

From: [Bob Hansen](#)
To: [Ada Tse](#)
Cc: [Diane LundeHansen](#)
Subject: Variance 7656 Barrs Lake Road, Duluth, MN 55803
Date: Sunday, August 6, 2023 10:29:24 AM

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August 6, 2023

Re: Variance 7656 Barrs Lake Road, Duluth, MN 55803

County Planner Ada Tse,

We, Robert Hansen & Diane Lunde-Hansen, are the owners of the adjacent property to the west of the Chouinard property. We are full-time residents at 7644 Barrs Lake Road, Duluth, MN 55803.

We have reviewed the St. Louis County Zoning Ordinance Section 3.4 Shore Setback and Shore Impact Zone Requirements.

We have walked the property and observed the proposed setback location.

We welcome the building improvement of a new family home on the Chouinard property and support the St. Louis County Board of Adjustment allowing the dwelling at a reduced shoreline setback.

Respectfully,

Robert Hansen
Diane Lunde-Hansen
7644 Barrs Lake Road
Duluth, MN 55803
(218) 391-3901

From: [David Holmberg](#)
To: [Ada Tse](#)
Subject: Fw: Ann Chouinard property
Date: Monday, August 7, 2023 6:11:23 PM

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From: David Holmberg
Sent: Sunday, August 6, 2023 9:59 AM
To: marie anderson <marieanderson1122@gmail.com>; Sarah Anderson <ande3759@gmail.com>
Subject: Ann Chouinard property

Good Morning.

I am writing in response to the notice received regarding the variance request from Ann Chouinard.

When I purchased my property in 2001 I had the opportunity to work with the planning and zoning department at length. The requirements were clear and reasonable. The department staff were available at all times for any questions and or concerns I had before and during the process.

I understand that the Chouinard property has violated the county's requirements regarding the setback allowance on Barrs Lake. I feel there is no justification for the violation and ask that the variance be denied and the property changed to conform to the county's requirements concerning shoreline setback.

Many of us on Barrs Lake have worked with St. Louis county over the years and have always had a positive outcome, I hope this continues.

From: [Denise Anderson](#)
To: [Ada Tse](#)
Subject: Variance for Ann Chouinard
Date: Tuesday, August 8, 2023 8:21:04 AM

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I live on Barrs lake and have witnessed what occurred at the Chouinards property at 7656 Barrs Lake Rd. in June. Prior to their start of construction I had reviewed online their past variance and their permit that was issued. It was pretty clear what they were allowed to do as spelled out in variance and permit. One day I heard equipment running across the lake and saw that the cabin was being torn down. Within 3 days the cabin was gone, basement hole excavated, footings formed and poured and the start of basement walls. I immediately could tell from the lake that the new building was not set back far enough from the lake. It appeared to me that they tried to pull a fast one and were not following their variance results and permit. If they are allowed to keep the new building at the incorrect location, I'm fearful that this will set a precedence for future building on the lake. When we built our home in 1995 we had to modify our deck plans to make sure we were 100' back from the shoreline. Everyone else has had to follow the rules and make adjustments to be within compliance. Would not seem fair to allow the Chouinards to continue on with this current location of construction that is not in compliance. There are several cabins left on this lake that I suspect will eventually be turned into year round homes. Again, a precedence may be set to reward bad behavior with an OK to continue. Thanks for your consideration in requiring the Chouinards to adjust their foundation back from the lakeshore to meet current set back requirements of 100'.

From: [Ada Tse](#)
To: [Michelle Claviter-Tveit](#); [Donald Rigney](#)
Subject: FW: Ann Chouinard, 7656 Barrs Lake Road, 55803
Date: Monday, August 7, 2023 8:13:25 AM
Attachments: [image003.png](#)

Fyi, another Chouinard correspondence

From: northpointstrategy@gmail.com <northpointstrategy@gmail.com>
Sent: Sunday, August 6, 2023 5:53 PM
To: Ada Tse <TseA@StLouisCountyMN.gov>
Subject: RE: Ann Chouinard, 7656 Barrs Lake Road, 55803

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August 6, 2023

Dear Ms. Tse:

I am providing this email in reference to request for the after-the-fact relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.4 allowing a dwelling at a reduced shoreline setback.

As you can imagine, there are lots of rumors and inuendo among the residents currently living on the Lake. While I may not have all the salient facts, here is what my wife and I have been told by Chris Chouniard, Ann's husband. Our understanding is that the Chouniard's did receive a variance to dismantle the previous "cabin" and build a year-round home with a walk-out basement at the site with a setback of seventy-five feet from the Barrs Lake shoreline. There are many year round homes on Barrs Lake which are "grandfathered in" and not within the one-hundred foot setback rule. I have personally measured the distance from the recently poured foundation at the site in question, and it appears to comply with our understanding of the variance by being seventy-five feet back. If this is in fact true, my wife Mary and I have no objection to the Chouniard's proceeding with construction.

However, if there was no variance granted and the foundation is required to be at least one-hundred feet from the shoreline, then the facts as stated to us are incorrect. While we would prefer that the site be in compliance since that is the requirement for anyone wishing to build on the Lake, we do not object to the Chouniard's proceeding provided that going forward, every permit required,

and any other rules and regulations, be strictly enforced. Therefore, we leave the decision as to whether construction may proceed, or plans be altered, in the hands of the Planning & Community Development Department and its Board.

It is our hope that a reasonable solution can be found at the public hearing on Thursday, August 17th for the benefit of all concerned.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob West", enclosed in a thin black rectangular border.

Robert A. West

7700 Barrs Lake Road
Duluth, MN 55803
218-260-7576

From: [Donald Rigney](#)
To: [Michelle Claviter-Tveit](#)
Cc: [Ada Tse](#)
Subject: FW: Board of Adjustment correspondence for 8/17/2023 re: applicant Ann Chouinard, 7556 Barrs Lake Rd.
Date: Tuesday, August 8, 2023 11:41:33 AM

Please add to Chouinard correspondence file.

Thank you,

Donald

From: Ryan Krajewski <ryan@barrslake.com>
Sent: Tuesday, August 8, 2023 11:02 AM
To: Donald Rigney <RigneyD@StLouisCountyMN.gov>
Cc: Leianne Knoll Krajewski <leianneknoll@gmail.com>
Subject: Board of Adjustment correspondence for 8/17/2023 re: applicant Ann Chouinard, 7556 Barrs Lake Rd.

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Dear Mr. Rigney and members of the board of adjustment,

We're writing regarding the after-the-fact variance request submitted by our neighbor Ann Chouinard. We are against approving the variance and would cite the environmental impact as well as the applicants' disregard for following procedure as our main concerns. Their lack of regard for following procedures directly translates into a disregard for the health of the lake, a for maintaining the character and viability of the neighboring properties and their values, and as their neighbors we feel disrespected and impacted by these inappropriate behaviors.

The setback for new structures on Barrs Lake requires 100 feet. The rationale for this is codified in county ordinance because lakes in general are especially sensitive to disturbances inside of the shoreline impact and setback zones. No new dwelling structures have been erected on Barrs Lake in the past several decades without meeting the 100 foot setback. We find it unconscionable that without the benefit of variance or proper permit, the landowners decided to start building a new structure anyway. The foundation as it has been placed should be removed with the health of the lake held primary as erosion presents a clear and present threat to the health of the lake.

There is a complete absence of practical difficulty. The applicants simply want their new dwelling where they want it because that's where they want it to be. They have plenty of land to build what they want, but would prefer to be closer to the lake. Every landowner who has built a new dwelling structure since setback laws were enacted has followed the rules, and there is no scenario whereby an exception makes sense for this property.

Precedent is important. The neighboring property was denied a variance to do something similar.

Other variances have been approved, but they have not allowed for new structures or additions nearer the lake.

The applicant is acting as his or her own general contractor. As a general contractor and lake property owner, I hold them to a standard whereby they have an understanding of the rules that apply to building a new dwelling structure.

Additional excavation and landscaping. The applicant appears to be describing that their project is benefiting the lake by diverting runoff to another area of their property. Several hundred yards of fill have been added to the property, with much of it used to backfill the basement footings which were placed too close to the lake. The net effect is that the downslope to the lake has additional, substantial fill that presents a risk of erosion into the lake over time. Silt fences were added, only after neighbors mentioned the need for them. The silt fences are supposed to filter out incidental runoff, not act as a temporary retaining wall for backfill material, which is what they are currently doing.

The applicant has also repeatedly cited the need for a variance to save several mature trees. Over the years they have moved in, the applicant has removed numerous trees, many inside of the shoreline impact zone and they have continued to excavate and clear the land. They've also cited their desire to maintain their "circular driveway." The newly excavated driveway appears to have been created without the benefit of a permit, and it has never been used as a driveway, and it is very new to the property within the past year or so. This argument is clearly without merit.

The landowners originally filed for a variance that was rejected. At this point, an after-the-fact addition was pointed out that they claimed was from the previous owner. The current variance makes it clear that the property has been in the family for 70 years and, in fact, the previous unapproved addition was completed by the current applicants while they were living there. They then requested a re-hearing whereby a compromise was reached where the cabin would be moved back from the lake and onto a new foundation with a couple smaller additions. When their project broke ground this year, the cabin was gone one day and the basement was dug the next. Insulated concrete forms were poured shortly thereafter. We believe there was never a real intent to save the old cabin and that the structural issues were likely well-known at the outset. Rather, the numerous steps the landowner has taken at this point are merely an attempt to manipulate the system into trying to get what they want when what they are asking for is not allowed. The goal was to erect a new structure on a new foundation but call it an old structure with additions on top of a new foundation.

We are not against the applicants building a new dwelling. We are simply asking the board of adjustment to uphold the setback standards for new dwellings for the reasons cited herein.

To summarize, we support the county staff position in their report. It is clear that practical difficulty has not been demonstrated. A previous variance and land use permit was issued, and the applicant blatantly disregarded the conditions for their own benefit, with the hope they wouldn't get caught. Approval would be a blatant disregard for the zoning ordinance and land use plan. The county should deny this variance with prejudice.

Respectfully submitted,

Ryan and Leianne Krajewski