



CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL 14-115	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance	Planning Commission Date	September 9, 2014	
Deadline for Action	Application Date	August 11, 2014	60 Days	October 10, 2014
	Date Extension Letter Mailed	August 21, 2014	120 Days	December 7, 2014
Location of Subject	209 W 7th Street			
Applicant	Dean Stephen Korach	Contact	218-343-8554, hugomite@yahoo.com	
Agent	N/A	Contact	N/A	
Legal Description	PID 010-1350-02100			
Site Visit Date	August 29, 2014	Sign Notice Date	August 25, 2014	
Neighbor Letter Date	August 26, 2014	Number of Letters Sent	31	

Proposal

Applicant would like to build a second floor on the existing 764 sq foot home that was built in 1909. This would require a variance to build 4' from the rear property line (instead of the required 25') and 4' from the side property line (instead of the required 6').

	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 - Residential-Traditional: Rear yard setback is 25 ft. and side yard setback is 6 ft.

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.

III. F-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.

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

Staff finds that:

- 1.) Existing house is 764 square feet. It was built in 1909 and is 4' from the rear property line and 4' from the side property line.
- 2.) Proposed second story addition would double the square footage of the house. Use of the property as a single-family home is a permitted use in the R-1 district.
- 3.) Variance would not alter the essential character of the area. Most houses on this and neighboring blocks are 1 1/2 - 2 1/2 stories.
- 4.) Applicant owns two lots and could expand the existing home sideways or towards the front of the lot. While this would require a potential foundation expansion, economic considerations alone do not constitute practical difficulty. Applicant could also add a second story over the portion of the house outside the setback areas, approximately 465 sq ft. The ability to add on to the house without a variance indicates that the variance is not needed for the preservation of a substantial property right.
- 5.) No public, agency, or City comments were received.
- 6.) 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):

Staff recommends that the Planning Commission deny the variance to add a second story to the existing house, for the following reason:

- 1.) The variance is not necessary for the preservation and enjoyment of a substantial property right and therefore does not demonstrate practical difficulty or undue hardship.

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

City Planning

PL 14-115
209 W 7th Street

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
- 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.

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Prepared by: City of Duluth Planning Division, August 25, 2014. Source: City of Duluth.

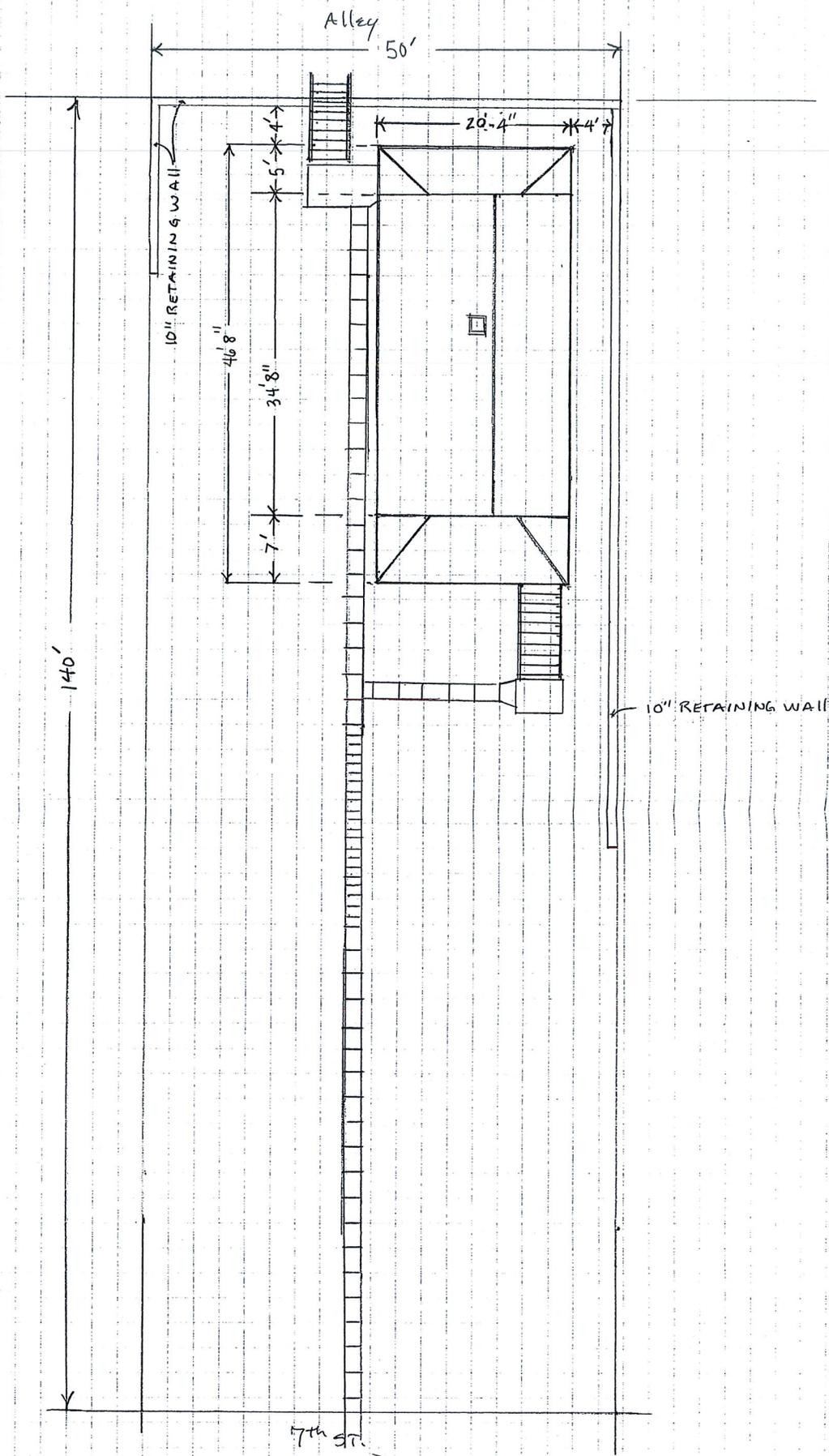
Aerial photography flown 2013



209 W 7th St

Print Date: 08/28/2014
Image Date: 05/12/2013
Level: Neighborhood

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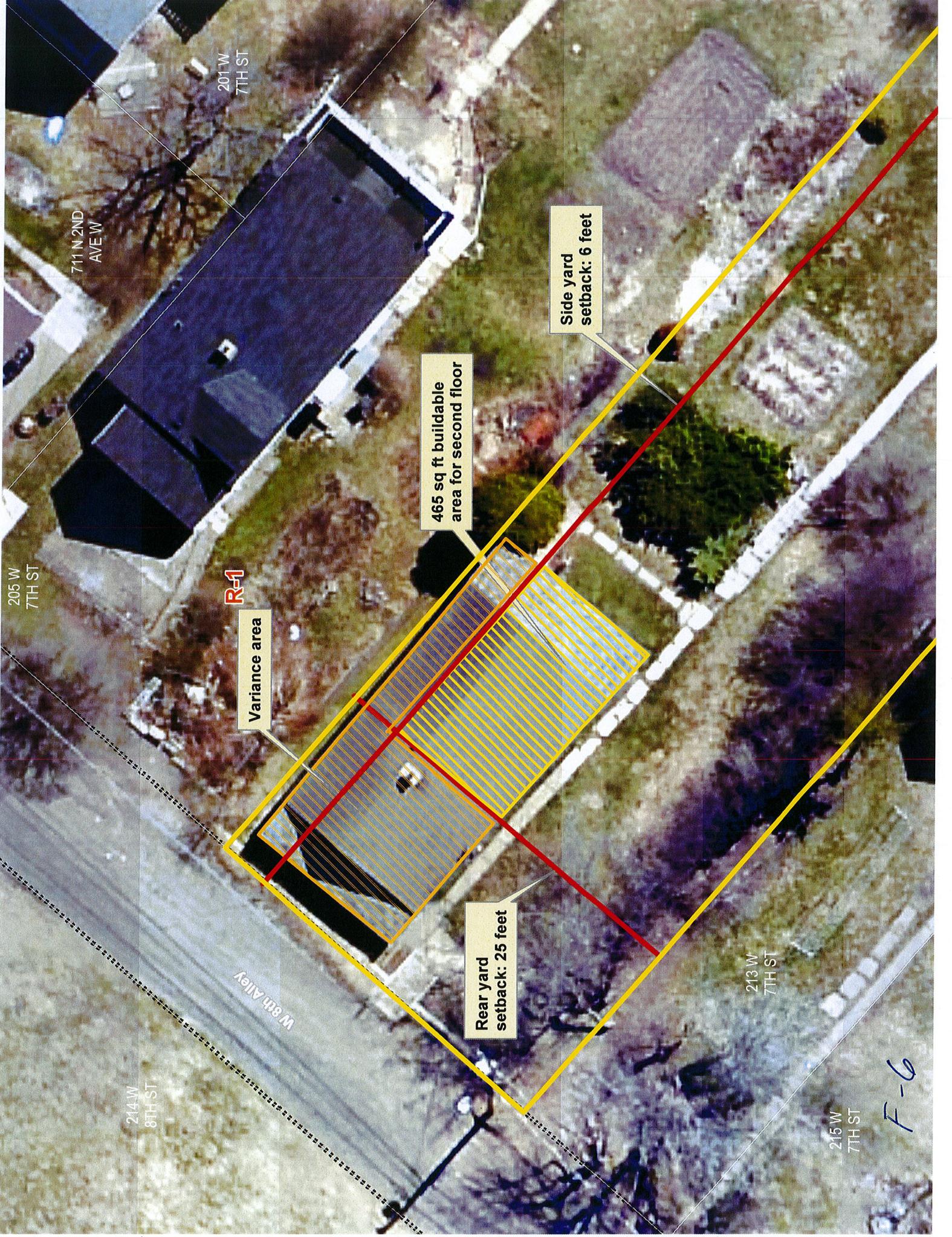


SITE PLAN
 209 W. 7th ST.

$3/32" = 1'-0"$

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$3/32 = 1'$



201 W
7TH ST

711 N 2ND
AVE W

205 W
7TH ST

R-1

Variance area

465 sq ft buildable
area for second floor

Side yard
setback: 6 feet

Rear yard
setback: 25 feet

W 8th Alley

214 W
8TH ST

213 W
7TH ST

215 W
7TH ST

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City of Duluth
Planning and Construction Services

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Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and that is necessary for Planning Commission review.

List the UDC Section you are seeking relief from (example: "50-14.5 – front yard setback in an R-1"):

#50-14.5 REAR & SIDE YARD setbacks in an R-1

Is the applicant proposing to use the property in a reasonable manner? Yes No

Please explain the applicant's use of the property, and how the relief requested is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant: please refer to addendum #1

Is the need for relief due to circumstances unique to this property? Yes No

Please explain how these circumstances are due to exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property:

The home being built in the 1970's for what ever reason was situated and constructed on the N.E. corner of the lot.

Will granting this variance alter the essential character of the area? Yes No

Explain how this property fits the character of the neighboring area, and how the special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity:

This particular home is peculiar being single story, as almost all homes in this area are minimum two story structures.

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Is this request consistent with the intent of the UDC and Comprehensive Plan? Yes No

Explain how the UDC and Comprehensive Plan support this request: _____

Explain how the special circumstances or conditions that create the need for relief were NOT directly or indirectly created by the action or inaction of the property owner or applicant:

Will the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city? Yes

No

Please explain: *the new proposed construction is basically confined to the existing foot print of the existing home. It will continued to be a 2 bedroom home. the second floor addition will not impair anyones view.*

Does the relief allow any type of sign that is not allowed in the zone district where the property is located? Yes No

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M? Yes No

Discuss what subsections are applicable and how this request meets those: _____

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addendum #1

The home is approx. 700 sq ft of living space which is by industry standards quite small.

The home is in need of a new shingle roof but the shallow pitched rafters appear to be sagging (due to 2x4 construction) and in dire need of repair/replace-ment. before a new roof can be applied. The sagging is very notable on the east side of the home.

The foundation (basement) is in remarkably sound condition. Considering the cost and need to basically reconstruct the existing roof structure and the enhancement of adding modest sq footage of living space it makes sense to add a second story in the process.

The value of the property will be enhanced by added sq footage bringing the structure in to reality on a modest level for modern day living. It ultimately will increase the value of the property, which enhances the value of the entire neighborhood, as well as increase the tax value.

The home will be more in character to the neighborhood housing which is almost all 2 story residences.

adding the second story is more conducive to making the home more adequate by today standards in a more conservative less intrusive manner than expanding the foot print foundation wise, as well as address the issue on the existing roof structure.