



STATED MINUTES

City of Crosslake Planning and Zoning Commission

April 25, 2014
9:00 A.M.

Crosslake City Hall
37028 County Road 66
Crosslake, MN 56442

1. Present: Aaron Herzog, Chair; Dave Nevin, Vice-Chair; Alternate, Matt Kuker; Joel Knippel; Mark Lafon and Council Member Gary Heacox
2. Absent: Scott Johnson
3. Staff: Chris Pence, Crow Wing County Land Services Supervisor, Paul Herkenhoff, Crow Wing County Survey/Planning Coordinator, Jon Kolstad, Crosslake Land Services Specialist, Sue Maske, Planning Assistant
4. 3-28-14 Minutes & Findings – **Motion by Nevin; supported by Kuker to approve the minutes as written. All members voting “Aye”, Motion carried.**
5. Rules of Business – **Motion by Nevin; supported by Knippel to adopt the Rules of Business as presented. All members voting “Aye”, Motion carried.**
6. Old Business
 - 6.1 CL Ox, LLC, The Bourbon Room – Variance for number of parking spaces (Postponed)
7. New Business
 - 7.1 David & Judy Jackson – Variance for lake setback
87. Adjournment

April 25, 2014 Planning & Zoning Commission Meeting

**CL Ox, LLC – The Bourbon Room
120054308D00009**

Applicant has requested to postpone his application until May 23, 2014

**David & Judy Jackson
14110000019C009**

David Jackson & Gary Severson, Structures International represented the applicant. Herkenhoff read the request into the record. Discussion concerned the 4-24-14 on-site; impervious coverage of 24.9%; stormwater plan; size of the parcel; removal of the encroaching garage; size of the existing dwelling; number of variances in the surrounding area; setbacks for neighboring structures; Shoreline Rapid Assessment Model score of 10; number of bedrooms proposed and size of the proposed septic system.

April 25, 2014 Action:

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

- 1. Lake setback of 57 feet where 75 feet is required to the proposed deck**
- 2. Lake setback of 65 feet where 75 feet is required to the proposed dwelling**

To construct:

- 3,175 square foot dwelling with covered porch**
- 384 square foot deck**

Per the findings of fact as discussed, the on-site conducted on 4-24-14 and as shown on the certificate of survey received at the Planning & Zoning dated 3-27-14 located on part of Lot 19, Bowers' Point, Sec 31, City of Crosslake

Conditions:

- 1. Implement the stormwater plan as shown on the certificate of survey dated 3-27-14 and submitted to the Planning and Zoning Office on 3-27-14**
- 2. Maintain a 15 foot no mow buffer along the shoreline allowing a 15 foot lake access as required by the Shoreline Rapid Assessment Model score of 10**
- 3. The septic is to be sized properly for the number of proposed & any future bedrooms**
- 4. The septic drainfield is to be protected from any traffic**

Findings: See attached

All members voting "Aye", Motion carried.



City of Crosslake

Summary of Record

David & Judy Jackson – Part of Lot 19, Bowers' Point, Sec 31, City of Crosslake
14110000019C009 located at 11848 Lake Trail, Crosslake, MN 56442 on Cross Lake-GD

Request is a Variance for:

1. Lake setback of 57 feet where 75 feet is required to proposed deck
2. Lake setback of 65 feet where 75 feet is required to proposed dwelling

To construct:

- 3,175 square foot dwelling with covered porch
- 384 square foot deck

Chronology of events:

- March 27, 2014 – Application submitted
- April 08, 2014 – Published in local newspaper
- April 03, 201 – Notices sent out
- April 24, 2014 – Board on-site
- April 25, 201 – Board of Adjustment Meeting – Decision made to approve the variance for lake setback

Packet Information:

- Notice of Hearing
- Staff Report
- Variance application
- Practical difficulty statement
- Certificate of Survey
- Stormwater Plan

Correspondence:

- There was no correspondence received

April 25, 2014

FINDINGS OF FACT

SUPPORTING / DENYING A VARIANCE REQUEST

A Variance may be granted by the 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 394.27 Subdivision 7. The 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?

- **The Ordinance allows property owners to develop and improve their property**
- **The proposed structure will be set farther back from Cross Lake than the existing structure**
- **The implementation of the stormwater management plan prepared by Stonemark Land Surveying, Inc. on 3-27-14 will help protect the water quality of Cross Lake**

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why?

- **The implementation of the stormwater management plan prepared by Stonemark Land Surveying, Inc. on 3-27-14 will help protect the water quality of Cross Lake**
- **The current use of the property is not changing from single family residential**

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 proposed changes improve the property by increasing the lake setback from 35 feet to 57 feet from Cross Lake to the proposed dwelling**
- **The applicant is proposing to removing an existing non-conforming garage that encroaches onto the neighboring property**
- **All proposed structures will meet the required side yard setback of 10 feet**

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

Yes No

Why:

- **This is not an economic issue**
- **The implementation of the stormwater management plan prepared by Stonemark Land Surveying, Inc on 3-27-14 will help protect the water quality of Cross Lake**

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 property was developed in 1948 prior to any land use ordinances were in place**

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

Yes No

Why:

- There are similar land use patterns and use of property in the vicinity of the request as noted during the on-sites on 4-24-14
- The proposed structure will have a greater setback from Cross Lake than the existing structure

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

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2. Lake setback of 65 feet where 75 feet is required to the proposed dwelling

To construct:

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Conditions:

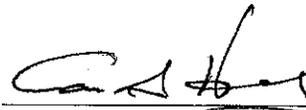
1. Implement the stormwater plan as shown on the certificate of survey dated 3-27-14 and submitted to the Planning and Zoning Office on 3-27-14
2. Maintain a 15 foot no mow buffer along the shoreline allowing a 15 foot lake access as required by the Shoreline Rapid Assessment Model score of 10
3. The septic is to be sized properly for the number of proposed & any future bedrooms
4. The septic drainfield is to be protected from any traffic

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 5-23-14

Signature: _____


Chairman

Matters not on the Agenda:

1. Mr. Pence passed out a packet of information from Region 5 to the board members and Explained what Region 5 is about.
2. Mr. Pence gave the board members copies of Article 28 – Commercial Lighting Standards & Article 33 – Sign Standards. He asked the board to review them and come back with some suggestions for future discussions on possible changes to Articles 28 & 33. Mr. Herzog asked staff to research other cities to see what they have for sign and lighting regulations.
3. Mr. Pence handed out a list of open enforcement files for the City of Crosslake and asked the board to give staff any information they may know regarding the files.
4. Mr. Pence informed the board that the Development Review Team meeting process has been implemented and that staff had their first DRT meeting on 4-24-14.
5. Mr. Herzog commended staff on their meeting with the contractors to discuss the new Ordinance revisions. Mr. Heacox stated he has had a lot of good comments and feedback from the contractors meeting.

Motion by Nevin; supported by Lafon to adjourn at 10:13 A.M.

All members voting “Aye”, Motion carried.

Respectfully yours,

Susan Maske

Susan Maske
Crow Wing County Planning Assistant