



# ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6249

INSPECTION DATE: N/A

REPORT DATE: 3/22/21

MEETING DATE: 4/08/21

## APPLICANT INFORMATION

**APPLICANT NAME:** Gary Drilling

**APPLICANT ADDRESS:** 8373 1<sup>st</sup> Ave, Babbitt, MN 55706

**OWNER NAME:**  
(IF DIFFERENT THAN ABOVE)

**SITE ADDRESS:** 8373 1<sup>st</sup> Ave, Babbitt, MN 55706

**LEGAL DESCRIPTION:** Lot 3 Dunka River Plat First Addition and THAT PART OF LOT 2 DESC AS FOLLOWS: ASSUMING THE LINE COMMON TO LOTS 2 AND 3 TO BEAR N11DEG25'37"W AND FROM THE INTERSECTION OF SAID COMMON LINE WITH THE NLY PLATTED R/W BEING THE POINT OF BEGINNING, RUN S72DEG14'37"W ALONG SAID PLATTED R/W A DISTANCE OF 6 FT; THENCE N10DEG27'20"W A DISTANCE OF 353 FT, MORE OR LESS, TO THE SHORE OF BIRCH LAKE; THENCE S11DEG25'37"E ALONG SAID COMMON LINE A DISTANCE OF 352 FT, MORE OR LESS, TO THE POINT OF BEGINNING, S33, T61N, R12W (Unorganized).

**PARCEL IDENTIFICATION NUMBER (PIN):** 610-0021-00030, 610-0021-00020

**VARIANCE REQUEST:** The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.2, to allow a principal structure replacement to be located at a reduced property line setback and relief from St. Louis County Zoning Ordinance 62, Article II, Section 2.4, F, to exceed 55 percent lot width facing the lake.

**PROPOSAL DETAILS:** The applicant is proposing to replace an existing 1,232 square foot dwelling with a 2,444 square foot dwelling. The proposed dwelling will be located 10 feet from property lines where a 15 foot setback is required and will exceed 55 percent lot width facing the lake. The existing dwelling conforms to both setback and lot width requirements. In 2019, the applicant was approved a variance to allow additions to the existing dwelling and to exceed 55 percent lot width facing the lake. The applicant is now requesting to remove and replace the existing dwelling with a similar configuration.

## PARCEL AND SITE INFORMATION

**ROAD ACCESS NAME/NUMBER:** 1<sup>st</sup> Ave

**ROAD FUNCTIONAL CLASS:** Private

**LAKE NAME:** Birch Lake

**LAKE CLASSIFICATION:** RD

**RIVER NAME:** N/A

**RIVER CLASSIFICATION:** N/A

**DESCRIPTION OF DEVELOPMENT ON PARCEL:** There is currently a conforming dwelling, garage, shed, and septic system.

**ZONE DISTRICT:** SMU 11

**PARCEL ACREAGE:** 0.72 ACRES

**LOT WIDTH AT BUILDING SITE:** 87 FEET

**FEET OF ROAD FRONTAGE:** 77.89 FEET

**FEET OF SHORELINE FRONTAGE:** 102.42 FEET

## PARCEL AND SITE INFORMATION

**VEGETATIVE COVER/SCREENING:** The parcel has good screening from the lake and poor screening from the road and property lines.

**TOPOGRAPHY:** The parcel has an approximate elevation change of 48 feet from shoreline to back of parcel.

**FLOODPLAIN ISSUES:** N/A

**WETLAND ISSUES:** N/A

## FACTS AND FINDINGS

### A. Official Controls:

1. St. Louis County Zoning Ordinance 62 requires a 15 foot property line setback within a SMU-11 zone district. The applicant is requesting a 10 foot property line setback.
2. St. Louis County Zoning Ordinance 62 states that structure width facing the lake shall not exceed 55 percent of the lot width when located at a conforming shoreline setback.
3. St. Louis County Comprehensive Land Use Plan states Goal LU-3: 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 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.

### B. Practical Difficulty:

1. The existing dwelling conforms to the required property line setback of 15 feet and 55 percent lot width.
2. The parcel is approximately 87 feet wide at the building site; a structure 48 feet wide would be allowed.
3. There are alternatives that would not require a variance:
  - a. A conforming structure could be re-constructed on the parcel.
  - b. Additions could be constructed in accordance to the 2019 approved variance.

### C. Essential Character of the Locality:

1. The parcel was granted a variance in 1974 from minimum lot width in a W-3 (SMU-11) zone district. The 1974 variance does not indicate the reasoning or approval criteria.
2. The parcel was granted a variance in 2019 to allow additions to the existing dwelling at reduced property line setbacks and to exceed 55 percent lot width facing the lake.

#### **D. Other Factor(s):**

1. The existing dwelling conforms to Ordinance requirements.
2. There is space on the parcel to construct a conforming dwelling since the applicant is now requesting a replacement structure.
3. This is an opportunity to bring the parcel into compliance.
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. The applicant has not met the burden of demonstrating a practical difficulty as proposed due to the fact that there is suitable area for a structure to meet ordinance requirements.
6. The applicant was approved a Land Use Permit in 2019 to construct a 60 foot by 32 foot accessory structure on a nearby parcel.

**NOTE TO PLANNERS-Add as attachments: 1. Zoning/location map 2. Air photo 3. Site sketch 4. Project picture (if applicable) 5. Other pertinent pictures or maps**

#### **BOARD OF ADJUSTMENT CRITERIA FOR APPROVAL OF A VARIANCE**

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

#### **RECOMMENDED CONDITIONS, IF APPROVED**

In the event that the Board of Adjustment determines that the proposal meets the criteria for granting a variance to allow a principal structure replacement to be located at a reduced property line setback and to exceed 55 percent lot width facing the lake, the following conditions shall apply:

1. The stormwater runoff from the proposed structure shall not directly discharge into the lake or on adjacent lots.
2. The 2019 variance shall be revoked.

**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

**Virginia**Government 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](http://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 **610-0021-00030**

Associated PINs

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**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**

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Enter Applicant Information

I am a: **Landowner**  
Applicant Name: **Gary Drilling**  
Address Line 1: **8373 1st Ave**  
Address Line 2: **--**  
City: **Babbitt**  
State: **MN**  
Zip: **55706**  
Primary Phone: **(612)390-2195**  
Cell Phone: **--**  
Fax: **--**  
Email: **drilling\_ph@icloud.com**  
Contact Person Name: **--**  
Contact Person Phone: **--**

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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: **Gary Drilling**  
Address: **PO Box 326**

City: **Babbitt**  
State/Province: **MN**  
Zip: **55706**  
Primary Phone: **--**  
Cell Phone: **--**  
Fax: **--**  
Email: **drilling\_ph@icloud.com**

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**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: **8373 1st Ave, Babbitt**

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?**

**Public Road**

**No**

**No**

**No**

**No**

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Enter Project Information.

If you answered 'Yes' to any of the questions below, it is required that you submit a copy of a septic permit to construct or certificate of compliance approval or municipal/sanitary district approval when applying for a land use permit.

**Is this project on a parcel less than 2.5 acres?**

**Yes**

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

**Yes**

**Is this project adding a bedroom?**

Include home, garage, and accessory dwelling.

**No**

**Total # of bedrooms on property after project completion.**

**3**

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

**Yes**

**If Yes, please explain:**

**Rebuilding, new plumbing inside, sewer new in Sept. 2012**

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

**No**

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## **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](http://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.

**The variance that I am requesting is to remove the top house of the existing basement and build a new**

**28' x 44' single story house on the old basement foundation. Add a new addition to the lake side with a full basement 22' x 22'. Add a single car garage on the back side of the house, attached. Add a 13' x 12' screen porch, 26' x 14' deck and a 8' x 8' porch and steps at front door. We are getting older, so a attached garage would be a advantage in the winter, do to the width of the property, we need to set the garage back to the 10' setback, to have enough room to turn around.**

Describe the intended/planned use of the property.

**As a permanent residents.**

Describe the current use of your property.

**We are permanently living in the cabin, we retired and sold our house.**

Describe other alternatives, if any.

**None**

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

**I see that there would be no impact on the neighborhood.**

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

**The neighbor to the southwest is currently using the place for his weekend cabin. The neighbors to the Northeast is currently a operating resort, which they use my driveway, I see no impact on the resort.**

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

**None that I can see.**

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

**As I said in the first statement, that we are getting older and a attached garage would be an advantage in the winter to get into the car without going outside. We like the outdoors and a screen porch would be an advantage against the bugs in Minnesota.**

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

**We are getting older and we would like to build a new residence with easy access.**

#### **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?

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By submitting this application, I certify and agree that I am the owner or the authorized agent of the owner of the above property, and that all uses will conform to the provisions of St. Louis County. I further certify and agree that I will comply with all conditions imposed in connection with the approval of the application. Applicants may be required to submit additional property descriptions, property surveys, site plans, building plans, and other information before the application is accepted or approved. **Intentional or unintentional falsification of this application or any attachments thereto will make the application, any approval of the application and any result invalid.** I authorize St. Louis County staff to inspect the property to review the application and for compliance inspections. Furthermore, by submitting this application, I release St. Louis County and its employees from any and all liability and claims for damages to person or property in any manner or form that may arise from the approval of the application or any related plans, the issuance of any resulting permit or the subsequent location, construction, alteration, repair, extension, operation or maintenance of the subject matter of the application.

If your name, contact information or email address have changed, you should update your contact information in the portal by selecting 'Maintain Contact Information' at the top of this page.

Submitted By: --

Address: --

City: --

State: --

Postal Code: --

Email Address: --

I have read and agree to the statement above.

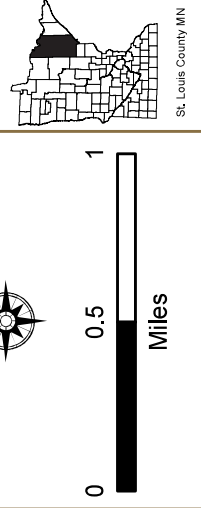
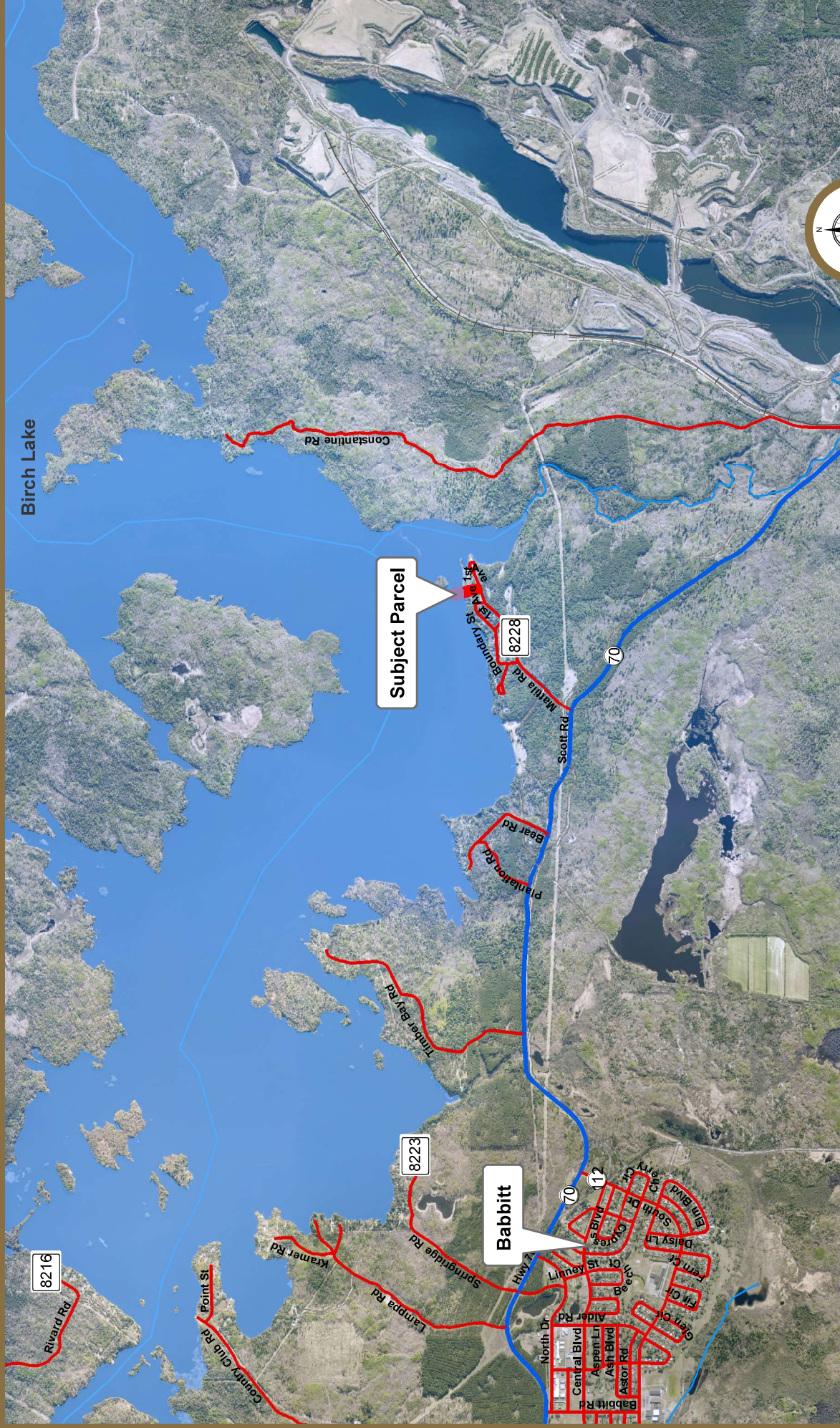
**No**

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# St. Louis County

## April BOA Meeting



## Gary Drilling

### Location Map

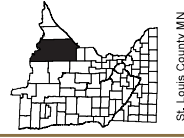
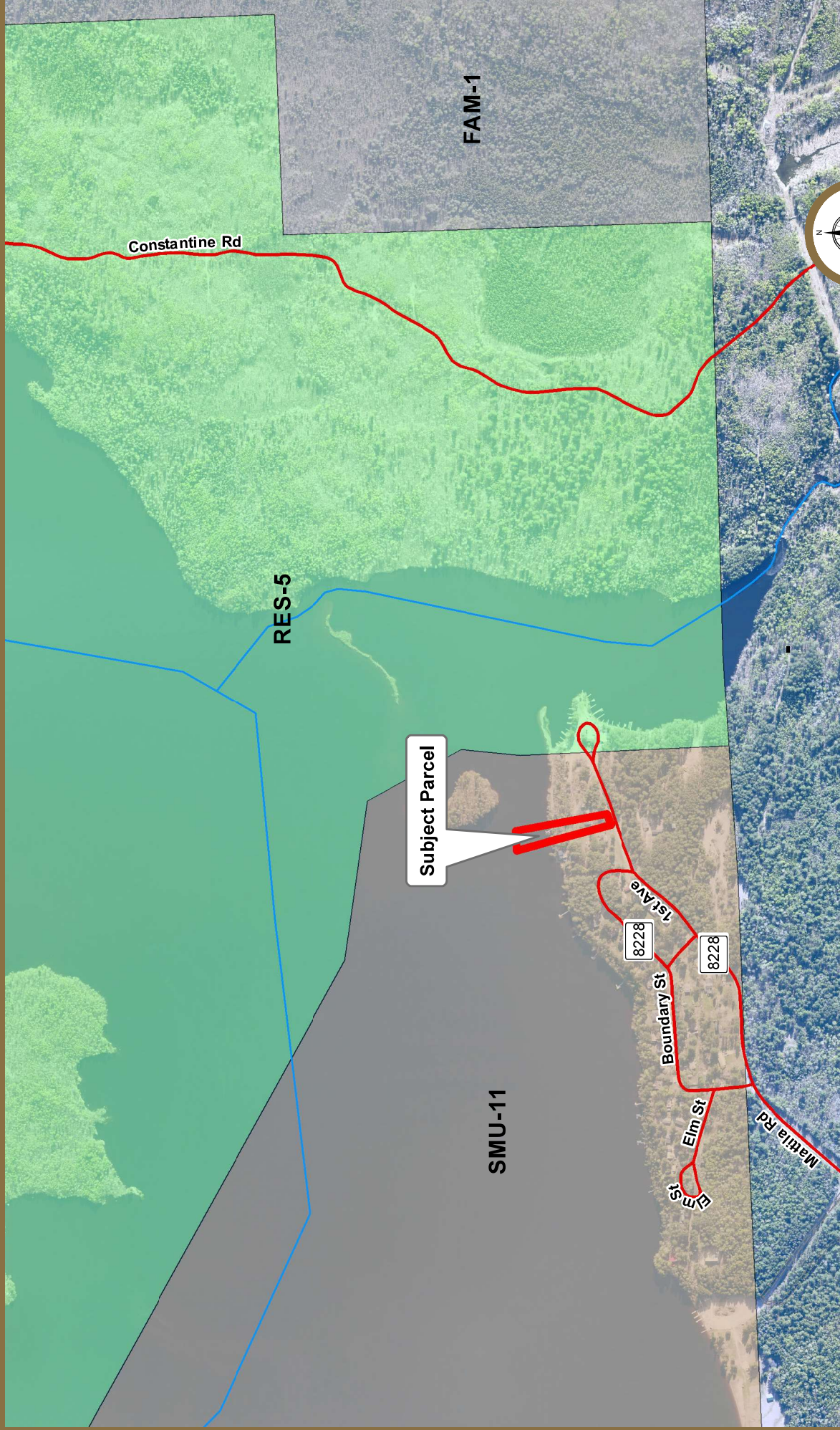
PIN:610-0021-00030

Prepared By:	Planning & Community Development (216) 725-5000 <a href="http://www.stlouiscountymn.gov">www.stlouiscountymn.gov</a>
Source:	St. Louis County
Map Created:	3/15/2021
<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>	
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# St. Louis County

April BOA Meeting



Prepared By: **Planning & Community Development**  
(216) 725-5000  
[www.stlouiscountymn.gov](http://www.stlouiscountymn.gov)  
Source: St. Louis County

Map Created: 3/15/2021

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**Gary Drilling**  
**Zoning Map**  
PIN:610-0021-00030





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# Site/Elevation Map

610-0021-00030



Prepared By: Planning & Community Development  
(216) 725-5000  
[www.stlouiscountymn.gov](http://www.stlouiscountymn.gov)

Team Credits: Planning, Land, Public Works, 911

Source: St. Louis County, DNR

Map Created: 6/25/2019

Disclaimer: This is a compilation of records as they appear in the St. Louis County Office's official records. The drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.



= 40'

SEPTEMBER, 2015

LINE COMMON TO LOTS 2 & 3  
TO BEAR N 11° 25' 37" W  
ALL LINEAR MEASUREMENTS ARE  
U.S. SURVEY FEET

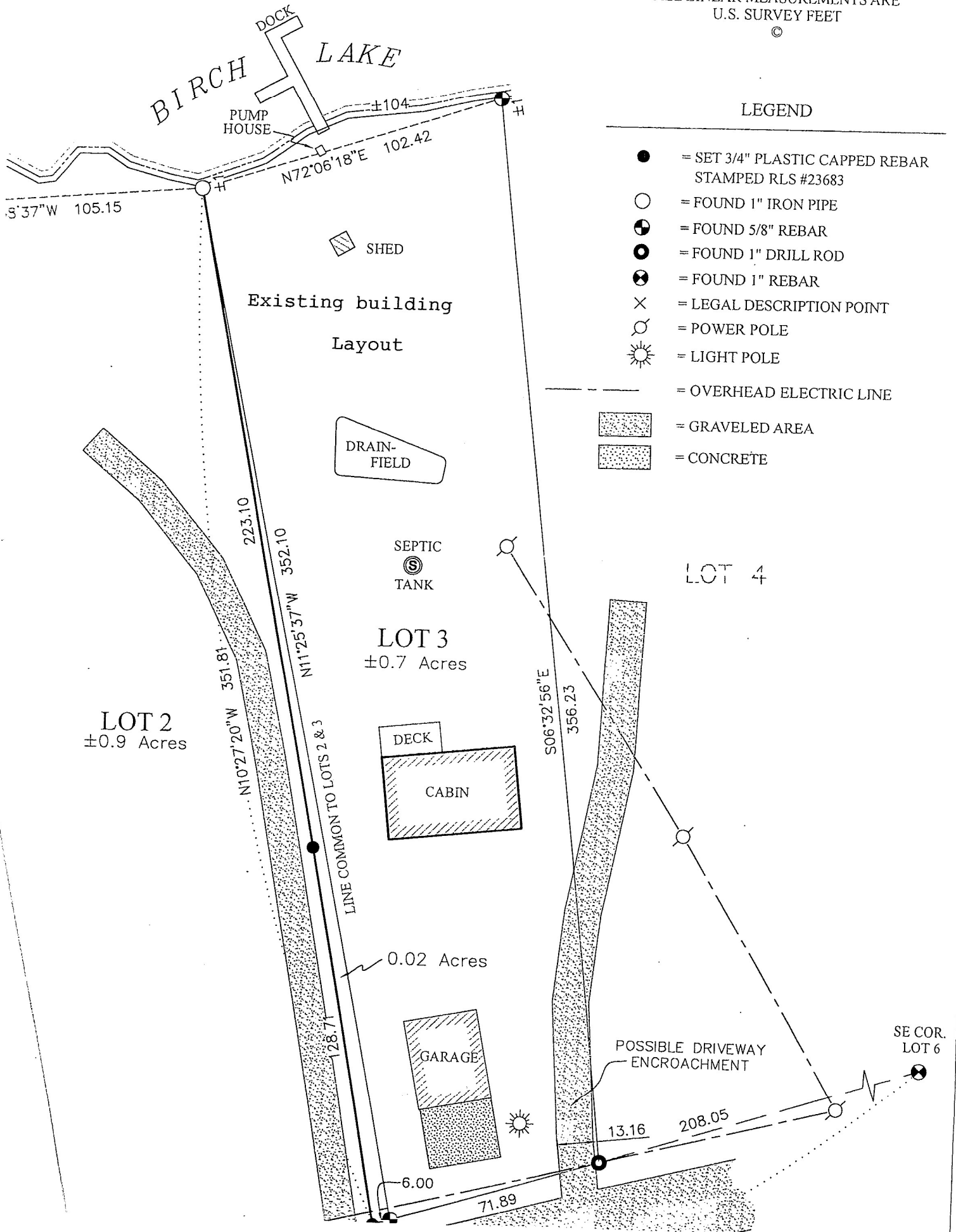
LEGEND

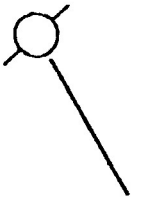
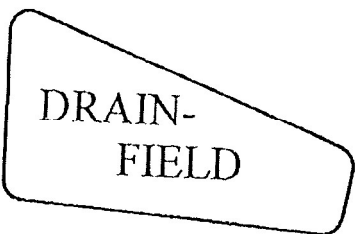
- = SET 3/4" PLASTIC CAPPED REBAR  
STAMPED RLS #23683
- = FOUND 1" IRON PIPE
- ⊙ = FOUND 5/8" REBAR
- ⦿ = FOUND 1" DRILL ROD
- ⊗ = FOUND 1" REBAR
- × = LEGAL DESCRIPTION POINT
- ⊙ = POWER POLE
- ☼ = LIGHT POLE

--- = OVERHEAD ELECTRIC LINE

▨ = GRAVELED AREA

▩ = CONCRETE





LOT 3  
±0.7 Acres

18' 6" from  
property line  
to deck

LOT 2  
Acres

13' from property  
line to screen porch

12' x 13' screen  
porch

12' from property line  
to garage

22' x 24' garage

10' 3" from property line  
to garage corner

14' x 26'  
deck

22' x 24'  
new  
addition

Existing basement  
CABIN  
New house on top

8' x 8'  
deck and steps

24'  
22'

0.02 Acres

N 20° 27' 20" W  
351.81

N 11° 25' 37" W  
352.10

S 06° 32' 56" E  
356.23

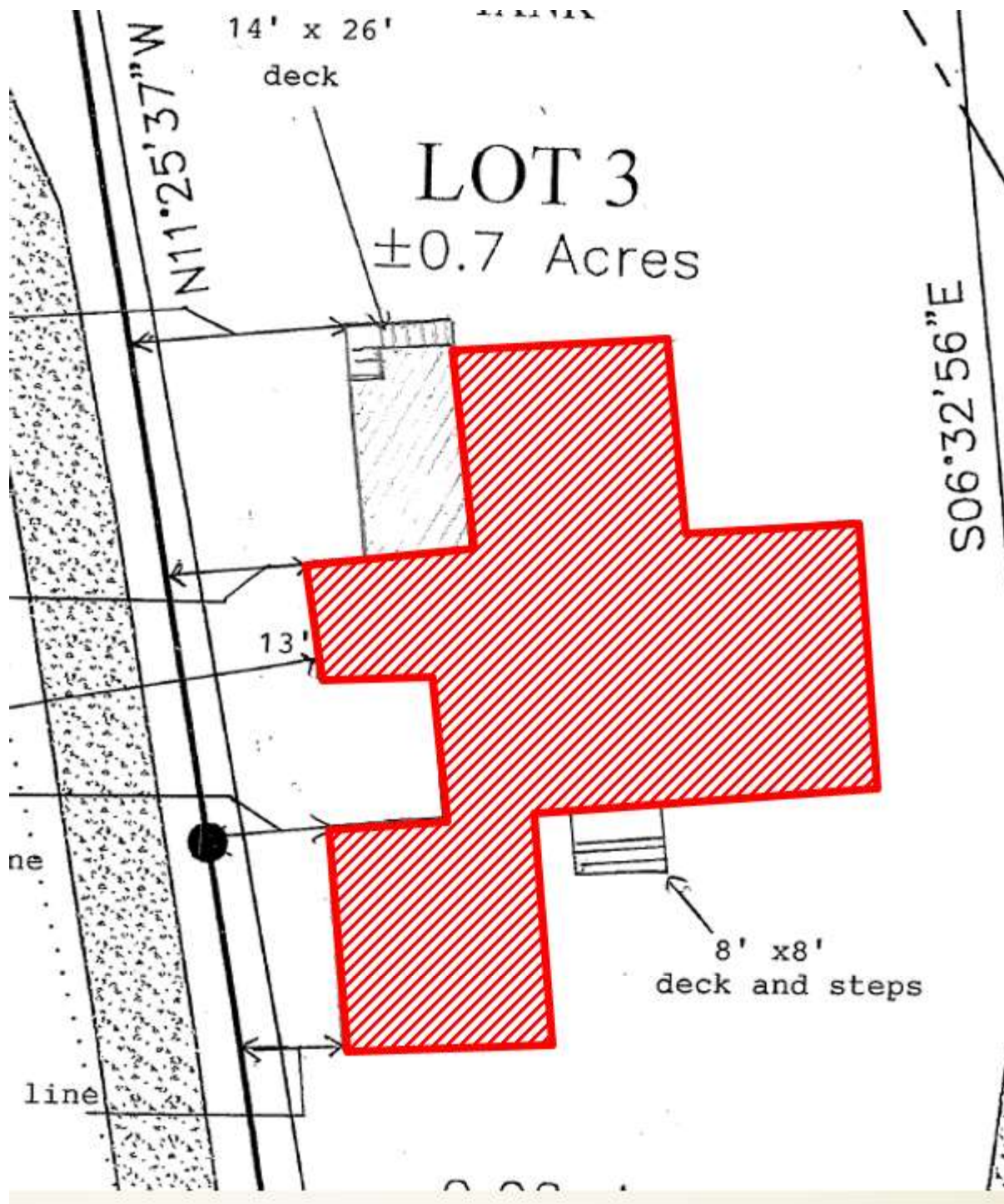
223.10

Existing dwelling





Proposed 2,444 Square foot replacement dwelling





# Saint Louis County

Planning and Community Development Department • [www.stlouiscountymn.gov](http://www.stlouiscountymn.gov)  
[landuseinfo@stlouiscountymn.gov](mailto:landuseinfo@stlouiscountymn.gov)

DATE: July 31, 2019

TO: Gary Drilling

FROM: Jenny Bourbonais Acting Secretary - BOARD OF ADJUSTMENT

**SUBJECT: DECISION OF ST. LOUIS COUNTY BOARD OF ADJUSTMENT**

Following is a brief summary of the decision from your variance hearing held Thursday, July 11, 2019. You will be receiving the formal, signed and notarized Findings of Fact, Conclusions and Decision once the Board has formally approved them, which will be in **approximately one month**.

Case 6192 - Gary Drilling - S33, T61N, R12W (Unorganized)

Approved a variance request to allow additions to a principal structure at a reduced property line setback and to exceed 55 percent lot width facing the lake, based on the following facts and findings:

A. Official Controls:

1. The variance request is partially in harmony with the general purpose and intent of official controls.
2. The development is located far enough from the lake to limit lake views of the structure.
3. The dwelling exceeds shoreline setback minimum being located 200 feet from the lake.

B. Practical Difficulty:

1. The parcel is approximately 87 feet wide at the building site; a structure 48 feet wide would be allowed.
2. The dwelling is located about 200 feet from the lake and the additions will not impede anyone's view.
3. The additions will give the applicants' reasonable accommodation in their senior years.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area.
2. The parcel was granted a variance in 1974 from minimum lot width in a W-3 (SMU-11) zone district. The 1974 variance does not indicate the reasoning or approval criteria.

---

☐ **Duluth Office**  
Government Services Center  
320 W 2<sup>nd</sup> St, Ste 301  
Duluth, MN 55802  
Phone: (218) 725-5000  
Toll Free in MN: 1-800-450-9777  
Fax: (218) 725-5029

☒ **Virginia Office**  
Northland Office Center  
307 1<sup>st</sup> St S, Ste 117  
Virginia, MN 55792  
Phone: (218) 749-7103  
Toll Free in MN: 1-800-450-9777  
Fax: (218) 749-7194



D. Other Factor:

1. There are driveways located on both sides of the structure that will limit the buildable area.

**Motion by Skraba/Pollock**

**In Favor:** McKenzie, Pineo, Pollock, Skraba, Werschay - 5

**Opposed:** None - 0

**Motion carried 5-0**

If your application for variance was approved, keep in mind that you **cannot begin** your construction project until your Land Use Permit and/or Sewage Treatment System Permit has been **paid for and issued** (these fees are **in addition** to the variance fee you already paid).

There may be items listed as conditions of your variance that you may have to accomplish **prior** to the Permit(s) being issued. If you have any questions, please contact this Department in Virginia at the number shown below.



**Duluth Office**

Government Services Center  
320 W 2<sup>nd</sup> St, Ste 301  
Duluth, MN 55802  
Phone: (218) 725-5000  
Toll Free in MN: 1-800-450-9777  
Fax: (218) 725-5029



**Virginia Office**

Northland Office Center  
307 1<sup>st</sup> St S, Ste 117  
Virginia, MN 55792  
Phone: (218) 749-7103  
Toll Free in MN: 1-800-450-9777  
Fax: (218) 749-7194