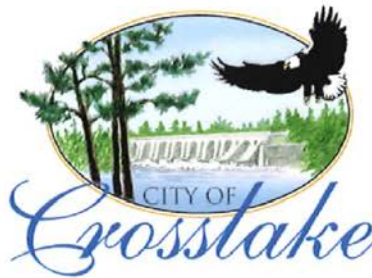


City Hall: 218-692-2688  
Planning & Zoning: 218-692-2689  
Fax: 218-692-2687



13888 Daggett Bay Rd  
Crosslake, Minnesota 56442  
[www.cityofcrosslake.org](http://www.cityofcrosslake.org)

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## **CITY OF CROSSLAKE**

### **PLANNING COMMISSION/BOARD OF ADJUSTMENT**

December 20, 2024

**9:00 A.M.**

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

### **PUBLIC HEARING NOTICE**

**Applicant:** Brady J & Kimberly A Day

**Authorized Agent:** N/A

**Site Location:** 37916 Forest Lodge Rd, Crosslake, MN 56442 on Rush - GD

**Variance for:**

- Bluff impact zone setback of 0 feet where 30 feet is required to proposed screen porch
- Bluff encroachment of 1.4 feet where none is allowed for a proposed screen porch

**To construct:**

- 317 square foot screen porch under an existing deck in the bluff impact zone, with 2 feet of the southwest corner to be in the bluff by 1.4 square feet

**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](mailto:crosslakepz@cityofcrosslake.org)).



## STAFF REPORT

Property Owner/Applicant: Brady J & Kimberly A Day

Parcel Number(s): 14080610

Application Submitted: November 7, 2024

Action Deadline: January 5, 2025

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

Applicant Extension Received / Request: NA / NA

City Council Date: NA

**Authorized Agent:** N/A

### **Variance for:**

- Bluff impact zone setback of 0 feet where 30 feet is required to proposed screen porch
- Bluff encroachment of 1.4 feet where none is allowed for a proposed screen porch

### **To construct:**

- 317 square foot screen porch under an existing deck in the bluff impact zone, with 2 feet of the southwest corner to be in the bluff by 1.4 square feet

**Current Zoning:** Shoreland District

### **Existing Impervious Coverage:**

7.3%

### **Proposed Impervious Coverage:**

7.3%

- A stormwater management plan was submitted with the variance application
- Compliant septic compliance inspection on file dated December 1, 2023
- Upon an early on-site visit a drainage tile to daylight, located on the southwest side of the proposed screen porch, was observed and appears to be directing the runoff down the bluff

### **Parcel History:**

- August 1976 – 2-1000 gallon tanks
- November 1997 – Upgrade septic
- May 1998 – 24x24 Garage
- August 1999 – 32x48 Main home with loft & walkout; 12x44 deck; 6x12 porch
- February 2005 – Rip Rap – 100'
- April 2020 – Water-oriented accessory structure and dirt
- March 2021 – After-the-fact variance for landscaping items on the bluff and in the bluff impact zone, lake setbacks, water oriented accessory structure increased size
- April 2021 – After-the-fact approved variance for retaining walls and dirt moving

### **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:

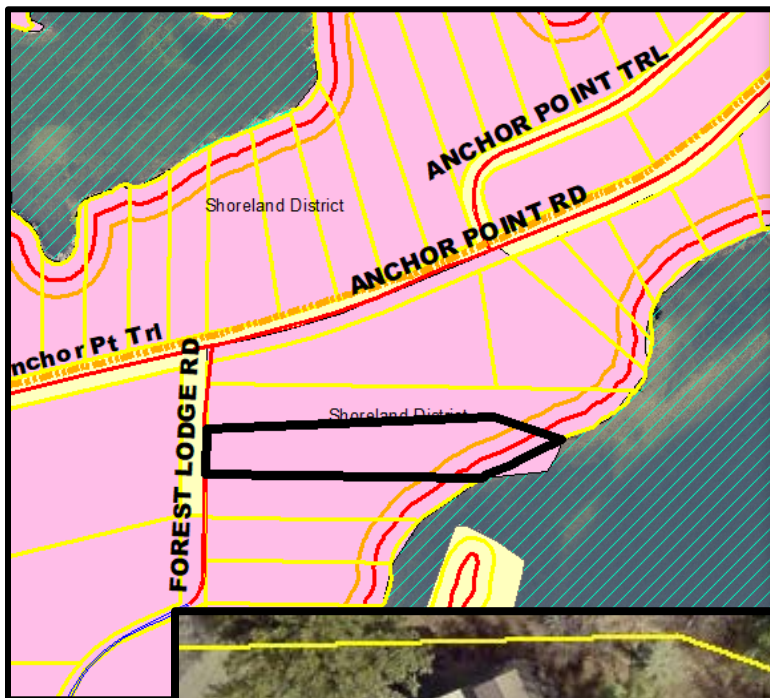
To approve/table/deny the variance to allow:

- Bluff impact zone setback of 0 feet where 30 feet is required to proposed screen porch
- Bluff encroachment of 1.4 feet where none is allowed for a proposed screen porch

To construct:

- 317 square foot screen porch under an existing deck in the bluff impact zone, with 2 feet of the southwest corner to be in the bluff by 1.4 square feet

As shown on the certificate of survey dated 11-8-2024

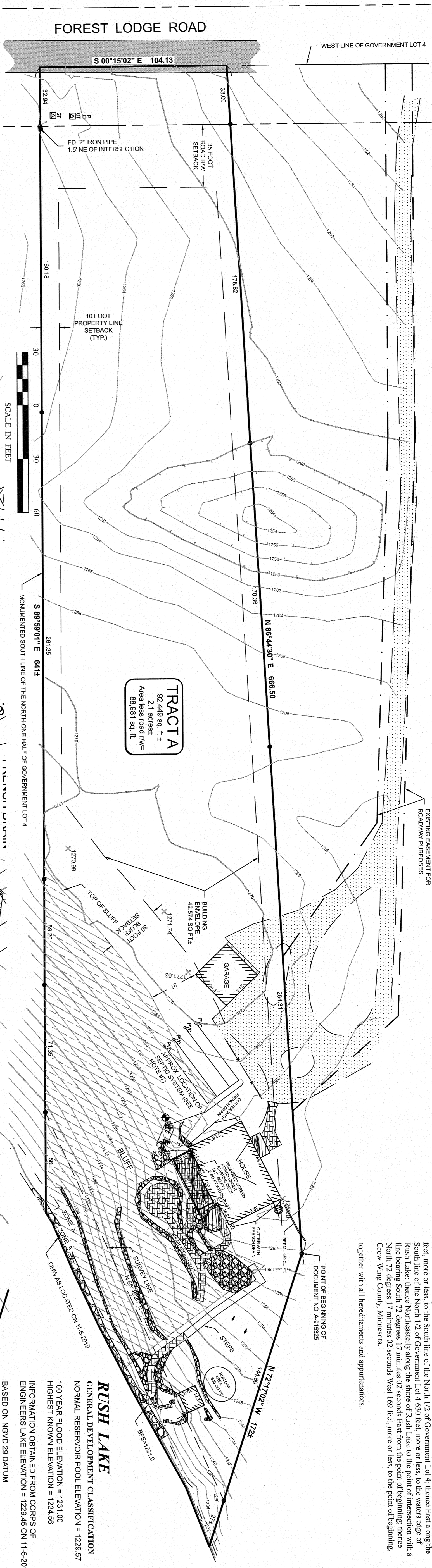


# CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 4,  
SECTION 8, TOWNSHIP 137 NORTH, RANGE 27 WEST,  
CROW WING COUNTY, MINNESOTA

EXISTING EASEMENT FOR  
ROADWAY PURPOSES

**TRACTA**  
92,449 sq. ft.  
2.1 acres  
Area less road 88,981 sq. ft.



**RUSH LAKE**  
GENERAL DEVELOPMENT CLASSIFICATION  
NORMAL RESERVOIR POOL ELEVATION = 1229.57  
100 YEAR FLOOD ELEVATION = 1231.00  
HIGHEST KNOWN ELEVATION = 1234.56  
INFORMATION OBTAINED FROM CORPS OF  
ENGINEERS LAKE ELEVATION = 1229.45 ON 11-5-2019  
BASED ON NGVD 29 DATUM

### LEGEND

- - - - DENOTES EXISTING HENCE LINE
- x - x - DENOTES EXISTING BITUMINOUS
- - - - DENOTES EDGE OF EXISTING BITUMINOUS
- - - - DENOTES EDGE OF EXISTING GRAVEL
- - - - DENOTES EDGE OF EXISTING CONCRETE
- - - - DENOTES EDGE OF EXISTING HAVING STONES
- - - - DENOTES EDGE OF EXISTING WOODEN DECKING
- - - - DENOTES BLUFF AREA
- ○ ○ ○ DENOTES EXISTING FLAGSTONE
- ○ ○ ○ DENOTES EXISTING INTERMEDIATE CONTOURS
- ○ ○ ○ DENOTES EXISTING INTERMEDIATE CONTOURS (DEPRESSION)
- ○ ○ ○ DENOTES EXISTING INDEX CONTOURS
- ○ ○ ○ DENOTES EXISTING INDEX CONTOURS (DEPRESSION)
- ○ ○ ○ DENOTES EXISTING GRADE (EXISTING GRADE)
- ○ ○ ○ DENOTES EXISTING GROUND
- ○ ○ ○ DENOTES EXISTING PHONE
- ○ ○ ○ DENOTES EXISTING ELECTRIC OUTLET
- ○ ○ ○ DENOTES EXISTING WELL
- ○ ○ ○ DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT & SEPTIC TANK LID
- ○ ○ ○ DENOTES EXISTING SEPTIC LIFT STATION
- ○ ○ ○ DENOTES MONUMENT FOUND
- ○ ○ ○ DENOTES IRON MONUMENT SET MARKED BY LICENSE NO. 44881
- ○ ○ ○ BENCHMARK HIGH POINT OF WOOD POST ELEV. = 1260.58

**IMPERVIOUS CALCULATIONS**

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House & Covered Entry	1,743	88,981	2.0%
Garage	596	88,981	0.7%
Water Oriented Accessory Structure	126	88,981	0.1%
Flagstone, Concrete & Pavers	1,336	88,981	1.5%
Timber Steps	327	88,981	0.4%
Gravel	2,342	88,981	2.6%
<b>Total</b>	<b>6,470</b>	<b>88,981</b>	<b>7.3%</b>

**IMPERVIOUS CALCULATIONS**

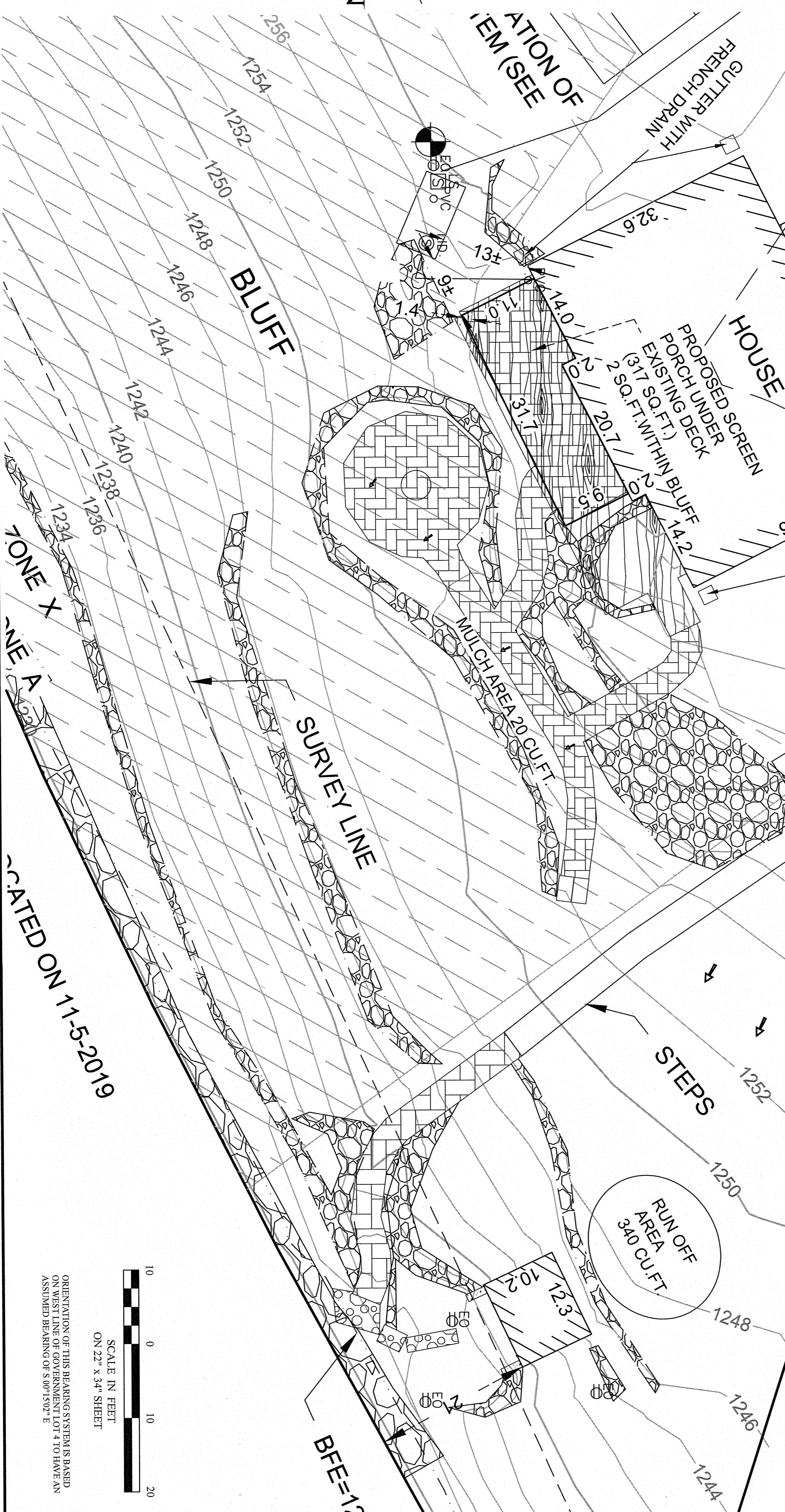
PROPOSED	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House & Covered Entry	1,743	88,981	2.0%
Garage	596	88,981	0.7%
Water Oriented Accessory Structure	126	88,981	0.1%
Proposed Screen Porch	317	88,981	0.4%
Flagstone, Concrete & Pavers	1,019	88,981	1.1%
Steps	327	88,981	0.4%
Gravel	2,342	88,981	2.6%
<b>Total</b>	<b>6,470</b>	<b>88,981</b>	<b>7.3%</b>

**RUN OFF CALCULATIONS**

Total Impervious Surface Area	6,470 sq. ft.	0.0833 ft.	539 cu. ft.
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### 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 11-5-2019.
- Zoning for subject tract = "Shoreland District".
- No wetlands were found on 7-10-2020 at the site per Ben Meister, Meister Environmental, LLC.
- NIN Certified Wetland Delineator #1031.
- Property is in "Zone X" and "Zone A" as per the FIRMA 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: 14080610.
- The property address of subject parcel: 37916 Forest Lodge Road.
- Approximate location of septic system per sketch prepared by Martin Joyce Septic Service, LLC.
- Setbacks as shown are to be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
- Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encroachments, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- No improvements are being added to the property. There is an existing stormwater plan on file at the City completed by Mark Kossan. Said stormwater is shown, for further detail see the submitted plan.
- No dirt work to be done at the time of this project. Therefore the cur/fill calculation = zero cut/fill.



SCALE IN FEET  
ON 22" x 34" SHEET

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON ASSUMED BEARING OF S 00°15'02" E

**CERTIFICATE OF SURVEY**

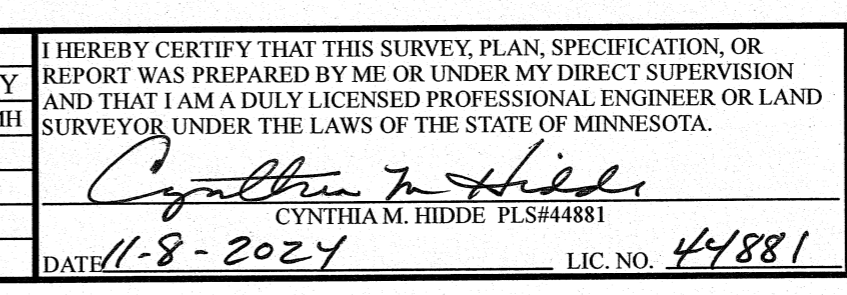
SHEET 1 OF 1	PROJECT MANAGER: CMH	PROJECT No.: 19317-2	DATE: 8-8-2024
	CHECKED BY: RLF	FILE NAME: C19317-2.dwg	SCALE: 1"=30'
	DRAWN BY: CMH	FIELD BOOK: BOOK 456 PG. 18	HORIZ. 1"=30'
			VERT. NONE

**REVISIONS**

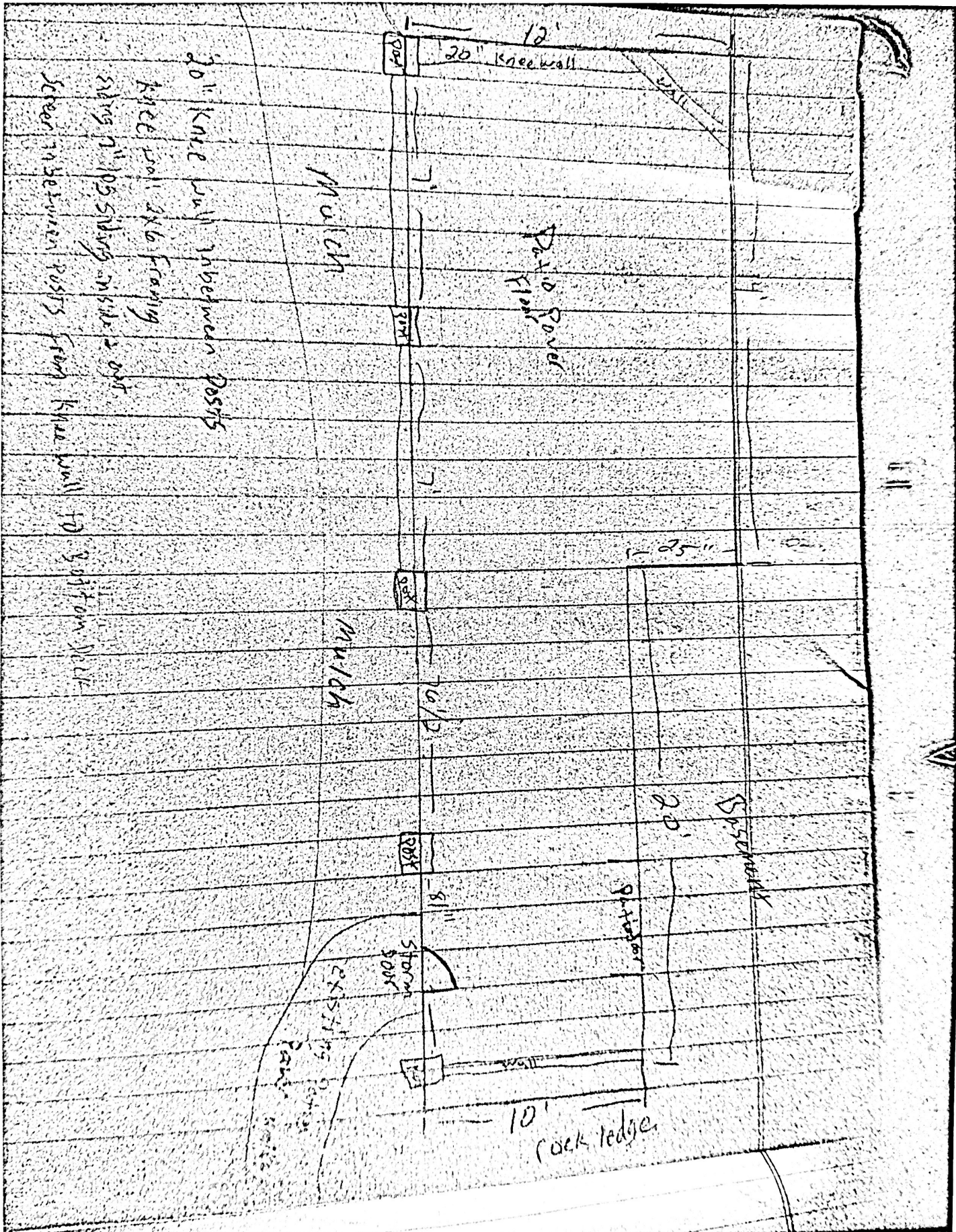
DATE	DESCRIPTION	BY
11-8-2024	PER CITY COMMENTS	CMH

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. Hidde*  
CYNTHIA M. HIDDE PLS#44881  
DATE: 11-8-2024 LIC. NO. 44881



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



12'  
20" knee wall

David Pond

Mulch

Mulch

20'  
Sisyrinchia

10'  
Rock ledge

Stone door

Existing door

20" knee wall between posts

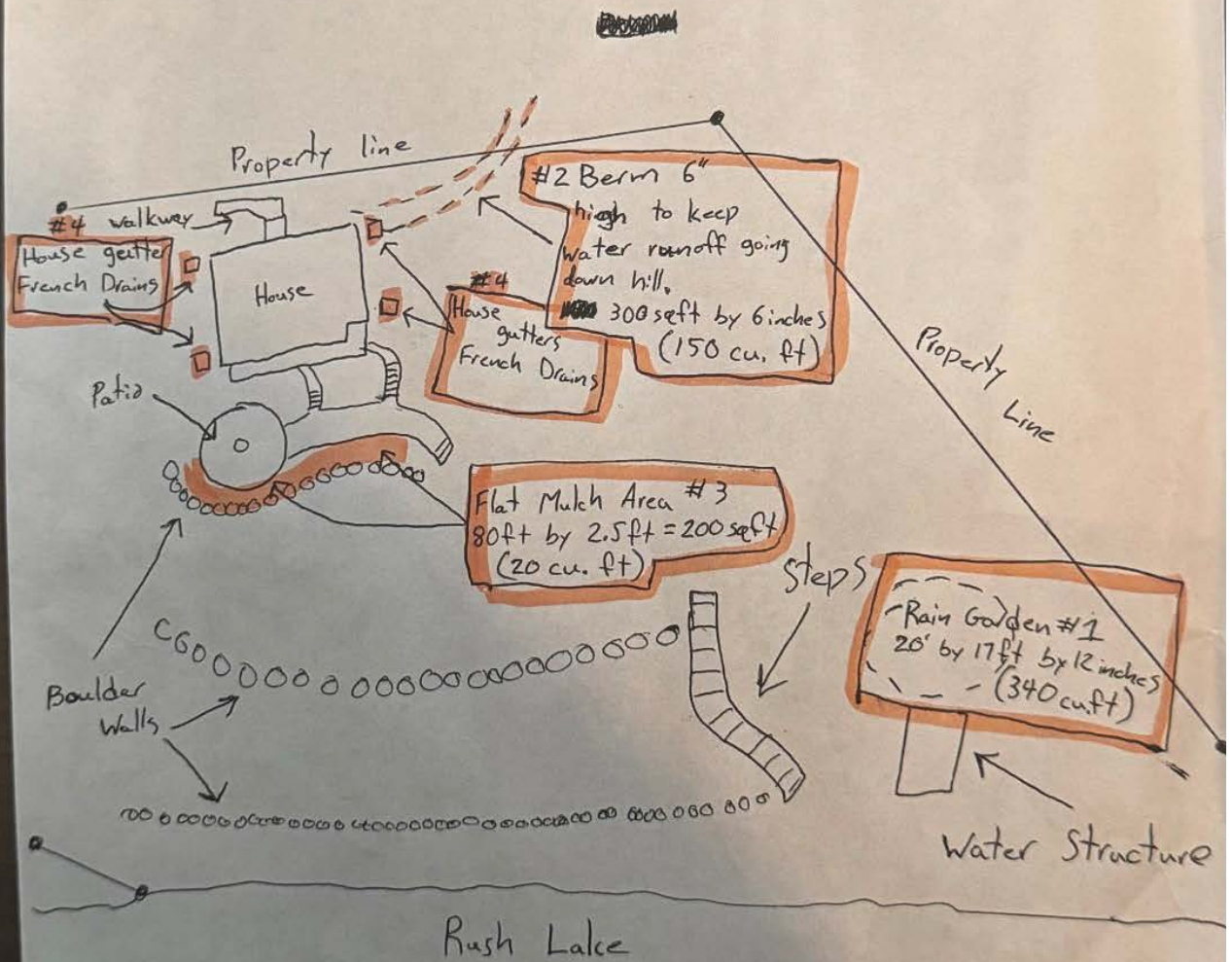
knee wall & framing

adding 2" posts inside out

Screen in between posts from knee wall to bottom deck

# Storm Water Management Plan for PID #14080610

- Lot Size 88,981 sqft.
- Impervious 6256 sqft / 7%
- 521 cubic feet of Stormwater volume needed.







**Variance Application**  
 Planning and Zoning Department  
 13888 Daggett Bay Road, Crosslake, MN 56442  
 218.692.2689 (Phone) 218.692.2687 (Fax) [www.cityofcrosslake.org](http://www.cityofcrosslake.org)

Receipt Number: 244315 \$750 Permit Number: 240213 ✓

Property Owner(s): Brady and Kimberly Day *online 43933826 \$6 copies*

Mailing Address: 6490 Archer Ln N, Maple Grove, MN 55311

Site Address: 37916 Forest Lodge Road, Crosslake

Phone Number: 612.720.4444 & 612.581.3955

E-Mail Address: bradyday@hotmail.com & kimberlyday@hotmail.com

14080610 Parcel Number(s): 120082204LB0009

Legal Description: See Tax Statement from County (cert of survey)

Sec 08 Twp 137 Rge 26  27  28

Lake/River Name: Rush Lake

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

If yes list Parcel Number(s): \_\_\_\_\_

Authorized Agent: \_\_\_\_\_

Agent Address: \_\_\_\_\_

Agent Phone Number: \_\_\_\_\_

<u>Variations</u>	
(Check applicable requests)	
<input type="checkbox"/>	Lake/River Setback
<input type="checkbox"/>	Road Right-of-Way Setback
<input checked="" type="checkbox"/>	Bluff Setback
<input type="checkbox"/>	Side Yard Setback
<input type="checkbox"/>	Wetland Setback
<input type="checkbox"/>	Septic Tank Setback
<input type="checkbox"/>	Septic Drainfield Setback
<input type="checkbox"/>	Impervious Coverage
<input type="checkbox"/>	Accessory Structure
<input type="checkbox"/>	Building Height
<input type="checkbox"/>	Patio Size
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

Signature of Property Owner(s) [Signature] Date 10/08/24

Signature of Authorized Agent(s) [Signature] Date \_\_\_\_\_

- All applications must be accompanied by a signed Certificate of Survey *Online \$6.00 COS copies*
- Fee \$750 for Residential and Commercial Payable to "City of Crosslake" *Check #4501*
- 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 PS Date 10-14-2024 Land Use District SD

Lake Class SD Septic: Compliance 12-1-2023 SSTS Design \_\_\_\_\_ Installation \_\_\_\_\_

Date Completed 11-7-2024





## 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: We are seeking to enclose the area under the existing deck. The area would create a 2 season porch area.

This would not expand but maintain the current footprint that is already established with the deck on the lakeside.

The proposed change would occur in an already approved setback from when the home was originally built.

Enclosing the current deck with a 2 season patio area will not impact the impervious surface area of the property.

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

Yes  No

Why: 2 and 3 season porches and patios are common in the Crosslake area. Enclosing the bottom of the deck

area with knee high wall and then there would be openings (window like) that would be screens. There are many properties in the area with similar features and structures.

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

Yes  No

Why: The need for a variance is due to the bluff set back rules on lakes. The deck was previously approved when the home was built which was prior to our ownership of the property. Due to the proposed enclosure under

the current deck area the need for a variance is required according the Planning and Zoning Dept.

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

Yes  No

Why: By enclosing the area under the existing deck, we are not impacting the currently approved existing footprint of our property and its structures. This proposed change does not impact the bluff or impervious surface calculations.



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: