



ST. LOUIS COUNTY BOARD OF ADJUSTMENT STAFF REPORT

INSPECTION DATE: 7-21-2023

REPORT DATE: 7-26-2023

MEETING DATE: 8-17-2023

APPLICANT INFORMATION

APPLICANT NAME: Amy Heikes

APPLICANT ADDRESS: 4871 Breezy Point Road, Duluth, MN 55803

OWNER NAME: Allete, Inc.
(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 4871 Breezy Point Road, Duluth, MN 55803

LEGAL DESCRIPTION: SE1/4 of SW1/4 - MN POWER LEASE #12-11 ISLAND LAKE RESERVOIR MP 660-0010-05690, S36, T53N, R15W (Unorganized)

PARCEL IDENTIFICATION NUMBER (PIN): 660-6000-57250 (MN Power lease)

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.4, to allow a dwelling at a reduced shoreline setback.

PROPOSAL DETAILS: The applicant is proposing to construct a 1,990 square foot dwelling located 75 feet from the shore where 100 feet is required. There is an existing conforming 960 square foot dwelling on the property that will be converted into an accessory structure upon completion of the proposed dwelling.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Breezy Point Rd

ROAD FUNCTIONAL CLASS: Local

LAKE NAME: Island Lake Reservoir

LAKE CLASSIFICATION: RD

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property currently has a dwelling, multiple accessory structures, and septic.

ZONE DISTRICT: SMU 7

PARCEL ACREAGE: 2.2 ACRES

LOT WIDTH: 210 FEET

FEET OF ROAD FRONTAGE: N/A FEET

FEET OF SHORELINE FRONTAGE: 285 FEET

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: There is good, vegetative screening from the property lines, road, and one side of the shore.

TOPOGRAPHY: The property is relatively flat.

FLOODPLAIN ISSUES: The lowest floor shall be at or above the Regulatory Flood Protection Elevation.

WETLAND ISSUES: The proposal will not impact any wetlands on the property.

ADDITIONAL COMMENTS ON PARCEL:

FACTS AND FINDINGS

A. Official Controls:

1. Island Lake Reservoir is a Recreational Development Lake which requires a shoreline setback of 100 feet.
 - a. The applicant is requesting a dwelling to be located 75 feet from the shore at its closest point.
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 is shoreline on two sides of the property.
2. There are alternatives that exist that do not require variance.
 - a. An addition to the existing dwelling that conforms to ordinance standards may be allowed with a land use permit.
 - b. The proposed dwelling may be located at a conforming location. A dwelling at a conforming location would meet floodplain management requirements.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area as there are other residential properties in the area.
2. The area consists of developed lakeshore lots with both conforming and nonconforming structures.
3. There have been two approved variances in the area to allow a structure at a shoreline setback – one variance for an accessory structure and one for a dwelling.

D. Other Factor(s):

1. On-site Wastewater passed the record review for the proposed project.

2. This area is in the process of being platted. Subdivision Ordinance 60, Article VIII, Section 8.2.B states that all nonconforming structures and uses shall be brought into conformity during the subdivision process.

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 dwelling at a reduced shoreline setback as proposed include, but are not limited to:

1. The stormwater runoff from the structure shall not directly discharge into the lake or onto adjacent parcels.
2. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
3. St. Louis County On-site Wastewater SSTS standards shall be followed.
4. The lowest floor shall be at or above the Regulatory Flood Protection Elevation.
5. There shall only be one principal dwelling on the property.

**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 **660-6000-57250**

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: **Amy Heikes**
 Address Line 1: **4871 Breezy Point Rd**
 Address Line 2: **--**
 City: **Duluth**
 State: **MN**
 Zip: **55803**
 Primary Phone: **(218)393-6961**
 Cell Phone: **--**
 Fax: **--**
 Email: **--**
 Contact Person Name: **Joel Heikes**
 Contact Person Phone: **(218)393-6961**

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: **Amy Heikes**
 Address: **4871 Breezy Point Rd**

City: **Duluth**
 State/Province: **MN**
 Zip: **55803**
 Primary Phone: --
 Cell Phone: --
 Fax: --
 Email: --

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: **4871 Breezy Point Rd Duluth MN 55803**

Is this leased property? **Yes**

Leased From? **MN Power**

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.

Yes

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?

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.

2

Does this project include plumbing or pressurized water in proposed structure?

Yes

If Yes, please explain:

Standard house bathroom and kitchen.

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 requesting a closer then 100ft setback from the lake. Due to the placement of the existing well and septic it is difficult to place a house anywhere else. We also have an irregular shaped shore line with

water on 2 sides. This creates more difficulties in trying to stay in the allowable setbacks. We plan on building a 1 story 1990 square foot house on a slab. It will have 2 bedrooms and an attached garage. The foot print will be 44ft by 66 ft. It will be 17ft at the peak.

Describe the intended/planned use of the property.

We plan on living at this property year round.

Describe the current use of your property.

Year round living.

Describe other alternatives, if any.

N/A

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

The house will fit in well. One neighbor is 50ft back from the water. The other neighbor is 40ft back. We plan on being 75 ft back. No trees will have to be removed. No land alterations will be needed. The current view from each neighbor will not change due to not having to cut any trees. A modest house in earth tone colors will add to the aesthetics of the property.

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

As stated earlier the neighboring properties will not be impacted. We will not have to cut any trees and their views will remain unchanged.

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

We will not be cutting any trees or altering the land. We will be using a professional contractor that has built several homes in the area.

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

A modest house in earth tone colors will add to the aesthetics of the property.

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

We are doing what we can to keep the look as natural as possible. Our well is preventing us from moving the house further away. In staying with Minnesota State Well Codes we have to be a minimum of 3ft from the well.

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: **Joel Heikes**
Address: **4871 Breezy Point Rd**
City: **Duluth**
State: **MN**
Postal Code: **55803**
Email Address: **ajheikes@aol.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)

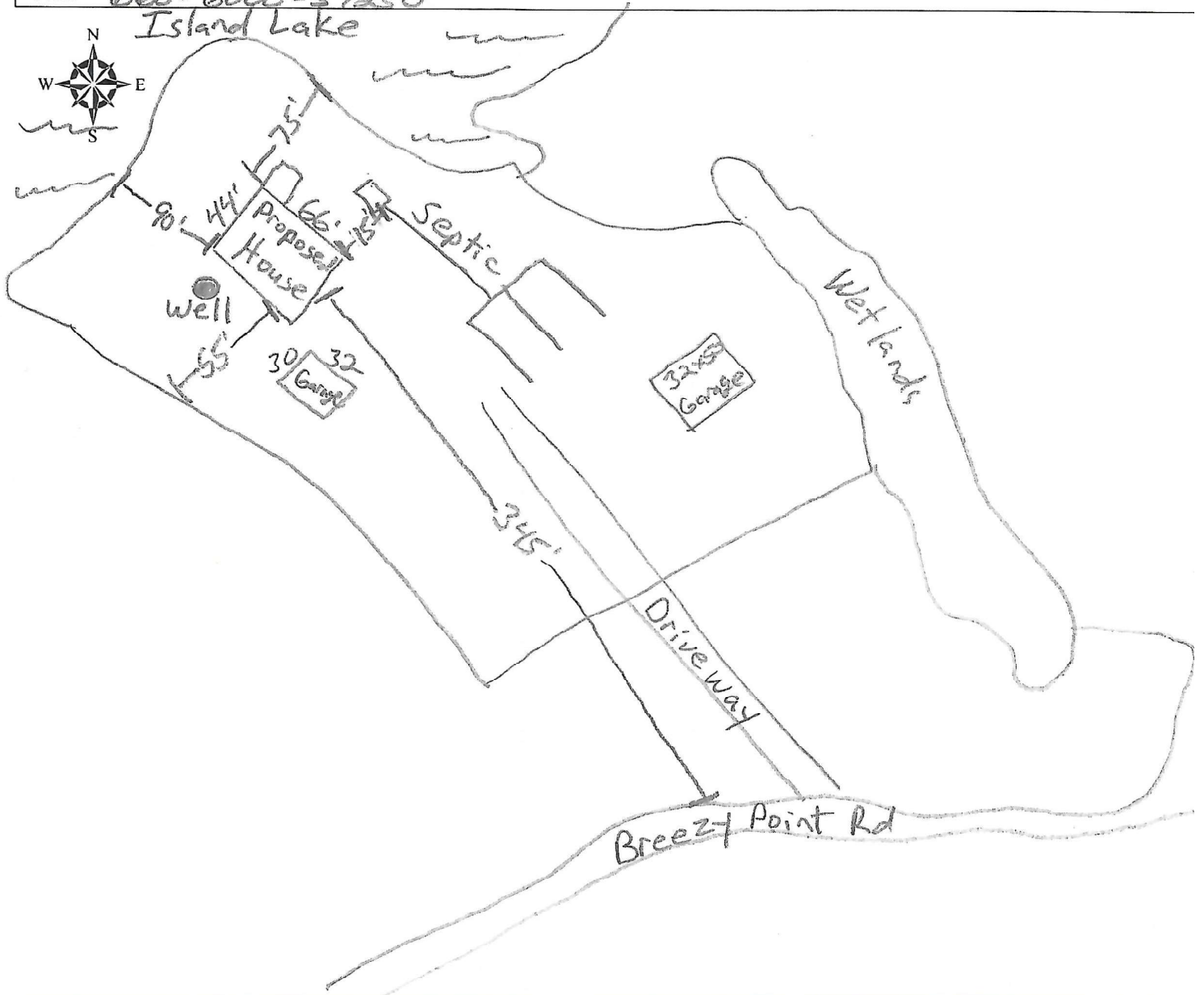
Draw and Label on Sketch (in feet)

- *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: Amy Heikes
 *Site Address: 4871 Breezy Point Rd Duluth, MN 55803
 *PIN: 660-6000-57250



Sanitary Authority Use Only

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

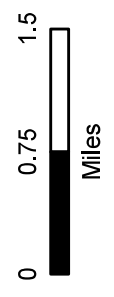
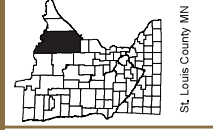
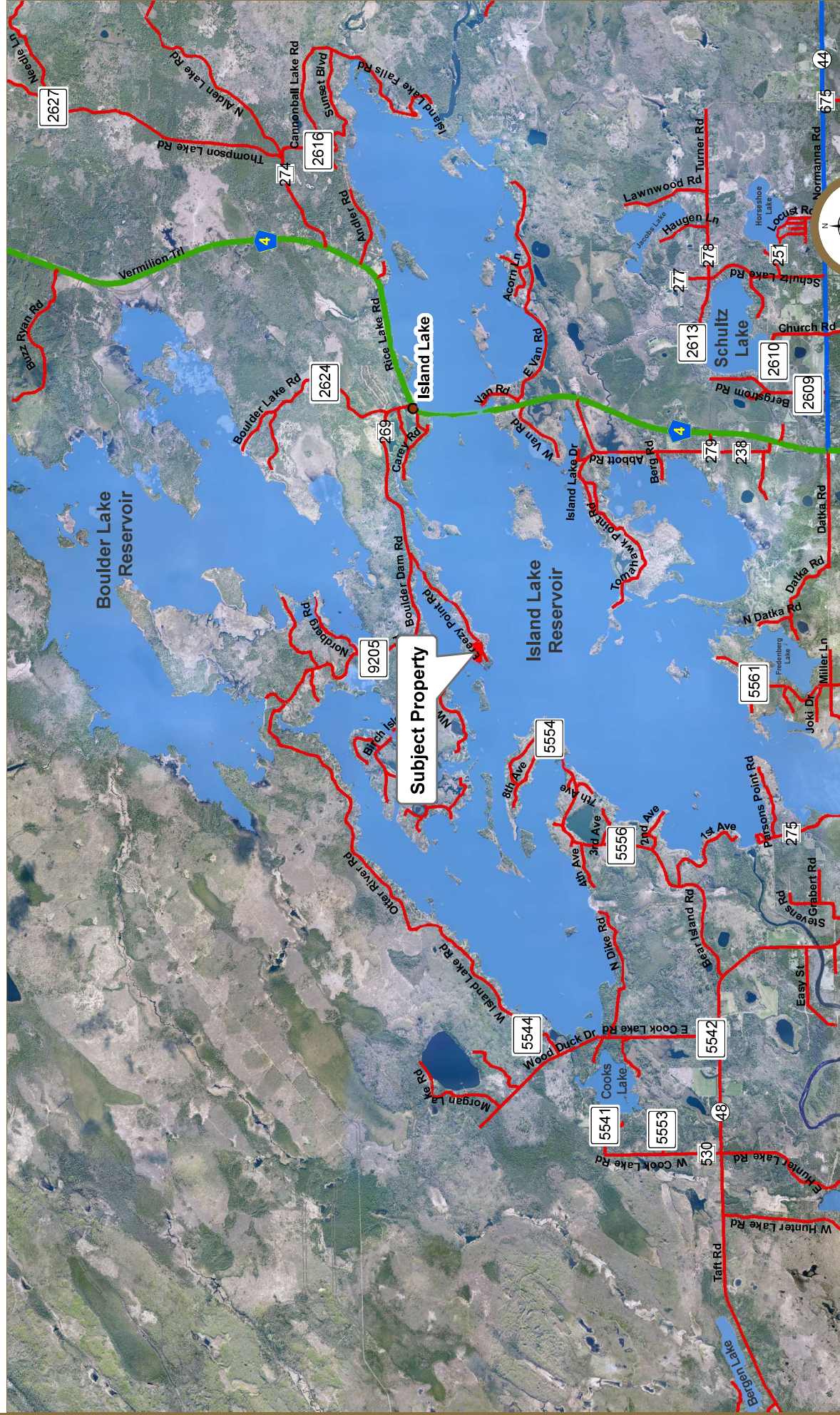
Will the proposal, as shown above, negatively impact the SSTS/sanitary line or replacement area? Yes No

Sign off:

Signature _____ Title _____

St. Louis County

August BOA Meeting



Amy Heikes
Location Map
660-6000-57250



Prepared By: **Planning & Community Development**
 (218) 725-5000
www.stlouiscountymn.gov
 Source: **St. Louis County**
 Map Created: **7/18/2023**

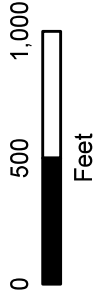
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St. Louis County

August BOA Meeting



Amy Heikes
Location Map
660-6000-57250

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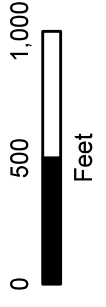
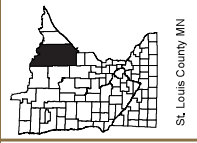
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August BOA Meeting



Amy Heikes
Zoning Map
660-6000-57250

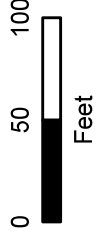
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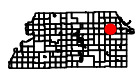
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St. Louis County

August BOA Meeting



Amy Heikes
 Site/Elevation Map
 660-6000-57250



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St. Louis County

August BOA Meeting



Island Lake Reservoir

Breezy Point Rd

Prepared By: **Planning & Community Development**

(218) 725-3000

www.stlouiscountymn.gov

Source: St. Louis County

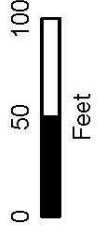
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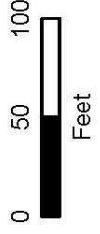
Amy Heikes
Proposal Map
660-6000-57250



St. Louis County MN



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Amy Heikes
Alternatives Map
660-6000-57250

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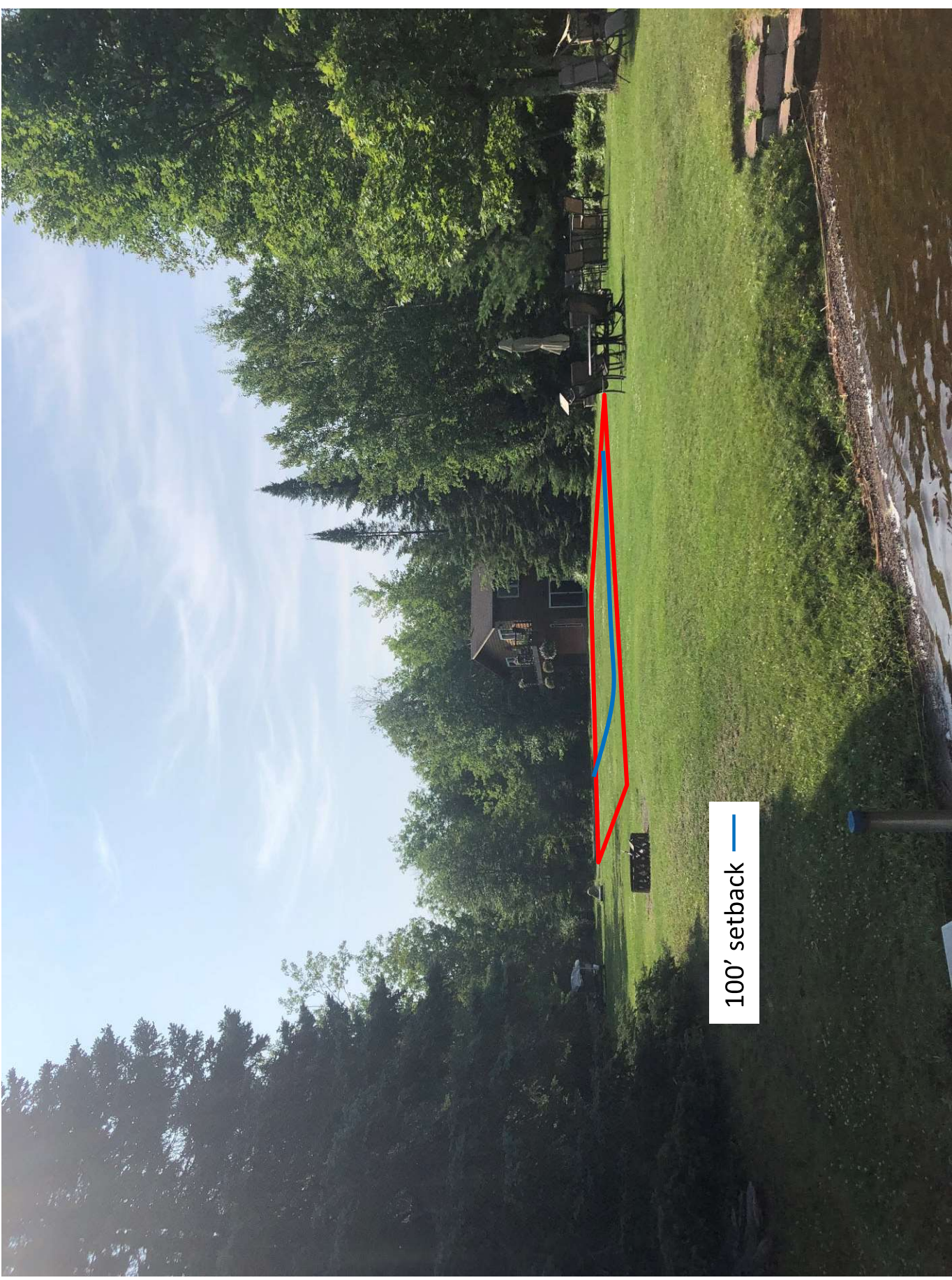


Existing Dwelling – driveway side

Existing Dwelling – lake side



Proposed Dwelling



Proposed Dwelling

