

Breezy Point Planning Commission/Board of Adjustment

**July 12, 2023
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, Roger Theis, Marcy Weaver, and Teddy Zierden; City Planner Jerry Bohnsack, Administrator Clerk David Chanski, Deputy Clerk Deb Runksmeier, Planning Commission Council Liaison Steve Jensen.

Approval of Agenda

Motion Ayers/Theis to approve Agenda, Motion Carried 5-0

Approval of 7/12/2023 regular meeting

Motion Theis/Zierden to approve the minutes as written, Motion carried 5-0.

City Council Liaison Report

Council Liaison Jensen reported on the June 26 workshop and Administrator Chanski reported on the July 6 council meeting.

Open Forum

No one spoke

Public Hearing - Variance Application V-23-003 Chris Erickson / Dettinger Trust. 29206 Piney Way Breezy Point. Lots 20 & 21 Edgewater Beach. Parcels 10211067 and 10211068. Request for Variance to expand legal nonconforming use with addition of 276 sq. ft. screened porch. R-2 Zone.

The Public hearing was opened by Chairperson Weaver.

Mr. Chris Erickson reviewed request to expand legal nonconforming use with addition to screen porch.

Planner Bohnsack reviewed the staff report.

Chairperson Weaver Closed the Public Hearing.

Motion Ayers/Theis to Approve the following Resolution PC-23-06, Motion Carried 5-0

RESOLUTION PC 23-06

A RESOLUTION APPROVING VARIANCE APPLICATION 2023-003

WHEREAS, Dettinger Trust is the recorded owner of Lots 20 & 21 Edgewater Beach (Parcels 10211067 & 10211068) 292026 Piney Way Breezy Point.

WHEREAS, the existing dwelling on Lot 20 & 21 is a legal non-conforming use.

WHEREAS, the owner has applied for Variance to expand the legal non-conforming use by adding a 276 sq. ft. attached screen porch; and

WHEREAS, the proposed addition will conform to setback requirements of R-2; and

WHEREAS, the deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance; and

WHEREAS, the land use created by the variance is permitted in the zoning district where the property is located; and

WHEREAS, the variance will not alter the essential character of the locality; and

WHEREAS, the variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance; and

WHEREAS, the existing dwelling preexists subdivision and zoning regulations; and

WHEREAS, the proposed impervious coverage does not exceed 25% (21.8%);

WHEREAS, the proposed addition is located within the building envelope; and

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Variance 2023-003 is approved.

BE IT FURTHER RESOLVED THAT THE Variance 2023-003 is subject to the following conditions;

- 1) Lowest floor elevation minimum 1210.
- 2) Building permit to be obtained and building to conform to state building code.
- 3) Lots 20 & 21 Edgewater Beach to be consolidated.

Adopted this 12th day of July, 2023.

Public Hearing - Conditional Use permit Application C-23-004 Mark Pietig / BPMG LLC. 8101 County Road 11 Breezy Point. Lots 329, 330, & 331 15th Addition to Breezy Point Estates. Construct Mini-golf course and clubhouse (Recreation Facility – Public). Zone Commercial C.

The Public hearing was opened by Chairperson Weaver.

Mr. Mark Pietig reviewed request to develop mini golf course on commercial property adjacent to County Road 11.

Planner Bohnsack reviewed the staff report.

Kathy Leger at 8069 County Road 11 addressed the Board as adjacent property owner opposed to the project.

County Engineer Bray provided information on access to County Road.

Applicant and applicant representative responded to questions from the Board.

Chairperson Weaver Closed the Public Hearing.

Motion Weaver/Theis to Approve the following Resolution PC-23-07, Motion Carried 4-1, Brisbin opposed.

RESOLUTION PC 23-07

A RESOLUTION APPROVING CONDITIONAL USE PERMIT APPLICATION 2023-004
WHEREAS, Mark Pietig / BPMG LLC has submitted application for Conditional Use Permit to construct Recreation facility public (Mini Golf Course and Clubhouse) on Lots 329, 330, & 331 Fifteenth Addition to Breezy Point Estates; and
WHEREAS, Lots 329, 330, & 331 Fifteenth Addition to Breezy Point Estates is Zoned Commercial (C); and
WHEREAS, Mini Golf Course is considered a Recreation public Facility; and
WHEREAS, Recreation Public Facility is an appropriate Conditional Use in C Zone (§153.140 C-20); and
WHEREAS, published and mailed notice of hearing to consider CUP application was given to property owners within 350 feet; and
WHEREAS, a public hearing to consider CUP Application was held Wednesday, July 12, 2023; and
NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Conditional Use Permit 2023-004 is approved and subject to conditions.
BE IT FURTHER RESOLVED THAT THE Conditional Use Permit is subject to the following conditions;

- 1) Applicant shall obtain building permit for structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Accessory structure shall comply with state building code.
- 4) Impervious Coverage shall not exceed 50%.
- 5) All lighting to focus on property.
- 6) Consolidate Lots 329, 330, & 331.
- 7) Hours of operation 9:00 AM – 10:00 PM.
- 8) Applicant to obtain entrance permit from Crow Wing County Highway Department.
- 9) Applicant to collaborate with Crow Wing County Highway Department on location and design of entrance.
- 10) Storm water management, collection, and retention to be approved by city engineer.
- 11) City Engineer to approve development plan.

Adopted this 12th day of July, 2023.

Public Hearing - Conditional Use permit Application C-23-005 Mark Olson 30213 Robin Lane Breezy Point. Lots 304 thru 307 15th Addition to Breezy Point Estates. Parcel 10161593. Construct 52' x 30' accessory structure (1560 sq. ft.) R-4 Zone.

The Public hearing was opened by Chairperson Weaver.

Mr. Corey Berquist reviewed request for CUP to construct 1560 sq. ft. accessory structure in area zoned R-4.

Planner Bohnsack reviewed the staff report.

Mr. Jeff Johnson Eagle's Nest Timeshare questions lighting and screening.

Mr. David Landecker with Whitebirch, Inc. questioned outside storage and screening.

Chairperson Weaver Closed the Public Hearing.

Motion Weaver/Theis to Approve the following Resolution PC-23-08, Motion Carried 5-0

RESOLUTION PC 23-08

A RESOLUTION APPROVING CONDITIONAL USE PERMIT APPLICATION 2023-005

WHEREAS, Mark Olson is the owner of Lots 304 through 307 Fifteen Addition to Breezy Point Estates. (Parcel 10161593); and

WHEREAS, Mark Olson has submitted application for Conditional Use Permit to Construct 52 x 30 ft. Accessory structure on Lots 304 through 307; and

WHEREAS, Lots 304 through 307 15TH Addition to Breezy Point Estates is Zones R-4; and

WHEREAS, Accessory structure cumulative up to 1600 sq. ft. on parcels 2 acres or less is an appropriate Conditional Use in R-4 (§153.034 C-4); and

WHEREAS, published and mailed notice of hearing to consider CUP application was given to property owners within 350 feet; and

WHEREAS, a public hearing to consider CUP Application was held Tuesday, July 12, 2023; and

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Conditional Use Permit 2023-005 is approved and be subject to conditions.

BE IT FURTHER RESOLVED THAT THE Conditional Use Permit is subject to the following conditions;

- 1) Applicant shall obtain building permit for 1560 sq. ft. accessory structure.
- 2) Building shall not exceed 15 ft. height.
- 3) Building shall comply to all setback requirements of R-4 Zone.
- 4) Structure shall comply with state building code.
- 5) Grading and fill of site shall comply to plan submitted – manage surface water with landscaping and rain garden.
- 6) No outside storage on site
- 7) All lighting to focus on property.
- 8) Develop 4 season screening plan for approval of Planning Commission.
- 9) Install screening in accordance with approved plan.

Adopted this 12th day of July, 2023.

Public Hearing – Variance Application V-23-004 Joseph Martinson 29700 Lakeshore Drive Breezy Point. Lot 3 Block 1 Breezy Point Club. Parcel 10211222. Request for variance to expand legal non-conforming structure with Addition of 268 sq. ft. deck. Variance to exceed 25% impervious coverage.

The Public hearing was opened by Chairperson Weaver.

Mr. Martinson reviewed proposal to construct lakeside deck.

Planner Bohnsack reviewed the staff report.

Mr. Martinson fielded questions from the Board.

Chairperson Weaver Closed the Public Hearing.

Motion Ayers/Brisbin to Approve the following Resolution PC-23-09, Motion Carried 5-0

RESOLUTION PC 23-09

A RESOLUTION APPROVING VARIANCE APPLICATION 2023-005

WHEREAS, Joseph Martinson is the recorded Owner of Lot 3 Block 1 Breezy Point Club. Parcel 10211222. 29700 Lakeshore Drive Breezy Point, MN; and

WHEREAS, the existing dwelling on lot 3 Block 1 is a legal non-conforming use; and

WHEREAS, the existing percentage of impervious coverage is 38.6%; and

WHEREAS, the property contains 15,315 square feet; and

WHEREAS, the owner has submitted application for Variance to expand legal non-conforming use by constructing a 268 sq. ft. deck addition to the dwelling; and

WHEREAS, the deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance; and

WHEREAS, the land use created by the variance is permitted in the zoning district where the property is located; and

WHEREAS, the variance will not alter the essential character of the locality; and

WHEREAS, the variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance; and

WHEREAS, the existing dwelling pre-exists subdivision and zoning regulations; and

WHEREAS, the proposed addition (deck 268 sq. ft.) is located within building envelope; and

WHEREAS, the owner has alternative means to reduce impervious coverage; and

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Variance 2023-005 is approved with conditions; and

BE IT FURTHER RESOLVED THAT THE Variance 2023-005 is subject to the following conditions;

- 1) Maximum square footage of deck 268 sq. ft.
- 2) Area under deck to be excavated and filled with granular material that renders the existing area pervious.
- 3) Pavers throughout lot must be removed and area restored to lawn.
- 4) Reduce impervious coverage to less than 32%.
- 5) Manage surface water install rain garden to catch and purify runoff.

Adopted this 12th day of July, 2023.

Mr. David Landecker representing Whitebirch, Inc. reviewed a proposal of Whitebirch Inc. to rezone Whitebirch Vista (currently zoned R-1) to R-4. Purposed of rezoning to construct four duplex townhome dwellings similar to Whitebirch Village.

Mr. Landecker fielded questions from the Board.

There being no further business the meeting adjourned at 9:40 p.m.

Submitted by Jerry Bohnsack
City Planner