

Presenter

Jared Ecklund-Senior Planner



Margaret McCaffery

Dwelling Addition

8701 Raps Road, Cook

Beatty Township



SAINT
LOUIS
COUNTY
MINNESOTA

Request

- The applicant is requesting approval for a 360 square foot addition to a dwelling that would reduce the shoreline setback of a nonconforming dwelling
 - The requested addition is a roof overhang to cover an existing deck.
 - The current shoreline setback of the structure is approximately 70 feet.
 - The proposed addition would reduce the shoreline setback to 66-67 feet.



History

- A performance standard permit was issued for an addition to the dwelling in February of 2021.
 - This permit was approved for the roof overhang because the contractor confirmed that it would not reduce the shoreline setback.
- The applicant's contractor applied for another performance standard permit approximately one month later for the roof to extend 3-4 feet towards the shoreline.
 - When staff reviewed the request, it was determined that a variance would be required because the shoreline setback would be reduced by the addition.



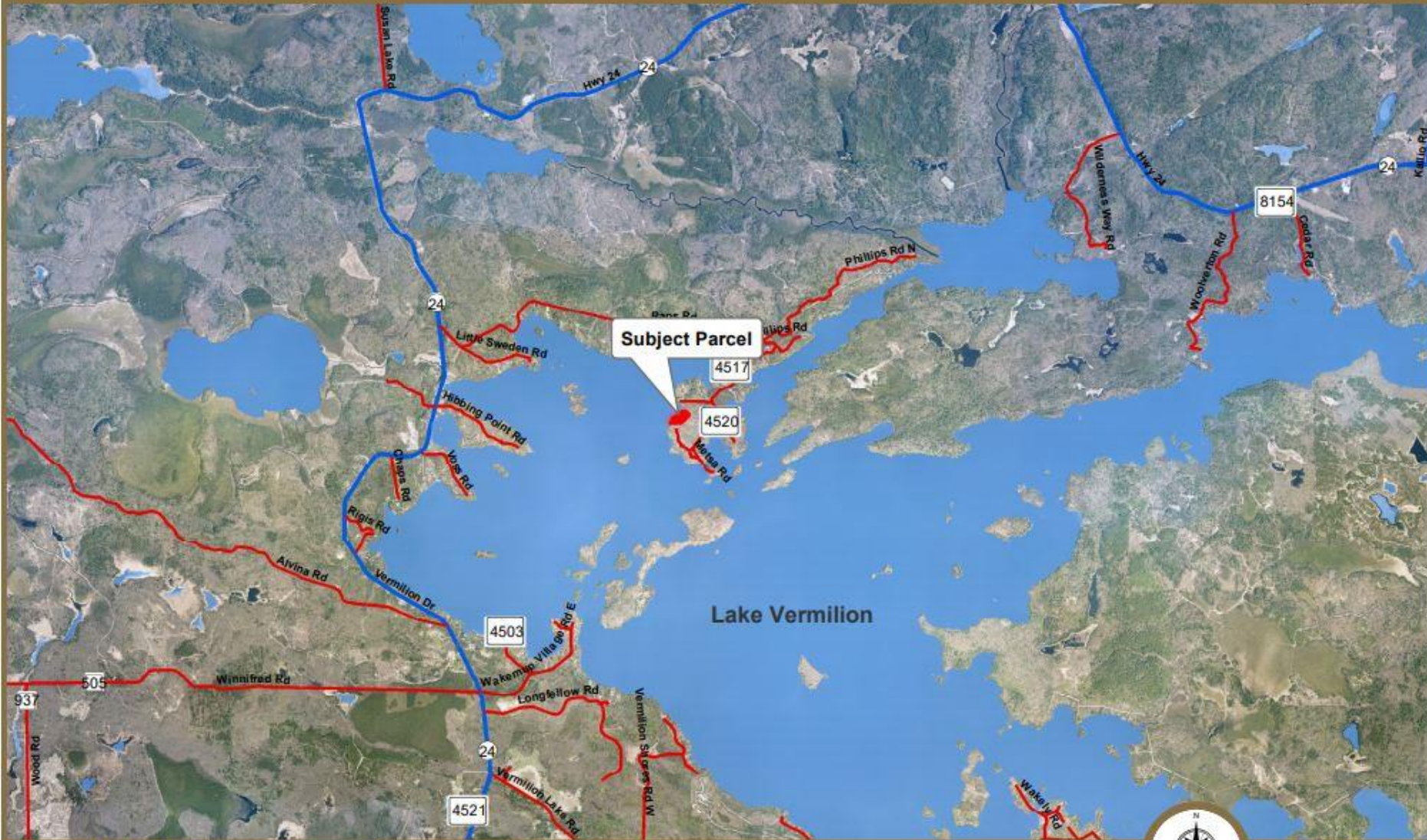
Site Visit

- A site visit was conducted on the property on 5-14-21.
 - During the site visit, it was discovered that the posts and rafters for the proposed addition had already been constructed.
 - Employees of the contractor that were on site indicated that the construction had been done approximately one month ago.
 - They also stated that work on the roof overhang stopped when we notified the contractor and homeowner that the proposal would require a variance



St. Louis County

June BOA Meeting



Prepared By: **Planning & Community Development**
(218) 725-5000
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Map Created: 5/17/2021

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Margaret McCaffey
Location Map
PIN:250-0040-00100



0 0.75 1.5
Miles



St. Louis County MN

St. Louis County

June BOA Meeting



RES-8

RES-7

RES-5

Subject Parcel

Lake Vermilion

Raps Point Trl

Raps Rd

Black Bay Rd

Metsa Rd

Metsa Rd

4517

4520

4517

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Margaret McCaffey

Zoning Map

PIN:250-0040-00100



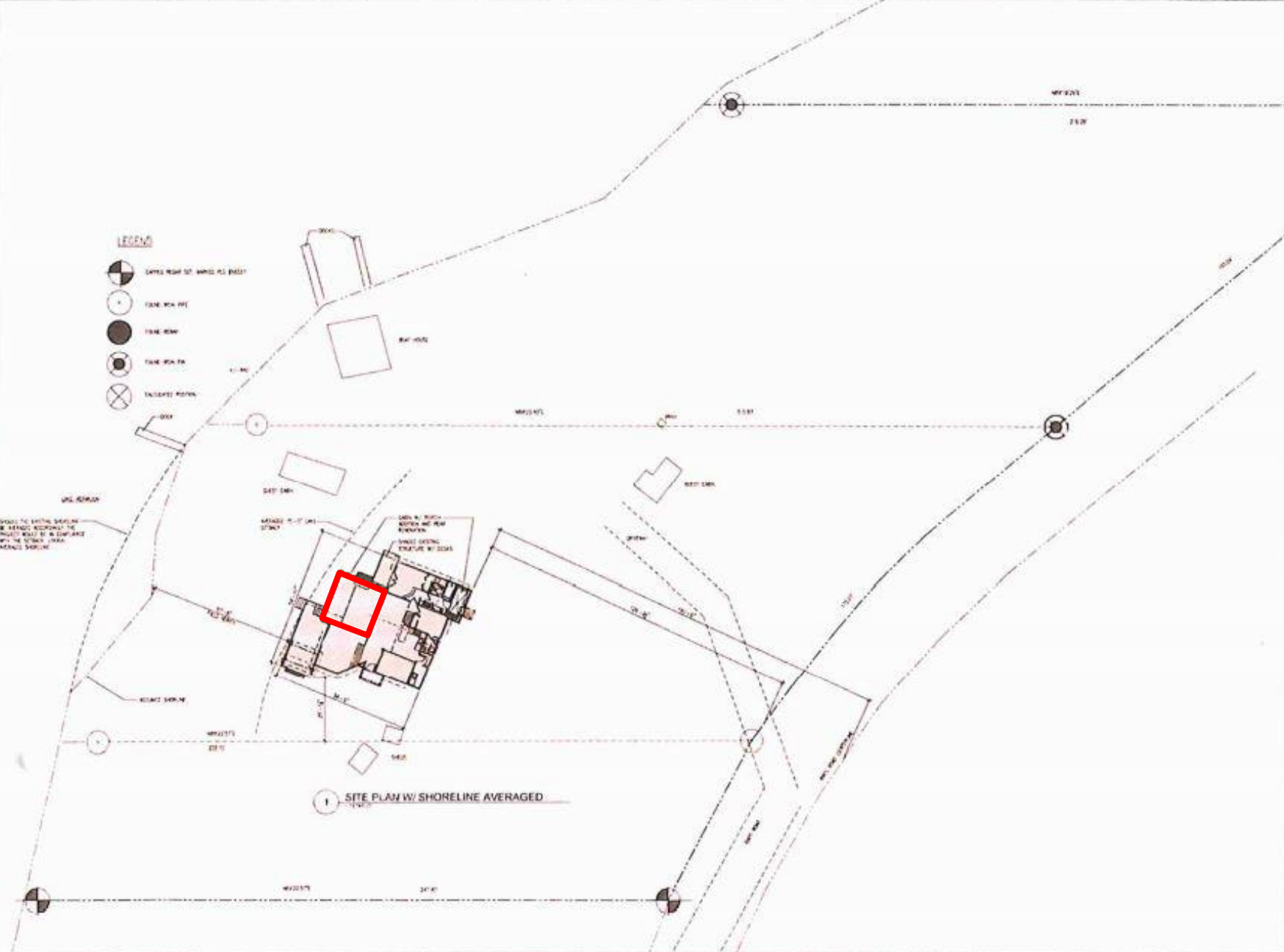
0 500 1,000
Feet



St. Louis County MN

LEGEND

-  DASHED SHORELINE (Hatched Area)
-  EXISTING ROAD
-  PROPOSED ROAD
-  EXISTING STRUCTURE
-  PROPOSED STRUCTURE



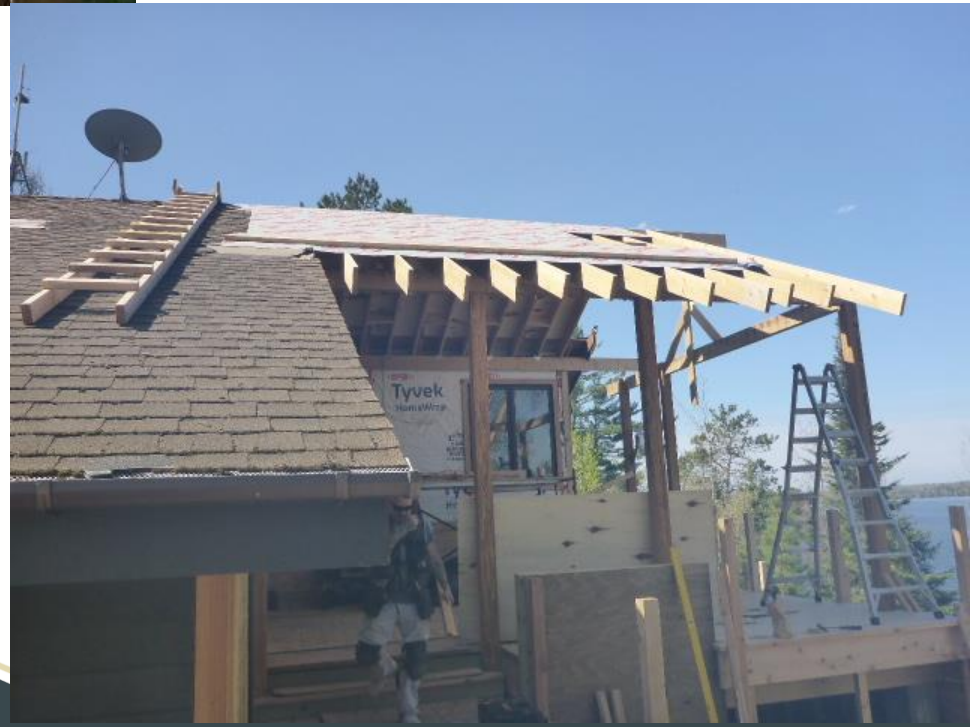


1 NEW REAR PORCH
1/4"=1'-0"

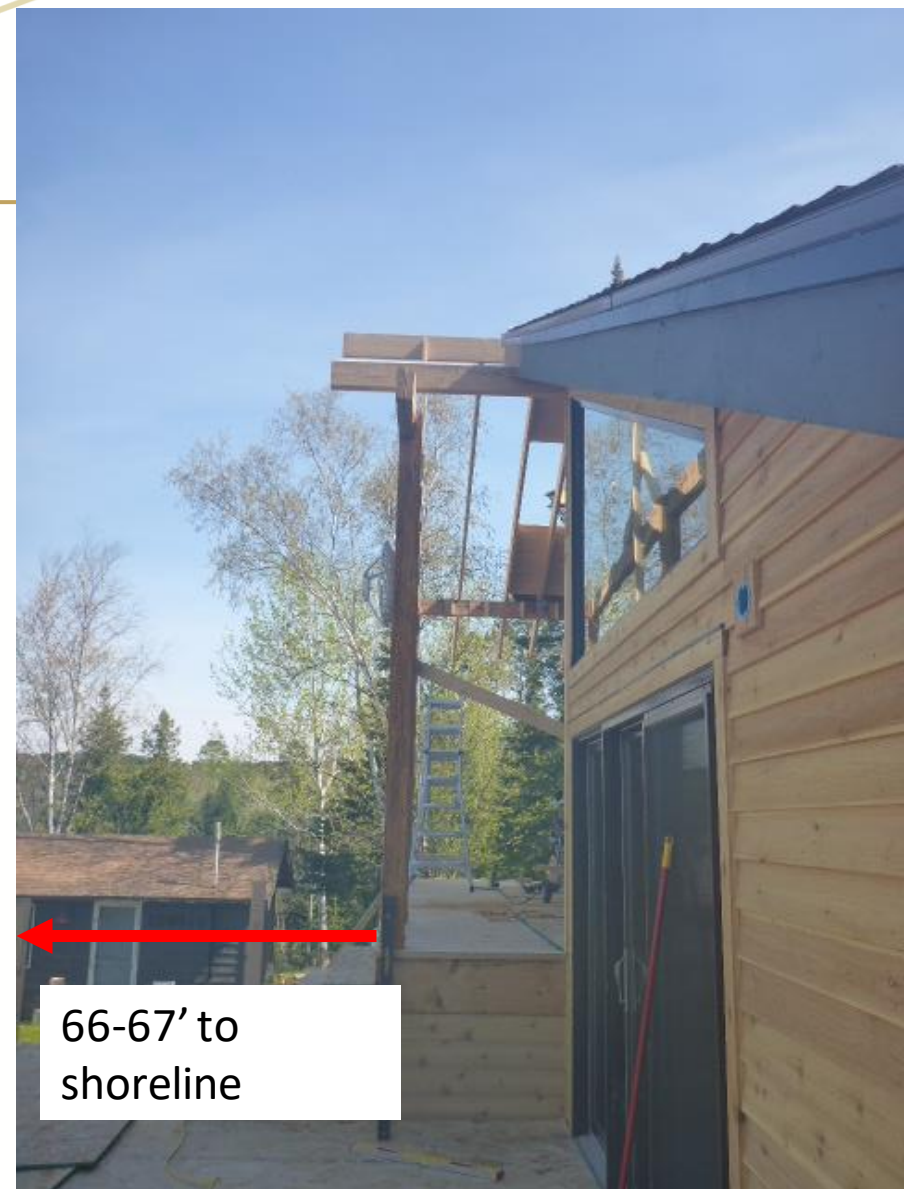


08/23/2018









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Site Map



0 10 20 30
Feet



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Site Map



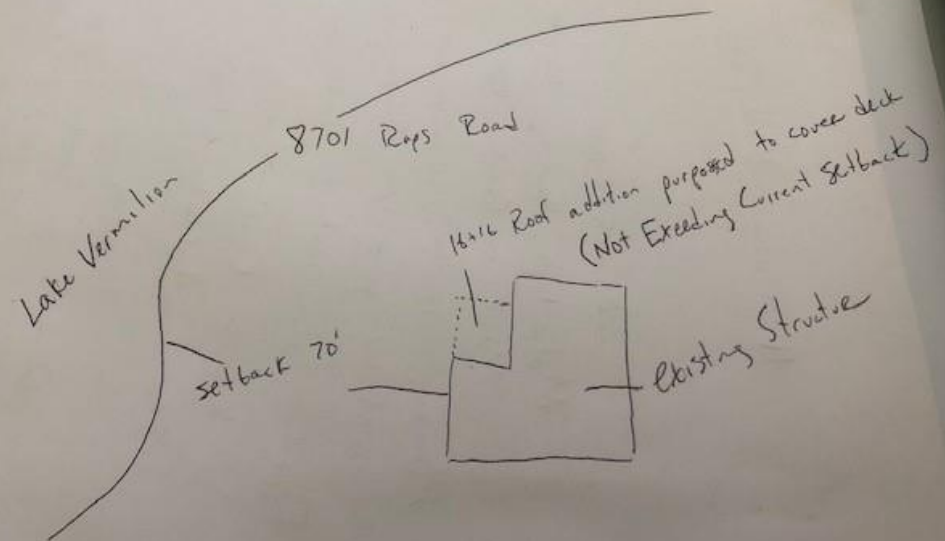
0 10 20 30
Feet



St. Louis County MN

The proposed addition (Deck roof
overhang)
will not go any closer
than current structure setback
(70')

Wkulta
2/24/21



Facts and Findings



Plans and Official Controls

1. Zoning Ordinance 62 states that the required shoreline setback on a General Development Lake is 75 feet; the applicant's dwelling is located approximately 70 feet from the shoreline of Lake Vermilion and the proposed addition would reduce the setback to 66-67 feet.
2. Zoning Ordinance 62 states that a nonconforming principal structure may be expanded once if the addition does not decrease the existing shoreline setback; the proposed addition would reduce the shoreline setback by 3-4 feet.
3. 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.
4. 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.



Practical Difficulty

1. The applicant is allowed an addition (roof overhand) of up to 400 square feet with a performance standard permit if the roof overhang does not extend closer to the shoreline than the closest wall of the structure.
 - a. A performance standard permit was issued for a roof overhang in this location and the contractor submitted a signed statement that the roof would not extend closer to the shoreline than the existing structure.
 - b. The contractor later applied for a permit to extend the roof overhang closer to the shoreline. It was then determined that a variance would be required.
2. During the site visit it was determined that construction on the roof overhang and support posts has already begun and was close to completed.
 - a. The posts are located 42 inches closer to the shoreline than the wall of the structure with the roof overhang extending beyond the 42 inches of the support posts.
3. The size of the proposed roof overhang can be allowed, but it is not allowed to extend beyond the closest wall of the structure.



Practical Difficulty

1. The support posts and roof overhang could be cut back so it does not encroach on the shoreline setback more than the existing structure.
 - a. The contractor's employees on site indicated that it could be cut back, if necessary (pending result of this variance request).
2. An alternative would be to cut the roof overhang back so that it does not extend more than three feet towards the shoreline from the closest wall of the structure.
3. The applicant has not provided sufficient evidence as to why the roof overhang cannot meet the current shoreline setback of the structure. As stated in the St. Louis County Comprehensive Land Use Plan, nonconformities are a concern and that variances should be for exceptional circumstances as noted in Minnesota Statutes.



Essential Character of the Locality

1. The applicant owns several parcels in this area. The total amount of land owned by the applicant in this area appears to be 12 or more acres.
2. This area is highly developed.
3. Many of the structures in this area are located at a conforming setback, but there are also several that are nonconforming.
4. There have been several variances in the area, but none of them appeared to be for an addition to reduce the shoreline setback of an existing nonconforming dwelling.



Other Factors

1. Construction on the roof overhang that extends closer to the shoreline began before a permit was issued.
 - a. A permit cannot be issued without prior variance approval.
 - b. The contractor was aware that the overhang could not extend closer to the shoreline than the closest wall of the structure.
2. St. Louis County Zoning Ordinance 62 states that 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 Minnesota Statutes, section 394.27, subdivision 7 and all acts amendatory thereof.
3. The applicant has stated that the need for the overhang to extend closet towards the shoreline is mainly for aesthetic reasons.



BOARD OF ADJUSTMETN CRITERIA FOR APPROVAL OF A VARIACNE

- 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?**



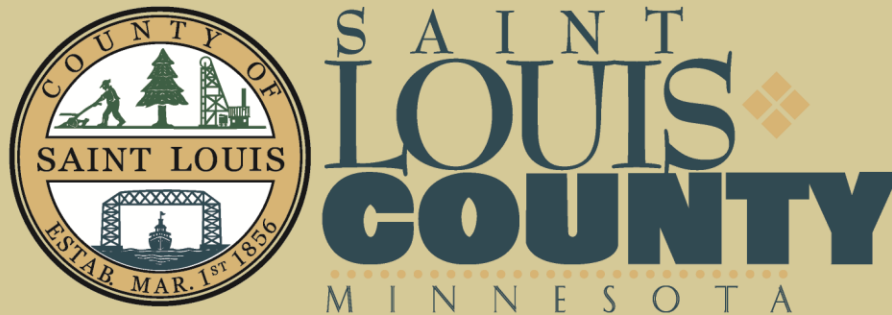
CONDITIONS

Conditions that may mitigate the variance for an addition to a nonconforming principal structure that will decrease the shoreline setback 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 structure shall not directly discharge into the lake or on adjacent lots.
3. The proposed roof overhang shall not be enclosed unless it does not reduce the shoreline setback of the structure.
4. The shore protection zone shall be preserved in a natural state and screening shall be retained.



Correspondence



Planning Commission

Questions?



Public Questions?

