

---

**CITY OF FIFTY LAKES**  
**PLANNING COMMISSION/BOARD OF ADJUSTMENT**

**AGENDA**

July 25, 2023 6:00 pm

---

*The meeting is being recorded and audio will be posted on the city website. Anyone wishing to speak please raise your hand until recognized by the chairperson then state your name and residence.*

1. Call to Order
2. Roll Call
3. Additions or Deletions to Agenda
4. Public Hearings
  - a. V-02-23 to enclose a pre-existing 10' x 15' (150 sf) deck within the ordinary high water level setback. Property address: 40535 Westman Bay Rd. Property owners/applicants: Christopher & Wendy Boyer.
5. Open Forum
6. Approval of Minutes
  - a. June 27, 2023
7. New Business
  - a. Recreational Vehicle Ordinance, Discussion
8. Old Business
9. Council Liaison Report: Gary Staples
10. P&Z Administrator's Report
11. Adjourn

CITY OF FIFTY LAKES  
NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: Notice is hereby given the City of Fifty Lakes Planning Commission/Board of Adjustment will convene on Tuesday, July 25, 2023 at 6:00 p.m. at City Hall to conduct the following public hearing:

Variance Application V-02-23 to enclose a pre-existing 10' x 15' (150 sf) deck within the ordinary high water level setback. Property address: 40535 Westman Bay Rd. PIN 22280624. The applicants/property owners are Christopher & Wendy Boyer.

All interested persons are invited to attend these hearings and be heard or send written comments to City Hall or via email at [pz@fiftylakesmn.com](mailto:pz@fiftylakesmn.com).

A staff report is made available at city hall typically one week before the scheduled meeting.

Justin Burslie, Zoning Administrator  
City of Fifty Lakes

CITY OF FIFTY LAKES  
BOARD OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING  
July 25, 2023 @ 6:00 P.M.

TO WHOM IT MAY CONCERN:

The following will be the subject of a public hearing on Tuesday, July 25, 2023 beginning at 6:00 P.M at Fifty Lakes City Hall.

**Hearing:** Variance Application V-02-23 to enclose a pre-existing 10' x 15' (150 sf) deck within the ordinary high water level setback.

**Property Owners/Applicants:** Christopher & Wendy Boyer

**Property Description:** The subject property is located at 40535 Westman Bay Rd. PIN 22280624.

A map identifying the subject property is on the reverse side of this notice.

**Purpose:** The applicant is requesting a variance to convert a pre-existing 10' x 15' (150 sf) deck into a screened porch. The attached deck is located 48' from the OHW level of West Fox Lake (75' required).

**Property Owners Please Note:** Please share this information with your neighbors in the event that any property owner has been overlooked or is not contained in our records.

If you wish to provide written comments, please email to [pz@fiftylakesmn.com](mailto:pz@fiftylakesmn.com) or mail to PO Box 125, Fifty Lakes, MN 56448.

The staff report regarding the request will be available on the city website approximately one week before the meeting.

Justin Burslie (Sourcewell)  
Zoning Administrator  
City of Fifty Lakes

The subject property is located at: 40535 Westman Bay Rd





BLUM, ROGER W & TERRY J & JOSEPH M  
669 FIRST AVE  
MENDOTA HEIGHTS, MN 55116

KING, PETER GAYLUND  
PO BOX 217  
CROSSLAKE MN 56442

BOOS, MITCHELL J  
7604 KIOWA AVE  
CHANHASSEN MN 55424

PLUDE, MYLES A & LYNN M  
13983 NE 91ST ST  
ELK RIVER MN 55330

BOYER, CHRISTOPHER A & WENDY R  
5615 BROOKVIEW AVE  
EDINA MN 55424

RENSTED, CLYDE D TRUST (1/2) &  
18 ANEMONE CIR  
NORTH OAKS MN 55127-2608

CANFIELD, JOHN L & ALANA A  
820 ORIOLE LN  
CHASKA, MN 55318

STOVERN, THOMAS B & PAMELA L  
2362 ISLAND PT  
VICTORIA MN 55386

EASTWOOD, PATRICK J LIV TRUST (UND 1/2)&  
40647 GREY FOX LANE  
FIFTY LAKES MN 56448

WRESSELL, LORIE A & JAMES M  
PO BOX 152  
FIFTY LAKES MN 56448

EBNER, STEPHEN & COLEEN  
1620 PARK NORTH  
STILLWATER, MN 55082

EID, MARILYN K TRUST DATED 6-28-89  
5404 VINING POINT RD  
MINNETONKA, MN 55345

JLH LP  
19533 COUNTRY CIR E  
ROGERS MN 55374

JUTILA, JON E & EDITH JOYCE JUTILA  
4828 PITT ST  
DULUTH MN 55804

KING, GAYLUND & MAXYNE TRUST AGR  
8905 XYLITE ST NE  
BLAINE, MN 55449

## STAFF REPORT

**Application:** Variance to Encroach the OHW Level Setback

**Property Owner/Applicant:** Christopher & Wendy Boyer

---

**Background Information:** The applicants are requesting a variance to enclose an existing 10' x 15' (150 sf) deck located 48' from the OHW level of West Fox Lake (General Development) on the property located at 40535 Westman Bay Road. The subject property contains a pre-existing 1,250 sf single family dwelling.

The single family dwelling is considered a “pre-existing structure” because it was constructed before the establishment of the Shoreland Rules and is located 48 feet from the OHW level of West Fox Lake (75 ft required). The pre-existing dwelling was significantly damaged by fire in December 2020. The property owners were granted a variance in September 2021 to replace the pre-existing dwelling and construct 947 sq. ft. addition on the east side of the structure.

The subject property is 3.2 acres and is located in the “Shoreland Residential” land use district.



The dwelling is served by a private water well (located east of the dwelling) and conforming subsurface sewage treatment system (located north of the dwelling). The existing impervious surface coverage of the property is 10.1% and the proposed impervious surface coverage is 11% (25% allowed).

**Applicable Regulations:** The following ordinance regulations apply to this request:

3.07 Variances

3.07.06 Variances may be granted upon considering the following:

- a. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance? and
- b. Does the property have unique circumstances that were not created by the landowner? and
- c. Will the variance, if granted, alter the essential character of the locality? and
- d. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Fifty Lakes ordinances? and
- e. Are economic considerations alone the reason for requesting a variance?

**5.0 LAND USE PROVISIONS**

**5.01 *Lot Area, Width, Buildable Area and Impervious Surface Standards***

**Table 5.01.01 Shoreland Residential District (SR) Lot Area, Width, Buildable Area, and Impervious Surface Standards**

<b>Shoreland Residential District (SR) Lake Classification</b>	<b>Min. Lot Area (ft<sup>2</sup>)</b>	<b>Min. Lot Width</b>	<b>Min. Buildable Area (ft<sup>2</sup>)**</b>	<b>Max. Impervious Coverage (%)</b>
<b>General Development</b>				
General Development -Riparian	20,000	100	12,000	25

**8.0 PROVISIONS FOR MANAGEMENT OF SHORELAND AREAS**

**8.02 Placement, Design, and Height of Structures**

8.02.01 Placement of Structures on Lots. Structures and facilities must be located to meet all setbacks. Structures shall be located as follows:

- i. Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level (see required setbacks for Special Protection zone)

Classes of Public Waters	Setbacks	
	Structures	Sewage Treatment System
<b>Lakes</b>		
General Development	75	75

8.02.02 **Additional Structure Setbacks.**

- b) The following additional structure setbacks apply, regardless of the classification of the waterbody:

**Table 8.02.02 Additional Structure Setbacks**

Setback from:	Setback (in feet)
City, County, State, or Federal road right-of-way, or streets not classified	35*
Property Line	10

\*20 feet for all lots created before April 18, 2002

**Staff Findings:** Staff provides the following findings of fact for consideration:

1. The subject property is located at 40535 Westman Bay Rd. and is zoned “Shoreland Residential” (West Fox Lake- General Development).
2. The variance request is to enclose an existing 10’ x 15’ (150 sf) attached pre-existing deck. The proposed addition would convert the deck into a three-season porch.
3. The single family dwelling is considered a “pre-existing structure” because it was constructed before the establishment of the Shoreland Rules and is located 48’ from the OHW level of West Fox Lake (75 ft required.)
4. The pre-existing dwelling was significantly damaged by fire in December 2020. The property owners were granted a variance in September 2021 to replace the pre-existing dwelling and construct 947 sq. ft. addition on the east side of the structure.
5. The subject property is 3.2 acres will contain approximately 11% impervious surface coverage with the proposed improvements (25% allowed).
6. The pre-existing dwelling is served by a private water well and conforming subsurface sewage treatment system.
7. The DNR has been notified of the request and has provided the following:
  - “Assuming the existing deck is an existing legal non-conforming deck (i.e., either has a permit or was placed prior to p&z regulations established within the City) and the addition is getting no closer to OHW than the other portion of the house, the DNR has no comments.”
8. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?
  - Yes, \_\_\_\_\_.
  - No, \_\_\_\_\_.
9. Does the property have unique circumstances that were not created by the landowner?
  - Yes, \_\_\_\_\_.
  - No, \_\_\_\_\_.

10. If the variance is granted, will the essential character of the locality remain consistent?
  - Yes, constructing a porch addition will not alter the essential character of the neighborhood. The improvement will not be visible from the right-of-way and not highly visible from adjacent properties. The addition will be visible from the lake however the shoreline contains some vegetation for screening.
  - No, the addition will be visible as viewed from the lake and is not consistent with the size of nearby dwellings that are located within the lake setback—the proposed addition will alter the essential character of the neighborhood.
11. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Fifty Lakes ordinances?
  - Yes, the request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, “To preserve the natural character and environmental quality of the lakeshore and still allow reasonable use for property owners and the public.”
  - No, the request is not consistent with the purpose and intent of the zoning ordinance. The required structure setback is 75’. The subject property has adequate area to construct a screen porch in a conforming location on the property.
12. Has the variance request been made based on reasons other than economic considerations alone?
  - Yes, the request has been made on factors other than economic considerations.

---

**Board of Adjustment Direction:** The Board of Adjustment can approve the request, deny the request or table the request if additional information is needed. If the motion is for approval or denial, findings of fact should be cited.

---

**Staff Recommendation:** If the board of adjustment wishes to approve the variance request staff recommends the following conditions of approval:

1. A stormwater management plan which includes gutters/downspouts on the west side (lakeside) of the porch submitted prior to land use permit approval. Stormwater shall be directed to a rain garden(s) and/or swale(s). The stormwater management plan shall be reviewed/approved by the zoning administrator and shall be implemented in full within one month after completion of the project.



June 23, 2023

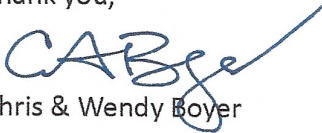
Justin Burslie  
City of Fifty Lakes Planning and Zoning  
40447 Town Hall Road, Box 125  
Fifty Lakes, MN 56448

Dear Justin,

Enclosed is the variance application we have recently discussed for our cabin located at 40535 Westman Bay Road. Please find a check for the application fee enclosed. In addition there are 3 copies each of these documents:

- Completed Variance Application document.
- Completed questionnaire.
- Drawings.
- Photos of the existing deck for reference.

Thank you,



Chris & Wendy Boyer

Chris Boyer  
[cwawboyer@gmail.com](mailto:cwawboyer@gmail.com)  
612-594-9128 – mobile/text

Wendy Boyer  
[browncowdesign@me.com](mailto:browncowdesign@me.com)  
612-295-6742 – mobile/text

CITY OF FIFTY LAKES

Project Completed

ID No: \_\_\_\_\_

40447 Town Hall Road / Box 125, Fifty Lakes, MN 56448

218-763-3113

www.fiftylakesmn.com

VARIANCE APPLICATION

RECODE: 22280624 INACTIVE:  RECODE2: \_\_\_\_\_  
 LAST NAME: BOYER FIRST NAME: CHRISTOPHER & WENDY  
 ADDRESS: 5615 BROOKVIEW AVG. PHONE: \_\_\_\_\_  
 CITY: EDINA STATE: MN ZIP: 55424  
 ADDRESS 2: \_\_\_\_\_  
 CITY 2: \_\_\_\_\_ STATE 2: \_\_\_\_\_ ZIP 2: \_\_\_\_\_  
 OWNER: CHRISTOPHER & WENDY BOYER

LOCATION RECODE/PARCEL NUMBER: 22280624  
 LEGAL DESCRIPTION: \_\_\_\_\_

*SEE ATTACHED (TOO LENGTHY TO WRITE HERE)*

TOWNSHIP: 138 RANGE: 027 SEC: 28 QTRSEC: \_\_\_\_\_ QTRQTRSEC: \_\_\_\_\_  
 PLAT: \_\_\_\_\_

BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_  
 LAKE NAME: WEST FOX LAKE NUMBER: 18029700 STREAM NAME: \_\_\_\_\_  
 ACREAGE: 3.33 FIRE NUMBER: \_\_\_\_\_ ZONING: \_\_\_\_\_

DIRECTIONS: \_\_\_\_\_  
 HOUSE NUMBER: 40935 STREET NAME: WESTMAN BAY ROAD

IS THE PROPOSED VARIANCE IN THE SHORELAND AREA?  Yes  No

SPECIFICALLY STATE THE NATURE OF VARIANCE REQUESTED: Convert existing deck into a screen porch.

EXPLAIN THE PURPOSE OF YOUR REQUEST AND DESCRIBE THE PRACTICAL DIFFICULTY: The location of the current deck is the most logical and practical place to put a screen porch. That location minimizes the footprint of the structure, and simplifies our project overall.

All property owners within 350 feet of subject property shall be notified.

A Certificate of Survey (C of S) may be required for a variance application. The C of S must show all improvements including placement of sewage treatment system, pertinent distances to all lot lines, ROW's, distances to neighbors' adjoining wells, septic systems and main structures. Include planned improvement(s) and two-foot elevation contours. Further information, including preliminary floor plan with elevations, wetlands, bluffs, etc. may be required. Any additional costs the City incurs for any reason shall be reimbursed by applicant.

CITY ACTION

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

CONDITIONS: \_\_\_\_\_

RATIONALE: \_\_\_\_\_

NOTES: \_\_\_\_\_

APPLICATION DATE: \_\_\_\_\_ Signed: [Signature]  
 VARIANCE ID: \_\_\_\_\_ FEE: \_\_\_\_\_ Applicant  
 DATE FEE PAID: \_\_\_\_\_ Signed: \_\_\_\_\_  
 FEE PAID BY:  Check # \_\_\_\_\_  Cash City Clerk or authorized agent  
 DATE APPROVED: \_\_\_\_\_ Signed: \_\_\_\_\_  
 EXPIRATION DATE: \_\_\_\_\_ Zoning Administrator or authorized agent



Home Property Records Contact Us

Property Search Advanced Search Map Search

- Property Overview
- Land Information
- Residential Buildings
- Additional Structures
- Commercial/Apt Buildings
- Building Sketches
- CIS Map
- Property Photos
- Aerial View / Pictometry
- Property Tax Payments
- Property Taxes Due
- Tax Statement
- Special Assessments

Parcel ID: 22280624  
 BOYER, CHRISTOPHER A & WENDY R

---

Parcel

Assessment Year:	2021
Pay Year:	2022
Property Address:	40535 WESTMAN BAY RD
City:	FIFTY LAKES
State:	MN
Zip:	56448
Multiple Addresses:	No
Owner Mailing:	
Mailing City:	
Legacy Parcel ID:	220281406G00009
Market NBHD:	22_RSL - FIFTY LAKES RES&SEAS LAKESHORE
Class:	151 - 4C(12) SEASONAL RESIDENTIAL RECREATION
Lake:	18029700 - WEST FOX
Deeded Acres:	3.33
Plat:	-
Lot:	
Block:	
Section-Twp-Range:	28 - 138 - 027
Tax District:	22800 - 22 - CITY OF FIFTY LAKES
Town/City:	010700 - CITY OF FIFTY LAKES
School District:	022174 - PINE RIVER - BACKUS
Fire District:	
Rural Service:	
Watershed:	
Sewer District:	
Hospital:	090207 - CUYUNA RANGE HOSPITAL DIST
HRA:	080121 - CROW WING COUNTY HRA
Commissioner District:	2
TIF Project #:	-

Values

Tax Market Value:	348,300
Estimated Market Value:	348,300
Ref Market Value:	0
TIF Tax Capacity:	0
Tax Capacity:	3,483
State Tax Capacity:	3,027
New Construction Value:	0

Parcel Status

In Forfeiture:	No
Escrow Company:	
ACH:	No
Delinquent:	No
Homestead:	N - Non-Homestead
Relative:	

Legal

Plat Name: THAT PT OF GOV LOT 6 DESC AS FOLLOWS; COMM AT THE SE CORNER OF SAID GOV LOT 6, THENCE N 00 DEG 28 MIN 06 SEC W, BEARING BASED ON CWC

1 of 1

[Return to Search Results](#)

---

Actions

- [Neighborhood Sales](#)
- [Printable Summary](#)
- [Printable Version](#)

---

Reports

- [Valuation Notice](#)
- [Field Card](#)
- [Tax Statement](#)
- [Truth in Taxation](#)

---

Links

- [Homestead Application](#)
- [Paying Your Property Taxes](#)

*\* LEGAL DESCRIPTION*



*\*  
Legal  
Description*

COORD, 300 FT ALG THE E LINE OF SAID GOV LOT 6 TO THE POB OF THE TRACT TO BE DESC, THENCE REVERSING S 00 DEG 28 MIN 06 SEC E 150 FT ALG SAID E LINE OF GOV LOT 6, THENCE N 88 DEG 53 MIN 46 SEC W 1035 FT, M/O/L, PARALLEL WITH THE S LINE OF GOV LOT 6, TO THE SHORE OF WEST FOX LAKE, THENCE NE'LY ALG SAID SHORE TO ITS INTERSECTION WITH THE LINE THAT BEARS N 88 DEG 53 MIN 46 SEC W FROM THE POB, THENCE S 88 DEG 53 MIN 46 SEC E 910 FT, M/O/L, PARALLEL WITH SAID S LINE OF GOV LOT 6, TO THE POB.

Sales

Sale Date	Sale Price	Instr. Type	CRV #	Grantor/Seller	Grantee/Buyer
07/31/2020	355,000	WD	1130104	SMITH, LAWRENCE R & KAREN A	BOYER, CHRISTOPHER A & WENDY R
06/14/2013		OTH	1304283		SMITH, LAWRENCE R & KAREN A
06/01/2013	337,000	WD	151435E	MASTAIN, STEVEN	SMITH, LAWRENCE & KAREN
02/16/2012		OTH	1201446		MASTAIN, STEVEN A
11/07/2003		OTH	0311881		MASTAIN, STEVEN A & LISA K
11/01/2003	400,000	WD		PLOMBON, THOMAS J & MICHELLE M	MASTAIN, STEVEN A & LISA K
05/23/2002		OTH	0205508		PLOMBON, THOMAS J & MICHELLE
05/01/2002	65,000	WD		PLOMBON, THOMAS J & MICHELLE M	RENSTED, CLYDE D & AUDREY M
06/30/2000		OTH	003819		PLOMBON, THOMAS J & MICHELLE
06/01/2000	285,000	WD		ANDERSON, JAY	PLOMBON THOMAS J &

Sale Details

1 of 10 >

Instrument Type: WARRANTY DEED  
 Grantor/Seller: SMITH, LAWRENCE R & KAREN A  
 Grantee/Buyer: BOYER, CHRISTOPHER A & WENDY R  
 Instrument/Sale Date: 07/31/2020  
 Transfer Date: 10/12/2020  
 Recorded Date: 08/18/2020  
 Improved/Vacant: I - Improved  
 State Validity Code: G - Qualified Sale  
 Sale Property Use: 1 - RESIDENTIAL (LESS THAN 4 UNITS)  
 CRV #: 1130104  
 Old Document Number:  
 Total Sale Price: 355,000  
 # of Pcls: 1  
 Adjusted Sale Price: 346,804

**Crow Wing County**  
 Land Services  
 322 Laurel Street, Suite 15  
 Brainerd MN 56401

**Contact Us**  
 Phone: (218) 824-1010  
 Fax: (218) 824-1126  
 Email: landservices@crowwing.us  
 Hours: Monday-Friday 8:00am-5:00pm

**Location** [Google Map](#)

[Search Disclaimer](#)

**Applicant or his/her agent should provide written responses and be prepared to discuss the following:**

1. How will **reasonable** use of the parcel be deprived if the Variance is not granted?

We are requesting the ability to convert an existing deck into a screen porch. A screen porch would allow us to enjoy viewing the lake, while being protected from insects, especially in the evenings. Without this variance, the cabin would be less livable and enjoyable. We are also upgrading the existing cabin by addressing the structural and thermal issues that exist.

2. What are the unique circumstances of the parcel size, shape, topography or other characteristics that make strict interpretation of the Ordinance impractical?

The current deck is the most logical location for the screen porch. That would allow us to repair and rebuild the cabin within its existing footprint, with a modest addition to the back, thereby making it more livable. The cabin is 48" from the lake, which we want to maintain. A screen porch will improve the livability, appearance, and value of the cabin.

3. Describe the character of the locality. How is this proposal consistent with the locality?

There are neighboring properties with structures in the setback zone also. Ours would remain consistent with those. Our design is traditional, and will enhance the overall area. Pictures of the existing deck are included for reference and context.

4. How is granting this Variance consistent with the intent of the City of Fifty Lakes Land Use Ordinance?

We are building on the same footprint, and adding modest space to the back to increase livability. If we could convert the current deck into a screen porch, we wouldn't need to add a screen porch to another part of the cabin (for example the north end), therefore minimizing the overall footprint. Sightlines of neighboring properties will not be affected.

5. Are economic considerations alone the reason for requesting a variance?

No. We desire the cabin to be more livable overall. We are investing to upgrade the structure to create a more enjoyable and valuable cabin.

6. What other options, either conforming or non-conforming, have been considered and why were those options not chosen?

We have considered fully tearing down and rebuilding which has been previously approved. We have also considered adding a screen porch to a different part of the cabin as mentioned above. Converting the existing deck into a screen porch would create less of an impact on the overall property.

7. Please include any other comments pertinent to this request.

The front wall of the screen porch would be equal with the front wall of the overall cabin, and create a consistent and visually appealing cabin. Thank you for your consideration.





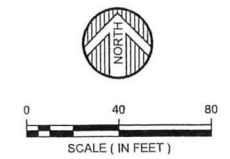
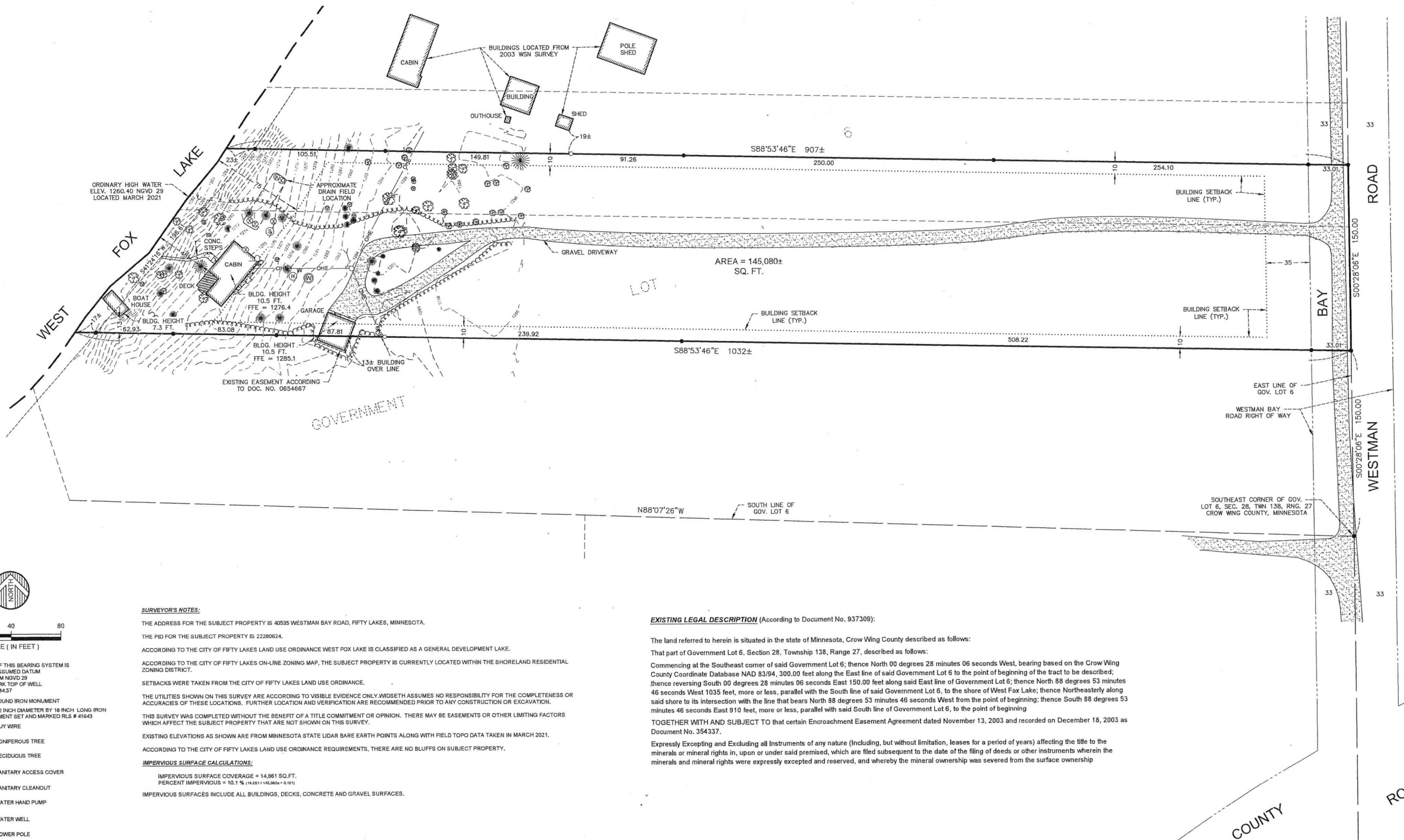






# CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 6,  
SECTION 28, TOWNSHIP 138, RANGE 27,  
CROW WING COUNTY, MINNESOTA



- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON AN ASSUMED DATUM VERTICAL DATUM NGVD 29 SITE BENCH MARK TOP OF WELL ELEVATION = 1284.57
- = DENOTES FOUND IRON MONUMENT
  - = DENOTES 1/2 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED RLS # 41643
  - = DENOTES GUY WIRE
  - ☉ = DENOTES CONIFEROUS TREE
  - ☼ = DENOTES DECIDUOUS TREE
  - ⊙ = DENOTES SANITARY ACCESS COVER
  - ⊗ = DENOTES SANITARY CLEANOUT
  - W = DENOTES WATER HAND PUMP
  - ⊕ = DENOTES WATER WELL
  - ⊖ = DENOTES POWER POLE
  - ⊙ = DENOTES GAS METER
  - O— = DENOTES OVERHEAD ELECTRIC
  - ▨ = DENOTES CONCRETE SURFACE
  - ▩ = DENOTES GRAVEL SURFACE

**SURVEYOR'S NOTES:**

THE ADDRESS FOR THE SUBJECT PROPERTY IS 40535 WESTMAN BAY ROAD, FIFTY LAKES, MINNESOTA.  
 THE PID FOR THE SUBJECT PROPERTY IS 22280624.  
 ACCORDING TO THE CITY OF FIFTY LAKES LAND USE ORDINANCE WEST FOX LAKE IS CLASSIFIED AS A GENERAL DEVELOPMENT LAKE.  
 ACCORDING TO THE CITY OF FIFTY LAKES ON-LINE ZONING MAP, THE SUBJECT PROPERTY IS CURRENTLY LOCATED WITHIN THE SHORELAND RESIDENTIAL ZONING DISTRICT.  
 SETBACKS WERE TAKEN FROM THE CITY OF FIFTY LAKES LAND USE ORDINANCE.  
 THE UTILITIES SHOWN ON THIS SURVEY ARE ACCORDING TO VISIBLE EVIDENCE ONLY. WIDSETH ASSUMES NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACIES OF THESE LOCATIONS. FURTHER LOCATION AND VERIFICATION ARE RECOMMENDED PRIOR TO ANY CONSTRUCTION OR EXCAVATION.  
 THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR OPINION. THERE MAY BE EASEMENTS OR OTHER LIMITING FACTORS WHICH AFFECT THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THIS SURVEY.  
 EXISTING ELEVATIONS AS SHOWN ARE FROM MINNESOTA STATE LIDAR BARE EARTH POINTS ALONG WITH FIELD TOPO DATA TAKEN IN MARCH 2021.  
 ACCORDING TO THE CITY OF FIFTY LAKES LAND USE ORDINANCE REQUIREMENTS, THERE ARE NO BLUFFS ON SUBJECT PROPERTY.  
**IMPERVIOUS SURFACE CALCULATIONS:**  
 IMPERVIOUS SURFACE COVERAGE = 14,961 SQ. FT.  
 PERCENT IMPERVIOUS = 10.1% (14,961 / 148,062 ± × 100)  
 IMPERVIOUS SURFACES INCLUDE ALL BUILDINGS, DECKS, CONCRETE AND GRAVEL SURFACES.

**EXISTING LEGAL DESCRIPTION** (According to Document No. 937309):

The land referred to herein is situated in the state of Minnesota, Crow Wing County described as follows:  
 That part of Government Lot 6, Section 28, Township 138, Range 27, described as follows:  
 Commencing at the Southeast corner of said Government Lot 6; thence North 00 degrees 28 minutes 06 seconds West, bearing based on the Crow Wing County Coordinate Database NAD 83/94, 300.00 feet along the East line of said Government Lot 6 to the point of beginning of the tract to be described; thence reversing South 00 degrees 28 minutes 06 seconds East 150.00 feet along said East line of Government Lot 6; thence North 88 degrees 53 minutes 46 seconds West 1035 feet, more or less, parallel with the South line of said Government Lot 6, to the shore of West Fox Lake; thence Northeasterly along said shore to its intersection with the line that bears North 88 degrees 53 minutes 46 seconds West from the point of beginning; thence South 88 degrees 53 minutes 46 seconds East 910 feet, more or less, parallel with said South line of Government Lot 6, to the point of beginning  
 TOGETHER WITH AND SUBJECT TO that certain Encroachment Easement Agreement dated November 13, 2003 and recorded on December 18, 2003 as Document No. 354337.  
 Expressly Excepting and Excluding all Instruments of any nature (Including, but without limitation, leases for a period of years) affecting the title to the minerals or mineral rights in, upon or under said premises, which are filed subsequent to the date of the filing of deeds or other instruments wherein the minerals and mineral rights were expressly excepted and reserved, and whereby the mineral ownership was severed from the surface ownership

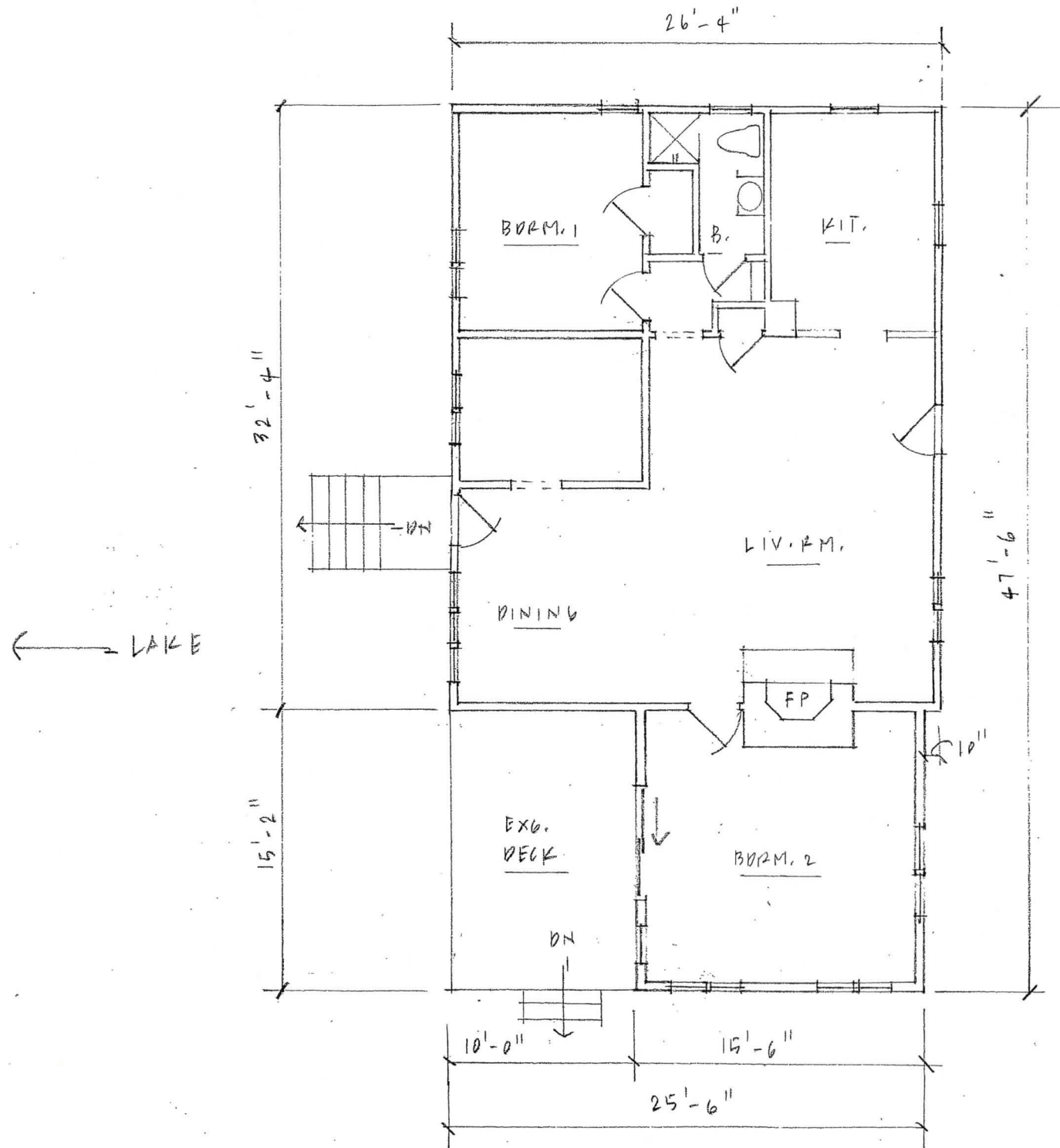
DATE:	MARCH 23, 2021	DATE:		AMENDMENTS:		BY:		PREPARED FOR:	WENDY BOYER
SCALE:	AS SHOWN							I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.	
DRAWN BY:	TJP							CHAD M. CONNER	DATE:
CHECKED BY:	CMC								LIC. NO. 41643
FILE NUMBER:	2021-10289								

**WIDSETH**  
 ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

Issued: 06/23/23  
 Contractor: Wes Hanson Builders Inc. PO Box 456 Crosslake, MN 56442  
 Drawings: Kampa Studio 1323 Tyler St. NE, #2 Mpls., MN 55413  
 Owners: Chris and Wendy Boyer 5615 Brookview Ave. Edina, MN 55424  
 Boyer Cabin 40535 Westman Bay Rd. Fifty Lakes, MN  
 Sheet No. A1



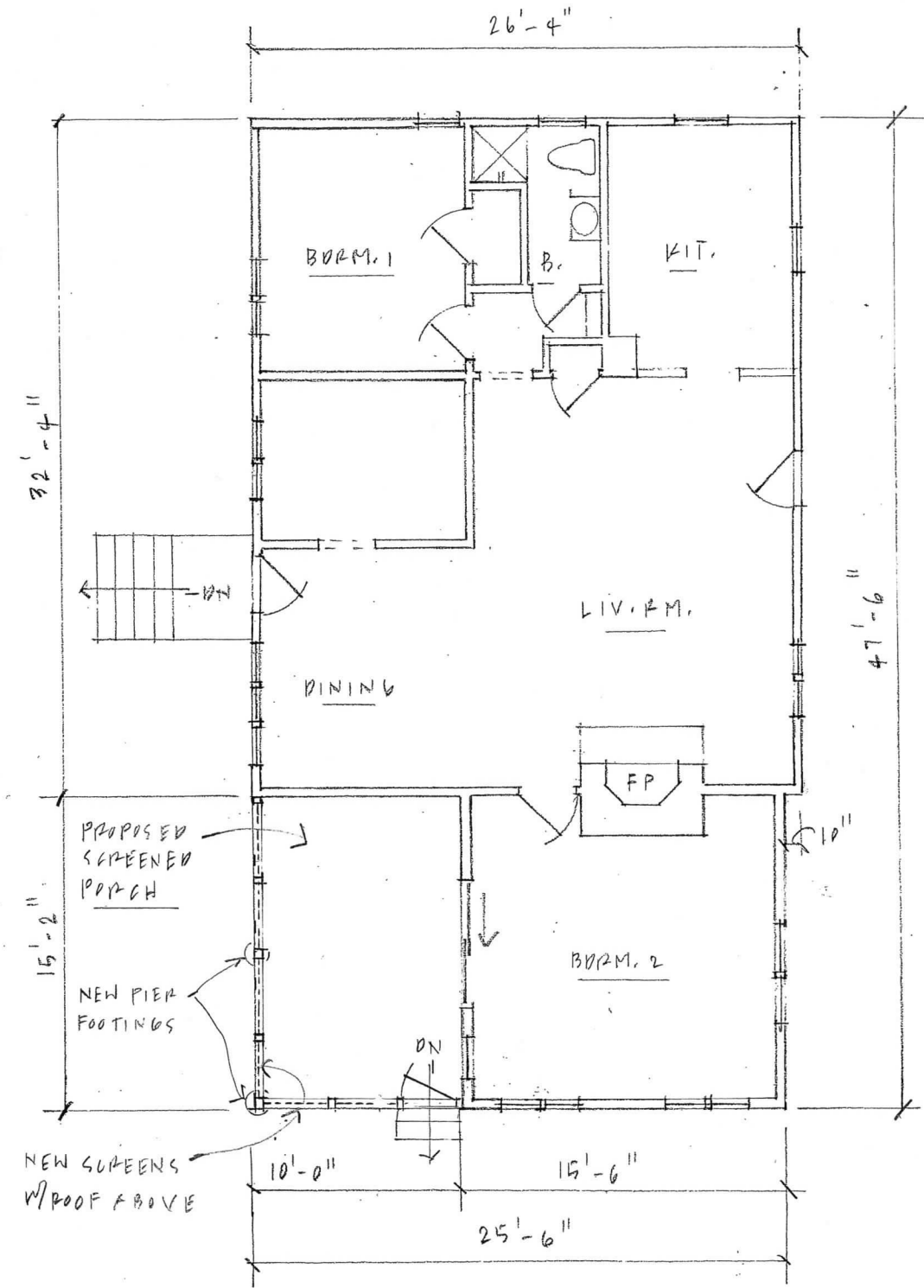




1 MAIN LEVEL PLAN - EXISTING

A3

0 8



2 MAIN LEVEL PLAN - PROPOSED

A3

0 8

Sheet No. <b>A3</b>	<b>Boyer Cabin</b> 40535 Westman Bay Rd. Fifty Lakes, MN	<b>Owners:</b> Chris and Wendy Boyer 5615 Brookview Ave. Edina, MN 55424	<b>Drwgs.:</b> Kampa Studio 1323 Tyler St. NE, #2 Mpls., MN 55413	<b>Contractor:</b> Wes Hanson Builders Inc. PO Box 456 Crosslake, MN 56442	<b>Issued:</b> 06/23/23 VAP/AN/GE
------------------------	--	---	--	---	--------------------------------------



CITY OF FIFTY LAKES  
MINUTES OF THE PLANNING COMMISSION  
June 27, 2023  
6:00 PM

---

1  
2  
3  
4  
5  
6 1. Call to order: 6:00 pm  
7

8 **2. Roll Call:**

9 Planning Commission: Bob Stancer, Don Reiersen, Fred Strohmeier, Bruce Bissonnette, Mike Milbrath  
10 Staff: Justin Burslie, Planning and Zoning Administrator; Jessica Istvanovich, Deputy Clerk  
11 City Council: Gary Staples  
12

13 **3. Public Hearings:**

- 14 a) V-01-23 to construct a 20' x 32' (640sf) dwelling addition partially within the OHW level setbacks.  
15 Property address: 41282 Peninsula Rd. Property owner/applicant: Lary Johnson  
16

17 MOTION MADE BY MR. REIERSON AND SECONDED BY MR. STANCER TO APPROVE V-1-23  
18 WITH THE 11 FINDING OF FACTS AND 2 CONDITION:  
19

20 **Staff Findings:**

- 21 1. The Subject property is located at 41282 Peninsula Road and is zoned "Shoreland Residential"  
22 (East Fox Lake – General Development).  
23 2. The variance request is to construct (a portion of) a 640 sf dwelling addition within the OHW level  
24 setback on the property located at 41282 Peninsula Road. The proposed addition is located on the  
25 north side of the pre-existing dwelling approximately 65' from the OHW level (75' required).  
26 3. Approximately 320 sf of the dwelling addition is proposed to be constructed within the OHW  
27 level setback area. The remainder of the proposed addition is proposed to be constructed within  
28 the building envelope.  
29 4. The existing single family dwelling is located 36.5' from the OHW level of East Fox Lake.  
30 5. The proposed impervious surface coverage of the property is 20% (25% allowed).  
31 6. The DNR has been notified of the request and has not provided comments.  
32 7. Will granting the variance put property to use in a reasonable manner not permitted by the zoning  
33 Ordinance? Commission answered "Yes".  
34 8. Does the property have unique circumstances that were not created by the landowner? The  
35 Commission answered "Yes".  
36 9. If the variance is granted, will the essential character of the locality remain consistent? The  
37 Commission answered "Yes, constructing a dwelling addition will not alter the essential character  
38 of the neighborhood. The improvement will not be visible from the right-of-way and not highly  
39 visible from adjacent properties of the lake."  
40 10. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with  
41 the purpose and intent of the city of Fifty Lakes ordinances? The Commission answered "Yes, the  
42 request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the  
43 following goal in the comprehensive plan, 'To preserve the natural character and environmental  
44 quality of the lakeshore and still allow reasonable use for property owners and the public.'"  
45 11. Has the variance request been made based on reasons other than economic considerations alone?  
46 The Commission answered "Yes, the request has been made on factors other than economic  
47 considerations.  
48

48 **Conditions:**

- 49 1. Stormwater runoff generated by the proposed addition shall be directed to the swale areas identified on  
50 the survey.  
51 2. Down spouts from the preexisting structure shall be drained towards storm water retention area.  
52

53 When polled: All members voted aye. Motion carried

54 MOTION MADE BY MR. STROHMEIER AND SECONDED BY MR. MILBRATH TO APPROVE THE  
55 May 23, 2023 MEETING MINUTES.

When polled: All members voted aye. Motion carried

56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71

**New Business:** Mr. Burslie presented an update on the Horvath cell tower. He stated Horvath was approved for a conditional use permit to construct the 199 ft self-supporting cell tower with the condition that there will be no lighting at the top of the tower. Horvath submitted a request to the FAA who is requiring lighting at the top of the tower which conflicts with the conditional use permit. Mr. Burslie has notified Horvath of the need to amend their conditional use permit and the need for another public hearing to remove the condition.

**P&Z Administrator's Report:** Mr. Burslie states that he would like to review the park dedication fees, RV permits and ordinances, and shoreline grading. He will work on presenting some comparisons and proposed changes for a future meeting.

4. MOTION BY MR. STROHMEIER AND SECONDED BY MR. MILBRATH TO ADJOURN. Meeting adjourned at 6:53pm.

\_\_\_\_\_  
Jessica Istvanovich, Deputy Clerk

DRAFT

# City of Fifty Lakes Recreational Vehicle Ordinance

## **9.06 Parking, Storage and Usage of Recreational Vehicles**

9.06.01 Recreational vehicles 20 feet or more in length shall be stored inside or be fully screened from adjacent properties and public waters.

9.06.02 Temporary Placement for Use.

- a) Temporary placement for use of recreational vehicles other than in a campground shall be allowed with a land use permit for one (1) calendar year (June through May). The land use permit may be renewed for three (3) consecutive years. Any use of a recreational vehicle greater than three (3) years will require an interim use permit.
- b) Any owner or tenant on a lot may use a recreational vehicle for guests for a period of up to twenty-one (21) consecutive days without a permit.
- c) Temporary recreational vehicle placement for use shall be allowed only on lots having conforming water supply and subsurface sewage treatment systems.

### Discussion Items:

1. Should the city establish a maximum number of RV's on a property?
2. Should the city require a one-time permit or annual permit?
3. Is an internal tank adequate? Holding tank?
4. Can RV's be considered a "guest cottage?" (e.g. long-term placement as secondary dwelling unit).

# City of Emily Recreational Vehicle Ordinance

## **§ 152.084 RECREATIONAL VEHICLES AND CAMPING.**

### *(A) General.*

(1) All recreational vehicles (RV) must be designated to operate on roads without a special permit and must have a current license. These provisions apply to all recreational vehicles, including fish houses that are licensed as such.

(2) RV's must meet dwelling setbacks requirements for the zone they are located in.

(3) Prior to placing an RV, the occupant must have the permission of the property owner. The permission must be written when the property owner is not available on site while the RV is present.

(4) A permit for an RV requires documentation that domestic sewage will be handled in accordance with the city's sanitation standards. An annual permit for an RV is allowed to utilize a temporary/portable outhouse or documentation of dump station use. A long-term RV permit requires that a permanent septic system is installed or a privy/holding tank (type II system) is installed on the property.

### **(B) *Properties with principle dwelling.***

(1) There shall be a maximum of four units allowed at any one time.

(2) No individual RV may be placed for longer than 14 total days within any 60 days.

(3) No more than three recreational vehicles may be allowed in outside storage. These units may be stored year-round.

### **(C) *Properties without principle dwelling.***

(1) There shall be a maximum of four units allowed at any one time.

(2) Each individual RV is allowed for 14 total days in any one calendar year without a permit.

(3) A permit is required for RV's established for more than 14 days within a calendar year subject to the standards below.

(a) In the Shoreline Residential zone, one recreation vehicle shall be allowed with an annual permit or a long-term permit on all parcels.

(b) In all other zones where RV's are allowed, one recreation vehicle shall be allowed with an annual permit or a long-term permit on parcels less than one acre.

Properties one acre or more in size shall be allowed two recreational vehicles with either annual or long-term permits.

(4) No outside storage of RV's is allowed on lots without a principal dwelling structure.



**2023 Land Use Permits**

NUMBE R	DATE RECD	DATE APPRVD	PROPERTY ADDRESS	LAST	FIRST	ZON E	PIN	DESCRIPTION	FEE
01-23	2/3	4/28	40324 W Fox Lake Road	Drill	David & Erica	SR	22280577	Construct 2,156 sf dwelling addition	300
02-23	3/3	3/10	41441 East Eagle Lake Ln	Moldenhau	Donald	SR	22240575	Construct 1,120 sf dwelling addition in accordance with Variance V-05-22	200
03-23	3/10	4/17	12730 Manhattan Point Blvd	Steinbauer	Nathan & Joanna	SR	22310509	Construct 2' wide paverwalkway in SIZ 1 & 2	100
04-23	4/5	4/14	43953 KEGO LAKE RD	Bailey	Jackie	SR	22150514	Shoreline alteration: sand blanket, walkway and rip rap	100
05-23	4/19	4/28/23	39098 Ox Lake Cir	Gibbs	Ben	SR	22320517	Apprx 8 cu yd grading in SIZ I.	100
06-23	4/21	5/8/23	16246 Eagles Turn	Wright	Thomas	SR	22230522	Construct 28' x 42' (1,176 sf) accessory structure	200
07-23	5/5/23	5/8/23	41325 Peninsula Rd	Salo	Robert & Lois	SR	22220599	Construct wood boardwalk/entry ramp	150
08-23	5/5/23	5/8/23	tbd E Fox Heights Rd	Faber	Mike	SR	22220590	Construct 10' x 12' water oriented accessory structure and install 15' (l) x 10' (w) sand area	300

NUMBER	DATE RECD	DATE APPRVD	PROPERTY ADDRESS	LAST	FIRST	ZONE	PIN	DESCRIPTION	FEE
09-23	5/1/23	5/8/23	40293 Fox Glen Rd	Siemers	Scott & Nicole	RR	22270568	Construct 60' x 60' (3,600 sf) single family dwelling	550
10-23	5/8/23	5/12/23	16594 Fawn Cir	Bengtson	Tim	SR	22110502	Construct 32' x 48' (1,536 sf) accessory structure	200
11-23	5/12/23	5/12/23	40366 Co Rd 3	City of Fifty Lakes		C	22250500	Construct 60' x 60' (3,600 sf) pickle ball courts	n/a
12-23	5/15/23	5/19/23	12248 Northgate Ln	Frederiksen	Scott & Heidi	SR	22310549	Construct 1,216 sf accessory structure and garden fence	200
ATF13-23	5/22/23	5/22/23	15122 CO RD 1	Thalacker	Craig & Linda	SR	22270579	AFTER-THE-FACT Shoreline grading permit. 4' wide stairs. Remove boulder wall in SIZ 1, restore grade and vegetate.	1100
14-23	5/19/23	5/22/23	15156 Edgewild Ln	Grudem	Jerome	SR	22220622	Construct 3' x 90'+ wooden stairway	100
15-23	5/19/23	5/22/23	43252 County Road 136	Gilman	Gary	SR	22120548	Replace existing accessory structure with 36' x 40' (1,440 sf) accessory structure	200
16-23	5/26/23	6/8/23	17594 Emerald Ln	Baskfield	John	SR	22240543	patio and 3' wide stairway/walkway	100
17-23	5/23/23	6/8/23	Manhattan Point Blvd	Trout Lodging LLC		SR	27320535	15' (length along shoreline) x 10' wide sand area	100
18-23	6/12/23	6/16/23	17709 Emerald Ln	Lang	Dale	SR	22240552	Construct two retaining walls and general site grading in SIZ 2 and RLZ to mitigate erosion. Construct 4' wide stairway and 120 sf accessory structure	200
19-23	6/14/23	6/16/23	14082 West Fox	Hupperts	Greg	SR	22280606	Convert existing patio into 4' wide walkway and construct a walkway and fire pit/patio in SIZ 2	100

NUMBER	DATE RECD	DATE APPRVD	PROPERTY ADDRESS	LAST	FIRST	ZONE	PIN	DESCRIPTION	FEE
20-23	6/16/23	9/26/23	40946 Peninsula Rd	Kirchoff	John	SR	22220571	Construct 4' wide walkway in SIZ 1	100
21-23	6/30/23	6/30/23	43292 Buck Trl	Hilton	Gerald &	SR	22130571	Seasonal placement of recreational vehicle	50
22-23	6/21/23	6/30/23	43314 Buck Trl	Kremer	Greg	SR	22130580	Construct a 2,490 sf single family dwelling.	450
23-23	6/14/23	6/30/23	17374 Pitch Pine Ln	Maloney	Richard	SR	22130512	Construct 2,280 sf single family dwelling with attached deck	450
24-23	6/30/23	6/30/23	41282 Peninsula Rd	Johnson	Lary	SR	22220605	Construct 640 sf dwelling addition partially within OHW level setback in accordance with Variance V-01-23 and reconstruct 8' x 46' (368 sf) pre-existing deck.	200
25-23	6/30/23	7/3/23	41170 W Fox Lake Rd	Nibbe	James	SR	22210504	Place 7' x 7' (49 sf) accessory structure on property	75
26-23	7/6/23	7/10/23	tbd W Eagle Lake Rd	McGuire	John	SR	22140514	Construct 10' wide driveay	50
27-23	7/14/23	7/14/23	15634 Co Rd 1, Unit #15	Jorgensen	Alan	WOC	22270512	Construct 9' x 10' (90 sf) deck	75
28-23	7/14/23	7/14/23	TBD County Rd 3	Anderson	Jerry	Ag	22350540	Construct 10' x 20' accessory building	100
29-23	7/3/23	7/14/23	43835 Kego Lk Rd	Cronister	Jason	SR	22150510	water oriented accessory structure	100

## 2023 SSTS Permits

Permit #	Date Rec.	Date Apprvd.	New or Rep.	PIN	Location	Last Name	First Name	Type	Installer/License #
SSTS01-23	5/1/23	5/8/23	New	22270568	40293 Fox Glen Rd	Siemers	Scott & Ni	1- rock trenches, 300 gpd, 1 tank	Schrupp 747
SSTS02-23	5/19/23	5/19/23	New/upgr	22310549	12248 Northgate Ln	Frederiksen	Scott & He	1- Add 1500 gal tank to existing system	Northfork 2921
SSTS03-23	5/19/23	5/19/23	New	22130582	tbd N Eagle Lake Rd	Gleason	John	3?- Privy	self
SSTS04-23	5/30/23	5/30/23	New	22320534	tbd County Rd 1	Morton	Jeanne	1- rock trenches, 300 gpd, 1 tank	Wannebo
SSTS05-23	05/23/23	6/8/23	Rep	14050626	12864 Manhattan Poir	Trout Lodging LLC		1- pressure bed, 750 gpd, 2 tanks	Schrupp 747
SSTS06-23	6/23/23	6/26/23	New	22270549	tbd Old Co Rd 1	Adas	Pat	1- rock trenches, 450 gpd, 1 tank	tbd
SSTS07-23	6/14/23	6/30/23	Rep	22130512	17374 Pitch Pine Ln	Maloney	Richard	1- rock trenches, 450 gpd, 1 tank	Schrupp 747



## CITY OF FIFTY LAKES

July 3, 2023

Lary Johnson  
17867 Tollview Dr.  
South Bend, IN 46635

**Re: Variance V-01-23 Approved  
City of Fifty Lakes**

Mr. Johnson,

The City of Fifty Lakes approved your variance request to construct (a portion of) a 640 sf dwelling addition within the OHW level setback on the property located at 41282 Peninsula Road.

The approval was made by the Board of Adjustment at their meeting on June 27, 2023 based on the following findings of fact and with the following conditions of approval.

### Findings of Fact:

1. The subject property is located at 41282 Peninsula Road and is zoned "Shoreland Residential" (East Fox Lake- General Development).
2. The variance request is to construct (a portion of) a 640 sf dwelling addition within the OHW level setback on the property located at 41282 Peninsula Road. The proposed addition is located on the north side of the pre-existing dwelling approximately 65' from the OHW level (75' required).
3. Approximately 320 sf of the dwelling addition is proposed to be constructed within the OHW level setback area. The remainder of the proposed addition is proposed to be constructed within the building envelope.
4. The existing single family dwelling is located 36.5' from the OHW level of East Fox Lake.
5. The proposed impervious surface coverage of the property is 20% (25% allowed.)
6. The DNR has been notified of the request and has not provided comments.
7. The granting the variance will put the property to use in a reasonable manner not permitted by the zoning ordinance.
8. Does the property have unique circumstances that were not created by the landowner?
  - a. Yes, the pre-existing dwelling was constructed by a previous landowner before the establishment of the State Shoreland Rules.
9. If the variance is granted, will the essential character of the locality remain consistent?

- a. Yes, constructing a dwelling addition will not alter the essential character of the neighborhood. The improvement will not be visible from the right-of-way and not highly visible from adjacent properties or the lake.
10. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Fifty Lakes ordinances?
  - a. Yes, the request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, "To preserve the natural character and environmental quality of the lakeshore and still allow reasonable use for property owners and the public."
11. Has the variance request been made based on reasons other than economic considerations alone?
  - a. Yes, the request has been made on factors other than economic considerations.

Conditions of Approval:

1. Stormwater runoff generated by the proposed addition shall be directed to the swale areas identified on the survey.
2. The reconstructed roof on pre-existing dwelling shall contain gutters and downspouts located on the north side and directed away from the lake.

If you have any questions or concerns please contact me at (218) 895-4151 or [pz@fiftylakesmn.com](mailto:pz@fiftylakesmn.com).

Sincerely,

CITY OF FIFTY LAKES



Justin Burslie  
Planning and Zoning Administrator

Cc: City Council  
Planning Commission