



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6229

INSPECTION DATE: 9-15-2020

REPORT DATE: 9-21-2020

MEETING DATE: 10-08-2020

APPLICANT INFORMATION

APPLICANT NAME: Ken Allen

APPLICANT ADDRESS: 109 Trillium Ct. Cannon Falls, MN 55009

OWNER NAME: Same as above

SITE ADDRESS: 2375 Finn Bay Rd. Babbitt, MN 55706

LEGAL DESCRIPTION: Lot 18, Block 01, Plat of Spring Ridge First Addition, S36, T61N, R13W (Unorganized)

PARCEL IDENTIFICATION NUMBER (PIN): 625-0069-00180

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.4, to allow an accessory structure at a reduced shoreline setback where 100 feet is required.

PROPOSAL DETAILS: The applicant is proposing to build a small accessory structure at a shoreline setback of approximately 60-65 feet from the shoreline of Birch Lake where 100 feet is required. The proposed structure is 12' x 16' (192 square feet). Since the applicant already has a permitted water oriented accessory structure (WOAS), all additional accessory structures are required to meet the 100-foot shoreline setback.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Lamppa Rd.

ROAD FUNCTIONAL CLASS: Private

LAKE NAME: Birch Lake

LAKE CLASSIFICATION: RD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The parcel is developed with a dwelling, sauna, and a septic system. There are also a couple of temporary accessory structures near the location of the proposed structure.

ZONE DISTRICT: SMU 11

PARCEL ACREAGE: Approx. 0.87 ACRES

LOT WIDTH: Approx. 125 FEET

FEET OF ROAD FRONTAGE: 0 FEET

FEET OF SHORELINE FRONTAGE: Approx. 255 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The majority of the lot is well screened from the shoreline.

TOPOGRAPHY: The slope on the property is fairly steep. It ranges from 20 to 40 percent in the steeper areas. There is also a drainage on the south and west portion of the lot.

FLOODPLAIN ISSUES: The floodplain should not have an impact on the proposed development.

WETLAND ISSUES: There may be some wetland in the drainage area on the property. The proposed structure is not located near the drainage area.

ADDITIONAL COMMENTS ON PARCEL: This property has very limited development potential.

FACTS AND FINDINGS

A. Official Controls:

1. Zoning Ordinance 62 states that the required shoreline setback on a recreational development lake is 100 feet; the applicant is proposing an accessory structure located approximately 60-65 feet from the shoreline.
2. Goal LU-3 of the St. Louis County Comprehensive Land Use Plan is to improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
3. Objective LU-3.1 of the St. Louis County Comprehensive Land Use Plan is to base variance decisions on uniform approval criterion to ensure all applications are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
4. The property is located in one of the least restrictive zone districts.

B. Practical Difficulty:

1. The property is somewhat unique because there is limited buildable area due to the steep slopes and drainage on the property.
 - a. The shoreline being located on the south and east sides of the property combined with the steep slopes and drainage on the property limit the buildable area on the property.
2. The only location on the property where a structure could meet the shoreline setback, avoid the steep slopes, and avoid the drainage area is near the north boundary where the driveway enters the property.
 - a. This small area appears to be an area to pull off of the driveway before going down the hill to the cabin location.
 - b. This location is likely one of the limited parking spaces on the property.
3. Had it not already been developed, the property may not be considered suitable for development.
 - a. The unique features of the property would make it difficult to develop and meet all current standards.
4. The proposal would meet the criteria for a Water Oriented Accessory Structure (WOAS), if the landowners did not already have a sauna at a reduced shoreline setback.
 - a. Only one WOAS would be allowed on this property.

C. Essential Character of the Locality:

1. This property is located on the southern end of Spring Ridge First Addition, platted in 1990.
 - a. There are not any similar variance requests in this plat or the adjacent plat to the east.
2. The proposed structure would not be very visible due to the proposed location behind the dwelling.
3. This proposal would have limited effect on the surrounding area.

D. Other Factor(s):

1. The applicant is currently using two small, temporary structures near the location of the proposed structure.
 - a. There are not any permits on file for these structures.
2. The holding tank on the property is located in a slightly different location than the SSTS permit sketch indicates.
 - a. The SSTS sketch shows the holding tank in the location of the proposed structure.
 - b. A compliance inspection of the holding tank may be required to document the location of the tank for SSTS records.

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 an accessory structure at a reduced shoreline setback where 100 feet is required, the following conditions shall apply:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The shoreline setback shall be maximized to the greatest extent possible, and shall be no closer than 50 feet from the shoreline.
3. All standards of St. Louis County SSTS Ordinance 61 shall be met.
4. There shall be no other accessory structures allowed on the property.

**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

Northland Office Center
307 First Street South, Suite
117

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: http://gis.stlouiscountymn.gov/planningflexviewers/County_Explorer

Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe>

Primary PIN **625-0069-00180**

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: **Ken Allen**
Address Line 1: **109 Trillium Ct**
Address Line 2: **--**
City: **Cannon Falls**
State: **MN**
Zip: **55009**
Primary Phone: **(612)834-5251**
Cell Phone: **--**
Fax: **--**
Email: **kandjallen@gmail.com**
Contact Person Name: **Jennifer Allen**
Contact Person Phone: **(612)242-4910**

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: **Ken Allen**
Address: **109 Trillium Ct**

City: **Cannon Falls**
State/Province: **MN**
Zip: **55009**
Primary Phone: **--**
Cell Phone: **--**
Fax: **--**
Email: **kandjallen@gmail.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: **2375 Finn Bay Rd, Babbitt, MN 55706**

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
Northland Office Center
307 First Street South, Suite 117
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

Easement

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?**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.****1****Does this project include plumbing or pressurized water in proposed structure?****No****If Yes, please explain:****--****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 requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.4 to allow an accessory structure at a reduced shoreline setback. The proposed structure is a shed measuring 12 ft

width X 16 ft length 16 ft height. The distance to nearest shoreline is 80 ft when 100 ft are required. The property borders shoreline in the east and south and contains steep topography changes, with the area behind the cabin being the only area where it is feasible to add an accessory structure. The area contains numerous large boulders and borders the septic holding tank. Topographic map is attached to the request.

Describe the intended/planned use of the property.

We would like to build a 12 x 16 foot shed to house and protect our outdoor equipment.

Describe the current use of your property.

There is a seasonal cabin and a sauna (approved in 2018 as a water oriented structure) on the property. We currently have two temporary 10x10 plastic sheds that house our outdoor equipment.

Describe other alternatives, if any.

Even if a smaller shed were built, the setback requirement would not be met.

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

Our cabin is currently the only cabin on this area of Finn Bay that does not have a permanent shed. The lot is bordered by only one private party, on the northern boundary. The owner has written a letter in support of the new shed. (Attached to request). The west and south are bordered by State School Land. East and south are Birch Lake. Due to tree cover and elevation only the neighbor on the north would be able to see the shed and only if he walks to the property line since the elevation is much lower at the building site. The design and color of the proposed shed is similar to the cabin.

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

No impact

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

We will maintain native vegetation and trees on the slopes around the area to discourage erosion. The proposed shed location is not visible from either the bay or lake front side of the property.

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

Adding the shed will improve the appearance of the property in contrast to the existing 10x10 ft temporary sheds. If we have a permanent shed, we would no longer need any temporary sheds.

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

The land is steeply sloped with the only flat spot being the driveway behind the cabin on the west side, approximately 30 x 35 ft.

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?

--

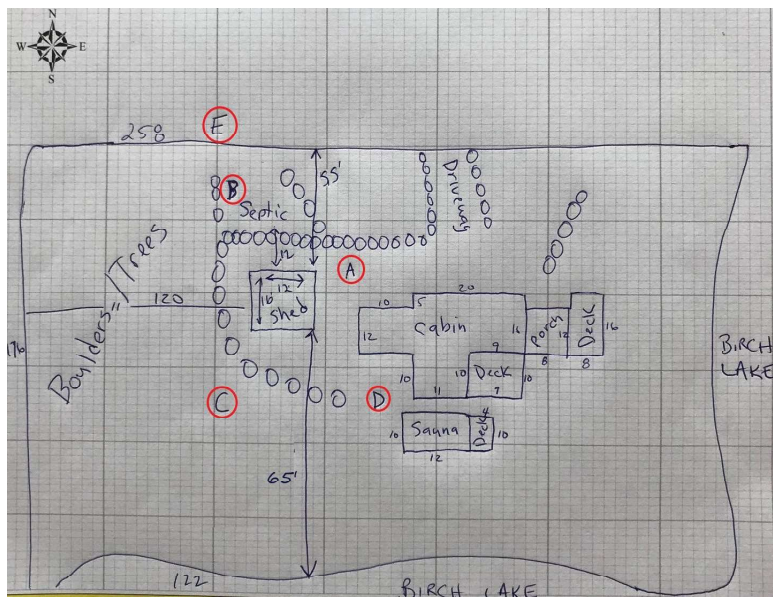
By submitting this application, I certify and agree that I am the owner or the authorized agent of the owner of the above property, and that all uses will conform to the provisions of St. Louis County. I further certify and agree that I will comply with all conditions imposed in connection with the approval 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.*** 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: **Ken Allen**
Address: **109 Trillium Ct**
City: **Cannon Falls**
State: **MN**
Postal Code: **55009**
Email Address: **kandjallen@gmail.com**

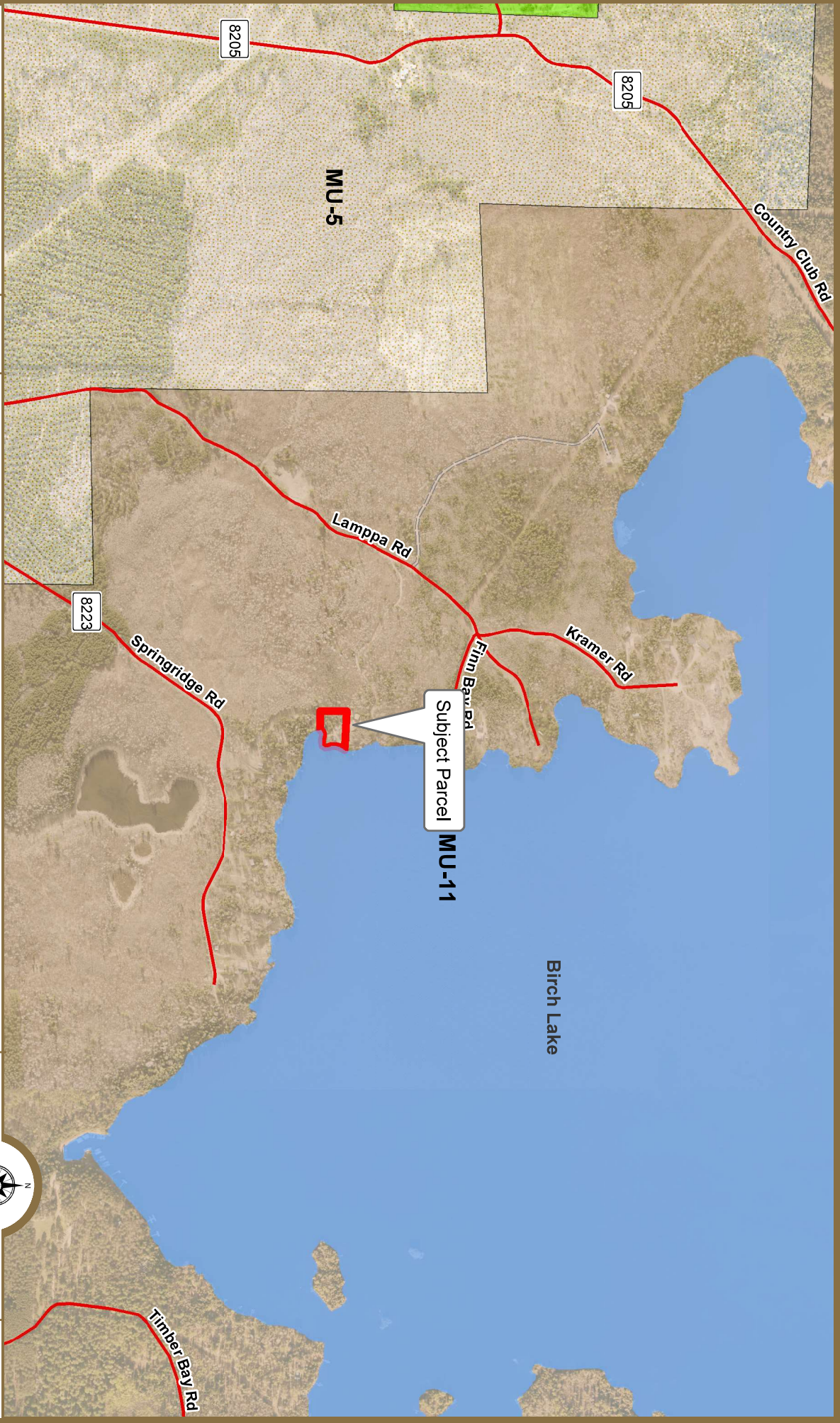
I have read and agree to the statement above.

I agree



St. Louis County

October BOA Meeting



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

Source: **St. Louis County**

Map Created: **9/14/2020**

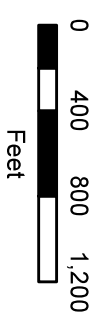
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Ken Allen Zoning Map

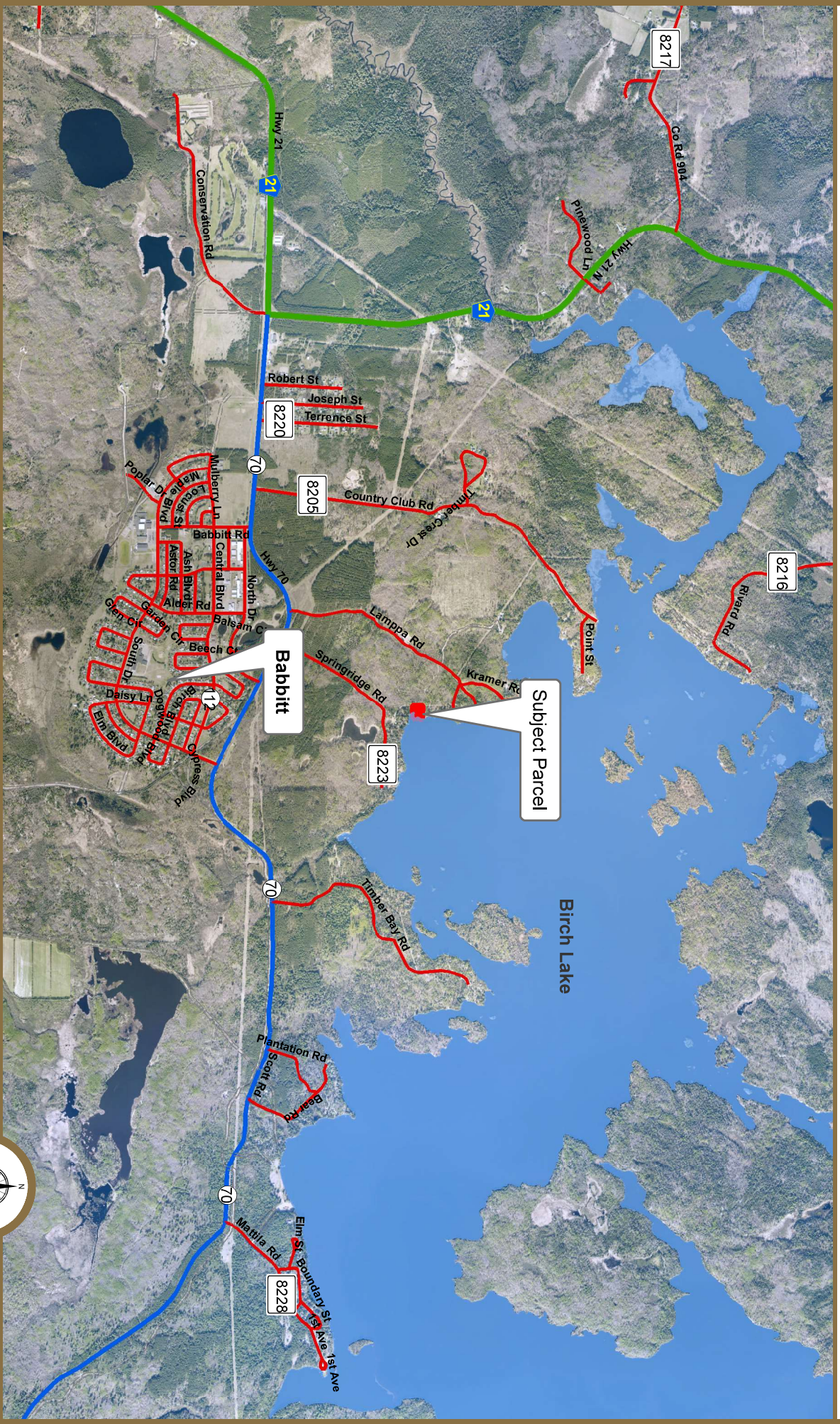
PIN:625-0069-00180



St. Louis County MN

St. Louis County

October BOA Meeting



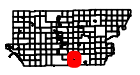
Prepared By: **Planning & Community Development**
(218) 725-5000
www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 9/14/2020

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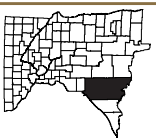
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Ken Allen

Location Map

PIN:625-0069-00180



St. Louis County MN

St. Louis County



625-0011-05070

625-0069-00170

625-0069-00180

2379 Elm
Bay Rd



Prepared By: Planning & Community Development

22181 725-5000

www.stlouiscounty.org/mn.gov

Source: St. Louis County

Map Created: 9/18/2020

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Site Map



0 10 20 30
Feet



St. Louis County, MO

St. Louis County



Prepared By: **Planning & Community Development**

Source: **2161 725-0000**
www.stlouiscounty.org/m/gov

Map Created: **9/18/2020**

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Site Map



August 31, 2020

To whom it may concern,

My name is Floyd Aubol. I have a cabin on Birch Lake at 2377 Finnbay Road; Babbitt, Minn. My neighbors Ken & Jennifer Allen (who's cabin is at 2375 Finnbay Road) have requested a variance to build a shed on their property.

I have no problem with the proposed shed being constructed as they are requesting. They have done a great job of improving their property. The shed would help keep items contained and properly stored.

Ken & Jennifer have been respectful neighbors and I fully support their plans for this shed.

If you need to contact me for any reason below is my contact information.

Sincerely,



Floyd Aubol

93656 Pine Tree Lane
Sturgeon Lake, Minn. 55783
Phone: (218) 485-9222
Cell: (218) 391-9844
Email: finnbayfloyd@msn.com