



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

INSPECTION DATE: 11/14/2023

REPORT DATE: 11/27/2023

MEETING DATE: 12/14/2023

APPLICANT INFORMATION

APPLICANT NAME: Lucia Magney

APPLICANT ADDRESS: 2712 41st Avenue South, Minneapolis, MN 55406

OWNER NAME:
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 8697 South Strand Lake Road, Cotton, MN 55724

LEGAL DESCRIPTION: That part of Govt Lot 6, described as follows: Commencing at the Southwest corner of said Govt Lot 6; thence S82deg56'35"E, assigned bearing, along the south line of said Govt Lot 6, a distance of 84.65 feet to the Point of Beginning; thence S30deg32'07"E, a distance of 164.63 feet to the Northerly right of way of Jingwak Boulevard; thence N51deg45'00"E, along said right of way, a distance of 365.92 feet; thence N52deg39'00"E, along said right of way, a distance of 3.16 feet; thence N49deg09'08"W, a distance of 352 feet, more or less, to the shore line of Strand Lake; thence Southwesterly, along said shore line, a distance of 264 feet, more or less, to the west line of said Govt Lot 6; thence S30deg32'07"E, a distance of 165.31 feet to the Point of Beginning, S20, T54N, R16W (Cotton)

PARCEL IDENTIFICATION NUMBER (PIN): 305-0010-03347

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.3 D, to allow an addition to a principal dwelling located between the shore impact zone and required setback to exceed 400 square feet allowed and to exceed the maximum height allowed of 25 feet.

PROPOSAL DETAILS: The applicant is requesting to construct additions to a nonconforming principal dwelling located 53 feet from the shoreline where 100 feet is required. The additions will be off to the sides and rear of the existing structure, totaling 493 square feet. Much of the proposed addition will be a 2-story addition to the rear. The current height of the dwelling is approximately 13 feet and is proposed to be 27 feet following the proposed project.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Strand Lake Rd S

ROAD FUNCTIONAL CLASS: Local

LAKE NAME: Strand

LAKE CLASSIFICATION: RD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property currently contains multiple dwelling structures, multiple accessory structures, and a privy.

ZONE DISTRICT: SMU 7

PARCEL ACREAGE: 2.5 ACRES

LOT WIDTH: Approximately 264 FEET

FEET OF ROAD FRONTAGE: 183 FEET

FEET OF SHORELINE FRONTAGE: Approx. 264 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The property has good screening from all sides of the property.

TOPOGRAPHY: There is steep slope from the existing dwelling to the shoreline. The rest of the property is relatively flat.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: The parcel was recently subdivided.

FACTS AND FINDINGS

A. Official Controls:

1. St. Louis County Zoning Ordinance 62, Article IV, Section 4.3 D allows a maximum addition of 400 square feet and a maximum height of 25 feet to a nonconforming structure located between the shore impact zone and required setback.
 - a. The existing dwelling is located 53 feet from the shore and the applicant is requesting additions totaling 493 square feet to the sides and rear.
 - b. The existing dwelling is on piers with an approximate height of 13 feet. The applicant is proposing a 2-story addition, increasing the height to 27 feet.
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 applicants 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 Statue 394.22 Subd. 10.

B. Practical Difficulty:

1. There are no unique physical circumstances of the property.
2. There are alternatives that exist that do not require a variance or minimize the degree of variance:
 - a. The existing structure may be moved and added onto at a conforming setback with a land use permit.
 - b. An addition up to 400 square feet may be allowed with a Performance Standard Permit.
 - c. The proposed second story could be removed or altered to eliminate the need for a height variance.
 - i. Practical difficulty for a height variance has not been demonstrated.

C. Essential Character of the Locality:

1. The area consists of developed lakeshore lots with both conforming and nonconforming structures.
2. There had been three approved variances in the area to allow for additions to nonconforming dwellings and one for a new dwelling at a reduced shoreline setback.

D. Other Factor(s):

1. The applicant spoke to the Land Use division staff regarding alternatives to avoid a variance and chose to move forward with the variance request.
2. The applicant currently has a land use permit to construct a conforming accessory dwelling (consisting of combined relocated existing non-conforming bunkhouses), a new pole building and new sauna.

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 to allow additions to exceed the maximum allowed 400 square feet and to exceed the maximum allowed height of 25 feet to a nonconforming principal structure as proposed include, but are not limited to:

1. St. Louis County On-Site Wastewater SSTS standards shall be followed.
2. The structure shall be unobtrusive earth-toned colors, including siding, trim, and roof.
3. The stormwater runoff from the proposed structure shall not discharge directly into the lake.
4. In the event that it is determined that the structure is not structurally sound to be added onto or is replaced, a new structure may be allowed and shall require a permit. All ordinance setbacks and requirements 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
Government Services
Center
201 South 3rd Avenue West
Virginia, MN 55792
(218) 749-7103

VARIANCE REQUEST PERMIT APPLICATION

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

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

County Land Explorer: <https://www.stlouiscountymn.gov/explorer>
Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe>

Primary PIN **305-0010-03347**

Associated PINs
PIN # **305-0010-04720**

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: **Lucia Magney**
Address Line 1: **2712 41ST AVENUE SOUTH**
Address Line 2: **--**
City: **MINNEAPOLIS**
State: **MN**
Zip: **55406**
Primary Phone: **(612)219-1707**
Cell Phone: **--**
Fax: **--**
Email: **lmagney@bitstream.net**
Contact Person Name: **Lucia Magney**
Contact Person Phone: **(612)219-1707**

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? **Yes**

Name: **Lucia Magney**

Address: **2712 41ST AVENUE SOUTH**
 City: **MINNEAPOLIS**
 State/Province: **MN**
 Zip: **55406**
 Primary Phone: **(612)219-1707**
 Cell Phone: **--**
 Fax: **--**
 Email: **Imagney@stcloudsymphony.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: **8697 South Strand Lake Road Cotton, MN 55724**

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?

- Public Road**
 Private Road
 Easement

Water

Other

Enter Project Information.

If you answered 'Yes' to any of the questions below, it is required that you submit a copy of a septic permit to construct or certificate of compliance approval or municipal/sanitary district approval when applying for a land use permit.

Is this project on a parcel less than 2.5 acres?

No

Is this project within 300 feet of a stream/river or 1,000 feet of a lake?

Yes

Is this project adding a bedroom?

Include home, garage, and accessory dwelling.

Yes

Total # of bedrooms on property after project completion.

4

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

Yes

If Yes, please explain:

We will dig a deep well (50+ ft.) and build a septic system. Septic Permit # 23-S-02794

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.

We seek to create an all-season cabin (principal dwelling) with running water and a modern septic system by adding to an existing 448 sq. ft. non-conforming cabin. We are 68 years old and need a kitchen, dining, living, bedroom, bathroom (with stackable washer/dryer), stairs, and entry all on one level. The spaces we plan to add are as minimal as we could make them. The bedroom is 12'x14', which includes the closet; the bathroom is 6'x8' and borrows space from the bedroom to fit the washer/dryer; the stairwell is 7.5'x12'; the entry is 8'x8'; the hallway is 14'x4', and the kitchen is a 3'x16' galley-style kitchen. There is also a 2'x5' bump-out to accommodate a wood stove. The total added indoor space will be about 484 square feet. The variance we request is to allow extra square footage beyond the 400 sq. ft. permitted in the ordinance. The foundation of the original building is piers. The addition will have a basement for mechanicals and storage without increasing the first-floor footprint. There is ample room for a basement over the water table. We also plan to add a second-floor bedroom and bathroom above the first-floor one. The total height of the building will not be over 25'. We will add a 12'x16' porch on the side of the original building that will not be closer to the lake. There will also be a 13'x12' porch on the road side of the building. The Maximum Length of the exterior footprint would be 51'6" The Maximum Width of the exterior footprint would be 32'6"

Describe the intended/planned use of the property.

We intend to use the property as a vacation home that is accessible and comfortable year-round.

Describe the current use of your property.

We use the property as a vacation home year-round. We currently do not have running water. There is a shallow well and an outhouse for sanitation. If allowed to proceed with our plans for an addition, we will cap the shallow well, have a new well dug, and decommission the old outhouse.

Describe other alternatives, if any.

My father, Robert Magney, designed the cabin, and our family built it in the late 1960s and early 1970s. It is a simple work of art in the mid-century modern style. As designed, the cabin is modular, meaning that the 448 sq. ft. original structure has kitchen, dining, and living room spaces, and the bedrooms are separate cabins (12'x'16 and 14'x14'). A land use permit we submitted to move the smaller buildings so they conform to the 100' setback has been approved (LU-005-460). The approved plan includes moving an existing sauna to conform to the 100' setback and building a pole barn. We believe that our plans preserve the character of my father's design, improve the sanitation situation on the property, bring most buildings into compliance with current ordinances and zoning standards, and are light on the land. The variance we seek is for a small building addition which would exceed the allowable 400 square foot footprint.

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

There will be no change to the character of the neighborhood. The cabin is currently hidden from the lake by 50+ feet of forest. The cabin is not readily visible from the lake. We will not change that. The proposed addition will primarily be on the road side of the original building and further than 70' from the shoreline. The entire lot is wooded. The most significant change will be open space for the septic mound. There is quite a bit of forest between our cabin and the neighboring cabins.

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

The proposed use with the variance will not impact the neighboring properties.

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

We will retain the wooded nature of the property.

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

The variance will allow us to add to our existing cabin in a way that will make the cabin, while still small, accessible and comfortable as we age. Replacing the shallow well and outhouse with a deep well and modern septic system will benefit the environment.

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

Thank you for your consideration of our request.

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.

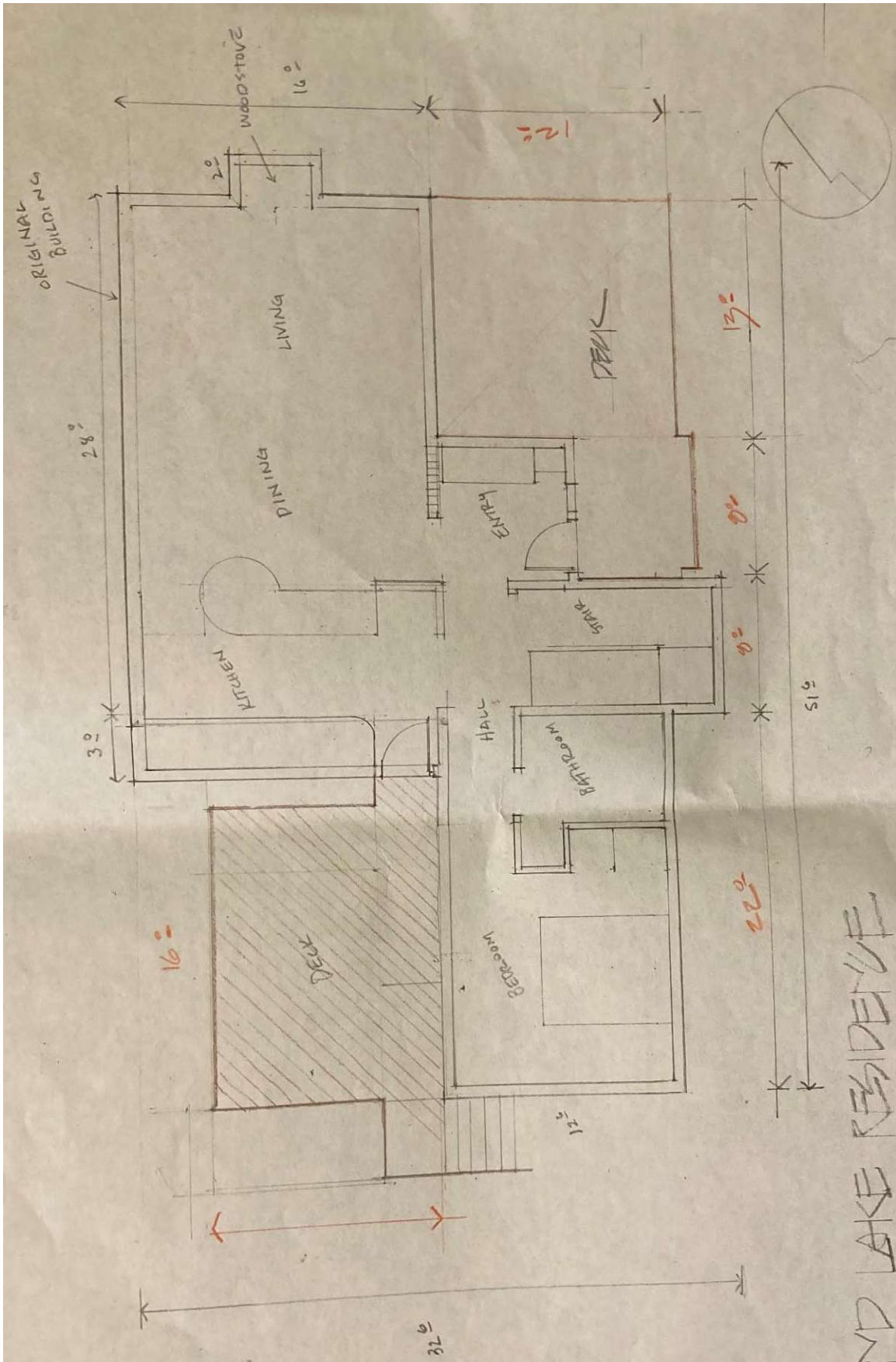
Submitted By: **Lucia Magney**
 Address: **2712 41ST AVENUE SOUTH**
 City: **MINNEAPOLIS**
 State: **MN**

Postal Code: **55406**
Email Address: **Imagney@bitstream.net**

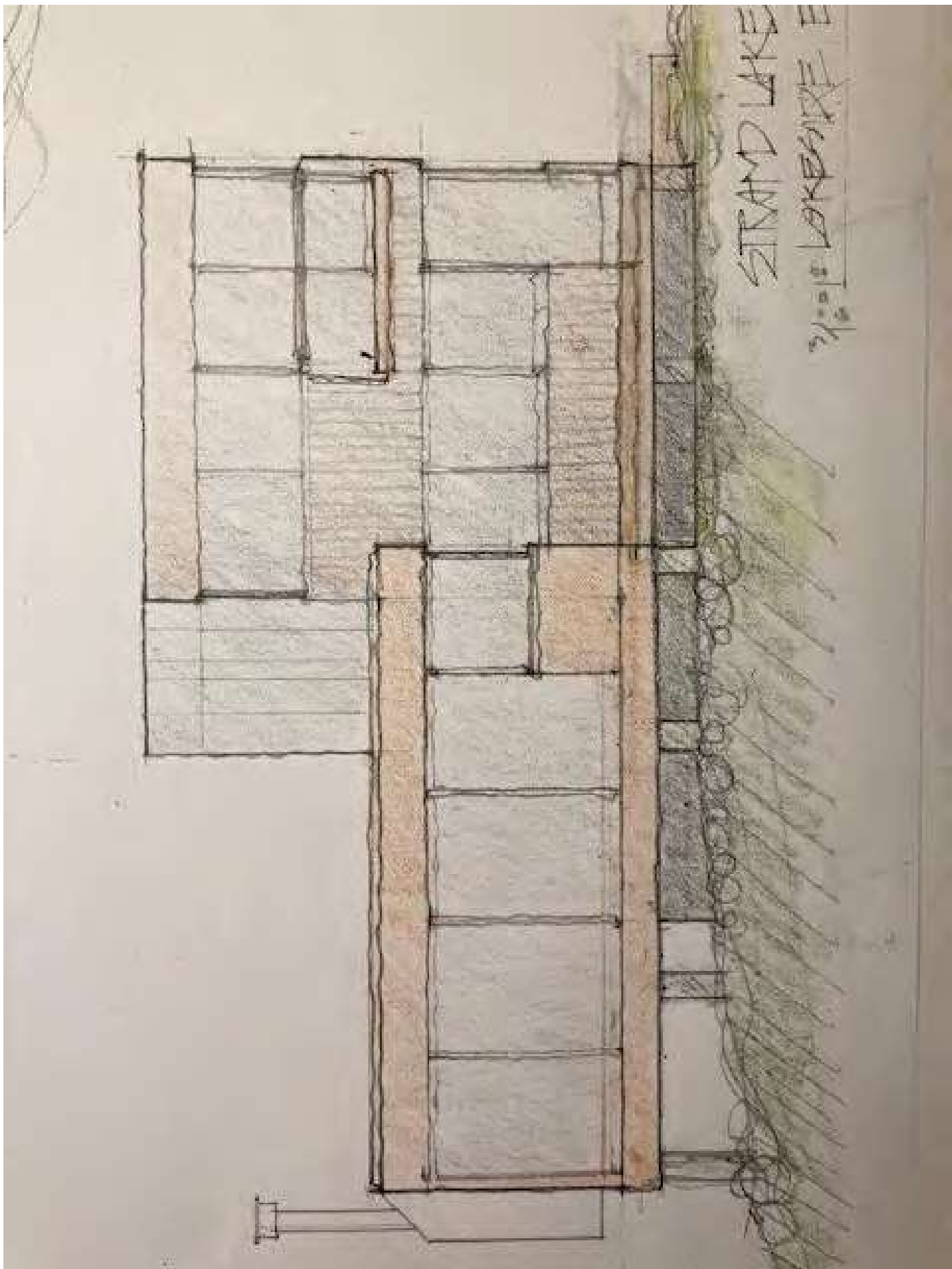
I have read and agree to the statement
above.

I agree

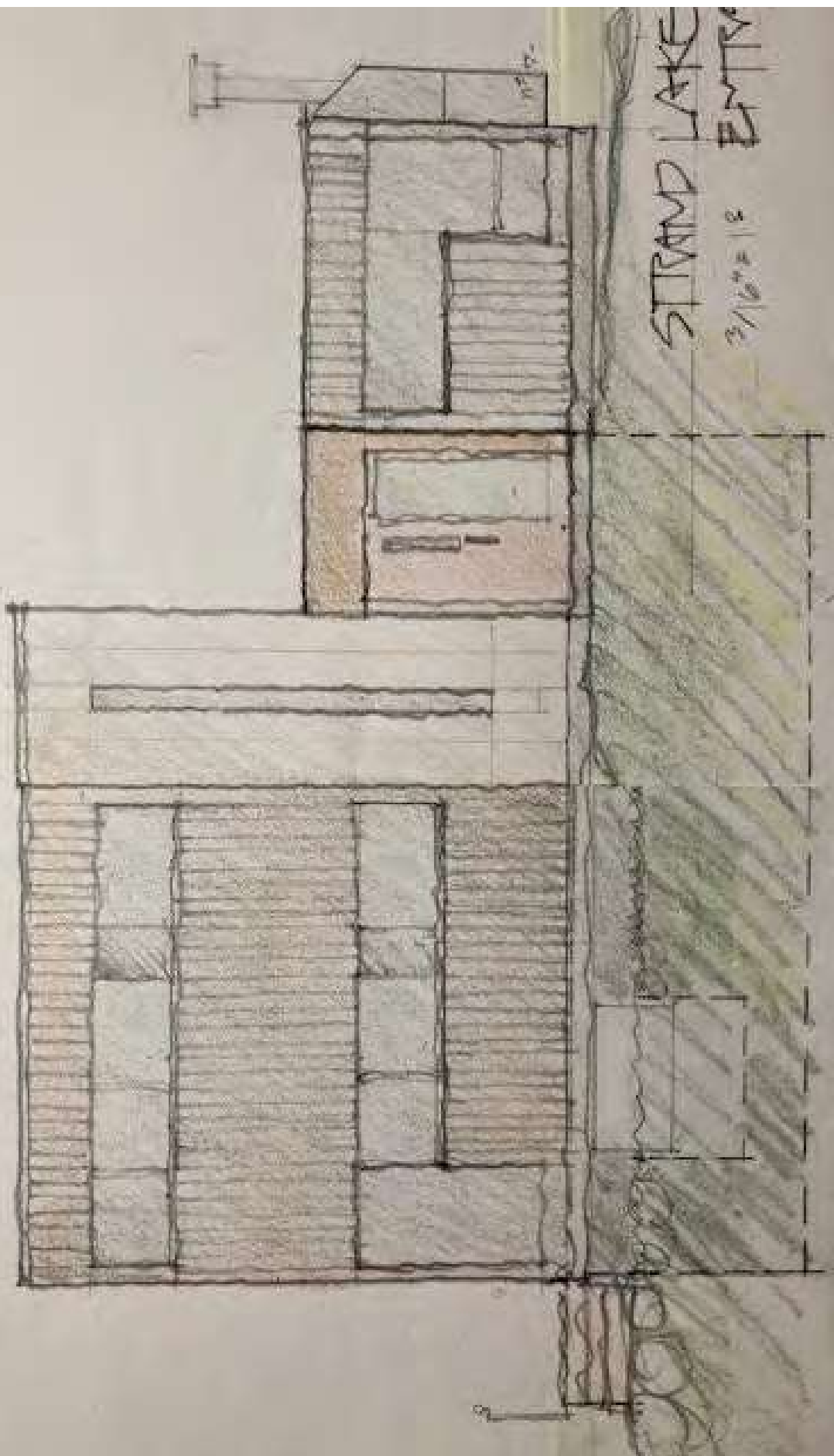
Applicant Site Sketch



STRAND LAKE RESERVE
3/16" = 1'
1ST FLOOR - 10/20/23

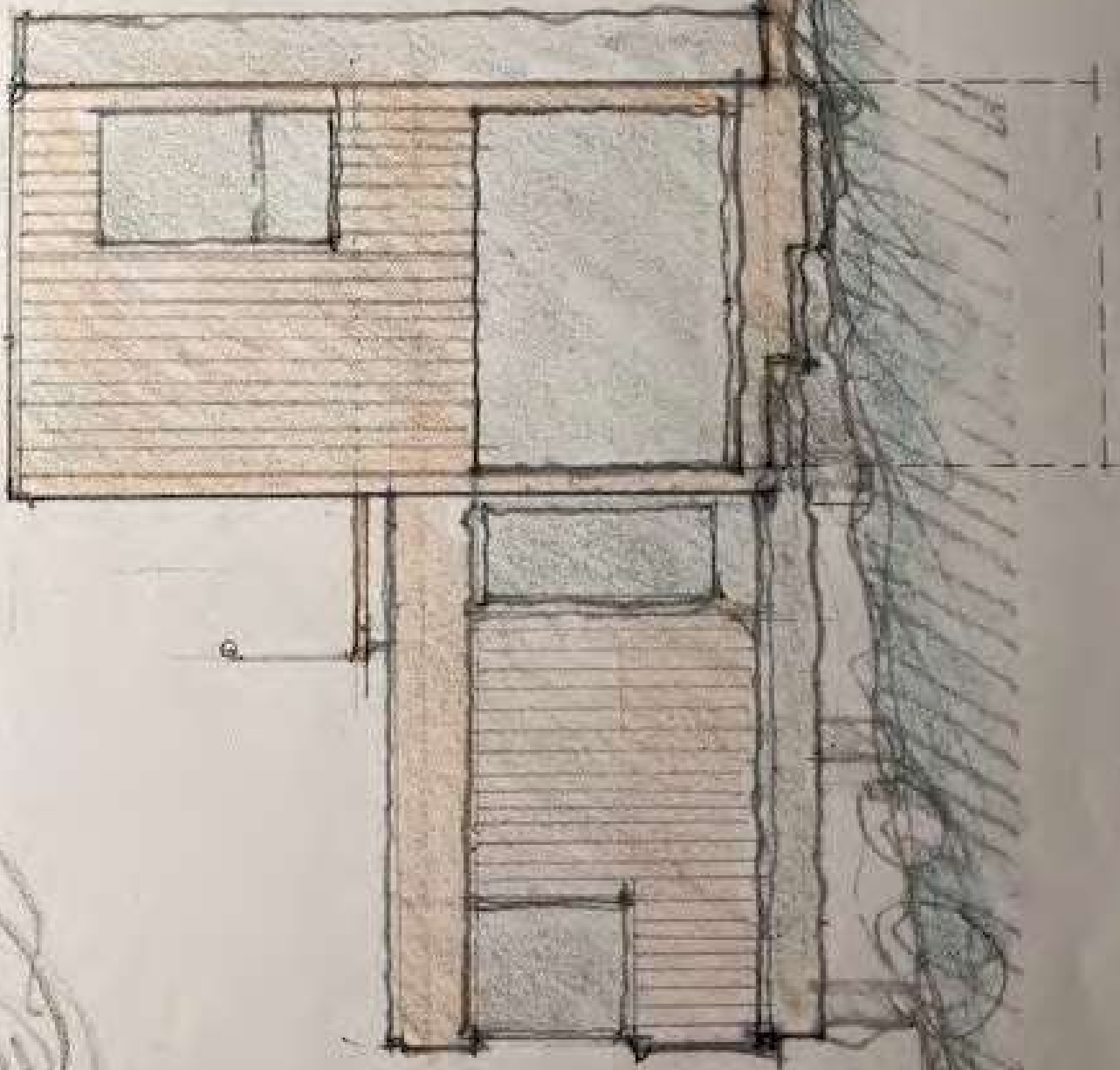


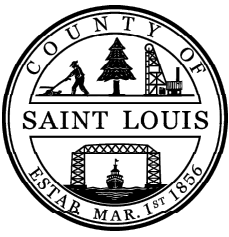
STRAND LAKE
21.01.2007 10.15



STRAND LAKE
3/16/18 ENTN

KS 8/10/18
STRAITS





Saint Louis County

Planning and Community Development Department
On-Site Wastewater Division
www.stlouiscountymn.gov

Permit to Construct a Subsurface Sewage Treatment System Operating Permit System

MAGNEY LUCIA
2712 41 ST AVE S
MINNEAPOLIS, MN 55406

Permit # : 23-S-02794
Review Date : 11/1/2023
Permit Expires : 11/1/2025
Parcel Code : 305-0010-03347
Township : TOWN OF COTTON
Designer : Vermilion Barging Inc

Site **MAGNEY LUCIA**
Address: **8697 STRAND LAKE ROAD S**
COTTON, MN 55724

Permission is granted to execute the work specified according to this permit with attached sewage treatment plans which meet the minimum standards of St Louis County. Construction must be done in accordance with these standards. This permit may be revoked at any time upon violation of any of the provision of the existing ordinance.

MPCA System Type: MPCA III - Mound

Residential - Other

Design Flow Rate: 405

Dwelling: Class II

Finished Sq.Ft:

Bedrooms: 4

At/Above Ground	Width: 4	Length: 75	Tank Type	# of Tank Gallons
Media Type : Rock			Septic Tank	1 2000
Sand Depth : 30			Pump Tank	1 1000
Distribution Method : Pressure				
Media : 12				
# of Rock Beds : 1				

Comments to Installer and property owner:

Privy to be abandoned. System designed to serve 2 bedroom class II dwelling less than 1600 square feet and 2 bedroom class III dwelling less than 1000 square feet total. Type III system due to limited area, downsized time-dosed mound, dosing at 240 gallons per day. Operating permit required to ensure mound is not overloaded.

FINAL INSPECTION: The system installer must contact On-Site Wastewater Division prior to construction. A final inspection must be scheduled prior to backfilling and must be scheduled a **minimum of 48 hours** in advance (excluding weekends and holidays).

Disclaimer: St. Louis County issues a sewage treatment system permits as a part of its discretionary activities on behalf of the public. St. Louis County disavows and assumes no liability for damages to person or property in any manner or form resulting from the issuance of this permit or subsequent authorization to use the system. St. Louis County cannot and does not guarantee successful operation of the system.

Emily Anderson
218-749-0639
OSW Environmental Specialist

Government Services Center
320 West 2nd Street, Suite 301
Duluth, MN 55802
218-725-5200

From: [Lucia Magney](#)
To: [Ada Tse](#); [LaShawn Rush](#)
Subject: Response to your email
Date: Friday, November 10, 2023 9:04:04 AM

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hello Ada and LeShawn,

I am sorry that I have not responded sooner. I am having trouble with my email and only saw your email briefly before it disappeared.

I will try to remember your questions. If I miss anything please let me know.

Your red lines circling the added space were correct. I recalculate the square footage in the following way.

I think I was using inside dimensions the first time.

Bedroom $14.5 \times 12.5 = 181.25$

Bathroom $6.5 \times 9 = 58.5$

Stairway $12 \times 7 = 84$

Entry $7.5 \times 8.5 = 63.75$

Hallway $13.5 \times 3.5 = 47.25$

Kitchen $3 \times 16 = 48$

Stove space $2 \times 5 = 10$

Total = 492.75

There will be a basement under the addition to the entry side (SE) of the building. The basement will be under the entry, stairway, hallway, bathroom, and bedroom.

The basement was not drawn on the elevations I sent you. I will send new elevations.

The decks are not covered. I am sorry that I mistakenly referred to them as porches.

Should I go in and correct the narrative?

Best,
Lucia

P.S. More elevations to come.

From: [Lucia Magney](#)
To: [Ada Tse](#)
Cc: [LaShawn Rush](#)
Subject: Re: Magney project
Date: Tuesday, November 14, 2023 3:10:45 PM

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hi Ada and LaShawn,

The height of the planned building (with addition) will be 23 feet. The height from the ground to the bottom of the original building at the NE corner is 3 feet 5 inches. Total height will be about 26.5 feet.

The new sketch of the basement has an egress window well (for safety) on the SE side.

The reason we want to add on to the original building is that we feel that the building is a work of art in its simple midcentury design and the way it is sited on the land. Our family built the cabin in its entirety, from digging the holes for the piers, to mixing concrete, cutting lumber, and pounding nails. It has great sentimental value for our whole family. We feel that the addition will preserve and enhance the livability of the original structure with as little change as possible to the land and view of our neighbors.

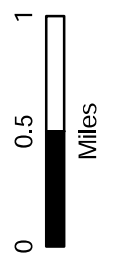
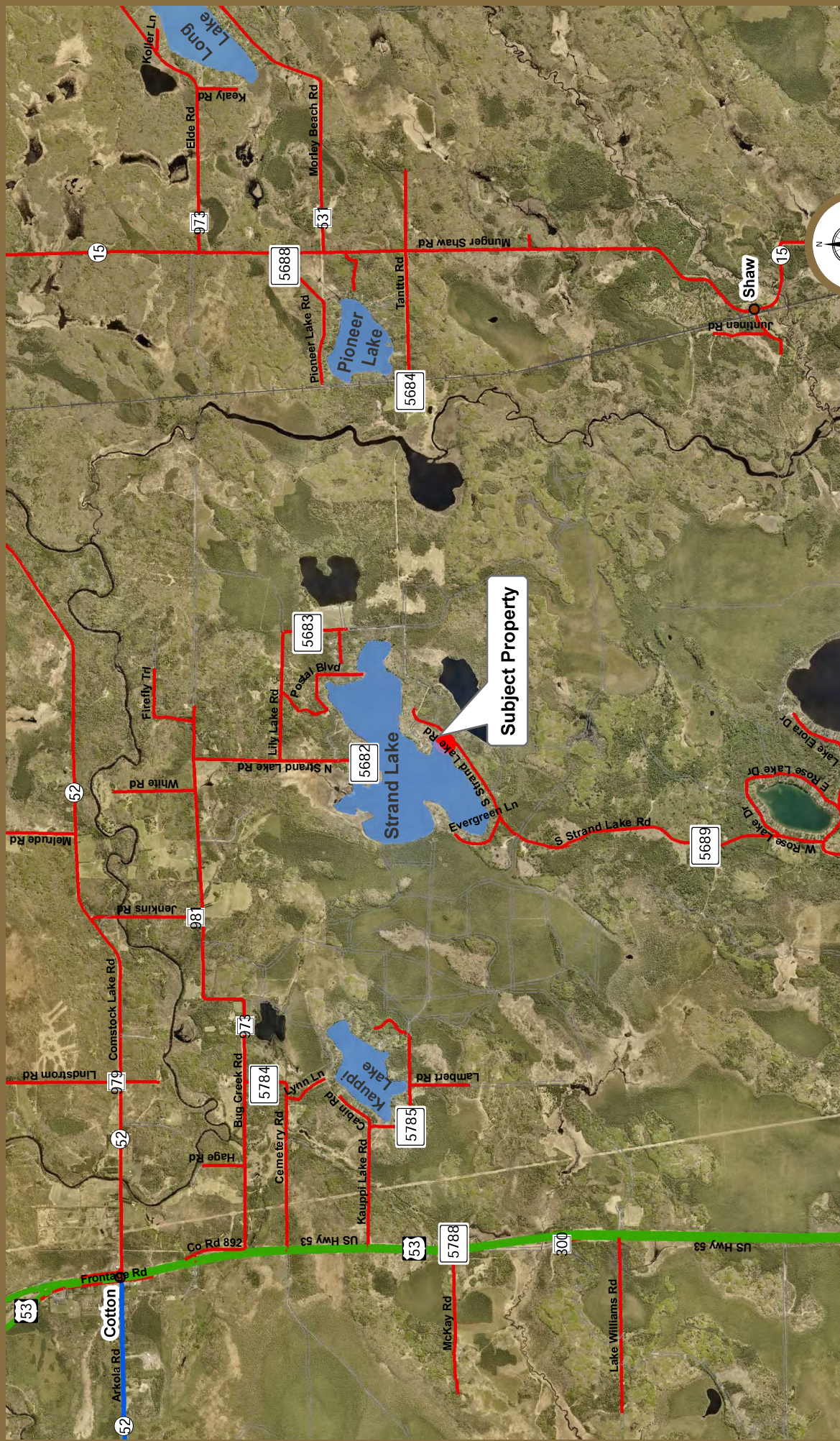
Please let me know if you need any further information.

Best regards,

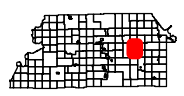
Lucia Magney

St. Louis County

December BOA Meeting



Lucia Magney
 Location Map
 305-0010-03347



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

Source: **St. Louis County**

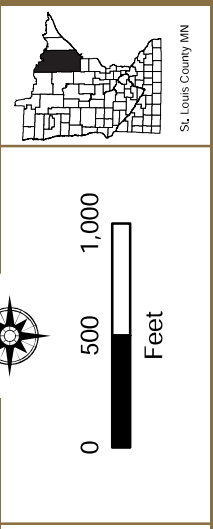
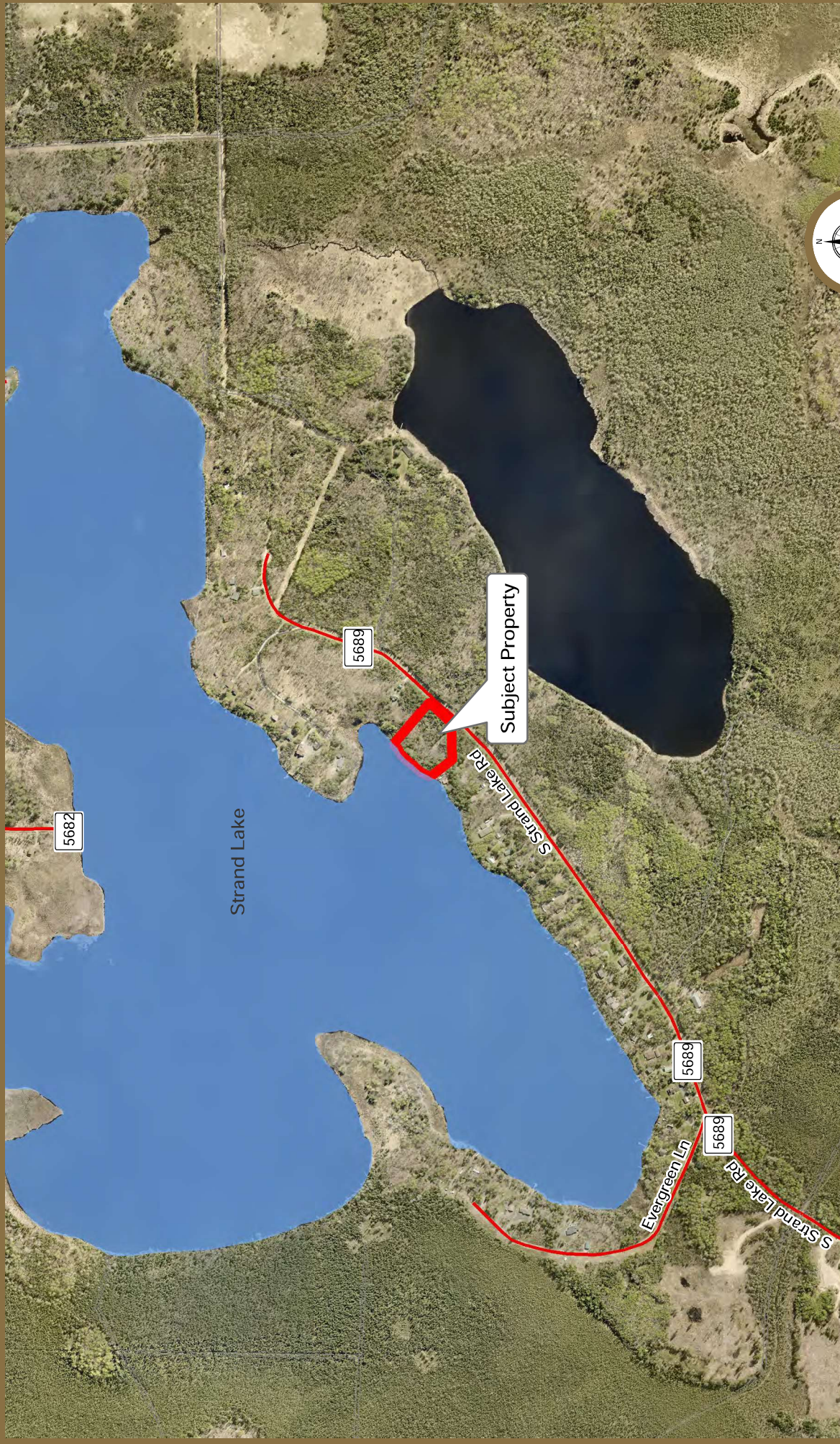
Map Created: **11/17/2023**

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St. Louis County

December BOA Meeting



Lucia Magney
Location Map
305-0010-03347

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Source: St. Louis County

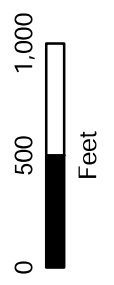
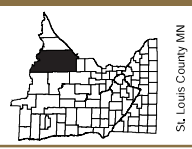
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St. Louis County

December BOA Meeting



Lucia Magney
Zoning Map
305-0010-03347



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 Source: St. Louis County

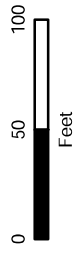
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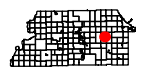
December BOA Meeting



Lucia Magney

Site Map

PIN: 305-0010-03347 & 305-0010-04720



Prepared By: Planning & Community Development
(218) 723-5000
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Source: St. Louis County

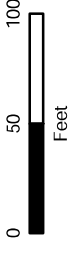
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St. Louis County

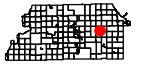
December BOA Meeting



Lucia Magney

Site & Elevation Map

PIN: 305-0010-03347 & 305-0010-04720



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

Map Created: 11/16/2023

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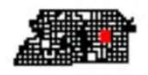


St. Louis County

December BOA Meeting



Lucia Magney
 Site Map
 PIN: 305-0010-03347 & 305-0010-04720



Prepared By: **Planning & Community Development**
 (218) 725-8000
www.stlouiscounty.com

Source: St. Louis County

Map Created: 11/15/2023

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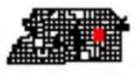
St. Louis County

December BOA Meeting



Lucia Magney

Proposal Map
PIN: 305-0010-03347

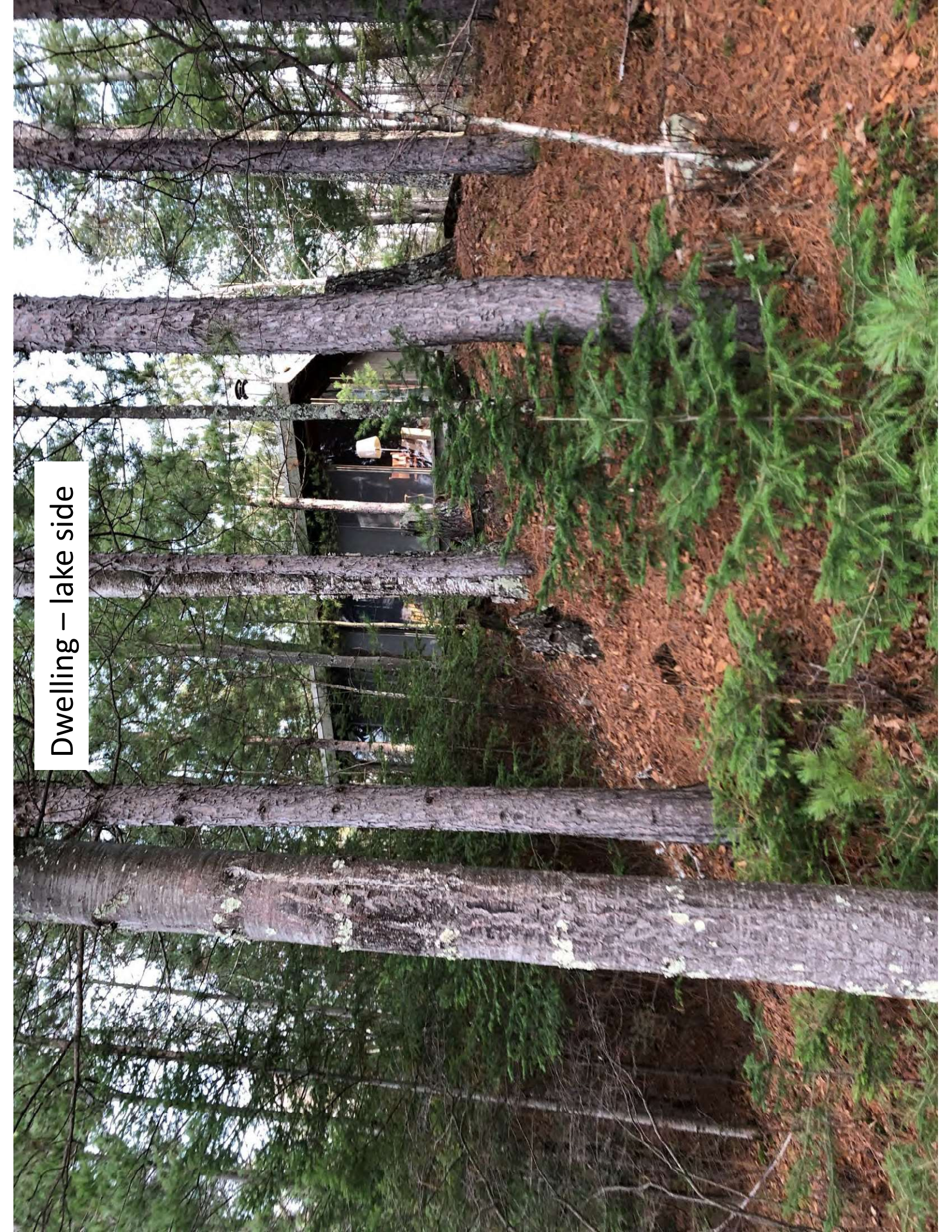


Prepared By: **Planning & Community Development**
(218) 725-8000
www.stlouiscounty.mn.gov
Source: St. Louis County
Map Created: 11/02/2023

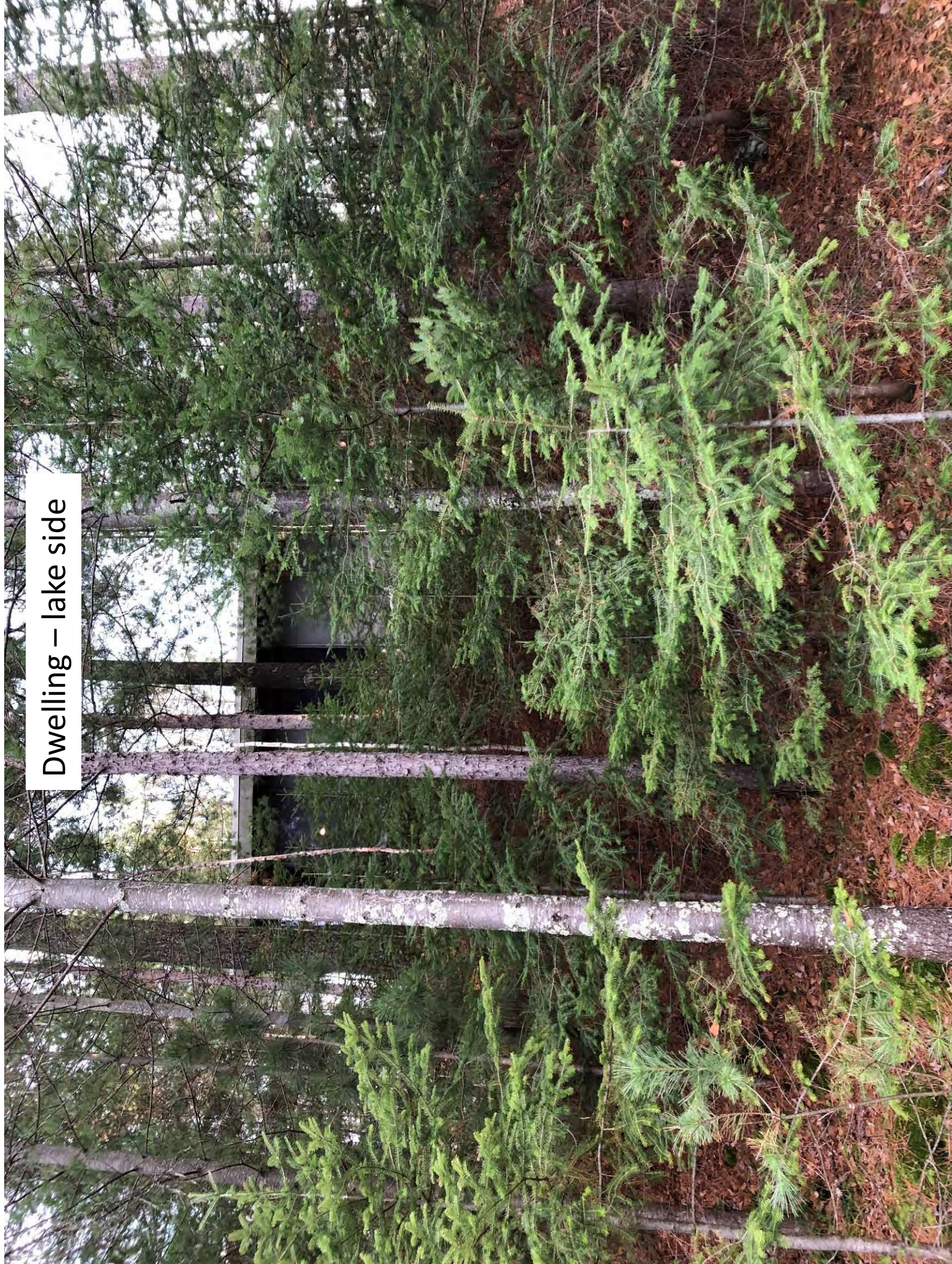
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Dwelling – lake side



Dwelling – lake side





Proposed addition – north side

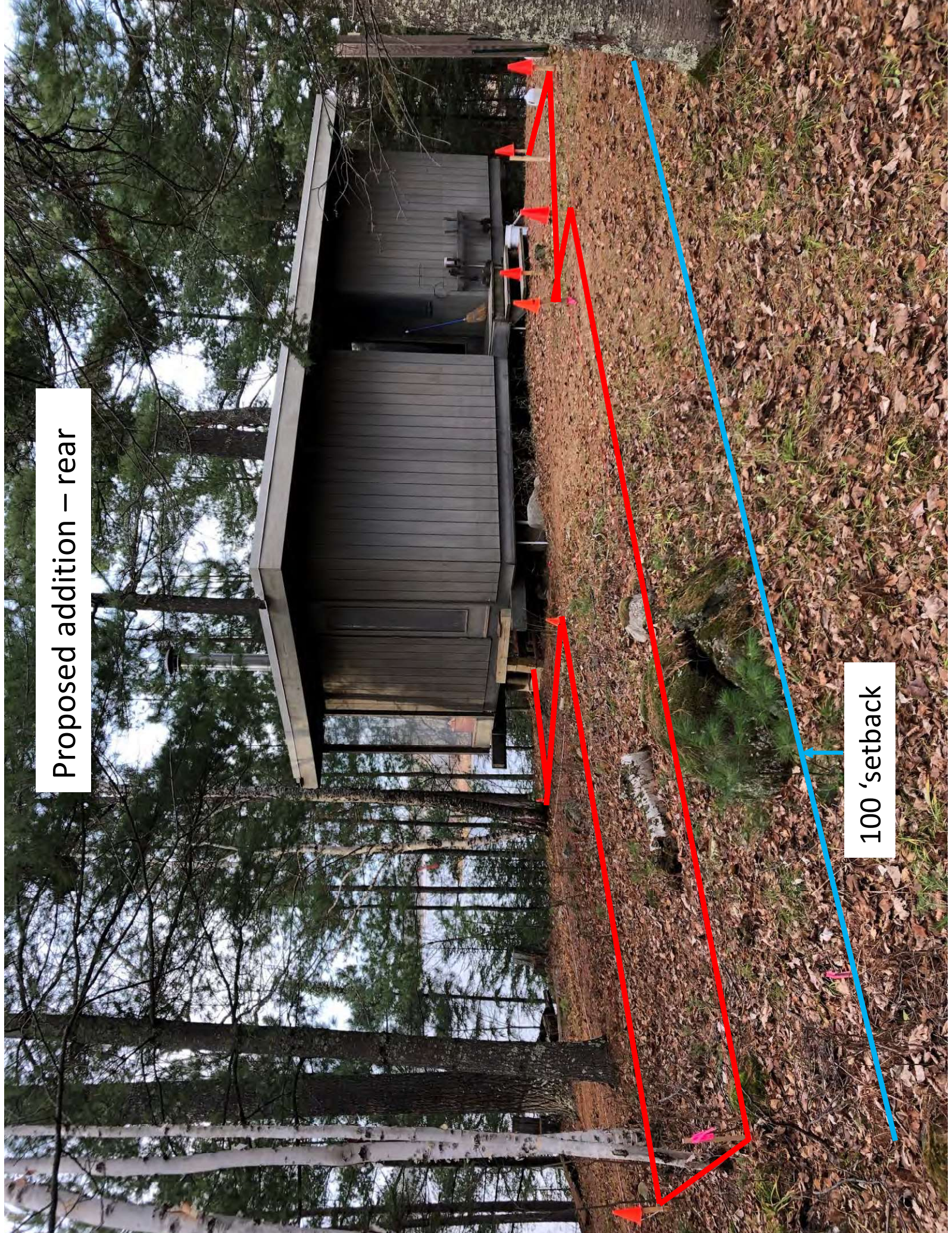


Proposed addition – rear



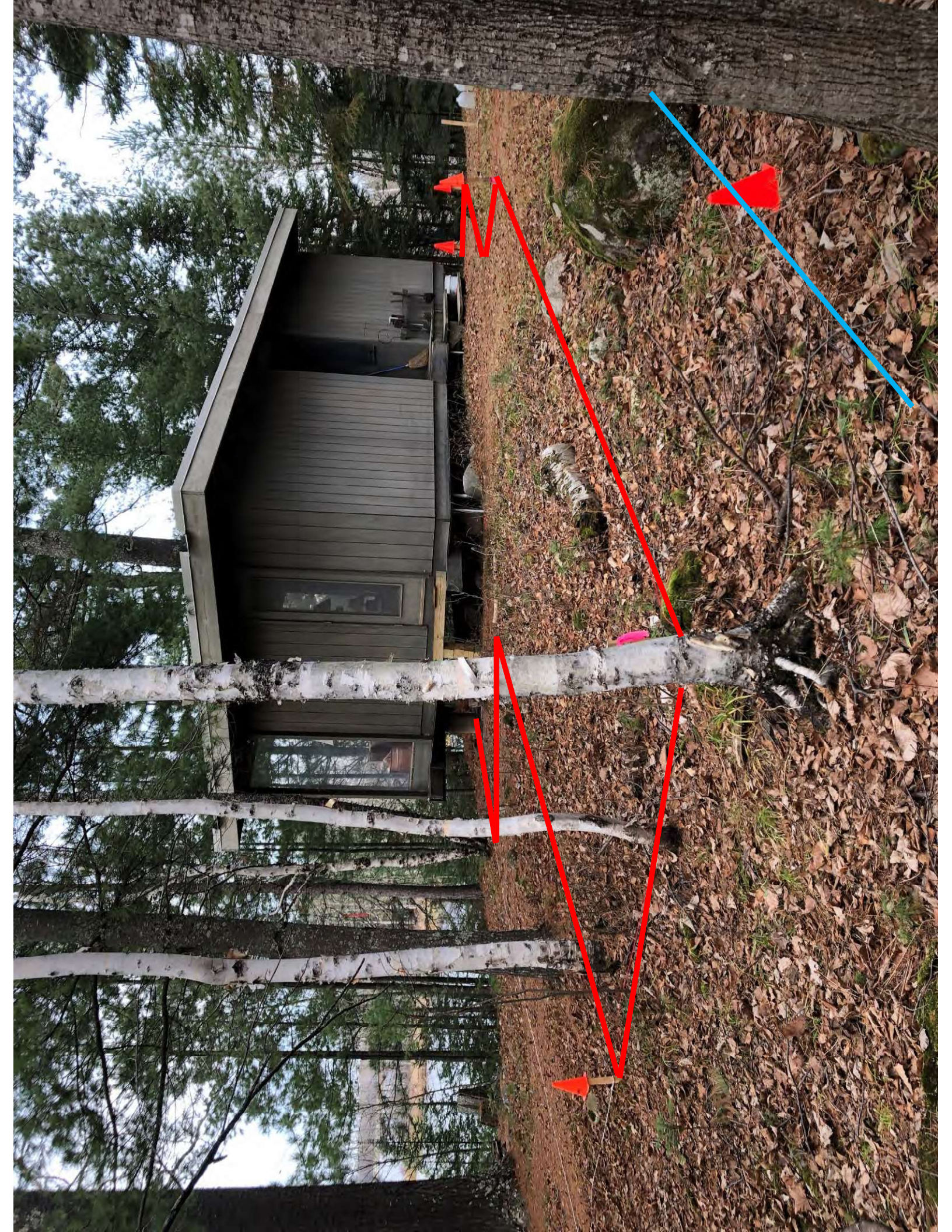
Proposed addition – rear

100 'setback



Proposed addition – south side





100 'setback



