

**CITY OF CROSSLAKE
PLANNING COMMISSION/BOARD OF ADJUSTMENT**

April 22, 2022

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: Donald Andre & Julie Ann Chouinard

Authorized Agent: N/A

Site Location: 14037 Autumn Ridge Rd, Crosslake, MN 56442 on Daggett Lake-GD

After-the-Fact Variance for:

- Side yard setback of 2 feet where 10 feet is required to water-oriented accessory structure (WOAS)
- Second WOAS where one WOAS is allowed
- Size increase of a WOAS of 249 square feet where 120 square feet are allowed
- Size increase of a patio of 759 square feet where 400 square feet are allowed

To allow:

- A WOAS consisting of a 96 square foot shed
- A second WOAS consisting of a paver firepit patio of 249 square feet where only one is allowed
- A paver firepit patio of 249 square feet where 120 square feet are allowed
- A kitchen patio of 759 square feet where 400 square feet are allowed

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: Donald Andre & Julie Ann Chouinard

Parcel Number(s): 14160592

Application Submitted: January 27, 2022 (for review to attend the April meeting)

Action Deadline: March 27, 2022

City 60 Day Extension Letter sent/ Deadline: March 24, 2022 / May 25, 2022

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:

21.3%

Proposed Impervious Coverage:

21.3%

- A stormwater management plan was submitted with the variance application
- A compliant septic compliance inspection is on file dated 9-29-2021

Development Review Team Minutes held on 10-12-2021:

- Property is located on Daggett Lake at 14037 Autumn Ridge Rd with a lake setback of 75 feet
- The existing 737.5 sf patio and firepit surround patio in the SIZ2 is exceeding the allowable square footage; WOAS in SIZ1; all constructed without a permit
- Walkways and stairways are not to exceed 4 feet in width, if they do, they are considered patios

- Impervious maximum of 25% and if impervious exceeds 20% a Shoreline Rapid Assessment Model form will be completed (Sec. 26-518); 20.3% currently per Andre
- 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 (SWMP) (gutters, berm & rain gardens) or update any existing plan, which is required with all variance applications per Article 8, section 26-222, (2), 1); SWMP for patio to have a separate plan to meet the Land Use ordinance requirements
- A septic compliance inspection is on file dated 9.29.2021
- Wetland Delineation is a requirement for a variance or a no wetland statement/letter
- 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. Wetland delineation or a no wetland statement/letter
3. A septic design if project requires; compliance is on file
4. A complete Variance application with the \$500.00x3 ATF=\$1,500.00 public hearing fee

Parcel History:

- White Pine Estates established in 1994
- September 1994 – 10'x26' deck; 26'x32' dwelling w/crawl space; 20'x20' detached garage; new septic; remove dwelling
- May 1999 – 28x44 home; 28x44 basement; 24x24 attached garage; 18x27 loft; patio & deck 280 sf?; septic system to be reviewed; remove dwelling
- September 2010 – construction of a 8x13; 104sf roof over deck and 6x10; 60sf home addition
- September 29, 2021 compliant septic compliance inspection

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comments were received as of 4-8-2022

City Engineer: N/A

Lake Association: No comments were received as of 4-8-2022

Township: N/A

Crosslake Public Works: No comments were received as of 4-8-2022

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comments were received as of 4-8-2022

POSSIBLE MOTION:

To approve/table/deny the after-the-fact variance for:

- Side yard setback of 2 feet where 10 feet is required to water-oriented accessory structure (WOAS)
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As shown on the certificate of survey dated 1-27-2022



DESCRIPTION - (As Per Doc. No. - A903688 Parcel No.: 14160592)

Lot Three, Block One (1), White Pine Estates, according to the plat thereof, on file and of record in the office of the County Recorder in and for Crow Wing County, Minnesota

SURVEYOR'S NOTES:

- Bearing Orientation: The west line of Lot 3, Block 1, WHITE PINE ESTATES is assumed to have a bearing of South 2 degrees 35 minutes 12 seconds East.
- The field survey was completed on 11/15/2021.
- 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 November 23, 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 Road = 10 feet Property Line = 10 feet
- It is the client's responsibility to verify zoning and setback requirements prior to construction or improving your property.

9. There was no visible evidence of the existing septic system while conducting the field work in preparation of this survey. The approximate location of the septic system shown is based on septic certificates of compliance and installation certificates.

10. There are no bluffs on the subject property.

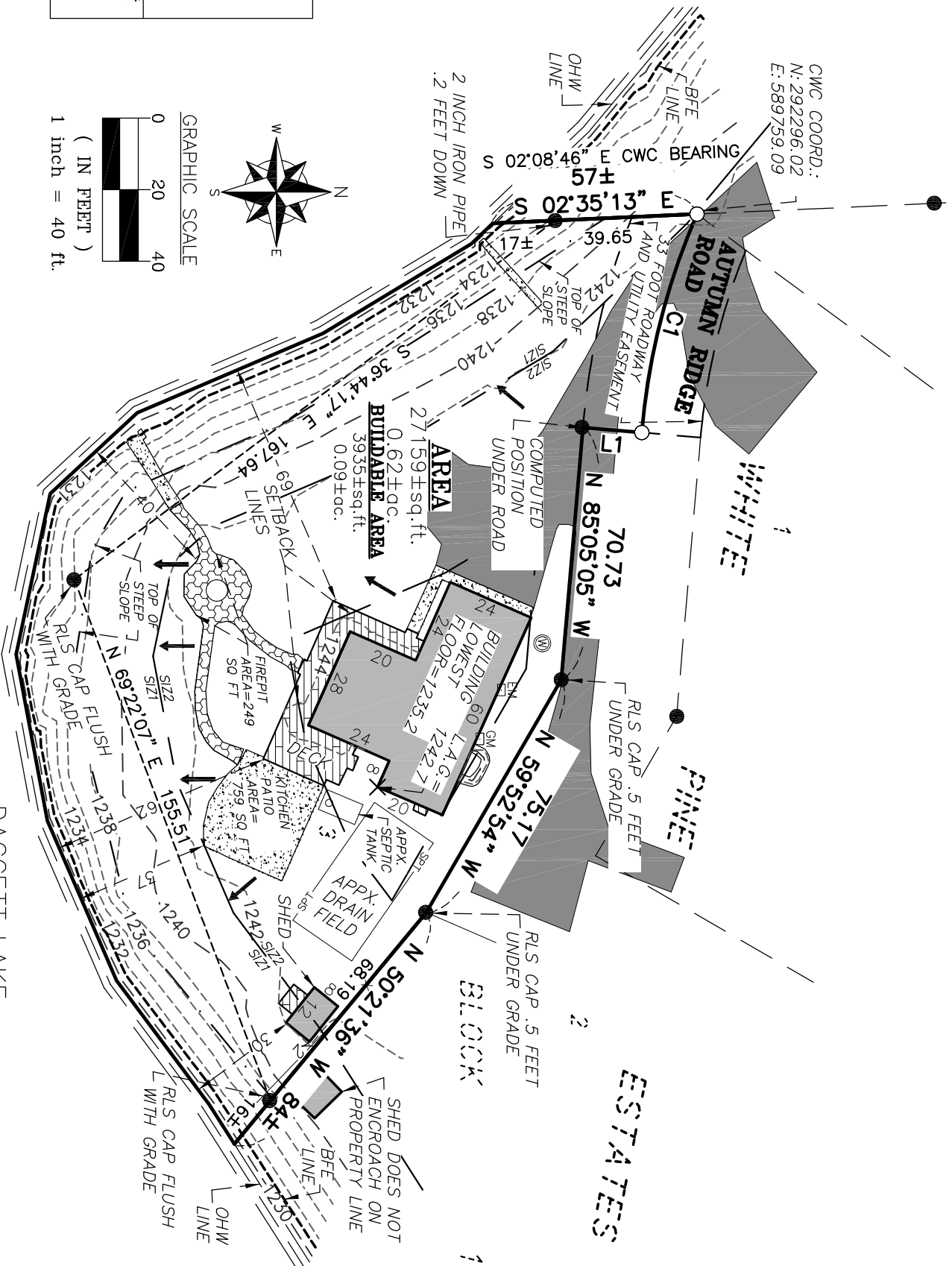
11. Benchmark: Top of well casing, Elevation=1244.20 (NGVD29).

12. The firepit and kitchen patio area are entirely in S122.

LEGEND

- DENOTES 1/2 INCH IRON PIPE SET AND MARKED WITH RLS 59285 CAP.
- DENOTES FOUND SURVEY MONUMENT
- EM DENOTES ELECTRIC METER
- ⊙ GM DENOTES WELL
- GM DENOTES GAS METER
- X — DENOTES 2 FOOT CONTOURS (NGVD29)
- 1320——- DENOTES GRAVEL SURFACE
- ▨ DENOTES BITUMINOUS SURFACE
- ▨ DENOTES CONCRETE SURFACE
- ▨ DENOTES PAVER BLOCK SURFACE

CERTIFICATE OF SURVEY



LINE AND CURVE TABLE			
LINE/CURVE	LENGTH	BEARING	RADIUS
C1	63.21	N 75°48'07" W	195.00
L1	16.50	N 04°54'55" E	

DAGETT LAKE
Lake. No.: 18027100
Lake Classification: General Development (GD)
Date: November 15, 2021
Water Elevation = 1228.64 feet (NGVD 29)
Normal Pool Reservoir Elevation = 1229.32 feet (NGVD 29)
Base Flood Elevation = 1231.0 feet (NGVD 29)

DRAWN BY: JAS CHECKED BY: EEL

APPROVED BY: JAS JOB NUMBER: 21-2258

NO.	DATE	BY	REVISION DESCRIPTION
01	12/13/21	JAS	ADD CITY P&Z REQUESTS
02	1/27/22	JAS	ADD SEPTIC LOCATION

CLIENT:

Andre Chouinard
14037 Autumn Ridge Road
Crosslake, MN 56442

VARIANCE SURVEY

Lot 3, Block 1,
WHITE PINE ESTATES,
Crow Wing County, MN



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 2nd day of December, 2021

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

2016



2019



759 sq ft Patio



Name W. Andre Chavira

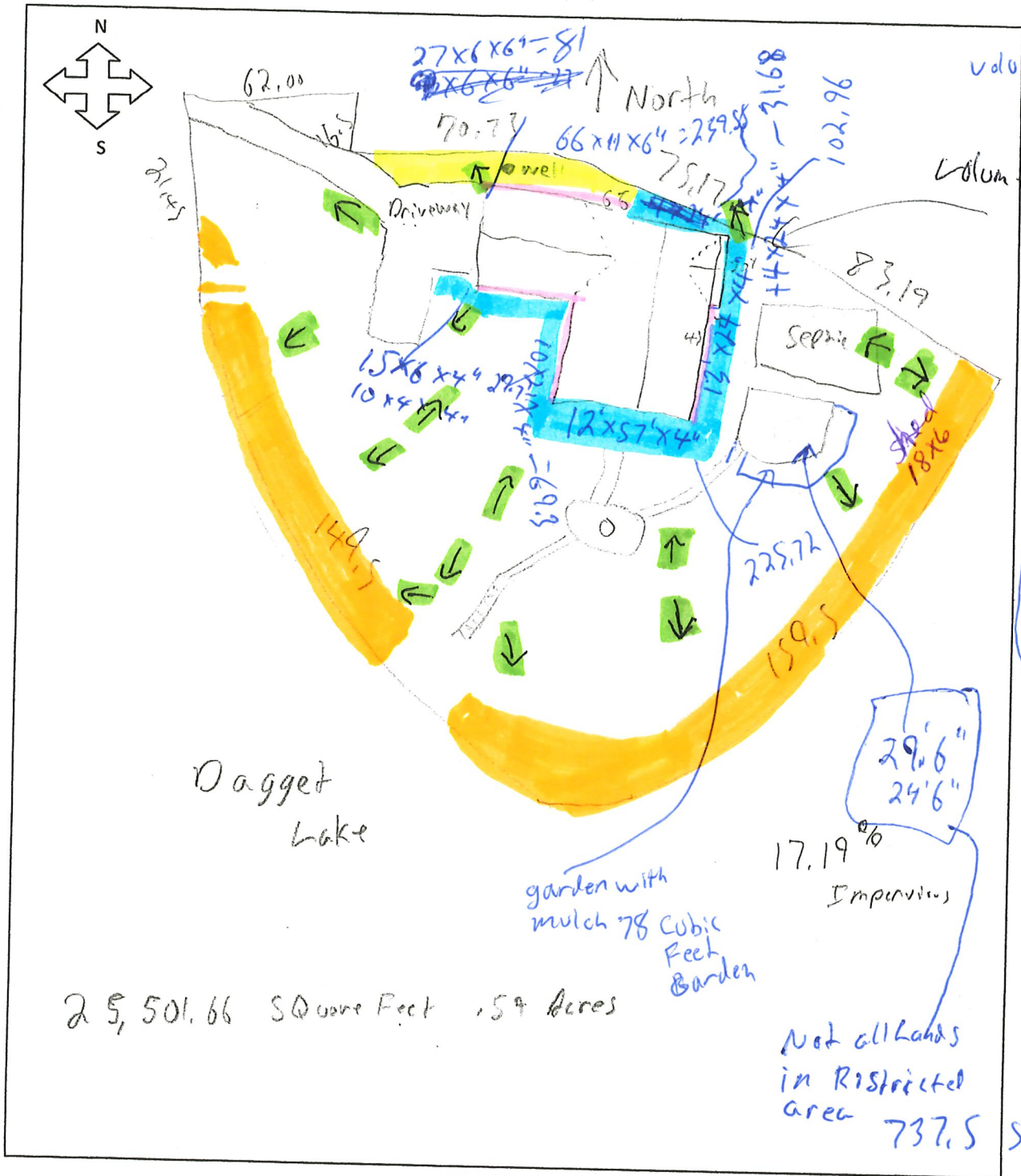
Date 9-13-2021

SITE PLAN

Parcel Code _____

SIGNATURE

WA



69.3
225.72
Volume = 2181
239.58
31.68
102.96
24.7
30x13.2
60
FT

793.14
Rem off.
Rock and
Flower Bed

Patio Size
6' x 66'

18.5 Feet
circle
240
SQ FT

But can Be
Reduced
to 4'
walkway only

Please see reverse side for sample site plan and list of criteria required on the site plan.

Storm Water Management Plan

No Mow Area 10' or more around Lake

Gutter around Property

Rock Bed

Garden

Water Flow

multiply
.083

minimum
61 CU Ft
for Patio

Ideal Corners Landscape

Cheryl

From: Andre Chouinard <andre@majesticcustom.com>
Sent: Monday, January 24, 2022 3:14 PM
To: Cheryl
Subject: Re: Chouinard Survey Revisions

I dropped off paperwork to be reviewed for April meeting thanks

Andre Chouinard
President
Majestic Companies
612-419-2173
Andre@majesticcustom.com

On Jan 24, 2022, at 2:52 PM, Cheryl <cstuckmayer@crosslake.net> wrote:

I will look it over later this week or beginning of next week. I have a pretty busy week with just myself in the department.

Thanks for the review survey.

Respectfully,

Cheryl Stuckmayer
Planner – Zoning Coordinator
Crosslake Planning and Zoning Department
13888 Daggett Bay Rd
Crosslake, MN 56442

Office: (218) 692-2689
Fax: (218) 692-2687
Email: crosslakepz@crosslake.net
Website: www.cityofcrosslake.org

Excellent customer service is our top priority. Please let me know if I was helpful

This e-mail and any attachment is intended to be read only by the intended recipient. This e-mail may be legally privileged or protected from disclosure by law. If you are not the intended recipient, any dissemination of this e-mail or any attachments is strictly prohibited, and you should refrain from reading this e-mail or examining any attachments. If you received this e-mail in error, please notify the sender immediately and delete this e-mail and any attachments. Thank you.

From: Andre Chouinard <andre@majesticcustom.com>
Sent: Monday, January 24, 2022 2:03 PM
To: cstuckmayer@crosslake.net
Subject: Fwd: Chouinard Survey Revisions

This is the updated survey

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



13888 Daggett Bay Rd
Crosslake, Minnesota 56442
www.cityofcrosslake.org

Donald & Julie Chouinard
8800 Royal Court NW
Ramsey, MN 55303

March 24, 2022
RE: After-the-fact Variance Application 22006V

FOR: PID # 14160592
14037 Autumn Ridge Rd
Crosslake, MN 56442

Mr. & Mrs. Chouinard,

Pursuant to MN State Statute Section 15.99 and Section 26-74 of the City of Crosslake Land Use Ordinance:

The purpose of this letter is to inform you that our office is extending the 60-day deadline for Agency action up to an additional 60-days, no later than May 25, 2022.

The purpose of the extension is to allow the property owner time attend the April 22 Planning Commission/Board of Adjustment hearing. This should allow winter conditions to subside eg., snow cover, so the Board Members can have the opportunity to see the project as the patios are currently covered under a significant amount of snow.

Thank you for your cooperation and flexibility. If you have any questions please don't hesitate to contact me.

Sincerely,

Peter Gansen

Planning & Zoning Administrator
13888 Daggett Bay Road
Crosslake, MN 56442
Phone: (218) 692-2689
E-Mail: pgansen@crosslake.net

Cc: andre@majesticcustom.com



AFTER-THE-FACT Variance Application

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

February 25th 2022

4-22-2022 meeting per email 1-24-2022

DA

Receipt Number: 969824

Permit Number: 220006V

Property Owner(s): Donald Andre + Julie Chaunard

Mailing Address: 8800 Bayl Court NW, Ramsey, MN 55303

Site Address: 14037 Autumn Ridge Road, Crosslake, MN 56442

Phone Number: 612-419-2173

E-Mail Address: andre@majesticcustom.com

Parcel Number(s): 14 16 05 92

Legal Description: Lot 3, Blk 1, White Pine Estates 1994

Sec 16 Twp 137 Rge 26 27 X 28

Lake/River Name: Daggett

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

If yes list Parcel Number(s)

Authorized Agent: D. Andre Chaunard

Agent Address: (see above)

Agent Phone Number: 612-419-2173

Variances

(Check applicable requests)

- ☐ Lake/River Setback
- ☐ Road Right-of-Way Setback
- ☐ Bluff Setback
- ☒ Side Yard Setback of 2' where 10' is required
- ☐ Wetland Setback
- ☐ Septic Tank Setback
- ☐ Septic Drainfield Setback
- ☐ Impervious Coverage
- ☐ Accessory Structure
- ☐ Building Height
- ☒ Patio Size 759sf where 400sf is allowed
- ☒ Additional WOAS of 249sf where 1 is allowed at 120sf
- ☐

Signature of Property Owner(s)

Date 10-12-2021

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" X3 = \$1500 + \$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 CS Date 1-27-2022 to Land Use District SA

Lake Class GD Septic: Compliance 9-29-2021 SSTS Design: Y/A Installation: Done 1-24-2022

per revised survey review for April meeting per email dated 1-24-2022



City of Crosslake Planning Commission/Board of Adjustment

After-The-Fact Variance Application

Findings of Fact

Supporting/Denying an After-The-Fact Variance

An After-the-Fact 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 After-the-Fact Variance request in harmony with the purposes and intent of the Ordinance?

Yes No

Why?

We are not sure.

2. Is the After-the-Fact Variance consistent with the Comprehensive Plan?

Yes No

Why?

We are not sure.

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

Yes No

Why?

Our outdoor patio is not grossly oversized for the size of our ~~lot~~ yard. We attached it to our deck and made it the size of the existing deck steps. Due to the septic system, this was the only location available on our lot.

4. Will the issuance of an After-the-Fact Variance maintain the essential character of the locality?

☒ Yes

☐ No

Why?

Our area is designed for entertaining and family and is very similar to our neighbors.

5. Is the need for an After-the-Fact Variance due to circumstances unique to the property and not created by the property owner?

☒ Yes

☐ No

Why?

Very unique to our property as we are surrounded by water on 180 degrees of our property.

6.. Does the need for an After-the-Fact Variance involve more than economic considerations?

☒ Yes

☐ No

Why?

Yes, by cutting the patio down it will cause a safety hazard.

7. Did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? (Whether the applicant acted in good faith should be considered in the analysis of this factor)

☒ Yes

☐ No

Why?

We were unaware of permitting requirements. We hired a contractor to lay the slab and were not notified of a permit being needed.

8. Did the applicant attempt to comply with the Ordinance by obtaining the proper permits?

Yes

☒ No

Why?

No, we were unaware of non-compliance and did not take proper steps until now.

9. Did the applicant make a substantial investment in or improvement to the property?

☒ Yes

No

Why?

Added value (taxable value) to our property and surrounding properties.

10. Are there other similar structures in the neighborhood?

☒ Yes

No

Why?

We believe 2 other parties have outdoor patios.

11. Would the minimum benefits to the City appear to be far outweighed by the detriment the applicant would suffer if forced to move or remove the structure?

☒ Yes

No

Why?

We believe the additions done have added value to the City and our neighbors versus cutting the patio and causing a dangerous area. We would love to plant a garden on all lake sides of the patio to capture any water runoff.



City of Crosslake Planning Commission/Board of Adjustment

After-The-Fact Variance Application

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

Yes No
Why?

2. Is the After-the-Fact 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 an After-the-Fact Variance maintain the essential character of the locality?

Yes No

Why?

5. Is the need for an After-the-Fact Variance due to circumstances unique to the property and not created by the property owner?

Yes No

Why?

6. Does the need for an After-the-Fact Variance involve more than economic considerations?

Yes No

Why?

7. Did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? (Whether the applicant acted in good faith should be considered in the analysis of this factor)

Yes No

Why?

8. Did the applicant attempt to comply with the Ordinance by obtaining the proper permits?

Yes No

Why?

9. Did the applicant make a substantial investment in or improvement to the property?

Yes No

Why?

10. Are there other similar structures in the neighborhood?

Yes No

Why?

11. Would the minimum benefits to the City appear to be far outweighed by the detriment the applicant would suffer if forced to move or remove the structure?

Yes No

Why?