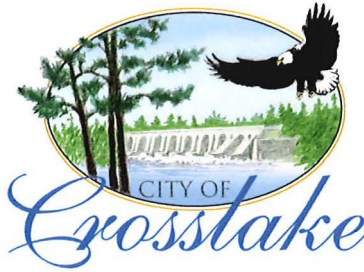


City Hall: 218-692-2688
Planning & Zoning: 218-692-2689
Fax: 218-692-2687



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

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

March 26, 2021

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
- 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

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/ Requested Deadline: October 9, 2020 / December 8, 2020

Applicant Extension Reminder / Request: October 23, 2020 / March 30, 2021

City Council Date: N/A

Authorized Agent: N/A

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
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- Retaining walls in the bluff impact zone where none are allowed
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To continue use of:

- 239 square foot WOAS where 120 square feet is allowed
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- 326 square foot patio within the bluff impact zone where none is allowed
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- 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

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 a **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
- October 2020 – Variance 2010125V was heard and tabled

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comments were received as of 3-12-2021

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:

- 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:

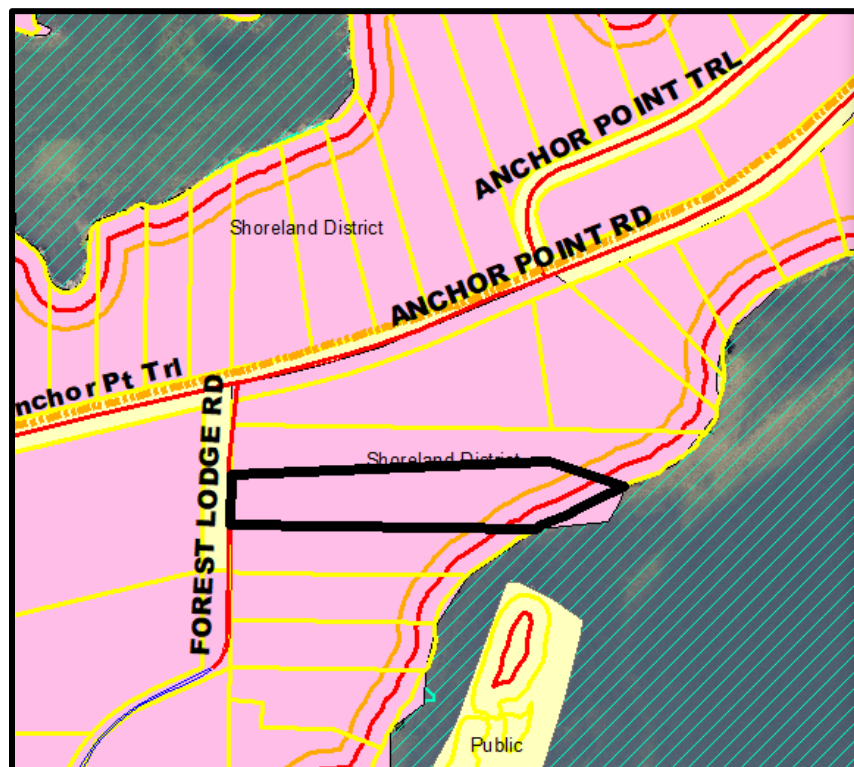
To approve/table/deny the after-the-fact variance to allow:

- 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)
- 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
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To continue use of:

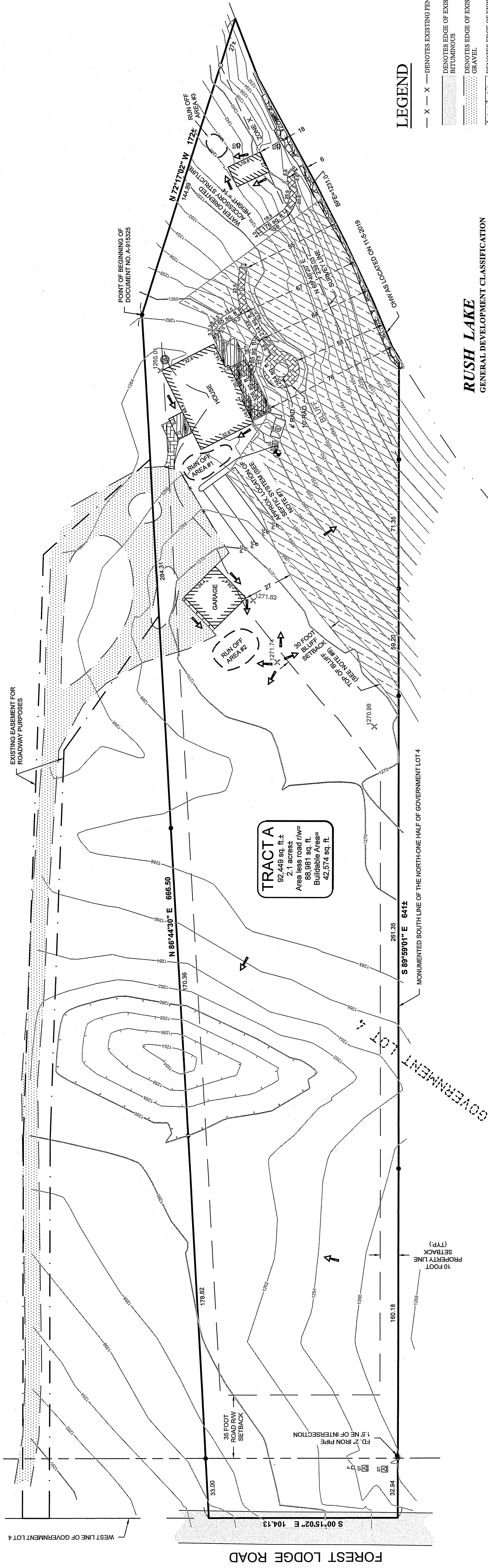
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- Retaining walls in the bluff impact zone where none are allowed
- Dirt moving of 82 yards within a bluff impact zone where none are allowed

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	586	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 = 644 SQ. FT.
BOTTOM SURFACE AREA = 219 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.

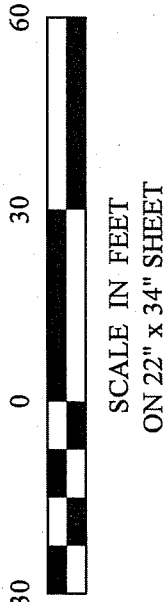
IMPERVIOUS CALCULATIONS			
EXISTING ON 11-14-19	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft)
House & Covered Entry	1,743	88,981	2.0%
Garage	586	88,981	0.7%
Concrete & Pavers	589	88,981	0.7%
Timber Steps	327	88,981	0.4%
Gravel	2,342	88,981	2.6%
Total	5,597	88,981	6.3%

LEGEND

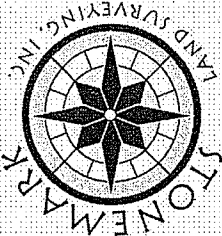
- X - X - DENOTES EXISTING FENCE LINE
- - - - - DENOTES EDGE OF EXISTING BRICK CHIMNEYS
- - - - - DENOTES EDGE OF EXISTING GRAVEL
- - - - - DENOTES EDGE OF EXISTING CONCRETE
- - - - - DENOTES EDGE OF EXISTING PAVING STONES
- - - - - DENOTES EDGE OF EXISTING WOODEN DECKING
- - - - - DENOTES EDGE OF EXISTING 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

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



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON WEST LINE OF GOVERNMENT LOT 4 TO HAVE AN ASSUMED BEARING OF S 00°15'02" E

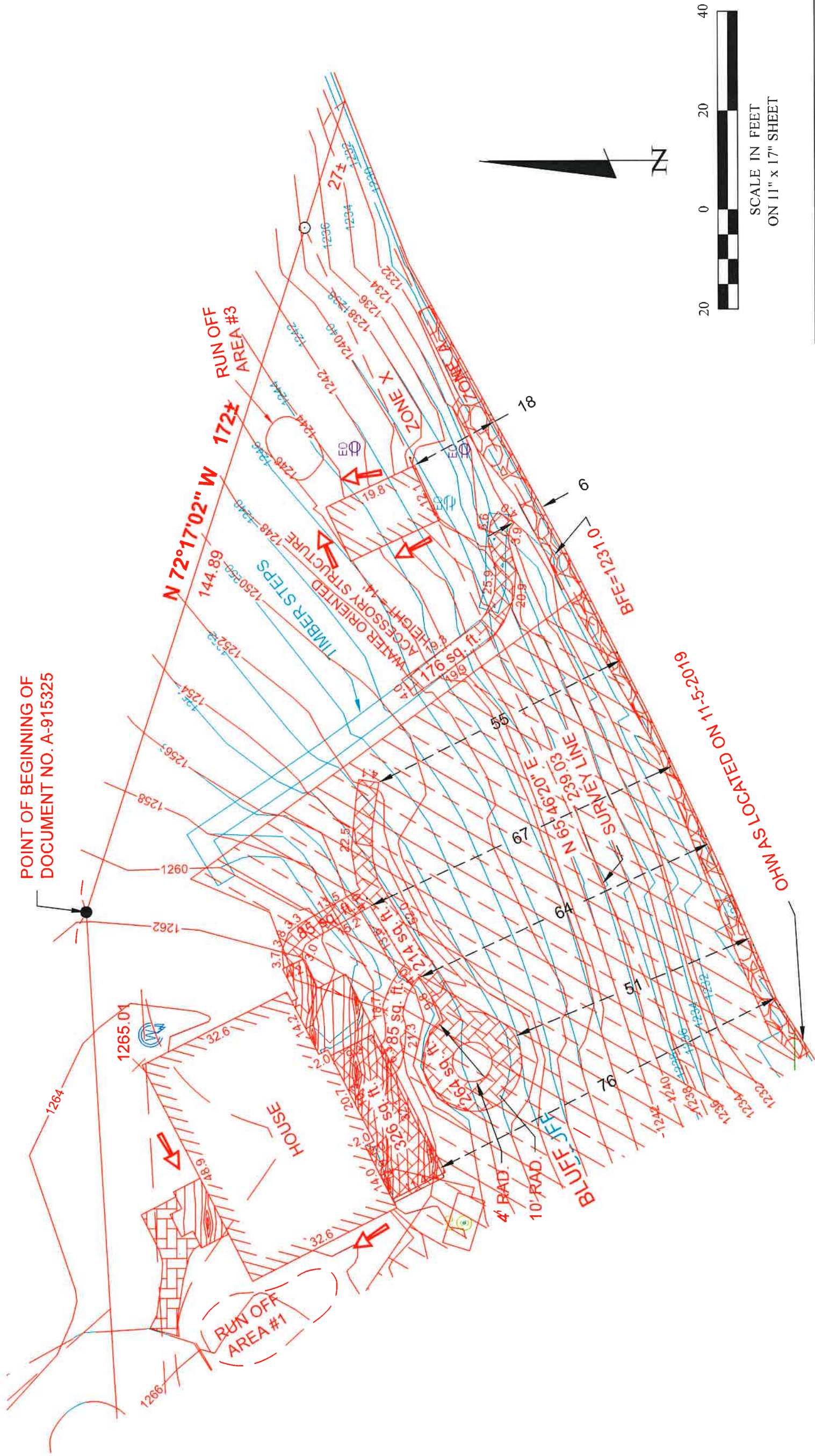


REVISIONS	DATE	DESCRIPTION	BY	RF
	8-20-2020	Revised per City Comments		

PROJECT No.:	19317-1
FILE NAME:	C19317-1.dwg
FIELD BOOK:	Book 456
Pg.	18
VERT.	NONE
HORIZ.	1"=30'
SCALE:	8-10-2020
DATE:	

PROJECT MANAGER:	
CHECKED BY:	CMH
DRAWN BY:	RJP

EXHIBIT



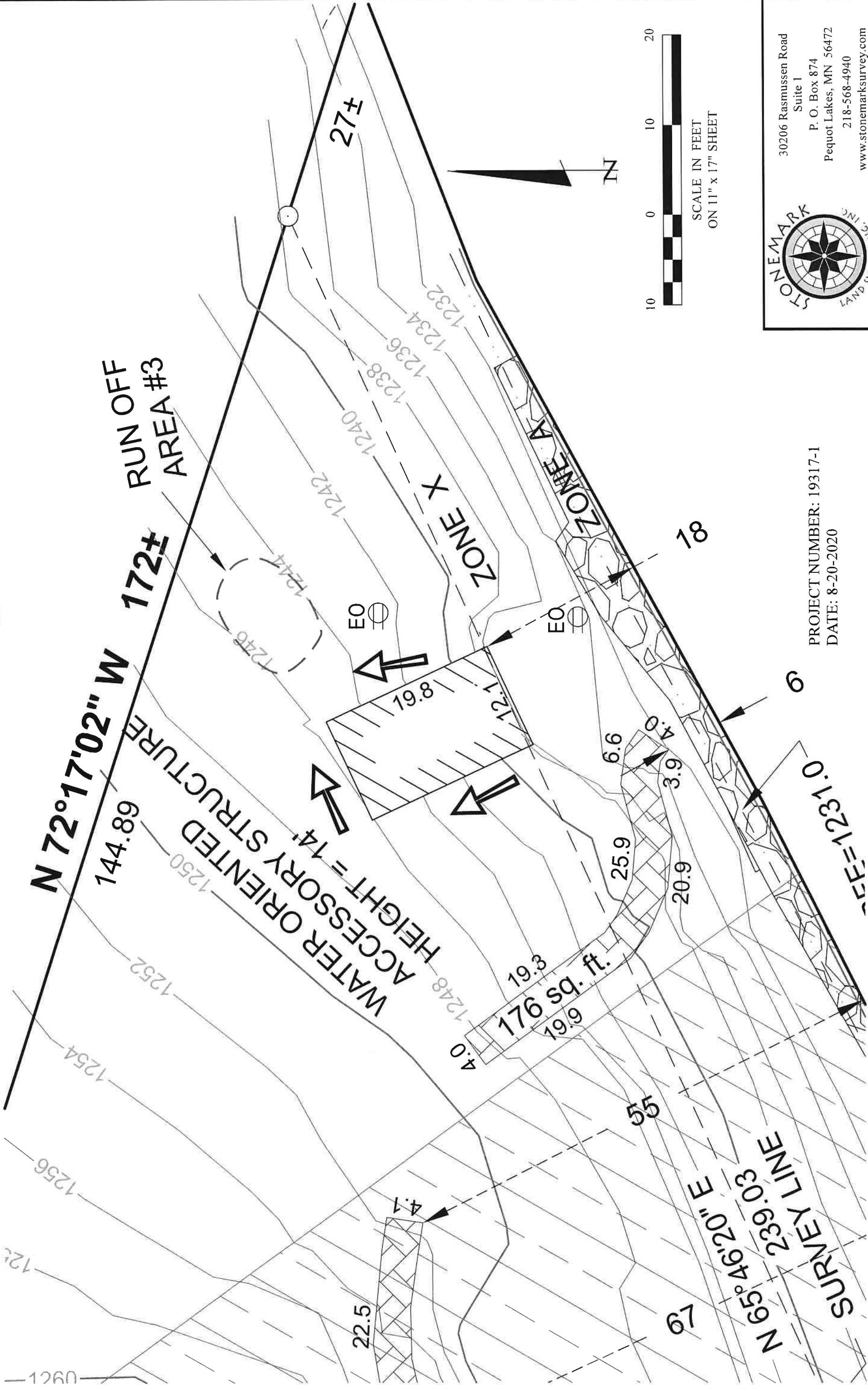
CYAN COLOR DENOTES PRIOR TO CONSTRUCTION CONTOURS
RED COLOR DENOTES AFTER CONSTRUCTION CONDITIONS



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



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



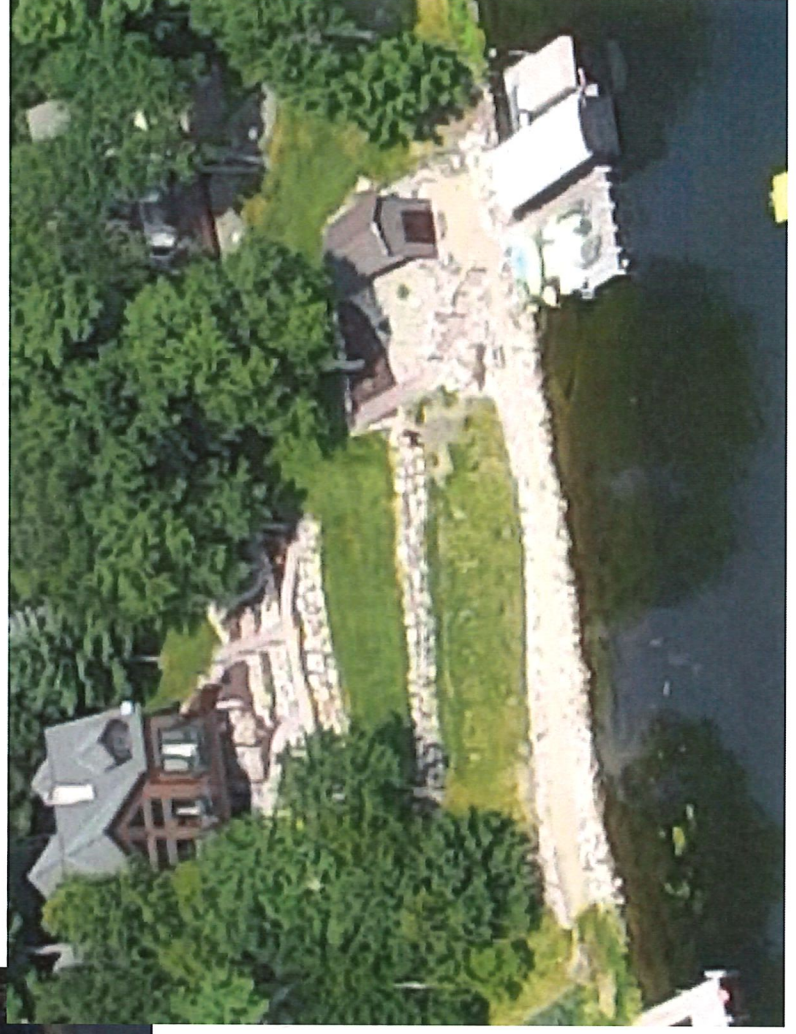
August 2020

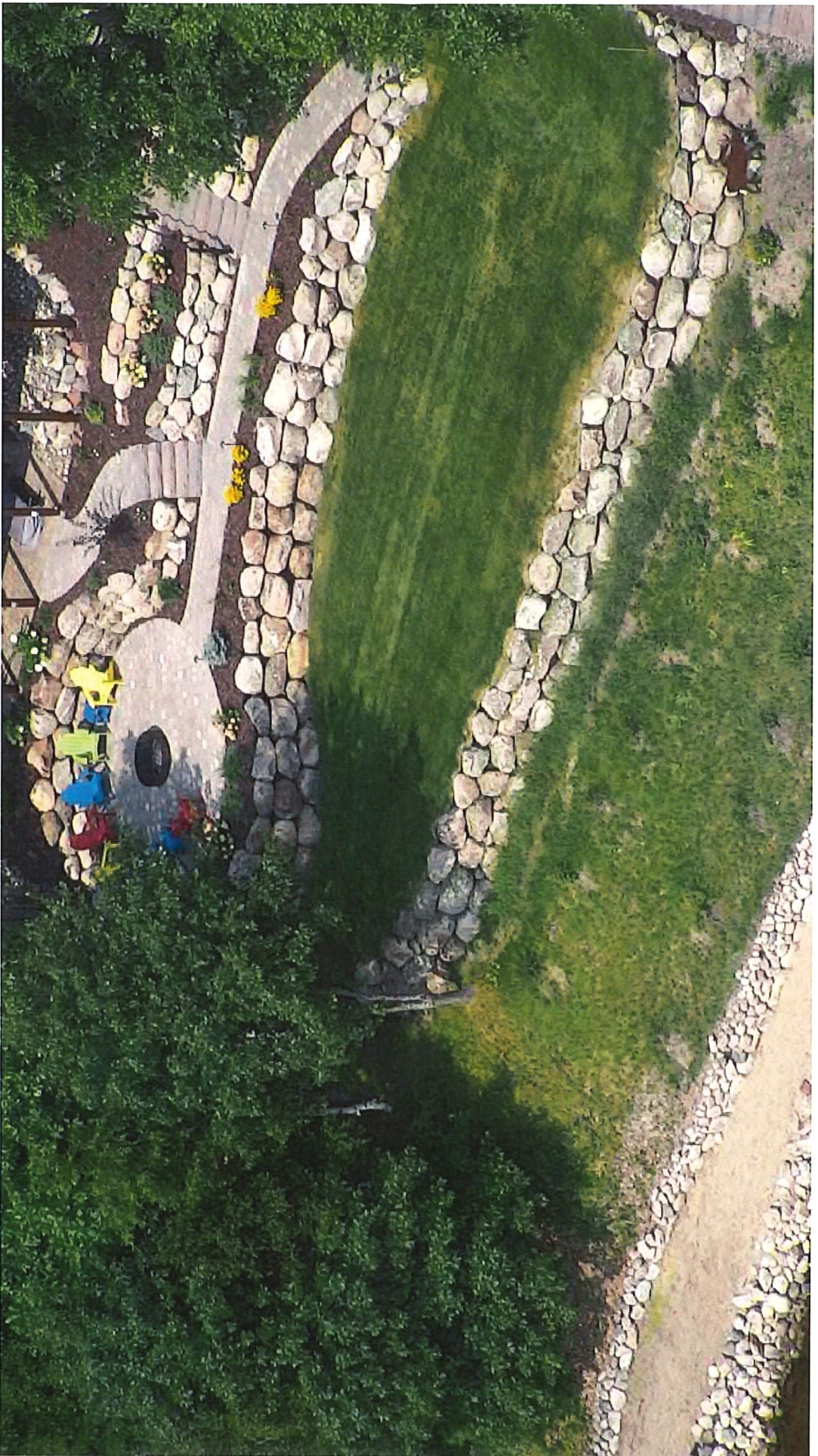


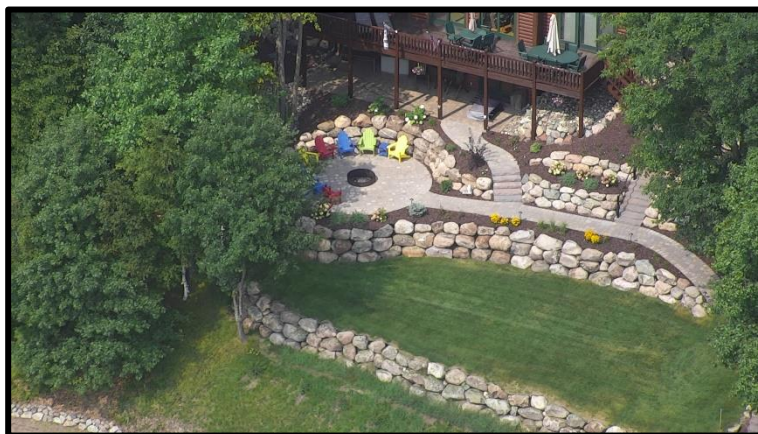
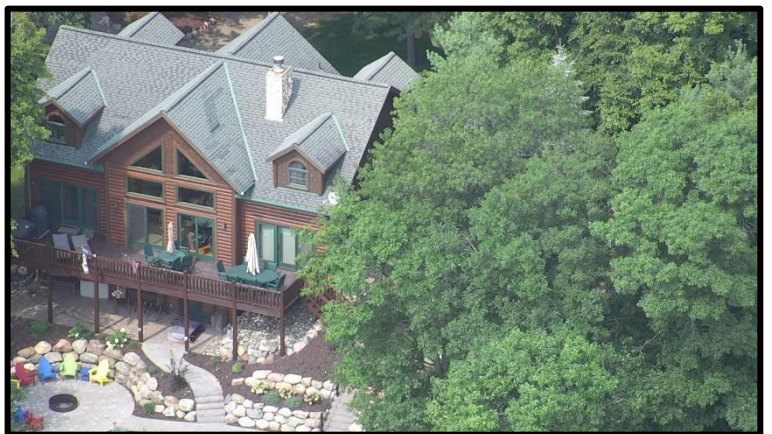
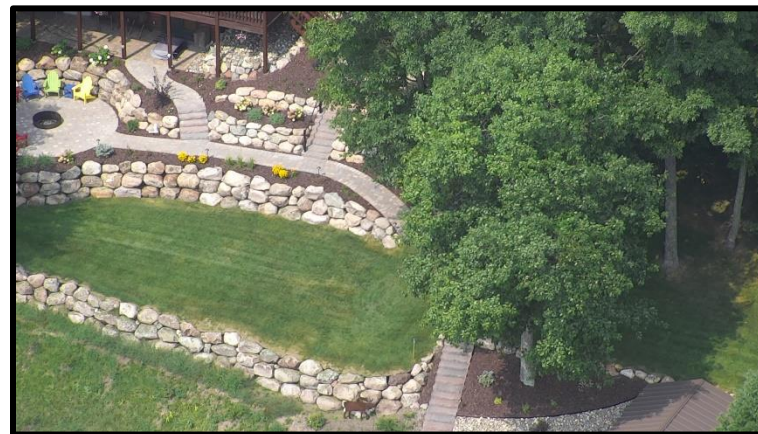
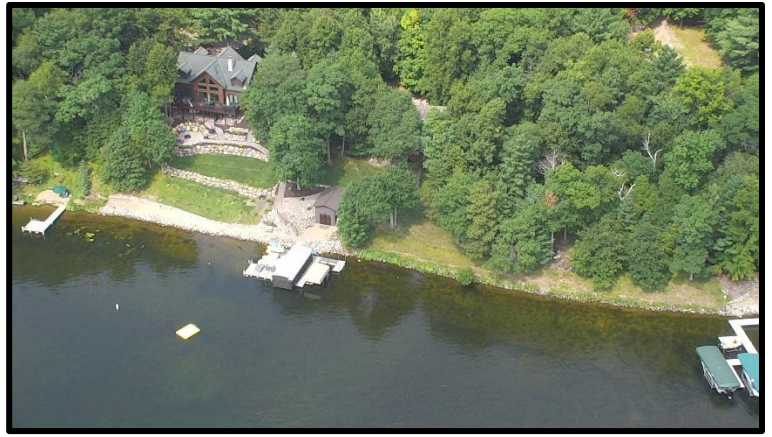
May 2019

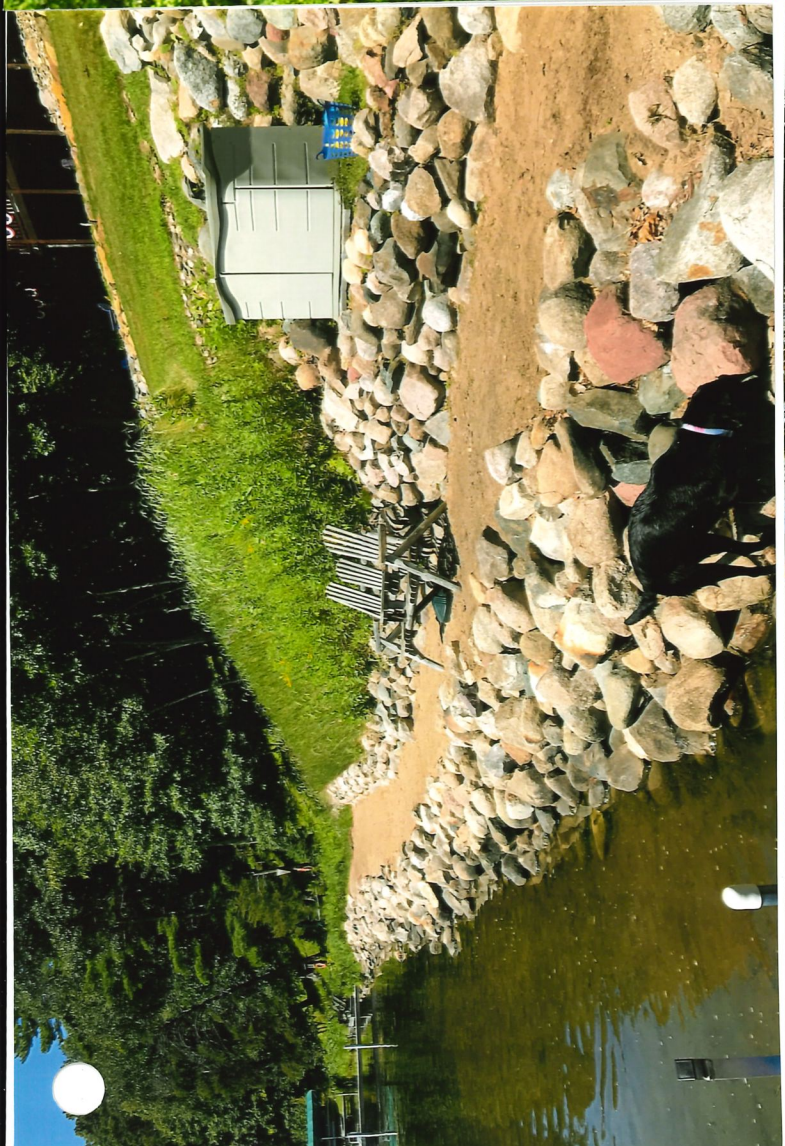


August 2020

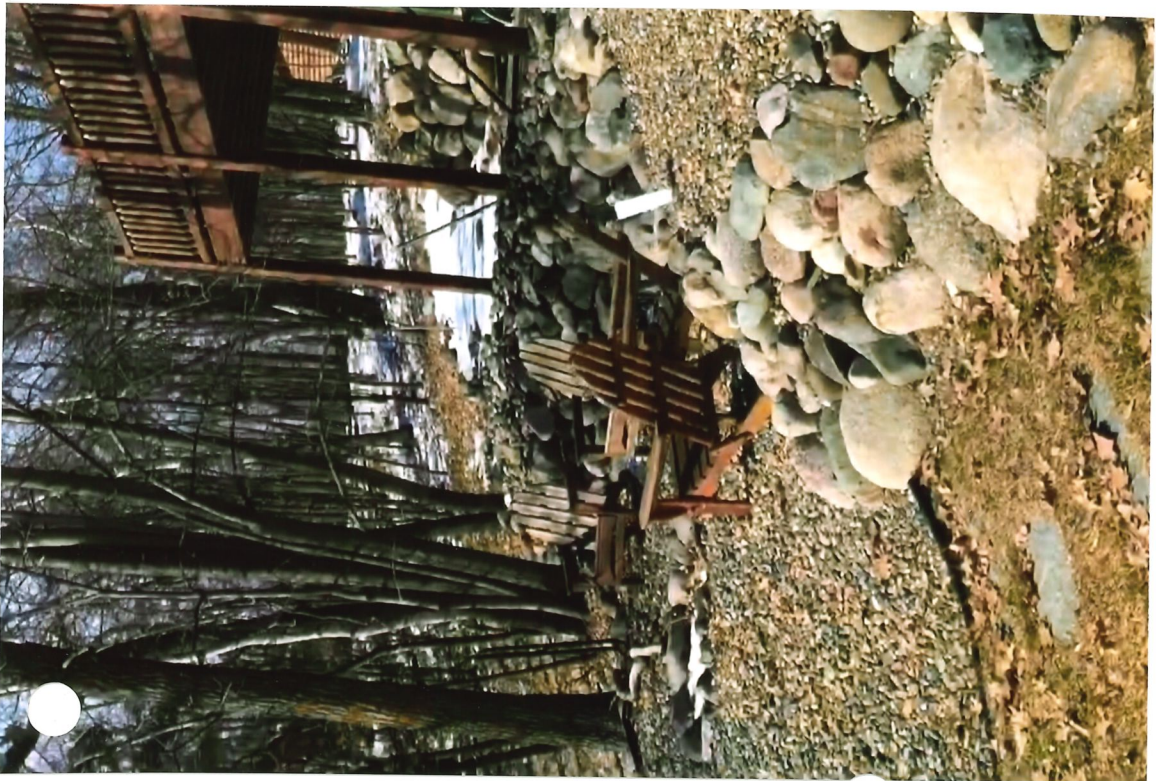














Timeline

- 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 COLORADO SPRINGS

PLANNING DEPARTMENT

[Signature]

PLANNING MANAGER

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: Kimberlyadaye@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. VJ 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. VJ 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. VJ 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:

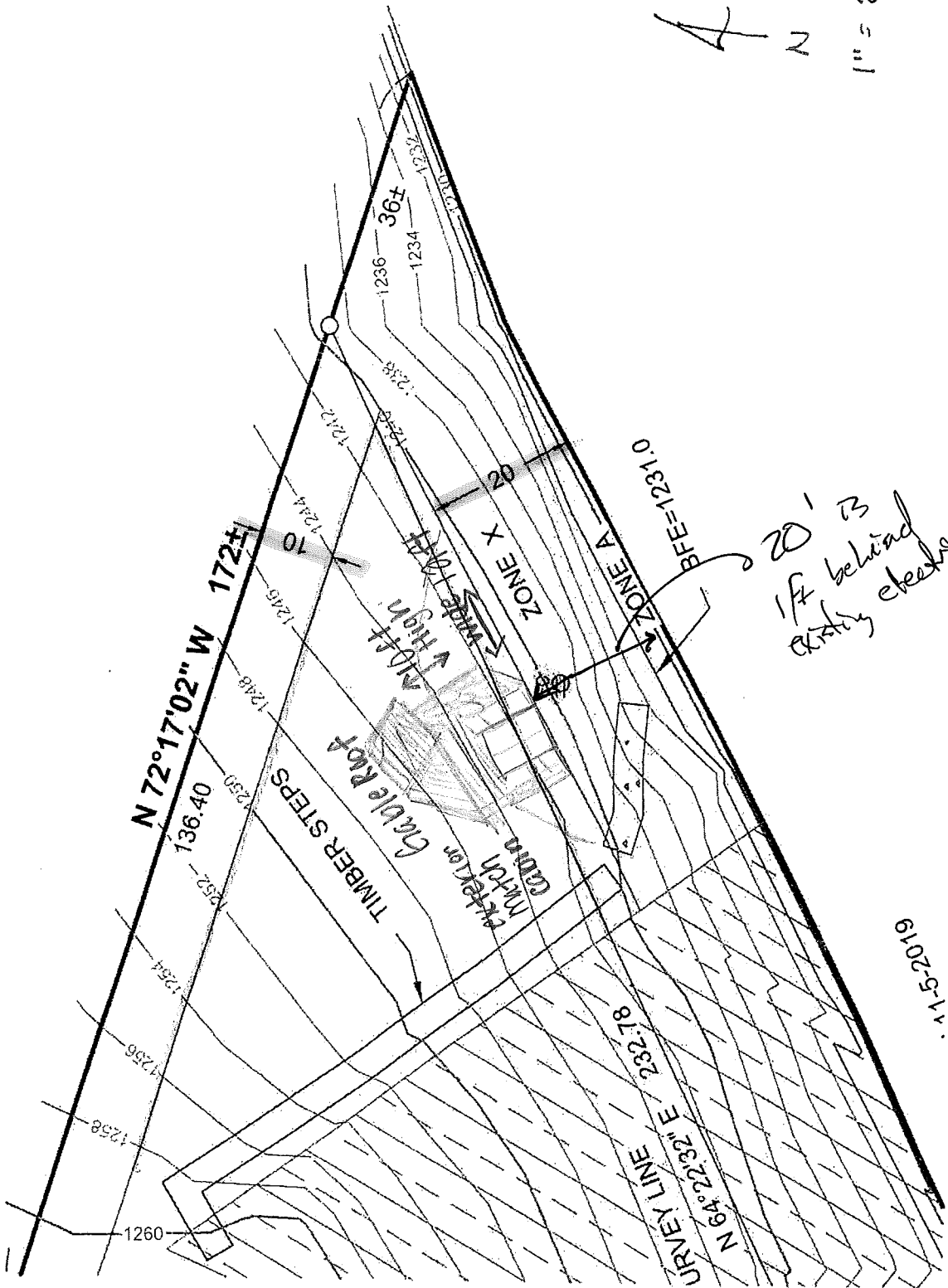
Total w/ new impervious:		Storage volume: Gal / Cu ft (= gal / 7.48)		Bottom size (sq ft) of infiltration area by depth							
				3"	6"	9"	12"	15"	18"		
0	x	0.623 / 0.083 Gal / Cu ft	=	0 Gal	0 Cu ft	0 <small>cu ft x 4</small>	0 <small>cu ft x 2</small>	0 <small>cu ft x 1.33</small>	0 <small>cu ft x 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

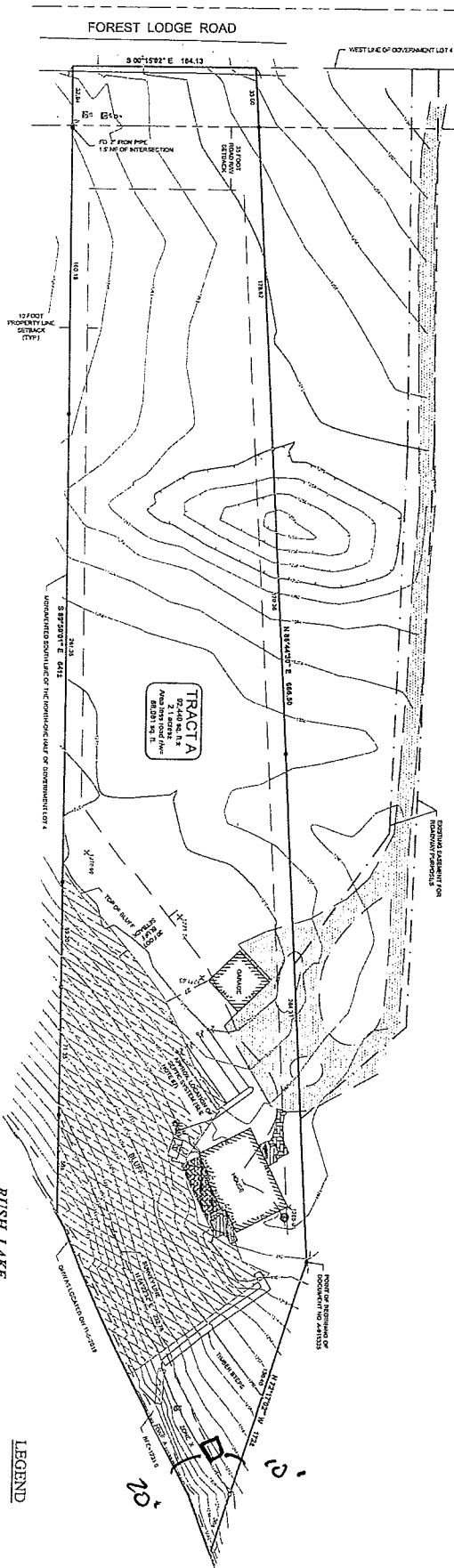
Day 14080010

Vanderley 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	PERIMETERS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious
House	1,633	62,087	1.5%
Garage	598	62,001	0.7%
Concrete & Pavement	660	62,061	0.7%
Turfed Slips	327	62,061	0.4%
Gravel	2,342	62,001	2.5%
Total	5,441	62,081	6.25%

NOTES:

1. Contour initial as 2-pot. Based on NOVO 29 datum. Contour above has been obtained using standard surveying methodology. (File based on 11-5-2019).
2. Zoning for wetlands is "Shrubland District".
3. There are no wetlands 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: H400340.
7. The property address of subject parcel: 3316 Peachland Road.
8. Appendix: sections of typical system per section prepared by Mulvaney Engineering Services, LLC.

[illegible]

together with all breeders and apprentices

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 READING SYSTEM IS BASED ON WEST LINE OF GOVERNMENT LOT 6 TO (A) VILLAGE ASSIGNED BEARING OF S 00°15'01" E.

- DROPTIES MONUMENT FOUND

1 of 1	CERTIFICATE OF SURVEY	
	Brady Day 9851 Walnut Grove Maple Grove, MN 55311	

	PROJECT MANAGER
	CMD
	CHECKED BY:
	CMD
	DRAWN BY:

PROJECT No	19317
FILE NAME	C19317.fwg
FIELD BOOK	

DATE	11-14-2019
SCALE	
HORIZ	1"=10'

REVISIONS	
DATE	DESCRIPTION

	HEREBY CERTIFY THAT THIS
BY	REPORT WAS PREPARED BY ME
	AND THAT I AM A DULY LICENSED
	SURVEYOR UNDER THE LAWS

Survey, map, specification, or
or under direct supervision
of the engineer or land
surveyor of the state of Minnesota.

ONEMARK
10206 Rasmussen Rd.
Suite 1
P.O. Box 874
Pequot Lakes, MN 55663

472	
-----	--

Black Rock Landscaping LLC

Landscape & design

Storm Water Management Plan

Brady and Kim Day

Location: 37916 Forest Lodge Rd

Crosslake, MN

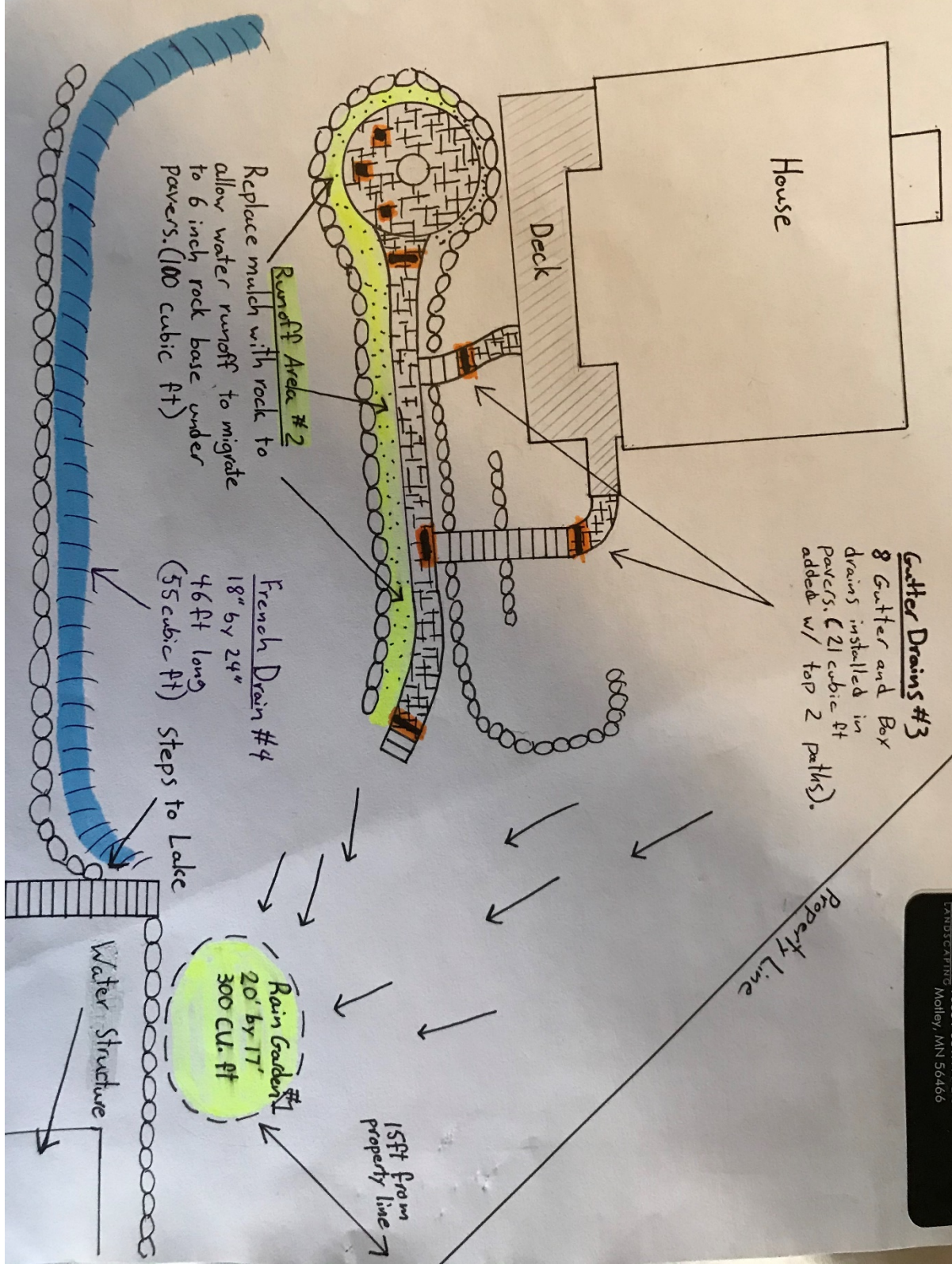
Storm Water Management Plan -Scope of Work

- **#1 Rain Garden** – Water retention area installed behind water structure. 20ft by 17ft by average depth of 10 inches. (300 Cubic ft)
- **#2 Runoff Area** – Replace mulch around pavers with rock to allow water runoff to migrate to 6inch rock base under pavers. 528sqft of 6inch crushed rock (105 cubic ft).
- **#3 Gutter and Box Drains** – Install 8 gutter and box drain in paver walkways and patio to allow water to migrate to 6inch rock base. 105sqft of 6inch crushed rock (21 cubic ft).
- **#4 French Drain** – Install French drain to surface in front of boulder wall (wall closer to lake) to capture water runoff in flat area. 46ft by 2ft by 1.5ft (55 cubic ft).
- **#5 House Gutter Down Spouts** – Pipe down spouts from house gutters to 3ft by 3ft-by-3ft rock dry wells. 11 cubic feet each. 4 down spouts (44 cubic ft).

Total Cubic feet – 525 Cubic Feet

Note: Crushed rock takes up 60% of the volume leaving 40% for water volume.

Gutter Drains #3
8 Gutter and Box
drains installed in
pavers. (21 cubic ft
added w/ top 2 paths).



Replace mulch with rock to allow water runoff to migrate to 6 inch rock base under pavers. (100 cubic ft)

French Drain #4
18" by 24"
46 ft long
(55 cubic ft)

steps to Lake

Rain Garden #1
20' by 17'
300 CU. ft

15 ft from
property line

Water Structure

Gutter and Box Drains:



French Drain To Surface: along boulder wall



Black Rock Landscaping LLC

Landscape & design

Vegetation Planting for Slope Plan

Brady and Kim Day

Location: 37916 Forest Lodge Rd

Crosslake, MN

Vegetation Planting for Slope:

- Plant Native Grasses – Plant native grasses on slope down to lake (*smooth Brome, Sideoats grama, Big Bluestem, Indian grass etc.*).
- Plants Native Shrubs – Plant native woody shrubs on slope down to lake (*American Elderberry, American Highbush Cranberry, Smooth Sumac, Wild Rose, etc.*).

BLACK ROCK LANDSCAPING

Mark Kossan

10851 65th Ave SW

Motley, MN 56466

Phone: (218)-839-5378

Email: markkossan@yahoo.com

Web: blackrocklandscaping.org

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

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

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

Cher Crosslake

From: Kimberly Day <KimberlyADay@hotmail.com>
Sent: Monday, October 26, 2020 10:20 PM
To: Jon Kolstad; 'Brady Day'
Cc: 'Cheryl Stuckmayer'
Subject: Re: Extension of City Decision timeline

Hi Jon-

We are granting the city of Crosslake an extension on the ruling of our pending After-the-Fact Variance application until March 30th, 2021.

Our engineer is waiting for further clarification from the board on options that were discussed at the meeting held last Friday the 23rd. Please, let us know if you need anything more from us at this time.

Thank you-

Kimberly Day

Consultant

612.581.3955 | kimberlydaybc@gmail.com
beautycounter.com/kimberlyday



Our mission is to get safer products in the hands of everyone.



From: Jon Kolstad <jkolstad@crosslake.net>
Sent: Friday, October 23, 2020 12:46 PM
To: 'Brady Day' <brady@firstclasscorp.com>; 'Kimberly Day' <KimberlyADay@hotmail.com>
Cc: 'Cheryl Stuckmayer' <cstuckmayer@crosslake.net>
Subject: Extension of City Decision timeline

Brady and Kimberly

Please submit in writing or via email a request to the City to extend the City's timeline for acting upon your After-the-Fact permit application until at least March 30, 2021.

If you do not want to extend the timeline, the city will be required to make a decision at their next meeting in November, whether or not they have the engineering report.

I am working on the options for your Engineer to report back to us, I will share that with you as soon as they are complete.

Thank you

Have a great weekend.

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



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

October 23, 2020

Brady and Kimberly Day
9851 Walnut Grove Ln N
Maple Grove, MN 55311

RE: Engineering Review/Report
37916 Forest Lodge Rd
Crosslake, MN 56442
PID: 14080610

Mr. & Mrs. Day,

This letter 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 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.

- 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.

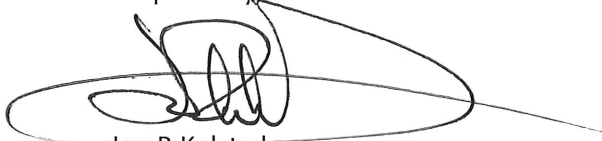
Options 1 & 2 to be reviewed and approved by the City Engineer. The cost of the City Engineer's review shall be billed to Brady and Kimberly Day.

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. I will be mailing a copy of this letter to your engineer.

Once the Report is submitted and reviewed, a new public hearing will be scheduled for the PC/BOA to make a final decision regarding the After-the-Fact Variance Application.

If you have any questions please feel free to contact this office at (218) 692-2689 or by email at crosslakepz@crosslake.net.

Respectfully,



Jon R Kolstad
Planning and Zoning Administrator

CC: Crosslake City Attorney
City Administrator
Mr. Brian Dobie, P.E., Professional Engineering Consultants, Inc.

Cheryl Stuckmayer

From: Jon Kolstad <jkolstad@crosslake.net>
Sent: Friday, October 30, 2020 9:59 AM
To: 'Kimberly Day'; 'Brady Day'
Cc: 'Cheryl Stuckmayer'; 'Aaron Herzog'; 'Mark Wessels'; 'Dave Reese'
Subject: Engineer Report

Brady & Kimberly

I just wanted to touch base with you about the timeline for a decision on your After the Fact Variance.

With the extension of our decision process, by you, to the end of March, we will need to see that report no later than February 1, 2021. Submitting the report by February 1st will allow the City Engineer to review the report and make recommendations to the Planning Commission. If there is not enough time to review the report – a decision must still be made at the March PC/BOA meeting.

If the report is available earlier than February 1st – please submit and we can get it on an earlier agenda.

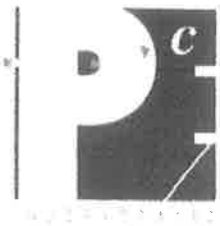
Please let me know if you have any questions.

Respectfully

Jon

Jon R. Kolstad
Planning & Zoning Administrator
Crosslake Planning and Zoning Department
Phone: (218) 692-2689
Email: crosslakepz@crosslake.net

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**PROFESSIONAL ENGINEERING CONSULTANTS
INCORPORATED**

January 4, 2021

Brady & Kimberly Day
9851 Walnut Grove Lane N.
Maple Grove, MN 55311

Project: Review of Residential Property
37916 Forest Lodge Rd.
Crosslake, MN
PEC #5678

Dear Mr. & Mrs. Day:

This report concerns our review of certain landscaping and construction work performed at the Day property located at 37916 Forest Lodge Road, Crosslake, MN. The City of Crosslake issued an order on October 23, 2020, regarding items of the topography and certain landscape coverings, together with a Water Oriented Accessory Structure to Brady & Kimberly Day, 9851 Walnut Grove Lane N., Maple Grove, MN 55311. Our firm was requested to comment on this order at this time.

Our firm visited the property on 9-30-20 and again on 10-30-20 to make observations at the site. In between those dates we had requested and received certain surveyor exhibits providing information as to the site. We also met with Mr. & Mrs. Day on October 30th, at which time we received certain chronological information pertaining to activities at the property. We have attempted to provide a chronology in order to pin down certain facts at this time, for discussion.

First, some important dates should be identified at this time. Certainly, not all of these dates can be considered as a full and complete picture of activities at the site, but this will serve as a starting point.

January 12, 1991 - Fax transmittal from Kevin T. McCormick, Land Surveyor (Landeckers & Associates) to Terri at 218-692-2687, stating a bluff analysis was performed and concluding that although the property had a height of 25', the percentage slope was less than 30% and therefore not a bluff but a steep slope. This information was included in the Crosslake city records. The city records were incomplete and no information was included in the records. We do not know what the upper topography was nor what work was performed on the slope from 1991 through August 1999.

August 1999 – It is our understanding this date approximates the issuance of a building permit for a proposed occupied structure on the parcel. It is our understanding the basic structure was to be 32' x 48' with a 6' x 12' covered front porch entrance to face away from the lake and a 12' x 44' wooden deck with supporting foundation construction to face the lake. This was to be the footprint for the structure – the entire structure.

It is our understanding that there have been no exterior additions to the building since the time of original construction, based on information provided by the Day's.

It should be noted that certain bluff ordinances were in place from 1989 onward. The grades within 30' of the foundation system for the house have remained unchanged.

March 2017 – The Day's purchased the improved property and moved into the cabin in April 2017. No additions or subtractions were made to the structure at that time or since that time, as pertains to the building footprint.

April & May 2018 – The docks and lifts were installed for the 2018 boating season.

Fall of 2018 - Docks and lifts were removed at the end of the season and stored on the shoreline above the existing lakeshore riprap.

April 2019 – Docks and lifts were reinstalled for the 2019 boating season.

April 23, 2020 – Permit application was submitted for a WOAS and grading plan.

April 24, 2020 – City visited site and a signed permit was received to begin work.

May 18, 2020 – Excavation commenced for the WOAS.

May 18, 2020 – Footing inspection was called for. Actual footing inspection was conducted on June 22, 2020, more than one month after inspection was requested.

May 20, 2020 – Concrete footings and slab were placed for the WOAS. Prior to this work, the City was notified and an inspection requested. It is our understanding the footing inspection work was actually performed by the City at a later date.

June 3, 2020 – Boulder walls on bluff were completed.

June 12, 2020 – Patios and walkway were completed.

June 22, 2020 – A stop work order was issued by the City of Crosslake regarding the WOAS. At that point in time, all work was halted on the partially completed structure.

Analysis - So now we have an approximate chronology of events we have derived from the City records and the available Day records. Both you and the City can include other dates which might be appropriate or correct our dates given above in this report.

With the above information documented, we received a copy of an engineering review from the City of Crosslake, addressed to Brady & Kimberly Day and dated October 23, 2020. This review was authored by Mr. Jon R. Kolstad, Planning & Zoning Administrator. The review gave the Day's two options to address non-compliance items. We chose to address option #2 at this time, leaving option #1 to be addressed by the Day's and their legal counsel.

1. **WOAS** – A WOAS which is compliant with the City Code will need to be installed.
2. **Below Deck** – That area below the deck of the existing structure has not changed and is within the confines of the building footprint. Unless there are certain ordinance restrictions pertaining to carpeting or colors or surface treatments within a building, this item has no place in a City order.
3. **Fire Pit Patio** – This entire area within 30' of the deck foundation construction of the cabin was either addressed in the original building permit or should have been addressed as a matter between the original builder and the City officials. We suspect both the Day's and the City officials were ignorant of the facts outlined in the chronology noted above. From our review of the submitted survey information, the fire pit patio existed at the time of the Day purchase and likely existed with the completion of the cabin in 1999. There is insufficient detailed information for us to contradict the opinion of the surveyor, Mr. Kevin T. McCormick, in his conclusion that there was no, or was no longer, an upper reach of the bluff, with the completion of the original structure in 1999. The City records, in fact, refer to a certain patio finish as having been changed, so there must have been an existing patio here in the first place.

We are not sure, but there must have been some agreement between the builder and the City as to a certain patio surfacing at the time of the original construction, for which no documentation exists or we have not found, so City references to the patio surfacing at this time are confusing to us. It does appear the wall around the patio was raised and, in fact, we found instances where this wall is now over 4' in height (4'3" and 4'5"). It also appears this wall is structurally sound (inclusion of filter fabric, Mirafi type, and presence of a decent batter). In other words, we would be willing to certify this wall, as it was placed, particularly in view of the fact that everything lies within 30' of the house foundation system.

4. **214 Square Foot Walkway** – The existing rock pavers would be a suitable alternate for any previous flagstone pieces. To change these items over at this time would be a waste of materials and more disruptive to the hillside. To change over any of the existing features could initiate erosion in an otherwise stable soil condition. The present walkway addresses a possible erosion condition since this area will receive considerable traffic. This construction should be left in place. We do suggest four soil drains be added to redirect surface drainage into the subsurface soil conditions.

5. **85 Square Foot Walkway/Stairs** – We would address this walkway in the same manner as the previous comments regarding walks. It is our recommendation that these walkways be left in place but receive a limited number of subsurface drains to eliminate potential surface drainage problems. Changes to walkways at this point in time would be wasteful and disruptive to the hillside. Aside from adding a few subsurface drains, it makes no sense to change the existing hillside now that good surface vegetation has been established and is working. The original permit application should have been more complete in order to address these sidewalks. However, the permit should now be corrected to address these walkways, since the new walkways do address erosion potential in a satisfactory manner.
6. **Retaining Walls** – This is an entirely different circumstance from walkways. From our review of all available survey information and photographs, it appears there was retaining construction at the bottom of the historic bluff or slope. It also appears there was retaining wall construction around the fire pit patio. Both of these retaining wall items are less than 4' height and are presently stable and properly constructed.

The Day's have admitted there was some work performed at about mid-slope to address erosion of the existing bluff. The permit did, indeed, reference to a small amount of fill material but did not clearly identify that this fill material was to be used at this mid-slope location. This work was necessary to address erosion. The 10 yards of fill material noted in the permit application address this erosion condition but did not properly identify it as such. Actually, this mid-slope work was not conducted as a retaining wall but as a check dam for the erosion and was much less than 3' height. The permit work in this area should have been more fully addressed and was very necessary as a result of neglected maintenance over the past several years. Based on our observations, this erosion control work was successful and should not be removed.

The riprap and low retaining wall work at the bottom of the bluff slope next to the lake has not been changed or modified. The Day's have continued to use that small flat area, as in years past, for dock storage. The retaining wall is much less than 3' in height and very stable. This construction along the shoreline has not changed and is very stable and should be left in place.

The retaining wall construction around the fire pit patio and walkway is stable and should be left in place.

7. **Vegetation** – We can see where the Day's have been attempting to add low shrubbery to the hillside. However, conifer type shrubs should be avoided. Here, one could intermix prairie grasses with more "woody vegetation". The hillside does not need a "no mow" restriction.
8. **Stormwater Management Plan** – A stormwater management plan for the property is not required.

9. **Shoreland Area** – We are told no shoreland alteration work was performed and therefore see no point in further permitting.

There is plenty of time between now and spring for the Day's and Crosslake to come to a complete understanding with solutions. With regard to a new building permit for the WOAS, we remind everyone the Day's halted their work under a Stop Work Order on the present permit. Corrections are required on the existing permit, with no new permit required.

Do not hesitate to call with any questions or comments to our office at 651-470-8753. Thank you.

Respectfully,
Professional Engineering Consultants, Inc.



Brian R. Dobie, P.E.
President

Cc: Mr. Joseph Windler
JWindler@winthrop.com

I hereby certify that this plan, specification,
or report was prepared by me or under my
direct supervision and that I am a duly
Registered Professional Engineer under the
laws of the State of Minnesota.

Brian R. Dobie, P.E.

Date 1-4-21 Reg. No. 9798



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February 15, 2021

City of Crosslake
Attention: John Kolstad – Planning & Zoning Administrator
13888 Daggett Bay Road
Crosslake, MN 56442

RE: Brady and Kimberly Day Variance Submittal Review - 37916 Forest Lodge Road
BMI Project No.: OB1.123581

Dear Mr. Kolstad,

Per your request we have reviewed information provided regarding the After-the-Fact-Variance application at 37916 Forest Lodge Road. Our review of material is based on the City of Crosslake letter to the applicant dated October 23, 2020 and response prepared by Brian R. Dobie, PE of Professional Engineering Consultants (PEC) dated January 4, 2021.

The City of Crosslake in the October 23, 2020 letter detailed two options to the applicant. Option #1 included the following:

- Total restoration of bluff area
- 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.
- Remove Water Orientated Accessory Structure (WOAS) and restore steep slope.
- Submit an Engineered Stormwater Management Plan accommodating a 1" rainfall event over all impervious surfaces on the property and address 3" event per the City Land Use Ordinance.
- Submit a Shoreland Alteration Permit.

The January 4, 2021 report does not address Option #1 and as such we have no comments related to Option #1.

The following is a summary of items requested by the City of Crosslake in Option #2 and responses provided by PEC in their January 4, 2021 report.

1. Reduce the WOAS area to 120 sq ft and meet the 20' setback from the ordinary high water (OHW) of Rush Lake. Ensure retaining walls are under four feet in height or provide an engineered plan for wall more than four feet height.
 - a. **PEC Response** – A WOAS which is compliant with the City Code will need to be installed.
2. Patio under existing deck shall remain as is.
 - a. **PEC Response** – This area was permitted under the original building permit and should not be under consideration in the current Variance Application.
3. Fire Pit Patio – remove pavers and restore to crushed rock.
 - a. **PEC Response** – As these improvements are within 30' of the lakeside deck they are covered in the original building permit. We will certify the retaining walls over four feet height in this area meet engineering standards.
4. 214 sq ft and 85 sq ft paver walkways – remove pavers and restore back to flagstone walkway.
 - a. **PEC Response** – The existing rock pavers are a suitable alternate compared to previous flagstone construction. This construction should be left in place to avoid disturbing the

current slope. We propose to add soil drains to redirect surface drainage into subsurface soil conditions.

5. Retaining Walls – Verify integrity of all new retaining walls and determine the feasibility of removing them and restoring the bluff to its condition prior to May 2020. Also analyze reducing the retaining wall heights to be less than four feet and regrade the flat “yard” area created in the middle of the bluff.
 - a. **PEC Response:**
 - i. Retaining wall construction at the bottom of the historic bluff and fire pit area are less than four feet height and constructed properly. They are stable and should be left in place.
 - ii. Mid-slope grading in the bluff was included as fill material in their building permit application but not clearly stated to this location. This was completed to address existing erosion within the bluff and should not be removed.
 - iii. The riprap and low retaining wall at the bottom of the bluff slope has not been changed or modified. It is stable and should be left in place.
6. 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.
 - a. **PEC Response** – The applicant has been attempting to add low shrubbery to the hillside. Conifer type shrubs should be avoided. They propose to intermix prairie grass with more woody vegetation. The hillside does not need a no mow restriction.
7. Submit an Engineered Stormwater Management Plan accommodating a 1” rainfall event over all impervious surfaces on the property and address 3” event per the City Land Use Ordinance.
 - a. **PEC Response** – a stormwater management plan for the property is not required.
8. Submit a Shoreland Alteration Permit.
 - a. **PEC Response** – no shoreland alteration work was performed and therefore see no point in further permitting.

Based on the January 4, 2021 report, PEC proposes to perpetuate the existing condition with minor modifications rather than meet the requirements identified in Option #2. We note and comment on the following from the PEC report:

- Item #1 acknowledges that a City Code compliant WOAS will need to be installed. We recommend information be submitted as to how that will be accomplished.

We have no additional comments from an engineering standpoint since many of the PEC responses provided are planning & zoning specific and may require the engagement of legal services.

If you have questions regarding our review, please contact me via e-mail at Phillip.Martin@bolton-menk.com or via phone at 218-821-7265.

Sincerely,

Bolton & Menk, Inc.



Phillip M. Martin, PE
Principal Engineer

2/17/2021

Staff Response to Professional Engineering Consultants, Inc. (PEC) engineering report for the review of the After-the-Fact Variance application from Brady & Kimberly Day, 37916 Forest Lodge Road, Crosslake, MN (PID 14080610)

The City of Crosslake submitted a letter to the Days, clarifying the Planning Commission/Board of Adjustment (PC/BOA) discussion at the October 23, 2020 public hearing. The After-the-Fact Variance application from the Days was tabled at the meeting until an engineering report could be submitted addressing the PC/BOA's concerns.

This letter is in response to the report submitted by PEC on January 4, 2021.

The options (#1 & 2) that were outlined in the October 23, 2020 letter from the city were the options presented by the PC/BOA. Option #1 was the commission's preferred resolution of the situation and **was not addressed at all in the PEC report.**

Option #2 was not the preferred solution, this option was only partially addressed by PEC.

The area between the dwelling and the lake is a bluff (per Stonemark Land Surveying surveys dated 11/14/2019 & 8/20/2020). Rules regarding bluffs were first established by the State of Minnesota in 1989. Those rules have not changes significantly in the past 30+ years. There is a Staff report dated 4/9/1997 that states there is a bluff on the property, Kevin McCormick, states that the height does not meet the 30% slope requirement (FAX dated 1/12/1991), but it does not indicate where that measurement was taken. The surveys from Stonemark show specific locations of where the bluff starts and ends on the property.

The Days knew the area was a bluff prior to submitting their Shoreland Alteration application for the WOAS. No other activity was discussed with staff prior to the work beginning in the bluff impact area.

- WOAS, the Water Oriented Accessory Structure will need to be reduced to no more than 120 square feet in size, 12 feet high at mid-peak and meet the 20 foot setback from the OHW or removed as it is nearly twice the size and closer to the OHW than what is allowed in the Land Use Ordinance. This was the only item checked off on the original Shoreland Alteration Permit dated 4/24/2020 – staff added the dirt moving to cover the area around the WOAS only.
 - o Article 10, Sec 26-317 (2) Water Oriented Accessory Structures on Riparian Residential Lots
- 326 sq ft patio under deck – remain as is, even though it is within the Bluff Impact Zone (30-ft from the top of the bluff) because it was existing prior to the current work being done (existing non-conformity).
 - o Article 5 Nonconformities
 - o Article 10, Sec 26-312, Patios
 - o Article 10, Sec 26-308, Table 26-308B additional Structural Setbacks

- 264 sq ft firepit patio – The patio was crushed rock, resurfacing would require a Variance and a Conditional Use permit as the work was done in the Bluff area where no impervious surface is allowed and exceeds the zero cubic yards of dirt moving allowed in the bluff impact zone. There is no 30-ft buffer around a structure that allows additional patio work in the current Land Use Ordinance. We do allow no more than one 4-ft walkway and stairs, not meeting the lake or bluff setback, to access a structure. Resurfacing an existing patio **does** require a Shoreland Alteration permit.
 - o Article 10, Sec 26-312 Patios
 - o Article 10, Sec 26-308, Table 26-308B additional Structural Setbacks
 - o Article 21, Sec 26-577 (4)

- 214 sq ft and 85 sq ft paver walkways – Pavers were installed where flagstone walkways were existing. This would require a CUP for dirt moving in a bluff impact zone and was not included on the 4/24/20 Shoreland Alteration permit. We do allow no more than one 4-ft walkway and stairs, not meeting the lake or bluff setback, to access a structure. Resurfacing an existing stairway/walkway **does** require a Shoreland Alteration permit.
 - o Article 10, Sec 26-313
 - o Article 21, Sec 26-577 (4)

- Verify integrity of the new retaining walls and determine feasibility of removing them and restoring the bluff to its condition prior to May 2020. Also discuss 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’ area created in the middle of the bluff. During our site visit on 10/22/20, staff and commissioners measured the new retaining walls and they exceeded the maximum 4-ft height restriction in several locations. Retaining wall exceeding 4-ft in height require a plan signed by a Minnesota licensed professional engineer.
 - o Article 10, Sec 26-318 Retaining Walls, (1) b
 - o Article 21, Sec 26-577 (4)
 - o Article 19, Sec 26-514 Bluff and Steep Slope Vegetation Standards

- Vegetate entire bluff area (top to toe) with wooding vegetation covering 75% of the surface area. The bluff will become a no-mow, no-use area until the Ordinance removes the bluff restrictions. A vegetative buffer consisting of trees, shrubs and ground cover plants and understory in a natural state is required in bluff impact zones and on slopes greater than 25%.
 - o Article 19, Sec 26-514 Bluff and Steep Slope Vegetation Standards

- Submit and 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 variances per Article 8**). Stormwater flow directions and capture areas shall be identified and volumes calculated. Special emphasis shall be placed on retention area in and adjacent to the bluff.

- Article 8, Sec 26-222 (I)
- Article 20, Sec 549

- A Shoreland Alteration Permit shall be required prior to beginning work.
 - Shoreland Alteration Permit are required per Article 3, Administration
 - Shoreland Alteration Permits are required within the established structural setback of a lake (Article 10, Sec 26-308 Setbacks and Placement of Structures) and cover the following activities:
 - Patios
 - Stairways, Walkways & Lifts
 - Landings (not to exceed 32 sq ft)
 - Water Oriented Accessory Structures (WOAS)
 - Retaining Walls
 - Boardwalks
 - Watercraft access ramps
 - Vegetation Removal in a Bluff
 - Shoreland Recreation Area
 - Sand Blankets
 - Upland Fill in SIZ1, SIZ 2 and RLZ
 - Historic Ice Ridge removal

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.

Brady & 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?