



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6279

INSPECTION DATE: N/A

REPORT DATE: 8/23/2021

MEETING DATE: 9/9/2021

APPLICANT INFORMATION

APPLICANT NAME: Robert & Wendy Voss

APPLICANT ADDRESS: 8397 Tamarack Drive, Mt. Iron, MN 55768

OWNER NAME: N/A
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 2562 Birch Point Road, Tower, MN 55709

LEGAL DESCRIPTION: LOTS 78 THRU 82 OF BIRCH POINT 1ST ADDITION PLAT, S11, T62N, R16W (Greenwood)

PARCEL IDENTIFICATION NUMBER (PIN): 387-0075-00780

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article VI, Section 6.10, to allow an addition to a nonconforming boathouse that exceeds the maximum size boathouse allowed and relief from St. Louis County Floodplain Ordinance 43, Article VI, Section 2, I, to allow an accessory structure to exceed 500 square feet when located within floodplain.

PROPOSAL DETAILS: The applicant is proposing a 14 x 22 addition to an existing nonconforming boathouse/sauna structure. The existing structure is 484 square feet and 22 feet wide. The addition will increase the structure size to 793 square feet. The boathouse is currently located eight feet from the shoreline and 19 feet from the property line. The boathouse is considered nonconforming due to it not meeting current boathouse requirements of 20 feet in width facing the lake, shoreline setback of less than 10 feet, and part of the structure is being utilized as a sauna.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Birch Point Rd. **ROAD FUNCTIONAL CLASS:** Local

LAKE NAME: Lake Vermilion

LAKE CLASSIFICATION: GD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The existing development includes a dwelling, boathouse/sauna, storage shed, and septic.

ZONE DISTRICT: RES 9

PARCEL ACREAGE: APPROX. 2.04 ACRES

LOT WIDTH: APPROX. 200 FEET

FEET OF ROAD FRONTAGE: APPROX. 280 FEET

FEET OF SHORELINE FRONTAGE: APPROX. 550 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The parcel has good screening from the road and adjacent properties. Screening from lake is limited.

TOPOGRAPHY: The existing building site is fairly flat. South of the existing building sites, there is steep slope that may qualify as bluff. Beyond the top of the slope, the parcel is flat.

FLOODPLAIN ISSUES: Lake Vermilion has a BFE of 1361.3 NGVD29. The boathouse is located within floodplain.

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: N/A

FACTS AND FINDINGS

A. Official Controls:

1. St. Louis County Zoning Ordinance 62, Article VI, Section 6.10 states specific standards for a boathouse.
 - a. A maximum allowed footprint of 520 square feet, a maximum width of 20 feet facing the lake, a minimum shoreline setback of 10 feet.
 - b. The applicant is proposing a total footprint of 793 square feet.
2. St. Louis County Floodplain Ordinance 43 states that accessory structures located within floodplain may be flood proofed if the structure is 500 square feet or less.
 - a. The applicant is proposing a structure footprint of 793 square feet at a current nonconforming shoreline setback.
3. 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.
4. 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.
5. 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. Any addition to the existing boathouse would require variance due to the existing boathouse being nonconforming.
2. There is suitable area for a second conforming WOAS to be placed on the parcel without variance.
3. There are potential alternatives that would not require variance.
 - a. Alternative: The applicant would be allowed a second water oriented accessory structure as the parcel has potential for two buildable sites due to lot of record standards.
 - b. Alternative: The existing boathouse could be reconstructed to conform to ordinance requirements. In addition to the size and setback standards being met, this would also require the sauna use to be removed. A new sauna may also be allowed as a second water-oriented accessory structure.

C. Essential Character of the Locality:

1. There have been no other similar variances in the area.

D. Other Factor(s):

1. 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 for an oversized addition to a nonconforming boathouse and for an accessory structure to exceed 500 square feet when located within floodplain as proposed, include but are not limited to:

The following condition(s) shall apply:

1. The structure shall be unobtrusive earth toned colors including siding trim and roof.
2. The stormwater runoff from the proposed structure shall not directly discharge into the lake or on adjacent lots.
3. No other water oriented accessory structures shall be allowed on the subject parcels. The two lots should be combined and no further boathouses shall be allowed.
4. All other Floodplain Ordinance 43 and FEMA 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

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 **387-0075-00780**

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: **Robert & Wendy Voss**
Address Line 1: **8397 Tamarack Drive**
Address Line 2: **--**
City: **Mt. Iron**
State: **MN**
Zip: **55768**
Primary Phone: **(218)410-3130**
Cell Phone: **--**
Fax: **--**
Email: **bob.voss@rrps.org**
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: **Robert & Wendy Voss**
Address: **8397 Tamarack Drive**

City: **Mt. Iron**
State/Province: **MN**
Zip: **55768**
Primary Phone: **--**
Cell Phone: **--**
Fax: **--**
Email: **bob.voss@rrps.org**

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: **2562 Birch Pt Road Tower**

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

Private Road

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 22 ft by 22 ft boathouse /sauna. This is a total of 484 sq. ft. This was built in 1963. Because of high west and northwest winds at the end of Birch Point, I have lost my pontoon to storms two years in a

row. The last being a total loss. My neighbors have also lost their pontoon twice in the last 6 years. The boathouse is un-usable now because of its stall size and distance from the water. Also the south wall is pulling away from the structure because the foundation has settled. I need to add on to the south side of the structure, away from the lake, an addition of 14ft in length by 22ft wide to accommodate my pontoon the new rail system that will need to be installed and the utilities that are currently housed in the boathouse bay. This includes; electrical, a water heater, pump and all plumbing. This is an additional 308 sq. ft.

Describe the intended/planned use of the property.

The project would only increase the back side of the boathouse. The addition would not be visible from the lake. I intend to move my pontoon boat inside for protection from damage and to free up shoreline visibility on the point. I also have to re-locate all my utilities that are currently in the small boathouse stall.

Describe the current use of your property.

The boathouse side of the structure is currently used for storage. My 14 ft boat is parked in my driveway on a trailer because I can't get it into the boathouse.. The other side is a sauna I dressing room.

Describe other alternatives, if any.

I have no alternatives . I have to have inside boat storage. The west and northwest winds at the end of the point prohibit me from keeping the boat outside.

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

I would be adding the addition to the south side of the structure away from the lake. The yard behind the boathouse I sauna is already cleared yard so no trees would need to be removed. The addition would not be visible from the lake. The addition would not be visible from the west because of trees or from the south because of trees and a large hill. Also, it would not be visible from the east because of the location of the cabin. It would only be visible from my kitchen window. Nobody will be able to view this addition from the lake. I have matching siding and roofing material and the color will be the same as it currently is now. Earth tone brown.

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

The addition will not impact the neighboring property at all. It will not be visible from either of my neighbors' yards, because of the trees and it will not will it be visible from the lake so the general public using the lake will not be impacted either.

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

There will be no impact to the local environment and the landscape will not change. The addition is away from the lakeshore and not visible from the lake. I will not have to remove any trees to complete this project.

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

The benefit this addition will have to the property is that the boat will be able to be stored inside out of the weather and out of sight. I would not have to build an additional structure on my property for my pontoon boat. An additional structure would require me to remove trees and build a road to the structure right at the end of the point. I do not want to disrupt the natural shoreline on the end of Birch Point.

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

Please grant this variance. The addition will not impact the neighborhood or the public who travel on this very busy part of Lake Vermilion. It will not be seen from the lake and will have no impact on the surrounding natural environment. This would allow me to properly and safely store my pontoon out of sight and out the weather. I can no longer store the pontoon outside due to the strong winds that occur on the north side of Birch Point. This solution preserves the natural beauty of the lake and does not impact others.

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)

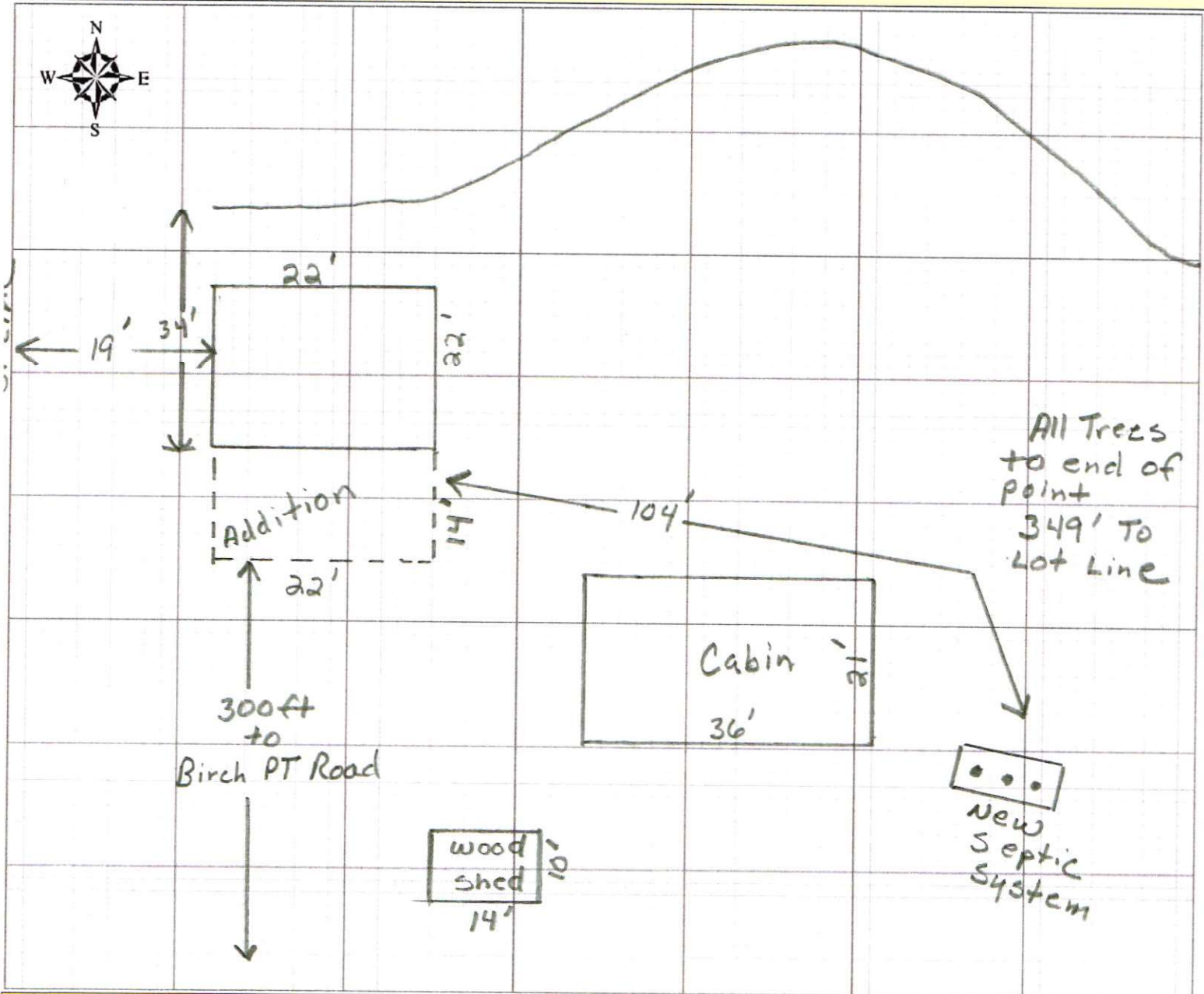
Draw and Label on Sketch (In feet)

- ☒ *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: Robert & Wendy Voss
 *Site Address: 2562 Birch PT Rd Tower MN
 *PIN: 387-0075-60780



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

September BOA Meeting



Prepared By: **Planning & Community Development**
(218) 728-5000
www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 8/10/2021

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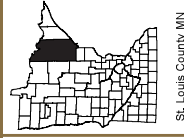
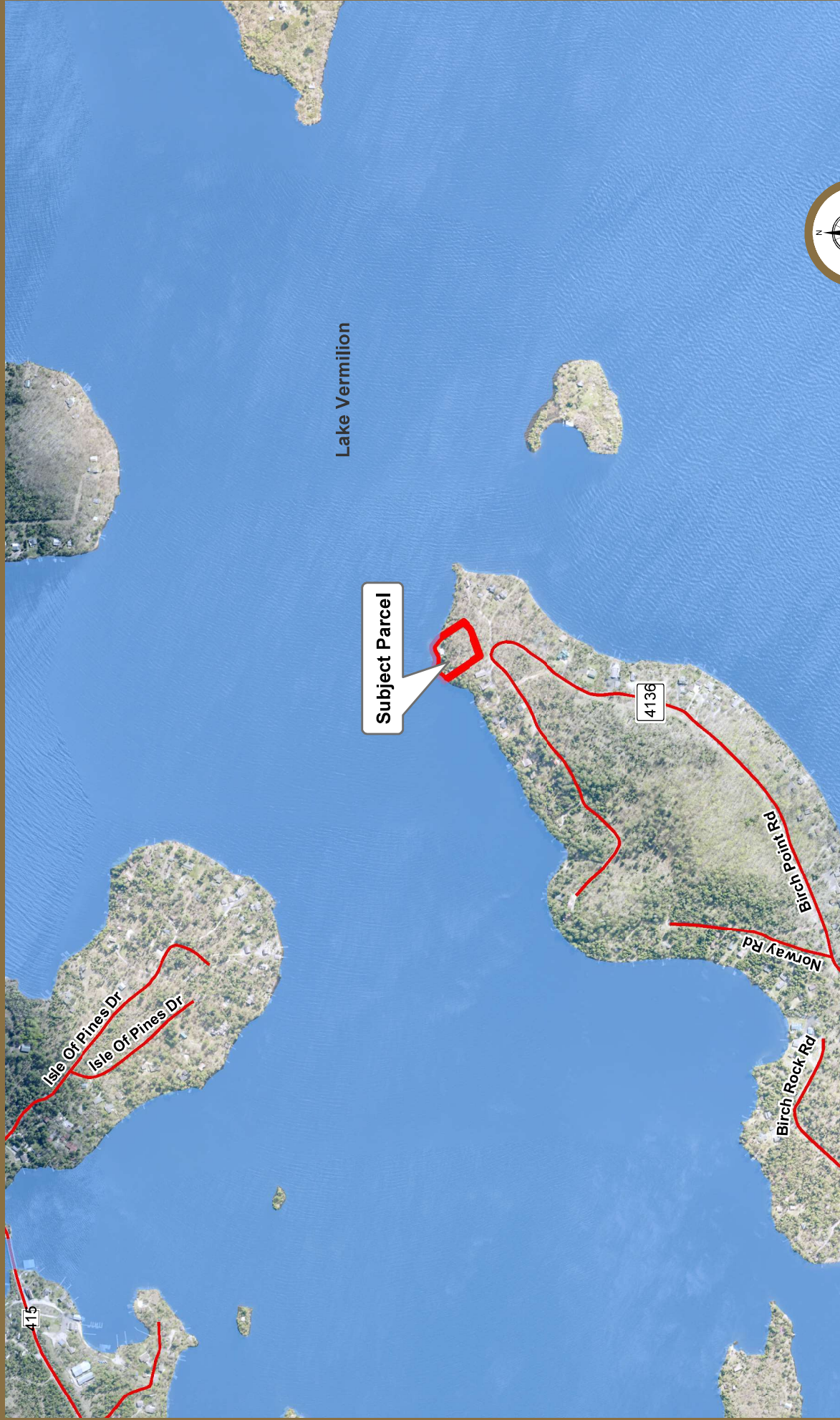
Robert & Wendy Voss
Location Map
PIN:387-0075-00780

0 0.5 1 Miles



St. Louis County

September BOA Meeting



Robert & Wendy Voss
Location Map
PIN:387-0075-00780



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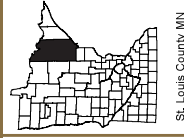
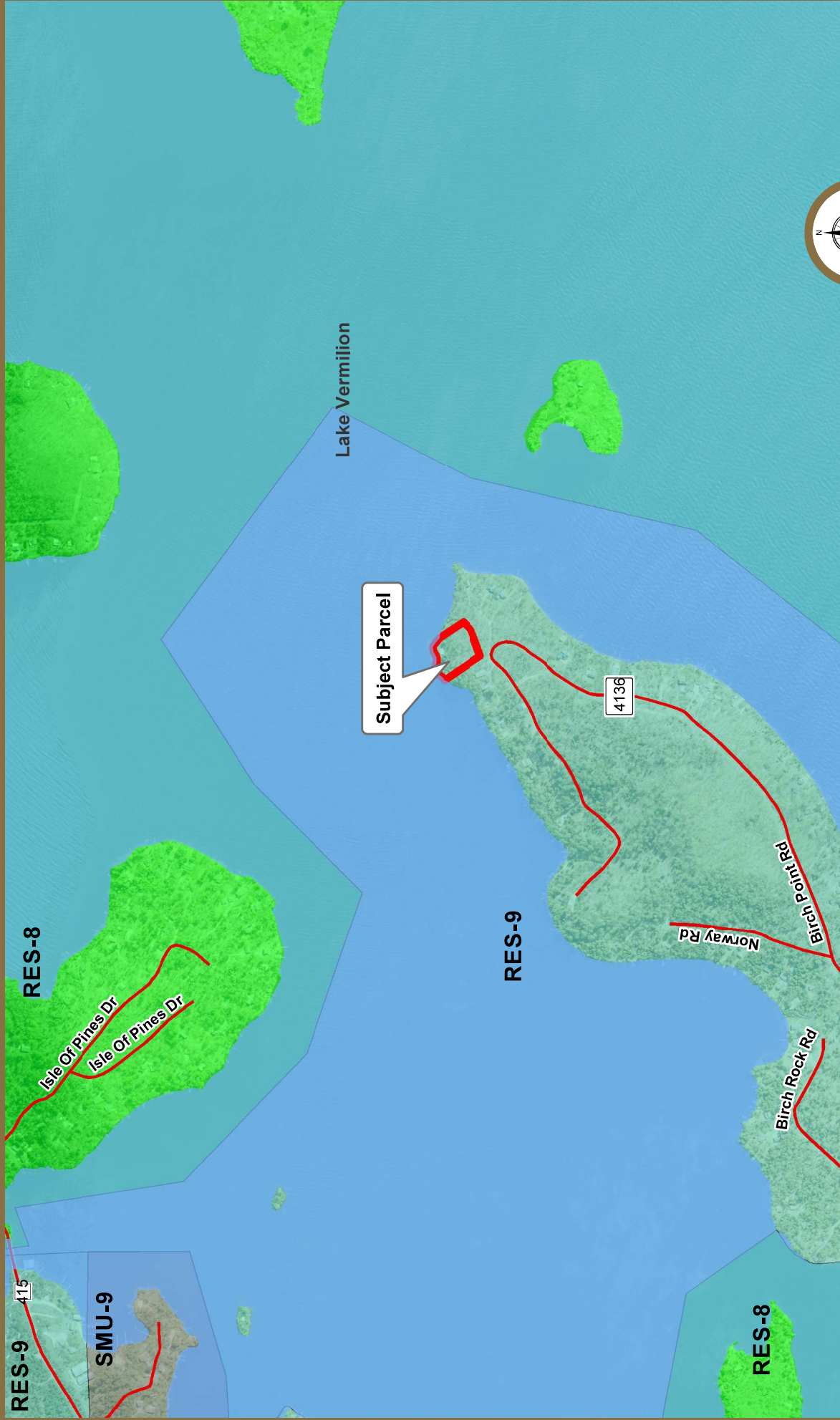
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St. Louis County

September BOA Meeting



Robert & Wendy Voss
Zoning Map
PIN:387-0075-00780



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Source: St. Louis County
Map Created: 8/10/2021

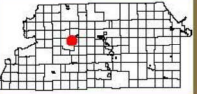
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St. Louis County

September BOA Meeting



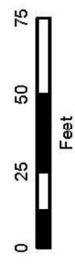
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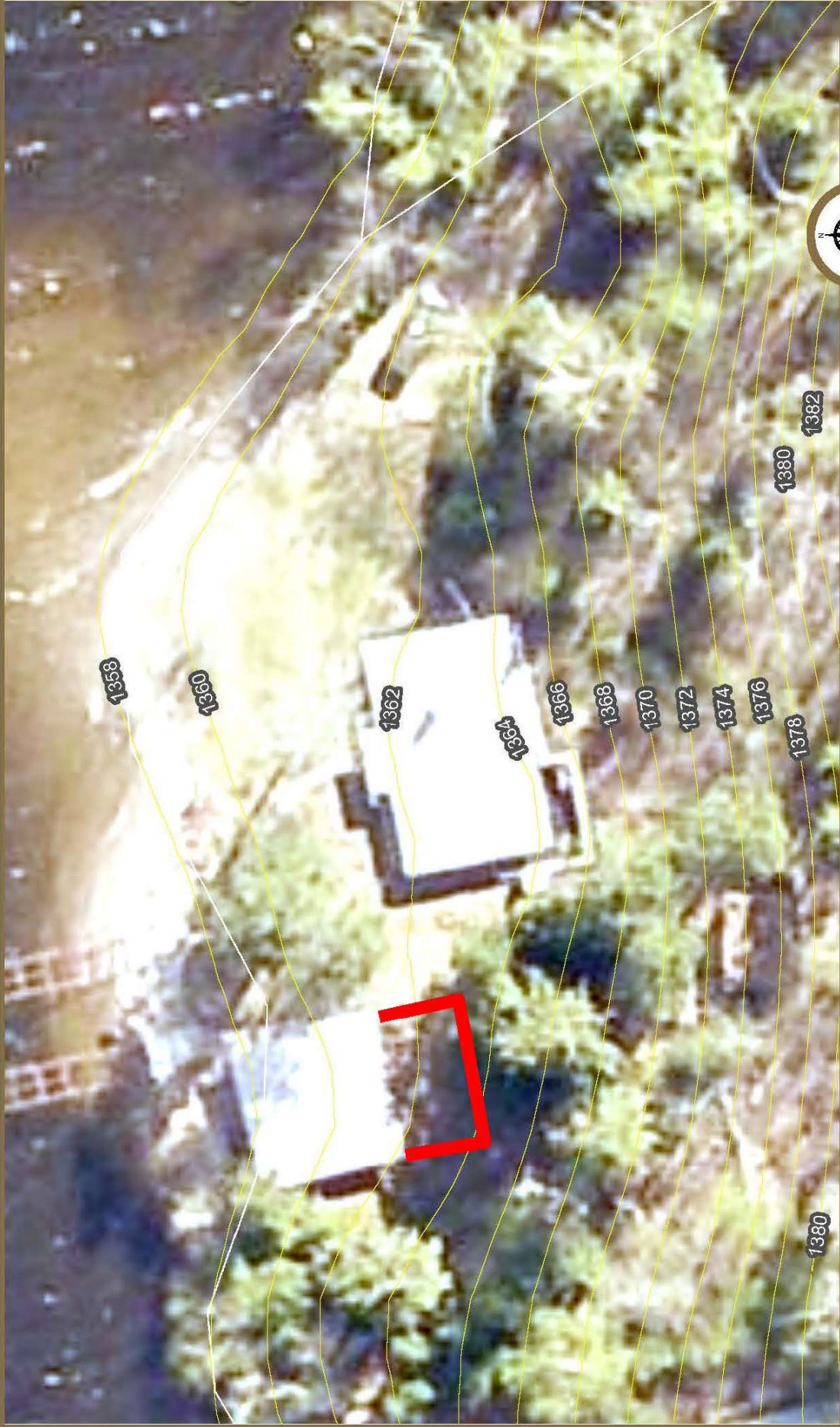
Robert & Wendy Voss
Site/Elevation Map
PIN: 387-0075-00780





St. Louis County

September BOA Meeting



Prepared By: **Planning & Community Development**
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Robert & Wendy Voss
Proposal
PIN: 387-0075-00780

0 10 20 30
Feet







Existing Boathouse



Shoreline



Existing Dwelling

