



PLANNING COMMISSION/BOARD OF ADJUSTMENT

Tuesday, November 12, 2024 at 7:00 PM

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

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

AGENDA

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

APPROVAL OF MINUTES

[October](#) 8, 2024 Planning Commission Minutes

6. NEW BUSINESS

- [A.](#) IUP Application I-24-001 Grunzke
- [B.](#) CUP Application C-24-005 Gruenagen
- [C.](#) Cannabis Ordinance

7. OLD BUSINESS

8. STAFF REPORTS

9. COMMISSIONER REPORTS

10. ADJOURN

Breezy Point Planning Commission/Board of Adjustment

**October 8, 2024
Regular Meeting**

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

Approval of Agenda

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

Open Forum

No one spoke.

Approval of 9/10/2024 Regular Meeting Minutes

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

New Business

A. Variance Application V-24-012 Brian Lee

The Commission Chair Weaver noted the applicant was present.

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

See staff report on file.

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

Ayers, does the Commission need to be concerned if this application was approved, would this set a precedence for others.

Gansen, no the Commission does not need to be concerned about setting a precedence in approving or denying this variance request. League of Minnesota Cities trainings have specified there are no considerations of setting precedence for variances.

The Board of Adjustment is the venue to make such a request. Additionally, the Board could approve this variance and if the next-door neighbor brought in a similar request the Board could deny that request. The request is still unique in that it would be a different property and different time. Yes, the Board can consider similarities for properties, but the decision must be made considering the unique circumstance and situation of the property the variance is requested on.

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

Carvin Buzzell, applicant representative, 42618 78th St Hillman, MN.

Buzzell, I was asked by the applicant to present this as the property owner is out of town.

Please look at the slides and we can see the layout of the patio that it is really not that much different than the property.

Jackie Baker, audience member, I do not know how you can say that as I own the property next door.

Buzzell, thank you then I can answer any questions you may have.

The Chair, please keep the presentation to Board. Audience, please hold your questions as there will be a formal time allotted for you to voice your concerns and questions, thank you.

Buzzell, spoke about some of the percentage amounts of the variance, the stormwater management and that no setbacks are being reduced.

Buzzell also spoke about the drainage plan and asked if the Planning Commission had any questions for him.

Chair, the pavers are not going to be pervious?

Buzzell, they will not, however there will be cracks in the joints of the patio. The patio size also seems to be within the allowed square footage for a patio.

Chair asked which direction the flow of the stormwater associated with the patio would go.

Buzzell, it will be towards an aggregate infiltration area.

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

There were none.

The Chair called for audience comment.

Jackie Baker, 7116 79th Ave N Brooklyn Park, MN.

Baker, I own the adjacent property. Does Brian have any idea of building a fire pit in the patio area because that is a concern that I have. I also think that Brian rents the property out, and he needs to be aware that Breezy Point does have short term rental rules.

Being that I live next door, I often have to tell people not to park in front of my garage and also have to tell people to remember to take their garbage home.

Also, if it's a rental I don't know who the renters are and they will likely be loud, drinking and have animals that will be barking at the 7am.

I am not against the variance request; I am just wanting to point out a lot of people do use this property and I wonder if the owner knows he needs to have a license to run a short term rental area.

Brisbin, if the property is a rental that is different consideration than what is before the Commission.

Buzzell, the prior owner could have rented it out. This is a new owner and I do not know if they have rental plans. I understand your concerns and I will talk to the owner about your concerns.

The Chair asked for any other public comment.

There were none.

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

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

The Chair, this seems to be a very unique situation dealing with the property and this certainly was not something created by the current landowner. Looking at the impervious surface calculations and based on the project details this seems to be exactly why variances are needed. Additionally, the stormwater management plan seems to be adequate.

Zierden, I agree.

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

See findings on file.

None.

The Chair asked for a motion.

The Chair made a motion to approve.

With the recommended condition:

All stormwater runoff associated with the patio must be mitigated and maintained on the subject property.

Brisbin seconded.

All members voting 4-0 to approve Variance Application V-24-012.

Conditions:

1. All stormwater runoff associated with the patio must be mitigated and maintained on the subject property.

See file for findings and notice of decision.

Old Business

A. None.

The Chair called for staff reports.

Staff Reports

Gansen updated the Commission on the Interim City Administrator, Jerry Bohnsack and will likely begin the recruitment process for the City Administrator.

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

The next PC meeting is Tuesday, November 12th.

We currently have requested HGKI the consultant firm selected to help us update our ordinance give us some additional time due to a lot of changing situations, with administration and local elections.

That concludes the staff report.

The Chair asked for any Commissioner reports.

Commissioner reports

A. None.

There being no further business the meeting adjourned at 7:27 p.m.

Submitted by Peter Gansen
Planning & Zoning Administrator.

City of Breezy Point
Notice of Public Hearing
Tuesday November 12, 2024, 7:00 p.m.
Breezy Point City Hall

To Whom It May Concern:

Notice is hereby given the City of Breezy Point Planning Commission / Board of Adjustment will hold a public hearing on November 12, 2024 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Interim Use Application I-24-001

GRUNZKE, NICHOLAS & LORI ANN 32060 HURON CIRCLE BREEZY POINT MN 56472. SE1/4 OF SW1/4 EXC W1/2 THEREOF. Parcel 10041095. Are requesting an interim use permit for animal husbandry. Zoned UR.

Conditional Use Application C-24-005

GRUENHAGEN, TERANCE 4825 33RD AVE S MINNEAPOLIS MN 5541. LOT 6 BLOCK 1 FIRST ADDITION TO SUNSET STRIP. Is requesting a conditional use permit for guest quarters. Zoned R-2.

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

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

Peter Gansen
Planning & Zoning Administrator
City of Breezy Point
218-569-1003
pgansen@cityofbreezypointmn.us

Echo Journal October 30, 2024

Section 6, Item A.

Received by City: PM
Application Number: I-24-001
Non-refundable Fee Paid: 250-
Receipt #: 23807



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

Interim Use Application

Name of Applicant NICHOLAS AND LORI GRUNZKE
Address 32660 HURON CIRCLE
City, State, Zip BREEZY POINT, MN 56472
Phone 218-851-0856 Alternate Phone 218-963-7955

Physical Address / Location of Property 10041095 WEST STREET

Legal Description of Property S.E. 1/4 OF S.W. 1/4 EXC. W 1/2 THERE OF.

Parcel ID Number 10041095 Zoning District BREEZY POINT

Applicant is:

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

Title Holder of Property (if different than applicant):

Name T.W. MILLER CORPORATION
Address 33361 JENKINS AVENUE
City, State, ZIP JENKINS, MINNESOTA 56472
Phone _____

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

BUILD HOUSE AND BARN, LIKE IN AND HAVE HORSE ON PROPERTY. INCREASE PROPERTY APPEARANCE THROUGH LANDSCAPING, GROOMING AND TRIMMING ON A REGULAR BASIS.

Signature of Owner, authorizing application

[Signature] 10/16/24

(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)

[Signature]

(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.

INTERIM 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 meet 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. **Interim uses require a specific ending at a certain date or when a specific sequence of events takes place.**

The following questions must be answered.

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

Building: BUILD PERSONAL RANCH HOME
 Landscaping: FENCE THE OPENING AREA FOR OUR HORSE.
 Parking/Signs: N/A

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, IT WILL COMPLETELY BE SELF CONTAINED.

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?

SURROUNDING AREA CONSISTS OF HIGHER DENSITY DEVELOPMENT, OUR USE WOULD LOWER DENSITY.

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

NO IMPACT TO PUBLIC UTILITIES.

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

OUR PLAN IS A LOW DENSITY SINGLE FAMILY USE. ANY CHANGES TO THE LOT WOULD BE SELF CONTAINED.

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?

PROPOSED USE WOULD NOT EFFECT TRAFFIC PATTERN.

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

N/A
*HORSE WASTE WILL BE DISTRIBUTED AND SPREAD EVENLY ON A BY WEEKLY BASIS TO FERTILIZE PASTURE SOIL.

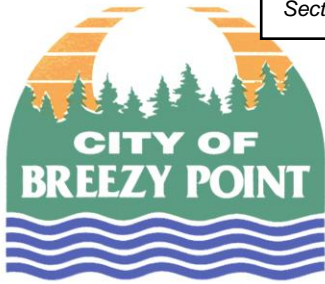
8. Please include any other comments pertinent to this request.

Per Breezy Point Land Use, we intend to
build a ranch house and have horses as allowed
by city ordinance, for personal use.

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, unless waived by the Planning Department:

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



TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for I-24-001
DATE: November 12, 2024 Regular Meeting

Variance Application I-24-001
Applicant: NICHOLAS GRUNZKE
Property Address: NO SITE ADDRESS, INTERSECTION OF WEST ST & CO RD 11
Legal Description: SE1/4 OF SW1/4 EXC W1/2
Parcel ID: 10041095
Zoned: URBAN RESERVE UNSEWERED

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

Request:

- Applicant is requesting an interim use permit for animal husbandry.

Summary of the property

The subject property is un-platted land that was subdivided via metes and bounds to a 20-acre tract.

The property is surrounded by low and medium residential zoning districts on the north and east boundaries, the same zoning district (urban reserve) is bordered on the west and the south side zoned wooded residential.

This property was rezoned in March 2020 from estate zoning to urban reserve zoning. Based on the minutes of that meeting the primary goal appeared to get it to a zoning district that would allow animal husbandry.

Animal husbandry is allowed as an interim use permit in the current zoning district.

Staff recommends the Commission consider approval based on the plans submitted in the application with the following proposed conditions and any other conditions the Commission feels appropriate.

Recommended Conditions:

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

Upon review of an interim use permit application the Commission needs to consider the findings as required in Section §153.124. In review the Commission should state whether or not the following findings are acceptable towards granting the IUP.

The following findings must be met, if applicable:

1. Meets the standards of a conditional use permit set forth in § 153.119 of the City Code;

Yes, the application packet, site plan and survey appear to have meet the submission requirements set forth in section 153.119.

2. Conforms to the zoning regulations, performance standards and other requirements;

Yes, all performance standards related to the proposed use appear to be met. Fencing will contain the pasture area. A manure/waste management plan has been addressed and the proposed animal units will not exceed ordinance allowances.

3. Is allowed as an interim use in the zoning district;

Yes, the use is allowed based on the City’s land use matrix chart.

4. Will terminate upon a date or event that can be identified with certainty;

Yes, see conditions.

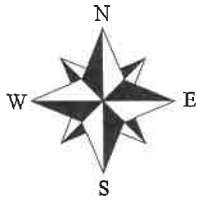
5. Will not impose additional costs on the public;

No adverse cost to the public has been noted at this time.

6. Will be subjected to, by agreement with the owner, any conditions that the city has deemed appropriate for permission of the use, including a condition that the owner provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

With the following Conditions:

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

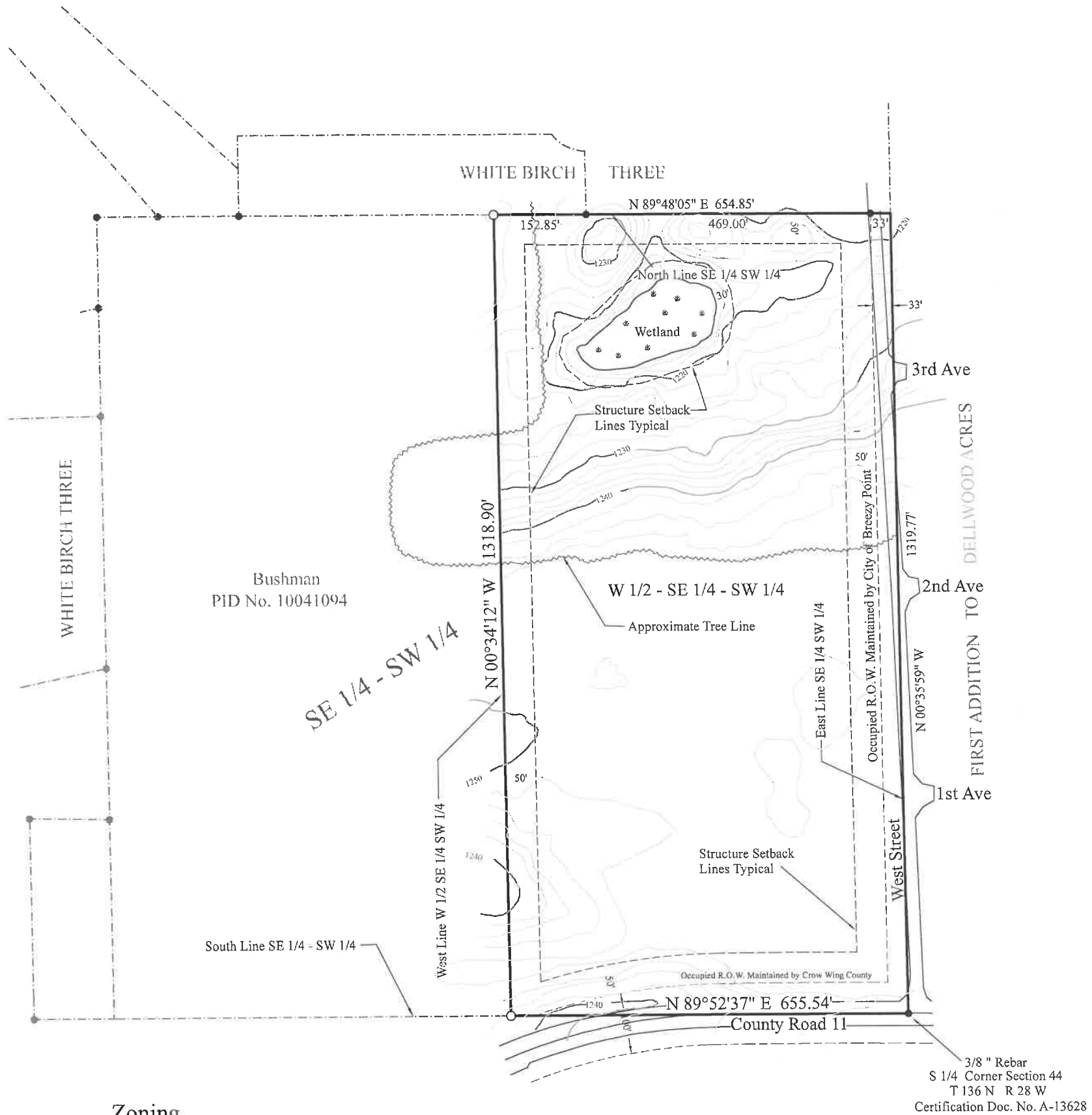


Legend

- Set 3/8" Rebar Cap Number 15294
- Found Survey Monument

Certificate of Survey

Part of SE 1/4 - SW 1/4
 Section 4 Township 136 Range 28
 Crow Wing County, Minnesota



Zoning

Current Parcel ID No. 10041095

Existing Zoning Urban Reserve

- Sideline structure setback 50'
- Structure setback from County Road 50'
- Structure Setback City Road 50'
- Structure sideline setback 50'
- Structure Setback Rear 50'
- Structure Setback from wetland 30'

Legal Description

Quit Claim Deed Doc. No. 998387
 The Southeast 1/4 of th Southwest 1/4
 Except The West 1/2 Thereof

W 1/2 - SE 1/4 - SW 1/4

Total Boundary Area 19.8 Acres +/-

Total Boundary Area Less R.O.W. 18.3 Acres +/-

Total Buildable Area 13.1 Acres +/-

Surveyors Notes:

- No bluffs of steep slopes conditions were found on the property
- No underground utilities were provided for purposes of this survey
- 2' Topographic Contours Provided by MN TOPO
- Wetlands Have been identified by N.W.I. mapping

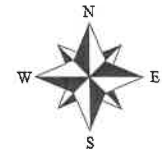
ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE CROW WING COUNTY COORDINATE SYSTEM

Land Design Solutions
 Complete Land & Construction Services
 11831 Lake Trail Crowlake Minnesota 56442
 218-320-0854
 landdesignsolutions.com

John J. Jenkins
 I hereby certify that this survey was completed by me, or under my direct supervision and that I am a duly licensed Land Surveyor of the State of Minnesota.

Certificate of Survey
 Survey Prepared for: TW Miller Corp.
 33361 Jenkins Avenue
 Jenkins, MN 56472
 DATE 03/24/2023 SCALE 1" = 200' PROJECT NO. 24-027

Site Development Plan



WHITE BIRCH THREE

N 89°48'05" E 654.85'

152.85'

469.00'

50'

33'

1220

North Line SE 1/4 SW 1/4

Wetland

Structure Setback Lines Typical

3rd Ave

1318.90'

N 00°34'12" W

W 1/2 - SE 1/4 - SW 1/4

Approximate Tree Line

Occupied R.O.W. Maintained by City of Breezy Point

2nd Ave

155'

70'

46'

65'

96'

103'

116'

133'

125'

295'

East Line SE 1/4 SW 1/4

FENCE

1319.77'

N 00°35'59" W

1st Ave

DELLWOOD ACRES
FIRST ADDITION TO

West Line W 1/2 SE 1/4 SW 1/4

1250

1240

50'

149'

183.25'

183.25'

100'

335'

225'

Structure Setback Lines Typical

West Street

FENCE LINE
*100' FEET FROM EDGE OF WEST STREET

150' FROM EDGE OF HWY 11

Occupied R.O.W. Maintained by Crow Wing County

N 89°52'37" E 655.54'

County Road 11

*FENCE LINE
40' FROM WEST LOT LINE

10/15/24

§ 153.003

(b) Has remained on private property for more than 48 hours without the permission of the person in control of the property; or

(c) Has remained on private property for more than 30 days and is inoperable, or is unlicensed unless kept in a garage or other storage structure. Refer also to M.S. Chapter 168B, as it may be amended from time to time.

ACCESSORY USE or ACCESSORY STRUCTURE, A use or structure on the same lot and of a nature customarily incidental and subordinate to, the principal use or structure, including t.v. tower antennas, dish antennas exceeding a 60-inch diameter, swimming pools, wind generators, solar energy systems, garages, sheds, guest quarters and similar structures. ACCESSORY STRUCTURES attached to the principle structure shall not be counted in the total accessory structure square footage allowed on a property as per the Zoning Chart. Antennas shall meet all setback requirements, but shall not be subject to height restrictions.

ACCESSORY STRUCTURE HEIGHT, The vertical distance measured from the highest adjacent finished grade, to the highest point of the roof for flat roofs, to the deck line of mansard roof and to the average height between the eaves or the ridge (peak) for gable, hip and gambrel roof.

ACCESSORY STRUCTURE SIZE of a building shall include all roof surfaces except for the allowable roof overhang of up to 3 feet per side of the structure.

AGRICULTURAL USE. The use of land for the growing and/or production of crops or livestock products for the production of income, including incidental retail sales of produce.

ANIMAL HUSBANDRY. The care and/or breeding of domestic animals such as cattle, hogs, sheep, horses, and fowl with a 5 acre minimum lot size.

ANIMAL UNITS. The number of animals allowed per 5 acres of property.

<i>Animal Units*</i>	
<i>Animal</i>	<i>Amount per 5 Acres</i>
Fowl	50
Cow or Horse	1
Sheep or Goat	20

§ 153.003

INTERIM USE PERMIT (IUP). Same criteria as a conditional use permit, but with a specific ending at a certain date or when a specific sequence of events take place.

INTERVAL OWNERSHIP. Form of ownership of real property, condominium land or space, further defined by time interval reoccurring each year, resulting in more than one owner of the same property, also known as time share. Interval ownership/timeshare may be rented. Interval ownership/time share may also be exchanged, utilizing a professional exchange company.

JUNK. Parts of machinery or motor vehicles, unused furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other discarded material of any kind, whether or not the same could be put to any reasonable use.

JUNK YARD. An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles and used building materials. Storage of materials in conjunction with the construction of a manufacturing process shall not be included. Three or more automobiles without current licenses constitutes a **JUNKYARD**. The use shall not include putrescible wastes such as garbage.

KENNEL means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs or cats are kept, congregated, or confined, if the dogs or cats were obtained from municipalities, pounds, auctions, or by advertising for unwanted dogs or cats, or dogs or cats strayed, abandoned, or stolen. "Kennel" does not include a pound owned and operated by any political subdivision of the state or a person's home where dogs or cats are kept as pets, or as set forth in M.S. § 347.31, Subd. 2, as it may be amended from time to time.

LAKE CLASSIFICATION. The formal classification by the DNR of each body of public waters within the city.

LAND DISPOSAL FACILITIES. Any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land pursuant to Minn. Rules, § 735.0300, Subd. 52, as amended from time to time.

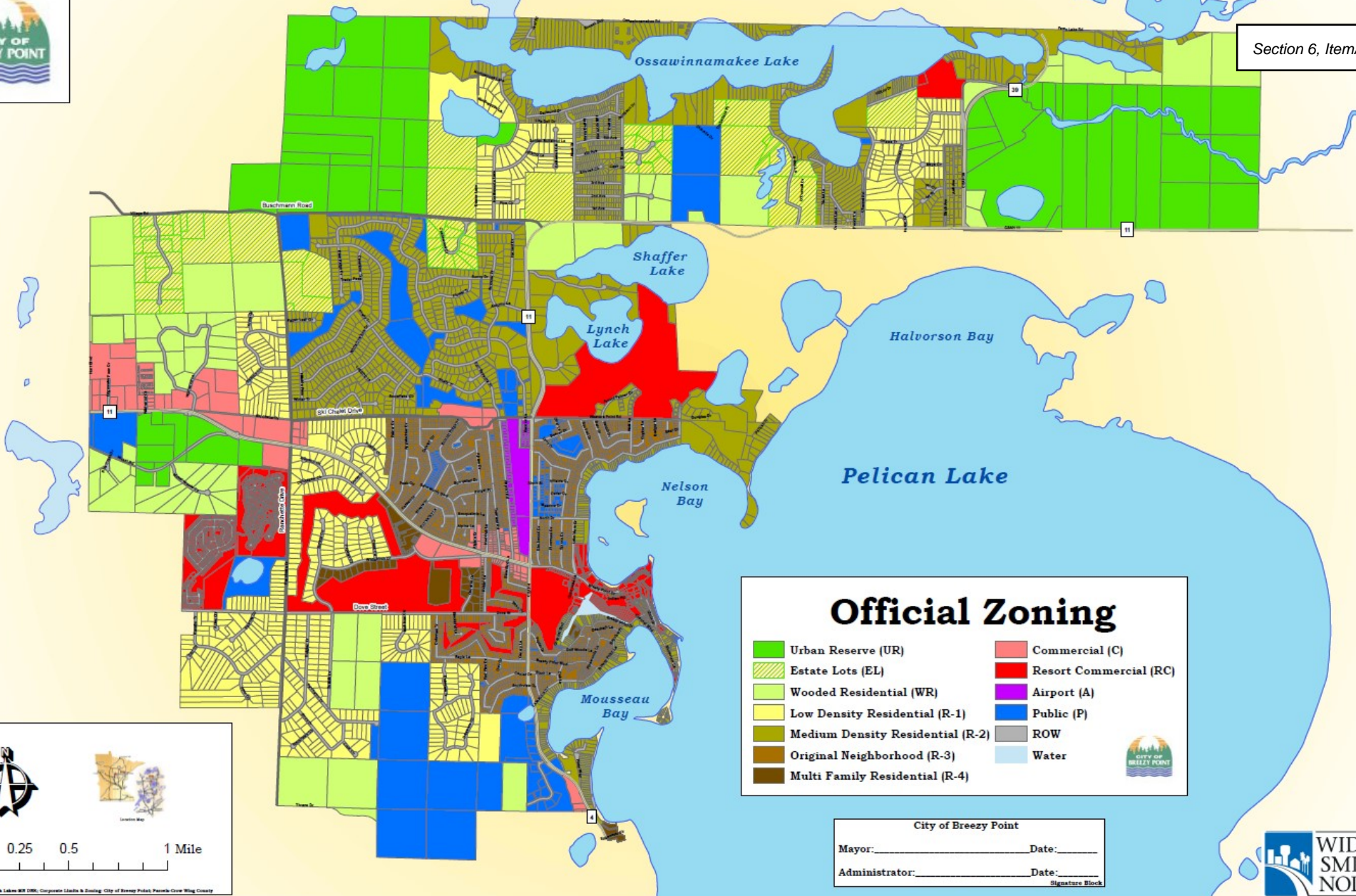
LANDSCAPING. The placement of trees, shrubs, grass, walls and earth

§ 153.003

153.044 Land Use Categories Chart											
A = Allowed Without A Permit			P = Permitted - Requires a Permit			I = Interim Use					
C = Conditional Use			E = Excluded Use			NA = Not Applicable					
Use	Zoning District										
	UR	WR	EL-R	R-1	R-2	R-3	R-4	C	RC	A	P
Accessory structure without principle structure	P	E	E	E	E	E	E	C	C	P	P
Accessory structure up to 1,280 feet ² on parcels 2 acres or less	NA	NA	NA	P	P	P	C	C	C	P	P
Accessory structure up to 1,600 feet ² on parcels 2 acres or less	NA	NA	NA	P	C	C	C	C	C	P	P
Accessory structure up to 2,400 feet ² on parcels 2 acres or less	NA	NA	NA	C	E	E	E	C	C	P	P
Accessory structure up to 2% of parcel on parcels 2 acres or more, up to 5,000 feet ²	P	P	P	P	P	P	P	C	C	C	P
Accessory structure up to 2% of parcel on parcels 5 acres or more, over 5,000 feet ²	C	C	C	C	C	C	C	C	C	C	C
Accessory structure 15 to 20 feet in height	P	P	P	C	C	C	E	C	C	C	C
Accessory structure 20 to 25 feet in height	C	C	C	C	E	E	E	C	C	E	C
Adult Uses Principal	C	E	E	E	E	E	E	E	E	E	E
Adult Uses Accessory	C	E	E	E	E	E	E	E	E	E	E
Airport	C	E	E	E	E	E	E	C	E	P	E
Agriculture	A	A	A	C	E	E	E	E	E	E	E
Animal husbandry, 1 animal unit or less per 5 acres on parcels greater than 10 acres	I	E	E	E	E	E	E	I	E	E	E
Animal husbandry, 1 animal unit or less per 5 acres on parcels greater than 5 acres	I	E	E	E	E	E	E	I	E	E	E
Aquaculture	P	C	E	E	E	E	E	E	E	E	E
Auto salvage yard	E	E	E	E	E	E	E	E	E	E	E
Business with residential quarters	E	E	E	E	E	E	E	C	E	C	E



Section 6, Item A.



Official Zoning

Urban Reserve (UR)	Commercial (C)
Estate Lots (EL)	Resort Commercial (RC)
Wooded Residential (WR)	Airport (A)
Low Density Residential (R-1)	Public (P)
Medium Density Residential (R-2)	ROW
Original Neighborhood (R-3)	Water
Multi Family Residential (R-4)	

0 0.25 0.5 1 Mile

Data Source: Wisniewski & Lukens, LLC (2006), Corporate Limits & Zoning, City of Breezy Point, Pennington County

City of Breezy Point

Mayor: _____ Date: _____

Administrator: _____ Date: _____

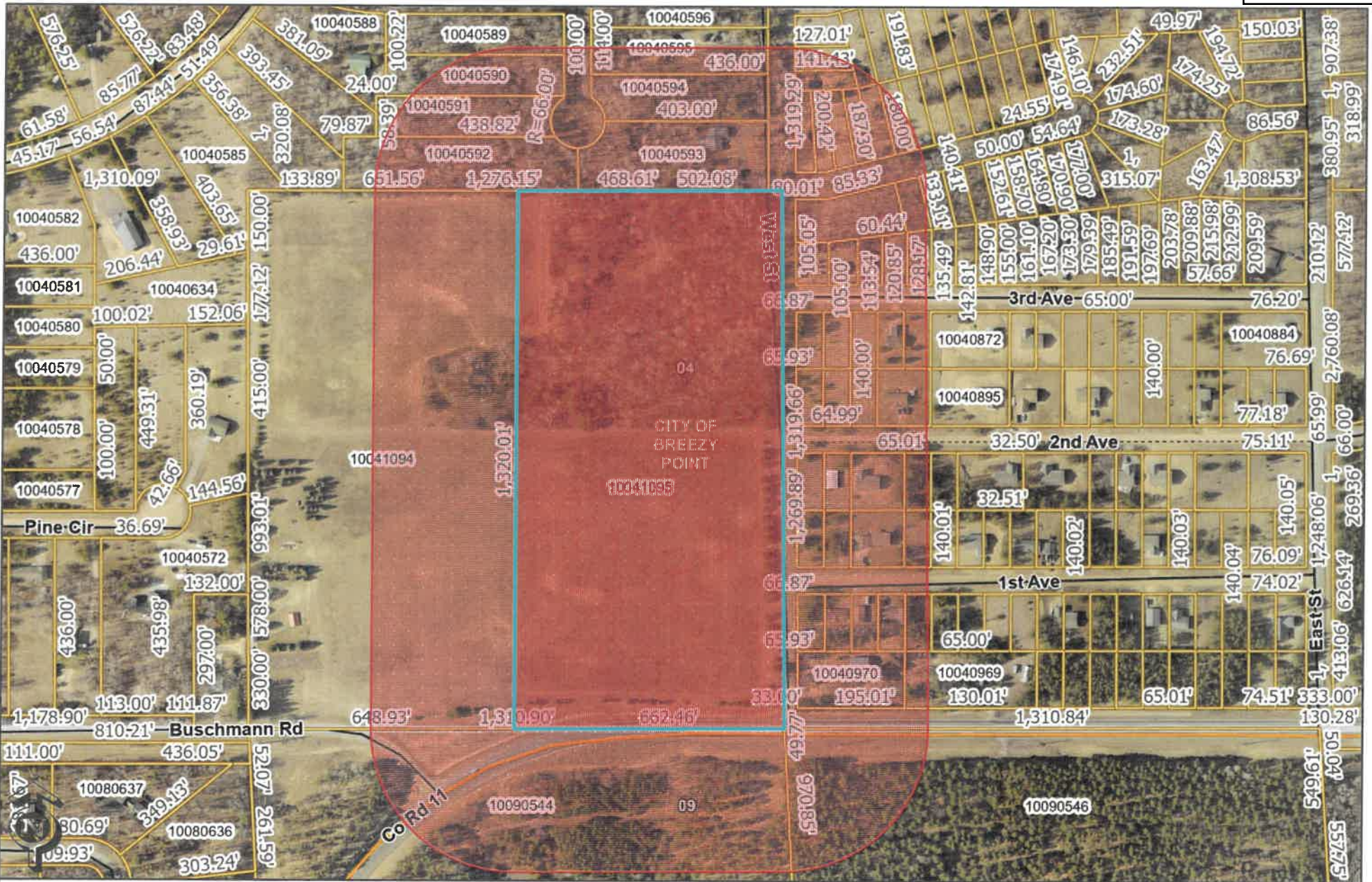
Signature Block





Official Zoning

<ul style="list-style-type: none"> Urban Reserve (UR) Estate Lots (EL) Wooded Residential (WR) Low Density Residential (R-1) Medium Density Residential (R-2) Original Neighborhood (R-3) Multi Family Residential (R-4) 	<ul style="list-style-type: none"> Commercial (C) Resort Commercial (RC) Airport (A) Public (P) ROW Water
---	---



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:	<u>PL</u>	Section 6, Item B.
Application Number:	<u>C-24-005</u>	
Non-refundable Fee Paid:	<u>250-</u>	
Receipt #:	<u>23808</u>	

Conditional Use Application

Name of Applicant Terry Gruenhagen
 Address 8959 Ossawinnamakee Road Mailing Address: 4825 33rd Avenue South
 City, State, Zip Breezy Point, MN 56472 Minneapolis, MN 55417
 Phone (612) 963-6024 Alternate Phone (612) 373-4656 (work)

Physical Address / Location of Property 8959 Ossawinnamakee Road
Breezy Point, MN 56472

Legal Description of Property Lot 6, Block 1, First Addition to Sunset Strip, Section 4, Township 136 North,
Range 28 West, Crow Wing County, MN

Parcel ID Number 10040839 Zoning District R-2 (Medium Density Res.)

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

Title Holder of Property (if different than applicant):
 Name _____
 Address _____
 City, State, ZIP _____
 Phone _____

State the nature of your request in detail. What are you proposing for your property?
In 2020/2021, my wife and I had a garage constructed on our lot. The garage has living quarters in the attic space.
We intend to build our retirement home on the same lot as shown on the enclosed site plan. When we build, we
understand that the new home must be designated as the primary residence and our garage will become an
accessory structure and the living space within will need to be designated as guest quarters.

Signature of Owner, authorizing application Terry Gruenhagen 10/11/2024
 (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: New single family home to begin construction in 1 to 2 years.

Landscaping: We will have landscaping done around the new home. Design is pending.

Parking/Signs: Not applicable.

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

We believe our future home will have **no** impact on the use and enjoyment of adjacent properties as we intend to follow all applicable setback and zoning requirements.

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

The area around our property is residential consisting of homes and lake cabins on sizable wooded lots that front on Lake Ossawinnamakee. All properties are accessed from Ossawinnamakee Road.

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

Our property and others around us are not connected to City sewer, water or drainage services. When we build the home, we will construct a new septic system on the site and a new well to serve the needs of our home consistent with all applicable regulations. Utilities such as electricity and natural gas will be extended to the home by the private utility companies in our area.

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

We believe our future home will have **no** impact on the character of our neighborhood as it will be very similar to other homes that are adjacent to us.

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?

We believe our future home will have **no** impact on the roads or highways on our vicinity. The home will be occupied by two people and occasionally by guests (family & friends). We do not intend to rent out any portion of our property.

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

We understand there is a limitation on impervious surface area. When we build, we will not exceed the limits set forth in the zoning code.

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

We believe our existing living quarters in the garage attic, comply with the area limitations set forth in Section 153.096 of the zoning code (700 square feet of land). Refer to the attached plans for our measurement method which is consistent with the State's Residential Building Code. Our garage measures 34 feet by 46 feet which is less than 1,600 square feet which we understand is the limit on the size of an accessory structure on our property.

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:

- X 1. This application must be completed, including responses to all parts of this application.
- X 2. The required fee must be paid. See fee schedule for details.
- X 3. Legal description of the site.
- ~~X~~ 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).
- X 5. The site plan or should also show the location of all structures and their square footage.
- X 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.
- X 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.
- X 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.

Not applicable 9. Proposed drainage plan. ← *Site will drain naturally - there are no structured drainage systems.*

 X 10. Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day. ←

Not applicable 11. Soils data showing capability for building and on-site sewage treatment. ← *Septic and Well for single family home. Soil testing will occur during construction.*

 X 12. Existing iron pipe boundary monuments marked with proof of survey.

Not applicable 13. Approximate location of any proposed signs (if applicable).

Not applicable 14. Color scheme for all existing and proposed structures.

Not applicable 15. Outside storage proposal.

 X 16. Elevation plans for all existing ~~and proposed structures.~~ ← *New home is being designed - we don't have this yet.*

↑ *Only the existing garage structure... the new home is still being designed*



TO: Planning Commission
 FROM: Peter Gansen, Planning & Zoning Administrator
 RE: Staff Report for Application C-24-05
 DATE: November 12, 2024 Regular Meeting

Subdivision Application C-24-05
 Applicant: TERANCE GRUENHAGEN
 Property Address: 8959 OSSAWINNAMAKEE RD
 Legal Description: LOT 6 BLOCK 1 FIRST ADDITION TO SUNSET STRIP
 Parcel ID: 10040839
 Zoned: R-2 Unsewered

- Applicant attended the required pre-application meeting.
- Applicant has filed the appropriate application for a Conditional Use request.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350' were mailed a notice of hearing.
- Public notice was given to the DNR via email.

Request:

- Is requesting a conditional use permit for guest quarters.

Summary of the property

LOT 6 BLOCK 1 FIRST ADDITION TO SUNSET STRIP is located on the north shore of general development class, Ossawinnamakee Lake.

The property and adjacent properties were platted as residential lots in 1969.

The zoning classification for the property and the adjacent properties are medium density residential.

This zoning district is a common zoning designation for most riparian lots surrounding the lake. This zoning district exists to allow seasonal and year-round residential uses. Example of these uses include small seasonal cabins to large residential lake homes.

The R-2 zoning classification requires a conditional use permit for guest dwelling quarters in an accessory structure.

This conditional use permit request only pertains to the guest dwelling use within the accessory building. The rest of the building's size is regulated by the accessory structure standards.

The site topography, access and lot configuration appear to be suitable for the proposed use and is consistent with the comprehensive land use plan, which allows guest quarters in areas within this zoning classification on lots meeting the required lot size.

Based on the information presented at this time staff recommends the Commission consider approval with the following condition and any other conditions the Commission deems appropriate.

Recommended Condition:

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

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 findings are acceptable towards granting the CUP.

The following findings must be met:

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

The property is zoned R-2 and the request is allowed under Section 153.032.

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

The use conforms to the standards of Section 153.096 guest quarters.

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

The proposed use of the property is similar to the surrounding area, which includes seasonal and year round residential use.

(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.

No adverse effect to public health has been noted.

(2) 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;

No injurious use has been noted at this time.

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

No adverse effect on orderly development has been noted at this time.

(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;

No additional cost to the public has been noted at this time.

(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 plans propose to use the existing city road facilities to access onsite parking.

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

The proposed plan is to use onsite parking.

(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;

No nuisance has been noted at this time. The proposal is residential in use similar to the neighboring properties.

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

No scenic or historical feature has been documented.

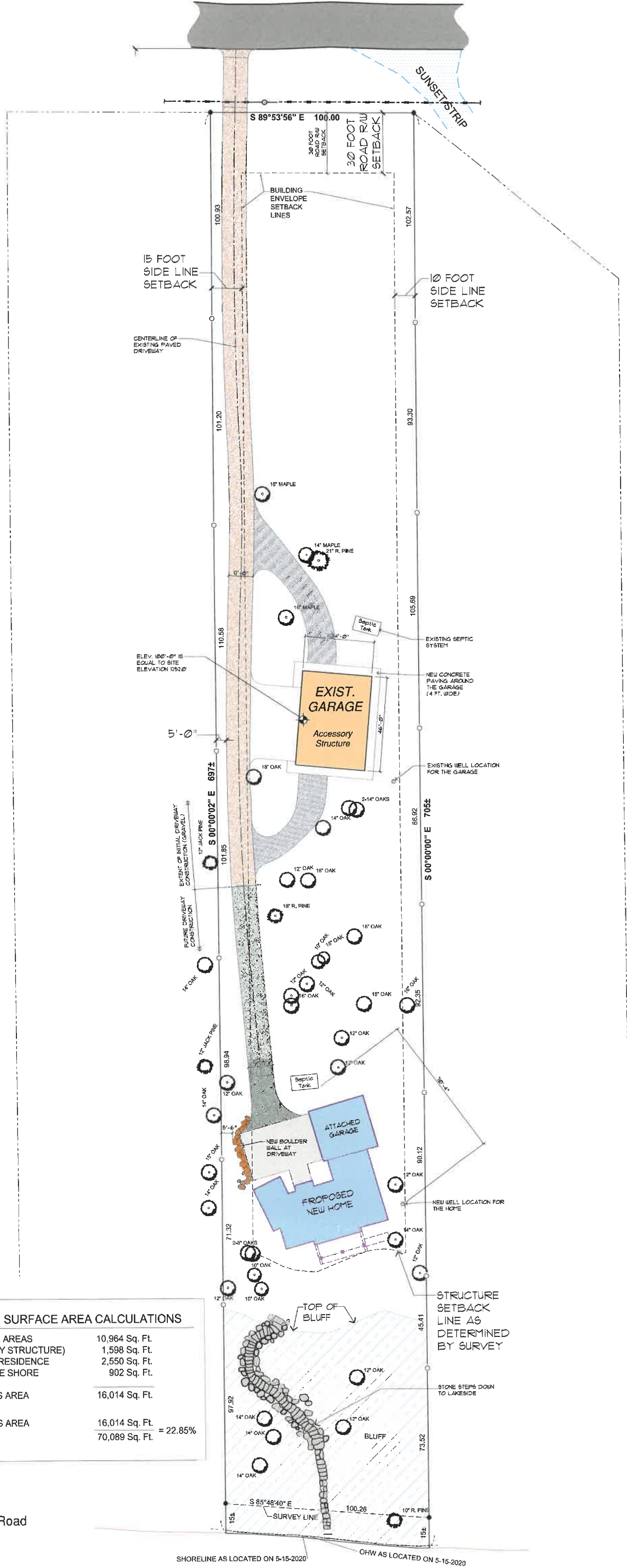
(h) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

No significant source of stormwater modifications have been noted.

The following are recommended conditions.

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

OSSAWINNAKEE ROAD



PROPOSED IMPERVIOUS SURFACE AREA CALCULATIONS

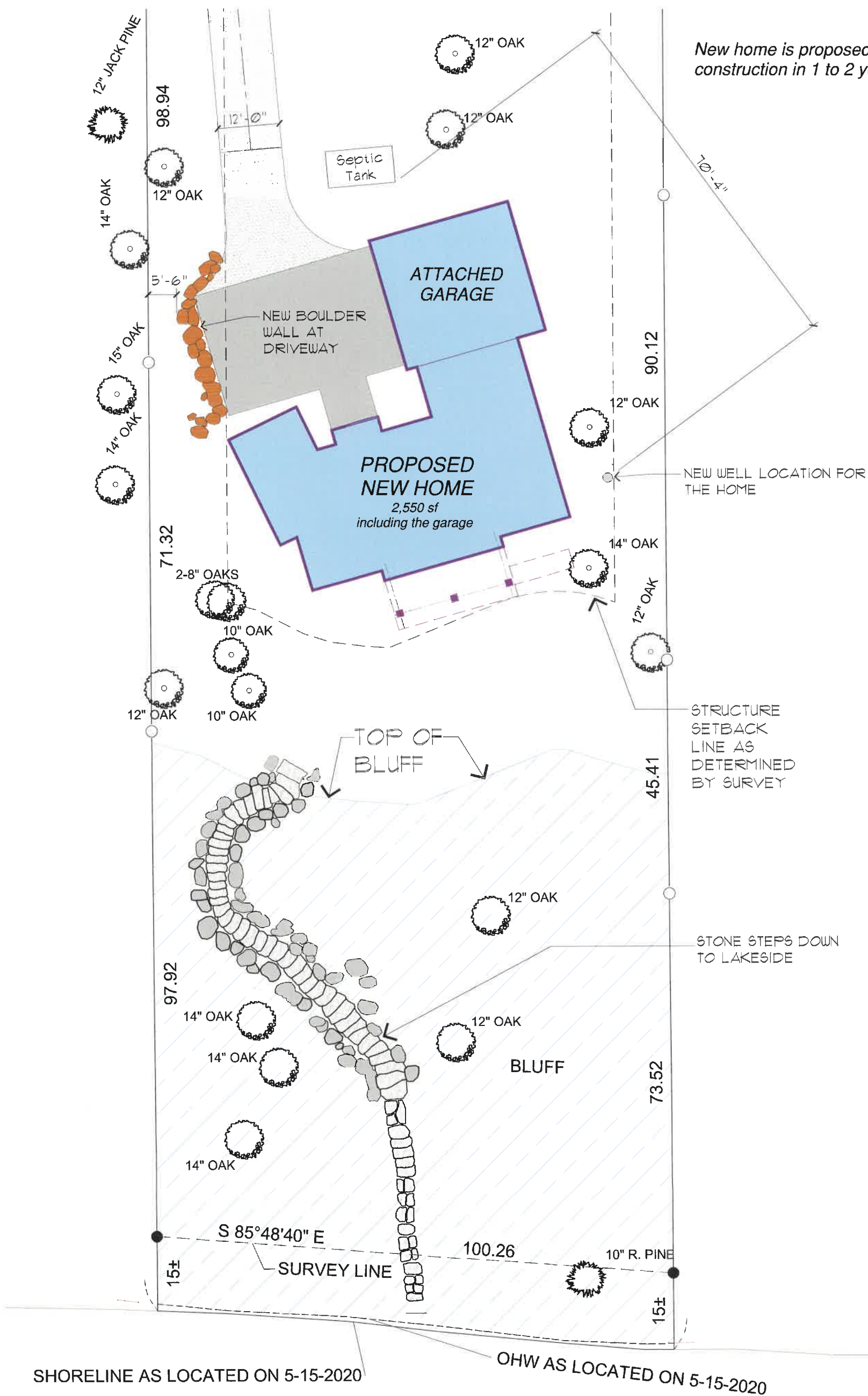
PROPOSED DRIVEWAYS/PAVED AREAS	10,964 Sq. Ft.
EXISTING GARAGE (ACCESSORY STRUCTURE)	1,598 Sq. Ft.
PHASE 2 PROPOSED PRIMARY RESIDENCE	2,550 Sq. Ft.
STONE STEP PATH TO THE LAKE SHORE	902 Sq. Ft.
TOTAL PROPOSED IMPERVIOUS AREA	16,014 Sq. Ft.
TOTAL PROPOSED IMPERVIOUS AREA	16,014 Sq. Ft. = 22.85%
TOTAL LOT AREA	70,089 Sq. Ft.

Site Plan
 8959 Ossawinnamakee Road
 1" = 60'-0"

SP-1

SHORELINE AS LOCATED ON 5-15-2020
 OHW AS LOCATED ON 5-15-2020
 LAKE OSSAWINNAKEE

New home is proposed to begin construction in 1 to 2 years.



SHORELINE AS LOCATED ON 5-15-2020

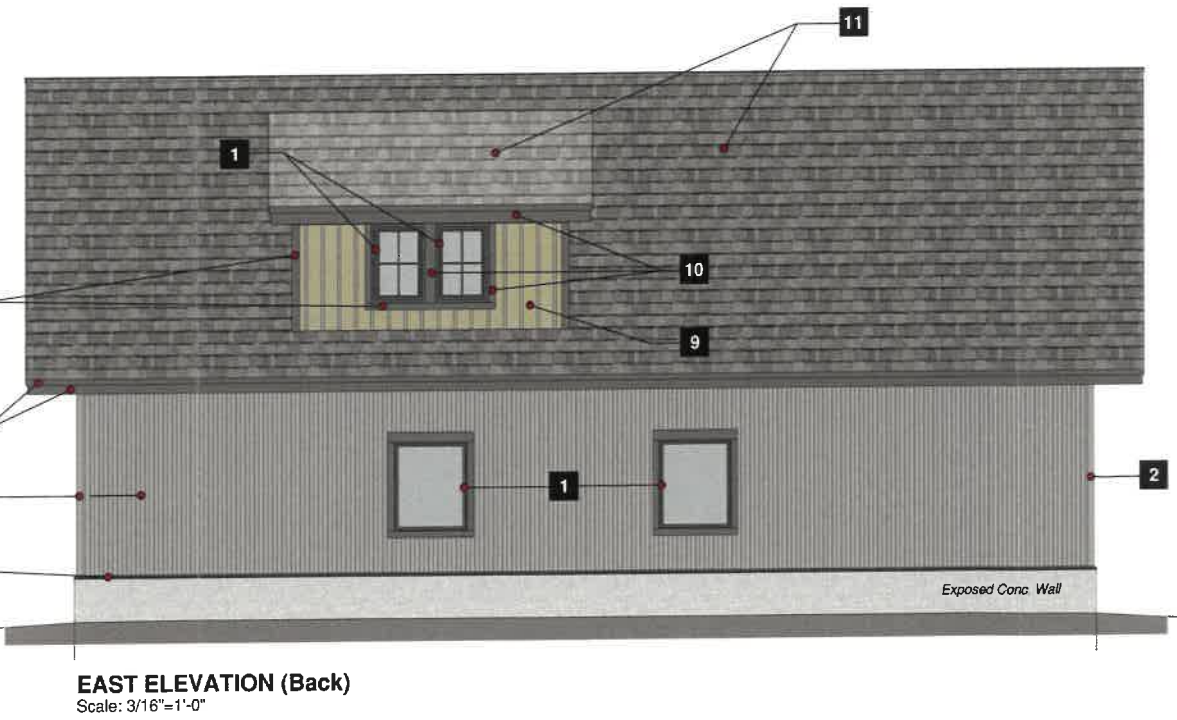
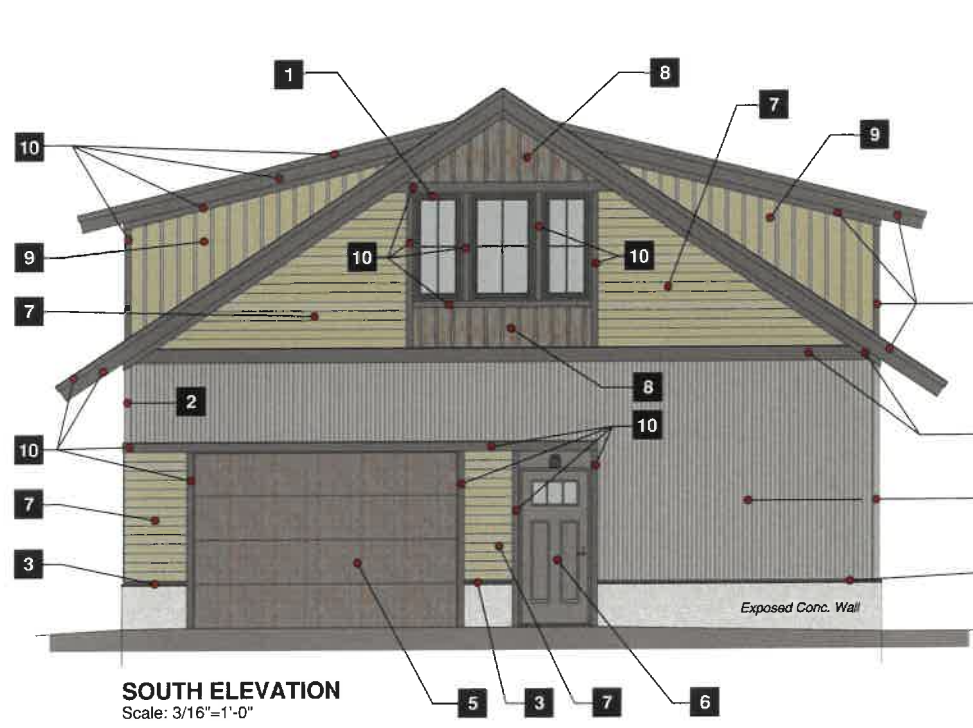
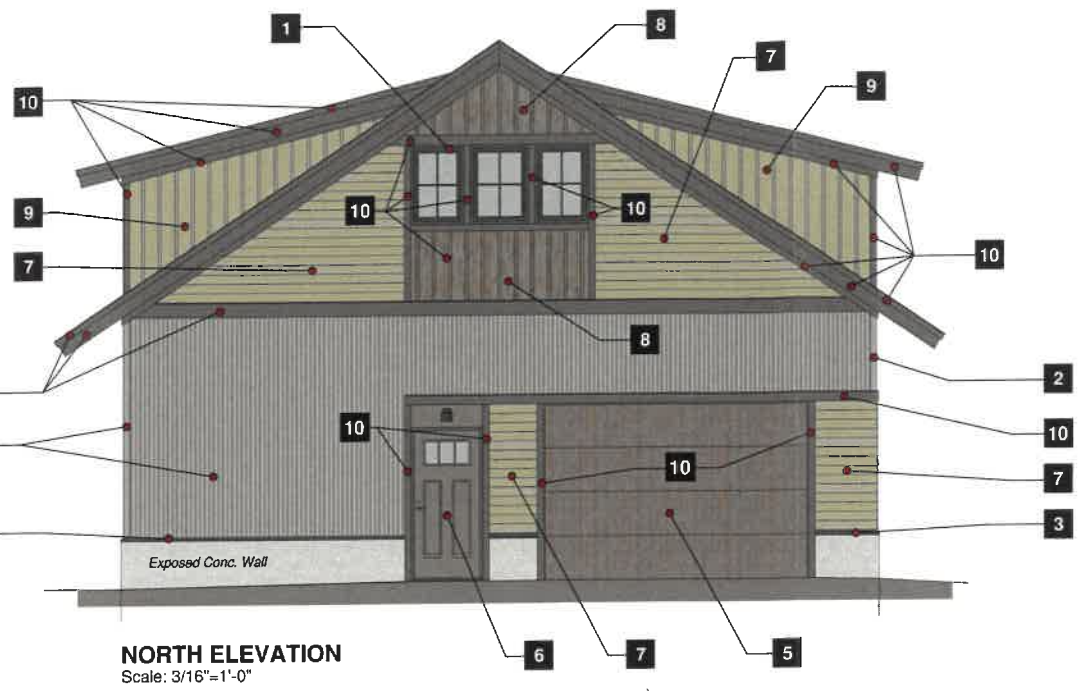
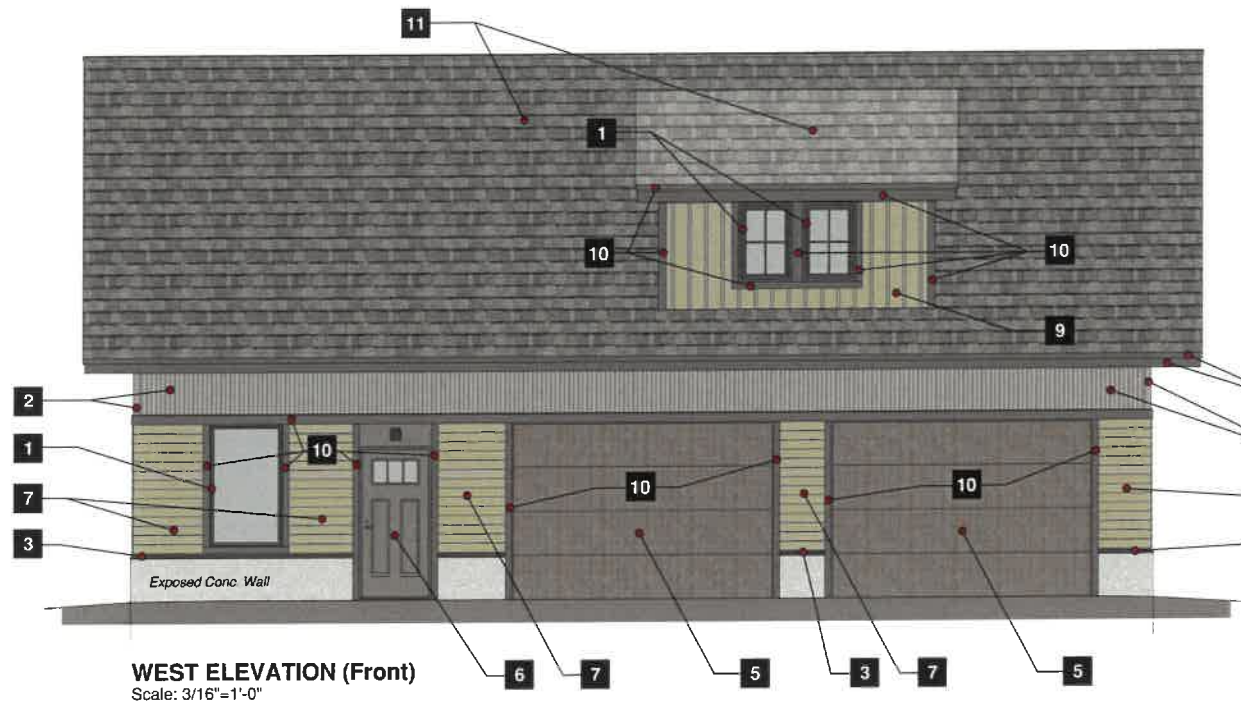
OHW AS LOCATED ON 5-15-2020

LAKE OSSAWINNAKEE

Partial Plan - Proposed Home Location

8959 Ossawinnamakee Road
 1" = 20'-0"

SP-2



Existing Garage Elevations
Submitted with CUP Application
10/11/2024

Garage Building
w/ Habitable Attic
8959
Ossawinnamakee Road
Breezy Point, MN 56472

Terry Gruenhagen
Architect
ph. 612.963.6024
email: tgrue@esgarch.com

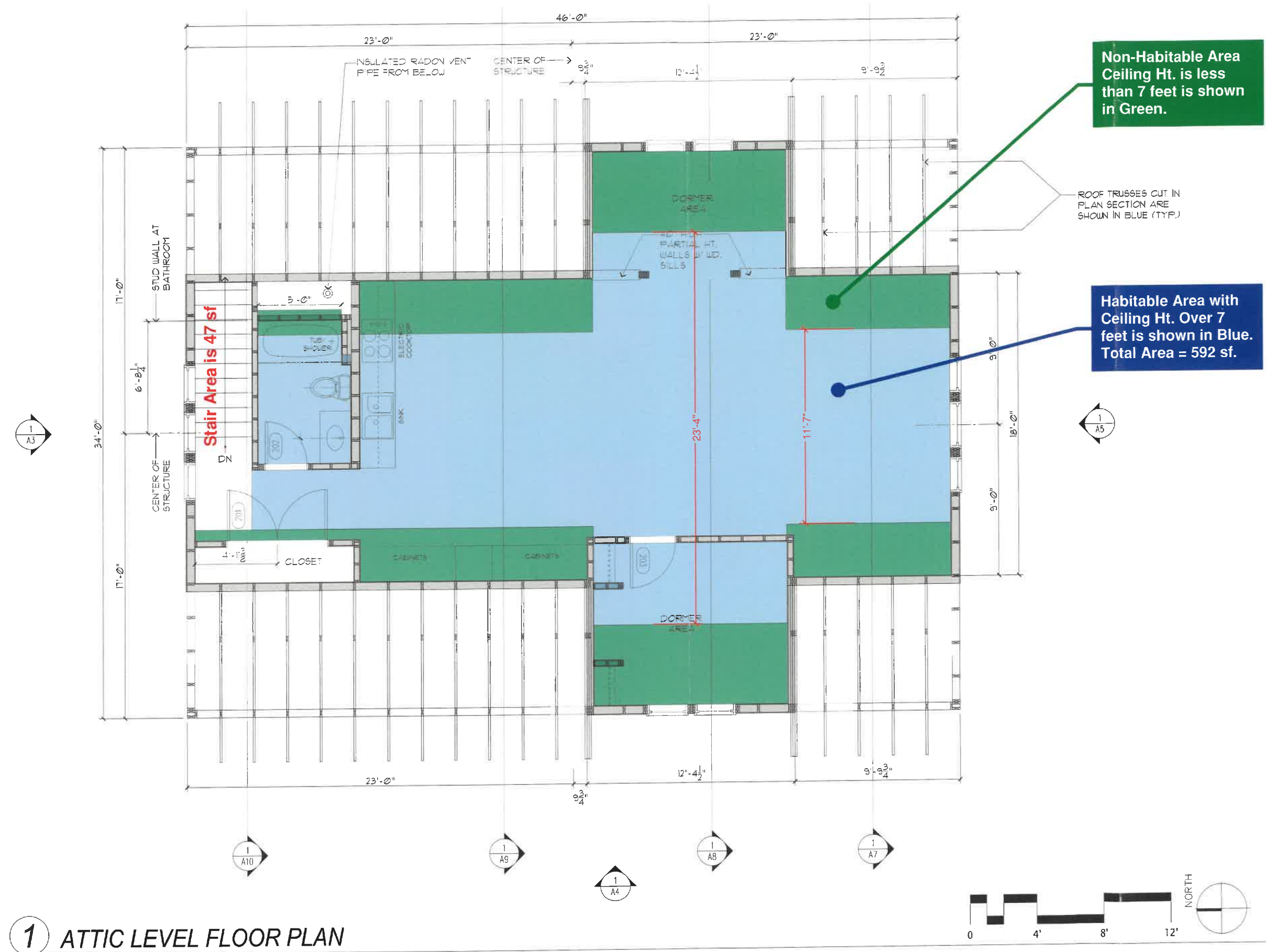
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Issued for Exterior
Color Selections
October 12, 2020

Exterior Color Selections	Keynote	Description	Product	Color Selection
	1	Exterior Metal Cladding on Windows	Marvin - Signature Series Ultimate Casements and Fixed Units	Gunmetal
	2	Corrugated Metal Panels & Trim	Metal Sales 2.5" Corrugated	Zinc Gray
	3	Prefinished Metal Flashing at Conc. Wall Top	Metal Sales	Burnished Slate
	4	Metal Drip Edge Flashing at Roof	Metal Sales	Burnished Slate
	5	Overhead Garage Doors	Haas Door	English Oak

Keynote	Description	Product	Color Selection
6	Exterior Entrance Doors	Therma-Tru Insulated Doors	Field paint to match English Oak Color (TBD)
7	Horizontal Siding - 5" Exposure	LP SmartSide - Prefinished	Diamond Kote Pewter Green
8	Vertical Board & Batten Siding at Gable Ends	LP SmartSide - Prefinished	Diamond Kote Bedrock (Duoblend)
9	Vertical Board & Batten Siding at Dormers Only	LP SmartSide - Prefinished	Diamond Kote Pewter Green
10	Siding Trim (1x4, 1x6 and 1x8)	LP SmartSide - Prefinished	Diamond Kote Coffee
11	Asphalt Shingles (Arch. Style)	TBD	TBD

CS1



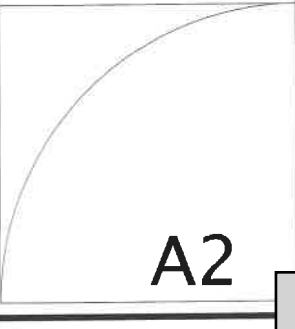
1 ATTIC LEVEL FLOOR PLAN

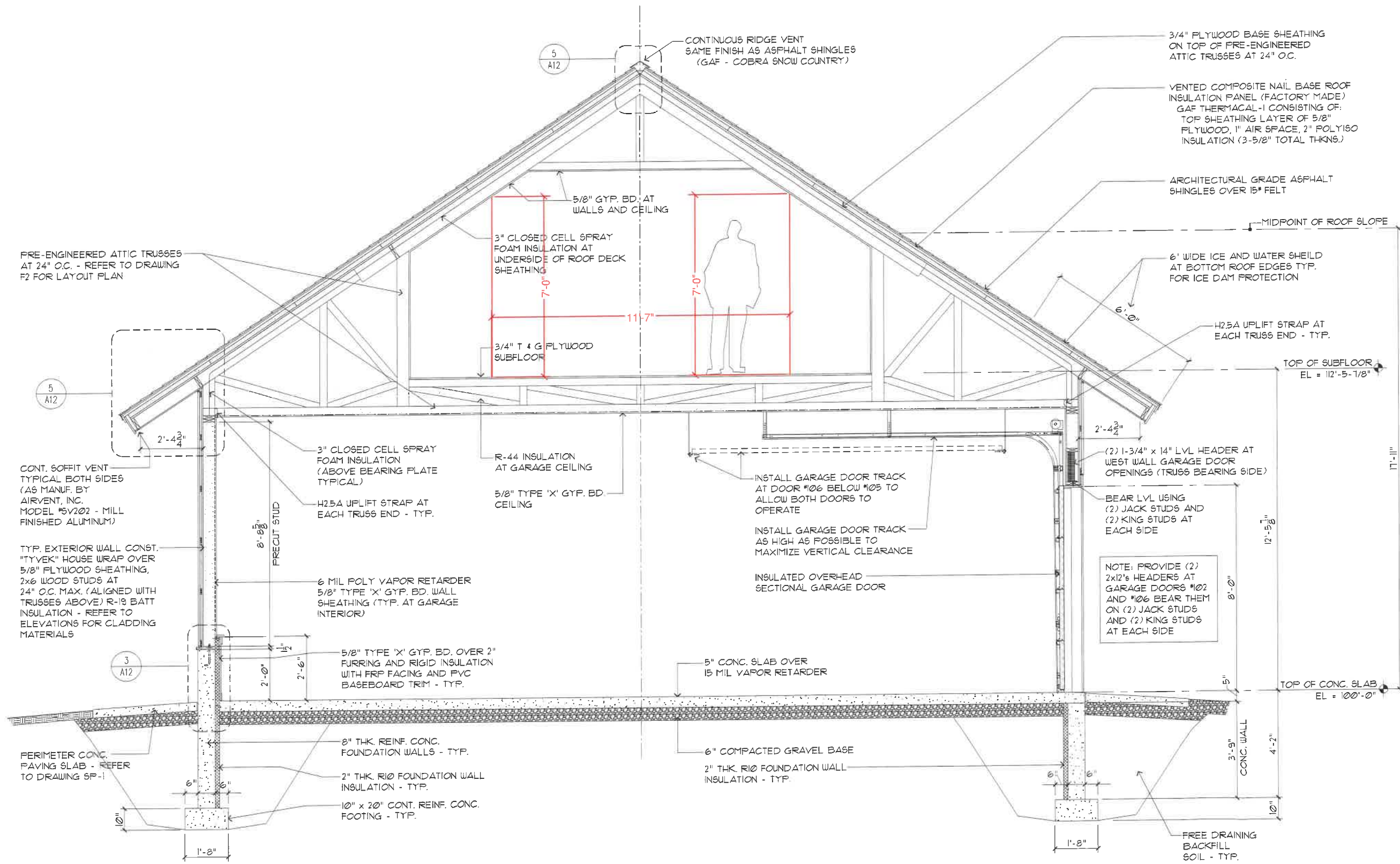
Garage Building
 w/ Habitable Attic
 8959
 Ossawinnamakee Road
 Breezy Point, MN 56472

Terry Gruenhagen
 Architect
 ph. 612.963.6024
 email: tgrue@esgarch.com

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Issued for Light Fixture Selections
 October 26, 2020





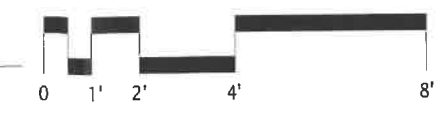
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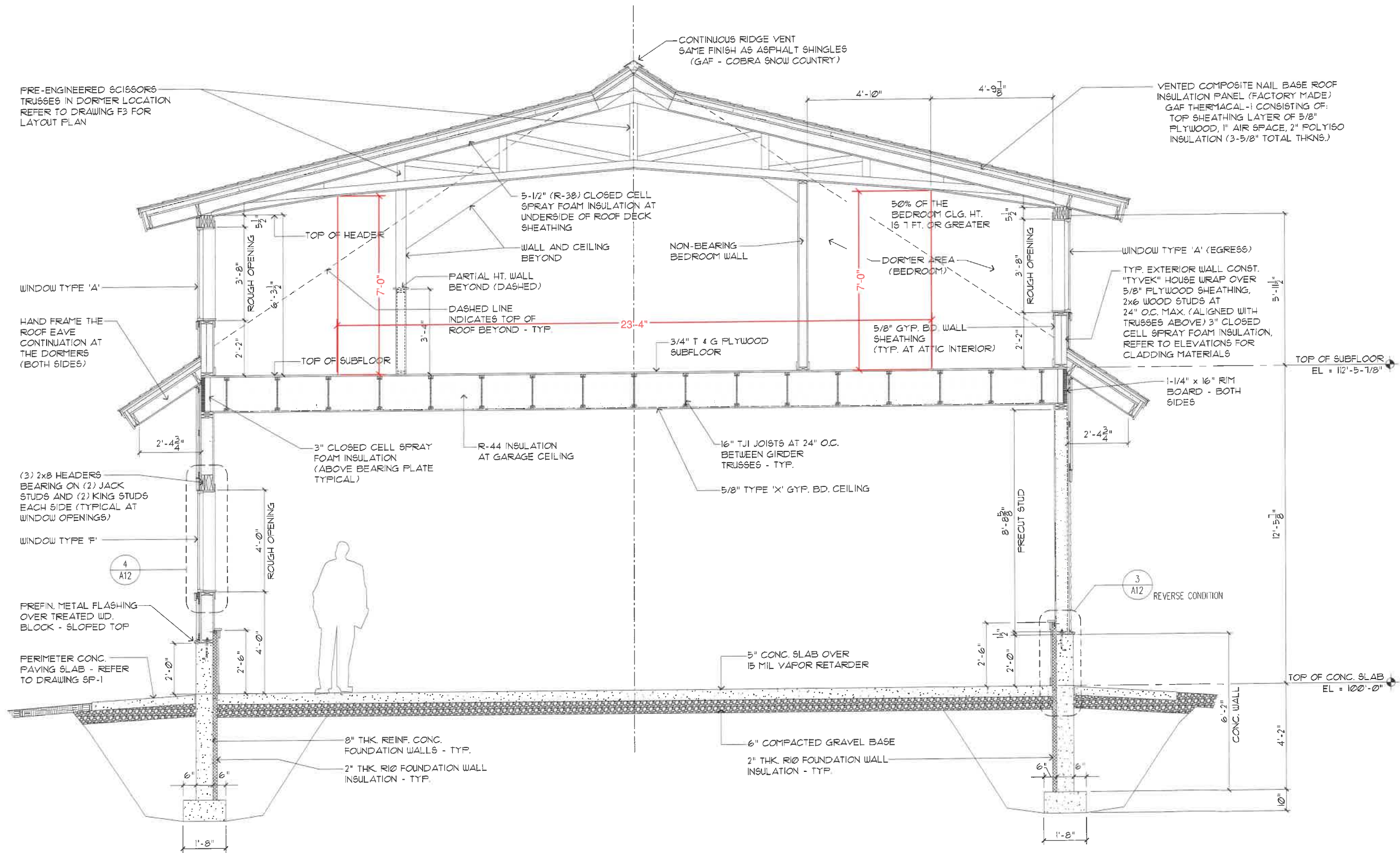
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August 25, 2020
Permit Submission
Changes Indicated with Cloud and Revision Symbol

1 CROSS SECTION



A7



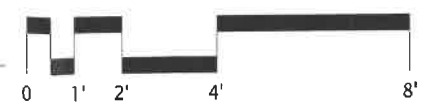
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August 25, 2020
 Permit Submission
 Changes Indicated with Cloud and Revision Symbol

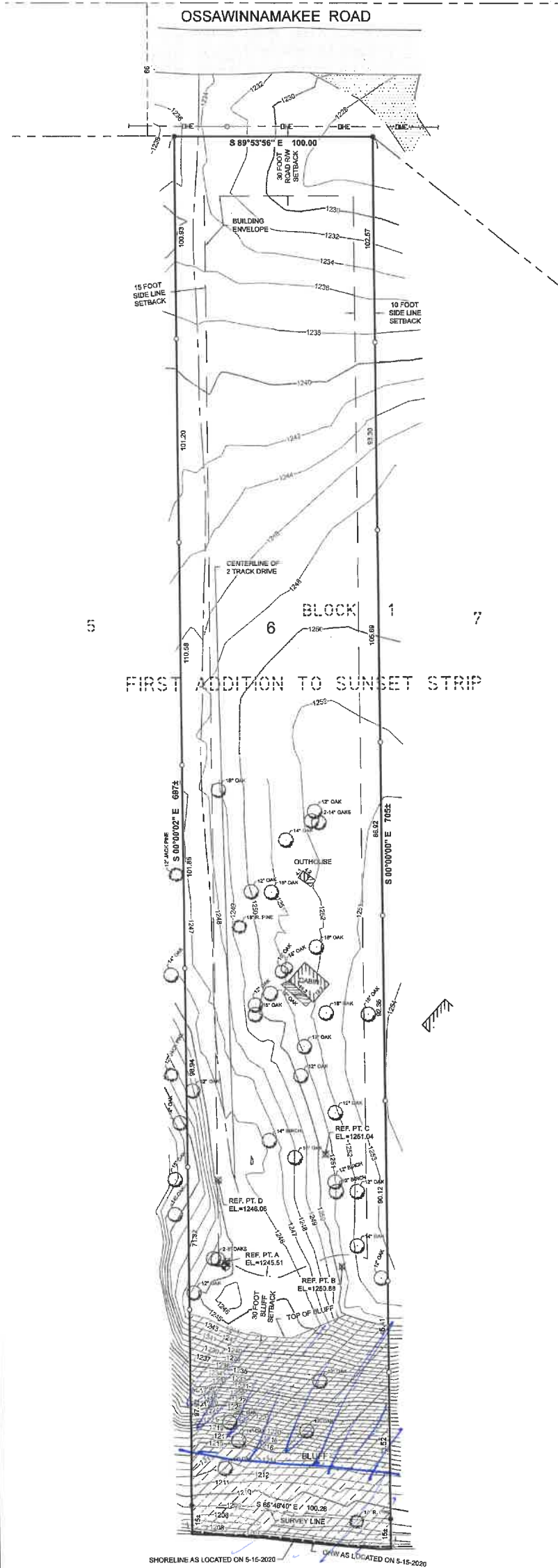
1 CROSS SECTION



A8

CERTIFICATE OF SURVEY

LOT 6, BLOCK 1, FIRST ADDITION TO SUNSET STRIP,
SECTION 4, TOWNSHIP 136 NORTH, RANGE 28 WEST,
CROW WING COUNTY, MINNESOTA
AREA = 70,089 SQ. FT. ± / 1.6 ACRES ±
AREA ABOVE OHW = 70,000 SQ. FT. ±



LEGAL DESCRIPTION PER DOCUMENT NUMBER A922541

Lot 6, Block 1, First Addition to Sunset Strip,
together with all hereditaments and appurtenances belonging thereto.

LEGEND

- DENOTES EDGE OF EXISTING BITUMINOUS
 - DENOTES EDGE OF EXISTING GRAVEL
 - DENOTES EDGE OF EXISTING WOODEN DECKING
 - DENOTES BLUFF AREA
 - 1208— DENOTES EXISTING INTERMEDIATE CONTOURS
 - 1210— DENOTES EXISTING INDEX CONTOURS
 - 10" V. PINE DENOTES EXISTING CONIFEROUS TREE, TYPE & SIZE
 - 16" OAK DENOTES EXISTING DECIDUOUS TREE, TYPE, & SIZE
 - DENOTES EXISTING UTILITY POLE
 - DENOTES EXISTING OVERHEAD ELECTRIC CABLE
 - DENOTES BENCHMARK: FOUND 3/8" REBAR IN EAST FACE OF TWIN 8" OAK ELEV. = 1245.41
 - DENOTES MONUMENT FOUND
 - DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 41002
- ORIENTATION OF THE BEARING SYSTEM IS BASED ON THE RECORDED PLAT OF FIRST ADDITION TO SUNSET STRIP.

NOTES:

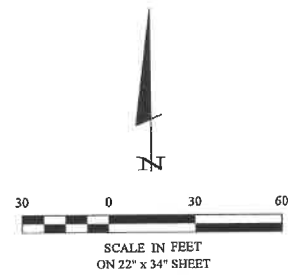
1. Contour interval as shown for North half of Lot = 2 foot. Contour interval as shown for South half of Lot = 1 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 5-15-2020.
2. Zoning for subject tract = "Medium Density Residential (R-2)".
3. Parcel ID of subject parcel: 10040839.
4. The property address of subject parcel: 8959 Ossawinnamakee Road.


OSSAWINNAMAKEE LAKE

GENERAL DEVELOPMENT CLASSIFICATION
LAKE ELEVATION = 1205.35 ON 5-15-2020
ORDINARY HIGH WATER ELEVATION = 1206.10

BENCHMARK: 3" BRASS CAP STAMPED "DEPT. OF CONSERVATION" ON NW CORNER ABUTMENT OF THE DAM AT THE EASTERLY OUTLET (PELICAN BROOK) ON OSSAWINNAMAKEE LAKE. HAS AN ELEVATION = 1210.87

BASED ON NGVD 29 DATUM



1 1	CERTIFICATE OF SURVEY	PROJECT MANAGER: CMH	PROJECT No: 20068	DATE: 6-2-2020	REVISIONS	I HEREBY CERTIFY THAT THIS SURVEY, PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.		30206 Rasmussen Road Suite 1 P. O. Box 874 Pequot Lakes, MN 56472 218-568-4940 www.astonemarksurvey.com
		CHECKED BY: PAT	FILE NAME: C20068.dwg	SCALE: HORZ. 1"=30'	DATE			
		DRAWN BY: RJF	FIELD BOOK: BOOK 455 Pg. 53	VERT. NONE				

(C) Disposal of trees, stumps, rock, brush and other natural products b

Section 6, ItemB.

allowed on construction sites as determined by the permit.
(Prior Code, § 8.07, Subd. 6) (Ord. 123, passed 9-6-2005; Ord. 09-02-06, passed 9-5-2006)

§ 153.096 DWELLING; GUEST QUARTERS.

The city may, by conditional use permit, allow guest quarters on residential lots in addition to an existing primary dwelling unit and must meet the following restrictions:

(A) Dwelling and guest quarters, shall not cover more than 700 square feet of land and must not exceed 15 feet in height. Dwellings and guest quarters located on the second floor of a detached accessory building shall not exceed 25 feet in combined building height;

(B) Guest quarters shall be located to reduce its visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setback, color or other means acceptable to the city, assuming summer leaf on conditions;

(C) Guest quarters shall not be for rent or lease; and

(D) Guest quarters shall be constructed only on lots meeting the minimum requirements for the zoning district they are located in.

E) Temporary Family Health Care Dwellings, pursuant to authority by Minnesota Statutes Section 462.3593, Subdivision 9, the city of Breezy Point opts-out of the requirements of Minnesota Statutes 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

(Prior Code, § 8.07, Subd. 7) (Ord. 123, passed 9-6-2005; Ord. 09-02-06, passed 9-5-2006; Ord. 16-02, 3rd Series, passed 9-06-2016) Penalty, see § 153.999

§ 153.097 CONTROLLED ACCESS LOTS.

of shoreland areas.

§ Subp. 2. **Residential lot size.** All single, duplex, triplex, and quad residential lots created after the date of enactment of the local shoreland controls must meet or exceed the dimensions presented in subparts 2a and 2b, and the fo

Section 6, Item B.

A. Lots must not be occupied by any more dwelling units than indicated in subparts 2a and 2b. Residential subdivisions with dwelling unit densities exceeding those in the tables in subparts 2a and 2b can only be allowed if designed and approved as residential planned unit developments under part 6120.3800. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in subpart 2a, items D to F can only be used if publicly owned sewer system service is available to the property.

B. On natural environment lakes, subdivisions of duplexes, triplexes, and quads must also meet the following standards:

- (1) Each building must be set back at least 200 feet from the ordinary high water level.
- (2) Each building must have common sewage treatment and water systems that serve all dwelling units in the building.
- (3) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
- (4) No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

C. One guest cottage may be allowed in local controls on lots meeting or exceeding the duplex dimensions presented in subparts 2a and 2b if the controls also require all of the following standards to be met:

- (1) For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit.
- (2) A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height.
- (3) A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer leaf-on conditions.

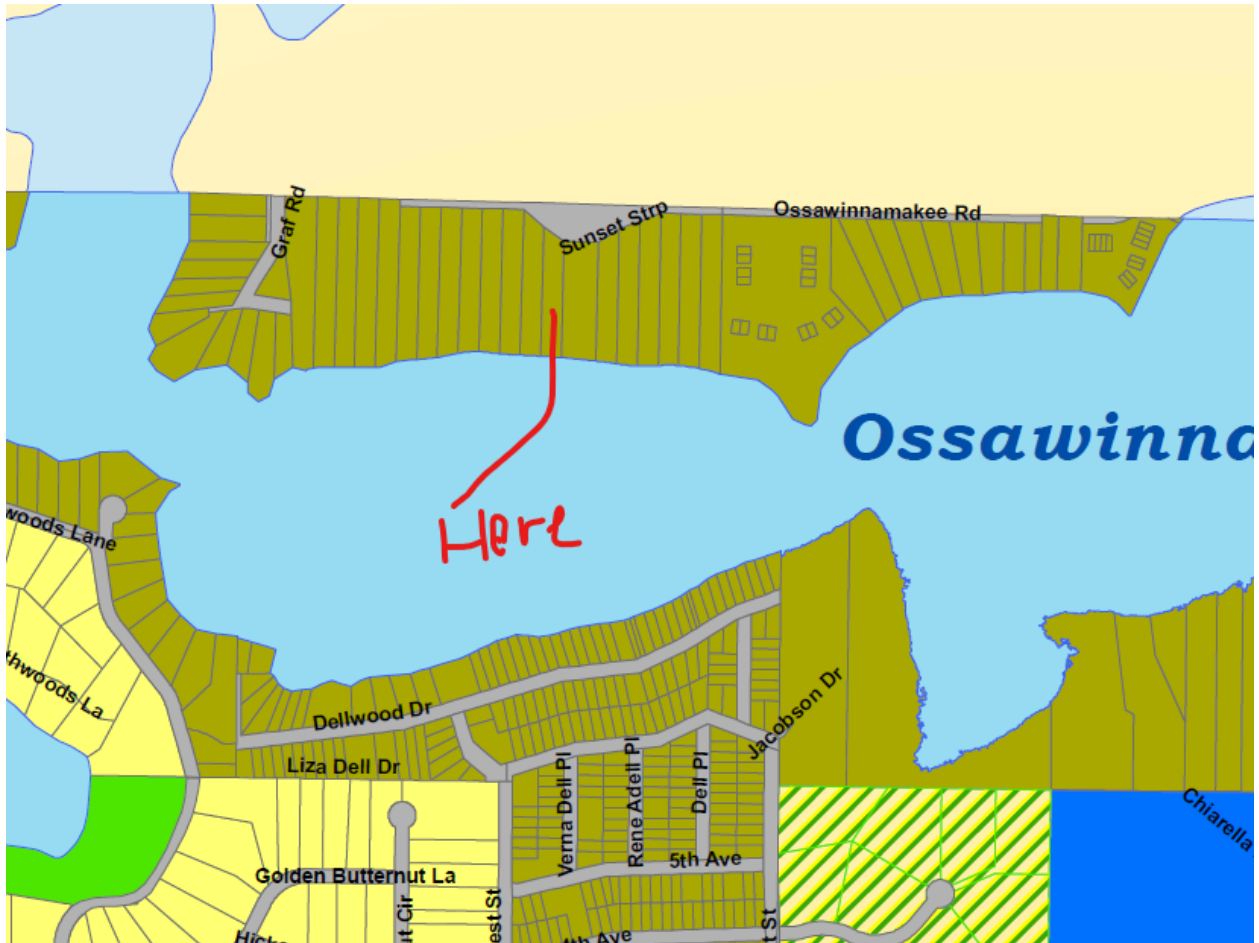
§ D. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of items A to E and subparts 2a and 2b may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of the shoreland controls are met. Necessary variances from setback requirements must be obtained before any use, sewage treatment system, or building permits are issued for the lots. In evaluating all the variances, boards of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lots and shall deny the variances if adequate facilities cannot be provided. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of items A to E and subparts 2a and 2b, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of items A to E and subparts 2a and 2b as much as possible. Local shoreland controls may set a minimum

153.044 Land Use Categories Chart**A** = Allowed Without A Permit**P** = Permitted - Requires a Permit**I** = Interim Use**C** = Conditional Use**E** = Excluded Use**NA** = Not Applicable














Use	Zoning District										
	UR	WR	EL-R	R-1	R-2	R-3	R-4	C	RC	A	P
Boarding house	E	E	C	E	I	I	I	C	C	E	E
Campground	E	E	E	E	E	C	E	E	C	E	E
Camping; Limited	A	A	A	A	A	A	A	E	E	E	E
Camping; Construction & Reconstruction	A	A	A	A	A	A	A	E	E	E	E
Churches	C	C	C	C	C	C	C	C	C	E	NA
Controlled access lot	NA	NA	E	NA	C	NA	NA	NA	C	NA	NA
Dwelling, single-family less than 26 feet	P	E	E	E	E	E	E	E	E	E	E
Dwelling, duplex with subdivision	E	E	E	E	C	C	C	E	E	E	E
Dwelling, guest quarters	C	C	C	C	C	C	C	E	E	E	E
Dwelling, triplex-quad	E	E	E	E	E	E	C	E	E	E	E
Extractive use	I	E	E	E	E	E	E	E	E	E	E
Game farm with hunting	I	E	E	E	E	E	E	E	E	E	E
Gas station/light repair	E	E	E	E	E	E	E	C	E	E	E
Golf course	C	C	C	NA	NA	NA	NA	NA	C	E	C
Grading; 50 cubic yards or less	A	A	A	A	A	A	A	A	A	P	A
Grading; 50 cubic yards or more	P	P	P	P	P	P	P	P	P	C	P
Hangar	NA	NA	NA	NA	NA	NA	NA	C	NA	P	NA
Home occupation	I	I	I	I	I	I	I	NA	NA	NA	NA
Junk yard	E	E	E	E	E	E	E	E	E	E	E
Manufactured home development	E	E	E	E	C	C	C	E	E	E	E
Manufacturing/light industrial	C	E	E	E	E	E	E	C	E	C	E
Marina	NA	NA	NA	NA	C	NA	NA	NA	C	NA	NA
Motel/hotel	E	E	E	E	E	E	E	C	C	E	E
Motor vehicle sales, private; 2 or less	A	A	A	A	A	A	A	A	A	A	A
Motor vehicle sales, private; 3 or more	E	E	E	E	E	E	E	C	C	E	A
Motor vehicle sales, commercial	E	E	E	E	E	E	E	C	E	E	E
Nursing home/hospital	E	E	E	E	E	E	C	C	E	E	C
Off-road vehicle activity area	I	E	E	E	E	E	E	E	E	E	E


153.045 Lot Size; Dimension Chart

Lot Size/Dimension Chart (Areas in Square Feet and Distances in Feet Unless Otherwise Noted)										
	UR	WR	EL-R	R-1	R-2 Sewered and/or GD	R-2 Unsewered and/or GD	RD Lake	R-3 Sewered	R-3 Unsewered	R-4 Sewered
Lot Size - Existing Subdivisions										
Single-family	10 acres	5 acres	2.5 acres	40,000	15,000	20,000	40,000	10,000	20,000	10,000
Single-family with guest dwelling				80,000	26,000	40,000	80,000	17,500	35,000	17,500
Duplex					30,000	40,000	80,000	20,000	40,000	20,000
PUD (3 units minimum)				120,000	40,000	80,000	120,000	40,000	80,000	30,000
Lot Size - New Subdivision										
Single-family	10 acres	5 acres	2.5 acres	2.5 acres	2 acres	2.5 acres	2.5 acres	2 acres	2.5 acres	2 acres
Single-family with guest dwelling				5 acres	4 acres	5 acres	5 acres	4 acres	5 acres	4 acres
Duplex					4 acres	5 acres	5 acres	4 acres	5 acres	4 acres
PUD (3 units minimum)				120,000	40,000	80,000	120,000	40,000	80,000	30,000
Lot Width										
Single-Family	300	300	200	125	75	100	150	75	100	75
Single-family with guest dwelling				265	135	180	225	135	175	135
Duplex					150	200	300	150	200	150
PUD (3 units minimum)				375	195	260	300	190	375	190



Official Zoning

 Urban Reserve (UR)	 Commercial (C)
 Estate Lots (EL)	 Resort Commercial (RC)
 Wooded Residential (WR)	 Airport (A)
 Low Density Residential (R-1)	 Public (P)
 Medium Density Residential (R-2)	 ROW
 Original Neighborhood (R-3)	 Water
 Multi Family Residential (R-4)	





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.

§ 153.003

CAMPGROUND, MEMBERSHIP. A land use under single ownership consisting of designated campsites with appropriate facilities designed for temporary occupation by tents or recreational vehicles with management services and with site rentals. (See also **RECREATIONAL CAMPING AREA**).

CAMPSITE. A parcel within a resort, campground or recreational camping area designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle. Whether owned, leased or timeshared, or in any other manner recognized.

CANNABIS DELIVERY. Cannabis business licensed or endorsed for cannabis delivery.

CANNABIS MANUFACTURER. Cannabis business licensed or endorsed for cannabis manufacturer.

CANNABIS RETAIL. Cannabis business licensed or endorsed for cannabis retail.

CANNABIS TRANSPORTATION. Cannabis business licensed or endorsed for transportation.

CITY ADMINISTRATOR. The duly elected or appointed person chiefly responsible for the administration of the city affairs and staff.

CITY CLERK-TREASURER. The duly elected or appointed person chiefly responsible for the record keeping in the city and any other responsibilities as assigned by the City Administrator or as designated in Minnesota Statutes.

CITY COUNCIL. The duly elected governing body of the city.

CITY SEWER or **WATER SYSTEM.** A system of municipally maintained utilities approved by the state and serving more than one building or property.

COLLECTOR ROAD. Roads that collect local roads and provide for the movement of people and commodities to arterial roads. Also referred to as **THOROUGHFARES**.

§ 153.003

COMPREHENSIVE PLAN. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development of the city.

CONDITIONAL USE (CUP). A land use or development, as defined by ordinance, that would not be appropriate without restriction, but may specifically be allowed with appropriate restrictions or conditions as determined by the Planning Commission upon a finding that:

- (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 public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity.

CONDOMINIUM OWNERSHIP. A form of ownership within a multi-owner building or complex wherein the boundaries are defined by a condominium plat in accordance with M.S. Chapter 515A, as it may be amended from time to time, or subsequent revisions.

CONSTRUCTION DEBRIS. Waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

CONTROLLED ACCESS LOT. A riparian lot meeting the ordinance standards for a lot suitable for building, owned by more than one owner in undivided interest, provided with facilities and used for access and not containing a dwelling.

CORRUGATED STEEL and/or **SHEET METAL.** Maintenance-free or non-coated ribbed, curved or flat steel panels commonly used as exterior surfaces for post frame buildings.

CULTIVATION. Cannabis business licensed or endorsed for cannabis cultivation.

§ 153.003

liquefied natural gas, synthetic gas usable for fuel or mixtures of the synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.

HAZARDOUS WASTE. Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semi-solid, liquid or contained gaseous form which, because of its quantity, concentration or chemical, physical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. **HAZARDOUS WASTE** does not include source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, being 42 U.S.C. § 2011 as amended; any hazardous waste as defined in M.S. § 116.06, Subd. 11 and any substance identified as a hazardous waste pursuant to rules adopted by the Minnesota Pollution Control Agency under M.S. § 116.07, as amended and any hazardous waste as defined in the Resource Conservation and Recovery Act under 42 U.S.C. § 6903, which is listed or has the characteristics identified under 42 U.S.C. § 6921, as amended, not including any hazardous waste, the regulation of which has been suspended by act of Congress.

HEMP MANUFACTURER. Business licensed or endorsed for low-potency hemp edible manufacturers.

HOLDING TANK. A sewage treatment system holding tank that consists of a tank that stores sewage effluent and that is regularly pumped as the tank is not connected to a drainfield.

HOME OCCUPATION. The use of commercial nature conducted by an occupant of a dwelling entirely within the dwelling or accessory buildings, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.

HOUSEHOLD WASTE. Any material including garbage, trash and sanitary waste in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.

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originating from the ordinary household or business operations or from any other source that shall not include body wastes of human or animal origin.

WATER ORIENTED ACCESSORY STRUCTURE or FACILITY. A small above ground building or other improvement except stairways, fences, docks and retaining walls which, on account of its proximity to surface water, is located closer to public waters than the normal structure setback. Examples of the structures and facilities include boat houses, gazebos, screen houses, fish cleaning houses and detached decks.

WETLAND. Land which is subject to periodic or continued inundation by water such as floodplains, marshes, swamps and peat lands, classified as provided in circular #39, United States Fish and Wildlife Service and amendments thereto.

WHOLESALE. Cannabis businesses licensed or endorsed for wholesale.

YARD. A required green space unoccupied and unobstructed by a structure or portion of a structure; provided, however, that fences, signs, utility poles, lawn lights, antenna and related minor equipment may be permitted in any yard provided that they do not create a safety hazard or constitute a nuisance.

YARD WASTE. The vegetative and garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste and prunings.

ZONING ADMINISTRATOR. The duly appointed person responsible for the enforcement and administration of this chapter.

ZONING DISTRICT. An area of the City of Breezy Point defined on the zoning map, having uniform zoning provisions.

ZONING INSPECTOR. The duly appointed person responsible to the Zoning Administrator and authorized to inspect, enforce and administer provisions of this chapter.

ZONING MAP. The map of the City of Breezy Point amended from time to time, which defines the boundaries of the zoning districts.

ZONING PERMIT. A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this chapter have

§153.040

- 15. Nursing home/hospital
- 16. PUD; Mixed Use
- 17. PUD; Commercial
- 18. Radio/TV station
- 19. Recreational Facilities; Resort Guests
- 20. Recreational Facilities; Public
- 21. Restaurant
- 22. Off-site Commercial Sign
- 23. Social Club
- 24. Storage Units for Rental or Sale. Storage Units for Sale shall be Cooperative or Condominium and meet criteria for commercial PUD
- 25. Theaters
- 26. Used Structure moved on site
- 27. Open or Clear Vegetation Removal
- 28. Rental Units (Apartments)
- 29. Cultivation
- 30. Cannabis Manufacturer
- 31. Hemp Manufacturer
- 32. Wholesale
- 33. Cannabis Retail
- 34. Cannabis Transportation
- 35. Cannabis Delivery

D. Interim Uses:

- 1. Animal Husbandry of one animal unit or less per 5 acres on parcels 5 acres or more.
- 2. Residential Rentals more than 4 times per year

E. Excluded or Prohibited Uses: In addition to the following shown uses, uses **not** listed as Allowed, Permitted, Conditional or Interim are prohibited.

- 1. Adult uses Principal or Accessory
- 2. Residential Dwellings; Single, Single with Guest Quarters, Duplex, Triplex, Quads, apartments or interval ownership.

F. Similar Uses: Uses listed as Permitted, Conditional, Interim and Prohibited in this zone shall not be considered all inclusive. Uses similar to those listed may also be considered.

G. Lot Size, Setback, Height and Use Requirements:

	<u>Sewered</u>	<u>Unsewered</u>
1. Lot Area	10,000	20,000

153.044 Land Use Categories Chart

A = Allowed Without A Permit **P** = Permitted - Requires a Permit **I** = Interim Use
C = Conditional Use **E** = Excluded Use **NA** = Not Applicable

Use	Zoning District										
	UR	WR	EL-R	R-1	R-2	R-3	R-4	C	RC	A	P
Boarding house	E	E	C	E	I	I	I	C	C	E	E
Campground	E	E	E	E	E	C	E	E	C	E	E
Camping; Limited	A	A	A	A	A	A	A	E	E	E	E
Camping; Construction & Reconstruction	A	A	A	A	A	A	A	E	E	E	E
Cannabis Delivery	E	E	E	E	E	E	E	C	E	E	E
Cannabis Manufacturer	E	E	E	E	E	E	E	C	E	E	E
Cannabis Retail	E	E	E	E	E	E	E	C	E	E	E
Cannabis Transportation	E	E	E	E	E	E	E	C	E	E	E
Churches	C	C	C	C	C	C	C	C	C	E	NA
Controlled access lot	NA	NA	E	NA	C	NA	NA	NA	C	NA	NA
Cultivation	E	E	E	E	E	E	E	C	E	E	E
Dwelling, single-family less than 26 feet	P	E	E	E	E	E	E	E	E	E	E
Dwelling, duplex with subdivision	E	E	E	E	C	C	C	E	E	E	E
Dwelling, guest quarters	C	C	C	C	C	C	C	E	E	E	E
Dwelling, triplex-quad	E	E	E	E	E	E	C	E	E	E	E
Extractive use	I	E	E	E	E	E	E	E	E	E	E
Game farm with hunting	I	E	E	E	E	E	E	E	E	E	E
Gas station/light repair	E	E	E	E	E	E	E	C	E	E	E
Golf course	C	C	C	NA	NA	NA	NA	NA	C	E	C
Grading; 50 cubic yards or less	A	A	A	A	A	A	A	A	A	P	A
Grading; 50 cubic yards or more	P	P	P	P	P	P	P	P	P	C	P
Hangar	NA	NA	NA	NA	NA	NA	NA	C	NA	P	NA
Hemp Manufacturerer	E	E	E	E	E	E	E	C	E	E	E
Home occupation	I	I	I	I	I	I	I	NA	NA	NA	NA
Junk yard	E	E	E	E	E	E	E	E	E	E	E
Manufactured home development	E	E	E	E	C	C	C	E	E	E	E
Manufacturing/light industrial	C	E	E	E	E	E	E	C	E	C	E
Marina	NA	NA	NA	NA	C	NA	NA	NA	C	NA	NA
Motel/hotel	E	E	E	E	E	E	E	C	C	E	E

153.044 Land Use Categories Chart

A = Allowed Without A Permit **P** = Permitted - Requires a Permit **I** = Interim Use
C = Conditional Use **E** = Excluded Use **NA** = Not Applicable

Use	Zoning District										
	UR	WR	EL-R	R-1	R-2	R-3	R-4	C	RC	A	P
Wholesale	E	E	E	E	E	E	E	C	E	E	E

(Prior Code, § 8.05, Subd. 15) (Ord. 123, passed - -2005; Ord. 09-02-06, passed 9-5-2006; Ord. 09-02-07, passed 9-4-2007; Ord. 10-02-08, passed 10-6-2008; Ord. 09-01-09, passed 11-2-09; Ord. 10-005, 3rd Series, passed 3-1-2010, Ord. 10-008, 3rd Series, passed 6-07-2010; Ord. 10-017, 3rd Series, passed 11-01-2010; Ord. 11-03, 3rd Series, passed 8-01-2011, Ord. 11-15, 3rd Series, passed 12-05-2011; Ord. 13-02, 3rd Series, passed 02-04-2013; Ord. 13-07, passed 07-01-2013; Ord. 15-01, 3rd Series, passed 10-05-2015; Ord. 16-01, 3rd Series, passed 05-02-2016; Ord. 16-04, 3rd Series, passed 11-07-2016, Ord. 19-02, 3rd Series, passed 08-05-2019)