

Presenter

Skyler Webb - Planner



Ryan Nelson

10316 Ash River Trail

Orr, MN



SAINT
LOUIS ♦
COUNTY
MINNESOTA

Variance Request

Requesting relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.3 D

- To allow a nonconforming principal structure to exceed allowed structure width facing the water
- To allow a nonconforming principal structure to exceed the allowed height for a structure located between the shore impact zone and the required shoreline setback.



Proposal Details

- The applicant is proposing to construct a 2160 square foot dwelling. The structure width facing the water will be 44 feet where 40 feet is allowed, and at a structure height of 32 feet where 25 feet is allowed.
- There is an approved variance on file to allow a 2160 square foot nonconforming principal dwelling to be located at a reduced shoreline setback of 53 feet, and a reduced roadway setback of 36 feet that has not yet been constructed.
 - The current variance request is in addition to the approved variance request from December 2021.



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

731-0010-00727



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ZOOMED IN LOCATION MAP

Subject Property

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Location Map
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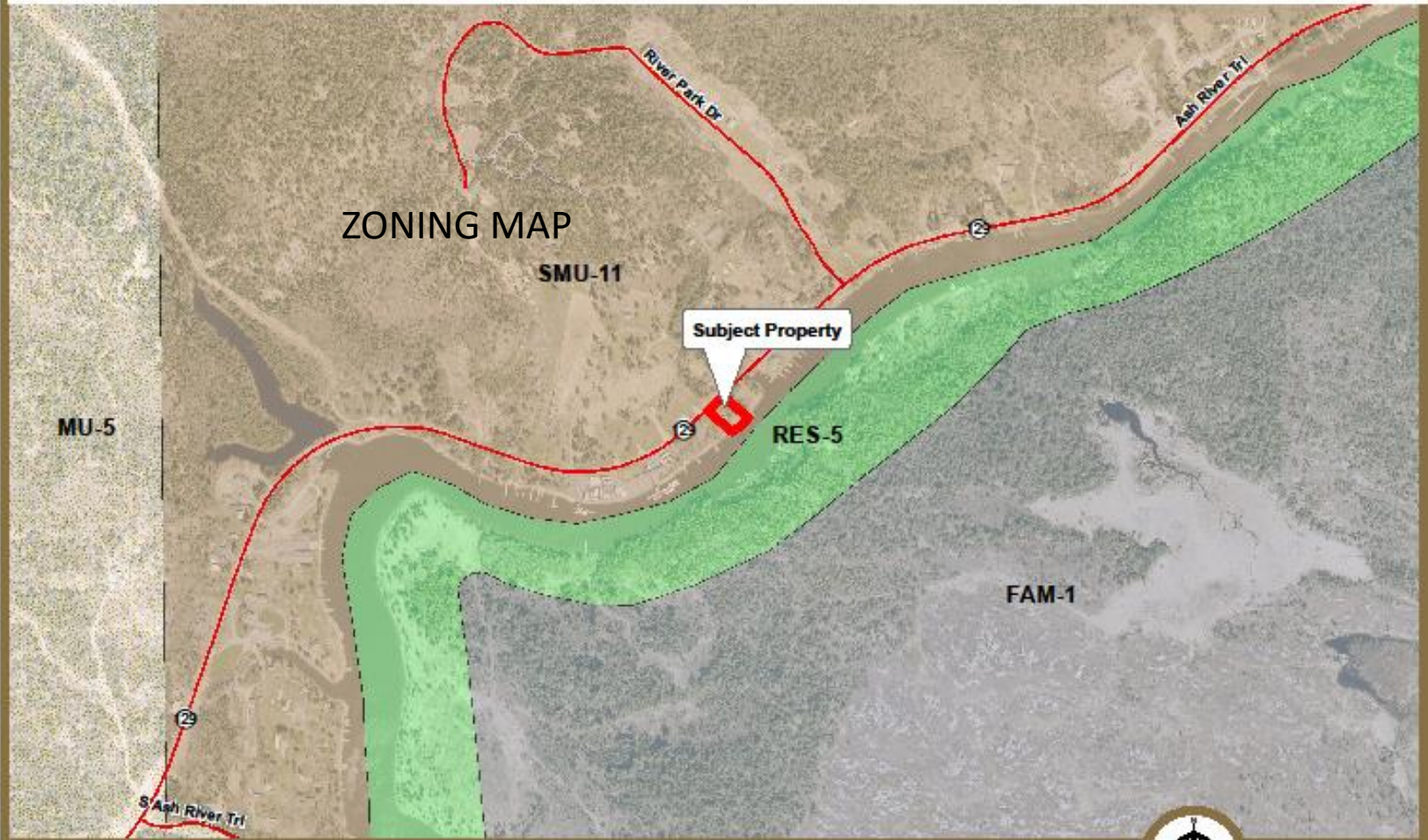
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Feet



St. Louis County MN

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ZONING MAP

SMU-11

Subject Property

RES-5

FAM-1

MU-5

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Zoning Map
731-0010-00727

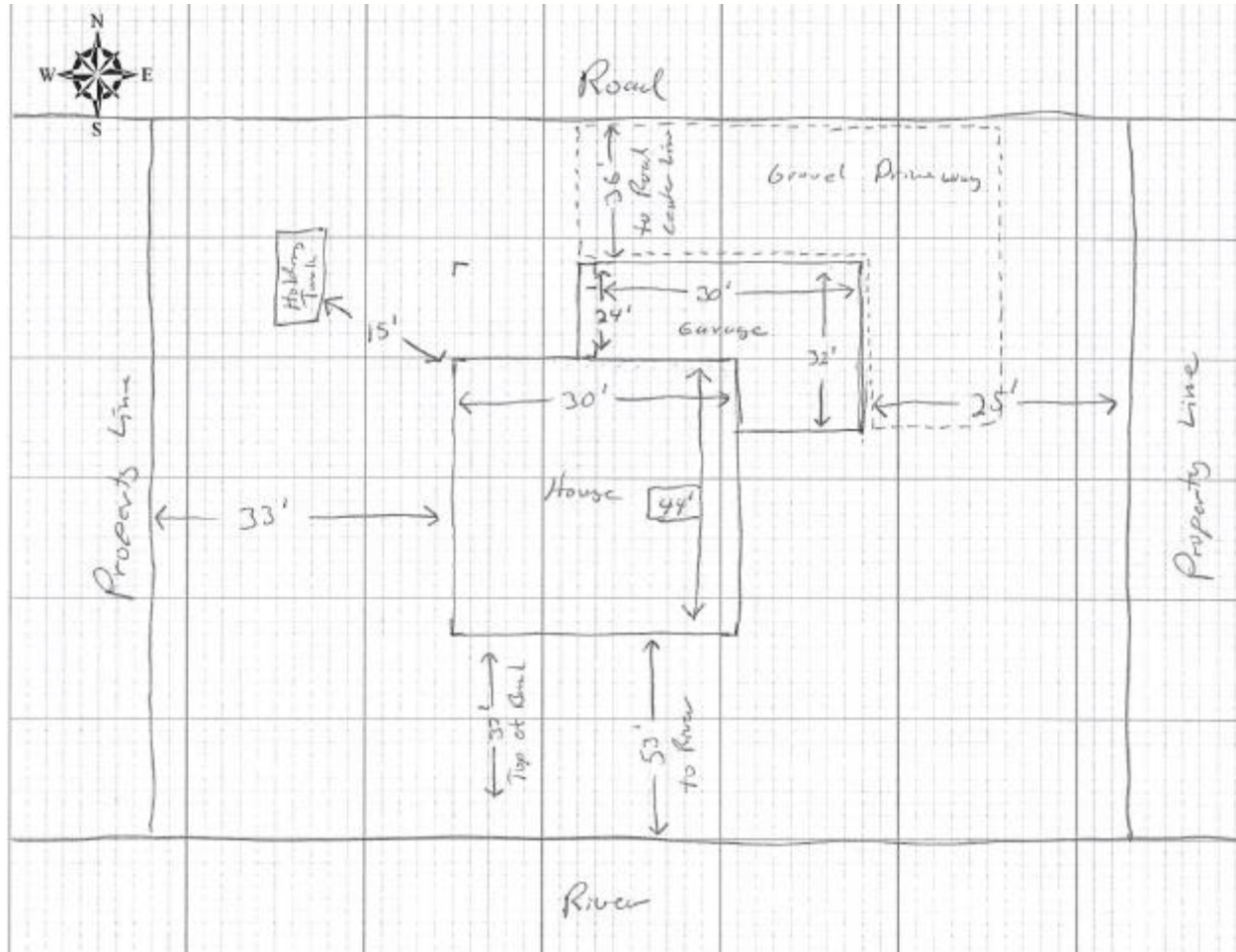


0 400 800
Feet



St. Louis County MO

Applicant Site Sketch



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Site Map
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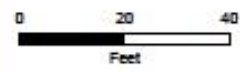
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Site & Elevation Map

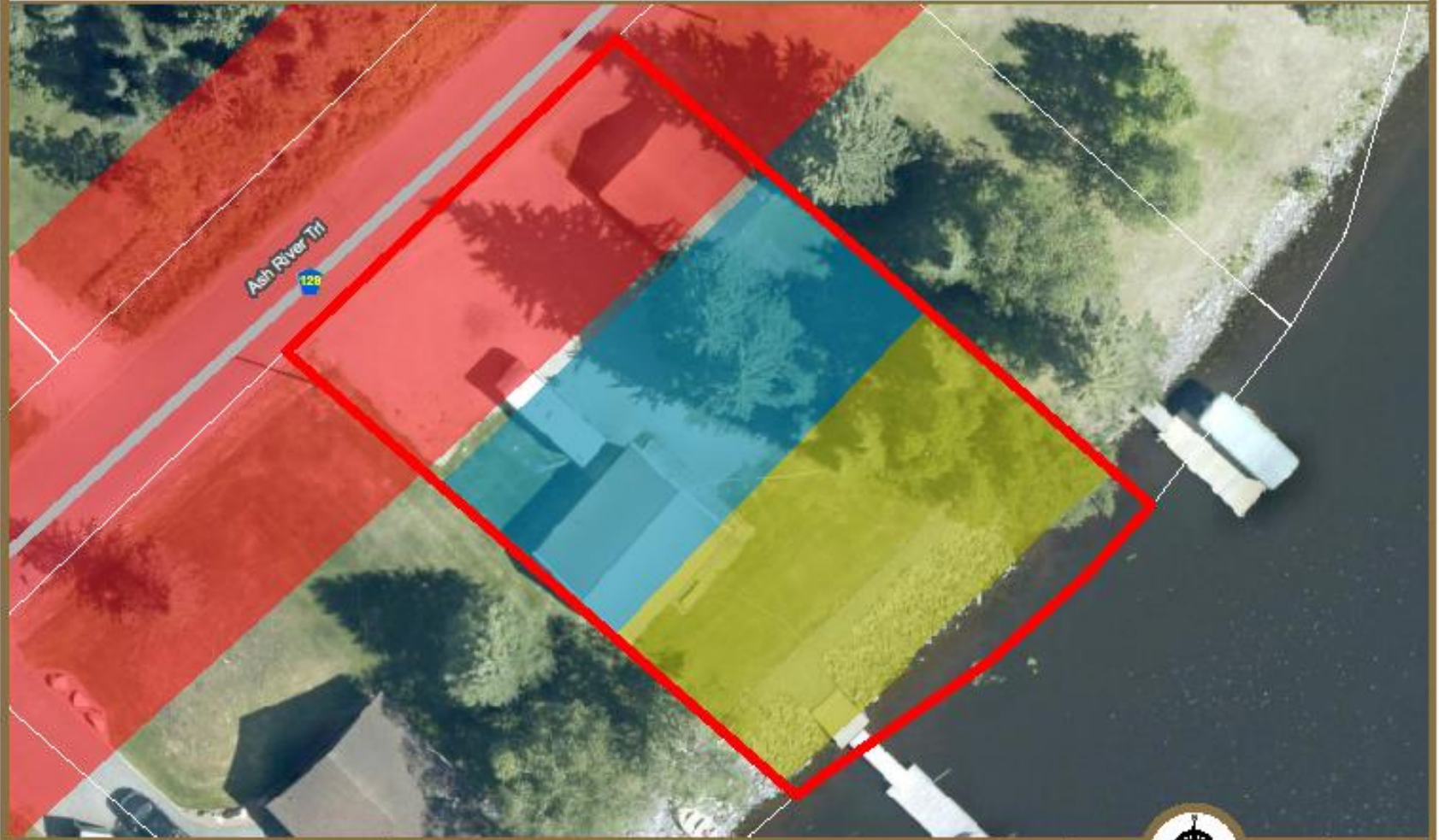
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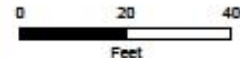
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Setbacks Map
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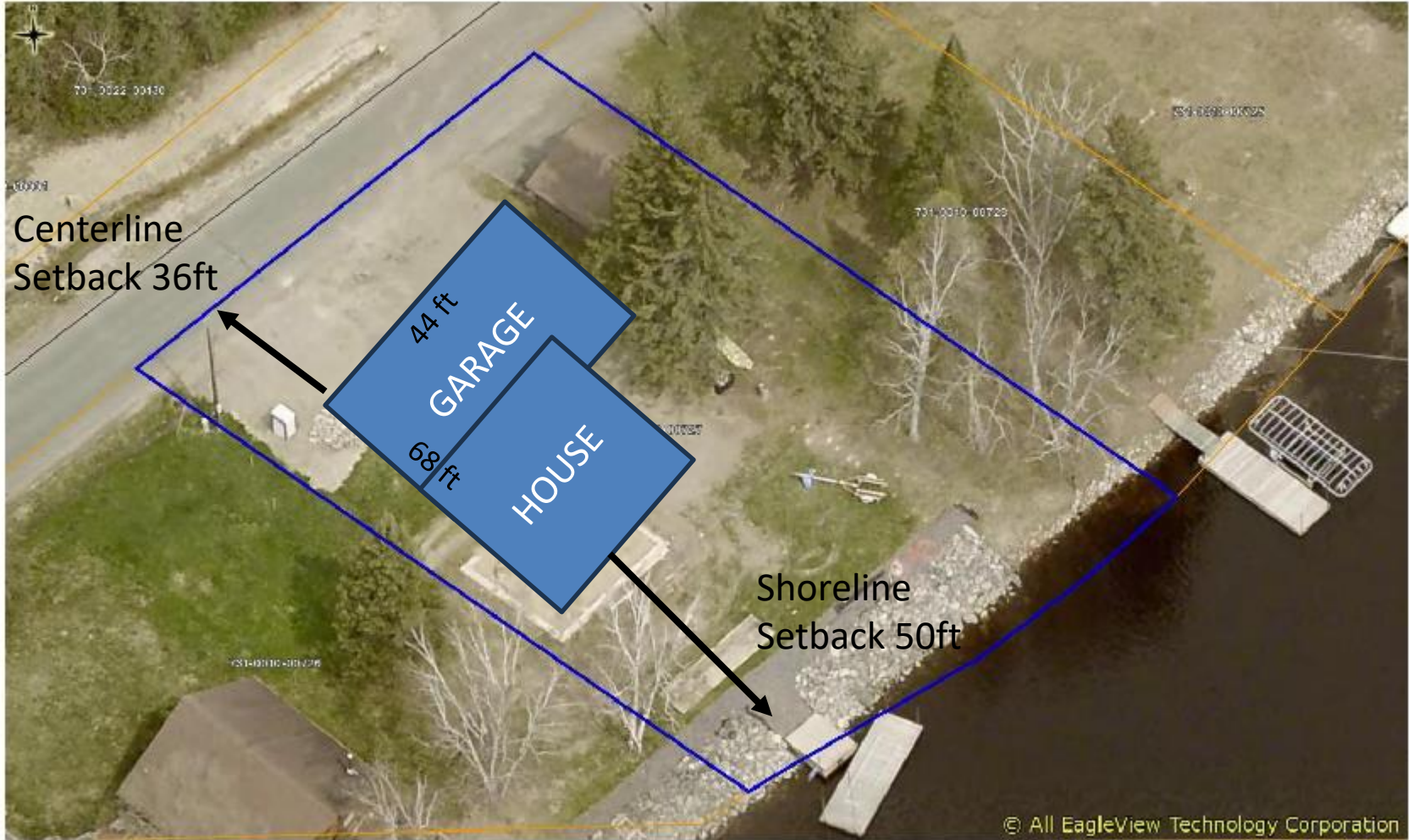


Previous Dwelling –
Facing Shoreline



Previous Dwelling – Rear

NELSON



05/15/2023

Proposal

Staff Facts & Findings



Official Controls

1. 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. The applicant is proposing 44 feet of the structure to face the shoreline where 40 feet is allowed.
2. St. Louis County Zoning Ordinance 62 Article IV, Section 4.3 D allows a nonconforming structure up to 25 feet in height maximum if all or any part of the structure is between the shore impact zone and the required setback. The applicant is proposing a structure height of 32 feet.



Official Controls

1. 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.
2. 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 applicants 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 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 Statue 394.22 Subd. 10.



Practical Difficulty

1. There is an approved variance on file from 2021, the applicant could proceed with the approved variance proposal.
 - Approved Variance from December 2021 to create a 2,160 square foot dwelling at a reduced shoreline setback of 53 feet, and a reduced roadway setback of 36 feet from the centerline.
 - The approved structure was proposed to have a width of 30 feet, and a height of 22 feet.
 - The previous variance request did not include a request for height or structure width facing the water.
2. Reducing the size and configuration of the structure could eliminate and reduce the request for variances. As proposed the structure size and configuration is considered a self-created practical difficulty.



Essential Character of the Locality

1. The neighborhood consists of nonconforming parcels with small cabins at reduced setbacks.
2. The applicant is not proposing a new use to the area.
3. There have been no similar variance requests approved in the neighborhood.



Other Factors

- 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.
- The applicant did not include structure height or width facing the shoreline in the previous variance request.



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 2,160 square foot nonconforming dwelling with a structure width facing the water of 44 feet parallel to the shoreline where 40 feet is allowed and a height of 32 feet where 25 feet is allowed as proposed include, but are not limited to:

1. A plan to enhance vegetation and protect the shore impact zone shall be submitted prior to issuance of a land use permit.
2. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
3. Lot coverage of the parcel shall not exceed 25 percent.
4. The stormwater runoff from the proposed structure shall not directly discharge into the river or on adjacent lots.



Correspondence



Board of Adjustment

Questions?



Public

Questions?

