



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: _____ Permit Number: _____

Property Owner(s): _____

Mailing Address: _____

Site Address: _____

Phone Number: _____

E-Mail Address: _____

Parcel Number(s): _____

Legal Description: _____

Sec _____ Twp 137 Rge 26 / 27 / 28

Lake/River Name: _____

Do you own land adjacent to this parcel(s)? ____ Yes ____ No

If yes list Parcel Number(s) _____

Authorized Agent: _____

Agent Address: _____

Agent Phone Number: _____

<u>Variations</u>	
(Check applicable requests)	
<input type="checkbox"/>	Lake/River Setback
<input type="checkbox"/>	Road Right-of-Way Setback
<input type="checkbox"/>	Bluff Setback
<input type="checkbox"/>	Side Yard Setback
<input type="checkbox"/>	Wetland Setback
<input type="checkbox"/>	Septic Tank Setback
<input type="checkbox"/>	Septic Drainfield Setback
<input type="checkbox"/>	Impervious Coverage
<input type="checkbox"/>	Accessory Structure
<input type="checkbox"/>	Building Height
<input type="checkbox"/>	Patio Size
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

Signature of Property Owner(s) _____ Date _____

Signature of Authorized Agent(s) _____ Date _____

- All applications must be accompanied by a signed Certificate of Survey
- Fee \$750 for Residential and Commercial Payable to “City of Crosslake”
- 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 _____ Date _____ Land Use District _____

Lake Class _____ Septic: Compliance _____ SSTS Design _____ Installation _____



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: _____

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: _____



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?

Defer to the Board of Adjustment

2. Is the Variance consistent with the Comprehensive Plan?

Defer to the Board of Adjustment

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

Why?

Yes, the property is a lake lot on a corner with two road setbacks. This makes the lot unable to meet the setback requirements. The owner wants to attach a garage, and put a guest cottage above. This will combine the contents of three existing buildings, (two of the buildings are currently located on the road right of way) into one garage. It will also allow the storage of boat trailers inside. Because of the lot building envelope of the property there is no other location available to build a garage without encroaching on the lake or the drain field.

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

Why?

Yes, by building this garage it will allow me to remove the three other existing storage buildings, and combine the contents into only one building. Two of the buildings that will be removed are on the current road right of way. The new triple garage will match the three adjacent garage properties of the neighbors. The three neighbors have an attached single garage, a triple garage and an attached four-place garage. By combining the old storage buildings into one attached garage this will 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?

Why?

Yes, a previous owner built the cabin in the 1940's before the zoning codes or road setbacks existed. As a result the cabin is located and situated in such a way as to make it hard to build an attached garage without locating it closer to the lake or encroaching on both of the road setbacks.

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

Why?

Yes, by building a new attached garage I will be able to eliminate the encroachment of the old existing single garage and the metal storage building on Harbor Trail (Rush Lake Avenue) right of way. The new building will need a variance for the road setback, but the new building will be significantly farther away from the current Road than the existing buildings. By placing the attached garage where I propose, it is located as far from the lakeshore as possible. I would much rather encroach on the road setback than build closer to the lakeshore.

CITY OF CROSSLAKE

APPLICATION AND CERTIFICATE OF SURVEY SUBMITTAL REQUIREMENTS

When the application (must be completed in ink) and all items on all accompany pages have been completed; you can mail or deliver the information to the Crosslake Planning and Zoning Office, Crosslake City Hall, 13888 Daggett Bay Road, Crosslake, MN 56442. The appropriate non-refundable application fee must accompany all applications. Please make check payable to "City of Crosslake". **Incomplete applications will not be accepted and will be returned to the applicant(s).**

ITEMS BELOW SHALL BE SHOWN ON THE CERTIFICATE OF SURVEY

This checklist is to be used by the Land Surveyor as guidance when preparing a Certificate of Survey for submittal. A Certificate of Survey submittal shall be certified and signed by a Minnesota Licensed Land Surveyor with the date of the survey, the license number, address and telephone number of the Surveyor shown thereon. The existing conditions information shall be located by field observations during the survey and shown on the Certificate of Survey. A copy of this checklist shall be signed by the surveyor, owner/agent and included with all submittals to the City of Crosslake.

- Full legal description of the property. A copy of the recorded deed showing the legal description and owner shall be included with the submittal.
- Boundary lines of the property. All lines related to the legal description need to be shown. Boundary lines are to be labeled with the length to the nearest one-hundredth of a foot and the bearing to the nearest second. Boundaries of the property shall be tied to the Crow Wing county coordinate system with a coordinate and bearing relationship shown on the Certificate of Survey.
- Property boundaries shall be monumented.
 - Monuments shall be set at all property corners, angle points, points of curvature, right-of-way lines and intersections with water features and along the boundary lines to allow these lines to be visible for construction and inspection. The maximum distance between monuments shall be 200 feet.
 - Monuments found in place shall describe the size, type and its relationship to the surface of the ground. All monuments found in place shall be shown as a solid circle on the Certificate of Survey.
 - Monuments established by this survey shall conform to state requirements and be shown on the Certificate of Survey as an open circle.
- The following **existing and proposed** condition information shall be located by field observations during the survey and shown on the Certificate of Survey. This information shall be included for the property surveyed and adjoining property within 25 feet of the property lines:
 - Location and perimeter dimensions, to the nearest foot, of all structures, including principal buildings, outbuildings, sheds, decks, fences and signs
 - Location of the septic system (2 soil borings per proposed lot)
 - Location of the well(s)
 - Location of retaining walls(s)
 - Location of visible utilities including pedestals, poles, transformer boxes, etc.
 - Location of ingress, egress drives and parking areas
 - Location of and dimensions of all easements affecting the property
 - Location of all other impervious areas, such as sidewalks, patios, stairways and lifts
 - Topographical data including elevations to depict a 2-foot contour interval with spot elevations to show the lowest floor elevation of all structures and the lowest adjacent grade of all structures to the nearest tenth of a foot; elevations shall be on NGVD 1929 datum
 - Site drainage (flow arrows)
 - Location along with written report or statement that none exist of all wetlands on the property; wetlands shall be delineated by a certified wetland specialist

- Location of the ordinary high water (OHW) line, if the property adjoins public water. This line shall be located by elevation and tied to the boundary lines of the property; a bench mark shall be established on the property
- Location of any visible encroachments from or onto the property
- Nonconforming structure setbacks including all pertinent dimensions
- Location and width of adjoining public streets, public and private roads and easements
- Location of significant vegetation that would be affected by the application (for example on bluffs, steep slopes & SIZ1)
- Location of any steep slopes or bluffs on the property in accordance with the current definition by the city; both the toe and top of the bluff shall be shown and labeled including all pertinent dimensions and setbacks of nonconforming structures to such
- Location of all floodplain zone boundaries
- The current zoning classification of the property and adjoining properties
- Nearest lake and/or river labeled and classification if riparian (if non-riparian a note/statement of such)
- Building envelope (buildable area total square foot/acreage noted and setback shown)
- Area of property: gross area to be measured to the nearest square foot along with the acreage measured to the nearest one-hundredth of an acre; the net area, exclusive of wetlands, bluffs and easements shall be shown to the nearest square foot
- Impervious surface calculations: The total area, in square feet and as a percentage of the total lot area, shall be shown for both the existing and proposed impervious surfaces of the property
- The E911 address and the tax Property Identification Number (PID as shown on your tax statement) for the property
- North arrow, basis of bearings, vertical datum, written scale and bar scale shall be shown; the scale of the drawing shall be of a size to legibly depict all items required; more than 1 sheet may be used
- Drawing sheet size shall not exceed 11x17 inches
- Other items that are deemed significant and that could affect the property or adjoining properties by the proposed application as deemed necessary by the Planning & Zoning Administrator, Planning and Zoning Commission, and/or City Council.

OTHER APPLICATION REQUIREMENTS TO BE MET

- All applicants and/or authorized agents are required to attend a Development Review Team meeting prior to submitting a complete application. No decisions will be made on an applicant's request at the DRT meeting. Submittal of an application after DRT does not constitute approval. Approval or denial of application is determined by the Planning Commission/Board of Adjustment at a public meeting as per Minnesota Statute 462 and the City of Crosslake Zoning Ordinance.
- The application must be submitted in the current property owner's name. If using an agent, an "Authorized Agent Form" must be submitted with the application. The land owner or agent must sign the application. Agent can be a family member, licensed builder and/or licensed surveyor(MN Statue 326B.85)
- Submittal of 12 copies of the certificate of survey, scaled to fit 11x17 inch sheet.
- Upon acceptance of the Certificate of Survey submittal, a digital copy in PDF format shall be submitted to the city.
- A current certificate of compliance (C.O.C) for your septic system(s) or a septic system design is required. A (C.O.C) is needed for any application not proposing a new sewer structure, altering an existing structure or added bedroom(s) in an existing structure. If you application proposed any or all of these three listed items, then a new septic system design must be submitted showing room on your lot for a septic system that will meet sizing requirements for the proposed construction. If you apply between Nov. 1 – April 30 and the ground is frozen so a compliance inspection cannot be done then a Septic Compliance/Inspection Agreement must be submitted in lieu of a current (C.O.C).
- Building elevation drawings of effected buildings and Cut and Fill calculations with drawings shall be included with the application(s).

- Stormwater management; flow direction of runoff water and location for storage of runoff water with runoff calculations meeting drainage and stormwater management requirements of the city ordinance Article 20
- Complete the Practical Difficulty Statement and submit with the application
- Stake your property lines, lot corners and flag the proposed project area(s) so they are clearly visible to the Planning Commission/Board of Adjustment commissioners for the on-site.
- No-maintenance shoreline buffer according to Article 19 of the City of Crosslake Code of Ordinances.
- If your application is approved, you must still obtain all necessary permits before starting your project(s).
- The applicant is responsible for securing any other local, state or federal permits that may be required. If the application involves work in wetlands, additional permits and approvals will be required to comply with the Minnesota Wetland Conservation Act and U.S. Army Corps of Engineers regulations.

The administrator shall have discretion to determine whether an application may be forwarded to the Planning Commission/Board of Adjustment (PC/BOA) without an accompanying Certificate of Survey. A determination by the Administrator that a Certificate of Survey is not necessary shall be made in writing. The determination shall specifically set forth the facts upon which the determination was made.

The applicant or agent hereby makes application agreeing to do all such work in accordance with all City of Crosslake Ordinances. Applicant or agent agrees that the application, site plan and other attachments submitted herewith are true and accurate. Applicant or agent agrees, that submitting an application grants permission to the City of Crosslake, at reasonable times to enter applicant's premises to determine compliance of that application with any applicable county, state or federal ordinances or statutes. If any of the information provided by the applicant in his/her application is later found or determined by the City to be inaccurate, the City may revoke the permit/approval based upon the supply of inaccurate information.

I have fully read and fully understand the above instructions. I hereby swear that all information provided in this application is true and correct.

Surveyor Signature _____

MN License No. _____ Date _____

Owner/Agent Signature _____ Date _____

Proper preparation of the Certificate of Survey will aid the Planning Commission/Board of Adjustment and staff. A negative answer to any of the above items may prompt the commission to request additional information from the applicant. The City of Crosslake reserves the right to reject any Certificate of Survey submittal deemed incomplete because of omitted or incomplete information.