



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 14-087	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance, Corner Side Yard	Planning Commission Date	August 12, 2014	
Deadline for Action	Application Date	July 8, 2014	60 Days	September 6, 2014
	Date Extension Letter Mailed	July 18, 2014	120 Days	November 5, 2014
Location of Subject	1540 Minnesota Avenue			
Applicant	Alan and Cheryl Dartanyan	Contact	alandartanyan0110@msn.com	
Agent	Troy Walker	Contact	Troywalkerbiz@yahoo.com	
Legal Description	PID 010-4390-00330			
Site Visit Date	N/A	Sign Notice Date	July 27, 2014	
Neighbor Letter Date	July 18, 2014	Number of Letters Sent	27	

Proposal

Applicant is proposing a 4' x 7.5' deck on the front of the house that would be 3' from the side lot line, instead of the 15' required corner side yard setback. Proposed deck would not be any closer to side lot line than existing house.

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

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

50-14.5 - Corner Side Yard Setback is 15 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.

M-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 1,139 square feet and was built in 1905. Existing house is 3' from the property line abutting 16th Street S (there is also a decorative archway approximately 1' wide that, per the applicant, extends to the property line).
- 2) Proposed deck would be 4' x 7.5', tucked into the corner of the front facade of the house and not extending any further to the property lines than the existing house. A deck of this size is a reasonable use in the R-1 district. There will also be 4 steps extending an additional 44 inches towards the street.
- 3) Existing house was built close to the lot line. These circumstances have existed since the house was built in 1905 and is not due to actions of the landowner.
- 3) Given the location of the existing front door, it would be impractical to build the deck in a location that meets the corner side yard setback.
- 4) The proposal will not alter the essential character of the neighborhood.
- 5) 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.
- 6) No 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 4' x 7.5' deck, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the site plan received July 8, 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.

M-2

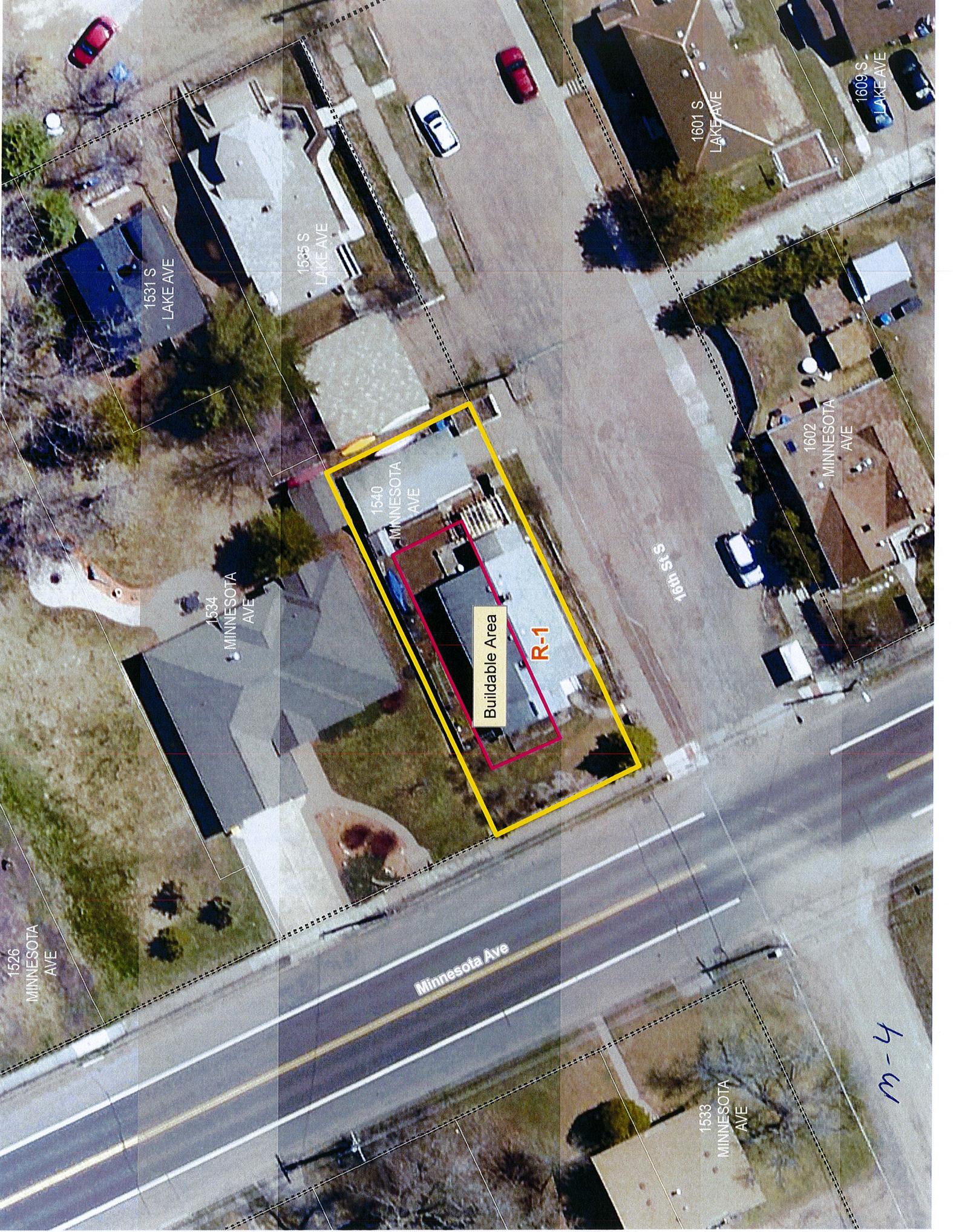
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

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.





1526 MINNESOTA AVE

1531 S LAKE AVE

1534 MINNESOTA AVE

1535 S LAKE AVE

1540 MINNESOTA AVE

Minnesota Ave

16th St S

1533 MINNESOTA AVE

1601 S LAKE AVE

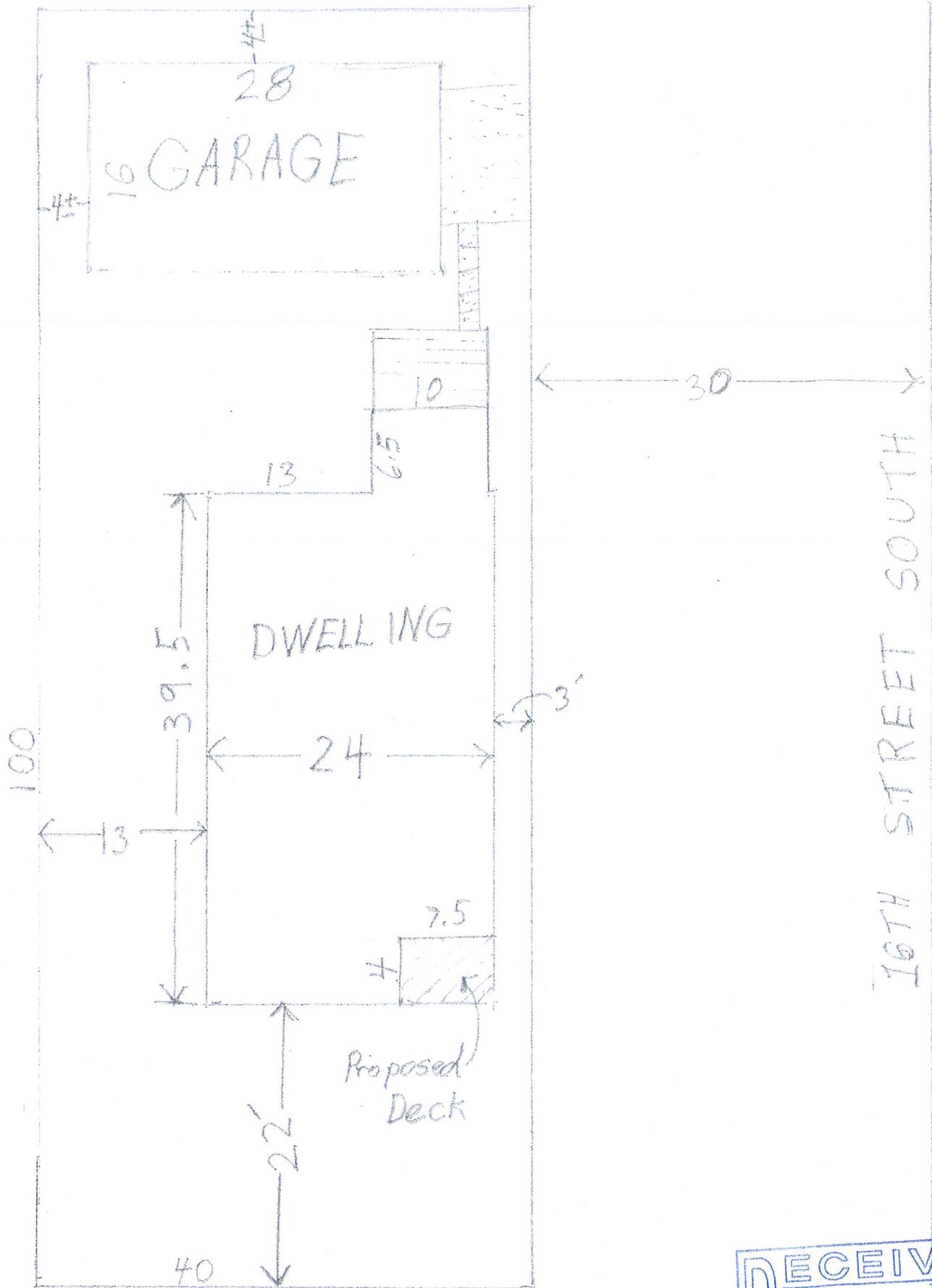
1602 MINNESOTA AVE

1609 S LAKE AVE

Buildable Area

R-1

M-4



M-5



1540 MINNESOTA AVE.

General Variance Criteria

UDC Subsection 50-37.9.C

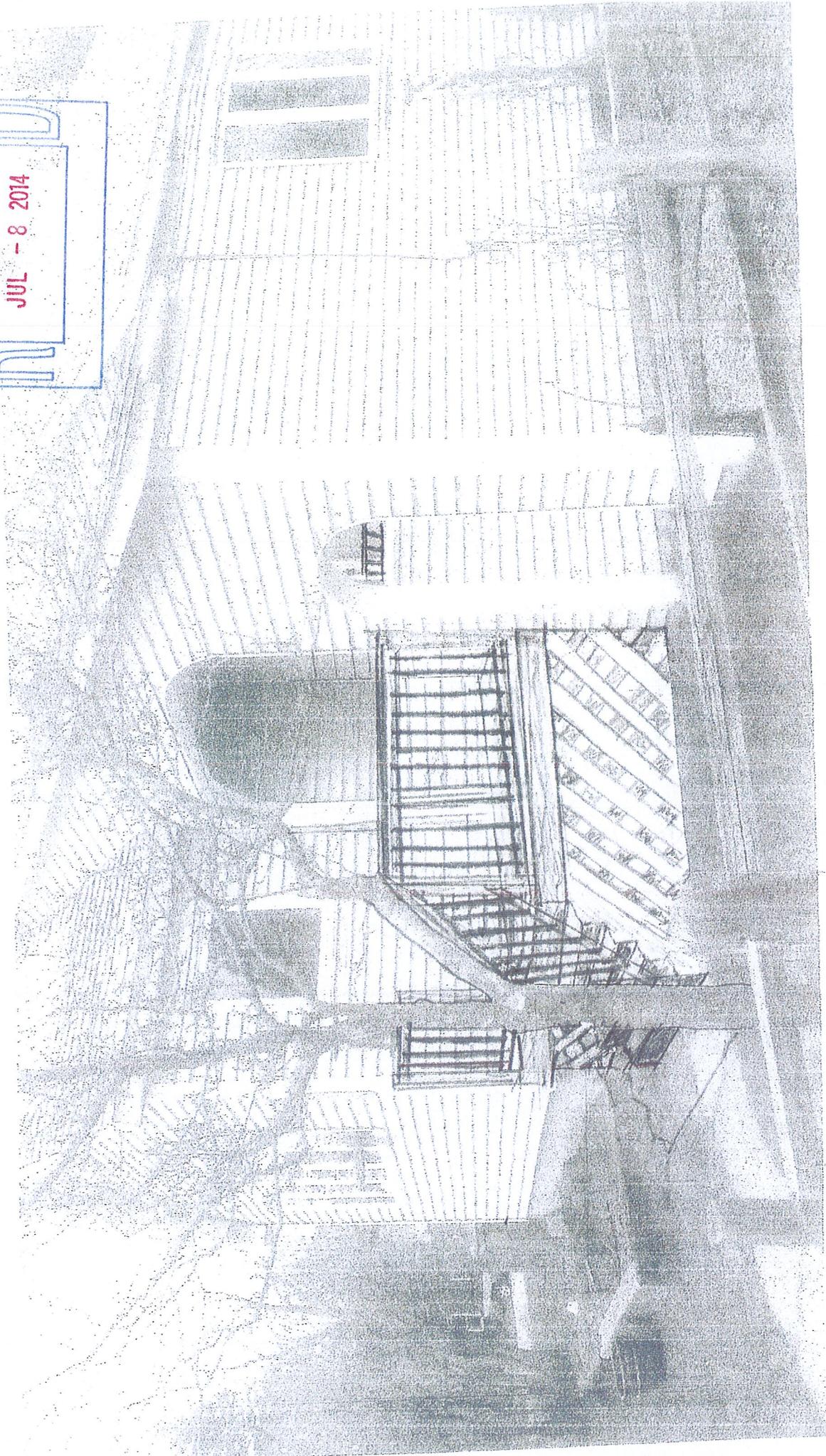
The proposed variance meets the criteria for a variance in subsection C because:

1. The building was originally built in 1905 approximately 3' from the 16th St. South property line. The front door of the property is within the required 15' setback for a deck on this site. This makes it so any access to a deck from the front door would require a variance.
2. These conditions have existed since the building was originally erected and is not a result of the actions of the property owner.
3. This building was constructed prior to any buildings needing access to 16th St. South and this circumstance is peculiar to this property.
4. The relief is necessary for the enjoyment of this property. Summers are short in Duluth. Taking advantage of each day that can be enjoyed in outdoor spaces is a substantial property right.
5. The proposed relief will not impinge on required setbacks any further than the main structure of the original building already is. It is merely infilling a corner with a deck by continuing the current setback of the existing structure. It would be consistent with the design of neighboring properties.
6. Granting of this relief would be consistent with the intent of Chapter 50 by enhancing the visual and aesthetic character of the property as well as adding to the value of the property.
7. The proposed relief doesn't include any signage.
8. The relief complies with all additional limitations in subsections D through M.

1540 Minnesota Ave



RECEIVED
JUL - 8 2014



M-7