

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

September 23, 2022

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: Nelson Rev Trust Dtd 3-8-16

Authorized Agent: N/A

Site Location: 36498 Rushmoor Blvd, Crosslake, MN 56442 on Rush Lake-GD

Variance for:

- Lake setback of 62 feet where 75 feet is required to proposed covered patio
- Lake setback of 63 feet where 75 feet is required to proposed addition

To construct:

- 145 square foot covered patio
- 48 square foot addition to the dwelling

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: Nelson Rev Trust Dtd 3-8-16

Parcel Number(s): 14170532, 14170533

Application Submitted: August 2, 2022

Action Deadline: September 30, 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: N/A

Variance for:

- Lake setback of 62 feet where 75 feet is required to proposed covered patio
- Lake setback of 63 feet where 75 feet is required to proposed addition

To construct:

- 145 square foot covered patio
- 48 square foot addition to the dwelling

Current Zoning: Shoreland District

Existing Impervious Coverage:

16.5%

- A stormwater management plan was submitted with the variance application
- Compliant septic compliance inspection on file dated 7-25-2022

Proposed Impervious Coverage:

16.7%

Parcel History:

- Rushmoor Estates established in 1967
- July 1971 – 26'x32' with 3 bedrooms and sewage system
- June 1975 – 24'x 32' Garage
- July 1989 - Variance for 14'x 32' addition to north side of existing home
- August 1989 – Home addition of 14'x32' – 40' from lake per approved variance
- August 1990 – Garage 24' x 30'
- September 1995 – Update septic

Agencies Notified and Responses Received:

County Highway Dept: N/A

DNR: No comment received before packet cutoff date

City Engineer: N/A

Lake Association: No comment received before packet cutoff date

Crosslake Public Works: No comment received before packet cutoff date

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comment received before packet cutoff date

POSSIBLE MOTION:

To approve/table/deny the variance to allow:

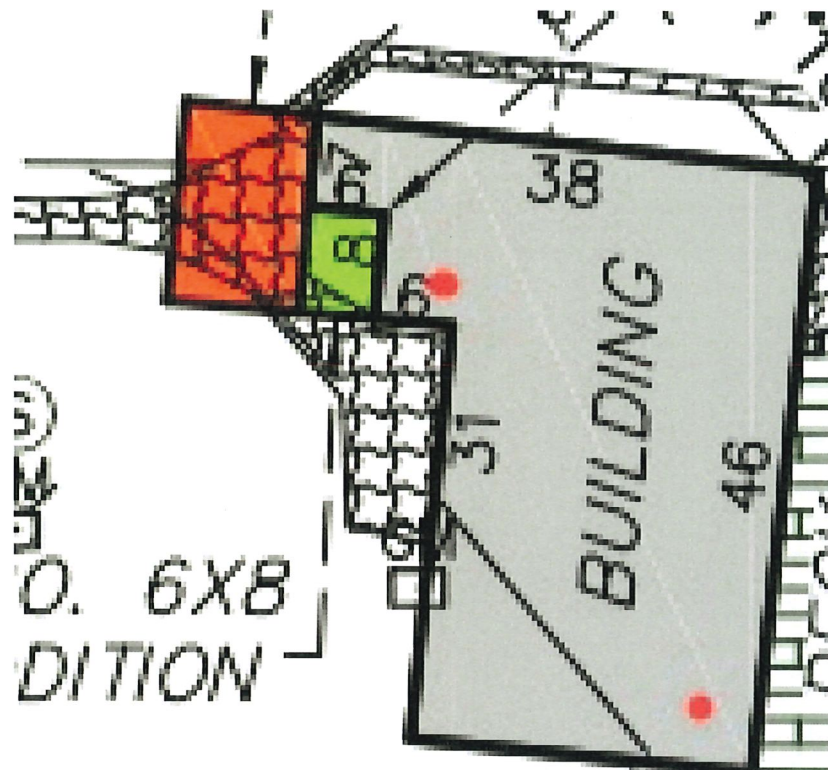
- Lake setback of 62 feet where 75 feet is required to proposed covered patio
- Lake setback of 63 feet where 75 feet is required to proposed addition

To construct:

- 145 square foot covered patio
- 48 square foot addition to the dwelling

As shown on the certificate of survey dated 7-28-2022





RON AND BECKY NELSON 36498 Rushmoor Blvd Crosslake - Zoomed in view of proposed addition to entry way

The green area shown is a 6'x8' (48sq foot) addition that we are proposing to build on the non lakeside of the cabin. We are requesting the variance in order to eliminate one of the west entry's and get the entry to a more usable size with a larger door allowing it to be handicap accessible and for furniture to be easily moved in and out.

The red area shown is a proposed covered patio. Since we have had the plans drawn we are planning to reduce in size in order to allow more natural light into the home.

Paver blocks will be removed on the west side and the east side of the existing structure.

IMPERVIOUS SURFACE:

<u>IMPERVIOUS SURFACE:</u>	
Existing Parcel Area = 48728 sq. ft.	Proposed Parcel Area = 48728 sq. ft.
Building = 1328 sq. ft.	Building = 1328 sq. ft.
Garage 1 = 786 sq. ft.	Pro. Addition = 48 sq. ft.
Garage 2 = 720 sq. ft.	Pro. Covered Patio = 145 sq. ft.
Concrete Surface = 463 sq. ft.	Garage 1 = 786 sq. ft.
Paver Block Surface = 579 sq. ft.	Garage 2 = 720 sq. ft.
Bituminous Surface = 4177 sq. ft.	Concrete Surface = 463 sq. ft.
Total Impervious Surface = 8053 sq. ft.	Paver Block Surface = 459 sq. ft.
	Bituminous Surface = 4177 sq. ft.
	Total Impervious Surface = 8126 sq. ft.
8053/48728 = 0.165	8126/48728 = 0.167
Existing Impervious Surface = 16.5%	Proposed Impervious Surface = 16.7%

DESCRIPTION - (Parcel No.: 14170532, 14170533)

Lot 22 and Lot 23, Block One, RUSHMOOR ESTATES, according to the recorded plat thereof, Crow Wing County, Minnesota.

SURVEYOR'S NOTES:

1. **Bearing Orientation:** The South line of RUSHMOOR ESTATES is assumed to have a bearing of South 89 degrees 41 minutes 00 seconds East.
2. **Benchmark:** Top of well casing = 1236.09 (NGVD29)
3. The field survey was completed on 7/26/2022.
4. Arco 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.
5. The client should contact a real estate attorney or title attorney concerning the driveway encroachment as shown on this certificate of survey.
6. It was verified that there are no wetlands present on the site by Kyle Cherne, Certified Wetland Delineator, #1190 on July 13, 2022.
7. 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.

8. Property Zoning: Shoreland District
9. MN DNR Lake Classification: General Development (GD)
10. Setback Requirements (per City of Crosslake):
 - OHW (GD) = 75 feet
 - Road RW = 35 feet
 - Property Line = 10 feet

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 28th day of July, 2022

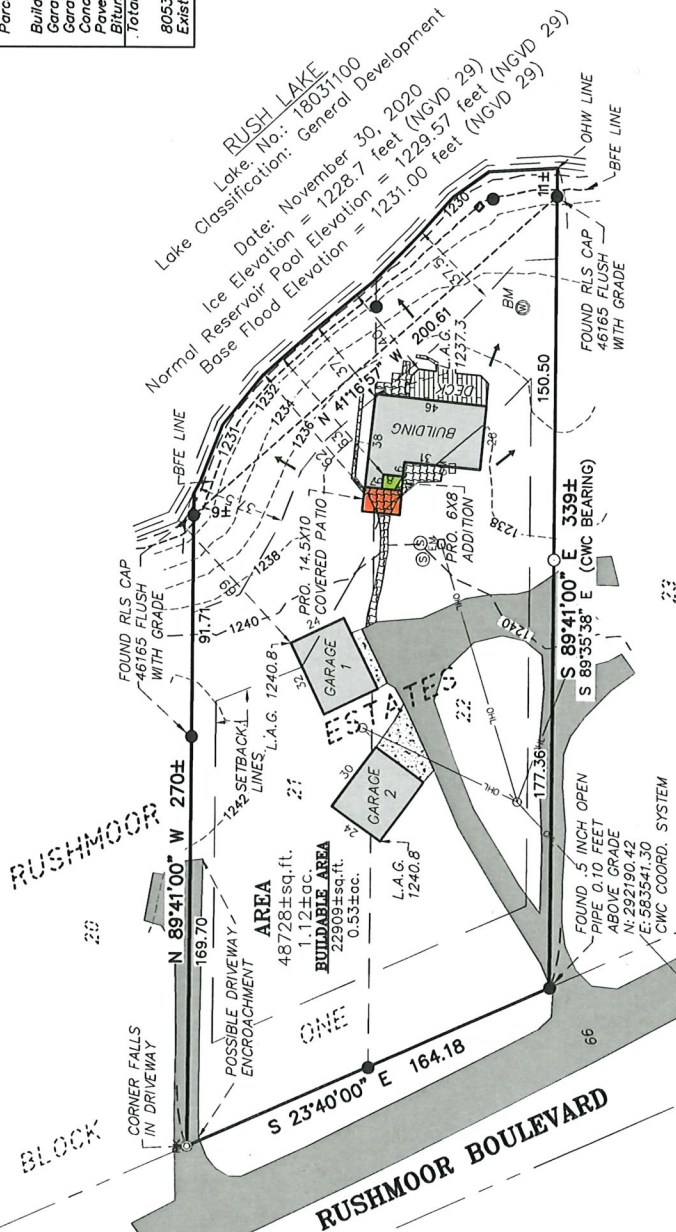
By: *[Signature]*
 Jared A. Spaid, Minnesota License No. 59285



DESIGN SURVEY

LOT 21 AND 22, BLOCK 1
RUSHMOOR ESTATES
CROW WING COUNTY, MN

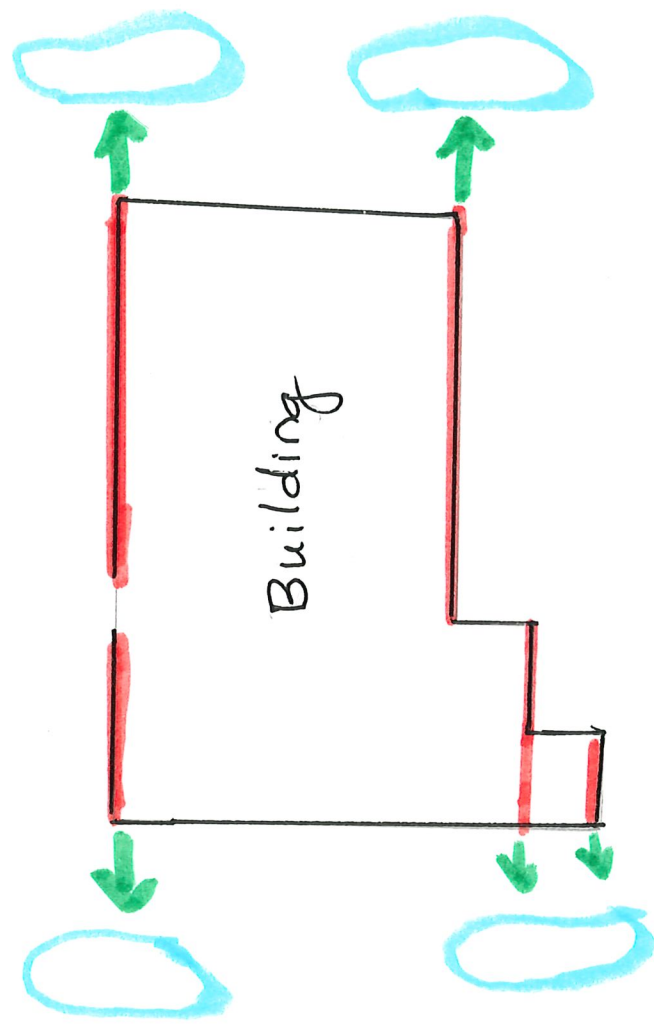
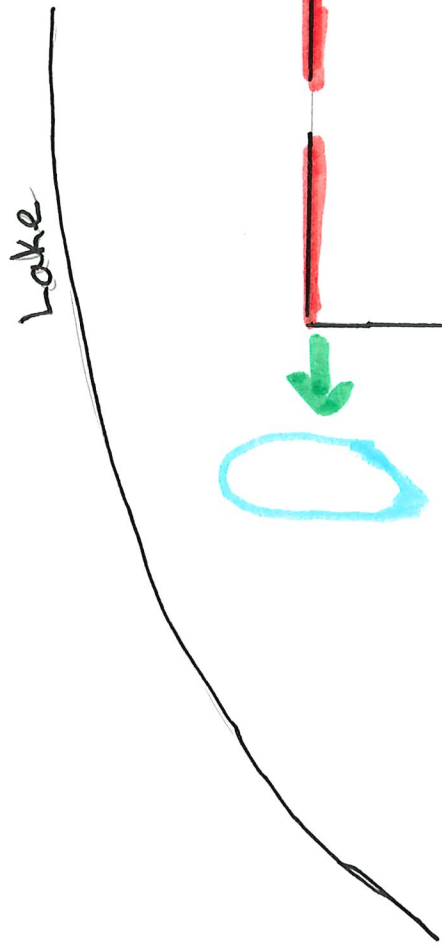
CLIENT:
Ron and Becky Nelson
Property Address:
36498 Rushmoor Blvd.
Crosslake, MN 56442

[illegible]

LEGEND

- | | | | |
|----|---|------------------|----------------------------------|
| ○ | DENOTES 1/2 INCH IRON PIPE SET AND MARKED WITH RLS 59285 CAP. | ③ | DENOTES SEPTIC MANHOLE |
| ● | DENOTES FOUND SURVEY MONUMENT | — OH — | DENOTES SEPTIC CLEANOUT |
| PK | DENOTES PK NAIL SET | — — — 1230 — — — | DENOTES OVERHEAD ELECTRICAL LINE |
| EM | DENOTES ELECTRIC METER | | DENOTES 2 FOOT CONTOURS |
| ⊘ | DENOTES UTILITY POLE | | DENOTES BITUMINOUS SURFACE |
| ⊙ | DENOTES WELL | | DENOTES CONCRETE SURFACE |
| | | | DENOTES PAVEMENT BLOCK SURFACE |

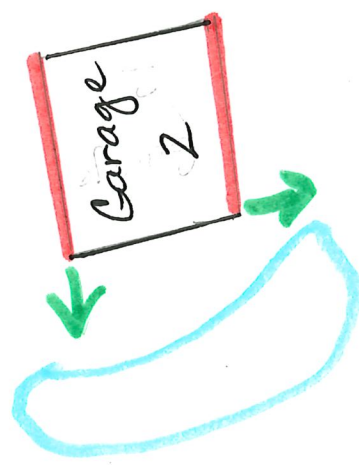
E S
N W



Building



Garage 1



Garage 2

STORMWATER

Ron & Becky Nelson
36498 Rushmoor Blvd
Crosslake MN

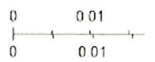
 = Gutter

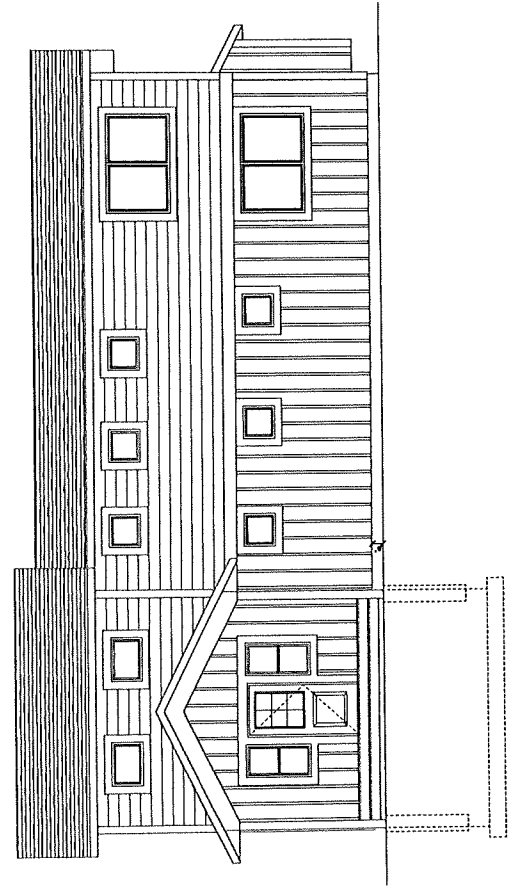
 = Downspout

36498 RUSHMOOR BLVD, CROSSLAKE, MN, 56442

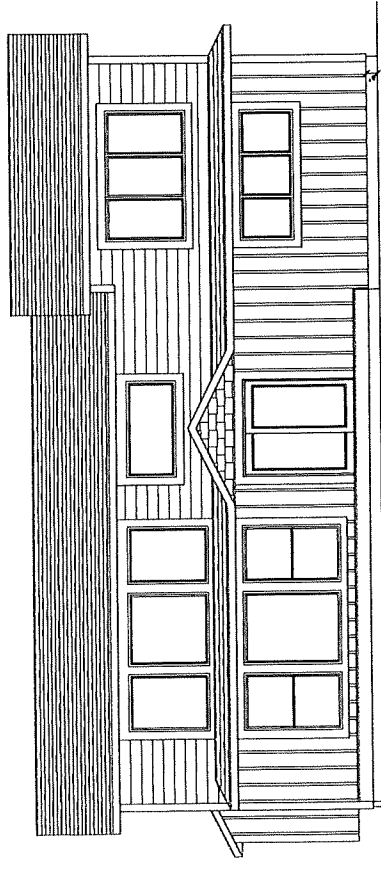


July 26, 2022

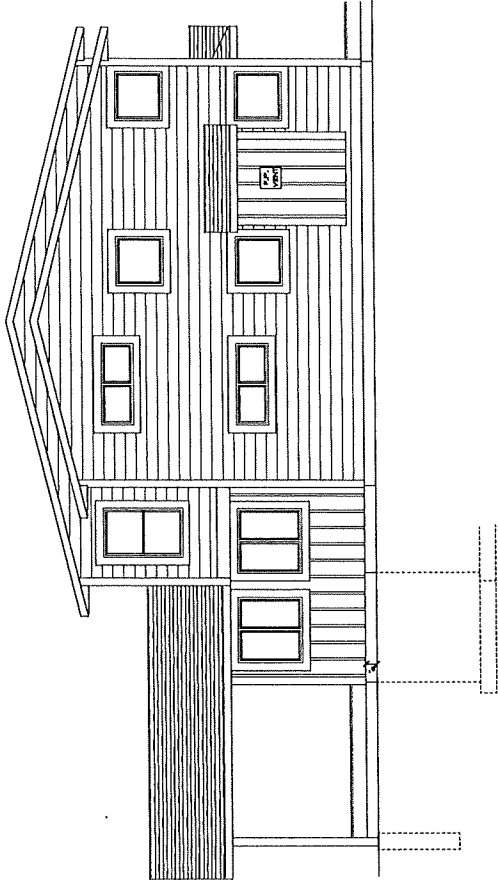




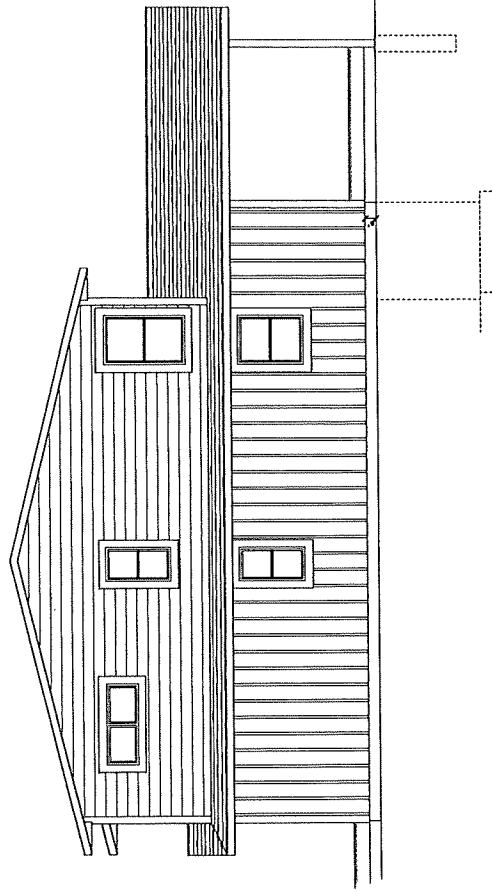
ROADSIDE ELEVATION
SCALE: 1/4"=1'-0"



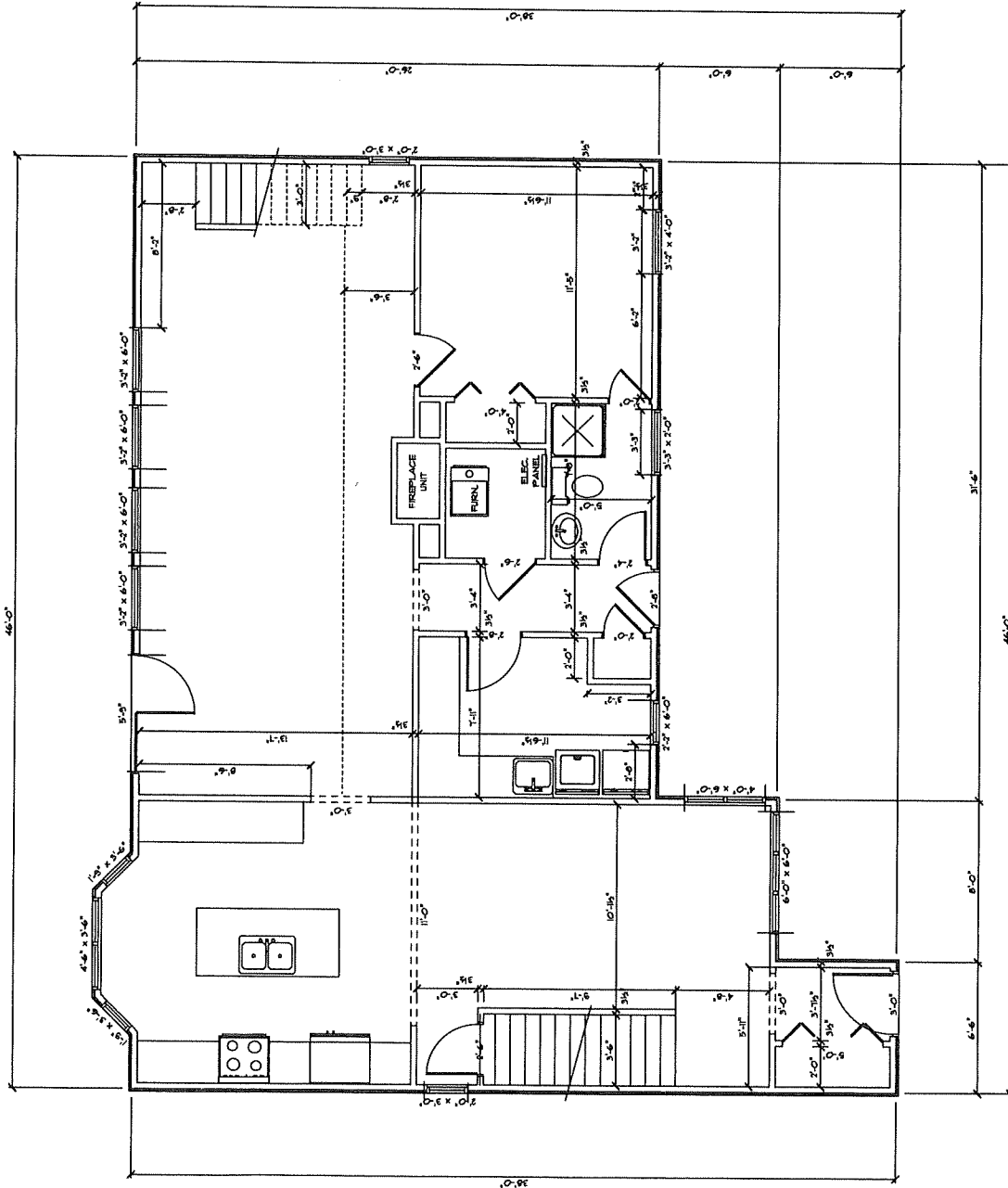
LAKESIDE ELEVATION
SCALE: 1/4"=1'-0"



RIGHTSIDE ELEVATION
SCALE: 1/4"=1'-0"



LEFTSIDE ELEVATION
SCALE: 1/4"=1'-0"



NOTE:
ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
2" X 10" HEADERS OVER ALL EXTERIOR OPENINGS UNLESS OTHERWISE NOTED.
DOOR THRESHOLD ON OPENINGS WIDER THAN 5 FEET.
EXTERIOR DOORS BY THERMA-TRU OR EQUAL. WINDOWS ARE MARVIN INTEGRITY, WITH ALL FALL PROTECTION REQUIREMENTS. VERIFY ALL SIZES AND ROUGH OPENINGS WITH OWNER AND MANUFACTURER. ANY WINDOW WITHIN 18" OF THE FLOOR IS TO BE TEMPERED. WINDOW HEADER HEIGHT TO BE 6'-9 1/8" UNLESS NOTED. VERIFY EXTERIOR DOOR ROUGH OPENING HEIGHTS.
VERIFY ALL TRUSSES, BEAMS AND MICROLAM WITH TRUSS MANUFACTURER. INSULATE AROUND ALL BATHROOMS AND BEDROOMS.
MEETING OF ENERGY CODE REQUIREMENTS TO BE THE RESPONSIBILITY OF CONTRACTOR. THIS PLAN WAS DESIGNED TO COMPLY WITH 2020 MN STATE BUILDING CODE AT THE TIME, AND FOR THE LOCATION THEY WERE DRAWN. CHECK WITH YOUR CONTRACTOR REGARDING LOCAL CODES THAT MAY VARY. THE OWNER AND CONTRACTOR ASSUME THE RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

P.F.S. DESIGN LLC	
218-821-0630	
PROJECT FOR: RON & BECKY NELSON	PAGE NO. 1 of 3
DATE: JUNE 2, 2021	

EXISTING MAIN LEVEL FLOOR PLAN
SCALE: 1/4"=1'-0"



NOTE: ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.

2" x 10" LEADERS OVER ALL EXTERIOR OPENINGS UNLESS OTHERWISE NOTED. DOUBLE TRIMMERS ON OPENINGS WIDER THAN 5 FEET.

EXTERIOR DOORS BY THERMA-TRU OR EQUAL. WINDOWS ARE MARVIN INTEGRITY, WITH ALL FALL PROTECTION REQUIREMENTS. VERIFY ALL SIZES AND ROUGH OPENINGS WITH OWNER AND MANUFACTURER. ANY TYPED WINDOW HEADERS OR HEIGHT TO BE 6'-9" UNLESS NOTED. VERIFY EXTERIOR DOOR ROUGH OPENING HEIGHTS.

VERIFY ALL TRUSSES, BEAMS AND MICROLANTS WITH TRUSSES MANUFACTURER. INSULATE AROUND ALL BATHROOMS AND BEDROOMS.

MEETING OF ENERGY CODE REQUIREMENTS TO BE THE RESPONSIBILITY OF CONTRACTOR. THIS PLAN WAS DESIGNED TO COMPLY WITH THE 2020 TN STATE BUILDING CODE AT THE TIME OF DESIGN. THE CONTRACTOR SHALL VERIFY AND FOR THE LOCATION THEY WERE DRAWN. VERIFY WITH YOUR CONTRACTOR. THE OWNER AND CONTRACTOR SHALL HAVE THE RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

MEETING OF ENERGY CODE REQUIREMENTS
THIS PLAN WAS DESIGNED TO COMPLY WITH
2020 MN STATE BUILDING CODE AT THE TIME
AND FOR THE LOCATION THEY WERE DRAWN.
CHECK WITH YOUR CONTRACTOR
REGARDING LOCAL CODES THAT MAY VARY.
THE OWNER AND CONTRACTOR ASSUME THE
RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

P.F.S. DESIGN LLC

218-821-0630

PROJECT FOR: RON & BECKY NELSON	PAGE NO.
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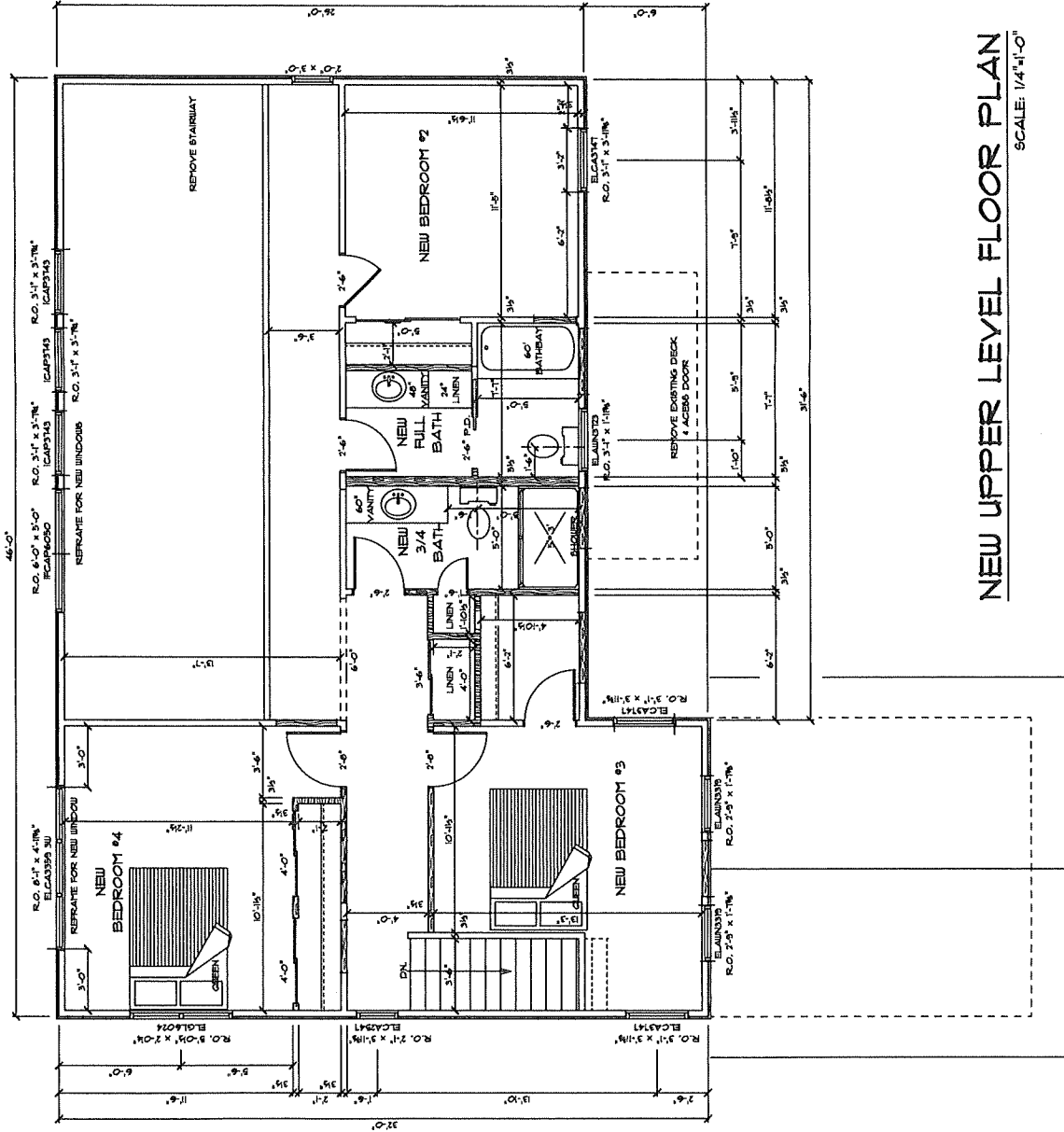
DATE: _____

JUNE 2, 2021

REVISÉD JUNE 17, 2021

REVISÉD JULY 15, 2021

REVISÉD JULY 20, 2021



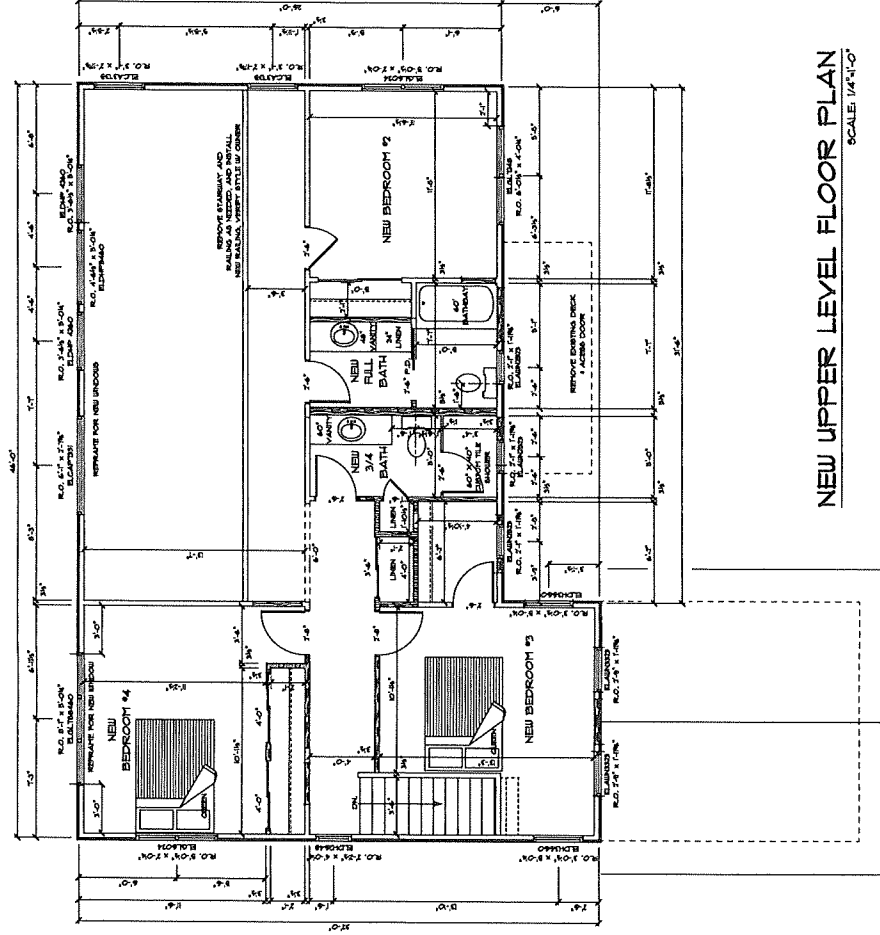
NEW UPPER LEVEL FLOOR PLAN
SCALE: 1/4"=1'-0"

NOTE:
ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
2" x 10" LEADERS OVER ALL EXTERIOR OPENINGS UNLESS OTHERWISE NOTED.
DOUBLE TRIMMERS ON OPENINGS WIDER THAN 5 FEET.
EXTERIOR DOORS BY THERMA-TRU OR EQUAL. WINDOWS ARE MARVIN INTEGRITY, WITH ALL FALL PROTECTION REQUIREMENTS. VERIFY ALL SIZES AND ROUGH OPENINGS WITH OWNER AND MANUFACTURER. ANY WINDOW WITHIN 8' OF THE FLOOR MUST BE PERMANENTLY LOCKED. VERIFY TO BE 6'-8" 1/8" UNLESS NOTED. VERIFY EXTERIOR DOOR ROUGH OPENING HEIGHTS. VERIFY ALL TRUSSES, BEAMS AND MICROLAGS WITH TRUSS MANUFACTURER. INSULATE AROUND ALL BATHROOMS AND BEDROOMS.

MEETING OF ENERGY CODE REQUIREMENTS TO BE THE RESPONSIBILITY OF CONTRACTOR. THIS PLAN WAS DESIGNED TO COMPLY WITH 2020 MN STATE BUILDING CODE AT THE TIME, AND FOR THE LOCATION THEY WERE DRAWN. CHECK WITH YOUR CONTRACTOR REGARDING LOCAL CODES THAT MAY VARY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

P.F.S. DESIGN LLC	
218-821-0630	
PROJECT FOR: RON & BECKY NELSON	PAGE NO. 3 of 3
DATE: JUNE 2, 2021	

REVISED JUNE 17, 2021
REVISED JULY 15, 2021



NOTE:
ALL DIMENSIONS ARE TO FACE OF STUD
UNLESS OTHERWISE NOTED.
2x6 JOIST HEADERS OVER ALL EXTERIOR
DOOR AND WINDOW OPENINGS. DOUBLE
DOUBLE TRIMMERS ON OPENINGS UNDER
EXTERIOR DOORS BY THERMATRU OR
EQUAL. WINDOWS ARE HARVIN INTEGRITY.
VERIFIED ALL STUDS AND JOIST SPACING
WITH OWNER AND MANUFACTURER. ANY
TEMPERED UNDOOR LEASER HEIGHT
TO BE 6-3/4" UNLESS NOTED. VERIFY
EXTERIOR DOOR ROUGH OPENING HEIGHTS.
VERIFY ALL TRUSSES, BEAMS AND
MICROLAM WITH TRUSS MANUFACTURER,
AND ALL AROUND ALL BATHROOMS
AND BEDROOMS.

MEETING OF ENERGY CODE REQUIREMENTS
FOR THIS PLAN WAS DESIGNED TO COMPLY WITH
2020 IN STATE BUILDING CODE AT THE TIME
AND MEET THE LOCAL CODE THERE DRAINED.
REGARDING LOCAL CODES THAT MAY VARY.
THE CONSULTING ENGINEER HAS REVIEWED
THE CONSTRUCTION CODE WITH LOCAL OFFICES.



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: 771620

Permit Number: 220148 ✓

Property Owner(s): Ron S and Becky J Nelson
Trustees Nelson Rev Trust dtd 3-8-16

Mailing Address: 302 East Oak Ave, Olivia, MN 56277

Site Address: 36498 Rushmoor Blvd, Crosslake, MN 56442

Phone Number: 320-522-0165

E-Mail Address: nelsonrb4@gmail.com

Parcel Number(s): 14170532 14170533

Legal Description: Rushmoor Estates Lot 22 Block 1

Sec 17 Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Lake/River Name: Rush Lake

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

If yes list Parcel Number(s) 14170533

Authorized Agent: N/A

Agent Address: N/A

Agent Phone Number: N/A

<u>Variances</u>	
(Check applicable requests)	
<input checked="" type="checkbox"/>	Lake/River Setback
<input type="checkbox"/>	Road Right-of-Way Setback
<input type="checkbox"/>	Bluff Setback
<input type="checkbox"/>	Side Yard Setback
<input type="checkbox"/>	Wetland Setback
<input type="checkbox"/>	Septic Tank Setback
<input type="checkbox"/>	Septic Drainfield Setback
<input type="checkbox"/>	Impervious Coverage
<input type="checkbox"/>	Accessory Structure
<input type="checkbox"/>	Building Height
<input type="checkbox"/>	Patio Size
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

Signature of Property Owner(s) Ron S Nelson

Date 07/31/2022

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"
- 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. 7/30/22

For Office Use: PA

Date 8/2/22

Land Use District SD

Lake Class GD

Septic: Compliance 7/25/22

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:

The existing home was built in the 1970's prior to the current Crosslake city zoning ordinances. We are planning to remodel the existing home and are requesting to add a 6 ft X 8 ft entry way on the road side of the home (non lake side). The current home layout has 2 entrances - we are proposing one entry on the west side that will allow a larger entrance to the home that can give us more room when accessing the home

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

Yes ☒ No ☐

Why:

Yes, this is a small addition that is not visible to the lake side. Aside from this request, the main body size and charecter of the home will remain the same.

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, we are limited in options for the location of the entrance to our home. The North side of the home is flanked by water and much of the west side comes too close to our septic tank.

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

Yes ☒ No ☐

Why:

This addition will allow us to expand one entry way to our home and eliminate the other. The proposed entry way will be larger than the current entry way which will eliminate possible tripping hazards, scuffed walls, and will also more accessible to handicapped individuals.



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: