



STATED MINUTES

City of Crosslake Planning Commission/Board of Adjustment

October 23, 2020
9:00 A.M.

Crosslake City Hall
13888 Daggett Bay Road
Crosslake, MN 56442

1. Present: Chair Mark Wessels; Vice-Chair Mark Lindner; Randy Dymoke; Bill Schiltz; Kristin Graham, alternate and Liaison Council Member Aaron Herzog
2. Absent: Jerome Volz
3. Staff: Jon Kolstad, Planning & Zoning Administrator and Cheryl Stuckmayer, Planner-Zoning Coordinator
4. 9-25-2020 Minutes & Findings – **Motion by Lindner; supported by Dymoke to approve the minutes & findings as written. All members voting “Aye”, Motion carried.**
5. Old Business-Variances are heard on their individual requests, past variances 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.
 - 5.1 Brady J & Kimberly A Day – After-the-fact variance for bluff setbacks, a lake setback, retaining walls, walkways, patios, dirt, and water oriented accessory structure size
6. New Business
 - 6.1 James Reid & Coral C Price - Variance for setbacks to lake, dwelling, road right-of-way and side yard
 - 6.2 Ritten Partners - Variance for a bluff setback.
7. Other Business
 - 7.1 Staff report
8. 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.
9. Adjournment

**Brady J & Kimberly A Day
14080610**

Wessels announced the after-the-fact variance request. Kolstad read the variance request, project details, 3 comments received, stormwater management plan, compliant septic compliance inspection, and the parcel history into the record. Wessels asked if it is appropriate for the Days to hire the city engineer. Person, city attorney, said the commissioners should make a motion on what direction they would like the engineer to go in his report. Wessels stated that in the September meeting he had stated that he would like to see the higher retaining walls removed and build them back to the previous location and height. Kolstad questioned if the retaining walls over 4 feet are currently secure/stabilized. If the retaining walls were removed what is the best method to prevent erosion and what would be the best stormwater management plan for the entire parcel. Wessels stated that the method used to stabilize the retaining walls or bluff would need to cover the stabilizing of the bluff for many years down the road. Kostadt stated that a motion would have to be made within 60 days of the application submittal date or the applicant will automatically be granted approval of his requests. Days could request an extension if they wished to do so. A discussion was held on each violation as to what the commission board members are looking for with a preferred outcome and an option. Kolstad suggested to leave the retaining walls with an engineer's verification that they are stable and classify the bluff as a no mow/no use area from under the deck patio to the lake. Wessels invited the Days to the podium. Days stated that they would like to request an extension and would do what is needed to get one. Day referred to the engineers report (attached) item number 3, to wait for the engineer as he is busy and allow him time to address each violation; item number 5 the time line was literally impossible to meet. There was a misunderstanding what the extension letter they received from Kolstad really meant. Day said that they wanted to get the bluff secure and protect the lake. Wessels open the public hearing with Herzog stating that the goal should definitely look at 100% stabilization and look separately at what is now involved on the site. Public hearing was closed. Wessels said that the on-site discussion was to leave only the retaining walls with possibly lower a few. Person led a discussion on each violation item with the commissioners discussing and responding to them. Kolstad was assigned to be the contact to address these items as discussed as follows and to contact the appropriate parties:

This is to clarify the Planning Commission/Board of Adjustments discussion concerning the work done on and in the bluff on your property located at 37916 Forest Lodge Rd, Crosslake, MN 56442.

Per the PC/BOA motion today on October 23, 2020, to table your After-the-Fact Variance Application until an engineering report is received and reviewed by the City Engineer, the following options are to be addressed in an engineering plan by your engineer:

Option #1 (preferred)

- Total restoration of the bluff area – back to conditions prior to May 2020.
- Vegetate the entire bluff area (top to toe) with woody vegetation covering 75% of the surface area. The bluff will become a no-mow, no-use area until changes in the Ordinance remove bluff restrictions.
- Removal of the Water Oriented Accessory Structure (WOAS) and restoration of the steep slope.
- Submit an Engineered Stormwater Management Plan accommodating a 1" rain event off of all impervious surfaces on the property and able to handle a 3" event as per the Land Use Ordinance requirements in Article 20. (As required for all variance applications per Article 8). Stormwater

flow directions and capture areas shall be identified and volumes calculated. Special emphasis shall be placed on retention areas in and adjacent to the bluff.

- A Shoreland Alteration Permit shall be required prior to beginning work.

Option #2

- WOAS – Reduced to 120 Sq Ft and meeting 20' setback from the OHW. Ensure retaining walls meet ordinance requirements of ≤ 4 -ft or are engineered to exceed 4-ft in height.
- 326 sq ft patio under deck – remain as is.
- 264 sq ft firepit patio – remove pavers and restore back to crushed rock.
- 214 sq ft walkway – remove pavers and restore back to flagstone walkway (see photos) Flagstone pavers to have a minimum separation of 8 inches between pavers. Pavers not to exceed 1.5 sq ft each.
- 85 sq ft walkways/stairs – remove one and convert one to a deck-like structure without impervious surface or eliminate both.
- Verify integrity of all of the new retaining walls and determine the feasibility of removing them and restoring the bluff to its condition prior to May 2020. Also discuss option of reducing the height of the walls to meet the 4-ft height limit and removal of soils/reworking the slope to eliminate the large flat 'yard' created in the middle of the bluff.
- Vegetate the entire bluff area (top to toe) with woody vegetation covering 75% of the surface area. The bluff will become a no-mow, no-use area until changes in the Ordinance remove bluff restrictions.
- Submit an Engineered Stormwater Management Plan accommodating a 1" rain event off of all impervious surfaces on the property and able to handle a 3" event as per the Land Use Ordinance requirements in Article 20. (As required for all variance applications per Article 8). Stormwater flow directions and capture areas shall be identified and volumes calculated. Special emphasis shall be placed on retention areas in and adjacent to the bluff.
- A Shoreland Alteration Permit shall be required prior to beginning work.

Options 1 & 2 to be reviewed and approved by the City Engineer. The cost of the City Engineer's review shall be billed to Brady and Kimberly Day.

Please have your engineer contact the P&Z staff with any questions or to get any of the original documents pertaining to this site and application.

The commissioners and Days agreed to extend the application deadline to Marcy 2021 or sooner if the engineer report and review is completed. The commissioners also agreed that when a motion is made that they should condition this project to be completed by June 30, 2021.

October 23, 2020 Action:

Motion by Wessels; supported by Lindner to table the after-the-fact variance until a new design is presented by the engineer(s) for:

- Size of water oriented accessory structure of 239 square feet where 120 square feet is allowed
- Lake setback of 18 feet where 20 feet is required to the water oriented accessory structure (WOAS)

- Bluff setback for a patio of 326 feet where none is allowed
- Bluff setback for a fire pit patio of 264 square feet where none is allowed
- Bluff setback for an additional walkway of 214 square feet where one walkway is allowed
- Bluff setback for an additional walkway of 85 square feet where one walkway is allowed
- Retaining walls in the bluff impact zone where none are allowed
- Dirt moving of 82 yards within a bluff impact zone where none are allowed

To continue use of:

- 239 square foot WOAS where 120 square feet is allowed
- 239 square foot WOAS 18 feet from OHW where 20 feet is required
- 326 square foot patio within the bluff impact zone where none is allowed
- 264 square foot fire pit patio within the bluff impact zone where none is allowed
- 214 square foot walkway within the bluff impact zone where one walkway is allowed
- 85 square foot walkway within the bluff impact zone where one walkway is allowed
- Retaining walls in the bluff impact zone where none are allowed
- Dirt moving of 82 yards within a bluff impact zone where none are allowed

Per the findings of fact as discussed, the on-site conducted on 9-24-2020; 10-22-2020 and as shown on the certificate of survey received at the Planning & Zoning office dated 8-20-2020 for property located at 37916 Forest Lodge Rd, City of Crosslake

All members voting “Aye”, Motion carried.

**James Reid & Coral C Price
14170614**

Wessels announced the variance request and invited Price, the applicant/owner to the podium. Kolstad read the variance request, project details, one comment received, impervious percentage, stormwater management plan submitted, compliant holding tank septic system, history of the parcel and the surrounding parcel history into the record. Price stated that he is trying to bring the septic system into a more compliant system and he drew up a plan to protect the septic system from being driven on; plan was presented-see below, next page. Wessels stated that the ability to protect the septic system is more for you so that the system does not fail. Kolstad displayed a diagram-see below, next page, of the area variances that pertained to septic systems. Lindner stated that the proposal is close to the road right-of-way (ROW) and not the lake which makes it a better situation. Schiltz asked if the parcel is located on a private road with Kolstad answering yes. Price said that he plows the road as a courtesy. Lindner that the parcel is located in an old plat. Wessels opened the public hearing with no response, therefore the public hearing was closed. Wessels asked if any of the commissioners had additional questions, but none were forthcoming. Wessels requested Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question.

October 23 Action:

Motion by Lindner; supported by Dymoke to approve the variance for:

- Lake setback of 44 feet where 75 feet is required to proposed septic system
- Side yard setback of 2 feet where 10 feet is required to proposed septic system
- Road right-of-way setback of 2 feet where 10 feet is required to proposed drainfield
- Dwelling setback of 4 feet where 10 feet is required to the septic tank
- Dwelling setback of 8 feet where 20 feet is required to the drainfield

To construct:

- A new type III septic system

Per the findings of fact as discussed, the on-site conducted on 10-22-2020 and as shown on the certificate of survey received at the Planning & Zoning office dated 9-8-2020 for property located at 13130 Gladick Lane, City of Crosslake

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 10-23-2022

1. Road plantings to be installed to protect the septic system from being driven upon (below diagram submitted)

Findings: See attached

All members voting “Aye”, Motion carried.



**Ritten Partners
14060873**

Wessels announced the variance request. Kolstad read the variance request, project details, location, no comments received, impervious percentage, stormwater management plan submitted, compliant septic system, and history of the parcel into the record. Wessels invited Ritten, the applicant/owner, to the podium, if he would like to add anything to his proposal request. Ritten stated that he had no additional information. Wessels opened the public hearing with no response, therefore the public hearing was closed. Lindner stated that the proposal did not require any disturbance to the ground or the bluff, posts were not being used, just an added overhang to the deck. Schiltz explained that the existing deck already overhangs the bluff and the 2 foot addition will actually be a negative bluff setback. With no further discussion, Kolstad initiated the findings of fact procedure with the board members deliberating and responding to each question.

October 23, 2020 Action:

Motion by Lindner; supported by Schiltz to approve the variance for:

- Bluff setback of 0 feet where 30 feet is required to proposed deck addition

To construct:

- 48 square foot deck addition

Per the findings of fact as discussed, the on-site conducted on 10-22-2020 and as shown on the certificate of survey received at the Planning & Zoning office dated 9-10-2020 for property located at 12282 Manhattan Pt Blvd, Sec 6, City of Crosslake

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 10-23-2022

1. Proposed changes to water flow be established indefinitely (below picture submitted of the gutter system)



Findings: See attached

All members voting “Aye”, Motion carried.

Other Business:

1. Staff report
 - a. Monthly city council report
 - b. Development Review Team (DRT) had 2 October monthly meetings
 - c. Four applications for the November public hearing
 - d. November monthly city council meeting moved to the 12th along with the DRT meeting moving to the 17th
 - e. Staff will email DRT information to the commissioners to provide an opportunity to observe a DRT meeting for a better understanding of the process. One commissioner at a time would be preferable.

Open Forum:

1. There were no matters discussed

Matters not on the Agenda:

1. There were no matters not on the agenda

Motion by Lindner; supported by Dymoke to adjourn at 11:15 A.M.

All members voting “Aye”, Motion carried.

Respectfully submitted,

Cheryl Stuckmayer

Cheryl Stuckmayer
Planner-Zoning Coordinator