



# ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6225

INSPECTION DATE: 7/16/2020

REPORT DATE: 7/27/2020

MEETING DATE: 8/13/2020

## APPLICANT INFORMATION

**APPLICANT NAME:** Robert G. Gregg**APPLICANT ADDRESS:** 3544 Glen Oaks Avenue, White Bear Lake, MN 55110**OWNER NAME:**  
(IF DIFFERENT THAN ABOVE)**SITE ADDRESS:** N/A

**LEGAL DESCRIPTION:** OUTLOT A EX NWLY 50 FT AND EX THAT PART OF OUTLOT A BEG 50 FT SE OF SE COR OF LOT 17 THENCE E TO A PT ON WLY R.O.W. OF RD ABUTTING OUTLOT A THENCE NLY ALONG R.O.W. TO A PT APPROX 85.65 FT S OF NE COR OF LOT 17 TO PT OF BEG & EX THAT PART BEG AT THE LOT COR COMMON TO OUTLOT A LOT 16 & PLATTED RD IN PLAT OF ECHO POINT THENCE N52DEG45'00"E ALONG PLATTED RD 88.14 FT THENCE N35DEG45'00"E ALONG PLATTED RD 241.80 FT THENCE N01DEG30' 00"E ALONG RD 22.33 FT THENCE N88DEG30'00"W 78 FT MORE OR LESS TO SHORE OF LAKE VERMILION THENCE SLY ALONG SHORE 190 FT TO WLY LINE OF OUTLOT A THENCE S09DEG37'03"W ALONG WLY LINE 120 FT TO PT OF BEG LEGAL DESCRIPTION, S19, T62N, R15W (Breitung)

**PARCEL IDENTIFICATION NUMBER (PIN):** 270-0070-01430

**VARIANCE REQUEST:** The applicant is requesting relief from St. Louis County Subdivision Ordinance 60, Article VIII, to allow an after-the-fact subdivision of a platted outlot, St. Louis County Zoning Ordinance 62, Article III, Section 3.2 and Article IV, Section 4.4D, to allow a lot that does not conform to the zoning district minimal dimensional standards and is less than one-half acre in size to be permitted as buildable.

**PROPOSAL DETAILS:** The applicant is requesting that a platted outlot that was improperly subdivided in 2003, be considered a buildable parcel. The parcel is 0.10 acres in size. If the variance is granted, the applicant intends to construct a water-oriented accessory structure.

## PARCEL AND SITE INFORMATION

**ROAD ACCESS NAME/NUMBER:** Echo Point Rd/ **ROAD FUNCTIONAL CLASS:** Local  
T4613**LAKE NAME:** Vermillion**LAKE CLASSIFICATION:** GD**RIVER NAME:** N/A**RIVER CLASSIFICATION:** N/A**DESCRIPTION OF DEVELOPMENT ON PARCEL:** The parcel vacant and is partially wooded and partially lawn.**ZONE DISTRICT:** RES 11**PARCEL ACREAGE:** 0.10 ACRES**LOT WIDTH:** 91.81 FEET

## PARCEL AND SITE INFORMATION

**VEGETATIVE COVER/SCREENING:** The parcel is partially wooded and partially lawn.

**TOPOGRAPHY:** The parcel is relatively level with four feet of elevation change.

**FLOODPLAIN ISSUES:** There is floodplain on the parcel.

**WETLAND ISSUES:** N/A

**ADDITIONAL COMMENTS ON PARCEL:**

## FACTS AND FINDINGS

### A. Official Controls:

1. A subdivision of a platted lot shall only be done through the platting process.
2. The parcel is zoned RES-11 requiring a minimum of 0.5 acres and 100 feet of lot width.
  - a. The existing parcels is 0.10 acres and 91.81 feet in lot width.
3. Lake Vermilion is a General Development lake and requires a 75 foot shoreline setback; the shore impact zone is 50 feet.
4. The St. Louis County Zoning Ordinance 62, Article IV, Section 4.4D states that a single lot of record may be permitted as a buildable lot if all of the following criteria can be met:
  - a. The lot is a minimum of one-half acre in size with no public sewer or water.
  - b. The lot shall meet the definition of a lot of record.
  - c. The lot when created, complied with official controls in effect at the time.
    - When platted, Outlot A complied with official controls. The parcel in question described above did not comply with official controls when created.
5. If the parcel had public sewer and public water, the St. Louis County Zoning Ordinance would still require a lot of record be a minimum of 0.16 acres in size.
6. 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.
7. 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 applicants are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
8. Objective LU-3.3 of the St. Louis County Comprehensive Land Use Plan is to acknowledge why nonconformities are a concern and that variances should be for exceptional circumstances as noted Minnesota Statute 394.22 Subd. 10.
9. Goal LU-10 of the St. Louis County Comprehensive Land Use Plan is to ensure that new development is located, designed, and built to avoid environmental and other hazards.
10. Objective LU-10.1 of the St. Louis County Comprehensive Land Use Plan is to preserve environmentally sensitive areas, such as 100-year floodplain, and other natural features, and protect these areas as open space.

### B. Practical Difficulty:

1. There is no unique circumstances of the property that the owner did not create.

2. The Echo Point plat was created in 1921. Outlot A, as platted, was designated as a “public bathing beach”.
  - a. Outlot A in its entirety, was never intended for development.
3. Since the plats creation, Outlot A has been split into four parcels under three ownerships.
  - a. The other two owners of the Outlot A remnants have lots adjoining their Outlot A remnants.
  - b. The applicant owns property down the road that does not adjoin the subject parcel.
4. The applicant currently uses the parcel for lake access.
5. The applicant has not met the burden of demonstrating practical difficulty as the property has reasonable use as currently undeveloped.

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

1. Although any individual lot, as platted within the Echo Point plat, does not conform to current zoning standards, a majority of parcels in the area are comprised of two or more contiguous lots in common ownership.
  - a. A majority of these lots either meet zoning requirements or are a lot of record and meet the minimum requirements to be permitted as buildable.
2. There have been no similar variances in the area.

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

1. If the variance is granted, only a water-oriented accessory structure may be able to conform to required setbacks without additional variance requests.
  - a. If a water-oriented accessory structure were to be constructed in a manner that conforms to all required setbacks, the structure has the potential to be located within the floodplain.
2. 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.
3. Objective LU-3.2 of the St. Louis County Comprehensive Land Use Plan is to have county staff and decision-makers work together to decrease the amount of zoning and subdivision ordinance nonconformities throughout the county.
  - a. Allowing development on improperly created parcels that do not conform to minimum zoning requirements, without sufficient practical difficulty, is not in keeping with the intent of the St. Louis County Zoning and Subdivision Ordinances or St. Louis County Comprehensive Land Use Plan.
4. Approval of a request such as this, may set a precedence for development on substandard parcels throughout St. Louis County, if not just for the remnants of Outlot A.

**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 after-the-fact subdivision of a platted outlot and to allow a lot that does not conform to the zoning district minimal dimensional standards and is less than one-half acre in size to be permitted as buildable, the following condition(s) shall apply:

1. No additional variances shall be granted on this parcel.
2. Parcel Identification number 270-0070-01430, as legally described above, shall remain in common ownership with Parcel Identification number 270-0020-01610 legally described as: Lot 4 ex 18 ac platted as Echo Point or with an adjoining parcel.



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

**Duluth**

Government Services Center  
320 West 2nd Street, Suite 301

Duluth, MN 55802  
(218) 725-5000

**Virginia**

Northland Office Center  
307 First Street South, Suite  
117

Virginia, MN 55792  
(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:

[www.stlouiscountymn.gov/BuildingStructures](http://www.stlouiscountymn.gov/BuildingStructures)

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: [http://gis.stlouiscountymn.gov/planningflexviewers/County\\_Explorer](http://gis.stlouiscountymn.gov/planningflexviewers/County_Explorer)*

*Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe>*

Primary PIN **270-0070-01430**

Associated PINs

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**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**

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Enter Applicant Information

I am a: **Landowner**  
Applicant Name: **Robert G Gregg**  
Address Line 1: **3544 Glen Oaks Ave**  
Address Line 2: **--**  
City: **White Bear Lake**  
State: **MN**  
Zip: **55110**  
Primary Phone: **(763)226-9979**  
Cell Phone: **--**  
Fax: **--**  
Email: **bobgregg2@comcast.net**  
Contact Person Name: **--**  
Contact Person Phone: **--**

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Mailing Address Information.

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

Same as Applicant address? **No**  
Name: **Robert G Gregg**  
Address: **3544 Glen Oaks Ave**

City: **White Bear Lake**  
State/Province: **MN**  
Zip: **55110**  
Primary Phone: **--**  
Cell Phone: **--**  
Fax: **--**  
Email: **bobgregg2@comcast.net**

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**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? **No**

Site Address: **--**

Is this leased property? **No**

Leased From? **--**

**US Forest Service**

US Forest Service  
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?**

**No**

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## 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: [www.stlouiscountymn.gov/VarianceRequired](http://www.stlouiscountymn.gov/VarianceRequired)

## 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 also list the length, width and height of the structure.*

**This lot is irregular in size, which is less than the required for development.**

Describe the intended/planned use of the property.

**The property is used for the owners' enjoyment of Lake Vermilion - swimming, boating, fishing. By adding the proposed gazebo, the owners would not need to carry fishing equipment, life jackets, swim toys, and other various supplies from their cabin located on a separate lot approximately 2 blocks away. The structure would also allow the owners to enjoy the lake view away from the biting insects and the weather.**

Describe the current use of your property.

**The property is currently used by the owners for swimming, boating, fishing in Lake Vermilion. Without a structure on the property, the owners must carry all related equipment (fishing poles, life jackets, swim toys, etc.) from their cabin located on a separate lot approximately 2 blocks away to this lot. It is difficult to spend time on the lot without a way to get out of the biting insects or weather.**

Describe other alternatives, if any.

**There are no alternatives to store equipment securely and get out of the weather and biting insects.**

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

**The proposed use of the property is consistent with the neighboring properties' structures which allow their owners' to see and use Lake Vermilion.**

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

**There will be no impact on neighboring properties use of their properties. The lot to the south is vacant and the proposed structure will be 25' off this property line. The proposed structure will be 63' off the north property line.**

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

**The space for the proposed structure has minimal vegetation, so there will be minimal impact to the local environment and landscape.**

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

**The property owners will enjoy more convenient access for their beach/boating equipment with the proposed structure. Currently owners must carry all equipment at least 2 blocks from their cabin lot to their lake shore lot. Property owners will also have a place to get out of the weather on their lake shore lot.**

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

**The proposed structure provides lot owners more opportunity to use the lake shore property in the way it was intended.**

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

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?

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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 Form

The sketch is to graphically illustrate your proposed project(s)

## Draw and Label on Sketch (in feet)

- ☐ \*All Structures on the Property and Dimensions
- ☐ \*All Driveways, Access Roads, and Wetlands
- ☐ \*All Proposed Structures and Dimensions

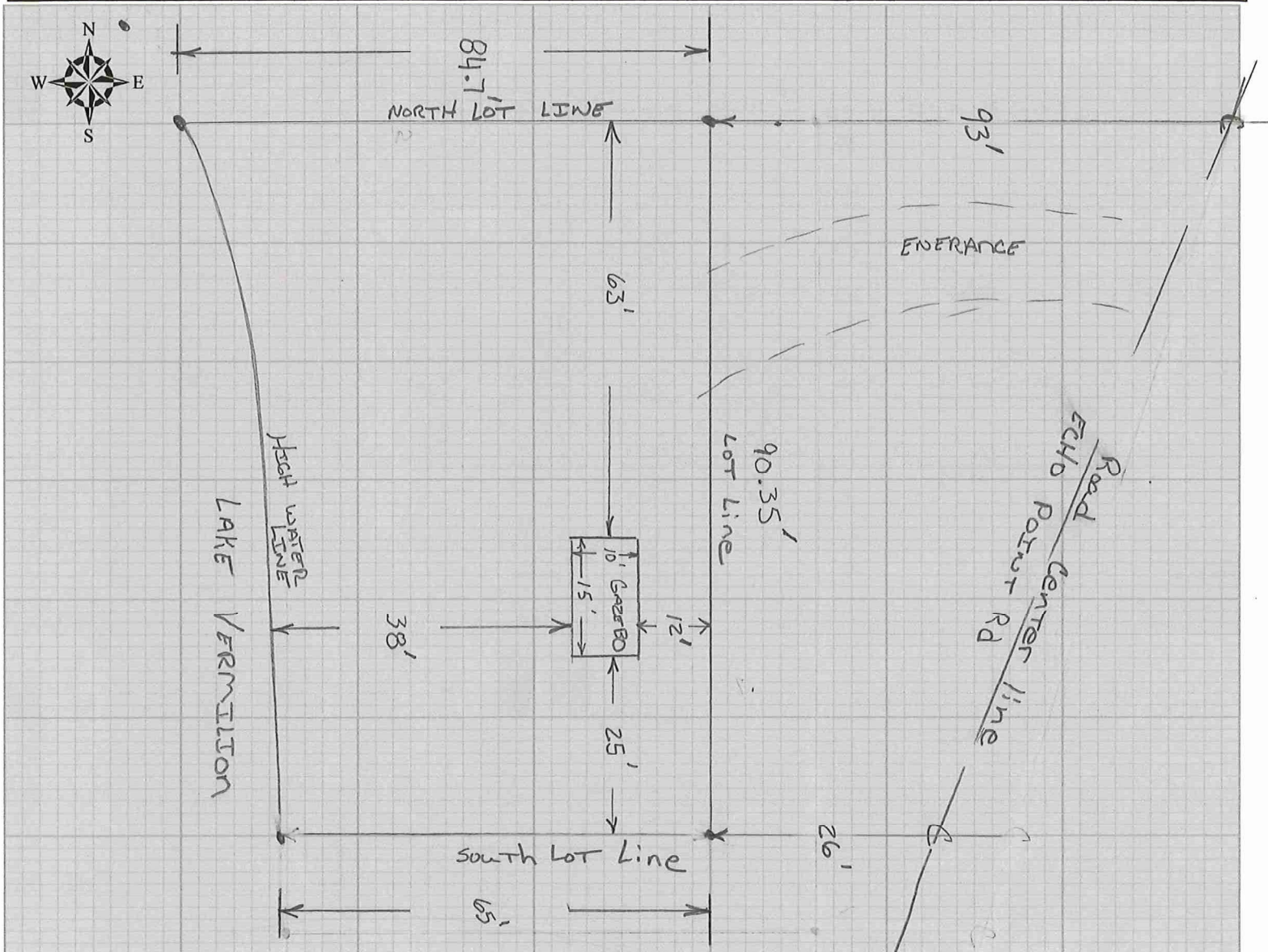
- ☐ \*Distance of Proposed Structures to Shoreline (Closest Point)
- ☐ \*Distance of Proposed Structures to Septic System and Tank
- ☐ \*Distance of Proposed Structures to Property Lines
- ☐ \*Distance of Proposed Structures to Road Centerline and Right-of Ways

You may submit your own site sketch **IF it has the required information indicated above.**

\*Applicant Name:

\*Site Address:

\*PIN:



## \*\*\*Sanitary Authority Use Only\*\*\*

**Sanitary Review:** (To be determined by appropriate sanitary authority.)

Will the proposal, as shown above, negatively impact the SSTS/sanitary line or replacement area? ☐ Yes ☐ No

**Sign off:**

Signature \_\_\_\_\_

Title \_\_\_\_\_



# St. Louis County

## August BOA Meeting



Subject Property

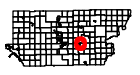
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(218) 725-5000  
www.stlouiscountymn.gov

Source: **St. Louis County**

Map Created: **7/21/2020**

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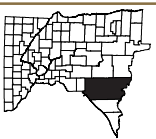
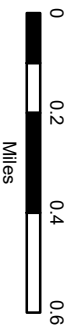
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## Robert Gregg

### Location Map

PIN:270-0070-001430



St. Louis County MN



# St. Louis County

## August BOA Meeting



RES-11



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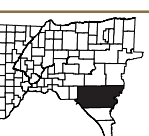
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**Robert Gregg**

Zoning Map

PIN:270-0070-01430



St. Louis County MN



# St. Louis County

## August BOA Meeting



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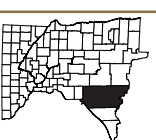
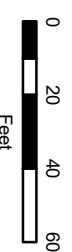
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## Robert Gregg

### Site Map

PIN: 270-0070-01430

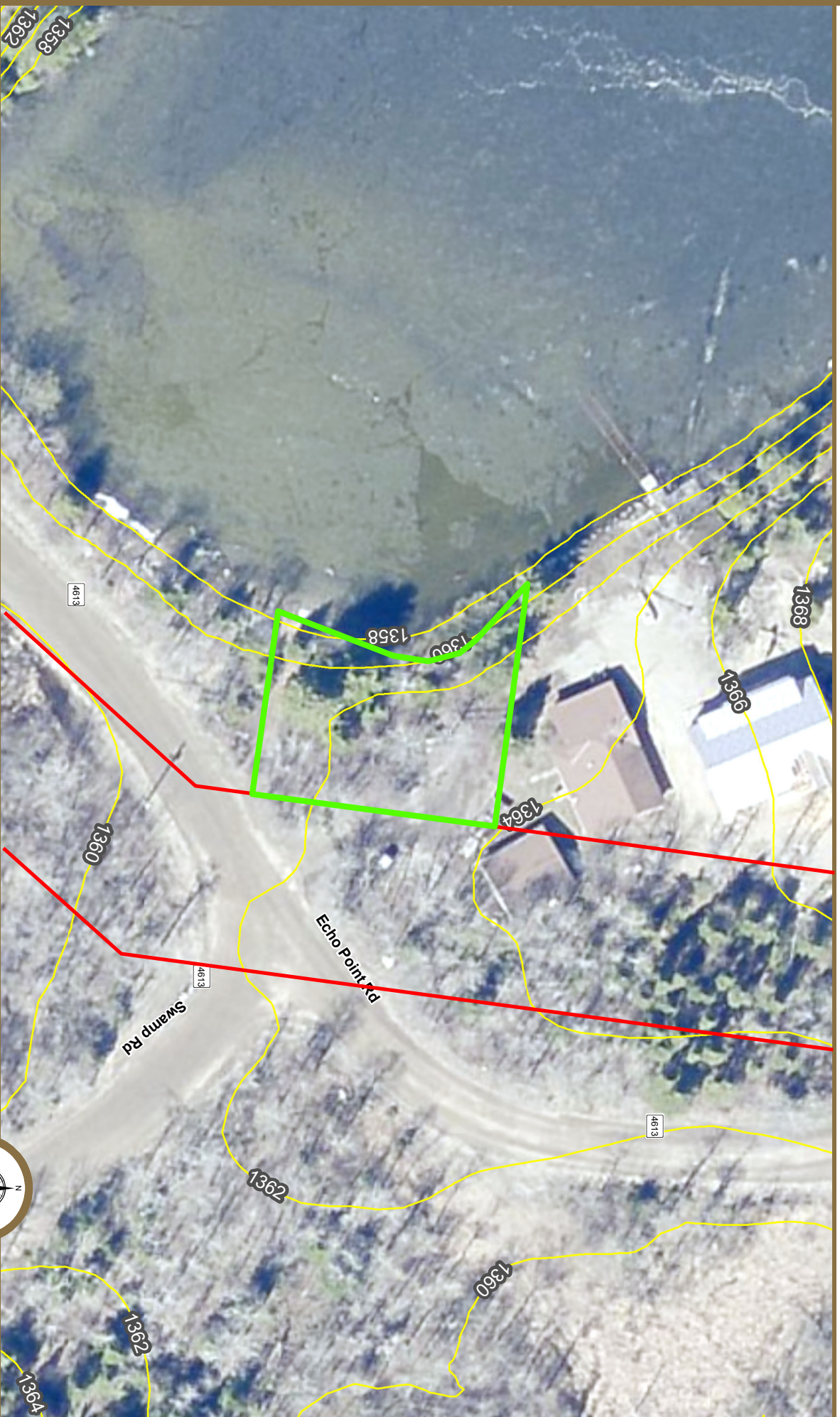


St. Louis County NM



# St. Louis County

## August BOA Meeting



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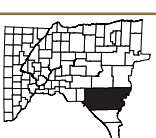
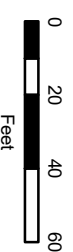
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### Robert Gregg

#### Elevation Map

PIN: 270-0070-01430

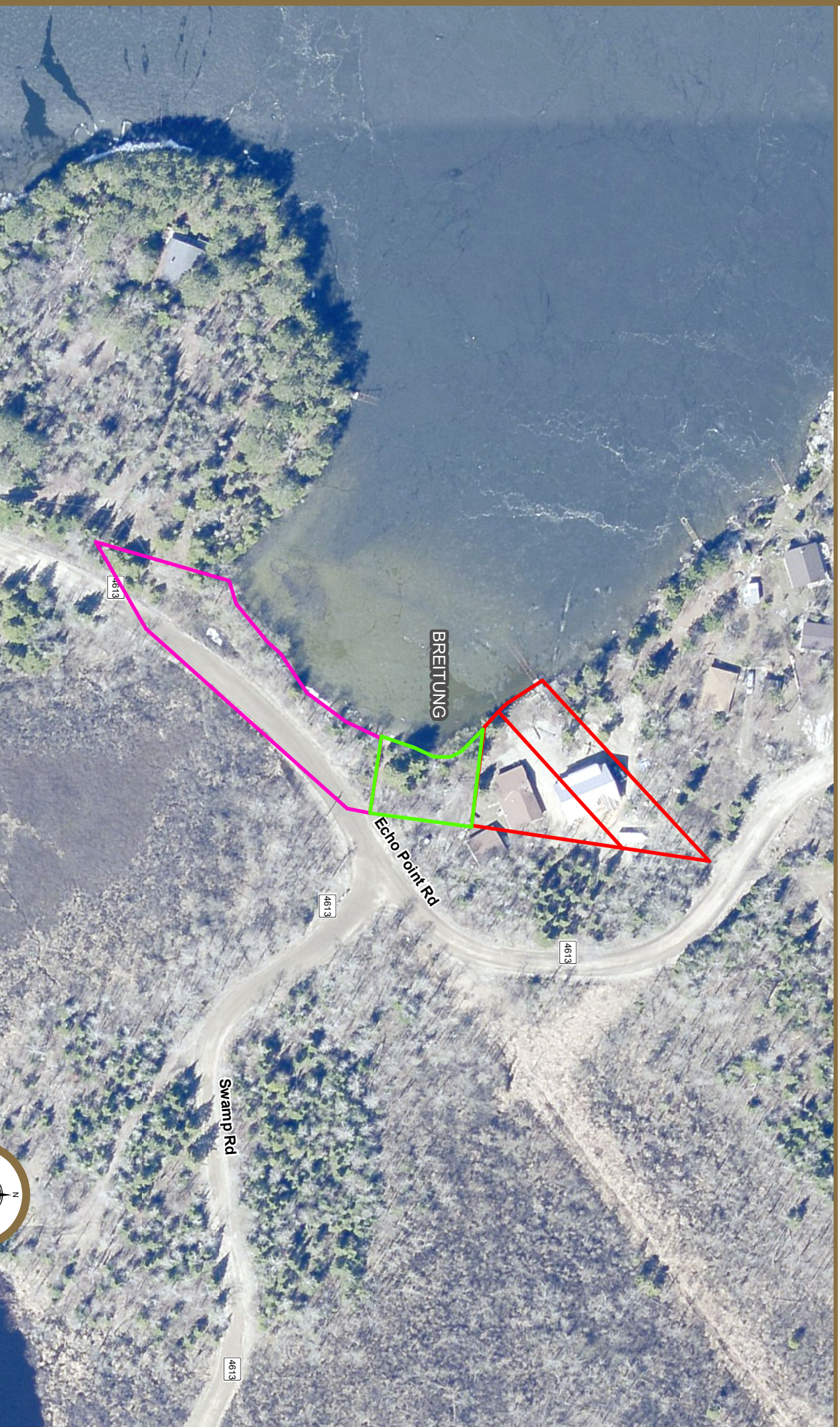


St. Louis County, MN



# St. Louis County

August BOA Meeting



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Source: St. Louis County

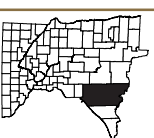
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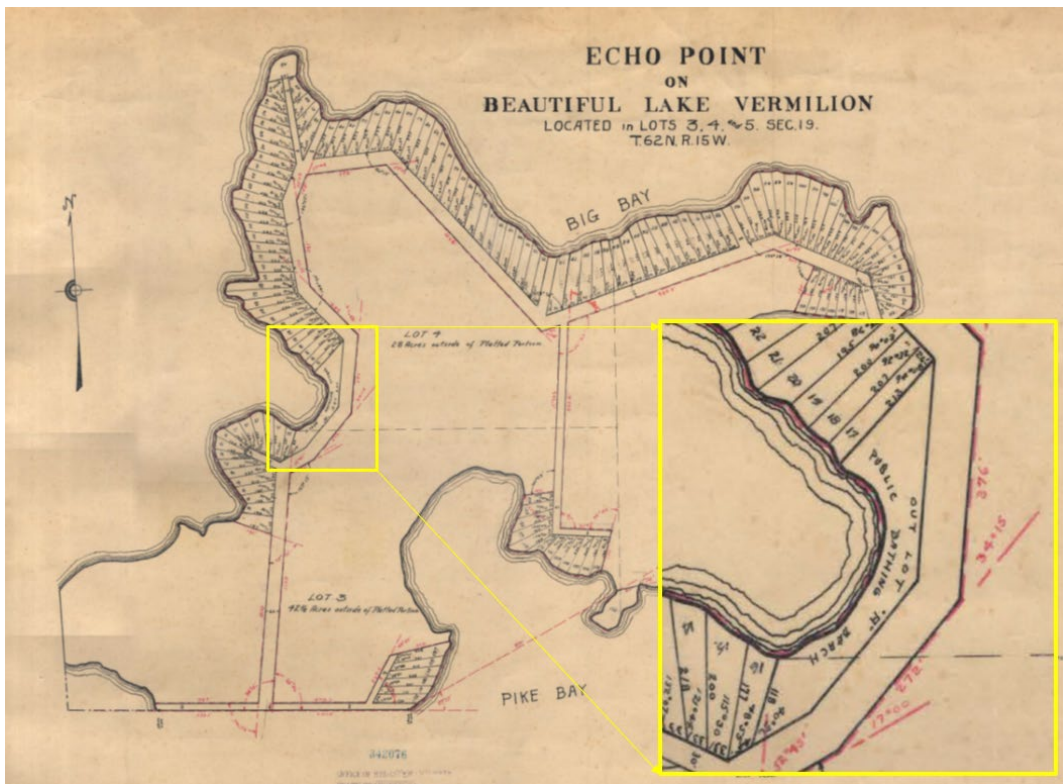
## Robert Gregg Outlot A Divisions



St. Louis County MN



Outlot A within Echo Point Plat



Access Point off of Echo Point Road





Northern area of the Parcel



Southwest area of the Parcel





From Lake looking Northeast



From Lake looking East

