

Breezy Point Planning Commission/Board of Adjustment

**May 9, 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, 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. Lee Brisbin was absent.

Approval of Agenda

Motion Ayers/Zierden to approve Agenda, Motion Carried 4-0

Approval of 02/14/2023 regular meeting

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

City Council Liaison Report

Council Liaison Jensen reported on the May 1, 2023 council meeting.

Open Forum – None

Public Hearing - Variance Application V-23-001 Schmidt Brothers Holdings LLC. Lots 13 and 14 Eighteenth Addition to Breezy Point Estates. Parcels 10211047 and 10211048. Request to construct dwelling and attached garage 13 feet from ROW County Road 4 and 15 feet from Delineated Wetland.

The Public hearing was opened by Chairperson Weaver.

Mr. Darrin Schmidt. Schmidt Brothers Holding, LLC. Reviewed his variance request to construct dwelling 13 ft. from ROW of Count Road 3. (35 feet required). Property does not have a building envelope.

Planner Bohnsack reviewed staff report.

Mr. Kris Kristufek spoke in opposition because unbuildable lot and previous fill activity on lot.

Mr. Jeff Johnson advised that the sanitary sewer availability and past assessments should be considered in deliberation.

Mr. Schmidt answered questions from Board.

Chair Weaver adjourned the Public Hearing.

Written comments were received from:

Joe Langel – City Attorney

Dilan Christiansen – Crow Wing County Land Services

Jacob Frie – MN DNR

Matt Kallroos – Crow Wing County Highway Department

Motion Ayers/Theis to Table consideration of Variance request V-23-001 Applicant to explore wetland replacemtn plan or purchase of wetland credits to minimize Variances. Applicant to report back to Board June meeting. Motion Carried 4-0

Public Hearing: Variance Application V-23-002 Christopher Cullen. Lots 82 and 83 Fourth Addition to Breezy Point Estates. Parcel 10210849 (corner Aspen Ln & Birch Ln) Request to construct dwelling and attached garage on 15,315 sq. ft. parcel in R-3 Zone 16,000 sq. ft. parcel required by ordinance.

The Public hearing was opened by Chairperson Weaver.

Mr. Chris Cullen reviewed his request for Variance from minimum lot size to accommodate a proposed house and attached garage on Lot that is 15,315 sq. ft. (16,000 sq. ft. required)

Planner Bohnsack reviewed staff report.

Mr. Maurus Wohlers spoke to the history of the area and sanitary sewer extensions.

Ms. Kris Dietz spoke in opposition to the proposal.

Chairperson Weaver Closed the hearing.

Discussion of sanitary sewer study was held.

Motion Zierden/Ayers to Approve the following Resolution PC-23-02,
Motion carried 4-0

RESOLUTION PC 23-02

A RESOLUTION APPROVING VARIANCE 2023-002

Variance from minimum Lot size

WHEREAS, Chris Cullen (Owner) has made application for Variance from minimum Lot size for Lots 82 & 83 to construct Fourth Addition to Breezy Point Estates Parcel 1020849 (The Property)

WHEREAS, the property is located in R-3 Zone; and

WHEREAS, minimum Lot size in R-3 Zone unsewered is 16,000 sq. ft. for pre-existing lots;
and

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

WHEREAS, owner proposes to construct a dwelling with attached garage on the property;
and

WHEREAS, the proposed dwelling and attached garage conforms to setbacks; and

WHEREAS, municipal sewer is not available at this time. Municipal sewer extension to service this property and adjacent properties may be constructed at a future date; and

WHEREAS, municipal sewer extension will mandate hookup to system at time of installation;
and

WHEREAS, a conforming on-site septic system is acceptable until municipal sewer is available; and
WHEREAS, the Board of Adjustment has considered the request and has determined.

- (1) The strict interpretation of the ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner;
- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;
- (3) The land use created by the variance is permitted in the zoning district where the property is located;
- (4) The variance will not alter the essential character of the locality; and
- (5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

WHEREAS, the applicant contends that the practical difficulty is size of the property; and

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Variance 2023-002 is approved for lot size 15,315 sq. ft.

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

- 1) Building permit to be obtained.
- 2) Structure to conform to site plan.
- 3) Structures to conform to Minnesota State Building Code.

Public Hearing: Conditional Use permit Application C-23-002 Pat Pfeiffer 29833 Lakeshore Drive. Lots 18-21 Block 3 Breezy Point Club. Parcel 10211159. Request to construct accessory structure 15-20 ft height. R-3 Zone.

Chairperson Weaver opened the public hearing Mr. Pat Pfeiffer reviewed his proposal to construct a detached accessory structure (32 x 30) height of 12 feet. Height necessary to accommodate camper.

Tom Lillehei spoke in support of the proposal.

Chairperson Weaver adjourned the hearing.

Motion Theis/Zierden to Approve the following Resolution PC-23-02, Motion carried 4-0

RESOLUTION PC 23-03

A RESOLUTION APPROVING CONDITIONAL USE PERMIT APPLICATION C-2023-002

WHEREAS, Patrick Pfeiffer has submitted Application for Conditional Use Permit to construct 32 x 30 accessory structures with height 17 feet; and
WHEREAS, Mr. Pfeiffer owns Lots 18-21 Breezy Point Club Parcel 10211159. Address 29833 Lakeshore Drive Breezy Point, MN; and
WHEREAS, Lots 18-21 Breezy Point club is Zoned R-3 (original neighborhood); and
WHEREAS, Accessory structure 15-20 height is a Conditional Use in the R-3 Zone; 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, May 9, 2023; and
WHEREAS, the following findings were made as provided for under Section §153.119 (E) of the Breezy Point City Code;

- 1) The proposed use is an appropriate Conditional Use in the R-3 Zone.
- 2) The use with conditions will conform to the Comprehensive Plan.
- 3) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.
- 4) The use is compatible with the neighborhood. (Residential)

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the City of Breezy Point that Conditional Use Permit 2023-002 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 accessory structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Color of siding and roofing of accessory structure shall be similar to principal structure.
- 4) Accessory structure shall comply with state building code.
- 5) Height of accessory structure shall not exceed 17 ft.
- 6) Cumulative total of accessory structures shall not exceed 1600 sq. ft.

Public Hearing: Petition to rezone City of Breezy Point Lots 3, 4, and 5, Block 1, Whitebirch 16. The parcel numbers of the aforementioned lots are 10080926, 10080925, and 10080924 respectively. The purpose of the petition is to rezone properties from R-2 (Medium Density Residential) to P (Public).

Chairperson Weaver opened the Public Hearing.

City Administrator Chanski reviewed the city's request for rezoning of City owned lots Residential (R-2) to Public (P).

Planner Bohnsack reviewed staff report.

Speaking in opposition to the proposed Rezoning:

Tim Skare
Jonathan Kurten
Bill Toft
Valarie Wallin
Brian Wallin
Tim Olsen

Speaking in support of the proposed rezoning:

Tom Lillehei
Diane Williams

Chairperson Weaver adjourned the hearing.

Motion Weaver/Theis to Table the Rezoning Request R-23-001 pending further research for Consideration at June 2023 meeting, Motion carried 4-0

There being no further business the meeting adjourned at 9:32 p.m.

Submitted by Jerry Bohnsack
City Planner