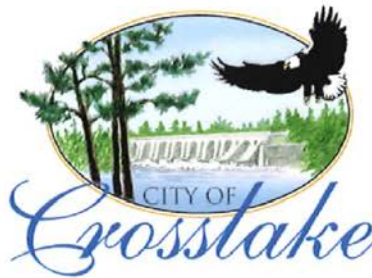


City Hall: 218-692-2688
Planning & Zoning: 218-692-2689
Fax: 218-692-2687



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

CITY OF CROSSLAKE

PLANNING COMMISSION/BOARD OF ADJUSTMENT

December 20, 2024

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: Kristine S Niehaus Rev Trust

Authorized Agent: Miller Construction

Site Location: 33569 Lake Street, Crosslake, MN 56442 on Crosslake - GD

Variance for:

- Lake setback of 60 feet where 75 feet is required to proposed covered porch
- Increase impervious to 30.64% where 25% is allowed

To construct:

- 556 square foot proposed covered porch over the existing deck, which will bring the impervious total to 30.64% per submitted final survey

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: Kristine S Niehaus Rev Trust

Parcel Number(s): 14310678

Application Submitted/Completed: November 19, 2024

Action Deadline: January 17, 2025

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

Applicant Extension Received / Request: NA / NA

City Council Date: NA

Authorized Agent: Miller Construction

Variance for:

- Lake setback of 60 feet where 75 feet is required to proposed covered porch
- Increase impervious to 30.64% where 25% is allowed

To construct:

- 556 square foot proposed covered porch over the existing deck, which will bring the impervious total to 30.64% per submitted final survey

Current Zoning: Shoreland District

Existing Impervious Coverage:

28.26%

Proposed Impervious Coverage:

30.64%

- A stormwater runoff location was submitted with the variance application
- A detailed stormwater management plan was requested
- Compliant septic compliance inspection on file dated 7-15-2023

Parcel History:

- Bowers Point established in 1948
- June 1977 - 10x20 & 10x6 Deck on house
- August 1981 – Septic system
- May 2002 – CUP approved to allow movement of more than 50 cubic yards with the construction impact zone with conditions
- May 2002 – Variance denied for construction of a single-family residence and deck at a setback of less than 75 feet from the OHW of Crosslake and to exceed the 25% maximum impervious coverage limit by 1.5%
- July 2002 – City council approved an appeal request to overturn the P&Z Commission decision to deny your variance. The original request was to allow for the construction of a single-family residence and deck at a setback of less than 75 feet from the OHW of Crosslake and to exceed the 25% maximum impervious coverage limit by 1.5%. The council approved the variance with the following conditions attached as part of the approval:

1. Construction shall be completed as per submitted plans;
2. No further expansion of the dwelling structure shall be allowed within the OHW setback.
3. A landscaping plan shall be submitted, and approved by Staff, re-establishing natural vegetation within 25' wide area from the OHW as outlined in Section 8.50, Subd. 14 and 15;
4. The Applicant will have 12 months from date of approval to implement the landscaping plan; and
5. The new septic system shall be protected from vehicular traffic/parking.

- August 2002 – Walkout, garage, house, deck, septic-pressure bed, demo per variance
- Compliance Inspection dated 7-15-2023 is on file

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: Comment(s) received

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: Comment(s) received

POSSIBLE MOTION:

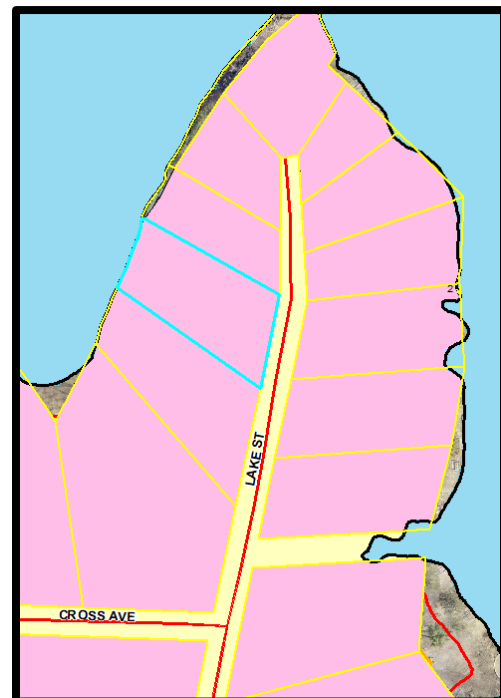
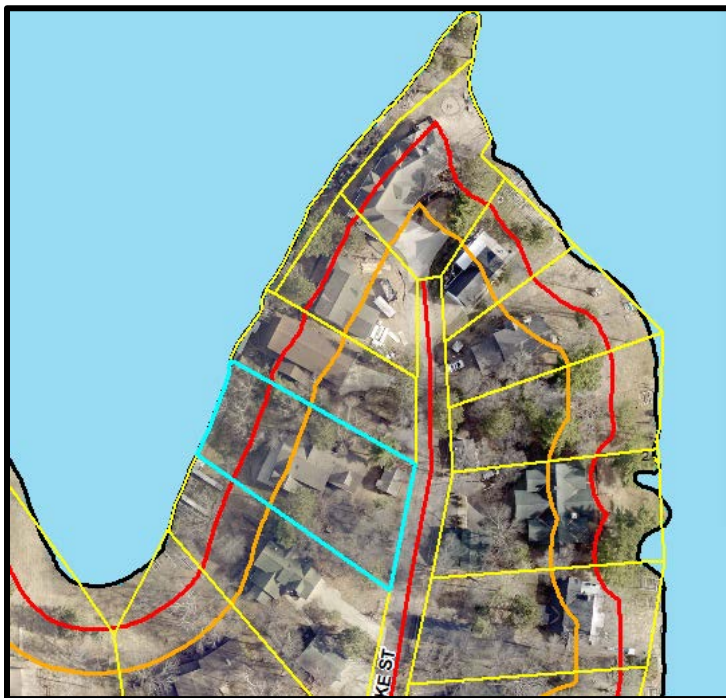
To approve/table/deny the variance to allow:

- Lake setback of 60 feet where 75 feet is required to proposed covered porch
- Increase impervious to 30.64% where 25% is allowed

To construct:

- 556 square foot proposed covered porch over the existing deck, which will bring the impervious total to 30.64% per submitted final survey

As shown on the certificate of survey dated 9-18-2024



LEGAL DESCRIPTION: (PER DOCUMENT # 989864)

Lot 5, Bowers Point

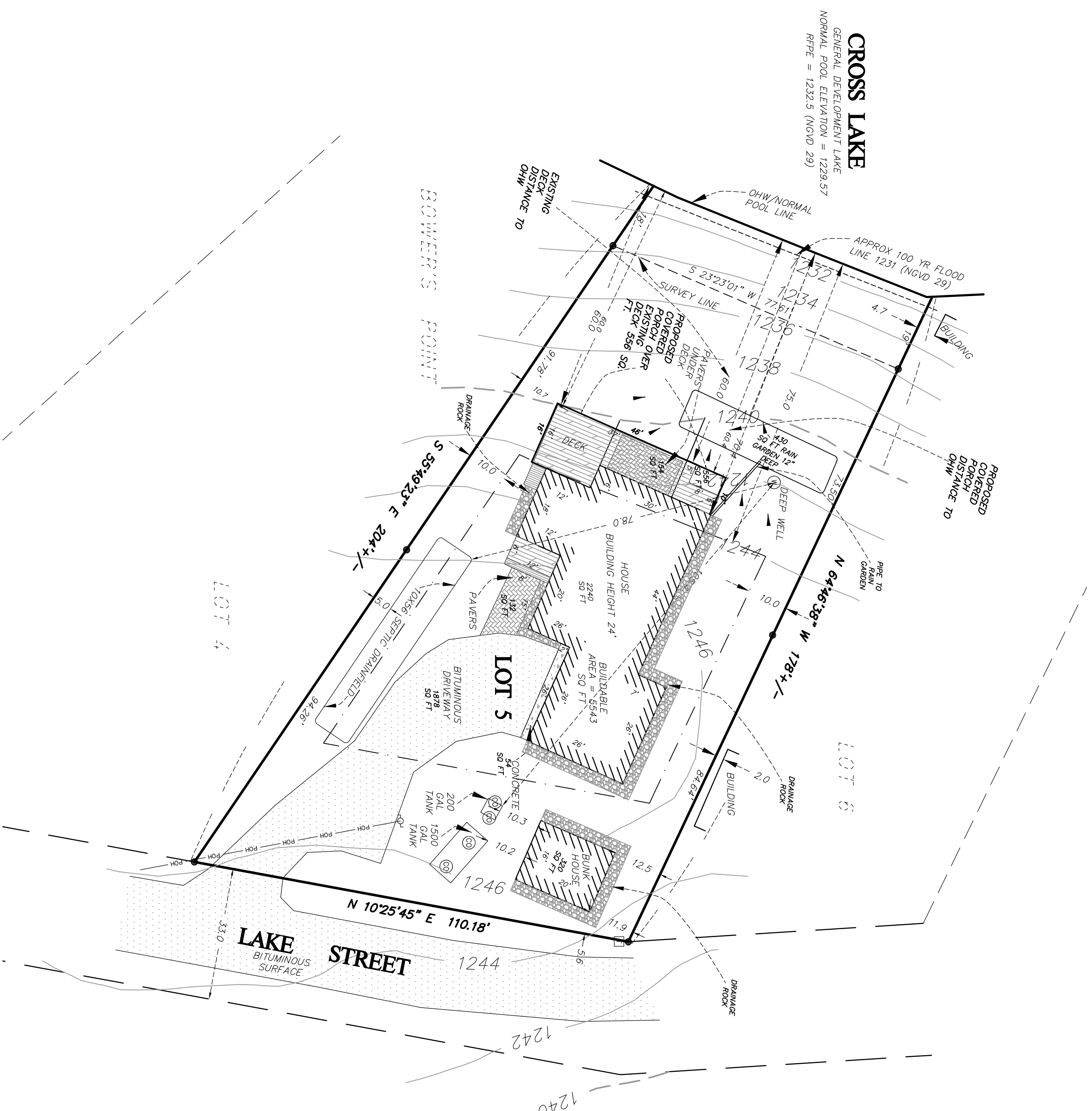
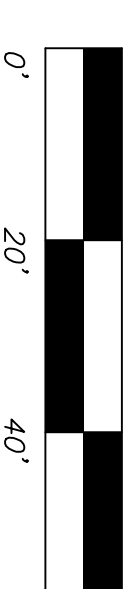
GENERAL NOTES

1. No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.
2. Bearings shown are based upon the Crow Wing County Coordinate System.
3. The underground utilities shown have been located from field survey information. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned.
4. No wetlands were found by Brinks Wetland Service on 9/18/24. A no wetland letter is on file at the County.
5. Total area of subject property: 16,908 Sq. Ft. / 0.38 Acres.
6. PID - 14310679
7. Contours are based on Ldtkr.
8. Zoning classification is Shoreland.
9. No wetlands were found by Brinks Wetland Service on 9/18/24. A no wetland letter is on file at the County.
10. Structures land in Flood Zone X, areas of minimal flood hazard.

EXISTING IMPERVIOUS CALCULATIONS			
EXISTING IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT IMPERVIOUS	
BUILDINGS	2,560	16,908	15.14%
BITUMINOUS	1,878	16,908	11.11%
PAVERS	286	16,908	1.69%
CONCRETE	54	16,908	0.32%
TOTAL	4,778	16,908	28.26%

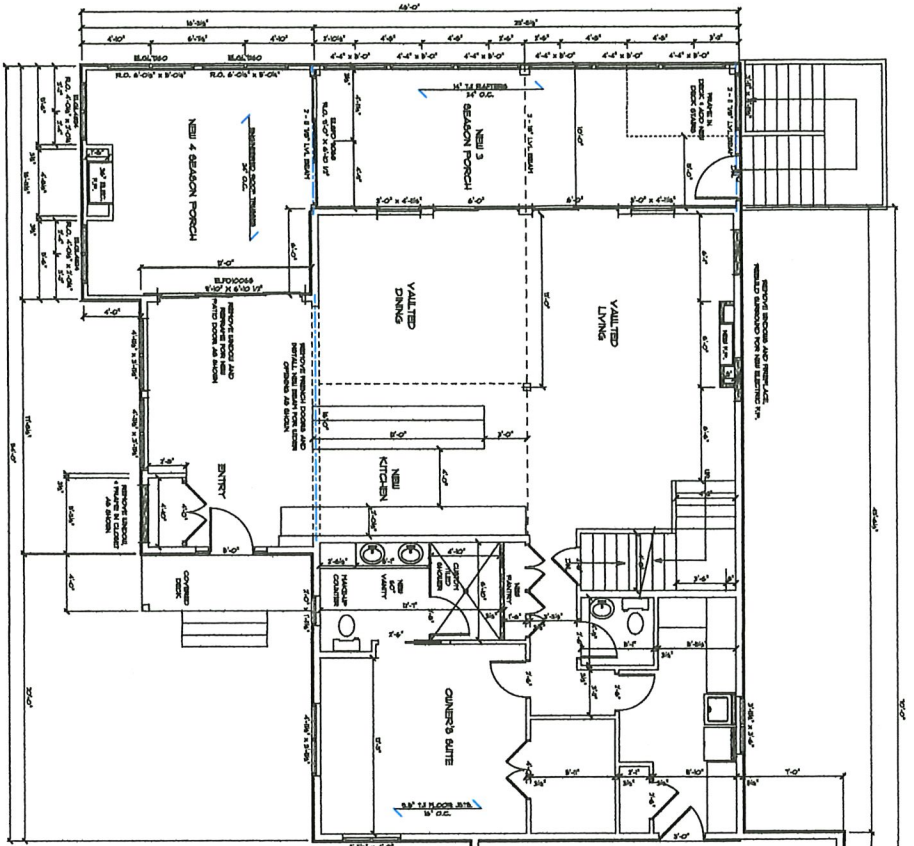
PROPOSED IMPERVIOUS CALCULATIONS			
PROPOSED AND EXIST IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT IMPERVIOUS	
BUILDINGS	2,560	16,908	15.14%
PORCH	556	16,908	3.29%
BITUMINOUS	1,878	16,908	11.11%
PAVERS	132	16,908	0.78%
CONCRETE	54	16,908	0.32%
TOTAL	5,180	16,908	30.64%

- LEGEND**
- DENOTES FOUND MONUMENT
 - DENOTES FOUND POLE
 - DENOTES POWER OVERHEAD
 - DENOTES TELEPHONE BOX
 - ⊗ DENOTES SEPTIC INSPECTION PIPE
 - ▶ DENOTES DRAINAGE ARROW



CROSS LAKE

GENERAL DEVELOPMENT LAKE
 NORMAL POOL ELEVATION = 1229.57
 RFFE = 1232.5 (NGVD 29)

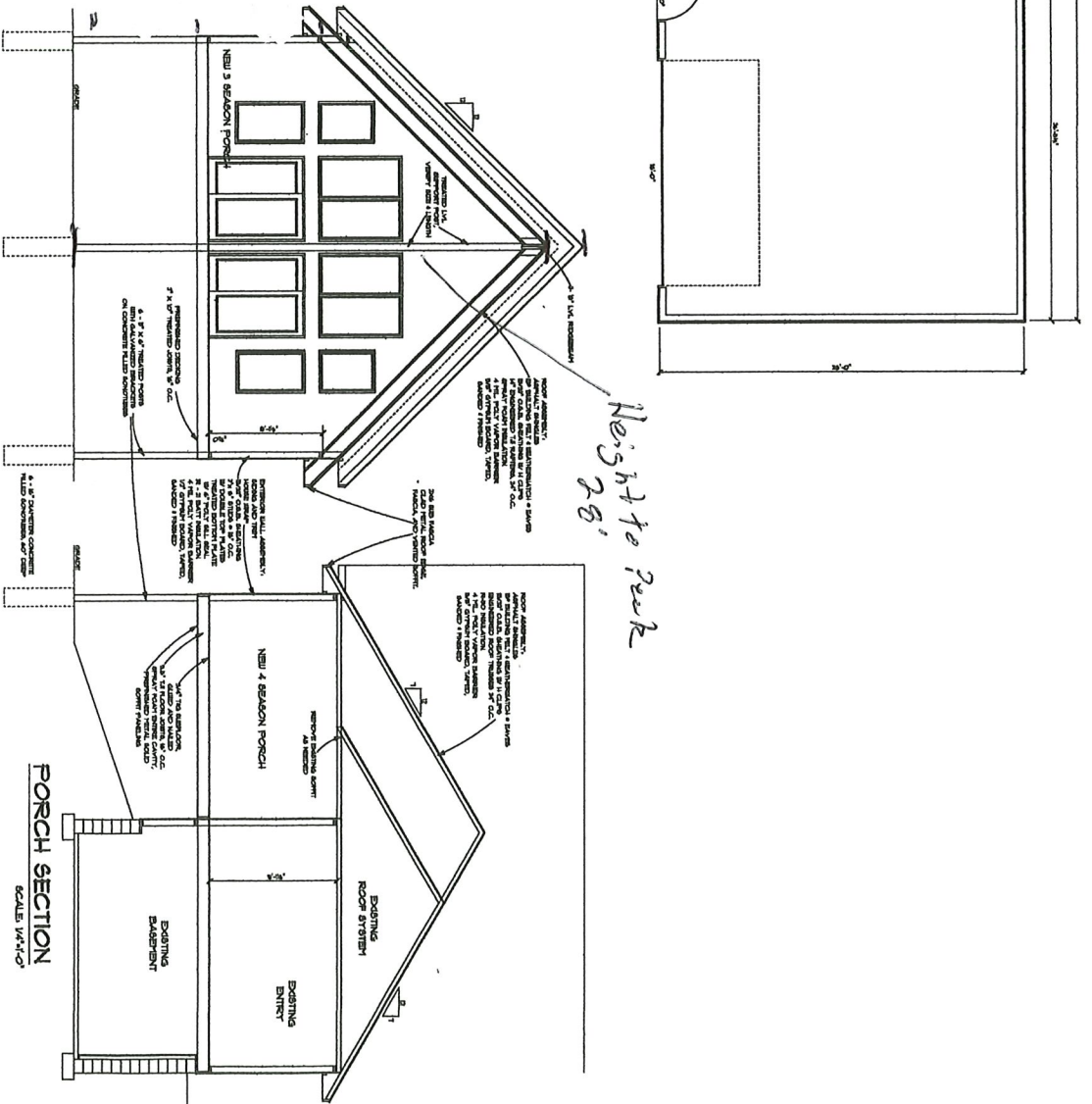


NEW MAIN LEVEL FLOOR PLAN
SCALE: 1/4"=1'-0"

NOTE:
FIELD VERIFY ALL DIMENSIONS, HEIGHTS AND
SIZES OF EXISTING STRUCTURAL MEMBERS,
PARTS AND MATERIALS. VERIFY ALL
DIMENSIONS AND MATERIALS ON-SITE
DATE: 08/15/2024

2. ALL NEW WORK SHALL BE PERFORMED
IN ACCORDANCE WITH THE 2024
INTERNATIONAL RESIDENTIAL CODE BOOK
AND ALL APPLICABLE LOCAL ORDINANCES.
EXTERIOR DOORS AND WINDOWS SHALL
BE INSTALLED AND OPERATED IN
ACCORDANCE WITH THE MANUFACTURER'S
INSTALLATION AND OPERATION
INSTRUCTIONS. ALL DOORS AND
WINDOWS SHALL BE OPERATED
WITH CARE AND MAINTENANCE. ANY
REPAIRS TO EXISTING DOORS AND
WINDOWS SHALL BE THE RESPONSIBILITY
OF THE OWNER.

TO BE 4.5" x 14" IN-LINE WITH EXISTING
EXTERIOR DOOR FRAME HEIGHTS,
VERIFY ALL TRIM, BEAMS AND
HORIZONTALS WITH TRIM MANUFACTURER.
TRIM SHALL BE INSTALLED IN
ACCORDANCE WITH THE MANUFACTURER'S
INSTALLATION AND OPERATION
INSTRUCTIONS. ALL DOORS AND
WINDOWS SHALL BE OPERATED
WITH CARE AND MAINTENANCE. ANY
REPAIRS TO EXISTING DOORS AND
WINDOWS SHALL BE THE RESPONSIBILITY
OF THE OWNER.



PORCH SECTION
SCALE: 1/4"=1'-0"

PORCH SECTION
SCALE: 1/4"=1'-0"

Height to peak 28'

P.F.S. DESIGN LLC	
218-821-0630	PAGE NO.
PROJECT FOR: TILLER	3 of 3
CONTR: NERVALS	
DATE: JULY 11, 2024	
REVISED: JULY 22, 2024	
REVISED: AUGUST 9, 2024	

From: [Frie, Jacob \(DNR\)](#)
To: [Cheryl Stuckmayer](#)
Cc: [Paul Satterlund](#); [Hoverson, Darrin \(DNR\)](#); [Petrik, Dan \(DNR\)](#); [Patrick Wehner](#)
Subject: RE: PC/BOA 12.20.2024
Date: Wednesday, December 4, 2024 2:27:31 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Agency_Niehaus.pdf](#)

Good afternoon Cheryl:

The MN DNR offers the following comments for “Niehaus” 30.6% impervious variance request(s) only:

- It appears that in 2002, the City Council approved a variance to have impervious coverage be 26.5% where 25% is allowed. Prior to approval, the existing impervious coverage was at 20.4%. A number of conditions including the placement of a 25-foot natural planting no-buffer along the lakeshore, no further expansion of the dwelling within the building setback, etc.
- A review of this application shows that the existing impervious coverage has moved to 28.26%—presumably sometime between 2002 and current day. Unless evidence is shown to the contrary, this increase in impervious from 26.5% to 28.26% would have been without approval from the City of Crosslake.
- The request to further increase impervious surfaces to 30.6% represents a substantial increase in impervious surface coverage beyond that which is allowed by Minnesota Shoreland Rule Standards. This lot already includes structures that do not meet minimum lake setbacks, has sloping topography that leads toward the lake, and has adjacent neighboring structures in very close proximity. This request could seem to be avoided with the elimination of existing surfaces including: a.) eliminate the 132 sq. foot of pavers (see COS) and b.) reduce bituminous driveway width to 2002 survey proposal of 13.5’ among other possibilities.
- In conclusion, we recommend avoiding increasing impervious surfaces on the property—certainly not more than the allowed 26.5% from the 2002 variance approval.
- Additionally, if the OHW setback variance is approved, conditions of a no-mow buffer along the shoreline, and an **engineered** stormwater management plan should be included as part of the approval.

Thank you for your time in this regard. And, as a reminder, please send me a copy of the decision, conditions (if approved), and findings that go with it within 10 days of the Board’s decision in this matter.

Sincerely,

Jacob Frie

Area Hydrologist | Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1601 Minnesota Drive
Brainerd, MN, 56401

From: [Katie Brewster](#)
To: [Cross Lake PZ](#)
Subject: Variance: 33569 Lake Street
Date: Sunday, December 8, 2024 8:51:50 PM

I own a property across the street from this home and would like to express my support to their variance application.

Please include this email with the other documents for the December 12th meeting.

Thank you,
Kathleen Brewster
33584 Lake Street
320-7618819



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

Receipt Number: 244328

Permit Number:

240226V

Property Owner(s): Kristine S. Niehaus Rev Trust

Mailing Address: 9705 Lake Bess Rd #688 Winter Haven, FL 33884

Site Address: 33569 Lake Street Crosslake, MN 56447

Phone Number: 404-886-0687

E-Mail Address: stevenniehaus2016@gmail.com

Parcel Number(s): 14310678

Legal Description: Lot 5 Bowers Point

Sec 31 Twp 137 Rge 26 27 28

Lake/River Name: Cross Lake

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

If yes list Parcel Number(s) _____

Authorized Agent: Milkes Construction

Agent Address: P.O. Box 1080 Crosslake, MN 56447

Agent Phone Number: Sased 218-880-4830

<u>Variations</u>	
(Check applicable requests)	
<input checked="" type="checkbox"/>	Lake/River Setback <i>60' need 75'</i>
<input type="checkbox"/>	Road Right-of-Way Setback
<input 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 checked="" type="checkbox"/>	Impervious Coverage <i>30.07 - 25% = maximum</i>
<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) _____ Date _____

Signature of Authorized Agent(s) [Signature] _____ Date 10-8-24

- 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 Rec'd 11-8-2024 Land Use District SD

Lake Class GD Septic: Compliance 7-15-23 SSTS Design na Installation existing

Complete packet = 11.19.2024



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: *We are Proposing a roof structure over an existing deck/Patio ? Not moving closer to the lake*
Defer to the Planning Commission/Board of Adjustment

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why: *with the existing houses in the neighborhood also needing variances to build this is in line.*
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: *the owner would like to have the existing deck covered ? not impact neighbors views or asterics*

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

Yes No

Why: *this will fit into the neighborhood ? not move closer to the lake ? impede anyone's view*

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 owner purchased the house as is it sits far behind neighbors houses*

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

Yes No

Why: *the need for this variance is in standards of the overall neighborhood.*



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: