



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 14-031	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance	Planning Commission Date	May 13, 2014	
Deadline for Action	Application Date	March 28, 2014	60 Days	May 27, 2014
	Date Extension Letter Mailed	April 22, 2014	120 Days	July 26, 2014
Location of Subject	4414 W 8th St			
Applicant	Darin Powell/Wells Fargo	Contact	darin.51975@gmail.com	
Agent	Tim Collelo	Contact	timcollelo@hotmail.com	
Legal Description	010-0830-00170			
Site Visit Date	N/A	Sign Notice Date	April 29, 2014	
Neighbor Letter Date	April 24, 2014	Number of Letters Sent	66	

Proposal

The applicant is requesting a variance for constructing a deck for access out of the patio door for safety and cosmetic purposes. The house sits under 3' from the lot line; the proposed deck will not extend any closer to the lot line than the house.

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

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

50-14.5 - Side yard setback for a one-family dwelling is 6 feet.

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 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.

50-37.9.H.- When the application is for the reduction of a required front, rear or side yard setback, the commission may require the submission of a landscaping and buffering plan, and may require that all required landscaping or buffering, or landscaping and buffering of equal effectiveness, be installed within the reduced setback area. Decorative fencing and decorative wall structures may be proposed where more intense vegetated landscaping will not provide adequate mitigation of impacts on adjacent properties. The commission shall only approve the variance if the landscaping and buffering will mitigate impacts on adjacent properties as effectively as those required by Sections 50-25 and 50-26 of this Chapter.

R-1

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

Future Land Use - Traditional Neighborhood: 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.

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

Staff finds that:

- 1.) House is located on a narrow (28 feet wide) lot. House is approximately 23' wide. According to the County Assessor, the house was built in 1925 and is 1,084 square feet.
- 2.) The house has a patio door above a walk-out basement. To utilize this patio door, applicant is proposing to install an 8'6" x 10' deck. This would eliminate safety concerns of having a patio door with no access. This deck would be 2'6" from the side property line, but would be no closer to the side property line than the existing house.
- 3.) A deck of this size in a residential district is a reasonable use of the property.
- 4.) Proposal will not alter the essential character of the neighborhood; nearby houses are also built on narrow lots and appear from aerial photos to have decks close to the property line.
- 5.) Because of the nature of the neighborhood, staff does not find that additional screening is required as a condition of this variance.
- 6.) The need for a variance was not caused by the property owner, as the house was built in 1925. The patio door was also installed before the current owner (Wells Fargo) took possession of the property.
- 7.) No public, agency, or City 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 within 1 year.

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

Based on the above findings, Staff recommends that Planning Commission approve the variance to build a deck 2'6" from the property line, subject to the following conditions:

- 1.) The project be limited to, constructed, and maintained according to the site plan submitted March 28, 2014.
- 2.) Prior to construction, the property line be surveyed and staked to ensure deck is no closer than 2'6" from the property line.
- 3.) 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; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

R-2

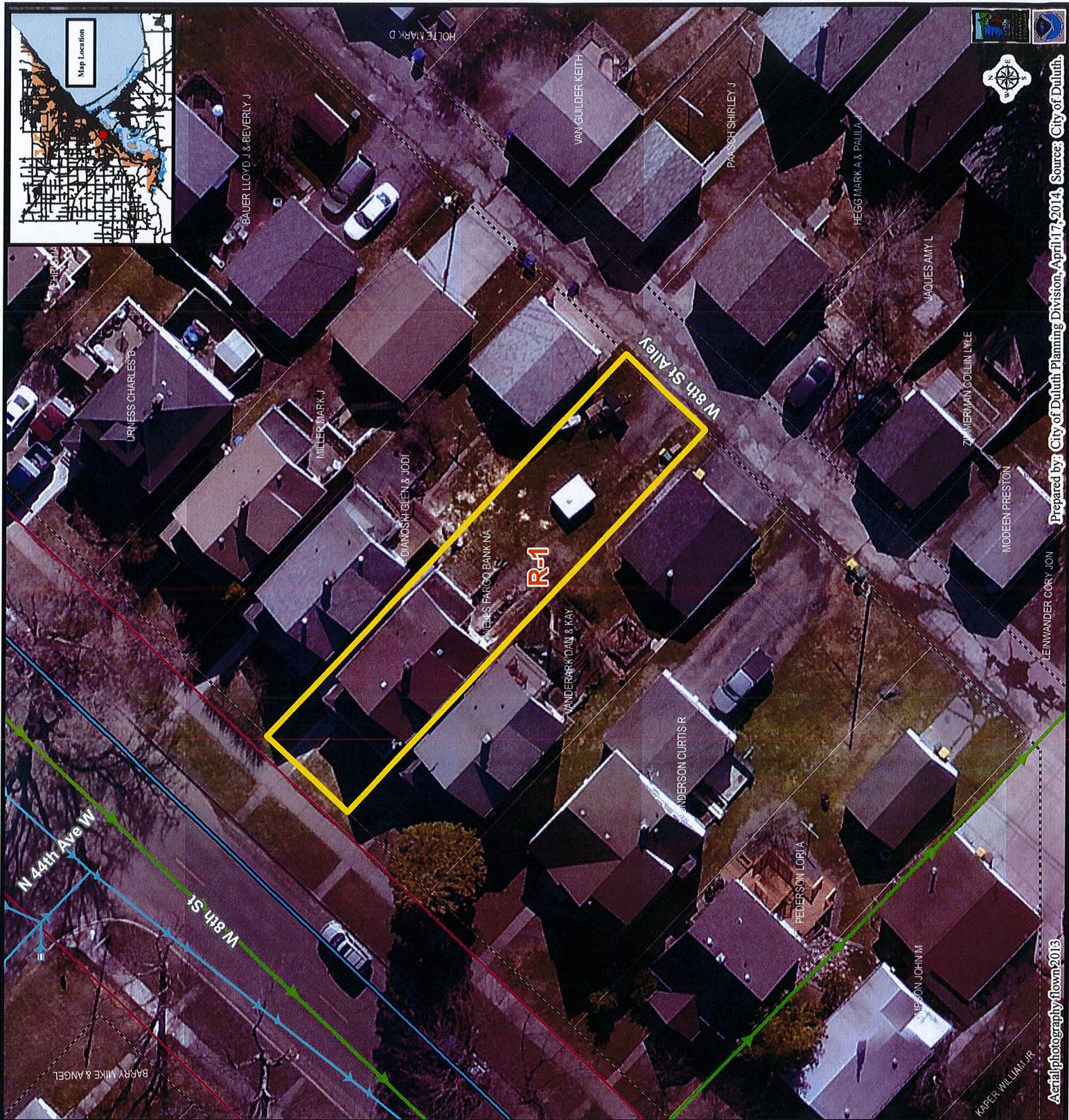
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning
 PL 14-031
 4414 W 8th St

Legend	
	Zoning Boundaries
	Stream Type
	Trout Stream (GPS)
	Other Stream (GPS)
	Water Distribution System
	30 - 60" Water Pipe
	16 - 24" Water Pipe
	4 - 6" Water Pipe
	Sanitary Sewer Collection System
	Sanitary Sewer Collector
	Sanitary Sewer Interceptor
	Sanitary Sewer Forced Main
	Storage Basin
	Pump Station
	Gas Distribution Main
	8" - 16" Gas Pipes
	4" - 6" Gas Pipes
	0" - 4" Gas Pipes
	Storm Sewer Collection System
	Storm Sewer Pipe
	Storm Sewer Catch Basin
	Discharge Points
	Right-of-Way Type
	Road or Alley ROW
	Vacated ROW
	Easement Type
	Utility Easement
	Other Easement
	Shoreland Overlay Zone
	Cold Water
	Natural Environment
	General Development
	Floodplain Type
	General Flood Plain
	Flood Way
	Flood Fringe

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.



Prepared by: City of Duluth Planning Division, April 17, 2014. Source: City of Duluth.

Aerial photography from 2013

R-3

4414 W 8th Street

Site Photos

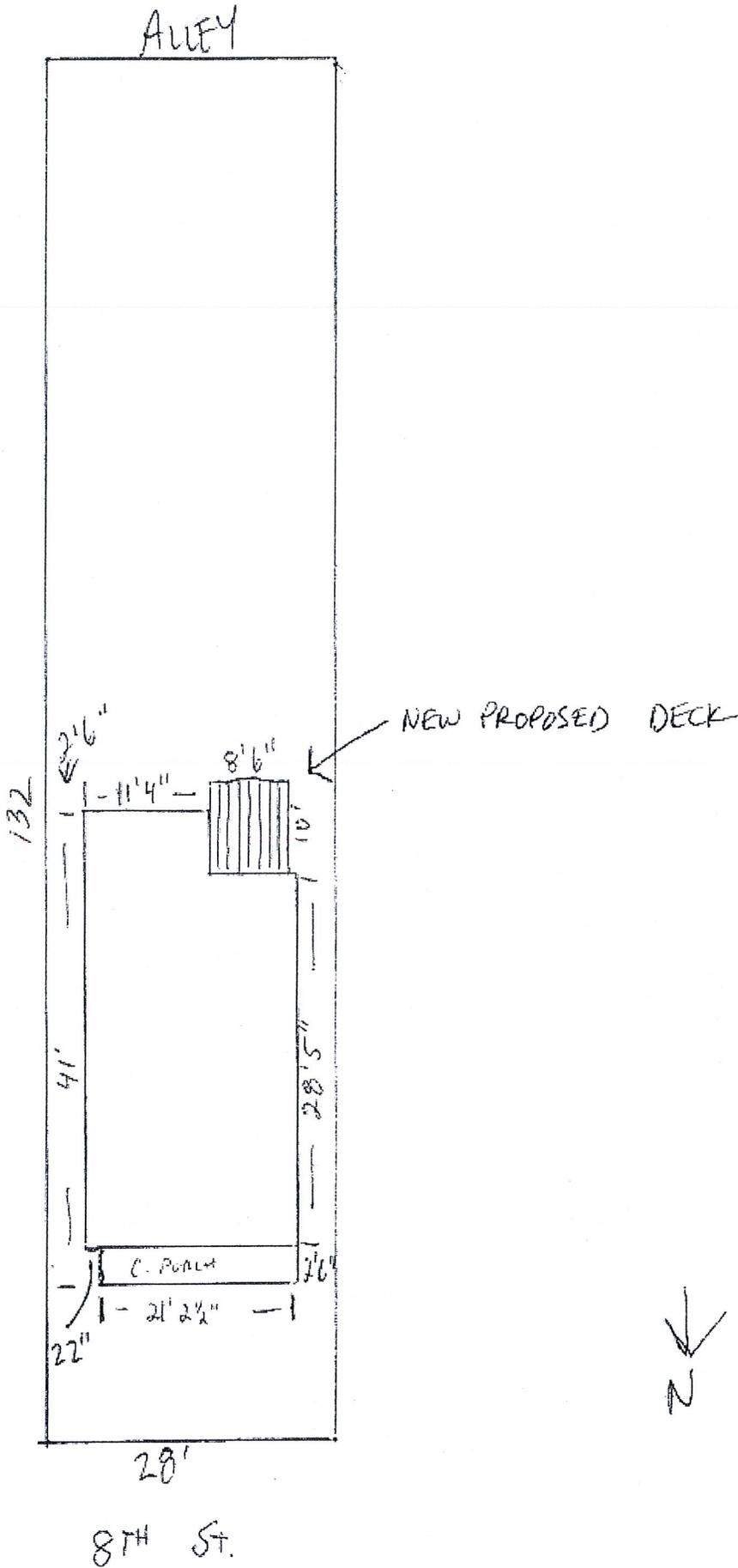


R-4

RECEIVED

MAR 28 2014

CONSTRUCTION SERVICES
AND INSPECTIONS



1" = 15'

R-5

To whom it may concern,

The property at 4414 8th St W in Duluth, MN has a patio door above a walk out basement that is requiring a deck for safety purposes as well as cosmetic appearance. The dwelling itself is only 2'-2.5' from the property line so it falls under the 6' mark for new construction. We are proposing to install a deck like other neighbors have to not exceed the corner of the dwelling.

Thanks

Darin Powell
Twin Ports Investment Solutions, LLC
218-464-2166

RECEIVED

MAR 28 2014

**CONSTRUCTION SERVICES
AND INSPECTIONS**

R-6