



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 14-093	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Shoreland Variance	Planning Commission Date	August 12, 2014	
Deadline for Action	Application Date	July 11, 2014	60 Days	September 9, 2014
	Date Extension Letter Mailed	July 18, 2014	120 Days	November 8, 2014
Location of Subject	4896 Arnold Road			
Applicant	Kathleen Howard	Contact	khmnadmin@gmail.com	
Agent	N/A	Contact	N/A	
Legal Description	PID 010-2720-00055			
Site Visit Date	N/A	Sign Notice Date	July 29, 2014	
Neighbor Letter Date	July 21, 2014	Number of Letters Sent	12	

Proposal

A variance to build a 336 sq ft addition to an existing 576 sq ft home. Addition would be 78 feet from Amity Creek, a coldwater stream, which has a 150' structure setback.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Preservation
North	Rice Lake Township	Residential	Rice Lake Township
South	R-1	Residential	Preservation, Rural Residential
East	R-1	Residential	Rural Residential
West	Rice Lake Township	Residential	Rice Lake Township

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

50-18.D - Structure setback for a coldwater river is 150 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.J - 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.

N-1

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

Future Land Use - Preservation: 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.

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

Staff finds that:

- 1.) Property is currently developed with a 576 sq ft house that was built in 1943. Existing home is approximately 65 feet from Amity Creek. Adding a 336 sq ft addition to a single family home of this size is a reasonable use in the RR-1 district.
- 2.) Proposed addition would be built on the south side of the house. Building on the west would infringe on front yard setbacks; building on the east would require a shoreland variance and would also be in a flood plain. Adding on to the north side of the house is impeded by the existing septic pipe and well. Given the restrictions placed on this property by the setbacks from two roads, presence of a flood plain, and location of the creek, Staff believes that the strict application of the requirements of this Chapter would result in peculiar and practical difficulties to the property owner.
- 3.) The area includes other single-family residential properties. Nearby houses are similar or larger in size. Granting this variance will not alter the essential character of the neighborhood.
- 4.) Arnold Road is a county highway. The County Engineer has noted that if any vegetation is planned in the right of way, trees must be 42 feet from the centerline of the road and other plants cannot be planted in ditches; the County routinely mows or removes any vegetation in ditches. In addition, no plants or trees can be planted within an 80 foot sight triangle at the intersection with Martin Road.
- 5.) Variances to shoreland setbacks require mitigation. Applicant is proposing several rain gardens, rain barrels, and grading to promote infiltration and direct stormwater flow. Applicant also proposed removing "debris" (trees, stumps, etc.) from river, but Staff finds that removing these natural features would not be a necessary part of shoreland mitigation.
- 6.) One phone call was received from a neighbor who asked about the access points from the property on to Arnold Road. No additional public, agency, or City comments were received.
- 7.) 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 336 sq ft addition on the south side of the existing structure , subject to the following conditions:

- 1.) The project be limited to, constructed, and maintained according to the site plan and mitigation plan received July 23, 2014 (Note that site plan incorrectly refers to size of addition as 136 sq ft, not 336 sq ft).
- 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 14-087

1540 Minnesota Avenue

Legend

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

Zoning Boundaries

- Zoning Boundaries

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

Right-of-Way Type

- Road or Alley ROW
- Vacated ROW

Easement Type

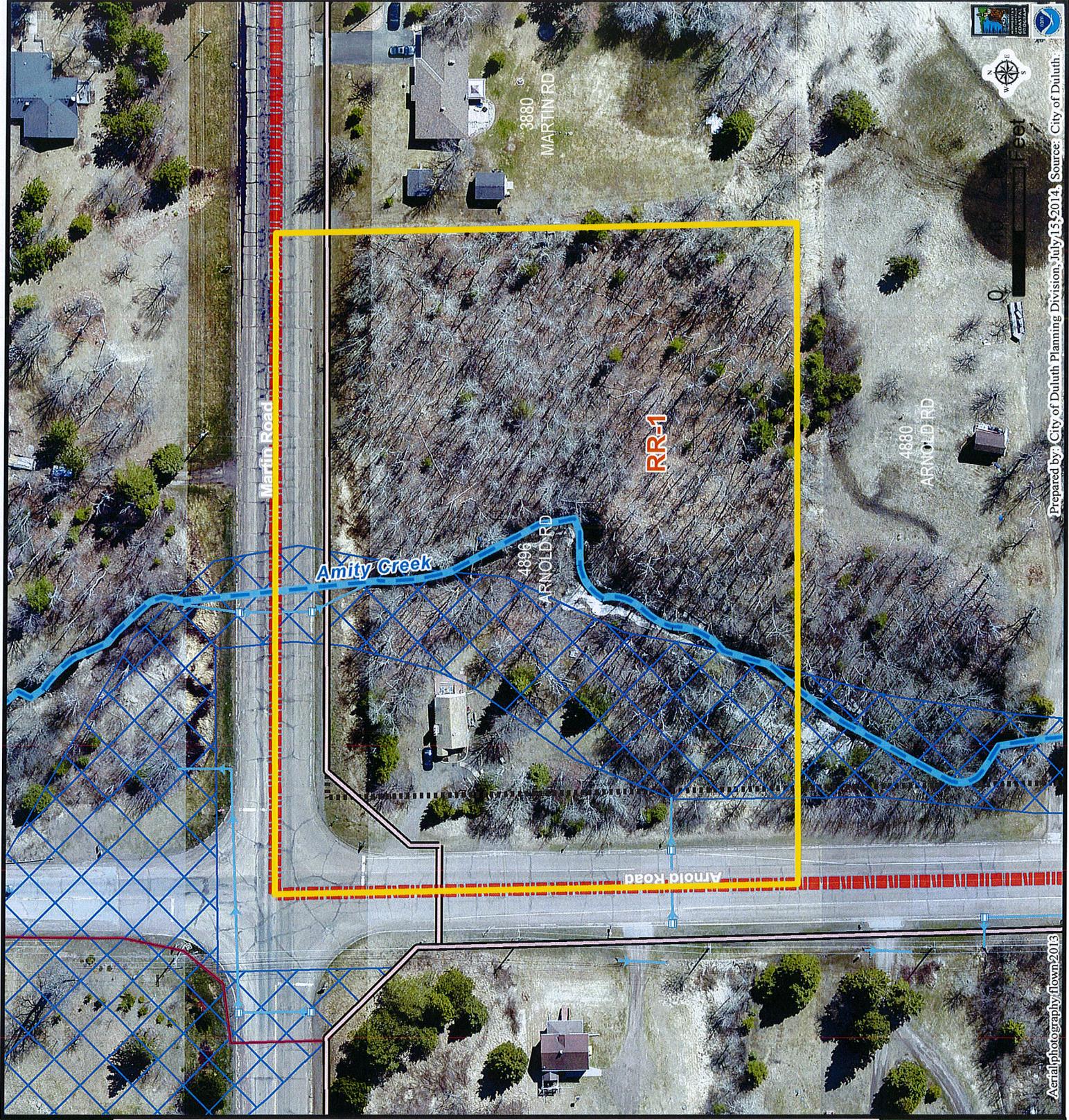
- Utility Easement
- Other Easement

Floodplain Type

- General Flood Plain
- Flood Way
- Flood Fringe

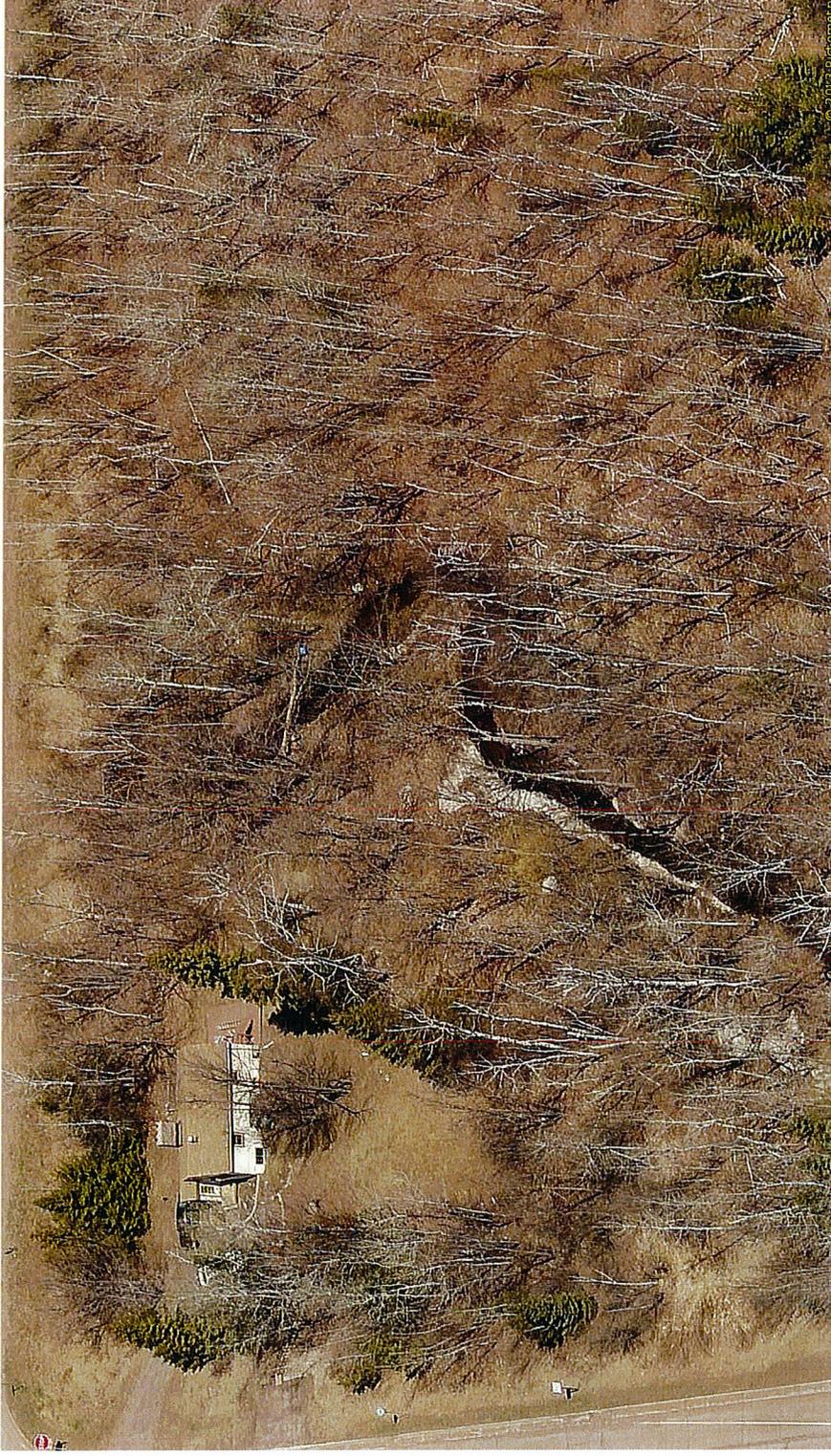
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.

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Prepared by: City of Duluth Planning Division, July 15, 2014. Source: City of Duluth.

Aerial photography, flown 2013

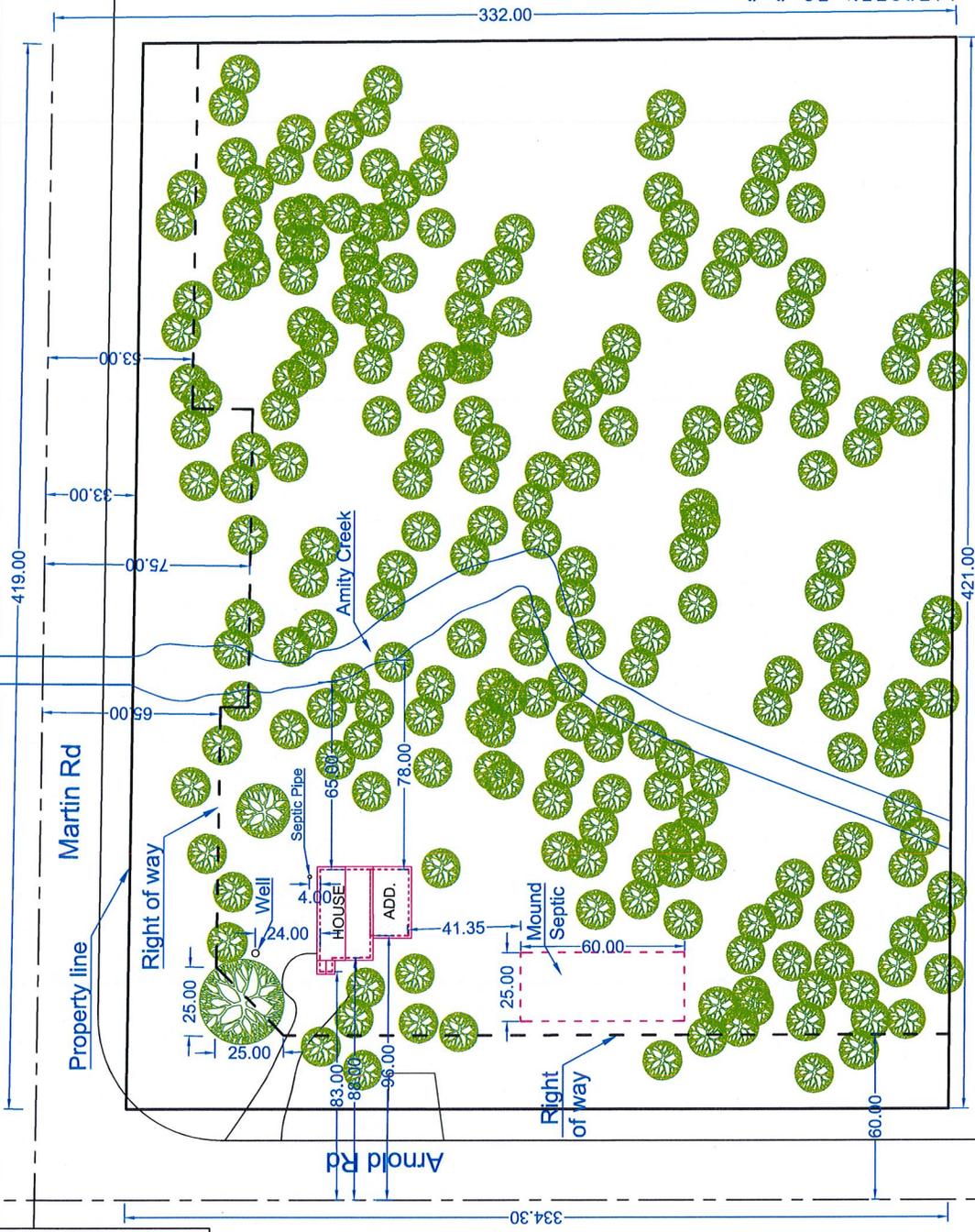


4896 Arnold Road

Print Date: 08/04/2014
Image Date: 05/12/2013
Level: Neighborhood

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SITE PLAN REVISION

Site Address: 4886 Arnold Road,
Duluth, MN 55803
Owner's Name: Kathleen A. Howard
Date 7/23/2014

Zoning: RR-1
Property ID Number: 010-2720-00055
Property Description:
CITY OF DULUTH
Sec 35 Twp 51.0 Rg 14 Lot Blk
N 1/4 OF NW 1/4 OF NW 1/4 of NW
1/4 EX 1/2 OF E 1/2 AND EX E
1/2 OF W 1/2 OF E

4886 Arnold Rd
Duluth, MN 55803
scale 1"=40'



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REVISED
 VARIANCE APPLICATION FOR HOME ADDITION
 AND
 MITIGATION PLANS FOR PROPERTY
 Property ID # 010-2720-00055
 Date: August 4, 2014

1. Family Home and Home Addition Site Plans

- a. We are requesting a variance for our family home for an addition of 14 ft. x 24 ft., which is 336 sq. ft.. Our existing family home is 19 ft. x 32 ft, which is 608 sq.ft.. The total combined sq. ft. will be 755 sq.ft.
- b. The Amity Creek is approximately 65 ft. East (back) of the family home.
- c. The Amity Creek will be approximately 79 ft. East (back) of the new addition.
- d. If approved, the proposed addition would be built on the South side of the family home because the North side of the family home has a well 24 ft from the family home and there is a septic access pipe 5 ft from the home of which the respective pipes run to the family hom.
- e. If approved, the new addition would start approximately 8 ft. from the southwest most corner (front of the family home) and extend East, ending flush with the family home. Along the 8 ft. mentioned, a 3 ft. x 4 ft. emergency egress window which allows for appliance replacement, exists in the basement wall.

2. Mitigation Plans

- a. Mitigation Plan for **South Side** of the new addition:

1	Water Garden	7 ft. x 30 ft.	South side of new addition. Starts at exit of sump pump and runs east for 30' following natural drainage path	210 sq.ft.
2	Native Plants	10 ft. x 15 ft.	South side of new addition (in area currently mowed) native plants will be added and mowing ceased.	150 sq.ft.
3	Rain Gutter added to new addition.		New rain barrel added at east end of roofline. A new spout on West end of roofline will be extended and directed to rain garden.	

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b. Mitigation Plan for **North side** of Family Home

1. On the North side of the family home the County Right-of-Way extends 65 ft South from the Martin Road Center Line.
2. Martin Road does has storm drains for road runoff and native plants and such are located on the slope to slow runoff.
3. Space to the North side of the family home has a well, a pipe vent for the septic, and is used partially for parking
4. If approved, the following mitigation plan will be added:

1	Rain Garden	7 ft. x 10 ft.	North side of the family home	70 sq. ft.
2	Rain Gutter		West most corder roof spout will be extended and directed to the water garden. A new rain barrel will be added for the spout at the Eat most end.	
3	Rain Barrel		New Rain Barrel at East end of family home	

c. Mitigation Plan for **West side** of family home and new addition:

1. The West side of the family home is where the front porch and entrance are located The Property line is approximately 55 ft. from the entrance and the Count-Right-of-way is approximately 24 ft. from the front entrance.
2. The front provides access to the septic mound system and pumping.
3. Arnold Road has storm drains for road runoff and the county-right-of-way has native plants and such to slow runoff.
4. If approved, the following mitigation plan will be added:

d. Mitigation Plan for **East side** of family home and new addition:

1. The East side of the family home (back) is 65 ft. from the family home and 78 ft. from the proposed new addition.
2. If approved the following mitigation plan will be added:

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2. Conti. Mitigation Plan for East side of family home and new addition:

1	Trees	Silver Oak, Silver Maple, Red Oak or other trees that thrive in wet areas will be planted along the West bank of the Amity Creek starting behind the family home and running North for 160 ft. Each tree requires 40 feet of space, hence 4 trees will be planted to prevent further bank erosion in addition to native plants. Note, tree placement is not shown on map plans.	
2	Debris Removal	Debris will be cleared from the creek.	
3	Terracing	Terrace 18 ft. behind the family home to slow runoff.	

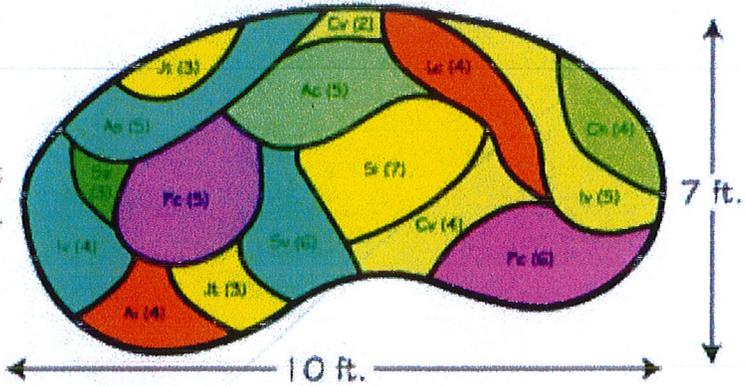
3. We are proposing the home addition to provide more living space to accommodate quadruplet children (4), ages 15, living part-time in the household since marriage of the owner on June 27, 2015. Currently the home has approximately 576 sq. ft. with one bedroom and no dining area. The new addition will provide an additional bedroom and dining area.

Kathleen Ann Howard
July 18, 2014

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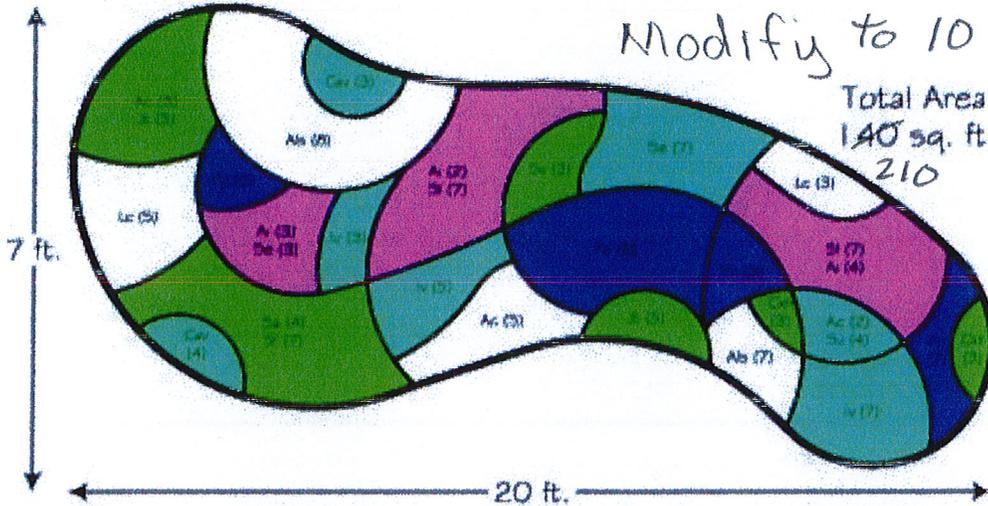
10 feet wide;
full to partial sun
with clay soils

Total Area:
70 sq. ft.



Symbol	Species Name	Common Name	No. of Plants
Ac	<i>Acorus calamus</i>	Sweet flag	5
As	<i>Asclepias incarnata</i>	Swamp milkweed	4
Als	<i>Alisma subcordatum</i>	Water plantain	5
Cch	<i>Carex hystericina</i>	Bottle brush sedge	4
Ccv	<i>Carex vulpinoidea</i>	Fox sedge	6
Iv	<i>Iris virginica-shrevei</i>	Wild blue flag iris	9
Jt	<i>Juncus Torreyi</i>	Torrey's rush	6
Lc	<i>Lobelia cardinalis</i>	Cardinal flower	4
Pc	<i>Pontederia cordata</i>	Pickeral weed	11
Sl	<i>Sagittaria latifolia</i>	Arrowhead	7
Sa	<i>Scirpus atrovirens</i>	Green bulrush	3
Sv	<i>Scirpus validus creber</i>	Soft-stemmed bulrush	6
Total Plants needed			70

20 feet wide;
full to partial sun
with clay soils



Modify to 10 x 30

Total Area:
140 sq. ft.
210

Symbol	Species Name	Common Name	No. of Plants
Ac	<i>Acorus calamus</i>	Sweet flag	10
A	<i>Asclepias incarnata</i>	Swamp milkweed	9
Als	<i>Alisma subcordatum</i>	Water plantain	15
Cch	<i>Carex hystericina</i>	Bottle brush sedge	6
Ccv	<i>Carex vulpinoidea</i>	Fox sedge	7
Iv	<i>Iris virginica-shrevei</i>	Wild blue flag iris	15
Jt	<i>Juncus Torreyi</i>	Torrey's rush	8
Lc	<i>Lobelia cardinalis</i>	Cardinal flower	8
Pc	<i>Pontederia cordata</i>	Pickeral weed	21
Sl	<i>Sagittaria latifolia</i>	Arrowhead	21
Sa	<i>Scirpus atrovirens</i>	Green bulrush	7
Sv	<i>Scirpus validus creber</i>	Soft-stemmed bulrush	7
Se	<i>Sparganium eurycarpum</i>	Common bur-reed	10
Total Plants needed			144

Modify to
7' x 30'
210 sq ft

11-11

RECEIVED JUL 11 2014