



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6223

INSPECTION DATE: 07/27/20

REPORT DATE: 07/27/20

MEETING DATE: 08/13/20

APPLICANT INFORMATION

APPLICANT NAME: Teresa and Justin Kochar

APPLICANT ADDRESS: 4424 Cedar Island Drive, Eveleth MN 55734

OWNER NAME:
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 4424 Cedar Island Drive, Eveleth MN 55734

LEGAL DESCRIPTION: Lot 49, Cedar Island Park S9, T57N, R17W (Fayal)

PARCEL IDENTIFICATION NUMBER (PIN): 340-0042-00490

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.2 to allow maximum lot coverage to exceed 25 percent allowed and relief from 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 proposing to construct a 30 foot by 30 foot accessory structure (garage) on a parcel 0.38 acre in size. Due in part to the size of the lot and existing buildings, lot coverage and building footprint will exceed maximums allowed.

Proposed lot coverage would be about 6,320 square feet where 4,247 square feet is allowed. The proposed lot coverage is roughly 37.2 percent. As part of the request for the new second garage, the applicant is proposing to pave the driveway and parking area.

Current building footprint is 2,196 square feet and adding 900 square feet would put the building footprint at 16.5 percent or 3,096 square feet. The maximum building footprint allowed is 2,548 square feet.

The proposed 30 foot by 30 foot garage will meet all other setback requirements and will not be visible from the lake.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Cedar Island/
Service Road T6777

ROAD FUNCTIONAL CLASS: Local

LAKE NAME: Ely

LAKE CLASSIFICATION: GD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: Currently, there is a 1,012 square foot dwelling with a walkout basement and 352 square foot deck, a 720 square foot detached garage, a 112 square foot sauna, and a 294 square foot patio. There is also an existing gravel driveway, and a concrete walkway/stairs to the lake. The property is served by Fayal public utilities (sewer and water).

ZONE DISTRICT: RES 11

PARCEL ACREAGE: 0.38 ACRES

LOT WIDTH: Approximately 70 FEET at proposed building location

FEET OF ROAD FRONTAGE: 50 FEET

FEET OF SHORELINE FRONTAGE: 105 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: There is moderate screening throughout the property and open lawn between the dwelling and the proposed garage.

TOPOGRAPHY: There is roughly an 18 foot elevation change from the shoreline to the location of the proposed accessory structure. The area proposed for the accessory structure is relatively flat back to the road.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: Lot 49 is located at the curve in the service road and is wider at the shoreline, tapering back towards the road.

FACTS AND FINDINGS

A. Official Controls:

1. Zoning Ordinance 62 states that the maximum allowed lot coverage in a Residential (RES)-11 zone district is 25 percent.
 - a. The applicant is requesting lot coverage of approximately 37 percent, due in part to paving the driveway and associated apron/parking area to the proposed garage.
 - b. The applicant has stated there are drainage issues associated with the current gravel driveway.
2. Zoning Ordinance 62 states that the maximum building footprint allowed on a nonconforming lot of record is 15 percent.
 - a. The applicant is requesting a building footprint of approximately 16.5 percent.
 - b. Existing structures, including one other detached garage, contribute to the building footprint as well as the small platted lot size.
 - c. The subject lot is 0.38 acre in size where a 0.5 acre would meet both zone district standards and nonconforming building footprint allowances.
3. 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.
4. 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.
5. 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.
6. While the reason behind the ordinance restriction and zoning classification make sense for the area where the property is located, this particular lot was platted slightly smaller than many other lots in the plat of Cedar Island Park. The subject property was platted in 1946 and at such time it

may not have been intended that properties within the plat would be used for year-round development.

B. Practical Difficulty:

1. Other than the property being a small platted nonconforming lot of record, there is not much unique physical circumstance of the property.
 - a. One unique physical circumstance of lot 49, as platted, is slightly smaller than other lots in the plat.
 - b. The lot also tapers back towards the road and is located at a slight bend in the road, which both limits area and lot width of the property.
2. The property is developed with a dwelling, accessory structure, sauna and is served by a municipal sewer and water system. Fayal public utilities will not be impacted by this proposal and the interim operating director has signed off on the proposal as such.
3. Alternatives that exist that either do not require variance or minimize the degree of variance, such as:
 - a. The applicant could reduce the size of the proposed structure.
 - b. The applicant could remove the existing garage and replace it with a slightly larger structure.
 - c. The applicant could add an additional 352 square feet to the existing structure.
 - d. The applicant could reduce the size proposed impervious surface area or leave the driveway and parking areas unpaved.

C. Essential Character of the Locality:

1. The existing neighborhood consists of small platted lots of record.
2. There have been some other variance approvals in the area similar to this request due to the small size of the lots in the area.
3. The applicant is not proposing a new use to the neighborhood/area.
Most lots within Cedar Island Park plat have one or more accessory structures.
Most lots also have paved driveways, but the lots themselves may be larger in size, allowing increase lot coverage and building footprint area.

D. Other Factor(s):

1. The proposed and existing accessory structure cannot be seen from the lake.

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 maximum lot coverage to exceed 25 percent and to allow maximum building footprint on a nonconforming lot of record to exceed 15 percent, the following condition(s) shall apply:

1. The stormwater runoff from the proposed structure shall not directly discharge onto the road or on adjacent lots.
2. The maximum lot coverage shall be minimized 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

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

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

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

Primary PIN **340-0042-00490**

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: **Teresa Kochar**
Address Line 1: **4424 Cedar Island Drive**
Address Line 2: **--**
City: **Eveleth**
State: **MN**
Zip: **55734**
Primary Phone: **(218)735-1011**
Cell Phone: **(218)780-2814**
Fax: **--**
Email: **Teresa.Kochar@bluecrossmn.com**
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.

Same as Applicant address? **No**

Name: **Teresa Kochar**
Address: **4424 Cedar Island Drive**

City: **Eveleth**
State/Province: **MN**
Zip: **55734**
Primary Phone: **(218)735-1011**
Cell Phone: **(218)780-2814**
Fax: **--**
Email: **Teresa.Kochar@bluecrossmn.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: **4424 Cedar Island Drive Eveleth MN**

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.

Yes

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?

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: 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.

Varying from 15% total lot coverage. Current lot coverage is 1844 and we would like to add 900 sq ft which is 16.5% lot coverage.

Describe the intended/planned use of the property.

Residential adding an additional garage for parking and storage

Describe the current use of your property.

Residential

Describe other alternatives, if any.

We could look at reducing the garage size but would not be able to store our pontoon boat during winter months. It isn't an option to add on to the garage due to the roofline.

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

Garage will be normal wall height with matching siding to existing structures. From the road the garage will not be viewable since it will be located behind the current garage. It will not be viewable from the lakeside.

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

No impact to neighboring properties. All watershed will be the same route.

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

Aside from lawn removal there is no negative impact to the environment.

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

Create less outside storage which increases curb appeal and better use of space in backyard which is currently not used.

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

With a nonconforming lot it makes it difficult to meet the county ordinance.

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.

I agree

Site Sketch Form

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

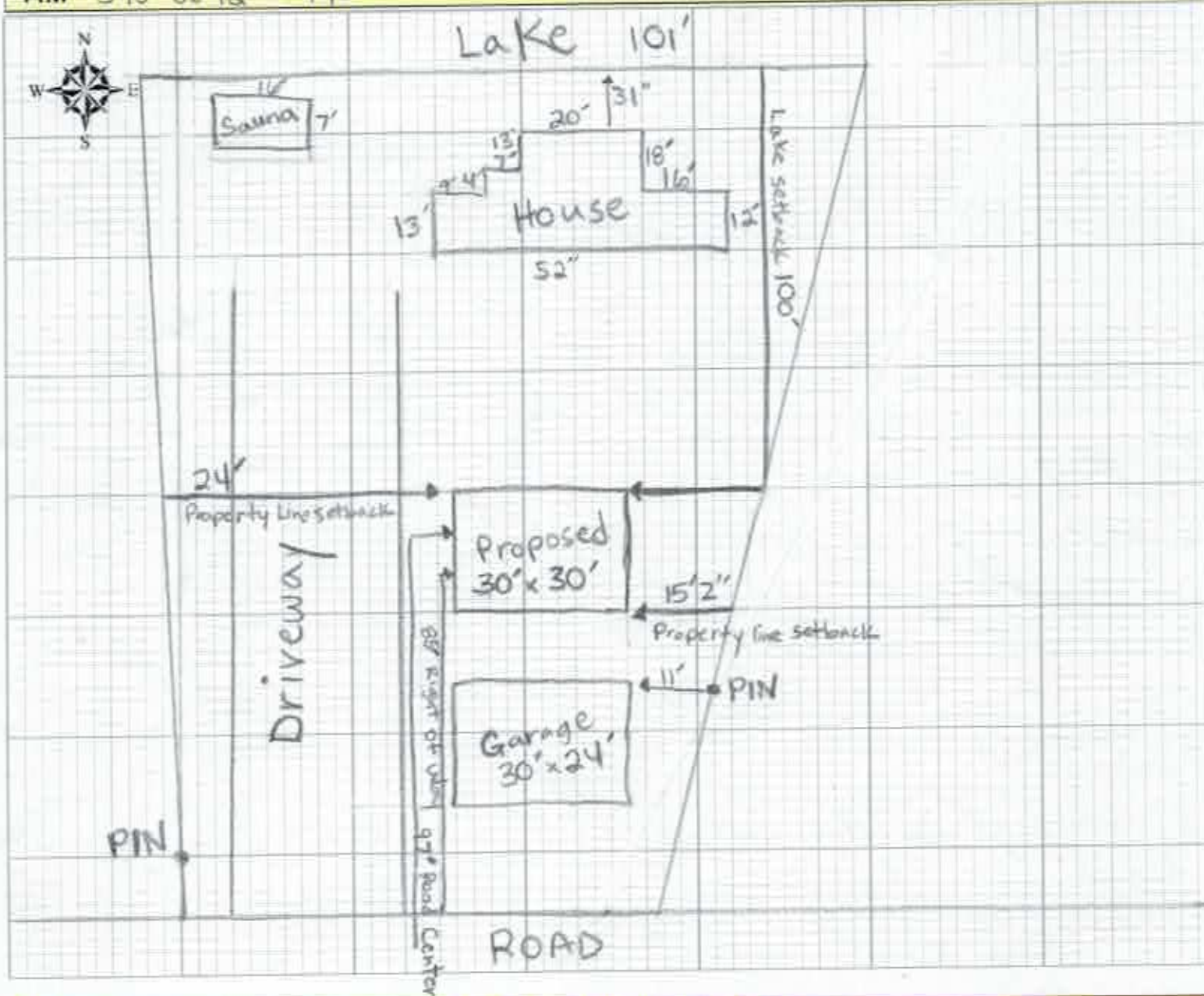
Draw and Label on Sketch (in feet)

- ☒ *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: Teresa Kochar
 *Site Address: 4424 Cedar Island Dr Eveleth MN
 *PIN: 340-0042-00490



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



Prepared By: **Planning & Community Development**
(216) 725-5000
www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 7/28/2020

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.

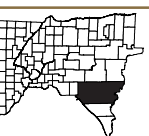
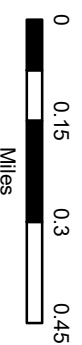
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Teresa Kochar

Location Map

PIN:340-0042-00490



St. Louis County MN

St. Louis County

August BOA Meeting



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

Source: **St. Louis County**

Map Created: 7/28/2020

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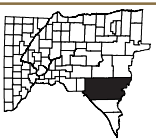
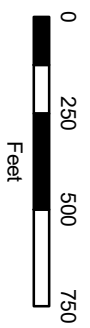
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Teresa Kochar

Zoning Map

PIN:340-0042-00490



St. Louis County MN

St. Louis County

August BOA Meeting



Prepared By: **Planning & Community Development**

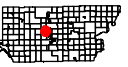
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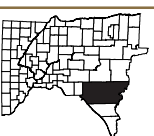
Teresa Kochar

Site/Elevation Map

PIN:340-0042-00490



0 10 20 30
Feet



St. Louis County MN



09/28/2016



09/28/2016



09/28/2016





