



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
 Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 13-071	Contact	Steven Robertson
Application Type	Shoreland Variance	Planning Commission Date	June 11, 2013
Deadline for Action	Application Date	May 1, 2013	60 Days June 30, 2013
	Date Extension Letter Mailed	May 21, 2013	120 Days August 29, 2013
Location of Subject	2033 Woodhaven Lane		
Applicant	John Allen and Rebecca Teasley	Contact	
Agent	Terry Penman	Contact	tpenman@hotmail.com
Legal Description	010-4645-00540		
Site Visit Date	June 3, 2013	Sign Notice Date	May 28, 2013
Neighbor Letter Date	May 21, 2013	Number of Letters Sent	22

Proposal

Applicant is seeking variance to expand a structure (existing deck) approximately 100 feet from the ordinary high water level from the Coldwater River structure setback, instead of the 150 feet normally required.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Preservation/Traditional Neighborhood
North	R-1	Residential	Preservation/Traditional Neighborhood
South	R-1	Residential	Preservation/Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1/RR-1	Vacant/Hartley Park	Preservation

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

50-18.1 Natural Resources Overlay: maintain 150 ft. setback for structures.

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 (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.

Sec. 50-37.9.L Standards for Variances in Shorelands. No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

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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.

-Preservation Future Land Use. Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

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

- 1) The applicant would like to remodel the main entrance of their home (new hip roof) and remodel their existing deck (add approximately 200 square feet to the existing deck). Over 2/3 of the lot is within the shoreland setback, with much of the remaining lot within the front yard setback. The rear 1/3 of the lot is within a FEMA designated floodplain.
- 2) Existing trees and vegetation lie between the proposed addition and the creek. Because of these existing conditions, staff finds it unlikely that this minor addition would have any detrimental effect to the quality or temperature of water in the creek. The proposed expansion comes no closer to the actual high water mark than the existing structure.
- 3) Because of the topographic limitations of the property, the homeowner needs relief from the strict interpretation of the zoning code.
- 4) The need for relief is not due to circumstances created by the homeowner, as this house, which is located closer to the creek than the proposed addition, was built prior to the existing coldwater creek setbacks.
- 5) The special circumstances that apply to this property do not generally apply to other homes in the neighborhood, with one or two exceptions.
- 6) 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. The relief is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant;
- 7) 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.
- 8) 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.
- 9) No City, public, or agency comments were received.
- 10) 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 plan submitted by penmanDesign, dated April 29, 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.

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



City Planning

PL 13-071

Shoreland Variance
2033 Woodhaven Lane

Legend

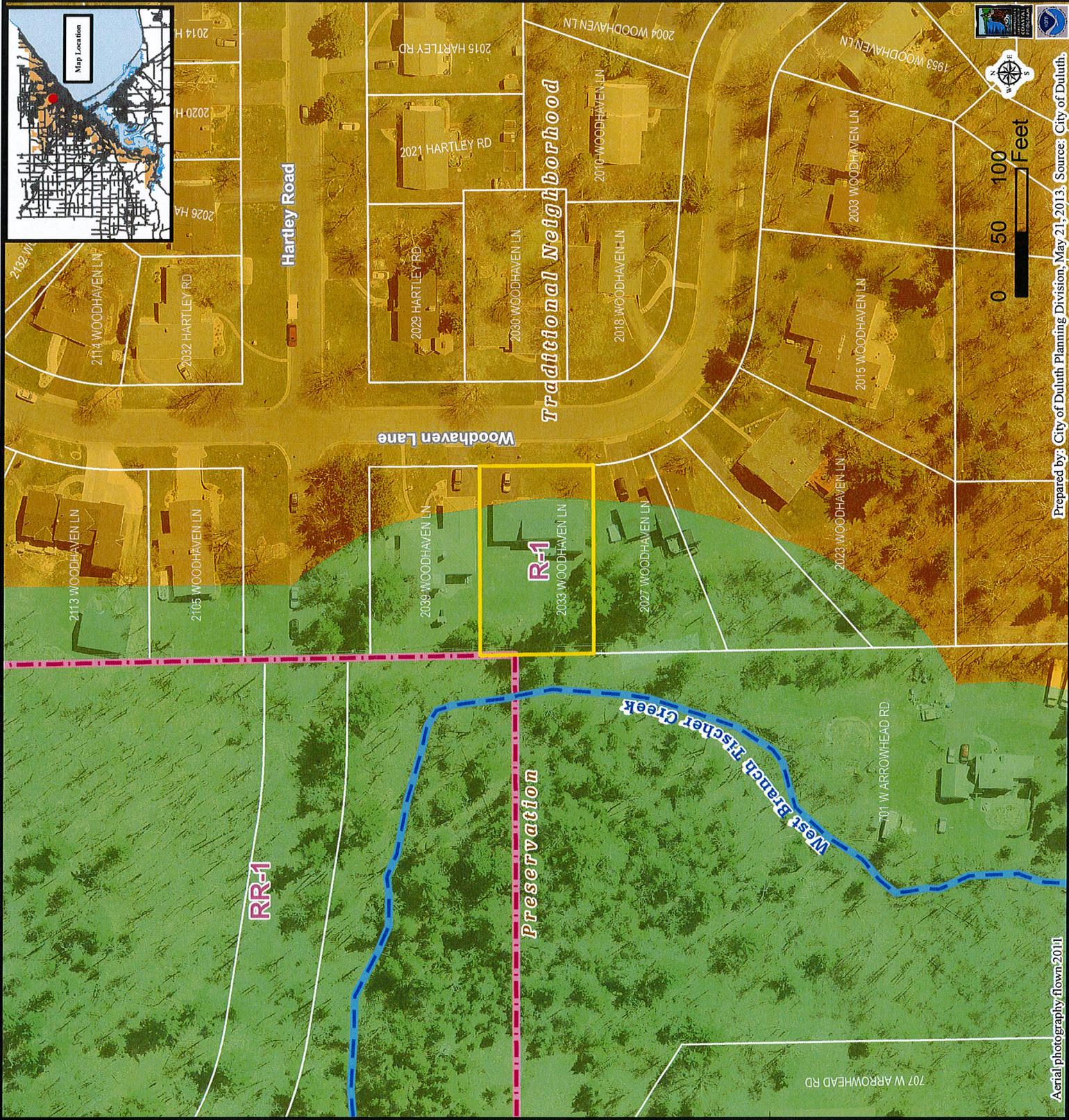
Future Land Use - Plus

Future Land Use

-  Preservation
-  Recreation
-  Rural Residential
-  Low-density Neighborhood
-  Traditional Neighborhood
-  Urban Residential
-  Neighborhood Commercial
-  Neighborhood Mixed Use
-  General Mixed Use
-  Central Business Secondary
-  Central Business Primary
-  Auto Oriented Commercial
-  Large-scale Commercial
-  Business Park
-  Tourism/Entertainment District
-  Medical District
-  Institutional
-  Commercial Waterfront
-  Industrial Waterfront
-  Light Industrial
-  General Industrial
-  Transportation and Utilities

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for damages in connection with the use of this information contained within.

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Aerial photography from 2011

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

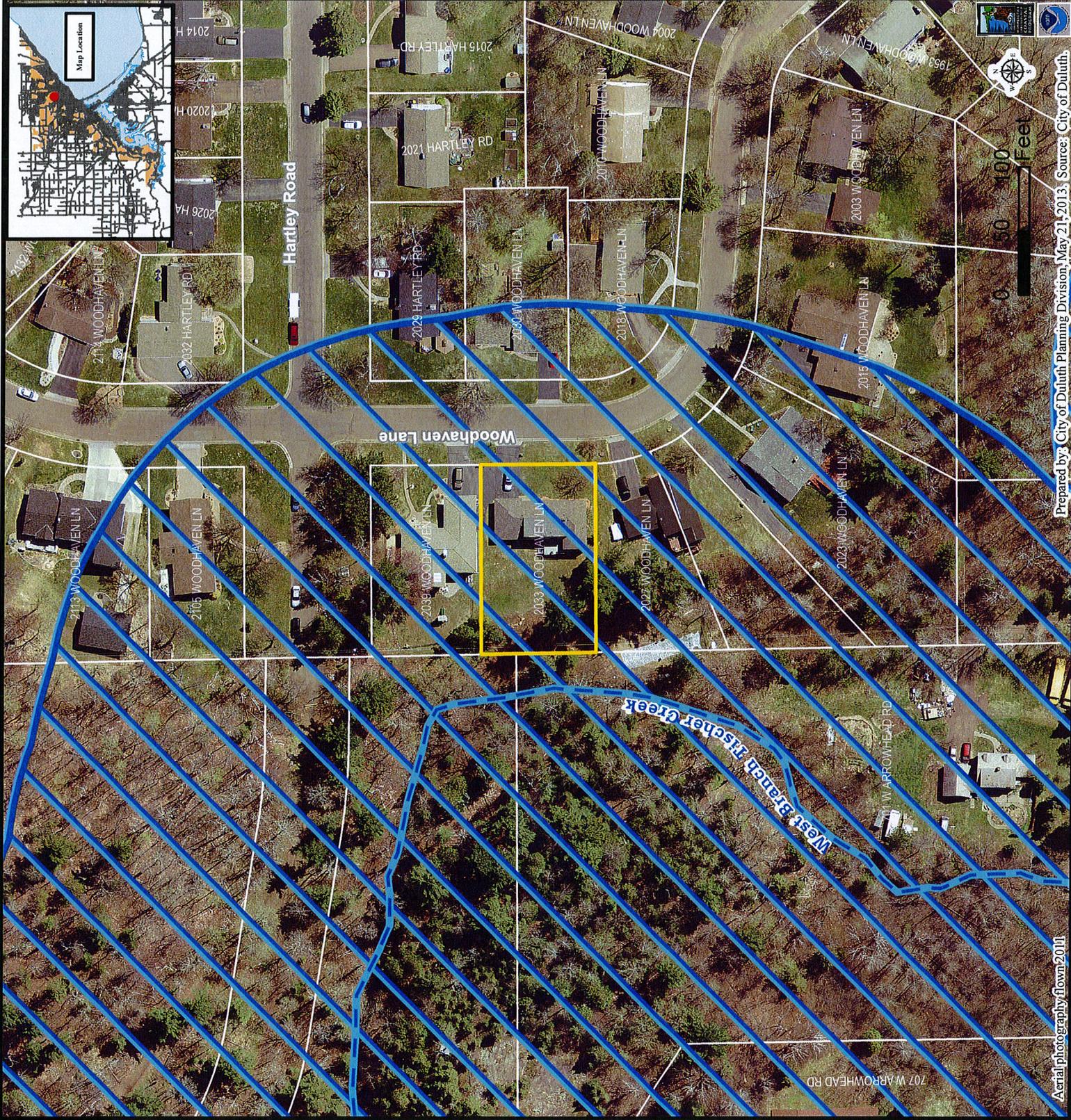


City Planning

PL 13-071

Shoreland Variance

2033 Woodhaven Lane



Legend

DuluthStream_cl

TROUT_FLAG

— Trout Stream (GPS)

- - - Other Stream (GPS)

Shoreland (UDC)

Shoreland Overlay Zone

Cold Water

Natural Environment

General Development

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Aerial photography from 2011

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

John M. Allen, P.E. and Dr. Rebecca L. Teasley
2033 Woodhaven Lane
Duluth, MN 55803

May 1, 2013

City of Duluth
Planning and Construction Services
411 West First Street, Room 210
Duluth, Minnesota 55802-1194

Subject: Variance Submittal Package for 2033 Woodhaven Lane, Duluth

Dear Planning and Construction Services Department,

My wife and I are submitting a request for a variance for our primary residence at 2033 Woodhaven Lane (Parcel ID: 010-4645-00540). We recently purchased the property upon locating to Duluth in May of 2010. We're seeking a variance as we have two significant home improvement projects that we would like to have performed. We have currently hired a local architect, landscape designer and have had a property survey performed and recorded with the City of Duluth.

The first project to be performed is a remodel of the existing deck. Unpronounced to us at the time of purchase we have since learned that the existing deck has rotten joints which have rotted back past the bearing wall and into the interior of the residence. This repair is necessary to maintain the safety and integrity of the structure and its residents.

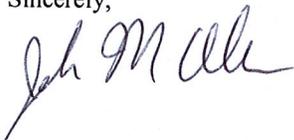
The second project to be performed is remodel of the main entrance to the residence. During freezing and thawing periods with the current roof design water falls directly onto the entrance and causes a slip-trip-and fall hazard for the occupants, delivery personnel and visitors. We're proposing to add a hip roof over the entry way to redirect water away from the entrance and the structure itself.

As part of the landscape design we're also considering adding an open air arbor in the backyard.

We look forward to your review. Attached to this document you'll find the following documents:

Application Cover Sheet
Check No. 1350 for \$600
Certified Survey by SEH for the Parcel
Site Plan C1 Drawing for the Deck & Main Entrance Remodel
Aerial Photograph of 2033 Woodhaven Lane
Landscape Design Drawing

Sincerely,



John M. Allen, P.E.
Attachments (6)

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John M. Allen, P.E. and Dr. Rebecca L. Teasley
2033 Woodhaven Lane
Duluth, MN 55803

May 28, 2013

City of Duluth
Planning and Construction Services
411 West First Street, Room 210
Duluth, Minnesota 55802-1194

Subject: Variance Submittal Package for 2033 Woodhaven Lane, Duluth

Dear Planning and Construction Services Department,

Legal Description: Lot 2, Block 6, Woodhaven Re-Arrangement of Nashville Division and the North 15 Feet of Lot 3, Block 6, Woodhaven Re-Arrangement of Nashville Division

Project Description: To remove and replace the existing 200 square foot deck with a new, reconfigured, 400 square foot deck. The new deck will be incorporated into a new landscape design, creating a more sensitive and sustainable design solution. The existing deck, and the proposed new deck, run parallel to a cold water stream which is about 125 feet from the deck.

Situation Not Created By The Applicant: All of the applicants back yard is within the shoreland overlay. The house was built prior to the existing cold water creek setback. The proposed new deck would not project any further toward the creek than the existing deck, but would actually be further from the creek, and run parallel with the house.

Undue Hardship: The existing deck needs to be removed and replaced due to structural rotting. When built, the contractor extended the interior floor joists outside of the house to also serve as the deck floor joists. The floor joists are now rotting toward the house and need to be removed before causing life safety issues. The proposed new deck will be constructed to today's codes and standards, and is being designed to accommodate our family's needs.

Variance Will Have No Negative Impact: We believe the proposed new deck will enhance and enforce the natural surroundings, not only aesthetically and functionally, but also in it's sensitivity to the landscape, and it's sustainable approach to design and materials. We have hired both an Architect, and a Landscape Architect to help achieve this concept. The proposed deck design and the landscape plan will work together to create a smooth transition from the house to the yard through a less intrusive, terraced

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[Recipient Name]
April 28, 2013
Page 2

approach. The extensive landscape design will incorporate many trees, shrubs, and planting beds, reducing the amount of grass surface runoff.

Thank you for your consideration of our request.

Sincerely,

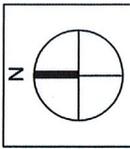
A handwritten signature in black ink, appearing to read "John M. Allen". The signature is written in a cursive style with a large initial "J" and "M".

John M. Allen, P.E.

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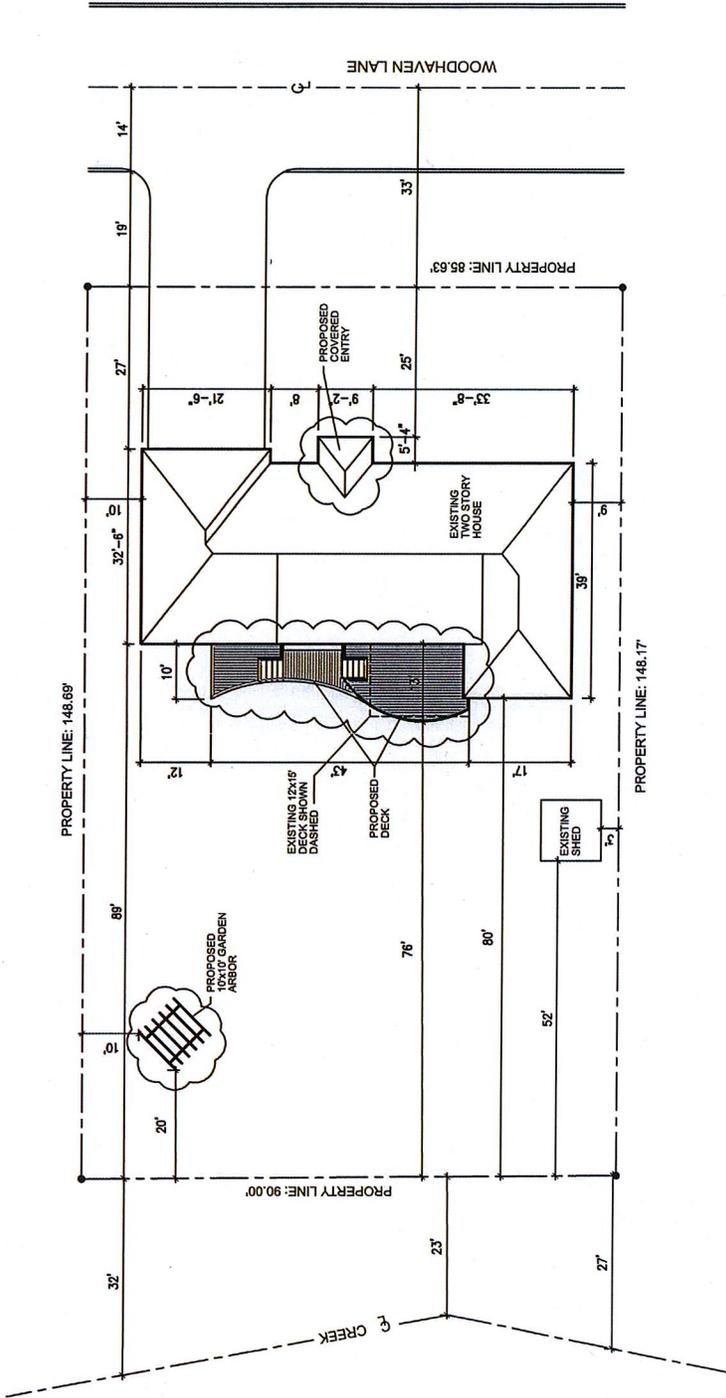
Allen Residence
 2033 Woodhaven Lane
 Duluth, MN 55803

penmanDESIGN
 13444 Hollywood Ln.
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 fpenman@hotmail.com

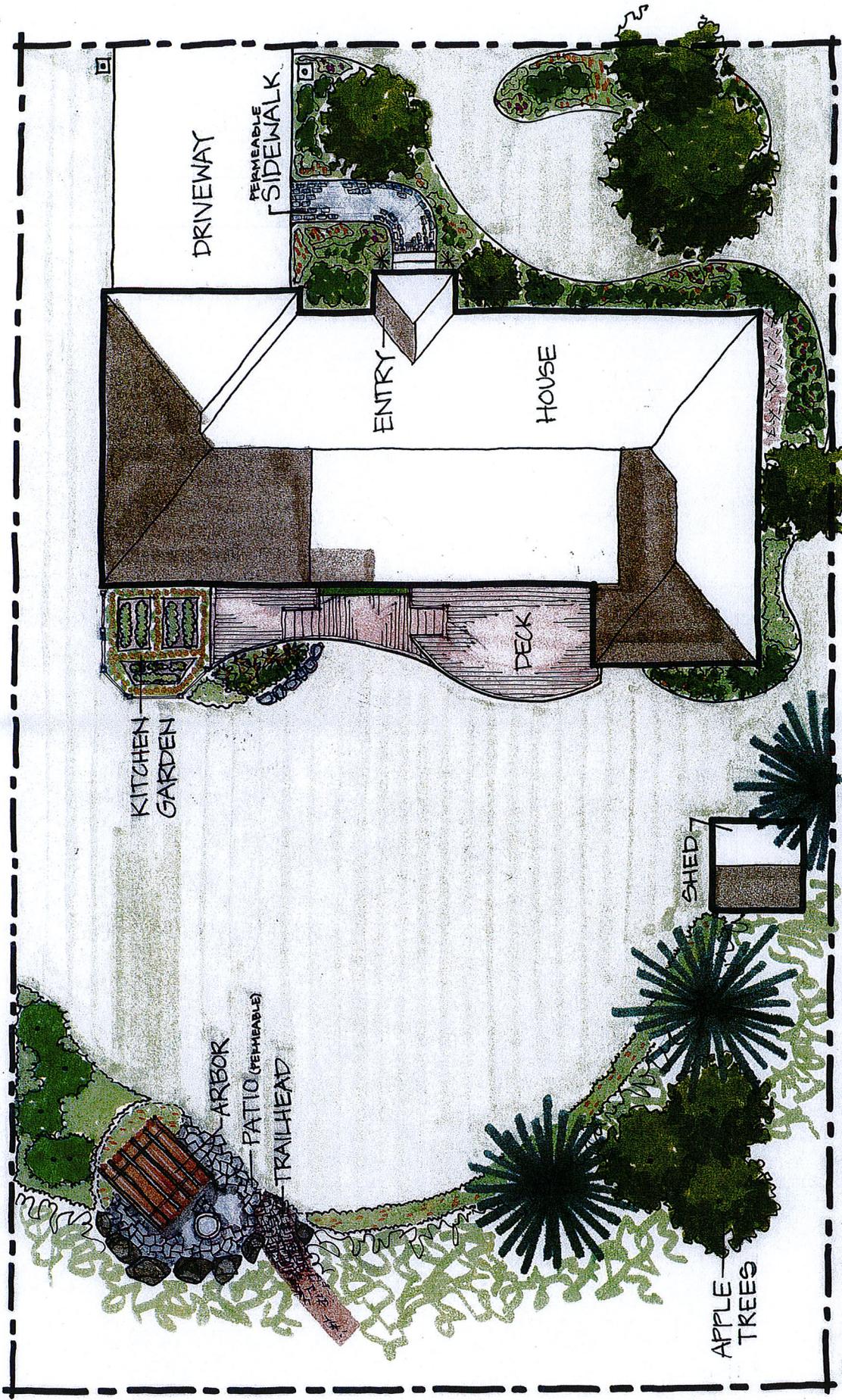


SCALE: 1" = 20'
 DATE: 29 APRIL 2013

SITE PLAN
C1



6-H



PROPOSED LANDSCAPE PLAN
5/1/13
SCALE: 1" = 10'

ALLEN-TEASLEY RESIDENCE
2032 WOODHAVEN LANE