

City Hall: 218-692-2688
Planning & Zoning: 218-692-2689
Fax: 218-692-2687



13888 Daggett Bay Rd
Crosslake, Minnesota 56442
www.cityofcrosslake.org

CITY OF CROSSLAKE

PLANNING COMMISSION/BOARD OF ADJUSTMENT

June 28, 2024

9:00 A.M.

Crosslake City Hall
13888 Daggett Bay Rd, Crosslake MN 56442
(218) 692-2689

PUBLIC HEARING NOTICE

Applicant: Brett & Amy Housker Trust (1/2 Und Int)

Authorized Agent:

Site Location: 38287 Ox Lake Landing, Crosslake, MN 56442 on Ox Lake - GD

Variance for:

- Dirt moving in a bluff where none is allowed

To allow:

- 65 cubic yards of dirt consisting of: 15 cubic yards to re-establish bluff; 10 cubic yards to fill in stairs; 40 cubic yards of rock

Notification: Pursuant to Minnesota Statutes Chapter 462, and the City of Crosslake Zoning Ordinance, you are hereby notified of a public hearing before the City of Crosslake Planning Commission/Board of Adjustment. Property owners have been notified according to MN State Statute 462 & published in the local newspaper. Please share this notice with any of your neighbors who may not have been notified by mail.

Information: Copies of the application and all maps, diagrams or documents are available at Crosslake City Hall or by contacting the Crosslake Planning & Zoning staff at 218-692-2689. Please submit your comments in writing including your name and mailing address to Crosslake City Hall or (crosslakepz@cityofcrosslake.org).



STAFF REPORT

Property Owner/Applicant: Brett & Amy Housker Trust (1/2 Und Int)

Parcel Number(s): 14040557

Application Submitted: May 10, 2024

Action Deadline: July 8, 2024

City 60 Day Extension Letter sent / Deadline: NA / NA

Applicant Extension Received / Request: NA / NA

City Council Date: NA

Authorized Agent:

Variance for:

- Dirt moving in a bluff where none is allowed

To allow:

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Current Zoning: Shoreland District

Existing Impervious Coverage:

23.6%

Proposed Impervious Coverage:

23.6%

- A stormwater management plan was submitted upon request
- Certificate of Installation is on file dated August 23, 2021
- Wetland Delineation submitted with the variance application

Parcel History:

- Ox Lake Landings Plat established in 1985
- April 1990 – house 28x40; mud room 8x10; deck 12x28; garage 26x36; septic
- May 1971 - drainfield
- June 2021 – septic upgrade
- August 2022 – porch 20x12

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comment received before packet cutoff date

City Engineer: N/A

Lake Association: No comment received before packet cutoff date

Crosslake Public Works: No comment received before packet cutoff date

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comment received before packet cutoff date

POSSIBLE MOTION:

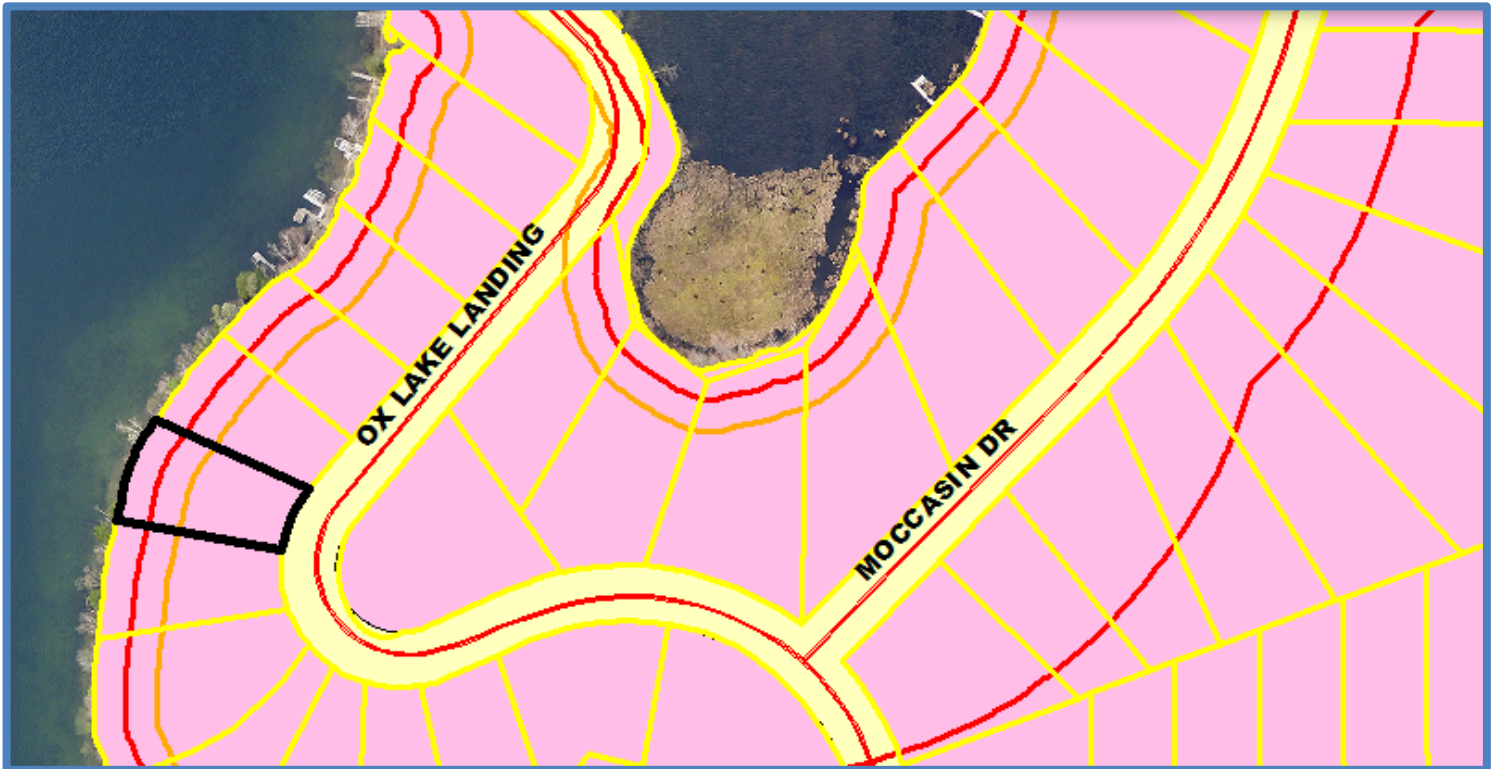
To approve/table/deny the variance to allow:

- Dirt moving in a bluff where none is allowed

To allow:

- 65 cubic yards of dirt consisting of: 15 cubic yards to re-establish bluff; 10 cubic yards to fill in stairs; 40 cubic yards of rock

As shown on the certificate of survey dated 11-15-2023



SWMP

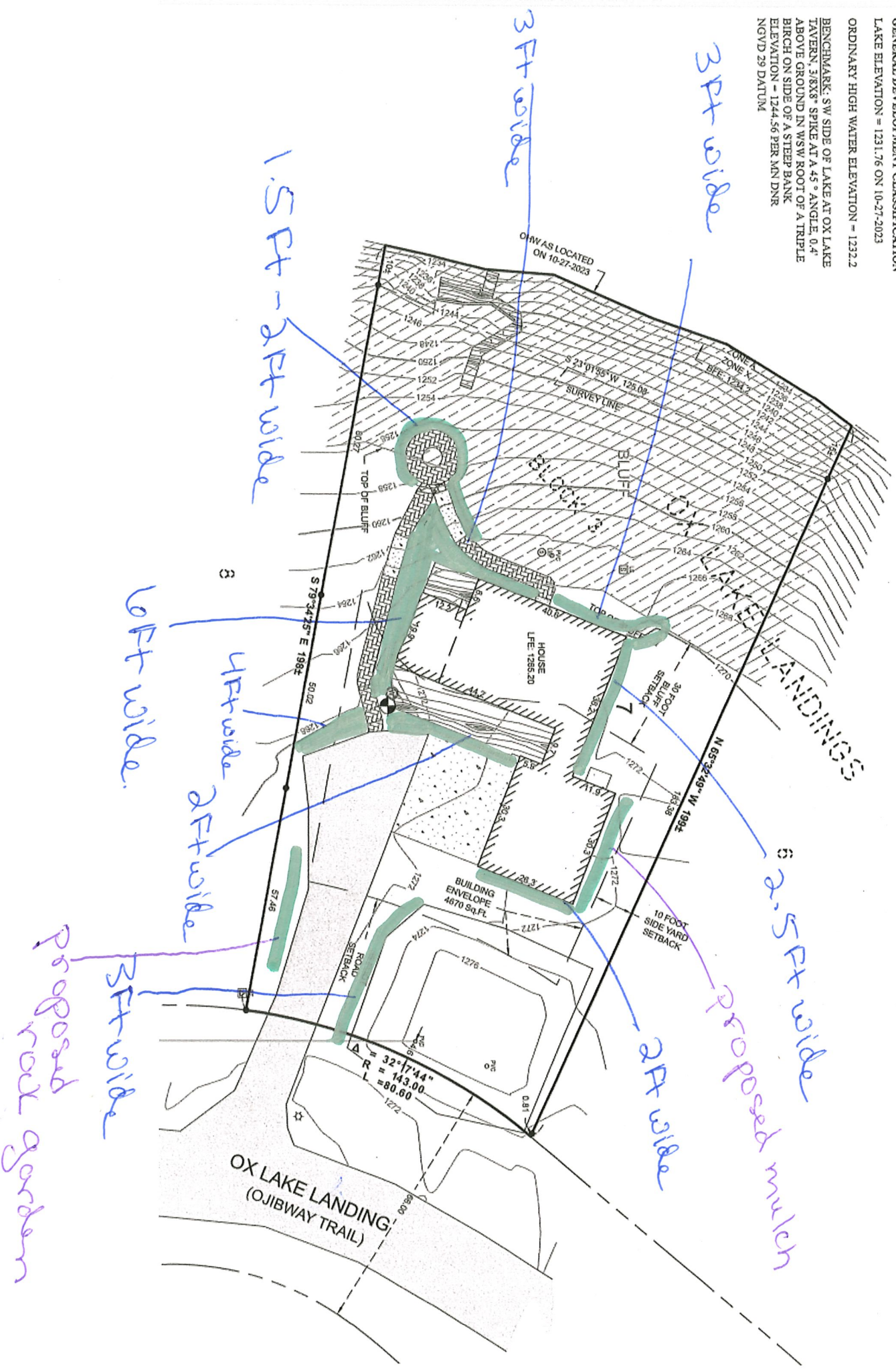
— mulch

OX LAKE

GENERAL DEVELOPMENT CLASSIFICATION
LAKE ELEVATION = 1231.76 ON 10-27-2023

ORDINARY HIGH WATER ELEVATION = 1232.2

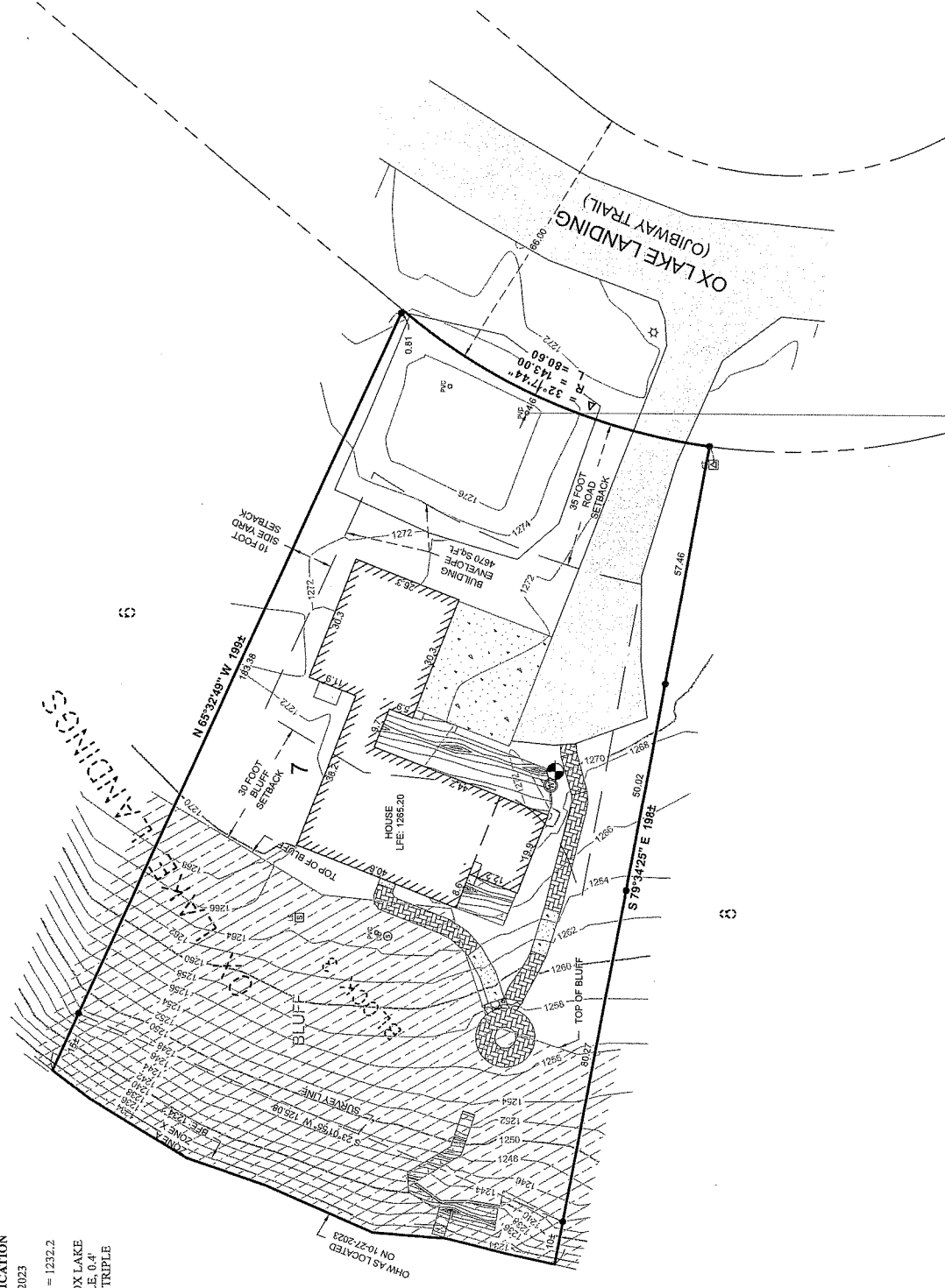
BENCHMARK: SW SIDE OF LAKE AT OX LAKE
TAVERN, 3/8X8" SPIKE AT A 45° ANGLE, 0.4'
ABOVE GROUND IN WSW FOOT OF A TRIPLE
BIRCH ON SIDE OF A STEEP BANK
ELEVATION = 1244.56 PER MN DNR
NGVD 29 DATUM



CERTIFICATE OF SURVEY

LOT 7, BLOCK 3, OX LAKE LANDINGS,
SECTION 4, TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA.
TOTAL AREA: 20,742 Sq.Ft. ±/0.48 Acres ±

OX LAKE
GENERAL DEVELOPMENT CLASSIFICATION
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ORDINARY HIGH WATER ELEVATION = 1232.2
BENCHMARK: SW SIDE OF LAKE AT OX LAKE
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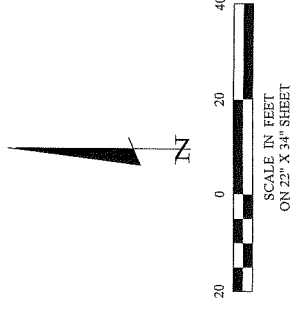
IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House	2,277	20,742	11.0%
Pavers & Flagstone	473	20,742	2.3%
Concrete	782	20,742	3.8%
Gravel	1,358	20,742	6.5%
Total	4,890	20,742	23.6%

- NOTES:**
- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 10-27-2023.
 - Zoning for subject tract = "SHORELAND DISTRICT".
 - 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: 14040537.
 - The E911 address of subject parcel: 36287 Ox Lake Landing.
 - Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
 - No wetlands were found on 11-13-2023 at the site per Ben Meister, Meister Environmental, LLC. MN Certified Wetland Delineator #1031.

- LEGEND**
- DENOTES EXISTING RETAINING WALL
 - DENOTES EDGE OF EXISTING BUILDINGS
 - DENOTES EDGE OF EXISTING CONCRETE
 - DENOTES EDGE OF EXISTING PAVING STONES
 - DENOTES EDGE OF EXISTING WOODEN DECKING
 - DENOTES BLUFF AREA
 - DENOTES EXISTING INTERMEDIATE CONTOURS
 - DENOTES EXISTING INDEX CONTOURS
 - DENOTES EXISTING MOUNTED LIGHT
 - DENOTES EXISTING GROUND TRANSFORMER
 - DENOTES EXISTING WELL
 - DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
 - DENOTES EXISTING SEPTIC LIFT STATION
 - BENCHMARK: HIGH POINT OF WELL
 - ELEV. = 1269.85
 - NGVD 29 DATUM
 - DENOTES MONUMENT FOUND
 - DENOTES BRON MONUMENT SET MARKED BY LICENSE
 - DENOTES IR. P. AND/OR DEEDS MEASURE
 - (123.46)

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE PLAT OF OX LAKE LANDINGS.



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

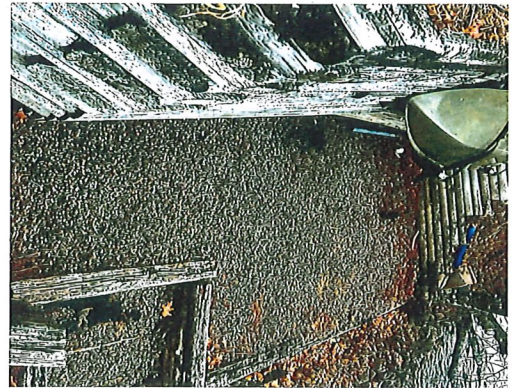
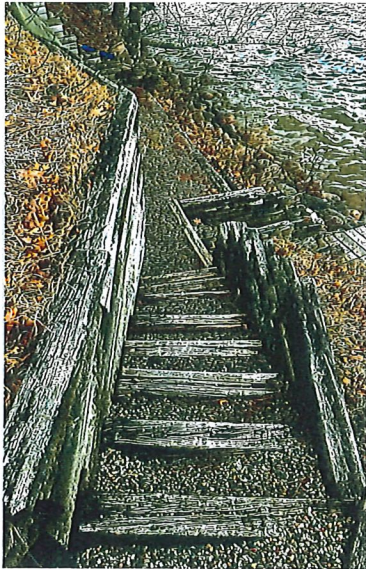
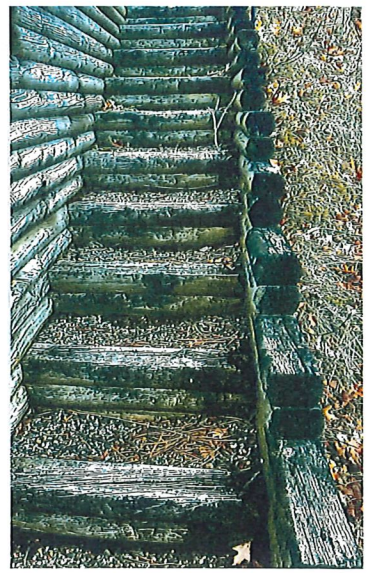
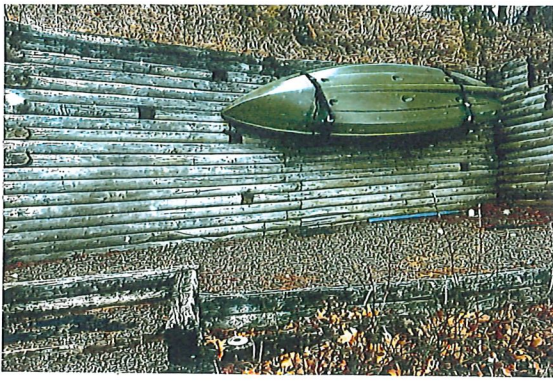
DATE: 11/15/2023
BY: [Signature]
DESCRIPTION: [Signature]
DATE: [Signature]

REVISIONS

NO.	DATE	DESCRIPTION
1	11/15/2023	ISSUED FOR PERMIT

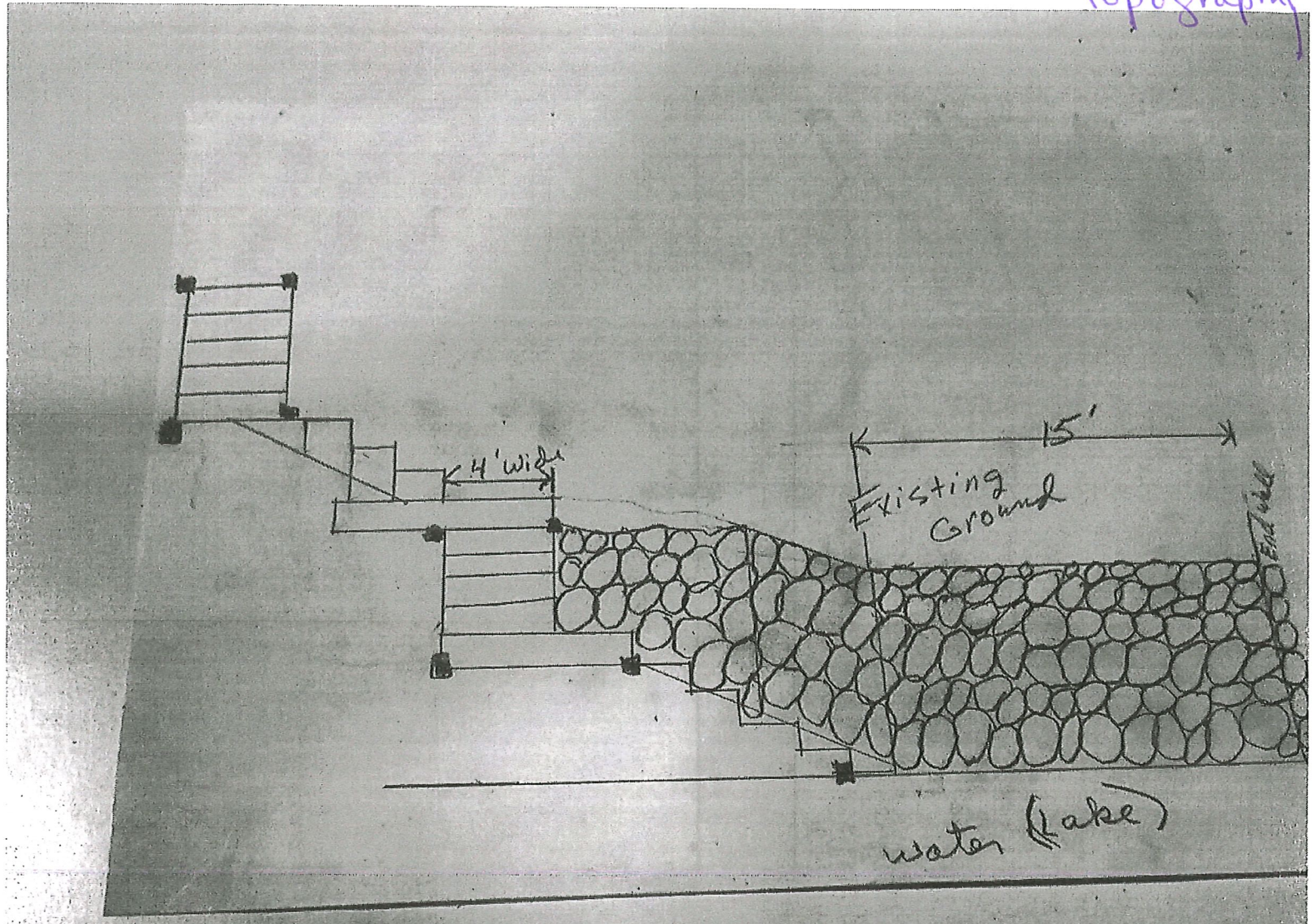
DATE: 11/15/2023
SCALE: 1" = 20'
HORIZ: 1" = 20'
VERT: NONE

PROJECT NO.:
FIELD BOOK: C2392.DWG
BOOK 473 PG. 33
PROJECT MANAGER:
CHECKED:
DRAWN BY:
CMH
775 Housker
Victoria, MN 55386



- no retaining wall to be replaced

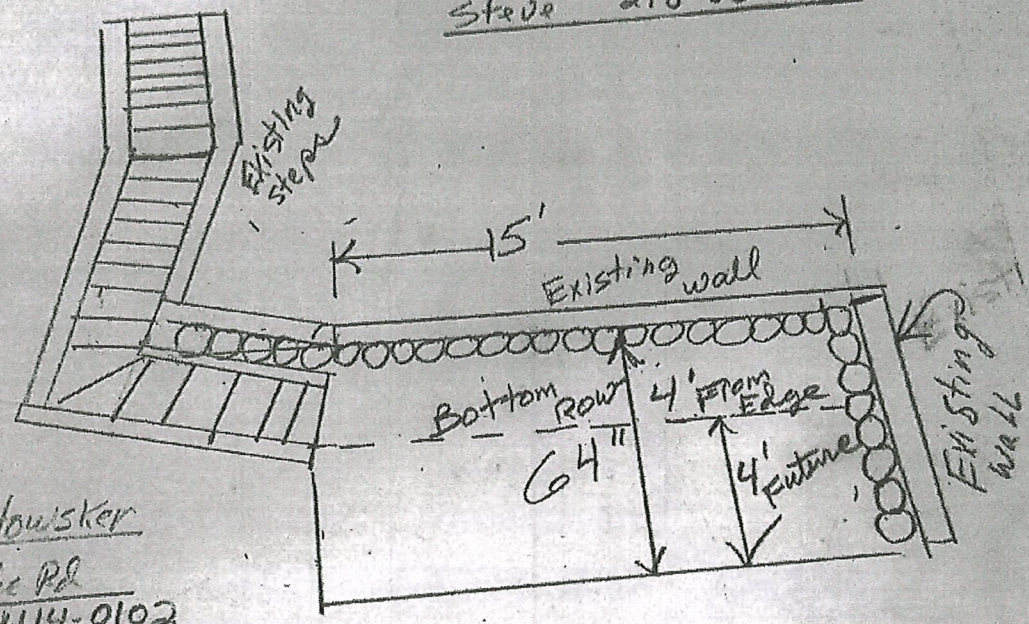
Site Exhibit to refurbish bluff to original topography



- 15^{cubic} yards dirt to re-establish bluff
- 10 cubic yards dirt to fill in stairs
- 40 cubic yards rock

Site Exhibit

Steve 218-831-1287



Conty a Amy Howsker
35277 exlake Rd
Amy 612 414-0102
Beth 952 201-2313



Crosslake

Variance Application

Planning and Zoning Department

13888 Daggett Bay Road, Crosslake, MN 56442

218.692.2689 (Phone) 218.692.2687 (Fax) www.cityofcrosslake.org

Housker, Brett Trust (1/2 UND INT)
Housker, Amy Trust (1/2 UND INT)

Receipt Number: 244164

Permit Number:

240070 V

Property Owner(s): Brett and Amy Housker

Mailing Address: 775 Interlaken Victoria, MN 55386

Site Address: 38287 Ox Lake Landing Crosslake, MN 56442

Phone Number: (612) 414-0102

E-Mail Address: amyb1418@yahoo.com

Parcel Number(s): 140405 S7

Legal Description: Lot 7, Block 3

Sec 04 Twp 137 Rge 26 [] 27 [x] 28 []

Lake/River Name: Ox

Do you own land adjacent to this parcel(s)? Yes [] No [x]

If yes list Parcel Number(s) N/A

Authorized Agent:

Agent Address:

Agent Phone Number:

Variations
(Check applicable requests)

Lake/River Setback

Road Right-of-Way Setback

Bluff Setback

Side Yard Setback

Wetland Setback

Septic Tank Setback

Septic Drainfield Setback

Impervious Coverage

Accessory Structure

Building Height

Patio Size

Dirt Moving
See Cut-N-Fill
for amount

Signature of Property Owner(s) Amy Housker Date 5-9-24

Signature of Authorized Agent(s) Date

- All applications must be accompanied by a signed Certificate of Survey
- Fee \$750 for Residential and Commercial Payable to "City of Crosslake"
- No decisions were made on an applicant's request at the DRT meeting. Submittal of an application after DRT does not constitute approval. Approval or denial of applications is determined by the Planning Commission/Board of Adjustment at a public meeting as per Minnesota Statute 462 and the City of Crosslake Land Use Ordinance.

For Office Use:

Application accepted by CS Date 5-10-24 Land Use District SD

Lake Class GD Septic: Compliance na SSTS Design 8-23-21 Installation 8-23-21



Practical Difficulty Statement

Pursuant to City of Crosslake Ordinance Article 8 – Variances may be granted when it is found that strict enforcement of the Land Use Ordinance will result in a “practical difficulty”.

Please answer the following questions regarding the “practical difficulty” for your variance request.

1. Is the Variance request in harmony with the purposed and intent of the Ordinance?

Yes No

Why:

Defer to the Planning Commission/Board of Adjustment

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why:

Defer to the Planning Commission/Board of Adjustment

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes No

Why:

Yes. We are looking to restore the bluff, stabilize the existing deteriorating retaining wall and replace the current steps that are also deteriorating and unstable.

4. Will the issuance of a Variance maintain the essential character of the locality?

Yes No

Why:

Yes. By restoring the bluff and stabilizing the existing retaining wall, it will allow us to build a stable environment in which to build new steps to replace the original steps that are deteriorating and becoming a safety hazard.

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes No

Why:

Yes. The previous owner built the wood stairs from the top of the bluff to the dock along with a landing near the dock when the cabin was built years ago. Over time, the wood retaining wall has shifted and is now causing a safety concern of collapsing and injuring something or someone. We also want to avoid any debris falling into the lake due to the retaining wall and stairs instability.

6. Does the need for a Variance involve more than economic considerations?

Yes No

Why:

Yes. By building or stabilizing the bluff and building new stairs, we will eliminate a safety hazard as well as properly maintaining a bluff as to not allow any waste to shift or fall into the lake. In its current state, it is not safe for our parents or other family members to utilize the steps down to the lake.



City of Crosslake Planning Commission/Board of Adjustment

FINDINGS OF FACT

SUPPORTING / DENYING A VARIANCE REQUEST

A Variance may be granted by the Planning Commission/Board of Adjustment when it is found that strict enforcement of the Land Use Ordinance will result in a “practical difficulty” according to Minnesota Statute Chapter 462. The Planning Commission/Board of Adjustment should weigh each of the following questions to determine if the applicant has established that there are “practical difficulties” in complying with regulations and standards set forth in the Land Use Ordinance.

1. Is the Variance request in harmony with the purposes and intent of the Ordinance?

Yes No

Why:

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why:

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes No

Why:

4. Will the issuance of a Variance maintain the essential character of the locality?

Yes No

Why:

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes No

Why?

6. Does the need for a Variance involve more than economic considerations?

Yes No

Why: