



## STATED MINUTES

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

May 22, 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; Susan Maske, Planning Assistant and Cheryl Stuckmayer, Technical/Administration Specialist
4. 4-24-15 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 Carl Steenberg – Variance for lot size
  - 6.2 Carl Steenberg – Subdivision of property
  - 6.3 Don Bordsen – Variance for temporary structures
  - 6.4 Bill & Kristy McClellan – After the Fact Variance for dirt moving in bluff impact zone
  - 6.5 Bill & Kristy McClellan – Variance for deck setback to bluff
7. Adjournment

**Carl Steenberg  
120293400C00009**

Kolstad read the request and the two emailed comments into the record. Carl Steenberg stated his purchase date of August 13, 2013 with the ordinance at that time allowing a subdivision of 40,000 square feet per parcel at time of purchase. Wessels, City Council member, stated the ordinance revisions made in March 2014 limited Carl's options. At the time of the ordinance revision process a discussion was held to make a determination on an individual bases.

**May 22, 2015 Action:**

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

- 1. Lot size 1.6 acres where 5 acres is required in Rural Residential 5**

**To Subdivide:**

- 1. Three tracts from parcel #120293400C00009 involving 5.05 acres**

**Per the findings of fact as discussed, the on-site conducted on May 21, 2015 and as shown on the certificate of survey received at the Planning & Zoning office dated March 25, 2015 located on County Road 103 and Happy Landing Road, Part of the SE ¼ of the SW ¼, Section 29, City of Crosslake**

**Findings: See attached**

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

**Carl Steenberg  
120293400C00009**

Kolstad read the request into the record and stated the applicant was applying to subdivide 5.05 acre parcel into three lots and that the park dedication fee would be monetary. A variance was approved by the Planning Commission/Board of Adjustment earlier in the meeting to allow 1.6 acre lots instead of the required 5 acre lots. Carl Steenberg had no comment. Pence, Land Service Supervisor stated the wetland delineation showed none existing; a septic system site suitability was completed and two septic sites were noted; Dave Reese's recommendation of (1.) 33' road & utility easement, (2.) soil determination, (3.) Archaeology concerns – historical cultural issues cleared.

**May 22, 2015 Action:**

**Motion by Lafon; supported by Knippel to approve a recommendation to the City Council to:**

- 1. Subdivide parcel #120293400C00009 involving 5.05 acres into 3 tracts**

**Per the findings of fact as discussed, the on-site conducted on May 21, 2015 and as shown on the certificate of survey received at the Planning & Zoning office dated March 25, 2015 located on County Road 103 and Happy Landing Road, Part of the SE ¼ of the SW ¼, Section 29, City of Crosslake**

**Conditions:**

- 1. Park dedication fee submitted to Planning & Zoning office prior to City Council meeting on June 8, 2015**
- 2. 33' road ingress/egress & utility easement be shown on final plat**

**Findings: See attached**

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

**Don Bordsen**  
**120292403E00009**

Lafon recused himself from this application due to a conflict of interest and sat in the audience. Person, city attorney read the request into the record. Person explained that the gatherings have been occurring for the many years in which the Bordsens have owned the parcel. There has been past enforcement attempts by the city to get the applicants to comply with the current ordinance. There has been no change in their actions. The City Council has directed Person to start a lawsuit which is currently in process with mediation settlement to proceed with the variance process. A closed city council meeting was held with a unanimous recommendation to deny approval; site not suitable. Herzog invited Les Bordsen, son of the property owner, to speak on behalf of the applicant. Bordsen stated the 1969 original one bedroom resort cabin has not had any structure additions and has only been maintained. For approximately 30 years, a travel trailer has been located behind the cabin and is hooked up to the septic system. Family gatherings occur on July 4<sup>th</sup> lasting around 4-5 days with 15-25 people. Tents, campers and port-a-potty are setup once a year. Request is asking for an additional 7-8 temporary structures twice a year due to a few past years where gatherings have happened twice a year. No complaints of disturbances or of noise from any of the neighborhood residents except Mark Lafon, adjacent property to the east, involving the amount of campers. The complaints started after one of the nephews unintentionally mowed approximately 10' of Mark Lafon's property. An apology was given to Mark Lafon. Herzog opened the public hearing. Mark Lafon, sharing boundary line to the east, presented the board members a findings of fact to be read into the record for the denial of the Bordsen application. He stated he has been here since 1965 and has been a full time resident for 5-6 years. He has 50 years invested in the home and would like to enjoy a quiet July 4<sup>th</sup>. Also, stated that mowing the 40' x 20' shoreland restoration regrowth developed by his father has left a scar in the wetland area which has altered the original vegetation. Herzog inquired if there were any other individuals that would like to step up. Les Bordsen returned to add the remark that the water quality would not change if temporary structures were not allowed. The gathering would still pursue in the same manner without the temporary structures. The tents and campers do not impact the water quality. He stated the variance request is for the temporary structures not the water quality, grassy areas or shoreland use which none of these are hampered. The mowed area was not as large as Mark Lafon described, no scar was left and you can't tell it was done. Bordsen's 470' x 95' property is able to handle the family gathering and is not the only Crosslake property that celebrates the 4<sup>th</sup> of July in this manner. Crosslake is a place to bring families together. The cabin is seasonal and the request is only for a few times per year for the family to get together in a respectful way. Herzog again asked if there was anyone else to come up. Sheila Quick, daughter of owner stated she has a place in Crosslake that some of the family members stays at during the gathering. She specified that they would be willing to work with Mark Lafon to figure things out. Herzog closed the public hearing. Discussion among the board members pursued. Kuker inquired as to whether there were any police reports as to noise or disturbance pertaining to the Bordsen family gatherings. Kolstad and Pence stated a letter dated in 2013, from previous staff, was in the file pertaining to the number of temporary structures being exceeded per the ordinance. Kolstad stated that last year he witnessed 8 temporary structures in addition to the house. There were no other questions and the members continued on with answering the findings of fact and Pence read into the record Sec. 26-1 Purpose of the ordinance along with Sec. 26-2 Interpretation, Intent, and Scope of Chapter 26. Person explained the litigation process upon denial of the variance and that the judge would make the decision at the trial scheduled in June. Until that time the property owners will have to abide by the city ordinance in the use of their property.

May 22, 2015 Planning & Zoning Commission Meeting

**May 22, 2015 Action:**

**Motion by Nevin; supported by Herzog to deny the variance.**

- 1. Five campers and two tents where two temporary structures are allowed for two – seven day periods to include over the July 4<sup>th</sup> holiday**

**Per the findings of fact as discussed, the on-sites conducted on May 21, 2015 and as shown on the exhibit/sketch received at the Planning & Zoning office located at 34406 Happy Landing Road, Crosslake, MN 56442**

**Findings: See attached**

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

**Bill & Kristy McClellan  
After-the-Fact Dirt Moving Variance  
141970010180009**

Kolstad read the request into the record. Bill McClellan, owner-general contractor explained the process for the lake side bluff area boulder retaining walls, fill and the limitation due to the structure. Trevor John, Landscaper, described the stormwater issues with the bluff pertaining to the old cabin and the current new cabin. He is planning a drywell design to drain down underground and native plants on topside of bluff. Lower level of the bluff impact zone to dig out the sand and fill with sewer rock material. Huge stormwater plan for a positive effect on the lake quality. Herzog inquired as to Trevor's background in relationship to his education in designing an engineered plan to maintain the bluff. Trevor stated he did not have a degree. Mayor Steve Roe stated he has been a resident for years and has experienced the instability of a bluff and that it is not a stable area to build in. Person, city attorney explained that the first variance needs to be understood. He stated that the intent should be explained in a document that the end result of this variance cannot be changed for the current or future owners. The document should be written to show the obvious content of the decision. Discussion involved approved variance intent, stormwater, bluff impact, engineered drawings and the need to table the application.

**May 22, 2015 Action:**

**Motion by Kuker; supported by Nevin to table the after-the-fact variance until next month's June 26, 2015 Planning Commission/Board of Adjustment meeting to allow the applicant time to obtain an engineered drawing showing the following requirements:**

- 1. Engineered plan showing 1" or 2" contours of topography of the disturbed areas and the undisturbed bluff**
- 2. Cut sheet of soil materials showing the types of soils, rock, aggregate and sand along with the depth of each layer to the finish grade**
- 3. Finished planting plan showing what kind of plants, root base and size at top and in bluff impact zone**
- 4. Stormwater calculations (cubic feet of 100 year hydrology calculations to show how many gallons at the worst case scenario), gutters and water flow**
- 5. Specifications, HUD sheet of boulder wall; ½ cut sheets and detail of construction**
- 6. A topographic map of uninterrupted existing bluff elevations to establish grade heights to be maintained**
- 7. Detail of what is structurally planned, fire pit, etc in the enclosed area from dwelling to bluff**

**Applicant was informed that no work is allowed in the bluff impact zone and all paperwork to be submitted by June 17, 2015 for the June 26, 2015 Planning Commission/Board of Adjustment meeting.**

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

**Bill & Kristy McClellan  
Bluff Setback Variance  
141970010180009**

**May 22, 2015 Action:**

**Motion by Lafon; supported by Kuker to table the variance due to the tabling of the after-the-fact dirt moving variance. Applicant to be placed on the next agenda when all information is received for the after-the-fact dirt moving variance.**

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

**Matters not on the Agenda:**

**Herzog initiated a discussion with Pence and the board members on the possibility of an ordinance amendment regarding residential accessory structures (pole buildings). Potential amendments to ordinance in respect to architect (match dwelling); height; size; principal structure before accessory structure; different setbacks per type, size, and zoning; prohibit by parcel size; and/or differentiate between attached or detached with principal or just accessory structure. Pence and Person will put together something to bring to the next Planning Commission/Board of Adjustment meeting, June 26, 2015. Herzog also requested architectural drawings and elevations be submitted with the public hearing applications.**

**Motion by Lafon; supported by Kuker to adjourn at approximately 11:45 A.M.**

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

Respectfully yours,

*Cheryl Stuckmayer*

Cheryl Stuckmayer  
Technical/Administrative Specialist