



PLANNING COMMISSION/BOARD OF ADJUSTMENT

Tuesday, June 10, 2025 at 6:30 PM

Public Safety Building | 8361 Co. Rd. 11 Breezy Point, MN 56472

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

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **OPEN FORUM**
5. **APPROVAL OF MINUTES**
 1. [March 11, 2025 Planning Commission Minutes](#)
6. **BREEZY POINT RESORT - David Landecker**

Review redesign of Traditional Golf Course
7. **DISCUSSION SUBDIVISION of Consolidated Lots 8 & 9 Block 4 Whitebirch Four. 7602 Blackhawk Circle. Zoning R-1**
 - A. [Blackhawk Circle](#)
8. **OTHER**
9. **STAFF REPORTS**
10. **COMMISSIONER REPORTS**
11. **ADJOURN**

**Breezy Point Planning Commission/
Board of Adjustment
March 11, 2025
Regular Meeting Minutes**

Call to Order

The meeting was called to order at 6:30 PM on March 11, 2025 by Chair Weaver.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call

Interim City Administrator Jerry Bohnsack conducted the roll call. All members were present. Joe Ayers, Lee Brisbin, Roger Theis, Marcy Weaver, and Teddy Zierden. Staff present included Bohnsack and Deputy Clerk Deb Runksmeier.

Approval/Amendment of the Agenda

Ayers moved to approve the agenda. Brisbin seconded the motion. The motion passed unanimously.

Open Forum

There were no speakers for the open forum.

Approval of Minutes

January 14, 2025 Planning Commission Minutes

This made a motion to approve the January 14, 2025 Planning Commission minutes. Zierden seconded the motion. The motion passed unanimously.

**Public Hearing - Subdivision Application S-25-001 Sarah Lovejoy
7036 Nickel Road. Preliminary Plat Wilder Woods. Zone WR**

Open Public Hearing

Applicant Presentation

Sarah Lovejoy, the applicant, presented her request to divide her property into two five-acre lots. She explained that the property had recently been rezoned to Wooded Residential. Lovejoy stated that she planned to sell her existing home and driveway to her daughter and build on the newly divided part. She confirmed that there would be two separate driveways.

Staff Review

Bohnsack presented the staff review. He noted that the application was for a subdivision, with the property address at 7036 Nickel Road. The property was recently rezoned from Urban Reserve to Wooded Residential. Jerry stated that the proposed plat conformed to the requirements of the wooded residential zone, which has a five-acre minimum. He recommended that an easement for the existing septic system be dedicated as part of the final plat.

Public Input

There was no public input.

Close Public Hearing

Official Action

Ayers moved to approve the Preliminary and Final Plat of Wilder Woods Addition with the condition that an easement for the existing septic be dedicated to the final plat.

Zierden seconded the motion. The motion passed unanimously.

Public Hearing - Variance V-25-001 James & Susan Sackreiter 32601 Timberlane Point. Lot 31 Trotter Cade. Request to expand Legal non-conforming use. Proposed addition to existing dwelling 24 feet from OHW. Zone R-2.

Open Public Hearing

Applicant Presentation

Jim Sackreiter, the applicant, presented his request to add an eight-foot addition to the side of his cabin to add a bathroom. He explained that the lot had multiple issues, being squeezed between Timberland and the OHW. Sackreiter stated that the change was fully supported by his neighbors and that they intended to keep the same look of the cabin. He addressed the practical difficulties, including the nonconforming nature of the lot and the challenges of having only one bathroom for six to eight adults. Sackreiter also discussed plans to improve drainage issues and reduce impervious coverage to below 25%.

Staff Review

Jerry presented the staff review, noting that the request was to expand a legal nonconforming use with an 8 by 32 foot addition to the dwelling unit, 25 feet from the OHW. He explained that because the dwelling is located within the 75-foot setback of the OHW, it is considered a legal nonconforming use. Jerry outlined the variance review criteria and presented findings that could support both approval and denial of the request.

Public Input

There was no public input.

Close Public Hearing

Official Action

Weaver moved to approve the variance with the following conditions: 1) The current septic is maintained with a compliance inspection occurring every three years, and 2) The current drain water management plan would be implemented as part of this approval. Zierden seconded the motion. The motion passed 4-1, This Opposed.

Staff Reports

Interim Administrator Bohnsack reported that interviews for administrative candidates would be held the following Wednesday, starting around 8:45 in the morning. He mentioned that these interviews would be open to the public. Bohnsack also stated that he would prepare and distribute information about variances and practical difficulties to the commission members for their review.

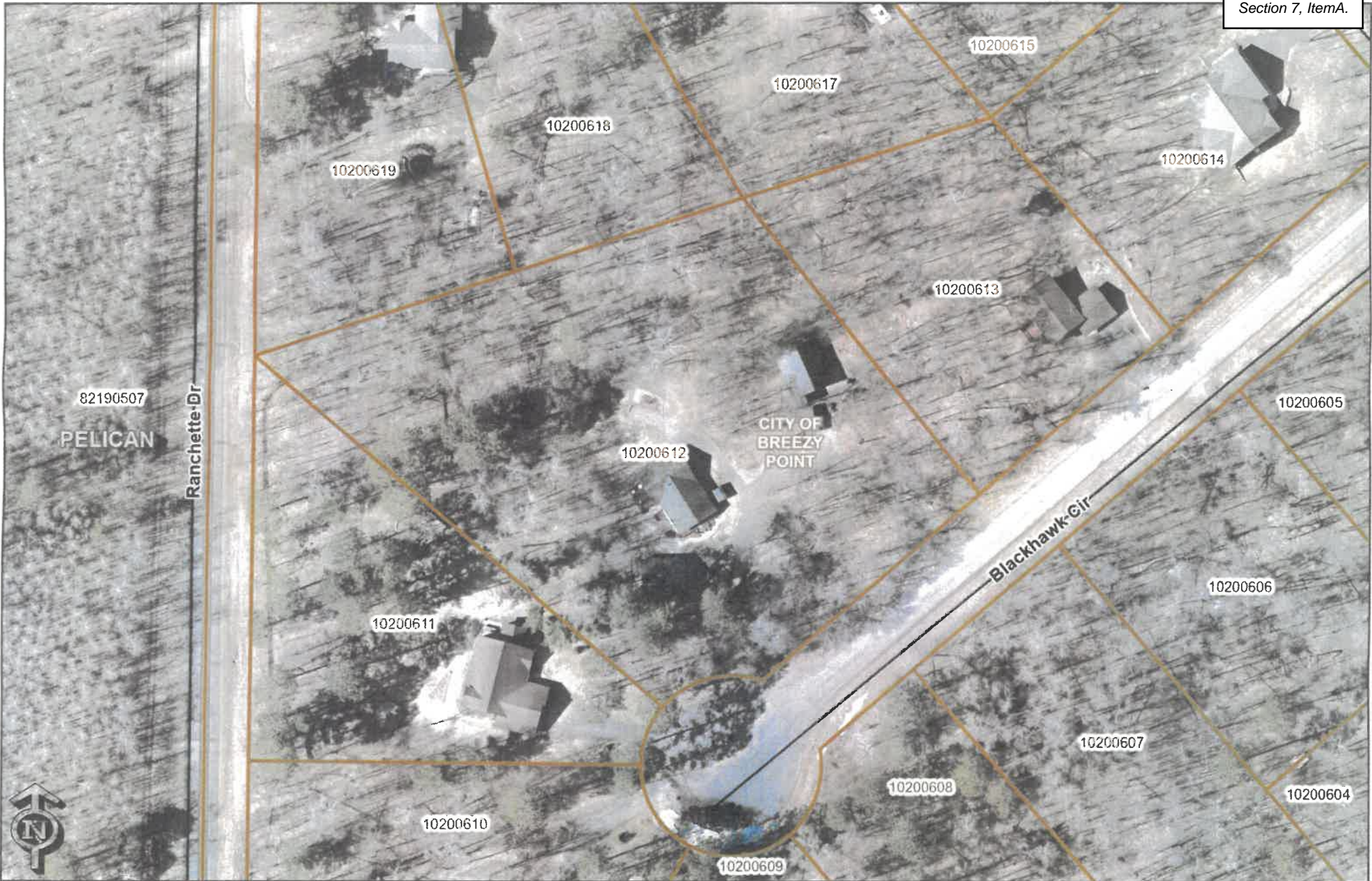
Commissioner Reports

There were no commissioner reports.

Adjourn

The meeting was adjourned at 7:15 PM.

DRAFT



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Date: 1/13/2025 Time: 3:18 PM

WHITEBIRCH FOUR

LANDECKER & ASSOC., INC.
PEQUOT LAKES, MINNESOTA 56472

KNOW ALL MEN BY THESE PRESENTS: THAT WHITEBIRCH, INC., A MINNESOTA CORPORATION, THE OWNER AND PROPRIETOR OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN THE COUNTY OF CROW WING, STATE OF MINNESOTA, TO WIT: OUTLOTS A AND B, RANCHETTE ADDITION TO BREEZY POINT ESTATES, AND ALSO THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 136 NORTH, RANGE 28 WEST,

HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS WHITEBIRCH FOUR AND DOES HEREBY DONATE AND DEDICATE TO THE PUBLIC FOR PUBLIC USE FOREVER THE DRIVES AND CIRCLES, AND DRAINAGE, UTILITY AND TRAIL EASEMENTS AS SHOWN ON THE PLAT.

IN WITNESS WHEREOF, SAID WHITEBIRCH, INC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PROPER OFFICERS AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 24TH DAY OF JULY, 1978

Jerome D. Lenz
JEROME D. LENZ, PRESIDENT

James Harmon, Jr.
JAMES HARMON, JR., SECRETARY

STATE OF MINNESOTA
COUNTY OF CROW WING

ON THIS 24TH DAY OF JULY, 1978, BEFORE ME, A NOTARY PUBLIC, WITHIN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED JEROME D. LENZ AND JAMES HARMON, JR., TO ME PERSONALLY KNOWN, WHO BEING BY ME EACH DULY SWORN DID SAY THAT THEY ARE RESPECTIVELY PRESIDENT AND SECRETARY OF WHITEBIRCH, INC., THE CORPORATION NAMED IN THE FOREGOING INSTRUMENT, THAT THE SEAL AFFIXED TO SAID INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND SAID JEROME D. LENZ AND JAMES HARMON, JR., ACKNOWLEDGE SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

NOTARY PUBLIC, CROW WING COUNTY, MINNESOTA
MY COMMISSION EXPIRES: OCT. 1, 1980

I HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE LAND DESCRIBED IN THE FOREGOING INSTRUMENT AS WHITEBIRCH FOUR; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN; THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED AND THAT THERE ARE NO WETLANDS OR PUBLIC LANDS TO BE DESIGNATED ON SAID PLAT OTHER THAN AS SHOWN THEREON.

Myron L. Landecker
MYRON L. LANDECKER, REGISTERED LAND SURVEYOR
MINNESOTA REGISTRATION NUMBER 7452

STATE OF MINNESOTA
COUNTY OF CROW WING

THE ABOVE CERTIFICATE WAS SUBSCRIBED AND SWORN TO BEFORE ME THIS 24TH DAY OF JULY, 1978.

Walter James Lundquist
NOTARY PUBLIC, CROW WING COUNTY, MINNESOTA
MY COMMISSION EXPIRES APRIL 27, 1982

THIS PLAT OF WHITEBIRCH FOUR WAS APPROVED BY THE CITY COUNCIL FOR THE CITY OF BREEZY POINT, MINNESOTA, ON THIS 27TH DAY OF JUNE, 1978

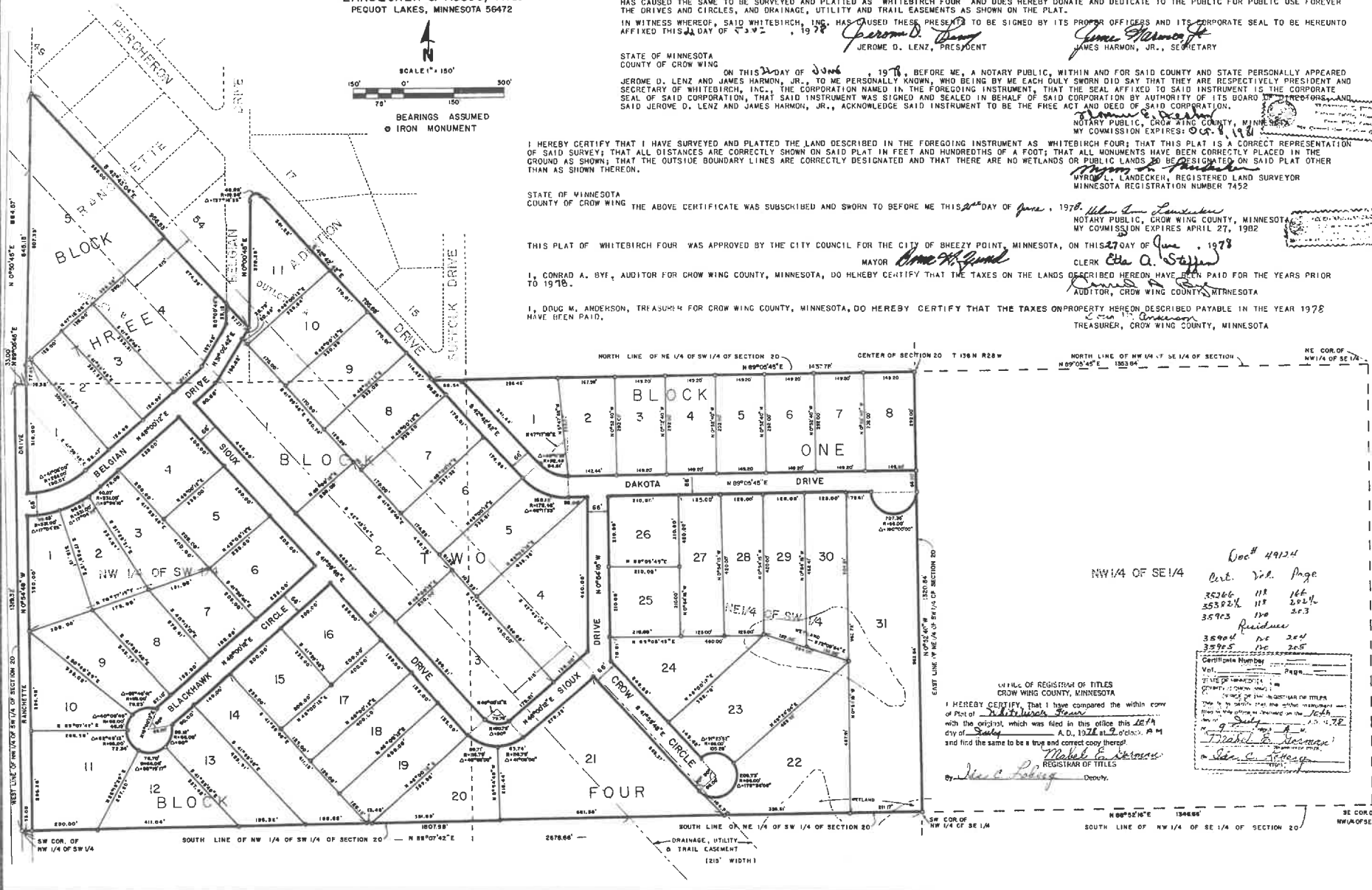
MAYOR *Conrad A. By* CLERK *Etha A. Stoffer*

I, CONRAD A. BY, AUDITOR FOR CROW WING COUNTY, MINNESOTA, DO HEREBY CERTIFY THAT THE TAXES ON THE LANDS DESCRIBED HEREON HAVE BEEN PAID FOR THE YEARS PRIOR TO 1978.

Doug M. Anderson
AUDITOR, CROW WING COUNTY, MINNESOTA

I, DOUG M. ANDERSON, TREASURER FOR CROW WING COUNTY, MINNESOTA, DO HEREBY CERTIFY THAT THE TAXES ON PROPERTY HEREON DESCRIBED PAYABLE IN THE YEAR 1978 HAVE BEEN PAID.

Doug M. Anderson
TREASURER, CROW WING COUNTY, MINNESOTA



Doc# 49124

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35703	120	273

Residence

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35905	126	205

Volume	Page
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35905	126

Register of Titles

I HEREBY CERTIFY THAT I HAVE COMPARED THE WITHIN COPY OF PLAT OF *White Birch Four* WITH THE ORIGINAL WHICH WAS FILED IN THIS OFFICE THIS 24TH DAY OF JULY, A.D. 1978 AT 2 O'CLOCK P.M. AND FIND THE SAME TO BE A TRUE AND CORRECT COPY THEREOF.

Michael G. Johnson
REGISTER OF TITLES
Deputy

notification in error, you should immediately return it to us and delete the message from your system. Thank you.

From: Jerry Bohnsack <jbohnsack@cityofbreezypointmn.us>
Sent: Tuesday, April 15, 2025 12:04 PM
To: Joseph J. Langel <jjl@ratwiklaw.com>
Subject: Lot split 10200612

Good Morning Joe

Breezy Point resident Gary Peterson 7602 Blackhawk Circle owns consolidated lots 8 & 9 Block 4 Whitebirch #4. The property currently hosts his principle structure (house) , a detached garage , & a guest house/garage. The guest house/ garage is located approximately 75 feet +- from the house. Part of the house straddles the original lot line between the 2 lots.

The guest house/garage is 1020 square feet (30x34). Zoning of the property is R 1.

Mr. Peterson would like to split the property into 2 parcels . one parcel would contain the house & detached garage, the other would contain the guest house/garage.

Concerns R I Zoning 153.031

If a lot split was approved the guest house/garage would then be considered as the principal structure, 153.031 B 3

Dwelling must be 26 feet or wider must have foundation of 1296 sq feet or 975 sq feet with a minimum of 22x22 attached garage. Today the guest/house is considered a permitted structure (conforming),if lot is split, would it be considered a non- conforming structure?

Would this be considered a new subdivision, with larger lot size requirements? (existing subdivisions 40,00 sq ft—new subdivisions 2.5 acres). Consolidated lots 104787 sq ft -2.4 acres.

Q should the city approve a lot split with these concerns?

Your guidance is greatly appreciated.

Jerry.

Jerry

From: Joseph J. Langel <jjl@ratwiklaw.com>
Sent: Thursday, April 24, 2025 2:54 PM
To: Jerry Bohnsack <jbohnsack@cityofbreezypointmn.us>
Subject: RE: Lot split 10200612

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

Hi Jerry,

This makes for an odd scenario under the City’s existing zoning and subdivision ordinances.

Mr. Peterson owns two lots platted in 1978 that are consolidated for zoning purposes but which have never been formally re-platted. Now he wants to divide the consolidated lot using a line that does not correspond to the original lot lines because the house sits on that original line.

First, we need to figure out what lot standards apply. It’s not clear how the performance standards for R-1 work under section 153.031(G) in terms of lot size. New subdivisions have to be 2.5 acres, that much is clear, but you state that “existing” subdivisions have to be 40,000 sq. ft. An existing subdivision lot is whatever size it was when it was platted, so when does this “existing” standard apply? When an existing lot is changed in some fashion? I don’t know how City interprets this language.

If it is interpreted to apply to existing lots that are being changed in some fashion, then this might work as a replat of the original lots 8 and 9. Basically, the line will be redrawn to meet the square footage, lot width, building setback and other requirements. It would be tight to the existing house, but it looks like it might work. He would need to get a survey.

It does not appear that section 152.50 (lot line adjustments and consolidations) applies here because he’s not creating a larger parcel.

It would require an actual re-plat, not a metes and bounds subdivision.

If done this way, the new parcel will have a non-conforming structure, which will then be subject to the rules for such structures.

Let me know if you have any questions.

Joe



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Ratwik, Roszak & Maloney, P.A.
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Good Morning

I do not think that we have dealt with a request like this. The 40,000 square foot minimum is specified in the Lot size Dimension Chart 153.045 40,000 for existing subdivisions & 2.5 acres for new subdivisions.

The guest/house garage on the new parcel does not meet the minimum size for dwelling as per 153.031 B 3.

Rendering it a non-conforming structure?

The concern might be that this would create a way (lot split) to get a storage structure on a parcel without a primary structure.

Thoughts?

Jerry

From: Joseph J. Langel <jjl@ratwiklaw.com>
Sent: Monday, April 28, 2025 12:10 PM
To: Jerry Bohnsack <jbohnsack@cityofbreezypointmn.us>
Subject: RE: Lot split 10200612

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Jerry,

How has the 40,000 sq. ft. requirement in 153.031(G) been interpreted? See my original e-mail.

Also, I don't see an accessory structure without a principal here... isn't it a guest house/garage on the proposed new parcel?

Joe



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From: Jerry Bohnsack <jbohnsack@cityofbreezypointmn.us>
Sent: Monday, April 28, 2025 8:58 AM
To: Joseph J. Langel <jjl@ratwiklaw.com>
Subject: RE: Lot split 10200612

Thanks Joe

I am sure that the council would like a recommendation from you.

I think the concern is the creation of a non-conforming structure & a future way to circumvent accessory structures without principal structure.

Jerry Bohnsack

From: Joseph J. Langel <jjl@ratwiklaw.com>
Sent: Tuesday, April 29, 2025 4:04 PM
To: Jerry Bohnsack
Subject: RE: Lot split 10200612

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

Jerry,

My guess is that the 40,000 sq. ft. minimum is for modifying existing subdivisions, like the one at issue here. So any reconfigured lots have to be at least that size. I think this owner can satisfy that criteria. He can likely satisfy the lot width, building setback and other requirements as well, subject to proof via survey.

The existing building is a sticky issue. It's conforming now but non-conforming following the subdivision given its size. On the other hand, it is a permitted use (house – primary structure). The question, then, is whether a subdivision can be denied because it causes a conforming accessory structure to become a nonconforming principal structure. I see nothing in the subdivision ordinance that addresses this issue. And I understand the concern about allowing such subdivisions when there's a garage or shed at issue, so a subdivision would give rise to a structure that is not permitted.

Should the City be so inclined, an argument could be made that the City should not be creating nonconforming structures. It's one thing to allow structures that became nonconforming when the code was adopted; that occurred through no fault of the property owner and logically they should be allowed to continue to use them, subject to state and local restrictions. Here, the nonconformity does not exist and will only occur because of the direct result of the owner's desire to subdivide. It's contrary to general land use principles to create nonconformities for no reason other than a property owner's profit incentive. We can draft a resolution with that reasoning if an application is submitted. Perhaps he will not pursue it if told that it will likely be denied.

Joe



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From: Jerry Bohnsack <jbohnsack@cityofbreezypointmn.us>
Sent: Tuesday, April 29, 2025 1:12 PM
To: Joseph J. Langel <jjl@ratwiklaw.com>
Subject: RE: Lot split 10200612