



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 13-167	Contact	Steven Robertson, (218) 730-5295	
Application Type	Shoreland Variance	Planning Commission Date	February 11, 2014	
Deadline for Action	Application Date	December 16, 2013	60 Days	February 14, 2014
	Date Extension Letter Mailed	January 21, 2014	120 Days	April 15, 2014
Location of Subject	302 Ridgewood Road			
Applicant	Rita Rosenberger and David Barthel	Contact	rita.rosenberger22@gmail.com	
Agent	Doug Zaun	Contact		
Legal Description	010-3965-00030			
Site Visit Date	January 25, 2014	Sign Notice Date	January 28, 2014	
Neighbor Letter Date	January 28, 2014	Number of Letters Sent	20	

Proposal

The applicant is requesting a variance to add a small addition (90 square feet porch and 70 square feet entry addition) to an existing single family home. The proposed addition is within the Coldwater River shoreland setback of Tischer Creek.

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

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.

11.11

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.

The Shoreland Setback rules were introduced with the UDC in 2010, as a replacement for the Water Resources Management Ordinance (WRMO). The WRMO limited impervious surface as a way to reduce water run-off, sedimentation of water ways, and the increase in temperature of coldwater streams (which is detrimental to trout). MN Statute 6264.0050 lists Tischer Creek as a trout stream. The shoreland setbacks of Tischer Creek also apply to its tributaries.

Non-conforming structures can be continued to be used by the property owner, but expansions of non-conforming structures are not allowed unless the property owner is granted a variance.

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

- 1) The applicant is requesting a variance to add a small addition (90 sq ft porch and 70 sq ft entry addition) to the existing single family home. The proposed addition is within the Coldwater River shoreland setback. The existing home is approximately 35 feet from the creek, and the proposed expansion will be about 60 feet from the creek. The structure setback for a Coldwater River is 150 feet; nearly the entire lot is within the 150 shoreland setback.
- 2) According to the County Assessor, the home was built in 1950. The subdivision, Ridgewood Re-arrangement of Block 15 of the Third Re-arrangement of Congdon Park Division of Duluth, was filed in 1950. There are two utility easements on the applicant's property, one on the western edge of the property (with an active city water line running through it) and one near the middle of the property (between platted lots 3/4 and 13).
- 3) The applicant is proposing the addition to provide more adequate space and improve the entry to the home. The applicant is also proposing to relocate the existing walkway (remove 140 sq ft and install 120 sq ft of new impervious surface, for a net reduction of 20 sq ft). The applicant will install a rain garden in the front yard to mitigate potential impacts. The applicant has also planted approximately 80 trees along the creek as part of the Duluth Stream Corps project.
- 4) If the variance is granted, the proposed addition will not have a negative impact on the neighborhood, as the proposed structure is a modest size and is not out of character with other similar properties in the neighborhood.
- 5) The applicant currently has a reasonable use of their property with the existing single family home. While the proposed addition would be a benefit to the applicant and make the home more functional/enjoyable, that fact by itself does not constitute a hardship or practical difficulty. If the variance was denied, it would not deprive the property owner of a substantial property right.
- 6) The lot does not have wetland, slope, bedrock, or other topographical conditions that present a practical difficulty to the use or enjoyment of the property. The applicant does not have a practical difficulty that would require a variance to enjoy the existing structure.
- 7) No Citizen, City Department, or Public Agency comments were received on this application.
- 8) Approved variances lapse if the project or activity authorized is not begun within one year of approval.

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

Based on the above findings, Staff finds that the requested variance does not meet the criteria established in 50-37.9 and that the applicant currently has a reasonable use of the property without the need of a variance. The application does not meet the standards for a variance and therefore staff recommends denial.

111-E-2

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



City Planning

PL 13-167

Shoreland Variance
302 Ridgewood Road

Legend

- Zoning Boundaries
- Stream Type**
 - Trout Stream (GPS)
 - Other Stream (GPS)
- Floodplain Type**
 - General Flood Plain
 - Flood Way
 - Flood Fringe
- 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

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Aerial photography from 2011

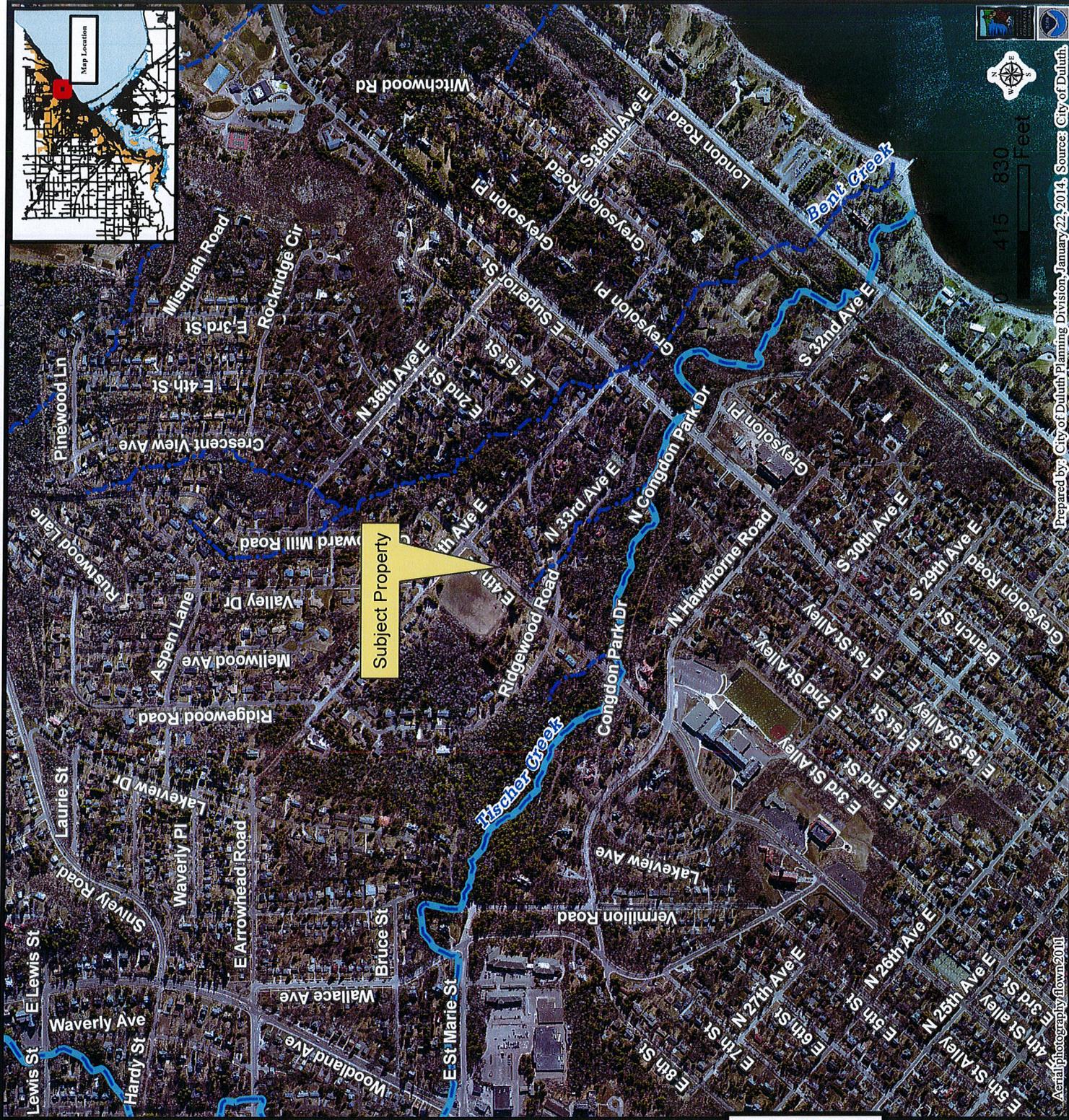
Prepared by: City of Duluth Planning Division, January 22, 2014. Source: City of Duluth

111-E-3



City Planning

PL 13-167
Shoreland Variance
302 Ridgewood Road



Legend

Stream Type

- Trout Stream (GPS)
- Other Stream (GPS)

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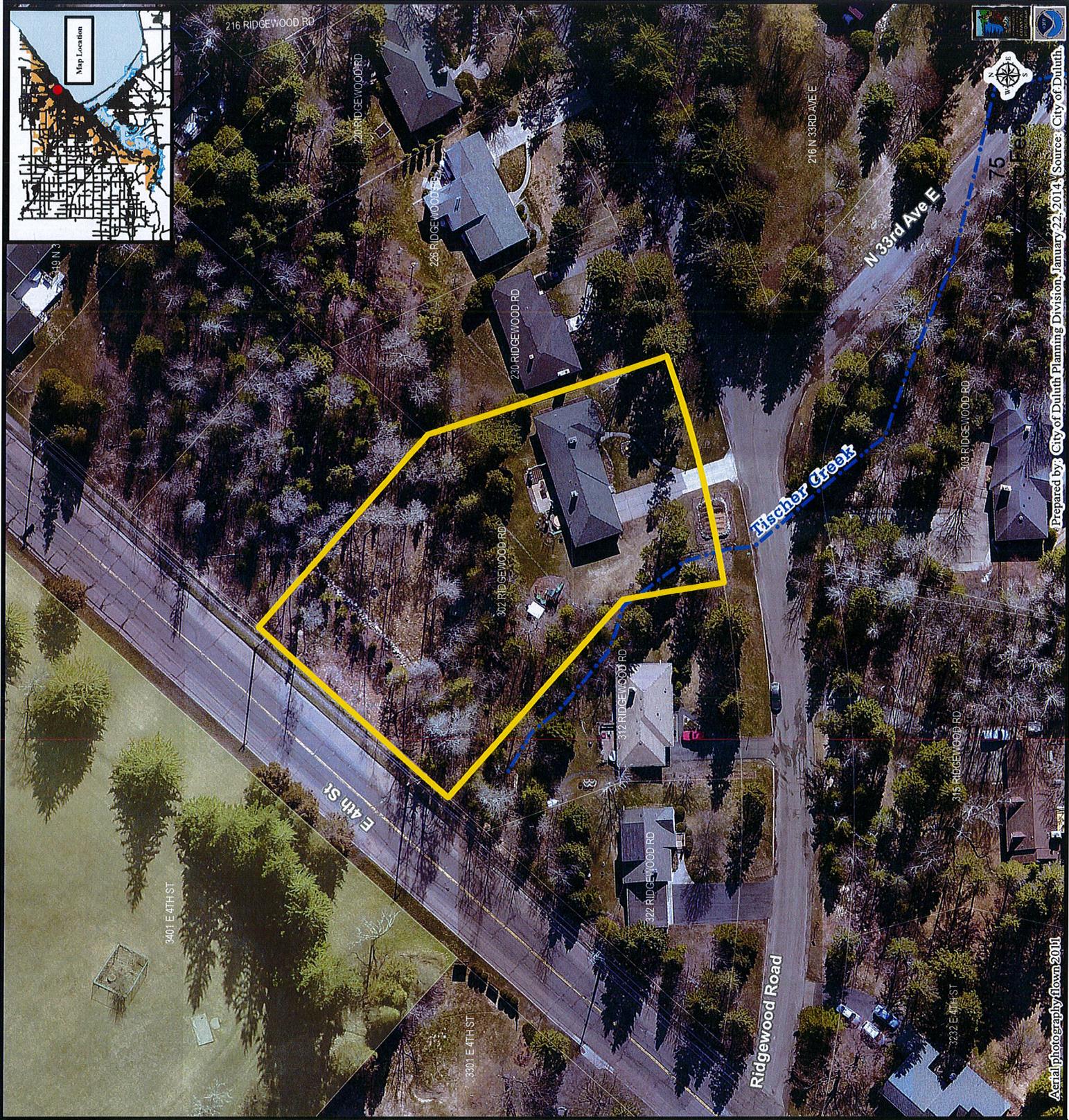
Aerial photography from 2011

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111-E-4



City Planning
 PL 13-167
 Shoreland Variance
 302 Ridgewood Road



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111 E-5

Aerial photography from 2011

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III. E-6



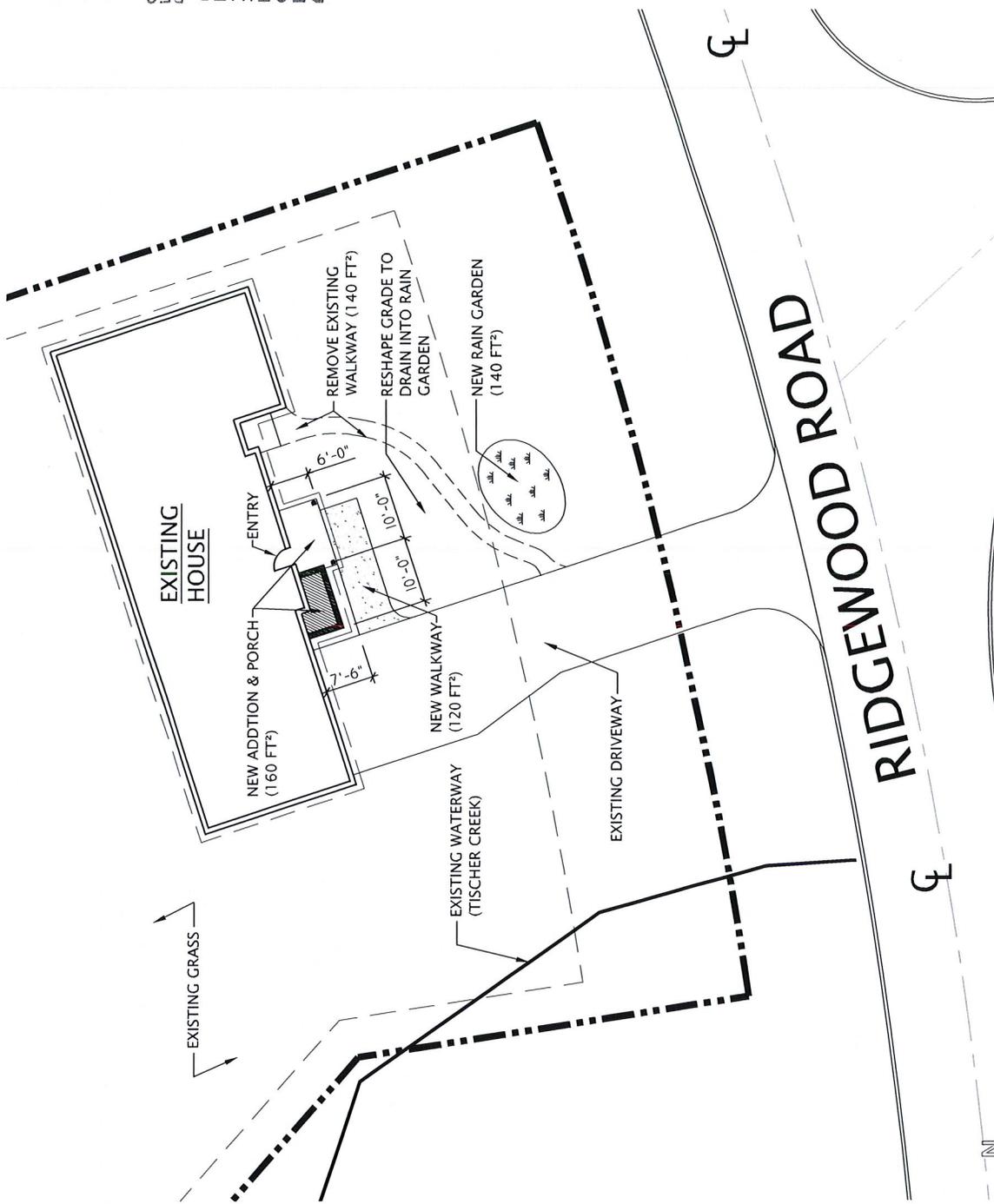
17 N. Lake Avenue
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j.zaun@wagnerzaun.com
p.wagner@wagnerzaun.com

PROJECT: #1311
ROSENBERGER &
BARTHEL REMODEL
RITA ROSENBERGER & DAVID
BARTHEL
302 RIDGEWOOD ROAD
DULUTH, MN 55804

REVISION/ISSUE	DATE
1. INITIAL STUDENT APPROVAL	14 AUG. 2013
2. STUDENT APPROVAL	19 AUG. 2013

SHEET NAME:
PROPOSED
SITE PLAN
SHEET #:
PD2

RECEIVED DEC 16 2013



12.03.2013

ENLARGED PROPOSED SITE PLAN

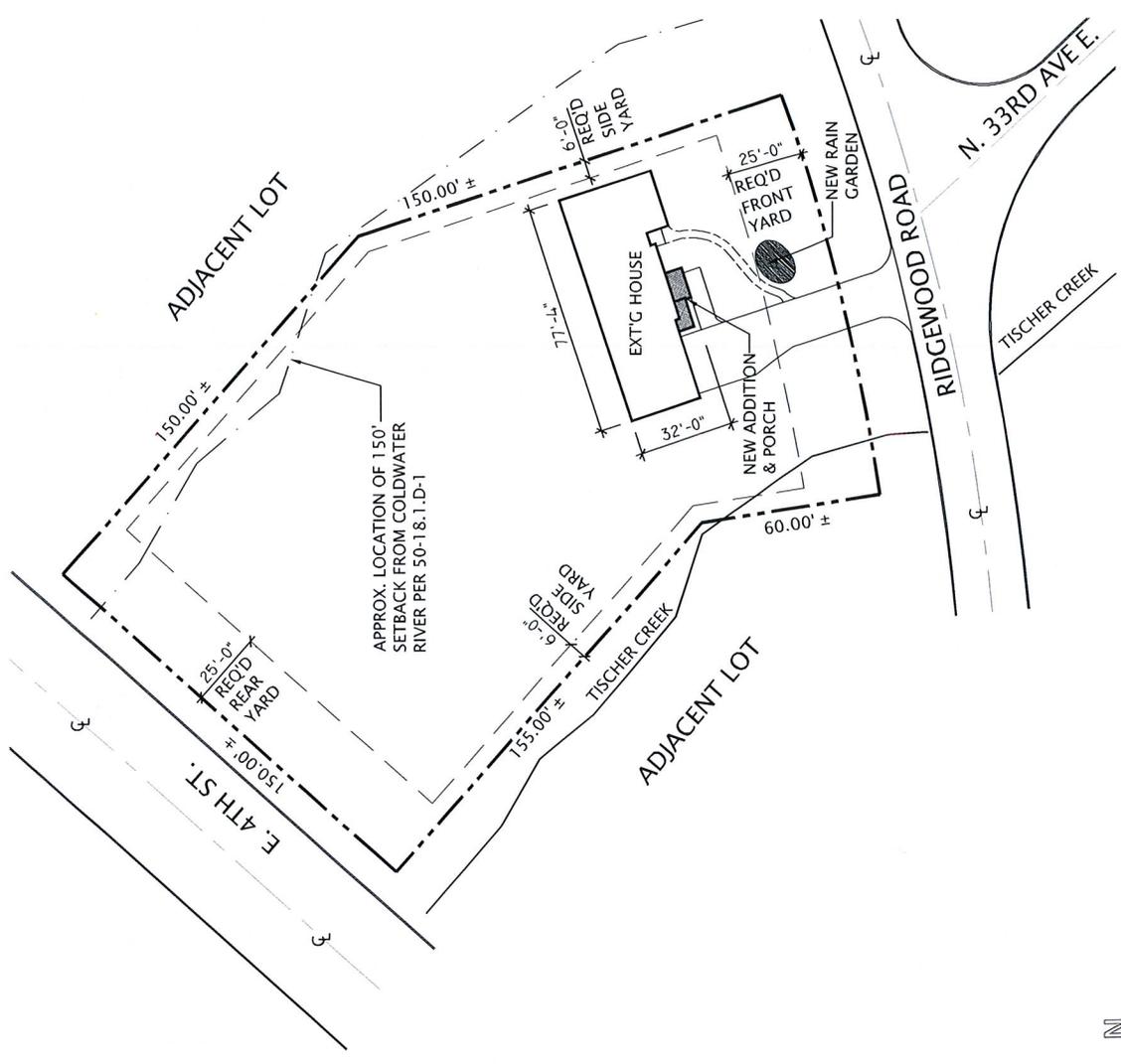
1 PD2 1/16" = 1'-0"



111.E-7

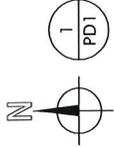
	17 N. Lake Avenue Duluth, MN 55802 (218) 733-0690 www.wagnerzaun.com dz@wagnerzaun.com www.wagnerzaun.com	PROJECT: #1311 ROSENBERGER & BARTHEL REMODEL RITA ROSENBERGER & DAVID BARTHEL 302 RIDGEWOOD ROAD DULUTH, MN 55804	REVISION/ISSUE DATE 31 JULY 2013 STUDENT APPROVAL 14 AUG 2013 19 AUG 2013
	SHEET NAME: PROPOSED SITE PLAN		SHEET #: PD1

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12.09.2013

PROPOSED SITE PLAN
 1" = 40'-0"



111-E-8

Rosenberger / Barthel Variance Application

302 Ridgewood Road

Dec 14, 2013

The proposed addition is a 90 SF front porch and a 70 SF entry addition. This small addition will improve the appearance, functionality and value of the property and will not negatively impact adjacent property or property values.

As currently designed the residence does not provide adequate or practical space to approach and enter the home. This addition addresses these deficiencies.

To mitigate the impacts of additional impervious surface (160 SF for the addition and 120 SF for the new walkway) the applicant will remove 140 SF of existing walkway and will install a 140 SF rain garden. A portion of the front yard will be re-graded to direct run-off to the new rain garden. The rain garden will be designed and installed by a professional landscape contractor.

In addition the applicant currently utilizes rain barrels and previously planted over 80 trees along the creek as part of the Duluth Stream Corps project.

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111. E-9

Photos



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111. E-10



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111-E-11