



# PLANNING COMMISSION/BOARD OF ADJUSTMENT

**Tuesday, July 09, 2024 at 7:00 PM**

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

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

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## AGENDA

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**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

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

**5. OPEN FORUM**

**6. APPROVAL OF MINUTES**

A. June 11, 2024 Regular Planning Commission/Board of Adjustment Meeting Minutes

**7. NEW BUSINESS**

A. Variance Application V-24-002: James & Susan Sackreiter

B. Variance Application V-24-003: Loren John Kerfeld Trust

C. Variance Application V-24-004: Michael & Fonda Schuetz

**8. OLD BUSINESS**

**9. STAFF REPORTS**

**10. COMMISSIONER REPORTS**

**11. ADJOURN**

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

**June 11, 2024  
Regular Meeting**

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

**Approval of Agenda**

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

**Open Forum**

No one spoke.

**Approval of 4/09/2024 Regular Meeting Minutes**

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

**Approval of 5/14/2024 Regular Meeting Minutes**

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

**New Business****A. Variance Application V-24-001: Suarez Family Trust, Lot 55 Block 2 Whitebirch Seven**

The Commission Chair Weaver noted the applicant was present.

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

Theis asked if the subject property was serviced by Municipal Sewer.

It was determined that it was.

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

There were none.

The Chair asked the applicant to state their name and address.

Linda Suarez 30392 Circle Creek.

The Chair asked the applicant to summarize the request before the Commission.

Suarez talked about the condition of the property line when they purchased the property and that when the encroachment was found was when the adjacent neighbor had their own

property surveyed. It was found the well was on the other property and they had the well abandoned and re drilled a well on their property.

They also found out the building was not meeting the required property line setback of 15FT. So the Suarezs had their own property surveyed to figure out what the setback distance was from the property to their house. See Survey in file.

Commissioner Theis asked Gansen if this is R1 and has a 15 ft setback and R2, 3, 4 have 10 foot setbacks. Why the different setbacks in the various zoning districts.

Gansen responded that he was not here when the ordinance was adopted, but typically property line setbacks are inclusive of the respective zoning district. Its not uncommon to see increased setback distances on properties that have a more rural zoning classification.

Then when properties of different zoning borders intersect or share boundaries the more restrictive setback is typically applied.

Gansen verified that this was not the case though because this whole area is R1 zoned.

The Chair dismissed the applicant from the presentation.

The Chair called for public input on the variance request for or against.

Judy Meyer30482 Creek Circle asked why the permit was okayed by Breezy Point and asked does the City not require surveys to verify correct setbacks? Noting that the builder built this and then the current owners are having to fix the problem after-the-fact. And if the City has any rules in place for surveys. She stated that her son said that the marking could be moved.

The Chair stated when she applied for a permit a survey was required and asked Gansen if he could speak to the process of applying for permit.

Gansen stated, yes all of the above. Surveys are required upon residential construction permit request. And sometime builders make mistakes or put things in the wrong spot as a lot of modifications are happening to a property during the construction process. That its not out of the ordinary to have a stake moved by someone other than the surveyor. Especially when excavators plow over the survey stakes.

Typically, the property is pinned prior to construction and there is no after construction survey unless there is a question about a property boundary. Contractors can certainly be liable for relocated or unapproved dimensions.

Meyer asked if well drillers are required to locate a well.

Gansen replied, ultimately it's the property owner's responsibility to mark the lot lines and provide an accurate site plan. That everyone relies on the homeowner to address their project location.

There was additional discussion between Gansen and Meyer about surveys. That some projects require surveys and some don't and people don't realize that at the end of the day it's the land owner responsibility.

The Chair asked for any other public comment.

None.

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

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

See file.

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

None.

The Chair then asked for motion.

**Theis made a motion to approve** the request reducing the setback.

**Zierden seconded.**

All members voting 5-0 to approve **Variance Application V-24-001.**

See file for findings and notice of decision.

**B. Conditional Use Permit Application C-24-003: Daniel & Lisa Anderson, 31945 Harvest Road**

The Commission Chair Weaver noted the applicant was present.

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

See staff report on file.

Theis asked if the two small sheds are existing.

Gansen responded they were, and the applicant could speak to that.

The applicant stated they would be removed to be in conformance with the 1600 square feet.

Applicant stated they changed the site plan however are still within their setbacks and did this to address onsite drainage.

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

There were none.



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

Dan Anderson spoke about the site grading in relation to the building request.

Theis said he liked the design of the building.

The Chair asked the Board if they had anymore questions for the applicant.

None.

The Chair dismissed the applicant from the presentation.

The Chair called for public input on the conditional use request for or against.

None.

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

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

See file for findings.

The Chair noted there were no recommended conditions at this time.

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

Zierden asked Gansen if there was reason this was CUP request and not a variance.

Gansen responded and said he probably should have specified that in the staff report. Variances are typically for dimensional standards and setbacks. Where this is actually a use requirement in the ordinance as the City likely desires to have some control on the larger accessory structures. Where it can be reviewed for placement on the lot and site screening etc., that without the standards the size of accessory buildings would be very unlimiting.

Gansen stated current ordinance requires a CUP for all accessory buildings between 1280 and 1600 square feet. This is something we may change in the ordinance moving forward with the Ordinance Update Project.

Zierden asked about screening from Harvest Court.

Applicant stated there will be.

Theis asked about the status of Bushman moving.

Gansen replied that project is still in its conceptual stages.

The applicant stated the easement area is actually for the power line and his property will not be effected by the road project.

The Chair asked for motion.

**Ayers made a motion to approve.**

**Theis seconded.**

All members voting 5-0 to approve **Conditional Use Permit Application C-24-003.**

Conditions: None.

See file for findings and notice of decision.

**C. Subdivision Application S-24-002: Greg & Roseanne Haglin, That Part of Government Lot 2, Section 1, Township 135, Range 28 Crow Wing County**

The Commission Chair Weaver noted the applicant was present.

The Chair asked for the staff report.

Gansen read the staff report into record. Crow Wing County commented on consolidating the driveway access locations. See Crow Wing County comment on file.

See staff report on file.

Gansen spoke to the Commission about the ordinance requirements and process for preliminary plats and the recommendation the Commission would give to the City Council.

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

Ayers asked if any of the property have access to Fawn Lake.

Gansen responded, the applicant could speak to that.

The applicant said there was not any access to Fawn Lake.

Gansen spoke about some of the criteria for the shoreland overlay district with respect to riparian lands and the public waters inventory map. Noting how this effects the zoning status of properties and the MNDNR area hydrologist addressed this concern. See PWI map on file.

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

There were none.

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

Greg Haglin spoke about the property he jointly owned with his wife and was looking to subdivide the property in to 7 lots.

The Chair asked if the applicant was going to build on the lots or sell them off.

The applicant replied he is retired and just looking to sell the lots off as vacant rural lots to be built on by whomever buys them.

Theis asked about lot 5's access.

The applicant stated, that part of the property is very challenging and between the 5 acre minimum and site topography that they really didn't see a lot of development potential at this time. So there for they left the access point large enough if someone in the future would like to plat a road to access the property for further subdivision they could have that option.

Theis stated that lot 5 has a lot of challenging grade/topographical change.

The applicant agreed, there is 20 more feet of variable elevation. The thought was the larger property may be attractive to someone that wants more privacy.

Theis asked about the building locations.

The applicant stated it was just a general concept showing that it met the minimums.

Chair stated it was proof of a concept.

Theis said it looked like they were shed sites.

The applicant responded, the intention was home sites.

The Chair asked the Board if they had anymore questions for the applicant.

None.

The Chair dismissed the applicant from the presentation.

The Chair called for public input on the preliminary plat request for or against.

Tony Fyle 27177 CR 107 Pequot lakes.

Fyle stated he was the landowner to the east. He said he owns the honey wagon septic services and that his company uses the land to the east of this to spread septage and to farm. He is concerned the increase of residential density will increase complaints about his pre-existing use of his property. Their intention is to continue this use and they don't really have any option to change locations and one or two angry residents can create a lot of problems for a Mayor or Council.

Fyle spoke about how the MPCA is involved with compliants and they are like mosquitoes in a tent in that they don't go away and bother you a lot. Fyle stated its important to maintain the land application sites in the region. He stated again his concern is on the density increase, increasing complaints.

Ayers asked for the specific location of the land application site.

Runksmeier adjusted the map to show the Commission the site.

Kathy Stults 12152 Fawn Lake Rd Crosslake, stated her comments about the property getting developed that she understands. She said she never got original notice of the 80 acre tract. She asked about some of the property lines based on the survey and the road location.

Runksmeier adjusted the map to show the Commission the site.

Stults spoke about property lines and if anyone can give her assurance her garage location.

Gansen specified the Board cannot speak to property line boundaries, that is up to a surveyor.

Gansen also stated there was likely no notice on the division of 80 acres that it was likely an administrative approval when it happened years ago.

Stults said she was pleased with the driveway locations as they are proposed and has concerns about additional access points on that road.

Gansen, noting the office did receive a written comment via email and that was read into record.

See file.

Mike and Kathy Mathews, 12252 Fawn Lake Road Crosslake. Stated they have property on the other side of the Fawn Lake Road by one of the proposed driveway locations.

Runksmeier adjusted the map to show the Commission the site.

Stults came back up to the podium stating she was confused about the layout of the lots.

Runksmeier adjusted the map to show the Commission the site.

Theis asked if the lots on the north of display where in Crosslake.

Gansen replied, they are in Crosslake.

The Chair asked for additional public comment.

Angela Sherack 12496 Fawn Lake Rd, Crosslake. She read a letter into the file that they live in the Twin Cities and want to retire here. Since 2016 when they have bought, pole sheds have been built in the area. They are concerned about the City allowing houses to be built in the town that adding more houses will disrupt their tranquility. That they oppose the application.

Sherack said she was a realtor and asked about covenants. If there would trailers or pole buildings. She said she did not go through the application and didn't know who she talked to about adding driveways and the speed limit concerns.

Sherack said she could see a subdivision happening on lot 5 sometime in the future.

The Chair replied to Sherack's comment as to whether the property would have pole buildings or trailers. The Chair stated the Wood Residential zoning class effects what can be built on the property and controls the size of such structures as well.

Sherack asked about shouses instead of pole buildings.

Zierden responded that if there were any pole buildings, they would be required to have 700 square foot of living quarters in them and be permitted as a the primary residence.

Unknown commentor from the audience asked what the setbacks were in the zoning district.

Theis responded 30 from the right of way and a person could build a 5,000 square foot structure in this zoning district on a lot great than 2 acres.

Zierden specified, however they would need to build a house first before an accessory structure would be permitted.

The Chair asked for any further pubic comment.

Michael Mathews 12252 Fawn Lake Rd Crosslake. Said that he has to count to 3 before he pulls out his driveway. He believes the driveway locations will pose a safety hazzard.

The Chair specified that it appears the developer is actually consolidating the driveway locations.

Mathews stated he was concerned about the access location on the curve.

Zierden responded that this a County Road and has nothing to do with what the City can or cannot allow. As far as speed limits on the road the concerns need to be addressed with the County. The County has seen the plan and commented on it. This is preliminary and can change through the process.

Kathy Stults asked about addition time to review the documents.

Gansen stated public notice was sent out and copies are available to review at the office as any other public hearing item.

Tom Ruis 12348 Fawn Lake Rd Crosslake.

Runksmeier adjusted the map to show the Commission the site.

Ruis stated that 20 years ago he created a housing development in Milaca. He asked the Commission about what the building standards are for this piece of property.

The Chair stated that all the zoning regulations are available to the public and also on the website. That when someone is developing this property they will be developed to the standards set forth in the respective zoning district. Additionally the process does involve reviews by City staff.

The Chair stated additionally the applicant is actually exceeding minimum lot size.

Ruis spoke about some of the history of the surrounding properties, and mentioned his concern for the speed limit on the road.

The Chair again stated this is a County road and you would want to contact Crow Wing County regarding those concerns.

Matt Kallroos 1203 9<sup>th</sup> ave Brainerd, Transportation Planner for Crow Wing County.

Kallroos said the County follows the state statute there as its unmarked, it's a 55mph speed limit. Yes people tend to drive to what the environment of the road allows, which is not always what the speed limit is. Posting a speed limit or changing a speed limit is not a quick simple process. However I can talk to the County Engineer about this.

Kallroos said that its more ideal to limit the number of access points to the County Road. The applicant did work with County to address access concerns for the proposed lots.

Theis asked if Kallroos dealt with any of the wetland regulations.

Kallroos said he did not.

Chad Sherack 12496 Fawn Lake Rd. Spoke about his concerns regarding traffic on Fawn Lake Road. Also concerned that the developer might continue to subdivide lot 5.

The Chair asked for anymore public comment.

Greg Haglin stated that he has no intention to develop lot 5, that is not part of the plan tonight and it would be cost prohibitive to do so. His plan he feels meets the minimum standards of what the City requires for Subdivision.

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

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

See file for findings.

The Chair noted there were 2 conditions at this time.

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

None.

**Ayers made a motion to approve with 3 conditions.**

- 1) The applicant must consolidate the driveway access points as presented in this application.**
- 2) Submit required park dedication fees prior final plat approval.**
- 3) There be continued consultation with Crow Wing County regarding traffic concerns.**

**Brisbin seconded.**

All members voting 5-0 to recommend the Preliminary Plat to City Council. **Subdivision Application S-24-002.**

Old Business

**A. None.**

The Chair called for staff reports.

Staff Reports

Gansen said City Council did select HGKI as lead consultant for the Zoning Code Update Project. there were a couple pre application meetings for standard setback variances that may apply.

Gansen said there will be a couple variance applications at the next meeting.

The next PC meeting is July 9<sup>th</sup>.

That concludes the staff report.

The Chair asked for any Commissioner reports.

Commissioner reports

**A. None.**

There being no further business the meeting adjourned at 8:30 p.m.

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Submitted by Peter Gansen  
Planning & Zoning Administrator.



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

Received by City: 08/11/2017 Section 7, Item A.  
Application Number: V-23-005  
Non-refundable Fee Paid: 250.00  
Receipt #: 22392

## 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:

Signature of Owner, authorizing application

*James Sackreiter*

(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").

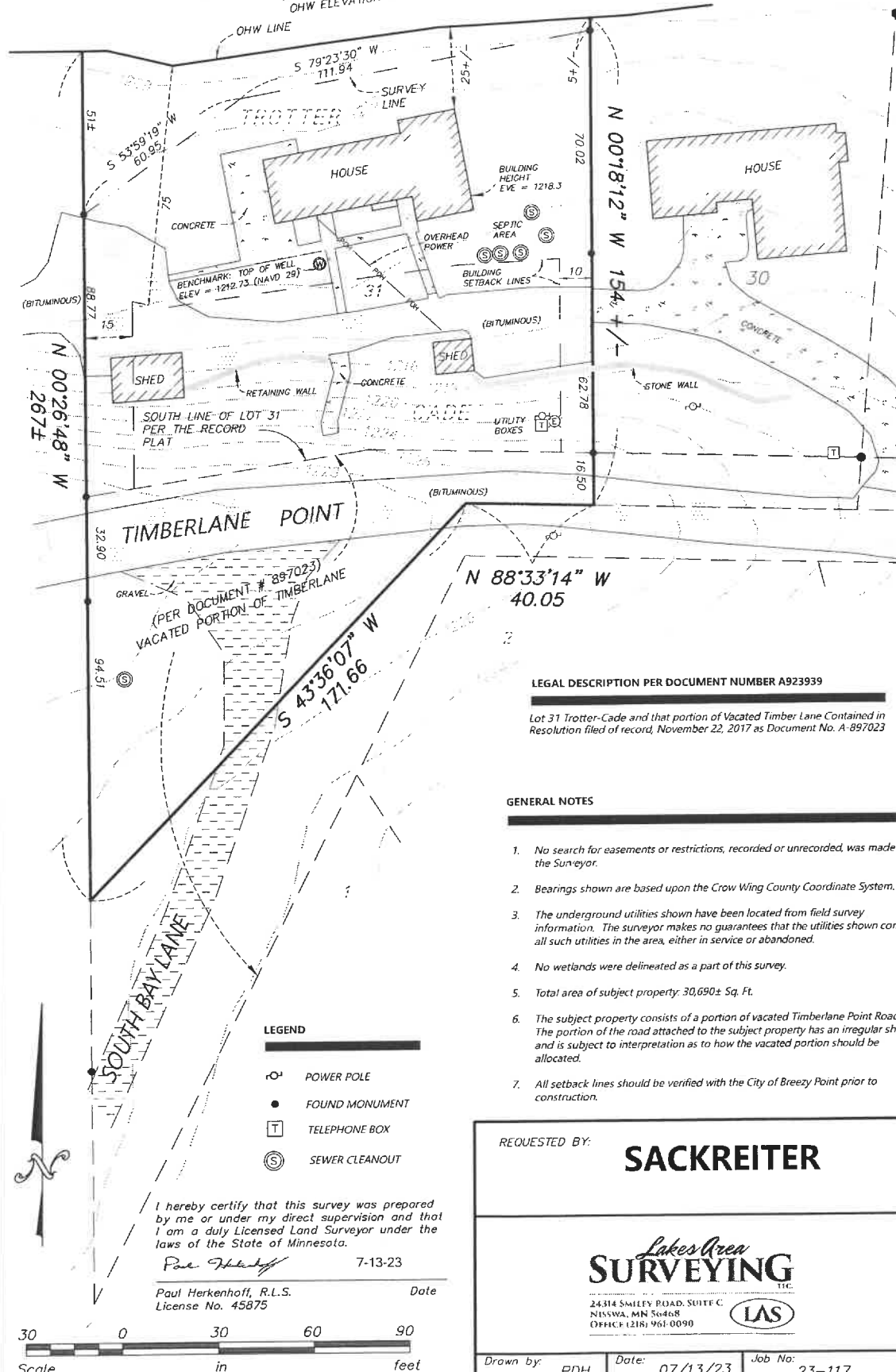
1. The Sackreiters' propose to extend the east wall of their house out eight feet (8').
2. The unique circumstances of the Subject Property that make strict interpretation of the Ordinance impractical are:
  - a. The lot is shaped in a way, and has a slope in it, that makes moving the driveway impossible.
  - 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

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

REQUESTED BY:

**SACKREITER**

Lakes Area  
**SURVEYING**  
TIC

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



Drawn by:

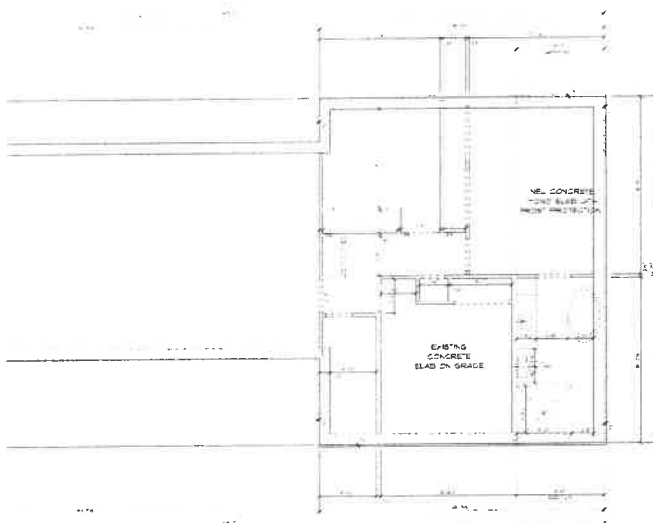
PDH

Date:

07/13/23

Job No:

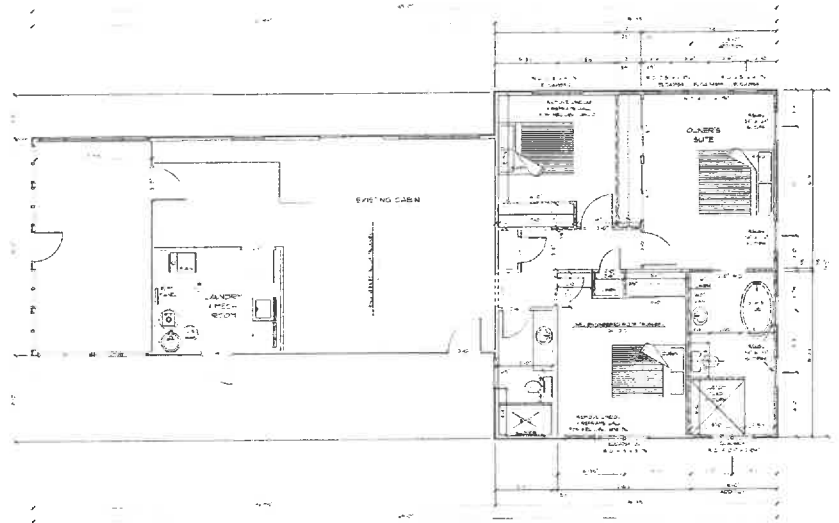
23-117



NEW FOUNDATION PLAN

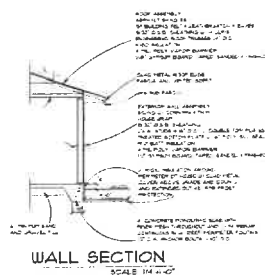
SCALE: 1/4" = 1'-0"

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



NEW MAIN LEVEL FLOOR PLAN

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



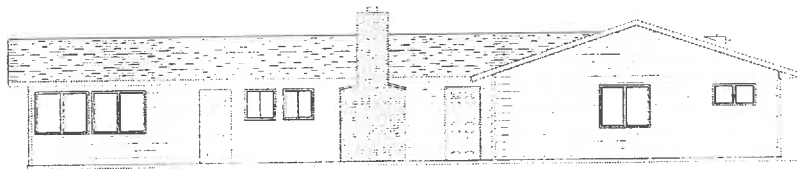
WALL SECTION

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

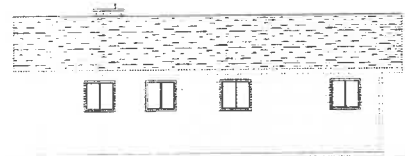
NOTES  
FIELD VERIFY ALL DIMENSIONS HEIGHTS AND  
SIZES OF EXISTING STRUCTURAL MEMBERS  
ALL DIMENSIONS ARE TO FACE UNLESS  
OTHERWISE NOTED  
3/4" x 6" x 6" HEADINGS OVER ALL EXTERIOR  
DOORWAYS, ALSEY OTHERS NOTE  
DIMENSIONS IN INCLUDES LEEN  
DIMENSIONS  
EXTERIOR DOORS BY THIRTY-FOUR INCH  
EQUAL JOISTS ARE NINE INCHES  
60" x 6" ALL PROTECTION REQUIREMENTS  
VERIFY ALL SIZES AND WEIGHTS OF EXISTING  
WALLS AND PARTS OF THE EXISTING TO BE  
TEMPERED UNDER HEADERS BE SET  
TO BE BY THE LATEST NOTES - VERIFY  
EXTERIOR DOOR ROUGH OPENING HEIGHTS

VERIFY ALL TRIMMER, BEAMS AND  
FLOORING WITH TRUSS MANUFACTURER  
NOTES AROUND ALL BATHROOMS  
AND BEDROOMS  
VERIFYING OF ENERGY CODE REQUIREMENTS  
TO THE RESPONSIBILITY OF CONTRACTOR  
THIS PLAN WAS DESIGNED TO COMPLY WITH  
2003 MINNESOTA BUILDING CODES AT THE TIME  
AND FOR THE LOCATION AND USES DRAWN  
CHECK WITH YOUR CONTRACTOR  
REGARDING LOCAL CODES THAT MAY VARY  
THE OWNER AND CONTRACTOR ABOUT THE  
RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

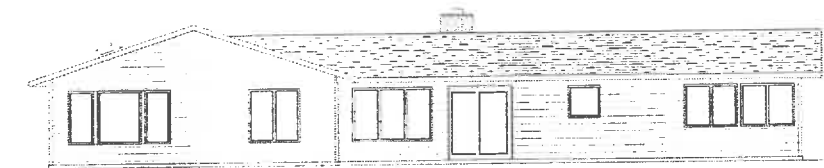
<b>P.F.S. DESIGN LLC</b>	
218-821-0630	
PROJECT NO. 218-821-0630	DATE: JUNE 26, 2013
DESIGNED BY: [Signature]	CHECKED BY: [Signature]
REVISED: JUNE 30, 2013	



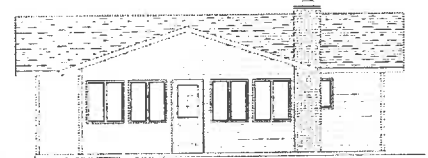
ROADSIDE ELEVATION  
SCALE 1/4" = 1'-0"



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

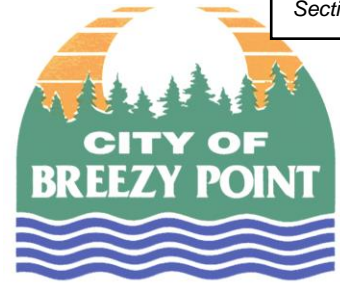


LAKESIDE ELEVATION  
SCALE 1/4" = 1'-0"



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

<b>P.F.S.</b> DESIGN LLC	
218-821-0630	
PROJECT FOR: JTL	DATE: NO
SUB: BACKREST	12



TO: Planning Commission

FROM: Peter Gansen, Planning & Zoning Administrator

RE: Staff Report for V-24-002 SACKREITER

DATE: July 9, 2024 Regular Meeting

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#### Variance Application V-24-002

Applicant: James & Susan Sackreiter

Property Address: 32601 Timberlane Point

Legal Description: LOT 31 & ALSO INCL PT OF VACATED TIMBER LN ON DOC #897023

Parcel ID: 10030538

Zoned: R2 Unsewered General Development Lake (75FT OHWL Setback)

- The applicant did not have the required in person pre-app meeting with staff.
- Applicant has filed the appropriate application for a variance.
- Applicant has not paid the appropriate fee for the application. The fee was waived by prior zoning administration, the City has paid for all filing and postings associated with this application, as this is not recommended by current staff. As City the staff time and resources involved in processing and reviewing variance request by far exceeds the de-minimis cost of 250 dollars.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350' were mailed a notice of hearing.
- Public notice was given to the DNR, as the property is in a shoreland overlay district.

#### Variance Request:

- A variance from the required 75ft ordinary high water setback from a General Development Lake "Ossaswinnamakee" to a setback distance of 24ft and a variance to exceed the maximum allowed impervious surface coverage of 25% to 35.56% to construct 8ft x 32ft residential addition on a non-conforming structure.

#### Summary of the property

LOT 31 Trotter-Cade was platted in 1961, the property is located at 32601 Timberlane Point. The property is in a residential neighborhood bordered seasonal and year-round residences.

The existing residence is considered an existing non-conforming structure "grandfathered" meaning it does not meet today's standards and would not be allowed.



The current owner did not construct the building but purchased the property as its today. Buying and developing any property is always speculative and there are no guarantees. Especially when buying a property that sits less than 1/3<sup>rd</sup> of the setback to the lake. Shoreland standards have been in effect since 1969, this is far from anything new.

It's at the time prior to purchase is when landowners need to do their due diligence as all properties are effected by certain zoning districts in any city, or town. That would have been the appropriate time to ask the variance request upon a contingency of the property purchase. This is not an uncommon question, as a matter of fact it is actually uncommon that people do not seek this information out a head of time. The phone in the zoning office rings with these questions on a daily basis.

As I was very specific with the applicant when we spoke in January. Nothing prohibits anyone from making any variance request no matter how egregiously out of standards it is. But one also needs to be prepared for the answer to such questions. If staff did not respond honestly and accordingly staff would not be doing what the City hired them to do.

This variance request ask is putting the burden on the Planning Commission to make several serve waivers to basic shoreland zoning standards. New building expansion in shore impact zone 1 and a gross overage in the amount of impervious surface allowed, that could be reduced by the applicant however the applicant still chooses not to.

In summary the plan needs to compromise to reduce hard coverages and relocate the addition to an area not reducing the lake setback. So this is not the right fit for the property. Its essentially trying to put 10 pounds of sugar into a sack that is only big enough to hold 5 pounds of sugar.

A question each of the board members should ask themselves in consideration of the following variance request is. IF this exception is made on this property, are we ready to make this exception every time for every property? This request is such an extreme request and deviation from shoreland standards it is okay to deny it.

Denying the variance will not take away any use the current property enjoys. The property actually gets to enjoy more than other lake properties in that the setback is so extreme here.

Yes variances do exist on some properties and minimal allowances are allowed from time to time, however this proposal is more akin to a commercial resort ask.

Additionally if this was a tear down rebuild, which is becoming more and more common within the shoreland district the project would be held to the current impervious surface standard of 25% which all new construction has been for years.

The following are staffs recommended findings the Commission can adopt for denial.

The Planning Commission shall consider the following in its decision and make written findings concerning the variance approval or denial.

- (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;

**No, the existing structure was created by a prior landowner. The property does sit on a platted peninsula; however this was platted before ordinance standards and would never be allowed to be subdivided as such today. The landowner could reconfigure the addition to the side or rear of the structure and not need such an extreme variance related to shore impact zone 1. The property also already exceeds the impervious surface coverage allowed within this zoning district.**

**The property already enjoys the setback as it sits today to which new construction of such would never be considered.**

**Exceptional properties need exceptional design considerations. These plans seem to be largely landowner preference with no consideration for today's standards. The proposed plans can be reconfigured to not need a reduction to the setback. Existing hardscapes can also be reduced to meet impervious surface standards. If this was a tear down rebuild the project would still be held to the 25% impervious standards.**

- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;

**No, the encroachment into the setback is extreme and the front facing expansion as proposed will significantly increase the visual impact as viewed from the public waters. Ossaswinnamakee is a very narrow lake, so this is an extremely visible structure already with respect to the setback the building currently enjoys. For instance, if this was on a larger lake like Big Pelican or Whitefish visual impact would be not quite as critical as it is here. Due to the unique narrow width of the lake and the property's location on the peninsula, visual impact is critical here. There is very little if any vegetative screening between the structure and the lake. The addition could be put on the backside of the structure.**

- (3) The land use created by the variance is permitted in the zoning district the property is located;

**No, the zoning district requires a 75FT minimum setback from the lake and the proposed addition is less than third of that distance.**

**The property is also over impervious surface coverage. The only zoning district that allows for such coverage would be commercial and this is not commercial property, this is seasonal/Year round residential zoning. The proposed plans as presented do not fit the property and fail to consider the uniqueness for the property to meet the design standards required to meet the lot coverage allowances.**

- (4) The variance will not alter the essential character of the locality;

**It will alter the locality. As stated in finding #3 this request is proposing impervious surface coverage numbers as found in commercial zoning, and this is not commercially zoned property.**

**The adjacent neighbors do not have such extreme impervious coverages. The nearest commercially zoned property is a campground on the other side of the lake and even most of their buildings meet or exceed the lake setbacks required and not even developed at the impervious limits allowed.**

- (5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

**No, economics aside the proposed additions could be reconfigured to the back of the structure and the interior of the building could be reconfigured as such and not require a setback reduction variance from the lake. Existing hardscapes can also be removed and reduced to better meet impervious surface standards. If this project was a complete tear down rebuild the impervious overage amounts would not be allowed.**

**Reasonable use exists in the enjoying and maintaining the current residence as is situated closer to the lake than other properties get to enjoy.**

**Additionally, the stormwater management plan provided did not propose the reduction of hardscapes to meet the impervious surface requirements.**

**And if economics were considered the City of Breezy Point has hosted this variance application by waiving the variance fees in this instance. Which is not typical practice.**

**The City has already funded this application, if the City approved the request and it gets appealed by the DNR as seems likely based on the letter. This will put additional cost burdens onto the City of Breezy Points taxpayers to defend a variance decision that likely would get over turned.**

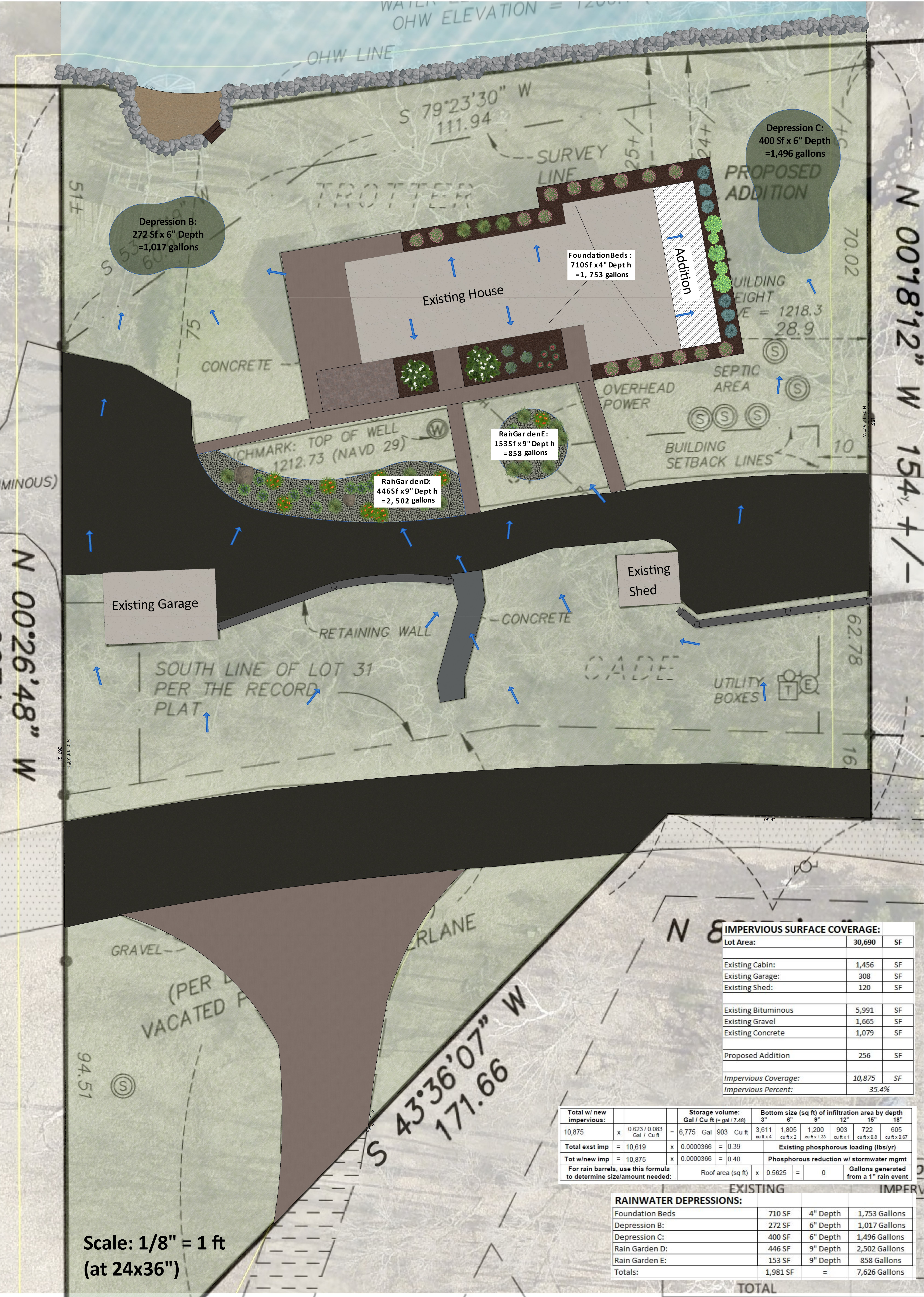
**In summary of all of the above findings, it is the intent of the City of Breezy Points Ordinance, Policies and Comprehensive Plan to move properties towards compliance with existing rules and standards, and not to continually allow, expand and support development that is not harmony with these standards.**







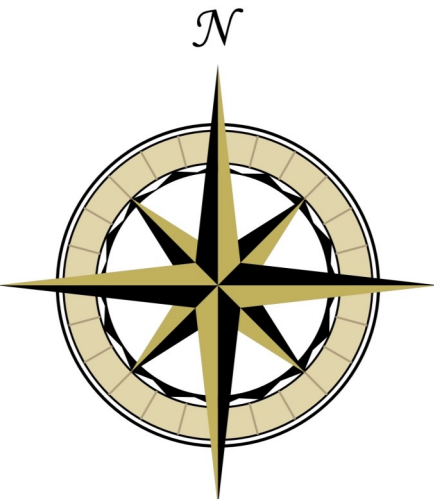




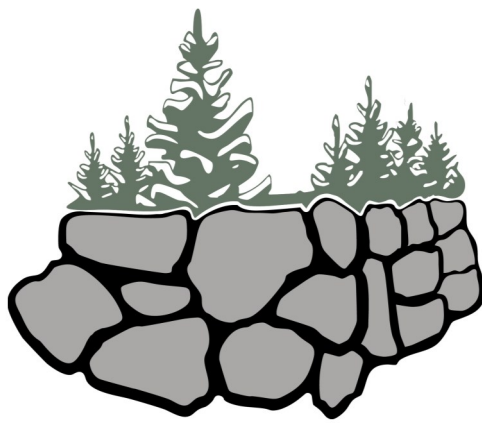
IMPERVIOUS SURFACE COVERAGE:		
Lot Area:	30,690	SF
Existing Cabin:	1,456	SF
Existing Garage:	308	SF
Existing Shed:	120	SF
Existing Bituminous	5,991	SF
Existing Gravel	1,665	SF
Existing Concrete	1,079	SF
Proposed Addition	256	SF
Impervious Coverage:	10,875	SF
Impervious Percent:	35.4%	

Total w/ new impervious:		Storage volume: Gal / Cu ft (= gal / 7.48)		Bottom size (sq ft) of infiltration area by depth					
10,875	x	0.623 / 0.083 Gal / Cu ft	=	6,775 Gal	903 Cu ft	3,611 cu ft x 4	1,805 cu ft x 2	1,200 cu ft x 1.33	903 cu ft x 1
Total exst imp	=	10,619	x	0.0000366	=	0.39	Existing phosphorous loading (lbs/yr)		
Tot w/new imp	=	10,875	x	0.0000366	=	0.40	Phosphorous reduction w/ stormwater mgmt		
For rain barrels, use this formula to determine size/amount needed:				Roof area (sq ft) x		0.5625	=	0	Gallons generated from a 1" rain event

RAINWATER DEPRESSIONS:			
Foundation Beds	710 SF	4" Depth	1,753 Gallons
Depression B:	272 SF	6" Depth	1,017 Gallons
Depression C:	400 SF	6" Depth	1,496 Gallons
Rain Garden D:	446 SF	9" Depth	2,502 Gallons
Rain Garden E:	153 SF	9" Depth	858 Gallons
Totals:	1,981 SF	=	7,626 Gallons



**Sackreiter Stormwater**  
32601 Timberlane Pt  
Breezy Point, MN 56472



**BACKYARD REFLECTIONS**

Backyard Reflections, Inc.  
24142 Smiley Rd  
Nisswa, MN 56468  
877-365-4034  
www.backyardmn.com

11/17/23



**From:** Frie, Jacob (DNR) <[Jacob.Frie@state.mn.us](mailto:Jacob.Frie@state.mn.us)>

**Sent:** Friday, September 1, 2023 2:57 PM

**To:** Deb Runksmeier <[drunksmeier@cityofbreezypointmn.us](mailto:drunksmeier@cityofbreezypointmn.us)>

**Cc:** Jerry Bohnsack <[jbohnsack@cityofbreezypointmn.us](mailto:jbohnsack@cityofbreezypointmn.us)>; Petrik, Daniel (DNR) <[daniel.petrik@state.mn.us](mailto: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](mailto:Jacob.frie@state.mn.us)  
[mndnr.gov](http://mndnr.gov)





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

Received by City: 08/11/2017 Section 7, Item A.  
Application Number: V-23-005  
Non-refundable Fee Paid: 250.00  
Receipt #: 22392

## 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 Sackreitors 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:

Signature of Owner, authorizing application

*James Sackreiter*

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

Signature of Applicant (if different than owner)

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

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

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

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

**The following questions must be answered.**

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

Building: See attached Exhibit A

Landscaping:

Parking/Signs:

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

See attached Exhibit A

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

See attached Exhibit A

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

See attached Exhibit A

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

See attached Exhibit A

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

See attached Exhibit A

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

See attached Exhibit A

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

See attached Exhibit A

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

See attached Exhibit A

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

10. Please state the **practical difficulty** that exists with this property.

See attached Exhibit A

## INSTRUCTIONS TO THE APPLICANT

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

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

**Exhibit A**

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

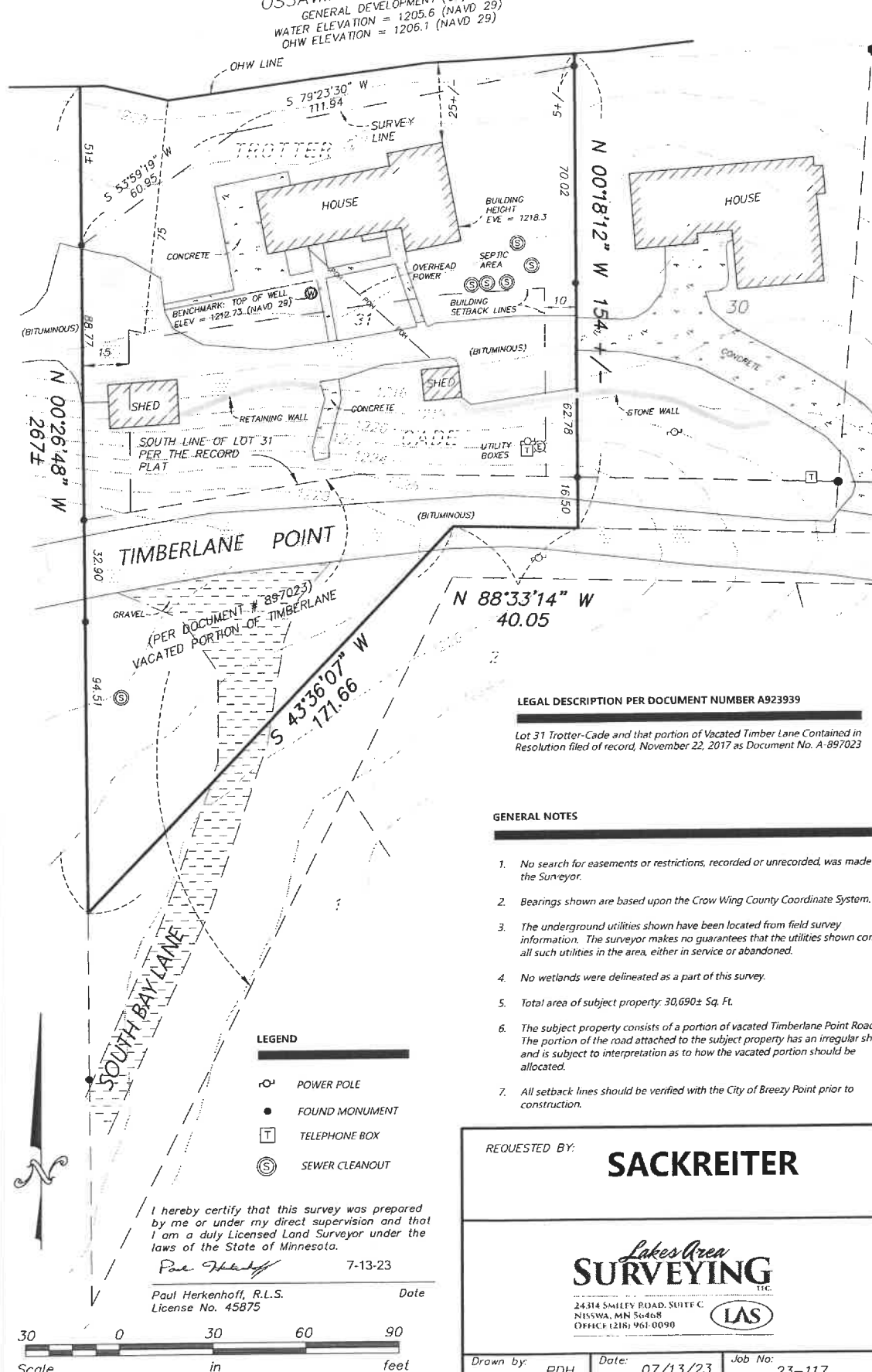
1. The Sackreiters' propose to extend the east wall of their house out eight feet (8').
2. The unique circumstances of the Subject Property that make strict interpretation of the Ordinance impractical are:
  - a. The lot is shaped in a way, and has a slope in it, that makes moving the driveway impossible.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

9. N/A

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

# CERTIFICATE OF SURVEY

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



## LEGAL DESCRIPTION PER DOCUMENT NUMBER A923939

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

## GENERAL NOTES

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

REQUESTED BY:

**SACKREITER**

Lakes Area  
**SURVEYING**

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



Drawn by:

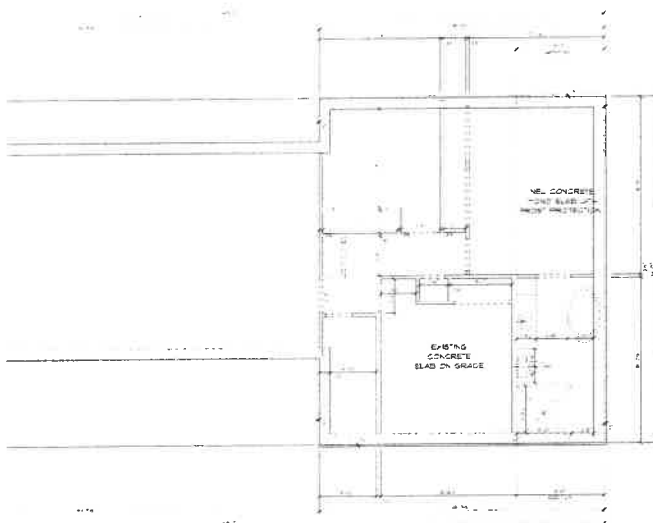
PDH

Date:

07/13/23

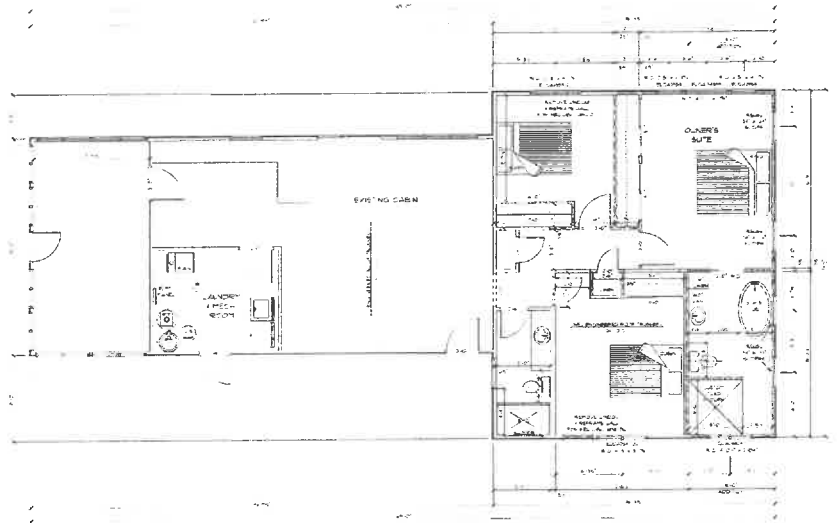
Job No:

23-117



NEW FOUNDATION PLAN

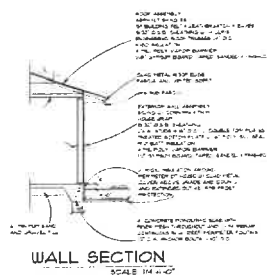
SCALE: 1/4" = 1'-0"



NEW MAIN LEVEL FLOOR PLAN

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

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



WALL SECTION

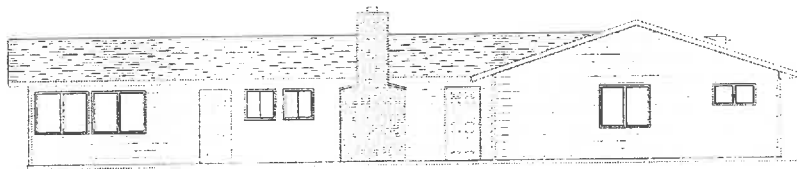
SCALE: 1/4" = 1'-0"

NOTES  
FIELD VERIFY ALL DIMENSIONS HEIGHTS AND  
SIZES OF EXISTING STRUCTURAL MEMBERS  
ALL DIMENSIONS ARE TO FACE UNLESS  
OTHERWISE NOTED  
3/4" x 6" x 6" HEADINGS OVER ALL EXTERIOR  
DOORWAYS, EXCEPT DOORWAYS  
DOORWAYS TO INCLUDE 1/2" x 6" x 6"  
DOORWAYS  
EXTERIOR DOORS BY THERMA-TRU OR  
EQUALLY QUALITY ARE RECOMMENDED  
6" x 6" x 6" ALL PROTECTION REQUIREMENTS  
VERIFY ALL SIZES AND WEIGHTS OF  
6" x 6" x 6" AND 6" x 6" x 6" AND  
6" x 6" x 6" OF THE EXISTING IS TO  
BE TYPICAL UNLESS NOTED - VERIFY  
EXTERIOR DOOR ROUGH OPENING HEIGHTS

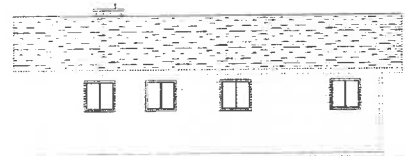
VERIFY ALL TRIMMER, BEAMS AND  
FLOORING WITH TRUSS MANUFACTURER  
NOTES AROUND ALL BATHROOMS  
AND BEDROOMS  
VERIFY ALL ENERGY CODE REQUIREMENTS  
TO THE RESPONSIBILITY OF CONTRACTOR  
THIS PLAN WAS DESIGNED TO COMPLY WITH  
2006 INTERNATIONAL BUILDING CODES AT THE TIME  
AND FOR THE LOCATION AND USES DRAWN  
CHECK WITH YOUR CONTRACTOR  
REGARDING LOCAL CODES THAT MAY VARY  
THE OWNER AND CONTRACTOR ASSUME THE  
RESPONSIBILITY TO COMPLY WITH LOCAL CODES

<b>P.F.S. DESIGN LLC</b>	
218-821-0630	
PROJECT NO. 218-821-0630	DATE: JUNE 28, 2019
DESIGNED BY: [Signature]	CHECKED BY: [Signature]
DATE: JUNE 28, 2019	REVISION: [Signature]
REVISED: JUNE 30, 2019	

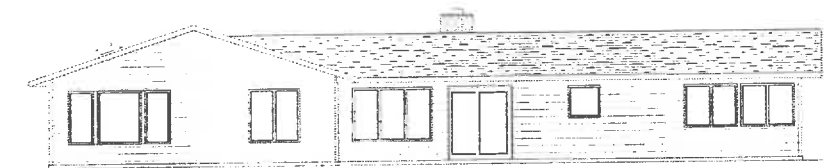




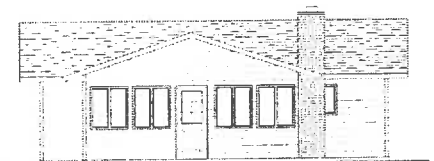
ROADSIDE ELEVATION  
SCALE 1/4" = 1'-0"



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



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



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

<b>P.F.S. DESIGN LLC</b>	
218-821-0630	
PROJECT FOR: SUE BACKREITER	DATE: JUNE 30, 2013
MADE NO:	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.





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

Received by City: Daniel E  
Application Number: V-24-003  
Non-refundable Fee Paid: 250-  
Receipt #: 23383

## Variance Application

Name of Applicant Loren and Melinda Kerfeld  
Address 3172 Orchid Dr. NE Email: ljkker11@gmail.com  
City, State, Zip Sauk Rapids, MN 56379  
Phone (320) 491-1218 Alternate Phone (320) 250-3262

Physical Address / Location of Property 29845 Shorview Lane, Breezy Point, MN 56472

Legal Description of Property Lot 8 Seventeenth Addition to Breezy Point Estates, Section 21, Township 136 North, Range 28 West, Crow Wing County, MN, Total Area = 7018 Sq. Ft. + 0.2 acres + area above OHW = 6937 Sq. Ft. = 0.2 Acres +

Parcel ID Number 10210839 Zoning District R-2

Applicant is: Title Holder of Property (if different than applicant):  
☒ Legal Owner of Property Name \_\_\_\_\_  
☐ Contract Buyer Address \_\_\_\_\_  
☐ Option Holder City, State, ZIP \_\_\_\_\_  
☐ Agent Phone \_\_\_\_\_  
☐ Other \_\_\_\_\_

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

We are requesting to add an additional garage stall, main floor bedroom space, 2 bedrooms above the garage space, additional dining space, and extend the upstairs bedroom over the additional dining space.

Signature of Owner, authorizing application Loren Kerfeld  
(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: Additional garage, bedroom and dining space  
Landscaping: Remove concrete to meet the existing percentage of impervious  
Parking/Signs: N/A

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 existing garage was not built within current setback guidelines.

3. How is granting this variance consistent with the intent of the City of Breezy Point Zoning Ordinance?  
Our request does not exceed the current impervious percentage; we would maintain the current setbacks.

4. How will **reasonable** use of the property be deprived if the variance is not granted?  
If not granted, the property lacks appropriate parking, sleeping, and dining accommodations.

5. What other options, either conforming or non-conforming, have been considered and why were those options not chosen?  
A formal entry and a third stall garage space were considered, however these options would not have met the impervious restrictions.

6. Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.  
There would be no negative impact on other properties as our set back would not need to be amended.

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?  
There is a combination of primary and secondary residences in the surrounding area. If we should opt to make this our primary residence in the future, the property would continue to blend well with the neighboring homes.

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

The impervious percentage limits us to the amount of building on our property.

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

The revisions to the structure would not impact the current drainage on the property; the existing grade slopes away from the lake, and sandy soil provide sufficient conditions to manage abnormal weather events.

*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.

The difficulty with the property is improving the usability while maintaining the current building footprint, setbacks, and impervious percentage.

## 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.

**DISCLAIMER  
OF  
WARRANTIES**

[illegible]

KERFELD / SCHUETZ  
SHOREVIEW LANE  
BREEZY POINT, MN.

JOSEPH L. SCHULTZ  
NATIONAL BOARD

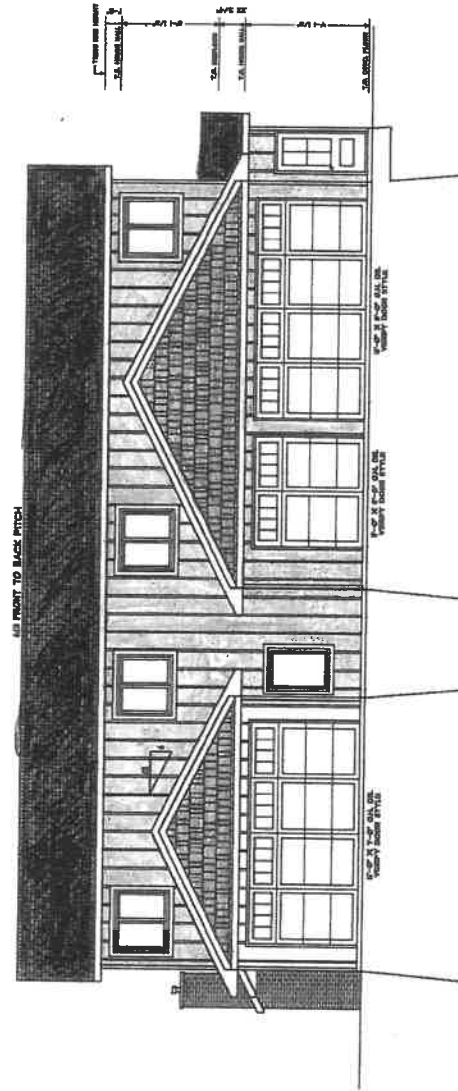
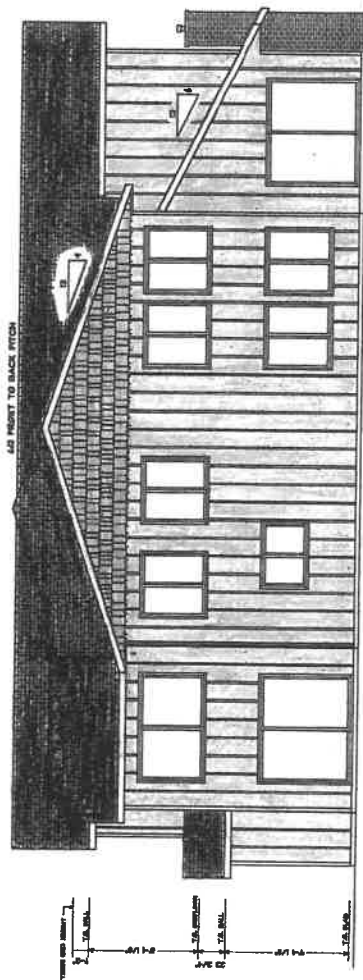
DO	MOORE
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[illegible][illegible]

POST-TENSIONING IN RIVINGTON

[illegible]

1



**DISCLAIMER  
OF  
WARRANTIES**

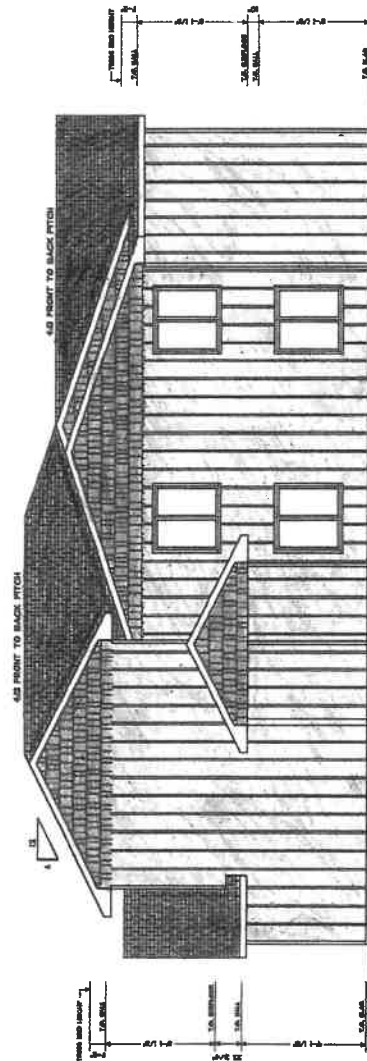
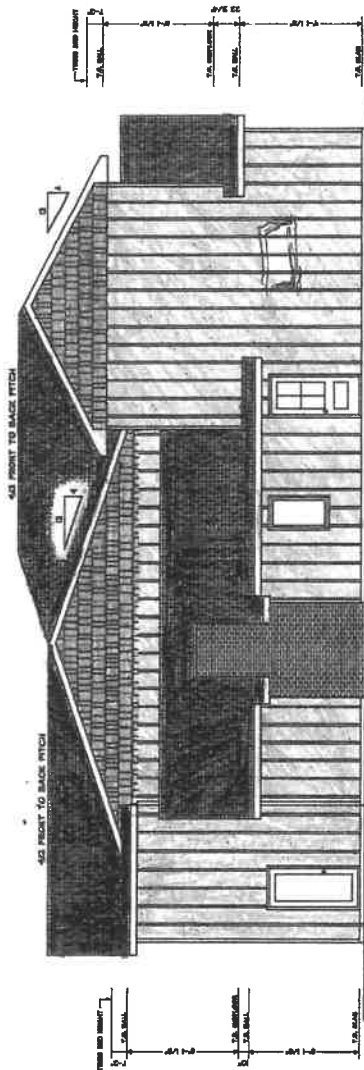
CD-ROMs are becoming a popular way to distribute software. The CD-ROM is a compact disc that can hold up to 700 MB of data. It is a popular way to distribute software because it is easy to use and it can hold a lot of data. The CD-ROM is a popular way to distribute software because it is easy to use and it can hold a lot of data.

KERFELD / SCHUETZ  
SHOREVIEW LANE  
BREEZY FORT, MN.

KENNELS/SCHULTZ  
DUNSTON PT, MN.

NEELY, J. A. AND J. A. J. J. J.

2-6





LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)

File Number: 2006811

Exhibit "A"

All the real property in Crow Wing County, Minnesota, described as follows:

Lot 7 and all that part of Lot 8, Seventeenth Addition to Breezy Point Estates, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State, lying North of the following described line: Commencing at the most Southeastly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86°47'24" 137 feet, more or less, to the shore of Pelican Lake and there terminating.

Except all minerals and mineral rights of record.

Torrens Property - Certificate Number 89983 for Michael R. Schuetz  
- Certificate Number 83735 for Steven F. Soukup and Cynthia A. Soukup

Commonly known as: 29853 Shoreview Lane, Breezy Point, MN 56472

Parcel Number (s): 10127000007Y009

LEGAL DESCRIPTION PER DOCUMENT NUMBER T-238692 (Kerfeld Tract)

All that part of Lot Eight (8), SEVENTEENTH ADDITION TO BREEZY POINT ESTATES, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said county and state, lying South of the following described line: Commencing at the most Southeastly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86 degrees 47 minutes 24 seconds 137 feet, more or less, to the shore of Pelican Lake and there terminating, Crow Wing County, Minnesota.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:  
Easements, Covenants, Restrictions and Reservations of record, if any.

CERTIFICATE OF SURVEY

LOT 7 AND LOT 8, SEVENTEENTH ADDITION TO BREEZY POINT ESTATES,  
SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA

LEGEND

- AT DENOTES EXISTING SATELLITE  
X - X - DENOTES EXISTING FENCE LINE  
- - - DENOTES EDGE OF EXISTING BITUMINOUS  
- - - DENOTES EDGE OF EXISTING CONCRETE  
- - - DENOTES EDGE OF EXISTING PAVING STONES  
- - - DENOTES EDGE OF EXISTING WOODEN DECKING  
- - - DENOTES EDGE OF EXISTING RIP-RAP  
- - - DENOTES EXISTING INTERMEDIATE CONTOURS  
- - - DENOTES EXISTING INDEX CONTOURS  
X DENOTES SPOT ELEVATION (EXISTING GRADE)  
- - - DENOTES EXISTING UTILITY POLE W/ GUY WIRE  
GT DENOTES EXISTING GROUND TRANSFORMER
- BT DENOTES EXISTING GAS METER  
P DENOTES EXISTING PHONE PEDESTAL & PHONE BOX  
W DENOTES EXISTING WELL  
S DENOTES EXISTING SANITARY SEWER MANHOLE  
B DENOTES BENCHMARK HIGH POINT OF WELL  
ELEV. = 1211.79  
BASED ON NGVD 29 DATUM  
(TBR) DENOTES "TO BE REMOVED"  
● DENOTES MONUMENT FOUND  
○ DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 41002
- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTHERLY LINE OF LOT 8 TO HAVE AN ASSUMED BEARING OF S 56°00' 00" W.

SCHUETZ TRACT

IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	1,193	6,937	17.2%
Deck	338	6,937	4.9%
Concrete	504	6,937	7.3%
Total	2,035	6,937	29.3%

IMPERVIOUS CALCULATIONS			
PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	1,188	6,937	17.1%
Deck	216	6,937	3.1%
Concrete	204	6,937	2.9%
Proposed Concrete	110	6,937	1.6%
Proposed Additions	394	6,937	5.7%
Total	2,112	6,937	30.4%

Net Area = Area above OHW

KERFELD TRACT

IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Building	1,187	6,197	19.2%
Deck	210	6,197	3.4%
Pavers & Concrete	855	6,197	13.5%
Total	2,252	6,197	36.0%

IMPERVIOUS CALCULATIONS			
PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Building	1,187	6,197	19.2%
Deck	210	6,197	3.4%
Pavers & Concrete	457	6,197	7.4%
Proposed Addition	377	6,197	6.1%
Total	2,231	6,197	36.0%

Net Area = Area above OHW

NOTES:

- Contour interval as shown = 2 feet. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on [DATE].
- Zoning for subject tract = "Medium Density Residential (R-2)".
- Parcel ID of subject parcel: 10210840 & 10210839.
- The E911 address of subject parcel: 29853 Shoreview Lane & 29845 Shoreview Lane.
- Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
- Property is in "Zone X" and "Zone A" as per the FIRM, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
- Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- National Wetland Inventory Report shows no wetlands within subject property.

30206 Ramussen Road  
Suite 1  
P.O. Box 874  
Pelican Lake, MN 56472  
218-568-0940  
www.stonemarksurvey.com



I HEREBY CERTIFY THAT THIS SURVEY PLAN SPECIFICATION ON THE PRECEDING PAGE WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A duly LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
Patrick A. Trutten  
DATE: 6-12-2024  
L.C. NO. 44002

REVISIONS	DESCRIPTION	DATE

DATE:	6-12-2024
SCALE:	1"=10'
BOOK:	
PC:	

PROJECT NO.:	21366-1
FILE NAME:	C21366-1.dwg
FIELD BOOK:	
BOOK:	

PROJECT MANAGER:	
DAT:	
CHECKED BY:	
PAT:	
DRAWN BY:	
RJT:	

PROJECT NO.:	21366-1
FILE NAME:	C21366-1.dwg
FIELD BOOK:	
BOOK:	

PROJECT MANAGER:	
DAT:	
CHECKED BY:	
PAT:	
DRAWN BY:	
RJT:	

PROJECT NO.:	21366-1
FILE NAME:	C21366-1.dwg
FIELD BOOK:	
BOOK:	





TO: Planning Commission

FROM: Peter Gansen, Planning & Zoning Administrator

RE: Staff Report for V-24-003 Kerfeld

DATE: Juuly 9, 2024 Regular Meeting

---

#### Variance Application V-24-003

Applicant: Loren and Melinda Kerfeld

Property Address: 29845 Shoreview Lane

Legal Description: LOT 8, 17TH ADDITION TO BREEZY POINT ESTATES

Parcel ID: 10210839

Zoned: R-2 Residential Sewered (50ft setback)

- The applicant has had the required pre-app meeting with staff.
- Applicant has filed the appropriate application for a variance.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350' were mailed a notice of hearing.
- Public notice was not given to the DNR, as the property is in a shoreland overlay district.

#### Variance Request:

- Is requesting a variance from the from the required road right-of-way setback of 30ft to construct an 8ft x 22ft addition and a 7.8ft x 22ft addition onto an existing non-conforming residence located 9ft from the road right-of-way.

#### Summary of the property

LOT 8, 17TH ADDITION TO BREEZY POINT ESTATES was platted in 1964 is located at 29845 Shoreview Lane. The property is a unit in a duplex in a residential neighborhood bordered by other residential property on the Breezy Point Peninsula. There are other multi-unit dwellings near this property of similar character and commercial zoned properties as well.

The property actually exceeds the lake setback of 50FT, please see attached survey and building envelope denoted by the dashed lines. So there is no concern for that as the proposed construction is also under the allowed 35FT structure height.

The applicant is requesting the variance from the City Road Right of way to add additional interior parking. The applicant is NOT reducing any existing setback distance with respect to the Road Right of Way.

The property is over the allowed impervious amounts however does not require a variance as there is no net increase.

The proposed additions are actually going over existing hardscaped parking areas and additional hardscape is being removed, see TBR area on the attached survey.

It seems the addition if allowed will let the applicant park their vehicles inside the structure and seems to be a reasonable request. The applicant also has dedicated additional stormwater management areas to address any runoff associated with the structural modifications.

Both City and applicant could benefit here by this variance which allow interior parking in an already congested area and to mitigate stormwater runoff in a shoreland area.

Due to the de minimis nature of the encroachment staff recommends the Commission consider approval, based on the information presented at this time.

A question staff would like the board to ask the applicant if there additions are related to vehicular storage or residential. Meaning will vehicular parking be accomplished within the property and not in the road right of way? As parking in the right of way is potential hazard to public safety for obvious reasons and this area is very congested all ready.

The following are recommended findings the Commission can adopt.

#### Notice of Decision and Findings of Fact

The Planning Commission shall consider the following in its decision and make written findings concerning the variance approval or denial.

- (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;

**Yes, the encroachment was created by a prior landowner.**

- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;

**Yes, the encroachment into the setback is minimal and pretty much inline with the existing building facade.**

- (3) The land use created by the variance is permitted in the zoning district where the property is located;

**Yes, Seasonal/Year round residential use is allowed in the zoning district**

(4) The variance will not alter the essential character of the locality;

**Yes, the proposed request is residential, similar to the adjacent neighbors.**

(5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

**Yes, the existing owners did not create the encroachment, the prior owner did. If the strict application of the ordinance was applied the existing owners would not be allowed to construct the additions as proposed.**

The following are recommended conditions.

1) **Additions granted through this variance are for vehicular parking.**



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





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

Received by City: Daniel E  
Application Number: V-24-004  
Non-refundable Fee Paid: 250-  
Receipt #: 23384

## Variance Application

Name of Applicant Mike & Fonda Schuetz  
Address 29853 Shoreview Ln Email: mikeschuetz70@gmail.com  
City, State, Zip Breezy Point, MN 56472  
Phone 320-282-4735 Alternate Phone 3205103289

Physical Address / Location of Property 29853 Shoreview Ln, Breezy Point, MN 56472

Legal Description of Property Lot 7 and all that part of lot 8, Seventeenth Addition to Breezy Point Estates, Township 136 North, Range 28 West, Crow Wing County, Minnesota. \*See attached Certificate of Survey for complete legal description.

Parcel ID Number 1012000007y009 Zoning District R-2

Applicant is: Title Holder of Property (if different than applicant):  
☒ Legal Owner of Property Name \_\_\_\_\_  
☐ Contract Buyer Address \_\_\_\_\_  
☐ Option Holder City, State, ZIP \_\_\_\_\_  
☐ Agent Phone \_\_\_\_\_  
☐ Other \_\_\_\_\_

State the nature of your request in detail. What are you proposing for your property?  
We are requesting to add additional garage space with bedrooms above, additional dining space, and extend the upstairs bedroom over the additional dining space.

Signature of Owner, authorizing application [Signature]  
(By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner) \_\_\_\_\_  
(By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

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

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

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

**The following questions must be answered.**

1. What changes are you proposing to make to this property?  
Building: Additional garage, bedroom, and dining space  
Landscaping: Remove existing impervious to remain within existing impervious percentages  
Parking/Signs: N/A

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 existing garage was not built within the current setback guidelines.

3. How is granting this variance consistent with the intent of the City of Breezy Point Zoning Ordinance?  
Our request is within 1% of the current impervious percentages. We would maintain current setbacks.

4. How will **reasonable** use of the property be deprived if the variance is not granted?  
If not granted, the property lacks appropriate parking, sleeping, and dining accommodations.

5. What other options, either conforming or non-conforming, have been considered and why were those options not chosen?  
Many variations were considered, but they didn't meet the impervious restrictions.

6. Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.  
There would be no negative impact on other properties as our setbacks would not need to be amended.

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?  
There is a combinationn of primary and secondary residences in the surrounding area. We have recently made ~~this our primary residence and want the property to continue to blend well with the neighboring homes.~~

8. Discuss any environmental limitations of the site or the area that limit building in other areas.  
The impervious percentage limitations and setbacks limit us to the amount of building on our property.

9. Please include any other comments pertinent to this request.  
The revisions to the structure would not impact the current drainage on the property; the existing grade slopes away from the lake, and sandy soil provides sufficient conditions to handle any adverse weather events.

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The difficulty with the property is improving the usability while maintaining the current building footprint, setbacks, and impervious percentages.

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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.

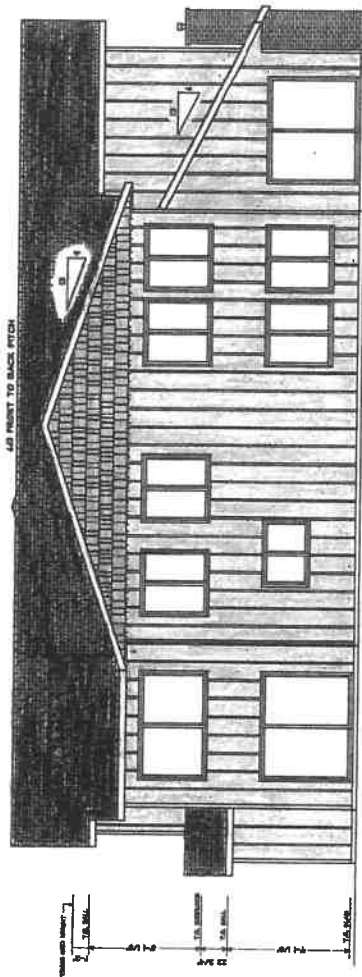
6. Elevation plans for all existing and proposed structures.

**DISCLAIMER OF WARRANTIES**  
 The undersigned hereby certifies that the drawings and specifications are true and correct to the best of his knowledge and belief, and that he is not aware of any facts or circumstances which might render them misleading or incomplete. He further certifies that he is not aware of any facts or circumstances which might render them misleading or incomplete. He further certifies that he is not aware of any facts or circumstances which might render them misleading or incomplete.

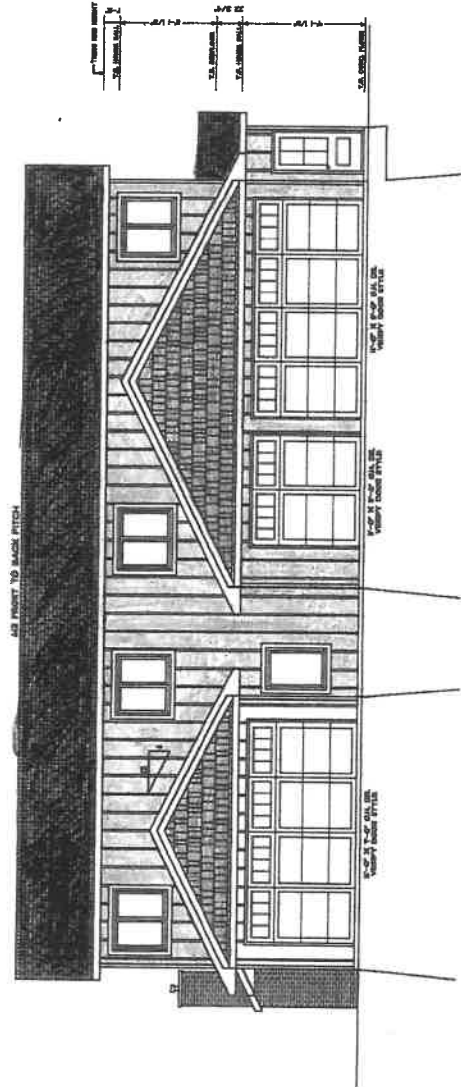
**KERFELD / SCHUETZ**  
 4000 WYOMING LANE  
 BREEZY POINT, MD

PROJECT NO.	2024-001
DATE	3/15/2024
BY	JS
CHECKED BY	
DATE	
APPROVED BY	
DATE	

9-1



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



**1 FRONT ELEVATION**  
 SCALE 1/4" = 1'-0"

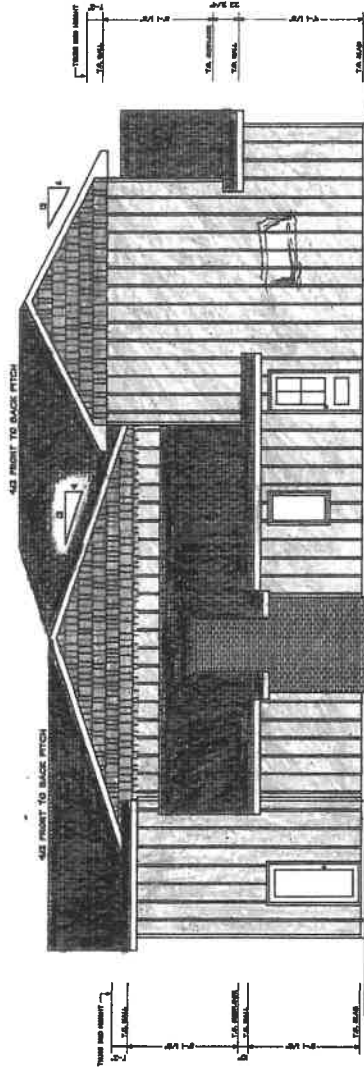


**DISCLAIMER OF WARRANTIES**  
 The design shown herein is for general information only. It is not intended to be used for construction without the supervision of a licensed professional engineer or architect. The user assumes all liability for any and all damages, including but not limited to, property damage, personal injury, and death, resulting from the use of this design. The user agrees to hold the designer harmless from and against all such claims and damages. This disclaimer shall be deemed to be a part of the contract between the user and the designer.

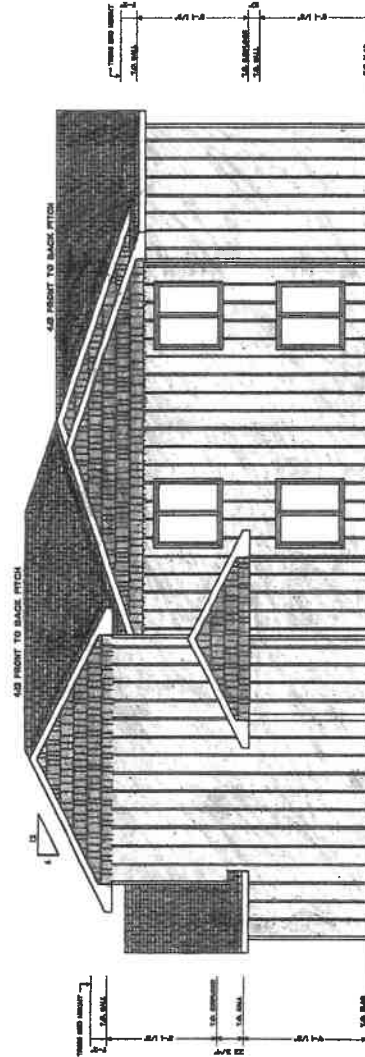
KERPEL / SCHUETZ  
 SHOREWAY LANE  
 BREWSTER PORT, NH

PROJECT NO.		2020-001	
CLIENT		KERPEL/SCHUETZ	
DATE		8/2/2024	
BY		DO	
CHECKED			
APPROVED			
SCALE			
REVISIONS			
NO.	DESCRIPTION	DATE	
1	REVISION		

2-6



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



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

LEGAL DESCRIPTION PER DOCUMENT NUMBER T-236246 (Schuetz Tract)

File Number: 2006811

Exhibit "A"

All the real property in Crow Wing County, Minnesota, described as follows:

Lot 7 and all that part of Lot 8, Seventeenth Addition to Breezy Point Estates, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State, lying North of the following described line: Commencing at the most Southeastly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86°47'24" 137 feet, more or less, to the shore of Pelican Lake and there terminating.

Except all minerals and mineral rights of record.

Torrens Property - Certificate Number 89983 for Michael R. Schuetz  
- Certificate Number 83735 for Steven F. Soukup and Cynthia A. Soukup

Commonly known as: 29853 Shoreview Lane, Breezy Point, MN 56472

Parcel Number (s): 10127000007Y009

LEGAL DESCRIPTION PER DOCUMENT NUMBER T-238692 (Kerfeld Tract)

All that part of Lot Eight (8), SEVENTEENTH ADDITION TO BREEZY POINT ESTATES, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said county and state, lying South of the following described line: Commencing at the most Southeastly corner of said Lot 8, thence Northerly along the Easterly line thereof 46.11 feet to the beginning of the line to be described; thence Southwesterly deflecting to the left 86 degrees 47 minutes 24 seconds 137 feet, more or less, to the shore of Pelican Lake and there terminating. Crow Wing County, Minnesota.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:  
Easements, Covenants, Restrictions and Reservations of record, if any.

CERTIFICATE OF SURVEY

LOT 7 AND LOT 8, SEVENTEENTH ADDITION TO BREEZY POINT ESTATES,  
SECTION 21, TOWNSHIP 136 NORTH, RANGE 28 WEST,  
CROW WING COUNTY, MINNESOTA

LEGEND

- ⊕ DENOTES EXISTING SATTELITE  
— X — X — DENOTES EXISTING FENCE LINE  
— DENOTES EDGE OF EXISTING BITUMINOUS  
— DENOTES EDGE OF EXISTING CONCRETE  
— DENOTES EDGE OF EXISTING PAVING STONES  
— DENOTES EDGE OF EXISTING WOODEN DECKING  
— DENOTES EDGE OF EXISTING RIP-RAP  
— 1208 — DENOTES EXISTING INTERMEDIATE CONTOURS  
— 1210 — DENOTES EXISTING INDEX CONTOURS  
X 1234.5 DENOTES SPOT ELEVATION (EXISTING GRADE)  
— DENOTES EXISTING UTILITY POLE W/ GUY WIRE  
⊕ DENOTES EXISTING GROUND TRANSFORMER  
⊕ DENOTES EXISTING GAS METER  
⊕ DENOTES EXISTING PHONE PEDestal & PHONE BOX  
⊕ DENOTES EXISTING WELL  
⊕ DENOTES EXISTING SANITARY SEWER MANHOLE  
⊕ BENCHMARK: HIGH POINT OF WELL  
ELEV. = 1211.79  
BASED ON NGVD 29 DATUM  
(TBR) DENOTES "TO BE REMOVED"  
• DENOTES MONUMENT FOUND  
○ DENOTES IRON MONUMENT SET MARKED BY LICENSE No. 41902  
ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTHERLY LINE OF LOT 8 TO HAVE AN ASSUMED BEARING OF S 56°00' 00" W.

SCHUETZ TRACT

IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	1,193	6,937	17.2%
Deck	338	6,937	4.9%
Concrete	504	6,937	7.3%
Total	2,035	6,937	29.3%

IMPERVIOUS CALCULATIONS			
PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	1,186	6,937	17.1%
Deck	218	6,937	3.1%
Concrete	204	6,937	2.9%
Proposed Concrete	110	6,937	1.6%
Proposed Additions	394	6,937	5.7%
Total	2,112	6,937	30.4%

Net Area = Area above OHW

KERFELD TRACT

IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Building	1,187	6,197	19.2%
Deck	210	6,197	3.4%
Pavers & Concrete	835	6,197	13.5%
Total	2,232	6,197	36.0%

IMPERVIOUS CALCULATIONS			
PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Building	1,187	6,197	19.2%
Deck	210	6,197	3.4%
Pavers & Concrete	457	6,197	7.4%
Proposed Addition	377	6,197	6.1%
Total	2,231	6,197	36.0%

Net Area = Area above OHW

NOTES:

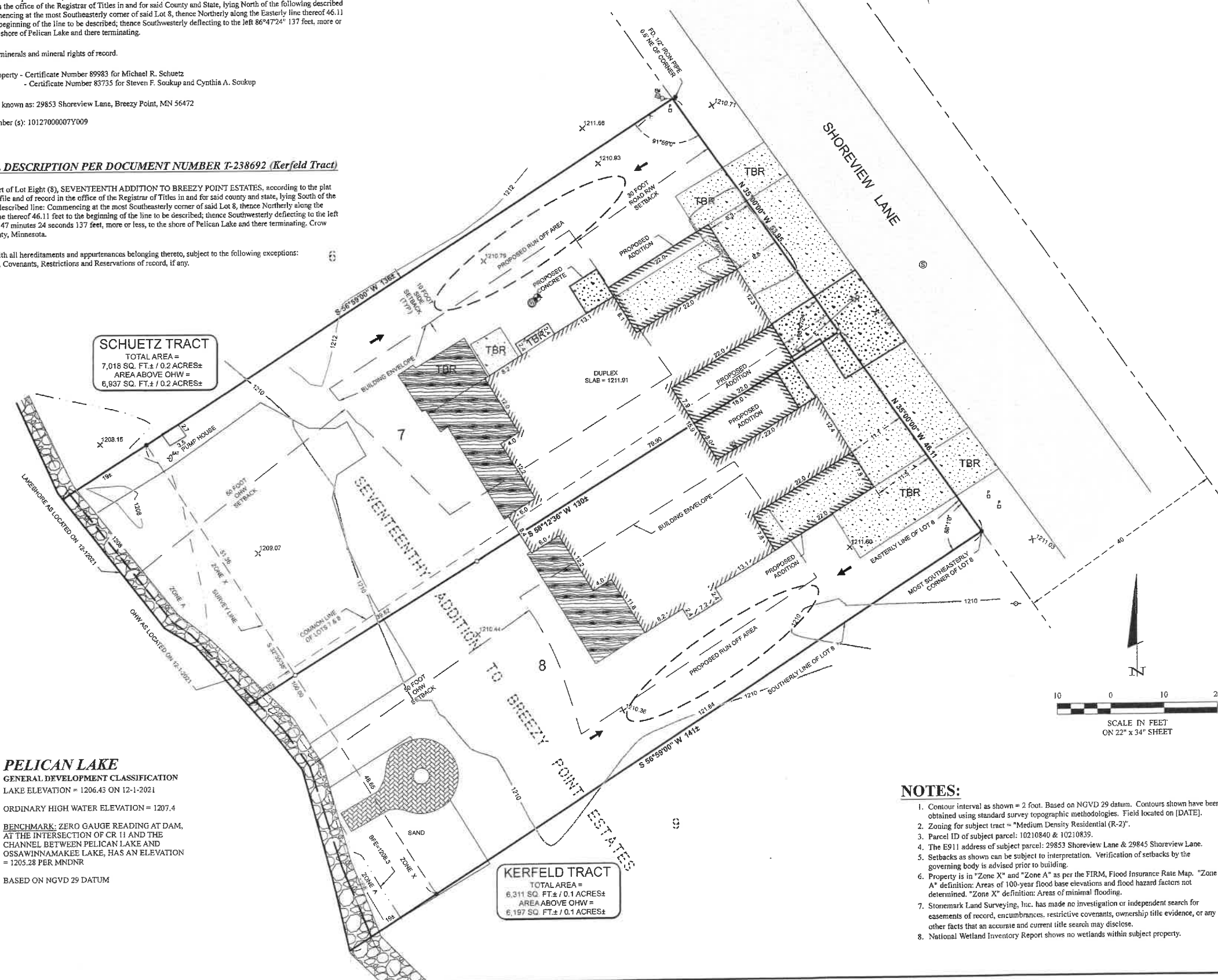
- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on [DATE].
- Zoning for subject tract = "Medium Density Residential (R-2)".
- Parcel ID of subject parcel: 10210840 & 10210839.
- The E911 address of subject parcel: 29853 Shoreview Lane & 29845 Shoreview Lane.
- Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
- Property is in "Zone X" and "Zone A" as per the FIRM, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
- Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- National Wetland Inventory Report shows no wetlands within subject property.

KERFELD TRACT

TOTAL AREA =  
6,311 SQ. FT. ± / 0.1 ACRES ±  
AREA ABOVE OHW =  
6,197 SQ. FT. ± / 0.1 ACRES ±

SCHUETZ TRACT

TOTAL AREA =  
7,018 SQ. FT. ± / 0.2 ACRES ±  
AREA ABOVE OHW =  
6,937 SQ. FT. ± / 0.2 ACRES ±



PELICAN LAKE

GENERAL DEVELOPMENT CLASSIFICATION  
LAKE ELEVATION = 1206.43 ON 12-1-2021

ORDINARY HIGH WATER ELEVATION = 1207.4

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

BASED ON NGVD 29 DATUM

30206 Rasmussen Road  
Suite 1  
P. O. Box 874  
Pequot Lakes, MN 56472  
218-568-4940  
www.stonemarksurvey.com



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE MINNESOTA SURVEYING ACT AND THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
DATE: 6-12-2024  
BY: [Signature]  
MICHAEL R. SCHUETZ  
LICENSE NO. 41902

REVISIONS	DATE	DESCRIPTION

DATE:	6-12-2024
SCALE:	1"=10'
HORIZ.:	
VERT.:	NONE

PROJECT NO.:	21566-1
FILE NAME:	C21566-1.dwg
FIELD BOOK:	
BOOK:	
PG.	

CHECKED BY:	PAT
DRAWN BY:	RUF

CERTIFICATE OF SURVEY	
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Mike Schuetz  
13723 Garden Ave.  
Glenwood, MN 55336

SHEET	1 OF 1
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TO: Planning Commission

FROM: Peter Gansen, Planning & Zoning Administrator

RE: Staff Report for V-24-004 Schuetz

DATE: July 9, 2024 Regular Meeting

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#### Variance Application V-24-004

Applicant: Loren and Melinda Kerfeld

Property Address: 29853 Shoreview Lane

Legal Description: LOT 7, 17TH ADDITION TO BREEZY POINT ESTATES

Parcel ID: 10210840

Zoned: R-2 Residential Sewered (50ft setback)

- The applicant attended the required pre-app meeting with staff.
- Applicant has filed the appropriate application for a variance.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350' were mailed a notice of hearing.
- Public notice was not given to the DNR, as the property is in a shoreland overlay district.

#### Variance Request:

- Is requesting a variance from the maximum allowed impervious surface coverage of 25% to 30.4% and a variance from the required road right-of-way setback of 30ft to 8.3ft to construct an 8ft x 22ft addition and a 7.8ft x 22ft addition onto an existing non-conforming residence located 8.3ft from the road right-of-way

#### Summary of the property

LOT 7, 17TH ADDITION TO BREEZY POINT ESTATES was platted in 1964 is located at 29853 Shoreview Lane. The property is a unit in a duplex in a residential neighborhood bordered by other residential property on the Breezy Point Peninsula. There are other multi-unit dwellings near this property of similar character and commercial zoned properties as well.

The property actually exceeds the lake setback of 50FT, please see attached survey and building envelope denoted by the dashed lines. So there is no concern for that as the proposed construction is also under the allowed 35FT structure height.

The applicant is requesting the variance from the City Road Right of way to add additional interior parking. The applicant is NOT reducing any existing setback distance with respect to the Road Right of Way.

The property is over the allowed impervious amounts and does require a variance that standard as well. Appears to be going from 29.3% to 30.4%.

Staff would like to ask the Board to ask this applicant why they need to exceed the existing impervious surface amounts. This property is legally different than the neighboring property and the variances are respective of unique time and place with each property. However staff failed to see why the bump out is necessary on the north and westerly side of the proposed addition?

Because the properties are separate the Planning Commission can deny this request based on that merit it seems that lot 7 is getting larger additions. Findings for denial could be met on that criteria.

At the same time the applicant could agree to reduce the size of the addition to match the existing northwest wall and not bump out so there is not net increase in coverage allowances.

Or if the Board feels there is valid justification for the impervious surface increase and the lot is not too crowded. Findings for approval could be met as well.

In either scenario Staff recommends that Board require the applicant establish some reason or nexus for the additional impervious request, aside from just landowner-based preference.

Outside of those concerns most of the proposed additions are actually going over existing hardscaped parking areas and additional hardscape is being removed, see TBR area on the attached survey.

It seems the addition if allowed will let the applicant park their vehicles inside the structure and seems to be a reasonable request. The applicant also has dedicated additional stormwater management areas to address any runoff associated with the structural modifications.

Both City and applicant could benefit here by this variance which allow interior parking in an already congested area and to mitigate stormwater runoff in a shoreland area.

Due to the de minimis nature of the encroachment staff recommends the Commission consider approval, based on the information presented at this time.

Pending addressing the northwest bumpout.

Also another question staff would like the Board to ask the applicant if the additions are related to vehicular storage or residential. Meaning will vehicular parking be accomplished within the property and not in the road right of way? As parking in the right of way is potential hazard to public safety for obvious reasons and this area is very congested all ready.

The following are recommended findings the Commission can adopt.

Notice of Decision and Findings of Fact

The Planning Commission shall consider the following in its decision and make written findings concerning the variance approval or denial.

- (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;

**Yes, the encroachment was created by a prior landowner.**

- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;

**Yes, the encroachment into the setback is minimal and pretty much inline with the existing building facade.**

- (3) The land use created by the variance is permitted in the zoning district where the property is located;

**Yes, Seasonal/Year round residential use is allowed in the zoning district.**

- (4) The variance will not alter the essential character of the locality;

**Yes, the prosed request is residential, similar to the adjacent neighbors.**

- (5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

**Yes, the existing owners did not create the encroachment, the prior owner did. If the strict application of the ordinance was applied the existing owners would not be allowed to construct the additions as proposed.**

The following are recommended conditions.

- 1) **Additions granted through this variance are for vehicular parking.**
- 2) **Eliminate the bump out on the northwest wall and keeep the addition inline with the existing structures profile.**
- 3) **Must remain within or less than 29.3% net impervious coverage.**





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.