



STATED MINUTES

City of Crosslake Planning Commission/Board of Adjustment

November 17, 2023
9:00 A.M.

Crosslake City Hall
13888 Daggett Bay Road
Crosslake, MN 56442

1. Present: Chair Mark Wessels; Vice-Chair Bill Schiltz; Mark Lindner; Jerome Volz; Kristin Graham; Alternate Joel Knippel; Alternate David Fuhs and Liaison Council Member Aaron Herzog

Absent: None

Staff: Peter Gansen, Planning & Zoning Administrator and Cheryl Stuckmayer, Planner-Zoning Coordinator

2. 10-27-2023 Minutes – **Motion by Volz; supported by Graham to approve the minutes as written. All members voting “Aye”, Motion carried.**

VARIANCE APPLICATIONS

Staff does not make decisions as to whether a variance application gets approved or denied. Staff’s job is to inform the applicant of the requirements for submitting a variance, assess whether the application is complete when it is submitted and then presenting the facts of the application to the Planning Commission/Board of Adjustment (PC/BOA).

The PC/BOA determines whether they approve or deny an application at the public hearing as per Minnesota Statute 462 and the Crosslake Land Use Ordinance.

Through the process, staff does try to recommend different solutions and gives their opinion as to whether the PC/BOA may approve or deny the application, but they cannot reject a completed application. Even if staff feels that the application may be denied by the PC/BOA, they are obligated to accept the application and bring it to the PC/BOA. Should staff reject a completed application, they would open the city up to being sued by the applicant. Every property owner has the right to ask for a variance per Article 8 of the Land Use Ordinance.

Anyone that feels the PC/BOA has erred and would like to appeal their decision, also have the right to Appeal that decision per Article 8 of the Land Use Ordinance.

3. Old Business-Variations are heard on their individual requests, past variations hold no precedents. Commissioners may table the request if needed and an applicant can withdraw their request. If the variance(s) is/are approved, all existing nonconformities will be eliminated and will hereafter be required to follow the variance decision. If a variance is denied the applicant can rebuild the nonconformity as is per the Crosslake Ordinance.
 - 3.1 None
4. New Business
 - 4.1 David & Krista Spizzo - Variance for a river setback
 - 4.2 Robert W & Barbara J Eng – Variance for lake, side yard, and dwelling setbacks

5. Other Business

5.1 Staff report

6. Open Forum – No action will be taken on any of the issues raised. If appropriate, the issues will be placed on the agenda of a future PC/BOA meeting. Speakers must state their name and address. Each speaker is given a three minute time limit.

7. Adjournment

**David & Krista Spizzo
14210703**

Wessels announced the variance request and asked Gansen to proceed with the variance process. Gansen read the variance request, notices sent out per city ordinance and Minnesota State Statue 462 requirements, project details, shoreland zoning district, impervious percentage, stormwater management plan submitted, septic compliance dated 10-5-2023, no comments received, and the history of the parcel into the record. Wessels did an in-depth explanation of the proposed project. Lindner clarified the water setback of 75 feet for a GD lake versus the 100 feet for a GD river, along with the two sheds that are to be moved off of the property. Wessels invited Landecker of Breezy Point, the applicant's representative to the podium. Landecker stated some ordinance history, parcel history, no dwelling basement, additional bedroom space is needed, common space increase, flood zones, stormwater management plan (SWMP), septic system for 5 bedrooms, and items to be removed off of the property. Wessels opened the public forum. Fuhs, commission alternate, of Harbor Lane, stated the 10x28 addition that is getting closer to the river was not necessary, it could possibly be moved over to the west side with the other proposed addition to keep the structure from getting any closer to the river, with Landecker explaining the 280 sf addition extends the interior floor plan out over an existing deck. Discussion was held with Landecker and the commissioners on the second story locations, roof line, dormers, exterior visual appearance, the existing/proposed septic system, and items/structures on the parcel that were going to be removed off of the property. Wessels closed the public forum. Wessels asked if any of the commissioners had additional questions, but none were forthcoming. Wessels requested Gansen to initiate the findings of fact procedure with the board members deliberating and responding to each question.

November 17, 2023 Action:

Motion by Volz; supported by Schiltz to approve the variance for:

- River setback of 56 feet where 100 feet is required to proposed dwelling additions

To construct:

- 1,900 & 280 square foot dwelling additions

Per the findings of fact as discussed, the on-site conducted on 11-16-2023 and as shown on the certificate of survey received at the Planning & Zoning office dated 10-5-2023 for property located at 35339 Riverwood Trail, City of Crosslake

Conditions:

Chapter 26 – Land Use; Sec. 26-227 Variance Decision - Variances must be substantially completed within two years of receiving approval – the approval of this variance will expire on 11-17-2025

1. Items listed to be removed as shown on the revised certificate of survey dated 10-5-2023 to be moved off of the parcel
2. Provide an elevation certificate (Supplemental Data Form) by a certified surveyor showing that the lowest floor meets the required Regulatory Flood Protection Elevation (RFPE) according to the city land use ordinance and/or FEMA regulations
3. Work with the staff to review, alter and implement as needed the submitted stormwater plan in accordance with the City of Crosslake land use ordinance
4. Dirt debris to be stored in the building envelope area on the property

Findings: See attached/packet

All members voting “Aye”, Motion carried.

**Robert W & Barbara Eng
14070613, 14070614**

Wessels announced the variance request. Gansen read the variance request, notices sent out per city ordinance and Minnesota State Statue 462 requirements, project details, impervious percentage, stormwater management plan submitted, septic design submitted, no comments received, and the history of the parcel into the record. Wessels invited Schmidt of Wes Hanson Builders, the owner’s representative to the podium. Schmidt stated per the on-site yesterday he contacted the septic designer, but he was out of town; designer assured him that they could work something out to move the drainfield to make it more conforming to the ordinance setback of 10’ from the property line, but not sure if it would remain a type 1 system. The commissioners and Schmidt held a discussion on: the size of the lot (small lot-when do you say no it is too much or enough is enough), impervious amount, egress windows proposed, building construction, tear down but leave the foundation and rebuild with addition, roof pitch, height of proposed structure, would rather see the septic drainfield encroaching on the owner’s structures than on the neighboring property, the possibility of moving the drainfield further into the owner’s property and possibly somewhat parallel to the existing sidewalk versus paralleling the property line, amending the drainfield setback to the dwelling to state up to 10 feet versus the asked for 17 feet. Wessels opened the public forum. West neighbor did state that he was fine with the variance request(s). Wessels closed the public forum. Wessels asked if any of the commissioners had additional questions, but none were forthcoming. Wessels requested Gansen to initiate the findings of fact procedure with the board members deliberating and responding to each question.

November 17, 2023 Action:

Motion by Lindner; supported by Wessels to approve the variance for:

- Lake setback of 40 feet where 75 feet is required to proposed dwelling
- Lake setback of 45 feet where 75 feet is required to proposed septic system
- Side yard setback of 5 feet where 10 feet is required to proposed septic system
- Dwelling setback of 17 feet **amended** to state up to 10 feet where 20 feet is required to proposed septic drainfield

To construct:

- 1,169 square foot dwelling along with 257 square foot covered deck and steps
- A new septic system

Per the findings of fact as discussed and the on-site conducted on 11-16-2023 and as shown on the certificate of survey received at the Planning & Zoning office dated 10-19-2023 for property located at 37241 Twin Bay Drive, City of Crosslake

Conditions:

Chapter 26 – Land Use; Sec. 26-227 Variance Decision - Variances must be substantially completed within two years of receiving approval – the approval of this variance will expire on 11-17-2025.

1. Existing dwelling, except for the foundation, as shown on the certificate of survey dated 10-19-2023 to be removed
2. Dirt debris to be hauled off of the property
3. Lake side septic drainfield to be angled towards the existing auxiliary cottage structure

Findings: See attached/packet

All members voting “Aye”, Motion carried.

Other Business:

Staff report

Monthly city council report

Development Review Team (DRT) had 4 November monthly meetings

Permits – nothing significant to report (NSTR)

Next Month:

December 11 – Public Hearing Application deadline

December 11 – City Council Meeting

December 12 – Development Review Team (DRT)

December 14 – On-site visit

December 15 – PC/BOA Meeting

Ordinance Changes discussed by the staff, commissioners and Herzog:

- Accessory structure changes with all agreeing to change the current residential conditional use permit (CUP) requirement from any footprint greater than 2500 sq ft to now read any footprint greater than 1200 sq ft shall require a CUP; the land use table to reflect that change as well as any area in the ordinance to signify that any accessory structure in the city of Crosslake will require a CUP except for a residential accessory structure that is 1200 sq ft or less.

- Signs and parking were discussed and all agreed to leave these ordinance sections as is at this time and possibly address them at the next ordinance revision.

- Gansen to adjust the fee schedule per city council request - some commissioners handed in their fee schedule handouts with their suggested fee schedule changes

Open Forum:

1. There were no open forum items

Matters not on the Agenda:

1. There were no matters not on the agenda

Motion by Wessels; supported by Schiltz to adjourn at 11:00 A.M.

All members voting “Aye”, Motion carried.

Respectfully submitted,

Cheryl Stuckmayer

Cheryl Stuckmayer
Planner-Zoning Coordinator