

Resubmitted by:
Darin Schmidt
April 17th, 2023



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Received by City: 03/17/2023
Application Number: V-23-001
Non-refundable Fee Paid: 250.00
Receipt #: 21563

Variance Application

Name of Applicant Schmidt Brothers Holdings LLC.
Address 3509 W. Hwy 13
City, State, Zip Burnsville, MN 55337
Phone 507-312-0460 Alternate Phone _____

Physical Address / Location of Property Parcel #10211047, Breezy Point, MN 56472

Legal Description of Property EIGHTEENTH ADDITION TO BREEZY POINT EST LOT 14 & Lot 13

Parcel ID Number 10211047 10211048- Zoning District R2

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

Title Holder of Property (if different than applicant):
Name _____
Address _____
City, State, ZIP _____
Phone _____

State the nature of your request in detail. What are you proposing for your property?
We are proposing a new custom home and attached garage.

Signature of Owner, authorizing application Darin Schmidt
(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: Building a new custom home with attached garage.

Landscaping: Complete landscaping design.

Parking/Signs: Driveway parking only.

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?

The depth of the property from East to West is not large enough to allow for a building envelope that is buildable due to the ordinance required setbacks. The ordinance came into effect after the lot was platted.

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

The ordinance is written to allow reasonable use of the property. Due to restrictions written in the ordinance, it does not allow the owners reasonable use of the property, and a variance is needed to build a home on the lot.

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

The ordinance doesn't allow for any type of structure on the lot due to the setbacks required for that zoning district.

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

There are no Conforming options. We discussed filling some of the lot but chose this option because it is the least intrusive.

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

No Impact: The use & enjoyment will be consistent with the neighboring properties, which is residential housing.

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?

Character is consistent with all neighboring residential housing properties . The proposal is a residential house with a complete

landscape design and storm water management plan. There are three neighboring properties that also have approved variances. An approved variance would be consistent within this area.

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

There is a wetland on the property on the East side that requires us to move West and we don't have another area large enough to meet all city setbacks.

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

Owners received this lot as a part of another home they purchased on the golf course and they didn't know about the minimal requirements. They have since purchased the adjacent property to double the size of the lot area and are still not able to meet all city ordinance requirements.

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.