

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

**October 8, 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, Teddy Zierden, Board Chair Marcy Weaver, Planning and Zoning Administrator Peter Gansen and Deputy Clerk Deb Runksmeier. Those absent Roger Theis.

### **Approval of Agenda**

Motion Zierden/Brisbin to approve Agenda, Motion Carried 4-0.

### **Open Forum**

No one spoke.

### **Approval of 9/10/2024 Regular Meeting Minutes**

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

### **New Business**

#### **A. Variance Application V-24-012 Brian Lee**

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.

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

Ayers, does the Commission need to be concerned if this application was approved, would this set a precedence for others.

Gansen, no the Commission does not need to be concerned about setting a precedence in approving or denying this variance request. League of Minnesota Cities trainings have specified there are no considerations of setting precedence for variances.

The Board of Adjustment is the venue to make such a request. Additionally, the Board could approve this variance and if the next-door neighbor brought in a similar request the Board could deny that request. The request is still unique in that it would be a different property and different time. Yes, the Board can consider similarities for properties, but the decision must be made considering the unique circumstance and situation of the property the variance is requested on.

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

Carvin Buzzell, applicant representative, 42618 78<sup>th</sup> St Hillman, MN.

Buzzell, I was asked by the applicant to present this as the property owner is out of town.

Please look at the slides and we can see the layout of the patio that it is really not that much different than the property.

Jackie Baker, audience member, I do not know how you can say that as I own the property next door.

Buzzell, thank you then I can answer any questions you may have.

The Chair, please keep the presentation to Board. Audience, please hold your questions as there will be a formal time allotted for you to voice your concerns and questions, thank you.

Buzzell, spoke about some of the percentage amounts of the variance, the stormwater management and that no setbacks are being reduced.

Buzzell also spoke about the drainage plan and asked if the Planning Commission had any questions for him.

Chair, the pavers are not going to be pervious?

Buzzell, they will not, however there will be cracks in the joints of the patio. The patio size also seems to be within the allowed square footage for a patio.

Chair asked which direction the flow of the stormwater associated with the patio would go.

Buzzell, it will be towards an aggregate infiltration area.

The Chair asked the Commission if they had any concerns or questions pertaining to the application at this time.

There were none.

The Chair called for audience comment.

Jackie Baker, 7116 79<sup>th</sup> Ave N Brooklyn Park, MN.

Baker, I own the adjacent property. Does Brian have any idea of building a fire pit in the patio area because that is a concern that I have. I also think that Brian rents the property out, and he needs to be aware that Breezy Point does have short term rental rules.

Being that I live next door, I often have to tell people not to park in front of my garage and also have to tell people to remember to take their garbage home.

Also, if it's a rental I don't know who the renters are and they will likely be loud, drinking and have animals that will be barking at the 7am.

I am not against the variance request; I am just wanting to point out a lot of people do use this property and I wonder if the owner knows he needs to have a license to run a short term rental area.

Brisbin, if the property is a rental that is different consideration than what is before the Commission.

Buzzell, the prior owner could have rented it out. This is a new owner and I do not know if they have rental plans. I understand your concerns and I will talk to the owner about your concerns.

The Chair asked for any other public comment.

There were none.

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

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

The Chair, this seems to be a very unique situation dealing with the property and this certainly was not something created by the current landowner. Looking at the impervious surface calculations and based on the project details this seems to be exactly why variances are needed. Additionally, the stormwater management plan seems to be adequate.

Zierden, I agree.

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

See findings on file.

None.

The Chair asked for a motion.

**The Chair made a motion to approve.**

**With the recommended condition:**

All stormwater runoff associated with the patio must be mitigated and maintained on the subject property.

**Brisbin seconded.**

**All members voting 4-0 to approve Variance Application V-24-012.**

**Conditions:**

1. All stormwater runoff associated with the patio must be mitigated and maintained on the subject property.

See file for findings and notice of decision.

### Old Business

#### **A. None.**

The Chair called for staff reports.

### Staff Reports

Gansen updated the Commission on the Interim City Administrator, Jerry Bohnsack and will likely begin the recruitment process for the City Administrator.

There will likely be a couple applications at the next meeting if the applicants can get their surveys completed before the submittal deadline.

The next PC meeting is Tuesday, November 12th.

We currently have requested HGKI the consultant firm selected to help us update our ordinance give us some additional time due to a lot of changing situations, with administration and local elections.

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 7:27 p.m.

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Submitted by Peter Gansen  
Planning & Zoning Administrator.