

TO: Planning Commission
FROM: Jerry Bohnsack
RE: Staff Report for V-25-002 KUFFEL
DATE: September 16, 2025 Regular Meeting



Variance Request V-25-001

Applicant: Jeffery & Shivaun Kuffel
Legal Description: Lots 18 Valley of Contentment
Address: 10672 Hilltop Drive, Breezy Point MN 56472
Property Identification Number (PIN): 10020643
Zoning: Residential Medium Density R-2 Unsewered
Applicable Code: 153.032, 153.044, 153.045, 153.120

Request:
Remove existing structure (26.7 ft. x 48 ft)
Construct Dwelling 26' x 58'
59.2 feet from OHW (75' required)
13.2 feet from W Sideyard (15' required)

Property:
The property is located at 10672 Hilltop Drive. Lakeshore property on south shore Lake Ossawinnamakee. Access to this and adjacent properties via private easement that bisects Valley of Contentment Subdivision.

Variance for existing dwelling (OHW) Sideyard 13.4' was granted in 2005.

Mr. Kuffel is proposing to construct New Dwelling at the pre-existing OHW setback 59.2' and 13.7' from W sideyard and 10' from E sideyard and approximately 23' from edge of easement. Mr. Kuffel is also proposing a dwelling that is 58 feet long (48' existing dwelling). The existing impervious coverage 43.64%. Mr. Kuffel is proposing to reduce impervious coverage to 21.5%.

Zoning the property is currently Zoned Residential Medium Density (R-2 Unsewered)

Lot Size: 20,000 sq. ft.
OHW: 75 feet
Side Setbacks: 10 feet and 15 feet
Impervious Coverage: 25%
Height: 35 feet

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) Impervious Coverage is proposed to be 21.5%
- 3) The Use is consistent with the character of the surrounding Neighborhood.
- 4) _____

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

The Planning Commission / Board of Adjustment finds that no practical difficulty exists.

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

- 1) The property pre-exists subdivision and zoning regulations. (1941 subdivision)
- 2) Impervious Coverage does not exceed 25%.
- 3) The practical difficulty is _____.
- 4) If approved the following may be conditions of approval:
 - a) Minimum – 1st floor elevation 1209

- b) Elevation and building setbacks (OHW & Side) to be set and staked by registered surveyor.
- c) Gutters to be installed on dwelling to contain, direct, treat surface water.
- d) Building permit to be obtained and conform to Minnesota State Building Code.
- e) Applicant to work with Crow Wing County Soil and Water to develop lake shore landscaping plan.
- f) Other.

Planning Commission/Board of Review Direction

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