



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 15-156	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance	Planning Commission Date	October 13, 2015	
Deadline for Action	Application Date	September 17, 2015	60 Days	November 16, 2015
	Date Extension Letter Mailed	September 24, 2015	120 Days	January 15, 2016
Location of Subject	1013 N 10th Avenue E			
Applicant	Kyle W. Jensen	Contact	218-390-8796, jensen.kyle.w@gmail.com	
Agent	N/A	Contact	N/A	
Legal Description	PID 010-2790-01900			
Site Visit Date	October 2, 2015	Sign Notice Date	September 29, 2015	
Neighbor Letter Date	September 25, 2015	Number of Letters Sent	65	

Proposal

Applicant is requesting a variance to the side yard setback to build two dormers on the 2nd story of the existing house, allowing the house to be expanded to a 3-bedroom, 2-bath house. Current structure is 40 inches (3.33 feet) from the side property line instead of the required 6 feet.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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.

#. 2-1

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

Governing Principle #1 - Reuse previously developed lands. This includes reuse of existing building stock and promotes investment in sites which have the potential to perform at a higher level than their current state.

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.) Applicant states that home currently has one bedroom and one bathroom. Variance to allow dormers on second floor would allow the house to have three bedrooms and two bathrooms. Generally, potential owners and renters prefer three bedroom homes over one bedroom homes. This is a reasonable use in an R-1 district and is consistent with the intent of the Comprehensive Land Use Plan, UDC, and recent housing reports.
- 2.) The addition of dormers will not expand the footprint of the existing house, and dormers will not encroach any closer to the side property line than the existing house. It will not alter the essential character of the area. Most homes on the block are 1 1/2 to 2 stories, and also encroach into the side yard setback.
- 3.) The special circumstances were not created by the applicant. Home was built in this location in 1910.
- 4.) Given the small size of the existing home, staff finds that the relief is necessary for the preservation and enjoyment of a substantial property right. Other options to expand are limited to a small area to the rear of the house and 9 feet on the south side, neither of which allows an expansion with reasonably sized bedrooms.
- 5.) One neighbor wrote in support of the application. No other 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 allow dormers on the existing structure, 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.) 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.

C-2

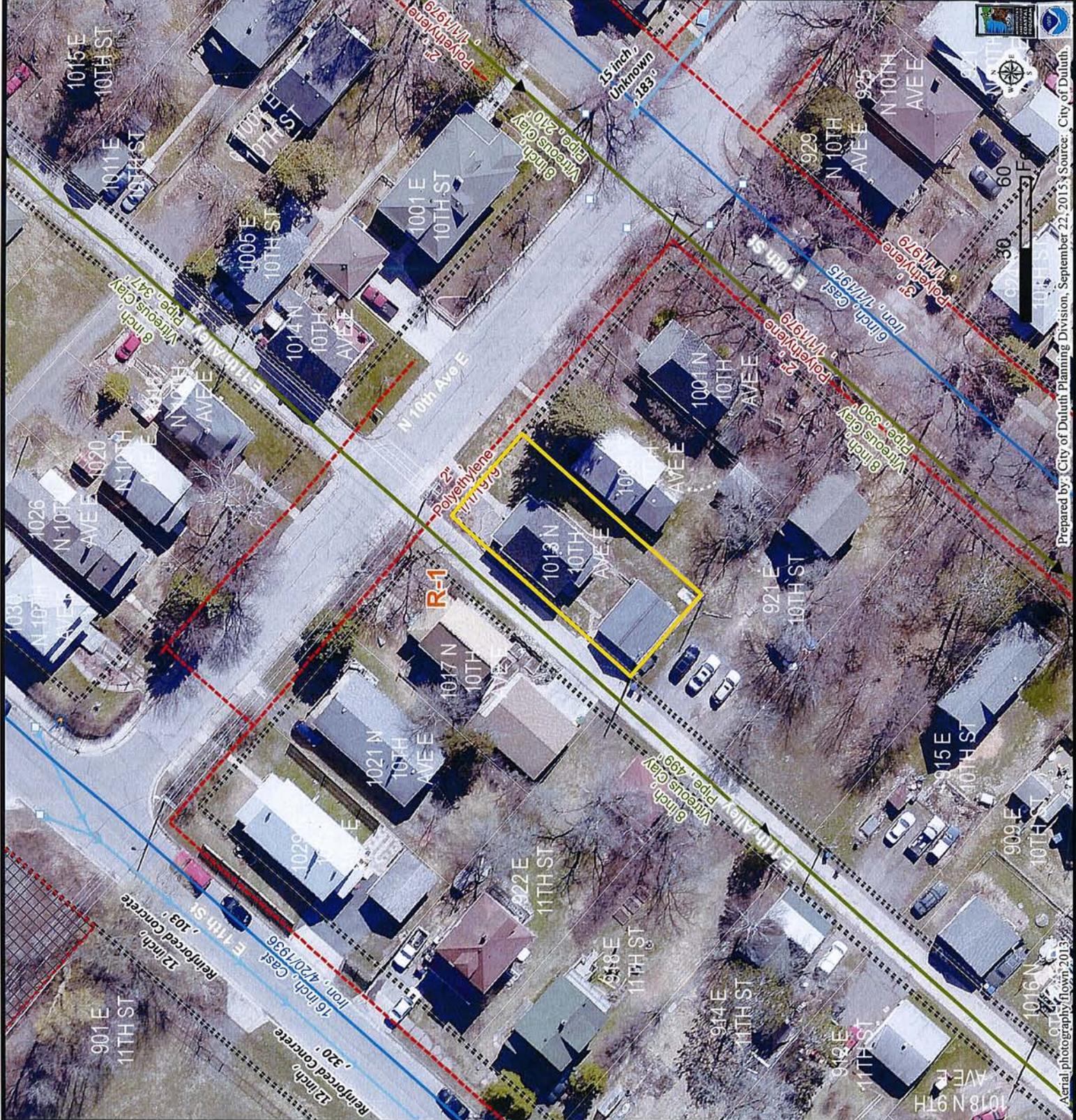
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning
 PL 15-156
 1013 N 10th Ave E

Legend	
	Trout Stream (GPS)
	Other Stream (GPS)
	Hydrant
	Water Main
Network Structure	
	Storage Basin
	Pump Station
Sanitary Gravity Mains	
	CITY OF DULUTH
	WLSDD; PRIVATE; RICE LAKE TWP
	Sanitary Sewer Forced Main
	Storm Sewer Catch Basin
Subtype	
	Storm Sewer Pipe
Gas Distribution Main	
	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

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.



Prepared by: City of Duluth Planning Division, September 22, 2015. Source: City of Duluth, Aerial photography flown 2013.

Continuation for application cover sheet

Continuation- I am planning on building dormers to create adequate space upstairs for two bedrooms and a bathroom. Attached are the drawings for the dormer addition.

Answers for Variance Application Supplemental Form

Answer 1- Currently the home is used as a single family dwelling. However, the home has a single bedroom, single bathroom, and deteriorating attic trusses. This addition will add much needed support to the roof and will add the space for two more bedrooms and a bathroom, creating a safer and more comfortable three bedroom home.

Answer 2-The unique circumstance is due to the location of the home within the side yard setback.

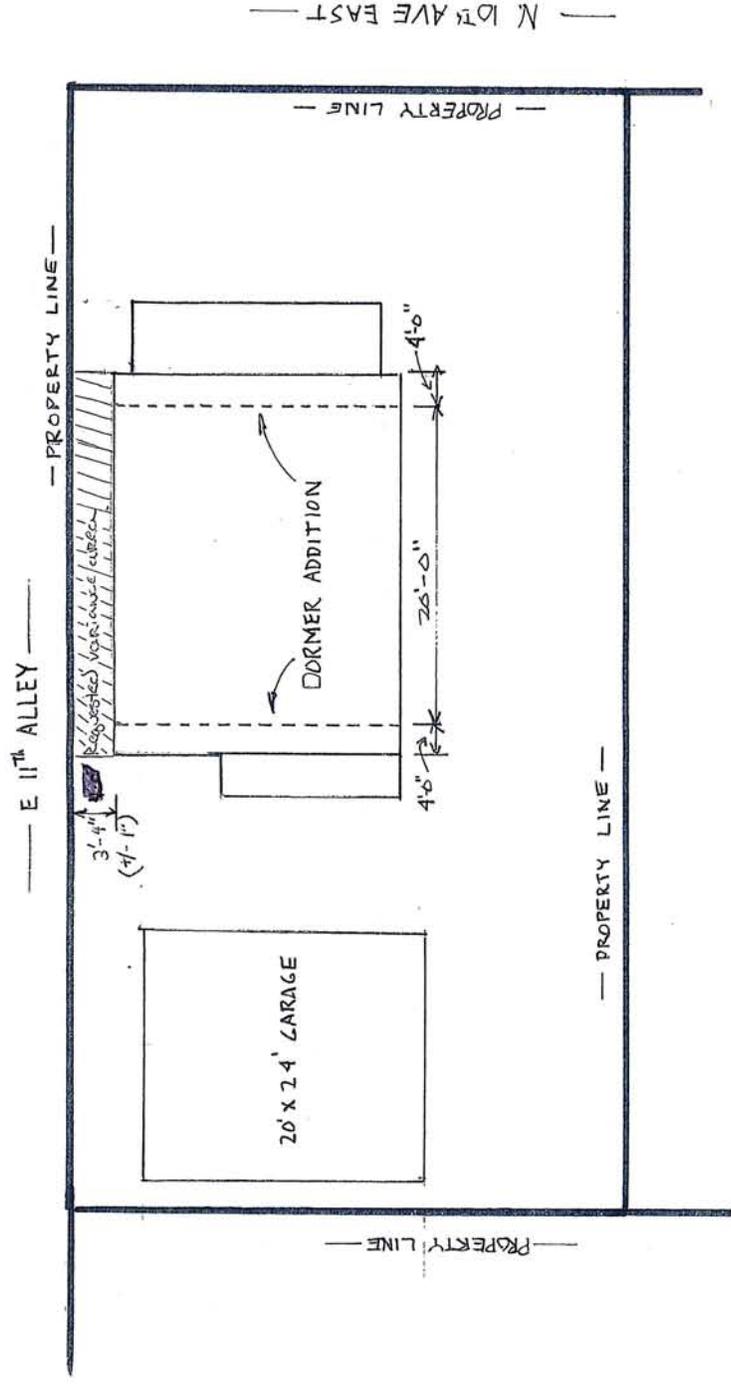
Answer 3-Most of the homes in the neighboring area are 1.5 to two stories with dormers. Several homes located on the corners of the avenue and alleys are located within the side yard setback as well. The addition of dormers will nicely compliment the appearance of the neighboring area.

Answer 4-The variance request meets the intent of the UDC and comprehensive plan as it will allow for the improvement of a traditional one bedroom, one bathroom single family home into a three bedroom two bathroom home without any expansion of the foundation size on the small 4500sq ft. lot. In addition the height of the home is less than 30ft and will not be increased. The design of the dormer addition is consistent with other neighborhood homes, in terms of scale and appearance and same street and ally setbacks

Answer 5-The special circumstances were not created by me, the owner/applicant; the home was built in 1910. I recently purchased the home in Aug 2015.

Answer 6- This variance will allow for the improvement of a single family home that has no impact on supply of light, air or congestion. Fire safety will be improved through the installation of new electrical wiring in the addition consistent with the building electrical code. Property values will be increased with addition of two bedrooms and bathroom. The public welfare is improved by adding a three bedroom home to the housing market.

I-4

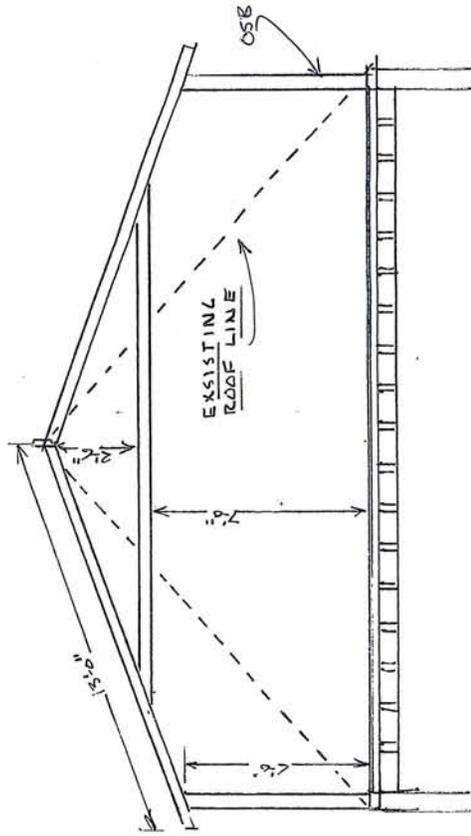


SITE PLAN

SCALE 1" = 10'-0"

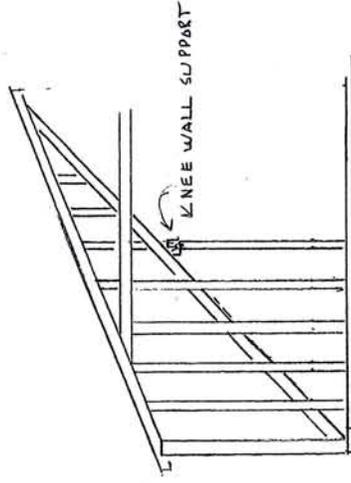
KYLE W. JENSEN
AUG. 28. 2015

I-5



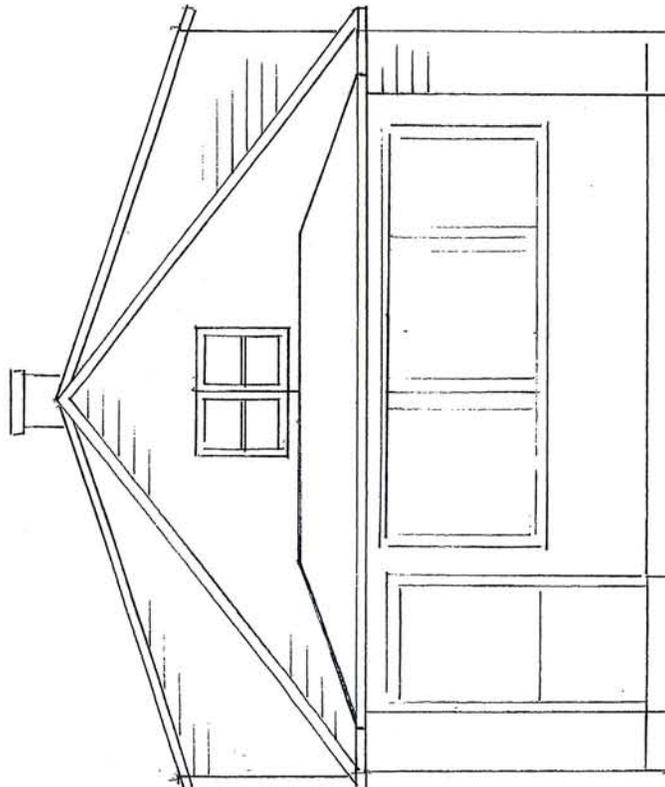
CROSS SECTION - TRUSS DETAIL

SCALE $\frac{1}{4}'' = 1'-0''$

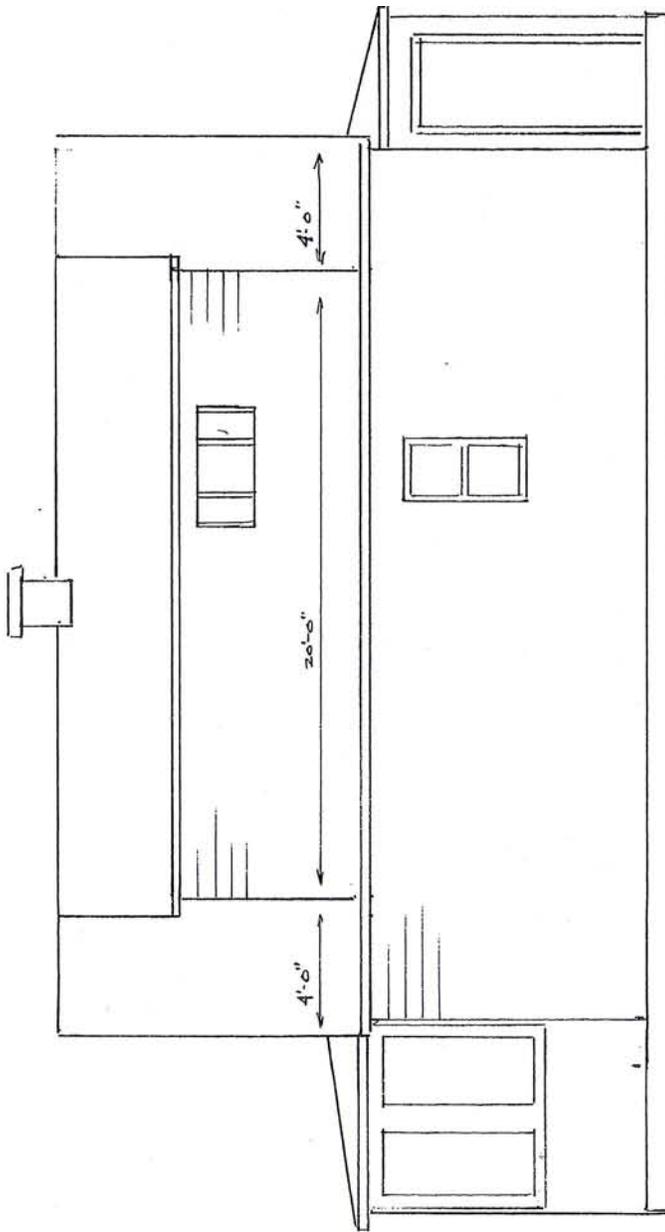


FRAMING DETAIL

KYLE W. JENSEN
A.W. 20. 7. 15



N.E. ELEVATION



N.W. ELEVATION

KYLE W. JENSEN
AUG 28, 2015

F-7

Jennifer Moses

From: Kathy and Sam Mitmusik <cooltune7@gmail.com>
Sent: Wednesday, September 30, 2015 9:57 AM
To: Jennifer Moses
Subject: Variance at 1013 N. 10th Ave. E.

Thank you for the 'notice' letter you sent me on 24 September, 2015, regarding the variance request from Kyle Jensen.

My wife, Kathy Stinnett, and I have lived across the alley at 1017 N. 10th Ave. E. since October, 2002, so we are quite familiar with the property.

For the past thirteen years the previous owners, David and Gerry LaPlante, have been very close friends, and they had lived there since the mid-seventies, but only as a couple.

Now that Kyle Jensen has acquired the property, the extent of needed modifications was pretty obvious. Back in 2002, Kyle lived at 921 E. 10th St, so I have know him ever since moving into this neighborhood.

At this time Kyle rents 921 to well-behaved college students, and the property at 1013 will be rented by a husband/wife couple with two pre-school girls.

The house at 1013 is tiny. There is no actual attic, since the center of the house (the gable) has always been a small bedroom, perhaps, or store room. The addition of dormers on both sides of the house would nearly double the upstairs space, while maintaining the perimeter definitions of the current house. I think it's a great idea, and would make the little house much more acceptable to a young family.

Kyle intends to maintain the current wall, next to the alley, and simply raise a dormer up to an acceptable height. The addition to the house would be no closer to the alley than the current foundation, so no change would be noticed by utility trucks and residents coming up and down the enhanced concrete alley.

As next door neighbor and observer, I am fully in favor of this addition. Kyle and I have talked a lot over the years, and these dormers would actually make the house a better fit in the neighborhood, since it is currently one of the smallest on the immediate block.

I would urge the Duluth Planning Commission to grant this variance on behalf of Kyle Jensen. If you have any further questions, please contact me, since I am unable to attend the October 13 hearing in person.

Thank you,

Samuel Black
1017 N. 10th Ave. E.
Duluth, 55805

218.728.1272
218.830.0876