



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

REPORT DATE: 5/22/23

MEETING DATE: 6/8/23

APPLICANT INFORMATION

APPLICANT NAME: Paul Flann

APPLICANT ADDRESS: 301 Coventry Road Hoyt Lakes, MN 55750

SITE ADDRESS: 2397 West Cabin Circle Makinen, MN 55763

LEGAL DESCRIPTION: INC LOT 14 BLK 2 AND AN UND 1/83 INTEREST IN OUTLOT B, S36, T56N, R15W (Colvin)

PARCEL IDENTIFICATION NUMBER (PIN): 300-0400-00140

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.3 D, to allow a second addition to a nonconforming principal structure where one expansion is allowed.

PROPOSAL DETAILS: The applicant is proposing to construct a 616 square foot second addition to the rear of the nonconforming dwelling that has previously been expanded. The existing dwelling is nonconforming to the shoreline setback at a distance of 49 feet where a 100 foot shoreline setback is required.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: West Cabin Circle

ROAD FUNCTIONAL CLASS: Private

LAKE NAME: Whiteface Reservoir

LAKE CLASSIFICATION: RD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property contains a dwelling, sauna, and storage building. The property has direct access from a private road and is serviced by an approved privy.

ZONE DISTRICT: SMU 7

PARCEL ACREAGE: Approx. 0.78 ACRES

LOT WIDTH: Approx. 100 FEET

FEET OF ROAD FRONTAGE: Approx. 90 FEET

FEET OF SHORELINE FRONTAGE: 127 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The parcel has moderate screening from the lake, road, and neighboring properties.

TOPOGRAPHY: The property has an elevation change of 14 feet, gently sloping from the center of the parcel towards the shoreline.

FLOODPLAIN ISSUES: A part of the parcel is located within the floodplain, but the structure will not be affected. Base flood elevation of 1355.0 (1929NVGD).

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: The parcel is part of the Whiteface Point plat, approved in 1991.

FACTS AND FINDINGS

A. Official Controls:

1. St. Louis County Zoning Ordinance 62, Article IV, Section 4.3 D., allows a nonconforming principal structure to be expanded once with a performance standard permit.
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.
4. 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 in Minnesota Statute 394.22 Subd. 10.

B. Practical Difficulty:

1. The dwelling has been expanded once without a permit.
2. There are no unique physical circumstances of the property.
3. There are alternatives that do not require a variance:
 - a. Move the structure back in order to meet the required 100 foot shoreline setback.

C. Essential Character of the Locality:

1. The area consists of developed lakeshore lots with both conforming and nonconforming structures.
2. There have been no similar variance requests within the plat.

D. Other Factor(s):

1. 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.

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 second addition to a nonconforming principal structure where one expansion is allowed as proposed include, but are not limited to:

The following condition(s) shall apply:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. St. Louis County On-Site Wastewater SSTS standards shall be followed.
3. The stormwater runoff from the proposed structure shall not discharge directly into the lake or adjacent parcels.
4. In the event that it is determined that the structure is not structurally sound to be added onto or is replaced, a new structure may be allowed and shall require a permit. All setback requirements shall be met.





Land Use Permit WORKSHEET

St. Louis County, Minnesota

About: Land Use Permits are required for most building construction activities. They are also required for a variety of other uses. For more information, check out our website at: www.stlouiscountymn.gov/land-use

WHAT ARE YOU APPLYING FOR *Check all that apply to the project.* **PLEASE MAKE CHECKS TO: ST. LOUIS COUNTY AUDITOR**

#1 New Buildings Less than/equal to 1,200 square feet-\$165 Greater than 1,200 square feet-\$325

☐ Dwelling-Home, Mobile Home, Hunting Shack, or Cabin. (Includes attached deck, if applicable.)

☐ Replacement of Existing Dwelling-Home, Mobile Home, Hunting Shack, or Cabin.
Will the old dwelling be removed from the property? ☐ Yes ☐ No

If yes, an affidavit must be filled out stating when the old dwelling will be removed.

If this dwelling is a mobile home, there is a special mobile home affidavit to be filled out.

☐ Accessory Dwelling-Guest cottage or bunkhouse. Must follow administrative standards.

☐ Accessory Structure- Garage, Pole Building, shed, sauna, screenhouse or gazebo that either meets lake or river setback or not located in a shoreland area.

☐ Water-oriented Accessory Structure-Boathouse, Sauna, Screenhouse/gazebo on a lake or river located at reduced shoreline setback. Must follow administrative standards.

☐ Commercial Structure

☐ Other Principal Structure

#2 Other Construction/Change in Use-\$85

☒ Addition(s) to Dwelling

Is the dwelling location on a lake or river? ☒ Yes ☐ No
If Yes above, does the structure meet the required shoreline setback? ☐ Yes ☐ No If No, structure does not meet the shoreline setback, a performance standard permit or variance may be required. See box #4 or #7.

☐ Addition(s) to Accessory Structure

☐ New Deck Only or Deck Replacement

☒ Combination Addition(s) & Deck on the same structure

☐ Moving a Structure

☐ Sign

☐ Structure Alteration or Component Replacement

☐ Change in Use (i.e. converting an old cabin to storage)

What will the new use of the structure be?

Explain the current and proposed use.

Current: *FAMILY CABIN* Proposed: *FAMILY CABIN*

Other-\$60

☐ Permit extension beyond 2 years

#3 Subdivisions/Parcel Reviews Additional Worksheets Required

☐ Plat-Minor Subdivision-\$650

☐ Conventional or Conservation Plat-Less than or equal to 3 lots-\$650

☐ Conventional or Conservation Plat-Greater than 3 Lots-\$1,300

☐ Lot Line Adjustment-\$85

☐ Parcel Review-\$85

☐ Performance Standard Subdivision-\$385

#4 Performance Standard-\$385

Additional Worksheets Required

☐ Borrow/Gravel Pit

☐ Home Business

☐ Land Alteration

☐ Nonconforming Structure Replacement

☐ Addition to a structure that does not meet shoreline setback

☐ Other

#5 Site Evaluation

☐ Site Visit/Evaluation-\$165

#6 Wetland Reviews

Additional Worksheets Required

☐ No Loss/Exemption/Replacement Plan-\$165

☐ Wetland Delineation Review-\$385

☐ Wetland Banking Plan Review-\$1,140

#7 Public Hearings

Additional Worksheets Required

☐ Administrative Appeal-\$1,275

☐ Environmental Assessment-\$1,140

☐ Conditional Use Permit-\$650

☐ Conditional Use Permit Rehearing-\$210

☐ Interim Use Permit-\$650

☐ Interim Use Permit Rehearing-\$210

☐ General Purpose Borrow Pit-\$650

☒ Variance-\$650

☐ Variance Rehearing-\$210

☐ Multiple Hearing (Variance/conditional use)-\$980

☐ Rezoning-\$650

TYPE OF PROPOSED STRUCTURES

Check all that apply to the project.

<input type="checkbox"/> New Structure(s)	*Structure Type (Same as box #1 or 2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only)	*Maximum Width (Exterior Footprint Only)	*Maximum Sq. ft (Exterior footprint only)	*Maximum Height (Ground Level to Roof Peak)
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
<input checked="" type="checkbox"/> Structure Additions	*Structure Type (Same as box #2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only)	*Maximum Width (Exterior Footprint Only)	*Maximum Sq. ft (Exterior footprint only)	*Maximum Height (Ground Level to Roof Peak)
	DECK	PIER	30 Feet	6 Feet	180 Sq. ft.	4 Feet
	ADDITION	PIER	28 Feet	14 Feet	392 Sq. ft.	16 Feet
VARIANCE	ADDITION	PIER	16 Feet	14 Feet	224 Sq. ft.	16 Feet

*Indicates required field. Incomplete applications will be returned.

CONTACT: Planning and Community Development Department

Technical Assistance

Toll Free: 1-800-450-9777

Land Use Information

www.stlouiscountymn.gov/land-use

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

Office Use Only

Receipt # _____

Receipt Date _____

Payment Amount _____

Paid By _____



Variance

Worksheet St. Louis County, Minnesota

About 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, check out our website at: www.stlouiscountymn.gov/VarianceRequired

APPLICANT

Applicant Name (Last, First)

FLANN, PAUL

VARIANCE REQUEST *Complete this form along with the Land Use Permit Application*

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

CURRENT Building IS 16'x44' We are Applying for a permit to add A 392 sq. ft addition. (400 sq ft Allowed)
We would like to add an additional 224 sq. ft, so the total addition would be 616 sq. ft.
I would also like to extend the existing deck on the front of THE CABIN TO RUN THE LENGTH OF THE CABIN - ADD 6'x30' = 180 sq. ft

2. Describe the intended/planned use of the property.

FAMILY LAKE CABIN

3. Describe the current use of your property.

SEASONAL CABIN. WORKING to upgrade. We put in a well in 2022, SEPTIC scheduled for spring of 2023.

4. Describe other alternatives, if any.

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

The addition total would be 14'x44' Added to the back side of the cabin. Both of our neighbors are Year Round Residents. The addition will not effect EITHER OF THEIR VIEWS OF THE LAKE. You will not be able to see the addition from the lake.

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

The neighbors approve of our plan to improve the aesthetics of the property. The addition will not effect the use of either property.

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

We will be using a licenced contractor for the addition who has done a number of additions and remodels in the area.

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

The addition will allow us to remodel to have 2 bedrooms + 2 bathrooms. As well as kitchen + living room. This will allow for more room for family to enjoy the lake. We will put on a new roof, new siding, new windows, etc. The new addition will make the place look very nice and appealing.

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

Looks like I could add up to 400 square feet without a variance. That would be 28' x 14' = 392 sq. ft. I would like to extend the addition to the end of the cabin, 16' x 14' = 224 sq. ft.

OFFICE USE ONLY

Principal Structures	Principal Structure Additions	Accessory Structures	Accessory Structures Additions	Other
<input type="checkbox"/> Shoreline Setback <input type="checkbox"/> Property Line Setback <input type="checkbox"/> Lot Width <input type="checkbox"/> Height Limit <input type="checkbox"/> 40% of Lot Width <input type="checkbox"/> 55% of Lot Width <input type="checkbox"/> Bluff <input type="checkbox"/> 2nd Principal Structure <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Road Centerline Setback <input type="checkbox"/> Road Right-of-Way Setback <input type="checkbox"/> Lot width and/or Area	<input type="checkbox"/> Shoreline Setback <input type="checkbox"/> Road Centerline Setback <input type="checkbox"/> Road Right-of-Way Setback <input type="checkbox"/> Property Line Setback <input type="checkbox"/> One Addition Allowed <input type="checkbox"/> Allowable Size Exceeded <input type="checkbox"/> 40% of Lot Width <input type="checkbox"/> 55% of Lot Width <input type="checkbox"/> Height Limit <input type="checkbox"/> Foundation from Lake <input type="checkbox"/> Lot width and/or Area	<input type="checkbox"/> Shoreline Setback <input type="checkbox"/> Road Centerline Setback <input type="checkbox"/> Road Right-of-Way Setback <input type="checkbox"/> Property Line Setback <input type="checkbox"/> Lot Width and/or Area <input type="checkbox"/> Height Limit <input type="checkbox"/> Allowable Size Exceeded <input type="checkbox"/> Bluff	<input type="checkbox"/> Shoreline Setback <input type="checkbox"/> Road Centerline Setback <input type="checkbox"/> Road Right-of-Way Setback <input type="checkbox"/> Property Line Setback <input type="checkbox"/> Allowable Size Exceeded <input type="checkbox"/> Height Limit <input type="checkbox"/> Lot width and/or Area	<input type="checkbox"/> Subdivision Plat <input type="checkbox"/> Exceeding Lot Coverage <input type="checkbox"/> Exceeding Maximum Buildable Area <input type="checkbox"/> Other Standard Not Listed (Explain below)

CONTACT: Planning and Community Development Department

Technical Assistance

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Virginia

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 Virginia, MN 55792
 (218) 749-7103

Office Use Only

Receipt # _____
 Receipt Date _____
 Payment Amount _____
 Paid By _____

Site Sketch Form

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

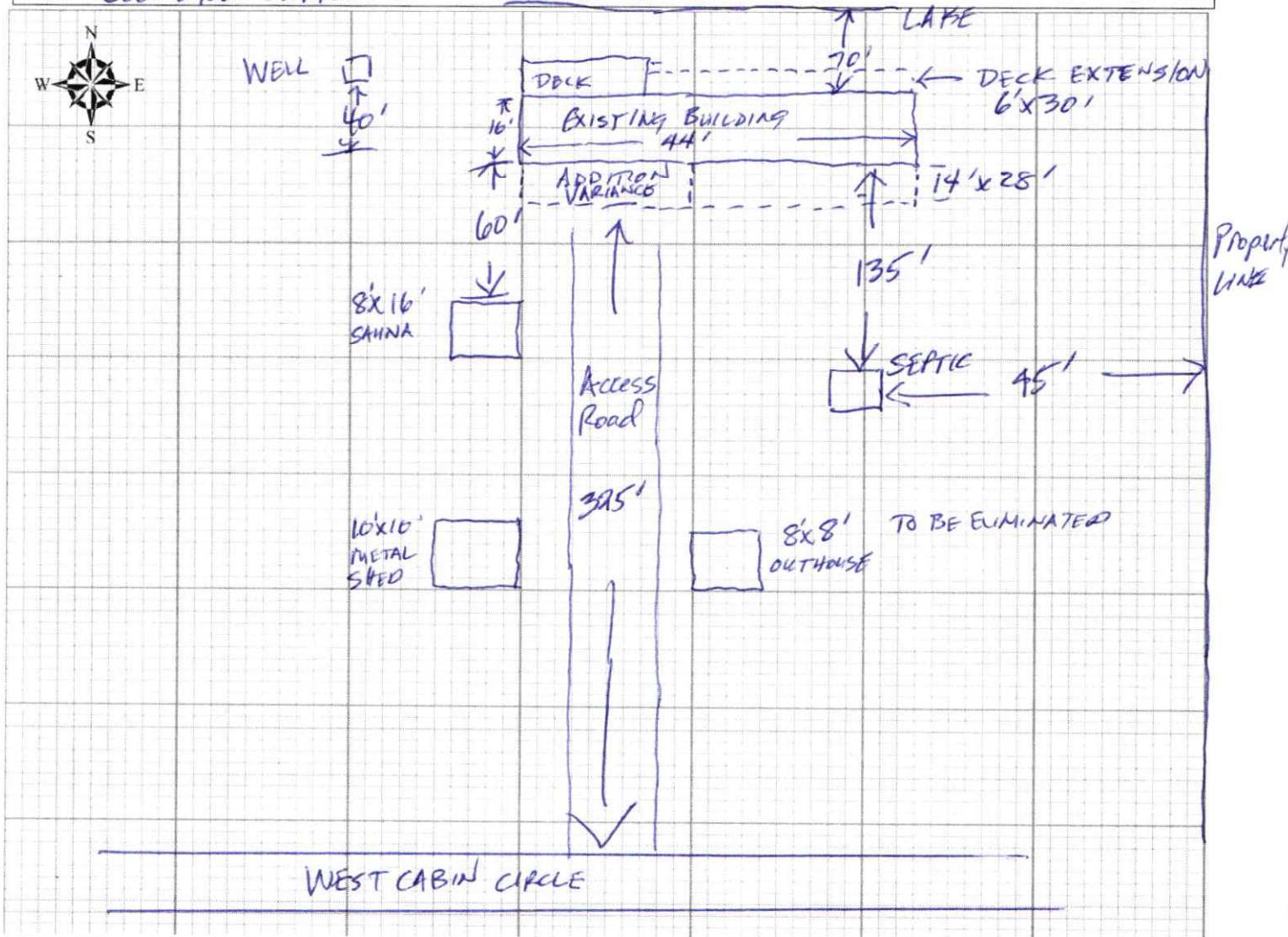
Draw and Label on Sketch (in feet)

- ☐ *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: PAUL FLANA
 *Site Address: 2397 WEST CABIN CIRCLE
 *PIN: 300-0400-00140



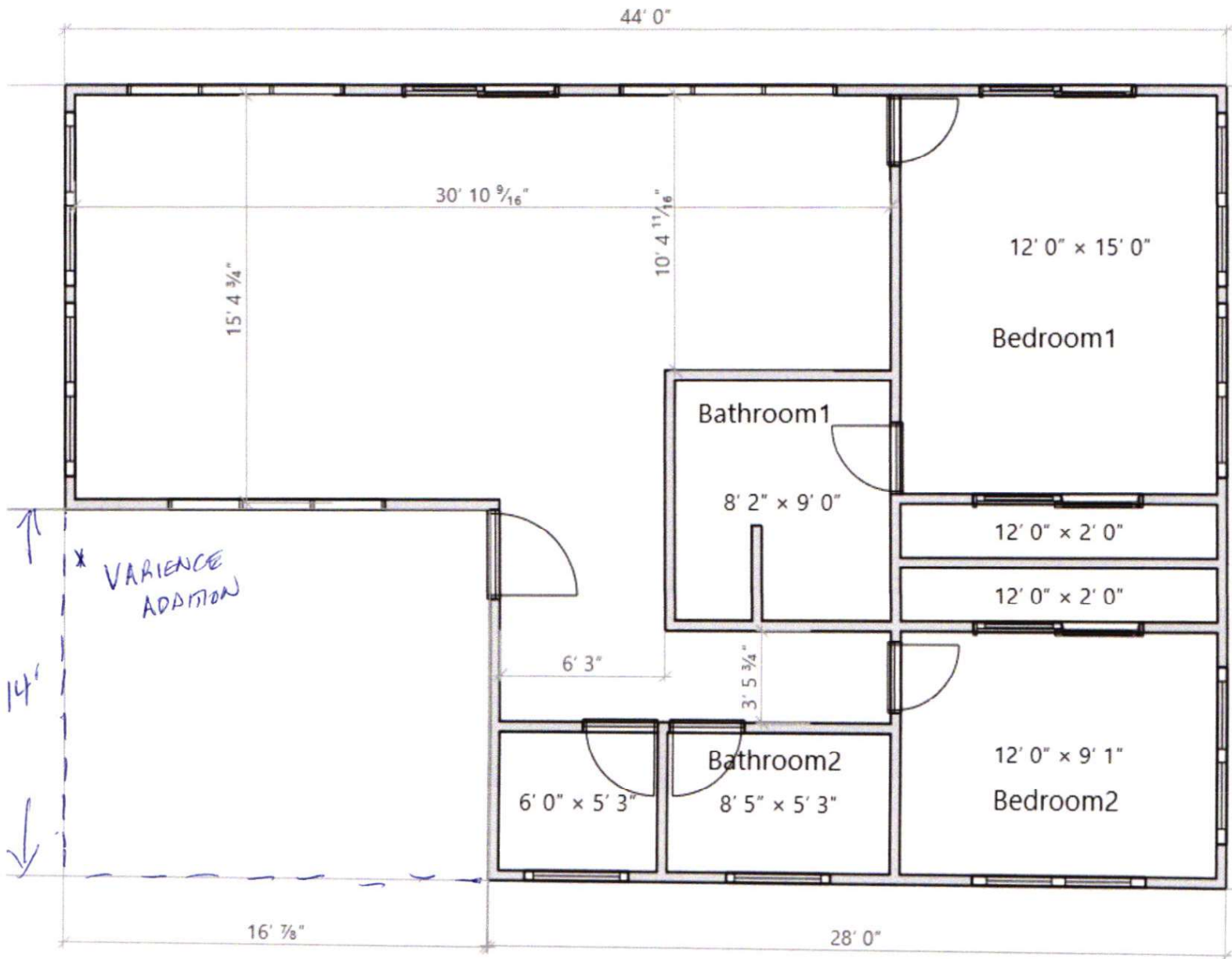
Sanitary Authority Use Only

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:

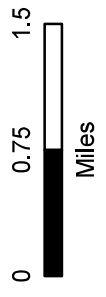
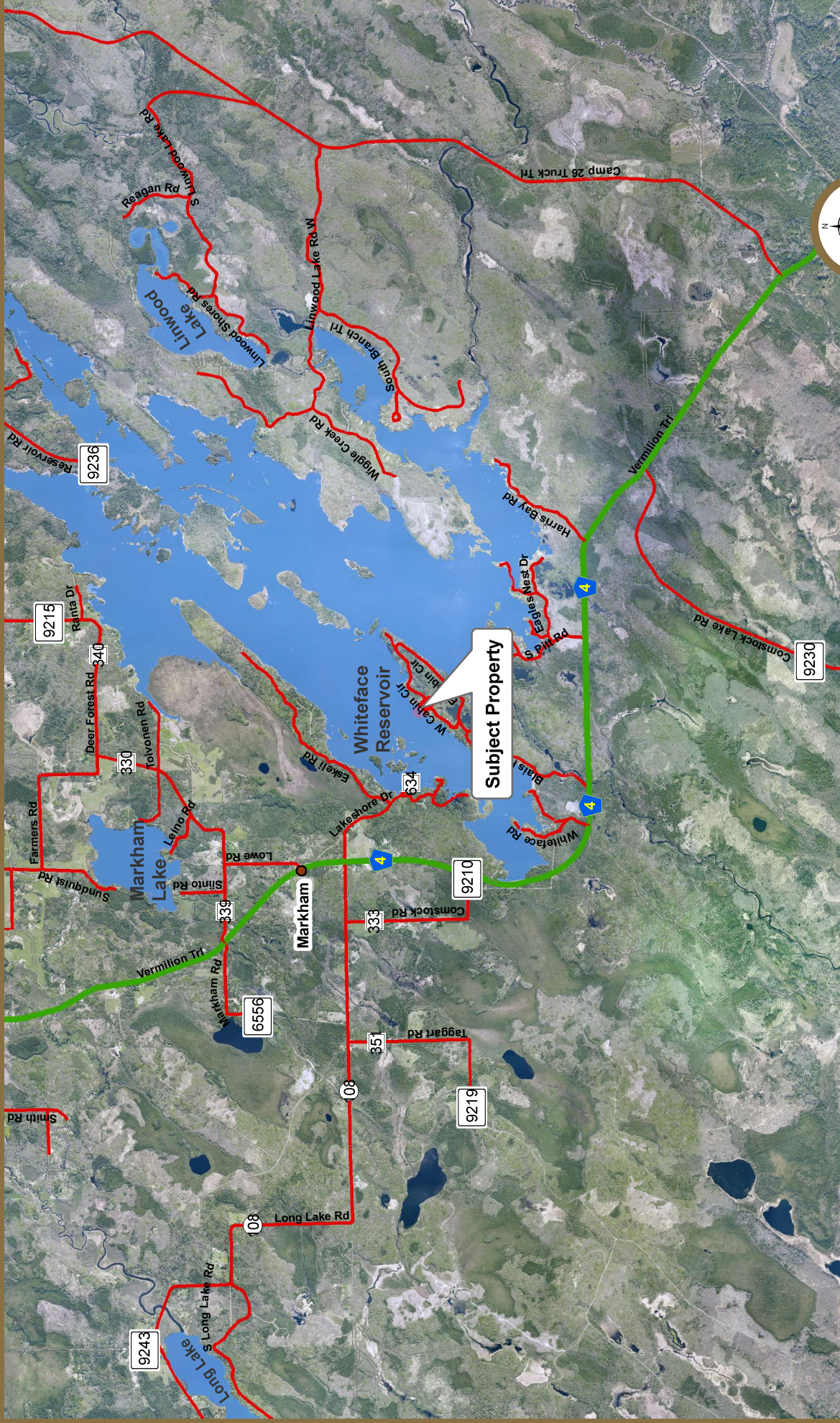
Signature _____ Title _____





St. Louis County

June BOA Meeting



Paul Flann
Location Map
300-0400-00140

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

Source: St. Louis County

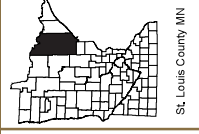
Map Created: 5/17/2023

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St. Louis County

June BOA Meeting



Paul Flann
 Location Map
 300-0400-00140



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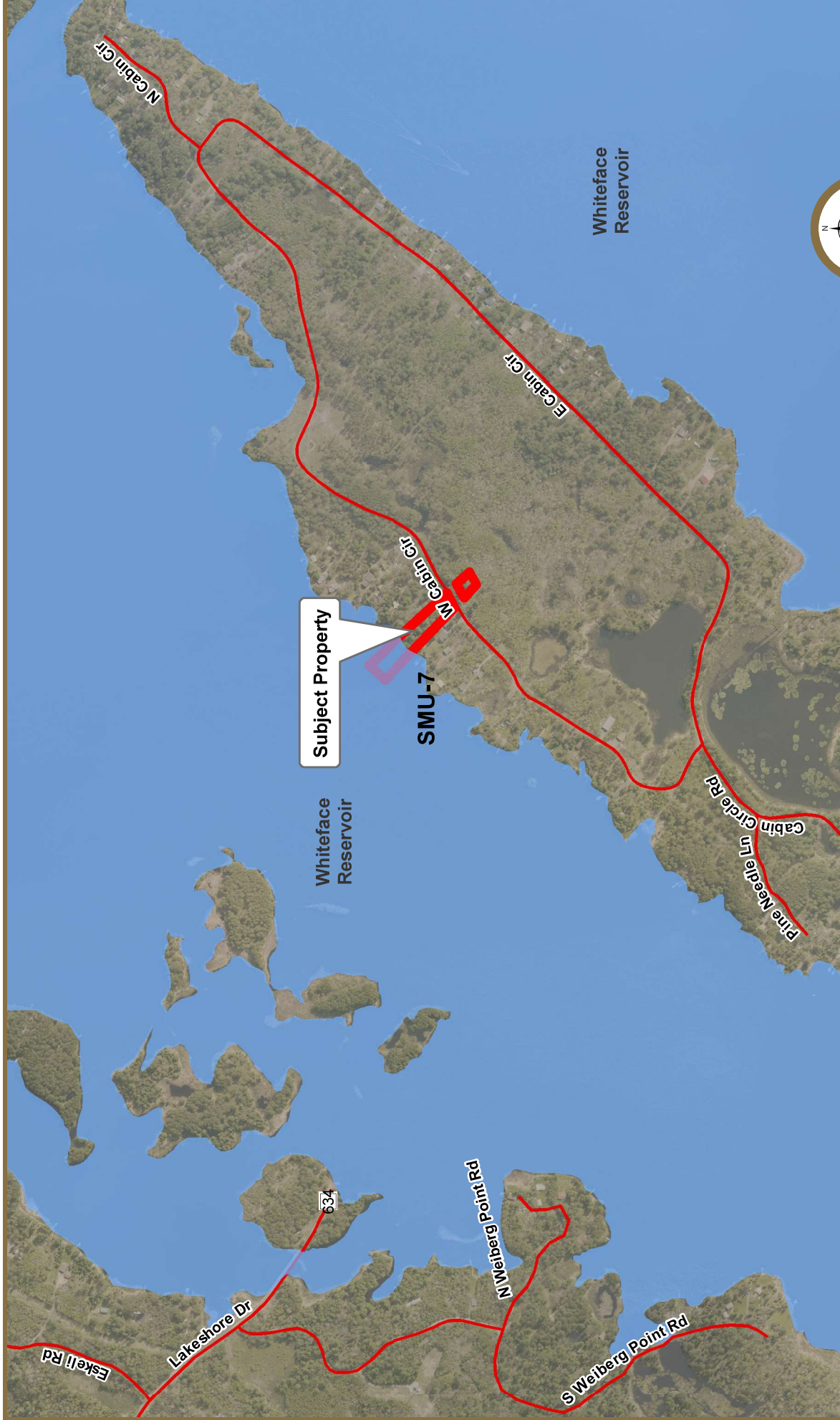
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St. Louis County

June BOA Meeting



St. Louis County MN

0 500 1,000 Feet

Paul Flann

Zoning Map

300-0400-00140

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St. Louis County

June BOA Meeting



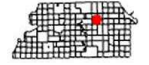
WHITEFACE RESERVOIR

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Paul Flann

Site Map

PIN: 300-0400-00140



0 60 120
Feet



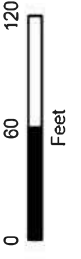
St. Louis County MN

St. Louis County

June BOA Meeting

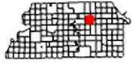


WHITEFACE RESERVOIR



Paul Flann

Site & Elevation Map
PIN: 300-0400-00140

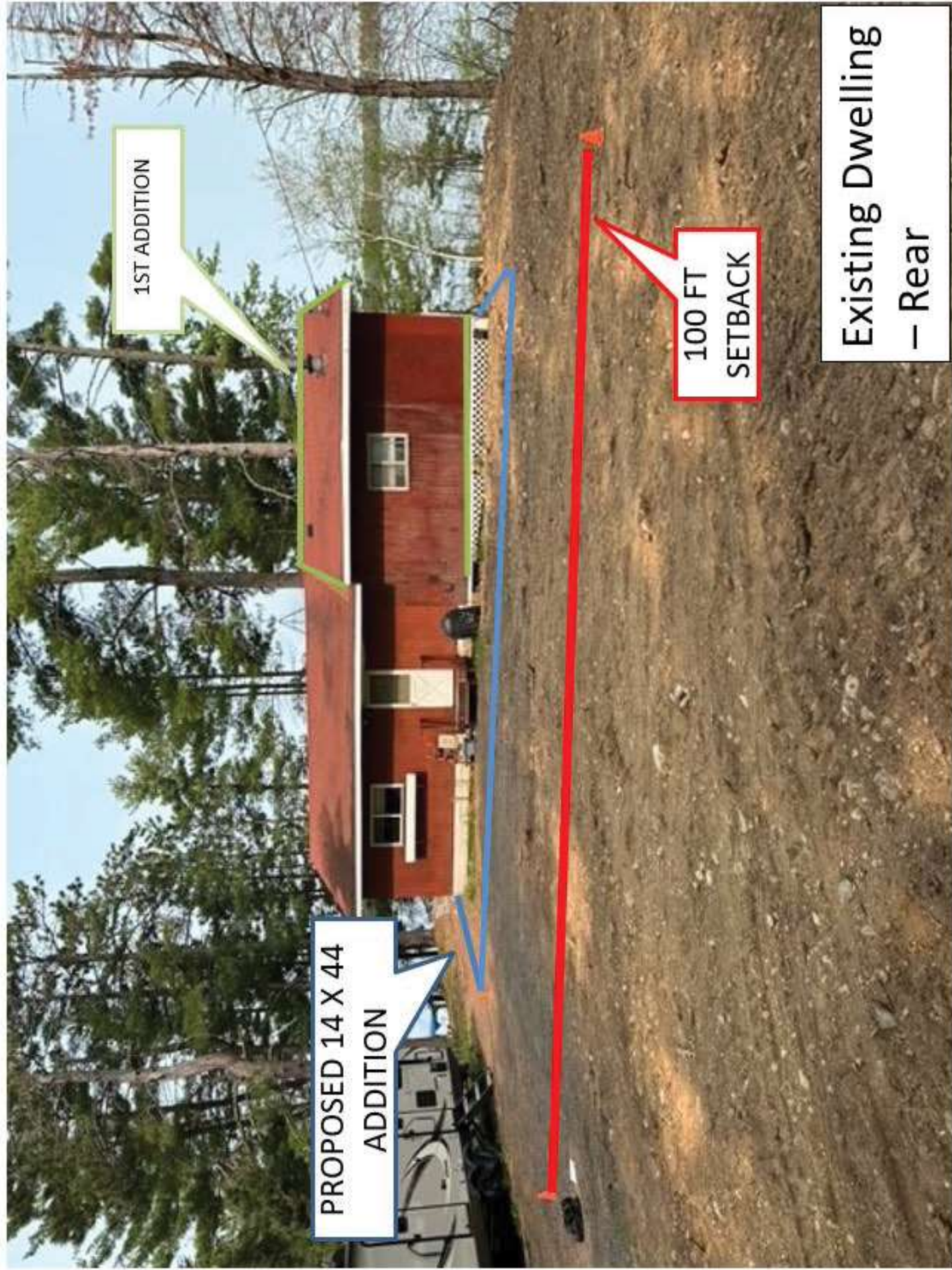


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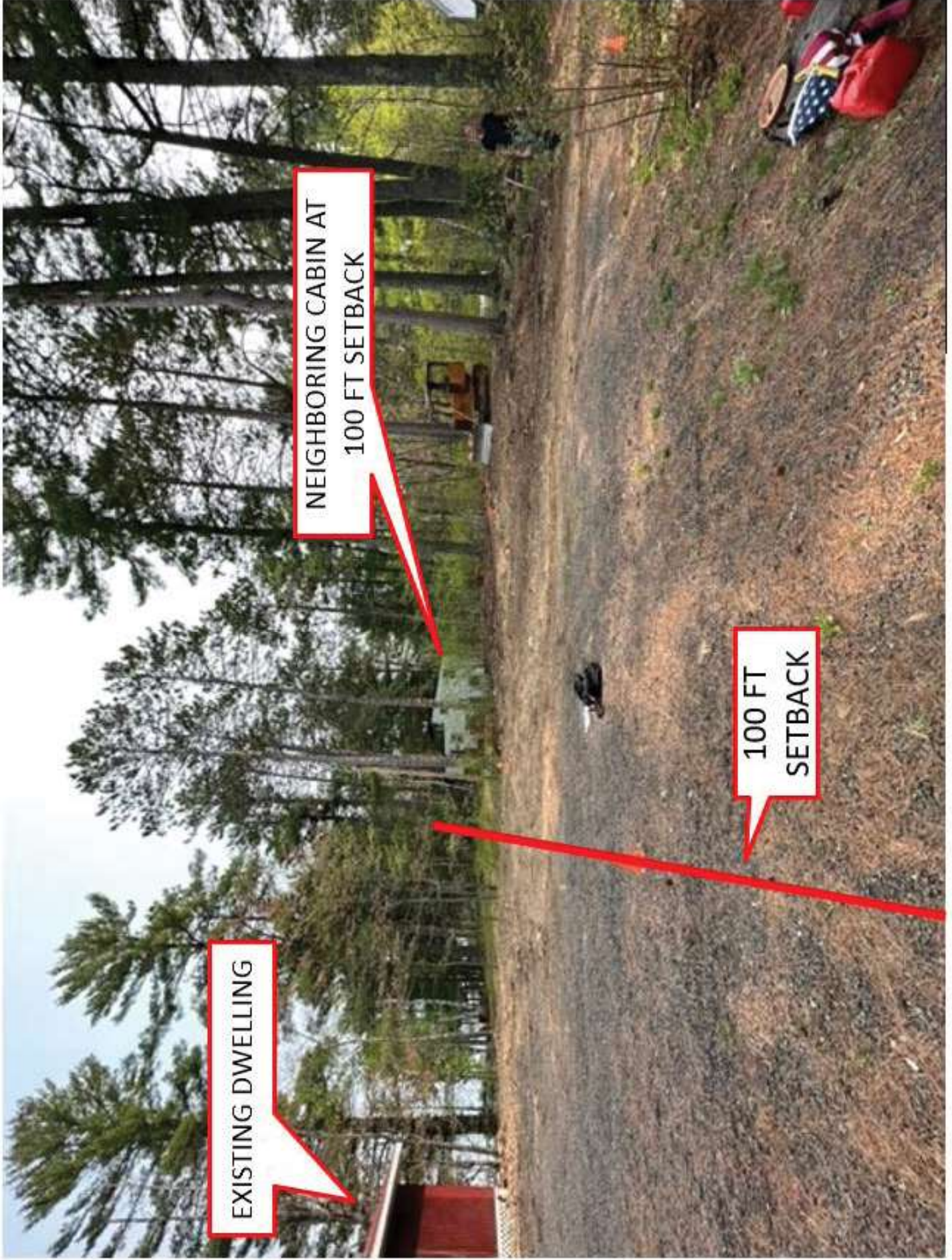
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Existing Dwelling –
Facing Shoreline



EXISTING DWELLING

NEIGHBORING CABIN AT
100 FT SETBACK

100 FT
SETBACK