

Presenter

Mark Lindhorst – Senior Planner



Jack LaMar
S34, T60N,R15W
EmbarrassTwp.



SAINT
LOUIS
COUNTY
MINNESOTA

Request

- To allow after the fact approval for a second principal structure on a parcel that can't be divided into a conforming lot.

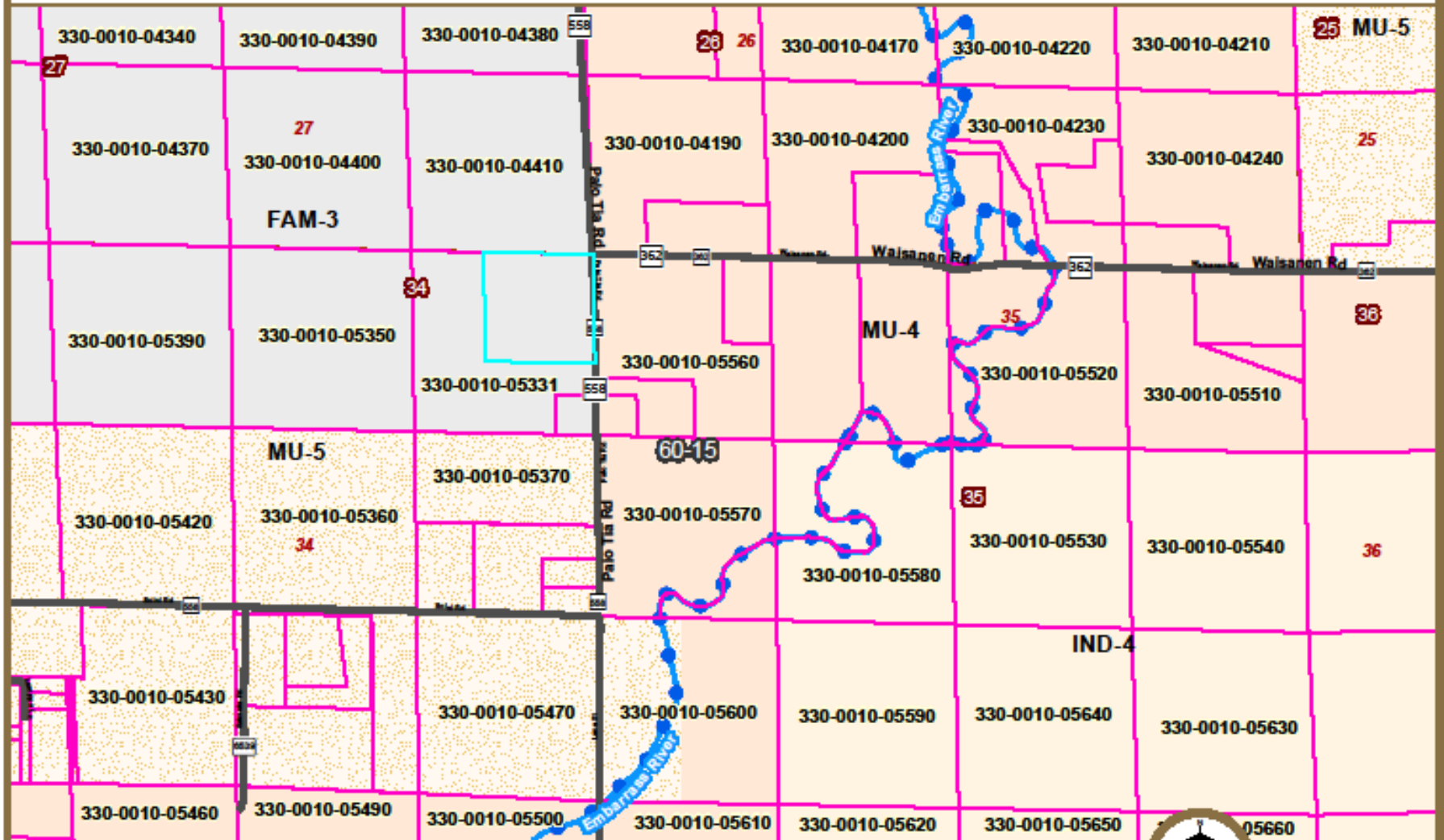
Issue

- The applicant was issued a permit for an accessory structure that was converted into a principal structure without permit. The structure exceeds the accessory dwelling size.
- Per St. Louis County a second principal structure would be allowed if there is sufficient area per structure to meet minimum dimensional standards and structures are placed so the property can be divided into conforming lots without variance. The two structures are 70 feet apart where 100 feet would be required to meet the principal structure setbacks.



September BOA

330-0010-05330



Prepared By: Planning & Community Development
(218) 725-5000
www.stlouiscountymn.gov

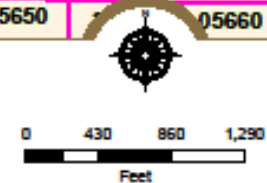
Source: St. Louis County
Map Created: 8/7/2025

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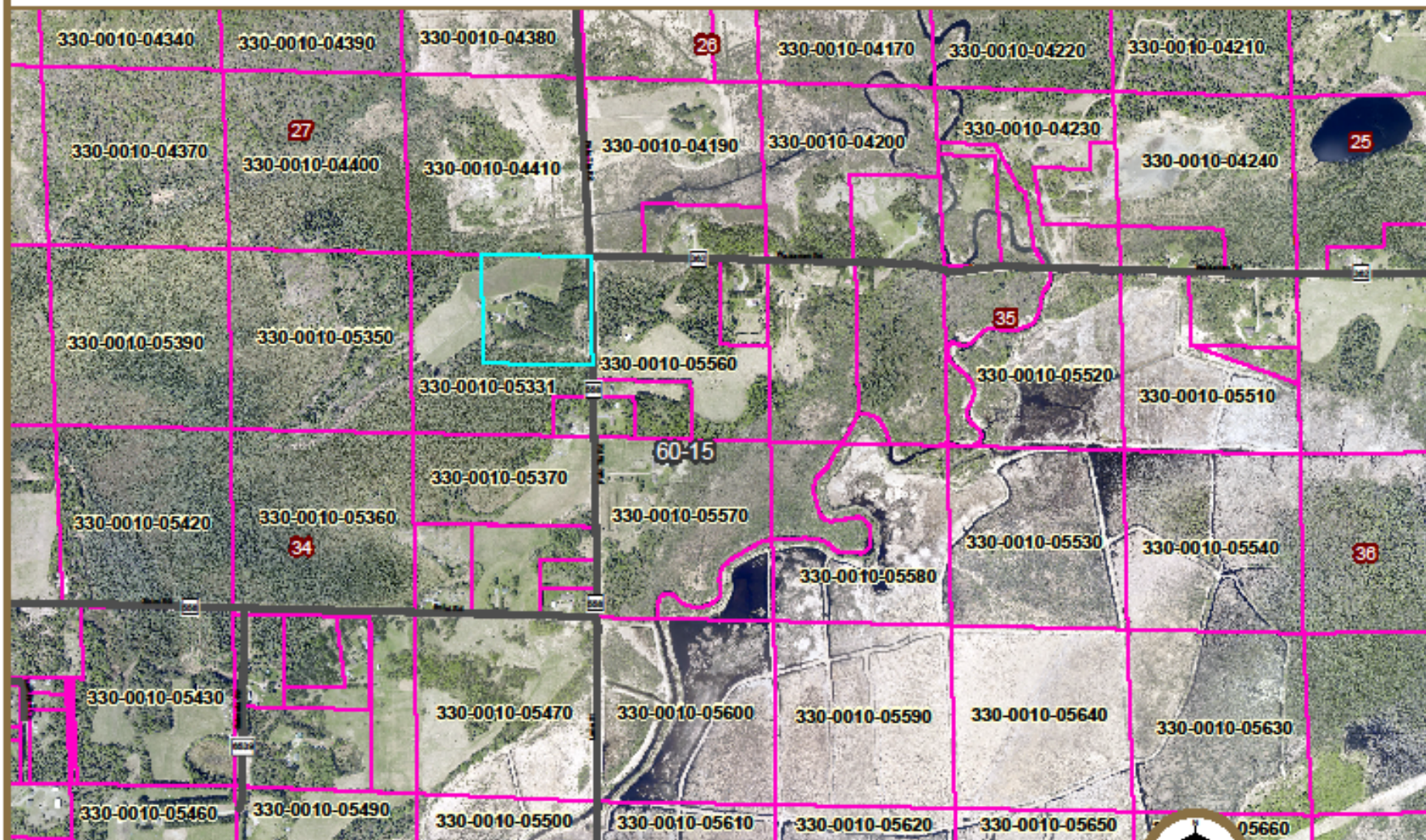
Jack LaMar Zoning Map



St. Louis County MN

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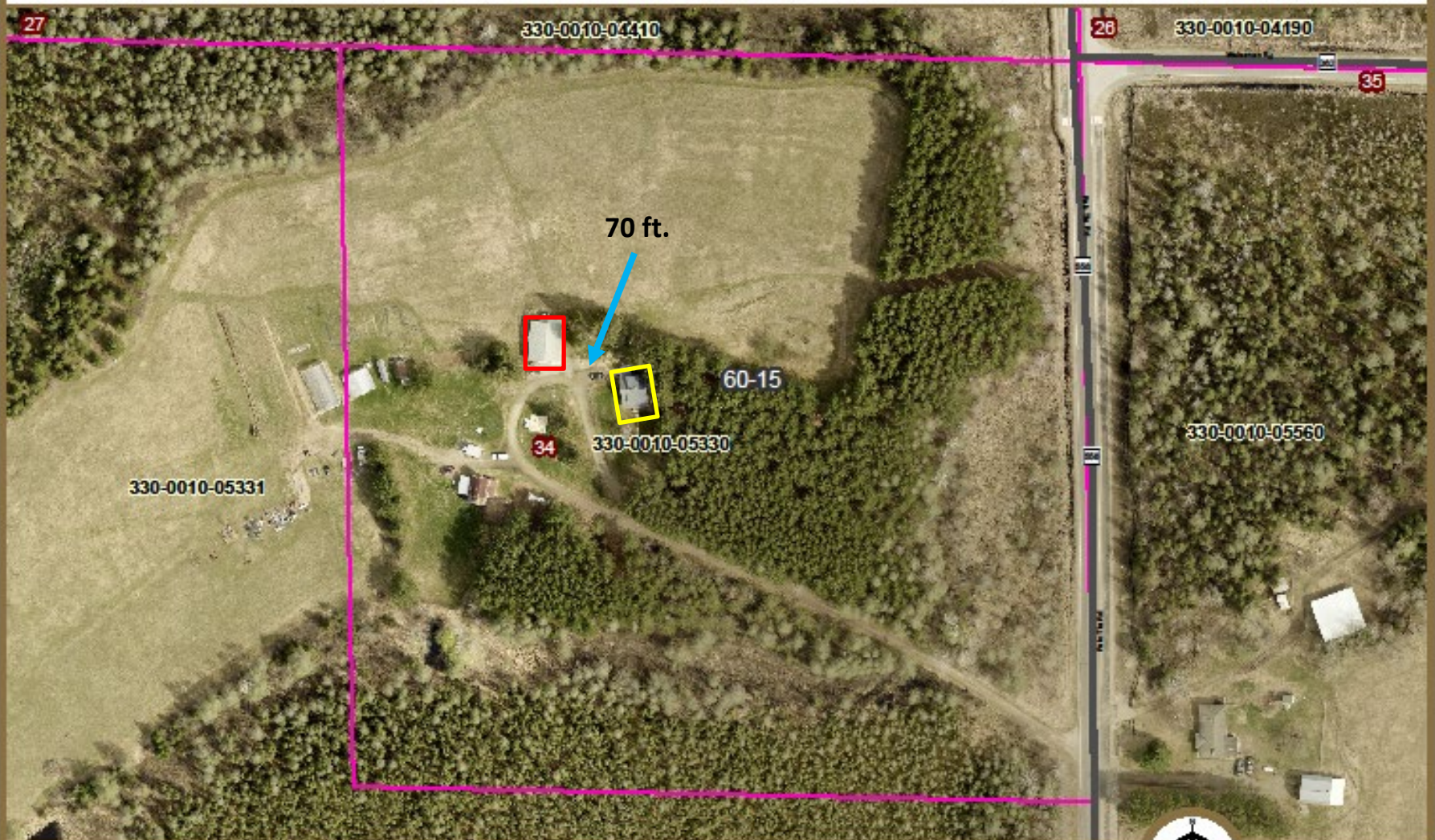
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Location Map



St. Louis County MN

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Jack LaMar Site Map



0 60 120 180
Feet



St. Louis County MN







70 ft.

Plans and Official Controls

1. St. Louis County Zoning Ordinance 62, Article VI, Section 6.2 B, states that there shall be sufficient lot area per structure to equal the dimensional standards required and the structures be placed so that the property can be divided at a later date into conforming lots without variance.
 - a. The property is zoned FAM – 3 which requires 9 acres and 300 feet in lot width.
 - i. The property has sufficient area and width for 2 dwellings.
 - b. FAM – 3 requires a principal structure property line setback of 50 feet.
 - i. The current dwellings are 70 feet apart where 100 feet would be required to meet principal structure setbacks if property were to be divided.
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 applications 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.



Practical Difficulty

B. Practical Difficulty:

1. There are no unique physical circumstances of the property.
2. The subject property conforms to the minimum zoning requirements for lot size.
3. The request is self-created. The applicant applied for and received a permit for an accessory structure with no added bedrooms per the application.
4. Zoning Ordinance 62, Article VIII, Section 8.6 B(4)b.ii states:
 - a. "The plight of the landowner is due to circumstances unique to the property not created by the landowner." Changing use of the structure without permit and not meeting ordinance requirements is self-created.
 - b. "Economic considerations alone shall not constitute practical difficulties if a reasonable use for the property exists under the terms of this ordinance." The structure was permitted as an accessory structure giving the applicant reasonable use.
5. Zoning Ordinance 62, Article VIII, Section 8.6 B(4)b.vi states:
 - 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 MN Statutes, section 394.27 subdivision 7 and all acts amendatory thereof.



Essential Character

1. The property is located in a rural area consisting of large tracks of land with limited residential development.
2. No similar request have been made in the area.



Other Factors

1. 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 practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.
2. A record review of the septic system was completed by On-Site Wastewater and it did not pass. The septic system will need to be upgraded to handle 2 principal dwellings.



Was the construction prior to applying for the variance? If not, what extent of the construction has been completed.

1. Construction was completed prior to applying for a variance.
2. The applicant was notified when it was determined the property was operating a short-term rental without a permit.
3. The applicant was made aware of and discussed the alternatives that do not require a variance with staff and elected to pursue a variance instead of bringing the property into compliance.



How would the county benefit by enforcement of the ordinance if compliance were required?

1. The county would benefit by enforcement of the Ordinance because it would promote the regulation in accordance with the St. Louis County Comprehensive Land Use Plan and Zoning Ordinance 62.
2. Approval of an after-the-fact variance for a second principal structure that was self-created without permit is not keeping with the intent of the St. Louis County Zoning Ordinance or St. Louis County Comprehensive Land Use Plan.



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 as proposed, include but are not limited to:

The following condition(s) shall apply:

1. St. Louis County On-site Wastewater SSTS standards shall be followed.
2. Short-term rental activities are not allowed until a permit is authorized.
3. All local, state, and federal requirements shall be met.



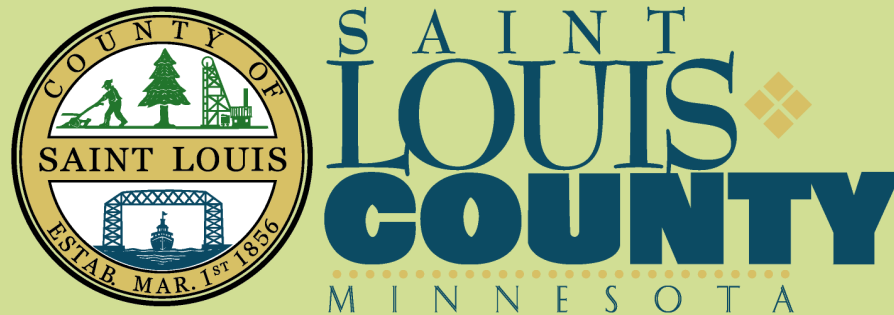
Correspondence



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Board of Adjustment

Questions?



Public

Questions?



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