



8319 County Road 11  
Breezy Point, MN 56472  
Phone: (218) 562-4441  
Fax: (218) 656-1326  
[www.cityofbreezypointmn.us](http://www.cityofbreezypointmn.us)

Received by City: 08/11/2023  
Application Number: V-23-005  
Non-refundable Fee Paid: 250.00  
Receipt #: 22392

# Variance Application

Name of Applicant James and Susan Sackreiter  
Address 32601 Timberlane Point Email: jim@sackreiter.net  
City, State, Zip Breezy Point, MN 56472  
Phone 979-203-5840 Alternate Phone 979-203-5620

Physical Address / Location of Property 32601 Timberlane Point

Legal Description of Property TROTTER-CADE LOT 31 & ALSO INCL PT OF VACATED TIMBER LN ON DOC #897023.

Parcel ID Number 101400000310009 Zoning District \_\_\_\_\_

Applicant is:  Legal Owner of Property  
 Contract Buyer  
 Option Holder  
 Agent  
 Other \_\_\_\_\_

Title Holder of Property (if different than applicant):  
Name \_\_\_\_\_  
Address 32601 Timberlane Point  
City, State, ZIP Breezy Point, MN 56472  
Phone 979-203-5840

State the nature of your request in detail. What are you proposing for your property?  
The Sackreiters desire to extend the east side of their house eight feet (8') in a generally easterly/northeasterly direction to allow for a second bathroom and to enlarge two (2) bedrooms.

DocuSigned by:  
James Sackreiter  
6251A264BC8343E

Signature of Owner, authorizing application  
(By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner)  
(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.\***

**APPLICANTS, PLEASE NOTE:** Pursuant to the Breezy Point Zoning Ordinance, the applicant should be prepared to explain the unique situation on the property that requires the proposed variance. The Zoning Ordinance defines a practical difficulty as follows: "A practical difficulty exists if the property in question cannot be reasonably utilized under the conditions allowed by the official controls, if the plight of the landowner is due to circumstances

unique to the property and not of his own making, and the variance (if granted) would not alter the essential character of the locality. Economic considerations alone shall not constitute a practical difficulty as reasonable use of utilization of the property exists under the terms of the Ordinance.”

**The following questions must be answered.**

1. What changes are you proposing to make to this property?

Building: See attached Exhibit A

Landscaping: \_\_\_\_\_

Parking/Signs: \_\_\_\_\_

2. What are the unique circumstances of the property (parcel size, shape, topography, or other characteristics not created by the landowner) that make strict interpretation of the Ordinance impractical?

See attached Exhibit A

\_\_\_\_\_  
\_\_\_\_\_

3. How is granting this variance consistent with the intent of the City of Breezy Point Zoning Ordinance?

See attached Exhibit A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. How will **reasonable** use of the property be deprived if the variance is not granted?

See attached Exhibit A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. What other options, either conforming or non-conforming, have been considered and why were those options not chosen?

See attached Exhibit A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

See attached Exhibit A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Describe the character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

See attached Exhibit A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Discuss any environmental limitations of the site or the area that limit building in other areas.  
See attached Exhibit A

9. Please include any other comments pertinent to this request.  
See attached Exhibit A

*Definition of PRACTICAL DIFFICULTY: The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his or her property not created by the landowner and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a PRACTICAL DIFFICULTY if reasonable use for the property exists under the terms of the ordinance.*

10. Please state the **practical difficulty** that exists with this property.  
See attached Exhibit A

**INSTRUCTIONS TO THE APPLICANT**

Completed applications, with *all* submittal requirements, must be submitted to the Planning & Zoning Department no fewer than **25 days** prior to the meeting date. In order for your application to be accepted as complete, and to have a public hearing scheduled, the following

- \_\_\_\_\_ 1. This application must be completed, including responses to all parts of this application.
- \_\_\_\_\_ 2. The required fee must be paid. See fee schedule for details.
- \_\_\_\_\_ 3. Certificate of Survey with the following information, as a minimum, unless waived by the Planning Commission / Board of Adjustment.
  - \_\_\_\_\_ Legal description of the site.
  - \_\_\_\_\_ Site plan, prepared by a licensed surveyor, showing parcel and existing structure dimension, water features, and 10 foot contour lines (smaller contour lines may be required if deemed necessary by the Planning Department, Planning Commission, or City Council).
  - \_\_\_\_\_ Location of all structures and their square footage.
  - \_\_\_\_\_ Existing and proposed curb cuts, driveways, access roads, turn-arounds, parking including RV, boat and additional vehicle storage, off-street loading, and sidewalks. Size and type of surface should also be included.
  - \_\_\_\_\_ Proposed landscaping and screening plans: garbage dumpsters, areas preserved in natural state including buffer areas, areas to be developed into lawn (grass), areas to be covered by woodchips or mulch, garden areas, shrubbery, types, size, age, and number of proposed trees and their locations, exterior lighting to be proposed including location and type, any other items deemed appropriate.
  - \_\_\_\_\_ Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
  - \_\_\_\_\_ Proposed drainage plan.
  - \_\_\_\_\_ Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
  - \_\_\_\_\_ Soils data showing capability for building and on-site sewage treatment.
  - \_\_\_\_\_ Existing iron pipe boundary monuments marked with proof of survey.
  - \_\_\_\_\_ Approximate location of any proposed signs (if applicable).
- \_\_\_\_\_ 4. Color scheme for all existing and proposed structures.
- \_\_\_\_\_ 5. Outside storage proposal.
- \_\_\_\_\_ 6. Elevation plans for all existing and proposed structures.

### Exhibit A

Please take this Exhibit as the answers to questions 1-10 of the Variance Petition for James and Susan Sackreiter and the lot located at 32601 Timberlane Point, Breezy Point, MN, 56472 (the "Subject Property").

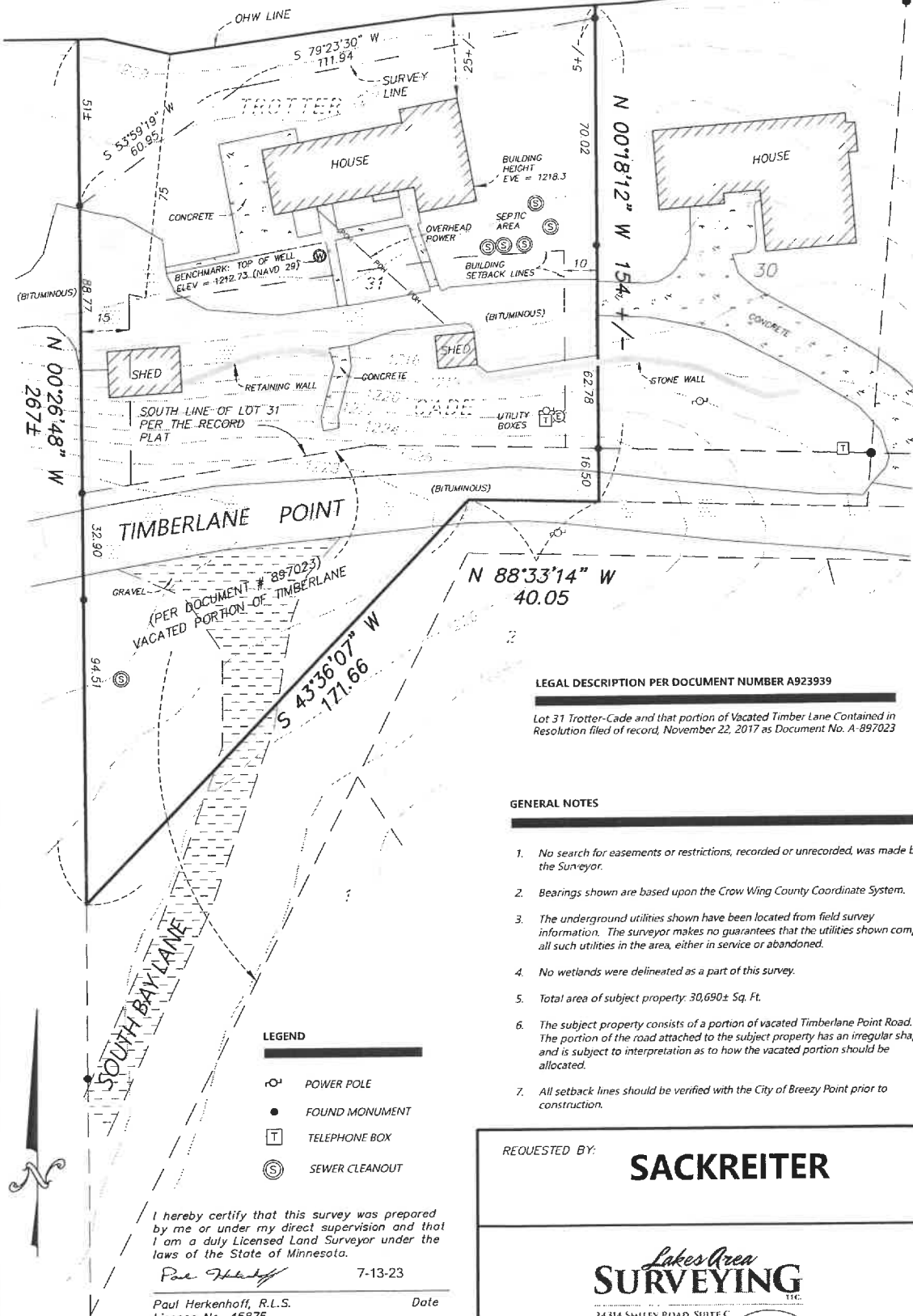
1. The Sackreiters' propose to extend the east wall of their house out eight feet (8').
2. The unique circumstances of the Subject Property that make strict interpretation of the Ordinance impractical are:
  - a. The lot is shaped in a way, and has a slope in it, that makes moving the driveway impossible.
  - b. A strict interpretation of the Ordinance would result in much more work, cost and environmental impact.
  - c. One of the stated goals of the Ordinance is to protect the environment so strict reading resulting in a greater impact on the environment does not seem practical.
3. Granting the variance is consistent with the intent of the Ordinance because Granting this application would increase the aesthetic and economic value to the surrounding properties. This variance would not cause any more impact on the shoreland, and any potential expansion of an encroachment would be negligible at worst. This variance would also, as stated in question 2, minimize impact on the local environment.
4. Reasonable use of the property will be deprived if the variance is not granted because the expansion will be negligible, if at all. Many lots in the local area have similar land use and encroach more of the shoreland than this proposed change.
5. Because of the topography of the property and layout of the house, no other options were seriously considered as they would have been incredibly burdensome on the environment and would have been extraordinarily more expensive.
6. There would be no negative impact on the enjoyment of other property in the immediate vicinity. This addition would not negatively impact the views of any neighbors and would only increase the aesthetic and economic values of the immediate area. The proposal would also not increase the number of visitors or increase the occupancy of the Subject Property.
7. The character of the area is single family residential homes in a shoreland area. There are numerous properties in the immediate vicinity of the Subject Property that encroach in a similar manner, or greater, than the proposal contained in this petition. This proposal simply allows the Sackreiters to use the Subject Property in the same way their neighbors have.
8. The slope of the lot confines the driveway to one location, it cannot reasonably be moved and there is further slope on the property that makes building in other locations impractical.

9. N/A

10. Due to the topography of this lot, the driveway cannot be moved and this proposed variance is for an encroachment that is of negligible change from the current encroachment. There are also many examples of similar land use in the immediate area so there would be no negative impact in the essential character of the locality, it will only enhance the locality.

# CERTIFICATE OF SURVEY

OSSAWINNAMAKEE LAKE  
 GENERAL DEVELOPMENT (GD)  
 WATER ELEVATION = 1205.6 (NAVD 29)  
 OHW ELEVATION = 1206.1 (NAVD 29)



**LEGAL DESCRIPTION PER DOCUMENT NUMBER A923939**

Lot 31 Trotter-Cade and that portion of Vacated Timber Lane Contained in Resolution filed of record, November 22, 2017 as Document No. A-897023

**GENERAL NOTES**

1. No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.
2. Bearings shown are based upon the Crow Wing County Coordinate System.
3. The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.
4. No wetlands were delineated as a part of this survey.
5. Total area of subject property: 30,690± Sq. Ft.
6. The subject property consists of a portion of vacated Timberlane Point Road. The portion of the road attached to the subject property has an irregular shape and is subject to interpretation as to how the vacated portion should be allocated.
7. All setback lines should be verified with the City of Breezy Point prior to construction.

**LEGEND**

- ⊙ POWER POLE
- FOUND MONUMENT
- ⊠ TELEPHONE BOX
- ⊙ SEWER CLEANOUT

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Paul Herkenhoff* 7-13-23  
 Paul Herkenhoff, R.L.S. Date  
 License No. 45875



REQUESTED BY:

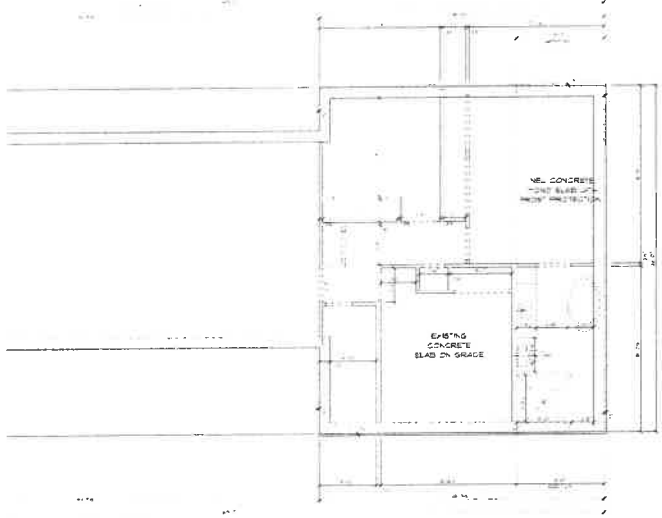
**SACKREITER**

*Lakes Area*  
**SURVEYING**  
 LLC

24314 SMILEY ROAD, SUITE C  
 NISSWA, MN 56468  
 OFFICE (218) 961-0090



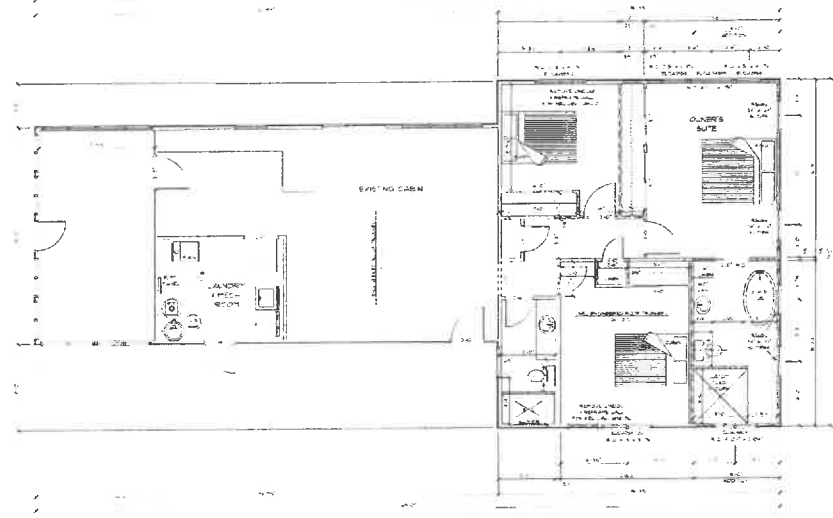
Drawn by: PDH Date: 07/13/23 Job No: 23-117



**NEW FOUNDATION PLAN**

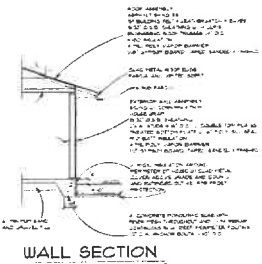
SCALE: 1/4" = 1'-0"

**EXISTING BUILDING NOTES**  
 - THIS EXISTING BUILDING HEIGHT  
 - EXISTING EXTERIOR CONCRETE SLAB  
 - NO INSULATION



**NEW MAIN LEVEL FLOOR PLAN**

SCALE: 1/4" = 1'-0"



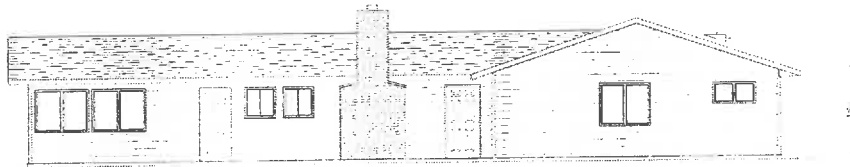
**WALL SECTION**

SCALE: 1/4" = 1'-0"

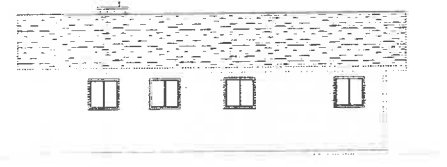
**NOTE**  
 FIELD VERIFY ALL DIMENSIONS HEIGHTS AND  
 SIZES OF EXISTING STRUCTURAL MEMBERS  
 ALL DIMENSIONS ARE TO FACE UNLESS  
 OTHERWISE NOTED  
 2" X 4" OF FLASHING OVER ALL EXTERIOR  
 OPENINGS, ALSEY OTHER SEE NOTES  
 EXTERIOR DOORS BY OTHERS TO BE  
 EQUAL UNLESS OTHERWISE NOTED  
 VERIFY ALL PROTECTION REQUIREMENTS  
 VERIFY ALL SIZES AND ROUNDS OPENINGS  
 WITH OWNER AND MANUFACTURER AND  
 VERIFY WITH THE CONTRACTOR TO BE  
 TYPICAL UNLESS OTHERWISE NOTED  
 VERIFY EXTERIOR DOOR ROUGH OPENING HEIGHTS

VERIFY ALL TRIMMS, BEAMS AND  
 PROFILES WITH TRUSS MANUFACTURER  
 VERIFY ALL EXTERIOR DOORS  
 AND WINDOWS  
 VERIFY ALL ENERGY CODE REQUIREMENTS  
 TO BE THE RESPONSIBILITY OF CONTRACTOR  
 THE PLAN WAS DESIGNED TO COMPLY WITH  
 2009 INTERNATIONAL BUILDING CODES AT THE TIME  
 AND FOR THE LOCATION LISTED HEREIN  
 CHECK WITH YOUR CONTRACTOR  
 REGARDING LOCAL CODES THAT MAY VARY  
 FROM THE CODES AND CONTRACTOR ABOUT THE  
 RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

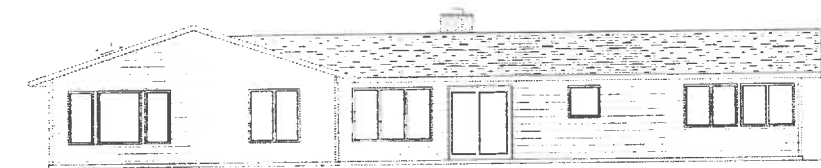
<b>P.F.S. DESIGN LLC</b>	
218-821-0630	
PROJECT NO. 171	PAGE NO. 2-2
SUB CONTRACTOR	DATE
JUNE 26, 2019	REVISED JUNE 30, 2019



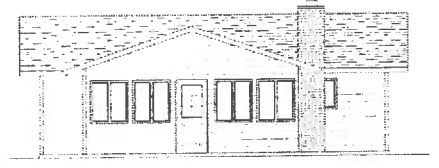
ROADSIDE ELEVATION  
SCALE 1/4" = 1'-0"



RIGHTSIDE ELEVATION  
SCALE 1/4" = 1'-0"



LAKESIDE ELEVATION  
SCALE 1/4" = 1'-0"



LEFTSIDE ELEVATION  
SCALE 1/4" = 1'-0"

<b>P.F.S.</b> DESIGN LLC	
218-821-0630	
PROJECT FOR	DATE
SUE BACKREITER	JUN 14 2013
DATE	1 of 2
JUNE 13 2013	