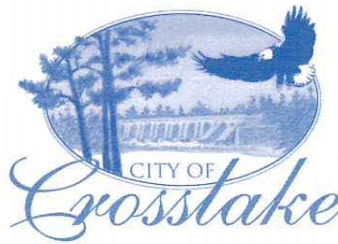


City Hall: 218-692-2688
Planning & Zoning: 218-692-2689
Fax: 218-692-2687



37028 County Road 66
Crosslake, Minnesota 56442
www.cityofcrosslake.org

CITY OF CROSSLAKE

PLANNING COMMISSION/BOARD OF ADJUSTMENT

August 27, 2021

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: Axel Mattson

Authorized Agent: N/A

Site Location: 33900 Pine View Lane, Crosslake, MN 56442 on Big Pine-GD

After-the-Fact Variance for:

- Road Right-of-Way setback of 30 feet where 35 feet is required to the dwelling
- Side Yard setback of 1 foot where 10 feet is required to the dwelling

To allow:

- 1050 square foot dwelling

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: Axel Mattson

Parcel Number(s): 14330560

Application Submitted: July 12, 2021

Action Deadline: September 9, 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

After-the-Fact Variance for:

- Road Right-of-Way setback of 30 feet where 35 feet is required to the dwelling
- Side Yard setback of 1 foot where 10 feet is required to the dwelling

To allow:

- 1050 square foot dwelling

Current Zoning: Shoreland District

Existing Impervious Coverage:

5.1%

Proposed Impervious Coverage:

5.1%

- A Certificate of Installation dated 11-12-2018 is on file

Development Review Team Minutes held on 6-8-2021:

- Property is located on the Pine River at 33900 Pine View Lane with a river setback of 100 feet
- The structure was built approximately 5 feet from the side yard
- An honest mistake: 2 stakes, the correct stake was buried under rotting brush
- Due to an ATF variance the staff has asked for an application to attend the August 27th or September 27th meeting, but staff will work with the applicant if there are difficulties
- Staff suggested to have a lake setback benchmark installed for future development
- 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 certificate of installation is on file dated 11-12-2018 & expires in 5 years
- Wetland Delineation is a requirement for a variance or a no wetland statement/letter
- A grade and elevation illustration/pictures of the existing structure
- A cut and fill calculation is not required for an ATF variance

- Discussion on application requirements, procedure, schedule, fee and the requirements/need for a complete application packet by 4:30 PM of the deadline date; payment policy; notification methods; variances are limited to 2 years with substantial completion

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 – N/A
3. Wetland delineation or a no wetland statement/letter
4. A septic certificate of installation is on file
5. A complete Variance application with the \$500.00 public hearing fee (ATF fee is \$1,500.00)

Parcel History:

- Johnson’s Pine View established in 1978
- April 2017 – Address
- October 2018 – 30x34 home and septic system

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comments were received as of 8-13-2021

City Engineer: N/A

Lake Association: No comments were received as of 8-13-2021

Township: N/A

Crosslake Public Works: No comments were received as of 8-13-2021

Crosslake Park, Recreation & Library: N/A

Concerned Parties: Lewis email comment received on 8-9-2021
Jerde email comment received on 8-12-2021

POSSIBLE MOTION:

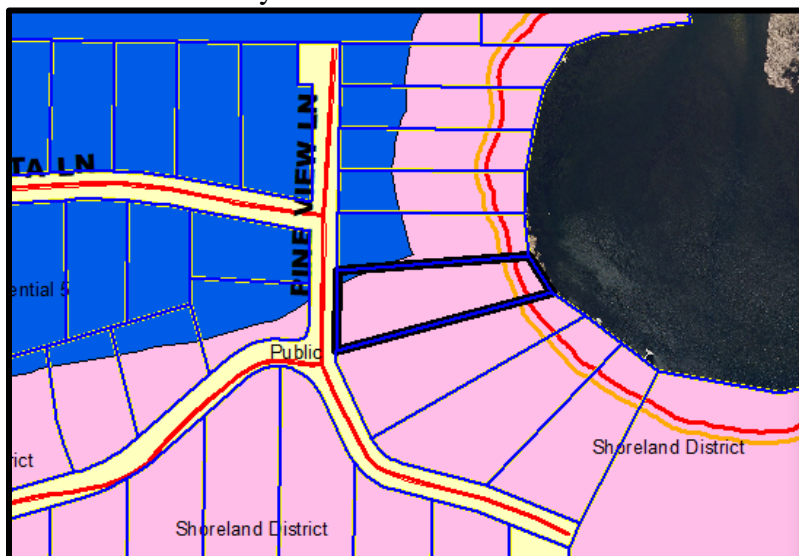
To approve/table/deny the after-the-fact variance to allow:

- Road Right-of-Way setback of 30 feet where 35 feet is required to the dwelling
- Side Yard setback of 1 foot where 10 feet is required to the dwelling

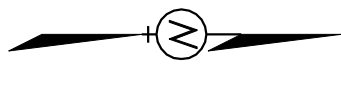
To allow:

- 1050 square foot dwelling

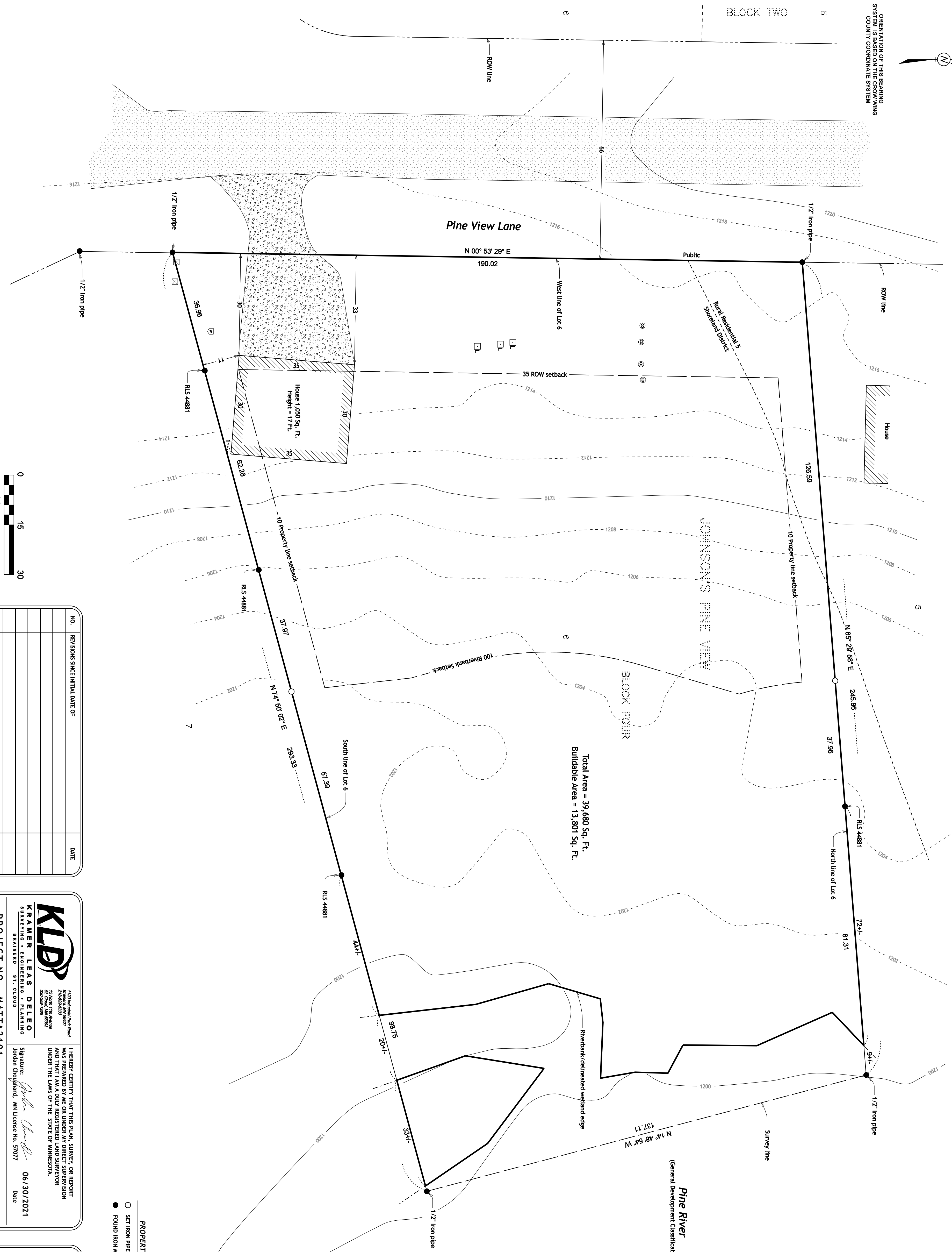
As shown on the certificate of survey dated 6-30-2021







ORIENTATION OF THIS BEARING
AND DISTANCE IS BASED ON
SOUTH COUNTY COORDINATE SYSTEM



Total Area = 39,680 Sq. Ft.
Buildable Area = 13,801 Sq. Ft.

Pine River
(General Development Classification)

Impervious Calculation

| | | |
|--|---|---|
| Total Area | = | 39,680 Sq. Ft. |
| Impervious coverage (not including right-of-way) | = | 1,050 Sq. Ft. |
| Buildings | = | 971 Sq. Ft. |
| Gravel | = | 971 Sq. Ft. |
| Total | = | 2,021 Sq. Ft. (5.1% Impervious Coverage) |

Surveyors Notes
The property address for the subject property is:
33000 Pine View Lane
Crosslake, MN 56442

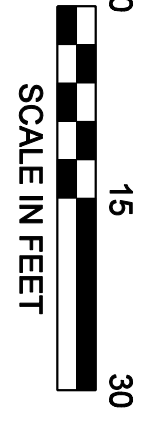
The Parcel Number for the subject property is 44302500.
The current zoning classification for the subject property is Rural Residential 5 and Shoreland District.
This survey was completed without the benefit of a title commitment or title opinion, there may be easements or other limiting factors that affect the subject property that are not shown on this survey.
The subject property was reviewed for the existence of wetlands on June 11th, 2021, by Kyle Chene, Minnesota Certified Delinerator Number 1190.
The location of the riverbank is based off of the edge of wetland as directed by a planning and zoning official for the City of Crosslake.

Legal Description
Lot 6, Block 4, JOHNSON'S PINE VIEW, Section 33, Township 137 North, Range 27 West, Crow Wing County, Minnesota.

PROPERTY BOUNDARY LEGEND
○ SET IRON PIPE WITH CAP STAMPED "LS 57077"
● FOUND IRON MONUMENT

MAPPING LEGEND

| | |
|------------------|---------|
| WELL | ☐ |
| UTILITY PNEUSTAL | ☐ |
| SEWER CLEANOUT | ☐ |
| LIFT STATION | ☐ |
| CONTOUR (MAJOR) | — 10' — |
| CONTOUR (MINOR) | — 10' — |
| BITUMINOUS | ▨ |
| GRAVEL | ▨ |



| NO. | REVISIONS SINCE INITIAL DATE OF | DATE |
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KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRANKEN • ST. CLOUD

1120 Industrial Ave. West
Spring Lake, MN 56477
51 Wagon Wheel Avenue
St. Cloud, MN 56302
507-298-2828

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: *[Signature]* 06/30/2021
Jordan Christophard, MN License No. 57077 Date

PROJECT NO. MATTAZ2101

CERTIFICATE OF SURVEY
Topographic and Property Boundary Survey

Axel Mattison
Section 33, Township 137 North, Range 27 West
Crow Wing County, Minnesota

Cheryl

From: Lewis, Nanette M <Nanette.Field@xcelenergy.com>
Sent: Monday, August 9, 2021 7:19 PM
To: crosslakepz@crosslake.net
Cc: Weaver, Dennis L
Subject: 33900 Pine View Lane - Axel Mattson

Planning Commission/Board of Adjustment:

I received a notice regarding a public hearing for August 27th – 9:00 am regarding Axel Mattson
I will not be able to attend the hearing in person, I currently live in Plymouth, MN.
I do own land near Axel Mattson and understand from the letter that a building variance has been requested by Mr. Mattson.

It's in my opinion after speaking with Mr. Mattson – that the variance to code was not intentional. I believe him when he states
That there was initial confusion to property lines and side yard setbacks, which has caused a need for this public hearing.

I personally, do not have an issue with the variance being granted for Mr. Mattson and his family. I will be a home owner myself
In Crosslake, within the next 2 years and look forward to having a neighbor as friendly and welcoming as Axel Mattson and his Family.

Thank you for your time!

Nanette Lewis
3305 Hwy 169 N
#322
Plymouth, MN 55441

Nanette Lewis

Xcel Energy

Operations Work Coordinator

Electrical Substation Construction

8701 Monticello Lane, Maple Grove, MN 55369

P: 763-493-1554 C: 763-218-3408 F: 612-573-9221

E: nanette.field@xcelenergy.com

From: Michelle M Jerde [mailto:michelle.m.jerde.gj6k@statefarm.com]

Sent: Thursday, August 12, 2021 8:35 AM

To: Jon Kolstad <jkolstad@crosslake.net>

Subject: RE: [EXTERNAL] RE:

Morning and thank you for your quick reply,

I have no problem with the variance and actually support it. Human error happens and I hope the planning commission approves it and request council to award the variance.

Blessings and make it a great day,

Michelle Jerde
Customer Relations Representative

Good morning

Thank you for your comments regarding the Mattson Variance request.

The request is for a structure that has already been constructed. The property owner made a mistake when measuring the setback from the road and the Property line that the city missed also. Mr. Mattson is asking for the variance so he does not have to try to move the garage to meet the setbacks.

Please let us know if you have any additional comments or questions.

Have a great day!

Jon

Jon R. Kolstad
Planning & Zoning Administrator
Crosslake Planning and Zoning Department
Phone: (218) 692-2689
Email: crosslakepz@crosslake.net

Hi Jon,

I hope you're having a good Wednesday☺ Hump day

Quick question for ya- I received a letter regarding a 1050 home being built and explaining that it does not meet the setbacks.

Is that my neighbor who wants to put his house near the road? I wonder why he wants to do that so close, but in any case, I'm okay with it as long as it does not affect me when I go to build my little home.

Anyway, anything else, please let me know and do you happen to know the company that is doing my neighbors septic? Maybe we could get a reduced rate for 2 jobs?? Trying to save \$ where I can.

Enjoy the beautiful day,

Michelle Jerde
Customer Relations Representative



ATF - 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: 969521

Permit Number: 210150V

Property Owner(s): Axel Mattson

Mailing Address: 33900 Pine View Ln, Crosslake, MN 56442

Site Address: Same

Phone Number: (218) 820-6062

E-Mail Address: 0607adem@gmail.com

Parcel Number(s): 14330560

Legal Description: Lot 6, Block 4, Johnson's Pine View

Sec 33 Twp 137 Rge 26 27 28

Lake/River Name: Big Pine River

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

If yes list Parcel Number(s) _____

Authorized Agent: _____

Agent Address: _____

Agent Phone Number: _____

| <u>Variations</u> | |
|-------------------------------------|---------------------------|
| (Check applicable requests) | |
| <input type="checkbox"/> | Lake/River Setback |
| <input checked="" type="checkbox"/> | Road Right-of-Way Setback |
| <input type="checkbox"/> | Bluff Setback |
| <input checked="" 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 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) Ax Mattson Date 07/02/2021

Signature of Authorized Agent(s) _____ Date _____

~~\$1500~~
~~\$500~~

- All applications must be accompanied by a signed Certificate of Survey
- Fee ~~\$500~~ for Residential and Commercial Payable to "City of Crosslake" \$50000 + 6.00 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 CS Date 7-12-2021 Land Use District SD

River
Lake Class CS Septic: Compliance — SSTS Design — Installation 11/2/18



City of Crosslake Planning Commission/Board of Adjustment

After-The-Fact Variance Application

Findings of Fact

Supporting/Denying an After-The-Fact Variance

An After-the-Fact 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 After-the-Fact Variance request in harmony with the purposes and intent of the Ordinance?

Yes No

Why?

The structure is a single family home/future garage convert. It is built on a residential lot and will only be used for that purpose.

2. Is the After-the-Fact Variance consistent with the Comprehensive Plan?

Yes No

Why?

The structure is set back from the water significantly and I am well within the impermeable surface restriction. The river and wetlands should not be affected by the home.

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 will be used as a single family residence. One corner of the existing residence encroaches upon the side yard 10' setback but is still on my property.

4. Will the issuance of an After-the-Fact Variance maintain the essential character of the locality?

Yes No

Why?

The setback violation does not directly affect any residence or business. The building is for residential purposes only.

5. Is the need for an After-the-Fact Variance due to circumstances unique to the property and not created by the property owner?

Yes No

Why?

The variance is necessary due to the confusion of property line P.N.s. When purchasing the lot, the neighboring lots corner pin was represented as the property line by the seller. I never had a survey done to confirm property lines.

6. Does the need for an After-the-Fact Variance involve more than economic considerations?

Yes No

Why?

The home is currently the primary and only residence of my family. It is a slab on grade building with in floor heat. Both bathrooms in the home are located in the corner that encroaches upon the setback. Moving or altering the building would make it uninhabitable and would require an extensive remodel.

7. Did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? (Whether the applicant acted in good faith should be considered in the analysis of this factor)

Yes No

Why?

A footing inspection was requested prior to building. I was issued a building permit after the agreed upon inspection date had passed. I assumed that the issuance of the permit indicated that my footing layout was approved and commenced building.

8. Did the applicant attempt to comply with the Ordinance by obtaining the proper permits?

Yes No

Why?

A ~~setback~~ footing inspection was requested and a date was agreed upon. It was a verbal conversation and the request must have fallen through the cracks. A building permit was issued so I assumed that everything was in order.

9. Did the applicant make a substantial investment in or improvement to the property?

Yes No

Why?

I have built a single family home to near completion. It is currently our primary residence while the finishing work is in progress.

10. Are there other similar structures in the neighborhood?

Yes No

Why?

11. Would the minimum benefits to the City appear to be far outweighed by the detriment the applicant would suffer if forced to move or remove the structure?

Yes No

Why?

I cannot see any benefit that this would provide to the city. Moving/removing the structure would deprive my family of our residence and essentially require starting from scratch again.



City of Crosslake Planning Commission/Board of Adjustment

After-The-Fact Variance Application

Findings of Fact

Supporting/Denying an After-The-Fact Variance

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1. Is the After-the-Fact Variance request in harmony with the purposes and intent of the Ordinance?

Yes No
Why?

2. Is the After-the-Fact 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 an After-the-Fact Variance maintain the essential character of the locality?

Yes No
Why?

5. Is the need for an After-the-Fact Variance due to circumstances unique to the property and not created by the property owner?

Yes No
Why?

6. Does the need for an After-the-Fact Variance involve more than economic considerations?

Yes No
Why?

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Yes No
Why?

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Yes No
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Yes No
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Yes No
Why?