



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6254

INSPECTION DATE: 5/19/2021

REPORT DATE: 5/24/2021

MEETING DATE: 6/10/2021

APPLICANT INFORMATION

APPLICANT NAME: Steve Wedan

APPLICANT ADDRESS: 14547 Alabama Avenue South, Savage, MN 55378

OWNER NAME: Allete Inc
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 4776 Breezy Point Road, Duluth, MN 55803

LEGAL DESCRIPTION: LOT 1 LEASE #17-02 MP 660-10-5730, S36, T53N, R15W (Unorganized 53-15)

PARCEL IDENTIFICATION NUMBER (PIN): 660-6000-57605

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.4, to allow a replacement principal structure at a reduced shoreline setback, where a minimum 100 foot shoreline setback is required.

PROPOSAL DETAILS: The applicant is proposing to construct a 1,930 square foot principal dwelling, 50 feet from the shoreline of Island Lake Reservoir where 100 feet is required. The dwelling will replace an existing 720 square foot nonconforming dwelling that is 37 feet from the shoreline. The proposed height of the dwelling will be 21 feet where 25 feet is allowed.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Breezy Pt Rd **ROAD FUNCTIONAL CLASS:** Local

LAKE NAME: Island Lake Reservoir **LAKE CLASSIFICATION:** RD

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

DESCRIPTION OF DEVELOPMENT ON PARCEL: There is currently a dwelling, garage, shed, septic system, well and driveway.

ZONE DISTRICT: SMU 7

PARCEL ACREAGE: 1.50 ACRES **LOT WIDTH:** APPRX 330 FEET

FEET OF ROAD FRONTAGE: N/A **FEET OF SHORELINE FRONTAGE:** APPRX 560 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: There is no screening within the shore impact zone at the location between the existing/proposed structure and the shoreline. There is fair screening along the easterly point of the peninsula.

TOPOGRAPHY: The lot has relatively little topographic change. There is a total of 8 feet change throughout the lot.

FLOODPLAIN ISSUES: There is floodplain on the property. Any future development must conform to floodplain requirements.

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: As measured by staff during the site visit on 5/19/2021, the existing nonconforming dwelling is located 37 feet from the shoreline at the closest point.

FACTS AND FINDINGS

A. Official Controls:

1. Island Lake Reservoir is classified as a DNR Recreational Development lake and requires a minimum 100 foot shoreline setback.
 - a. The shore impact zone for Recreational Development lakes is 50 feet.
 - b. The current structure is located 37 feet from the lake.
 - c. The proposed principal structure will be located at 50 feet from the lake.
2. St. Louis County Zoning Ordinance 62 requires that if a nonconforming structure is moved any distance or if structural changes are made, the structure shall be moved to conform to setback requirements.
3. The parcel is a Minnesota Power lease lot and is a legal lot of record for permitting purposes.
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 applicants are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
6. 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. There are no unique physical circumstances of the property.
2. A variance is not the only option.
3. Alternative: The current design of the structure is self-created. Although a variance is still required, there is suitable area to relocate the dwelling further from the shoreline through a redesign.
4. Alternative: An addition of up to 200 square feet may be done with a performance standard permit.
5. The applicant has not provided sufficient evidence as to why a greater setback could not be achieved. As stated in the St. Louis County Comprehensive Land Use Plan, nonconformities are a concern and that variances should be for exceptional circumstances as noted in Minnesota Statutes.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area. The area is currently developed with seasonal and year-round dwellings.

D. Other Factor(s):

1. The proposed dwelling will have three bedrooms. The existing septic system, which was permitted in 1992, was designed for a two bedroom single family dwelling.
 - a. The system is sized for a 3 bedroom class I dwelling per Certificate of Compliance issued on 5/5/2021.
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 ordinance nonconformities throughout the county.
 - a. Replacing a nonconformity with another nonconformity with a greater intensity of use, where alternatives exist, without sufficient practical difficulty, is not in keeping with the intent of the St. Louis County Ordinance or St. Louis County Comprehensive Land Use Plan.

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 as proposed for a 1,930 square foot principal dwelling, 50 feet from the shoreline of Island Lake Reservoir where 100 feet is required include but are not limited to:

1. The setback for the proposed structure shall be maximized to the greatest extent possible and shall be no closer than 50 feet from the shoreline.
2. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
3. The stormwater runoff from the proposed structure shall not discharge directly into the lake or on adjacent lots.
4. A plan to enhance vegetation and protect the shore impact zone shall be submitted, approved by the county and shall be implemented by the property owner within two years from the issuance of a land use permit.

**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

VirginiaGovernment 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

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 **660-6000-57605**

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: **Steve Wedan**
Address Line 1: **14547 Alabama Ave. So.**
Address Line 2: **--**
City: **Savage**
State: **MN**
Zip: **55378**
Primary Phone: **(952)237-6949**
Cell Phone: **--**
Fax: **--**
Email: **steve.wedan@me.com**
Contact Person Name: **Steve Wedan**
Contact Person Phone: **(952)237-6949**

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: **Steve Wedan**
Address: **14547 Alabama Ave. So.**

City: **Savage**
State/Province: **MN**
Zip: **55378**
Primary Phone: **--**
Cell Phone: **--**
Fax: **--**
Email: **steve.wedan@me.com**

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: **4776 Breezy Point Rd. Duluth, MN 55803**

Is this leased property? **Yes**

Leased From? **MN Power**

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.

Yes

How is the property accessed?

No

Private Road

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.

Yes

Total # of bedrooms on property after project completion.

3

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

Yes

If Yes, please explain:

Cabin to include running water and bathrooms.

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

No

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

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.

Our existing cabin is placed on a peninsula lot with water on 2 sides: south and east. The setback from the

south shore is 155 ft. The setback from the east shore is 48 ft. Complying with both setbacks pushes a structure into the northwest quadrant of the lot which is where the driveway entrance and septic system are. We are proposing to replace the existing cabin with a new cabin anchored essentially on the same footprint, but moved back so as to be no closer than 50 ft. to the east shore.

Describe the intended/planned use of the property.

The intended use is a year-round family cabin.

Describe the current use of your property.

The current use is a seasonal family cabin.

Describe other alternatives, if any.

Due to the unique shape of the lot, the existing woods and trees on the lot, the existing driveway, garage, well and septic, we believe this proposal is the only reasonable alternative.

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

The proposed cabin footprint is 1,930 sq. ft. which makes it much smaller than the neighbor's house immediately to the north and similar to the west neighbor's house. The proposed cabin is smaller than most new houses in the area. The north neighbor's house is closer to the east shoreline than we are proposing, so the proximity will also not be unusual. Finally, the height of the proposed cabin is less than many houses and garages in the area.

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 to any of the neighbors.

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

Replacing the cabin as proposed minimizes the removal of existing trees. The proposal also avoids installing a new septic system (pending certification of our existing septic system), and avoids routing a new feed line from the well. The shoreline does not need to be touched, and the building area is flat, so it does not need to be materially altered. Finally, the new cabin will be farther from the water than the existing cabin is.

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

The existing cabin is old and in bad shape. It was built on timbers and has a large cavern beneath it where animals live in the winter (mostly skunks and mice) when it is shut down. The new cabin will be on a slab (keeping out the animals) and allow for year-round use.

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

Certificate of Compliance for septic will be obtained in May upon thaw.

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?

--

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)

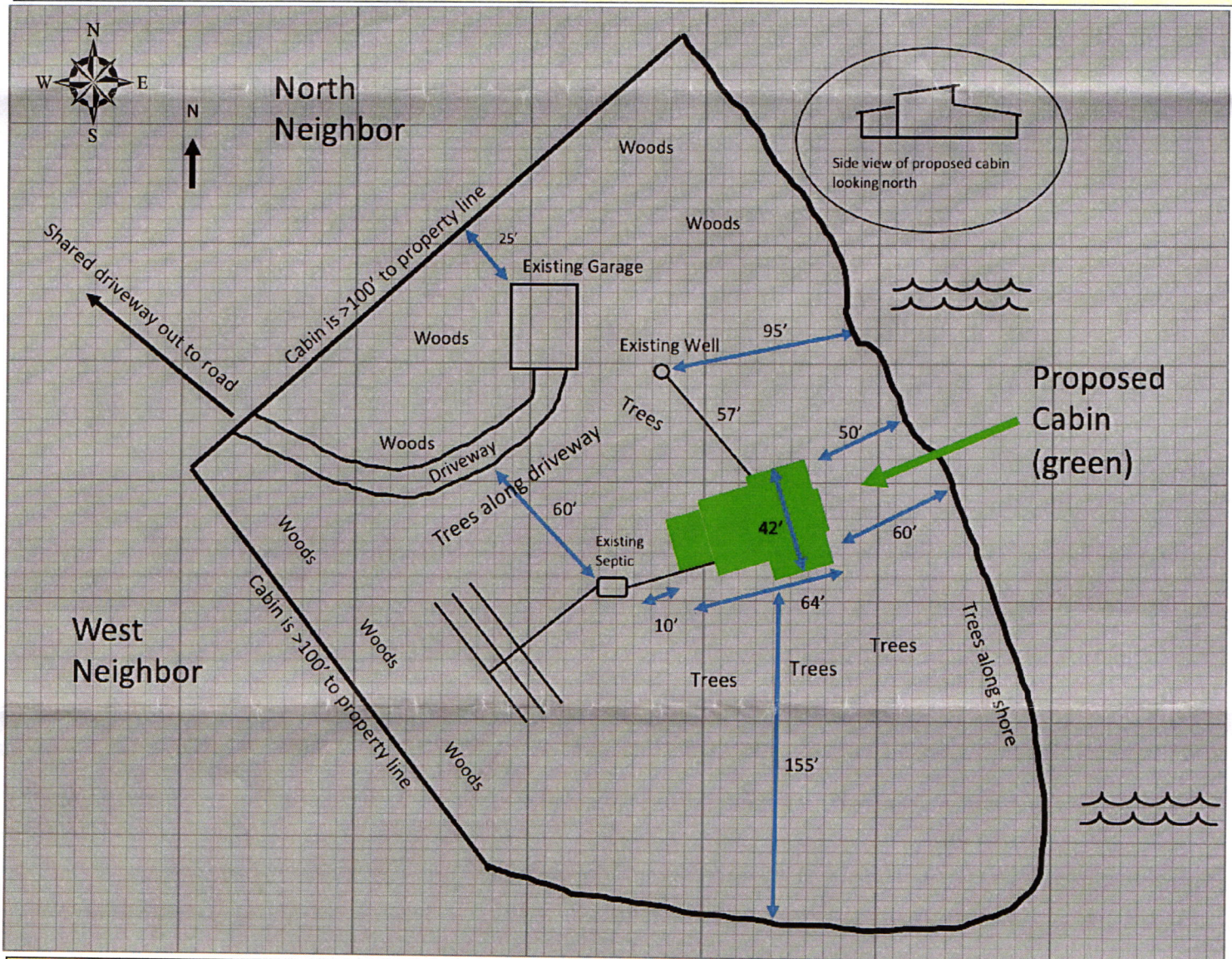
Draw and Label on Sketch (in feet)

- ☐ *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: Steve Wedan
 *Site Address: 4776 Breezy Pt. Rd., Duluth, MN 55803
 *PIN: 660-6000-57605



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

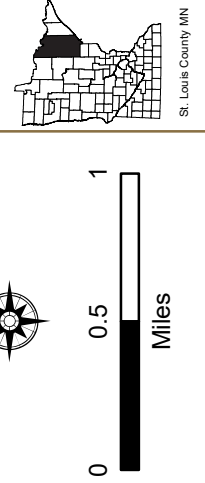
Sign off:

Signature _____

Title _____

St. Louis County

June BOA Meeting



Steve Wedan
Location Map
PIN:660-6000-57605

Prepared By:	Planning & Community Development
Source:	St. Louis County
Map Created:	3/8/2021

(218) 725-5000
www.stlouiscountymn.gov

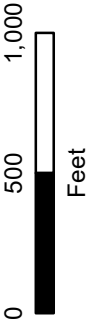
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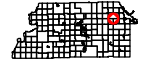


St. Louis County

June BOA Meeting



Steve Wedan
Zoning Map
PIN:660-6000-57605



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

Map Created: 5/24/2021

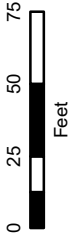
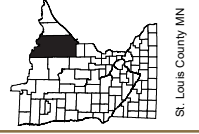
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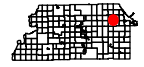


St. Louis County

June BOA Meeting



Steve Wedan
Site/Elevation
PIN: 660-6000-57605



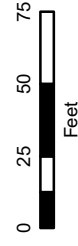
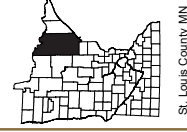
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Proposal

PIN: 660-6000-57605



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St. Louis County

June BOA Meeting



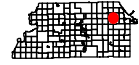
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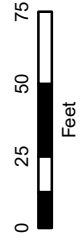
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Steve Wedan

Proposal/Shoreline Setbacks

PIN: 660-6000-57605



St. Louis County MN

Existing Structure Setback



Proposed Structure (red arrow indicates septic tank)



Proposed Structure (red circle is septic tank)



Proposed Structure

