

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY BOARD OF ADJUSTMENT HELD THURSDAY, JUNE 13, 2019, ST. LOUIS COUNTY PUBLIC WORKS, LOWER-LEVEL TRAINING ROOM, VIRGINIA, MN.

10:28 A.M. – 10:47 A.M.

Board of Adjustment members in attendance:	Steve Filipovich James McKenzie Sonya Pineo Dave Pollock Roger Skraba Ray Svatos Diana Werschay, Chair
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Board of Adjustment members absent:	None - 0
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Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

A. Henry Dale – S27, T62N, R15W (Breitung)

OTHER BUSINESS:

Motion by Skraba/Svatos to approve the minutes of the May 9, 2019 meeting.

In Favor: Filipovich, McKenzie, Pollock, Skraba, Svatos, Werschay - 6

Opposed: None – 0

Abstained: Pineo - 1

Motion carried 6-0-1

NEW BUSINESS:

Case 6186 – Henry Dale

The only hearing item was for Henry Dale, property located in S27, T62N, R15W (Breitung). The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.7, to allow an addition at a reduced road centerline setback and reduced road right-of-way setback. *Stephen Erickson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The request is to allow a 12 foot by 6 foot addition to the front of an existing dwelling.
- B. The applicant will remove existing concrete steps and replace them with a covered addition in the same footprint as the steps.
- C. The addition will be located 30 feet from the centerline of Third Avenue where 48 feet is required and 4 feet from the edge of the road right-of-way where 15 feet is required.

Stephen Erickson reviewed staff facts and findings as follows:

A. Official Controls:

1. Zoning Ordinance 62 requires a 48 foot setback from the centerline of Third Avenue.
2. Third Avenue is a residential street in Soudan.
3. St. Louis County Comprehensive Land Use Plan states Goal LU-3: Improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
4. St. Louis County Comprehensive Land Use Plan states 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.

B. Practical Difficulty:

1. The dwelling is located 36 feet from the centerline of Third Avenue.
2. Third Avenue is a local road within the Plat of Soudan that is primarily used solely by the residents within the neighborhood. The Plat of Soudan is a unique area that is similar to municipal areas in the county and as such may warrant a different setback requirement than other local county roads.
3. The existing dwelling, as well as a majority of the neighboring structures, does not conform to the required road centerline setback.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area.
2. The adjoining parcel to the north was granted a variance in 1994 to construct a dwelling and accessory structure at reduced property line and right-of-way setbacks.
3. Eleven variances have been approved in the Plat of Soudan for reduced centerline setbacks.
4. The 48 foot road centerline setback may not make sense for the Plat of Soudan as a majority of the existing structures do not conform to this setback.

D. Other Factors:

1. 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.
2. The applicant was issued a land use permit in April 2019 for an additional covered entrance addition to the side of the dwelling.

Stephen Erickson noted no items of correspondence.

STAFF RECOMMENDATION

In the event that the Board of Adjustment determines that the proposal meets the criteria for granting a variance to allow an addition at a reduced road centerline setback and reduced right-of-way setback, no conditions of approval are recommended.

Henry Dale, the applicant, stated that there are two reasons for the variance. The front door has no cover and the area between the storm door and the house door was filled with insulation and is considered a fire hazard. They are not adding any additional square footage to the footprint; they are just using the space taken up by the stairs. This is being constructed for safety and to save fuel costs.

No audience members spoke.

The Board of Adjustment discussed the following:

- A. Board member *Pollock* inquired if, of the eleven other variances approved, there are other structures as close to the road centerline as the applicant. *Jenny Bourbonais*, Acting Secretary, stated that the structures are pretty much in line with one another and are all within the general area of the setback as the applicant's proposal.
- B. Board member *McKenzie* inquired if the proposed addition would encroach even closer to the road right-of-way or will it just cover the existing steps? *Stephen Erickson* stated that the addition will just cover the area of the concrete steps.
- C. Inquired if this is a second entrance/exit into the dwelling. *Henry Dale* stated it will be the second entrance/exit and it is a fire hazard to have only one entrance/exit into the dwelling.

DECISION

Motion by Skraba/Pollock to approve a variance to allow a 12 foot by 6 foot addition at a reduced road centerline setback of 30 feet where 48 feet is required and a reduced road right-of-way setback of 4 feet where 15 feet is required, based on the following facts and findings:

- A. Official Controls:
 - 1. The applicant is constructing a 12 foot by 6 foot addition in place of existing concrete steps.
 - 2. Zoning Ordinance 62 requires a 48 foot setback from the centerline of Third Avenue.
 - 3. Third Avenue is a residential street in Soudan.
 - 4. St. Louis County Comprehensive Land Use Plan states Goal LU-3: Improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
 - 5. St. Louis County Comprehensive Land Use Plan states 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.
- B. Practical Difficulty:
 - 1. The dwelling requires two entrances/exits for safety reasons.
 - 2. The current entrance is not being used and a covered porch will fix that problem.
 - 3. The dwelling is located 36 feet from the centerline of Third Avenue.
 - 4. Third Avenue is a local road within the Plat of Soudan that is primarily used solely by the residents within the neighborhood. The Plat of Soudan is a unique area that is similar to municipal areas in the county and as such may warrant a different setback requirement than other local county roads.
 - 5. The existing dwelling, as well as a majority of the neighboring structures, does not conform to the required road centerline setback.

C. Essential Character of the Locality:

1. The applicant is not proposing a new use to the area.
2. The adjoining parcel to the north was granted a variance in 1994 to construct a dwelling and accessory structure at reduced property line and right-of-way setbacks.
3. Eleven variances have been approved in the Plat of Soudan for reduced centerline setbacks.
4. The 48 foot road centerline setback may not make sense for the Plat of Soudan as a majority of the existing structures do not conform to this setback.

D. Other Factor:

1. The 48 foot road centerline setback may not make sense for the Plat of Soudan as a majority of the existing structures do not conform to this setback. This is an issue that should be brought to the attention of Breitung Township for review and possible amendment in the future. The residents should not have to apply for a variance for simple requests.

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

Opposed: None - 0

Motion carried 7-0

Motion to adjourn by Skraba. The meeting was adjourned at 10:47 a.m.