

**MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY BOARD OF ADJUSTMENT HELD BOTH VIRTUALLY VIA WEBEX AND IN-PERSON AT THE ST. LOUIS COUNTY GOVERNMENT SERVICES CENTER, LIZ PREBICH ROOM, VIRGINIA, MN ON THURSDAY, JUNE 9, 2022.**

11:15 AM – 12:55 PM

Board of Adjustment members in attendance: Tom Coombe  
Steve Filipovich  
James McKenzie  
Dave Pollock  
Roger Skraba  
Ray Svatos  
Diana Werschay, Chair

Board of Adjustment members absent: None - 0

**Decision/Minutes for the following public hearing matters are attached:**

**NEW BUSINESS:**

- A. Johnathan Snell, S21, T63N, R18W (Beatty)
- B. Cade Gornick, S30, T62N, R15W (Breitung)
- C. Dede Antonelli, S30, T60N, R21W (French)

**OTHER BUSINESS:**

**Motion by Skraba/McKenzie** to approve the minutes of the May 12, 2022 meeting.

**In Favor:** Coombe, McKenzie, Pollock, Skraba, Svatos, Werschay – 6

**Opposed:** None – 0

**Abstained:** Filipovich – 1 (was not present in the room)

**Motion carried 6-0-1**

**Board of Adjustment Bylaws**

**Motion by Skraba/McKenzie** to approve the 2022 Board of Adjustment bylaws.

**In Favor:** Coombe, Filipovich, McKenzie, Pollock, Skraba, Svatos, Werschay – 7

**Opposed:** None – 0

**Motion carried 7-0**

*Jenny Bourbonais* announced *Stephen Erickson* has taken a GIS Specialist position within the Planning Department's GIS Division and will likely no longer present cases.

*Jenny Bourbonais* stated the caseload for the July 14, 2022 hearing is extensive. Board members determined they could have a single day hearing.

## **NEW BUSINESS:**

### **Case 6312 – Johnathan Snell**

The first hearing item was for Johnathan Snell, subject property located in S21, T63N, R18W (Beatty). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.7, to allow an accessory structure (garage) at a reduced road centerline setback from a local public road where a minimum of 48 feet is required and a reduced road right-of-way setback from a local public road where a minimum of 15 feet is required. *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing to replace an existing accessory structure (garage) with a proposed new structure located 36 feet from the road centerline where 48 feet is required, five feet from the road right-of-way where 15 feet is required and 7.5 feet from the SSTS absorption area where 10 feet is required.
- B. The existing garage is a 2-stall, 769 square foot garage and is currently nonconforming because it is located approximately 35 feet from the road centerline, approximately 3 feet from the road right-of-way, and 9.25 feet from the SSTS absorption area.
- C. The proposed structure will be a 3-stall, 1,400 square foot in ground floor area.
- D. The applicant's proposal is within the building coverage and impervious coverage allowed.

*Jared Ecklund* reviewed staff facts and findings as follows:

- A. Official Controls:
  1. Zoning Ordinance 62 states the required centerline setback from a local public road is 48 feet; the applicant is requesting a setback of 36 feet.
  2. Zoning Ordinance 62 states the required right-of-way setback from a local public road is 15 feet; the applicant is requesting a setback of five feet.
  3. St. Louis County sewage treatment standards require a minimum setback from an absorption area for a garage of 10 feet; the applicant is requesting approval for a setback of 7.5 feet from the absorption area.
  4. 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.
  5. 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.
  6. 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.
- B. Practical Difficulty:
  1. The application indicates that meeting the required road setbacks would require additional excavation into the slope behind the building site.
    - a. Because the proposed garage is deeper than the existing garage, some excavation and/or fill would be required for the proposed garage as well.
  2. A narrower structure would allow both the property line setback and the SSTS absorption area setback to be met.

- a. Reducing the width of the proposed garage by 2.5 feet would allow the absorption area and property line setback to be met.
- 3. Reducing the depth of the structure may allow the road setbacks to be met with less excavation than would be required for the proposed structure at a conforming setback.
  - a. The only practical difficulty for the structure to be located at reduced road setbacks is the excavation into the slope.
  - b. A combination of excavation and fill could be accomplished with erosion control in place. This would allow the road setbacks to be met.
  - c. Reducing the depth of the garage by approximately 12 feet could also allow the structure to meet the road setbacks while not increasing the amount of excavation that would be required for the structure as proposed.
    - i. A garage that is 28 feet in depth may allow the road setback to be met.

C. Essential Character of the Locality:

- 1. This is a fairly highly developed area on Lake Vermilion.
- 2. Many of the properties in this area have accessory structures, but it appears that most of them meet the road setbacks.
- 3. There was one similar request approved for an accessory structure at reduced road setbacks in this plat.
  - a. In this case, there was limited space between the dwelling and the road for a structure to meet all setbacks.

D. Other Factors:

- 1. The proposal would bring the lot coverage on the property to near the maximum that is allowed.
  - a. All future development would need to meet maximum lot coverage and building footprint standards.
- 2. There are a variety of factors that go into the setbacks from structures to components of a septic system.
  - a. These factors range from damage that could be caused to the system by construction equipment to preventing a system from properly treating wastewater by compacting soils around the system and increasing runoff near the system.

*Jared Ecklund* noted no items of correspondence.

**STAFF RECOMMENDATION**

Conditions that may mitigate the variance for an accessory structure (garage) at a reduced road centerline setback of 35 feet from a local public road where a minimum of 48 feet is required and a reduced road right-of-way setback of five feet from a local public road where a minimum of 15 feet is required and for an accessory structure (garage) located 7.5 feet from the SSTS absorption area where 10 feet is required as proposed include, but are not limited to:

- 1. The lot coverage on the property shall not exceed 25 percent of the lot area.
- 2. The building footprint on the property shall not exceed 15 percent of the lot area.
- 3. The setbacks to the road and the SSTS absorption area shall be maximized to the greatest extent possible.
- 4. All local, county, state, and federal regulations shall be met.

*Johnathan Snell*, 1194 Bucher Avenue, Shoreview, the applicant, stated he was aware of the 10 foot setback to the peat filter system. He was not aware of the additional 2.5 foot absorption area around the peat filter system. The current structure does not have rain gutters. The proposed structure would have rain gutters. This would improve the infiltration between the structure and the peat filter system from snow melt and rain runoff. It does get wet in that area. The existing structure was built in either 1957 (when the electric permit was issued) or 1970. The garage is showing its age. The garage does not meet the existing setback requirements. The proposed garage has a greater setback to the road. There are no sight restriction issues from the roadway. This is a straight stretch of East Wakemup Village Road. There is no sight hinderance for the neighbor to the north and it will not hinder getting out of their driveway. While there are options to narrow or shorten the structure, that would not fit his needs. The garage will store a 26 foot long boat and still have workshop space in the back. As a civil engineer, he was able to run calculations on excavation needed and determined he would be at 40 cubic yards. If the structure were moved to the road setback, that would add an additional approximate 60 cubic yards of excavation. Between the amount and the cost of excavation, there are a lot of mature trees that would need to be removed.

No audience members spoke. There were no virtual attendees.

The *Board of Adjustment* discussed the following:

- A. Board member *Coombe* asked about the peat system absorption area. *Jared Ecklund* stated that the absorption area extends 2.5 feet beyond the edge of the peat filter system. The applicant indicated that they would protect this area especially from stormwater.
- B. Board member *Pollock* stated there was a limitation of a garage size allowed in the past and asked if such a limitation exists. *Jared Ecklund* stated there is no size limitation. Zoning Ordinance 62 does not limit the size of an accessory structure.
- C. Board member *McKenzie* asked if the north/south line on the site sketch is the property line. *Johnathan Snell* stated that this is a line between two property stakes. *Jared Ecklund* stated that would be the rear property line of the platted lot and is the edge of the road right-of-way. The existing right-of-way is grass.
- D. Board member *Coombe* asked if this is a purchased right-of-way or if it is just a paper road. *Jared Ecklund* stated this could be a platted right-of-way. The center of the right-of-way is paved. The right-of-way is 66 feet in width.
- E. Board member *McKenzie* stated he sees the applicant's point to not build into the slope. Board member *Skraba* stated his concern was erosion when cutting into the slope.
- F. Board member *Coombe* requested that there should be gutters on the south side of the proposed structure.

#### **DECISION:**

**Motion by McKenzie/Skraba** to approve a variance for an accessory structure (garage) at a reduced road centerline setback of 35 feet from a local public road where a minimum of 48 feet is required and a reduced road right-of-way setback of five feet from a local public road where a minimum of 15 feet is required and for an accessory structure (garage) located 7.5 feet from the SSTS absorption area where 10 feet is required, based on the following facts and findings:

- A. Official Controls:

1. Zoning Ordinance 62 states the required centerline setback from a local public road is 48 feet; the applicant is requesting a setback of 36 feet.
2. Zoning Ordinance 62 states the required right-of-way setback from a local public road is 15 feet; the applicant is requesting a setback of five feet.
3. St. Louis County sewage treatment standards require a minimum setback from an absorption area for a garage of 10 feet; the applicant is requesting approval for a setback of 7.5 feet from the absorption area.
4. Official controls seek to manage and minimize nonconformities while still allowing for reasonable use of the property.
5. The variance request is in harmony with the general purpose and intent of official controls.

B. Practical Difficulty:

1. The lot is configured in such a way with mature trees and a hillside that the applicant wishes not to disturb according to the application.
2. The placement of the peat filter septic system also makes it difficult to site a structure that would meet all setbacks.
3. Practical difficulty has been demonstrated in complying with the official controls.

C. Essential Character of the Locality:

1. This is a highly developed area on Lake Vermilion.
2. It appears many nearby properties were built or developed before setback standards were implemented.
3. The variance request will not alter the essential character of the locality.

D. Other Factors:

1. No correspondence was received from any neighbors.
2. The application indicated there would be gutters to avoid additional or unnecessary runoff falling into the peat filter absorption area.

The following conditions shall apply:

1. The lot coverage on the property shall not exceed 25 percent of the lot area.
2. The building footprint on the property shall not exceed 15 percent of the lot area.
3. The setbacks to the road and the SSTS absorption area shall be maximized to the greatest extent possible.
4. All local, county, state, and federal regulations shall be met.
5. There shall be gutters on the south side to minimize stormwater runoff to the peat filter system and its absorption area.

**In Favor:** Coombe, Filipovich, McKenzie, Pollock, Skraba, Svatos, Werschay - 7

**Opposed:** None - 0

**Motion carried 7-0**

### **Case 6313 – Cade Gornick**

The second hearing item was for Cade Gornick, subject property located in S30, T62N, R15W (Breitung). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.3, to allow an addition to an existing nonconforming principal structure that has previously been expanded where one addition is allowed. *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing to add on to an existing nonconforming principal structure that has been previously expanded.
- B. The dwelling is located approximately 60 feet from the shoreline of Lake Vermilion.
- C. An addition was added to the dwelling in 2015.
- D. This was a 26 foot by 13 foot (338 square feet) addition to the rear of the structure.
- E. The proposed addition is 20 foot by 20 foot located to the rear of the previous addition.
- F. The proposed height is 22 feet.
- G. Since the structure was previously expanded, any future expansion is not allowed without variance.
- H. There is some vegetative screening from the shoreline on the property. The proposed addition would likely be well screened from the shoreline.
- I. The location of the proposed addition appears to be at or above the floodplain elevation on the property. An elevation survey was done by the previous landowner to document the base flood elevation.
- J. There is a pergola off the side from the 2015 addition that was included in the square footage.
- K. One of the accessory structures behind the dwelling will need to be removed.

*Jared Ecklund* reviewed staff facts and findings as follows:

- A. Official Controls:
  1. Zoning Ordinance 62 states that a nonconforming principal structure may be expanded once with a performance standard permit without variance; the applicant is proposing a second expansion to the principal structure on the property.
  2. 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.
  3. 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.
  4. 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 Statute 394.22 Subd. 10.
- B. Practical Difficulty:
  1. Zoning Ordinance 62 does not allow a second expansion to the structure without the need for a variance because it was previously expanded.
  2. The dwelling could be moved back to the required setback.
    - a. If the 75 foot shoreline setback were met, there would be less restrictions on the size of the structure.

3. The previous addition (with pergola) was a total of 338 square feet. The proposed addition is an additional 400 square feet.
  - a. Current ordinance standards would allow a total expansion area to a nonconforming principal structure in this location of 400 square feet (if the structure had not been previously expanded).
  - b. The total expansion to the nonconforming structure is 738 square feet.

C. Essential Character of the Locality:

1. This is a highly developed area on Lake Vermilion.
  - a. The zone district is one of the least restrictive zone districts in the Zoning Ordinance.
  - b. This allows a high development density while conforming to minimum lot size requirements.
2. There are many structures in the area that conform and many that do not conform to shoreline setback requirements in the area.
3. The adjacent parcels on each side of the subject property appear to meet the minimum shoreline setback.

D. Other Factors:

1. The previous addition was added under the previous Zoning Ordinance 46.
  - a. This addition met the formula for additions to nonconforming principal structures in Ordinance 46.
  - b. Although the addition was allowed by formula, only one addition is allowed to a nonconforming principal structure.
2. The previous owner had an elevation survey done on the property.
  - a. This should ensure that floodplain requirements are met.
3. The record review of the septic system failed because the system is undersized for the proposed additional living space/bedroom.
  - a. The applicant is aware that the system will need to be upgraded if the proposal is approved.

*Jared Ecklund* noted one item of correspondence from James Raasch not in support of the variance request. This item was provided to the Board of Adjustment prior to the hearing.

**STAFF RECOMMENDATION**

Conditions that may mitigate the variance for a 20 foot by 20 foot addition to an existing nonconforming principal structure that has previously been expanded include, but are not limited to:

1. The structure shall be unobtrusive earth-toned colors, including siding, trim and roof.
2. In the event that it is determined that the structure is not structurally sound to be added onto, a replacement structure may be allowed on the parcel with a land use permit, provided all setback and ordinance requirements are met.
3. The existing vegetative screening within the shore impact zone shall be retained.
4. All the requirements of FEMA and the St. Louis County Floodplain Ordinance 43 shall be met.
5. St. Louis County Onsite Wastewater SSTS standards shall be followed.

*Cade Gornick*, 5699 Hoodoo Point Road, the applicant, was present virtually and stated he appreciated the staff presentation. For as long as they lived there that access road has been used. They spoke to their western neighbor and will not be building any closer to the easement.

No audience members spoke. There were no virtual attendees.

The *Board of Adjustment* discussed the following:

- A. Board member *Werschay* asked if the pergola has been included in the addition square footage because of its roof. *Jared Ecklund* stated yes. A pergola is defined the same as an enclosed addition, like a screened porch.
- B. Board member *Coombe* asked for clarification on the comments made by the correspondent. *Jared Ecklund* stated this was from a neighbor about 500 feet to the east and not from one of the adjoining property owners. Board member *Pollock* added this might have meant the landowner had the first expansion and now is going for a second expansion.
- C. Board member *Pollock* asked what road the correspondent was referencing. *Jared Ecklund* stated that is unknown, but it could be the easement located to the west of the property. This easement is not a taxed parcel and is under the jurisdiction of Breitung Township. It would be considered an undeveloped public right-of-way. *Cade Gornick* stated this is approximately 40 feet wide.
- D. Board member *McKenzie* asked about the size of the pergola. *Jared Ecklund* stated it is not very big and could be 5 foot by 8 to 10 feet in size.
- E. Board member *Coombe* asked when the landowner purchased the property. *Cade Gornick* stated they purchased the property in December 2021.
- F. Board member *Coombe* asked about the second condition: In the event it is determined that the structure is not structurally sound to be added onto, a replacement structure may be allowed on the parcel with a land use permit, provided all setback and ordinance requirements are met. *Jared Ecklund* stated the reason this condition was suggested is because in some cases a structure is not worth adding onto during construction, so the structure is replaced. With this condition and, based on other ordinance standards, if the structure is replaced it cannot be replaced in the same location. A replacement structure would have to meet all setbacks.
- G. Board member *Coombe* asked if the landowner has the right to replace that structure in its exact location based on state statute, whether they want to remodel or replace. *Jared Ecklund* stated that for a remodel, they would be allowed. For a replacement, not necessarily. Based on state statute, if there is an opportunity to meet the setback for a replacement structure, the landowner will have to meet the setback or at least move it to a more conforming location.

#### **DECISION:**

**Motion by McKenzie/Coombe** to approve a variance for a 20 foot by 20 foot addition to an existing nonconforming principal structure that has previously been expanded, based on the following facts and findings:

- A. Official Controls:

1. Zoning Ordinance 62 states that a nonconforming principal structure may be expanded once with a performance standard permit without variance; the applicant is proposing a second expansion to the principal structure on the property.
2. Official controls seek to manage and minimize nonconformities while still allowing reasonable use of the property. They also promote health, safety and general welfare of the inhabitants, especially in this case.
3. The variance request is in harmony with the general purpose and intent of official controls.

B. Practical Difficulty:

1. The existing structure has been in place since 1960. It is not reasonable to expect the applicant to move the structure for building a relatively small addition.
2. Practical difficulty has been demonstrated in complying with the official controls.

C. Essential Character of the Locality:

1. The area around the applicant's property has long been highly developed with both conforming and nonconforming structures, many that were built before setback requirements.
2. The variance request will not alter the essential character of the locality.

D. Other Factors:

1. The applicant's proposal to place an addition to the rear of the existing structure will not be visible from the lake shore.
2. The correspondence received from the neighbor does not apply to this applicant's proposal.

The following conditions shall apply:

1. The structure shall be unobtrusive earth-toned colors, including siding, trim and roof.
2. In the event that it is determined that the structure is not structurally sound to be added onto, a replacement structure may be allowed on the parcel with a land use permit, provided all setback and ordinance requirements are met.
3. The existing vegetative screening within the shore impact zone shall be retained.
4. All the requirements of FEMA and the St. Louis County Floodplain Ordinance 43 shall be met.
5. St. Louis County Onsite Wastewater SSTS standards shall be followed.

**In Favor:** Coombe, Filipovich, McKenzie, Pollock, Skraba, Svatos, Werschay - 7

**Opposed:** None - 0

**Motion carried 7-0**

**Case 6314 – Dede Antonelli**

The third hearing item was for Dede Antonelli, subject property located in S30, T60N, R21W (French). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.2, to allow a principal dwelling to be replaced at a reduced property line setback, where a minimum of 15 feet is required; and Zoning Ordinance 62, Article III, Section 3.4, to allow a principal dwelling to be replaced at a reduced shoreline setback, where a minimum of 75

feet is required, and Zoning Ordinance 62, Article IV, Section 4.3, to allow a principal dwelling to exceed allowable structure height, where a maximum 20 feet is allowed when located within the shore impact zone. *Stephen Erickson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing to replace an existing nonconforming dwelling with a new 2,042 square foot dwelling in the same location.
- B. The existing dwelling is nonconforming to both property line and shoreline setbacks.
- C. The applicant is proposing a 43 foot shoreline setback where 75 feet is required and a 10 foot property line setback where a 15 foot setback is required.
- D. The existing dwelling has a height of 20 feet and the proposed structure will have a height of 27 feet.
- E. A structure height of up to 20 feet is allowed for structures in the shore impact zone.
- F. The parcel has fair screening from the road, lake, and neighboring properties.

*Stephen Erickson* reviewed staff facts and findings as follows:

A. Official Controls:

1. Zoning Ordinance 62 requires a 75 foot shoreline setback for General Development Lakes. The applicant is requesting a 43 foot shoreline setback.
2. Zoning Ordinance 62 requires a 15 foot property line for principal structures in a Residential (RES)-11 zone district. The applicant is requesting a 10 foot property line setback.
3. Zoning Ordinance 62 allows a structure height of up to 20 feet for structures located within the shore impact zone. The applicant is requesting a height of 27 feet.
4. Zoning Ordinance 62 allows nonconforming structures to be replaced through a performance standard permit if no alternatives to come into compliance are applicable and the structure does not exceed the size and height of the existing nonconforming structure.
5. 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.

B. Practical Difficulty:

1. Alternatives to the variance request would include:
  - a. A 200 square foot addition to the existing dwelling.
  - b. Performance Standard Permit replacement of the existing dwelling in the same height and footprint of the existing dwelling.
  - c. A structure height of 25 feet would be allowed through a Performance Standard Permit if the structure was moved to the 50 foot setback and reconfigured in the same square footage as the existing.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area. The area consists of seasonal and year-round dwellings.
2. There have been no similar variance requests approved within the Plat of Classes Shore Lots.

D. Other Factors:

1. A new structure could be allowed through a performance standard permit if the structure does not exceed the height of the existing and is located at the same setbacks and size of the existing structure.
2. A structure height of 25 feet would be allowed through a performance standard permit if the structure was moved to the 50 foot setback and reconfigured in the same square footage as the existing.
3. The applicant has been made aware of the alternatives and chose to apply for a variance.

*Stephen Erickson* noted no items of correspondence.

**STAFF RECOMMENDATION**

Conditions that may mitigate the variance for a dwelling to be replaced at a reduced shoreline setback of 43 feet, located at a 10 foot property line setback and with a structure height of 27 feet 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 proposed structure shall not directly discharge into the lake or on adjacent lots.
3. St. Louis County Onsite Wastewater SSTS standards shall be followed.
4. The proposal shall adhere to all local, state, and federal regulations.

*Dede Antonelli*, 400 Cloverleaf Drive, Golden Valley, the applicant, stated they are trying to keep the cabin nice and presentable. This is an older cabin that was added onto years ago. The roof is flat and leaking. There is rotting inside. She wants to make this a permanent residence. She wants to add a loft for storage and an office. She is trying to beautify the property and to add more trees. She wants to make it look better than it does now. The additional square footage is for the water and electrical to be brought up; it is currently located in a crawl space. This will be a heated slab on grade. She owns the property across the road.

*Chris Alesch*, the general contractor, clarified that the new structure will be within the same footprint. The only difference would be a covered porch. The structure will be 22 feet in height closer to the lake. The portion where the height is 27 feet is located about 70 feet from the shoreline. They had originally decided on a 12/12 pitch but went with a 10/12 pitch.

No audience members spoke. There were no virtual attendees.

The *Board of Adjustment* discussed the following:

- A. Board member *Coombe* asked what the existing square footage was. *Stephen Erickson* stated the existing square footage is approximately 1,904 square feet, which is approximately 138 square feet difference between what is being proposed and what currently exists. The additional square footage may be a covered porch off to the side.
- B. Board member *McKenzie* asked how far to the north the plat goes. There is a structure nearby that is not conforming, was more recently built, and it is not clear if that property is located within the same plat.

- C. Board member *McKenzie* stated he is familiar with this property. He asked if these are finalized drawings. The scale of the building looks much different than what exists now. *Dede Antonelli* stated that the plans are mostly complete. Only the back third of the structure will have the additional height because that would be where additional storage and office would be located.
- D. Board member *Coombe* asked if the additional square footage will be used for a utility room. *Dede Antonelli* stated yes, in addition to a washer and dryer.
- E. Board member *Skraba* asked what limits the applicant from building the structure back. *Dede Antonelli* stated her septic and well are located behind the house. She is in the process of upgrading her septic system. She has no other way to move the structure. The property is located on an S-curve. She already lost trees when the county put in a wider road. There is a berm across the back of her yard where she planted additional trees after the county added a culvert.

**DECISION:**

**Motion by McKenzie/Coombe** to approve a variance for a dwelling to be replaced at a reduced shoreline setback of 43 feet, located at a 10 foot property line setback, and with a structure height of 27 feet, based on the following facts and findings:

A. Official Controls:

- 1. Zoning Ordinance 62 requires a 75 foot shoreline setback for General Development Lakes. The applicant is requesting a 43 foot shoreline setback.
- 2. Zoning Ordinance 62 requires a 15 foot property line for principal structures in a Residential (RES)-11 zone district. The applicant is requesting a 10 foot property line setback.
- 3. Zoning Ordinance 62 allows a structure height of up to 20 feet for structures located within the shore impact zone. The applicant is requesting a height of 27 feet.
- 4. Zoning Ordinance 62 allows nonconforming structures to be replaced through a performance standard permit if no alternatives to come into compliance are applicable and the structure does not exceed the size and height of the existing nonconforming structure.
- 5. Official controls seek to manage and minimize nonconformities while still allowing reasonable use on the property. The use at this location has existed since 1940. Allowing the applicant to replace the structure would allow for reasonable use of the property.
- 6. The variance request is in harmony with the general purpose and intent of official controls.

B. Practical Difficulty:

- 1. The applicant's parcel is small because a county road was placed close to the lakeshore and was built decades ago probably because of wetlands to the east.
- 2. The lot measures 157 feet deep.
- 3. The 75 foot shoreline setback and the 48 foot road centerline setback limit the area where a new dwelling could be placed. This area would be further limited with mature pine trees, a well and the existing septic drainfield may be located.
- 4. With the road's location there are many parcels along this stretch of road which show the same limitations.

5. Practical difficulty has been demonstrated in complying with the official controls.

C. Essential Character of the Locality:

1. The area around the locality has been highly developed with a mix of conforming and nonconforming structures, many which were built before setback requirements were instituted.
2. The variance request will not alter the essential character of the locality.

D. Other Factor:

1. There was no correspondence received on this case.

The following conditions shall apply:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The stormwater runoff from the proposed structure shall not directly discharge into the lake or on adjacent lots.
3. St. Louis County Onsite Wastewater SSTS standards shall be followed.
4. The proposal shall adhere to all local, state, and federal regulations.

**In Favor:** Coombe, Filipovich, McKenzie, Pollock, Skraba, Svatos, Werschay - 7

**Opposed:** None - 0

**Motion carried 7-0**

**Motion to adjourn by Skraba. The meeting was adjourned at 12:55 p.m.**