



## STATED MINUTES

### City of Crosslake Planning and Zoning Commission

June 27, 2014  
9:00 A.M.

Crosslake City Hall  
37028 County Road 66  
Crosslake, MN 56442

1. Present: Aaron Herzog, Chair; Dave Nevin, Vice-Chair; Mark Lafon; Matt Kuker, Joel Knippel; and Council Member Gary Heacox
2. Absent: None
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. 5-23-14 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  - 6.1 David Musolf – Subdivision (Withdrawn)
  - 6.2 Reed’s Country Market, Inc – Interim Use Permit
  - 6.3 Double Barrel Land Co, LLC – Variance for lake setback and height of fence
  - 6.4 Arnold & Jill Childs – Variance for lake and side yard setback
  - 6.5 Karlene O’Keefe Trust – Variance for lake setback
  - 6.6 Denise McAlpine – Variance for side yard setback
7. Adjournment

June 27, 2014 Planning & Zoning Commission Meeting

**David Musolf**  
**120281100BB0009**

Application was withdrawn after staff review of proposed property subdivision determined that it would be a boundary line adjustment and not a subdivision of property.

**Reed's Country Market, Inc  
120212400AFG009, 120212400AFH009**

The applicant was present. Herkenhoff read the request into the record. Del Anderson, owner of Little Yukon Greenhouse stated that he has set up several seasonal operations over seven states and has always obtained the necessary permits that are required. His concern is that the ordinance, permitting and public hearing process is fair to everyone. Jamie Reed stated that they still meet the required parking spaces required for Reed's Market. Discussion concerned setbacks; number of parking spaces used for the temporary structure; number of business in the city that are doing outdoor sales; removing vegetation from a wetland; tabling the application and doing an ordinance revision regarding outdoor sales.

**June 27, 2013 Action:**

**Motion by Nevin; supported by Kuker to table the application to allow staff time to review the ordinance regarding outdoor sales.**

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

**Double Barrel Land Co., LLC  
Richard & Jill Morley  
14118001009A889**

Richard & Jill Morley were present. Herkenhoff read the request into the record. Discussion concerned the type of fencing proposed; impervious coverage of 20.77%; height of the fence and stormwater plan.

**June 27, 2014 Action:**

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

- 1. Lake setback of 61 feet where 150 feet is required to the proposed fence**
- 2. Fence height of 6 feet where 3 feet is allowed**

**For:**

- The installation of a 6 foot high fence**

**Per the findings of fact as discussed, the on-site conducted on 6-26-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-27-14 located on Lot 9, Block 1, Cross Lake Park, Sec 19, City of Crosslake**

**Conditions:**

- 1. Implement the stormwater plan as shown on the certificate of survey dated 5-27-14**

**Findings: See attached**

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



City of Crosslake  
Summary of Record

**Double Barrell Land Co., LLC** – Lot 9, Block 1, Cross Lake Park, Sec 19, City of Crosslake  
14118001009A889 located at 35687 West Shore Drive, Crosslake, MN 56442 on Pleasant Lake-  
NE

Request is a Variance for:

1. Lake setback of 61 feet where 150 feet is required to proposed fence
2. Fence height of six (6) feet where three (3) feet is allowed

For:

- Installation of six (6) foot high fence

Chronology of events:

- May 27, 2014 – Application submitted
- June 10, 2014 – Published in local newspaper
- June 05, 201 – Notices sent out
- June 26, 2014 – Board on-site
- June 27, 2014 – Board of Adjustment Meeting – Decision made to approve the variance request for a six (6) foot high fence

Packet Information:

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

Correspondence:

- June 09, 2014 – E-mail from Rick Morley

June 27, 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?

- **Three (3) foot high fences are allowed in the shoreland area**
- **The Ordinance allows property owners to develop and improve their property**
- **The fence will keep the pets and waste contained on the property and help prevent a public nuisance**

2. Is the Variance consistent with the Comprehensive Plan?

Yes  No

Why?

- **The ordinance allows for development of shoreland property**

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 fence will keep the pets and waste contained on the property and help prevent a public nuisance**
- **There are similar uses in the area as noted during the on-sites on 6-26-14**

4. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes  No

Why:

- **There was a variance granted in 2012 for a lake setback of 61 feet for a new dwelling**
- **The proposed fence will not encroach any closer to the lake than the existing structure**
- **The implementation of the stormwater management plan and well vegetated and stable shoreline will help protect the water quality of Pleasant Lake.**

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

Yes  No

Why:

- **The fence does not encroach any closer to the lake than the existing dwelling which has an approved 2012 variance for lake setback of 61 feet**
- **There are similar structures in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 6-26-14**
- **There are similar land use patterns and use of property in the vicinity of the request**

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

Yes **X**                      No

Why:

- **The implementation of the stormwater management plan will help protect the water quality of Pleasant Lake**
- **There are similar land use patterns and use of property in the vicinity of the request as noted during the Board of Adjustment on-site on 6-26-14**

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

- 1. Lake setback of 61 feet where 150 feet is required to the proposed fence**
- 2. Fence height of 6 feet where 3 feet is allowed**

**For:**

- **The installation of a six (6) foot high fence**

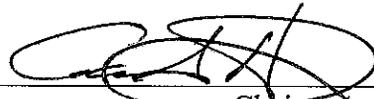
**Per the findings of fact as discussed, the on-sites conducted on 6-26-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-27-14 located on Lot 9, Block 1, Cross Lake Park, Sec 19, City of Crosslake**

**Findings:** As listed above

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

Date: 7-25-14

Signature: \_\_\_\_\_



Chairman

**Arnold & Jill Childs  
141260010150009**

Shawn Aldridge represented the applicant. Herkenhoff read the request into the record. Discussion concerned when the existing dwelling was constructed; relocating the screened porch to the side of the proposed addition; height of the proposed addition; impervious coverage of 10.6%; setback for neighboring structures; stormwater plan; relocating the existing hot tub and topography of the property.

**June 27, 2014 Action:**

**Motion by Nevin; supported by Knippel to deny the variance for:**

- 1. Lake setback of 31 feet where 100 feet is required proposed screened deck**

**Per the findings of fact as discussed, the on-site conducted on 6-26-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-27-14 located on Lot 15, Block 1, Greer Lake Homesites, Sec 36, City of Crosslake**

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

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

- 1. Lake setback of 43 feet where 100 feet is required to the existing dwelling**
- 2. Lake setback of 42 feet where 100 feet is required the proposed screened deck**
- 3. Lake setback of 42 feet where 100 feet is required to proposed addition**
- 4. Lake setback of 71 feet where 100 feet is required to proposed open deck**
- 5. Side Yard setback of 9 feet where 10 feet is required to existing dwelling**

**To construct:**

- 577 square foot addition**
- 243 square foot open deck**
- 243 square foot screened deck on the south side of the proposed addition**

**Per the findings of fact as discussed, the on-site conducted on 6-26-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-27-14 located on Lot 15, Block 1, Greer Lake Homesites, Sec 36, City of Crosslake**

**Conditions:**

- 1. Maintain existing vegetated shoreline**
- 2. Submit a stormwater plan for review by Planning and Zoning staff prior to issuance of a building permit**
- 3. The existing hot tub is to be relocated no closer than 43 feet from the lake**

**Findings: See attached**

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



City of Crosslake

Summary of Record

**Arnold & Jill Childs** – Lot 15, Block 1, Greer Lake Homesites, Sec 36, City of Crosslake  
142160010150009 located at 17075 Greer Lake Road, Crosslake, MN 56442 on Greer Lake-RD

Request is a Variance for:

1. Lake setback of 43 feet where 100 feet is required to existing dwelling
2. Lake setback of 31 feet where 100 feet is required to proposed screened deck
3. Lake setback of 42 feet where 100 feet is required to proposed addition
4. Lake setback of 71 feet where 100 feet is required to open deck
5. Side Yard setback of 9 feet where 10 feet is required to existing dwellign

To Construct:

- 243 square foot screened deck
- 577 square foot addition
- 243 square foot open deck

Chronology of events:

- May 27, 2014 – Application submitted
- June 10, 2014 – Published in local newspaper
- June 05, 201 – Notices sent out
- June 26, 2014 – Board on-site
- June 27, 2014 – Board of Adjustment Meeting – Decision made to approve the variance request for lake setback for the addition and open deck and deny the variance for the screen porch lakeward

Packet Information:

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

Correspondence:

- June 25, 2014 – E-mail from Ken Zeik, DNR Staff Hydrologist

June 27, 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  – Addition and road side open deck      No  - Lake side deck

Why?

- **Yes - This is an existing non-conforming dwelling located 43 feet from the ordinary high water level of Greer Lake**
- **Yes - The Ordinance allows property owners to develop and improve their property**
- **No - The proposed lakeside deck encroaches closer to the lake than the existing structure which is already located within Shore Impact Zone One**

2. Is the Variance consistent with the Comprehensive Plan?

Yes  - Addition and road side open deck      No  - Lake side deck

Why?

- **Yes - The comp plan allows for development of shoreland property**
- **No – The proposed lake side deck could reduce the water quality of Greer Lake**

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes  - Addition and road side open deck      No  - Lake side deck

Why:

- **Yes - The proposed additions are to the side and rear of the existing dwelling with no further encroachment on Greer Lake**
- **No - The proposed lakeside deck encroaches closer to the lake than the existing structure which is already located within Shore Impact Zone One**

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

Yes  - Addition and road side open deck      No  - Lake side deck

Why:

- **Yes – It is an existing legal non-conforming dwelling built prior to any zoning regulations in 1970**
- **No – There is adequate area to the side of the proposed addition for the lake side deck with no further encroachment onto the existing lake setback of 43 feet**

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes **X** - Addition and road side open deck      No **X** - Lake side deck

Why:

- **Yes - It is an existing legal non-conforming dwelling built prior to any zoning regulations in 1970**
- **Yes - There are similar structures in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 6-26-14**
- **No – There is adequate area to the side of the proposed addition for the lake side deck with no further encroachment onto the existing lake setback of 43 feet**

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

Yes **X** - Addition and road side open deck      No **X** - Lake side deck

Why:

- **Yes – The proposed improvements are to the side & rear of an existing non-conforming structure**
- **No - The proposed lakeside deck encroaches closer to the lake than the existing structure which is already located within the Shore Impact Zone One**

**Decision: Motion by Nevin; supported by Kuker to deny the variance for:**

1. **Lake setback of 31 feet where 100 feet is required to proposed screened deck**

**Per the findings of fact as discussed, the on-site conducted on 6-26-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-27-14 located on Lot 15, Block 1, Greer Lake Homesites, Sec 36, City of Crosslake**

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

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

1. **Lake setback of 43 feet where 100 feet is required to the existing dwelling**
2. **Lake setback of 42 feet where 100 feet is required the proposed screened deck**
3. **Lake setback of 42 feet where 100 feet is required to proposed addition**
4. **Lake setback of 71 feet where 100 feet is required to proposed open deck**
5. **Side Yard setback of 9 feet where 10 feet is required to existing dwelling**

**To construct:**

- **577 square foot addition**
- **243 square foot open deck**
- **243 square foot screened deck on the south side of the proposed addition**

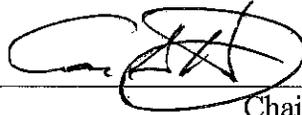
Per the findings of fact as discussed, the on-site conducted on 6-26-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-27-14 located on Lot 15, Block 1, Greer Lake Homesites, Sec 36, City of Crosslake

**Conditions:**

1. Maintain existing vegetated shoreline
2. Submit a stormwater plan for review by Planning and Zoning staff prior to issuance of a building permit
3. The existing hot tub is to be relocated no closer than 43 feet from the lake

Date: 7-25-14

Signature: \_\_\_\_\_



Chairman

**Karlene O'Keefe Trust  
14118000901B009**

Dan Miller represented the applicant. Herkenhoff read the request into the record. Discussion concerned impervious coverage of 24%; topography of the property; stability of the shoreline; height of the proposed structure; setbacks for neighboring structures; view from the lake; amount of dirt moving allowed and setting a precedence for future sheds in the neighborhood.

**June 27, 2014 Action:**

**Motion by Kuker; supported by Lafon to deny the variance for:**

- 1. Lake setback of 4 feet where 20 feet is required to the proposed water orientated accessory structure**

**To construct:**

- 72 square foot water orientated accessory structure**

**Per the findings of fact as discussed, the on-site conducted on 6-26-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-29-14 located on part of Outlot 1, Cross Lake Park, Sec 19, City of Crosslake**

**Findings: See attached**

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



City of Crosslake  
Summary of Record

**Karlene O'Keefe Trust** – Part of Outlot 1, Cross Lake Park, Sec 19, City of Crosslake  
14118000901B009 located at 35784 West Shore Drive, Crosslake, MN 56442 on Crosslake  
Lake-RD

Request is a Variance for:

1. Lake setback of 4 feet where 20 feet is required to proposed water orientated accessory structure

To Construct:

- 72 square foot water orientated accessory structure
- 577 square foot addition
- 243 square foot open deck

Chronology of events:

- May 29, 2014 – Application submitted
- June 10, 2014 – Published in local newspaper
- June 05, 201 – Notices sent out
- June 26, 2014 – Board on-site
- June 27, 2014 – Board of Adjustment Meeting – Decision made to deny the variance request for lake setback

Packet Information:

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

Correspondence:

- There was no correspondence received

June 27, 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 **X**

Why?

- **It would be an eighty percent reduction in the required setback of 20 feet for a water orientated accessory structure**
- **The intention of the ordinance is to keep the shoreline natural and keep storage of gas & oil away from the lake**

2. Is the Variance consistent with the Comprehensive Plan?

Yes            No **X**

Why?

- **The intention of the ordinance & comprehensive plan is to keep the shoreline natural and keep storage of gas & oil away from the lake**

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes **X**      No

Why?

- **There are similar structures and land uses in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 6-26-14**

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

Yes            No **X**

Why?

- **There are no other considerations for a 72 square foot structure located 4 feet from the ordinary high water level of Crosslake**

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes **X**      No

Why?

- **The topography of the land and landscaping restricts the suitable area for use being considered**

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

Yes

No X

Why:

- **The potential for gas & oil leakage into the lake could have a negative impact on water quality due to increasing impervious surface 4 feet from the lake**
- **A structure 4 feet from the ordinary high water level of Crosslake will have a visual impact from the lake**

**Decision: Motion by Kuker; supported by Knippel to deny the variance for:**

1. **Lake setback of 4 feet where 20 feet is required to the proposed water orientated accessory structure**

**To construct:**

- **72 square foot water orientated accessory structure**

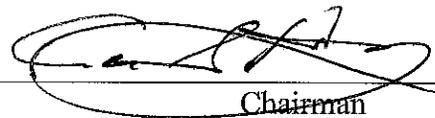
**Per the findings of fact as discussed, the on-sites conducted on 6-26-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-28-14 located on part of Outlot 1, Cross Lake Park, Sec 19, City of Crosslake**

**Findings:** As listed above

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

Date: 7-25-14

Signature: \_\_\_\_\_

  
Chairman

**Denise McAlpine  
141470120260009**

Denise McAlpine & Joseph Christensen, Attorney were present. Herkenhoff read the request into the record. Jeffrey Bission the adjoining neighbor stated he had no issues with her getting the variance for the side yard setback. Discussion concerned when the shed was constructed; when the property was purchased and the 12-8-2005 letter from the City of Crosslake.

**June 27, 2014 Action:**

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

- 1. Side Yard setback of 2 feet where 10 feet is required to existing shed**
- 2. Side Yard setback of 4 feet where 10 feet is required to existing dwelling**

**To allow:**

- 1997 sq. ft. dwelling**
- 96 sq. ft. shed**

**Per the findings of fact as discussed, the on-site conducted on 6-26-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-30-14 located on Lot 26, Block 12, Manhattan Beach (A replat of Twin Beach), Sec 06, City of Crosslake**

**Findings: See attached**

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



City of Crosslake  
Summary of Record

**Denise McAlpine** – Lot 26, Block 12, Manhattan Beach (A replat of Twin Beach), Sec 06, City of Crosslake 141470120260009 located at 12210 Pinedale Street, Crosslake, MN 56442

Request is a Variance for:

1. Side Yard setback of 2 feet where 10 feet is required to existing shed
2. Side Yard setback of 4 feet where 10 feet is required to existing dwelling

For:

- Clarification on a title issue

Chronology of events:

- May 30, 2014 – Application submitted
- June 10, 2014 – Published in local newspaper
- June 05, 201 – Notices sent out
- June 26, 2014 – Board on-site
- June 27, 2014 – Board of Adjustment Meeting – Decision made to approve the variance request for side yard setback

Packet Information:

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

Correspondence:

- There was no correspondence received

June 27, 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 variance would clean up the current title issues on the property**
- **The Ordinance allows property owners to develop and improve their property**

2. Is the Variance consistent with the Comprehensive Plan?

Yes  No

Why?

- **The use of the property is consistent with the Comprehensive Plan and no changes in the use of the property is being proposed**

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 existing dwelling was constructed in 2002 by a previous owner**
- **There are similar structures and land uses in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 5-26-14**

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

Yes  No

Why:

- **The existing dwelling was constructed in 2002 by a previous owner**
- **At the time the shed was constructed property owner thought the side yard setback was being met**

5. Is the need for a Variance due to circumstances unique to the property and not created by the

Yes  No

Why:

- **This is an existing lot of record in the plat of Manhattan Beach (A replat of Twin Beach) that was established in 1926**
- **The existing dwelling was constructed in 2002 by a previous owner**

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

No

Why:

- **The adjoining neighbor has no issues or concerns with the side yard setback for the dwelling and shed**
- **There are similar land use patterns and use of property in the vicinity of the request as noted during the Board of Adjustment on-site on 6-26-14**

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

- 1. Side Yard setback of 2 feet where 10 feet is required to existing shed**
- 2. Side Yard setback of 4 feet where 10 feet is required to existing dwelling**

**To allow:**

- 1997 sq. ft. dwelling**
- 96 sq. ft. shed**

**Per the findings of fact as discussed, the on-sites conducted on 6-26-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-30-14 located on Lot 26, Block 1, Manhattan Beach (A replat of Twin Beach), Sec 06, City of Crosslake**

**Findings:** As listed above

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

Date: 7-25-14

Signature: \_\_\_\_\_



Chairman

**Matters not on the Agenda:**

1. Mr. Pence informed the board that they need to take more time when answering the why question for approving and denying a variance.
2. Mr. Pence asked the board for direction on what type of uses would require an interim use permit.

**Motion by Herzog; supported by Kuker to adjourn at 11:00 A.M.**

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

Respectfully yours,

*Susan Maske*

Susan Maske  
Crow Wing County Planning Assistant