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

PUBLIC HEARING NOTICE

Applicant: Karen J Kloeckner

Authorized Agent: RemWhirl

Site Location: 12099 Anchor Point Rd, Crosslake, MN 56442 on Rush Lake-GD

Variance for:

- Lake setback of 33 feet where 75 feet is required to proposed structure
- Auxiliary size increase to 871.5 square feet where 700 square feet is allowed

To construct:

• 1,040 square foot auxiliary quarters footprint consisting of: 871.5 square foot main floor living; (871.5 square foot storage crawl space); 48.5 square foot crawl space entrance and 120 square foot open covered porch per Exhibit A Square Foot Layout Detail A1.1 dated 4.12.2021

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: Ulseth Cabin Trust / Karen J Kloeckner

Parcel Number(s): 14070601

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

<u>Authorized Agent:</u> Dan Whirley

Variance for:

• Lake setback of 33 feet where 75 feet is required to proposed structure

• Auxiliary size increase to 871.5 square feet where 700 square feet is allowed

To construct:

• 1,040 square foot auxiliary quarters footprint consisting of: 871.5 square foot main floor living; (871.5 square foot storage crawl space); 48.5 square foot crawl space entrance and 120 square foot open covered porch per Exhibit A Square Foot Layout Detail A1.1 dated 4.12.2021

Current Zoning: Shoreland District

Existing Impervious Coverage:

Proposed Impervious Coverage:

14.2%

19 7%

- A stormwater management plan was submitted with the variance application
- Compliant septic compliance inspection on file dated
- Septic design was submitted to Crow Wing County and approved 5-13-2020

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

- Property is located on Rush Lake at 12099 Anchor Point Road with a lake setback of 75 feet
- The proposed auxiliary quarters to be approximately 28 feet from the OHW with 877 sf main floor and 6' height basement (accessed from outside only-no windows) along with 120 sf covered entry; height of 14'
- Bench mark installed by surveyor and supplemental data form to verify elevation is being met of 1232.5
- 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); proposed to be approximately 19.74%
- Your parcel is located within a plat and/or an organization that may have restrictions, you
 would need to verify those restrictions and clarify that your request is meeting all
 requirements of such
- Design and implement a stormwater management plan or update any existing plan, which is required with all variance applications per Article 8, section 26-222, (2), l). When a wetland is being used the stormwater must be filtered to drinking standards before it can flow into any wetland
- A revised septic design if needed (approved design is for 4 bdrms, proposed is 5) and/or a septic compliance inspection; a septic winter window agreement form is available if needed, verify septic system is meeting all setbacks
- A winter agreement was signed in 2020 and not followed through on- no compliance or install was done NOTE: agreement states that installation occur in 2020 building season
- Wetland Delineation is on file dated 5-29-2020
- A grade and elevation illustration along with a cut and fill calculation is required for a complete variance application (staff suggests a cut and fill calculation of footings vs basement)
- Discussion on application requirements, procedure, schedule, fee schedule and the requirements/need for a complete application packet by the deadline date; possible condition of materials stored in rear lot
- 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 letter
- 4. A septic design if project requires; approve design is on file for 4 bedrooms
- 5. A complete Variance application with the \$500.00 public hearing fee

Parcel History:

- Brothen's Anchor Point established in 1956
- July 1971 Septic system & bathroom addition
- June 1977 12x16 addition to house
- October 2000 Update septic system
- October 2000 Septic Certificate of Installation
- October 2000 Well sealing
- December 2002 Riprap
- May 2020 Wetland delineation None
- May 2020 Septic design approved
- May 2020 Variance for 1824sf house/covered patio/covered entry; 380sf deck; 676sf detached garage

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:

- Lake setback of 33 feet where 75 feet is required to proposed structure
- Auxiliary size increase to 871.5 square feet where 700 square feet is allowed

To construct:

• 1,040 square foot auxiliary quarters footprint consisting of: 871.5 square foot main floor living; (871.5 square foot storage crawl space); 48.5 square foot crawl space entrance and 120 square foot open covered porch per Exhibit A Square Foot Layout Detail A1.1 dated 4.12.2021

As shown on the certificate of survey dated 4-12-2021



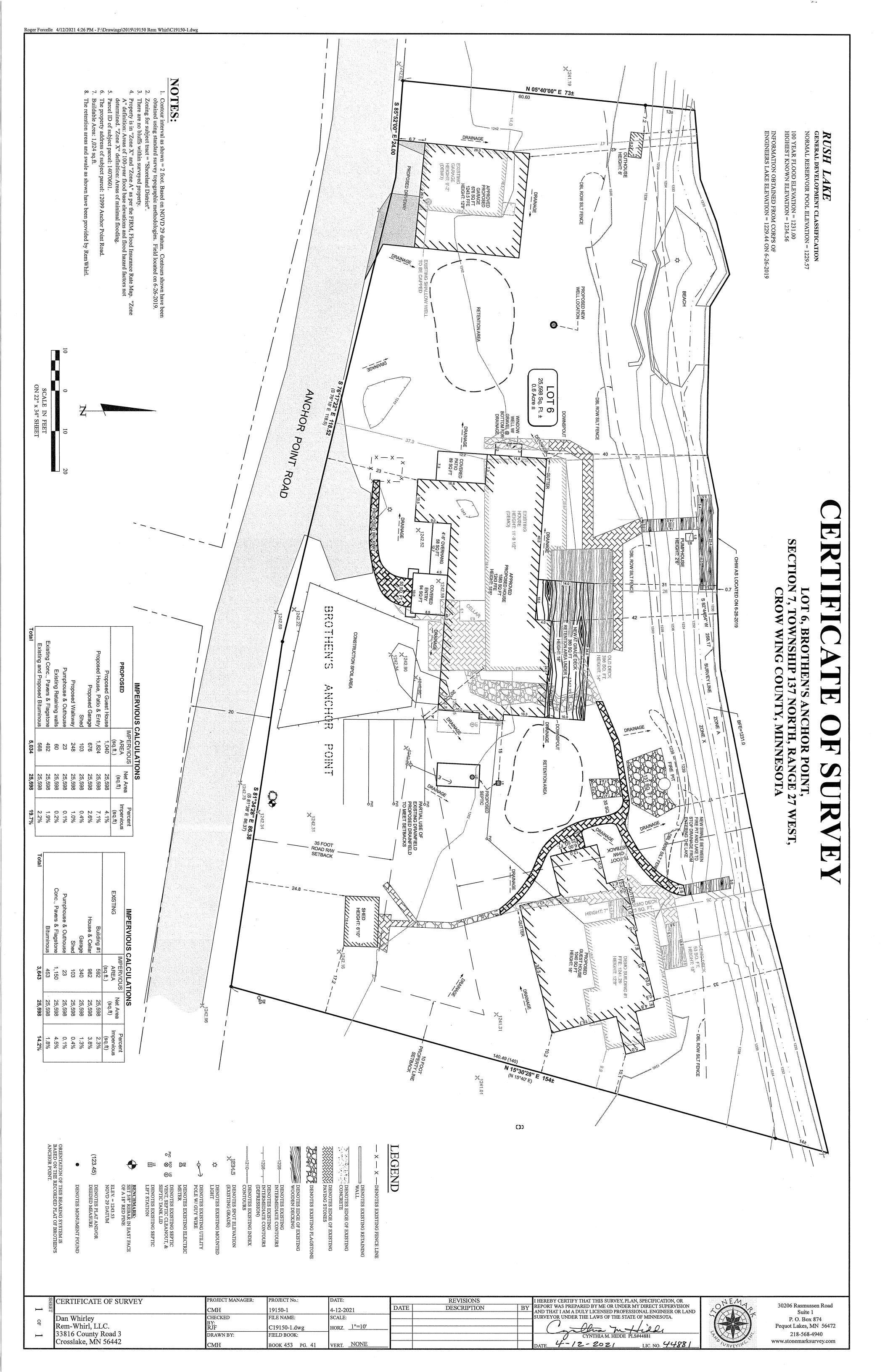
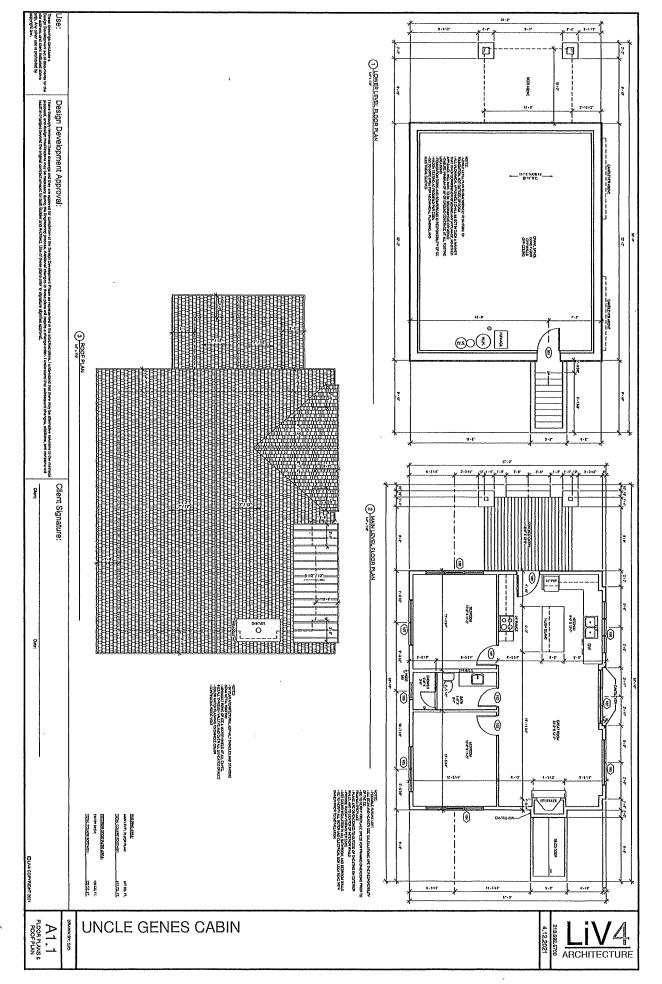
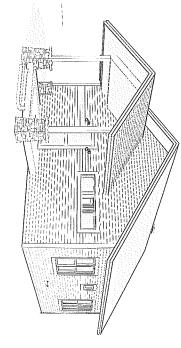
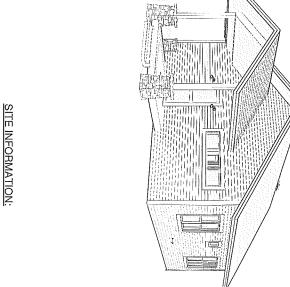


Exhibit A Square Foot Layout Detail



UNCLE GENES CABIN







LOCATION MAP:

TO.0

UNCLE GENES CABIN

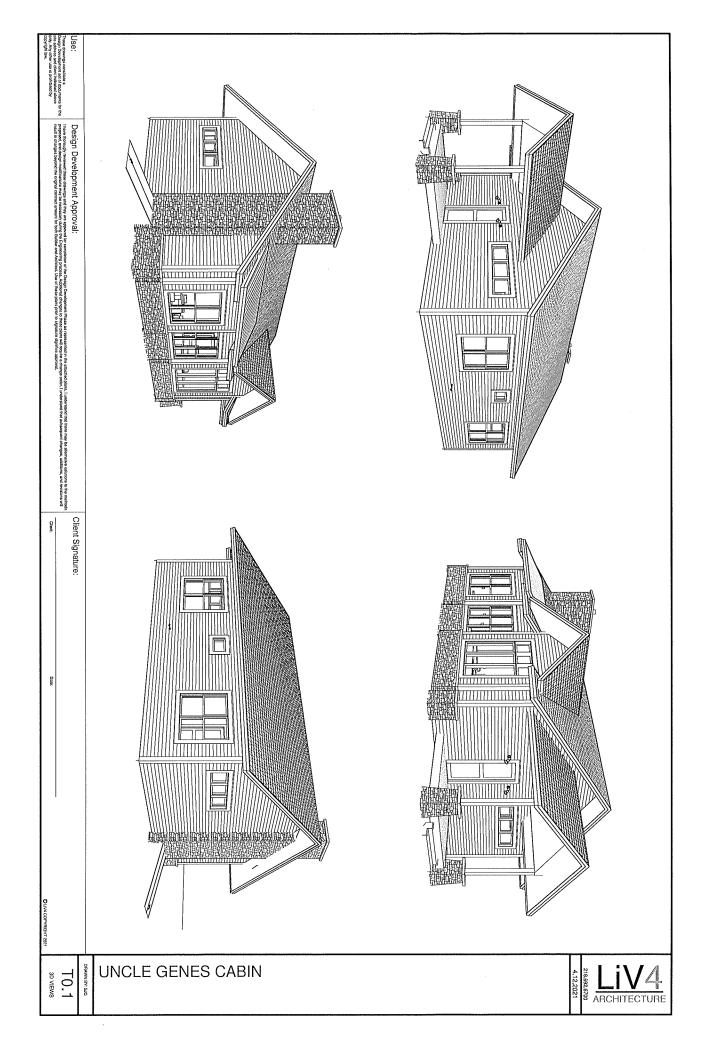
TOWNSHIP:
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SECTION:
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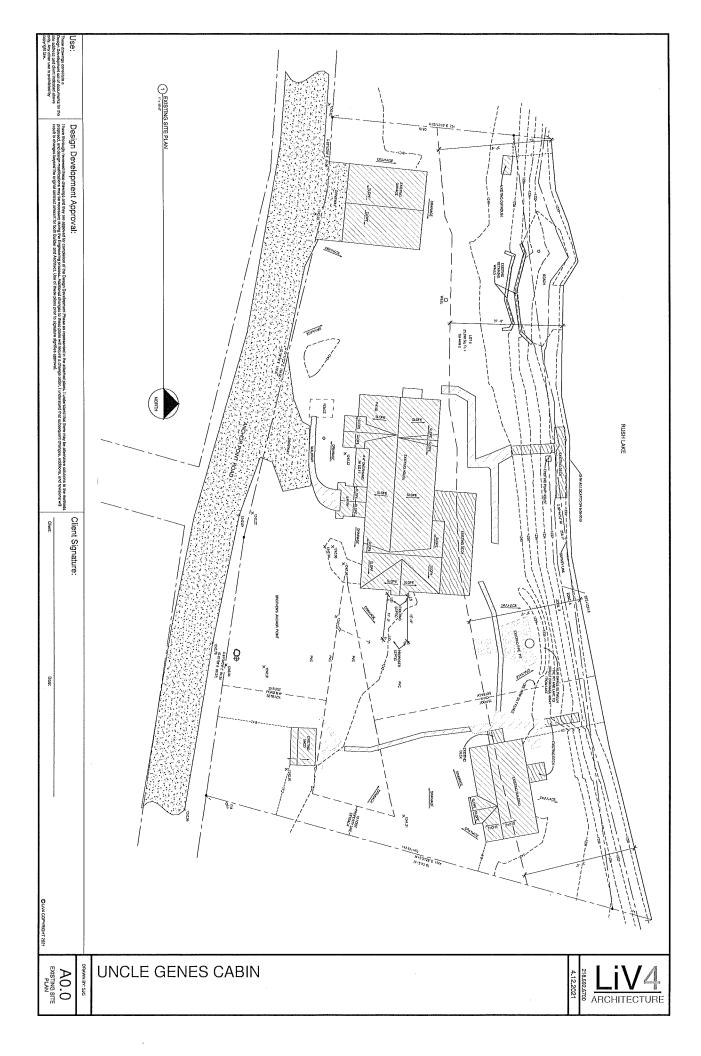
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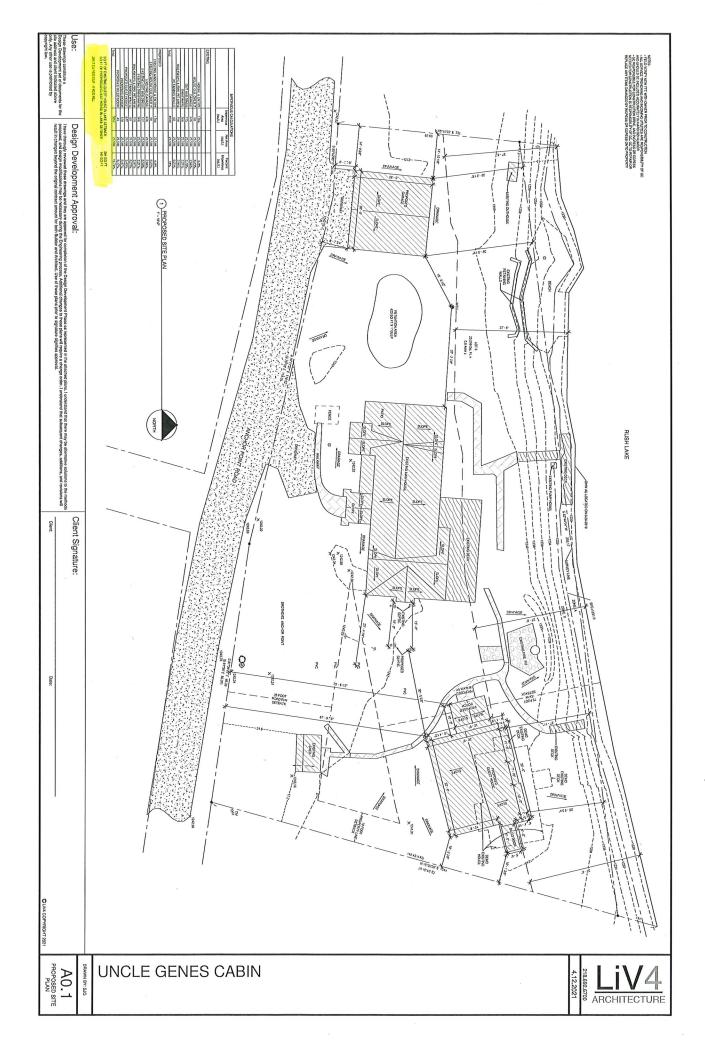
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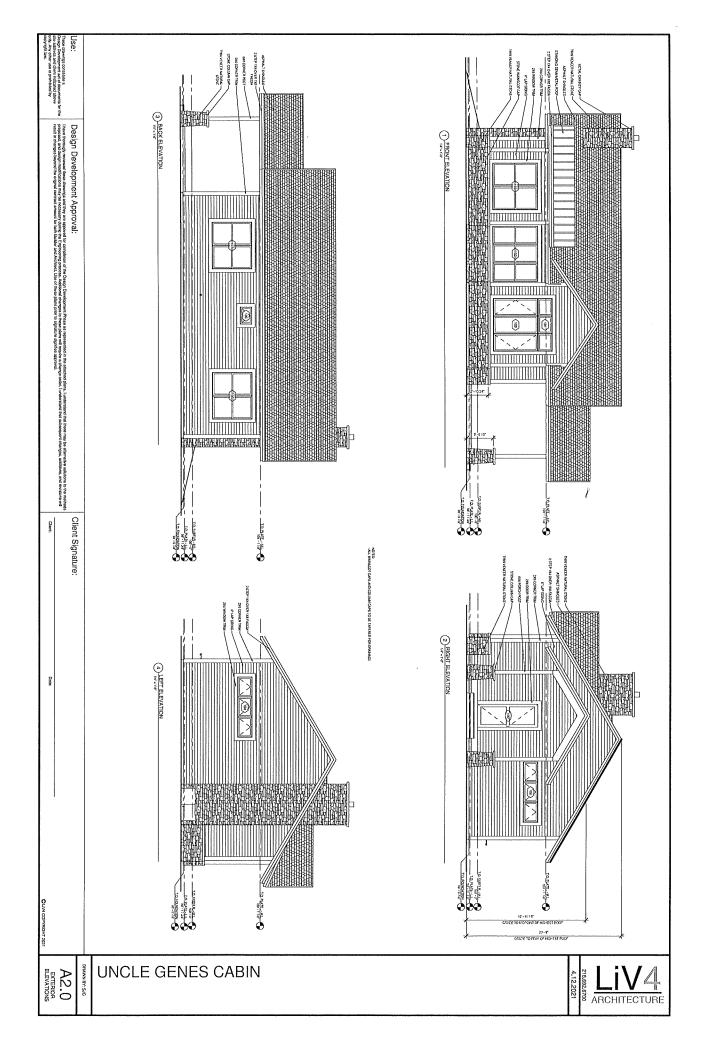
STREET ADDRESS:

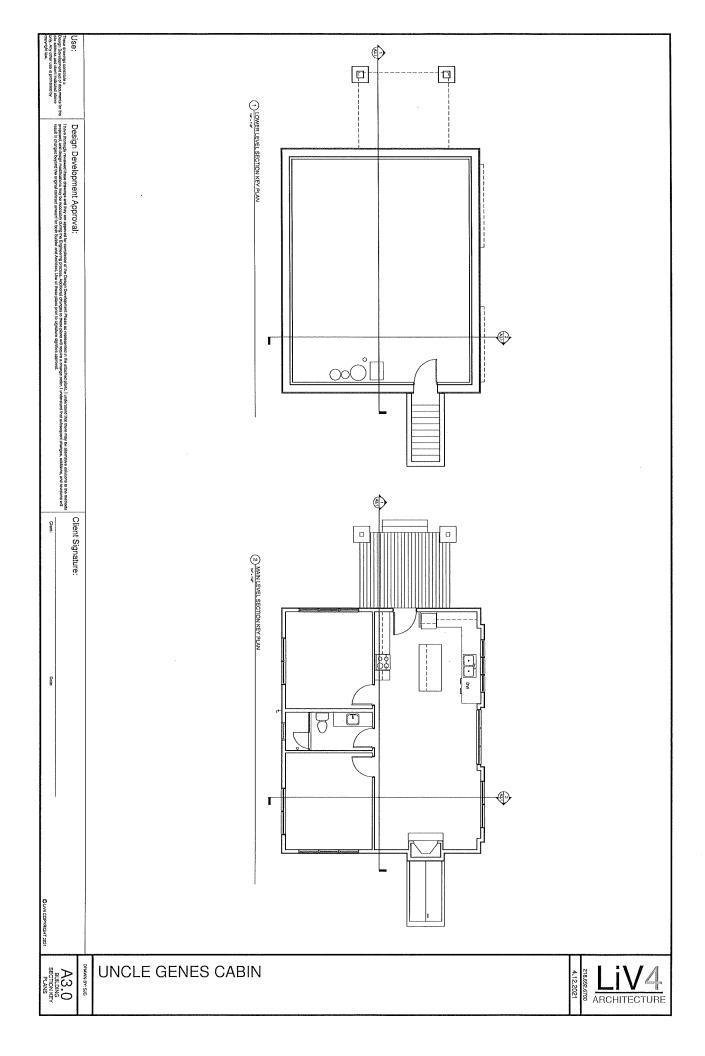
BROTHEN'S ANCHOR POINT

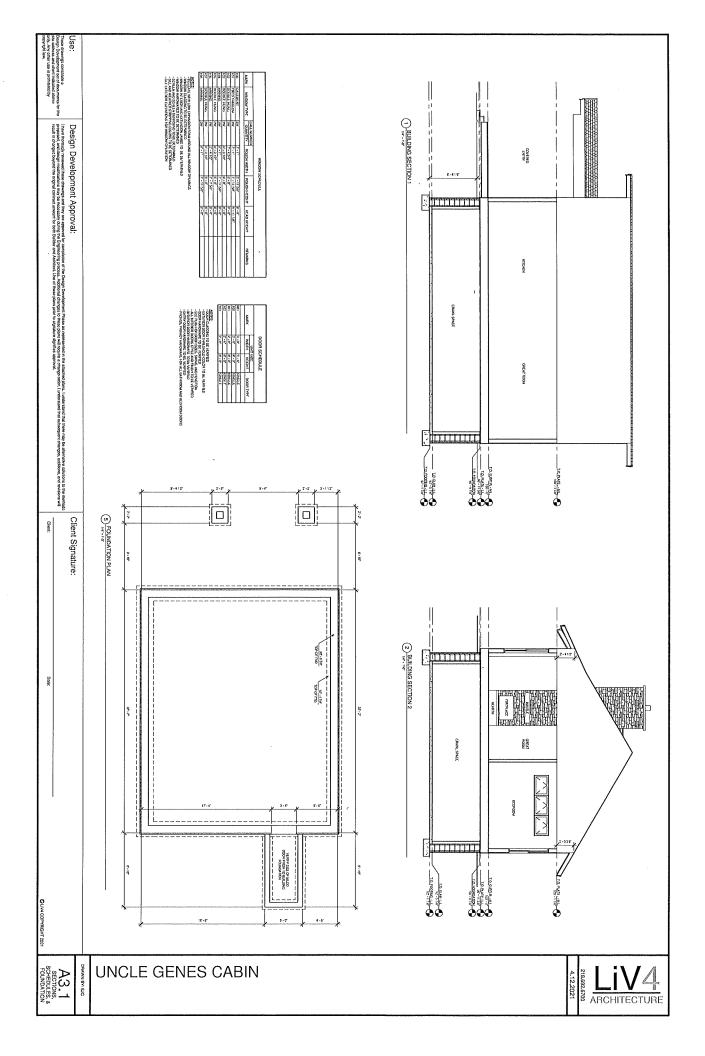


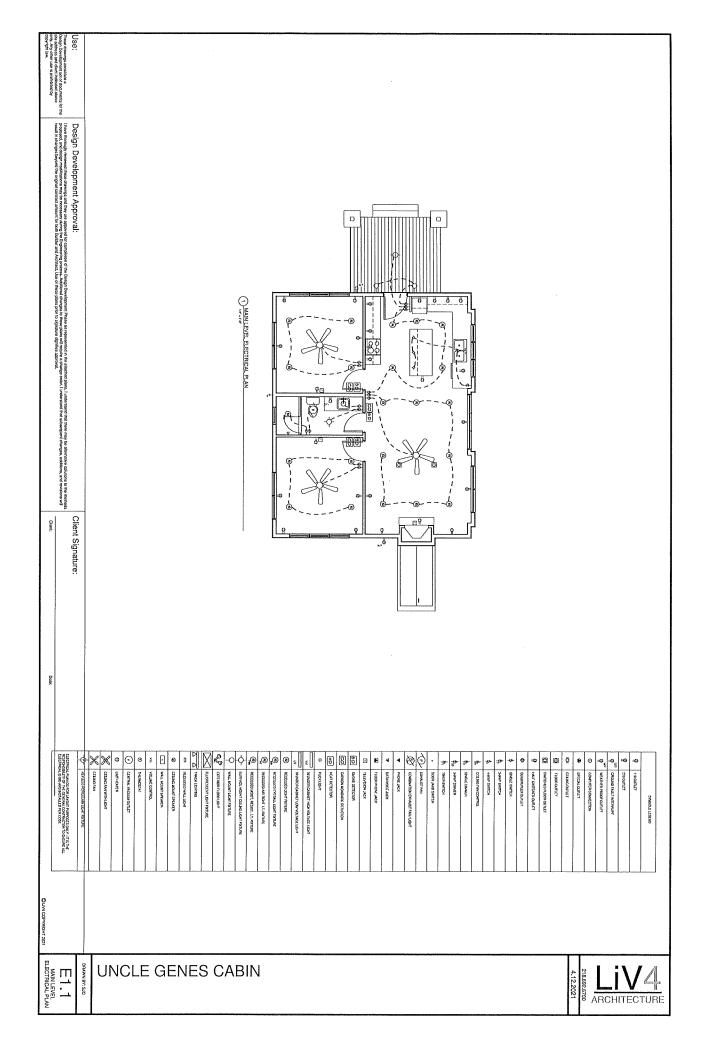


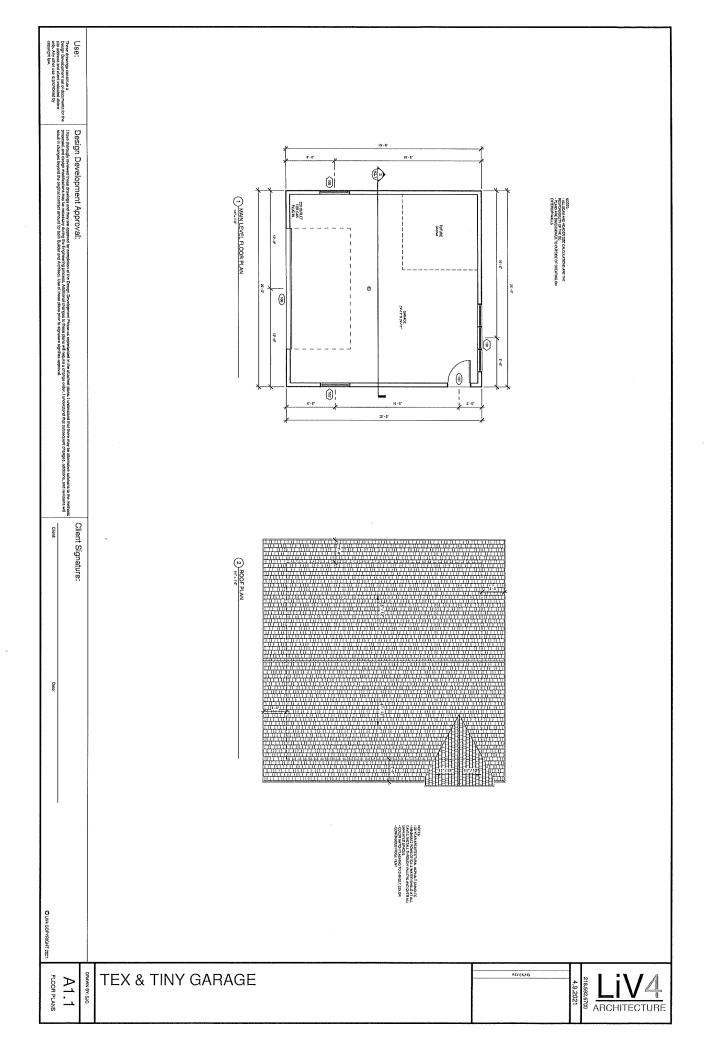


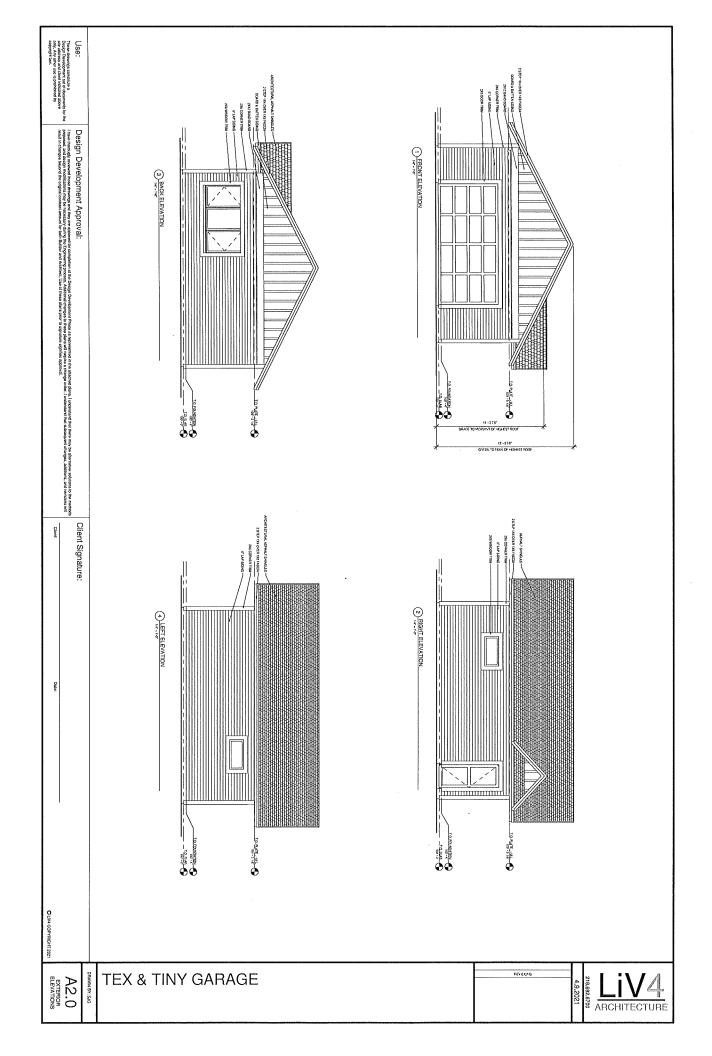


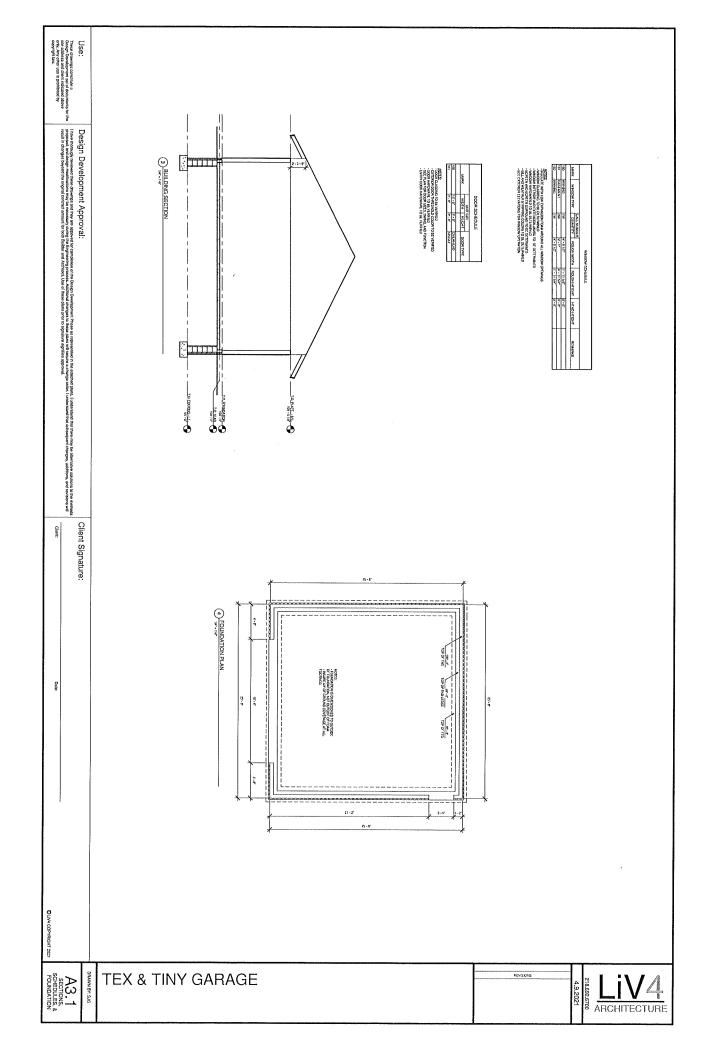












Document No.: 935053 ABSTRACT

07/13/2020 09:08 AM Total Pages: 3

Fees/Taxes In the Amount of: \$45.00

GARY GRIFFIN

CROW WING, MINNESOTA County Recorder Deputy: teresad

CITY OF CROSSLAKE PLANNING COMMISSION/BOARD OF ADJUSTMENT VARIANCE

Following a public hearing conducted on 5-22-2020 the City of Crosslake Planning Commission/Board of Adjustment hereby approved the following variance(s) in accordance with provisions of the City of Crosslake Zoning Ordinance pursuant to the requirements of Minnesota Statute Chapter 462.

KAREN J KLOECKNER is hereby approved for the following variance(s):

- Lake setback of 31 feet where 75 feet is required to proposed structure
- Road right-of-way (ROW) setback of 23 feet where 35 feet is required to proposed structure
- Lake setback of 42 feet amended to 38.5 feet where 75 feet is required to proposed detached garage
- Road right-of-way (ROW) setback of 6.7 feet amended to 10 feet where 35 feet is required to proposed detached garage

To construct:

- 1,824 square foot house, covered patio and covered entry
- 380 square foot deck
- 676 square foot detached garage

Per the findings of fact as discussed, the on-site conducted individually on or before 5-21-2020 and as shown on the certificate of survey received at the Planning & Zoning office dated 4-24-2020 for property located at 12099 Anchor Point Road, City of Crosslake

Conditions:

Chapter 26 - Land Use; Sec. 26-227 Variance Decision - Variances must be substantially completed within two years of receiving approval - the approval of this variance will expire on 5-22-2022

RETURN TO City of CROSSIAKE

- 1. Work with the staff to review, alter and implement as needed the submitted stormwater plan in accordance with the City of Crosslake land use ordinance
- 2. Work with staff to implement and maintain erosion/sediment control during and after construction
- 3. Remove all dirt spoils off site
- 4. Fire pit to be moved to meet the 20 foot setback from the lake per Crosslake ordinance and the DNR requirements
- 5. Entire existing house, deck, and garage as shown/labeled on the certificate of survey dated 4-24-2020 to be removed and that existing foot print and lake setback is eliminated

Permits as approved shall now be issued by the City of Crosslake Zoning Administrator on behalf of:

KAREN J KLOECKNER 4425 Pleasant Drive Arden Hills, MN 55112

For use on property legally described as follows:

R.E. Code: 14070601

Section 7, Township 137N, Range 27W

LOT 6, Brothen's Anchor Point, Crow Wing County, Minnesota.

City of Crosslake Planning Commiss	sion/Board of Adjustn	nent Chairman: Mark Wessels
Date: 6/26/20	Signature	Marin
		Chairman
I certify the above information and leapproved minutes of the City of Cros meeting held on 6-26-2020 and on re	slake Planning Comr	nission/Board of Adjustment
City of Crosslake Zoning Administra	Signature Signature	
	Zonin	g Administrator
Date: 5-29-2020	Prepared By:	Cheryl Stuckmayer 37028 County Road 66 Crosslake, MN 56442



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: 969663	Permit Number: 210048
Property Owner(s): Karen Kloeckner	
Mailing Address: 4425 Pleasant Dr. Arden HIIIs MN	<u>Variances</u> (Check applicable requests)
Site Address: 12099 Anchor Pt Rd, Crosslake	■ Lake/River Setback
Phone Number:	☐ Road Right-of-Way Setback
E-Mail Address: tkloeckner@comcast.net	☐ Bluff Setback
Parcel Number(s): 14070601	☐ Side Yard Setback
Parcel Number(s): Lot 6 Brothens Anchor Pt	☐ Wetland Setback
Sec_7 Twp_137 Rge_26 27 28	☐ Septic Tank Setback
Lake/River Name: Rush	■ Septic Drainfield Setback
Do you own land adjacent to this parcel(s)?Yes X No Elimi	nate per 5-16-21 email from Dan Whirle Impervious Coverage
If yes list Parcel Number(s)	☐ Accessory Structure
Authorized Agent: Dan Whirley	☐ Building Height
Agent Address: 33816 Co Rd 3 Crosslake	☐ Patio Size
Agent Phone Number: 218-831-0088	☐ Guest House SF
Signature of Property Owner(s)	Date
Signature of Authorized Agent(s)	Date 4-/
 All applications must be accompanied by a signed Certificate of St Fee \$500 for Residential and Commercial Payable to "City of Cross No decisions were made on an applicant's request at the DRT mee after DRT does not constitute approval. Approval or denial of app Planning Commission/Board of Adjustment at a public meeting as City of Crosslake Land Use Ordinance. 	sslake" + \$\frac{\pi}{\omega}, \omega \text{For copies} ting. Submittal of an application lications is determined by the
For Office Use: Application accepted by Date Uzz	Land Use District 50
Lake Class Septic: Compliance SSTS Design 5	Land Use District SD 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 No			
	why:Lot was created prior to modern restricitons			
4.	Will the issuance of a Variance maintain the essential character of the locality? Yes ■ No□ Why: Manv of the neighboring properties are far more dense			
5.	Is the need for a Variance due to circumstances unique to the property and not created by the property owner?			
	Yes No D Why: Lot was created prior to modern restricitons			
6.	Does the need for a Variance involve more than economic considerations?			
	Yes No □ Why: Property has been used as 2 cabins since prior to current Ordinaace Restrictrictions			



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.

there are "practic Land Use Ordina	cal difficulties" in complying with regulations and standards set forth in the nce.
1. Is the Varianc Yes Why:	e request in harmony with the purposes and intent of the Ordinance? No
2. Is the Variance Yes Why:	e consistent with the Comprehensive Plan? No
3. Is the property the Land Use Yes Why:	owner proposing to use the property in a reasonable manner not permitted by Ordinance? No

4.		iance of a Varia No	nce maintain th	e essential chara	acter of the locality	₇ ?
	Is the need e property ov Yes Why?		due to circumst	ances unique to	the property and r	not created by
6.		ed for a Varian No	ce involve more	than economic	considerations?	