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Received by City: 4/08/2024
 Application Number: V-24-001
 Non-refundable Fee Paid: 250.00
 Receipt #: 22800

Variance Application

Name of Applicant Linda and Larry Suarez
 Address 30392 Creek Cir Email: lindasuarez@comcast.net
 City, State, Zip Breezy Point, MN 56472
 Phone (925) 348-2939 Alternate Phone (925) 348-2940

Physical Address / Location of Property 30392 Creek Cir, Breezy Point, MN 56472

Legal Description of Property Lot 055, Block 002, Whitebirch Seven

Parcel ID Number 10170665 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 _____
 Address _____
 City, State, ZIP _____
 Phone _____

State the nature of your request in detail. What are you proposing for your property?
We are not proposing any new structures or enhancements. Requesting variance on SIDE SETBACK
infringement on a portion of our attached garage of our 2-year-old home. The infringement was created by the
seller/developer when the home was built in 2021. (see attachment). The infringement is only 16 square feet.

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

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

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

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

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

The following questions must be answered.

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

Building: None

Landscaping: None

Parking/Signs: None

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 new home was built with the garage partially infringing on the side setback requirements. This was not disclosed to us, new owners, when purchased in 11/2021. We have had to move an existing well because of a property line infringement. Moving a small portion of the garage for a setback infringement would be difficult.

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

The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

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

The variance, if authorized, would not prevent reasonable use of the property for both the owners and other property owners.

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

Litigation with the developer to put the garage in compliance would be considered excessive in cost relative to the minor setback infringement. Altering the garage would not add essential character to the neighborhood or improve the appropriate use of the property.

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 on the immediate vicinity if granted. The infringement is very minor. The garage wall has no windows so we would not consider it an infringement on the privacy of the adjacent neighbor.

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?

The area is a low density residential with the various properties adjacent to the Whitebirch golf course. The minor side setback infringement would still be consistent with existing patterns and uses. The affected side is not facing the golf course.

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

None

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

The infringement is so minor that it would be reasonable that the granted variance would not impose on existing patterns and use of the area.

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

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

This application does not introduce new structures or building enhancements.

INSTRUCTIONS TO THE APPLICANT

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

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

Suarez Residence (R-1 Zone)

30392 Creek Cir, Breezy Point, MN

