

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: Gail D Jenson

Authorized Agent: Katheryn & Corey Palmer

Site Location: 12986 County Road 16, Crosslake, MN 56442 on Rush Lake-GD

Variance for:

- Lake setback of 71.8 feet where 75 feet is required to proposed structure addition
- Lake setback of 12 feet where 20 feet is required to proposed water oriented accessory structure (WOAS)
- Increase from 45.78% to 45.92% where 35% impervious is allowed

To construct:

- 240 square foot structure addition
- 117 square foot water oriented accessory structure (WOAS)

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: Gail D Jenson

Parcel Number(s): 14170644

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: Katheryn & Corey Palmer

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Current Zoning: Waterfront Commercial

Existing Impervious Coverage:

45.78%

Proposed Impervious Coverage:

45.92%

- A stormwater management plan was submitted with the variance application
- Septic Winter Window Agreement was signed and a courtesy reminder on 4-29-2021

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

- Property is located on Rush Lake at 12986 Cty Rd 16 with a lake setback of 75 feet
- The proposed kitchen addition to be approximately 70 feet from the OHW of Crosslake and not meeting side yard setback
- Proposed WOAS addition or demo replace bigger to make the existing a total of 126 sf and 6' from OHW where 20' from OHW, 250 sf, 15' high, roof pitch 4:12 is allowed (pg 38)
- Bench mark installed by surveyor and supplemental data form required to verify elevation is being met of **1232.5** for the building addition
- 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 **35%**, look into liquor sales requirements, parking requirements

- 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
- A septic compliance inspection will be required and applicant can sign a septic compliance winter window agreement which allows them to proceed forward with their request
- 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 with exterior being complete
- 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 design if project requires or a compliance inspection
5. A complete Variance application with the \$500.00 public hearing fee

Parcel History:

- October 1982 – Cooler shed
- March 1984 – Deck addition
- February 1987 – Install 3” drain for downstairs bar 25’ inside run, 12’ outside run tap into existing septic tank (no sewage in pipe, strictly bar drain)
- February 1987 – Alter existing septic system
- March 1987 – Variance: lakeside patio for additional seating; extension of gas pump dock across the entire front of the property; existing building by the gas pump to be enlarged to accommodate beverage, snack items, bait and oil; decorative dock to the entrance side of the building; concrete walkways around the bay with posts and ropes
- April 1987 – Decorative deck only – 188 sf
- August 1989 – Erect move install per DNR permit- ONLY marina rehab-decks-move small shed to land
- July 1990 – Alteration of septic system
- July 1994 – 6 months temporary portable sign
- March 1995 – 8’ x 12’ addition to rear of building meeting all setback
- May 2006 – Reconstruction of septic system
- July 2006 – Construction of fence around area where new septic system installed
- April 2009 – 197 sf construction of staircase and landings on the northwest corner of the building
- March 2016 – Addition 16’ x 75’; fence

Agencies Notified and Responses Received:

County Highway Dept: Comment received on 5-7-2021

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:

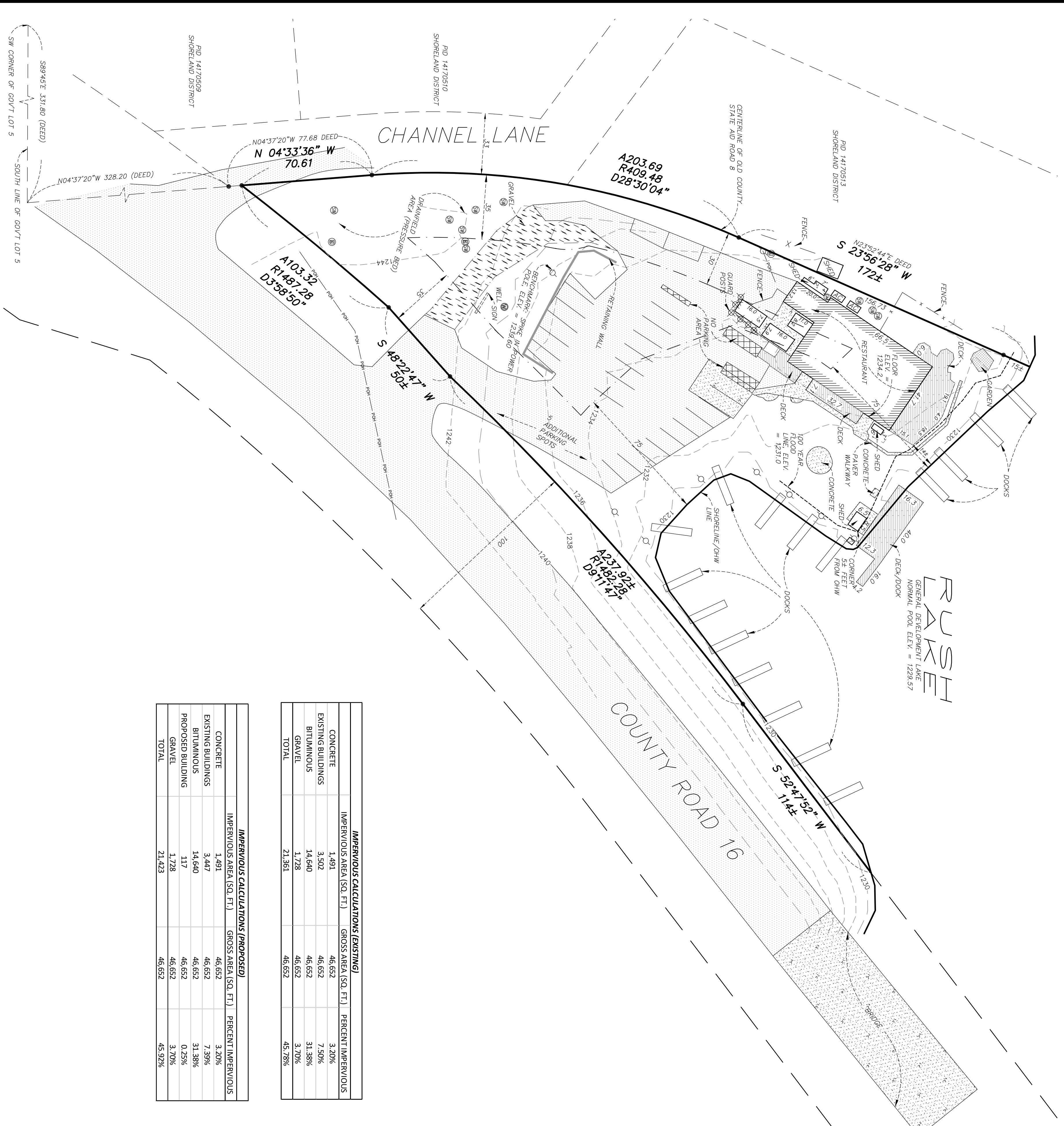
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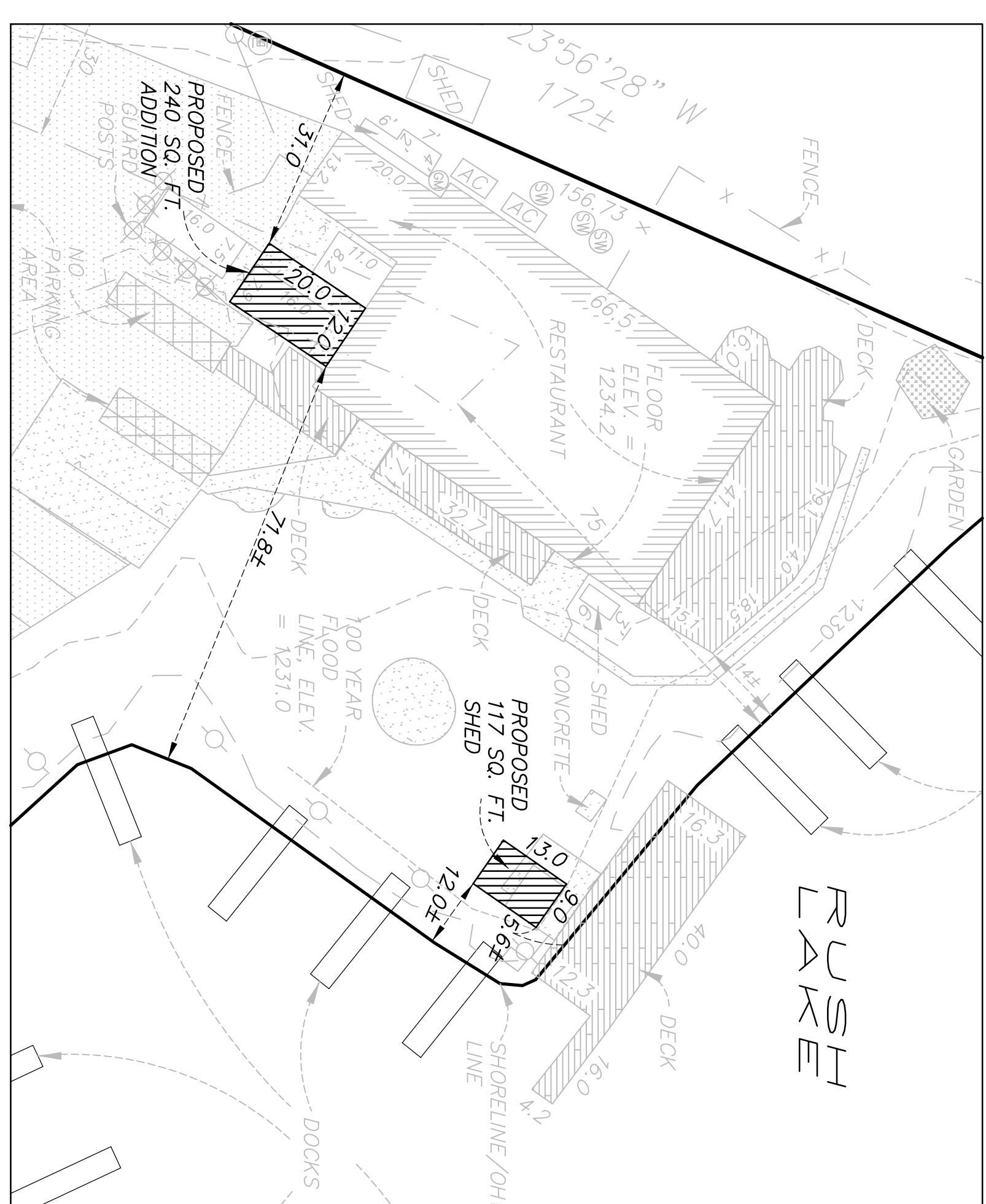
- 240 square foot structure addition
- 117 square foot water oriented accessory structure (WOAS)

As shown on the certificate of survey dated 4-7-2021





PROPOSED CONDITIONS EXHIBIT



Call 48 Hours before digging:
811 or call811.com
 Common Ground Alliance

IMPERVIOUS CALCULATIONS (EXISTING)		
CONCRETE	IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)
CONCRETE	1,491	46,652
EXISTING BUILDINGS	3,502	46,652
BITUMINOUS	14,640	46,652
GRAVEL	1,728	46,652
TOTAL	21,361	46,652
		45.78%

IMPERVIOUS CALCULATIONS (PROPOSED)		
CONCRETE	IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)
CONCRETE	1,491	46,652
EXISTING BUILDINGS	3,447	46,652
BITUMINOUS	14,640	46,652
PROPOSED BUILDING	117	46,652
GRAVEL	1,728	46,652
TOTAL	21,423	46,652
		45.92%

GENERAL NOTES

- No search for easements or restrictions, recorded or unrecorded, was made by the surveyor.
- Bearings shown are based upon the Crow Wing County Coordinate System.
- 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.
- No wetlands were found based on wetland review by Master Environmental.
- Total Area = 46,652 SQ. FT. (Buildable Area = 12,317 Sq. Ft.)
- Subject Parcel id is 14170644, E911 address is 12986 County Road 16, and current zoning is Waterfront Commercial.
- Total Restaurant Seating is 46, bar seating is 18.
- Parking Capacity is 28. Total number of Docks is 16.

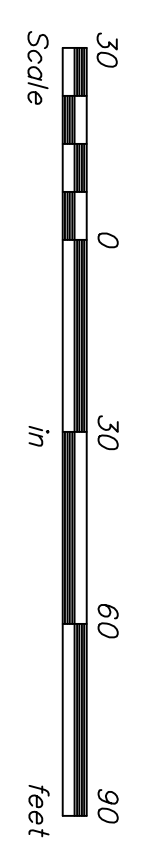
LEGAL DESCRIPTION PER DOCUMENT NO. 394787

All that part of Government Lot 5, Section 17, Township 137 Range 27, which lies Northwesterly of the Northwesterly right of way line of County State Aid Highway Number 16, and which lies Easterly of the centerline of Old County State Aid Highway Number 8, the centerline of said Old County State Aid Road Number 8 being a line described as follows: Commencing at the intersection of the centerline of said County State Aid Road Number 8 and the centerline of said County State Aid Road Number 16, the south line of said Government Lot 5 a distance of 331.80 feet; thence North 4 degrees 37 minutes 20 seconds West a distance of 326.20 feet to the northwesterly right of way line of said County State Aid Road Number 8; thence North 4 degrees 37 minutes 20 seconds West a distance of 326.20 feet to the centerline of said County State Aid Road Number 8; thence North 4 degrees 37 minutes 20 seconds East a distance of 174 feet more or less, along said centerline to the shore of the Pine River Channel; and thence terminating, according to the U.S. Government Survey thereof on the said record in the office of the County Recorder in and for said County and State.

Subject to reservations, restrictions and easements of record, if any.

LEGEND

- POWER POLE/RIGHT POLE
- DENOTES ROUND MONUMENT
- DENOTES GUARD POST
- WELL
- CONCRETE SURFACE
- BITUMINOUS SURFACE
- POWER OVERHEAD
- SEWER CLEANOUT
- ELECTRIC BOX



Lakes Area SURVEYING
 2343 SUTLEY ROAD, SUITE C
 MINNAPPA, MN 56468
 OFFICE (218) 961-0990

I hereby certify that this plan was prepared by me or licensed LAND SURVEYOR under the laws of the State of Minnesota.
Paul Herkenhoff
 Date: 4-7-21 License No. 45875

Revisions:

Drawn:
 Checked:
 Diagram:
 Record Drawing by/date:

Prepared for:

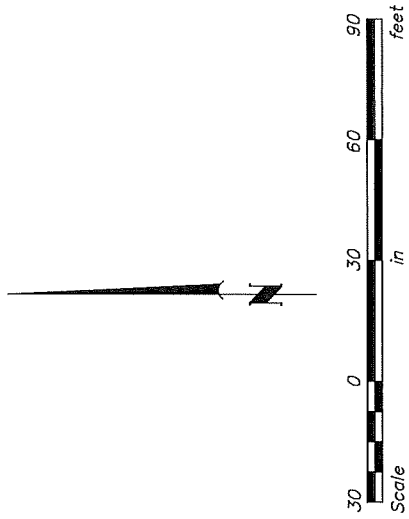
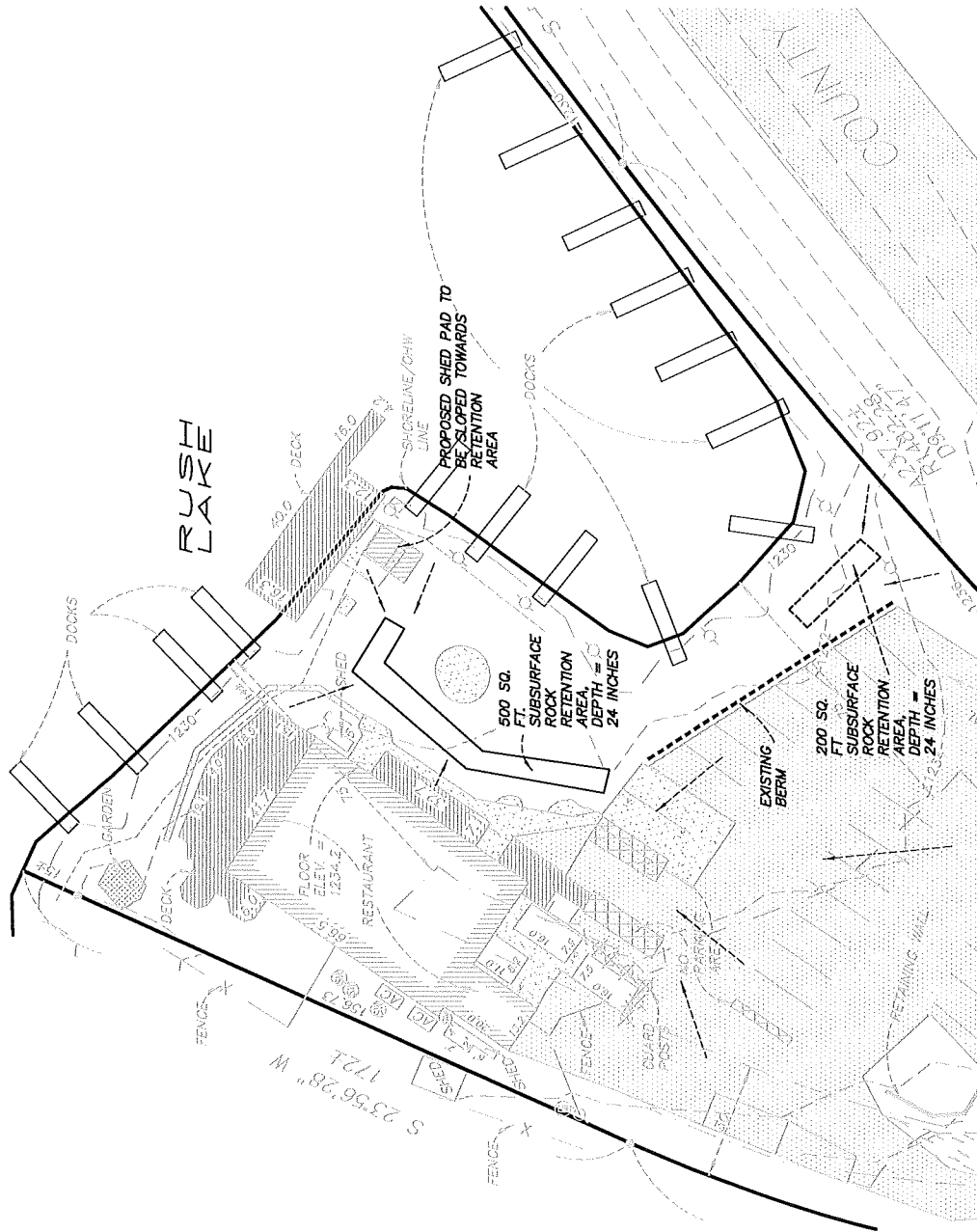
KATHERYN JENSON

"The Wharf Restaurant"

Crow Wing County, Minnesota

Certificate of Survey

EXHIBIT



REQUESTED BY: **JENSON**

Lakes Area SURVEYING LLC.
 24314 SMILEY ROAD, SUITE C
 NISSWA, MN 56468
 OFFICE (218) 961-0090

LAS

Drawn by: PDH Date: 04/08/21 Job No: 21-049



Cheryl Stuckmayer

From: Mark Melby <Mark.Melby@crowwing.us>
Sent: Friday, May 07, 2021 1:01 PM
To: Cheryl Stuckmayer
Cc: 'Jon Kolstad'
Subject: RE: PC/BOA 5.28.2021

County Highway comments:

Variance requests CSAH 16 – Jenson Packet: With the proposed structure addition, are city requirements for parking met? Does the applicant have any calculations for amount of car traffic? The highway department has concerns with overflow parking using the shoulder and right of way on CSAH 16.

Subdivision of property – building – Sundance Ridge Homes on Crosslake off of CSAH 66: The subdivision application has no adverse effect on the CSAH 66 transportation system.

Mark Melby
Engineering Coordinator
Highway Department
Office - 218-822-2694
Cell - 218-839-6207
www.crowwing.us



Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.

Let us know how we are doing: [Customer Service Survey](#)

From: Cheryl Stuckmayer <cstuckmayer@crosslake.net>
Sent: Thursday, May 6, 2021 11:17 AM
To: Mark Melby <Mark.Melby@crowwing.us>
Cc: 'Jon Kolstad' <jkolstad@crosslake.net>
Subject: PC/BOA 5.28.2021

Good afternoon,

Please review the attachment(s). As always, any comments you would like to contribute to our meeting, please put in writing.



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: 9181659 Permit Number: 210044v

Property Owner(s): GAIL D. Jensen
35452 Pine Terrace Rd, Crosslake, MN 56442

Mailing Address: 37184 Lumber Jack Ln.

Site Address: 12986 Co Rd 16 Crosslake

Phone Number: 218-820-7962

E-Mail Address: RATHERYN.JENSEN@GMAIL.COM

Parcel Number(s): 120172405 H00009

Legal Description: SEE ATTACHED

Sec 17 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)
Daughter-business mail goes to the daughter

Authorized Agent: RATHERYN PALMER
37184 Lumber Jack Lane, Crosslake, MN 56442

Agent Address: 12986 Co Rd 16 Crosslake

Agent Phone Number: 218-820-7962

Variations (Check applicable requests)
[X] Lake/River Setback
71.8' where 75' for a 240sf add'n
12' where 20' for 117sf WOAS
[] Road Right-of-Way Setback
[] Bluff Setback
[] Side Yard Setback
[] Wetland Setback
[] Septic Tank Setback
[] Septic Drainfield Setback
1. [X] Impervious Coverage
45.78% to 45.92% where 35%
1. [] Accessory Structure
[] Building Height
[] Patio Size
N/A [] Goresite WAS

Signature of Property Owner(s) Gail Jensen Date 3/9/21

Signature of Authorized Agent(s) RATHERYN PALMER Date 3-30-2021

- All applications must be accompanied by a signed Certificate of Survey
Fee \$500 for Residential and Commercial Payable to "City of Crosslake" + \$6.00 for copies
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 WC

Lake Class GD Septic: Compliance UU 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: LIMITED SPACE FOR ADEQUATE SERVICE NEEDS.

Defer to the Planning Commission/Board of Adjustment

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why: WE CAN DO A BETTER JOB MITIGATING RUN OFF +
LARGE SETBACK.

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: BUILDING 13'x9'
NEED LARGE SETBACK VARIANCE ON
WAS. AND ROOF WILL PROVIDE FOR KITCHEN
ADDITION. WE WILL ALSO PROVIDE PLAN FOR
BETTER WATER RETENTION.

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

Yes No

Why: IT WILL IMPROVE DUE TO BUILDING
QUALITY AND AESTHETICS.

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 PROPERTY AND BUSINESS WERE
BUILT PREVIOUS TO CURRENT OWNERSHIP.

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

Yes No

Why: CURRENT BATHHOUSE IS IN NEED OF REPAIR
AND NEW ROOF AREA WILL HELP SAFER
ENVIRONMENT FOR EMPLOYEES.



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: