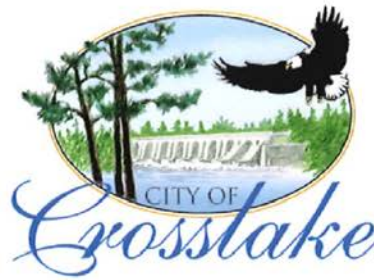


City Hall: 218-692-2688
Planning & Zoning: 218-692-2689
Fax: 218-692-2687



13888 Daggett Bay Rd
Crosslake, Minnesota 56442
www.cityofcrosslake.org

CITY OF CROSSLAKE

PLANNING COMMISSION/BOARD OF ADJUSTMENT

April 26, 2024
9:00 A.M.

Crosslake City Hall
13888 Daggett Bay Rd, Crosslake MN 56442
(218) 692-2689

PUBLIC HEARING NOTICE

Applicant: Dale Lange Trust

Authorized Agent: N/A

Site Location: 16402 Bay Shores Road, Crosslake, MN 56442 on Little Pine - GD

Variance for:

- Road right-of-way (ROW) setback of 6.6 feet where 35 feet is required to proposed dwelling addition
- Road right-of-way (ROW) setback of 0 feet where 35 feet is required to existing patio
- Patio of 511 square feet where 400 square feet is allowed within the required setback

To construct:

- 210 square foot dwelling addition
- 511 square foot patio where 445 were installed without a permit and are to be removed

Notification: Pursuant to Minnesota Statutes Chapter 462, and the City of Crosslake Zoning Ordinance, you are hereby notified of a public hearing before the City of Crosslake Planning Commission/Board of Adjustment. Property owners have been notified according to MN State Statute 462 & published in the local newspaper. Please share this notice with any of your neighbors who may not have been notified by mail.

Information: Copies of the application and all maps, diagrams or documents are available at Crosslake City Hall or by contacting the Crosslake Planning & Zoning staff at 218-692-2689. Please submit your comments in writing including your name and mailing address to Crosslake City Hall or (crosslakepz@cityofcrosslake.org).



STAFF REPORT

Property Owner/Applicant: Dale Lange Trust

Parcel Number(s): 14020525

Application Submitted: April 4, 2024

Action Deadline: June 2, 2024

City 60 Day Extension Letter sent / Deadline: NA / NA

Applicant Extension Received / Request: NA / NA

City Council Date: NA

Authorized Agent: N/A

Variance for:

- Road right-of-way (ROW) setback of 6.6 feet where 35 feet is required to proposed dwelling addition
- Road right-of-way (ROW) setback of 0 feet where 35 feet is required to proposed patio
- Patio of 511 square feet where 400 square feet is allowed within the required setback

To construct:

- 210 square foot dwelling addition
- 511 square foot patio where 445 were installed without a permit and are to be removed

Current Zoning: Shoreland District

Existing Impervious Coverage:

17.65%

Proposed Impervious Coverage:

19.59%

- A stormwater management plan was submitted with the variance application
- Septic Certificate of installation is on file dated 8-20-2022, consisting of 4 bedrooms

Parcel History:

- Bay Shores established in 1973
- May 1982 – Garage 24'x24'
- June 1986 – Septic; deck 12'x16'
- August 1993 – Storage shed 10'x12' to be 10' from side lot line & 75' from Little Pine
- April 2001 – Addition to cabin: 24'x24' main floor; 24'x24' basement walkout; 10'x24' porch
- May 2021 – Shoreland/Land Alteration for patio, walkway and dirt
- May 2022 – Variance for 780 sf detached garage
- June 2022 – Accessory structure 26x30 per approved variance
- December 2023 – Variance denied – existing structure in the ROW, survey showing road vacated-not correct
- August 20, 2022 – Septic Certificate of Installation; 4 bedrooms

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comment received before packet cutoff date

City Engineer: N/A

Lake Association: No comment received before packet cutoff date

Crosslake Public Works: No comment received before packet cutoff date

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comment received before packet cutoff date

POSSIBLE MOTION:

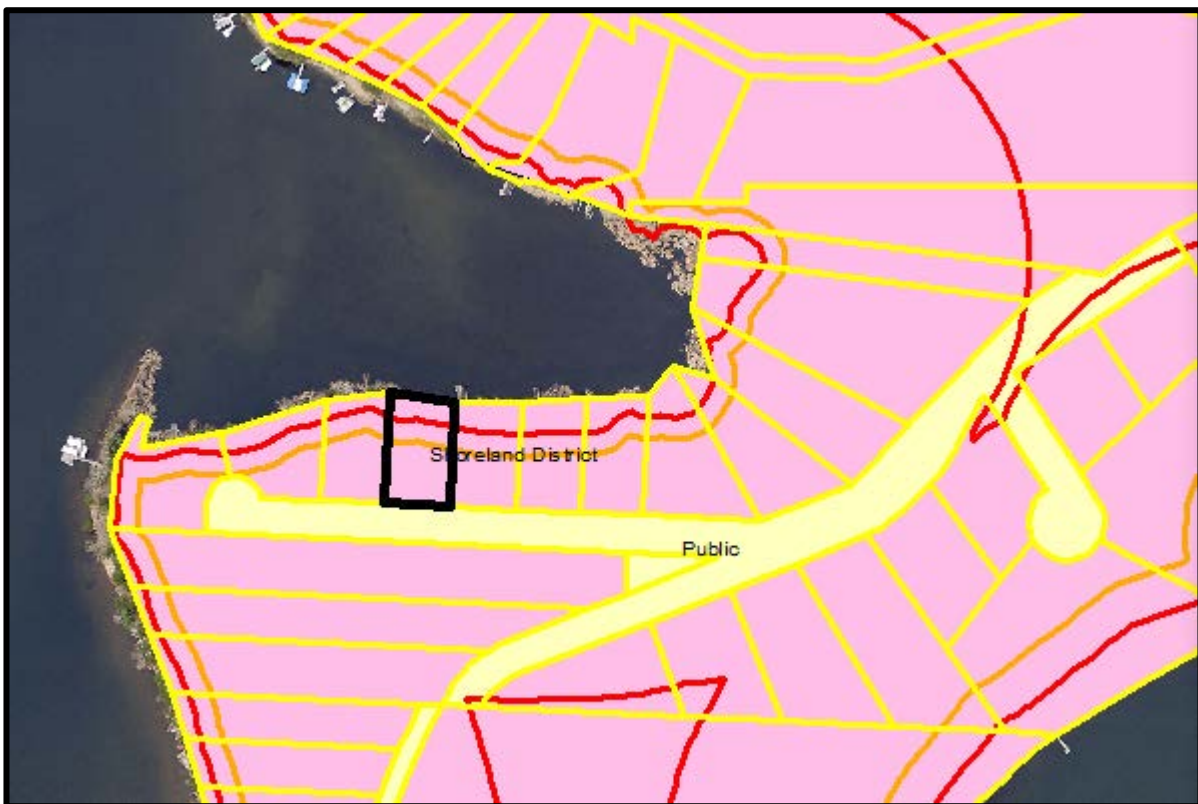
To approve/table/deny the variance to allow:

- Road right-of-way (ROW) setback of 6.6 feet where 35 feet is required to proposed dwelling addition
- Road right-of-way (ROW) setback of 0 feet where 35 feet is required to proposed patio
- Patio of 511 square feet where 400 square feet is allowed within the required setback

To construct:

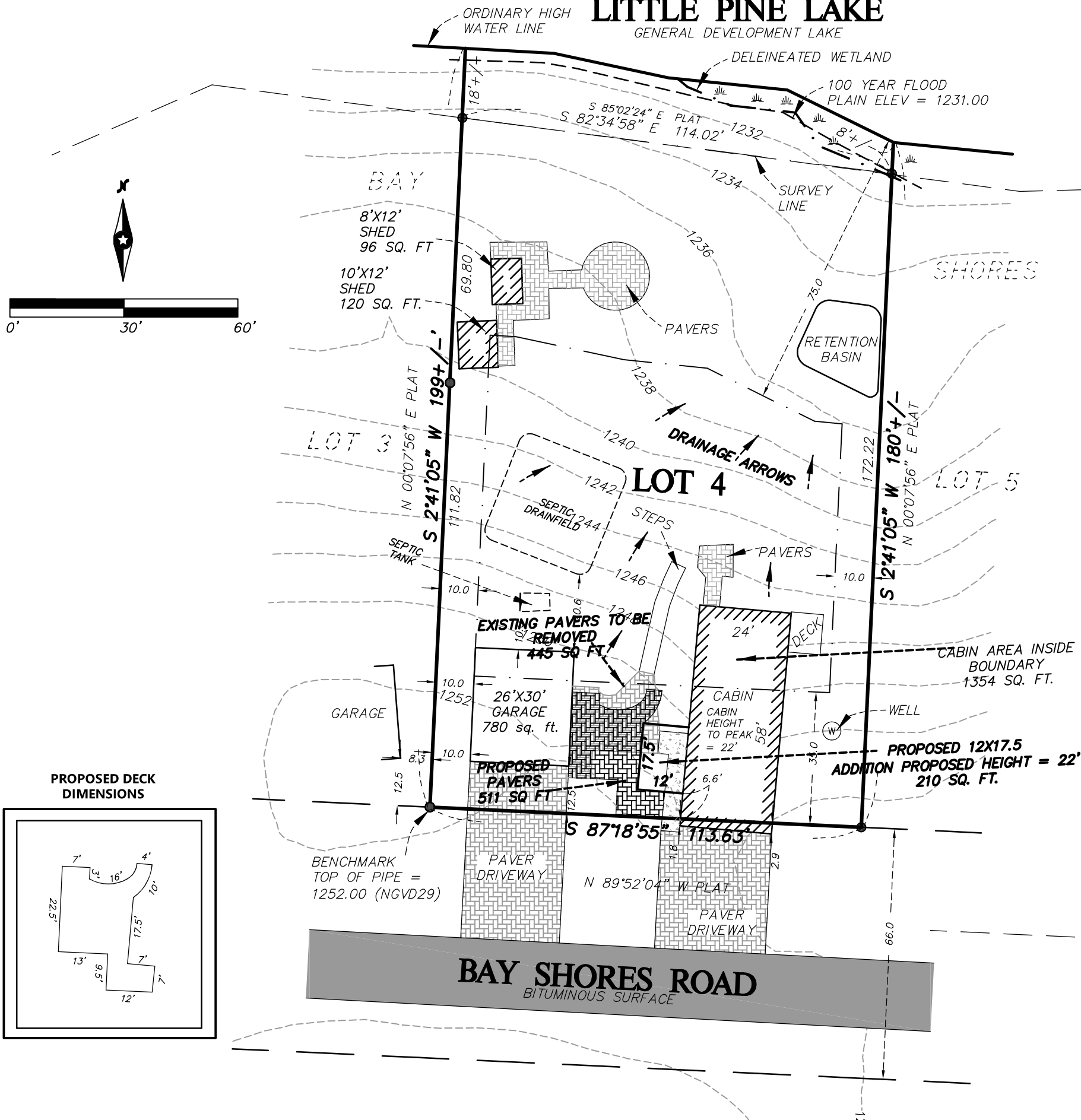
- 210 square foot dwelling addition
- 511 square foot patio where 445 were installed without a permit and are to be removed

As shown on the certificate of survey dated 4-16-2024

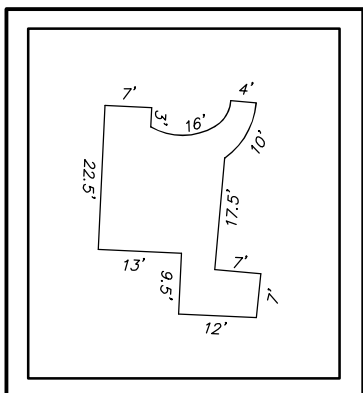


LITTLE PINE LAKE

GENERAL DEVELOPMENT LAKE



PROPOSED DECK DIMENSIONS



LEGAL DESCRIPTION: (PER DOCUMENT # 950806)

Lot Four (4), Block One (1), Bay Shores.
Crow Wing County, Minnesota.

GENERAL NOTES

- Bearings shown are based upon the Crow Wing County Coordinate System.
- The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.
- The wetlands were delineated by Brinks Wetland Service on 7/11/22.
- Total area of subject property: 22,064 Sq. Ft. / 0.50 Acres.
- Contours shown hereon are based on public data, NAVD 88.
- PID # 14020525
- 56 sq ft feet of Cabin is located in Right of Way.
- Zoning is Shoreland Residential.

| EXISTING IMPERVIOUS CALCULATIONS | | | |
|----------------------------------|---------------------------|----------------------|--------------------|
| EXISTING | IMPERVIOUS AREA (SQ. FT.) | GROSS AREA (SQ. FT.) | PERCENT IMPERVIOUS |
| BUILDINGS | 2,350 | 22,064 | 10.65% |
| PAVERS | 1,420 | 22,064 | 6.44% |
| CONCRETE | 124 | 22,064 | 0.56% |
| TOTAL | 3,894 | 22,064 | 17.65% |

| PROPOSED IMPERVIOUS CALCULATIONS | | | |
|----------------------------------|---------------------------|----------------------|--------------------|
| PROPOSED | IMPERVIOUS AREA (SQ. FT.) | GROSS AREA (SQ. FT.) | PERCENT IMPERVIOUS |
| BUILDINGS | 2,560 | 22,064 | 11.60% |
| PAVERS | 1,731 | 22,064 | 7.85% |
| CONCRETE | 32 | 22,064 | 0.15% |
| TOTAL | 4,323 | 22,064 | 19.59% |

LEGEND

- DENOTES FOUND MONUMENT
- DENOTES SET 1/2"x14" IRON PIPE WITH CAP # 50319

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.

Terry T. Strus

Terry T. Strus
Date: 4/16/24 License No. 50319

Date: 4/10/24

Lakes Area SURVEYING LLC.

24314 SMILEY ROAD, SUITE C
NISSWA, MN 56468
OFFICE (218) 961-0090

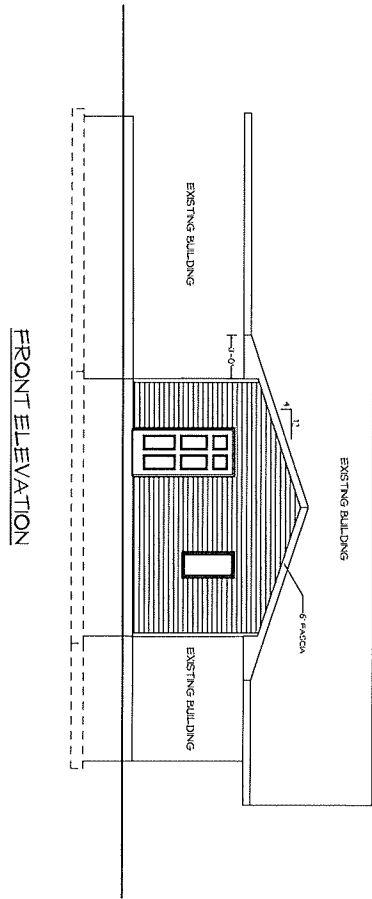
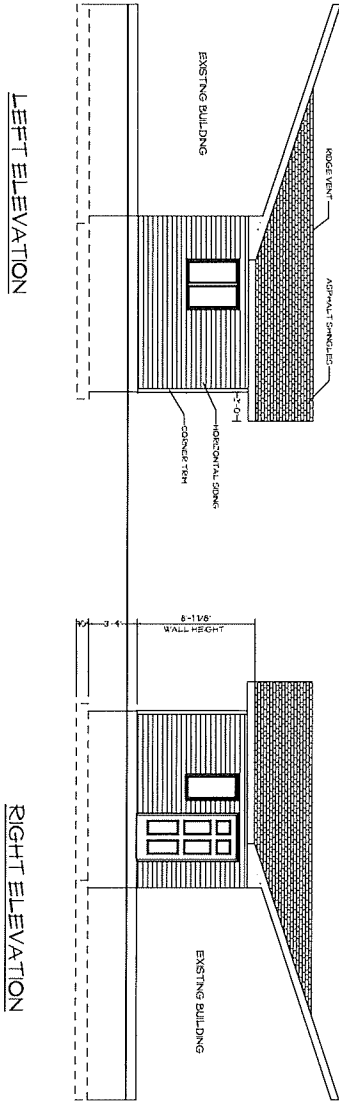


Crew: EAN/JJ
Checked: PDH
Drawn: TTS
Record Drawing by/date:

DALE LANGE

16402 BAY SHORES ROAD
CROSSLAKE, MN 56442

CERTIFICATE OF SURVEY



Copyright © 2023 Lumber One Avon, Inc.

| | |
|---------|-----------|
| Sheet # | 1 |
| Of | 3 |
| REV.1 | 12/8/2023 |
| REV.2 | 0/00/0000 |
| REV.3 | 0/00/0000 |
| REV.4 | 0/00/0000 |
| REV.5 | 0/00/0000 |
| REV.6 | 0/00/0000 |
| REV.7 | 0/00/0000 |
| REV.8 | 0/00/0000 |

Dale Lange

Lumber One Avon INC.



Lumber One Avon

10174 E 1st N.W., P.O. Box 7-A-Jen, MN 56216
Telephone (320) 356-7342 - Lic. # SC201420

Website: www.lumber-one.com
E-Mail: info@lumber-one.com

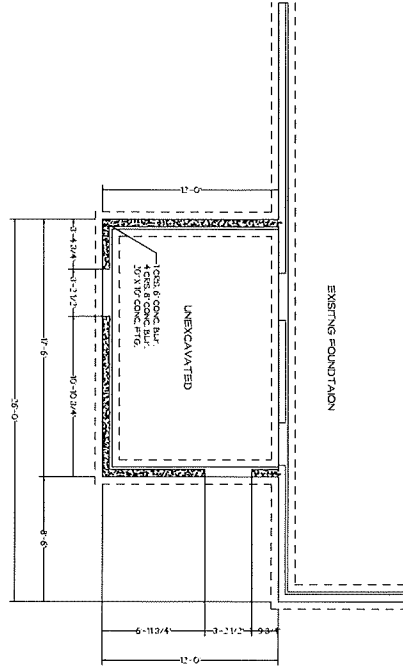
| | |
|-----------|--------------|
| Date: | 12/8/2023 |
| Drawn By: | Sam Kruchten |
| Job# | 23-0095 |

Elevation Plans

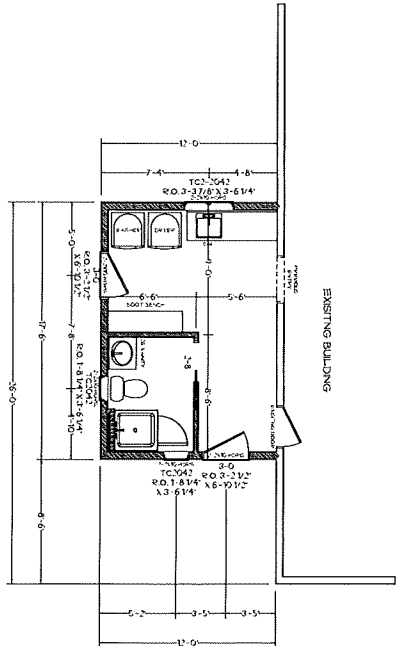
Scale 1/4" = 1'-0"
TOTAL SQ. FT. 0000

These plans, furnished by Lumber One Avon Inc, were prepared by experienced draftspersons who are not fully qualified as Architects or Engineers. Lumber One Avon Inc. expressly disclaims any liability whatsoever for errors or omissions of any kind that may be found on these plans.

FOUNDATION PLAN



FLOOR PLAN



Copyright © 2023 Lumber One Avon, Inc.

| | |
|---------|-----------|
| Sheet # | 2 |
| Of | 3 |
| REV.1 | 12/8/2023 |
| REV.2 | 0/00/0000 |
| REV.3 | 0/00/0000 |
| REV.4 | 0/00/0000 |
| REV.5 | 0/00/0000 |
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| REV.7 | 0/00/0000 |
| REV.8 | 0/00/0000 |

Dale Lange
Lumber One Avon INC.

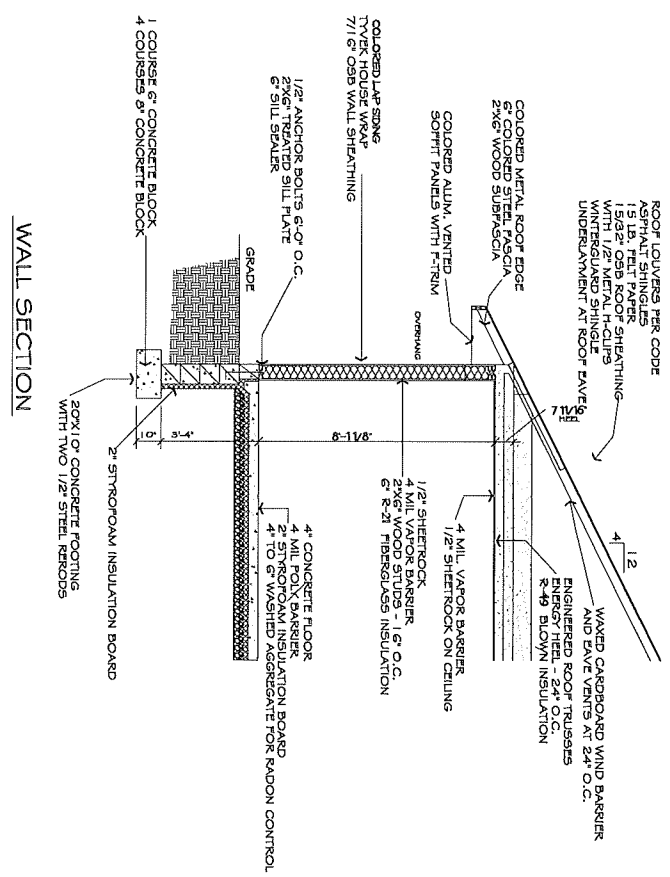


Date: 12/8/2023
Drawn By: Sami Kruchten
Job# 23-0095

Main Floor Plan
Scale 1/4" = 1'-0"
SQ. FT. 0000

These plans, furnished by Lumber One Avon Inc. were prepared by experienced draftspeople who are not fully qualified as Architects or Engineers. Lumber One Avon Inc. expressly disclaims any liability whatsoever for errors or omissions of any kind that may be found on these plans.

NOTE: 20' GALVANIZED METAL VALLEY FLASHING



WALL SECTION

| | |
|---------|-----------|
| Sheet # | 3 |
| Of | 3 |
| REV.1 | 12/8/2023 |
| REV.2 | 0/00/0000 |
| REV.3 | 0/00/0000 |
| REV.4 | 0/00/0000 |
| REV.5 | 0/00/0000 |
| REV.6 | 0/00/0000 |
| REV.7 | 0/00/0000 |
| REV.8 | 0/00/0000 |

Dale Lange
Lumber One Avon INC.

Lumber One Avon
 5124 Sycamore HWY., P.O. Box 7 Avon, IN 46001
 Telephone (219) 256-1312, L1, #32001820 Website: www.lumber-one.com
 E-Mail: info@lumber-one.com

Date: 12/8/2023
 Drawn By: Sam Kruchten
 Job# 23-0095

Detail Plans
 Scale 1/4" = 1'-0"
 SQ. FT. 0000

These plans, furnished by Lumber One Avon Inc. were prepared by experienced draftspersons who are not fully qualified as Architects or Engineers. Lumber One Avon Inc. expressly disclaims any liability whatsoever for errors or omissions of any kind that may be found on these plans.

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT (“Agreement”) is made and entered into as of February 12, 2024, by and between the **City of Crosslake**, a Minnesota municipal corporation (“Grantor”), and **Dale Lange, as Trustee of the Dale Lange Trust** (“Grantee”).

Recitals

- A. Bay Shore Road was dedicated to Grantor pursuant to the 1973 Bay Shores plat recorded in Crow Wing County.
- B. Grantee owns a parcel abutting the Bay Shore Road right-of-way, said parcel being legally described as Lot 4, Block 1, Bay Shores, Crow Wing County, Minnesota (“Grantee’s Land”).
- C. Prior to Grantee’s ownership of the Grantee’s Land, a cabin was constructed on Grantee’s Land such that a portion of the southern end of the cabin encroaches upon the Bay Shore Road right-of-way (the “Encroachment”), as more particularly shown on the drawing attached hereto as Exhibit A (the “Improved Area”).
- D. Grantee wishes to obtain a license for the right to encroach upon the Grantor’s Land specifically for the purposes set forth herein below and Grantor agrees to grant such license for the Encroachment in accordance with the terms and conditions herein described.

Agreement

In consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantee and Grantor, Grantee and Grantor agree as follows:

1. **Acknowledgement and Agreement Regarding Encroachment.** Grantee acknowledges and agrees that Grantee does not own any portion of Improved Area, that the Encroachment encroaches upon the Grantor's right-of-way, and that the boundary line between the north edge of the right-of-way and Grantee's Land is as shown on Exhibit A.

2. **License.** Grantor grants to Grantee a temporary license (the "License") to use the Improved Area for the benefit of the Grantee's Land to allow the above-referenced Encroachment to remain in its present location. Grantee (i) shall be responsible at all times for the maintenance and repair of the Encroachment and the Improved Area; (ii) shall not further expand the Encroachment onto the Grantor's right-of-way; (iii) shall not erect any other improvements on the Grantor's right-of-way; and (iv) shall use the Improved Area only to allow the Encroachment to remain in its present location.

3. **Termination of License.** The License is terminable at will by either party to this Agreement with 90 days' written notice. The license shall automatically terminate upon any major casualty or damage to or replacement or major renovation of the cabin located on Grantee's Land, or upon any major casualty or damage to the Improved Area. Upon termination, the Grantee shall remove the Encroachment from the Grantor's right-of-way within 120 days of said termination at Grantee's sole cost and expense in a manner reasonably acceptable to Grantor.

4. **Indemnity.** To the fullest extent permitted by law, Grantee, their successors and assigns, agree to release, defend and indemnify the Grantor, its agents, directors, employees and contractors against any and all claims, costs and liabilities, including the costs of defense for damages, injury or death arising from or in any way connected to the installation, maintenance, repair, removal and/or presence of the Encroachment permitted hereunder, regardless of whether such harm is to Grantee, the Grantor, the employees or officers of either or any other person or entity, except the indemnified parties shall not be liable under this paragraph for loss or damage to the extent resulting from the negligence or intentional acts of the indemnified parties.

5. **Notices.** Any notices required or permitted to be given under this Agreement must be in writing and shall be sent to the address set forth below (or any other address which is provided by one party to the other by notice pursuant to this provision) and must be given by United States mail, certified, return receipt requested, by overnight courier service or by hand delivery. Any notice shall be deemed effective only

upon actual receipt, but rejection or refusal by the addressee to accept delivery or the inability to accomplish delivery because the party can no longer be found at the current notice address, shall be deemed actual receipt.

If to Grantor: City of Crosslake
c/o City Clerk
13888 Daggett Bay Road
Crosslake, MN 56442

If to Grantee: Dale Lange Trust
20578 317th St.
Avon, MN 56310

6. **Governing Law.** This Agreement shall be governed and construed under the laws of the State of Minnesota. In connection with any legal proceeding arising out of or instituted to enforce the terms of this Agreement, the prevailing party shall be entitled to recover all costs incurred, including costs of collection and reasonable attorneys' fees, and including attorney's fees incurred in connection with any appeal of a lower court decision.

7. **Entire Agreement.** This Agreement constitutes the entire Agreement and understanding between the parties relating to the subject matter hereof. This fully integrated Agreement shall supersede, supplant, and replace all prior and contemporaneous negotiations, discussions, representations, agreements, and accords by and between the parties.

8. **Counterparts.** This Agreement may be executed in counterparts and each counterpart shall be considered an original, but all such counterparts together shall be considered only one document.

[signatures begin on following page]

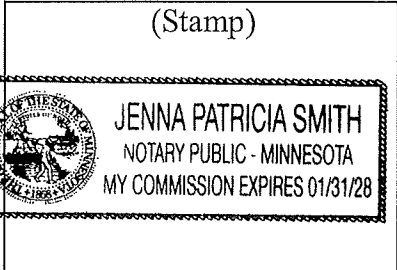
GRANTEE:

Dale Lange, as Trustee of the Dale Lange
Trust

By: [Signature]
Dale Lange, Trustee

STATE OF MINNESOTA)
) ss.
COUNTY OF Stearns)

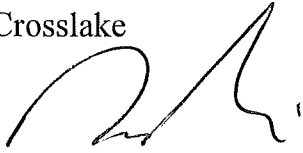
This instrument was acknowledged before me on February 28 2024, by
Dale Lange, Trustee of the Dale Lange Trust.

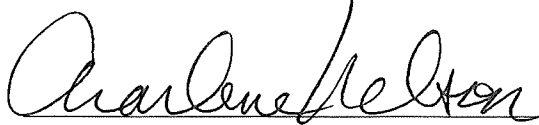


Jenna Smith
Notary Public

GRANTOR:

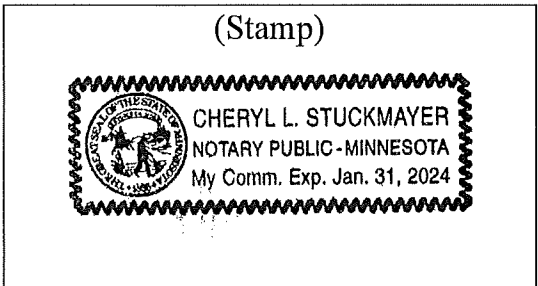
City of Crosslake

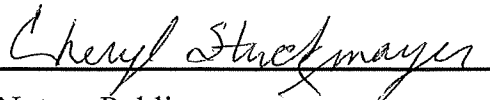
By: 
David Nevin, Mayor

By: 
Charlene Nelson, City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF CROW WING)

This instrument was acknowledged before me on 2 - 13
2024, by David Nevin and Charlene Nelson, Mayor and City Clerk,
respectively, of the City of Crosslake, a Minnesota municipal corporation.



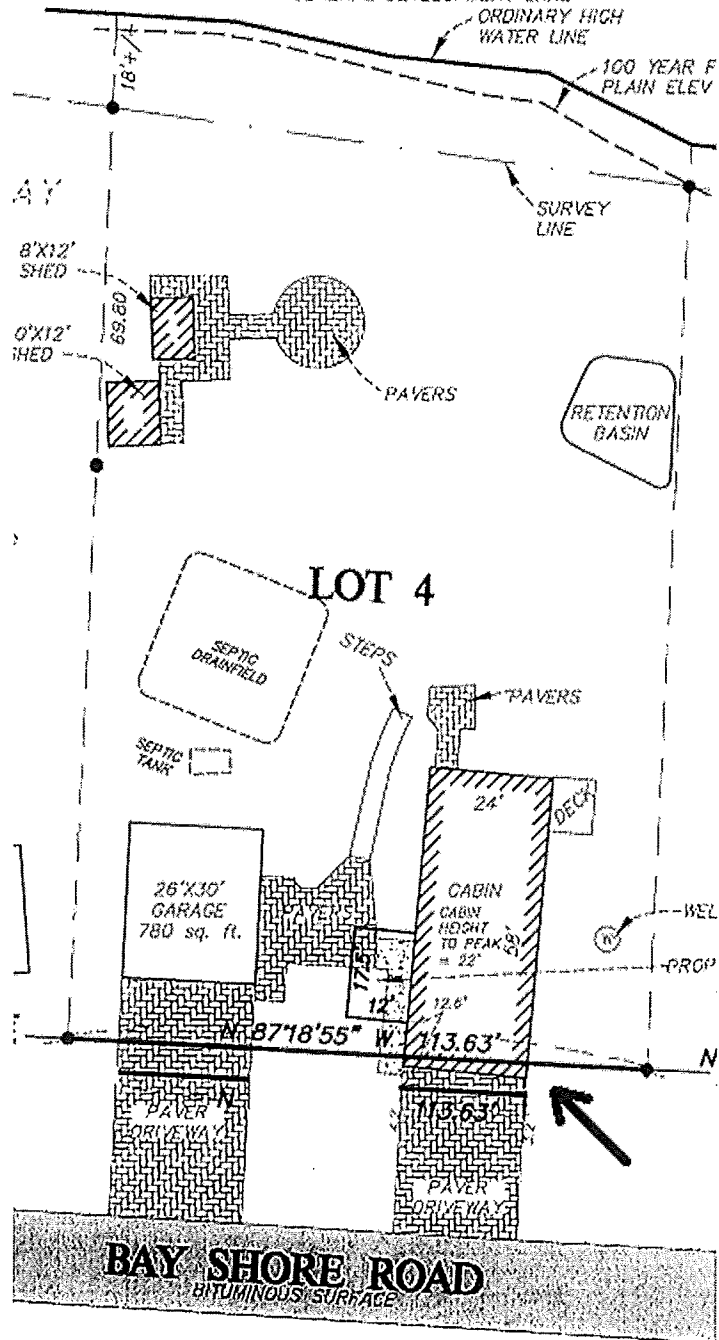

Notary Public

This instrument drafted by:
Ratwik, Roszak & Maloney, P.A.
444 Cedar Street, Suite 2100
St. Paul, MN 55101

EXHIBIT A

LITTLE PINE LAKE

GENERAL DEVELOPMENT LAKE



Document No.: 972958 ABSTRACT
07/05/2022 02:48 PM Total Pages: 3
Fees/Taxes In the Amount of: \$46.00
GARY GRIFFIN
CROW WING, MINNESOTA
County Recorder
Deputy: amberm

CITY OF CROSSLAKE PLANNING COMMISSION/BOARD OF ADJUSTMENT
VARIANCE

Following a public hearing conducted on 5-27-2022 the City of Crosslake Planning Commission/Board of Adjustment hereby approved the following variance(s) in accordance with provisions of the City of Crosslake Zoning Ordinance pursuant to the requirements of Minnesota Statute Chapter 462.

DALE LANGE TRUST is hereby approved for the following variance(s):

- Road right-of-way (ROW) setback of 12.5 feet where 35 feet is required to proposed detached garage
- Road right-of-way setback of 6.5 feet where 35 feet is required to proposed patio

To construct:

- 780 square foot detached garage
- 216 square foot patio

Per the findings of fact as discussed, the on-site conducted on 5-26-2022 and as shown on the certificate of survey received at the Planning & Zoning office dated 2-25-2022 for property located at 16402 Bay Shores Road, City of Crosslake

Conditions: None

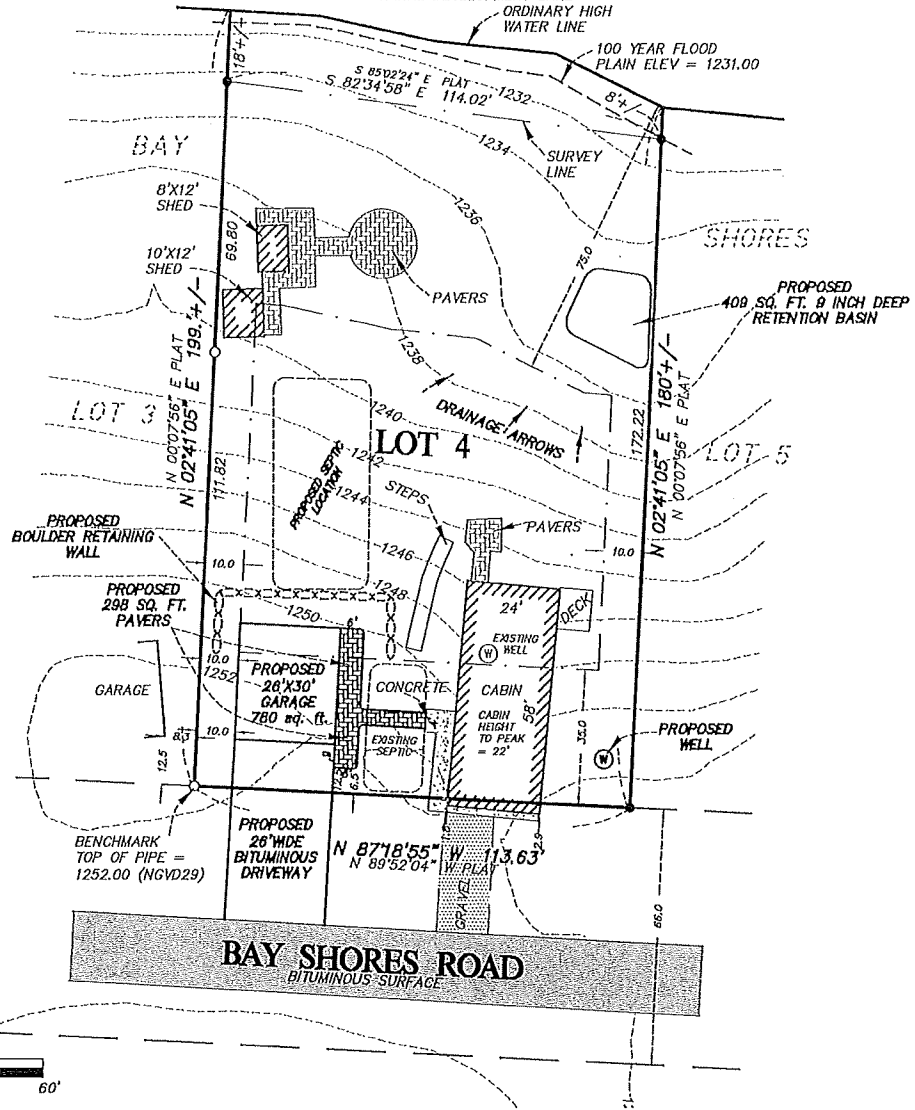
Chapter 26 – Land Use; Sec. 26-227 Variance Decision - Variances must be substantially completed within two years of receiving approval – the approval of this variance will expire on 5-27-2024

LITTLE PINE LAKE

GENERAL DEVELOPMENT LAKE

ORDINARY HIGH WATER LINE

100 YEAR FLOOD PLAIN ELEV = 1231.00



LEGAL DESCRIPTION: (PER DOCUMENT # 950806)

* South side of Proposed Garage will be at grade & north side will be a fill of 2'

Lot Four (4), Block One (1), Bay Shores.
Crow Wing County, Minnesota.

GENERAL NOTES

- Bearings shown are based upon the Crow Wing County Coordinate System.
- The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.
- No wetlands were delineated as a part of this survey.
- Total area of subject property: 22,064 Sq. Ft. / 0.50 Acres.
- Contours shown hereon are based on public data, NAVD 88.
- PID # 14020525
- 56 sq ft feet of Cabin is located in Right of Way.
- Zoning is Shoreland Residential.

| EXISTING IMPERVIOUS CALCULATIONS | | | |
|----------------------------------|---------------------------|----------------------|--------------------|
| EXISTING | IMPERVIOUS AREA (SQ. FT.) | GROSS AREA (SQ. FT.) | PERCENT IMPERVIOUS |
| BUILDINGS | 1,570 | 22,064 | 7.12% |
| PAVERS | 651 | 22,064 | 3.00% |
| CONCRETE | 124 | 22,064 | 0.56% |
| TOTAL | 2,355 | 22,064 | 10.67% |

| PROPOSED IMPERVIOUS CALCULATIONS | | | |
|----------------------------------|---------------------------|----------------------|--------------------|
| PROPOSED | IMPERVIOUS AREA (SQ. FT.) | GROSS AREA (SQ. FT.) | PERCENT IMPERVIOUS |
| BUILDINGS | 2,350 | 22,064 | 10.65% |
| PROP BITUMINIOUS | 325 | 22,064 | 1.47% |
| PAVERS | 945 | 22,064 | 4.28% |
| CONCRETE | 124 | 22,064 | 0.56% |
| TOTAL | 3,744 | 22,064 | 16.97% |

LEGEND

- DENOTES FOUND MONUMENT
- DENOTES SET 1/2"x14" IRON PIPE WITH CAP # 50319

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.

Terry T. Strus

Terry T. Strus
Date: 2/25/22 License No. 50319

Date: 2/10/22

Lakes Area
SURVEYING
LLC.
24314 SMILEY ROAD, SUITE C
NISSWA, MN 56468
OFFICE (218) 961-0090

Crew: EAN/JJ
Checked: PDH
Drawn: TTS
Record Drawing by/Date:

DALE LANGE

16402 BAY SHORES ROAD
CROSSLAKE, MN 56442

CERTIFICATE OF SURVEY

Sec. 26-310 Height of Structures

Unless otherwise specified, structures in the shoreland district shall not exceed 35 feet in height.

Sec. 26-311 Decks

Construction of new decks or replacement of existing decks shall require permits and comply with the following standards:

- (1) Decks adjacent to dwellings shall meet structure setbacks in Tables 26-308 A & B of this Article except as provided under Minnesota Rules Chapter 6120.3300 Subpart 3 J.
- (2) A 4 foot walkway, for access purposes, may be added without a variance lakeward and located closer than the required structure setback from the ordinary high water level. A permit shall not be necessary for a 4 foot walkway. A walkway shall be no wider than the existing structure.
- (3) Deck construction shall comply with all provisions of Articles 20 and 21 of this Chapter
- (4) Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.

Sec. 26-312 Patios

Patios placed within the structure setback require a shoreland alteration permit.

- (1) Patios within the structure setback shall comply with the following standards:
 - a) Not be located in shore impact zone 1 except as a water-oriented accessory structure according to Section 26-317;
 - b) Be free standing;
 - c) Have no railings;
 - d) Be a maximum of 250 square feet in size and allow up to 400 sq ft with an approved and implemented Stormwater Management Plan according to Article 20 of this ordinance;
 - e) Not be more than one foot below or above natural ground level; and;
 - f) Construction complies with all provisions of Articles 20 and 21 of this Chapter;
 - g) The maximum impervious surface limits for the lot shall not be exceeded.

- (2) Patios are allowed behind the structure setback without a permit provided that all setbacks are met and the property does not exceed the maximum allowable impervious surface standards.

PART I - CODE OF ORDINANCES

Chapter 26 - LAND USE

classifications overlap due to close proximity of public waters, the lake classification of the public water receiving more than 50% of the water flow from the parcel based on topography shall be used to determine the appropriate shoreland regulations according to this Chapter.

Sec. 26-46 Contractor Responsibility

Each contractor shall ascertain that all work done on the property of another person must have the proper permit to do such work. Failure of any such contractor to comply herewith shall be considered a violation of this Chapter and subject to the enforcement provisions of Section 26-71.

Sec. 26-47 Applicant Responsibility

Actions taken pursuant to permits granted under this chapter are the sole responsibility of the property owner or his/her agents. The City assumes no liability for any adverse effects to the property owner, or to third parties, caused by any actions taken pursuant to permits granted under this Chapter.

Sec. 26-48 Accessibility for Buildings and Facilities

Buildings and facilities required to provide handicapped accessibility shall comply with standards pursuant to Minnesota Rules, Chapter 1341.

Secs. 26-49—26-66 Reserved

ARTICLE 3 ADMINISTRATION

Sec. 26-67 Administration

The Administrator shall issue all approved permits and certificates under this chapter, either as authorized or as directed by the Planning Commission/Board of Adjustment. The Administrator shall interpret this Chapter, subject to appeal. The Administrator may delegate responsibilities as appropriate.

Sec. 26-68 Application for a Permit

- (1) **Scope of work subject to permitting.** Prior to engaging in any land use activity regulated under the provision of this Chapter, the owner of the property shall make application for the necessary permit or permits required by this Chapter. A permit or fee is not required for inside or outside residential maintenance provided the exterior dimensions of the structure remain the same.
- (2) **Issuing authority/Applicant responsibility.** A permit shall be issued by the Department only when the applicant has met all applicable requirements of this Chapter. An authorized agent of the owner may make application for the permit or permits. Conditional uses, variances, or permits will be processed by the City pursuant to procedures established within this Chapter. The accuracy and completeness of all permit applications and accompanying documents are solely the responsibility of the applicant. **No permit application will be approved for property on which there are unresolved violations, unless the permit will resolve the violation.**
- (3) **Other Permits.** The granting of any permit or variance under provisions of this Chapter shall in no way affect the landowner's responsibility to obtain the approval required under any federal or state statute, Chapter, or legislation of any state agency or state subdivision thereof. Approval may be expressly given in conjunction with other permit(s) applied for, but no approval shall be implied from the granting of any City permits nor from the necessity to apply for a permit described in this Chapter.
- (4) **Application information requirements.** The application for any permit, including public hearing requests, required under this Chapter shall include:
 - a) The legal description of the property.

From: [Joseph J. Langel](#)
To: [Cross Lake PZ](#)
Cc: [Paul Satterlund](#); jerry.bohnsack@gmail.com
Subject: RE: Dale Lange
Date: Wednesday, March 13, 2024 4:48:20 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hi Cheryl,

Peter stated that no application can be accepted where there exists an unresolved violation, that being the fact that the cabin sits, in part, within the Bay Shores Road right-of-way. That violation has been resolved with the encroachment agreement.

Now the City can view the application to determine if any other issues must be addressed. You indicated there are other items. I do not know what they are other than structure setback from the ROW. I understand that the structure setback is 35 feet from Bay Shores Road. That being the case, his proposed addition is entirely within the setback. His variance application appears to address that issue and it can proceed through the variance process on the merits unless there are other violations I am not aware of.

Joe

Joseph J. Langel

Ratwik, Roszak & Maloney, P.A.
444 Cedar St., Suite 2100
St. Paul, MN 55101-1865
Ph: 612-339-0060 | Fax: 612-339-0038
Web: www.ratwiklaw.com

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From: Cross Lake PZ <crosslakepz@cityofcrosslake.org>
Sent: Wednesday, March 13, 2024 4:04 PM
To: Joseph J. Langel <jjl@ratwiklaw.com>
Cc: Paul Satterlund <psatterlund@cityofcrosslake.org>; jerry.bohnsack@gmail.com
Subject: FW: Dale Lange

Please see the email below that I sent you on March 6th. I have included Paul the new P&Z Administrator and Jerry. I received the variance application and I do not want to accept it as complete until I receive verification from you concerning the email below. There are also other items on the variance request that will need to be addressed as well.

Please reply to all. Thank you Joe.

Respectfully,

Cheryl

Planner – Zoning Coordinator

Crosslake Planning and Zoning Department
13888 Daggett Bay Rd
Crosslake, MN 56442

Office: (218) 692-2689
Fax: (218) 692-2687
Email: crosslakepz@cityofcrosslake.org
Website: www.cityofcrosslake.org

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From: Cross Lake PZ
Sent: Wednesday, March 6, 2024 9:50 AM
To: Joseph J. Langel <jjl@ratwiklaw.com>
Subject: RE: Dale Lange

Attached is:

- * letter that Peter Gansen sent him for his first attempt at a house variance addition
- * his variance survey he submitted

As stated on the attached survey he is looking for a variance for a 12x17.5 addition all within the ROW setback.

Also, as stated in Pete's attached letter:

You must first address & resolve the encroaching building that is with the City's Right of Way.

To the best of my memory: At the DRT meeting Pete stated to Dale that he was not allowed to add onto a structure that is not entirely within his property, requiring a variance (like this one) or even meeting setbacks. Again, it was my understanding from the DRT that Pete was informing Dale that he either needed to move the structure onto his property, cut it off or get a road vacation for the section that was in the ROW, so that the entire structure was on his property. After that he could do an addition to meet setbacks or ask for a variance.

I am asking for clarification that the "Encroachment Agreement" that was written up, now allows him to proceed to do additions to that structure, be it by meeting setbacks or variance, even though it is not entirely on his property.

Thank you Joe.

Respectfully,

Cheryl
Planner – Zoning Coordinator
Crosslake Planning and Zoning Department
13888 Daggett Bay Rd
Crosslake, MN 56442

Office: (218) 692-2689
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From: Joseph J. Langel <jjl@ratwiklaw.com>
Sent: Tuesday, March 5, 2024 2:00 PM
To: Cross Lake PZ <crosslakepz@cityofcrosslake.org>
Subject: RE: Dale Lange

Hi Cheryl,

Remind me, what was the reason for needing a variance in the first place?

It's a non-conforming structure because of the setback issue, but "expansions that meet setbacks and other provisions of this ordinance shall not require a variance." *Sec. 26-138(1)*.

Joseph J. Langel

Ratwik, Roszak & Maloney, P.A.

444 Cedar St., Suite 2100

St. Paul, MN 55101-1865

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From: Cross Lake PZ <crosslakepz@cityofcrosslake.org>

Sent: Tuesday, March 5, 2024 1:26 PM

To: Joseph J. Langel <jjl@ratwiklaw.com>

Subject: Dale Lange

Good afternoon Joe,

I would like you to verify that Dale Lange, who you wrote up an "Encroachment Agreement" for off of Bay Shores Rd, is now able to ask for a variance to add onto his home that is encroaching into the city's road right-of-way.

Thank you for your clarification. I will include your response in our city variance application file.

Respectfully,

Cheryl

Planner – Zoning Coordinator

Crosslake Planning and Zoning Department

13888 Daggett Bay Rd

Crosslake, MN 56442

Office: (218) 692-2689

Fax: (218) 692-2687

Email: crosslakepz@cityofcrosslake.org

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Variance Application

Planning and Zoning Department
13888 Daggett Bay Road, Crosslake, MN 56442
218.692.2689 (Phone) 218.692.2687 (Fax) www.cityofcrosslake.org

Receipt Number: 244101 \$750 Permit Number: 240019V

Property Owner(s): Dale Lange Trust
Mailing Address: 20578 377th St Avon MN 56310
Site Address: 16402 Bayshores Rd Crosslake MN 56442
Phone Number: 320-250-4918
E-Mail Address: digger.dale@hotmail.com
Parcel Number(s): 141-040-010-040-009 14020525
Legal Description: Lot 4, Block 1, Bay Shores
Sec 2 Twp 137 Rge 26 27 28
Lake/River Name: Little Pine Lake
Do you own land adjacent to this parcel(s)? Yes X No
If yes list Parcel Number(s)
Authorized Agent:
Agent Address:
Agent Phone Number:

Variations (Check applicable requests)
Lake/River Setback
[X] Road Right-of-Way Setback
Bluff Setback
Side Yard Setback
Wetland Setback
Septic Tank Setback
Septic Drainfield Setback
Impervious Coverage
Accessory Structure
Building Height
[X] Patio Size

Signature of Property Owner(s) [Signature] Date 11-27-23
Signature of Authorized Agent(s) Date

- All applications must be accompanied by a signed Certificate of Survey
Fee \$500 for Residential and Commercial Payable to "City of Crosslake" \$750.00 + \$6.00 copies
No decisions were made on an applicant's request at the DRT meeting. Submittal of an application after DRT does not constitute approval. Approval or denial of applications is determined by the Planning Commission/Board of Adjustment at a public meeting as per Minnesota Statute 462 and the City of Crosslake Land Use Ordinance.

For Office Use:
Application accepted by [Signature] Date 4/4/24 Land Use District SD
Lake Class GD Septic: Compliance na SSTS Design na Installation 8/20/2022



Practical Difficulty Statement

Pursuant to City of Crosslake Ordinance Article 8 – Variances may be granted when it is found that strict enforcement of the Land Use Ordinance will result in a “practical difficulty”.

Please answer the following questions regarding the “practical difficulty” for your variance request.

1. Is the Variance request in harmony with the purposed and intent of the Ordinance?

Yes No

Why:

Defer to the Planning Commission/Board of Adjustment

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why:

Defer to the Planning Commission/Board of Adjustment

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 property is a lake lot with a house located to close to the road rightaway. We would like to add an entry way addition to allow for a more spacious entry that would allow for more storage and laundry room. Also adding a entry door for the second bedroom which presently the only way in is from the first bedroom.

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

Yes No

Why: By adding the addition (larger entry way / Laundry) it will allow us to have more space and this will absolutely maintain the essential character of the neighborhood.

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

Yes No

Why: The previous owner built a 24x24 garage in 1982, 30' from the gravel road edge, later converting this garage into a 2nd bedroom cabin. In 2009 a 24x24 addition was added along with a 10x24 porch. As a result the main entry door is closer to the 35' setback, so the road setback is needed for the entry way addition.

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

Yes No

Why: By adding the entry way addition we will be able to move the washer & dryer out of the 2nd bedroom closet, create an entrance for that 2nd bedroom, add more storage and create a much more spacious entry.



City of Crosslake Planning Commission/Board of Adjustment

FINDINGS OF FACT

SUPPORTING / DENYING A VARIANCE REQUEST

A Variance may be granted by the Planning Commission/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 Chapter 462. The Planning Commission/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:

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why:

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

Yes No

Why:

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

Yes No

Why:

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

Yes No

Why?

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

Yes No

Why: