

Presenter

Ada Tse – Planner



Ann Chouinard

7656 Barrs Lake Road
Barrs Lake



SAINT
LOUIS
COUNTY
MINNESOTA

Request

Requesting after-the-fact 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 requesting after-the-fact approval for a variance to allow a replacement dwelling at a reduced shoreline setback.
- The former dwelling was located 60 feet from the shore where 100 feet is required.
- The applicant was granted a variance for a basement foundation and additions to the existing dwelling on December 10, 2020 with the conditions that:
 - (1) the dwelling shall be relocated 15 feet further back and must be a minimum of 75 feet from the lake, and
 - (2) if the structure was deemed unsound, a replacement dwelling would have to meet all zoning ordinance standards.



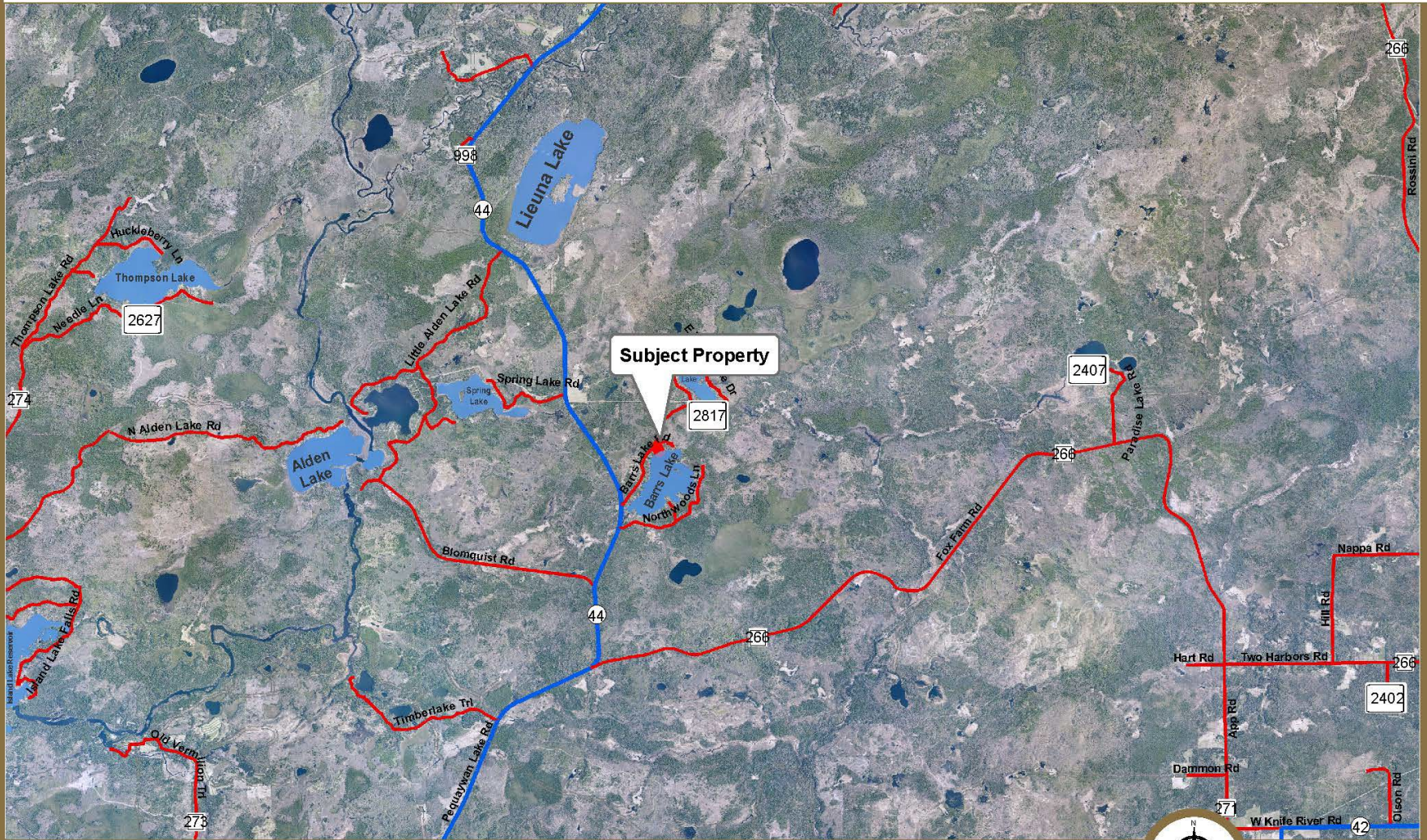
Proposal Details

- A land use permit for the basement and additions was issued in July 2022.
- Construction began in April 2023. The existing dwelling was deemed unsound for being added on to or moved.
- The basement was excavated and ICF walls poured at the reduced setback of 74 feet (field measured) from the shore.
- Construction of a new dwelling continued until the applicant was informed in June 2023 that a new structure is not allowed with the 2020 variance and 2022 land use permit.



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

Disclaimer: This is a compilation of records as they appear in the St. Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.

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Location Map

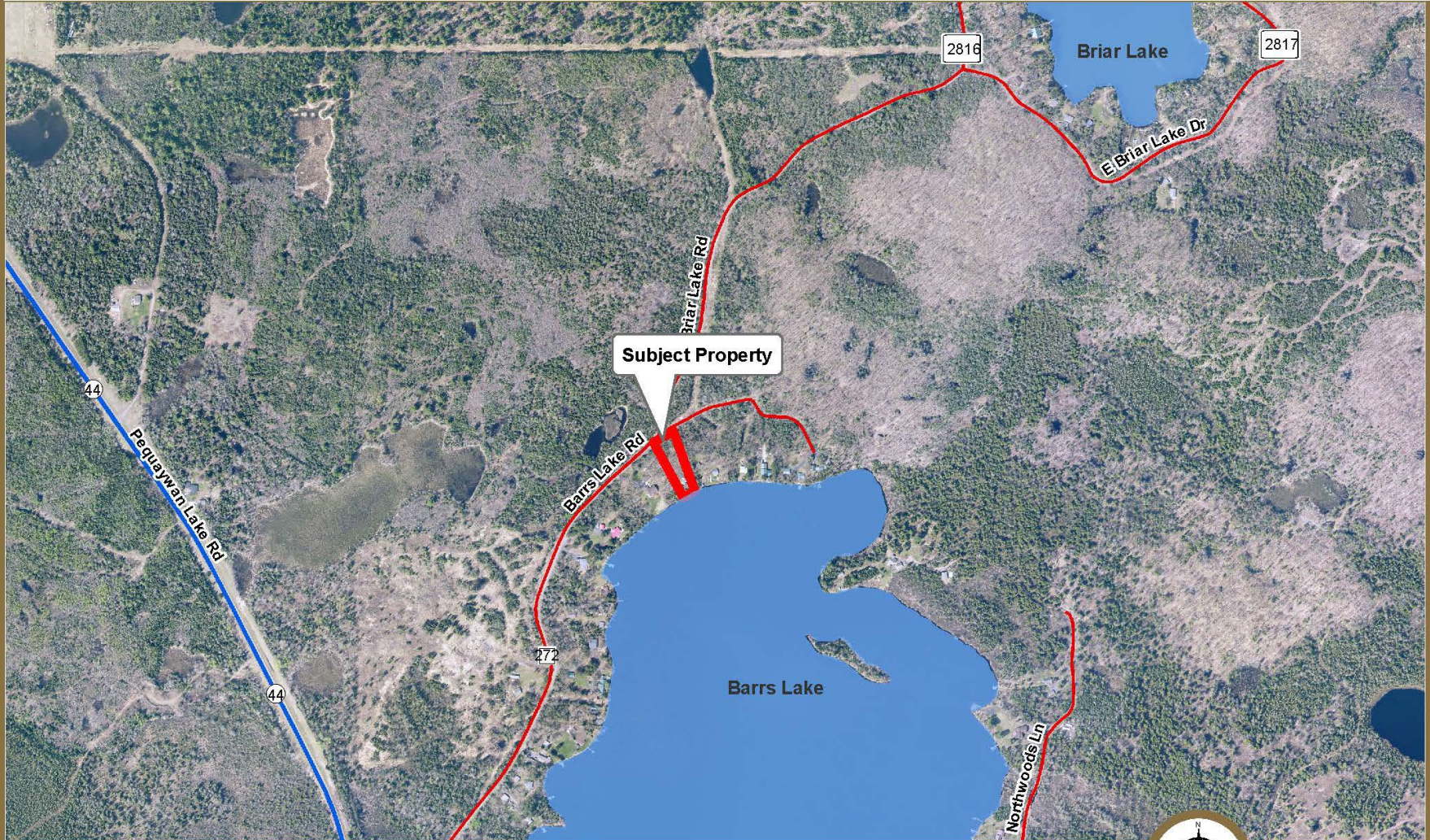
488-0020-00050



St. Louis County MN

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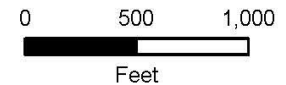
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Location Map

488-0020-00050



St. Louis County MN

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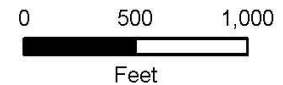
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Ann Chouinard Zoning Map 488-0020-00050



St. Louis County MN

St. Louis County

August BOA Meeting

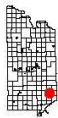


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Source: St. Louis County

Map Created: 7/24/2023

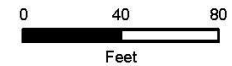
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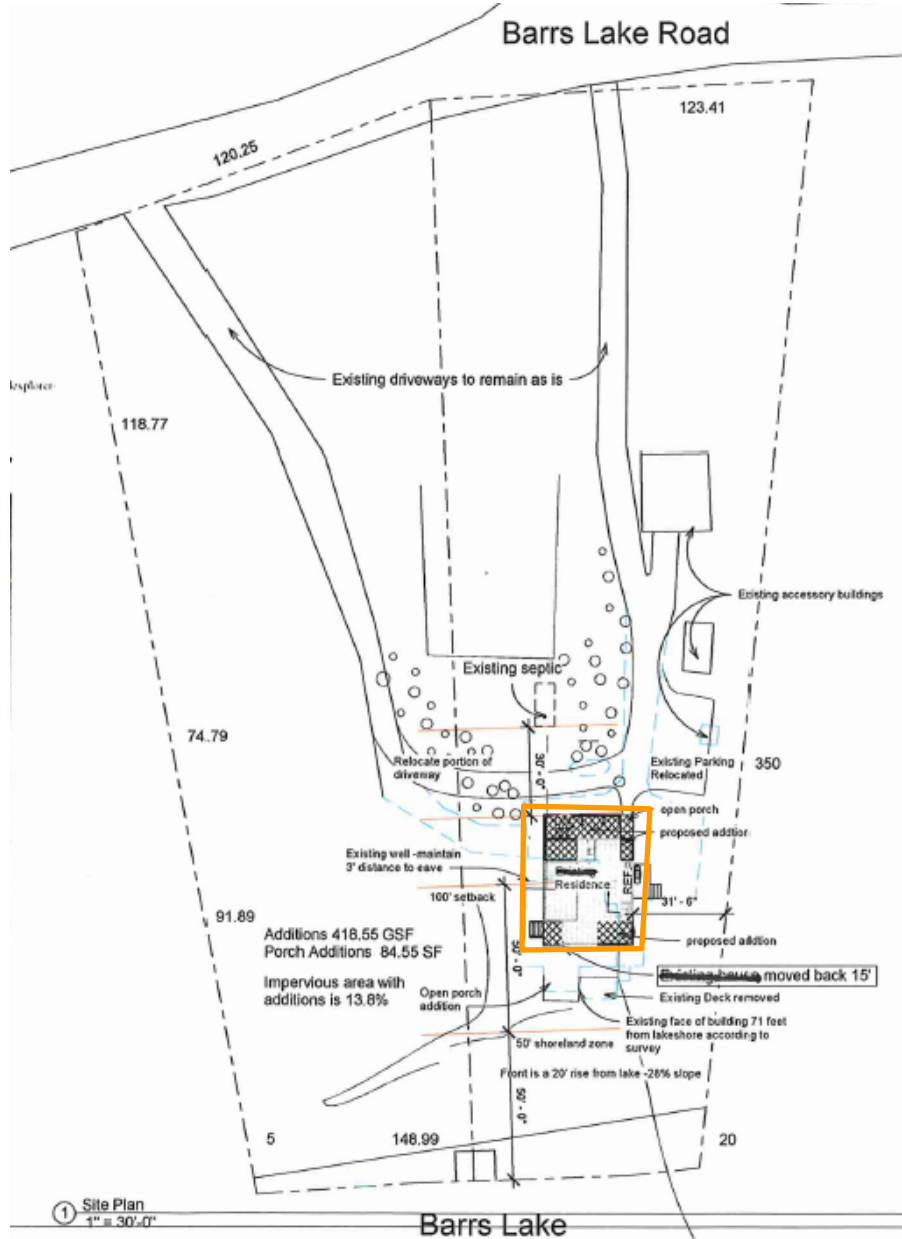
Site & Elevation Map

PIN: 488-0020-00050 & 488-0020-00040



St. Louis County MN

Applicant Site Sketch



① Site Plan
1" = 30'-0"

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BUILDERS COMMONWEALTH, INC.

- DESIGN-BUILD ARCHITECTURE
- GENERAL CONTRACTING
- HAND-CRAFTED TIMBER FRAMING
- CUSTOM CABINETS & FURNITURE

Design Drawings 11-20-20

Printed 11/20/2020 9:04:22 AM

Chouinard

7656 Barrs Lake Road - Addition
Site Plan

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

C1

1" = 30'-0"

11/20/2020 9:04:22 AM

Sketch from 2020 Variance



height of 32 feet

② 3D View 1



① First Floor
1/4" = 1'-0"

517 Garfield Avenue
Millville, NJ 08302
(215) 781-7888
Fax: (215) 726-0824
builderscommonwealth.com

- BUILDERS COMMONWEALTH, INC.**
- DESIGN/BUILD ARCHITECTURE
 - GENERAL CONTRACTING
 - HAND-CRAFTED TIMBER FRAMING
 - CUSTOM CABINETS & FURNITURE



Design Drawings 9-22-20

Printed 10/11/2020 2:52:38 PM

Chouinard

7656 Barrs Lake Road - Addition
First Floor Plan

Project number: Project Number
Date: Issue Date
Drawn by: Author
Checked by: Checker

A1

1/4" = 1'-0"

St. Louis County

August BOA Meeting



100' lake setback

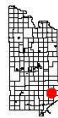
Shore impact zone

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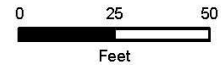
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Ann Chouinard Proposal Map

PIN: 488-0020-00050 & 488-0020-00040



St. Louis County MN



Dwelling – lake side

Front of former dwelling ~ 18'
to current dwelling





Dwelling – road side

Dwelling to Septic – 32'



Staff Facts & Findings



Official Controls

1. Barrs Lake is a Recreational Development Lake which requires a shoreline setback of 100 feet.
 - a. The after-the-fact dwelling is located at a shoreline setback of 74 feet (field measured).
2. 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."
3. Zoning Ordinance 62, Article VIII, Section 8.6 B(4)b.iv, 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, Subd. 7 and all acts amendatory thereof.



Official Controls

1. St. Louis County Comprehensive Land Use Plan:
 - a. Goal LU-3 is to improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
 - b. Objective LU-3.1 is to base variance decisions on uniform approval criterion to ensure all applicants are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
 - c. 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 property has suitable buildable area that conforms to ordinance standards.
3. A new dwelling may be relocated at a conforming location with a land use permit.



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 conforming and nonconforming seasonal and year-round residences.
3. In addition to the variance granted on the property in 2020, there had been three similar variances approved within the plat for additions that reduced the shoreline setback on nonconforming principal structures and for accessory structures at a reduced shoreline setback.
4. An adjacent property was denied a variance for a replacement dwelling at a reduced shoreline setback in April 2023.



Other Factors

1. The applicant received a variance to add onto the former dwelling in December 2020 with the condition that the if the structure was deemed unsound to add on to or moved, a new structure may be allowed provided all setback and ordinance requirements are met.
 - a. A land use permit for the project was issued in July 2022.
 - b. The existing dwelling was determined unsound to add on to or move and construction of the new dwelling at the reduced shoreline setback began in April 2023.
2. Zoning 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. On-Site Wastewater passed the record review of the proposed project.



Was the construction completed prior to applying for the variance?
If not, what extent of the construction has been completed?

1. The basement was excavated and ICF walls poured prior to County staff notifying the applicant in June 2023 that the project is outside the scope of the approved land use permit. Construction has since stopped.
2. The applicant ceased construction and applied for a variance for an after-the-fact replacement dwelling at a reduced shoreline setback.



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 structure 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 after-the-fact variance to allow a dwelling at a reduced shoreline setback as proposed include, but are not limited to:

1. The stormwater runoff from the existing structure shall not directly discharge into the lake or onto adjacent parcels.
2. The shore impact zone shall be preserved in a natural state and screening shall be retained.
3. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
4. St. Louis County On-site Wastewater SSTS standards shall be followed.



Correspondence



S A I N T
LOUIS ♦
COUNTY
M I N N E S O T A

Board of Adjustment

Questions?



Public

Questions?

