



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6217

INSPECTION DATE: 5/19/2020

REPORT DATE: 5/26/2020

MEETING DATE: 6/11/2020

APPLICANT INFORMATION

APPLICANT NAME: Kellie Rae Theiss

APPLICANT ADDRESS: 3908 Sunnyside Park Rd., Floodwood, MN 55736

OWNER NAME: Kellie Rae Theiss

SITE ADDRESS: 3908 Sunnyside Park Rd., Floodwood, MN 55736

LEGAL DESCRIPTION: SUNNYSIDE PARK LOTS 17 18 AND 19; AND LOT 16 LYING W OF TWO INTERSECTING SKEW LINES DESCRIBED AS FOLLOWS COMM 50 FT E OF SW COR OF LOT 16 THENCE RUNNING IN A NLY DIRECTION TO A PT ON A LINE DRAWN DUE E FROM THE NE COR OF LOT 17 TO A PT ON E LINE OF LOT 16 WHICH PT ON SAID LINE IS EQUIDISTANT FROM W PT AND E PT OF SAID LINE THENCE NLY TO A PT ON N LINE OF LOT 16 37.50 FT E OF NW COR LOT 7, S19, T50N, R20W (FINE LAKES 50-20)

PARCEL IDENTIFICATION NUMBER (PIN): 355-0030-00170

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.4, to build a replacement accessory structure at a reduced shoreline setback where 100 feet is required.

PROPOSAL DETAILS: The applicant is proposing to replace an existing 12 foot by 20 foot non-conforming accessory structure that is 26 feet from the shoreline of Prairie Lake. The replacement structure is proposed 30 feet from the shoreline with slightly larger dimensions at 14 feet by 22 feet. The proposed height of the replacement structure is 12 feet.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Sunnyside Park Rd. **ROAD FUNCTIONAL CLASS:** Local

LAKE NAME: Prairie Lake **LAKE CLASSIFICATION:** RD

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

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property currently contains a dwelling, boathouse, and three accessory structures; a sauna, storage building, and garage.

ZONE DISTRICT: RES 7

PARCEL ACREAGE: 1.43 ACRES

LOT WIDTH: 100 FEET

FEET OF ROAD FRONTAGE: 50 FEET +/-

FEET OF SHORELINE FRONTAGE: 450 FEET +/-

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The parcel is well vegetated with mixed vegetation. The existing garage is well screened from the road, neighboring properties, and lake.

TOPOGRAPHY: There is a lot of topographic relief on this parcel. The existing dwelling is located on the high point of the parcel. The elevation rises 22 feet from the lake shore to the high point. The existing garage is on a steep slope.

FLOODPLAIN ISSUES: Floodplain is not a concern for the proposed replacement structure.

WETLAND ISSUES: Wetlands are not a concern for the proposed replacement structure.

ADDITIONAL COMMENTS ON PARCEL:

FACTS AND FINDINGS

A. Official Controls:

1. Prairie Lake is classified as a Recreational Development lake and requires a minimum 100 foot shoreline setback.
 - a. The shore impact zone for Recreational Development lakes is 50 feet.
 - b. The current structure is located 26 feet from the lake and the replacement structure is proposed 30 feet from the lake.
2. St. Louis County Zoning Ordinance 62, Article IV, Section 4.3, states that any non-conforming structure replacement shall conform to all terms of this ordinance.
3. The property falls within the Lakeshore Development Areas future land use category in the St. Louis County Comprehensive Land Use Plan.
4. Goal LU-3 of the St. Louis County Comprehensive Land Use Plan is to improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
5. Objective LU-3.1 of the St. Louis County Comprehensive Land Use Plan is to base variance decisions on uniform approval criterion to ensure all applicants are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
6. Objective LU-3.3 of the St. Louis County Comprehensive Land Use Plan is to acknowledge why nonconformities are a concern and that variances should be for exceptional circumstances as noted in Minnesota Statute 394.22 Subd. 10.

B. Practical Difficulty:

1. Buildable area is limited on the parcel due to the lake setback having to be met from both the south and the west.
2. The subject parcel contains a lot of topographic relief. The elevation rises 22 feet from the shoreline to the high point on the parcel.
3. The landowner has not clearly demonstrated why the variance is the only available option as there are alternatives.
 - a. Alternative: Build a replacement structure at a conforming location. Topography may present a challenge to construction in a conforming location.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area. There are numerous residential dwellings on Prairie Lake.
2. There have been no similar variances within the Sunnyside Park Plat.
 - a. There is a previously approved variance on this parcel which was for a 14 foot by 18 foot addition to the dwelling in 1997.

D. Other Factor(s):

1. Ordinance 62 allows for certain structures (water oriented accessory structures) to be built with a 30 foot setback from the shoreline of General Development Lakes and Recreational Development Lakes.
 - a. The replacement structure is proposed 30 feet from the shoreline of Prairie Lake; however it does not meet the WOAS standards for size and the property already has its one allowed WOAS (boathouse).
2. Ordinance 62 states that it shall be the burden of the applicant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.
3. Objective LU-3.2 of the St. Louis County Comprehensive Land Use Plan is to have county staff and decision-makers work together to decrease the amount of zoning ordinance nonconformities throughout the county.
 - b. Increasing a nonconformity in size and intensity of use where alternatives exist, without sufficient practical difficulty, is not in keeping with the intent of the St. Louis County Ordinance or St. Louis County Comprehensive Land Use Plan.

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 the replacement of a non-conforming 12 foot by 20 foot accessory structure located 26 feet from the shoreline of Prairie Lake with a 14 foot by 22 foot structure located 30 feet from the shoreline of Prairie Lake, the following conditions shall apply:

1. The replacement structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The stormwater from the proposed structure shall not discharge directly into the lake or onto adjacent parcels.
3. An erosion control plan shall be submitted, approved by the county, and shall be implemented by the property owner prior to issuance of the land use permit.
4. All SSTS sewage treatment standards shall be met.

**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 **355-0030-00170**

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: **Kelli Rae Theiss**
Address Line 1: **3908 Sunnyside Park Rd.**
Address Line 2: **--**
City: **Floodwood**
State: **MN**
Zip: **55736**
Primary Phone: **(218)476-2565**
Cell Phone: **--**
Fax: **--**
Email: **kelli@kellieraeart.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: **Kelli Rae Theiss**
Address: **3908 Sunnyside Park Rd.**

City: **Floodwood**
State/Province: **MN**
Zip: **55736**
Primary Phone: **--**
Cell Phone: **--**
Fax: **--**
Email: **kelli@kellieraeart.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: **3908 Sunnyside Park Rd. Floodwood, MN 55736**

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.

0

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

No

If Yes, please explain:

--

Is this project connected to a municipal or sanitary district system?

No

VARIANCE REQUEST WORKSHEET

A variance allows the use of property in a manner otherwise forbidden by a zoning ordinance by varying one or more of the performance standards such as lot size, setbacks, etc. Variances from official zoning controls are defined under Minnesota Statutes 394.27 and require the landowner to prove that the property could not otherwise be used or enjoyed in the proposed way by complying with ordinance requirements and that there will be no negative impact on surrounding properties.

It is advisable that you discuss your request with Planning and Community Development staff prior to submitting the application. Approval or denial of your request is dependent on the justification you provide in answering the questions on this application. For more information, please check our website at: www.stlouiscountymn.gov/VarianceRequired

VARIANCE REQUEST INFORMATION

Complete this form along with the Land Use Permit Application

What kind of variance request is this?

If this is a Variance After the Fact, you must answer additional questions below.

Variance Request

Describe what you are varying from and the situation that makes it difficult to comply with county ordinances.

If your proposal includes a structure, please also list the length, width and height of the structure.

I have a single car garage in place. It is in decline. I wish to replace this garage. My plan is to replace garage in same place, 2 feet back from shore and 2 feet to east *varying from required lake setback of

100 ft.

Describe the intended/planned use of the property.

To store and protect my vehicle, lawn mower & snow blower and tools.

Describe the current use of your property.

To store and protect my vehicle, lawn mower and snow blower and tools.

Describe other alternatives, if any.

My property is 1.43 acres. My house and garage are on a hill. There is a mound/septic system in ground behind house to west and a well to east. I have several 250 yr. old oak trees I do not wish to disturb. Rebuild in same place will save trees.

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

There would be no change in neighborhood.

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

They would not be impacted by approval of variance.

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

I spoke with several construction companies. They all promised they would be able to save trees if building is placed in same location. I want to extend length of garage by 2 feet only.

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

If the building/garage (single car) is replaced in the same location, no trees would be taken. The trees here are very old, healthy oak trees and a white pine. This is important to me.

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

I use my home and building here to support myself as a nature artist for 30 years here. I am living at 3908 Sunnyside Park Rd. now full time (divorced). I also substitute teach in Floodwood. I will homestead this property this year.

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

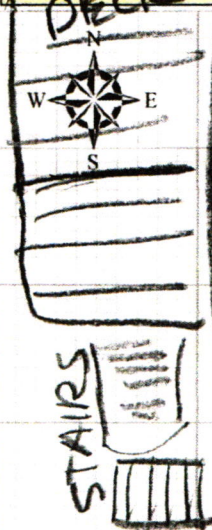
- ☐ *Distance of Proposed Structures to Shoreline (Closest Point)
- ☐ *Distance of Proposed Structures to Septic System and Tank
- ☐ *Distance of Proposed Structures to Property Lines
- ☐ *Distance of Proposed Structures to Road Centerline and Right-of Ways

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

*Applicant Name:

*Site Address:

*PIN:



OLD TREES
STAY!
22'

Existing garage
308 sq. ft.

22' 14' 14' 22'
50 ft. ↓
20 feet

SHORELINE
Done by Economy Garage of Duluth.
Goal to replace garage. No trees taken down. No changes.
Approx 70 ft.

Sanitary Authority Use Only

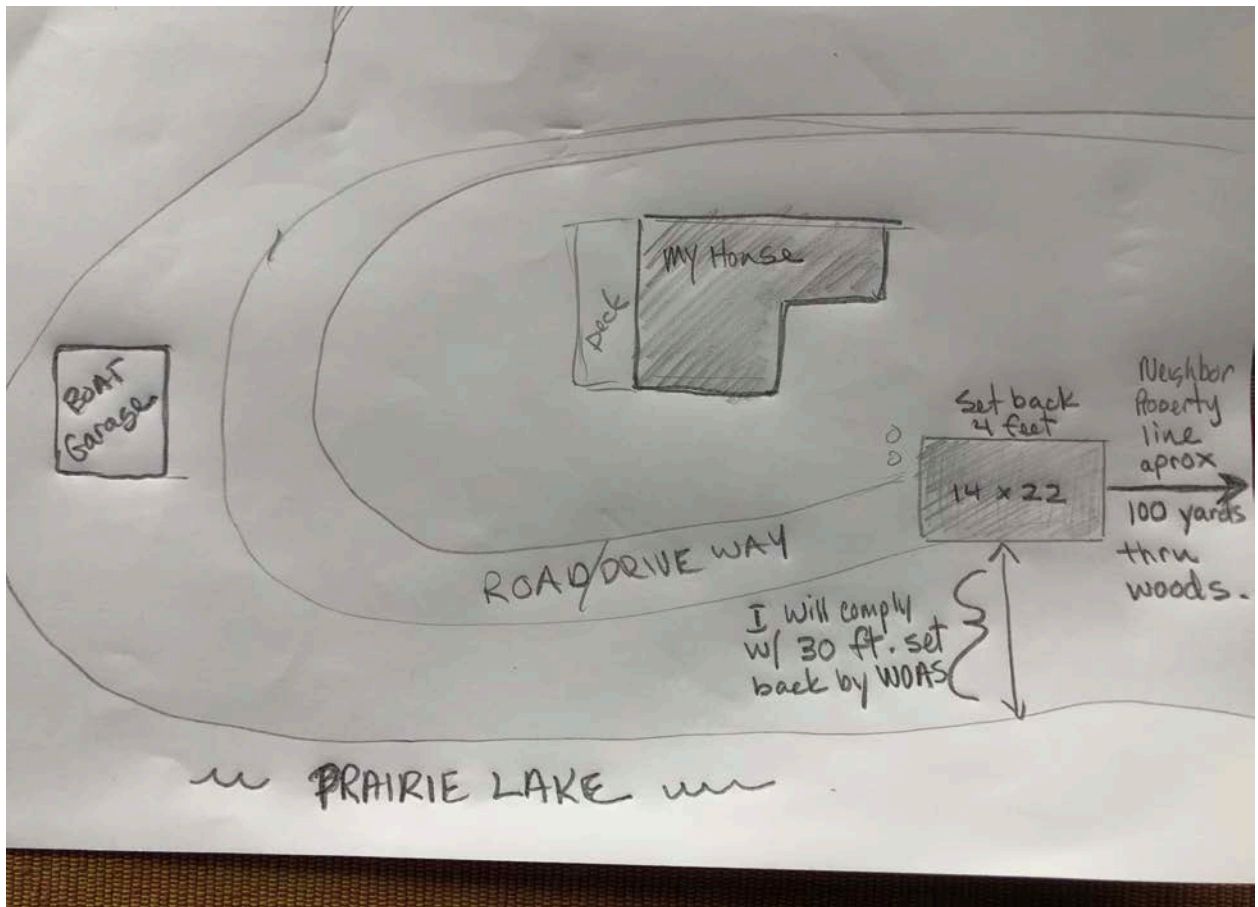
Sanitary Review: (To be determined by appropriate sanitary authority.)

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

Sign off:

Signature _____

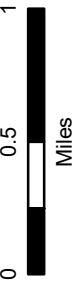
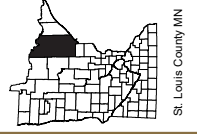
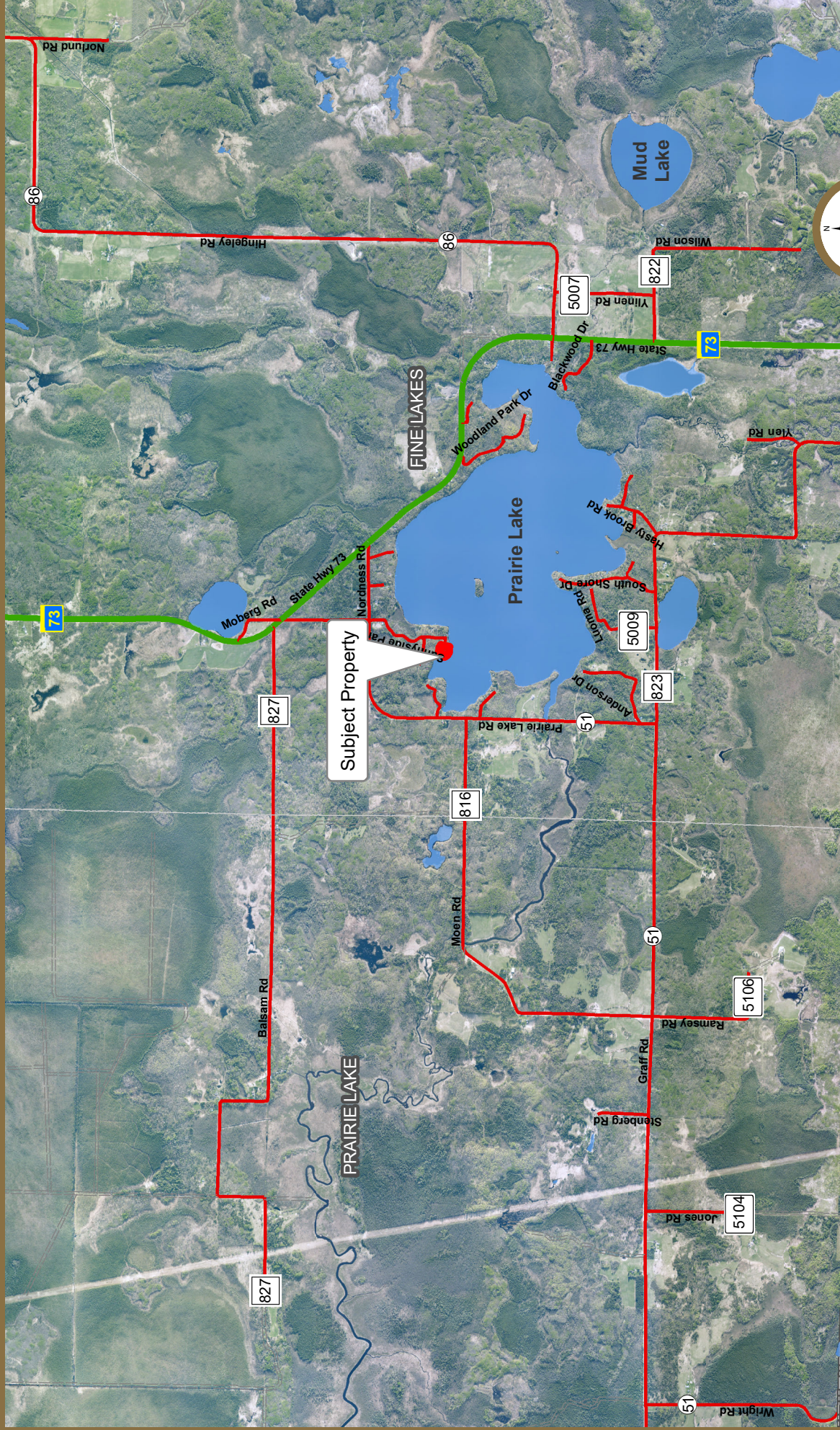
Title _____



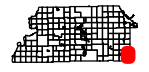


St. Louis County

June BOA Meeting



Kelli Rae Theiss
Location Map
PIN: 355-0030-00170



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

Map Created: 5/21/2020 SE

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St. Louis County

June BOA Meeting



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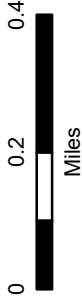
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Kelli Rae Theiss

Zoning Map

PIN:355-0030-00170



St. Louis County MN



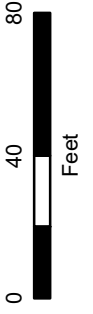
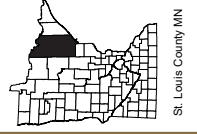
St. Louis County

June BOA Meeting



Prairie Lake

Sunny Side Park Rd



Kelli Rae Theiss

Site Map
PIN: 355-0030-00170



Prepared By: Planning & Community Development
(218) 726-5000
www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 5/26/2020 SE

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St. Louis County

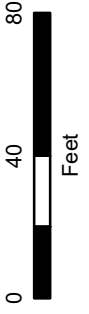
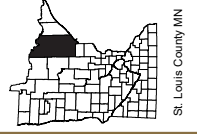
June BOA Meeting





St. Louis County

June BOA Meeting



Kelli Rae Theiss
— Shoreline Setback
PIN: 355-0030-00170



Prepared By: **Planning & Community Development**
(218) 725-5000
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Source: St. Louis County

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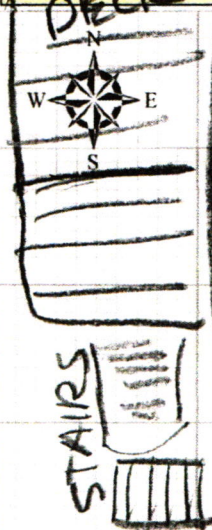
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You may submit your own site sketch **IF** it has the required information indicated above

*Applicant Name:

*Site Address:

*PIN:



Drive way

OLD TREES STAY!

30 feet

30.8 sf

26 feet

22'

50 ft. ↓

20 feet

STEEP HILL

SHORELINE
Done by Economy Garage of Duluth.
Goal to replace garage. No trees taken down. No changes.
Approx 70 ft.

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 _____

drawing by: Kellie Rae Theriss - I live here year round.



Existing garage proposed to be replaced.



South side of existing garage.



South of existing garage looking towards shoreline.



Another picture of slope towards lake on south side of garage.



Picture from southeast corner of property looking northwest to existing house and garage.



Picture from west looking at east side of garage.



Picture from north looking south at driveway entrance to other accessory structures and dwelling.



Picture from Sunnyside Park Rd looking east at entrance to subject property.



Picture from north east corner of property near entrance looking at existing accessory structures.



Picture from north east corner of property near entrance looking at existing accessory structures.



Picture looking south from west side of property on driveway.



Picture looking north east towards existing house and garage.