



# ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6256

**INSPECTION DATE:** 5/19/21

**REPORT DATE:** 5/24/21

**MEETING DATE:** 6/10/21

## APPLICANT INFORMATION

**APPLICANT NAME:** John Taylor

**APPLICANT ADDRESS:** 1788 Grant McMahan Blvd, Ely, MN 55731

**OWNER NAME:**  
(IF DIFFERENT THAN ABOVE)

**SITE ADDRESS:** 1788 Grant McMahan Blvd, Ely, MN 55731

**LEGAL DESCRIPTION:** Lot 2 and Lot 2A Hegfors Lots, S21, T63N, R12W (Morse)

**PARCEL IDENTIFICATION NUMBER (PIN):** 465-0110-00030

**VARIANCE REQUEST:** The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.7, to allow an accessory structure to be located at a reduced road centerline setback, where a minimum 85 foot setback is required.

**PROPOSAL DETAILS:** The applicant is proposing to construct a 24 foot by 16 foot garage to be located 50 from the centerline of County Road 88 where a 85 foot centerline setback is required.

## PARCEL AND SITE INFORMATION

**ROAD ACCESS NAME/NUMBER:** Grant McMahan  
Blvd/CR88

**ROAD FUNCTIONAL CLASS:** Collector

**LAKE NAME:** Shagawa Lake

**LAKE CLASSIFICATION:** GD

**RIVER NAME:** N/A

**RIVER CLASSIFICATION:** N/A

**DESCRIPTION OF DEVELOPMENT ON PARCEL:** There is currently a dwelling, accessory structure, well, and holding tank on the parcel.

**ZONE DISTRICT:** SMU 11

**PARCEL ACREAGE:** 3.2 ACRES

**LOT WIDTH:** 200 FEET

**FEET OF ROAD FRONTAGE:** 227 FEET

**FEET OF SHORELINE FRONTAGE:** 200 FEET

## PARCEL AND SITE INFORMATION

**VEGETATIVE COVER/SCREENING:** The parcel has good screening from the lake, road, and neighboring parcels.

**TOPOGRAPHY:** Proposal will not be located within bluff however there is bluff on parcel.

**FLOODPLAIN ISSUES:** N/A

**WETLAND ISSUES:** N/A

## FACTS AND FINDINGS

### A. Official Controls:

1. St. Louis County Zoning Ordinance 62, states that the required road centerline setback for a collector road is 85 feet from centerline. The applicant is requesting a 50 foot setback from centerline.
2. 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.
3. 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.

### B. Practical Difficulty:

1. There are numerous structures along the stretch of County Road 88 that do not meet centerline setbacks.
2. The applicant has met the burden of demonstrating practical difficulty. The existing holding tank location, bluff, and 85 foot road centerline setback limit development locations on the parcel.

### C. Essential Character of the Locality:

1. In March of 2021, a variance was approved two parcels to the east for two structures to be constructed at a reduced center line setback of 50 feet, similar to this request.
2. The plat of Hegfors lots was created in 1955.

### D. Other Factor(s):

1. The 85 foot centerline setback may not make sense for this section of County Road 88. The proposed structure would conform to the local road classification setback of 48 feet.

**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?**

## **CONDITIONS**

Conditions that may mitigate the variance for a 24 foot by 16 foot accessory structure to be located at a reduced road centerline setback, as proposed, include but are not limited to:

1. The centerline setback shall be maximized to the greatest extent possible.

**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**Government Services  
Center

201 South 3rd Avenue West  
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: <https://www.stlouiscountymn.gov/explorer>

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

Primary PIN **465-0110-00030**

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: **John Taylor**  
Address Line 1: **13677 Brick Path**  
Address Line 2: **--**  
City: **Rosemount**  
State: **MN**  
Zip: **55068-2471**  
Primary Phone: **(651)238-7050**  
Cell Phone: **--**  
Fax: **--**  
Email: **jetaylor47@hotmail.com**  
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: **John Taylor**  
Address: **13677 Brick Path**

City: **Rosemount**  
State/Province: **MN**  
Zip: **55068-2471**  
Primary Phone: **--**  
Cell Phone: **--**  
Fax: **--**  
Email: **jetaylor47@hotmail.com**

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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? **Yes**

Site Address: **Fire #1788 Grant McMahan**

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  
Land and Minerals  
7820 Highway 135  
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?**

**No**

**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.**

**2**

**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.

**The county requires that any construction be at least 85' from the center of the road. I wish to build a garage next to the cabin and it would be 50-60 ft from the center of the road.**

Describe the intended/planned use of the property.

**Garage, 1 car 16 x 24**

Describe the current use of your property.

**There is a 10 x 10 storage shed that will be removed.**

Describe other alternatives, if any.

**Garage could be located across the street but there is a steep slop there**

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

**It shouldn't detract from the neighborhood. It will be hidden mostly by pine trees.**

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

**There would be no impact on neighboring properties.**

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

**The garage will be hidden by trees**

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

**It will enhance my property. It will give me the security of having my car protected from the elements, especially during winter months.**

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

**We are staying at the cabin later each year and we would like to get the car out of the weather. We have owned the property for 32 years and we look forward to man more.**

**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**

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# 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

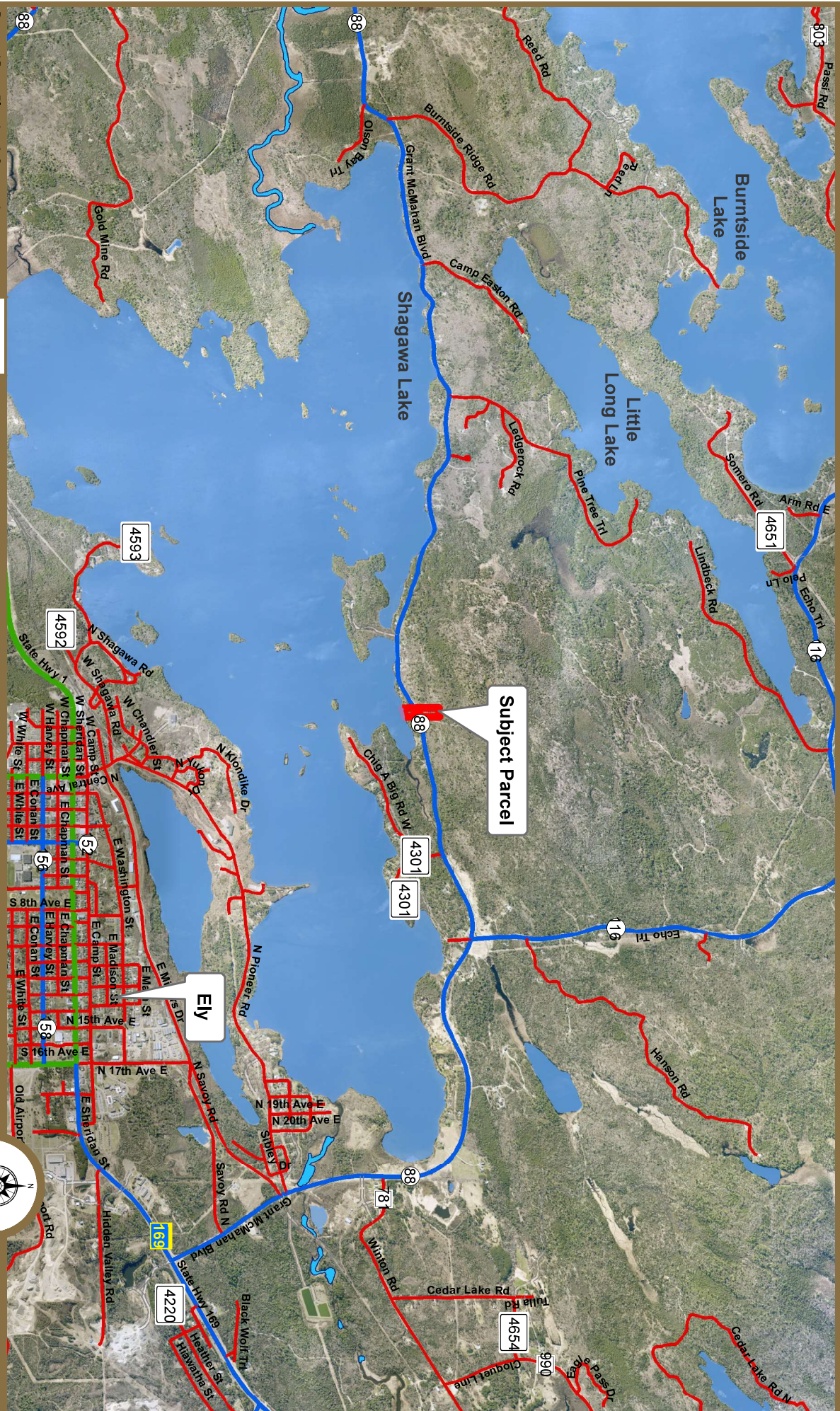
**Sign off:**

Signature \_\_\_\_\_

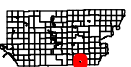
Title \_\_\_\_\_



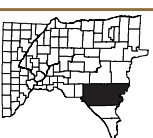
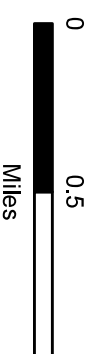
## June BOA Meeting



Disclaimer: This is a compilation of records as they appear in the St. Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.



**John Taylor**  
Location Map  
PIN:465-0110-00030



St. Louis County MN



# St. Louis County

June BOA Meeting



Prepared By: Planning & Community Development

(218) 725-5000

www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 5/19/2021

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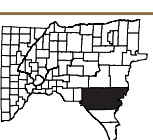
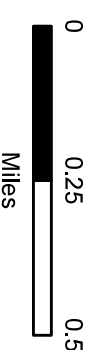
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**John Taylor**

**Zoning Map**

PIN: 465-0110-00030



St. Louis County MN



# St. Louis County

June BOA Meeting



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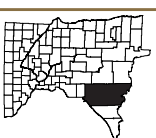
## John Taylor

### Site/Elevation Map

PIN:465-0110-00030



0 100 200  
Feet

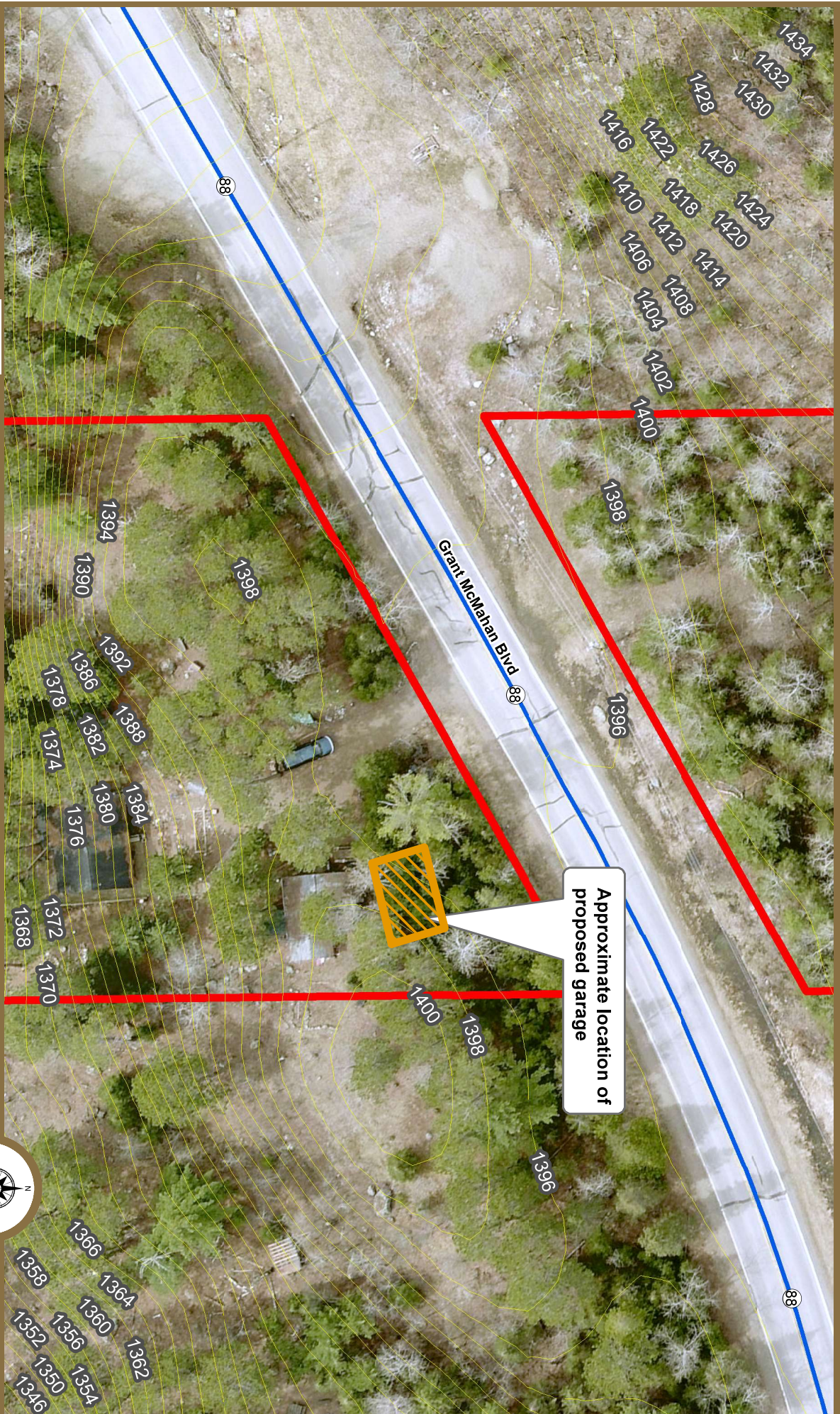


St. Louis County MN



# St. Louis County

June BOA Meeting



Prepared By: **Planning & Community Development**  
(218) 725-5000  
www.stlouiscountymn.gov

Source: **St. Louis County**

Map Created: **5/25/2021**

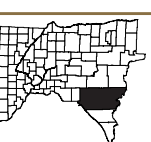
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**John Taylor**  
Site Map

PIN:465-0110-00030



St. Louis County MN