



STATED MINUTES

City of Crosslake Planning Commission/Board of Adjustment

October 23, 2015
9:00 A.M.

Crosslake City Hall
37028 County Road 66
Crosslake, MN 56442

1. Present: Aaron Herzog, Chair; Dave Nevin, Vice-Chair; Joel Knippel; Mark Lafon; Matt Kuker and Council Member Gary Heacox
2. Absent: None
3. Staff: Chris Pence, Crow Wing County Land Services Supervisor; Jon Kolstad, Crosslake Land Services Specialist and Cheryl Stuckmayer, Technical/Administration Specialist
4. 9-25-15 Minutes & Findings – **Motion by Nevin; supported by Lafon to approve the minutes & findings as written. All members voting “Aye”, Motion carried.**
5. Old Business
 - 5.1 None
6. New Business
 - 6.1 Jeffrey P & Jolene Trippe – Variance for a lake setback
 - 6.2 Dennis L Corwin & Nancy A Johnson – Variance for a lake and road setback
 - 6.3 Paul D Schmelz – Variance for a time extension, a lake and bluff setback
7. Agenda Amendment
 - 7.1 Temporary structures - Bordsen Judgment
 - 7.2 Ordinance Update - City Council decision and request
 - 7.3 Nuisance Ordinance
8. Adjournment

**Jeffrey P & Jolene Trippe
14151000011A009 & 14151000011B009**

Herzog invited Anick to the podium as Trippe's representative. Kolstad read the variance request, history of the parcel and the surrounding parcel history into the record. Herzog asked for clarification as to the addition to the structure. October 22, 2015 planning commission/board of adjustment on-site showed neighboring parcels to have similar use or distance from lake. Anick stated the history of the existing structure and that it was built with the intention of completing the project as proposed in the variance request. Nevin commented on the existing screen porch and patio as to the close proximity to the lake. Herzog asked if a stormwater plan had been submitted. Kolstad replied that it was not submitted with the application, but it could be included in the conditions of the variance. Anick commented that there would be no land alternation on the lakeside and that he is planning on working with Kolstad on the stormwater plan to direct run-off from the lake with gutters, depressions and rain gardens on the sides of the dwelling. Trippe stepped up and specified that his plan is to leave both sides of the lake shore in a natural state and to implement rain gardens. Herzog opened the public hearing with no response, so the public hearing was closed. Herzog asked if any of the commissioners had additional questions, but none were forthcoming. Herzog proceeded by requesting Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question. Pence stated that the owner provided his own Findings of Fact for the packet.

October 23, 2015 Action:

Motion by Kuker; supported by Nevin to approve the variance for:

- 1. Lake setback of 32 feet where 75 feet is required to proposed upper screen porch**
- 2. Lake setback of 42 feet where 75 feet is required to proposed upper addition**
- 3. Lake setback of 32 feet where 75 feet is required to proposed deck**
- 4. Lake setback of 70 feet where 75 feet is required to proposed covered entry**

To construct:

- 200 square foot upper screen porch**
- 1160 square foot upper addition**
- 314 square foot deck**
- 90 square foot covered entry**

Per the findings of fact as discussed, the on-sites conducted on 10-22-15 and as shown on the certificate of survey received at the Planning & Zoning office dated 9-29-15 located at 36130 Robert Street, Crosslake, MN 56442

Conditions:

- 1. Work with staff to implement a stormwater plan according to the ordinance, including temporary erosion control during construction**

Findings: See attached

October 23, 2015 Planning & Zoning Commission Meeting
All members voting “Aye”, Motion carried.

**Dennis L Corwin & Nancy A Johnson
141780000200009**

Herzog invited Hicks to the podium as the owner’s representative. Kolstad read the variance request, history of the parcel and the surrounding parcel history into the record. Kolstad stated that the parcel has a very small building envelope. Nevin asked for clarification that the variance request would all be constructed on posts. Hicks responded with an affirmative answer. Kolstad stated that the stormwater plan was submitted with the variance proposed gutters, depressions and berms. Herzog questioned the erosion on the lake side. Pence suggested that the erosion on the lake side be considered as a condition if approved. Herzog opened the public hearing with no response, so the public hearing was closed. Herzog asked if any of the commissioners had additional questions, but none were forthcoming. Herzog proceeded by requesting Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question.

October 23, 2015 Action:

Motion by Nevin; supported by Knippel to approve the variance for:

- 1. Lake setback of 62.4 feet where 75 feet is required to proposed deck**
- 2. Lake setback of 68.2 feet where 75 feet is required to proposed screen porch**
- 3. Road setback of 30.6 feet where 35 feet is required to proposed screen porch**

To construct:

- 156 square foot deck**
- 168 square foot screen porch**

Per the findings of fact as discussed, the on-sites conducted on 10-22-15 and as shown on the certificate of survey received at the Planning & Zoning office dated 9-21-15-15 located at 36235 Tamarack Lane, Crosslake, MN 56442

Conditions:

- 1. Implement the submitted stormwater plan including temporary erosion control during construction**
- 2. Staff to work with the landowner on the erosion issues on the site**

Findings: See attached

All members voting “Aye”, Motion carried.

**Paul D Schmelz
141230000020009**

Nevin has stepped down and will be a representative for the Schmelz variance request.

Herzog invited Nevin to the podium as the representative for the Schmelz variance request. Kolstad read the proposed construction of the variance request, history of the parcel and the surrounding parcel history into the record. Herzog questioned Nevin as to the exact construction procedure that will be needed for the proposed variance request. Kolstad stated that no comments were received from the public. Herzog opened and closed the public hearing due to no audience attendance. Herzog asked if any of the commissioners had additional questions. Kuker stated as clarification that the rubber membrane was to be installed under the larger part of the deck only, not under the walkway section. Herzog requested Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question.

October 23, 2015 Action:

Motion by Kuker; supported by Knippel to approve the variance for:

- 1. Bluff setback of 0 feet where 30 feet is required to proposed deck addition**
- 2. Bluff setback of 2 feet where 30 feet is required to proposed deck extension**
- 3. Bluff setback of 3 feet where 30 feet is required to proposed screen porch**
- 4. Substantial completion of five years where 2 years is required for proposed screen porch**

To construct:

- 77 square foot deck addition**
- 48 square foot deck extension**
- 448 square foot screen porch**

Per the findings of fact as discussed, the on-sites conducted on 10-22-15 and as shown on the certificate of survey received at the Planning & Zoning office dated 9-29-15 located at 37465 County Road 66, Crosslake, MN 56442

Conditions:

- 1. Implement the submitted stormwater plan including temporary erosion control during construction**
- 2. Five year window applies only to the screen porch per submitted**

Findings: See attached

All members voting “Aye”, Motion carried.

**Donald Bordsen
Temporary Structures
District Court Entry of Judgment**

Kolstad read into the record the Bordsen judgment from the district court pertaining to temporary structures. Kolstad stated that the Bordsens were ordered by the district court to comply with the current Crosslake City Code. Pence stated that there is a 60 day window for a court appeal.

**October 23, 2015 Action:
No motion required.**

**Ordinance Update
Articles 11, 12, 33, 36 and 43**

Kolstad read into the record the City Council October 12, 2015 approval pertaining to the recommendations by the Planning Commission/Board of Adjustment September 25, 2015 meeting on the Land Use Ordinance Article 11, 12 and 36. Kolstad also stated that the City Council at the same meeting denied the Planning Commission/Board of Adjustments recommendation for Article 33 and 43 with the request to have these two articles re-evaluated. Discussion pursued with the Commissioners, Pence and Kolstad as to the re-evaluation of Articles 33 and 43 pertaining to size and height restrictions as a CUP permit with the option of a variance to alter the approved ordinance. Herzog requested Kolstad to put together an email for feedback from the city council proposing the sign ordinance update to read as; CUP permit with maximum height of 24 feet, width of 16 feet, sign per business of 32 square feet, size of sign space of 200 square feet and a minimum clearance height of 8 feet.

**October 23, 2015 Action:
Motion by Nevin; supported by Lafon to recommend the Crosslake City Council to begin the published 30 day comment period on Article 33 and 43 as presented per email noted above per staff recommendations.**

City of Crosslake Nuisance Issue

Kolstad stated city council agreed with the commissioners' recommendation from the September 25, 2015 Planning Commission/Board of Adjustment meeting. Kolstad explained and handed out the examples of the research he obtained from different government entities as to fine amounts for various offenses. Discussion pursued with the Commissioners, Pence and Kolstad per the city councils request on the violation requirements according to certain Land Use Ordinance activity. Kolstad will put a draft together to present to the city council.

October 23, 2015 Action:
No motion required.

Matters not on the Agenda:

1. There were no matters not on the agenda

Motion by Lafon; supported by Nevin to adjourn at 10:55 A.M.

All members voting "Aye", Motion carried.

Respectfully yours,

Cheryl Stuckmayer

Cheryl Stuckmayer
Technical/Administrative Specialist