

PUBLIC HEARING – VARIANCE

Application: **Variance**

Applicants: **Raoul and Theresa Warzecha**

Agenda Item: **4.1**



Background Information: The applicants are requesting a Variance to construct a new dwelling 50 feet from the Ordinary High Water Mark (OHW) of West Twin Lake. The subject property is located at 4412 Jack Pine Drive and is vacant. The subject property is zoned Shoreline Residential and Rural Residential.

The subject property is accessed via Pine Cone Lane and Jack Pine Drive and is 1.2 acres in size.

The applicants propose to construct a 2,068 square foot dwelling 50 feet from the OHW. The setback from the OHW in the Shoreline Residential zone is 75 feet.

The applicants have used the subject property since 2018 by placing a recreational vehicle on the lot after the installation of a permanent sewage treatment system and receiving a permit from the City as allowed in Section 17-7.14 (3). The subject property is served by a deep well and a compliant sewage treatment system.

The parcels along Jack Pine Drive are very deep and divided by an ingress/egress easement. The portion of each lot lying north of the roadway/easement is zoned Shoreline Residential and the portion lying south of the roadway/easement is

zoned Rural Residential. The applicants have provided a portion of a survey from 2014 indicating the location of the neighboring dwellings, each being less than 75 feet from the OHW.

Applicants have provided a Screening Plan that depicts existing trees that will remain providing sufficient screening as viewed from the lake.

The adjacent property is also zoned Shoreline Residential and Rural Residential. The subject property is bounded on the south by property in the City of Nisswa zoned Open Space Residential and the north by West Twin Lake.

Applicable Regulations:

Section 17-5.8 SHORELINE RESIDENTIAL (SR)

1. **Purpose and Intent:** To provide a zoning classification for riparian residential development. The zone may or may not be served by municipal sewer and water, depending on availability.

2. **Compatibility:** The Shoreline Residential zone can only be established next to the Water Resource zone. The shoreline residential zone should be established to extend through the first tier of parcels on developed lake shore and to a public road or 500 feet from the OHW, whichever is closer to the water body on undeveloped shoreline.

3. **Lot, Use and Density Requirements.**

	<u>GD Riparian Only</u>	<u>RD, Non-Riparian GD</u>	<u>NE Lake</u>
Lot width at OHW and building line – feet, minimum	100	150	200
Lot width with guest quarters or duplex	180	225	300
Buildable lot area – square feet, minimum	20,000	40,000	80,000
Buildable lot area with guest quarters or duplex – square feet, minimum	40,000	80,000	160,000
Setback, right-of-way, local streets – feet, minimum	10	10	10
Setback, right-of-way, collector and arterial streets – feet, minimum	30	30	30
Setback, OHW – feet, minimum	75	100	200
Setback, bluff – feet, minimum	30	30	30
Setback, side – feet, minimum	10	10	15
Setback, corner side – feet, minimum	30	30	30
Setback, sign – feet, minimum	1	1	1
Setback, wetland – feet, minimum	30	30	30
Impervious coverage – maximum	20%	15%	10%
Building height - feet, maximum	25	25	25
Building height, accessory structure not	13	13	13

containing guest quarter(s) - feet, maximum

Flag Pole Height – feet, maximum	30	30	30
Building above highest known groundwater or lake level – feet, minimum	3	3	3
Maximum Density	1 unit/20,000 sq. ft.	1 unit/40,000 sq. ft.	1 unit/80,000 sq. ft.
ISTS setback from OHW – feet, minimum	75	75	100

4. **Performance Standards.** The following performance standards apply to all development in this zone:

A. **Guest Cottages/ Guest Quarters.** One guest cottage or one guest quarter may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Section 5.8 (3), provided the following standards are met:

- (1) For lots exceeding the minimum lot dimensions of duplex lots, a guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit.
- (2) Shall be screened from adjacent parcels and public waters by vegetation, topographical location, increased setback, color or other methods assuming summer leaf on conditions.
- (3) A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height.
- (4) The building footprint for an accessory structure containing a guest quarter is limited by impervious surface limits according to Article 5.8 and the livable area shall not exceed 700 square feet.
- (5) An accessory structure containing a guest quarter may not exceed 25 feet in building height.
- (6) Only one guest cottage or one guest quarter is allowed on a lot.
- (7) All setbacks and impervious surface coverage limits of the Shoreline Residential Zone shall be met.
- (8) Shall not be utilized as short-term or long-term rental dwelling units.

B. **Impervious Coverage.** Impervious coverage may be increased by 5% through a conditional use permit if the following is provided:

- (1) A storm water retention plan showing containment of the 5-year, 24-hour storm event on the parcel.
- (2) Direct runoff of stormwater to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated

through the use of berms or other permanent means.

- C. **Setback from OHW.** On parcels with municipal sanitary sewer service, if a structure exists on either side of a proposed structure, the waterfront setback may be altered without variance to conform to the adjoining setbacks provided that the building site is not in a bluff impact zone or the setback less than 50 feet minimum. If no structure exists on either side, a new structure may encroach up to a 50-foot setback from the OHW.
- D. **Stairways, lifts and landings.** Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- (1) Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.
 - (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
 - (3) Canopies or roofs are not allowed on stairways, lifts or landings.
 - (4) Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - (5) Stairways, lifts and landing must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
 - (6) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with.
- E. **Boardwalks.** Boardwalks are the required alternative for achieving access to shore areas across delineated wetlands. Boardwalks must meet the following design requirements:

- (1) Boardwalks must not exceed four (4) feet in width on residential lots. Wider boardwalks may be used for commercial properties, public open space, recreational properties, and planned unit developments if specifically authorized in a conditional use permit.
- (2) Landings for boardwalks on residential lots must not exceed thirty-six (36) square feet in area. Landings larger than 36 square feet may be allowed for commercial properties, public open space recreational properties, and planned unit developments if specifically authorized in a conditional use permit.
- (3) Canopies or roofs are not allowed on boardwalks or landings. Boardwalks shall be constructed above the ground on posts or pilings.
- (4) Boardwalks should be located in the most visually inconspicuous portion of the lot, as viewed from the surface of the public waters assuming summer, leaf-on conditions.
- (5) Boardwalks shall be made of nontoxic materials.

F. **Fertilizer and Pesticides.** Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation or both. The use of fertilizers containing phosphorus is prohibited within the shore impact zone.

G. **Duplexes.** On Natural Environment lakes, subdivisions of duplexes must also meet the following standards:

- (1) Each building must meet setback at least 200 feet from the Ordinary High Water Mark.
- (2) Each building must have common sewage treatment and water systems that serve both units in the building.
- (3) Watercraft docking facilities for each lot must be centralized in location and serve all dwelling units in the subdivision.
- (4) No more than 25% of lake shoreline can be in duplex development.

H. **Docks.** The landward end of all docks must meet a 10-foot setback

from the nearest lot line. Docks must be placed so that no portion of the dock, including “L” extensions or additions, and no accessory or ancillary structures or equipment (including mooring buoys, boat lifts, shore trackers or swimming platforms), extends across the projection of the setback from the lot line into the lake. Docks must also be placed so as not to block access from an adjacent property to open water. The storage of all docks, and all watercraft or water oriented items shall also be subject to this property setback rule.

Notwithstanding any provision of this section to the contrary, the 10-foot setback for docks shall not apply to the extent necessary to allow ingress or egress of a pre-existing boat house.

In order to protect the environmental and aesthetic qualities of the lakes, docks shall not extend further than 75 feet from the shoreline into the water and shall not be placed in water depth greater than 10 feet. The Board of Adjustment may grant a variance, through the variance process, to these provisions where it can be demonstrated that it is environmentally beneficial to do so. The variance hearing fee would be refunded if the variance is approved.

These provisions shall apply to the use, maintenance and installation of any dock and accessory or ancillary structures or equipment at any time.

- I. **Screening.** Screening consisting of native trees and shrubs covering a minimum of 75 percent of the area (leaf on conditions) is required in the shore impact zone, bluff impact zone and wetland setback in order to retain the scenic beauty and rural character as viewed from lakes. To obtain a construction permit in this district, a revegetation plan shall be required for existing properties that do not meet this standard.

- J. **Accessory Structure Size.** Where a parcel contains buildable land area outside of the Required OHW Setback listed in the following table, additional accessory structure size cumulative maximum may be constructed on the parcel outside of the setbacks listed below and at a rate consistent with the following table:

Lake Classification	Required OHW Setback	Square feet of additional accessory structure per 1,000 square feet of land area beyond required setback
General Development	300 feet	64
Recreational Development	300 feet	32

Natural Environment	400 feet	16
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- K. **Fences.** Fences not exceeding 36 inches in height may be constructed within the OHW setback area so long as the fencing is transparent. Fences not exceeding 72 inches in height may be constructed up to the OHW setback area. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited.

Section 17-11.7 VARIANCES

- 6. Variances shall be decided within the required time frame with consideration for the following:

- A. The applicant establishes that there are practical difficulties, as defined in this ordinance, in complying with the official control, and
- B. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
- C. The deviation from the Ordinance with any attached conditions will still be in harmony with the general purposes and intent of the Ordinance and the Comprehensive Plan, and
- D. The variance will not create a land use not allowed in the zone, and
- E. The variance will not alter the essential character of the locality, and
- F. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

Planning Commission Direction: The Planning Commission can approve the variance, deny the application, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

Staff Findings: Staff provides the following Findings of Fact for consideration by the Planning Commission:

- 1. The subject property is located at 4412 Jack Pine Drive and is in the “Shoreline Residential” and “Rural Residential” zones.

2. The subject property is vacant.
3. The applicant proposes to construct a 2,068 square foot dwelling 50 feet from the Ordinary High Water Mark (OHW). The setback from the OHW in the Shoreline Residential zone is 75 feet.
4. The subject property is served by a deep well and compliant septic system.
5. The applicant has established that there are practical difficulties in complying with the Code. Jack Pine Drive dissects subject property leaving insufficient space to construct a dwelling meeting the 75-foot setback.
6. The property owner proposes to use the property in a reasonable manner. Adjacent properties contain dwellings constructed within the 75-foot setback.
7. The deviation from the Code will still be in harmony with the general purposes and intent of the City Code and Comprehensive Plan.
8. The variance will not create a land use not permitted in the Shoreline Residential zone.
9. The variance will not alter the essential character of the locality as the neighboring dwellings are constructed within the lake setback.
10. The variance has not been made based on economic considerations.

Staff Recommendation: We recommend that the variance request to construct a dwelling within the lake setback be approved, based on the above findings and subject to the following conditions:

1. Existing trees and vegetation between the dwelling and the OHW as indicated on the Screening Plan shall remain in a live state to provide screening as viewed from the lake. In the event the existing trees and vegetation dies or is damaged by a natural event, additional trees and vegetation shall be planted to provide screening as viewed from the lake.
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CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 4,
SECTION 34, TOWNSHIP 136 NORTH, RANGE 29 WEST,
CROW WING COUNTY, MINNESOTA
TOTAL AREA = 50,955 SQ. FT. ± / 1.2 ACRES ±

WEST TWIN LAKE
GENERAL DEVELOPMENT CLASSIFICATION
LAKE ELEVATION = 1211.69 ON 11-18-2021

ORDINARY HIGH WATER ELEVATION = 1212.1

BENCHMARK: 60d spike in lakeside of a oak, on side of bank, approximately 20' from water's edge, approximately 25' north of steps, at private residence, 27110 W. Twin Lake Dr, Pequot Lakes. Elevation = 1218.1

BASED ON NGVD 29 DATUM
INFORMATION OBTAINED FROM MNDNR

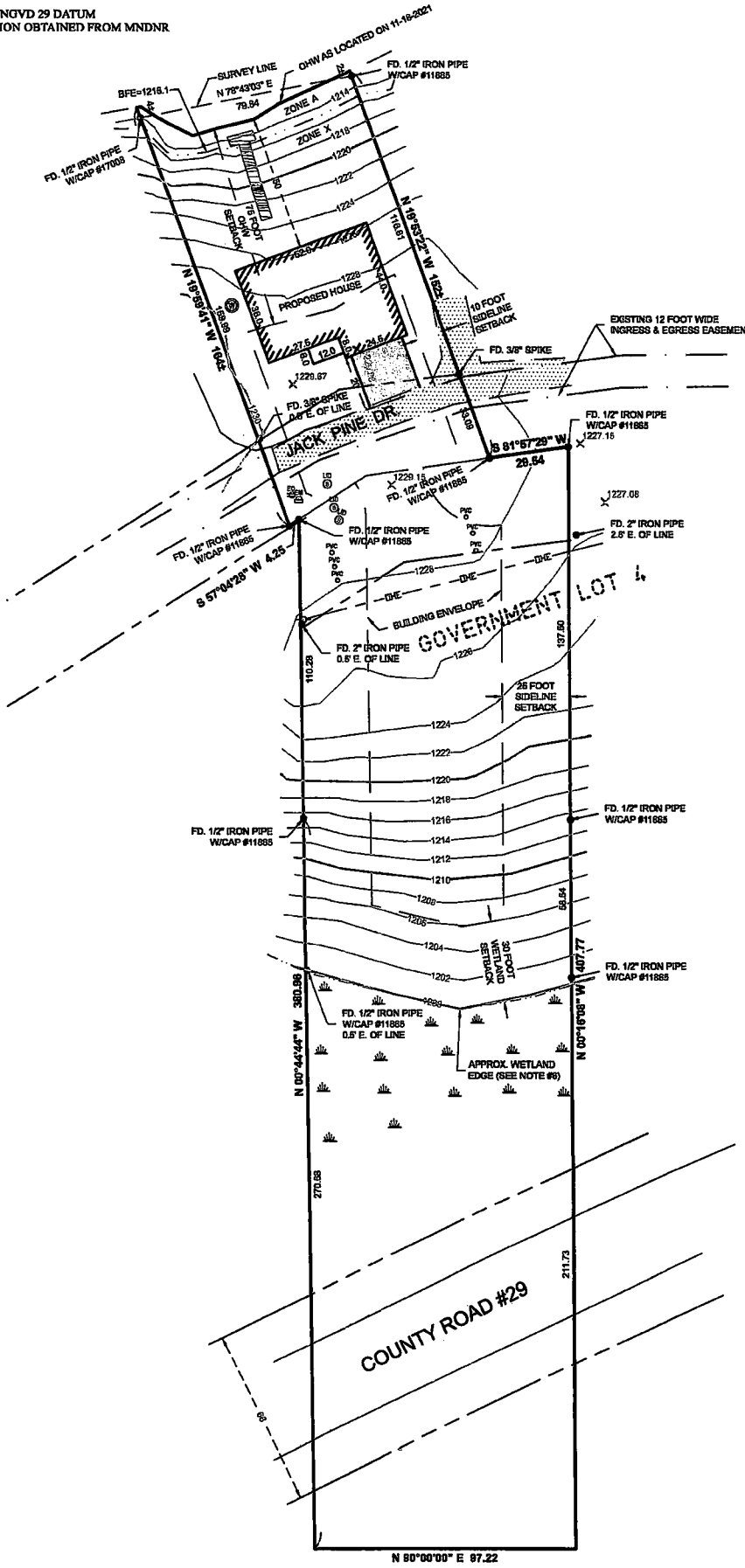
LEGAL DESCRIPTION PER DOCUMENT NUMBER A901499

That part of Government Lot Four (4), Section 34, Township 136, Range 29, Crow Wing County, Minnesota, described as follows: Commencing at the point on the South line of said Lot 4, which is 512.5 feet West of the Southeast corner of said Lot 4 and considering the South line of said Lot 4 as an East-West line; thence North 0 degrees 19 minutes West 50 feet to the Northernly right-of-way line for County Road Number 17, the place of beginning; thence North 0 degrees 19 minutes West 341.2 feet; thence North 57 degrees 41 minutes East 44.5 feet; thence North 82 degrees 19 minutes East 62.8 feet; thence South 0 degrees 19 minutes East 373.4 feet to the Northernly right-of-way line for County Road Number 17; thence West 100 feet along said right-of-way line to the place of beginning.

AND
That part of Government Lot Four (4), Section 34, Township 136, Range 29, described as follows: Commencing at the point on the West line of said Lot 4 which is 348.72 feet North 0 degrees 19 minutes West of the Southwest corner of said Lot Four (4), considering the South line of said Lot 4 as an East-West line; thence South 58 degrees 05 minutes East 125.2 feet; thence South 81 degrees 25 minutes East 105.1 feet; thence North 86 degrees 25 minutes East 173.0 feet; thence North 75 degrees 59 minutes East 191.8 feet; thence North 57 degrees 41 minutes East 253.5 feet to the place of beginning; thence North 57 degrees 41 minutes East 35.7 feet; thence North 82 degrees 19 minutes East 45.0 feet; thence North 19 degrees 52 minutes West 115.4 feet to the shore of West Twin Lake; thence South 78 degrees 49 minutes West 80 feet along said shore; thence South 19 degrees 59 minutes East 125.7 feet to the place of beginning.

AND
That part of Government Lot 4, Section 34, Township 136, Range 29, described as follows: That part of vacated roadway adjacent to and according to said tracts as shown by Court Order recorded in Book 356 of Deeds, page 663.

Together with and subject to a 12.00 foot easement for ingress and egress over and across Government Lot 4, Section 34, Township 136 North, Range 29 West, Crow Wing County, Minnesota. The centerline of said easement is described as follows: Commencing at the Southeast corner of said Government Lot 4; thence North 90 degrees 00 minutes 00 seconds West, assumed bearing, 812.06 feet along the south line of said Government Lot 4; thence North 00 degrees 19 minutes 00 seconds West 238.50 feet; thence North 43 degrees 47 minutes 24 seconds West 60.18 feet to the point of beginning of the centerline to be described; thence North 74 degrees 42 minutes 01 seconds East 67.54 feet; thence North 68 degrees 19 minutes 21 seconds East 73.05 feet; thence North 58 degrees 34 minutes 06 seconds East 86.00 feet; thence North 55 degrees 53 minutes 29 seconds East 82.06 feet; thence North 59 degrees 39 minutes 54 seconds East 80.27 feet; thence North 71 degrees 15 minutes 21 seconds East 62.08 feet; thence North 82 degrees 11 minutes 32 seconds East 56.65 feet; thence North 89 degrees 22 minutes 03 seconds East 64.23 feet; thence South 74 degrees 12 minutes 16 seconds East 58.51 feet to the center line of an existing public roadway and said easement centerline there terminating.
A.P.N. 29034404M00009



LEGEND

- DENOTES EDGE OF EXISTING BITUMINOUS
 - DENOTES EDGE OF EXISTING GRAVEL
 - DENOTES EXISTING INTERMEDIATE CONTOURS
 - DENOTES EXISTING INDEX CONTOURS
 - DENOTES SPOT ELEVATION (EXISTING GRADE)
 - DENOTES WET LAND(S)
 - DENOTES EXISTING UTILITY POLE
 - DENOTES EXISTING ELECTRIC METER
 - DENOTES EXISTING ELECTRIC OUTLET
 - DENOTES EXISTING WELL
 - DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
 - BENCHMARK:**
SET 7/16" BOLT IN POWER POLE
ELEV. = 1229.06
BASED ON NGVD 29 DATUM
 - DENOTES MONUMENT FOUND
- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTH LINE OF GOVERNMENT LOT 4 TO HAVE AN ASSUMED BEARING OF N 90°00'00" E.

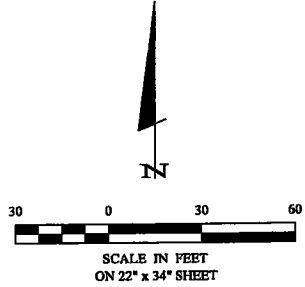
IMPERVIOUS CALCULATIONS

PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (eq. ft.)
House & Porch	2,140	43,024	5.0%
Proposed Driveway	395	43,024	0.9%
Total	2,535	43,024	6.9%

NET AREA = TOTAL AREA LESS COUNTY ROAD 29 R/W & JACK PINE DRIVE

NOTES:

- Contour interval as shown = 2 feet. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 11-18-2021.
- Zoning for subject tract = "Shoreland Residential SR & Rural Residential RR".
- Property is in "Zone X" and "Zone A" as per the FIRM, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
- Parcel ID of subject parcel: 29340549.
- The B911 address of subject parcel: 4412 Jack Pine Dr.
- Wetland edge as shown is approximate based on contour data. If building near the wetland a delineation should be done prior to construction to verify setbacks.
- Boundary lines shown were derived from monumented survey lines in this area by prior surveyors, notably James W. Nielsen, RLS 11865. Mathematical calls of deed differ from ground distances and are shown.



CERTIFICATE OF SURVEY Raoul Warzecha 13637 91st St SW Becker, MN 55308	PROJECT MANAGER: CMH	PROJECT No.: 21379	DATE: 12-21-2021	REVISIONS DESCRIPTION BY	I HEREBY CERTIFY THAT THIS SURVEY, PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. CYNTHIA M. HILDE PLS644881 LIC. NO. 49881	 30206 Rasmussen Road Suite 1 P. O. Box 874 Pequot Lakes, MN 56472 218-568-4940 www.stonemarksurvey.com
	CHECKED BY: CMH	FILE NAME: C21379.dwg	SCALE: HORZ. 1"=30'	DATE		
DRAWN BY: RJF	FIELD BOOK: BOOK PG.	VERT. NONE	DATE 12/21/21			

APP # 27-01
 SF # _____
 Date 12-28-21
 (for office use only)

**CITY OF PEQUOT LAKES
 VARIANCE APPLICATION**

Name of Applicant Raoul + Theresa Wanzelka Phone 320-249-5044
 Address 13637 914 St SE Email ARA.SAL@mnlco.net
 City, State, Zip Becker MN 55308

Applicant is:

- Legal Owner
- Contract Buyer
- Option Holder
- Agent
- Other

Title Holder of Property:

Raoul + Theresa Wanzelka
 (Name)
13637 914 St NE
 (Address)
Becker MN 55308
 (City, State, Zip)

Signature of Owner, authorizing application: _____
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Location of property involved in this request:
4412 Jack Pine Drive Pequot Lakes
SOUTH SIDE OF WEST TWIN LAKE.

Legal Description (if metes and bounds, attach sheet): Attached.

Parcel ID No. 290344404M00009 29340549
 Zoning District 3R

State nature of request in detail: (What are you proposing for the property?)
Build new Home.

What changes (if any) are you proposing to make to this site?

Building: New Home with Attached Garage.

Landscaping: As Required to build.

Parking/Signs: NA

Pursuant to the Pequot Lakes City Ordinance, Section 17-11.7, the applicant should be prepared at the public hearing to explain the practical difficulty in complying with the ordinance for the proposed variance. Practical Difficulties is described as: *The property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include but are not limited to, inadequate access to direct sunlight for solar energy systems.*

- (1) What are the practical difficulties, or unique circumstances of the parcel size, shape, topography or other characteristics that make strict interpretation of the Ordinance impractical?

Home (proposed) can not meet the required 75' set back from OHW.

- (2) Are the conditions upon which the petition for a variation based unique to the parcel of land for which the variance is sought? If so, were the conditions created by the landowner?

Yes, not created by the landowner but by the original platting

- (3) If the variance is granted, will it alter the essential character of the locality? Explain.

No, homes on both sides do not meet the set backs

- (4) Is the variance request in harmony with the general purposed and intent of the Ordinance?

yes

- (5) Does the need for a variance involve more than economic considerations? Explain.

Yes, without the variance not able to build on this site

- (6) Is the variance request consistent with the Comprehensive Plan?

yes

(7) Describe 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?

PROPERTY IS LOCATED ON WEST TWIN LAKE. ALL OF THE LAND SURROUNDING WEST TWIN IS USED FOR RESIDENTIAL LAKE HOMES PROPOSED WILL BE A RESIDENTIAL LAKE HOME.

(8) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.

NO IMPACT, PRIVATE SERVICES

(9) Describe the impact on the character of the neighborhood in which the property is located.

NO IMPACT TO THE CHARACTER OF THE NEIGHBORHOOD ALL SURROUNDING PROPERTIES ARE LAKE HOMES. MANY OF THE HOMES DO NOT MEET THE SET BACKS.

(10) Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?

LITTLE TO NO IMPACT, TWO CARS, HOUSEHOLD USE. ADEQUATE PARKING.

(11) Discuss any environmental limitations of the site or area.

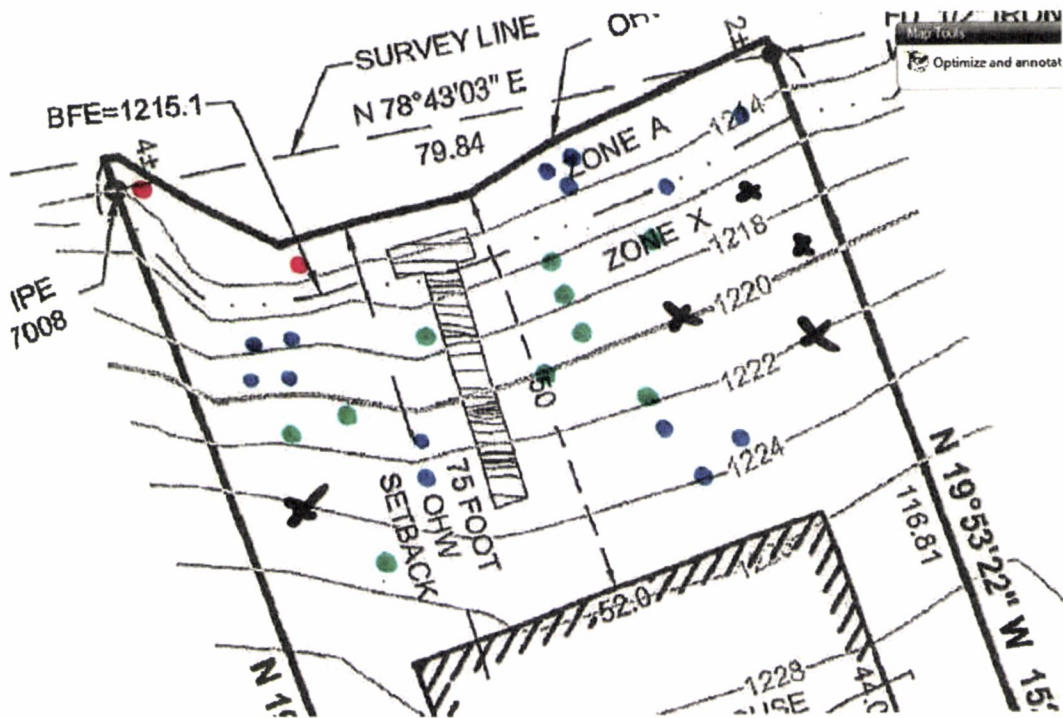
NONE NOTED.

(12) Please include any other comments pertinent to this request.

I HAVE ALSO ATTACHED A DRAWING SHOWING NEIGHBOR HOMES.

SCREENING PLAN

Lot already HAS pretty good NATURAL screening
 We will fill some of the holes. Our intent is
 not to remove trees with the exception of what
 it takes for the structure. LAke view will basically
 be down the existing steps.



Existing trees

- Cluster of trees 25' - 30'
- Smaller trees 15' - 25'
- Larger trees 25' - 50'

Proposed trees

- ✕ Minimum of 5 trees likely more after we have a feel for where to put them. Size will range for mature trees 15' - 30' after growth. Maples, Birch, Ornamental crab, Mountain ash.

Storm Water

File No.

Borrower/Client	Raoul Warzecha		
Property Address	4412 Jack Pine Drive		
City	County	State	Zip Code
Lender			

Storm Water run off proposal for 4412 Jack Pine Drive Pequot Lakes MN
Raoul And Theresa Warzecha

Basin 1 will be sized for 1/2 of the run off for the back of the home. The back of the home is 936 sq ft or 583 gallons of water so each basin has to be designed for 292 gallons of water. $468 \times .083 = 38.84$ cu ft. Basin 1 will be 11.5 x 3.5 ft 12 inches deep or 40.25 cu ft.

Basin 2 will be the same size as basin @ 40.25 cu ft.

In addition the gutters will be discharging into two rain barrels one placed on each end of the home each of these have the capacity for 50 gallons each. Water from the rain barrels will be piped to the basins.

Along the west side of the garage there will be a drip line trench with rock. Water run off from this area is 194 gallons. Sq ft area is 312 sq ft, $312 \times .083 = 25.89$ cubic sq ft. Drip Line trench will be 2.5' x 26 x 6 inches deep 32.5 cubic sq ft.

Front of the home and east side of the garage and covered porch roof and the driveway have an area of 1728 sq ft or 1077 gallons of water. $1728 \times .083 = 143$ cu ft. A basin 13.5' around will be used in this area 12 inches deep area is 143 sq ft with an area of 143 sq ft required for a 12 inch basin.

Water run off from the driveway. A swale will be used at the bottom of the driveway to direct the water towards basin # 3. driveway is 20 x 24 or 480.00 sq ft or 299 gallons of water. $480 \times .083 = 39.84$ cu ft. This area is included in the above front of home calculations.

A small patio off the walk out will also be completed 6 x 10 in size $60 \times .083 = 5$ cu ft. or 37 gallons of water. a small swale will be used to handle this runoff.

In addition we will be doing some shoreline buffer area with native plantings, small shrubbery etc on the hill side up from the water front.

Retaining walls will be about 3' in height.

All Area

Landowner / Parcel #: Raoul Warzecha

Date: 01/09/2022

Lot Impervious Surface Coverage & Landscaping for Stormwater Worksheet

Please use the table below to calculate your impervious surface coverage. Impervious coverage is limited to 25% of the total lot area. Calculate out all that apply to your situation. If a structure has odd dimensions or if using to size stormwater basins, multiple rows / sheets may be needed. If total imp. of irregular structure or driveway is known, just multiply by 1.

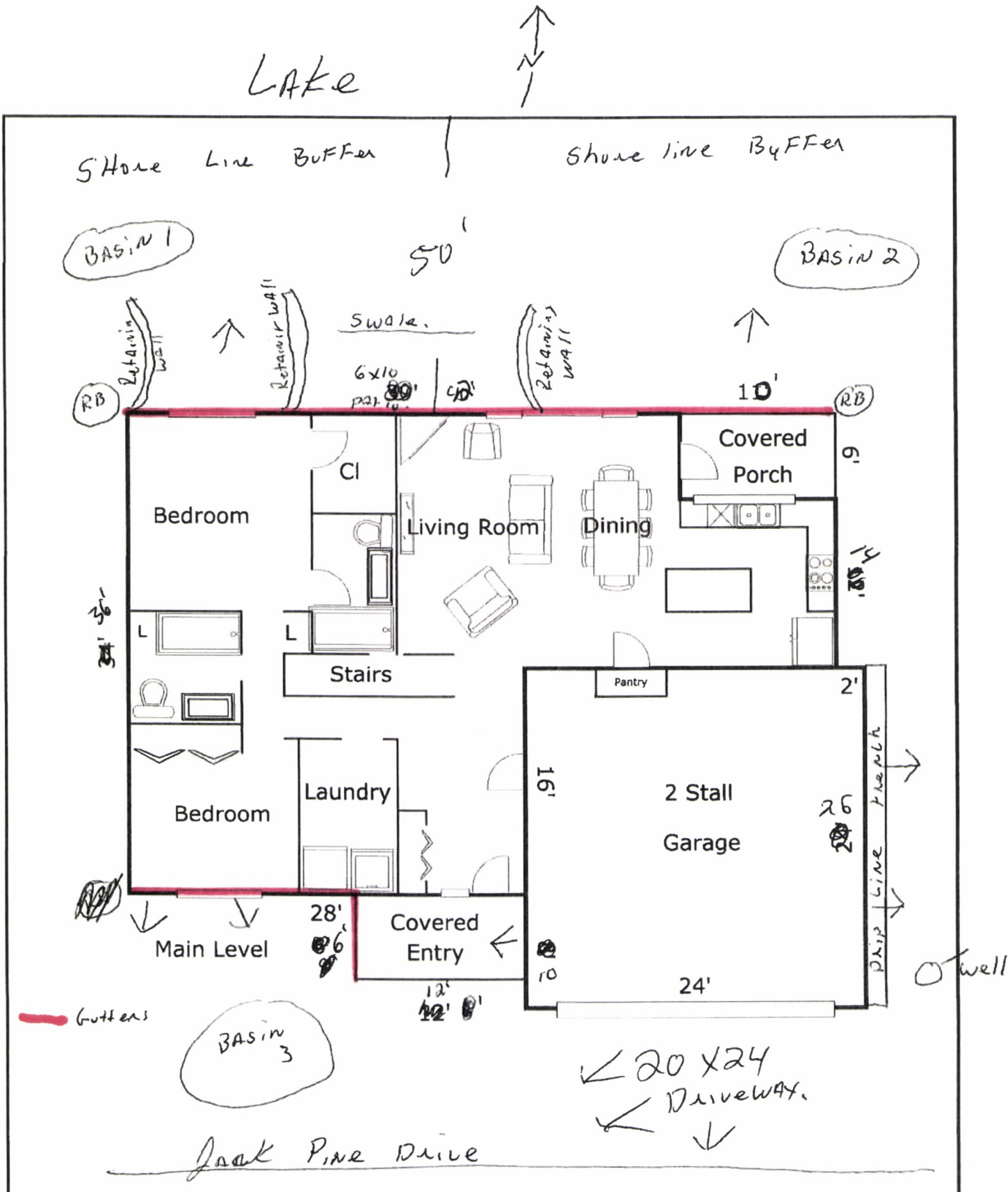
<u>Existing Structures</u>	<u>Length (ft)</u>		<u>Width (ft)</u>		<u>Total (in sq. feet)</u>
House, garage, shed Boathouse Greenhouse Other (Dog Kennel, etc.)	(ft)	X	(ft)	=	0 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
<u>Driveways* & Landscaping:</u>					
Driveway*, Parking Area, Apron, Boat Ramp, Sidewalk, Patio, Paving Stones, Landscaping (Incl. plastic), Other	(ft)	X	(ft)	=	0 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
Total Existing Impervious					0 (sq ft)
<u>Proposed Structures</u>					
House, garage, shed Boathouse Greenhouse Other (Dog Kennel, etc.)	28 (ft)	X	36 (ft)	=	1,008 (sq ft)
	20 (ft)	X	24 (ft)	=	480 (sq ft)
	24 (ft)	X	26 (ft)	=	624 (sq ft)
	6 (ft)	X	12 (ft)	=	72 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
<u>Driveways* & Landscaping:</u> *Assumes a 12' wide driveway unless evidence to the contrary					
Driveway*, Parking Area, Apron, Boat Ramp, Sidewalk, Patio, Paving Stones Landscaping (Incl. plastic), Other	24 (ft)	X	20 (ft)	=	480 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
	(ft)	X	(ft)	=	0 (sq ft)
Total Proposed Impervious					2,664 (sq ft)
Total Lot Area (sq. ft.) = 52,309					Total existing Impervious = 0 (sq ft)
					Total w/new Impervious = 2,664 (sq ft)
					% existing Impervious = 0.0 %
					% w/new Impervious = 5.1 %

Simple Calculator for Approximating Size of Stormwater Practice & Amount of Phosphorus Reduction:

Total w/ new Impervious:			Storage volume:		Bottom size (sq ft) of infiltration area by depth							
			Gal / Cu ft (= gal / 7.48)		3"	6"	9"	12"	15"	18"		
2,664	x	0.623 / 0.083 Gal / Cu ft	=	1,660 Gal	221 Cu ft	884 cu ft x 4	442 cu ft x 2	294 cu ft x 1.33	221 cu ft x 1	177 cu ft x 0.8	148 cu ft x 0.67	
Total exst Imp	=	0	x	0.0000366	=	0.00	Existing phosphorous loading (lbs/yr)					
Tot w/new Imp	=	2,664	x	0.0000366	=	0.10	Phosphorous reduction w/ stormwater mgmt					
For rain barrels, use this formula to determine size/amount needed:				Roof area (sq ft)	x	0.5625	=	0	Gallons generated from a 1" rain event			

Building Sketch

Borrower			
Property Address West Twin Ill			
City	County	State	Zip Code
Lender/Client			



CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 4,
SECTION 34, TOWNSHIP 136 NORTH, RANGE 29 WEST,
CROW WING COUNTY, MINNESOTA
TOTAL AREA = 50,955 SQ. FT. ± 1.2 ACRES ±

EROSION CONTROL

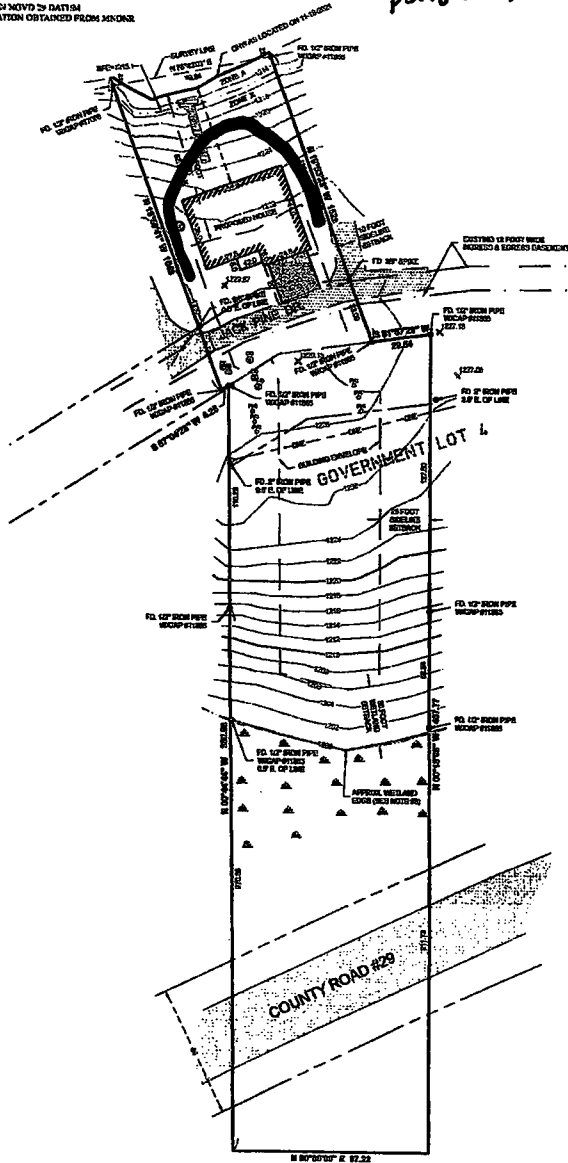
SEASONING PLAN DURING BUILD.

Will be dug in and staked.
GRASS and LANDSCAPING will be completed
prior to removal.

WEST TWIN LAKE
GENERAL DEVELOPMENT CLASSIFICATION
LAKE ELEVATION 1211.69 ON 11-18-2021
ORDINARY HIGH WATER ELEVATION = 1212.1

NOTES: 45ft right-of-way to be set on east side of bank, approximately 20' from water edge, approximately 20' north of edge, at present residence, 27110 W. Twin Lake Dr., Pease Lake, Minnesota - 55361

BASED ON NVD BY DATUM
INFORMATION OBTAINED FROM MNORS



LEGAL DESCRIPTION PER DOCUMENT NUMBER A901499

This part of Government Lot Four (4), Section 34, Township 136, Range 29, Crow Wing County, Minnesota, described as follows: Commencing at the point on the south line of said Lot 4, which is 523.5 feet West of the Rockwell corner of said Lot 1 and considering the South line of said Lot 4 as an East-West line, thence North 0 degrees 19 minutes West 80 feet to the Boundary Right-of-Way line for County Road Number 29, the point of beginning thence North 85 degrees 10 minutes East 941.1 feet; thence North 57 degrees 41 minutes East 44.5 feet thence North 65 degrees 10 minutes East 62.1 feet; thence North 0 degrees 19 minutes East 773.4 feet to the boundary right-of-way line for County Road Number 17, thence West 100 feet along said right-of-way line to the place of beginning;

AND
This part of Government Lot Four (4), Section 34, Township 136, Range 29, described as follows: Commencing at the point on the West line of said Lot 4, which is 348.72 feet North 0 degrees 19 minutes West of the Rockwell corner of said Lot 1, and considering the South line of said Lot 4 as an East-West line, thence South 30 degrees 10 minutes East 123.8 feet thence South 87 degrees 28 minutes East 105.1 feet thence North 86 degrees 28 minutes East 172.0 feet thence North 79 degrees 59 minutes East 191.8 feet; thence North 57 degrees 41 minutes East 293.5 feet to the place of beginning; thence North 37 degrees 41 minutes East 332.7 feet thence North 83 degrees 10 minutes East 42.0 feet thence North 19 degrees 01 minutes West 118.4 feet to the place of West Twin Lake; thence South 78 degrees 28 minutes West 80 feet along said shore thence South 10 degrees 59 minutes East 225.7 feet to the place of beginning;

AND
This part of Government Lot 4, Section 34, Township 136, Range 29, described as follows: That part of rounded roadway adjacent to east corner of said parcel as shown by Cass Data recorded in Book 156 of Deeds, page 666.

Together with and subject to a 12.00 foot easement for ingress and egress over and across Government Lot 4, Section 34, Township 136 North, Range 29 West, Crow Wing County, Minnesota, the easement of said easement is described as follows: Commencing at the Southwest corner of said Government Lot 4, thence North 00 degrees 47 minutes 00 seconds West, up to and along the South line of said Government Lot 4, thence North 00 degrees 00 seconds West 225.00 feet thence North 43 degrees 47 minutes 00 seconds West 815.52 feet to the initial of beginning of the easement to be described; thence North 74 degrees 42 minutes 01 seconds East 67.34 feet thence North 68 degrees 19 minutes 21 seconds East 72.05 feet thence North 58 degrees 34 minutes 06 seconds East 66.60 feet thence North 43 degrees 43 minutes 30 seconds East 62.80 feet thence North 39 degrees 39 minutes 54 seconds East 50.37 feet thence North 31 degrees 21 seconds East 62.16 feet thence North 03 degrees 11 minutes 32 seconds East 54.45 feet thence North 03 degrees 22 minutes 42 seconds East 61.29 feet thence North 74 degrees 42 minutes 16 seconds East 58.51 feet to the center line of an existing public roadway and said easement sections shall be recorded.

A.P.N. 0004449400000

LEGEND

- 12" — UNIMPROVED ROAD OF EXISTING RECORD
- 18" — IMPROVED ROAD OF EXISTING RECORD
- — — UNIMPROVED ROADS OF EXISTING RECORD
- — — UNIMPROVED RIGHTS OF WAY
- — — UNIMPROVED RIGHTS OF WAY (CONCRETE)
- — — UNIMPROVED RIGHTS OF WAY (GRAVEL)
- ▲ UNIMPROVED WEIR LANDS
- ◊ UNIMPROVED SEWER UTILITY
- ◊ UNIMPROVED SEWER UTILITY
- ◊ UNIMPROVED FURNACE ELECTRIC METER
- ◊ UNIMPROVED FURNACE ELECTRIC
- ◊ UNIMPROVED SEWER WELL
- ◊ UNIMPROVED SEWER UTILITY (WELL, SEWER CLEANOUT, & SEWER TRAP ID)
- ◊ UNIMPROVED SEWER UTILITY IN POWER POLE
- ℄ ELEV. = 1212.06
- BASED ON NVD BY DATUM
- ◊ UNIMPROVED HOUSING FENCED

GENERALIZATION OF DATA IS SHOWN & BEING IS BASED ON THE SURVEY LINE OF GOVERNMENT LOT 4 TO DATE AS APPEARING IN DOCUMENT # A901499

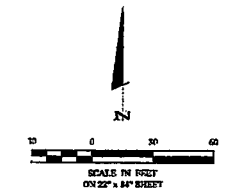
DISPERSED CALCULATIONS

PROPOSED	PERCENTAGE	Amt Area (sq ft)	Paved Impervious (sq ft)
House & Porch	ASCA (66.1)	2,140	63,034
Proposed Driveway	SEG	43,824	0.0%
Total		2,140	63,034

NET AREA - TOTAL AREA LESS COUNTY ROAD 29 R/W & JACK POHR DRIVE

NOTES:

1. Unimproved interest as shown - 3' feet, based on NVD by datum. Checkers shown have been obtained using standard surveying methods. Field located on 11-18-2021
2. Naming for subject tract - "Government Lot 4" as found in Public Record.
3. Property is in "Zone 2" and "Zone A" as per the FEMA Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood hazard and flood hazard areas not categorized "Zone B" definition: Areas of minimal flooding.
4. Parcel ID of subject parcel: 2946295.
5. The E911 address of subject parcel: 6412 Jack Pohr Dr.
6. Wetland edge as shown is approximate based on contour data. If existing near the wetland a delineation should be done prior to construction to verify wetlands.
7. Boundary lines shown were derived from unrecorded survey lines in this area by prior surveys, notably James W. Ruckler, RL 6 11855. Mathematical calls of deed differ from present drawings and are shown.



CERTIFICATE OF SURVEY (Name) Warrentha 13817 91st St SW Jenks, MN 55303		PROJECT MANAGER PROJECT NO. DATE DAYR	PRODUCED BY FILE NAME DATE TIME	REVISIONS CHECKED BY DATE	LICENSED SURVEYOR WITH EXPIRING PLAN, SPECIFICATIONS, OR REPORT WAS FORWARDED BY THE COUNCIL ON SURVEYING TO THE MINNESOTA BOARD OF SURVEYING AND LAND SURVEYING FOR REVIEW AND RECORDING. <i>Warrentha Warrentha</i> SURVEYOR LICENSE NUMBER: [blank]	2025 Business East Suite 1 310 Box 674 Pease Lake, MN 55303 218-568-4940 www.crowwingcounty.com
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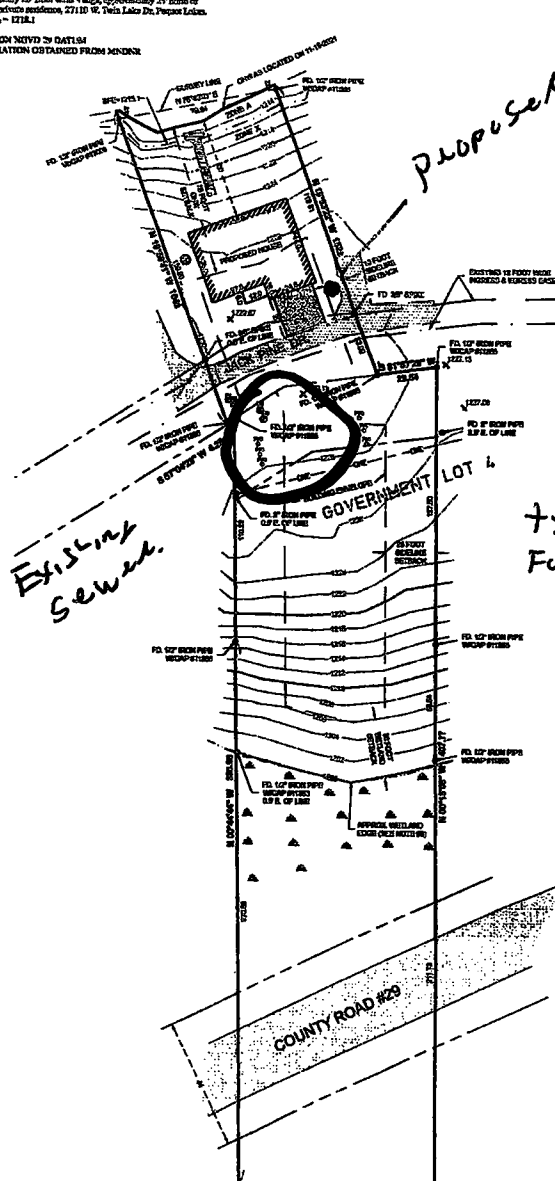
CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 4, SECTION 34, TOWNSHIP 136 NORTH, RANGE 29 WEST, CROW WING COUNTY, MINNESOTA TOTAL AREA = 50,955 SQ. FT. +/- 1.2 ACRES +/-

WEST TWIN LAKE GENERAL DEVELOPMENT CLASSIFICATION LAKE ELEVATION 1211.69 ON 11-18-2021 ORDINARY HIGH WATER ELEVATION = 1212.1

REMARKS: 420 cycles in total... INFORMATION OBTAINED FROM MONITOR

BASED ON NVD 29 DATUM INFORMATION OBTAINED FROM MONITOR



LEGAL DESCRIPTION PER DOCUMENT NUMBER A001499

This part of Government Lot Four (4), Section 34, Township 136, Range 29, Crow Wing County, Minnesota, described as follows: Commencing at the south line of said Lot 4...

This part of Government Lot Four (4), Section 34, Township 136, Range 29, described as follows: Commencing at the point on the West line of said Lot 4...

This part of Government Lot 4, Section 34, Township 136, Range 29, described as follows: That part of said roadway adjacent to and adjoining to said lines as shown by Unit Order recorded in Book 156 of Deeds, page 645.

Together with and subject to a 72.00 acre easement for lanes and egress over and across Government Lot 4, Section 34, Township 136 North, Range 29 West, Crow Wing County, Minnesota...

Existing Sewer

Proposed well

Typical House Hold. Use For 2 people.

LEGEND

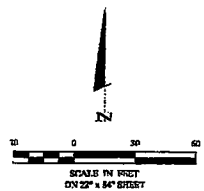
- LEGEND symbols: 1-104 CONCRETE EXISTING, DITCHES EXISTING, etc.

IMPERVIOUS CALCULATIONS table with columns: PROPOSED, IMPERVIOUS AREA, PERCENT IMPERVIOUS, etc.

NET AREA = TOTAL AREA LESS COUNTY ROAD #29 R/W & LAKE POND DRIVE

NOTES:

- 1. Corner marked as shown - 3 feet. Based on NVD 29 datum. Datasets shown have been obtained using standard surveying topographic methods...

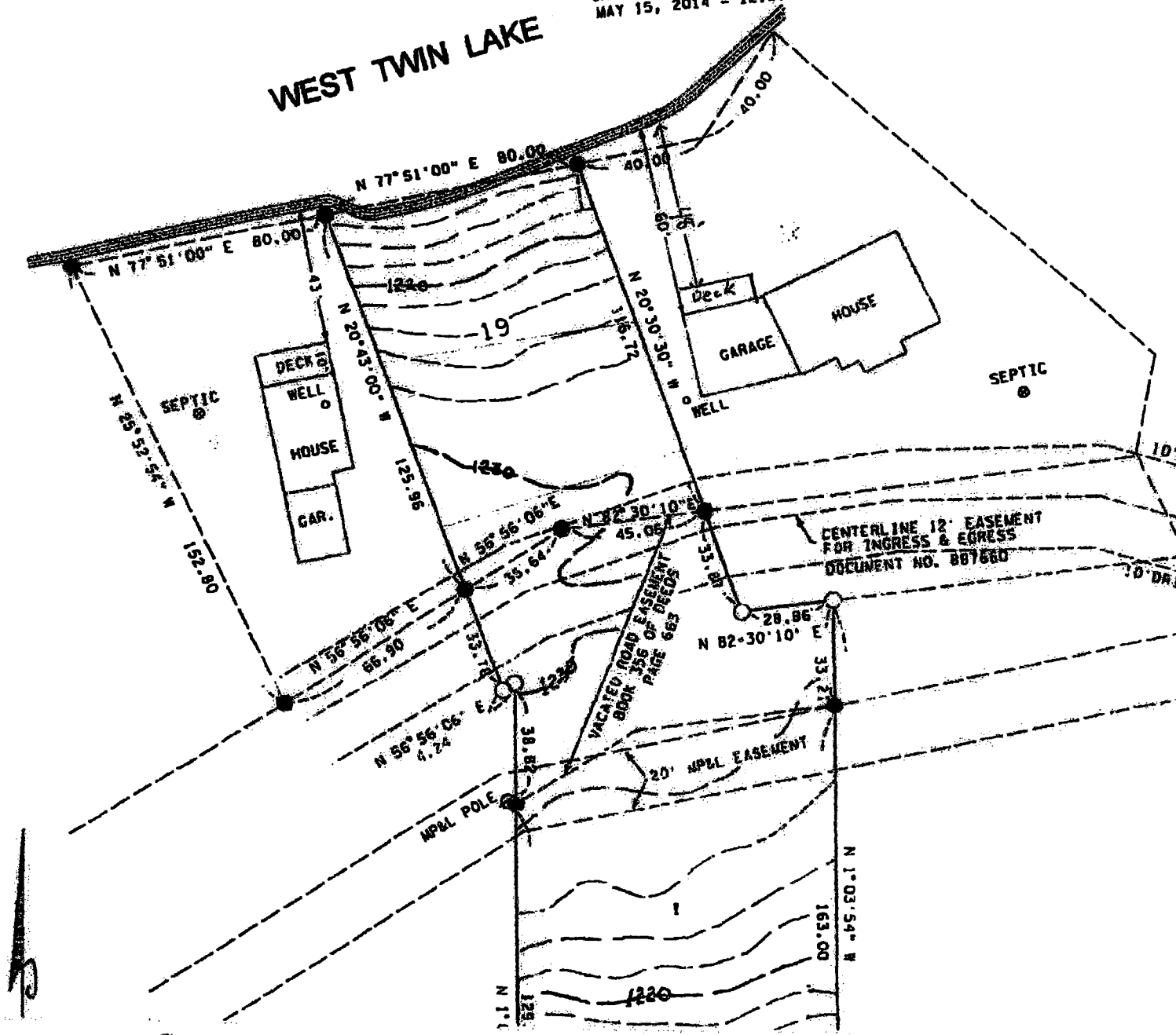


CERTIFICATE OF SURVEY header block with fields for PROJECT NUMBER, DATE, DRAWN BY, CHECKED BY, etc.

Newbury Homes

OHW = 1212.10
MAY 15, 2014 = 1212.40

WEST TWIN LAKE



CITY OF PEQUOT LAKES
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING FOR A
VARIANCE
TO CONSTRUCT A DWELLING
WITHIN THE SETBACK FROM WEST TWIN LAKE
IN THE SHORELINE RESIDENTIAL ZONING CLASSIFICATION
JANUARY 20, 2022
6:00 P.M.
AT
CITY HALL
4638 MAIN STREET

TO WHOM IT MAY CONCERN:

The following will be the subject of a public hearing on January 20, 2022, beginning at 6:00 p.m.

Hearing: Variance

Applicants: Raoul and Theresa Warzecha

Property Description: Property is located at 4412 Jack Pine Drive. Parcel ID is: 29340549.

Purpose: Application is for a Variance to construct a dwelling within the 75-foot setback from West Twin Lake in the Shoreline Residential zoning classification. Applicants propose to construct a 2,068 square foot dwelling 50 feet from the Ordinary High Water Mark.

All interested persons are invited to attend these hearings and be heard or send written comments to City Hall. Copies of the permit, maps, drawings and staff report are available at City Hall at least one week prior to the hearing date. Copies of the Staff Report regarding these applications are available at City Hall or online at www.pequotlakes-mn.gov.

Property Owners Please Note: Notices relative to the above listed request are sent to all property owners within 350' of the applicant's property. Please share this information with your neighbors in the event that any property owner has been overlooked or is not contained in our records.

Dawn Bittner
Zoning Specialist
City of Pequot Lakes

"This institution is an equal opportunity provider and employer"



4638 MAIN STREET • PEQUOT LAKES, MN 56472 • (218) 568-5222 • FAX: (218) 568-5860 • www.pequotlakes-mn.gov

December 29, 2021

Raoul and Theresa Warzecha
13637 - 91st Street SE
Becker, MN 55308

Dear Mr. and Mrs. Warzecha,

The City Planner and I have reviewed your Variance Application and additional submittals and have the following comments/concerns:

1. The Drainage Plan needs more detail including calculations. Good resources for this can be found at <https://www.crowwing.us/245/Stormwater> . In addition, we need to know the proposed height, location and number of tiers for the retaining walls. If they are over 4 feet in height they will need to be designed by an engineer.
2. Your Screening Plan depicts your Erosion Control Plan. We will need a Screening Plan that depicts the proposed tree types, number, location, and height of the trees to be planted to screen the dwelling as viewed from the lake.
3. Please provide a legible email address so I can contact you in a timely manner.

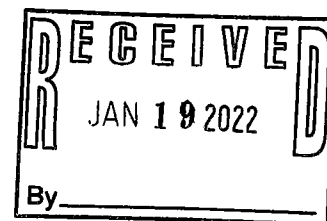
We will need the above information as soon as possible to continue processing your application for the January 20 Planning Commission meeting. Please feel free to contact me with any questions.

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission

Marcy Byrns
4350 County Road 29
Pequot Lakes, MN



January 18th, 2022

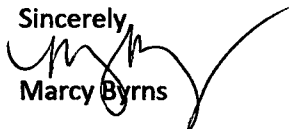
City of Pequot Lakes
Board of Adjustment
City Hall
4638 Main Street
Pequot Lakes, MN

RE: 4412 Jack Pine Drive, Pequot Lakes, MN
Parcel ID 29340549

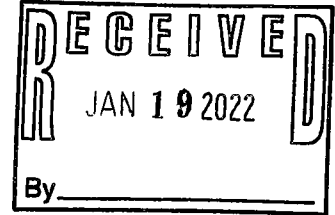
To whom it may concern:

I am a resident on the south side of West Twin Lake. I do have a home that is more than 50 years old situated on a hillside on the lake. I do recognize why the 75-foot offset is in place and the challenges with runoff and erosion related to lake property. I was surprised to see the request for the variance to the 75 feet from the shore rule for this property where they could construct the home in compliance on the property. The 75-foot offset established by the DNR is to protect the lack from runoff and erosion from the lake properties. The request for variance includes digging into the natural hillside and only 40 feet of offset from the lake. I did review the plan submitted by the landowner and was quite surprised that it did not address the erosion or runoff from the property in a suitable or even in a modern way. It appears that rain barrels and poorly thought-out perpendicular retaining walls to the side hill were added after the fact. These are nowhere near the standard to prevent run off and erosion into the lake. There is no specified architectural plan or engineering plan to address the runoff and erosion of that side hill into the lake. I do feel it is premature to grant any variance without thorough evaluation with an accredited engineer to address the runoff and the erosion of the natural side hill into the lake and the subsequent effects to the lake itself. The DNR rule of 75 feet was to protect lakes in the state from erosion and run off. It is concerning that a proposal to minimize that 75 offset to 40 feet does not include an enhanced or even a minimal consideration of protecting the lake from erosion and run off. Unfortunately, the landowner has not consulted with an expert or made any effort to address the issues associated with building within 75 feet from the shore. The 75 feet offset was constructed by the DNR to protect lakes from these very insults.

The landowner can build their home on the property and comply with the 75-foot rule. But if there needs to be discussion about variance to that rule, in the very least a certified engineer must be involved in the planning and development of this project to protect the lake from runout and erosion into the lake. Minnesota's lakes are for the enjoyment of all Minnesotans. It is irresponsible to do anything less.

Sincerely,

Marcy Byrns

January 16, 2022



City of Pequot Lakes
Planning and Zoning
4638 Main Street
Pequot Lakes, MN 56472

IN RE: VARIANCE REQUEST FOR PROPERTY LOCATED AT 4412 Jack Pine Drive
PARCEL ID: 29340549

Dear Planning and Zoning Members and Zoning Staff

On January 20, 2022, at 6:00 pm, the matter of whether a variance for the said above mentioned property should be granted will be addressed. For clarification, the owners are asking for a variance to build a dwelling consisting of approximately 2,068 square feet with an additional 10 x 6 patio placed lake side. This variance is a request for a 50- foot dwelling setback from the OHW located on the 80-foot-wide portion of their property zoned Shoreline Residential. New building within the Shoreline Residential Zone requires by ordinance a 75-foot setback in addition to be a minimum of 100-foot lot width. Documentation provided along with this variance request are vague in description, lack clarity and detail necessary to make a proper determination. Therefore, the variance should not be granted.

According to existing ordinances, variances shall be decided within the required time frame with consideration for the following:

A. The applicant must establish that there are practical difficulties as defined in complying with the official control:

The property in question is a lot that is comprised of both a Shoreline Residential Zone and Rural Residential Zone. This would be considered a buildable lot within the Rural Residential Zone of their lot and would meet all current ordinance requirements.

B. The plight of the landowner is due to circumstances unique to the property not created by the landowner:

The Rural Residential Zoned area is the ordinance suitable building site. After purchase of the lot the current property owner knowingly placed a septic system within the Rural Residential Zone. This is after he was advised of the 75-foot setback requirement on the Shoreline Residential Zone of his property. The circumstance currently in discussion have been created by the landowner after he purchased the property and can be rectified easily therefore the variance should not be granted.

C. The deviation from the ordinance with any attached conditions will still be in harmony with the general purposes and intent of the ordinance and comprehensive plan. The purposed variance is not in

accordance with the present ordinances: Placement of the dwelling within the Rural Residential Zone would be in accordance with all city zoning ordinances and no further action would be required and would be in harmony with the general purposes and intent of the ordinance and comprehensive plan.

D. The variance will create a land use not allowed in the zone:

If the variance is granted it will create a land use not currently allowed within the Shoreline Residential Zone and will not adhere to recommendations and rules of the Department of Natural Resources.

E. The variance will not alter the essential character of the locality.

The proposed plan in its current form will adversely affect the West Twin lakes water quality and cause avoidable erosion and damage to shoreline thus effecting the essential character of the lake and lake community. Adjacent properties within the Shoreline Residential Zone setback were required to conform with all ordinance requirements at the time of construction. Additionally, the adjacent properties setbacks are more than 50 feet.

F. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinances.

Granting this variance will no doubt impact the lake water quality. There is nothing environmentally sound about the property owner's proposal. Reasonable use would be to build within the Rural Residential Zone. An alternative building design that allows a 75- foot setback is also feasible provided the environmental concerns are properly addressed.

A considerable issue is the fact that there is no suitable professionally designed Erosion Control Plan, Drainage Plan or Architectural Plan provided by the property owner. West Twin Lake has a remarkable water clarity factor, and this variance may impact the quality of the lakes water. A decision to grant this variance and allowance for the property owners to proceed based upon their documentation and details will adversely impact all West Twin Lake property owners. As a West Twin Homeowner's Lake Association board member, I voice the concern of many property owners on the lake in asking this variance in its current form be denied.

The Department of Natural Resources has rules and recommendations governing developing shoreline property. Based upon those recommendations and rules the proposed variance does not conform with the departments policies. The proposed setback requested does not prevent or minimize overland runoff and contaminants from entering West Twin Lake. The department rules also limit the total impervious coverage to 25% of area located within the Shoreline Residential Zone. This includes driveways, roof tops, decks and patios. The proposed plan does not conform. Department requirements indicate the shoreline impact zone to be half the distance of the structure setback. Therefor the impact zone on a 50- foot variance would be 25 feet from the lake. This would not conform with recommendations and policies fostered through the Department of Natural Resources. In addition, this property would be classified within the 75-foot required setback as Steep Slope. Steep Slope is considered to be a 12% rise or more over a 50-foot horizontal distance. Again, the proposed plan does not conform. Accordingly, based upon the rules and recommendations of the Department of Natural Resources development of this property will need to adhere to a 75-foot setback.

The property owners proposed portion of their lot that is classified Shoreline Residential Zone does not conform with the current ordinances required for building. Ordinances allow for dwellings to be built on lots 100 feet in width. The Shoreline Residential zone classification does not allow for a dwelling on a 80 foot lot. The property owners' Rural Residential portion of their lot does allow for such development. Alternatives remain available to the property owners, to come into compliance with

ordinances.

CONCLUSION:

Do not grant this variance in its current form. The current 75-foot set back ordinance has a purpose. That is to protect West Twin Lake water from over development. Once damage is done repair is nearly impossible to correct. By allowing any deviation from the current lake water protection variance of the 75-foot setback you will be creating a situation where there will be an ongoing demand for nonconforming setbacks. Compliance with this setback requirement is necessary. Alternative solutions are available for the property owners to build within the restrictions of the current ordinance, by altering their dwelling and placement to conform with the current ordinances

RECOMMENDATIONS FOR CONSIDERATION:

The property owners should be required to provide a detailed plan to prevent erosion along with a lake impact statement by a certified engineer with lake shore erosion expertise. This plan should include but not be limited to the amount of earth to be removed for the dwelling, a detailed drawing of any proposed walkout, landscaping, contouring and berm required even within the 75-foot setback due to the lot's contours located in the Shoreline Residential Zone.

The property owners should be required to provide a plan designed by a certified architect of the proposed dwelling to include but not limited to accurate total dwelling area, floor plans for all levels, including a drawing of lot placement and 4 side views.

In addition, the city should send a letter to all West Twin Lake property owners to confirm they are agreeable to the city granting a variance allowing the owner to build within the 75-foot Shoreline Residential Zone setback even though their dwelling could be placed elsewhere on their lot and follow all ordinances and restrictions.

CONCLUSION:

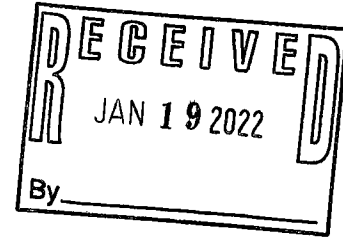
I ask that you do not grant this variance. Alternative solutions are available for the property owner to build within the restrictions of the current ordinances.

Sincerely,



Lynn Christensen
Property Owner
Treasure, West Twin Lake
Homeowners Association

January 15, 2022



City of Pequot Lakes, Board of Adjustment:

This is in response to the application from property owner of 4412 Jack Pine Drive (Parcel ID 29340549) for a Variance to construct a dwelling within the 75-foot setback from West Twin Lake in the Shoreline Residential zoning classification.

I am the property owner of 4406 Jack Pine Drive, adjacent to the requesting property.

I am requesting the ordinance be upheld that any proposed dwelling or structure maintain a setback of 75 feet from the Ordinary High Water Mark of West Twin Lake.

Variance Section:

- Practical difficulties (A) is only true based on the current drawn house plans. That said, the house plans can be modified to be smaller in order to comply with ordinances or be placed in another location to comply with ordinances.
- Petition for a variation based stating that circumstances are unique to the property and not generated by the landowner (B) is untrue. This situation was created by the landowner. The septic system built by the landowner south of Jack Pine Drive could have been built to accommodate a home south of Jack Pine Drive with no variances needed. The landowner's foresight to build the septic system the way they did currently impedes any development on that south side of the property.
- Landowner statement: "Many of the homes do not meet the setbacks". This is a true statement based on the current setbacks, but these homes were built before the current setbacks were established. Therefore, adjacent homes are in compliance. Additionally, other properties with lakeshore on West Twin Lake have been denied even the slightest variance in recent remodels or builds.

Issues and Concerns:

- The document indicates that the size of the lot is 52,309 sq ft. However, the size of the parcel under consideration for these building rules and regulations is the part of the property north of the ingress/egress (Jack Pine Drive), as it is the only part of the property zoned as shoreline residential. According to the survey conducted, the shoreline residential parcel is approximated between 9326-12760 sq ft. Impervious coverage cannot exceed 20% of lot size. If the lot size in consideration is from OHW to Jack Pine Drive, the shoreline residential parcel, then approximate calculations have the impervious coverage of the parcel as high as 28%.
- The building sketch does not match the Proposed Structure document numbers. It is unclear what is included in the indicated 2068 sq ft dwelling, as the numbers in the proposed structure sheet add up to 2184 sq ft.

- **Minimum width of a lot to build on is 100 ft according to your shoreline residential zoning classification, but the shoreline residential parcel is 80 ft, with no variance currently sought for this restriction. Based on the portion of the lot that is classified rural residential, a home can be built in compliance with all setbacks.**
- **Unclear what is being included in impervious coverage.**
- **Proposal narrative, under "storm water", indicates home will have a walk out. Drawings nor data demonstrate plans for a walk out structure.**
- **The building of a bi-level walk out structure would require significant excavation of the property. The excavation, coupled with the proposed closer proximity to the shoreline, poses significant increased risk for environmental damage and lake pollution. It is important to consider how much land will need to be excavated to accommodate the walkout.**
- **An engineered drawing of the house is needed to assure all setbacks will be met, which would include walkout, egress window placement, deck, and the proposed location on said lot. It seems there are numerous irregularities and assumptions.**

In our review and understanding of this request, we understand this variance would either need to be denied or tabled to request submission of additional information before final decision can be made.

Sincerely,

Patrick and Mary Ellen Ottman

4406 Jack Pine Drive, Pequot Lakes, MN

A handwritten signature in black ink, appearing to read "Patrick Ottman", with a long horizontal flourish extending to the right.

01/13/2022

Randy & Lee Branstad
4424 Jack Pine Drive
Pequot Lakes ,MN 56472

Dear Ms. Bittner ,

We are writing today in regards to a letter we received from the city.

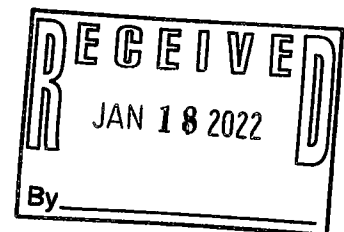
In the matter of the variance request from our neighbors at 4412 Jack Pine Dr. we are strongly opposed to allowing the city to grant this variance .

There are several reasons we are against this . The biggest one for us is that our house was built in 1994 . It has a setback of 65 feet on average from the OHW . We have been in the house for about 12+ years now so we have no clue on what the rules were back then . We do not feel that a new construction house should be able build closer to the OHW than we are .

Also , in our opinion the property owner did do their due diligence for this lot when they purchased to realize that this was virtually an unbuildable lot for what they want construct .

We are asking that the City to not approve this variance .

Sincerely,
Randy & Lee Branstad



Jenny Peterson

From: Phil Martin <phimic1965@gmail.com>
Sent: Thursday, January 20, 2022 11:06 AM
To: City Hall
Subject: Variance for 4412 Jack Pine Drive

I reside at 27095 Pine Cone Lane, Pequot Lakes, MN. I am unable to attend the Variance Public Hearing on January 20, 2022 at City Hall.

I have reviewed the information provided and disagree with the Staff Recommendation to approve the variance. My position is based on the following:

- I do not believe there is a practical difficulty. It appears to me there is adequate property south of Jack Pine Drive to construct a new dwelling. The location of that new dwelling south of Jack Pine Drive could be enhanced by relocating the drainfield or relocating the overhead electric line. By taking this path, lake setbacks would be met and stormwater runoff generated by the increased impervious area would be directed away from the lake.
- It seems to me that the house layout could be revised to fit the available lake setback better rather than requesting a variance to the 50-ft setback. Can a 70' setback be achieved or 65' feet? Does the garage have to be attached? Can the garage be below with living space above? I believe the applicant can get more creative in their dwelling layout to optimize the available lake setback.
- Based on my experience and familiarity with the lot, I doubt the stormwater plan as proposed will be effective, specifically stormwater basins shown on the lake side of the house. The land slope to the lake indicates about a 14' of vertical drop within the 50' setback area. The drainage basins proposed may be computationally correct but I have concern about what ultimately would get constructed and how effective they would be. It would be helpful to see a proposed site grading plan with appropriate contour detail and something that should be required if the City approves the variance.
- Staff seems to assert that because other existing dwellings are located within the setback that it would be okay to allow a new dwelling to be in the setback. I anticipate those existing structures pre-dated the City's administration of zoning and as a result should not be considered an excuse to lower the current standards especially if there is other available property to build on. I suspect there may be others that built their dwelling on the lake while under City zoning administration that would have liked to obtain a variance to get closer to the lake but instead followed the rules.

I appreciate the City notifying me of this variance hearing and considering my comments. Please provide me with a response indicating my comments were received by the City relative to this variance issue.

--

Thanks

Phil Martin
218-821-7265

Dawn Bittner

From: McNeil, Danielle (DNR) <danielle.mcneil@state.mn.us>
Sent: Thursday, January 20, 2022 11:55 AM
To: Dawn Bittner
Cc: Justin Burslie
Subject: RE: Variance Request

Hi Dawn,

Thanks for sharing the variance application information. I have no comments at this time.

Take care,
Dani

Dani McNeil
Hydrologist | Ecological & Water Resources Division

Minnesota Department of Natural Resources
1601 Minnesota Drive
Brainerd, MN, 56401
218-203-4367*
Danielle.McNeil@state.mn.us

* Please note: DNR staff are currently working from home and may return your call from an alternative number. Contact via email is strongly encouraged at this time.

mndnr.gov

 **DEPARTMENT OF
NATURAL RESOURCES**



From: Dawn Bittner <dbittner@pequotlakes-mn.gov>
Sent: Thursday, January 20, 2022 9:52 AM
To: McNeil, Danielle (DNR) <danielle.mcneil@state.mn.us>
Cc: Justin Burslie <Justin.Burslie@sourcewell-mn.gov>
Subject: Variance Request

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Hello, Dani:

I was hoping to receive your comments regarding the variance request to construct a new dwelling within the lake setback prior to the Public Hearing this evening. The meeting link is below.

01-20-2022 Planning & Zoning Commission Agenda Packet and Minutes - Planning & Zoning Agenda Packets - Pequot Lakes, MN (pequotlakes-mn.gov)

Please send your comments or concerns at your earliest convenience. Thank you!



Dawn Bittner
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