



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6215

INSPECTION DATE: May 18, 2020

REPORT DATE: May 22, 2020

MEETING DATE: June 11, 2020

APPLICANT INFORMATION

APPLICANT NAME: Leonard Groom III

APPLICANT ADDRESS: 4412 Cedar Island Dr, Eveleth MN 55734

OWNER NAME: Same as above
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: Same as above

LEGAL DESCRIPTION: LOT 53, CEDAR ISLAND PARK, S9 T57N, R17W (Fayal)

PARCEL IDENTIFICATION NUMBER (PIN): 340-0042-00530

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III Section 3.7, to allow a garage at a reduced road centerline and right-of-way setback.

PROPOSAL DETAILS: The applicant is proposing to construct a 28 foot by 32 foot garage 33 feet from the centerline of a public road where 48 feet is required and 3 feet from the right-of-way where 15 feet is required.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Cedar Island Drive **ROAD FUNCTIONAL CLASS:** Local

LAKE NAME: Ely

LAKE CLASSIFICATION: GD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property contains a house with an attached garage, three small accessory buildings and one water oriented accessory structure. The property is serviced by the Fayal Municipal Sewer District.

ZONE DISTRICT: RES 11

PARCEL ACREAGE: 0.45 ACRES

LOT WIDTH: 100 FEET

FEET OF ROAD FRONTAGE: 100 FEET

FEET OF SHORELINE FRONTAGE: 100 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The shoreline screening is limited and it is recommended that additional vegetation be planted.

TOPOGRAPHY: The proposed building site is level.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: The parcel is part of a large plat that was established in 1946.

FACTS AND FINDINGS

A. Official Controls:

1. Zoning Ordinance 62, Article III Section 3.7, requires a minimum 48 foot centerline and 15 foot right-of-way setback for a structure.
2. The property falls under the Lakeshore Development Area of the St. Louis County Comprehensive Land Use Plan which is intended for rural development adjacent to lakes, including infill, new development or redevelopment of existing residential areas.
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 applications are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
4. 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.

B. Practical Difficulty:

1. The size of the parcel and location of existing development limits suitable building area. However a smaller structure would allow an increase in the setback from the road.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area as there are other residential properties in the neighborhood.
2. There have been no similar variances approved in the area.

D. Other Factor(s):

1. The parcel is part of a large plat that was established in 1946.
2. The proposed structure will not exceed the building coverage and lot coverage limits of the parcel.

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 garage 33 feet from the centerline and 3 feet from the right-of-way of Cedar Island Drive, the following condition(s) shall apply:

Conditions Precedent:

1. A plan to enhance vegetation within the shore impact zone shall be submitted, approved by the county, and shall be implemented by the property owner no later than July 1, 2020.

Conditions Concurrent:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.

**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 **340-0042-00530**

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: **Leonard Groom III**
Address Line 1: **4412 Cedar Island Dr**
Address Line 2: **--**
City: **Eveleth**
State: **Minnesota**
Zip: **55734**
Primary Phone: **(218)349-0453**
Cell Phone: **(218)349-0453**
Fax: **--**
Email: **lengroom3@gmail.com**
Contact Person Name: **Leonard Groom III**
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: **Leonard Groom III**
Address: **4412 Cedar Island Dr**

City: **Eveleth**
State/Province: **Minnesota**
Zip: **55734**
Primary Phone: **(218)349-0453**
Cell Phone: **(218)349-0453**
Fax: **--**
Email: **lengroom3@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? **Yes**

Site Address: **4412 Cedar Island Dr Eveleth MN 55734**

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.

No**Total # of bedrooms on property after project completion.****3****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.

I am requesting a setback variance due to: watershed, fire dept access, sewer line access, equipment access to the lakeside yard and house. I am requesting permission to put the north wall of the garage 34

ft from the center line of Cedar Island Dr. This will leave space between the garage and my house for the municipalities mentioned above.

Describe the intended/planned use of the property.

Detached garage

Describe the current use of your property.

Undeveloped lawn

Describe other alternatives, if any.

Due to the gradient terrain and size of the property there are no other options.

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

Garage will match the current residential style of the neighborhood.

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

The neighboring properties will not be affected in any way. The garage will comply with neighboring property border requirements and setbacks.

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

Garage will be constructed on an area of the property that is dry and level. No major filling or removal of soil is required.

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

This variance will allow a place for storage and parking cars yet still allow access to lakeside of the house for local municipalities such as fire and public works. It will also allow me to access the lakeside for maintenance on my home and property.

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

My property sits below the road. There is a hill just off the shoulder of the road that drops into my property. I would like to put the north side of the garage 34 ft from the center-line of Cedar Island Dr. It will not affect the hill or shoulder of the road in any way and passing traffic will see no difference from the road.

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: **Leonard Groom**
Address: **4412 Cedar Island Dr**
City: **Eveleth**
State: **MN**
Postal Code: **55734**
Email Address: **lengroom3@gmail.com**

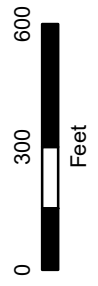
I have read and agree to the statement above.

I agree



St. Louis County

June BOA Meeting



Leonard Groom
Zoning Map
PIN: 340-0042-00530



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

Source: St. Louis County
Map Created: 5/20/2020
SE

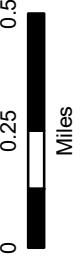
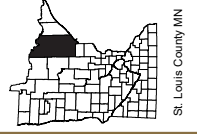
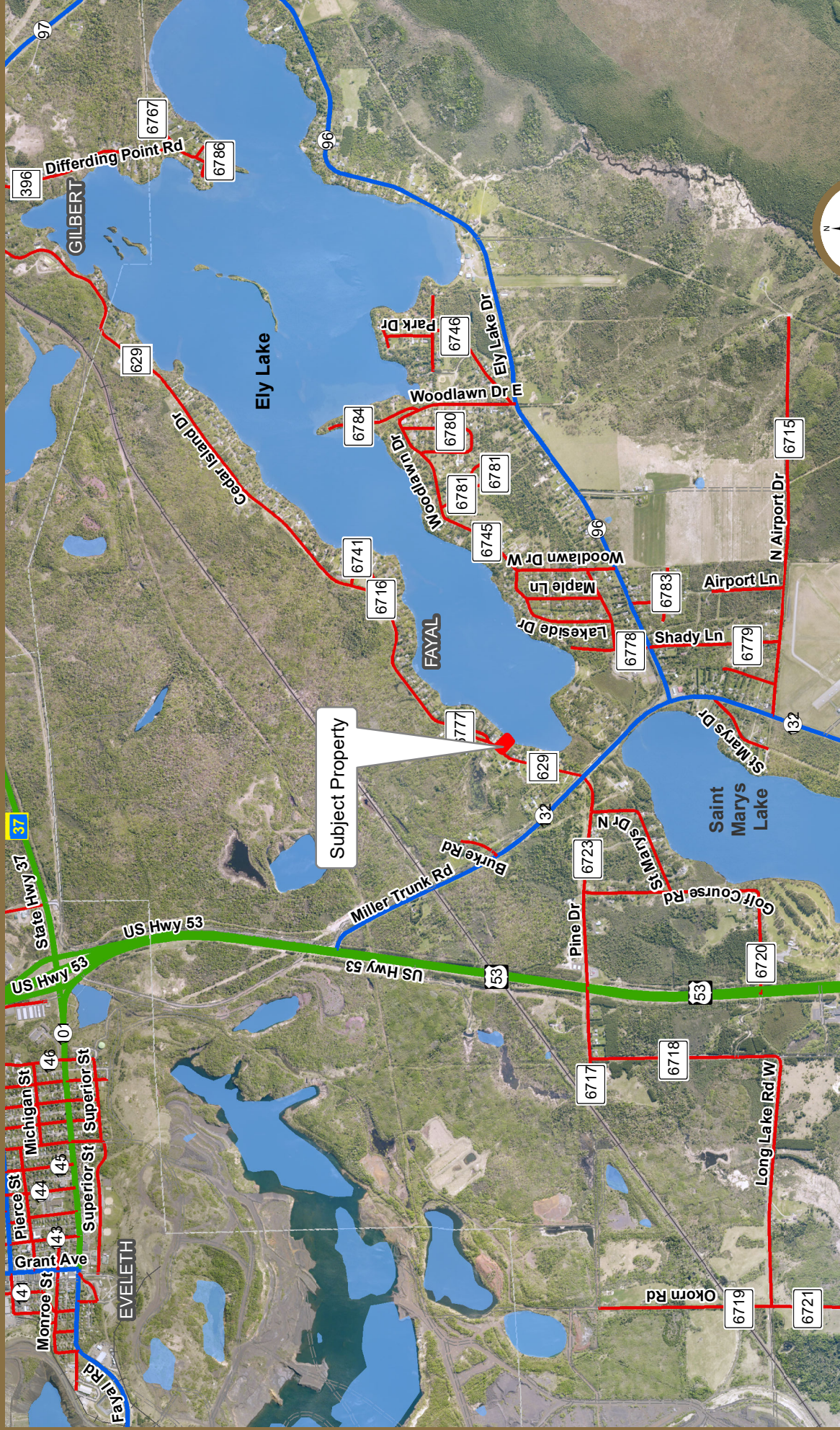
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St. Louis County

June BOA Meeting



Leonard Groom
Location Map
PIN:340-0042-00530



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

Source: St. Louis County
Map Created: 5/20/2020

SE

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4412 Cedar Island Dr

34ft
from Rd
Center

28 FT

32 FT



340-0042-00640

340-0042-00510

Cedar Island Dr

629

40-0042-00650

340-0042-00520

FAYAL
340-0042-00530

340-0042-00540

340-0042-00550

Lake ID: 69066000
ELY LAKE
Class: GD



340-0042-00510

40-0042-00650

Cedar Island Dr

629

340-0042-00520

FAYAL
340-0042-00530

340-0042-00540

340-0042-00550

340-0042-00560

Lake ID: 69066000
ELY LAKE
Class: GD