



STATED MINUTES

City of Crosslake Planning and Zoning Commission

September 26, 2014
9:00 A.M.

Crosslake City Hall
37028 County Road 66
Crosslake, MN 56442

1. Present:; Aaron Herzog, Chair; Dave Nevin, Vice-Chair; Matt Kuker; Joel Knippel and Council Member Gary Heacox
2. Absent: Mark Lafon
3. Staff: Paul Herkenhoff, Crow Wing County Survey/Planning Coordinator, Jon Kolstad, Crosslake Land Services Specialist, Sue Maske, Planning Assistant
4. 8-22-14 & 8-29-14 Minutes & Findings – **Motion by Nevin; supported by Knippel to approve the minutes & findings as written. All members voting “Aye”, Motion carried.**
5. Old Business
 - 5.1 None
6. New Business
 - 6.1 Richard Shuler & Kathryn Nordstrom – Variance for lake setback
 - 6.2 Dick & Karla Blevins – Variance for lake setback
 - 6.3 Thomas & Deanna Wiener – Variance for lake & side yard setback
 - 6.4 Reinhard Friedrich Trust – Variance for bluff setback
 - 6.5 Commercial Ordinance Update
7. Adjournment

**Richard Shuler & Kathryn Nordstrom
1416300090CB009**

Richard Shuler was present. Kolstad read the request into the record. George Kryzer, Contractor stated the stormwater plan is shown on the certificate of survey dated 8-28-14. Discussion concerned 9-25-14 on-site; impervious coverage of 13.4%; size of the building envelope; stormwater plan, shoreline buffer and size of the existing structure.

September 26, 2014 Action:

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

- 1. Lake setback of 26 feet where 75 feet is required to the northeast corner of proposed deck**
- 2. Lake setback of 47 feet where 75 feet is required to the northwest corner of proposed dwelling**

To construct:

- 1,148 square foot dwelling**
- 112 square foot deck**

Per the findings of fact as discussed, the on-site conducted on 9-25-14 and as shown on the certificate of survey received at the Planning & Zoning dated 8-28-14 located in part of Outlot C, Pine Bay, Sec 16, City of Crosslake

Conditions:

- 1. Implement the stormwater plan shown on the certificate of survey dated 4-28-15 with a modification to address the stormwater runoff from the driveway**

Findings: See attached

All members voting “Aye”, Motion carried.



City of Crosslake

Summary of Record

Richard Shuler & Kathryn Nordstrom – Part of Outlot C, Pine Bay, Sec 16, City of Crosslake, 1416300090CB009 at 14384 Rabbit Lane, Crosslake, MN 56442 on Daggett Lake-GD

Request is a Variance for:

1. Lake setback of 26 feet where 75 feet is required to proposed deck
2. Lake setback of 47 feet where 75 feet is required to proposed dwelling

To construct:

- 1,148 square foot dwelling
- 112 square foot deck

Chronology of events:

- August 19, 2014 – Development Review Team Meeting
- August 27, 2014 – Application submitted
- September 03, 2014 – Published in local newspaper
- September 10, 2014 – Notices sent out
- September 25, 2014 – Board on-site
- September 26, 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:

- There was no correspondence received

September 26, 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**
- **This is replacing and existing non-conforming structure located 26 feet from Daggett Lake**
- **There will be a minimal increase in impervious coverage from 13.4% to 13.8%**

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 will be an improvement to the property with the proposed structure meeting the side yard setback**
- **There are similar structures and land uses in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 9-25-14**
- **There will be a minimal increase in impervious coverage from 13.4% to 13.8%**

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

Yes No

Why?

- **This is replacing and existing non-conforming structure located in the plat of Pine Bay established in 1948**
- **It will be an improvement to the property with the proposed structure meeting the side yard setback**

5. 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 9-25-14**
- **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 No

Why?

- **The implementation of the stormwater management plan prepared Stonemark Land Surveying on 8-28-14 will help protect the water quality of Daggett Lake**

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

1. **Lake setback of 26 feet where 75 feet is required to proposed deck**
2. **Lake setback of 47 feet where 75 feet is required to proposed dwelling**

To construct:

- **1,148 square foot dwelling**
- **112 square foot deck**

Per the findings of fact as discussed, the on-sites conducted on 9-25-14 and as shown on the certificate of survey received at the Planning & Zoning dated 8-28-14 located on part of Lot 5, Block 1, Pine Bay, Sec 16, City of Crosslake, Sec 16, City of Crosslake,

Conditions:

1. **Implement the stormwater/erosion control plan shown on the certificate of survey dated 8-28-14 with modification to address the stormwater runoff from the driveway**

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 10-24-14

Signature: _____


Chairman

**Dick & Karla Blevins
14163001005A009**

Dick & Karla Blevins were present. Herkenhoff read the request into the record. Discussion concerned 9-25-14 on-site; impervious coverage of 13 and stormwater/erosion control plan

September 26, 2014 Action:

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

- 1. Lake setback of 49 feet where 75 feet is required to existing patio**

To construct:

- 300 square foot enclosure over existing patio**

Per the findings of fact as discussed, the on-site conducted on 9-25-14 and as shown on the certificate of survey received at the Planning & Zoning dated 8-28-14 located on Lot 5, Block 1, Pine Bay, Sec 16, City of Crosslake

Conditions:

- 1. Implement the stormwater/erosion control plan prepared by Land Design Solutions dated 8-28-14**

Findings: See attached

All members voting “Aye”, Motion carried.



City of Crosslake

Summary of Record

Dick & Karla Blevins – Part of Lot 5, Block 1, Pine Bay, Sec 16, City of Crosslake, 14163001005A009 at 36747 Pine Bay Drive, Crosslake, MN 56442 on Daggett Lake-GD

Request is a Variance for:

1. Lake setback of 42 feet where 75 feet is required to existing patio

To construct:

- 300 square foot enclosure over existing patio

Chronology of events:

- August 19, 2014 – Development Review Team Meeting
- August 27, 2014 – Application submitted
- September 03, 2014 – Published in local newspaper
- September 10, 2014 – Notices sent out
- September 25, 2014 – Board on-site
- September 26, 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
- Stormwater Plan

Correspondence:

- There was no correspondence received

September 26, 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 for the expansion of non-conforming structures through the variance process outlined in Article 8 of the City of Crosslake Land Use Ordinance**
- **There is no change in impervious surface coverage of 13% by enclosing an existing patio**

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 300 sq. ft. addition is a minimal addition to an existing non-conforming structure**
- **The enclosing of an existing patio located 42 feet from Daggett Lake is a minimal expansion**
- **There are similar structures and land uses in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 9-25-14**
- **There is no change in impervious surface coverage of 13% by enclosing an existing patio**

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

Yes No

Why?

- **This is an existing patio located 42 feet from Daggett Lake**
- **The 300 sq. ft. addition is a minimal addition to an existing non-conforming structure**

5. 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 9-25-14
- 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 No

Why?

- The implementation of the stormwater management plan prepared Land Design Solutions on 8-28-14 will help protect the water quality of Daggett Lake
- The addition is a minimum expansion to an existing 300 square foot patio located 43 feet from Daggett Lake for personal use

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

1. Lake setback of 42 feet where 75 feet is required to existing patio

To construct:

- 300 square foot enclosure over existing patio

Per the findings of fact as discussed, the on-sites conducted on 9-25-14 and as shown on the certificate of survey received at the Planning & Zoning dated 8-28-14 located on part of Lot 5, Block 1, Pine Bay, Sec 16, City of Crosslake, Sec 16, City of Crosslake,

Conditions:

1. Implement the stormwater/erosion control plan prepared by Land Design Solutions dated 8-28-14

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 10-24-14

Signature: _____



Chairman

**Thomas & Deanna Wiener
14176000070009**

Thomas & Deanna Wiener were present. Herkenhoff read the request into the record. Discussion concerned 9-25-14 on-site; impervious coverage of 21.7%; stormwater plan; when the structure was constructed; location of the existing fire pit; size of the building envelope and moving the structure back so the addition is located in the building envelope. Sixty day extension letter was sent out on 10-1-14.

September 26, 2014 Action:

Motion by Nevin; supported by Knippel to table the variance to allow the applicants time to address the stormwater runoff concerns and to make revisions to their proposed plan.

All members voting “Aye”, Motion carried.

**Reinhard Friedrich Trust
141490400100009**

Scott Johnson represented the applicant. Herkenhoff read the request into the record. Planning & Zoning Office received two (2) comment in support. Discussion concerned 9-25-14 on-site; impervious coverage of 10%; stormwater plan and type of foundation proposed for the addition.

September 26, 2014 Action:

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

- 1. Bluff setback of 19 feet where 30 feet is required to proposed addition**

To construct:

- 88 square foot addition to existing dwelling**

Per the findings of fact as discussed, the on-site conducted on 9-25-14 and as shown on the certificate of survey received at the Planning & Zoning dated 8-28-14 located on part of Lot 10 and all of Lots 11 & 12, Block 40, Manhattan Beach Second Addition, Sec 01, City of Crosslake

Findings: See attached

All members voting “Aye”, Motion carried.



City of Crosslake

Summary of Record

Reinhard Friedrich Trust – Part of Lot 10 & all of Lots 11 & 12, Block 40, Manhattan Beach Second Addition, Sec 01, City of Crosslake, 141490400100009 at 11292 Manhattan Point, Crosslake, MN 56442 on Big Trout Lake-GD

Request is a Variance for:

1. Bluff setback of 19 feet where 30 feet is required to proposed addition

To construct:

- 88 square foot addition

Chronology of events:

- August 27, 2014 – Development Review Team Meeting
- August 28, 2014 – Application submitted
- September 03, 2014 – Published in local newspaper
- September 10, 2014 – Notices sent out
- September 25, 2014 – Board on-site
- September 26, 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:

- September 12, 2014 – E-mail from Jon Schmidt
- September 15, 2014 – E-mail from John & Linda Andrews

September 26, 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 for the expansion of non-conforming structures through the variance process outlined in Article 8 of the City of Crosslake Land Use Ordinance**
- **This is an existing non-conforming dwelling located '0' feet from the bluff**

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 88 sq. ft. addition is a minimal addition to the side of an existing non-conforming structure**
- **The proposed additions are to the side of the existing dwelling with no further encroachment into 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 9-25-14**

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

Yes No

Why?

- **The structure was built prior to bluff regulations established in 1990**
- **The 88 sq. ft. addition is a minimal addition to the side of an existing non-conforming structure**

5. 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 9-25-14**
- **The 88 sq. ft. addition is a minimal addition to the side of an existing non-conforming structure**
- **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 No

Why?

- **The addition is a minimum expansion to an existing legal non-conforming dwelling for personal use**
- **The proposed improvements are to the side of an existing non-conforming structure**

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

- 1. Bluff setback of 19 feet where 30 feet is required to proposed addition**

To construct:

- **88 square foot addition**

Per the findings of fact as discussed, the on-sites conducted on 9-25-14 and as shown on the certificate of survey received at the Planning & Zoning dated 8-28-14 located on part of Lot 10 & all of Lots 11 & 12, Block 40, Manhattan Beach Second Addition, Sec 01, City of Crosslake,

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 10-24-14

Signature: _____


Chairman

Commercial Ordinance Updates

Jon Kolstad, Land Services Specialist informed the board that the City Council hired John Sumption to review and update the Commercial Ordinance. He asked to board members to review and comment on the information that was handed to them earlier regarding commercial requirements for the City of Crosslake.

September 26, 2014 Planning & Zoning Commission Meeting

Matters not on the Agenda:

1. There were no matters not on the agenda

Motion by Knippel; supported by Nevin to adjourn at 10:05 A.M.

All members voting “Aye”, Motion carried.

Respectfully yours,

Susan Maske

Susan Maske
Crow Wing County Planning Assistant