



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6255

INSPECTION DATE: 5/24/21

REPORT DATE: 5/24/21

MEETING DATE: 6/10/21

APPLICANT INFORMATION

APPLICANT NAME: Shelby Trost

APPLICANT ADDRESS: 7081 Van Rd, Duluth MN 55803

OWNER NAME:
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 6174 Bay Rd W, Makinen, MN 55763

LEGAL DESCRIPTION: Lot 1 Block 3, Lot 2 Block 3 LONG LAKE ESTATES 2ND ADDITION, Lot 37, Block 1 LONG LAKE ESTATES 1ST ADDITION 56 16, S26, T56N, R16W (Unorganized)

PARCEL IDENTIFICATION NUMBER (PIN): 676-0016-00720, 676-0016-00710, 676-0015-00370

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 of 100 foot shoreline setback is required.

PROPOSAL DETAILS: The applicant is proposing to remove two nonconforming existing cabins that are 518 and 528 square feet in size and replace with a 2,800 square foot dwelling. The proposed dwelling will be setback 65 feet from the shoreline where a 100 setback is required.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Bay Road West **ROAD FUNCTIONAL CLASS:** Private

LAKE NAME: Long Lake

LAKE CLASSIFICATION: RD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: There are currently 2 dwellings, and 3 accessory structures on the parcels.

ZONE DISTRICT: SMU 7

PARCEL ACREAGE: 0.5 ACRES (combined)

LOT WIDTH: 140 FEET

FEET OF ROAD FRONTAGE: 158 FEET

FEET OF SHORELINE FRONTAGE: 150 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The parcel has poor screening from shoreline and road.

TOPOGRAPHY: The parcel has a slope to the lake with an approximate elevation change of 18 feet.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: N/A

FACTS AND FINDINGS

A. Official Controls:

1. Long Lake is a Recreational Development lake which requires a 100 foot shoreline setback. The applicant is requesting a 65 foot shoreline setback.
2. St. Louis County Comprehensive Land Use Plan states Goal LU-3: Improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.

B. Practical Difficulty:

1. There appears to be space on the parcel for a structure to be constructed in a conforming location.
2. At the time of this report significant information has not been provided regarding septic tank location to ensure the required structure setbacks cannot be met.

C. Essential Character of the Locality:

1. The plats of Long Lake Estates First and Second Addition were platted in 1949.
2. Most of the lots were platted at less than 50 feet in width.

D. Other Factor(s):

1. The applicant owns 3 platted lots south of Bay Road West and 5 lots north of the road.

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, IF APPROVED

Conditions that may mitigate the variance for a 2,800 square foot dwelling located at a reduced shoreline setback, as proposed, include but are not limited to:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The stormwater runoff from the proposed structure shall not directly discharge into the lake or on adjacent lots.
3. The setback for the proposed structure shall be maximized to the greatest extent possible.
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.
5. St. Louis County On-Site Wastewater SSTS standards shall be followed.

**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 **676-0016-00720**

Associated PINs

PIN # **676-0016-00710**

PIN # **676-0015-00370**

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: **Contractor**
Applicant Name: **Tim Warzegha**
Address Line 1: **3024 Anderson Road**
Address Line 2: **--**
City: **Hibbing**
State: **MN**
Zip: **55746**
Primary Phone: **(218)969-8868**
Cell Phone: **--**
Fax: **--**
Email: **etginctim@yahoo.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: **Tim Warzegha**
Address: **3024 Anderson Road**
City: **Hibbing**
State/Province: **MN**
Zip: **55746**
Primary Phone: **--**
Cell Phone: **--**
Fax: **--**
Email: **etginctim@yahoo.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: **n/a**

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?

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?

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.

3

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

Yes

If Yes, please explain:

Indoor plumbing

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.

Placing new cabin at 65 foot setback to lake instead of 100 foot. The new home would be where the current cabins are. This would allow septic to be placed on undisturbed soils.

Describe the intended/planned use of the property.

3 bedroom year-round home.

Describe the current use of your property.

The current property has two seasonal cabins. The first cabin is 2 bedroom - 600 square feet, 2nd cabin is 3 bedroom - 600 square feet. There are two garages, shed and biffy.

Describe other alternatives, if any.

N/A

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

Typical home/cabin setback on the lake for the adjacent homes is 65 feet.

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

No impact proposed home location is the same setbacks as current cabin.

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

Silt fencing to protect against erosion during construction.

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

1. Reducing usage by going from 2 cabins to one home. 2. Updating septic - provide adequate sewage treatment.

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

N/A

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

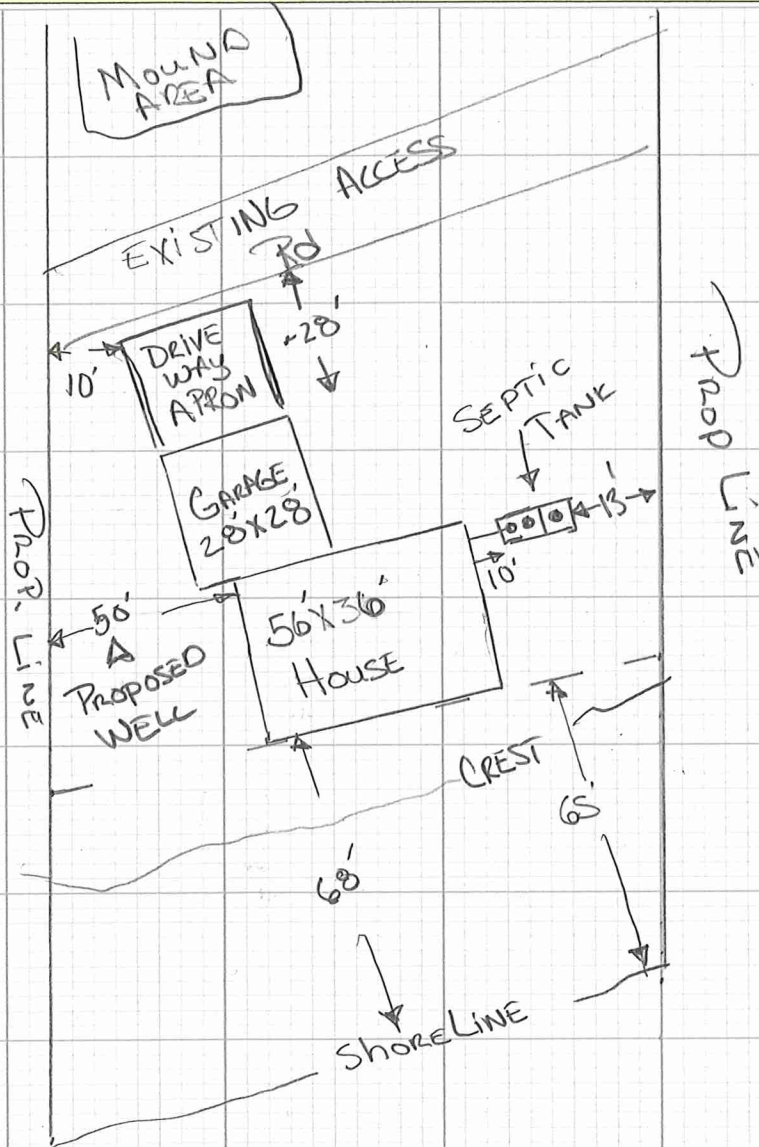
- ☒ *Distance of Proposed Structures to Shoreline (Closest Point)
- ☒ *Distance of Proposed Structures to Septic System and Tank
- ☒ *Distance of Proposed Structures to Property Lines
- ☒ *Distance of Proposed Structures to Road Centerline and Right-of Ways

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

*Applicant Name:

*Site Address:

*PIN:



Sanitary Authority Use Only

Sanitary Review: (To be determined by appropriate sanitary authority.)

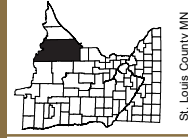
Will the proposal, as shown above, negatively impact the SSTS/sanitary line or replacement area? ☐ Yes ☐ No

Sign off:

Signature _____

Title _____

June BOA Meeting



PIN:676-0016-00720, 676-0016-00710, 676-0015-00370



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St. Louis County

June BOA Meeting



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

Source: St. Louis County

Map Created: 5/20/2021

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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Shelby Trost

Zoning Map

PIN:676-0016-00720, 676-0016-00710, 676-0015-00370

St. Louis County MN

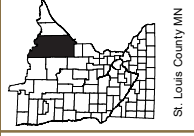
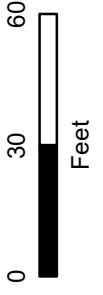
0 600 1,200
Feet

FAM-1



St. Louis County

June BOA Meeting



Shelby Trost
Site/Elevation Map
PIN:676-0016-00720, 676-0016-00710, 676-0015-00370



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Existing Cabin to be removed.





Additional dwelling to be removed.