INSPECTION DATE: 4/15/2024

REPORT DATE: 4/22/2024

MEETING DATE: 5/9/2024

APPLICANT INFORMATION

APPLICANT NAME: Jerrold Vitek

APPLICANT ADDRESS: 653 Heinel Drive, Roseville MN 55113

OWNER NAME: same as applicant

SITE ADDRESS: 9146 Aerie Lake Road, Alborn, MN 55702

LEGAL DESCRIPTION: Lots 17 & 18, Aerie Lake View Plat, S8, T52N, R18W (Alborn)

PARCEL IDENTIFICATION NUMBER (PIN): 205-0015-00170

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.4, to allow a principal structure at a reduced shoreline setback; Article IV, Section 4.3 D., to allow a nonconforming principal structure width facing the water to exceed 40 percent of the lot width; and Article IV, Section 4.4 A., to allow for construction on a lot that does not conform to minimum area standards to exceed the maximum allowed building footprint of 15 percent of lot area.

PROPOSAL DETAILS: The applicant is proposing to replace a 56 foot by 28 foot dwelling located 88 feet from the shoreline (field measured) where 100 feet is required. The proposed replacement dwelling is 66 feet by 84 feet and is proposed to be located 72 feet from the shore.

The existing dwelling is 56 feet wide, which is 51 percent of the 109-foot lot width. The applicant is proposing an increase of dwelling width to 66 feet, 61 percent of the lot width.

The nonconforming parcel is comprised of two platted lots of 0.44 acres (19,167 square feet) in total size. The applicant is proposing a dwelling of 3,372 square feet. Including two existing sheds, the total proposed building footprint would be 19 percent of the lot area.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Aerie Lake RdROAD FUNCTIONAL CLASS: Local

LAKE NAME: Aerie Lake

LAKE CLASSIFICATION: RD

RIVER NAME: N/A RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property has a dwelling and two small sheds.

ZONE DISTRICT: SMU 7

PARCEL ACREAGE: 0.44 ACRES LOT WIDTH: 109 FEET

VARIANCE

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: There is minimal screening from all sides of the property.

TOPOGRAPHY: There is a slight slope from the dwelling to the shore with an elevation change of approximately 4 feet.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: The parcel is comprised of two platted lots.

FACTS AND FINDINGS

A. Official Controls:

- 1. St. Louis County Zoning Ordinance 62, Article III, Section 3.4, states that the required shore setback is 100 feet for Recreational Development lakes.
 - a. The existing structure is nonconforming at 88 feet from the shoreline (field measured) and the applicant is proposing to reduce the shoreline setback to 72 feet.
- 2. St. Louis County Zoning Ordinance 62, Article IV, Section 4.3, states that the structure width facing the water of a nonconforming principal structure shall not exceed 40 percent of the lot width, if located within the shoreline setback.
 - a. The current dwelling is 56 feet wide, which is 51 percent of the lot width. The proposed dwelling would be 66 feet wide, which is 61 percent of the lot width.
- 3. St. Louis County Zoning Ordinance 62, Article IV, Section 4.4 A., states that lots that do not conform to the minimum area standard are allowed a maximum building footprint of 15 percent of lot area.
 - a. At 0.44 acres (19,167 square feet), the lot does not meet the 1 acre requirement of Zone District 7.
 - b. The applicant is proposing a structure of 3,372 square feet, 18 percent of the lot area. Including the existing two sheds, the total building footprint is proposed to be 19 percent.
- 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 plat of Aerie Lake View was created in 1955 with many small and narrow lots.
- 2. There are alternatives that exist that do not require or would minimize the degree of variance:
 - a. A smaller dwelling may be allowed at a conforming location with a Land Use Permit.

b. A different configuration and size of dwelling may be proposed to maximize setbacks, minimize width, and minimize building footprint.

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 many nonconforming structures.
- 3. The approved variances within Aerie Lake View plat include:
 - a. One to allow for an addition to exceed lot width standards.
 - b. Two to allow for additions at a reduced shoreline setback.
 - c. One recent variance to allow for a replacement dwelling at a reduced shoreline setback.

D. Other Factors:

- 1. The existing attached deck was built within the past 12 years without benefit of a permit and does not meet ordinance standards.
- 2. The calculated shoreline averaging setback is greater than the required 100-foot shoreline setback.

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 replacement dwelling at a reduced shoreline setback, to exceed the maximum allowed lot width, and to exceed the maximum allowed building footprint as proposed include, but are not limited to:

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

Land Use Permit										Permit #											
No.													nty, Minnes			Pern		.Vi			
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	/	2	0 5		0 0	1	5	-	0 0	1		7 0	Associated PIN		-			-			
Associat PIN	ed			-				-					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: <a h<="" td="">																				
APPLI	CANT																				
*Applica		ne				Т		I am	a 🗆 (ontra	cto	r 🛭 H	omeowner Other		time #	2			Date	h 16 2024	
Jerrold L Vitek *Applicant Address Where to send permit.											330-321-4063 *City *State				March 16, 2024 *ZIP						
653 He														Ro	Roseville MN				55113		
Applican vite			ımn e	du																	
Contact	vitek004@umn.edu Contact Person If applicable. Contact Person #																				
Mailing A	le as			than a	phova								same as a	City		State			ZIP		
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vitek00																					
SITE I	NFO	RM.	ATIO	N																	
☑ Yes		0	*Is th	ere a	site a	ddre	ess f	or th	nis pro	perty	y ?	(If no,	the application will	be forv	varded to 9	11/Com	munica	tions	to assign	n one.)	
If yes ab	ove, p	leas	e list s	ite a	ddress	91	46	Aeı	rie La	ke	R	oad	Alborn, MN 5	5702							
☐ Yes	☑ N	0	*Is this leased property? If yes, leased from: MN Power MN DNR US Forest Service St Louis County Other																		
☐ Yes		0	*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 ☐ Private Road ☐ Easement ☐ Water ☐ Other																					
PROJECT INFORMATION																					
☑ Yes	□ N	0	*Is this project on a parcel less than 2.5 acres?																		
☑ Yes		0	*Is this project within 300 feet of a stream/river or 1,000 feet of a lake?																		
☑ Yes	□N	0	*Is this project adding a bedroom? Include home, garage, & accessory dwelling.																		
# 3	*Total # of bedrooms on property after project completion. Include home, garage, & accessory dwelling.																				
☑ Yes	□N	o	*Does this project include plumbing or pressurized water in proposed structure? If yes, please explain:																		
☑ Yes	□ N	0	*Is the property connected to a municipal or sanitary district system?																		
													is required that you or a land use permit		a copy of	a septic	permit	to coi	nstruct d	or certificate of	

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.



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 APP	LYING FOR Che	eck all that apply to	the project.	LEASE M	IAKE CHECKS	TO: ST. LO	UIS COUNTY	AUDITOR	2	
#1 New Buildings Less th 1,200 square feet-\$175		#2 Other Consti	uction/Chang	e in Use-\$	#4 Performance Standard-\$410 Additional Worksheets Required					
□ Dwelling-Home, Mobile Hon Cabin. (Includes attached de ■ Replacement of Existing Mobile Home, Hunting Shack Will the old dwelling be re property? ■ Yes □ No	me, Hunting Shack, or ck, if applicable.) Dwelling-Home, k, or Cabin.	Addition(s) to Is the dwelling I If Yes above, do shoreline setbac not meet the shi permit or varian Addition(s) to	ocation on a laides the structure k? Yes No reline setback, ce may be requence.	e meet the o If No, str a performa ired. See botture	□ Borrow/Gravel Pit □ Home Business □ Land Alteration □ Nonconforming Structure Replacement □ Addition to a structure that does not meet shoreline setback □ Other					
If yes, an affidavit must be		New Deck Only Combination A Moving a Struc	ddition(s) & De	ement ck on the s	#5 Site Evaluation Site Visit/Evaluation-\$175					
If this dwelling is a mobile is special mobile home affiday Accessory Dwelling-Guest bunkhouse. Must follow adm Accessory Structure- Gar, shed, sauna, screenhouse or	home, there is a vit to be filled out. cottage or inistrative standards. age, Pole Building, gazebo that either	☐ Sign ☐ Structure Alter ☐ Change in Use storage) What will the new	ation or Compo (i.e. converting v use of the str urrent and prop	an old cab ucture be?	#6 Wetland Reviews Additional Worksheets Required No Loss/Exemption/Replacement Plan-\$175 Wetland Delineation Review-\$410 Wetland Banking Plan Review-\$1,340					
meets lake or river setback of shoreland area. Water-oriented Accessory Boathouse, Sauna, Screenho or river located at reduced s Must follow administrative states of Commercial Structure Other Principal Structure	y Structure- ouse/gazebo on a lake horeline setback.	#3 Subdivisions Additional W Plat-Minor Sub Conventional o to 3 lots-\$685 Conventional o \$1,375 Lot Line Adjust Parcel Review- Performance St	division-\$685 r Conservation r Conservation ment-\$90	uired Plat-Less th	#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 Rehearing-\$220 General Purpose Borrow Pit-\$685 Variance-\$685 Variance Rehearing-\$220 Multiple Hearing (Variance/conditional use)-\$1,020 Rezoning-\$685					
TYPE OF PROPOSED S	TRUCTURES	Check all that app	aly to the proje	+						
New Structure(s)	*Structure Type (Same as box #1 or 2 above)	*Foundation Type Leng (Basement, Slab, Pier, etc) Footprint		* * *	laximum Width (Exterior otprint Only)	Sq. ft		Hei	*Maximum Height (Ground Level to Roof Peak)	
	#1 New Bldg	Slab	66 Fee	et 84	Feet	3372	Sq. ft.	22	Feet	
			Fee	et	Feet		Sq. ft.		Feet	
			Fee	et	Feet		Sq. ft.		Feet	
Structure Additions	*Structure Type (Same as box #2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximun Length (Exterior Footprint Only		laximum Width (Exterior otprint Only)	*Maximum Sq. ft (Exterior footprint only)		*Maximum Height (Ground Level to Roof Peak)		
			Fee	et	Feet		Sq. ft.		Feet	
		- 1	Fee	et	Feet		Sq. ft.		Feet	
	4		Fe		Feet		Sq. ft.		Feet	
CONTACT: Planning a		cates required fie	d. Incomplet	applicati	ons will be ret	urned.		7		
Technical Assistance Toll Free: 1-800-450-9777 Land Use Information www.stiouiscountymn.gov/land-	Services Center Government Services Street, Suite 301 201 South 3rd Avenue Virginia, MN 55792 Virginia, MN 55792 (218) 749-7103				Receipt # CEVE Receipt Date Payment Amount R 0 1 2024 Paid By					

BY:

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)

Vitek, Jerrold L

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?

Our cabin on Aerie Lake was build over 30 years ago and is 92' from the lake front. There is no garage and a sewer system was placed on the property years ago with a holding tank in the back left corner of our property. Given the lot size and easements associated with the sewer, in order to replace the current structure add a garage behind the cabin and a four season room facing the lake we are asking for a variance to keep the new structure on the same footprint as the current cabin which is 92' from the lake front and be able to add the 16'x16' 4 season room on the front of the house. This would keep the new structure where the current structure is now. The 4 season room would replace the deck using the same footprint but be 77' from the lake versus the deck we currently have which is 67' from the lake front. The 4 season room we would be 10' farther away from the lake than the deck we currently have.

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

My wife and I are in our 70's and would like to retire here. I grew up in Meadownlands and my wife in Duluth We have family on the lake and in the area as well as in Duluth. Given our age we are trying to keep the residence to one floor, make it wheelchair accessible should the need arise and have an attached garage given the winters in Minnesota. We have 3 adult children with a grandchild and hopefully more to come and want to have enough space for our kids and grandkids to stay with us. The 4 season room would provide addition space with easy access to the lake. We intend for the property to stay in the family.

3. Describe the current use of your property.

It is used strictly as a vacation home mostly in the summer with an occasional visit in the fall and spring. We keep the cabin heated in the winter but rarely come up in the wintertime other than to check on the house. In the summer we try to be up as much as we can but I am still working and while we enjoy the lake and peace and quiet we do not get there as much as we would like. When we are there our children try to join us when they can and one of our children who lives in Minneapolis also goes up in the summer. It is strictly a seasonal cabin currently.

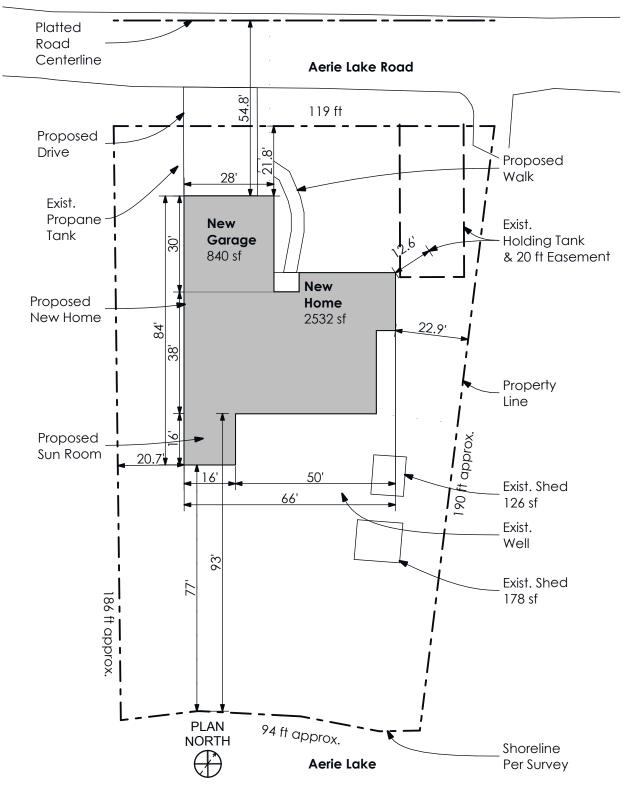
4. Describe other alternatives, if any.

The alternative is to build it at 100' from the lake front, and eliminate the 4 season room. Doing that would limit our ability to build it as a ranch style home and still have the space to fit it for wheelchair accessibility. Another option is to add a second floor to have 2 bedrooms and a bathroom upstairs but this is something that would be more expensive and adds stairs which we are trying to avoid given our age.

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

The plats for this lake were done in the 1950's and many of the cabin/structures are much closer to the lake front than 100'. Our neighbor to our right, when facing the lake, has a 4 season room that is approximately 75' or less from the lake front. My sister-in-law has a home she lives in year around that is also approximately 75' or less from the lake as are many other cabins on the lake, the majority of which were built many years ago.

The impact is minima room and there is a h utility poles and the s	ng properties and the use of the all since one neighbor is nedge between our cabi newer system and the lo new structure should ha	already closer to the I n and theirs. On the o cation of the garage a	ake with their 4 seaso ther side our lots are s and 4 season room wo	n separated by the		
We are not making an room which would be holding tank on our p	mpact to the local environment ny significant changes t the 4 season screenro property that has been in the building will be on a second	o the landscape other om. We will use the end of place for over a deca	than adding a garage xisting lake community	sewer system and		
8. Describe the expected be	enefits of a variance to use of	this property.				
my wife and I can reti and 4 season room w for steps we currently	actured home that has be ire in and can be made will add value to the proper have to get into the ho are to get into the crawl so with in the past.	more accessible for u perty and putting the n use since the current	s as we continue to ag lew house on a slab w building was put on 3'	ge. The garage ill remove the need high concrete bloc		
We would like to be abl friends. Even when we cabin has always serve are encountering proble also need to make the l to retre there. Adding the friends is something we office USE ONLY	le to retire in a comfortable were living in other parts at as a place of refuge for ems that do not make sen building accessible for us ne garage and a place to se have always see for us in Principal Structure	e home on the small lak of the country we had a us. We will need to rep se to spend resources of given our age and the f sit in a 4 season room to n the future and we hop	te I grew up on where we lways planned on comin lace the current building on give the type and age act that we are not getting enjoy the lake view with	e have relatives and g home and the as it has aged, we of the building. We ng younger and want h our family and est favorably.		
Principal Structures	Additions	Accessory Structures	Accessory Structures Additions	Other		
Shoreline Setback Property Line Setback Lot Width Height Limit 40% of Lot Width 55% of Lot Width Bluff 2nd Principal Structure % Lot Coverage Road Centerline Setback Road Right-of-Way Setback Lot width and/or Area	□ Shoreline Setback □ Road Centerline Setback □ Road Right-of-Way Setback □ Property Line Setback □ One Addition Allowed □ Allowable Size Exceeded □ 40% of Lot Width □ 55% of Lot Width □ Height Limit □ Foundation from Lake □ Lot width and/or Area	☐ Shoreline Setback ☐ Road Centerline Setback ☐ Road Right-of-Way Setback ☐ Property Line Setback ☐ Lot Width and/or Area ☐ Height Limit ☐ Allowable Size Exceeded ☐ Bluff	☐ Shoreline Setback ☐ Road Centerline Setback ☐ Road Right-of-Way Setback ☐ Property Line Setback ☐ Allowable Size Exceeded ☐ Height Limit ☐ Lot width and/or Area	☐ Subdivision Plat ☐ Exceeding Lot Coverage ☐ Exceeding Maximum Buildable Area ☐ Other Standard Not Listed (Explain below)		
CONTACT: Planning and	Zoning Department					
Technical Assistance Toll Free: 1-800-450-9777 Land Use Information www.stlouiscountymn.gov/land	Duluth Government Services Center	Virginia Government Services Center 201 South 3 rd Avenue West Virginia, MN 55792 (218) 749-7103	Office Use Only Receipt # Receipt Date Payment Amount Paid By			





Keppers Design Jody Keppers AIA 620 Ridgewood Rd Duluth, MN 55804

218-409-6409

www.keppersdesign.com jkeppers@keppersdesign.com

PRELIMINARY -NOT FOR CONSTRUCTION

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IF THE BAR BELOW DOES NOT MEASURE EXACTLY 1", REVISE ALL SCALES ACCORDINGLY



Vitek Lake Home 9146 Aerie Lake Road Alborn MN 55702

ISSUED

March 25, 2024 Variance April 15, 2024 April 19, 2024



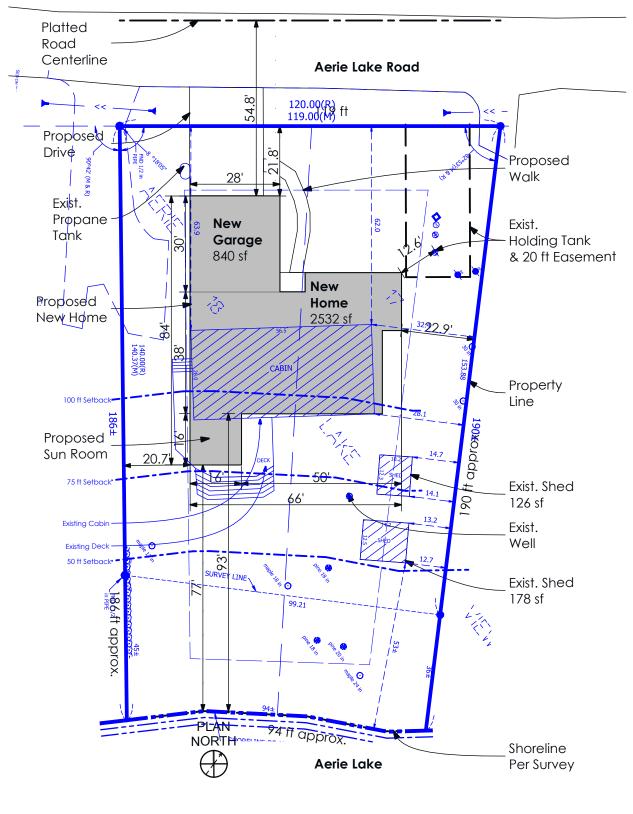
Site Sketch

SCALE: 1" = 30'

Site Plan

A001

2023009 Printed: 4/19/24





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■ 1" ACTUAL — ■

Vitek Lake Home 9146 Aerie Lake Road Alborn MN 55702

SSUED

March 25, 2024 Variance April 15, 2024 April 19, 2024



Site Sketch

SCALE: 1" = 30'

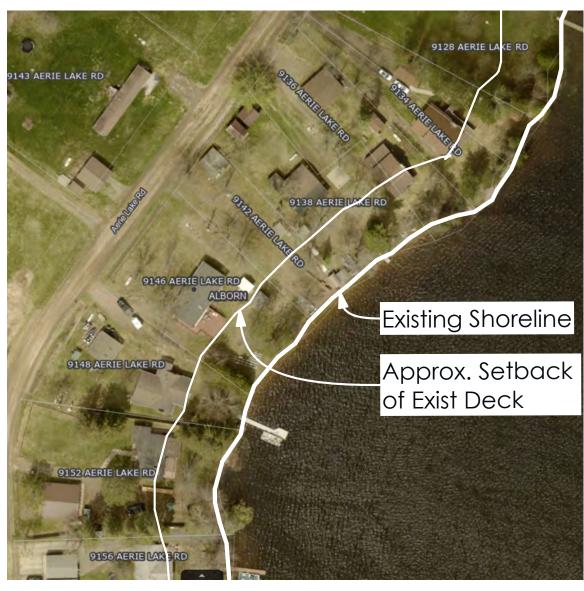
Site Plan w/ Existing Conditions

tek.pln

Blue = Existing
Black = New

A002

23009 Printed: 4/19/24





Aerial Photo - Adjacent Shorelines

NOT TO SCALE

Comparing setbacks of existing structures



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Vitek Lake Home 9146 Aerie Lake Road Alborn MN 55702

ISSLIED

March 25, 2024 Variance April 15, 2024 April 19, 2024

Context Aerials

/itek.pln

A003

23009 Printed: 4/19/





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9146 Aerie Lake Road Alborn MN 55702 Vitek Lake Home

March 25, 2024 Variance April 15, 2024 April 19, 2024

Context Aerials

A004

Aerial Photo - Shorelines to South

NOT TO SCALE

Comparing setbacks of exist structures

ISSUED:

A005

CONSTRUCTION NOT FOR Vitek Lake Home

keppersdesign Architecture

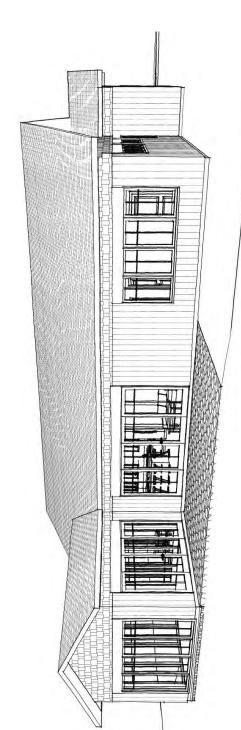
www.keppersdesign.com Registered Architect in MN & WI

Keppers Design Jody Keppers AIA 620 Ridgewood Rd Duluth, MN 55804 218-409-6409

PRELIMINARY -

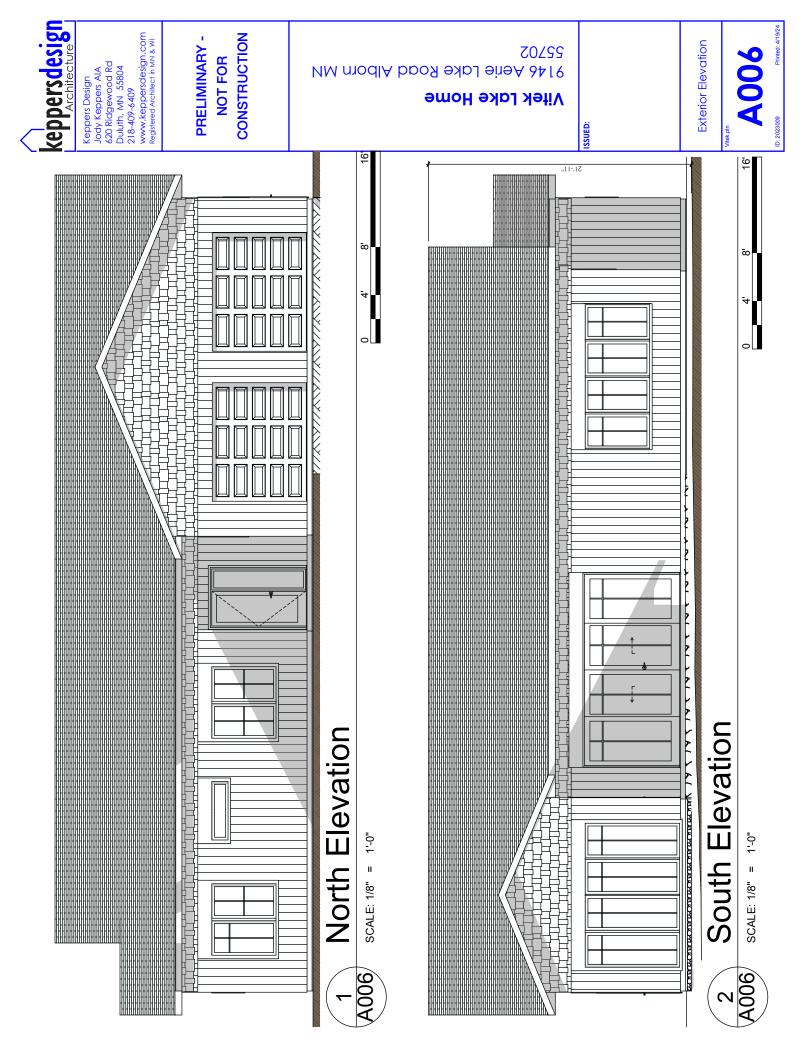
View from Street - Sketch

NOT TO SCALE



View from Lake - Sketch 2 A005

NOT TO SCALE



0.75 5843 5844 Prosit St. Louis County May BOA Meeting Location Map 205-0015-00170 Jerrold Vitek 5856 **Subject Property** 5842 99 5972 Planning & Zoning Department (218) 725-5000 www.stlouiscountymn.gov St. Louis County

Eagles Club Rd 200 250 Feet **Aerie Lake** St. Louis County May BOA Meeting Location Map 205-0015-00170 **Jerrold Vitek Subject Property** 5842 Prepared By:

UT elden's Maple Ln Eagles Club Rd 200 5856 250 Feet **Aerie Lake** SMU-7 St. Louis County May BOA Meeting Zoning Map 205-0015-00170 Jerrold Vitek 5842 **Subject Property** 5842 5842 FAM-1 Planning & Zoning Department (218) 725-5000 www.stlouiscountymn.gov St. Louis County Source: Map Created: Prepared By:

20 Feet 25 St. Louis County May BOA Meeting Site Map 205-0015-00170 **Jerrold Vitek** 5842

20 Feet 25 St. Louis County May BOA Meeting Elevation Map 205-0015-00170 **Jerrold Vitek** 5842 9181

Feet 20 St. Louis County May BOA Meeting **Jerrold Vitek** Setback Map 205-0015-00170 5842

49 Proposed dwelling replacement Feet 25 100' shoreline setback St. Louis County May BOA Meeting Proposal Map 205-0015-00170 Jerrold Vitek 5842 5842

