



**CITY OF DULUTH**

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL 15-095	<b>Contact</b>	Steven Robertson, 218 730 5295	
<b>Application Type</b>	Variance, Front and Rear Yard Setback	<b>Planning Commission Date</b>	July 14, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	June 16, 2015	<b>60 Days</b>	August 15, 2015
	<b>Date Extension Letter Mailed</b>	July 1, 2015	<b>120 Days</b>	October 14, 2015
<b>Location of Subject</b>	627 N 44th Avenue West			
<b>Applicant</b>	Jim and Suzanne Reijo	<b>Contact</b>		
<b>Agent</b>	Mark LaFlamme, Home Solutions Pro	<b>Contact</b>	mark@myhomesolutionspro.com	
<b>Legal Description</b>	010-0830-01800			
<b>Site Visit Date</b>	July 1, 2015	<b>Sign Notice Date</b>	June 30, 2015	
<b>Neighbor Letter Date</b>	July 1, 2015	<b>Number of Letters Sent</b>	69	

**Proposal**

Applicant proposes to build a 288 square foot deck onto the side of the existing home. The deck would be 9 feet setback from the rear property line and 25 feet from the front property line, instead of the 25 feet required for both setbacks. According to the applicant, since this is a unique lot and "there are very little options of installing a deck in accordance with City setback rules of the UDC and Comprehensive Plan."

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	P-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

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

50-21.2.D-An accessory structure cannot exceed 20 feet in height, and may not occupy more than 30% of the rear yard area. All accessory structure on a lot may not occupy for than 60% of the rear yard area.

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.

H-C-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. 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) Applicant proposes to build a 288 square foot deck onto the side of the existing home. The deck would be 9 feet setback from the rear property line and 25 feet from the front property line, instead of the 25 feet required for both setbacks.
- 2) The lot is irregularly shaped; it is a triangle that is approximately 95 feet by 90 feet by 130 feet (4,400 square feet). According to St. Louis County records, the home was built in 1923 with two stories and a gross floor area of 1,126 sq. ft. It is on Lots 1 and 2 of Block 31 of Dickermans Addition to West Duluth (recorded 1891).
- 3) Due to the shape of the platted lots, nearly the entire property is within the front, rear, or side yard setbacks. There is no place on the property that an addition could be added that would not be within a setback (or even a new principal structure if this site was undeveloped).
- 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) When the Planning Commission is reviewing a variance to front, rear, or side yard setbacks, the Planning Commission may require landscaping or buffering to reduce potential land use conflicts. With this application, staff are not recommending the Planning Commission requiring additional screening or buffering (such as shrubbery or fencing). The applicant is proposing a landscape plan that includes flowers and perennials.
- 6) No comments were received concerning this proposed variance.
- 7) 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 an approximately 288 square foot attached deck in the front and rear yard setbacks subject to the following conditions:

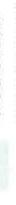
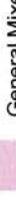
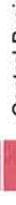
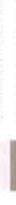
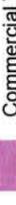
- 1) The project be limited to, constructed, and maintained according to the Site and Landscaping Plan submitted with this application.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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

**City Planning**  
**DULUTH**  
**PL 15-095, Variance**  
**627 N 44 Ave W**

**Legend**

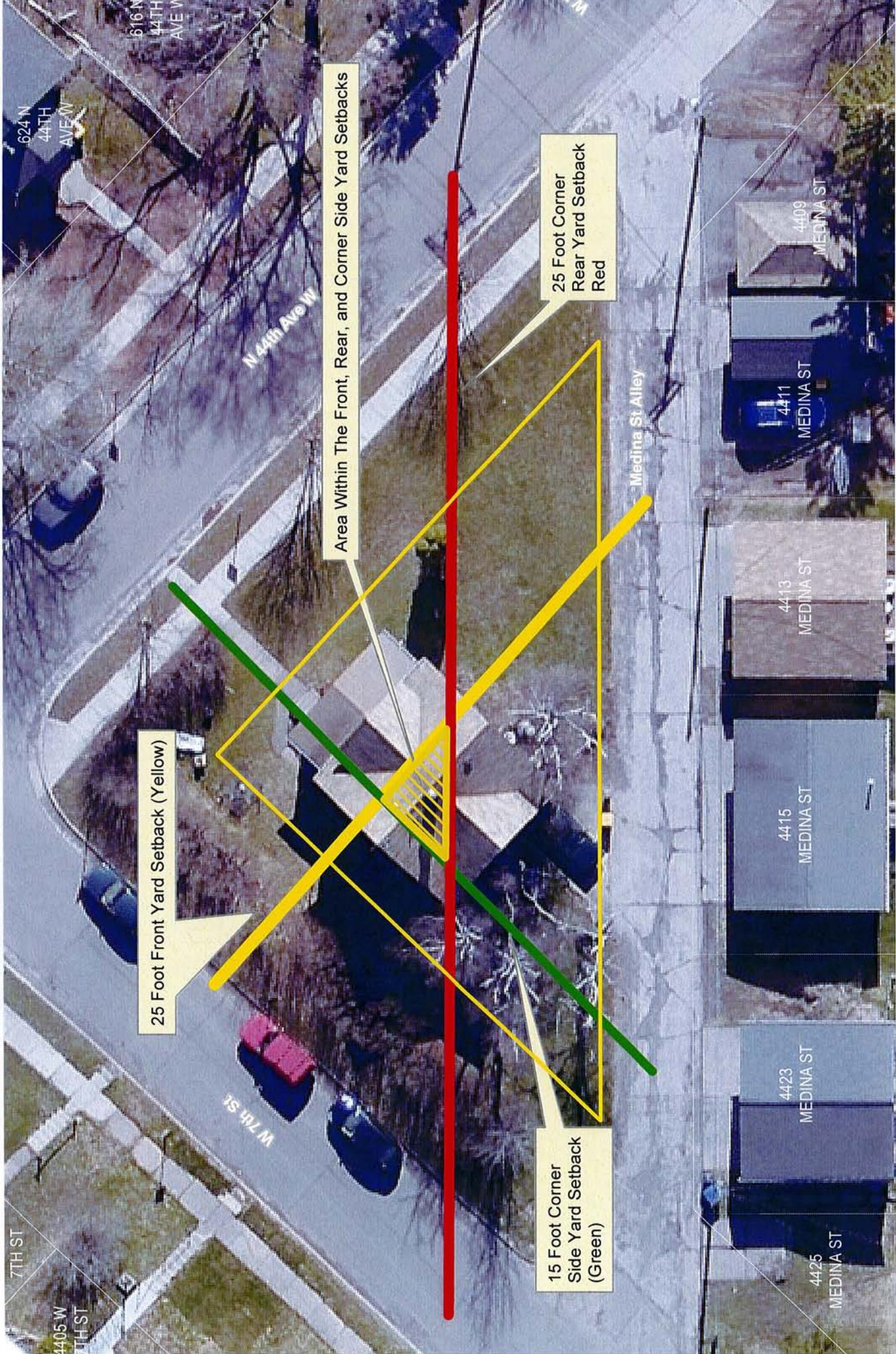
-  Trout Stream (GPS)
-  Other Stream (GPS)
- Easement Type**
-  Utility Easement
-  Other Easement
- Future Land Use**
-  Preservation
-  Recreation
-  Rural Residential
-  Low-density Neighborhood
-  Traditional Neighborhood
-  Urban Residential
-  Neighborhood Commercial
-  Neighborhood Mixed Use
-  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

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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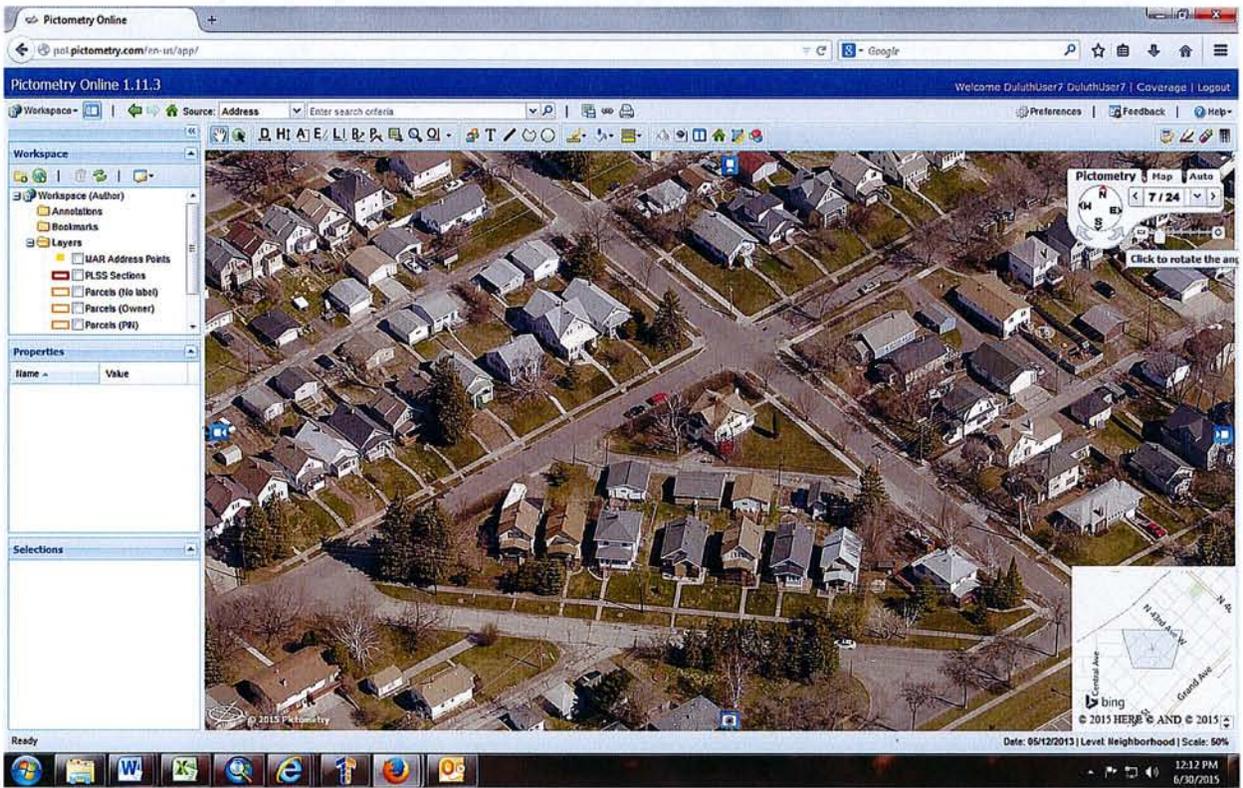
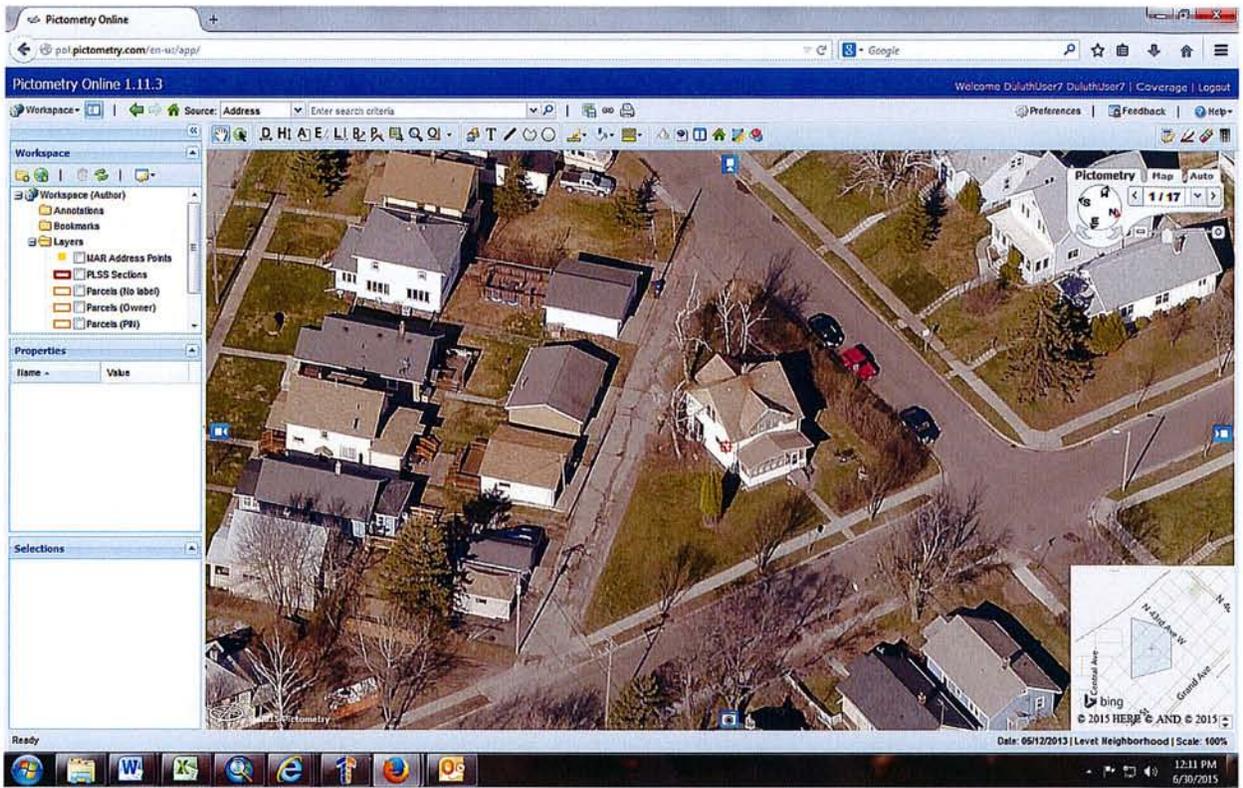


25 Foot Front Yard Setback (Yellow)

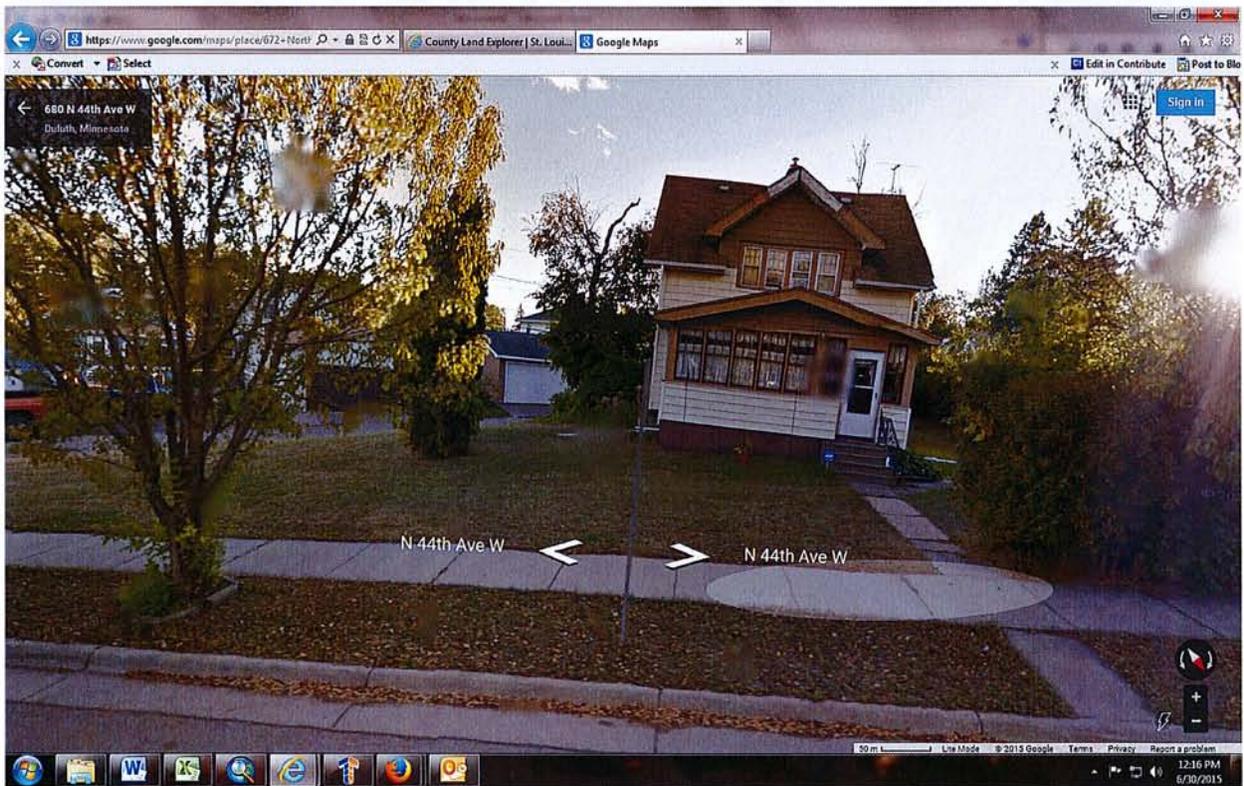
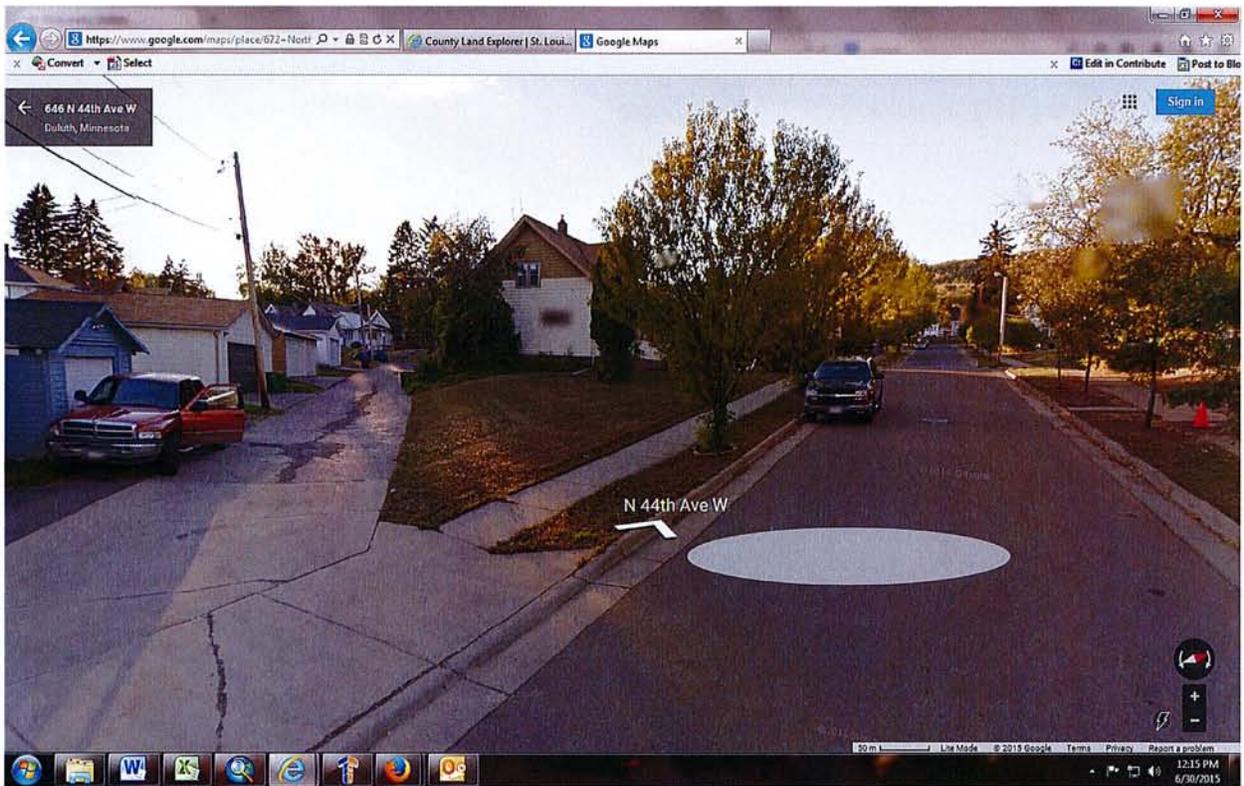
15 Foot Corner Side Yard Setback (Green)

25 Foot Corner Rear Yard Setback Red

Area Within The Front, Rear, and Corner Side Yard Setbacks



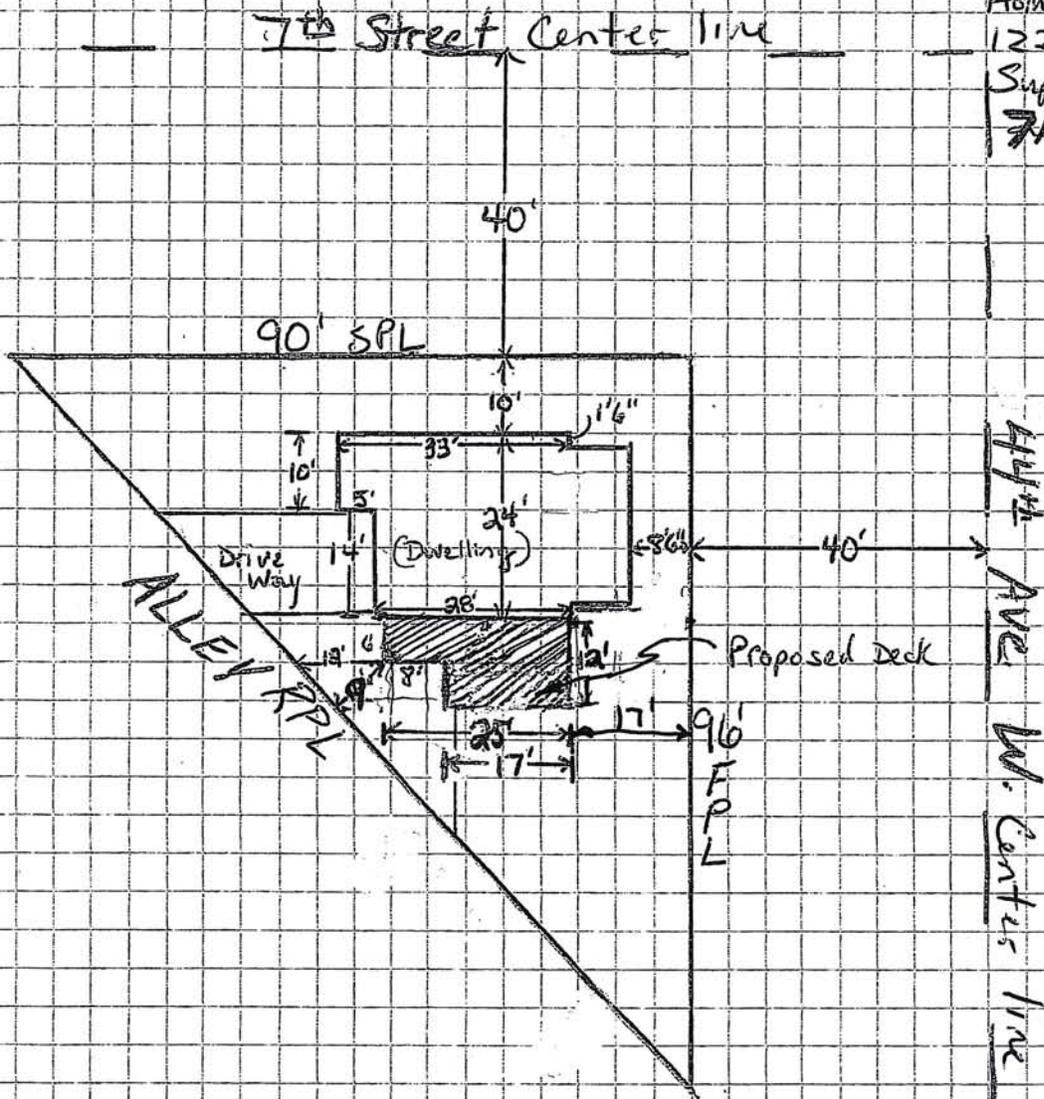
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Plan for: Jim + Suzanne Reijo  
 627 N. 44th Ave W.  
 Duluth, MN 55807  
 218-390-355

Plan by: Mark LaFlamme  
 Home Solutions Pro  
 1225 Tower Ave Ste 106  
 Superior, WI 54880  
 715-394-1776



Scale:  $\frac{3}{16}'' = 5'$

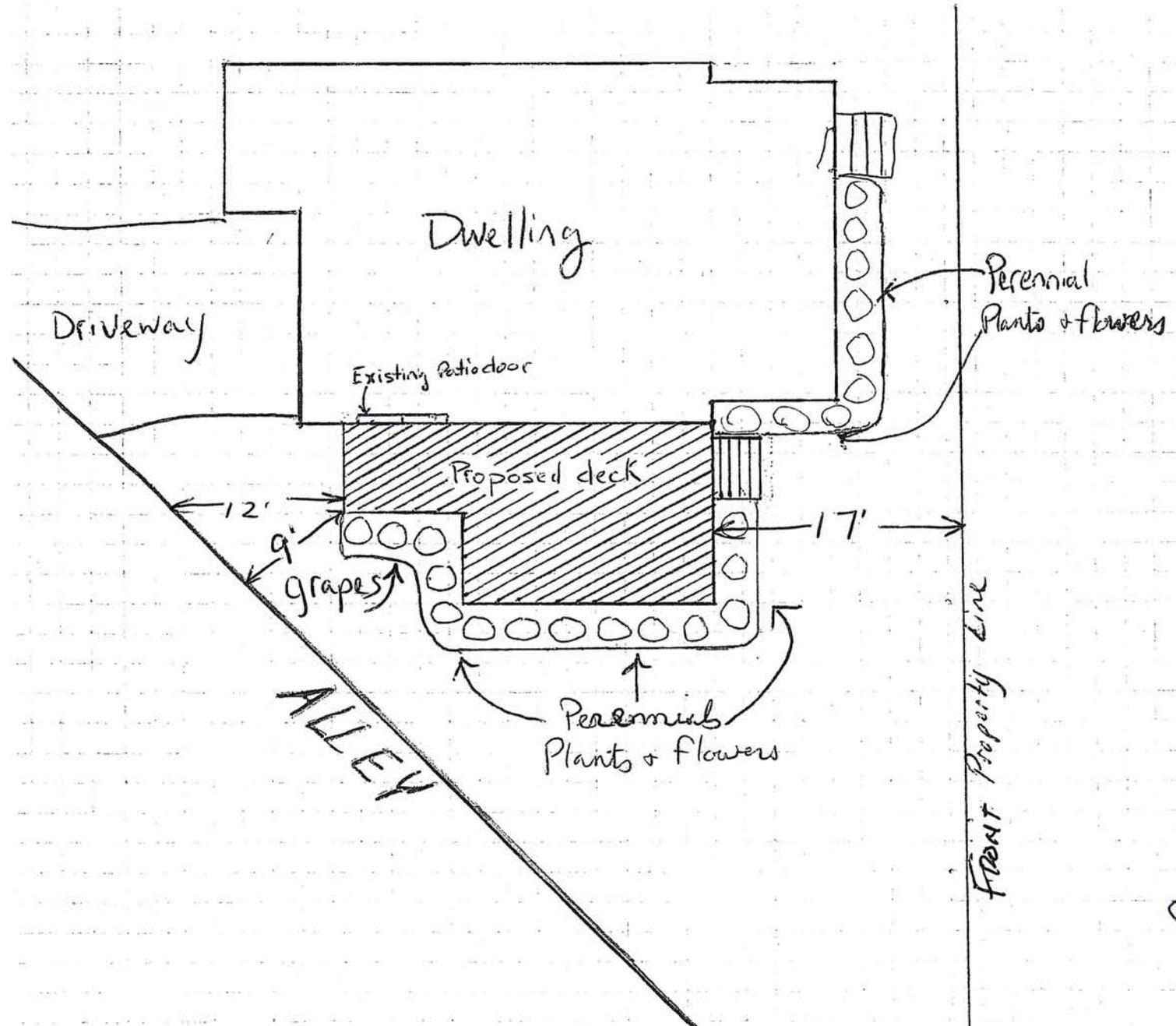
# Landscape Plan for Variance

Jim and Suzanne Reijo

Plans to enhance the Property with a new deck and landscaping on a very visible piece of property in the West Duluth District adjacent to Denfeld High School.

Sue and Jim are on a very unique lot and therefore have very little options of installing a deck in accordance with the City Set back rules of the UDC and Comprehensive Plan.

The following is a plan to design to build a reasonable size deck on the South East side of the property and Landscape around the deck to improve this highly visible property with Flowers and Perennials. At the moment this side of the property which has no immediate neighbors is wide open with very little landscape done. We believe this would add to the aesthetics of the neighborhood and increase the value of the property.



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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 YARD SETBACK & FRONT YARD SETBACK

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:

Customer had existing deck 6x8' that was rotted & torn off. Existing deck was 10' from rear prop. line. Property is irregular shape. We would not be getting any closer than the original deck corner.

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:

Property is Triangular & the existing patio door is on rear side of house. The existing deck was in same spot.

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 lot sits by itself. No other lots are adjoining. it is surrounded by Alley 7th St W. & 44th Ave West.

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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: We plan to enhance the visual + aesthetics of this very visible property on the corner of 44<sup>th</sup> Ave W. + 7<sup>th</sup> St. (See 50-2 General provisions) See Attch

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:

Existing property shape creates the need for relief.

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 plan is to build a average size deck + to landscape around the deck with flower + Perennial gardens. We feel this will increase the beauty of the neighborhood

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: Section H Variance to reduce set backs

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