



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

INSPECTION DATE: 4/15/2024

REPORT DATE: 4/22/2024

MEETING DATE: 5/9/2024

APPLICANT INFORMATION

APPLICANT NAME: Ted and Patricia Frase

APPLICANT ADDRESS: 6032 S. Pike Lake Rd, Duluth, MN 55811

OWNER NAME: same as applicant

SITE ADDRESS: same as applicant

LEGAL DESCRIPTION: WLY 100 FT OF ELY 181.50 FT OF WLY 618.75 FT OF LOT 3 EX HWY R.O.W. & EX PART S OF THILL RD, S36, T51N, R16W (Grand Lake)

PARCEL IDENTIFICATION NUMBER (PIN): 380-0010-07850

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article VI, Section 6.2 B., to allow a second principal structure on the property where the property does not have sufficient lot area per structure to equal the minimum dimensional standard so the property can be divided at a later date into conforming lots.

PROPOSAL DETAILS: The applicant is requesting to construct an approximately 1,760 square foot second principal structure on the property. The parcel is zoned RES-9 which requires one acre per principal structure. The property is one acre in size with an existing approximately 1,800 square foot principal structure.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: S Pike Lake Rd

ROAD FUNCTIONAL CLASS: Local

LAKE NAME: Pike Lake

LAKE CLASSIFICATION: GD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property consists of a main dwelling with several accessory structures.

ZONE DISTRICT: RES 9

PARCEL ACREAGE: 1.0 ACRES

LOT WIDTH: 100 FEET

FEET OF ROAD FRONTAGE: 105 FEET

FEET OF SHORELINE FRONTAGE: 100 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: There is good vegetative cover on the property.

TOPOGRAPHY: The property slopes down from the road to the shore with an elevation change of approximately 30 feet.

FLOODPLAIN ISSUES: N/A

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 6.2 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 Residential (RES)-9 which requires one acre and 150 feet in lot width.
 - b. The property is a nonconforming legal lot of record at one acre and 100 feet in width and only can accommodate one principal structure.
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 the 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 are 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. The area consists of many lots that do not meet width requirements.
2. The applicant received a variance to construct an addition to the existing nonconforming dwelling.
 - a. Any further living space expansion of the existing dwelling would require variance approval.
3. There are alternatives that do not require a variance:
 - a. A separate garage and an accessory dwelling of up to 700 square feet in size may be allowed with Land Use Permits.

C. Essential Character of the Locality:

1. The area consists of residential lakeshore lots.
2. There has been one approved variance to allow for a second principal structure in the area. In this case, there was sufficient area, but not lot width, to accommodate two principal structures.

D. Other Factors:

1. There is a survey of the property with property lines located.
2. The project is within the Pike Lake Area Wastewater Collection System area.
3. The applicant discussed the alternative with Land Use staff and decided to continue with the variance request.
4. 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.
5. Ordinance 62 states that "practical difficulties" as used in connection with granting a variance means that the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance.

BOARD OF ADJUSTMENT CRITERIA FOR APPROVAL OF A VARIANCE

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

CONDITIONS

Conditions that may mitigate the variance to allow a second principal structure where the property does not have sufficient lot area per principal structure as proposed include, but are not limited to:

1. Pike Lake Area Wastewater Collection System standards shall be followed.
2. All local, state, and federal requirements shall be met.



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	380 - 0010 - 07850	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	I am a... <input type="checkbox"/> Contractor <input type="checkbox"/> Homeowner <input type="checkbox"/> Other	*Daytime #	Date
Frase Adam Ted Patricia		218-393-8972	4/3/2024
*Applicant Address <small>Where to send permit.</small>	*City	*State	*ZIP
6032 S. Pike Lake Rd	Duluth	MN	55811
Applicant Email			
tfrase@msn.com			
Contact Person <small>If applicable.</small>	Contact Person #		
Ted Frase	218-393-8972		
Mailing Address <small>If different than above.</small>	City	State	ZIP

Email Address Where to email permit. Providing an email address will expedite the time in which a permit is received by an applicant.

tfrase@msn.com

SITE INFORMATION

<input checked="" type="checkbox"/> Yes <input 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: 6032 S Pike Lake Rd	
<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 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 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	*Is this project within 300 feet of a stream/river or 1,000 feet of a lake?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	*Is this project adding a bedroom? Include home, garage, & accessory dwelling.
# 4	*Total # of bedrooms on property after project completion. Include home, garage, & accessory dwelling.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	*Does this project include plumbing or pressurized water in proposed structure? If yes, please explain:
	Water from existing well.
<input checked="" type="checkbox"/> Yes <input 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-\$175 Greater than 1,200 square feet-\$345

- ☐ 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-\$90

- ☐ 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-\$65**
- ☐ Permit extension beyond 2 years

#3 Subdivisions/Parcel Reviews Additional Worksheets Required

- ☐ Plat-Minor Subdivision-\$685
- ☐ Conventional or Conservation Plat-Less than or equal to 3 lots-\$685
- ☐ Conventional or Conservation Plat-Greater than 3 Lots-\$1,375
- ☐ Lot Line Adjustment-\$90
- ☐ Parcel Review-\$90
- ☐ Performance Standard Subdivision-\$410

#4 Performance Standard-\$410 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-\$175

#6 Wetland Reviews Additional Worksheets Required

- ☐ No Loss/Exemption/Replacement Plan-\$175
- ☐ Wetland Delineation Review-\$410
- ☐ Wetland Banking Plan Review-\$1,340

#7 Public Hearings Additional Worksheets Required

- ☐ Administrative Appeal-\$1,350
- ☐ Environmental Assessment-\$1,200
- ☐ Conditional Use Permit-\$685
- ☐ Conditional Use Permit Rehearing-\$220
- ☐ Interim Use Permit-\$685
- ☐ Interim Use Permit Rehearing-\$220
- ☒ General Purpose Borrow Pit-\$685
- ☒ Variance-\$685
- ☐ Variance Rehearing-\$220
- ☐ Multiple Hearing (Variance/conditional use)-\$1,020
- ☐ Rezoning-\$685

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)
	Garage/Storage/Dwelling		44 Feet	40 Feet	1600 Sq. ft.	30' 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
			Feet	Feet	Sq. ft.	Feet

*Indicates required field. Incomplete applications will be returned.

CONTACT: Planning and Zoning 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 _____

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 to neighboring properties.
Property line setbacks will not be impacted.

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

No increase in run-off will occur. Drainage around structure and through property will be improved.
Using the hill will minimize the visual impact from S. Pike Lake Rd.

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

Height - Allows for 10' ceilings in garage for high rise handicapped van, and 6/12 roof pitch.
Dwelling - Allows 100 additional sqft of living space for family + guests.

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

Two structures are beyond their economic life. One has been removed. We need additional garage/storage and dwelling space.

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 Zoning Department

Technical Assistance

Toll Free: 1-800-450-9777

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Virginia, MN 55792

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Office Use Only

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Receipt Date _____

Payment Amount _____

Paid By _____



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 Zoning 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/departments-a-z/planning-zoning/land-use/apply-for-a-land-use-permit#la-101571440-variance.

APPLICANT

Applicant Name (Last, First)

Frase, Adam, Ted, Patricia

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?

- Height - Proposed two-story garage with storage and family/guest area on second floor.
- Dwelling - Proposed dwelling area of 800 sq ft (50% of planned sq ft)

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

- 3 stall garage with storage for boat etc.
- 2nd story split between storage and guest/family area with water and sewer from existing service

3. Describe the current use of your property.

- Two stall garage/shop
- Remove 16 x 14 shed, the 14 x 22 garage has been renewed

4. Describe other alternatives, if any.

-

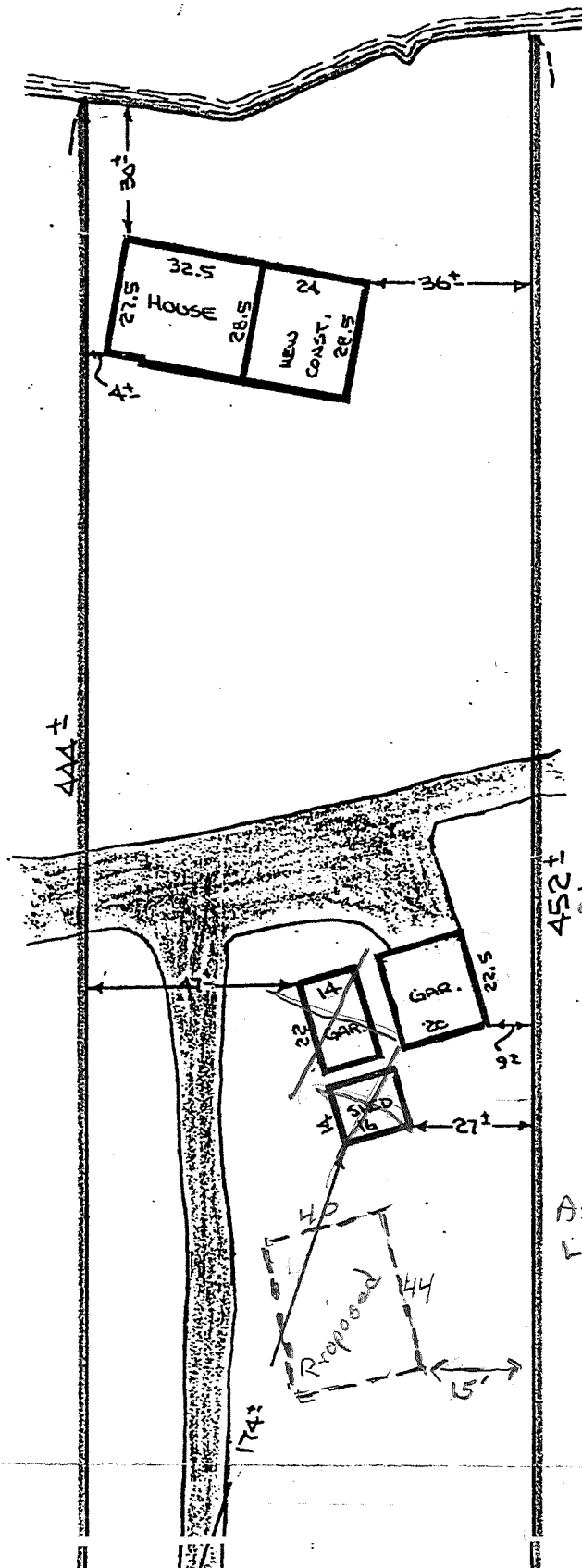
5. If approved, how will the proposed use, with the variance, fit into the character of the neighborhood/area?

No change. Removing 2 old structures and building one which meets our future family needs

NOT A SURVEY

PIKE LAKE

Westerly One Hundred Feet (W'ly 100') of Easterly One Hundred Eighty-one and one-half Feet (E'ly 181 1/2') of Westerly Six Hundred Eighteen and Three-fourths Feet (W'ly 618 3/4') of Lot Three (3) of Section Thirty-six (36) in Township Fifty-one (51) North of Range Sixteen (16), Except that part which lies between the Thill Road and Old Miller Trunk Highway AND that part which lies South of North line of Old Miller Trunk Highway. according to the United States Government Survey thereof.

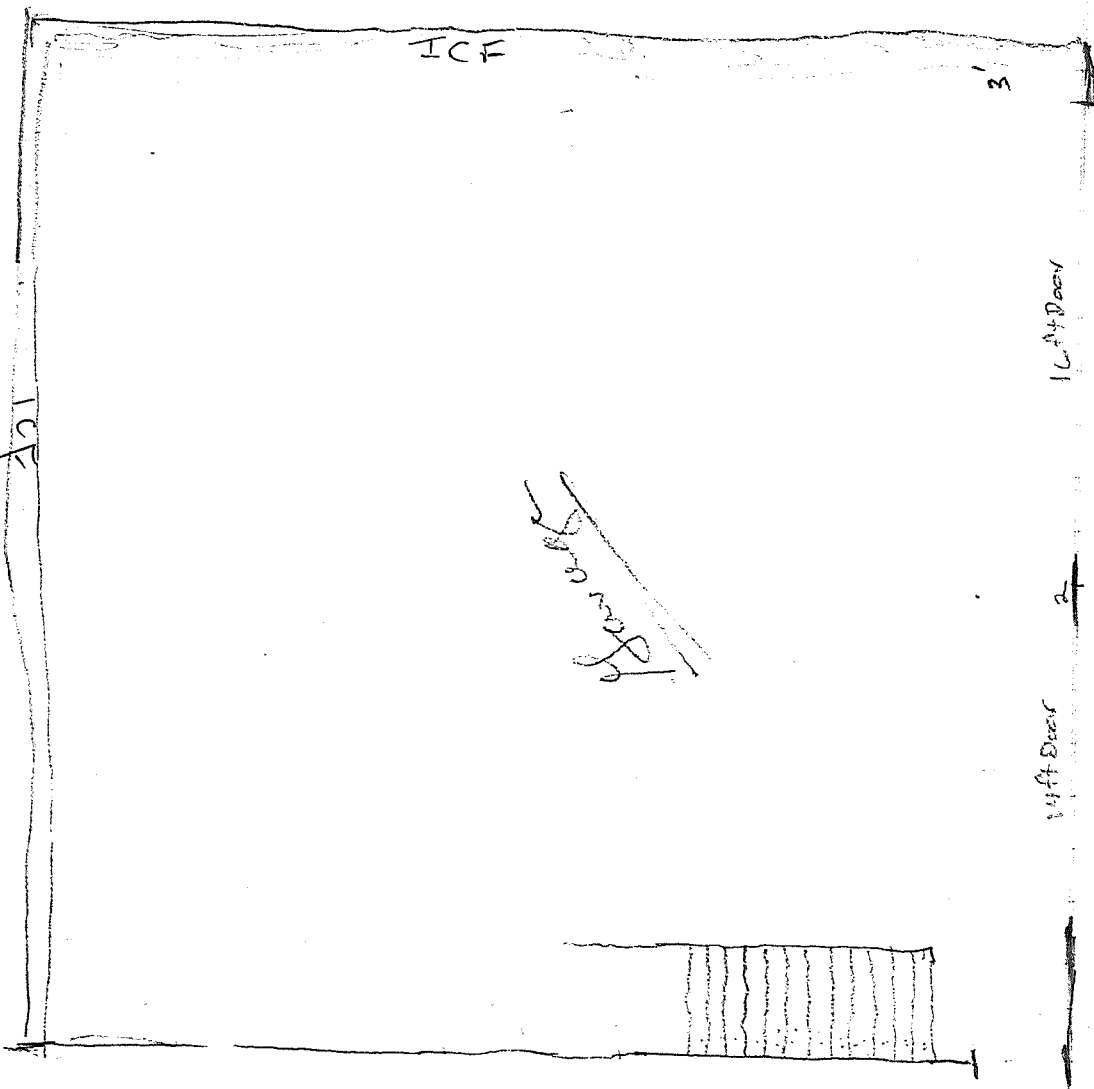


Take out two structures
add one structure

Appx 350 ft to Lake shore

Driveway

South



North

Ground Floor

Driveway

20

20

Hallway

Entry

40

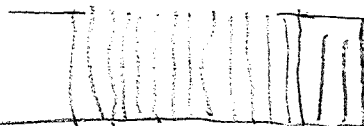
Storage

Dinning

40

20

20

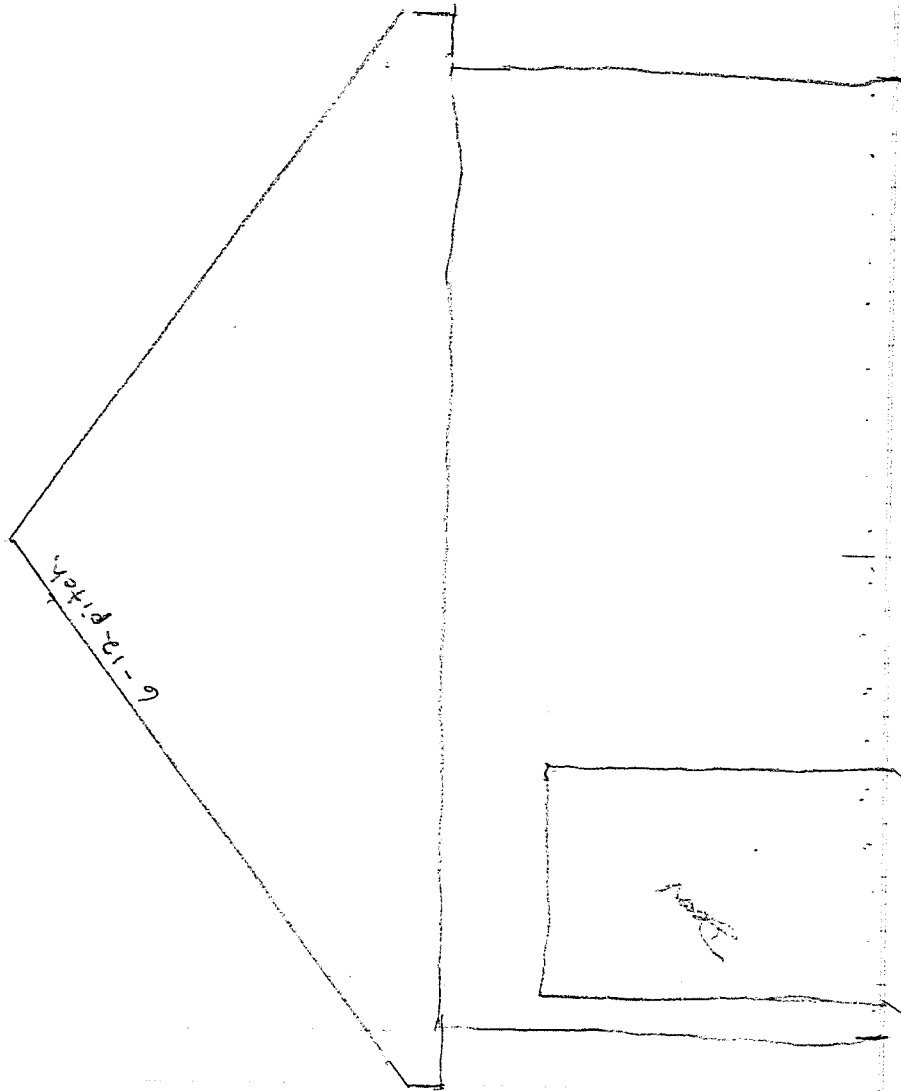


South

Property Line

North, 2nd Floor

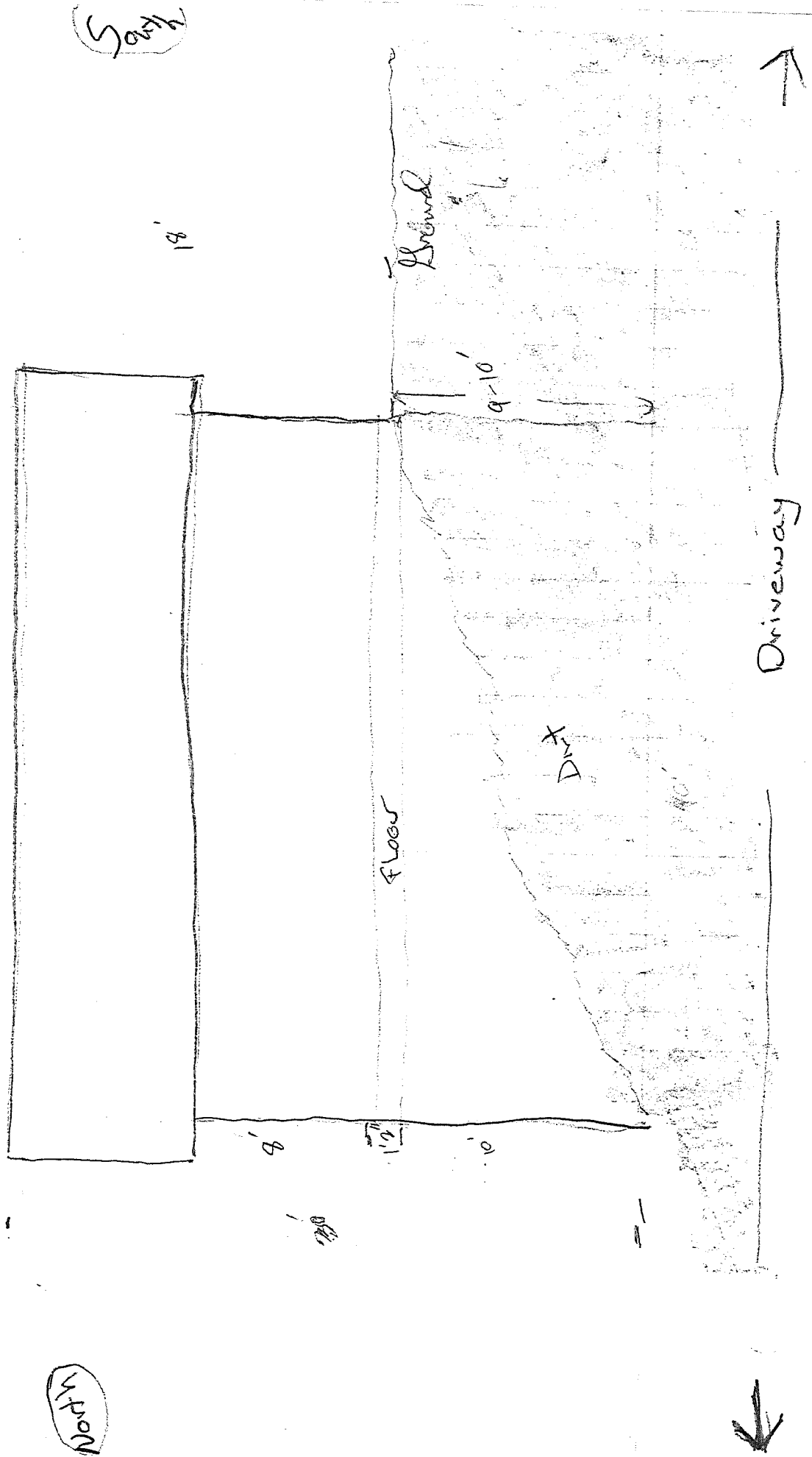
Street View



2nd Level View
from So Pike LK Rd

South

Side Profile



Land Use Permit and Variance Request

6032 S. Pike Lake Road

Duluth, MN 55811

Memorandum of Intent:

We propose to build a 2-story structure of approximately 1600 sq ft on each level as detailed in the application to help satisfy our need for garage, dwelling, and storage space. Our existing garage and storage structures are deteriorating. We have removed one very old garage, and will remove a storage building this year.

Currently, the main floor of our home accommodates our 39 year old son who is vent dependent and has 24/7 nursing care. Our partial basement serves as storage for medical supplies, mechanicals and laundry.

The proposed lower level will house three vehicles, including a handicapped van with a lift. The upper level will provide 800 sq ft for family and guests. The remainder will be for storage. The structure will be handicap accessible from the from the road level.

We are requesting a height variance to accommodate the 10' garage height and a 6/12 roof pitch. Approximately 24' of the structure would be visible from S Pike Lake Road. The existing trees lining S Pike Lake Road will be undisturbed. We feel this will improve the overall aesthetics of the property and neighborhood.

We have discussed our proposal with adjacent neighbors who favor the project.

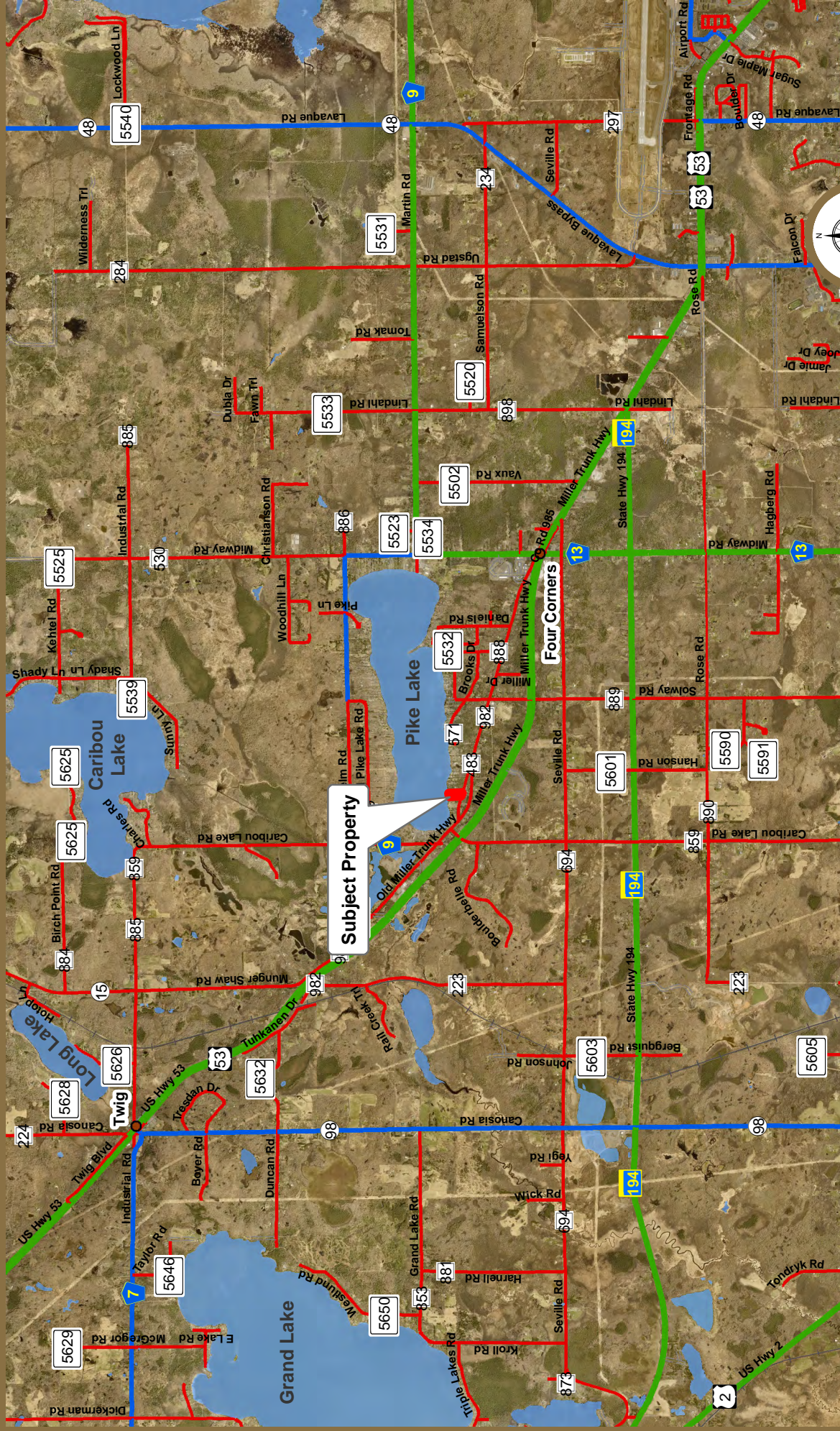
Ted and Patty Frase

218-393-8972



St. Louis County

May BOA Meeting



Ted & Patricia Frase

Location Map

380-0010-07850

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

Source: St. Louis County

Map Created: 4/17/2024

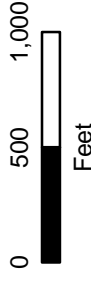
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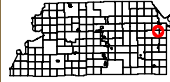
St. Louis County

May BOA Meeting



Ted & Patricia Frase

Location Map
380-0010-07850



Prepared By: Planning & Zoning

Department

(218) 725-5000

www.stlouiscountymn.gov

Source: St. Louis County

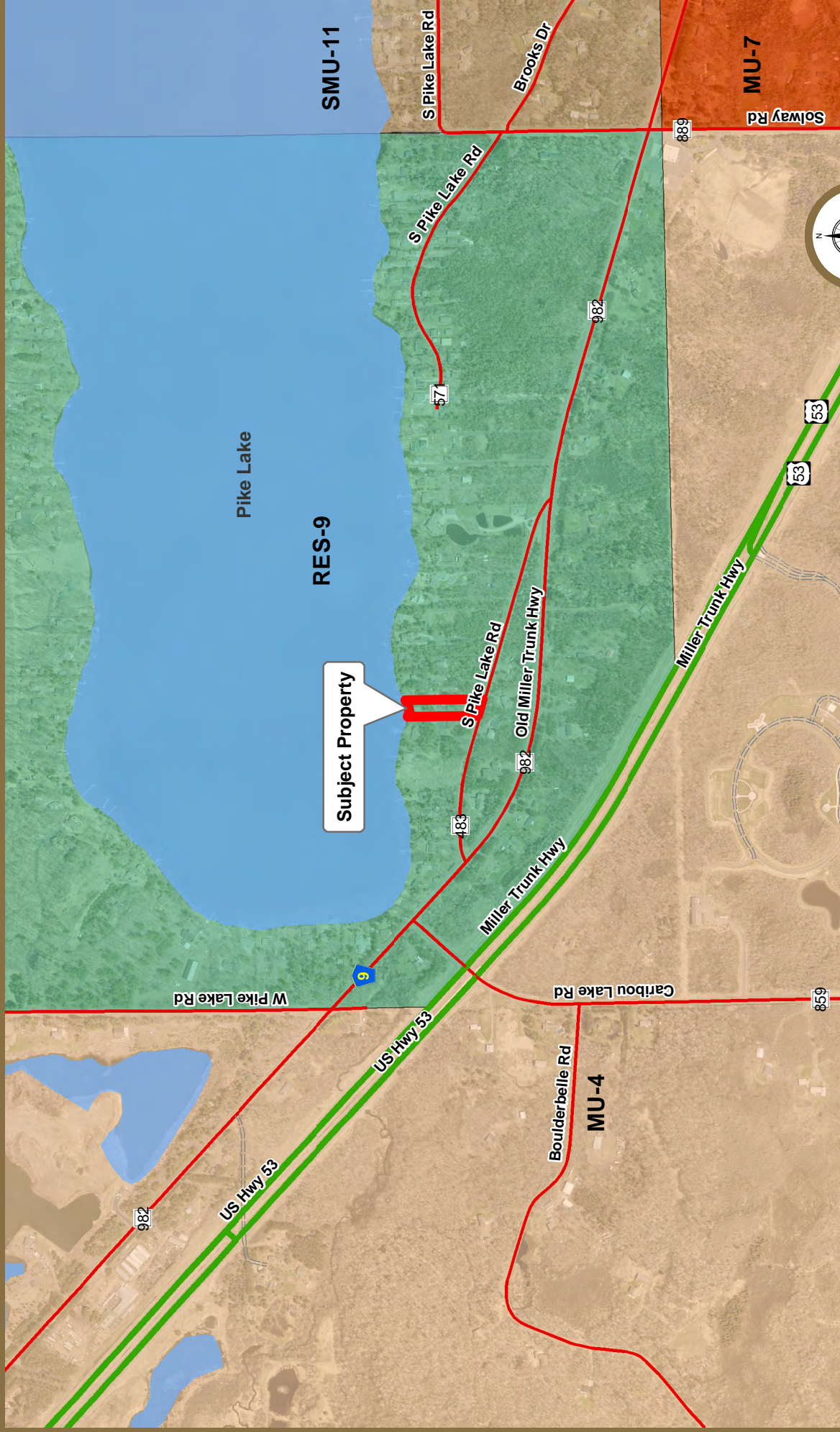
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St. Louis County

May BOA Meeting

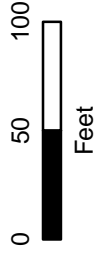


<p>Prepared By: Planning & Zoning Department (218) 725-5000 www.stlouiscountymn.gov</p> <p>Source: St. Louis County</p> <p>Map Created: 4/17/2024</p> <p><small>Disclaimer: This is a compilation of records as they appear in the St. Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.</small></p> <p><small>© Copyright St. Louis County All Rights Reserved</small></p>	<div data-bbox="1364 1543 1534 1627"> </div> <div data-bbox="1388 829 1550 1270"> <h2>Ted & Patricia Frase</h2> <h3>Zoning Map</h3> <p>380-0010-07850</p> </div> <div data-bbox="1307 346 1404 430"> </div> <div data-bbox="1437 231 1534 504"> <p>0 500 1,000 Feet</p> </div> <div data-bbox="1364 63 1534 199"> </div>
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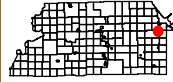
St. Louis County

May BOA Meeting



Ted & Patricia Frase

Site Map
380-0010-07850



Prepared By: Planning & Zoning

Department

(218) 725-5000

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Source: St. Louis County

Map Created: 4/17/2024

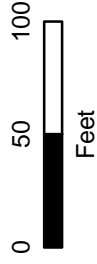
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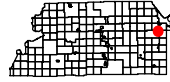
St. Louis County

May BOA Meeting



Ted & Patricia Frase

Elevation Map
380-0010-07850



Prepared By: Planning & Zoning

Department

(218) 725-5000

www.stlouiscountymn.gov

Source: St. Louis County

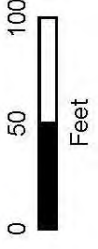
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St. Louis County

May BOA Meeting



Ted & Patricia Frase
Proposal Map
380-0010-07850



Prepared By: **Planning & Zoning**

Department

(218) 725-3000

www.stlouiscountrymn.gov

Source: St. Louis County

Map Created: 4/17/2024

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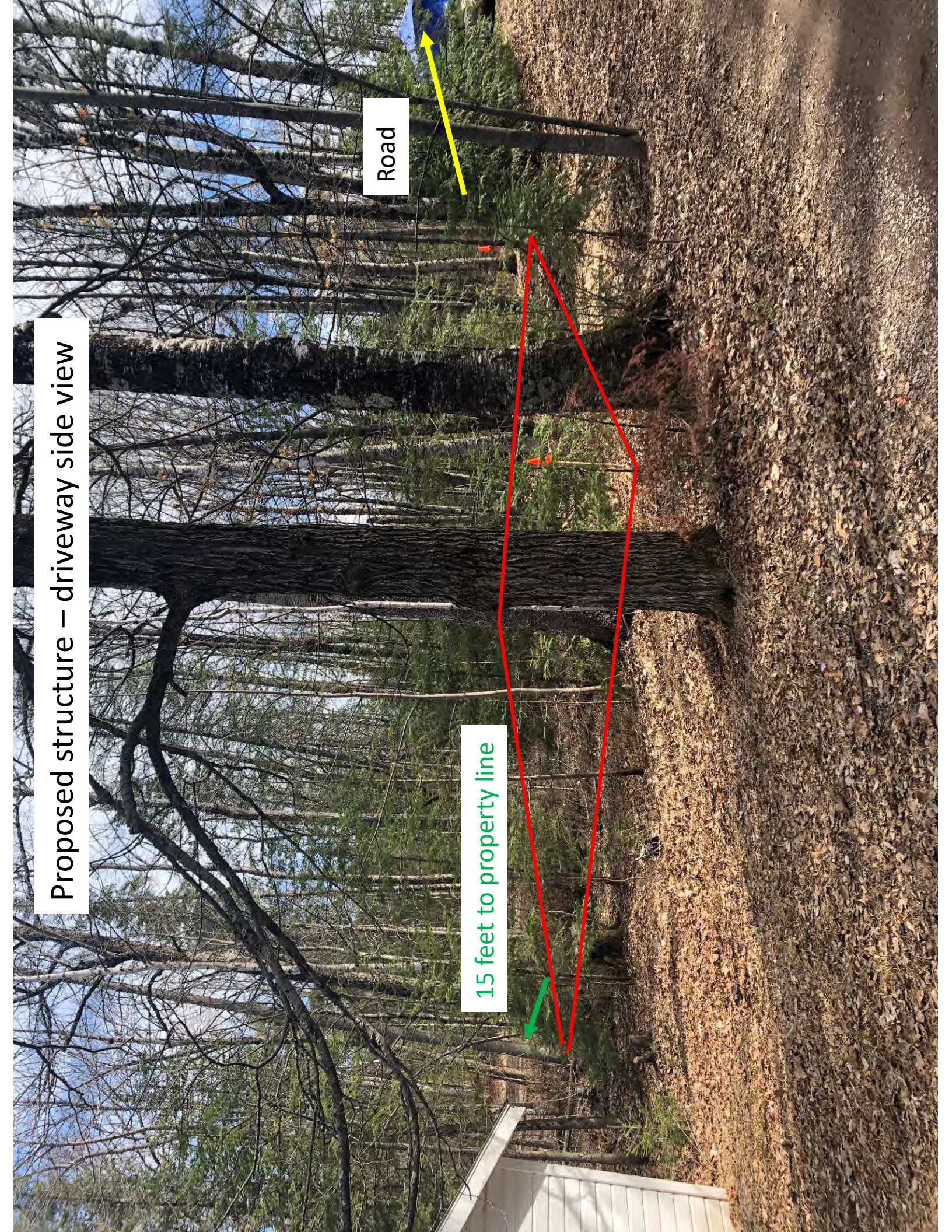
Existing Dwelling



Proposed structure – driveway side view

Road

15 feet to property line



Proposed structure – road side

Driveway

15 feet to property line



View from the shore – proposed structure
behind existing accessory structures

