

**MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY BOARD OF ADJUSTMENT HELD VIRTUALLY VIA WEBEX AND IN-PERSON AT THE ST. LOUIS COUNTY GOVERNMENT SERVICES CENTER, LIZ PREBICH ROOM, VIRGINIA, MN ON THURSDAY, SEPTEMBER 14, 2023.**

11:00 AM – 1:20 PM

Board of Adjustment members in attendance: Tom Coombe  
Steve Filipovich  
Pat McKenzie  
Dave Pollock  
Ray Svatos  
Diana Werschay, Chair  
Andrea Zupancich

Board of Adjustment members absent: Dan Manick

**Decision/Minutes for the following public hearing matters are attached:**

**NEW BUSINESS:**

- A. Jack La Mar, S34, T60N, R15W (Embarrass)
- B. Len and Luan Gentilini, S9, T57N, R17W (Fayal)
- C. Troy Persaud, S20, T51N, R16W (Grand Lake)
- D. Roger Miller, S27, T53N, R15W (Unorganized)
- E. Donna Ohman, S8, T69N, R21W (Kabetogama)

**OTHER BUSINESS:**

**Motion by Svatos/McKenzie** to approve the minutes of the August 10, 2023 meeting.

**In Favor:** Coombe, Filipovich, McKenzie, Pollock, Svatos, Werschay - 6

**Opposed:** None - 0

**Abstained:** Zupancich - 1

**Motion carried 6-0-1**

**Motion by McKenzie/Svatos** to approve the minutes of the August 17, 2023 meeting.

**In Favor:** Coombe, Filipovich, McKenzie, Pollock, Svatos, Werschay - 6

**Opposed:** None - 0

**Abstained:** Zupancich - 1

**Motion carried 6-0-1**

**NEW BUSINESS:**

**Jack La Mar**

The first hearing item is for Jack La Mar, property located in S34, T60N, R15W (Embarrass). The applicant is requesting after-the-fact relief from St. Louis County Zoning Ordinance 62, Article VI, Section 6.2 B, to allow a second detached principal structure not properly placed on a parcel

so the property can be divided at a later date into conforming lots without variance. *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing an after-the-fact variance for the construction of a second principal structure that was originally permitted as an accessory structure.
- B. The applicant was issued a land use permit for an accessory structure that was converted into a principal structure without a permit. The structure exceeds the accessory dwelling size.
- C. The parcel is zoned Forest Agriculture Management (FAM)–3 which requires that all principal dwellings have a property line setback of 50 feet.
- D. To conform with the ordinance requirements, the applicant's two principal dwellings would need to be 100 feet apart so that the property can be divided at a later date into conforming lots, without variance.
- E. The parcel currently contains two dwellings, a barn, and various other outbuildings. The parcel is used for farming and has areas that are forested, unforested, and contain wetlands. Records indicate that the parcel has a well and its own private septic system.

*Mark Lindhorst* reviewed staff facts and findings as follows:

A. Official Controls:

- 1. St. Louis County Zoning Ordinance 62, Article VI, Section 6.2 B., states that there shall be sufficient lot area per structure to equal the dimensional standards required and the structures be placed so that the property can be divided at a later date into conforming lots without variance.
  - a. The property is zoned Forest Agriculture Management (FAM)–3 which requires nine acres in size and 300 feet in lot width.
    - i. The property has sufficient area and width for two dwellings.
  - b. FAM–3 requires a principal structure property line setback of 50 feet.
    - i. The current dwellings are 70 feet apart where 100 feet would be required to meet principal structure setbacks if this property were to be divided.
- 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. The subject property conforms to the minimum zoning requirements for lot size.
- 3. The request is self-created. The applicant applied for and received a permit for an accessory structure with no added bedrooms per land use permit number LU-002679.
- 4. Zoning Ordinance 62, Article VIII, Section 8.6 B(4)b.ii states:

- a. “The plight of the landowner is due to circumstances unique to the property not created by the landowner.” Changing use of the structure without permit and not meeting ordinance requirements is self-created.
    - b. “Economic considerations alone shall not constitute practical difficulties if a reasonable use for the property exists under the terms of this ordinance.” The structure was permitted as an accessory structure giving the applicant reasonable use.
  5. Zoning Ordinance 62, Article VIII, Section 8.6 B(4)b.vi states:
    - a. When an applicant seeks a variance for additions or alterations to a lot or structure that have already commenced, it shall be presumed that the changes to the lot or structure were intentional and the plight of the landowner was self-created, as per MN Statutes, Section 394.27, Subdivision 7, and all acts amendatory thereof.
- C. Essential Character of the Locality:
1. The property is located in a rural area consisting of large tracks of land with limited residential development.
  2. No similar request has been made in the area.
- D. Other Factors:
1. Zoning 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.
  2. A record review of the septic system was completed by the On-Site Wastewater division, and it did not pass. The septic system will need to be upgraded to handle two principal dwellings.
- E. Was the construction completed prior to applying for the variance? If not, what extent of the construction has been completed?
1. Construction was completed prior to applying for variance.
  2. The applicant was notified when it was determined the property was operating a short term rental without a permit.
  3. The applicant was made aware of and discussed the alternatives that do not require a variance with staff and elected to pursue a variance instead of bringing the property into compliance.
- F. How would the county benefit by enforcement of the ordinance if compliance were required?
1. The county would benefit by enforcement of the ordinance because it would promote the regulation in accordance with the St. Louis County Comprehensive Land Use Plan and Zoning Ordinance 62.
  2. Approval of an after-the-fact variance for a second principal structure is not in keeping with the intent of the St. Louis County Zoning Ordinance or St. Louis County Comprehensive Land Use Plan.

*Mark Lindhorst* noted no items of correspondence.

## RECOMMENDED CONDITIONS

Conditions that may mitigate the after-the-fact variance to allow a second detached principal structure as proposed include, but are not limited to:

1. St. Louis County On-Site Wastewater SSTS standards shall be followed.
2. Short term rental activities are not allowed until a permit is authorized.
3. All local, state and federal requirements shall be met.

*Jack La Mar*, 7273 Palo Tia Road, Embarrass, the applicant, stated this variance request is due in part to his failure to understand the nuances of Ordinance 62. He is a compliant, law-abiding person. He is the Chair of the Embarrass Town Board of Supervisors. In 2020, he started this process with a land use permit. His intentions were to build a 32 foot by 40 foot garage on his hobby farm. He and his wife had been parking outside in the winter since they moved to the property in 2013. They selected the site due to the unique character of their property, including the circular driveway that goes past the house and the barn. There was a natural break in the mature white pines that are over 30 years old. They chose the location because the site was both close to the house and they could mitigate the need to cut down any more trees. The building area was also a natural wind break which has significantly cut back drifting onto the driveway. The only place where they did not have clear access to the driveway was where they do weather observations for the National Weather Service. His understanding of the land use permit was to understand how to use the land he owns. He answered questions about where the garage was going, including how far from the house and the septic, etc. He chose an accessory structure as the structure type because it was the most appropriate. As he got closer to the time to build, they wanted part of the garage to be space for his elderly in-laws with mobility issues. Their existing house is a two bedroom, one story and a half house. The bedrooms and the only shower are located upstairs, and it is impossible for his father-in-law to safely navigate. The garage seemed like the perfect opportunity to have a comfortable, ground-level place for his in-laws to stay. As he read the description of an accessory structure, there was a note that said an accessory structure could accommodate this type of use as long as it was under 700 square feet. He understood that to mean the living space would be under 700 square feet. He understood that St. Louis County does not require an actual building permit. Even though his plight is self-created, he never intended to not follow Ordinance 62.

With the studio empty, they decided to start renting it out for farm stays and found the experience fulfilling. They met people who were interested in organic and sustainable growing techniques. They met people who were interested in the benefits of rural living and the beautiful, natural surroundings. They met people who were interested in the historic culture of the early Finnish settlers. They met people who were interested in weather and that the farm was a weather observer with the National Weather Service. He and his wife agreed that this was a great way to become ambassadors to the community and agro-tourism. He and his wife agreed that this was a great way to diversify their community's economy as their guests would ask recommendations for where to eat, where to shop, and which events they should attend. They reached out to the County about obtaining a short term rental permit. This was at the time when St. Louis County was stepping up its encouragement for compliance with licensing guidelines.

Gary Collyard, Minnesota Department of Health, inspected their property on May 26, 2022. With a few minor adjustments, he indicated that he would be signing off on the studio as a short term

rental. There were no reservations about the studio including the septic system. They reached out to the County and were told they would qualify and they would need a change in use permit to reclassify the garage as a dwelling. They submitted the change of use permit which was denied because the dwelling and the garage were only 70 feet apart where a distance of 100 feet is required. It was then they realized that Ordinance 62 was a broad, complex piece of legislation literature that they should have understood at the beginning of the process. They ceased hosting as a rental. They also spoke with those better versed with these proceedings.

Moving the house or moving the garage is not a viable option. Moving either structure would impact their trees which provide shade and wind breaks from the farm. In practical terms, it is unlikely that any future landowner of this property will ever be interested in subdividing the property between the house and the garage in order to sell the property. When they bought the farm in 2013, the septic was failing. They replaced the septic with a new system in 2015. The system was built large enough to have capacity in case they ever added onto the house at a later date. They built the septic according to the Minnesota Pollution Control Agency (MPCA) for a four-to-five-bedroom house. Their house has two bedrooms, and the studio has one bedroom. The garage was a cost-effective structure that would meet the needs they identified. He checked with the MPCA about the complaint with their septic. St. Louis County also has another complicated ordinance, SSTS Ordinance 61. According to Ordinance 61, their septic system is nonconforming. While it is not 100 percent, it will allow for a passing grade according to the wastewater fact sheet. He would be able to sell the property as the septic system is nonconforming.

If a variance is granted, he would need to work with Emily Anderson to bring the system into conformity. They are willing to work with whatever changes are necessary to make this happen. He started to pursue this process in July 2022. Emily Anderson and Sheri Sawatzky agreed on a plan that would achieve conformity. He never intended to circumvent Ordinance 62 and he is seeking a mutually agreeable path forward. They started out with a garage to suit their storage and parking needs and, from there, things changed along the way. They did not set out to become a short term rental host, but they have enjoyed the rental aspect. They intend to keep renting out going forward. If they have to update the septic, they will. If it works out, they can get a short term rental permit down the line.

No audience members spoke.

The *Board of Adjustment* discussed the following:

- A. Board member *Werschay* asked if the landowner had operated any type of general store on this property as indicated in the application. *Mark Lindhorst* stated there are no conditional use permits on this property. There are some things that could be done as a home business. *Jack La Mar* stated the farm is a hobby farm. He grows vegetables and homemade goods sold at the store. He and his wife have jobs outside of the farm. The Mesabi Trail bike path is right there and he allows bikers to come up and procure these goods. Board member *Werschay* asked if the general store is always open. *Jack La Mar* stated they go by the honor system. If someone comes and they are not home, they can leave money in a box if they get a jam or jelly or eggs from their chickens. This has been a wonderful experience.

- B. Board member *Pollock* asked if the general store is a LLC or a business or a profit loss or pays taxes. *Jack La Mar* stated the farm itself is a S-Corp. He owned Early Frost Farms years ago and when that closed, they kept the corporation.
- C. Board member *Pollock* asked if the short term rental is a part of the S-Corp. *Jack La Mar* stated it is not. The rental is what they do to meet more people and host.
- D. Board member *Pollock* asked if the applicant added onto the garage. *Jack La Mar* stated they did not. There is a partition inside the garage, so the last 12 feet of the building is a self-contained studio space. The shell was put up in August 2020 and he started construction during the winter. They subcontracted some of the work. Board member *Pollock* asked if, at any time, one of the contractors had asked if there were permits to do this work. *Jack La Mar* stated no. They were not aware any permits were needed to change the structure. Board member *Pollock* stated it is the landowner's and the contractor's responsibility to see if permits are needed for that type of construction. *Jack La Mar* stated that St. Louis County does not require building permits and that was not considered.
- E. Board member *Pollock* asked what triggered the landowner applying for a short term rental. *Jack La Mar* stated they have family that come up and stay at the studio. There was a point in 2021 when the studio was sitting empty. They decided to try renting the studio out and then found out they needed to get a permit. They started figuring out what to do. That is not a clear path. They knew they had to work with the state as far as the health inspector. Gary Collyard spent three hours on the property. The only thing that had changed was their fire extinguisher. They were told they needed information about their septic and then found they had more to do.
- F. Board member *Pollock* asked if Gary Collyard had mentioned that a short term rental permit was required in St. Louis County. *Jack La Mar* stated they did not get this information until later in 2022 when they received a letter.
- G. *Mark Lindhorst* stated while this is good information on a short term rental, this is not what the variance is about. The variance is for a second principal structure. Board member *Pollock* stated that staff sent a short term rental letter and it does tie in.
- H. Board member *Coombe* asked if the general store is like what he sees in Wisconsin where there is a roadside stand selling eggs or water or corn and one will get out, pay for the products and drive away. *Jack La Mar* stated yes. His wife calls it a general store. This is an opportunity for them to share their homemade goods. His wife has a permit from the Department of Agriculture to sell these things.
- I. Board member *McKenzie* stated the application indicated the landowner would need to demolish the interior if a variance were not approved. The applicant should not have to demolish anything. *Jack La Mar* stated this was his understanding.

## DECISION

**Motion by McKenzie/Coombe** to approve an after-the-fact variance to allow a second detached principal structure, based on the following facts and findings:

- A. Official Controls:
  - 1. St. Louis County Zoning Ordinance 62, Article VI, Section 6.2 B., states that there shall be sufficient lot area per structure to equal the dimensional standards required and the structures be placed so that the property can be divided at a later date into conforming lots without variance.

2. The issuance of a variance after deliberation by the Board of Adjustment will legitimize the existence of the second principal structure and allow the use of the property of this type as allowed by the St. Louis County Comprehensive Land Use Plan.
3. The variance request is in harmony with the general purpose and intent of official controls.

**B. Practical Difficulty:**

1. Although the practical difficulty was self-created by changing the use of the permitted accessory structure which then triggered the setback requirement and violation, the applicant proposes to use their property in a reasonable manner.
2. Practical difficulty has been demonstrated in complying with the official controls.

**C. Essential Character of the Locality:**

1. The subject property is rural and isolated from view as are most of the properties in the area.
2. The variance request will not alter the essential character of the locality.

**D. Other Factor:**

1. The layout of the subject parcel and the history and nature of similar properties in the area make it unlikely that the parcel would be divided to create the setback violation.

The following conditions shall apply:

1. St. Louis County On-Site Wastewater SSTS standards shall be followed.
2. Short term rental activities are not allowed until a permit is authorized.
3. All local, state and federal requirements shall be met.

**In Favor:** Coombe, Filipovich, McKenzie, Pollock, Svatos, Werschay, Zupancich - 7

**Opposed:** None - 0

**Motion carried 7-0**

**Len and Luan Gentilini**

The second hearing item is for Len and Luan Gentilini, property located in S9, T57N, R17W (Fayal). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.7 to allow an accessory structure at a reduced road centerline setback where 48 feet is required and a reduced right-of-way setback where 15 feet is required. *Paul Butler*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing to construct a 30 foot by 32 foot (960 square feet) garage located 33 feet from the centerline of Lakeside Drive where 48 feet is required and zero feet from the road right-of-way where 15 feet is required.
- B. The structure will meet all other setbacks.
- C. The parcel currently contains a dwelling, attached garage, and shed near the lake.
- D. The existing dwelling has good screening from the road and screening from adjacent properties.
- E. The property slopes towards Ely Lake. The project is outside of the steep slope.

*Paul Butler* reviewed staff facts and findings as follows:

A. Official Controls:

1. Lakeside Drive is classified as a local public road within St. Louis County Zoning Ordinance 62.
2. St. Louis County Zoning Ordinance 62, Article III, Section 3.7, requires a 48 foot centerline setback and 15 foot right-of-way setback for a local public road. The applicant is proposing setback of 33 feet from the road centerline and zero feet from the road right-of-way.
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 applications 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 Statute 394.22. Subd.10.

B. Practical Difficulty:

1. Conforming buildable area is limited due to the parcel size, required setbacks and existing development.
2. The applicant could request a smaller structure which would lessen or eliminate the need for a variance.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area. Many of the parcels are year-round residential use with garages along Lakeside Drive.
2. There are no other known variance requests in the general area of the proposed project.

D. Other Factor:

1. The proposed garage may affect the ability of any future development.

*Paul Butler* noted two items of correspondence from Fayal Township and from Kenneth and Shannon Holbeck with questions about the proposal. These items were provided to the Board of Adjustment prior to the hearing.

## **RECOMMENDED CONDITIONS**

Conditions that may mitigate the variance for a 30 foot by 32 foot (960 square feet) garage to be located 33 feet from the centerline and zero feet from the road right-of-way include, but are not limited to:

1. The stormwater runoff from the proposed structure shall not directly discharge onto adjacent properties.



2. A survey shall be submitted to ensure that the structure is outside the right-of-way of Lakeside Drive.
3. All other local, county, state, and federal regulations shall be met.

*Len Gentilini*, 4455 Lakeside Drive, Eveleth, the applicant, stated the proposed garage would almost meet the 48 foot centerline setback on one end, but the road turns. Both of his neighbors' garages are not 48 feet from the road. He spoke with both neighbors who said they have no problem with this location. He wants to build at the same distance as their garages. The alternative is to build a garage into their yard and take most of the yard away. They do not currently have a garage and they need one. While the township would prefer the garage not to be on the right-of-way and move back further, they would like to leave the proposed garage at its present location. They want to spend time this fall doing the groundwork for construction. Their garage would have a higher roof pitch for storage.

No audience members spoke.

The *Board of Adjustment* discussed the following:

- A. Board member *Filipovich* noted that most garages seemed to be built on the road. *Paul Butler* stated that many of these structures were built prior to the zoning ordinance. Board member *Filipovich* stated the house was built in 1957 which was before the ordinance? This would be a lot of record. *Paul Butler* stated yes. Board member *Coombe* stated that Fayal used to have its own zoning authority, and this may have been under their ordinance.
- B. Board member *Svatos* asked who maintains the road. *Paul Butler* stated this is a township road and Fayal Township maintains it. Board member *Svatos* stated that a garage this close to the road is not unusual for this area.
- C. Board member *Coombe* asked if the proposed garage would align corner to corner with the two neighbor's garages. *Len Gentilini* stated no. The garage will be 12 feet in from one neighbor's garage and further on the other side.
- D. Board member *McKenzie* noted the concerns sent from Fayal Township. None of these concerns should block this variance.
- E. Board member *Coombe* asked if all other setbacks can be met. *Paul Butler* stated yes. Board member *Coombe* stated he is still curious about the height of this proposed garage. He is familiar with this area as he lives nearby. Most garages are a single story with a 3/12 or 4/12 roof. He does not want to see a garage with 12 foot high walls and a second story. That would be creating an eyesore. *Paul Butler* stated staff will review the land use application. There are height limits when someone builds by a lake. *Donald Rigney*, Acting Secretary, stated that any structure within a shoreland area is limited to 35 feet in height. The applicant would be allowed a structure 35 feet in height. Board member *Coombe* stated a 35 foot high structure would be an eyesore. The Board of Adjustment can limit the structure height. *Len Gentilini* stated the neighbor's roof is considerably higher than what he will have. He did not ask his contractor for the roof height.

## DECISION

**Motion by McKenzie/Svatos** to approve a variance for a 30 foot by 32 foot (960 square feet) garage to be located 33 feet from the road centerline where 48 feet is required and zero feet from the road right-of-way where 15 feet is required, based on the following facts and findings:

A. Official Controls:

1. Lakeside Drive is classified as a local public road within St. Louis County Zoning Ordinance 62.
2. St. Louis County Zoning Ordinance 62, Article III, Section 3.7, requires a 48 foot road centerline setback and a 15 foot right-of-way setback for a local public road. The applicant is proposing setbacks of 33 feet from the road centerline and zero feet from the road right-of-way.
3. The applicant can use the property in a reasonable manner not permitted by a strict interpretation of the Ordinance. The Ordinance allows variance from certain circumstances that do not meet the requirements of the Ordinance.
4. The variance request is in harmony with the general purpose and intent of official controls.

B. Practical Difficulty:

1. As the staff report indicated, the buildable area on the applicant's parcel is limited due to the parcel size and existing development requiring the applicant to comply with the setbacks pushing the garage awkwardly close to the residence as measured with the Land Explorer's measuring tool.
2. Practical difficulty has been demonstrated in complying with the official controls.

C. Essential Character of the Locality:

1. The area around the applicant's property is long-settled and densely populated.
2. The applicant's proposal will not be a new use to the area.
3. The variance request will not alter the essential character of the locality.

D. Other Factors:

1. The applicant's neighbors on both sides of the property have similar sized parcels with similar situations and have garages within the road right-of-way setback or very close to it. One corner of the garage at 4451 Lakeside Drive, directly next door, appears to be 12 feet inside the road right-of-way as measured with the Land Explorer's measuring tool. The garage is also 40 feet in length. The applicant is requesting a garage that will be 32 feet in length.
2. Two items of correspondence were received, one from the township (about snow removal and possible traffic hazards) and one was from a neighbor (about building size and height).

The following conditions shall apply:

1. The stormwater runoff from the proposed structure shall not directly discharge onto adjacent properties.
2. A survey shall be submitted to ensure that the structure is outside the right-of-way of Lakeside Drive.
3. All other local, county, state, and federal regulations shall be met.

**In Favor:** Coombe, Filipovich, McKenzie, Pollock, Svatos, Werschay, Zupancich - 7

**Opposed:** None - 0

**Motion carried 7-0**

### **Troy Persaud**

The third hearing item is for Troy Persaud, property located in S20, T51N, R16W (Grand Lake). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.2, 3.4 and 3.7 to allow a principal structure at a reduced property line setback where 20 feet is required, to allow a principal structure at a reduced shoreline setback where 75 feet is required and to allow a principal structure at a reduced road centerline setback where 48 feet is required. The applicant is also requesting relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.3 D, to allow a principal structure width facing the water to exceed 40 percent of the lot width when within the shoreline setback.

*Paul Butler*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing to replace an existing principal structure with a 24 foot by 40 foot (960 square feet) principal structure located 66 feet from the shoreline of Grand Lake where 75 feet is required and 13 feet from the north and south property lines where 20 feet is required.
- B. The proposal also requests 42 feet from the road centerline of East Lake Road where 48 feet from the centerline is required.
- C. The principal structure will be 24 feet in width facing the water where 20 feet in width is allowed.
- D. The applicant is proposing a structure height of 24 feet.
- E. The existing dwelling has minimal screening from the road and minimal screening from adjacent properties.
- F. The property is relatively flat but slopes east towards Grand Lake.

*Paul Butler* reviewed staff facts and findings as follows:

- A. Official Controls:
  1. St. Louis County Zoning Ordinance 62, Article III, Section 3.2, requires a 20 foot property line setback for principal structures. The applicant is proposing a distance of 13 feet from the north and south property lines.
  2. Zoning Ordinance 62, Article III, Section 3.4, requires a 75 foot setback from a General Development lake. The applicant is proposing 66 feet from the shoreline of Grand Lake.
  3. Zoning Ordinance 62, Article III, Section 3.7, requires a 48 foot centerline setback from local public roads. The applicant is proposing 42 feet from the centerline.
  4. Zoning Ordinance 62, Article IV, Section 4.3 D., requires a principal structure width facing the water not to exceed 40 percent of the lot width when within the shoreline setback. The applicant is proposing 24 feet in width (48 percent) where 20 feet (40 percent) would be allowed.
  5. 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.
  6. 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.

7. 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. The parcel has limited conforming building area due to the size of the nonconforming lot.
2. There is a limited area for off-street parking behind the proposed principal structure near East Lake Road.
3. The applicant could request a smaller structure which would lessen or eliminate the need for a variance.
4. The location of the septic system is the only location that is suitable without applying for variance.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area. Many of the parcels are year-round residential use.
2. There was a similar variance granted in 2007 to a neighboring property (PID 380-0010-04112).

D. Other Factor:

1. The proposed principal structure may affect the ability of any future development.

*Paul Butler* noted three items of correspondence including Grand Lake Township with no comment, Michelle Zywicki with concerns and Paul Jarvi in support of the proposal. These items were provided to the Board of Adjustment prior to the hearing.

### **RECOMMENDED CONDITIONS**

Conditions that may mitigate the variance for a 24 foot by 40 foot (960 square feet) principal structure to be located 66 feet from the shoreline of Grand Lake, 13 feet from the north and south property lines, 42 feet from the road centerline of East Lake Road and with a principal structure width of 24 feet include, but are not limited to:

1. The stormwater runoff from the proposed structure shall not directly discharge onto adjacent properties or into the lake.
2. St. Louis County On-Site Wastewater SSTS standards shall be followed.

*Troy Persaud*, 380 Freeman Road, Cloquet, the applicant, stated the property is fairly decrepit and they want to build a structure for their family. The original cabin was there before the standards were set.

No audience members spoke.

Board member *McKenzie* stated he drove past this property and everything on this property is a tear-down. All of the lots are very narrow and, according to the Land Explorer, most lots have holding tanks. The neighbor who wrote the letter is next door. Her holding tank is in front of her dwelling just as the applicant proposed here.

## DECISION

**Motion by Coombe/Svatos** to approve a variance for a 24 foot by 40 foot (960 square feet) principal structure to be located 66 feet from the shoreline of Grand Lake where 75 feet is required, 13 feet from the north and south property lines where 20 feet is required, 42 feet from the road centerline of East Lake Road where 48 feet is required, and with a principal structure width of 24 feet where 20 feet is allowed, and a structure height of 24 feet, based on the following facts and findings:

### A. Official Controls:

1. St. Louis County Zoning Ordinance 62, Article III, Section 3.2, requires a 20 foot property line setback for principal structures. The applicant is proposing a distance of 13 feet from the north and south property lines.
2. Zoning Ordinance 62, Article III, Section 3.4, requires a 75 foot setback from a General Development lake. The applicant is proposing 66 feet from the shoreline of Grand Lake.
3. Zoning Ordinance 62, Article III, Section 3.7, requires a 48 foot centerline setback from local public roads. The applicant is proposing 42 feet from the centerline.
4. Zoning Ordinance 62, Article IV, Section 4.3 D., requires a principal structure width facing the water not to exceed 40 percent of the lot width when within the shoreline setback. The applicant is proposing 24 feet in width (48 percent) where 20 feet (40 percent) would be allowed.
5. Objective LU-3.1 encourages the most appropriate use of the land. It also recognizes the economic and environmental values of all lands in the county. This proposed structure will be built on a parcel that was subdivided in the 1960s. Even though the parcel is small it is a legal lot of record, and the land alone is valued at over \$72,000. No part of this new dwelling would be constructed in the shore impact zone.
6. The variance request is in harmony with the general purpose and intent of official controls.

### B. Practical Difficulty:

1. This is a legal lot of record. The size of the lot is small. An old dwelling will be removed. If the applicant builds anything wider than four feet, the applicant would not be in compliance. The lot is a 50 foot wide lot.
2. This new dwelling will be approximately two stories high.
3. Practical difficulty has been demonstrated in complying with the official controls.

### C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area.
2. There has been a structure on this land for a long time.
3. A new dwelling in this area will enhance and improve the neighborhood.
4. The variance request will not alter the essential character of the locality.

The following conditions shall apply:

1. The stormwater runoff from the proposed structure shall not directly discharge onto adjacent properties or into the lake.
2. St. Louis County On-Site Wastewater SSTS standards shall be followed.
3. St. Louis County Solid Waste Ordinance 45 standards shall be followed.

4. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.

**In Favor:** Coombe, Filipovich, McKenzie, Pollock, Svatos, Werschay, Zupancich - 7

**Opposed:** None - 0

**Motion carried 7-0**

**Roger Miller**

The fourth hearing item is for Roger Miller, property located in S27, T53N, R15W (Unorganized). The applicant is requesting after-the-fact relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.3, to allow for a second expansion to a nonconforming principal structure where only one expansion is allowed. *Ada Tse*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is requesting after-the-fact approval for a variance to allow a second expansion of a nonconforming dwelling.
- B. The applicant constructed a 12 foot by 12 foot addition to the rear of the existing dwelling in 2022 without benefit of a permit.
- C. The dwelling is nonconforming at 51 feet from the shoreline where 100 feet is required.
- D. There had been a previous 22 foot by 34 foot two-story addition permitted and constructed on the dwelling in 1996. Any subsequent expansions to the dwelling require variance approval.
- E. The applicant is also requesting a 36 foot by 36 foot (1,296 square foot) expansion to the rear of the nonconforming dwelling for an attached garage.
- F. The slab for the garage has been poured.
- G. There is good screening from all sides of the property.
- H. There is a wetland in the center of the parcel that will not be impacted by the proposal.

*Ada Tse* reviewed staff facts and findings as follows:

- A. Official Controls:
  1. St. Louis County Zoning Ordinance 62, Article IV, Section 4.3 allows for an expansion to riparian nonconforming principal structures if certain standards are met. One addition up to 400 square feet is allowed for a nonconforming dwelling located between the shore impact zone and the required shoreline setback.
    - a. The existing structure is located 51 feet from the shoreline where 100 feet is required.
    - b. There had been a previous expansion approved by variance and permitted in 1996 for a two-story addition to the existing dwelling.
    - c. The applicant is requesting after-the-fact relief to allow for a total expansion of 1,440 square feet, including the 12 foot by 12 foot addition constructed in 2022 to the rear of the nonconforming dwelling and an additional 36 foot by 36 foot expansion to the rear for an attached garage.
    - d. The foundation has been poured for the proposed 36 foot by 36 foot garage expansion.
  2. Zoning Ordinance 62, Article VIII, Section 8.6 B(4)b.ii, states:
    - a. “‘Practical difficulties’ ...means that the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance”

- b. “The plight of the landowner is due to circumstances unique to the property not created by the landowner.”
  3. Zoning Ordinance 62, Article VIII, Section 8.6 B(4)b.iv, states:
    - a. When an applicant seeks a variance for additions or alterations to a lot or structure that have already commenced, it shall be presumed that the changes to the lot or structure were intentional and the plight of the landowner was self-created, as per MN Statutes, Section 394.27, Subd. 7 and all acts amendatory thereof.
  4. Goal LU-3 of the St. Louis County Comprehensive Land Use Plan is to improve the integrity of the county’s planning-related regulation by minimizing and improving management of nonconformities.
  5. Objective LU-3.1 of the St. Louis County Comprehensive Land Use Plan is to base variance decisions on uniform approval criterion to ensure all applicants are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
  6. Objective LU-3.3 of the St. Louis County Comprehensive Land Use Plan is to acknowledge why nonconformities are a concern and that variances should be for exceptional circumstances as noted in Minnesota Statute 394.22 Subd. 10.
- B. Practical Difficulty:
  1. The property has buildable area that conforms to ordinance standards.
  2. There are alternatives that do not require or minimize the degree of variance:
    - a. The applicant may build a detached garage that meets standards with a land use permit.
    - b. A replacement dwelling with an attached garage may be located at a conforming location with a land use permit.
- C. Essential Character of the Locality:
  1. The area consists of year-round and seasonal residential homes.
  2. The area consists of developed lakeshore lots with both conforming and nonconforming structures.
  3. In addition to the variance granted on the subject property in 1996, there had been one other approved variance in the area to allow for an expansion to a nonconforming principal structure.
- D. Other Factors:
  1. There was a previous two-story expansion to the dwelling approved by variance and permitted in 1996.
  2. This area is in the process of being platted. Subdivision Ordinance 60, Article VIII, Section 8.2.B states that all nonconforming structures and uses shall be brought into conformity during the subdivision process.
  3. On-Site Wastewater passed the record review of the proposed project.
- E. Was the construction completed prior to applying for the variance? If not, what extent of the construction has been completed?
  1. An unpermitted 12 foot by 12 foot addition was constructed to the rear of the dwelling in 2022.

2. The foundation for the 36 foot by 36 foot expansion has already been poured as of August 2023.
- F. How would the county benefit by enforcement of the ordinance if compliance were required?
1. 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.
  2. Approval of an after-the-fact variance for a structure addition that was not permitted without sufficient practical difficulty is not in keeping with the intent of the St. Louis County Zoning Ordinance or St. Louis County Comprehensive Land Use Plan.

*Ada Tse* noted no items of correspondence.

### **RECOMMENDED CONDITIONS**

Conditions that may mitigate the after-the-fact variance to allow an expansion to a nonconforming principal structure where none is allowed as proposed include, but are not limited to:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. St. Louis County On-Site Wastewater SSTS standards shall be followed.
3. The stormwater runoff from the proposed structure shall not directly discharge into the lake or on adjacent lots.

*Roger Miller*, 5106 Otter River Road, Duluth, the applicant, stated they purchased this property in June 2021 and were unaware of the 100 foot setback or that a variance had been granted in 1996. They would not knowingly break the variance rules and were ignorant of the zoning requirements and they had counted on their contractor to obtain the permit for the 12 foot by 12 foot breezeway in 2022. They discovered in July 2023 that the land use permit was not obtained for a garage, and he submitted it in July. The issue of nonconformance came out July 17, 2023, as a letter received stated a variance would be needed as the garage would not meet the 100 foot setback rule. Their contractor discussed the situation with the Land Use division and was told he could pour a concrete pad. Concerning the practical difficulty of the attached garage, his goal is to avoid falls as they are senior citizens. There is a rise on the property that becomes icy and dangerous. They want to waive the earth-toned colors so they can use the same grey color as the house.

No audience members spoke.

The *Board of Adjustment* discussed the following:

- A. Board member *Werschay* asked if there are frost footings under the structure. *Roger Miller* stated the concrete pad was prepped with dirt. This is not a heated slab.
- B. Board member *McKenzie* asked if *Ada Tse* had taken the photographs on site. *Ada Tse* stated she did.
- C. Board member *Werschay* asked if the applicant confronted the contractor and asked why they did not apply for the proper permits. *Roger Miller* stated he did not get a proper answer. Board member *Werschay* asked who in the Land Use division would have given permission for the concrete pad. *Roger Miller* stated he spoke with Paul Butler and this was given verbally.



- D. Board member *Coombe* asked if the applicant needed a land use permit for a concrete pad. *Donald Rigney*, Acting Secretary, stated no permit is needed for a concrete pad or sidewalks. Board member *Werschay* asked if a permit is required if there are frost footings underneath the pad. *Donald Rigney* stated that would be a foundation. They would tell the landowner they could prepare the site but not to pour cement or construct until a permit was issued. A foundation would be covered under a permit for a dwelling addition.
- E. Board member *Pollock* stated the after-the-fact bothers him because of the contractors. There was also an issue with staff telling the applicant they could pour a concrete pad. This is also no sidewalk. This is a garage slab. *Ada Tse* stated that site preparation is allowed.

## **DECISION**

**Motion by Coombe/McKenzie** to approve an after-the-fact variance to allow an expansion to a nonconforming principal structure, a 12 foot by 12 foot addition to the rear of the structure and a 36 foot by 36 foot expansion for an attached garage, based on the following facts and findings:

A. Official Controls:

1. Zoning Ordinance 62 conveys the purpose of this ordinance and also protects the environment, protects the lake, and protects the land. It is also a goal of the Ordinance to protect the health and general welfare of inhabitants. The request for an after-the-fact variance for a 12 foot by 12 foot enclosed porch in northern Minnesota just makes sense, along with a 36 foot by 36 foot attached garage. This 12 foot by 12 foot porch is at the back of the dwelling away from the lake and is located about 95 feet from the shoreline.
2. The proposed attached garage will be located even further from the lake and may not be seen from the lake.
3. The variance request is in harmony with the general purpose and intent of official controls.

B. Practical Difficulty:

1. The applicant has a medical history that states there is a risk of falling. A porch and an attached garage will help minimize the risk of falling. This risk of falling is supported by a letter from the applicant's long-term doctor.
2. Practical difficulty has been demonstrated in complying with the official controls.

C. Essential Character of the Locality:

1. The area is well developed with year-round and seasonal dwellings. There are a mix of conforming and nonconforming dwellings in the area.
2. The variance request will not alter the essential character of the locality.

The following conditions shall apply:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof. This includes gray in color.
2. St. Louis County On-Site Wastewater SSTS standards shall be followed.
3. The stormwater runoff from the proposed structure shall not directly discharge into the lake or on adjacent lots.

**In Favor:** Coombe, Filipovich, McKenzie, Svatos, Werschay, Zupancich - 6

**Donna Ohman**

The fifth hearing item is for Donna Ohman, property located in S8, T69N, R21W (Kabetogama). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.2, to allow an addition to be located at a reduced property line setback where 15 feet is required and Article IV, Section 4.3 D, to allow an addition to a nonconforming principal structure that will decrease the existing shoreline setback where 75 feet is required, to allow an addition to a nonconforming principal structure outside the shore impact zone to exceed the 400 square feet allowed, and to allow an addition to exceed the maximum height where 25 feet is allowed.

*Skyler Webb*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing to construct a 120 square foot addition to the front of a nonconforming principal structure that will encroach further towards the shoreline.
- B. The addition to the front of the dwelling will increase the existing nonconforming shoreline setback from 66 feet to 62 feet where 75 feet is required.
- C. The applicant is proposing to place a 632 square foot addition to the rear of the nonconforming structure that will be located at a 12 foot property line setback where 15 feet is required.
- D. In total, the applicant is creating a 752 square foot addition (120 square foot addition to the front and 632 square foot addition to the rear) where 400 square feet is allowed.
- E. The applicant is also proposing to re-configure the roofline of the overall structure to include a loft, at a structure height of 28 feet where 25 feet is allowed.
- F. There is adequate vegetative screening from the lake, roadway, and neighboring properties.

*Skyler Webb* reviewed staff facts and findings as follows:

- A. Official Controls:
  1. St. Louis County Zoning Ordinance 62, Article III, Section 3.2, states that the property line setback for a principal structure is 15 feet in Residential (RES)- 11 zone districts. The applicant is requesting a property line setback of 12 feet for a principal structure.
  2. Zoning Ordinance 62, Article IV, Section 4.3 D., states that existing nonconforming principal structures may be allowed one addition in accordance with the Article, provided the addition does not decrease the existing shoreline setback. The applicant is requesting to reduce the existing 66 foot shoreline setback to a shoreline setback of 62 feet on a General Development Lake where a 75 foot setback is required.
  3. Zoning Ordinance 62, Article IV, Section 4.3 D., allows up to a 400 square foot addition to a nonconforming principal dwelling located between the shore impact zone and the required shoreline setback. The applicant is requesting a total addition of 752 square feet to a nonconforming dwelling.
    - a. A 120 square foot screen porch addition to the front of the dwelling.
    - b. A 632 square foot addition to the rear of the dwelling.
  4. Zoning Ordinance 62, Article IV, Section 4.3 D., allows a structure height of up to 25 feet if all or any of the structure is between the shore impact zone and the required

shoreline setback. The applicant is requesting an overall structure height of 28 feet to include a loft.

5. 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.
6. 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.
7. 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. Reducing the size and configuration of the structure could eliminate and reduce the requests for variance.
2. There are two existing nonconforming dwellings on the property.
  - a. One dwelling is nonconforming to the shoreline setback.
  - b. One dwelling is nonconforming to the property line setback.
3. A variance is not the only option, as there are alternatives:
  - a. A 400 square foot addition up to 25 feet in height would be allowed through a Performance Standard Permit.
  - b. Reduce the number of nonconforming dwellings on the parcel and create a new dwelling that conforms to all setback requirements.

C. Essential Character of the Locality:

1. The neighborhood consists of nonconforming parcels with dwellings at reduced shoreline setbacks.
2. The applicant is not proposing a new use to the area.
3. There have been no similar variance requests within the plat.

D. Other Factor:

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.

*Skyler Webb* noted two items of correspondence from Puck's Point approving the proposal and from Dennis Odin Johnson who has no objection to the proposal. These items were provided to the Board of Adjustment prior to the hearing.

## **RECOMMENDED CONDITIONS**

Conditions that may mitigate the variance to allow an addition to a nonconforming principal structure at a reduced property line setback, decrease the shoreline setback, exceed the allowed square footage, and exceed the allowed height as proposed include, but are not limited to:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.

2. The stormwater runoff from the proposed structure shall not discharge directly into the lake or on adjacent lots.
3. Puck's Point Sanitary District standards shall be followed.

*Donna Ohman*, 10492 Waltz Road, Kabetogama, the applicant, stated one of the limitations on the property is the sewer line, which runs through the middle of the backyard and then into the space between the two existing cabins. That limits where they can build. They live on this property full-time in a small cabin with an attached garage. Once the cabin is remodeled, that will become their permanent home. The existing bump-out on the other cabin is part of the original structure built in the 1930s. They will try and preserve part of that on the inside of the cabin. They are trying to work around that part and add to either side of it. There was another variance approved on Puck's Point that is similar to what they are asking for.

One member of the audience spoke.

*Dennis Johnson*, 37955 Bridge Road, North Branch, stated his property is located one lot west of the applicant's. He has no objection to the proposed enlargement and structure. The existing building is at an angle to the side property line. There is a small portion that would be nonconforming. Most of that side of the building would be conforming to the 15 foot setback. The 28 foot height is from a peaked roof and very little of this would be above a 25 foot height.

No other audience members spoke.

The *Board of Adjustment* discussed the following:

- A. Board member *Pollock* asked if there was an existing cabin behind the current principal structure. *Skyler Webb* stated there is an existing cabin with an attached garage. Board member *Pollock* asked if there is an issue with two dwellings on this property. *Skyler Webb* stated that these cabins have existed for some time. If the applicant came forward now and requested a second principal dwelling, it would not be allowed on this parcel. Board member *Coombe* noted these cabins were built in the 1930s. *Skyler Webb* stated yes.
- B. Board member *Svatos* asked about the large retaining wall as seen in one of the pictures. *Skyler Webb* stated there is rocky shoreline, and the retaining wall extends five or six properties across the shoreline. Board member *Werschay* noted the shoreline is well protected with that retaining wall.
- C. Board member *McKenzie* asked if this property is a lot of record. *Skyler Webb* stated it is because this is a lot in Puck's Point plat. Board member *McKenzie* asked if this changes the need for a variance. *Donald Rigney*, Acting Secretary, stated if this property was not a lot of record, a variance would be required to build anything. Even though this is a lot of record, it requires a variance because the expansion goes beyond what is allowed. Board member *McKenzie* asked if more can be done with a lot of record than with a brand-new lot. *Donald Rigney* stated no. A nonconforming lot of record means that although the lot was created legally at the time, that lot does not conform to today's Ordinance standards as far as size and width. All other requirements would need to be met, including setbacks and uses. The use is grandfathered in at that size. There can be acreage added to these lots until they meet zoning requirements. The lots cannot lose acreage and become smaller. Board member *Coombe* stated that these lots were platted in 1928.

- D. Board member *Werschay* asked if the structure is sound enough to put this type of addition onto it. *Donna Ohman* said yes. This is still a seasonal cabin, and they will build it out to become a year-round residence.
- E. Board member *Coombe* asked where the loft will be added on the cabin. *Donna Ohman* stated they are preserving the bump-out in the back and will build out around it. They are not tearing down the existing cabin and building brand new. There will be part of it taken down.
- F. Board member *Coombe* asked if the applicant is living in the second dwelling now and what the intention will be for this existing structure. *Donna Ohman* stated this second dwelling would be a guest cabin. They have a holding tank for their water and that is attached to this second cabin.
- G. Board member *McKenzie* stated he does not recall granting a variance that decreases the shoreline setback. Board member *Coombe* stated that the Board of Adjustment has approved variances. In this case, this is a small addition that will decrease the shoreline setback. Board member *McKenzie* commented that the elevation sketch was not done by an architect. Board member *Coombe* stated one part of the cabin will get brand-new footings and walls.
- H. Board member *Pollock* stated that the screen porch could be a deck and that would be fine. Board member *Coombe* stated that more problems are solved inside than outside swatting mosquitos. Board member *Pollock* stated that this screen porch is not a necessity. There could be a deck all the way across. Board member *Werschay* asked if they allow squaring off structures. *Donald Rigney* stated if it does not decrease the shoreline setback. Board member *McKenzie* stated that this porch looks to be attached and will not be separate from the main structure.
- I. Board member *Werschay* asked if they can still allow two dwellings on this property. Board member *Pollock* stated that this is lucky.

## DECISION

**Motion by Coombe/Svatos** to approve a variance for a 120 square foot addition to the front of a nonconforming principal structure that decreases the shoreline setback from 66 feet to 62 feet where 75 feet is required, a 632 square foot addition to the rear of the nonconforming principal structure that will be located at a 12 foot property line setback where 15 feet is required, for a total of a 752 square foot addition where 400 feet is allowed for a nonconforming principal structure outside the shore impact zone, and a structure height of 28 feet where 25 feet is allowed, based on the following facts and findings:

### A. Official Controls:

- 1. The applicant is requesting a small 120 square foot screen porch in the front or lake side of the existing dwelling as well as a 632 square foot addition to the west side of the existing dwelling.
- 2. The height addition will allow for more living space.
- 3. These additions will be constructed onto the existing structure that has been in place since approximately the 1930s. This will not be a new use for this lot of record.
- 4. The variance request is in harmony with the general purpose and intent of official controls.

B. Practical Difficulty:

1. The applicant just wants to remodel and expand the existing cabin and save untold dollars by not removing it.
2. The applicant has a grinder pump and sewer line to the east hence why a west side variance request is needed.
3. Practical difficulty has been demonstrated in complying with the official controls.

C. Essential Character of the Locality:

1. The area consists of nonconforming parcels and dwellings at reduced shoreline setbacks.
2. The applicant wants to enlarge and improve the present dwelling and continue with the present use.
3. The variance request will not alter the essential character of the locality.

The following conditions shall apply:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The stormwater runoff from the proposed structure shall not discharge directly into the lake or on adjacent lots.
3. Puck's Point Sanitary District standards shall be followed.

**In Favor:** Coombe, Filipovich, Svatos, Werschay, Zupancich - 5

**Opposed:** McKenzie, Pollock - 2

**Motion carried 5-2**

**Motion to adjourn by Svatos. The meeting was adjourned at 1:20 PM.**