



CITY OF DULUTH

Planning Division

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STAFF REPORT

| | | | | |
|-----------------------------|-------------------------------------|---------------------------------|---------------------------------------|-------------------|
| File Number | PL 15-152 | Contact | Jenn Reed Moses, jmoses@duluthmn.gov | |
| Application Type | Shoreland Variance | Planning Commission Date | October 13, 2015 | |
| Deadline for Action | Application Date | October 1, 2015 | 60 Days | November 30, 2015 |
| | Date Extension Letter Mailed | October 1, 2015 | 120 Days | January 29, 2015 |
| Location of Subject | 3911 Minnesota Avenue | | | |
| Applicant | Duluth Rowing Club, Inc. | Contact | 218-260-6056, thomg0313@gmail.com | |
| Agent | AMI Consulting Engineers | Contact | Ted Smith, Ted.Smith@amiengineers.com | |
| Legal Description | PID 010-3580-0009 | | | |
| Site Visit Date | October 2, 2015 | Sign Notice Date | September 29, 2015 | |
| Neighbor Letter Date | September 25, 2015 | Number of Letters Sent | 18 | |

Proposal

Applicant is requesting a variance to build a structure approximately 3 feet from the Ordinary High Water Level (OHWL) instead of the required 50 feet.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|------------------------------|--|
| Subject | P-1 | Rowing club | Traditional Neighborhood. Preservation |
| North | R-1 | Undeveloped shoreland | Traditional Neighborhood |
| South | P-1 | Undeveloped shoreland | Preservation |
| East | R-2, R-1 | Assisted living, Residential | Traditional Neighborhood |
| West | N/A | N/A | N/A |

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

50-14.5 - Side yard setback in the R-1 district is 6 feet.
 50-37.9.C - General variance criteria.
 50-37.9.L - Standards for variances in shorelands. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

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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.

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.

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

Staff finds that:

- 1.) The existing parcel is narrow and U-shaped. At its midpoint, the property has approximately 60 feet from the property line to the Ordinary High Water Level. 50 feet of this is within the shoreland setback. Thus, the need for a variance is due to exceptional narrowness and unique shape of the property.
- 2.) The combination of shoreland setback and front yard setbacks leaves no buildable area on the property. The need for relief was not created by the property owner or applicant. The variance is needed for the preservation and enjoyment of a substantial property right.
- 3.) As a boathouse and similar functions have existed on the property for years, this project will not alter the essential character of the area.
- 4.) Shoreland variances require mitigation for impacts to shorelands. Applicant will need to submit a mitigation plan to be approved by the Land Use Supervisor prior to receiving a building permit.
- 5.) No public, agency, or City comments have been received.
- 6.) 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):

Staff recommends that Planning Commission approve the variance to build a clubhouse 3 feet from the OHWL, with the following conditions:

- 1.) The project be limited to, constructed, and maintained according to the Site Plan and Elevations submitted with this application.
- 2.) Applicant submit a mitigation plan to be approved by the Land Use Supervisor prior to receiving a building permit.
- 3.) 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.

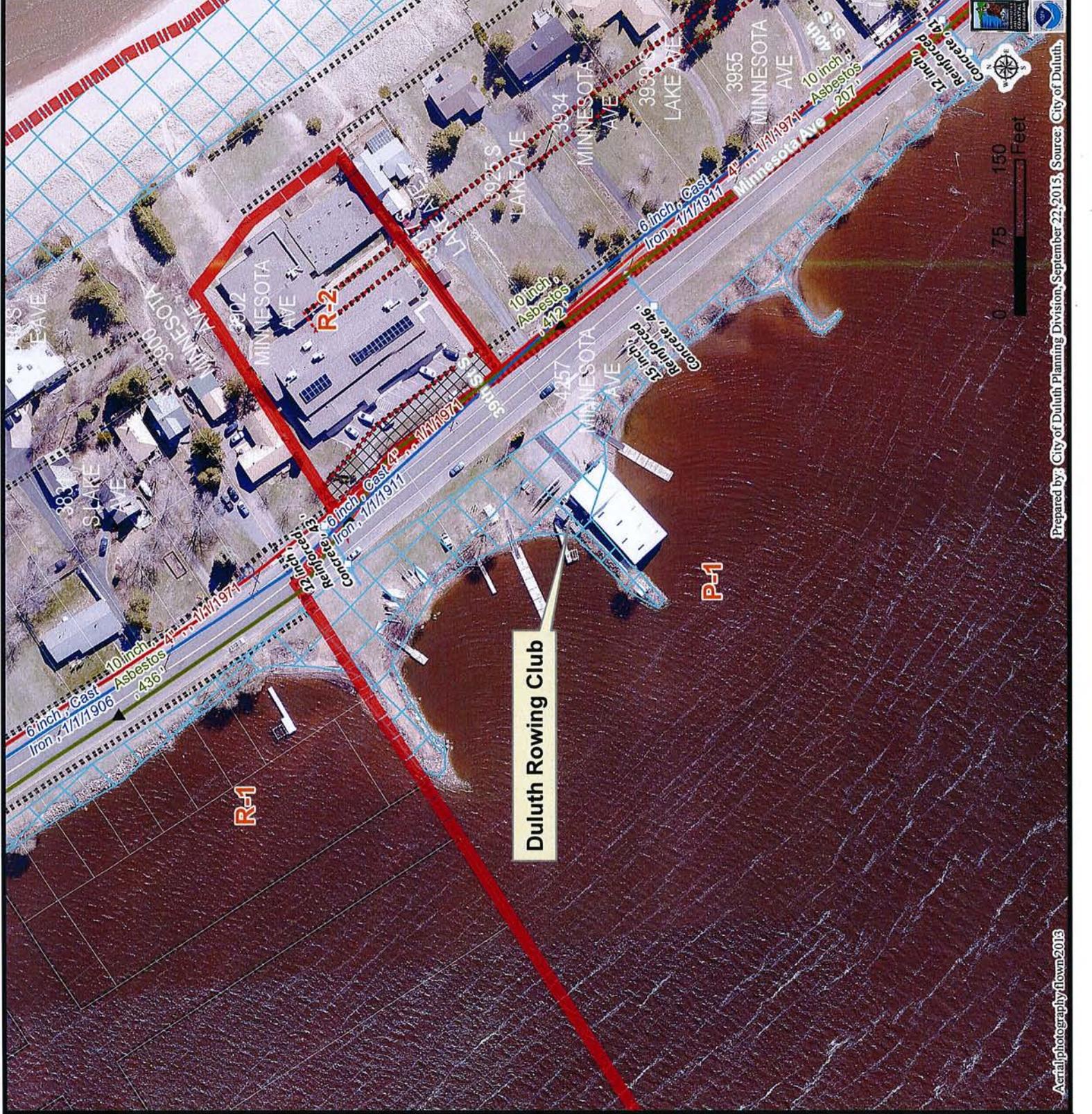
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Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning
 PL 15-152/15-153
 3911 Minnesota Ave

| Legend | |
|------------------------|-------------------------------|
| | Trout Stream (GPS) |
| | Other Stream (GPS) |
| | Hydrant |
| | Water Main |
| Network Structure | |
| | Storage Basin |
| | Pump Station |
| Sanitary Gravity Mains | |
| | CITY OF DULUTH |
| | WLS&D; PRIVATE; RICE LAKE TWP |
| | Sanitary Sewer Forced Main |
| | Storm Sewer Catch Basin |
| Subtype | |
| | Storm Sewer Pipe |
| Gas Distribution Main | |
| Material | |
| | Coated Steel |
| | Plastic |
| Zoning Boundaries | |
| | Zoning Boundaries |
| Right-of-Way Type | |
| | Road or Alley ROW |
| | Vacated ROW |
| Easement Type | |
| | Utility Easement |
| | Other Easement |
| Floodplain Type | |
| | General Flood Plain |
| | Flood Way |
| | Flood Fringe |



Duluth Rowing Club



Aerial photography: flovw-2013

Prepared by: City of Duluth Planning Division, September 22, 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 D. 1. a - Shoreland 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:

Use of the property will continued educational services to the community, as have been provided for many years. Relief is necessary because of State rules that restrict continuation of services in the boathouse. An additional non-boathouse structure will be constructed to accomodate continued Duluth Rowing Club functions.

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 distance between Minnesota Avenue and the shoreline results in a shallow lot that prevents compliance with shoreland setback requirements. Compliance with front and side setbacks will be maintained.

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 character of the property will continue to fit the character of neighboring water-front areas. The existing boathouse will be removed and a clubhouse and replacement boathouse will be constructed.

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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: Under 50-18.1 D.6 nonconforming

lots may be allowed an exception from the structure setback requirement if the lot cannot be developed under the setback

requirement. This request is in response to new State rules that will prohibit continued use of the lot without a non-boathouse
clubhouse structure to accomodate continued club functions.

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 special circumstances were created by State rules that prohibit continued club functions in boat storage structures.

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: Functions on the lot will remain as they have been for many years. The removal of the old boathouse and
the construction of a replacement boathouse and an attractive clubhouse will enhance property values within the surrounding
areas.

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: Subsection L - Standards for
a variance in shorelands - this request complies with the purpose and intent of 50-18.1 D. The shoreland area will be enhanced
and appropriate design and construction practices will protect the area from negative impacts.

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