



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6280

INSPECTION DATE: 8/10/2021

REPORT DATE: 8/23/2021

MEETING DATE: 9/9/2021

APPLICANT INFORMATION

APPLICANT NAME: Laurie Luczak

APPLICANT ADDRESS: 5982 Hwy 53, Culver, MN 55779

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

SITE ADDRESS: 8703 S Strand Lake Rd, Cotton, MN 55724

LEGAL DESCRIPTION: LOT 2 OF JINGWAK BEACH 1ST ADDITION PLAT, S20, T54N, R16W (Cotton)

PARCEL IDENTIFICATION NUMBER (PIN): 305-0029-00020

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.2, to allow a principal dwelling at a reduced property line setback where minimum of 20 feet is required.

PROPOSAL DETAILS: The applicant is proposing to construct a principal dwelling at a reduced property line setback. The proposed location is conforming to other required setbacks; however, the design choice by the applicant appears to cause the request for variance.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Strand Lake Rd S

ROAD FUNCTIONAL CLASS: Local

LAKE NAME: Strand Lake

LAKE CLASSIFICATION: RD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The parcel currently contains an accessory structure that was permitted in 2017 and a holding tank.

ZONE DISTRICT: SMU 7

PARCEL ACREAGE: APPROX. 3.26 ACRES

LOT WIDTH: APPROX. 155 FEET

FEET OF ROAD FRONTAGE: APPROX. 171 FEET

FEET OF SHORELINE FRONTAGE: APPROX. 155 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: Screening from adjacent properties is good. Screening from lake is average, with a few large trees, but little to no shrubs or other vegetation.

TOPOGRAPHY: The property has a steep slope from Strand Lake Rd S to a wetland area. The property is fairly flat from existing and proposed development area with an average slope of 9 percent to Strand Lake.

FLOODPLAIN ISSUES: There is no floodplain data for Strand Lake.

WETLAND ISSUES: Wetlands are located southeast of existing and proposed development.

ADDITIONAL COMMENTS ON PARCEL: Although the parcel has frontage along Strand Lake Rd S, it is accessed via a private road/easement due to wetlands.

FACTS AND FINDINGS

A. Official Controls:

1. St. Louis County Zoning Ordinance 62, Article III, Section 3.2 states minimum setback requirements for each district. The subject parcel is zoned SMU-7. District 7 requires a 20 foot property line setback for principal structures.
 - a. The applicant is proposing a 10 foot setback.
2. Goal LU-3 of the St. Louis County Comprehensive Land Use Plan is to improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
3. Objective LU-3.1 of the St. Louis County Comprehensive Land Use Plan is to base variance decisions on uniform approval criterion to ensure all applicants are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
4. Objective LU-3.3 of the St. Louis County Comprehensive Land Use Plan is to acknowledge why nonconformities are a concern and that variances should be for exceptional circumstances as noted in Minnesota Statue 394.22 Subd. 10.

B. Practical Difficulty:

1. There is approximately 0.5 acres of buildable area between the private road easement and the required 100 foot lake setback.
 - a. The lot meets the required zoning minimums which require 1 acre and 150 feet in width.
2. A smaller proposed structure or a different structure layout may allow for the required 20 foot property line setback be met.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area. Area around the subject parcel contains both seasonal and year-round residential use.
2. There have been no similar variances within the same plat.

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.

2. It appears that the proposed structure design chosen by the property owner is the primary reason for the property line setback variance request.
3. St. Louis County Zoning Ordinance 62 indicates:
 - a. Economic considerations alone shall not constitute practical difficulties if a reasonable use for the property exists under the terms of this ordinance.
 - b. Redesigning or reconfiguring the structure may allow for reasonable use of the property while maintaining setbacks and all other Ordinance requirements.

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 a reduced principal structure property line setback as proposed, include but are not limited to:

The following condition(s) shall apply:

1. St. Louis County On-Site Wastewater SSTS standards shall be followed.
2. Shoreline vegetation alteration standards shall be met.
3. All other county, local, state, and federal regulations 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 **305-0029-00020**

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: **Laurie Luczak**
Address Line 1: **5982 Hwy 53**
Address Line 2: **--**
City: **Culver**
State: **Minnesota**
Zip: **55779**
Primary Phone: **(218)345-6443**
Cell Phone: **--**
Fax: **--**
Email: **inlineconstr@aol.com**
Contact Person Name: **Chester Luczak**
Contact Person Phone: **(218)349-9331**

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: **Laurie Luczak**
Address: **5982 Hwy 53**

City: **Culver**
State/Province: **Minnesota**
Zip: **55779**
Primary Phone: **--**
Cell Phone: **--**
Fax: **--**
Email: **inlineconstr@aol.com**

Site Information

If there is no site address, the application will be forwarded to 911/Communications to assign one.

Is there a site address for this property? **Yes**

Site Address: **8703 S Strand Lake Rd Cotton, MN 55724**

Is this leased property? **No**

Leased From? **--**

US Forest Service

US Forest Service
Superior National Forest
8901 Grand Avenue Place
Duluth, MN 55808

MN Power

MN Power
Shore Land Traditions
30 West Superior Street
Duluth, MN 55802

MN DNR, Area Hydrologist

MN DNR, Area Hydrologist
7979 Highway 37
Eveleth, MN 55734

MN DNR Land and Minerals

MN DNR Land and Minerals
1201 East Highway 2
Grand Rapids, MN 55744

St. Louis County - Duluth

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

St. Louis County - Virginia

St. Louis County - Virginia
Land and Minerals
7820 Highway 135
Virginia, MN 55792
(218) 749-7103

Do you have written authorization from the leased property owner?

If Yes, you must attach written authorization form.

--

How is the property accessed?

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?

No

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

Yes

Is this project adding a bedroom?

Include home, garage, and accessory dwelling.

Yes

Total # of bedrooms on property after project completion.

3

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

Yes

If Yes, please explain:

Sinks, toilets, showers, outdoor faucets

Is this project connected to a municipal or sanitary district system?

No

VARIANCE REQUEST WORKSHEET

A variance allows the use of property in a manner otherwise forbidden by a zoning ordinance by varying one or more of the performance standards such as lot size, setbacks, etc. Variances from official zoning controls are defined under Minnesota Statutes 394.27 and require the landowner to prove that the property could not otherwise be used or enjoyed in the proposed way by complying with ordinance requirements and that there will be no negative impact on surrounding properties.

It is advisable that you discuss your request with Planning and Community Development staff prior to submitting the application. Approval or denial of your request is dependent on the justification you provide in answering the questions on this application. For more information, please check our website at: www.stlouiscountymn.gov/VarianceRequired

VARIANCE REQUEST INFORMATION

Complete this form along with the Land Use Permit Application

What kind of variance request is this?

If this is a Variance After the Fact, you must answer additional questions below.

Variance Request

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

If your proposal includes a structure, please also list the length, width and height of the structure.

We are asking for a 10' variance on the N side, rear corner of our lot, total of 3.3 acres to build our cabin. The lot has already been cleared in this area and this location would have the least amount of destruction

of natural habitat and additional clearing of trees and woods. The rear back corner would be the closest to the property line and then the building would angle slightly away from the line ending up to be about 15-18' away from the line at the front. The building will be kind of an "L" shape, 55' wide by 66' long x 12' x 14' x 26' inside the of the L shape. It will be a 1.5 story with a loft at 22' at the highest.

Describe the intended/planned use of the property.

It will be a recreational cabin/lake home for our 3 generation family.

Describe the current use of your property.

We use it for our family get-togethers as gathering spot for all 12 months out of the year.

Describe other alternatives, if any.

We would have to haul substantial gravel and fill to move the building further into the center of the lot and remove additional trees on the opposite side to possibly make room for the septic tank/mound system and part of the extended driveway.

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

It will fit just fine in the neighborhood. It will be the best use of space and least amount of habitat destruction to be set back that little bit.

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

There will not be any negative impact on the neighbors as we are only asking for 10' of variance. Neighbors on each side are both aware of our plans.

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

We are hoping to reduce and/or eliminate the clearing of natural habitat and the dozens of trees, possibly close to 100, that we have planted over the last few years by being able to utilize the space that the previous owner had already cleared and leveled. We also planted seven 8' fir trees on that opposite side that we are hoping to avoid destroying.

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

The property was clear cut and prepared for a building by the previous owner who then ultimately ended up having to sell it. We also lost 28 trees in a big storm over the lake 2 summers ago. To compensate for this, each year we have been planting and maintaining several dozen or close to 100 seedlings and 2'-3' trees along each side of our property. We really don't want to have to remove any of these or any of the original trees that are left.

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

Please consider allowing this variance so we don't have to destroy more vegetation, trees and habitat than necessary.

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: **Laurie Luczak**
Address: **5982 Hwy 53**
City: **Culver**
State: **MN**
Postal Code: **55779**
Email Address: **inlineconstr@aol.com**

I have read and agree to the statement above.

I agree

Site Sketch Form

The sketch is to graphically illustrate your proposed project(s)

Draw and Label on Sketch (in feet)

- ☐ *All Structures on the Property and Dimensions
- ☐ *All Driveways, Access Roads, and Wetlands
- ☐ *All Proposed Structures and Dimensions

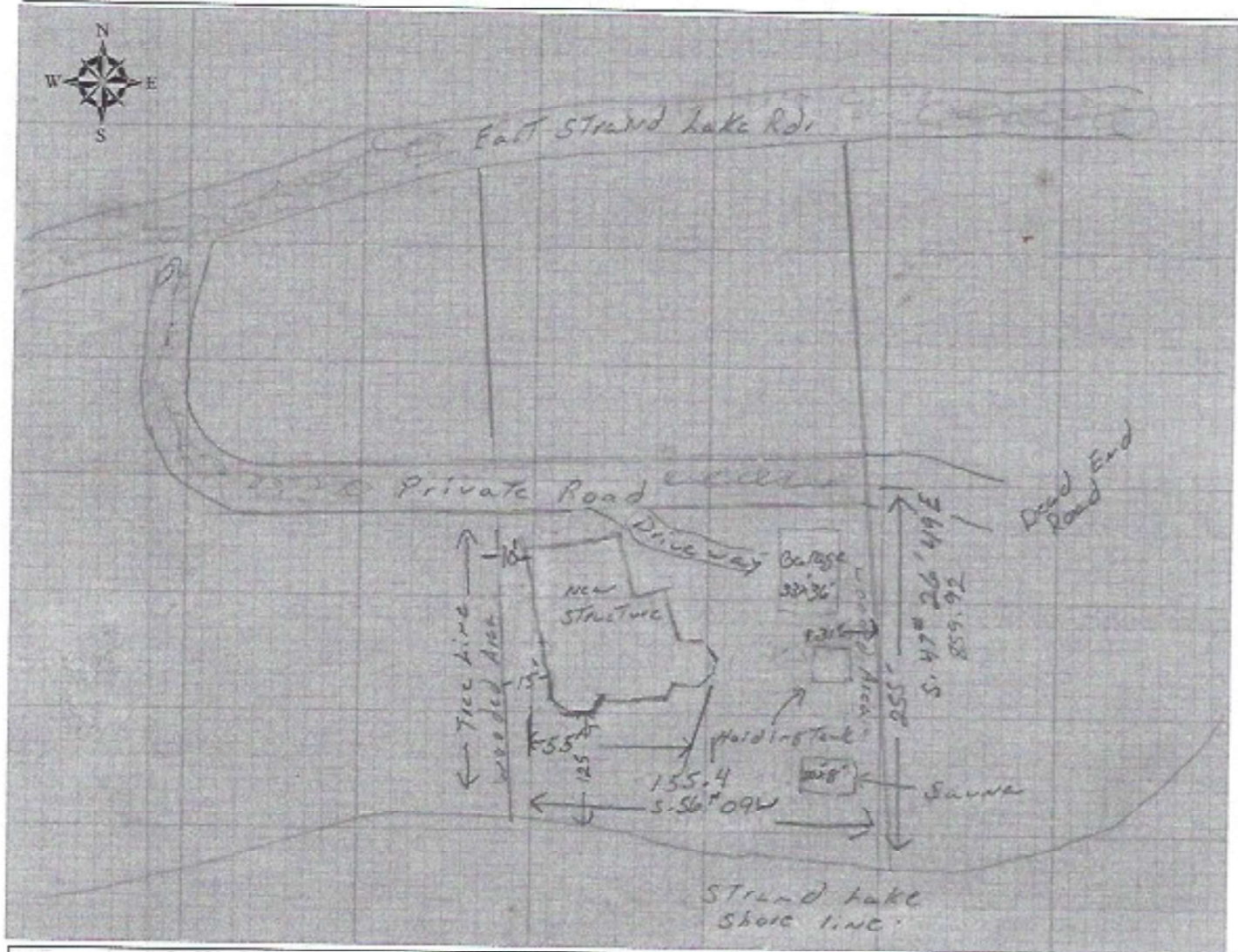
- ☐ *Distance of Proposed Structures to Shoreline (Closest Point)
- ☐ *Distance of Proposed Structures to Septic System and Tank
- ☐ *Distance of Proposed Structures to Property Lines
- ☐ *Distance of Proposed Structures to Road Centerline and Right-of Ways

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

*Applicant Name:

*Site Address:

*PIN:



Sanitary Authority Use Only

Sanitary Review: (To be determined by appropriate sanitary authority.)

Will the proposal, as shown above, negatively impact the SSTS/sanitary line or replacement area? ☐ Yes ☐ No

Sign off:

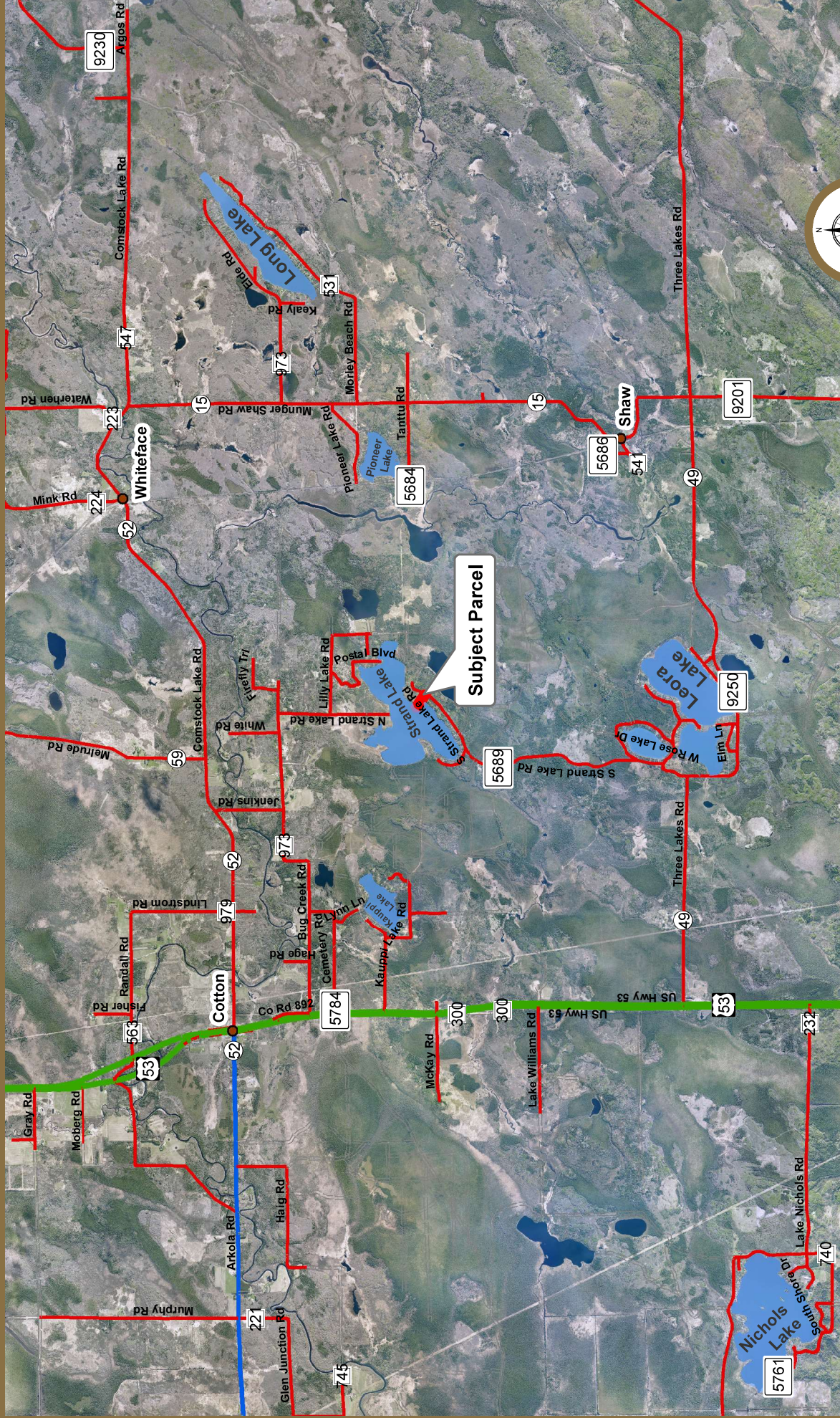
Signature _____



Title _____




St. Louis County

September BOA Meeting








St. Louis County MN

Laurie Luczak

Location Map

PIN:305-0029-00020



St. Louis County

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

Source: St. Louis County

Map Created: 8/10/2021

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St. Louis County

September BOA Meeting

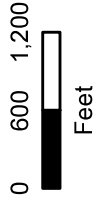


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Laurie Luczak
Location Map
PIN:305-0029-00020



St. Louis County MN



St. Louis County

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Laurie Luczak
Zoning Map
PIN:305-0029-00020



0 600 1,200
Feet



St. Louis County MN

St. Louis County

September BOA Meeting



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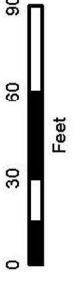
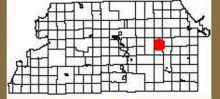
Laurie Luczak
Site/Elevation Map
PIN: 305-0029-00020

St. Louis County

September BOA Meeting



- Legend**
- Approx. Property Line
 - Approx. Conforming Area
 - ↔ Width Between Property Line Setbacks



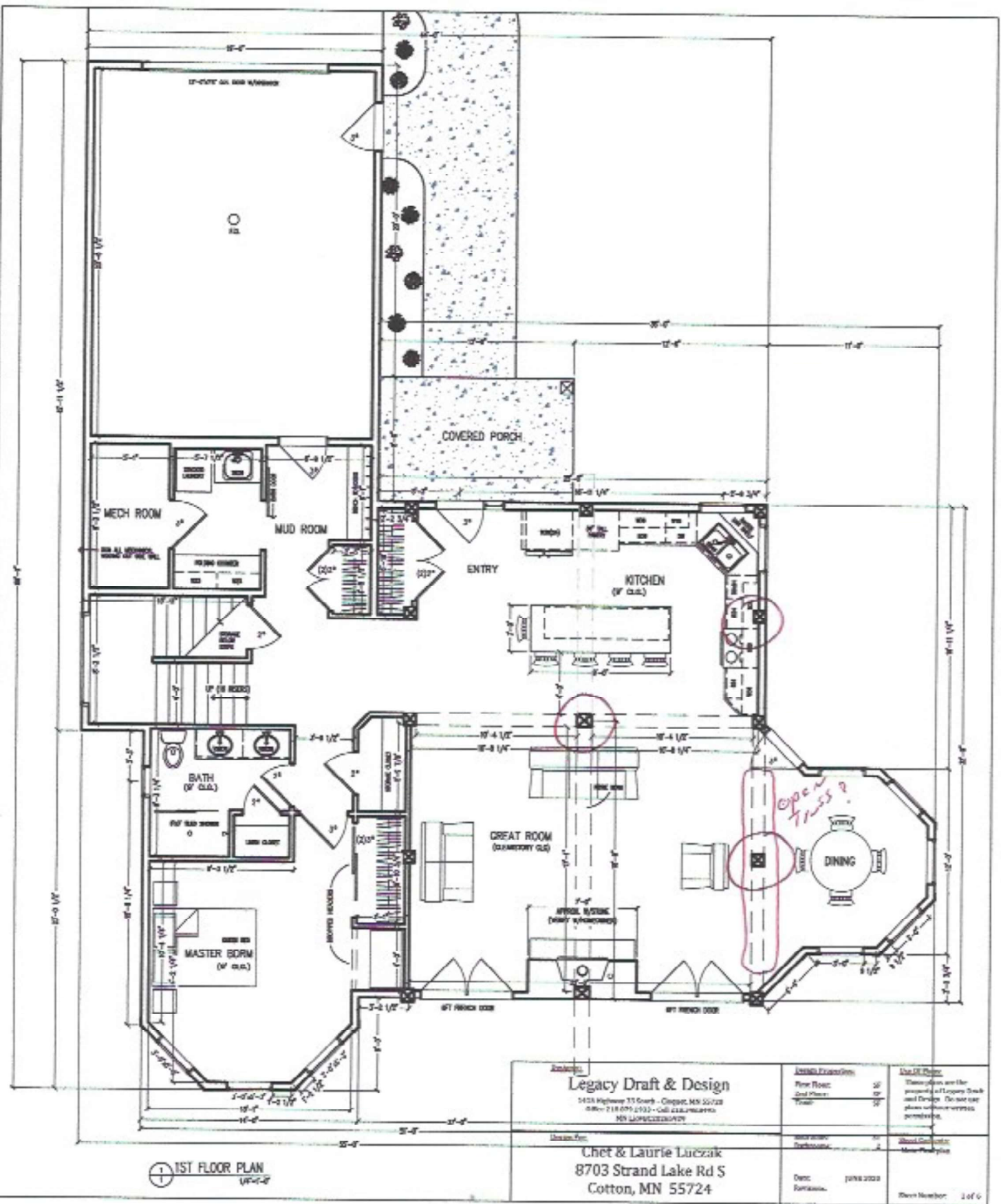
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Laurie Luczak
 Approx. Conforming Area
 PIN: 305-0029-00020



Legacy Draft & Design

2425 Highway 111 South - Cottage, MN 55722
 Phone: 718.075.2100 • Cell: 612.444.4444
 MN LICENSED ARCHITECT

Chet & Laurie Luczak
 8703 Strand Lake Rd S
 Cotton, MN 55724

Design Progress:

First Floor: 25%
 Second Floor: 10%
 Total: 17%

Design Progress:

First Floor: 25%
 Second Floor: 10%
 Total: 17%

Use Of Plans:

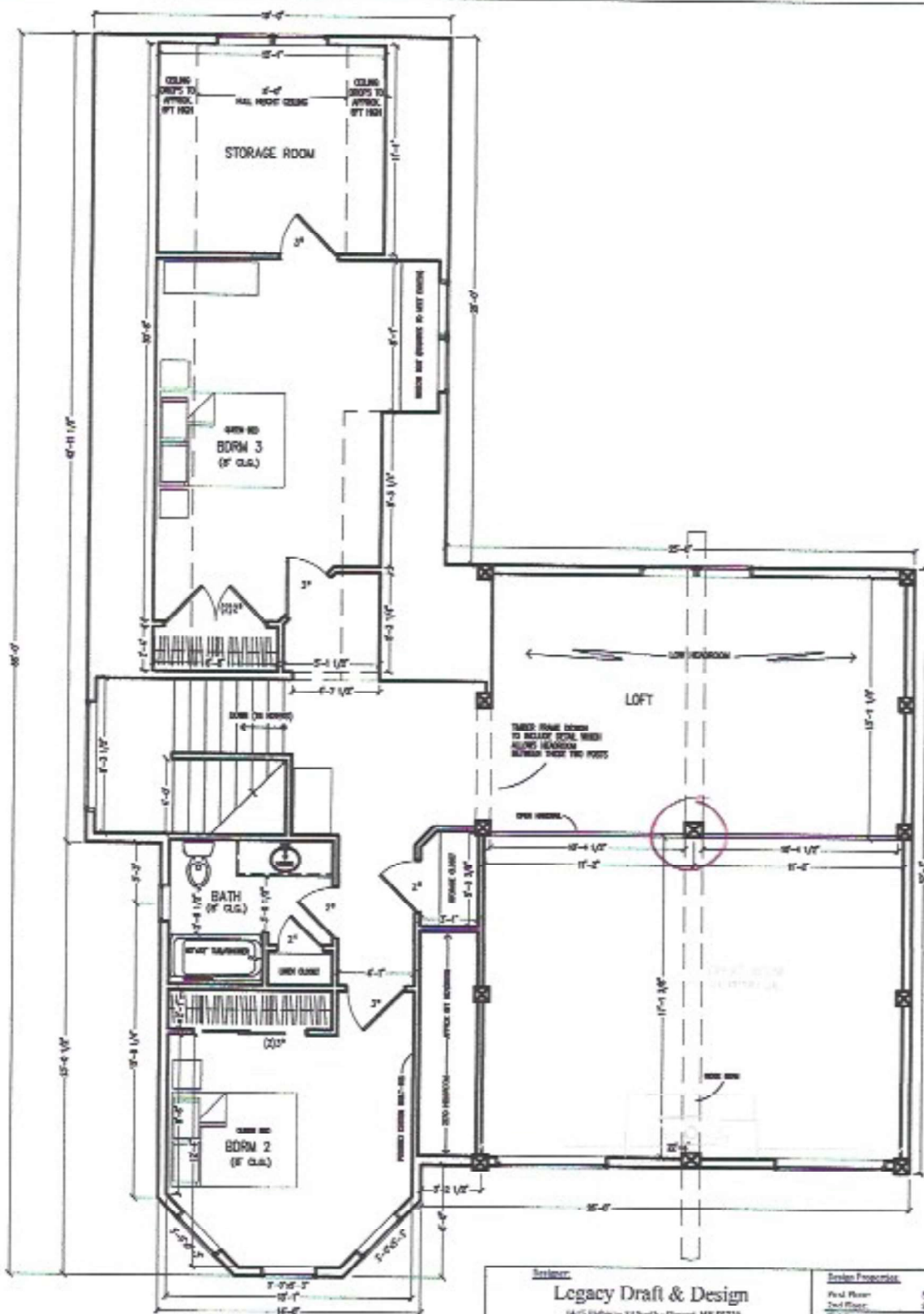
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Use Of Plans:

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Date: 10/18/2023
 Drawn: [Signature]

Sheet Number: 1 of 6



2ND FLOOR PLAN
1/4" = 1'-0"

Architect

Legacy Draft & Design

1445 Highway 22 South - Cottage, MN 55725
Office 218.839.1700 Fax 218.140.0495
MN LADDC20202029

Owner

Chet & Laurie Luczak
8703 Strand Lake Rd S
Cotton, MN 55724

Design Properties

First Floor 00
2nd Floor 10
Total 10

Dimensions

Bedrooms 11
Bathrooms 2

Drawn

Revisions JUN 2020

Use/Notes

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Sheet Number

2 of 6

Individual Sewage Treatment System Operating Permit For Wastewater Treatment & Dispersal

Site: CHESTER & LAURIE LUCZAK
8703 STRAND LAKE RD S
Address: COTTON MN 55724

CHESTER LUCZAK
5982 HWY 53
CULVER, MN 55779

Operating Permit Number: 23427
Annual Submittal Date: 06/07/2020
Issuance Date of Permit: 11/19/2019
Expiration Date of Permit: 06/07/2023
Parcel Code: 305-29-20
Township: COTTON (5416)
Type: Annual
Operator:

Legal Description:
LOT: 0002 BLOCK:000

The permit was granted for:

A New Holding Tank System
ONE 1,500 Gallon Holding Tank(s)

Sections of Ordinance #61 pertaining to Holding Tanks:

Annual Submittal of Records. Upon notice from the Department, property owners shall submit to the Department water usage records for the previous 12 months, pumping records by pumping episode for the previous 12 months, and a copy of a valid contract with a maintenance business licensed under Rule 7083.0770.

Operating Permits must be renewed every five years. At the time of renewal, the owner must submit to the Department an Operating Permit renewal application and application fee, water usage records for the previous 12 months, pumping records by pumping episode for the previous 12 months, Holding Tank Inspection Form 5-1 completed by a licensed service provider or maintainer, and a copy of a valid contract with a maintenance business licensed under Minnesota Rule 7083.0770.

OPERATING PERMIT PARAMETER/REQUIREMENTS:

Note annual requirements due 06/07/2020

REQUIRED FREQUENCY OF MAINTENANCE 1 TIME PER YEAR

Comments:

The Environmental Services Department authorizes the Permittee to operate a treatment and dispersal system at the facility named above in accordance with the requirements of this permit.

This permit is effective on the issuance date identified above. If you have a question on this permit including the specific requirements, please call our office.

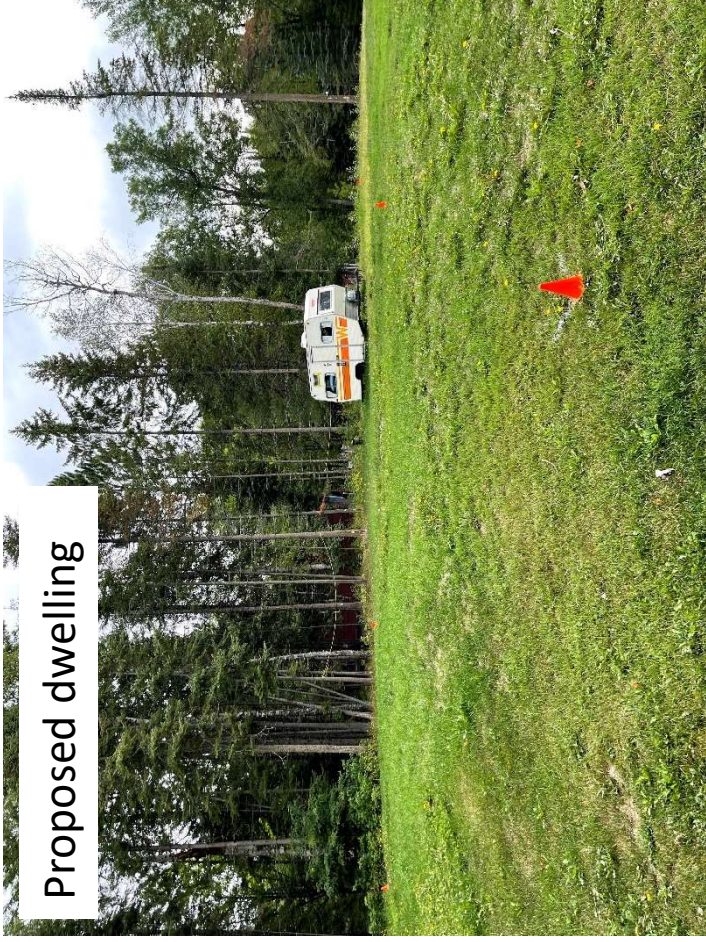
This permit and the authorization to treat and disperse shall expire on the above date. The Permittee is not authorized to discharge after the above date of expiration. The permittee shall submit such information and forms as are required by the Department no later than 30 days prior to the above date of expiration.

JASON WALSH 218-725-5251
Environmental Specialist

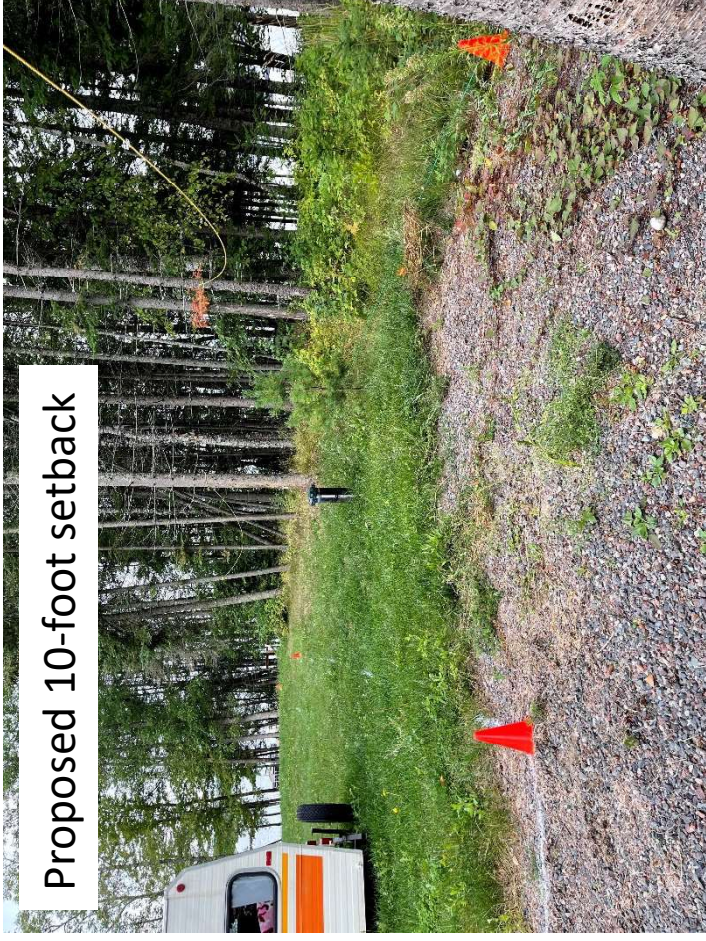
St. Louis County Environmental Services Department
Government Services Center
320 W 2nd St., Suite 301
Duluth, MN 55802

Form:H420320P

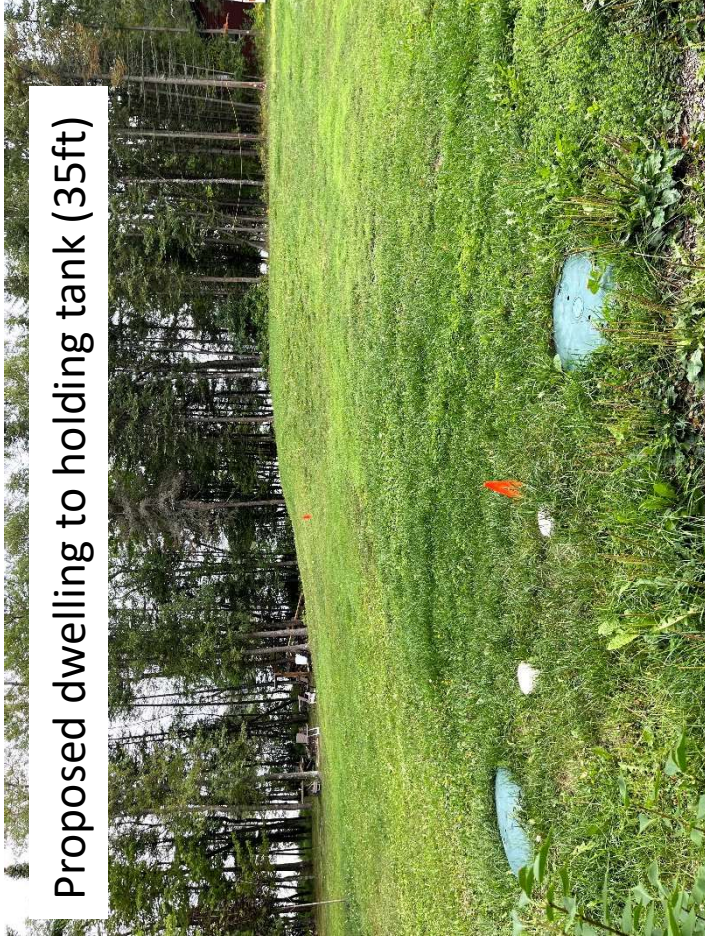
Proposed dwelling



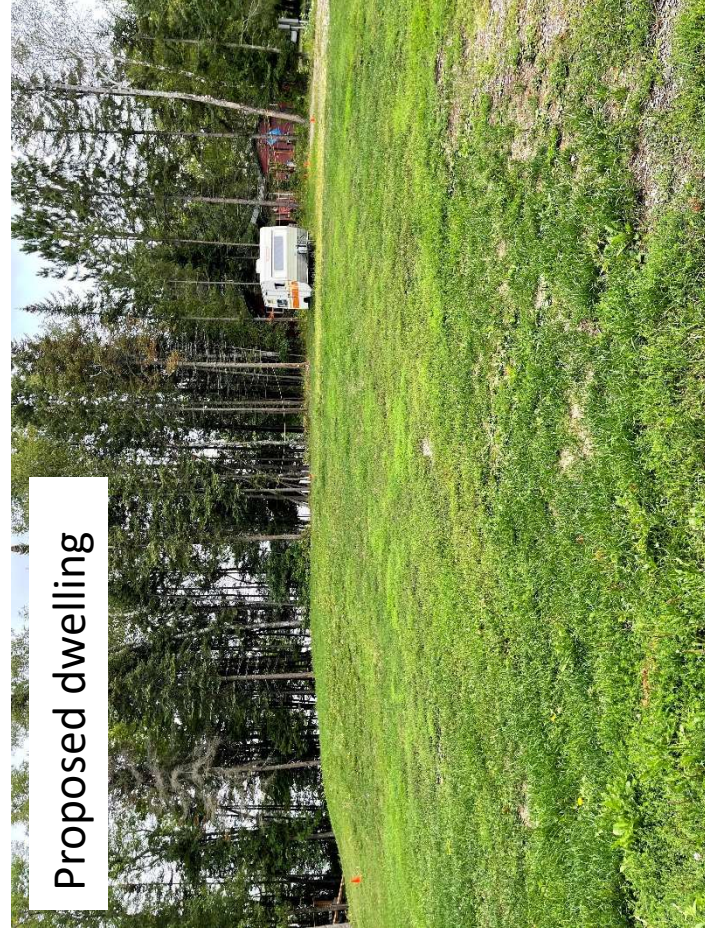
Proposed 10-foot setback



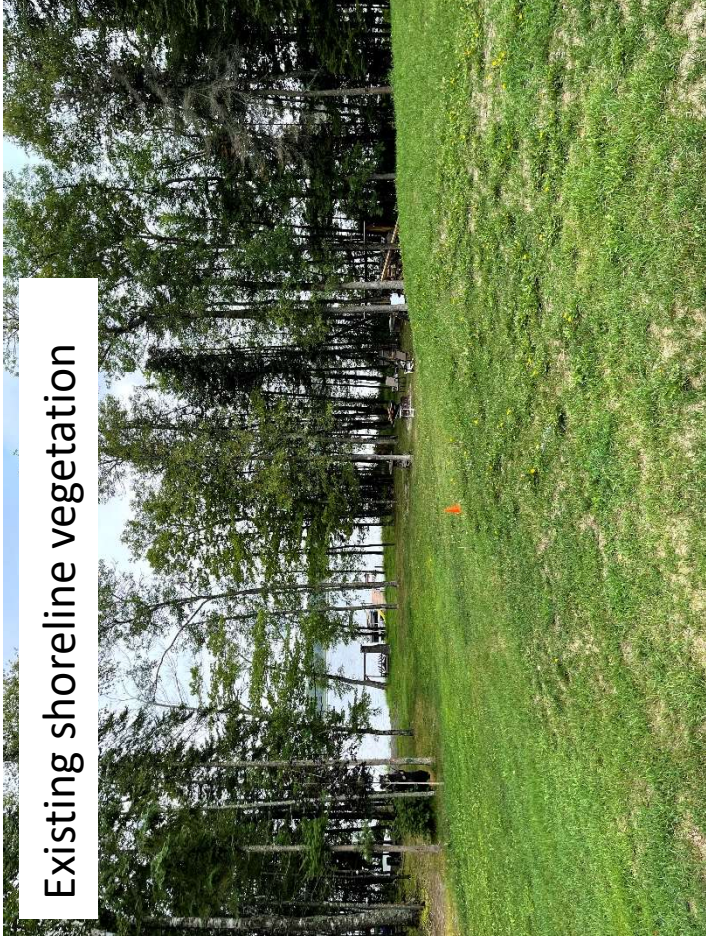
Proposed dwelling to holding tank (35ft)



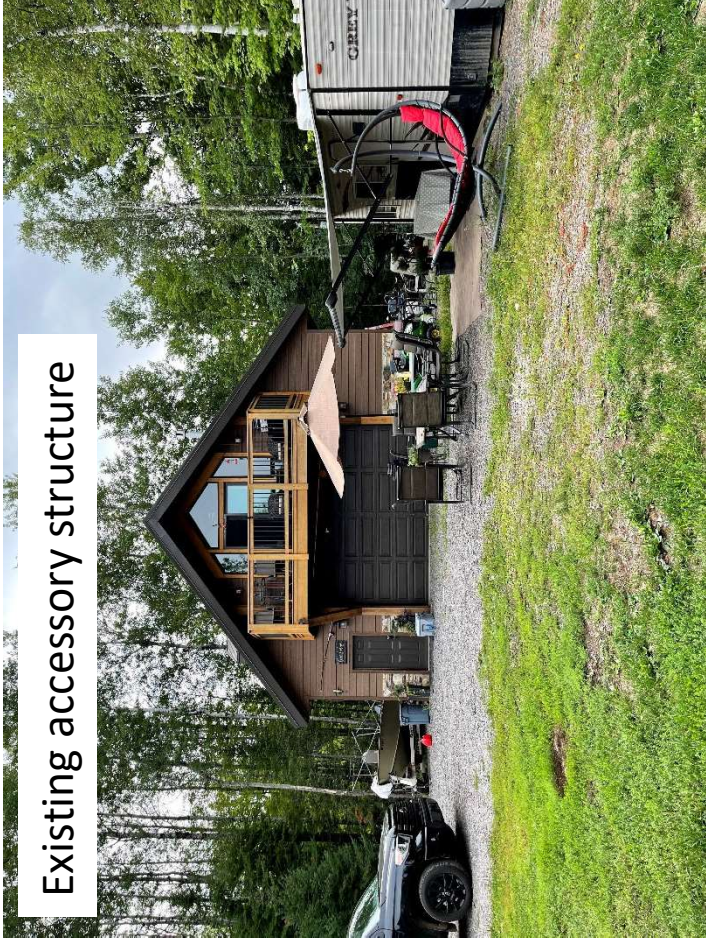
Proposed dwelling



Existing shoreline vegetation



Existing accessory structure



Existing entrance

