

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

July 23, 2021

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: Billario Holdings LLC (Bill & Marie Orke)

Authorized Agent: Wes Hanson Builders, Inc.

Site Location: 11928 & 11934 Cty Rd 103, Crosslake, MN 56442 on Crosslake-GD

Variance for:

- Lake setback of 49 feet where 75 feet is required to proposed dwelling
- Increase patio size of 576 square feet where 400 square feet is allowed

To construct:

- 6,250 square foot dwelling where 1,284 square feet requires a variance
- 1,620 square foot pickleball court/patio where 176 square feet requires a variance

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: Billario Holdings LLC (Bill & Marie Orke)

Parcel Number(s): 14310726, 14310728

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: Wes Hanson Builders, Inc.

Variance for:

- Lake setback of 49 feet where 75 feet is required to proposed dwelling
- Increase patio size of 576 square feet where 400 square feet is allowed

To construct:

- 6,250 square foot dwelling where 1,284 square feet requires a variance
- 1,620 square foot pickleball court/patio where 176 square feet requires a variance

Current Zoning: Shoreland District

Existing Impervious Coverage:

20.8%

Proposed Impervious Coverage:

23.4%

- A stormwater management plan was submitted with the variance application on Exhibit A
- Septic design was submitted to Crow Wing County and approved on 6-10-2021

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

- Property is located on Crosslake at 11928 & 11934 County Road 103 with a lake setback of 75 feet
- The proposed demo/rebuild to be approximately 49 feet from the OHW of Crosslake
- Exhibit labeled "Proposed Final Project" and dated; to show only what will be remaining if the variance is approved with all of the setbacks and dimensions; anything that is not on the exhibit will be considered to be removed; paperwork in three phases - cert of survey, existing and final
- Survey and exhibit to show the dimensions and setback of the pickle ball court and fire pit along with the total square foot that will be in the SIZ1 and/or SIZ2
- Location of proposed well relocation on survey
- Removal buildings are listed in square footage per zone and height; discussion on the variance request as far as structure height and wording such as lake setback for 6250 sq structure where 1284 sq is needing a variance
- Water oriented accessory structure (WOAS) is either the brick patio or fire pit area; possible condition to remove one of them

- Label the 75' setback from OHW on each side of the parcel on the survey, as well as showing and labeling the SIZ1 on the exhibit
- Bench mark installed by surveyor and supplemental data form maybe required to verify elevation is being met of 1232.5
- Proof of US Army Corps of Engineers authorization to have the septic located on their property or labeled on the survey to be removed and abandonment papers filed at the city
- Existing well abandonment paperwork submitted to the city
- 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)
- 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 septic design is needed according to the survey and 2 compliant septic compliance inspections are on file dated July & August of 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 4:30 PM on the deadline date; payment policy; notification methods; variances are limited to 2 years substantial completion
- 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; compliances are on file
5. A complete Variance application with the \$500.00 public hearing fee

Parcel History:

PARCEL 14310728 – Note not all history listed below has approval signature &/or date:

- July 1979 – 50x10 deck; 4x14 deck; sewer; 24x30 garage & living quarters
- April 1985 – Variance setback from water 48'; setback from existing & conforming septic system 8' to 10' – 14' to disturbed ground
- May 1985 – 32x32 storage garage with shed roof to store fire wood & gas tanks
- May 1985 – Alter garage with second story for potential guest quarters
- October 1990 – Addition to house 12x42; tear off roof; remodel bath kitchen; raise roof from 1 ½ to 12 pitch to a 8 to 12 pitch; square off & rearrange some of deck adding 165'
- October 1990 – Remodel & add onto back of house 12x42 at 8' from side lot line; rearrange lake side deck to flow better; add approximately 165 sf deck at 68' & 72' from OHW
- November 1990 – Addition to house and decks
- October 1992 - 30x40 Garage-to meet all setbacks
- December 1992 – Variance for house addition & addition to deck
- January 1992 – Variance drainfield to garage setback; garage to lake setback; addition to property setback

- January 1993 – 12x42 Addition to home-8' from side property line; 8x12 extension of deck
- May 1993 – 30x40 Garage-no living quarters-75' from OHW-storage & personal parking – removal of shed
- September 2003 – Approved CUP to allow for guest quarters to be constructed above a garage as submitted
- October 2003 – 700 sq ft guest quarters per approved C2003-018 and subject to conditions
- December 2003 – Septic system upgrade to accommodate guest quarters
- July 2020 – Compliant septic compliance inspection

PARCEL 14310726 – Note not all history listed below has approval signature &/or date:

- September 1975 – 20x24 Garage
- July 1987 – Variance for building not 75' from water – 56' water
- July 1987 – 24'x32' Garage with workshop
- August 1990 – Screen in existing porch at 26'x44'
- September 2003 – Septic upgrade
- January 2007 – Renewal of rip-rap – no higher than 3 ft
- August 2020 – Compliant septic compliance inspection

Agencies Notified and Responses Received:

County Highway Dept: No comments were received as of 7-9-2021

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:

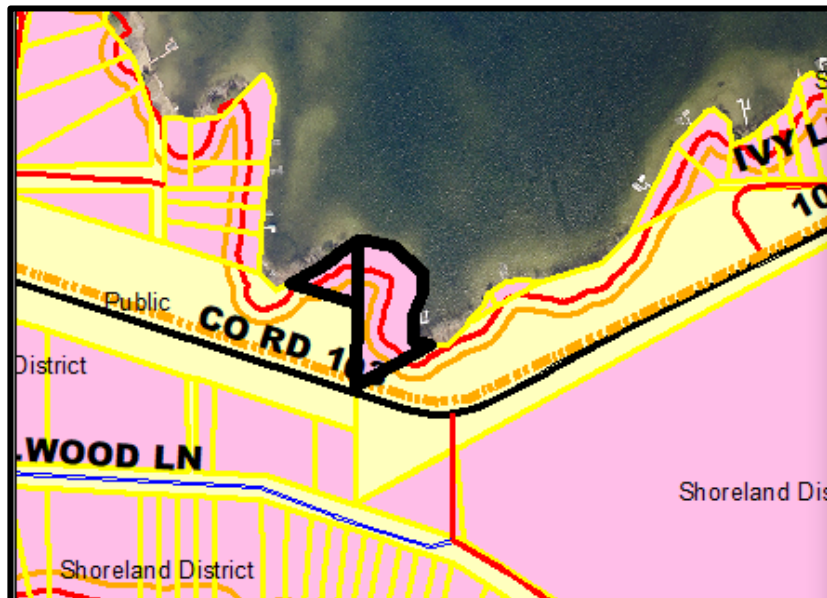
To approve/table/deny the variance to allow:

- Lake setback of 49 feet where 75 feet is required to proposed dwelling
- Increase patio size of 576 square feet where 400 square feet is allowed

To construct:

- 6,250 square foot dwelling where 1,284 square feet requires a variance
- 1,620 square foot pickleball court/patio where 176 square feet requires a variance

As shown on the certificate of survey dated 6-7-2021



CERTIFICATE OF SURVEY

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND
PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER,
SECTION 31, TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA

CROSS 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 = 1229.42 ON 10-1-2020

LEGAL DESCRIPTION PER DOCUMENT NUMBER 0570802

The portion of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), Section Thirty-one (31), Township One Hundred Thirty-seven (137), Range Twenty-seven (27), described as follows: From a point on the North line of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of the same Section which is 340 feet East of the northwest corner thereof, thence South 71 degrees 12 minutes East a distance of 1034.18 feet, more or less, to the East line of said Northwest Quarter of the Southwest Quarter (NW1/4SW1/4), an iron monument, which is the place of beginning; thence South along said East line a distance of 200 feet to an iron monument thence north 60 degrees 59 minutes east a distance of 175 feet, more or less, to the shore of Cross Lake, thence northerly and westerly along the shore of said lake to a point where said shore intersects the West line of said Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), thence South along said West line a distance of 135 feet, more or less, to the place of beginning.

LEGAL DESCRIPTION PER DOCUMENT NUMBER 365815

That portion of NW1/4SW1/4, Sec. 31, Twp. 137, Rge. 27, described as follows, to wit: From a point on the North line of said 40 acre tract which is 330 feet East of the Northwest corner thereof, thence South 73 degrees 12 minutes East a distance of 1034.18 feet, more or less to the East line of said 40 acre tract to an iron monument, the same being the point of beginning, thence Northerly along the East line of said 40 acre tract a distance of 135 feet, more or less, to the shore of Cross Lake, thence in a southwesterly direction along the shore of said lake to the point where said shore intersects the line first above described, thence South 73 degrees 12 minutes East on said line a distance of 224.2 feet, more or less to the point of beginning.

IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq ft)	Net Area (sq ft)	Percent Impervious (eq ft)
House #1	1,267	59,713	2.1%
Garage #1	1,286	59,713	2.2%
House #2, Porch & Overhang	2,928	59,713	4.9%
Garage #2 & Shed	1,332	59,713	2.2%
Flagstone, Concrete & Pavement	1,172	59,713	2.0%
Blotumious	4,456	59,713	7.5%
Total	12,441	59,713	20.8%

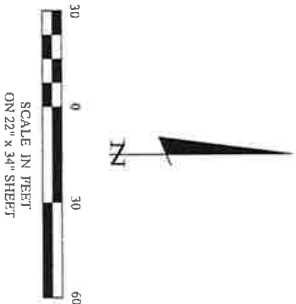
NOTES:

- Contour interval as shown = 2 feet. Based on NADVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 10-1-2020.
- Zoning for subject tract = "Shoreland District".
- There are no bluffs or wet lands within surveyed property.
- Property is in "Zone X" and "Zone A" as per the FRMA, 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: 14310726 & 14310728.
- The property address of subject parcel: 11928 County Road 103 & 11934 County Road 103.
- Approximate locations of septic systems per sketches prepared by M & R Excavating, ISTS #2312 and Dennis P. Shoykon, #1271.
- Pavement for driveway and parking areas, septic tanks and drainfield serving subject property lie on lands owned by United States of America, c/o U.S. Army Corps of Engineers

LEGEND

- DENOTES EXISTING REMAINING WALL
- DENOTES EDGE OF EXISTING BITUMINOUS
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES LINE OF EXISTING PAVING STONES
- DENOTES EDGE OF EXISTING WOODEN DECKING
- DENOTES EXISTING INTERMEDIATE CONTOURS
- DENOTES EXISTING INDEX CONTOURS
- DENOTES EXISTING MONUMENT LIGHT
- DENOTES EXISTING UTILITY POLE
- DENOTES EXISTING UTILITY POLE W/ GUY WIRE
- DENOTES EXISTING ELECTRIC METER
- DENOTES EXISTING GROUND TRANSFORMER
- DENOTES EXISTING ELECTRIC OUTLET
- DENOTES EXISTING WELL
- DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
- DENOTES EXISTING SEPTIC LIFT STATION
- DENOTES MONUMENT POSITION
- DENOTES MONUMENT FOUND
- DENOTES JUDICIAL MONUMENT FOUND

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE EAST LINE OF THE NW 1/4 SW 1/4 TO HAVE AN ASSUMED BEARING OF N 89° 05' 32" W.



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
PATRICK A. TROTTER, PLS #11002
DATE: 6-07-2021 LIC. NO. 41002



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

REVISIONS	DATE	DESCRIPTION	BY

DATE: 6-7-2021
SCALE: 1"=30'
HORZ. NONE
VERT. NONE

PROJECT No.: 20272
FILE NAME: C20272.dwg
FIELD BOOK: BOOK PG.

PROJECT MANAGER: PAT
CHECKED: PAT
DRAWN BY: SCB/RJE

CERTIFICATE OF SURVEY
Wes Hanson Builders
P.O. Box 456
35586 County Road 66
Crosslake, MN 56442

EXHIBIT A

TRACT A

59,713 Sq. Ft.±
1.4 Acres±

Owner: United States of America
c/o U.S. Army Corps of Engineers

EXISTING 10' x 40' PRESSURE BED
AND EXISTING 1600 COMBO TANK
TO BE USED FOR RUN OFF STORAGE

DRAINFIELD

REPLACE WITH
2,500 GALLON
SEPTIC TANK

NW 1/4-SW 1/4

NE 1/4-SW 1/4

COUNTY ROAD 103

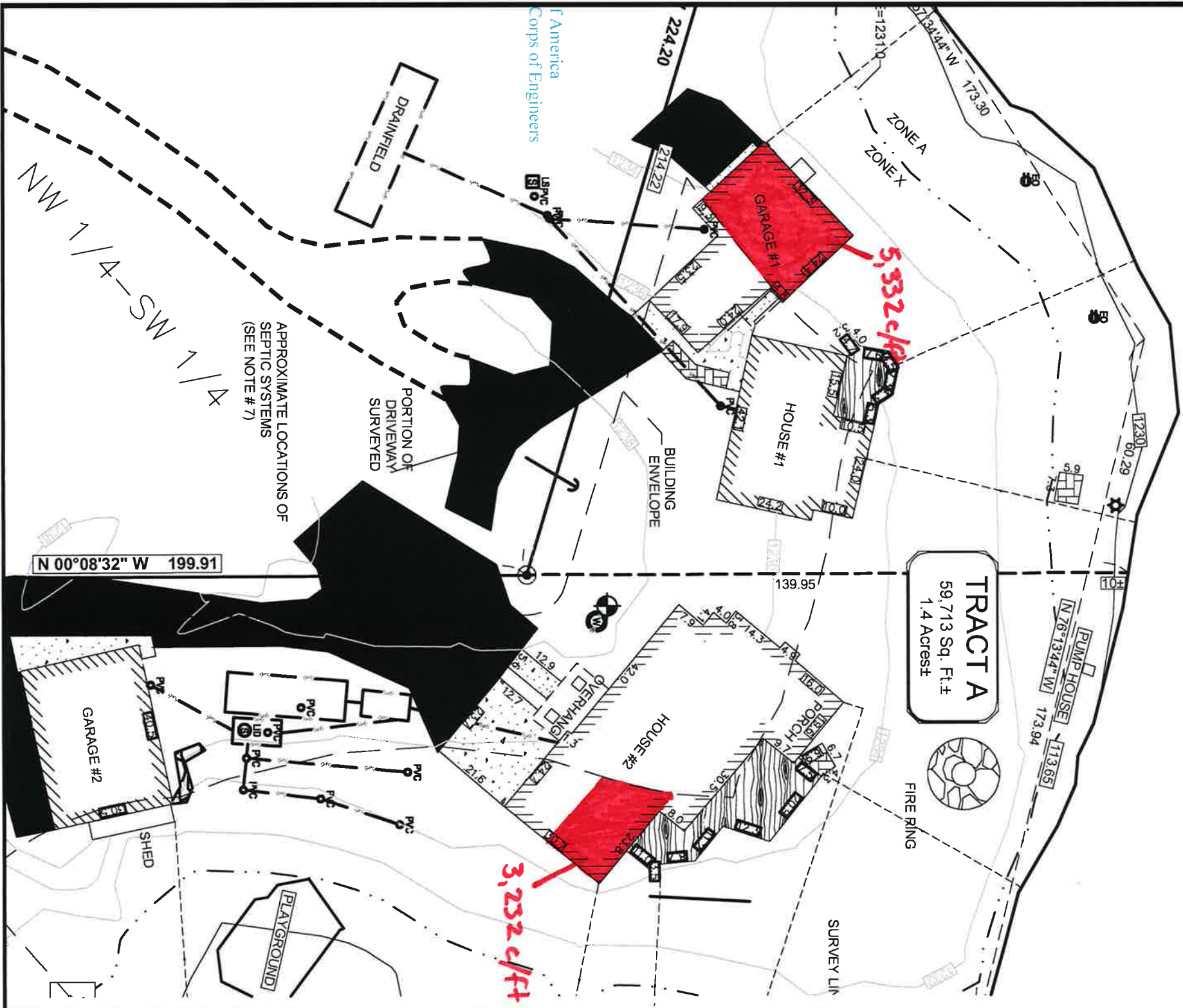


Wes Hanson Builders
Project No. 20272-1
Date: June 7, 2021

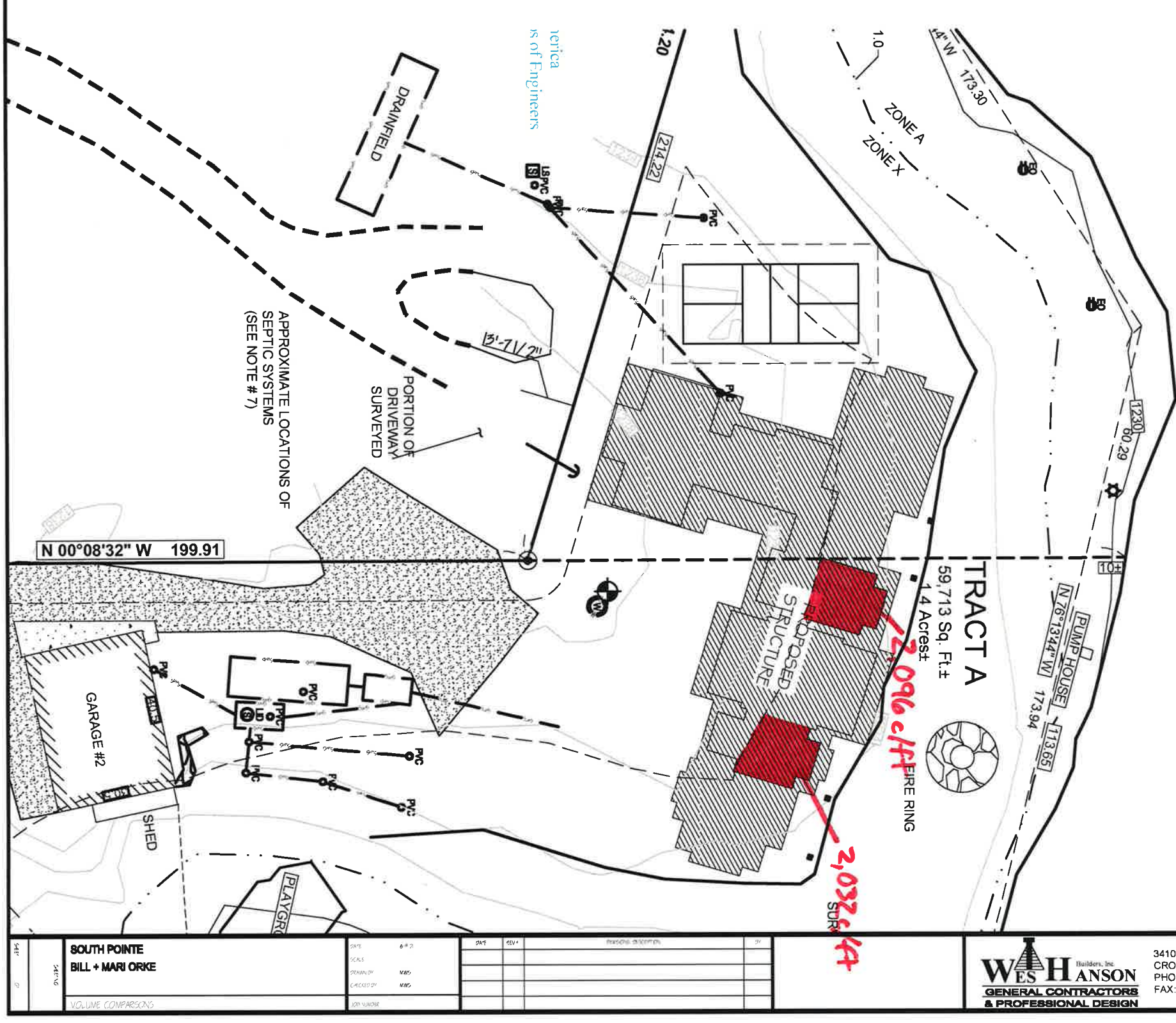


30206 Rasmussen Road
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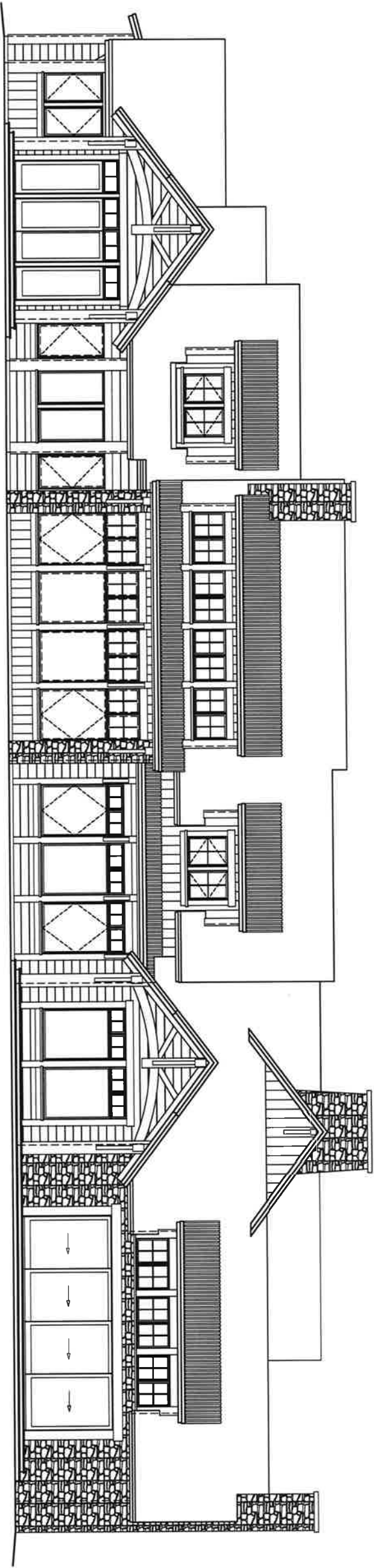
EXISTING UPPER LEVEL HABITABLE VOLUME
TOTAL = 8,564 cu/ft



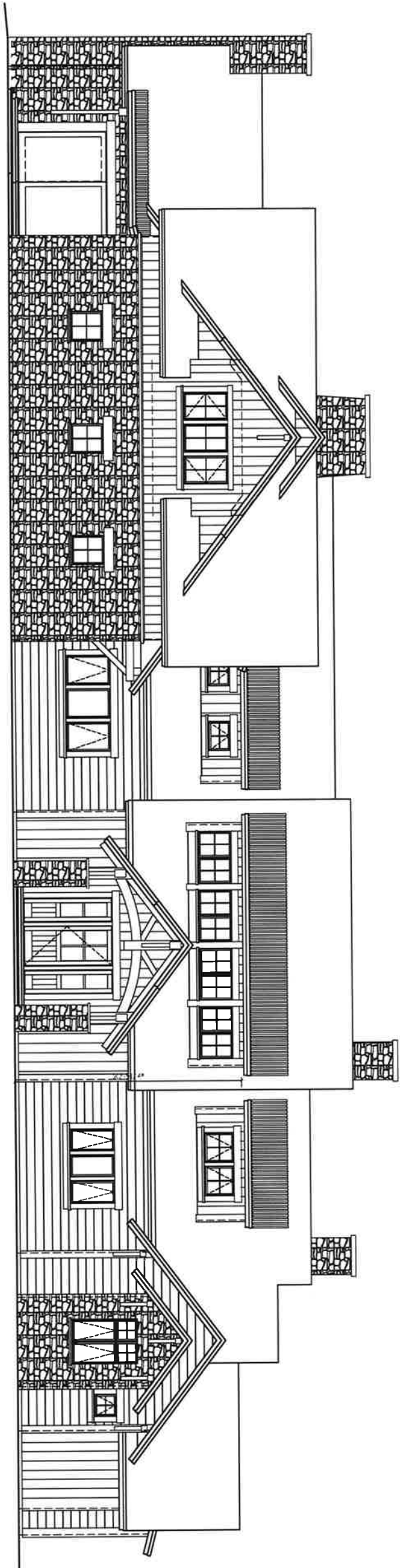
PROPOSED UPPER LEVEL HABITABLE VOLUME
TOTAL = 4,128 cu/ft



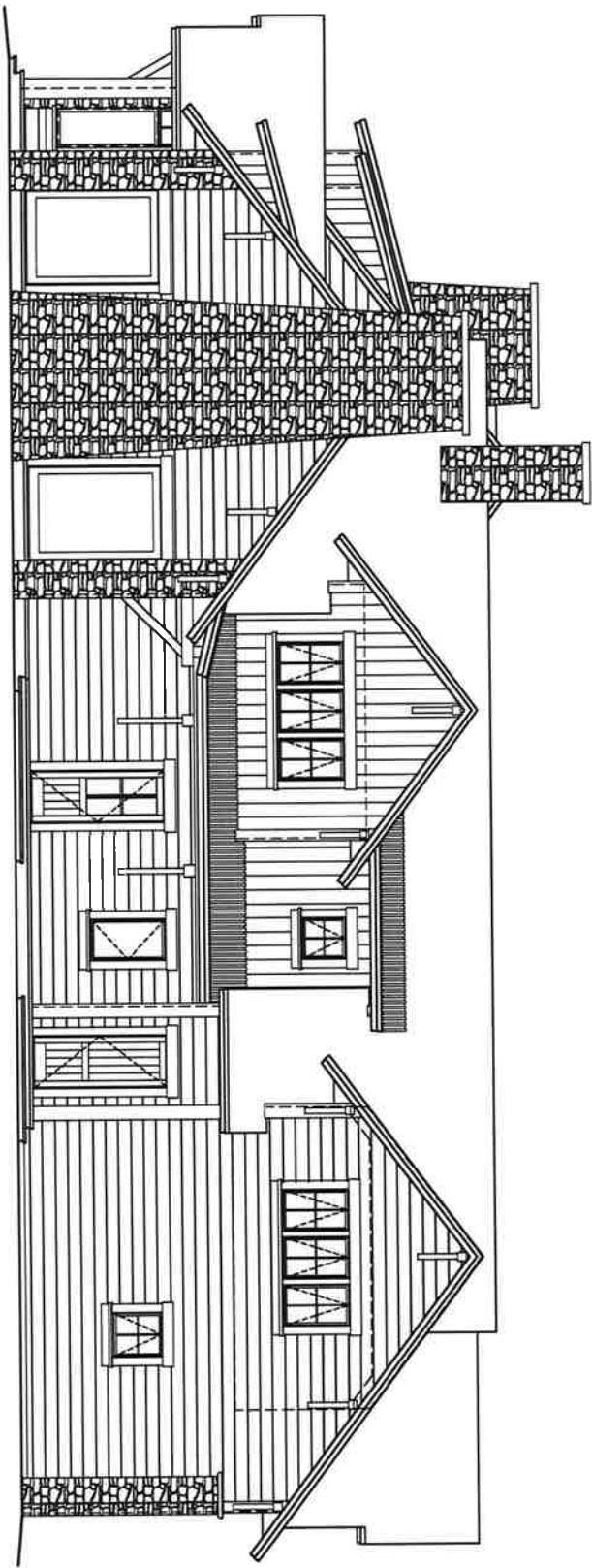
○ LAKE ELEVATION
SCALE: 3/16" = 1'



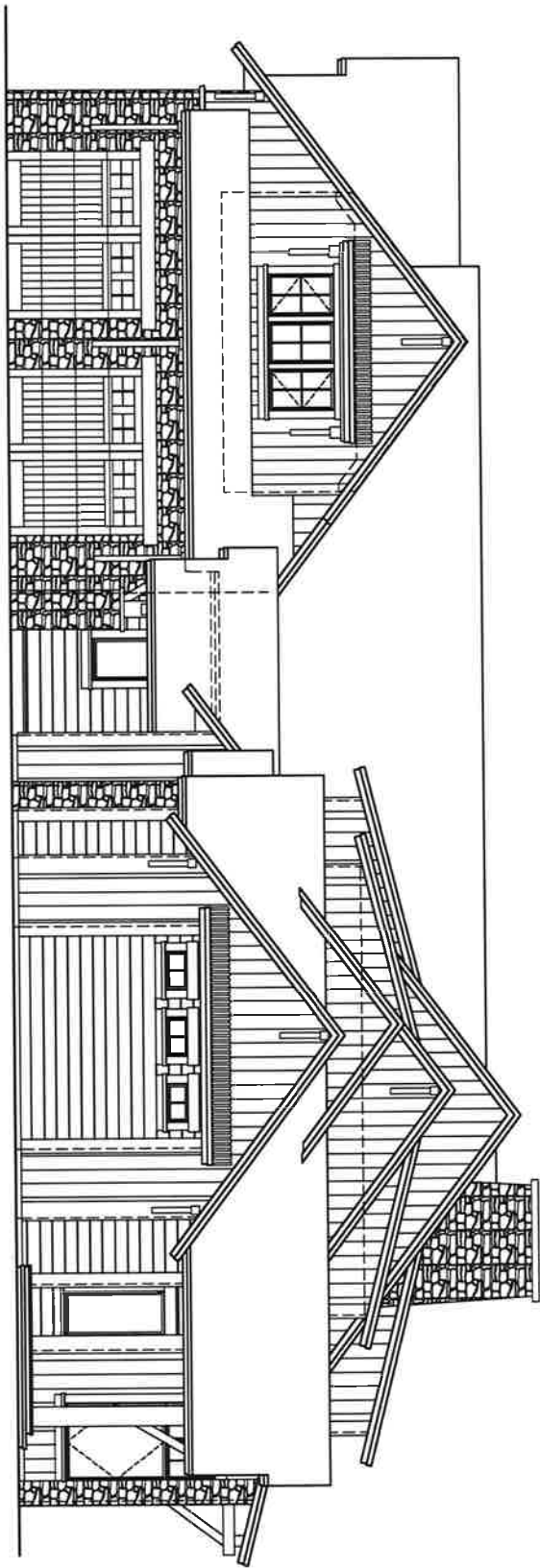
○ ENTRY ELEVATION
SCALE: 3/16" = 1'



WEST ELEVATION
SCALE: 3/16" = 1'



EAST ELEVATION
SCALE: 3/16" = 1'



DATE	REV	REVISION DESCRIPTION	BY



Matt Schmidt <matt@weshansonbuilders.com>

11934 County Road 103, Cross Lake, MN

1 message

Peterson, Kenneth J CIV USARMY CEMVP (USA) <kenneth.j.peterson@usace.army.mil> Fri, Jun 4, 2021 at 11:23 AM

To: Matt Schmidt <matt@weshansonbuilders.com>

Cc: "jkolstad@crosslake.net" <jkolstad@crosslake.net>, "Hodapp, Corrine K CIV USARMY CEMVP (USA)" <Corrine.K.Hodapp@usace.army.mil>, "Grow, Jeffrey K CIV USARMY CEMVP (USA)" <Jeff.K.Grow@usace.army.mil>, "Sommerland, Kevin J CIV USARMY CEMVP (USA)" <Kevin.J.Sommerland@usace.army.mil>

Mr. Schmidt,

The Corps has reviewed your submitted plans to use the existing septic drain field located on government property as part of the stormwater management system for the subject property and we have no objections. Once construction of the new home is completed we will issue an updated easement with an accurate description of drain field purpose.

Please feel free to contact me if you have any questions at this time.

Thanks,

Ken Peterson

Realty Specialist

651-290-5359

From: Matt Schmidt <matt@weshansonbuilders.com>

Sent: Thursday, June 3, 2021 2:02 PM

To: Peterson, Kenneth J CIV USARMY CEMVP (USA) <kenneth.j.peterson@usace.army.mil>

Subject: [Non-DoD Source] Fwd: plans

Hey Ken, please see the attached and let me know what additionally you'd like to see, if anything, to be able to provide us with a letter of intent regarding stormwater management in the existing drainfield on Corps. of Engineers land, thanks!

Regards,

Matt

Matthew W. Schmidt

Design Principal

Wes Hanson Builders, Inc.



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

Receipt Number: 9169745

Permit Number: 210124V

Property Owner(s): Billario Holdings, LLC (Bill + Mari Orke)

Mailing Address: 11934 County Road 103 - Crosslake, MN 56442

Site Address: 11934 County Road 103 - Crosslake, MN 56442

Phone Number: 612-867-7719

E-Mail Address: mari-orke@comcast.net

Parcel Number(s): 14310728 + 14310726

Legal Description: That portion of the NW 1/4 of the SW 1/4 of the same description as follows...

Sec 31 Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Lake/River Name: Cross Lake

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

If yes list Parcel Number(s) _____

Authorized Agent: Wes Hanson Builders, Inc.

Agent Address: 34103 County Road 3 - Crosslake, MN 56442

Agent Phone Number: 218-692-1760

Variances

(Check applicable requests)

- ☒ Lake/River Setback 75' required 49' to dwelling
- ☐ 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 1620 pickleball ct. 576 = in size / 176 sf variance
- ☐ _____
- ☐ _____

Signature of Property Owner(s) William E. Orke

Date 6/7/2021

Signature of Authorized Agent(s) Wes Hanson Builders

Date 6-7-21

- All applications must be accompanied by a signed Certificate of Survey
- Fee \$500 for Residential and Commercial Payable to "City of Crosslake"
- No decisions were made on an applicant's request at the DRT meeting. Submittal of an application after DRT does not constitute approval. Approval or denial of applications is determined by the Planning Commission/Board of Adjustment at a public meeting as per Minnesota Statute 462 and the City of Crosslake Land Use Ordinance.

For Office Use:

Application accepted by J. L. Orke Date 6/7/21

Land Use District SD

Lake Class GD Septic: Compliance 7/31/2020 SSTS Design 6/4/21 Installation _____



Practical Difficulty Statement

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

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

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

Yes ☒ No ☐

Why:

Defer to the Planning Commission/Board of Adjustment

2. Is the Variance consistent with the Comprehensive Plan?

Yes ☒ No ☐

Why:

Defer to the Planning Commission/Board of Adjustment

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes ☒ No ☐

Why: The combination of setbacks (sideyard + lake) create a narrow and uniquely shaped building envelope. There are currently multiple structures with square footage within the OHW, This proposal would combine the 3 existing structures into one footprint, reduce upper level habitable volume by half and create a much more sophisticated storm water management system, utilizing a former drainfield as a catch basin

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

Yes ☒ No ☐

Why: There are multiple properties to the west of applicant's property that are of similar OHW setback as what we're asking and in some cases even closer to the OHW. Those are also much smaller lots with less square footage and lake frontage than the applicant's property.

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

Yes ☒ No ☐

Why: Despite the total lot square footage, the building envelope is very unique because of the Corps. of Engineers land as well as the continuous 75' OHW setback on 3 sides. This creates a very narrow "7" shaped envelope to try and work within. The current driveway with it's easement granted by the Corps. of Engineers also creates a very specific accessibility pattern into and out of the property.

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

Yes ☒ No ☐

Why: Because of existing setback limitations and in best regards to the Corps. of Engineers land, we have developed this proposal. It is the third iteration and is based upon conversations and suggestions with both the Corps. of Engineers and the City of Crosslake.



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: