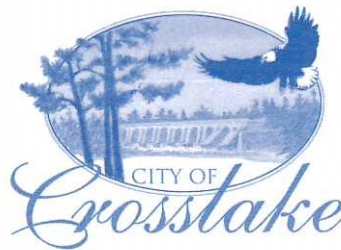


City Hall: 218-692-2688  
Planning & Zoning: 218-692-2689  
Fax: 218-692-2687



37028 County Road 66  
Crosslake, Minnesota 56442  
[www.cityofcrosslake.org](http://www.cityofcrosslake.org)

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## CITY OF CROSSLAKE

### PLANNING COMMISSION/BOARD OF ADJUSTMENT

June 26, 2020

9:00 A.M.

Crosslake City Hall  
37028 County Road 66, Crosslake MN 56442  
(218) 692-2689

### PUBLIC HEARING NOTICE

**Applicant:** Gerald M Cotten, Jr.

**Authorized Agent:** Lands End Development

**Site Location:** 14398 Rabbit Lane, Crosslake, MN 56442 on Daggett Lake-GD

**Variance for:**

- Lake setback of 38 feet where 75 feet is required to proposed dwelling

**To construct:**

- 1,569 square foot structure where 1,070 square feet require a variance
- 675 square foot deck

**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@crosslake.net](mailto:crosslakepz@crosslake.net)).



## STAFF REPORT

Property Owner/Applicant: Gerald M Cotten, Jr.

Parcel Number(s): 14160710

Application Submitted: May 11, 2020

Action Deadline: July 9, 2020

City 60 Day Extension Letter sent / Deadline: N/A / N/A

Applicant Extension Received / Request: N/A / N/A

City Council Date: N/A

**Authorized Agent:** Lands End Development

**Variance for:**

- Lake setback of 38 feet where 75 feet is required to proposed dwelling

**To construct:**

- 1,569 square foot structure where 1,070 square feet require a variance
- 675 square foot deck

**Current Zoning:** Shoreland District

**Existing Impervious Coverage:**

10.4%

**Proposed Impervious Coverage:**

12.5%

- A stormwater management plan was submitted with the variance application
- A septic design is approved and on file; it will meet all required setbacks

**Development Review Team Minutes held on 10-23-19:**

- Property is located on Daggett lake at 14398 Rabbit Lane with a lake setback of 75 feet
- The proposed addition to be an increase in the depth by 2 blocks of concrete and an increase in height of the existing dwelling for a second story addition
- Elevation for Daggett Lake of 1232.5 to be met
- Application to include existing and proposed height along with total square footage of 2<sup>nd</sup> story and the increase in height for the existing deck to meet the increase in the main level
- All setbacks shall be measured to the vertical side of the structure. No part of the structure, such as eaves, can overhang or reduce such setback by more than three feet (Sec. 26-308).
- Setbacks on structures where the eaves exceed 36" shall be measured from the drip line.
- Impervious maximum of 25% and if impervious exceeds 20% a Shoreline Rapid Assessment Model form will be completed
- If your parcel is located within a plat and/or an organization/plat that has restrictions, you would need to verify those restrictions and clarify that your request is approved by that organization or allowed in the plat

- Design and implement a stormwater management plan (gutters, berm & rain gardens) to update any existing plan, which is required with all variance applications per Article 8, section 26-222, (2), 1). When wetland is being used it must be filtered to drinking standards before it can flow into any wetland
- A septic compliance inspection will be required and/or a septic design if needed
- Wetland Delineation is a requirement for a variance or a no wetland statement/letter
- A grade and elevation illustration along with a cut and fill calculation is required for a complete variance application
- Discussion on application requirements, procedure, schedule and the requirements/need for a complete application packet by the deadline date
- If approved, a Land Use Permit will be required prior to construction

Property owner was informed that before they could be placed on a public hearing agenda the following information is required:

1. A certificate of survey meeting the requirements outlined in Article 8, Sec. 26-222 of the City Land Use Ordinance
2. Grade and Elevation illustration, along with the Cut and fill calculations
3. Wetland delineation or a no wetland statement/letter
4. A septic compliance inspection and/or a septic design if project requires
5. A complete Variance application with a \$500.00 public hearing fee

**Parcel History:**

- Pine Bay established in 1948
- August 1981 – New septic
- May 2007 – Septic upgrade

**Agencies Notified and Responses Received:**

**County Highway Dept:** N/A

**DNR:** No comments were received as of 6-15-2020

**City Engineer:** N/A

**Lake Association:** No comments were received as of 6-15-2020

**Township:** N/A

**Crosslake Public Works:** No comments were received as of 6-15-2020

**Crosslake Park, Recreation & Library:** N/A

**Concerned Parties:** No comments were received as of 6-15-2020

**POSSIBLE MOTION:**

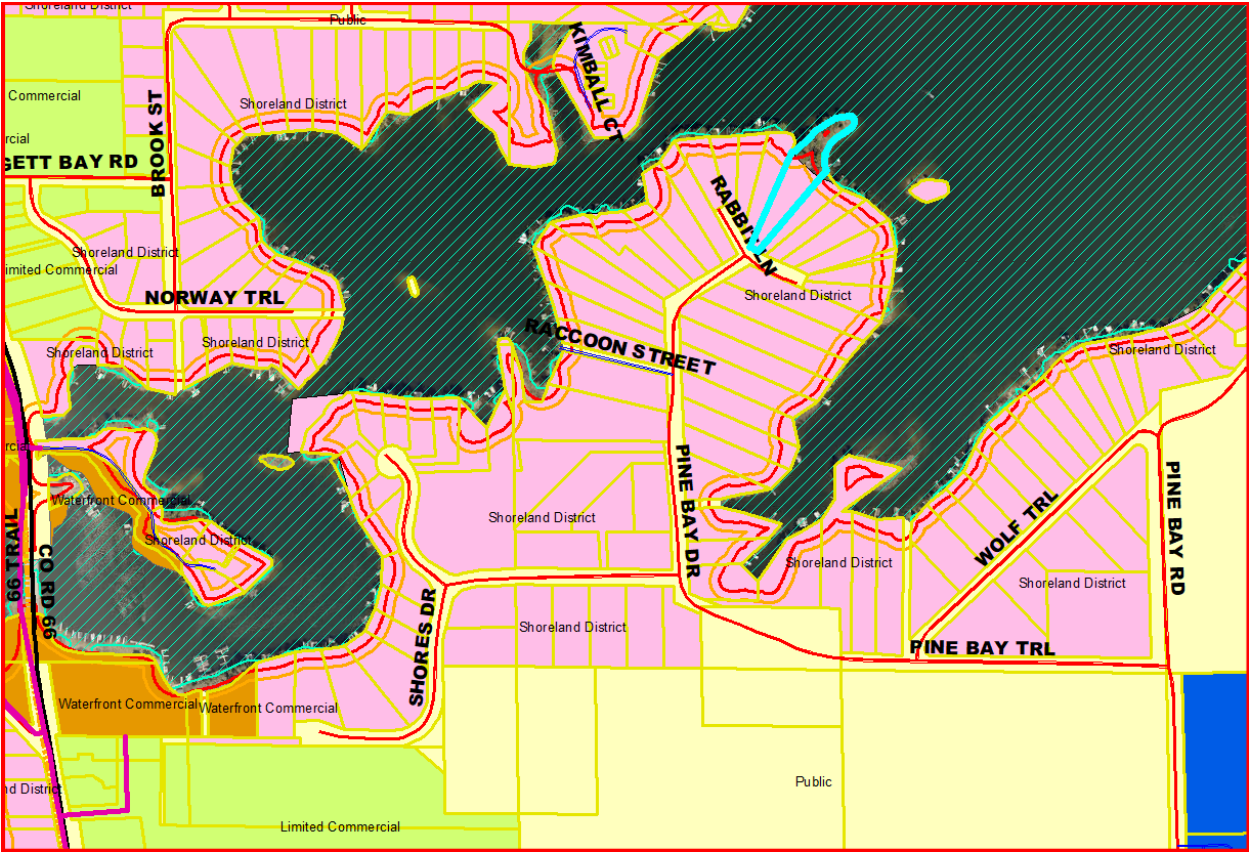
To approve/table/deny the variance to allow:

- Lake setback of 38 feet where 75 feet is required to proposed dwelling

To construct:

- 1,569 square foot structure where 1,070 square feet require a variance
- 675 square foot deck

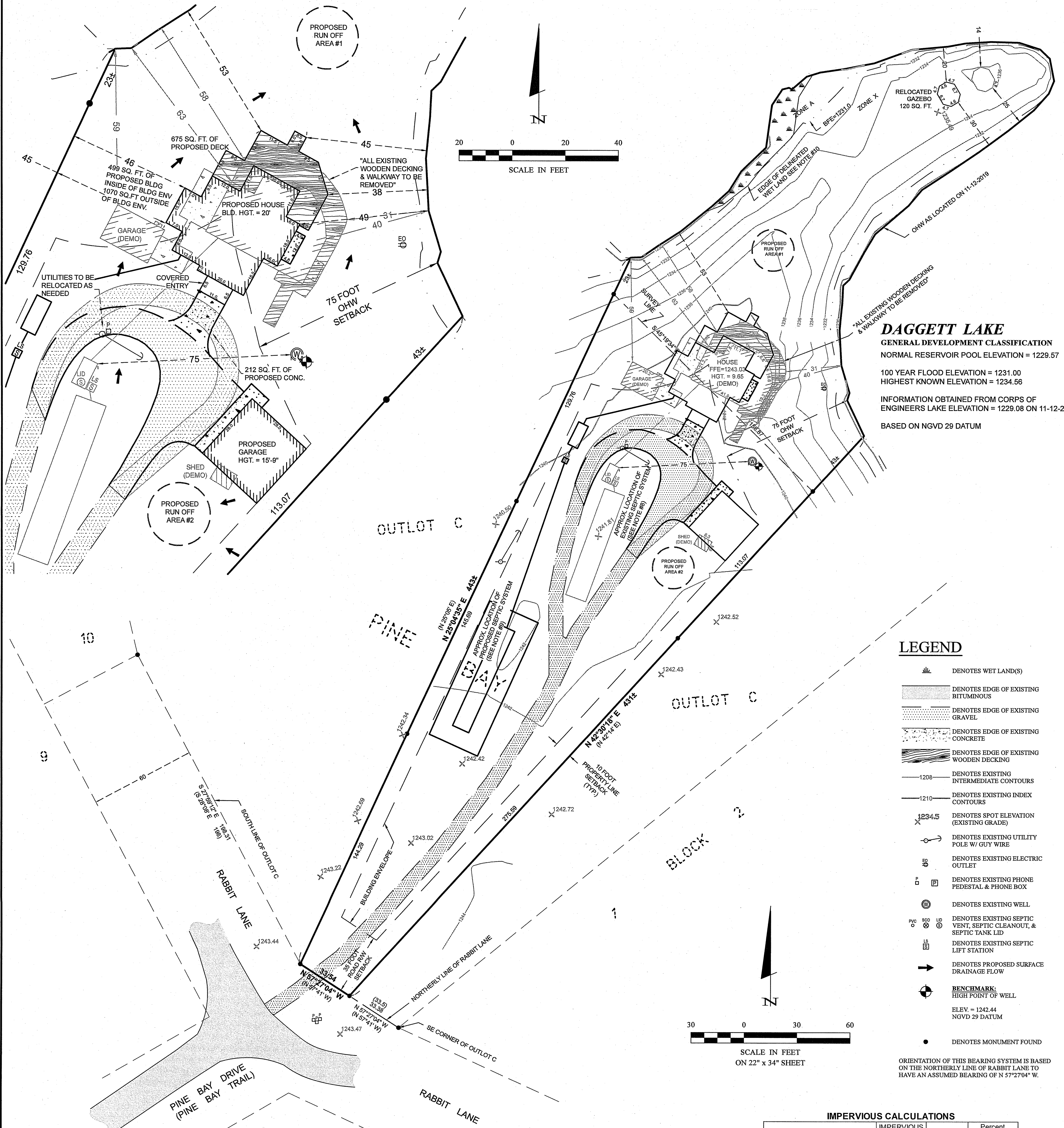
As shown on the certificate of survey dated 5-18-2020





# CERTIFICATE OF SURVEY

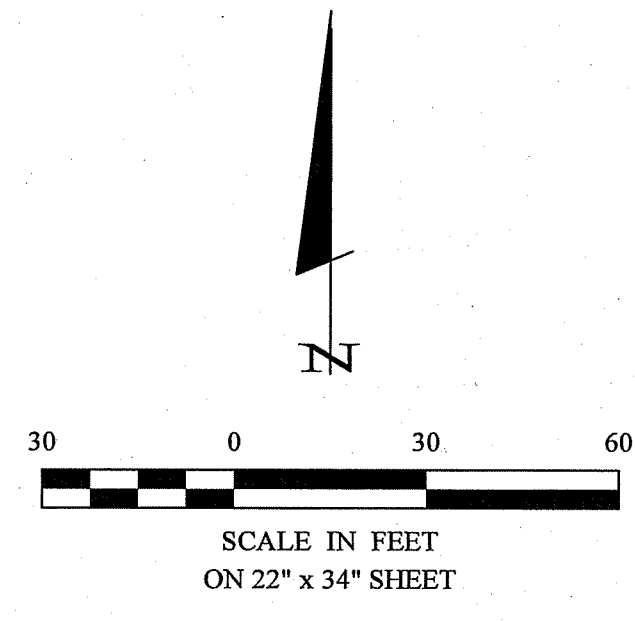
PART OF OUTLOT C, PINE BAY,  
SECTION 16, TOWNSHIP 137 NORTH, RANGE 27 WEST,  
CROW WING COUNTY, MINNESOTA  
AREA = 63,486 SQ.FT. / 1.5 ACRES±  
BUILDABLE AREA = 26,332 SQ. FT. / 0.6 ACRE



**DAGGETT 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 = 1229.08 ON 11-12-2019  
BASED ON NGVD 29 DATUM

### LEGEND

- DENOTES WET LAND(S)
- DENOTES EDGE OF EXISTING BITUMINOUS
- DENOTES EDGE OF EXISTING GRAVEL
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING WOODEN DECKING
- 1208 DENOTES EXISTING INTERMEDIATE CONTOURS
- 1210 DENOTES EXISTING INDEX CONTOURS
- 1234.5 DENOTES SPOT ELEVATION (EXISTING GRADE)
- DENOTES EXISTING UTILITY POLE W/ GUY WIRE
- DENOTES EXISTING ELECTRIC OUTLET
- DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
- DENOTES EXISTING WELL
- DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
- DENOTES EXISTING SEPTIC LIFT STATION
- DENOTES PROPOSED SURFACE DRAINAGE FLOW
- DENOTES BENCHMARK HIGH POINT OF WELL  
ELEV = 1242.44  
NGVD 29 DATUM
- DENOTES MONUMENT FOUND



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTHERLY LINE OF RABBIT LANE TO HAVE AN ASSUMED BEARING OF N 57°27'04" W.

### 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 11-12-2019.
2. Zoning for subject tract = "Shoreland District".
3. There are no bluffs within surveyed property.
4. 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.
5. Parcel ID of subject parcel: 14160710.
6. The property address of subject parcel: 14398 Rabbit Lane.
7. Buildings will be guttered to direct runoff to proposed run off areas.
8. Approximate location of septic system per sketch prepared by Wannebo Excavating. Existing drainfield to be abandoned and existing tanks to be pumped, crushed and filled.
9. Approximate location of proposed septic system per sketch prepared by Martin Joyce Septic Service, LLC.
10. Wetland delineation was completed on 11/8/2019, by Ben Meister, MN Certified Wetland Delineator #1031

### LEGAL DESCRIPTION PER DOCUMENT NUMBER T-228288

EXHIBIT "A"  
All of Outlot "C" of Pine Bay, according to the plat thereof on file in the office of the Registrar of Titles in and for said county, except that part thereof lying Northerly and Westerly of a line described as follows, to-wit: Commencing at a point on the Southerly line of said Outlot "C" which is the Northwest corner of Rabbit Lane in the plat of said Pine Bay; thence South 28 degrees 08 minutes East 198 feet along the South line of said Outlot "C", the place of beginning of the line herein described; thence North 25 degrees 05 minutes East 419.6 feet, more or less, to the shore of Daggett Lake; AND ALSO EXCEPT: That part of Outlot "C" lying Southerly and Easterly of the following described line; Commencing at the Southeast corner of said Outlot "C", said point being on the Northerly line of Rabbit Lane; thence North 57 degrees 41 minutes West 33.5 feet along said Rabbit Lane to the place of beginning of the line to be described; thence North 42 degrees 14 minutes East 390.4 feet to the shore of Daggett Lake and there ending; Subject to reservations of all minerals and mineral rights as recorded in Book 83 of Deeds, on page 18 and 19 and in Book 104 of Deeds, on page 193. Crow Wing County, Minnesota.

together with all hereditaments and appurtenances belonging thereto.

#### IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent ImperVIOUS (sq.ft.)
House	1,142	63,486	1.8%
Garage	288	63,486	0.5%
Shed	53	63,486	0.1%
Gazebo	120	63,486	0.2%
Concrete	404	63,486	0.6%
Gravel	4,576	63,486	7.2%
<b>Total</b>	<b>6,583</b>	<b>63,486</b>	<b>10.4%</b>

#### IMPERVIOUS CALCULATIONS

PROPOSED	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent ImperVIOUS (sq.ft.)
Gazebo	120	63,486	0.2%
Proposed Open Covered Entry	1,497	63,486	2.4%
Proposed Covered Garage	72	63,486	0.1%
Proposed Concrete	784	63,486	1.2%
Proposed Gravel	408	63,486	0.6%
Proposed & Exist. Gravel	5,080	63,486	8.0%
<b>Total</b>	<b>7,961</b>	<b>63,486</b>	<b>12.5%</b>

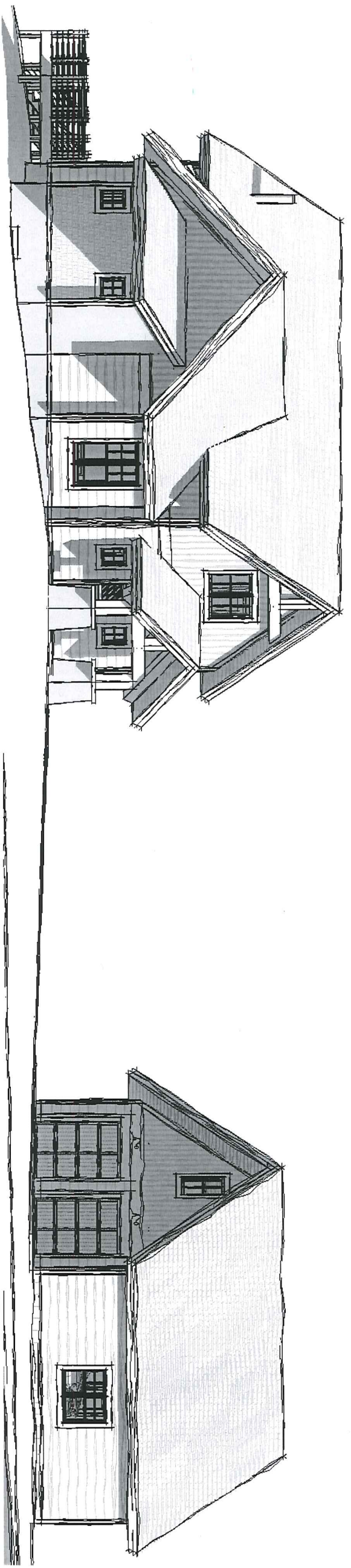
#### RUN OFF CALCULATIONS

Total ImperVIOUS Surface Area	7,961 sq. ft.	X	0.0833 ft.	=	663 cu. ft.
(from table above)					

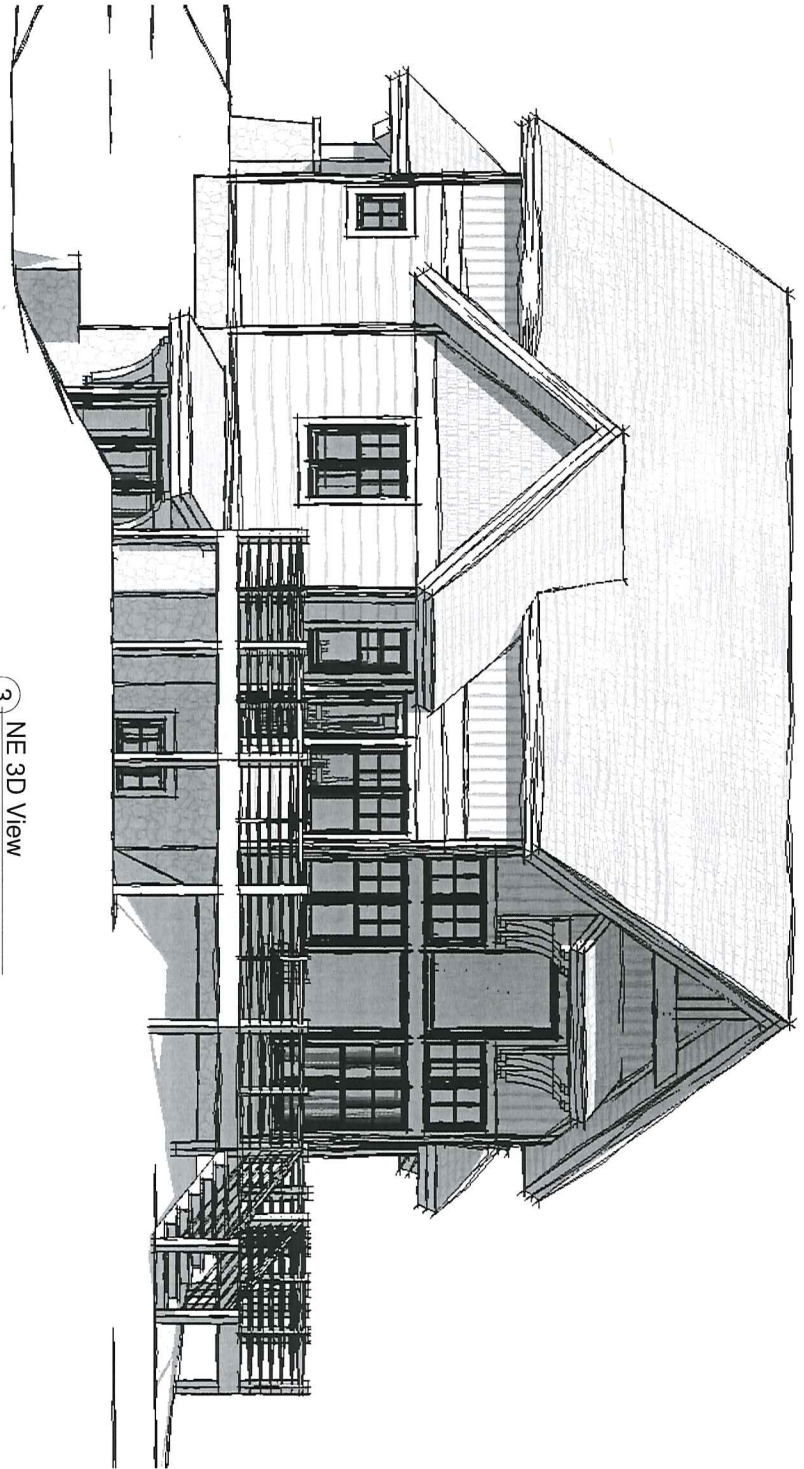
PROPOSED RUN OFF AREAS #1 & #2  
TOP SURFACE AREA = 441 SQ. FT.  
BOTTOM SURFACE AREA = 246 SQ. FT.  
1' DEEP WITH 3:1 SIDE SLOPES  
RUN OFF STORAGE PROPOSED = 344 CU. FT.  
TOTAL RUN OFF STORAGE = 688 CU. FT.

1 100	<b>CERTIFICATE OF SURVEY</b>	PROJECT MANAGER: CMH	PROJECT No.: 20091	DATE: 5-11-2020		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 OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  <i>Cynthia M. Hidde</i> CYNTHIA M. HIDDE PLS#44881 DATE: 5-18-2020 LIC. NO. 44881	 30206 Rasmussen Road Suite 1 P. O. Box 874 Pequot Lakes, MN 56472 218-568-4940 www.stonemarksurvey.com
	Lands End Development 13817 County Road 36 Crosslake, MN 56442	CHECKED BY: CMH	FILE NAME: C20091.dwg	SCALE: AS NOTED	REVISIONS		
	DRAWN BY: RJF	FIELD BOOK:	BOOK 456 PG. 23	VERT. NONE			

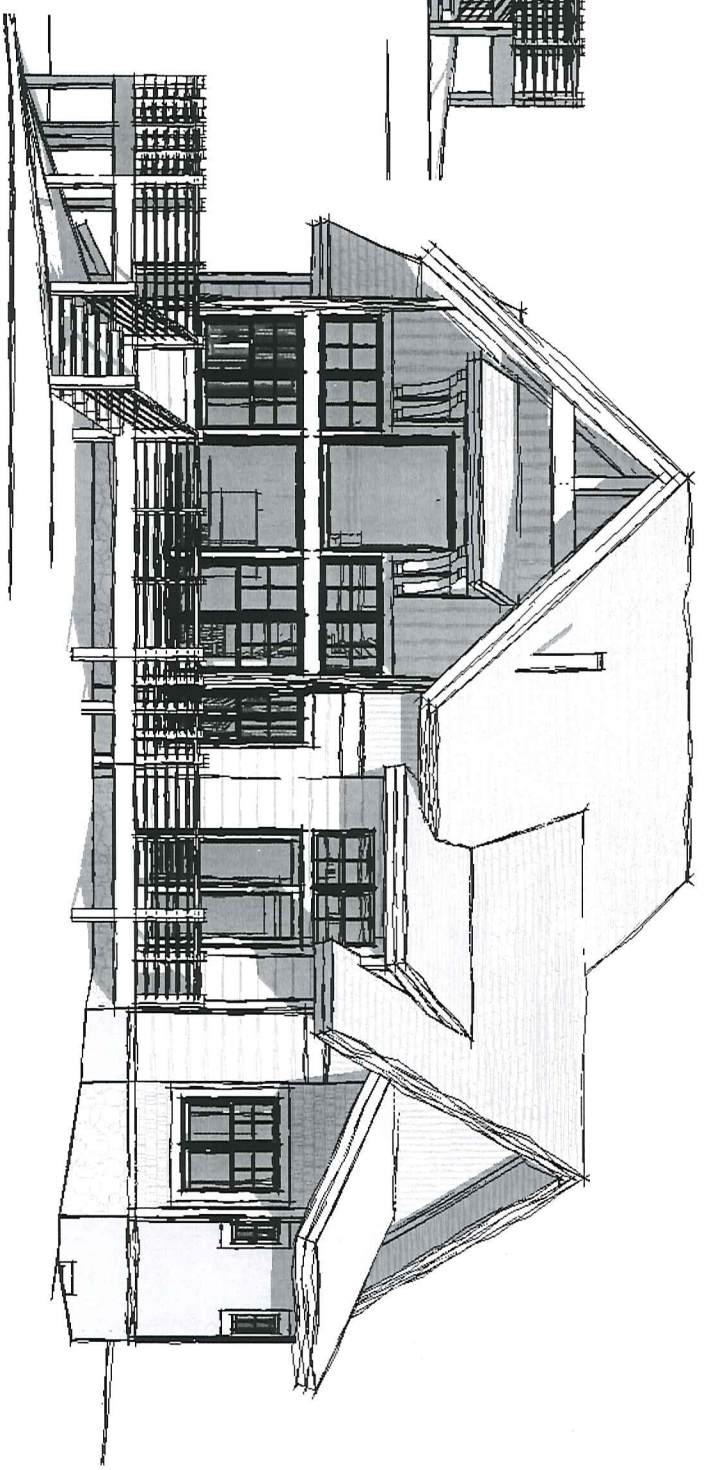




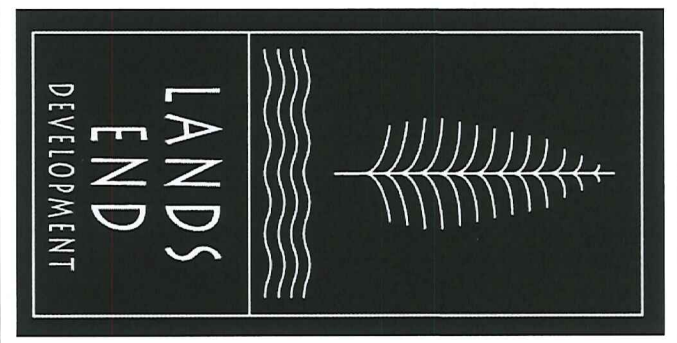
① Overall 3D View



③ NE 3D View



② NW 3D View



# Cotten Lake Home

- Daggett Lake, Whitefish Chain -

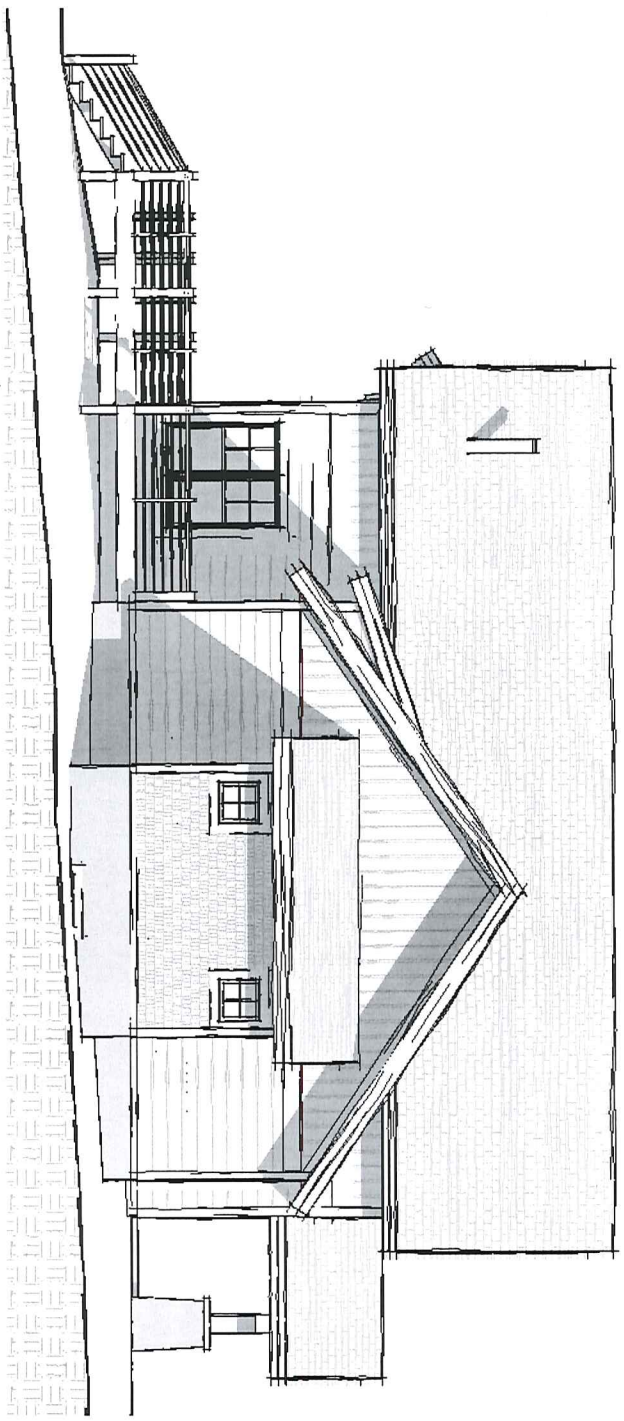
3D Views

Project Status: Conceptual  
 Date: April 13, 2020  
 Drawn by: mcjohnson

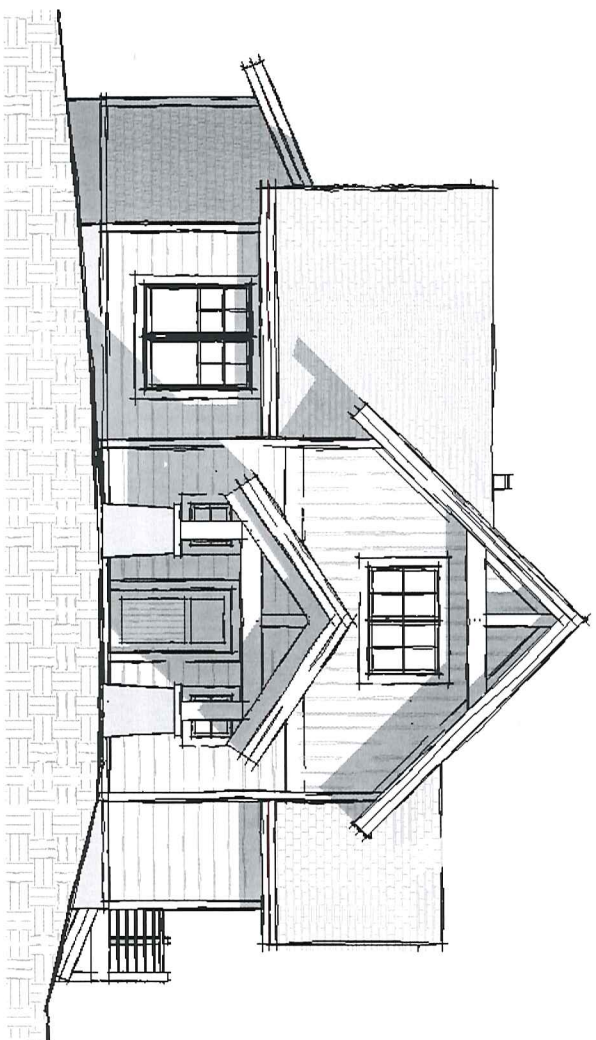
A1

Scale

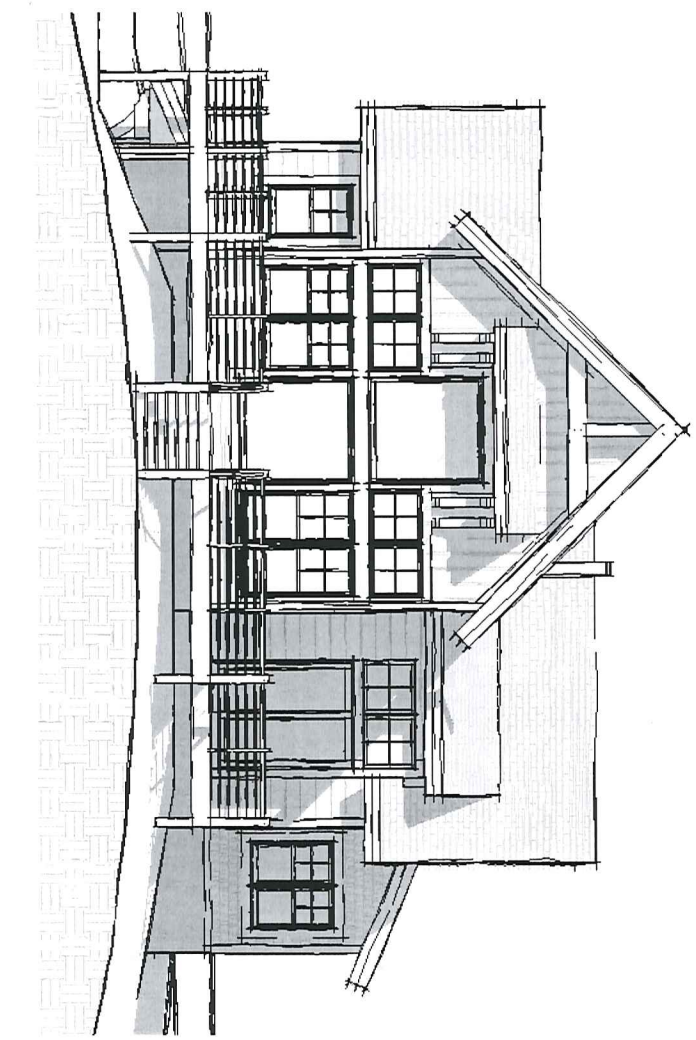




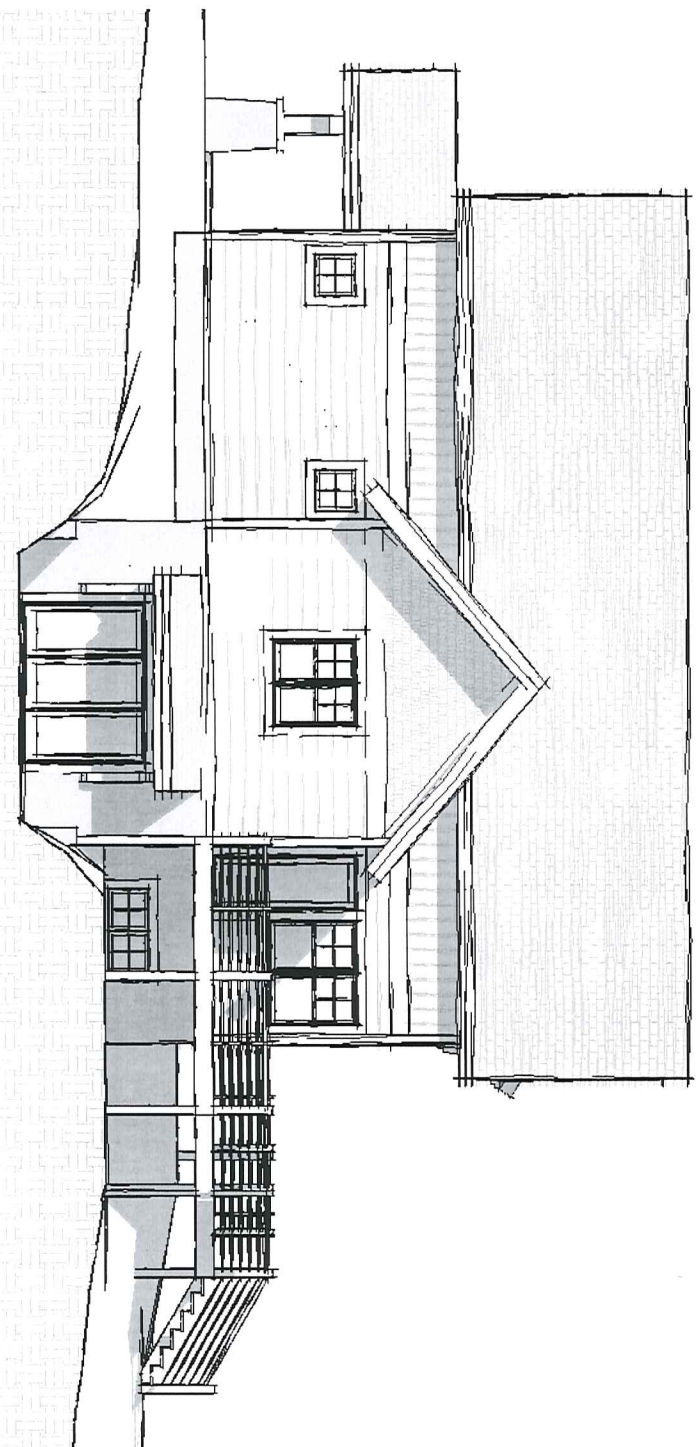
③ West Elevation  
3/16" = 1'-0"



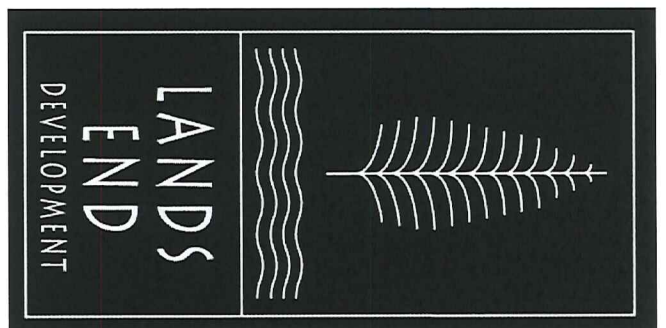
① Roadside (South) Elevation  
3/16" = 1'-0"



④ Lakeside (North) Elevation  
3/16" = 1'-0"



② East Elevation  
3/16" = 1'-0"



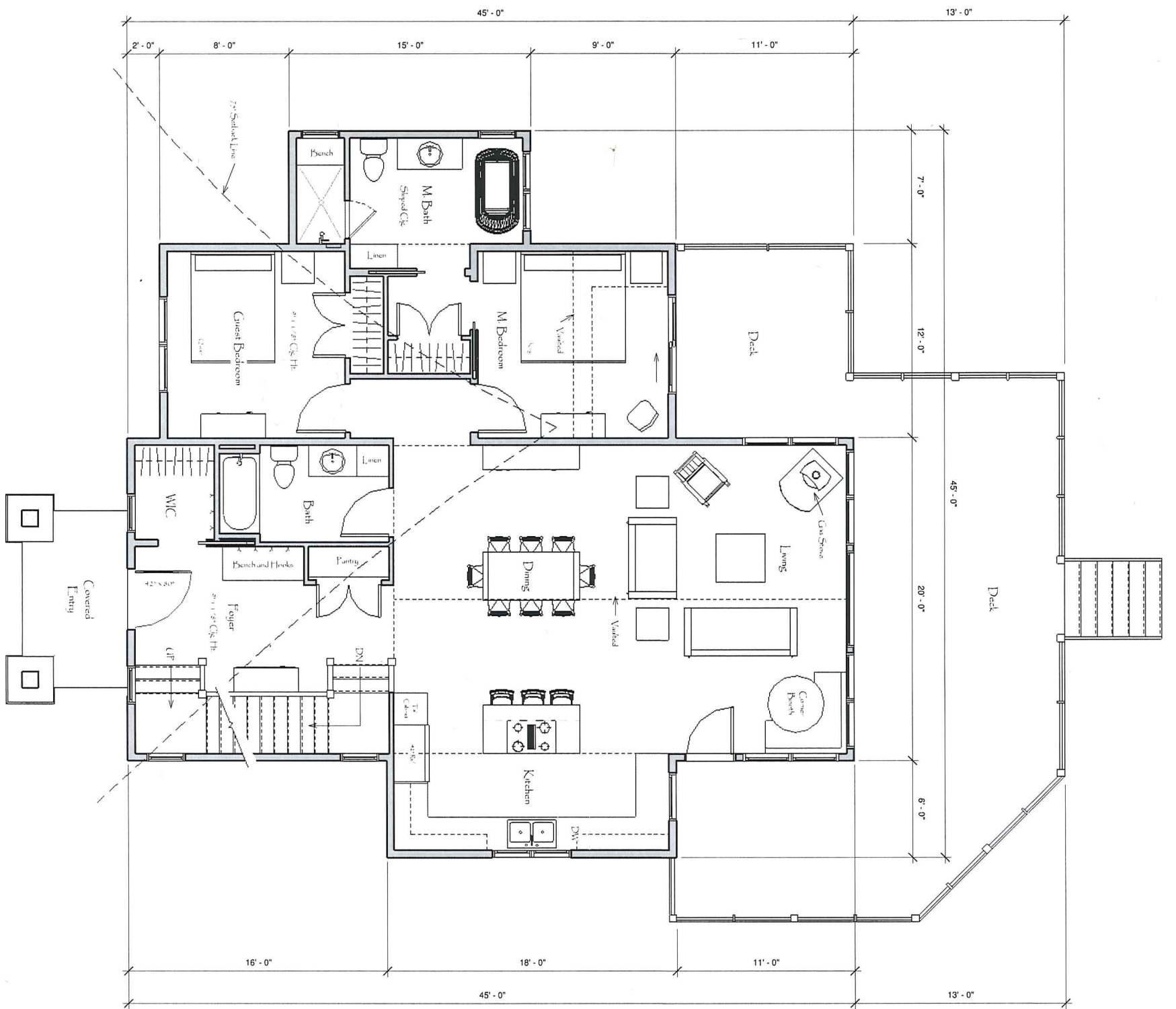
# Cotten Lake Home

- Daggett Lake, Whitefish Chain -

## Elevations

Project Status: Conceptual  
 Date: April 13, 2020  
 Drawn by: mcjohnson  
 Scale: 3/16" = 1'-0"  
 A2



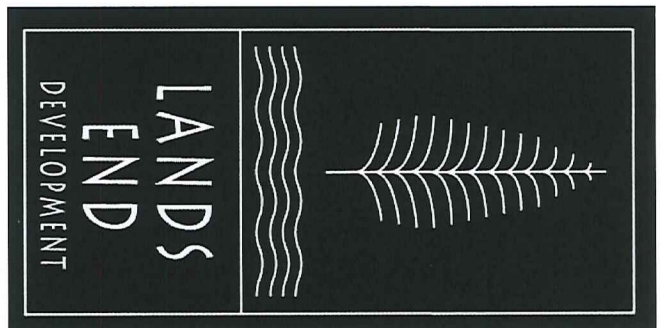


1 Main Level  
1/4" = 1'-0"

**SF Calculation:**

Main Level	1,437
Lower Level	1,437
Upper Level	263
<b>Total SF</b>	<b>3,224</b>

- Garage 764
- Future Bonus Room 420
- Existing House 1,063 SF in Front of Setback
- Existing Deck 790 SF in Front of Setback
- Proposed House 1,941 SF in Front of Setback
- Proposed Deck 414 SF in Front of Setback



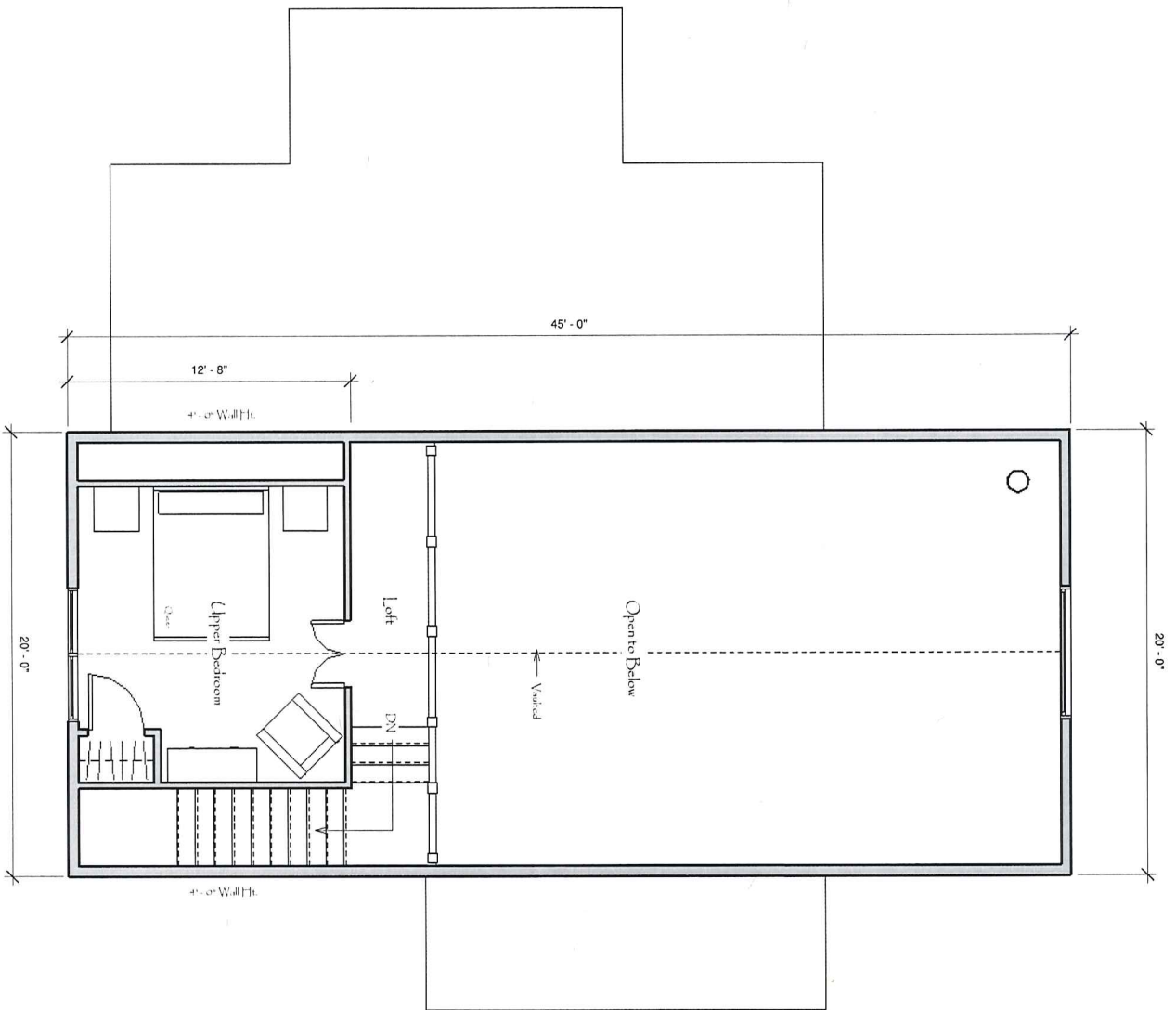
# Cotten Lake Home

- Daggett Lake, Whitefish Chain -

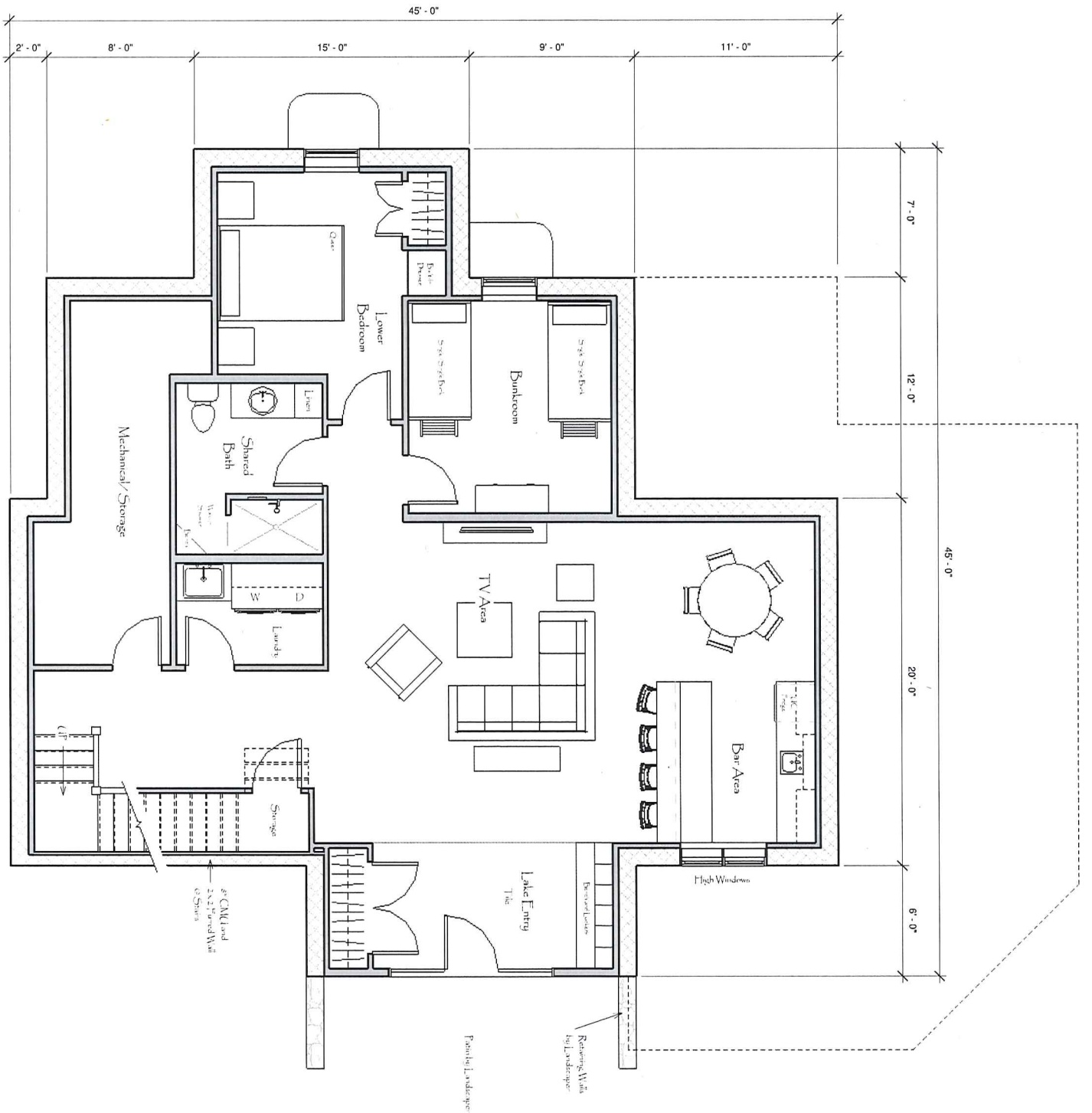
## Main Level Plan

Project Status: Conceptual  
 Date: April 13, 2020  
 Drawn by: mcjohnson  
 Scale: 1/4" = 1'-0"  
 A3

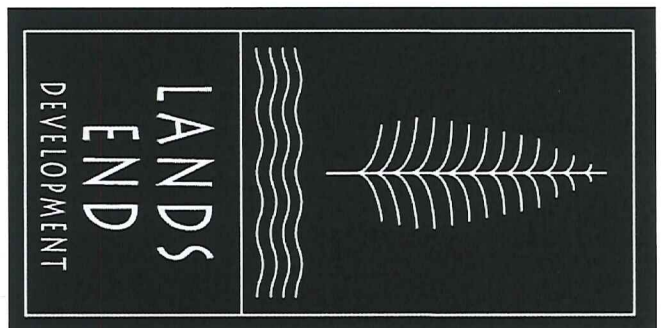




2 Upper Level  
1/4" = 1'-0"



1 Lower Level  
1/4" = 1'-0"



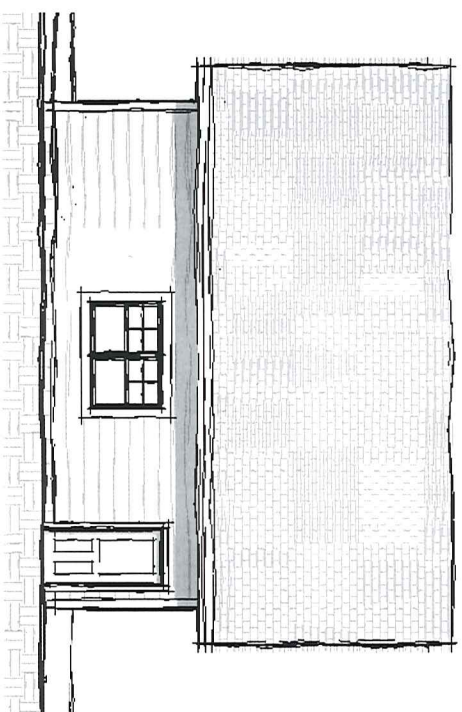
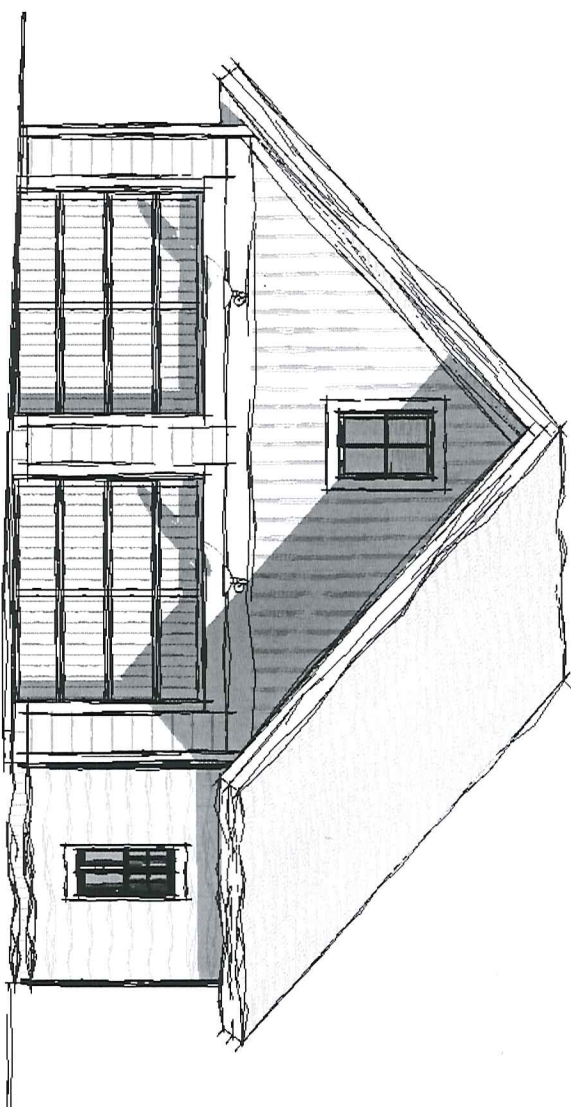
# Cotten Lake Home

- Daggett Lake, Whitefish Chain -

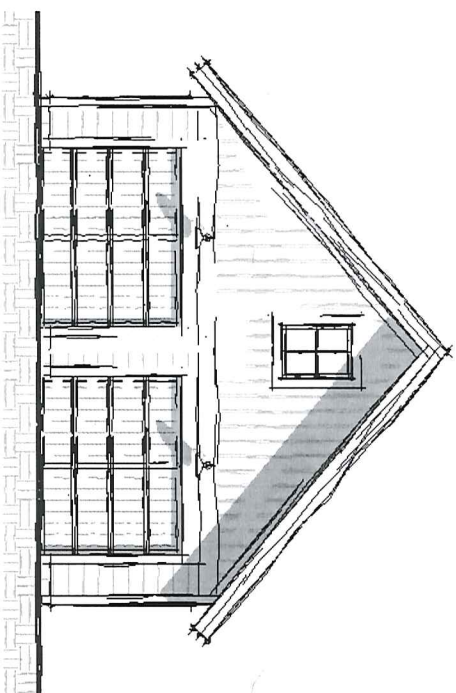
Upper and Lower Levels

Project Status	Conceptual
Date	April 13, 2020
Drawn by	mjohnson
Scale	1/4" = 1'-0"

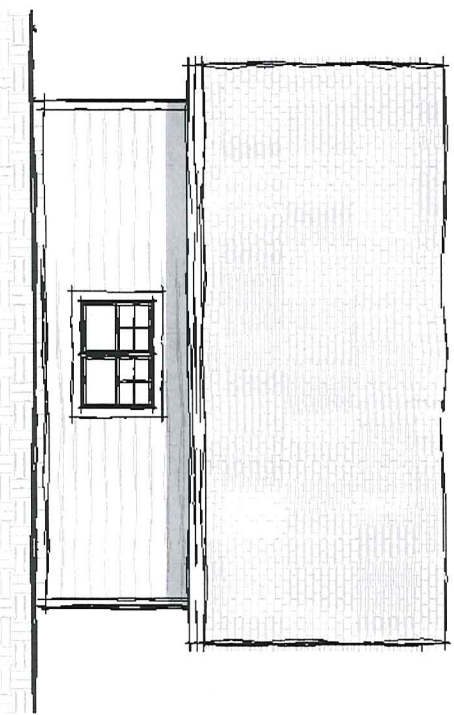
A4



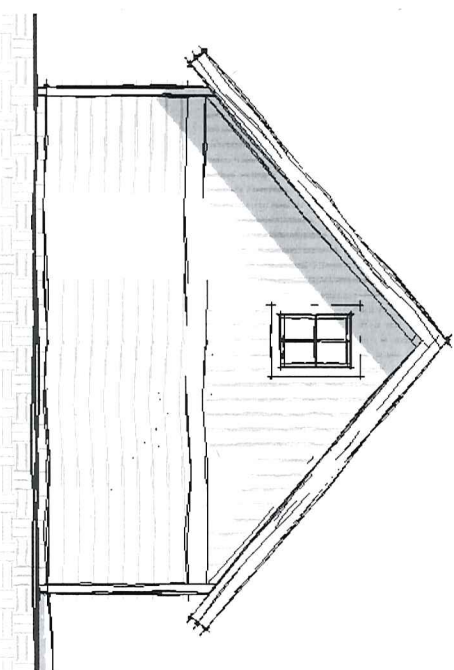
5 Garage North Elevation  
3/16" = 1'-0"



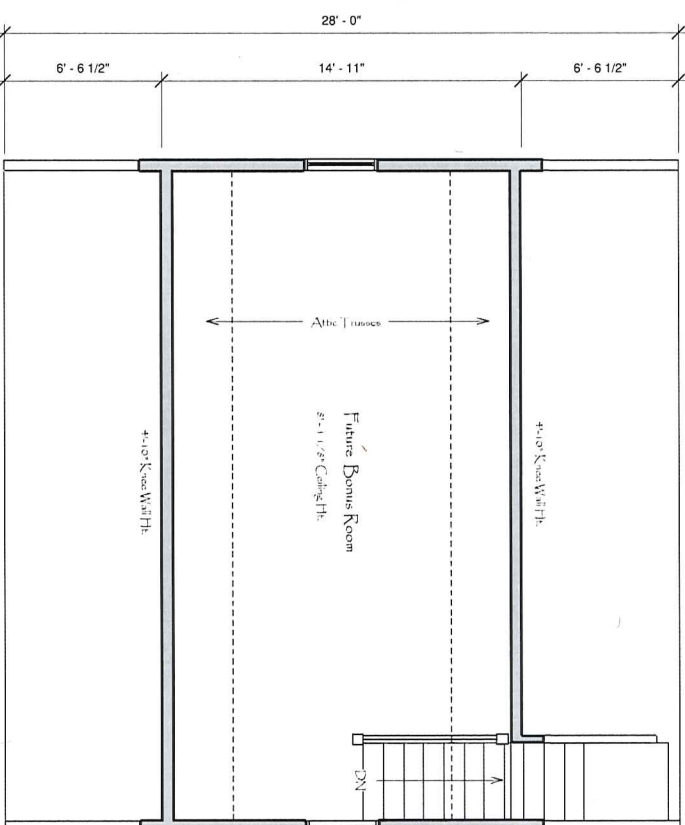
4 Garage West Elevation  
3/16" = 1'-0"



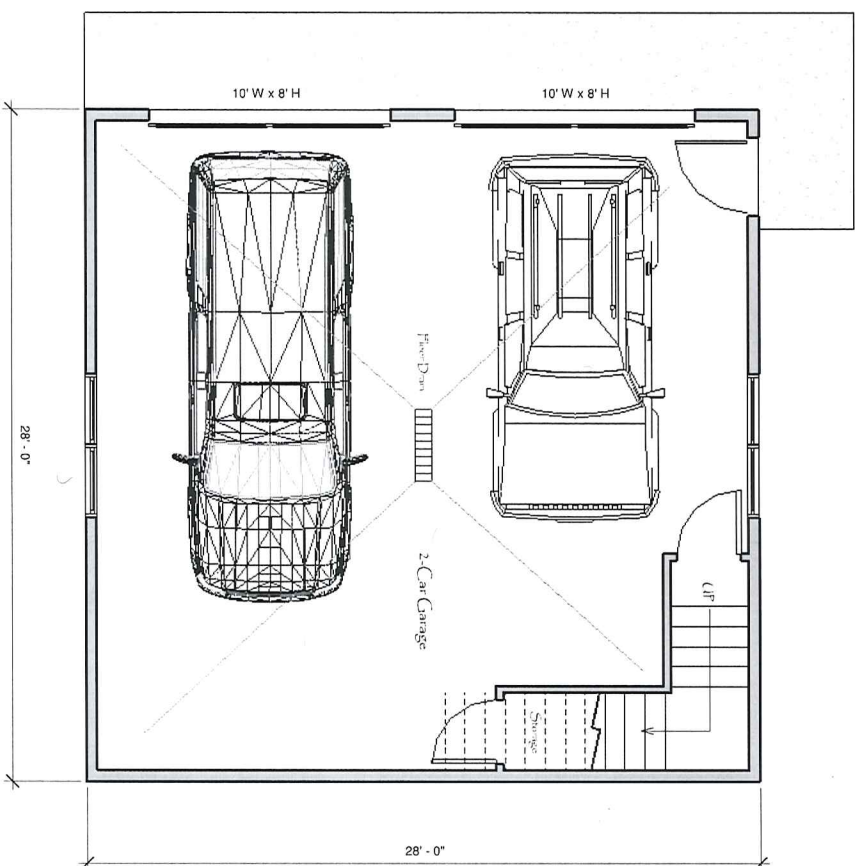
7 Garage South Elevation  
3/16" = 1'-0"



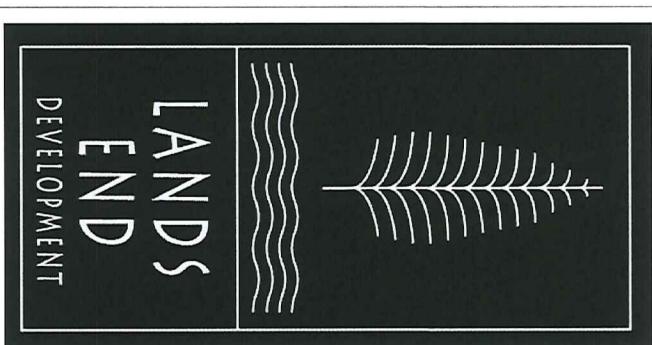
6 Garage East Elevation  
3/16" = 1'-0"



2 Garage Upper Level  
1/4" = 1'-0"



1 Garage Plan  
1/4" = 1'-0"



# Cotten Lake Home

- Daggett Lake, Whitefish Chain -

Garage

AS

Project Status	Conceptual
Date	April 13, 2020
Drawn by	mjohnson
Scale	As indicated





**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: 621739 Permit Number: 2010041V

Property Owner(s): Cotten, Gerald M JR

Mailing Address: 10824 Mississippi Drive N, Brooklyn Park, MN 55443

Site Address: 14398 Rabbit Lane, Crosslake, MN 56442

Phone Number: 612-802-0517

E-Mail Address: cottens.mike@gmail.com

Parcel Number(s): 14160710

Legal Description: ALL OF OUTLOT C EX THAT PART THEREOF LYING NLY AND WLY OF A LINE DESCRIBED AS FOLLOWS; COMM AT A POINT ON T

Sec 16 Twp 137 Rge 26  27  28

Lake/River Name: Daggett Lake

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

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

Authorized Agent: Lands End Development

Agent Address: 13817 County Road 36, Crosslake, MN 56442

Agent Phone Number: 218-692-5263

<u>Variations</u>	
(Check applicable requests)	
<input checked="" type="checkbox"/>	Lake/River Setback
<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 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)  Date 5-8-20

Signature of Authorized Agent(s)  Date 5-11-2020

- All applications must be accompanied by a signed Certificate of Survey
- Fee \$500 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  Date 5/11/2020 Land Use District SD

Lake Class GD Septic: Compliance \_\_\_\_\_ SSTS Design 5/8/2020 Installation \_\_\_\_\_



## 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, this unique pie shaped property has a peninsula on one end with shoreline that drastically encroaches on the building envelope, and on the other end it tapers to 33'. Between these two points is the home, the driveway, the septic system and the garage will need to fit before the lot tapers to the point of no longer providing a usable building envelope.

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

Yes  No

Why:

Yes, the intent is to improve the character of the locality. We propose do do this by moving back the structure so it no longer encroaches on the Shoreline Impact Zone, and we will have less square footage than the current cabin in front of the 75' setback. The proposed plan and setbacks are consistent with both adjacent neighboring properties along with many other properties on this part of the lake.

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

Yes  No

Why:

This cabin was purchased by Mike Cotten in 2014. It appears that it is a very old original structure with 2 separate expansions that have occurred over the years, all appear very old and to be done well before lake setback rules were instituted. As a result, the property is configured in such a way that makes relocation of the home in the build envelope very difficult given the site conditions that exist.

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

Yes  No

Why:

Yes, by placing this new structure in the proposed location it will be further from the lake thus removing it from the Shoreline Impact Zone, it'll have less non-conforming square footage in front of the lake setback, and it'll meet the lake elevation requirements (1234.5) that the current structure does not meet. The new stormwater plan will ensure proper drainage and runoff control.





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: