



8319 County Road 11
Breezy Point, MN 56472
Phone: (218) 562-4093
Fax: (218) 562-4486
www.cityofbreezypointmn.us

Received by City: PH

Application Number: 24-012

Non-refundable Fee Paid: 250-

Receipt #: 23714

Variance Application

Name of Applicant Brian Lee

Address 1881 Auburn St NW

City, State, Zip Elk River, MN 55330

Phone 763-516-1246 Alternate Phone _____

Physical Address / Location of Property 9168 Indian Hill, Breezy Point

Legal Description of Property Lot 27
3rd addition to Breezy point estate

Parcel ID Number 10161098 Zoning District R-3

Applicant is:

☒ Legal Owner of Property

☐ Contract Buyer

☐ Option Holder

☐ Agent

☐ Other _____

Title Holder of Property (if different than applicant):

Name Same

Address _____

City, State, ZIP _____

Phone _____

State the nature of your request in detail. What are you proposing for your property?

Building pool patio

Signature of Owner, authorizing application Brian Lee

(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 hardship as the follows: "A hardship 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 hardship 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: _____

Landscaping: Paver Patio

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?

Parking lot + sidewalk on my property that I do not own.

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

Impervious surface will remain at 30% max development
Existing coverage is encountered by concrete sidewalk + Asphalt.

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

Reasonable to have a patio for outdoor enjoyment.
Allowed without permit with absence of parking lot.

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

Impacted by encroaching parking + concrete sidewalk + are
required to request variance.

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

There is no impact, firepit exists + will just improve aesthetics + function.

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?

Neighbors all have same lots + patios.

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

Building within the established set back

9. Please include any other comments pertinent to this request.

The existence of the parking lot + sidewalk are out of our control.

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.

Breezy Point Land Usage


§ 153.003

the Atomic Energy Act of 1954, being 42 U.S.C. § 2011 as amended; any hazardous waste as defined in M.S. § 116.06, Subd. 11 and any substance identified as a hazardous waste pursuant to rules adopted by the Minnesota Pollution Control Agency under M.S. § 116.07, as amended and any hazardous waste as defined in the Resource Conservation and Recovery Act under 42 U.S.C. § 6903, which is listed or has the characteristics identified under 42 U.S.C. § 6921, as amended, not including any hazardous waste, the regulation of which has been suspended by act of Congress.

HOLDING TANK. A sewage treatment system holding tank that consists of a tank that stores sewage effluent and that is regularly pumped as the tank is not connected to a drainfield.

HOME OCCUPATION. The use of commercial nature conducted by an occupant of a dwelling entirely within the dwelling or accessory buildings, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.

HOUSEHOLD WASTE. Any material including garbage, trash and sanitary waste in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.



IMPERVIOUS SURFACE. The horizontal area of buildings, roof overhangs, decks and patios constructed of any materials, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of storm water, including drives and parking areas of any material.

IMPROVED LOT. A lot on which a primary structure has been constructed.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

INFESTATION. The presence of insects, rodents, vermin or other pests on the premises which constitutes a health hazard either to the occupants of the premises and/or to surrounding properties and/or residents.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a continuous path, strip, row or block.


Zoning

§ 153.003

PATIO. An uncovered, unscreened platform without attached railings or seats, which platform is at grade at its highest point and does not exceed 300 square feet cumulative of all patios on the property.

PERMITTED USE. A land use conforming to the character of a zoning district which is permitted by ordinance requiring only a zoning permit issuable by the Zoning Administrator.

PERSON. Any human being, any municipality or other governmental or political sub-division or other public agency, any public or private corporation, any partnership, firm, association or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing or any other legal entity.



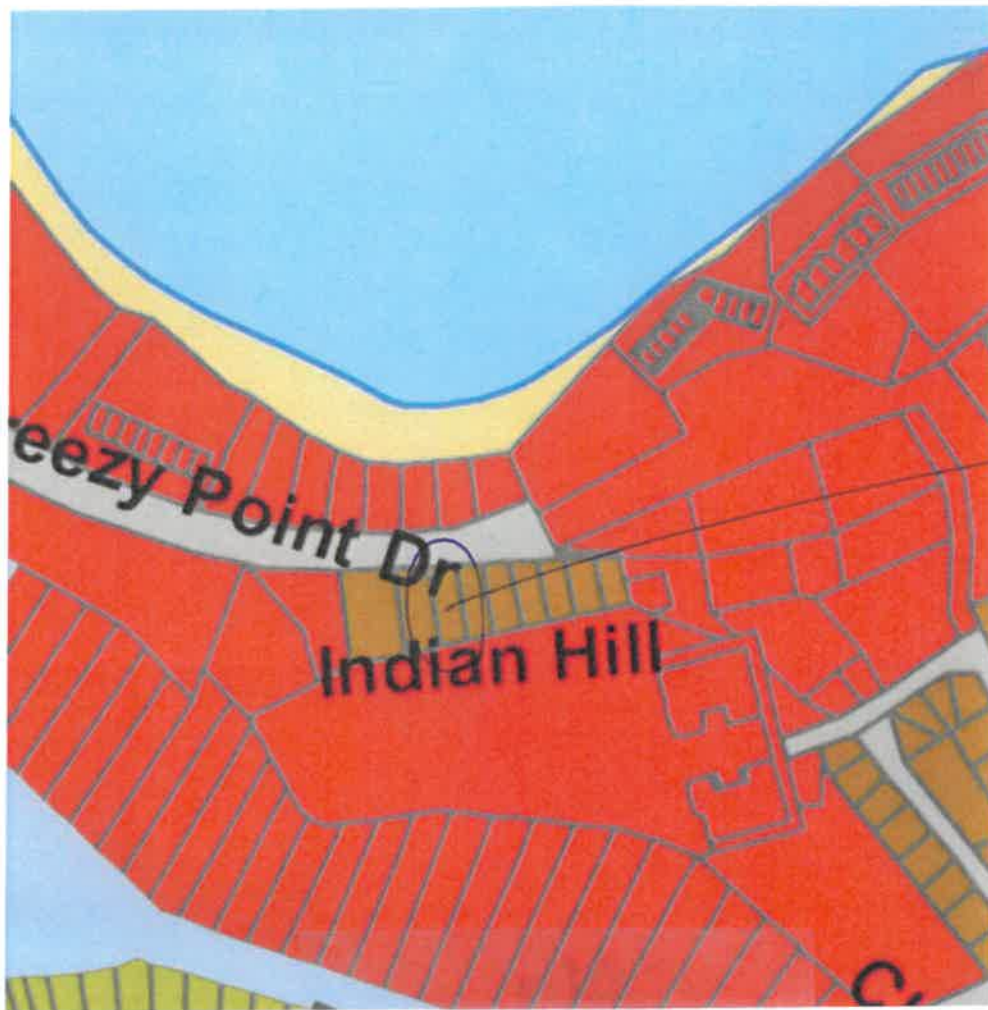
PERVIOUS HARD SURFACES. Permeable hard surfaces (concrete, concrete pavers, asphalt) installed over an engineered sub-surface. These surfaces shall be professionally designed, installed, and periodically maintained to capture rain water in a network of voids that allow it to percolate into the underlying soil. These surfaces may be utilized for roadways, parking areas, sidewalks, and patios.

PET. An animal, bird, reptile or fish commonly associated with human habitation, not considered under animal husbandry and not raised for production of income.

PLANNED UNIT DEVELOPMENT (PUD). A land use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common green space, density increases and mix of structure types and land uses. These developments may be organized and operated as condominiums, timeshare condominiums, co-operatives, full free ownership, commercial enterprises or any combination of these, or cluster subdivisions of dwelling units, residential, condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses. Does not include a duplex where specifically allowed in a zoning district on a single parcel of land.

PLANNING COMMISSION. The body duly appointed by the City Council to determine the development of the city and make recommendations to the City Council on Comprehensive Plans, zoning district boundaries, subdivision of land and capital improvements and decide conditional use permits. The Commission shall decide

§ 153.003



R-3

 Sewered

Official Zoning



Urban Reserve (UR)



Estate Lots (EL)



Wooded Residential (WR)



Low Density Residential (R-1)



Medium Density Residential (R-2)



Original Neighborhood (R-3)



Multi Family Residential (R-4)



Commercial (C)



Resort Commercial



Airport (A)



Public (P)



ROW



Water



153.045 Lot Size; Dimension Chart

Lot Size/Dimension Chart (Areas in Square Feet and Distances in Feet Unless Otherwise Noted)										
	UR	WR	EL-R	R-1	R-2 Sewered and/or GD	R-2 Unsewered and/or GD	RD Lake	R-3 Sewered	R-3 Unsewered	R-4 Sewered
Structure Setbacks										
OHW	150	150	75		50	75	100			
Road right-of-way; city	50	50	40	35	30	30	30	35	35	35
Road right-of-way; county	50	50	40	35	35	35	35	35	35	35
Side	50	30	25	15	10	10 and 15	10 and 15	10	10 and 15	20
Between buildings										15
Rear (off lake lots only)	50	50	40	35	30	30		35	35	35
Side/rear; storage shed	3	3	3	3	3	3	3	3	3	3
Top of bluff	30	30	30	30	30	30	30	30	30	30
Wetland	30	30	30	30	30	30	30	30	30	30
Setback; driveways			25	15	5	5	5	5	5	20
Impervious coverage (percent)	10%	10%	15%	20%	25%	25%	20%	30%	25%	30%
Building height	None	35	35	35	35	35	35	35	35	35
Maximum permitted accessory structure height	20	20	20	15	15	15	15	15	15	15
Frontage on public ROW	33	33	33	33	33	33	33	33	33	33



Single Feature

Available Reports

Plat Drawing

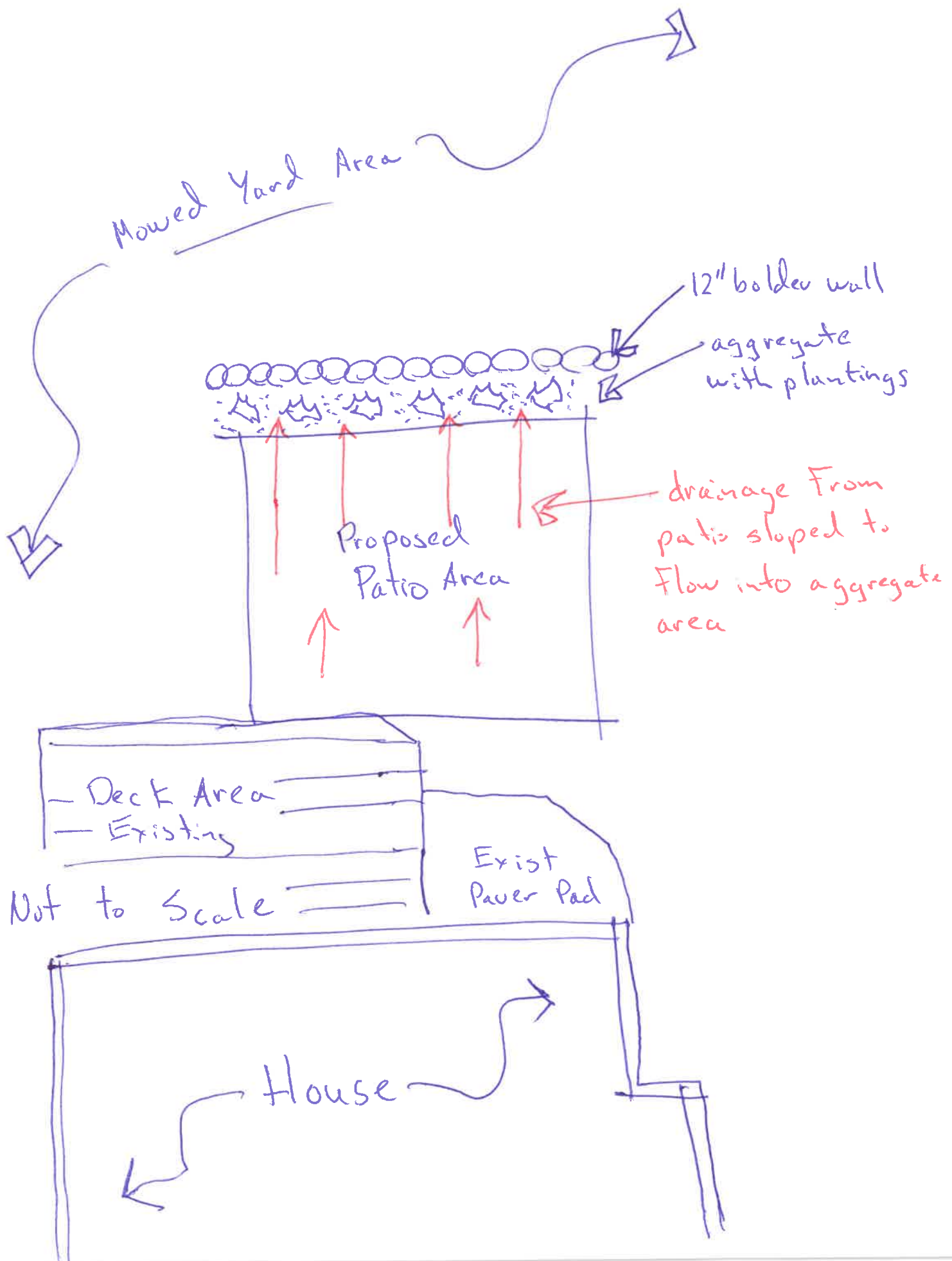
Go

Zoom to Feature

Feature Information

Name	Value
PARCEL NUMBER	10161098
APPRCL	101360000270009
TDTONM	CITY OF BREEZY POINT
OWNIDN	182126
OWNAME	LEE, BRIAN R
OWADR1	19881 AUBURN ST NW
OWADR2	
OWADR3	ELK RIVER MN 55330
OWADR4	
TAXIDN	182126
TXNAME	LEE, BRIAN R
TXADR1	19881 AUBURN ST NW
TXADR2	
TXADR3	ELK RIVER MN 55330
TXADR4	
PHYSADDR	9168 INDIAN HILL
PHYSCITY	BREEZY POINT
PHYSZIP	55478

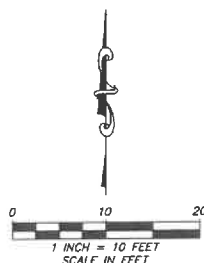




CERTIFICATE OF SURVEY

PREPARED FOR: BRIAN LEE

PART OF GOVERNMENT LOT 5, SECTION 16,
T136N, R28W, CROW WING COUNTY,
MINNESOTA



PARCEL DESCRIPTION

Lot 27, Third Addition to Breezy Point Estates, Crow Wing County, Minnesota according to recorded plat thereof.

LEGEND

- FOUND MONUMENT
- FOUND P.K. NAIL
- EXISTING FINISHED FLOOR ELEVATION
- EXISTING SPOT ELEVATIONS
- EXISTING WATER DRAINAGE DIRECTION
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING WELL
- EXISTING A/C UNIT
- EXISTING LP TANK
- EXISTING ELECTRIC METER
- EXISTING TELEPHONE PEDESTAL
- EXISTING POWER POLE
- EXISTING CONIFEROUS TREE
- EXISTING DECIDUOUS TREE
- OHE - EXISTING OVERHEAD ELECTRIC LINES
- EXISTING SETBACKS
FRONT - 30
SIDE - 10
REAR - 30

ORIENTATION OF BEARINGS

The West Line of Lot 27, THIRD ADDITION TO BREEZY POINT ESTATES, Crow Wing County according to the recorded plat thereof, is assumed to bear S10°07'28"E

EXISTING IMPERVIOUS SURFACE AREA		
HOUSE	574	S.F.
DECK	218	S.F.
STOOP	34	S.F.
CONCRETE PAD	7	S.F.
PAVERS	67	S.F.
CONCRETE WALKWAY	172	S.F.
BITUMINOUS PARKING	472	S.F.
TOTAL	1544	S.F.
LOT AREA	4228.43	S.F.
LOT PERCENTAGE	36.51%	

PROPOSED IMPERVIOUS SURFACE AREA		
HOUSE	574	S.F.
DECK	218	S.F.
STOOP	34	S.F.
CONCRETE PAD	7	S.F.
PAVERS	67	S.F.
PROPOSED PAVER PATIO	270	S.F.
TOTAL	1170	S.F.
LOT AREA	4228.43	S.F.
LOT PERCENTAGE	27.67%	

SURVEY NOTES

- Coordinate System: Crow Wing County NAD83 (2011adj)
- This survey was done without the benefit of titlework
- Reference Benchmark: DNR 0.00 Gauge on North Side of Pelican Lake - Elevation = 1205.28 Feet (NGVD29)
- PID: 10161095
- Parcel Address: 9168 Indian Hill, Breezy Point, Minnesota
- Observed evidence of utilities has been shown hereon and combined with plans and markings (if provided). The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although does certify that they are located as accurately as possible from the information available. The surveyor has not physically located the underground utilities.

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I hereby certify this survey, plan, or report 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.

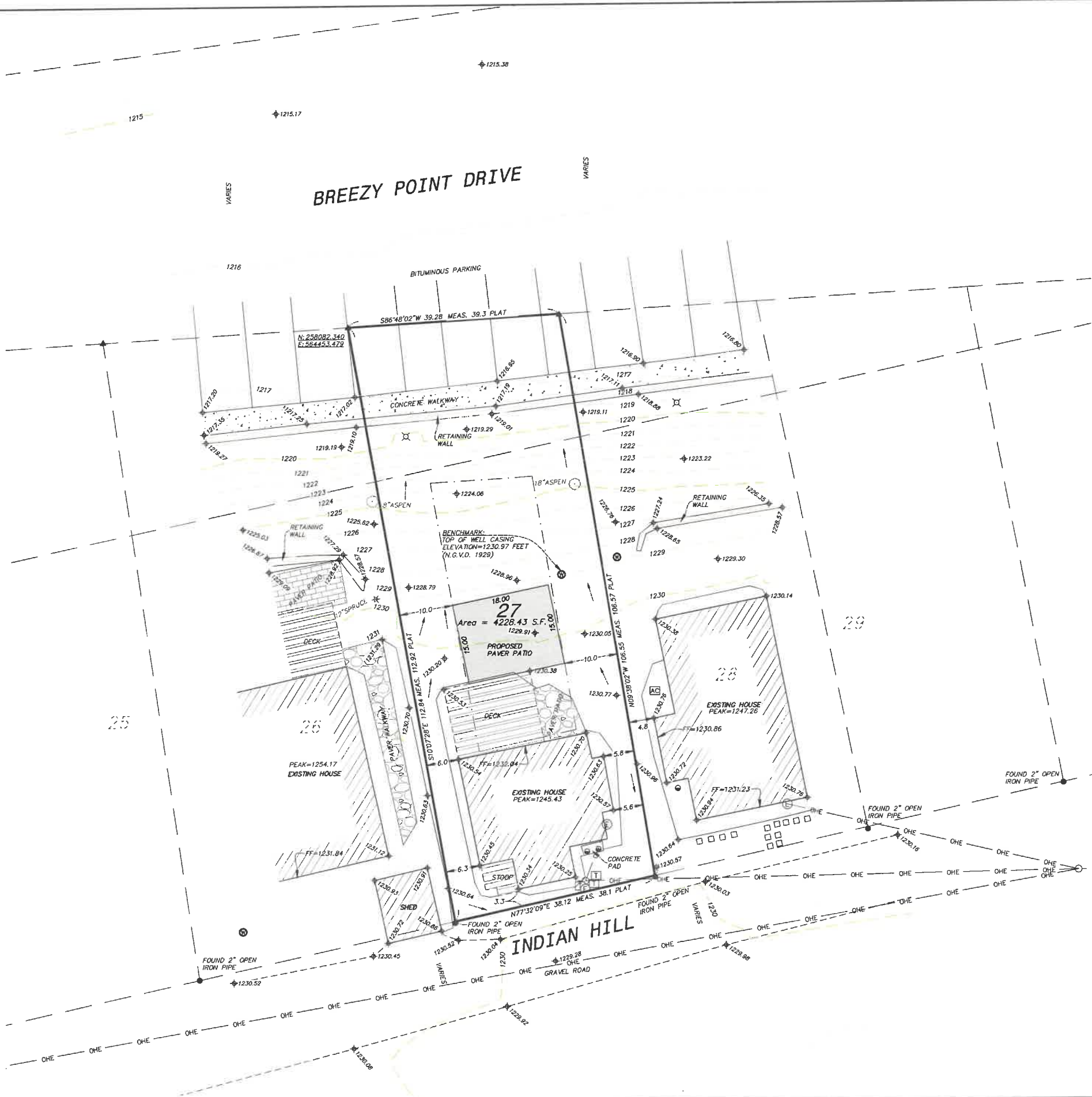
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Community Land Solutions
ANNANDALE, MN 55302
SAUK RAPIDS, MN 56379
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Certificate of Survey
Section 16, T136N, R28W
Job Number: 2024.133

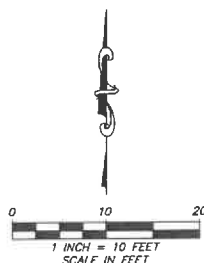
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- 998 EXISTING MINOR CONTOUR
- 1000 EXISTING MAJOR CONTOUR
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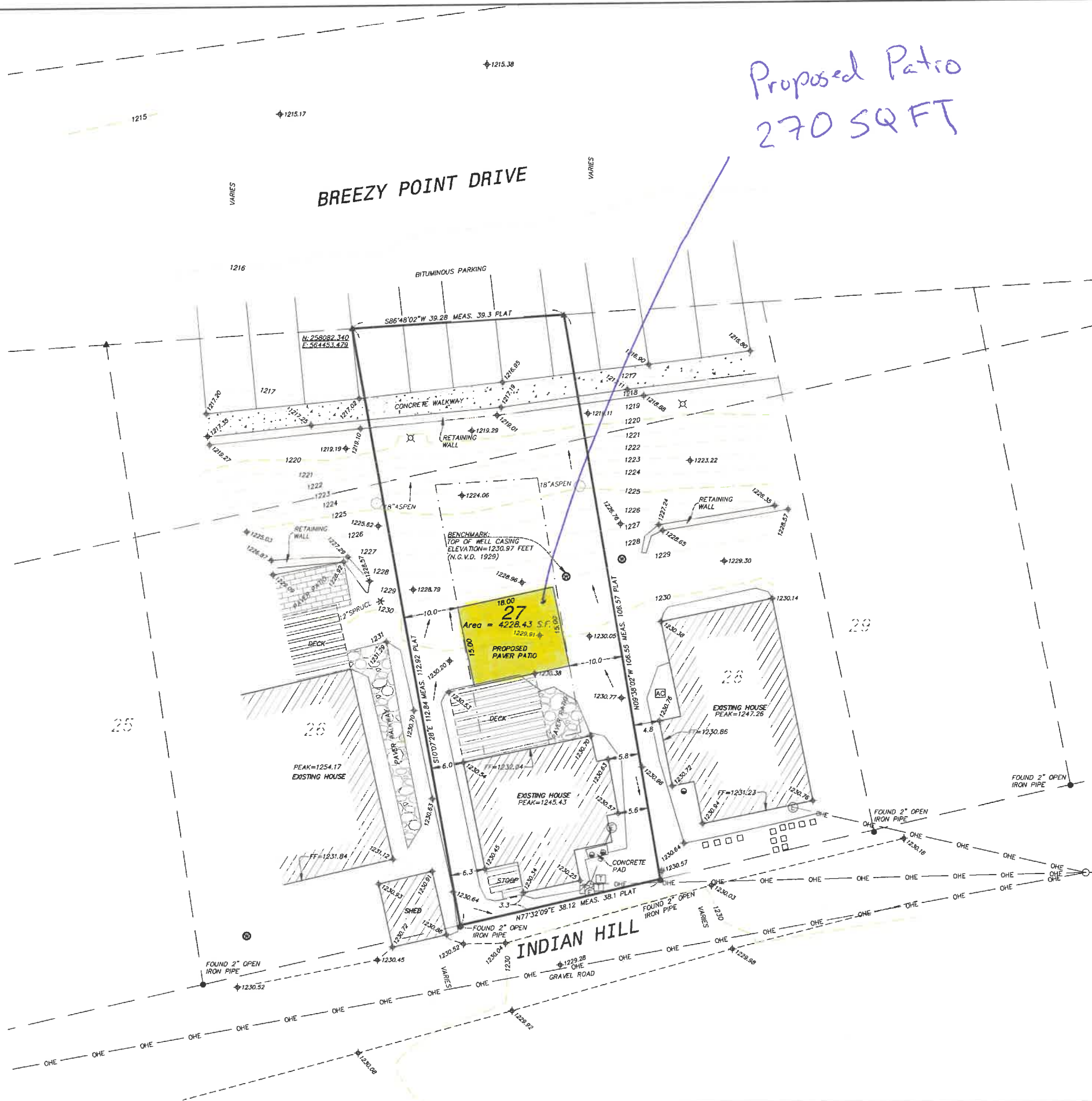
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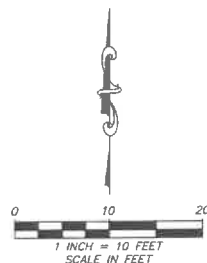
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