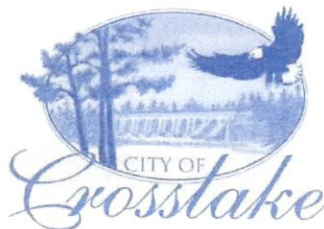


City Hall: 218-692-2688  
Planning & Zoning: 218-692-2689  
Fax: 218-692-2687



37028 County Road 66  
Crosslake, Minnesota 56442  
www.cityofcrosslake.org

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### ADMINISTRATIVE DECISION

**APPLICANT NAME:** Donald and Nancy Skaar

**PROPERTY LOCATION:** 36622 Timber Lane  
Crosslake, MN 56442  
PID: 1418550

**APPLICANT REQUEST:**

**ISSUE:** Whether variance condition #3 for the variance approved in 2004 (#2004-022) should be enforced as written for the above property based on a public complaint.

**FACTS:** Variance #2004-022 was approved on 8/27/2004. The approval was for a variance to construct a home exceeding the 25% impervious coverage maximum allowed in R-3 (at the time of the existing Crosslake Land Use Ordinance) among other variance approvals. The approved variance contained a condition (#3) that stated that "the existing parking area shall not be paved." Crosslake Planning and Zoning received an anonymous complaint on 6/14/2019 in which the complainant stated that the driveway for the above property has recently been paved, and therefore is in violation of the variance condition. A property visit was conducted on 6/17/2019 and it was confirmed that the driveway had recently been paved. The appearance and construction of the paved driveway appeared professional and the driveway is no wider than the previous gravel driveway. There also appeared to be other paved driveways in the immediate vicinity as well.

**ANALYSIS:** Because both gravel and bituminous (or paver/brick) driveways function the same in both cases (i.e., concentrated and repeated traffic used to access a property), and both are not engineered designed to be "pervious", there is no difference in terms of the way water sheds off of both different types of surfaces. Therefore, the variance condition (#3) that prevents the driveway from being paved does not serve the intended function of preventing increased impervious surfaces. Both surfaces in this capacity are indeed "impervious" as constructed.

**DECISION:** Allow the paved driveway to exist without exercising an enforcement action on the paved driveway as a violation of variance condition #3 from variance #2004-022 approval.

This Administrative Decision is limited to the facts of this particular property.

\_\_\_\_\_  
Name /Signature of Zoning Administrator

\_\_\_\_\_  
6/24/2019  
Date

September 30, 2004

Gene & Audrey Andersen  
617 Lake St.  
Prescott, WI 54021

**RE: Variance 2004-022**  
**PID: 141790010030009**

Dear Mr. and Mrs. Andersen:

This letter serves to advise you that at the Crosslake Planning and Zoning Commission/Board of Adjustment meeting of August 27<sup>th</sup>, 2004, Variance 2004-022 was APPROVED. The approved variance allows the applicant to 1) construct a home exceeding the 25% impervious coverage allowed in an R-3, Residential Medium Density zoning district, and to 2) construct a home within the required 35 ft. setback from a private road in an R-3, Residential Medium Density zoning district.

The following conditions were placed upon the approval of Variance 2004-022:

- 1) Construction shall be completed in full accordance with the plans submitted for the variance application.
- 2) Erosion control measures shall be put in place until construction is completed and revegetation is established.
- 3) The existing parking area shall not be paved.

Please note that this approval does not serve as a zoning (building) permit. These conditions shall be placed upon the permit number B2004346, which was issued on September 7, 2004. Please contact the Planning and Zoning Department at (218) 692-2689 with any questions.

Sincerely,

Carie A. Fuhrman  
Planner-Zoning Coordinator

CC: Property file