

PUBLIC HEARING  
CITY OF CROSSLAKE  
TUESDAY, JUNE 11, 2002  
12:00 NOON - CITY HALL

Pursuant to due notice and call, the City Council met in the Chambers of City Hall to hear an appeal for Variance 2002-001 submitted by Elizabeth Whitley. The request is an appeal to the City Council regarding a decision made by the Planning and Zoning Commission to deny a variance request to construct a single-family residence at less than the required 75' setback from the OHW and less than the 35' required setback from the road right-of-way and to install a septic system at less than the required 50' setback from the OHW. The property is approximately 12,942 square feet in area and described as Lot 9 and Lot 10, Section 17, Township 137, Range 27. Present at the hearing was Mayor Darrell Swanson, Councilmembers Sandy Eliason, Chuck Miller, Irene Schultz and Dean Swanson. Also present was City Administrator Tom Swenson, City Attorney Steve Qualley, Community Development Director Paul Larson and Clerk/Treasurer Darlene Roach. Planning and Zoning Commission Members James Trautmann and Jack Huber were also in attendance. (Sign in sheet attached as a permanent part of the minutes.)

Mayor Swanson called the Public Hearing to order at 12:00 P.M. and stated that the purpose of the meeting was to hear an appeal of Variance 2002-001 for Elizabeth Whitley. The order of events would include a presentation by the Planning and Zoning Staff, a legal opinion by the City Attorney, a presentation by the Applicant, comments from the public and final questions and comments by the City Council.

Community Development Director Paul Larson addressed the Council and read the public hearing notice describing the reason for the appeal. Various documents were presented to the Council for their review prior to the hearing. These documents include: (1) A copy of the decision letter from the City notifying the applicant of the Planning and Zoning Commission decision to deny the variance request; (2) Planning and Zoning Staff Report with attachments, dated January 25, 2002; (3) Certificate of Survey of the subject property; (4) On-site Sewer Design; (5) Variance Evaluation Criteria Worksheet; (6) Appeal letter from Elizabeth Whitley; (7) Copy of the second public hearing notice which was sent to adjacent property owners; (8) Letters from neighboring property owners; and (9) Minutes of the January 25, 2002 Planning and Zoning Commission Public Hearing.

City Attorney Steve Qualley reviewed the standards that the Council needs to consider when reviewing the granting of variances. He stated that the Whitley request actually consists of three variances in one application.

Elizabeth Whitley addressed the Council and stated that she purchased the land in 1964-1965 with the intention of building a home on the property. It was not until the early 1990's when she had the property surveyed and talked to then Planning and Zoning Coordinator Teri Hastings who she indicated had suggested that a 20'x32' building would be allowable. She then worked with Wannebo Excavating regarding a septic design.

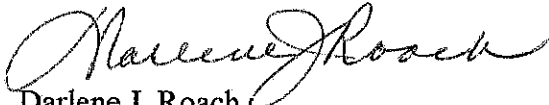
Kevin McCormick of Landecker & Associates addressed the Council and handed out a revised survey which showed a different location for the septic system which would make it conforming as well as a re-positioning of the home to better fit on the property.

Mayor Swanson stated that if the applicant was proposing a modification to the original plan, the application needs to go back to the Planning and Zoning Commission for review. City Attorney Steve Qualley stated that if the applicant is changing their design, they could request to withdraw the appeal and go back to the Planning and Zoning Commission for further consideration.

Elizabeth Whitely requested her appeal be withdrawn. MOTION 6PH1-01-02 WAS MADE BY CHUCK MILLER AND SECONDED BY SANDY ELIASON TO ACCEPT THE WITHDRAWAL OF THE ELIZABETH WHITLEY APPEAL. MOTION CARRIED WITH ALL AYES.

MOTION 6PH1-02-02 WAS MADE BY CHUCK MILLER AND SECONDED BY SANDY ELIASON TO ADJOURN THIS PUBLIC HEARING AT 12:25 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,

  
Darlene J. Roach  
Clerk/Treasurer

PUBLIC HEAR-Variance Elizabeth Whitely -- June 11, 2002

WHITLEY APPEAL  
PUBLIC HEARING  
12:00 P.M.  
JUNE 11, 2002  
SIGN-IN SHEET

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