

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

September 24, 2021

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: John II & Susan L Favorite

Authorized Agent: N/A

Site Location: 37246 Twin Bay Drive, Crosslake, MN 56442

Variance for:

- Road right-of-way (ROW) setback of 5.5 feet where 35 feet is required to proposed structure

To construct:

- 1,200 square foot (sf) garage (accessory structure) where 1,018 sf is within the 35 foot ROW setback

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: John II & Susan L Favorite

Parcel Number(s): 14070608

Application Submitted: August 10, 2021

Action Deadline: October 8, 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: N/A

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Current Zoning: Shoreland District

Existing Impervious Coverage:

9.6%

Proposed Impervious Coverage:

10.9%

- A stormwater management plan was submitted with the variance application
- Compliant septic compliance inspection on file dated 10-28-2019

Development Review Team Minutes held on 6-8-2021:

- Property is located at 37246 Twin Bay Drive
- The proposed accessory structure to be approximately 5 feet from the ROW & 1650 sf
- Staff suggested using the building envelope that is available by changing the position and size, possibly connecting the garage to the house and/or then doing a separate building to meet the size and setback by using the nonconforming sf from the existing demo garage
- 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%
- 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 septic compliance inspection is on file dated 10-28-2019
- 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 of the deadline date; payment policy; notification methods; variances are limited to 2 years with 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; compliance is on file dated 10-28-2019
5. A complete Variance application with the \$500.00 public hearing fee

Parcel History:

- Anderson's Twin Bay Shores established in 1967
- May 1976 – Install 1000 gallon to be used only for overflow for runoff of minnow tanks
- April 1977 – Repair old roof and raise the peak slightly to 4/12 pitch
- July 1985 – 14x14 Deck & conforming septic
- October 28, 2019 – Compliant septic compliance inspection

Agencies Notified and Responses Received:

County Highway Dept: N/A

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

City Engineer: N/A

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

Township: N/A

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

Crosslake Park, Recreation & Library: N/A

Concerned Parties: 9-9-2021 – Comment received from Gordon
9-9-2021 – Comment received from Becker

POSSIBLE MOTION:

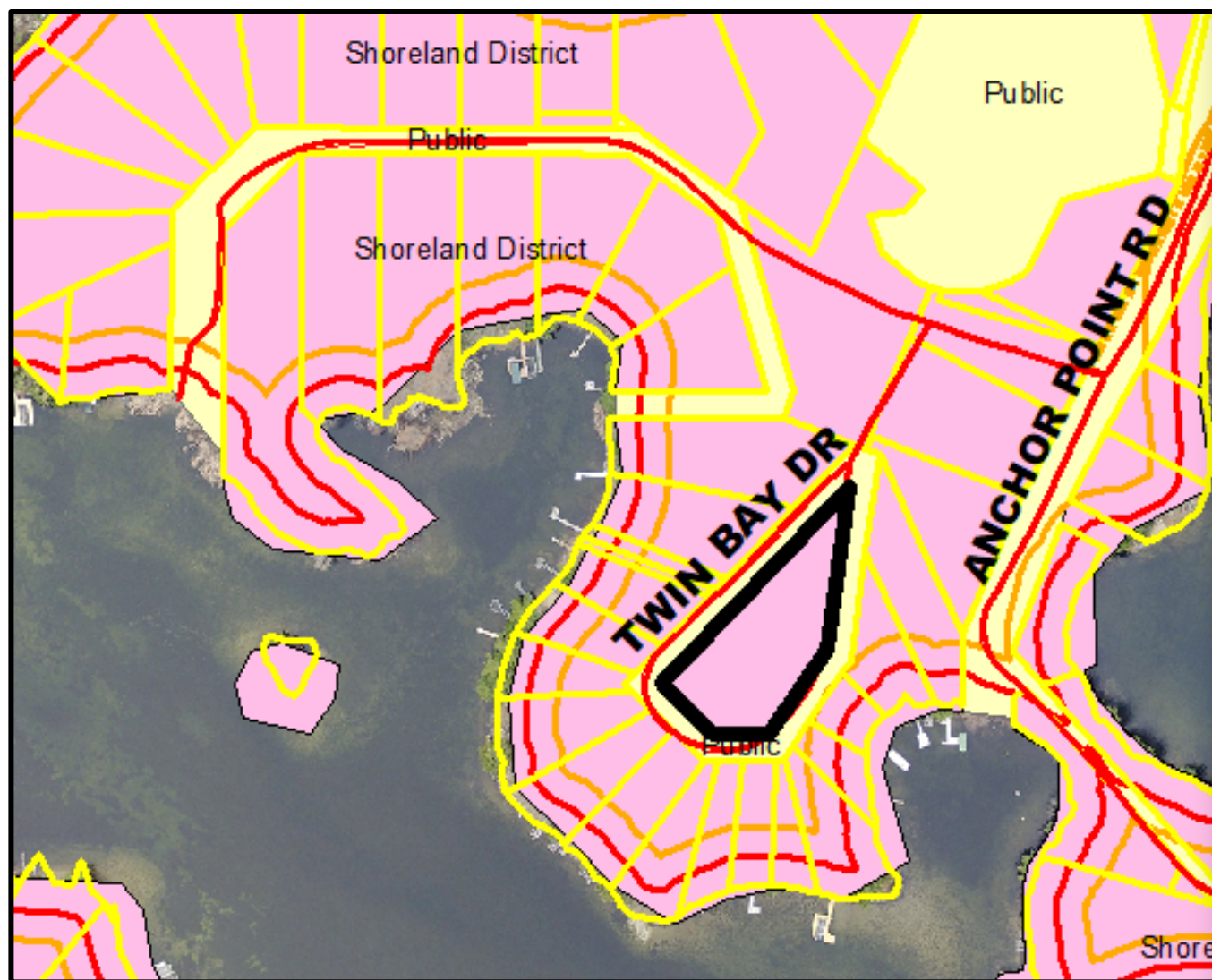
To approve/table/deny the variance to allow:

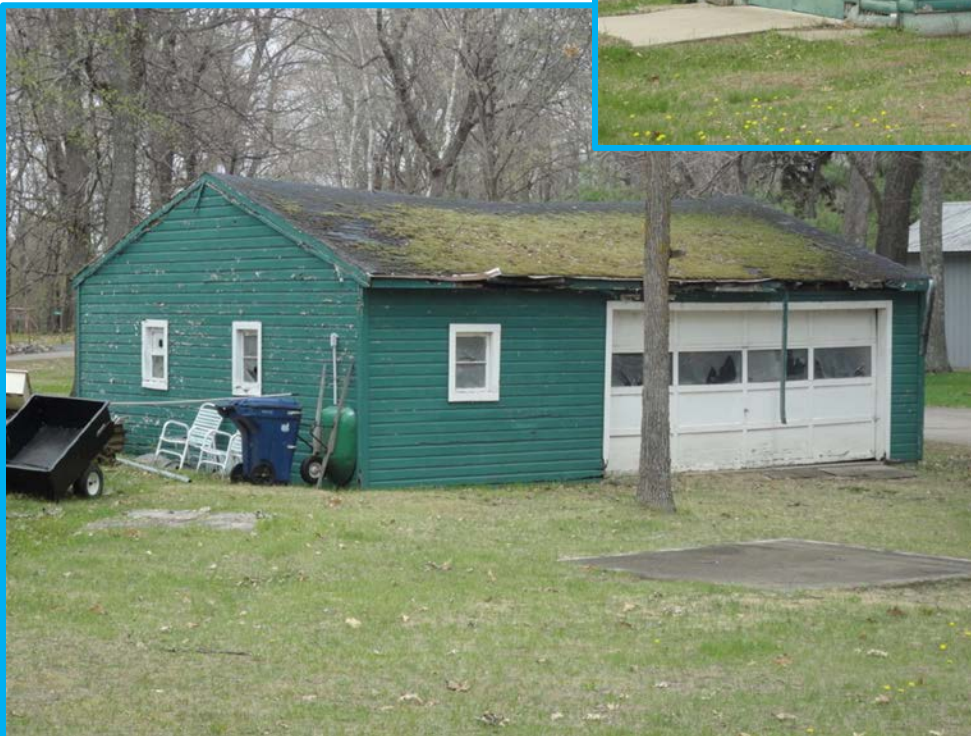
- Road right-of-way (ROW) setback of 5.5 feet where 35 feet is required to proposed structure

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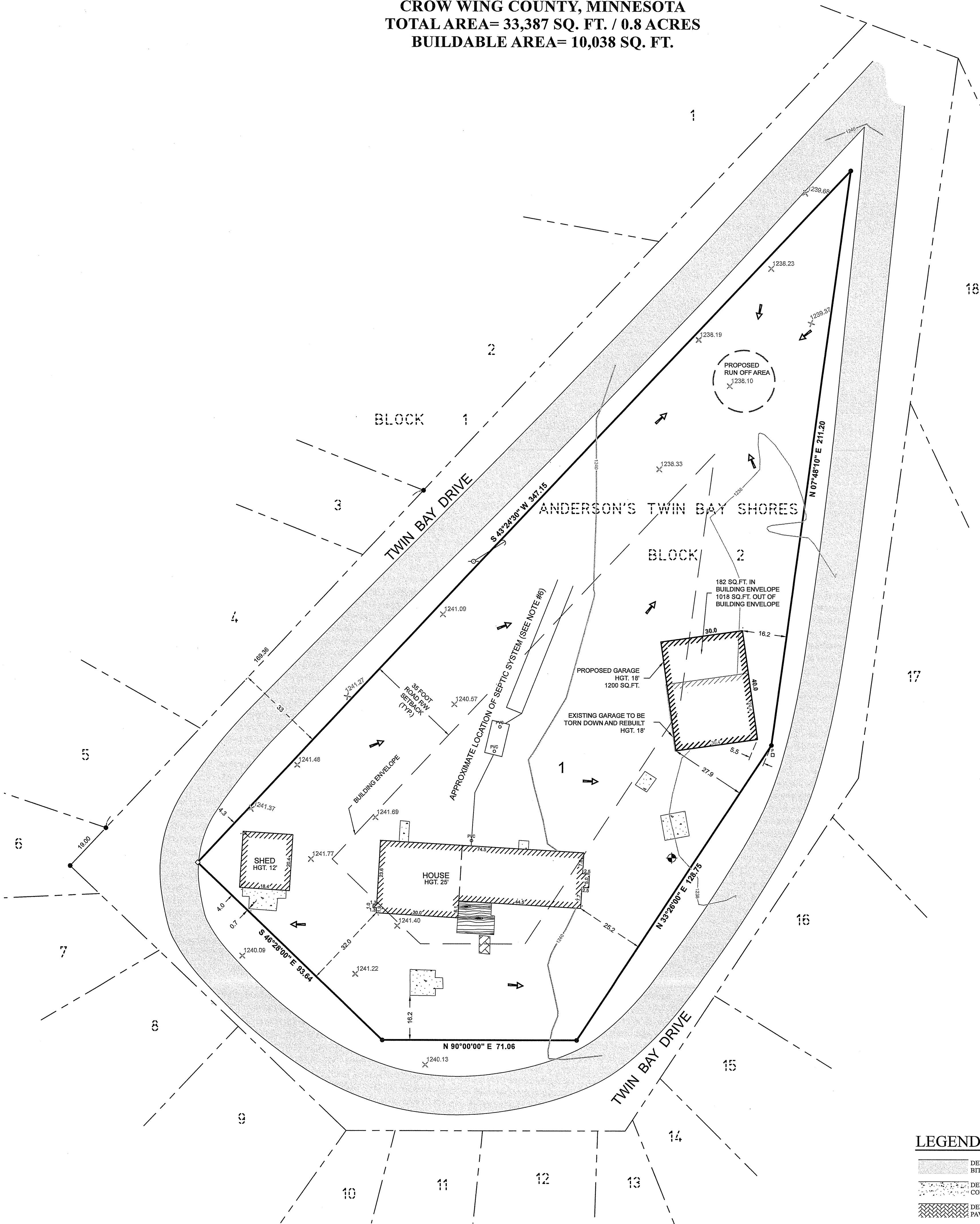
As shown on the certificate of survey dated 8-9-2021





CERTIFICATE OF SURVEY

LOT 1, BLOCK 2, ANDERSON'S TWIN BAY SHORES,
SECTION 7, TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA
TOTAL AREA= 33,387 SQ. FT. / 0.8 ACRES
BUILDABLE AREA= 10,038 SQ. FT.



IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House	1,710	33,387	5.1%
Garage	741	33,387	2.2%
Shed	375	33,387	1.1%
Pavers & Concrete	367	33,387	1.1%
Total	3,193	33,387	9.6%

IMPERVIOUS CALCULATIONS

PROPOSED	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House	1,710	33,387	5.1%
Shed	375	33,387	1.1%
Pavers & Concrete	367	33,387	1.1%
Proposed Garage	1,200	33,387	3.6%
Total	3,652	33,387	10.9%

RUN OFF CALCULATIONS

Total Impervious Surface Area	3652 sq. ft. X	0.0833 ft. =	304 cu. ft.
(from table above)			

PROPOSED RUN OFF AREA

TOP SURFACE AREA = 397 SQ. FT.
BOTTOM SURFACE AREA = 213 SQ. FT.
1' DEEP WITH 3:1 SIDE SLOPES
TOTAL RUN OFF STORAGE PROPOSED = 305 CU. FT.

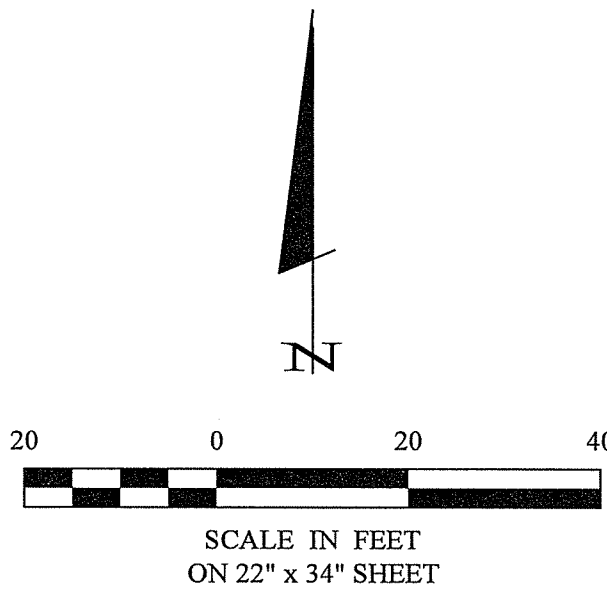
LEGEND

- DENOTES EDGE OF EXISTING BITUMINOUS
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING PAVING STONES
- DENOTES EDGE OF EXISTING WOODEN DECKING
- DENOTES EXISTING INTERMEDIATE CONTOURS
- DENOTES EXISTING INDEX CONTOURS
- DENOTES EXISTING SURFACE DRAINAGE FLOW
- DENOTES SPOT ELEVATION (EXISTING GRADE)
- DENOTES EXISTING UTILITY POLE W/ GUY WIRE
- DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
- DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
- BENCHMARK: SET DOUBLE HEADED NAIL IN NE ROOT OF A 24" MAPLE
ELEV. = 1238.62
- DENOTES SET PK NAIL
- DENOTES MONUMENT FOUND

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE RECORDED PLAT OF ANDERSON'S TWIN BAY SHORES.

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 8-12-2019.
- Zoning for subject tract = "Shoreland District".
- Parcel ID of subject parcel: 14070608.
- The property address of subject parcel: 37246 Twin Bay Drive.
- Well is located in the house.
- Approximate location of septic system per sketch prepared by Car-Col Sewer Service.
- Property is in "Zone X" as per the FIRM, Flood Insurance Rate Map. "Zone X" definition: Areas of minimal flooding.
- No wetlands were found on 7-2-2021 at the site per Ben Meister, Meister Environmental, LLC. MN Certified Wetland Delineator #1031.
- Lot 1, Block 2 is a non-riparian lot.
- Cut/Fill Note: Less than 10 cu. yd. of dirt to be disturbed.
- Rush Lake, General Development Classification, is nearest lake to subject tract.



CERTIFICATE OF SURVEY

John Favorite
2080 65th St. W.
Excelsior, MN 55331

PROJECT MANAGER:

CMH
CHECKED
BY: CMH
DRAWN BY: RJF

PROJECT No.:

19205-1
FILE NAME: C19205-1.dwg
FIELD BOOK: BOOK 454 PG. 17

DATE:

7-22-2021
SCALE: 1"=20'
HORIZ. NONE
VERT. NONE

REVISIONS

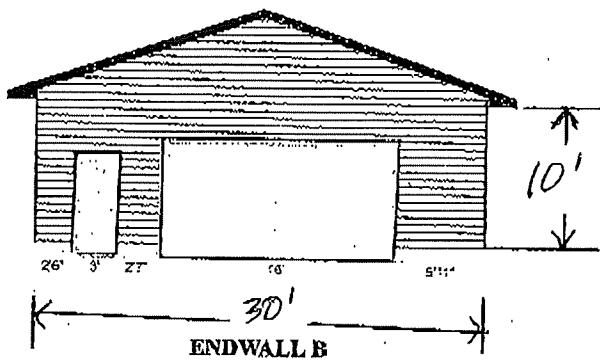
DATE	DESCRIPTION	BY
8-9-2021	Revised per City Comments	RJF

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 PL#44881
DATE: 8-9-2021 LIC. NO. 44881



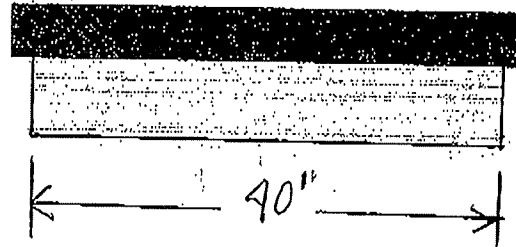
30206 Rasmussen Road
Suite 1
P. O. Box 874
Pequot Lakes, MN 56472
218-568-4940
www.stonemarksurvey.com

Wall Configurations

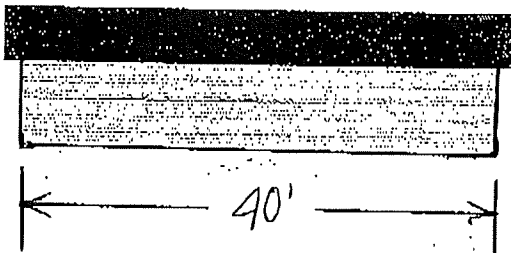


ENDWALL B

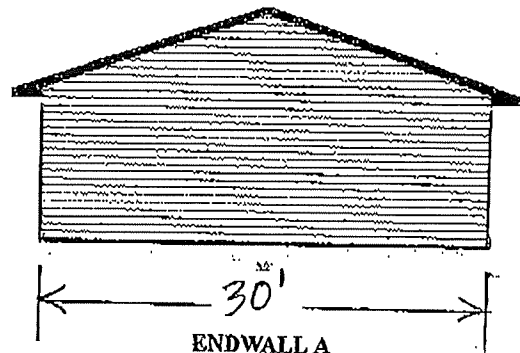
Mastercraft®; 36"W x 80"H Primed Steel 6-Panel Exterior Door
 Ideal Door®; Traditional 16' x 8' White Insulated Garage Door



SIDEWALL D



SIDEWALL C



ENDWALL A

Planning & zoning -

We are writing
regarding the variance for
John and Sue Favorite.

We're very much in favor
of the variance. They will
be replacing an old, worn
down building with a
new one. The new one will
be partly built on an
existing cement slab.

Many other buildings
on Twin Bay Dr are in
the road ROW

Thank you.

Raren Gordon Roy Gordon
37247 Twin Bay Dr
Crosslake, MN 56442

Cheryl

From: John Becker <John@floorsbybeckers.com>
Sent: Thursday, September 9, 2021 12:41 PM
To: crosslakepz@crosslake.net
Subject: John II & Susan L Favorite / 37246 Twin Bay drive, Crosslake, MN

To whom it may concern....I am **NOT in favor of any right-of-way setbacks being compromised** for the subject Garage property proposed at 37246 Twin Bay Drive, Crosslake MN!!!
Absolutely against this proposal!

Thank you!

John D. Becker
President / CEO



Floors by Beckers
805 1st Street NW
New Brighton, MN 55112
Direct 651.254.5741 **Mobile** 651.247.1919
Office 651.636.1100 **Fax** 651.636.8753
www.beckerbrothers.com



Variance Application

Planning and Zoning Department

13888 Daggett Bay Road, Crosslake, MN 56442

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

32419829 pymt online \$6.00
8-10-2021

Receipt Number: 969553 \$500.00 Permit Number:

210177V

Property Owner(s): John II & Susan L. Favorite

Mailing Address: 2080 65th St. W. Excelsior Mn. 55331

Site Address: 37246 Twin Bay Dr., Crosslake, Mn. 56442

Phone Number: 612 685 4017

E-Mail Address: johnFavorite59@gmail.com

Parcel Number(s): 19070608

Legal Description: Lot 1 Blk 2, Andersons Twin Bay Shores

Sec 7 Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Lake/River Name: —

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

If yes list Parcel Number(s) —

Authorized Agent: —

Agent Address: —

Agent Phone Number: —

Signature of Property Owner(s) John Favorite Susan Favorite

Date 8/3/2021

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" \$500 + \$6 = \$506.00
- 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 8/10/21

Land Use District SD

Lake Class GD Septic: Compliance 10/23/2019 SSTS Design: — Installation —

Variances

(Check applicable requests)

☐ Lake/River Setback

☒ Road Right-of-Way Setback

☐ Bluff Setback

☐ Side Yard Setback

☐ Wetland Setback

☐ Septic Tank Setback

☐ Septic Drainfield Setback

☐ Impervious Coverage

☒ Accessory Structure 5522

☐ Building Height

☐ Patio Size

☐ —

☐ —



Practical Difficulty Statement

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

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

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

Yes ☒ No ☐

Why:

Defer to the Planning Commission/Board of Adjustment

2. Is the Variance consistent with the Comprehensive Plan?

Yes ☒ No ☐

Why:

Defer to the Planning Commission/Board of Adjustment

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

Yes ☒ No ☐

Why: The property is in the center of Twin Bay Dr with road set backs surrounding it. We would like to remove old structure & build on the same foot print & extend it 16'. This would allow us storage of boats, trailers etc., inside.

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

Yes ☒ No ☐

Why: By building the new garage it will allow us to match the materials & colors of the house, siding, roofing etc.

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 structure was built long ago before the set backs existed. As a result the garage is situated in such a way that moving it would push structures to close together & we would lose out natural barrier that helps keep our grandchildren away from road

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

Yes ☒ No ☐

Why: The new garage will require a variance for road setback but the new garage will maintain current garage lines & additional 16' length will run further away from road & set back area



City of Crosslake Planning Commission/Board of Adjustment

FINDINGS OF FACT

SUPPORTING / DENYING A VARIANCE REQUEST

A Variance may be granted by the Planning Commission/Board of Adjustment when it is found that strict enforcement of the Land Use Ordinance will result in a “practical difficulty” according to Minnesota Statute Chapter 462. The Planning Commission/Board of Adjustment should weigh each of the following questions to determine if the applicant has established that there are “practical difficulties” in complying with regulations and standards set forth in the Land Use Ordinance.

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

Yes No

Why:

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why:

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

Yes No

Why:

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

Yes No

Why:

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

Yes No

Why?

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

Yes No

Why: