



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 14-157	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance	Planning Commission Date	November 10, 2014	
Deadline for Action	Application Date	October 16, 2014	60 Days	December 15, 2014
	Date Extension Letter Mailed	October 21, 2014	120 Days	February 13, 2014
Location of Subject	101 Vassar Street			
Applicant	Kevin and Kelly Erickson	Contact	218-724-5138, dethmobile@yahoo.com	
Agent		Contact		
Legal Description	PID #010-4650-00200			
Site Visit Date	November 5, 2014	Sign Notice Date	October 26, 2014	
Neighbor Letter Date	October 27, 2014	Number of Letters Sent	24	

Proposal

Applicant proposes a 20' x 12' deck along the rear of the house.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Undeveloped	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 (R-1): Minimum width of corner side yard is 15 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.

III, I-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.

A previous variance granted in 2001 allowed for a 24' x 34' second story addition on a 20' x 34' dwelling.

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

Staff finds that:

- 1.) Site contains a house built in 1923, which is approximately 5' from the corner side property line of an undeveloped right of way. The rear entry to the house currently has a small deck. Applicants would like to build a larger entryway and expand the deck to 12' x 20'.
- 2.) Corner side setbacks are established to ensure that structures on corner lots fit in with the structures on adjoining streets and do not block sight lines. Although the abutting right of way of Minneapolis Avenue is currently undeveloped, there are parcels to the north that would rely on this right of way when they are developed.
- 3.) A single-family home is a reasonable use in the R-1 district. Granting the variance would not alter the essential character of the area, as several other houses on Vassar Street have similarly sized rear decks. The deck would be largely unnoticeable from Vassar Street.
- 4.) Request for variance is not due to exceptional narrowness, shallowness, or shape of the applicant's property.
- 5.) A 12' x 20' deck is not necessary for the preservation and enjoyment of a substantial property right. Applicants currently have a deck and steps that provide access to the rear entry of the house, and which are outside of the setback. The deck could also be expanded, if desired, in a location outside of the setback.
- 6.) No public, City, or agency comments were received.
- 7.) Per UDC Section 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 deny the variance, for the following reasons:

- 1.) Request for variance is not due to exceptional narrowness, shallowness, or shape of the applicant's properties.
- 2.) The relief is not necessary for the preservation and enjoyment of a substantial property right.
- 3.) Applicant has not demonstrated practical difficulty.

I-2

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



City Planning

PL 14-157
101 Vassar Street

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Utility Easement
- Other Easement
- Vacated ROW
- Road or Alley ROW

Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

Network Structure

- Storage Basin
- Pump Station

Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storm Sewer Catch Basin

Subtype

- Storm Sewer Pipe

Gas Distribution Main

Nominal Diameter

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

Shoreland (UDC)

- Cold Water
- Natural Environment
- General Development

Floodplain (UDC)

- 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.



Aerial photography flown 2013



City of Duluth
Planning and Construction Services

411 West First Street • Room 210 • Duluth, Minnesota • 55802-1194
218-730-5240 • Fax: 218-730-5901 • www.duluthmn.gov/onestop/

An Equal Opportunity Employer

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"):

Variance from the corner side yard 15' requirement. 50-14.5, R-1 standards

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:

The deck is to be constructed along the rear width (20ft.) of our house. The plan is for it to serve as both a standard recreational deck space and the access point to the rear entry of our home.

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 house was constructed between approximately 5'-8" from the property line prior to current setbacks. The deck could only run 10' east to west to avoid violation.

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:

Countless homes in our area have a rear deck. A full deck structure will vastly improve the look of the house over the small stair and porch area we currently have. The house exists on the original 1928 dwelling that is too close to the property line. The setback for the undeveloped street and placement of the home on the lot make this a unique situation on our street.

7-4

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: A Variance Appeal

was approved on 6/27/2001 to build a addition on the house with a reduced minimum corner side yard set back from 15' to 4'8". This could be considered an extension of the project and Variance.

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:

The original dwelling placement predates the current code.

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 section within the set back will be a simple deck structure built by a licensed contractor. That section is currently unused yard space out of view from most neighbors.

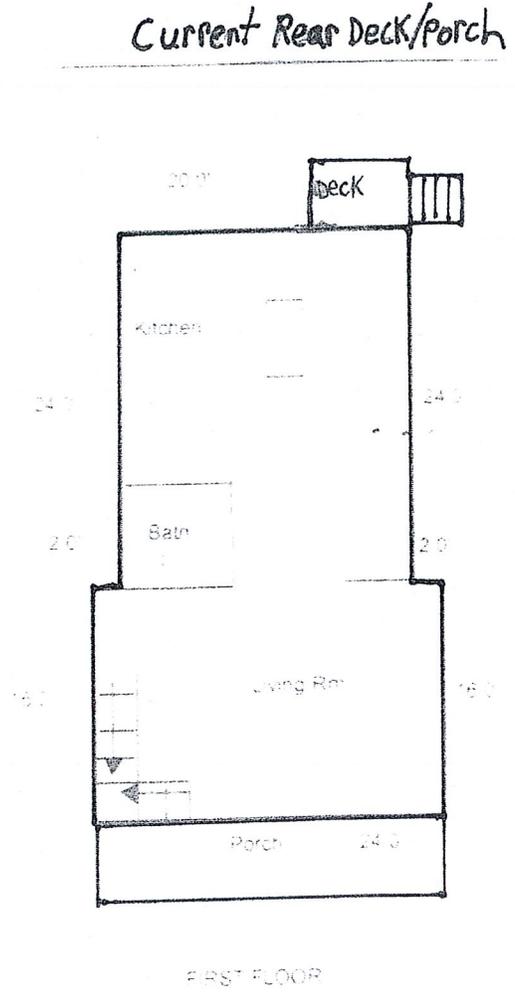
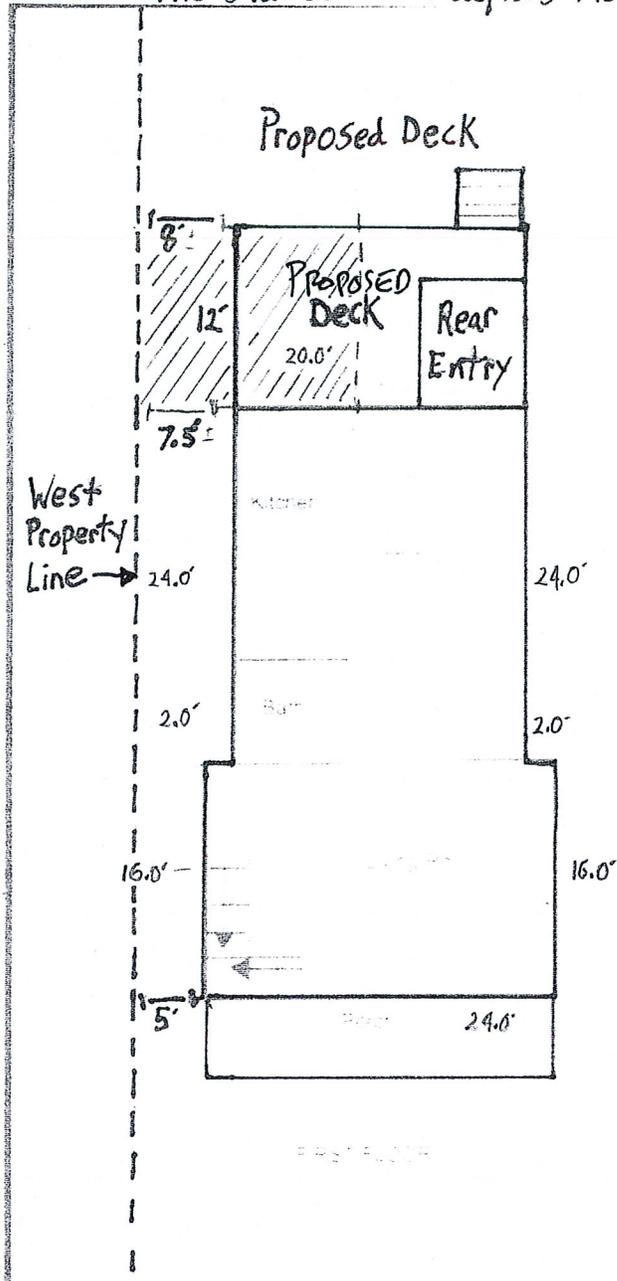
Does the relief allow any type of sign that is not allowed in the zone district where the property is located? Yes No

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: _____

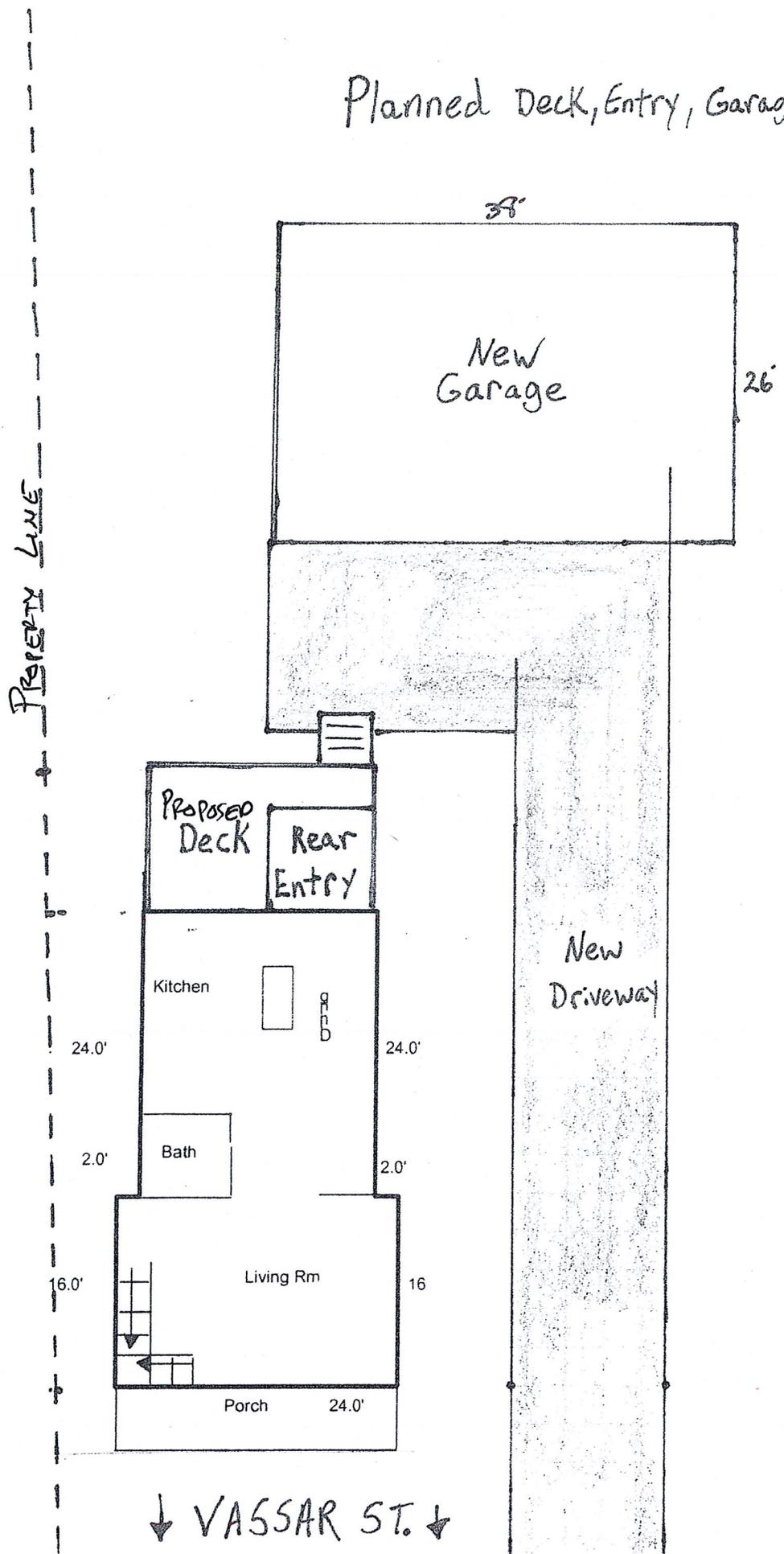
We are requesting a reduction in the side yard set back which is discussed in Subsection H. There should be no need for landscaping or buffering due to the section of deck.

The shaded area depicts the affect on the deck area



0-1

Planned Deck, Entry, Garage, + Driveway



I-7