PRESENTER DONALD RIGNEY – SENIOR PLANNER

MATTHEW SOBCZAK

5988 BIRCH POINT ROAD, SAGINAW, MN 55779

GRAND LAKE

VARIANCE REQUEST

- REQUESTING RELIEF FROM ST. LOUIS COUNTY ZONING
 ORDINANCE 62, ARTICLE III, SECTION 3.2
- TO ALLOW AN ACCESSORY STRUCTURE AT A REDUCED PROPERTY LINE SETBACK AND TO EXCEED MAX LOT COVERAGE.

- REQUESTING RELIEF FROM ST. LOUIS COUNTY ZONING
 ORDINANCE 62, ARTICLE IV, SECTION 4.4A(1)
- TO ALLOW MAXIMUM BUILDING FOOTPRINT ON A NONCONFORMING LOT OF RECORD TO EXCEED 15 PERCENT ALLOWED.

PROPOSAL DETAILS

- THE APPLICANT IS REQUESTING TO CONSTRUCT A 28 FOOT X 36 FOOT (1,008 SQUARE FEET) GARAGE 2 FEET FROM A PROPERTY LINE WHERE 10 FEET IS REQUIRED.
- THE PROPOSED GARAGE WOULD REPLACE A RECENTLY RAZED 22 FOOT BY 24 FOOT (528 SQUARE FEET) GARAGE.
 - PER THE APPLICANT, THE PREVIOUS GARAGE WAS 10 FEET FROM THE NEAR PROPERTY LINE.
- THE TOTAL IMPERVIOUS SURFACE WILL BE 35.9 PERCENT WHERE
 25 PERCENT IS ALLOWED.
- THE TOTAL BUILDING FOOTPRINT ON THE LOT WILL BE 16.2 PERCENT WHERE 15 PERCENT IS ALLOWED.

St. Louis County August BOA Meeting





Source: St. Louis County

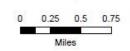
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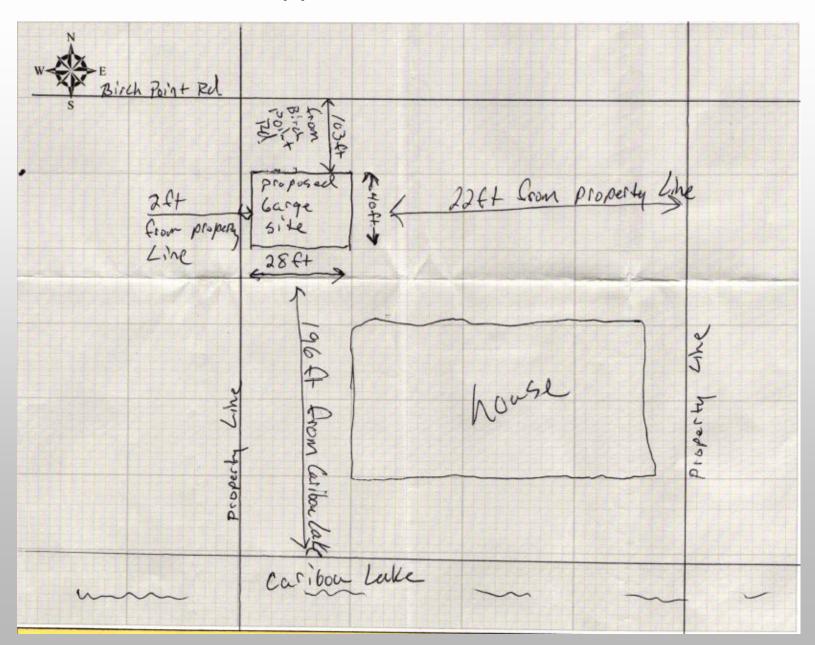
Location Map PIN:380-0050-00550







Applicant Site Sketch



St. Louis County August BOA Meeting





Prepared By: Planning & Community

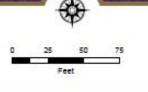
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Proposal PIN: 380-0050-00550



















Previous Garage

STAFF FACTS & FINDINGS

- 1. IN A RES-10 ZONE DISTRICT, ST. LOUIS COUNTY ZONING ORDINANCE 62, ARTICLE III REQUIRES A MINIMUM 10 FOOT PROPERTY LINE SETBACK FOR ACCESSORY STRUCTURES; THE APPLICANT IS REQUESTING A 2 FOOT PROPERTY LINE SETBACK.
- 2. IN A RES-10 ZONE DISTRICT, ST. LOUIS COUNTY ZONING ORDINANCE 62, ARTICLE III REQUIRES A MAX LOT COVERAGE OF 25 PERCENT.
 - A. AS PROPOSED, THE TOTAL IMPERVIOUS SURFACE COVERAGE WILL BE 35.9 PERCENT.
 - B. HISTORICALLY, WITH THE PREVIOUS GARAGE, THE TOTAL IMPERVIOUS SURFACE COVERAGE WAS 33.1 PERCENT.

- 3. THE SUBJECT PARCEL IS A SHORELAND RIPARIAN NONCONFORMING LOT.
 - A. THE LOT IS ALLOWED A MAXIMUM BUILDING FOOTPRINT OF 15 PERCENT OF THE LOT AREA.
 - B. AS PROPOSED, THE BUILDING FOOTPRINT WILL BE 16.2 PERCENT.
 - C. HISTORICALLY, WITH THE PREVIOUS GARAGE, THE TOTAL BUILDING FOOTPRINT WAS 13.4 PERCENT.

- 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 APPLICATIONS ARE TREATED EQUITABLY, THAT COMMUNITY HEALTH AND SAFETY IS PROTECTED, AND THAT THE OVERALL CHARACTER OF A GIVEN AREA IS PRESERVED.

6. THROUGH THE LAND USE GOALS, OBJECTIVES AND IMPLEMENTATION SECTIONS, THE LAND USE PLAN IS MEANT TO PROVIDE WAYS OF IMPROVING THE VARIANCE PROCESS AND ENCOURAGES ADHERENCE TO EXISTING CRITERIA TO ULTIMATELY REDUCE THE VOLUME OF VARIANCE APPLICATIONS RECEIVED BY THE COUNTY.

PRACTICAL DIFFICULTY

- 1. THERE ARE NO UNIQUE PHYSICAL CIRCUMSTANCES OF THE PROPERTY OTHER THAN THE LOT BEING AN OLD PLATTED NONCONFORMING LOT OF RECORD.
- 2. A VARIANCE IS NOT THE ONLY OPTION AS THERE ARE ALTERNATIVES.

PRACTICAL DIFFICULTY

- A. ALTERNATIVE: CONSTRUCT A GARAGE THAT CONFORMS TO PROPERTY LINE SETBACKS AND BUILDING FOOT PRINT REQUIREMENTS.
 - 1. FOR EXAMPLE, A 22 FOOT BY 36 FOOT (792 SQUARE FEET) GARAGE WOULD CONFORM TO ZONING ORDINANCE REQUIREMENTS. THE DEPTH OF THE GARAGE IS THE SAME AS THE EXISTING GARAGE, WHICH CONFORMED TO THE REQUIRED PROPERTY LINE SETBACK, AND THE WIDTH IS THE SAME AS REQUESTED. THE TOTAL BUILDING FOOTPRINT WOULD BE 14.9 PERCENT.
 - 2. ANY ALTERNATIVE REPLACEMENT STRUCTURE LARGER THAN THE PREVIOUS GARAGE (528 SQUARE FEET) WILL REQUIRE THE REMOVAL OF IMPERVIOUS SURFACE TO THE POINT THAT THERE IS NO NET GAIN.

ESSENTIAL CHARACTER OF THE LOCALITY

- 1. THE APPLICANT IS NOT PROPOSING A NEW USE TO THE AREA AS THERE ARE OTHER RESIDENTIAL PROPERTIES IN AREA. MANY OF THESE PROPERTIES CONSIST OF PRINCIPAL STRUCTURES AND ACCESSORY STRUCTURES.
- 2. THE CARIBOU LAKE TRACTS PLAT WAS PLATTED IN 1922 PRIOR TO ZONING REGULATIONS.
 - A. AS PLATTED, A MAJORITY OF THE INDIVIDUAL LOTS IN BLOCK 1 OF CARIBOU LAKE TRACTS HAVE A 50 FOOT LOT WIDTH.

OTHER FACTORS

- 1. THERE IS A RECORDED 20 FOOT WIDE EASEMENT ON THE PARCEL FOR THE BIRCH POINT SEWER DISTRICT.
- 2. PER THE APPLICANT, THE ACCESSORY STRUCTURE THE APPLICANT WISHES TO REPLACE CONFORMED TO THE 10 FOOT PROPERTY LINE SETBACK.
- 3. THE COUNTY WOULD BENEFIT BY ENFORCEMENT OF THE ORDINANCE BECAUSE IT WOULD PROMOTE THE REGULATION OF SETBACKS AND LAND USE IN ACCORDANCE WITH THE ST. LOUIS COUNTY COMPREHENSIVE LAND USE PLAN AND ZONING ORDINANCE 62.
- 4. 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.

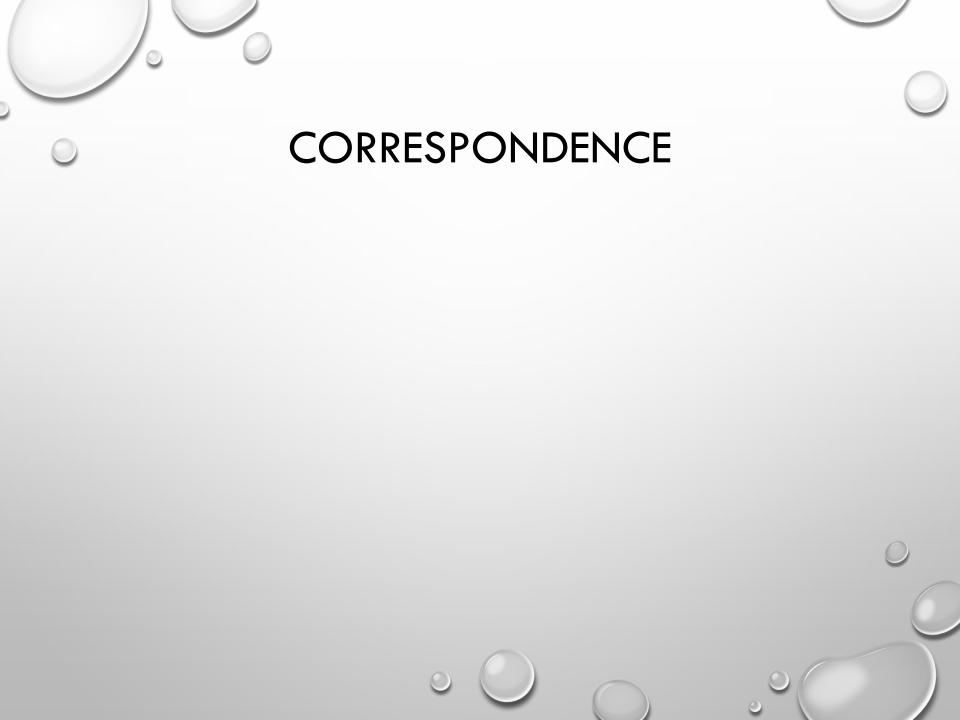
BOARD OF ADJUSTMENT CRITERIA FOR APPROVAL OF A VARIANCE

- 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 ACCESSORY STRUCTURE AT A REDUCED PROPERTY LINE SETBACK AND TO EXCEED MAX LOT COVERAGE AND TO ALLOW MAXIMUM BUILDING FOOTPRINT ON A NONCONFORMING LOT OF RECORD TO EXCEED 15 PERCENT ALLOWED, THE FOLLOWING CONDITION(S) SHALL APPLY:

- STORMWATER RUNOFF SHALL NOT DISCHARGE DIRECTLY ONTO ADJACENT PROPERTIES.
- 2. A SURVEY SHALL BE SUBMITTED PRIOR TO THE ISSUANCE OF A LAND USE PERMIT.
- 3. THE MAXIMUM LOT COVERAGE SHALL BE MINIMIZED TO THE GREATEST EXTENT POSSIBLE.



BOARD OF ADJUSTMENT

QUESTIONS?

