

**Board of Adjustment Public Hearing
Agenda for Wednesday, September 17th, 2025
5:00 PM**

1. **Board of Adjustment Call to Order**
2. Roll call: **Heil, White, Hernesmaa, Councilor Roose, Palcher, Anderson, Burke.** *Staff Kochendorfer.*
3. **Additions or Deletions from Agenda**
4. **Public Hearing Variance for 134 N 5th Ave E-** The Ely Board of Adjustment will be holding a public hearing for considering a Variance on Wednesday, September 17th, 2025 at 5:00 pm in the City Hall council chambers to consider the approval of a Variance to allow a 6 feet high fence on the Camp St side of the house.
5. **The applicant or PZ admin will explain the request**
6. **Letters and or phone call comments read into the record**
7. **Those in support may comment**
8. **Those opposed may comment**
9. **Comments from those who wish to provide any additional information**
10. **Applicant will have the opportunity to answer additional questions**
11. **Closure of the hearing**
12. **Staff Analysis/ Finding of Facts read**
13. **Decision rendered by the Board of Adjustment**
14. **Adjournment**



209 E. Chapman St. Ely, MN 55731

DATE: *September 2, 2025*

SUBJECT: Public Hearing Notice-

The Ely Board of Adjustment will be holding a public hearing for considering a Variance on Wednesday, September 17th, 2025 at 5:00 pm in the City Hall council chambers. At this public hearing the Board of Adjustment will be considering the approval of a Variance Application submitted by Tatiana Riaboken, proposed location of 134 N 5th Ave E, Parcel# 030-0370-00250. The applicant is seeking a Variance to allow for a 6 feet high fence on the Camp St side of the parcel. City code restricts fence heights along streets and avenues to a maximum of 4 feet, and a maximum of 6 feet elsewhere.

Public comment will be heard on the date of the hearing and/or may be submitted to any of the following addresses below before September 15th to be included in the public hearing. Names and addresses must be submitted in order for comments to be recorded into the hearing minutes.

Any questions should be directed to the Planning and Zoning Administrator, 218-365-3224, Ext 3 or email pzadmin@ely.mn.us

Scott Kochendorfer
Zoning Administrator
209 E Chapman St
Ely MN 55731
pzadmin@ely.mn.us
218-365-3224, Ext 3

Finding of Facts

Finding of Facts for Variance Application for **134 N 5th Ave E, on behalf of Owner Tatiana Riaboken**

FACTS

1. Tatiana Riaboken is the owner of a parcel of land located at 134 N 5th Ave E, Ely, Minnesota; and,
2. The subject properties are legally described as:

PID# 030-0370-00250

Whitesides Addition to Ely Block 3, Lots 1, 2 and 3 EXCEPT Southerly 32.56 feet

3. This Property is located in Residential - two (R2) zoning district.
4. Tatiana Riaboken has applied for a variance to allow a 6 feet high wood fence on the street/avenue side of her property, abutting E Camp St.
5. The proposal would vary from Section 11.04, in that it would deviate from the maximum fence height along a street or avenue of 4 feet.
6. Comments from Neighbors (neighbors located within 350 feet were notified by mail)
 - None

APPLICABLE LAW

7. Minnesota Statute Section 462.357, subd. 6 provides:
 - a) Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.

- b) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.
8. Ely City Code Section 11.01, subd. 22 provides: A variance is an appeal for the relief from certain requirements of the Zoning Chapter as deemed necessary by the Board of Adjustment when the strict interpretation of the Zoning Chapter would create practical difficulty because of irregular lot size, topographic or other characteristics of the land. No variance shall have the effect of allowing in any district uses prohibited in that district.

STAFF ANALYSIS

- **FACT:** The property in question will be used in a reasonable manor
 - **FINDING:** The Property is currently being used as a residential dwelling, and will continue to be used as such. The property borders the commercial zoning district. The variance will not alter the use of the property, but will actually create a buffer from the roadway.

- **FACT:** The Plight of the owner of the property in question is due to circumstances unique to their property and not created by the landowner
 - **FINDING:** The owner did not build the house or design the layout of the property. Being a corner lot, it presents the unique challenge of having two sides of the house border a street and avenue, which restricts the height that the fence can be to 4 feet, versus the standard 6 feet.

- **FACT:** If the variance is granted, it will not alter the essential character of the locality
 - **FINDING:** The proposal is in the Residential (R2) Zoning District. The property will continue to be used as a residential dwelling, and will not alter the character of the property. The 6 feet high fence will provide better safety and security to the property, and the owner, by lessening vehicle noise, as well as allowing the owner to maintain a garden space. The fence will help keep animals out of the garden space.

- **FACT:** Economic considerations alone do not constitute a practical difficulty. Practical difficulties include but are not limited to: inadequate access to direct sunlight for solar energy systems.
 - **FINDING:** The placement of the house, and the fact that the house is on a corner, limits the height of the fence. A large portion of the useable yard space is on the Camp St side of the house.

- **FACT:** A Variance may not be granted for any use that is not a permitted use under this chapter for property in the district where the affected land is located.
 - **FINDING:** The property will not change uses, and will continue to function as a residential dwelling.

Applicant Reasoning:

1. I would like to use the backyard as garden space, keeping the animals out of the garden. For privacy from the street, and security from animals and people.
2. I did not build the house. The house is on Camp St (backyard) and the front yard faces N 5th Ave.

3. The use of the property will not be changing, just the fencing in the backyard.

City of Ely Requirements:

1. Maintain the 20 feet vision triangle on the corner so the intersection is not obstructed.

City of Ely Comprehensive Plan

This proposal is in line with the city comprehensive plan, to include some of the following:

1. Promote neighborhood identity, pride, and sense of place
2. Allow uses and activities appropriate to the character of the residential district.
3. Ely provides a safe and friendly atmosphere, in affordable neighborhoods that complement their natural surroundings.

STAFF ANALYSIS RECOMMENDATION

Staff finds that the applicant's proposal meets the practical difficulty threshold. The proposal would not be disruptive or be injurious to the neighborhood, or change the essential character of the locality. Other options have been proposed, but are not feasible, and do not provide an immediate remedy. Staff recommends **APPROVAL** of this variance.

CONCLUSIONS OF LAW No variance shall be granted unless the Board of Adjustment shall find:

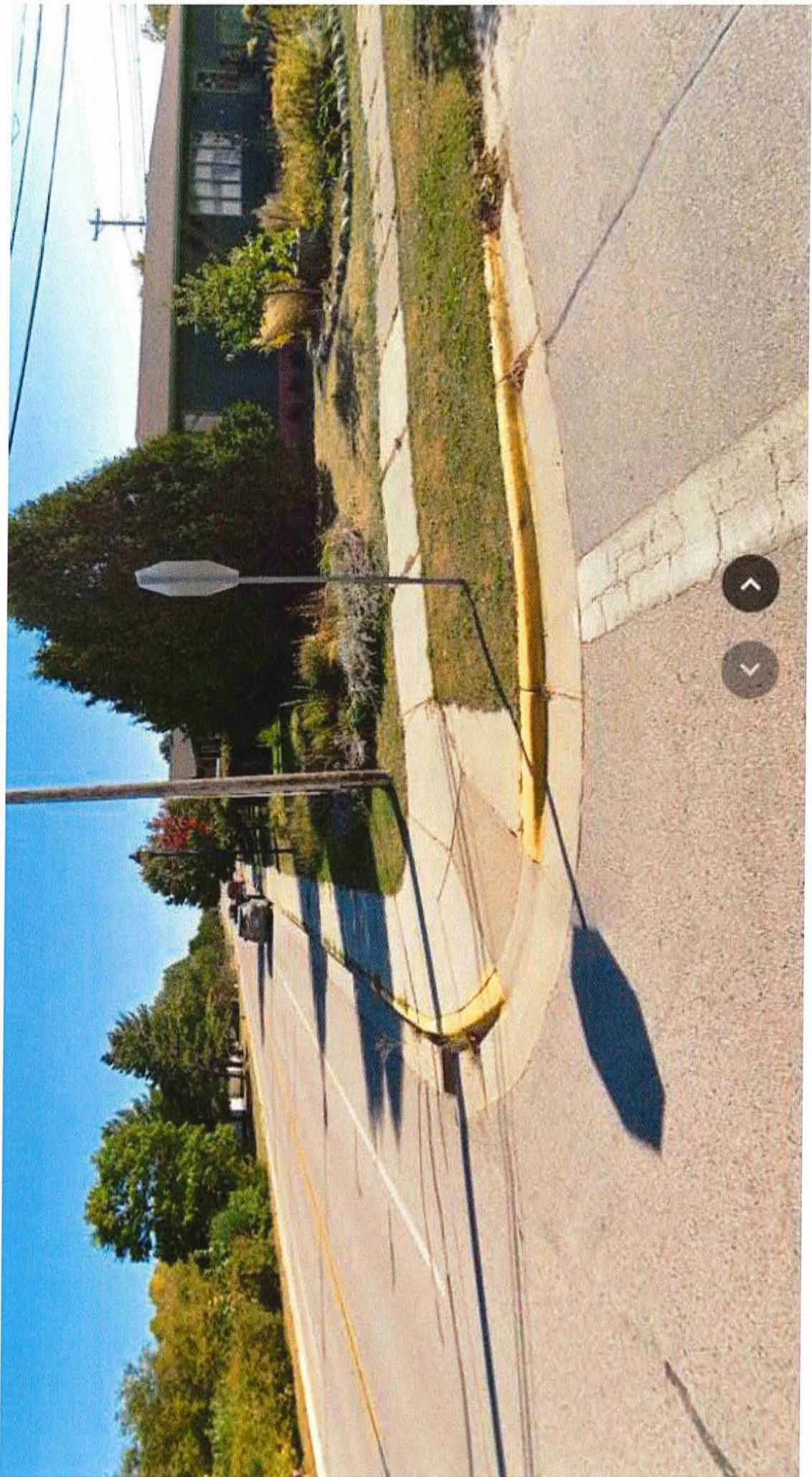
- A. The property in question will be used in a reasonable manner
- B. The plight of the owner of the property in question is due to circumstances unique to their property and not created by the landowner
- C. If the variance is granted, it will not alter the essential character of the locality

D. Economic considerations alone do not constitute a practical difficulty. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems

E. Variances may be granted for earth sheltered construction as defined by statute, when in harmony with this chapter

F. A variance may not be granted for any use that is not a permitted use under this chapter for property in the district where the affected land is located

G. Provided, however, if a dwelling is damaged (i.e., fire damage) in the Commercial (C1) Zoning District, a replacement dwelling may be constructed per the criteria set forth in City Code 11.43A.





209 E. Chapman St. Ely, MN 55731

DATE: September 2nd, 2025

SUBJECT: Public Hearing Notice

To whom it may concern,

The Ely Board of Adjustment will be holding a public hearing for considering a Variance on Wednesday, September 17th, 2025 at 5:00 pm in the City Hall council chambers. At this public hearing the Board of Adjustment will be considering the approval of a Variance Application submitted by Tatiana Riaboken, proposed location of 134 N 5th Ave E, Parcel# 030-0370-00250. The applicant is seeking a Variance to allow for a 6 feet high fence on the Camp St side of the parcel. City code restricts fence heights along streets and avenues to a maximum of 4 feet, and a maximum of 6 feet elsewhere.

As a property owner within 350 feet of the proposed action, you are receiving this letter and have the right to comment at the public hearing, and/or submit correspondence relating to this application. The public hearing will take place September 17th, at 5:00 pm in the City Hall council chambers. Names and addresses must be submitted in order for comments to be recorded into the hearing minutes. Correspondence can be submitted to any of the following addresses below before September 15th to be included in the public hearing.

Any questions should be directed to the Planning and Zoning Administrator, 218-365-3224, Ext 3 or email pzadmin@ely.mn.us

Respectfully,

Scott Kochendorfer / Zoning Administrator

209 E Chapman St / Ely MN 55731

pzadmin@ely.mn.us

218-365-3224, Ext 3



City of Ely Planning & Zoning Variance Application

1. Applicant Information
 Name: Tatiana Riabokina
 Address: 134 N 5th Ave E
 Telephone#: [Redacted] Email Address: [Redacted] *ml*
 Application# (to be assigned): _____
 Signature of Applicant: [Redacted] Date: 7-10-2025
 Current use of the property: _____
 Owner (if different from above): _____
 Address: _____
 Telephone#: _____ Email Address: _____

2. Property Information
 Street Address: 134 N 5th Ave E
 Legal Description (attach additional sheets if necessary): _____
 Parcel#: 030-0370-0025 Zoning District: R2
 Shoreland Overlay Zone: Yes No
 Property Size (square feet or acres): 75' x 92'

*****Applicant to attach detailed plan (drawn to scale)*****
 2.1 Current lot dimensions: Width: _____ Length: _____
 2.2 Dimensions of proposed building or addition:
 _____ ft. x _____ ft. = _____ Total Square Feet
 Building height _____ ft. = _____ Total Stories
 Total Area (including new) _____ Square Feet



3. Requested Variance
 Zoning Ordinance section Variance is requested from: Section 11.04
Sub G Fence may not exceed ~~4~~ 4 feet

State exactly what is intended to be done on/or with the property that's described above, and that does not conform with the current Zoning Ordinance:
Install 10' foot wood fence to enclose the backyard.

4. Explain in detail, how your request conforms to the following requirements: (attached additional sheets of necessary)

4.1 That the landowner proposes to use the property in a reasonable manner, currently not permitted by the Zoning Ordinance.
I would like to use my backyard as garden space, keeping all animals out of garden.
For privacy from street and security from animals + people.

4.2 That the plight of the landowner is due to circumstances unique to the property and not created by the landowner.
I did not build house.
House is on Camp Street (backyard) and front yard faces 5th Ave.

4.3 That the Variance, if granted, will not alter essential character of the locating neighborhood or zoning district in which it is located.
Yes. Use of property will not be changing.
I am just fencing in the backyard.

EP



Planning and Zoning, 209 E Chapman St, Ely MN 55731

5. Any other information relevant to your Variance request:

CITY USE ONLY

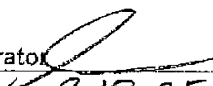
Date received by Planning and Zoning Department: 8-25-25

The Variance Application is complete:

The Variance requires the modifications listed below:

Further information needed:

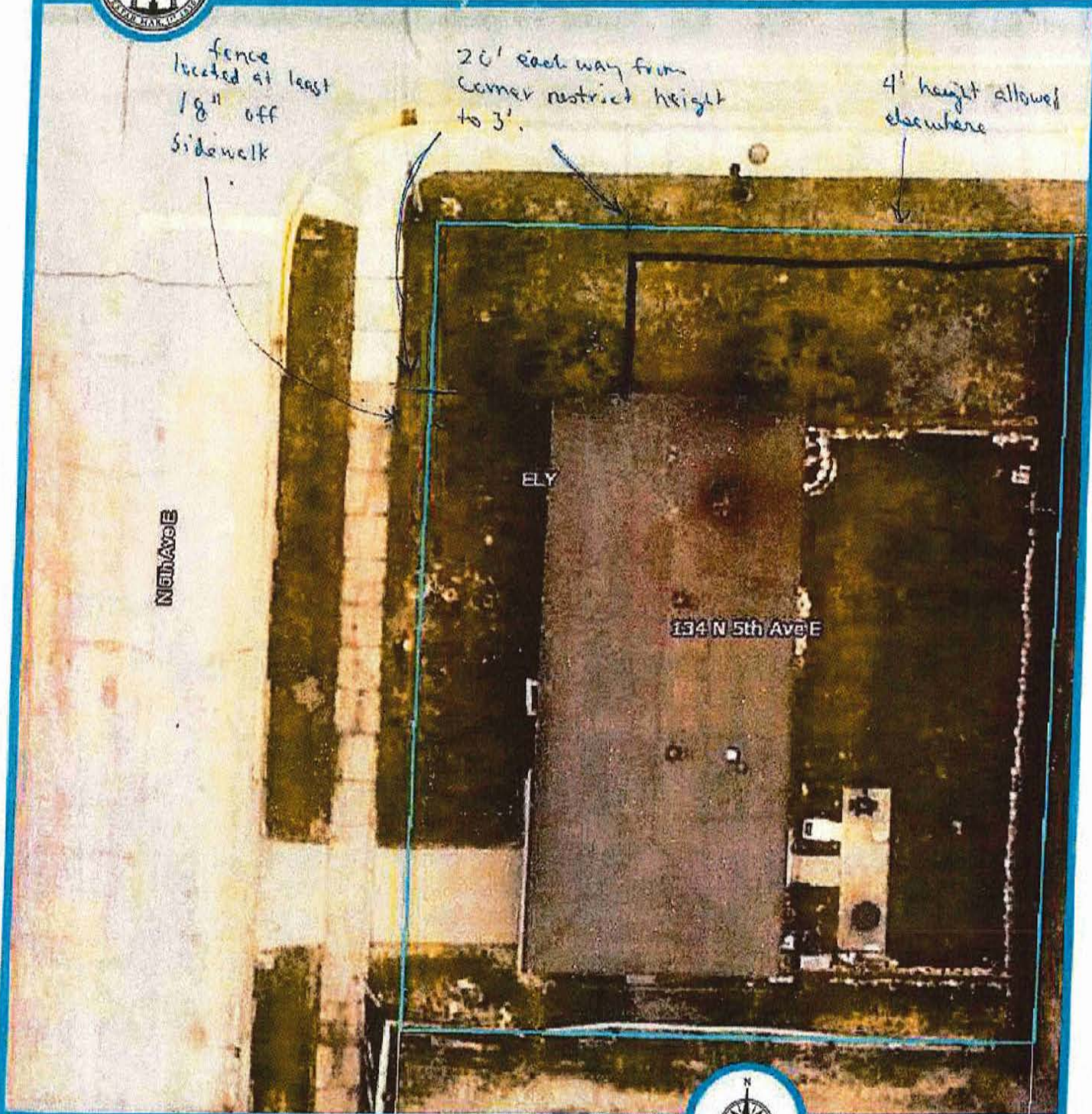
The Variance is not Permitted:

Signature of Zoning Administrator 	Date <u>8-25-25</u>
BOA Hearing Scheduled: <u>9-17-25 @ 10:00</u>	Date: _____
Variance (Approved) or (Denied) _____	Date: _____



County Land Explorer

St. Louis County, Minnesota



Fence for 134 N 5th Avenue East

pza dmin



County Land Explorer

St. Louis County

www.stlouiscountymn.gov/explorer

Minnesota

Disclaimer

This is a compilation of records as they appear in the Saint Louis County Offices. A listing the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein.

County Land Explorer

St. Louis County, MN

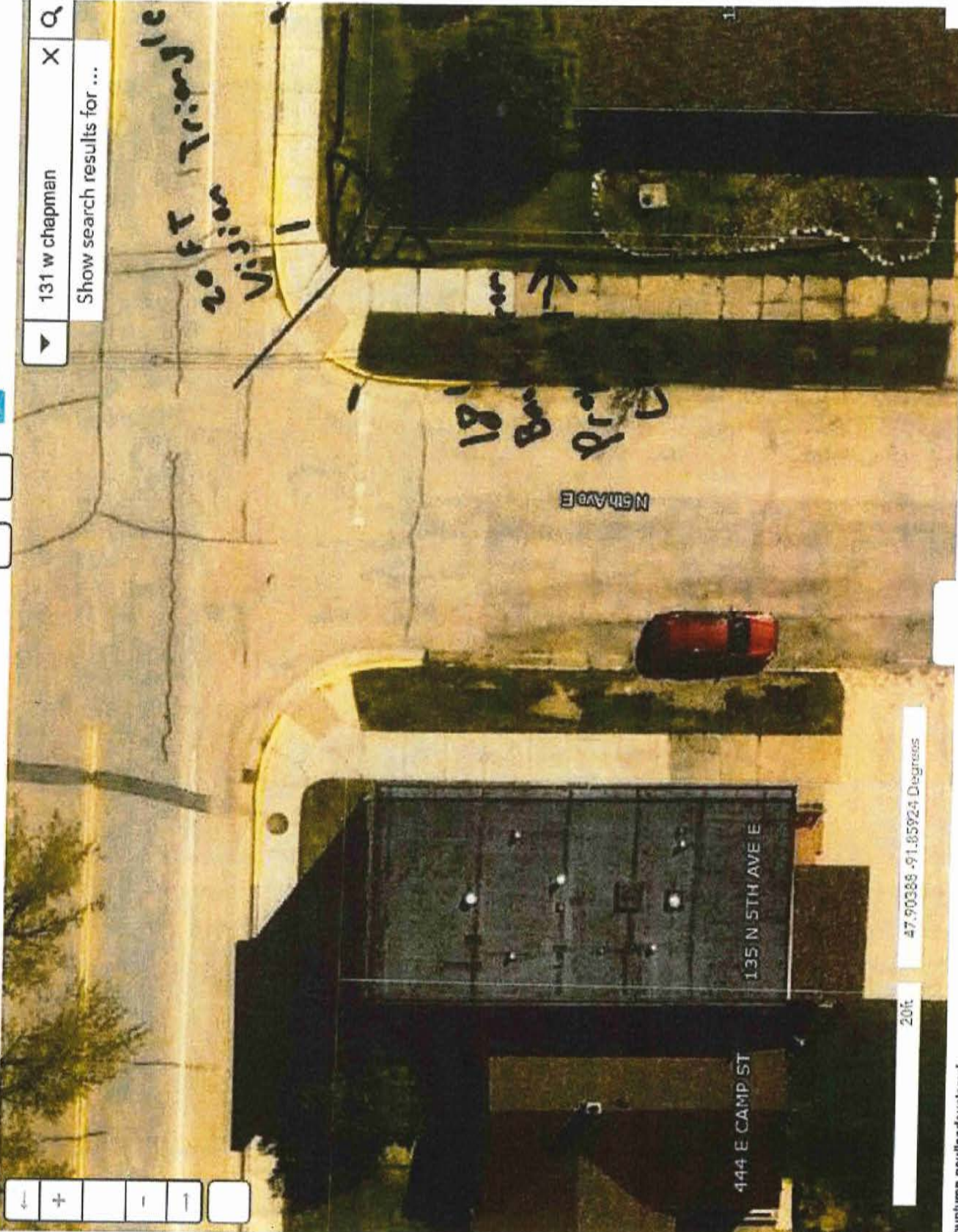
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County Land Explorer

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Show search results for ...



444 E CAMP ST

135 N 5TH AVE E

N 5TH AVE

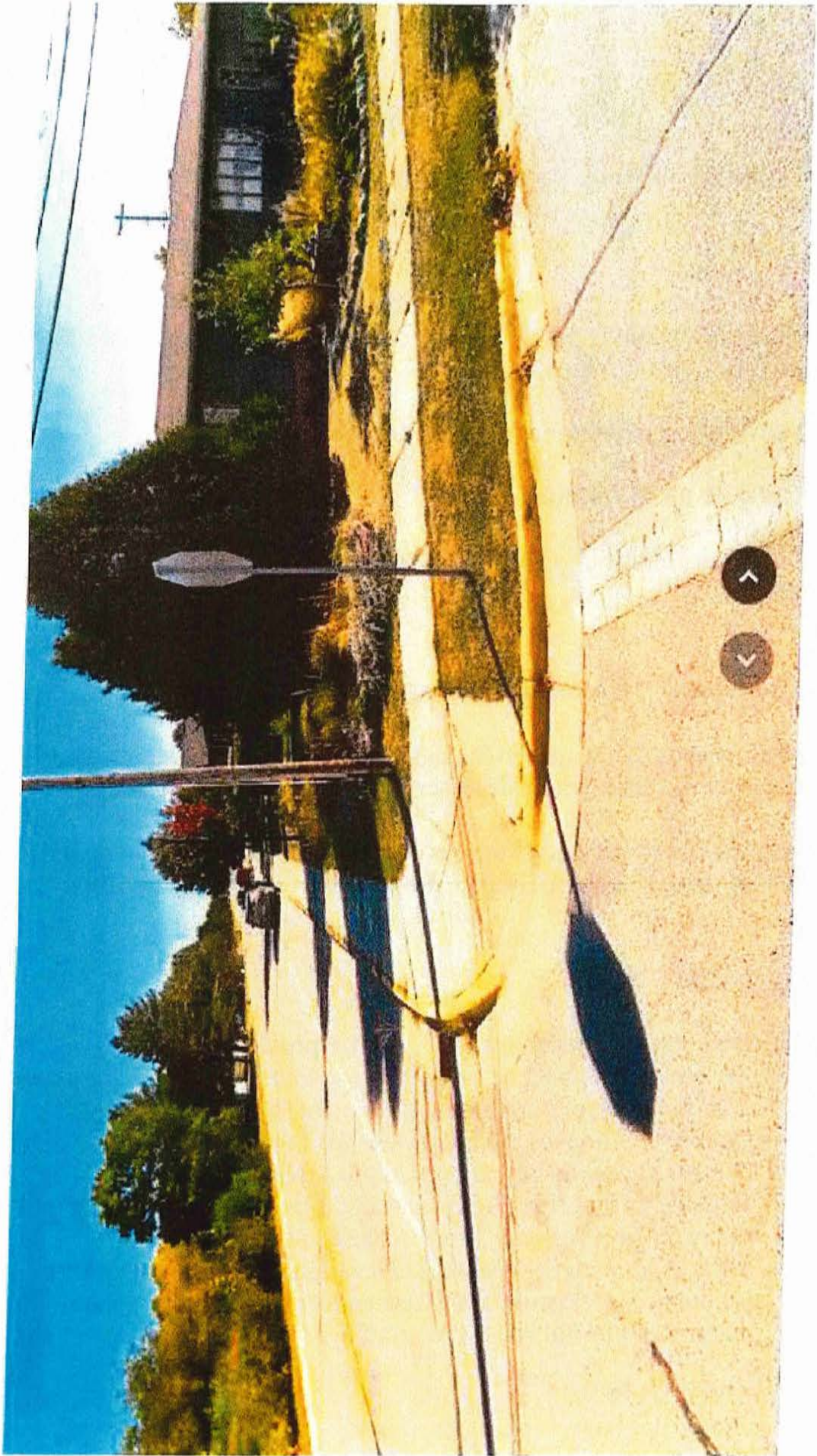
1810
Boulevard
131 w chapman
20 FT Triangular
Vision

47.90388 -91.65924 Degress

20ft

St. Louis County
Minnesota





Staff Analysis

Staff Analysis for Variance Application for **134 N 5th Ave E, on behalf of Owner Tatiana Riaboken**

FACTS

1. Tatiana Riaboken is the owner of a parcel of land located at 134 N 5th Ave E, Ely, Minnesota; and,
2. The subject properties are legally described as:

PID# 030-0370-00250

Whitesides Addition to Ely Block 3, Lots 1, 2 and 3 EXCEPT Southerly
32.56 feet

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STAFF ANALYSIS RECOMMENDATION

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G. Provided, however, if a dwelling is damaged (i.e., fire damage) in the Commercial (C1) Zoning District, a replacement dwelling may be constructed per the criteria set forth in City Code 11.43A.



PROPERTY DETAILS REPORT

St. Louis County, Minnesota



Date of Report: 9/2/2025 9:04:30 AM

General Details

Parcel ID: 030-0370-00250
 Document: Abstract - 1353310
 Document Date: 04/17/2019

Legal Description Details

Plat Name: WHITESIDES ADDITION TO THE TOWN OF ELY

Section	Township	Range	Lot	Block
-	-	-	-	003

Description: Lots 1, 2 and 3 EXCEPT Southerly 32.56 feet, Block 3

Taxpayer Details

Taxpayer Name: RIABOKEN TATIANA
 and Address: 134 N 5TH AVE E
 ELY MN 55731

Owner Details

Owner Name: RIABOKEN TATIANA

Payable 2025 Tax Summary

2025 - Net Tax	\$2,035.00
2025 - Special Assessments	\$85.00
2025 - Total Tax & Special Assessments	\$2,120.00

Current Tax Due (as of 9/1/2025)

Due May 15		Due October 15		Total Due	
2025 - 1st Half Tax	\$1,060.00	2025 - 2nd Half Tax	\$1,060.00	2025 - 1st Half Tax Due	\$0.00
2025 - 1st Half Tax Paid	\$1,060.00	2025 - 2nd Half Tax Paid	\$1,060.00	2025 - 2nd Half Tax Due	\$0.00
2025 - 1st Half Due	\$0.00	2025 - 2nd Half Due	\$0.00	2025 - Total Due	\$0.00

Parcel Details

Property Address: 134 N 5TH AVE E, ELY MN
 School District: 696
 Tax Increment District: -
 Property/Homesteader: RIABOKEN, TATIANA L

Assessment Details (2025 Payable 2026)

Class Code (Legend)	Homestead Status	Land EMV	Bldg EMV	Total EMV	Def Land EMV	Def Bldg EMV	Net Tax Capacity
201	1 - Owner Homestead (100.00% total)	\$10,800	\$186,300	\$197,100	\$0	\$0	-
Total:		\$10,800	\$186,300	\$197,100	\$0	\$0	1683



PROPERTY DETAILS REPORT

St. Louis County, Minnesota



Date of Report: 9/2/2025 9:04:30 AM

Land Details

Deeded Acres:	0.00
Waterfront:	-
Water Front Feet:	0.00
Water Code & Desc:	-
Gas Code & Desc:	-
Sewer Code & Desc:	-
Lot Width:	75.00
Lot Depth:	92.00

The dimensions shown are not guaranteed to be survey quality. Additional lot information can be found at <https://apps.stlouiscountymn.gov/webPlatsIframe/frmPlatStatPopUp.aspx>. If there are any questions, please email PropertyTax@stlouiscountymn.gov.

Improvement 1 Details (HOUSE)

Improvement Type	Year Built	Main Floor Ft ²	Gross Area Ft ²	Basement Finish	Style Code & Desc.
HOUSE	1978	1,194	1,194	ECO Quality / 896 Ft ²	RAM - RAMBL/RNCH
Segment	Story	Width	Length	Area	Foundation
BAS	1	3	8	24	FOUNDATION
BAS	1	26	45	1,170	BASEMENT
Bath Count	Bedroom Count	Room Count	Fireplace Count	HVAC	
2.25 BATHS	3 BEDROOMS	-	-	CENTRAL, FUEL OIL	

Improvement 2 Details (GARAGE)

Improvement Type	Year Built	Main Floor Ft ²	Gross Area Ft ²	Basement Finish	Style Code & Desc.
GARAGE	1978	418	418	-	ATTACHED
Segment	Story	Width	Length	Area	Foundation
BAS	1	3	18	54	FOUNDATION
BAS	1	14	26	364	FOUNDATION

Improvement 3 Details (Slab)

Improvement Type	Year Built	Main Floor Ft ²	Gross Area Ft ²	Basement Finish	Style Code & Desc.
	0	120	120	-	PLN - PLAIN SLAB
Segment	Story	Width	Length	Area	Foundation
BAS	0	6	20	120	-

Improvement 4 Details (Barrel)

Improvement Type	Year Built	Main Floor Ft ²	Gross Area Ft ²	Basement Finish	Style Code & Desc.
BARREL SAUNA	2020	36	36	-	-
Segment	Story	Width	Length	Area	Foundation
BAS	0	6	6	36	POST ON GROUND
DKX	0	2	6	12	POST ON GROUND

Sales Reported to the St. Louis County Auditor

Sale Date	Purchase Price	CRV Number
04/2019	\$60,000	231320
04/2019	\$120,000	231317



PROPERTY DETAILS REPORT

St. Louis County, Minnesota



Date of Report: 9/2/2025 9:04:30 AM

Assessment History							
Year	Class Code (Legend)	Land EMV	Bldg EMV	Total EMV	Def Land EMV	Def Bldg EMV	Net Tax Capacity
2024 Payable 2025	201	\$10,300	\$172,200	\$182,500	\$0	\$0	-
	Total	\$10,300	\$172,200	\$182,500	\$0	\$0	1,524.00
2023 Payable 2024	201	\$9,900	\$162,800	\$172,700	\$0	\$0	-
	Total	\$9,900	\$162,800	\$172,700	\$0	\$0	1,510.00
2022 Payable 2023	201	\$9,400	\$141,400	\$150,800	\$0	\$0	-
	Total	\$9,400	\$141,400	\$150,800	\$0	\$0	1,271.00
2021 Payable 2022	201	\$8,600	\$117,900	\$126,500	\$0	\$0	-
	Total	\$8,600	\$117,900	\$126,500	\$0	\$0	1,006.00
Tax Detail History							
Tax Year	Tax	Special Assessments	Total Tax & Special Assessments	Taxable Land MV	Taxable Building MV	Total Taxable MV	
2024	\$2,081.00	\$85.00	\$2,166.00	\$8,656	\$142,347	\$151,003	
2023	\$1,965.00	\$85.00	\$2,050.00	\$7,925	\$119,207	\$127,132	
2022	\$1,583.00	\$85.00	\$1,668.00	\$6,842	\$93,803	\$100,645	

Disclaimer: St. Louis County makes no representation or warranties, express or implied, with respect to the use or reuse of data provided herewith, regardless of its format or the means of its transmission. THE DATA IS PROVIDED 'AS IS' WITH NO GUARANTEE OR REPRESENTATION ABOUT THE ACCURACY, CURRENCY, SUITABILITY, PERFORMANCE, MERCHANTABILITY, RELIABILITY OR FITNESS OF THIS DATA FOR ANY PARTICULAR PURPOSE. St. Louis County shall not be liable for any direct, indirect, special, incidental, compensatory or consequential damages or third party claims resulting from the use of these data, even if St. Louis County has been advised of the possibility of such potential loss or damage. These data may not be used in states that do not allow the exclusion or limitation of incidental or consequential damages.

§ 11.03

Subd. 11. Repository for Documents. The office of the Zoning Administrator is designated as the repository for at least one copy of all studies, reports, recommendations and programs required under this Section. These files will be maintained in accordance with Minnesota Statutes.

Subd. 12. Recording of Heritage Preservation Sites. The office of the Zoning Administrator shall record with the St. Louis County Recorder or the St. Louis County Registrar of Titles the legal descriptions of all buildings, lands or areas designated as Heritage Preservation Sites by the Ely City Council.

Source: Ordinance No. 91, Second Series
Effective Date: February 2, 1999

SECTION 11.04. FENCES

Subd. 1. Definitions. For the purposes of this section, the following terms are defined as follows:

A. Berm: An earthen mound designed to provide visual interest on a site, to screen undesirable views, or to reduce noise.

B. Fence: A structural enclosure or barrier used as a boundary, means of protection, or concealment.

C. Screen: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

B. Snow Fence: Temporary fencing used to prevent snow from drifting onto walks, driveways or roads.

C. Safety Fence: A barrier which prevents passage into a dangerous area, commonly used within construction areas.

Subd. 2. General Regulations. All fences in all zoning districts are subject to the following requirements:

A. Permit required. No person, firm or corporation, shall hereafter construct or cause to be constructed or erected any fence, wall or similar without first obtaining a permit from the City of Ely.

(10-16-2015)

B. Locations. All boundary fences, berms or screens shall be located entirely upon the private property of the persons, firm or corporation placing, constructing or causing the construction of the fence, berm or screen, unless the owner of the property adjoining agrees in writing that the fence, berm or screen may be erected or placed on the division line of the respective properties. The Zoning Administrator may require the property owner desiring to erect or place a fence, berm or screen is required to establish the boundary lines of his or her property by a survey thereof to be made by any registered land surveyor.

C. The side of a fence without primary structural supports shall be considered the finished side and must face outward from the property on which it is constructed towards the adjacent property. If a fence has two (2) similarly finished sides either side may face the adjacent property.

D. Any fence, berm, or screen maintained within a Corner Triangle shall have a maximum height of 36 inches and support post height of 42 inches. A “Corner Triangle” is defined as the triangle formed by the intersection of the front and side lot lines forming the corner of the lot adjacent to the intersection of two or more public right-of-ways. The dimensions of the Corner Triangle are determined from the point of intersection of the front and side lot lines forming the Corner Triangle by three legs measuring (1) 20 feet along the front lot line from the point of intersection, (2) 20 feet along the side lot line from the point of intersection, and (3) the third leg as the line connection the end points of legs one and two. Where there is no sidewalk at the corner, the lot lines are determined by measuring from the center line of the adjacent public right-of-way one-half the distance of the right-of-way as depicted on the official plat map to the lot line.

E. If the property of the person, firm or corporation placing, constructing or causing the construction of a fence, berm or screen borders a sidewalk, it is required to maintain a setback of 18 inches from the sidewalk. Any fence constructed adjacent to street or avenue right of ways shall maintain a setback of 18 inches from the right of way.

F. Barbed wire fences are prohibited in all zoning districts except P1, P2, and M. Electric fences are prohibited.

G. Any fences may not exceed six feet in height, as measured from the ground to the top of the fence with exceptions of a two inch ground clearance and posts not higher than six feet six inches. Fences on any street or avenue may not exceed four feet, structural supports may be four feet six inches in height, as measured from the ground to the top of the fence.

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H. Fences shall be maintained and kept in good repair by property owners. Any hazardous fence or fence in a state of disrepair shall be repaired or removed by the property owner within thirty (30) days of notice by the City of Ely. If a property owner fails to comply with such notice, the City of Ely may remove the fence and assess the property owner the cost of such removal in addition to all other applicable penalties under City Code.

I. Permitted fence materials. Permitted fence materials shall be limited to brick, stone, wood planks, split rail, wrought iron, or chain link, vinyl, or composite material. Materials commonly used for temporary snow or safety fencing shall not be permitted material for a permanent fence.

Subd. 3. Exceptions. Any deviation from this Section shall require a variance in accordance with Section 11.43A of this chapter except the following:

A. Tennis Courts, Basketball Courts, Athletic Fields and Playgrounds in all zoning districts may have a single perimeter fence no higher than ten (10) feet.

A. Fences bordering highways or properties with a P1, P2, and M zoning classification may erect a fence, berm, or screen in excess of three feet in height provided it complies with Subdivision 2 of this ordinance.

B. Snow fencing shall be temporary in nature and may only be issued upon the approval of a permit. Snow fencing shall not be erected prior to October 15th of each year and shall be removed no later than May 30th of each year. Snow fences must comply with all regulations set forth by this chapter.

C. Safety fencing may be erected temporarily, without a permit, only after a building permit has been issued by the building official.

Source: Ordinance No. 252, Second Series

Effective Date: June 30, 2012

Source: Ordinance No. 267, Second Series

Effective Date: December 10, 2012

Source: Ordinance No. 296, Second Series

Effective Date: February 7, 2015

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