

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)

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## **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:** Billario Holdings LLC (Bill & Marie Orke)

**Authorized Agent:** Wes Hanson Builders, Inc.

**Site Location:** 11934 County Rd 103, Crosslake, MN 56442 on Crosslake-GD

**Variance for:**

- Accessory Structure size of 1724 square feet where 1200 square feet is allowed

**To construct:**

- 392 square foot addition to a 1332 square foot accessory structure

**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: Billario Holdings, LLC (Bill & Marie Orke)

Parcel Number(s): 14310726, 14310728

Application Submitted: March 7, 2022

Action Deadline: May 5, 2022

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:**

- Accessory Structure size of 1724 square feet where 1200 square feet is allowed

**To construct:**

- 392 square foot addition to a 1332 square foot accessory structure

**Current Zoning:** Shoreland District

<b><u>Existing Impervious Coverage:</u></b>	<b><u>Variance Approved:</u></b>	<b><u>Proposed Impervious Coverage:</u></b>
20.8%	23.4%	24.8%

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

**Development Review Team Minutes held on 2-8-2022:**

- Property is located on Crosslake at 11928 & 11934 County Road 103 with a lake setback of 75 feet
- The proposed garage addition of 450 sf will meet all setbacks; variance is for accessory structure size increase to 1744 sf where 1200 sf is allowed
- Explanation was presented to staff as to the thought process and need for the variance
- Possible supplemental data form would be requested, but appears to be around 1236 +/-
- Asked to give the city a call to deactivate the address at the abandon driveway when ready
- 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 impervious exceeds 20% a Shoreline Rapid Assessment Model form is completed (Sec. 26-518) with the results of a 10' no mow buffer along Crosslake
- 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 permit 210160 was approved 7-26-2021 and compliance inspections on file dated 7-31-2020 and 8-11-2020 on the existing systems
- Wetland Delineation is on file dated 6-9-2021
- 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 is on file
4. A septic permit has been issued; 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

**PARCEL 14310728 & 14310726:**

- July 2021 – Variance approved for lake setback and patio size increase
- July 2021 – 133'x36' house, 36'x30' attached garage, 13.8'x10' & 14'x8' & 13'x8' porches, demolition of some existing building(s) and septic
- July 2021 – Shoreland/Land Alteration for patio (WOAS), retaining wall and dirt

**Agencies Notified and Responses Received:**

**County Highway Dept:** No comments were received as of 4-8-2022

**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:**

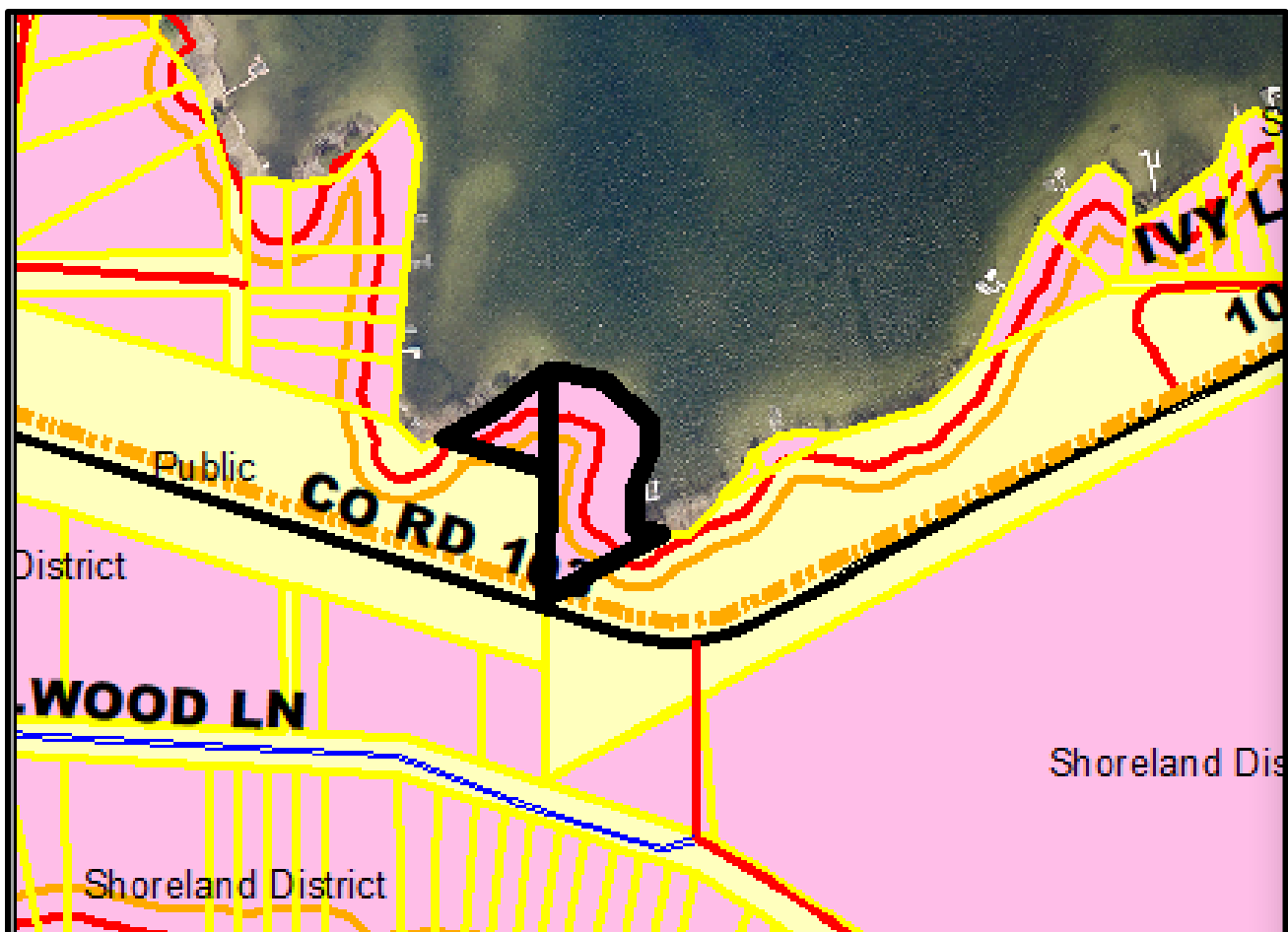
To approve/table/deny the variance to allow:

- Accessory Structure size of 1724 square feet where 1200 square feet is allowed

**To construct:**

- 392 square foot addition to a 1332 square foot accessory structure

As shown on the certificate of survey dated 3-2-2022





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

TRACT A  
59,713 sq. ft.  
14 Acres

CROSS LAKE

GENERAL DEVELOPMENT CLASSIFICATION  
NORMAL RESERVOIR POOL ELEVATION = 1229.57  
100 YEAR FLOOD ELEVATION = 1231.00  
HIGHEST KNOWN ELEVATION = 1234.36  
INFORMATION OBTAINED FROM CORRS OF  
ENGINEERS LAKE ELEVATION = 1229.42 ON 10-1-2020

EXIST. BUILDING HEIGHTS  
GARAGE #1 = 17'  
HOUSE #1 = 14'  
HOUSE #2 = 21'  
PROPOSED BUILDING = 20'

VOLUME CALCULATIONS:

Existing upper level habitable volume within OHW Setback  
Garage #1 = 5,332 cu. ft.  
House #2 = 3,232 cu. ft.  
Total Existing = 8,564 cu. ft.

Proposed upper level habitable volume within OHW = 4,128 cu. ft.

ZONE CALCULATIONS:

Existing Buildings square footage within OHW setback  
Garage #1 = 753 sq. ft.  
House #1 = 140 sq. ft.  
House #2 = 1,002 sq. ft.  
Garage & Shed = 160 sq. ft.  
Total Area = 2,055 sq. ft.

Existing Buildings square footage within building envelope  
Garage #1 = 533 sq. ft.  
House #1 = 1,127 sq. ft.  
House #2 = 1,926 sq. ft.  
Garage & Shed = 1,172 sq. ft.  
Total Area = 4,758 sq. ft.

Proposed Building square footage within OHW  
House = 3,179 sq. ft. (existing 1,895 sq. ft., net= 1,284 sq. ft.)  
Proposed Building square footage within building envelope  
House = 3,071 sq. ft.  
Garage Stall = 392 sq. ft.

LEGAL DESCRIPTION PER DOCUMENT NUMBER 0570802

The portion of the Northeast Quarter of the Southwest Quarter (NE¼SW¼), 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 (NW¼SW¼) of the same Section 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 Northwest Quarter of the Southwest Quarter (NW¼SW¼), 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 (NE¼SW¼); 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 NW¼SW¼, 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 southeasterly 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 (sq. ft.)
House #1	1,267	59,713	2.1%
Garage #1	1,286	59,713	2.2%
House #2, Porch & Overhang	2,828	59,713	4.9%
Garage #2 & Shed	1,332	59,713	2.2%
Flagstone, Concrete & Pavers	1,172	59,713	2.0%
Bituminous	4,456	59,713	7.5%
Total	12,441	59,713	20.8%

IMPERVIOUS CALCULATIONS

PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent ImperVIOUS (sq. ft.)
Exist. Garage #2 & Shed	1,332	59,713	2.2%
Exist. Flagstone, & Conc.,	456	59,713	0.8%
Existing Driveway	2,642	59,713	4.4%
Proposed House & Open Porches	6,250	59,713	10.5%
Proposed Pickleball Court	1,620	59,713	2.7%
Proposed Flagstone	891	59,713	1.5%
Proposed Driveway	1,247	59,713	2.1%
Proposed Stall on Garage #2	392	59,713	0.7%
Total	14,830	59,713	24.8%

RUN OFF CALCULATIONS

Total ImperVIOUS Surface Area	14,830 sq. ft.	X 0.00833 ft. =	1,235 cu. ft.
(from table above)			

PROPOSED RUN OFF AREA

Existing 10' x 40' pressure bed and existing 1600 combo tank to be used for run off storage

NOTES:

1. Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 10-1-2020.
2. Zoning for subject tract = "Shoreland District".
3. There are no bluffs or wet lands within surveyed property.
4. Property is in "Zone X" and "Zone A" as per the FIRN, 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.
5. Parcel IDs of subject parcel: 14310726 & 14310728.
6. The property address of subject parcel: 11928 County Road 103 & 11934 County Road 103.
7. Approximate locations of septic systems per sketches prepared by M & R Excavating, 1515 #2512 and Dennis F. Shayton, #1211.
8. Pavement for driveway and parking areas, septic tanks and drainfield servicing subject property lie on lands owned by United States of America, c/o U.S. Army Corps of Engineers.
9. Net Fill = 6.6 cubic yards

LEGEND

- DENOTES EXISTING RETAINING WALL
- DENOTES EDGE OF EXISTING BRITUMINOUS
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING PAVING STONES
- DENOTES EDGE OF EXISTING WOODEN DECKING
- DENOTES EDGE OF EXISTING FLAGSTONE
- DENOTES EXISTING INTERMEDIATE CONTOURS
- DENOTES EXISTING INDEX CONTOURS
- DENOTES EXISTING MOUNTED 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
- BENCHMARK: HIGH POINT OF WELL
- ELEV. = 1239.48
- NGVD 29 DATUM
- DENOTES CALCULATED POSITION
- DENOTES MONUMENT FOUND
- DENOTES JUDICIAL MONUMENT FOUND

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE EAST LINE OF THE NW ¼SW ¼ TO HAVE AN ASSUMED BEARING OF N 0°00'00" W.



SCALE IN FEET  
ON 22" x 34" SHEET

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 PLS #41002  
DATE 3-2-2022 LIC. NO. 41002



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

REVISIONS

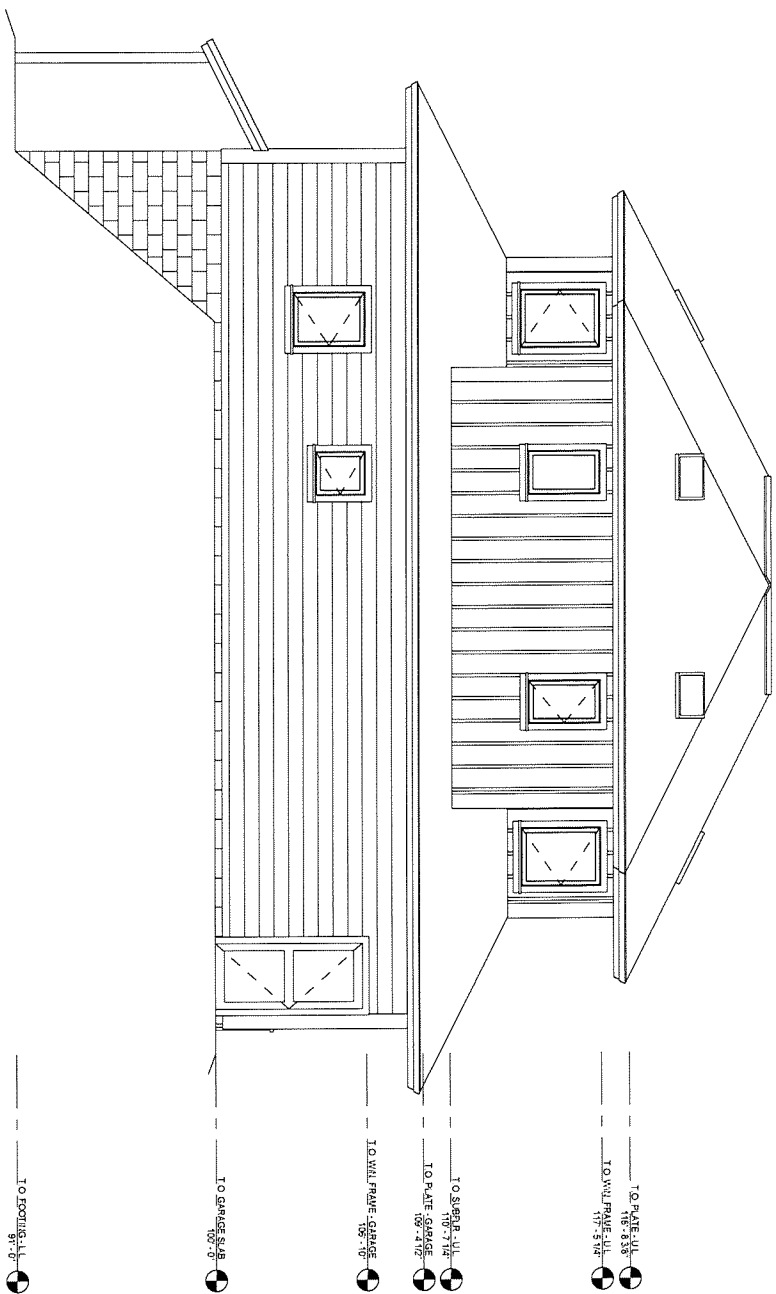
DATE	DESCRIPTION

DATE: 3-2-2022  
SCALE: 1"=30'  
HORIZ. NONE  
VERT. NONE

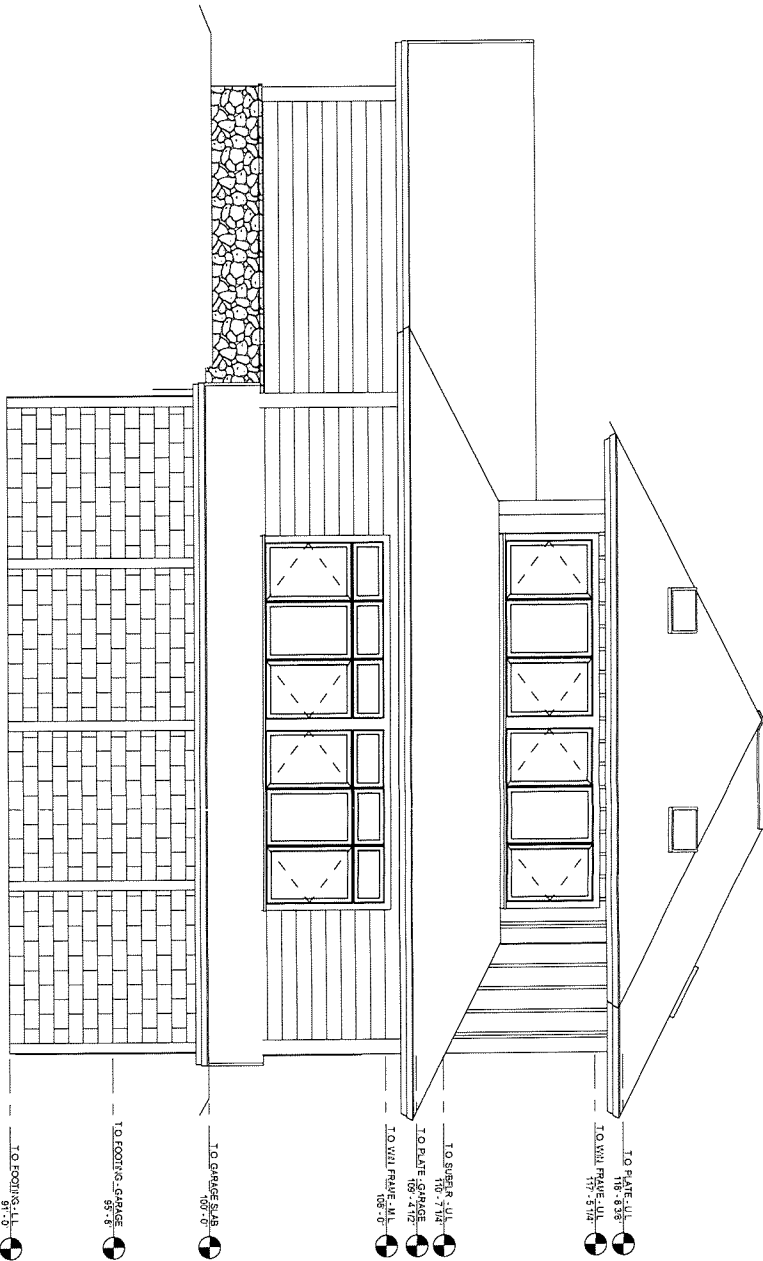
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FIELD BOOK: PG.

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

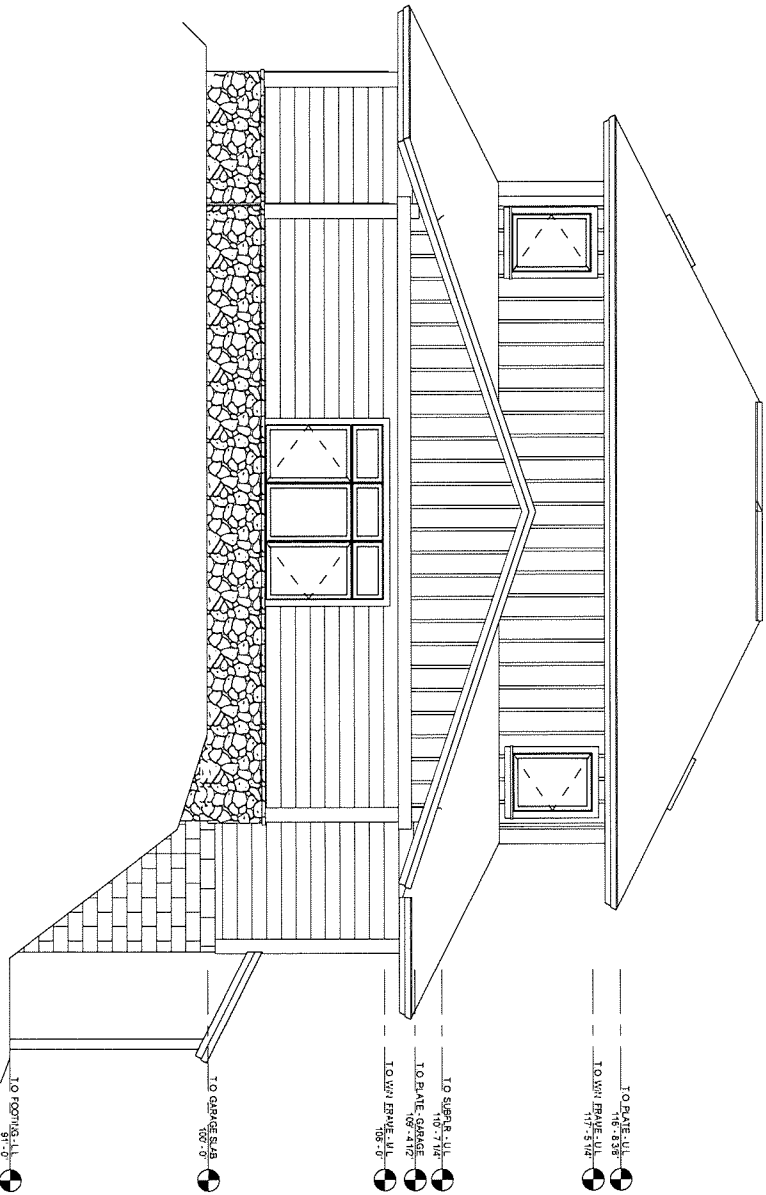
CERTIFICATE OF SURVEY  
Wes Hanson Builders  
P.O. Box 456  
35586 County Road 66  
Crosslake, MN 56442



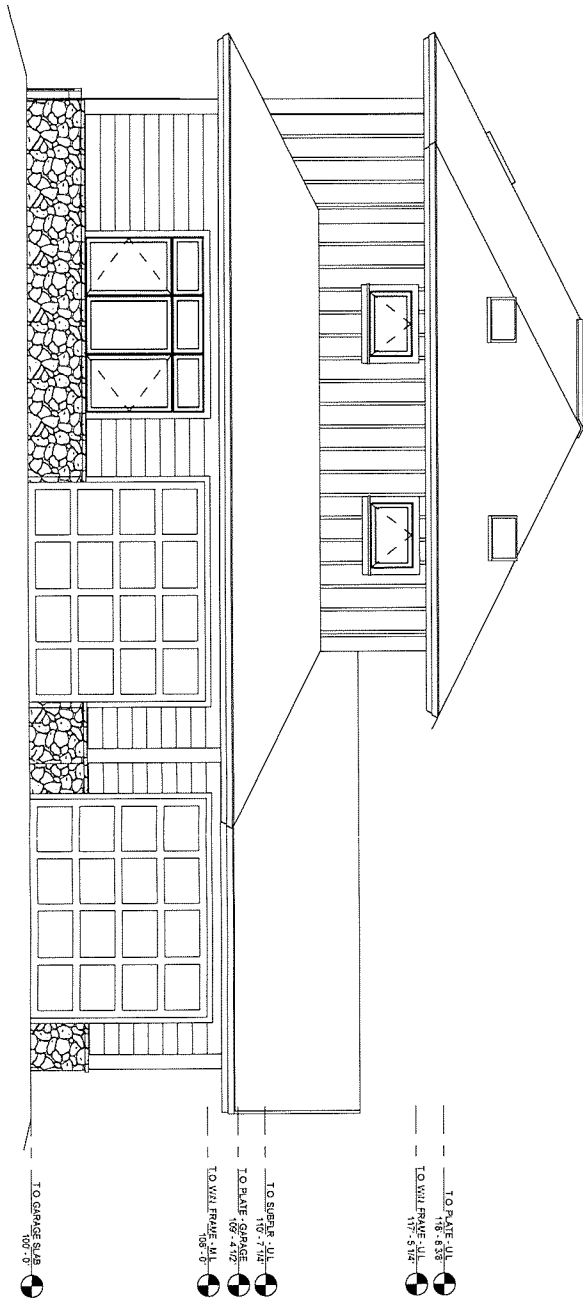
1 NORTH ELEVATION  
A2.1 1/4" = 1'-0"



2 EAST ELEVATION  
A2.1 1/4" = 1'-0"



3 SOUTH ELEVATION  
A2.1 1/4" = 1'-0"



4 WEST ELEVATION  
A2.1 1/4" = 1'-0"

REVISIONS



34103 COUNTY ROAD 3  
CROSSLAKE, MN 56442  
PHONE (218) 692-1760  
FAX (218) 692-1770

SOUTHPOINTE GARAGE  
ORKE, BILL + MARI  
11934 COUNTY RD 103 - CROSSLAKE, MN 56442  
EXTERIOR ELEVATION

DRAWN BY: ECO  
CHECKED BY: MWS  
DATE: 7/27/21


A2.1


PROPERTY OF WES HANSON BUILDERS, INC.





Permit 216161


Legend


-   
Mopel Autumn Blaze<sup>®</sup>  
x4


  
Mopel Crimson Sentry<sup>™</sup>  
x1


  
Magnolia Tree Royal Star<sup>®</sup>  
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
  
Pine Tamonburi<sup>®</sup>  
x5


  
River Birch<sup>®</sup>  
x2


  
Profile Dream Paper Birch<sup>®</sup>  
x2


  
Fox Valley Little King<sup>®</sup>  
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
  
Dwarf Globe Blue Spruce Globeaet<sup>®</sup>  
x8


  
Ninebark Little Dwarf<sup>®</sup>  
x4


  
Dogwood Red Gem<sup>®</sup>  
x3


  
Spirea Goldflame<sup>®</sup> x10


  
Hemlock Moon Frost<sup>®</sup>  
x3


  
Aster Purple Dome<sup>®</sup>  
x5


  
Red Creeping Thyme<sup>®</sup>  
x115


  
Poony Do Tell Japanese<sup>®</sup>  
x4


  
Forn Lady<sup>®</sup>  
x75


  
Blueberry Pafiot<sup>®</sup>  
x3

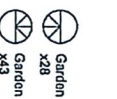
  
Fern Oudier<sup>®</sup>  
x52


  
Fern Ghost<sup>®</sup>  
x28


  
Hydrangea Lava Lamp Flame<sup>®</sup>  
x16


  
Hosia Lakeside Paley Pinf<sup>®</sup>  
x23


  
Sakia Sensation Deep Blue<sup>®</sup>  
x48


  
Garden Phlox Coral Crome Drop<sup>®</sup>  
x28


  
Garden Phlox Grape Lollipop<sup>®</sup>  
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
  
Oriental Lily Singazor and Sundry Gloves<sup>®</sup>  
x40


  
Tiger Lily Splendent and Casa Blanca<sup>®</sup>  
x73


  
Creeping Phlox Emonid Blue<sup>®</sup>  
x87


  
Creeping Phlox Emerald Pink and Snowflake<sup>®</sup>  
x111


  
Dianthus Cranberry Cocktail Fruit Punch<sup>®</sup>  
x22


  
Asilbe Rainland and Visions in White<sup>®</sup>  
x127


  
Asilbe Visions in Red<sup>®</sup>  
x148


  
Asilbe Chocolate Shogun<sup>®</sup>  
x27


  
Holonum Fungo<sup>®</sup>  
x5


  
Rudbeckia Visions Little Suzy<sup>®</sup>  
x11


  
Brunnera Jack Frost<sup>®</sup>  
x24


  
Feather Reed Year Forester<sup>®</sup>  
x42


  
Blue Owl Grass<sup>®</sup>  
x63

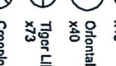
  
Woodland Phlox Blue Moon<sup>®</sup>  
x111


  
Sunset Gold-Low Fragrant<sup>®</sup>  
x9


  
Ferne Grass<sup>®</sup>  
x17


  
Lobelia Cardinal Flower<sup>®</sup>  
x27


  
Dolphinium Magic Fountains Sky Blue<sup>®</sup>  
x29


  
Rudbeckia Goldstium<sup>®</sup>  
x41


  
Iris Blount and Contrast in Style<sup>®</sup>  
x56



  
Coniflowe Foul Attractor and Rainbow Marcella<sup>®</sup>  
x47

  
Sodium Stenocrop Neon and Class Act<sup>®</sup>  
x43


  
Dogwood Budds Yellow<sup>®</sup>  
x7

  
Dogwood Arctic Fire<sup>™</sup>  
x8

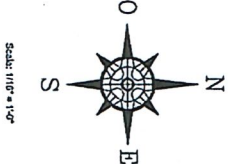
  
Wineberry Allerglow<sup>®</sup>  
x4

  
Boulder Accent<sup>®</sup>  
x23
- Full Site Plan View
- Materials
- Wood Mulch: 5,750 sq. ft.
  - 1.5"-3" River Rock: 3,615 sq. ft.
  - Flagstone Pathways: 840 sq. ft.
  - Flagstone Steppers: 130
  - Natural Stone Edging: 700 Linear ft.
  - Stair Treads: 51
  - Retaining Wall: 623 Linear Feet
  - Driveway Pad 3 Row Trim: 280 sq.ft.
  - Driveway Pad Interior: 1,610 sq. ft.
  - Rip Rap: 397
  - Sand: 426 sq. ft.
  - Sod: 29,940 sq. ft.
- 
- 

JACOB MILLER  
Senior Landscape Architect  
Jr. Project Manager  
Nashua, NH 03040  
Phone: 603.881.1348  
www.jacobmillerdesign.com



South Point  
Orke Landscape Design  
11934 County Road 103  
Crosslake, MN 56442



Scale: 1" = 10'

PROJECT: Ona Landscape Design  
CAD FILE: Ona Project Landscape Design  
DRAWN: JIM MILLER  
ISSUED: 07/20/2021  
REVISIONS: 06/11/2021

South Pointe  
P&L 06/10/20  
SHEET NUMBER:  
L01



# Appendix C: SHORELINE RAPID ASSESSMENT MODEL



The City of Crosslake's Shoreline Rapid Assessment Model (SRAM) is a tool for quickly and objectively determining the degree of natural vegetation along a shoreline and the amount of natural buffer required to meet Ordinance requirements. With this model, the Shore Impact Zones (SIZ-1 & SIZ-2) are evaluated for natural vegetative cover and a cumulative score is tallied. Vegetative restoration that may be necessary must be performed according to Article 19.

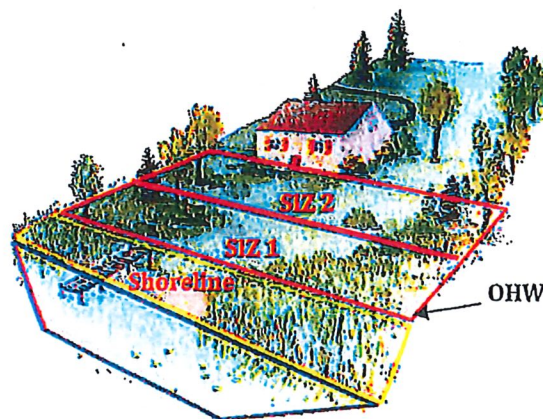
## Shoreline:

Condition of Shoreline	Score:
Stable shoreline	0
< 25% of shoreline is eroding or unstable	-1
25-50% of shoreline is eroding or unstable	-2
50-75% of shoreline is eroding or unstable	-3
> 75% of shoreline is eroding or unstable	-4

## Ground cover:

% Naturally Vegetated Cover in SIZ 1	Points:
< 25% natural ground cover	1
25-50% natural vegetative cover	3
50-75% natural vegetated cover	5
> 75% natural vegetated cover	7

% Naturally Vegetated Cover in SIZ 2	Points:
< 25% natural ground cover	1
25-50% natural vegetative cover	2
50-75% natural vegetative cover	3
> 75% natural vegetated cover	4



## Trees / shrubs:

% Naturally Vegetated Cover in SIZ 1	Points:
< 25% of surface is covered by shrubs and trees	1
25-50% of surface is covered by shrubs and trees	3
50-75 % of surface is covered by shrubs and trees	5
> 75% of surface is covered by shrubs and trees	7

% Naturally Vegetated Cover in SIZ 2	Points:
< 25% of surface is covered by shrubs and trees	1
25-50% of surface is covered by shrubs and trees	2
50-75 % of surface is covered by shrubs and trees	3
> 75% of surface is covered by shrubs and trees	4

### If score is 0-5:

- Leave a 20' No Mow Buffer & possible other mitigation efforts

### If score is 6-10:

- Leave a 15' No Mow Buffer

### If score is 11-15:

- Leave a 10' No Mow Buffer

Above buffers shall allow for an access area to lake, per Ordinance requirements

Landowner Orke

Permit or Parcel Number 210160 & 210161

Score 13 (Max Score = 22)

Crosslake Planning & Zoning Department Staff [Signature]

7/26/21



# Wetland Location Map PID#'s 14310728 & 14310726



0 25 50 100 Feet

## Legend

- Boundary
- Wetland







Matt Schmidt <matt@weshansonbuilders.com>

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## Orke garage variance

1 message

---

**Peterson, Kenneth J CIV USARMY CEMVP (USA)** <kenneth.j.peterson@usace.army.mil> Mon, Mar 7, 2022 at 12:35 PM  
To: "pgansen@crosslake.net" <pgansen@crosslake.net>  
Cc: Matt Schmidt <matt@weshansonbuilders.com>, "Grow, Jeffrey K CIV USARMY CEMVP (USA)" <Jeff.K.Grow@usace.army.mil>

Mr. Gansen,

Per our phone conversation this morning: Mr. Orke has approached the US Army Corps of Engineers about purchasing additional land to increase his lot size. Unfortunately, all US Government land holdings in the area are needed for project operation purposes and cannot be sold to private parties.

Please let me know if you have any questions.

Thank you,

Ken Peterson

Realty Specialist

651-290-5359

**Cheryl**

---

**From:** McNeil, Danielle (DNR) <danielle.mcneil@state.mn.us>  
**Sent:** Tuesday, January 18, 2022 8:09 PM  
**To:** Cheryl  
**Subject:** RE: 2-8-2022 DRT Meeting  
**Attachments:** 2021-09-28-ORKE\_SHORELINE\_PERMIT.pdf

Hi Cheryl,

This applicant applied for a DNR Public Waters Work Permit earlier this summer to remove an existing timber retaining wall (approximately 225 linear feet) and existing riprap (approximately 400 linear feet), regrade the shoreline to match the natural contours, and install riprap along approximately 400 linear feet of shoreline. The plans submitted with the application indicated some of the grading would be above the OHWL. The plans also included the installation of a buffer of native plants and shrubs landward of the riprap (above the OHWL).

The City of Crosslake was notified of the DNR permit application as part of our review process, which includes soliciting comments from local government units. Jon provided some comments that the plans provided with the DNR application did not match plans he had been provided as part of a shoreland alteration permit for dirt moving associated with shoreline regrading and buffer installation. The inconsistencies were resolved - I believe via an amended application for the shoreline alteration permit indicating the correct dirt moving amounts. Jon issued the shoreland alteration permit, which I've attached for reference.

I just mention this as it may be worth asking the applicant if the work permitted in the shoreland alteration permit has been completed yet. The buffer installation could provide additional protection from overland flow/stormwater if correctly installed. As the proposed variance would result in an increase in impervious surface cover, the buffer could potentially help mitigate those impacts.

Let me know if you want to discuss further.

Thanks,  
Dani

**Dani McNeil**

Hydrologist | Ecological & Water Resources Division

**Minnesota Department of Natural Resources**

1601 Minnesota Drive

Brainerd, MN, 56401

218-203-4367\*

[Danielle.McNeil@state.mn.us](mailto:Danielle.McNeil@state.mn.us)

\* Please note: DNR staff are currently working from home and may return your call from an alternative number. Contact via email is strongly encouraged at this time.

[mndnr.gov](http://mndnr.gov)

 **DEPARTMENT OF  
NATURAL RESOURCES**





Parcel Code: 14310728 - 14310730

Property Owner: Billanna Holdings Bill Manonke

Site Address: 11939 + 11928 County Road 103

City, State, Zip: Crosslake MN 56443

Mailing Address: 42047 105th St N

City, State, Zip: Scottsdale AZ 85263

Day Time Phone: 612-867-7714 Cell Phone: 612-867-7001

Email Address: BillManonke@comcast.net

Legal Description: Wanneba Excavating

Section: 31 Twp: 137 Rge: ☒ 27 / ☐ 28 Acres: 6.4

Lake / River: Cross Lake

Signature: [Signature]

Authorized Agent: Wes Hanson Builders Inc

Date:

## Conditions/Notes:

- ☒ Call for On-Site Inspection after flagged
- ☒ Stormwater Management Plan
- ☒ Call for footing inspection before any concrete is poured
- ☒ Call upon completion for inspection
- ☒ Variance or CUP must meet conditions 210124V

## OFFICE USE ONLY

Received by: [Signature] Date: 7/26/21

Zoning: SD Septic:

Date of: New Design / Upgrade / Compliance

Lake Classification: X GD RD NE

Floodplain 1232.5 Contractors License Requirements ☒

Impervious Coverage: 20.8 % / 23.4 %

Existing / Proposed

Shoreland Rapid Assessment Model 9 Buffer Required 10'

Approved By: [Signature] Date: 7/26/21

Total Fees: \$150.00

## Please check items you are applying for:

- ☐ Patio\* not exceeding 250 sq ft -SIZ2\*
- ☒ Patio\* not exceeding 400 sq ft w/SMP\* -SIZ2\*
- ☐ Residential stairway/walkway/lifts for water access not exceeding 4 feet in width (15' corridor)
- ☐ Commercial stairway/walkway/lifts for water access not exceeding 8 feet in width (15' corridor)
- ☐ Residential landing for stairway to access water not exceeding 32 sq ft
- ☐ Commercial landing for stairway to access water not exceeding 64 sq ft
- ☐ Residential water oriented accessory structure\* not exceeding 120 sq ft\* (at least 20' from OHWL\*)
- ☐ Commercial water oriented accessory structure\* not exceeding 250 sq ft\* (from at least 20' OHWL\* &/or 10' DNR permitted harbor) Meets requirements of Sec 26-317
- ☒ Retaining wall not exceeding 4 ft in height Residential in SIZ1\* & SIZ2\* only (RLZ\* exempt-no permit needed)
- ☐ Boardwalk for lake access over wetland not exceeding 8 ft in width
- ☐ Watercraft access ramp meeting requirements of Sec 26-320
- ☐ Vegetation removal on bluff\* and steep slope\* for access path\* not exceeding 8 ft in width
- ☐ Vegetation removal not on bluff\* and steep slope\* to access a shoreline recreation use area not exceeding 15 ft in width
- ☐ Removal of woody vegetation within SIZ1\* NE lakes only
- ☐ Shoreland recreation use area-30% of total lot width and 25 ft landward from OHWL\* (200' maximum)
- ☐ Sand blanket not exceeding 30% of total lot width and 25 ft landward from OHWL\* no more than 10 cu yds annually (200' maximum)
- ☐ Upland fill Up to 30 cubic yards - SIZ1\* annually
- ☒ Upland fill 10 to 50 cubic yards - SIZ2\* annually
- ☒ Upland fill 10 to 100 cubic yards - RLZ\* annually
- ☐ Historic ice ridge\* - Width \_\_\_\_\_ (No permit for Annual ice ridge\* per Article 21, Sec. 26-575, d)
- ☐ Commercial dirt moving\*, Article 21 Sec 26-576 (2)- Cu Yds \_\_\_\_\_
- ☐ Residential dirt moving\*, Article 21 - Cu Yds \_\_\_\_\_

\*Notates definitions on last page

## OFFICE USE ONLY

## Comments:

576-sq ft of Pickleball Court in SIZ2

add Retaining Walls and  
Dirt Moving in SIZ2 9-24-21  
Be 9/24/21



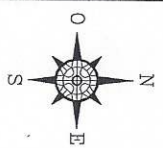
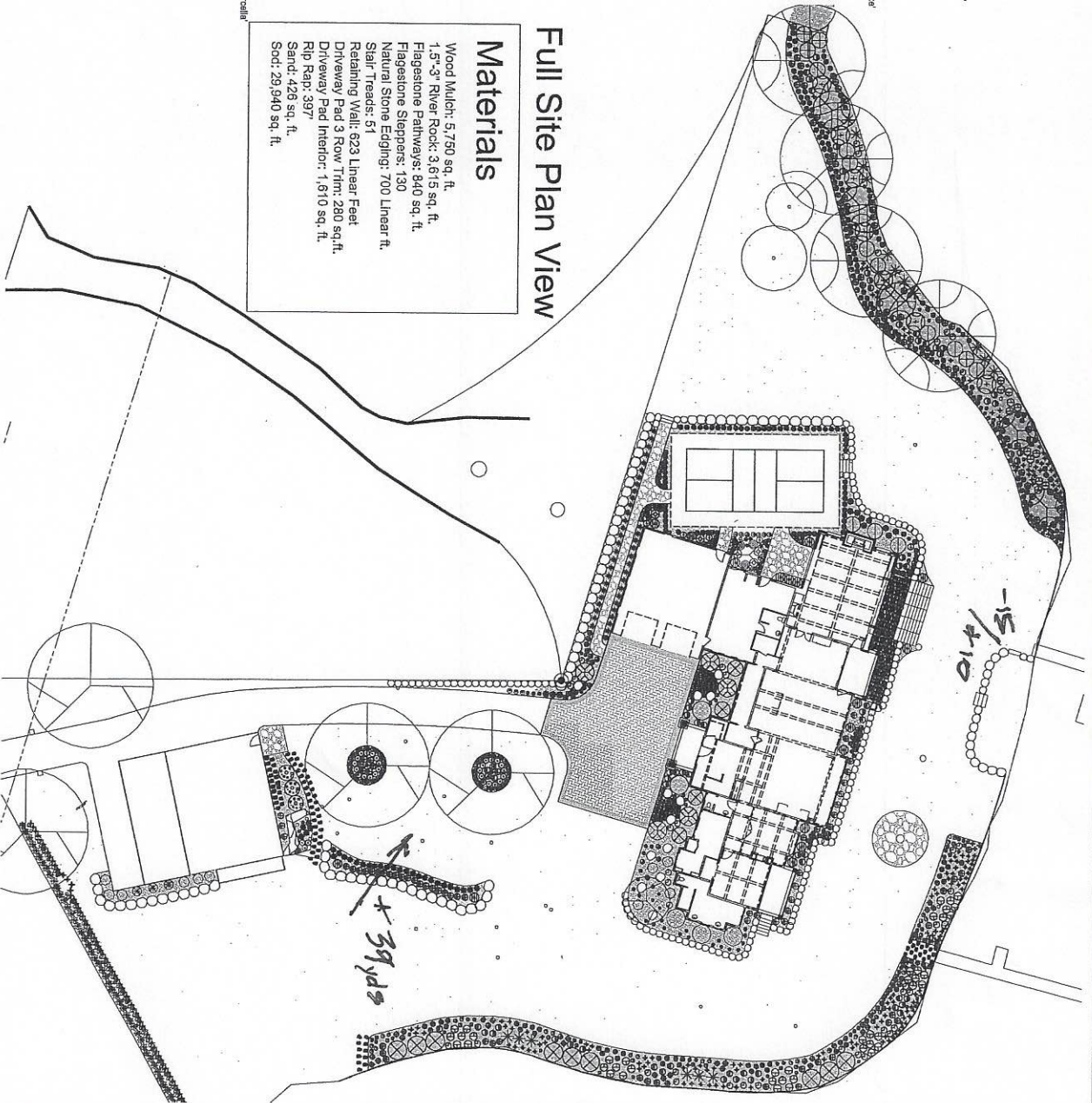
# Legend

- Majesty Autumn Blaze<sup>®</sup> x4
- Majesty Caramel Sentry<sup>™</sup> x1
- Majesty Tree Royal Star<sup>®</sup> x1
- Pier Translucent<sup>®</sup> x5
- River Birch<sup>®</sup> x2
- Princess Dwarf<sup>®</sup> Paper Birch<sup>®</sup> x2
- For Valinge Little King<sup>®</sup> x5
- Dwarf Globe Blue Spruce Globosus<sup>®</sup> x5
- Witchcraft Little Dwarf<sup>®</sup> x4
- Downwood Red Goner<sup>®</sup> x3
- Steele Coddle<sup>®</sup> x10
- Humboldt Moon Frost<sup>®</sup> x5
- Aster Purple Dwarf<sup>®</sup> x5
- Red Creeping Thyme<sup>®</sup> x115
- Peony Du'el Japanese<sup>®</sup> x4
- Fern Lady<sup>®</sup> x15
- Blueberry Peltor<sup>®</sup> x3
- Fern Vetch<sup>®</sup> x52
- Fern Ghazal<sup>®</sup> x25
- Hydrangea 'Lara Lamp Flare'<sup>®</sup> x16
- Hosta 'Lancaster Paley Pink'<sup>®</sup> x25
- Salvia 'Sensational Deep Blue'<sup>®</sup> x45
- Garden Phlox Coral Cream Drop<sup>®</sup> x25
- Garden Phlox Gump Liliput<sup>®</sup> x13
- Oriental Lily 'Sungazer' and 'Sundey Glows'<sup>®</sup> x10
- Tiger Lily 'Splendor' and 'Cama Blance'<sup>®</sup> x73
- Creeping Phlox 'Emerald Blue'<sup>®</sup> x15
- Creeping Phlox 'Emerald Pink' and 'Snowflake'<sup>®</sup> x11
- Dianthus Cranberry Cocktail Fruit<sup>®</sup> x25
- Ardor 'Pinkland' and 'Vilans in White'<sup>®</sup> x177
- Ardor 'Vilans in Red'<sup>®</sup> x118
- Ardor 'Chocolate Shogun'<sup>®</sup> x27
- Helenium 'Fudge'<sup>®</sup> x5
- Rudbeckia 'Vilans's Little Suzy'<sup>®</sup> x11
- Burners 'Lark Frost'<sup>®</sup> x24
- Feather Reed 'Karl Forester'<sup>®</sup> x42
- Blue Cat Grass<sup>®</sup> x33
- Woodland Phlox Blue Moon<sup>®</sup> x111
- Sunrise Owl-Low Fragrant<sup>®</sup> x9
- Flame Grass<sup>®</sup> x17
- Lobelia Cardinal Flower<sup>®</sup> x27
- Dolphium Mapi's Fountain<sup>®</sup> x45
- Sky Blue<sup>®</sup> x41
- Rubus Goldstium<sup>®</sup> x41
- Ice Blount<sup>®</sup> and 'Conchita in Style'<sup>®</sup> x25
- Comfower 'Fairy Attraction' and 'Rainbow Marcella'<sup>®</sup> x17
- Sedum Blotches 'Neri' and 'Class Act'<sup>®</sup> x43
- Downwood Bird's Yellow<sup>®</sup> x7
- Downwood Arctic Fire<sup>®</sup> x8
- Whitewary 'Alinglow'<sup>®</sup> x4
- Boulder Accent<sup>®</sup> x23

## Full Site Plan View

### Materials

Wood Mulch: 5,750 sq. ft.  
 1.5"-3" River Rock: 3,615 sq. ft.  
 Flagstone Pathways: 840 sq. ft.  
 Flagstone Steppers: 130  
 Natural Stone Edging: 700 Linear ft.  
 Slab Treads: 51  
 Retaining Wall: 423 Linear Feet  
 Driveway Pad 3 Row Trim: 280 sq. ft.  
 Rip Rap: 387  
 Sand: 425 sq. ft.  
 Sod: 29,940 sq. ft.



**South Point**  
 Orke Landscape Design  
 11934 County Road 103  
 Crosslake, MN 56442



PROJECT: Oak Landscape Study  
 DRAWN: Jacob Miller  
 ISSUED: 07/23/2021  
 REVISIONS: (N/A)

**South Point**  
 L01  
 SHEET NUMBER

## Public Waters Work & Prohibited Invasive Species Permit

**Expiration Date: 09/30/2026**

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below.

<b>Project Name:</b> ORKE	<b>County:</b> Crow Wing	<b>Watershed:</b> Pine River	<b>Resource:</b> Lake: Cross Lake Reservoir (18031200)
<b>Purpose of Permit:</b> Riprap (Natural Rock)		<b>Authorized Action:</b>  1. Remove existing treated timber retaining wall extending approximately 225 feet along the shoreline. All materials associated with the retaining wall shall be removed in their entirety from the bed of the public water and permanently disposed of at an upland site consistent with conditions listed herein. See specifically the condition Transporting and Disposing of Infested Materials.  2. Regrade the existing shoreline to a slope no steeper than 3:1 (horizontal to vertical) to match the natural contours of the shoreline. Remove and reinstall natural rock riprap along approximately 400 feet of shoreline. Riprap shall conform to the contours of the regraded shoreline, shall not extend more than 6 feet waterward of the Ordinary High Water Level of Cross Lake Reservoir (1229.57 NGVD 29 datum), and shall be underlain with filter fabric.  All work shall be done in accordance with plans received 8/23/2021 and conditions listed herein.	
<b>Permittee:</b> BILL ORKE 42047 NORTH 105TH STREET SCOTTSDALE, AZ 85262 (612) 867-7719 mari-orke@comcast.net		<b>Authorized Agent:</b> STEPHEN MILLER 10285 COUNTY ROAD 127 NISSWA, MN 56468 (612) 850-8836 stephenm@croixmanagementinc.com	
<b>Property Description (land owned or leased or where work will be conducted):</b> UTM zone 15N, 411874m east, 5165615m north, NWSW of Section 31, T137N, R27W			
<b>Issued Date:</b> 09/30/2021	<b>Effective Date:</b> 09/30/2021	<b>Expiration Date:</b> 09/30/2026	
<b>Authorized Issuer:</b> Danielle McNeil	<b>Title:</b> Area Hydrologist	<b>Email Address:</b> danielle.mcneil@state.mn.us	<b>Phone Number:</b> 218-203-4367

This permit is granted **subject to** the following **CONDITIONS**:

**APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS:** The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army



## **CONDITIONS** *(Continued from previous page)*

Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

**NOT ASSIGNABLE:** This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

**NO CHANGES:** The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

**SITE ACCESS:** The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

**TERMINATION:** This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

**COMPLETION DATE:** Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

**WRITTEN CONSENT:** In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

**PERMISSIVE ONLY / NO LIABILITY:** This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

**EXTENSION OF PUBLIC WATERS:** Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

**WETLAND CONSERVATION ACT:** Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

**CONTRACTOR RESPONSIBILITY:** The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: [https://bwsr.state.mn.us/sites/default/files/2019-01/Wetland\\_WCA\\_Contractor\\_Responsibility\\_Form.doc](https://bwsr.state.mn.us/sites/default/files/2019-01/Wetland_WCA_Contractor_Responsibility_Form.doc)

**INVASIVE SPECIES - EQUIPMENT DECONTAMINATION:** All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at [http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best\\_practices\\_for\\_prevention\\_ais.pdf](http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf). Contact your regional Invasive Species Specialist for assistance at [www.mndnr.gov/invasives/contacts.html](http://www.mndnr.gov/invasives/contacts.html). A list of designated infested waters is available at [www.mndnr.gov/invasives/ais/infested.html](http://www.mndnr.gov/invasives/ais/infested.html). A list of prohibited invasive species is available at [www.mndnr.gov/invasives/laws.html#prohibited](http://www.mndnr.gov/invasives/laws.html#prohibited).

**EROSION AND SEDIMENT CONTROL:** In all cases, methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas that slope to the water and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the

## **CONDITIONS** *(Continued from previous page)*

worksite (e.g., coffer dams, temporary ponds, stormwater inlets). These methods, such as mulches, erosion control blankets, temporary coverings, silt fence, silt curtains or barriers, vegetation preservation, redundant methods, isolation of flow, or other engineering practices, shall be installed concurrently or within 24 hours after the start of the project, and will be maintained for the duration of the project in order to prevent sediment from leaving the worksite. DNR requirements may be waived in writing by the authorized DNR staff based on site conditions, expected weather conditions, or project completion timelines.

**EXCAVATED MATERIALS - FLOODPLAIN CONCERN:** Excavated material shall not be permanently placed within community designated floodplain areas or shoreland areas, unless all necessary local permits and approvals have been obtained.

**FISHERY PROTECTION - EXCLUSION DATES:** No activity affecting the bed of the protected water may be conducted between April 1 and June 30, to minimize impacts on fish spawning and migration. If work during this time is essential, it shall be done only upon written approval of the Area Fisheries Manager. See contact list at: [http://files.dnr.state.mn.us/fisheries/management/dnr\\_fisheries\\_managers.pdf](http://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf). Should work begin elsewhere in the project area within these dates, all exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.

**EXCAVATED MATERIALS - RUNOFF CONCERN:** Excavated materials must be deposited or stored in an upland area, in a manner where the materials will not be redeposited into the public water by reasonably expected high water or runoff. Departure from any previously approved spoil disposal plans may be allowed only through permit amendment.

**TRANSPORTING AND DISPOSING OF INFESTED MATERIALS:** Infested material must be transported in a closed container or in covered trailers or trucks, and disposed of at an upland site at least 300 feet from another water body, including wetlands, ditches and seasonally flooded lands. This includes all materials removed from waters with any known aquatic invasive species. Before leaving the project site, and again before leaving the disposal area, the beds and tires of trucks used to haul the material, and equipment used to load the material, shall be cleaned to avoid potential transport of invasive species.

---

cc: Seth Goreham, EWR District Manager  
Seth Goreham, DNR EWR District Supervisor  
Chad Sherack, DNR Enforcement  
Tim Plude, DNR EWR  
Cade Steffenson, BWSR Wetland Specialists, Crow Wing  
Andrew Herberg, DNR Regional Nongame Specialists, Region 2  
Christine Reisz, DNR Wildlife, Brainerd  
Marc Bacigalupi, DNR Fisheries, Brainerd Area  
Jake Frie, County, Crow Wing  
Corps of Engineers, Corps of Engineers, Crow Wing  
Melissa Barrick, SWCD, Crow Wing SWCD  
Charlene Nelson, City, Crosslake  
Wendy Crowell, Aquatic Invasive Species Prevention Coordinator  
Tim Plude, Invasive Species Specialist



**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)

Receipt Number: 969836

Permit Number: 220018V

Property Owner(s): Billario Holdings, LLC

Mailing Address: 42047 105th St. N. - Scottsdale, AZ 85262

Site Address: 11934 Cty Rd 103 - Crosslake, MN 56442

Phone Number: 612-867-7001

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

Parcel Number(s): 14310728 14310726

Legal Description: That portion of the NESW of the same sec. desc as follows

Sec 31 Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Lake/River Name: Cross Lake

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

If yes list Parcel Number(s) 14310726

Authorized Agent: Wes Hanson Builders, Inc.

Agent Address: 34103 Cty Rd 3 - Crosslake, MN 56442

Agent Phone Number: 218-692-1760

**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  
*1724sf where 1200sf is allowed*
- ☐ Building Height
- ☐ Patio Size
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

Signature of Property Owner(s) Mari Orke

Date 3/1/22

Signature of Authorized Agent(s) Matt [Signature] - Wes Hanson Builders

Date 3-7-22

- All applications must be accompanied by a signed Certificate of Survey
- Fee \$500 for Residential and Commercial Payable to "City of Crosslake" \$500.00
- 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 PA Date 3/7/22 Land Use District SD

Lake Class 6D Septic: Compliance 7/3/2020 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:

(14x28) We are proposing a single stall addition to the existing detached garage which will fall over an already paved area of the property. Because of the size of the proposed stall, the impervious coverage will actually decrease when the stall is constructed vs. the existing pavement. Attempts to acquire additional property to meet ordinance standards were rejected by the Corps. of Engineers given property location.

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

Yes ☒ No ☐

Why:

As stated the proposed addition will actually decrease property impervious and the proposed garage is getting resided to resemble that of the main structure, thereby being fully integrated into the look and aesthetic along that shoreline and that of greater Crosslake in general.

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 unique shape and specific location of the property is responsible for the difficulties. The property is "land-locked" by Corps. of Engineers land and by their reasoning, "in the worst possible location" to ask for additional land. The existing structure was also built by a previous owner of the property and their needs / property usage was different than those of current property owner.

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

Yes ☒ No ☐

Why:

We have exhausted all efforts to acquire more property to be fully conforming to the City's accessory structure square footage / lot size ordinances and were unable to convince the Corps. of Engineers. The result of these unsuccessful conversations leave the property owner in the current situation, unable to do anything other than request a variance for reasonable use and improvement of his property.



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: