

# PRESENTER DONALD RIGNEY – SENIOR PLANNER





# KANDICE GULBRANSON

5271 MUNGER SHAW ROAD, SAGINAW

**GRAND LAKE** 

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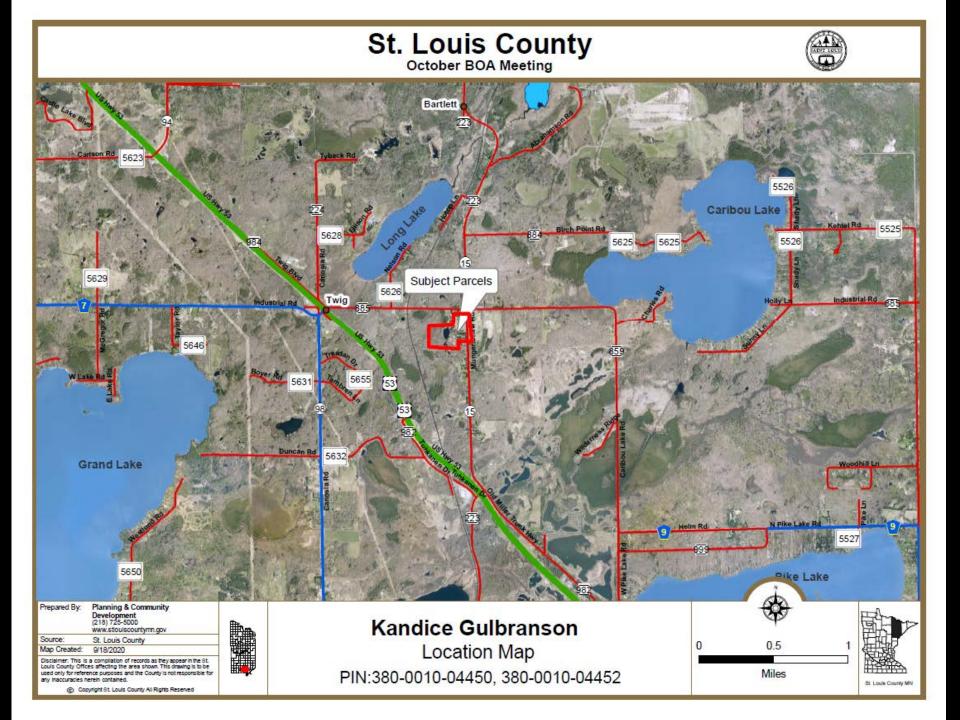


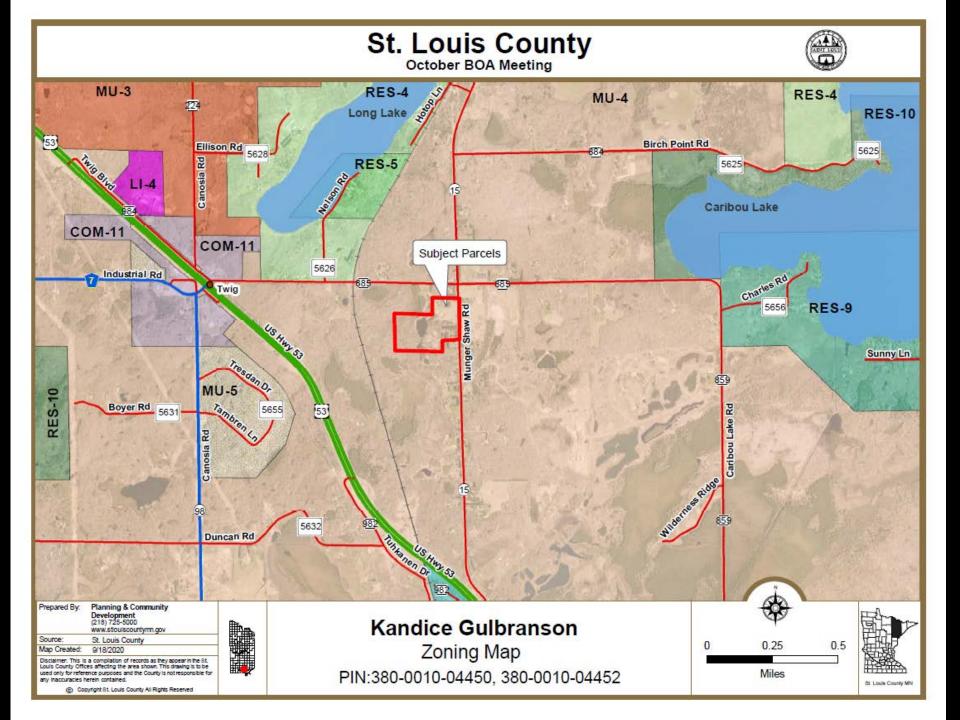
## VARIANCE REQUEST

- <u>REQUESTING RELIEF FROM ST. LOUIS COUNTY</u>
  <u>SUBDIVISION ORDINANCE 60, ARTICLE IV, SECTION 4.2 F.</u>
  - TO ALLOW THE SUBDIVISION OF A PROPERTY THAT ABUTS A PUBLIC ROAD TO BE LESS THAN 300 FEET IN WIDTH.
- <u>REQUESTING RELIEF FROM ST. LOUIS COUNTY ZONING</u>
  <u>ORDINANCE 62, ARTICLE III, SECTION 3.2</u>
  - TO ALLOW A LOT THAT DOES NOT CONFORM TO THE ZONING DISTRICT MINIMAL DIMENSIONAL STANDARDS TO BE PERMITTED AS BUILDABLE.

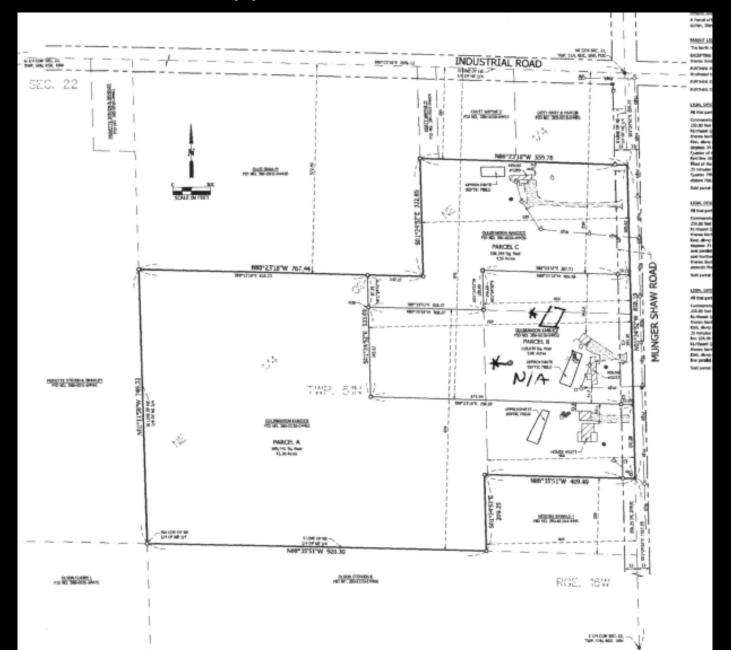
#### PROPOSAL DETAILS

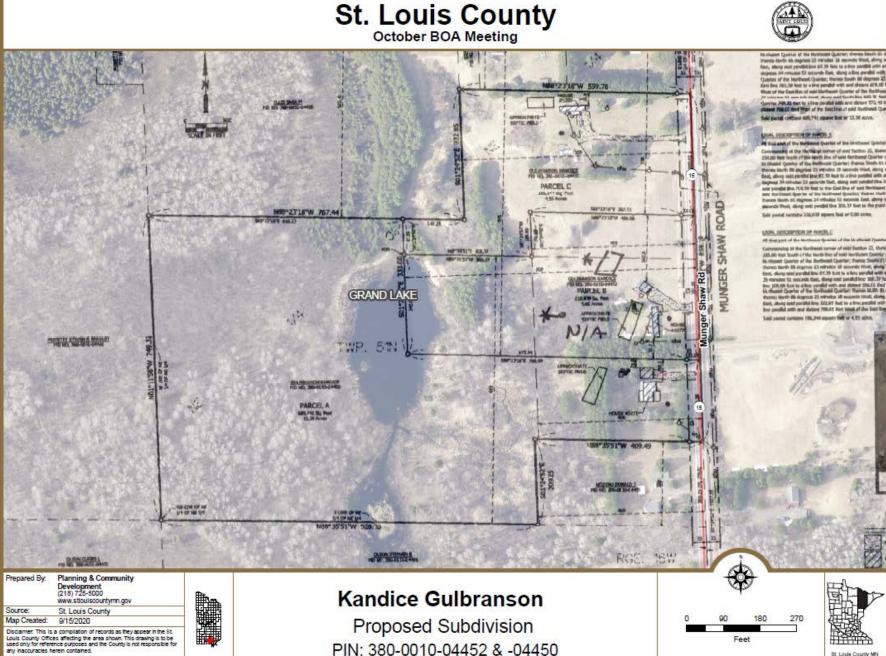
- THE APPLICANT CURRENTLY OWNS TWO PARCELS THAT CONTAIN A TOTAL OF THREE PRINCIPAL DWELLINGS.
- THE APPLICANT IS PROPOSING TO SUBDIVIDE THE TWO PARCELS IN A MANNER THAT WILL RESULT IN THREE PARCELS IN WHICH EACH PARCEL CONTAINS A PRINCIPAL DWELLING.
- TWO OF THE THREE PROPOSED PARCELS WILL CONFORM TO BOTH SUBDIVISION ORDINANCE AND ZONING ORDINANCE REQUIREMENTS.
  - BOTH OF THESE PARCELS WILL HAVE A MINIMUM OF 4.5 ACRES AND 300 FEET OF WIDTH.
- THE THIRD PARCEL WILL CONFORM TO ACREAGE REQUIREMENTS BUT NOT WIDTH REQUIREMENTS FOR BOTH THE SUBDIVISION ORDINANCE AND ZONING ORDINANCE.
  - THIS PARCEL IS PROPOSED AT 15.38 ACRES AND 202.28 FEET OF WIDTH.



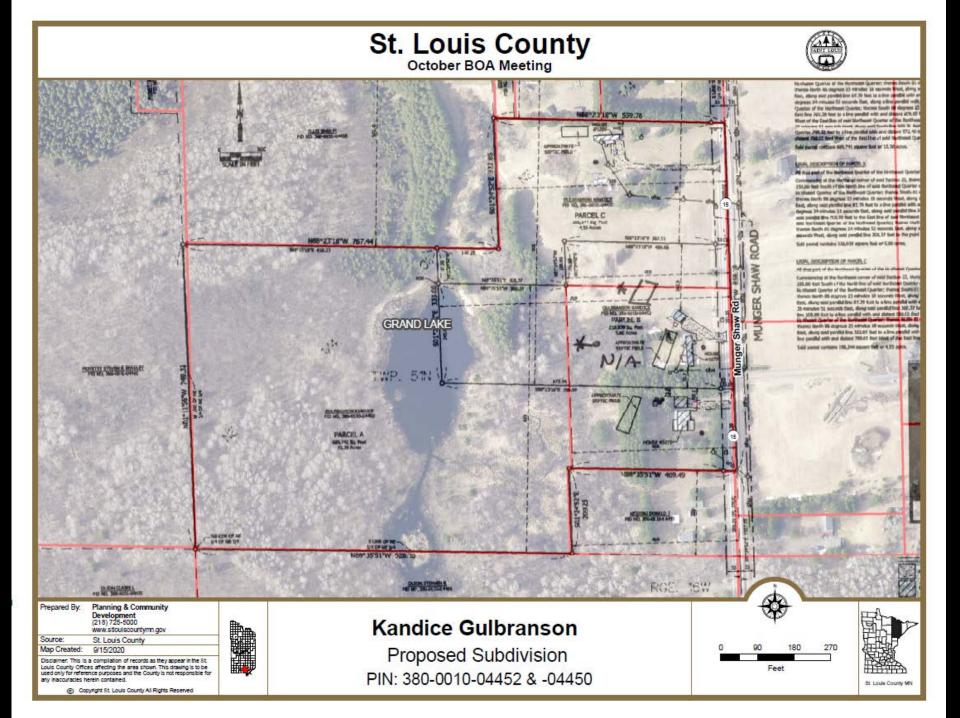


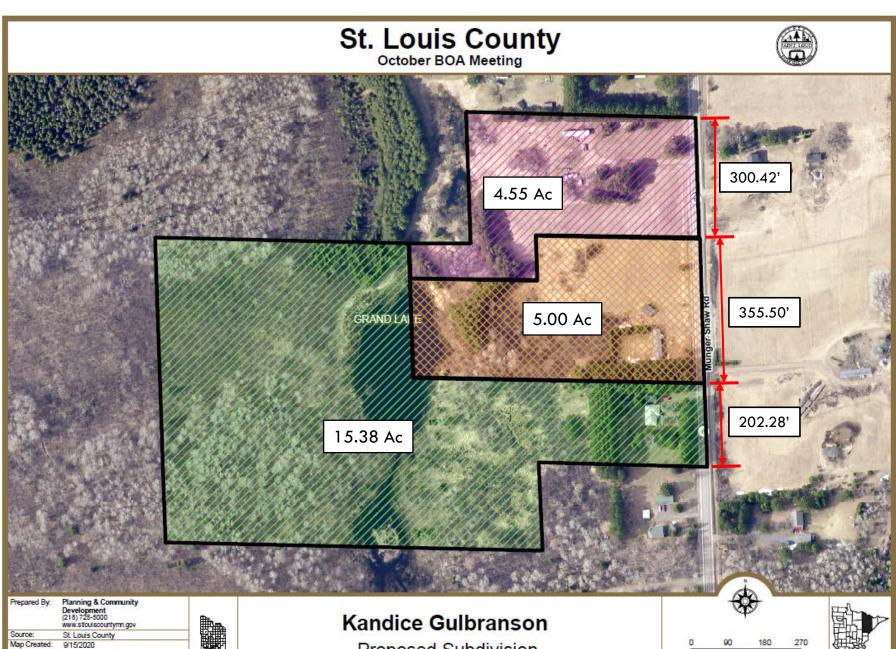
#### Applicant Site Sketch





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Proposed Subdivision PIN: 380-0010-04452 & -04450

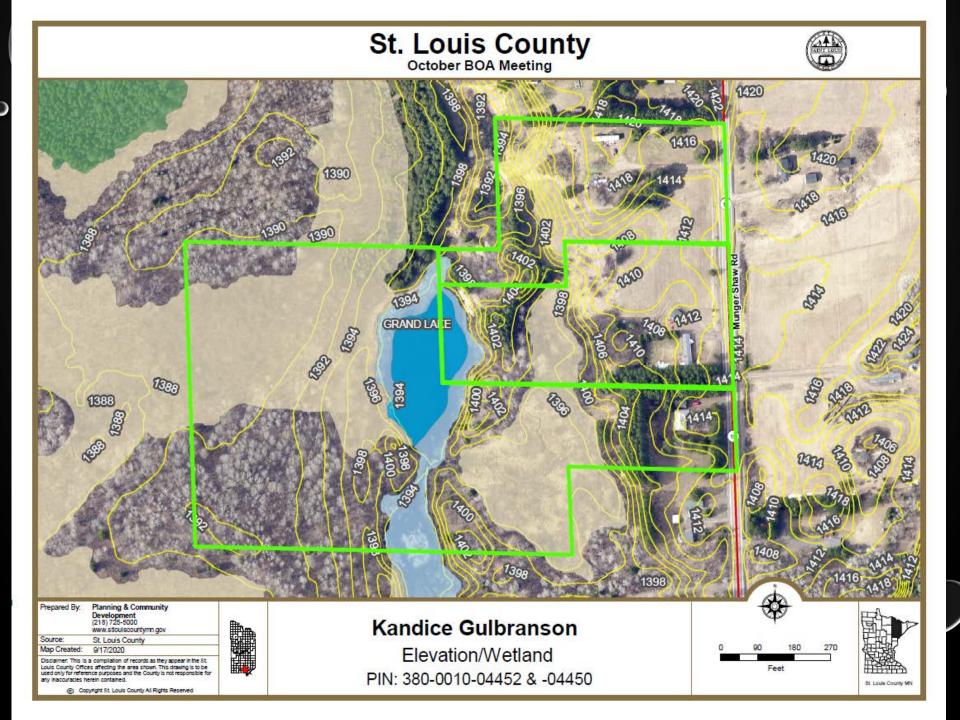
St. Louis County M

Feet

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Disclaimer. This is a compilation of records as they appear in the 8t. Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for

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# STAFF FACTS & FINDINGS

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#### OFFICIAL CONTROLS

- I. ST. LOUIS COUNTY SUBDIVISION ORDINANCE 60 4.2 F ALLOWS THE DIVISION OF PROPERTY ABUTTING A ROAD UNDER THE JURISDICTION OF A PUBLIC ROAD AUTHORITY AS DEFINED IN MINNESOTA STATUTES, SECTION 160.02, INTO PARCELS 4.5 ACRES OR LARGER AND 300 FEET OR MORE IN WIDTH OR MEETS ZONING MINIMUMS, WHICHEVER IS MORE RESTRICTIVE.
  - 2. BOTH SUBJECT PARCELS ARE ZONED MU-4 WHICH REQUIRES A MINIMUM OF 4.5 ACRES AND 300 FEET OF LOT WIDTH.
  - 3. ST. LOUIS COUNTY SUBDIVISION ORDINANCE 60 STATES THAT ANY SUCH DIVISION THAT FAILS TO MEET THE STANDARDS OF THE ST. LOUIS COUNTY LAND USE REGULATIONS SHALL NOT BE DEEMED A LOT OF RECORD FOR THE PURPOSES OF ISSUING LAND USE PERMITS.
    - a. THE APPLICANT'S PROPOSED SUBDIVISION WILL NOT CONFORM TO LAND USE REGULATIONS BECAUSE PARCEL A AS DEPICTED ON THE SUBMITTED SURVEY DOES NOT CONFORM TO THE REQUIRED LOT WIDTH. THE APPLICANT IS REQUESTING THAT LOT OF RECORD STATUS TO BE GRANTED.

#### OFFICIAL CONTROLS

- 4. ST. LOUIS COUNTY ZONING ORDINANCE 62 STATES THAT A SINGLE LOT OF RECORD MAY BE PERMITTED AS A BUILDABLE LOT IF THE LOT MEETS THE DEFINITION OF A LOT OF RECORD AND THE LOT, WHEN CREATED, COMPLIED WITH OFFICIAL CONTROLS IN EFFECT AT THE TIME.
  - a. A LOT OF RECORD IS DEFINED AS A LOT OR PARCEL OF LAND THAT HAS BEEN LAWFULLY CREATED AND RECORDED BY THE COUNTY RECORDER PRIOR TO THE DATE OF ENACTMENT OF THIS ORDINANCE, OR AMENDMENTS THERETO.
  - b. THE PROPERTY IS CREATED WHEN THE DEED IS RECORDED. SINCE PARCEL A WOULD NOT COMPLY WITH THE OFFICIAL CONTROLS AND WOULD NOT MEET THE DEFINITION OF A LOT OF RECORD, IT WOULD NOT BE CONSIDERED BUILDABLE, UNLESS THE LOT OF RECORD STATUS IS GRANTED THROUGH VARIANCE.

#### OFFICIAL CONTROLS

- 5. 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.
  - 6. 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.
  - 7. OBJECTIVE LU-3.2 OF THE ST. LOUIS COUNTY COMPREHENSIVE LAND USE PLAN STATES THAT COUNTY STAFF AND DECISION-MAKERS WILL WORK TOGETHER TO DECREASE THE AMOUNT OF ZONING AND SUBDIVISION ORDINANCE NONCONFORMITIES THROUGHOUT THE COUNTY.
  - 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. THE ZONING IN THIS AREA MAKES SENSE BECAUSE THE MAJORITY OF THE PARCELS IN THE AREA MEET OR EXCEED THE MINIMUM AREA AND WIDTH REQUIREMENTS FOR THE ZONE DISTRICT.

#### PRACTICAL DIFFICULTY

- 1. PARCEL 380-0010-04452 IS CURRENTLY NONCONFORMING.
  - a. THE PARCEL IS CURRENTLY 4.14 DEEDED ACRES WITH 450 FEET OF WIDTH.
  - b. ZONING REQUIRES 4.5 ACRES AND 300 FEET OF WIDTH FOR A PRINCIPAL USE.
- 2. PARCEL 380-0010-04452 CURRENTLY CONTAINS TWO PRINCIPAL DWELLINGS.
  - a. TO HAVE TWO PRINCIPAL DWELLINGS, THE PARCEL WOULD REQUIRE9 ACRES AND 600 FEET OF WIDTH.
- 3. PARCEL 380-0010-04452 IS CURRENTLY NONCONFORMING DUE TO NOT CONFORMING TO LOT SIZE AND FOR HAVING TWO PRINCIPAL DWELLINGS WHERE ONE IS ALLOWED.
  - a. THE PROPOSED SUBDIVISION WILL STILL RESULT IN A NONCONFORMING PARCEL DUE TO LOT WIDTH BUT WILL CORRECT THE NONCONFORMITY OF TWO PRINCIPAL STRUCTURES WHERE ONE IS ALLOWED.

#### PRACTICAL DIFFICULTY

- 4. COMBINED ROAD FRONTAGE OF THE TWO SUBJECT PARCELS IS 858.20 FEET.
  - a. TO HAVE THREE CONFORMING LOTS, 900 FEET OF WIDTH WOULD BE REQUIRED.
- 5. THE APPLICANT CANNOT ACQUIRE ADDITIONAL PROPERTY FROM ADJOINING LANDOWNERS TO GAIN LOT WIDTH AT THE ROAD.
  - a. THE ADJOINING PARCEL TO THE SOUTH OF THE PROPOSED NONCONFORMING PARCEL A IS NONCONFORMING.
    - i. THE PARCEL IS DEEDED AT 2 ACRES WITH A WIDTH OF 209 FEET ON MUNGER SHAW ROAD.
  - b. THE ADJOINING PARCEL TO THE NORTH OF THE PROPOSED PARCEL C IS NONCONFORMING.
    - i. THE PARCEL IS DEEDED AT 1.73 ACRES WITH A WIDTH OF 250 FEET ON MUNGER SHAW ROAD.

## ESSENTIAL CHARACTER OF THE LOCALITY

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

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- 2. THE VARIANCE WOULD HAVE LITTLE IMPACT ON THE AREA.
- 3. THERE ARE FOUR PRINCIPAL STRUCTURES WITHIN THE NE1/4 OF NE1/4 OF S22 T51N R16W NOT INCLUDING THE THREE PRINCIPAL DWELLINGS OWNED BY THE APPLICANT.
  - a. THREE OF THOSE FOUR PRINCIPAL STRUCTURES ARE LOCATED ON NONCONFORMING PARCELS.
- 4. BOTH PARCELS INVOLVED IN THE PROPOSED SUBDIVISION ARE ALREADY DEVELOPED WITH A TOTAL OF THREE PRINCIPAL DWELLINGS.

### OTHER FACTORS

- PARCEL 380-0010-04452 CURRENTLY CONTAINS TWO PRINCIPAL DWELLINGS BUT ONLY HAS ENOUGH ACREAGE AND LOT WIDTH TO ACCOMMODATE ONE PRINCIPAL DWELLING.
  - a. THE DWELLING LOCATED AT 5271 MUNGER SHAW ROAD WAS CONSTRUCTED IN 1960 PRIOR TO FIRST ZONING ORDINANCE.
  - b. THE MOBILE HOME LOCATED AT 5277 MUNGER SHAW ROAD APPEARS TO BE FIRST ESTABLISHED IN 1974 AND WAS LATER REPLACED IN 1997.
- 2. EACH DWELLING HAS AN ASSIGNED ADDRESS, SEPTIC SYSTEM AND WELL.

#### OTHER FACTORS

- AS PROPOSED, THE PROPERTY LINE SPLITTING 5271 AND 5277 IS LOCATED SO BOTH DWELLINGS ARE AT A CONFORMING PRINCIPAL STRUCTURE PROPERTY LINE SETBACK.
  - a. THE PROPOSED SUBDIVISION WILL RESULT IN THE ACCESSORY STRUCTURE LOCATED AT 5271 MUNGER SHAW ON PROPOSED PARCEL A TO BE AT A NONCONFORMING PROPERTY LINE SETBACK.
    - i. THE STRUCTURE WILL BE LOCATED 21.9 FEET FROM THE PROPERTY LINE WHERE 25 FEET IS REQUIRED.
    - II. TO GAIN ENOUGH WIDTH FOR THE ACCESSORY STRUCTURE TO CONFORM TO THE REQUIRED 25 FOOT PROPERTY LINE SETBACK, THE DWELLING AT 5277 MUNGER SHAW ROAD ON PROPOSED PARCEL B WOULD NEED TO BE MOVED TO THE NORTH APPROXIMATELY 1.5 FEET.

# BOARD OF ADJUSTMENT CRITERIA FOR O 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 THE SUBDIVISION OF A PROPERTY THAT ABUTS A PUBLIC ROAD TO BE LESS THAN 300 FEET IN WIDTH AND TO ALLOW A LOT THAT DOES NOT CONFORM TO THE ZONING DISTRICT MINIMAL DIMENSIONAL STANDARDS TO BE PERMITTED AS BUILDABLE, THE FOLLOWING CONDITION(S) SHALL APPLY:

1. NO FURTHER SUBDIVISION OF THE PROPOSED PARCELS THAT WILL RESULT IN ANY NEW NONCONFORMITIES OR AN INCREASE IN AN EXISTING NONCONFORMITY.





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#### QUESTIONS?



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