

The background is a dark, gradient grey with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. They are primarily located in the top-left and bottom-right corners, with a few smaller ones in the center.

PRESENTER
DONALD RIGNEY – SENIOR PLANNER



ROBERT G. GREGG

BREITUNG

VARIANCE REQUEST

- REQUESTING RELIEF FROM ST. LOUIS COUNTY SUBDIVISION ORDINANCE 60, ARTICLE VIII
 - TO ALLOW AN AFTER-THE-FACT SUBDIVISION OF A PLATTED OUTLOT.

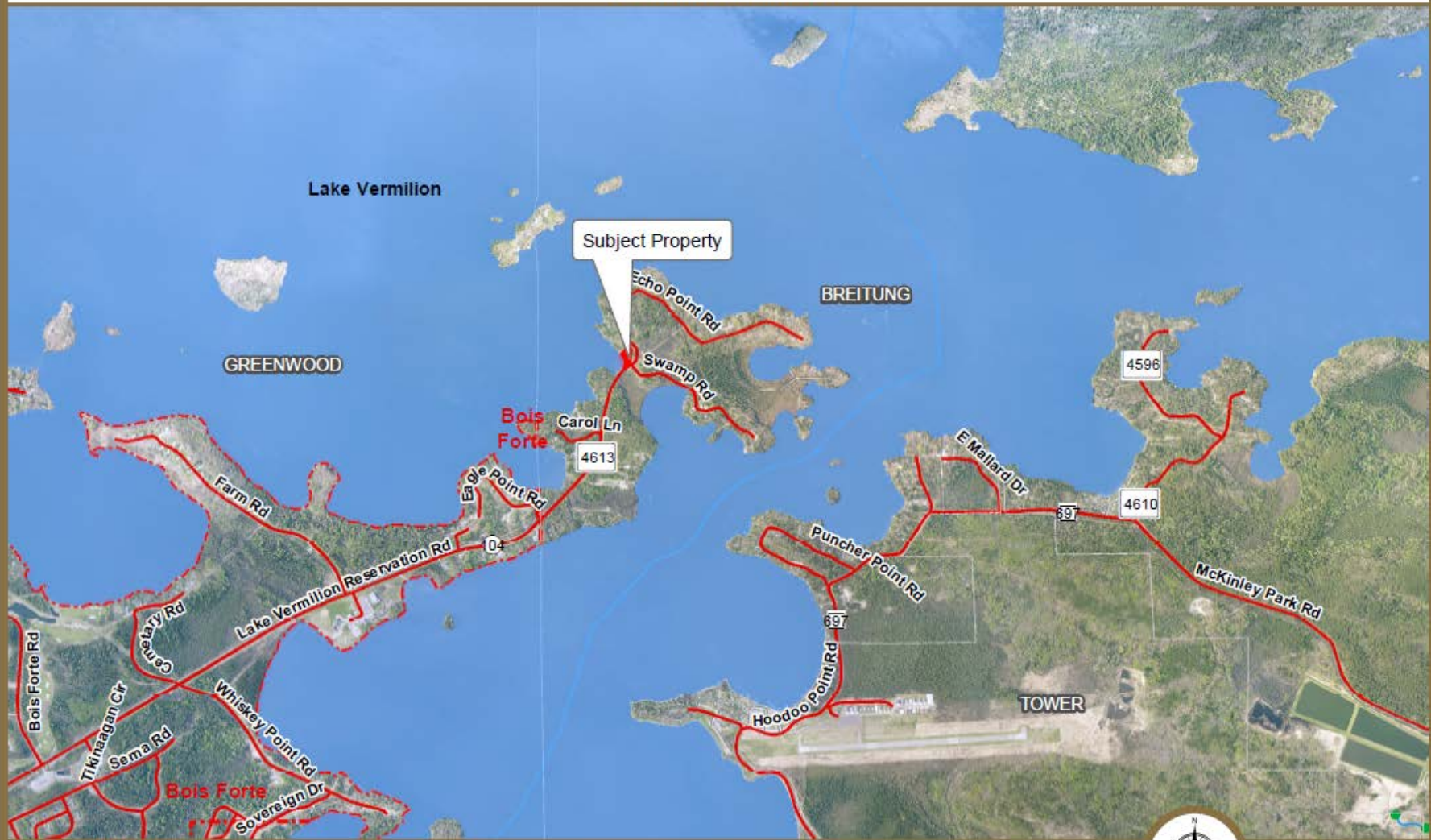
- REQUESTING RELIEF FROM ST. LOUIS COUNTY ZONING ORDINANCE 62, ARTICLE III, SECTION 3.2 AND ARTICLE IV, SECTION 4.4D
 - TO ALLOW A LOT THAT DOES NOT CONFORM TO THE ZONING DISTRICT MINIMAL DIMENSIONAL STANDARDS AND IS LESS THAN ONE-HALF ACRE IN SIZE TO BE PERMITTED AS BUILDABLE.

PROPOSAL DETAILS

- THE APPLICANT IS REQUESTING THAT A PLATTED OUTLOT THAT WAS IMPROPERLY SUBDIVIDED IN 2003 BE CONSIDERED A BUILDABLE PARCEL.
- THE PARCEL IS 0.10 ACRE IN SIZE.
- IF THE VARIANCE IS GRANTED, THE APPLICANT INTENDS TO CONSTRUCT A WATER-ORIENTED ACCESSORY STRUCTURE.

St. Louis County

August BOA Meeting

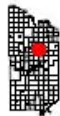


Prepared By: Planning & Community Development
(218) 725-5000
www.stlouiscountymn.gov

Source: St. Louis County
Map Created: 7/21/2020

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Robert Gregg
Location Map
PIN:270-0070-001430



St. Louis County MN

St. Louis County

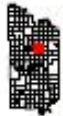
August BOA Meeting



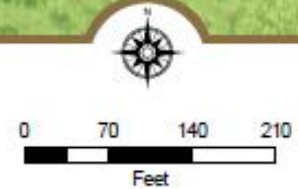
RES-11



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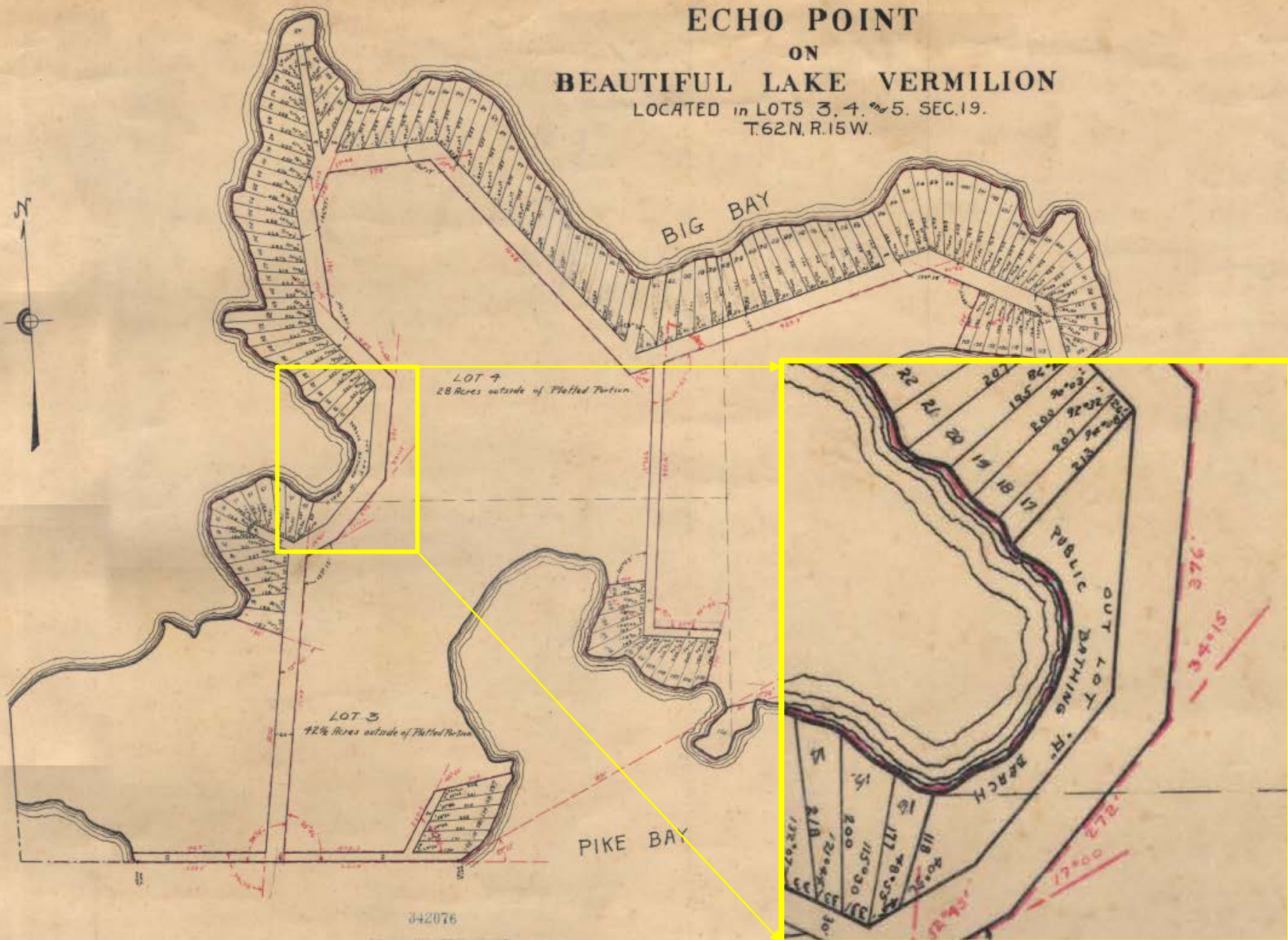
Robert Gregg
Zoning Map
PIN:270-0070-01430



St. Louis County MN

ECHO POINT ON BEAUTIFUL LAKE VERMILION

LOCATED in LOTS 3, 4, & 5, SEC. 19,
T. 62N. R. 15W.

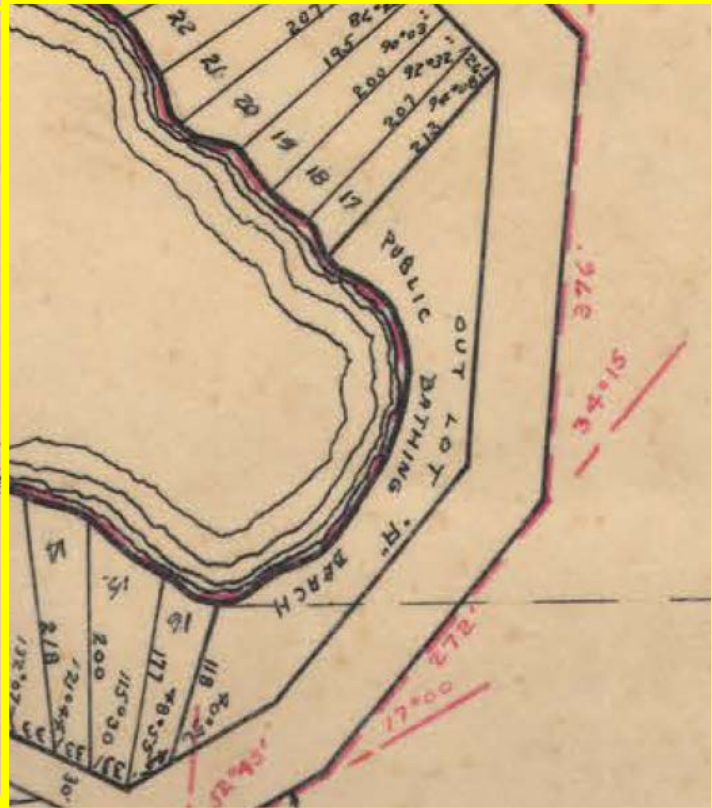


LOT 4
28 Acres outside of Platted Portion

LOT 3
42 1/2 Acres outside of Platted Portion

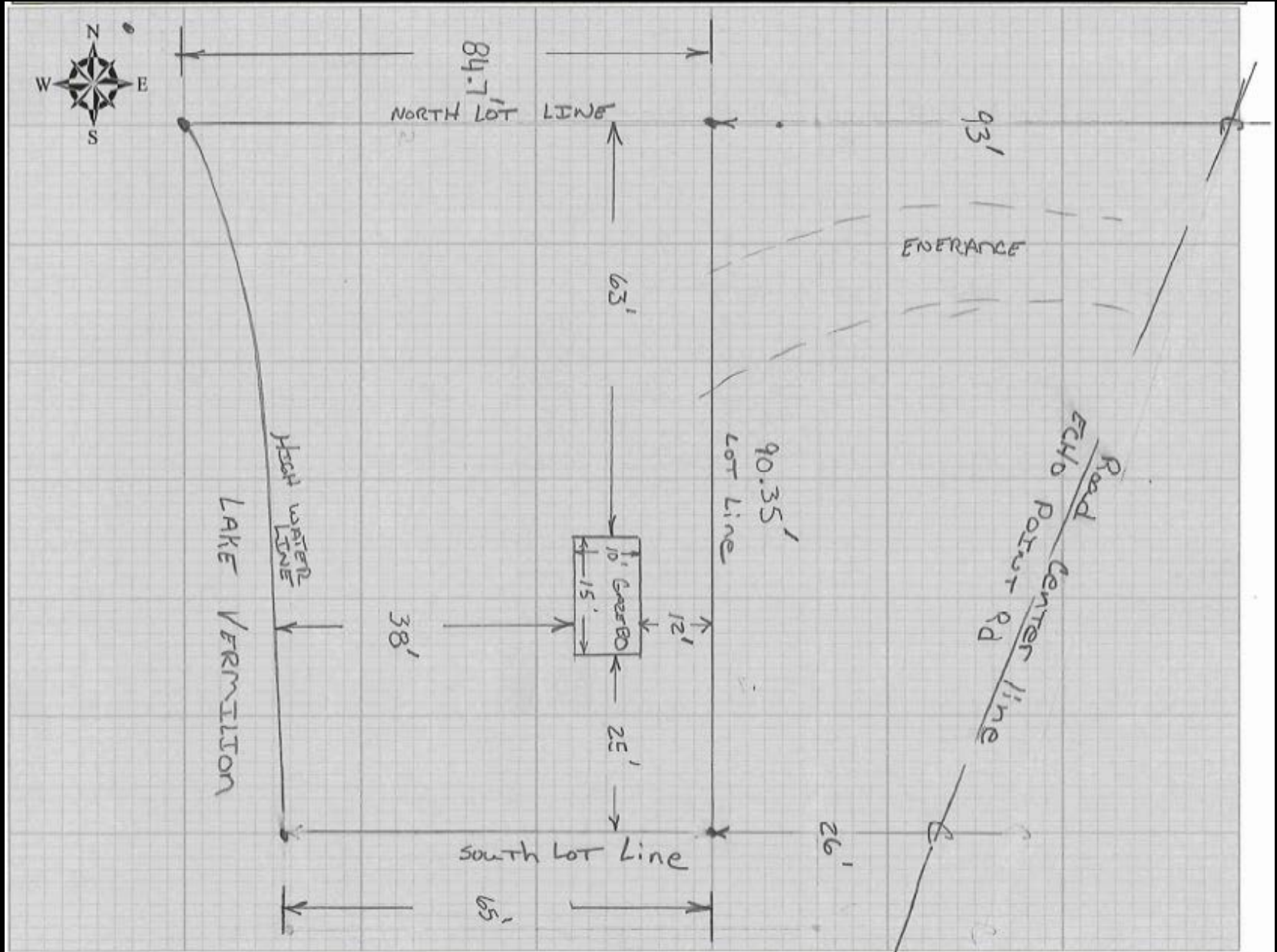
PIKE BAY

BIG BAY



342076

Applicant Site Sketch



St. Louis County

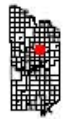
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Robert Gregg Site Map

PIN: 270-0070-01430



St. Louis County MN

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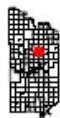


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Elevation Map
PIN: 270-0070-01430



St. Louis County MN

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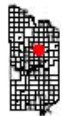
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Robert Gregg Outlot A Divisions



St. Louis County MN



Subject Property





Subject Property





Subject Property






Subject Property





Subject Property



The background is a dark gray gradient. In the top-left and bottom-right corners, there are several translucent, 3D-rendered bubbles of various sizes, some overlapping. The bubbles have highlights and shadows, giving them a realistic appearance.

STAFF FACTS & FINDINGS

OFFICIAL CONTROLS

1. A SUBDIVISION OF A PLATTED LOT SHALL ONLY BE DONE THROUGH THE PLATTING PROCESS.

2. THE PARCEL IS ZONED RES-1 1 REQUIRING A MINIMUM OF 0.5 ACRE AND 100 FEET OF LOT WIDTH.
 - a. THE EXISTING PARCELS IS 0.10 ACRE AND 91.81 FEET IN LOT WIDTH.

3. LAKE VERMILION IS A GENERAL DEVELOPMENT LAKE AND REQUIRES A 75 FOOT SHORELINE SETBACK; THE SHORE IMPACT ZONE IS 50 FEET.

OFFICIAL CONTROLS

4. THE ST. LOUIS COUNTY ZONING ORDINANCE 62, ARTICLE IV, SECTION 4.4D STATES THAT A SINGLE LOT OF RECORD MAY BE PERMITTED AS A BUILDABLE LOT IF ALL OF THE FOLLOWING CRITERIA CAN BE MET:
 - a. THE LOT IS A MINIMUM OF ONE-HALF ACRE IN SIZE WITH NO PUBLIC SEWER OR WATER.
 - b. THE LOT SHALL MEET THE DEFINITION OF A LOT OF RECORD.
 - c. THE LOT WHEN CREATED, COMPLIED WITH OFFICIAL CONTROLS IN EFFECT AT THE TIME.
 - WHEN PLATTED, OUTLOT A COMPLIED WITH OFFICIAL CONTROLS. THE PARCEL IN QUESTION DESCRIBED ABOVE DID NOT COMPLY WITH OFFICIAL CONTROLS WHEN CREATED.

OFFICIAL CONTROLS

5. IF THE PARCEL HAD PUBLIC SEWER AND PUBLIC WATER, THE ST. LOUIS COUNTY ZONING ORDINANCE WOULD STILL REQUIRE A LOT OF RECORD BE A MINIMUM OF 0.16 ACRES IN SIZE.
6. 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.
7. 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.

OFFICIAL CONTROLS

8. 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 MINNESOTA STATUTE 394.22 SUBD. 10.

9. GOAL LU-10 OF THE ST. LOUIS COUNTY COMPREHENSIVE LAND USE PLAN IS TO ENSURE THAT NEW DEVELOPMENT IS LOCATED, DESIGNED, AND BUILT TO AVOID ENVIRONMENTAL AND OTHER HAZARDS.

10. OBJECTIVE LU-10.1 OF THE ST. LOUIS COUNTY COMPREHENSIVE LAND USE PLAN IS TO PRESERVE ENVIRONMENTALLY SENSITIVE AREAS, SUCH AS 100-YEAR FLOODPLAIN, AND OTHER NATURAL FEATURES, AND PROTECT THESE AREAS AS OPEN SPACE.

PRACTICAL DIFFICULTY

1. THERE IS NO UNIQUE CIRCUMSTANCES OF THE PROPERTY THAT THE OWNER DID NOT CREATE.

2. THE ECHO POINT PLAT WAS CREATED IN 1921. OUTLOT A, AS PLATTED, WAS DESIGNATED AS A “PUBLIC BATHING BEACH”.
 - a. OUTLOT A IN ITS ENTIRETY, WAS NEVER INTENDED FOR DEVELOPMENT.

PRACTICAL DIFFICULTY

3. SINCE THE PLATS CREATION, OUTLOT A HAS BEEN SPLIT INTO FOUR PARCELS UNDER THREE OWNERSHIPS.
 - a. THE OTHER TWO OWNERS OF THE OUTLOT A REMNANTS HAVE LOTS ADJOINING THEIR OUTLOT A REMNANTS.
 - b. THE APPLICANT OWNS PROPERTY DOWN THE ROAD THAT DOES NOT ADJOIN THE SUBJECT PARCEL.
4. THE APPLICANT CURRENTLY USES THE PARCEL FOR LAKE ACCESS.
5. THE APPLICANT HAS NOT MET THE BURDEN OF DEMONSTRATING PRACTICAL DIFFICULTY AS THE PROPERTY HAS REASONABLE USE AS CURRENTLY UNDEVELOPED.

ESSENTIAL CHARACTER OF THE LOCALITY

1. ALTHOUGH ANY INDIVIDUAL LOT, AS PLATTED WITHIN THE ECHO POINT PLAT, DOES NOT CONFORM TO CURRENT ZONING STANDARDS, A MAJORITY OF PARCELS IN THE AREA ARE COMPRISED OF TWO OR MORE CONTIGUOUS LOTS IN COMMON OWNERSHIP.
 - a. A MAJORITY OF THESE LOTS EITHER MEET ZONING REQUIREMENTS OR ARE A LOT OF RECORD AND MEET THE MINIMUM REQUIREMENTS TO BE PERMITTED AS BUILDABLE.

2. THERE HAVE BEEN NO SIMILAR VARIANCES IN THE AREA.

OTHER FACTORS

1. IF THE VARIANCE IS GRANTED, ONLY A WATER-ORIENTED ACCESSORY STRUCTURE MAY BE ABLE TO CONFORM TO REQUIRED SETBACKS WITHOUT ADDITIONAL VARIANCE REQUESTS.
 - a. IF A WATER-ORIENTED ACCESSORY STRUCTURE WERE TO BE CONSTRUCTED IN A MANNER THAT CONFORMS TO ALL REQUIRED SETBACKS, THE STRUCTURE HAS THE POTENTIAL TO BE LOCATED WITHIN THE FLOODPLAIN.

2. 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.

OTHER FACTORS

3. OBJECTIVE LU-3.2 OF THE ST. LOUIS COUNTY COMPREHENSIVE LAND USE PLAN IS TO HAVE COUNTY STAFF AND DECISION-MAKERS WORK TOGETHER TO DECREASE THE AMOUNT OF ZONING AND SUBDIVISION ORDINANCE NONCONFORMITIES THROUGHOUT THE COUNTY.
 - α. ALLOWING DEVELOPMENT ON IMPROPERLY CREATED PARCELS THAT DO NOT CONFORM TO MINIMUM ZONING REQUIREMENTS, WITHOUT SUFFICIENT PRACTICAL DIFFICULTY, IS NOT IN KEEPING WITH THE INTENT OF THE ST. LOUIS COUNTY ZONING AND SUBDIVISION ORDINANCES OR ST. LOUIS COUNTY COMPREHENSIVE LAND USE PLAN.

4. APPROVAL OF A REQUEST SUCH AS THIS, MAY SET A PRECEDENCE FOR DEVELOPMENT ON SUBSTANDARD PARCELS THROUGHOUT ST. LOUIS COUNTY, IF NOT JUST FOR THE REMNANTS OF OUTLOT A.

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?

RECOMMENDED CONDITIONS, IF APPROVED

IN THE EVENT THAT THE BOARD OF ADJUSTMENT DETERMINES THAT THE PROPOSAL MEETS THE CRITERIA FOR GRANTING A VARIANCE TO ALLOW AN AFTER-THE-FACT SUBDIVISION OF A PLATTED OUTLOT AND TO ALLOW A LOT THAT DOES NOT CONFORM TO THE ZONING DISTRICT MINIMAL DIMENSIONAL STANDARDS AND IS LESS THAN ONE-HALF ACRE IN SIZE TO BE PERMITTED AS BUILDABLE, THE FOLLOWING CONDITION(S) SHALL APPLY:

1. NO ADDITIONAL VARIANCES SHALL BE GRANTED ON THIS PARCEL.
2. PARCEL IDENTIFICATION NUMBER 270-0070-01430, AS LEGALLY DESCRIBED ABOVE, SHALL REMAIN IN COMMON OWNERSHIP WITH PARCEL IDENTIFICATION NUMBER 270-0020-01610 LEGALLY DESCRIBED AS: LOT 4 EX 18 AC PLATTED AS ECHO POINT OR WITH AN ADJOINING PARCEL.

CORRESPONDENCE

The image features a dark gray background with the word "CORRESPONDENCE" centered in a white, sans-serif font. The corners of the image are decorated with several translucent, spherical bubbles of varying sizes, some of which have highlights and shadows, giving them a three-dimensional appearance.



BOARD OF ADJUSTMENT

QUESTIONS?





PUBLIC

QUESTIONS?

