



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6277

INSPECTION DATE: 8/18/2021

REPORT DATE: 8/23/2021

MEETING DATE: 9/9/2021

APPLICANT INFORMATION

APPLICANT NAME: James R. Prusak

APPLICANT ADDRESS: 4882 W Pike Lake Road, Duluth, MN 55811

OWNER NAME:
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 4882 W Pike Lake Road, Duluth, MN 55811

LEGAL DESCRIPTION: Southerly 100 feet of North 450 feet of Govt Lot 4, EXCEPT that part lying Southerly of a line described as follows: Commencing at the northwest corner of said Govt Lot 4; thence S00deg34'27"E, assumed bearing along the west line of said Govt Lot 4, a distance of 449.73 feet to the point of beginning of the line to be described; thence N89deg15'47"E 371.74 feet; thence N88deg34'23"E 62.44 feet; thence S89deg17'17"E 14.49 feet; thence N86deg40'56"E 27.99 feet; thence S61deg57'57"E 5.25 feet; thence S89deg06'29"E 32 feet, more or less, to the shoreline of Pike Lake and there terminating, S36, T51N, R16W (Grand Lake)

PARCEL IDENTIFICATION NUMBER (PIN): 380-0010-08020

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.2, to allow an accessory structure at a reduced property line setback.

PROPOSAL DETAILS: The applicant is proposing to construct a 26 foot by 32 foot (832 square feet) garage 8 feet from a property line where 10 feet is required.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: W Pike Lake Rd/
CASH 9

ROAD FUNCTIONAL CLASS: Local

LAKE NAME: Pike Lake

LAKE CLASSIFICATION: GD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: There is currently a principal dwelling, boat house, shed, and 2 garages.

ZONE DISTRICT: RES 9

PARCEL ACREAGE: 1.2 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 parcel has excellent screening from the road and good screening along property lines. There is fair screening from the lake consisting of several mature trees.

TOPOGRAPHY: The parcel has a gradual slope from the road to the shoreline with an approximate elevation change of 16 feet.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL:

FACTS AND FINDINGS

A. Official Controls:

1. In a RES-9 zone district, St. Louis County Zoning Ordinance 62, Article III requires a minimum 10 foot property line setback for accessory structures; the applicant is requesting an 8 foot property line setback.
2. Goal LU-3 of the St. Louis County Comprehensive Land Use Plan is to improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
3. Objective LU-3.1 of the St. Louis County Comprehensive Land Use Plan is to base variance decisions on uniform approval criterion to ensure all applications are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
4. Objective LU-3.3 of the St. Louis County Comprehensive Land Use Plan is to acknowledge why nonconformities are a concern and that variances should be for exceptional circumstances as noted in Minnesota Statute 394.22 Subd. 10.

B. Practical Difficulty:

1. There are no unique physical circumstances of the property.
2. A variance is not the only option as there are alternatives:
 - a. Alternative: There is suitable buildable area to construct the same or similar sized garage that conforms to property line setbacks.

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 area. Many of these properties consist of principal structures and accessory structures.

D. Other Factor(s):

1. 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.
2. The county would benefit by enforcement of the Ordinance because it would promote the regulation of setbacks and land use in accordance with the St. Louis County Comprehensive Land Use Plan and Zoning Ordinance 62.

3. 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.

See attachments: 1. Zoning/location map 2. Air photo 3. Site sketch 4. Project picture (if applicable) 5. Other pertinent pictures or maps

BOARD OF ADJUSTMENT CRITERIA FOR APPROVAL OF A VARIANCE

- 1. Is the variance request in harmony with the general purpose and intent of official controls?**
- 2. Has a practical difficulty been demonstrated in complying with the official controls?**
- 3. Will the variance alter the essential character of the locality?**
- 4. What, if any, other factors should be taken into consideration on this case?**

CONDITIONS

Conditions that may mitigate the variance as proposed for an accessory structure at a reduced property line setback, include but are not limited to:

1. Stormwater runoff shall not discharge directly onto adjacent properties.

**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

VirginiaGovernment Services
Center

201 South 3rd Avenue West
Virginia, MN 55792
(218) 749-7103

VARIANCE REQUEST PERMIT APPLICATION

General - This application is used to apply for a Land Use Permit. Applicants will need to attach the appropriate worksheet(s) in order to process. Incomplete applications will be returned. Note that the 'clock' does not begin until after payment has been processed for the application. For more information, see our website at:

www.stlouiscountymn.gov/BuildingStructures

Enter the Primary PIN and Associated PIN (if applicable) of the property to be reviewed.

PIN is found on your Property Tax Statement. For example, 123-1234-12345. Primary PIN: Parcel where Structure/SSTS are located. Associated PIN: Additional and/or adjacent property that you own or that is related to the project.

County Land Explorer: <https://www.stlouiscountymn.gov/explorer>

Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe>

Primary PIN **380-0010-08020**

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: **James R. Prusak**
Address Line 1: **4882 W Pike Lake Rd.**
Address Line 2: **--**
City: **Duluth**
State: **MN**
Zip: **55811**
Primary Phone: **(218)451-0830**
Cell Phone: **--**
Fax: **--**
Email: **jimprusak@msn.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: **James R. Prusak**
Address: **4882 W Pike Lake Rd.**

City: **Duluth**
State/Province: **MN**
Zip: **55811**
Primary Phone: **(218)451-0830**
Cell Phone: **--**
Fax: **--**
Email: **jimprusak@msn.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: **4882 W Pike Lake Rd. Duluth, MN 55811**

Is this leased property? **No**

Leased From? **--**

US Forest Service

US Forest Service
Superior National Forest
8901 Grand Avenue Place
Duluth, MN 55808

MN Power

MN Power
Shore Land Traditions
30 West Superior Street
Duluth, MN 55802

MN DNR, Area Hydrologist

MN DNR, Area Hydrologist
7979 Highway 37
Eveleth, MN 55734

MN DNR Land and Minerals

MN DNR Land and Minerals
1201 East Highway 2
Grand Rapids, MN 55744

St. Louis County - Duluth

St. Louis County - Duluth
Government Services Center
320 West 2nd Street, Suite 301
Duluth, MN 55802
(218) 725-5000

St. Louis County - Virginia

St. Louis County - Virginia
Land and Minerals
7820 Highway 135
Virginia, MN 55792
(218) 749-7103

Do you have written authorization from the leased property owner?

If Yes, you must attach written authorization form.

--

How is the property accessed?

No

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?

Yes

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.

Construct 26' x 32' detached garage and reduce required 10' property line (sideyard) setback from 10' to 8'. My lot is 100' wide and due to the location of my existing driveway, I cannot meet 10' setback and

have enough room to park vehicle in front of garage without blocking driveway.

Describe the intended/planned use of the property.

Detached garage for storage of vehicles, boats, ATVs, etc.

Describe the current use of your property.

Year-round residential lake home.

Describe other alternatives, if any.

Have reduced size of garage from 30' x 36' to 26' x 32' to better meet setback requirements and avoid removal of at least two 20"+ diameter white pine trees. Cannot relocate driveway without other large white pine removals.

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

Do not feel the proposed variance will detract from the character of the neighborhood and in fact would improve it by allowing for the storage of boats, pontoon, RVs, etc. rather than having them sitting out in the yard during the off season.

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

The garage is proposed along the north (Anna Buchanen) property line. The Buchanens currently have a fence along this property line, which according to my survey is located 1.8 to 2.7 feet north of the property line so the garage would still have 10'+ clearance to their fence.

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

Reduction of sideyard setback from 10' to 8' would avoid removal of at least two 20" diameter white pine trees. Construction of 26' deep garage would allow storage of boats (on trailers)) under cover rather than having them stored outside and cluttering property.

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

Adequate storage space to get boats, vehicles, ATVs, etc. under cover and out of the yard. Storage of such items in the yard, in my opinion, can be and often is very unsightly around lake homes. It also does not make for proper maintenance of such equipment.

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

I have reduced the proposed size of my garage from 30' deep to 26' deep to better meet sideyard setback. I cannot reduce depth less than 26' and have enough room for storage of boat & pontoons (on trailers) in garage.

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

July 29, 2021

St. Louis County Planning Department
Government Services Center
320 West 2nd Street, Suite 301
Duluth, MN 55802

**RE: Request For Land Use Permit and Variance,
James Prusak; 4882 West Pike Lake Rd; Duluth, MN 55811**

To Whom It May Concern:

Enclosed for processing is a Land Use Permit Application and Request for Variance, which would allow me to construct a 26' Deep x 32' Wide Detached Garage on my property at 4882 West Pike Lake Road; Duluth, MN 55811. The purpose of this additional garage would be for the storage of vehicles, boats, ATVs and other miscellaneous items.

This is my primary year-round residence, and it is located on the west side of Pike Lake. My lot is 100' Wide by 465' Deep. The proposed garage would be located along the north side of my lot, approximately 160' west of my house and 250' west of the Lake shoreline. I currently have a smaller single car garage, on the property, about midpoint along the south property line and a second garage located directly on West Pike Lake Road, approximately 350' away from the house. In my opinion, the single car garage, by today's standards, is too small for the storage of a vehicle and the second garage, located on West Pike Lake Road, is too far away from the house.

As I am sure you are aware, Lake Properties come with a lot of "toys" such as boats, pontoons, ATVs, etc. In many cases, people just store much of this outside on their lot, however, to me, this can be unsightly and not a good way to care for such valuable equipment. Thus, the reason for me wanting to build another garage.

The Variance I hereby request would be to reduce the required Side-Yard Property Line Setback from 10' to 8'. Originally, I wanted to build a 30' deep x 36' wide garage, but after locating the north property line and applying the 10' setback, it simply would not fit without encroaching too close to my existing driveway and three large White Pine trees, which I simply would not feel right about cutting down. Therefore, I reduced the garage size to 26' deep x 32' wide. I do not feel I can reduce the depth of the garage to something less than 26' and still have enough room to store a boat or pontoon on a trailer inside. I also looked for other locations on the property that would conform to the setback requirements, however, there are none. By reducing the property line setback from 10' to 8' would allow me to still park a vehicle in front of the garage without blocking the existing driveway. The driveway cannot be moved due to conflicts with other large White Pine trees.

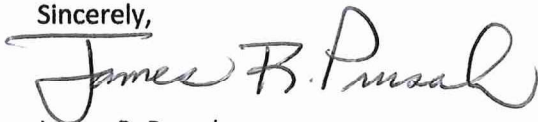
**St. Louis County Planning Department,
Request For Land Use Variance,
Page 2 of 2**

I do not feel approval of my variance request would negatively impact the character of the neighborhood, the local environment or landscape in any way, and in fact, I feel it would improve it by allowing for the storage of vehicles and equipment out of sight and undercover. Additionally, it would avoid the removal of several White Pine trees, which at one time dominated the entire northern part of the State.

Enclosed for your use is a copy of a Certificate of Survey, which shows all existing improvements on the property and the location of my proposed garage. I have also enclosed a calculation of my existing and proposed Building Footprints and Impervious Surfaces. With the proposed garage, the total Lot Coverage, including buildings and Impervious Surfaces, would be 17%, which is well under the maximum required 25%. Also enclosed are some pictures of the site for your use.

I have spoken with my neighbor to the north, Anna Buchanan, and she did not express any concerns with my request, although I am sure you will be contacting her directly. In the meantime, if you have any questions or require additional information related to my project, feel free to give me a call or email.

Sincerely,

A handwritten signature in black ink that reads "James R. Prusak". The signature is fluid and cursive, with the first name "James" and last name "Prusak" clearly legible.

James R. Prusak
4882 West Pike Lake Road
Duluth, MN 55811

jimprusak@msn.com
(218) 451-0830

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:



SEE ATTACHED SURVEY.

Sanitary Authority Use Only

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

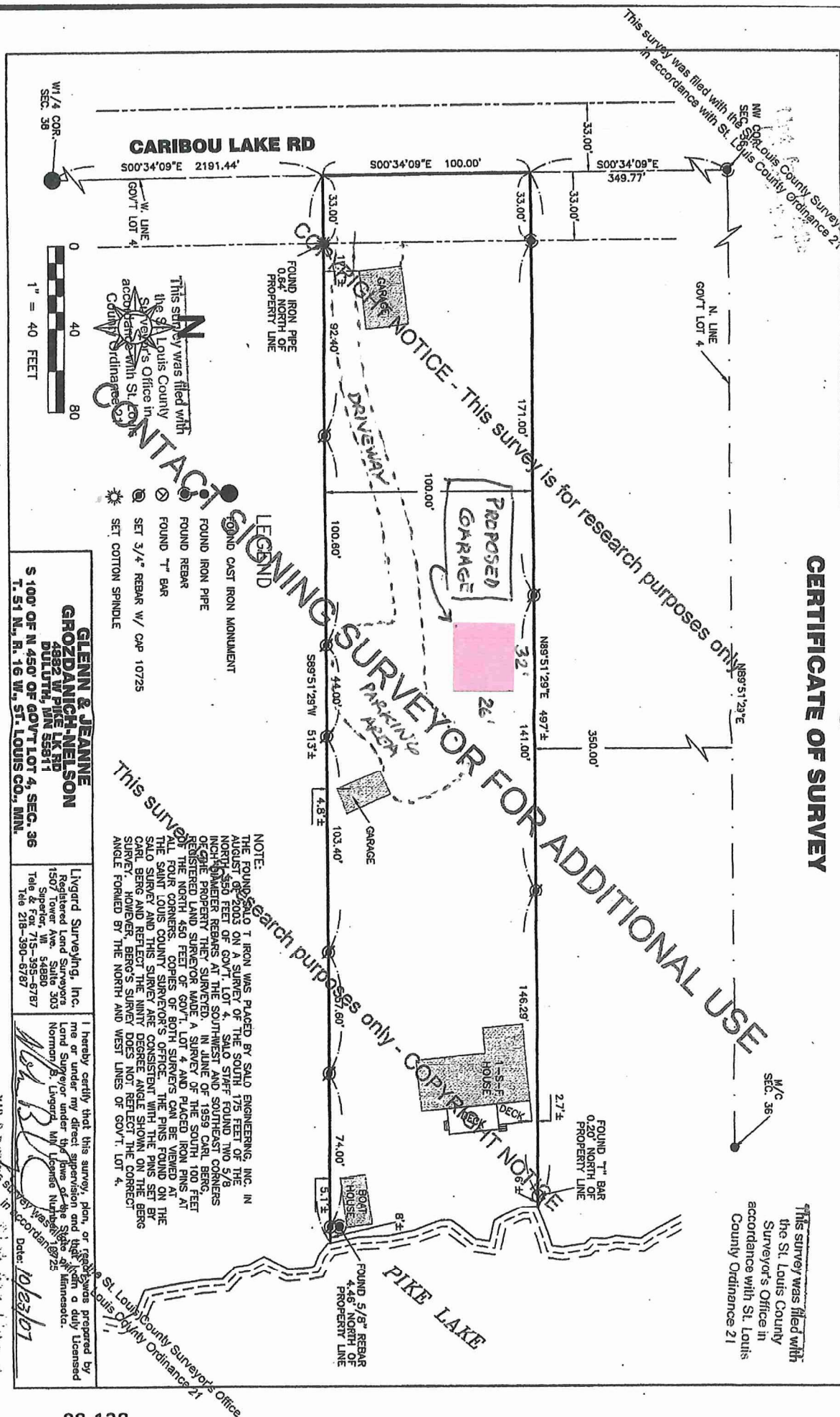
Will the proposal, as shown above, negatively impact the SSTS/sanitary line or replacement area? ☐ Yes ☐ No

Sign off:

Signature _____ Title _____

This survey was filed with the St. Louis County Surveyor's Office in accordance with St. Louis County Ordinance 21

This survey was filed with the St. Louis County Surveyor's Office in accordance with St. Louis County Ordinance 21



08-138

Lot Coverage

James & Dona Prusak
4882 West Pike Lake Rd
Duluth, MN 55811
Parcel ID: 380-0010-08020

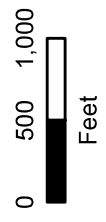
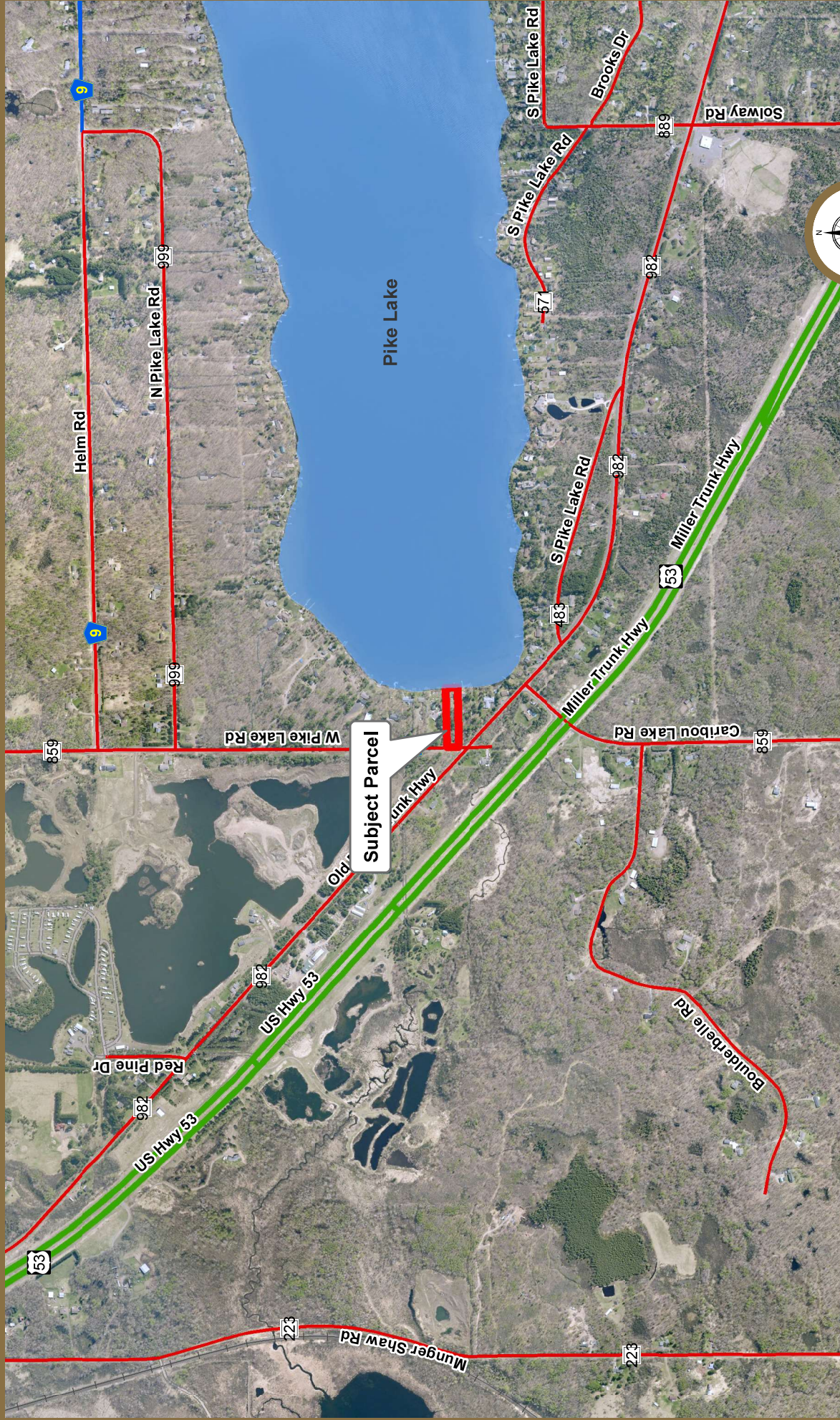
The maximum allowable Building Footprint, for all buildings on the property, is 15%.
The maximum allowable Lot Coverage for all Impervious Surfaces is 25%.

	<u>Feet</u>	<u>SF</u>	
Existing House	19 x 37	703	
	34 x 25	<u>850</u>	
		1,553	
Existing Boat House	13 x 24	312	
Existing Single Car Garage	12.5 x 22.5	281	
Existing Single Car Garage	22 x 30	660	
Sidewalk	3 x 130	390	
<u>Blacktop Driveway</u>			
Front of Garage	14 x 22	308	
Driveway In	10 x 260	2600	
Parking Area	30 x 30	<u>900</u>	
Existing Lot Coverage -----		7,004	15.1 Percent (Existing Buildings & Impervioius Surfaces)
Lot Size	100 x 465	46,500	
Proposed Garage	26 x 32	832	
Total Lot Coverage With Proposed Garage -----			16.9 Percent



St. Louis County

September BOA Meeting



James Prusak
Location Map
PIN:380-0010-08020

Prepared By: **Planning & Community Development**
(218) 728-5000
www.stlouiscountymn.gov
Source: St. Louis County
Map Created: 8/10/2021

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St. Louis County

September BOA Meeting



Prepared By: **Planning & Community Development**

(218) 728-5000

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Source: St. Louis County

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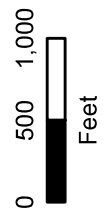
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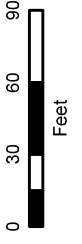
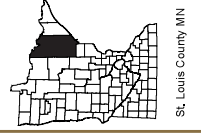


James Prusak

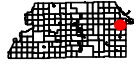
Zoning Map

PIN:380-0010-08020





James Prusak
Site/Elevation
PIN: 380-0010-08020



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

Source: St. Louis County

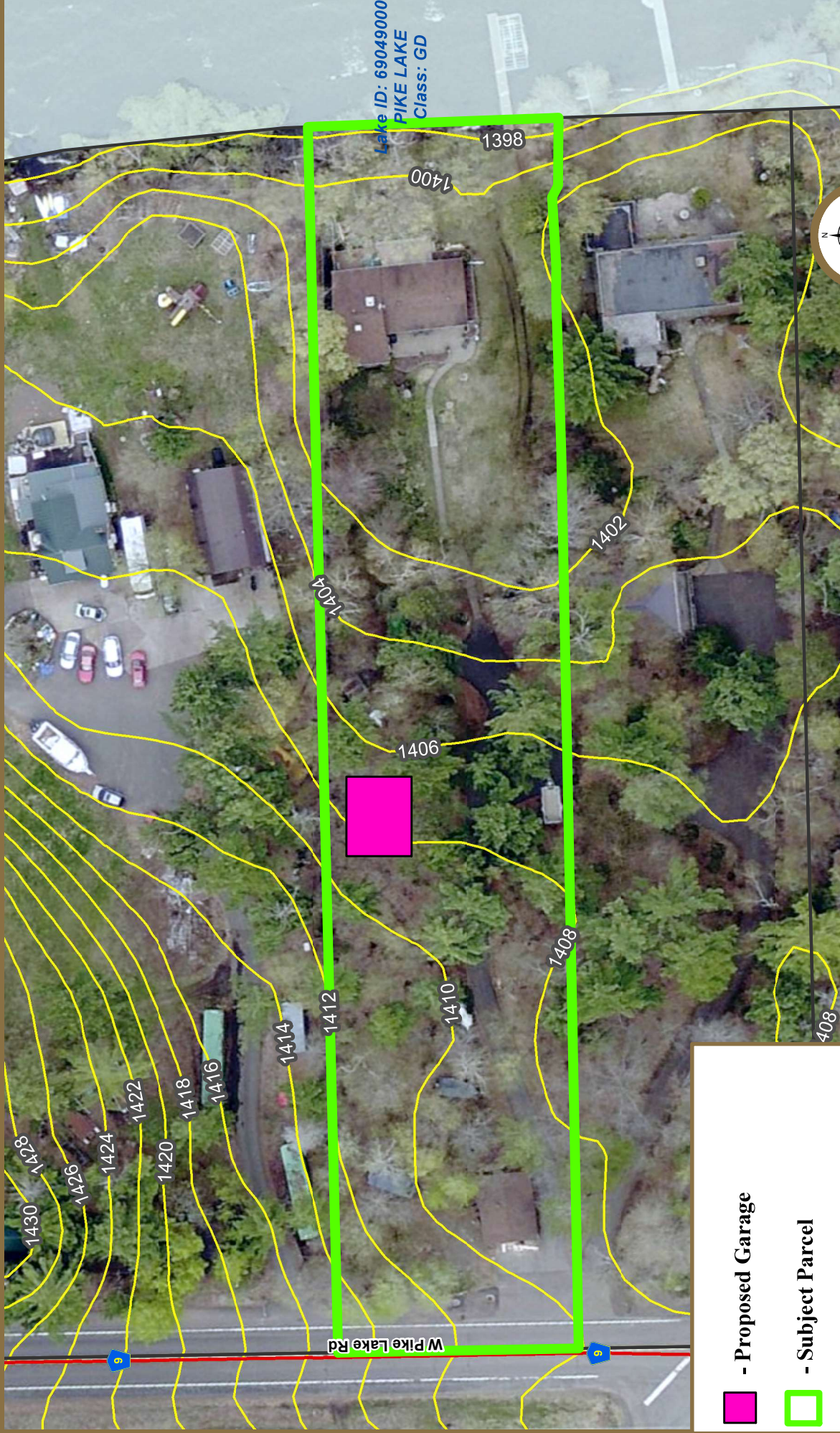
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St. Louis County

September BOA Meeting



- Proposed Garage
- Subject Parcel

Planning & Community
Development
(216) 726-5000
www.stlouiscountymn.gov

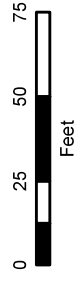
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James Prusak
Proposal
PIN: 380-0010-08020





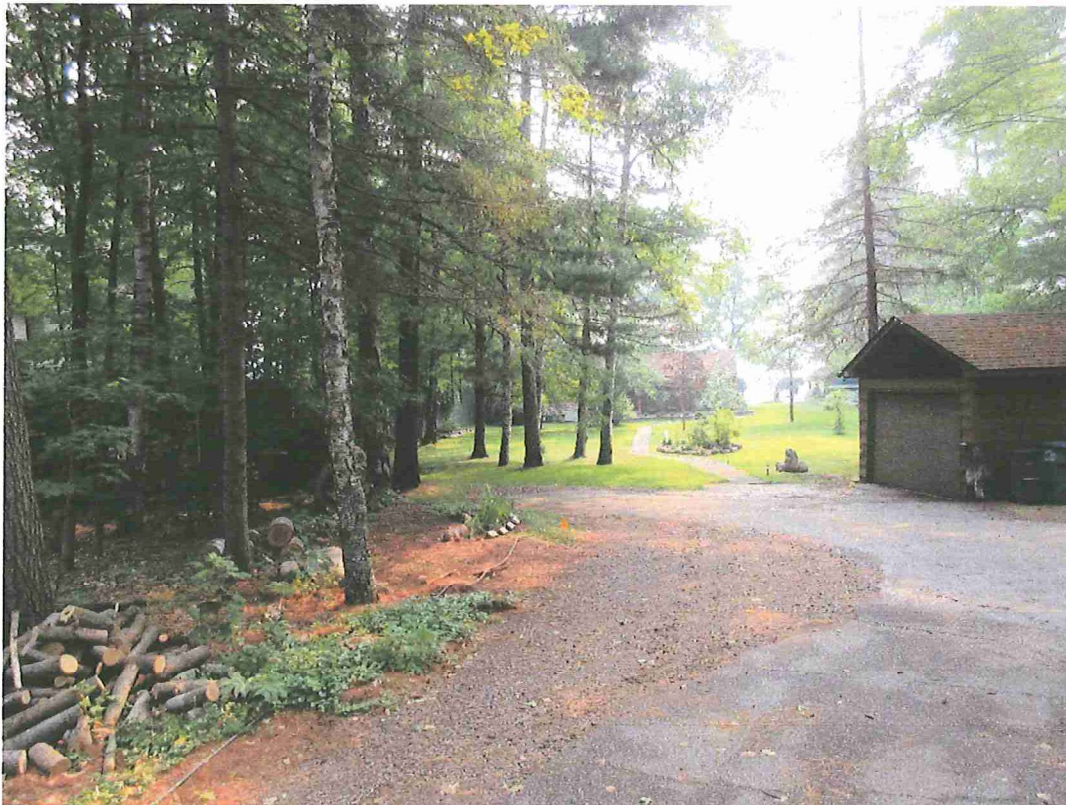
View from House (Looking West)



View of Proposed Garage Site (Looking North towards North Property Line)



View From In Front of Proposed Site (Looking West towards West Pike Lake Rd)



View From in Front of Proposed Site (Looking East towards House & Lake)



View from North Property Line at Proposed Site (Looking South)



View along North Property Line at Site (Looking East)

Note: The neighbor's fence is located approximately 2' North of Property Line
Ribbons are on Property Line.



Proposed Garage



Proposed Garage and Property Line

Proposed Garage





Proposed Garage

Parking Area

