



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6216

INSPECTION DATE: N/A

REPORT DATE: 5-26-2020

MEETING DATE: 6-11-2020

APPLICANT INFORMATION

APPLICANT NAME: Neil Sorensen

APPLICANT ADDRESS: 11 Rue Saint Antoine, Noisy Le Sec, 93-Seine-Saint-Denis, 93130

OWNER NAME: Same as above

SITE ADDRESS: 1782 Lambs Point Islands, Ely, MN 55731

LEGAL DESCRIPTION: Government Lot 7, S28, T63N, R12W (Morse)

PARCEL IDENTIFICATION NUMBER (PIN): 465-0020-04140

BACKGROUND FOR CONSIDERATION AS A BUSINESS MEETING ITEM: A 2015 variance approval was granted to Mr. Sorensen for a 375 square foot dwelling to be located on the property with the following condition of approval: "There shall be no other structures on the island." The Board of Adjustment will need to make a determination of whether this condition was intended to not allow any other structure on the island or whether a privy structure would be allowed on the island. If that condition was intended to apply to a privy structure, the applicant's current request may not be allowed.

The following is to be considered if the Board of Adjustment determines that construction was not limited by the 2015 variance condition.

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.4, to allow a privy structure to be located at a reduced shoreline setback where 75 feet is required.

PROPOSAL DETAILS: The applicant is requesting approval for an approximately 4 foot by 6 foot privy structure to be located at approximately 50 feet from the shoreline of Shagawa Lake where 75 feet is required. A condition of a variance approval from 2015 does not allow another structure on the property. The applicant is requesting that condition be reconsidered to allow variance request for a privy on the property.

In 2013, the previous owner of the property applied for a variance to construct a 768 square foot dwelling located 50 feet from the shoreline. At that time, the applicant stated that there was not room on the property for a privy to meet the required setback and a composting toilet was proposed. When the applicant submitted the application, he did not intend to build the structure, but wanted to market the property as buildable. The variance request was denied.

In 2015, the current owner of the property applied for a variance for a 375 square foot dwelling located 55 feet from the shoreline. It was determined that the request was different from the original request that was denied in 2013. The 2015 variance request was approved. One condition of the variance approval stated that there shall be no other structures on the island. A privy was not requested at that time and a composting toilet was allowed as a sewage treatment exemption located within the dwelling.

Since the cabin was built, it has been used as a short term rental, at which time no permit was required for short term rental use. Recent On-site Wastewater Division policy changes no longer allow sewage treatment exemptions (composting toilets) as the sole means for sewage treatment. It is now required that there is another form of permitted sewage treatment for new uses, including short term rental use that now requires permitting. The sewage treatment exemption was previously allowed on the property, however, the short term rental use per On-site Wastewater policy does not allow for a composting toilet for the sole means of sewage treatment. The applicant intends to seek a permit for a short term rental on the property. Therefore, the applicant is requesting a variance for a privy as the primary means for sewage treatment on the property. The proposed privy location will not meet the required shoreline setback.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: N/A (Lake/water access) ROAD FUNCTIONAL CLASS: N/A

LAKE NAME: Shagawa Lake LAKE CLASSIFICATION: GD

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

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property is currently developed with a 375 square foot dwelling that was approved by variance in 2015. The dimensions of the structure are 25 feet by 15 feet.

ZONE DISTRCT: SMU 11

PARCEL ACREAGE: 1 deeded acre (the island appears to be approximately 0.6 acre)

LOT WIDTH: Approximately 130 feet from east to west

FEET OF ROAD FRONTAGE: 0 FEET FEET OF SHORELINE FRONTAGE: Approximately 750 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The island appears to be well vegetated with good screening.

TOPOGRAPHY: There are not elevation contours on the island. The highest point of the island appears to be a couple feet above the ordinary high water level (OHWL).

FLOODPLAIN ISSUES: The FEMA floodplain maps indicate that many of the islands are located within the floodplain. Without elevation contours on the island, it cannot be determined if the location of the proposed privy is within the floodplain.

WETLAND ISSUES: It does not appear that there are any wetland issues on the property.

ADDITIONAL COMMENTS ON PARCEL: On-site Wastewater Division manager has provided additional information attached to this report.

FACTS AND FINDINGS

A. Official Controls:

1. Zoning Ordinance 62, Article III, Section 3.4 states that the required shoreline setback on a General Development Lake is 75 feet; the applicant is requesting a privy structure at a setback of approximately 50 feet.
2. The property is located within the Forest and Agriculture (FA) land use category of the future land use map found in the St. Louis County Comprehensive Land Use Plan.
3. A condition of the previous variance approval does not allow any other structures on the property.
 - a. Due to new ordinance requirements regarding short term rentals, a privy would be required in order to operate a short term rental on the property.
 - b. This request is allowed to be brought forward because of the recent ordinance changes regarding short term rentals.

B. Practical Difficulty:

1. There is no location on the property for a privy to meet the required shoreline setback.
2. At the time of the previous variance requests and the construction of the dwelling, sewage treatment exemptions were allowed for composting toilets.
 - a. Sewage treatment exemptions as the sole means for sewage treatment are no longer allowed.
3. At the time of the previous variance requests and the construction of the dwelling, there was no ordinance language in St. Louis County regulating the short term rental use of a parcel.
 - a. Short Term Rental ordinance language was adopted in early 2020.
4. The only alternative is to continue to use the composting toilet and not move forward with the permitting for the short term rental use.
 - a. A short term rental would not be allowed on the property with this alternative.

C. Essential Character of the Locality:

1. There is another small island located approximately 500 feet east of the applicant's property that is also developed.
 - a. This island appears to have been developed for some time prior to current ordinance requirements.
 - b. This island is similar in size, but appears to be narrower.
2. The nearest mainland property is located approximately 450 feet to the north of the applicant's property.
3. There have been a few variance requests on islands on Shagawa Lake in the recent past.
 - a. Two variance requests, including on this island, approved dwellings with a sewage treatment exemption.
 - b. One recent variance request for a dwelling on a third island was denied.

D. Other Factor(s):

1. The residential use on the property was allowed through variance and the sewage treatment exemption.
 - a. Short term rentals were not regulated at the time of development.
 - b. Now that there are regulations, additional standards need to be met, including sewage treatment standards for a privy as the primary means for sewage treatment.

- c. The new short term rental ordinance requirements resulted in the need for an additional variance request for the proposed use.

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 4 foot by 6 foot privy structure to be located at a reduced shoreline setback where 75 feet is required, the following condition(s) shall apply:

1. The shoreline setback of the structure shall be maximized to the greatest extent possible and shall be no closer than fifty feet.
2. The structure shall be unobtrusive, earth tone colors.
3. The property shall comply with the St. Louis County SSTS Ordinance 61 and On-site Wastewater Division policies.

**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 **465-0020-04140**

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: **Neil Sorensen**
Address Line 1: **11 rue Saint Antoine**
Address Line 2: **--**
City: **Noisy Le Sec**
State: **93 - Seine-Saint-Denis**
Zip: **93130**
Primary Phone: **0641668648**
Cell Phone: **--**
Fax: **--**
Email: **neil_sorensen@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: **Neil Sorensen**
Address: **11 rue Saint Antoine**

City: **Noisy Le Sec**
State/Province: **93 - Seine-Saint-Denis**
Zip: **93130**
Primary Phone: **--**
Cell Phone: **--**
Fax: **--**
Email: **neil_sorensen@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: **1782 Lambs Point Islands, Ely, MN, 55731**

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?

No

No

No

Water

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.

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?

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.

Article II, Section 2.4 E. states the following: Permit not required: No land use permit shall be required for the following land use activities in any zone district; see Article V and VI for permits not required in

specific zone districts and associated administrative standards: 5. Accessory structures that are 150 square feet or less in floor area (other than water oriented accessory structures) used solely for storage and privies provided that such structures meet all required setbacks and sanitary standards. The required setback for Shagawa is 75 feet because it is classified as a General Development (GD) lake. Thus the applicant requests a reduction of the setback requirement from 75 feet to 50 feet so the vault privy can be situated in the center of the island behind the cabin, and also the possibility to add this structure to the island, as the variance allowing for the building of the cabin in 2016 did not allow for any other structures on the property. Also, the property is an island in the shape of a teardrop, so while the length of the island is sufficient for the setback requirement, the width is not. The intention is to rent the cabin for part of the season, and St. Louis County Staff have indicated the existing compost toilet would not be sufficient for rental purposes, but that a vault privy would comply with the requirements of the new short-term rental regulations. The proposal is to install a vault privy that is 4' wide by 6' long and approximately 8' high. The vault privy will include a 300 gallon sealed septic tank.

Describe the intended/planned use of the property.

The intended use of the property is as a recreational property for ourselves and our friends and family, and also to rent out the cabin on a short-term basis to support paying for ongoing costs, such as property taxes and insurance.

Describe the current use of your property.

The current use of the property is as a recreational property, and in 2019 we rented it for the first time as well on a short-term basis.

Describe other alternatives, if any.

St. Louis County staff did not indicate any other feasible alternatives that would be considered favorably.

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

Shagawa Lake is surrounded by resorts and rental properties, which are the economic engine of the region in terms of tourism. Thus, having a vault privy and using the island both as a family recreational property and for short-term rentals will entirely fit into the character of the area.

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

Neighboring properties will not be impacted by the building of a vault privy, nor will having occasional visitors to the island affect neighbors. Grand Ely Lodge, which directly faces the island, has agreed to provide private off-street parking to us throughout the season and to allow use of their docks, and thus the public boat landing will also not be impacted.

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

There is a spot in the center of the island directly behind the cabin that is perfect for the vault privy. It is surrounded by cedar trees and a great deal of greenery and natural screening. The natural environment will not be disturbed.

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

Allowing the building of a vault privy will ensure waste is treated effectively and will ensure there is no contamination of the surrounding environment. If this variance is approved and the short-term rental license application is subsequently approved, it will ensure long -term sustainability of owning the property by defraying the annually increasing costs of property taxes and insurance.

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

This variance request is in response to the establishment of the new short-term rental regulation. We have been in contact with the Land Use Planning Department and the Minnesota Department of Health since last year as soon as we became aware of the impending approval of the regulation in an effort to comply with this regulation. We became aware of the need for a variance this April in order to apply permission to build a vault privy, and thus we are submitting this request now. We had anticipated renting

this season, but with the complexity of adhering to the new regulation this may be difficult. Nonetheless, we would appreciate if the Board of Adjustment would allow us to build this vault privy to enable us to continue to maintain the use of our property and ultimately to continue owning it over the long term and to contribute to the local economy.

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: **Neil Sorensen**
Address: **11 rue Saint Antoine**
City: **Noisy Le Sec**
State: **93 - Seine-Saint-Denis**
Postal Code: **93130**
Email Address: **neil_sorensen@yahoo.com**

I have read and agree to the statement above.

I agree



SSTS Construction Permit Application

Subsurface Sewage Treatment System

St. Louis County, MN

Find your Parcel ID#(s) on your Property Tax Statement in the upper right corner (Property ID).
Or at www.stlouiscountymn.gov and click on County Land Explorer

Parcel ID #(s): 465 - 0020 - 04140

#: - -

#: - -

Parcel ID #(s): - -

#: - -

#: - -

☐ Check here to request a 911 address number and sign for this site. Information at: www.stlouiscountymn.gov/departments-a-z/sheriff/emergency

Applicant Name (property owner)
SORENSEN NEIL M

Applicant Name (if other than owner)

Site Address
1782 Lambs Point Islands

City MN **Zip**
Ely MN 55731

Acreage: 1

Lot Size:

Township
Name: Morse

Sec
28

Twn
63

Rge
12

Legal Description or Plat Name/Block #/Lot #:
GL 7, S28, T63N, R12W (Morse).

OWNER'S CONTACT INFORMATION:

Send the Permit by: ☐ Mail; or ☐ Email address: neil_sorensen@yahoo.com

Other:

Name (if different than above):

Primary Phone:
+33-641668648

Secondary Phone:
763-521-3862

Mailing Address (if different than above)
11 rue Saint Antoine

City
Noisy Le Sec, France

ST **Zip**
93130

PERMIT APPLICATION IS FOR:

- ☐ New SSTS ☐ Replacing the Existing SSTS. Why: ☐ Point of Sale Requirement
- ☐ Holding Tank ☐ Component Addition or Replacement ☐ Greywater without Pressure ☐ Greywater with Pressure
- ☒ Privy (Outhouse) ☐ Privy & Greywater without Pressure ☐ SSTS Variance ☐ Commercial SSTS

SITE INFORMATION: (Check all that apply)

- ☐ Yes ☒ No Has this parcel been divided recently? Or in the process of being divided? When:
- ☒ Yes ☐ No Is this project within 1,000 ft of a lake or 300 ft of a river? **Lake/River Name:** Shagawa Lake
- ☐ Yes ☒ No Is the property connected to a CIC (Common Interest Community)? If yes, include the Associated PIN on this Application.
- ☐ Yes ☒ No Is this serving multiple dwellings sharing a SSTS component? If yes, explain:
- ☐ Yes ☒ No Is this leased property? If yes, you must obtain & attach the Lessor's written authorization for this project.
- Leased From: ☐ MN Power ☐ SLC Land & Minerals Dept. ☐ MN DNR ☐ US Forest Service ☐ Other

COMPLETE NEXT PAGE: (Be sure to sign and date, then submit this form with the permit fee and design paperwork).

Office Use Only

Fees are payable to St. Louis County Auditor

Permit #

Amt Paid Paid by Date RIO

Rev Code Cash Check #:

Recd By ☐ Mail ☐ IP



SSTS Construction Permit Application

Subsurface Sewage Treatment System

St. Louis County, MN

Licensed Business or Certified Individual Name: (Privies do not require a licensed designer)						Lic. #		Cert. #			
Designer's comments to Onsite Wastewater Staff regarding this permit application:											
Water Source <input type="checkbox"/> Proposed Well <input type="checkbox"/> Existing Well <input checked="" type="checkbox"/> Hand Carried <input type="checkbox"/> Surface/Lake Water <input type="checkbox"/> Municipal											
Well Type <input type="checkbox"/> Sandpoint <input type="checkbox"/> Drilled <input type="checkbox"/> Dug Well Depth Ft: Cased Depth Ft: Unique Well #:											
The number of people who will be using this system:											
Building Type and Water Uses Check all that apply	# of Bdrms	Seasonal Use Only	PLBG	Bsmt PLBG	Garb Disp	Clothes Wshr	Dish Wshr	Water Condr	Furnace w/Hum	Bathtub > 40 gal	GSP
<input type="checkbox"/> Single Family		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Multi-Family		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cabin or RV		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Garage with Bedroom(s) <input type="checkbox"/> Sink <input type="checkbox"/> Shower <input type="checkbox"/> Toilet		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Guest House		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Bunk House		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other:		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Sauna		<input type="checkbox"/>	<input type="checkbox"/>								
Bdrms = bedrooms PLBG = plumbing Bsmt PLBG = basement plumbing Garb Disp = garbage disposal Wshr – washing machine Condr = water conditioner Furn w/Hum = self-cleaning humidifier in furnace GSP = sewage grinder pump OWD=onsite wastewater division											
Other information to be considered for this application:											

APPLICANT SIGNATURE:

Neil Larsen

FEE: \$150

DATE: 05/01/2020

APPLICANT AGREEMENT: 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 resulting permit 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.

Duluth Office:

Planning & Community Development
Onsite Wastewater Division
Duluth Government Services Center
320 W 2nd St, Suite 301
Duluth, MN 55802
Phone 218-725-5200

www.stlouiscountymn.gov/septic

Virginia Office:

Planning & Community Development
Onsite Wastewater Division
Virginia Government Services Center
201 So 3rd Ave W
Virginia, MN 55792
Phone 218-725-0625

www.stlouiscountymn.gov/septic



PRIVY/OUTHOUSE WORKSHEET

St. Louis County, Minnesota

Attach this worksheet to the SSTS application with your completed Site Drawing

Site Address: 1782 Lambs Point Islands, Ely, MN, 55731

Primary PIN: 465-0020-04140

Privy Type and Soil Information

Describe the predominate soil type in the proposed privy site: Medium-textured soil with significant organic material.

The privy site is ☒ well drained ☐ moderately drained ☐ poorly drained.

☒ Vaulted Privy

Describe proposed vault type and size: ☒ Plastic ☐ Concrete ☐ Other:

Vault Size in Gallons:

300 gallons

☐ Pit Privy Pit Privies require the following soil description information below.

Soil Description (refer to descriptors listed below)

Depth in inches from surface	Texture	Structure structured, unstructured, platy, etc	Consistence e.g. loose, friable, firm	Color (Munsell)	Confining Layer e.g. clay, rock	Mottles	Roots	Comments
					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Evaluator Name:

Date of Evaluation:



SSTS Site Drawing

Subsurface Sewage Treatment System
St. Louis County, Minnesota

See the reverse side for the criteria to be included on this drawing.

Site Address: 1782 Lambs Point Islands, Ely, MN, 55731

Parcel ID #: 465 / 0020 / 04140

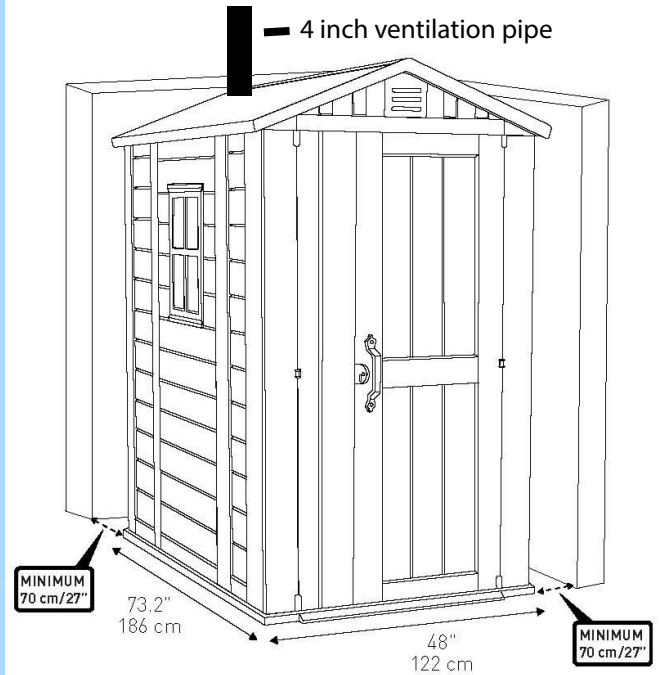
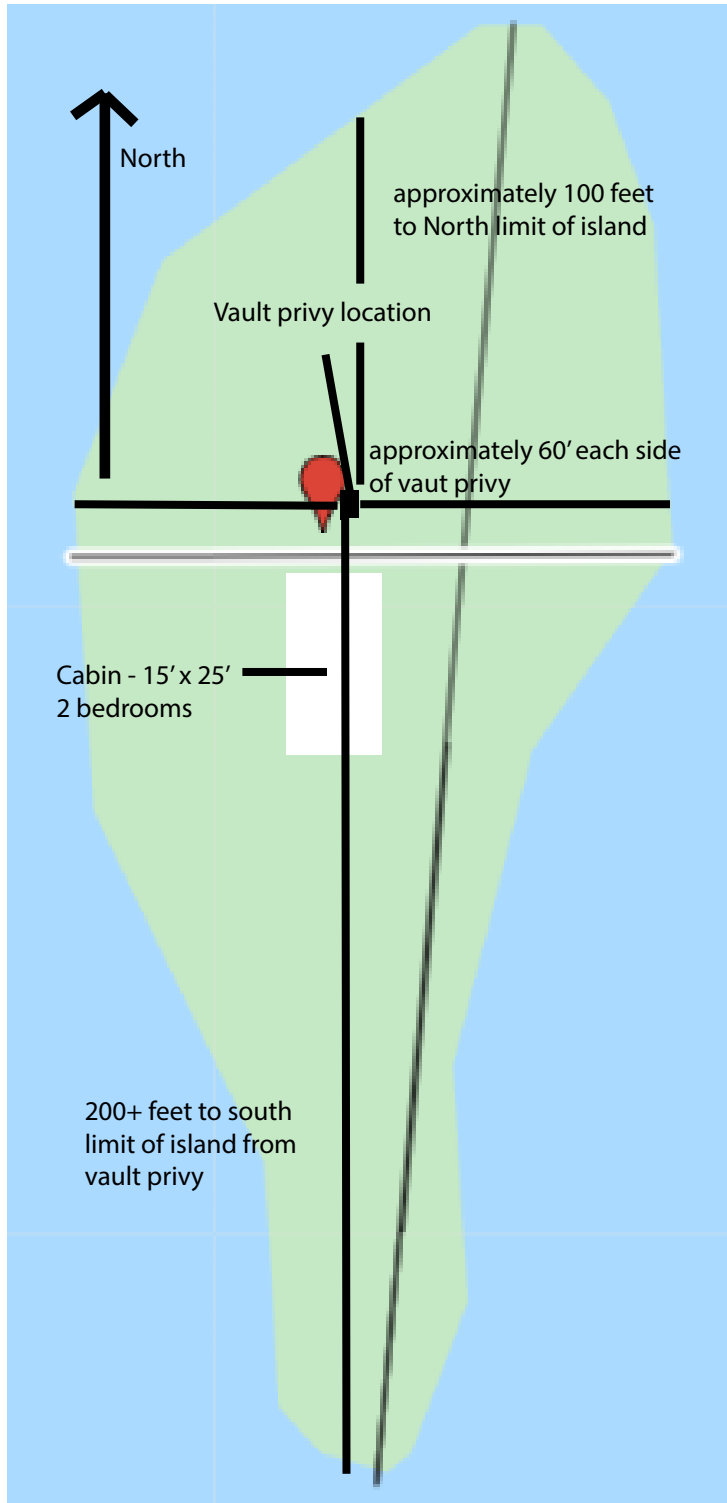
Completed By: ☒ Owner/Applicant ☐ Designer ☐ Inspector

Drawing Date: 05/01/2020

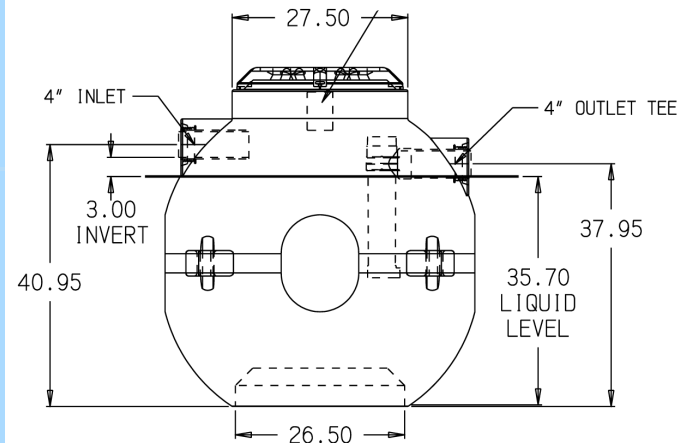
Drawing Type: ☐ Design ☒ Proposed ☐ As-Built ☐ Site Evaluation ☐ Other

By OWD Staff Inspector:

Final Inspection Date:



Septic tank: the septic tank will be located directly under the privy. A 4 inch ventilation pipe will extend from the pre-plumbed tank. Snyder NuConSept 300 Gallon Septic Tank, is a 1 compartment septic tank. features one 20" manway cover, a 4" gasketed pvc pipe inlet, and a 4" gasketed pvc tee assembly outlet.



SSTS Site Drawing

Subsurface Sewage Treatment System

St. Louis County, Minnesota

Required information to be included on SSTS drawing:

North Directional Arrow

All buildings on the property with dimensions

Number of bedrooms in each existing building

Proposed structures and dimensions

Number of proposed bedrooms

All driveways, access roads, & wetlands

Septic system and tank location relative to structures, with distances between

Distance of septic system and tank to property lines

Distance of septic system to well(s), existing or proposed

Distance of septic system and tank to road ROW or centerlines

Distance of septic system and tank to bodies of water, e.g. lakeshore, streams, rivers, ponds

Location of wells on neighboring properties within 150 ft of the septic areas

System expansion area (while recommended, lots created prior to February 23, 1979 are not required to have a minimum of two Type I, Type III, or Type IV soil treatment dispersal areas).

Soil test pit(s) location

Slope direction and contour lines

Sewer lines and location

Tank(s) location and description

Treatment system location and description

Dispersal system location and description

Comments regarding details of system design

Privy/Outhouse Information Sheet

St Louis County, Minnesota

Privies:

From MN Rules Chapter 7080.1100, Subp. 62, a privy is an above ground structure with an underground cavity meeting the requirements of part 7080.2280 that is used for the storage or treatment and dispersal of toilet wastes, excluding water for flushing and graywater. A privy also means a non-dwelling structure containing a toilet waste treatment device (7080.1100, Subp 86).

Outhouses are sometimes also referred to as a pit toilet defined by the Consortium of Institutes for Decentralized Wastewater Treatment (CIDWT) as a self-contained waterless toilet used for disposal of non-water carried human waste consisting of a shelter built above a pit in the ground into which human waste falls.

Rule Requirements

The use of privies is allowed by the provisions of Chapter 7080.2280. If the pit has an earth bottom, this point should be at least three feet above saturated soil conditions. If this separation distance cannot be achieved in the location of the privy, then the pit should be liquid-tight, with the wastes periodically removed by someone who services septic tanks. The privy should be securely attached to the ground or to the tank used for the pit. According to MN Rules Chapter 7080.2280, to qualify as a privy, a system must meet the general technical requirements for all systems covered in 7080.2150, Subp. 2.

Design and Setbacks

Suggested specifications for the outer portion of an outhouse are provided in Figures 39 and 40. MN Rules Chapter 7080.2280, outline requirements for the proper application of a privy.

There are two options for the design of a privy:

1. A pit can be dug that meets the 3 foot separation requirement. This means that the soil beneath the bottom of the pit that meets or exceeds the requirements of part 7080.2150, Subp. 3, item C. Pits or vaults must have sufficient capacity for the dwelling they serve, but must have at **least 27 cubic feet** (1 cubic yd) of capacity. The sides of the pit must be curved to prevent cave in (MN Rules Chapter 7080.2280, Items B and C). **The pit must meet all the same setbacks as any soil treatment system.**

2. A watertight holding tank meeting applicable requirements of parts 7080.1900 to 7080.2030 can be used instead of a pit.

This tank must meet the same setbacks as septic tanks.

SETBACKS	Structures	Property Lines	Shallow Well (Casing depth < 50')	Deep Well (Casing depth 50' or >)	Lakeshore, River, or Stream
Vaulted Privy	10'	10'	50'	50'	Depends on the Classification
Pit Privy	20'	10'	100'	50'	Depends on the Classification

Ventilation

From MN Rules Chapter 7080.2280 (E), privies must be adequately vented. To minimize odors in the upper part of the privy a vent should extend from the underside of the seat board through the roof or up to a horizontal vent open to the sides of the toilet. The vent must be flush with the underside of the seat board and must not extend down into the pit. Gases which cause odors are lighter than air, and if the vent extends down below the seat board, these gasses will collect under the seat board to be released upward into the privy when the seat cover is opened. At the top of the privy there should be a screened opening on each side or, preferably, all the way around the top to allow air to pass through and carry away any odors which may seep into the upper part of the structure.

From MN Rules Chapter 7080.2280, (D), the privy must be easily maintained and insect proof. The door and seat must be self-closing. All exterior openings, including vent openings, shall be screened.

All vent openings to the outside should be properly screened to keep out insects. Insect-proof openings should be placed in the walls below the seat.

The opening in the seat board must have a tight-fitting cover. The type of seat and cover used on a flush toilet is not satisfactory unless weather stripping is added. The cover should be kept in place when the privy is not in use, and can be hinged to close automatically. A tight-fitting door, preferably with a self-closing feature, such as a spring, should be used to minimize the number of insects that get into the privy.

Odor Control

An outdoor toilet can be kept relatively odor-free and can be constructed for year-round use. An improperly constructed and maintained privy can be an abomination to both eyes and nose. Several methods can be used to minimize the sanitary privy odor problem caused by decomposition of the organic matter in the pit:

- Use chemical compounds to change the bacterial action to reduce odor generation.
- Vent both the pit and the upper part of the structure.
- Place tight-fitting covers on the seat openings.
- Finally, the inside of the structure should be painted with a polyurethane-type paint to minimize the penetration of odors into the wood.

The structure of an old privy has probably entrapped odors in the pores of the wood. These odors can be removed by making a solution of disinfectant and tri-sodium phosphate, and scrubbing the inside walls and all other inside surfaces of the privy. This solution will remove odors from the pores of the wood. After the wood has dried, paint the inside of the privy with a polyurethane compound to prevent any additional odors from penetrating the wood. These techniques should minimize the odor that collects in the structure of a sanitary privy. Proper air circulation can be very helpful in carrying away any odors, so proper venting of the structure is absolutely essential.

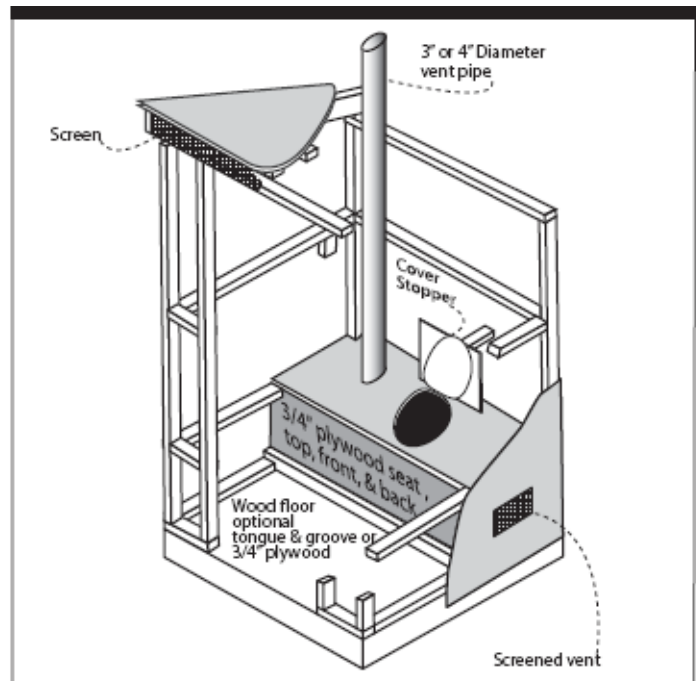
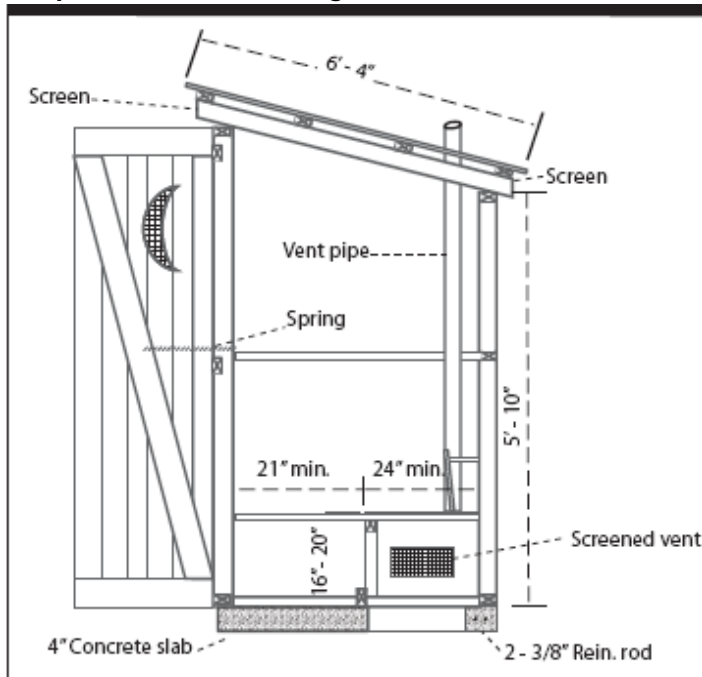
Maintenance

Even though bacteria are decomposing the organic waste, there will be some residue remaining. This residue will gradually build up until it must either be removed or the structure moved to a new location. Usually the solids can be removed by a septic tank Maintainer or someone with equipment to perform the task in a sanitary manner. According to MN Rules Chapter 7080.2450, Subp. 4, item A & B, when the privy is filled to one half of its capacity, the solids must be removed. Abandoned pits must have the sewage solids and contaminated soil removed and must be filled with clean earth and slightly mounded to allow for settling. Removed solids shall be disposed of properly (See 7080.2450, Subp. 6).

Abandonment

Abandonment of pit or vaulted privy shall be done in accordance with MN 7080.2500, Subp. 3, items A to D.

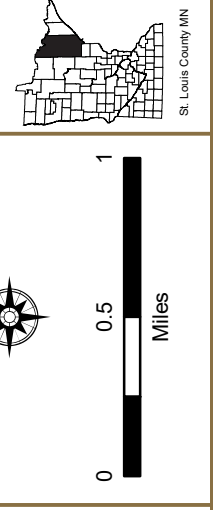
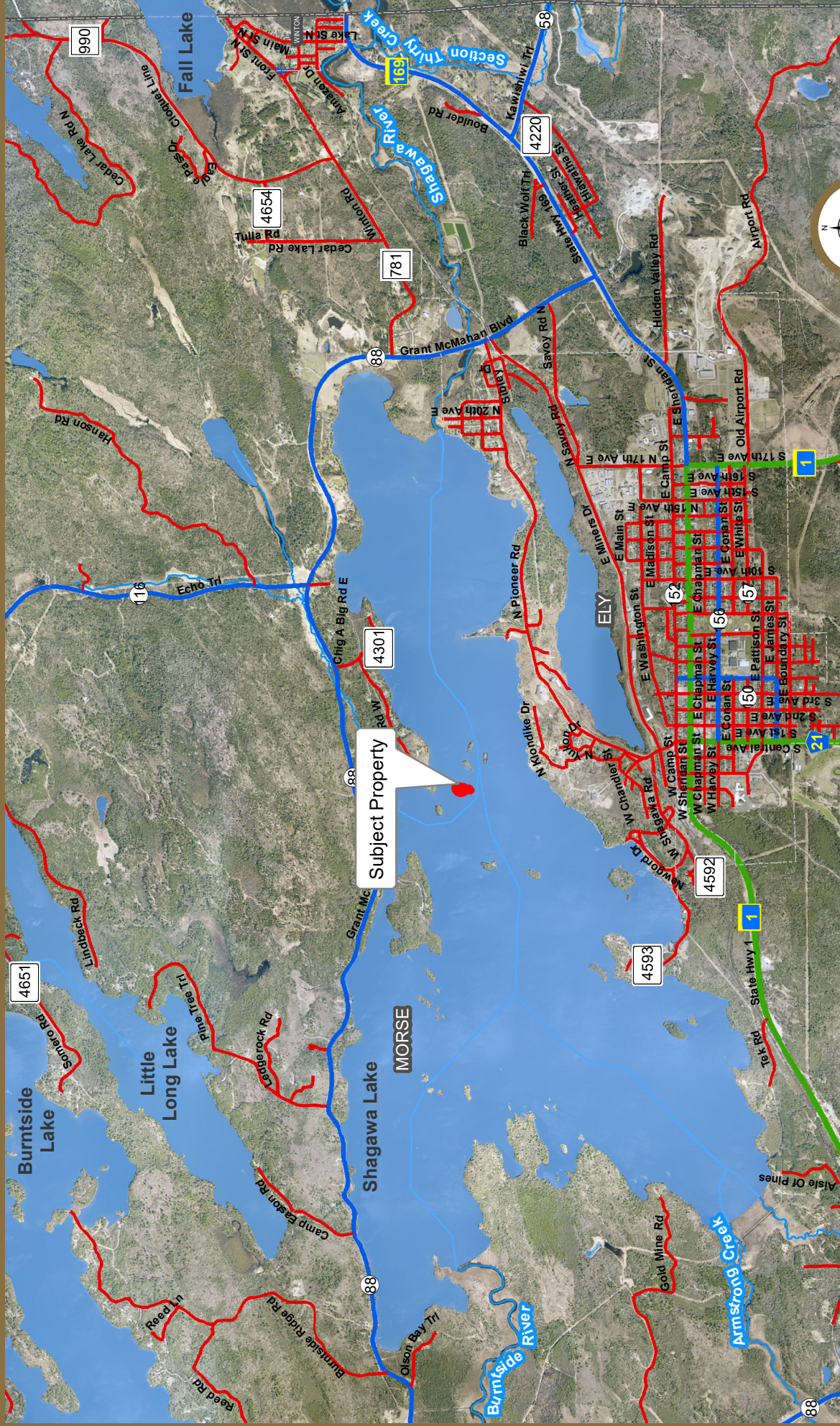
Sample Construction Diagram





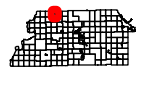
St. Louis County

June BOA Meeting



Neil Sorenson

Location Map
PIN:465-0020-04140



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

Source: St. Louis County

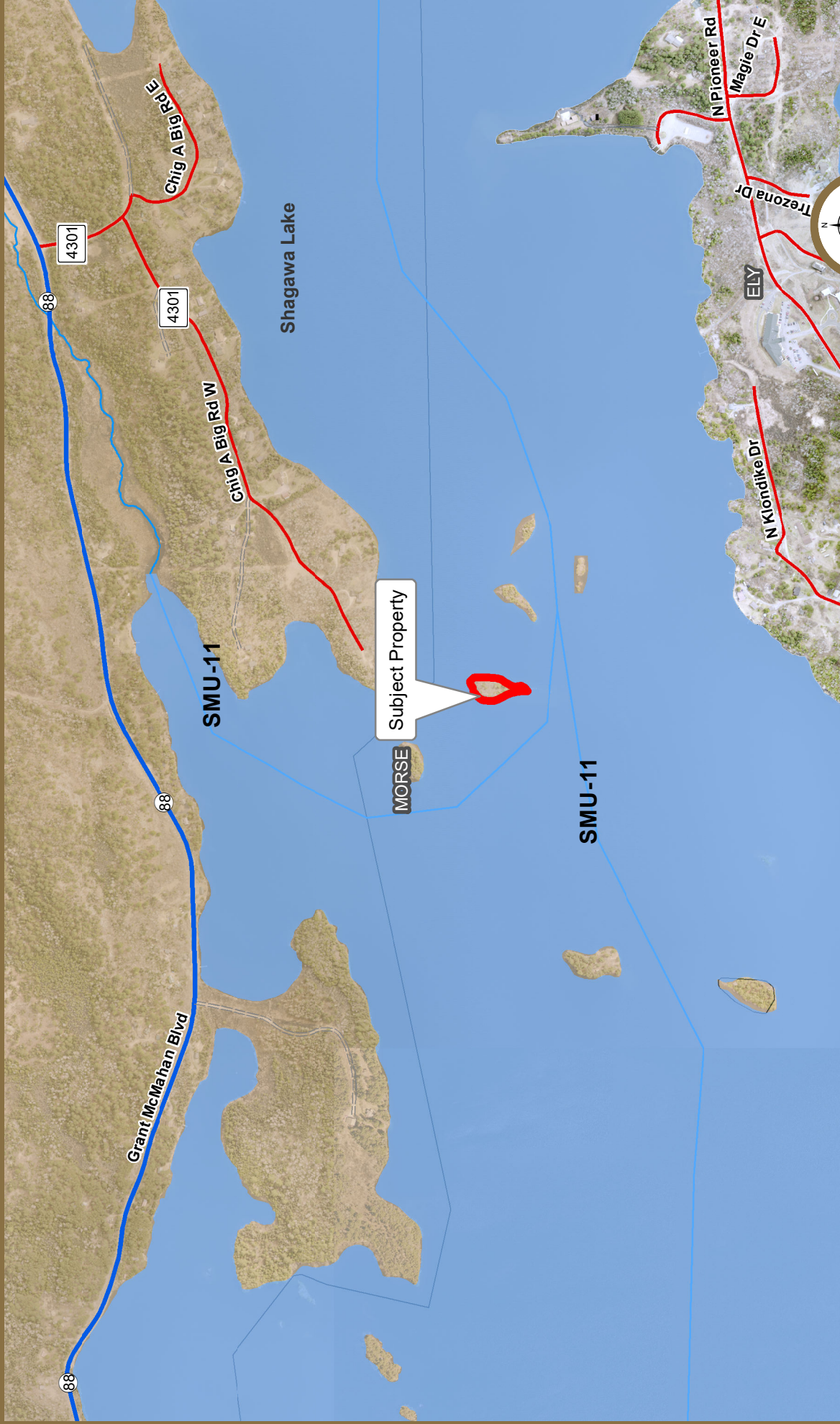
Map Created: 5/20/2020 SE

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St. Louis County

June BOA Meeting



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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Neil Sorenson

Zoning Map

PIN:465-0020-04140

St. Louis County MN

0 600 1,200 Feet

St. Louis County



Prepared By: Planning & Community Development

(216) 725-5000

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Source: St. Louis County

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Site Map



St. Louis County MO

St. Louis County



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Source: **St. Louis County**

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Site Map



Recorded on 08/23/2013
at 3:47 PM

Document No. 01221970

Mark A. Monacelli
County Recorder

By Brenda Goodreau, Deputy

AFR 305213



DO NOT REMOVE

1221970

**ST. LOUIS COUNTY BOARD OF ADJUSTMENT
FINDINGS OF FACT, CONCLUSIONS AND DECISION**

Return to:

SLC planning

AFR # 305213

Cash Chg

MLC

Inspection Date: NA

Report Date: 6-24-2013

Meeting Date: 7-11-2013

Case # 5937

APPLICANT: Gary Johnson
2677 8th St.
Cumberland, WI 54829

SITE ADDRESS: No Address, undeveloped island

PARCEL IDENTIFICATION NUMBER: 465-0020-04140

LEGAL DESCRIPTION: GL 7, S28, T63N, R12W (Morse).

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 46, Article III, Section 4, to allow the construction of a dwelling at a reduced shoreline setback.

PROPOSAL DETAILS: The applicant owns a small island on Shagawa Lake. There is no area on the island to place a dwelling on the island that conforms to the 75 foot shoreline setback requirement. The applicant is proposing to construct a 32 foot by 24 foot structure at a 50 foot shoreline setback. There is no room on the island for a conforming privy. The applicant is proposing to use a composting toilet. There will be no plumbing in the structure.

GENERAL LAND USE:

Location of Property – The subject parcel is a small island on the north side of Shagawa Lake

near Ely.

Road access and functional class – No road access.

Watershed or Lake Name – Shagawa Lake.

Shoreland Classification – General Development

Zone District – Shoreland Mixed Use (SMU-11) 0.5 acre/100 foot lot width.

Comprehensive Land Use Plan – Mitigation points required?

Description of development in the area. There are six other islands within 0.5 miles of the subject parcel. None of these islands are developed. Three of these islands are as large as or larger than the subject island. At least three of the islands are privately owned.

Development trends, if any: none noted.

SITE SPECIFICS:

Acres in development – 0.6, the widest portion of the island is approximately 130 feet.

Frontage on road, lake etc – The perimeter of the island is approximately 830 feet.

Vegetative cover – wooded

Wetland issues – none noted

Flood plain issues – All of the islands on Shagawa Lake are shown to be in the flood zone (FIRM panel 0625C).

Existing development on the property – none.

Topography and other physical features – The topographic map for this area shows one 10 foot contour line.

CONCLUSIONS:

1. The variance request is not in harmony with the general purpose and intent of official controls. The proposed structure is too large for the island thereby decreasing the lake setback of the structure.
2. A practical difficulty has been demonstrated in complying with the official controls. There is no place on the island that meets the lake setback requirement for a principal structure.
3. Are there circumstances unique to the property not created by the landowners? The small size of the island and narrow width are not necessarily unique but are out of control of the applicant.
4. The variance will alter the essential character of the locality. None of the other islands in the proximately of the subject island are developed.
5. Taking everything already mentioned into consideration, the variance should be denied because a smaller structure would be more reasonable. The fact that there is no room for a conforming privy should also be factored in.

RECOMMENDATION: Based on the aforementioned facts and conclusions, it is recommended that if the board approves the construction of a dwelling on this island that it be limited to a maximum footprint of 400 square feet, a maximum width of 20 feet and a maximum height of 25 feet. No portion of the structure should be closer than 55 feet to the Ordinary High Water Level.

TESTIMONY AT THE JULY 11, 2013 HEARING:

Tyler Lampella, St. Louis County Planner, reviewed the staff report as follows:

- A. The request is for a 768 square foot dwelling located on an island on Shagawa Lake.
- B. The island is currently raw property.
- C. The island is 129 feet wide. There would be no way to center a structure on the island.
- D. A land use permit could have been issued for a boathouse or a water-oriented accessory structure.
- E. There are alternative options for a structure that could meet a 50 foot lake setback. The required setback for Shagawa Lake is 75 feet.
- F. Staff has worked with the applicant to construct a smaller structure.

Tyler Lampella reviewed staff's conclusions as follows:

- 1. The variance request is not in harmony with the general purpose and intent of official controls. The proposed structure is too large for the island, thereby decreasing the lake setback of the structure.
- 2. A practical difficulty has been demonstrated in complying with the official controls. There is no place on the island that meets the lake setback requirement for a principal structure.
- 3. The small size of the island and narrow width are not necessarily unique, but are out of control of the applicant.
- 4. The variance will alter the essential character of the locality. None of the other islands in the proximity of the subject island are developed.
- 5. Taking everything already mentioned into consideration, the variance should be denied because a smaller structure would be more reasonable. The fact that there is no room for a conforming privy should also be factored in.

Tyler Lampella noted six items of correspondence from the Town of Morse, Anne Leino, Don and Mary Ellen Mackaman, Mike and Kathy Brandau, Robert and Barbara Niewierowski, and Steve and Teresa Kleist in opposition of this variance request.

STAFF RECOMMENDATION:

Staff recommends that the variance request to construct a dwelling on an island that is limited to a maximum footprint of 400 square feet, a maximum width of 20 feet and a maximum height of 25 feet be approved. No portion of the structure should be closer than 55 feet to the Ordinary High Water Level.

Mark St. Lawrence, Environmental Services, via report, stated that the property is a vacant island with no SSTS permit on file. Due to shoreland setbacks, a variance would be needed if a privy is to be installed. The owner indicated that he will market the island with a full disclosure that development of the structure will require hand-carried water and a composting toilet for inside the structure. At this time, the system neither passes nor fails the record review.

Gary Johnson, the applicant, stated that he acquired the property 20 years ago. He spoke with the Assessor's office to determine the value of his taxes and found that he was assessed as though the land was buildable. He wants to construct a structure with areas for sleeping and a composting toilet. He is willing to work with a smaller structure more fitting for people. The smaller structure would allow for a little space on either side so that vegetation would not need to be disturbed. He is trying to come up with a reasonable request for an island.

One member of the audience spoke in opposition.

Steve Kleist, 1802 East Chig A Big Road, Ely, MN, stated that they are the closest residents to the island. Development of an island of this size will set precedent on the lake. The applicant is requesting to build a structure on an unbuildable site. The applicant will be the only person to benefit.

The *Board of Adjustment* discussed the following:

1. Inquired if the applicant intends to build the structure. *Gary Johnson* stated that he is going to market the island and not build the structure. He wants any buyer to know what they can build.
2. Inquired about staff's recommendation for a 400 square foot structure. *Tyler Lampella* stated that the applicant would be allowed a 150 square foot gazebo as a water-oriented accessory structure or a 400 square foot boathouse. A structure with a 20 foot maximum width would maximize the lake setback and the structure would be small enough to not overpower the island. The applicant would be allowed one water-oriented accessory structure.
3. The Board has complete control over what to do with any structure on this island. The applicant has owned and paid taxes for 20 years and can market and sell the property. A variance would make the property marketable.

FIRST MOTION

Motion by Werschay/Filipovich to approve a variance request to construct a dwelling on an island that is limited to a maximum footprint of 400 square feet, a maximum width of 20 feet and a maximum height of 25 feet. No portion of the structure should be closer than 55 feet to the Ordinary High Water Level. The following conditions shall apply:

1. There shall be no other buildings on the property, including water-oriented accessory structures and a privy.
2. There shall be no running water inside the structure.
3. The structure shall not exceed 16 feet in height.
4. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.

DISCUSSION ON FIRST MOTION

Board members discussed the fact that the applicant can build a structure of some kind on the island. The Board has the ability to limit the size and height and is stating that no other structures can be built.

In Favor: Filipovich, Werschay – 2

Opposed: Johnson, Merhar, Pollock – 3

Motion failed 2-3

DECISION

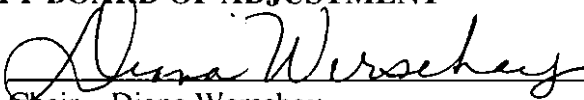
Motion by Johnson/Pollock to deny the variance request for a 768 square foot (24 foot by 32 foot) dwelling at a reduced shoreline setback as submitted because of County Ordinance setback rules and regulations.

In Favor: Johnson, Merhar, Pollock – 3

Opposed: Filipovich, Werschay – 2

Motion carried 3-2

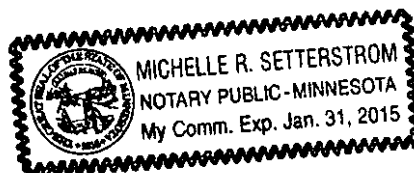
BY ORDER OF THE ST. LOUIS COUNTY BOARD OF ADJUSTMENT


Chair – Diana Werschay


Acting Secretary - Mary Anderson

Subscribed to and sworn to before me on
this 20 day of August, 2013.


Notary Public



Recorded pursuant to MN Statutes 394.27, Subd. 8

Upon receipt of this Decision and prior to construction, a Land Use Permit must be obtained for each structure which will require an additional fee.

ST. LOUIS COUNTY RECORDER

MARK A. MONACELLI, COUNTY RECORDER

P.O. Box 157 • Duluth, MN 55801-0157

Telephone 218-726-2677

ABSTRACT FILING REQUEST

AFR # 305213

Date this form was completed AUGUST 20, 2013 Client File _____

Name St. Louis County Planning

Address 307 1st Street South Suite 117
Virginia MN 55792

Phone (218) 749 7103 Fax (218) 749 7194

Amount Enclosed: n/a Check _____ Cash _____ Dep. Acct. _____

Return: Mail _____ Pick-Up _____ Other (specify) Courier

Signature Angela E. Lepak

08232013

RECORD ORDER	DOCUMENTS - PRIORITIZE	OTHER SERVICES FOR THIS DOCUMENT	FILE IN TORRENS?	SPACE BELOW FOR RECORDER'S USE ONLY				
				CW	CC	WC	DT & MT	RECORDING FEE
1	CUP Cooperative Light & Power	CY	N				DT	N/A
							MT	
2	CUP Cooperative Light & Power	CU	N				DT	N/A
							MT	
3	VR Rands, Gene	VR	N				DT	N/A
							MT	
4	VR Steger, Patricia	VR	N				DT	N/A
							MT	
5	VR Twardowski, Michael and JoAnn	VR	N				DT	N/A
							MT	
6	VR Baier, David	VR	N				DT	N/A
							MT	
7	VR Johnson, Gary	VR	N				DT	N/A
							MT	

Checks for **filing fees** should be payable to: **COUNTY RECORDER**.

Checks for **deed, mortgage or real estate taxes** should be payable to: **COUNTY AUDITOR**.

NOTE: Documents presented with this request are not filed until they are fully processed in the office of the COUNTY RECORDER.

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R.E. on _____; \$ _____

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Office of the County Recorder
St. Louis County, Minnesota

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at 2:23 PM

Document No. 01269701

Mark A. Monacelli
County Recorder

By B Goodreau, Deputy

AFR 305233



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**ST. LOUIS COUNTY BOARD OF ADJUSTMENT
FINDINGS OF FACT, CONCLUSIONS AND DECISION**

Meeting Date: 8-13-2015

Case # 6036

APPLICANT: Neil Sorensen
122 6th Street South
Stillwater, MN 55082

LEGAL DESCRIPTION: GL 7, S28, T63N, R12W (Morse).

TESTIMONY AT THE AUGUST 13, 2015 HEARING:

Tyler Lampella, St. Louis County Planner, reviewed the staff report, as follows:

- A. The request is to construct a 375 square foot dwelling 55 feet from the shoreline where 75 feet is required on an island.
- B. The previous owner applied for and was denied a variance for a 768 square foot dwelling at a reduced shoreline setback. A motion by the board to approve a dwelling limited to a maximum size of 400 square feet also failed.
- C. The applicant would be allowed to build a 400 square foot boathouse or a 250 square foot gazebo on the property.
- D. This island property is not a nonconforming lot. It does meet minimum acreage and zoning requirements.
- E. There are no developed islands in the immediate area. There is one on Shagawa Lake that was approved by variance.

Tyler Lampella reviewed staff's conclusions as follows:

1. Based on the Board of Adjustment's previous decision of denial to establish a dwelling on the parcel, it is not in harmony with the official controls. The previous owner applied for and was denied a variance for a 768 square foot dwelling due to county ordinance



Return to:
SLC Planning - Va
AFR # 305233
Cash Chg *N/C*

- setback rules and regulations and a motion failed for up to a 400 square foot dwelling.
2. There is no practical difficulty due to the fact that the applicant purchased the property with knowledge of a previous decision by the Board of Adjustment to deny a previous request for variance of 768 square feet and a decision to not support a staff recommendation of 400 square feet.
 3. The variance will alter the essential character of the locality. There are no other islands in proximity to the request that are developed. No similar variances have been approved. A previous variance was denied on the parcel to establish a dwelling at a reduced shoreline setback.
 4. The request for a 375 square foot dwelling is similar in size to the Board of Adjustment's decision not to establish a dwelling on July 11, 2013.

Tyler Lampella noted twenty items into the record from Gregory McQuoid in support of the variance request and the following in opposition of the variance request: Wayne Friedrich, Merrill and Susan Roberts, Robert and Barbara Niewierowski, Donna and Dale Olson, Linda Gunderson, Mary Zupancich, Paddy Murphy, Patrice and Gerald Niskala, Prudence LaLone, Robert Bliss, Steve and Teresa Kleist, Mike and Kathy Brandau, Don and Mary Ellen Mackaman, Anne Leino, Holly Mathers, Don and Paula McKay, Andy and Kate Luthens, Daniel Bliss and the Town of Morse.

STAFF RECOMMENDATION

There was no staff recommendation.

Neil Sorensen, the applicant, stated he is building a 15 foot by 25 foot ecological-friendly cabin in the middle of the island. It will be nestled into the island and surrounded by trees. This request is smaller than the previous request. This is not a public island because he purchased it and intends to use it. He showed a short Powerpoint presentation showing the surrounding mainland properties on East Chig-a-Big Road. He wants to preserve Shagawa Lake. The alternative to building a cabin would not be in the best interest of the neighborhood. He does not want to build a larger boathouse.

One audience member spoke in support of this variance request.

Carl Sorensen stated that they own the island property together. He spoke of his son's character and stated that this will be an ecologically-friendly cabin. One cannot even see the lake from the center of the island.

Six members of the audience spoke in opposition.

Ellis Laitala stated that the issue with the variance is that nobody from the county will go out there. Once a variance is granted, the applicant can do whatever they want. The cabin will be at most 35 to 40 feet from the shoreline.

Board member *Werschay* stated that all someone has to do is contact the Planning Department and someone from the staff can go out and check the island.

Linda Gunderson stated that her property was formerly her grandfather's. Shagawa Lake is an endangered lake with an algae bloom. This is not a buildable island. The soil is rocky and not able to absorb greywater. She inquired why there was a second hearing when there was a request just two years ago. She referenced an article that was in the Sunday edition of the Star Tribune regarding lakes.

Mary Anderson, Land Use Manager, stated that the last Board of Adjustment decision did not say they would not entertain a principal structure request in the future. Staff did think it was similar in size to the previous case and wanted an interpretation from the Board of Adjustment. The applicant requested the public hearing to move forward without an interpretation.

Lisa Jorgenson stated that there has been a lot of effort to clean up Shagawa Lake. She is concerned about a greywater system and that there has never been anyone out there to see what there can actually be for a system. Water is neither potable nor useable unless treated.

Steve Kleist stated that the island does not meet the required construction setbacks. The Town of Morse is in unanimous opposition. The only person that will benefit from this variance is the applicant who is requesting to build on an unbuildable island. This will create a "me too" variance chain. The Board of Adjustment, the county, the township and the neighbors have already said no.

Michael Stanton stated there is no public interest in granting this variance. The single most important recommendation is shoreline setbacks. Lakes like Shagawa Lake are in danger. The applicant purchased the property and knew the previous variance had been turned down.

Sally Mathers stated she can see the island out her front window. The island is entirely rock. Shagawa Lake is still green. A lot of money has been spent trying to clean up Shagawa Lake.

The *Board of Adjustment* discussed the following:

- A. Inquired about the layout of the cabin. *Neil Sorensen* stated that it will be a 15 foot by 25 foot cabin with no kitchen facilities aside from a wood burner. There will be no electricity and no pressurized water or plumbing. He is considering a solar panel and a composting toilet. He will explore which options would prevent runoff into the lake. In terms of greywater, there could be a tank to collect and remove the greywater. There are a dozen outfitters capable of handling this.
- B. Inquired what would be allowed without a variance. *Tyler Lampella* stated that a 400 square foot boathouse or a 250 square foot gazebo, would be allowed by Ordinance 62. This is a buildable lot.
- C. The boathouse would be easily visible from the lake while the cabin would be hidden somewhat. The applicant could only do another structure by variance.
- D. Which option would be better for the lake, a 375 square foot cabin or a 400 square foot boathouse? *Tyler Lampella* stated a structure size such as 250 square feet which would be what the applicant is allowed for a gazebo. Board member *Werschay* stated that this is a buildable lot.
- E. Inquired if Environmental Services would get involved if this variance was approved. *Mary Anderson* stated that there was a report from Environmental Services for both this

hearing and the last hearing, stating there could be some use for hand carried water.

Approval from Environmental Services would be a requirement prior to the issuance of a land use permit.

- F. Inquired if giving a variance of 400 square feet is allowed. *Mary Anderson* stated that there is no variance needed for a boathouse of 400 square feet. If the applicant wants to build a boathouse instead of the cabin, the variance, if approved, can be revoked.

Mary Anderson stated that if the Board considers denial of the variance, they may want to consider denying a principal structure of any size. That way, no future applicant will return with a request for a principal structure.

DECISION

Motion by Werschay/Johnson to approve a variance request to construct a 15 foot by 25 foot (375 square foot) principal structure at a 55 foot setback from shoreline.

The following conditions shall apply:

1. There shall be no other structures on the island.
2. The structure shall be unobtrusive (earth-tone) colors including siding, trim and roof.
3. The shore protection zone shall be preserved in a natural state and screening shall be retained.
4. The height of the structure shall be limited to 20 feet.

In Favor: Coombe, Filipovich, Johnson, Pollock, Werschay - 5

Opposed: Pineo – 1

Motion carried 5-1

1269701

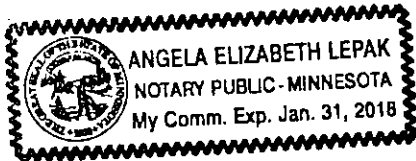
BY ORDER OF THE ST. LOUIS COUNTY BOARD OF ADJUSTMENT

Diana Werschay
Chair – Diana Werschay

Mary Anderson
Acting Secretary Mary Anderson

Signed and sworn to before me on this 10 day of September, 2015 by
Diana Werschay Mary Anderson

(Stamp)



Angela Elizabeth Lepak
(signature of notarial officer)

Title (and Rank): Info Specialist II

My commission expires: 1/31/18
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:

Angela Lepak
307 1st Street South, Suite 117
Virginia, MN 55792

Recorded pursuant to MN Statutes 394.27, Subd. 8

Upon receipt of this Decision and prior to construction, a Land Use Permit must be obtained for each structure which will require an additional fee.

ST. LOUIS COUNTY RECORDER

MARK A. MONACELLI, COUNTY RECORDER

P.O. Box 157 • Duluth, MN 55801-0157

Telephone 218-726-2677

SEP 14 2015

ABSTRACT FILING REQUEST

AFR # 305233

Date this form was completed 9-11-15 Client File _____Name ST. LOUIS COUNTY PLANNINGAddress 307 1ST STREET SOUTH STE 117VIRGINIA MN 55792Phone (218) 749 7103 Fax (218) 749 7194Amount Enclosed: N/A Check _____ Cash _____ Dep. Acct. _____Return: Mail _____ Pick-Up _____ Other (specify) COURIERSignature Angela E. Sepuk

09 14 2015

RECORD ORDER	DOCUMENTS - PRIORITIZE	OTHER SERVICES FOR THIS DOCUMENT	FILE IN TORRENS?	SPACE BELOW FOR RECORDER'S USE ONLY				
				CW	CC	WC	DT & MT	RECORDING FEE
1	VR SWANSON, MATTHEW & LORI		N				DT	N/c
							MT	
2	VR Swanson, Matthew and Lori		N				DT	N/c
							MT	
3	VR BAKER, MARTHA		N				DT	N/c
							MT	
4	VR LIVDSTROM, VIRGIL		N				DT	N/c
							MT	
5	VR JOHNSON, ELMER		N				DT	N/c
							MT	
6	VR SODERSTROM, BRIAN		N				DT	N/c
							MT	
7	VR SORENSEN, NEIL		N				DT	N/c
							MT	

Checks for filing fees should be payable to: COUNTY RECORDER.

Checks for deed, mortgage or real estate taxes should be payable to: COUNTY AUDITOR.

NOTE: Documents presented with this request are not filed until they are fully processed in the office of the COUNTY RECORDER.

FOR RECORDER'S USE ONLY. DO NOT WRITE IN THIS BOX

Status H Return above Deposit Acct. # _____ Coded 2 Logged 2

R.E. on _____; \$ _____

DOCUMENT # From 1269695 To 1269701

Property information:

1782 Lambs Point Islands

1 acre island on Shagawa Lake

Parcel ID 465-0020-04140

Legal: GL7 Sec. 28 T63N R12W

Township: Morse

History

- Cabin is currently served by a composting toilet and grey water system.
- Mr. Sorensen wishes to use property for a short term rental.
- On-Site Wastewater policy is that composting toilets cannot be used as the sole means of human waste collection when property is used for short term rental. Renters cannot be expected to use, operate and dispose of the waste in a safe and code compliant way. Therefore a secondary method of waste collection is required. In this case a vaulted privy is the only viable option available to the property owner. Due to the size and shape of the island there isn't a location in which a privy can be located and meet the applicable lake setback.
- Soil conditions on the island are not suitable for an earthen pit privy.
- Drinking water is supplied via water bottles.

Mr. Sorensen has submitted an application for a vaulted privy that meets all design requirements. If the Board of Adjustment approves the variance request to locate the privy within the lake setback, On-Site Wastewater will issue the privy permit.

Recommendations:

- Mr. Sorensen to develop and submit a plan on how to monitor and service the privy.
- Review of application after 1 year.