CITY OF PEQUOT LAKES
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING - VARIANCE REQUEST
MONDAY, SEPTEMBER 22nd, 2025
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 Monday, September 22nd, beginning at 6:00 p.m.

Hearing: Variance Application #25-04 to construct a deck addition to an existing residential dwelling proposed within the required lake setback of Sibley Lake & Southern property line side yard setback.

Property Owner/Applicant: Mark & Linda Barry

Property Description: The subject property is located at 30501 Pequot Blvd, Pequot Lakes. "LOT 14, BLOCK 2 of PEQUOT SHADY SHORES"; PID 29151068, Section 15, Township 136, Range 29. See reverse side of this notice for depiction provided by Crow Wing County GIS.

Purpose: The applicant is requesting a variance to construct a proposed deck addition to the existing residential dwelling that as proposed falls within the required 75' setback to the Ordinary High Water mark of Sibley Lake (GD), & within the required 10' setback to side yard property line along the South side of the subject parcel. The distance from the OHW to the proposed deck addition is 60' where 75' is required, and 7.5' where 10' is required to the side yard property line setback.

All interested persons are invited to attend this hearing and be heard or send written comments to City Hall. Copies of the application, maps, drawings and staff report are available at City Hall and on-line at www.pequotlakes-mn.gov one week prior to the hearing date.

Property Owners Please Note: Notice relative to the above listed request is 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.

Traci Pederson
Zoning Administrator
City of Pequot Lakes

"This institution is an equal opportunity provider and employer"

The subject property on CWC GIS:

Barry Variance mailings

BARRY, MARK & LINDA
1867 BEECHWOOD AVE
SAINT PAUL MN 55116

BENSON, JEFFREY A & JULIE M
30515 PEQUOT BLVD
PEQUOT LAKES, MN 56472

BURGIN, JOY
30464 PEQUOT BLVD
PEQUOT LAKES, MN 56472

BURGIN, JOY B
30464 PEQUOT BLVD
PEQUOT LAKES, MN 56472

CRAIG, MEGAN N & DANIEL A
3975 MARSHALL ST
PEQUOT LAKES, MN 56472

CUMMINS, DIANE E TRUSTEE CUMMINS TR
P O BOX 292
PEQUOT LAKES MN 56472

EHRESMANN, DANIEL P
30539 SOUTH OAK ST
PEQUOT LAKES MN 56472

GILL, ZACK D & SUSAN F
8567 XENIUM LN N
MAPLE GROVE, MN 55369

HANNAN, MICHAEL P
5515 HARRIET AVE S
MINNEAPOLIS MN 55419

KADASH, KENNETH & JUDY R
30539 PEQUOT BLVD
PEQUOT LAKES MN 56472

LIEN, LARRY
30498 PEQUOT BLVD
PEQUOT LAKES MN 56472

MILLS, GEORGE A & CHERYL
12982 83RD AVE N
MAPLE GROVE MN 55369

MOLACEK, ANDREW
3315 BELDEN DR NE
MINNEAPOLIS MN 55418

MURRAY FAMILY REVOCABLE TRUST
964 EAST BAY RD
TWO HARBORS MN 55616

NELSON, LOUISE C
30437 PEQUOT BLVD
PEQUOT LAKES MN 56472

NOYES, BRADLEY STEWART & CINDY COUTURE
3919 AUSTIN ST
PEQUOT LAKES MN 56472

SIPP, GOLAN &
30455 PEQUOT BLVD
PEQUOT LAKES MN 56472

SUNDVAHL, JESSICA
30565 PEQUOT BLVD
PEQUOT LAKES MN 56472

VANDERVINNE, DENNIS A & DEBRA A
4354 TRANQUILITY TRL
BETTENDORF IA 52722

Affidavit of Mailing

STATE OF MINNESOTA)
)ss.
COUNTY OF CROW WING)

I hereby state that the information noted is true, to the best of my knowledge. I also confirm that the information here is both accurate and complete, and relevant information has not been omitted.

On the 10 day of September, 2025, I Trai Pederson, mailed letters, enclosed in an envelope, sent by regular US Postal Mail, to those noted on this attached mailing sheet regarding notification for a public hearing to be held at the City of Pequot Lakes City Hall. These were sent to the last known address of said person(s).

Signature: _____

Subscribed and sworn before me this 10 day of September, 2025.

_____
Notary Public Signature and Stamp

EMILY S. JOHNSON
Notary Public-Minnesota
My Commission Expires Jan. 31, 2028

Revised: March 2024

PUBLIC HEARING – VARIANCE

STAFF REPORT –Public Hearing | September 22nd, 2025

Report Prepared by: Thomas Roloff, AICP
Community Development Administrator, Sourcewell

Application: Variance #V25-04 to construct a proposed deck addition to an existing legal non-conforming dwelling within the required setback to the OHW & Side Yard property line.

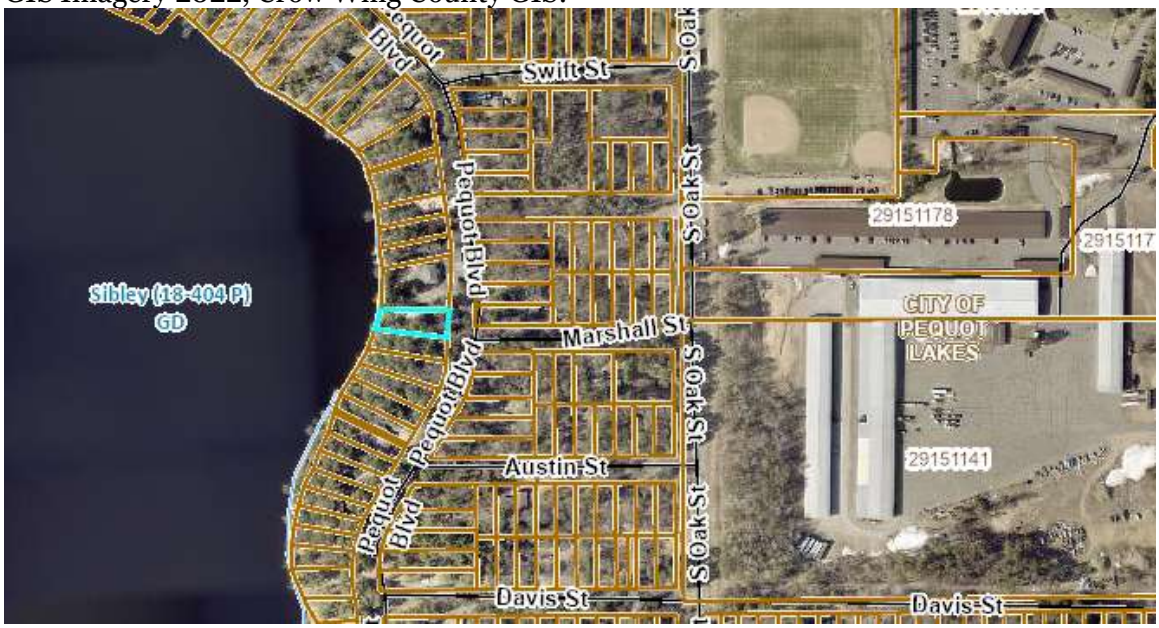
Applicant: Mark Barry
Agenda Item: 3.b

Background Information: The applicant is requesting a variance for the proposed construction of a deck addition to the existing dwelling on the property located at 30501 Pequot Blvd, PID 29151068. The subject property is zoned Shoreline Residential.

The subject property is "Lot 14 Block 2" of the "Pequot Shady Shores" Plat, dated 1923. The property is riparian to Sibley (18-404), a General Development Lake, and is accessed via Pequot Blvd.

The variance request is to construct a custom deck addition to the existing dwelling where the proposed deck does not meet the required 75' setback from the OHW of Sibley Lake, & the required 10' setback from the property line of the neighboring parcel (side yard). The applicant proposes placing the deck at 60' from OHW & 7.5' from the side yard property line. The proposal does not include any new impervious surface as indicated on the Certificate of Survey, which provides the total existing impervious surface calculation for the lot at 30.7%. The subject lot is +/- 0.3 acres or 11,230 sq ft.

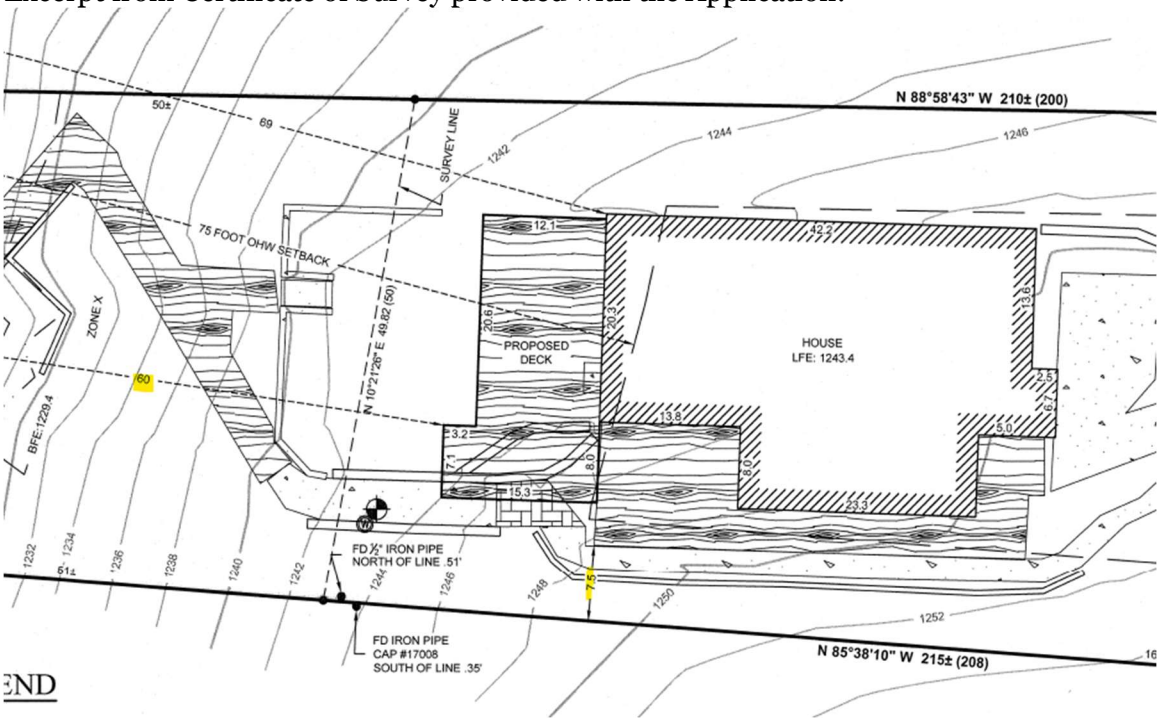
GIS Imagery 2022, Crow Wing County GIS:



GIS Imagery with FEMA Floodplain Layer:

GIS Imagery with NWI (Wetlands) Layer:

Excerpt from Certificate of Survey provided with the Application:



Impervious Surface calculation provided on the COS:

IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft)	Percent Impervious (sq.ft)
House	1,058	11,230	9.4%
Garage	588	11,230	5.2%
Bituminous Driveway	1,181	11,230	10.5%
Concrete & Pavers	626	11,230	5.6%
Total	**3,453**	**11,230**	**30.7%**

Proposed Conditions will not increase impervious coverage.

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.

	GD Riparian Only	RD, Non-Riparian GD	NE Lake
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	150
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	25%	25%	20%
Building height – feet, maximum	25	25	25
Building height, accessory structure not containing guest quarter(s) – feet, maximum	13	13	13
Flag Pole Height – feet, maximum	30	30	30
Building above highest known groundwater or lake level – feet,	3	3	3

minimum

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. 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.

C. 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.

D. 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.

E. 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.

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

(1) Each building must meet setback at least 200 feet form 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

G. 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 places 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.

H. 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.

I. Water Oriented Accessory Structure Standards:

(1) One (1) water-oriented accessory structure on riparian residential lots not meeting the structure setbacks in Section 17-5.8, subpart 3 of this Chapter may be placed with an approved Land Use Permit provided the following standards are met:

a. The structure or facility must not exceed 12 feet in height for pitched roofs, or 10 feet in height for flat roofs and cannot occupy a combined area greater than 120 combined square feet (e.g., a patio and storage structure may both be constructed but must be located contiguously and cannot exceed 120 combined square feet);
b. The setback of the structure or facility from the OHW must be at least 20 feet;
c. The setback of the structure or facility from the side (property line) must be at least 10 feet for GD& RD Lakes, and 15 feet for NE Lakes;
d. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the department, assuming summer, leaf-on conditions;
e. Construction complies with all other provisions of this chapter;
f. The maximum impervious surface limits for the lot are not exceeded;
g. The structure shall not be located within a bluff impact zone;
h. The structure shall not be used for human habitation; and
i. The structure shall not include bathroom facilities.
j. Roofs may be used as open-air decks with safety rails but must not be enclosed;
k. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps to ground not over 4 feet wide may protrude into the setback.

J. Accessory Structure. A permit shall not be required for up to two accessory structures totaling no more than 160 square feet. Accessory structures shall meet all zoning requirements in the Section. Ground-mounted solar panel installations shall not count against this limit.

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 17-3.2. DEFINITIONS

84. Deck. An uncovered, unscreened structure or on-grade patio not including on-grade walks four (4) feet wide or less.

135. Impervious Surface. The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of stormwater, including gravel drives and parking.

190. Practical Difficulties. 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.

Section 17-4.4 NON-CONFORMING STRUCTURES AND USES

1. Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

    A. the nonconformity or occupancy is discontinued for a period of more than one year; or

    B. any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged, in which case any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

    Notwithstanding, the foregoing, any structure or use legally existing at the time of the adoption of an official control under this Chapter and which does not conform to the provisions of the Ordinance may be continued subject to the following:

2. No such structure or use shall be expanded, enlarged or intensified except in conformity with the provisions of this

Chapter with consideration for variances thereto and consideration given for previously approved Planned Unit Developments.

7. Deck and Platform Additions to Non-Conforming Structures. Decks and platforms must meet the structure setback standards on all new construction. Decks and platforms that do not meet setback requirements from public waters may be allowed without a Variance provided all the following criteria and standards are met:

A. The structure existed prior to January 1, 1995 and has not been rebuilt, reconstructed or added on more than 50% since that date.

B. A thorough evaluation of the property and structure reveals no reasonable location for a deck or platform which meets or exceeds the setback from the ordinary high-water level.

C. The deck encroachment toward the ordinary high-water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high-water level or does not encroach closer than the shore impact zone, whichever is more restrictive.

D. The platform encroachment toward the ordinary high-water level does not encroach closer that thirty (30) feet and does not exceed four hundred (400) square feet in size.

E. The deck is constructed primarily of wood, and is not roofed or screened.

F. The deck does not exceed ten (10) feet in height, from ground level and must not exceed eight (8) feet above grade, which is determined to be at the foundation; and cannot occupy an area greater than 250 square feet.

G. A deck or platform addition shall not be allowed on accessory nonconforming structures.

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.

7. The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Staff Findings: Staff provides the following findings of fact for consideration by the Board of Adjustment:

1. The applicant is requesting a variance for the proposed construction of a deck addition to an existing residential dwelling on the property located at 30501 Pequot Blvd, PID 29151068.
2. The subject property is zoned "Shoreline Residential".
3. The subject property is approximately 0.3 acres, or 11,230 sq ft.
4. The subject property has an existing residential dwelling, accessory structure, private septic system & well.
5. The proposed deck as shown on the Certificate of Survey is 60' from the Ordinary High Water mark where 75' is the minimum requirement.
6. The proposed deck as shown on the Certificate of Survey is 7.5' from the Southern property line (side yard) where 10' is the minimum requirement.
7. The impervious surface calculation as provided on the Certificate of Survey denotes "proposed conditions will not increase impervious coverage" and includes a total impervious surface percent for the subject property of 30.7%.
8. The existing septic system has been inspected and deemed compliant as documented on the most recent compliance inspection, provided to the City on 10/28/2024.
9. No stormwater management documentation has been provided within this application.
10. Notice of this variance application was published in the local newspaper & distributed to property owners within the required distance to the property (350').

11. Notice of this variance application was submitted to the MN DNR for comment. Jake Frie, Area Hydrologist MN DNR, provided the following comment to the City on 9/8/2025:
    - "MN Rule 6120.3300 subp. 3J allows for the placement of new decks attached to existing legal non-conforming structures so long as the width of the deck does not exceed 15 percent of the existing shoreline setback from OHW and is not roofed or screened. If the applicant were to modify the request to propose a deck not to exceed 10 feet in width (15% of 69 feet from OHW to dwelling), no variance approval would be required and the project would still achieve the applicant's stated purpose of having a sitting area with a built-in hot tub. Given the above information, there appears to be no practical difficulty to overcome needing/requiring the variance. Therefore, the MN DNR recommends that the city consider the alternative of allowing a deck under the Shoreland Rule's 15% "deck" rule rather than approving a variance for which there appears to be not practical difficulty standard met."
12. Section 17-4.4 of the City of Pequot Lakes Zoning and Subdivision Ordinance details the ability for property owners of non-conforming structures to construct deck additions to structures within the OHW setback without the need for a variance provided all requirements of the section are met. This section does not allow for infringements of side yard setbacks which can only be approved by means of variance from the Code requirements.
13. No extensive research was conducted regarding similar structures in similar locations for property within the immediate vicinity of the subject property. Review of Aerial imagery obtained from GIS may be impacted due to tree/vegetative cover.

<u>Potential Findings for Approval, for discussion with the Board of Adjustments:</u>

1. The applicant has established there are practical difficulties in complying with the official control.
    a. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
    b. 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.
    c. The variance will not create a land use not permitted in the zone.
    d. The variance will not alter the essential character of the locality.
    e. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

<u>Potential Findings for Denial, for discussion with the Board of Adjustment:</u>

2. The applicant has not established there are practical difficulties in complying with the official control.
    a. The plight of the landowner is due to circumstances unique to the property created by the land owner.
    b. The deviation from the Ordinance with any attached conditions will not be in harmony with the general purposes and intent of the Ordinance and the Comprehensive Plan.
    c. The variance will create a land use not permitted in the zone.

d. The variance will alter the essential character of the locality.
e. The variance is for economic reasons alone, and reasonable use of the property does exist under the ordinance.

Board of Adjustment Direction: The Board of Adjustment can approve, deny, or table this variance request. Findings of fact should be cited if the decision is for approval or denial.

Staff Recommendation: Staff recommends the Board of Adjustment discuss & provide input regarding the proposed findings for approval and/or denial. The applicant has provided their testimony regarding the practical difficulty within the application provided to the City. The City Zoning Ordinance allows for a deck addition without a variance so long as all parameters within Section 17-4.4 are met, however the encroachment of the side yard setback may only be allowed by variance.

If the Board of Adjustment wishes to approve the request, staff suggests the following recommended conditions for approval:

1. A stormwater management & erosion control plan shall be submitted to the City for review upon submission of a land use permit for construction on the property. The stormwater plan, at a minimum, shall contain information pertaining to temporary or permanent best management practices to direct runoff of stormwater away from adjacent water bodies and parcels, and provide details of the location & type of erosion control methods to be established prior to and throughout construction on the property.

2. Any impervious surface proposed or constructed that is not included on the provided Certificate of Survey shall require resubmission of a variance application to exceed the maximum impervious surface allowed as stipulated in the Shoreline Residential Zone lot, use, and density requirement found in Section 17-5.8.

3. The deck shall remain open and be constructed out of materials that allow for the passage of stormwater through the structure to unpaved and unimproved surfaces below the proposed footprint of the deck.

RECEIVED
AUG 19 2025
By

$400 pd over phone 8/20/25

APP # V25-04
SF #
Date goes to PC for review 9/22/25
(for office use only)

CITY OF PEQUOT LAKES
VARIANCE APPLICATION

Name of Applicant MARK BARRY Phone 651-399-0671

Address 30501 PEQUOT BLVD Email MARK.H.BARRY@GMAIL.COM

City, State, Zip PEQUOT LAKES MN 56472

Applicant is:

Legal Owner (X)
Contract Buyer ( )
Option Holder ( )
Agent ( )
Other _____

Title Holder of Property:

BARRY TRUST DATED 7-31-19
(Name)
1867 BEECHWOOD AVE
(Address)
ST. PAUL MN 55116 55116
(City, State, Zip)

Signature of Owner, authorizing application: Mark Barry
(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:
30501 PEQUOT BLVD PEQUOT LAKES MN 56472
CROW WING COUNTY, MINNESOTA

Legal Description (if metes and bounds, attach sheet):
LOT 14 BLOCK 2 PEQUOT SHADY SHORES, CROW WING COUNTY, MN

Parcel ID No. ~~29~~ 291070020140009 Zoning District SHORELINE SR.
29151008

State nature of request in detail: (What are you proposing for the property?)
EXTEND DECKING TOWARD THE LAKE 12' TO ACCOMODATE A HOT TUB IN THE EXISTING DECK AREA. DECK EXTENSION WILL INCLUDE LAKE ACCESS STAIRS ~~NOT EXACTLY~~ DOWN TO CURRENT SIDEWALK. DRAWING SHOWS THE STAIRCASE EXTENDING ANOTHER 4' TOWARD THE LAKE.

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

Building: DECKING ACROSS THE FRONT OF THE HOUSE PER PLAN

Landscaping: NONE

Parking/Signs: NONE

* Reviewed complete app. 8/19/2025

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?

HOUSE WAS BUILT 75' FROM THE LAKE WITHOUT STAIR ACCESS FROM THE USABLE DECK. FROM THE EXISTING DECK ONE MUST GO TO THE BACK OF THE HOUSE AND AROUND ON THE SIDEWALK OR DOWN STAIRS & OUT THE EXISTING WALKWAY TO ACCESS THE LAKE.

(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?

THE PROPERTY WAS DEVELOPED IN THE 80's TO THE ORDINANCE IN EFFECT AT THE TIME. I REMOVED IMPERVIOUS SURFACE AREA PREVIOUSLY. WE CAN'T ADD TO THE DECK TOWARD THE ~~NORTH~~ DUE TO LOT LINE & IT WOULD BLOCK THE SIDEWALK SOUTH

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

NO - THE CURRENT DECK SITTING AREA WILL BE MOVED TO THE NEW SPACE. THE EXISTING DECK AREA WILL INCLUDE A BUILT IN HOT TUB AND WALKING FORCES.

(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.

SEE #12

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

YES - VARIANCE IS REQUESTED TO BUILD WITHIN THE 75' SET BACK AND TO MINIMALLY INCREASE THE IMPERVIOUS COVERAGE.

(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?

THE WALK OUT AREA OF THE PROPERTY IS FLAT AND USED FOR CAMPFIRES ETC. THE DECK PROPOSED WILL EXTEND OVER PART OF THE AREA. THE WALK OUT LOWER LEVEL OF THE ROOF WILL BE UNAFFECTED. THE TUB WILL BE LOCATED NEAR EXISTING WATER SUPPLY.

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

AN ADDITIONAL 105F OF LAND WILL BE INCLUDED IN THE IMPERVIOUS CALCULATION. IMPERVIOUS AREA EXCEEDS ORDINANCE ORIGINATING AT BUILD OUT IN THE 1980'S. I REMOVED APROX 300 SF OF IMPERVIOUS SPACE WHEN WE BUILT A NEW STAIRCASE TO THE LAKE UNDER PERMIT.

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

THE DECK ADDITION WILL NOT IMPACT SIGHT LINES OF EITHER NEIGHBOR.

(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?

NO IMPACT TO ROADS OR TRAFFIC. NO IMPACT ON PARKING

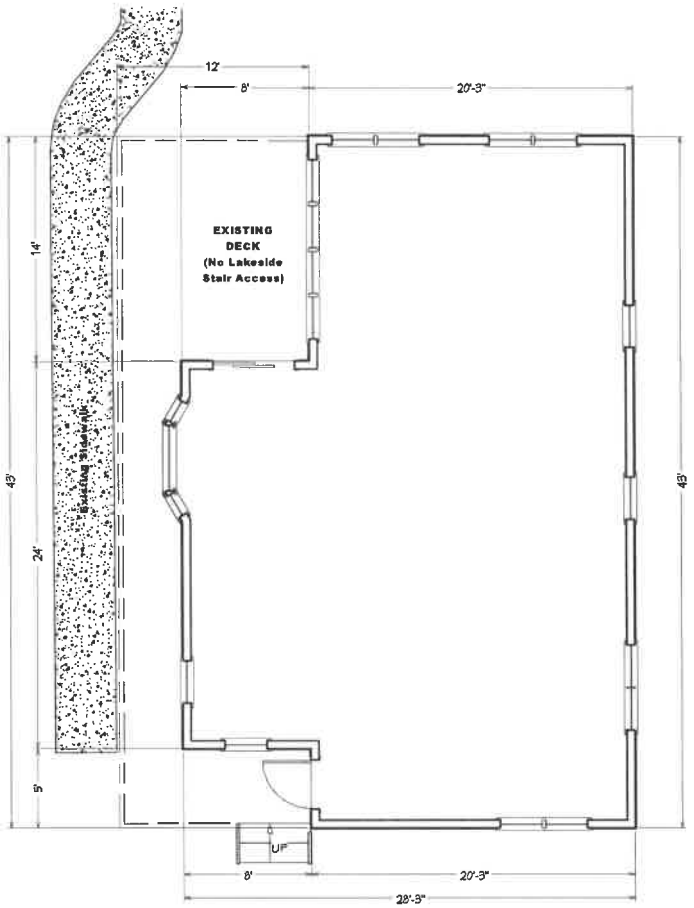
(11) Discuss any environmental limitations of the site or area.

NONE

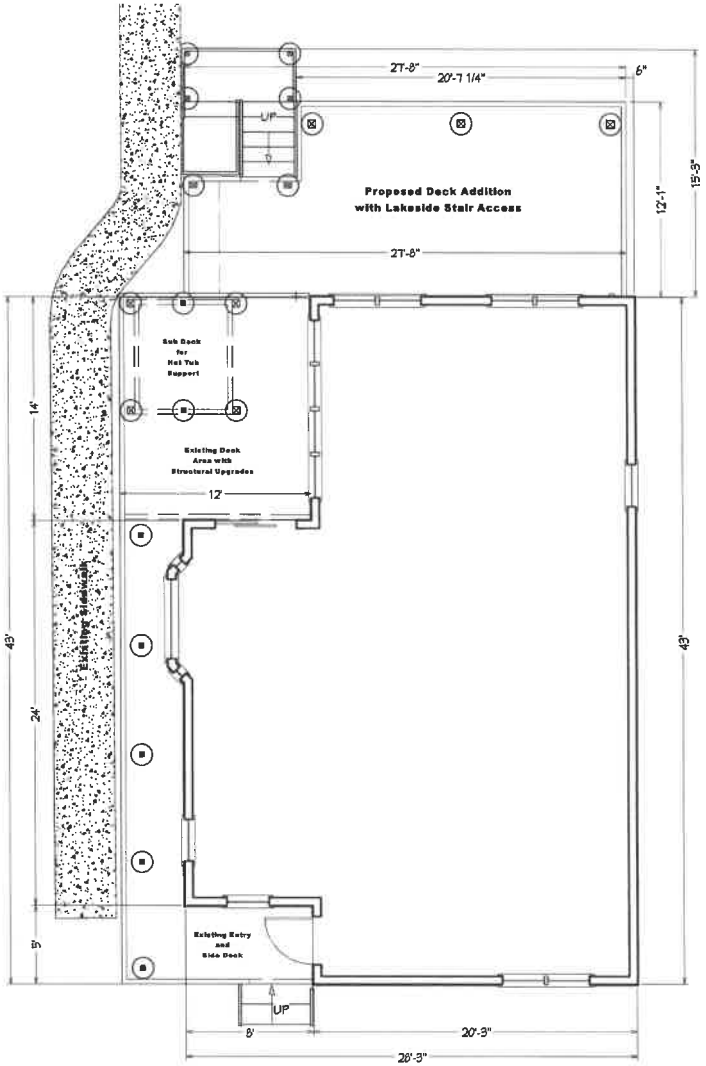
(12) Please include any other comments pertinent to this request.

THE REASON FOR THIS REQUEST IS TO ACCOMODATE MY WIFE'S DISABILITY. SHE CAN/COULD NOT ACCESS A HOT TUB WITHOUT BUILDING A DECK SURROUD. SHE HAS LIMITED WALKING ABILITY AND WE CAN HAVE HER STEP OVER A LOW RIM WHEN BUILT INTO A DECK. THE CURRENT DECK AREA HAS A HIGH GROUND PROFILE ON WHICH TO BUILD A TUB PLATFORM AT GROUND LEVEL. THE TUB WILL BE CLOSE TO THE PATIO ACCESS DOOR. AND THE FRONT YARD WILL NOT BE AFFECTED BY THE TUB. MINIMUM OF 4' ACCESS AROUND THE TUB WILL BE MAINTAINED.

EXISTING



PROPOSED



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
Mark Barry
651-399-0671
Deck Remodel/Addition

PROJECT DESCRIPTION:
30501 Pequot Blvd
Pequot Lakes MN 56472

DRAWINGS PROVIDED BY:
BC Projects 612-481-0807
8700 14th Ave S
Bloomington MN 55425
MN License #BC649274

DATE:
3/29/2025

SCALE:
3/16" = 1'

SHEET:
A-1

CERTIFICATE OF SURVEY

LOT 14, BLOCK 2, PEQUOT SHADY SHORES,
SECTION 15, TOWNSHIP 136 NORTH, RANGE 29 WEST,
CITY OF PEQUOT LAKES, CROW WING COUNTY, MINNESOTA
TOTAL AREA = 11,230 SQ. FT.± / 0.3 ACRES±

SIBLEY LAKE

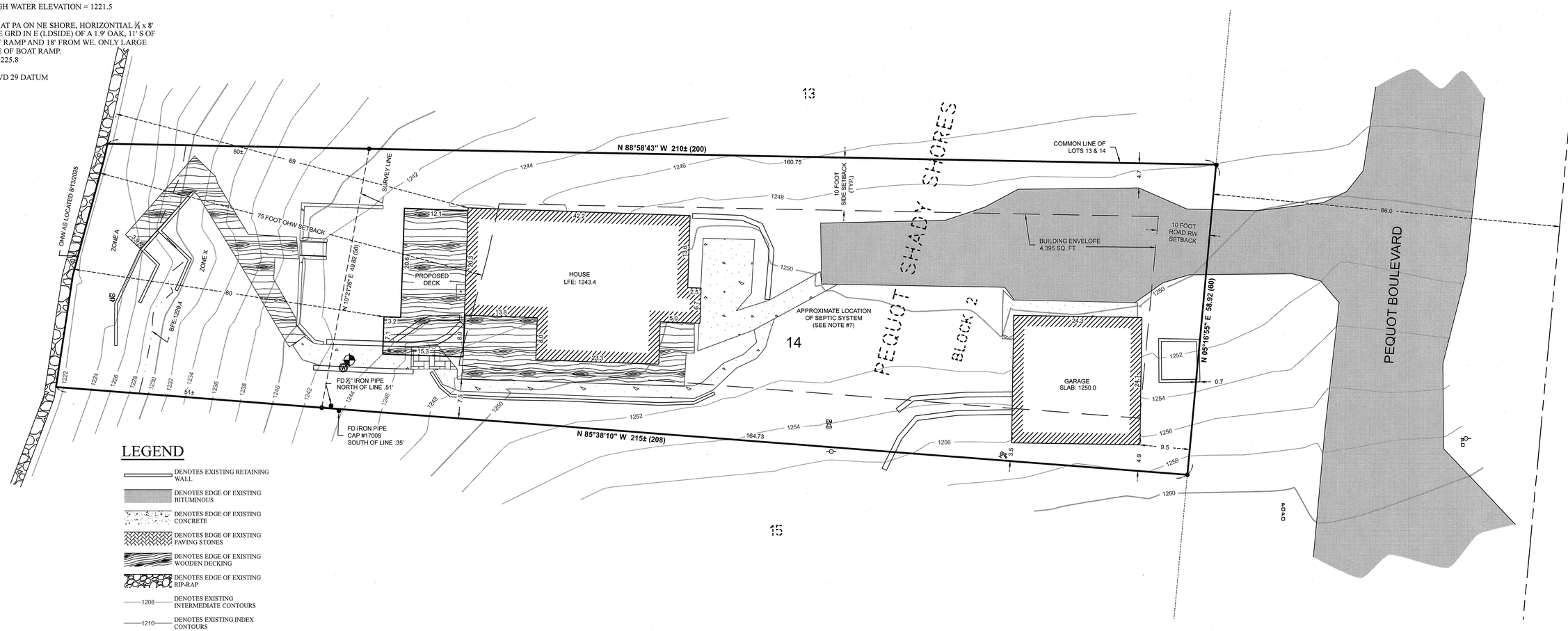
GENERAL DEVELOPMENT CLASSIFICATION

LAKE ELEVATION = 1221.1 ON 8/13/2025

ORDINARY HIGH WATER ELEVATION = 1221.5

BENCHMARK: AT PA ON NE SHORE, HORIZONTIAL ⅜ x 8' SPK, 0.6' ABOVE GRD IN E (LDSIDE) OF A 1.9' OAK, 11' S OF CL CONC BOAT RAMP AND 18' FROM WE. ONLY LARGE OAK ON S SIDE OF BOAT RAMP.
ELEVATION = 1225.8

BASED ON NGVD 29 DATUM



LEGEND

- DENOTES EXISTING RETAINING WALL
- DENOTES EDGE OF EXISTING BITUMINOUS
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING PAVING STONES
- DENOTES EDGE OF EXISTING WOODEN DECKING
- DENOTES EDGE OF EXISTING RIP-RAP
- 1208 — DENOTES EXISTING INTERMEDIATE CONTOURS
- 1210 — DENOTES EXISTING INDEX CONTOURS
- DENOTES EXISTING UTILITY POLE
- DENOTES EXISTING ELECTRIC METER
- DENOTES EXISTING ELECTRIC OUTLET
- DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
- DENOTES EXISTING WELL
- DENOTES EXISTING HOSE BIB
- (123.45) DENOTES PLAT AND/OR DEEDED MEASURE
- BFE DENOTES BASE FLOOD ELEVATION
- LFE DENOTES LOWER FLOOR ELEVATION
- **BENCHMARK:** HIGH POINT ON WELL
  ELEV. = 1244.8
  BASED ON NGVD 29 DATUM
- DENOTES MONUMENT FOUND

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE COMMON LINE OF LOTS 13 & 14 TO HAVE AN ASSUMED BEARING OF N 88°58'43" W

IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft)	Percent Impervious (sq.ft)
House	1,058	11,230	9.4%
Garage	588	11,230	5.2%
Bituminous Driveway	1,181	11,230	10.5%
Concrete & Pavers	626	11,230	5.6%
Total	**3,453**	**11,230**	**30.7%**

Proposed Conditions will not increase impervious coverage.

NOTES:

1. Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 8/13/2025.
2. Zoning for subject tract = Shoreland Residential
3. Parcel ID of subject parcel: 29151068
4. The E911 address of subject parcel: 30501 Pequot Boulevard
5. Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
6. 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.
7. Approximate location of septic system per sketch prepared by WSB & Associates, Inc.
8. National Wetland Inventory Report shows no wetlands within subject property.
9. Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

N

10 0 10 20

SCALE IN FEET
ON 22" X 34" SHEET

30206 Rasmussen Road
Suite 1
P. O. Box 874
Pequot Lakes, MN 56472
218-568-4940
www.stonemarksurvey.com

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 UNDER THE LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Cynthia M. Hidde

CYNTHIA M. HIDDE PLS#44881 LIC. NO. 44881

DATE: 8/18/2025

REVISIONS		
DESCRIPTION	DATE	BY

CERTIFICATE OF SURVEY

Mark Barry
1867 Beechwood Avenue
Saint Paul, MN 55116-2028

PROJECT MANAGER:	PROJECT No.:	DATE:
CMH	25161	8/18/2025
CHECKED BY: CMH	FILE NAME: C25161.DWG	SCALE: HORZ. 1" = 10' VERT. NONE
DRAWN BY: JCL	FIELD BOOK: BOOK PG.	

SHEET 1 OF 1

Cad 8/18/2025 3:03 PM - F:\Drawings\2025\25161 Barry\C25161.dwg

Traci Pederson

From: Frie, Jacob (DNR) <Jacob.Frie@state.mn.us>
Sent: Monday, September 8, 2025 2:03 PM
To: Traci Pederson
Cc: Thomas Roloff
Subject: RE: Pequot Variance - request for comment
Attachments: COS 8.18.25 PID 29151068.pdf; Variance application Aug. 2025 PID 29151068.pdf

Good afternoon Traci:

The MN DNR offers the following comments concerning the Barry property public hearing as a request for a variance due to proposed deck:

- MN Rule 6120.3300 subp. 3J allows for the placement of new decks attached to existing legal non-conforming structures so long as the width of the deck does not exceed 15 percent of the existing shoreline setback from OHW and is not roofed or screened. If the applicant were to modify the request to propose a deck not to exceed 10 feet in width (15% of 69 feet from OHW to dwelling), no variance approval would be required and the project would still achieve the applicant's stated purpose of having a sitting area with a built-in hot tub. Given the above information, there appears to be no practical difficulty to overcome needing/requiring the variance. Therefore, the MN DNR recommends that the city consider the alternative of allowing a deck under the Shoreland Rule's 15% "deck" rule rather than approving a variance for which there appears to be not practical difficulty standard met.

Thank you.

Jacob Frie
Area Hydrologist | Division of Ecological and Water Resources

Minnesota Department of Natural Resources
1601 Minnesota Drive
Brainerd, MN, 56401
Phone: 218-203-4367
Email: Jacob.frie@state.mn.us
mndnr.gov

DEPARTMENT OF NATURAL RESOURCES

From: Traci Pederson
Sent: Wednesday, August 20, 2025 2:10 PM
To: Frie, Jacob (DNR) <jacob.frie@state.mn.us>
Subject: Pequot Variance - request for comment

Jake,