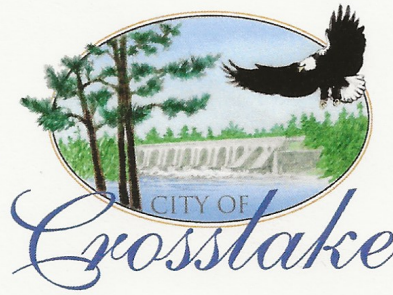


City Hall: 218-692-2688
Planning & Zoning: 218-692-2689
Fax: 218-692-2687



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

**CITY OF CROSSLAKE
PLANNING COMMISSION/BOARD OF ADJUSTMENT**

October 23, 2020

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: Brady J & Kimberly A Day

Authorized Agent: N/A

Site Location: 37916 Forest Lodge Rd, Crosslake, MN 56442 on Rush Lake-GD

After-the-Fact Variance 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
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- Dirt moving of 82 yards within a bluff impact zone where none are allowed

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@crosslake.net).



STAFF REPORT

Property Owner/Applicant: Brady J & Kimberly A Day

Parcel Number(s): 14080610

Application Submitted: August 10, 2020

Action Deadline: October 9, 2020

City 60 Day Extension Letter sent/ Deadline: October 9, 2020 / December 8, 2020

Applicant Extension Received / Request: N/A / N/A

City Council Date: N/A

Authorized Agent: N/A

After-The-Fact Variance for:

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Current Zoning: Shoreland District

Existing Impervious Coverage:

6.3%

Proposed Impervious Coverage:

7.0%

- A stormwater management plan was submitted with the after-the-fact variance application
- A compliant septic compliance inspection is on file dated 4-17-2020

Development Review Team Minutes held on 7-13-2020:

- Property is located on Rush at 37916 Forest Lodge Rd with a setback of 75' lake & 30' bluff
- The WOAS is 12' x 20' in size and landscaping within the bluff setback area
- All setbacks shall be measured to the vertical side of the structure. No part of the structure, such as eaves, can overhang or reduce such setback by more than three feet (Sec. 26-308)
- If the eaves exceed 36" the setback and the impervious coverage shall be measured from the dripline
- Impervious maximum of 25% and if impervious exceeds 20% a Shoreline Rapid Assessment Model form will be completed (Sec. 26-518) or commissioners may condition it
- Design and implement a stormwater management plan (gutters, berm & rain gardens) to update any existing plan, which is required with all variance applications per Article 8, section 26-222, (2), 1). When a wetland is being used the stormwater must be filtered to drinking standards before it can flow into any wetland
- A compliant septic compliance inspection is on file dated 4-17-2020
- Wetland Delineation is a requirement for a variance or a no wetland statement/letter
- A grade and elevation illustration along with a cut and fill calculation is required for a complete variance application
- Discussion on application requirements, procedure, schedule and the requirements/need for a complete application packet by the deadline date; appeal process, special meeting process (apply by August 4th), refund procedure, ATF cost and the need for an **site exhibit**
- A Land Use Permit will be required prior to construction or updated to the current approval

Property owner was informed that before they could be placed on a public hearing agenda the following information is required:

1. A certificate of survey meeting the requirements outlined in Article 8, Sec. 26-222 of the City Land Use Ordinance
2. Grade and Elevation illustration, along with the Cut and fill calculations
3. Wetland delineation or a no wetland statement/letter
4. Septic compliance is on file
5. A complete Variance application with the \$500.00 public hearing fee

Parcel History:

- August 1976 – 2-1000 gallon tanks
- November 1997 – Upgrade septic
- May 1998 – 24x24 Garage
- August 1999 – 32x48 Main home with loft & walkout; 12x44 deck; 6x12 porch
- April 2020 – Water-oriented accessory structure and dirt
- February 2005 – Rip Rap – 100'
- April 17, 2020 – Compliance inspection
- September 2020 – Variance 2010125V was heard and tabled

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comments were received as of 10-12-2020

City Engineer: N/A

Lake Association: No comments were received as of 10-12-2020

Township: N/A

Crosslake Public Works: No comments were received as of 10-12-2020

Crosslake Park, Recreation & Library: N/A

Concerned Parties:

- September 20, 2020 – Madison email opposed
- September 21, 2020 – Wolff email opposed
- September 2020 – Flanagan email with pictures opposed
- September 24, 2020 – Day letter received at the on-site

POSSIBLE MOTION:

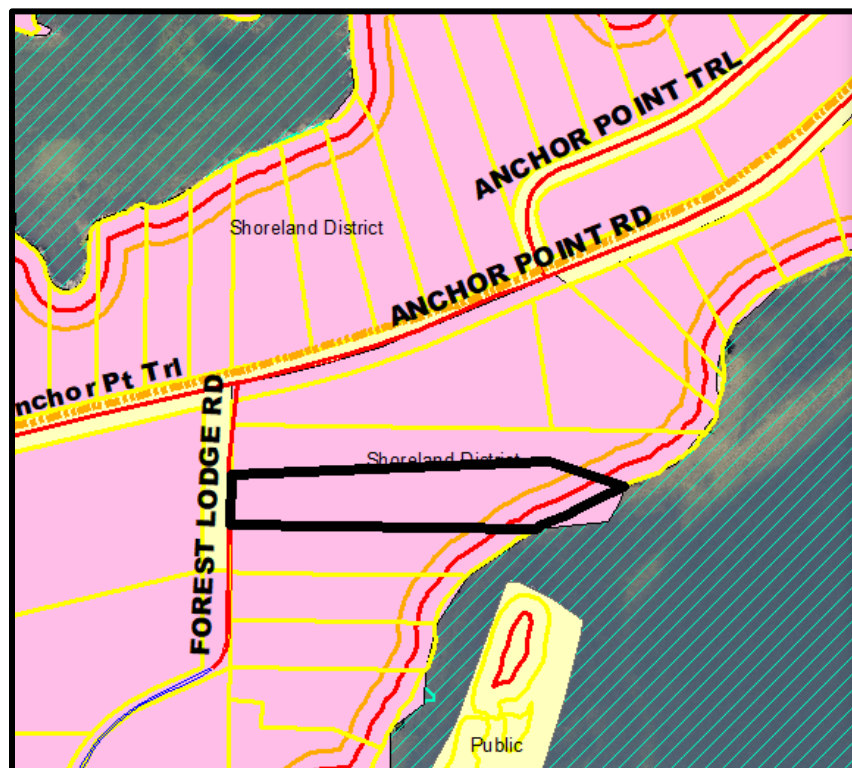
To approve/table/deny the after-the-fact variance to allow:

- 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)
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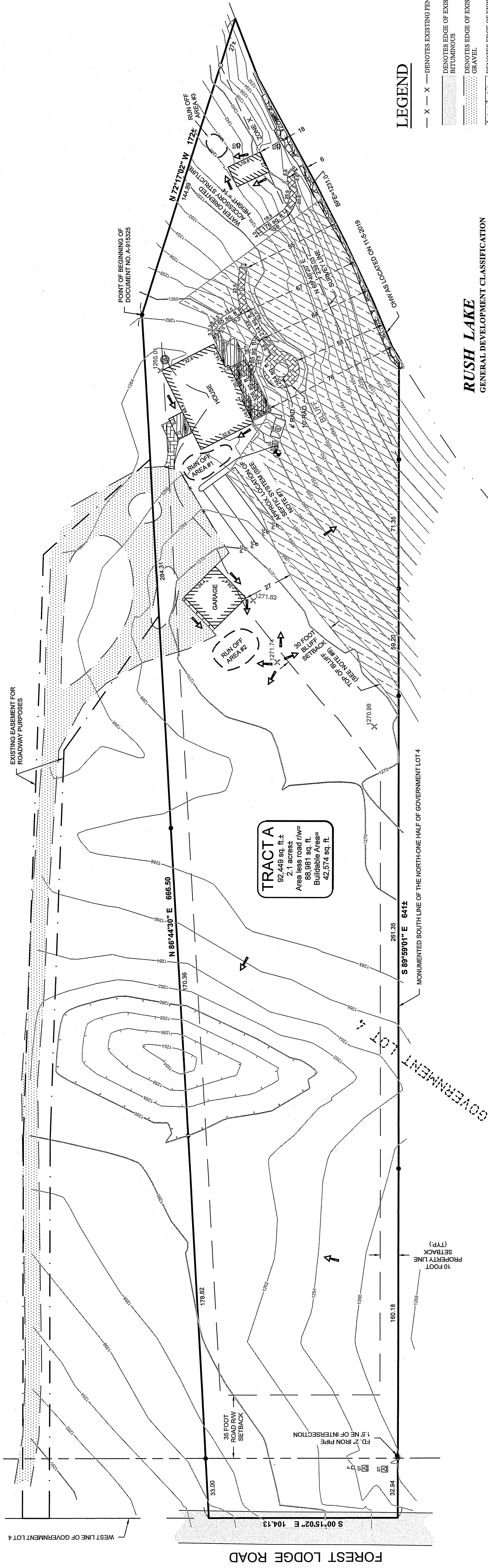
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As shown on the certificate of survey dated 8-20-2020



CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 4,
SECTION 8, TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA



LEGAL DESCRIPTION PER DOCUMENT NUMBER 4915325

That part of the North Half (N1/2) of Government Lot Four (4), Section Eight (8), Township One Hundred Thirty-seven (137), Range Twenty-seven (27) West, described as follows;
Commencing at the Northwest corner of said Government Lot 4, thence South 0 degrees 15 minutes 02 seconds East along the West line of said Government Lot 4 556.00 feet; thence North 86 degrees 44 minutes 30 seconds East 666.50 feet to the point of beginning; thence South 86 degrees 44 minutes 30 seconds West 666.50 feet to the West line of said Government Lot 4; thence South 0 degrees 15 minutes 02 seconds East along the West line of Government Lot 4 105 feet, more or less, to the South line of the North 1/2 of Government Lot 4; thence East along the South line of the North 1/2 of Government Lot 4 630 feet, more or less, to the waters edge of Rush Lake; thence Northeastly along the shore of Rush Lake to the point of intersection with a line bearing South 72 degrees 17 minutes 02 seconds East from the point of beginning; thence North 72 degrees 17 minutes 02 seconds West 169 feet, more or less, to the point of beginning; Crow Wing County, Minnesota.

together with all hereditaments and appurtenances.

NOTES:

- 1. Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 11-5-2019.
- 2. Zoning for subject tract = "Shoreland District".
- 3. No wetlands were found on 7-10-2020 at the site per Ben Meister, Meister Environmental, LLC. MN Certified Wetland Delineator #1031.
- 4. Property is in "Zone X" and "Zone A" as per the FIRM, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
- 5. Parcel ID of subject parcel: 14080610.
- 6. The property address of subject parcel: 37916 Forest Lodge Road.
- 7. Approximate location of septic system per sketch prepared by Martin Joyce Septic Service, LLC.
- 8. For bluff as shown is based on Certificate of Survey drawing, review copy, by Cynthia M. Hyde on 11-14-2019. Stonemark Land Surveying, Inc. file #19317. Contours as shown are after construction field located on 7-27-2020.

IMPERVIOUS CALCULATIONS			
EXISTING ON 8-10-2020	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft)
House & Covered Entry	1,743	88,981	2.0%
Garage	596	88,981	0.7%
Water Oriented Accessory Structure	239	88,981	0.3%
Concrete & Pavers	1,338	88,981	1.5%
Gravel	2,342	88,981	2.6%
Total	6,256	88,981	7.0%

RUN OFF CALCULATIONS			
Total Impervious Surface Area (from table above)	6,256 sq. ft. X	0.0833 ft. =	521 cu. ft.

PROPOSED RUN OFF AREA #1
TOP SURFACE AREA = 315 SQ. FT.
BOTTOM SURFACE AREA = 128 SQ. FT.
1" DEEP WITH 3:1 SIDE SLOPES
TOTAL RUN OFF STORAGE PROPOSED = 220 CU. FT.

PROPOSED RUN OFF AREA #2
TOP SURFACE AREA = 64 SQ. FT.
BOTTOM SURFACE AREA = 21 SQ. FT.
1" DEEP WITH 3:1 SIDE SLOPES
TOTAL RUN OFF STORAGE PROPOSED = 308 CU. FT.

PROPOSED RUN OFF AREA #3
TOP SURFACE AREA = 101 SQ. FT.
BOTTOM SURFACE AREA = 19 SQ. FT.
1" DEEP WITH 3:1 SIDE SLOPES
TOTAL RUN OFF STORAGE PROPOSED = 60 CU. FT.

TOTAL PROPOSED RUN OFF AREA = 588 CU. FT.

IMPERVIOUS CALCULATIONS			
EXISTING ON 11-14-19	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft)
House & Covered Entry	1,743	88,981	2.0%
Garage	596	88,981	0.7%
Concrete & Pavers	599	88,981	0.7%
Timber Steps	327	88,981	0.4%
Gravel	2,342	88,981	2.6%
Total	5,597	88,981	6.3%

RUN OFF CALCULATIONS			
Total Impervious Surface Area (from table above)	6,256 sq. ft. X	0.0833 ft. =	521 cu. ft.

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RUSH LAKE

GENERAL DEVELOPMENT CLASSIFICATION
NORMAL RESERVOIR POOL ELEVATION = 1229.57
100 YEAR FLOOD ELEVATION = 1231.00
HIGHEST KNOWN ELEVATION = 1234.56
INFORMATION OBTAINED FROM CORPS OF ENGINEERS LAKE ELEVATION = 1229.45 ON 11-5-2019
BASED ON NGVD 29 DATUM

LEGEND

- X - X - DENOTES EXISTING FENCE LINE
- - - - - DENOTES EDGE OF EXISTING BRICK CONTOURS
- - - - - DENOTES EDGE OF EXISTING GRAVEL
- - - - - DENOTES EDGE OF EXISTING CONCRETE
- - - - - DENOTES EDGE OF EXISTING PAVING STONES
- - - - - DENOTES EDGE OF EXISTING WOODEN DECKING
- - - - - DENOTES EDGE OF EXISTING RIP-RAP
- - - - - DENOTES BLUFF AREA
- - - - - DENOTES EXISTING INTERMEDIATE CONTOURS
- - - - - DENOTES EXISTING INTERMEDIATE CONTOURS (DEPRESSION)
- - - - - DENOTES EXISTING INDEX CONTOURS
- - - - - DENOTES EXISTING INDEX CONTOURS (DEPRESSION)
- - - - - DENOTES SPOT ELEVATION (EXISTING GRADE)
- - - - - DENOTES EXISTING GROUND TRANSFORMER
- - - - - DENOTES EXISTING ELECTRIC OUTLET
- - - - - DENOTES EXISTING PHONE PEDestal & PHONE BOX
- - - - - DENOTES EXISTING WELL
- - - - - DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
- - - - - DENOTES EXISTING SEPTIC LIFT STATION
- - - - - BENCHMARK: HIGH POINT OR WOOD POST ELEV. = 1268.63 BASED ON NGVD 29 DATUM
- - - - - DENOTES MONUMENT FOUND
- - - - - DENOTES IRON MONUMENT SET BY LICENSED BY LICENSE No. 44881



SCALE IN FEET
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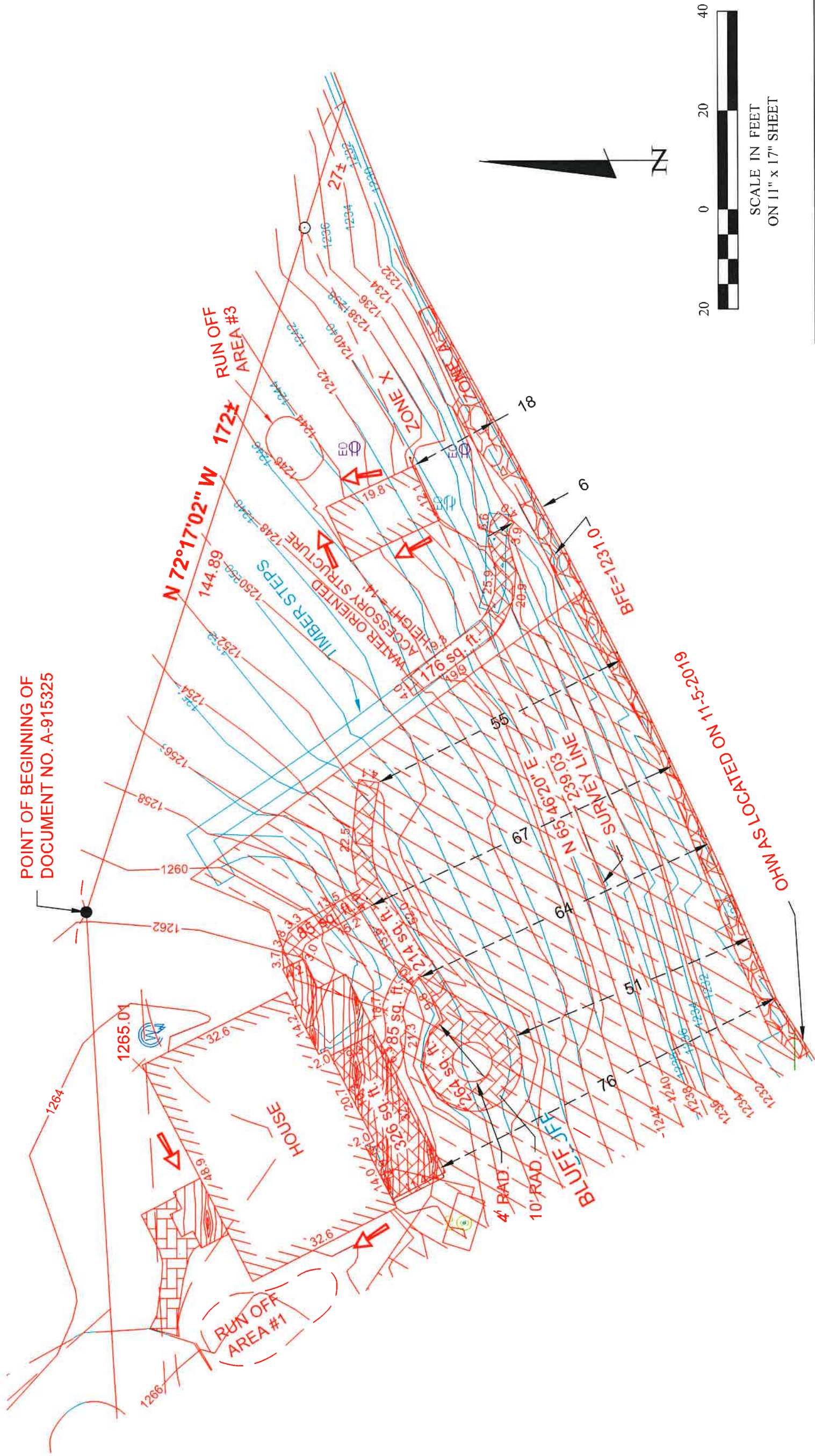
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EXHIBIT



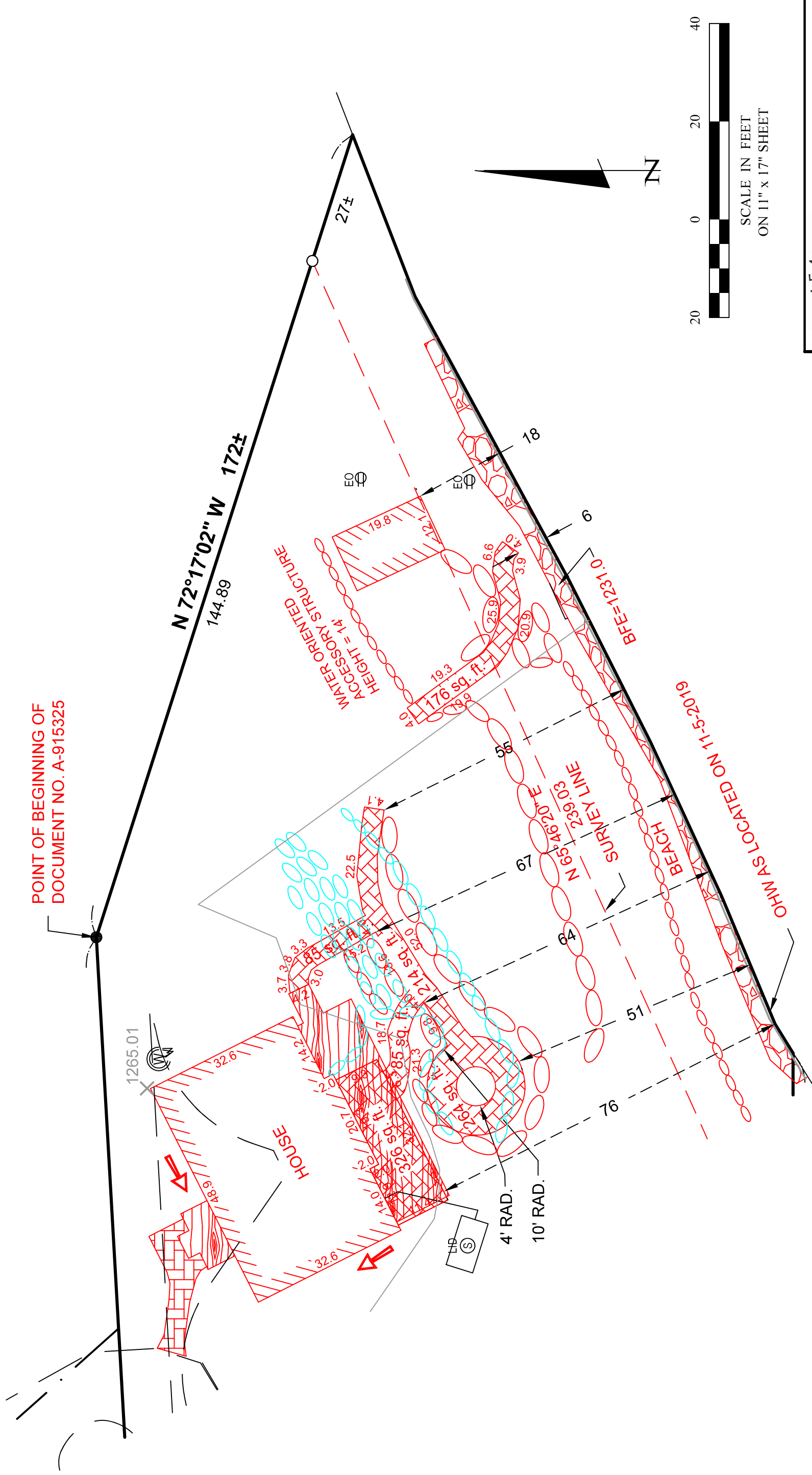
CYAN COLOR DENOTES PRIOR TO CONSTRUCTION CONTOURS
RED COLOR DENOTES AFTER CONSTRUCTION CONDITIONS



30206 Rasmussen Road
Suite 1
P. O. Box 874
Pequot Lakes, MN 56472
218-568-4940
www.stonemarksurvey.com

BRADY DAY
PROJECT NUMBER: 19317-1
DATE: AUGUST 20, 2020

EXHIBIT



BRADY DAY
PROJECT NUMBER: 19317-1
DATE: AUGUST 25, 2020

CYAN COLOR DENOTES PRIOR TO CONSTRUCTION ROCK RETAINING WALLS

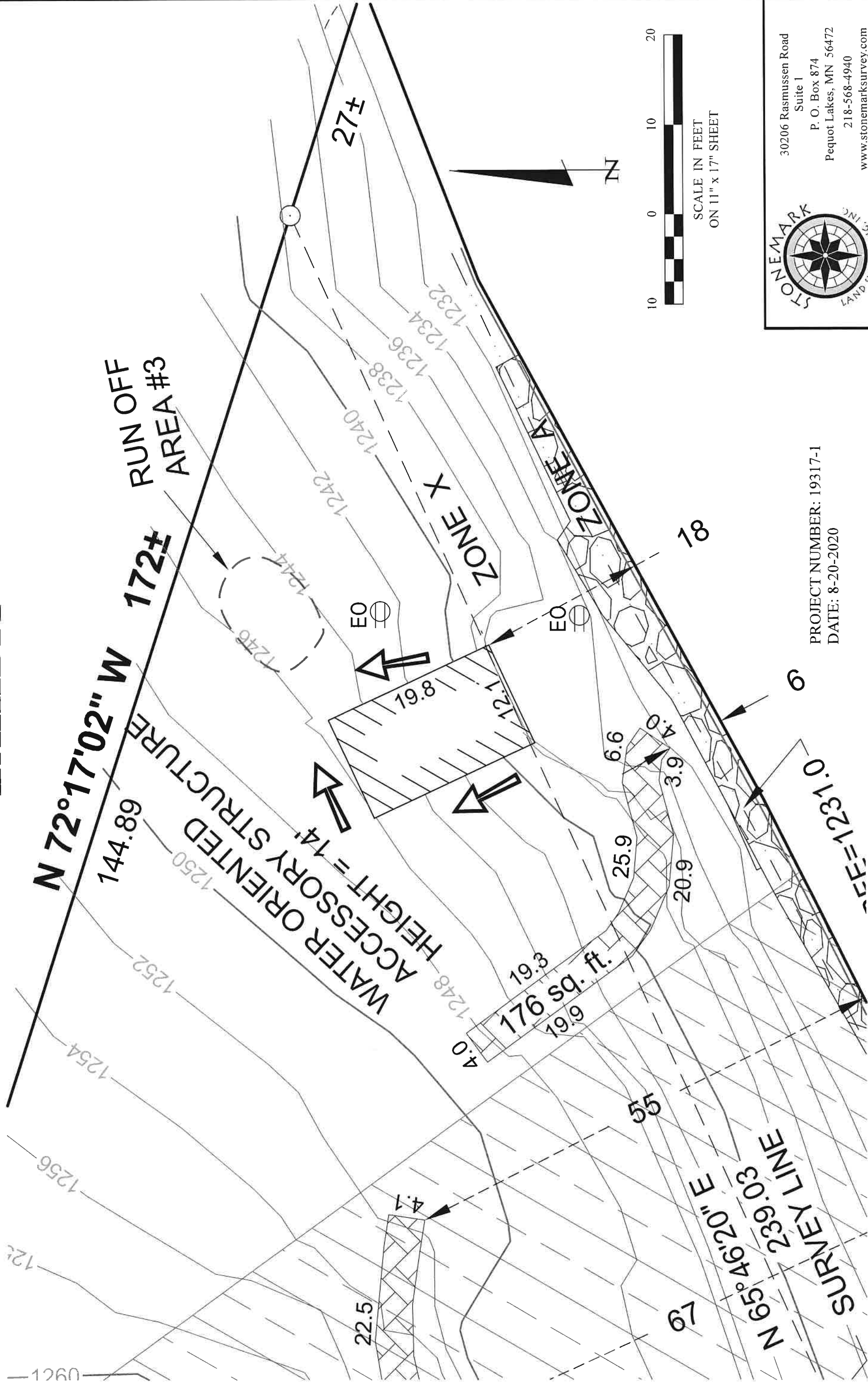


30206 Rasmussen Road
Suite 1
P. O. Box 874
Pequot Lakes, MN 56472
218-568-4940
www.stonemarksurvey.com

SCALE IN FEET
ON 11" x 17" SHEET

Roger Forcille 8/25/2020 2:15 PM - F:\Drawings\2019\19317 Day\C19317-1.dwg

EXHIBIT



30206 Rasmussen Road
Suite 1
P. O. Box 874
Pequot Lakes, MN 56472
218-568-4940
www.stonemarksurvey.com

PROJECT NUMBER: 19317-1
DATE: 8-20-2020

May 2019



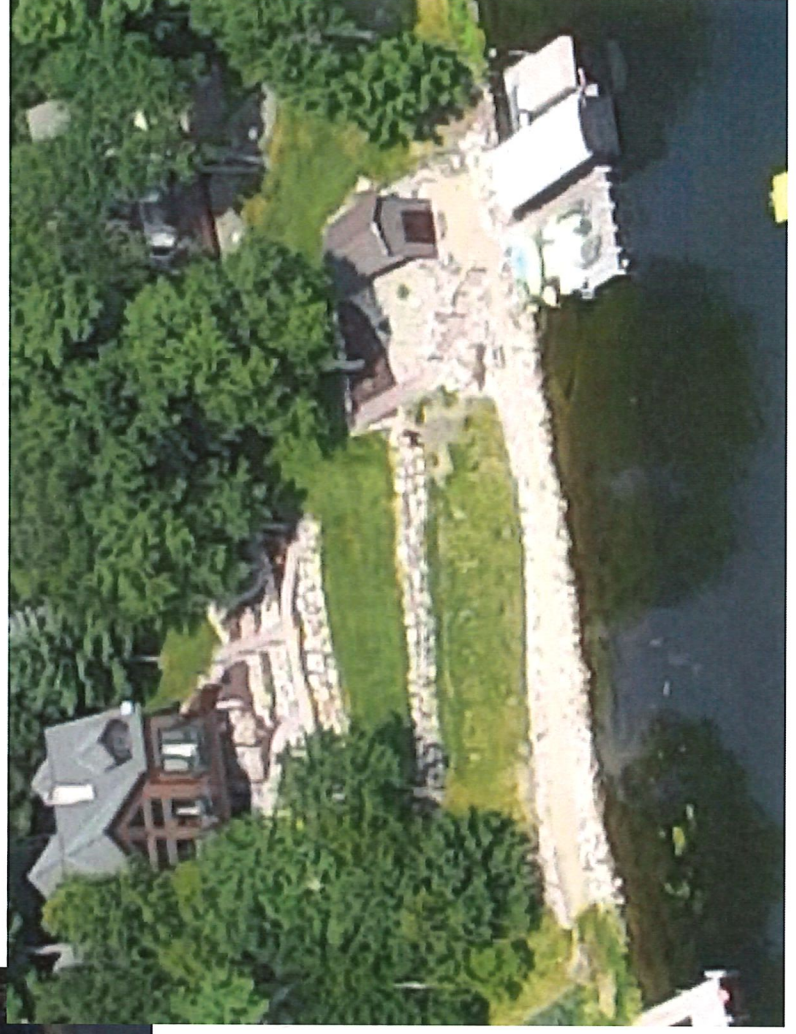
August 2020

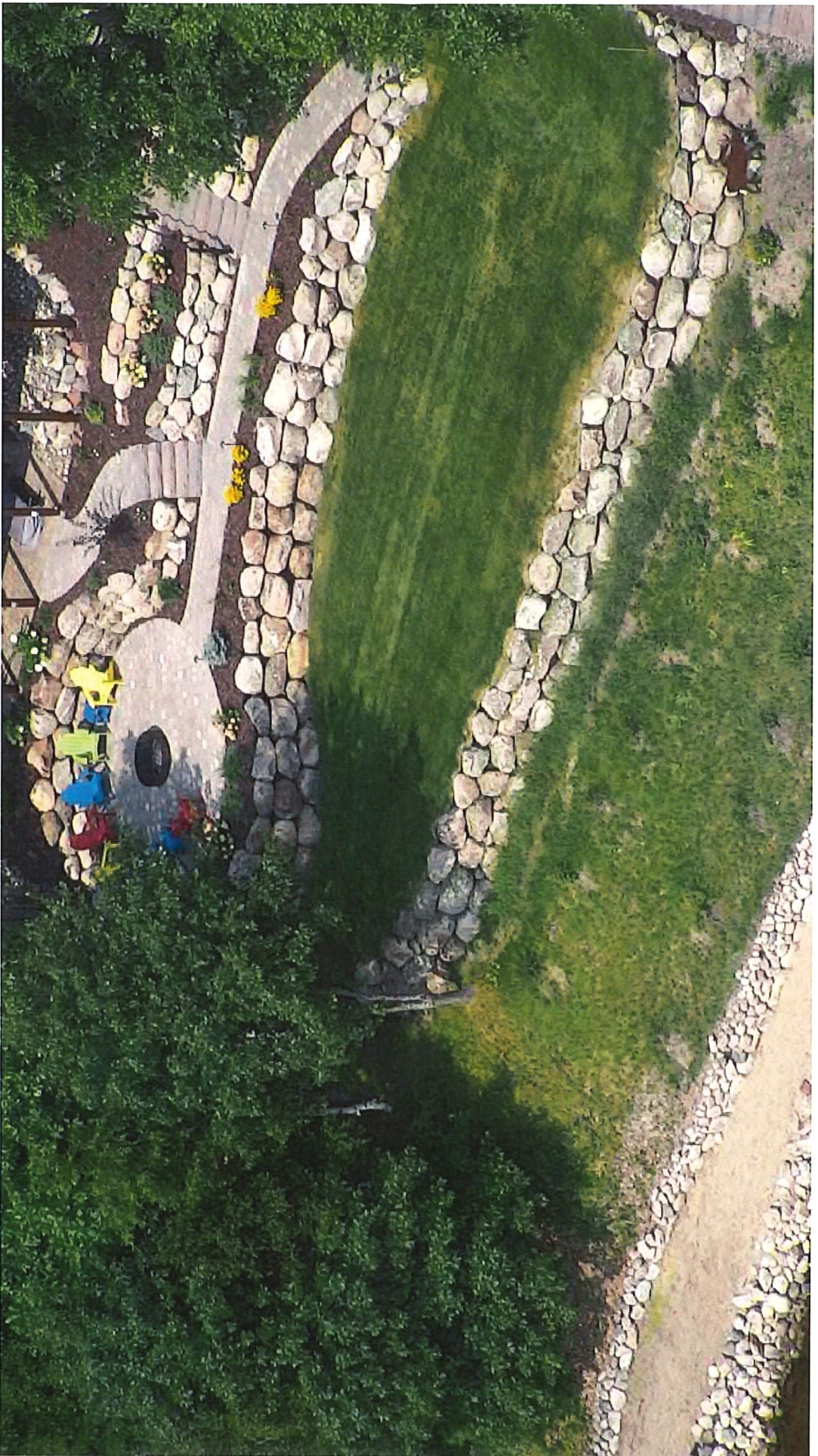


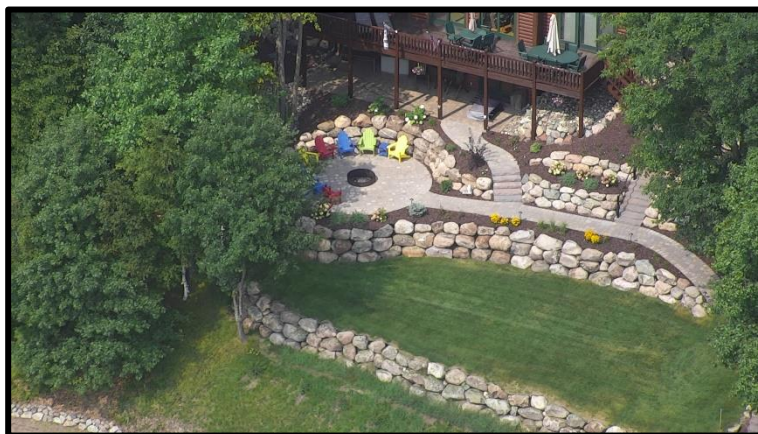
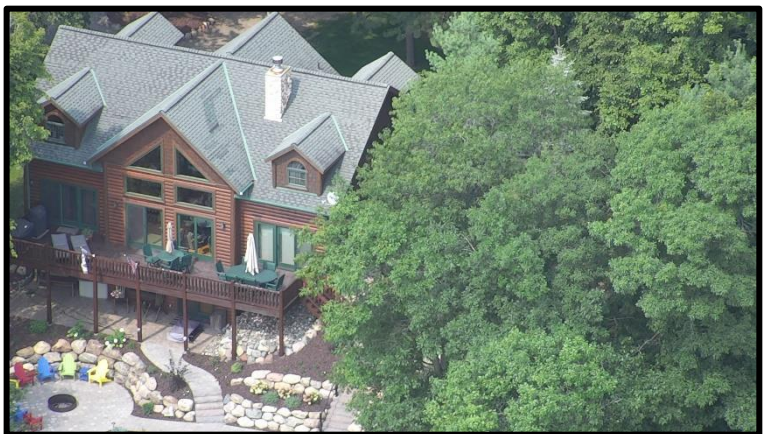
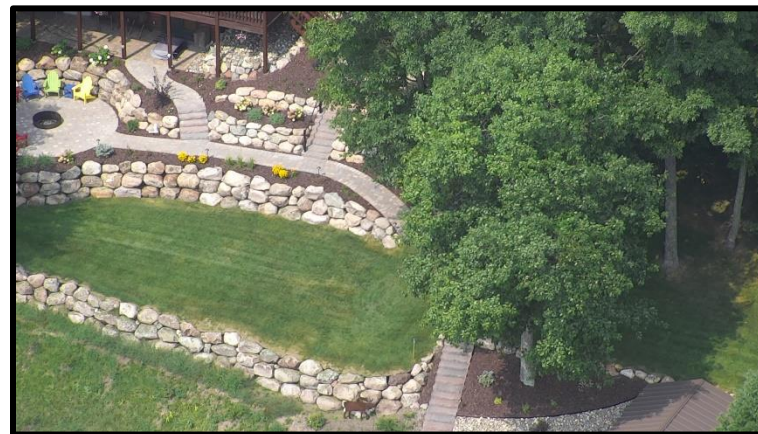
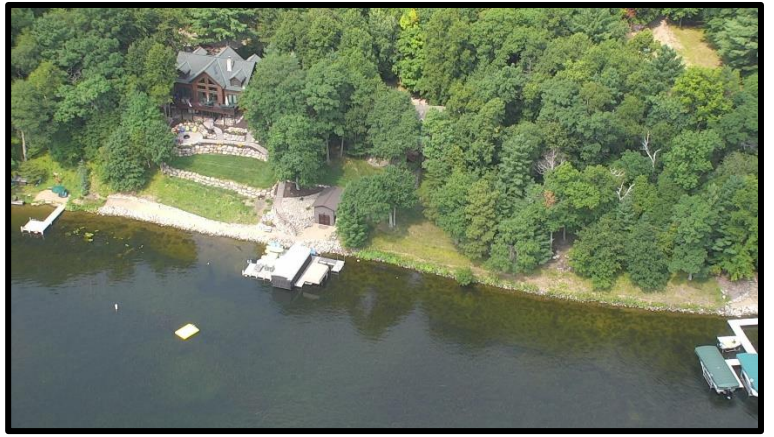
May 2019

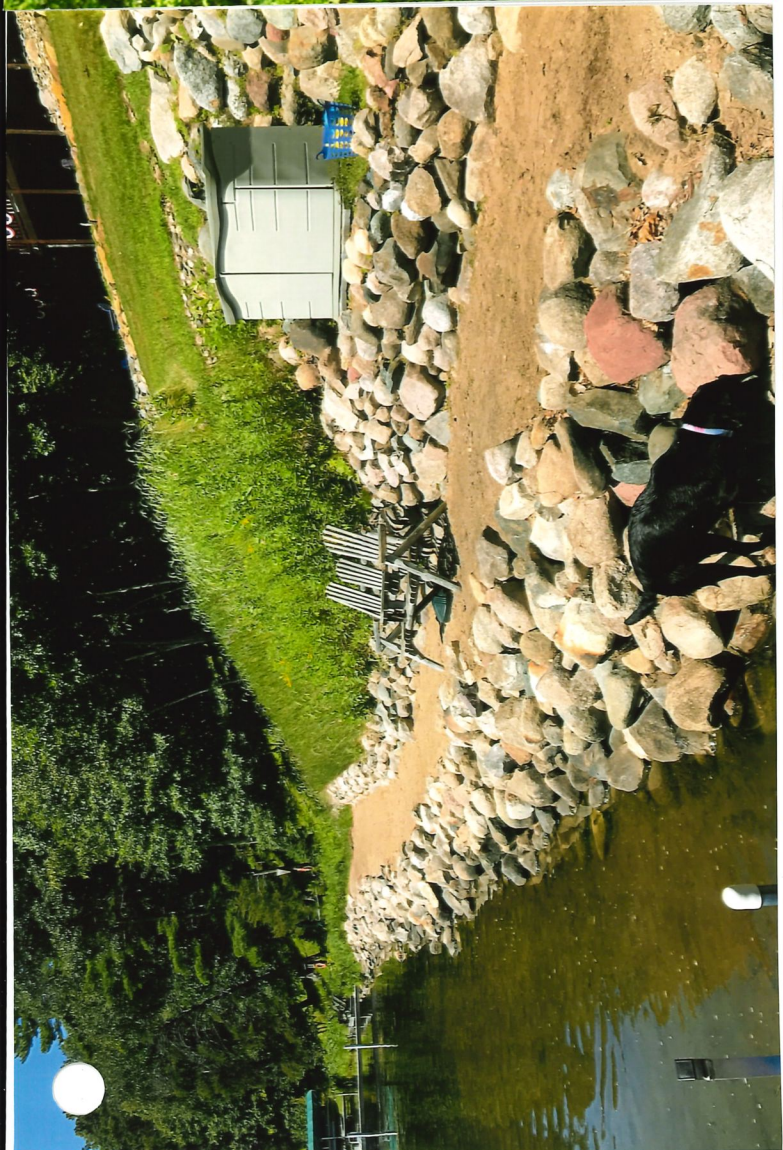


August 2020

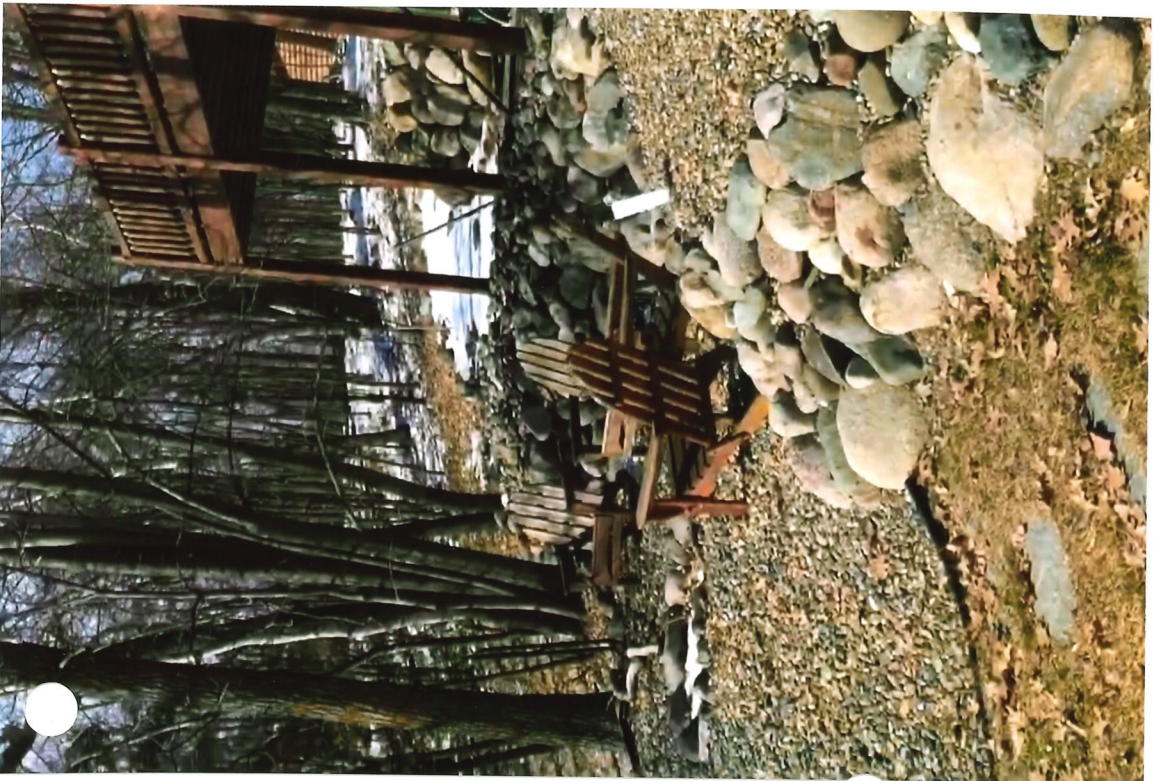














Timeline

- 4/23/2020 Completed Shoreland Alteration application received in Office
- 4/24/2020 Staff visited site and approved application, gave approved permit to Mrs. Day. The permit was specifically for a 120 sq ft WOAS MAX (see APPROVED Land Use Permit and Yellow card in window)
- 5/18/2020 received call from Builder that Footing Inspection would be needed on 5/20/2020 explained Staff would not be available on that day due to a medical appointment.
- 5/20/2020 Work began on site. Staff unable to conduct inspection due to medical appointment. Received text message from City Clerk asking if Day can start – answered 'Yes'
- 6/22/2020 visited site to check WOAS Issued STOP WORK ORDER on WOAS and BLUFF
- 6/25/2020 Day's submitted application for DRT
- 7/13/2020 DRT meeting
- 8/7/2020 Variance Application submitted

List of violations

1. WOAS 239 sq ft where 120 is allowed
2. WOAS 18-ft from OHW where 20-ft is allowed
3. Replaced Stairs in SIZ 1 without permit
4. Dirt moving >10 cu yds in SIZ2 without permit
5. Dirt moving >50 cu yds in SIZ2 without CUP
6. Dirt Moving in Bluff without Variance
7. Patio installation in Bluff without Variance
8. Patio installation in Bluff without permit
9. Walkway installation in bluff without Variance
10. Walkway installation in bluff without permit
11. Retaining walls in bluff without Variance
12. Retaining walls in bluff without permit
13. Retaining walls exceed 4-ft high, without engineered plan.

Whether or not a footing inspection can be accomplished it is ultimately the Property owner's responsibility to ensure they are following the Land Use Ordinance and the permit that was issued.

PC/BOA courses of action

1. Approve the After-the-Fact variance and allow everything they have done to remain and be used.
2. Require the WOAS to meet the size limit of 120 sq ft and the 20-ft setback from the OHW.
3. Remove the new firepit patio and walkways.
4. Vegetate the bluff area with woody vegetation covering 85% of the ground area,
5. Make the bluff area a no-mow area from the top to the bottom of the bluff.

6. Restoration of the bluff would not be necessary as it may cause erosion issues. Require area to remain vegetated and a no-mow/no-go area in perpetuity.
7. Require an independent engineer review the bluff area to assess the retaining wall(s) integrity and develop a Stormwater Management Plan for the lakeside of the property (house to OHW). This would include the bluff area and the area around the WOAS – specifically taking into account the retaining walls alongside of the WOAS.
8. Some combination of #1 through 7 above.
9. Require WOAS reduction, engineered SWMP and restoration/vegetation of bluff to occur no later than **10/31/2020**.
10. Require payment of any fines assessed for the violation by **10/31/2020**.

Potential Fines discussed with City Attorney

1. Enforcement of the Administrative fines from the day work began on 5/20/2020 thru 10/31/2020 (Restoration)
 - (13 violations x 164 days x \$75 = \$159,900)
2. Enforcement of the Administrative fines from the day work began on 5/20/2020 thru 6/22/2020 (Stop work date)
 - (13 violations x 29 days x \$75 = \$28,275)



ZONING PERMIT

PROJECT DESCRIPTION: 10048

170 S. G. WAY

PERMIT NUMBER: 2010020 ISSUED DATE: 1/1/2010

NOTE: THIS PERMIT IS VALID FOR TWO YEARS FROM DATE OF ISSUANCE

QUESTIONS SHOULD BE DIRECTED TO THE CITY OF SAN DIEGO

PLANNING DEPARTMENT

[Signature]

1/1/2010

Black Rock Landscaping LLC

Landscape & design

Brady and Kim Day

Material List: Inside Bluff

- 6 yards of small rip-rap removed
- 60 yards of boulders brought in and installed
- 9 yards of crushed rock for paver patio base installed
- 6-7 yards of black dirt installed

Material List: Outside Bluff

- 17-18 yards of black dirt installed
- 6-8 yards of 2-4 inch rock installed

Black Rock Landscaping LLC

Mark Kossan

10851 65th Ave SW

Motley, MN 56466

Phone: (218)-839-5378

Email: markkossan@yahoo.com

Web: blackrocklandscaping.org

Parcel Code: 14 08 01010

Property Owner: Brady Day

Site Address: 37910 Forest Lodge Road

City, State, Zip: Crosslake, MN 56442

Mailing Address: 9851 Walnut Grove Ln N

City, State, Zip: Maple Grove, MN 55311

Day Time Phone: 612-561-3955 Cell Phone: 612-720-4444

Email Address: Kimberlyackaye@hotmail.com

Date of Birth: 12/9/76

Legal Description: attached

Section: 08 Twp: 137 Rge: ☒ 27 / ☐ 28 Acres: 2.11

Lake / River: Rush Lake - 18031100

Signature: Kimberly Day

Authorized Agent:

Date:

Conditions/Notes:

- ☒ Call for On-Site Inspection after flagged
- ☒ Call for footing inspection before any concrete is poured
- ☒ Call upon completion for inspection
- ☒ Variance or CUP must meet conditions

OFFICE USE ONLY

Received by: [Signature] Date: 4/23/2020

Zoning: SD Septic: 4/17/2020

Date of: New Design / Upgrade / Compliance

Lake Classification: X GD RD NE

Floodplain 1232.5 Contractors License Requirements N/A

Impervious Coverage: 16.8% / 16.5

Sq Ft Total / Existing / Proposed

Shoreland Rapid Assessment Model N/A Buffer Required N/A

Approved By: [Signature] Date: 4/24/2020

Total Fees: \$150.00 / with site plan

Please check items you are applying for:

- ☐ Patio* not exceeding 250 sq ft -SIZ2*
- ☐ Patio* not exceeding 400 sq ft w/SMP* -SIZ2*
- ☐ Residential stairway/walkway/lifts for water access not exceeding 4 feet in width (15' corridor)
- ☐ Commercial stairway/walkway/lifts for water access not exceeding 8 feet in width (15' corridor)
- ☐ Residential landing for stairway to access water not exceeding 32 sq ft
- ☐ Commercial landing for stairway to access water not exceeding 64 sq ft
- ☒ Residential water oriented accessory structure* not exceeding 120 sq ft* (at least 20' from OHWL*)
- ☐ Commercial water oriented accessory structure* not exceeding 250 sq ft* (from at least 20' OHWL* &/or 10' DNR permitted harbor) Meets requirements of Sec 26-317
- ☐ Retaining wall not exceeding 4 ft in height Residential in SIZ1* & SIZ2* only (RLZ* exempt)
- ☐ Boardwalk for lake access over wetland not exceeding 8 ft in width
- ☐ Watercraft access ramp meeting requirements of Sec 26-320
- ☐ Vegetation removal on bluff* and steep slope* for access path* not exceeding 8 ft in width
- ☐ Vegetation removal not on bluff* and steep slope* to access a shoreline recreation use area not exceeding 15 ft in width

- ☐ Removal of woody vegetation within SIZ1* NE lakes only
- ☐ Shoreland recreation use area-30% of total lot width and 25 ft landward from OHWL* (200' maximum)
- ☐ Sand blanket not exceeding 30% of total lot width and 25 ft landward from OHWL* no more than 10 cu yds annually (200' maximum)
- ☒ Upland fill Up to 30 cubic yards - SIZ1* annually
- ☐ Upland fill 10 to 50 cubic yards - SIZ2* annually
- ☐ Upland fill 10 to 100 cubic yards - RLZ* annually
- ☐ 400 Sq Ft De Minimis Wetland Fill
- ☐ Historic ice ridge* - Width _____ (No permit for Annual ice ridge* per Article 21, Sec. 26-575, d)
- ☐ Commercial dirt moving*, Article 21 Sec 26-576 (2)- Cu Yds _____
- ☐ Residential dirt moving*, Article 21 - Cu Yds _____
- *Notates definitions on last page

OFFICE USE ONLY

Comments: _____



SHORELAND/LAND ALTERATION PERMIT APPLICATION

Planning and Zoning Department

37028 Co Rd 66, Crosslake, MN 56442

218.692.2689 (phone) 218.692.2687 (fax)

Email – crosslakepz@crosslake.net

1. Shoreland/land alteration permits are valid for two (2) years.
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. Staff highly recommends that the owner retain a licensed surveyor to mark these lines. If the owner chooses to mark without a survey, Staff approval will not confirm these lines. In other words, if a subsequent survey confirms that the lines were improperly marked, you may need to move a structure or buy land from your neighbor to correct the encroachment. JD Initials
3. It shall be a violation of the City of Crosslake Land Use Ordinance to commence construction before the permit application is approved by the City of Crosslake. JD Initials
4. The applicant or authorized agent may make application for a shoreland/land alteration permit agreeing to do such work in accordance with all City of Crosslake Ordinances. The applicant or authorized agent agrees that the application, site plan, and other attachments submitted herewith and which are approved by the City of Crosslake are true and accurate. The applicant or authorized agent agrees that, in making application for a shoreland/land alteration permit, the property owner grants permission to the City of Crosslake, at reasonable times, to enter the property to determine compliance of the application with applicable local, county or state ordinances or statutes. It is the applicant's sole responsibility to contact other local, county or state agencies to ensure the applicant has complied with all relevant local, county or state ordinances or statutes; with Minnesota Statutes 2015, section 216D.03 to 216D-07 attached. Contact the MNDNR for any activity and/or material occurring below the OHW. All construction associated with an approved permit shall be compliant with Minnesota Statutes 326B.121 – State Building Code; Application and Enforcement. JD Initials
5. Please submit the following information with the application:
 - Property owner signature
 - Property owner phone number
 - Site sketch showing all setbacks
 - Impervious Surface & Stormwater worksheet
6. All properties within the Shoreland District with an impervious surface cover percentage over 15% will be required to submit a stormwater management plan pursuant to Article 11; Sec. 26-309 of the Land Use Ordinance.
7. After a complete application is submitted, an on-site inspection is conducted and the application is reviewed, a permit may be issued describing the proposed construction that may take place on the property.

I have read and fully understand the above information. The information provided in this application is true and correct.

Kimberly Day
Applicant Signature

3/31/2020
Date

When the application and all accompanying plans have been completed, please mail or deliver in person to the City of Crosslake Planning and Zoning, 37028 Co Rd 66, Crosslake, MN 56442. The appropriate fee must accompany all applications. Please make the check payable to the City of Crosslake.

Parcel ID: 14080610
DAY, BRADY J & KIMBERLY A

Parcel

Assessment Year:	2020
Pay Year:	2021
Property Address:	37916 FOREST LODGE RD
City:	CROSS LAKE
State:	MN
Zip:	56442
Multiple Addresses:	No
Legacy Parcel ID:	120082204LB0009
Market NBHD:	14_RSL - CROSSLAKE RES&SEAS LAKESHORE
Class:	151 - 4C(12) SEASONAL RESIDENTIAL RECREATION
Lake:	18031100 - RUSH
Deeded Acres:	1.71
Plat	-
Lot:	
Block:	
Section-Twp-Range:	08 - 137 - 027
Tax District:	14300 -
Town/City:	
School District:	
Fire District:	
Rural Service:	
Watershed:	
Sewer District:	
Hospital:	
HRA:	
Commissioner District:	2
TIF Project#:	-

Values

Tax Market Value:	889,400
Estimated Market Value:	889,400
Ref Market Value:	0
TIF Tax Capacity:	0
Tax Capacity:	9,868
State Tax Capacity:	9,412
New Construction Value:	0

Parcel Status

In Forfeiture:	No
Escrow Company:	
ACH:	No
Delinquent	No
Homestead	N - Non-Homestead
Relative	

Legal

Plat Name:

PT OF N1/2 OF GL 4 DESC: COMM AT NW COR OF SD
GL 4 THEN S 15'2" E ALG W LINE OF SD GL 4
556 FT THEN N 86D 44'30" E 666.5 FT TO POB
THEN S 86D 44'30" W 666.5 FT TO W LINE OF SD
GL 4 THEN S 15'2" E ALG W LINE OF GL 4 105 FT
MOL TO S LINE OF N1/2 OF GL 4 THEN E ALG S
LINE OF N1/2 OF GL 4 630 FT MOL TO WATERS
EDGE OF RUSH LAKE THEN NELY ALG SHORE OF
RUSH LAKE TO POINT OF INTER WITH A LINE BEAR
S 72D 17'2" E FROM POB THEN N 72D 17'2" W 169
FT MOL TO POB. TOGETHER WITH THOSE ESMNTS
CREATED BY DOC IN BK 262 OF MORTGAGES PG 739.

Sales

Sale Date	Sale Price	Instr. Type	CRV #	Grantor/Seller	Grantee/Buyer
03/01/2019		QCD		DAY, BRADY & KIMBERLY A	DAY, BRADY J & KIMBERLY A
04/27/2017		OTH			DAY, BRADY & KIMBERLY A &
04/27/2017	927,000	TD	647779E	JACQUELINE J. RANEY, TRUSTEE,	JUNG, JEREMY W & JOELLE & ETAL

Landowner / Parcel #: Day 14080610

Date: 3/31/2020

Lot Impervious Surface Coverage & Landscaping for Stormwater Worksheet

Please use the table below to calculate your impervious surface coverage. Impervious coverage is limited to 25% of the total lot area. Calculate out all that apply to your situation. If a structure has odd dimensions or if using to size stormwater basins, multiple rows / sheets may be needed. If total imp. of irregular structure or driveway is known, just multiply by 1.

<u>Existing Structures</u>	<u>Length (ft)</u>	<u>Width (ft)</u>	<u>Total (in sq. feet)</u>
House, garage, shed Boathouse Greenhouse Other (Dog Kennel, etc.)	(ft)	X	(ft) = 1633 (sq ft)
	(ft)	X	(ft) = 596 (sq ft)
	(ft)	X	(ft) = 0 (sq ft)
	(ft)	X	(ft) = 0 (sq ft)
	(ft)	X	(ft) = 0 (sq ft)
<u>Driveways* & Landscaping:</u>			
Driveway*, Parking Area, Apron, Boat Ramp, Sidewalk, Patio, Paving Stones, Landscaping (incl. plastic), Other	(ft)	X	(ft) = 589 (sq ft)
	(ft)	X	(ft) = 327 (sq ft)
	(ft)	X	(ft) = 2342 (sq ft)
	(ft)	X	(ft) = 0 (sq ft)
Total Existing Impervious			0 (sq ft)
<u>Proposed Structures</u>			
House, garage, shed Boathouse Greenhouse Other (Dog Kennel, etc.)	10 (ft)	X	12 (ft) = 120 sq ft
	(ft)	X	(ft) = 0 (sq ft)
	(ft)	X	(ft) = 0 (sq ft)
	(ft)	X	(ft) = 0 (sq ft)
	(ft)	X	(ft) = 0 (sq ft)
<u>Driveways* & Landscaping:</u> <i>*Assumes a 12' wide driveway unless evidence to the contrary</i>			
Driveway*, Parking Area, Apron, Boat Ramp, Sidewalk, Patio, Paving Stones Landscaping (incl. plastic), Other	(ft)	X	(ft) = 0 (sq ft)
	(ft)	X	(ft) = 0 (sq ft)
	(ft)	X	(ft) = 0 (sq ft)
	(ft)	X	(ft) = 0 (sq ft)
Total Proposed Impervious			(sq ft)
Total Lot Area (sq. ft.) = 88,981	Total existing Impervious		= 5487 (sq ft)
	Total w/new Impervious		= 5607 (sq ft)
	% existing impervious		= 6.2 %
	% w/new impervious		= 6.5 %

Simple Calculator for Approximating Size of Stormwater Practice & Amount of Phosphorus Reduction:

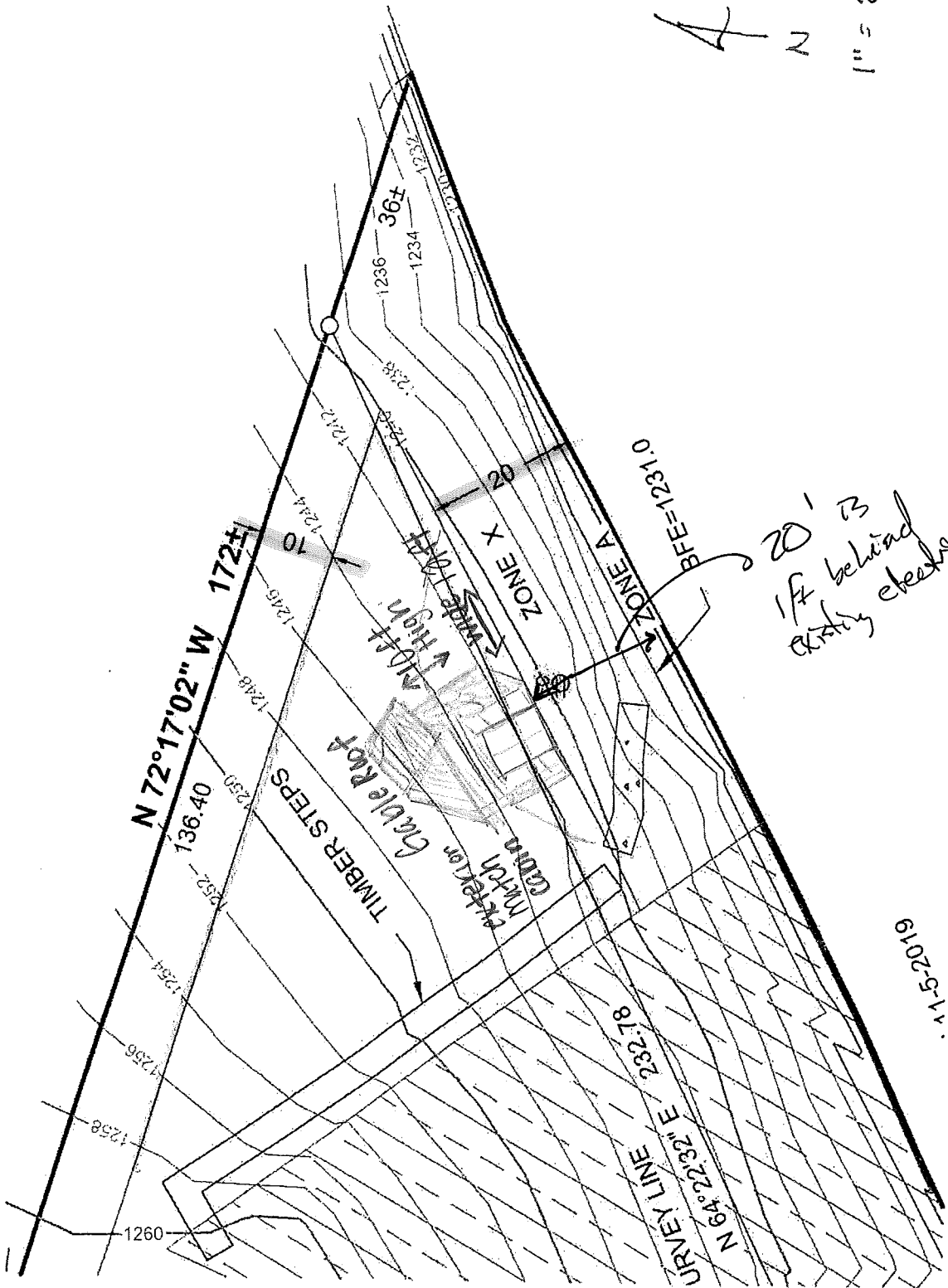
Total w/ new impervious:		Storage volume: Gal / Cu ft (= gal / 7.48)		Bottom size (sq ft) of infiltration area by depth							
				3"	6"	9"	12"	15"	18"		
0	x	0.623 / 0.083 Gal / Cu ft	=	0 Gal	0 Cu ft	0 <small>cu ft x 4</small>	0 <small>cu ft x 2</small>	0 <small>cu ft x 1.33</small>	0 <small>cu ft x 1</small>	0 <small>cu ft x 0.8</small>	0 <small>cu ft x 0.67</small>
Total exst imp	=	0	x	0.0000366	=	0.00	Existing phosphorous loading (lbs/yr)				
Tot w/new imp	=	0	x	0.0000366	=	0.00	Phosphorous reduction w/ stormwater mgmt				
For rain barrels, use this formula to determine size/amount needed:				Roof area (sq ft)	x	0.5625	=	0	Gallons generated from a 1" rain event		

3/31/2020

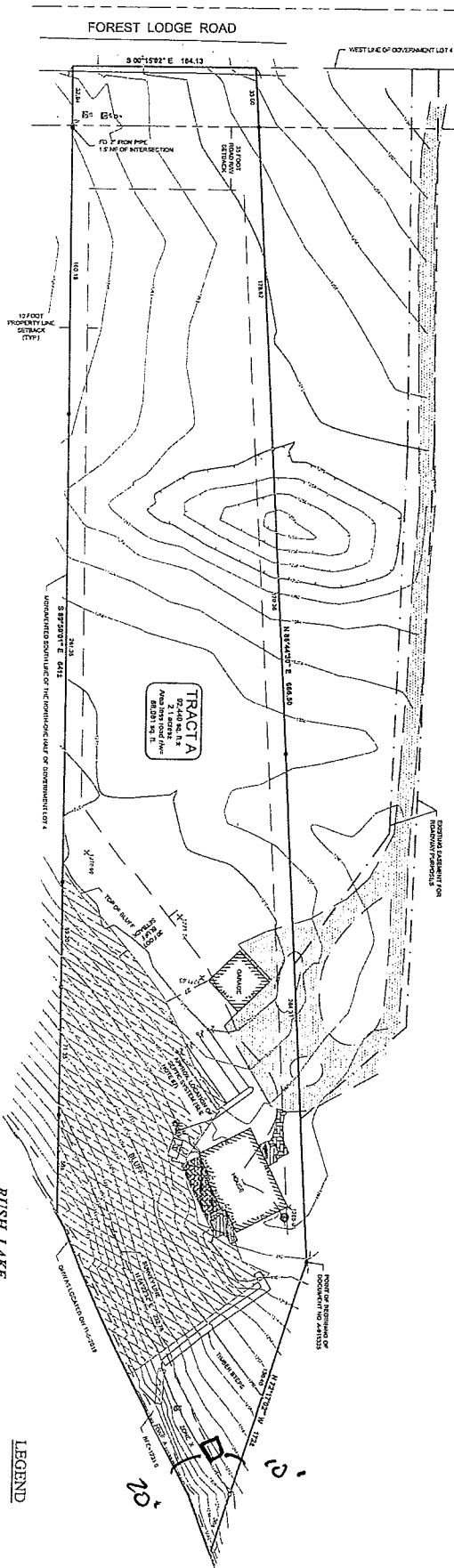
Day 14080010

Vanberley Day

DOCUMENT NO. A-915325



1-5-2019



RUSH LAKE
GENERAL DEVELOPMENT CERTIFICATION
NORMAL RESERVOIR POOL ELEVATION = 1229.57
106 YEAR FLOOD ELEVATION = 1231.00
HIGHEST KNOWN ELEVATION = 1234.56
INFORMATION OBTAINED FROM CORPS OF
ENGINEERS LAKE ELEVATION = 1229.45 ON 11-5-2019
BASED ON NGVD 29 DATUM

IMPERVIOUS CALCULATIONS			
EXISTING	PERVIOUS	Net Area	Percent
	AREA	(sq ft)	Impervious
	(sq ft)		
House	1,033	60,007	1.6%
Garage	598	60,001	0.7%
Concrete & Pavement	660	60,001	0.7%
Turfed Slips	327	60,001	0.4%
Gravel	2,342	60,001	2.5%
Total	5,441	60,001	6.2%

NOTES:

1. Contour initial as 2-pot. Based on NOAA 29 datum. Contour above has been obtained using standard survey - geodetic methodology. (Data based on 11-5-2019).
2. Zoning for wetland areas - "Shrubland District".
3. There are no wet lands within surveyed property.
4. Property is in "Zone X" and "Zone A" as per the THMA Flood Insurance Rate Map.
5. A definition: Areas of 100-year flood have elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
6. Parcel ID of subject parcel: H4003410.
7. The property address of subject parcel: 3316 Peachland Road.
8. Appraisal: section of typical report per sketch prepared by Malin Joyce Reptec Service, LLC.

[illegible]

together with all hereditaments and appurtenances

Diagram illustrating the orientation of the magnetic system in a boat on a wettling of compass, showing a scale in feet (0 to 10) and a compass rose indicating North (N) and South (S).

ORIENTATION OF THIS RESEARCH SYSTEM IS BASED ON WEST LINE OF GOVERNMENT LOT 6 YO 14AVIAN ASSIGNED BEARING OF S 00°15' E II.

- DROPTIES MONUMENT FOUND

SHEET	CERTIFICATE OF SURVEY
	Brady Day 9851 Walnut Grove Maple Grove, MN 55311

	PROJECT MANAGER
	CNH
	CHECKED
	BY:
	CNH
	DRAWN BY:

PROJECT No	19317
FILE NAME	C19317.dwg
FIELD BOOK	

DATE	11-16-2019
SCALE	
HORIZ	1"=10'

DATE	

[illegible]

	I HEREBY CERTIFY
BY	REPORT WAS PREPARED
	AND THAT I AM A DULY
	SURVEYOR UNDER

THAT THIS SURVEY WAS
MADE BY ME OR UNDER
MY LICENSED POWERS
THE LAWS OF THE STATE

EDUCATION, OR
DIRECT SUPERVISION
ENGINEER OR LAND
MINESOTA



10206 Rasmussen Road
Suite 1
P. O. Box 874
Pequot Lakes, MN 56472

1

Individual Usage Details

Device: BRETT JANS | 218.831.7004

Billing period: Apr 29, 2020 - May 28, 2020
Showing details for Talk usage

Totals for this billing period: 518 calls 1477 minutes \$0.00

Date / Time	Contact	Location	Call Type	Minutes	Charge (\$)
05/19/2020 12:49PM	[REDACTED]	Brainerd, MN	SDDV	4	0.00
05/19/2020 12:53PM	[REDACTED]	St Cloud, MN	SDDV	1	0.00
05/19/2020 02:45PM	[REDACTED]	Minneapolis, MN	SDDV	4	0.00
05/19/2020 02:54PM	[REDACTED]	Brainerd, MN	SDDV	4	0.00
05/19/2020 03:17PM	[REDACTED]	Cross Lake, MN	SDDV	1	0.00
05/19/2020 03:24PM	[REDACTED]	Brainerd, MN	SDDV	3	0.00
05/19/2020 03:26PM	[REDACTED]	Brainerd, MN	SDDV	1	0.00
05/19/2020 03:28PM	[REDACTED]	Incoming, CL	SDDV	4	0.00
05/19/2020 04:19PM	[REDACTED]	Elk River, MN	SDDV	1	0.00
05/19/2020 04:30PM	[REDACTED]	Minneapolis, MN	SDDV	2	0.00
05/19/2020 04:35PM	[REDACTED]	Incoming, CL	SDDV	1	0.00
05/19/2020 04:44PM	[REDACTED]	Incoming, CL	SDDV	7	0.00
05/19/2020 05:11PM	[REDACTED]	Twincities, MN	SDDV	1	0.00
05/19/2020 05:57PM	[REDACTED]	Twincities, MN	SDDV	2	0.00
05/19/2020 06:54PM	[REDACTED]	Incoming, CL	SDDV	8	0.00
05/20/2020 06:06AM	[REDACTED]	Blaine, MN	SDDV	1	0.00
05/20/2020 06:22AM	[REDACTED]	Incoming, CL	SDDV	1	0.00
05/20/2020 07:43AM	[REDACTED]	Incoming, CL	SDDV	2	0.00
05/20/2020 08:00AM	[REDACTED]	Nisswa, MN	SDDV	1	0.00
05/20/2020 09:13AM	[REDACTED]	Incoming, CL	SDDV	1	0.00
05/20/2020 09:34AM	[REDACTED]	Incoming, CL	SDDV	2	0.00
05/20/2020 09:38AM	[REDACTED]	Incoming, CL	SDDV	4	0.00
05/20/2020 09:45AM	218.692.2689	Cross Lake, MN	SDDV	2	0.00
05/20/2020 10:02AM	[REDACTED]	Incoming, CL	SDDV	2	0.00
05/20/2020 10:08AM	[REDACTED]	Brainerd, MN	SDDV	1	0.00
05/20/2020 10:33AM	218.692.2689	Cross Lake, MN	SDDV	1	0.00
05/20/2020 10:34AM	[REDACTED]	Minneapolis, MN	SDDV	1	0.00
05/20/2020 10:35AM	[REDACTED]	Brainerd, MN	SDDV	3	0.00
05/20/2020 11:19AM	[REDACTED]	Brainerd, MN	SDDV	3	0.00

Individual Usage Details

Device: BRETT JANS | 218.831.7004

Billing period: Apr 29, 2020 - May 28, 2020
Showing details for Talk usage

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Date / Time	Contact	Location	Call Type	Minutes	Charge (\$)
05/15/2020 03:24PM	[REDACTED]	Minneapolis, MN	SDDV	1	0.00
05/15/2020 05:53PM	[REDACTED]	Incoming, CL	SDDV	11	0.00
05/15/2020 07:49PM	[REDACTED]	Incoming, CL	SDDV	2	0.00
05/15/2020 08:07PM	[REDACTED]	Brainerd, MN	SDDV	2	0.00
05/16/2020 06:55PM	[REDACTED]	Brainerd, MN	SDDV	2	0.00
05/17/2020 11:11AM	[REDACTED]	Minneapolis, MN	SDDV	1	0.00
05/17/2020 11:22AM	[REDACTED]	Minneapolis, MN	SDDV	9	0.00
05/17/2020 12:43PM	[REDACTED]	Incoming, CL	SDDV	1	0.00
05/17/2020 04:22PM	[REDACTED]	Incoming, CL	SDDV	4	0.00
05/18/2020 07:28AM	[REDACTED]	Incoming, CL	SDDV	1	0.00
05/18/2020 07:31AM	[REDACTED]	Brainerd, MN	SDDV	1	0.00
05/18/2020 07:35AM	[REDACTED]	Rochester, MN	SDDV	4	0.00
05/18/2020 07:48AM	[REDACTED]	Cross Lake, MN	SDDV	1	0.00
05/18/2020 08:12AM	[REDACTED]	Incoming, CL	SDDV	2	0.00
05/18/2020 08:23AM	[REDACTED]	Brainerd, MN	SDDV	5	0.00
05/18/2020 08:33AM	[REDACTED]	Brainerd, MN	SDDV	1	0.00
05/18/2020 08:36AM	[REDACTED]	Cross Lake, MN	SDDV	3	0.00
05/18/2020 09:03AM	[REDACTED]	Rochester, MN	SDDV	2	0.00
05/18/2020 09:41AM	[REDACTED]	Incoming, CL	SDDV	2	0.00
05/18/2020 09:55AM	[REDACTED]	Incoming, CL	SDDV	1	0.00
05/18/2020 10:34AM	[REDACTED]	Brainerd, MN	SDDV	6	0.00
05/18/2020 10:56AM	[REDACTED]	Brainerd, MN	SDDV	1	0.00
05/18/2020 10:57AM	[REDACTED]	Incoming, CL	SDDV	8	0.00
05/18/2020 11:24AM	[REDACTED]	Incoming, CL	SDDV	1	0.00
05/18/2020 12:14PM	[REDACTED]	Rochester, MN	SDDV	4	0.00
05/18/2020 12:36PM	[REDACTED]	Brainerd, MN	SDDV	1	0.00
05/18/2020 12:37PM	[REDACTED]	Incoming, CL	SDDV	3	0.00
05/18/2020 12:39PM	[REDACTED]	Call Wait	SDDV	1	0.00
05/18/2020 12:54PM	218.692.2689	Cross Lake, MN	SDDV	3	0.00

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



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

October 9, 2020

Brady J. & Kimberly A. Day
9851 Walnut Grove Ln N
Maple Grove, MN 55311

Dear Mr. & Mrs. Day:

Pursuant to MN State Statute Section 15.99 and Sec. 26-74 of the Code of Ordinances for the City of Crosslake, the purpose of this letter is to inform you that our office is extending the 60 day deadline for Agency action up to an additional 60 days, no later than December 8, 2020. The purpose of the extension is to allow the property owner time to address the Planning Commission/Board of Adjustment's concerns and to make revisions to their proposed plan.

Thank you for your cooperation and flexibility. If you have any questions please don't hesitate to contact me.

Sincerely,

Jon R. Kolstad
Planning and Zoning Administrator
(218) 692-2689
jkolstad@crosslake.net

Crosslake PZ

From: Scott Madison <cabinonrush@gmail.com>
Sent: Sunday, September 20, 2020 9:19 PM
To: crosslakepz@crosslake.net
Subject: Day After-the-Fact variance at 37916 Forest Lodge Rd

From:
Scott Madison
12865 Anchor Pt Rd

The fact that eight after the fact variances were requested speaks volumes as to why they should all be denied. Allowance of these will set a precedent encouraging others to try to do likewise. Looking down Rush Lake, this is one of two properties that negatively stand out from the natural looking shoreline. A building twice the allowed size and too close to the lake as well as a clear cut, hardscaped, and altered bluff is not what is good for the Lake nor aesthetically pleasing from the water. An argument will probably be made that making all of this compliant will not be environmentally friendly to the lake. However, viable solutions exist with plantings to return this to its original state. A compliant shoreline accessory building is allowed, bluff alterations are not.

September 21, 2020

To: Crosslake Planning and Zoning Committee

This letter is about the After-the-Fact Variance for the property located at 37916 Forest Lodge Road, owners Brady and Kimberly Day.

As homeowners in the Crosslake area, we feel it is critical for the Planning and Zoning committee to consistently and accurately interpret the laws and regulations to maintain and preserve the lakes, shoreline and properties that make this area so special. We see several examples of violations of the building and shore restoration codes that negatively impact the long-term beauty and recreational viability of the lake system. The Day project is a recent example of going far beyond what should be allowed as property owners on this lake system.

We believe the only way to deter these ongoing violations would be to insist the property owners restore the land to its original structure. Minimal fines are not a deterrent to many homeowners here with deep pockets. This creates inequity across home owners on this lake system and ultimately, if we all do not do our part to protect and secure the integrity and beauty of this special area, we all lose out, on our property values, the pristine nature of the lakes themselves, and the future generations use of the Whitefish Chain and business viability of the city Crosslake, itself.

We recommend the Planning and Zoning Committee bring in any additional governing entities (such as the DNR) needed to protect both the water and the shoreline when these clear violations occur to assure the laws and rules to protect our waters and properties is upheld.

Thank you for your consideration.

Shelly and David Wolff

37784 Forest Lodge Road

Crosslake, MN

To: Crosslake Planning and Zoning

I am writing in reference to a After-the Fact Variance for the property located at 37916 Forest Lodge Road, owned by Brady and Kimberly Day.

Our property is located at 37808 Forest Lodge Road, 2 properties to the south/west of the property in question. Our property is on a bluff that is in alignment with the bluff the Day's property also sits on.

We have concern that the major disruption of the bluff with the very large water-oriented accessory structure and the additional removal of natural native plants and addition of large boulders, patio, fire pit patio and walkways had disrupted and potentially damaged the bluff. We have concern that once erosion starts on the bluff, the bank instability at the Day's property can affect the intrinsic structure of the bluff and cause erosion that could potentially create a landslide extending to our property.

A secondary concern is the runoff from the property into the lake, the property owners have added non-native grass and boulders and the runoff goes directly into the lake. The runoff likely contains fertilizer and other contaminants. Due to the increase of phosphorus in the lakes, we have seen a marked increase in the amount of lake weeds in our dock area which gums up our boat lift and has virtually rendered our shoreline unusable for swimming. Runoff from developed shorelines creates and exacerbates this issue. We have been unable to keep our dock area free from weed growth the last 2 seasons and this season have seen a major increase in weed chop. We choose not to treat our lakeshore as this contributes to an unhealthy lake. Due to the fact we are south of the property and located in a channel behind a bog, we also do not have the advantage of lake wave action to move the chop along.

We would ask that Crosslake Planning and Zoning require the property owners to restore the native plantings on the bluff to ensure that proper erosion prevention methods are taken. We would ask that the property owners not be required to remove their structure, but should have to pay a commensurate fine for willfully overreaching and disregarding the bluff impact zone and lake/ land use ordinances.

Permitting an After-the Fact variance for this property without properly correcting the abuses will lead to further issues with landowners taking steps to avoid variances. With other properties along Rush Lake being torn down and replaced and owners wanting to improve their properties, it is vitally important that we protect the lake and land for our future.

Finally, we ask this in the spirit of preserving the lake for future generations not as a device to block others land enjoyment. Rush Lake is all of ours to protect and enjoy.

Please see attached pictures for reference.

Thank You,

Shaun and Camille Flanagan

37808 Forest Lodge Road, Crosslake, MN 56442



Day Property from water view



Wider view of Day Property from water



Flanagan Bluff from top view

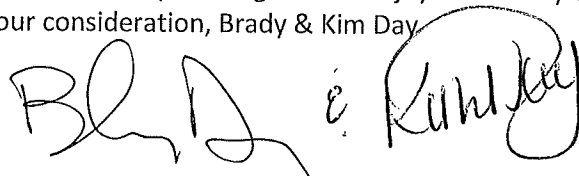
Thank you for taking time to walk through our property. We would like to reiterate and make very clear that it was never our intention to evade the City of Crosslake's shoreline/bluff & WOAS ordinances. When we created a plan, we envisioned making changes to improve the function, and safety of our property as we had several deteriorating landscape structures that needed to be addressed. The safety of our 3 children and of our aging parents were top of mind, as well as how the replacements & additions would impact the surrounding environment. We attempted to use Crosslake contractors but had no luck in securing their help in a timely manner as all were extremely busy. We then found outside contractors that worked in the Brainerd Lakes area and were familiar with working on lake properties in Crow Wing County. This was our 1st major project as a new lake homeowner and when we hired our licensed contractors, we believed that all the work they would complete would be done correctly. We applied for the permit for the water orientated storage structure on March 31st at the height of the unprecedented state shutdown & quarantine where businesses were not operating as usual and city officials were working from home. We acknowledge that we were naïve to the additional permits for work occurring in the bluff area and the communication errors of placement and size of the WOAS.

- Replaced existing rotting & deteriorating timber steps with stone steps reducing the total number of steps to the shoreline.
- Replaced existing uneven, settled stone boulder steps to fire pit area with stone steps
- Replaced unsafe sinking boulder walls around fire pit area. Replaced rocks with pavers to prevent continual spillage of rock into mowed areas and to create a safer space around our fire pit.
- Replaced rock beds with mulch beds and added mulch borders with a variety of plants for improved drainage.
- Replaced cracked & broken flagstone, grass and rock walkway with a paver pathway.
- Added a boulder wall to the edge of the bluff to prevent further deterioration and wash out.
- There has always been an existing mowed grass area on the top of the bluff that met up to natural grass area on the side of bluff that experienced wash out down to the shoreline.
- Added additional vegetative buffers that will grow deep strong roots to the side of bluff for added soil stability & to improved drainage.
- Added lighting for safety and security
- Added railings for safety
- WOAS was added to make our property more useful and convenient
- With the addition of the WOAS, replacements and new paver pathway that was completed the impervious surfaces calculation of our property changed by only 0.70% from a total of 6.3% to 7.0%

Remaining planned work that was halted

- Rainwater management with gutters & rain barrel to the WOAS and runoff holding areas.
- Additional boulders and plantings with to side of bluff to further stabilize the bluff and manage runoff.

Since the issues were brought to our attention, by the city on June 22nd, this has been a source of huge stress to our family as we have invested a lot of time, money & emotion into the project. It is our strong belief that we have only improved our property for our family's use & the lakeshore sustainability. We see no harm being done to the lakeshore or the city of Crosslake. It is our long-term plan to retire here and create a home that is a legacy for our children & future grandchildren. We want this property to be the place that is safe for everyone to gather & enjoy the beauty of Crosslake and the Whitefish Chain. Thank you for your consideration, Brady & Kim Day.

Handwritten signatures of Brady and Kim Day. The signature on the left is 'Brady' and the signature on the right is 'Kim Day'.



ATF Variance Application

Planning and Zoning Department

37028 County Rd 66, Crosslake, MN 56442

218.692.2689 (Phone) 218.692.2687 (Fax) www.cityofcrosslake.org

Receipt Number:

909334

Permit Number:

2010125 ✓

Property Owner(s): Brady & Kimberly Day

Mailing Address: 9851 Walnut Grove Ln N Maple Grove, MN 55311

Site Address: 37910 Forest Lodge Rd.

Phone Number: 762-531-3955

E-Mail Address: Kimberlyaday@hotmail.com

Parcel Number(s): 1408 0610

Legal Description: see survey That pt of N1/2 of GL 4

Sec 08 Twp 137 Rge 26 (27) 28

Lake/River Name: Rush Lake - 1803110

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

If yes list Parcel Number(s) _____

Authorized Agent: None

Agent Address: _____

Agent Phone Number: _____

Variances

(Check applicable requests)

- ☐ Lake/River Setback
Water oriented accessory structure at 18' where 20' is allowed
- ☐ Road Right-of-Way Setback
- ☒ Bluff Setback for:
Dirt moving, patios, walkways, firepit, and retaining walls
- ☐ Side Yard Setback
- ☐ Wetland Setback
- ☐ Septic Tank Setback
- ☐ Septic Drainfield Setback
- ☐ Impervious Coverage
- ☒ **WATER ORIENTED**
Accessory Structure **512**
239 sf where one 120 sf is allowed
- ☐ Building Height
- ☐ Patio Size
- ☐ _____
- ☐ _____

Signature of Property Owner(s) Brady & Kimberly Day

Date 8/7/20

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"
- 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 Submitted Date 8/10/2020

Land Use District SD

Lake Class 6D Septic: Compliance 4/17/2020 SSTS Design _____ Installation _____

1. Yes. Although the water orientated storage structure (WOSS) is larger than the current ordinance allows it is consistent with the look, use, and the setback requirements.
2. Yes. The overall property improvements are in line with other lakeshore properties located within the city of Crosslake and improve visual appeal and use to the property while protecting the environment and the lakeshore of Rush Lake.
3. Yes. We acknowledge that the existing WOSS was mistakenly made larger (240 sq. ft.) than the ordinance (120 sq. ft.) allows. It is, however over 20 feet back from the water and over 10 feet back from neighboring property lines. It does not impose any sight line issues for our neighbors and they are happy with the property improvements we have made. The larger structure as is, is not negatively impacting another property owner, Rush Lake or the city of Crosslake.
4. Yes. The results of the landscaping to the bluff have improved drainage and our erosion issues and concerns. The lakeside and shoreline now has substantially more vegetation and soft scape to enhance the look and function of the property. There was no dirt removed from the bluff. There was an additional 6-7 yards of black dirt that was brought in and spread throughout the property. The WOSS was designed and built into the side of the hill to blend in with the surrounding area while adding accessible storage for our personal use.
5. No. We acknowledge that we made mistakes as property owners.
6. Yes. We believe added demolition of the structure and bluff areas would have a negative environmental impact. The additional earth moving work would require the use of heavy construction vehicles and excavators resulting in potential further damage to surrounding areas and shore line. This work could possibly result in bluff damage, as the bluff is now secure. The process would also create noise pollution to our neighbors and in the neighboring areas of the lakeshore.
7. Yes. See question 8 for details.
8. Yes. We applied for the permit during an unprecedented time of Covid 19 shutdown and Crosslake city employees working from home. We were in all honesty naïve about the existing ordinances in regards to bluffs and what was to be required of the property owner. We did not due our due diligence as property owners and for that we are sorry and humbled. We wrongly believed that our contractors were aware of and in compliance with local regulations and ordinances. We were not made aware that the planned landscaping project repairs and improvements were not allowed in the bluff areas per our landscaping contractor. Our contractor with Black Rock Landscaping had extensively worked in the Crow Wing County area and told us we did not need a permit for the work we were doing.

We applied for the (WOSS) permit in good faith knowing that the project would be inspected before, during and at completion. We had miscommunication

with our general contractor Brett Jans, of Timberwood Construction on structure size and we own this mistake. The city inspector approved the staked out area and issued our permit on 4/24. The stakes were never altered or changed in any way by our contractor or us. As the construction progressed our contractor called the city of Crosslake on 5/18 to ensure he had approval to pour and make sure someone would be out to inspect the property. He again called the city 2 times on 5/20, on that day Brett Jans spoke with a woman at the city offices and he states that he received verbal approval to pour the concrete for the structure (to be clear it was his understanding that Jon with the city had inspected the size of structure and gave approval to pour the concrete) We believe that under normal business city operations this size mistake would have been caught, construction halted, and changes made until it was within the ordinances size parameters. We personally took out the permit, which in hindsight should have been done by the licensed contractor we hired. Our intentions in building the WOSS were to make sure we did things correctly. We regret this happened and are looking for a resolution that accommodates both the city and our property.

9. Yes. We had set out to improve the safety of the property along with visual & environmental improvements. The replacements and improvements created safer, more secure retaining walls, stairs, pathways and added substantial vegetation through out the property and that enables us to stop yard erosion from entering the lake. We have currently invested \$83K on landscaping and \$52K on the water orientated storage structure. Our neighbors on both sides and passing boaters have all commented how vastly improved the property is and how much additional green space it has created while all blending well into the shoreline.

10. Yes. There are other existing water orientated storage structures similar in look and size in Crosslake on the various lakes. Also on these same lakes in Crosslake there are also various types/styles of retaining walls and landscaping on existing bluffs.

11. Yes. The WOSS as is, is 98% completed. The stone siding and gutters/rain barrels for rainwater runoff management are still pending. Tearing down the structure would result in both environmental and economic damage. Initial estimates are approximately \$20,000 in construction demolition, removal and additional landscaping work. Heavy machinery would need to be brought in resulting in excessive landscape damages and noise for the area. At this point to tear down the boulder wall on the bluff it is unknown how it can be safely done without damage to the bluff and lake. The costs to restore the bluff to original condition are unknown to us except that we know it will be very expensive as well. Please let the record state that it was never our intentions to do anything that was not in line with the city ordinances. We are sorry that the city has to spend time on this issue. It was never our intentions to build a WOSS that was larger than what the city of Crosslake allows. We are asking for the variance on the WOSS so that we can avoid the large environmental and economic cost to get to size the ordinance allows. This is a legacy property for our children and a future retirement home for us. We

love the city of Crosslake and the entire Whitefish Chain and we are committed to protecting the beauty of lake and improve upon what is already here in an environmentally positive way.



City of Crosslake Planning Commission/Board of Adjustment

After-The-Fact Variance Application

Findings of Fact

Supporting/Denying an After-The-Fact Variance

An After-the-Fact 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 After-the-Fact Variance request in harmony with the purposes and intent of the Ordinance?

Yes No
Why?

2. Is the After-the-Fact 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 an After-the-Fact Variance maintain the essential character of the locality?

Yes No
Why?

5. Is the need for an After-the-Fact Variance due to circumstances unique to the property and not created by the property owner?

Yes No
Why?

6. Does the need for an After-the-Fact Variance involve more than economic considerations?

Yes No
Why?

7. Did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? (Whether the applicant acted in good faith should be considered in the analysis of this factor)

Yes No
Why?

8. Did the applicant attempt to comply with the Ordinance by obtaining the proper permits?

Yes No

Why?

9. Did the applicant make a substantial investment in or improvement to the property?

Yes No

Why?

10. Are there other similar structures in the neighborhood?

Yes No

Why?

11. Would the minimum benefits to the City appear to be far outweighed by the detriment the applicant would suffer if forced to move or remove the structure?

Yes No

Why?