INSPECTION DATE: 7/22/2020 REPORT DATE: 7/27/2020 MEETING DATE: 8/13/2020

#### APPLICANT INFORMATION

**APPLICANT NAME:** Matthew Sobczak

APPLICANT ADDRESS: 5988 Birch Point Road, Saginaw, MN 55779

OWNER NAME:

(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 5988 Birch Point Road, Saginaw, MN 55779

LEGAL DESCRIPTION: LOT 55, BLOCK 1, CARIBOU LAKE TRACTS TOWN OF GRAND LAKE, S13, T51N, R16W

(Grand Lake)

PARCEL IDENTIFICATION NUMBER (PIN): 380-0050-00550

**VARIANCE REQUEST:** The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.2 to allow an accessory structure at a reduced property line setback and to exceed max lot coverage and St. Louis County Zoning Ordinance 62, Article IV, Section 4.4 A. 1. to allow maximum building footprint on a nonconforming lot of record to exceed 15 percent allowed.

**PROPOSAL DETAILS:** The applicant is requesting to construct a 28 foot x 36 foot (1,008 square feet) garage 2 feet from a property line where 10 feet is required. The proposed garage would replace a recently razed 22 foot by 24 foot (528 square feet) garage. Per the applicant, the previous garage was 10 feet from the near property line. The total impervious surface will be 35.9 percent where 25 percent is allowed. The total building footprint on the lot will be 16.2 percent where 15 percent is allowed.

#### PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Birch Point Rd/ ROAD FUNCTIONAL CLASS: Local

T 5625

LAKE NAME: Caribou LAKE CLASSIFICATION: GD

RIVER NAME: N/A RIVER CLASSIFICATION: N/A

**DESCRIPTION OF DEVELOPMENT ON PARCEL:** There is currently a principal dwelling, boathouse, garage,

storage structure, well and driveway. The property has municipal sewer.

**ZONE DISTRCT: RES** 10

PARCEL ACREAGE: 0.40 ACRES LOT WIDTH: 50 FEET

FEET OF ROAD FRONTAGE: 50 FEET FEET OF SHORELINE FRONTAGE: 50 FEET

VARIANCE

1

#### PARCEL AND SITE INFORMATION

**VEGETATIVE COVER/SCREENING:** There is good vegetative screening from the road. There is poor screening from adjacent properties. The structure will be screened from the lake by other principal structures closer to the shoreline.

**TOPOGRAPHY:** The property is relatively level with only 4 feet of elevation change throughout the parcel.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL:

#### FACTS AND FINDINGS

#### A. Official Controls:

- 1. In a RES-10 zone district, St. Louis County Zoning Ordinance 62, Article III requires a minimum 10 foot property line setback for accessory structures; the applicant is requesting a 2 foot property line setback.
- 2. In a RES-10 zone district, St. Louis County Zoning Ordinance 62, Article III requires a max lot coverage of 25 percent.
  - a. As proposed, the total impervious surface coverage will be 35.9 percent.
  - b. Historically, with the previous garage, the total impervious surface coverage was 33.1 percent.
- 3. The subject parcel is a shoreland riparian nonconforming lot.
  - a. The lot is allowed a maximum building footprint of 15 percent of the lot area.
  - b. As proposed, the building footprint will be 16.2 percent.
  - c. Historically, with the previous garage, the total building footprint was 13.4 percent.
- 4. Goal LU-3 of the St. Louis County Comprehensive Land Use Plan is to improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
- 5. Objective LU-3.1 of the St. Louis County Comprehensive Land Use Plan is to base variance decisions on uniform approval criterion to ensure all applications are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
- 6. Through the Land Use Goals, Objectives and Implementation sections, the Land Use Plan is meant to provide ways of improving the variance process and encourages adherence to existing criteria to ultimately reduce the volume of variance applications received by the county.

#### **B. Practical Difficulty:**

- 1. There are no unique physical circumstances of the property other than the lot being an old platted nonconforming lot of record.
- 2. A variance is not the only option as there are alternatives:
  - a. Alternative: Construct a garage that conforms to property line setbacks and building foot print requirements.
    - i. For example, a 22 foot by 36 foot (792 square feet) garage would conform to zoning ordinance requirements. The depth of the garage is the same as the existing garage, which conformed to the required property line setback, and the width is the same as requested. The total building footprint would be 14.9 percent.

ii. Any alternative replacement structure larger than the previous garage (528 square feet) will require the removal of impervious surface to the point that there is no net gain.

#### C. Essential Character of the Locality:

- 1. The applicant is not proposing a new use to the area as there are other residential properties in area. Many of these properties consist of principal structures and accessory structures.
- 2. The Caribou Lake Tracts plat was platted in 1922 prior to zoning regulations.
  - a. As platted, a majority of the individual Lots in Block 1 of Caribou Lake Tracts have a 50 foot lot width.

#### D. Other Factor(s):

- 1. There is a recorded 20 foot wide easement on the parcel for the Birch Point Sewer District.
- 2. Per the applicant, the accessory structure the applicant wishes to replace conformed to the 10 foot property line setback.
- 3. The county would benefit by enforcement of the Ordinance because it would promote the regulation of setbacks and land use in accordance with the St. Louis County Comprehensive Land Use Plan and Zoning Ordinance 62.
- 4. Ordinance 62 states that it shall be the burden of the applicant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.

NOTE TO PLANNERS-Add as attachments: 1. Zoning/location map 2. Air photo 3. Site sketch 4. Project picture (if applicable) 5. Other pertinent pictures or maps

#### **BOARD OF ADJUSTMENT CRITERIA FOR APPROVAL OF A VARIANCE**

- 1. Is the variance request in harmony with the general purpose and intent of official controls?
- 2. Has a practical difficulty been demonstrated in complying with the official controls?
- 3. Will the variance alter the essential character of the locality?
- 4. What, if any, other factors should be taken into consideration on this case?

#### RECOMMENDED CONDITIONS, IF APPROVED

In the event that the Board of Adjustment determines that the proposal meets the criteria for granting a variance to allow an accessory structure at a reduced property line setback and to exceed max lot coverage and to allow maximum building footprint on a nonconforming lot of record to exceed 15 percent allowed, the following condition(s) shall apply:

- 1. Stormwater runoff shall not discharge directly onto adjacent properties.
- 2. A survey shall be submitted prior to the issuance of a land use permit.
- 3. The maximum lot coverage shall be minimized to the greatest extent possible.

#### ST. LOUIS COUNTY, MN PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Duluth Virginia

Government Services Center No. 320 West 2nd Street, Suite 301 307

Northland Office Center 307 First Street South, Suite

117

Duluth, MN 55802 Virginia, MN 55792 (218) 725-5000 (218) 749-7103

#### **VARIANCE REQUEST PERMIT APPLICATION**

**General** - This application is used to apply for a Land Use Permit. Applicants will need to attach the appropriate worksheet(s) in order to process. Incomplete applications will be returned. Note that the 'clock' does not begin until after payment has been processed for the application. For more information, see our website at: <a href="https://www.stlouiscountymn.gov/BuildingStructures">www.stlouiscountymn.gov/BuildingStructures</a>

Enter the Primary PIN and Associated PIN (if applicable) of the property to be reviewed.

PIN is found on your Property Tax Statement. For example, 123-1234-12345. Primary PIN: Parcel where Structure/SSTS are located. Associated PIN: Additional and/or adjacent property that you own or that is related to the project.

County Land Explorer: <a href="http://gis.stlouiscountymn.gov/planningflexviewers/County Explorer">http://gis.stlouiscountymn.gov/planningflexviewers/County Explorer</a>

Property Lookup: <a href="http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe">http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe</a>

Primary PIN **380-0050-00550** 

Associated PINs

#### Is this application being submitted for a Rehearing?

If this application is being submitted because a previous Variance Permit application was denied or disapproved, please select Yes.

#### No

**Enter Applicant Information** 

I am a: Landowner

Applicant Name: Matthew Sobczak
Address Line 1: 5988 Birch Point Rd.

Address Line 2: --

 City:
 Saginaw

 State:
 MN

 Zip:
 55779

Primary Phone: (218)730-6947

Cell Phone: --

Email: sobczakm@stlouiscountymn.gov

Contact Person Name: -Contact Person Phone: --

Mailing Address Information.

This address can default from the address you selected. If the values defaulted are not correct, please enter the correct information.

IIIIOIIIIauoii.

Same as Applicant

No

address?

Name: **Matthew Sobczak**Address: **5988 Birch Point Rd.** 

City: Saginaw State/Province: MN Zip: 55779

Primary Phone: (218)730-6947

Cell Phone: --

Email: sobczakm@stlouiscountymn.gov

Site Information

If there is no site address, the application will be forwarded to 911/Communications to assign one.

Is there a site address

for this property?

Site Address: 5988 Birch Point Rd. Saginaw, MN 55779

Is this leased property? **No**Leased From? --

**US Forest Service**US Forest Service

Yes

Superior National Forest 8901 Grand Avenue Place

Duluth, MN 55808

MN Power MN Power

Shore Land Traditions 30 West Superior Street Duluth, MN 55802

MN DNR, Area Hydrologist MN DNR, Area Hydrologist

7979 Highway 37 Eveleth, MN 55734

MN DNR Land and Minerals MN DNR Land and Minerals

1201 East Highway 2 Grand Rapids, MN 55744

**St. Louis County - Duluth** St. Louis County - Duluth

Government Services Center 320 West 2nd Street, Suite 301

Duluth, MN 55802 (218) 725-5000

St. Louis County - Virginia St. Louis County - Virginia

Northland Office Center

307 First Street South, Suite 117

Virginia, MN 55792 (218) 749-7103

#### Do you have written authorization from the leased property owner?

If Yes, you must attach written authorization form.

--

How is the property accessed?

**Public Road** 

No

No

No

No

Enter Project Information.

If you answered 'Yes' to any of the questions below, it is required that you submit a copy of a septic permit to construct or certificate of compliance approval or municipal/sanitary district approval when applying for a land use permit.

Is this project on a parcel less than 2.5 acres?

Yes

Is this project within 300 feet of a stream/river or 1,000 feet of a lake?

Yes

Is this project adding a bedroom?

Include home, garage, and accessory dwelling.

No

Total # of bedrooms on property after project completion.

0

Does this project include plumbing or pressurized water in proposed structure?

No

If Yes, please explain:

--

Is this project connected to a municipal or sanitary district system?

Yes

#### **VARIANCE REQUEST WORKSHEET**

A variance allows the use of property in a manner otherwise forbidden by a zoning ordinance by varying one or more of the performance standards such as lot size, setbacks, etc. Variances from official zoning controls are defined under Minnesota Statutes 394.27 and require the landowner to prove that the property could not otherwise be used or enjoyed in the proposed way by complying with ordinance requirements and that there will be no negative impact on surrounding properties.

It is advisable that you discuss your request with Planning and Community Development staff prior to submitting the application. Approval or denial of your request is dependent on the justification you provide in answering the questions on this application. For more information, please check our website at: <a href="https://www.stlouiscountymn.gov/VarianceRequired">www.stlouiscountymn.gov/VarianceRequired</a>

#### **VARIANCE REQUEST INFORMATION**

Complete this form along with the Land Use Permit Application

#### What kind of variance request is this?

If this is a Variance After the Fact, you must answer additional questions below.

#### **Variance Request**

Describe what you are varying from and the situation that makes it difficult to comply with county ordinances.

If your proposal includes a structure, please

If your proposal includes a structure, please also list the length, width and height of the structure.

Varying from 10 ft setback from property line. Plans to replace dilapidated garage that is  $22 \times 24$  and 10 ft from property line. Would like to build back 8 ft (2 ft from property line). We live on a 50 ft lake lot so

#### space is limited.

Describe the intended/planned use of the property.

We would like to replace old garage in same spot. Current garage is 22' x 24'. We would like to build 28' x 36' and building in the same spot would violate 10 ft setback rule.

Describe the current use of your property.

Garage is already in place, would like to replace since old garage is falling down.

Describe other alternatives, if any.

#### Limited space on our 50 ft lake lot.

If approved, how will the proposed use, with the variance, fit into the character of the neighborhood/area?

Several neighbors have done new buildings/homes/garages since lake system septic went in a few years ago. We would also like to update our garage to improve our home/neighborhood.

Describe how neighboring properties and the use of those properties will be impacted by the proposed use with the variance.

The proposed garage will be closer to the property line to the house to the west.

Describe how negative impact to the local environment and landscape will be avoided.

Half a dozen trees will be cut down and excavated per agreement of neighbor. Dumpsters will be utilized and garbage will be disposed of properly. Parts of the garage will be recycled/reused and wood from our old garage has plans to be used by neighbors for heat.

Describe the expected benefits of a variance to use of this property.

Increase in property value. Neighbor to the east planning to plant garden where trees will be taken down.

Include additional comments that will clarify your request for the Planning and Community Development staff members and the Board of Adjustment.

none

#### IF YOU ARE RESPONDING TO A PERMIT VIOLATION, PLEASE ANSWER THESE ADDITIONAL OUESTIONS

Describe your reasons county zoning ordinance requirements were not followed.

--

Describe your effort to comply with the ordinance and to obtain a land use permit and/or other required permits.

--

Describe any substantial investments, construction and/or repairs made to the property before you discovered you needed a variance.

--

If there was construction or repair, on what date did it begin? What date did it end?

Start Date -End Date --

Who performed the construction or repair work?

--

Was a survey of your property boundaries obtained?

-

Prior to the construction or repair work, did you speak with anyone from the Planning and Community Development Department?

-

By submitting this application, I certify and agree that I am the owner or the authorized agent of the owner of the above property, and that all uses will conform to the provisions of St. Louis County. I further certify and agree that I will comply with all conditions imposed in connection with the approval of the application. Applicants may be required to submit additional property descriptions, property surveys, site plans, building plans, and other information before the application is accepted or approved. *Intentional or unintentional falsification of this application or any attachments thereto will make the application, any approval of the application and any result invalid.* I authorize St. Louis County staff to inspect the property to review the application and for compliance inspections. Furthermore, by submitting this application, I release St. Louis County and its employees from any and all liability and claims for damages to person or property in any manner or form that may arise from the approval of the application or any related plans, the issuance of any resulting permit or the subsequent location, construction, alteration, repair, extension, operation or maintenance of the subject matter of the application.

If your name, contact information or email address have changed, you should update your contact information in the portal by selecting 'Maintain Contact Information' at the top of this page.

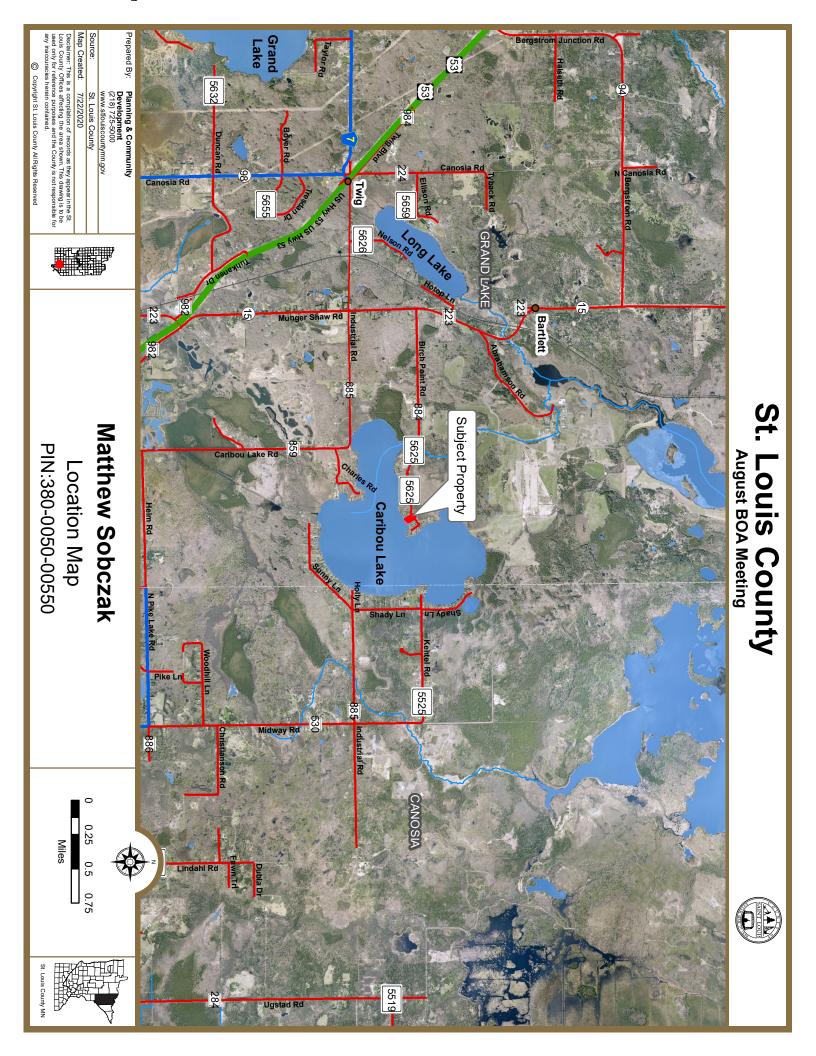
Submitted By: --

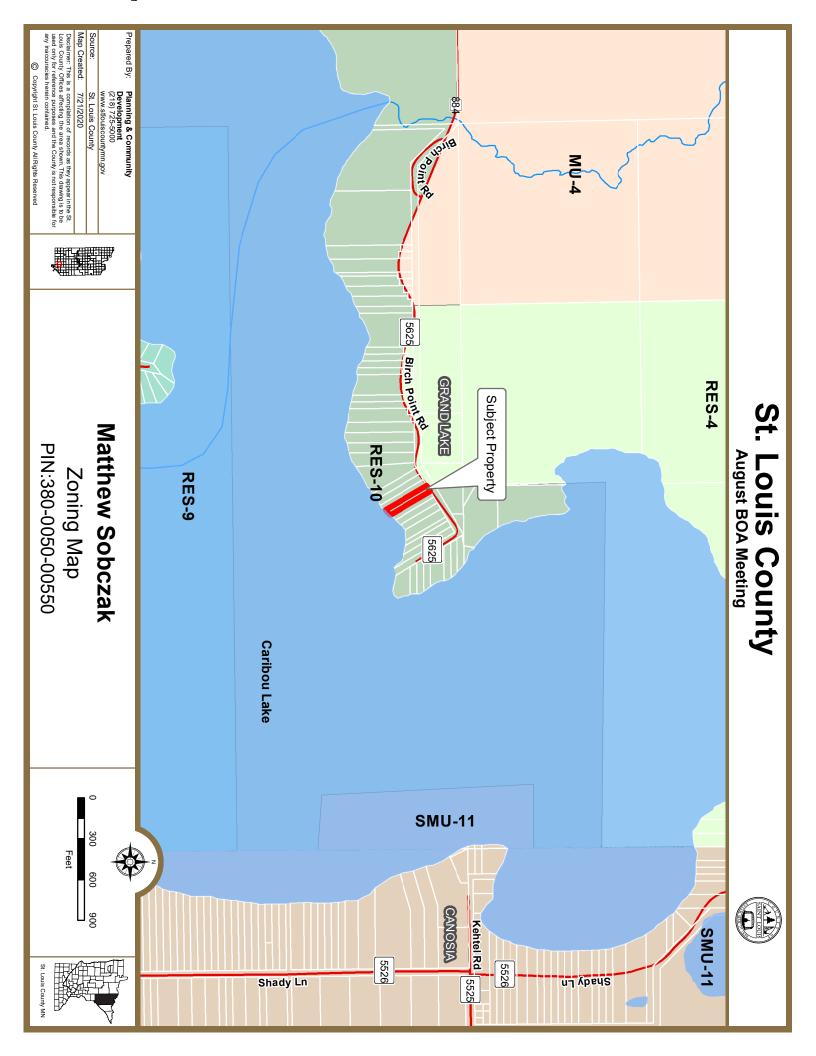
Address: -City: -State: -Postal Code: -Email Address: --

I have read and agree to the statement above.

No

Site Sketch F	Orm The sketch is to graph	nically illustrate your proposed project(s)	
Praw and Label on Sketch (in feet)  *All Structures on the Property and Dimensions  *All Driveways, Access Roads, and Wetlands  *All Proposed Structures and Dimensions		*Distance of Proposed Structures to Shoreline (Closest Point)  *Distance of Proposed Structures to Septic System and Tank  *Distance of Proposed Structures to Property Lines  *Distance of Proposed Structures to Road Centerline and Right-of Ways	
You may submit your own site sketch IF i	t has the required inform	ation indicated above.	
*Applicant Name: *Site Address: *PIN:			
W Birch Point Rol			
2.2+	proposed 1674	22ft Crom prop	verty like
2.St Crown property Line	28+		
ty Come	96 ft from aribou	house	Property Line
Propert	lak		
u	Caribon Lake		
***Sanitary Authority Use Only***			
Sanitary Review: (To be determined by Will the proposal, as shown above, negative Sign off: Signature	vely impact the SSTS/sanitary	line or replacement area?	s 🗆 No





# Planning & Community Development (218) 725-5000 St. Louis County August BOA Meeting **Matthew Sobczak** Site Map

PIN: 380-0050-00550

## 1394 Planning & Community Development (218) 725-5000 www.stlouiscountymn.gov St. Louis County 1398 St. Louis County August BOA Meeting 1392 **Matthew Sobczak** Elevation Map Feet 50

PIN: 380-0050-00550



### EASEMENT EXHIBIT FOR: GRAND LAKE TOWNSHIP

EXHIBIT

#### CENTERLINE EASEMENT: LEGAL DESCRIPTION:

OVER, UNDER AND ACROSS THAT PART OF LOT 55, BLOCK 1, CARIBOU LAKE TRACTS ACCORDING TO THE PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTRAR OF TITLES, ST. LOUIS COUNTY, MINNESOTA. THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 51 NORTH, RANGE 16 WEST; THENCE NORTH 89 DEGREES 39 MINUTES 35 SECONDS EAST ASSUMED BEARING ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 2486.87 FEET; THENCE SOUTH 36 DEGREES 02 MINUTES 56 SECONDS EAST A DISTANCE OF 314.99 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 55 AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 36 DEGREES 02 MINUTES 56 SECONDS EAST A DISTANCE OF 132.09 FEET; THENCE SOUTH 22 DEGREES 24 MINUTES 44 SECONDS EAST A DISTANCE OF 118.66 FEET AND THERE TERMINATING.

1/27/15

#### CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY 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.

SIGNED THE 27th OF MARCH, 2015.

DENNIS M. HONSA

MINNESOTA LICENSE No. 22440 FOR: MSA PRODESSIONAL SERVICES

#### EXHIBIT 20D:

PIN 380-0050-00550 ALLISON AND MATTHEW J. SOBCZAK LOT 55, BLOCK 1, CARIBOU LAKE TRACTS

SHEET 1 OF 2 SHEETS

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PROFESSIONAL SERVICES

TRANSPORTATION • MUNICIPAL DEVELOPMENT • ENVIRONMENTAL

60 Plato Boulevard East, Suite 140, St. Paul, MN 55107 866-452-9454 651-334-8413 Fax: 763-786-4574

#### **EXHIBIT** EASEMENT EXHIBIT FOR: GRAND LAKE TOWNSHIP NORTH LINE OF THE SOUTHWEST QUARTER, SECTION 13, TOWNSHIP 51 NORTH, RANGE 16 WEST V N89'39'35"E 2486.87 NORTHWEST CORNER OF THE SOUTHWEST QUARTER, SECTION 13, TOWNSHIP 51 NORTH, RANGE 16 WEST MORTHWESTERLY LINE OF LOT 55 LOT 7, BLOCK 1A POINT **BIRCH** }--PIN 380-0050-00550 $\langle z \rangle$ ALLISON AND -MATTHEW J. SOBCZAK aribou lake EXHIBIT 20G: 100 100 PIN 380-0050-00550 ALLISON AND MATTHEW J. SOBCZAK SCALE: 1" = 100PROFESSIONAL SERVICES LOT 55, BLOCK 1, TRANSPORTATION • MUNICIPAL CARIBOU LAKE TRACTS **DEVELOPMENT • ENVIRONMENTAL OF** 2 SHEETS 60 Plato Boulevard East, Suite 140, St. Paul, MN 55107 SHEET 2 866-452-9454 651-334-8413 Fax: 763-786-4574

Proposed Garage Location Looking South



Proposed Garage Location Looking Northwest



Proposed Garage Location Looking Toward Caribou Lake



Proposed Garage Location Looking Towards Birch Point Road



Razed 22' x 24' Garage



Razed 22' x 24' Garage

