

**Planning Commission / Board of Adjustment**  
**Tuesday, June 13, 2023**  
**Regular Meeting Agenda**  
**7:00 p.m.**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval/Amendment of the Agenda
5. Approval of 5/09/2023 Minutes
6. Council Liaison Report 06/05/2023 Meeting
7. Open Forum
8. New Business
  - A. Public Hearing: Conditional Use Application C-23-003 Scott Olson 8677 Pine Circle. Lots 27-28 Block 3 Whitebirch Three. Parcel 10040573. Request to construct accessory structure 15-20 ft. height. R-1 Zone
    - 1) Open Public Hearing
    - 2) Applicant Presentation
    - 3) Staff Review
    - 4) Public Input
    - 5) Close Public Hearing
  - B. Official Action Conditional Use Permit C-23-003
9. Old Business
  - A. Continuation of Schimdt Variance Application V-23-001
  - B. Continuation of City of Breezy Point Petition for Rezoning Z-23-001
10. Staff Reports
11. Commissioner Reports
12. Adjourn

*This agenda is not exclusive. Other business may be discussed as deemed necessary*  
**Next meeting Tuesday, July 11, 2023**

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

**May 9, 2023  
Regular Meeting**

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

### **Approval of Agenda**

Motion Ayers/Zierden to approve Agenda, Motion Carried 4-0

### **Approval of 02/14/2023 regular meeting**

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

### **City Council Liaison Report**

Council Liaison Jensen reported on the May 1, 2023 council meeting.

### **Open Forum** – None

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

The Public hearing was opened by Chairperson Weaver.

Mr. Darrin Schmidt. Schmidt Brothers Holding, LLC. Reviewed his variance request to construct dwelling 13 ft. from ROW of Count Road 3. (35 feet required). Property does not have a building envelope.

Planner Bohnsack reviewed staff report.

Mr. Kris Kristufek spoke in opposition because unbuildable lot and previous fill activity on lot.

Mr. Jeff Johnson advised that the sanitary sewer availability and past assessments should be considered in deliberation.

Mr. Schmidt answered questions from Board.

Chair Weaver adjourned the Public Hearing.

Written comments were received from:

Joe Langel – City Attorney

Dilan Christiansen – Crow Wing County Land Services

Jacob Frie – MN DNR

Matt Kallroos – Crow Wing County Highway Department

Motion Ayers/Theis to Table consideration of Variance request V-23-001 Applicant to explore wetland replacemtn plan or purchase of wetland credits to minimize Variances. Applicant to report back to Board June meeting. Motion Carried 4-0

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

The Public hearing was opened by Chairperson Weaver.

Mr. Chris Cullen reviewed his request for Variance from minimum lot size to accommodate a proposed house and attached garage on Lot that is 15,315 sq. ft. (16,000 sq. ft. required)

Planner Bohnsack reviewed staff report.

Mr. Maurus Wohlers spoke to the history of the area and sanitary sewer extensions.

Ms. Kris Dietz spoke in opposition to the proposal.

Chairperson Weaver Closed the hearing.

Discussion of sanitary sewer study was held.

Motion Zierden/Ayers to Approve the following Resolution PC-23-02,  
Motion carried 4-0

#### RESOLUTION PC 23-02

#### A RESOLUTION APPROVING VARIANCE 2023-002

Variance from minimum Lot size

WHEREAS, Chris Cullen (Owner) has made application for Variance from minimum Lot size for Lots 82 & 83 to construct Fourth Addition to Breezy Point Estates Parcel 1020849 (The Property)

WHEREAS, the property is located in R-3 Zone; and

WHEREAS, minimum Lot size in R-3 Zone unsewered is 16,000 sq. ft. for pre-existing lots; and

WHEREAS, the property contains 15,315 square feet; and

WHEREAS, owner proposes to construct a dwelling with attached garage on the property; and

WHEREAS, the proposed dwelling and attached garage conforms to setbacks; and

WHEREAS, municipal sewer is not available at this time. Municipal sewer extension to service this property and adjacent properties may be constructed at a future date; and

WHEREAS, municipal sewer extension will mandate hookup to system at time of installation; and

WHEREAS, a conforming on-site septic system is acceptable until municipal sewer is available; and  
WHEREAS, the Board of Adjustment has considered the request and has determined.

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

WHEREAS, the applicant contends that the practical difficulty is size of the property; and

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Variance 2023-002 is approved for lot size 15,315 sq. ft.

BE IT FURTHER RESOLVED THAT THE Variance is subject to the following conditions;

- 1) Building permit to be obtained.
- 2) Structure to conform to site plan.
- 3) Structures to conform to Minnesota State Building Code.

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

Chairperson Weaver opened the public hearing Mr. Pat Pfeiffer reviewed his proposal to construct a detached accessory structure (32 x 30) height of 12 feet. Height necessary to accommodate camper.

Tom Lillehei spoke in support of the proposal.

Chairperson Weaver adjourned the hearing.

Motion Theis/Zierden to Approve the following Resolution PC-23-02, Motion carried 4-0

RESOLUTION PC 23-03



## A RESOLUTION APPROVING CONDITIONAL USE PERMIT APPLICATION C-2023-002

WHEREAS, Patrick Pfeiffer has submitted Application for Conditional Use Permit to construct 32 x 30 accessory structures with height 17 feet; and

WHEREAS, Mr. Pfeiffer owns Lots 18-21 Breezy Point Club Parcel 10211159. Address 29833 Lakeshore Drive Breezy Point, MN; and

WHEREAS, Lots 18-21 Breezy Point club is Zoned R-3 (original neighborhood); and

WHEREAS, Accessory structure 15-20 height is a Conditional Use in the R-3 Zone; and

WHEREAS, published and mailed notice of hearing to consider CUP application was given to property owners within 350 feet; and

WHEREAS, a public hearing to consider CUP Application was held Tuesday, May 9, 2023; and

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

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

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Conditional Use Permit 2023-002 is approved and be subject to conditions.

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

- 1) Applicant shall obtain building permit for accessory structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Color of siding and roofing of accessory structure shall be similar to principal structure.
- 4) Accessory structure shall comply with state building code.
- 5) Height of accessory structure shall not exceed 17 ft.
- 6) Cumulative total of accessory structures shall not exceed 1600 sq. ft.

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

Chairperson Weaver opened the Public Hearing.

City Administrator Chanski reviewed the city's request for rezoning of City owned lots Residential (R-2) to Public (P).

Planner Bohnsack reviewed staff report.

Speaking in opposition to the proposed Rezoning:

Tim Skare  
Jonathan Kurten  
Bill Toft  
Valarie Wallin  
Brian Wallin  
Tim Olsen

Speaking in support of the proposed rezoning:

Tom Lillehei  
Diane Williams

Chairperson Weaver adjourned the hearing.

Motion Weaver/Theis to Table the Rezoning Request R-23-001 pending further research for Consideration at June 2023 meeting, Motion carried 4-0

There being no further business the meeting adjourned at 9:32 p.m.

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Submitted by Jerry Bohnsack  
City Planner



# CITY COUNCIL REGULAR MEETING

**Monday, June 05, 2023 at 6:30 PM**

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

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

Items not included in the agenda.

**6. ITEMS OF PUBLIC INTEREST**

A. Direction on the Completion of the Disc Golf Course Expansion

**7. CONSENT AGENDA**

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

A. May 1, 2023 Regular City Council Meeting Minutes

B. Approval of Claims in the Amount of \$251,484.39 Comprised of Checks 138427 - 138519.

C. Resolution 07-2023 Accepting Donation from Bonnie Supan to the Pelican Woods Cemetery.

D. Public Assembly First Amendment Rights Policy

E. New Holland Tractor Repair

**8. NEW BUSINESS**

A. May 16, 2023 City Council Workshop Summary & Minutes

B. May 20, 2023 City Council Retreat Minutes

C. Discussion on Communication Improvements

D. Pequot Lakes Fire District Capital Improvement Plan

E. Approval of 2024 Budget Calendar

F. Discussion on July 2023 Meeting Date

- [G.](#) City Council Workshop to Discuss Bylaws and Code of Conduct for All City Boards, Committees, and Commissions.

## **9. OLD BUSINESS**

- [A.](#) Selection of Health Insurance Broker

## **10. STAFF REPORTS**

- [A.](#) City Website Update
- [B.](#) Buschmann Road Project Website
- [C.](#) Police Department Hiring Update

## **11. MAYOR AND CITY COUNCIL REPORTS**

## **12. ADJOURN**

City of Breezy Point  
Notice of Public Hearing  
Tuesday, June 13, 2023, 7:00 p.m.  
Breezy Point City Hall

Whom It May Concern:

Notice is hereby given that the City of Breezy Point Planning Commission / Board of Adjustment will hold a public hearing on Tuesday, June 13, 2023 at 7:00 p.m. or shortly thereafter at Breezy Point City Hall, 8319 County Road 11, to consider the following;

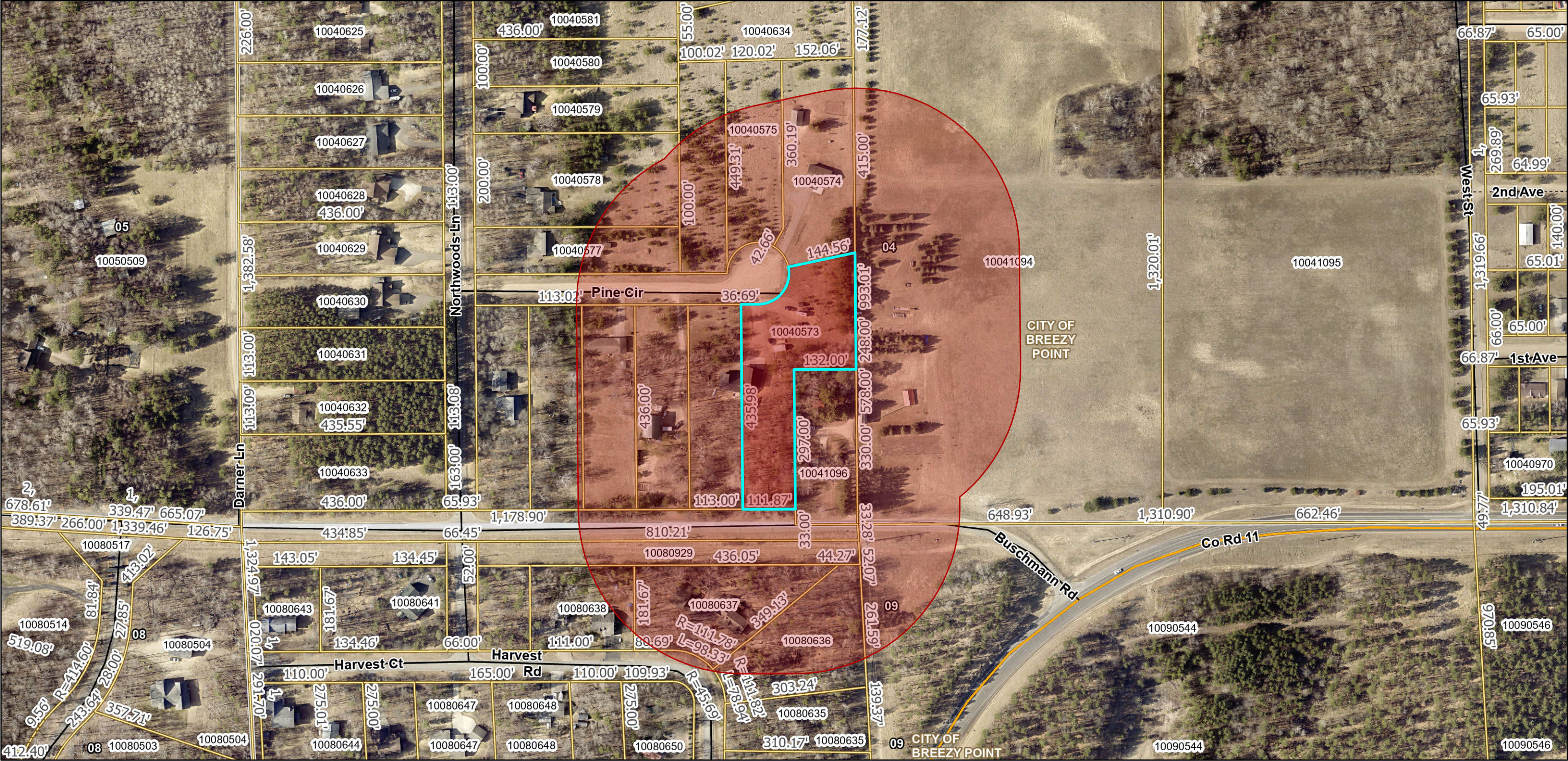
Conditional Use permit Application C-23-003 Scott Olson 8677 Pine Circle. Lots 27-28 Block 3 Whitebirch Three. Parcel 10040573. Request to construct accessory structure 15-20 ft height. R-1 Zone.

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

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

Jerry Bohnsack, Planner  
City of Breezy Point  
218-569-1003  
[planner@cityofbreezypointmn.us](mailto:planner@cityofbreezypointmn.us)





June 1, 2023

polygonLayer

Override 1

City

Sections

Roads

County

City

Minimum Maintenance

Parcel Numbers (labels)

Parcel Dimensions

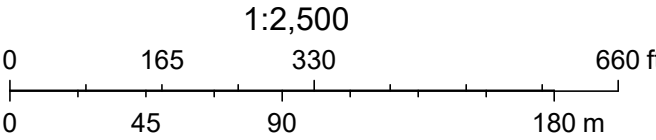
Parcels

Roads

County

City

Minimum Maintenance







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: 5/18/2023  
Application Number: C-23-003  
Non-refundable Fee Paid: 250.00  
Receipt #: 21908

## Conditional Use Application

Name of Applicant Scott Olson  
Address 8677 Pine Circle Email: solson 909980 @ 6 MAIL. com  
City, State, Zip Breezy Point, MN 56472  
Phone 218-330-0756 Alternate Phone 612-770-0324

Physical Address / Location of Property 8677 Pine Circle

Legal Description of Property Lot 27 & 28 Block 3 - Whitebird 13

Parcel ID Number 10040573 Zoning District R-1

Applicant is:

- ☒ Legal Owner of Property  
☐ Contract Buyer  
☐ Option Holder  
☐ Agent  
☐ Other

Title Holder of Property (if different than applicant):

Name Scott Olson  
Address 8677 Pine Circle  
City, State, ZIP Breezy Point, MN 56472  
Phone 218-330-0756

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

To Build A 40x60 GARAGE with a peak roof line of 23 feet, with a garage door large enough to park my 5th wheel camper and other expensive toys inside. This building will be wood framed and aesthetically will look beautiful to our neighbors and others!

Signature of Owner, authorizing application

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

Signature of Applicant (if different than owner)

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

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

**CONDITIONAL USE:** A land use or land development, as defined by the Ordinance, that is allowed, but would not be appropriate without restrictions or conditions as determined by the Planning Commission. The proposed use must meeting the following standards: (a) the use or development is an appropriate conditional use in the land use zone, (b) the use or development with conditions conforms to the comprehensive land use plan, (c) The use with conditions is compatible with the existing neighborhood, and (d) the use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, or prosperity of residents in the City.

**The following questions must be answered.**

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

Building: Building a 40x60ft GARAGE WITH 12ft side walls & 23ft to Peak of Roof

Landscaping: \_\_\_\_\_

Parking/Signs: \_\_\_\_\_

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

NO IMPACT, My Neighbors ARE VERY excited THAT WE ARE Building a garage to match the exterior of our house. Currently our Boat, Pontoon, 5th Camper & OTHER Trailers sit out side. Neighbors appreciate that ~~the~~ they will finally NOT HAVE to look @ all my toys and that they will be stored inside.

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

THE AREA is Developed with existing homes, SHEDS and one neighbor has a pole barn, one other neighbor has A BARN and other out-buildings.

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

THIS GARAGE WILL NOT HAVE SEWER AND WATER, THEREFORE NO impact. Drainage will flow naturally as it does today with the existing slope of the lot.

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

THIS is a residential area and as explained above, OTHER neighbors also have additional garage, barn and other types of out-building. IN addition we live on a gravel Caldesac at the end of the caldesac ON 3 acres! ~~It~~ have a very close relationship WITH my neighbors and they are excited that we ARE Building a additional garage. THIS will create positive impact

6. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal?

NO impact at all, as described above, we own 3 acres on the end of the gravel Caldesac with only 3 other homes in the neighborhood

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

THERE ARE NO limitations.



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

We are excited to build this garage for NOT only our sake ~~both~~ but also the neighbors. THE GARAGE exterior will match the exterior of our newly built home and will be beautiful

### INSTRUCTIONS TO THE APPLICANT

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

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

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of June 13, 2023

Conditional Use Permit Application 2023-003

Applicant: Scott Olson

Property Address: 8677 Pine Circle

Parcel ID: 1040573

Legal Description: Lots 27-28 Block 3 Whitebirch Three

Zoned: Low Density Residential (R-1)

Code §153.031 Low Density Residential (R-1)

Conditional Use Request:

- Construct a detached accessory structure 2400 sq. ft. 15-20' in height

Applicant has submitted an application for Conditional Use Permit to construct detached accessory structure 2400 sq. ft. and up to 20 ft. in height. Property is zoned R-1

The property is two adjacent lots located on Pine Circle culdesac. The lots are consolidated with a home.

### Findings

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

The following findings must be met:

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

The property is zoned R-1 and the request is appropriate under Section §153.044 & §153.031.

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

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

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

The following must be considered:

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

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

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

The use does not require any additional public infrastructure.

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

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

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

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

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

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

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

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

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

- Applicant has filed the appropriate application for CUP.
- Applicant has paid the appropriate fee for the application.
- Public notice of Conditional Use Hearing was published in the legal newspaper and all property owners within 350' were given mailed notice of said hearing.
- Public Hearing was held on Tuesday, June 13, 2023.

Staff has reviewed the following:

- Site Plan
- CUP Application
- Building Code compliance

§153.031 C-3

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

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

- 1) Applicant shall obtain Building Permit for Accessory structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Siding and Roofing of principal structure and accessory structure shall be of similar colors.
- 4) All structures shall comply with state building code.
- 5) Height of accessory structure shall not exceed 20 feet.

TO: Planning Commission

FROM: Jerry Bohnsack, City Planner

Meeting of June 13, 2023

RE: Variance Request V-23-001. Schmidt Brothers Holdings. Lots 13 & 14 of 18TH Addition to Breezy Point Estates.

Public hearing to consider request held May 9, 2023. Hearing was adjourned. Official action was tabled. Applicant to explore wetland replacement.

Applicant has consulted with Crow Wing County Wetland Specialist regarding wetland replacement plan. Applicant informed that county would not support wetland replacement on the site. (see attachments)

Options for Board Considerations and action.

Option #1. Deny Variance Application

Option #2. Approve Variance Application as applied for approve with conditions.

Option #3. Approve revised Variance with conditions.



5

5/12/23

Schmidt Brothers Holdings LLC  
3509 W. HWY 13  
Burnsville, MN 55337

RE: City of Breezy Point Schmidt Variance PID: 10211047

To Whom It May Concern:

On 3/30/23 Crow Wing County Land Services staff provided comments in regards to a variance application within the City of Breezy Point. Staff noted that the proposed structure was within the Breezy Point wetland setback and the developer would need to exercise caution to not impact wetlands. In addition to this, there appears to be wetland fill in the Southwest corner of the property that is over the allowed 20sqft of wetland fill for that area and is in violation of the Wetland Conservation Act (WCA) (MN Rule 8420.0420 Subp.8). The landowner has since reached out to county staff about this and will be working with us to rectify the violation.

During the City of Breezy Point's PCBOA meeting with the landowner, they informed him that he would need to seek a wetland replacement plan to fill wetlands so that he will then meet the 30ft wetland setback. As the LGU for WCA, the county will not support a wetland replacement plan for this purpose. An application of this nature would not meet the required sequencing standards set forth in WCA for a replacement plan application (MN Rule 8420.0520). From a wetland administration stand point, the County would prefer the landowner be granted a variance for wetland setbacks in order to avoid wetland impacts altogether.

**Dilan Christiansen**  
**Sr. Environmental Services Specialist**

Office: (218) 824-1330  
Direct: (218) 513-0923

[www.crowwing.us](http://www.crowwing.us)

Land Services  
322 Laurel Street Suite 15  
Brainerd, MN 56401

**Our Vision:** Being Minnesota's favorite place.

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

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

June 7, 2023 - Sent Via Email Delivery

Re: Variance V-23-001

Members of the City of Breezy Point Planning Commission,

We own the property at 29442 County Road 4, Breezy Point, MN. We use the property year round as our second home and have thoroughly enjoyed many springs, summers, falls and even winters in the community and at the lake. Starting in October of 2022, the lots directly to the South of us began to be clear-cut and completely striped. Within only a few weeks, every tree and piece of vegetation on the lots were removed between County Road 4 and Pelican Lake; much of it simply being placed into a burn pile in the center of the property. The lots were then leveled and filled and have now sat completely vacant and empty for almost eight months. The vacant lots are a stark comparison to the beautiful mature woods and cabin properties surrounding the area.

When we purchased our cabin, one of the best features was having mature trees and wooded lots around our property and in the community. The large mature tree-filled lots are one of the great features of many of the homes on Mousseaubay and throughout the City of Breezy Point and Pelican Lake area. Like others have brought up to the Planning Commission, we are very excited to have new neighbors in the community. However, we were very disappointed to see that the new neighbors to our South had no plans to save any of the mature trees on their two lots. We have already hired a landscaper and planted additional trees on our property to help to rectify the loss of the wooded area to the South. Unfortunately, this only does so much and can never replace the mature woods that were once there.

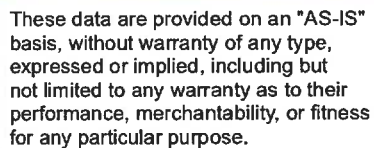
Our hope is that if/when a new structure is eventually built on that property, native trees (including larger mature trees) and vegetation will be added back into the landscape. This will keep with the community's aesthetic and help to minimize the disruption to the native landscape.

Thank you for your time.

Sincerely,

Michael and Meghan Gilligan







Resubmitted by:  
Darin Schmidt  
April 17<sup>th</sup>, 2023



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

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

## Variance Application

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

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

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

Parcel ID Number 10211047 10211048- Zoning District R2

Applicant is:

- ☒ Legal Owner of Property  
☐ Contract Buyer  
☐ Option Holder  
☐ Agent  
☐ Other \_\_\_\_\_

Title Holder of Property (if different than applicant):

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, ZIP \_\_\_\_\_  
Phone \_\_\_\_\_

State the nature of your request in detail. What are you proposing for your property?  
We are proposing a new custom home and attached garage.

Signature of Owner, authorizing application Darin Schmidt

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

Signature of Applicant (if different than owner) \_\_\_\_\_

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

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

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



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

**The following questions must be answered.**

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

Building: Building a new custom home with attached garage.

Landscaping: Complete landscaping design.

Parking/Signs: Driveway parking only.

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

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

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

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

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

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

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

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

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

No Impact: The use & enjoyment will be consistent with the neighboring properties, which is residential housing.

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

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

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

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

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

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

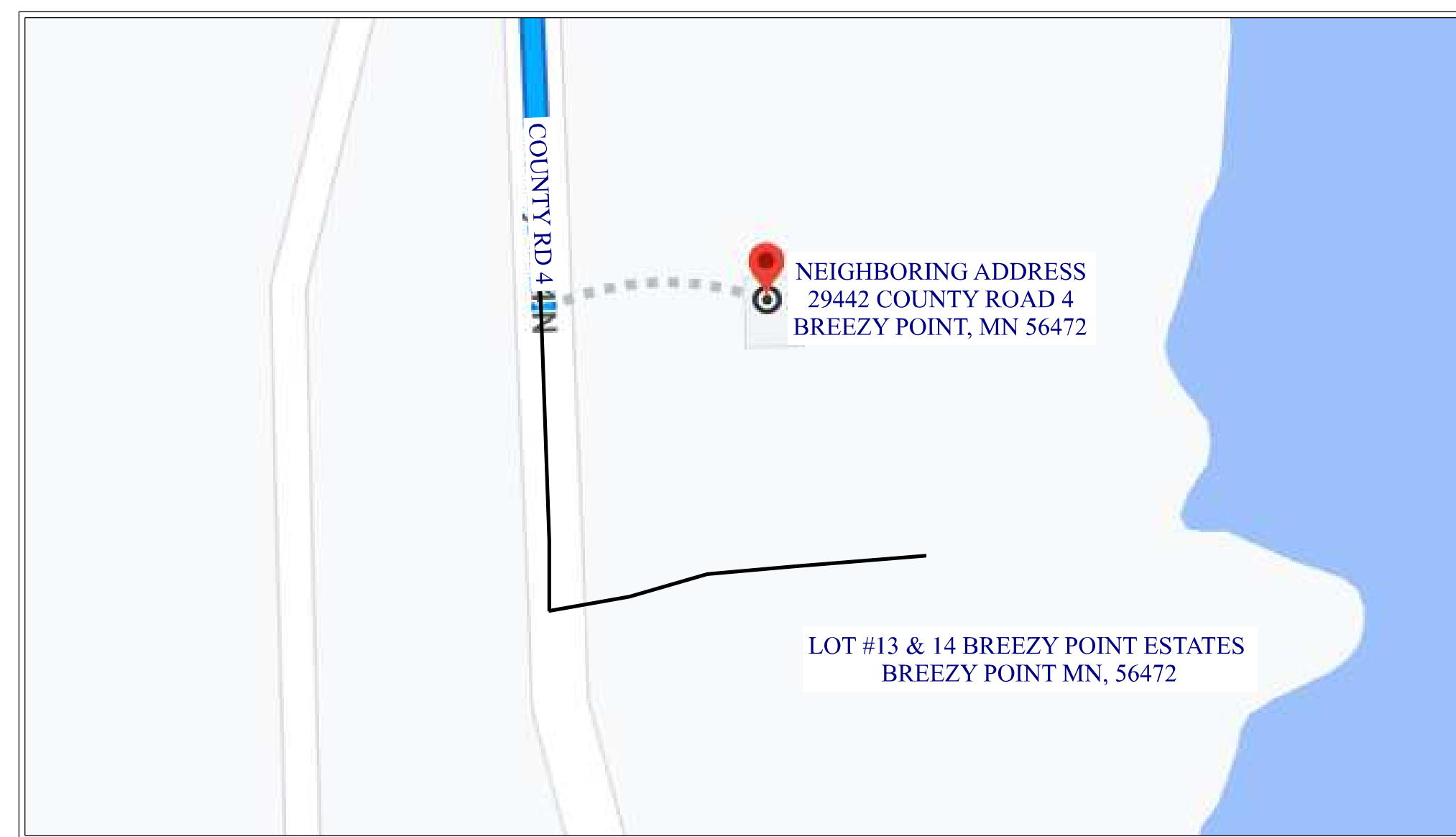
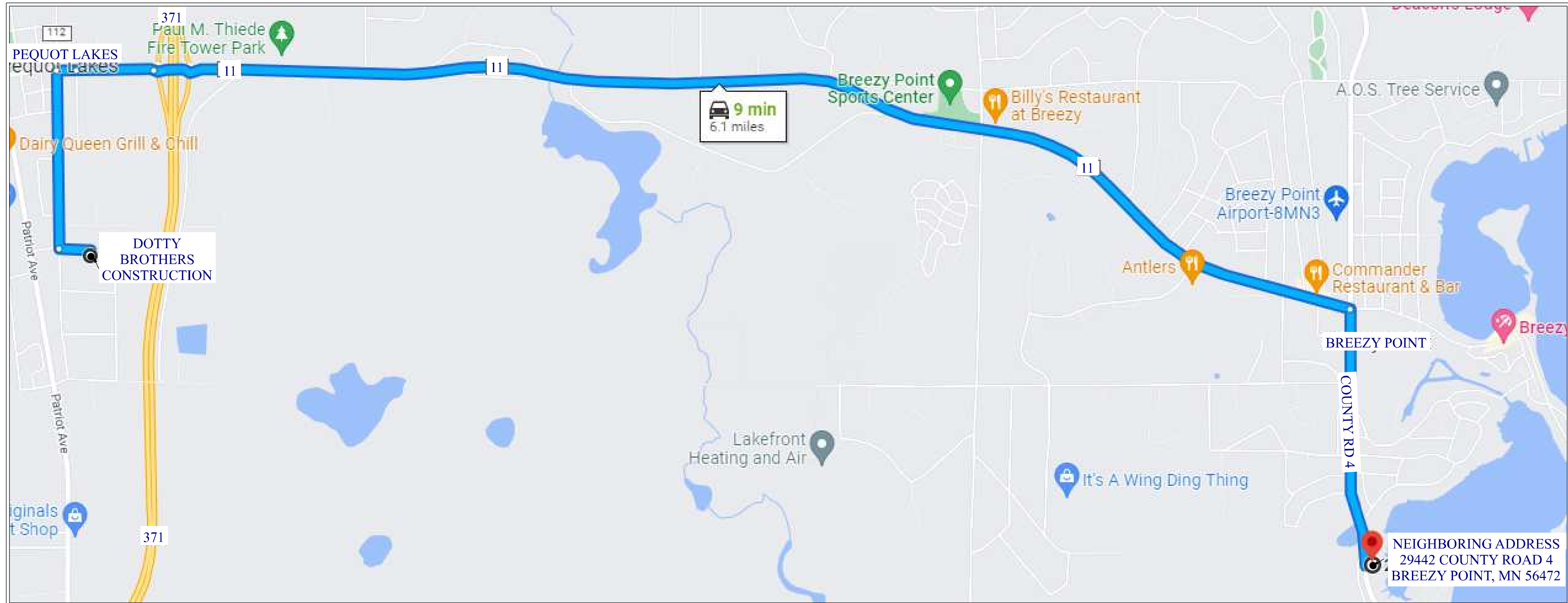
Owners received this lot as a part of another home they purchased on the golf course and they didn't know about the minimal requirements. They have since purchased the adjacent property to double the size of the lot area and are still not able to meet all city ordinance requirements.

### INSTRUCTIONS TO THE APPLICANT

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

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

# DARRIN SCHMIDT

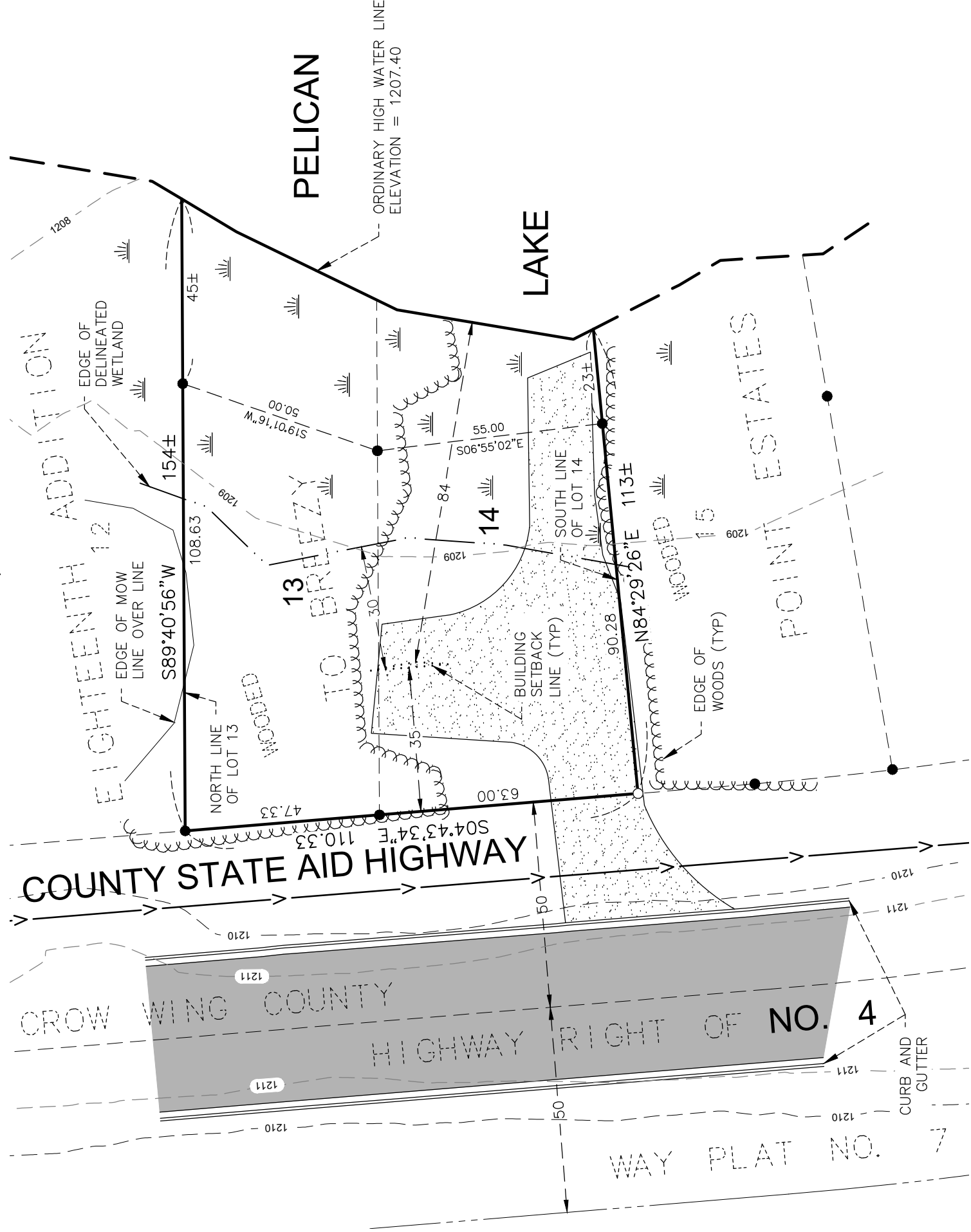


## LOT #13 & 14 BREEZY POINT ESTATES BREEZY POINT MN, 56472

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

CERTIFICATE OF SURVEY

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



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

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

- = DENOTES FOUND IRON MONUMENT
- = DENOTES 1/2 INCH IRON PIPE MONUMENT  
SET AND MARKED RLS # 41643

- ≡ = DENOTES DELINEATED WETLAND
- > = DENOTES SANITARY SEWER LINE

- [Solid Gray Box] = DENOTES BITUMINOUS SURFACE
- [Dotted Box] = DENOTES GRAVEL SURFACE

IMPERVIOUS CALCULATIONS:

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

EXISTING CONDITIONS:

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

EXISTING LEGAL DESCRIPTION (According to Doc. No. 976954):

Lot Thirteen (13), Eighteenth Addition to Breezy Point Estates, Crow Wing County, Minnesota.

EXISTING LEGAL DESCRIPTION (According to part of Doc. No. 952213):

Lot Fourteen (14), Eighteenth Addition to Breezy Point Estates.

SURVEYOR'S NOTES:

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

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

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

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

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

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

PELICAN LAKE IS CLASSIFIED AS A GENERAL DEVELOPMENT LAKE.

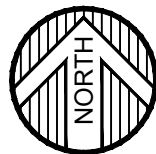
EXISTING CONTOURS AS SHOWN ARE FROM MINNESOTA STATE LIDAR BARE EARTH POINTS, NGVD29 DATUM.

DATE: DECEMBER 01, 2022	AMENDMENTS	BY	PREPARED FOR: SCHMIDT BROTHERS HOLDINGS, LLC.
SCALE: AS SHOWN			I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DRAWN BY: CFS			DATE: 12-01-2022 LIC. NO. 41643
CHECKED BY: CMC			CHAD M. CONNER
FILE NUMBER: 2022-11640			



# CERTIFICATE OF SURVEY

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



0 10 20  
( IN FEET )

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

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

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

■ = DENOTES BITUMINOUS SURFACE

▨ = DENOTES GRAVEL SURFACE

■ = DENOTES CONCRETE SURFACE

↑ = DENOTES DRAINAGE DIRECTION ARROW

□ = DENOTES CATCH BASIN

⊞ = DENOTES TELECOMMUNICATIONS PEDESTAL

## SURVEYOR'S NOTES:

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

THE PID'S FOR THE SUBJECT PROPERTY ARE 710211047 AND 10211048.

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

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

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

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

PELICAN LAKE IS CLASSIFIED AS A GENERAL DEVELOPMENT LAKE.

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

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

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

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

## IMPERVIOUS CALCULATIONS:

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

EXISTING CONDITIONS:

IMPERVIOUS COVERAGE = 3,276 SQ.FT

GRAVEL = 3,276 SQ. FT.

IMPERVIOUS PERCENTAGE = 24.7 %  
( 3,276 / 13,285 = 0.2466 )

PROPOSED CONDITIONS:

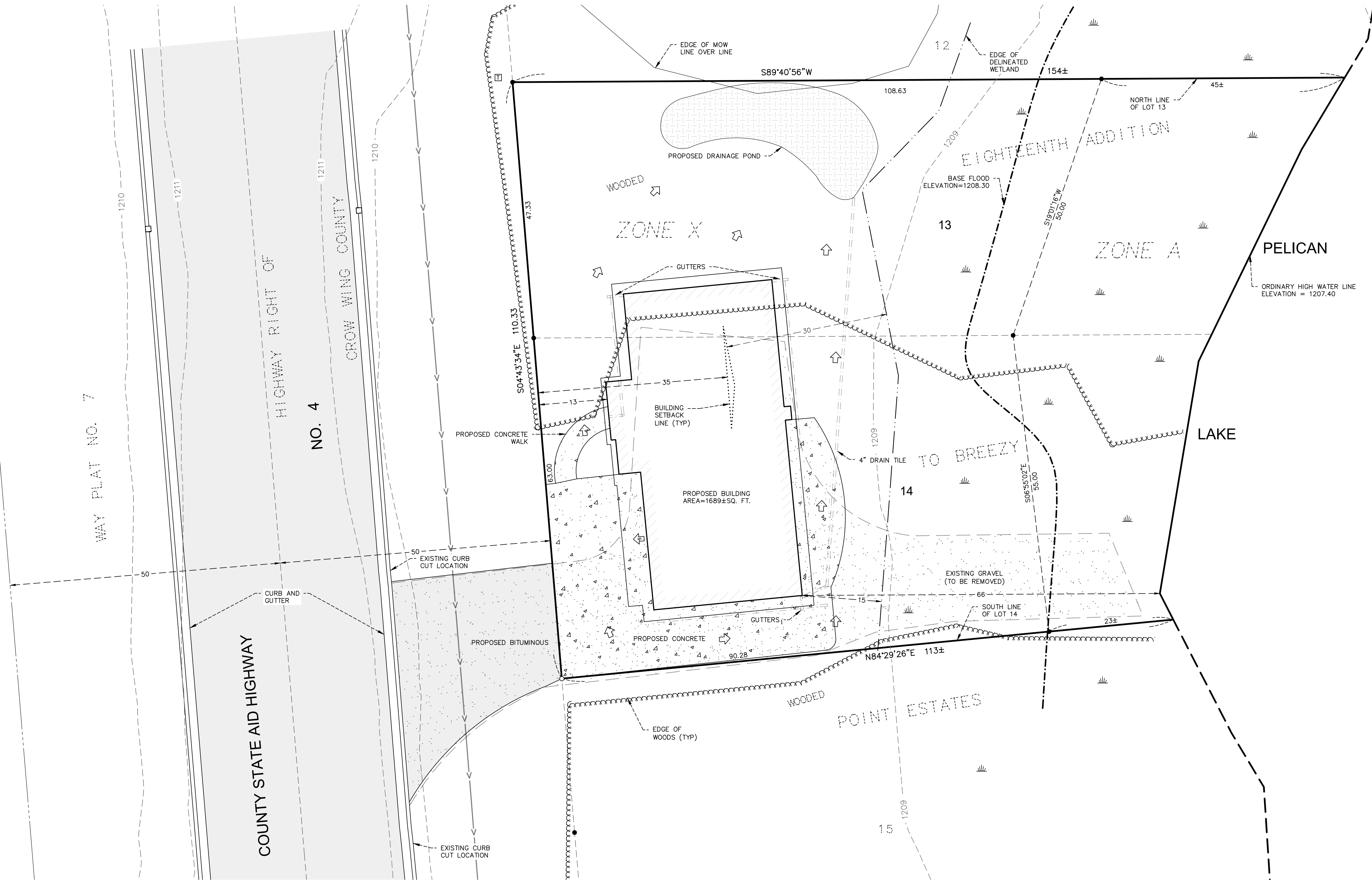
IMPERVIOUS COVERAGE = 3,168 SQ.FT

BUILDINGS = 2,095 SQ. FT.

CONCRETE = 1,073 SQ. FT.

IMPERVIOUS PERCENTAGE = 23.9 %  
( 3,168 / 13,285 = 0.2385 )

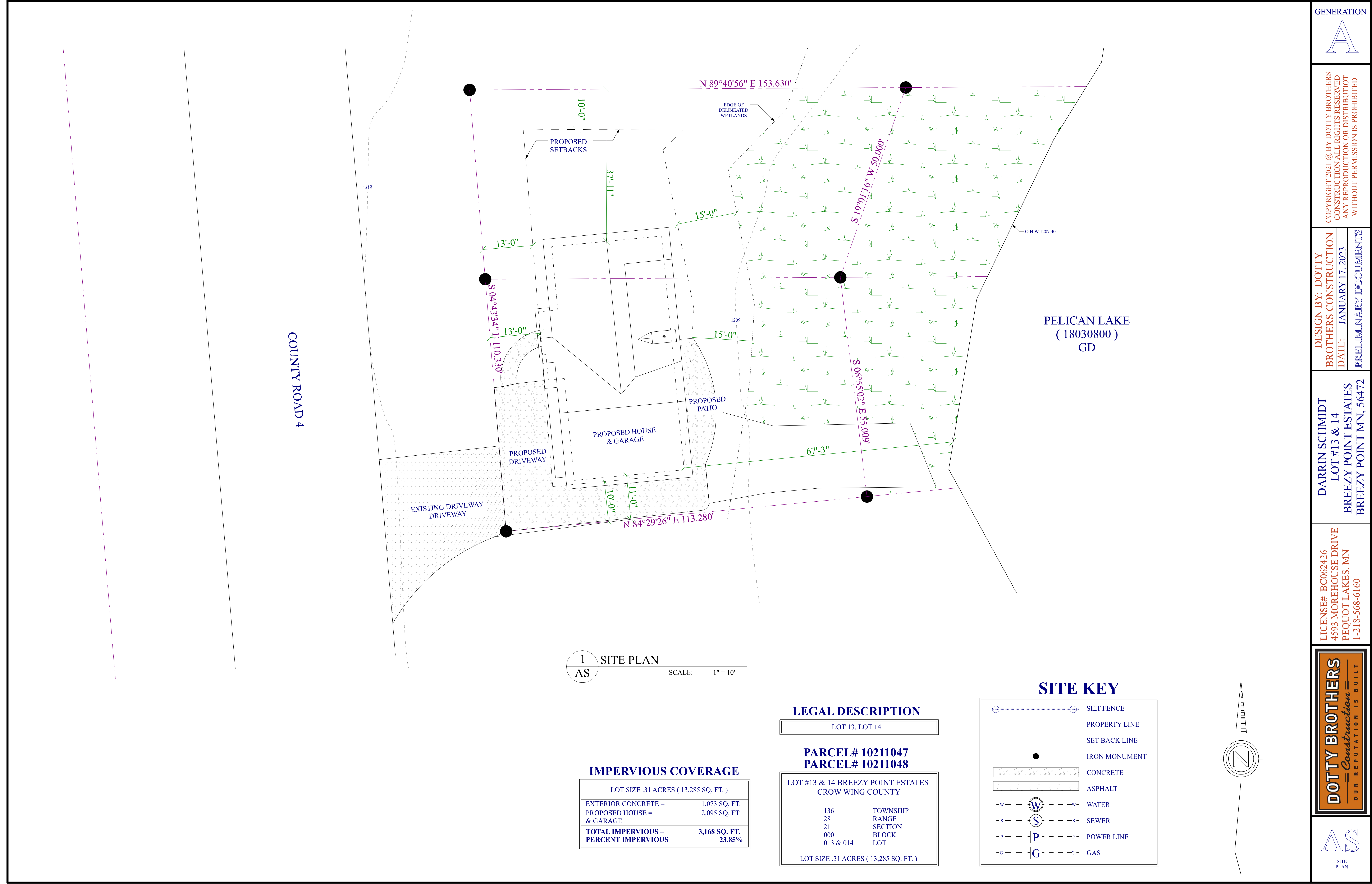
IMPERVIOUS CALCULATIONS INCLUDES THE  
HORIZONTAL AREA OF BUILDINGS, PATIOS, WALKS,  
DRIVEWAYS, AND OTHER PARKING AND DRIVES OF ANY  
MATERIAL.



© 2023 WIDSETH SMITH NOLTING & ASSOCIATES, INC.

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

**WIDSETH**  
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS





COUNTY ROAD 4

1210

S 04°43'34" E 110.330'

N 84°29'26" E 113.280'

N 89°40'56" E 153.630'

S 19°01'16" W 50.000'

S 06°55'02" E 55.009'

O.H.W 1207.40

PELICAN LAKE  
( 18030800 )  
GD

4" DRAIN TILE RUN  
UNDERGROUND TO  
STORMWATER  
DEPRESSION

STORMWATER  
DEPRESSIONS

1209

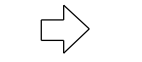
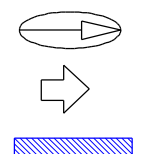
1  
AW

STORM WATER MANAGEMENT PLAN

SCALE: 1" = 20'

KEY TO SYMBOLS

GRADE SLOPE  
ROOF/SLAB SLOPE  
GUTTER / DOWN SPOUT

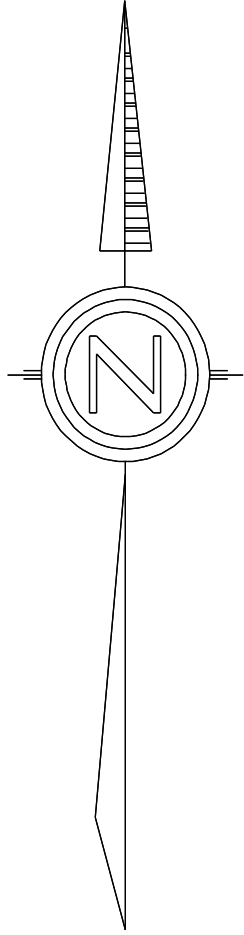


IMPERVIOUS AREAS

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

STORMWATER DEPRESSIONS

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



GENERATION

A

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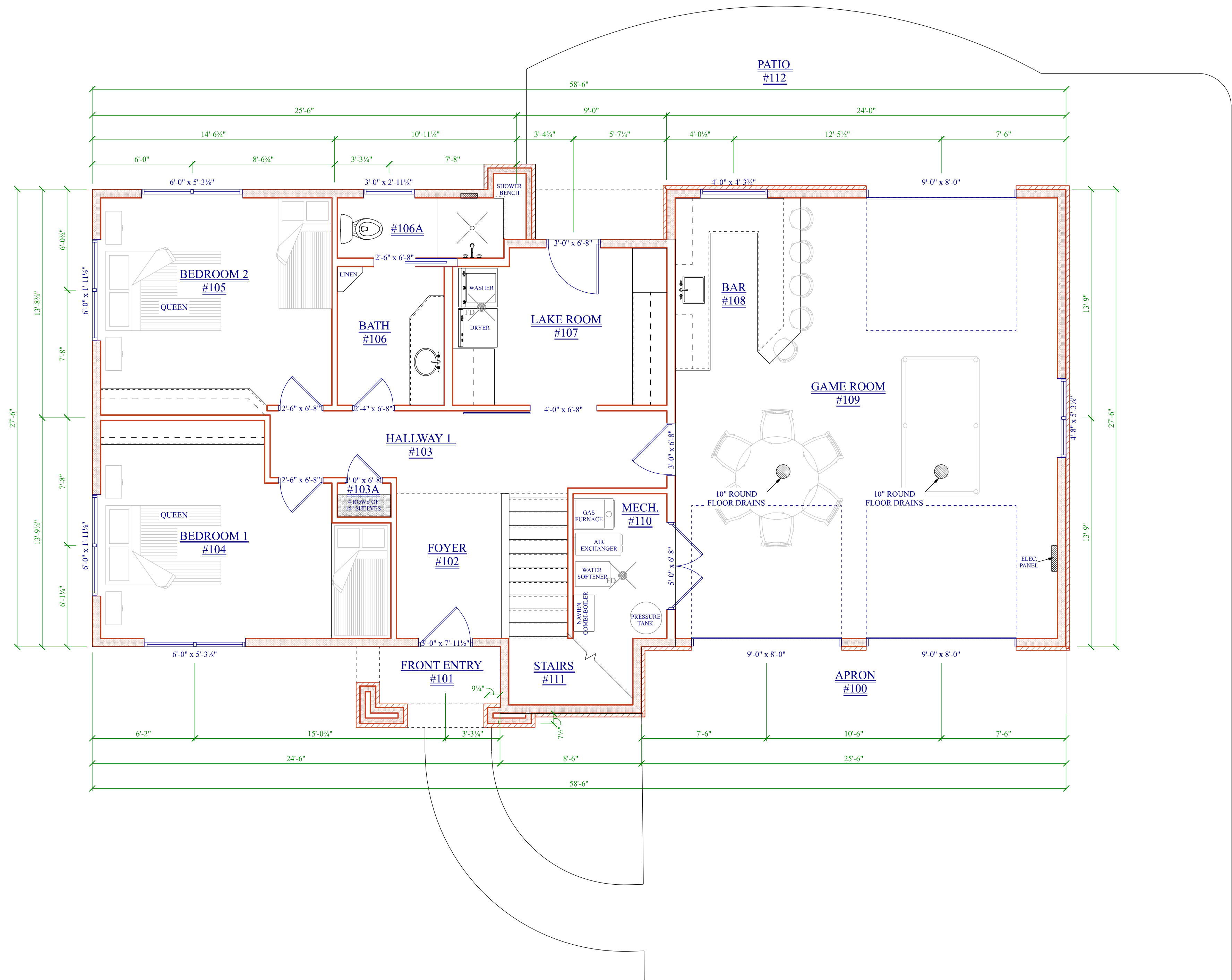
DESIGN BY: DOTTY  
BROTHERS CONSTRUCTION  
DATE: JANUARY 17, 2023  
PRELIMINARY DOCUMENTS

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

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

DOTTY BROTHERS  
Construction  
OUR REPUTATION IS BUILT

AW  
STORM WATER  
MANAGEMENT  
PLAN



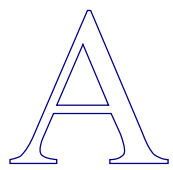
1  
A MAIN FLOOR PLAN  
SCALE: 1/4" = 1'-0"

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

FRAMING NOTES:

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

GENERATION



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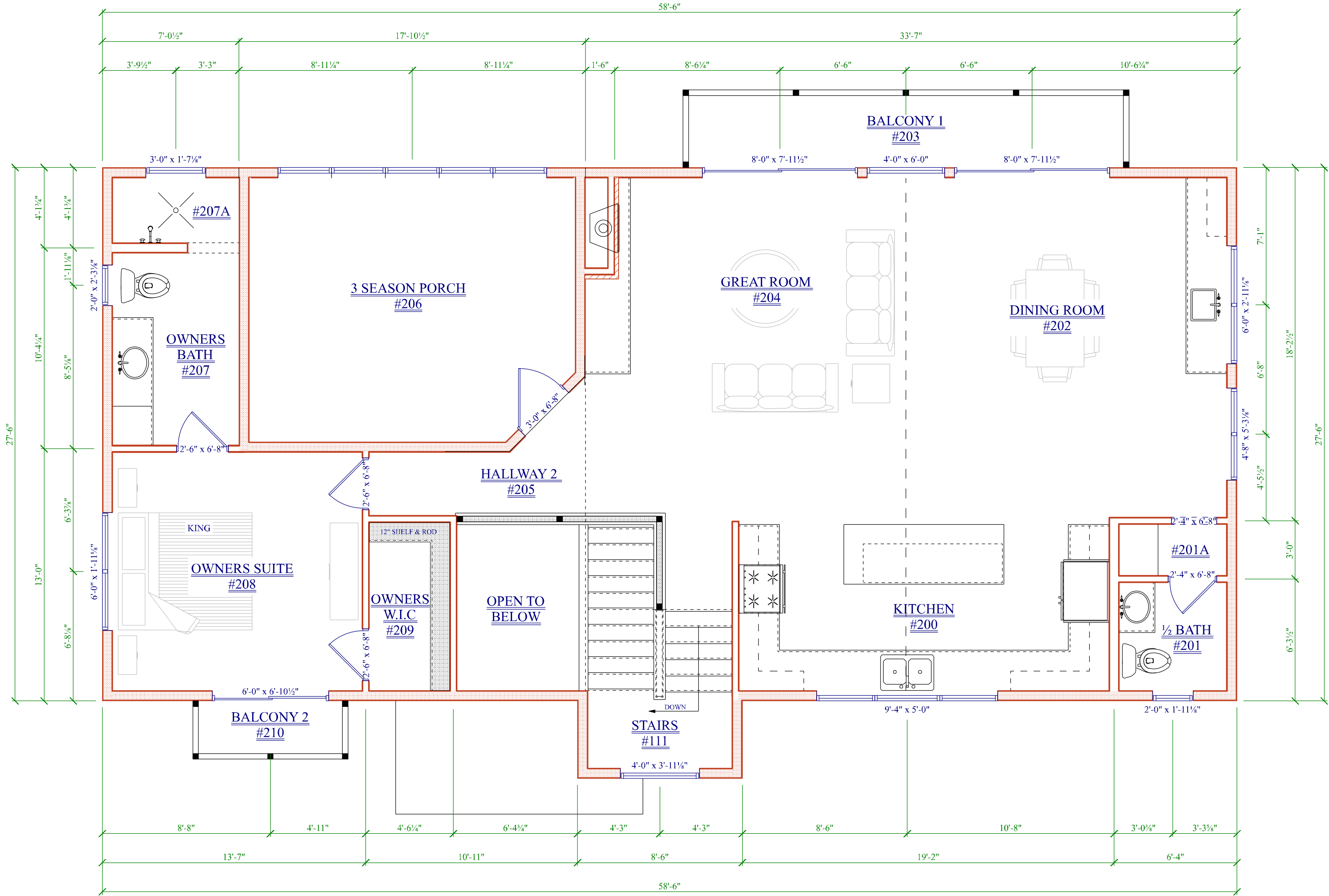
DARRIN SCHMIDT  
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OUR REPUTATION IS BUILT







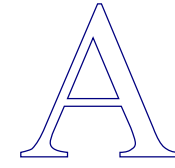
1  
A UPPER FLOOR PLAN  
SCALE: 1/4" = 1'-0"

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

FRAMING NOTES:

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GENERATION



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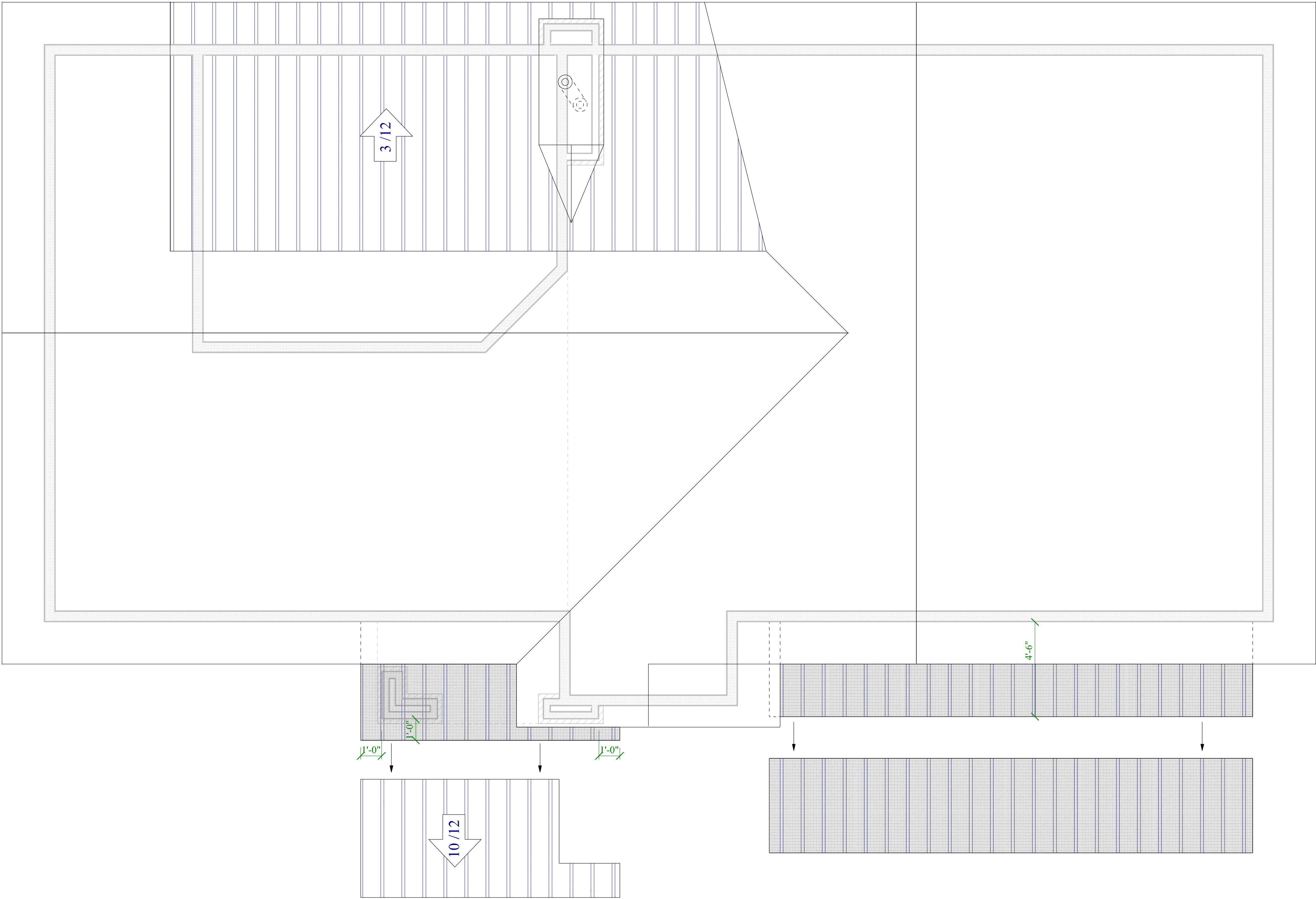
DARRIN SCHMIDT  
LOT #13 & 14  
BREEZY POINT ESTATES  
BREEZY POINT MN, 56472

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

**DOTTY BROTHERS**  
Construction  
OUR REPUTATION IS BUILT



UPPER FLOOR  
PLAN



1  
A

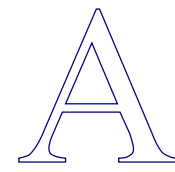
ROOF PLAN

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

ROOFING NOTES

- TRUSS MANUFACTURER IS RESPONSIBLE FOR FINAL LAYOUT AND DETAILS. ANY BRACKETS / BEAMS / OR HANGERS, ARE TO BE INCLUDED IN TRUSS PACKAGE.
- 42-10-10 ROOF LOADS.
  - 24" O.C.
  - ROOF PITCH 6/12 UNLESS NOTED.
  - HOLD BACK 1/2" FOR SHEATHING.
  - ALL OVERHANGS ARE 2'-0" UNLESS NOTED.
  - 3 1/2" DROP GABLES ON ALL NON VAULTED GABLE ENDS.
  - TRUSS BRACING PER TRUSS MANUFACTURER'S SPEC'S.
  - 8x20x20 TIMBER TAILS.

GENERATION



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BREEZY POINT MN, 56472

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

DOTTY BROTHERS  
Construction  
OUR REPUTATION IS BUILT



ROOF  
PLAN





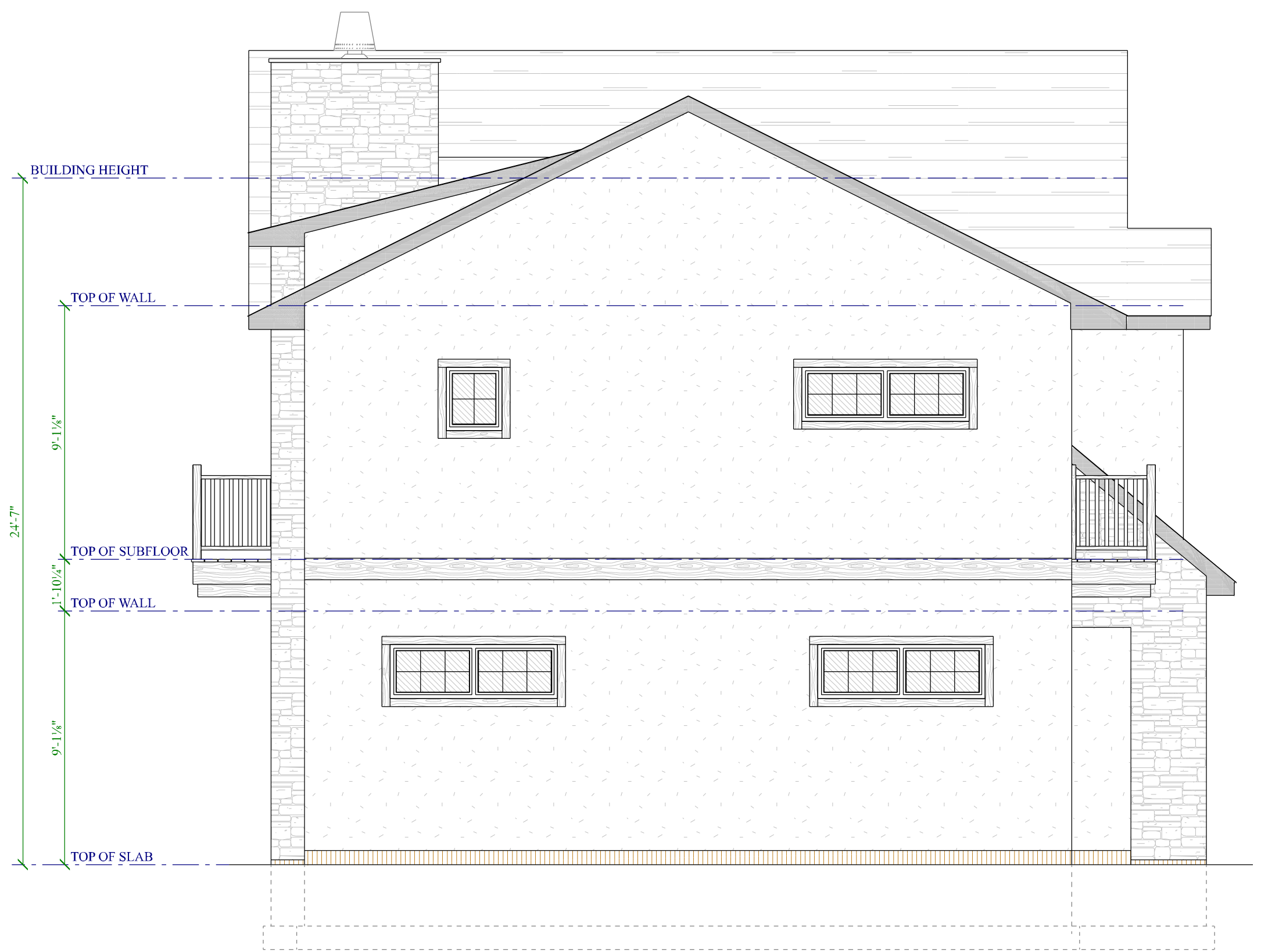
1 FRONT ELEVATION  
A SCALE: 1/4" = 1'-0"



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

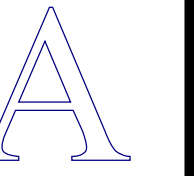


1 REAR ELEVATION  
A SCALE: 1/4" = 1'-0"



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

GENERATION



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BREEZY POINT MN, 56472

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

DOTTY BROTHERS  
Construction  
OUR REPUTATION IS BUILT





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

IMPERVIOUS CALCULATIONS:

LOT SIZE: 0.31 ACRES  
13,285 SF

PROPOSED IMPERVIOUS:

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

TOTAL PERCENT IMPERVIOUS: 23.85%

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

PROPOSED  
SETBACKS

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

EDGE OF  
LINEATED  
WETLANDS

EXISTING  
VEGETATION  
TO REMAIN

PELICAN LAKE  
(18030800)  
GD

PROPOSED HOUSE  
& GARAGE

PROPOSED  
DRIVEWAY

EXISTING DRIVEWAY

PROPOSED  
PATIO

15' WIDE GRASS  
LAKE ACCESS PATH

PLANT LIST & IMAGES:

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

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

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



A - FIR



B - HYDRANGEA



C - LILAC



D - MAPLE



E - SPRUCE, GLOBE



F - SPRUCE, N



G - ARALIA



H - ASTILBE



I - GRASS



J - HEMERO. HR



K - HEMERO. MC



L - RUDBECKIA



M - SEDUM

3-D IMAGES OF PROPOSED WORK:

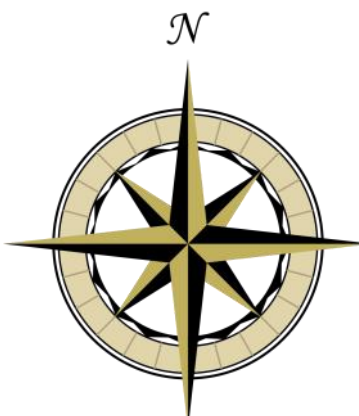


03/16/2023

PARCEL ID: 10211047 & 10211048

LEGAL: LOT 13, LOT 14

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





TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of May 9, 2023

**Variance Request 2023-001**

Applicant: Darin Schmidt (Schmidt Brothers Holdings LLC)

Legal Description: Lots 13 – 14 Eighteenth Addition to Breezy Point Estates

Address: TBD County Road 4, Breezy Point MN 56472

Property Identification Number (PIN): 10211048 & 10211049

Zoning: Residential Medium Density (R-2 Sewered)

Applicable Code: 153.004A, 153.120, 153.044, 153.045

**Request:**

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

**Property:**

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

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

**Variances requested:**

Wetland 15 ft.

ROW 13 ft.

Lot Size 13,285 ft.

**Zoning:**

The property is currently Zoned Medium Density Residential (R-2 sewered).

**Setbacks per zoning ordinance:**

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

***VARIANCE.*** A legally permitted deviation as provided in M.S. § 462.357, Subd 6, as it may be amended from time to time, from the provision of this chapter as deemed necessary by the Board of Adjustment when the strict interpretation of the

ordinance would create practical difficulty and be impractical because of circumstances, relating to lot size, shape, topography or other characteristics of the property, and when the deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance. Variances cannot create a land use not permitted in a zone.

Variance Review:

- Variance Review §153.120 E 1-5

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

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

Findings:

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

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

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

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

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

#### Planning Commission/Board of Review Direction

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

## Jerry Bohnsack

---

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

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

Good morning,

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

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

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

**Matt Kallroos**  
**Transportation Planner**

Office: (218)824-1110

Direct: (218)822-2694

[www.crowwing.us](http://www.crowwing.us)

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

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

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

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



## Jerry Bohnsack

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

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

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

Good afternoon Deb:

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

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

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

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

Thank you.

**Jacob Frie**  
Area Hydrologist | Division of Ecological and Water Resources

## Jerry Bohnsack

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

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Jerry,

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

Joe



Ratwik, Roszak & Maloney, P.A.

**Joseph J. Langel**

Ratwik, Roszak & Maloney, P.A.

444 Cedar St., Suite 2100

St. Paul, MN 55101-1865

Ph: 612-339-0060 | Fax: 612-339-0038

Web: [www.ratwiklaw.com](http://www.ratwiklaw.com)

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

Thanks Joe

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

Jerry

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

29-442 COR 4  
29-372 COR 4

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

Hi Jerry,

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

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

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

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

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

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

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

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

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

Let me know if you have any questions.

Joe

TO: Planning Commission

FROM: Jerry Bohnsack, City Planner

Meeting of June 13, 2023

RE: City of Breezy Point Rezoning Request. R-2 Medium Density Residential to P Public.  
Lots 3, 4, & 5 Block 1 Whitebirch 16.

Planning Commission held hearing May 9, 2023. Commission adjourned. Official action was tabled for further consideration.

Options for official Recommendation to City Council.

Option #1. Recommend denial of request

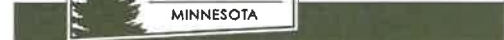
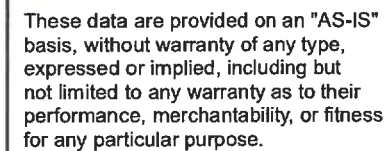
Option #2. Recommend rezoning of lots 3, 4, 5 of Block 1 Whitebirch 16

Option #3. Take no action

**§153.038 PUBLIC (P)**

It is the intent of this district to establish and maintain a land use district that is publicly owned for public buildings and public facilities including parks and open spaces.









## Official Zoning

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

City of Breezy Point

Mayor: \_\_\_\_\_ Date: \_\_\_\_\_

Administrator: \_\_\_\_\_ Date: \_\_\_\_\_



**WIDSETH  
SMITH  
NOLTING**



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: 04/14/2023  
Application Number: Z-23-001  
Non-refundable Fee Paid: —  
Receipt #: —

## Petition for Rezoning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signature of Applicant(s): [Signature]  
(By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

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

### APPLICATION INFORMATION TO BE INCLUDED:

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



TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of May 9, 2023

**Rezoning Application 2023-001**

Applicant: City of Breezy Point

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

Property Address: XXXX White Overlook Drive

Property ID: 10080924, 10080925, 10080926

Current Zoning: R-2 Medium Density Residential

Applicable Code: §153.032, §153.038, §153.044

**Request**

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

**Property**

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

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

§153.032, §153.038, §153.044

R-2 Zone Parks and Historical sites – Conditional Use

P Zone Parks and Historical sites – Allowed Use

**Findings:**

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

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