



# ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

Case: 6230

**INSPECTION DATE:** 9-15-2020

**REPORT DATE:** 9-21-2020

**MEETING DATE:** 10-08-2020

## APPLICANT INFORMATION

**APPLICANT NAME:** Sue Warfield

**APPLICANT ADDRESS:** 225 Cedar Lane, Ely, MN 55731

**OWNER NAME:** Same as above

**SITE ADDRESS:** 3081 Beel Rd. Ely, MN 55731

**LEGAL DESCRIPTION:** Part of Lot Two (2), in "THE CEDARS" plat, S13, T63N, R12W (Morse)

**PARCEL IDENTIFICATION NUMBER (PIN):** 465-0072-00025

**VARIANCE REQUEST:** The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.4 D, to allow a lot that does not meet the definition of a lot of record to be permitted as buildable, Article III, Section 3.4, to allow a replacement dwelling at a reduced shoreline setback where 100 feet is required, Article III, section 3.2, to allow a replacement dwelling at a reduced property line setback where 20 feet is required, and Article IV, Section 4.3 D. 3, to allow the structure width facing the water to exceed 40 percent of the lot width.

**PROPOSAL DETAILS:** The applicant is proposing to replace a nonconforming dwelling on the property. The existing dwelling on the property is located approximately 14 feet from the shoreline of Cedar Lake. The applicant is proposing to build a replacement dwelling 60 feet from the shoreline. The proposed structure would be located 19 feet from the east and west property lines where 20 feet is required. The proposed structure would also exceed 40 percent of the lot width. The lot is approximately 80 feet in width at the proposed building site. The allowed lot width is 32 feet and the applicant has proposed a structure that is 42 feet in width.

This property does not meet the definition of a lot of record because it was created in 1983. The property would have had to have been re-platted and met official controls in 1983 to be permitted as buildable.

## PARCEL AND SITE INFORMATION

**ROAD ACCESS NAME/NUMBER:** Beel Road

**ROAD FUNCTIONAL CLASS:** Private

**LAKE NAME:** Cedar Lake

**LAKE CLASSIFICATION:** RD

**RIVER NAME:** N/A

**RIVER CLASSIFICATION:** N/A

**DESCRIPTION OF DEVELOPMENT ON PARCEL:** The property is currently developed with an abandoned dwelling and a collapsed accessory structure.

**ZONE DISTRICT:** SMU 7

**PARCEL ACREAGE:** 1.0 ACRES

**LOT WIDTH:** 75 FEET

**FEET OF ROAD FRONTAGE:** 0 FEET

**FEET OF SHORELINE FRONTAGE:** 82 FEET

## PARCEL AND SITE INFORMATION

**VEGETATIVE COVER/SCREENING:** The majority of the property is well vegetated. The existing structure is approximately 14 feet from the shoreline. Once the structure is removed, some of the shoreline may not have good screening.

**TOPOGRAPHY:** The majority of the property does not have a lot of significant change in elevation. There is some exposed bedrock in several places on the property. The shoreline has a slope of approximately 17 percent. The existing structure was built on that slope.

**FLOODPLAIN ISSUES:** The Base Flood Elevation has not been established on Cedar Lake. The proposed structure would be approximately 6-8 feet above the shoreline.

**WETLAND ISSUES:** There may be some wetlands located on the rear portion of the property. The proposed development would not impact these areas.

## FACTS AND FINDINGS

### A. Official Controls:

1. Zoning Ordinance 62 states that a single lot of record may be permitted as buildable if it meets the definition of a lot of record and the lot, when created, complied with official controls in effect at that time; the lot was created in 1983 and did not conform to the minimum requirements when it was created.
  - a. If the lot were re-platted and met official controls in 1983, it would have been considered buildable.
2. Zoning Ordinance 62 states that the required shoreline setback for this lake is 100 feet; the applicant is requesting approval for a replacement dwelling to be located 60 feet from the shoreline.
3. Zoning Ordinance 62 states that the required property line setback for a principal structure in this zone district is 20 feet; the applicant is requesting approval for a property line setback of 19 feet from both side property lines.
4. Zoning Ordinance 62 states that the maximum lot width allowed for a principal structure located within the shoreline setback is 40 percent of the lot width (34 feet on this lot); the applicant is requesting approval for a structure width of 42 feet where 34 feet is allowed.
5. 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.
6. 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.

## **B. Practical Difficulty:**

1. There are some areas of exposed bedrock or ledge rock on the property that may somewhat limit the ability to meet all ordinance standards.
2. There is a collapsed accessory structure on the property located between areas of ledge rock.
  - a. Building a dwelling in this area may allow the structure to meet all setbacks and avoid the ledge rock areas.
  - b. The proposed structure is larger than the garage was and some of this area between ledge rock areas is planned for a septic system.
  - c. The applicants are proposing a new accessory structure in this location that does not require variance.
3. There is approximately 12-15 feet between the proposed dwelling and the first piece of ledge rock on the property.
  - a. The setback of the structure could be increased slightly before the ledge rock starts.
4. It appears there may be enough width on the property at the proposed building site for the structure to meet the property line setbacks.
  - a. The width of the property at the proposed building site is approximately 84 feet.
  - b. The proposed structure of 42 feet in width should be able to meet the property line setbacks, if centered on the property.

## **C. Essential Character of the Locality:**

1. The property adjacent to the east has a nonconforming dwelling that is located approximately 62 feet from the shoreline.
2. The property adjacent to the west has a conforming dwelling that is located beyond 100 feet from the shoreline.
3. There have not been any similar variance requests in this plat.

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

1. The property is part of a platted lot that was split from the original platted lot in 1983.
  - a. At the time, this would have required the property to be re-platted.
  - b. This split was recorded, even though it was done improperly.
  - c. The property has changed hands since the lot was split in 1983.

**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 lot that does not meet the definition of a lot of record to be permitted as buildable, to allow a replacement dwelling at a reduced shoreline setback where 100 feet is required, to allow a replacement dwelling at a reduced property line setback where 20 feet is required, and to allow the structure width facing the water to exceed 40 percent of the lot width, the following conditions shall apply:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The shoreline setback for the proposed structure shall be maximized to the greatest extent possible, and shall be no closer than 60 feet from the shore.
3. The stormwater runoff from the proposed structure shall not discharge directly into the lake or on adjacent lots.

**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](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: [http://gis.stlouiscountymn.gov/planningflexviewers/County\\_Explorer](http://gis.stlouiscountymn.gov/planningflexviewers/County_Explorer)*

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

Primary PIN **465-0072-00025**

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: **Sue Warfield**  
 Address Line 1: **225 Cedar Lane**  
 Address Line 2: **--**  
 City: **Ely**  
 State: **MN**  
 Zip: **55731**  
 Primary Phone: **(218)612-5317**  
 Cell Phone: **--**  
 Fax: **--**  
 Email: **schmidtsue@aol.com**  
 Contact Person Name: **Krstnan Schmidt**  
 Contact Person Phone: **(218)290-7892**

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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: **Sue Warfield**  
 Address: **225 Cedar Lane**

City: **Ely**  
State/Province: **MN**  
Zip: **55731**  
Primary Phone: **--**  
Cell Phone: **--**  
Fax: **--**  
Email: **[schmidtsue@aol.com](mailto:schmidtsue@aol.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: **3081 Beel Road Ely MN 55731**

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?**

**No**

**No**

**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?**

**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.*

**Yes**

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

**2**

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

**Yes**

**If Yes, please explain:**

**home replacement**

**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.*

**We would like to tar down the existing home close to the waters edge and build a 28 x 42 home, set back 60 feet from lake where 100 feet is required. Home would sit 18 - 19 feet from the side yard where 20 feet**

**is required. Would like to replace existing garage, would meet setbacks There are numerous ledge ridges on property, equal hardship.**

Describe the intended/planned use of the property.

**Slab on grade year round, homestead with garage.**

Describe the current use of your property.

**Intended year round home in non livable condition with foundation and mold issues.**

Describe other alternatives, if any.

**None**

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

**Improve the neighborhood area significantly due to smaller foot print, lake shore proximity and elimination of walkout which can be seen from water.**

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

**Neighbor to the west will no longer be looking at 2 level "monster" when looking toward lake from home. It's in their line of sight, neighbor to east will have improved side view and setback will be similar. Proposed house will be less visible from lake.**

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

**The proposed location of the home is level with no trees, this minimal impact will occur. Natural Landscaping and planting is planned where existing structure will be removed. The septic location will require only minimal tree removal.**

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

**Improve the visual environment for neighbors and people enjoying Cedar Lake. Provide healthier living situation for owners (self).**

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

**We are working with Jeff Schultze to finalize a septic system plan with a drain field for a 2 bedroom dwelling.**

**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.*** 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 pop up by selecting 'Maintain Contact Information' at the top of this page.*

Submitted By: --

Address: --

City: --

State: --

Postal Code: --

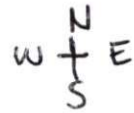
Email Address: --

I have read and agree to the statement above.

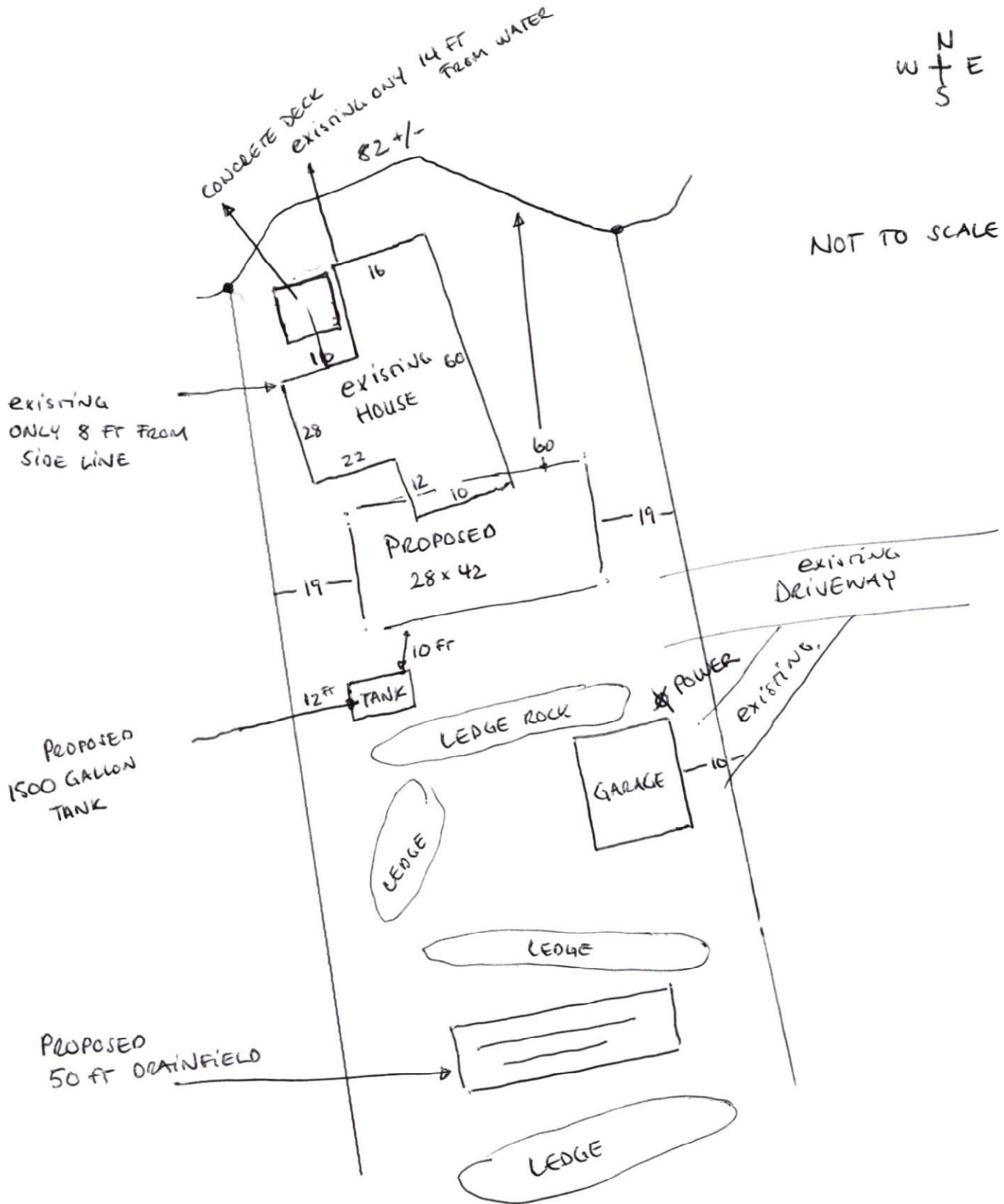
**No**

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3081 BEEL ROAD



NOT TO SCALE



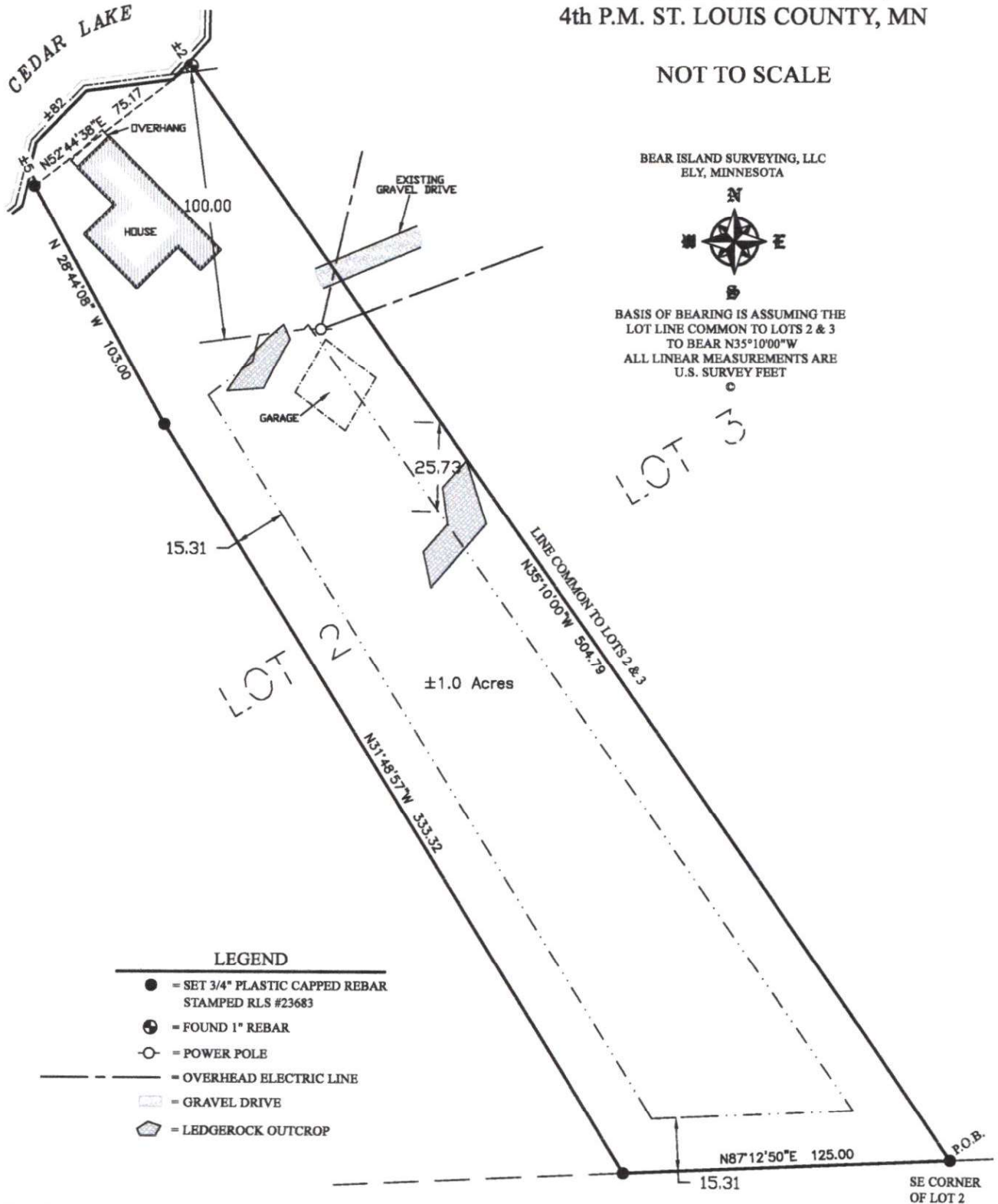
**CERTIFICATE OF SURVEY**  
**BOUNDARY SURVEY OF PART OF**  
**LOT 2 OF "THE CEDARS" IN**  
**SECTION 13, T63N, R12W,**  
**4th P.M. ST. LOUIS COUNTY, MN**

NOT TO SCALE

BEAR ISLAND SURVEYING, LLC  
 ELY, MINNESOTA



BASIS OF BEARING IS ASSUMING THE  
 LOT LINE COMMON TO LOTS 2 & 3  
 TO BEAR N35°10'00"W  
 ALL LINEAR MEASUREMENTS ARE  
 U.S. SURVEY FEET





# 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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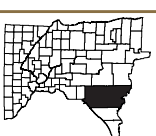
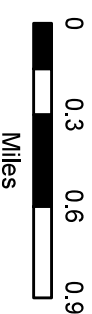
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## Sue Warfield

### Location Map

PIN:465-0072-00025



St. Louis County MN



# St. Louis County

October BOA Meeting



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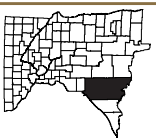
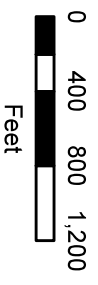
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## Sue Warfield

### Zoning Map

PIN:465-0072-00025



St. Louis County MN



# St. Louis County



Prepared By: Planning & Community Development

Source: 2161 725-0000  
www.stlouiscounty.org

Map Created: 9/18/2020

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## Site Map



0 30 60 90  
Feet





# St. Louis County



Prepared By: Planning & Community Development

Source: 2161 725-5000  
www.stlouiscounty.org

Map Created: 9/18/2020

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## Site Map





# St. Louis County



Prepared By: Planning & Community Development

Source: St. Louis County  
2161 725-5000  
www.stlouiscounty.org

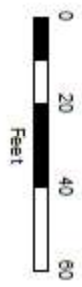
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## Site Map







Existing structure  
with proposed  
structure location

Shoreline