



**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 15-101	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Variance	<b>Planning Commission Date</b>	August 11, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	June 30, 2015	<b>60 Days</b>	August 29, 2015
	<b>Date Extension Letter Mailed</b>	July 28, 2015	<b>120 Days</b>	October 28, 2015
<b>Location of Subject</b>	2114 N 51st Avenue E			
<b>Applicant</b>	David and Jessica Steinhoff	<b>Contact</b>	712-249-3771, davidsteinh@hotmail.com	
<b>Agent</b>	N/A	<b>Contact</b>	N/A	
<b>Legal Description</b>	PID 010-0790-08940			
<b>Site Visit Date</b>	July 31, 2015	<b>Sign Notice Date</b>	July 28, 2015	
<b>Neighbor Letter Date</b>	July 28, 2015	<b>Number of Letters Sent</b>	41	

**Proposal**

Applicant proposes to build a deck and stairs that would be 1.67' from the side property line instead of the required 6' setback.

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

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

50-14.5 - Residential-Traditional District: 6' side yard setback for one- and two-family structures.

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.

D.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.) Property contains a single-family house with tuckunder garage. Entry is via a front door facing 51st Avenue E. Applicants would like to add another entry on the north side of the home. This entry would necessitate a stairway, and applicants would also like to add a 12' x 17' deck on the front of the house. Stairs and deck would all be within the side yard setback of the property.
- 2.) Use of the property as a single-family home is reasonable in the R-1 district. However, as the property already has adequate egress to ensure safe use of the property, addition of a new entrance with stairway is not necessary for preservation of a substantial property right.
- 3.) Property is not exceptionally narrow or shallow, nor does it have unique topography or other characteristics that would constitute practical difficulty.
- 4.) Applicants would like the convenience of letting their dogs into the backyard via the new entrance; however, variance criteria states that variance shall not be "merely to serve as a convenience to the applicant."
- 5.) Granting the variance may alter the essential character of the area, as other houses in the vicinity do not have decks in the front of the house or stairways within the side yard setbacks.
- 6.) No public, agency, or City comments have been 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 to build a deck and stairway within the side yard setback, for the following reasons:

- 1.) The variance is not necessary for preservation of a substantial property right.
- 2.) Need for relief is not due to circumstances unique to this property, such as exceptional narrowness or topography.
- 3.) Granting the variance would be for the reason of serving as a convenience to the applicant.
- 4.) Granting the variance may alter the essential character of the area.

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

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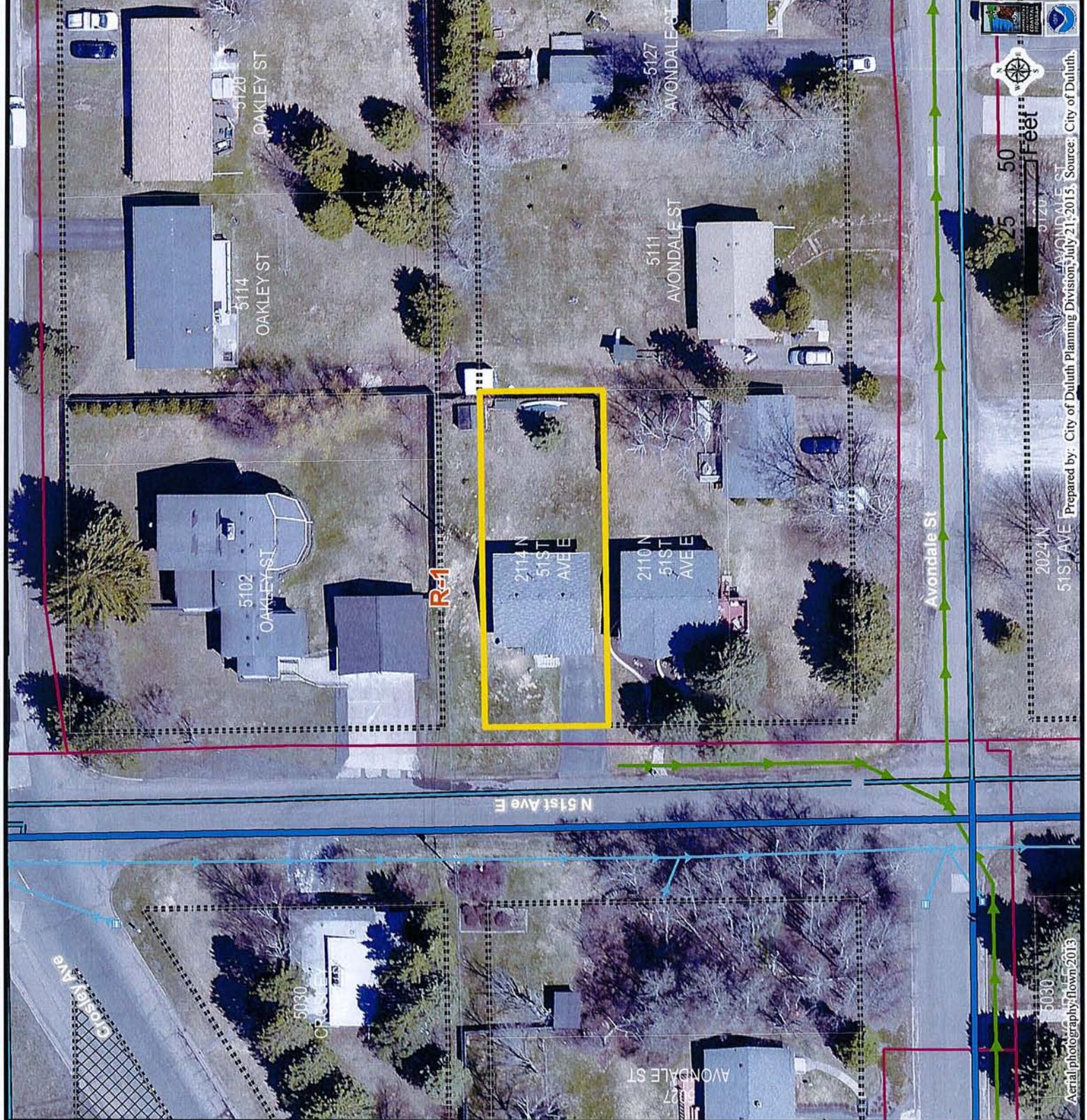


**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- 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

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.

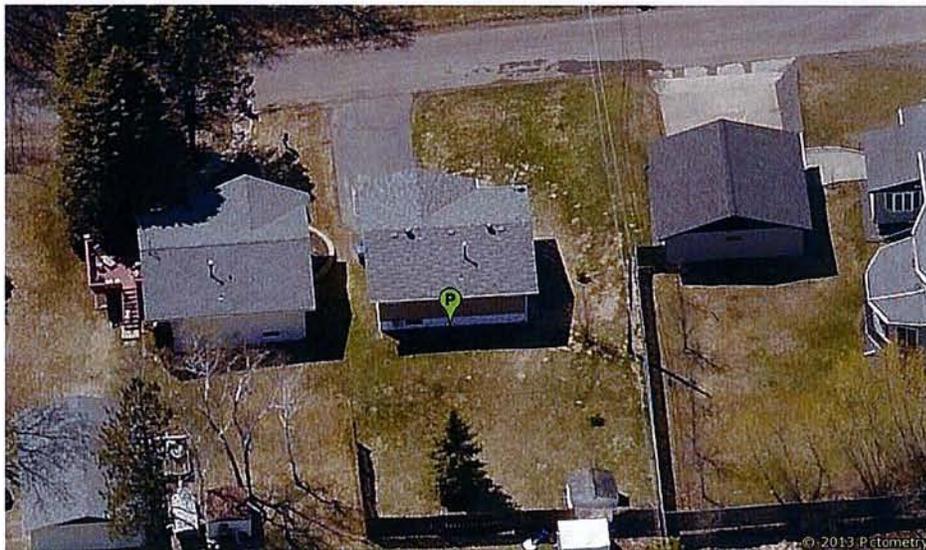
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Aerial photography: flown 2013

2114 N 51<sup>st</sup> Ave E

Site Photos



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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 - 50-14.5-1, R-1 district dimensional 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:

This is necessary for keeping our dogs contained in our yard when taking them to the backyard.

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:

existing condition would not allow for deck and stairs from side of house.

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:

Other houses within the neighborhood have decks. ~~are~~ unable to have a deck off of the back of our house due to having our bedrooms located in the back

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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: It is

consistent with development patterns, building  
scale, and building location of nearby areas

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 house was existing

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: Paper alley with power line between  
neighbor and I.

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: 50-37.9 H.

States no special landscaping or buffering. The  
neigh: project faces neighbors fence and garage.

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## Jennifer Moses

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**From:** john szarke <johnszarke@hotmail.com>  
**Sent:** Sunday, August 02, 2015 6:03 PM  
**To:** Jennifer Moses  
**Subject:** Re:Variance (PL 15-101)

Good morning,

Regarding variance request for a deck at 2114 N. 51st Ave east in Duluth

I'd like to comment by saying I asked the next door neighbor of the home requesting the variance and he said he had no problem with the variance request.

Personally we live at 5115 Wyoming street and would not be impacted by the variance.

I whole-heartedly support the variance request.

Thank you.

Sincerely,

John Szarke  
5115 Wyoming St.  
Duluth, mn 55804  
525-9471