

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)

---

**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:** Jeffrey M & Paula J Swanson

**Authorized Agent:** N/A

**Site Location:** 33590 Lake Street, Crosslake, MN 56442 on Crosslake-GD

**Variance for:**

- Road right-of-way (ROW) setback of 28.3 feet where 35 feet is required to proposed second story structure
- Dwelling setback of 16 feet where 20 feet is required to the septic drainfield
- Substantial completion of 3 years where 2 years are allowed for proposal

**To construct:**

- 490.6 square foot (sq ft) second story addition to the existing garage
- Variances approved by the City of Crosslake have a time limit of 2 years; an extension of a total of 3 years is requested

**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: Jeffrey M & Paula J Swanson

Parcel Number(s): 14310673

Application Submitted: October 29, 2021

Action Deadline: December 27, 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

**Variance for:**

- Road right-of-way (ROW) setback of 28.3 feet where 35 feet is required to proposed second story structure
- Dwelling setback of 16 feet where 20 feet is required to the septic drainfield
- Substantial completion of 3 years where 2 years are allowed for proposal

**To construct and allow:**

- 490.6 square foot (sq ft) second story addition to the existing garage
- Variances approved by the City of Crosslake have a time limit of 2 years; an extension of a total of 3 years is requested

**Current Zoning:** Shoreland District

**Existing Impervious Coverage:**

19.8%

**Proposed Impervious Coverage:**

19.8%

- A stormwater management plan was submitted with the variance application
- Compliant septic compliance inspection on file dated 8-18-2021

**Development Review Team Minutes held on 8-10-2021:**

- Property is located on Crosslake at 33590 Lake Street with a lake setback of 75 feet
- The proposed 2<sup>nd</sup> story addition to be approximately 26 feet from the ROW
- Existing septic tank and drainfield from the dwelling to be added to the variance if not meeting the requirements; 4 foot from the side yard is allowed by a previous variance
- 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 to accommodate the entire parcel (gutters, berm & rain gardens) or update any existing plan, which is required with all variance applications per Article 8, section 26-222, (2), 1).
- A septic compliance is needed or a septic design if required
- Wetland Delineation is a requirement for a variance or a no wetland statement/letter
- A grade and elevation illustration for 3 sides along with a no cut and fill needed statement 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, otherwise, a compliance inspection is needed
5. A complete Variance application with the \$500.00 public hearing fee

#### **Parcel History:**

- Bowers' Point Plat established in 1948
- April 1982 - Septic
- March 1995 – New septic system, demo house, 28x40 home, 416 sf deck, 18x28 loft (garage needs a variance)
- April 1995 – Variance approved for 24x24 garage at a setback of 22' from ROW and drainfield at 4' from side property line
- May 1995 – 24x24 garage
- Compliance inspection on file dated 8-18-2021 or septic design if needed

#### **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:**

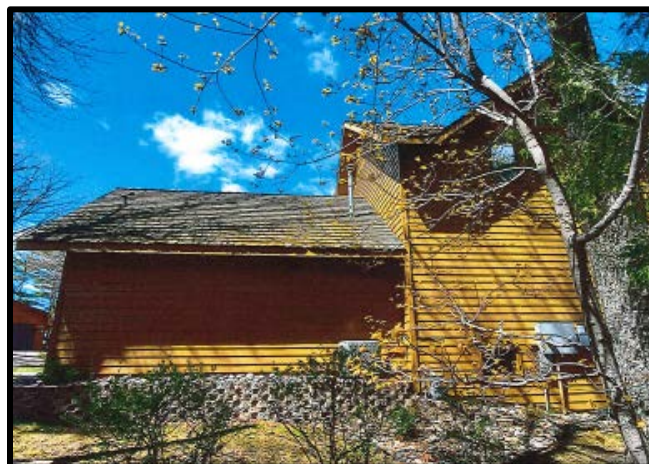
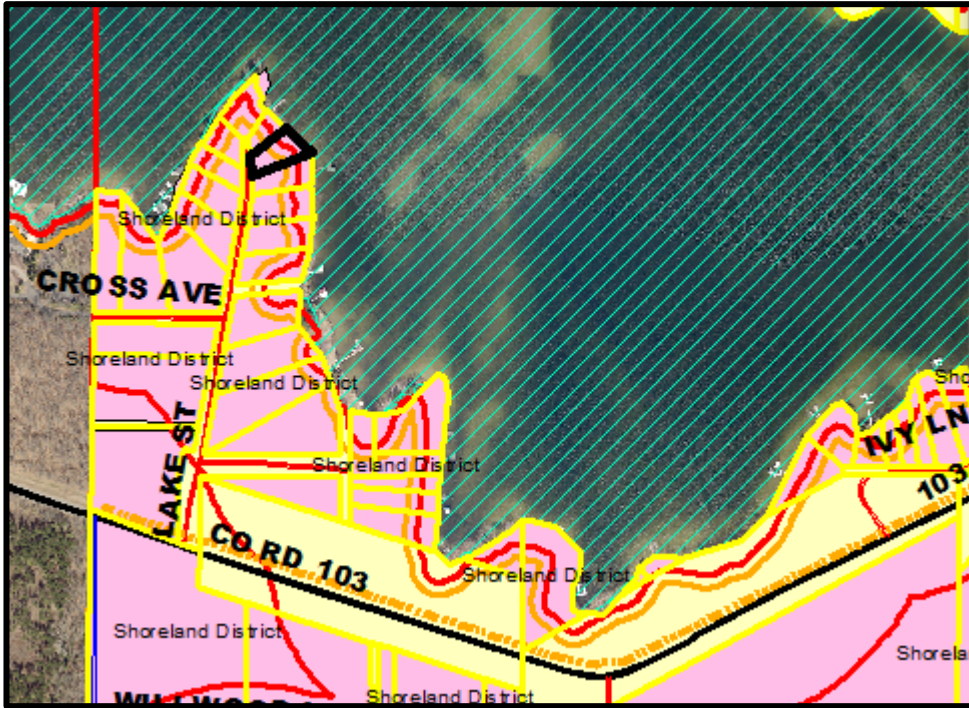
To approve/table/deny the variance to allow:

- Road right-of-way (ROW) setback of 28.3 feet where 35 feet is required to proposed second story structure
- Dwelling setback of 16 feet where 20 feet is required to the septic drainfield
- Substantial completion of 3 years where 2 years are allowed for proposal

**To construct:**

- 490.6 square foot (sq ft) second story addition to the existing garage
- Variances approved by the City of Crosslake have a time limit of 2 years; an extension of a total of 3 years is requested

As shown on the certificate of survey dated 10-29-2021





CERTIFICATE OF SURVEY

LOT 10, BOWERS' POINT,  
SECTION 31, TOWNSHIP 137 NORTH, RANGE 27 WEST,  
CROW WING COUNTY, MINNESOTA

LEGAL DESCRIPTION PER DOCUMENT NUMBER 476083  
Lot 10, Bowers Point, according to the map or plat thereof on file or of record in the Office of the  
County Recorder in and for 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 = 1229.33 ON 10-13-2021  
BASED ON NGVD 29 DATUM

LEGEND

- DENOTES EXISTING RETAINING 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 EXISTING INTERMEDIATE CONTOURS.
  - DENOTES EXISTING INDEX CONTOURS.
  - DENOTES EXISTING SURFACE DRAINAGE FLOW.
  - DENOTES EXISTING UTILITY POLE W/ GUY WIRE.
  - DENOTES EXISTING ELECTRIC OUTLET.
  - DENOTES EXISTING LP TANK.
  - DENOTES EXISTING WELL.
  - DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK ID.
  - BENCHMARK: HIGH POINT OF WELL. ELEV. = 1234.03 BASED ON NGVD 29 DATUM.
  - DENOTES PLAT AND/OR DEEDED MEASURE.
  - DENOTES MONUMENT FOUND.
- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WESTERLY LINE OF LOT 10 TO HAVE AN ASSUMED BEARING OF N 06°37'38" W.

IMPERVIOUS CALCULATIONS

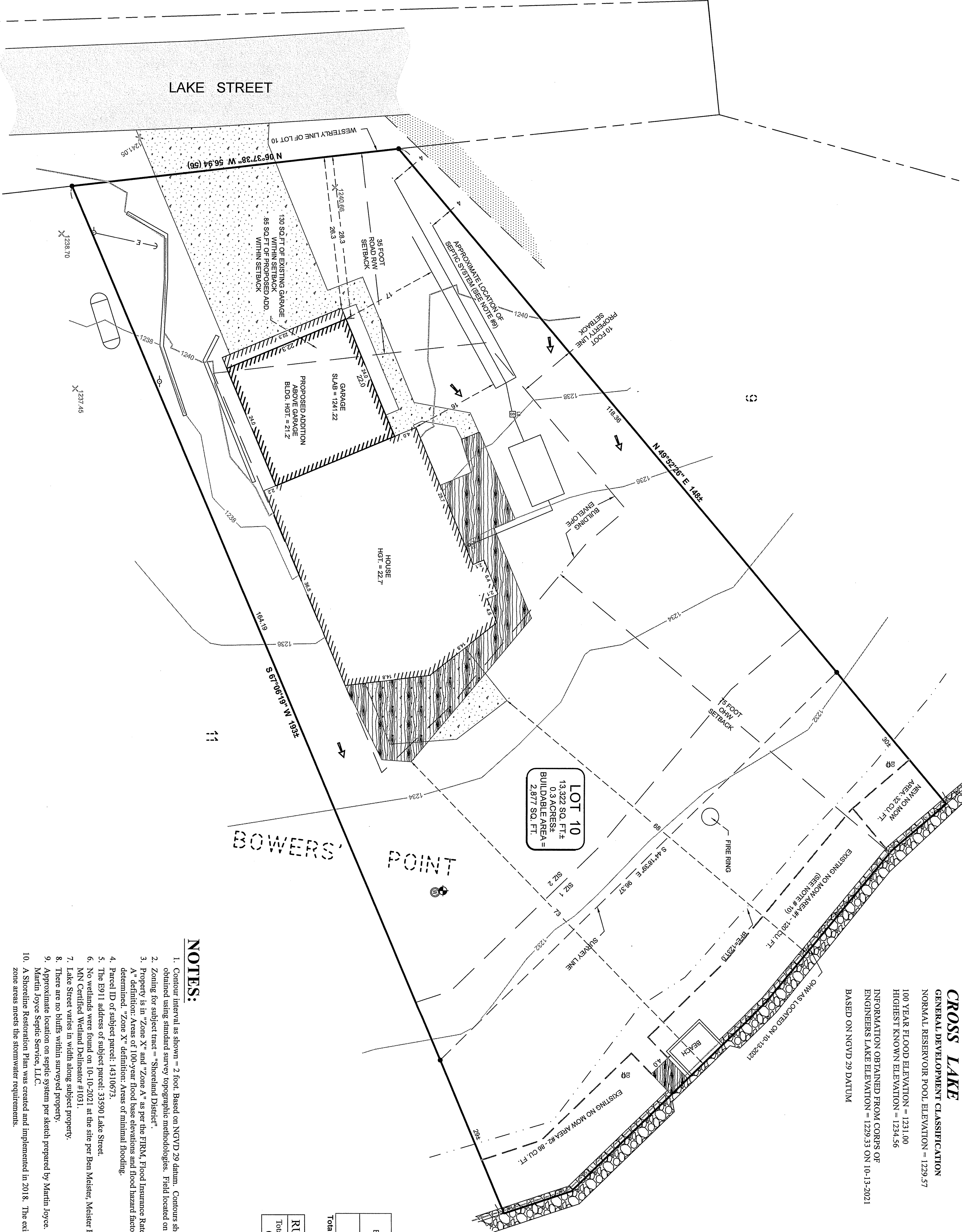
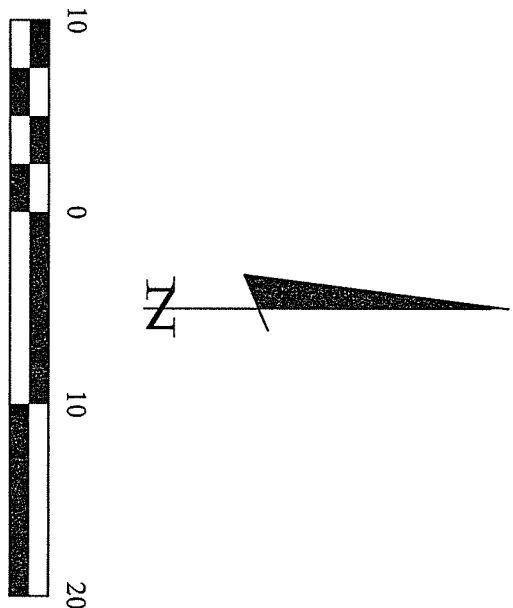
EXISTING & PROPOSED	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
House & Garage	1,650	13,322	12.4%
Concrete	983	13,322	7.4%
Total	2,633	13,322	18.8%

RUN OFF CALCULATIONS

Total Impervious Surface Area (from table above)	2,633 sq. ft.	X 0.00833 ft.	= 219 cu. ft.
--	---------------	---------------	---------------

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 10-13-2021.
- Zoning for subject tract = "Shoreland District".
- Property is in "Zone X" and "Zone A" as per the FIRMA 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 ID of subject parcel: 14310673.
- The E911 address of subject parcel: 33590 Lake Street.
- No wetlands were found on 10-10-2021 at the site per Ben Meister, Meister Environmental, LLC.
- Lake Street varies in width along subject property.
- There are no bluffs within surveyed property.
- Approximate location on septic system per sketch prepared by Martin Joyce.
- Martin Joyce Septic Service, LLC.
- A Shoreline Restoration Plan was created and implemented in 2018. The existing no move zone areas meets the stormwater requirements.



LOT 10  
13,322 SQ. FT.  
13.3 ACRES  
BUILDING AREA =  
2,877 SQ. FT.

CERTIFICATE OF SURVEY

Jeff Swanson  
11000 40th Place  
Plymouth, MN 55441

PROJECT MANAGER:  
CMH  
CHECKED BY:  
CMH  
DRAWN BY:  
RJF

PROJECT No.:  
21327  
FILE NAME:  
C21327.dwg  
FIELD BOOK:  
BOOK 469 PG. 39

DATE:  
10-29-2021  
SCALE:  
HORIZ. 1"=10'  
VERT. NONE

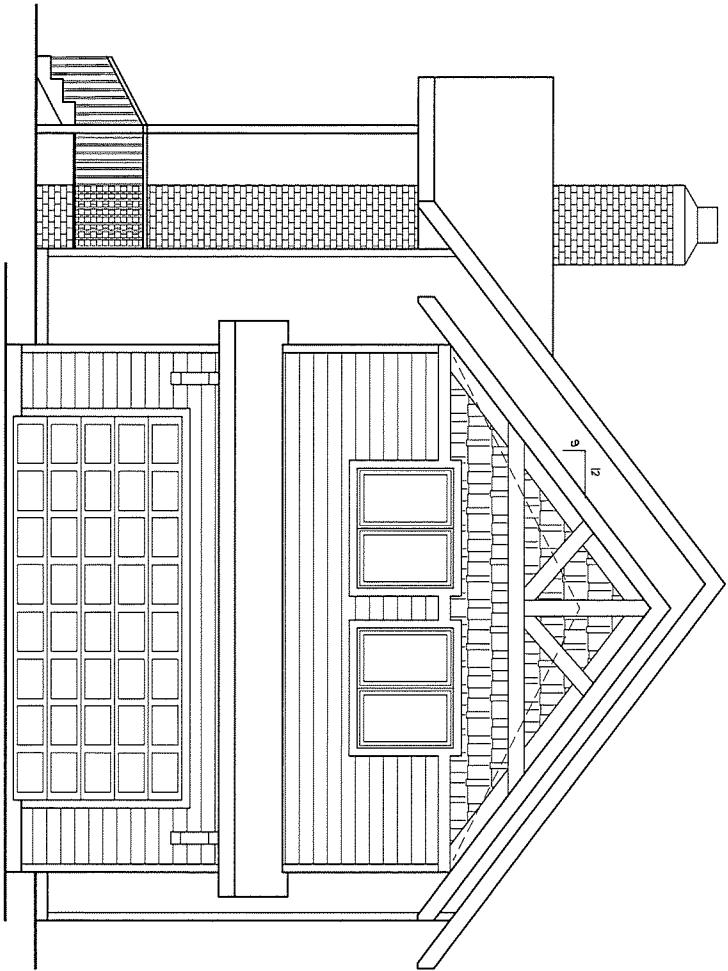
REVISIONS

DATE	DESCRIPTION	BY

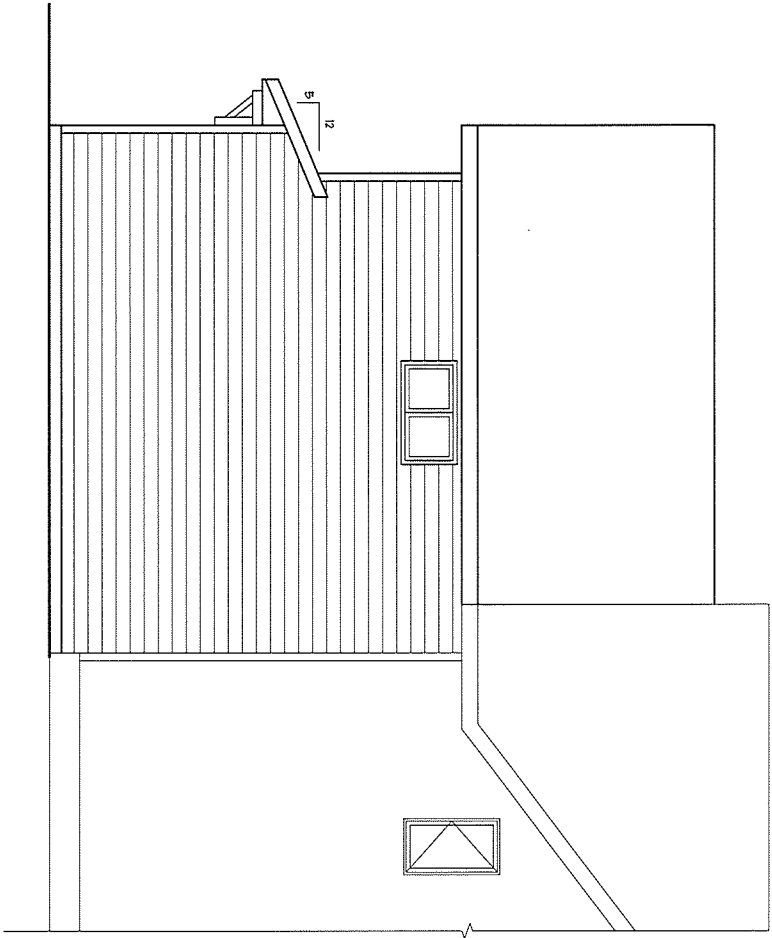
I HEREBY CERTIFY THAT THIS SURVEY, PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*Cynthia M. Hidde*  
CYNTHIA M. HIDDE PLS#44881  
DATE: 10/29/2021 LIC. NO. 44881



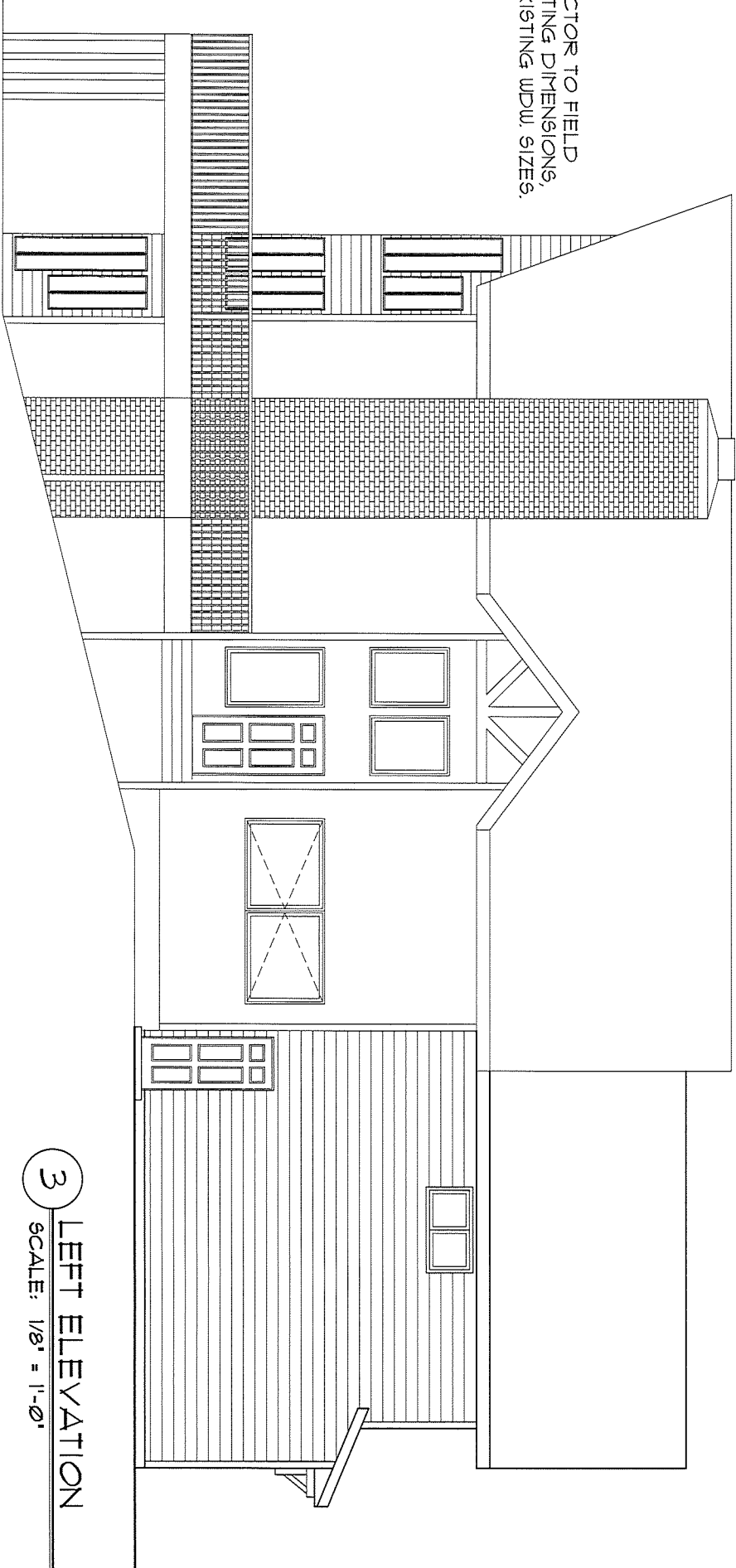
30206 Rasmussen Road  
Suite 1  
P. O. Box 874  
Pequot Lakes, MN 56472  
218-568-4940  
www.stonemarksurvey.com



1 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



2 RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"



3 LEFT ELEVATION  
SCALE: 1/8" = 1'-0"

\* NOTE: CONTRACTOR TO FIELD  
VERIFY ALL EXISTING DIMENSIONS,  
CONDITIONS, & EXISTING WINDOW SIZES.

PRELIMINARY  
NOT FOR CONSTRUCTION

DISCLAIMER  
OF

WARRANTIES

The plans furnished herein were prepared upon request by a customer who was not an architect, engineer, or contractor, and are for informational purposes only. The Design Team, Inc. does not warrant, represent, or imply any fitness for a particular purpose and no reliance upon said plans shall be placed. The selection of correct structure and materials is the responsibility of the user. The architectural principles in these plans are the property of the Design Team, Inc. and are not to be reproduced without written permission.

THE  
DESIGN TEAM  
Home Design Specialists

2455 12th Street SE, St. Cloud, MN 56304  
Phone: (320) 252-1517 Fax: (320) 252-1518

JEFF & PAULA SWANSON  
ADDITION OVER GARAGE

ELEVATIONS

JOB NUMBER  
36321001

FILE NUMBER  
3632100121

DATE  
8/18/21

REVISION  
8/26/21

REVISION

REVISION

REVISION

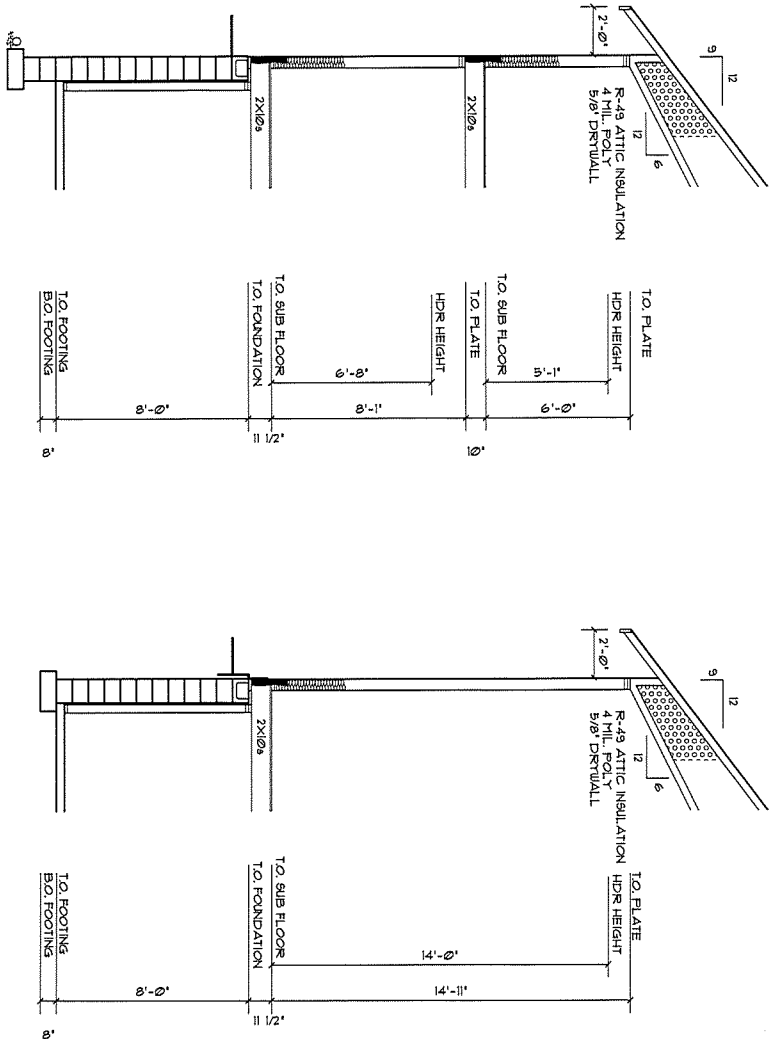
ELEVATIONS

A-1

COPYRIGHT 1994-2021

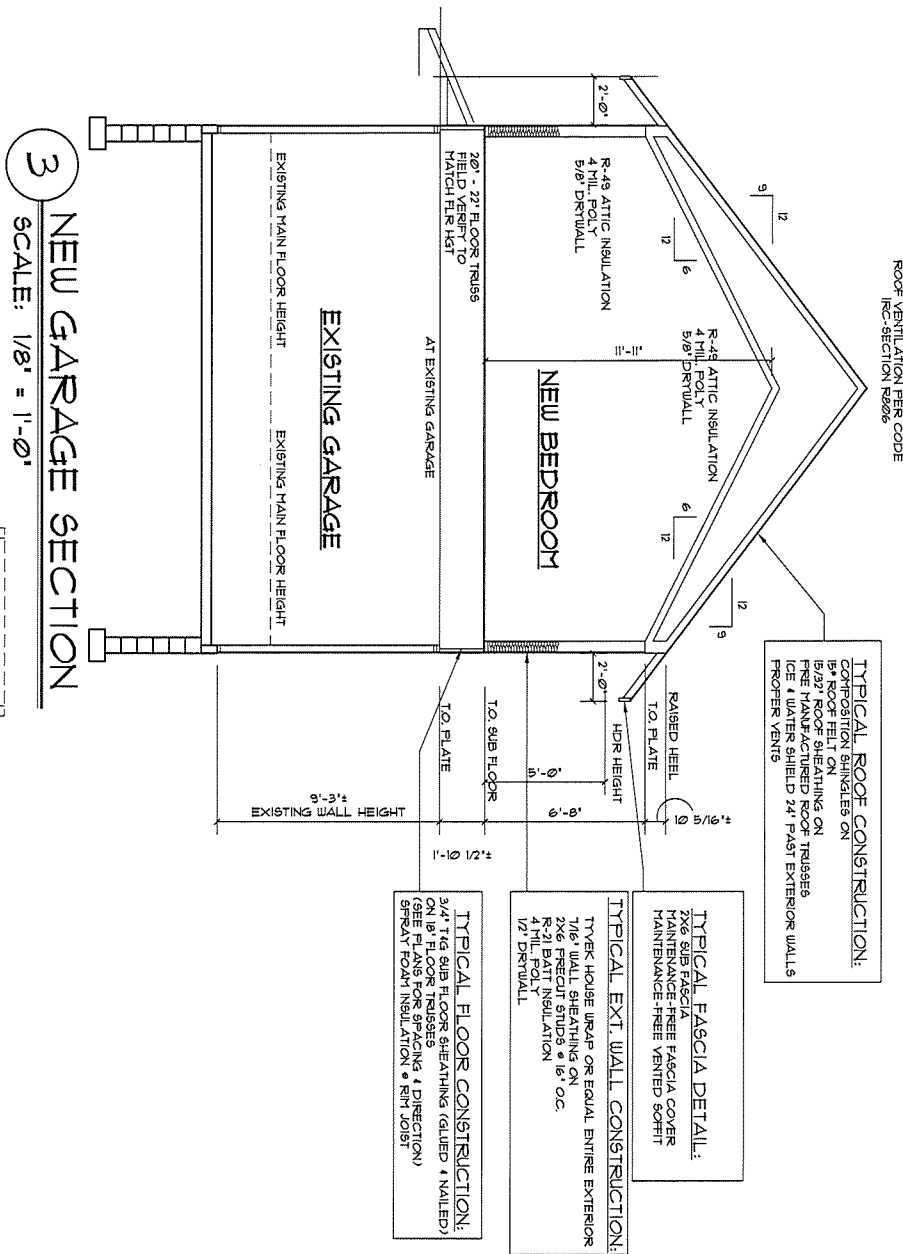


• NOTE: CONTRACTOR TO FIELD  
VERIFY ALL EXISTING DIMENSIONS,  
CONDITIONS, & EXISTING WDW. SIZES.



1 EXISTING BEDROOM SECTION  
SCALE: 1/8" = 1'-0"

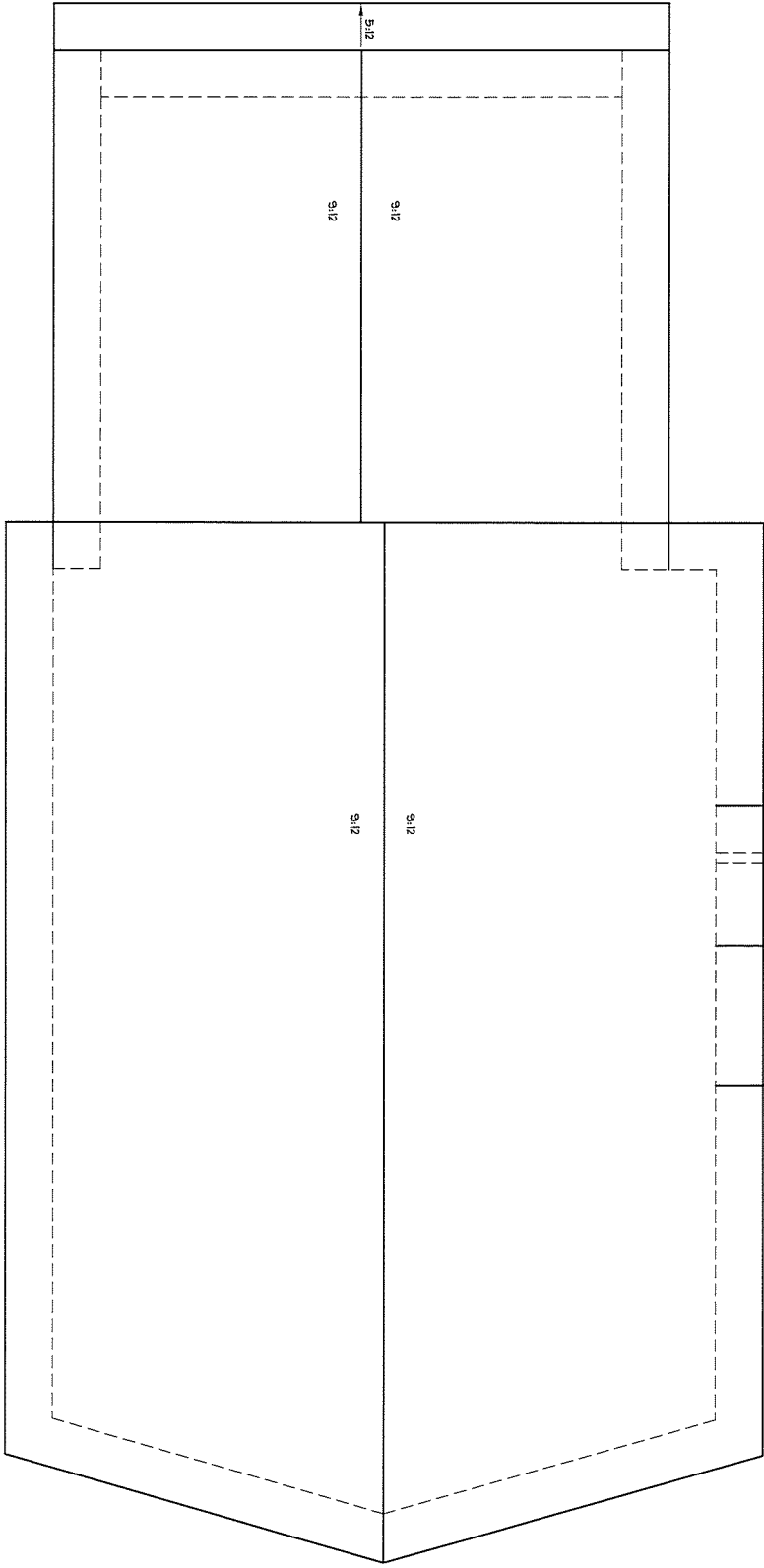
2 EXISTING LIVING SECTION  
SCALE: 1/8" = 1'-0"



3 NEW GARAGE SECTION  
SCALE: 1/8" = 1'-0"

PRELIMINARY  
NOT FOR CONSTRUCTION

4 ROOF PLAN  
SCALE: 1/16" = 1'-0"



ROOF VENTILATION PER CODE  
IRC-SECTION R806

TYPICAL ROOF CONSTRUCTION:  
COMPOSITION SHINGLES ON  
B/37 ROOF SHEATHING ON  
FIR MANUFACTURED ROOF TRUSSES  
ICE & WATER SHIELD 24" PAST EXTERIOR WALLS  
PROPER VENTS

TYPICAL FASCIA DETAIL:  
2X6 SUB FASCIA  
MAINTENANCE-FREE FASCIA COVER  
MAINTENANCE-FREE VENTED SCOFF

TYPICAL EXT. WALL CONSTRUCTION:  
TYLER HOUSE UGAP OR EQUAL ENTIRE EXTERIOR  
1/2" WALL SHEATHING ON  
2X6 FLOOR STUDS • 16" O.C.  
4" MIN. INSULATION  
1/2" DRYWALL

TYPICAL FLOOR CONSTRUCTION:  
2X6 SUB FLOOR  
MAINTENANCE-FREE FASCIA COVER  
MAINTENANCE-FREE VENTED SCOFF  
2X6 FLOOR STUDS • 16" O.C.  
4" MIN. INSULATION  
1/2" DRYWALL

## DISCLAIMER

### OF

### WARRANTIES

The plans furnished herewith were prepared upon request by a client who is not an architect or engineer and are not intended to be used as a basis for any legal action or for any other purpose. The Design Team Home Design Specialists, Inc. is not responsible for any errors or omissions in the plans or for any consequences resulting from the use of the plans. The selection of correct structural materials and the construction of the structure are at the sole risk of the user(s). The architect assumes no responsibility for the responsibility for which rests with the builder, the owner, or the user of these plans.

THE  
DESIGN TEAM  
Home Design Specialists

2455 12th Street SE, St. Cloud, MN 56304  
Phone: (320) 252-1517 Fax: (320) 252-1518

JEFF & PAULA SWANSON  
ADDITION OVER GARAGE

SECOND FLR/SECTIONS

JOB NUMBER  
36321001

FILE NUMBER  
36321001

DATE  
8/18/21

DESIGN  
TP

REVISION  
8/26/21

REVISION  
TP

REVISION

REVISION

REVISION

REVISION

SECOND FLR/SECTIONS  
A-3

COPYRIGHT 1994-2001



**Cheryl**

---

**From:** Gary Heltemes <judy.or.gary@gmail.com>  
**Sent:** Monday, November 29, 2021 8:16 PM  
**To:** crosslakepz@crosslake.net  
**Subject:** Jeff and Paula Swanson Variance appkication

To Whom it may concern:

We have known Jeff and Paula for 25 years and agree and approve this variance request. The variances they are asking for regarding setbacks in my opinion should not even be an issue because those are existing since they built the house more than 25 years ago.

Bottom Line please approve.

Gary Heltemes

**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](http://www.cityofcrosslake.org)

**Crosslake**

**Jeffrey M & Paula J Swanson**

Property Owner(s): **Jeff and Paula Swanson**

Receipt Number: **919788**

Permit Number: **210259V**

Mailing Address: **11000 40th Place Plymouth MN 55441**

Site Address: **33590 Lake St, Cross Lake MN 56442**

Phone Number: **612-670-6779**

E-Mail Address: **jeff@myswanson.net**

Parcel Number(s): **14310673**

Legal Description: **Lot 10 Bowers' Point**

Sec **31** Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Lake/River Name: **Cross Lake**

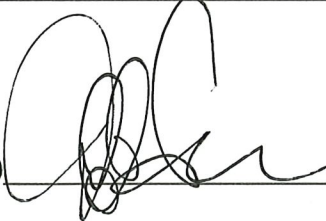
Do you own land adjacent to this parcel(s)? ☐ Yes ☒ No

If yes list Parcel Number(s)                     

Authorized Agent:                     

Agent Address:                     

Agent Phone Number:                     

Signature of Property Owner(s) 

Date **10-26-21**

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  Date **10/29/21**

Land Use District **SD**

Lake Class **GD** Septic: Compliance **8/18/21** SSTS Design                      Installation **8-17-95**

## Variances

(Check applicable requests)

☐ Lake/River Setback

☒ Road Right-of-Way Setback

☐ Bluff Setback

☐ Side Yard Setback

☐ Wetland Setback

☐ Septic Tank Setback

*480mm per cent of install 817-95*

☒ Septic Drainfield Setback

*16' requires 20' to dwelling*

☐ Impervious Coverage

☐ Accessory Structure

☐ Building Height

☐ Patio Size

☒ Time Extension of

☐ 1 additional year

*Total of 3 yrs.*



## 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: **When we built in 1995 we needed a ROW setback**

variance for our garage and a property line variance for our drainfield placement. Both variances were approved. We now want to add a "bunkroom" over our garage and convert an existing bedroom into a "sitting room". We will still need both variances to proceed.

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

Yes ☒ No ☐

Why: **We will not be changing the "footprint" (house + garage)**

of our structure. The only change will be the addition of a level above the garage. This new level will be lower than the main house.

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 variances approved in 1995 were necessary to**

support maintaining the lake setback and the installation of a conforming septic system. We will need both variances to proceed with our new project.

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

Yes ☐ No ☒

Why: **Our proposal doesn't change the footprint of our**

structure. Without the pre-existing variances remaining intact, we have no other practical alternatives.





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: