

# Presenter

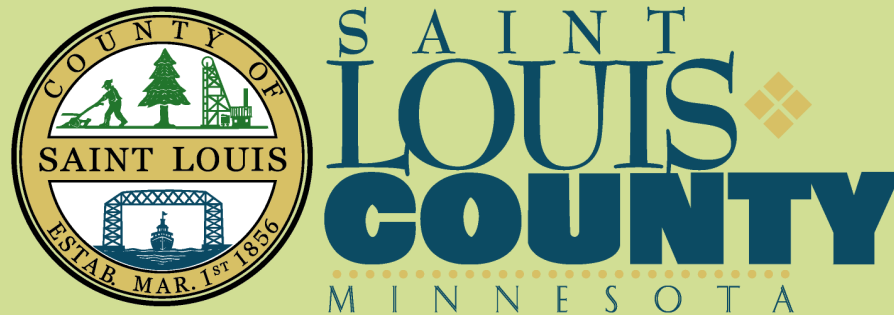
## Skyler Webb - Planner



# Ben & Heather Spalding

10166 Ash River Trail

Orr, MN 55771



# Variance Request

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The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.4, and Article IV, Section 4.3 D.,

- To allow a dwelling at a reduced shoreline setback.
- To exceed allowed structure width facing the water.



# Proposal Details

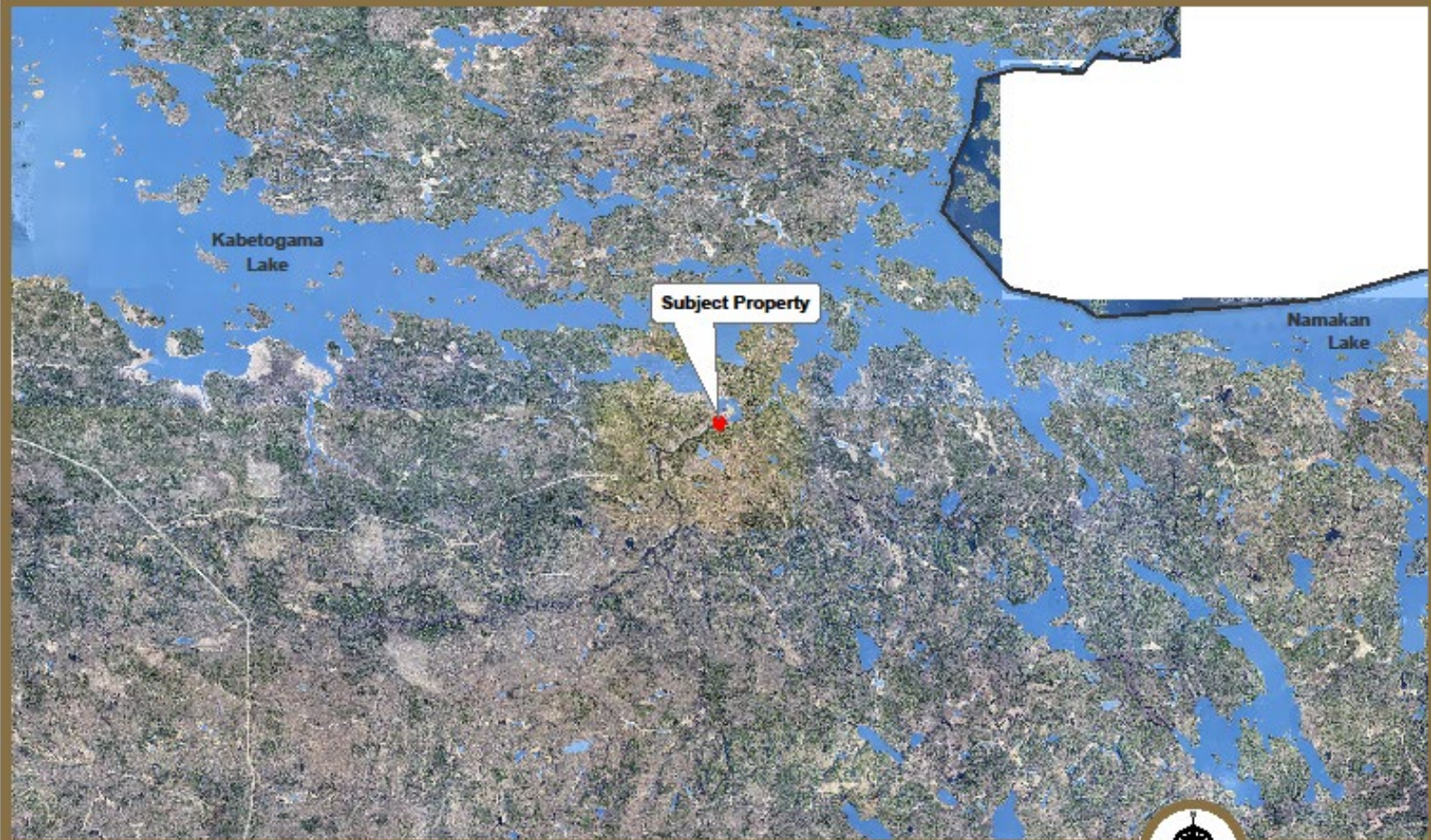
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- The applicant is proposing to construct a new 1582 square foot dwelling at a reduced shoreline setback that will exceed the allowed structure width of 40 percent of the lot width.
- The applicant is proposing a dwelling setback of 50 feet from the shoreline where 75 feet is required.
- The applicant is proposing to create a new dwelling with 48 feet (44 percent) of the structure facing the shoreline where 44 feet (40 percent) is allowed.



# St. Louis County

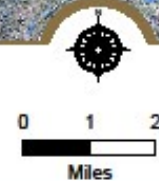
May BOA Meeting



Prepared By: Planning & Zoning  
Department  
(218) 725-5000  
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**Ben Spalding**  
Location Map  
732-0030-00130



St. Louis County MN



# St. Louis County

May BOA Meeting



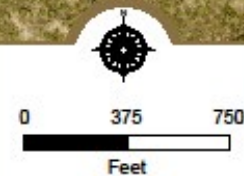
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Location Map  
732-0030-00130



St. Louis County MN

PUBLIC LOCATION MAP



# St. Louis County

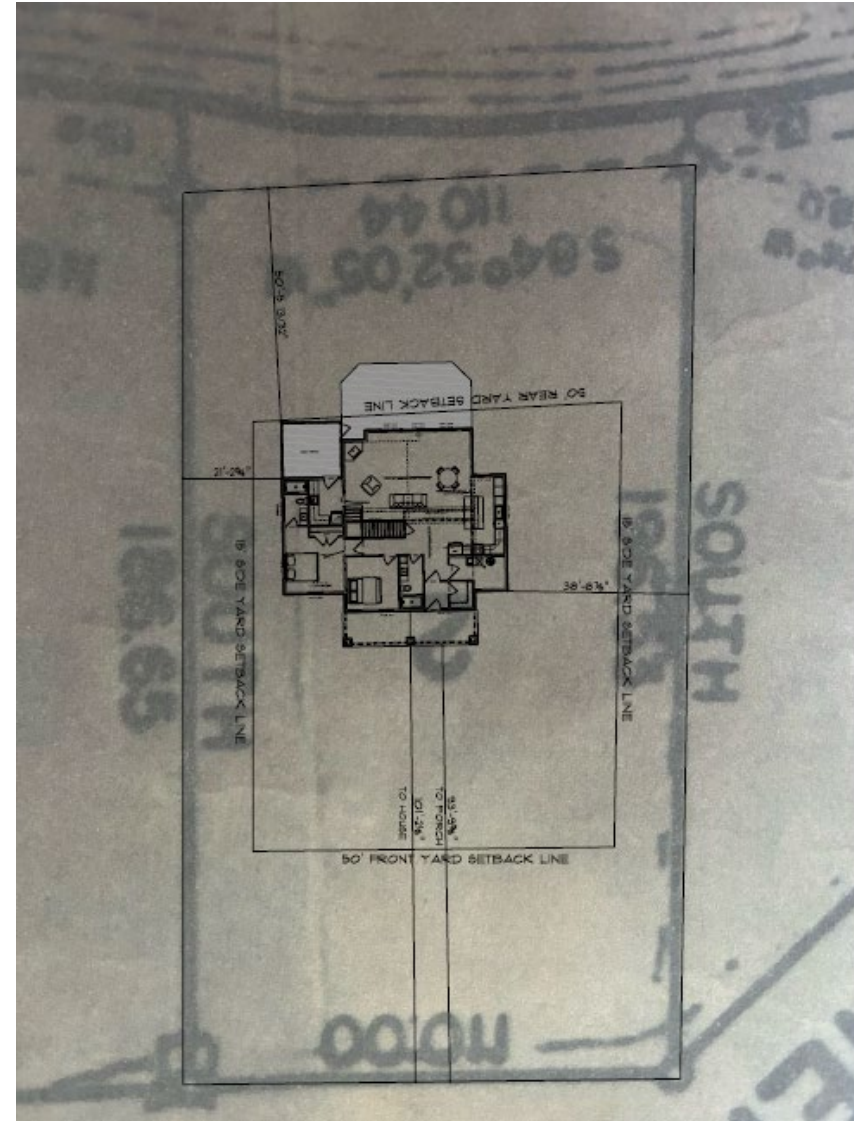
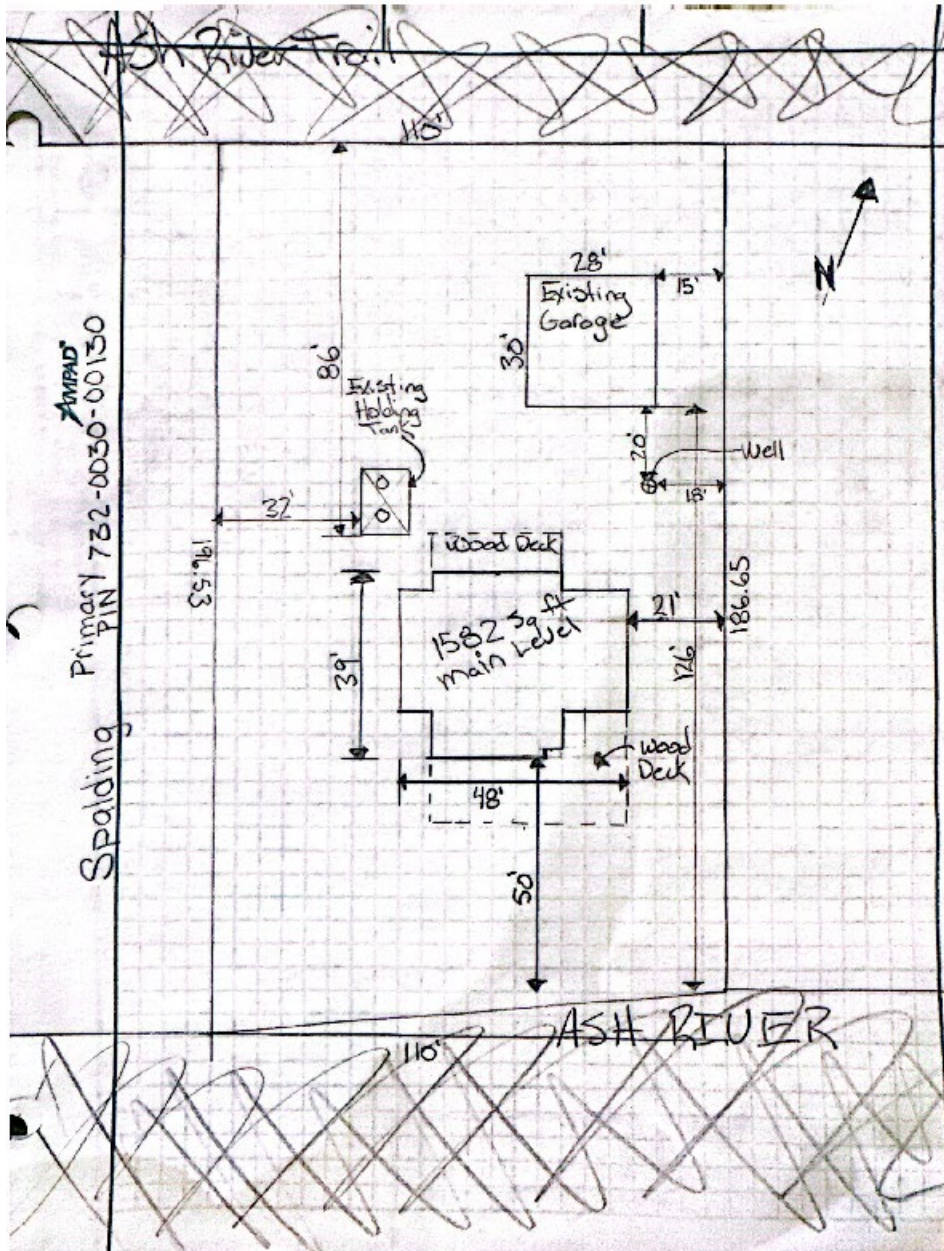
May BOA Meeting



ZONING MAP



# Applicant Site Sketch



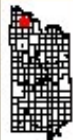


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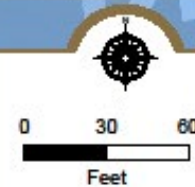
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**Ben Spalding**  
**Site Map**  
**732-0030-00130**



St. Louis County MN

SITE MAP

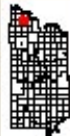


# St. Louis County

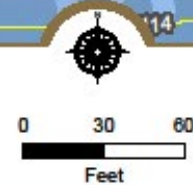
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Elevation Map  
732-0030-00130



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VIEW FROM SHORELINE & ROADWAY





Camper & Deck to be removed.

EXISTING DEVELOPMENT





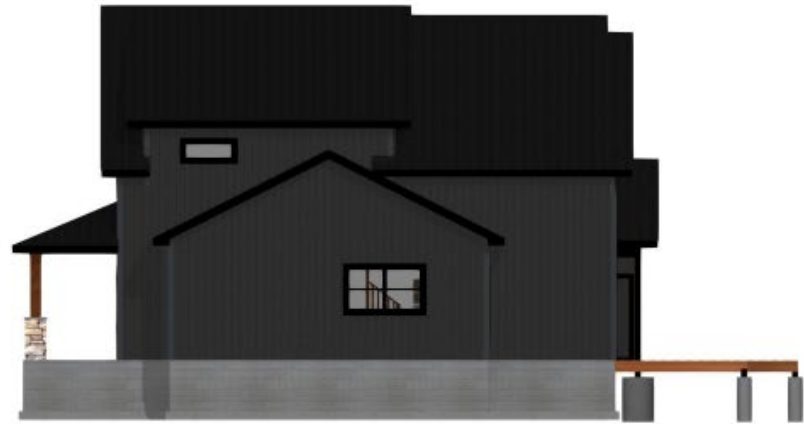


PROPOSAL





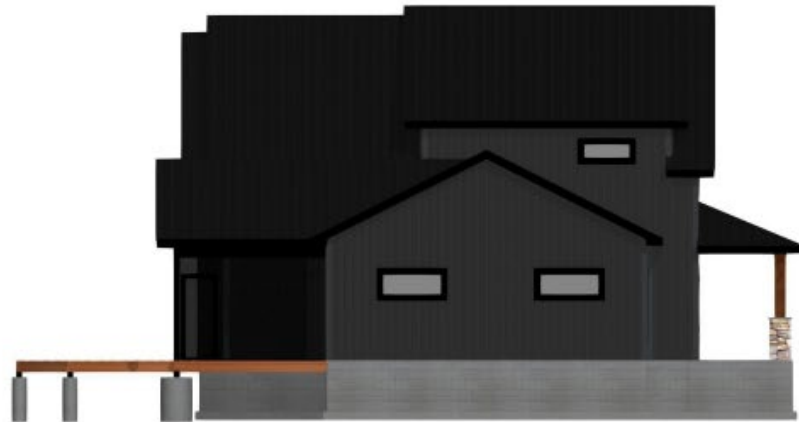
FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"



REAR ELEVATION  
SCALE: 1/4" = 1'-0"



LEFT ELEVATION  
SCALE: 1/4" = 1'-0"

SPALDING CABIN  
MINNESOTA

SPALDING CABIN  
MINNESOTA

DATE  
2/25/21  
REVISION  
SCALE:  
1/4" = 1'-0"  
A4  
PLAN  
SPALDING



# Staff Facts & Findings



# Official Controls

1. Zoning Ordinance 62, Article III, Section 3.4, states that the shoreline setback on a General Development lake is 75 feet. The applicant is requesting a dwelling setback of 50 feet from the lake.
2. Zoning Ordinance 62, Article IV, Section 4.3 D., allows a nonconforming principal 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 48 feet (44 percent) of the structure to face the shoreline where 44 feet (40 percent) is allowed.



# Official Controls

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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 applications are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
5. 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.





# Practical Difficulty

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1. A variance is not the only option as there is conforming area for a new dwelling to be placed.
  - a. A new structure conforming to all Ordinance requirements may be allowed with an approved land use permit.
2. Reducing the size and configuration of the structure could eliminate and reduce the request for variances.



# Essential Character of the Locality

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1. The neighborhood consists of nonconforming parcels with dwellings at reduced shoreline setbacks.
2. The applicant is not proposing a new use to the area.
3. There has been one similar variance request within the plat, approving a new dwelling at a reduced shoreline setback.



# Other Factors

1. The structure will conform to property line, roadway, and septic tank setbacks.
2. The applicant spoke to the Land Use Team regarding alternatives to avoid a variance request and chose to move forward with the variance request.
3. A septic design was submitted showing that the septic tank would be placed closer to the property line. However, when the contractor installed the tank, it was placed further from the property line than originally proposed.
4. Per the Onsite Wastewater Division, if the septic tank had been installed in the originally proposed location, the dwelling could have been moved back to maximize shoreline setbacks.
5. 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.
6. Ordinance 62 states that “practical difficulties” as used in connection with granting a variance means that the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance.





# BOARD OF ADJUSTMENT CRITERIA FOR APPROVAL OF A VARIANCE

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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

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Conditions that may mitigate the variance to allow a dwelling at a reduced shoreline setback and to exceed the allowed structure width facing the water 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 discharge directly into the lake or on adjacent lots.
3. St. Louis County Onsite Wastewater SSTS standards shall be followed.
4. The structure shall be placed at a shoreline setback of 50 feet or greater to maximize setbacks to the greatest extent possible.
5. All local, state, and federal requirements shall be met.



# Correspondence



SAINT  
**LOUIS**  
**COUNTY**  
MINNESOTA



# Board of Adjustment

Questions?



# Public

## Questions?

