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

**August 26, 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 520 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 firepit with surround of 249 square feet where only one is allowed
- A kitchen patio of 520 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](mailto:crosslakepz@crosslake.net)).



## STAFF REPORT

Property Owner/Applicant: Donald Andre & Julie Ann Chouinard

Parcel Number(s): 14160592

Application Submitted: July 8, 2022

Action Deadline: September 5, 2022

City 60 Day Extension Letter sent/ Deadline: N/A

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:**

20.6%

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

**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

- April 2022 – After-the-fact variance tabled
- June 2022 – After-the-fact variance denied

**Agencies Notified and Responses Received:**

**County Highway Dept:** N/A

**DNR:** No comments were received as of the cutoff date

**City Engineer:** N/A

**Lake Association:** No comments were received as of the cutoff date

**Township:** N/A

**Crosslake Public Works:** No comments were received as of the cutoff date

**Crosslake Park, Recreation & Library:** N/A

**Concerned Parties:** No comments were received as of the cutoff date

**POSSIBLE MOTION:**

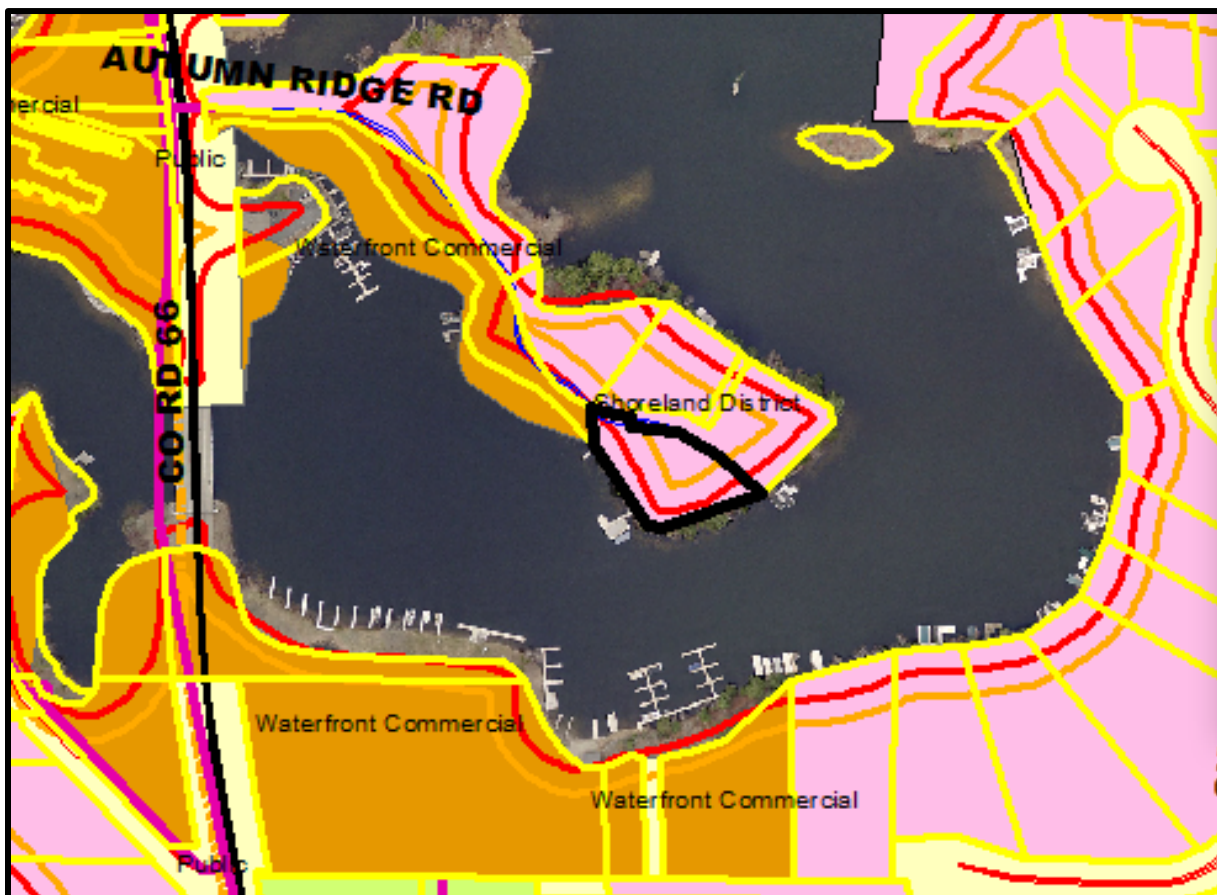
To approve/table/deny the after-the-fact variance for:

- 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 7-6-2022





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.
- 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.
- There are no bluffs on the subject property.
- Benchmark: Top of well casing, Elevation=1244.20 (NGVD29).
- The firepit and kitchen patio area are entirely in S122.
- The area shown in blue between the deck and the kitchen patio is to be designated as a walkway. The impervious surface of this area is 99 sq ft.

LEGEND

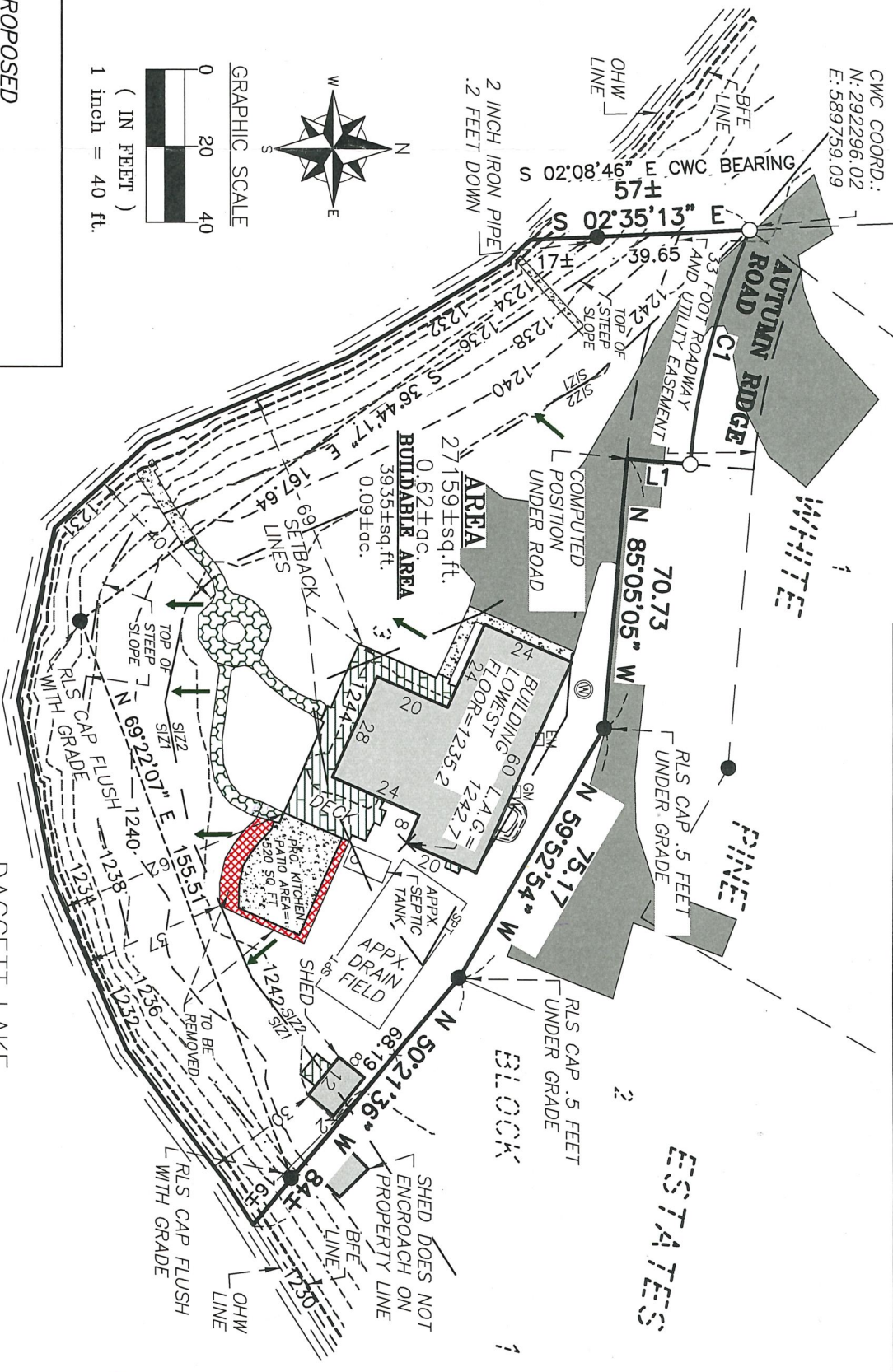
- DENOTES 1/2 INCH IRON PIPE SET AND MARKED WITH RLS 59285 CAP.
- DENOTES FOUND SURVEY MONUMENT
- DENOTES ELECTRIC METER
- DENOTES WELL
- DENOTES GAS METER
- DENOTES 2 FOOT CONTOURS (NGVD29)
- DENOTES GRAVEL SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAYER BLOCK SURFACE

IMPERVIOUS SURFACE:

EXISTING	PROPOSED
Parcel Area = 27159 sq ft	Parcel Area = 27159 sq ft
Building = 1968 sq ft	Building = 1968 sq ft
Shed = 96 sq ft	Shed = 96 sq ft
Concrete Surface = 1046 sq ft	Concrete Surface = 806 sq ft
Bituminous Surface = 2172 sq ft	Bituminous Surface = 2172 sq ft
Paver Block Surface = 519 sq ft	Paver Block Surface = 540 sq ft
Total Impervious Surface = 5801 sq ft	Total Impervious Surface = 5582 sq ft
5801/27159 = 0.213	5582/27159 = 0.206
Existing Impervious Surface = 21.3%	Proposed Impervious Surface = 20.6%

CERTIFICATE OF SURVEY

<u>LINE AND CURVE TABLE</u>				
LINE/CURVE	LENGTH	BEARING	RADIUS	DELTA
C1	63.21	N 75°48'07" W	195.00	18°34'23"
L1	16.50	N 04°54'55" E		



DAGGETT 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: 21-2259

NO	DATE	BY	REVISION DESCRIPTION
01	12/13/21	JAS	ADD CITY P&Z REQUESTS
02	1/27/22	JAS	ADD SEPTIC LOCATION
03	5/5/22	JAS	PRO. REMOVED CONCRETE
03	7/6/22	JAS	REMOVE CONC.

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. Spaul, Minnesota License No. 59285



2016



2019



759 sq ft Patio



2016



2019

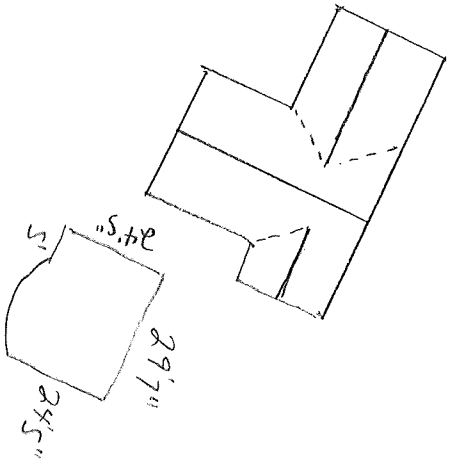


759 sq ft Patio

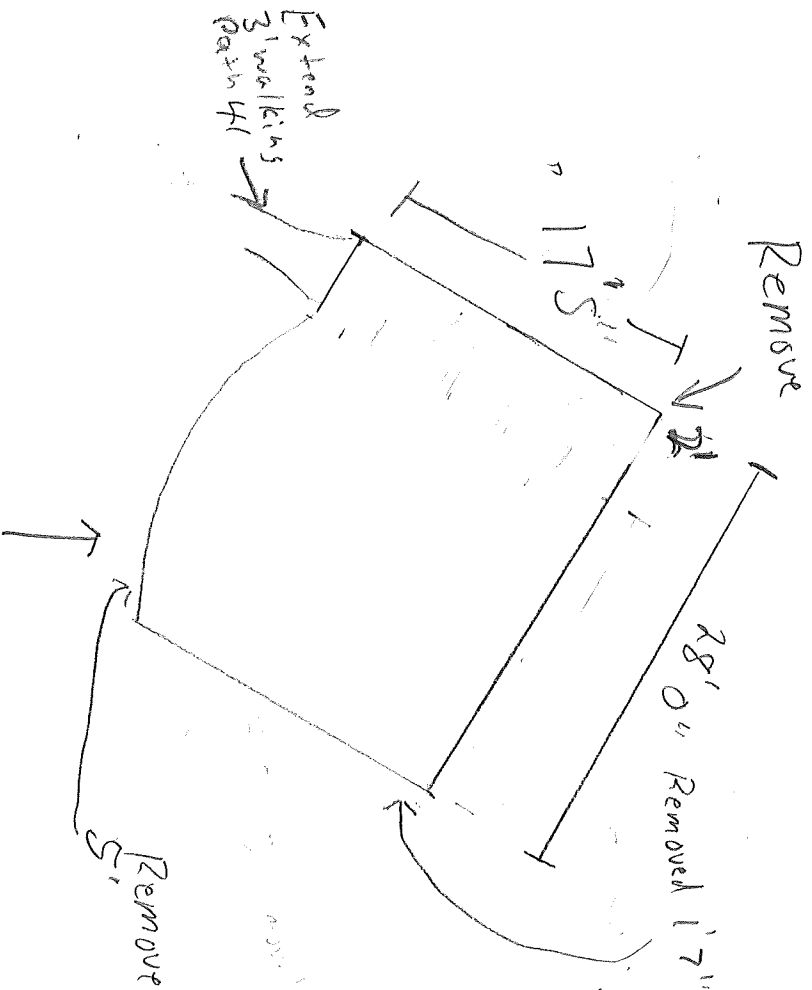




Existing



Proposed Kitchen



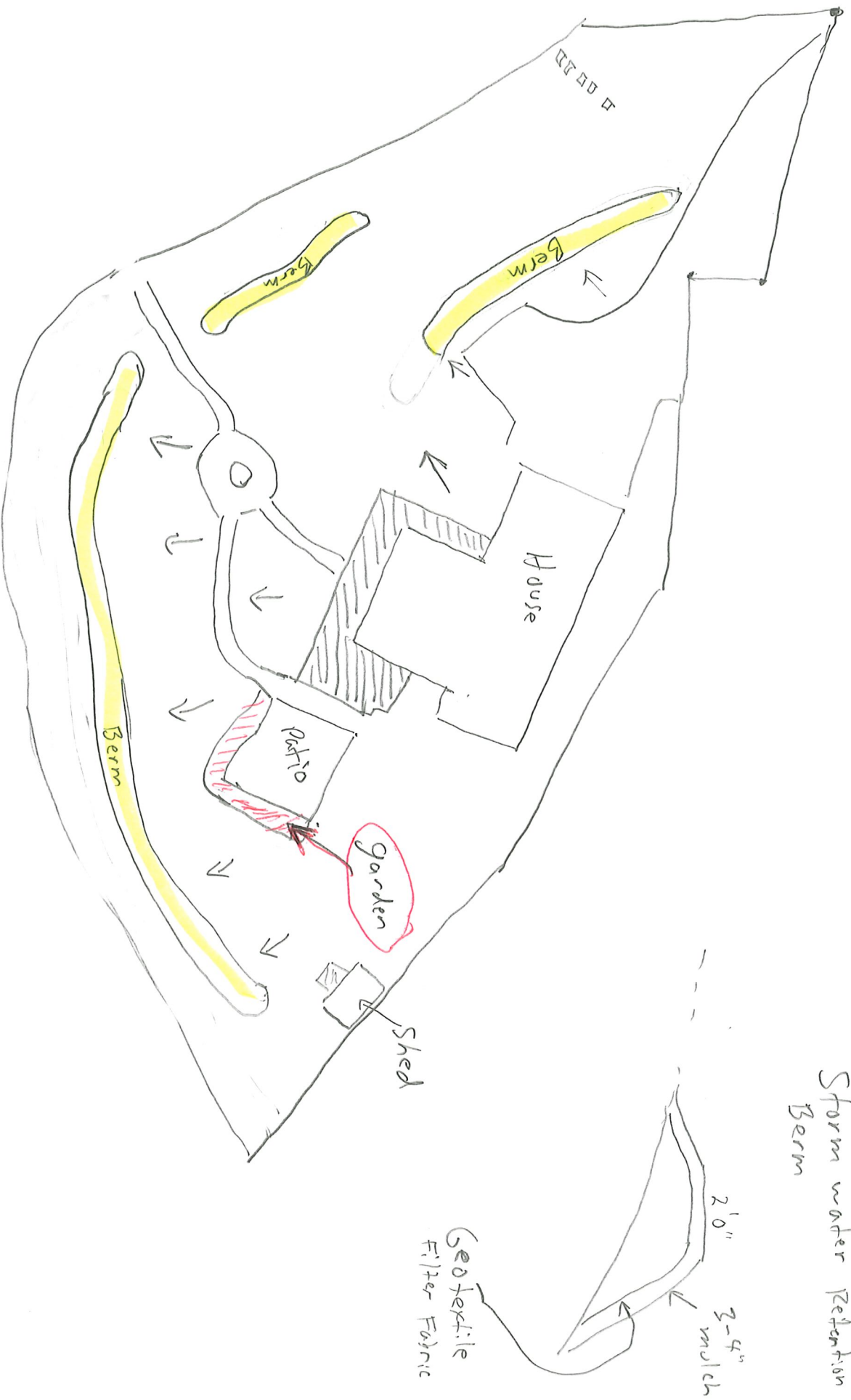
New Patio Size is 522  
Reduction of 237 SQ. FT.

~~Shed is 8x12 96 SQ. FT.~~  
~~if we agree shed cannot be included we have 21 SQ. FT. to be used in patio~~



Storm Water Management Plan  
14037 Autumn Ridge Road  
Crosslake MN 56442

Storm water Retention  
Berm





## 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:

781636

Permit Number:

220121V

Property Owner(s): Donald Andre + Julie Ann Chouinard

Mailing Address: 14037 Autumn Ridge Road

Crosslake MN 56442

Site Address: 14037 Autumn Ridge Road Crosslake MN 56442

Phone Number: 612-419-2173

E-Mail Address: andre@majesticcustom.com

Parcel Number(s): 14160592

Legal Description: Lot 3, Blk 1 White Pine Estates

Sec 16 Twp 137 Rge 26 27 28 1994

Lake/River Name: Daggett

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

If yes list Parcel Number(s)

Authorized Agent: Donald Andre Chouinard

Agent Address: 14037 Autumn Ridge Road Crosslake MN

56442

Agent Phone Number: 612-419-2173

### 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
- ☐ Building Height
- ☐ Patio Size
- ☐
- ☐

Signature of Property Owner(s)

Date 6-24-2022

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 = \$1,506.00 (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 7-8-2022 Land Use District SD

Lake Class GD Septic: Compliance 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: We are proposing to reduce the size of  
our current patio and add water management.

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

Yes ☒ No ☐

Why: Yes by reducing the size of the patio and  
adding water management

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

Yes ☒ No ☐

Why: Lot size and septic placement make moving  
the outdoor area impossible.

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

Yes ☒ No ☐

Why: Yes for use and enjoyment of the  
property.



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?

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?