

From: Frie, Jacob (DNR) <Jacob.Frie@state.mn.us>
Sent: Friday, September 1, 2023 2:57 PM
To: Deb Runksmeier <drunksmeier@cityofbreezypointmn.us>
Cc: Jerry Bohnsack <jbohnsack@cityofbreezypointmn.us>; Petrik, Daniel (DNR) <daniel.petrik@state.mn.us>
Subject: RE: Breezy Point Public Notice - 32601 Timberlane Point

Good afternoon Deb:

The MN DNR offers the following comments regarding the Sackreiter variance request(s):

The Minnesota DNR recommends DENIAL of the OHW setback request for the following reasons:

- 1.) The Variance is not due to circumstances unique to the property, and is created by the property owner:
 - a) Based on the certificate of survey provided from Lakes Area Surveying revised 8/21/2023, the existing residence is at 25 feet from OHW, represents a 75% existing deviation from the 75' GD classified lake setback. Further encroaching an additional one foot towards the OHW represents an exasperation of the issue, cause increased recreation and potential vegetation modification, increase impervious surfaces, and increase stormwater run-off close to open-water. This may result in reduced water quality benefits and a reduction in near-water habitat within the Shore Impact Zone (SIZ).
 - b) Unless other information is supplied to the contrary, there appears to be ample area to add an addition to the house on the west side, further away from the lake, and in an area already covered by existing concrete patio surfaces. It is also not clear why an addition could not be considered to the rear of the house or somewhere on the back-sides away from the lake.

- 2.) The variance is not in harmony with the purposes and intent of the Zoning Ordinance:
 - a) The proposed 8' addition to the east may end up causing a new variance from dwelling unit to septic tank – which MPCA rules mandates a minimum 10' setback from dwelling units to septic tanks. Doing so could cause maintenance access issues for pumpers and maintainers in the future. Measurements are not shown on the survey, but since the min. 10' distance is in doubt, the survey should be updated to include this information and a separate additional variance request will need to be called-out for and published within statutory timelines prior to a public hearing.
 - b) According to the certificate of survey, the proposed addition will result in an impervious coverage of 35.56%. According to the City of Breezy Point's Zoning Ordinance, Section 153.032 G23, the maximum allowed impervious coverage on this medium density residential (R-2) unsewered lot is 25%. Also, according to MN Rule 6120.3400 subp. 11 B(1), impervious surface coverage on residential lots in the Shoreland area must not exceed 25%. Any proposed improvements to this lot that involve increased impervious surfaces cannot and must not be considered unless/until the impervious coverage is reduced to 25%. Further, the Minnesota DNR would not be / is not supportive of any variance consideration to deviate from maximum impervious coverage LGU and State Rules.
 - a. For the above impervious coverage comment, the certificate of survey should be revised showing a detailed plan of how and where impervious surfaces are to be reduced to meet City and State shoreland rules standards, prior to considering the variance request for OHW setback due to a proposed addition. And, since it may result in an additional variance request for impervious coverage, a separate

additional variance request will need to be called-out for and published within statutory timelines prior to a public hearing.

- b. There appears to be ample opportunity to reduce impervious surface coverage by eliminating all of the concrete surfaces within the 75' building setback and also narrow the existing driveways and parking areas in the rear lot zone.

Thank you for allowing the DNR with an opportunity to comment on this application. Per Minnesota Rules, please be sure to send a copy of the record/notice of decision with supporting findings of fact within 10 days of decision for this application.

Jacob Frie

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