

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

June 25, 2021

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: Michael W & Elizabeth J Cooper

Authorized Agent: Brad Swenson

Site Location: 11690 Manhattan Point Blvd, Crosslake, MN 56442 on Big Trout Lake-GD

Variance for:

- Bluff setback of 0 feet where 30 feet is required to proposed water oriented accessory structure (WOAS)
- Dirt moving of 65 yards in the Bluff impact zone where 0 yards are allowed

To construct:

- 120 square foot WOAS within the bluff impact zone
- Retaining walls and steps in the bluff impact zone

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: Michael W & Elizabeth J Cooper

Parcel Number(s): 14010583, 14010584, 14010585

Application Submitted: May 12, 2021

Action Deadline: N/A

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: Brad Swenson

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Current Zoning: Shoreland District

Existing Impervious Coverage:

15.5%

Proposed Impervious Coverage:

15.8%

- A stormwater management plan was submitted with the variance application
- Compliant septic compliance inspection on file dated 8-13-2020

Development Review Team Minutes held on 4-13-2021:

- Property is located on Trout Lake at 11690 Manhattan Pt Blvd with a lake setback of 75 feet and 30 feet from top and bottom of a bluff
- The proposed WOAS to be approximately 30 feet from the OHW of Trout Lake
- Replace and add retaining walls and steps; dirt moving in bluff
- 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)
- The parcel is located within a plat and/or an organization that may have restrictions, you would need to verify those restrictions and clarify that your request is approved by the organization or allowed in the plat

- Design and implement a stormwater management plan (gutters, berm & rain gardens) or 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 8-13-2020
- 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, 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
4. A septic design if project requires; compliance is on file
5. A complete Variance application with the \$500.00 public hearing fee

Parcel History:

- Manhattan Beach Second Addition established in 1927
- August 1989 – 28’ x 49’ house; loft 700 sf; 24’ x 24’ attached garage; 49’ x 10’ deck; septic
- April 2016 – 550 square foot deck; 576 square foot accessory structure
- August 2020 – Vegetation removal
- August 13, 2020 – Compliance inspection

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comments were received as of 6-17-2021

City Engineer: N/A

Lake Association: No comments were received as of 6-17-2021

Township: N/A

Crosslake Public Works: No comments were received as of 6-17-2021

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comments were received as of 6-17-2021

POSSIBLE MOTION:

To approve/table/deny the variance to allow:

- Bluff setback of 0 feet where 30 feet is required to proposed water oriented accessory structure (WOAS)
- Dirt moving of 65 yards in the Bluff impact zone where 0 yards are allowed

To construct:

- 120 square foot WOAS within the bluff impact zone
- Retaining walls and steps in the bluff impact zone

As shown on the certificate of survey dated 5-7-2021



CERTIFICATE OF SURVEY

LOT 8 AND PARTS OF LOTS 7 & 9, BLOCK 36,
MANHATTAN BEACH SECOND ADDITION,
SECTION 1, TOWNSHIP 137 NORTH, RANGE 28 WEST,
CROW WING COUNTY, MINNESOTA

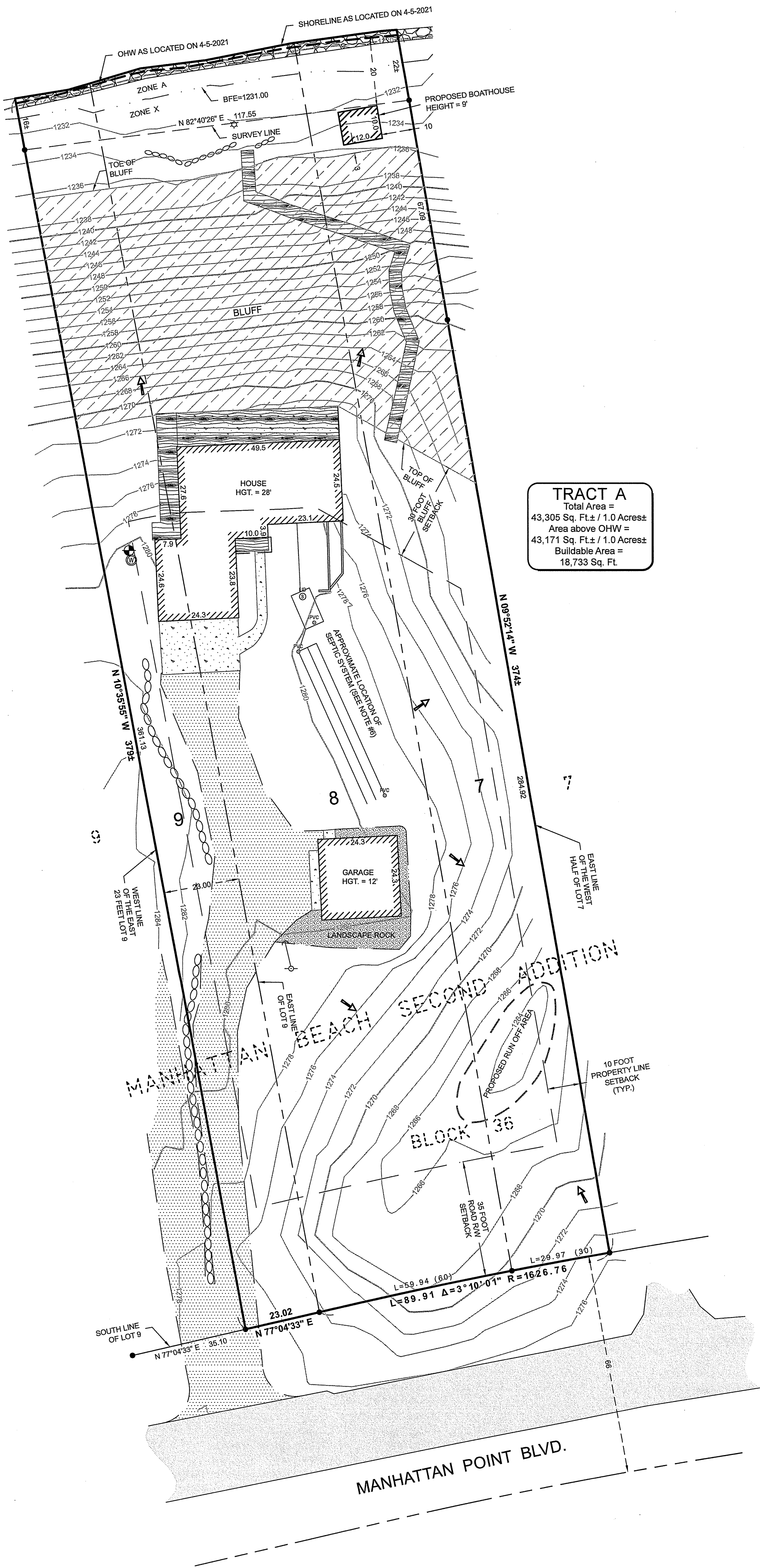
BIG TROUT LAKE

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 = 1229.15 ON APRIL 5, 2021

BASED ON NGVD 29 DATUM



TRACT A
Total Area =
43,305 Sq. Ft. ± 1.0 Acres ±
Area above OHW =
43,171 Sq. Ft. ± 1.0 Acres ±
Buildable Area =
18,733 Sq. Ft.

LEGAL DESCRIPTION PER DOCUMENT NUMBER 114257

The West one-half (W1/2) of Lot Seven (7) and all of Lot Eight (8) of Block Thirty-six (36) in Manhattan Beach Second Addition AND the East Twenty-three feet (23') of Lot Nine (9), Block Thirty-six (36) in Manhattan Beach Second Addition, according to the plat thereof on file and of record in the office of the county recorder in and for said county.

Subject to flowage easements in deeds, Book 31 of Deeds, page 120 and Book 57 of Deeds, page 602.

together with all hereditaments and appurtenances belonging thereto.

IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft)	Percent Impervious (sq.ft)
House	1,949	43,171	4.5%
Garage	591	43,171	1.4%
Concrete	1,039	43,171	2.4%
Gravel	3,129	43,171	7.2%
Total	6,708	43,171	15.5%

IMPERVIOUS CALCULATIONS

PROPOSED	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft)	Percent Impervious (sq.ft)
House	1,949	43,171	4.5%
Garage	591	43,171	1.4%
Concrete	1,039	43,171	2.4%
Gravel	3,129	43,171	7.2%
Proposed Boathouse	120	43,171	0.3%
Total	6,828	43,171	15.8%

RUN OFF CALCULATIONS

Total Impervious Surface Area (from table above)	6,828 sq. ft.	X	0.0833 ft.	=	569 cu. ft.
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PROPOSED RUN OFF AREA

TOP SURFACE AREA = 722 SQ. FT.
BOTTOM SURFACE AREA = 416 SQ. FT.
1' DEEP WITH 3:1 SIDE SLOPES
TOTAL RUN OFF STORAGE PROPOSED = 569 CU. FT.

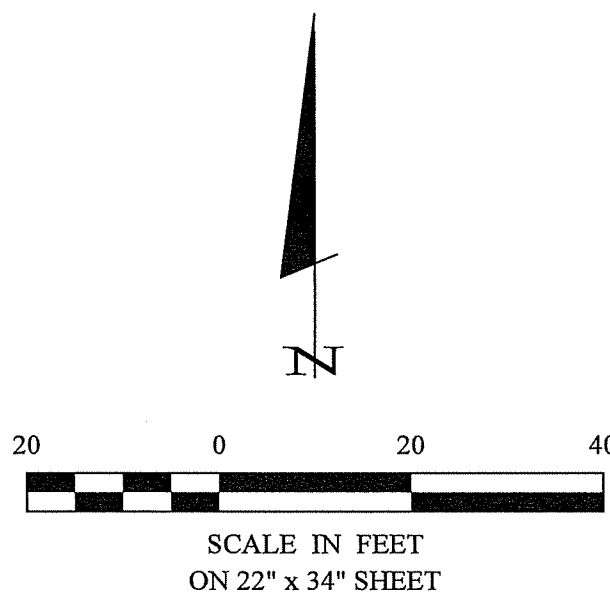
LEGEND


- DENOTES EXISTING RETAINING WALL
- DENOTES EXISTING ROCK WALL
- DENOTES EDGE OF EXISTING BITUMINOUS
- DENOTES EDGE OF EXISTING GRAVEL
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING WOODEN DECKING
- DENOTES EDGE OF EXISTING RIP-RAP
- DENOTES BLUFF AREA
- DENOTES EXISTING INTERMEDIATE CONTOURS
- DENOTES EXISTING INDEX CONTOURS
- DENOTES EXISTING MOUNTED LIGHT
- DENOTES EXISTING UTILITY POLE W/ GUY WIRE
- DENOTES EXISTING WELL
- DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
- DENOTES EXISTING SEPTIC LIFT STATION
- DENOTES BENCHMARK: HIGH POINT OF WELL
- ELEV. = 1282.59
- BASED ON NGVD 29 DATUM
- DENOTES PLAT AND/OR DEEDED MEASURE
- DENOTES MONUMENT FOUND

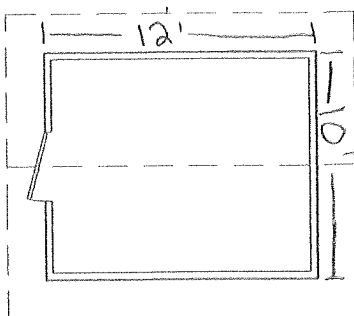
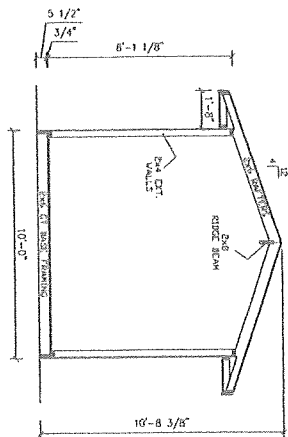
ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTH LINE OF LOT 9 TO HAVE AN ASSUMED BEARING OF N 77°04'33" E.

NOTES:

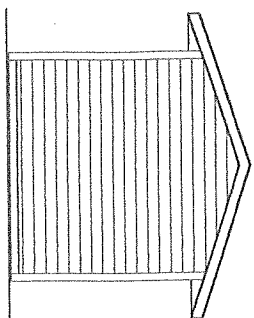
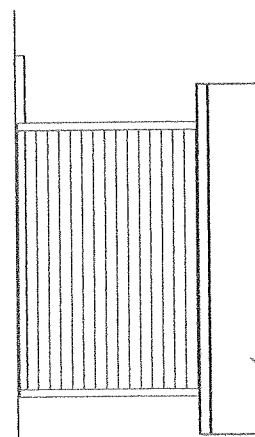
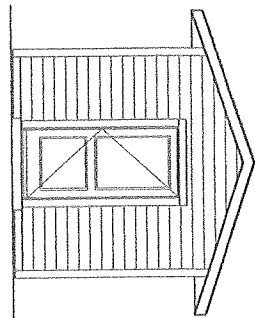
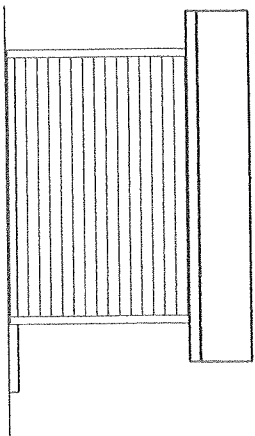
- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 4-5-2021.
- Zoning for subject tract = "Shoreland District".
- Property is in "Zone X" and "Zone A" as per the FIRM, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone X" definition: Areas of minimal flooding.
- Parcel IDs of subject parcel: 14010583, 14010584 & 14010585.
- The E911 address of subject parcel: 11690 Manhattan Point Blvd.
- Approximate location of septic system per sketch prepared by Martin Joyce, Martin Joyce Septic Service, LLC.



1 of 1	CERTIFICATE OF SURVEY	PROJECT MANAGER: PAT	PROJECT No.: 21084	DATE: 5-7-2021	REVISIONS DESCRIPTION	BY	I HEREBY CERTIFY THAT THIS SURVEY, PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. PATRICK A. TROTTER PLS#41002 DATE: 5-07-2021 LIC. NO. 41002		30206 Rasmussen Road Suite 1 P. O. Box 874 Pequot Lakes, MN 56472 218-568-4940 www.stonemarksurvey.com
	Elizabeth Cooper 151 Montrose St. Paul, MN 55104	CHECKED BY: PAT DRAWN BY: RJF	FILE NAME: C21084.dwg FIELD BOOK: BOOK 462 PG. 22	SCALE: HORIZ. 1"=20' VERT. NONE					



Asphalt Shingles



Cooper Notes

SIZ #1:

Dirt moving and retaining walls

30X2.5 LS

31X2.5 RS

20 Yards black dirt

Dirt moving for retaining walls 7 yards

Dirt moving for WOS 1 yard sono tubes

SIZ #2:

Dirt moving and retaining walls

70X25 Along hill

31X1.5 Replace/add along steps

56X1.5 Replace /add along steps

14 Yards material in/out

Replace existing steps

SIZ #3

Top of Bluff

Add 59' of new 4' steps for safe access

2X64' of new retaining wall along steps

21 Yards material moved and installed

4 new steps to access under deck

2 yards material moved



Variance Application

Planning and Zoning Department

13888 Daggett Bay Road, Crosslake, MN 56442

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

Late \$500 + \$500 + \$6.00 copies = \$1006.00

Receipt Number: 969708

Permit Number: 210084V

Property Owner(s): Michael W. & ELIZABETH J. COOPER

Mailing Address: 151 Montrose Pl., St Paul, MN 55104-5622

Site Address: 11690 Manhattan Pt Blvd.

Crosslake, MN 56442

Phone Number: 651-245-9208

E-Mail Address: drecooper@msn.com

Parcel Number(s): 14010584, 14010583, 14010585

Legal Description: Pt of Lot 749; and lot 8

Sec #01 Twp 137 Rge 26 ☐ 27 ☐ 28 ☒

Lake/River Name: Trout Lake

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

If yes list Parcel Number(s) 3 Parcels listed above

Authorized Agent: Brad Swenson

Agent Address: 14618 White Birch Lane

Crosslake, MN 56442

Agent Phone Number: 218-838-7361

Signature of Property Owner(s) Elizabeth J. Cooper

Date 4/25/21

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 J. K. K. K.

Date 5/12/21

Land Use District SD

Lake Class GD

Septic: Compliance 5/12/2020

SSTS Design —

Installation —

Variances

(Check applicable requests)

- ☐ Lake/River Setback
- ☐ Road Right-of-Way Setback
- ☒ Bluff Setback 20' OHW
WOAS 10' side yard
- ☐ Side Yard Setback
- ☐ Wetland Setback
- ☐ Septic Tank Setback
- ☐ Septic Drainfield Setback
- ☐ Impervious Coverage
- ☒ Accessory Structure
- ☐ Building Height
- ☐ Patio Size
- ☒ Retaining Wall in Dirt Moving
Bluff Impact Zone.
65 yds where 0 is allowed



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 owner wishes to place boulders to prevent erosion issues at the bottom of the bluff, and is requesting the erection of a small shed for storage of dock furniture and accessories and recreational items due to the steep climb to the garage.

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

Yes ☒ No ☐

Why: The existing building materials and colors will be matched, similar to the neighbors. The boulders will be natural, similar to what is there.

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

Yes ☒ No ☐

Why: The project includes replacement of deteriorating steps, so while that is being addressed, the need to take care of the eroding bluff and construct a building below the steep climb is requested

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

Yes ☒ No ☐

Why: The building will need to be on posts so as not to change the drainage on the bluff. The boulders will be strategically placed to prevent further erosion



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: