



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

INSPECTION DATE: 7/20/23

REPORT DATE:7/24/23

MEETING DATE: 8/17/23

APPLICANT INFORMATION

APPLICANT NAME: Thomas Lundquist

APPLICANT ADDRESS: 8826 E Point Dr, Britt, MN 55710

OWNER NAME:
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 8826 E Point Dr, Britt, MN 55710

LEGAL DESCRIPTION: PART OF LOT 2 BEG 611 FT E AND 250 FT N OF SW CORNER RUNNING THENCE N 50 FT THENCE E 155 FT THENCE SLY ALONG THE SHORE OF GRAND LAKE 51 FT THENCE W 144 FT TO TO POINT OF BEGINNINGBEGINNING AT A POINT ON THE SHORE OF SAND LAKE 1343 8/10 FT W AND 523 9/10 FT S OF NE CORNER OF LOT 1 RUNNING THENCE N 73 DEG 54 MIN E 300 FT THENCE S 16 DEG 6 MIN E 126 6/10 FT THENCE S 82 DEG 56 MIN W 320 7/10 FT THENCE N 3 DEG 46 MIN W 78 FT ALONG THE SHORE OF SAND LAKE TO POINT OF BEGINNING, S34, T60N, R18W (Unorganized).

PARCEL IDENTIFICATION NUMBER (PIN): 713-0015-03870

VARIANCE REQUEST: The applicant is requesting after-the-fact relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.6 A., to allow an attached deck to a nonconforming principal structure that extends toward the water body to exceed 12 feet in depth.

PROPOSAL DETAILS: The applicant is proposing an after-the-fact variance for a 14 foot by 20 foot (280 square feet) attached deck. The deck is 14 feet in depth extending toward Sand Lake where no greater than 12 feet in depth is allowed.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: East Point Dr

ROAD FUNCTIONAL CLASS: Local

LAKE NAME: Sand Lake

LAKE CLASSIFICATION: GD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The parcel currently contains a dwelling, sauna and shed.

ZONE DISTRICT: SMU 11

PARCEL ACREAGE: 0.70 ACRES

LOT WIDTH: 130 FEET

FEET OF ROAD FRONTAGE: 130 FEET

FEET OF SHORELINE FRONTAGE: 85 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The existing dwelling has good screening from the road and good screening from adjacent properties.

TOPOGRAPHY: The property slopes towards the west towards Sand Lake with low elevation change and is fairly flat.

FLOODPLAIN ISSUES: No floodplain issues.

WETLAND ISSUES: No wetland issues.

ADDITIONAL COMMENTS ON PARCEL: N/A

FACTS AND FINDINGS

A. Official Controls:

1. St. Louis County Zoning Ordinance 62, Article IV, Section 4.6 A, requires that a deck on a nonconforming principal structure that extends toward the water body not to exceed 12 feet in depth. The applicant is proposing a depth of 14 feet.
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. 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. There are no unique physical circumstances of the property.
2. The subject property conforms to the minimum zoning requirements for lot size.
 - a. A variance is not the only option. A land use permit can be issued for a deck meeting ordinance requirement. This would require that 2 feet be removed from the existing deck.
3. Zoning Ordinance 62, Article VIII, Section 8.6 B(4)b.ii states:
 - b. "The plight of the landowner is due to circumstances unique to the property not created by the landowner."
 - c. "Economic considerations alone shall not constitute practical difficulties if a reasonable use for the property exists under the terms of this ordinance."
4. Zoning Ordinance 62, Article VIII, Section 8.6 B(4)b.vi states:
 - When an applicant seeks a variance for additions or alterations to a lot or structure that have already commenced, it shall be presumed that the changes to the lot or structure were intentional and the plight of the landowner was self-created, as per MN Statutes, section 394.27 subdivision 7 and all acts amendatory thereof.

5. Essential Character of the Locality:

- 1. The applicant is not proposing a new use to the area. Many of the parcels are year-round residential use.

6. Other Factor(s):

- 1. 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.

7. Was the construction completed prior to applying for the variance? If not, what extent of the construction has been completed?

- 1. Construction was completed prior to applying for variance.
- 2. The applicant submitted a land use permit for an accessory structure. In the review process staff discovered that the deck was built without a land use permit.
- 3. The applicant was made aware of and discussed the alternatives that do not require a variance with staff and elected to pursue a variance instead of bringing the property into compliance.

8. How would the county benefit by enforcement of the ordinance if compliance were required?

- 1. The county would benefit by enforcement of the Ordinance because it would promote the regulation of setbacks and land use in accordance with the St. Louis County Comprehensive Land Use Plan and Zoning Ordinance 62.
- 2. Approval of an after-the-fact variance for a deck that was not permitted without sufficient practical difficulty is not keeping with the intent of the St. Louis County Zoning Ordinance or St. Louis County Comprehensive Land Use Plan.

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 a deck extending toward the water body to be 14 feet in depth include, but are not limited to:

- 1. The stormwater runoff from the proposed structure shall not directly discharge onto adjacent properties or into the lake.
- 2. All other zoning ordinance standards shall be met.

**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

Government Services
Center
201 South 3rd Avenue West
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: <https://www.stlouiscountymn.gov/explorer>
Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe>

Primary PIN **713-0015-03870**

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: **Thomas D Lundquist**
Address Line 1: **8826 E Point Dr**
Address Line 2: **--**
City: **Britt**
State: **MN**
Zip: **55710**
Primary Phone: **(218)780-4853**
Cell Phone: **--**
Fax: **--**
Email: **lunky68@hotmail.com**
Contact Person Name: **Thomas Lundquist**
Contact Person Phone: **--**

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 **Yes**
address?

Name: **Thomas D Lundquist**
Address: **8826 E Point Dr**

City: **Britt**
State/Province: **MN**
Zip: **55710**
Primary Phone: --
Cell Phone: --
Fax: --
Email: **lunky68@hotmail.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: **8826 E Point Dr Britt, MN 55710**

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
Land and Minerals
7820 Highway 135
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

Private Road

Easement

Water

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.

0

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 After the Fact 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.

House location is close to the lake at 60 feet and with a deck to enjoy the lake as well as steps to the lawn I am out of compliance. I also have low rise steps so they stick out further than normal as it is easier for

my 86 year old mother to navigate them.

Describe the intended/planned use of the property.

Deck with a table and chairs to BBQ and enjoy the lake views.

Describe the current use of your property.

Same as above. We enjoy evenings with a gas fire on the deck, a table and seating for family and guests while having a BBQ, drinking wine and unwinding after a long week.

Describe other alternatives, if any.

Our house is small at 750 square feet. Even for a family of 3, it is tight. We have two bedrooms, a kitchen, a bathroom, two closets and a pantry. The deck is located off of the living room where I had space to place a second access door to the outside.

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

We are located on Sand Lake in Britt and many houses and decks are closer than ours to the shoreline to allow them the enjoyment of viewing the lake. I did not realize I was out of compliance until I applied for a building permit for our garage. The deck is not attached to our structure. We plan for this to be our forever home and part of what we wanted was a deck and garage.

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

There is no impact or negative effect to neighbors or properties.

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

There is no negative impact to the local environment or landscape.

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

Again, our house is small at 750 square feet. Having an outdoor living space helps us to entertain family and friends to socialize, along with being able to enjoy our lake views. The front steps also allow my 86 year old mother to access the front lawn and dock safely.

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

Please know that it was never my intention to be out of compliance in any way. After researching options, I interpreted the best option to be a floating deck, not attached to the house, to be our best option. I have worked extremely hard to make this our forever home and dream home. This property was not lived in for 14 years before my wife and I purchased it in 2014. Part of our remodeling dream was to build a deck to enjoy our lake views and allow for more entertainment space.

IF YOU ARE RESPONDING TO A PERMIT VIOLATION, PLEASE ANSWER THESE ADDITIONAL QUESTIONS

Describe your reasons county zoning ordinance requirements were not followed.

Please know that it was never my intention to be out of compliance in any way. After researching options, I interpreted the best option to be a floating deck, not attached to the house, to be our best option. I have worked extremely hard to make this our forever home and dream home. This property was not lived in for 14 years before my wife and I purchased it in 2014. Part of our remodeling dream was to build a deck to

enjoy our lake views and allow for more entertainment space.

Describe your effort to comply with the ordinance and to obtain a land use permit and/or other required permits.

After applying for a Building Permit to build a garage it was brought to my attention that I was required to apply for a Land Use Permit for the deck I had built. I have been working diligently since with LaShawn Rush to rectify this situation in order to move forward with my building permit request.

Describe any substantial investments, construction and/or repairs made to the property before you discovered you needed a variance.

Due to COVID the cost to build our deck was double the cost of what building it would have been prior to COVID with increased lumber prices and the increase of all supplies in general.

If there was construction or repair, on what date did it begin? What date did it end?

Start Date **6/16/2022**

End Date **6/29/2022**

Who performed the construction or repair work?

Myself

Was a survey of your property boundaries obtained?

Yes

Prior to the construction or repair work, did you speak with anyone from the Planning and Community Development Department?

No

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.*** I 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: **Thomas Lundquist**
Address: **8826 E Point Drive**
City: **Britt**
State: **MN**
Postal Code: **55710**
Email Address: **lunky68@hotmail.com**

I have read and agree to the statement
above.

I agree

Site Sketch Form

The sketch is to graphically illustrate your proposed project(s)

Draw and Label on Sketch (in feet)

- *All Structures on the Property and Dimensions
- *All Driveways, Access Roads, and Wetlands
- *All Proposed Structures and Dimensions

- *Distance of Proposed Structures to Shoreline (Closest Point)
- *Distance of Proposed Structures to Septic System and Tank
- *Distance of Proposed Structures to Property Lines
- *Distance of Proposed Structures to Road Centerline and Right-of Ways

You may submit your own site sketch IF it has the required information indicated above.

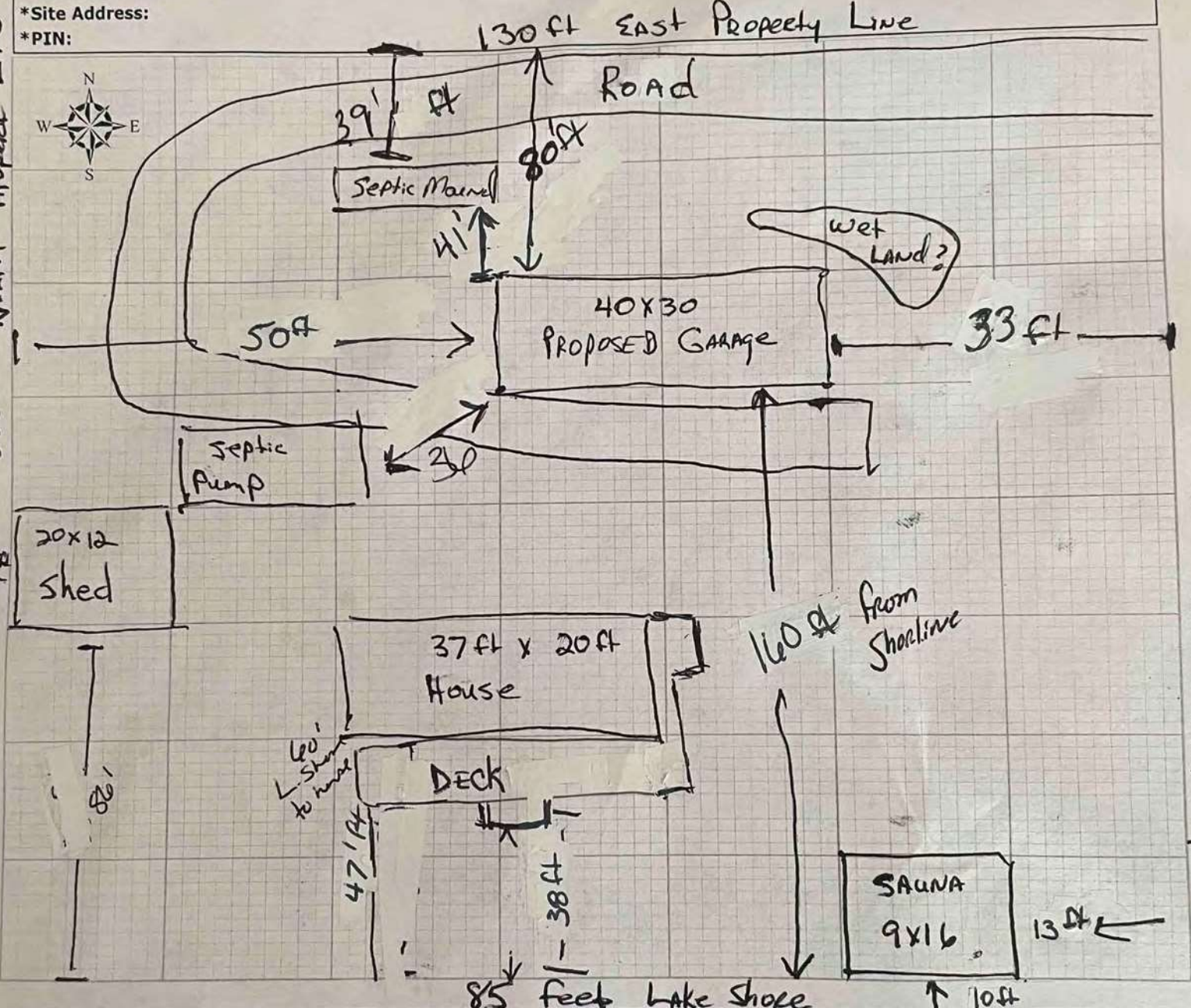
*Applicant Name:

*Site Address:

*PIN:

North Property Line
384

321 South Property Line



Sanitary Authority Use Only

Sanitary Review: (To be determined by appropriate sanitary authority.)

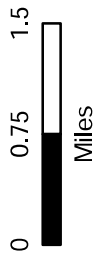
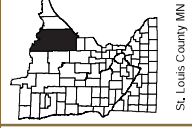
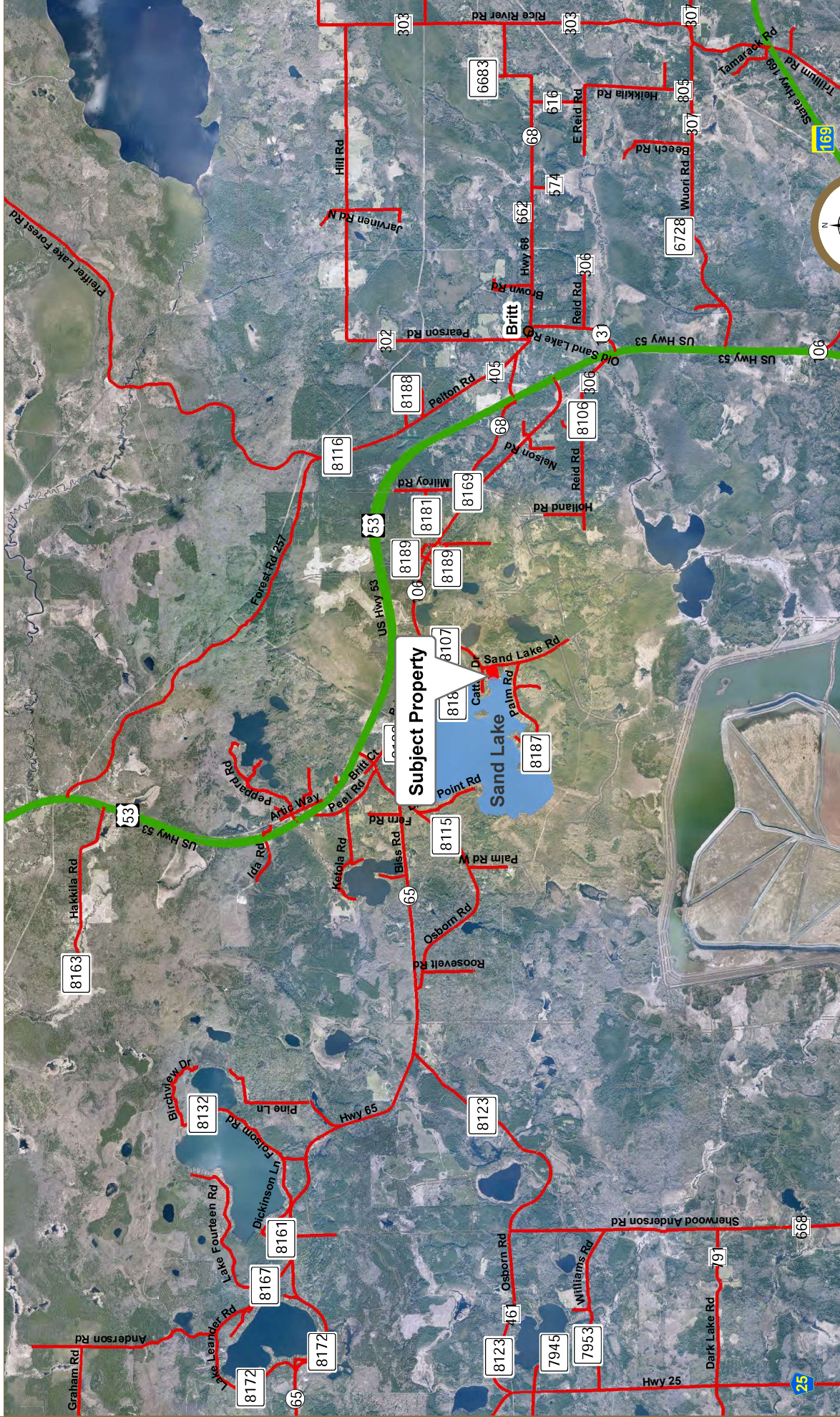
Will the proposal, as shown above, negatively impact the SSTS/sanitary line or replacement area? Yes No

Sign off:

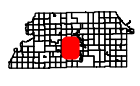
Signature _____ Title _____

St. Louis County

August BOA Meeting



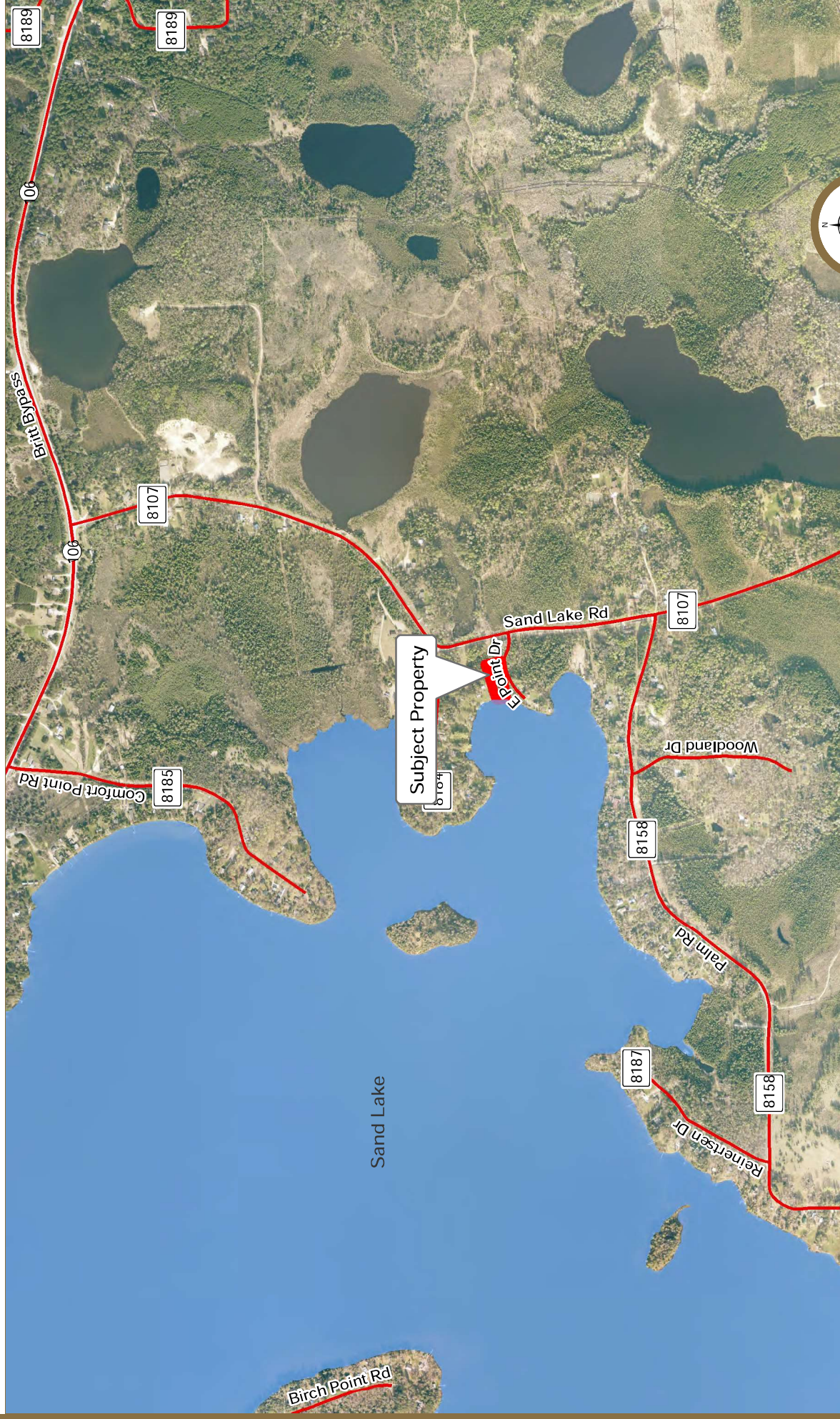
Thomas Lindquist
 Location Map
 713-0015-03870



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

August BOA Meeting



0 500 1,000
Feet

Thomas Lindquist

Location Map

713-0015-03870

St. Louis County MN

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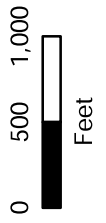
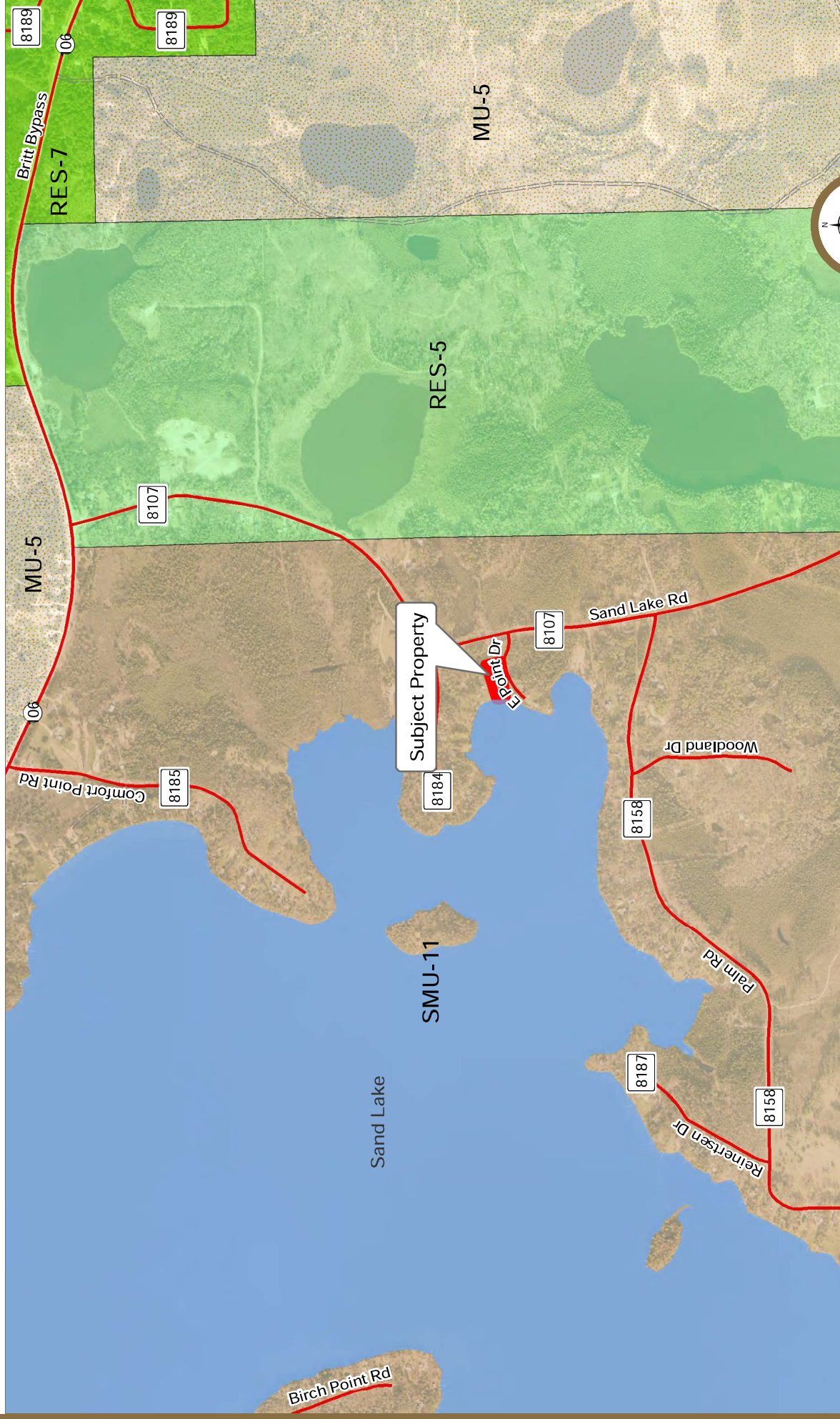
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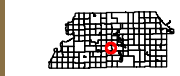
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St. Louis County

August BOA Meeting



Thomas Lindquist
Zoning Map
713-0015-03870



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