



## STATED MINUTES

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

May 27, 2016  
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; Council Member Gary Heacox; and City Attorney Brad Persons
2. Absent: 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. 4-22-16 Minutes & Findings – **Motion by Knippel; supported by Nevin to approve the minutes & findings as written. All members voting “Aye”, Motion carried.**
5. Old Business
  - 5.1 Greg & Roseanne Haglin – Subdivide parcel involving 2 acres into two tracts
  - 5.2 Terry & Victoria Kovacevich – Variance for lake setback for proposed deck extension & screen porch
6. New Business
  - 6.1 Underwood Real Estate, LLC (Allan Cronen) – After-the-Fact Variance for bluff setback for water-oriented accessory structure
  - 6.2 Planning Commission/Board of Adjustment Discussion Items
7. Adjournment

**Greg C. & Roseanne Haglin  
120291101C00009**

Herzog announced the subdivision request. Kolstad read the request, comments, history, requirements from the 4-22-16 PC/BOA meeting as to a written easement agreement, and extension letter deadline as to recommendation to city council into the record. Statement was made that a new parcel would not be land locked. Herzog asked for the owner and/or the representative to step up to the podium. Haglin, parcel owner, stepped up. Comment was made that Rob Hall, County Highway Department would allow access to the new parcel if an application was submitted and access was needed. Herzog asked Haglin about the easement for Ackerman. Haglin asked the commissioners to show him the location in the ordinance where it states an applicant needs to resolve a title deficiency or access issue to a neighboring parcel before a recommendation is submitted from the commissioners. Person, Crosslake City Attorney, stated agreement with Haglin's attorney on the access issue being both parties responsibility. Person agreed to support a suggestion by Haglin's lawyer to approve the plat with a condition that final approval would not get recorded without giving Ackerman a 45 day window to file a law suite to clean up the easement. A potential adverse easement is possible due to the fact that there is a driveway existing and being used, but is not of record or being litigated. Person explained the possible procedures to resolve the access issue and the steps the city could take depending on the actions taken to resolve the access. Nevin asked what exists for access today. Haglin stated legal access is recorded and exists approximately 20' from where the current access is being used. Person stated that plat reviews are a standard procedure, that title law is not to be discussed at a public hearing and an access resolve will need to be determined at a later date. Herzog opened the public hearing. Brine, attorney, explained that Carlson is the attorney of record for Ackerman, but he is standing in today. Brine stated he was in attendance with Ackerman when on May 9<sup>th</sup> Carlson called Haglin to try to setup a face to face meeting. Brine stated Haglin was not interested. Brine and Carlson believes there is an easement by prescription (by use), similar to adverse possession but Ackerman is not claiming ownership to the property, just claiming the right to use that easement. A complaint has been drafted, but Haglin has not been served in the hopes that the two neighbors can work it out. Brine explained that the easement has been barricaded and a no treasure passing sign installed. Brine stated the safety concerns with no access available. Ackerman stepped up to answer Nevin's question as to access to his property. Ackerman stated there was no way to enter without the use of the neighbor's property or boat and he was not interested in getting into a verbal dispute at the public hearing. Haglin specified that he had left several messages with only one response from Ackerman after last month's PC/BOA meeting. Her proceeded to explain that a contact from Carlson was to demand a draft of an easement that the Ackerman's were entitled to and that Ackerman does have a physical access to his property. VanLandschoot stated that there is a physical access to Ackerman's parcel without using Haglin's parcel. He talked with Ackerman's northern neighbor, Wentzell, and she also stated Ackerman had access to his cabin. Haglin access easement is staked that is not on his property. Wentzell stated she felt the easement is on Sandy shores property. Haglin volunteered to pay for a survey to locate the recorded easement. Ackerman rebuttal to Haglin's message statement; one phone conversation and one or two message were left and he texted Haglin in response. Nevin asked for explanation as to what it would take to put a new road in for the Ackerman access. Ackerman stated that he

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had not explored it yet. Person explained the two existing easements and a possible commissioner motion, along with examples of how to deal with plat findings and conditions that could be stated. Herzog closed the public hearing and 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.

**May 27, 2016 Action:**

**Motion by Nevin; supported by Knippel to approve a recommendation to the city council to:**

- 1. Subdivide parcel 120291101C00009 involving 2 acres into two tracts**

**Per the findings of fact as discussed, the on-sites conducted on 4-21-16 and 5-26-16 and as shown on the certificate of survey received at the Planning & Zoning office dated 3-15-16 for property located at 34899 County Road 3, Crosslake, MN 56442**

**Conditions:**

- 1. Park dedication fee submitted to Planning & Zoning office prior to City Council meeting on June 13, 2016**
- 2. Work with the City Public Works Director and/or the County Highway Department on any access needs or permits**
- 3. Except the plat as submitted with a 45 day window for neighboring parcel 120291101G00009 to get together with applicant to resolve access issues and allow unobstructed access during the 45 day window**

**Findings: See attached**

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

**Terry J & Victoria A Kovacevich  
141220000030009**

Herzog announced the variance request. Kolstad read the request, comments and history into the record. Herzog asked for the representative to step up to the podium and proceeded to ask for clarification on the submitted request. Kovacevich responded with a brief explanation. 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. Kolstad initiated the findings of fact procedure with the board members deliberating and responding to each question.

**May 27, 2016 Action:**

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

- **Lake setback of 40 feet where 75 feet is required to proposed deck extension**
- **Lake setback of 39 feet where 75 feet is required to proposed screen porch**

**To construct:**

- **223 square foot deck extension**
- **289 square foot screen porch**

**Per the findings of fact as discussed, the on-sites conducted on 4-21-16 and 5-26-16, and as shown on the revised certificate of survey received at the Planning & Zoning office dated 4-27-16 for property located at 15612 Birch Narrows Road, Crosslake, MN 56442**

**Conditions:**

1. **Work with the staff to implement the submitted stormwater plan**

**Findings: See attached**

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

**Underwood Real Estate, LLC  
141470040050009 & 141470040060009**

Herzog announced the after-the-fact variance request. Kolstad read the request, comments and history into the record, along with an explanation that the water-oriented structure built does meet the ordinance. Herzog asked for the representative to step up to the podium. LaFon stated that at the on-site May 26, 2016 he noticed the possible need for gutters on the back side of the structure and that the staff could work with him on that issue. Nevin inquired as to the start of the and completion time of the project. Cronen, owner, stated the structure was started in late June and finished in September. A discussion on gutters pursued. Herzog opened the public hearing with no response, so the public hearing was closed. Cronen stated that when he purchased the parcel there were stormwater issues that he will be working on along with resolving some disrepair issues on the parcel. Herzog 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.

**May 27, 2016 Action:**

**Motion by LaFon; supported by Knippel to approve the After-the-Fact Variance for:**

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

**To allow:**

- 120 square foot water-orientated accessory structure**

**Per the findings of fact as discussed and the on-site conducted on 5-26-16 and as shown on the certificate of survey received at the Planning & Zoning office dated 3-16-16 for property located on Lot 4 & 6, block 4, Manhattan Beach (A Replat of Twin Beach), Sec. 6 at 12292 Manhattan Point Blvd, Crosslake, MN 56442**

**Conditions:**

- 1. Obtain a permit for the approved 120 square foot water-orientated accessory structure**
- 2. Work with the staff to implement and expand on the submitted stormwater plan to include water diversion to stabilize the structure**
- 3. To be completed within a 60 day window period**

**Findings: See attached**

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

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**Matters not on the Agenda:**

1. There were no matters not on the agenda

**Motion by Nevin; supported by Knippel to adjourn at 10:24 A.M.**

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

Respectfully yours,

*Cheryl Stuckmayer*

Cheryl Stuckmayer  
Technical/Administrative Specialist