

Presenter

Donald Rigney – Senior Planner



Steve Wedan

4776 Breezy Point Road, Duluth

Unorganized 53-15



SAINT
LOUIS
COUNTY
MINNESOTA

Variance Request

Requesting relief from St. Louis County Zoning Ordinance 62, Article III, Section 3.7

- To allow a replacement principal structure at a reduced shoreline setback, where a minimum 100 foot shoreline setback is required.



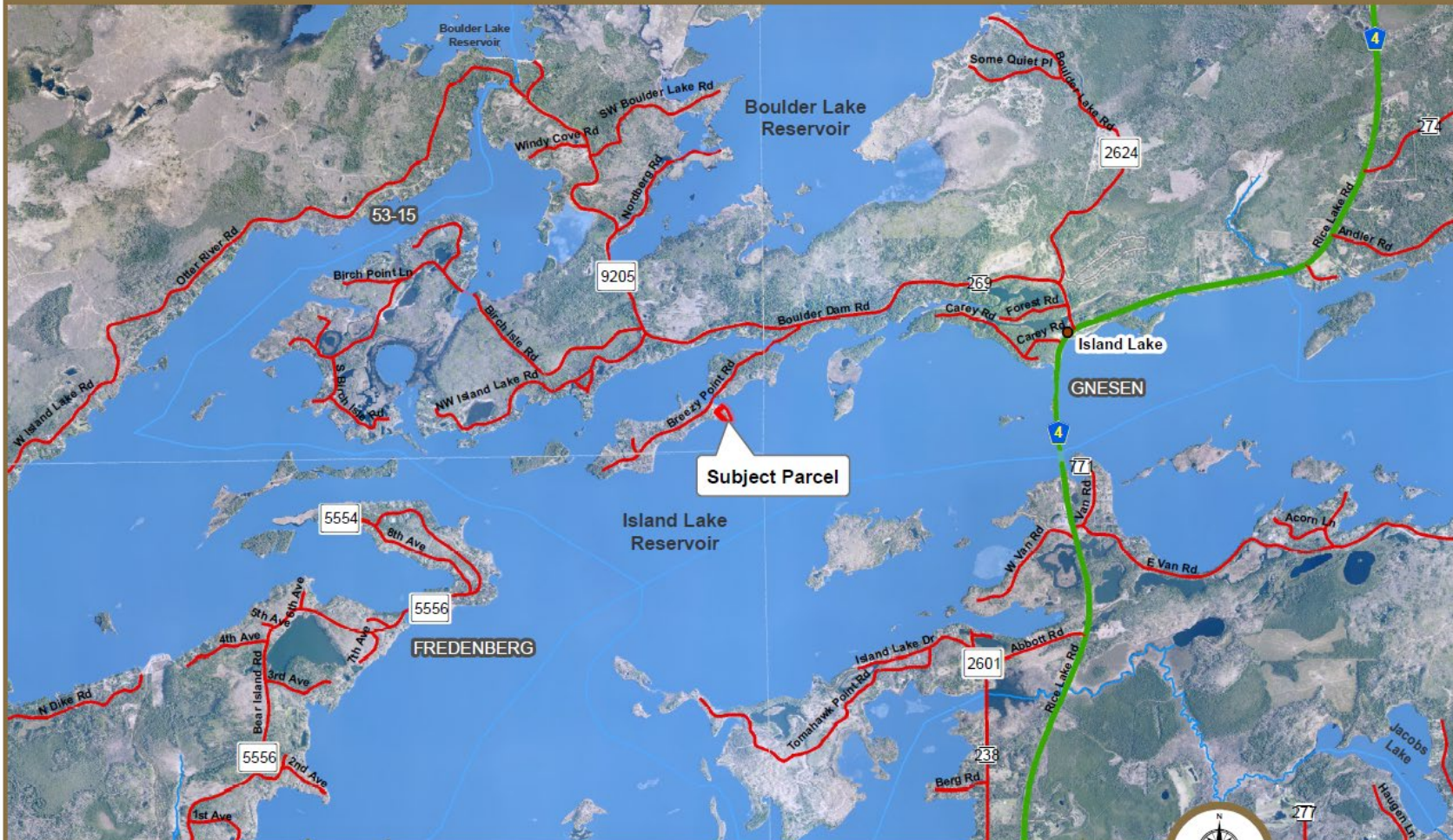
Proposal Details

- Construct a 1,930 square foot principal dwelling, 50 feet from the shoreline of Island Lake Reservoir where 100 feet is required.
- The dwelling will replace an existing 720 square foot nonconforming dwelling that is 37 feet from the shoreline.
- The proposed height of the dwelling will be 21 feet where 25 feet is allowed.



St. Louis County

June BOA Meeting



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

Source: St. Louis County

Map Created: 3/8/2021

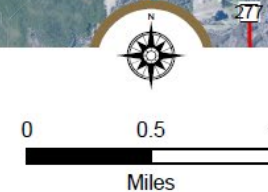
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Location Map

PIN:660-6000-57605



St. Louis County MN

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Zoning Map
PIN:660-6000-57605

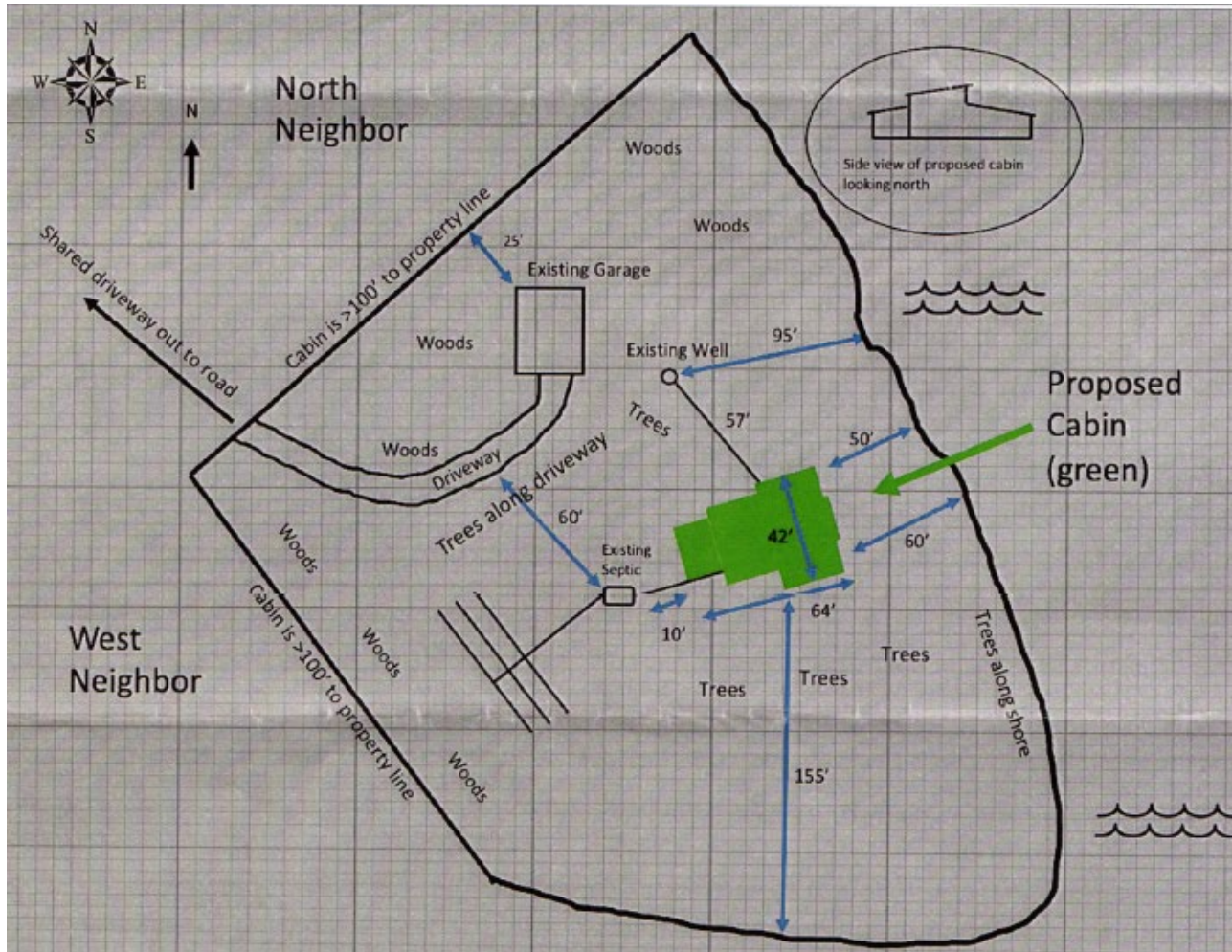


0 500 1,000
Feet



St. Louis County MN

Applicant Site Sketch



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Site/Elevation

PIN: 660-6000-57605



0 25 50 75
Feet



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Proposal

PIN: 660-6000-57605



0 25 50 75
Feet



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Proposal/Shoreline Setbacks
PIN: 660-6000-57605



0 25 50 75
Feet



St. Louis County MN



37'

48'

Staff Measurements



Septic Tank

Proposed Dwelling



Septic Tank

Proposed Dwelling



Proposed Dwelling



Conforming Location

Staff Facts & Findings



Official Controls

1. Island Lake Reservoir is classified as a Recreational Development lake and requires a minimum 100 foot shoreline setback.
 - a. The shore impact zone for Recreational Development lakes is 50 feet.
 - b. The current structure is located 37 feet from the lake.
 - c. The proposed principal structure will be located at 50 feet from the lake.
2. St. Louis County Zoning Ordinance 62 requires that if a nonconforming structure is moved any distance or if structural changes are made, the structure shall be moved to conform to setback requirements.
3. The parcel is a Minnesota Power lease lot and is a legal lot of record for permitting purposes.



Official Controls

4. 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.
5. 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.
6. 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 no unique physical circumstances of the property.
2. A variance is not the only option.
3. Alternative: The current design of the structure is self-created. Although a variance is still required, there is suitable area to relocate the dwelling further from the shoreline through a redesign.
4. Alternative: An addition of up to 200 square feet may be done with a performance standard permit.
5. The applicant has not provided sufficient evidence as to why a greater setback could not be achieved. As stated in the Comprehensive Land Use Plan, nonconformities are a concern and that variances should be for exceptional circumstances as noted in Minnesota Statutes.



Essential Character of the Locality

1. The applicant is not proposing a new use to the area. The area is currently developed with seasonal and year-round dwellings.



Other Factors

1. The proposed dwelling will have three bedrooms. The existing septic system, which was permitted in 1992, was designed for a two bedroom single family dwelling.
 - a. The system is sized for a 3 bedroom class I dwelling per Certificate of Compliance issued on 5/5/2021.
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 ordinance nonconformities throughout the county.
 - a. Replacing a nonconformity with another nonconformity with a greater intensity of use, where alternatives exist, without sufficient practical difficulty, is not in keeping with the intent of the St. Louis County 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 for a 1,930 square foot principal dwelling, 50 feet from the shoreline of Island Lake Reservoir where 100 feet is required include but are not limited to:

1. The setback for the proposed structure shall be maximized to the greatest extent possible and shall be no closer than 50 feet from the shoreline.
2. The structure shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
3. The stormwater runoff from the proposed structure shall not discharge directly into the lake or on adjacent lots.
4. A plan to enhance vegetation and protect the shore impact zone shall be submitted, approved by the county and shall be implemented by the property owner within two years from the issuance of a land use permit.

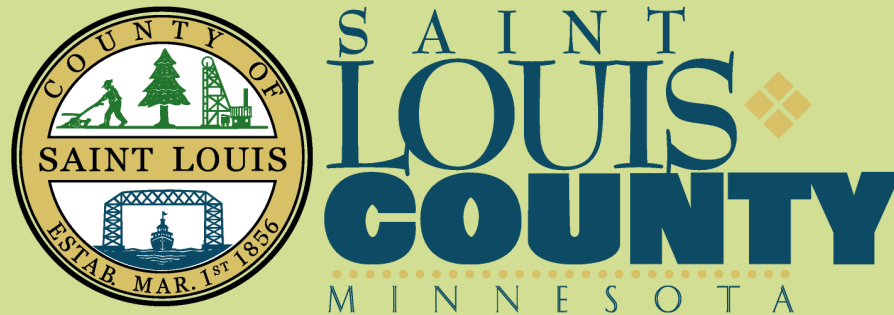


Correspondence



Planning Commission

Questions?



Public

Questions?

