INSPECTION DATE: 06/12/2024 REPORT DATE: 06/21/2024 MEETING DATE: 07/11/2024

APPLICANT INFORMATION

APPLICANT NAME: Penny Scheer

APPLICANT ADDRESS: 1 Belknap Shores, Superior, WI 54880

OWNER NAME: Same As Above

(IF DIFFERENT THAN ABOVE)

SITE ADDRESS: 5970 Fish Lake Shores Road, Saginaw, MN 55779

LEGAL DESCRIPTION: Lot 8, Block 1, INC AN UND 1/3 Interest in Outlot A, Fish Lake Beach 1st Addition, S36,

T52N, R16W (Grand Lake)

PARCEL IDENTIFICATION NUMBER (PIN): 380-0082-00080

VARIANCE REQUEST: The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Sections 3.2 and 3.4, to allow a replacement principal dwelling at a reduced property line setback where 20 feet is required and reduced shoreline setback where 100 feet is required; and Article IV, Section 4.3 D., to allow a principal structure width facing the water to exceed 40 percent of the lot width within the shoreline setback.

PROPOSAL DETAILS: The applicant is proposing a 52 foot by 27 foot replacement principal dwelling at a reduced property line setback of 7 feet where 20 feet is required and a reduced shoreline setback of 39 feet (field measurement) where 100 feet is required. The existing dwelling is 28 feet by 24 feet located at 7 feet from the property line and 39 feet from the shoreline. The proposed replacement principal dwelling has a structure width facing the water of 52 feet (68 percent) where 31 feet (40 percent) is allowed.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Fish Lake Shores Rd ROAD FUNCTIONAL CLASS: Private

LAKE NAME: Fish Lake Reservoir LAKE CLASSIFICATION: RD

RIVER NAME: N/A RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: The property currently contains a principal dwelling, water

oriented accessory structure, and a private septic system.

ZONE DISTRICT: SMU 6

PARCEL ACREAGE: 0.57 ACRES LOT WIDTH: 77 FEET

FEET OF ROAD FRONTAGE: 122 FEET FEET FEET OF SHORELINE FRONTAGE: 87 FEET

VARIANCE

1

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: There is good screening from most sides of the property.

TOPOGRAPHY: There is a gradual slope from the dwelling to the shore with an elevation change of four feet.

FLOODPLAIN ISSUES: The lowest floor will be above the Regulatory Flood Protection Elevation.

WETLAND ISSUES: There are wetlands on the north side of the property that will not be impacted by the proposed project.

ADDITIONAL COMMENTS ON PARCEL: The parcel is accessed by an easement agreement through Outlot A.

FACTS AND FINDINGS

A. Official Controls:

- 1. St. Louis County Zoning Ordinance 62, Article III, Section 3.2, states the property line setback standards for a Principal Dwelling in District Number 6 is 20 feet.
 - a. The applicant is requesting a setback of 7 feet where 20 feet is required.
 - b. The proposed project will not increase the current property line nonconformity.
- 2. St. Louis County Zoning Ordinance 62, Article III, Section 3.4, requires a setback of 100 feet from Recreation Development lakes.
 - a. The applicant is proposing a 39 foot (field measurement) setback where 100 feet is required.
 - b. The proposed project will not increase the current shoreline nonconformity.
- 3. St. Louis County Zoning Ordinance 62, Article IV, Section 4.3 D., allows a nonconforming structure to have a width facing the shoreline of 40 percent of the lot width if located within the shoreline setback.
 - a. The applicant is proposing 52 feet of the structure to face the shoreline (68 percent) where 31 feet is allowed (40 percent).
 - b. The current principal dwelling with an adjacent screen porch totals 28 feet (36 percent).
- 4. 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.
- 5. 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.
- 6. 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 no conforming buildable area on the lot.
- 2. Reduction of size and change in configuration may result in a decrease in the number of variance requests.
- 3. No practical difficulty has been presented for exceeding lot width requirements.
- 4. A variance is not the only option. A replacement dwelling meeting all performance standard requirements may be allowed with an approved performance standard permit.

C. Essential Character of the Locality:

- 1. The applicant is not proposing a new use to the area. The Fish Lake Beach 1st Addition plat is developed with many seasonal and year-round residential uses.
- 2. The area consists of developed lakeshore lots with both conforming and nonconforming structures.
- 3. There have been three approved variance cases in the area to allow for a reduced shoreline setback.

D. Other Factors:

- 1. A variance for a 54 foot x 27 foot replacement home was denied without prejudice in 2006 on this parcel.
- 2. St. Louis County Onsite Wastewater Division did not pass the record review of the proposal.
 - a. If the variance request is approved, the applicant will need to work with St. Louis County Onsite Wastewater Division to meet their requirements before the issuance of a land use permit.
- 3. It is recommended that erosion control practices shall be implemented before, during, and after construction until vegetation becomes established due to the structure's proximity to the lakeshore.

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 replacement principal dwelling at a reduced property line and shoreline line setback and to exceed the allowed structure width facing the water 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 directly discharge into the lake or on adjacent lots.
- 3. Demolition waste shall be disposed of in a manner acceptable to St. Louis County Solid Waste Ordinance 45.
- 4. All FEMA and St. Louis County Floodplain standards shall be met.
- 5. St. Louis County Onsite Wastewater SSTS standards shall be followed.

SAINT LOUIS	Land Use Permit		Permit#	
	APPLICATION St. Louis County, Minnes	ota	Permit#	
About: This appl	ication is used to apply for a Land Use Permit. Applicants will need to information, see our website at: www.stlouiscountymn.gov/land-u	to attach the app		et(s) in order to
PROPERTY II	DENTIFICATION NUMBER (PIN) PIN is found on your Prope.	rty Tax Statement		
*Primary PIN	80-0082-00080 Associated PIN		-	
Associated PIN	- Associated PIN			
E.g. 123-1234-12345. County Land Explorer:	Primary PIN: Parcel where Structure/SSTS are located. Associated PIN: Additional and https://gis.stlouiscountymn.gov/landexplorer/ Property Lookup: http://apps.stlouiscountymn.gov/landexplorer/	or adjacent property untymn.gov/auditor/p	that you own or that arcelInfo2005Iframe/	is related to the project.
APPLICANT				
*Applicant Name	Penny Scheer Contractor Homeowner Other	*Daytime #	481824	Date 4/4/24
*Applicant Addres	ss Where to send permit. 1 Belknap Shores	*City	*State	*ZIP 5 4880
		Superior	WI	3 (880
Contact Person If	Scheer. Dan @ gmail com applicable. Contact Person #			
	THE RESERVE OF THE PROPERTY OF			T ===
Mailing Address I	f different than above.	City	State	ZIP
	ere to email permit. Providing an email address will expedite the time in which a perm	it is received by an ap	plicant.	J.
Sche	eer. Dan @ gmail. com			
SITE INFORM	ATION			
Yes No	*Is there a site address for this property? (If no, the application will	be forwarded to 91	1/Communications	to assign one.)
If yes above, plea	se list site address: 5970 Fish lakes Shore	s Road		
☐ Yes 💆 No	*Is this leased property? If yes, leased from: ☐ MN Power ☐ MN DN	R US Forest Serv	ice St Louis Cou	nty Other
☐ Yes ☐ No	*Do you have written authorization from the leased property own	er? If yes, you m	ust attach writte	n authorization form.
*How is the prope	erty accessed? Private Road	ther		
PROJECT INF	ORMATION			
☑ 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?		
☑ Yes ☐ No	*Is this project adding a bedroom? Include home, garage, & accessor	y dwelling.		
# 2	*Total # of bedrooms on property after project completion. Include	e home, garage, &	accessory dwelling	
Yes No	*Does this project include plumbing or pressurized water in propo	sed structure? If	yes, please expl	ain:
Yes No	*Is the property connected to a municipal or sanitary district syste	em?		
	es" to any of the project information questions above, it is required that you If or municipal/sanitary district approval when applying for a land use permit		septic permit to co	onstruct or certificate of
AGREEMENT				
certify and agree that I will building plans and other inf any approval of the app submitting this application,	on, I certify and agree that I am the owner or the authorized agent of the owner of the above property, comply with all conditions imposed in connection with the approval of the application. Applicants may be ormation before the application is accepted or approved. <i>Intentional or unintentional falsification dication and any resulting permit invalid.</i> I authorize St. Louis County staff to inspect the property to I release St. Louis County and its employees from any and all liability and claims for damages to person lans, the issuance of any resulting permit or the subsequent location, construction, alteration, repair, extending the contraction of the subsequent location, construction, alteration, repair, extending the contraction of the subsequent location.	or required to submit addit of this application or a to review the application a or property in any manne	tional property description any attachments therety and for compliance inspects or form that may arise for	s, property surveys, site plans, to will make the application, ons. Furthermore, by rom the approval of the
	*Indicates required field. Incomplete application	will be returned		



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: www.stlouiscountymn.gov/land-use

WHAT ARE YOU APP	LYING FOR Che	ck all that apply to	the project.	PLEASE MAK	E CHECKS	TO: ST. LO	IS COUNTY	AUDITOR	2
#1 New Buildings Less t 1,200 square feet-\$175	han/equal to	#2 Other Consti	THE RESERVE OF CHARLES AND ADDRESS OF THE PARTY OF THE PA	A STATE OF THE PARTY OF THE PAR	A STATE OF THE OWNER,	#4 Perform	ance Standard	i-\$410	
Greater than 1,200 squa Dwelling-Home, Mobile Hocabin. (Includes attached de Mobile Home, Hunting ShacWill the old dwelling be reproperty? Yes No If yes, an affidavit must be when the old dwelling will in this dwelling is a mobile special mobile home affidavit must be bunkhouse. Must follow adm Accessory Dwelling-Guesbunkhouse. Must follow adm	Dwelling-Home, the or Cabin. Dwelling-Home, the or Cabin. Emoved from the Filled out stating be removed. Thome, there is a vit to be filled out. It cottage or ministrative standards.	Other-\$65 Sur	ocation on a la less the structur k? Yes I r oreline setback ce may be requ Accessory Stru y or Deck Repla ddition(s) & De cture ration or Compo (i.e. convertin w use of the str	e meet the req to If No, struct, , a performance tired. See box a cture cement ck on the same onent Replacem g an old cabin t ructure be?	uired ure does e standard #4 or #7. e structure ent	Borrow/Gr Home Bus Land Alter Nonconfor Addition to shoreline s Other #5 Site Evalu Site Visit/ #6 Wetland Addition No Loss/E Wetland D	avel Pit iness ation ming Structure o a structure th setback ation Evaluation-\$17	Replacement at does not seement Planew-\$410	nt : meet <u>1</u> n- \$175
shed, sauna, screenhouse of meets lake or river setback shoreland area.	r gazebo that either	#3 Subdivisions	/Parcel Revie	ws	cabir	#7 Public H	earings		
□ Water-oriented Accessor Boathouse, Sauna, Screenhor river located at reduced a Must follow administrative s □ Commercial Structure □ Other Principal Structure	ouse/gazebo on a lake shoreline setback.	Additional W Plat-Minor Sub Conventional o to 3 lots-\$685 Conventional o \$1,375 Lot Line Adjust Parcel Review- Performance Si	r Conservation r Conservation tment-\$90 \$90	Plat-Less than		Administra Environme Conditiona Conditiona Interim Us General Pt Variance	ehearing- \$220 earing (Varianc 20	,350 nt-\$1,200 685 ehearing-\$2 aring-\$220 Pit-\$685	220
TYPE OF PROPOSED	STRUCTURES	Check all that app	nly to the proje	ort	1				-
New Structure(s)	*Structure Type (Same as box #1 or 2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only	n *Max Wi	cimum dth cerior nt Only)	Sc	cimum J. ft otprint only)		
	mount	Siac	52 Fe	et 26.8	Feet	1387	Sq. ft.	13	Feet
			Fe	et	Feet		Sq. ft.		Feet
			Fe	et	Feet		Sq. ft.		Feet
☐ Structure Additions	*Structure Type (Same as box #2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximur Length (Exterior Footprint Only	Wi (Ext	cimum dth cerior nt Only)	Sc	cimum j. ft otprint only)		
			Fe	et	Feet		Sq. ft.		Feet
			Fe	et	Feet		Sq. ft.		Feet
			Fe	et	Feet		Sq. ft.		Feet
CONTACT: Discoving		cates required fie	ld. Incomplet	e applications	will be ret	urned.			
CONTACT: Planning a	and Zoning Depar	unent							
Technical Assistance Toll Free: 1-800-450-9777 Land Use Information www.stlouiscountymn.gov/land-	320 West 2 ⁿ		201 Sou	nent Services Cen th 3 rd Avenue We MN 55792		Receipt Date	ount		



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)

Scheer Penny

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?

currently 56 feet from Shore line, swamp water hazard on one side, neighboring proporty line on other side practical difficulty

2. Describe the intended/planned use of the property.

Summer Cabin

3. Describe the current use of your property.

Summer Cabin

4. Describe other alternatives, if any.

p may be possible to move back another 15 feet

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

last cabin in the area to upgrade All cabins in this area have been upgraded

to new Builds

astetically pleasing

St. Id house no	ng properties and the use of the restrictive impa und be greatly app	et	ted by the proposed use with	the variance.
7. Describe how negative in It will be an New build new g	mpact to the local environment upgrade to the growth should not	and landscape will be avoid existing proper reflect negative	ded.	
8. Describe the expected be Upgrade to 1 clean up and area around	enefits of a variance to use of Property relandscape Structure	this property.		
	nents that will clarify your requi			oard of Adjustment.
OFFICE USE ONLY				
Principal Structures	Principal Structure Additions	Accessory Structures	Accessory Structures Additions	Other
Shoreline Setback Property Line Setback Lot Width Height Limit 40% of Lot Width 55% of Lot Width Bluff 2nd Principal Structure % Lot Coverage Road Centerline Setback Road Right-of-Way Setback Lot width and/or Area	Shoreline Setback Road Centerline Setback Road Right-of-Way Setback Property Line Setback One Addition Allowed Allowable Size Exceeded 40% of Lot Width 55% of Lot Width Height Limit Foundation from Lake Lot width and/or Area	☐ Shoreline Setback ☐ Road Centerline Setback ☐ Road Right-of-Way Setback ☐ Property Line Setback ☐ Lot Width and/or Area ☐ Height Limit ☐ Allowable Size Exceeded ☐ Bluff	☐ Shoreline Setback ☐ Road Centerline Setback ☐ Road Right-of-Way Setback ☐ Property Line Setback ☐ Allowable Size Exceeded ☐ Height Limit ☐ Lot width and/or Area	☐ Subdivision Plat ☐ Exceeding Lot Coverage ☐ Exceeding Maximum Buildable Area ☐ Other Standard Not Listed (Explain below)
CONTACT: Planning and	Zoning Department			
Technical Assistance Toll Free: 1-800-450-9777 Land Use Information www.stlouiscountymn.gov/land	Duluth Government Services Center	Virginia Government Services Center 201 South 3 rd Avenue West Virginia, MN 55792 (218) 749-7103	Payment Am	

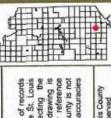


Land Use Map

St. Louis County, Minnesota







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www.stiouiscountymn.gov Planning & Community Development

(218) 725-5000

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Prepared By:

Source: St. Louis County, MN

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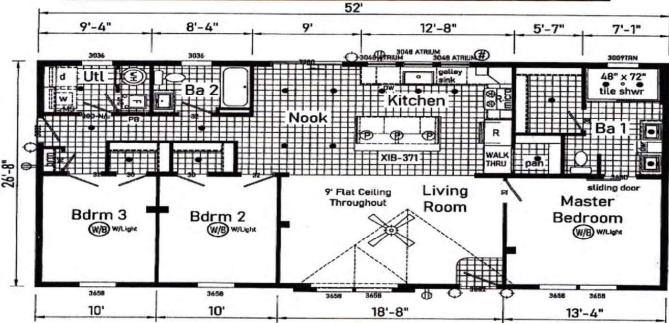
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This model has many upgraded features including:

- Vinyl Market Square Dutch Lap Siding
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- ➤ Shake Accent 18'8" Dormer
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- Door Sliding Glass Vinyl 6'
- Windows Vinvl 30 x 36" (Utility & 2 Bath)
- Deluxe White Living Room Ceiling Fan
- Shake It Up 25 oz. Carpet
- Insulation R-50 AVG Ceiling
- Insulation Floor R-22-LF
- Insulation R21 Insulation High

- Furnace 95 Plus Gas High Efficiency w/5/12 Roof Pitch
- Water Heater 50 Gallon Electric
- Refer Whirlpool 25 CF Bottom Freezer; French Door w/Water and Ice Stainless Steel Gas SS
- Dishwasher Whirlpool Over the Range 1.7 CF 1000 Watt SS (Opal/Pearl/Emerald)
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- Maple Painted Bath & Utility Cabinets
- Cabinets 30" & Wire Shelf Over Laundry
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April 2024



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Interior Primed Drywall Throughout Orange Peel Finish 8'-0" Flat Ceiling Orange Peel Finish Recessed LED Lights Black Dining Room Light 2-Panel White Painted Craftsman Interior Doors Pre-Hung Doors with Mortise Metal Interior Passage Sets Window Valances 1" Mini Blinds Throughout Smoke Detectors with Battery Back-Up Wire Shelving in Closets White Painted Mouldings Throughout 2 ¼" Window and Door Casing

Exterior Black Lantern Light at Front and Rear Door Vinyl Dutch Lap Siding Vinyl Insulated Windows with Low-E Glass Lineals Front Door Side GFI-Protected Exterior Receptacle at Each ExteriorDoor O.S.B. Sheathing Fixed Roof 12" Overhangs & Eaves (Ranch) 4" Overhangs & 12" Eaves (Single) 3-Tab Shingles Ridge Vent Roof Ventilation System Ice Shield 3/0x6/8 Fiberglass 6-Panel

Door w/ Deadbolt Keyed Alike

Front & Rear

Locksets

Kitchen Empire Brushed Nickel High Rise Faucet Stainless Steel Sink 33x22x8 One USB Receptacle 30" Black Free-Standing Gas Range Power Range Hood with Fan & Light 18 Cu. Ft. Black Frost-Free Double Door Refrigerator

Baths 60" Fiberglass Tub/Showers Tub/Shower Curtain & Curved Rod 1.6 Gallon Per Flush Elongated Toilets China Stool, Tank, & Lid Square China Sinks with Overflows & Pop-Up Drains Bevel Edge Mirrors Empire Brushed Nickel Faucets Anti-Scald Valves on Showers & Tubs

Cabinetry KCMA Premium Mission Cabinet Doors Wire Shelving in Closets with Full Overlay Premium Cabinet Face Frames & Stiles Brushed Nickel Cabinet Hardware Hidden Cabinet Hinges 30"/36" Staggered Överhead Cabinets Base & Wall Cabinets with Adjustable Shelves 100# Undermount Soft Close Drawer Guides Laminate Countertops with Crescent Edge 4" Laminate Backsplash 36" High Vanities

Utilities 100 AMP Electrical Service Plumb & Wire for Washer Wire & Vent for Dryer Water Shut Offs Throughout Main Water Shut-Off Valve One Exterior Water Faucet 30 Gallon Electric Hot Water Heater with Pan Air Ready Gas Furnace 5-Wire Thermostat Copper Wiring Throughout

Insulation Floor R-11 Fiberglass Insulation Walls R-19 Fiberglass Insulation Ceiling R-30 Avg. Blown Insulation

Floorina Take Away Shaw Carpet with ShawGuard Carpet Protector Rebond Carpet Pad with Tackstrip Carpet Installation LuxFlor No-Wax Vinyl Floor Coverings

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Construction Transverse Floor System on 16" Centers** 3/4" OSB Decking** 2x6 Floor Joist on 14 & 28 Wide Models 2x8 Floor Joists on 16 & 32 Wide Models 2x6 Exterior Walls on 16" Centers** 82" Window Headers 30# Roof Load

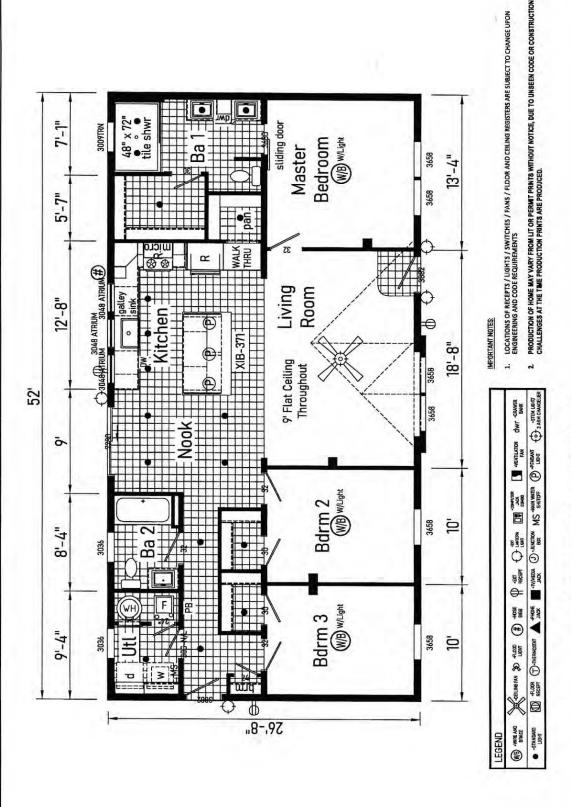












3W1415-P3 2852 Approx. 1387 Sq. Ft.

nidcountry Homes	Address: 337 Liberty Street Darchester, WI 54425	2852	3/16" = 1-0" 01/31/2024	Cust Stock	3M1/,15 D3
terature		Drawn	By: Reference:	SAN-19704	01-014IAO

Island Lake 0.75 Miles Fish Lake St. Louis County July BOA Meeting Penny Scheer Location Map 380-0082-00080 Subject Property 5625 5657 5645 5645 5641 Bartlett 223 Lost Lake Rd 9 5646 5629 Planning & Zoning Department (218) 725-5000 www.silouiscountymn.gov St. Louis County 2630 8 Hwy R

200 Feet Fish Lake Reservoir Fish Lake Sa St. Louis County July BOA Meeting Subject Property Penny Scheer Location Map 380-0082-00080 5657 Planning & Zoning Department (218) 725-5000 www.stlouiscountymn.gov St. Louis County

SMU-7 SMU-7 1,000 SINOT LINES 200 Feet MU-4 Fish Lake Reservoir Special states of the states o St. Louis County July BOA Meeting Subject Property Penny Scheer Zoning Map 380-0082-00080 Esker Tril Let Solote other Holy 5657 Disclaimer. This is a compilation of records as they appear in the St. touis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any haccuracies herein contained. © Copyright St. Louis County All Rights Reserved Planning & Zoning Department (218) 725-500 www.slouiscountymn.gov St. Louis County Map Created: Prepared By:

Fish Lake Reservoir St. Louis County July BOA Meeting Penny Scheer Site Map 380-0082-00080 PASS STORES SALARES FRO Planning & Zoning Department (218) 725-5000 www.stlouiscountymn.gov St. Louis County

Fish Lake Reservoir 9 Feet 8181 9181 30 1384 1382 13/A St. Louis County July BOA Meeting Penny Scheer 380-0082-00080 **Elevation Map** 1372 9(8) 1378 1380 1385 Disclaimer: This is a compilation of records as they appear in the St. ouis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for my naccuracies herein contained. DA 291012 SAEJ NATA 1362 www.stlouiscountymn.gov Planning & Zoning Department (218) 725-5000 1366 St. Louis County 6/11/2024 Map Created:

