

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**

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

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

### **PUBLIC HEARING NOTICE**

**Applicant:** James M & Diana A Gallaway Trust

**Authorized Agent:** Stonemark Land Surveyors / Cynthia Hidde

**Site Location:** The end of Riverwood Trail, Crosslake, MN 56442 on Pine River-GD

**Variance for:**

- River setback of 49 feet where 100 feet is required to proposed structure
- Road right-of-way (ROW) setback of 14.1 feet where 35 feet is required to proposed structure

**To construct:**

- 1,985 square foot structure consisting of 1,040 sf dwelling; 753 sf garage; 192 sf 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: James M & Diana A Gallaway Trust  
Parcel Number(s): 14210702  
Application Submitted: April 12, 2021  
Action Deadline: June 11, 2021  
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:** Stonemark Land Surveyors / Cynthia Hidde

**Variance for:**

- River setback of 49 feet where 100 feet is required to proposed structure
- Road right-of-way (ROW) setback of 14.1 feet where 35 feet is required to proposed structure

To construct:

- 1,985 square foot structure consisting of 1,040 sf dwelling; 753 sf garage; 192 sf deck

**Current Zoning:** Shoreland District

**Existing Impervious Coverage:**

2.2%

**Proposed Impervious Coverage:**

20.0%

- A stormwater management plan was submitted with the variance application
- City sewer connection

**Development Review Team Minutes held on 3-9-2021:**

- Property is located on Pine River (GD) off of Riverwood Trail with a river setback of 100 feet
- The proposed 1040 sf (26x40) dwelling to be approximately 48 feet from the OHW of Pine River
- Bench mark installed by surveyor and supplemental data form maybe required to verify elevation is being met for the Pine River
- Setback from both sides of the river; deck to meet setback; items that would be required to meet all the setbacks and if not would need to be added to the variance; staff suggested moving it back
- 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)
- If the eaves exceed 36" the setback and the impervious coverage shall be measured from the dripline
- 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 (gutters, berm & rain gardens) or update any existing plan, which is required with all variance applications per Article 8, section 26-222, (2), 1). When a wetland is being used the stormwater must be filtered to drinking standards before it can flow into any wetland
- This parcel is on city sewer and would be required to hookup to the city sewer

- Wetland Delineation is a requirement for a variance or a no wetland statement/letter; a wetland delineation winter window agreement form is available if needed
- 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, 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
4. A complete Variance application with the \$500.00 public hearing fee

**Parcel History:**

- Gendreau’s Lots established in 1955
- No history, this is a vacant lot

**Agencies Notified and Responses Received:**

**County Highway Dept:** N/A

**DNR:** No comments were received as of 5-14-2021

**City Engineer:** N/A

**Lake Association:** N/A

**Township:** N/A

**Crosslake Public Works:** No comments were received as of 5-14-2021

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

**Concerned Parties:** No comments were received as of 5-14-2021

**POSSIBLE MOTION:**

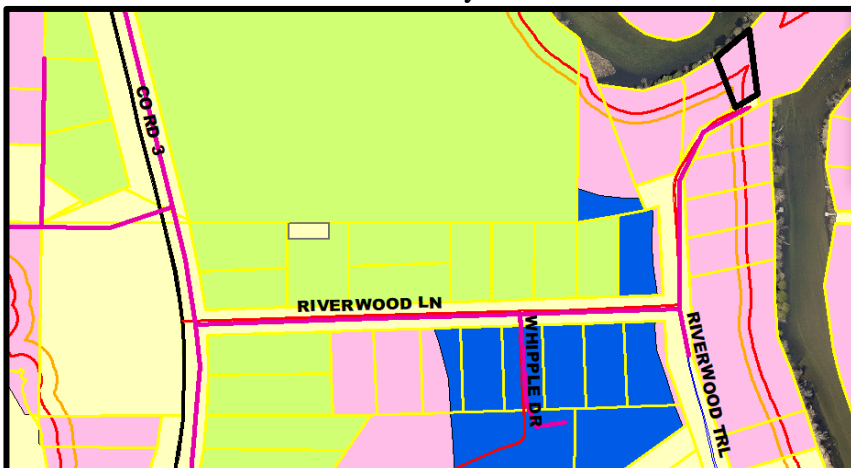
To approve/table/deny the variance to allow:

- River setback of 49 feet where 100 feet is required to proposed structure
- Road right-of-way (ROW) setback of 14.1 feet where 35 feet is required to proposed structure

To construct:

- 1,985 square foot structure consisting of 1,040 sf dwelling; 753 sf garage; 192 sf deck

As shown on the certificate of survey dated 4-19-2021

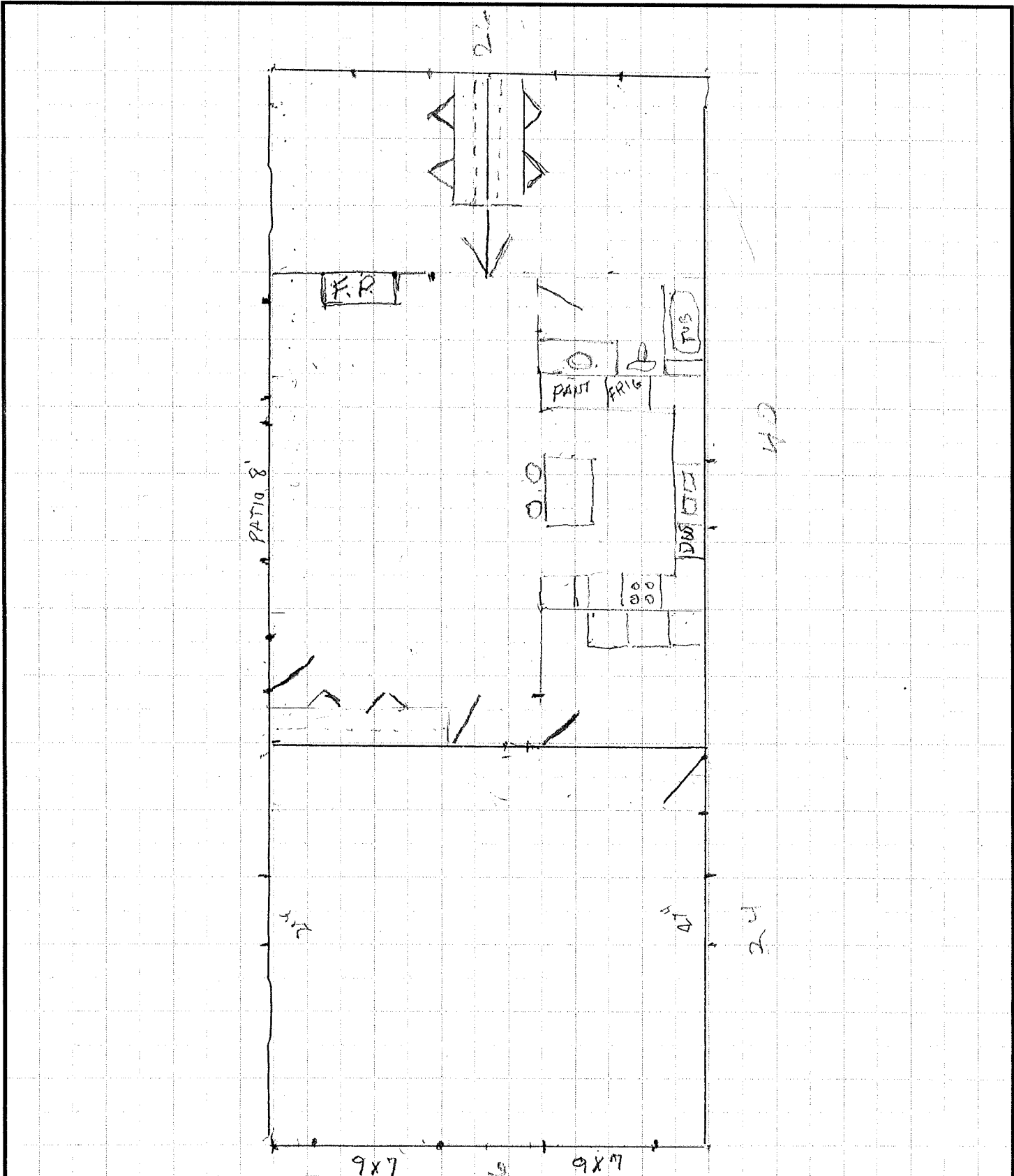




Job Name: \_\_\_\_\_ Job No.: \_\_\_\_\_

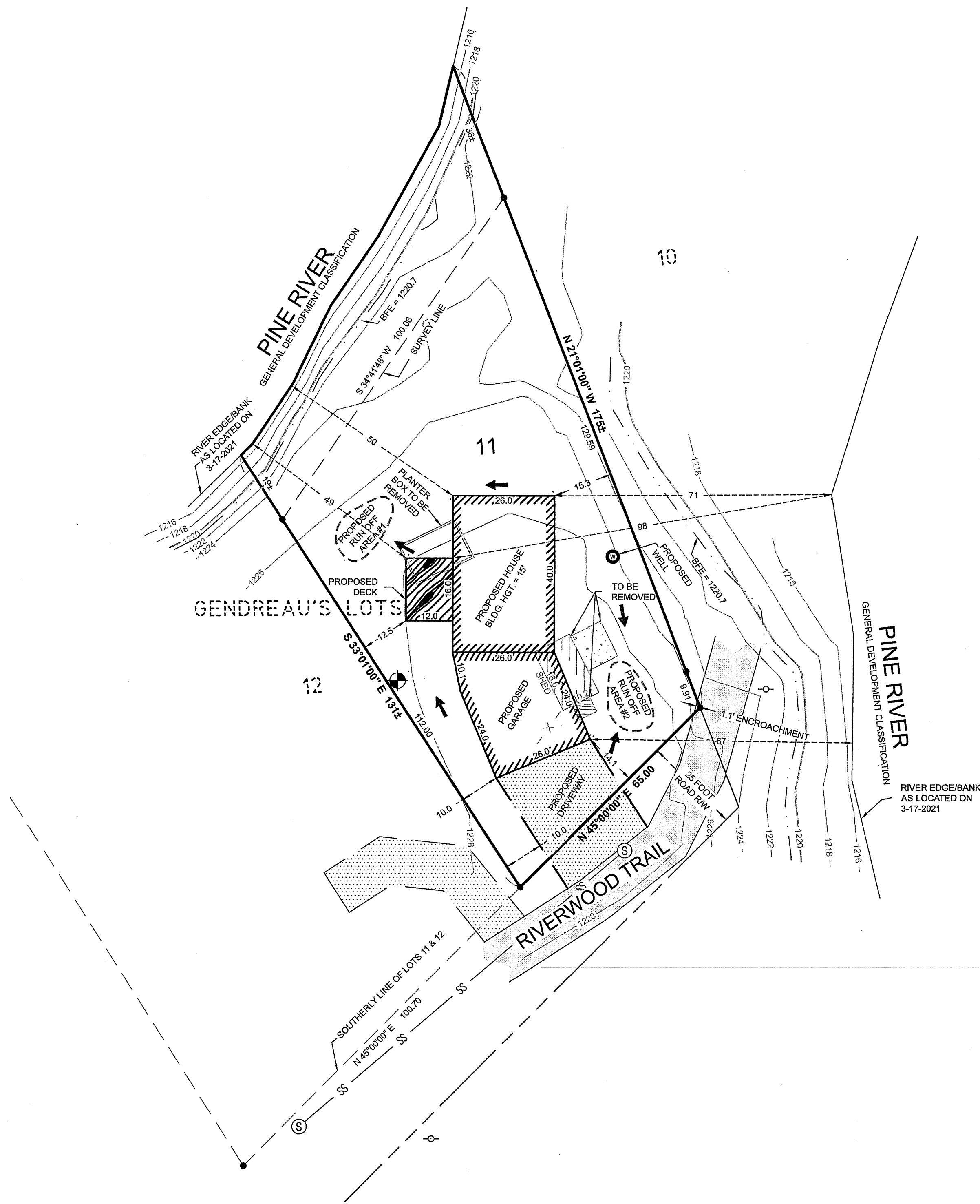
Description: \_\_\_\_\_ Cad Dwg.: \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_ Sheet: \_\_\_\_\_ of \_\_\_\_\_



# CERTIFICATE OF SURVEY

LOT 11, GENDREAU'S LOTS,  
SECTION 21, TOWNSHIP 137 NORTH, RANGE 27 WEST,  
CROW WING COUNTY, MINNESOTA  
TOTAL AREA= 11,469 SQ.FT.±/0.26 ACRES±



### LEGEND

- X — X — DENOTES EXISTING FENCE LINE
- ▨ 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
- DENOTES EXISTING UTILITY POLE
- SS DENOTES EXISTING SANITARY SEWER
- ⊙ DENOTES EXISTING SANITARY SEWER MANHOLE
- ➔ DENOTES PROPOSED SURFACE DRAINAGE FLOW
- ⊕ DENOTES BENCHMARK: SET DOUBLE HEADED NAIL IN NE ROOT OF A 24" WHITEPINE  
ELEV. = 1228.71  
NGVD 29 DATUM
- ⊕ DENOTES OFFSITE BENCHMARK: 1802 C 1 MNDT  
ELEV. = 1228.61  
NGVD 29 DATUM
- DENOTES MONUMENT FOUND

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTHERLY LINE OF LOTS 11 & 12 TO HAVE AN ASSUMED BEARING OF N 45°00'00" E.

### 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 3-17-2021
2. Zoning for subject tract = Shoreland District
3. After applying the Crosslake setbacks per ordinance, there is no building envelope on subject property.
4. There are no bluffs within surveyed property.
5. No wetlands were found on March 26, 2021 at site per Ben Meister, Meister Environmental, LLC. MN Certified Wetland Delineator #1031.
6. Parcel ID of subject parcel: 14210702
7. The E911 address of subject parcel: XXXX Riverwood Trail
8. 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. Per map provided by Ceil Strass MNDNR in 2017 the BFE in this area ranges between 1220.8 and 1221.3 (NAVD 88 Datum). For purposes of this survey 1221.3 NAVD 88 Datum (1220.7 NGVD 29) is being used as the BFE as shown.
9. Zoning for subject tract = Shoreland District
10. No-maintenance shoreline buffer according to Article 19 of the City of Crosslake Code of Ordinances.
11. Building will have rain gutters.

### SETBACKS:

RIVER GENERAL DEVELOPMENT CLASSIFICATION = 100 FOOT  
SIDE LINE = 10 FOOT  
PRIVATE ROAD = 10 FOOT

#### IMPERVIOUS CALCULATIONS

| EXISTING     | IMPERVIOUS AREA (sq.ft.) | Net Area (sq.ft.) | Percent Impervious (sq.ft.) |
|--------------|--------------------------|-------------------|-----------------------------|
| Shed         | 170                      | 11,469            | 1.5%                        |
| Concrete     | 85                       | 11,469            | 0.7%                        |
| <b>Total</b> | <b>255</b>               | <b>11,469</b>     | <b>2.2%</b>                 |

#### IMPERVIOUS CALCULATIONS

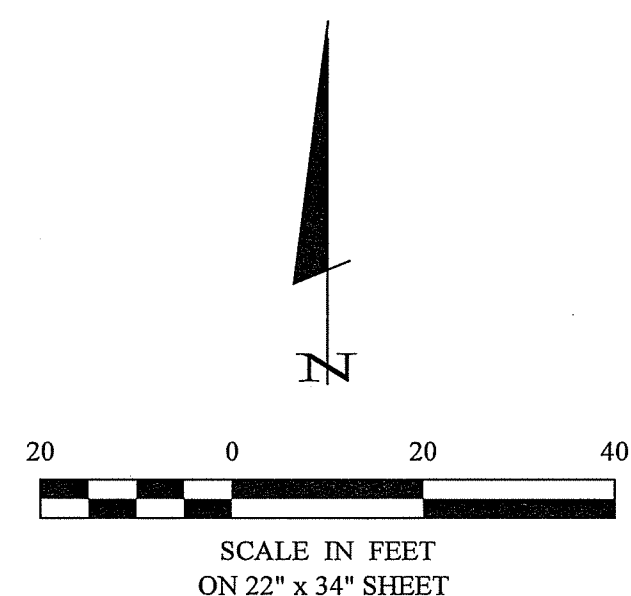
| PROPOSED     | IMPERVIOUS AREA (sq.ft.) | Net Area (sq.ft.) | Percent Impervious (sq.ft.) |
|--------------|--------------------------|-------------------|-----------------------------|
| House        | 1,040                    | 11,469            | 9.1%                        |
| Garage       | 753                      | 11,469            | 6.6%                        |
| Drive        | 499                      | 11,469            | 4.4%                        |
| <b>Total</b> | <b>2,292</b>             | <b>11,469</b>     | <b>20.0%</b>                |


#### RUN OFF CALCULATIONS

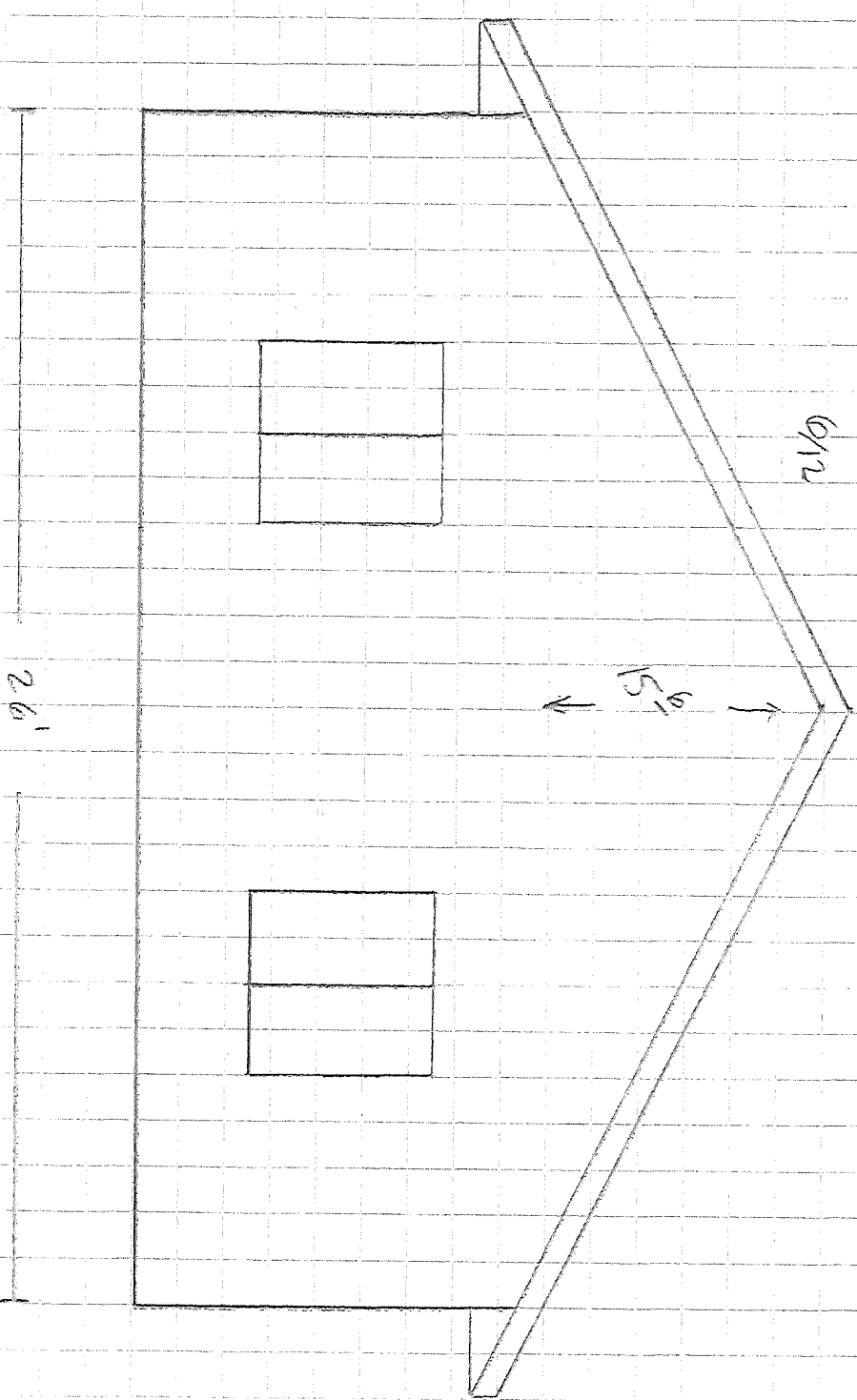
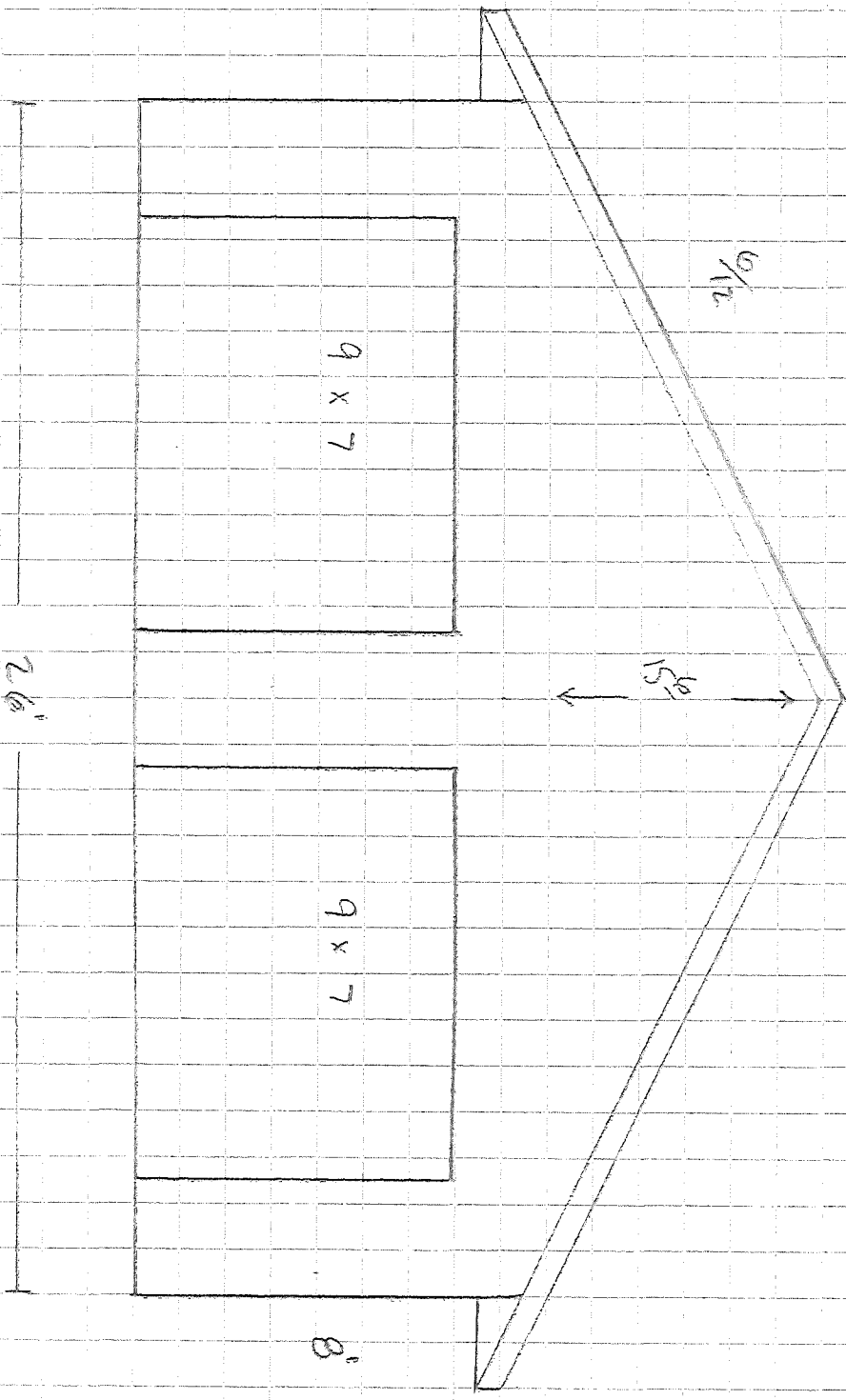
|                               |               |   |            |   |             |
|-------------------------------|---------------|---|------------|---|-------------|
| Total Impervious Surface Area | 2,292 sq. ft. | X | 0.0833 ft. | = | 191 cu. ft. |
| (from table above)            |               |   |            |   |             |

#### PROPOSED RUN OFF AREAS #1 & #2

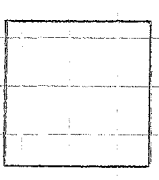
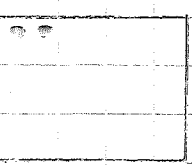
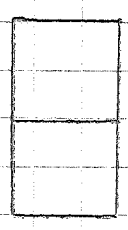
TOP SURFACE AREA = 155 SQ. FT.  
BOTTOM SURFACE AREA = 41 SQ. FT.  
1' DEEP WITH 3:1 SIDE SLOPES  
RUN OFF STORAGE PROPOSED = 98 CU. FT. - EACH AREA  
TOTAL STORAGE PROPOSED = 196 CU. FT.



|        |  |                         |                               |                   |                 |  |   |
|--------|--|-------------------------|-------------------------------|-------------------|-----------------|--|---|
| 1 of 1 | CERTIFICATE OF SURVEY  | PROJECT MANAGER:<br>CMH | PROJECT No.:<br>20313         | DATE:<br>4-9-2021 | REVISIONS       | 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.<br><br>CYNTHIA M. HIDDE PLS#44881<br>DATE: 4-19-2021 LIC. NO. 44881 | <br>30206 Rasmussen Road<br>Suite 1<br>Pequot Lakes, MN 56472<br>218-568-4940<br>www.stonemarksurvey.com |
|        | JAMES GALLOWAY<br>BULDALL LUMBER<br>33106 INDUSTRIAL ROAD<br>CROSSLAKE, MN 56442 | CHECKED BY:<br>CMH      | FILE NAME:<br>C20313.dwg      | SCALE:<br>1"=20'  | DATE: 4-19-2021 |  |   |
|        |  | DRAWN BY:<br>SGB        | FIELD BOOK:<br>BOOK 462 PG. 8 | VERT.:<br>NONE    |                 |  |   |

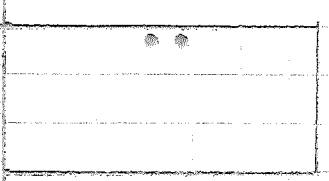
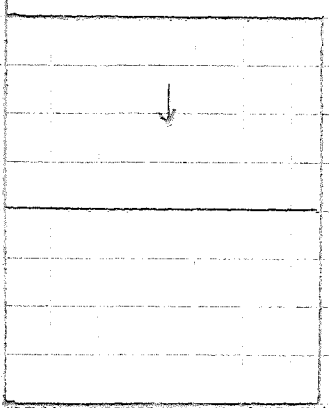
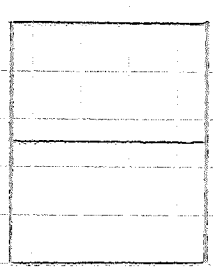


24' Garage

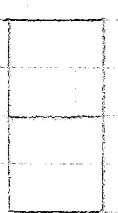


40' House

40' House

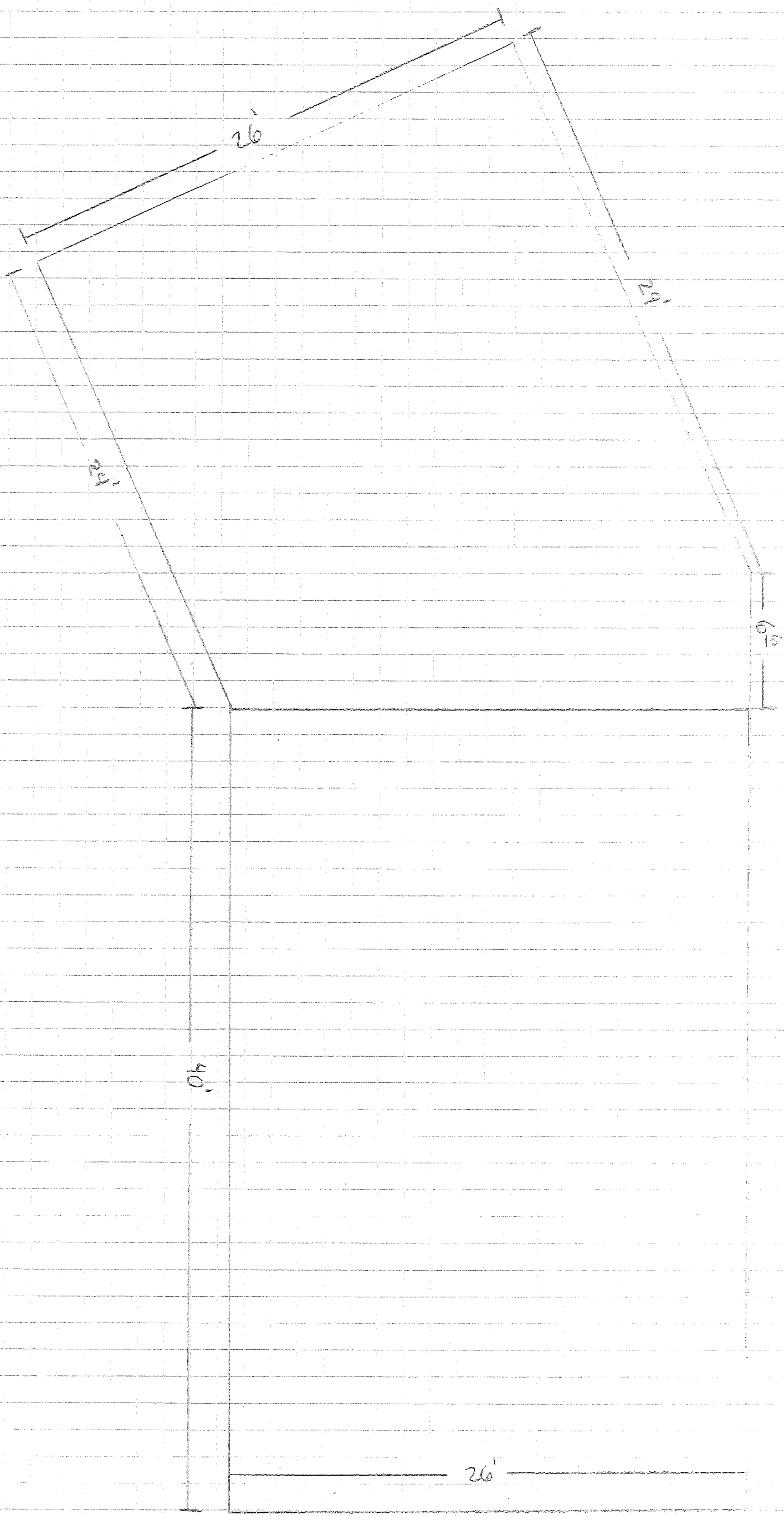


36' Garage



8'

8'



Approx. 75 yds Dirt to Be Removed



## Pat Trottier

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**From:** Strauss, Ceil C (DNR) [ceil.strauss@state.mn.us]  
**Sent:** Thursday, October 12, 2017 11:29 AM  
**To:** Pat Trottier  
**Cc:** Lindgren, Heidi (DNR); Jon Kolstad; Chris Pence  
**Subject:** RE: Help!  
**Attachments:** 34559RiverwoodCt\_Crosslake-CoSiteMap.pdf; 34559RiverwoodCt\_Crosslake-FEMA\_NFHL\_Map.pdf

Hi Pat,

Maybe I'm looking at the wrong spot, but it appears that they are an "out as shown" situation. I'm attaching a map I did at the county's interactive map site and one I did at FEMA's NFHL viewer – see NFHL viewer at <http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30&extent=-93.3876176953121,44.8631938581544,-92.8053423046879,45.02357740245608>

(Chris and Jon – I didn't see a way to get a legend on the county's print feature. I thought we'd talked about a couple changes like that to add to your print option, or to do a version for showing the floodplain features – is that there and I'm missing it?)

But to answer your question, we do have supporting models for most of the A zone watercourses in Crow Wing now. I'm pasting a clip from my GIS in the area of that site, and you'll see the estimated BFE is 1221.6' NAVD88 at that location. FEMA does accept these estimated 1% annual chance flood elevations that are from the model based A zones that are the supporting data for the new 8/15/2017 Crow Wing countywide map without DNR having to do a separate BFE determination letter. Do you have GIS at your office? If so, you can get this layer at MNGeoCommons - <https://gisdata.mn.gov/> We have an info sheet on how to get the floodplain data layer that includes this A zone layer (that we call the "pink lines" since that's the color in our prepackaged layer package) – at [http://files.dnr.state.mn.us/waters/watergmt\\_section/floodplain/howto\\_mngeo.pdf](http://files.dnr.state.mn.us/waters/watergmt_section/floodplain/howto_mngeo.pdf)



**Ceil Strauss**  
State Floodplain (NFIP) Manager | Ecological and Water Resources Division  
Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4025  
Phone: 651-259-5713  
Email: [ceil.strauss@state.mn.us](mailto:ceil.strauss@state.mn.us)



**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: 9181661 Permit Number: 210046V

Property Owner(s): James M + Diana A Galloway Trust

Mailing Address: 35336 Riverwood Trail  
Crosslake MN 56442

Site Address: xxx Riverwood Trail

Phone Number: 218-838-8220

E-Mail Address: purchasing@buildalllumber.com

Parcel Number(s): 14210702

Legal Description: Lot 11 Gendreau's Lots

Sec 21 Twp 137 Rge 26  27  28

Lake/River Name: Pine River

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

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

Authorized Agent: Stonemark

Agent Address: Po Box 874 Pequot Lakes MN  
56472

Agent Phone Number: 218-568-4940

| <u>Variations</u>                                     |  |
|---|--|
| (Check applicable requests)                           |  |
| <input checked="" type="checkbox"/>                   | Lake/River Setback<br><u>49</u>          |
| <input checked="" type="checkbox"/>                   | Road Right-of-Way Setback<br><u>14.1</u> |
| <input type="checkbox"/>                              | Bluff Setback                            |
| <input checked="" type="checkbox"/>                   | Side Yard Setback ( <u>Driveway</u> )    |
| <u>Survey revised; Side Yard setback not required</u> |  |
| <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 \_\_\_\_\_

Signature of Authorized Agent(s) Cynthia M Hilde Date 4/9/21

- 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 4/12/2021 Land Use District SD

River Lake Class cd Septic: Compliance \_\_\_\_\_ SSTS Design \_\_\_\_\_ 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: Pre-Existing lot - created August 1955.  
**Defer to the Planning Commission/Board of Adjustment**
2. Is the Variance consistent with the Comprehensive Plan?  
Yes  No   
Why: Provides the ability to build on a Pre Existing lot  
**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: Existing lot is Sub standered. to current ordinance. Requesting to build a small home to fit the size of the property
4. Will the issuance of a Variance maintain the essential character of the locality?  
Yes  No   
Why: Other lots of similar size have been built on in a similar setback
5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?  
Yes  No   
Why: Setback from the River from the North and East causing the property to NOT Have a building envelope.
6. Does the need for a Variance involve more than economic considerations?  
Yes  No   
Why: There is not a building site on the property to meet the ordinance setbacks



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: