



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 14-079	Contact	Steven Robertson, 218 730 5295	
Application Type	Variance, Rear Yard	Planning Commission Date	July 8, 2014	
Deadline for Action	Application Date	June 11, 2014	60 Days	August 21, 2014
	Date Extension Letter Mailed	June 30, 2014	120 Days	October 20, 2014
Location of Subject	2501 Branch Street			
Applicant	Joe and Karen Nease	Contact	nease1@charter.net	
Agent		Contact		
Legal Description	S 1/2 of Lot 16, Block 20, including vacated right of way, of Harrisons Division of Duluth			
Site Visit Date	N/A	Sign Notice Date	June 23, 2014	
Neighbor Letter Date	June 23, 2014	Number of Letters Sent	30	

Proposal

Applicant is proposing an addition (5 foot by 7 foot porch) that would be 12 feet from the rear lot line, instead of the 25 feet required for single family homes in the R-1 zone.

	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 - Rear Yard Setback is 25 feet for R-1.

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.

D-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):

- 1) Applicant is proposing an addition (5 foot by 7 foot porch) that would be 12 feet from the rear lot line, instead of the 25 feet required for single family homes in the R-1 zone. The applicant is also proposing to build a porch on the front of the home, but that can be built without the need of a variance (open sided porches can be located up to 10 feet within the front yard setback).
- 2) The lot is 62 feet wide (including vacated right of way) and 70 feet deep. According to the County Assessor, the 679 square foot home was built in 1922.
- 3) Staff have determined that the front yard for this parcel is South 25th Avenue East.
- 4) The unimproved right of way of South 25th Avenue East is 44 feet wide; there was a partial vacation in 1916.
- 5) The proposal (small porch addition to existing home) is a reasonable use of the property.
- 6) The lot's shape and size presents clear development limitations. Nearly any structure or addition constructed on this lot will infringe on one or more setbacks. The applicant has a practical difficulty in making reasonable use of the property that is unique to the property and not caused by the applicant.
- 7) The proposal will not alter the essential character of the neighborhood.
- 8) Granting the variance will not impair the intent of the Unified Development Chapter, will not impair the adequate supply of light and air to adjacent properties, nor diminish or impair property values within the surrounding area.
- 9) No public, agency, or City 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 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 12 feet from the rear property line, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the site plan dated June 1, 2014
- 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; 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)



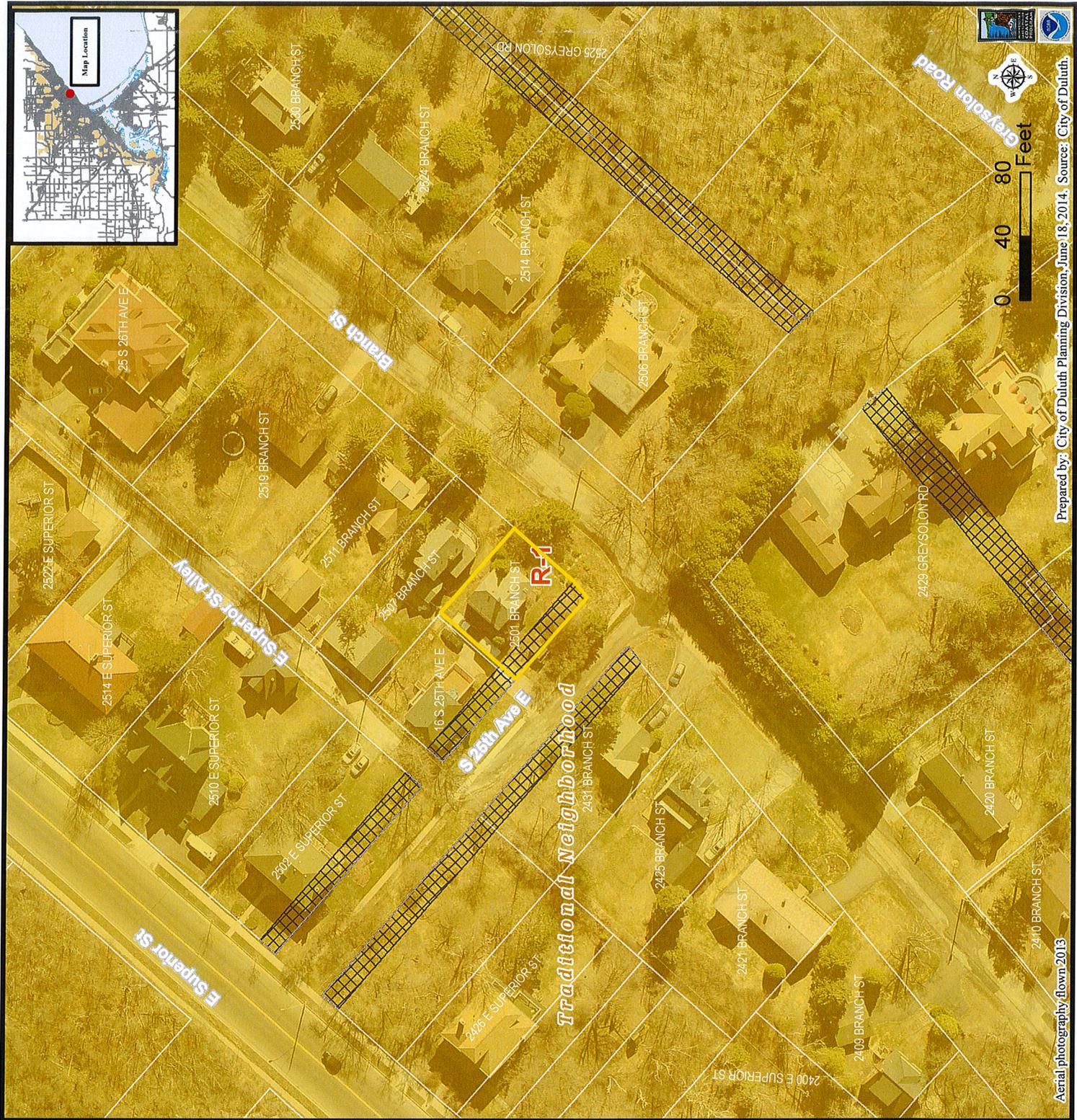
City Planning
 PL 14-079
 Variance
 2501 Branch St

Legend

-  Zoning Boundaries
-  Vacated ROW
-  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 contained within this data provided or for any damages in connection with the use of this information contained within.

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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, June 18, 2014, Source: City of Duluth.



BRANCH ST

2507 BRANCH ST

2501 BRANCH ST

2506 BRANCH ST

Branch St

Approx 25 ft Rear Setback

Approx 15 Feet Corner Front Side Setback

Approx 25 ft Front Setback

Approx 6 ft Side Setback

S 25th Ave E

R-1

2431 BRANCH ST

D-5



© 2013 Pictometry

D-6

Nease Side Porch – 2501 Branch Street, Duluth, MN

Date: June 10, 2014

To: Duluth Planning and Construction Services

Re: Request for Variance to Construct 5 ft x 7 ft porch at side entrance door to house

1. Our house was built in 1922. It has a shared driveway with our neighbor at 16 S 25th Ave E and drainage across the driveway runs toward our side door. In addition, entry to the house from the side door is not protected from rain or snow. We propose to construct a 5 ft x 7 ft porch with roof, gutter, and open sides, and reconstruct the concrete slab to address drainage and provide a sheltered entrance. The design will be complementary to the existing house and use matching detailing as shown on attached drawings.
2. The back of our house is only 7 ft from the back line and 10.5 ft from the side line of our lot and was constructed prior to the implementation of the current set-back requirements. The proposed porch will be constructed entirely within the current set-back and will not be any closer to our lot lines than the existing house.
3. In reference to UDC 50.37.9:
 - a. Our house was built near the rear lot line and closer than the 25 ft required setback, but we did not create this situation. The proposed side porch will stay within the current set-backs of our existing house.
 - b. Other houses in the neighborhood are not built this close to the lot line and do not have the same situation.
 - c. The porch will help address a drainage issue that is necessary to be corrected for appropriate enjoyment of our property.
 - d. The porch roof will be much lower than our two-story house roof and the porch will be completely within the current house projection and will not impact light and air of adjacent properties.
 - e. We have already planted some landscaping in the area of the porch that to enhance the overall appearance. This new porch will be an enhancement to our property and in character with, and an improvement to the neighborhood.
4. We respectfully request approval of this request for variance.

Attachments: 2 drawings: Site Plan, North and East Elevations.

Thank you,
Joe and Karen Nease
218-724-5590

Nease House - Improvements

2501 Branch Street, Duluth, Minnesota

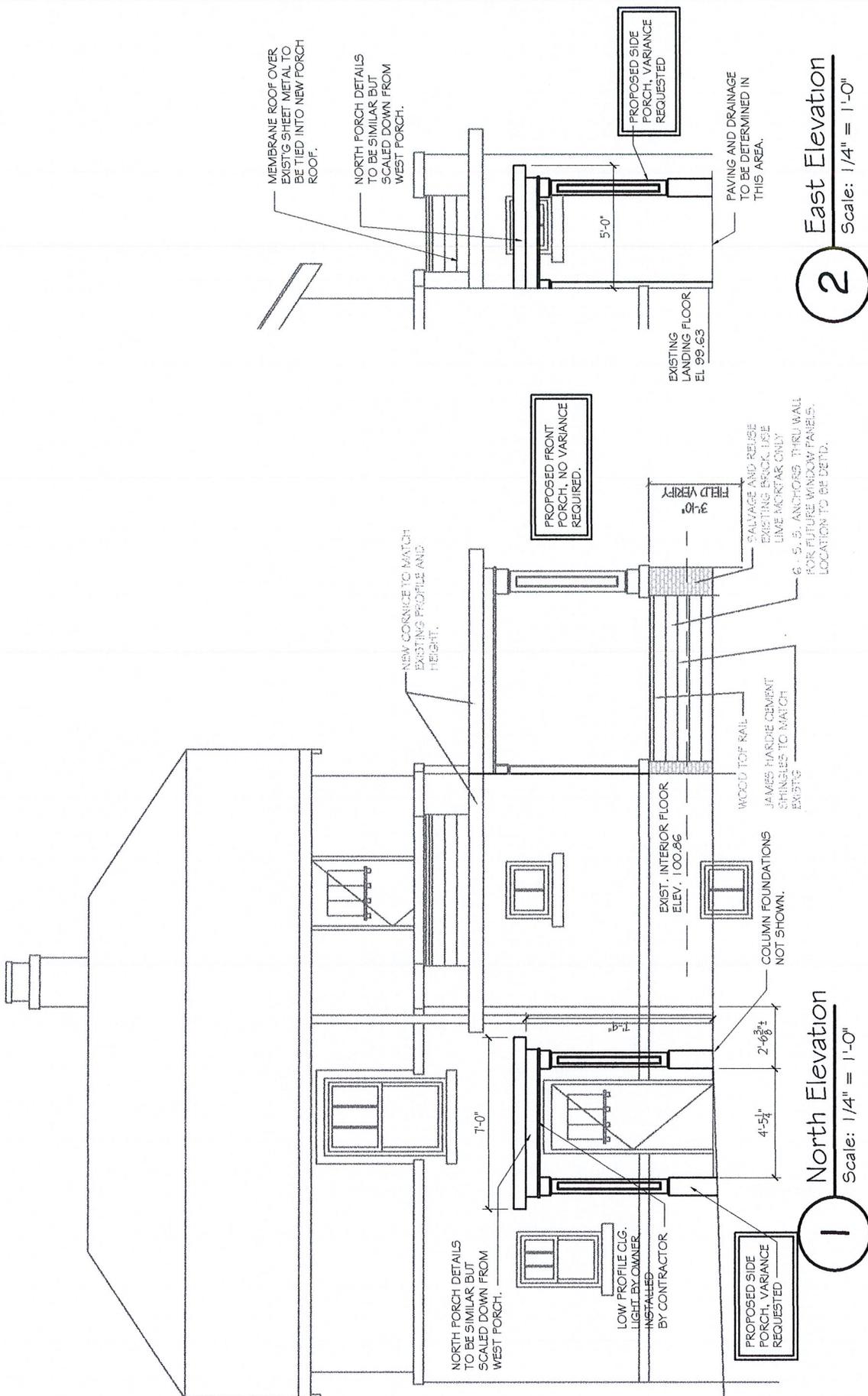
Drawn by: KON

Date: 06/10/14

E1

Sheet 2 of 2

FILENAME: H:\Nease\Porch_Variance.dwg



2 East Elevation
Scale: 1/4" = 1'-0"

1 North Elevation
Scale: 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

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Nease House - Improvements

2501 Branch Street, Duluth, Minnesota

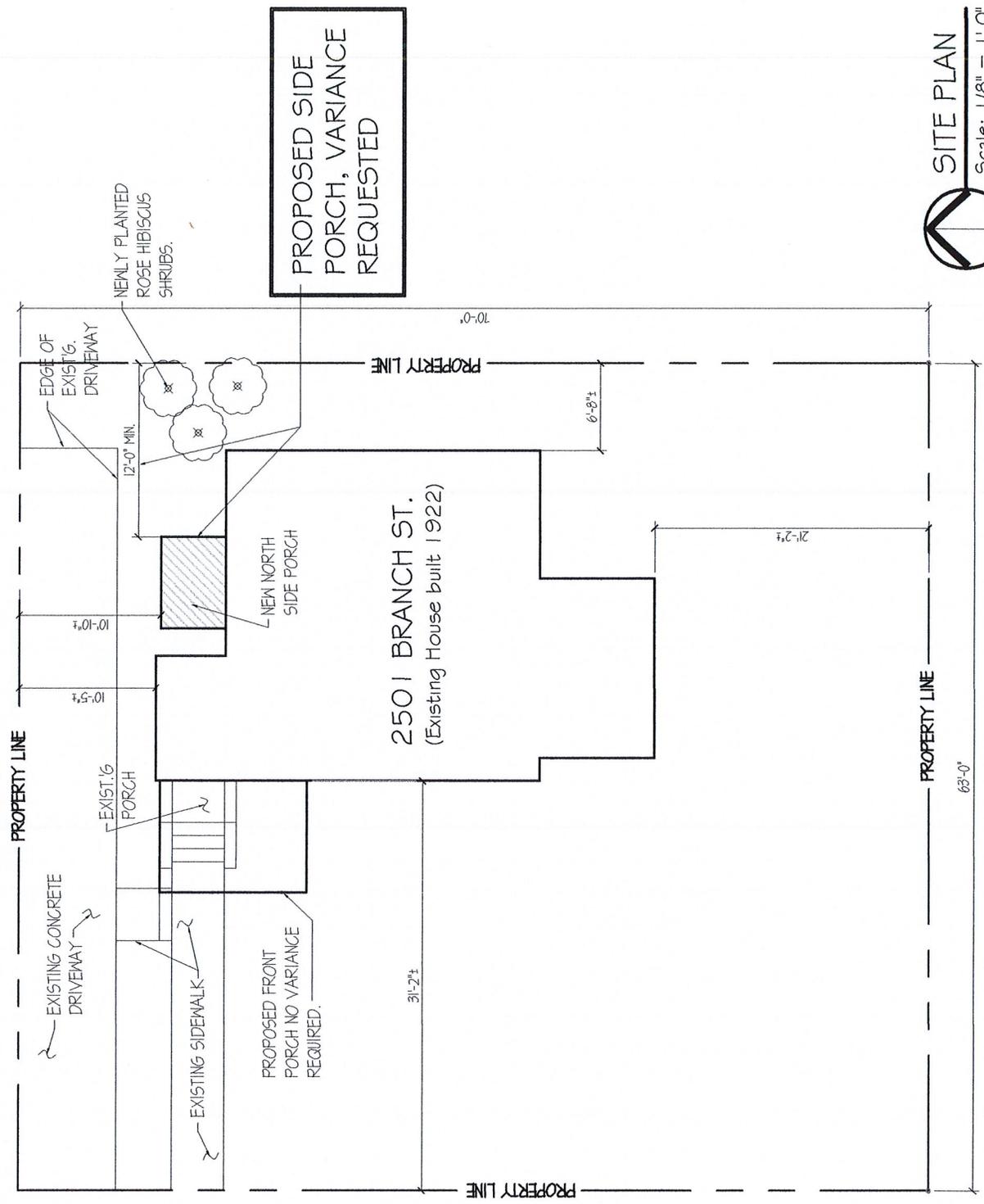
Drawn by: KON

Date: 06/10/14

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Sheet: 1 of 2

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PROPOSED SIDE PORCH, VARIANCE REQUESTED

SITE PLAN
Scale: 1/8" = 1'-0"
PLAN NORTH

D-g