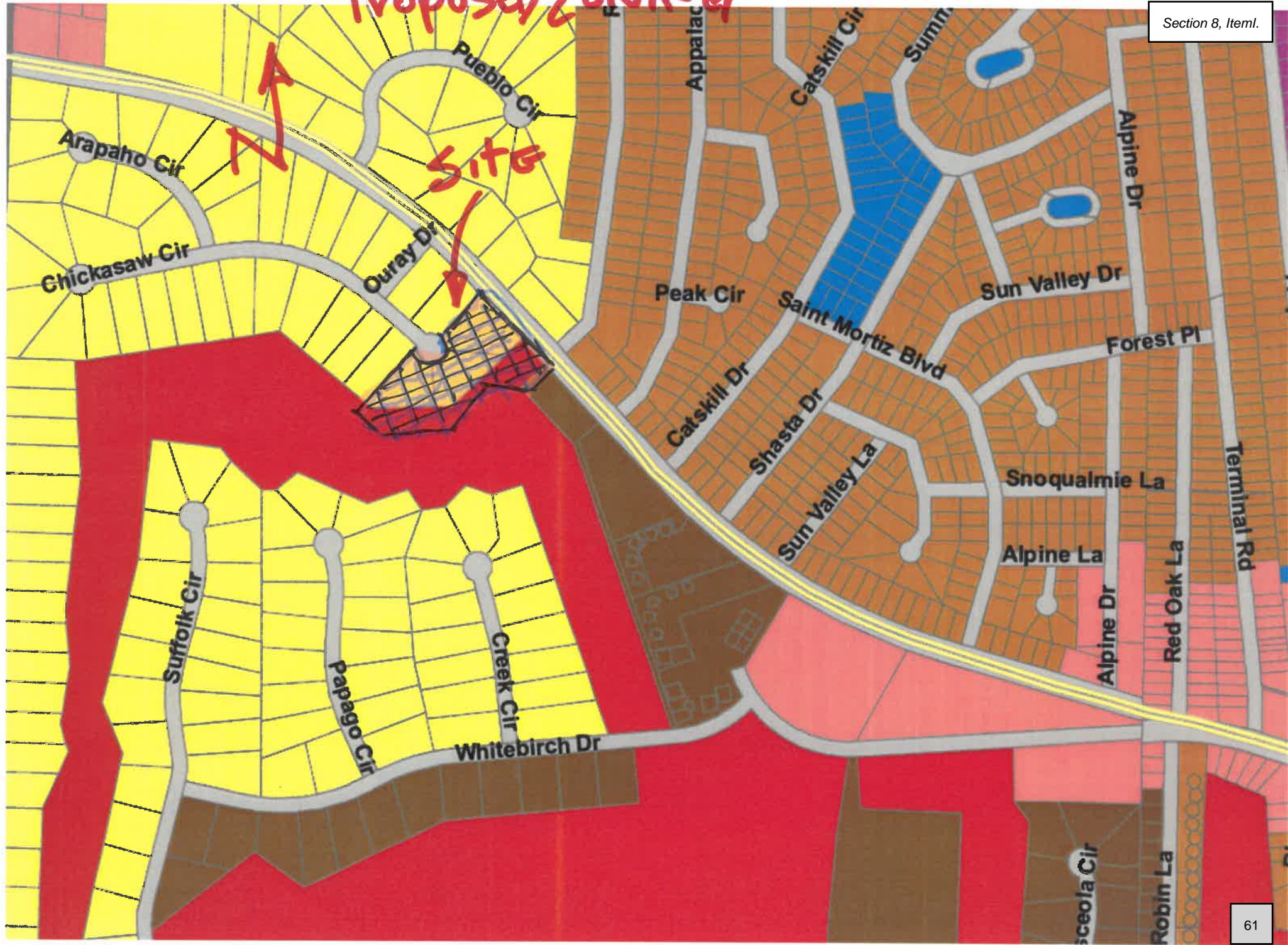


30006 Reassessment  
Sheet 1  
P. O. Box 874  
Pequot Lakes, MN  
218-568-054  
www.stonemark.com

REVISIONS	DATE	DESCRIPTION

# Proposed ZONING

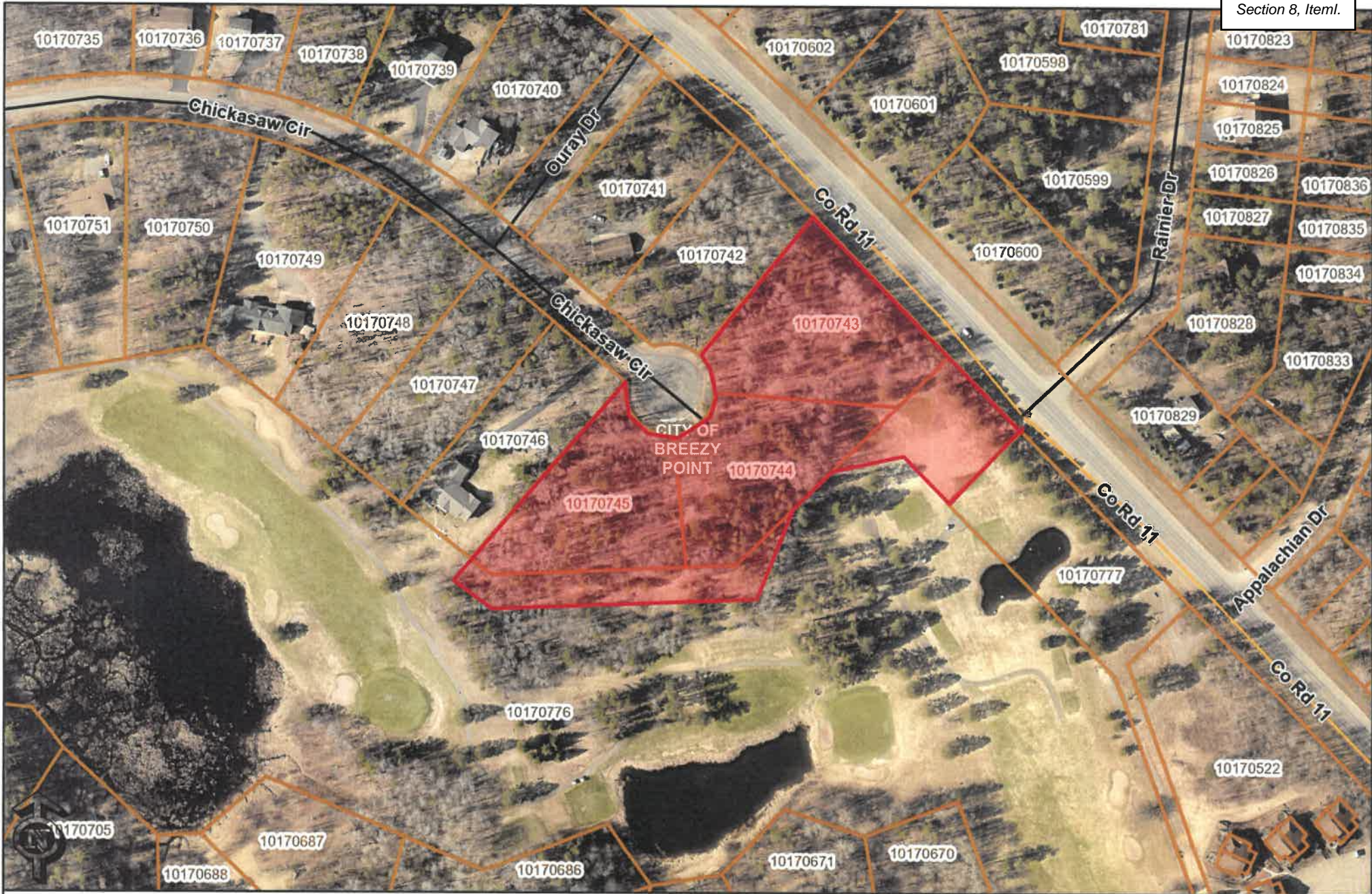
Section 8, Item 1.



# Sewer Availability

Section 8, Item 1.





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.

whitebirch vista rezone  
 dsl 06-19-23

Date: 6/19/2023 Time: 9:51 AM

