



**CITY OF DULUTH**  
Planning Division

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Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL 13- 074	<b>Contact</b>	Steven Robertson
<b>Application Type</b>	Variance	<b>Planning Commission Date</b>	June 11
<b>Deadline for Action</b>	<b>Application Date</b>	May 8, 2013	<b>60 Days</b> July 7, 2013
	<b>Date Extension Letter Mailed</b>	May 21, 2013	<b>120 Days</b> September 5, 2013
<b>Location of Subject</b>	1972 Hartley Road		
<b>Applicant</b>	Paul and Carol Anderson	<b>Contact</b>	panderso@d.umn.edu
<b>Agent</b>	Jody Keppers	<b>Contact</b>	jkeppers@keppersdesign.com
<b>Legal Description</b>	010-4645-00150		
<b>Site Visit Date</b>	June 3, 2013	<b>Sign Notice Date</b>	May 28, 2013
<b>Neighbor Letter Date</b>	May 23, 2013	<b>Number of Letters Sent</b>	40

**Proposal**

A variance to allow a 17' front yard setback instead of a 25' front yard setback for an entry/bathroom addition.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

**Summary of Code Requirements (reference section with a brief description):**

Sec. 50-14.5 - Residential-Traditional District. Minimum depth of front yard: the smaller of 25 feet, or the average of adjacent developed lots facing the same street. Side yard setback is 6 feet.

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall . . . make a decision on the application based on the criteria in subsections 50-37.9.C through M . . . .

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (paraphrased here):  
Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

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**Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):**

-Traditional Neighborhood Future Land Use. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

- 1) The applicant would like to add approximately 100 square feet to the front of their single family home. The proposed expansion would be located 17 feet from the lot line in their front yard, where a minimum 25 feet setback is required.
- 2) The applicant is stating that their hardship results from a change in the zoning code. When the home was constructed in 1958, Hartley Road was considered the front of the lot. At that time, the home fully met all setbacks. Even when the UDC was released in 2010, the front yard was established to be "on corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension". In 2011, the City revised the UDC and the definition of what the front of a lot was because the definition was not working well in many situations. The current definition of Lot, Front is "...For corner lots, the shortest side fronting upon a street shall be considered the front of the lot unless structures exist on the lot. In that case, the frontage shall be established by the orientation of the buildings, or of the principle entrance if building orientation does not clearly indicate lot frontage". The current definition of Lot, Front, dictates that Hartley Place should be the front of the lot, and that the home currently does not meet setbacks.
- 3) The applicant does not have many options to add on to the structure. While the lot is 75 feet wide, 25 feet is required for the front yard setback, and 25 feet for the rear yard setback. The only available place for the applicant to the expansion that wouldn't require a variance would be to the NE corner of the lot, off of the garage.
- 4) The proposed addition allows the property to be used in a reasonable manner, and continued use of this property as a single-family home is consistent with the Comprehensive Land Use Plan.
- 5) The proposed addition will not impair supply of light or air to adjacent properties, or increase congestion on public streets, or diminish property values. It will not alter the essential character of the surrounding area.
- 6) The variance, if granted, would not likely compromise the general purposes or intent of Section 50-18.1.D or result in adverse consequences to the environment.
- 7) No City, public, or agency comments were received.
- 8) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, Staff finds that the standard for variance has been met and, therefore, recommends the Planning Commission approve the requested variance, subject to the following conditions:

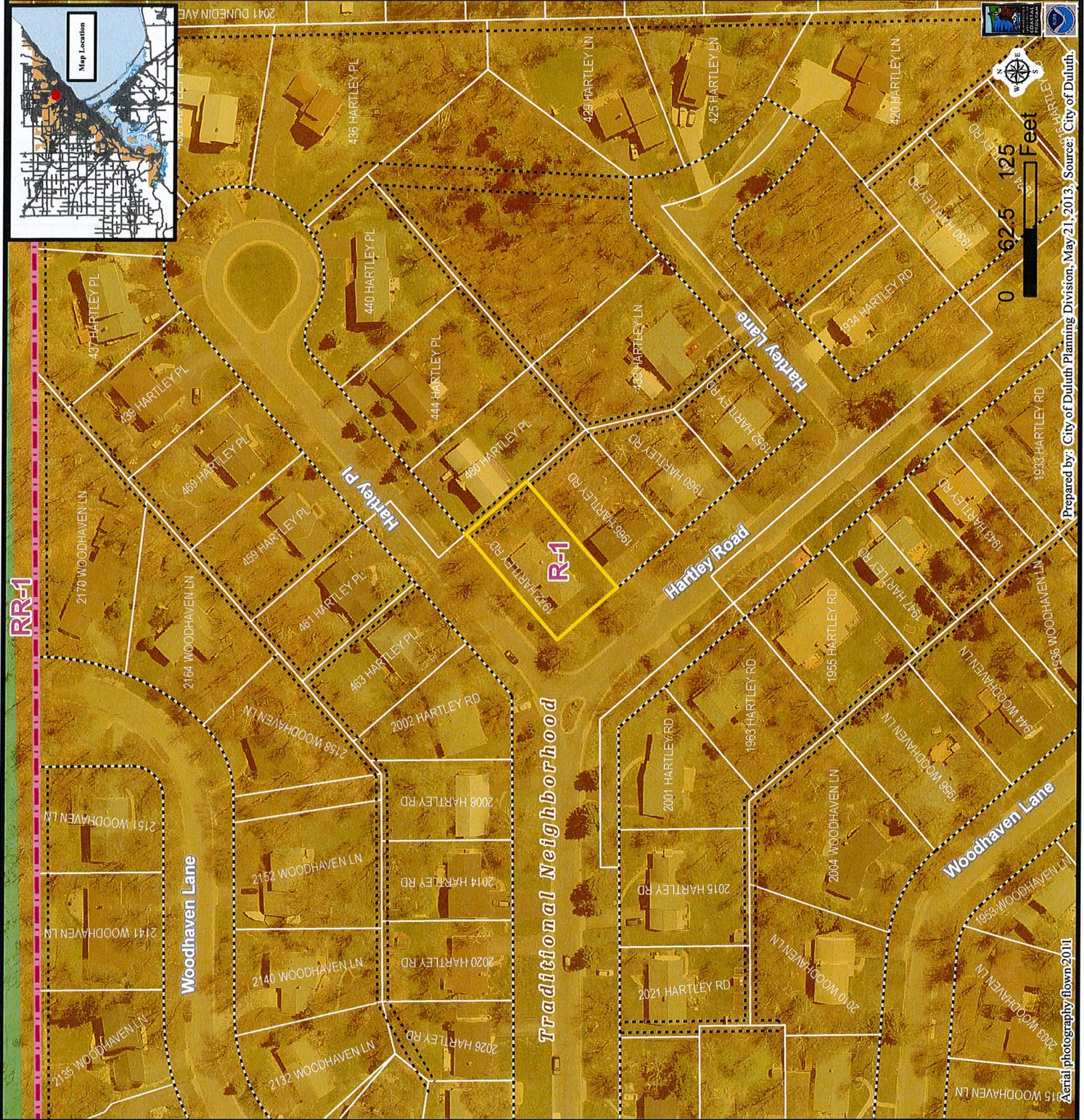
- 1) Applicant construct the project in accordance with site plan submitted by keppersdesign architecture dated May 7, 2013.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

J-C

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**



**City Planning**  
 PL 13-074  
 Variance  
 1972 Hartley Road



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Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, May 21, 2013. Source: City of Duluth.

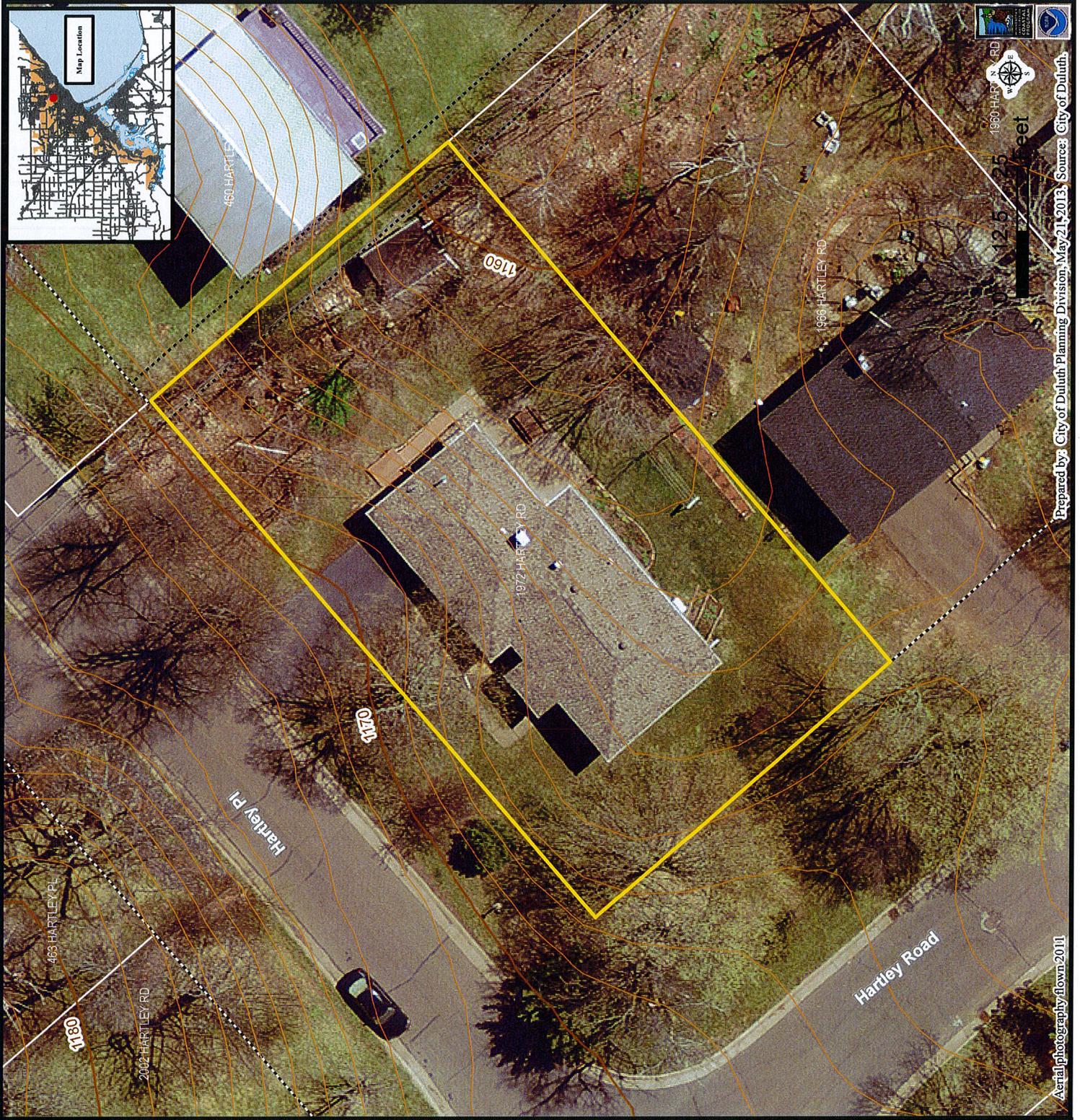


# City Planning

PL 13-074

Variance

1972 Hartley Road



Map Location



12.5 feet

Prepared by: City of Duluth Planning Division, May 21, 2013. Source: City of Duluth.

Aerial photography flown 2011

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 Duluth, Minnesota 55804  
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 Phone 218-409-6409

Member USGBC  
 May 7, 2013

**Variance Application**

Location: 1972 Hartley Road, Duluth, MN  
 Applicant: Paul & Carol Anderson

Nature of Variance: Variance to allow a 17' Front Yard Setback instead of a 25' Front Yard Setback for an Entry/Bathroom Addition

**Background**

The Applicant's home is a one-story home with a walkout basement, built in 1958. It contains 2137 finished square feet, including a 1072 sq. ft main level and a lower level of 1065 sq. ft. In addition, there are 355 unfinished sq. ft. at the lower level.

Although the home is well-built, several aspects of the home as originally built present difficulties.

- Inadequate size of main-floor bath. This is the only bath on the main floor, and it serves the master bedroom as well as the rest of the main level. The existing bath is only 45 square feet, and its arrangement is poor. The toilet has only about 18 inches of clear space in front of it, although current building codes require 24". The vanity is only about 22" wide, and cannot be made wider because of a lack of space. The existing bath is unusable for anyone with a disability.
- Inadequate front entry. The landing of the existing split-level entry is only 3'-2" deep. There is no space for clothes or shoes, and the swing of the door is hazardous for anyone in the landing when it opens.

The Applicant would like to solve the problems above by adding a modest 105 square foot addition which would provide a safer entry and more code-compliant main-level bath. This addition would extend only 3' from the front of the existing home. It would be set back 17' from the northern property line.

**Hardship**

The difficulty arises with the way the home sits on the lot. This difficulty was created by a change in the zoning ordinance after the home was built and was not created by the applicant or previous owners.

The home is on a corner lot and has a 20' setback facing Hartley Place and 25' facing Hartley Road. If the official "front" of the home faced Hartley Road, the addition proposed **would be in compliance** with existing setback requirements. (25' front, 15' street side.) Unfortunately, the front door faces Hartley Place, making the north side the "front" according to current rules. **The only thing creating a problem is the definition of "front" as applied to this house.**

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The layout of the home makes the proposed design almost the only sensible solution to the home's difficulties. Expanding the bath or entry within the existing home footprint is impractical; they would either impinge on the bedroom hall or the modest master bedroom (12' x 14').

**Impact of solution**

The proposed solution would have no negative impact on this or neighboring properties.

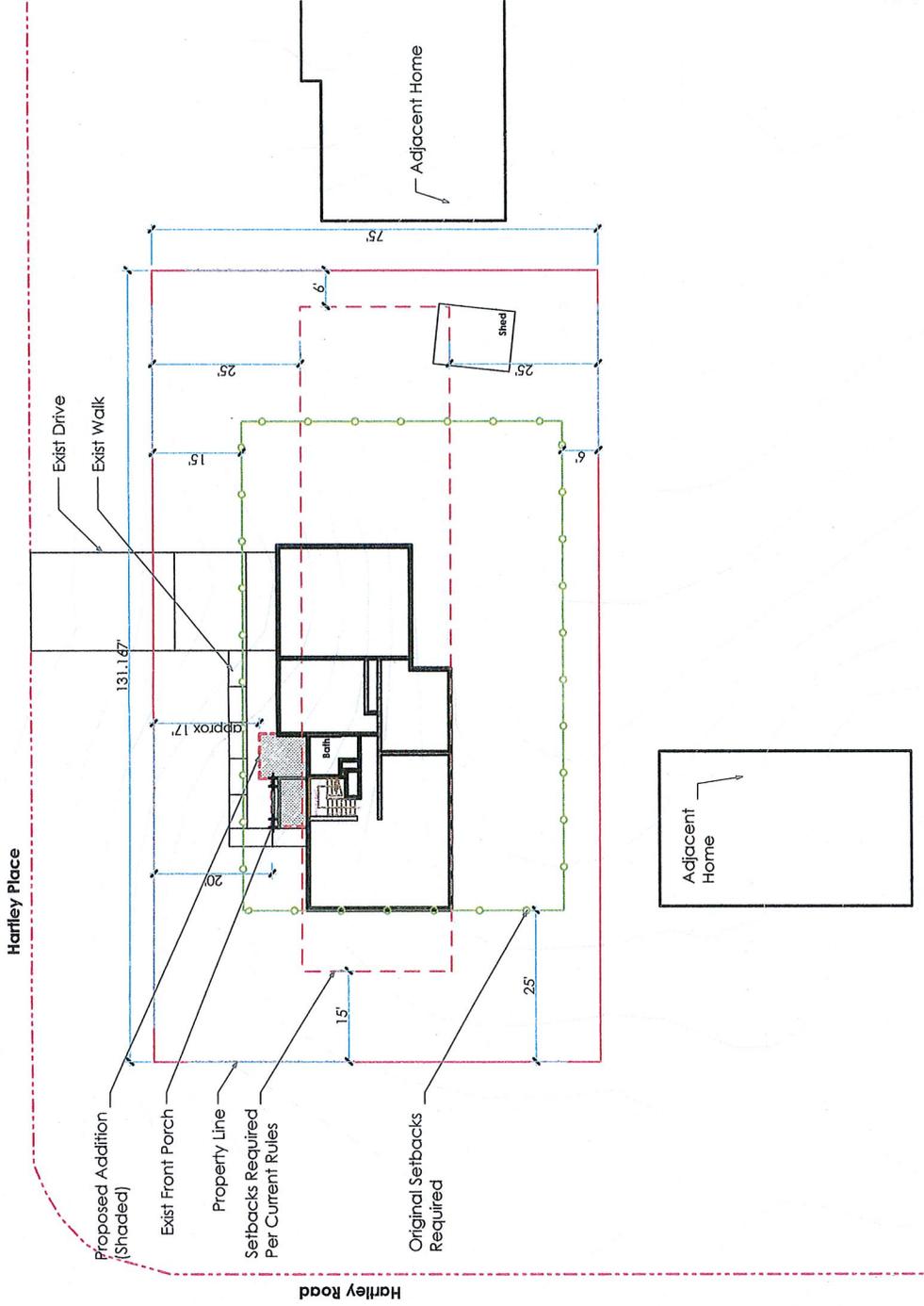
The overall character of the home would remain the same. The new enclosed entry would occupy the same footprint as the existing exterior entry porch, effectively keeping the building setback unchanged at the entry. The bath would extend only 3' in front of the existing attached garage. It would have a minimal effect on the overall massing of the house.

**Alternative Solution**

The Applicant also has an alternative solution to the design problem which aligns the front of the addition with the front of the garage. This would keep the setback at the existing 20', but the bathroom layout would not function as well with the toilet on an exterior wall. The Planning Commission could consider this solution if the first solution is unacceptable.

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SITE PLAN  
SCALE 1" = 20'

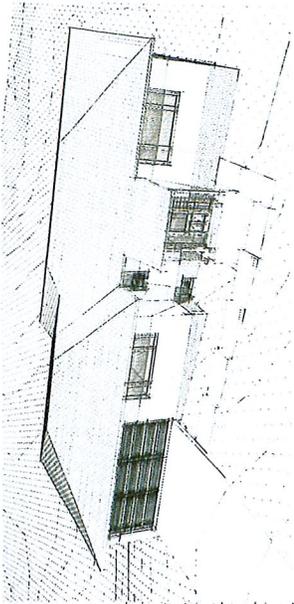
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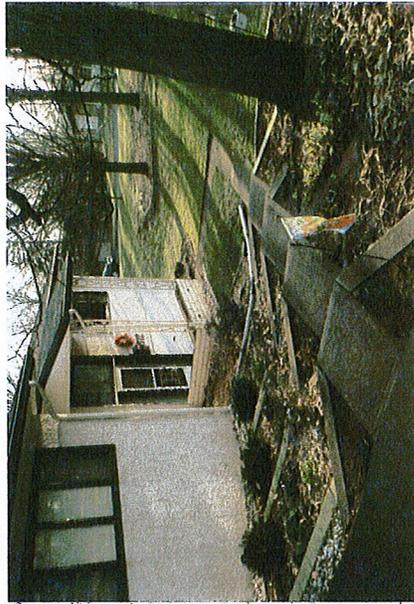
Paul & Carol Anderson Remodel  
Sketches & Photos

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May 7, 2013



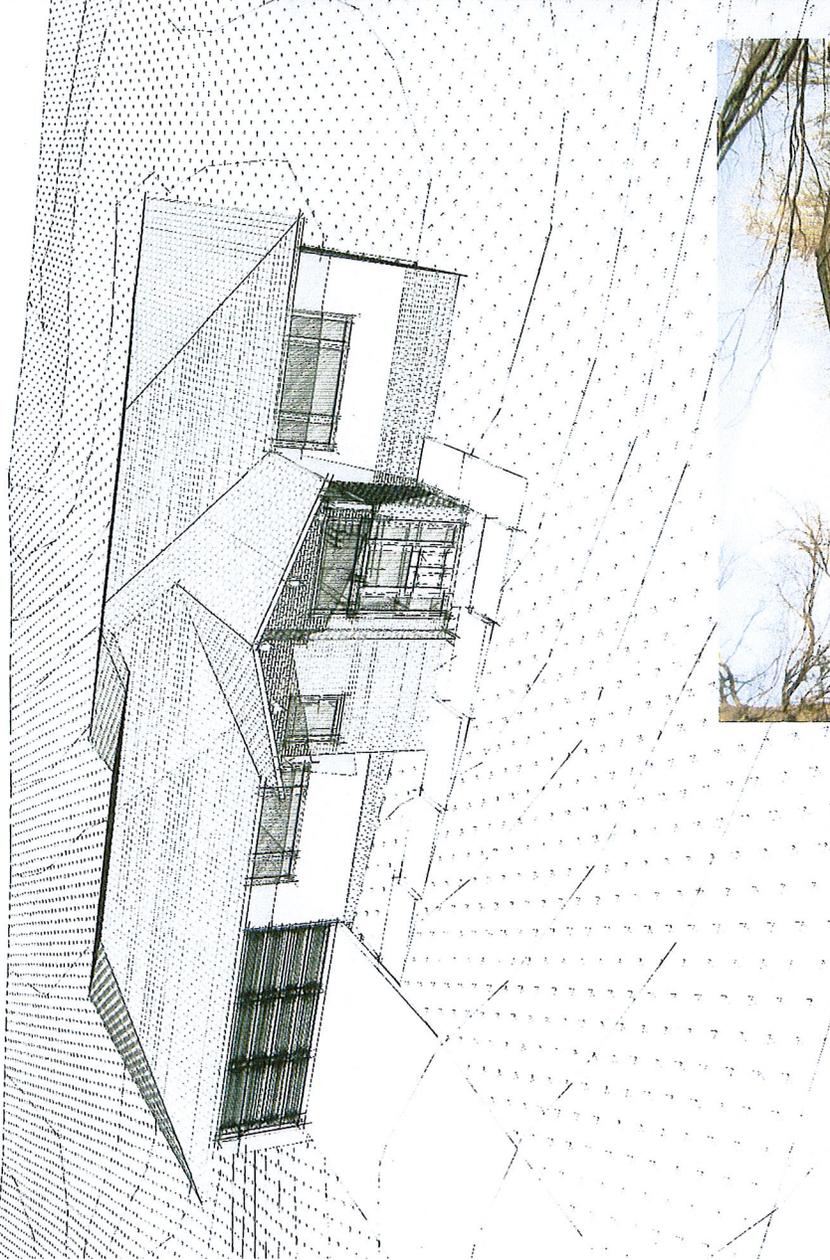
Existing Home Sketch  
NOT TO SCALE



Exist Home Photo  
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Existing Porch Photo  
NOT TO SCALE



Addition Sketch



Existing Home Photo  
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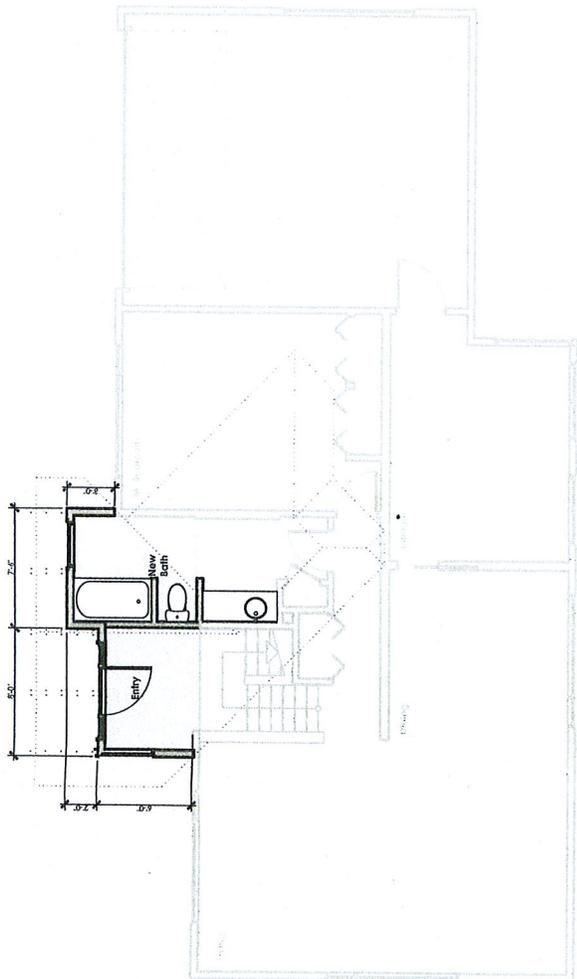


Addition Design Sketch

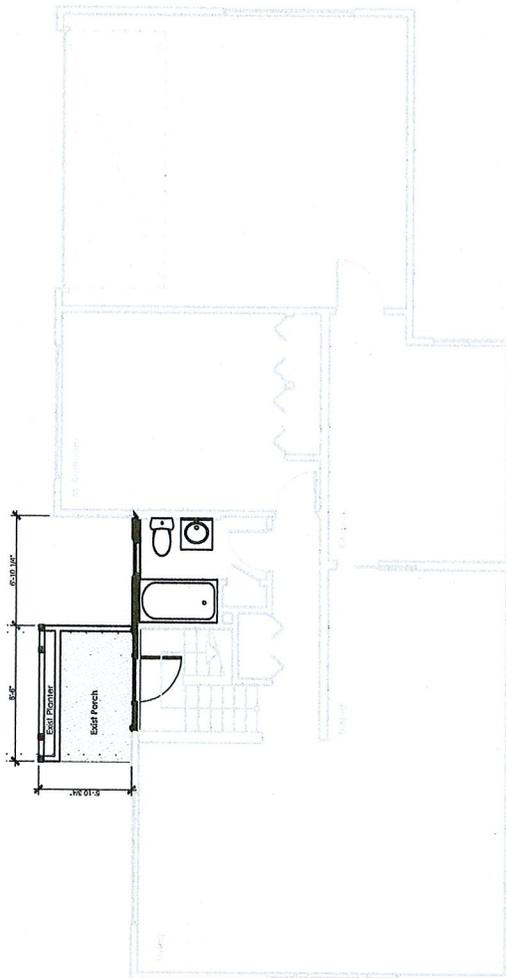
J-C



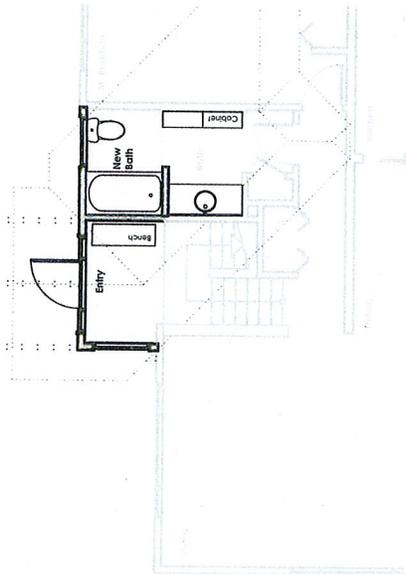
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Proposed Addition  
 SCALE: 1/8" = 1'-0"



First Floor Existing Plan  
 SCALE: 1/8" = 1'-0"



Optional Addition  
 SCALE: 1/8" = 1'-0"

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