

PUBLIC HEARING
CITY OF CROSSLAKE
MONDAY, JANUARY 8, 2001
6:00 P.M. – CITY HALL

Pursuant to due notice and call, the City Council met in the Chambers of City Hall to hear an appeal for Variance 00-38, submitted by Steve and Chris Sands. The request is an appeal to the City Council regarding a decision made by the Planning and Zoning Commission to deny a Variance request involving constructing a new house 56.9 feet from the ordinary high water mark (OHW) of Crosslake rather than placing the structure at the required 75 feet from the lake. The property is described as Lot 16, Arrowhead Point, Section 30, Township 137N, Range 27W. The vacant lot is located on Arrowhead Lane and is zoned Medium Density Residential (R-3). Present at the hearing was Mayor Darrell Swanson, Councilmembers Sandy Eliason, Chuck Miller, Irene Schultz and Dean Swanson. Also present was City Administrator Tom Swenson, City Attorney's Paul Sandelin and Steve Qualley, Community Development Director Paul Larson, Planning and Zoning Commission Members Andy Anderson, Dean Brodin and Jim Trautman, Deputy Clerk Darlene Roach and four individuals in the audience.

Mayor Swanson called the public hearing to order at 6:00 P.M. and stated that the order of events would include a presentation by the Planning and Zoning Staff, a legal opinion by the City Attorney, a presentation by the Applicant, comments from the public and final questions and comments by the City Council.

Community Development Director Paul Larson presented the highlights of the items in the report prepared for the Planning and Zoning Commission. The location of the proposed home was shown on the Certificate of Survey. Some of the homes in the plat are older structures which were built prior to the current 75' setback requirement. There have been some additions to existing structures through approved variance applications. Paul Larson stated that the City Ordinance states that variances shall be decided when strict interpretation of the Chapter creates undue hardship for the property owner. Undue hardship means that the subject property cannot be put to reasonable use under the terms and conditions of the Zoning Ordinance. Paul Larson reviewed six questions that the Council needed to consider in determining reasonable use. Paul Larson stated that at the November 17, 2000 meeting of the Planning and Zoning Commission, the Variance request was tabled in order to allow the applicants the opportunity to explore alternative development plans for the site. At the December 15, 2000 meeting of the Planning and Zoning Commission the Variance was denied due to not being able to determine a hardship existed. The Commission felt that there were development options available for the site leaving reasonable use of the property without requiring a variance. The options the Planning and Zoning Commission and Staff considered included moving the common lot line between Lot 15 and Lot 16 since both properties are owned by the applicant. Combining the two properties would allow for a house and a guest house up to 700 square feet. These options were not considered agreeable to the applicants.

Community Development Director Paul Larson reviewed the various letters and faxes which were received in opposition to the Variance request and included in the packet provided to the City Council.

The hearing was open to questions from the Council. Councilmember Miller inquired as to where the original house, that was removed by the Sands, was situated on the Lot. Paul Larson stated that it was near or on the common lot line. City Administrator Tom Swenson inquired about the proposed guest house and Paul Larson stated that the applicant was proposing constructing a 1200 square foot guest house. It was noted that guest houses are limited to a maximum of 700 square feet, however the applicants were proposing that the assumed guest house be considered a regular home on its own, and therefore, it is not limited by size. Councilmember Schultz inquired as to the location of the well. Paul Larson stated that the well could be shared by the two houses. The septic system design would probably utilize both properties but two systems were submitted with the design. Mayor Swanson asked if the Planning and Zoning Commission had the benefit of the design when reviewing the application. Community Development Director Paul Larson stated that a small handout was provided to the Commission which was enlarged and given to the members during the meeting. City Attorney Paul Sandelin stated that if the applicant is changing the complexion of the application, the application would need to go back to the Planning and Zoning Commission for review. If only additional information was being provided, to clarify the original request, the Council could proceed. City Attorney Sandelin outlined the various standards that the Council needed to follow when making their decision. Mayor Swanson asked City Attorney Sandelin if, from his standpoint, the dispute was the lot line and City Attorney Sandelin stated that if the lot line was changed, a variance would not be required. Councilmember Miller commented that the City has various lots that are identified by two tax identification numbers but are considered one lot from a building standpoint.

Attorney Richard Kadrl, representing Mr. Sands, stated that the applicants were not amending their Variance application and were still requesting approval to construct a house at a setback of 56.9 feet from the lake. He further stated that a letter was being sent to the City withdrawing the applicant's request for a house on Lot 15. Attorney Kadrl stated that, in his opinion, the shape of the lot could be considered a hardship since it is not a standard rectangular lot. He stated that the well and septic would both be located on Lot 16. He stated that the garage, previously located on the property, encroached one foot onto Lot 16 and was torn down in lieu of being grandfathered in. He also stated that the applicant was currently considering selling Lot 15 so combining the two properties was not an option.

Mayor Swanson stated that he felt ownership of the adjacent lots by the applicants presented a major change in the way the Council views the Variance application. Councilmember Miller stated that if the applicant was considering the sale of Lot 15, a change in the lot line could be made prior to sale of the property whereas the applicant could retain enough property in order meet the setbacks to build a house without requiring a variance. (It was noted that the applicant also owns a part of Lot 14.) City Attorney Sandelin agreed that would be a consideration for the applicant.

Councilmember Eliason stated that the City's Comprehensive Plan advocates clean water, protection of lakes and etc. and inquired as to whether the applicants were aware of the impact the deviation from the Ordinance would have. Attorney Kadrl stated that the septic system would meet all required standards and that the Council needed to look at reasonable use of the land.

City Attorney Sandelin stated that if the applicants sell the adjacent property (Lot 15) without retaining enough land to build the house on Lot 16, the applicants would be creating their own hardship.

The hearing was open to the public for comments. Jim Trautman addressed the Council and asked for a clarification on the applicants creating their own hardship by not retaining enough property to build the house.

Frank Altman stated that he was concerned about a house that would overpower the neighborhood. He stated that while he does not believe in preventing reasonable use of property, these lots have historically been used and viewed as one property and supported continuing treating the lots as one parcel.

There being no further comments, MOTION PH1-01-01 WAS MADE BY CHUCK MILLER AND SECONDED BY IRENE SCHULTZ TO UPHOLD THE DECISION OF THE PLANNING AND ZONING COMMISSION BASED ON THE FACT THAT THERE WAS NO HARDSHIP DEMONSTRATED BY THE APPLICANTS AS OUTLINED IN THE ATTACHED CONCLUSION WHICH ARE TO BE RECORDED WITH THE CROW WING COUNTY RECORDER'S OFFICE. MOTION CARRIED WITH ALL AYES.

MOTION PH1-02-01 WAS MADE BY CHUCK MILLER AND SECONDED BY DEAN SWANSON TO ADJOURN THIS PUBLIC HEARING AT 7:02 P. M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach
Deputy Clerk

BILLS FOR PAYMENT				
08-Jan-01				
VENDOR		DEPT	CHECK #	AMOUNT
Crosslake Comm - REA Loan Payment		Debt Svc		\$925.93
MN Benefit Association - employee deductions		Adm		\$462.32
Thomas Swenson - January vehicle allow		Adm		\$300.00
North Ambulance - January subsidy		Amb		\$1,103.00
Avon State Bank - Warning Siren Payment	Annual		Due 2/01	\$9,517.35
Wells Fargo - Comm Ctr Bond Payment	Semi-Ann	Debt Svc	Due 2/01	\$50,342.50
Frontline Plus - Balance of Thermal Camera		FD		\$6,394.14
Northern Nat'l Bank - Wilderness Bond Pymt				\$12,658.50
Lakewood Bank - '99 Bond Payment		Debt Svc		\$5,866.25
Northern Bank - '99 Bond Payment		Debt Svc		\$115,302.50
Lakes State Bank - '99 Bond Payment		Debt Svc		\$5,880.00
Firststar Bank - GO Bonds 1999B		Debt Svc		\$15,090.00
Donna Keiffer - half aerobic session		Park		\$308.65
Xcel Energy - gas utilities		Park		\$1,274.08
Xcel Energy - gas utilities		Gov't		\$1,086.21
Xcel Energy - gas utilities	Warm Hse	Park		\$192.94
Xcel Energy - gas utilities		PW		\$424.30
Office Max - computer accessories		PW/Adm		\$577.16
MN State Fire Chief Assn - dues		Fire		\$170.00
The Brehm Group - Personal Accident Ins		Council		\$573.75
MN State Fire Dept Assoc - dues		Fire		\$75.00
MN Chief's of Police Assn - dues		PD		\$75.00
LMCIT - Newly Elected Officials conf		Council		\$210.00
Sandy Eliason hotel expense		Council		\$90.00
Marco - 2nd half maintenance agmt		Adm/P&Z		\$1,181.41
Brass Tacks Training		Gov't		\$1,837.66
Cuyuna Range Fire Chief's assn - dues		Fire		\$50.00
The Office Shop - trash bags		Gov't		\$22.35
The Office Shop - timecards/laminate/towels/paper		All		\$494.63
CompressAir & Equip - maintenance agmt		Fire		\$353.50
Echo Publishing - ad		PW		\$20.40
Business Forms & Acctg - 1099's 1096's		Adm		\$10.65
Pequot Auto Parts - seal beam, antifreeze		PW		\$87.26
Pine River Oil - gas & diesel		PW		\$945.75
Ace Hardware - hammer, screws		PW		\$16.17
Ace Hardware - phone cord & adapter		PW		\$6.90
Ace Hardware - Sealer - Barsleak		PW		\$3.08
Crow Wing County Recorder - filing fees		P&Z		\$19.50
Chief Supply - fire gloves, tape		Fire		\$220.93
Eric Swanson - Rocky Boots		PD		\$140.99
Moonlite Square - gasoline		Fire		\$59.26
Moonlite Square - gasoline		PD		\$281.75
Holiday - gasoline		PW		\$15.56
Holiday - antifreeze		PW		\$11.88
Holiday - gasoline		PD		\$425.62

Public Hearing
 Sands Appeal of V00-38
 1-8-2001
 6:00 p.m.

Name	Address	Phone #
Maureen Roach	City Hall	692-2688
Paul Larson	City Hall	692-2689
Allen Eliasov	35424 Maroda Dr. C2	692-3104
Jim Trautmann	12352 Ivy Lane	692-2514
Paul Brown	Box 959	692-3810
Phil Fuller	P.O. Box 748	692-3457
Phil Fuller	Arrowhead Lane 952	(692) 922-1557
Frank Altman	12070 Arrowhead Lane	692-2415
Stew Quallby	Crosslake	695-5915
Steve Sands	" "	692-2102
Jan Miller	"Crosslake" Mn. 56442	692-4826
ROBERT HEALES	14037 AUTUMN RIDGE RD.	692-2227
Richard Kadme	1215 Hawthorne Ave E St Panel	692-1294
Sandy Elson	35424 Maroda Drive	692-3109
Jenny Schultz	Crosslake City Council	692-2663
Tom Svenson	City Administrator	692-2688
Dwight Swanson	Crosslake Mayor	692-2688
Dean L Swanson	Crosslake, Mn.	692-2688
Charles Miller	" "	692-3471
Paul Sandelin	Pewee Lakes	508-8481