



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

INSPECTION DATE: 6/11/2024

REPORT DATE: 6/20/2024

MEETING DATE: 7/11/2024

APPLICANT INFORMATION

APPLICANT NAME: Greg Buckley

APPLICANT ADDRESS: 3667 Hwy 169, Ely, MN 55731

OWNER NAME:
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 3667 Hwy 169, Ely, MN 55731

LEGAL DESCRIPTION: LOT 5 AND LOT 6 OF E. T. ORAZEM PLAT TOWN OF EAGLES NEST, S13, T62N, R14W (Eagles Nest).

PARCEL IDENTIFICATION NUMBER (PIN): 317-0100-00060, 317-0100-00050

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County SSTS Ordinance 61 adopted Technical Standards 7080.2150, Subpart 2 (F), to allow a subsurface sewage treatment system installation at a reduced shoreline setback.

PROPOSAL DETAILS: The applicant is proposing a replacement subsurface sewage treatment system at a reduced shoreline setback of 40 feet where 75 feet is required for a recreational development lake. The system is replacing a noncompliant tank and a drain field that is failing to protect groundwater.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Hwy 169

ROAD FUNCTIONAL CLASS: Arterial

LAKE NAME: Clear Lake

LAKE CLASSIFICATION: RD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property is currently developed with a dwelling, garage, accessory structure, well, and failed septic system.

ZONE DISTRICT: SMU 6

PARCEL ACREAGE: APPROX. 0.75 ACRES

LOT WIDTH: APPROX 200 FEET

FEET OF ROAD FRONTAGE: APPROX 200 FEET

FEET OF SHORELINE FRONTAGE: 227 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: Adequate screening.

TOPOGRAPHY: Gently sloping 18 feet elevation change from south of lot towards shoreline.

FLOODPLAIN ISSUES: N/A

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: There is a drilled well with a required setback of 50 feet.

FACTS AND FINDINGS

A. Official Controls:

1. Ordinance 61 and technical standards states that septic systems shall meet setbacks as required in section 7080.2150, subpart 2, item F, table VII. The table requires a 75 foot setback to a recreational development lake and the applicant is requesting a 40 foot setback.

B. Practical Difficulty:

1. There are limited options for septic placement due to lot size, existing development, required setbacks for right of way, property lines, structures, and shoreline and well.
2. An alternative would be to install a grinder / ejector station either inside or outside the structure (under 100 gallons) to pump up to a tank that meets shoreline setback, however; septic tanks served by sewage grinders or ejectors must have an additional 50% capacity and include multiple compartments and or multiple tanks. The proposed replacement tank would be gravity fed and not be required to have additional sizing and compartment capacity.

C. Essential Character of the Locality:

1. The area consists of developed lakeshore lots containing both conforming and nonconforming seasonal and year round homes.
2. There have been no similar septic variance requests in the area.

D. Other Factor(s):

1. The proposed septic system will replace a noncompliant tank and a drain field that is failing to protect groundwater.

BOARD OF ADJUSTMENT CRITERIA FOR APPROVAL OF A VARIANCE

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

CONDITIONS

Conditions that may mitigate the variance for relief from St. Louis County SSTS Ordinance 61 adopted Technical Standards 7080.2150 Subpart 2 (F) to allow the replacement of a subsurface sewage treatment system at a reduced shoreline setback as proposed include, but are not limited to:

1. All other Onsite Wastewater SSTS standards shall be met.
2. Following system installation, an inspection shall be performed by a qualified inspector to ensure setbacks are met prior to issuing Certificate of Compliance.
3. All other local, county, state and federal regulations shall be met.

**ST. LOUIS COUNTY, MN
PLANNING AND ZONING DEPARTMENT
(Onsite Wastewater Division)**

Duluth

Government Services Center

320 West 2nd Street, Suite 301
Duluth, MN 55802
Phone (218) 725-5200
Toll Free (800) 450-9278

Virginia

Government Services
Center
201 South 3rd Avenue West
Virginia, MN 55792
Phone (218) 749-0625
Toll Free (800) 450-9278

Permit Construction Application Subsurface Sewage Treatment System

General

- This permit application form is used to apply for a Permit to Construct. Additional information:

www.stlouiscountymn.gov/septic

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 **317-0100-00060**

Associated PINs

PIN # **317-0100-00050**

Enter Applicant Information

I am a: **Contractor**
 Are you an LLC Business? **No**
 Applicant Name: **Michael Heiman**
 Address: **PO Box 356**
 --
 City: **Ely**
 State: **MN**
 Zip: **55731**
 Primary Phone: **218-235-3491**
 Mobile Phone: **--**
 Email: **mheiman@northerngeoseptic.com**
 Preferred Contact Method: **Any**
 Contact Person Name: **--**
 Contact Person Phone: **--**

Property Owner Name and Contact Information.

If the property owner information we have on file is not correct, please enter the current owner information.

Property Owner Name: **BUCKLEY GREGORY M**
 Site Address: **3667 Highway 169**
 --
 City: **Ely**
 State/Province: **MN**
 Zip: **55731**
 Primary Phone: **(218)290-5347**
 Mobile Phone: **--**
 Email: **buckleyproperties@gmail.com**
 Preferred Contact Method: **Any**
 Contact Person Name: **PETE SWANSON**
 Contact Person Phone: **(218)343-0674**

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 Property address? Yes

Same as Applicant address? Yes

Name: **BUCKLEY GREGORY M**
 Address: **3667 Highway 169**

--
 City: **Ely**
 State/Province: **MN**
 Zip: **55731**
 Primary Phone: **(218)290-5347**
 Mobile Phone: **--**
 Email: **buckleyproperties@gmail.com**

Provide additional email recipients Yes

The Property Owner receives all Permit documents. List any additional recipient emails separated by a semicolon.

Additional email recipients **rswanson8354@gmail.com**

SITE INFORMATION

Enter Site information

Do you need to request a 911 address number and sign? **No**

Is this a leased property? **No**

Is this for Residential or Commercial?
Residential

Is the property used year round or used seasonally?

Year round

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

Yes

River/Lake Name

Clear Lake

Is this property connected to a Common Interest Community?

No

Is this serving multiple dwellings sharing a SSTS component?

No

Is this related to a Point of Sale Requirement?

No

Is the SSTS located in a floodplain?

No

APPLICATION REASON

What are you applying for?

Replacing the existing SSTS

Explain why:

Non-compliant

Permit Number (being replaced, if known):

32499

WORKSHEET

Select the System Type

Type I System

"Type I System" means an ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.

No

Type II System

"Type II System" means an ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

No

Type III System

"Type III System" means a custom designed ISTS having acceptable flow restriction devices to allow its use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.

Yes

System Type

Mound System < 12"

Note:

MPCA Type III Systems must be installed by a licensed septic installation

contractor.**Type IV System**

"Type IV System" means an ISTS, having an MPCA registered pretreatment device and incorporating pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.

No**Type V System**

"Type V System" means an ISTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site, and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented.

No

Select the gallons per day (GPD) for the system.

Gallons per Day **Less than 2,500 GPD**

WELL INFORMATION

Enter information about the well.

Do you have a proposed water source?

No

Enter # of existing water sources on the property

1

After completing the following information for the 1st water source, please use the Add Another Water Source button to add the additional water source(s) information.

Water Source Type **Well**
 Well # **482822**
 Well Depth (Feet) **51**
 Case Depth (Feet) **51**
 Well Type **Drilled**

DESIGNER & INSTALLER INFORMATION

Select the Designer

Licensed Business **Northern Geoseptic**

Name or Designer

Name

License # **4321**

Certification # **10163**

Designer's Comments **--**

(To On-Site Wastewater Staff)

Select the Installer (if known)

Licensed Business **Ralph Swanson Company, Inc.**
 Name or Installer Name
 License # **L1288**
 Certification # --
 Installer's Comments --
 (To On-Site Wastewater Staff)

STRUCTURE - RESIDENTIAL

Enter Building Type and Water Uses

Home, mobile home, hunting shack, cabin, RV

Dwelling **Yes**

Dwelling

of Bedrooms **2**

Plumbing **Yes**

Basement Plumbing **Yes**

Garbage Disposal **Yes**

Clothes Washer **Yes**

Dishwasher **Yes**

Water Conditioning Unit **Yes**

Furnace w/Humidifier **Yes**

Bathtub > 40 gal. **Yes**

Sewer Grinder Pump **Yes**

Multi-Family **No**

Accessory Dwelling **No**

Accessory Structure
w/water --

Other **No**

Other information to be considered for this application

This design is not complete because we are waiting for the soil scientist to come on-site. We are submitting this now to get the variance approved. The variance is for setbacks and doesn't involve the onsite work of the soil scientist. The completed design will be re-submitted.

Will this project require a Septic Variance?

Yes

VARIANCE WORKSHEET

Enter Variance information. About SSTS Variances Pursuant to Ordinance 61, Article V, Section 3.0 A property owner may request a variance from the standards specified in the Ordinance pursuant to county policies and procedures. Variances shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance where there are practical difficulties or particular hardship in meeting the strict letter of this Ordinance, excluding the technical standards. Certain deviations may require the approval of the MPCA or the MN Department of Health.

Describe the specific provision(s) in the ordinance from which the variance is requested.

A compliance inspection found the existing 1,500-gallon two compartment septic/pump tank to be non-compliant. This variance is requested to replace the non-compliant tank with a proposed 1,500-gallon two compartment septic/pump tank 40 feet from the Ordinary High Water Level of Clear Lake. The existing septic tank is located 44 feet from Clear Lake. Clear Lake is classified as recreational development and the established setback is 75 feet.

Describe the practical difficulty that prevents compliance with the rule.

The location of the existing house, property line, and land slope limit the available locations for the proposed septic tank. A grinder pump would need to be installed to move the proposed tank up slope. Even with a grinder pump, there is limited room at the site to meet all setbacks from Clear Lake, existing structures, and the existing well.

Describe the alternative measures that will be taken to achieve a comparable degree of compliance with the purposes and intent of the applicable provisions.

The existing septic/pump tank does not meet the established setback to the deck. The proposed septic/pump tank will be moved to meet the setback from the deck.

Identify cost considerations preventing reasonable use of the property under the terms of this ordinance

Installing a grinder pump would significantly increase the cost of replacing the existing non-compliant tank. Plumbing would need to be upgraded within the house, the sewer line would need to be re-routed in the yard, and the septic tank would be required to be upsized to accommodate the grinder pump.

OFFICE USE ONLY

ES Area	EB
Office	Virginia
Section	13
Township	62
Range	14
Variance Department	--
Recommendation	

Specify reasons for recommendation:

Hint: (Reference pertinent sections of the Ordinance and ISTS Construction Standards)

	--
Hearing Info. and Outcome	--
Board of Adjustment	--
Hearing Date	
Permit #	--
Variance Granted	--
Case #	--

VARIANCE AGREEMENT

By submitting this request for variance from the Ordinance and the Construction Standards, I certify and agree that no substantial health hazard is likely to occur therefrom and an unnecessary hardship might result in strict compliance with the Ordinance and Standards.

I further agree to install a sewage treatment system in accordance with the permit application, plans, and specification that are made as part of this variance request, in addition to paying the Variance Fee associated with this request.



Legend

- Well
- Soil Pit
- Pump Line
- Sewer Line
- 2-foot Contours
- Soil Treatment Area
- Tank
- St. Louis County Tax
- Parcels

Notes:

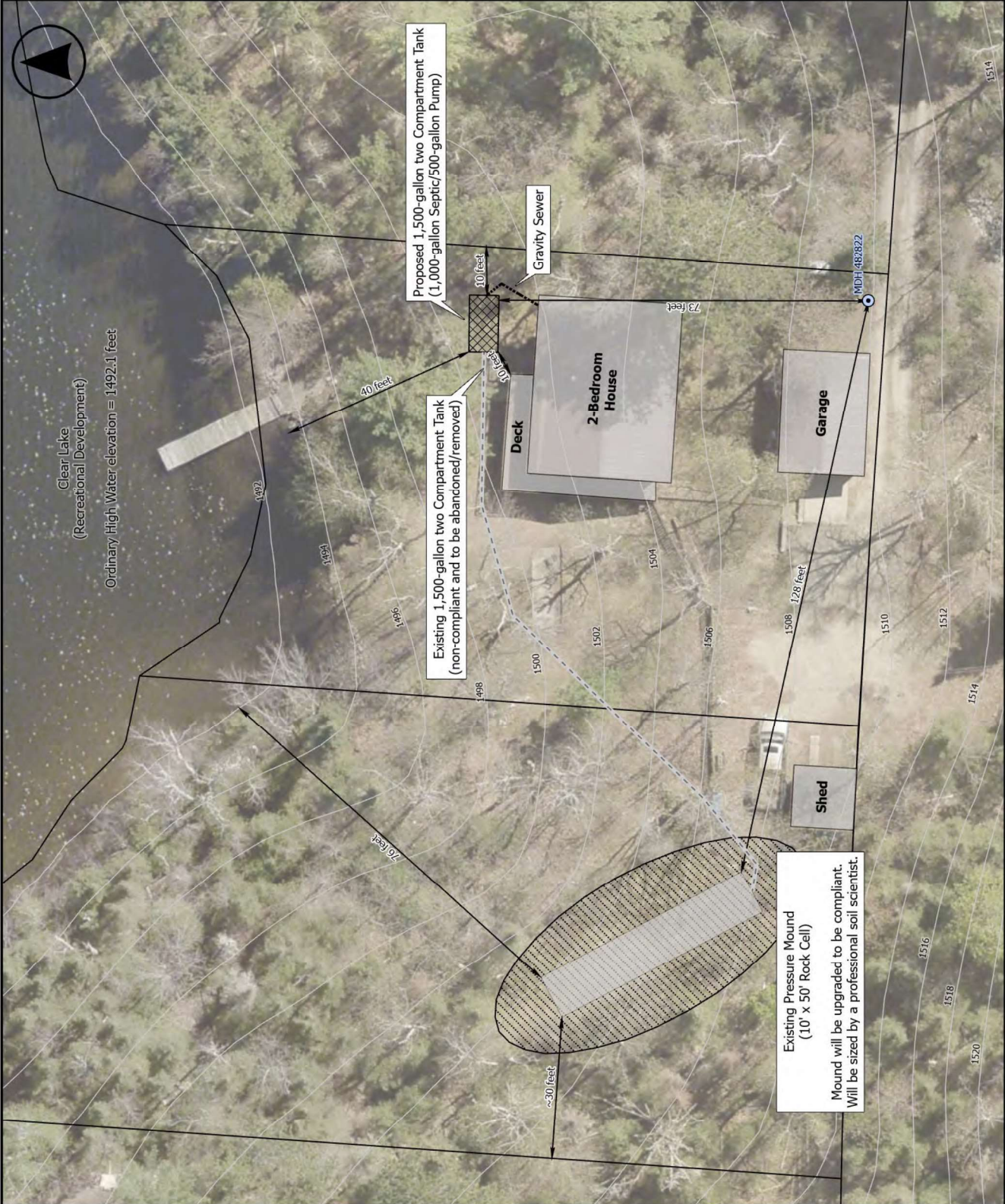
- Existing septic tank is located 44 feet from Clear Lake. Existing tank does not meet setback to the deck.
- Proposed septic tank to be moved as needed to meet setback to deck. New tank will be located 44 feet from Clear Lake.

Figure 1 Septic Design Sketch

Client: Greg Buckley
 Parcel ID: 317-0100-00050
 Address: 3667 Hwy 169
 City: Ely
 County: St. Louis

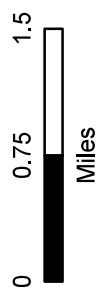
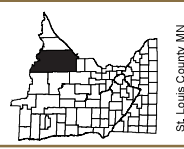


Date: 6/6/2024 10:50 AM
 Drawn by: MTH

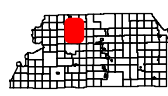


St. Louis County

July BOA Meeting



Gregory Buckley
Location Map
317-0100-00050



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

Source: **St. Louis County**

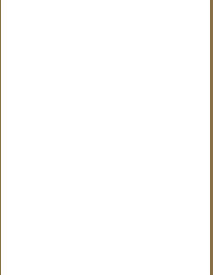
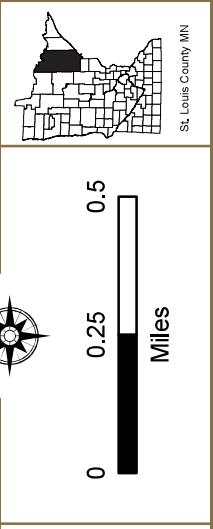
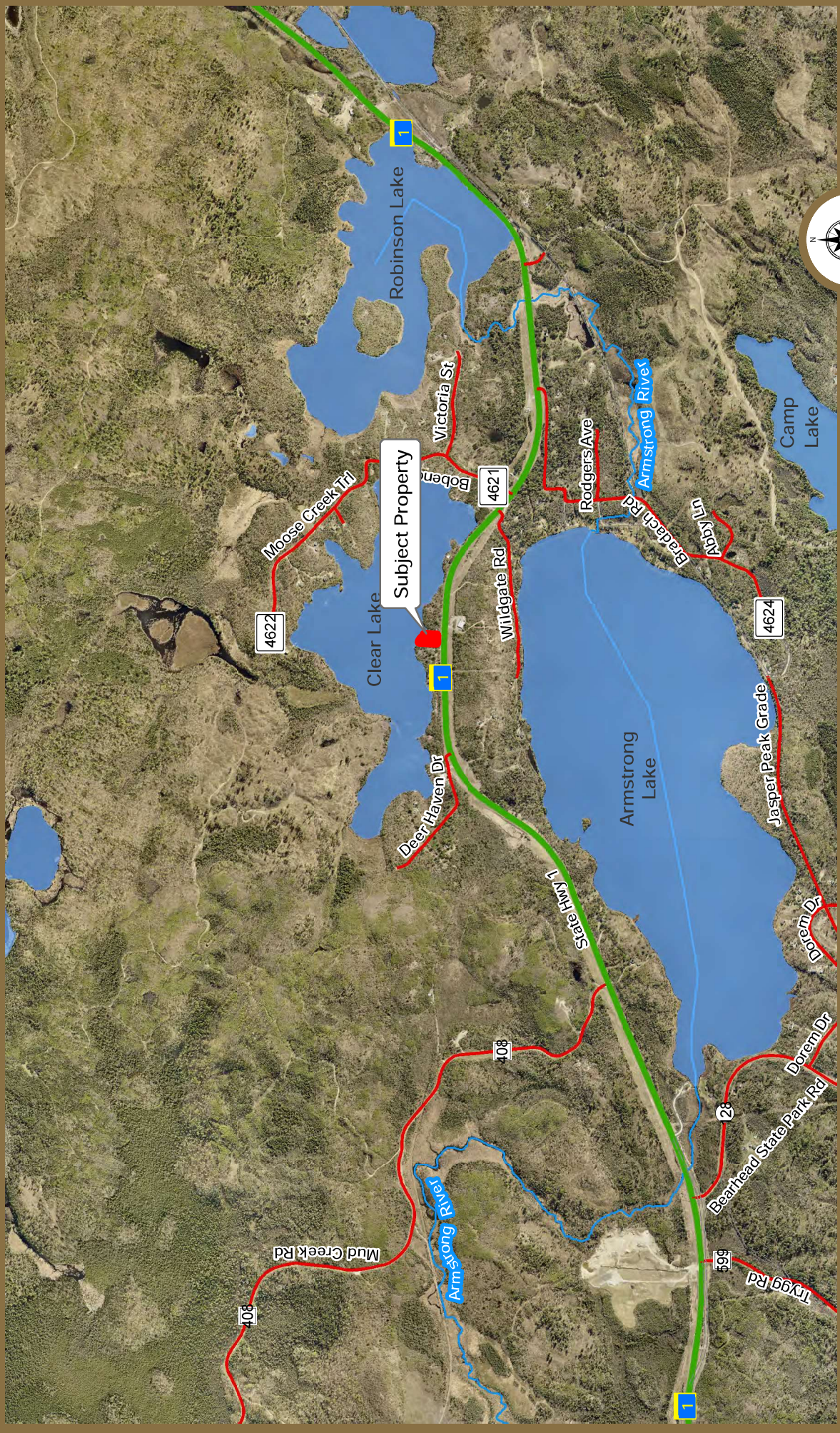
Map Created: **6/11/2024**

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St. Louis County

July BOA Meeting



Gregory Buckley
Location Map
317-0100-00050

Prepared By: Planning & Zoning Department
 (218) 725-5000
www.stlouiscountymn.gov

Source: St. Louis County

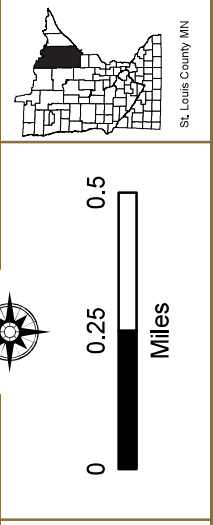
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Gregory Buckley

Zoning Map

317-0100-00050

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St. Louis County

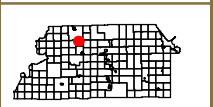
July BOA Meeting



0 20 40
Feet

Gregory Buckley Site Map

317-0100-00050



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Map Created: 6/17/2024

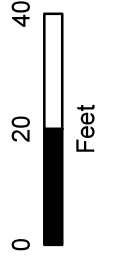
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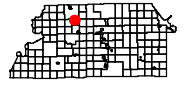


St. Louis County

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Gregory Buckley Elevation Map 317-0100-00050



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Department
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Source: St. Louis County
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