

Presenter

Paul Butler – Planner



Tom Lundquist

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Britt, MN

UT 60-18



SAINT
LOUIS
COUNTY
MINNESOTA

Variance Request

Requesting 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.



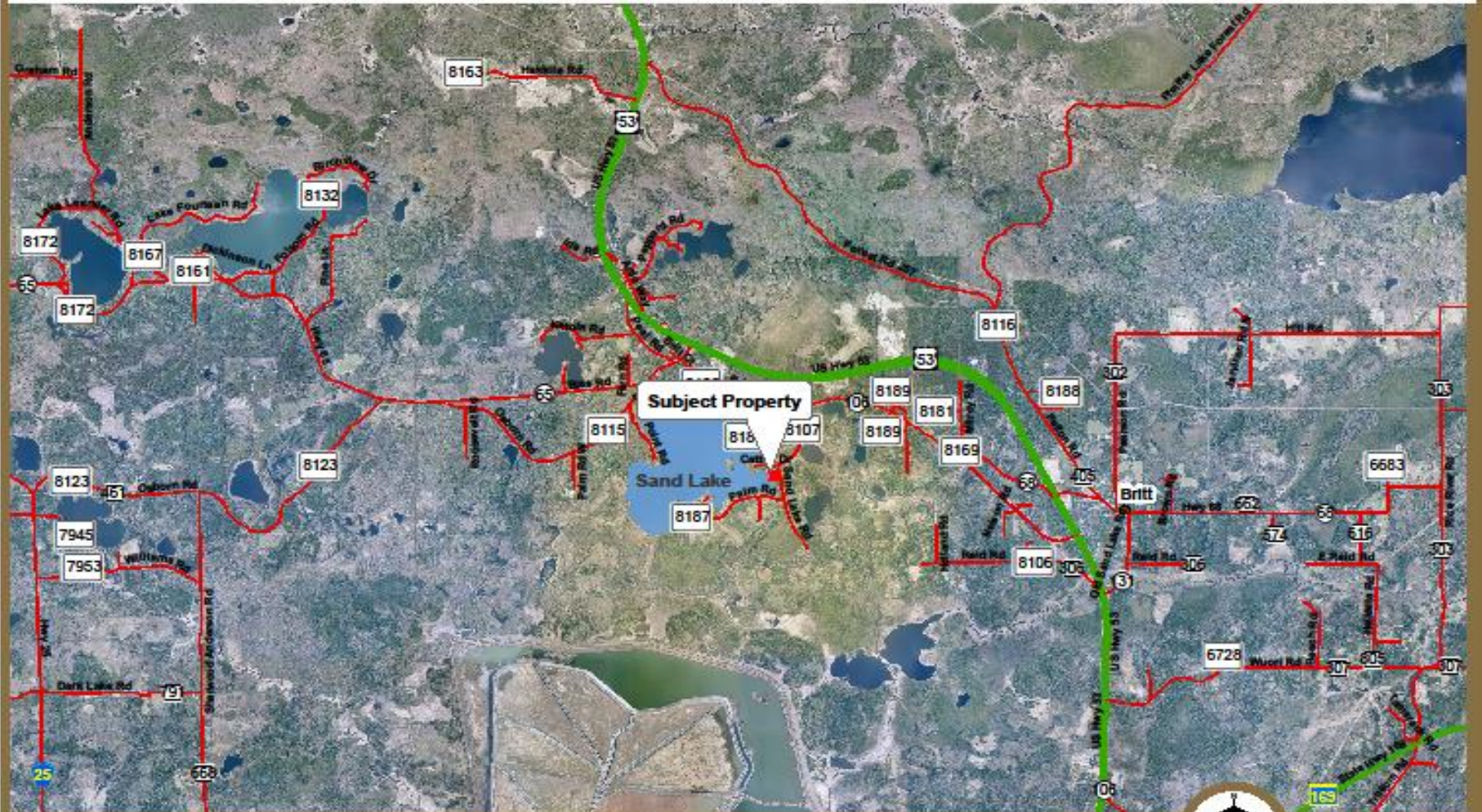
Proposal Details

- 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.
- The structure meets all other required setbacks.



St. Louis County

August BOA Meeting



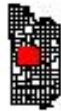
Prepared By: **Planning & Community Development**
(218) 725-5000
www.stlouiscountymn.gov

Source: St. Louis County

Map Created: 7/18/2023

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Location Map

713-0015-03870



0 0.75 1.5
Miles



St. Louis County MN

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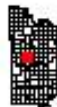
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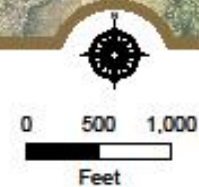
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Location Map

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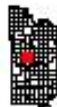
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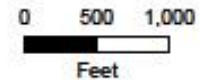
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Location Map

713-0015-03870



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Lake ID: 69073600
SAND LAKE
Class: GD

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Source: St. Louis County

Map Created: 7/12/2023

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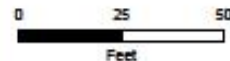
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Site Map

PIN: 713-0015-03870



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Site & Elevation Map

PIN: 713-0015-03870



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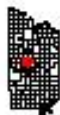
St. Louis County

August BOA Meeting



Lake ID: 69073600
SAND LAKE
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(218) 725-6000
www.stlouiscountymn.gov
Source: St. Louis County
Map Created: 7/13/2023



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2020 Map
PIN: 713-0015-03870



St. Louis County MN

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St. Louis County

August BOA Meeting



Lake ID: 69073600
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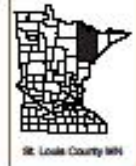
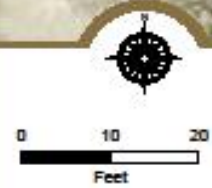
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2023 Map

PIN: 713-0015-03870



St. Louis County MN

Site Sketch Form

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

Draw and Label on Sketch (1"=feet)

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

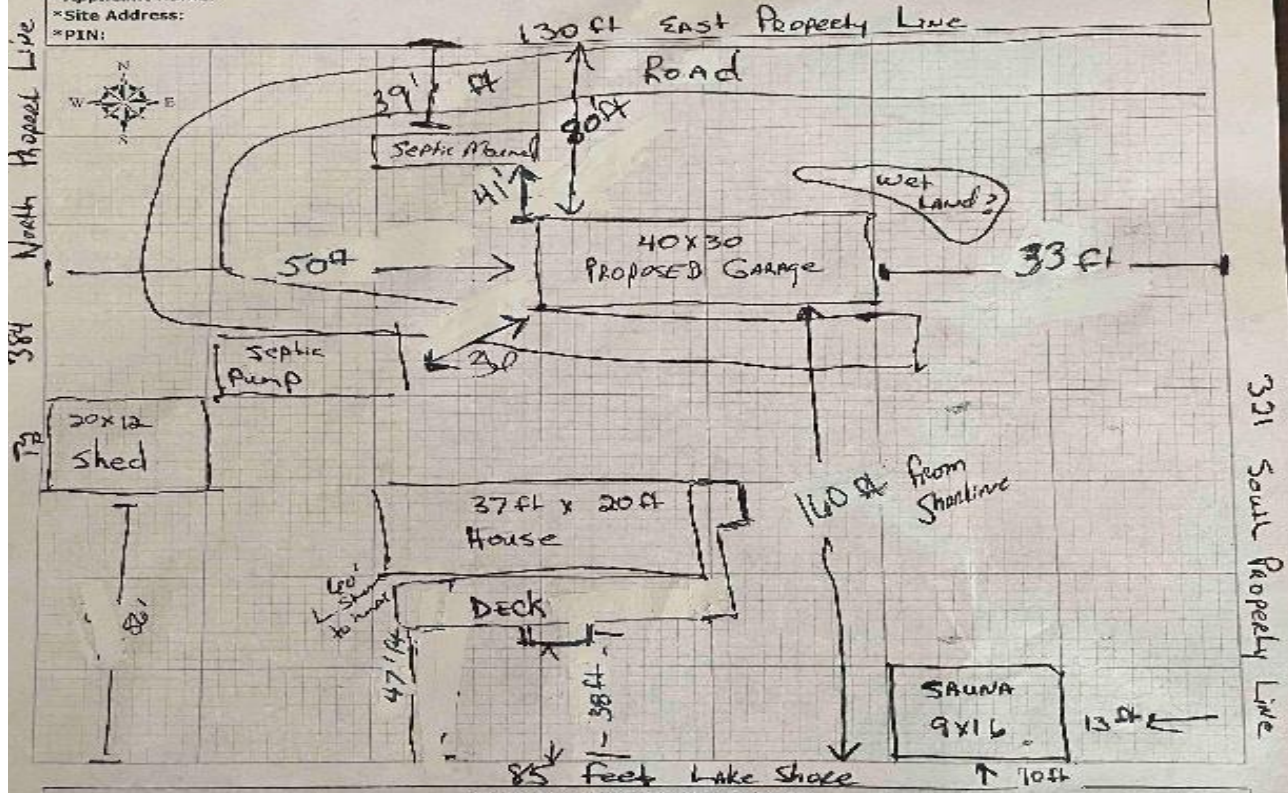
- Distance of Proposed Structures to Shoreline (Closest Point)
- Distance of Proposed Structures to Septic System and Tank
- Distance of Proposed Structures to Property Lines
- Distance of Proposed Structures to Road Centerline and Right-of Ways

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

*Applicant Name:

*Site Address:

*PIN:



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: _____



14 feet



8 Feet



















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.



Official Controls

2. St. Louis County Comprehensive Land Use Plan:
 1. Goal LU-3 is to improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
 2. Objective LU-3.1 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.
 3. Objective LU-3.3 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.



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:
 - a. “The plight of the landowner is due to circumstances unique to the property not created by the landowner.”
 - b. “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:
 - a. 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.



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.



Other Factors

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.

- d. 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.

- e. 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.



Correspondence



SAINT
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MINNESOTA

Board of Adjustment

Questions?



Public

Questions?

