



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6247

INSPECTION DATE: 3-15-21

REPORT DATE: 3-22-21

MEETING DATE: 4-8-21

APPLICANT INFORMATION

APPLICANT NAME: Reid and Kari Bornhoft

APPLICANT ADDRESS: 6679 Ruffed Grouse Rd. Lino Lakes, MN 55014

OWNER NAME: Same as above

SITE ADDRESS: No Site Address

LEGAL DESCRIPTION: PART OF G.L.1 DESCRIBED AS FOLLOWS COMM AT N 1/4 COR OF SEC 21 THENCE E ALONG N LINE OF G.L.1 1464.08 FT THENCE S01DEG26'06"E 33 FT TO PT OF BEG ON SLY R.O.W. OF NAUGHTON RD THENCE S89DEG17'58"E ALONG S R.O.W. 250.84 FT TO PT OF CURVE CONCAVE TO THE SW THE RADIUS PT LIES S00DEG42'02"W 68 FT THENCE SELY ALONG R.O.W. FOR AN ARC 98.33 FT TO PT OF TANGENCY CENTRAL ANGLE BEING 82DEG51'01" THENCE S07DEG 51'01"W ALONG W R.O.W. 109.02 FT THENCE N58DEG05'18"W 356.31 FT TO PT OF BEG, S21, T60N, R19W (Unorganized).

PARCEL IDENTIFICATION NUMBER (PIN): 725-0010-02647

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.4 D, to allow a lot that does not meet the definition of a lot of record to be permitted as buildable.

PROPOSAL DETAILS: The applicant is proposing to build two accessory structures on a small parcel that is not a lot of record. The property is a portion of a government lot that was split from a larger portion of the government lot in 1999. Since the property was created after August 8th, 1977, it is not considered a lot of record for the purpose of development.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: White City Rd. **ROAD FUNCTIONAL CLASS:** Local Public Road

LAKE NAME: Lake Leander

LAKE CLASSIFICATION: RD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The subject parcel is currently undeveloped.

ZONE DISTRICT: MU 4

PARCEL ACREAGE: 0.6 ACRES

LOT WIDTH: 306 FEET

FEET OF ROAD FRONTAGE: 475 FEET

FEET OF SHORELINE FRONTAGE: 0 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The property is currently well vegetated. Any development would likely require some tree clearing.

TOPOGRAPHY: The parcel is fairly flat.

FLOODPLAIN ISSUES: The base flood elevation has not been established on Lake Leander, but this parcel is approximately 16 feet above the ordinary high water level.

WETLAND ISSUES: The property is fairly flat and it is difficult to determine if there is wetland on the property.

ADDITIONAL COMMENTS ON PARCEL: This parcel was split from the parent parcel in 1999.

FACTS AND FINDINGS

A. Official Controls:

1. Zoning Ordinance 62 states that a single nonconforming lot of record may be permitted as buildable if the lot meets the definition of a lot of record.
 - a. The parcel was created in 1999. It would have to have been created prior to August 8th, 1977 to be considered a lot of record.
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 Minnesota Statute 394.22 Subd. 10.

B. Practical Difficulty:

1. The parcel is a portion of a piece of property that was split off from the government lot by CSAH 65 and White City Road, both of which are public roads.
 - a. Had this property that was split by the public roads remained intact, it would be considered a lot of record.
2. If the property were considered a lot of record, it would meet the minimum size requirements to be considered buildable.
 - a. A lot of record needs a minimum of 0.5 acres to be considered buildable.
3. The only alternative would be to correct the issue by combining the parcel with the remainder of the property that was split by the public roads.
 - a. The other parcel is owned by another private landowner.

C. Essential Character of the Locality:

1. There are not many small back lots in this general area.
 - a. The vast majority of the lake lot owners in this area do not own back lots.
2. The subject parcel is part of a government lot that has been split several times in the past.
 - a. Some of the splits have to do with the public roads, some do not.

3. It does not appear there have been any similar variances in the area in the past.

D. Other Factor(s):

1. At the time that the parcel was created, it was not required that splits were reviewed by the Planning Department.
 - a. This led to the creation of many nonconforming parcels that do not meet the definition of a lot of record.

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 a lot that does not meet the definition of a lot of record to be permitted as buildable, the following conditions shall apply:

1. The development on the property shall not include any living or sleeping quarters.
2. The parcel shall only be used for accessory structures and/or an on-site sewage treatment system.
3. All county, state and federal regulations shall be met.
4. The requirements of the Wetland Conservation Act shall be met.
5. The lot coverage shall not exceed 10 percent of the lot area.

**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

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 **725-0010-02647**

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: **Reid and Kari Bornhoft**
Address Line 1: **6679 Ruffed Grouse Road**
Address Line 2: **--**
City: **Lino Lakes**
State: **MN**
Zip: **55014**
Primary Phone: **(651)332-0350**
Cell Phone: **--**
Fax: **--**
Email: **reid.bornhoft@gmail.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: **Reid and Kari Bornhoft**
Address: **6679 Ruffed Grouse Road**

City: **Lino Lakes**
State/Province: **MN**
Zip: **55014**
Primary Phone: **--**
Cell Phone: **--**
Fax: **--**
Email: **reid.bornhoft@gmail.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? **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
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?

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

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.

We purchased this property with the intention of building a garage and shed. However, when the property was split prior to our purchase in 1999, the lot was improperly created. Because of this improper creation,

the addition of a garage and shed cannot be permitted in this current situation. This variance is necessary to allow permitting of a garage and shed on the property.

Describe the intended/planned use of the property.

The intention is to build a garage structure and wood shed for personal use.

Describe the current use of your property.

There are currently no structures and the property is being used recreationally.

Describe other alternatives, if any.

There are no known alternatives.

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

The proposed addition of a garage and wood shed would have minimal effect on the neighborhood character. There is currently a garage and shed on the other half of the split property in 1999. The property sits across the road from lakeshore properties on Lake Leander with multiple structures. The proposed location of the garage and wood shed will fit within standard setbacks.

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

The neighboring property to the south (other half of the 1999 split) has an existing garage and shed and would not be impacted. The lakeshore properties across the road would now see a garage and shed instead of undeveloped land.

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

If the variance is allowed, land use permits will be submitted for the garage and wood shed to fit within standard setbacks.

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

The addition of a garage and woodshed on this property will provide protected storage for our various boats/trailers/vehicles as well as wood for our sauna on the lake property across the road (10155 White City Rd). These are currently left outside on our lake property, and having a garage across the road will allow for better recreational use of the lake property and added protection of personal property.

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

This request is for a variance to allow the proposed garage and wood shed structures to be permitted on this improperly created property. When the time comes to build them, separate land use permits will be submitted that will comply with the variance requested here.

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

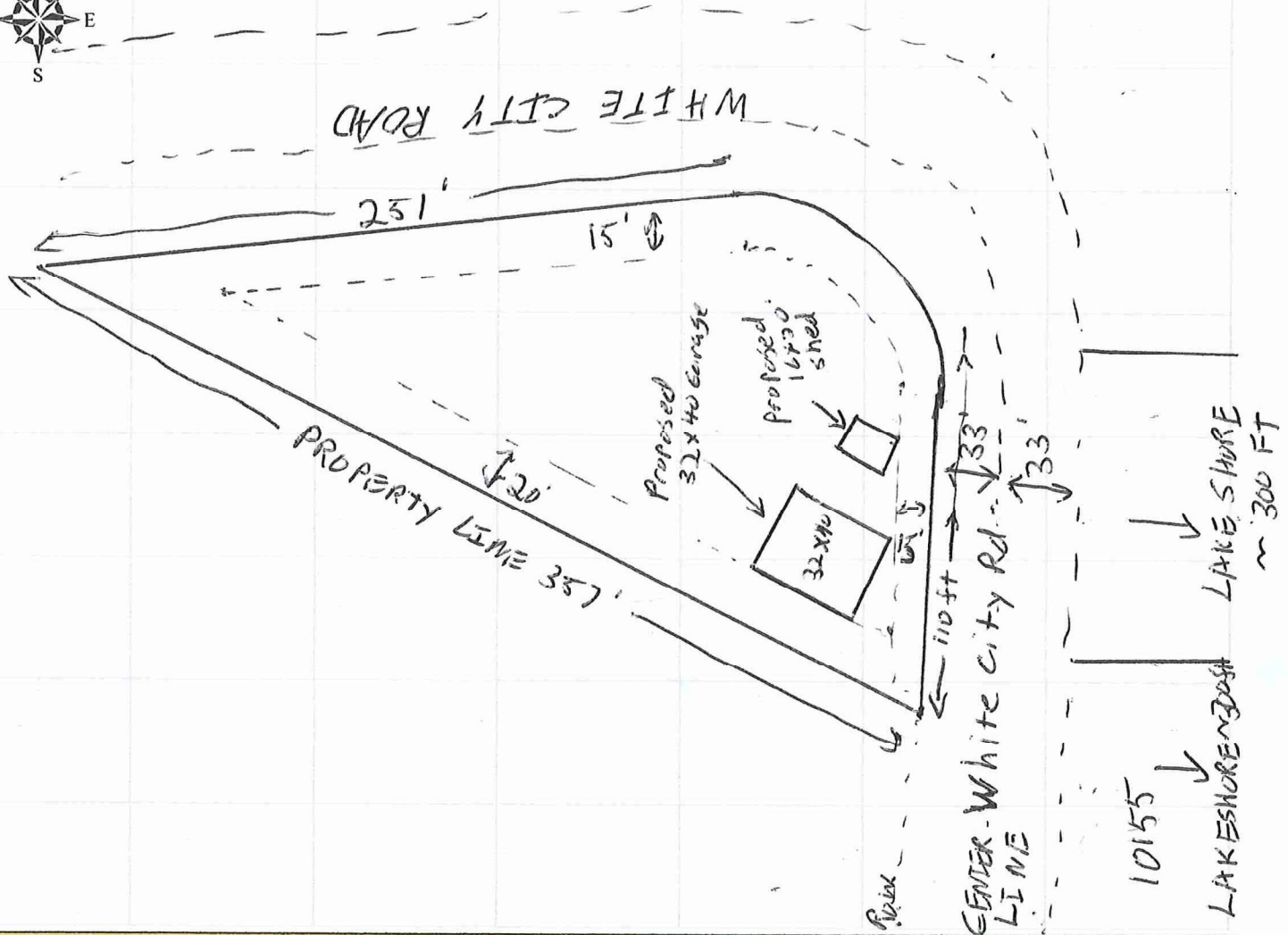
- ☐ *Distance of Proposed Structures to Shoreline (Closest Point)
- ☐ *Distance of Proposed Structures to Septic System and Tank
- ☐ *Distance of Proposed Structures to Property Lines
- ☐ *Distance of Proposed Structures to Road Centerline and Right-of Ways

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

*Applicant Name: Reid Bornhoft

*Site Address: No Address

*PIN: 725-0010-02647



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

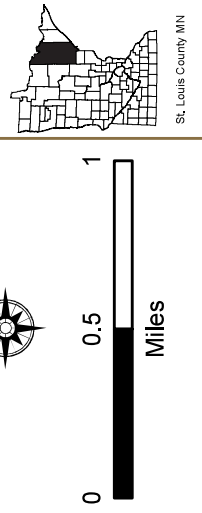
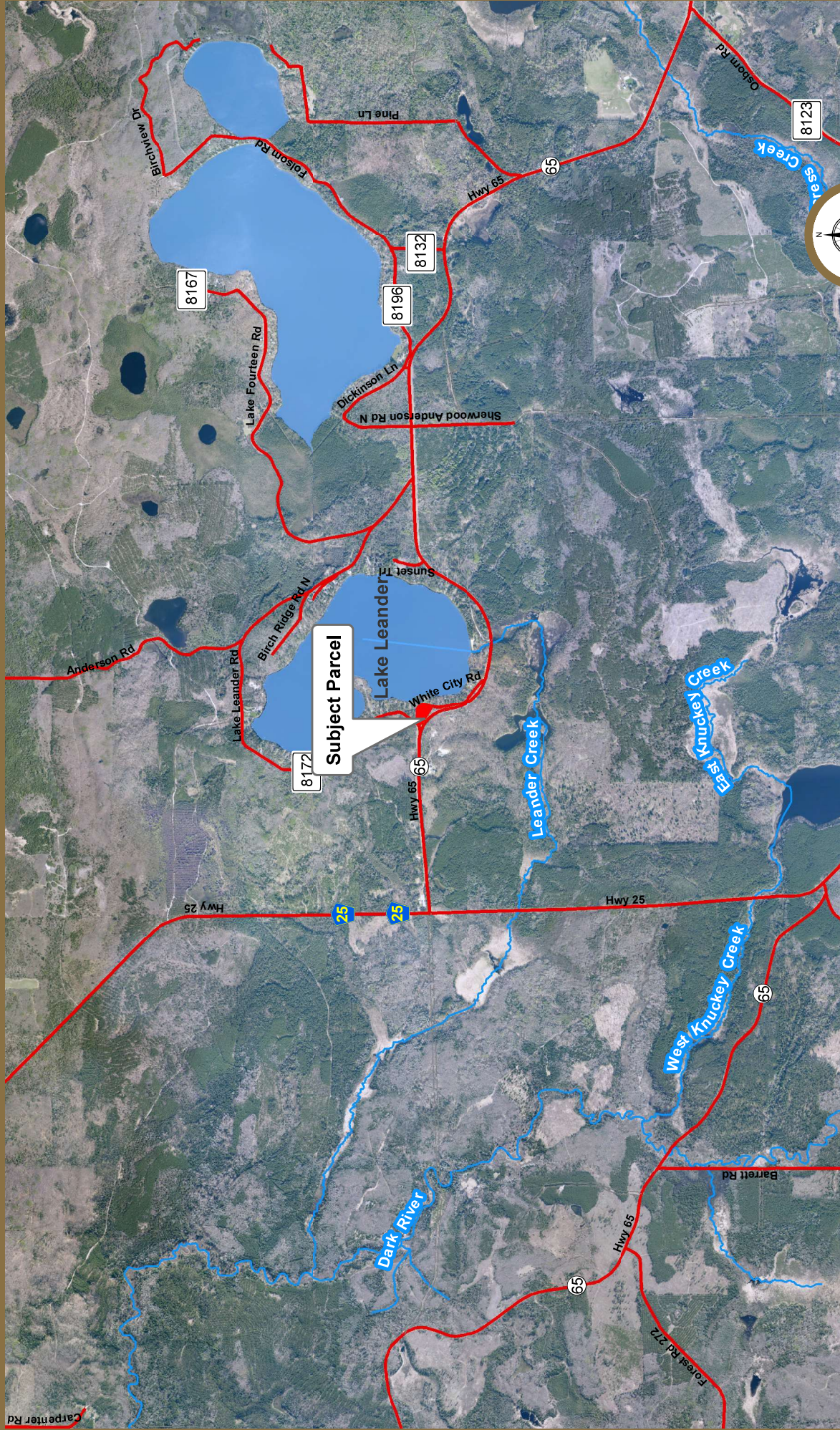
Sign off:

Signature _____ Title _____



St. Louis County

April BOA Meeting



Reid & Kari Bornhott
Location Map
PIN: 725-0010-02647

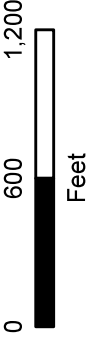
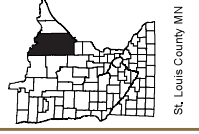
Prepared By:	Planning & Community Development (218) 725-5000 www.stlouiscountymn.gov
Source:	St. Louis County
Map Created:	3/19/2021

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St. Louis County

April BOA Meeting



Reid & Kari Bornhott
Zoning Map
PIN: 725-0010-02647



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

Source: **St. Louis County**

Map Created: **3/19/2021**

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FAM-1

SMU-7

Lake Leander

Subject Parcel

MU-4

Hwy 65

White City Rd

Lake Leander Rd

S Birch Ridge Rd Lake Leander Rd

Sunset Trl

Hwy 25

25



St. Louis County



Site Map



Prepared By: Planning & Community Development
(216) 725-3000
www.stlouiscountytn.gov

Source: St. Louis County

Map Created: 3/18/2021

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St. Louis County



Prepared By: **Planning & Community Development**
2161 725-3000
www.stlouiscounty.mo.gov

Source: **St. Louis County**

Map Created: **3/18/2021**

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0 30 60 90
Feet



St. Louis County, MO

Site Map