

Breezy Point Planning Commission/Board of Adjustment

**July 9, 2024
Regular Meeting**

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

Approval of Agenda

Motion Zierden/Ayers to approve Agenda, Motion Carried 5-0.

Open Forum

No one spoke.

Approval of 6/11/2024 Regular Meeting Minutes

Motion Theis/Brisbin to approve the minutes as written, Motion carried 5-0.

New Business

A. Variance Application V-24-002: Sackreiter

The Commission Chair Weaver noted the applicant was present.

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

See staff report on file.

Gansen read the MNDNR letter.

See letter on file.

Zierden asked if the variance request was for both impervious overages and lake setback reduction.

Gansen replied yes the request is for multiple variances.

The Chair noted the applicant has been before the Planning Commission at a prior meeting.

The prior meeting was reviewed and there were many things that made the application incomplete.

The Chair noted the applicant was to have an appropriate stormwater management plan to address the onsite stormwater. Also noting the applicant was proposing to increase impervious surface coverage, where the Commission findings were to have the applicant

reduce the impervious amounts. These were also concerns that were not addressed in the letter from the DNR.

See MNDNR letter on file.

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

Jim Sackreiter 32601 Timberline.

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

Sackreiter stated he feels he has an uphill battle.

Sackreiter discussed where he grew up and went to school and said he cannot take Minnesota winters anymore. He brought his wife here years ago and she fell in love with the lake country area. So they bought this property on the lake.

Stating the purpose of his request is to add a bathroom.

Sackreiter went in discussion about using a bathroom in cabins etc.,

Sackreiter discussed the survey and how the lot is situated in a tight area but also understands the Commission has a legal requirement to fulfill.

Sackreiter stated that it probably will not be visible from the lake.

The applicant read and discussed the practical difficulties etc., and spoke in length about the layout of the lot.

He disagrees with the impervious surface calculations on the survey in his application.

Wondering why the driveway should count against the impervious numbers. That his project was going to propose and engineered stormwater management plant to mitigate any runoff associated with the addition.

The applicant spoke about removing hardscapes vs his custom stormwater management plan. If he doesn't get the variance he would only have one bathroom and he would not fix any of the existing drainage patterns.

Sackreiter read the MNDNR's floodplain variance considerations.

The Chair asked the applicant to describe the stormwater management plan.

Sackreiter handed out copies of his stormwater runoff plan to the board and discussed the details of the stormwater plan that was prepared by Back Yard Landscaping Company.

Sackreiter talked about the layout of the septic system.

The Chair asked how many bedrooms were in the house.

The applicant replied 3.

They inquired about the concrete on the west side of the house.

The applicant replied it is their outdoor eating area.

He stated he could start removing concrete if that needs to happen to make the variance work. However has limited funds and do not think that he could afford to put the driveway into pervious surface.

Theis asked the applicant if he could move the addition to the back.

Zierden said it might interfere with the septic.

The Chair asked if the addition could be reconfigured and moved to other side of the house so that it would not decrease the setback to the lake and it would be over existing hardscape. Noting that the current addition is going closer to the lake and adding impervious area.

The applicant replied he would need to reconfigure the inside of the house to achieve that. Adding various descriptions and scenarios about remodeling or relocating one of the bedrooms etc.,

Theis stated unfortunately the addition proposed would be reducing the setback to the lake.

Zierden said he felt the addition could be reconfigured to not require additional encroachment into the setback and remodel would only reduce the size of bedroom by a foot or so.

Theis, concerned that the impervious coverage is still in the mid 30 percentage quite a bit over the 25 percent.

Zierden, the interior could be remodeled and need to encroach so close to the lake.

Sackreiter, the big picture is I am trying to improve this lot and solve the problems the DNR regulations create.

Theis, had question about the gravel drive is that included in the impervious figures.

Gansen, it does and it actually doesn't include the south part of the road so the impervious numbers would be even worse.

Zierden, confirmed everything north of the road.

Gansen, actually the variance should be republished as it isn't representative of the actual impervious amounts.

The applicant spoke about "the reasonable man" concept and options to purchase more property to reduce the impervious ratio.

The Chair, the other property owner could develop their property so that's not a scenario we can speculate on here.

Zierden, where is the parking.

Sackreiter, spoke about parking scenarios on the property etc.,

Theis, there still is a lot of impervious surface on this lot.

Sackreiter, I now I do but I cant remove any of it.

Chair, are there any additional questions for the applicant.

Brisbin asked about the porch area.

Sackreiter, I could remove some of the hardscape to have a no net loss, if the Commission would like.

Theis, who inspects the raingarderns.

Gansen, no one does. They can be installed and a new owner could pave over them.

Theis, does the DNR.

Gansen, they do not.

Sackreiter, I am an Airforce veteran and you have my word it will work.

Zierden, was the stormwater plan done by a landscaper or a civil engineer.

Sackreiter, a landscaper. If you would like I could provide stormwater planned stamped by a civil engineer.

The Chair called for audience comment.

The Chair asked for any other public comment.

None.

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

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

See findings on file.

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

Theis, it really comes down to the DNR recommending denial, the property is less than 1/3 fo the setback from the lake and proposing to go even closer, and the impervious numbers 15% or more over which is well over what is allowed by today's standards.

Zierden, its also a very irregularly shaped lot. It really is what it is. And yes the impervious numbers are very high.

Theis and Zierden, yes the configuration of the lot is very challenging and there is topography the blocks the back of the lot. However, the impervious surfaces can be reduced and the remodel configured to better fit within todays standards.

Chair, if we approved this variance we would only be making the non-conformity more non-conforming.

Zierden, discussed how the applicant can change the plans to better fit the lot. Flip the addition to the roadside. Get a stormwater management plan approved by a civil engineer. Then remove some of the hardscape to reduce the impervious numbers.

Chair, summarized the commission agrees the site plan can be reconfigured, hardscapes reduced and provide a stormwater plan by a licensed engineer.

Gansen, reiterated staff recommendation is to deny the variance pending design change and the applicant can start with a new request that represents the project accurately.

Ayers, if setback and impervious met would the addition need a variance.

Gansen, yes the location of the buildings location within the setback make it non-conforming and require variance for any structure modification.

Chair, quoted the MNDNR letter and noted the applicant would need to reduce impervious surface amounts then could perhaps apply for a variance for setback relief. With moving the addition for the residence.

Sackreiter, if the board approves, I will pull concrete out to meet the impervious surface standards.

There was various discussion about the impervious surface numbers relating to the survey the applicant submitted.

Summarizing that if impervious surfaces were reduced to within ordinance allowance perhaps a variance could be more successful.

None.

The Chair then asked for motion.

Ayers made a motion to table.

Chair, asked Ayers if he meant to deny as the application as the applicant would need to submit new designs and a new request.

Gansen, confirmed.

Ayers amended his motion to table to a motion to deny.

Zierden seconded.

All members voting 5-0 to deny Variance Application V-24-002.

See file for findings and notice of decision.

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

The Commission Chair Weaver noted the applicant was present.

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

See staff report on file.

Chair, asked if the Commission had any questions on the staff report.

Theis, if they tore it down would they be allowed to build on the same site.

Gansen, stated there is a building envelope meeting all setbacks because the building was built under the 75 foot setback which was reduced to 50.

Gansen, spoke about challenges of tight lots with respect to parking and snow removal etc.,

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

Loren Kerfeld 29845 Shoreview Lane.

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

Kerfeld, summarized the application and said the main goal was to add addition sleeping space on the upper level above the garage and to expand garage space below and expand the bedroom below.

For parking they would maintain 3 vehicles as they have done before and park a full-size truck and not be encroaching on the road.

Chair, what is the distance between the garage and road right of way.

Kerfeld, I think its approximately 20 feet.

Theis, is that City property.

Chair, I believe it is.

Theis, it doesn't seem like there is that much room there from the right of way.

Zierden, clarified he's measuring part of the driveway that is actually within the right of way not the property line.

Kerfeld, there is space for my Silverado and not encroach into the road.

Bribin, the garage will not extend any further than the current setback.

Kerfeld, correct.

There was discussion on the dimensions of the bedrooms and the building etc.,

Theis, asked about the bedrooms upstairs on the lake side.

Kerfeld, said they would expand the bedrooms on the lakeside as well.

Gansen, the expansion on the lake side was not noted in the application and was not published as such. The board cannot take action on something that was not published correctly.

Gansen spoke about how altering building dimensions effects the variance request after construction would lead to project stopper.

Gansen, apologized to the Commission for interjecting.

Kerfeld, the building was proposed like that for aesthetics.

Ayers, is that a single garage.

Kerfeld, yes.

Kerfeld spoke about snow removal in the area.

Ayers, is that true of several of houses.

Kerfeld, yes.

Zierder, is that a deck.

Kerfeld, no it's a patio at ground level.

Theis, is that a variance request.

Gansen, yes it was not included on the site plan so they need to submit new plans.

Kerfeld, the location of the lakeside additions would be in a compliant location.

Gansen, yes however it is attached to a non-conforming structure and would require variance approval.

Zierden, does the City plow this road.

Gansen, yes.

Chair, they would be bumping it out flush with the profile of the building.

There was varying discussion on building dimensions and parking.

The Chair called for audience comment.

The Chair asked for any other public comment.

None.

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

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

See findings on file.

The Chair asked the Commission if there were any further discussion regarding the findings. Zierden, he doesn't believe its getting closer to the road.

Chair, specified the setback is not reducing the building is expanding towards the road.

Ayers, there's more building expanding towards the road.

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

The Chair asked for motion.

Zierden, the building plans changed, they would just have to come back anyway.

Theis, is that something Gansen need to address.

Gansen, yes legally it cannot happen because it was not represented correctly in the application.

They need to reapply with the new plans.

Chair, are their two options here to deny the application as is, or to approve portions of the request.

Gansen, the Board could always approve less, just not more.

There was discussion about reducing the approval to just the garage and parking.

Chair, perhaps this lot is just too small for its intended use now as there is obviously no room and is leaning towards requiring a new application for clarity.

Ayers, we need to consider the other property next door where the garage request was denied.

There was additional discussion about the dimensions and encroachments etc.,

Building in areas that snow can be pushed into.

There was additional discussion on moving snow.

Theis, can we bring the first applicant back up.

Chair, the public input has been closed.

There was additional discussion amongst the Commission that the plans are confusing to read and difficult to tell how the building is going to look.

The Chair asked again for a motion.

Zierden made a motion to deny.

Brisbin seconded.

All members voting 5-0 to deny Variance Application V-24-03.

See file for findings and notice of decision.

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

The Commission Chair Weaver noted the applicant was present.

The Chair asked for the staff report.

Gansen read the staff report into record.

Gansen, the variance cannot be granted if the site plan is not accurate to the request due publication requirements.

See staff report on file.

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

There were none.

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

Mike and Fonda Schuetz 29853 Shoreview Lane.

Mike, we moved up to the property in 2015 and their property is very similar to the prior app as its duplex. We have an interior design. We met with Peter and understood what the setback ramifications were.

Mike, we wanted to get the footprint approved so they could go ahead with the building. I plowed this driveway for 12 years and the cars will be in the garage and the plows are pretty slow in the area.

The Chair asked if the Commission had any questions for the applicant.

Theis, where is the kitchen.

Fonda, spoke in varying details about the use of the property and the dimensions of the project. I would like to keep my stuff put away in the garage.

Fonda, we are asking to expand the building. It would make the property more functional for our use. We do understand we are within the setbacks.

Fonda spoke more about the layout of the building in relationship to the interior footprint.

Gansen, the plan has to match the variance request. Even if the variance was granted we could not allow a permit for it because it would illegal to permit something that requires an accurate site plan and variance request.

Procedurally the request cannot be approved as presented. The plans need to be submitted on the site plan accurately.

The Chair asked for public comment.

None.

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

Chair, summarized the scope of the project then read the findings of fact questions to the Planning Commission for consideration.

See file for findings.

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

None.

The Chair made a motion to deny.

Theis seconded.

All members voting 5-0 to deny Variance Application V-24-04.

Old Business

A. None.

The Chair called for staff reports.

Staff Reports

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

The next PC meeting Wed is August 14th due to elections on Tuesday.

That concludes the staff report.

The Chair asked for any Commissioner reports.

Commissioner reports

A. None.

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

Submitted by Peter Gansen
Planning & Zoning Administrator.