

Presenter

Paul Butler – Planner



Paul Van Tassel

5417 Wilson Point Road

Tower, MN

Greenwood TWP



Variance Request

The applicant is requesting relief from St. Louis County Zoning Ordinance 62, Article VI, Section 6.2 B.

- To allow a second principal structure on the property where the property does not have sufficient lot area per structure to equal the minimum dimensional standard so the property can be divided at a later date into conforming lots.



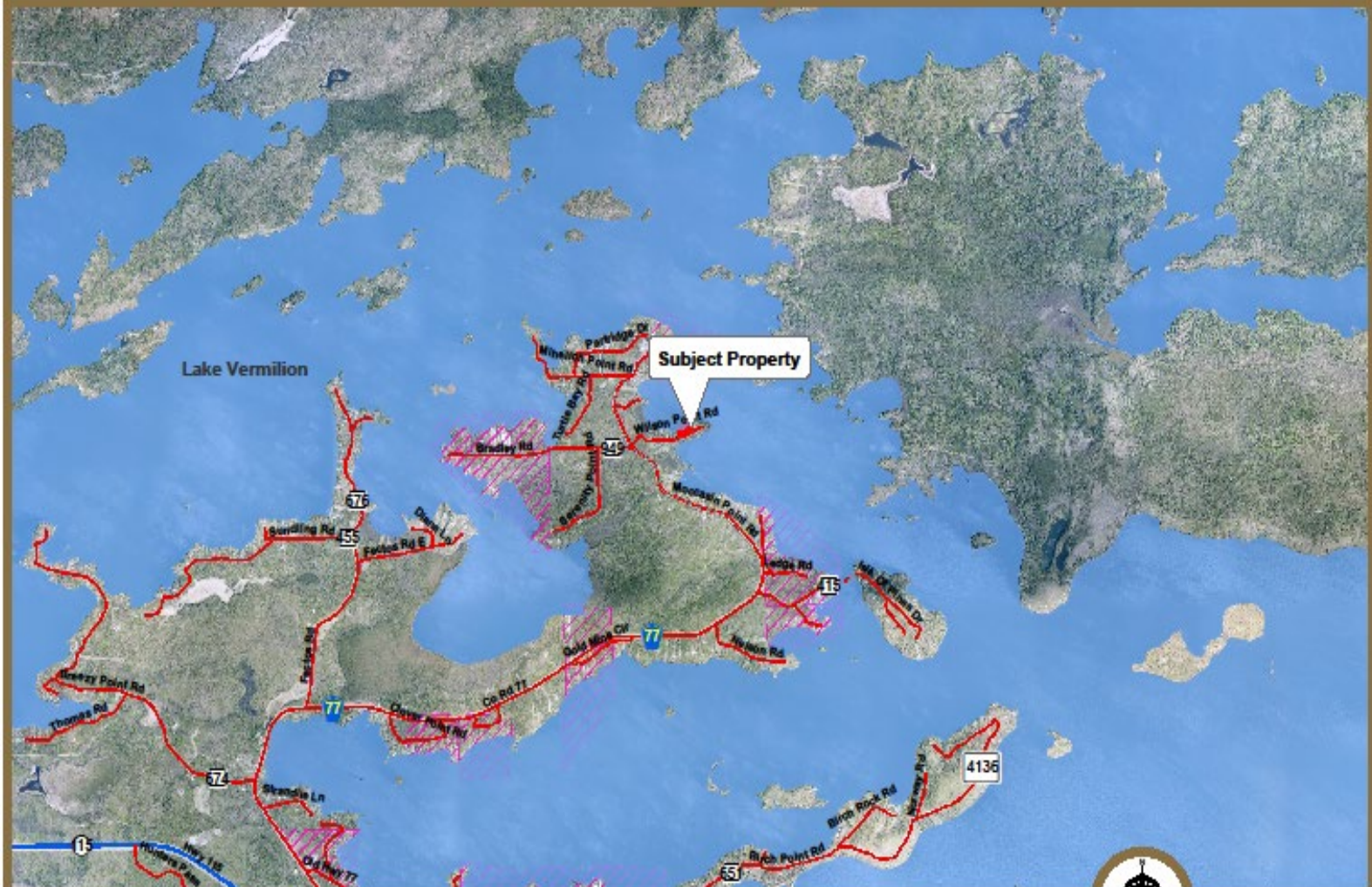
Proposal Details

- The applicant is proposing a second principal dwelling on a parcel that does not have sufficient area for a principal structure to be placed so that it can be divided at a later date into conforming lots. The applicant is proposing to add second story living quarters to an existing 26 foot by 16 foot (416 square foot) garage. The height of the structure will be 20 feet. The proposal exceeds the standards for an accessory dwelling and, therefore, is considered a second principal dwelling.



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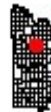
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Location Map
387-0460-00170



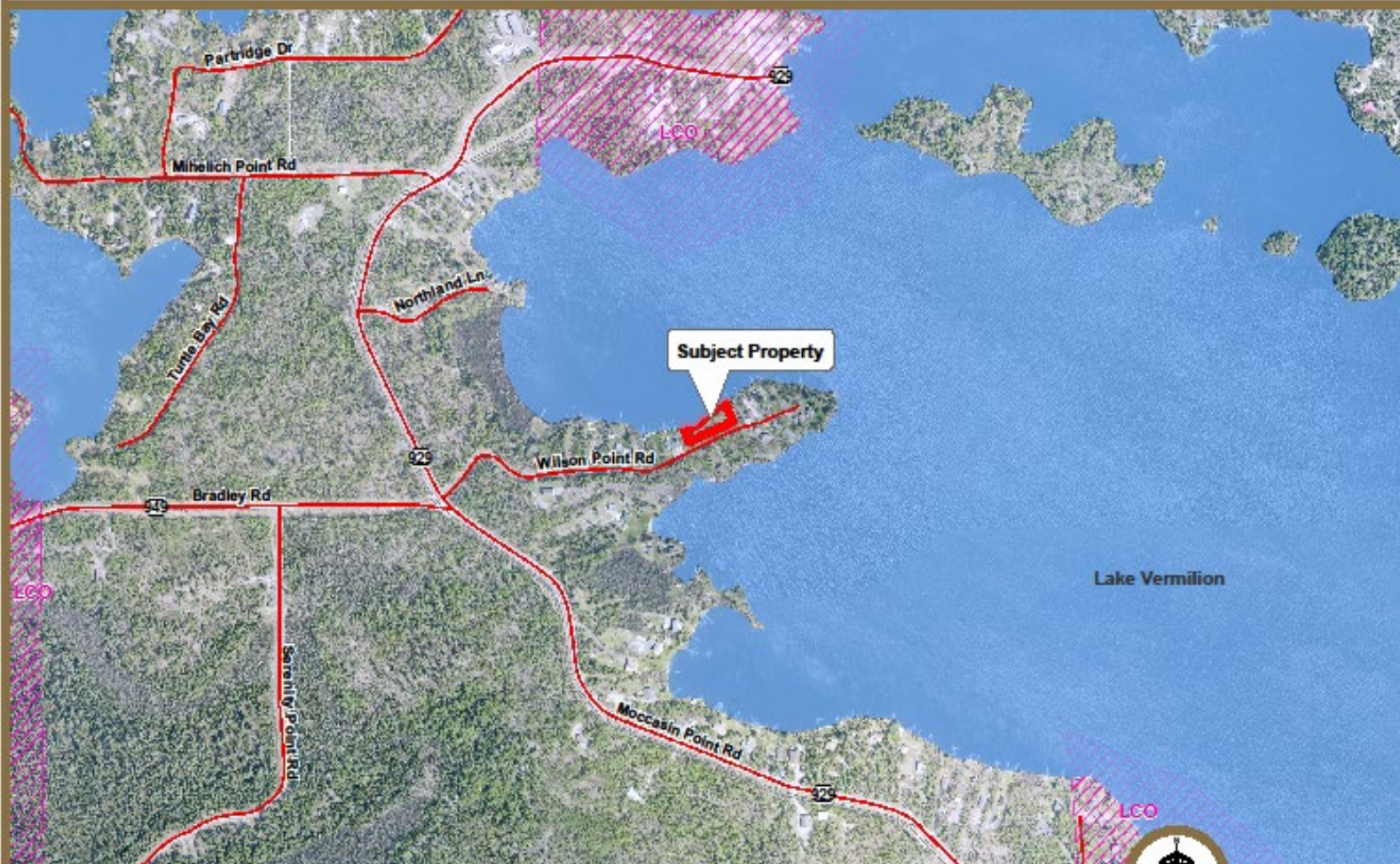
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Miles



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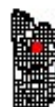
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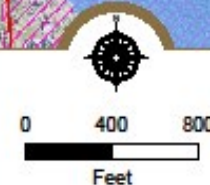
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LAKE VERMILION
Class: GD

Wilson Point Rd

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Site Map

PIN: 387-0460-00170



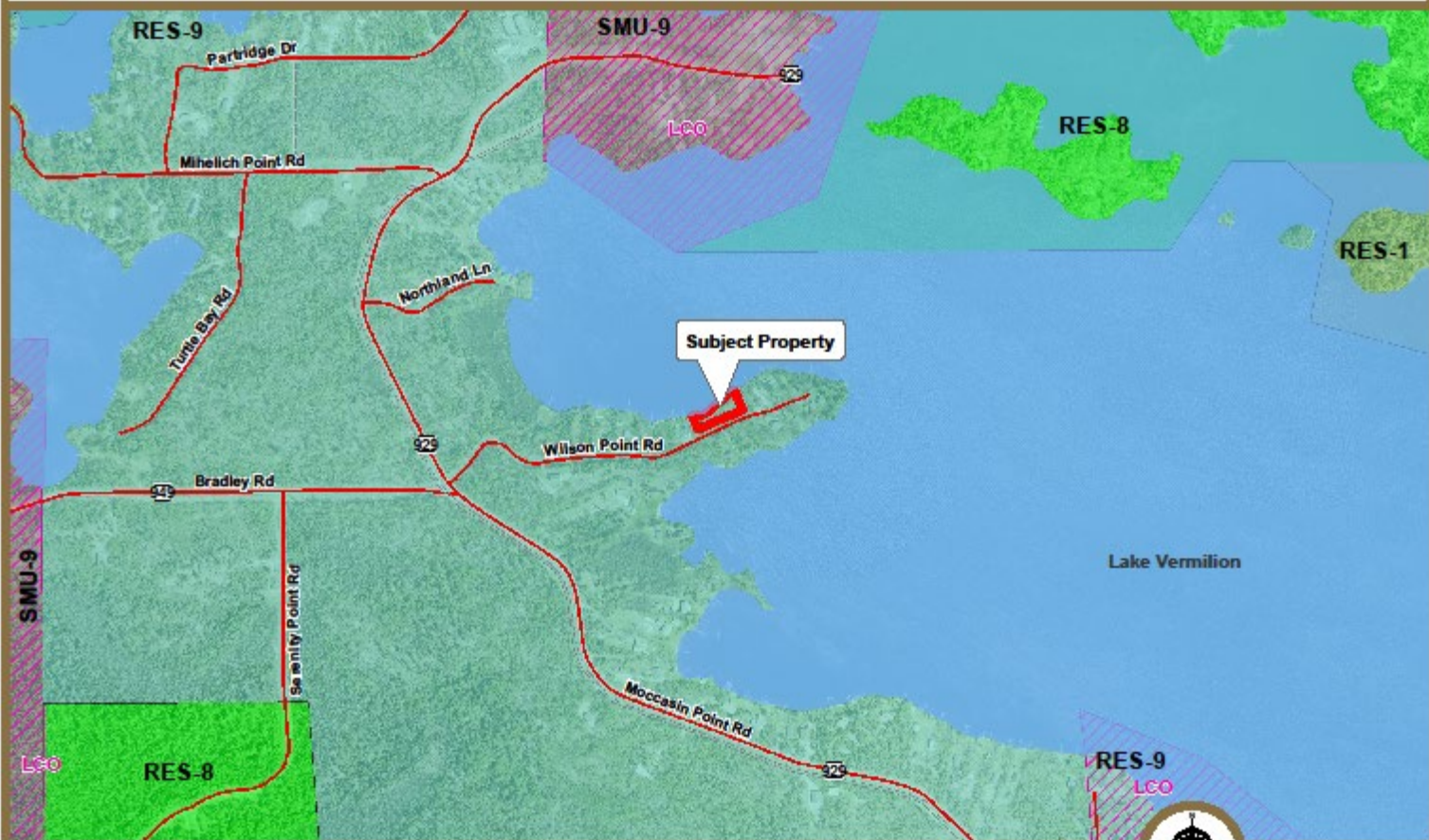
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Feet



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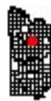
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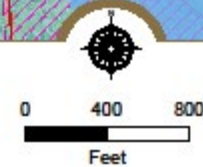
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Zoning Map
387-0460-00170



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Site & Elevation Map
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Vermilion Point Rd

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Setbacks Map
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0 30 60
Feet

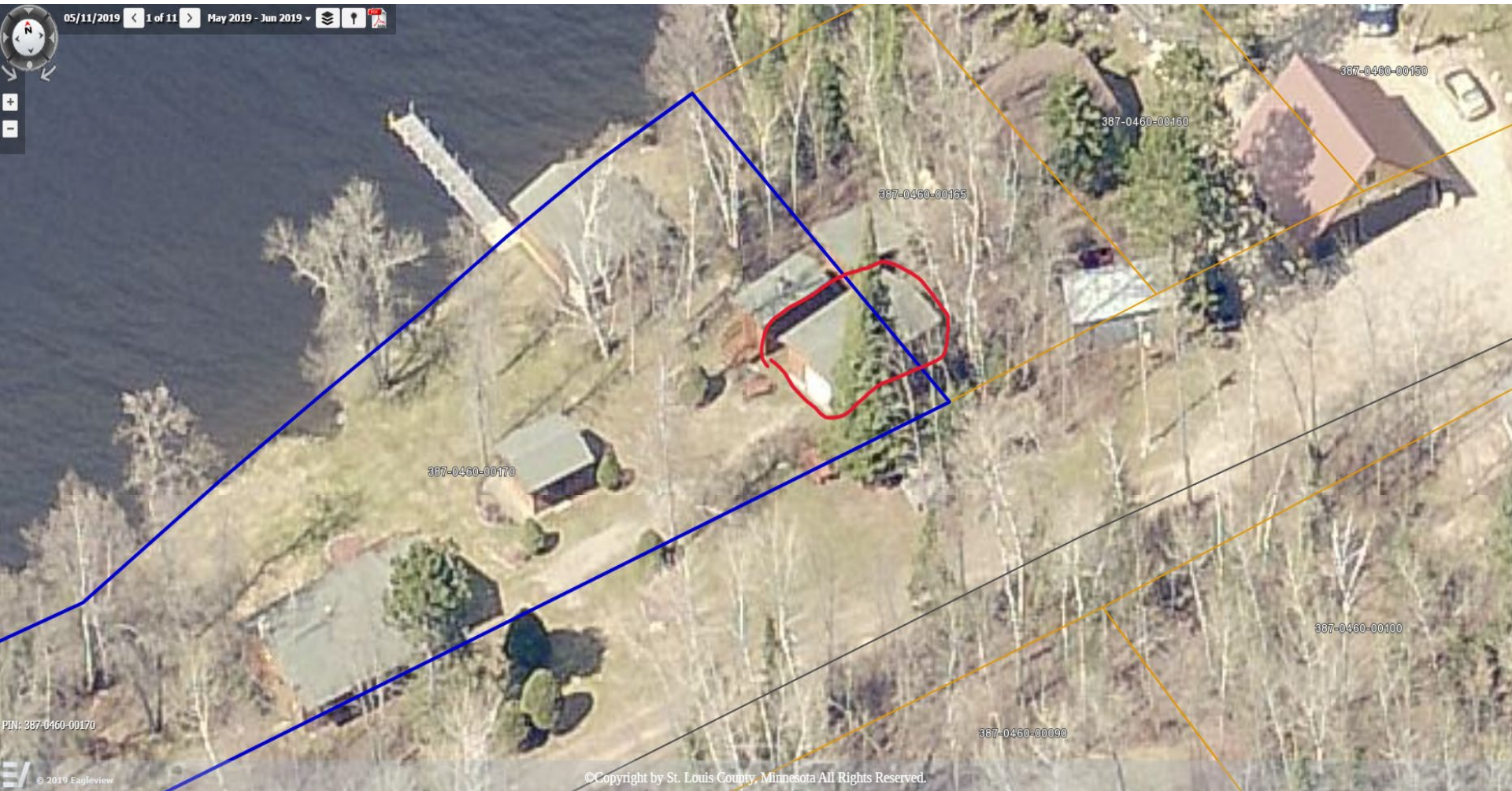


St. Louis County MN

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05/11/2019 1 of 11 May 2019 - Jun 2019





05/14/2023 1 of 9 May 2023 - May 2023





Sauna

Garage



Screen porch




Boathouse



Screen Porch

Dwelling



Dwelling

Screen Porch

Garage



A photograph of a small, rectangular wooden shed or outbuilding. The structure is constructed from horizontal wooden planks and has a gabled roof. A single wooden door is located on the front-left side, featuring a metal handle and a lock. A small, round, white light fixture is mounted on the wall above the door. The shed is situated on a patch of ground covered with moss and fallen leaves. To the right of the shed, several long wooden planks are leaning against the wall. In the background, there are bare trees and a glimpse of another building. The text "Accessory Structure" is overlaid in a yellow box on the front wall of the shed.

Accessory Structure



Sauna

Garage

Garage





Garage

Facing north on Wilson Point Road

Official Controls

1. Zoning Ordinance 62 states that there shall be sufficient lot area per principal structure to equal the minimum dimensional standards and the structures can be placed so the property can be divided at a later date into conforming lots. The current parcel is 250 feet wide and 0.47 acres in size where a lot 300 feet in width and 2 acres in size is required to allow two principal structures.
2. Zoning Ordinance 62 allows for an accessory dwelling on parcels less than 1 acre in size. If the following standards are not met, the structure shall be considered a principal dwelling:
 - a. Maximum size shall be limited to 250 square feet in floor area.
 - b. Maximum height shall be 14 feet.
 - c. The accessory dwelling shall not be combined with a garage or other accessory structure.



Official Controls

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

1. There are alternatives that do not require a variance.
 - a. The applicant could apply for a land use permit for an accessory dwelling that conforms to accessory dwelling standards.
 - i. The applicant may need to remove one or more accessory structures to comply with the maximum building footprint of 3,156 square feet as granted through variance on October 12, 2023.



Essential Character of the Locality

1. The applicant is not proposing a new use to the area. Wilson Point Road is developed with many seasonal and year-round residential uses.



Other Factors

1. The proposed dwelling conforms to principal structure setback requirements.
2. The applicant was previously granted a variance on October 12, 2023, to allow an 864 square foot addition with a height of 26 feet to the nonconforming principal dwelling. The variance request also include relief from the road centerline and right-of-way setbacks and maximum 15 percent lot coverage requirement. The variance allowed a building footprint of 3,156 square feet where 3,070 would be allowed.
3. 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.
4. 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

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 to allow a 416 square foot second principal structure include, but are not limited to:

1. St. Louis County Onsite Wastewater SSTS standards shall be followed.
2. All other Zoning Ordinance requirements shall be met.



Correspondence



Board of Adjustment

Questions?



Public

Questions?

