

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**

December 17, 2021

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: Lawrence E & Marya L Halbach

Authorized Agent: B-Dirt Construction LLC

Site Location: 33591 Lake Street, Crosslake, MN 56442 on Crosslake-GD

Variance for:

- Lake setback of 71 feet where 75 feet is required to proposed front covered porch

To construct:

- 31 square foot (sq ft) front covered porch

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: Lawrence E & Marya L Halbach

Parcel Number(s): 14310676

Application Submitted: November 1, 2021

Action Deadline: December 30, 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: B-Dirt Construction LLC

Variance for:

- Lake setback of 71 feet where 75 feet is required to proposed front covered porch

To construct:

- 31 square foot (sq ft) front covered porch

Current Zoning: Shoreland District

Existing Impervious Coverage:

19.6%

- A stormwater management plan was submitted with the variance application
- Septic design was submitted to Crow Wing County and approved 10-15-2021

Proposed Impervious Coverage:

22.0%

Development Review Team Minutes held on 7-13-2021:

- Property is located on Crosslake at 33591 Lake Street with a lake setback of 75 feet
- The proposed demo/replace to be no closer/approximately 34 feet from the OHW of Crosslake
- Staff inquired as to why not move the garage road ward since more sq feet is being requested along the lake than the existing demo cabin (covered deck)
- Pervious pavers of 400 sf is allowed by installers specs and annual maintenance
- **Possible condition** to have spoil pile behind 75' setback or to be removed
- 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 septic design is needed and Martin Joyce will be providing it
- 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 is needed for the project

A complete Variance application with the \$500.00 public hearing fee

Parcel History:

- Bowers' Point established in 1948
- August 1980 – frame 24x32 house; 8x24 deck; 20x24 garage; septic (variance by neighbors)
- November 2000 – Variance to install a holding tank septic system to replace the failing cesspool system (5-14-2001 Certificate of Installation states a 2250 gal Sather installed - 3 bedroom; 450 gallons per day)

Conditions for James E. Olson...

- A clean-out pipe of at least six inches diameter shall extend to the ground surface, a twenty-inch maintenance hole will extend to within 6-12 inches below the ground surface.
- The minimum tank size shall be 1000 gallons, the designer is recommending a 2500 gallon tank.
- The proposed area is accessible to a pump truck under all weather conditions.
- A pumping/cleaning contract, between the property owner and Dunbar's Crosslake Septic Maintenance, has been submitted and accepted by P&Z Staff.
- Upon request, pumping records are to be made available to Crosslake Planning & Zoning Staff.
- The designer has indicated that an indoor audio/visual alarm will be installed to monitor the level inside the tank.
- May 2001 – Holding tank
- September 2021 – Variance for setbacks to the lake, ROW, side yard and dwelling for 2126 square foot dwelling structure with attached garage and new septic system
- October 2021 – Permit per variance approved; home, attached garage, deck, open covered porch, demo of old structure and new septic

Agencies Notified and Responses Received:

County Highway Dept: N/A

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

City Engineer: N/A

Lake Association No comments were received as of 12-3-2021

Township: N/A

Crosslake Public Works: No comments were received as of 12-3-2021

Crosslake Park, Recreation & Library: N/A

Concerned Parties: Heltemes comment received 11-29-2021

Pribyl comment received 11-29-2021

POSSIBLE MOTION:

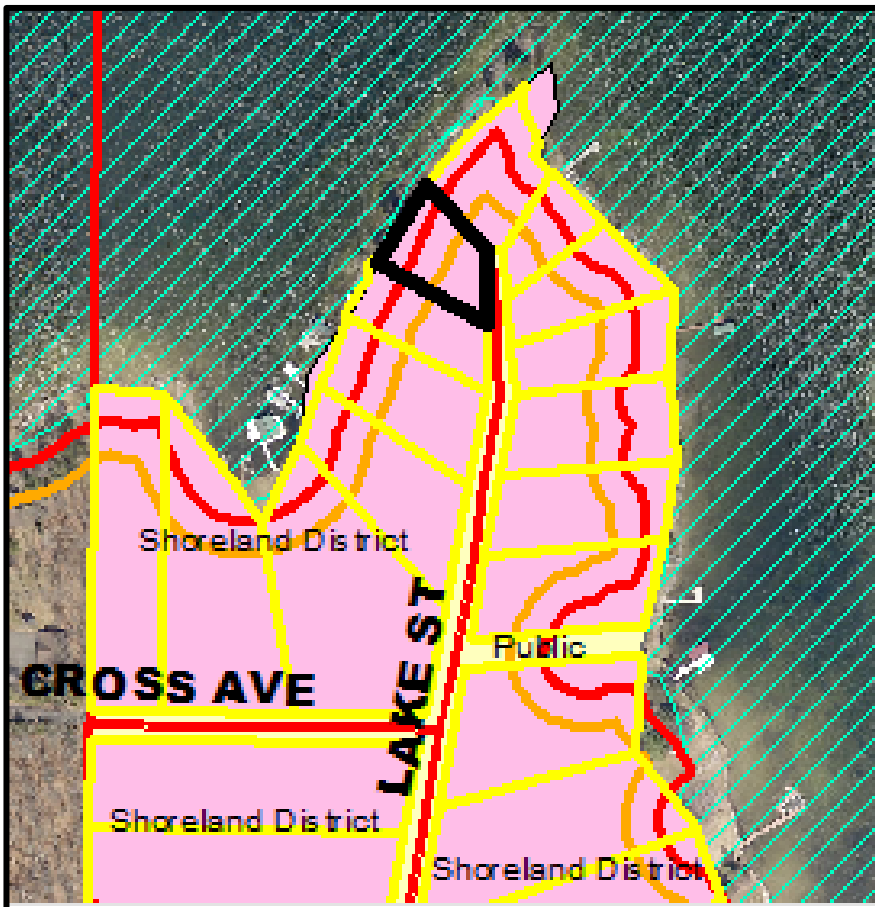
To approve/table/deny the variance to allow:

- Lake setback of 71 feet where 75 feet is required to proposed front covered porch

To construct:

- 31 square foot (sq ft) front covered porch

As shown on the certificate of survey dated 8-4-2021



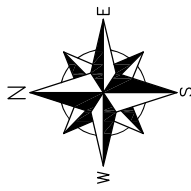
CERTIFICATE OF SURVEY

DESCRIPTION –(Parcel No.: 14310676)

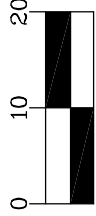
Lot 7, BOWER'S POINT, according to the recorded plat thereof, Crow Wing County, Minnesota.

SURVEYOR'S NOTES:

- Bearing Orientation: The south line of Lot 7, BOWER'S POINT, is assumed to have a bearing of North 63 degrees 58 minutes 13 seconds West.
- The field survey was completed on 6/10/2021.
- Arro Land Surveying of Brainerd, INC. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- It was verified that there are no wetlands present on the site by Mitch Brinks, Certified Wetland Delineator, #1007, on June 28, 2021.
- The utilities as shown on this survey were developed from the visible utilities across your property and is not implied nor intended to be the complete inventory of utilities in this area. It is the client's responsibility to verify the location of all utilities prior to construction or improving your property.
- Property Zoning: Shoreland District
- Setback Requirements: OHW (GD) = 75 feet R-O-W Line = 35 feet Property Line = 10 feet
- Lake Street is variable in width in front of subject property.
- There are no bluffs on subject property.
- Benchmark: Top of well casing: elevation = 1240.28 (NGVD 29)
- An area of 61 sq ft of the covered porch on the lakeside falls within SIZ1.



GRAPHIC SCALE



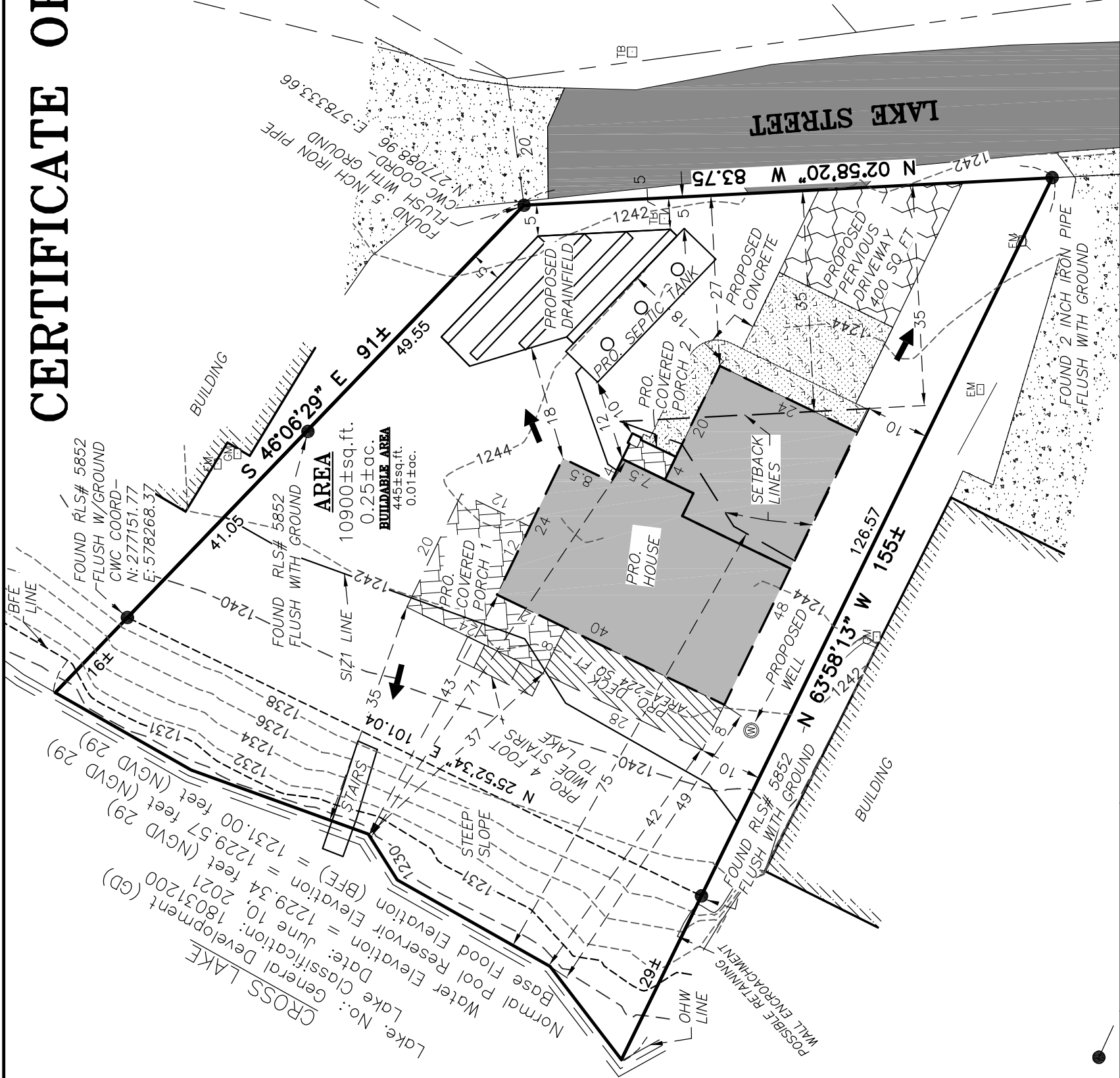
(IN FEET)

1 inch = 20 ft.

LEGEND

- DENOTES FOUND SURVEY MONUMENT
- DENOTES WELL
- DENOTES SEPTIC MANHOLE
- DENOTES SEPTIC CLEANOUT
- DENOTES GAS METER
- DENOTES TELEPHONE PEDESTAL
- DENOTES ELECTRIC METER
- DENOTES UTILITY POLE
- DENOTES 2 FOOT CONTOURS (NGVD29)
- DENOTES PROPOSED PERVIOUS SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES PROPOSED CONCRETE SURFACE
- DENOTES PROPOSED COVERED PORCH
- DENOTES PROPOSED DECK

IMPERVIOUS SURFACE:	
PROPOSED	
Parcel Area = 10900 sq ft	
House = 1010 sq ft	
Garage = 556 sq ft	
Covered Porch 1 = 336 sq ft	
Covered Porch 2 = 31 sq ft	
Concrete Surface = 460 sq ft	
Total Impervious Surface = 2393 sq ft	
2393/10900 = 0.220	
Proposed Impervious Surface = 22.0%	



CLIENT:

B-Dirt Construction LLC.
Property Address:
33591 Lake Street
Crosslake MN, 56442

BOUNDARY SURVEY

Lot 7, BOWER'S POINT,
Crow Wing County, Minnesota



20396 Division Rd.
Brainerd, MN 56401
(218)359-4431

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 4th day of August, 2021

By: Jared A. Spaid, Minnesota License No. 59285

DRAWN BY: JAS CHECKED BY: EEL

APPROVED BY: JAS JOB NUMBER: 21-103B

NO.	DATE	BY	REVISION DESCRIPTION

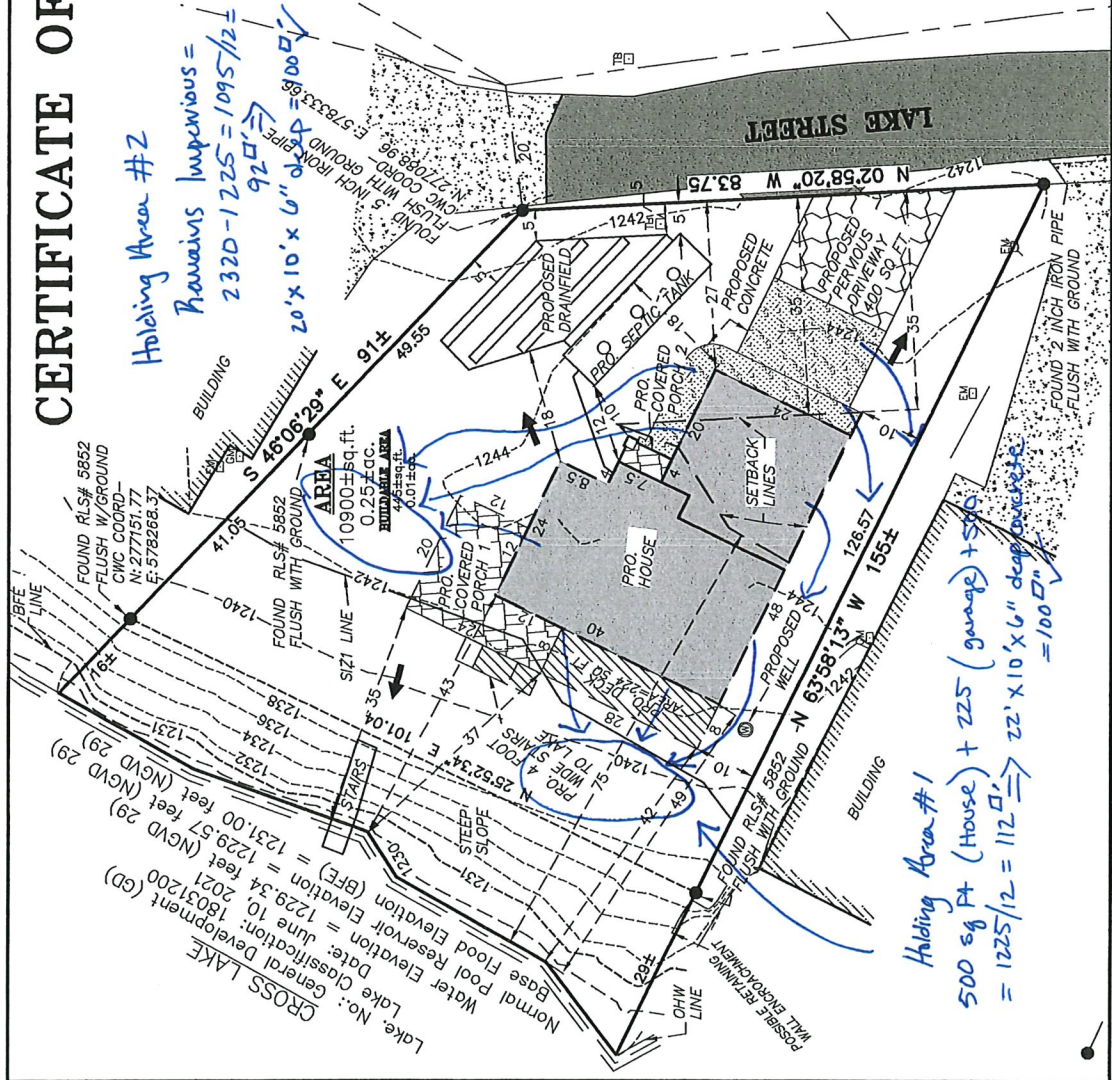
CERTIFICATE OF SURVEY

DESCRIPTION (Parcel No.: 14310676)

Lot 7, BOWER'S POINT, according to the recorded plat thereof, Crow Wing County, Minnesota.

SURVEYOR'S NOTES:

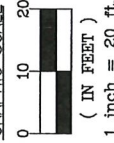
1. Bearing Orientation: The south line of Lot 7, BOWER'S POINT, is assumed to have a bearing of North 63 degrees 58 minutes 13 seconds West.
2. The field survey was completed on 6/10/2021.
3. Arco Land Surveying of Brainerd, INC. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
4. It was verified that there are no wetlands present on the site by Mitch Brinks, Certified Wetland Delicator, #1007, on June 28, 2021.
5. The utilities as shown on this survey were developed from the visible utilities across your property and is not implied nor intended to be the complete inventory of utilities in this area. It is the client's responsibility to verify the location of all utilities prior to construction or improving your property.
6. Property Zoning: Shoreland District
7. Setback Requirements: OHW (OD) = 75 feet R-O-W Line = 35 feet Property Line = 10 feet
8. Lake Street is variable in width in front of subject property.
9. There are no bluffs on subject property.
10. Benchmark: Top of well casing; elevation = 1240.28 (NGVD 29)
11. An area of 61 sq ft of the covered porch on the lakeside falls within SIZI.



LEGEND

- DENOTES FOUND SURVEY MONUMENT
- DENOTES WELL
- ⊙ DENOTES SEPTIC MANHOLE
- ⊗ DENOTES SEPTIC CLEANOUT
- ⊕ DENOTES GAS METER
- ⊖ DENOTES TELEPHONE PEDESTAL
- ⊗ DENOTES ELECTRIC METER
- ⊕ DENOTES UTILITY POLE
- 1240--- DENOTES 2 FOOT CONTOURS (NGVD29)
- ▨ DENOTES PROPOSED PERVIOUS SURFACE
- ▩ DENOTES BITUMINOUS SURFACE
- ▧ DENOTES PROPOSED CONCRETE SURFACE
- ▦ DENOTES PROPOSED COVERED PORCH
- ▥ DENOTES PROPOSED DECK

GRAPHIC SCALE



IMPERVIOUS SURFACE:

PROPOSED
Parcel Area = 10900 sq ft
House = 1010 sq ft
Garage = 556 sq ft
Covered Porch 1 = 336 sq ft
Covered Porch 2 = 31 sq ft
Concrete Surface = 460 sq ft
Total Impervious Surface = 2393 sq ft
$2393 / 10900 = 0.220$
Proposed Impervious Surface = 22.0%

CLIENT:

B-Dirt Construction LLC.

Property Address:

33591 Lake Street
Crosslake MN, 56442

BOUNDARY SURVEY

Lot 7, BOWER'S POINT,

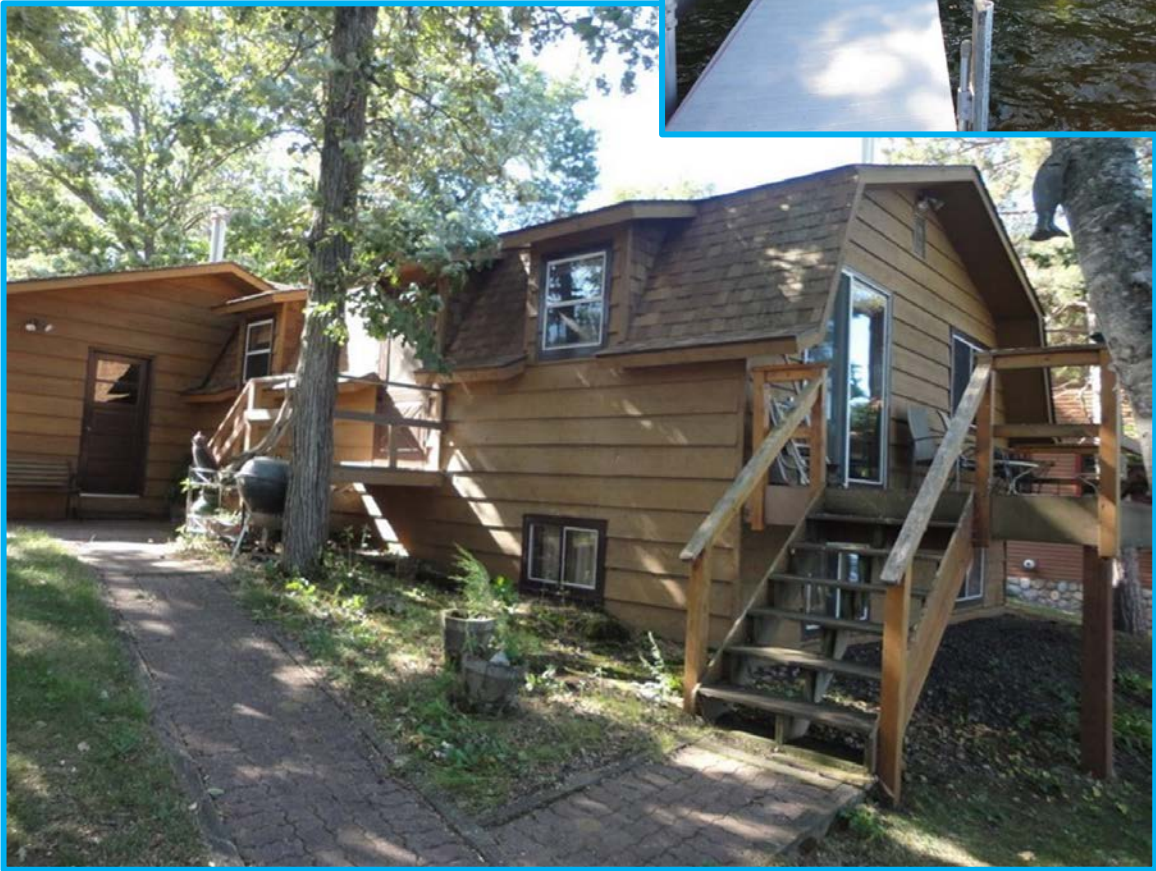
Crow Wing County, Minnesota



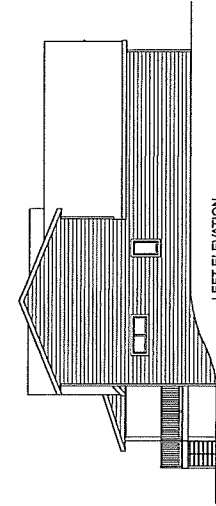
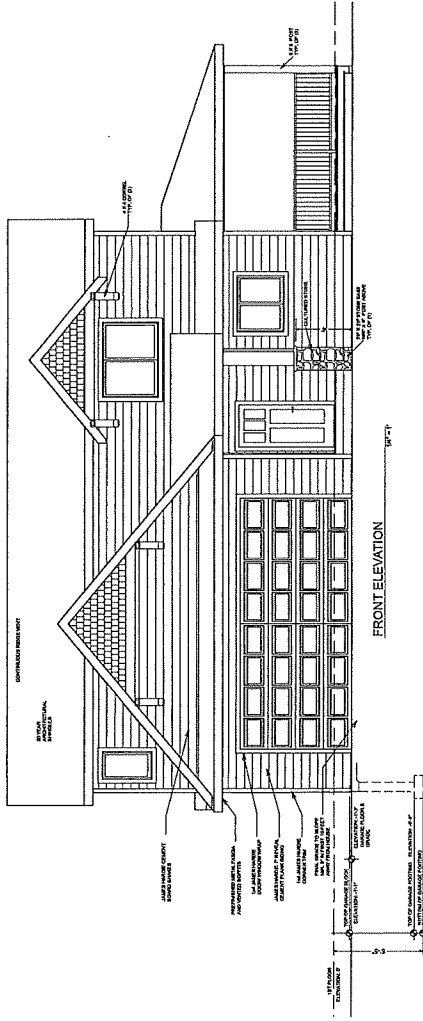
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 4th day of August, 2021

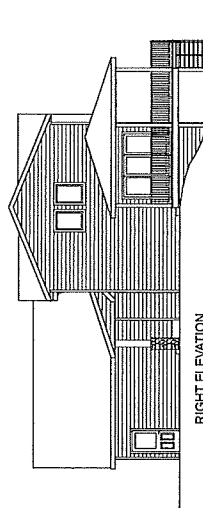
By: *Jared A. Spaul*
Jared A. Spaul, Minnesota License No. 59285



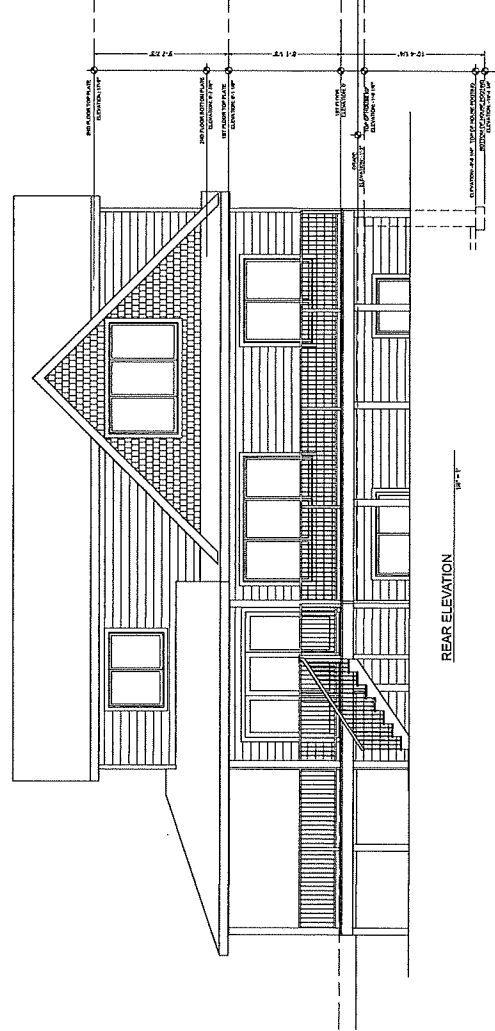
ANY INFORMATION, IDEAS, OR CONCEPTS IN THIS PLAN ARE THE PROPERTY OF B-DIRT CONSTRUCTION. THESE PLANS ARE NOT TO BE REPRODUCED IN ANY WAY, WITHOUT WRITTEN PERMISSION FROM B-DIRT CONSTRUCTION.



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

[illegible]

PLAN DATE:	
10-11-2019	6-21-2021
3-5-2021	8-31-2021
4-23-2021	9-9-2021
5-5-2021	9-30-2021
5-13-2021	10-25-2021
5-14-2021	10-27-2021
6-15-2021	

-Ditt Construction LLC
Andrew Ranweiler
18-820-5736
andrew@b-ditt.com

PROJECT DESCRIPTION:	Halbach, Lawrence & Marya 15004 Lyndale Lane Baxter, MN 56425 33591 Lake Street Crosslake, MN 56442
----------------------	---

DATE	CLIENT
DATE	CLIENT
DATE	CLIENT



A-1

HEET:



Halbach, Lawrence & Marya
15004 Lymndale Lane
Baxter, MN 56425
33591 Lake Street
Crosslake, MN 56442

B-Dirt Construction LLC
Andrew Ranweller
218-820-5736
andrew@b-dirt.com

AN DATE:	6-21-2021
	8-31-2021
	9-9-2021
	9-30-2021
	10-25-2021
	10-27-2021

SHEET:
A-2



BASEMENT AND FOUNDATION PLAN

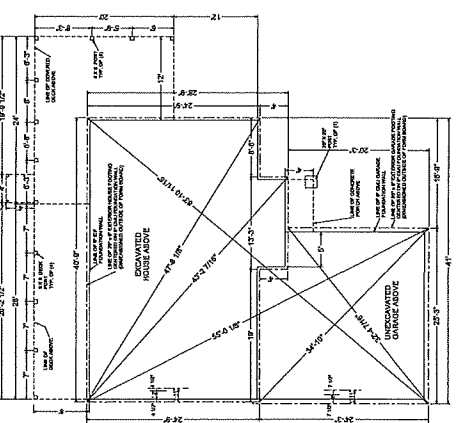
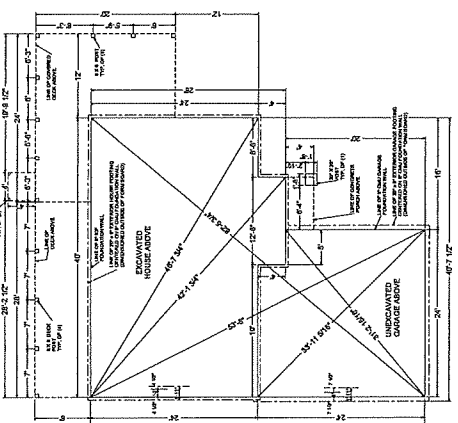
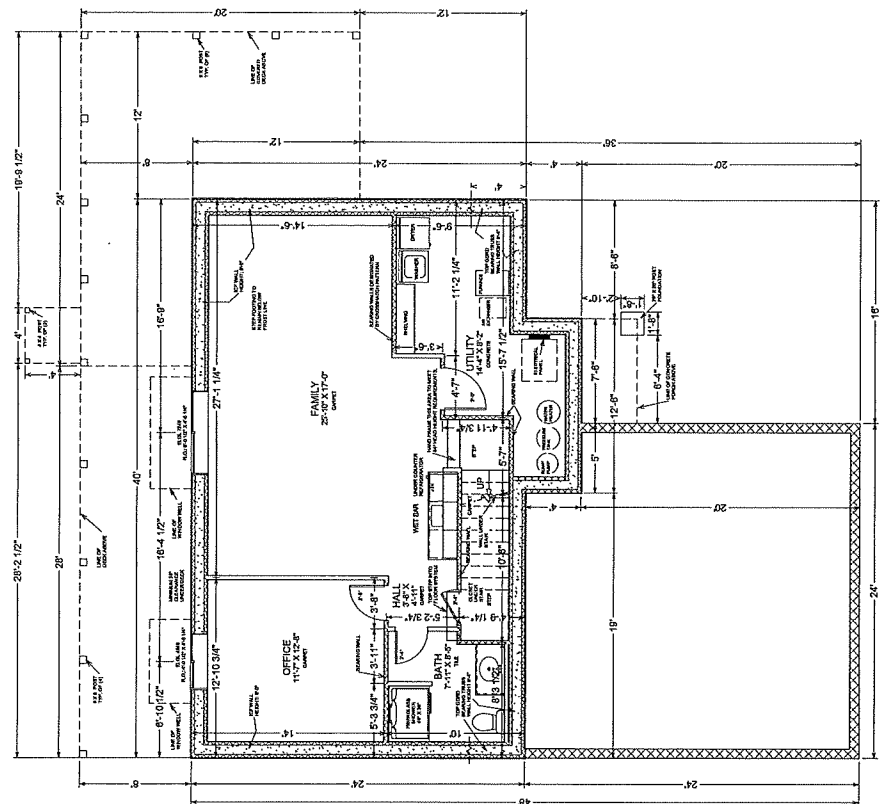
GENERAL NOTES:

DISCLAIMER OF LIABILITY
THE EXTENSIVE DRAWINGS ARE FOR VERTICAL PURPOSES ONLY. MODIFICATIONS IN REGARDS TO THE DRAWINGS THAT WILL INCREASE THE HEIGHT OF THE BUILDING ARE NOT TO BE MADE. THE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PURPOSES. THE CLIENT AGREES TO HOLD THESE PLANS WITHOUT ANY FURTHER CLAIM.

PERMITS
THESE PLANS ARE FOR CONSTRUCTION OF GUARDRAIL ONLY. B-SHIRT DOES NOT KNOW OF ANY OTHERS THAT ARE COMPLETE OR PARTIAL FOR ANY PARTICULAR PURPOSE. THE CLIENT AGREES TO HOLD THESE PLANS WITHOUT ANY FURTHER CLAIM. THE USE OF THESE PLANS FOR B-SHIRT ARE WITHOUT WARRANTY OF ANY KIND WHETHER WRITTEN OR ORAL. THE CLIENT AGREES TO HOLD THESE PLANS WITHOUT ANY FURTHER CLAIM.

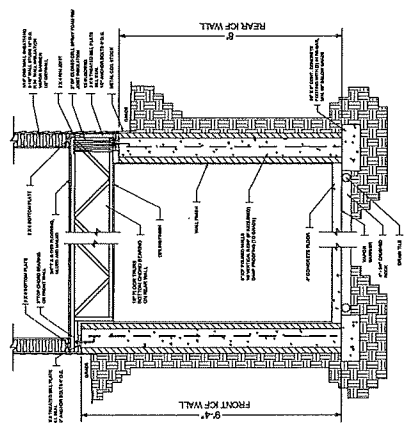
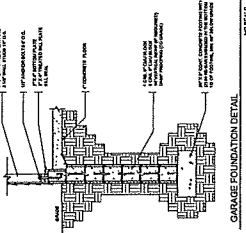
DRAWING SCALE
PLANS ARE DRAWN TO SCALE. IF A PLANT THE PRECEDING CIVIL ENGINEERING UNITED SCALE PLANS ARE DRAWN TO SCALE ON 3/4" X 3/4" PAPER. INDIVIDUAL PROFILES MAY DISTORT SCALE.

INTELLECTUAL PROPERTY
ANY INFORMATION, IDEAS, OR CONCEPTS IN THIS PLAN ARE THE PROPERTY OF B-SHIRT CIVIL ENGINEERING. NO PART OF THIS PLAN IS TO BE REPRODUCED IN ANY WAY WITHOUT WRITTEN PERMISSION FROM B-SHIRT CIVIL ENGINEERING.

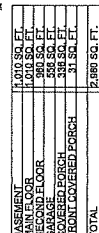
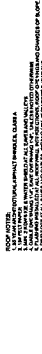
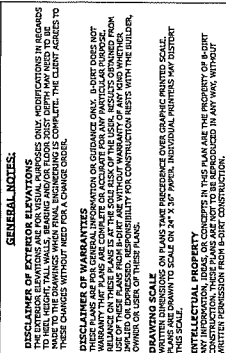


FOOTING PLAN

FOUNDATION NOTES:
HOUSE FOUNDATION WALLS:
- 8" W/ FOUNDATION WALL, FOOTINGS BROWN 1 1/4" OUTSIDE OF WALL, DIMENSIONED TO OUTSIDE OF FOUND. (BROWN)
GARAGE FOUNDATION WALLS:
- 8" G/ IN WALL FOUNDATION WALL, 8 OVER 8" POLY (TYP. COURSE IF BLOCK, FOOTING BROWN 7 1/4" OUTSIDE OF WALL, DIMENSIONED TO OUTSIDE OF POLY (BROWN)
ALL FOUNDATION FOOTINGS 24" x 8" REINFORCED POLYMER CONCRETE



ANY INFORMATION, IDEAS, OR CONCEPTS IN THIS PLAN ARE THE PROPERTY OF B-DIRT CONSTRUCTION. THESE PLANS ARE NOT TO BE REPRODUCED IN ANY WAY, WITHOUT WRITTEN PERMISSION FROM B-DIRT CONSTRUCTION.



Cheryl

From: Gary Heltemes <judy.or.gary@gmail.com>
Sent: Monday, November 29, 2021 8:08 PM
To: crosslakepz@crosslake.net
Subject: Larry and Marya Halbach Variance

To Whom it may concern,

We Gary and Judy Heltemes at 33569 Lake Street are very much in favor of this variance. We approved the first application and certainly approve this one.

Gary and Judy

Cheryl

From: John.Pribyl <john.pribyl@crosslake.net>
Sent: Monday, November 29, 2021 5:01 PM
To: crosslakepz@crosslake.net
Subject: The Halbach and Swanson Variances

Barb and I both support the application for variances of our neighbors on Lake Street, the Halbachs and Swansons. Their requests seem very reasonable and should be approved
Thank you for notifying us

John and Barb Pribyl

John Pribyl, Retired
33557 Lake St
Crosslake, MN 56442
612.508.0220
john.pribyl@crosslake.net

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:

919792

Permit Number:

210263V

Property Owner(s): Lawrence and Marya Halbach

\$6.00 331 526 39 Copies

Mailing Address: 15004 Lyndale Lane, Baxter, MN 56425

Site Address: 33591 Lake St, Crosslake, MN 56442

Phone Number: 218-821-4104

E-Mail Address: larryhalbach@gmail.com, maryahalbach@gmail.com

Parcel Number(s): 14310676

Legal Description: Lot 7 Bowers' Point

Sec 31 Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Lake/River Name: Cross

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

If yes list Parcel Number(s) _____

Authorized Agent: B-Dirt Construction LLC

Agent Address: 4706 Wilderness Ct, Brainerd, MN 56401

Agent Phone Number: 218-820-5736

Variances

(Check applicable requests)

- ☒ Lake/River Setback
71' where 75' is required
- ☐ 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
- ☒ For Front Covered Porch
- ☐ _____

Signature of Property Owner(s) Marya Halbach / Lawrence Halbach

Date 10/25/2021

Signature of Authorized Agent(s) [Signature]

Date _____

- All applications must be accompanied by a signed Certificate of Survey
- Fee \$500 for Residential and Commercial Payable to "City of Crosslake" \$6.00 copies
- 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 [Signature] Date 11/1/21

Land Use District SD

Lake Class GD Septic: Compliance _____

SSTS Design 10/15/21

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: The current construction has already been approved through the city of Crosslake. The city ordinance allows for homeowners to develop their property. This parcel was created prior to zoning regulations, the new construction for the home is nonconforming.
Defer to the Planning Commission/Board of Adjustment

2. Is the Variance consistent with the Comprehensive Plan?

Yes ☒ No ☐

Why: The city has approved the current construction through the variance process. The proposed covered porch would maintain the communities character.
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 new construction has been approved by the city. The proposed covered porch would complement the current structures in the proposed covered porch would complement the current structures in the neighborhood. Minimal increase in footprint.

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

Yes ☒ No ☐

Why: New construction has been approved by city council. There are similar structures and land uses in the neighborhood with similar setbacks.

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

Yes ☒ No ☐

Why: Construction of new home has been approved through the variances process. Covered front porch was a clerical area in the original request. The covered porch will maintain the 18' set back to the septic tank. The covered porch was on the building drawings but the surveyor missed the note on their plans.

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

Yes ☒ No ☐

Why: The new construction was approved through the variance process. The proposed covered porch was implemented in original stormwater management plan which was constructed to protect the water quality of crosslake. The concrete portions is already approved.



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: