



PLANNING COMMISSION / BOARD OF ADJUSTMENT REGULAR MEETING

Tuesday, May 09, 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. February 14, 2023 Meeting Minutes

6. COUNCIL LIAISON REPORT

A. May 1, 2023 City Council Agenda

7. OPEN FORUM

Items not included in the agenda.

8. NEW BUSINESS

A. Public Hearing: Variance Application V-23-001 Schmidt Brothers Holdings LLC. Lots 13 and 14 Eighteenth Addition to Breezy Point Estates. Parcels 10211047 and 10211048. Request to Construct Dwelling and Attached Garage 13 Feet from ROW County Road 3 and 15 Feet from Delineated Wetland.

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

B. Official Action Variance Application V-23-001

C. Public Hearing: Variance Application V-23-002 Christopher Cullen. Lots 82 and 83 Fourth Addition to Breezy Point Estates. Parcel 10210849. Request to Construct Dwelling and Attached Garage on 15,315 Sq. Ft. Parcel in a R3 Zone Where 16,000 Sq. Ft. is Required by Ordinance.

- 1) Open Public Hearing
- 2) Applicant Presentation
- 3) Staff Review

- 4) Public Input
- 5) Close Public Hearing

D. Official Action Variance Application V-23-002

- E. Public Hearing: Conditional Use Permit Application C-23-002 Pat Pfeiffer 29833 Lakeshore Drive. Lots 18-21, Block 3, Breezy Point Club. Parcel 10211159. Request to Construct Accessory Structure 15-20 Ft. in Height in a R-3 Zone.

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

F. Official Action Conditional Use Permit Application C-23-002

- G. Public Hearing: Rezoning Application R-23-001 City of Breezy Point. Lots 3-5, Block 1, Whitebirch 16. Parcels 10080926, 10080925, and 10080924. Purpose of the Petition is to Rezone Parcels from R-2 (Medium Density Residential) to P (Public).

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

H. Official Action Rezoning Application R-23-001

9. OLD BUSINESS

10. STAFF REPORTS

11. COMMISSIONER REPORTS

12. ADJOURN

Breezy Point Planning Commission/Board of Adjustment**February 14, 2023
Regular Meeting**

The regular meeting of the Breezy Point Planning Commission/Board of Adjustment was called to order by Commission Chair Marcy Weaver at 7:00 p.m. Those in attendance included members Joe Ayers, Lee Brisbin, Marcy Weaver, and Teddy Zierden; City Planner Jerry Bohnsack, Administrator Clerk David Chanski, Deputy Clerk Deb Runksmeier, Planning Commission Council Liaison Steve Jensen. Roger Theis was absent.

Oath to Office

Lee Brisbin and Marcy Weaver took Oath to Office for a three-year term.

Election of Officers

Motion Ayers/Zierden to appoint Weaver Chairperson for 2023 of Planning Commission Board of Adjustment, Motion Carried 4-0

Motion Ayers/Zierden to appoint Brisbin Vice Chairperson 2023 Planning Commission Board of Adjustment, Motion Carried 4-0

Approval of 12/13/2022 regular meeting

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

City Council Liaison Report

Council Liaison Jensen reported on the February 6, 2023 council meeting. Short Term Rental ordinance and licensing, disc golf course, and ordinances update.

Open Forum – None

Public Hearing - Conditional Use Application C-23-001 Brad Thayer at 8442 Buschmann Road Breezy Point, MN 56472. Parcel 10050509. East 663 ft of SE ¼. Parcel 10050509. Construct 40' x 92' accessory structure. (cumulative total – accessory structures 5516 sq. ft.) Zoned Estate Lots Residential (EL-R).

The Public hearing was opened by Chairperson Weaver.

Brad Thayer reviewed his application for Conditional use Permit to construct a 40' x 92' accessory structure which would (if constructed) exceed the cumulative total of accessory structure square footage of 5000 sq. ft. Parcel size is 20 acres.

Planner Bohnsack reviewed staff report.

Dallas Colvin 32129 Northwoods Lane expressed concern about building a commercial use in a Residential Zone.

Chair Weaver adjourned the Public Hearing.

Motion Ayers/Zierden Approve the following Resolution PC-23-001, motion carried 4-0

RESOLUTION PC 23-01

A RESOLUTION APPROVING CONDITIONAL USE PERMIT APPLICATION 2023-001

WHEREAS, Brad Thayer has submitted application for Conditional Use Permit to construct 40' x 92' accessory structure less than 20' in height on Parcel 10050509 (E 663 FT OF SE1/4 OF SE1/4. SUBJ TO AN ESMNT OF REC.); and

WHEREAS, the address of parcel 10050509 is 8442 Buschmann Road Breezy Point MN and is zoned EL-R (Estate Lots Residential), and

WHEREAS, Parcel 10050509 is 20 acres (+-) in size, and

WHEREAS, Accessory structure 15' to 20' in height is a permitted in Estate Lots - Residential Zone; and

WHEREAS, Accessory structure up to 2% of parcel on parcels 5 acres or more over 5000 sq. ft. (cumulative total sq. ft.) is a conditional use in EL-R Zone; and

WHEREAS, The parcel currently hosts three accessory structures (3 accessory structures cumulative square footage is 1836 sq. ft.); and

WHEREAS, the proposed 4th accessory structure would bring the cumulative total of accessory structure square footage to 5516 sq. ft.; 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, February 14, 2023; and

WHEREAS, the following findings were made as provided for under Section §153.119 (E) of the Breezy Point City Code;

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

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Conditional Use Permit 2023-001 is approved and subject to conditions.

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

- 1) Applicant shall obtain building permit for accessory structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Accessory structure shall comply with state building code.
- 4) Accessory structure height shall not exceed 20 ft.
- 5) Total cumulative accessory structures square footage shall not exceed 5516 sq. ft.
- 6) Ingress and egress to accessory structure shall be from private driveway on to Buschmann Road.

There being no further business the meeting adjourned at 7:36 p.m.

Submitted by Jerry Bohnsack
City Planner



CITY COUNCIL REGULAR MEETING

Monday, May 01, 2023 at 6:30 PM

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

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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. 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. April 3, 2023 Regular City Council Meeting Minutes

B. April 19, 2023 Board of Appeal & Equalization Meeting Minutes

C. Approval of Claims Totaling \$52,056.29 Comprised of Physical Checks 138370-138426.

D. Mutual Aid Agreement with St. Louis County

E. 2023-2024 Fire Services Contract

7. PERSONAL & FINANCE COMMITTEE REPORT

A. Agreement with BakerTilly for Municipal Advisor Services

8. SAFETY & PUBLIC WORKS COMMITTEE REPORT

A. Buschmann Road Design Contract Amendment & Project Update

9. NEW BUSINESS

A. Acquisition of Old Charter Communications Building

B. City Council Workshop on City Hall Facility Assessment Report

C. Classification of Tax Forfeited Properties

D. Continuation of Local Board of Appeal & Equalization

10. OLD BUSINESS

11. STAFF REPORTS

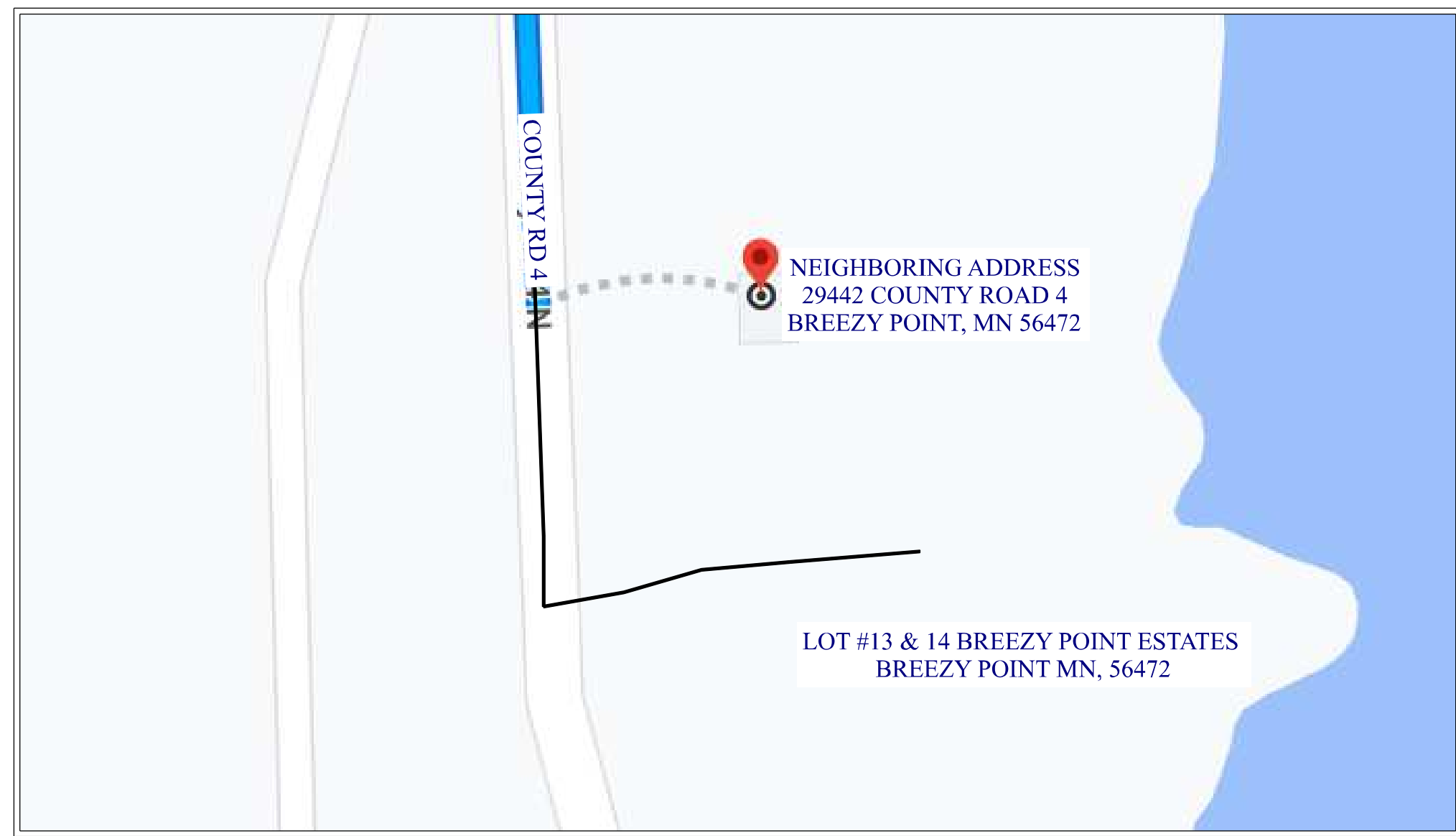
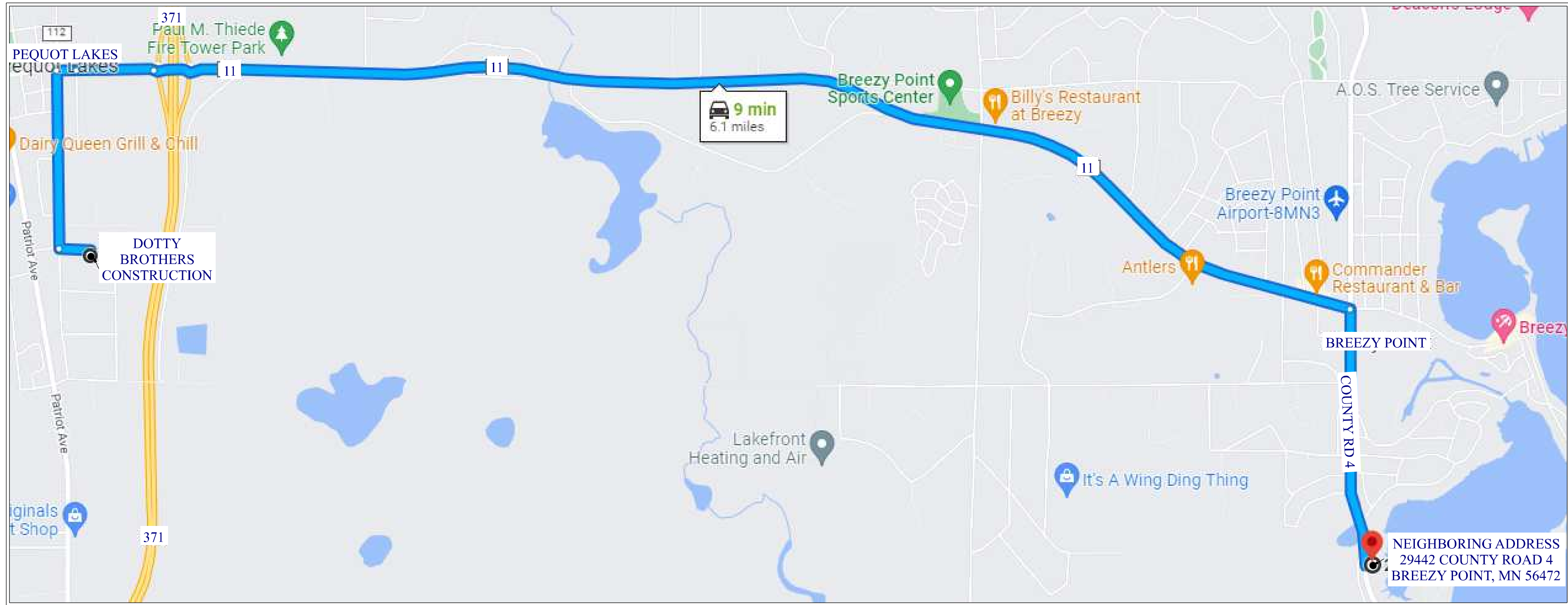
12. MAYOR AND CITY COUNCIL REPORTS

13. ADJOURN TO CLOSED SESSION PURSUANT TO STATE STATUTE 13D.05 TO CONDUCT ANNUAL PERFORMANCE EVALUATION ON CITY ADMINISTRATOR DAVID CHANSKI

14. RECONVENE OPEN SESSION

15. ADJOURN

DARRIN SCHMIDT

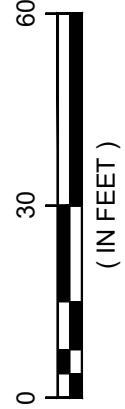
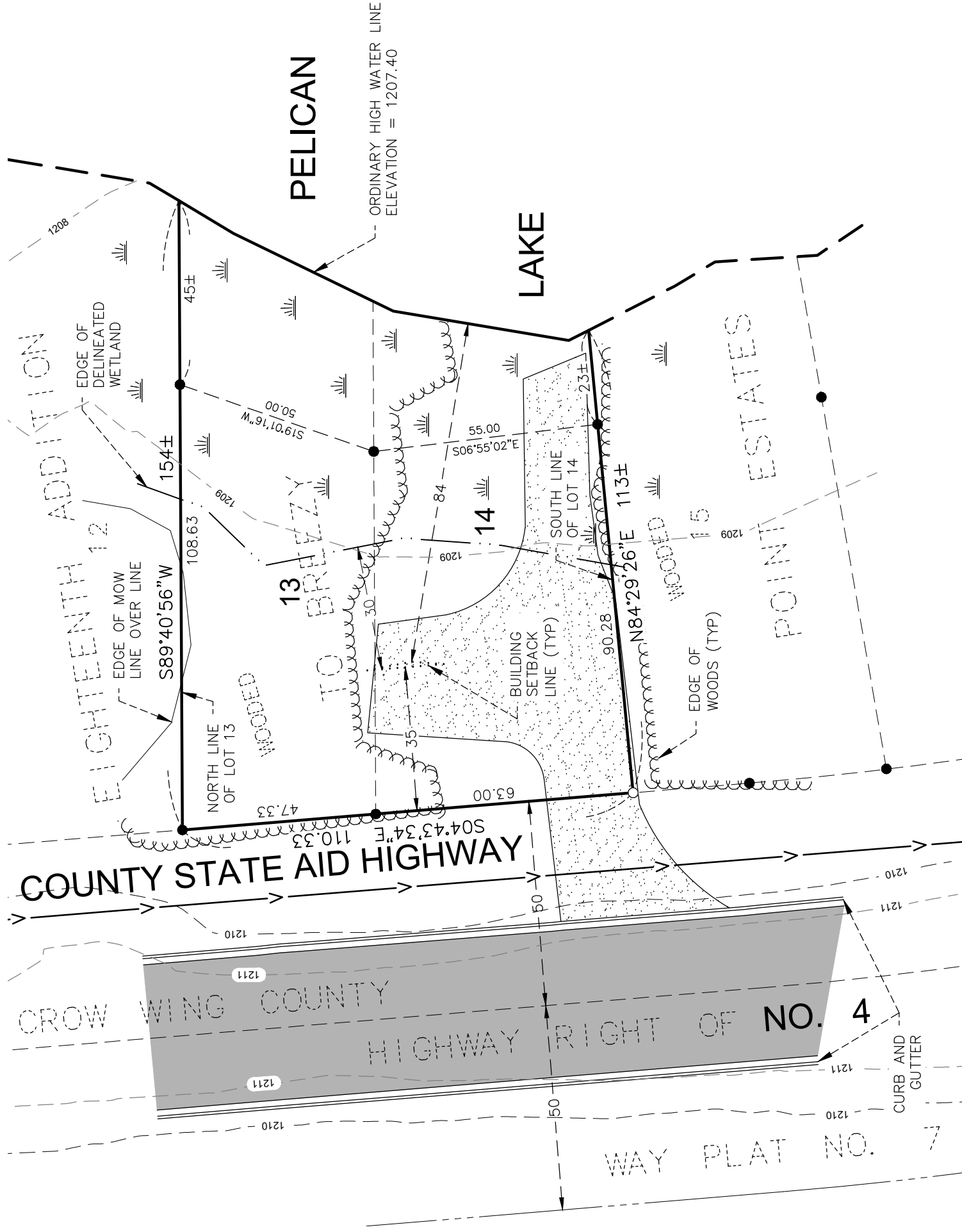


LOT #13 & 14 BREEZY POINT ESTATES BREEZY POINT MN, 56472

T1	TITLE PAGE
S	EXISTING SURVEY
S	PROPOSED SURVEY
AS	SITE PLAN
AW	STORM WATER MANAGEMENT
A1	FOUNDATION PLAN
A2	FOUNDATION DETAILS
A3	BASEMENT PLAN
A4	BASEMENT FLOOR FINISH
A5	FLOOR FRAMING
A6	MAIN FLOOR PLAN
A7	MAIN FLOOR FINISH
A8	ROOF PLAN
A9	EXTERIOR ELEVATIONS
A10	EXTERIOR ELEVATIONS
A11	BUILDING SECTIONS
A12	BUILDING SECTIONS
A13	DETAILS PAGE
A14	TIMBER DETAILS
A15	INTERIOR ELEVATIONS
A16	INTERIOR ELEVATIONS
A17	BASEMENT LIGHTING
A18	MAIN FLOOR LIGHTING
A19	SCHEDULES
A20	SCHEDULES
A21	SCHEDULES
L1	LANDSCAPING DESIGN

CERTIFICATE OF SURVEY

LOTS 13 AND 14, EIGHTEENTH ADDITION TO BREEZY POINT ESTATES,
SECTION 21, TOWNSHIP 136, RANGE 28,
CROW WING COUNTY, MINNESOTA



ORIENTATION OF THIS BEARING SYSTEM IS
BASED ON THE CROW WING COUNTY
COORDINATE DATABASE NAD 83

ELEVATIONS ARE BASED ON THE NATIONAL
GEODETIC VERTICAL DATUM OF 1929
BENCHMARK IS A 3/8" BY 8" SPIKE IN A
COTTONWOOD TREE AT THE LITTLE
PELICAN PUBLIC LANDING.
ELEVATION = 1210.97

- = DENOTES FOUND IRON MONUMENT
- = DENOTES 1/2 INCH IRON PIPE MONUMENT
SET AND MARKED RLS # 41643
- ≡ = DENOTES DELINEATED WETLAND
- > = DENOTES SANITARY SEWER LINE

■ = DENOTES BITUMINOUS SURFACE

▨ = DENOTES GRAVEL SURFACE

IMPERVIOUS CALCULATIONS:

TOTAL AREA = 13,285± SQ.FT. (0.31 ACRES)

EXISTING CONDITIONS:
IMPERVIOUS COVERAGE = 3,276 SQ.FT
GRAVEL = 3,276 SQ. FT.
IMPERVIOUS PERCENTAGE = 24.7 %
(3,276 / 13,285 = 0.2466)

EXISTING LEGAL DESCRIPTION (According to Doc. No. 976954):
Lot Thirteen (13), Eighteenth Addition to Breezy Point Estates, Crow Wing County, Minnesota.

EXISTING LEGAL DESCRIPTION (According to part of Doc. No. 952213):
Lot Fourteen (14), Eighteenth Addition to Breezy Point Estates.

SURVEYOR'S NOTES:

TOTAL PROPERTY AREA SURVEYED = 13,285± SQ. FT.

THE PID'S FOR THE SUBJECT PROPERTY ARE 10211047 AND 10211048.

THE WETLANDS ON THE SUBJECT PROPERTY ARE SHOWN ACCORDING TO THE WETLAND DELINEATION COMPLETED BY BEN MEISTER, CERTIFIED WETLAND DELINEATOR NO. 1031, ON NOVEMBER 03, 2022

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

ACCORDING TO THE CITY OF BREEZY POINT ZONING MAP, THE SUBJECT PROPERTY IS LOCATED WITHIN THE MEDIUM DENSITY RESIDENTIAL, R-2, ZONING DISTRICT.

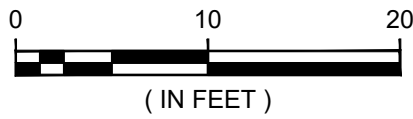
THE BUILDING SETBACK LINES ARE SHOWN ACCORDING TO THE CITY OF BREEZY POINT CITY CODE OF ORDINANCES

PELICAN LAKE IS CLASSIFIED AS A GENERAL DEVELOPMENT LAKE.

EXISTING CONTOURS AS SHOWN ARE FROM MINNESOTA STATE LIDAR BARE EARTH POINTS, NGVD29 DATUM.

CERTIFICATE OF SURVEY

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SECTION 21, TOWNSHIP 136, RANGE 28,
CROW WING COUNTY, MINNESOTA



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COORDINATE DATABASE NAD 83

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GEODETIC VERTICAL DATUM OF 1929
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▨ = DENOTES GRAVEL SURFACE

▩ = DENOTES CONCRETE SURFACE

↑ = DENOTES DRAINAGE DIRECTION ARROW

□ = DENOTES CATCH BASIN

⊞ = DENOTES TELECOMMUNICATIONS PEDESTAL

SURVEYOR'S NOTES:

TOTAL PROPERTY AREA SURVEYED = 13,285± SQ. FT.

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EXISTING CONTOURS AS SHOWN ARE FROM MINNESOTA STATE LIDAR BARE
EARTH POINTS, NGVD29 DATUM.

ACCORDING TO F.E.M.A. COMMUNITY PANEL NUMBER MAP NO. 27035C0300C
EFFECTIVE DATE AUGUST 15, 2017 THE PROPERTY IS WITHIN ZONE "X" (AREA
OF MINIMAL FLOOD HAZARD) AND WITHIN ZONE "A" (ZONE WITH BASE FLOOD
ELEVATION=1208.30).

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IMPERVIOUS CALCULATIONS:

TOTAL AREA = 13,285± SQ.FT. (0.31 ACRES)

EXISTING CONDITIONS:

IMPERVIOUS COVERAGE = 3,276 SQ.FT

GRAVEL = 3,276 SQ. FT.

IMPERVIOUS PERCENTAGE = 24.7 %

(3,276 / 13,285 = 0.2466)

PROPOSED CONDITIONS:

IMPERVIOUS COVERAGE = 3,168 SQ.FT

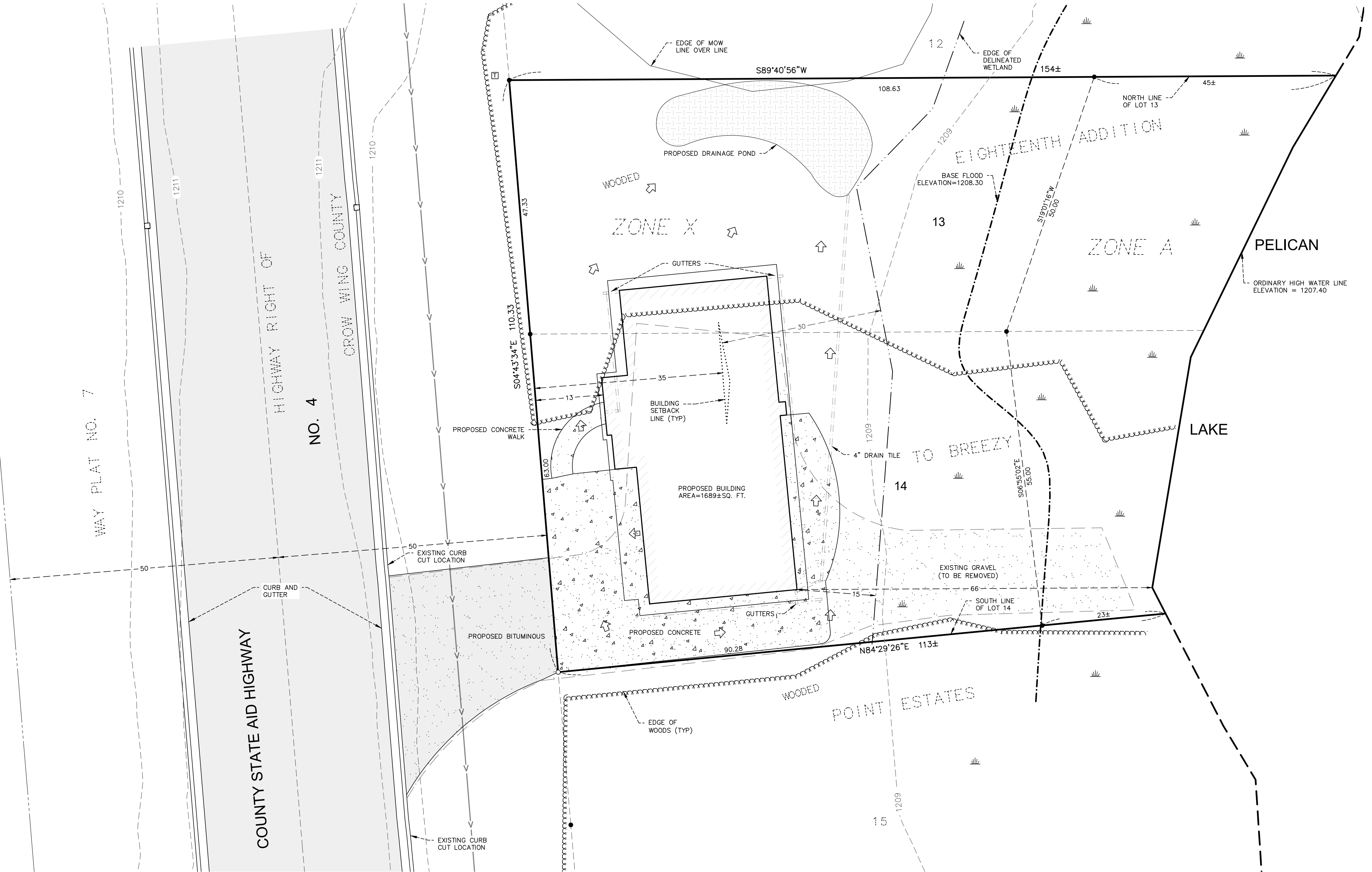
BUILDINGS = 2,095 SQ. FT.

CONCRETE = 1,073 SQ. FT.

IMPERVIOUS PERCENTAGE = 23.9 %

(3,168 / 13,285 = 0.2385)

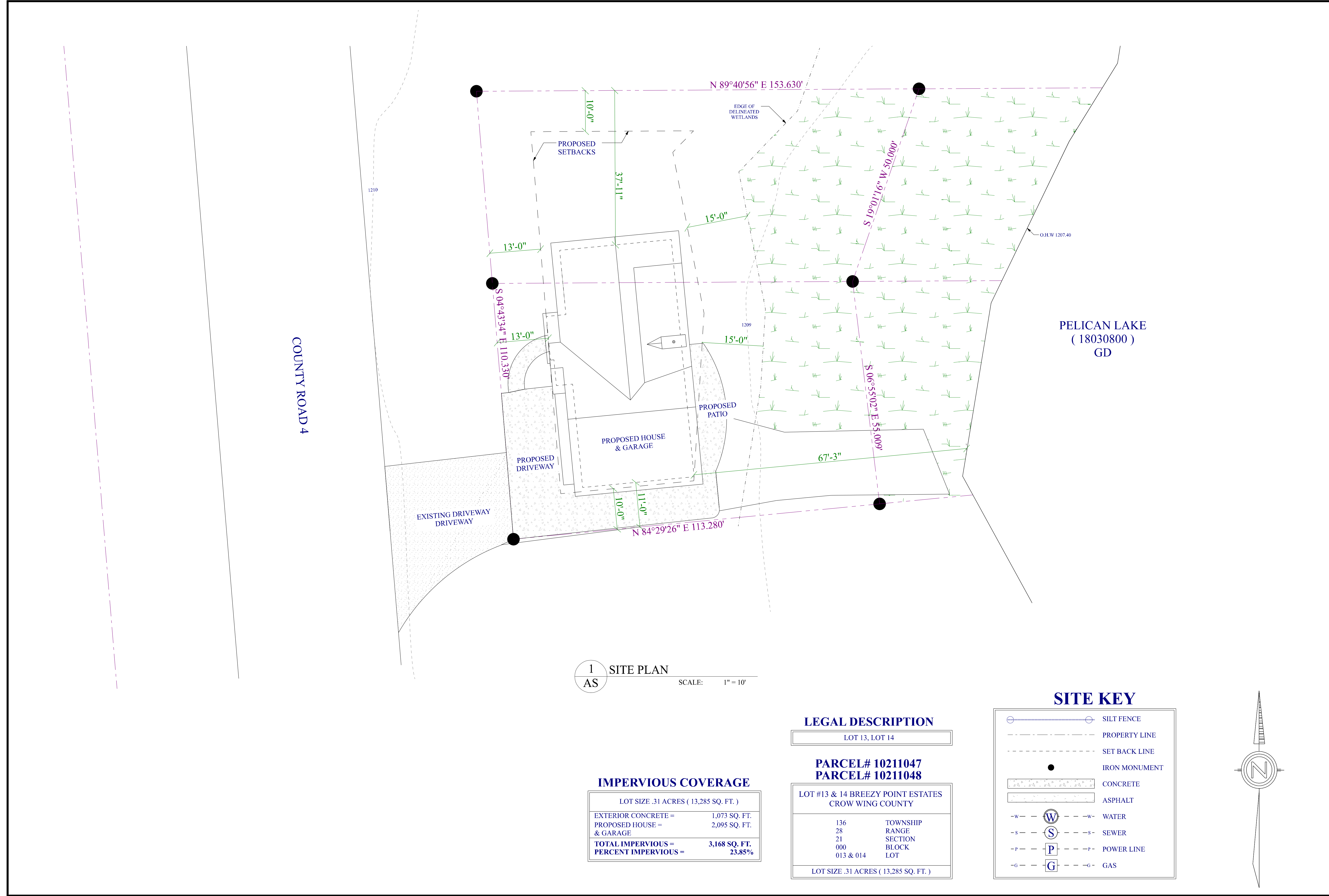
IMPERVIOUS CALCULATIONS INCLUDES THE
HORIZONTAL AREA OF BUILDINGS, PATIOS, WALKS,
DRIVEWAYS, AND OTHER PARKING AND DRIVES OF ANY
MATERIAL.



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DATE:	MARCH 29, 2023	DATE		AMENDMENTS		BY		PREPARED FOR:	SCHIMDT BROTHERS HOLDING LLC.
SCALE:	AS SHOWN							I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY	
DRAWN BY:	J.L.V.							ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED	
CHECKED BY:	C.M.C.							LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.	
FILE NUMBER:	2022-11640							CHAD M. CONNER	DATE: 03-29-2023 LIC. NO. 41643

WIDSETH
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS



GENERATION

A

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DESIGN BY: DOTTY
BROTHERS CONSTRUCTION
DATE: JANUARY 17, 2023
PRELIMINARY DOCUMENTS

DARRIN SCHMIDT
LOT #13 & 14
BREEZY POINT ESTATES
BREEZY POINT MN, 56472

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

DOTTY BROTHERS
Construction
OUR REPUTATION IS BUILT

AS
SITE PLAN

COUNTY ROAD 4

1210

S 04°43'34" E 110.330'

N 84°29'26" E 113.280'

N 89°40'56" E 153.630'

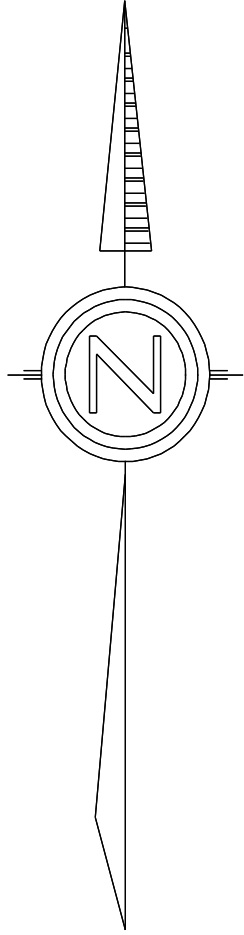
S 19°01'16" W 50.000'

S 06°55'02" E 55.009'

O.H.W 1207.40

1209

PELICAN LAKE
(18030800)
GD

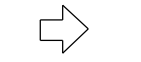


1
AW

STORM WATER MANAGEMENT PLAN

SCALE: 1" = 20'

KEY TO SYMBOLS

- GRADE SLOPE 
- ROOF/SLAB SLOPE 
- GUTTER / DOWN SPOUT 

IMPERVIOUS AREAS

- A** 777 SQUARE FEET IMPERVIOUS AREA PLANNED TO DRAIN INTO STORM DEPRESSION AREA #1.
- B** 570 SQUARE FEET IMPERVIOUS AREA PLANNED TO DRAIN INTO STORM DEPRESSION AREA #1
- C** 599 SQUARE FEET IMPERVIOUS AREA PLANNED TO DRAIN INTO STORM DEPRESSION AREA #1
- D** 705 SQUARE FEET IMPERVIOUS AREA PLANNED TO DRAIN INTO STORM DEPRESSION AREA #1
- E** 685 SQUARE FEET IMPERVIOUS AREA PLANNED TO DRAIN INTO STORM DEPRESSION AREA #1

STORMWATER DEPRESSIONS

- 1** 490 SQUARE FEET DREPRESSION AREA, AVERAGE DEPTH OF 12" = 3,665

STORMWATER DEPRESSIONS

EDGE OF DELINEATED WETLANDS

4" DRAIN TILE RUN UNDERGROUND TO STORMWATER DEPRESSION

GENERATION

A

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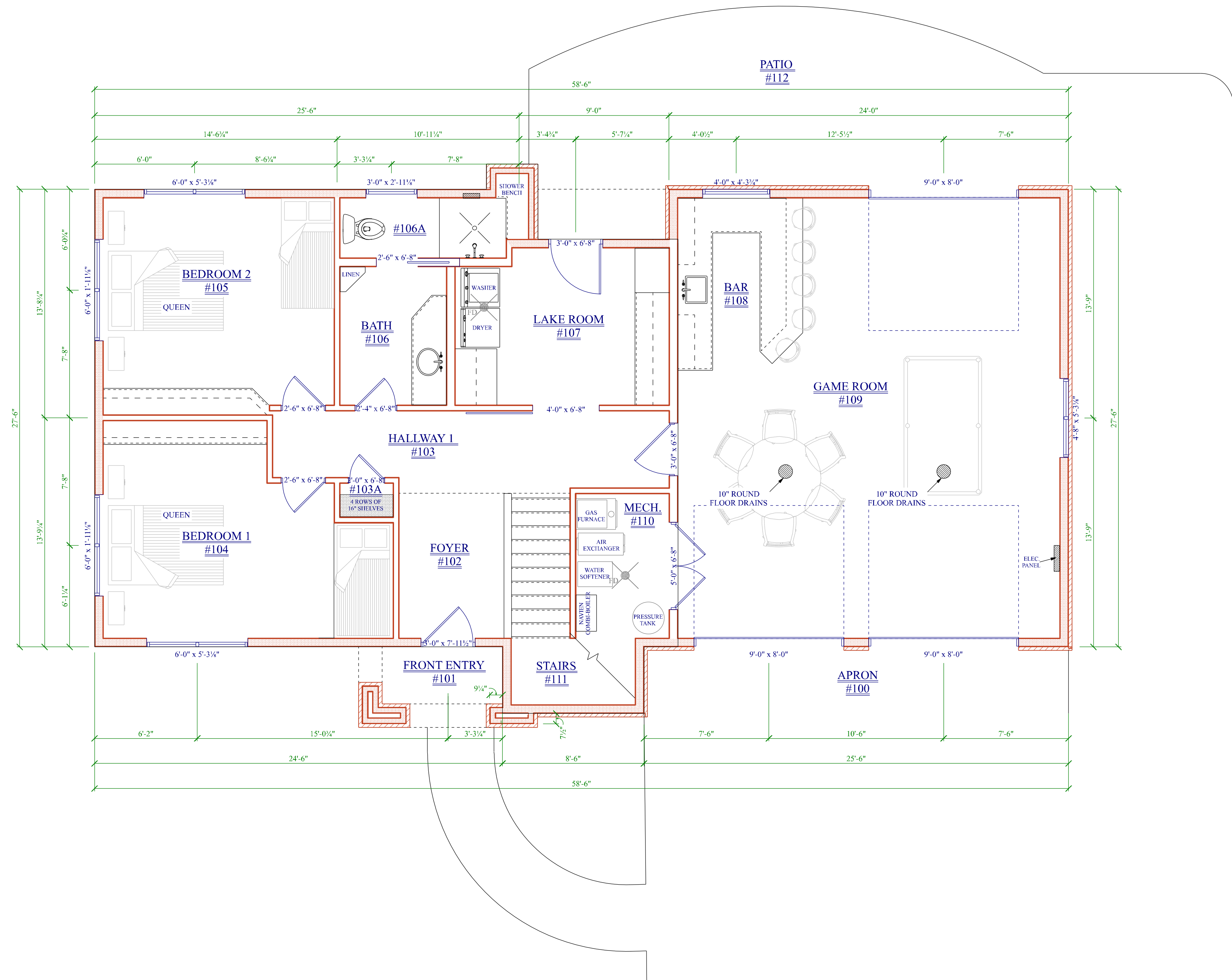
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AW
STORM WATER
MANAGEMENT
PLAN



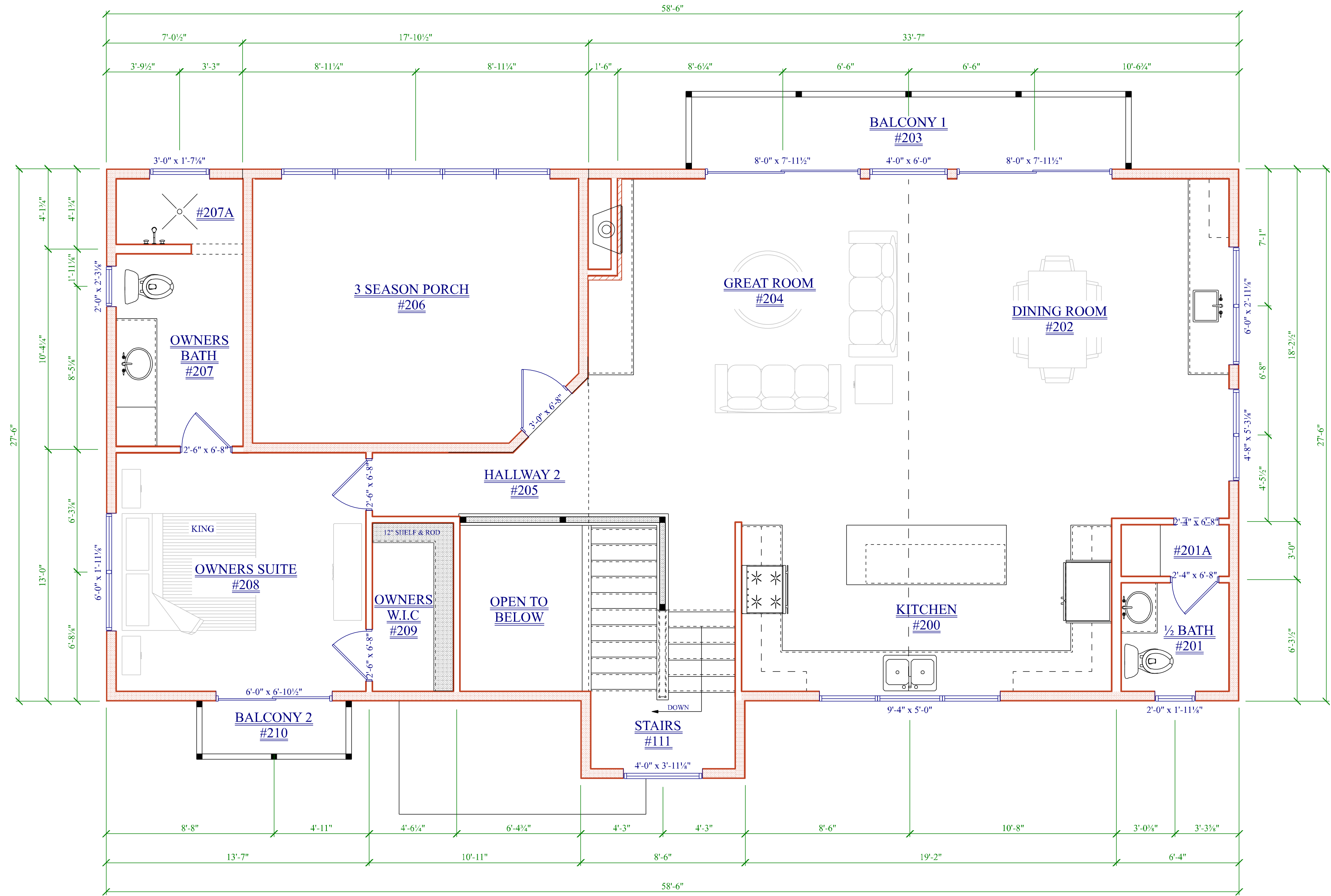
1
A MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

****VERIFY FLOOR OUTLET LOCATIONS WITH HOME OWNER****

FRAMING NOTES:

- EXTERIOR WALLS ARE DIMENSIONED TO OUTSIDE OF SHEATHING.
- INTERIOR WALLS ARE DIMENSIONED TO CENTER OF WALL.

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DARRIN SCHMIDT LOT #13 & 14 BREEZY POINT ESTATES BREEZY POINT MN, 56472	
LICENSE# BC062426 4593 MOREHOUSE DRIVE PEQUOT LAKES, MN 1-218-568-6160	
DOTTY BROTHERS Construction OUR REPUTATION IS BUILT	
 FLOOR PLAN	



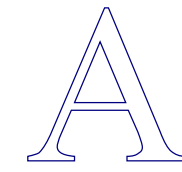
1
A UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"

VERIFY FLOOR OUTLET LOCATIONS WITH HOME OWNER

FRAMING NOTES:

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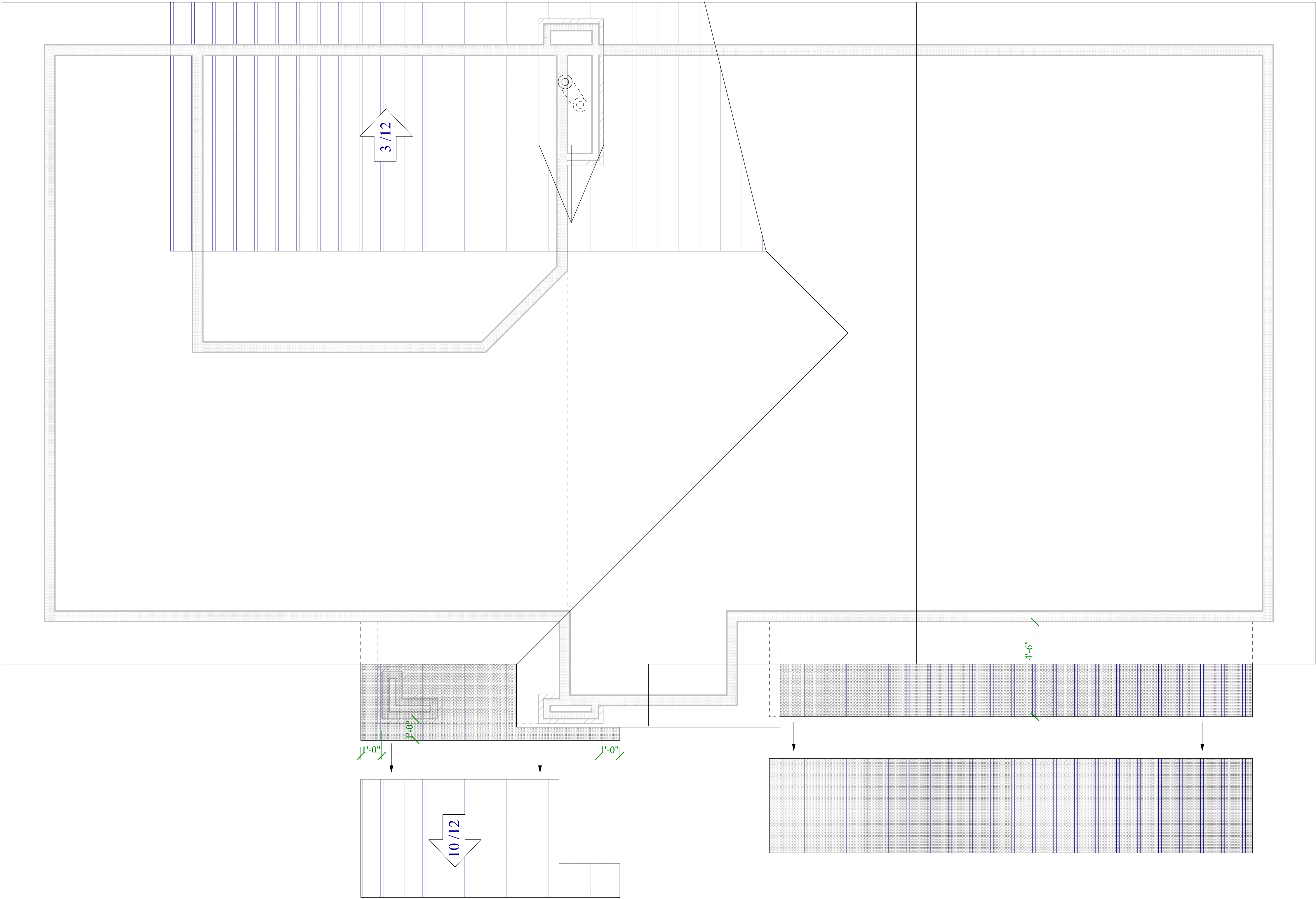
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Construction
OUR REPUTATION IS BUILT



UPPER FLOOR
PLAN



1
A

ROOF PLAN

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

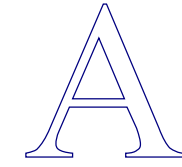
ROOFING NOTES

TRUSS MANUFACTURER IS RESPONSIBLE FOR FINAL LAYOUT AND DETAILS. ANY BRACKETS / BEAMS / OR HANGERS, ARE TO BE INCLUDED IN TRUSS PACKAGE.

- 42-10-10 ROOF LOADS.
- 24" O.C.
- ROOF PITCH 6/12 UNLESS NOTED.
- HOLD BACK 1/2" FOR SHEATHING.
- ALL OVERHANGS ARE 2'-0" UNLESS NOTED.
- 3 1/2" DROP GABLES ON ALL NON VAULTED GABLE ENDS.
- TRUSS BRACING PER TRUSS MANUFACTURER'S SPEC'S.

- 8x20x20 TIMBER TAILS. 

GENERATION



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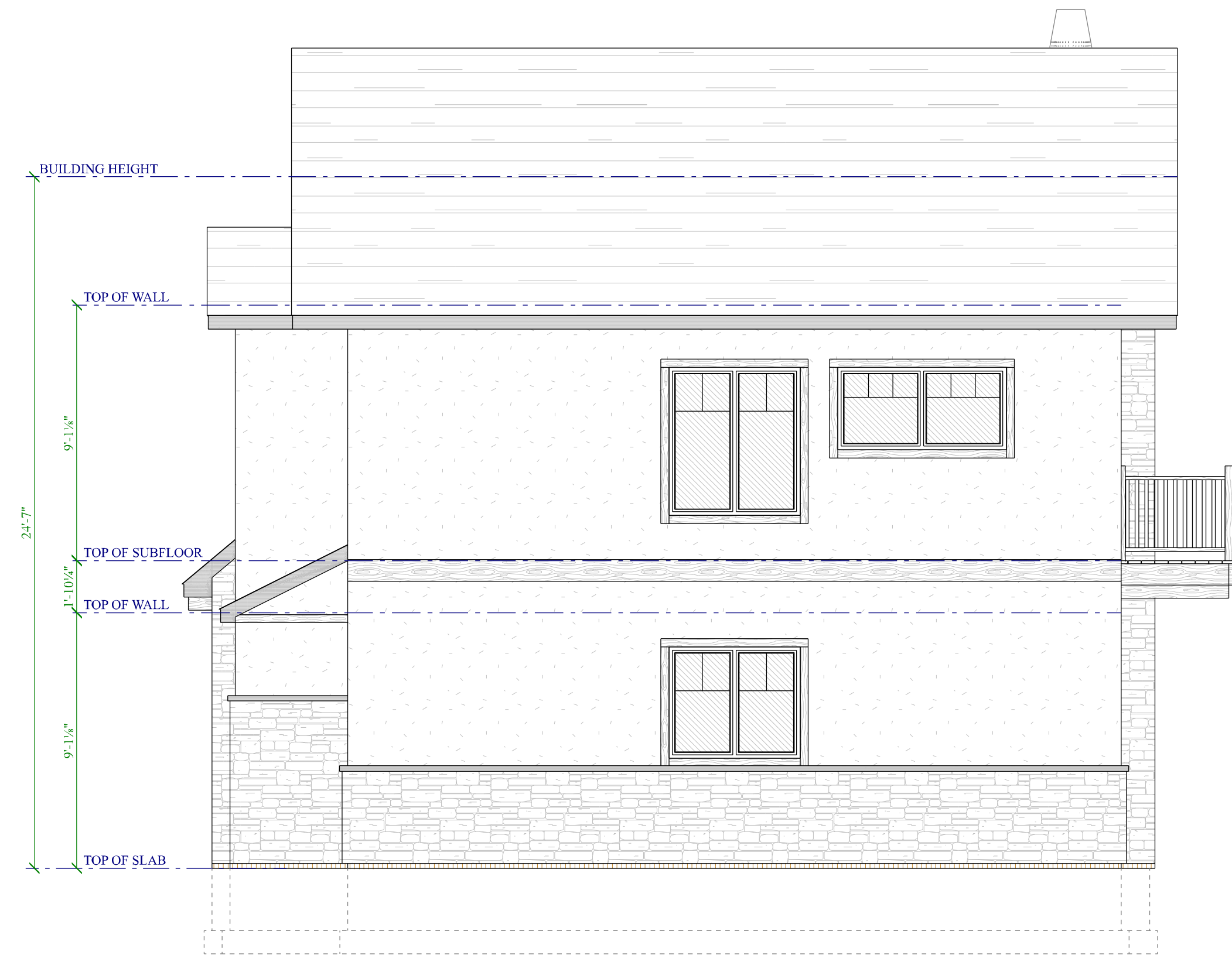
DOTTY BROTHERS
Construction
OUR REPUTATION IS BUILT



ROOF
PLAN



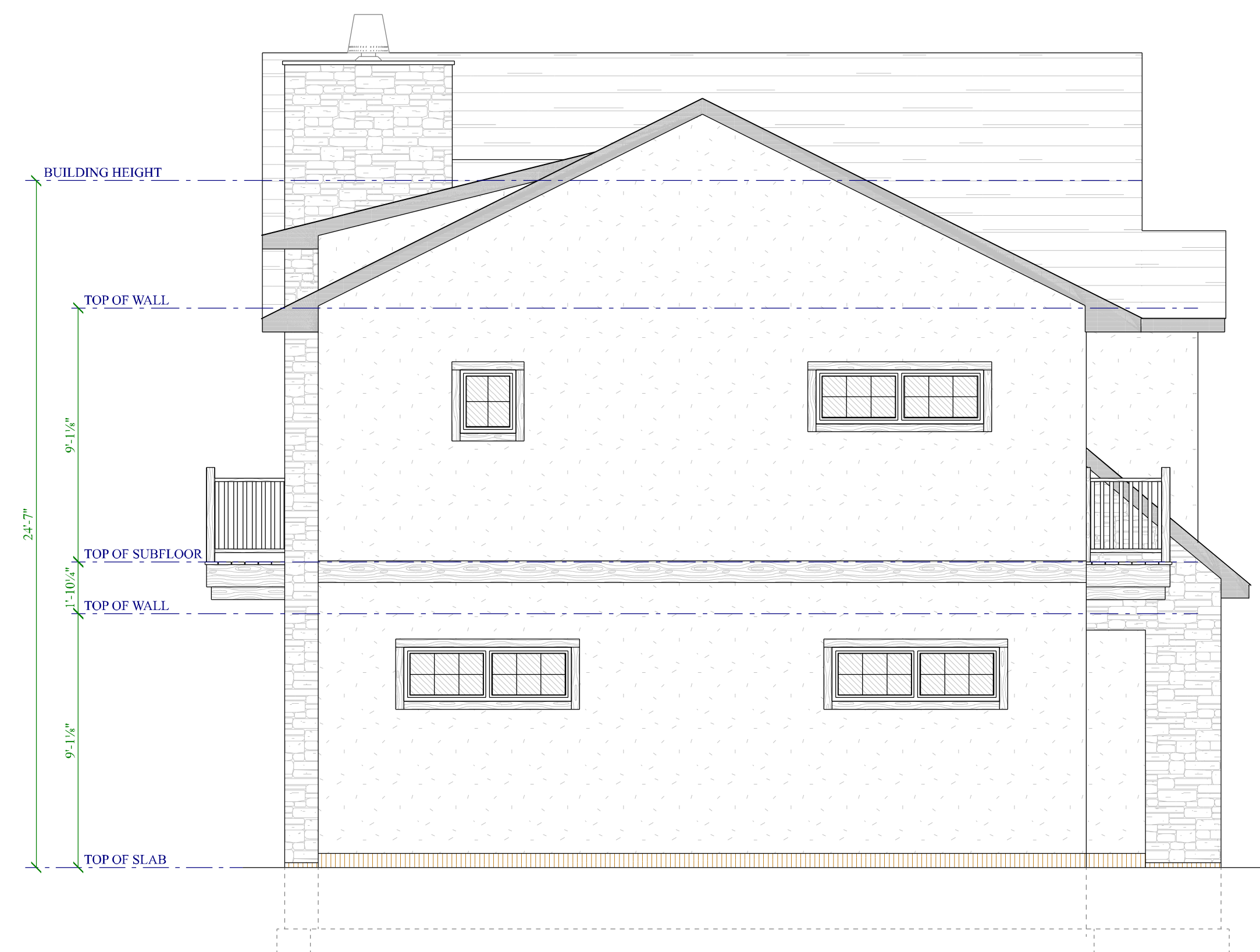
1
A FRONT ELEVATION
SCALE: 1/4" = 1'-0"



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

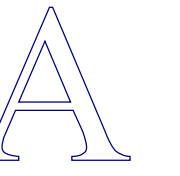


1
A REAR ELEVATION
SCALE: 1/4" = 1'-0"



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

GENERATION



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DESIGN BY: DOTTY
BROTHERS CONSTRUCTION
DATE: JANUARY 17, 2023
PRELIMINARY DOCUMENTS

DARRIN SCHMIDT
LOT #13 & 14
BREEZY POINT ESTATES
BREEZY POINT MN, 56472

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

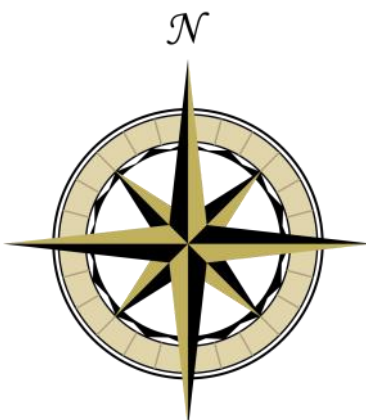
DOTTY BROTHERS
Construction
OUR REPUTATION IS BUILT



03/16/2023

PARCEL ID: 10211047 & 10211048
LEGAL: LOT 13, LOT 14

SCHMIDT - LOT #13 & 14 BREEZY POINT
ESTATES - PELICAN LAKE, BREEZY POINT



STORMWATER MANAGEMENT PLAN:

SCALE: 1/8" = 1'-0" PAGE SIZE: 24" X 36" (ARCH D)

IMPERVIOUS CALCULATIONS:

LOT SIZE: 0.31 ACRES
13,285 SF

PROPOSED IMPERVIOUS:

EXTERIOR CONCRETE:	1,073	SF
PROPOSED HOUSE & GARAGE:	2,095	SF
TOTAL IMPERVIOUS:	3,168	SF

TOTAL PERCENT IMPERVIOUS: 23.85%

BERMED PLANTING BED WITH
PRIVACY TREES AND PLANTS BERM
24" HIGH AT CENTER, TAPERING
DOWN WITH DOWN WITH WOOD
MULCH AND ALUMINUM EDGING

PROPOSED
SETBACKS

STORMWATER RETENTION
BED 490 SF X 12" DEPTH =
3,665 GALLONS

EDGE OF
LINEATED
WETLANDS

EXISTING
VEGETATION
TO REMAIN

PELICAN LAKE
(18030800)
GD

15' WIDE GRASS
LAKE ACCESS PATH

PROPOSED HOUSE
& GARAGE

PROPOSED
PATIO

PROPOSED
DRIVEWAY

EXISTING DRIVEWAY

PROPOSED
ENTRY WALK

PLANT LIST & IMAGES:

Code:	Qty:	Common Name:	Height:	Spread:	Foliage:	Fall Color:	Flower:
Trees & Shrubs:							
A	2	Fir, Balsam	50'	20-25'	Green	Evergreen	NA
B	4	Hydrangea, Bobo	2-3'	3-4'	Green	NA	White
C	2	Lilac, Miss Kim	6-8'	5-6'	Dark Green	Burgundy	Purple
D	1	Maple, Hot Wings	20'	16'	Green	Yellow-Red	Yellow-White
E	1	Spruce, Dwarf Blue Globe	3-5'	5-6'	Blue	Evergreen	NA
F	2	Spruce, Norway	60-80'	25-30'	Green	Evergreen	NA

Code:	Qty:	Common Name:	Height:	Spread:	Foliage:	Bloom Time:	Bloom Color:
Perennials, Grasses & Vines:							
G	2	Aralia, Sun King	36"	36"	Golden-Yellow	Aug-Sept	White
H	3	Astilbe, Fanal	20"	15"	Bronze-Green	June-Aug	Red
I	6	Grass, Miscanthus Flame	48"	48"	Green	August	Silver
J	3	Hemerocallis, Happy Returns	18"	18-24"	Green	July-Aug	Yellow
K	3	Hemerocallis, Mighty Chestnut	30"	18-24"	Green	July	Red-Orange
L	6	Rudbeckia, Goldsturm	30"	18"	Green	July-Sept	Yellow
M	1	Sedum, Autumn Joy	18"	18"	Green	Aug-Sept	Bronze-Red

* Plant varieties are subject to change pending availability during time of installation.



A - FIR



B - HYDRANGEA



C - LILAC



D - MAPLE



E - SPRUCE, GLOBE



F - SPRUCE, N



G - ARALIA



H - ASTILBE



I - GRASS



J - HEMERO. HR



K - HEMERO. MC



L - RUDBECKIA



M - SEDUM

3-D IMAGES OF PROPOSED WORK:





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Jerry Bohnsack

From: Matt Kallroos <Matt.Kallroos@crowwing.us>
Sent: Monday, May 1, 2023 9:11 AM
To: Deb Runksmeier; planner
Cc: cityadmin
Subject: RE: RESCHEDULED - City of Breezy Point - Schmidt Variance Application Hearing Date - May 9

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.

Good morning,

Please see comment below related to the Schmidt Brothers Variance Application.

The County Highway Department does not support the road right of way setback variance. In reviewing neighboring parcels, it was deemed nearly all were meeting road right of way setback requirements. The Highway Department has concerns with drainage and snow storage for this variance as well. Also, it is possible that parcels with similar characteristics to the South may seek similar variance requests if this variance request is approved, thus further straining drainage and snow storage concerns. Lastly, in reviewing the landscape plan the Highway Department noticed proposed trees and bushes being planted in the County Road right of way which would not be permitted.

Is the hearing still scheduled for May 9th? I have not seen any updates, thanks!

Matt Kallroos
Transportation Planner

Office: (218)824-1110
 Direct: (218)822-2694
www.crowwing.us

Crow Wing County Highway Department
 16589 County Road 142
 Brainerd, MN 56401

We value your opinion, please let us know how we are doing by taking our [Customer Service Survey](#).



Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.

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From: Deb Runksmeier <drunksmeier@cityofbreezypointmn.us>
Sent: Thursday, March 30, 2023 1:55 PM
To: planner <planner@cityofbreezypointmn.us>

Jerry Bohnsack

From: Deb Runksmeier
Sent: Thursday, March 30, 2023 8:02 AM
To: planner
Subject: FW: City of Breezy Point - Schmidt Variance Application

Follow Up Flag: Follow up
Flag Status: Flagged

From: Frie, Jacob (DNR) <Jacob.Frie@state.mn.us>
Sent: Wednesday, March 29, 2023 5:05 PM
To: Deb Runksmeier <drunksmeier@cityofbreezypointmn.us>
Cc: MN_Ordinance Review (DNR) <ordinance.review.dnr@state.mn.us>
Subject: RE: City of Breezy Point - Schmidt Variance Application

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.

Good afternoon Deb:

The Minnesota DNR has reviewed the variance application for Schmidt property proposed new dwelling construction on Pelican Lake.

It appears that the proposed dwelling is located above/outside the flood fringe district of 1,208.3 (NGVD 29 datum), below the 25% maximum impervious threshold, and has minimum encroachment within the 75 foot setback to Pelican Lake by proposing to further encroach into the public road right-of-way setback through an additional variance request. The proposed location of the dwelling is also located in a portion of the lot that minimizes encroachment to OHW setback.

If approved, the DNR recommends the following conditions to ensure enhanced conformance with local and state Shoreland Rules:

- 1.) The proposed stormwater management plan must be implemented by the time of permit expiration or upon substantial completion of the project, whichever is sooner.
- 2.) The existing gravel from the front (lake) side of the proposed patio and lakeward must be removed by the time of permit expiration or upon substantial completion of the project, whichever is sooner. Within the Shore Impact Zone (SIZ) (37.5 feet from OHW), the area of gravel removal must be re-seeded to an approved native / natural seed mix for shoreland buffer protection, except for a 8 foot corridor to allow for a 4 foot walkway.
- 3.) No portion of the proposed dwelling shall be below the base flood elevation (BFE). If it is, it must meet all flood fringe district elevation requirements including a 15 foot fill pad and lowest elevation not to be below the regulatory flood plain elevation (RFPE).
- 4.) Both lots must be consolidated at the time of permit application to avoid after-the-fact property line encroachments and variances for side-lot setback issues.

Thank you.

Jacob Frie

Area Hydrologist | Division of Ecological and Water Resources

Jerry Bohnsack

From: Joseph J. Langel <jjl@ratwiklaw.com>
Sent: Thursday, April 6, 2023 11:21 AM
To: Jerry Bohnsack
Cc: David Chanski
Subject: RE: Schmidt Variance Application

Follow Up Flag: Follow up
Flag Status: Flagged

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Jerry,

Subpart 153.006(A)(2) is a little unclear. It's initial focus is on whether a single lot can be considered for development. Here, however, there is no such request because the applicant bought two lots and the proposed house crosses the lot line. Subpart (D) may apply, meaning "covenants" shall be filed with the County Recorder to the effect that these two lots cannot be split apart moving forward. If the City has an administrative lot consolidation procedure, perhaps that could be considered as part of this process.

Joe



Ratwik, Roszak & Maloney, P.A.

Joseph J. Langel

Ratwik, Roszak & Maloney, P.A.

444 Cedar St., Suite 2100

St. Paul, MN 55101-1865

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From: Jerry Bohnsack <jbohn sack@cityofbreezypointmn.us>
Sent: Thursday, April 6, 2023 10:30 AM
To: Joseph J. Langel <jjl@ratwiklaw.com>
Cc: David Chanski <dchanski@cityofbreezypointmn.us>
Subject: RE: Schmidt Variance Application

Thanks Joe

I am wondering if or how 153.006 -2 should also be applied to the variance request?

Jerry

From: Joseph J. Langel <jjl@ratwiklaw.com>
Sent: Wednesday, April 5, 2023 9:57 PM
To: planner <planner@cityofbreezypointmn.us>
Subject: Schmidt Variance Application

29-442 CORREY
 29-372 CORREY

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.

Hi Jerry,

I reviewed the application, preliminary plan set, and those portions of the City Code concerning the R-2 zoning requirements and variance applications. From what I reviewed, it appears this application satisfies the requirements for receiving a variance.

These two lots were platted in 1965, before the current zoning ordinance was adopted. Under the Zoning Ordinance, the ROW setback from a county road is 35' and the setback from a wetland is 30'. Based on those two setbacks, the buildable area on these two lots (as combined) is almost non-existent. In other words, while these two lots may have been usable when platted, subsequent zoning standards have rendered them essentially unbuildable.

The two variances sought are to reduce the county ROW setback from 35' to 13' and to reduce the wetland setback from 30' to 15'. Those are pretty sizable variances, but they allow for a residential structure that is not overly large front-to-back.

By statute, a variance applicant must demonstrate practical difficulties with complying with the zoning ordinance. That term means (1) the owner proposes to use the property in a reasonable manner not allowed under the ordinance; (2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (3) a variance will not alter the essential character of the locality. Minn. Stat. § 462.357, subd. 6(2).

Here, the applicant wants to use the two lots for residential purposes but cannot because of the two setback requirements. Residential purposes are reasonable in the R-2 zoning district.

The applicant's plight is due to the application of the current zoning restrictions to lots platted in 1965, long before the current standards were adopted. These circumstances are unique to the property and were not created by the applicant.

A variance to allow a lake home would not alter the essential character of the nearby lake homes. The statutory factors therefore appear to be satisfied.

Under the City code (section 153.120), several factors have to be considered for variances including: (1) strict application of the ordinance would be impractical because of circumstances relating to size, shape, topographic or other characteristics of the property; (2) a deviation from the ordinance will still be in keeping with the intent of the ordinance; and (3) the variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance. These three factors appear to be satisfied as well. The characteristics of the lots (which have a great deal of wetland on them) make them effectively useless for building a structure. Changing the setbacks would allow a lake home, which is consistent with the zoning. And reasonable use of this residential property does not exist because no house can be built under existing setbacks.

Based on the unusual nature of these two lots, I would recommend approval of the two variances.

Let me know if you have any questions.

Joe

City of Breezy Point
Notice of Public Hearing
Tuesday, May 9, 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, May 9, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

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

Variance Application V-23-002 Christopher Cullen. Lots 82 and 83 Fourth Addition to Breezy Point Estates. Parcel 10210849 (corner Aspen Ln & Birch Ln) Request to construct dwelling and attached garage on 15,315 sq. ft. parcel in R-3 Zone 16,000 sq. ft. parcel required by ordinance.

Conditional Use permit Application C-23-002 Pat Pfeiffer 29833 Lakeshore Drive. Lots 18-21 Block 3 Breezy Point Club. Parcel 10211159. Request to construct accessory structure 15-20 ft height. R-3 Zone.

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

Resubmitted by:
Darin Schmidt
April 17th, 2023

Section 8, Item A.



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

Received by City: 03/17/2023
Application Number: V-23-001
Non-refundable Fee Paid: 250.00
Receipt #: 21563

Variance Application

Name of Applicant Schmidt Brothers Holdings LLC.
Address 3509 W. Hwy 13
City, State, Zip Burnsville, MN 55337
Phone 507-312-0460 Alternate Phone _____

Physical Address / Location of Property Parcel #10211047, Breezy Point, MN 56472

Legal Description of Property EIGHTEENTH ADDITION TO BREEZY POINT EST LOT 14 & Lot 13

Parcel ID Number 10211047 10211048- Zoning District R2

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?
We are proposing a new custom home and attached garage.

Signature of Owner, authorizing application

Darin Schmidt

(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 hardship as the follows: "A hardship exists if the property in question cannot be reasonably utilized under the conditions allowed by the official controls, if the plight of the landowner is due to circumstances unique to the property

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

The following questions must be answered.

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

Building: Building a new custom home with attached garage.
Landscaping: Complete landscaping design.
Parking/Signs: Driveway parking only.

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

The depth of the property from East to West is not large enough to allow for a building envelope that is buildable due to the ordinance required setbacks. The ordinance came into effect after the lot was platted.

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

The ordinance is written to allow reasonable use of the property. Due to restrictions written in the ordinance, it does not allow the owners reasonable use of the property, and a variance is needed to build a home on the lot.

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

The ordinance doesn't allow for any type of structure on the lot due to the setbacks required for that zoning district.

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

There are no Conforming options. We discussed filling some of the lot but chose this option because it is the least intrusive.

6. 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 use & enjoyment will be consistent with the neighboring properties, which is residential housing.

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?

Character is consistent with all neighboring residential housing properties . The proposal is a residential house with a complete

landscape design and storm water management plan. There are three neighboring properties that also have approved variances. An approved variance would be consistent within this area.

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

There is a wetland on the property on the East side that requires us to move West and we don't have another area large enough to meet all city setbacks.

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

Owners received this lot as a part of another home they purchased on the golf course and they didn't know about the minimal requirements. They have since purchased the adjacent property to double the size of the lot area and are still not able to meet all city ordinance requirements.

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

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | 1. This application must be completed, including responses to all parts of this application. |
| <input checked="" type="checkbox"/> | 2. The required fee must be paid. See fee schedule for details. |
| <input checked="" type="checkbox"/> | 3. Certificate of Survey with the following information, as a minimum, unless waived by the Planning Commission / Board of Adjustment. |
| <input checked="" type="checkbox"/> | Legal description of the site. |
| <input checked="" type="checkbox"/> | 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). |
| <input checked="" type="checkbox"/> | Location of all structures and their square footage. |
| <input checked="" type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | Proposed drainage plan. |
| <input checked="" type="checkbox"/> | Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day. |
| <input checked="" type="checkbox"/> | Soils data showing capability for building and on-site sewage treatment. |
| <input checked="" type="checkbox"/> | Existing iron pipe boundary monuments marked with proof of survey. |
| <input checked="" type="checkbox"/> | Approximate location of any proposed signs (if applicable). |
| <input checked="" type="checkbox"/> | 4. Color scheme for all existing and proposed structures. |
| <input checked="" type="checkbox"/> | 5. Outside storage proposal. |
| <input checked="" type="checkbox"/> | 6. Elevation plans for all existing and proposed structures. |

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of May 9, 2023

Variance Request 2023-001

Applicant: Darin Schmidt (Schmidt Brothers Holdings LLC)
Legal Description: Lots 13 – 14 Eighteenth Addition to Breezy Point Estates
Address: TBD County Road 4, Breezy Point MN 56472
Property Identification Number (PIN): 10211048 & 10211049
Zoning: Residential Medium Density (R-2 Sewered)
Applicable Code: 153.004A, 153.120, 153.044, 153.045

Request:
Construct Dwelling and attached garage 13 feet from ROW County Rd 4, 15 feet from Delineated Wetland.

Property:
The property is 2 vacant lots that were created in 1965 as part of the 18th Addition to Breezy Point Estates. The property is located between 29442 (N) and 29372 (S) County Road 4. Sanitary Sewer was installed in County Road 4 in 1978. Each Lot was assessed \$1,438.20 for sewer. Mr. Schmidt acquired Lot 14 as part of a larger real estate transaction in 2022. The intent is to consolidate Los 13 and 14. Portions of the property are located in the designated flood zone. The total square footage of the combined lots is 13,285 ft.

Mr. Schmidt is requesting Variances to allow dwelling construction of property that does not contain a building envelope.

Variances requested:
Wetland 15 ft.
ROW 13 ft.
Lot Size 13,285 ft.

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

- Setbacks per zoning ordinance:
- Road ROW County 35 feet
 - Side 10 feet
 - Wetland 30 feet
 - Impervious Coverage 25%
 - Ordinary High Water (OHW) 50 feet
 - Lot Size Existing Lot 15,000 sq. ft.

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) Building envelope does not exist but for the use of Variances.
- 3) The proposed impervious coverage is 23.85%
- 4) The closest dwelling on either side of the proposed structure are N 47 ft. +- and S 50 ft. +- from ROW.
- 5) The proposed use is a permitted use in R-2 Zone.
- 6) The proposed plans have been submitted to MN DNR, City Attorney, Crow Wing County Highway and Wetlands.
- 7) Mailed and published Notice of Public Hearing to consider request was given and hearing was held May 9, 2023.
- 8) An alternative to variance may exist. Applicant could pursue a wetland replacement plan. Whereby a small portion of the delineated wetland is filled. The plan may utilize the purchase of wetland credits or creation of additional wetlands within the watershed.

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

The Planning Commission / Board of Adjustment finds that no practical difficulty exists, the property is unbuildable because it lacks an acceptable building envelope and lake access is a reasonable use of the property. Applicant could create wetland replacement plan to negate the need for variances or minimize the variances.

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

- 1) The subdivision was created prior to zoning and subdivision regulations. (1965)
- 2) Municipal sewer was installed in County Road 4 in 1978. Lots were special assessed for sewer service.
- 3) Proposed impervious coverage is Less than 25%.
- 4) The Request is in harmony with general purpose and intent of official controls and consistent with comprehensive plan.
- 5) The property owner is proposing to use the property in a reasonable manner
- 6) The plight of the owner is due to circumstances unique to the property not created by the owner.
- 7) The Variance of granted will not alter the essential character of the locality.
- 8) The practical difficulty is _____
- 9) If approved the following may be conditions of approval:
 - a) Minimum elevation of lowest floor 1210
 - b) Elevation and building setbacks to be set and staked by registered surveyor
 - c) The proposed stormwater management plan must be implemented by the time of permit expiration or upon substantial completion of the project, certificate of occupancy, whichever is sooner.
 - d) The existing gravel from the front (lake) side of the proposed patio and lakeward must be removed by the time of permit expiration or upon substantial completion of the project, whichever is sooner. Within the Shore Impact Zone (SIZ) (37.5 feet from OHW), the area of gravel removal must be re-seeded to an approved native /natural seed mix for shoreland buffer protection, except for a 8 foot corridor to allow for a 4 foot walkway.
 - e) No portion of the proposed dwelling shall be below the based flood elevation (BFE). If it is, it must meet all flood fringe district elevation requirements including a 15 foot fill pad and lowest elevation not to be below the regulatory flood plain elevation (RFPE).
 - f) Both lots must be consolidated at the time of permit application to avoid after-the-fact property line encroachments and variances for side-lot setback issues.
 - g) Building permit to be obtained and building to conform to Minnesota State Building Code.
 - h) Rectify the current wetland violation.

Planning Commission/Board of Review Direction

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

City of Breezy Point
Notice of Public Hearing
Tuesday, May 9, 2023, 7:00 p.m.
Breezy Point City Hall

Whom It May Concern:

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Conditional Use permit Application C-23-002 Pat Pfeiffer 29833 Lakeshore Drive. Lots 18-21 Block 3 Breezy Point Club. Parcel 10211159. Request to construct accessory structure 15-20 ft height. R-3 Zone.

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



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: Ap 24 - 2
Application Number: V 23-002
Non-refundable Fee Paid: 250.00
Receipt #: 21626

Variance Application

Name of Applicant Christopher Cullen
Address 31310 Summer Dr
City, State, Zip Breezy Point, MN 56472
Phone 218-839-1222 Alternate Phone 838-8218

Physical Address / Location of Property Corner of Aspen + Birch Ln
P.T.D. 10210849

Legal Description of Property Fourth addition to Breezy Point Estates, Lot 82+83

Parcel ID Number 10210849 Zoning District R3

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?

Would like to build a 3 bedroom 2 Bath home, with a 2 Stall garage.

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 hardship as the follows: "A hardship exists if the property in question cannot be reasonably utilized under the conditions allowed by the official controls, if the plight of the landowner is due to circumstances unique to the property

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

The following questions must be answered.

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

Building: Would like to build new, no existing structures
 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?

Parcel size is too small. Current zoning will issue or permit for a home to be built with a lot size of 16,000 sq. feet. The subject property/lot is 15,314 sq. feet.

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

Aide from the size of the lot, all other codes & ordinances are met. The intended use of the lot will be met.

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

I am unable to use the lot if I am unable to build.

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

I could try to buy more land, the neighboring lot owner was not interested. There are no other options.

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

Building a new home in the neighborhood will help increase property value and add to the neighborhood.

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

This house is consistent in quality and size for all neighborhoods in Breezy Point.

Building this home will add to the community and bring another affordable home to our community.

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

There is no environmental impact concerns.

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

These homes are very nice. They offer a quality one local option that are also affordable. To view a similar model look at: 325 Evelyn Ave W. Pine River, MN 56474 MLS: 6342975

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. - Earth tone
- ☒ 5. Outside storage proposal. - Garage on site plan
- ☐ 6. Elevation plans for all existing and proposed structures.

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of May 9, 2023

Variance Request 2023-002

Applicant: Christopher Cullen
Legal Description: Lots 82 & 83 Fourth Addition to Breezy Point Estates
Address: TBD County Road 4, Breezy Point MN 56472
Property Identification Number (PIN): 10210849
Zoning: Original Neighborhood (R-3 unsewered)
Applicable Code: 153.033, 153.044, 153.045, 153.006(A)

Request:
Construct Dwelling and attached garage on consolidated lots 82 and 83. Parcel is 15,215 sq. ft. (20,000 sq. ft. is required lot size by ordinance) Preexisting lots qualify for less if at least 80% lot area (16,000). Requested Variance from 16,000 sq. ft. area Applicant is proposing on site septic.

Property:
The property is located SE corner of Aspen Lane and Birch Lane. Lots 82 & 83 have been consolidated to equal 15,315 sq. ft. Municipal sanitary sewer is currently located at Birch Lane and County Road 4 and / or Lakeshore Drive and Aspen Lane.

Zoning:
The property is currently Zoned Original Neighborhood (R-3 unsewered).

- | | |
|-----------------------|----------------|
| • Lot Size | 20,000 sq. ft. |
| • ROW | 35 feet |
| • Rear | 35 feet |
| • Side | 10 & 15 feet |
| • Impervious Coverage | 25% |
| • Building Height | 35 feet |

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

Variance Review:

- Variance Review §153.120 E 1-5

(E) Variances shall be decided within a reasonable time with considerations for the following:

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

Note:

R-3 Zone (unsewered) Minimum Lot Size 20,000

153.006 Use of preexisting lots.

- A. Outside of shoreland, a preexisting lot of record shall be considered for a zoning permit without requiring a variance from lot size provided it has at least 80% of required lot area and lot width as defined by ordinance, all required zoning provisions can be met and sanitary provisions can be met and sanitary provisions for well and sewage disposal can be maintained.

153.006 A. Currently allows for deviation from minimum size lot 20,00 sq. ft. to 16,000 sq. ft.

Question: Should a further deviation be allowed through use of variance? If so, How much?

Question: If further deviations are to be allowed, might a better alternative be a revision to % in 153.06 A.

It should be noted that the city is currently undertaking a sewer expansion study. The Aspen Lane and Birch Lane area are areas for potential expansion.

Findings:

- 1) The applicant contends that the practical difficulty is _____
- 2) The proposed structure meets applicable setbacks.
- 3) Impervious coverage is proposed to be 17% +-
- 4) Site plan indicates a building envelope.
- 5) Proposed parcel is 76.5% of 16,000 sq. ft.

The following may be used to support denial of Variance.

The Planning Commission / Board of Adjustment finds that no practical difficulty exists.

Future expansion of municipal sewer in Aspen Lane and Birch Lane will be under consideration. Sewer expansion would negate necessity for Variance.

The Planning Commission / Board of Adjustment may use the following to support Approval of Variance:

- 1) The property preexists current subdivision and zoning regulations.
- 2) The impervious coverage does not exceed 25%.
- 3) The practical difficulty is _____.
- 4) Proposed structure conforms to setbacks.
- 5) The proposed use is a reasonable use and consistent with the neighboring properties.

If approved the following may be used to support Approval of the Variance:

- 1) Building permit to be obtained structure to conform to site plan submitted. Minnesota State Building Cod to Apply.
- 2) Other.

Planning and Zoning Commission

May 3, 2023

In Regards to: Chris Cullen request for zoning variance

My name is Kris Dietz.

My husband Tom and I live at 29699 Aspen Lane in Breezy Point.

In the Summer of 2021, Chris Cullen and Travis Hoffarth approached my driveway in a golf cart.

They engaged me in a conversation. I mentioned his "FOR SALE" sign directly across the (very small) road from my driveway. I told them that I was not happy to see this as I enjoy the trees and wildlife here.

Chris told me that he was considering buying the land and "building a small home there to rent out". I told him that this was even worse news to me. The road is not wide. The parcels are not large.

There are currently only 3 homes on Aspen Lane. This is because Aspen Lane is not large enough to support additional homes.

The zoning ordinance states that lots must be 16 thousand square feet to build a home there. These lots are less than 16 thousand square feet. I would invite you to drive down Aspen Lane and look at the lots. Look at the proximity to my (and my neighbor's) driveway. Please consider the safety of my neighbor's 3 kids. Please consider the peace and quiet that will likely be disrupted by having a rental with strangers in and out all season.

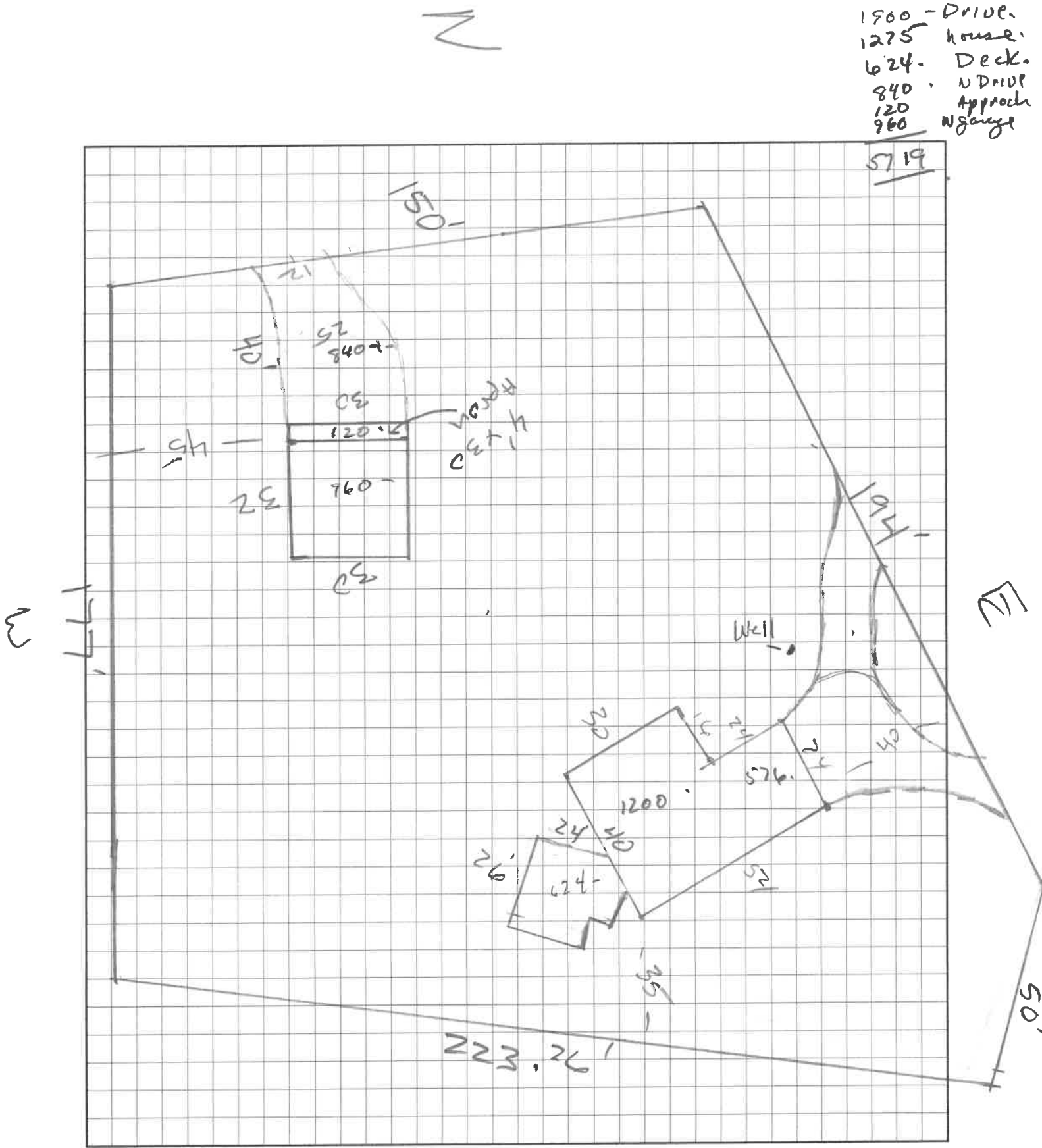
In addition to the lots referenced above, Chris Cullen recently purchased the home at 29641 Aspen Lane. This home is on the corner of Aspen and Lakeshore Dr. His intent is to turn this small cabin into another rental.

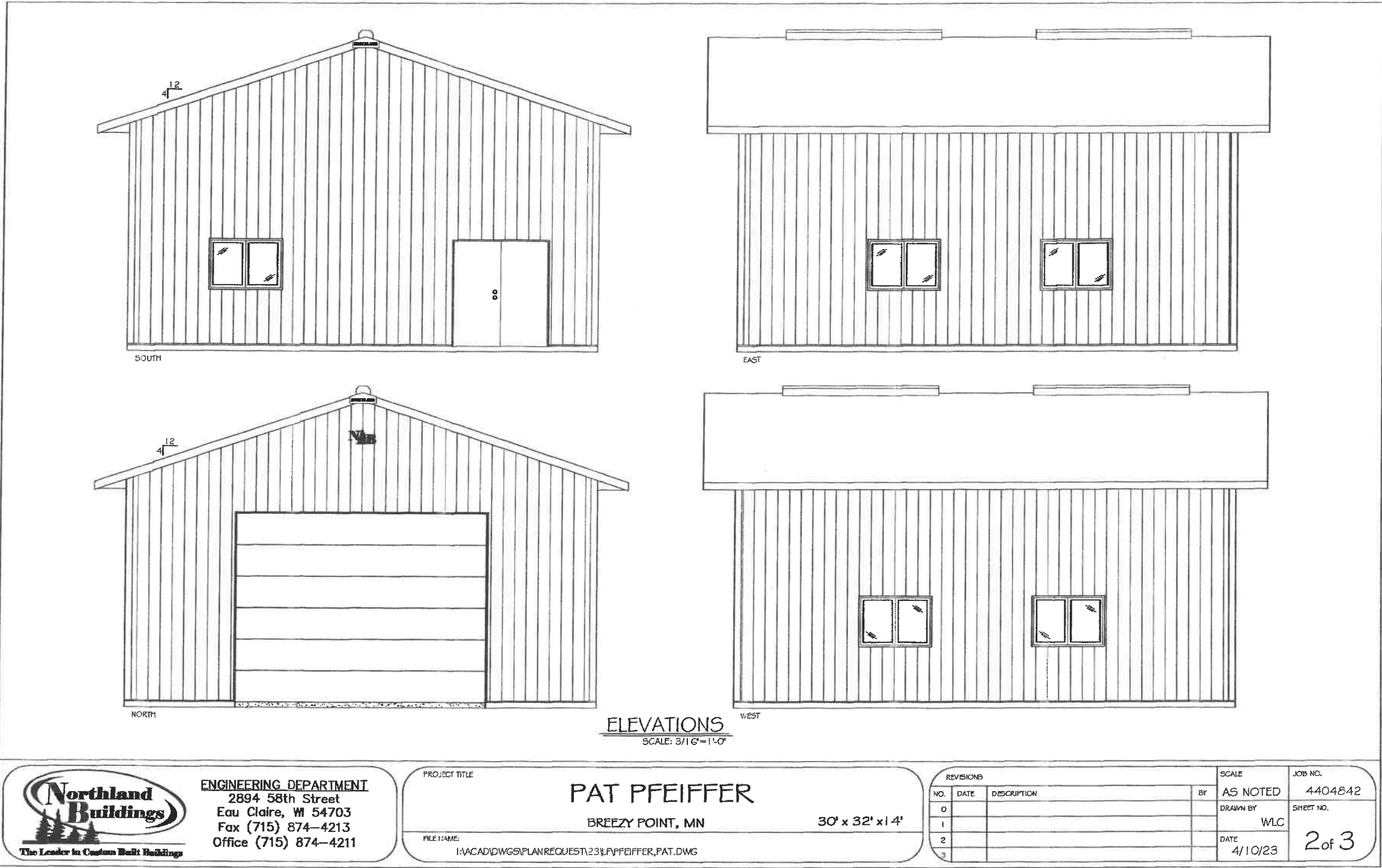
Tom and I enjoy the peaceful quiet of our little road. We respectfully ask the Commission to deny Chris Cullen's request for a zoning variance.

Sincerely,

Kris Dietz

1900 - Drive.
1275 house.
624. Deck.
840 N Drive
120 Approach
960 W Garage





City of Breezy Point
Notice of Public Hearing
Tuesday, May 9, 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, May 9, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

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

Variance Application V-23-002 Christopher Cullen. Lots 82 and 83 Fourth Addition to Breezy Point Estates. Parcel 10210849 (corner Aspen Ln & Birch Ln) Request to construct dwelling and attached garage on 15,315 sq. ft. parcel in R-3 Zone 16,000 sq. ft. parcel required by ordinance.

Conditional Use permit Application C-23-002 Pat Pfeiffer 29833 Lakeshore Drive. Lots 18-21 Block 3 Breezy Point Club. Parcel 10211159. Request to construct accessory structure 15-20 ft height. R-3 Zone.

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

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of May 9, 2023

Conditional Use Permit Application 2023-002
Applicant: Patrick Pfeiffer
Property Address: 29833 Lakeshore Drive
Parcel ID: 10211159
Legal Description: Lots 18-21 Block 3 Breezy Point Club
Zoned: Original Neighborhood (R-3)

Code §153.033 Original Neighborhood (R-3)

Conditional Use Request:

- Construct a detached accessory structure 960 sq. ft. 15-20' in height

Applicant has submitted an application for Conditional Use Permit to construct detached accessory structure 960 sq. ft. and up to 20 ft. in height. Property is zoned R-3

The property is four adjacent lots located corner Lakeshore Drive and Bayview Place. The lots are consolidated with a home and attached garage.

Findings

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

The following findings must be met:

- (a) The use or development is an appropriate conditional use in the land use zone
- The property is zoned EL-R and the request is appropriate under Section §153.044 & §153.035.
- (b) The use or development with conditions conforms to the Comprehensive Land Use Plan.
 - (c) The use with conditions is compatible with the existing neighborhood.
 - (d) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.

The following must be considered:

- (a) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair property values in the immediate vicinity;
- (b) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;
- (c) The conditional use will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

The use does not require any additional public infrastructure.

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

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

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

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

(f) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner that no disturbance to neighboring properties will result; The proposed use is in keeping with the residential character of the neighborhood. No commercial use of the property is proposed as a condition of the CUP.

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

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

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

- Applicant has filed the appropriate application for CUP.
- Applicant has paid the appropriate fee for the application.
- Public notice of Conditional Use Hearing was published in the legal newspaper and all property owners within 350' were given mailed notice of said hearing.
- Public Hearing was held on Tuesday, May 9, 2023.

Staff has reviewed the following:

- Site Plan
- CUP Application
- Building Code compliance

§153.033 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 Principal and Accessory structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Siding and Roofing of principal structure and accessory structure shall be of similar material.
- 4) All structures shall comply with state building code.
- 5) Height of accessory structure to match height of principal structure.
- 6) Height accessory structure shall not exceed 20 feet.



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

Received by City: 04/17/2023
Application Number: C-23-002
Non-refundable Fee Paid: 250.00
Receipt #: 21645

Conditional Use Application

Name of Applicant Patrick D. Pfeiffer
Address 29833 Lakeshore Dr. Email: patp@gpsrsmn.com
City, State, Zip Breezy Point MN 56472
Phone 218 330 8377 Alternate Phone _____

Physical Address / Location of Property Same

Legal Description of Property Breezy Point Club Blk 3 Lot 19

Parcel ID Number 10211159 Zoning District _____

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?

We would like to build a post frame building 30' x 32'!
14' side walls. The color will match the existing home with
dark grey siding, white trims and windows and a black roof

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: Increase building height to 16'8" mid roof height
 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 on the enjoyment of any other property in the immediate vicinity. The increase of the height won't be visible to immediate properties my elevation is lower than the road and homes in the immediate vicinity.

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?

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 and no additional facilities will be required

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

No impact on the character of the neighborhood. The proposed building will still be lower than the main structure on the property and will be a very similar color as well.

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 to traffic. This is for personal use only and will not impact Lakeshore Dr.

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

No environmental limitations. This property is located across the street from homes that are on Pelican Lake and my property sits lower than the road and will have no environmental impact on the Lake or any wet land.

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

We're building this outbuilding to store things that have been either parked in our driveway or our side lot that we feel would look nicer if we could park inside this new structure and we're color matching as close to the existing structure as we can. The proposed height increase is about a foot and a half but because of how the new structure sits down lower than the rest of the neighborhood, houses won't look out of place.

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.

City of Breezy Point
Notice of Public Hearing
Tuesday, May 9, 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, May 9, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

Petition to rezone City of Breezy Point Lots 3, 4, and 5, Block 1, Whitebirch 16. The parcel numbers of the aforementioned lots are 10080926, 10080925, and 10080924 respectively. The purpose of the petition is to rezone properties from R-2 (Medium Density Residential) to P (Public).

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
April 26 & May 3, 2023



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





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

Received by City:	04/14/20	Section 8, Item G.
Application Number:	Z-23-001	
Non-refundable Fee Paid:	—	
Receipt #:	—	

Petition for Rezoning

Name of Applicant David Chanski, City Administrator, City of Breezy Point
Address 8319 Co. Rd. 11 Email: cityadmin@cityofbreezypointmn.us
City, State, Zip Breezy Point, MN 56472
Phone 218-562-4441 Alternate Phone _____

I (we), owner(s) of the property described below, do hereby respectfully petition your Honorable Body to amend the present Zoning Ordinance / Zoning Map, pursuant to Section 8.10, Subd. 4 as hereinafter designated, and in support thereof, the following facts are presented:

Legal Description of Property Lots 3, 4, and 5, Block 1, Whitebirch 16
Parcel ID Number 10080926, 10080925, 10080924 Area of Property (sq. ft. or acres): 1.50 acres (accumulative)
Current Zoning District: R-2 Proposed Zoning District: P Surrounding Zoning Districts: R-2 and P

Describe briefly the expected effect of the proposed amendment. How will the immediate area be impacted?

Adjoining properties to the north and south as well as the adjacent properties to the west are zoned R-2.

Adjoining property to the west is also owned by the City of Breezy Point and is zoned P.

What error in the existing Ordinance would be corrected by the proposed amendment?

The purpose of the R-2 is to support resident development while the P District is to support public uses. These lots will be used to support the adjacent city-owned dedicated public land and its current and future uses.

What changed or changing conditions of the area makes passage of this amendment necessary? Current and future uses of the adjacent public land require a larger area for users of the land the gather and park.

Is the proposed rezoning compatible with the surrounding land uses? ☒ Yes ☐ No Please explain: _____

Adjoining land is already zoning Public and owned by the City of Breezy Point. These lots will be used to support the already existing public land.

Is the proposed rezoning consistent with the Breezy Point Comprehensive Plan? If not, state why the Planning Commission and City Council should consider the amendment.

Yes, these lots will be used to further support access to public land and recreational opportunities.

Other circumstances that justify the amendment: It is general practice that all properties owned by a city be zoned for public use.

Signature of Applicant(s): [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.

APPLICATION INFORMATION TO BE INCLUDED:

1. Map (e.g. plat map) showing property to be re-zoned, zoning districts, and public streets abutting the property
2. Scaled site sketch showing existing structures, wetlands, driveway/parking areas, vegetative features, signs, and other significant landforms/features.

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of May 9, 2023

Rezoning Application 2023-001

Applicant: City of Breezy Point

Legal Desc: Lots 3, 4, & 5 Block 1 Whitebirch Sixteen

Property Address: XXXX White Overlook Drive

Property ID: 10080924, 10080925, 10080926

Current Zoning: R-2 Medium Density Residential

Applicable Code: §153.032, §153.038, §153.044

Request

Rezone Lots 3, 4, 5 Block 1 Whitebirch 16 R-2 to Public

Property

The property is located on White Overlook Drive. Approximately 425 +- feet North of intersection White Overlook and Shady Trail. The property is served by White Overlook and Public parkland abuts the rear of the land.

The City of Breezy Point acquired the lots in 2020. Prior to purchase by the city, the lots were Tax Forfeit, owned by Crow Wing County. The intended use for the lots was to combine them with the Public Parkland and complement the public uses of the parkland.

§153.032, §153.038, §153.044

R-2 Zone Parks and Historical sites – Conditional Use

P Zone Parks and Historical sites – Allowed Use

Findings:

- 1) Lots 3, 4, & 5 Block 1 Whitebirch 16 (the property) currently Zoned R-2.
- 2) The property abuts Public Zone land on rear lot lines.
- 3) The property is owned by the City – a public entity.
- 4) The intended use is public in nature (Parks).
- 5) Mailed & published Notice of Hearing was given.
- 6) Public Hearing was held May 9, 2023.

The Planning Commission may by Resolution choose to approve, deny, or modify the rezoning request. Said Planning Commission action shall be a recommendation to the City Council for final determination.

Memo to: Jerry Bohnsack - Planner, City of Breezy Point
David Chanski - City Administrator/Clerk
From: Mark and Carol Sletner

This memo is to address the concerns we have as property owners of a lot that is within 350 feet of the proposed rezoning.

It is our understanding that rezoning the lots from Medium Density Residential to Public is directly related to the proposed expansion of the current 18 hole disc golf course to a 34 hole course.

We have previously stated in a past email and letters to council our objections to the course expansion. **To now find out a large parking lot for up to 100 vehicles is planned for these lots indicates to us that the decision to expand the disc golf course has already been made.**

We would like to go on record as opposing this proposed rezoning. The area around the 3 lots is currently all residential. We do not believe a parking lot of that size is going to encourage other property owners to build homes or to even invest in nearby properties for sale.

We request that this email be distributed to all members of the City of Breezy Point Planning Commission/Board of Adjustment and all City Council Members, and be read into record at the upcoming May 9, 2023 meeting.

Thank you.
Mark and Carol Sletner
Owners of Breezy Point Property ID 10080928