



8319 County Road 11
Breezy Point, MN 56472
Phone: (218) 562-4093
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www.cityofbreezyptmn.us

Received by City: RA

Application Number: E-24-001

Non-refundable Fee Paid: 250-

Receipt #: 23973

Petition for Rezoning

Name of Applicant Sarah Lovejoy

Address 7036 Nickel Rd

City, State, Zip Breezy Pt MN 56472

Phone 218-851-5369

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 see attachment part a.

Parcel ID Number 10181327

Area of Property
(sq. ft. or acres): 10.33 acres

Current Zoning
District: UR

Proposed Zoning
District: WR

Surrounding
Zoning Districts: UR, WR

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

see attachment part b.

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

see attachment part c.

What changed or changing conditions of the area makes passage of this amendment necessary?

we would need an easement for existing septic

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

fifty percent or more of the neighborhood is already zoned wooded residential

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.

Other circumstances that justify the amendment:

see attachment part d.

Signature of Applicant(s): Sarah Lovejoy

(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.

Petition for Rezoning Attachment:

- A. That part of the North Half of Northeast Quarter (N1/2 or NE 1/4) described as follows: commencing at the northwest corner of NE1/4, then South approximately 66 rods to the highway between Village of Pequot Lakes and Breezy Point, then Easterly along said highway a distance of 94 rods, the North 42 rods, then Westerly along section line between Sections 7 and 18 to the point of beginning. EXCEPT that portion East 278 feet the the NW 1/4 of NE 1/4 and the West 100 feet of the NE 1/4 of NE 1/4, Section 18, Township 136, Range 28, lying North of State Aid Highway 11. Subject to easements of record. ALSO EXCEPT that portion of the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section 18, Township 136, Range 28, lying North of State Aid Highway 11 as now established except the East 278 feet thereof.
- B. The proposed amendment would impact the immediate area only in the sense of logistics. By this I mean that the city ordinances already allow for a guest home to be built here — rezoning from urban reserve to wooden residential would simply allow me to split the lot in half and sell my daughter my existing home and 5 acres so that she may earn equity.
- C. As stated above, there is no error in the existing Ordinance. I am just asking to be allowed to split my property to allow for my daughter, her husband, and their 8 month old son to purchase my existing home and half of my property so that they may earn equity and so that I can build and live on the other half (5 acres) of the property.
- D. Other circumstances that justify this rezoning included.
 - a. Approximately half of the Nickel Woods Neighborhood is already zoned Wooded Residential as opposed to Urban Reserve so this rezoning would still fit with the zoning of surrounding properties.
 - b. The city ordinances already allow for me to build a second home on this property.
 - c. The lot split would provide additional property tax dollars to the city.
 - d. I would really love the opportunity to sell part of my land to my daughter and by doing so be able to live next door to my grandson and any other future grandchildren.

Thank you for your consideration.

All my best,
Sarah Lovejoy
7036 Nickel Road, Breezy Point, MN, 56472
Parcel # 10181327

Peter Gansen

From: Pat Trottier <pat@stonemarksurvey.com>
Sent: Thursday, December 19, 2024 1:16 PM
To: Peter Gansen
Subject: Lovejoy legal
Attachments: exist deed.docx

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.

Sarah Lovejoy legal description for parcel 10181327

Patrick Trottier, PLS
Stonemark Land Surveying, Inc.
30206 Rasmussen Rd, Suite 1
PO Box 874
Pequot Lakes, MN 56472

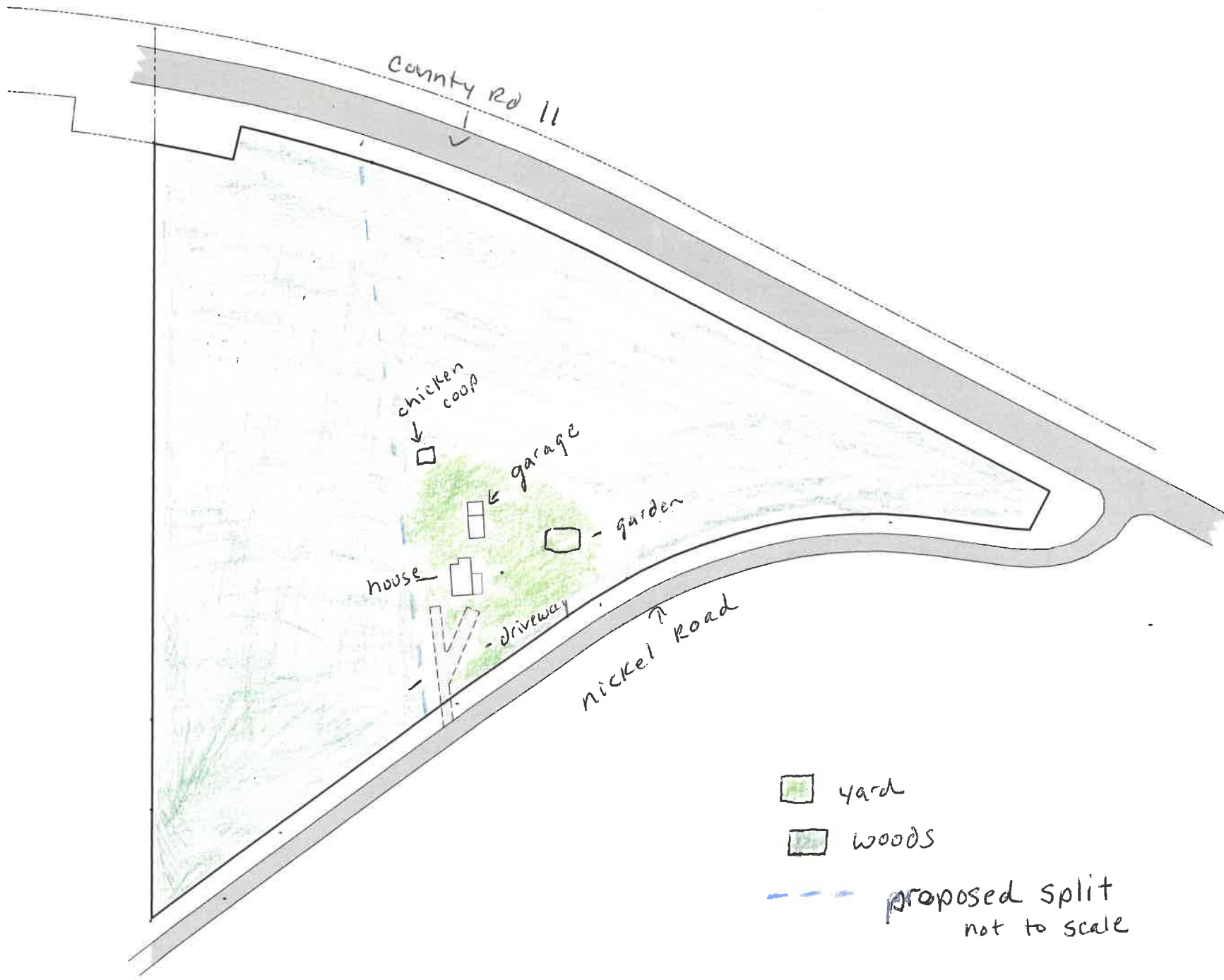
Office Phone (218) 568-4940
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LEGAL DESCRIPTION PER DOCUMENT NUMBER 874935

That part of the North Half of Northeast Quarter (N1/2 of NE1/4) described as follows: commencing at the northwest corner of the NE1/4, then South approximately 66 rods to the highway between Village of Pequot Lakes and Breezy Point, then Easterly along said highway a distance of 94 rods, then North 42 rods, then Westerly along section line between Sections 7 and 18 to the point of beginning. EXCEPT that portion East 278 feet to the NW1/4 of NE1/4 and the West 100 feet of the NE1/4 of NE1/4, Section 18, Township 136, Range 28, lying North of State Aid Highway 11. Subject to easements of record.

ALSO EXCEPT that portion of the Northwest Quarter of the Northeast Quarter (NW1/4 of NE1/4) of Section 18, Township 136, Range 28, lying North of State Aid Highway 11 as now established except the East 278 feet thereof.



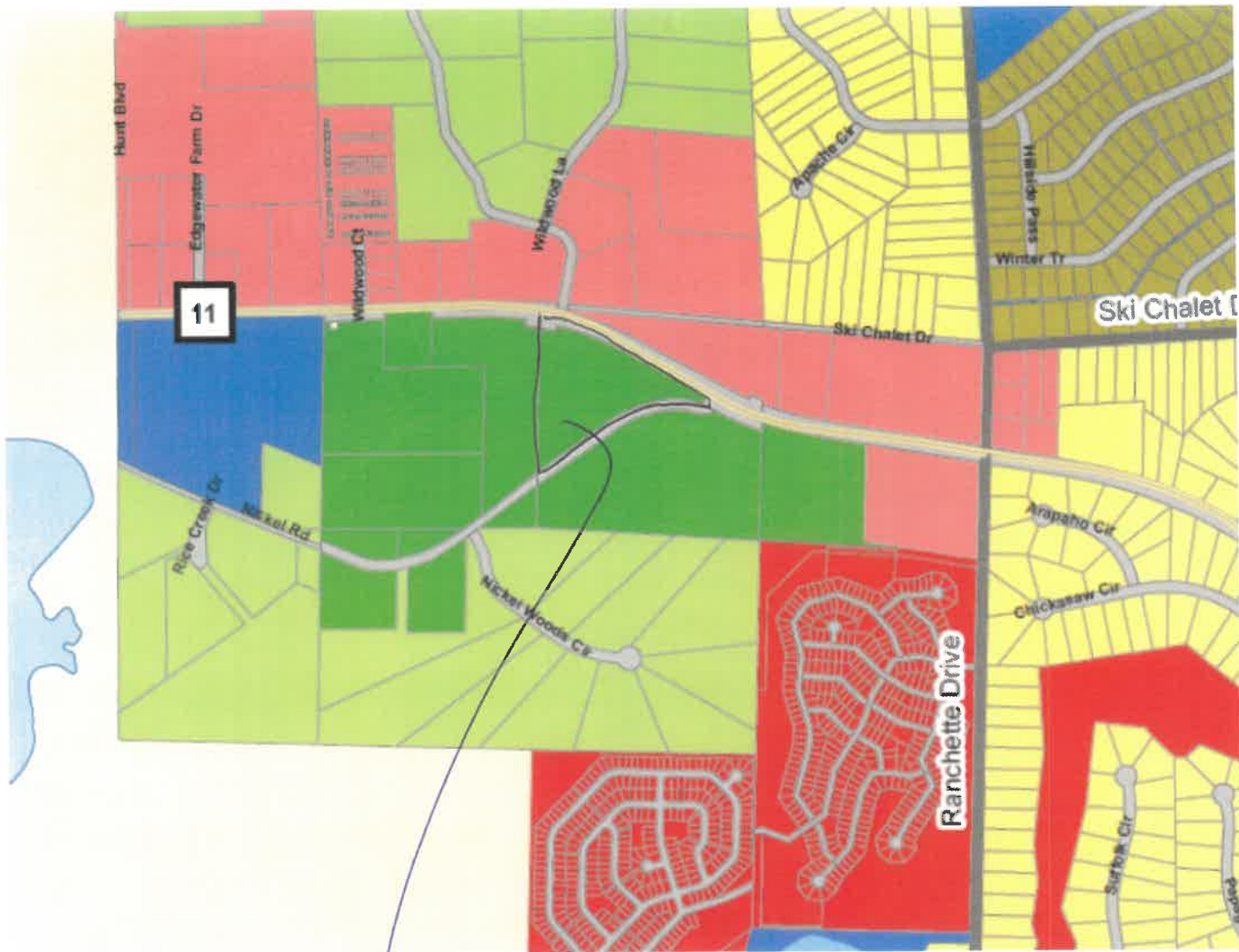
yard



woods



proposed split
not to scale



~ 10.33 Acres

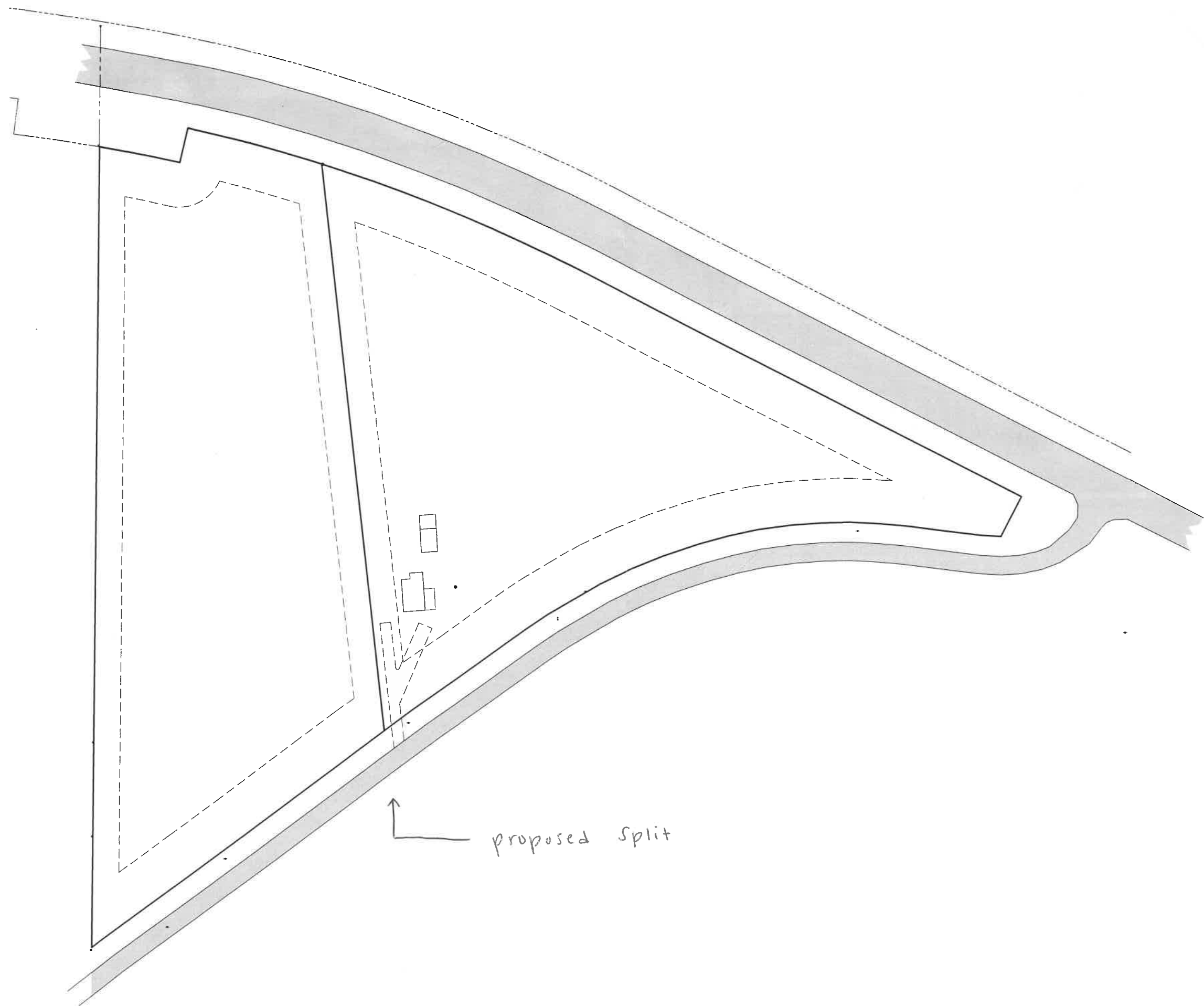


Single Feature

Available Reports
Plat Drawing Go
Zoom to Feature

Feature Information

Name	Value
PARCEL NUMBER	10181327
APPRCL	1001812008B0009
TOTDNM	CITY OF BREEZY POINT
OWNIDN	112807
OWNAME	LOVEJOY, SARAH LEA
OWADR1	7036 NICKLE RD
OWADR2	BREEZY POINT, MN 56472
OWADR3	
OWADR4	
TAXIDN	112807
TXNAME	LOVEJOY, SARAH LEA
TXADR1	7036 NICKEL RD
TXADR2	BREEZY POINT, MN 56472
TXADR3	
TXADR4	
PHYSADDR	7036 NICKEL RD
PHYSCITY	BREEZY POINT
PHYSZIP	56472



153.045 Lot Size; Dimension Chart

<i>Lot Size/Dimension Chart (Areas in Square Feet and Distances in Feet Unless Otherwise Noted)</i>										
	<i>UR</i>	<i>WR</i>	<i>EL-R</i>	<i>R-1</i>	<i>R-2 Sewered and/or GD</i>	<i>R-2 Unsewered and/or GD</i>	<i>RD Lake</i>	<i>R-3 Sewered</i>	<i>R-3 Unsewered</i>	<i>R-4 Sewered</i>
<i>Lot Size - Existing Subdivisions</i>										
Single-family	10 acres	5 acres	2.5 acres	40,000	15,000	20,000	40,000	10,000	20,000	10,000
Single-family with guest dwelling				80,000	26,000	40,000	80,000	17,500	35,000	17,500
Duplex					30,000	40,000	80,000	20,000	40,000	20,000
PUD (3 units minimum)				120,000	40,000	80,000	120,000	40,000	80,000	30,000
<i>Lot Size - New Subdivision</i>										
Single-family	10 acres	5 acres	2.5 acres	2.5 acres	2 acres	2.5 acres	2.5 acres	2 acres	2.5 acres	2 acres
Single-family with guest dwelling				5 acres	4 acres	5 acres	5 acres	4 acres	5 acres	4 acres
Duplex					4 acres	5 acres	5 acres	4 acres	5 acres	4 acres
PUD (3 units minimum)				120,000	40,000	80,000	120,000	40,000	80,000	30,000
<i>Lot Width</i>										
Single-Family	300	300	200	125	75	100	150	75	100	75
Single-family with guest dwelling				265	135	180	225	135	175	135
Duplex					150	200	300	150	200	150
PUD (3 units minimum)				375	195	260	300	190	375	190

153.044 Land Use Categories Chart

A = Allowed Without A Permit

P = Permitted - Requires a Permit

I = Interim Use

C = Conditional Use

E = Excluded Use

NA = Not Applicable

Use	Zoning District										
	UR	WR	EL-R	R-1	R-2	R-3	R-4	C	RC	A	P
Accessory structure without principle structure	P	E	E	E	E	E	E	C	C	P	P
Accessory structure up to 1,280 feet ² on parcels 2 acres or less	NA	NA	NA	P	P	P	C	C	C	P	P
Accessory structure up to 1,600 feet ² on parcels 2 acres or less	NA	NA	NA	P	C	C	C	C	C	P	P
Accessory structure up to 2,400 feet ² on parcels 2 acres or less	NA	NA	NA	C	E	E	E	C	C	P	P
Accessory structure up to 2% of parcel on parcels 2 acres or more, up to 5,000 feet ²	P	P	P	P	P	P	P	C	C	C	P
Accessory structure up to 2% of parcel on parcels 5 acres or more, over 5,000 feet ²	C	C	C	C	C	C	C	C	C	C	C
Accessory structure 15 to 20 feet in height	P	P	P	C	C	C	E	C	C	C	C
Accessory structure 20 to 25 feet in height	C	C	C	C	E	E	E	C	C	E	C
Adult Uses Principal	C	E	E	E	E	E	E	E	E	E	E
Adult Uses Accessory	C	E	E	E	E	E	E	E	E	E	E
Airport	C	E	E	E	E	E	E	C	E	P	E
Agriculture	A	A	A	C	E	E	E	E	E	E	E
Animal husbandry, 1 animal unit or less per 5 acres on parcels greater than 10 acres	I	E	E	E	E	E	E	I	E	E	E
Animal husbandry, 1 animal unit or less per 5 acres on parcels greater than 5 acres	I	E	E	E	E	E	E	I	E	E	E
Aquaculture	P	C	E	E	E	E	E	E	E	E	E
Auto salvage yard	E	E	E	E	E	E	E	E	E	E	E
Business with residential quarters	E	E	E	E	E	E	E	C	E	C	E

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Use	Zoning District										
	UR	WR	EL-R	R-1	R-2	R-3	R-4	C	RC	A	P
Boarding house	E	E	C	E	I	I	I	C	C	E	E
Campground	E	E	E	E	E	C	E	E	C	E	E
Camping; Limited	A	A	A	A	A	A	A	E	E	E	E
Camping; Construction & Reconstruction	A	A	A	A	A	A	A	E	E	E	E
Churches	C	C	C	C	C	C	C	C	C	E	NA
Controlled access lot	NA	NA	E	NA	C	NA	NA	NA	C	NA	NA
Dwelling, single-family less than 26 feet	P	E	E	E	E	E	E	E	E	E	E
Dwelling, duplex with subdivision	E	E	E	E	C	C	C	E	E	E	E
Dwelling, guest quarters	C	C	C	C	C	C	C	E	E	E	E
Dwelling, triplex-quad	E	E	E	E	E	E	C	E	E	E	E
Extractive use	I	E	E	E	E	E	E	E	E	E	E
Game farm with hunting	I	E	E	E	E	E	E	E	E	E	E
Gas station/light repair	E	E	E	E	E	E	E	C	E	E	E
Golf course	C	C	C	NA	NA	NA	NA	NA	C	E	C
Grading; 50 cubic yards or less	A	A	A	A	A	A	A	A	A	P	A
Grading; 50 cubic yards or more	P	P	P	P	P	P	P	P	P	C	P
Hangar	NA	NA	NA	NA	NA	NA	NA	C	NA	P	NA
Home occupation	I	I	I	I	I	I	I	NA	NA	NA	NA
Junk yard	E	E	E	E	E	E	E	E	E	E	E
Manufactured home development	E	E	E	E	C	C	C	E	E	E	E
Manufacturing/light industrial	C	E	E	E	E	E	E	C	E	C	E
Marina	NA	NA	NA	NA	C	NA	NA	NA	C	NA	NA
Motel/hotel	E	E	E	E	E	E	E	C	C	E	E
Motor vehicle sales, private; 2 or less	A	A	A	A	A	A	A	A	A	A	A
Motor vehicle sales, private; 3 or more	E	E	E	E	E	E	E	C	C	E	A
Motor vehicle sales, commercial	E	E	E	E	E	E	E	C	E	E	E
Nursing home/hospital	E	E	E	E	E	E	C	C	E	E	C
Off-road vehicle activity area	I	E	E	E	E	E	E	E	E	E	E

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Use	Zoning District										
	UR	WR	EL-R	R-1	R-2	R-3	R-4	C	RC	A	P
Outside storage	A	A	A	E	E	E	E	P	E	E	A
Parks and historical sites	C	C	C	C	C	C	C	P	P	C	A
Professional buildings	E	E	E	E	E	E	E	P	P	C	E
PUD; interval ownership	E	E	E	E	E	E	C	E	C	E	E
PUD; residential single-family	E	E	E	C	C	C	C	E	E	E	E
PUD; residential single and two-family	E	E	E	E	C	C	C	E	E	E	E
PUD; mixed use	E	E	E	E	E	E	C	C	E	C	E
PUD; commercial	E	E	E	E	E	E	E	C	C	E	E
Public buildings	E	E	E	E	E	E	E	E	P	C	P
Public recreation, trails, non-motorized	P	P	C	NA	NA	NA	NA	NA	NA	E	P
Radio/t.v. studio	E	E	E	E	E	E	E	C	E	E	E
Recreation camping area	E	E	E	E	E	E	E	E	C	E	E
Recreational facility; resort guests	E	E	E	E	E	E	E	C	C	E	NA
Recreational facility; public	E	E	E	E	E	E	E	C	P	C	P
Recreational vehicle park	E	E	E	E	E	E	E	E	C	E	E
Rentals more than 4 times per year	E	E	E	E	E	E	I	I	C	E	E
Rental units (apartments)	E	E	E	E	E	E	C	C	C	E	E
Retail stores	E	E	E	E	E	E	E	P	P	C	E
Restaurant	E	E	E	E	E	E	E	C	C	E	E
Setback, rear; 10 to 35 feet	E	E	E	C	E	C	C	E	E	E	E
Shore Impact Zone (SIZ); working within	P	P	P	P	P	P	P	P	P	P	A
Sign; area identification sign	C	C	C	C	C	C	C	P	P	P	E
Sign; residential identification sign	A	A	A	A	A	A	A	E	E	E	E
Sign; off-site, commercial	E	E	E	E	E	E	E	C	C	E	C
Sign; on-site, commercial	E	E	E	E	E	E	E	P	P	P	P
Social club	E	E	E	E	E	E	E	C	C	E	E
Snowmobile trail	A	A	A	A	A	A	A	A	A	A	A
State; licensed residential facility	E	E	P	P	P	P	P	E	E	E	E

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Use	Zoning District										
	UR	WR	EL-R	R-1	R-2	R-3	R-4	C	RC	A	P
Storage units for rental	E	E	E	E	E	E	E	C	C	C	E
Storage units for sale	E	E	E	E	E	E	E	C	C	C	E
Storage shed, 10 feet by 12 feet or smaller	P	P	P	P	P	P	P	P	P	P	P
Silvaculture with reforestation	P	C	E	E	E	E	E	E	E	E	E
Theaters	E	E	E	E	E	E	E	C	C	E	E
Towers	C	E	E	E	E	E	E	E	E	E	C
Trap and/or skeet range	I	E	E	E	E	E	E	E	E	E	E
Used structure moved onto property	C	C	C	C	C	C	C	C	C	C	C
Vegetation removal; select	A	A	A	A	A	A	A	A	A	A	A
Vegetation removal; open	P	P	P	C	C	C	C	C	C	A	C
Vegetation removal in SIZ; open	E	E	E	E	E	E	E	E	E	E	E
Vegetation removal; clear	C	C	C	E	E	E	E	C	E	A	C
Vegetation removal in SIZ; clear	E	E	E	E	E	E	E	E	E	E	E
Water oriented accessory structure	E	E	E	P	P	E	E	E	E	E	E

(Prior Code, § 8.05, Subd. 15) (Ord. 123, passed - -2005; Ord. 09-02-06, passed 9-5-2006; Ord. 09-02-07, passed 9-4-2007; Ord. 10-02-08, passed 10-6-2008; Ord. 09-01-09, passed 11-2-09; Ord. 10-005, 3rd Series, passed 3-1-2010, Ord. 10-008, 3rd Series, passed 6-07-2010; Ord. 10-017, 3rd Series, passed 11-01-2010; Ord. 11-03, 3rd Series, passed 8-01-2011, Ord. 11-15, 3rd Series, passed 12-05-2011; Ord. 13-02, 3rd Series, passed 02-04-2013; Ord. 13-07, passed 07-01-2013; Ord. 15-01, 3rd Series, passed 10-05-2015; Ord. 16-01, 3rd Series, passed 05-02-2016; Ord. 16-04, 3rd Series, passed 11-07-2016, Ord. 19-02, 3rd Series, passed 08-05-2019)

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What Is the Process for Rezoning?



Land Use

Q: What is the process for rezoning?

LMC: Rezoning is changing the zoning district assigned to a particular property from one type to another (for example, from commercial to residential). Under state statute, a zoning map is part of a zoning ordinance. So rezoning is a type of zoning ordinance amendment that should be done following the process set forth in the Municipal Planning Act at Minnesota Statutes, section 462.357, subdivisions 2-4.

The statutory process includes a public hearing after published notice. The hearing may be held by the planning commission or city council. If the rezoning affects an area of 5 acres or less, then a similar notice should be mailed to properties within 350 feet. A different provision under the county planning act provides for mailed notice to properties within 500 feet, which can be a source of some confusion.

The statute has a two-tiered voting requirement for the city council. A rezoning ordinance requires a majority vote of all council members — unless the ordinance is rezoning away from residential to commercial or industrial, in which case a two-thirds majority vote of all council members is required. Notably, it used to be that a two-thirds vote was required for all rezoning, but the statutory voting threshold was lowered in 2001 to make it easier to rezone toward residential.

A city ordinance might have additional relevant considerations. Learn more in the LMC information memo Zoning Guide for Cities at lmc.org/zoningguide.

Answered by Land Use Loss Control Attorney Jed Burkett: jburrkett@lmc.org.