



PLANNING COMMISSION/BOARD OF ADJUSTMENT

Tuesday, November 14, 2023 at 7:00 PM

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

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

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL/AMENDMENT OF THE AGENDA

5. APPROVAL OF MINUTES

[A.](#) October 10, 2023 Regular Planning Commission/Board of Adjustment Meeting Minutes

6. COUNCIL LIAISON REPORT

[A.](#) November 6, 2023 City Council Meeting

7. OPEN FORUM

Items not included in the agenda.

8. NEW BUSINESS

[A.](#) Public Hearing: Conditional Use Permit Application C-23-008 Patricia K Lane Rev Trust 9069 Apple Lane. Lot 3 Block 1 Copperud First Addition. parcel 10150537. Construct 1,600 SQ FT Accessory Structure 15-20 Feet in Height. Zone R-2

1) Open Public Hearing

2) Applicant Presentation

3) Staff Review

4) Public Input

5) Close Public Hearing

[B.](#) Official Action: Conditional Use Permit C-23-008

9. OLD BUSINESS

[A.](#) Variance V-23-005 James and Susan Sackreiter 32601 Timberlane Point. Lot 31 Trotter-Cade. Parcel 10030538. Request to Expand Legal Non-Conforming Use (Dwelling). Proposed 8'x32' Addition to Dwelling. Proposed Addition 24 Feet from OHW. Zone R-2

10. STAFF REPORTS

11. COMMISSION MEMBER REPORTS

12. ADJOURN

Breezy Point Planning Commission/Board of Adjustment

**October 10, 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 09/14/2023 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 October 2, 2023 council meeting.

Open Forum

No one spoke

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

The Public hearing was opened by Chairperson Weaver.

Mr. David Landecker representing Whitebirch Inc. reviewed the request to construct outdoor pickleball courts (5) and simulated golf within building on property know as Billy's Bar and Restaurant.

Planner Bohnsack reviewed the staff report.

There was no public comment.

Chair Weaver Closed the Public Hearing.

Motion Weaver/Theis to Approve the following Resolution PC-23-10, Motion Carried 5-0

RESOLUTION PC 23-10
A RESOLUTION APPROVING CONDITIONAL USE PERMIT APPLICATION 2023-006

WHEREAS, Whitebirch Inc. has submitted application for Conditional Use Permit to construct and operate Recreation facility public (outdoor pickleball and interior simulated golf); and

WHEREAS, Whitebirch Inc. is the owner of the property (Parcel 10170646) Lots 1, 2 & 6 & E 7.5 FT OF LOT 5 & S 30 FT OF LOTS 3 & 5 BLOCK 1 WHITEBIRCH ELEVEN Breezy Point, MN; and

WHEREAS, the property is Zoned C Commercial; and

WHEREAS, Pickleball and simulated golf is considered a Recreation Public Facility; and

WHEREAS, Recreation public facility is an appropriate Conditional Use in C zone (§153.140 C-20); 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, October 10, 2023; and

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Conditional Use Permit 2023-006 is approved and be subject to conditions.

BE IT FURTHER RESOLVED THAT THE Conditional Use Permit 2023-006 is subject to the following conditions;

- 1) Applicant shall obtain building permit for structure.
- 2) Building shall comply to all setback requirements.
- 3) All Structure shall comply with state building code.
- 4) Impervious Coverage shall not exceed 50%
- 5) All lighting to focus on property.
- 6) Entry to facility shall utilize existing entrances.
- 7) Fencing shall not exceed 8 foot in height.

Adopted this 10th day of October, 2023.

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

Mr. Chuck Lane reviewed his Conditional Use request to construct 40 x 44 accessory structure 19' 6" height. (§153.032 C-3)

Planner Bohnsack reviewed staff report.

Mr. Bohnsack relayed that he has recently become aware that there is conflicting information about the size of lot and that the conflict needed to be resolved prior to proceeding with the Application. (Size of building dependent on whether the lot is 2 acres or more).

Mrs. JoAnne Weaver reviewed the CUP Application and disputed some of the response to questions in the CUP Application.

Mr. Jeff Smith reviewed concerns of the neighborhood.

Mr. Kent Hodder spoke to the likeness of Weavers Point Road to an alley and potential disruption to the aesthetics.

Mr. Tom Lillehei spoke to the ordinance rules and area measurements of Lakeshore Lots dependent on meandering lakeshore.

Mr. Chuck Lane offered Rebuttal.

Mrs. JoAnne Weaver offered Rebuttal.

City Administrator Chanski read following written objections for the record: Kent Hodder, Heidi Howard, Jeff Smith, Ron & Nancy Fletcher, Melissa & Alan Spaulding, Ken Heen, Jon & Tami Ross, Donald & Sharon Rask, David & Tracy Kaluzniak, Joyce Poppe, Mack Graham & Jill Poppe Graham, Philip Howard, Steve & Suzanne Everly.

Chairperson Weaver adjourned the hearing.

Motion Weaver/Brisbin to Table Consideration of CUP 2023-007 pending clarification of Lot size and associated building size, Motion Carried 5-0

Planner Bohnsack reviewed a request by Mr. James Sackreiter to extend the 60 day rule for action on Variance Application V-23-005.

Motion Weaver/Theis to Table action of Variance V-23-005 to November 14, 2023 meeting, Motion Carried 5-0

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

Submitted by Jerry Bohnsack
City Planner



CITY COUNCIL REGULAR MEETING

Monday, November 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

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL/AMENDMENT OF THE AGENDA

5. OPEN FORUM

Items not included in the agenda.

6. PRESENTATIONS

- A. Life Saving Awards and Certificate of Recognition
- B. Pequot Lakes School District Safe Routes to School
- C. Community Garden Proposal

7. CONSENT AGENDA

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

- A. October 2, 2023 Regular City Council Meeting Minutes
- B. October 17, 2023 City Council Workshop Minutes
- C. Approval of Claims in the Amount of \$125,922.72.
- D. Resolution 14-2023 Declaring PERA Contributions for Part-Time Police Officers

8. ITEMS REMOVED FROM CONSENT AGENDA

9. NEW BUSINESS

- A. LRIP Grant Application for Buschmann Road
- B. Pequot Lakes Fire District Ladder Truck Purchase
- C. Hiring of Patrol Officer
- D. Approval of Questica Budget Software

- E. Discussion on STR Well Testing
- F. Discussion on Golf Cart Rules

10. OLD BUSINESS

- A. City Hall Final Design
- B. Expansion of the Parks & Recreation Committee
- C. Request to Return Disc Golf Course Event Permit to Parks & Recreation Committee
- D. FNC Corporate Resolution Certification

11. STAFF REPORTS

12. MAYOR AND CITY COUNCIL REPORTS

13. STAFF REPORTS

14. ADJOURN

City of Breezy Point
Notice of Public Hearing
Tuesday, November 14, 2023, 7:00 p.m.
Breezy Point City Hall

Whom It May Concern:

Notice is hereby given that the City of Breezy Point Planning Commission / Board of Adjustment will hold a public hearing on Tuesday, November 14, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Conditional Use Permit Application C-23-008 Patricia K Lane Rev Trust 9069 Apple Lane Breezy Point. Lot 3 Block 1 Copperud First Addition. Parcel 10150537. Construct accessory structure 15-20 feet height. 1600 sq. ft. Zone R-2.

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

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

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

Echo Journal
November 1 & 8, 2023



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

Received by City: 10/20/2023
Application Number: C-23-008
Non-refundable Fee Paid: 250.00
Receipt #: _____

Conditional Use Application

Name of Applicant Chuck Lane
Address 32485 timberlane Email: chuck@kcccompaniesinc.com
City, State, Zip Breezy Point, Mn 56472
Phone (320) 304-1683 Alternate Phone _____

Physical Address / Location of Property 9069 Applelane Breezy Point, Mn 56472

Legal Description of Property SEC 15 TWP136 Range 028 Acres 1.91 10207 Copperud First Addition to Breezy Point Lot 3 BLK 1

Parcel ID Number 100152202 ADA009 Zoning District _____

Applicant is:

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

Title Holder of Property (if different than applicant):

Name Patricia K Lane/Charles J Lane, as Trustees of the
Address Patricia K revocable trust
City, State, ZIP 9069 applelane breezy point, Mn 56472
Phone (320) 304-1683

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

Accessary structure 40 by 40 with a 12ft garage door.

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: 40 by 40 accessory structure

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 - The weaver point residence have no homes as far as the eye can see. The structure does not have any access from weaver point road the only access is from Apple Lane. The homes on apple lane are in support of structure. Apple lane is a private road for residence of that development. The weaver point residents need to understand that I am allowed a 40 by 40 to build with or without the CUP.

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?

My neighbor, the only house currently built in development, has accessory structure. I am allowed based on the 1.91 acre to build a structure of 1600sqft.

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 as accessory structure has no living space. The drainage is sufficient and does not drain towards weaver point road. Apple lane private road has a ditch on both sides and because of the Sandy soil water will seep into soil rapidly and not hold on surface. The structure is several feet above Apple Lane no wetland on hill.

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

No impact for residents living or that own property on Apple lane. The structure will compliment the other accessory structure. I do not fully understand how the residents of Weaver Point would be effected as there are no homes in a close proximity to my property or structure. The structure itself will have a value and increase my real esate tax therefore there should be no argument that said structure will decrease Value on ones home. Structure meets requirement for 1.91 acres. I don't consider Weaver point as neighbors as they are in a different development.

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. The accessory structure is for personal use only access is on Apple Lane only. NO access from Weaver Point road so will not affect them.

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

No Impact -accessory structure is on a hill. There is no wetland where structure will be built. Drainage is sufficient.

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

Structure meets setback requirements. Structure is permitted in development as accessory structure. Neighbor in development has accessory structure. There are several homes around Pelican Lake with accessory structure and last I checked record increased values based on sales even with secondary structures. I personally am offended by the actions of Weaver Point residents, and they come across as bullies this is unfortunate.

INSTRUCTIONS TO THE APPLICANT

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

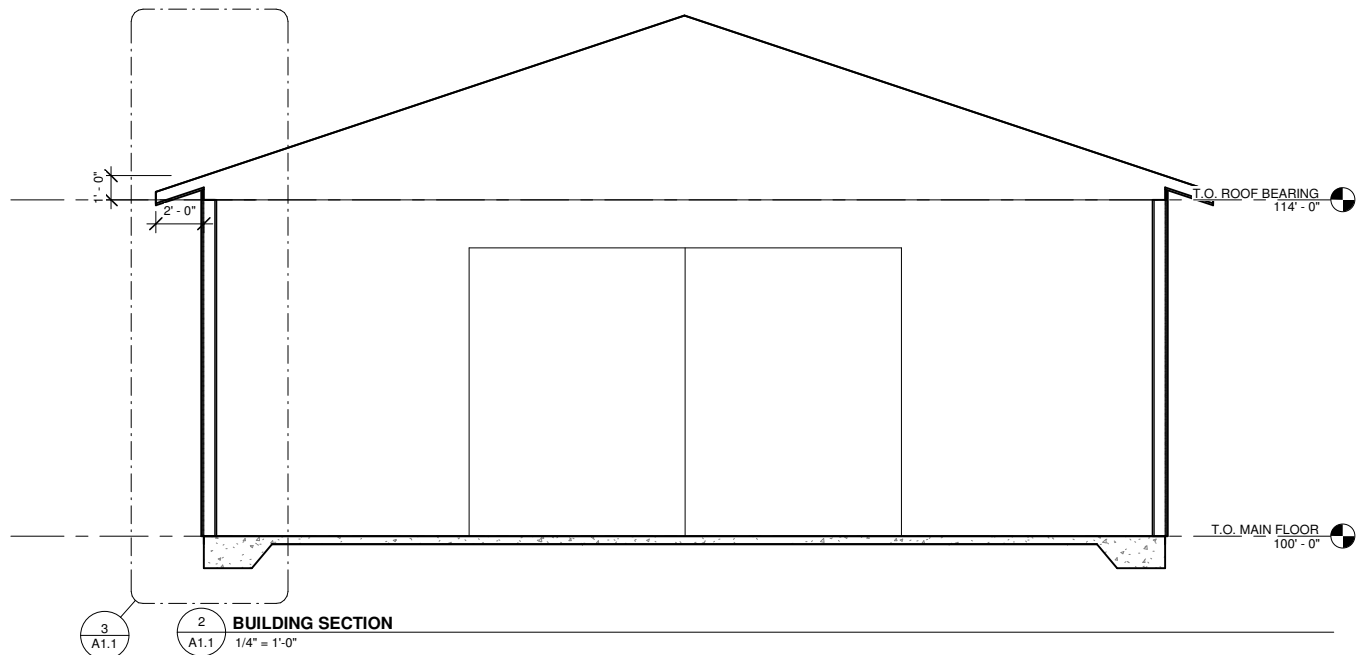
- _____ 1. This application must be completed, including responses to all parts of this application.
- _____ 2. The required fee must be paid. See fee schedule for details.
- _____ 3. Legal description of the site.
- _____ 4. Site plan, drawn to scale, showing parcel and existing structure dimensions, water features, and 10 foot contour lines (smaller contour lines may be required if deemed necessary by the Planning Department, Planning Commission, or City Council).
- _____ 5. The site plan or should also show the location of all structures and their square footage.
- _____ 6. Existing and proposed curb cuts, driveways, access roads, turn-arounds, parking including RV, boat and additional vehicle storage, off-street loading, and sidewalks. Size and type of surface should also be included.
- _____ 7. Proposed landscaping and screening plans: garbage dumpsters, areas preserved in natural state including buffer areas, areas to be developed into lawn (grass), areas to be covered by woodchips or mulch, garden areas, shrubbery, types, size, age, and number of proposed trees and their locations, exterior lighting to be proposed including location and type, any other items deemed appropriate.
- _____ 8. Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
- _____ 9. Proposed drainage plan.
- _____ 10. Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
- _____ 11. Soils data showing capability for building and on-site sewage treatment.
- _____ 12. Existing iron pipe boundary monuments marked with proof of survey.
- _____ 13. Approximate location of any proposed signs (if applicable).
- _____ 14. Color scheme for all existing and proposed structures.
- _____ 15. Outside storage proposal.
- _____ 16. Elevation plans for all existing and proposed structures.



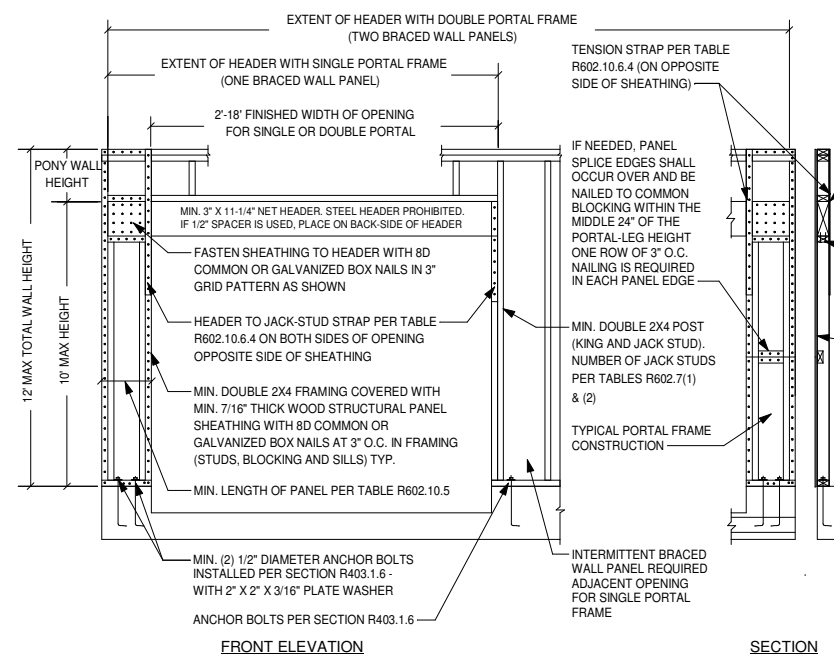
These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

It is the responsibility of the contractor that all work is in accordance with the latest edition of all applicable Building Codes to ensure that all work is conducted in accordance with the latest edition of all applicable Construction Standards.

Section 8, Item A.



2 BUILDING SECTION
A1.1 1/4" = 1'-0"



4 TYPICAL PORTAL FRAME DETAIL
A1.1 1/4" = 1'-0"

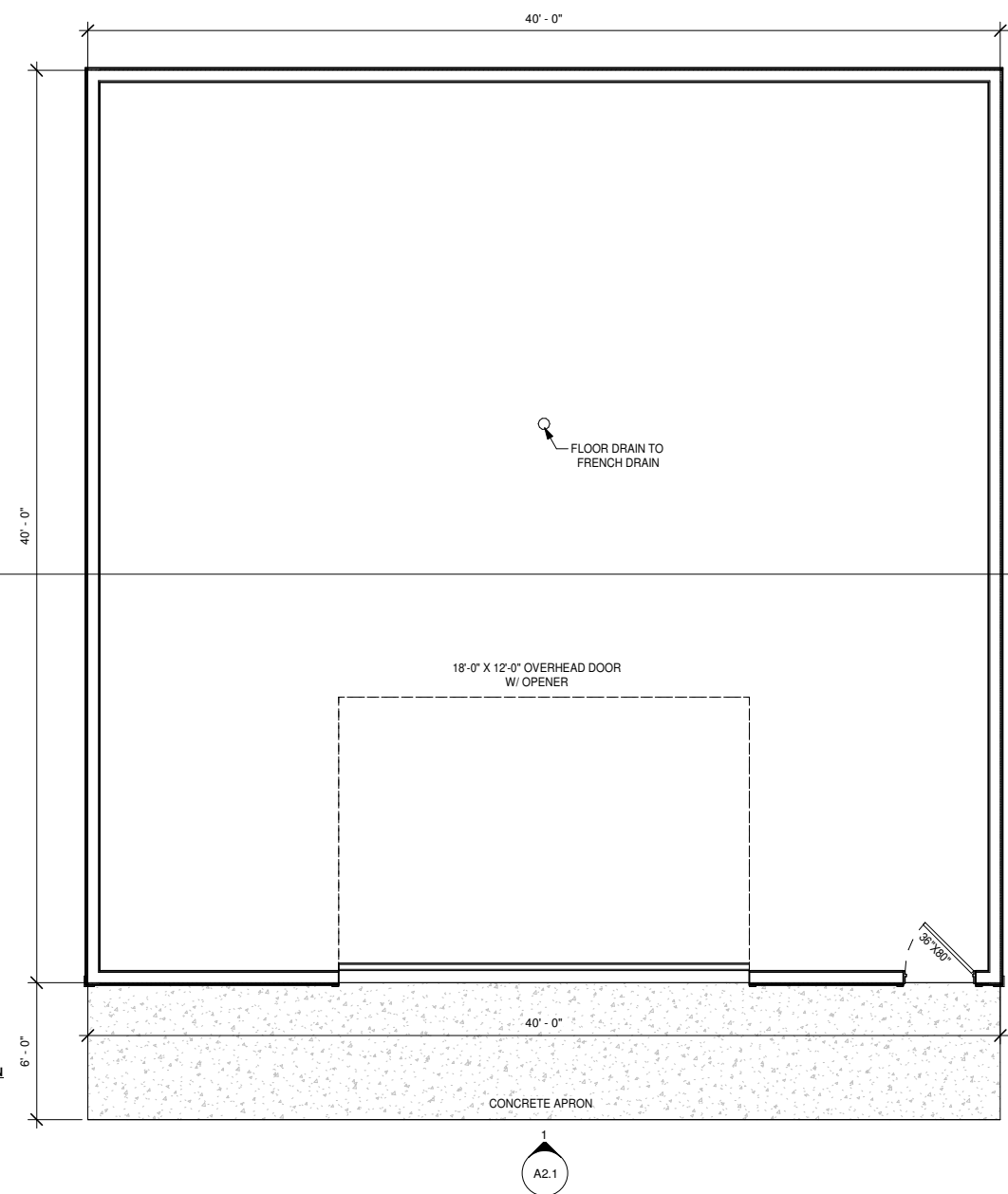
TYPICAL ROOF CONSTRUCTION
 METAL ROOFING
 ICE & WATER SHIELD (ENTIRE ROOF)
 ROOF SHEATHING
 -PRICE ZIP ROOF SHEATHING AS OPTION
 PRE-ENG. ROOF TRUSSES
 BLOWN INSULATION (R-50 MIN.)
 VAPOR BARRIER
 METAL LINER STEEL

TYPICAL WALL CONSTRUCTION
 EXTERIOR FINISH
 WEATHER BARRIER
 WALL SHEATHING
 -PRICE R-6 ZIP WALL SHEATHING AS OPTION
 2X6 WOODS STUDS @ 16" O.C.
 SPRAY FOAM INSULATION (R-21 MIN.)
 METAL LINER STEEL

TYPICAL FLOOR CONSTRUCTION
 INTERIOR FINISH
 4" REINF. CONC. SLAB
 VAPOR BARRIER
 6" SAND CUSHION

TYPICAL FDN CONSTRUCTION
 ADHERED WATERPROOF MEMBRANE
 24" X 16" THICKENED EDGE CONC. FTG.
 W/ 2-#5 BARS CONT.

3 TYPICAL WALL SECTION
A1.1 1/2" = 1'-0"



1 MAIN LEVEL FLOOR PLAN
A1.1 1/4" = 1'-0"

| REVISIONS | |
|-----------|--|
| | |

LANE GARAGE

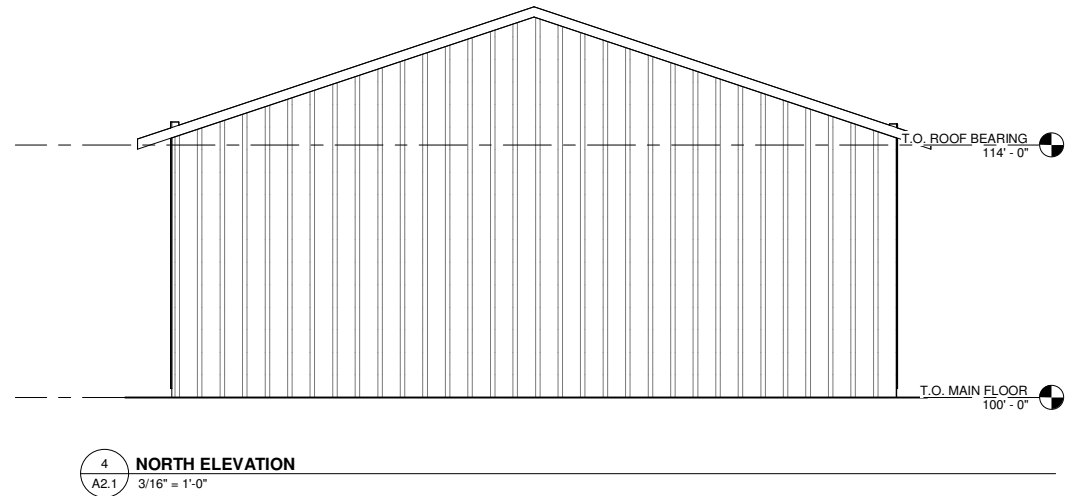
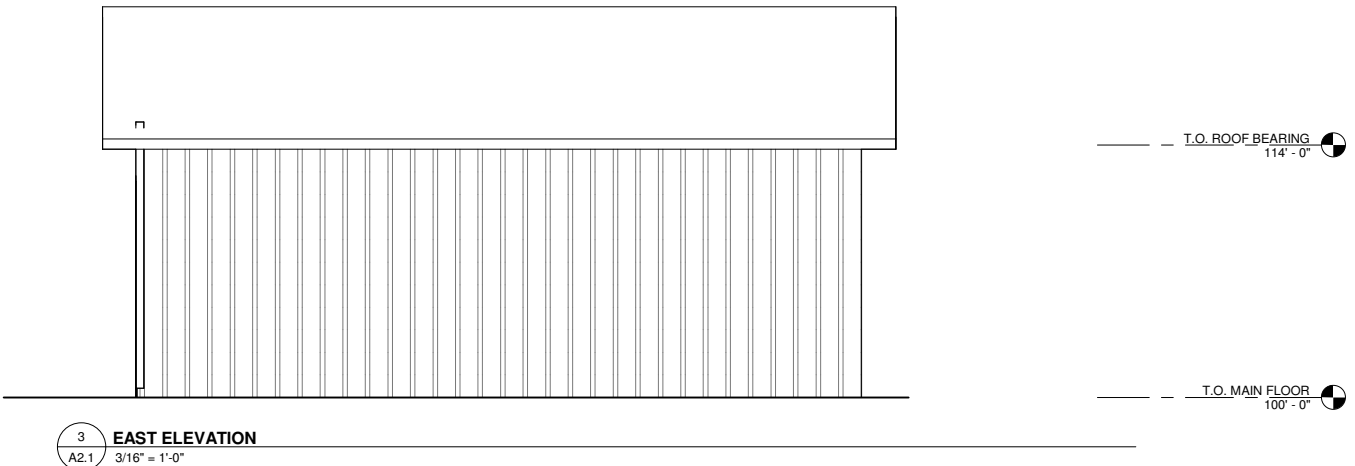
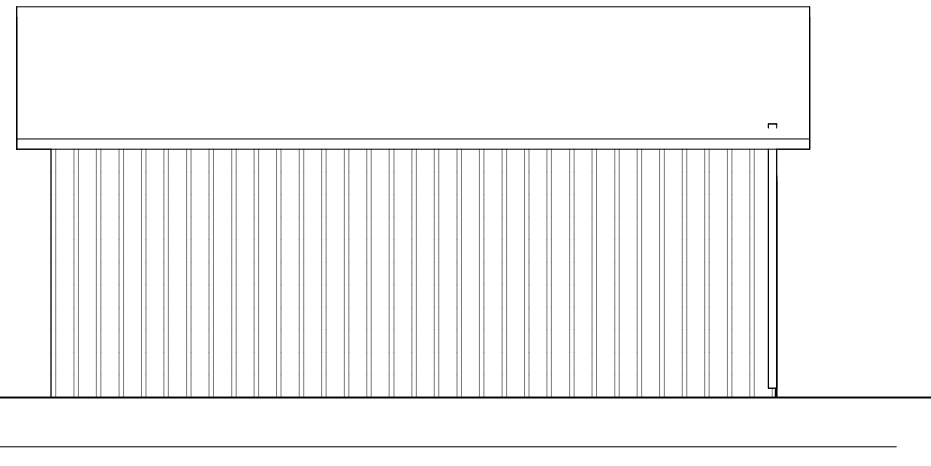
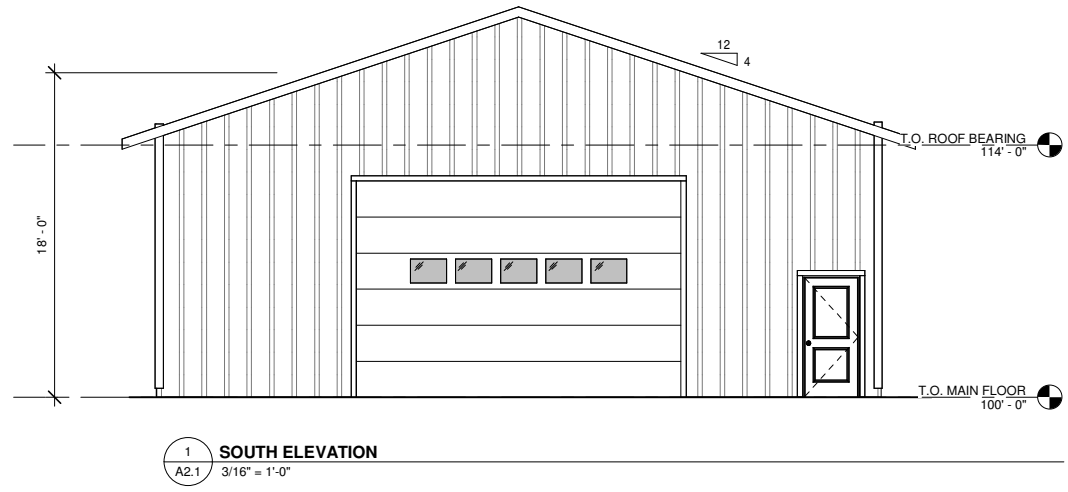
BREEZY POINT, MN

| | |
|--------|---------|
| DATE: | 9.21.23 |
| SHEET: | A1.1 |

A1.1
MAIN FLOOR PLAN

It is the responsibility of the contractor that all work is in accordance with the latest edition of all applicable Building Codes to ensure that all work is conducted in accordance with the latest edition of all applicable Construction Standards.

Section 8, Item A.



| REVISIONS | |
|-----------|--|
| | |

LANE GARAGE

BREEZY POINT, MN

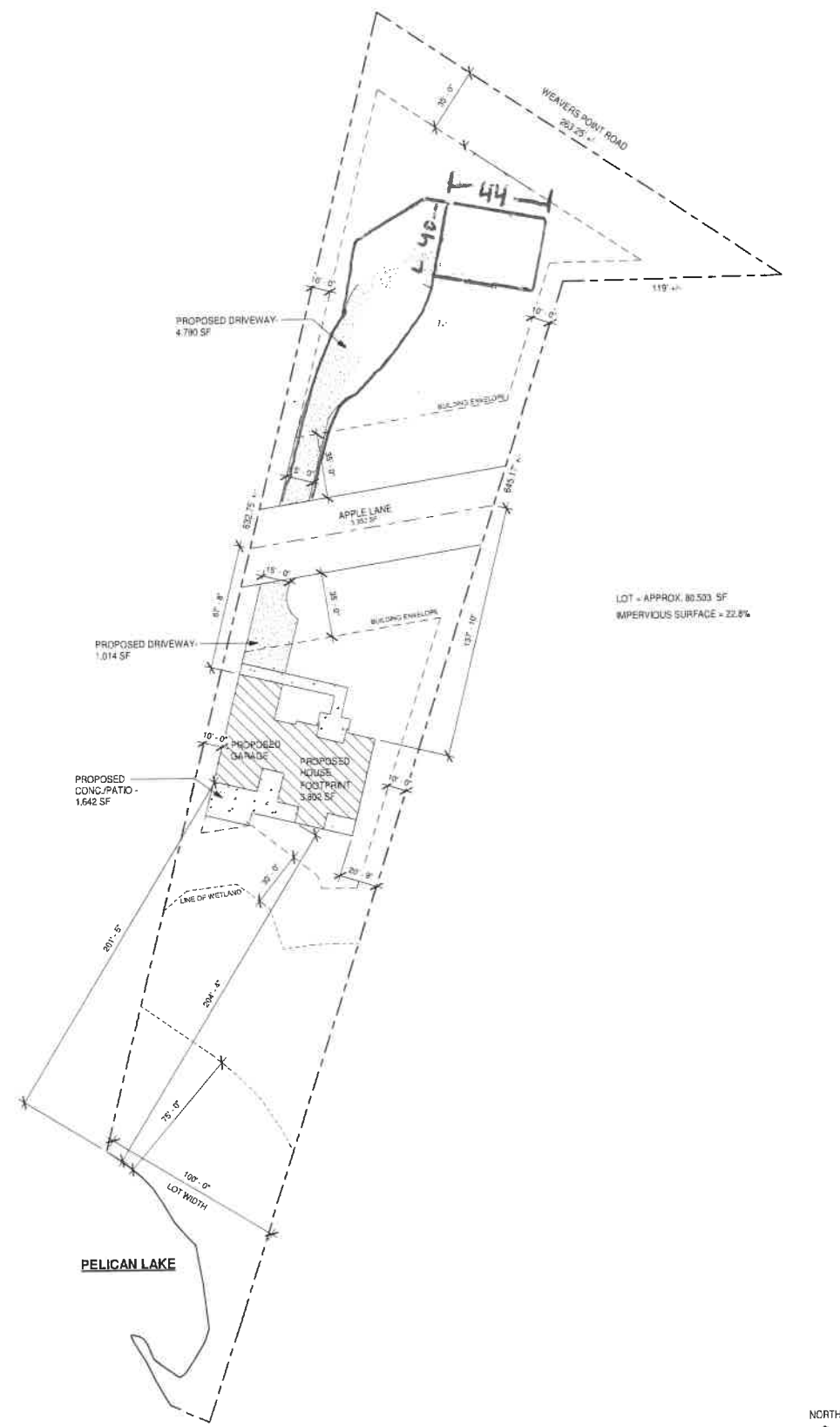
DATE:

10.27.23

SHEET:

A2.1

EXTERIOR ELEVATIONS



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



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

| REVISIONS | |
|-----------|--|
| | |

LANE RESIDENCE

BREEZY POINT, MN

DATE:
8.27.23
SHEET:

A0.1
ARCHITECTURAL SITE PLAN

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

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of November 14, 2023

Conditional Use Permit Application 2023-008

Applicant: Patricia K. Lane Rev. Trust

Property Address: 9069 Apple Lane

Parcel ID: 10150537

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

Zoned: Medium Density Residential (R-2)

Code §153.032 Medium Density Residential (R-2)

Conditional Use Request:

- Construct detached accessory structure (40' x 40') Height 18' 0"

The Property

Lot 3 Block 1 Copperrud First Addition is a 81,853sq. ft. lot (1.87 acres) located in Copperud 1st Addition NW shore Pelican Lake (Nelson Bay). Lot is served by municipal sewer and access to lot and adjacent lots from Apple Lane (private easement). Zoning of the Area. R-2 Zone.

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

Findings

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

The following findings must be met:

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

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

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

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

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

The following must be considered:

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

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

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

The use does not require any additional public infrastructure.

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

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

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

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

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

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

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

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

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

- Applicant has filed the appropriate application for CUP.
- Applicant has paid the appropriate fee for the application.
- Public notice of Conditional Use Hearing was published in the legal newspaper and all property owners within 350' were given mailed notice of said hearing.
- Public Hearing was held on Tuesday, November 14, 2023.

Staff has reviewed the following:

- Site Plan
- CUP Application
- Building Code compliance

§153.032 C-3

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

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

- 1) Applicant shall obtain Building Permit for Accessory structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Siding and Roofing of principal structure and accessory structure shall be of similar materials and color.
- 4) All structures shall comply with state building code.
- 5) Height of accessory structure shall not exceed 18 feet.

Jerry Bohnsack

From: jim sackreiter.net <jim@sackreiter.net>
Sent: Tuesday, October 10, 2023 3:05 PM
To: Jerry Bohnsack
Subject: Sackreiter Hearing

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,

We have contracted with Backyard Reflections in Nisswa to design a stormwater runoff plan for 32601 Timberlane Point, but they haven't completed it yet. I would like to waive the 60 requirement for the planning commission to rule on our variance request. I will keep you updated on the progress over the winter and get back in touch a couple of weeks prior to one of your monthly meetings to get on the schedule. I'd like to be there myself to answer any questions or concerns which most likely won't be until May or June of 2024.

Thank you very much for your consideration regarding this matter and your patience while I get all of the required information.

Jim Sackreiter

Section 9, Item A.

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



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

Variance Application

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

Physical Address / Location of Property 32601 Timberlane Point

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

Parcel ID Number 101400000310009 Zoning District _____

Applicant is:

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

Title Holder of Property (if different than applicant):

Name _____
Address 32601 Timberlane Point
City, State, ZIP Breezy Point, MN 56472
Phone 979-203-5840

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

The Sackreiters desire to extend the east side of their house eight feet (8') in a generally easterly/northeasterly direction to allow for a second bathroom and to enlarge two (2) bedrooms.

DocuSigned by:

James Sackreiter

Signature of Owner, authorizing application

(By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner)

(By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

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

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

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

The following questions must be answered.

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

Building: See attached Exhibit A _____

Landscaping: _____

Parking/Signs: _____

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

3. How is granting this variance consistent with the intent of the City of Breezy Point Zoning Ordinance?
See attached Exhibit A _____

4. How will **reasonable** use of the property be deprived if the variance is not granted?
See attached Exhibit A _____

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

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

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

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

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

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

10. Please state the **practical difficulty** that exists with this property.
See attached Exhibit A

INSTRUCTIONS TO THE APPLICANT

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

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

Exhibit A

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

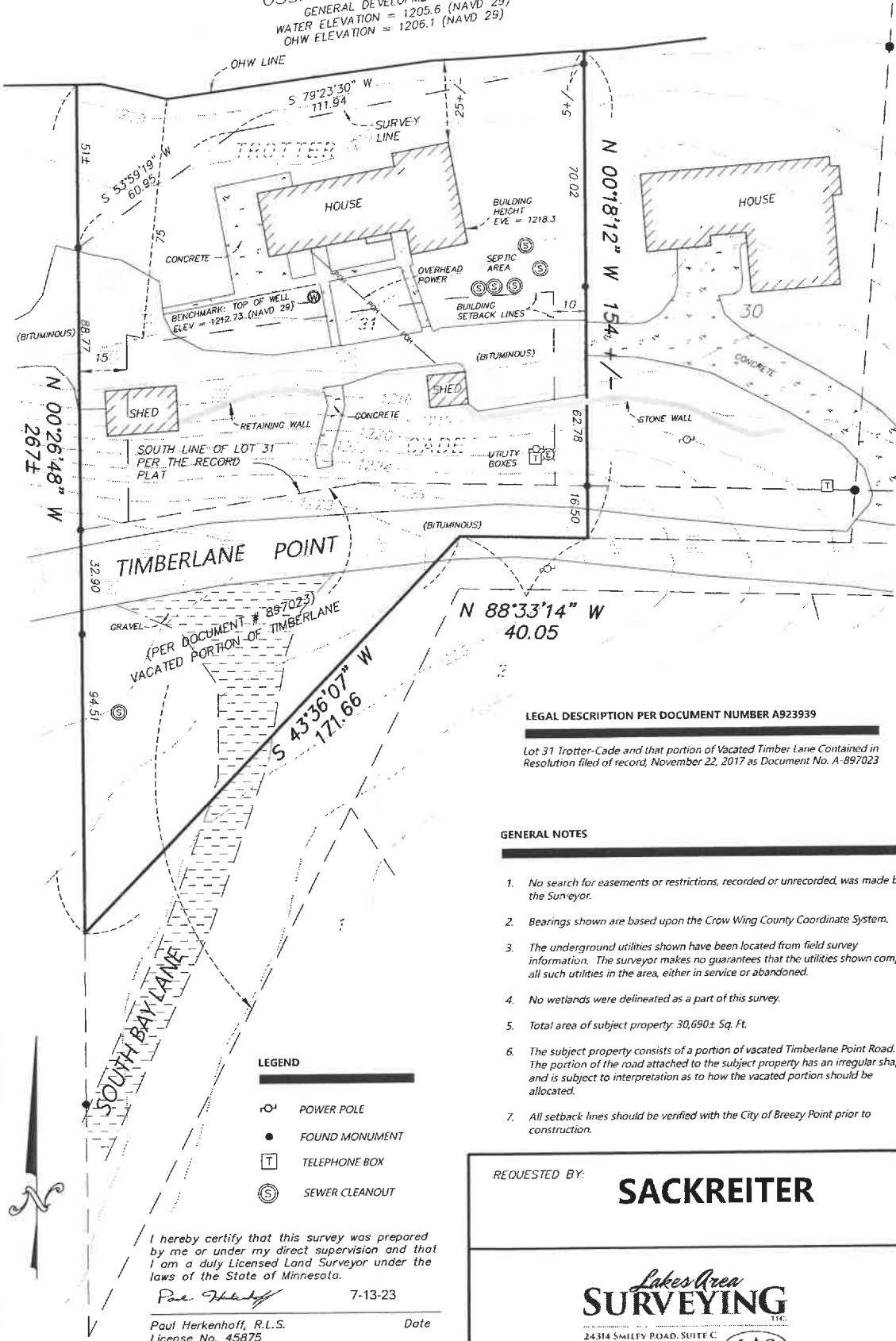
1. The Sackreiters' propose to extend the east wall of their house out eight feet (8').
2. The unique circumstances of the Subject Property that make strict interpretation of the Ordinance impractical are:
 - a. The lot is shaped in a way, and has a slope in it, that makes moving the driveway impossible.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

9. N/A

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

CERTIFICATE OF SURVEY

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



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

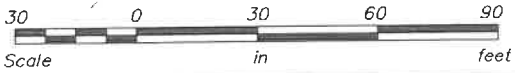
GENERAL NOTES

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

LEGEND

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

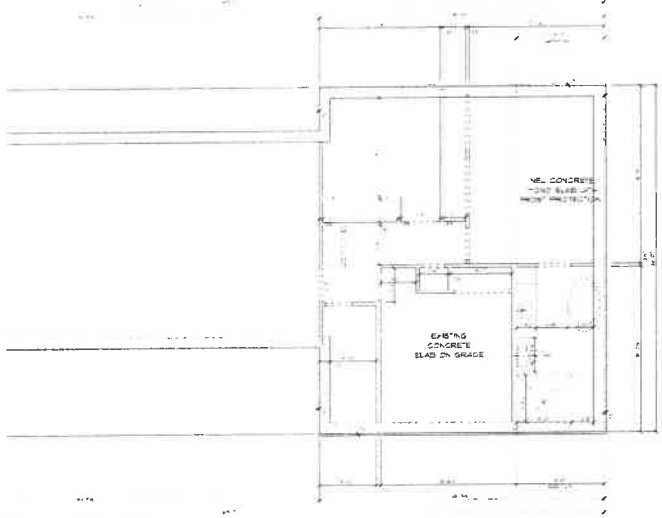
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Paul Herkenhoff 7-13-23
 Paul Herkenhoff, R.L.S. Date
 License No. 45875



REQUESTED BY: **SACKREITER**

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

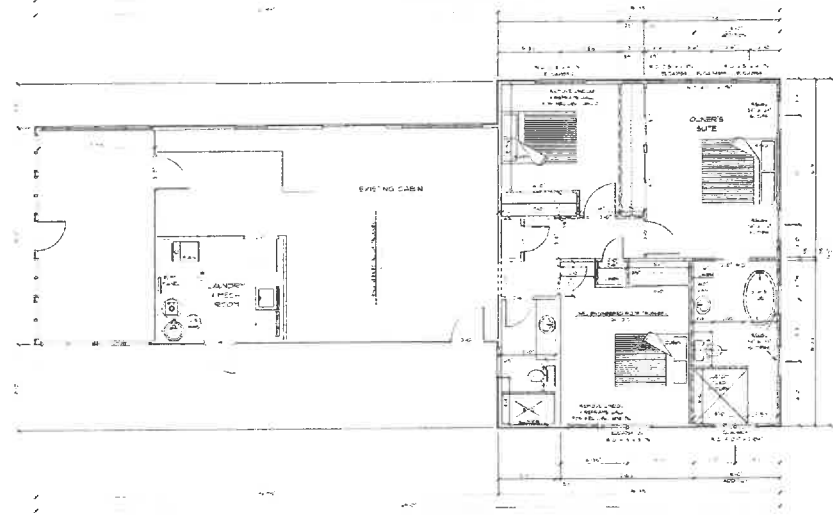
Drawn by: PDH Date: 07/13/23 Job No: 23-117



NEW FOUNDATION PLAN

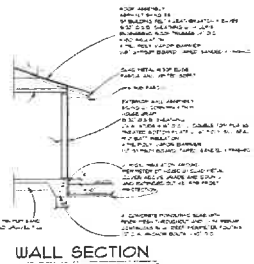
SCALE: 1/4" = 1'-0"

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



NEW MAIN LEVEL FLOOR PLAN

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



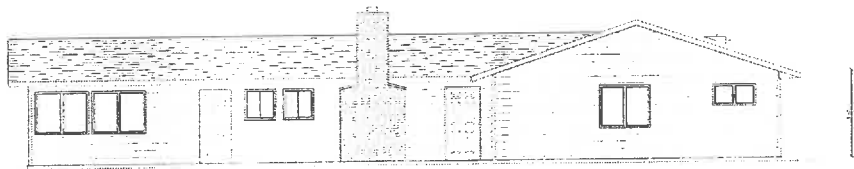
WALL SECTION

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

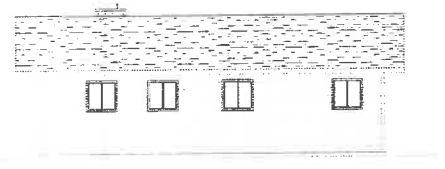
NOTE:
 FIELD VERIFY ALL DIMENSIONS HEIGHTS AND
 SIZES OF EXISTING STRUCTURAL MEMBERS
 ALL DIMENSIONS ARE TO FACE UNLESS
 OTHERWISE NOTED
 2" X 4" OF INSULATION OVER ALL EXTERIOR
 OPENINGS, ALSESS OTHER SEE NOTES
 EXTERIOR DOORS BY OTHERS TO BE
 EQUAL INCLUDE ARE THROUGH INTERIOR
 WITH ALL PROTECTION REQUIREMENTS
 VERIFY ALL SIZES AND ROUNDS OPENINGS
 WITH OWNER AND MANUFACTURER AND
 VERIFY WITH E OF THE FACTORY IS TO BE
 TYPICAL AND NO HEADER HEIGHTS
 TO BE AS THE UNLESS NOTED - VERIFY
 EXTERIOR DOOR ROUGH OPENING HEIGHTS

VERIFY ALL TRIMMS, BEAMS AND
 PROFILES WITH TRUSS MANUFACTURER
 VERIFY AROUND ALL BATHROOMS
 AND BEDROOMS
 MEETING OF ENERGY CODE REQUIREMENTS
 TO BE THE RESPONSIBILITY OF CONTRACTOR
 THIS PLAN WAS DESIGNED TO COMPLY WITH
 2009 INTERNATIONAL BUILDING CODES AT THE TIME
 AND FOR THE LOCATION LISTED HERE DRAWN
 CHECK WITH YOUR CONTRACTOR
 REGARDING LOCAL CODES THAT MAY VARY
 THE OWNER AND CONTRACTOR ASSUME THE
 RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

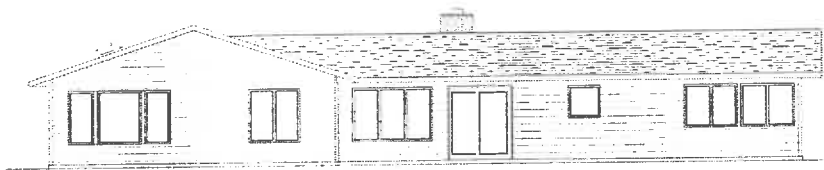
| | |
|--------------------------|------------------------|
| P.F.S. DESIGN LLC | |
| 218-821-0630 | |
| PROJECTION: JT | PAGE NO: 2-2 |
| DATE: JUNE 26, 2019 | REVISED: JUNE 30, 2019 |



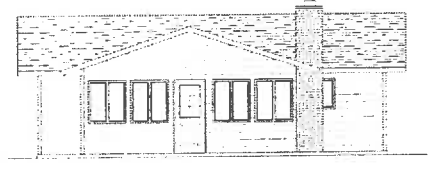
ROADSIDE ELEVATION
SCALE 1/4" = 1'-0"



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



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



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

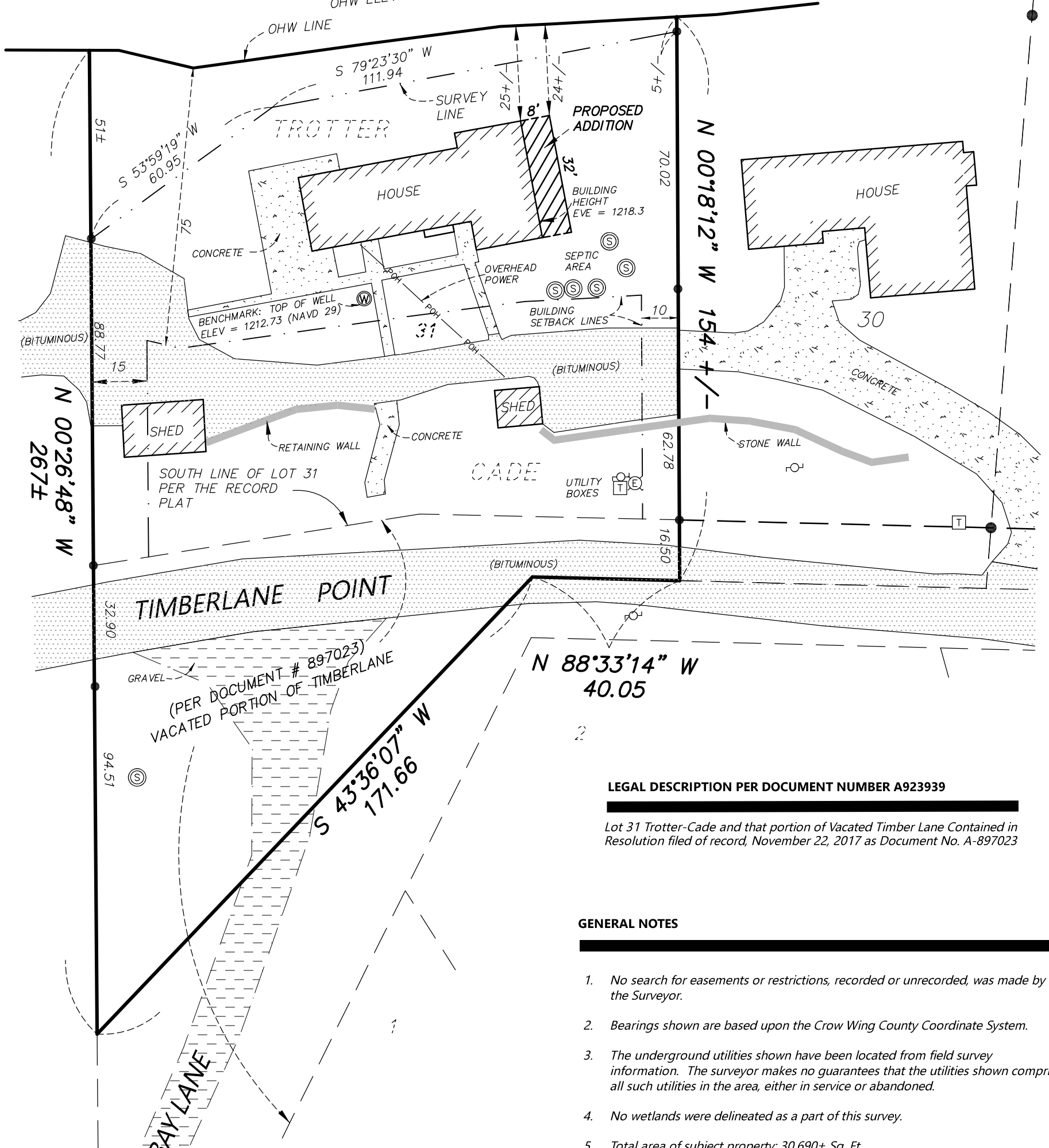
| | |
|-----------------------------|--------------------------|
| P.F.S. DESIGN LLC | |
| 218-821-0630 | |
| PROJECT FOR: SUZ BACKREITER | DRAWN BY: SUZ BACKREITER |
| DATE: APR 18, 2013 | 1 of 2 |



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

CERTIFICATE OF SURVEY

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



LEGAL DESCRIPTION PER DOCUMENT NUMBER A923939

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

GENERAL NOTES

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

LEGEND

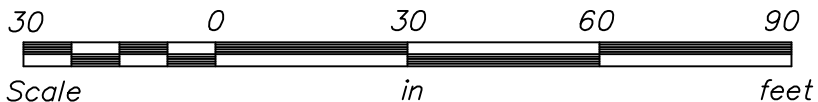
- POWER POLE
- FOUND MONUMENT
- TELEPHONE BOX
- SEWER CLEANOUT

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

Paul Herkenhoff 7-13-23

Paul Herkenhoff, R.L.S. Date
 License No. 45875

REVISED 8-16-23



REQUESTED BY:

SACKREITER

Lakes Area
SURVEYING
 LLC.

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



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

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

Good afternoon Deb:

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

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

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

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

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

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

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

Jacob Frie

Area Hydrologist | Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1601 Minnesota Drive

Brainerd, MN, 56401

Phone: 218-203-4367

Email: Jacob.frie@state.mn.us

mndnr.gov



TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of September 12, 2023

Variance Request 2023-005

Applicant: James & Susan Sackreiter

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

Address: 32601 Timberlane Point, Breezy Point MN 56472

Property Identification Number (PIN): 10030538

Zoning: Residential Medium Density R-2

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

Request:

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

Property:

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

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

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

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

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

Variance Review:

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

following:

- (1) The strict interpretation of the ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner;
- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;
- (3) The land use created by the variance is permitted in the zoning district where the property is located;
- (4) The variance will not alter the essential character of the locality; and
- (5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

Findings:

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

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

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

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

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

Planning Commission/Board of Review Direction

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