



## STATED MINUTES

### City of Crosslake Planning Commission/Board of Adjustment

December 7, 2018  
10:00 A.M.

Crosslake City Hall  
37028 County Road 66  
Crosslake, MN 56442

1. Present: Chair Aaron Herzog; Mark Wessels; Joel Knippel; Mark Lindner; Alternate Bill Schiltz; and Liaison Council Member Dave Nevin
2. Absent: Matt Kuker
3. Staff: Jacob Frie, Environmental Services Supervisor; Jon Kolstad, Environmental Services Specialist and Cheryl Stuckmayer, Customer Service Specialist
4. 11-20-18 Minutes & Findings – **Motion by Lindner; supported by Knippel to approve the minutes & findings as written. All members voting “Aye”, Motion carried.**
5. Old Business
  - 5.1 None
6. New Business
  - 6.1 Ronald J & Lori G Lee – Variance for a bluff setback
7. Other Business
  - 7.1 Staff Report
8. Open Forum
9. Adjournment

**Ronald J & Lori G Lee  
142090020060009**

Herzog announced the variance request and invited Johnson of Miller Construction, Inc, the applicant's builder and representative to the podium. Kolstad read the variance request, project details, no comments received, slight impervious increase, history of the parcel and the surrounding parcel history into the record. Herzog asked Johnson if he had any additional information he would like to add to Kolstad's statement. Johnson stated the project details and square foot requested. Nevin questioned the angle of the bluff setback line, with Kolstad explaining the proposed deck location and the existing versus the proposed new deck setback. Nevin brought up some history of the past variance requests concerning bluff setbacks, with a discussion following on that subject. The deck details were discussed by the commissioners, the city council liaison, staff and the owner's representative, Johnson. Lindner wanted clarification on the stormwater plan with Johnson stating the details of the plan that was submitted with the application. On-site, December 7, 2018 showed the line of site with the neighboring structures were relatively the same. Herzog opened the public hearing. Lowe, adjoining north property line owner, stated that the runoff is not an issue with the sandy type ground in the area and that he was in favor of the project, as it would be good for the neighborhood. Herzog closed the public hearing. Herzog asked if any of the commissioners had additional questions, but none were forthcoming. Herzog requested Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question.

**December 7, 2018 Action:**

**Motion by Schiltz; supported by Lindner to approve the Variance for:**

- **Bluff setback of 3.7 feet where 30 feet is required to proposed structure additions**

**To construct:**

- **168 square foot dwelling addition where 103.5 square feet are within the bluff setback**
- **108 square foot deck addition**

**Per the findings of fact as discussed, at the on-site conducted on 12-7-18 and as shown on the Certificate of Survey received at the Planning & Zoning office dated 11-12-18 located at 12509 White Island Drive, Crosslake, MN 56442**

**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 12-7-20.**

- 1. Level off and remove the drainage trench area along the south property line.**

**Findings: See attached**

**All members voting “Aye”, Motion carried.**

**Other Business:**

1. Staff report
  - a. Monthly city council report to be handed out at the 12-28-18 regular meeting
  - b. Development Review Team (DRT) has 1 December monthly meeting scheduled
  - c. 4 additional December public hearing application(s)
    - 2 Variance Applications
    - 1 Metes & Bounds Application
    - 1 Preliminary Plat Application
  - d. Frie inquired as to the possible interest in having a training session involving the subject of “good findings” in early 2019 presented by an attorney; commissioners were in favor
  - e. Results of the research pertaining to property line marking are as follows:

**Discussion between Frie & Person -**

1.) Person feels at a minimum we do need to add additional language to the first-page of permits that includes at least a disclaimer statement, mentioning that *staff field review does not substitute for a valid survey by a licensed surveyor*, etc... Person indicated that he could potentially craft this language, and that this likely wouldn't need an ordinance change because it would be standard legal verbiage for land use permits like this.

2.) Person feels that we should also look at either

a.) having staff have the administrative authority to mandate a survey where they feel it's necessary [in all other cases not require it...], or the reverse,

b.) having all permits require a survey UNLESS staff administratively feels it does NOT need one.

Kolstad did provide feedback to Person indicating that based on the number of overall permits approved in the last 3 years and how many times this has been an issue, that staff would prefer to go with option “a” as this appears to be more of the exception rather than the rule.

**Land Use Permits Issued by Year\***

2015	2016	2017	2018
169	187	217	163

**\*NOTE:** To date, Staff only recalls two permits that were issued that it was later determined that the setbacks were not met and the property owner had to come in for an After-the-Fact Variance.

3.) Person asked if Kolstad could do research in the ordinance to see if we already have something in there that allows staff to require a survey upon request from staff. If it's not in the ordinance, then we could not put a statement about that on the permit language unless it's a provision in the ordinance (i.e., an ordinance revision would be necessary).

**Current Ordinance Language:**

**Article 3, Section 26-68 Application for a Permit, (5) Certificate of Survey States:**

*The Administrator may require a certificate of survey with any permit application required by this Chapter, including variance, land use reclassification, and conditional use permit applications, upon a determination by the Administrator that such a survey will assist in achieving the purposes of this Chapter.*

**Property Line Verification**

Staff suggested adding the following to the first page of the Land Use and Shoreland Alterations permits:

**Existing language:**

**Land Use Permit** = 2. All corners of the proposed structure(s) need to be staked with visible flags, ribbon, or lathes prior to onsite inspection by the City of Crosslake.

**Shoreland Alt Permit** = 2. All corners of the proposed structure(s) or shoreland/land alteration area need to be staked with visible flags, ribbon, or lathes prior to onsite inspection by the City of Crosslake.

**Change to:**

**Land Use Permit** = 2. All corners of the proposed structure(s) **and property lines** need to be staked with visible flags, ribbon, or lathes prior to onsite inspection by the City of Crosslake.

**Shoreland Alt Permit** = 2. All corners of the proposed structure(s) or shoreland/land alteration area **and property lines** need to be staked with visible flags, ribbon, or lathes prior to onsite inspection by the City of Crosslake.

**Also Add** a standard statement to the first page of permits that includes a standard disclaimer as crafted by Person concerning field reviews and surveys. This will include at least two pieces of information:

- A.) That a field review does not substitute or represent as “legal” a valid survey by a licensed surveyor
- B.) That as per Article 3, section 26-68, the Administrator may require a certificate of survey with any permit application

A discussion was held on the need of a survey for every permit or leave it as the ordinance currently states in Article 3, section 26-68 (above B.) Kolstad stated that 2 in the past 5 years had an error in over/builder staking the property to create an after-the-fact variance. Lindner felt the current ordinance covered the issue. Commissioners and staff discussed the need for surveys pertaining to over the counter permits of a full survey versus a partial survey for the area develop/proposed project location.

Commissioners agreed both options A.) & B.) stated above should be enacted on the over the counter permits with a **motion by Wessels; supported by Lindner; all members voting “Aye”; motion carried.**

**Open Forum:**

- 1. None

**Matters not on the Agenda:**

- 1. There were no matters not on the agenda

**Motion by Knippel; supported by Wessels to adjourn at 10:50 A.M.**

**All members voting “Aye”, Motion carried.**

Respectfully yours,

*Cheryl Stuckmayer*

Cheryl Stuckmayer  
Customer Service Specialist