

**PUBLIC HEARING – VARIANCE**

**Application:**           **Variance**

**Applicant:**           **Wilderness Point Resort, LLC**

**Agenda Item:**       **3 (c)**



**Background Information:** The applicant is requesting a Variance to include a restroom in the reconstruction of the boathouse in the Open Space District. The subject property is located at 6316 Wilderness Road, is zoned Shoreline Commercial and Open Space and is a commercial planned unit development. The surrounding property is zoned Recreation to the north, Recreation and Shoreline Residential to the west, and is adjacent to Middle Cullen Lake on the south and east. Middle Cullen Lake is classified by the DNR as a “General Development” lake.

The subject property is approximately 30 acres in size, is a commercial planned unit development, and operates as Wilderness Resort.

Applicant proposes to remove the existing 20’ X 20’ boathouse and rebuild a new 20’ X 20’ structure in the same location. Applicant proposes to use this structure for guest services, storage, gift shop, and bathroom.

The subject property is served by a deep well and a MPCA NPDES permit for the septic system.

**Applicable Regulations:**

**Section 17-5.2           OPEN SPACE (OS)**

1. Purpose and Intent: To provide a zoning classification for preservation of sensitive areas, unique resources and designated non-developable property. Areas such as wetlands, bluffs, threatened and endangered species habitat, historic sites and lands set-aside as part the development process should be zoned as Open Space.
2. Compatibility: Open Space zone is compatible with every other zoning classification and any property that meets the purpose and intent of this zoning classification may be zoned Open Space.
3. Lot, Use and Density Requirements.
  - A. There is no minimum lot size associated with the Open Space zoning classification. Setbacks established for the adjacent zoning district shall apply.
4. Mixed Zone Lots.
  - A. For a lot crossing an Open Space zoning boundary into another zoning classification, the minimum buildable lot area shall be the same as the non-open space zoning classification with no area credit given for areas zoned Open Space.
5. Performance Standards. The following performance standards apply to all development in this zone:
  - A. Vegetation Removal, Intensive. The submittal requirements and procedures contained in Section 5.4 "Forest Management (FM)", Subparts 4b and 4c shall be met and followed.

**Section 17-5.11 SHORELINE COMMERCIAL (SC)**

1. Intent and Purpose: To establish and maintain a land use district for existing commercial, recreationally orientated uses within the shoreland area comprised of campgrounds, resorts, bars restaurants, marinas and similar water oriented uses with independent sanitary facilities and that are compatible with the natural resources of lakes and streams.
2. Compatibility: The Shoreline Commercial zone must be riparian and should be established adjacent to existing Shoreline Commercial zones. The zone may not be established in an area where it is completely surrounded by residential zones.
3. Lot, Use and Density Requirements.

|  |           |           |           |
|--|-----------|-----------|-----------|
|  | <b>GD</b> | <b>RD</b> | <b>ND</b> |
|--|-----------|-----------|-----------|

|                                                                    | Lake | Lake | Lake |
|--------------------------------------------------------------------|------|------|------|
| Lot width at OHW– feet, minimum                                    | 300  | 500  | 750  |
| Buildable lot area - acres, minimum                                | 2.5  | 5    | 10   |
| Setback, right of way, City road- feet, minimum                    | 30   | 30   | 30   |
| Setback, right of way, County or State road, feet, minimum         | 50   | 50   | 50   |
| Setback, side yard – feet, minimum                                 | 10   | 10   | 10   |
| Setback, parking from lot lines– feet, minimum                     | 10   | 10   | 10   |
| Setback, between buildings – feet, minimum                         | 10   | 10   | 10   |
| Setback, corner side – feet, minimum                               | 30   | 30   | 30   |
| Setback, un-platted cemetery or archeological site – feet, minimum | 50   | 50   | 50   |
| Setback, sign from road– feet, minimum                             | 1    | 1    | 1    |
| Setback, OHW of lake – feet, minimum                               | 75   | 150  | 200  |
| Setback, ISTS from OHW - feet, minimum                             | 75   | 75   | 100  |
| Setback, wetland – feet, minimum                                   | 30   | 30   | 30   |
| Impervious coverage - percent maximum                              | 25%  | 20%  | 20%  |
| Building height, dwelling – feet, maximum                          | 25   | 25   | 25   |
| Building height, accessory structure – feet, maximum               | 13   | 13   | 13   |
| Building above highest groundwater level – feet, minimum           | 3    | 3    | 3    |

4. Performance Standards (SC):

- A. Screening. Screening consisting of native trees and shrubs covering a minimum of 75 percent of the area (leaf on conditions) is required in the 50 foot lake, river, stream, wetland, and bluff buffers in order to retain the scenic beauty and rural character as viewed from roads. To obtain a construction permit in this district, a revegetation plan shall be required for existing properties that do not meet this standard.
- B. Buildings. Four unit or larger buildings or buildings open to the public shall be designed by a registered architect and shall meet the provisions of the State Building Code.
- C. Centralization of Mooring Facilities. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
- D. Stairways, Lifts and Landings. Stairways and lifts are the only accepted method for achieving access up and down bluffs and steep slopes to shore areas. Topographic alteration to obtain access is not allowed. Stairways, lifts and landings 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. 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.

F. Impervious Surface Replacement. Parcels that exceed the maximum allowed impervious surface may construct additional impervious surfaces if the overall impervious coverage is reduced on a 2:1 removal/construction ratio.

G. Fences. Fences not exceeding 72 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent. 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.

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

1. The subject property is located at 6316 Wilderness Road and is in the “Shoreline Commercial” and “Open Space” zones.
2. The property contains Wilderness Point Resort, a commercial planned unit development.
3. Applicant proposes to remove the existing boathouse and reconstruct a 400 square foot structure. Applicant proposes to use this structure for guest services, storage, gift shop, and restroom. This structure would be within the Shore Impact Zone.
4. The subject property is served by a private deep well and a MPCA NPDES permit for the septic system.
5. The applicant HAS/HAS NOT established that there are practical difficulties in complying with the Code. The resort beach is used by over 100 people daily during the summer and there are no bathroom facilities that will be available other than in nearby cabins.
  - a. A restroom facility MAY/MAY NOT reasonably be constructed in a conforming location on the subject property.
6. The deviation from the Code WILL/WILL NOT be in harmony with the general purposes and intent of the City Code and Comprehensive Plan. The Comprehensive Plan states *“Make lakes, wetlands, and public forests more accessible to the public.”*

7. The Variance will not create a land use not permitted in the Shoreline Commercial zone. Accessory structures are a permitted use.
8. The subject property is surrounded by Recreation, Shoreline Residential development. The Variance WILL/WILL NOT alter the essential character of the locality of the subject property.
9. The Variance does not appear to be for economic reasons alone and reasonable use of the property seems to exist under the Code.

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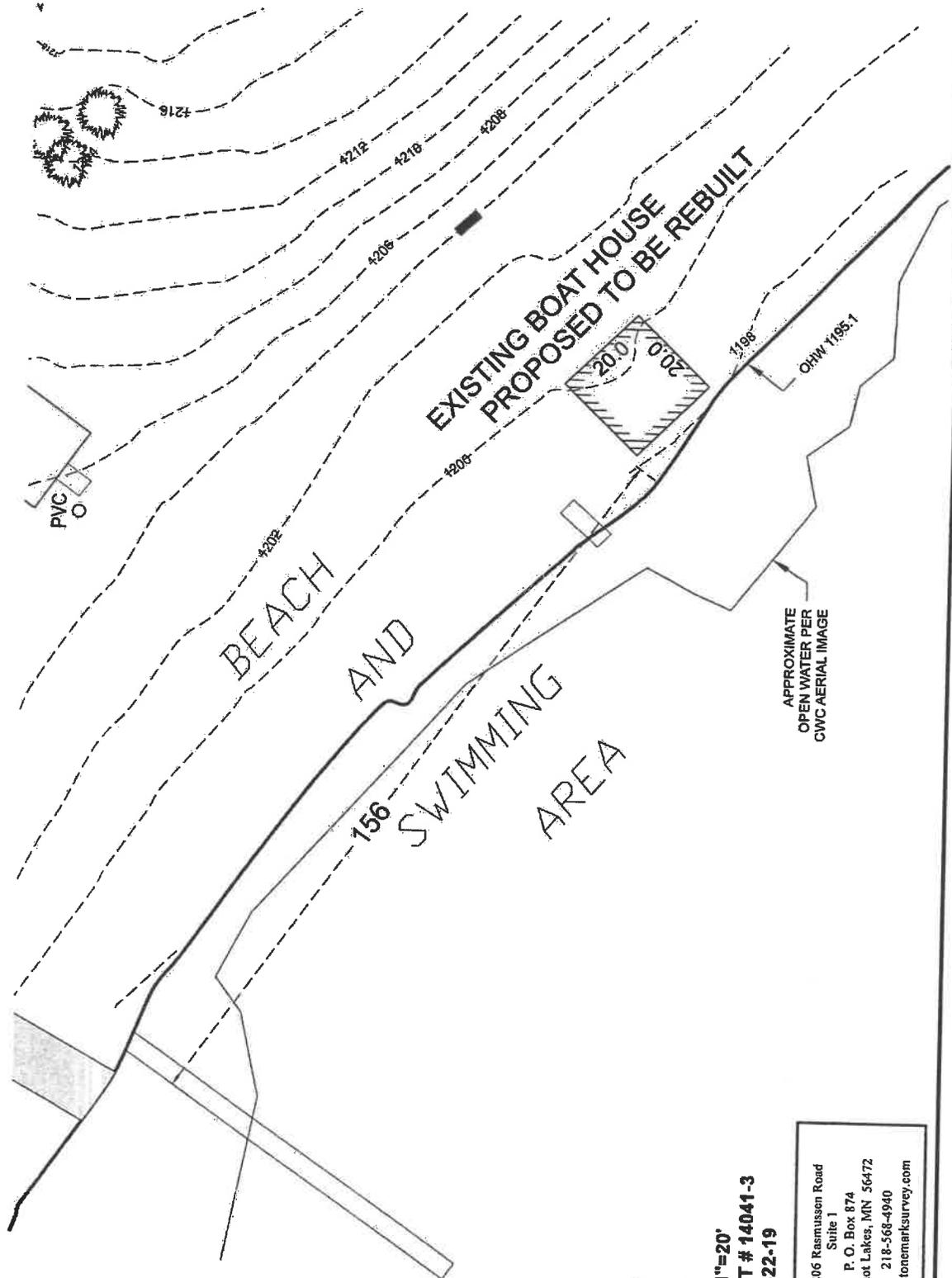
**Planning Commission Direction:** The Planning Commission can approve the Variance, deny the application, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

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**Staff Recommendation:** IF the planning commission approves the application staff recommends the following conditions: There must be no increase in horizontal dimensions.

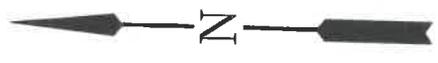
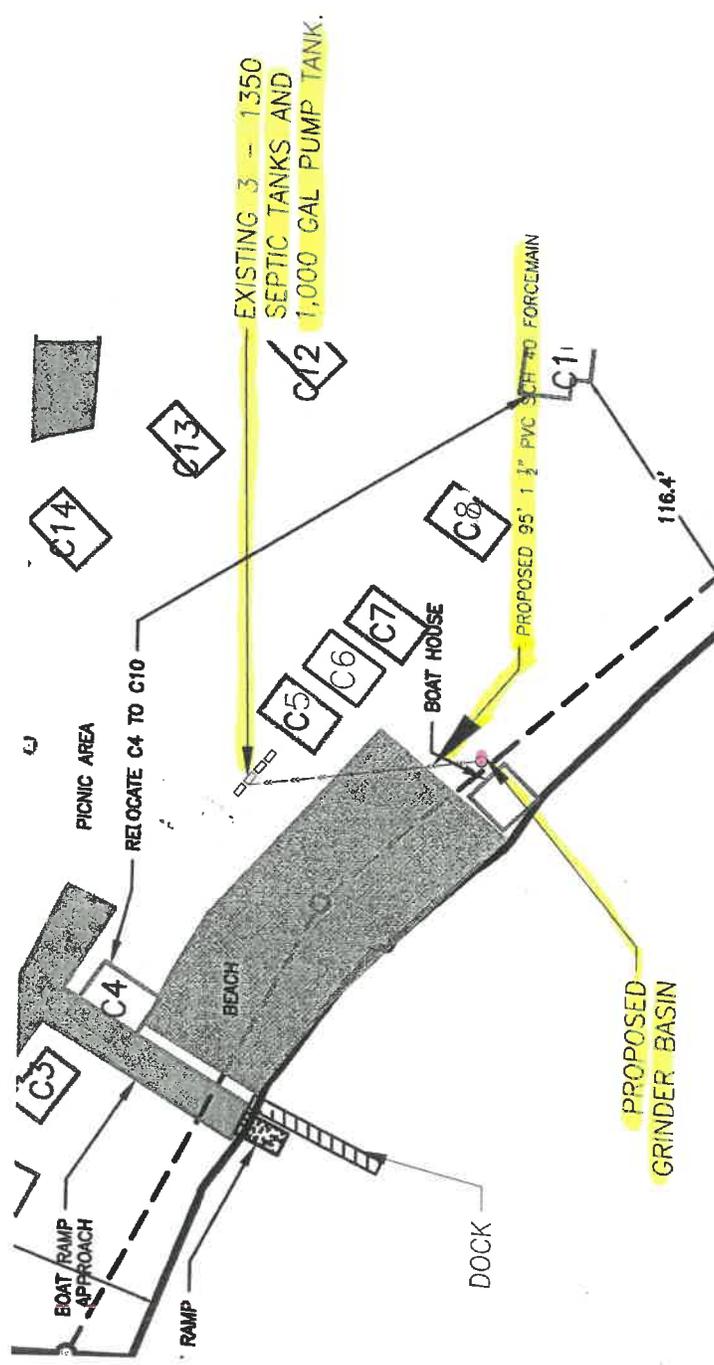
1. The structure must not exceed ten feet in height and must have a minimum of a 4:12 pitched roof.
2. The structure must meet a minimum setback of 10 feet from the ordinary high water mark.
3. The structure must be treated to significantly reduce the visibility, as viewed from public waters and adjacent shorelands, through the use of vegetation, topography and/or color, assuming summer, leaf-on conditions.
4. The structure may be utilized for storage and restroom facilities only and may not include elements designed for human habitation.
5. Storm water runoff from the structure shall be drained away from the lake. There shall be no direct flow of stormwater from the structure to adjacent water bodies.

# EXHIBIT



SCALE 1"=20'  
PROJECT # 14041-3  
DATE: 5-22-19

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



PROPOSED GRINDER STATION SHALL BE 2 HP PUMP WITH A BASIN THAT IS 24' DIAMETER BY 48" DEPTH. INSTALL GRINDER STATION AND 75' OF FORCEMAIN UP TO THE EXISTING SEPTIC TANK BY CABIN 5. DO NOT CONNECT TO PUMP TANK. ALL FOUR TANKS ARE CURRENTLY USED AS HOLDING TANKS. GRINDER STATION SHALL BE A BARNES PRESSURE SYSTEM WITH A FIBERGLASS TANK WITH CRANE PUMP SPECIFICATIONS AS NOTED WITH A STEALTH CONTROL PANEL AND A 2 HP MODEL OGP-1 SUBMERSIBLE GRINDER PUMP.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Registered Engineer under the laws of the State of Minnesota.  
 Date: 5/22/19 Registration No. 12783  
*John R. Johnson*

| ISSUED     | APPLIED |
|------------|---------|
| BOAT HOUSE | 5/22/19 |
|            |         |
|            |         |
|            |         |

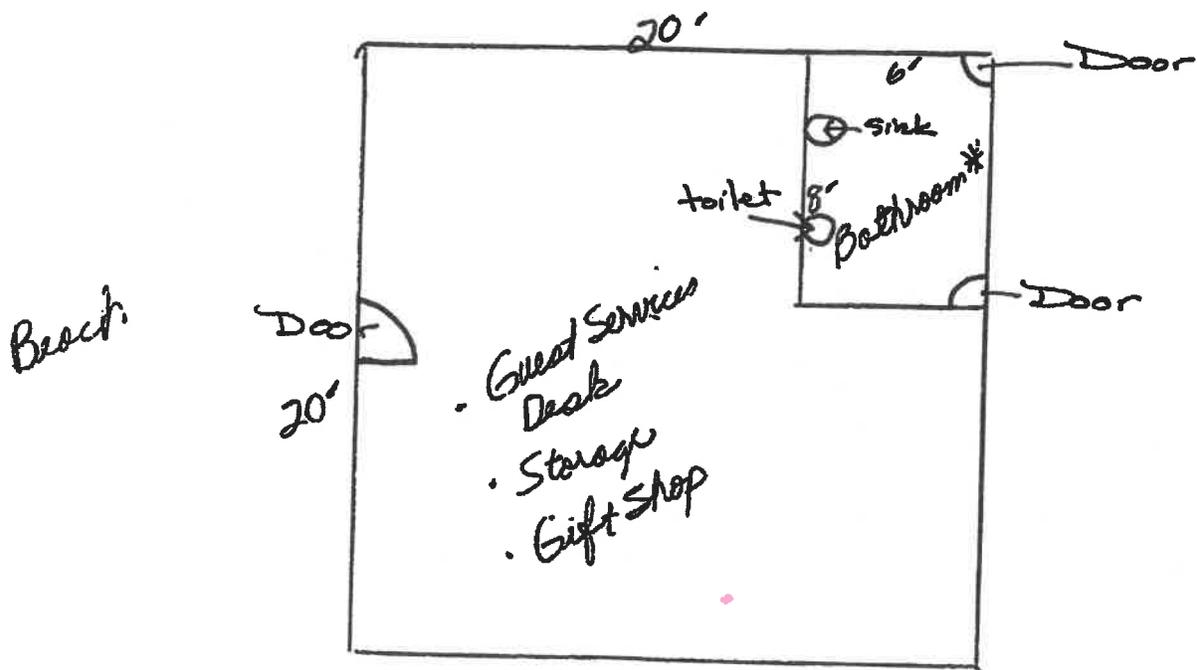
**Halling Engineering, Inc.**  
 CIVIL ENGINEERS  
 3727 East 255TH Street • Webster, Minnesota 55088  
 Phone 952.440.1680 • Fax 952.461.3308

PROJECT NO.: 198,03 DRAWING FILE: BASEBOATRAMP.DWG

BEACH HOUSE SANITARY SEWER  
 WILDERNESS POINT RESORT  
 PEQUOT LAKES, MN

SHEET 1

# Walderness Point Resort Boathouse



\*To be enlarged if  
necessary to meet ADA  
handicap accessibility  
standards

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Middle  
Cullen Lake

APP # 19-34  
SF # \_\_\_\_\_  
Date \_\_\_\_\_  
For office use only

**CITY OF PEQUOT LAKES  
VARIANCE APPLICATION**

Name of Applicant Wilderness Point Resort, LLC Phone 952-922-1912

Mailing Address 207 North Chestnut St., Suite 138 Email info@lakeshoreproperties.com

City, State, Zip: Chaska MN 55318

Applicant is:

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

Title Holder of Property:  
(if not applicant)

Wilderness Point Resort, LLC  
(Name)  
207 North Chestnut St., Suite 138  
(Address)  
Chaska MN 55318  
(City, State, Zip)

Signature of Owner, authorizing application (required): [Signature]  
(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:  
Wilderness Point Resort, 6316 Wilderness Road, Pequot Lakes, Minnesota

Legal Description (if metes and bounds, attach sheet): Lot 49, Block 1, CIC #1079, Wilderness Resort Villas Third Amended CIC Plat

Parcel ID No. 2960800104900009 Zoning District commercial waterfront/resort

State nature of request in detail: (What are you proposing for the property?)  
In connection with the reconstruction of the boathouse by the resort beach, Applicant is proposing to include a unisex handicap accessible bathroom within the boathouse structure.

Building: Reconstruction of the boathouse (previously approved)

Landscaping: \_\_\_\_\_

Parking/Signs: \_\_\_\_\_

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?

The resort beach is used by over 100 people daily during the summer and there are no bathroom facilities that will be available other than in nearby cabins.

- (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 conditions upon which the petition is based are unique to this property which is the only resort in the city of Pequot Lakes.

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

The essential character of the resort property will not be altered.

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

The general purpose and intent of the Ordinance related to a resort is to provide for improvements to the resort which enable it to meet standards for waste disposal and provide facilities that promote the health and welfare of resort guests.

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

Yes. The variance is requested principally to help ensure the health, safety and welfare of our Wilderness Point Resort guests utilizing the resort's beach.

- (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?

The location of the bathroom facility in the boathouse in a central location of the resort close to the beach area.

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

Wastewater generated by the bathroom will be pumped from the facility to three 1350 gallon tanks and a lift station located within 100 feet of the bathroom adjacent to Cabin 5.

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

The bathroom is a needed facility.

- (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 on roads and highways: parking is not required.

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

The bathroom will be located within a nonconforming structure within the 75' required setbacks from the OHW.

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

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CITY OF PEQUOT LAKES  
BOARD OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING FOR A  
VARIANCE  
TO REMOVE EXISTING BOAT HOUSE AND INCLUDE A  
RESTROOM IN THE RECONSTRUCTION OF THE BOATHOUSE  
WITHIN THE SHORE IMPACT ZONE  
IN THE OPEN SPACE ZONING CLASSIFICATION  
JUNE 20, 2019  
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 June 20, 2019, beginning at 6:00 p.m.

**Hearing:** Variance

**Applicants:** Wilderness Point Resort LLC

**Property Description:** Property is located at 6316 Wilderness Road. Parcel ID is: 296080010190009.

**Purpose:** Application is for a Variance to include a restroom in the reconstruction of the boathouse. Applicant proposes to remove existing boathouse and construct a new boathouse the same size in the same location. The existing boathouse is within the Shore Impact Zone of Middle Cullen Lake.

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](http://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](http://www.pequotlakes-mn.gov)

June 7, 2019

Wilderness Pint Resort, LLC  
207 North Chestnut St., Suite 138  
Chaska, MN 55318

**Re: Variance Request**

Dear Mr. Steffens:

The City of Pequot Lakes has received your request for a Variance to remove existing boat house and include a restroom in the reconstruction of the boathouse within the Shore Impact Zone in the Open Space district. We have determined that your application is complete and we have scheduled a public hearing for 6:00 PM on June 20, 2019 at City Hall. You are the third public hearing on the agenda.

The City prepares a Staff Report for the Planning Commission prior to the meeting. The report will discuss the pertinent ordinances and an evaluation and recommendation on your application. A copy of the report will be available at City Hall for you to read no later than a week before the meeting or you can read it online at [www.pequotlakes-mn.gov](http://www.pequotlakes-mn.gov).

If you have any questions or concerns, please do not hesitate to contact me at 218-568-6699.

Sincerely,

Dawn Bittner  
Zoning Specialist

C: Planning Commission