

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



13888 Daggett Bay Rd  
Crosslake, Minnesota 56442  
[www.cityofcrosslake.org](http://www.cityofcrosslake.org)

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

**March 26, 2021  
9:00 A.M.**

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

**PUBLIC HEARING NOTICE**

**Applicant:** Larry M & Kim C Anderson

**Authorized Agent:** Lakes Area Surveying LLC/Terry Strus

**Site Location:** That part of Govt Lot 8, Milinda Shores Rd, Crosslake, MN 56442 on Rush Lake-GD

**Variance for:**

- Lake setback of 25.9 feet where 75 feet is required to proposed dwelling
- Lake setback of 40.3 feet where 75 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 29.1 feet where 35 feet is required to proposed dwelling
- Road right-of-way (ROW) setback of .9 feet where 10 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 22.8 feet where 35 feet is required to proposed patio
- Dwelling setback of 12.9 where 20 feet is required to proposed septic drainfield

**To construct:**

- 2600 square foot dwelling/garage
- 384 square foot covered screen porch 36.2 feet from Rush Lake
- 100 square foot patio
- A new septic system
- All above items as submitted on the Certificate of Survey dated 1-13-2021/ included

**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](mailto:crosslakepz@crosslake.net).



## STAFF REPORT

Property Owner/Applicant: Larry M & Kim C Anderson

Parcel Number(s): 14070657

Application Submitted: February 2, 2021

Action Deadline: April 3, 2021

City 60 Day Extension Letter sent / Deadline: N/A / N/A

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

City Council Date: N/A

**Authorized Agent:** Lakes Area Surveying LLC/Terry Strus

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- Dwelling setback of 12.9 where 20 feet is required to proposed septic drainfield

**To construct:**

- 2600 square foot dwelling/garage
- 384 square foot covered screen porch 36.2 feet from Rush Lake
- 100 square foot patio
- A new septic system

**Current Zoning:** Shoreland District

**Existing Impervious Coverage:**

9.16%

**Proposed Impervious Coverage:**

12.3%

- A stormwater management plan was submitted with the variance application
- Septic Design Winter Window Agreement was submitted with the variance application

**Informal Development Review Team Minutes held on 1-26-2021:**

- Property is located on Rush Lake which requires a lake setback of 75 feet and the proposed dwelling with an attached garage is to be approximately 37.6 feet from the OHW of Rush Lake
- 1-13-21 survey was displayed on the screen, with the added red remarks from staff on items to be address; a discussion was held on each item and staff reminded the surveyor that it was

up to the owner/submitter to make sure the required items on the checklist were completed-see attached

- Staff informed the surveyor that the area where the city road is encroaching into the property that the road authority requires a 5 ft snowload area/setback, so all required road right-of-way (ROW) setbacks need to be measured from the 5 ft snowload in those areas (5' will be subtracted from survey setback)
- Impervious-Parcel gross area vs parcel gross less easement/road was discussed; make a note if used
- Impervious maximum of 25% and if impervious exceeds 20% a Shoreline Rapid Assessment Model form will be completed (Sec. 26-518)
- Design and implement a stormwater management plan, which is required with all variance applications per Article 8, section 26-222, (2), 1)
- A septic design will be required and surveyor stated he has a signed winter window agreement (WWA) which allows them to proceed forward with their request
- Wetland Delineation is a requirement and the surveyor stated he has a signed wetland delineation winter window agreement (WWA) which allows them to proceed forward with their request
- Staff informed the surveyor that if the DNR would make a different determination on the wetland/lake than what is shown on the survey and that determination negatively impacts the lake setback requested, then the applicant would have to request another variance
- A grade and elevation illustration along with a cut and fill calculation is required for a complete variance application – we noted that surveyor should go over the checklist with the owner
- Discussion on application requirements, procedure, schedule, fee and the requirements/need for a complete application packet by the deadline date; notification methods; variances are limited to 2 years
- A Land Use Permit will be required prior to construction

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 or a WWA
4. A septic design or WWA
5. A complete Variance application with the \$500.00 fee and/or \$6.00 for survey copies

#### **Parcel History:**

- None – vacant lot

#### **Agencies Notified and Responses Received:**

**County Highway Dept:** N/A

**DNR:** 2-28-2021 Danielle McNeil email regarding 100-yr floodplain

**City Engineer:** N/A

**Lake Association:** No comments were received as of 3-12-2021

**Township:** N/A

**Crosslake Public Works:** No comments were received as of 3-12-2021

**Crosslake Park, Recreation & Library:** N/A

**Concerned Parties:** No comments were received as of 3-12-2021

#### **POSSIBLE MOTION:**

To approve/table/deny the variance to allow:

- Lake setback of 25.9 feet where 75 feet is required to proposed dwelling
- Lake setback of 40.3 feet where 75 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 29.1 feet where 35 feet is required to proposed dwelling
- Road right-of-way (ROW) setback of .9 feet where 10 feet is required to proposed septic system
- Road right-of-way (ROW) setback of 22.8 feet where 35 feet is required to proposed patio
- Dwelling setback of 12.9 where 20 feet is required to proposed septic drainfield

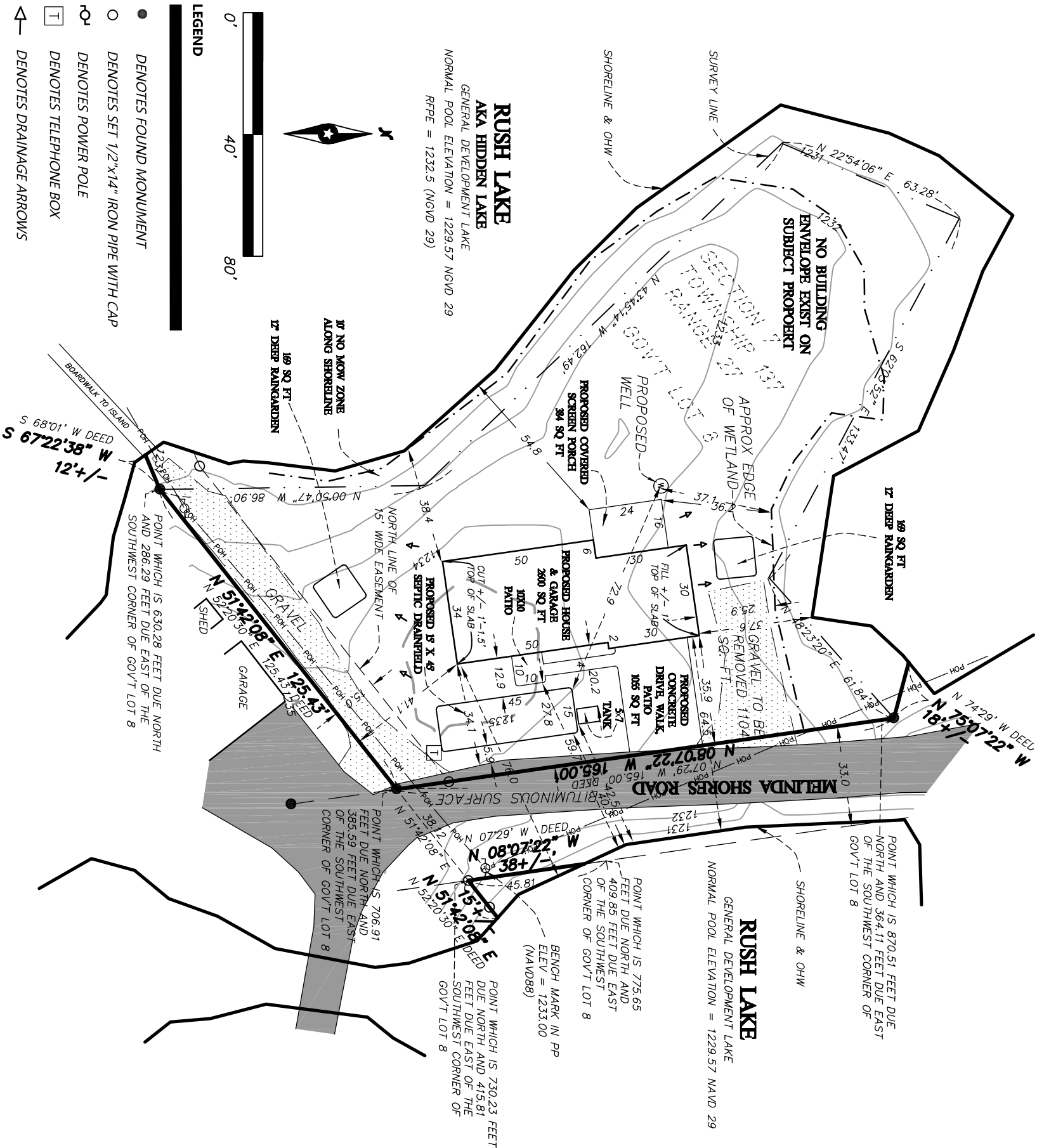
**To construct:**

- 2600 square foot dwelling/garage
- 384 square foot covered screen porch 36.2 feet from Rush Lake
- 100 square foot patio
- A new septic system

As shown on the certificate of survey dated 1-13-2021







LEGAL DESCRIPTION: (PART OF THE PROPERTY DESCRIBED IN DOC# A-901099)

That part of Government Lot Eight (8), Section Seven (7), Township One Hundred Thirty-seven (137), Range Twenty-seven (27), described as follows: Beginning at a point which is 630.28 feet due North and 286.29 feet due East of the Southwest corner of said Government Lot 8, thence running North 52 degrees 20 minutes 30 seconds East 125.43 feet to a point which is 706.91 feet due North and 385.59 feet due East of the Southwest corner of said Government Lot 8, thence North 7 degrees 29 minutes West 165 feet to a point which is 870.51 feet due North and 364.11 feet due East of the Southwest corner of said Government Lot 8, thence 74 degrees 29 minutes West 194 feet more or less to the Easterly shoreline of Hidden Lake, thence Southerly along said shoreline to its intersection with a line bearing South 68 degrees 1 minute West from the point of beginning, thence North 68 degrees 1 minute East to the point of beginning and that part of said Government Lot 8, Section 7, Township 137, Range 27, described as follows: Beginning at a point which is 730.23 feet due North and 415.81 feet due East of the Southwest corner of said Government Lot 8, thence running North 7 degrees 29 minutes West 45.81 feet to a point which is 775.65 feet due North and 409.85 feet due East of the Southwest corner of said Government Lot 8, thence North 82 degrees 31 minutes East 3 feet more or less to the Westerly shoreline of the Channel as constructed between Hidden Lake and the Pine River Channel, thence Southerly along said shoreline to its intersection with a line bearing North 52 degrees 20 minutes 30 seconds East from the point of beginning, thence South 52 degrees 20 minutes 30 seconds West 17 feet more or less to the point of beginning.

PROPOSED IMPERVIOUS CALCULATIONS			
PROPOSED	IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT IMPERVIOUS
BUILDINGS	2,600	32,844	7.92%
COVERED PORCH	384	32,844	1.17%
GRAVEL	0	32,844	0.00%
BITUMINOUS	0	32,844	0.00%
CONCRETE	1,055	32,844	3.21%
TOTAL	4,039	32,844	12.30%

EXISTING IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT IMPERVIOUS
GRAVEL	2,942	34,633	8.49%
BITUMINOUS	229	34,633	0.66%
TOTAL	3,171	34,633	9.16%

1789 SQ. FT. REMOVED FROM THE GROSS AREA AND IMPERVIOUS AREA ON THE PROPOSED CALCULATION TABLE

GENERAL NOTES

- No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.
- Bearings shown are based upon the Crow Wing County Coordinate System.
- No wetlands were delineated as a part of this survey.
- The proposed house and garage is a slab on grade. Proposed slab elevation is 1233.5 (NAVD 88)
- PID # 14070657
- Contours are based on NAVD 88.
- Zoning - Shoreland
- Proposed Building Height is 28 feet
- +/- 481 Cubic Yards to be moved assuming 5' excavation depth.

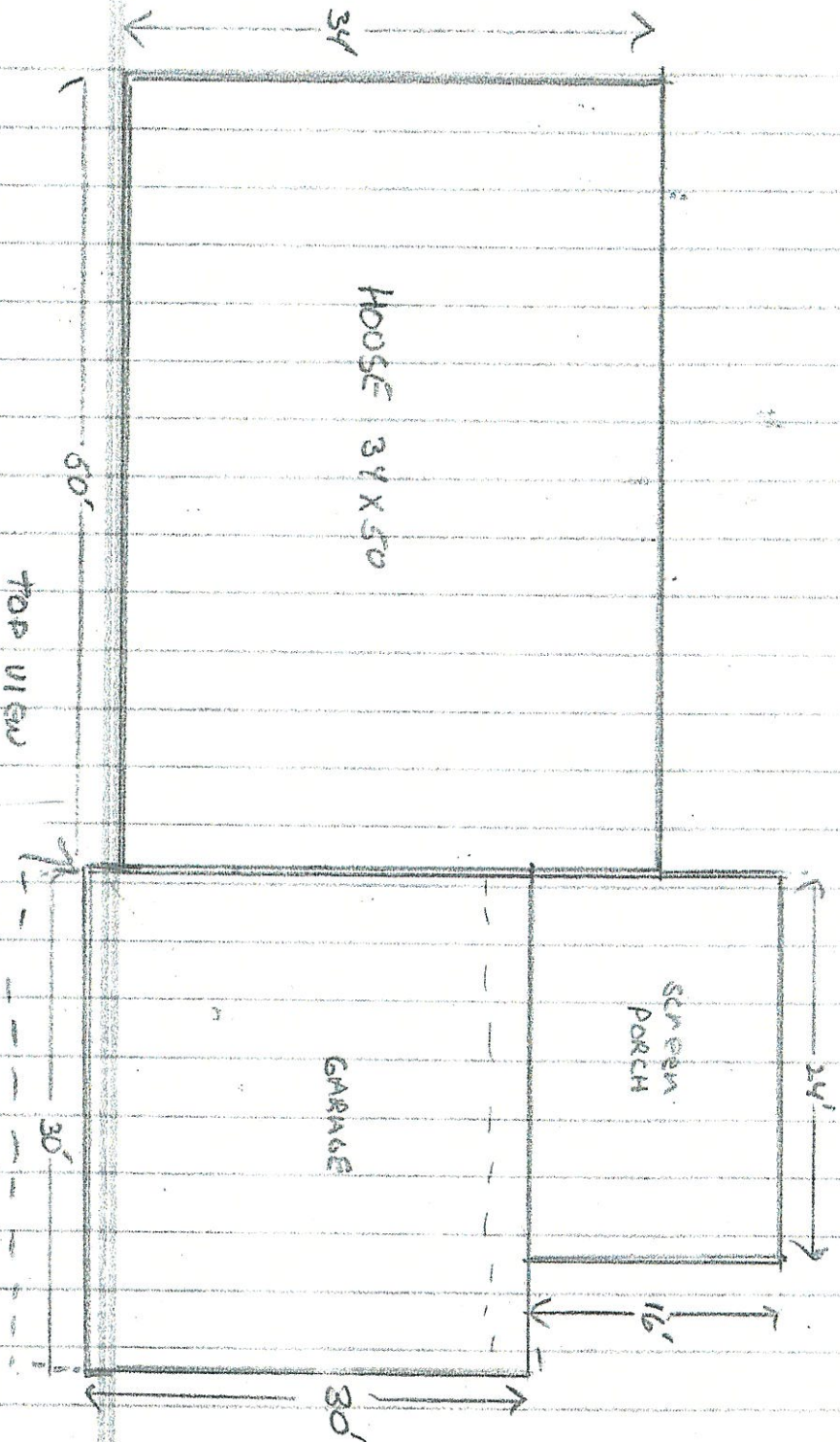
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.

Terry T. Strus

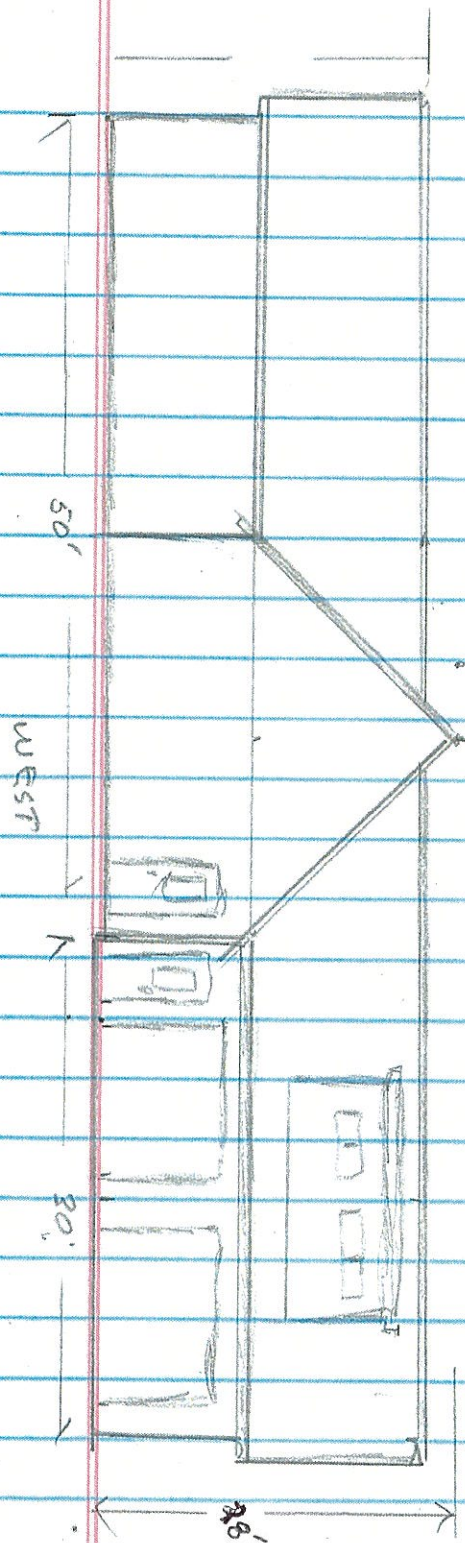
Terry T. Strus

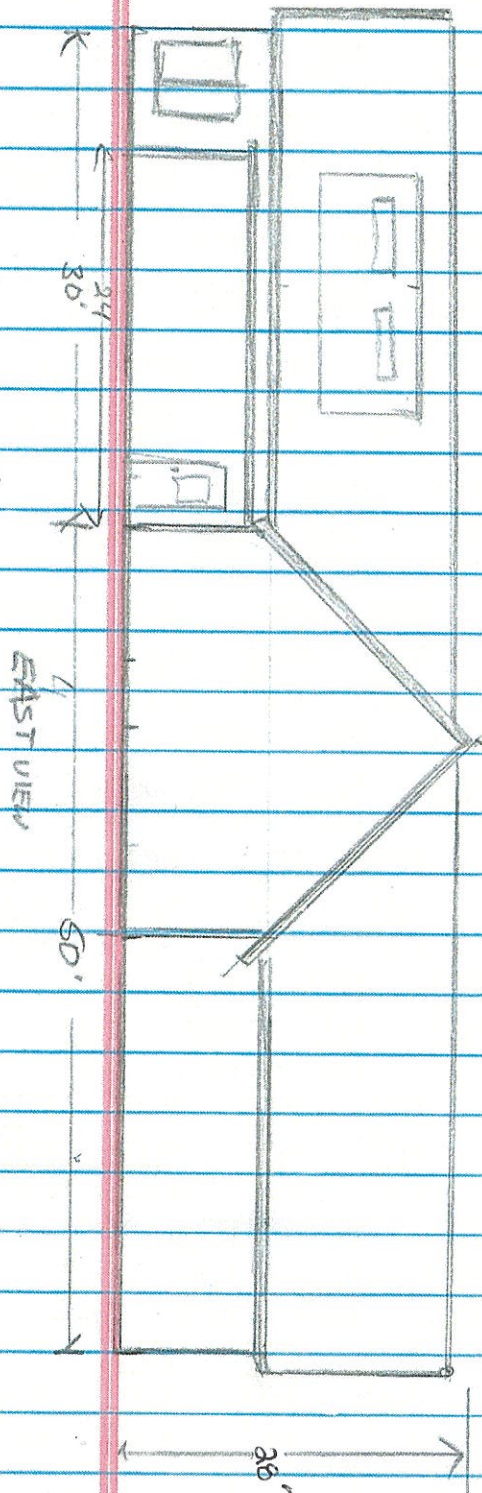
Date: 1/13/21 License No. 50319

Larry & Kim Anderson

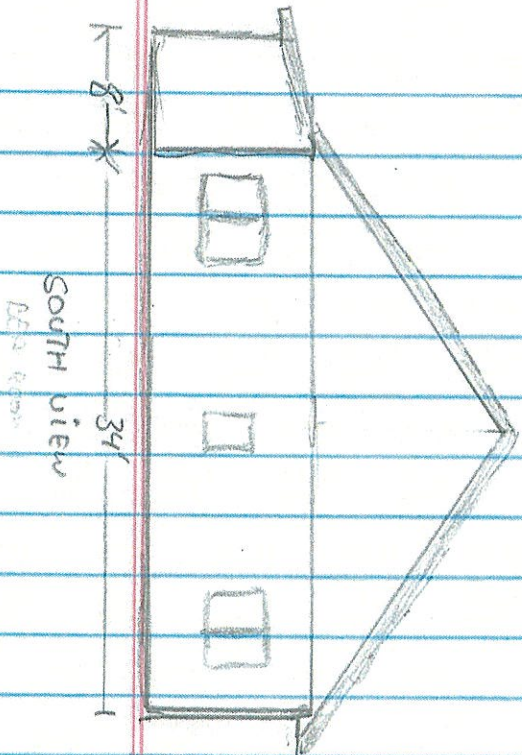




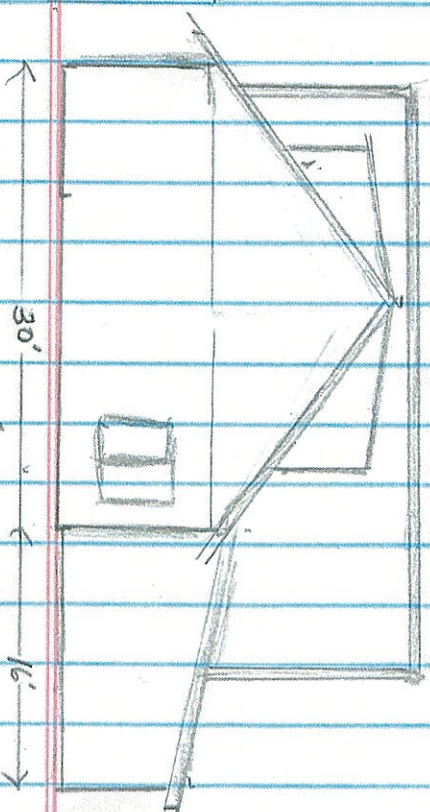








SOUTH VIEW  
8' 34'



NORTH VIEW  
30' 16'



30' 16'

## Cheryl Stuckmayer

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**From:** McNeil, Danielle (DNR) <danielle.mcneil@state.mn.us>  
**Sent:** Sunday, February 28, 2021 7:58 AM  
**To:** cstuckmayer@crosslake.net; Jon Kolstad  
**Cc:** Strauss, Ceil C (DNR)  
**Subject:** FW: PC/BOA 3-26-2021 Meeting Information  
**Attachments:** Agency\_Anderson.pdf

Hi Cheryl and Jon,

I'm reviewing the Anderson application and it looks like the entire property falls within the 100-yr floodplain. From the plans, it looks like some fill may be added to elevate the proposed house/garage. Can you confirm this?

Thanks!

Dani

**Dani McNeil**

Hydrologist | Ecological & Water Resources Division

**Minnesota Department of Natural Resources**

1601 Minnesota Drive

Brainerd, MN, 56401

218-203-4367\*

[Danielle.McNeil@state.mn.us](mailto:Danielle.McNeil@state.mn.us)

\* Please note: DNR staff are currently working from home and may return your call from an alternative number. Contact via email is strongly encouraged at this time.

[mndnr.gov](http://mndnr.gov)



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**From:** Cheryl Stuckmayer <cstuckmayer@crosslake.net>  
**Sent:** Friday, February 26, 2021 2:35 PM  
**To:** McNeil, Danielle (DNR) <danielle.mcneil@state.mn.us>; Ted Strand <publicwk@crosslake.net>; Mark Melby <mark.melby@crowwing.us>  
**Cc:** 'Jon Kolstad' <jkolstad@crosslake.net>  
**Subject:** PC/BOA 3-26-2021 Meeting Information

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

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Good afternoon,



## Variance Application

Planning and Zoning Department

13888 Daggett Bay Road, Crosslake, MN 56442

218.692.2689 (Phone) 218.692.2687 (Fax) [www.cityofcrosslake.org](http://www.cityofcrosslake.org)

Receipt Number: 969617

Permit Number: 210012V

Property Owner(s): LARRY<sup>M</sup> & KIM C ANDERSON

Mailing Address: 8255 INTERLACHEN ROAD  
LAKE SHORE, MN 56448

Site Address: MELINDA SHORES ROAD

Phone Number: 1-218-838-0940

E-Mail Address: GULL LAKE BRICK 1 @ HOTMAIL.COM

Parcel Number(s): 140 706 57

Legal Description: PART OF GOV'T LOT B

Sec 7 Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Lake/River Name: RUSH LAKE

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

If yes list Parcel Number(s) \_\_\_\_\_

Authorized Agent: Terry Strus

Agent Address: 24314 SMILEY RD Suite C  
NESSWA, MN 56468

Agent Phone Number: 218-761-0090

### Variances

(Check applicable requests)

- ☒ Lake/River Setback
- ☒ Road Right-of-Way Setback
- ☐ Bluff Setback
- ☐ Side Yard Setback
- ☐ Wetland Setback
- ☐ Septic Tank Setback
- ☒ Septic Drainfield Setback ?
- ☐ Impervious Coverage
- ☐ Accessory Structure
- ☐ Building Height
- ☒ Patio Size ? SETBACK
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

Signature of Property Owner(s) Kim Anderson Date 1-19-21

Signature of Authorized Agent(s) Terry T. Strus Date 1-19-21

- 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 [Signature] Date 2/2/2021 Land Use District SD

Lake Class GD Septic: Compliance \_\_\_\_\_ SSTS Design WW 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: The property is surrounded by water on all sides  
which causes there to be no building envelope.

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

Yes ☒ No ☐

Why: The proposed house is placed centrally on the lot, out  
of sight. Neighboring properties on all sides are located within  
the same vicinity to the ONW.

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes ☒ No ☐

Why: This particular property is unique in respect that is  
surrounded by water and has a road running through the  
middle.

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

Yes ☒ No ☐

Why: There is only area to build a house on this  
property while minimizing the impact area.



City of Crosslake Planning Commission/Board of Adjustment

FINDINGS OF FACT

SUPPORTING / DENYING A VARIANCE REQUEST

*A 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 Variance request in harmony with the purposes and intent of the Ordinance?

Yes                      No

Why:

2. Is the 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 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: