



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 15-118	Contact	Steven Robertson, 730-5395
Application Type	Shoreland Variance	Planning Commission Date	September 8, 2015
Deadline for Action	Application Date	August 3, 2015	60 Days October 2, 2015
	Date Extension Letter Mailed	August 20, 2015	120 Days December 1, 2015
Location of Subject	118 South 56th Avenue West		
Applicant	Kenneth Rish	Contact	kenrish@q.com
Agent	N/A	Contact	N/A
Legal Description	PID # 010-4470-08670		
Site Visit Date	August 22, 2015	Sign Notice Date	August 24, 2015
Neighbor Letter Date	August 24, 2015	Number of Letters Sent	15

Proposal

The applicant proposes to build a 18' x 24' garage in the rear of his lot, on the site of a former garage. Garage would be approximately 120' from the stream (Keene Creek) instead of the required 150'.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Single-family	Preservation
North	R-1	Park	Preservation
South	MU-N/MU-B	Commercial/Residential	Traditional Neighborhood/General Mixed Use
East	MU-N/I-G	Manufacturing	General Mixed Use
West	R-2	Single-family	Traditional Neighborhood/Preservation

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

50-18.1.D. - Shoreland setback from a Coldwater River is 150 ft.
 50-37.9.C. - General Variance Criteria.
 50-37.9.L. - Variances in Shorelands.

II.0-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Future Land Use - Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

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

Proposal: The applicant is proposing to construct a one-stall (18' x 24') detached garage.

Issue/Item for Review: The proposed detached garage would be 120 feet from the estimated ordinary high water mark of Keene Cree; the minimum setback for a cold water stream is 150 feet. Applicant's project requires a variance.

- 1) Property Information: The lot is 25 feet wide and 125 feet long (3,125 square feet). According to St. Louis County records, the home was built in 1891 with a main floor area of 767 square feet and a gross area of 1,391 sq. ft. It is on Lot 9 of Block 53 of West Duluth 1st Division. The applicant had a previous detached garage in approximately the same area, in the rear of the lot, but the detached garage was removed several years ago.
- 2) 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.
- 3) Due to the size small size of the applicant's property, there are no other locations on the property that would allow the structure to be constructed outside the shoreland setback; the size of the property presents a practical difficulty for reasonable use.
- 4) 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, and the nature of the request. The applicant is proposing a very small, reasonably sized, one-stall garage and the proposal minimizes the variance request.
- 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). Any variance from a shoreland standards requires mitigation; applicant is proposing very modest mitigation (rain barrel and gutters). Due to the distance to the creek and the significant amount of natural vegetation on city property between the proposed structure and the creek, and the modest size of the structure, staff believe additional mitigation is not necessary.
- 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, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to Site Plan submitted by applicant.
- 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

0-2

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

Language from UDC: 50-37.9 Variances

C. General variance criteria.

Unless different or inconsistent criteria or limitations are stated in subsections D through M below for the specific type of variance being requested, the planning commission shall approve an application for a variance, or approve it with conditions, if it finds that the proposed variance meets the following criteria. If there is a direct conflict between a provision or criteria in subsections D through M below and the general criteria in this subsection C, the provisions in subsections D through M shall govern:

1. Because of the exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property, the strict application of the requirements of this Chapter would result in peculiar and practical difficulties or exceptional or undue hardship to the property owner;
2. 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;
3. 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;
4. The relief is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant;
5. The relief will not 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;
6. The relief may be granted without substantially impairing the intent of this Chapter and the official zoning map;
7. The relief does not allow any type of sign that is not allowed in the zone district where the property is located, pursuant to Section 50-27;
8. The relief complies with any additional limitations or criteria applicable to that variance in subsections D through M below;

L Standards for 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;



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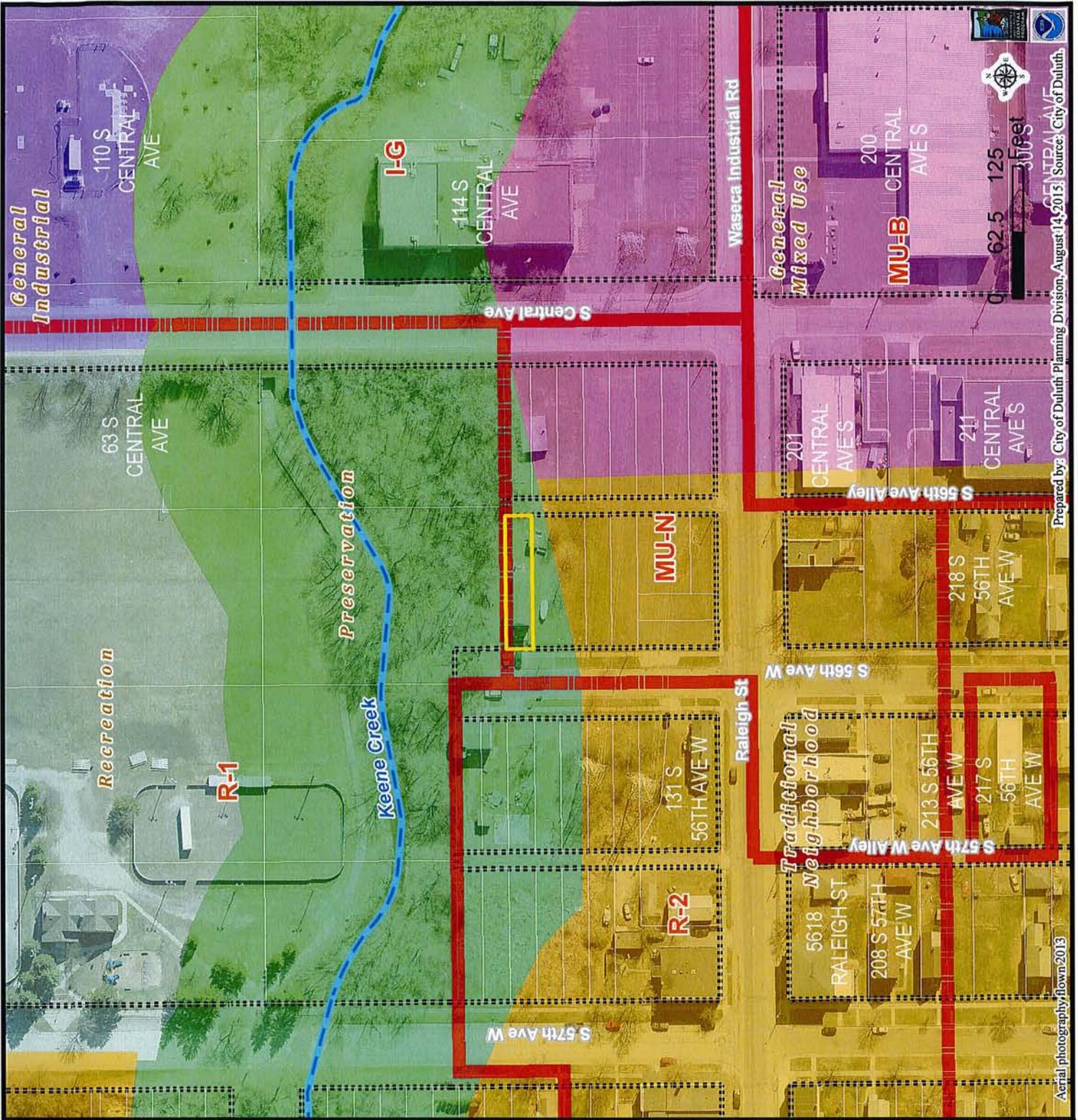
PL 15-118

118 S 56th Avenue W

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Right-of-Way Type**
- Road or Alley ROW
- 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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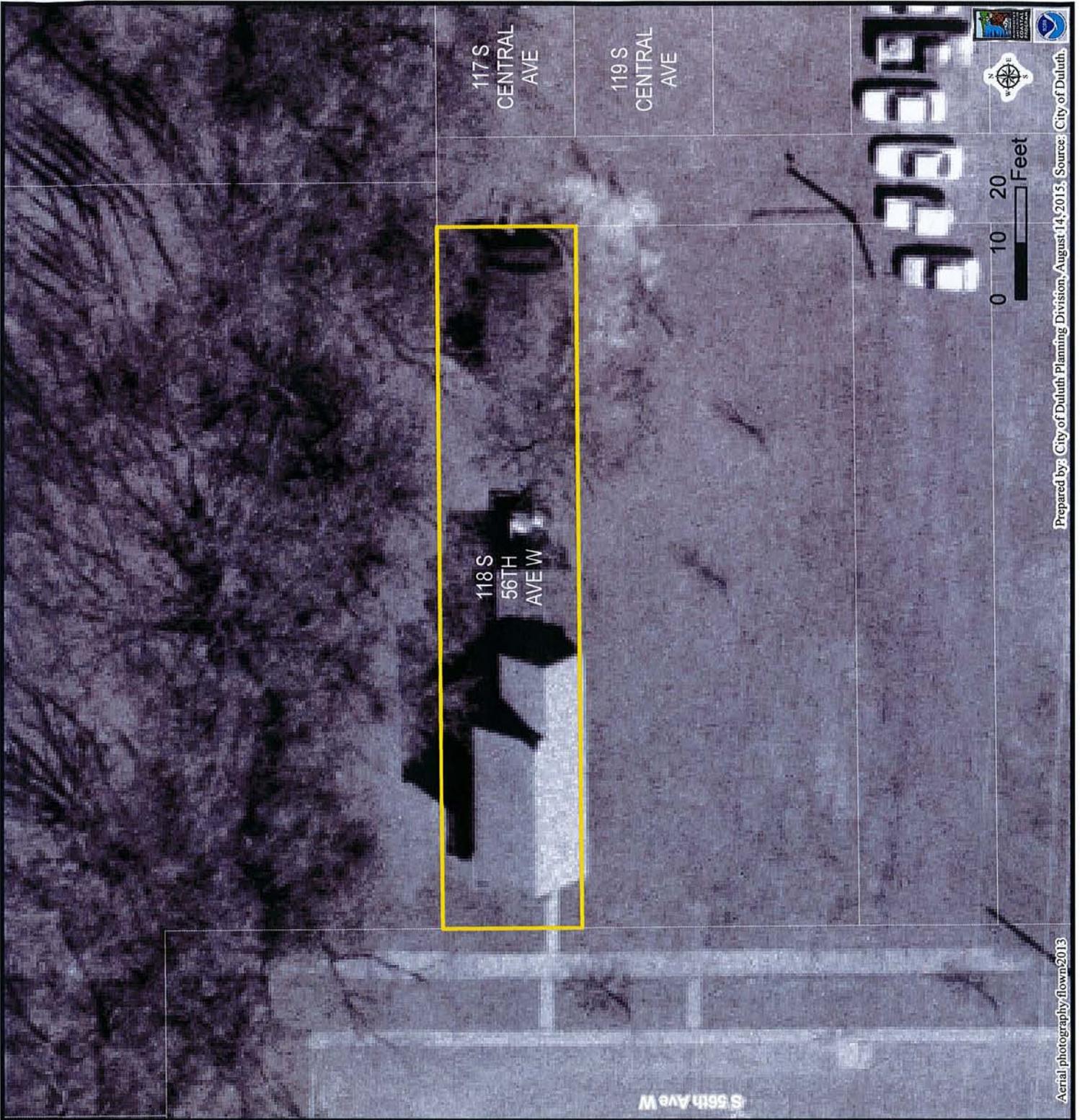
Aerial photography from 2013

Prepared by City of Duluth Planning Division, August 14, 2015 | Source: City of Duluth



City Planning

2002 Aerial Image



Aerial photography, flown 2013

Prepared by: City of Duluth Planning Division, August 14, 2015. Source: City of Duluth.

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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"):

→ 50-18.1 → 50-21.2 D

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: By having a garage I can store lawn mowers, garden tools

Lumber and extra siding which is a eye sore having it stacked in the yard along with other things. I could get things like a snow blower etc. It would enhance the looks of the property

I will mitigate runoff with gutters + Ram board + use water for shrubs or trees.

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:

This is a 25' lot. I cannot move it further away from the creek. The garage is a modest 18' x 24' building which is 432 sq ft.

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:

Similar size etc. The proposed garage will replace a building that collapsed in the past.

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: _____

This district is multiuse areas that
allows residential use - A modest garage is
consistent with the use + the history of the lot

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:

This property has been used as a residence for many years
going back to my grand parents who had a garage on the property

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 neighboring property is open land used
by Moline Machinery as a parking lot. I am the
only house on that side of the street

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: L

X Catch water with gutters (RAIN) AND A
RAIN BARNELL. I HAVE A RAIN BARNELL AND BEEN USING
IT FOR YEARS. I USE THE WATER FOR MY MANY SHRUBS
AND FLOWER GARDEN

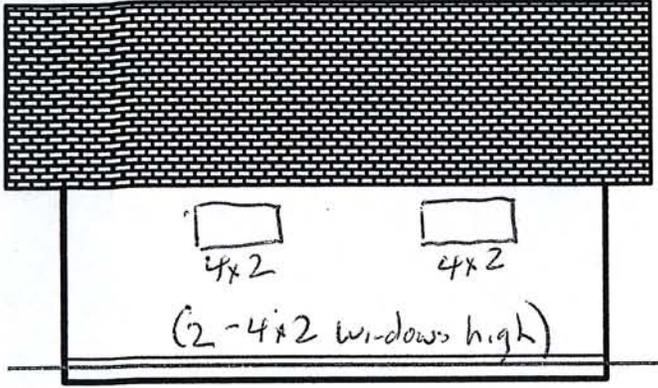
To BOARD Community,

These forms were a little bit confusing to me, so

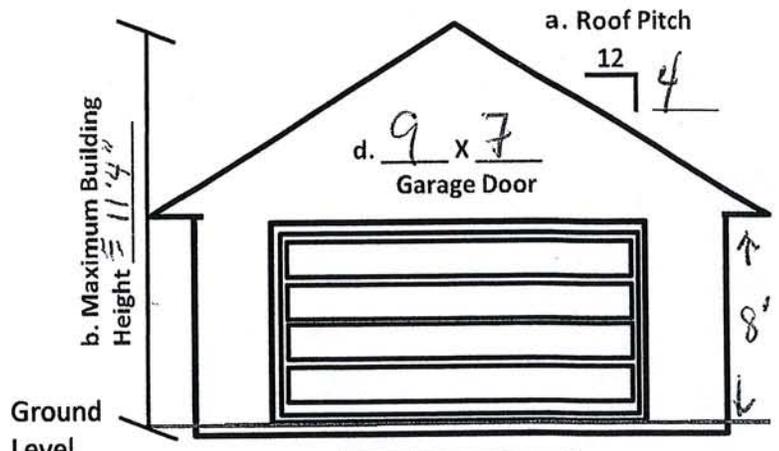
I hope I answered them correctly. My reason for a garage is to make my life easier. Living in the northland with our winters it would be nice to own a snowblower and a place to keep my car. It would keep my yard more organized, I have siding, lumber etc piled neatly in my yard, where if I had a garage I'd have a place to store these and similar items. I had a garage in the same plot I put on site plan. My old garage roof collapsed and I had it torn down and hauled away to landfill about 5 years ago. I'm just asking for a modest replacement garage that would not look out of place or be an eye sore. I talked to my neighbors, and they had no problem if this garage takes place. Any questions I didn't address please let me know.

Thank you
Kenneth R. Reis

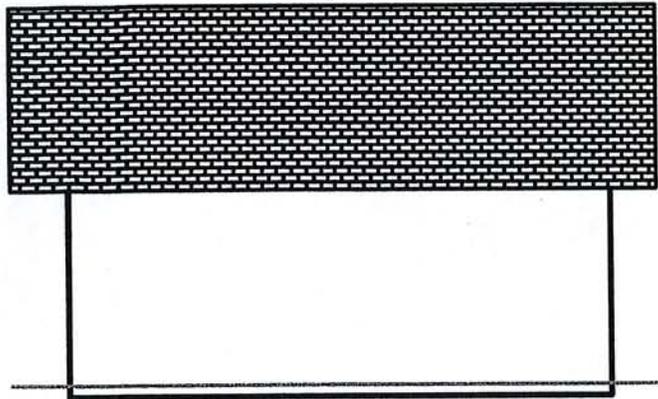
DETACHED GARAGE - ELEVATIONS ONLY



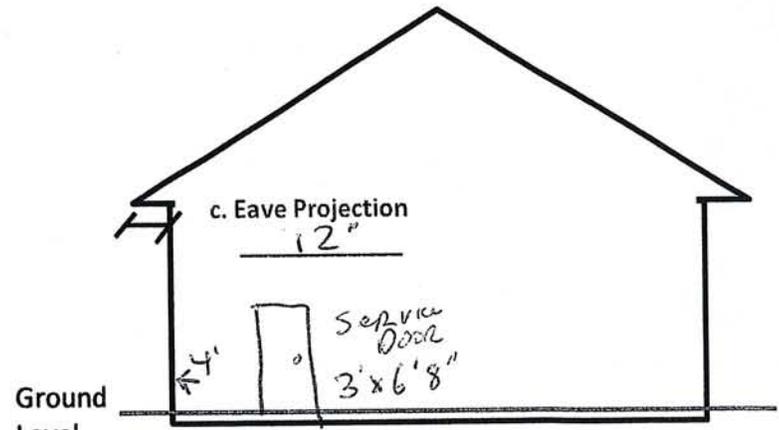
Right Elevation



Front Elevation



Left Elevation



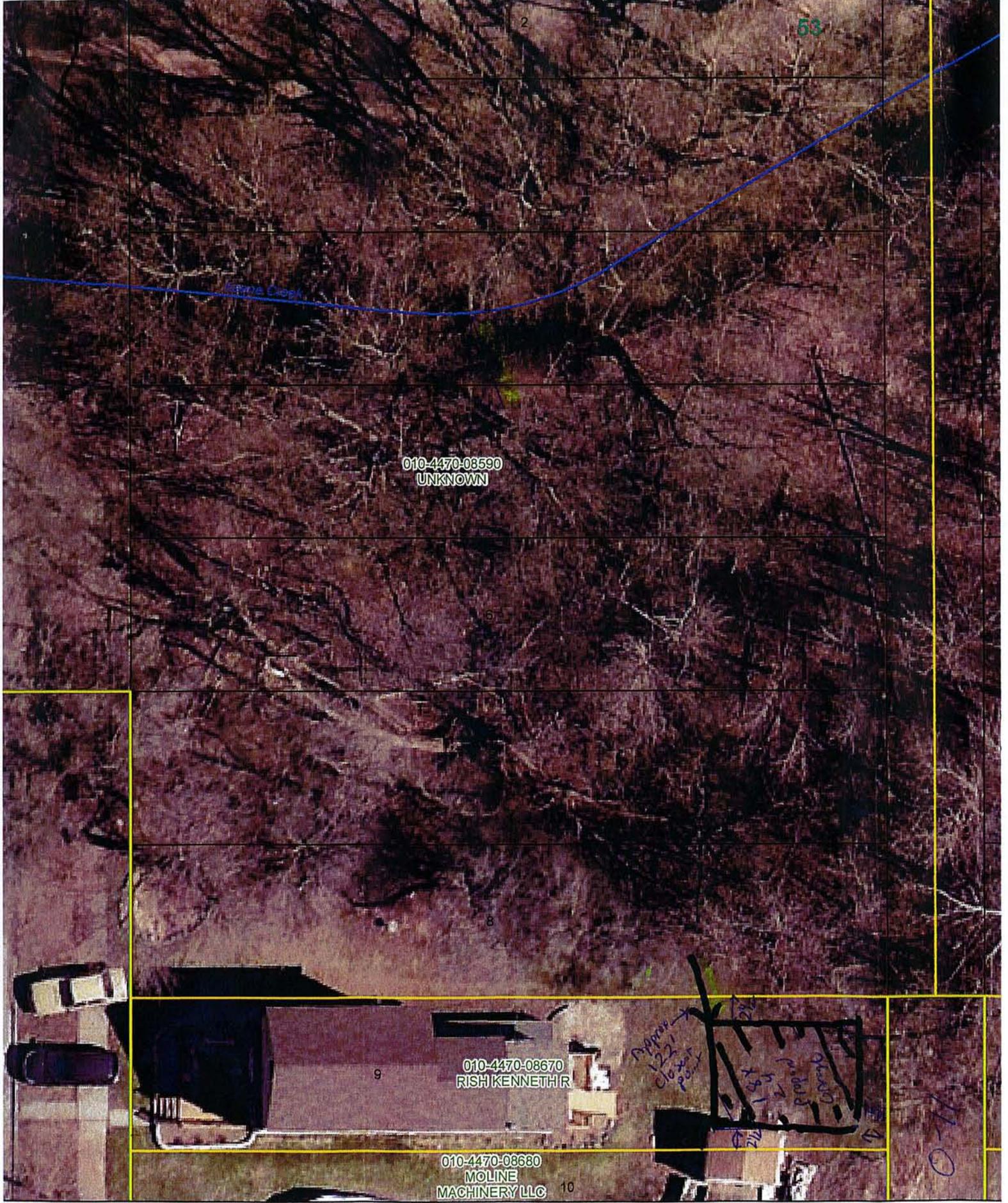
Rear Elevation

e. Garage Length 24'

f. Garage Width 18'

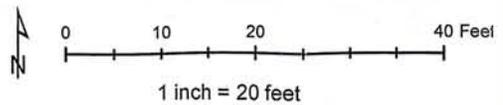
- | | |
|---|--|
| <p>1. Please indicate on <u>all</u> elevations the location of:</p> <ul style="list-style-type: none"> • Windows • Doors | <p>2. Please complete items (marked in red):</p> <ul style="list-style-type: none"> a. Roof Pitch b. Maximum Building Height c. Eave Projection d. Overhead Garage Door Size e. Garage Length f. Garage Width |
|---|--|

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SITE MAP

Building Safety





0-12