

## ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

INSPECTION DATE: 06/10/2024

**REPORT DATE: 06/21/2024** 

**MEETING DATE: 07/11/2024** 

#### APPLICANT INFORMATION

**APPLICANT NAME:** Glenn Harle

APPLICANT ADDRESS: 611 Aspen Grove, Hibbing, MN 55746

**OWNER NAME:** Harle Family Trust (IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 4545 Bradley Road, Tower, MN 55790

**LEGAL DESCRIPTION:** PART OF E1/2 OF N1/2 OF LOT 2 BEG 871.44 FT N OF CENTER OF SAID LOT 2 THENCE N 78 DEG 10 MIN E 102.62 FT THENCE 102 DEG 58 MIN RIGHT 229.31 FT THENCE AT AN ANGLE OF 90 DEG RIGHT 100 FT TO N AND S DIVISION LINE OF LOT 2 THENCE 90 DEG RIGHT 206.29 FT TO PT OF BEG, S5, T62N, R16W (Greenwood)

#### PARCEL IDENTIFICATION NUMBER (PIN): 387-0010-00607

**VARIANCE REQUEST:** The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article VI, Section 6.10 A., to allow a second water oriented accessory structure on a parcel where only one is allowed per minimum lot area and width requirements for the dimensional district.

**PROPOSAL DETAILS:** The applicant is requesting approval to allow a 72 square foot barrel sauna, which is considered the second water-oriented accessory structure on the property. The parcel is zoned SMU-9 which requires one acre per water-oriented accessory structure. The property is a lot of record at 0.5 acres with an existing 520 square foot boathouse as the one allowed water-oriented accessory structure.

#### PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Bradley Road

**LAKE NAME:** Lake Vermilion

RIVER NAME: N/A

ROAD FUNCTIONAL CLASS: Local

LAKE CLASSIFICATION: GD

#### **RIVER CLASSIFICATION: N/A**

**DESCRIPTION OF DEVELOPMENT ON PARCEL:** The parcel contains a dwelling, garage, boathouse, and permitted septic system.

**ZONE DISTRICT:** SMU 9

PARCEL ACREAGE: 0.50 ACRES

FEET OF ROAD FRONTAGE: N/A

LOT WIDTH: APPROX. 100 FEET

FEET OF SHORELINE FRONTAGE: 108 FEET

**VEGETATIVE COVER/SCREENING:** There is adequate vegetative screening from neighboring properties and from the shoreline.

**TOPOGRAPHY:** The parcel has an overall elevation change of 18 feet, sloping gently from the rear of the parcel towards the shoreline.

**FLOODPLAIN ISSUES:** The parcel is located within the floodplain. The proposal will not be affected.

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL: N/A

#### FACTS AND FINDINGS

#### A. Official Controls:

- 1. St. Louis County Zoning Ordinance 62, Article VI, Section 6.10 A., states that only one water oriented accessory structure is allowed by permit per minimum lot area and width requirement for the dimensional district and on a lot of record. There is a 520 square foot boathouse located on the property. The applicant is requesting a second water oriented accessory structure (barrel sauna) where only one is allowed.
  - a. The applicant's parcel is 0.5 acres, 100 feet wide where 2 acres and 300 feet in width is required to allow for two water oriented accessory structures.
- 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 applicants are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
- 4. 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. A variance is not the only option as there are alternatives that would eliminate the need for a variance request:
  - a. A new sauna meeting all accessory structure standards, including a 75 foot shoreline setback, may be allowed with an approved land use permit.

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

- 1. The area consists of year-round and seasonal residential homes.
- 2. The area largely consists of developed lakeshore lots with conforming and nonconforming structures.
- 3. There have not been any similar requests within the area.

#### **D. Other Factors:**

- 1. The applicant spoke to the Land Use team regarding alternatives to avoid a variance request and chose to move forward with the variance request.
- 2. It was confirmed during the site visit on 6/10/2024 that the applicant moved forward with placing the structure on the property without variance approval or issuance of a land use permit.
- 3. 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.

#### **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 second water oriented accessory structure where only one is allowed as proposed include, but are not limited to:

- 1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
- 2. The stormwater runoff from the proposed structure shall not discharge directly into the lake or on adjacent lots.
- 3. All St. Louis County Onsite Wastewater SSTS standards shall be followed.
- 4. All local, state, and federal requirements shall be met.

SAINT LOUIS	Land Use Permit	Permit #				
	APPLICATION St. Louis County, Minne	sota Permit #				
About: This appl	ication is used to apply for a Land Use Permit. Applicants will need	to attach the appropriate workshe	et(s) in order to			
process. For more information, see our website at: <u>www.stlouiscountymn.gov/land-use</u>						
*Primary 2	DENTIFICATION NUMBER (PIN) PIN is found on your Prope	erty Tax Statement				
PIN A Associated 3 PIN	8       7       -       0       1       0       -       0       6       0       7       Associated PIN         8       7       -       0       1       0       -       0       6       0       8       Associated PIN         Primary PIN: Parcel where Structure/SSTS are located. Associated PIN: Additional and       Associated PIN: Additional and					
County Land Explorer:	https://gis.stiouiscountymn.gov/landexplorer/ Property Lookup: http://apps.stiouisco	ountymn.gov/auditor/parcelInfo2005Iframe/	s related to the project.			
*Applicant Name	I am a Contractor Homeowner Other	*Daytime #	Date			
GLENN	MARLE S Where to send permit.	218-929-4042	5-14-2009			
	N GROVE	HIBBING MN	*ZIP 55746			
Applicant Email	harle e gmail. com					
Contact Person Ir		#				
Mailing Address Ir	different than above.	City State	ZIP			
Email Address whe	ere to email permit. Providing an email address will expedite the time in which a perm	it is received by an applicant,				
	harle @gmail.com					
SITE INFORM			The second second			
Yes No	*Is there a site address for this property? (If no, the application will					
If yes above, pleas	se list site address: 4545 BRADLEY ROAD	TOWER MN SE	5792			
Yes No	*Is this leased property? If yes, leased from: MN Power MN DNR US Forest Service St Louis County Other					
Yes No	*Do you have written authorization from the leased property owner? If yes, you must attach written authorization form.					
*How is the prope	rty accessed? Public Road 🛛 Private Road 🔲 Easement 🗌 Water 🔲 C	other COUNTY 949 (BR	ADLEY ROAD)			
PROJECT INFO	DRMATION	and the second second				
Yes No	*Is this project on a parcel less than 2.5 acres?					
Yes No	*Is this project within 300 feet of a stream/river or 1,000 feet of a lake?					
	*Is this project adding a bedroom? Include home, garage, & accessory dwelling.					
#	*Total # of bedrooms on property after project completion. Include home, garage, & accessory dwelling.					
Yes No	*Does this project include plumbing or pressurized water in propo		in:			
Ves No	*Is the property connected to a municipal or sanitary district syste	em?				
If you answered "Yes" to any of the project information questions above, 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.						
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 faisification of this application or any attachments thereto will make the application, any approval of the application, in provide 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, 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 resulting permit invalid. I could count 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.						



# Land Use Permit

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: <a href="http://www.stlouiscountymn.gov/land-use">www.stlouiscountymn.gov/land-use</a>

WHAT ARE YOU APPLYING FOR Check all that apply to the project. PLEASE MAKE CHECKS TO: ST. LOUIS COUNTY AUDITOR						
<pre>#1 New Building Less than equal to 1,200 square feet-\$175 Greater than 1,200 square feet-\$345     Dwelling-Home, Mobile Home, Hunting Shack, or    Cabin. (Includes attached deck, if applicable.)     Replacement of Existing Dwelling-Home,    Mobile Home, Hunting Shack, or Cabin. Will the old dwelling be removed from the    property?   Yes   No</pre>	#2 Other Construction/Change in Use-\$90          Addition(s) to Dwelling         Is the dwelling location on a lake or river?         Yes above, does the structure meet the required         shoreline setback?         Yes         No If No, structure does         not meet the shoreline setback, a performance standard         permit or variance may be required. See box #4 or #7.         Addition(s) to Accessory Structure	#4 Performance Standard-\$410 Additional Worksheets Required Borrow/Gravel Pit Home Business Land Alteration Nonconforming Structure Replacement Addition to a structure that does not meet shoreline setback Other				
	New Deck Only or Deck Replacement Combination Addition(s) & Deck on the same structure Moving a Structure	#5 Site Evaluation Site Visit/Evaluation-\$175				
If this dwelling is a mobile home, there is a special mobile home affidavit to be filled out.  Accessory Dwelling-Guest cottage or bunkhouse. Nust follow administrative standards. Accessory Structure- Garage. Pole Building.	<ul> <li>Sign</li> <li>Structure Alteration or Component Replacement</li> <li>Change in Use (i.e. converting an old cabin to storage)</li> <li>What will the new use of the structure be?</li> <li>Explain the current and proposed use.</li> <li>Current: Proposed:</li> <li>Other-\$65</li> <li>Permit extension beyond 2 years</li> </ul>	#6 Wetland Reviews <u>Additional Worksheets Required</u> No Loss/Exemption/Replacement Plan-\$175 Wetland Delineation Review-\$410 Wetland Banking Plan Review-\$1,340				
shoreland area. Water-oriented Accessory Structure- Boathouse, Sauna, Screenhouse/gazebo on a lake or river located at reduced shoreline setback. Must follow administrative standards. Commercial Structure Other Principal Structure	#3 Subdivisions/Parcel Reviews Additional Worksheets Required Plat-Minor Subdivision-\$685 Conventional or Conservation Plat-Less than or equal to 3 lots-\$685 Conventional or Conservation Plat-Greater than 3 Lots- \$1,375 Lot Line Adjustment-\$90 Parcel Review-\$90 Performance Standard Subdivision-\$410	<pre>#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</pre>				

New Structure(s)	*Structure Type (Same as box #1 or 2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only)	*Maximum Width (Exterior Footprint Only)	*Maximum Sq. ft (Exterior footprint only)	*Maximum Height (Ground Level to Roof Peak)
	BARREL	CRADLE	6 Feet	RFeet	72 Sq. ft.	6 Feet
	SAUNA		Feet	Feet	Sq. ft.	Feet
State of the second second			Feet	Feet	Sq. ft.	Feet
Structure Additions	*Structure Type (Same as box #2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only)	*Maximum Width (Exterior Footprint Only)	*Maximum Sq. ft (Exterior footprint_only)	*Maximum Height (Ground Level to Roof Peak)
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet

**CONTACT:** Planning and Zoning Department

Technical Assistance Toll Free: 1-800-450-9777 Land Use Information www.stlouiscountymn.gov/land-use Duluth Government Services Center 320 West 2<sup>nd</sup> Street, Suite 301 Duluth, MN 55802 (218) 725-5000 Virginia Government Services Center 201 South 3<sup>rd</sup> Avenue West Virginia, MN 55792 (218) 749-7103

#### **Office Use Only**

Receipt #	
Receipt Date	
Payment Amount	
Paid By	

# Variance

### Worksheet St. Louis County, Minnesota

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)

Harle, Glenn

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? We propose to install a Barrel Sourna, Mounted on a cradle dry sourced at a SOI setback versus the required 75' setback from the shoreline. All surfaces on the lot are terraced on all sides to allow for gentle water drainage Trunoff. See statch. There is only one flat surface area on which to install the sound. 2. Describe the intended/planned use of the property. Plan to install a Barrel Sauna, 6'X12', SO feet from the water. This is a dry sauna without a pressurized water system. 3. Describe the current use of your property. We currently have a seasonal recreational cabin with a water-oriented boathouse. We use the property on weekends and during vacation periods. 4. Describe other alternatives, if any. Given the terraced nature of the lot, there are no ther flat surfaces wide enough on which to install 5. If approved, how will the proposed use, with the variance, fit into the character of the neighborhood/area? Our property is forested from view of the neighboring proper ties. Our shoreline also has adequate three could The same would be tucked in behind the boathouse, making it invisible from neighbors and nearly invisible when approching our property from the lake sound is cedar with a dark prown root to match our other puildings.

6. Describe how neighboring properties and the use of those properties will be impacted by the proposed use with the variance. There should be zero impact to neighboring property puners. All to are heavily forested. Our property has a deguar Le ave shoreline to should our entire property ONO OUV S be only usible from our cabin Sama would our boathouse. tucked behind 7. Describe how negative impact to the local environment and landscape will be avoided. structure is made of cedar with a durk brow We plan to add ornamen unoled roo tal graves along sound. We don't intend to negatively neighboring any ties er di a Soun personal Use, not our tor loud CONOXIOU Pa! 8. Describe the expected benefits of a variance to use of this property. to of a variance will be enjoymen for our family, are no ot TORS thes Stracture 9. Include additional comments that will clarify your request for the Planning and Zoning staff members and the Board of Adjustment. bregen ask Than you grand us a variance. hal searchook r NOON 0 aund. onk you ver Vecues OFFICE USE ONLY Principal Structure **Principal Structures** Accessory Structures Accessory Structures Additions Other Additions Shoreline Setback Shoreline Setback Shoreline Setback Shoreline Setback Subdivision Plat **Property Line Setback** Road Centerline Setback Road Centerline Setback Road Centerline Setback Exceeding Lot Lot Width Road Right-of-Way Setback Road Right-of-Way Road Right-of-Way Coverage Height Limit **Property Line Setback** Setback Setback Exceeding Maximum 40% of Lot Width E One Addition Allowed Property Line Setback Property Line Setback 55% of Lot Width **Buildable Area** Allowable Size Exceeded Lot Width and/or Area B Allowable Size Exceeded Other Standard Not Bluff 40% of Lot Width Height Limit Helaht Limit 2nd Principal Structure Listed (Explain below) 55% of Lot Width Allowable Size Exceeded Lot width and/or Area % Lot Coverage **Height Limit**  $\Box$ Bluff Road Centerline Setback Foundation from Lake Road Right-of-Way Setback Lot width and/or Area Lot width and/or Area CONTACT: Planning and Zoning Department **Technical Assistance** Duluth Virginia Toll Free: 1-800-450-9777 **Government Services** Office Use Only **Government Services Center** Land Use Information Center 201 South 3rd Avenue West Receipt # www.stlouiscountymn.gov/land-use 320 West 2nd Street, Virginia, MN 55792 Suite 301 Receipt Date (218) 749-7103 Duluth, MN 55802 Payment Amount (218) 725-5000 Paid By



OWNER GLENN F. HARLE LEFT SIDE ELEVATION 61/ASPENGROUE Itibe/NGMN 55746 (218)929-4042, connie.harbeomul.om 4545 BRADLEY ROAD TOWER MN 55746 HOUSE DRIVE 01 DRAIN BAMP SAUNA BOAT LAIKE

# CERTIFICATE OF SURVEY A Boundary Survey within the East 1/2 of the North 1/2 of Government Lot 2, Section 5, Township 62 North, Range 16 West, St. Louis County, Minnesota



Legal Description for original Morin parcel (parent parcel) from Warranty Deed 1004, Page 160, dated July 29, 1957 (Lilja to Morin)

That part of a parcel of land located in the East half (1/2) of the North half (1/2) of Lot 2, Section 5, Township 62 N. Range 16 W., of the 4th P.M. described as follows:

of the 4th P.M. described as follows: From an iron pin, located on the North and South division line of said Lot 2, and on the North side of right of way line of the Bradley Road, known as County Highway No. 949, being 115 feet north of the center of said Lot 2, Section 5 T62N R16W, a point of beginning; Thence continuing north on said north and south line to the shore of Vermilion Lake, a distance of 756.44 feet; thence at an angle of 77' 02' to the right, following the lake shore, a distance of

of Vermilion Lake, a distance of 756.44 feet; thence at an angle of 77° 02' to the right, following the lake shore, a distance of 308.42 feet; thence at an angle of 110° 30' to the right, a distance of 771 feet; thence at an angle of 72° 32' to the right a distance of 202.70 feet to the point of beginning and there terminating. Said described parcel of land lying wholly within the East half (1/2) of the North 1/2 of Lot 2, Section 5, T62N, R16W, Containing 4.46 acres, more or less, more fully shown in red on attached blue print plat, and made a part hereof.

Surveyor's Note: The "blue print plat", (a survey done by E. A. Norby, Reg. No. 1502), attached to the above mentioned deed indicates that the intent was for the south line of the parcel to run adjacent to and along the north right-of-way of Bradley Road. Liljo's owned the entire East 1/2 of the North 1/2 of the Gavt Lot at the time of the transfer to the Marine Martine and the transfer East 1/2 of the North 1/2 of the Gav't Lot at the time of the transfer to the Morins. Norby's survey drawing shows solid iron rods in place at the property corners. Old solid iron rods which we believe date back to Norby's survey were found in place at all four corner locations as well as the southwest corner of the East 1/2 of the North 1/2 of the Gav't Lot. Although the measurements between the found iron rods do not all match the distance and angle calls as written in the original legal description, we feel they mark the actual locations of the property corners as they were originally staked and depicted on the blue print plat some 56 years ago and should be accepted as such.

272.41

N0'00'28"E

Bearings are based on project coordinates.

CONT

MarchingCo

1518 Bth St. So. Virginio, MN. 55792 Phone: (218) 741-2575

That part of a parcel of land located in the East Half of the North Half of Government Lot Two (2), Section Five (5), Township Sixty-two (62) North, Range Sixteen (16) West of the Fourth Principal Meridian,

From an iron pin, located on the shore of Lake Vermilion and on the From an iron pin, located on the shore of Lake Vermilion and on the North and South division line of said Lot 2 being 871.44 feet North of the center of said Lot 2, Section 5, Township 62 North, Range 16 West of the Fourth Principal Meridian, a point of beginning; thence continuing North 7810' East, following the lakeshore, a distance of 102.62 feet, to gipoint; thence at an angle of 102'58' to the right, a distance of 229.31 feet to a point; thence at an angle of 90'00' to the right, a distance of 100.00 feet, to a point on the North and South division line of Lot 2; thence at an angle of 90'00' to the right, a distance of 205.99 feet along the North and South division line of Lot 2 to the point of beginning, containing 0.50 acre, more or less





Miles

387-0010-00607

laimer. This is a complation of records as they appear in the St. s County Offices affecting the area shown. This drawing is to be to my for reference purposes and the County is not responsible for imacurates herein contained.

6/13/2024

Map Created:

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Location Map

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