

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



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

CITY OF CROSSLAKE

PLANNING COMMISSION/BOARD OF ADJUSTMENT

February 26, 2021

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: Blue Acres Green Association

Authorized Agent: Jon Ocel

Site Location: 34466 Blue Acres Trail, Crosslake, MN 56442 on Crosslake-GD

Variance for:

- Lake setback of 37 feet where 75 feet is required to proposed deck

To construct:

- 564 square foot (replace/extend) deck in the shore impact zone 2 (SIZ2)

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: **Blue Acres Green Association (Jon Ocel)**

Parcel Number(s): 14300512

Application Submitted: April 11, 2022

Action Deadline: June 9, 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: Jon Ocel

Variance for:

- Lake setback of 37 feet where 75 feet is required to proposed deck

To construct:

- 564 square foot (replace/extend) deck in the shore impact zone 2 (SIZ2)

Current Zoning: Shoreland District

Existing Impervious Coverage:

No change to common ground

- A stormwater management plan was submitted with the variance application
- Compliant septic compliance inspection on file dated 4-21-2021 & 10-13-21

Proposed Impervious Coverage:

No change to common ground

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

- Property is located on Crosslake at 34466 Blue Acres Trail with a lake setback of 75 feet
- The proposed deck extension to be approximately 36 feet from the OHW of Crosslake
- Proposal is for a deck only; no roof line changed or added is planned
- Impervious maximum and a Shoreline Rapid Assessment Model form is looked at differently when it is in an association such as this one (Sec. 26-518) – slope to lake currently is not being mowed
- The survey on hand of the entire association to be used in conjunction with a current survey of the parcel and septic tank location; deck to be staked in for the on-site
- The parcel is located within a plat and 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 – he stated that he will submit approval from the association with the application
- Design and implement a stormwater management plan (gutters, berm & rain gardens) or update any existing plan, which is required with all variance applications per Article 8, section 26-222, (2), 1). When a wetland is being used the stormwater must be filtered to drinking standards before it can flow into any wetland

- A septic design if needed and a compliant septic compliance inspection is on file dated 4-21-2021 for the drainfield of the shared system only
- The Wetland Delineation is a requirement for a variance, will be waived for this applicant
- A grade and elevation illustration along with a cut and fill calculation is required for a complete variance application
- Discussion on application requirements, procedure, schedule, fee and the requirements/need for a complete application packet by 4:30 PM of the deadline date; payment policy; notification methods; variances are limited to 2 years with substantial completion
- A Land Use Permit will be required prior to construction

Property owner was informed that before they could be placed on a public hearing agenda the following information is required:

1. A certificate of survey meeting the requirements outlined in Article 8, Sec. 26-222 of the City Land Use Ordinance
2. Grade and Elevation illustration, along with the Cut and fill calculations
3. Wetland delineation or a no wetland statement/letter has been waived
4. A septic design if project requires; compliance of tank is needed
5. A complete Variance application with the \$500.00 public hearing fee

Parcel History:

- Blue Acres Green Plat established in 1988
- September 1974 – 12x22 addition to back of cabin; deck to front & new sewer
- July 1981 - Septic
- July 1982 - Deck
- September 1991 – Replace septic tank
- June 1993 – Variance denial to construction of a new 28x38 home plus a 10’ deck at the setback of the existing home which is 50’ from Crosslake
- July 1993 – Appeal variance denial for construction of a new 28x38 home plus a 10’ deck at the setback of the existing home which is 50’ from Crosslake
- August 1993 – Appeal variance denial for construction of a new 28x38 home plus a 10’ deck at the setback of the existing home which is 50’ from Crosslake – Approved to build
- April 1994 – 26x42 dwelling; 10x31 deck; 5x25 deck; demolish existing home; update septic
- April 21, 2021 – Compliance inspection done for McKay and this parcel shares the drainfield with him and another parcel, so the tank will need to be inspected only

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comments were received as of 5-13-2022

City Engineer: N/A

Lake Association: No comments were received as of 5-13-2022

Crosslake Public Works: No comments were received as of 5-13-2022

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comments were received as of 5-13-2022

POSSIBLE MOTION:

To approve/table/deny the variance to allow:

- Lake setback of 37 feet where 75 feet is required to proposed deck

To construct:

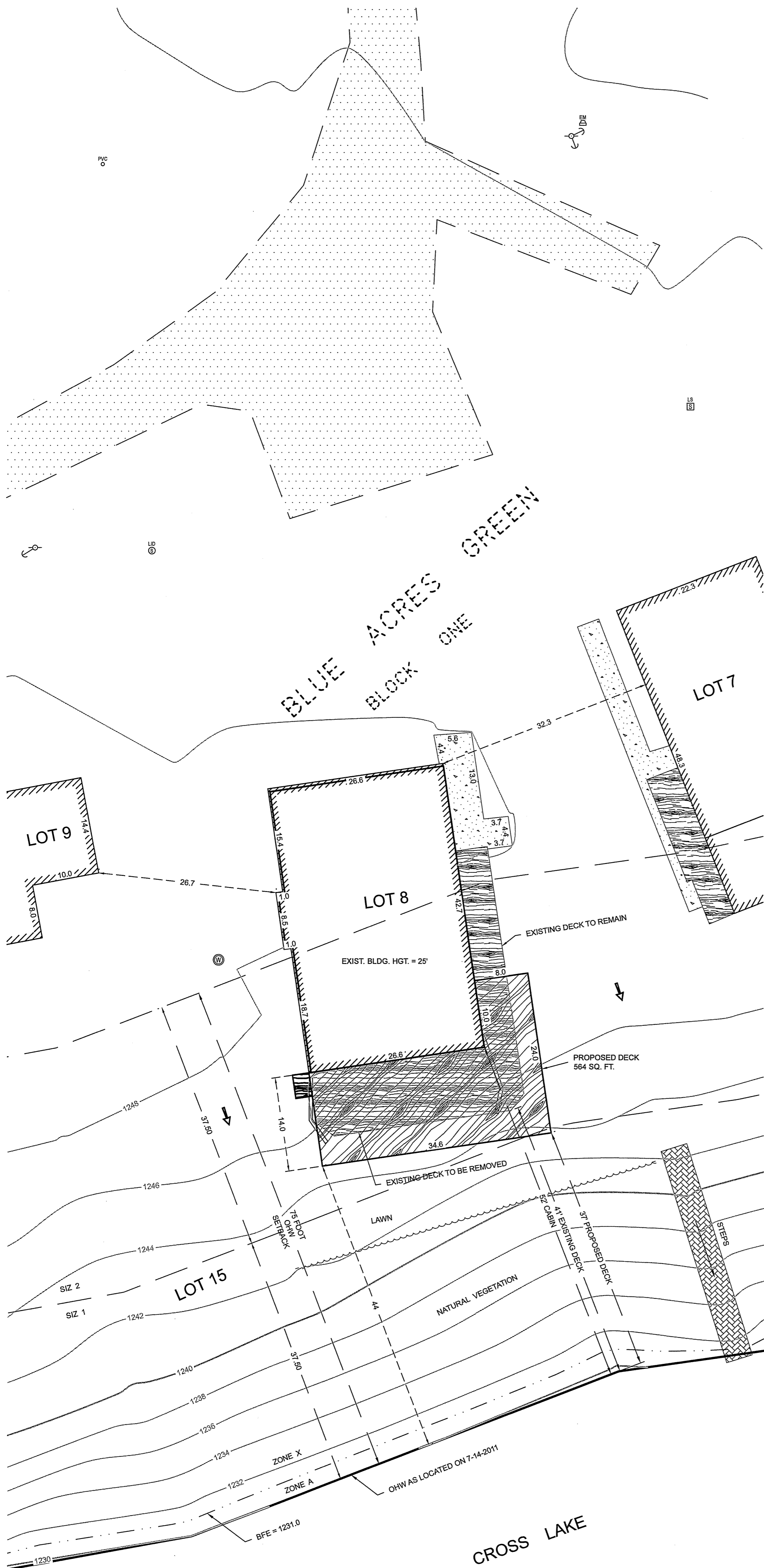
- 564 square foot (replace/extend) deck in the shore impact zone 2 (SIZ2)

As shown on the certificate of survey dated 3-23-2022



CERTIFICATE OF SURVEY

LOT 8, BLOCK ONE, BLUE ACRES GREEN
SECTION 30 TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA



LEGEND

- DENOTES EDGE OF EXISTING GRAVEL
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING PAVING STONES
- DENOTES EDGE OF EXISTING WOODEN DECKING
- DENOTES EXISTING INTERMEDIATE CONTOURS
- DENOTES EXISTING INDEX CONTOURS
- DENOTES EXISTING UTILITY POLE W/ GUY WIRE
- DENOTES EXISTING WELL
- DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
- DENOTES EXISTING SURFACE DRAINAGE FLOW

NOTES:

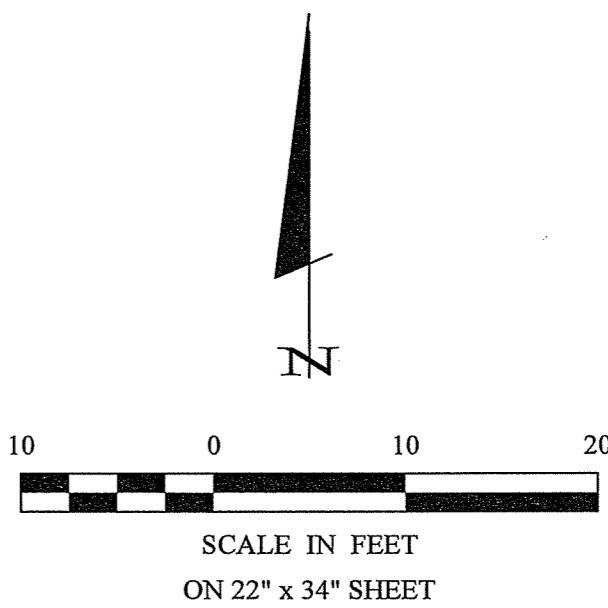
- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 7-14-2011.
- Zoning for subject tract = "Shoreland District".
- There are no bluffs or wet lands within surveyed property.
- Property is in "Zone X" and "Zone A" as per the FIRM, 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: 14300519 (Lot 8) and common ground Parcel ID 14300512 (Lot 15).
- The E911 address of subject parcel: 34466 Blue Acres Trail.
- For survey reference information see Certificate of Survey drawing signed by Cynthia M. Hidde on April 7, 2014 - Stonemark Land Surveying file #11126-1.

CROSS LAKE

GENERAL DEVELOPMENT CLASSIFICATION
NORMAL RESERVOIR POOL ELEVATION = 1229.57

100 YEAR FLOOD ELEVATION = 1231.00
HIGHEST KNOWN ELEVATION = 1234.56

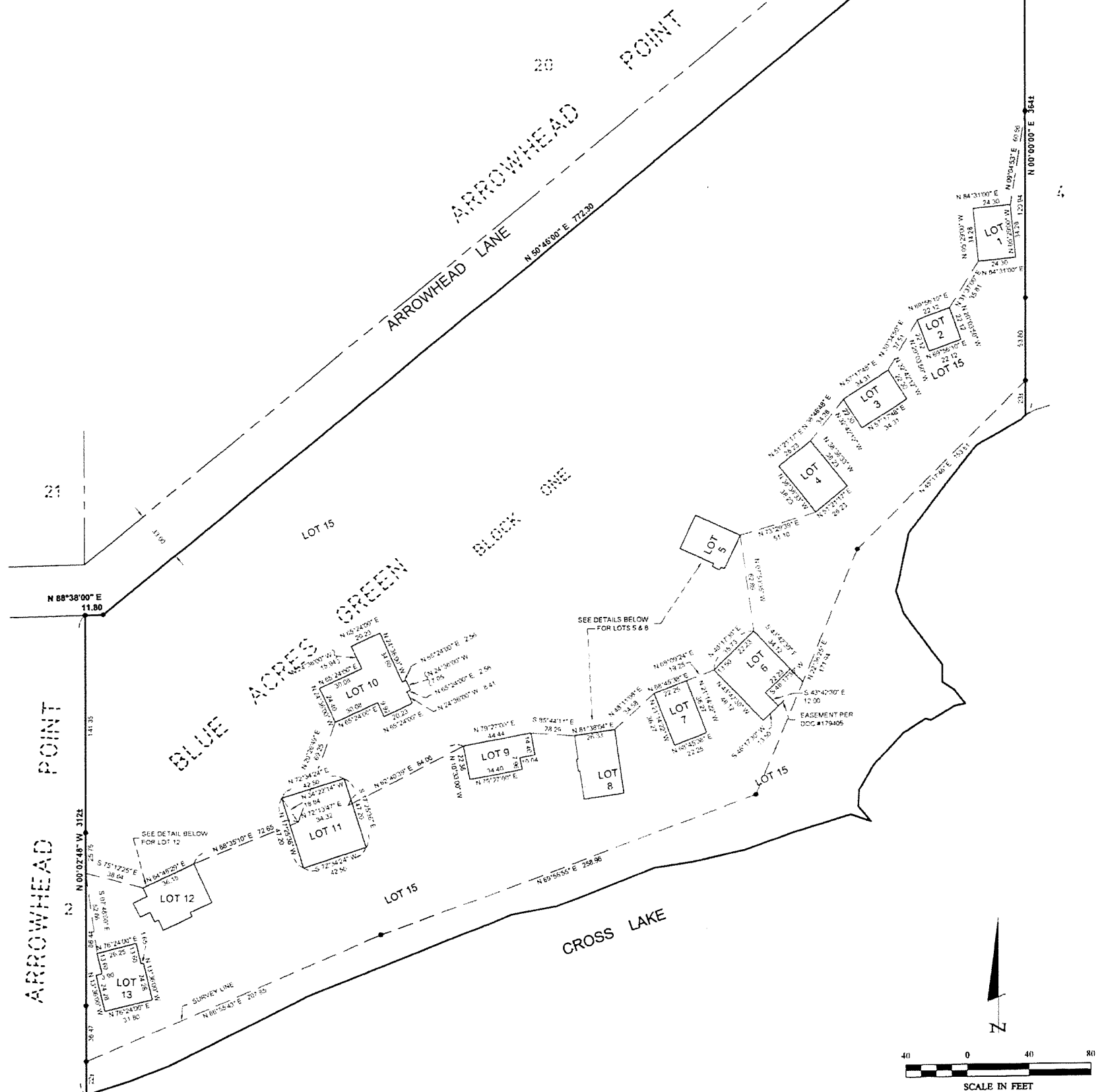
INFORMATION OBTAINED FROM CORPS OF
ENGINEERS LAKE ELEVATION = 1229.35 ON 7-14-11



1 OF 1	CERTIFICATE OF SURVEY		PROJECT MANAGER:	PROJECT No.:	DATE:	REVISIONS			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 PLS#44381 3/23/2022 LIC. NO. 44881
	Jon Ocel		CMH	21383	1-11-2022	DATE	DESCRIPTION	BY	
	6441 Langer Lane		CHECKED	FILE NAME:	SCALE:	3-23-2022	Revised Notes 5 & 7	RJF	
	Lino Lakes, MN 55038		BY: CMH	C21383.dwg	HORZ. 1"=10'				
			DRAWN BY:	FIELD BOOK:	VERT. NONE				
			RJF	BOOK PG.					

CERTIFICATE OF SURVEY

**BLUE ACRES GREEN
SECTION 30, TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA
TOTAL AREA = 250,429 SQ. FT. / 5.75 ACRES**

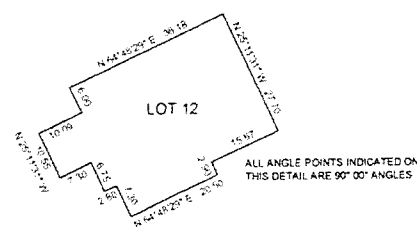
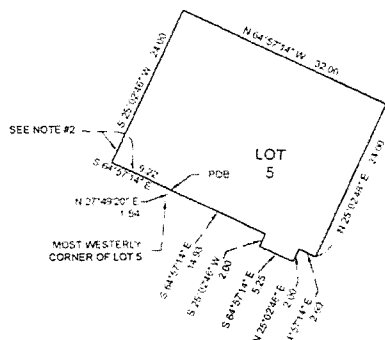
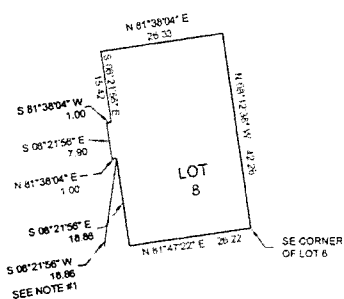




● DENOTES MONUMENT FOUND

SURVEYOR'S NOTES:

1. Lot 8. Torrens Certificate #936618 and Qult Claim Deed #461475 have a call of South 8 degrees 21 minutes 56 seconds East for the boundary. It is interpreted that the direction has an error and is intended to read South 8 degrees 21 minutes 56 seconds East for the boundary to close. For purposes of this survey we have shown the direction of South 8 degrees 21 minutes 56 seconds East as the boundary.
2. Lot 5. Torrens Certificate #936615 has two calls that are in error (see detail) and for purposes of this survey the boundary as shown is from the Qult Claim Deed #461476.
3. Lot 11. Lot 11 has been changed from the Original Plat and now is recorded as Torrens Certificate #94548.

DETAILS
NOT TO SCALE



1 of 2	CERTIFICATE OF SURVEY			PROJECT MANAGER	PROJECT NO	DATE	REVISIONS			<div>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</div> <div></div> <div>DATE <u>4/7/14</u> LIC NO <u>44881</u></div> <div> 30176 Old Highway #371 Suite 2 P.O. Box 874 Precourt Lakes, MN 56472 Phone: 1-218-568-4960 www.stonemarksurvey.com</div>
	BLUE ACRES GREEN			CHECKED BY	FILE NAME	SCALE	DATE	DESCRIPTION	BY	
	Laura Pederson			CMH	C11125-1.dwg	HORZ 1"=40'	4/2014	Revised Lot 11	RJF	
	P.O. Box 370			DRAWN BY	FIELD BOOK	VERT NONE				
	Crosslake, MN 56442			RJF	BOOK 407 PG 57					

Water Runoff Area (Green)

- Plants
- Woodchips
- River Rock

Downspouts

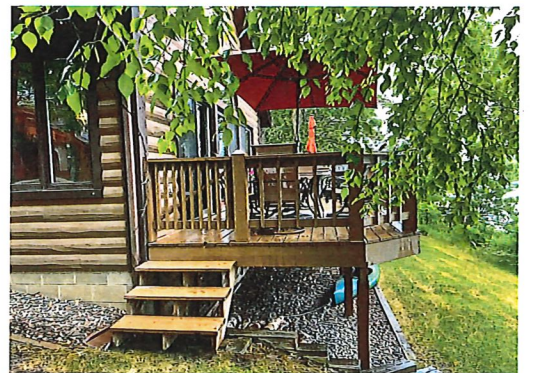
Gutter

Gutter

Cross Lake (water)

unotf Plan

Cross Lake (water)

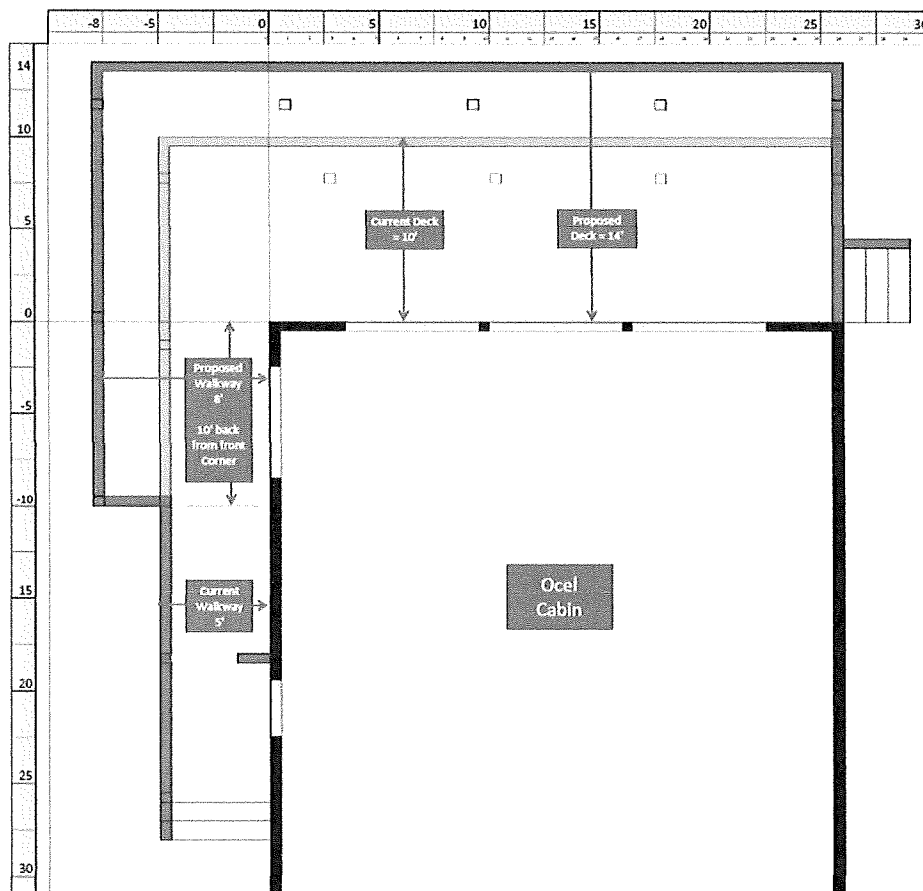


Dear City of Crosslake,

March 28, 2022

I, Scott Hedlund, am the President of the Blue Acres Green (BAG) Association. I am writing you to verify that the BAG Association has approved the Ocel family, owners of Lot 8, Parcel ID 14300519 to update their deck that will be built on BAG association common ground property Lot 15, Parcel ID 14300512. The BAG association common grounds are equally owned by all 13 property owners within the association, thus the Ocel's own 1/13th of the common grounds.

The association approved the Ocel's to add 4 feet of deck toward Cross Lake and 3 feet eastward toward Lot 7. The image below is what was presented by Ocel's and approved by the BAG association on September 4th, 2021.



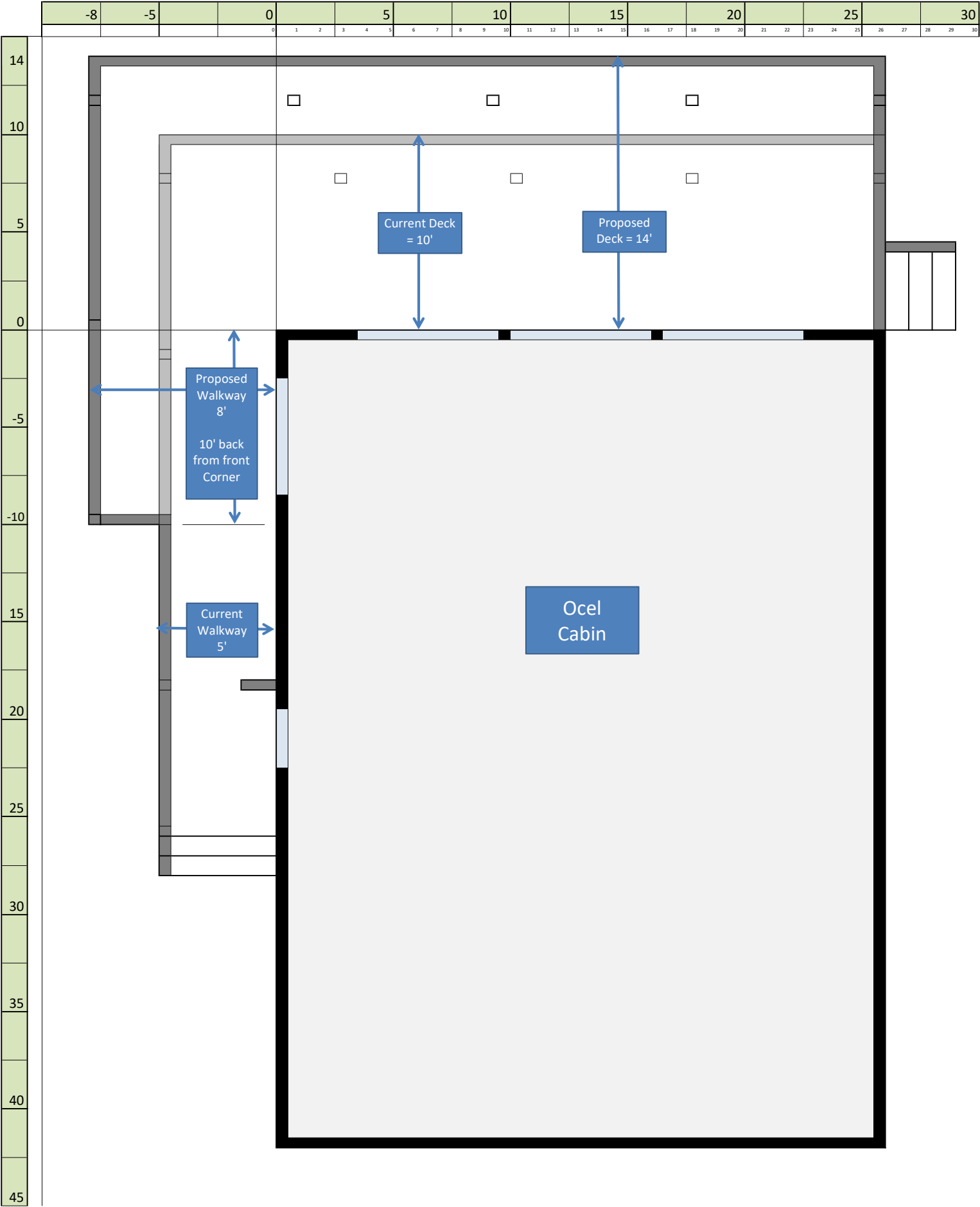
Regards,

Scott Hedlund
President of Blue Acres Green Association

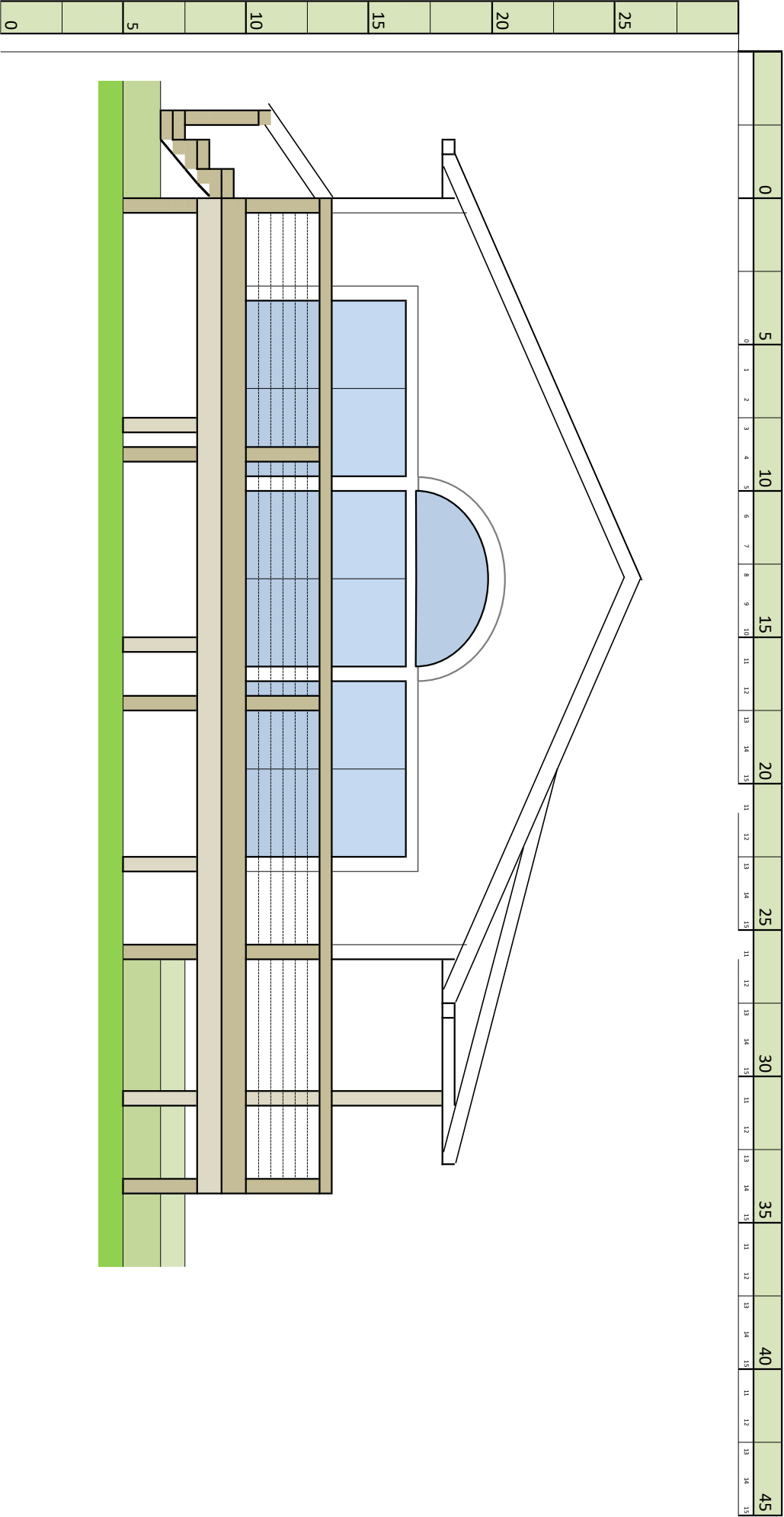
Scott D. Hedlund

Digitally signed by Scott D. Hedlund
DN: C=US, E=shedlund@sehlinc.com, CN=Scott D. Hedlund
Date: 2022.04.09 09:30:24-0500

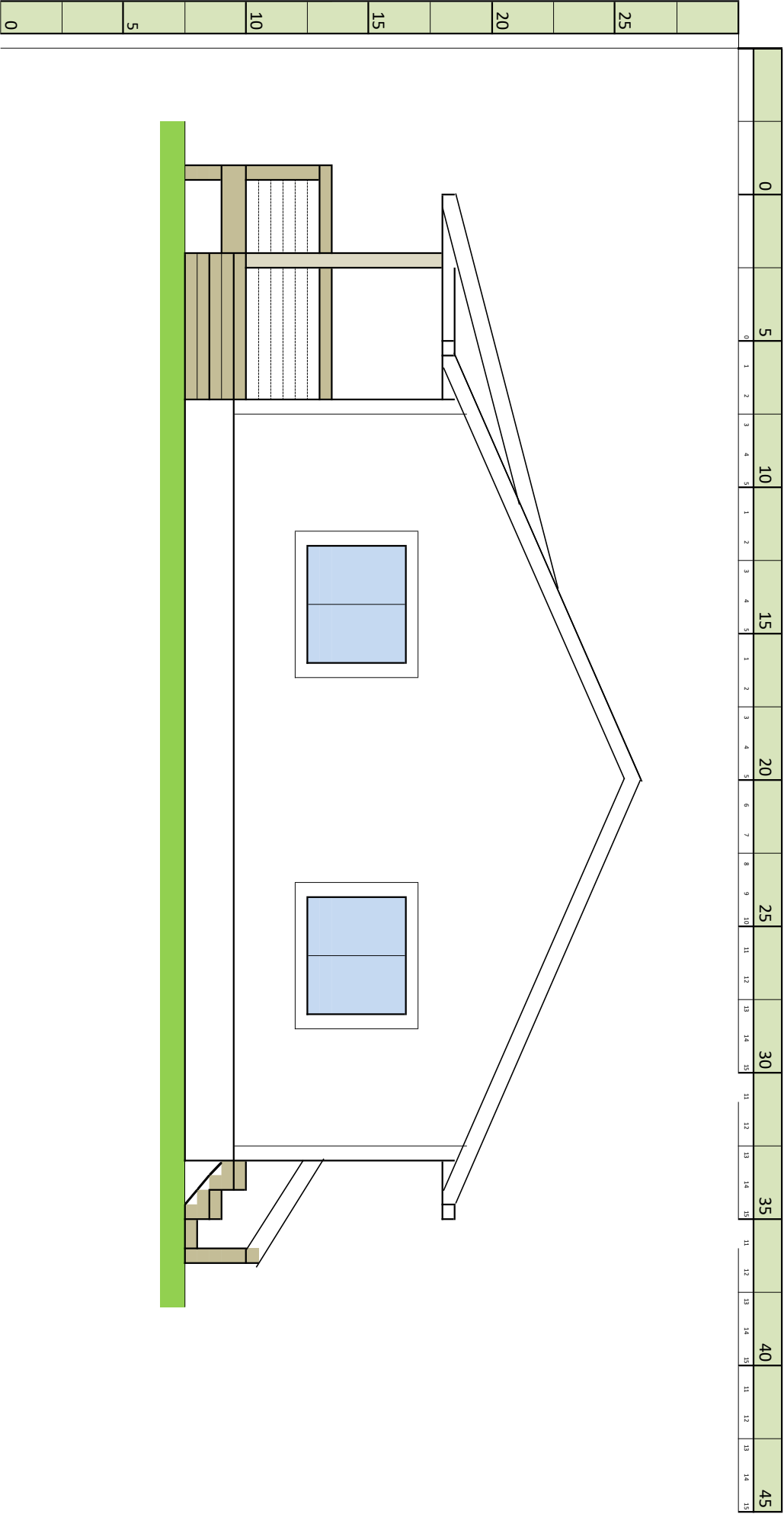
Ocel Cabin Deck Project



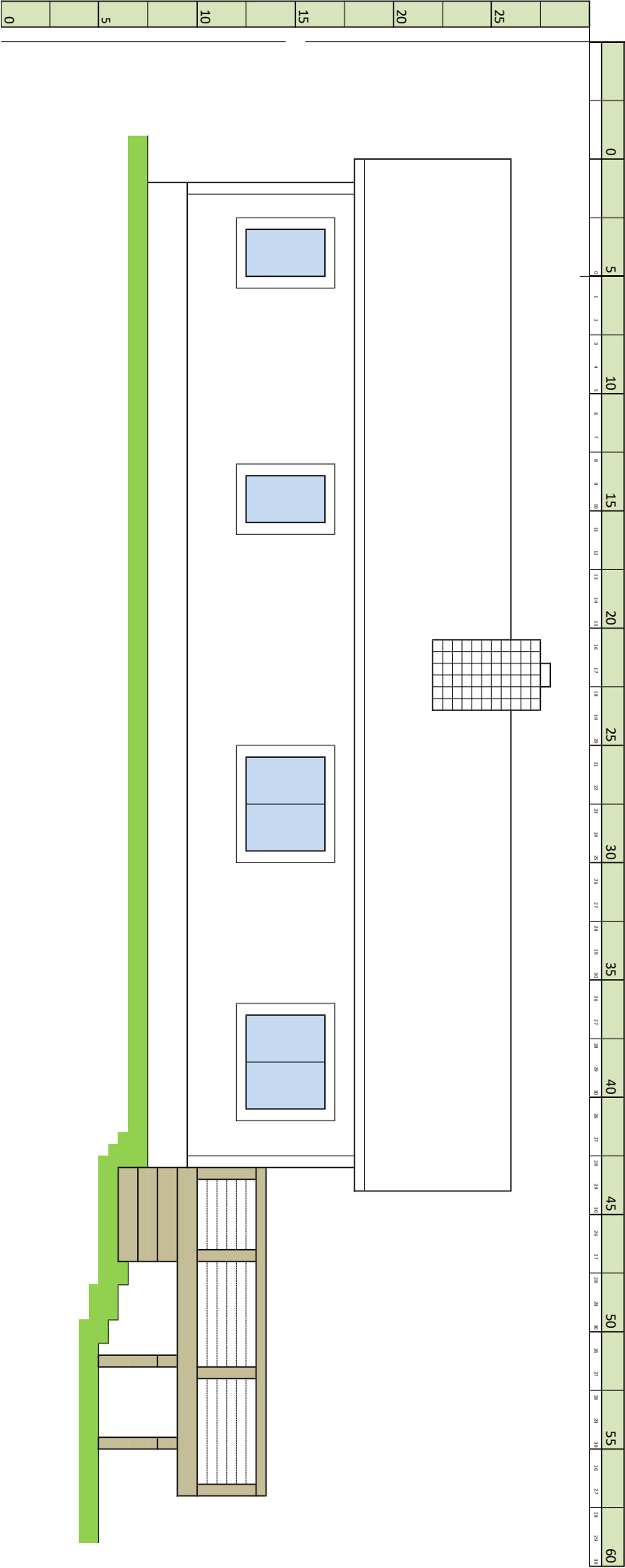
Ocel Cabin Deck Project



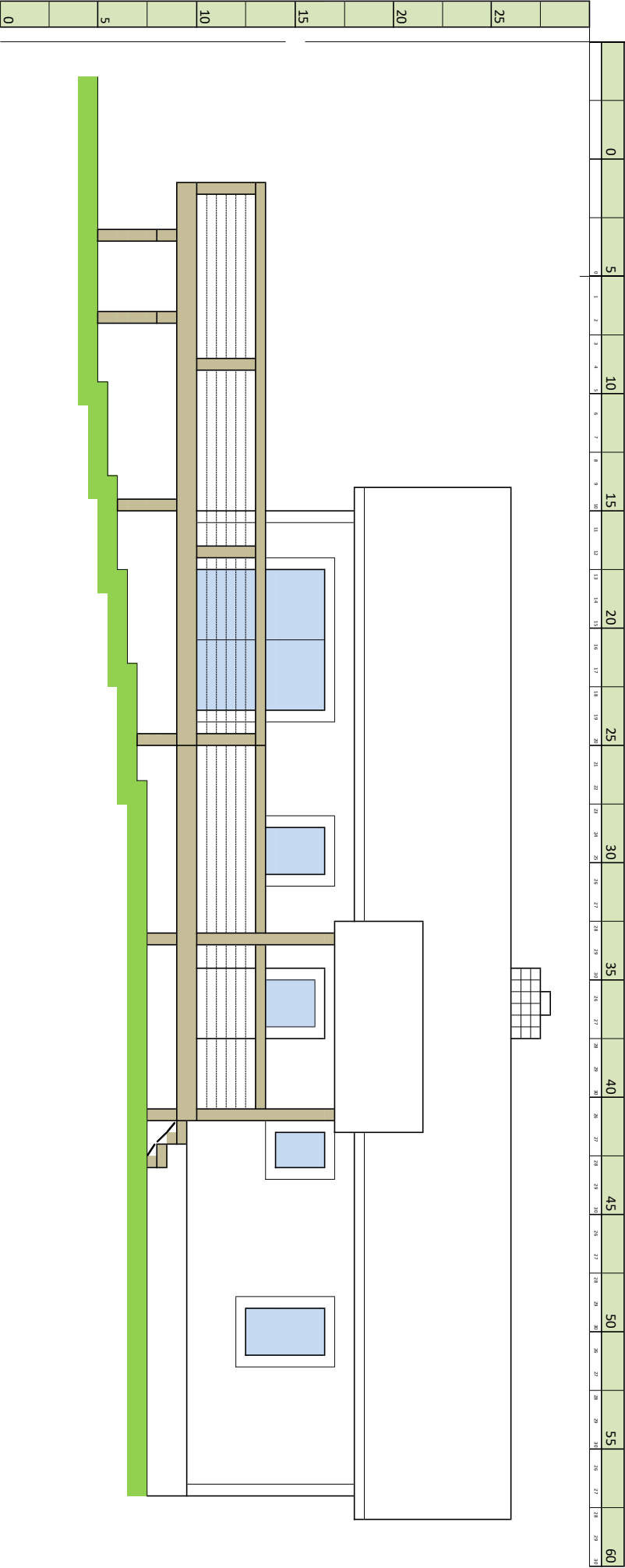
Ocel Cabin Deck Project



Ocel Cabin Deck Project



Ocel Cabin Deck Project



**Fall 2021 Meeting
September 4, 2021
9:00 AM**

Present: Theresa Person (A) Kristy Kmit (C), Don and Sally Darling (D) Tom Mackay (F), Roger Ocel, Jon Ocel (H), Brandon Peterson (J) Scott Hedlund (K), Mike Drysdale (L), Matt Krueger (M).

Call to Order:

Scott Hedlund called the meeting to order at 9:00 AM

Review of Spring, 2021 Minutes:

Sally Darling moved to accept the minutes, Matt Krueger seconded and the motion passed unanimously.

BAG Board:

Current BAG Board Members

President: Scott Hedlund

Vice President: Matt Kruger

Treasurer: Sally Darling

Member: Kristi Kmit

Member: Mike Drysdale

The BAG association members reaffirmed that the board will remain the same.

Treasurer's Report:

Sally Darling presented the report Attachment A

Matt Krueger moved to approve the report, Roger Ocel seconded and the motion passed

Dock, Waterfront, and Grounds

Lawn Mowing:

The lawn is not being mowed where the new pavement has been installed.

Scott Hedlund will check with the lawn mowing company to confirm the expectations of BAG.

Weed control quotes:

Scott Hedlund will get a quote for next year

Power company tree clearing remnants disposal:

Steve Hoen has offered to cut up the trees by October.

Ocel Deck project:

Jon Ocel presented a plan to expand their deck. Roger has received approval from his neighbors the Valines and Newstrands.

Mike Drysdale moved to approve the plan, Brandon Peterson Seconded and the motion passed

Roundtable:

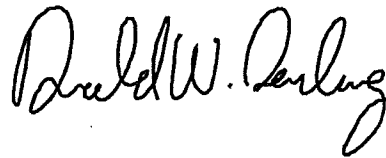
No new discussion.

Adjournment;

A motion to adjourn was seconded and passed unanimously.

The meeting adjourned at 9:23.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald W. Darling". The signature is fluid and cursive, with the first name "Donald" being the most prominent.

Donald W. Darling, Secretary.

DECLARATION OF EASEMENTS, COVENANTS,
CONDITIONS, RESTRICTIONS, AND RESERVATIONS
FOR
BLUE ACRES GREEN

THIS DECLARATION is made this 5TH day of SEPTEMBER, 1993, by the undersigned parties, representing all the owners in fee of the land hereinafter described lying in Crow Wing County, Minnesota.

Preliminary Statement of Facts

The following individuals are the fee owners or contract purchaser and/or mortgagees of the following real property located in Crow Wing County, Minnesota, legally described as follows: Mary A. Schneider, Charles K. Frundt, Rita M. Frundt, Donnelly C. Armon, Joyce A. Armon, E. James Rodine, Patricia C. Rodine, Gael A. Rhoades, LaVerne M. Rhoades, Elwyn H. Olson, Miriam E. Olson, Steven L. Hoen, Deborah J. Hoen, Royal K. Bruce, Dorothy E. Bruce, Donald C. Smith, Eileen M. Smith, Jerry L. Johnson, Marlene K. Johnson, Maurice R. Valine, Eunice V. Valine, Roger J. Ocel, Doris J. Ocel, Donald G. Newstrand, Agnes R. Newstrand, John W. Huber, Nancy J. Huber, Leona M. Seidl, Andrew Whitman, Molly Whitman, Gordon L. Addington, Bonnevie M. Addington, Blue Acres Green Association, a Minnesota Non-profit Association (the said fee owners listed above are hereinafter referred to as "Declarants"), of certain real property located in Crow Wing County, Minnesota, legally described as follows:

Lots One (1) through Fifteen (15), Block One (1), Blue Acres Green.

NOW, THEREFORE, Declarants declare that all of the property described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the property and be binding upon all parties having any right, title, or interest in the described premises, or any part thereof, their heirs successors and assigns, and shall inure to the benefit of each owner of each lot. Said covenants, restrictions, easements, and conditions were previously manifest in the Articles of Incorporation hereinafter attached and referred to as Exhibit "A", and Bylaws of Blue Acres Green Association hereinafter attached and referred to as Exhibit "B". However, as individual lot ownership has been perfected, it has been deemed necessary to ratify the previous understandings and to record as covenants on the land above referenced the easements, restrictions,

- iii. The right of the Association to suspend the enjoyment rights of any owner for any period during which any assessment remains unpaid, and to suspend any owner for any period not to exceed thirty (30) days for any infraction by such owner or owners or his\her family of the rules and regulations, if any; provided that nothing contained herein shall deny an owner access to or from said owner's Lot or cabin or structure located on said Lot.

Section 4. Association's Easements on Lots. Ownership of each Lot shall be subject to the Association's right to maintain and replace overhead and underground utilities, such as telephone, electric, roads, parking, walkways, gas, septic systems, wells, and other utilities as are necessary, or which may become necessary in the establishing of utilities and easements for the successful operation of Blue Acres Green.

Section 5. Owners' and Members' Easement Over Common Area. The Association has the right and shall from time to time as it deems appropriate, grant to owners easements over the common area for said owners' exclusive use of a portion of the common area for decks and water supplies, wells, or sewage disposal facilities, or other utilities as deemed necessary and appropriate by the association.

5.1 Easement Agreement. Incorporated herein by reference as Exhibit "C" is an agreement dated the 28th day of July, 1987, between the association and Lot owners regarding the exclusive use of the common areas, and said agreement is herein incorporated by reference and ratified. Similar agreements shall be entered into and attached as Exhibits "B" to these covenants as deemed necessary or appropriate by the association from time to time.

5.2 Easement Amendment Procedure. Similar agreements shall be entered into and attached as exhibits to these covenants as deemed necessary or appropriate by the association from time to time.

5.3 Winter Beach Storage Easements. The Association shall promulgate rules from time to time regarding the keeping, use, and storage during the winter months of docks, fishing boats, and lifts.



Variance Application

Planning and Zoning Department

13888 Daggett Bay Road, Crosslake, MN 56442

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

Receipt Number: 969953 \$ 500.00

Permit Number: 220035V

Property Owner(s): Blue Acres Green Association (BAG)

Mailing Address: 726 Crescent Curve, St. Paul, MN 55127

Site Address: 34466 Blue Acres Trail, Crosslake, MN 56442

Phone Number: (651) 955-3083 *Jon Ocel*

E-Mail Address: jonocel@gmail.com

Parcel Number(s): 14300512

Legal Description: Lot 8 Blue Acres Green Association and Lot 15

Sec 30 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) 14300519

Authorized Agent: Jon Ocel

Agent Address: 6441 Langer Lane, Lino Lakes, MN 55038

Agent Phone Number: (651) 955-3083

Variances

(Check applicable requests)

☒ Lake/River Setback
37' where 75' required for Deck

☐ Road Right-of-Way Setback

☐ Bluff Setback

☐ Side Yard Setback

☐ Wetland Setback

☐ Septic Tank Setback

☐ Septic Drainfield Setback

☐ Impervious Coverage

☐ Accessory Structure

☐ Building Height

☐ Patio Size

☐ _____

☐ _____

Signature of Property Owner(s) Scott D. Hedlund

Digitally signed by Scott D. Hedlund
DN: C=US, E=shedlund@sehinc.com, CN=Scott D. Hedlund
Date: 2022.04.09 13:14:44-05'00'

Date 22-Mar-2022

Signature of Authorized Agent(s) Jon Ocel

Digitally signed by Jon Ocel
Date: 2022.03.29 22:00:24 -05'00'

Date 22-Mar-2022

- 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 CS Date 4-11-2022 Land Use District SD

Lake Class GD Septic: Compliance DF = 4-21-2021 SSTS Design — 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:

Yes, the requested variance will update the current deck variance from 41' to 37' in the SE corner and the SW corner will be at 44' which is 3 feet less then the current variance from Cross Lake. The addition of 4' to make the deck length 14' total is a reasonable size.
Our association has limitations for increasing the deck size towards the neighboring properties so we are limited in each direction.

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

Yes ☒ No ☐

Why:

Yes, 4 additional feet of deck toward the lake will be difficult for people on Cross lake to see a due to the natural vegetation and incline that is between the deck and the lake. Additionally, the structure will be designed to be aesthetically pleasing with an up north feel using wood structures that people will love to see.

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

Yes ☒ No ☐

Why:

Yes, The Blue Acres Green association of 13 cabins originally built as a resort on Cross Lake. The Ocel property, Lot 8 was plotted prior to the 75' setback ordinance and has a lake setback of 52 feet. A variance was granted in 1994 to rebuild the original cabin on the Lot 8 property which is defined as the area under the cabin. Additionally, the property is 32' from Lot 7 and 27' from Lot 9 so additions to a deck are space limited in all directions.

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

Yes ☒ No ☐

Why:

Yes, a variance to build a slightly larger deck will allow the Ocel family to enjoy 4 generations of family gatherings at our home. The deck is a place for everyone to come together to reflect on our times together enjoying the family and the beauty of Crosslake. The current deck size is not amendable to the our family size and a modest increase will allow us to enjoy our times together.



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: