

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**

**May 28, 2021
9:00 A.M.**

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

PUBLIC HEARING NOTICE

Applicant: Larry M & Kim C Anderson

Authorized Agent: Lakes Area Surveying LLC/Terry Strus

Site Location: That part of Govt Lot 8, Milinda Shores Rd, Crosslake, MN 56442 on Rush Lake-GD

Variance for:

- Lake setback of 25.9 feet where 75 feet is required to proposed structure
- Lake setback of 46.6 feet where 75 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 29.1 feet where 35 feet is required to proposed structure
- Road right-of-way (ROW) setback of 4.4 feet where 10 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 20.4 feet where 35 feet is required to proposed patio
- Dwelling setback of 14 feet where 20 feet is required to proposed septic drainfield

To construct:

- 2984 square foot structure consisting of 1,700 sf house; 900 sf attached garage; 384 sf covered open porch
- 100 square foot patio
- A new septic system
- All above items located as submitted on the Certificate of Survey dated 1-13-2021

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.



STAFF REPORT

Property Owner/Applicant: Larry M & Kim C Anderson

Parcel Number(s): 14070657

Application Submitted: February 2, 2021

Action Deadline: April 3, 2021

City 60 Day Extension Letter sent / Deadline: March 29, 2021 / June 20, 2021

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

City Council Date: N/A

Authorized Agent: Lakes Area Surveying LLC/Terry Strus

Variance for:

- Lake setback of 25.9 feet where 75 feet is required to proposed structure
- Lake setback of 46.6 feet where 75 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 29.1 feet where 35 feet is required to proposed structure
- Road right-of-way (ROW) setback of 4.4 feet where 10 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 20.4 feet where 35 feet is required to proposed patio
- Dwelling setback of 14 feet where 20 feet is required to proposed septic drainfield

To construct:

- 2984 square foot structure consisting of 1,700 sf house; 900 sf attached garage; 384 sf covered open porch
- 100 square foot patio
- A new septic system
- All above items located as submitted on the Certificate of Survey dated 1-13-2021

Current Zoning: Shoreland District

Existing Impervious Coverage:

9.16%

Proposed Impervious Coverage:

16.17%

- A stormwater management plan was submitted with the variance application
- Septic Design Winter Window Agreement was submitted with the variance application

Informal Development Review Team Minutes held on 1-26-2021:

- Property is located on Rush Lake which requires a lake setback of 75 feet and the proposed dwelling with an attached garage is to be approximately 37.6 feet from the OHW of Rush Lake
- 1-13-21 survey was displayed on the screen, with the added red remarks from staff on items to be address; a discussion was held on each item and staff reminded the surveyor that it was

up to the owner/submitter to make sure the required items on the checklist were completed-see attached

- Staff informed the surveyor that the area where the city road is encroaching into the property that the road authority requires a 5 ft snowload area/setback, so all required road right-of-way (ROW) setbacks need to be measured from the 5 ft snowload in those areas (5' will be subtracted from survey setback)
- Impervious-Parcel gross area vs parcel gross less easement/road was discussed; make a note if used
- Impervious maximum of 25% and if impervious exceeds 20% a Shoreline Rapid Assessment Model form will be completed (Sec. 26-518)
- Design and implement a stormwater management plan, which is required with all variance applications per Article 8, section 26-222, (2), 1)
- A septic design will be required and surveyor stated he has a signed winter window agreement (WWA) which allows them to proceed forward with their request
- Wetland Delineation is a requirement and the surveyor stated he has a signed wetland delineation winter window agreement (WWA) which allows them to proceed forward with their request
- Staff informed the surveyor that if the DNR would make a different determination on the wetland/lake than what is shown on the survey and that determination negatively impacts the lake setback requested, then the applicant would have to request another variance
- A grade and elevation illustration along with a cut and fill calculation is required for a complete variance application – we noted that surveyor should go over the checklist with the owner
- Discussion on application requirements, procedure, schedule, fee and the requirements/need for a complete application packet by the deadline date; notification methods; variances are limited to 2 years
- 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 or a WWA
4. A septic design or WWA
5. A complete Variance application with the \$500.00 fee and/or \$6.00 for survey copies

Parcel History:

March 26, 2021 – Variance tabled for:

- Lake setback of 25.9 feet where 75 feet is required to proposed dwelling
- Lake setback of 40.3 feet where 75 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 29.1 feet where 35 feet is required to proposed dwelling
- Road right-of-way (ROW) setback of .9 feet where 10 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 22.8 feet where 35 feet is required to proposed patio
- Dwelling setback of 12.9 where 20 feet is required to proposed septic drainfield

To construct:

- 2600 square foot dwelling/garage
- 384 square foot covered screen porch 36.2 feet from Rush Lake
- 100 square foot patio
- A new septic system

- All above items as submitted on the Certificate of Survey dated 1-13-2021/ included
- Impervious currently at 9.16% proposed to be 12.30%

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: 2-28-2021 Danielle McNeil email regarding 100-yr floodplain

City Engineer: N/A

Lake Association: No comments were received as of 3-12-2021

Township: N/A

Crosslake Public Works: No comments were received as of 3-12-2021

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comments were received as of 3-12-2021

POSSIBLE MOTION:

To approve/table/deny the variance to allow:

- Lake setback of 25.9 feet where 75 feet is required to proposed structure
- Lake setback of 46.6 feet where 75 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 29.1 feet where 35 feet is required to proposed structure
- Road right-of-way (ROW) setback of 4.4 feet where 10 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 20.4 feet where 35 feet is required to proposed patio
- Dwelling setback of 14 feet where 20 feet is required to proposed septic drainfield

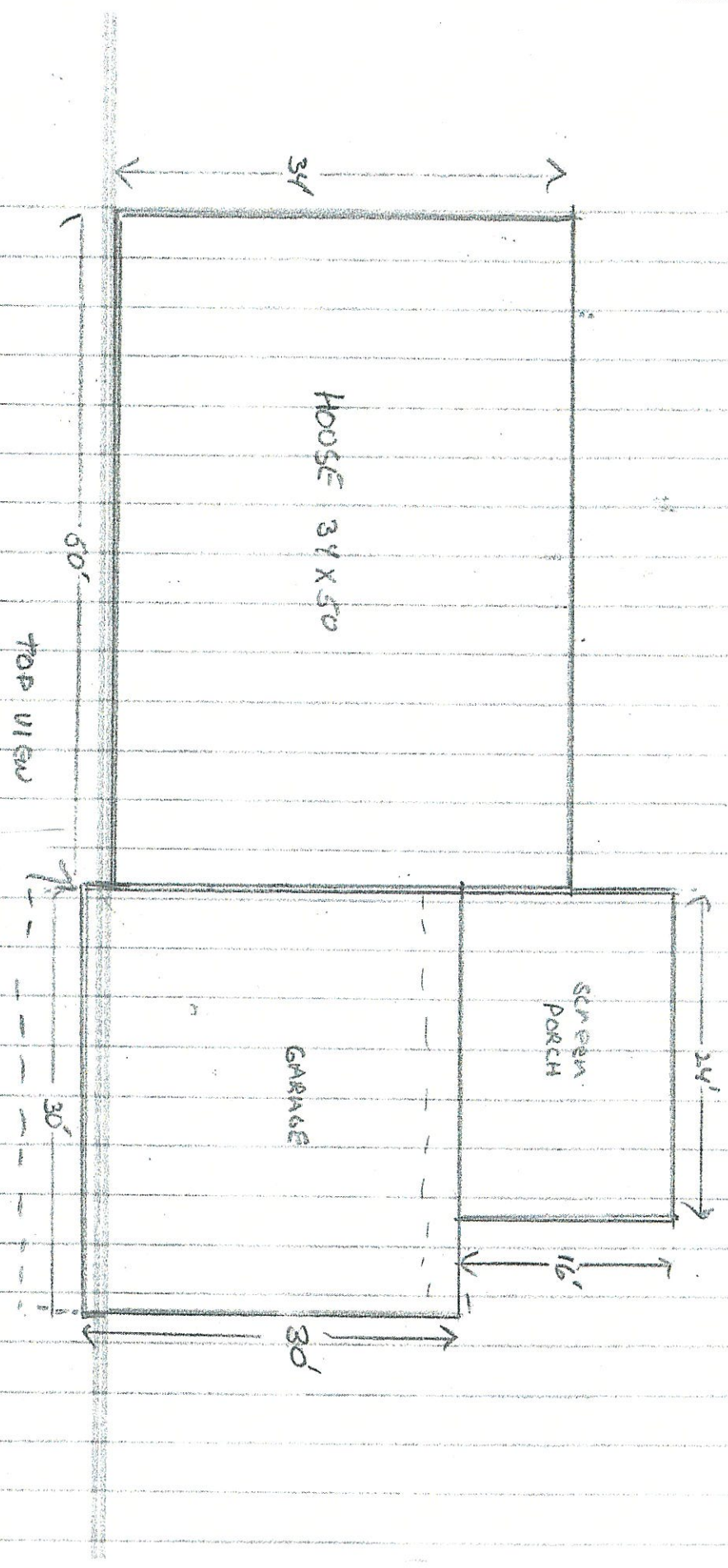
To construct:

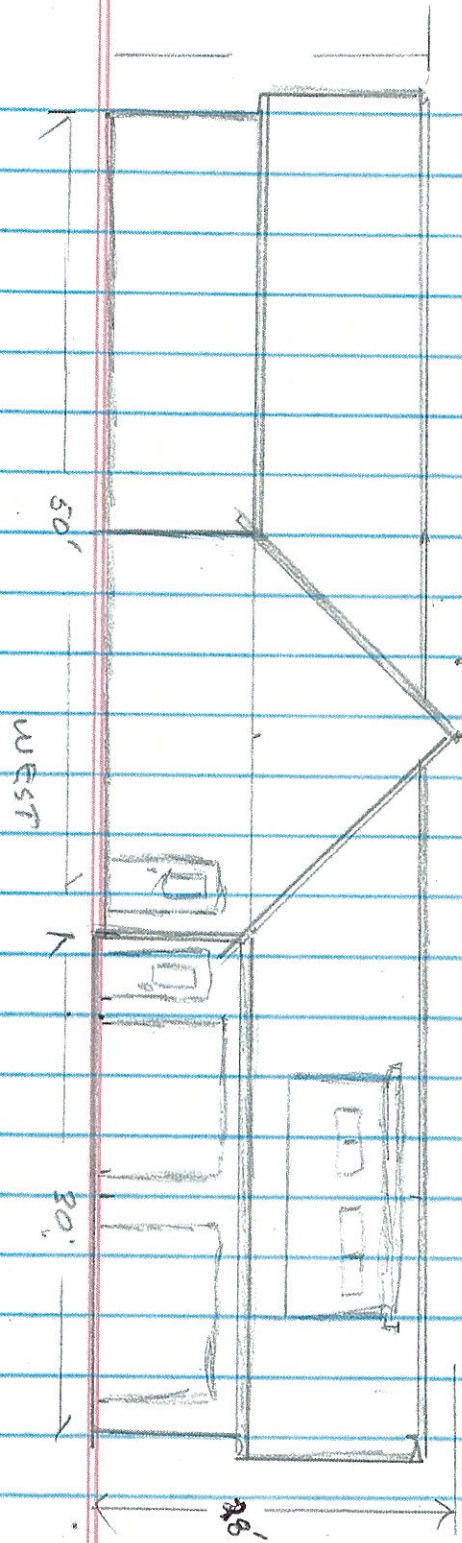
- 2984 square foot structure consisting of 1,700 sf house; 900 sf attached garage; 384 sf covered open porch
- 100 square foot patio
- A new septic system
- All above items located as submitted on the Certificate of Survey dated 1-13-2021

As shown on the certificate of survey dated 1-13-2021



Larry & Kim Anderson



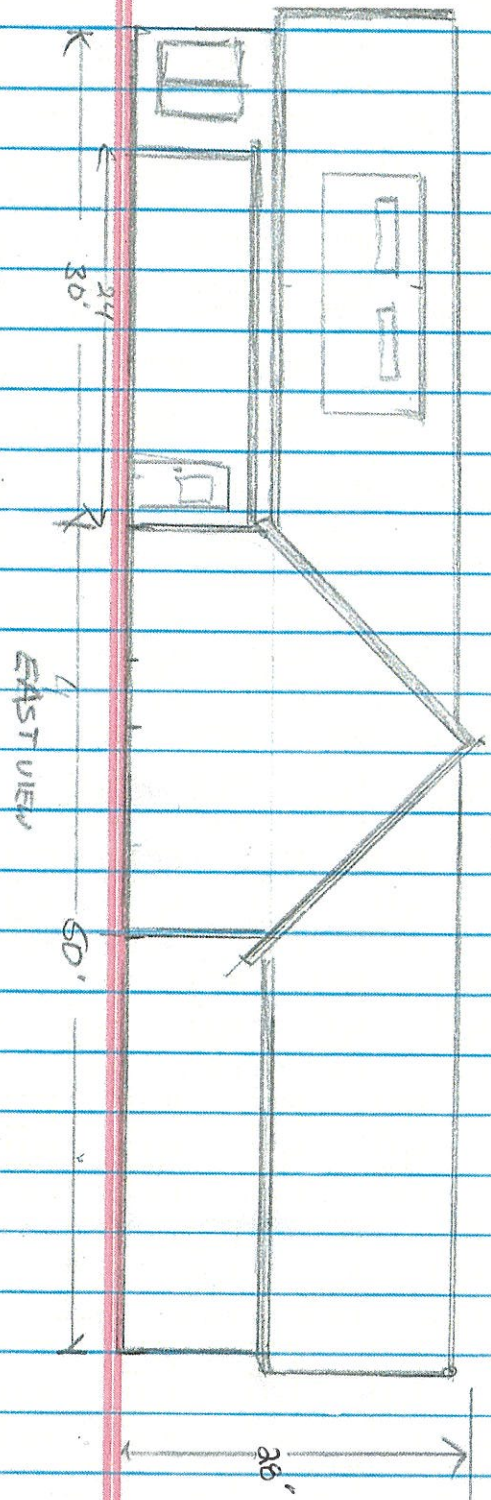


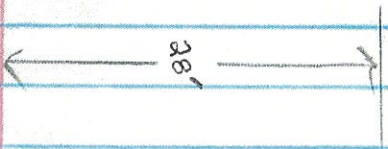
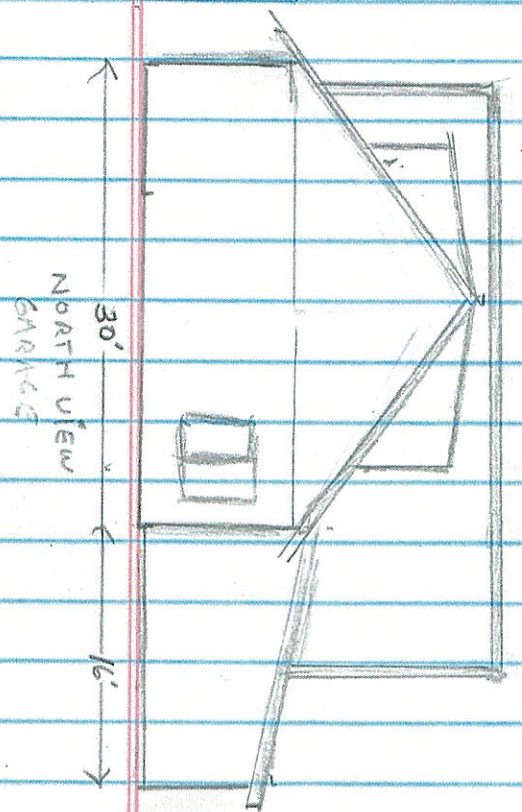
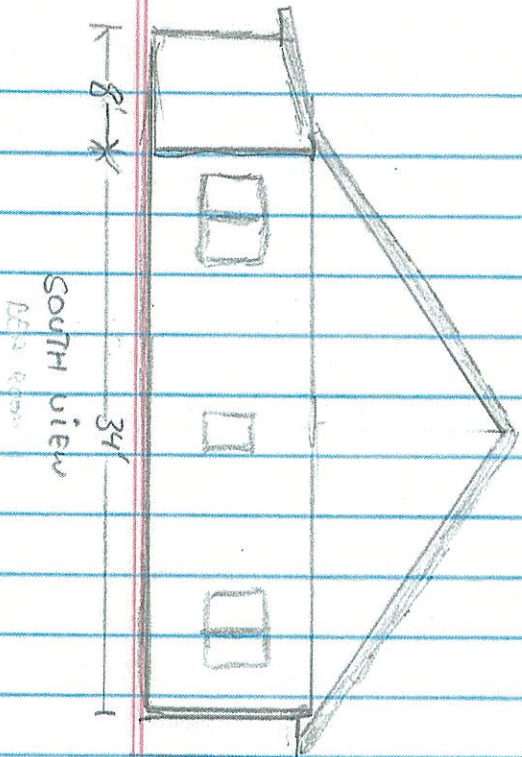
WEST

50'

30'

30'





Cheryl Stuckmayer

From: McNeil, Danielle (DNR) <danielle.mcneil@state.mn.us>
Sent: Sunday, February 28, 2021 7:58 AM
To: cstuckmayer@crosslake.net; Jon Kolstad
Cc: Strauss, Ceil C (DNR)
Subject: FW: PC/BOA 3-26-2021 Meeting Information
Attachments: Agency_Anderson.pdf

Hi Cheryl and Jon,

I'm reviewing the Anderson application and it looks like the entire property falls within the 100-yr floodplain. From the plans, it looks like some fill may be added to elevate the proposed house/garage. Can you confirm this?

Thanks!
Dani

Dani McNeil

Hydrologist | Ecological & Water Resources Division

Minnesota Department of Natural Resources

1601 Minnesota Drive

Brainerd, MN, 56401

218-203-4367*

Danielle.McNeil@state.mn.us

* Please note: DNR staff are currently working from home and may return your call from an alternative number. Contact via email is strongly encouraged at this time.

mndnr.gov



From: Cheryl Stuckmayer <cstuckmayer@crosslake.net>
Sent: Friday, February 26, 2021 2:35 PM
To: McNeil, Danielle (DNR) <danielle.mcneil@state.mn.us>; Ted Strand <publicwk@crosslake.net>; Mark Melby <mark.melby@crowwing.us>
Cc: 'Jon Kolstad' <jkolstad@crosslake.net>
Subject: PC/BOA 3-26-2021 Meeting Information

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Good afternoon,

Crosslake PZ

From: Terri Tremmel <tremmel21@yahoo.com>
Sent: Monday, March 22, 2021 4:50 PM
To: crosslakepz@crosslake.net
Cc: Jon Kolstad
Subject: Fwd: Crosslake Planning Commission

Please confirm you received this.

Sent from my iPhone

Begin forwarded message:

From: Tom Tremmel <t.tremmel@microcontrol.com>
Date: March 22, 2021 at 9:47:52 AM CDT
To: Terri Tremmel <tremmel21@yahoo.com>
Subject: Crosslake Planning Commission

Members of the Crosslake Planning Commission,

We received a notice for a public hearing for Govt Lot 8, Milinda Shores Rd, Crosslake, MN 56442 on Rush Lake-GD. We recently purchased the island on Hidden Lake from the applicant requesting the variances on this lot. Therefore, the roadway easement (to our island) attached to this lot, directly impacts us.

From our understanding, in order to meet flood line requirements a very large amount of dirt/fill will need to be added to the lot. The following are our concerns related to this requirement:

- Bridge: Can the small one-way bridge withstand the weight and frequency of the heavy construction equipment hauling tons of dirt across the road?
- Storm Water Run-off: We purchased the property on the island with the legal understanding that we would be able to access our property using the easement. A large house, driveway and garage is planned to be built. Fill/dirt is hauled in, raising the flood line, the large amount of rain water that is normally soaked into the lot now looks as if it will runoff directly into the easement sitting at the lower level, making it inaccessible.

In conclusion, we ask the Planning Commission/Board of Adjustment to deny this application. It is an unreasonable request. The house structure is:

- Too big for the lot.
- Doesn't meet many setback requirements.
- Doesn't meet the flood line requirements.

Tom and Terri Tremmel
37193 Milinda Shores

March 20, 2021

Greetings Planning and Zoning Commission Members:

On behalf of the Water Quality Group, Thank You for your time and effort in support of the #1 priority of our community -- water quality. We recognize the decisions made by the commission are not always easy. However, decisions must be made that enhance and protect our Whitefish Chain of Lakes — the economic engine of our community and a key to our way of life.

Therefore, we urge you to deny the requests for the *Day Application* and the *Anderson Application* for the following reasons:

Both of these requests for variance:

1. Show no regard or respect for existing ordinances or rules of the City of Crosslake, Crow Wing County, and the State of Minnesota.
2. Reflect ignorance and disrespect when it comes to the owners concern for protecting their own lakeshore.
3. Demonstrate a lack of understanding or interest in how any given approval may affect future decisions made by the Planning Commission and/or City Council.
4. Lack an appreciation of the economic impact declining lake water quality has on property values, vitality of the city, as well as area businesses.
5. Represents an endangerment to the "sensitive shoreline" on Rush Lake as designated by the Minnesota Department of Natural Resources.

https://files.dnr.state.mn.us/eco/sli/whitefish_lakereport_2012.pdf See page 6 of 108 pages

As you are aware, ordinances are designed-- among other considerations-- to protect natural resources including the conservation of water quality. However, given that the economic vitality of Crosslake as well as the surrounding region are also impacted, it is important that the integrity of the ordinances intended for this very purpose have the support of everyone.

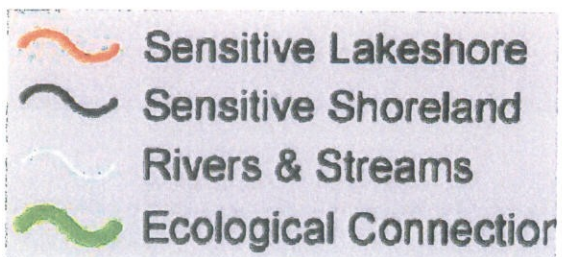
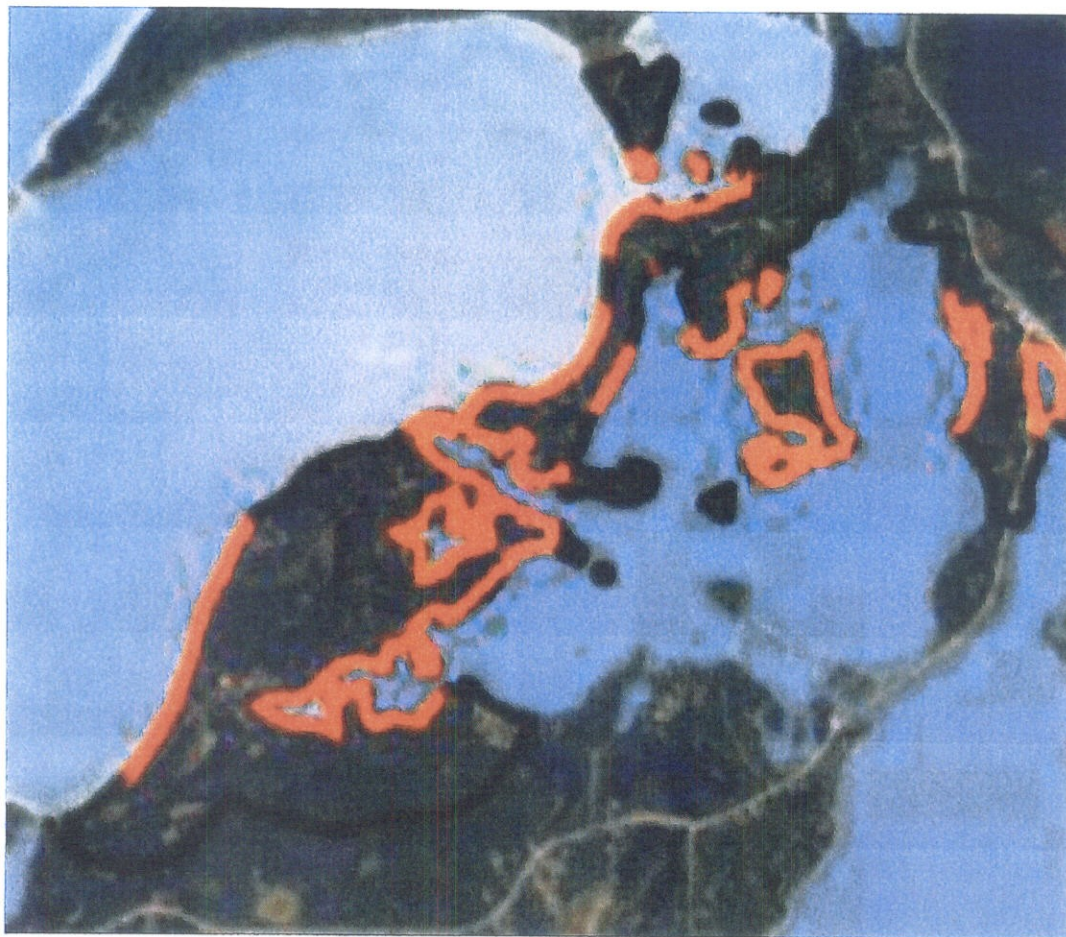
Therefore, it is the position of the Water Quality Group that any enhancements made on a property that may have an effect on our waters be in conformity with and compliance of all state, county and local regulations, laws and ordinances. And

further, that variances be used sparingly and consistently with best management practices for the protection of the precious lakes and rivers that belong to all of us and to future generations.

Respectfully,






The Water Quality Group

John Forney, Patty Norgaard, Steve Roe, Jeff Laurel, Dave Fischer





Anderson

-  Sensitive Lakeshore
-  Sensitive Shoreland
-  Rivers & Streams
-  Ecological Connections
-  Aquatic Management Areas



~~Day~~

Crosslake PZ

From: Morlock, Nita <ndmorlock@CBBURNET.COM>
Sent: Thursday, March 25, 2021 3:50 PM
To: Crosslake PZ
Subject: Larry & Kim Anderson Variance Request

To: Crosslake City Planning Commission

From: Bob and Nita Morlock, owners of 37220 Milinda Shores Road, Crosslake

Re: Public Hearing Notice for Larry & Kim Anderson

Hello,

We received the letter regarding the request for 6 variances for the small and low unbuildable outlot along Milinda Shores Road.

Based on our knowledge of this parcel, this outlot was to be part of the island so that the island cabin owner would use it for access to the island and have a place to park. This outlot was never intended to be a home site and was combined with the island lot because it is too small and low to have a buildable pad to be practical or meet all of the setback requirements. The owner created this need for a variance by splitting off the lot and selling the island home site and attempting to sell this lot separately to make more money, by trying to make it a buildable lot. However, it is not a buildable lot when you need this many variances to make it work.

Furthermore, there are other safety concerns, which include heavy equipment on the small bridge leading to the property which may impact the safety of the bridge, the extra traffic on a very narrow road during construction, and the extra parking of cars on the narrow road after construction because there won't be very much room on the lot to park.

Additionally, we understand a wetland delineation was completed in the winter, without any soil borings, which is not accurate. Delineation can never be accurate without soil borings.

In reference to the large number of setbacks, please note the following comments:

When lake setback is 75 feet, and they are asking for 25.9 variance, it shows that the lot is not even close to the right size for building.

The lake setback for the septic from 75 to 40 feet again isn't even close to the lot being appropriate for building.

Road right of way setback from 35 feet required to only 29 feet is a large variance.

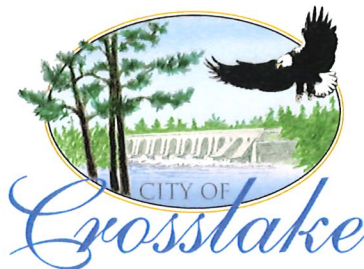
Required 10 foot setback to less than a foot is also another unreasonable request.

The road right of way to the proposed patio from 35 to 22 feet and the dwelling setback to the septic from 20 feet to 12.9 feet are extreme and unreasonable.

In conclusion, the lot is not buildable, and it not a hardship to the seller who chose to split the property for gain of profit, not because it historically was intended to be built on. It was intended to be an outlot for the island property.

Thank you for considering our input to this request.

City Hall: 218-692-2688
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Fax: 218-692-2687



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

March 29, 2021

Larry & Kim Anderson
8255 Interlachen Road
Lakeshore, MN 56418

RE: Variance Application 210012V

FOR: PID # 14070657, Part of Government Lot 8, Melinda Shores Road

Mr. & Mrs. Anderson,

Pursuant to MN State Statute Section 15.99 and Section 26-74 of the Land Use Ordinance for the City of Crosslake, the purpose of this letter is to inform you that our office is extending the 60-day deadline for Agency action up to an additional 60-days, no later than June 2, 2021. The purpose of the extension is to allow the property owner time to address the Planning Commission/Board of Adjustment's concerns and to make revision to their proposed plan.

Thank you for your cooperation and flexibility. If you have any questions please don't hesitate to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Jon R. Kolstad". The signature is stylized and somewhat abstract, with a long horizontal line extending to the right.

Jon R. Kolstad
Planning and Zoning Administrator
(218) 692-2689
jkolstad@crosslake.net



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: 969617

Permit Number: 210012V

Property Owner(s): LARRY^M & KIM C ANDERSON

Mailing Address: 8255 INTERLACHEN ROAD
LAKESHORE, MN 56448

Site Address: MELINDA SHORES ROAD

Phone Number: 1-218-838-0940

E-Mail Address: GULL LAKE BRICK 1 @ HOTMAIL.COM

Parcel Number(s): 140 706 57

Legal Description: PART OF GOV'T LOT B

Sec 7 Twp 137 Rge 26 27 28

Lake/River Name: RUSH LAKE

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

If yes list Parcel Number(s) _____

Authorized Agent: Terry Strus

Agent Address: 24314 SMILEY RD suite C
MISSWA, MN 56468

Agent Phone Number: 218-761-0090

<u>Variations</u>	
(Check applicable requests)	
<input checked="" type="checkbox"/>	Lake/River Setback
<input checked="" 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 checked="" type="checkbox"/>	Septic Drainfield Setback ?
<input type="checkbox"/>	Impervious Coverage
<input type="checkbox"/>	Accessory Structure
<input type="checkbox"/>	Building Height
<input checked="" type="checkbox"/>	Patio Size ? SETBACK
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

Signature of Property Owner(s) *Kim Anderson* Date 1-19-21

Signature of Authorized Agent(s) *Terry T. Strus* Date 1-19-21

- 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 *[Signature]* Date 2/2/2021 Land Use District *SD*

Lake Class *GD* Septic: Compliance _____ SSTS Design *WW* 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: The property is surrounded by water on all sides
which causes there to be no building envelope.
4. Will the issuance of a Variance maintain the essential character of the locality?
Yes No
Why: The proposed house is placed centrally on the lot, out
of sight. Neighboring properties on all sides are located within
the same vicinity to the OHW.
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 particular property is unique in respect that is
surrounded by water and has a road running through the
middle.
6. Does the need for a Variance involve more than economic considerations?
Yes No
Why: There is only area to build a house on this
property while minimizing the impact area.



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: