



STATED MINUTES

City of Crosslake Planning and Zoning Commission

August 22, 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. 7-25-14 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 None
6. New Business
 - 6.1 Bruce & Julie Larson – Conditional Use Permit
 - 6.2 John & Linda Andrews – Variance for bluff setback
 - 6.3 Kathleen Skiba Trust – Variance for lake, road right-of-way & septic setback
7. Adjournment

August 22, 2014 Planning & Zoning Commission Meeting

**Bruce & Julie Larson
120171202GB0009**

Bruce Larson was present. Herkenhoff read the request into the record. Discussion concerned 8-20-14 on-site; grading & erosion control plan.

August 22, 2014 Action:

Motion by Nevin; supported by Knippel to approve a Conditional Use Permit for up to 652 cubic yards of dirt moving in the rear lot zone where 100 cubic yards is allowed located in the S 280 FT of N 715 FT of Gov. Lot 2, Sec 17, City of Crosslake

Per the findings of fact as discussed, the on-site conducted on 8-20-14

Conditions:

- 1. Truck hauling signs be placed along County Road 16**
- 2. Grading & Stormwater plan be implemented**

Findings: See attached

All members voting “Aye”, Motion carried.



City of Crosslake – Planning Commission

Summary of Record

Bruce & Julie Larson – S 280 FT of N 715 Ft of Gov. Lot 2, Sec 17, City of Crosslake, 120171202GB0009 at 13244 County Road 16, Crosslake, MN 56442 on Rush Lake-GD

Request: Conditional Use Permit for up to 652 cubic yards of dirt moving in the real lot zone where 100 cubic yards is allowed

Chronology of events:

- July 15, 2014 – Development Review Team Meeting
- July 24, 2014 – Application submitted
- August 05 – Published in local newspaper
- August 05, 2014 – Notices sent out
- August 20, 2014 - Planning Commission on-site
- August, 22, 2014 – Planning Commission Meeting – Decision made to approve a Conditional Use Permit for dirt moving in the real lot zone

Packet Information:

- Public Hearing Notice
- Staff Report
- Conditional Use Permit Application
- Development Review Team Minutes
- Certificate of Survey
- Grading & Erosion Control Plan

August 22, 2014

FINDINGS OF FACT

SUPPORTING/DENYING A CONDITIONAL USE PERMIT REQUEST

Findings shall be made in either recommending approval or denial of a rezoning application, and should reference specific sections of ordinances that apply to the project. The following questions are to be considered, but are not limited to:

1. Is the proposed use or development appropriate for the current land use zone?

Yes No

Why?

- **By making the property more useable with no negative effects to the neighborhood**
- **The proposed stormwater plan will keep any runoff from going onto the neighboring property**
- **No impact to Cross Lake as the proposed dirtmoving is behind the 75 foot setback**

2. Does the proposed use with conditions conform to the City Comprehensive Plan?
Yes No
Why?
• **The proposed dirtmoving will keep any runoff from going onto the neighboring property**
3. Is the proposed use with conditions compatible with the existing neighborhood?
Yes No
• **The proposed dirtmoving will keep any runoff from going onto the neighboring property**
4. Will the proposed use with conditions be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city?
Yes No
Why?
• **Not changing or affecting anything in the neighborhood**
5. Will the proposed use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted on that property, nor substantially diminish or impair property values in the immediate vicinity?
Yes No
Why?
• **The proposed dirtmoving will not impact property values in the immediate vicinity**
6. Will the proposed use impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area?
Yes No
Why?
• **The proposed dirtmoving will not impede the normal and orderly development and improvement of surrounding vacant properties**
7. Will the proposed use create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community?
Yes No
Why?
• **No there will no impact to the City of Crosslake**
8. Does the conditional use have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares?
Yes No
Why?
• **There is an existing access to the property off of County Road 16**

9. Have adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use?

Yes No

Why?

- N/A

10. Have adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner that no disturbance to neighboring properties will result?

Yes **X** No

Why?

- **All work will be conducted during the day**
- **There will be temporary dust, noise or vibration during construction controlled by best managements plans**

11. Will the proposed conditional use result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

Yes No **X**

Why?

- N/A

12. Will the proposed conditional use promote the prevention and control of pollution of the ground and surface waters, including sedimentation and control of nutrients.

Yes **X** No

Why?

- **The dirtmoving will be for the creation of a stormwater pond designed by a licensed engineer**

Decision: Motion by Dubay; supported by Yliniemi approve/table/deny a Conditional Use Permit for dirt moving of up to 652 cubic yards of dirt moving in the real lot zone where 100 cubic yards is allowed located in the S 280 FT of N 715 FT of Gov. Lot 2, Sec 17, City of Crosslake

Per the findings of fact as discussed, the on-sites conducted on 8-20-14

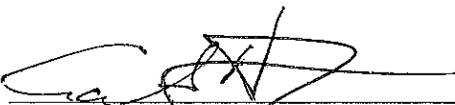
Conditions:

- 1. Truck hauling signs be placed along County Road 16**
- 2. The grading and stormwater plan be implemented**

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 9-26-14

Signature: 
Chairman

**John & Linda Andrews
141490400070009**

John Andrews was present. Herkenhoff read the request into the record. Planning and Zoning Department received one (1) letter in support. Discussion concerned 8-20-14 on-site; impervious coverage of 20.8%; screening; definition of a bluff and the visibility from the lake for the proposed shed.

August 22, 2014 Action:

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

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

To construct:

- 120 square foot water orientated accessory structure**

Per the findings of fact as discussed, the on-site conducted on 8-20-14 and as shown on the certificate of survey received at the Planning & Zoning dated 7-2-14 located on Lot 7 & part of Lot 8, Manhattan Beach Second Addition, Sec 01, City of Crosslake

Conditions:

- 1. Maintain existing screening**
- 2. Control erosion under the drip line**

Findings: See attached

All members voting "Aye", Motion carried.



City of Crosslake

Summary of Record

John & Linda Andrews – Lot 7 & part of Lot 8, Manhattan Beach Second Addition, 141490400070009 at 11316 Manhattan Point Blvd, Crosslake, MN 56442 on Big Trout Lake-GD

Request is a Variance for:

1. Bluff setback of '0' feet where 30 feet is required to proposed structure

To construct:

- 120 square foot water orientated accessory structure

Chronology of events:

- May 20, 2014 – Development Review Team Meeting
- July 02, 2014 – Application submitted
- August 05, 2014 – Published in local newspaper
- August 05, 201 – Notices sent out
- August 20, 2014 – Board on-site
- August 22, 2014 – Board of Adjustment Meeting – Decision made to approve the variance for bluff setback

Packet Information:

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

Correspondence:

- August 14, 2014 – E-mail from Reinhard Friedrich

August 22, 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 proposed shed meets the lake setback of 20 feet for a water-oriented accessory structure**
- **The proposed shed will be place on posts with minimal dirtmoving in the toe of the bluff**
- **There will be no tree removal for the construction of the shed**
- **The visibility from the lake will be minimal by placing the proposed shed back 20 feet from the lake among mature trees**

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why?

- **Promote the development and implementation of a Crosslake Community Plan that effectively and efficiently plans for land use, community facilities, transportation, housing, economic development and environmental protection for Crosslake and the immediately surrounding area (pg. 39)**

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 shed will meet the 20 foot lake setback for a water-oriented accessory structure**
- **The proposed shed will be place on posts with minimal dirtmoving in the toe of the bluff**
- **There are similar structures and land uses in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 8-20-14**

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

Yes No

Why:

- **The proposed shed will meet the 20 foot lake setback for a water-oriented accessory structure**
- **The proposed shed will be place on posts with minimal dirtmoving in the toe of the bluff**

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?
Yes 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 8-20-14
- The visibility from the lake will be minimal by placing the proposed shed back 20 feet from the lake among mature trees
- The topography of the land prohibits the proposed shed from meeting the toe of the bluff setback

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

Yes No

Why:

- The visibility from the lake will be minimal by placing the proposed shed back 20 feet from the lake among mature trees
- There are similar structures and land uses in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 8-20-14

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

1. Bluff setback of '0' feet where 30 feet is required to proposed structure

To construct:

- 120 square foot water orientated accessory structure

Per the findings of fact as discussed, the on-sites conducted on 8-20-14 and as shown on the certificate of survey received at the Planning & Zoning dated 7-12-14 located on Lot 7 & part of Lot 8, Manhattan Beach Second Addition, Sec 01, City of Crosslake

Conditions:

1. Maintain existing screening
2. Control erosion under the drip line of the proposed shed

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 9-26-14

Signature: _____


Chairman

**Kathleen Skiba Trust
120073408Q00008**

Wayne Skiba represented the applicant. Herkenhoff read the request into the record. Discussion concerned 8-20-14 on-site; impervious coverage of 24%; stormwater plan; past variances; no mow areas; runoff plan during construction; size of the building envelope and setbacks for neighboring structures.

August 22, 2014 Action:

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

- 1. Lake setback of 34 feet where 75 feet is required to proposed dwelling**
- 2. Lake setback of 48 feet where 75 feet is required to proposed septic system**
- 3. Septic Tank setback of 4 feet where 10 feet is required to proposed dwelling**
- 4. Septic Drainfield setback of 16 feet where 20 feet is required to proposed dwelling**
- 5. Road Right-of-Way setback of 12 feet where 35 feet is required to proposed dwelling**
- 6. Road Right-of-Way setback of 8 feet where 35 feet is required to proposed patio**

To construct:

- 1,864square foot dwelling**
- 373 square foot patio**
- Installation of septic system**

Per the findings of fact as discussed, the on-site conducted on 8-20-14 and as shown on the certificate of survey received at the Planning & Zoning dated 8-5-14 located in part of Gov. Lot 8, Sec 07, City of Crosslake

Conditions:

- 1. An erosion control plan be implemented during construction**

Findings: See attached

All members voting “Aye”, Motion carried.



City of Crosslake

Summary of Record

Kathleen Skiba Trust– Part of Gov. Lot 8, 120073408Q00009 at 12328 Milinda Shores Road, Crosslake, MN 56442 on Whitefish Lake-GD

Request is a Variance for:

1. Lake setback of 34 feet where 75 feet is required to proposed dwelling
2. Lake setback of 48 feet where 75 feet is required to proposed septic system
3. Septic Tank setback of 4 feet where 10 feet is required to proposed dwelling
4. Septic Drainfield setback of 16 feet where 20 feet is required to proposed dwelling
5. Road Right-of-Way setback of 12 feet where 35 feet is required to proposed dwelling
6. Road Right-of-Way setback of 8 feet where 35 feet is required to proposed patio

To construct:

- 1,864 square foot dwelling
- 373 square foot patio
- Installation of septic system

Chronology of events:

- July 15, 2014 – Development Review Team Meeting
- July 24, 2014 – Application submitted
- August 05, 2014 – Published in local newspaper
- August 05, 201 – Notices sent out
- August 20, 2014 – Board on-site
- August 22, 2014 – Board of Adjustment Meeting – Decision made to approve the variance for lake, road right-of-way & septic system setback

Packet Information:

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

Correspondence:

- There was no correspondence received

August 22, 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?

- **It is a non-conforming lot with no building envelope**
- **There is no increase in square footage over the existing footprint**
- **The property is classified as Shoreland District**
- **All existing improvements are legal non-conforming structures by way of previous variances**

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why?

- **Promote the development and implementation of a Crosslake Community Plan that effectively and efficiently plans for land use, community facilities, transportation, housing, economic development and environmental protection for Crosslake and the immediately surrounding area (pg. 39)**

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

Yes No

Why:

- **It is a non-conforming lot with no building envelope**
- **There is no increase in square footage over the existing footprint**
- **The property is classified as Shoreland District**
- **All existing improvements are legal non-conforming structures by way of previous variances**

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

Yes No

Why:

- **The design and layout of the lot causes the need for the variance**
- **The need to convert the existing structure into a year round residence**

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

Yes No

Why:

- **It is a non-conforming lot with no building envelope**
- **Variations have been approved in the past and they are in compliance with all previous Ordinances**

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

Yes No

Why:

- **There are similar structures in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 8-20-14**
- **The implementation of the stormwater management plan will help protect the water quality of Rush Lake**

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

- 1. Lake setback of 34 feet where 75 feet is required to proposed dwelling**
- 2. Lake setback of 48 feet where 75 feet is required to proposed septic system**
- 3. Septic Tank setback of 4 feet where 10 feet is required to proposed dwelling**
- 4. Septic Drainfield setback of 16 feet where 20 feet is required to proposed dwelling**
- 5. Road Right-of-Way setback of 12 feet where 35 feet is required to proposed dwelling**
- 6. Road Right-of-Way setback of 8 feet where 35 feet is required to proposed patio**

To construct:

- **1,864 square foot dwelling**
- **373 square foot patio**
- **Installation of septic system**

Per the findings of fact as discussed, the on-sites conducted on 8-20-14 and as shown on the certificate of survey received at the Planning & Zoning dated 7-12-14 located in part of Gov. Lot 8, Sec 07, City of Crosslake

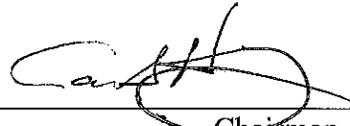
Conditions:

- 1. Implement the shoreline buffer as shown on the certificate of survey dated 8-5-14**
- 2. Erosion control plan be implemented during construction**
- 3. Stormwater management plan be implemented**

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 9-26-14

Signature:  _____
Chairman

August 22, 2014 Planning & Zoning Commission Meeting

Matters not on the Agenda:

1. There were no matters not on the agenda

Motion by Knippel; supported by Kuker to adjourn at 9:50 A.M.

All members voting “Aye”, Motion carried.

Respectfully yours,

Susan Maske

Susan Maske
Crow Wing County Planning Assistant