



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6228

REPORT DATE: 9-18-20

MEETING DATE: 10-8-20

APPLICANT INFORMATION

APPLICANT NAME: Richard Evenstad

APPLICANT ADDRESS: 25 Astor Road, Babbitt MN 55706

OWNER NAME:
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: N/A

LEGAL DESCRIPTION: NW1/4 of SE1/4 Ex part S of Resort Access RD & Ex Part NLY & WLY of Hwy 21, S14, T61N, R13 W (Unorganized)

PARCEL IDENTIFICATION NUMBER (PIN): 625-0010-01890

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.2, to exceed the maximum lot coverage of two percent.

PROPOSAL DETAILS: The applicant is requesting to construct a 1,440 square foot accessory structure on a 1.2 acre nonconforming lot of record. The property is zoned FAM-1 which allows up to two percent maximum lot coverage (1,045 square feet). The request will also include the construction of a driveway and parking area for a total lot coverage of 8,900 square feet or 17 percent. The applicant is not proposing any further development on the property.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: CSAH 21

ROAD FUNCTIONAL CLASS: Arterial

LAKE NAME: N/A

LAKE CLASSIFICATION: N/A

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The parcel is currently undeveloped.

ZONE DISTRICT: FAM 1

PARCEL ACREAGE: 1.2 ACRES

LOT WIDTH: Approximately 300 feet at building line

FEET OF ROAD FRONTAGE: Approx. 480 feet.

FEET OF SHORELINE FRONTAGE: N/A

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The property is currently wooded.

TOPOGRAPHY: The property has an elevation change of six feet from the road to back of property.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: This is a non-conforming lot of record that was created by CSAH 21.

FACTS AND FINDINGS

A. Official Controls:

1. Zoning Ordinance 62 states that the maximum allowed lot coverage in a FAM-1 zone district is two percent.
 - a. The applicant is requesting lot coverage of approximately 17 percent, which includes the driveway, parking area and the proposed garage.
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. Through the Land Use Goals, Objectives and Implementation sections, the Land Use Plan is meant to provide ways of improving the variance process and encourages adherence to existing criteria to ultimately reduce the volume of variance applications received by the county.

B. Practical Difficulty:

1. The current lot size and road classification limits the development potential to meet lot coverage. In addition, the parcel is surrounded by public land limiting the potential of adding property.
2. Moving the structure closer to the road to meet minimum setbacks would decrease the lot coverage being requested.

C. Essential Character of the Locality:

1. The existing neighborhood consist of large tracks of undeveloped public land. The parcel is located within a half mile of Bear Island Lake that has established lakeshore development.

D. Other Factor(s):

1. Based on the size of the lot and the inability to add additional property, the applicant has met the burden of demonstrating a practical difficulty.
2. The property was part of 40 acre parcel prior to being split by CSAH 21. The remainder of the 40 is zoned SMU-7 allowing up to 25 percent lot coverage. Due to the small lot size of the subject parcel, allowing up to 25 percent lot coverage would be consistent with property of similar size that is zoned SMU-7.

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 maximum lot coverage to exceed two percent the following condition shall apply:

1. The lot coverage shall be minimized to the greatest extent possible.



Land Use Permit

APPLICATION St. Louis County, Minnesota

Permit #

Permit #

About: This application is used to apply for a Land Use Permit. Applicants will need to attach the appropriate worksheet(s) in order to process. For more information, see our website at: www.stlouiscountymn.gov/land-use

PROPERTY IDENTIFICATION NUMBER (PIN) PIN is found on your Property Tax Statement

*Primary PIN	625-0000-01890	Associated PIN	
Associated PIN		Associated PIN	

E.g. 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://gis.stlouiscountymn.gov/landexplorer/> Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe/>

APPLICANT

*Applicant Name	Richard Evenstad	I am a... <input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Homeowner <input type="checkbox"/> Other	*Daytime #	218-750-7325	Date	Aug 29-2020
*Applicant Address <small>Where to send permit.</small>	25 Astor Rd.		*City	Babbitt	*State	MN
					*ZIP	55706
Applicant Email	datsneverm@gmail.com					
Contact Person <small>If applicable.</small>	Same	Contact Person #	Same			
Mailing Address <small>If different than above.</small>		City		State		ZIP
Email Address <small>Where to email permit. Providing an email address will expedite the time in which a permit is received by an applicant.</small>						

SITE INFORMATION

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	*Is there a site address for this property? (If no, the application will be forwarded to 911/Communications to assign one.)
If yes above, please list site address:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	*Is this leased property? If yes, leased from: <input type="checkbox"/> MN Power <input type="checkbox"/> MN DNR <input type="checkbox"/> US Forest Service <input type="checkbox"/> St. Louis County <input type="checkbox"/> Other
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	*Do you have written authorization from the leased property owner? If yes, you must attach written authorization form.
*How is the property accessed? <input checked="" type="checkbox"/> Public Road <input type="checkbox"/> Private Road <input type="checkbox"/> Easement <input type="checkbox"/> Water <input type="checkbox"/> Other	

PROJECT INFORMATION

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	*Is this project on a parcel less than 2.5 acres?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	*Is this project within 300 feet of a stream/river or 1,000 feet of a lake?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	*Is this project adding a bedroom? Include home, garage, & accessory dwelling.	
#	0	*Total # of bedrooms on property after project completion. Include home, garage, & accessory dwelling.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	*Does this project include plumbing or pressurized water in proposed structure? If yes, please explain:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	*Is the property connected to a municipal or sanitary district system?	

If you answered "Yes" to any of the project information questions above, 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.

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.

*Indicates required field. Incomplete applications will be returned.





Land Use Permit

WORKSHEET St. Louis County, Minnesota

About: Land Use Permits are required for most building construction activities. They are also required for a variety of other uses. For more information, check out our website at: www.stlouiscountymn.gov/land-use

WHAT ARE YOU APPLYING FOR Check all that apply to the project. PLEASE MAKE CHECKS TO: ST. LOUIS COUNTY AUDITOR

#1 New Buildings Less than/equal to 1,200 square feet-\$160 Greater than 1,200 square feet-\$315

☒ Dwelling-Home, Mobile Home, Hunting Shack, or Cabin. (Includes attached deck, if applicable.)

☐ Replacement of Existing Dwelling-Home, Mobile Home, Hunting Shack, or Cabin.
Will the old dwelling be removed from the property? ☐ Yes ☐ No

If yes, an affidavit must be filled out stating when the old dwelling will be removed.

If this dwelling is a mobile home, there is a special mobile home affidavit to be filled out.

☐ Accessory Dwelling-Guest cottage or bunkhouse. Must follow administrative standards.

☒ Accessory Structure- Garage, Pole Building, shed, sauna, screenhouse or gazebo that either meets lake or river setback or not located in a shoreland area.

☐ Water-oriented Accessory Structure-Boathouse, Sauna, Screenhouse/gazebo on a lake or river located at reduced shoreline setback. Must follow administrative standards.

☐ Commercial Structure
☐ Other Principal Structure

#2 Other Construction/Change in Use-\$80

☐ Addition(s) to Dwelling
Is the dwelling location on a lake or river? ☐ Yes ☒ No
If Yes above, does the structure meet the required shoreline setback? ☐ Yes ☐ No If No, structure does not meet the shoreline setback, a performance standard permit or variance may be required. See box #4 or #7.

☐ Addition(s) to Accessory Structure
☐ New Deck Only or Deck Replacement
☐ Combination Addition(s) & Deck on the same structure
☐ Moving a Structure
☐ Sign
☐ Structure Alteration or Component Replacement
☐ Change in Use (i.e. converting an old cabin to storage)

What will the new use of the structure be?
Explain the current and proposed use.
Current: Proposed:

Other-\$55

☐ Permit extension beyond 2 years

#3 Subdivisions/Parcel Reviews Additional Worksheets Required

☐ Plat-Minor Subdivision-\$630
☐ Conventional Plat-Less than or equal to 3 lots-\$630
☐ Conventional Plat-Greater than 3 Lots-\$1,260
☐ Conservation Plat-\$1,260
☐ Lot Line Adjustment-\$80
☐ Parcel Review-\$80
☐ Performance Standard Subdivision-\$370

#4 Performance Standard-\$370 Additional Worksheets Required

☐ Borrow/Gravel Pit
☐ Home Business
☐ Land Alteration
☐ Nonconforming Structure Replacement
☐ Addition to a structure that does not meet shoreline setback
☐ Other

#5 Site Evaluation Site Visit/Evaluation-\$160

#6 Wetland Reviews Additional Worksheets Required

☐ No Loss/Exemption/Replacement Plan-\$160
☐ Wetland Delineation Review-\$370
☐ Wetland Banking Plan Review-\$1,100

#7 Public Hearings Additional Worksheets Required

☐ Administrative Appeal-\$1,100
☐ Environmental Assessment-\$1,100
☐ Conditional Use Permit-\$630
☐ Conditional Use Permit Rehearing-\$200
☐ Interim Use Permit-\$630
☐ Interim Use Permit Rehearing-\$200
☐ General Purpose Borrow Pit-\$630
☐ Variance-\$630
☐ Variance Rehearing-\$200
☐ Multiple Hearing (Variance/conditional use)-\$950

TYPE OF PROPOSED STRUCTURES Check all that apply to the project.

<input checked="" type="checkbox"/> New Structure(s)	*Structure Type (Same as box #1 or 2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only)	*Maximum Width (Exterior Footprint Only)	*Maximum Sq. ft (Exterior footprint only)	*Maximum Height (Ground Level to Roof Peak)
	Pole/Garage	Slab	40 Feet	36 Feet	1440 Sq. ft.	19-22 Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
<input type="checkbox"/> Structure Additions	*Structure Type (Same as box #2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only)	*Maximum Width (Exterior Footprint Only)	*Maximum Sq. ft (Exterior footprint only)	*Maximum Height (Ground Level to Roof Peak)
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet

*Indicates required field. Incomplete applications will be returned.

CONTACT: Planning and Community Development Department

Technical Assistance
Toll Free: 1-800-450-9777
Land Use Information
www.stlouiscountymn.gov/land-use

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

Office Use Only

Receipt # _____
Receipt Date _____
Payment Amount _____
Paid By _____

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

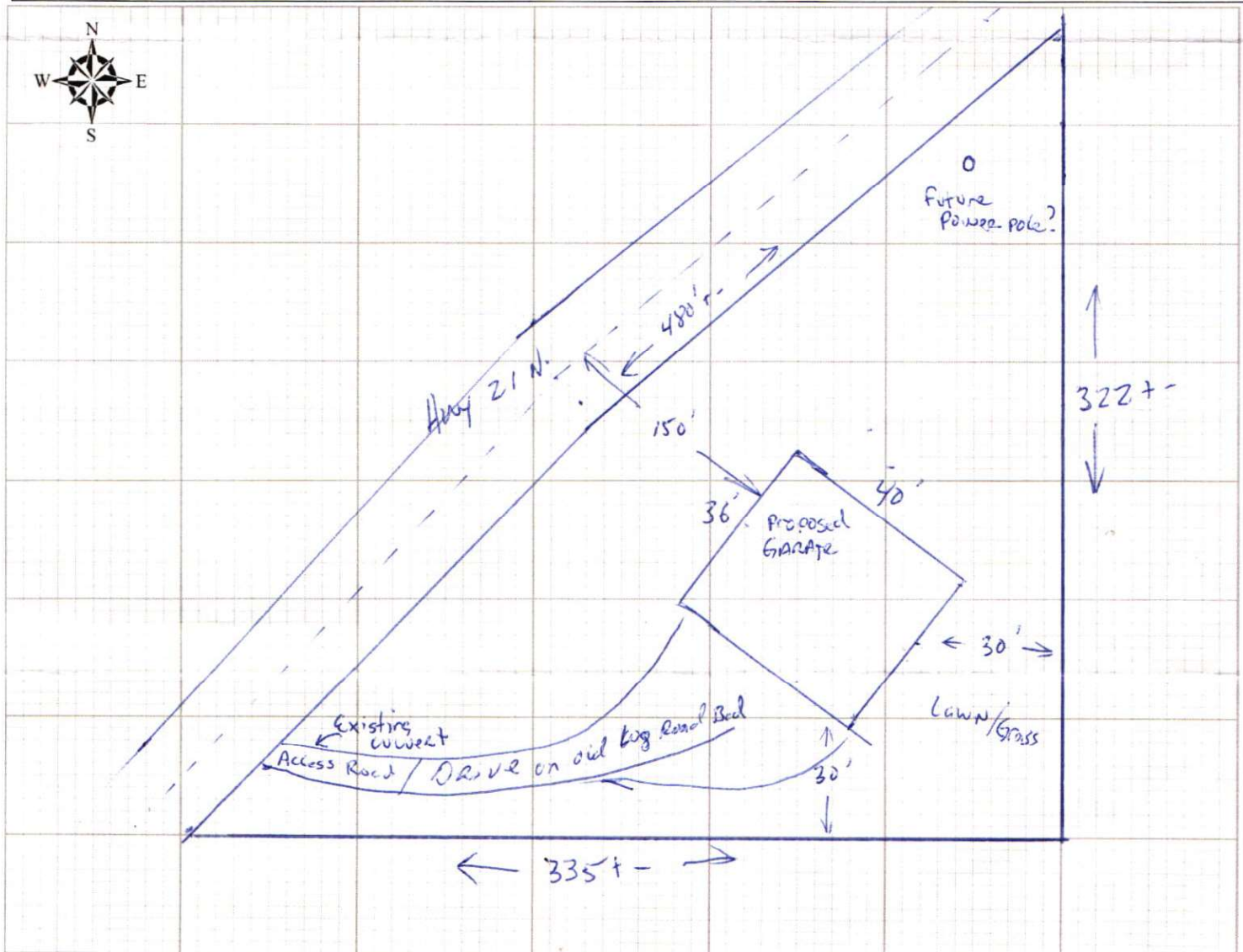
- ☐ *Distance of Proposed Structures to Shoreline (Closest Point)
- ☐ *Distance of Proposed Structures to Septic System and Tank
- ☒ *Distance of Proposed Structures to Property Lines
- ☒ *Distance of Proposed Structures to Road Centerline and Right-of Ways

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

*Applicant Name:

*Site Address:

*PIN:



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 _____



Variance

Worksheet St. Louis County, Minnesota

About 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, check out our website at: www.stlouiscountymn.gov/VarianceRequired

APPLICANT

Applicant Name (Last, First)

Evenstad, Richard

VARIANCE REQUEST *Complete this form along with the Land Use Permit Application*

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

Building Size, Sq. Ft. coverage.
Property is little less than 1 Acre

2. Describe the intended/planned use of the property.

Cold storage, shop. No water or septic. only power

3. Describe the current use of your property.

Raw land

4. Describe other alternatives, if any.

—

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

I feel it will fit fine. it won't be Noticable from Road, Cty. Zl. N.
and there is no other buildings around.

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

there will be no impact

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

Keep 60-70' of Trees, brush, between building + Hwy.
and its all good land to put a building on. Building will be more than
150' from Hwy center line and 40-50' from property lines.

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

I suppose it only benefits me, the owner, and whomever has it after im gone.

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

OFFICE USE ONLY

Principal Structures	Principal Structure Additions	Accessory Structures	Accessory Structures Additions	Other
<input type="checkbox"/> Shoreline Setback <input type="checkbox"/> Property Line Setback <input type="checkbox"/> Lot Width <input type="checkbox"/> Height Limit <input type="checkbox"/> 40% of Lot Width <input type="checkbox"/> 55% of Lot Width <input type="checkbox"/> Bluff <input type="checkbox"/> 2nd Principal Structure <input type="checkbox"/> % Lot Coverage <input type="checkbox"/> Road Centerline Setback <input type="checkbox"/> Road Right-of-Way Setback <input type="checkbox"/> Lot width and/or Area	<input type="checkbox"/> Shoreline Setback <input type="checkbox"/> Road Centerline Setback <input type="checkbox"/> Road Right-of-Way Setback <input type="checkbox"/> Property Line Setback <input type="checkbox"/> One Addition Allowed <input type="checkbox"/> Allowable Size Exceeded <input type="checkbox"/> 40% of Lot Width <input type="checkbox"/> 55% of Lot Width <input type="checkbox"/> Height Limit <input type="checkbox"/> Foundation from Lake <input type="checkbox"/> Lot width and/or Area	<input type="checkbox"/> Shoreline Setback <input type="checkbox"/> Road Centerline Setback <input type="checkbox"/> Road Right-of-Way Setback <input type="checkbox"/> Property Line Setback <input type="checkbox"/> Lot Width and/or Area <input type="checkbox"/> Height Limit <input type="checkbox"/> Allowable Size Exceeded <input type="checkbox"/> Bluff	<input type="checkbox"/> Shoreline Setback <input type="checkbox"/> Road Centerline Setback <input type="checkbox"/> Road Right-of-Way Setback <input type="checkbox"/> Property Line Setback <input type="checkbox"/> Allowable Size Exceeded <input type="checkbox"/> Height Limit <input type="checkbox"/> Lot width and/or Area	<input type="checkbox"/> Subdivision Plat <input type="checkbox"/> Exceeding Lot Coverage <input type="checkbox"/> Exceeding Maximum Buildable Area <input type="checkbox"/> Other Standard Not Listed (Explain below)

CONTACT: Planning and Community Development Department

Technical Assistance

Toll Free: 1-800-450-9777
Land Use Information
www.stlouiscountymn.gov/land-use

Duluth

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

Virginia

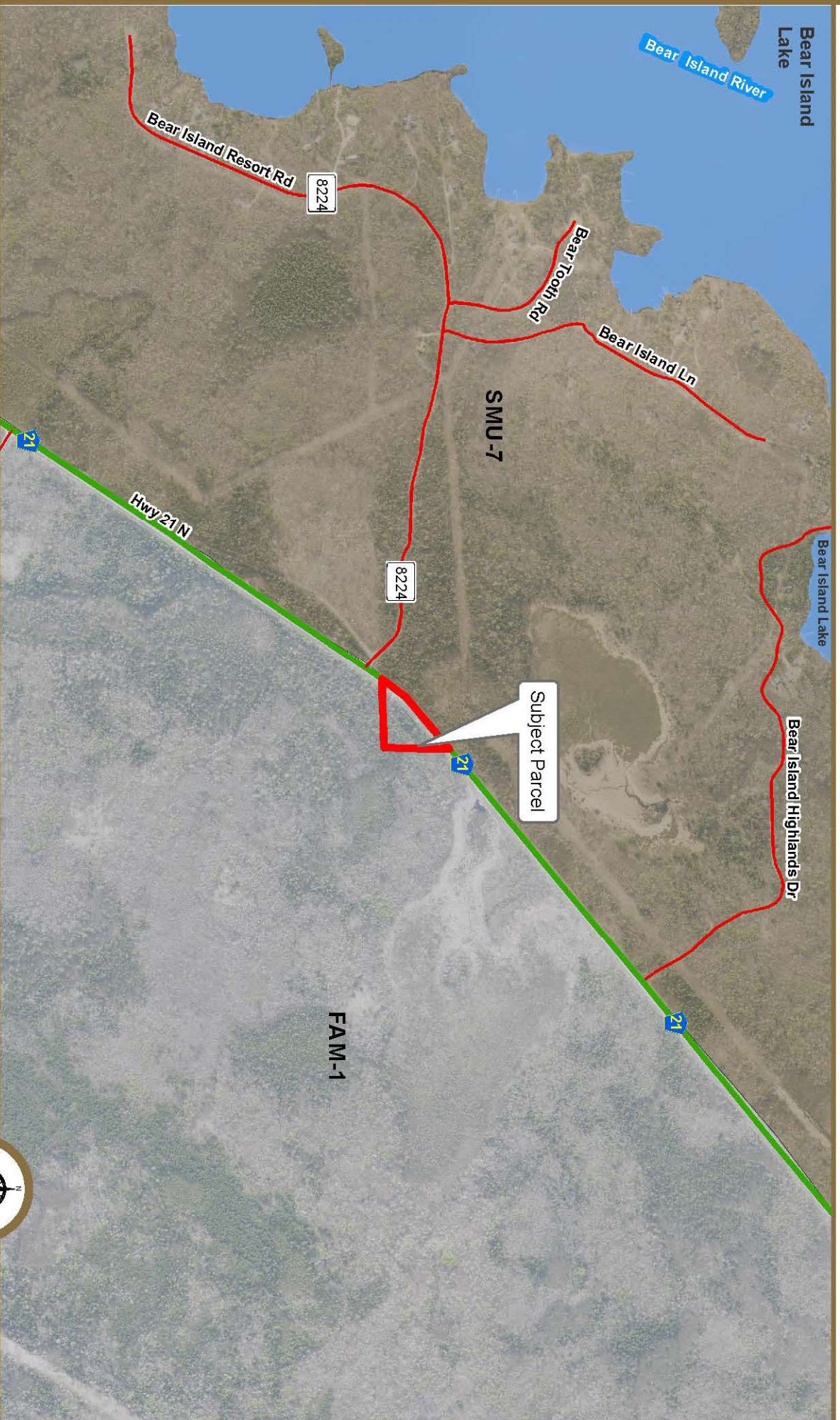
Government Services Center
201 South 3rd Avenue West
Virginia, MN 55792
(218) 749-7103

Office Use Only

Receipt # _____
Receipt Date _____
Payment Amount _____
Paid By _____

St. Louis County

October BOA Meeting



Prepared By: **Planning & Community Development**

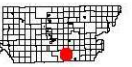
(218) 725-5000
www.stlouiscountymn.gov

Source: S. Louis County

Map Created: 9/14/2020

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Richard Evenstad

Zoning Map

PIN:625-0010-01890



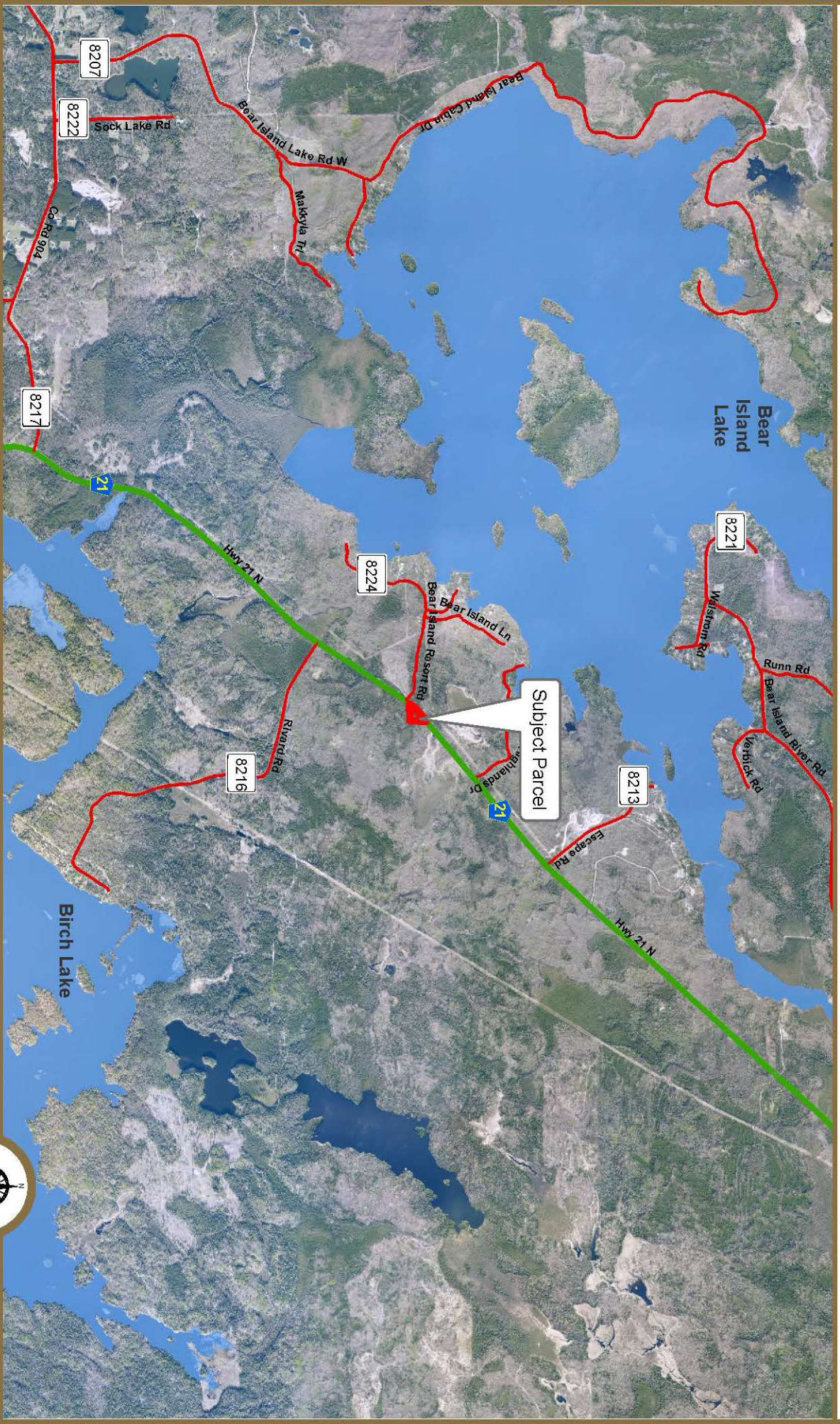
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Feet



St. Louis County MN

St. Louis County

October BOA Meeting



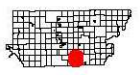
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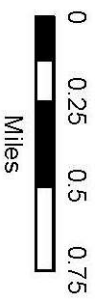
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Richard Evenstad

Location Map

PIN:625-0010-01890



St. Louis County MN

St. Louis County

Site Map



Prepared By: Planning & Community Development

Source: St. Louis County GIS

Map Created: 9/14/2020

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