



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

REPORT DATE: 06/21/2024

MEETING DATE: 07/11/2024

APPLICANT INFORMATION

APPLICANT NAME: Susan McNeely

APPLICANT ADDRESS: 17 High Rd, Inver Grove Heights, MN 55077

OWNER NAME: Same As Above

SITE ADDRESS: 2624 Sunbeam Island, Ely, MN 55731

LEGAL DESCRIPTION: Lot 14 ex part lying N of the following described line assuming the line between meander cor of Lot 14 and meander cor of Lot 16 to bear N66DEG23'42"E and from meander cor of Lot 16 run S66DEG23'42"W to Lot 14 meander cor 1644.49 FT thence N34DEG08'47"E 644.85 FT to pt of beg thence N84DEG35'06"W 1 FT more or less to shore of Burntside Lake and there terminate and comm at pt of beg thence S84DEG 35'06"E 71 FT more or less to shore and there terminate, S30, T63N, R13W (Morse)

PARCEL IDENTIFICATION NUMBER (PIN): 465-0040-04825

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 128 square foot sauna, which is considered the second water-oriented accessory structure on the property. The parcel is zoned RES-5 which requires 2.5 acres per water-oriented accessory structure. The property is 4.65 acres with an existing 480 square foot boathouse as the one allowed water-oriented accessory structure.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: N/A

ROAD FUNCTIONAL CLASS: N/A

LAKE NAME: Burntside Lake

LAKE CLASSIFICATION: RD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: There are currently two dwellings, a boat house, an outhouse, and septic.

ZONE DISTRICT: RES 5

PARCEL ACREAGE: 4.65 ACRES

LOT WIDTH: 834 FEET

FEET OF ROAD FRONTAGE: N/A

FEET OF SHORELINE FRONTAGE: 2070 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: The property has good screening from the lake.

TOPOGRAPHY: The property has steep slope towards the lake. There is a total of 35 feet in elevation change on the property.

FLOODPLAIN ISSUES: There is floodplain on the property, however, it will not impact the request.

WETLAND ISSUES: N/A

ADDITIONAL COMMENTS ON PARCEL:

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 requirements for the dimensional district. There is a 480 square foot boathouse located on the property. The applicant is requesting a second water oriented accessory structure (sauna) where only one is allowed.
 - a. The applicant's parcel is 4.65 acres, 834 feet wide where 5 acres and 400 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 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. 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 100 foot shoreline setback, may be allowed with an approved land use permit.
3. The applicant obtained a land use permit issued 5/18/2023 (LU-004919) for a 160 square foot sauna that met all accessory structure standards.

C. Essential Character of the Locality:

1. The neighborhood consists of developed and undeveloped islands.
2. The applicant is not proposing a new use to the area.
3. There have been no similar variance requests in the area.

D. Other Factor(s):

1. On May 18, 2023, a land use permit was issued for a 160 square foot accessory structure (sauna). The permit is still active and will expire on May 18, 2025.
2. 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.
3. Ordinance 62 states that "practical difficulties" as used in connection with granting a variance means that the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance.

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.
3. All St. Louis County Onsite Wastewater SSTS standards shall be followed.
4. All local, state and federal requirements 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 **465-0040-04825**

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: **Susan McNeely**
 Address Line 1: **17 High Road**
 Address Line 2: **--**
 City: **Inver Grove Heights**
 State: **MN**
 Zip: **55077**
 Primary Phone: **(612)804-8802**
 Cell Phone: **(612)804-8802**
 Fax: **(651)484-9712**
 Email: **susanmcneely@mac.com**
 Contact Person Name: **Susan McNeely**
 Contact Person Phone: **(612)804-8802**

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? Yes

Name: **Susan McNeely**
 Address: **17 High Road**

City: **Inver Grove Heights**
 State/Province: **Mn**
 Zip: **55077**
 Primary Phone: **(612)804-8802**
 Cell Phone: **--**
 Fax: **--**
 Email: **susanmceely@mac.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: **2624 Sunbeam Island, Ely, MN**

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

Other

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?

No

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.

3

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 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 are varying from the required 100 foot setback. We respectfully request that we be allowed to locate the sauna within 30 feet of Burntside Lake. The sauna is 8'wide, 16' long and 12' tall, and is of log

construction. The island is 4.65 acres, .35 below the minimum for this additional WOAS (an existing boathouse is the other), so the size of the island is just below the threshold that would allow this structure without a variance. We are on a lake water system and the sauna and lake plunge are our primary methods of bathing when the water is not operable. Placing it close to the lake would eliminate the need for heavy construction equipment to return to the island and disrupt the environmental healing process, we hope to locate the sauna between the main dock and the cabin and adjacent to the gravel path between the two. We are in our late 60's and one of us is unable to walk the path easily due to a back injury - making a long walk often made in the dark somewhat dangerous.

Describe the intended/planned use of the property.

The island is our summer home, used by my husband and myself and our adult children. It is never rented to others.

Describe the current use of your property.

We spend spring/summer/fall on the island, and visit occasionally across the ice in the winter,

Describe other alternatives, if any.

Locating the sauna 100' from the lakeshore.

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

The sauna, if approved for a 30 foot setback, will be minimally visible from the lake and partially hidden behind heavy tree coverage and fit in with other topographic features of the island.

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

There will be no impact on the neighboring properties as we are the only resident on the island, there are no neighbors within eyesight.

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

If we are allowed a 30 ft setback, we will avoid bringing heavy equipment back onto the island to move supplies inland. This is a low impact solution, the person doing the work feels it could primarily be done by hand at this distance.

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

A variance will cause less damage to the natural environment, and will allow the health impaired owner to use the sauna without risk of walking steep paths to the lake, in the dark. Especially when our lake water system is not in use.

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

We are quite close to the 5 acre minimum required to have two WOAS on the island, and if allowed we would place the sauna at the opposite end of the island to the existing boathouse. We had a permit to locate our boathouse close to the water, and opted to place it further away as it is now set back from the lake and less visible, which we preferred. We would greatly appreciate your consideration and will attend the meeting to answer questions, should there be any.

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?

--

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: **Susan McNeely**
Address: **17 High Road**
City: **Inver Grove Heights**
State: **MN**
Postal Code: **55077**
Email Address: **susanmcneely@mac.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)

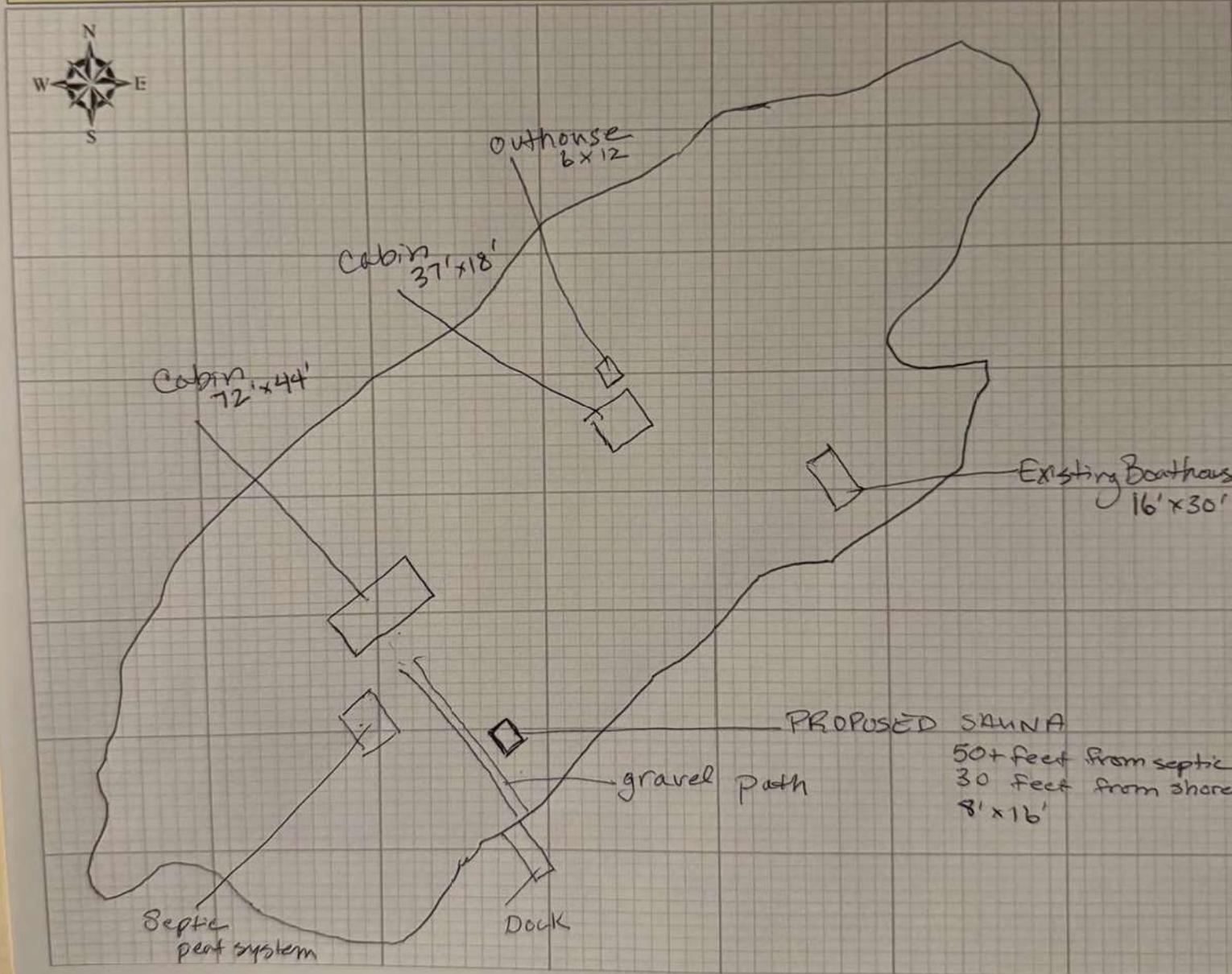
Draw and Label on Sketch (In feet)

- *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: Susan D McNeely
 *Site Address: 2624 Sunbeam Island, Ely MN
 *PIN: 465-0040-04825



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

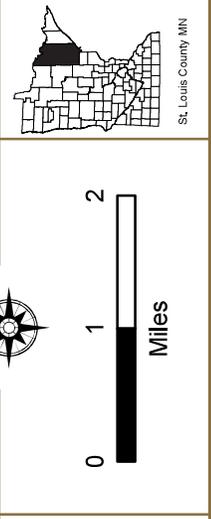
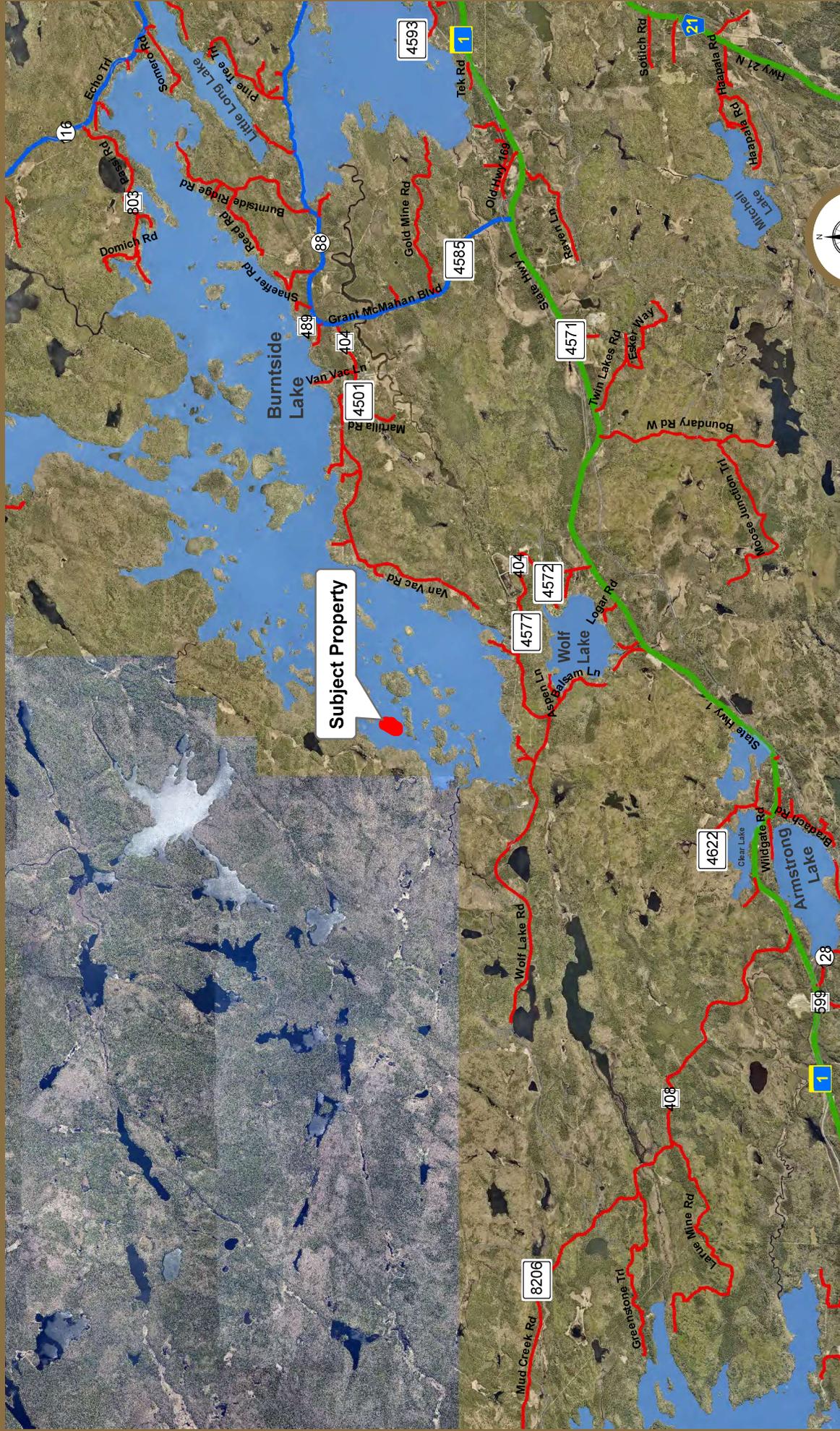
Sign off:

Signature _____

Title _____

St. Louis County

July BOA Meeting



Susan McNeely
 Location Map
 465-0040-04825

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

Source: St. Louis County

Map Created: 6/13/2024

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St. Louis County

July BOA Meeting



Subject Property

Burntside Lake

0 500 1,000
Feet

Susan McNeely

Location Map

465-0040-04825

Prepared By: Planning & Zoning
Department
(218) 725-5000
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Source: St. Louis County
Map Created: 6/13/2024

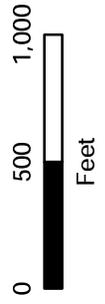
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St. Louis County

July BOA Meeting



Susan McNeely
Zoning Map
465-0040-04825



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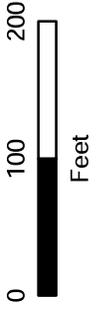


St. Louis County

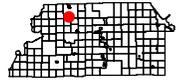
July BOA Meeting



Burntside
Lake



Susan McNeely
Site Map
465-0040-04825



Prepared By: Planning & Zoning

Department
(218) 725-5000

www.stlouiscountymn.gov

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St. Louis County

July BOA Meeting



0 40 80
Feet

Susan McNeely

Site Map

465-0040-04825

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