



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 15-047	Contact	Steven Robertson, 218 730 5295	
Application Type	Variance	Planning Commission Date	May 12, 2015	
Deadline for Action	Application Date	March 19, 2015	60 Days	May 9, 2015
	Date Extension Letter Mailed	April 22, 2015	120 Days	July 17, 2015
Location of Subject	1025 West Third Street			
Applicant	Scott Shoven	Contact	sashovein@msn.com	
Agent		Contact		
Legal Description	010-1270-02180			
Site Visit Date	April 18, 2015	Sign Notice Date	April 28, 2015	
Neighbor Letter Date	April 24, 2015	Number of Letters Sent	48	

Proposal

The applicant would like to construct a one-stall garage (14' x 20') attached to the existing home. The attached garage would be within the shoreland setback of Buckingham Creek, a Coldwater River. The applicant would like to construct the garage addition approximately 23 feet from the ordinary highwater watermark of a coldwater river, instead of the minimum of 150 feet required.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Preservation/Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1/R-2	Residential	Traditional Neighborhood/Preservation
East	R-2	Residential (Single and Multi)	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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

50-18.1 Natural Resources Overlay, Coldwater River: maintain 150 ft. setback for structures, and 75 feet for impervious surfaces.

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.

1-5-1
III

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. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

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

- 1) The applicant would like to construct a one stall-garage (14' x 20') attached to the existing home. The attached garage would be within the shoreland setback of Buckingham Creek, a Coldwater River. The applicant would like to construct the garage addition approximately 23 feet from the ordinary highwater watermark of a coldwater river, instead of the minimum of 150 feet required.
- 2) The lot is approximately 50 feet wide by 150 feet long. From the front to the rear of the lot, there is a grade change of approximately 20 feet. According to St. Louis County records, the home was built in 1909 and has a main floor sq. ft. of 572, with a gross area of 858 sq. ft. There is also a 140 square foot storage building on the lot, behind the home.
- 3) The entire property is within the 150 foot shoreland setback; there is no other location on the lot that any structure could be constructed without being within the shoreland. The garage addition would not be within any of the front, rear, or side yard setbacks for a property zoned R-1.
- 4) The proposal, if granted, will not alter the essential character of the surrounding area. The proposed single family home allows the property to be used in a reasonable manner, and continued use of this property as a single-family home is consistent with the Comprehensive Land Use Plan. In addition, if the variance was granted, would not likely compromise the general purposes or intent of Section 50-18.1.D or result in adverse consequences to the environment.
- 5) While not established in the variance criteria of the UDC, in the past the Planning Commission has often granted variances for small one-stall detached garages on properties, based on the circumstances of the property, the impact to the shoreland, and the nature of the request. The applicant is proposing a very small, reasonably sized, one-stall garage and locating it furthest from the protected waterway as his property and topography allows.
- 6) Variances to shoreland setbacks require mitigation. Applicant is proposing a rain garden to promote infiltration and direct stormwater flow. The applicant is also proposing to cover the driveway with pervious pavers to allow more water absorption.
- 7) No comments were received concerning this proposed variance.
- 8) Variances are approved, approved with recommendations, or denied by the Planning Commission. Variances expire if the project or activity authorized by the permit 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 14 feet by 20 feet attached garage addition subject to the following conditions:

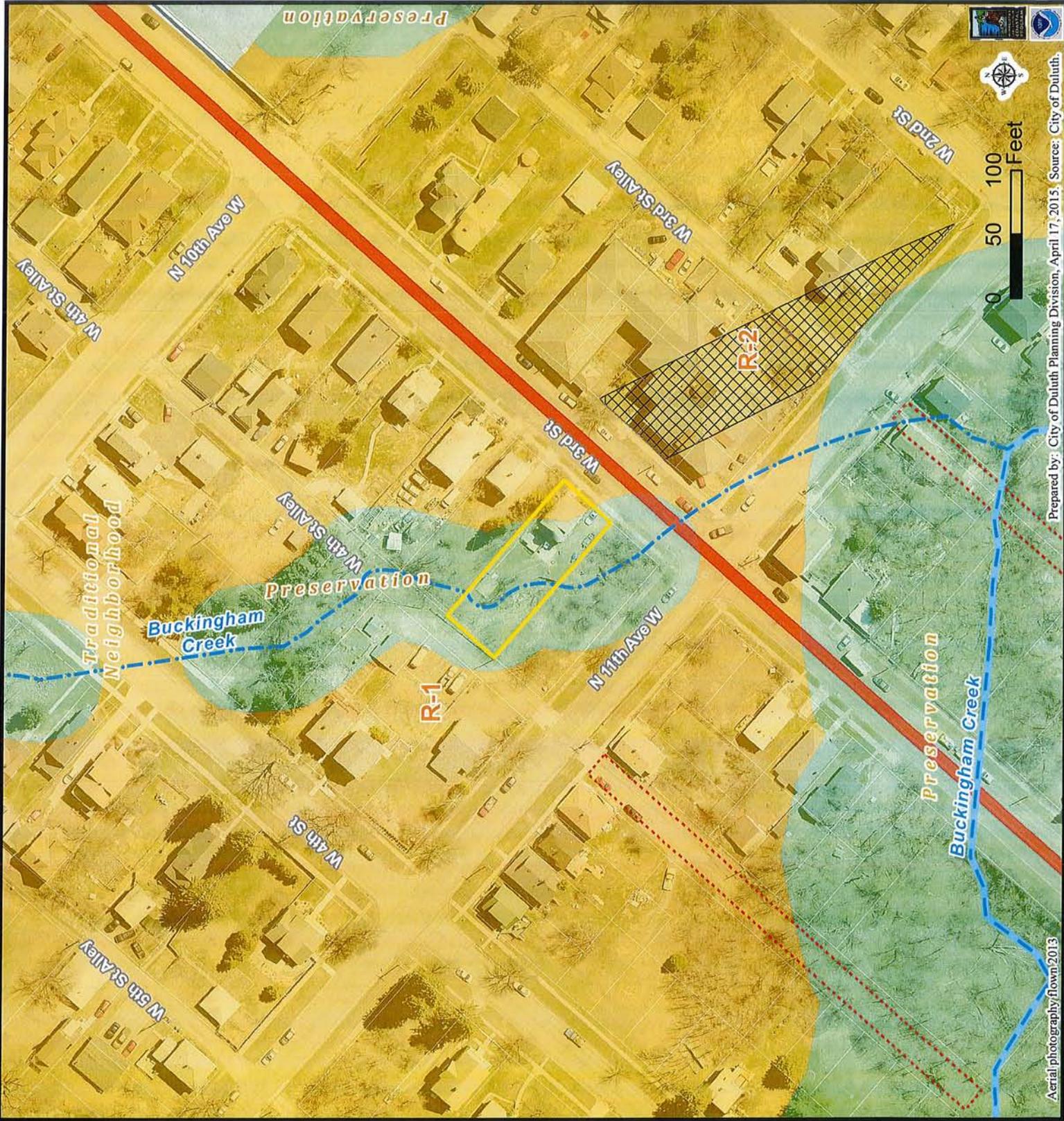
- 1) The project be limited to, constructed, and maintained according to the Site Plan submitted with this application, with the addition being no closer than 20 feet to the ordinary high water mark of Buckingham Creek.
- 2) Driveway be covered with pervious pavers, that are maintained at least once every two years.
- 3) Applicant construct rain garden as shown on site plan, but fully on applicant's property.
- 4) 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.

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

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Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- 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



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Legend

Contours 1 Ft

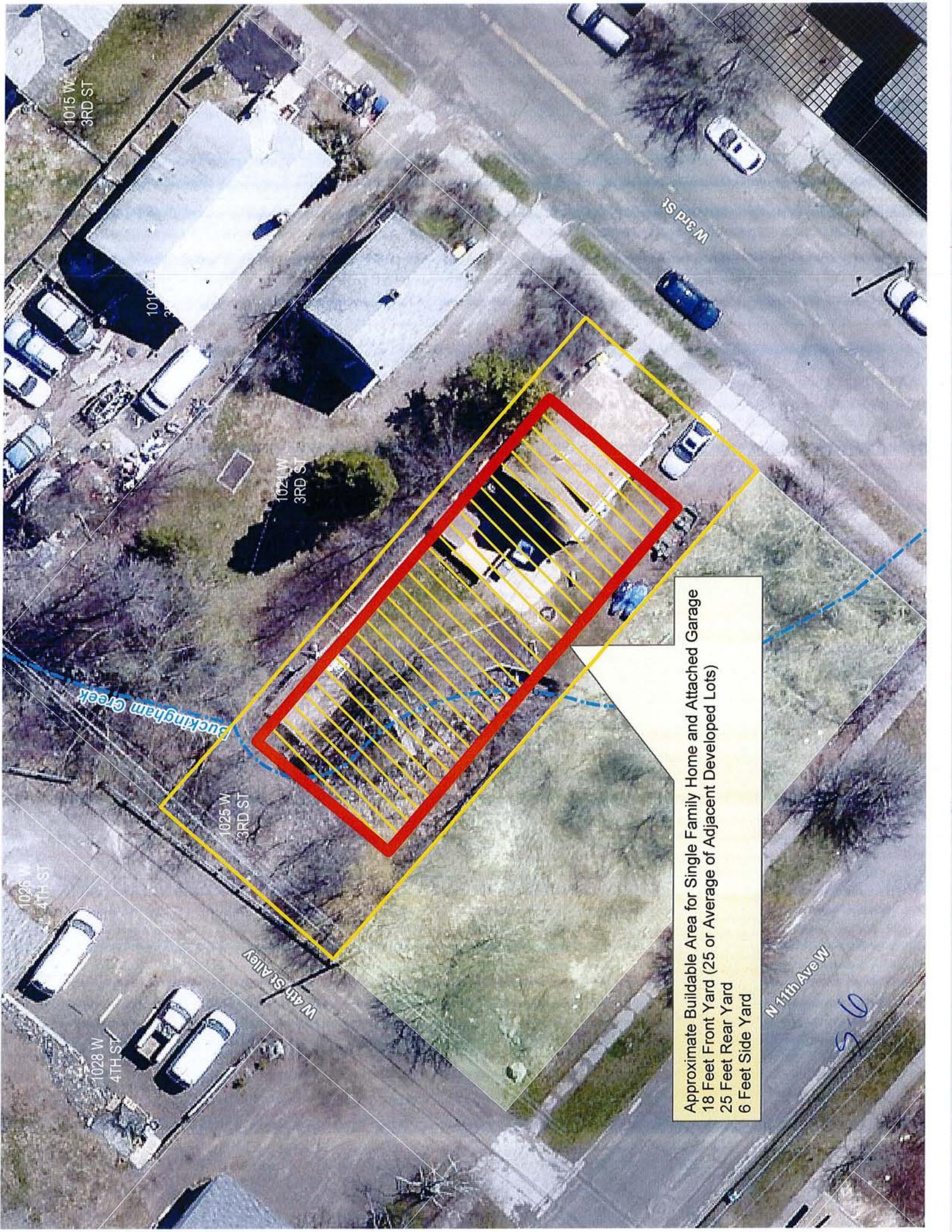
Index

- Intermediate
- Index
- Trout Stream (GPS)
- Other Stream (GPS)
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement

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1015 W
3RD ST

1016

1024 W
3RD ST

W 3rd St

Buckingham Creek

1025 W
3RD ST

1026 W
4TH ST

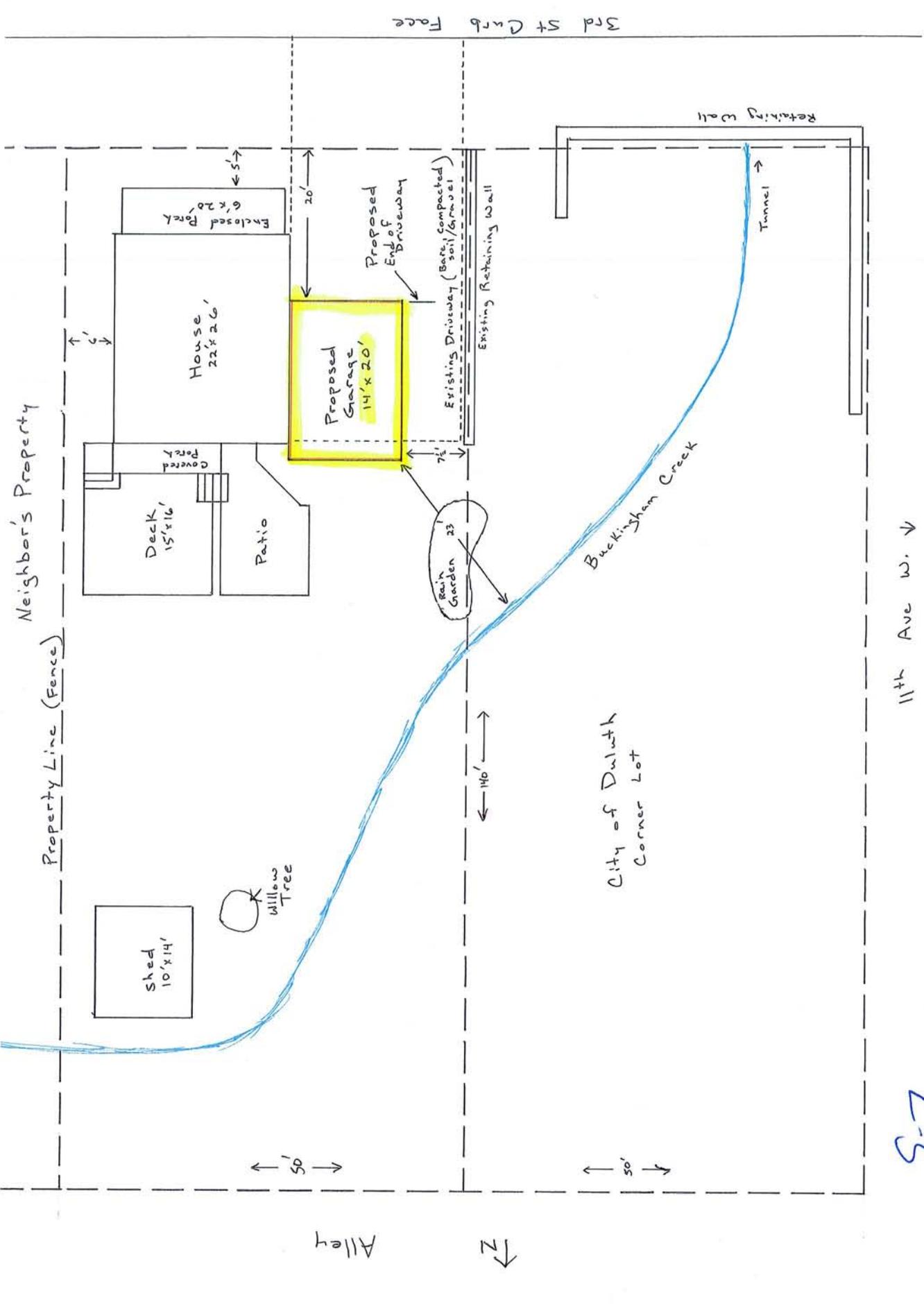
W 4th St Alley

1028 W
4TH ST

Approximate Buildable Area for Single Family Home and Attached Garage
18 Feet Front Yard (25 or Average of Adjacent Developed Lots)
25 Feet Rear Yard
6 Feet Side Yard

N 11th Ave W

S-6



L-5



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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"):

Table
50-18.D setback for a cold water stream

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:

* Right to reasonably use my property in the same manner as my neighbors do. * Right to provide protection for my assets (car/motorcycle and other garageable items). * Right to improve my property, with restrictions in place the entire property can't have new (or replaced) structures/impervious surfaces. This lowers my property value and I'd strongly consider moving.

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 entire property is located within the required setback. No access from alley due to stream and steep bank (20 ft rise in 10ft span).

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:

The neighbor hood is single family housing. Many of the homes on my block have 1 and 2 stall garages. (Many within setback)

b-9

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: I originally wanted to build a larger garage even closer to the stream. I made inquiries into buying the adjacent city lot but using the UDC as a guide to land use and development, I scaled down my project and moved it to the furthest possible location from the stream. I also plan to cover the driveway with pervious pavers to allow more water absorption.

directly or indirectly created by the action or inaction of the property owner or applicant:

Roughly 100 yr old home. Location and lot size in relation to stream were in existence prior to my purchase of home.

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: _____

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: _____

5-10

Mitigation Plan:

Water runoff from garage will be directed to nearby rain garden. Direction of water will be controlled by gutters and buried drain pipes. Driveway surface will be pervious. Such as pervious pavers.

thisoldhouse.com



Photo: William Wright

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Dig a trench for a pipe that will carry water from one or more gutter downspouts to the rain garden. (Note: If you can corral helpers, this can be done at the same time you excavate the rain garden.) Install the piping. Rigid piping with smooth walls is the most durable, but corrugated tubing is easier to work with: get the kind

Explore Top Fall Projects
Get Started at The Home Depot®



How to Build a Rain Garden

BY JEANNE HUBER, THIS OLD HOUSE MAGAZINE



Photo: David Hymel, Rain Dog Designs

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Introduction

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Free How-To From The Home Depot®



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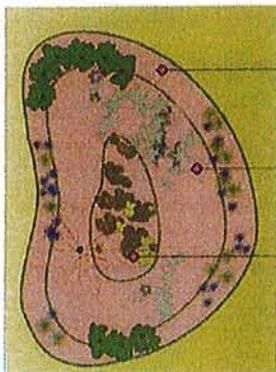


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How to Build a Rain Garden

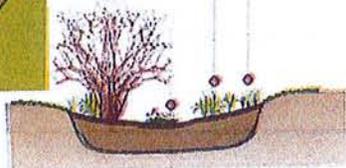
BY JEANNE HUBER, THIS OLD HOUSE MAGAZINE



Zone 3
for plants that prefer
drier conditions

Zone 2 for plants
that can tolerate
occasional
standing water

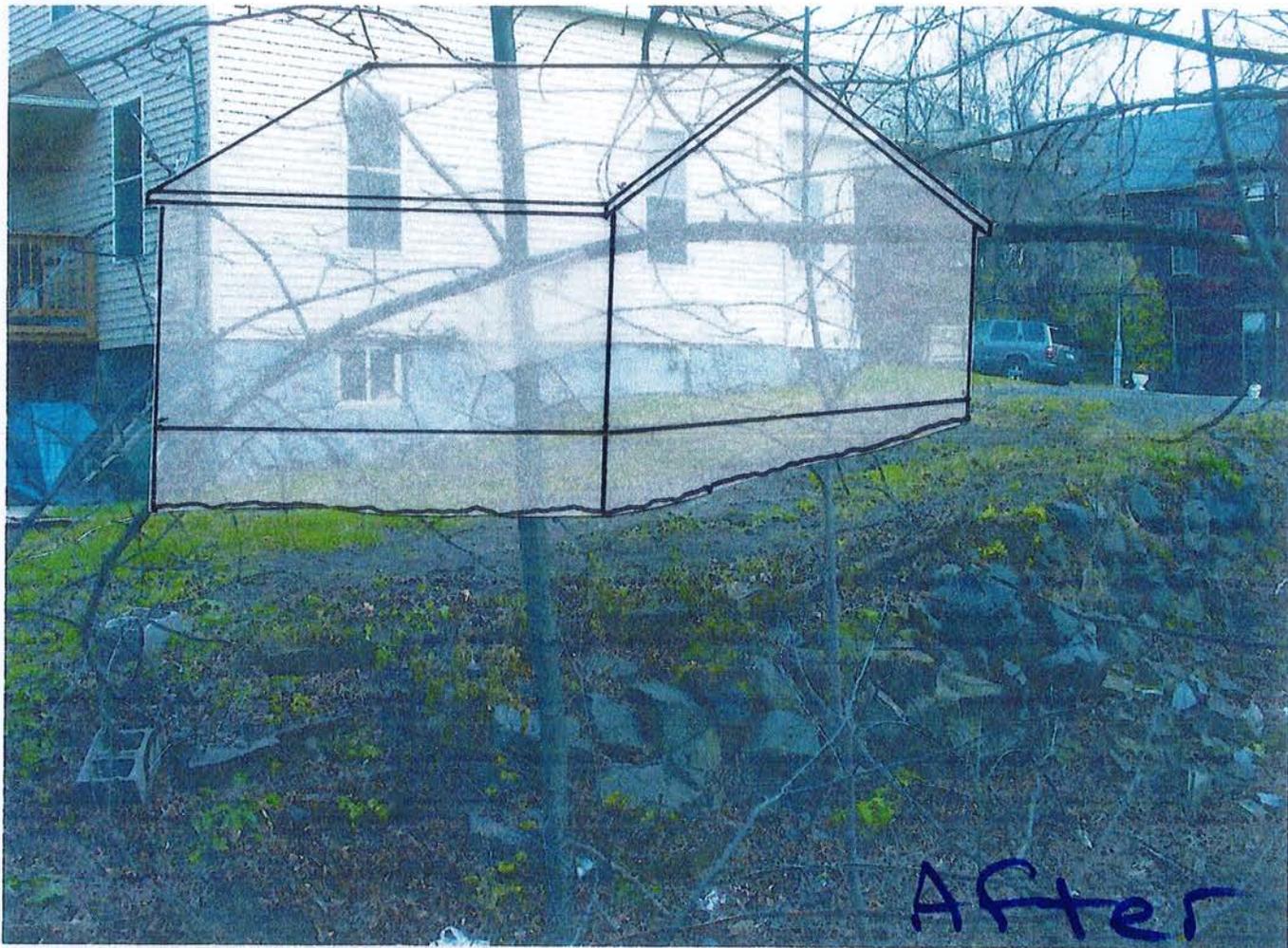
Zone 1 for
plants that can
tolerate wetter
conditions



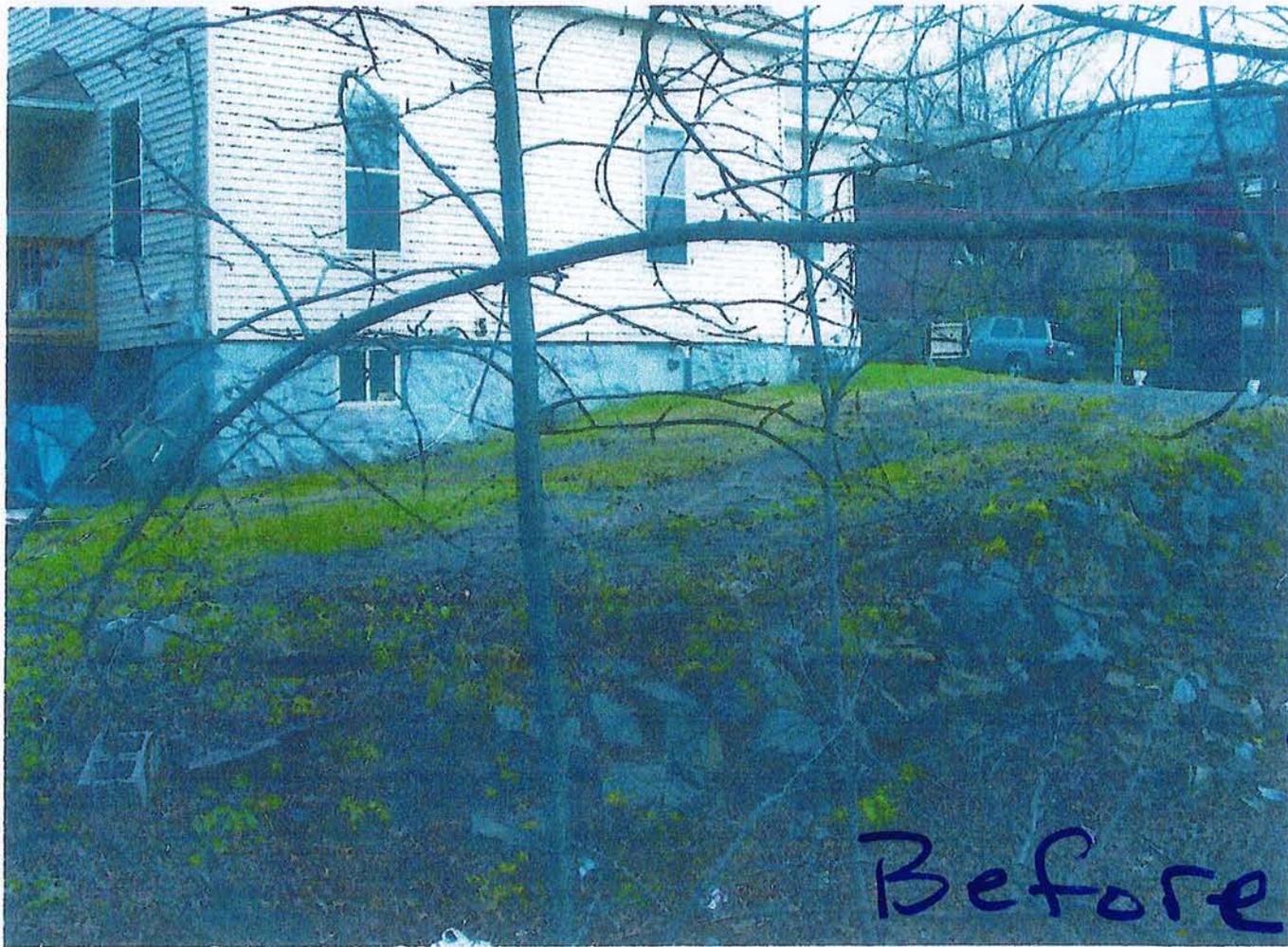
S-11



S-12



After



Before

S-13

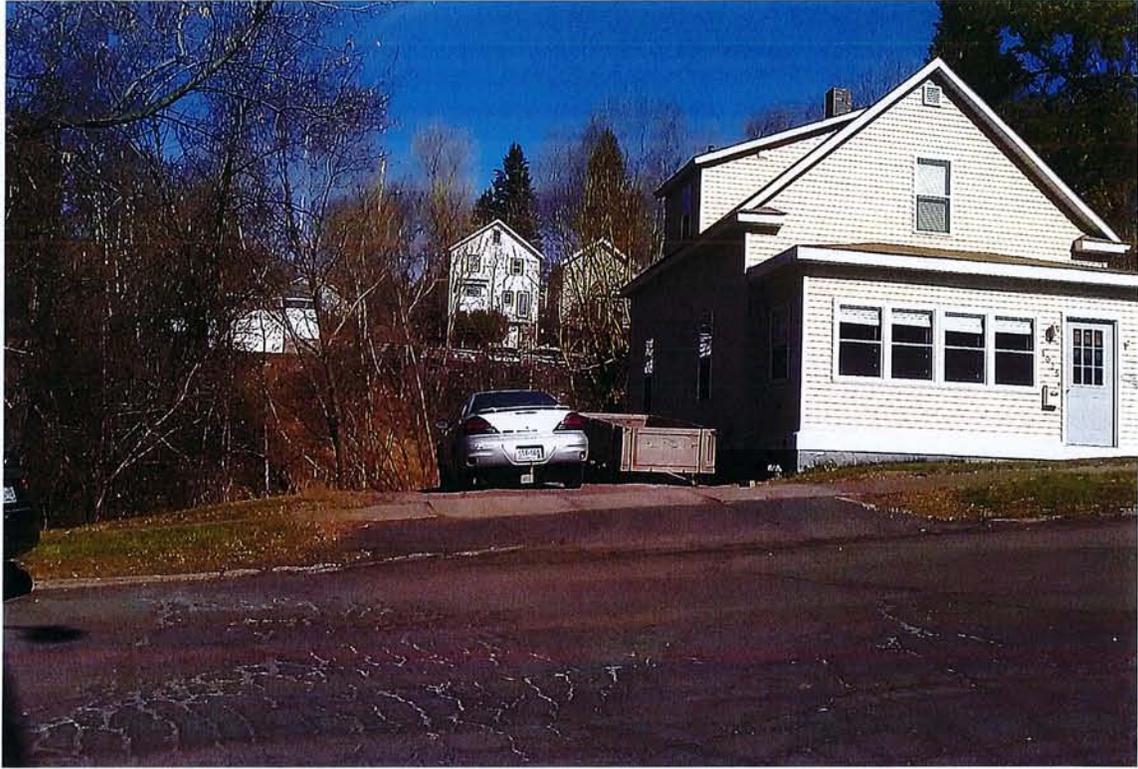


After



Before

41-5



S-15