



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 13-054	Contact	Steven Robertson, 218 730 5295	
Application Type	Variance from Front Yard Setback	Planning Commission Date	May 14, 2013	
Deadline for Action	Application Date	March 28, 2013	60 Days	May 27, 2013
	Date Extension Letter Mailed	April 24, 2013	120 Days	July 26, 2013
Location of Subject	1213 East 8th Street			
Applicant	David and Lorie Croke	Contact		
Agent	Ed Bruckelmyer	Contact	edb@bruckelmyerbrothers.com	
Legal Description	PID 010-0500-00430			
Site Visit Date	May 7, 2013	Sign Notice Date	April 29, 2013	
Neighbor Letter Date	April 26, 2013	Number of Letters Sent	73	

Proposal

Variance to construct an addition to the existing single family home, 1.9 feet from the side lot line and 18.8 feet from the front lot line.

According to the applicant, "the current home (20 x 27 1/2) is too small. Addition to the rear of home all but impossible due to access, overhead wires, etc. Current front porch basically unusable, and in need of repair. Addition would encroach on side yard setback only on westerly side, as existing porch is extent of addition to east and south".

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1/MU-N	Residential	Traditional Neighborhood/Urban Residential
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1/MU-N	Residential	Traditional Neighborhood/Urban Residential

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.

0-1

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 is proposing to expand the existing structure by adding a 11.6' feet by 7.6' feet addition to the existing single family home.
- 2) Adding a modest expansion to a residential property is a reasonable use of the property, and conditions on the property were not created by the applicant (home was constructed in 1921).
- 3) The applicant's use of the property and expansion project is reasonable, and the applicant has no other practical location to expand the home. The narrow lot, overhead lines, and garage alleys contribute to adding on to the rear of the property difficult.
- 4) The applicant's lot is narrow (25 feet) and lack of reasonable access for construction vehicles and equipment contribute to the need for a variance from the established zoning setbacks.
- 5) When requesting a front, rear, or side yard setback, the Planning Commission may require additional landscaping and buffering, including decorative landscaping. Based on the history and character of the use and the neighborhood, additional landscaping would likely not be necessary or impactful.
- 6) If this variance were granted, it would likely not impair an adequate supply of light and air to adjacent properties, will not substantially impair the intent of the UDC, nor will it unreasonably increase the congestion in public streets. If the variance were denied, the applicant would still have reasonable use of the property.
- 7) No comments were received from city or government agencies on this proposal. Two letters of support were submitted by adjacent property owners.
- 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 within 1 year of the permit date.

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 condition:

- 1) Applicant construct the project in accordance with certificate of survey (area identified as "proposed addition") dated 3-28-13 by Ronald Krueger.

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



City Planning

PL 13-054

Variance

1213 E 8th St



Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, April 15, 2013. Source: City of Duluth

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 errors contained within this data provided or for any damages in connection with the use of this information contained within.

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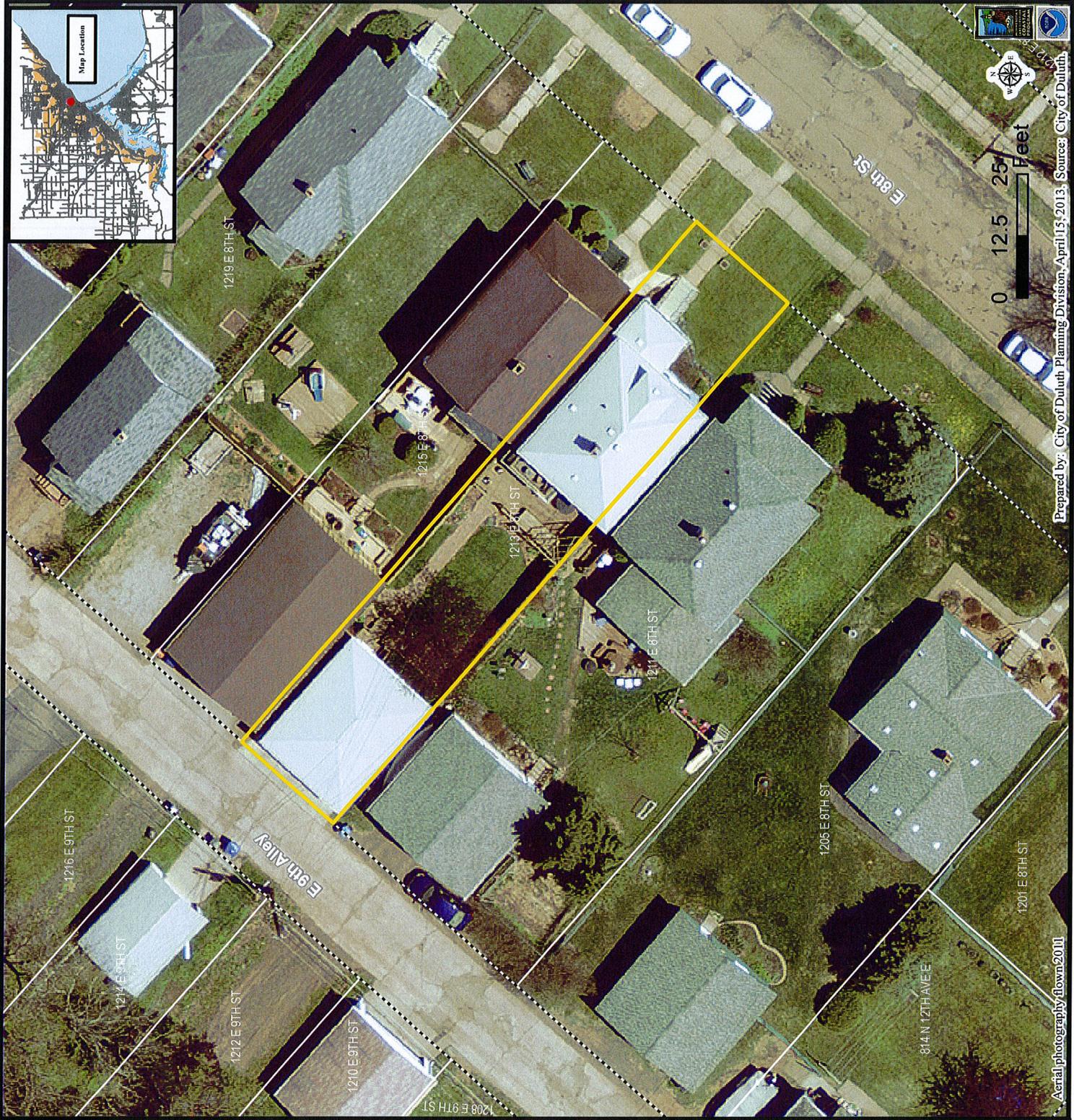


City Planning

PL 13-054

Variance

1213 E 8th St



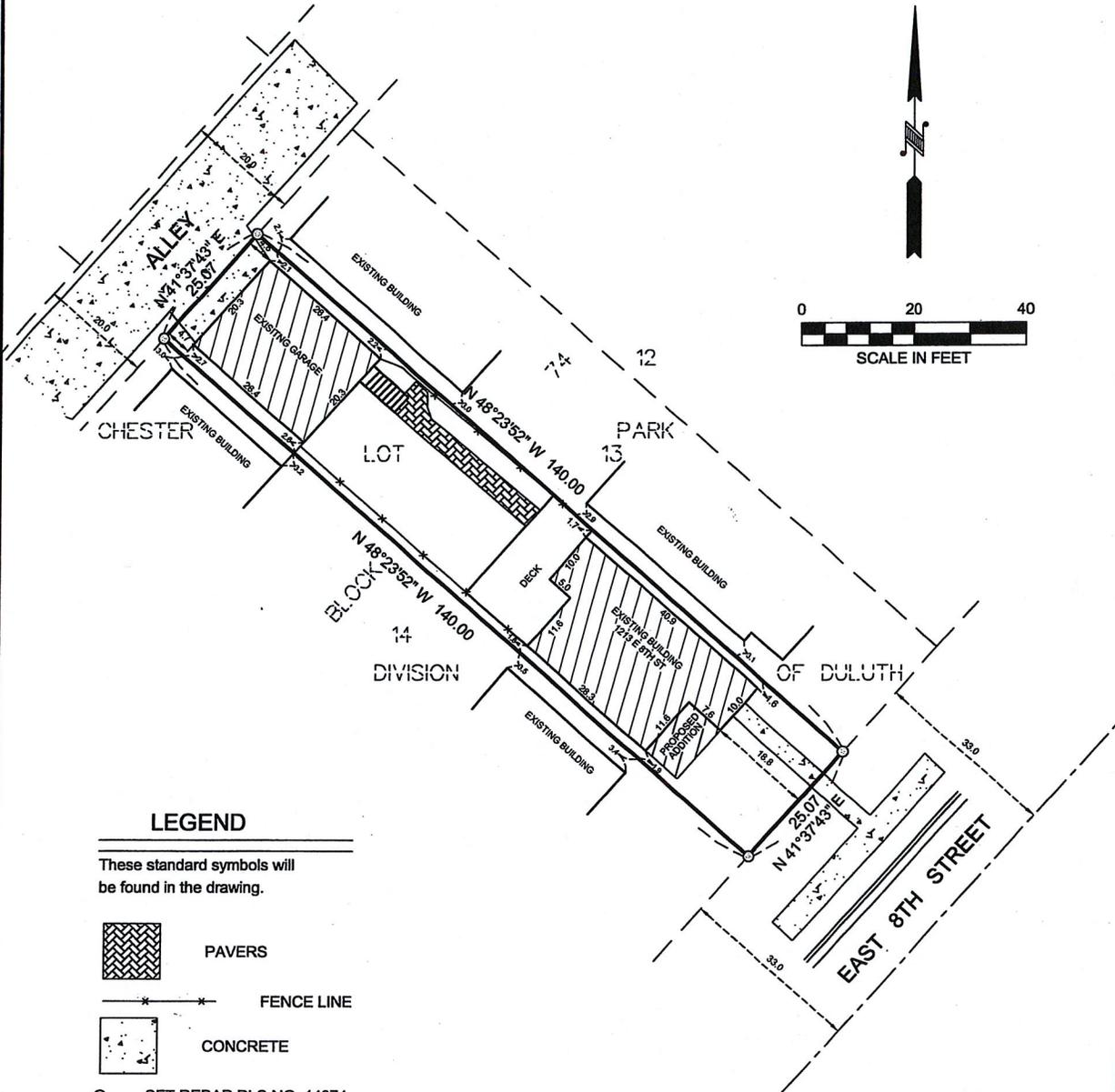
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CERTIFICATE OF SURVEY FOR: BRUCKELMYER BROTHERS CONSTRUCTION



LEGEND

These standard symbols will be found in the drawing.



PAVERS



FENCE LINE



CONCRETE

⊙ SET REBAR RLS NO. 14374

LEGAL DESCRIPTION PER TAX STATEMENT

The Westerly One Half of Lot 13, Block 4, CHESTER PARK DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 3-28-13


Ronald L. Krueger MN License No. 14374

NOTES

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

RECEIVED MAR 28 2013

DATE: 3-27-13
SCALE: 1 IN = 20 FEET
PROP ADD: 1213 E 8TH ST DULUTH MN
PROJECT NO: 13-033

ALTA
SURVEY COMPANY, INC.
Residential/Commercial Land Surveying-Land
Development-Legal Descriptions
P.O. BOX 161138 Duluth, MN 55806
Phone: 218-727-5211 Fax: 218-727-3798

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March 18, 2013

City of Duluth
Planning Commission
402 City Hall
Duluth, MN 55802

To Whom It May Concern:

I am writing you in regard to the proposed addition/improvements my next-door neighbors David and Lorie Croke plan to make to their home this spring/summer.

It is my understanding that the addition they plan to put on the front of their house encroaches on the side-lot which would not be in compliance with the current minimum set-back rule.

The proposed addition would not be any closer to my residence than the bulk of their house currently sits. The Crokes have provided me with the attached design plan which outlines this fact. The front addition with the added upper deck will look great on our block and will match many other homes in our neighborhood with the exact same design.

I look forward to any improvements families wish to make to their homes especially in my neighborhood. Accordingly, you have my consent to grant a variance for the Crokes' home improvement plan as proposed.

Sincerely,



Barb Hanka
1211 East Eighth Street
Duluth, MN 55805

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RECEIVED MAR 28 2013

1215 E. 8th Street
Duluth, MN 55805
March 21, 2013

City of Duluth
Planning Commission
402 City Hall
Duluth, MN 55805

To Whom It May Concern:

This letter is in support of our neighbors, David and Lori Croke, who are applying for a variance that would allow them to put an addition onto their home, which is located on the west side of our house.

We have seen the design plan for their addition which would add an extension across the front of their house on the lower level and also a deck across the front on the upper level. We understand that this addition encroaches on the side of the lot and is not in compliance with the current set-back regulations.

We support the work they are requesting allowance for, and see it as an improvement to our neighborhood.

Sincerely,



Sheila and Alan Ballavance

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RECEIVED MAR 28 2013



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