

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:** Kevin T & Michelle R McCormick

**Authorized Agent:** N/A

**Site Location:** End of Lake Trail, Crosslake, MN 56442 on Crosslake-GD

**Variance for:**

- Lake setback of 57 feet where 75 feet is required to proposed structure
- Road right-of-way (ROW) of 18.25 feet where 35 feet is required to proposed structure

**To construct:**

- 144 square foot structure consisting of a 12' x 12' pavilion over a 11' x 11' patio

**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: Kevin T & Michelle R McCormick

Parcel Number(s): 143106625

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:** N/A

**Variance for:**

- Lake setback of 57 feet where 75 feet is required to proposed structure
- Road right-of-way (ROW) of 18.25 feet where 35 feet is required to proposed structure

**To construct:**

- 144 square foot structure consisting of a 12' x 12' pavilion over a 11' x 11' patio

**Current Zoning:** Shoreland District

**Existing Impervious Coverage:**

12.8%

- A stormwater management plan was submitted with the variance application
- Septic is not applicable

**Proposed Impervious Coverage:**

13.7%

**Development Review Team Minutes held on 4-13-2021:**

- Property is located on Crosslake off of Lake Trail with a lake setback of 75 feet
- The proposed pavilion to be approximately 62 feet from the OHW of Crosslake and 24.2 feet from the ROW
- 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)
- The 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 approved by the organization or allowed in the plat
- 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

- 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, 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:**

- Bower’s Point Plat established in 1948
- July 2018 – 100 square foot patio; water oriented accessory structure; upland fill in SIZ 1
- Approved road vacation

**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:

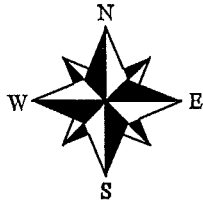
- Lake setback of 57 feet where 75 feet is required to proposed structure
- Road right-of-way (ROW) of 18.25 feet where 35 feet is required to proposed structure

To construct:

- 144 square foot structure consisting of a 12’ x 12’ pavilion over a 11’ x 11’ patio

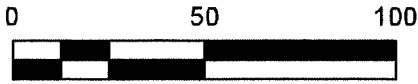
As shown on the certificate of survey dated 4-9-2021





# Easement Exhibit

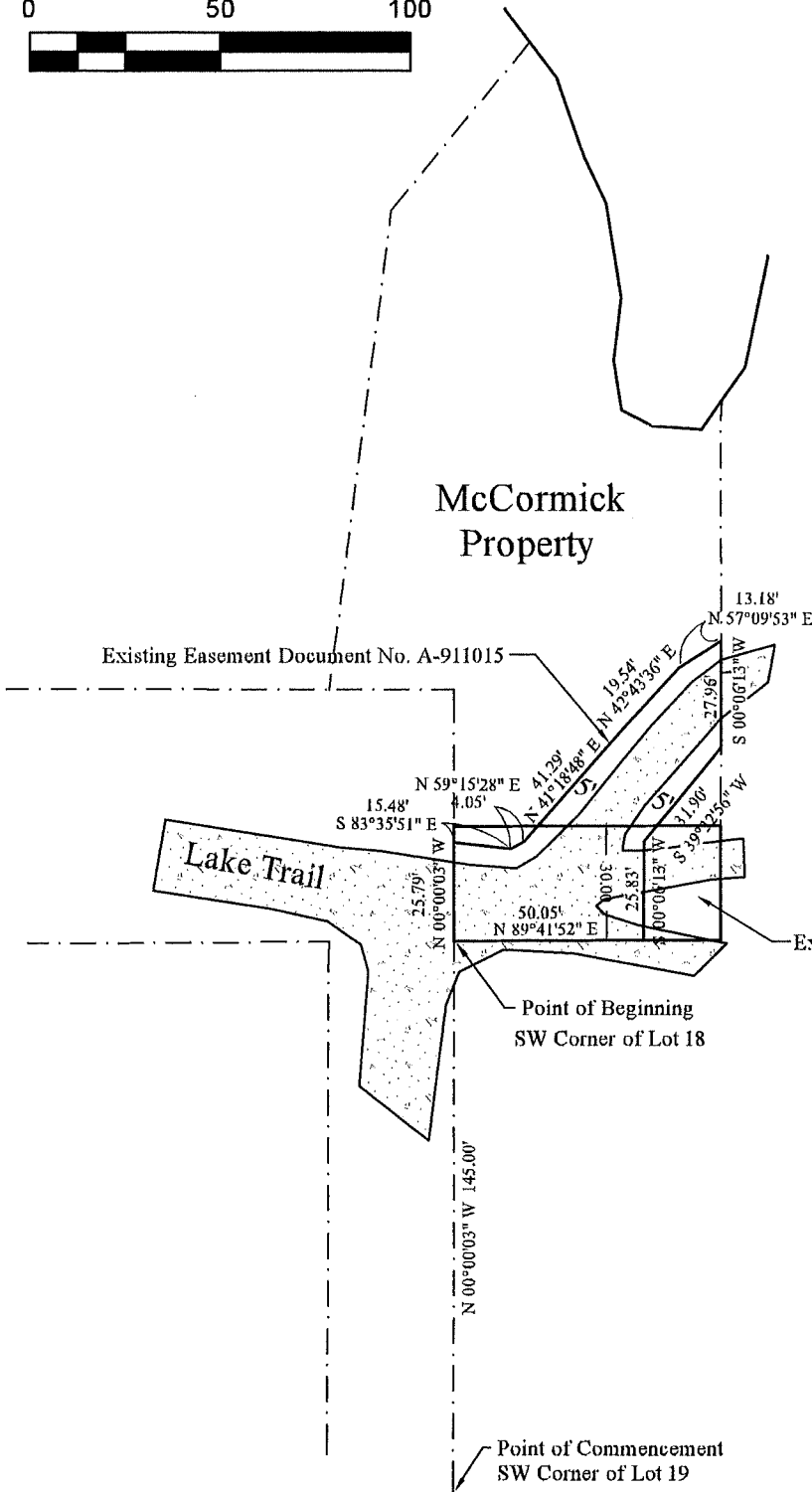
## Part of Lot 18 Bowers Point



Existing Easement Document No. A-911015

An easement for ingress and egress over and across that part of the Lot 18 " Bowers Point " according to the plat of record in the office of the County Recorder, Crow Wing County, Minnesota, described as follows:

Commencing at the southwest corner of Lot 19 said plat; thence North 00 degrees 00 minutes 03 seconds West, assumed bearing, along the easterly Right of Way line of Oak Street said plat, a distance of 145.00 feet, to the southwest corner of Lot 18, said plat the point of beginning; thence North 00 degrees 00 minutes 03 seconds West along said Right of Way line said plat 25.79 feet; thence South 83 degrees 35 minutes 51 seconds East 15.48 feet; thence North 59 degrees 15 minutes 28 seconds East 4.05 feet; thence North 41 degrees 18 minutes 48 seconds East 41.29 feet; thence North 42 degrees 43 minutes 36 seconds East 19.54 feet; thence North 57 degrees 09 minutes 53 seconds East 13.18 feet, more or less, to the East line of the West 71.2 feet of Lot 18 said plat; thence South 00 degrees 06 minutes 13 seconds West along said East line of the West 71.2 feet of Lot 18 said plat 27.96 feet; thence South 39 degrees 32 minutes 56 seconds West 31.90 feet; thence South 00 degrees 06 minutes 13 seconds West 25.83 feet, more or less to the South Line of Lot 18 said plat; thence South 89 degrees 41 minutes 52 seconds West, along said South Line of Lot 18 said plat 50.05 feet, to the point of beginning.



Existing Easement Document No. 948859

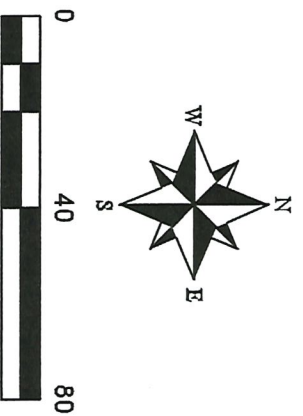
Existing Easement Document No. 948859

That part of Lot 18 Bowers' Point, described as follows: Commencing at an iron stake on the Southeast corner of said lot where it faces Crosslake; thence North 70 feet to an iron stake; thence Westerly 190 feet to an iron stake; thence South 70 feet to an iron stake; thence East 190 feet to an iron stake; also an easement for road purposes beginning at the iron stake at the southwest corner of the above described; thence running West 71.2 feet to an iron stake at Oak Street; thence North 30 feet; thence Easterly 71.2 feet; thence Southerly 30 feet to point of beginning.

**Land Design Solutions**  
Complete Land & Construction Services  
P.O. Box 814 Nisswa MIN 56468

# Certificate of Survey

Part of Lot 18 Bower's Point  
Section 31 Twn 137 N Rng 27 W  
Crow Wing County, Minnesota



McCormick Proposed Legal Description

Outlot C, Bower's Point according to the plat thereof on file and of record in the office of the County Recorder, Crow Wing County, Minnesota

And

The West 71.2 feet of Lot Eighteen (18) Bower's Point according to the plat thereof on file and of record in the office of the County Recorder, Crow Wing County, Minnesota

And

That part of vacated Oak Street Bower's Point according to the plat thereof on file and of record in the office of the County Recorder, Crow Wing County, Minnesota more particularly described as follows:

Commencing at the southwest corner of Lot 18 said plat; thence North 00 degrees 00 seconds 03 minutes West assumed bearing, 65.95 feet, to the point of beginning of the tract to be described; thence South 89 degrees 46 minutes 57 seconds West 33.00 feet; thence North 07 degrees 29 minutes 30 seconds East 126.54 feet; thence North 39 degrees 27 minutes 15 seconds East 25.96 feet; thence South 00 degrees 00 minutes 03 seconds East 145.38 feet to the point of beginning.

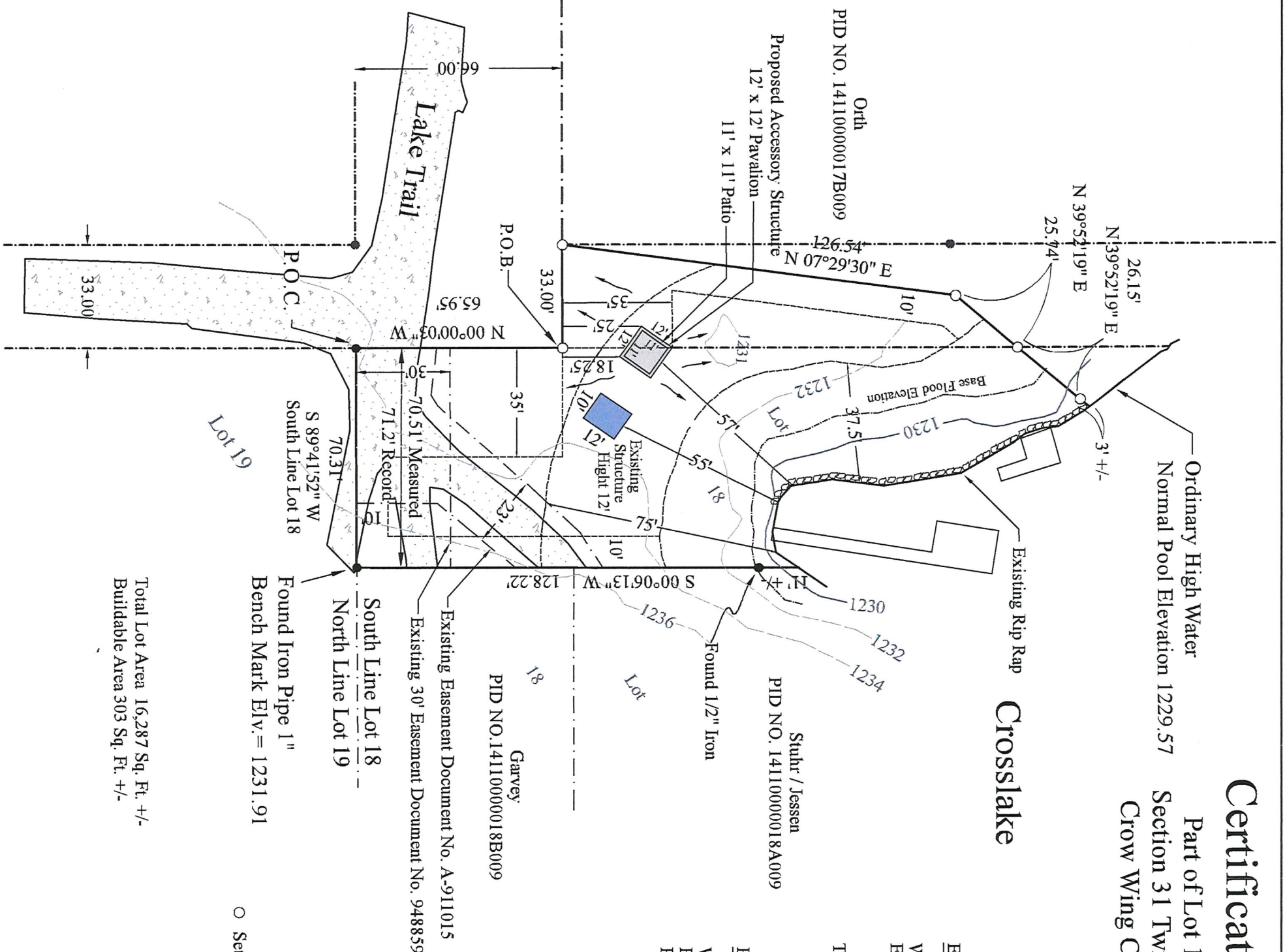
Except

That part of Lot Eighteen (18) Bower's Point according to the plat thereof on file and of record in the office of the County Recorder, Crow Wing County, Minnesota, more particularly described as follows:

Commencing at the southwest corner of said Lot 18 thence North 00 degrees 00 seconds 03 minutes West assumed bearing, 211.33 feet to the point of beginning of the tract to be described; thence continuing North 00 degrees 00 seconds 03 minutes West 47.00 feet, more or less, to the shoreline of Crosslake; thence southeasterly along said shoreline to an intersection with a line bearing North 39 degrees 27 minutes 15 seconds East, from the point of beginning; thence South 39 degrees 27 minutes 15 seconds West 30.00 feet, more or less, to the point of beginning.

Subject to easements, restrictions, and reservations of record.

## Crosslake



Existing Impervious Surface

Water Orientated Structure 10x12 120 sq ft  
Existing Bituminous 1,971 sq ft  
Total Impervious Surface 2,091 sq ft

Total Impervious Surface  $\frac{2,091 \text{ sq ft}}{16,287 \text{ sq ft}} = 0.128 \times 100 = 12.8\%$   
Lot Area 16,287 sq ft

Proposed Impervious Surface

Water Orientated Structure 10 x 12 120 sq ft  
Existing Bituminous 1,971 sq ft  
Proposed Accessory Structure / 12x12 Pavilion 144 sq ft  
Total Impervious Surface 2,235 sq ft

Total Impervious Surface  $\frac{2,235 \text{ sq ft}}{16,287 \text{ sq ft}} = 0.137 \times 100 = 13.7\%$   
Lot Area 16,287 sq ft

Existing Zoning Shoreland

Structure Setback from Lake 75'  
Structure Setback from Road ROW 35'  
Structure Setback from Sideline 10'  
No Wetlands are contained on the property.  
No Bluffs are contained on the property.

Legend

- Found Survey Monument
- Set Survey Monument 1/2" Iron Pipe Surveyors Cap No. 15294
- 2' Contour Interval NGVD 29 Datum
- Bench Mark Top of 1" Iron Pipe Elevation 1234.91
- Parcel Id No. 14310662

Total Lot Area 16,287 Sq. Ft. +/-  
Buildable Area 303 Sq. Ft. +/-

Bench Mark Elv. = 1231.91

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTH LINE OF LOT 18 TO HAVE AN ASSUMED BEARING OF S 89° 41' 52" W

**Land Design Solutions**  
*Engineering, Planning & Construction Services*  
11811 Lake Trail, Crowlake, Minnesota 56442  
218-808-0834  
landdesignsolutions.com

**Certificate of Survey**  
Prepared For: Kevin & Michelle McCormick  
DATE: 04/9/2021 Sheet 1 of 2 PROJECT NO. 21-016

I hereby certify that this survey was completed by me, or under my direct supervision and that I am a duly licensed Land Surveyor of the state of Minnesota.





**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: 9191602  
 Property Owner(s): Kevin & Michelle McCormick

Permit Number 210047V

Mailing Address: 11821 Lake Trail

Site Address: 11821 Lake Trail No address assigned to this lot

Phone Number: 218-820-0854

E-Mail Address: kevin@landdesignsolution.net

Parcel Number(s): 14310662

Legal Description: Part of Lot 18 Bowers Point See Attached

Sec 31 Twp 137 Rge 26  27  28

Lake/River Name: Crosslake

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

If yes list Parcel Number(s) 14310665

Authorized Agent: N/A

Agent Address: \_\_\_\_\_

Agent Phone Number: \_\_\_\_\_

<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 type="checkbox"/>	Septic Drainfield Setback
<input type="checkbox"/>	Impervious Coverage
<input checked="" 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) [Signature] Date 4/12/2021

Signature of Authorized Agent(s) N/A Date \_\_\_\_\_

- 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

Lake Class SD Septic: Compliance N/A SSTS Design N/A Installation None



## 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 existing legal non-conforming lot of record has  
very limited building area not created buy the land owner.

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

Yes  No

Why:

The requested variance is allowable by ordinance.  
However, due to the limited buildable area not created by the owner the variance is required

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 lot of record was created prior to any local planning and zoning requirements limited struture placement is available

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

Yes  No

Why:

Prior to any local planning and zoning requirements limited struture placement is available





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: