



STATED MINUTES

City of Crosslake Planning Commission/Board of Adjustment

March 22, 2024
9:00 A.M.

Crosslake City Hall
13888 Daggett Bay Road
Crosslake, MN 56442

1. Present: Chair Bill Schiltz; Vice-Chair Jerome Volz; David Fuhs; Joseph O'Leary; Alternate Joel Knippel and Liaison Council Member Aaron Herzog

Absent: Kristin Graham

Staff: Paul Satterlund, Planning & Zoning Administrator and Cheryl Stuckmayer, Planner-Zoning Coordinator

2. 2-23-2024 Minutes – **Motion by Volz; supported by Fuhs 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 Trail Properties, Inc – After-the-fact Variance for driveway within the lake setback
5. Other Business

March 22, 2024 Planning Commission/Board Of Adjustment Meeting

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

**Trail Properties, Inc
14100729**

Schiltz announced the after-the-fact (atf) variance request. Satterlund read the atf variance request, notices sent out per city ordinance and Minnesota State Statue 462 requirements, project details, impervious percentage, stormwater management plan (SWMP) submitted, one comment received, and no history on the vacant parcel, into the record. Discussion held on water runoff towards the wetland/lake; existing access's ability to accommodate large vehicles (construction, emergency); SIZ 1 versus SIZ2 uses; berm location between lake and driveway; driveway slants towards lake – erosion into lake concerns; stormwater management plan; placement of road; at on-site meeting mentioned possible relocation of a part of the driveway; trees were left-but they could be cut down for this or other reasons in the future; look into purchasing additional property to extend the existing easement; look into options; at the on-site meeting a retaining wall was talked about and the possible difficulties with install; and any change of the driveway within the setback would require another variance. Schiltz invited McCormick / Beltz, the applicant/owner's representatives to the podium. Beltz, attorney: the use of practical difficulty; property easement does not allow the driveway to be constructed outside of the setback; erosion seems to be the concern; unfortunate how it played out – the packet provides context and the engineered stormwater plan. McCormick, of Land Design Solutions: the submitted SWMP was done by a licensed engineer; berms are partially in the SIZ1 according to the specs on the submission; city comprehensive plan – prefers not to have disturbance of existing trees and vegetation; details of the existing SWMP; options to change/amend the SWMP; possibility of a retaining wall and it's affects; tree roots are important to stabilize the ground; 2 building sites that meet the required size; lot done in the 1970's; and moving driveway could be done. Schiltz opened the public hearing. Friederich: live 20 feet from property; called with concern when commercial vehicles started doing work; concerned McCormick should have contacted the city to discuss the driveway project to follow the rules since he has a history and knowledge of the process; living next door anything that runs in the lake will affect us; we pay a lot just to keep the bay open; main thing is they should have sat down with the city and done it the way it should be; lake quality has depreciated so much already; they should go back to the drawing board and protect the water. McCormick: his company staked the easement but was not aware it was to continue to a building site. Beltz: clarified the documentation; no ill will; did not try to take advantage of the property/neighbor/city; detailed the activities and timeline of the project; Camp Foley appreciates this project being brought to the city; we are good stewards of the environment; and McCormick was not involved in anyway with putting the driveway in. Savageau, possible purchaser: after the on-site meeting he had a discussion; he does business here; drew up some different alternate plans; possible conditions could be placed; and added detail on possible changes that could be done. Volz of Moen Beach: should not dismiss the DNR comment(s); wetland/lake concerns; and erosion should be addressed. Beltz: wetland in conjunction to the project area; proposed conditions; and went through the difficulty questions. Commission stated they were deprived of the original opportunity to look at the project before construction; acknowledged there is difficulty; would this be approved if the ask was before it was completed; and is this the best route to use. Friederich: 25 truck loads were dumped. Nevin of South Landing: silt fence should be put in place.

O'Leary motioned to table Trail Properties, Inc, supported by Volz.

All members voting "2:3", O'Leary & Volz in favor with Schiltz, Knippel & Fuhs opposed: Motion denied.

March 22, 2024 Planning Commission/Board Of Adjustment Meeting

O’Leary motioned to have Trail Properties, Inc install a silt fence for erosion control by April 15, 2024, supported by Volz.

All members voting “Aye”, Motion carried.

March 22, 2024 Action:

Motion by Volz; supported by Fuhs to deny the after-the-fact variance for:

- Lake setback of 37.7 feet where 75 feet is required for a driveway

To allow:

- 3,407 square feet of driveway

Per the findings of fact as discussed, the on-site conducted on 3-21-2024 and as shown on the certificate of survey received at the Planning & Zoning office dated 2-10-2024 for property located off of Moen Beach Trail, City of Crosslake

Findings: See attached/packet

All members voting “Aye”, Motion carried.

Fuhs motioned to have Trail Properties, Inc resubmit by May 13, 2024 for the June 28, 2024 meeting, supported by O’Leary.

All members voting “Aye”, Motion carried.

Other Business:

Staff report

Monthly city council report

Development Review Team (DRT) had 2 March monthly meetings

Permits – Crosslake Rental area to install a new business – Flow Docks

Next Month:

April 8 – Public Hearing Application deadline

April 8 – City Council Meeting

April 9 – Development Review Team (DRT)

April 25 – On-site visit

April 26 – PC/BOA Meeting

Open Forum:

1. Nevin, Crosslake Mayor: Charging for public hearings of \$750.00 is the right thing to do; receiving round about calls

Matters not on the Agenda:

1. There were no matters not on the agenda

Motion by Knippel; supported by O’Leary to adjourn at 11:25 A.M.

All members voting “Aye”, Motion carried.

Respectfully submitted,

Cheryl Stuckmayer

Cheryl Stuckmayer
Planner-Zoning Coordinator