



## STATED MINUTES

### City of Crosslake Planning Commission/Board of Adjustment

November 25, 2015  
9:00 A.M.

Crosslake City Hall  
37028 County Road 66  
Crosslake, MN 56442

1. Present: Dave Nevin, Chair; Joel Knippel; Mark Lafon; and Council Member Mark Wessels
2. Absent: Aaron Herzog, Chair; and Matt Kuker
3. Staff: Chris Pence, Crow Wing County Land Services Supervisor; Jon Kolstad, Crosslake Land Services Specialist and Cheryl Stuckmayer, Technical/Administration Specialist
4. 10-23-15 Minutes & Findings – **Motion by Knippel; 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 Keith A Griffiths – Variance for lake setback
  - 6.2 Ritten Partners – Variance for bluff setback
  - 6.3 Chad & Barb Anderson – After-the-Fact Variance for side yard and bluff setback
  - 6.4 Ordinance Update
  - 6.5 Nuisance Fine
7. Adjournment

**Keith A Griffiths  
142120020050009**

Kolstad read the variance request, history of the parcel and the surrounding parcel history into the record. Miller of Miller Construction, the representative, was invited to the podium. Miller explained the reduction in the request from the proposed original 380 sf to the 280 sf deck request; stormwater plan; post hole digging only; and no impervious added. Discussion on the use of the side yard building envelope area versus the requested variance location lake ward and the ability to add a walkway for the future lake side door. Nevin opened the public hearing with no response, so the public hearing was closed. It was stated that the Planning Commission/Board of Adjustment on-site visit on November 24, 2015 showed that the request was consistent with the neighborhood and there would be no additional visual impact on the neighbors or the view from Ox lake. The stormwater plan that was submitted with the application was discussed and the method of implementing it. Nevin asked if any of the commissioners had additional questions, but none were forthcoming. Kolstad initiated the findings of fact procedure with the board members deliberating and responding to each question.

**November 25, 2015 Action:**

**Motion by Lafon; supported by Knippel to approve the variance for:**

- 1. Lake setback of 67 feet where 75 feet is required to proposed deck**

**To construct:**

- 280 square foot deck**

**Per the findings of fact as discussed, the on-sites conducted on 11-24-15 and as shown on the certificate of survey received at the Planning & Zoning office dated 10-19-15 located at 38393 Ox Lake Landing, Crosslake, MN 56442**

**Conditions:**

- 1. Implement the submitted stormwater plan including temporary erosion control during construction**
- 2. Maintain the vegetation along the shoreline in the current state**
- 3. Construct deck per amended approval from the original 380 square feet to the new requested approved 28 length x 10 wide total 280 square feet not meeting the required setback**

**Findings: See attached**

**All members voting “Aye”, Motion carried.**

**Ritten Partners  
141470040070009**

Kolstad read the variance request, history of the parcel and the surrounding parcel history into the record. No representative or owner was available for questions.

**November 25, 2015 Action:**

**Motion by Lafon; supported by Knippel to table the variance to allow the applicants and/or representative the opportunity to be present:**

- 1. Bluff setback of 0 feet where 30 feet is required to proposed water-oriented accessory structure**

**To construct:**

- 96 square foot water-oriented accessory structure**

**All members voting “Aye”, Motion carried.**

**Chad & Barb Anderson  
141490410090009**

Kolstad read the after-the-fact variance request, the two comments received, history of the parcel and the surrounding parcel history into the record. He stated that the Planning Commission/Board of Adjustment on-site visit on November 24, 2015 revealed that the surrounding parcels had decks at the bluff or hanging over the bluff. The Anderson's were invited up to the podium. Pence and the Andersons reviewed the previous meeting discussions. Anderson proposed to take all the surrounding stairs off the deck, except a four foot stairway section for access. Nevin asked why a permit was not obtained. Anderson stated that Rem-Whirl said they did not need to pull a permit for the deck. Nevin opened the public hearing. Whirley, Rem-Whirl, LLC stepped up to the podium and indicated that they had a preliminary design on file for a patio which included a permit fee in their estimate. Pence explained some of the findings or fact questions that need to be addressed. Nevin stated that the Planning Commission/Board of Adjustment on-site visit on November 24, 2015 revealed the replacement of the deck was extreme to what was existing and the size of the lot. Nevin further stated that the bluff was a big concern. Wessels, city council member, was concern on the after-the-fact variance approval on the size of the deck. Lafon and Nevin stated the replacement was triple the original deck and right at the bluff's edge. Discussion pursued as to the deck location in proximity of the bluff and the size (original removed, the current existing, and possible reduction); the impact on the bluff; the possible vegetation needs and current construction of the existing deck. Kolstad initiated the findings of fact procedure with the board members deliberating and responding to each question. Kolstad also stated that the Andersons had submitted the answers to these questions at the time of their application. Whirley addressed the visual impact issue with an opinion that he felt no railing should be used and the use of vegetation would be best.

**November 25, 2015 Action:**

**Motion by Lafon; supported by Knippel to deny the after-the-fact variance for:**

- 1. Side yard setback of 8 feet where 10 feet is required to deck**
- 2. Bluff setback of 1 foot where 30 feet is required to deck**

**Per the findings of fact as discussed, the on-sites conducted on 11-24-15 and as shown on the certificate of survey received at the Planning & Zoning office dated 5-18-15 located at 11192 Manhattan Point Blvd, Crosslake, MN 56442**

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**Conditions:**

- 1. Remove existing 702 square foot deck by June 1, 2016**
- 2. Applicants are allowed to replace the original 8' x 15' deck in the previous location with a permit from the City of Crosslake**

**Findings: See attached**

**All members voting "Aye", Motion carried.**

**Pence requested a recess.**

**Pence stated the meeting was reconvened at approximately 10:58**

**Ordinance Update:  
Articles 33 Signs  
Pine River Setback/classification  
2016 Planning Commission/Board of Adjustment  
schedule**

Kolstad explained the sign ordinance update in respects to the November city council meeting discussion. The overview for the sign requirements per city council agreement: Maximum total pylon sign size of 200 square feet; 32 square feet per sign per business; 24 feet maximum total height; 8 foot clearance below sign; located on development parcel or adjacent parcel with shared access or parking and a condition use permit is required. A public hearing will be held in December to discuss any comments and upon agreement it will be presented to the city council for their approval.

Kolstad explained the Pine River setback of 100 feet – GD classified was different from the Crow Wing County setback of 150 feet – NE classified. Kolstad contacted the DNR with the DNR responding that the city could continue to classify the Pine River as GD. Discussion was held on the effects it would have on existing river properties with a result of leaving the Pine River setback as is at 100 feet – GD classified.

Kolstad lead a discuss on the 2016 Planning Commission/Board of Adjustment schedule with a request to have the board get back with any known conflicts or suggestions. Schedule to go to the December city council meeting for approval.

**November 25, 2015 Action:  
No motion required.**

**City of Crosslake Nuisance Fines**

Kolstad explained the research he obtained from different government entities as to fine amounts for various offenses and how it relates to Crosslake. Discussion pursued with the Commissioners, Pence and Kolstad on the violation requirements according to certain Land Use Ordinance activity and how it would be used or approved. Procedure that is currently being used will continue to be used with adding a fine procedure. How it will be administered has not yet been determined. Agreement was made to present this at the December city council meeting.

**November 25, 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 11:18 A.M.**

**All members voting “Aye”, Motion carried.**

Respectfully yours,

*Cheryl Stuckmayer*

Cheryl Stuckmayer  
Technical/Administrative Specialist