

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



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

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## **CITY OF CROSSLAKE**

### **PLANNING COMMISSION/BOARD OF ADJUSTMENT**

**July 23, 2021**

**9:00 A.M.**

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

### **PUBLIC HEARING NOTICE**

**Applicant:** Harvey E, Jr & Joan M Baxter

**Authorized Agent:** Terry Quick

**Site Location:** 14609 Wildwood Dr, Crosslake, MN 56442 on Tiff Lake-NE

**Variance for:**

- Lake setback of 65 feet where 150 feet is required to proposed sunroom

**To construct:**

- 220 square foot sunroom

**Notification:** Pursuant to Minnesota Statutes Chapter 462, and the City of Crosslake Zoning Ordinance, you are hereby notified of a public hearing before the City of Crosslake Planning Commission/Board of Adjustment. Property owners have been notified according to MN State Statute 462 & published in the local newspaper. Please share this notice with any of your neighbors who may not have been notified by mail.

**Information:** Copies of the application and all maps, diagrams or documents are available at Crosslake City Hall or by contacting the Crosslake Planning & Zoning staff at 218-692-2689. Please submit your comments in writing including your name and mailing address to Crosslake City Hall or ([crosslakepz@crosslake.net](mailto:crosslakepz@crosslake.net)).



## STAFF REPORT

Property Owner/Applicant: Harvey E, Jr & Joan M Baxter

Parcel Number(s): 14210629

Application Submitted: June 7, 2021

Action Deadline: August 6, 2021

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

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

City Council Date: N/A

**Authorized Agent:** Terry Quick

**Variance for:**

- Lake setback of 65 feet where 150 feet is required to proposed sunroom

**To construct:**

- 220 square foot sunroom

**Current Zoning:** Shoreland District

**Existing Impervious Coverage:**

7.3%

**Proposed Impervious Coverage:**

7.4%

- A stormwater management plan was submitted with the variance application
- Septic compliance inspection is on file dated 5-20-2021

**Development Review Team Minutes held on 5-11-2021:**

- Property is located on Tiff Lake at 14609 Wildwood Drive with a lake setback of 150 feet
- The proposed sunroom to be approximately 65 feet from the OHW of Tiff Lake
- Elevation for Tiff Lake of 1230.7 to be met
- 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).
- Setbacks on structures where the eaves exceed 36" shall be measured from the drip line.
- Your 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 that organization or allowed in the plat
- 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 wetland is being used it must be filtered to drinking standards before it can flow into any wetland
- An septic compliance inspection is needed; the 8-31-16 on file has expired
- A wetland on-site by Mitch Brinks was done on 4-25-19
- 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 4:30 PM of the deadline date; variance is good for 2 years (substantial completion) from approval date
- If approved, 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 or a compliance inspection
5. A complete Variance application with a \$500.00 public hearing fee

### **Parcel History:**

- Wildwood Acres established in 1982
- August 1995 – 46x10, 26x30 home with full basement, 26x12 loft, 10x326 deck, 22x26 garage, septic system & Certificate of Installation
- December 2010 – Installation of a ramp (site plan shows it on the west side of the home)
- July 2017 – 30'x32' Accessory structure
- June 2019 – Variance approved for 169 square foot addition
- July 2019 – 12'x14' Porch

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

**County Highway Dept:** N/A

**DNR:** No comments were received as of 7-9-2021

**City Engineer:** N/A

**Lake Association:** No comments were received as of 7-9-2021

**Township:** N/A

**Crosslake Public Works:** No comments were received as of 7-9-2021

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

**Concerned Parties:** No comments were received as of 7-9-2021

### **POSSIBLE MOTION:**

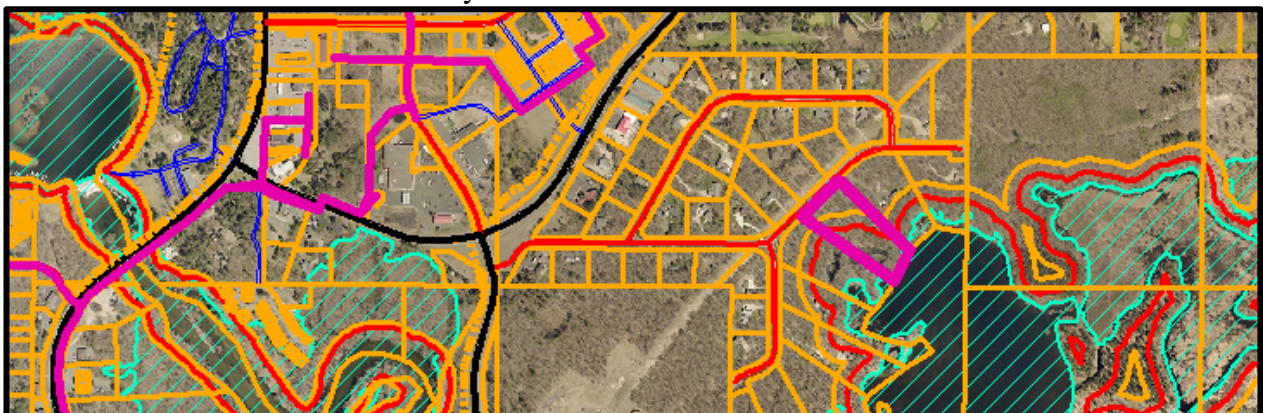
To approve/table/deny the variance to allow:

- Lake setback of 65 feet where 150 feet is required to proposed sunroom

**To construct:**

- 220 square foot sunroom

As shown on the certificate of survey dated 5-25-2021



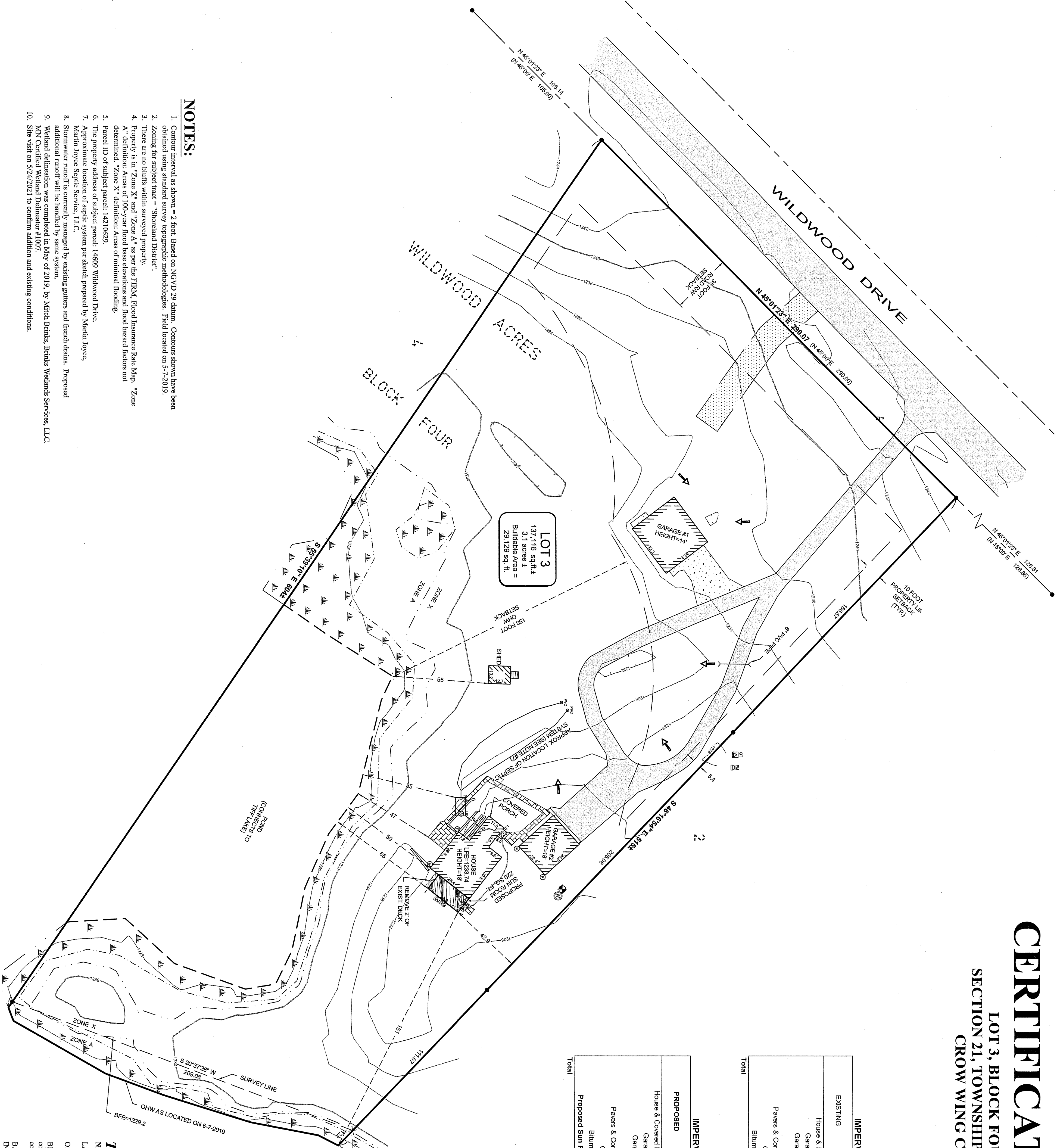






CERTIFICATE OF SURVEY

LOT 3, BLOCK FOUR, WILDWOOD ACRES,  
SECTION 21, TOWNSHIP 137 NORTH, RANGE 27 WEST,  
CROW WING COUNTY, MINNESOTA



IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent ImperVIOUS (sq. ft.)
House & Porch	1,004	137,116	0.7%
Garage #1	975	137,116	0.7%
Garage #2	592	137,116	0.4%
Shed	130	137,116	0.1%
Pavers & Concrete	1,157	137,116	0.8%
Gravel	1,094	137,116	0.8%
Blumious	5,027	137,116	3.7%
Total	9,979	137,116	7.3%

IMPERVIOUS CALCULATIONS			
PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent ImperVIOUS (sq. ft.)
House & Covered Porch	1,004	137,116	0.7%
Garage #1	975	137,116	0.7%
Garage #2	592	137,116	0.4%
Shed	130	137,116	0.1%
Pavers & Concrete	1,157	137,116	0.8%
Gravel	1,094	137,116	0.8%
Blumious	5,027	137,116	3.7%
Proposed Sun Room	220	137,116	0.2%
Total	10,199	137,116	7.4%

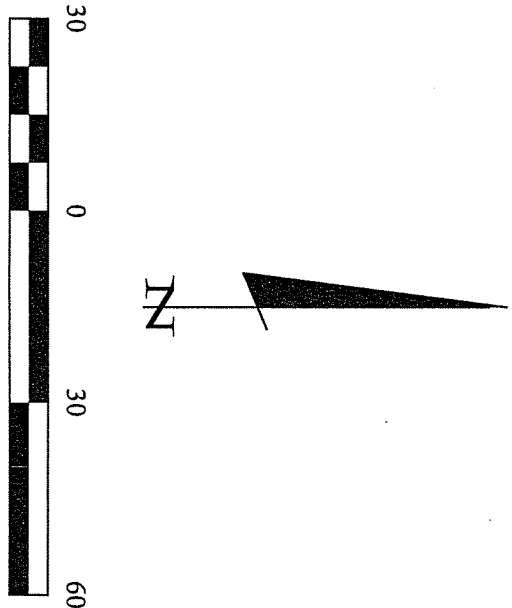
LEGEND

- BITUMINOUS
- GRAVEL
- CONCRETE
- WOODEN DECKING
- INTERMEDIATE CONTOURS
- INTERMEDIATE CONTOURS
- INTERMEDIATE CONTOURS (DEPRESSION)
- CONTOURS
- CONTOURS (DEPRESSION)
- WETLAND(S)
- ELECTRIC METER
- EXISTING GROUND
- TRANSFORMER
- EXISTING PHONE
- FRENCH DRAIN
- EXISTING WELL
- EXISTING SEPTIC
- SEPTIC TANK, LID
- BENCHMARK: HIGH POINT OF WELL
- ELEV. = 1240.19
- PLAT AND/OR DEED MEASURE
- POSITION
- MONUMENT FOUND

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE RECORDED PLAT OF WILDWOOD ACRES.

TIFF LAKE

NATURAL ENVIRONMENT CLASSIFICATION  
LAKE ELEVATION = 1227.91  
ORDINARY HIGH WATER ELEVATION = 1227.2  
BENCHMARK: At house on SW side of lake, top north corner of concrete slab near iron pin, at lake's lower level entrance to house, corner is 5.3' lakeward from house. DICK = 1236.2  
BASED ON NGVD 29 DATUM  
INFORMATION OBTAINED FROM MNDNR



CERTIFICATE OF SURVEY

Harvey Baxter  
14609 Wildwood Drive  
Crosslake, MN 56442

PROJECT MANAGER:  
PAT  
CHECKED BY:  
PAT  
DRAWN BY:  
RJF

PROJECT No.:  
19076-1  
FILE NAME:  
C19076-1.dwg  
FIELD BOOK:  
BOOK 448 PG. 70

DATE:  
5-25-2021  
SCALE:  
HORIZ. 1"=30'  
VERT. NONE

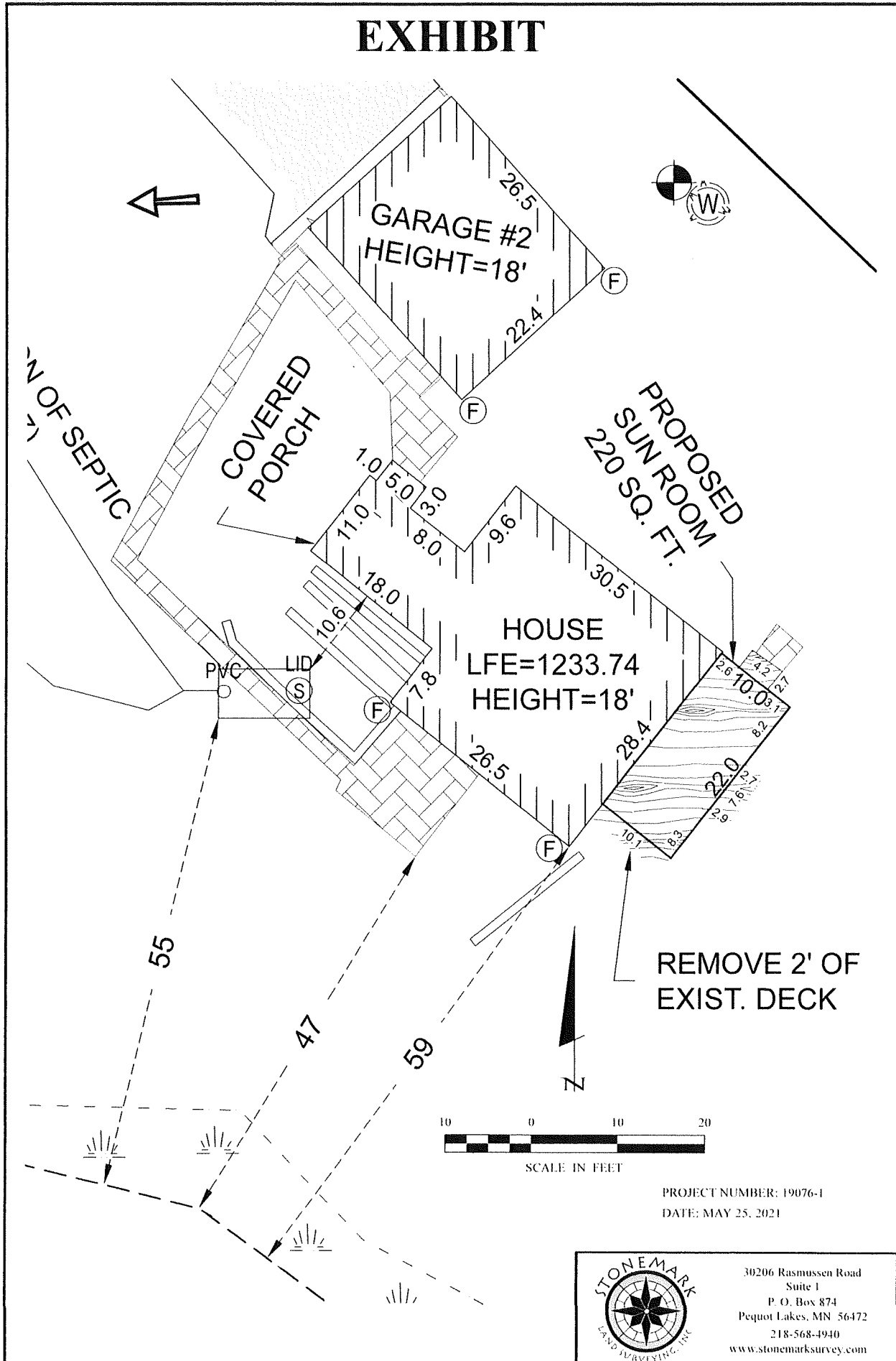
REVISIONS		BY
DATE	DESCRIPTION	

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.  
*Cynthia M. Hidde*  
CYNTHIA M. HIDDE PLS#44881  
DATE: 5-25-2021 LIC. NO. 44881

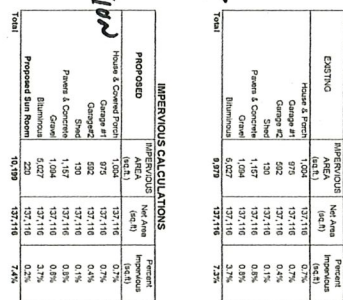


30206 Rasmussen Road  
Suite 1  
P. O. Box 874  
Pequot Lakes, MN 56472  
218-568-4940  
www.stonemarksurvey.com

# EXHIBIT



LOT 3, BLOCK FOUR, WILDWOOD ACRES,  
SECTION 21, TOWNSHIP 137 NORTH, RANGE 27 WEST,  
CROW WING COUNTY, MINNESOTA



# Just Focus Dietary

LAKE ELEVATION = 1227.91

ORDINARY HIGH WATER ELEVATION = 1227.2

**BENCHMARK:** At house on SW side of lake, 100 m

**MEASUREMENTS:** At measure on S.W. side of lake, top of concrete slab near iron pin, at lakeside lower level ent-

corner is 3.3' lakeward from house. Elev. = 1238.2

BASED ON NGVD 29 DATUM

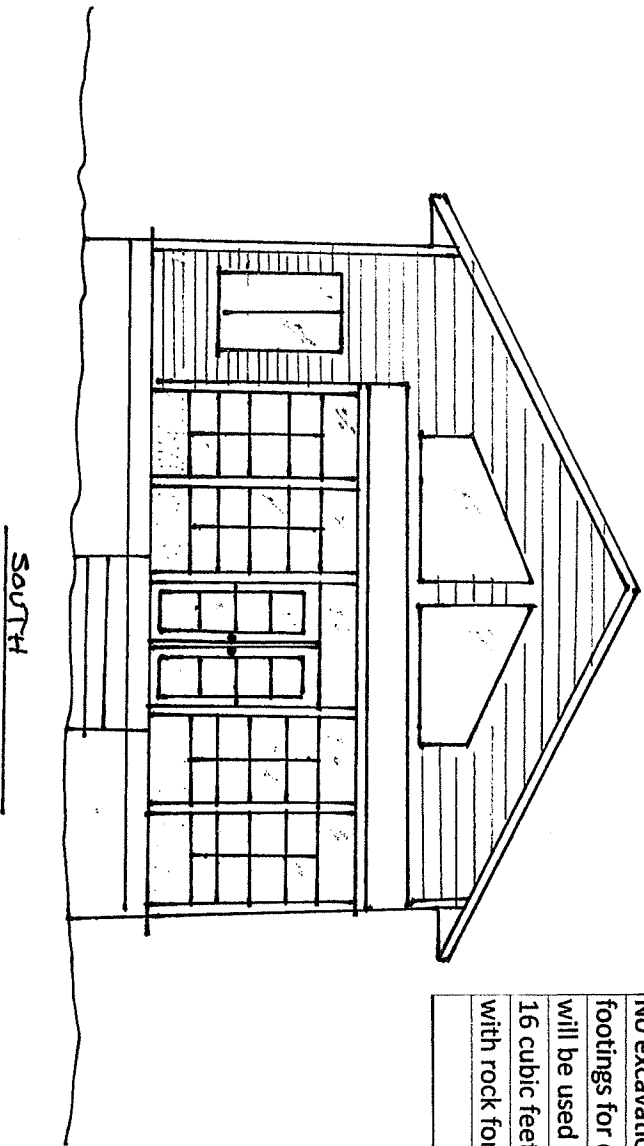
INFORMATION OBTAINED FROM MINDK

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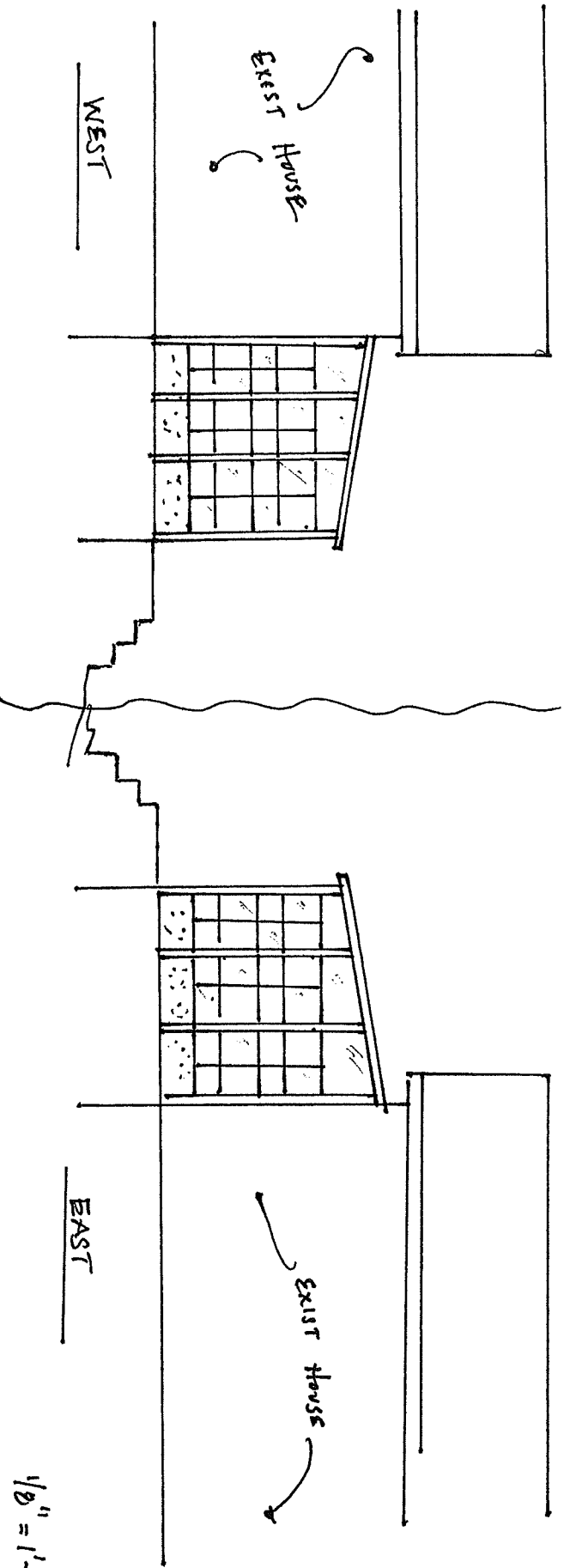
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Journal compilation © 2006 Blackwell Publishing Ltd

[illegible]

<b>CUT &amp; FILL CALCULATIONS</b>		
No excavation will be needed for new		
footings for deck as diamond pier footings		
will be used (see attached sheet. A total of		
16 cubic feet of soil will be cut out & filled		
with rock for storm water collection off new roof.		



SOUTH



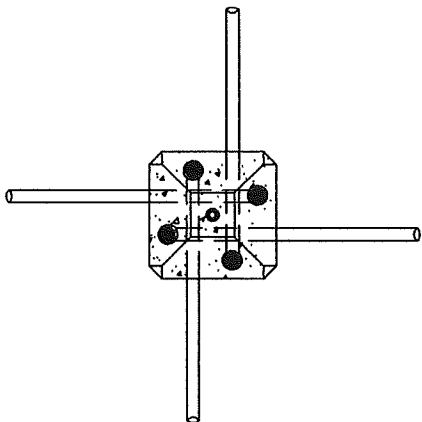
WEST

EAST

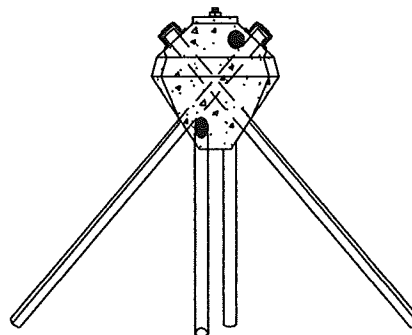
$\frac{1}{8}'' = 1'-0''$



## DIAMOND PIER® DP-50

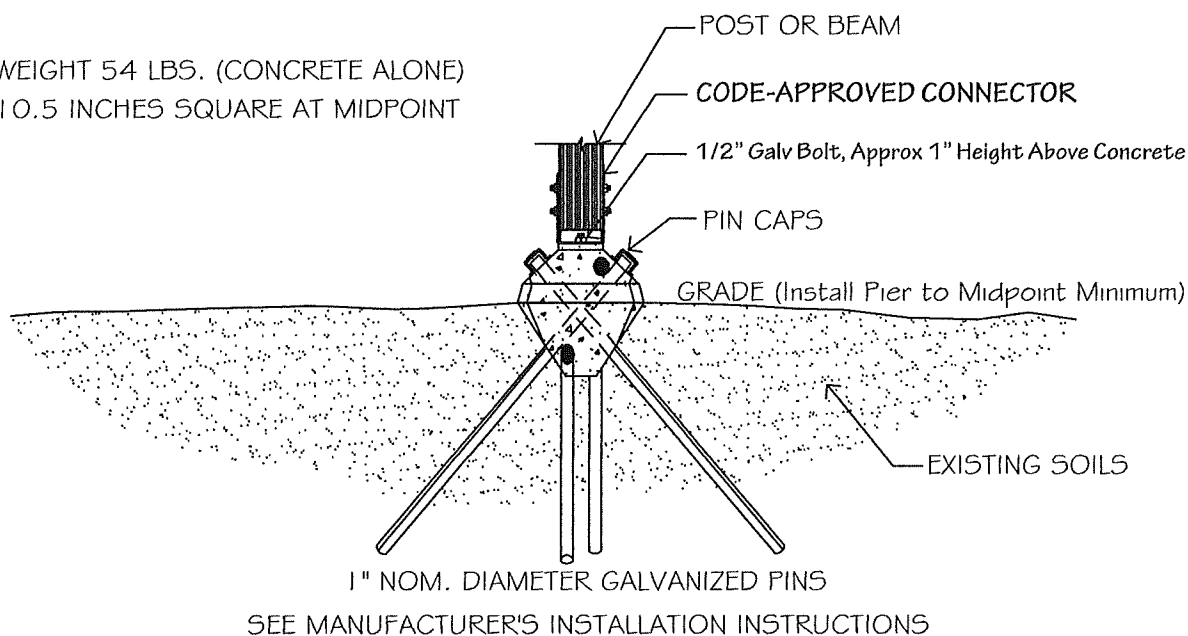


PLAN VIEW W/ PINS



ELEVATION W/ PINS

WEIGHT 54 LBS. (CONCRETE ALONE)  
10.5 INCHES SQUARE AT MIDPOINT



## DIAMOND PIER® DP-50

US PAT. #5039256, #6910832, & #7326003

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PIN FOUNDATIONS, INC.

GIG HARBOR, WASHINGTON  
(253) 858-8809



Variance Application  
Planning and Zoning Department  
13888 Daggett Bay Road, Crosslake, MN 56442  
218.692.2689 (Phone) 218.692.2687 (Fax) [www.cityofcrosslake.org](http://www.cityofcrosslake.org)

Receipt Number: 969744

Permit Number: 210122V

Property Owner(s): Harvey E Baxter, Jr & Joan M Baxter

Mailing Address: 14609 Wildwood Dr, Crosslake MN 56442

Site Address: 14609 Wildwood Dr, Crosslake MN 56442

Phone Number: 218-232-2327

E-Mail Address: lilhav1@gmail.com

Parcel Number(s): 14210629

Legal Description: BLOCK 4, LOT 3, WILDWOOD ACRES

Sec 21 Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Lake/River Name: TIFF LAKE

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

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

Authorized Agent: TERRY QUICK

Agent Address: 1565 STALLION RD SW, PILLAGER MN 56473

Agent Phone Number: 218-839-1152

**Variances**

(Check applicable requests)

- ☒ Lake/River Setback 150' required  
65' to sun room
- ☐ Road Right-of-Way Setback
- ☐ Bluff Setback
- ☐ Side Yard Setback
- ☐ Wetland Setback
- ☐ Septic Tank Setback
- ☐ Septic Drainfield Setback
- ☐ Impervious Coverage
- ☐ Accessory Structure
- ☐ Building Height
- ☐ Patio Size
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

Signature of Property Owner(s) Joan M Baxter

Date 6-3-2021

Signature of Authorized Agent(s) Terry Quick

Date 6/3/2021

- 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 Cheryl Stutz Date 6-7-21 Land Use District SD

Lake Class SD Septic: Compliance 5-20-21 SSTS Design — Installation —



## Practical Difficulty Statement

Pursuant to City of Crosslake Ordinance Article 8 – Variances may be granted when it is found that strict enforcement of the Land Use Ordinance will result in a “practical difficulty”.

Please answer the following questions regarding the “practical difficulty” for your variance request.

1. Is the Variance request in harmony with the purposed and intent of the Ordinance?

Yes ☒ No ☐

Why: The existing house & deck do not meet setback requirements  
Defer to the Planning Commission/Board of Adjustment

2. Is the Variance consistent with the Comprehensive Plan?

Yes ☒ No ☐

Why: This doesn't change the use of the property. Current deck space becomes 3 season sunroom space.  
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 house does not meet setback requirements. The only change is converting a deck to a 3 season porch.

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

Yes ☒ No ☐

Why: The porch will fit in. The porch will sit atop existing deck.

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 house does not meet setback requirements from Tift Lake.

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

Yes ☒ No ☐

Why: It is simply a setback issue of the existing structure.





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: