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 15-187	**Contact**	Steven Robertson, 218-730-5295		
Application Type	Variance, Side Yard Setback	**Planning Commission Date**	January 12, 2016		
Deadline for Action	**Application Date**	December 15, 2015	**60 Days**	February 13, 2016	
	Date Extension Letter Mailed	December 18, 2015	**120 Days**	April 13, 2016	
Location of Subject	3427 Lake Avenue South				
Applicant	Lake Avenue South LLC	**Contact**	Bill Brownell and Pat Brownell Sterner		
Agent	Mike Medlin	**Contact**			
Legal Description	Lots 313 and 315 Lower Duluth Lake Avenue, and Northerly 25 fet of Lot 316 Lower Duluth				
Site Visit Date	January 4, 2016	**Sign Notice Date**	December 28, 2015		
Neighbor Letter Date	December 18, 2015	**Number of Letters Sent**	29		

Proposal

The applicant is proposing to add a 12.8' by 10' kitchen addition to an existing single family home within the R-1 side yard setback.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Undeveloped	Preservation
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):

Sec. 50-37.9.C. - General Variance Criteria. See attachment setting forth standards related to General Variance Criteria.

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

--Recent History: Building permit issued February 2010 to expand existing dormer to create new bathroom (9' by 5'5"). Variance (11-133, included with the this staff report) and building permit issued in December 2011 for 2 story addition (22' by 24', approximately 1,000 square feet).

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

--Proposal: The applicant is proposing to add a 12.8' by 10' kitchen addition to the ground floor of an existing single family home. There will also be a minor addition to the second floor, converting an existing office into a fifth bedroom.
--Issue/Item for Review: The proposed addition would be 2 feet from the side lot line; the minimum side yard setback is 6 feet.
1) The lot is approximately 80 feet wide by 100 feet long. According to St. Louis County records, the home was originally built in 1908. It is a two story home with a basement, and now contains approximately 2,330 square feet. There is also a 24 x 16 detached garage on the site, constructed in 1978.
2) In the Variance Application Supplemental Form (attached with staff report) the applicant states that "the house is a single family residence and had a single occupant for the past 40 years. This 1908 house needs to be upgraded in order to properly enjoy the use of its kitchen. The relief request for said variance is needed because when this house was built by the previous owners, all plumbing, sewer, and water was brought into the house in this area".
3A) Staff conclude that the property does not contain exceptional topographic conditions, does not contain wetlands or excessive or exposed bedrock, does not have steep slopes, and is not exceptionally narrow or shallow.
3B) Staff do not believe special circumstances exist on this property that warrant this variance.
3C) The relief requested by the applicant is not necessary for the preservation and enjoyment of the continuing property right. The variance granted in late 2011 allowed the property owner to almost double the size of the single family home, and through that variance the property owner has achieved a reasonable use and enjoyment of their property. Staff do not believe the variance application has explained why an additional variance is needed to preserve the enjoyment of the property. The application also does not address alternative site designs that would not require a variance. The supplemental information submitted on January 4 did state a difficulty with interior remodeling to address concerns with the current Kitchen ("the masonry fireplace is original to the house and is a central focal point, therefore making it impossible to relocate"). But staff believe that fact is not a sufficient reason to recommend approval of the variance.
3D) The relief, if granted, may impair an adequate supply of light and air to adjacent property owners.
3E) The relief, if granted, would not substantially impair the intent of this Chapter.
4) Note that per 50-37.1.L.1, the Land Use Supervisor may administratively approve a one foot reduction of the minimum side yard setback. If this variance were denied, the LUS could still administratively approve an one foot reduction, to a minimum of five feet.
5) At the time that this staff report was written, one comment was from an adjoining property owner expressing no concern/ comment with the variance.

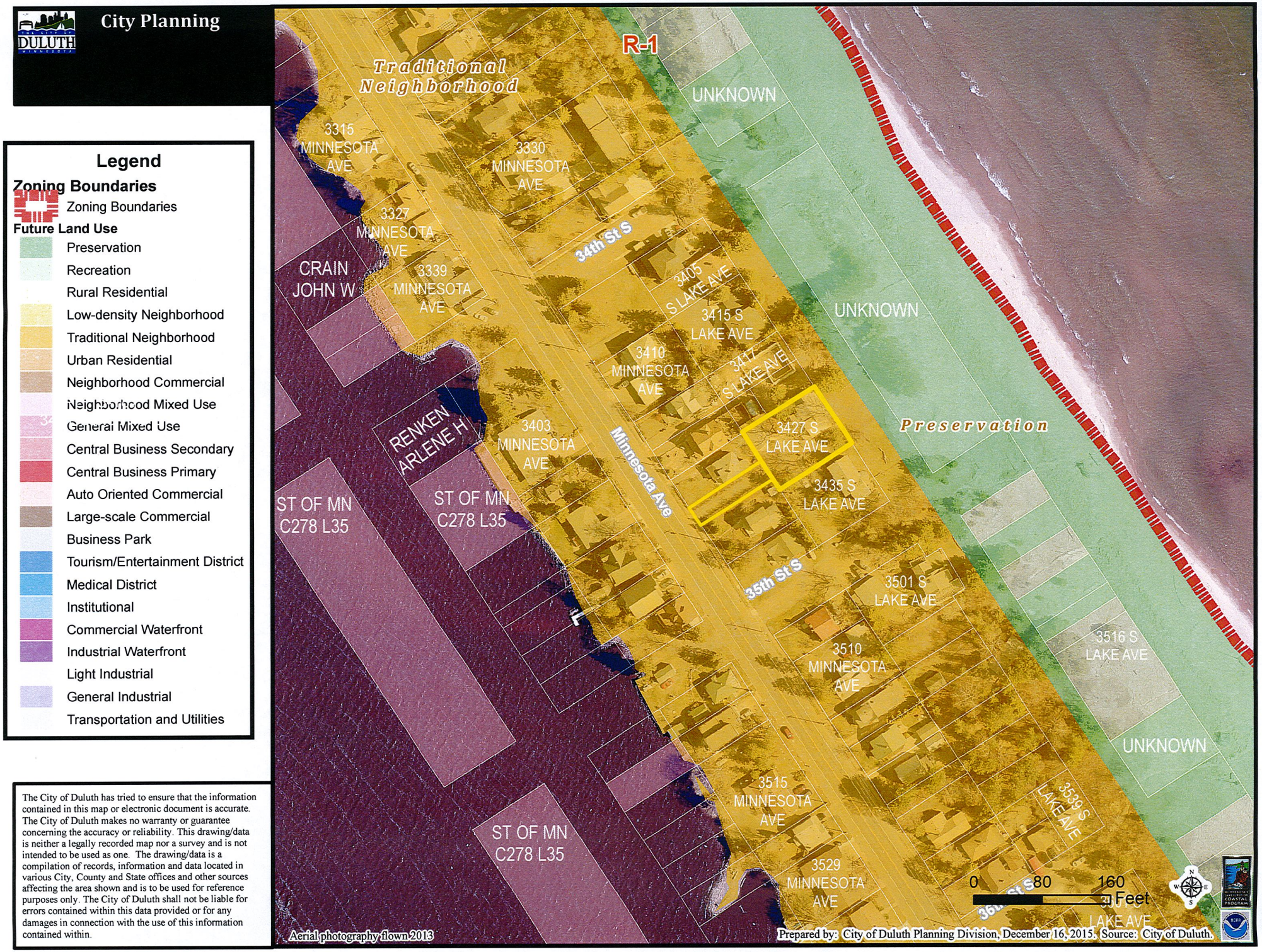
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission deny the variance for the following reasons:

1) The application has not demonstrated that the requirements of the city's zoning code would result in practical difficulties to the property owner.
2) The application has not demonstrated that special circumstances or conditions exist on the property.
3) The application has not demonstrated that the relief is necessary for the continuing preservation and enjoyment of a substantial property right.

Note that 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.

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



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.

City Planning

PL 15-187
3427 Lake Ave S

Legend

Contours 1 Ft

Index_

- Intermediate
- Index
- Wetlands (NRRI)

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

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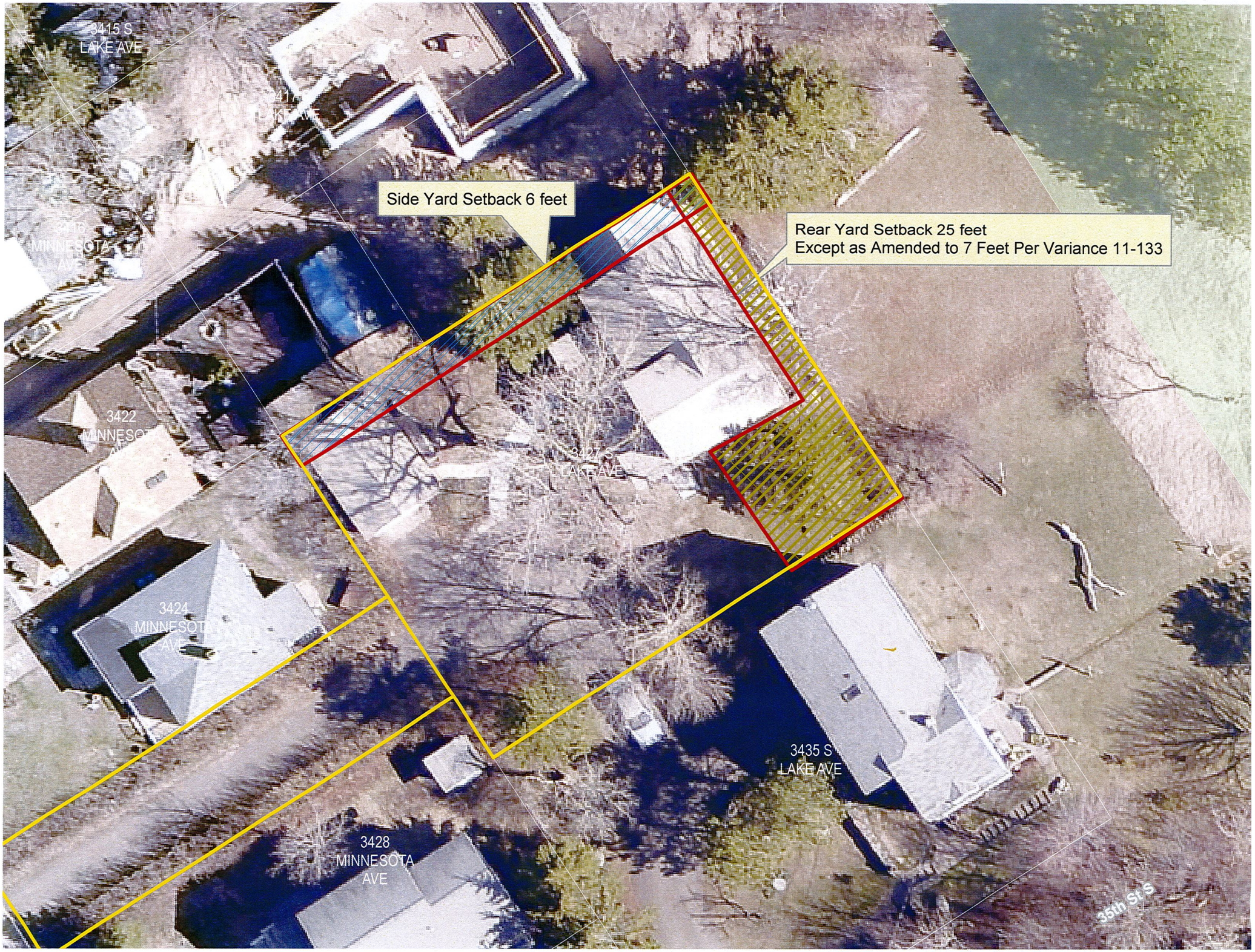

3415 S
LAKE AVE
Side Yard Setback 6 feet
Rear Yard Setback 25 feet
Except as Amended to 7 Feet Per Variance 11-133
3422
3424
MINNESOTA
AVE
3435 S
LAKE AVE
3428
MINNESOTA
AVE
35th St S

2013

2007

City of Duluth
Planning and Construction Services

411 West First Street • Room 210 • Duluth, Minnesota • 55802-1194
218-730-5240 • Fax: 218-730-5901 • www.duluthmn.gov/onestop/

An Equal Opportunity Employer

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"):

50-14.5-1 Minimum width of side yard 6'.

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: The house is used as a single family residence and had a single occupant for the past 40 years. This 1908 house needs to be upgraded in order to properly enjoy the use of its kitchen.

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 relief requested for said Variance is needed because when this house was built by the previous owners, all plumbing, sewer & water was brought into the house in this area.

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 was one of the first houses built in this area in 1908. This is the only house that was placed close to th property line. The granting of this Variance would not alter the character of the neighborhood.

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 are zoned R-1 and single family homes are permitted in this area.

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: When this house was built in 1908 all utilities were brought in one specific area of the house. This is the only area where an improvement To the Kitchen can be made.

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: There will be no negative impairment To any of the issues discussed above.

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:

Note: On the recommendation of City Engineering, Two hundred & Twenty Five (225') of sewer was upgraded in Oct. of 2015.

LEGEND

These standard symbols will be found in the drawing.

- EXISTING CONCRETE
- EXISTING BITUMINOUS
- GAS VALVE
- RLS 14374
- FOUND IRON MONUMENT
- EXISTING TREE

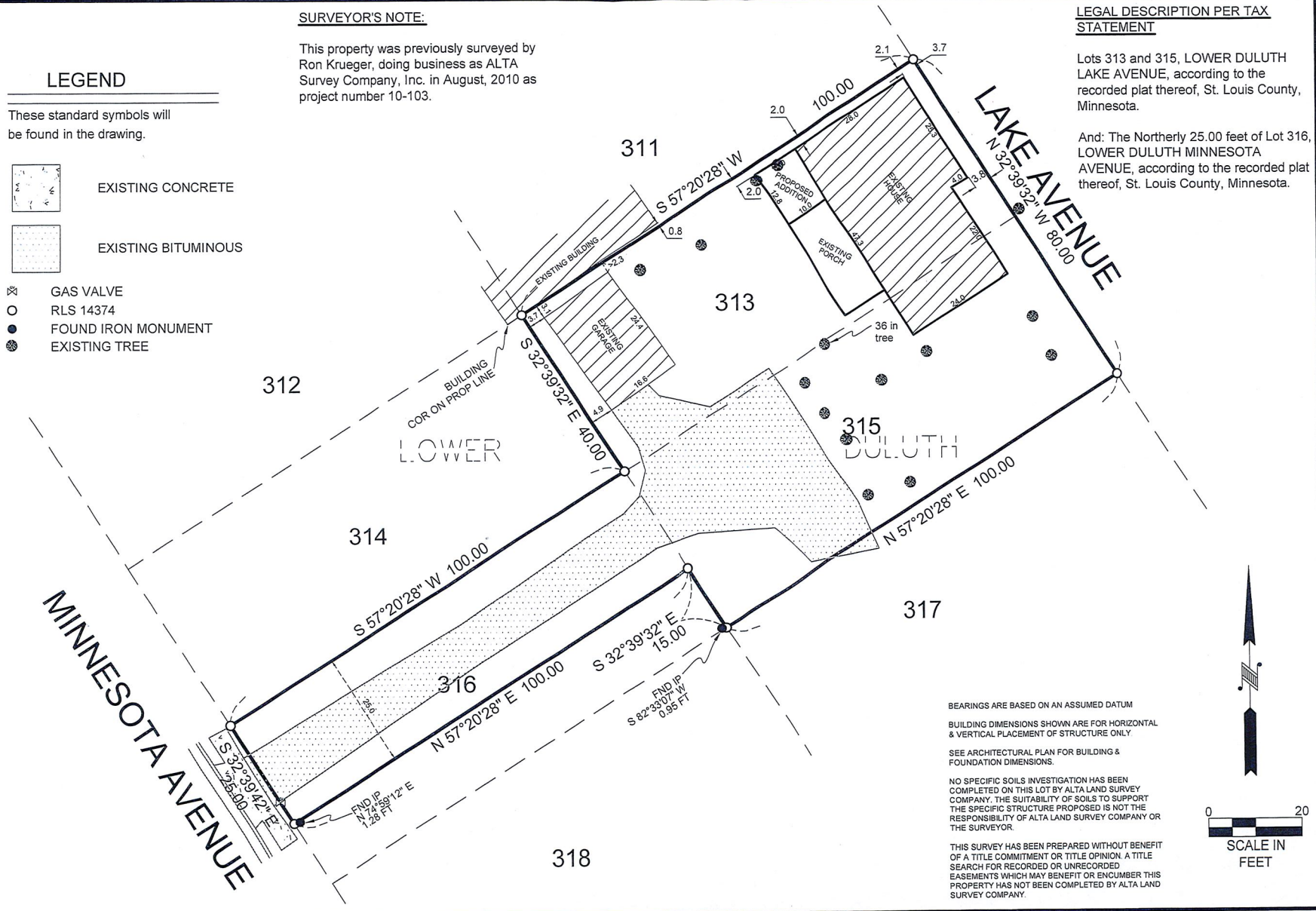
SURVEYOR'S NOTE:

This property was previously surveyed by Ron Krueger, doing business as ALTA Survey Company, Inc. in August, 2010 as project number 10-103.

LEGAL DESCRIPTION PER TAX STATEMENT

Lots 313 and 315, LOWER DULUTH LAKE AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.

And: The Northerly 25.00 feet of Lot 316, LOWER DULUTH MINNESOTA AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.



BEARINGS ARE BASED ON AN ASSUMED DATUM

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

SEE ARCHITECTURAL PLAN FOR BUILDING & FOUNDATION DIMENSIONS.

NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

ALTA
LAND SURVEY COMPANY
• LAND SURVEYING
• LAND DEVELOPMENT
• PLATTING
• LEGAL DESCRIPTIONS
• CONSTRUCTION STAKING
PHONE: 218-727-5211
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW. ALTALANDSURVEYDULUTH.COM

CERTIFICATE OF SURVEY

CLIENT: Mike Medlin c/o Patricia Sterner	REVISIONS:XXX
DATE: 10-28-15	
ADDRESS: 3427 Lake Avenue	
JOB NUMBER: 15-297	

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: October 28, 2015

David R. Evanson

David R. Evanson MN License No. 49505

Steven Robertson

From: HEATHER <hhiner@msn.com>
Sent: Monday, January 04, 2016 12:42 PM
To: Steven Robertson; Mike Medlin
Subject: Brownell kitchen expansion
Attachments: BROWNELL KITCHEN-A1.pdf; BROWNELL KITCHEN-A2.pdf; BROWNELL KITCHEN-A3.pdf; BROWNELL KITCHEN-existing exterior.pdf; BROWNELL KITCHEN-existing main.pdf; BROWNELL KITCHEN-existing upper.pdf

Steven,

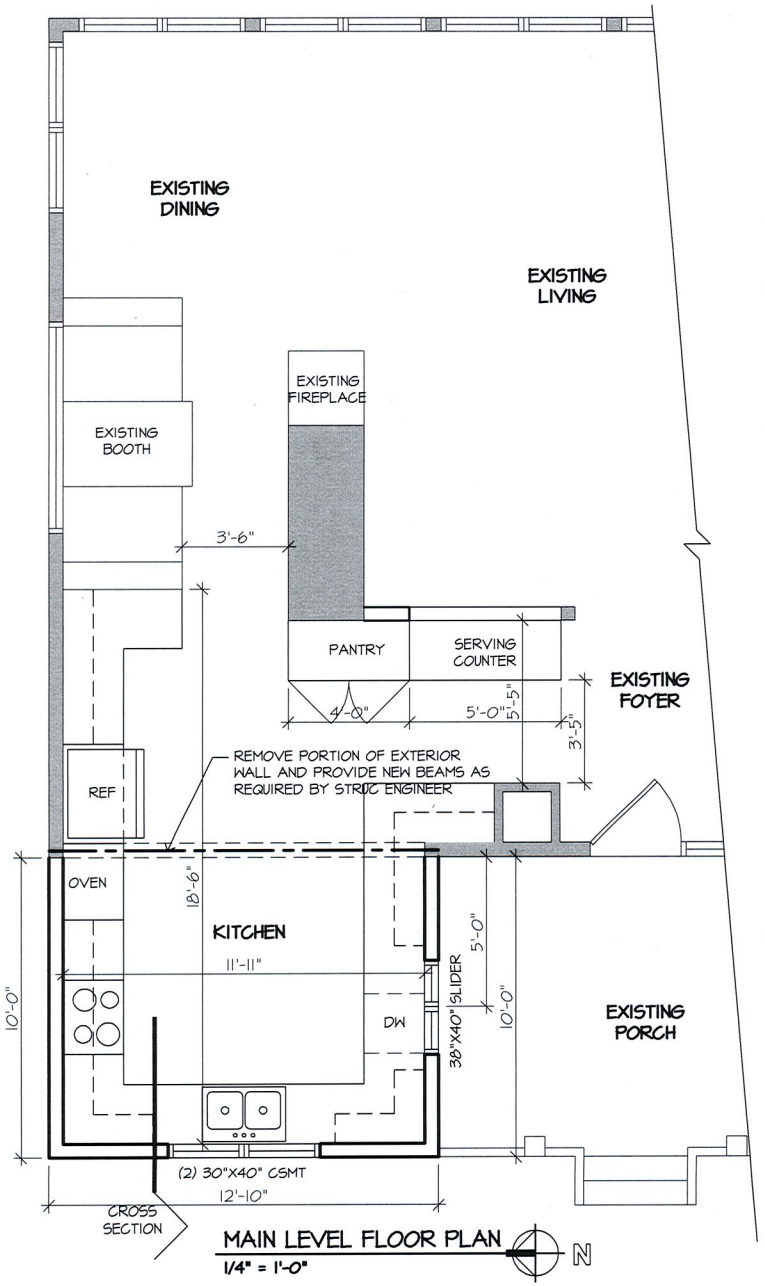
Attached is the additional information you requested.
1. existing floor plans
2. existing exterior elevations
3. proposed floor plan layout (kitchen expansion) with proposed exterior elevations changes

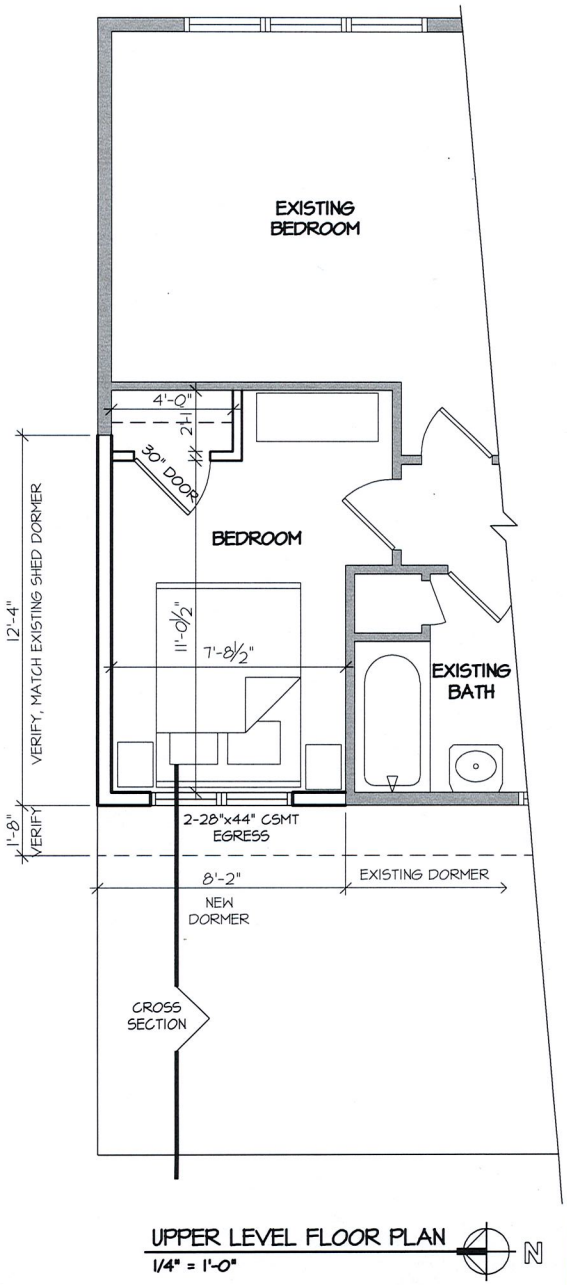
4. I do not have an alternate layout because I believe this is the only realistic layout that will accommodate the needs of the homeowner. The existing kitchen is a tight galley style kitchen with a large masonry fireplace that separates that area of the house from the existing living/dining area. The masonry fireplace is original to the house and is a central focal point, therefore making it impossible to relocate. This limits the ability within the existing main floor to have anything more than a tight galley kitchen design, which is not in line with the use of the home. This home is a gathering spot for extended family and therefore needs the functionality of a modern, efficient kitchen layout.

Let me know if you have any other questions or need additional drawings or information.

Kind Regards,
Heather Hiner
Hiner Home Designs

cc: Mike Medlin





HOMEOWNER:
Pat Brownell
bbrownell@hunton.com

CONTRACTOR:
Mike Medlin
218-940-2275

A1 FLOOR PLANS
A2 EXTERIOR ELEVATIONS
SITE PLAN
A3 CROSS SECTIONS

GENERAL NOTES:

ALL EXISTING CONDITIONS AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR PRIOR TO CONSTRUCTION AND ORDERING OF MATERIALS.

BUILDING MATERIALS, CONSTRUCTION METHODS, HEATING, VENTILATION, AND OTHER MECHANICAL SYSTEMS SHALL CONFORM TO OR EXCEED MN STATE RESIDENTIAL CODE 2015, WHICH ALSO INCLUDES THE ADOPTED AND AMENDED INTERNATIONAL RESIDENTIAL CODE

ANY ENGINEERED LUMBER LAYOUTS, SIZES, SPECS AND CONNECTION DETAILS TO BE PROVIDED BY MANUFACTURER.

ELECTRICAL, PLUMBING, AND MECHANICAL SUB-CONTRACTORS TO PROVIDE LAYOUTS PER CODE - TO BE FINALIZED AND APPROVED BY HOMEOWNER AND CONTRACTOR.

EXTERIOR STUD WALLS TO BE 2x6 STUDS AND ARE DIMENSIONED TO THE FACE OF STUD.

INTERIOR WALLS TO BE 2x4 STUDS UNLESS NOTED OTHERWISE AND ARE DIMENSIONED TO THE FACE OF STUD.

FOUNDATION TO BE 13" ICF (8" CONCRETE) WITH POURED CONCRETE FOOTING.

WINDOWS ARE DIMENSIONED TO THE CENTER LINE OF ROUGH OPENING. VERIFY ROUGH OPENINGS WITH WINDOW MANUFACTURER PRIOR TO FRAMING. INSTALL PER MANUFACTURER'S ROUGH OPENING AND SPECIFICATIONS.

WINDOW HEADS TO BE SET @ 6'-8" UNLESS NOTED OTHERWISE.

CORROSION RESISTANT FLASHING AT EXTERIOR WALL ENVELOPE, WINDOWS & DOORS, & LEDGER BOARDS IN ACCORDANE WITH R103.8.

HINER HOME DESIGNS
5532 Fish Lake Dam Road
Duluth, MN 55803
(218) 721-4396
(218) 391-7466
hhiner@msn.com

The homeowner(s) or licensed general contractor shall assume full responsibility for the following: 1.) Completion of all construction documents and/or modifications to these documents as required by code or as required by the building official prior to construction. 2.) Provide any necessary engineering work. Beam, column, and structural members shown on drawings are for bid purposes only and should be sized by the manufacturer or a qualified structural engineer to insure the proper sizes are installed. 3.) Provide all labor and materials necessary to complete the project as shown on drawings and as specified before ordering units and before the start of construction. Hiner Home Designs has made every effort in preparing and checking these drawings for accuracy and can assume no responsibility for errors or omissions on these drawings. These drawings have been reviewed and approved by the homeowner(s) in advance of construction.

Brownell kitchen

3427 Lake Avenue
Duluth, MN 55802

variance set	10/08/15

Floor Plans

A1

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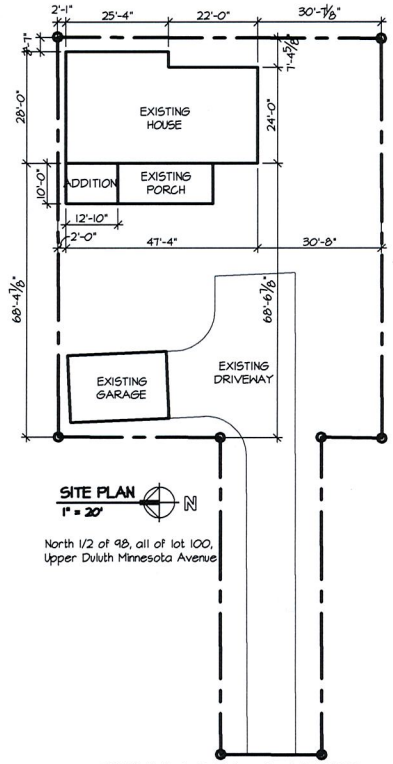
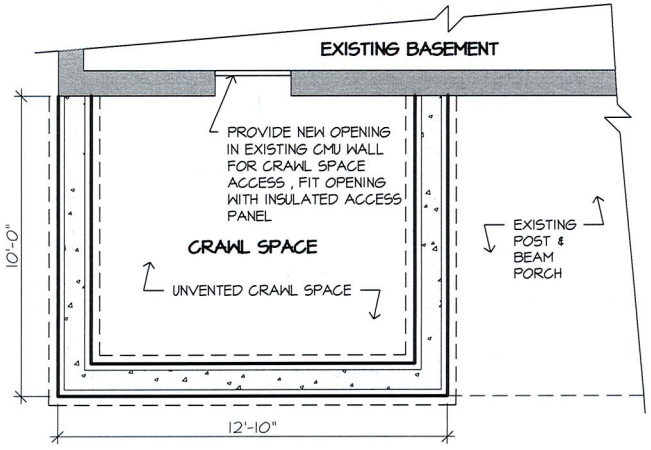


SITE PLAN
1" = 20'

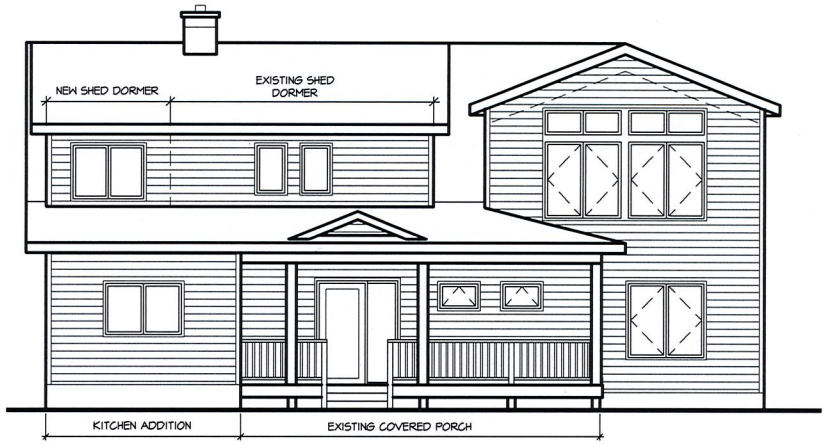
N

North 1/2 of 98, all of lot 100, Upper Duluth Minnesota Avenue

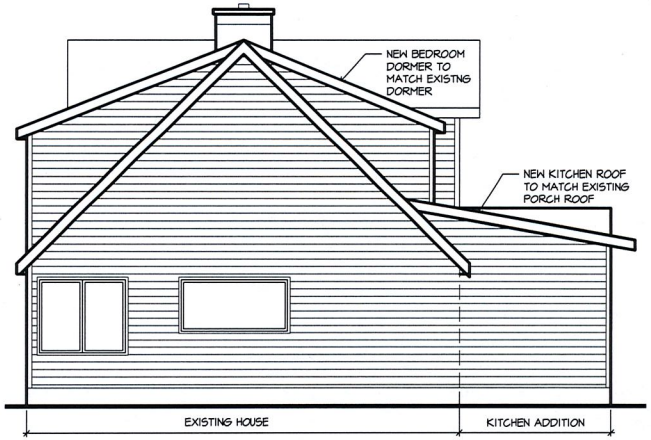


FOUNDATION PLAN
1/4" = 1'-0"

N



WEST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"

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(218) 391-7466
hhiner@msn.com

The homeowner(s) or licensed general contractor shall assume full responsibility for the following: 1.) Completion of all work in accordance with state and local building codes and ordinances. 2.) Obtain all required building permits prior to construction. These drawings are not intended to be used for construction purposes unless noted otherwise. These drawings are for bid purposes only and should be sized by the manufacturer or a qualified structural engineer to insure the structural integrity of the building. 4.) Verify all plan dimensions prior to the start of the project and before ordering any materials. 5.) Verify all existing conditions and dimensions as shown on these drawings prior to the start of construction. Hiner Home Designs has made every effort in preparing and checking these drawings for accuracy and is not responsible for any discrepancies that result in error or omission from these drawings. These drawings have been reviewed and approved by the homeowner(s) or licensed general contractor.

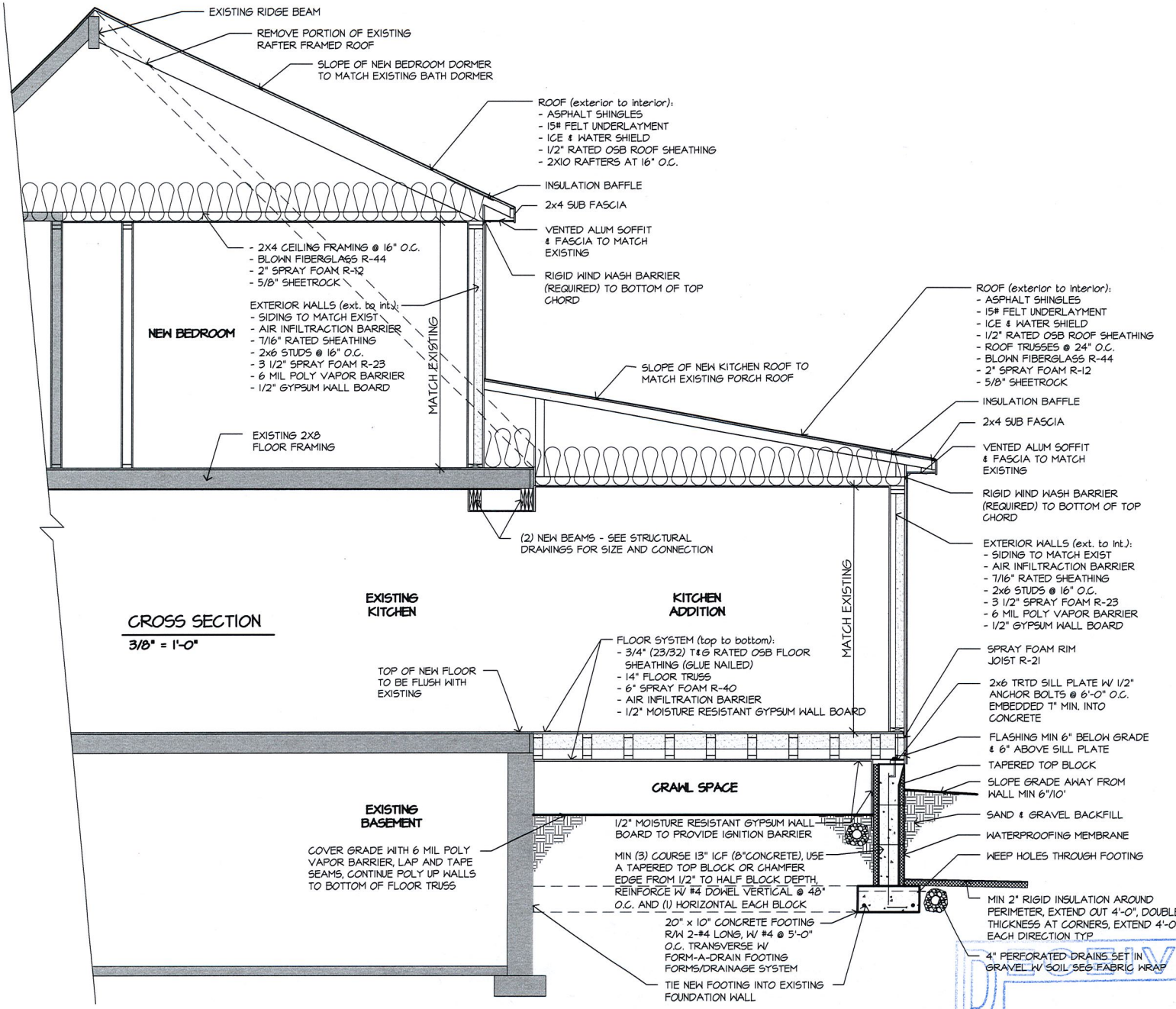
Brownell kitchen

3427 Lake Avenue
Duluth, MN 55802

variance set	10/08/15

Fnd Plan/
Site Plan/
Ext Elev

A2



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Brownell kitchen
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Duluth, MN 55802

variance set	10/08/15

Cross Sections

A3

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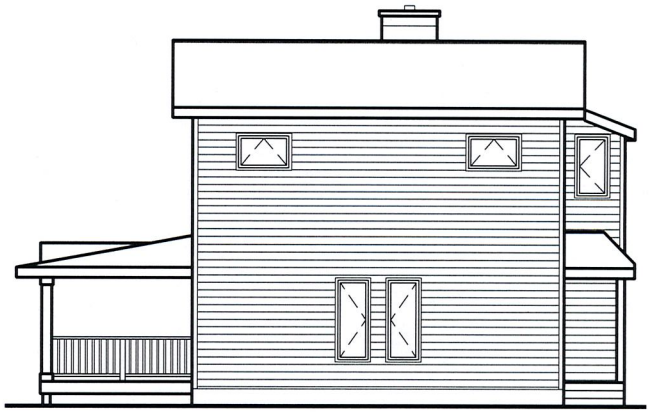
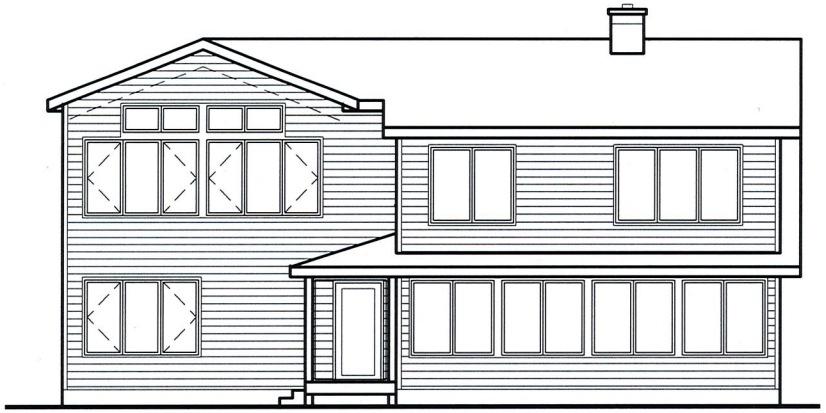
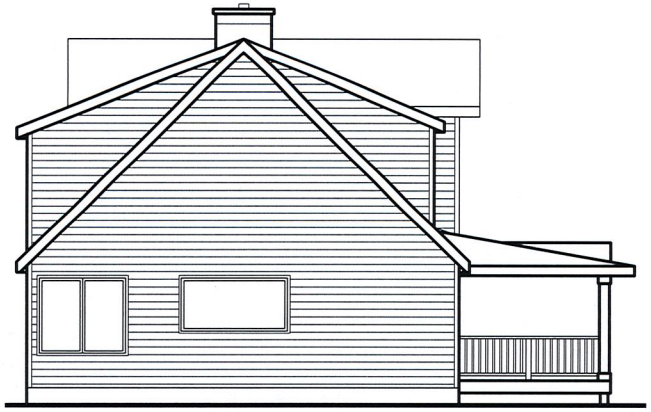
EXISTING WEST ELEVATION
1/8" = 1'-0"



EXISTING SOUTH ELEVATION
1/8" = 1'-0"



EXISTING EAST ELEVATION
1/8" = 1'-0"



EXISTING NORTH ELEVATION
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Brownell kitchen

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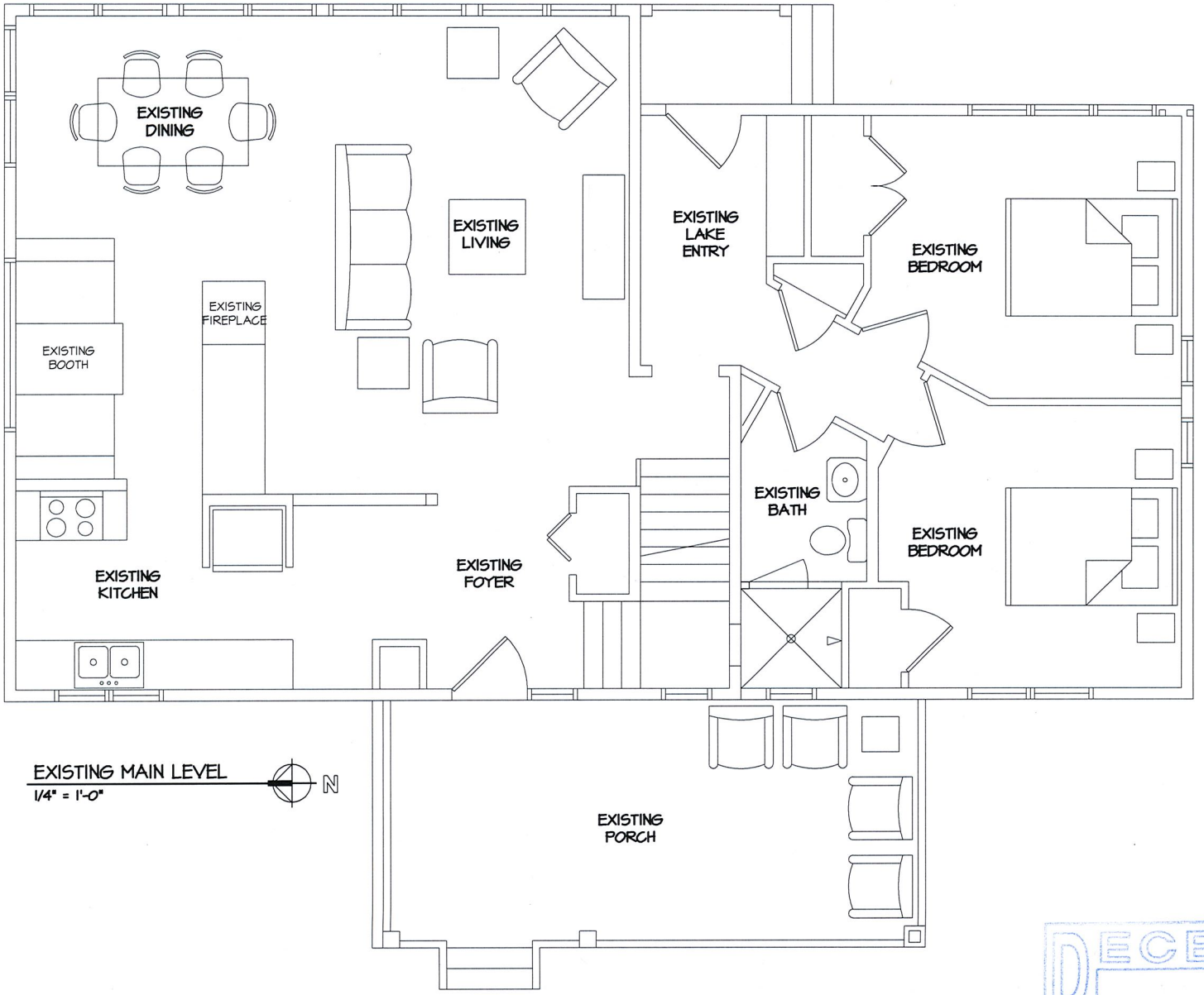
Duluth, MN 55802

variance set	10/08/15
review set	1/04/15



EXISTING MAIN LEVEL
1/4" = 1'-0"

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Brownell kitchen

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Duluth, MN 55802

variance set	10/08/15
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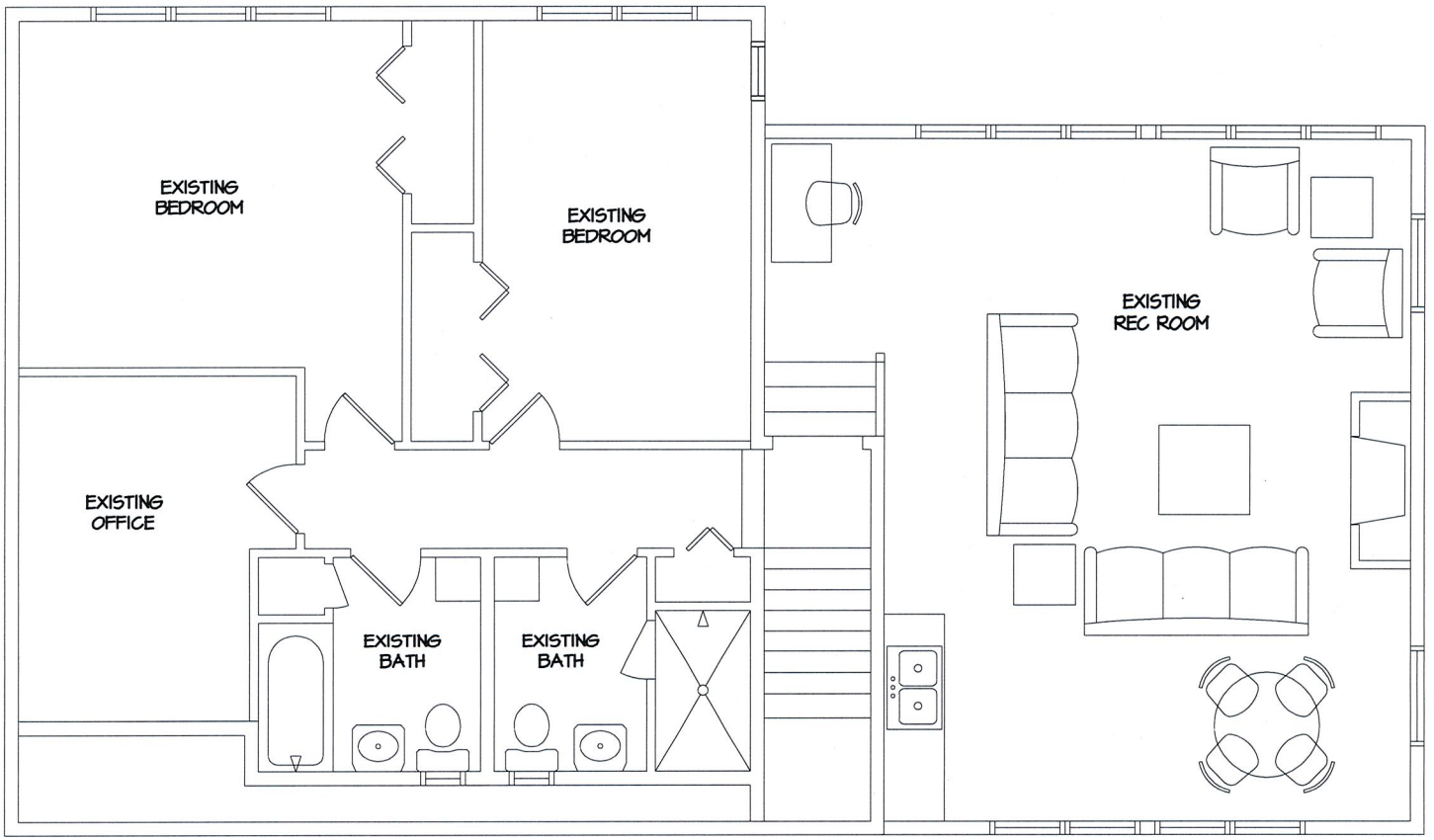

EXISTING UPPER LEVEL
1/4" = 1'-0"

N

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Brownell kitchen

3427 Lake Avenue
Duluth, MN 55802

variance set	10/08/15
review set	1/04/15

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;

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	11-133	**Contact**	Kyle Deming, kdeming@duluthmn.gov		
Application Type	Rear Yard Setback Variance	**Planning Commission Date**	12/13/2011		
Deadline for Action	**Application Date**	11/4/2011	**60 Days**	01/03/2012	
	Date Extension Letter Mailed	11/10/2011	**120 Days**	03/3/2012	
Location of Subject	3427 Lake Ave. S. (Park Point)				
Applicant	Patricia Sterner	**Contact**	patwheat@yahoo.com, 720-839-4238		
Agent	Michael Medlin, Medlin Construction	**Contact**	aerialbridge@charter.net, 218-940-2275		
Legal Description	Lots 313 and 315, Lower Duluth, Lake Ave. (010-3100-01610)				
Site Visit Date	11/28/2011	**Sign Notice Date**	11/28/2011		
Neighbor Letter Date	11/10/2011	**Number of Letters Sent**	39		

Proposal

A variance to reduce the rear yard setback from 25' to 7' to allow construction of a 22' x 24' addition to the south side of the house.

Please see attached the applicant's drawings and statements regarding the proposed variance's purpose and need.

	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	Beach	Preservation
West	R-1	Residential	Traditional Neighborhood

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

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall . . . make a decision on the application based on the criteria in subsections 50-37.9.C through M below . . . . The planning commission may grant a different variance or different form of relief than that requested by the applicant if it determines that the alternative relief better meets the criteria in subsections C through M below."

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (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 exceptional 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.

Sec. 50-38.3 states "a nonconforming building may continue to be used, and may be expanded provided the expansion does not increase or extend any nonconformity horizontally or vertically."

III I 1

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

History:
1978 - Garage constructed
1908 - House constructed

Governing Principles:
Principle #5 - Strengthen neighborhoods, Principle #6 - Reinforce the place-specific, Principle #9 - Support private actions that contribute to the public realm.

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

The following findings are made as they relate to UDC Sec. 50-37.9.C - "General Variance Criteria" and Sec. 50-37.9.H "Variances to Reduce Setbacks:"

1.) The applicant's property is 80' wide by 100' deep with a 20' wide strip of land connecting it to Minnesota Avenue. It is improved with a 1,323 s.f. home and detached single-car garage. The attached site drawing shows in red dashed lines the building setbacks for this lot. The property is a size typical for Park Point. it is not exceptionally narrow, though 100' is shallower than most lots in the city.
2.) A 1,323 s.f. home is rather small by contemporary standards so it's understandable that they would like to expand the home. Staff finds that the applicant is proposing to use the property in a reasonable manner by adding additional living space to a rather small home. However, there are alternatives for doing the expansion that wouldn't require a setback variances including locating it toward Minnesota Avenue (west) of its planned location. Doing so would present the problems outlined by the applicant, however, staff feels that these concerns don't rise to the level of being an exceptional practical difficulty or undue hardship. There is ample space to expand the home outside the setbacks and that the need for the variance is caused by the applicant's desire to add on to the home in a particular manner and is not caused by the shape of the lot or its inherent topography.
3.) There are special circumstances beyond the applicant's control that created the need for a variance. With the August 2011 change to the UDC the applicant's property changed from being considered a double-frontage lot to a normal lot where a rear yard setback applies to the Lake Ave. side of the lot. Earlier in the summer the applicant prepared building plans according to the previous code using the contextual standards for the front yard setback from Lake Ave.
4.) Granting the variance will not alter the essential character of the area as the expanded building is similar in scale to other homes in the area. It will not result in reductions of light and air to the surrounding area as the addition will be 30' from the side property line. No additional traffic will be generated and threats to public safety will not increase. Property values in the area will not be diminished by the granting of the variance.
5.) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2 and the variance is consistent with the Comprehensive Plan designation of the property as a Traditional Neighborhood.
6.) No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9.H.
7.) No letters were received concerning this proposed variance.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff finds that the standard for variance has been met and, therefore, recommends the Planning Commission approve the requested variance because the applicant developed building plans based on the previous UDC and wasn't aware of the pending changes that would significantly affect the siting of the building addition, a situation beyond the control of the applicant. Reworking the building plans to comply with the amended UDC would present an undue hardship to the applicant and neither the essential character of the area nor the purpose and intent of the UDC or Comprehensive Plan will be compromised by granting the variance.

III I 2

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

City Planning

3427 S Lake Ave

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Legend

- Subject Property
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRRI)
- 10' Contour (elev. change)

Right-of-Way Type
- Road or Alley ROW
- Vacated ROW

Easement Type
- Utility Easement
- Other Easement
- Zoning (Final)

Floodplain Type
- General Flood Plain
- Flood Way
- Flood Fringe

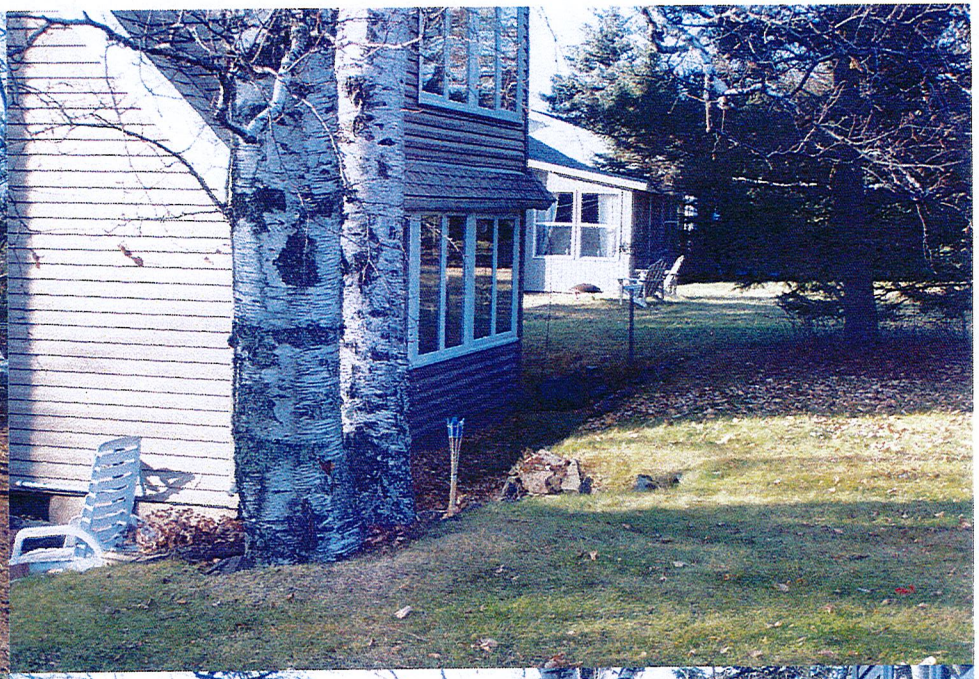
Titleholder (6 class)
Public Owned Land
- Tax Forfeited
- City
- School
- County
- State
- Federal

EX H3

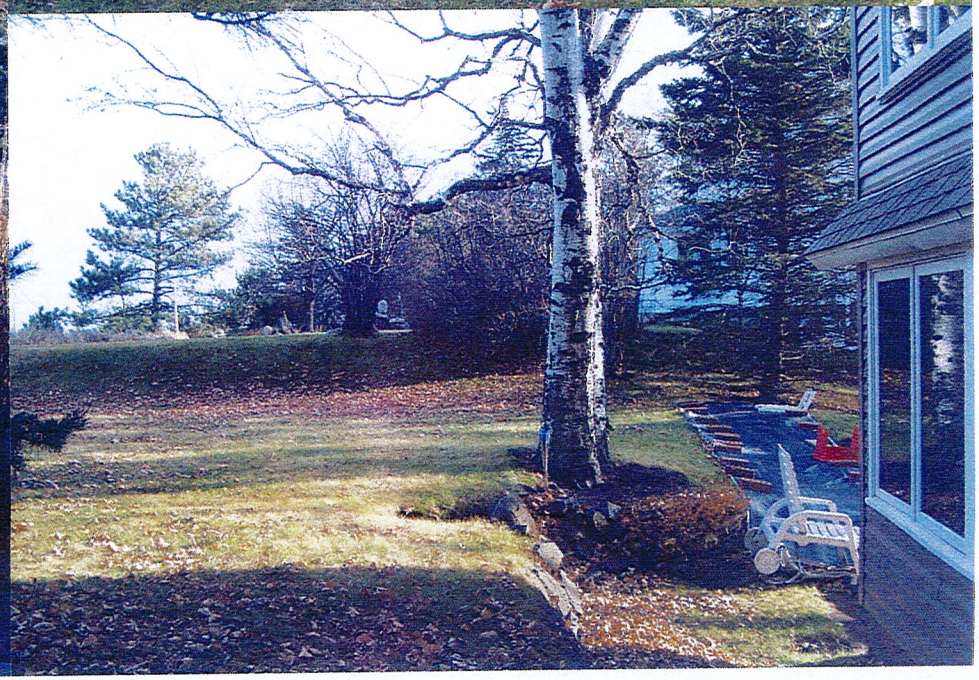
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.

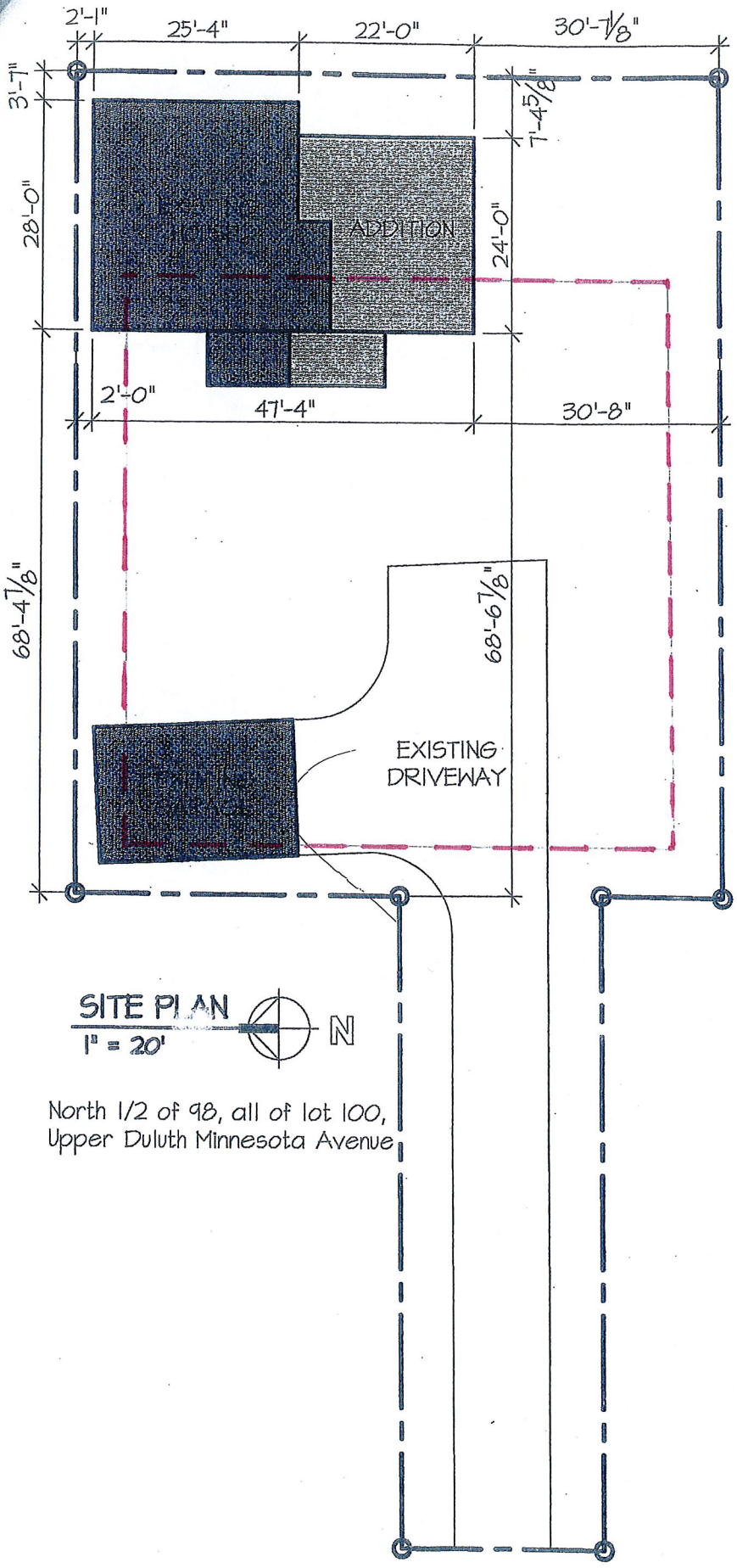
Aerial photography flown 2007

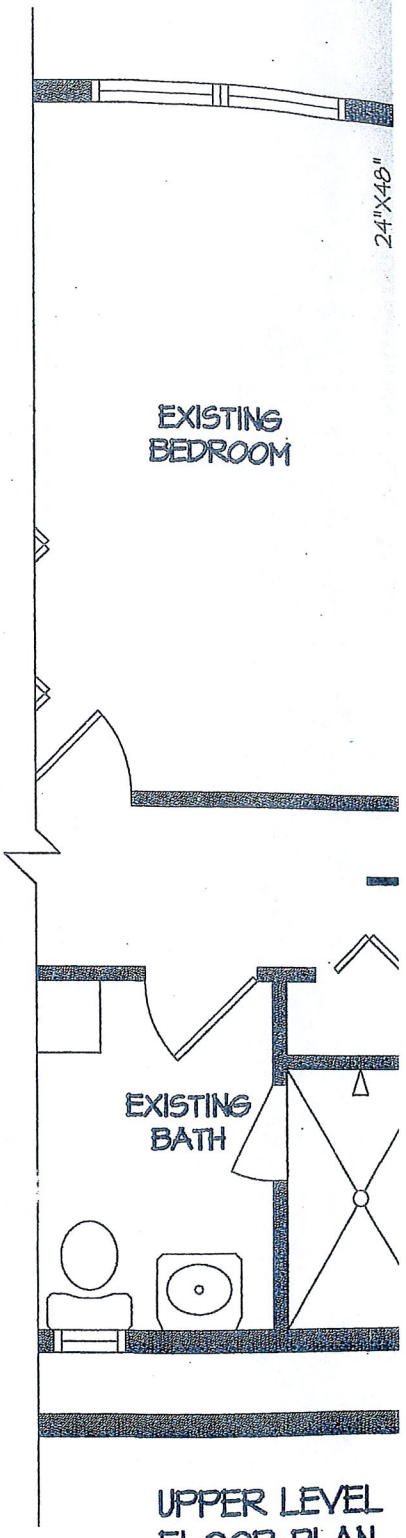
Prepared by: City of Duluth Planning Division, October 6, 2011. Source: City of Duluth.



ZONING NOTICE







III I5

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Planning Commission
City Hall
Duluth, MN 55802

11-4-11

Re: Zoning Variance Request

To whom it may concern:

On behalf of my client, Pat Sterner-Brownell, we request that you consider granting a variance to enable us to build a 22' x 24' addition to her existing house at 3427 S. Lake Avenue.

Under the new ruling concerning Double Frontage lots on Park Point, the setback requirement of 25' would cause a considerable hardship and make this addition unbuildable.

Under the existing plans for said project, compliance with the new 25' setback requirement would pose exceptional design difficulties as described below:

1. The current layout of stairs in the existing house, would not allow for access into the new addition.
2. The plumbing for the new addition bathroom would not line-up with that of the existing house.
3. The new setback would come in close proximity with the existing drive-way.

To allow this project to proceed as per drawn, would have no negative impact on the existing neighbors.

1. The neighbor to the north would not be able to see said addition.
2. The neighbor to the south would be about 40 ft. away and there are only a couple of windows up high on this side of their house.
3. The set-back as designed is well within the average of the houses on each side.

III I6

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Based upon the above information, we request that the planning commission hereby grant our petition for said variance in this matter.

Respectively submitted,

W. Michael Medlin
DBA: Medlin Construction L.L.C.

III7

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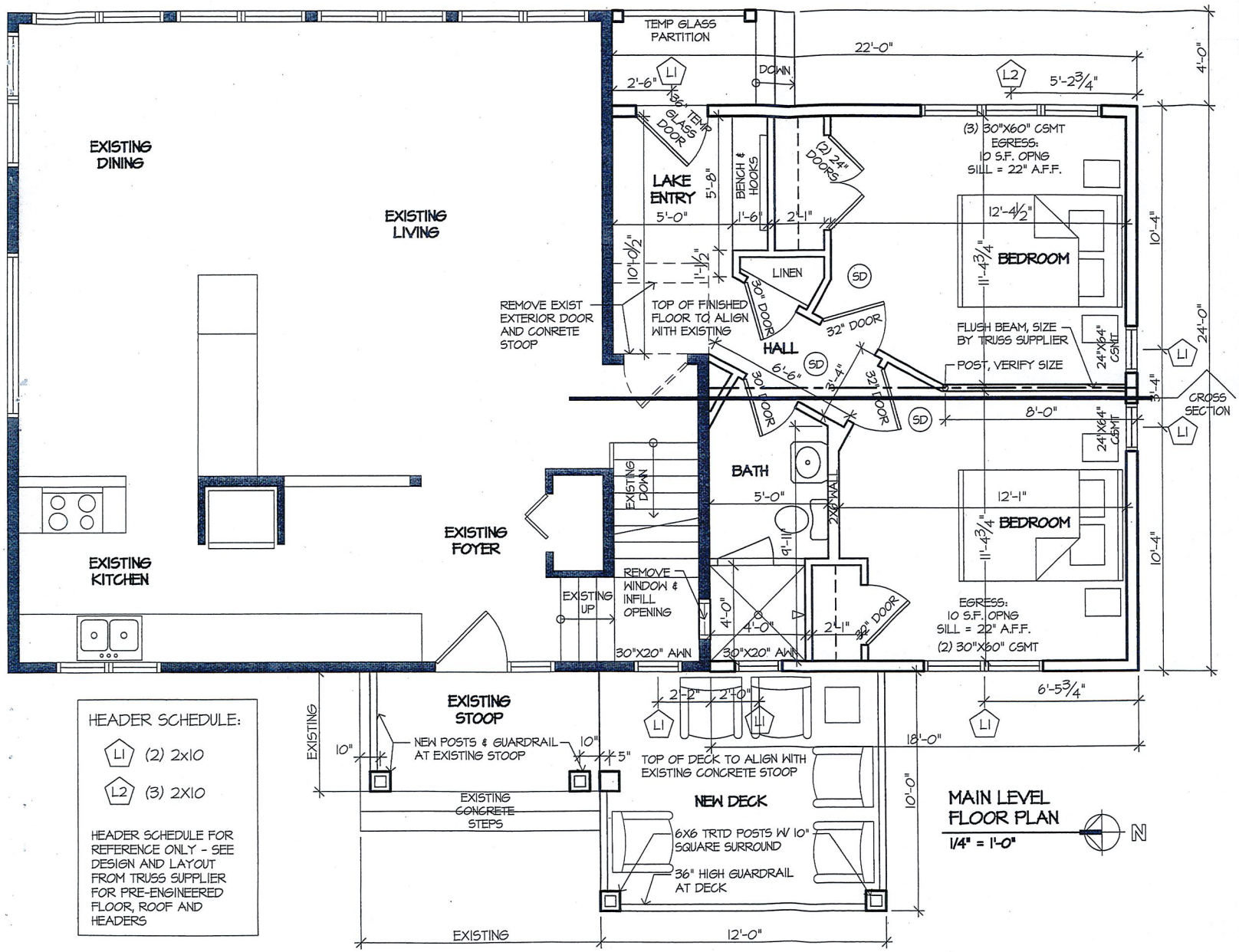

MAIN LEVEL FLOOR PLAN

1/4" = 1'-0"

N

HEADER SCHEDULE:

L1 (2) 2x10

L2 (3) 2X10

HEADER SCHEDULE FOR REFERENCE ONLY - SEE DESIGN AND LAYOUT FROM TRUSS SUPPLIER FOR PRE-ENGINEERED FLOOR, ROOF AND HEADERS

HOMEOWNER:
Pat Brownell
bbrownell@hunton.com

CONTRACTOR:
Mike Medlin
218-940-2275

A1 MAIN LEVEL PLAN

A2 UPPER LEVEL PLAN
SITE PLAN

A3 FOUNDATION PLAN
EXTERIOR ELEVATIONS

A4 CROSS SECTION

GENERAL NOTES:

EXISTING CONDITIONS AND DIMENSIONS TO BE VERIFIED ON SITE.

BUILDING MATERIALS, CONSTRUCTION METHODS, HEATING, VENTILATION, AND OTHER MECHANICAL SYSTEMS SHALL CONFORM TO OR EXCEED MN STATE RESIDENTIAL CODE 2007, WHICH ALSO INCLUDES THE ADOPTED AND AMENDED 2006 IRC AND THE MN STATE RESIDENTIAL CODE, CHAPTER 1322.

ANY ENGINEERED LUMBER LAYOUTS, SIZES, SPECS AND CONNECTION DETAILS TO BE PROVIDED BY MANUFACTURER.

ELECTRICAL, PLUMBING, AND MECHANICAL SUB-CONTRACTORS TO PROVIDE LAYOUTS PER CODE - TO BE FINALIZED AND APPROVED BY HOMEOWNER AND CONTRACTOR.

EXTERIOR STUD WALLS TO BE 2x6 STUDS AND ARE DIMENSIONED TO THE FACE OF STUD.

INTERIOR WALLS TO BE 2x4 STUDS UNLESS NOTED OTHERWISE AND ARE DIMENSIONED TO THE FACE OF STUD.

FOUNDATION TO BE 12" ICF WITH POURED CONCRETE FOOTING.

PIER AND POST DIMENSIONS TO CENTER OF PIER OR POST, UNLESS NOTED OTHERWISE.

WINDOWS ARE DIMENSIONED TO THE CENTER LINE OF ROUGH OPENING. VERIFY ROUGH OPENINGS WITH WINDOW MANUFACTURER PRIOR TO FRAMING. INSTALL PER MANUFACTURER'S ROUGH OPENING AND SPECIFICATIONS.

WINDOW HEADS TO BE SET @ 6'-8" UNLESS NOTED OTHERWISE.

HANDRAILS REQUIRED AT ALL STAIRWAYS IN ACCORDANCE WITH IRC R311.5.6. HEIGHT ABOVE STAIR NOSING TO BE 34"-38", HANDRAIL GRIP TO BE 1 1/2" DIA WITH 4 1/2" MAX HANDRAIL PROJECTION.

GUARDRAILS REQUIRED AT RAISED FLOOR SURFACES MORE THAN 30" IN ACCORDANCE WITH IRC R312. WITH A MIN. HEIGHT OF 36".

GUARDRAIL & HANDRIAL OPENINGS AND BALSUTER SPACING SHALL NOT EXCEED 3 7/8" IN ACCORDANCE WITH IRC R312.

FLASHING AT EXTERIOR WALL ENVELOPE, WINDOWS & DOORS, & LEDGER BOARDS IN ACCORDANE WITH R703.8.

SMOKE DETECTORS IN ACCORDANE WITH IRC R313, SBC 1309.0313

CO2 DETECTORS REQUIRED WINTHIN 10' OF SLEEPING AREAS PER CODE

RADON MITIGATION REQUIRED IN ACCORDANCE WITH AF103.

HINER HOME DESIGNS
5532 Fish Lake Dam Road
Duluth, MN 55803
(218) 721-4396
(218) 391-7486
hhiner@msn.com

This homeowner(s) or licensed general contractor shall assume full responsibility for the following: 1.) Completion of all work to meet or exceed local building codes and ordinances. 2.) Obtain all required building permits prior to construction. 3.) Provide any necessary engineering work. Beams, columns, and structural members shown on drawings are for bid purposes only and should be sized by the manufacturer or a qualified structural engineer to insure the safety of the structure. 4.) Verify all existing conditions and notify Hiner Home Designs of any discrepancies prior to starting work. 5.) Verify all window and door, 4.) High ceilings and types as specified before ordering units and before the start of construction. Hiner Home Designs has made every effort in preparing and checking these drawings for accuracy and is not responsible for any discrepancies that result in error or omission from these drawings. These drawings have been reviewed and approved by the homeowner(s) or licensed general contractor.

Brownell cottage

3427 Lake Avenue
Duluth, MN 55802

final review set	10/04

Main Level Floor Plan

A1

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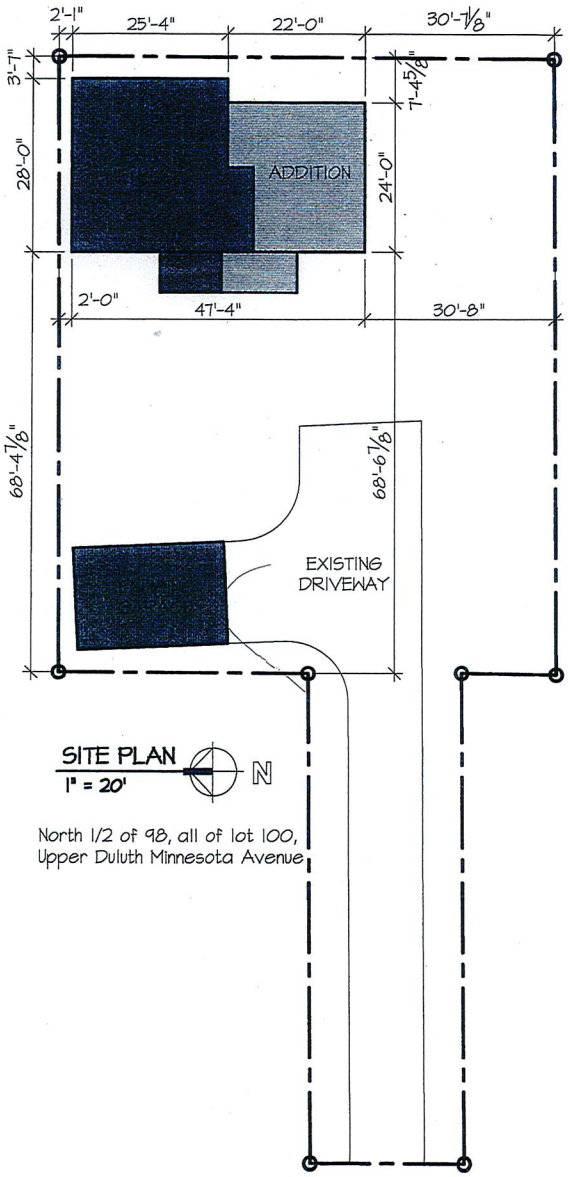

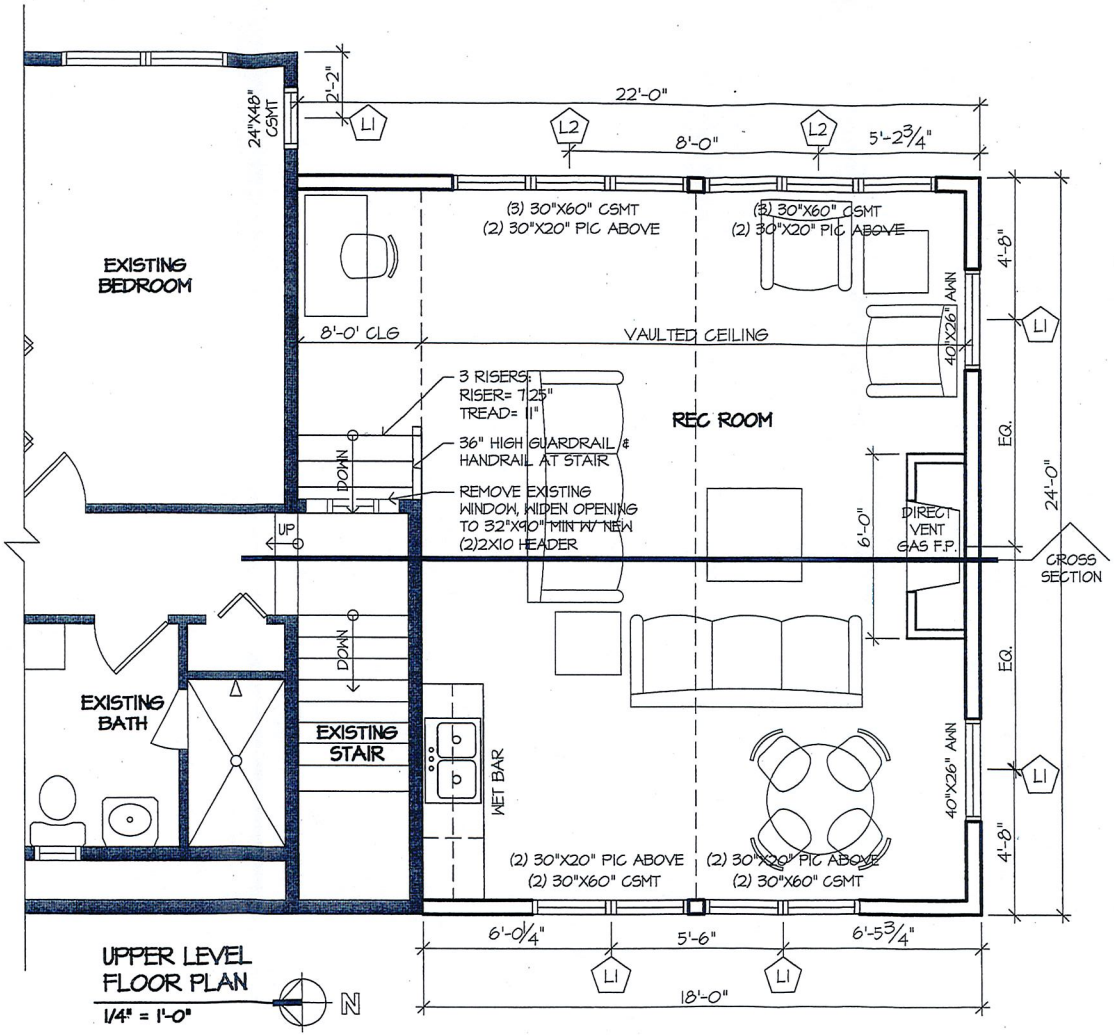

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HINER HOME DESIGNS
5532 Fish Lake Dam Road
Duluth, MN 55803
(218) 721-4396
(218) 391-7466
hhiner@msn.com

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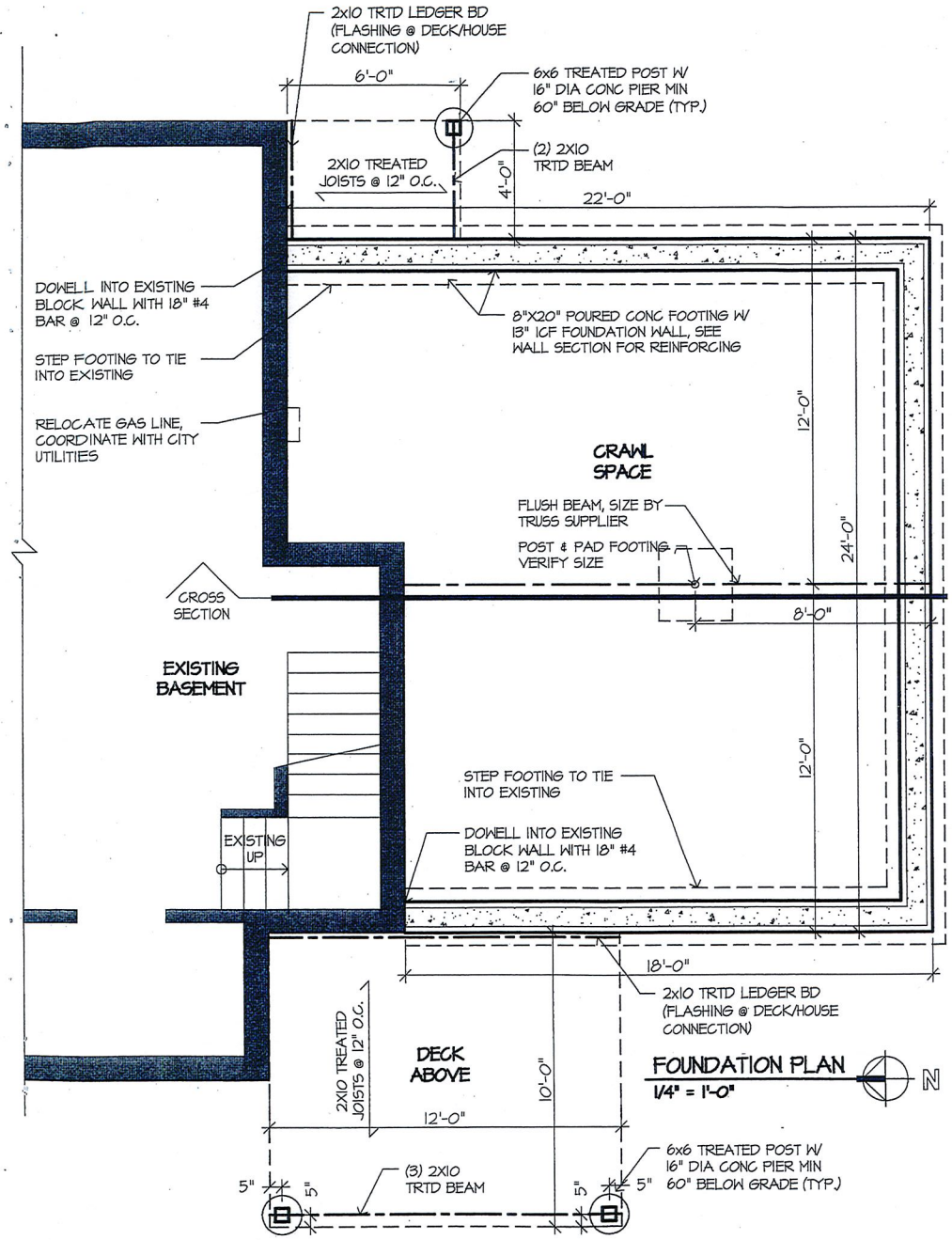
Brownell cottage
3427 Lake Avenue
Duluth, MN 55802

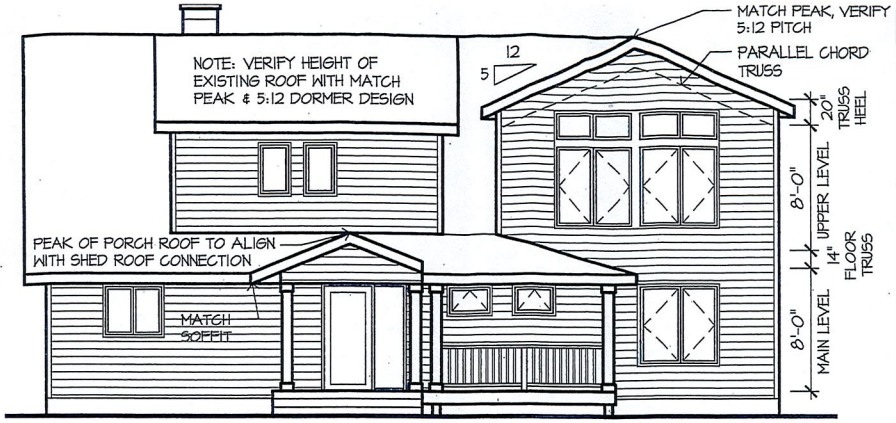
final review set 10/04/11

Upper Level Floor Plan/ Site Plan

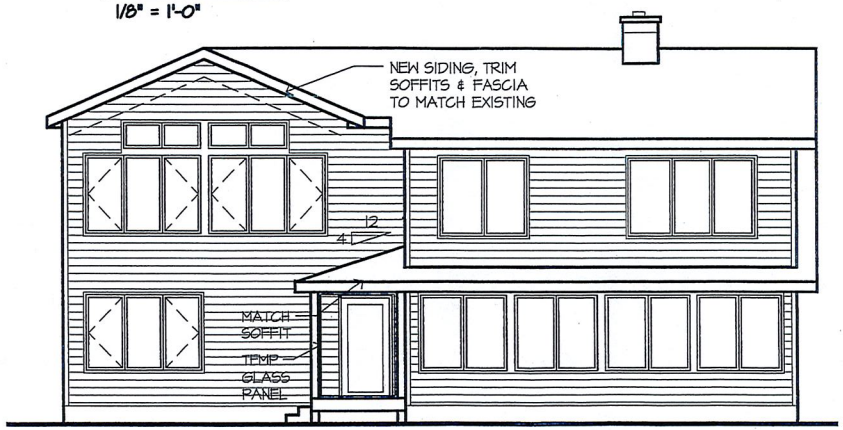
A2



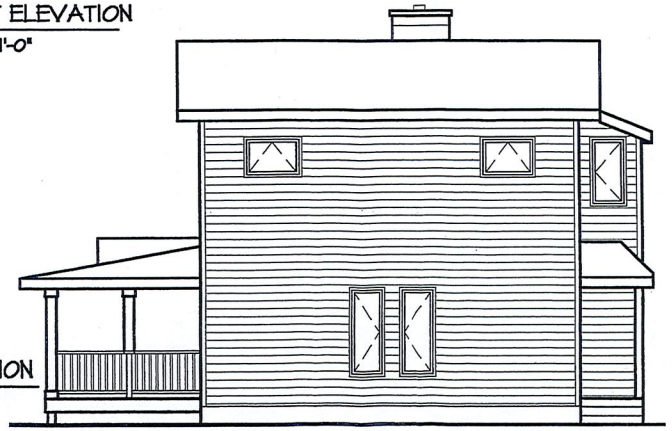
FOUNDATION PLAN
1/4" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"

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Duluth, MN 55803
(218) 721-4396
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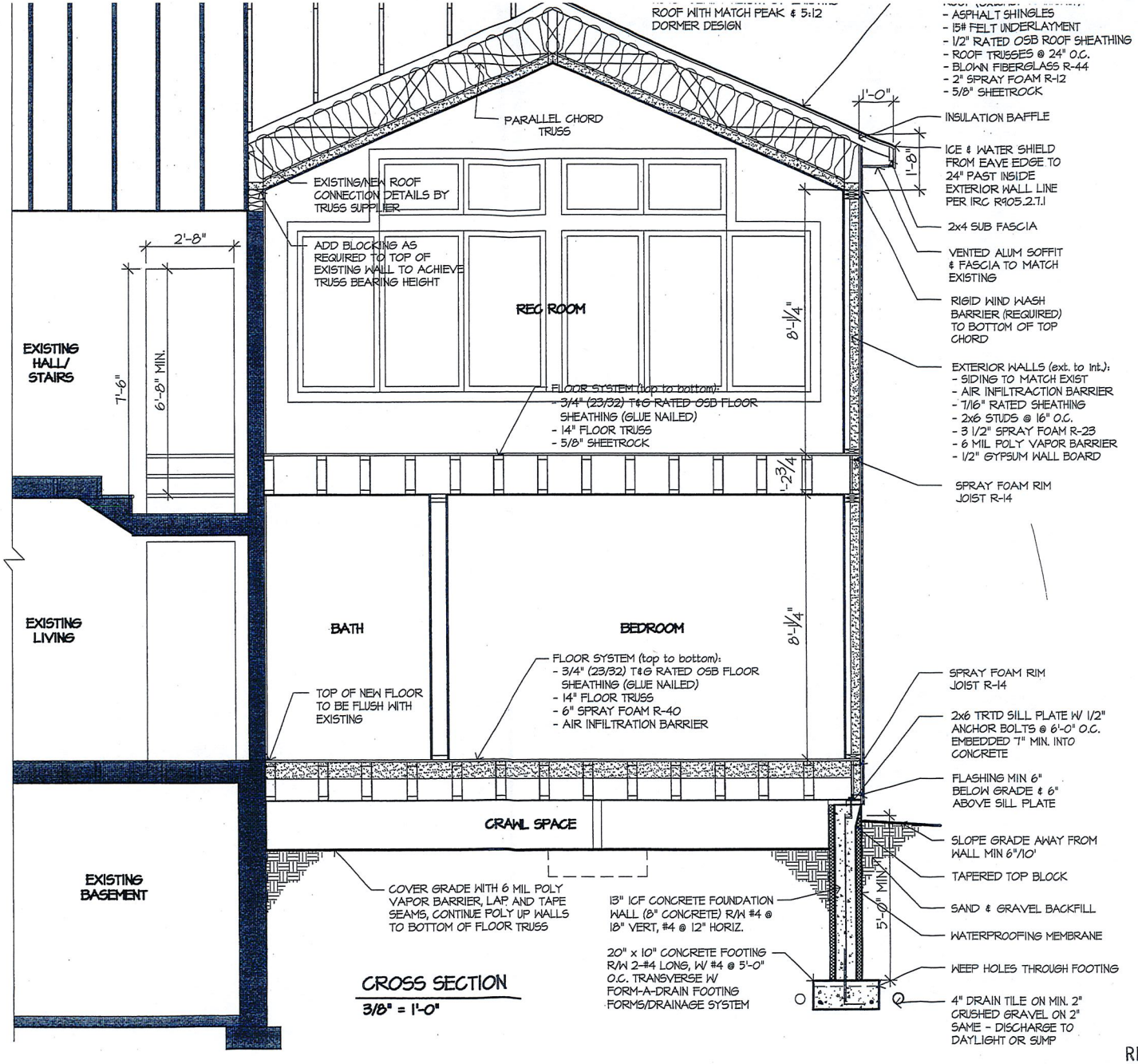
Brownell cottage

3427 Lake Avenue
Duluth, MN 55802

final review set 10/04/11

Found. Plan/ Exterior Elevations

A3



CROSS SECTION

3/8" = 1'-0"

HINER HOME DESIGNS
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Brownell cottage

3427 Lake Avenue
Duluth, MN 55802

final review set 10/04/11

Cross Section

A4

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CERTIFICATE OF SURVEY

LEGEND

These standard symbols will be found in the drawing.

EXISTING CONCRETE

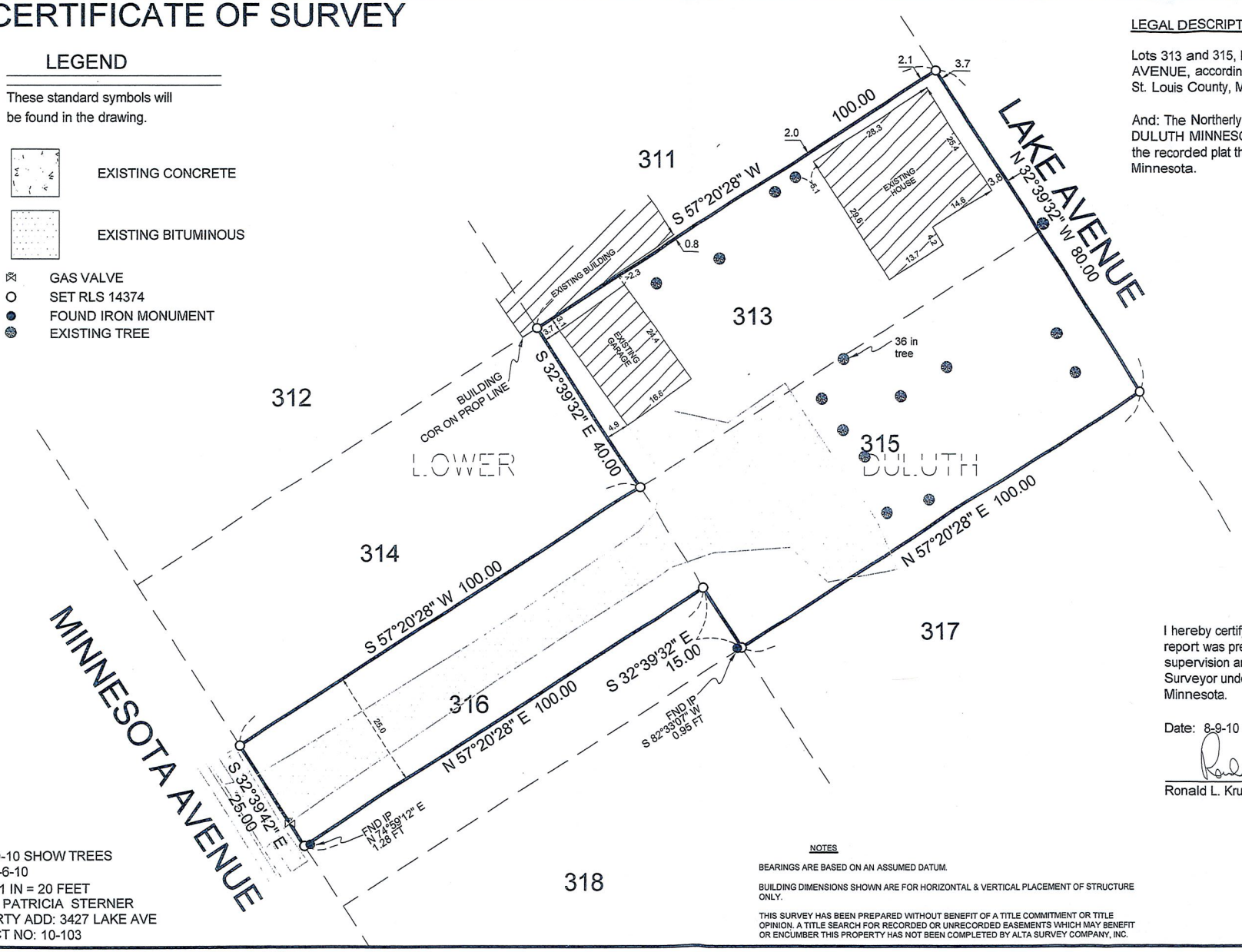
EXISTING BITUMINOUS

GAS VALVE

SET RLS 14374

FOUND IRON MONUMENT

EXISTING TREE



LEGAL DESCRIPTION PER TAX STATEMENT

Lots 313 and 315, LOWER DULUTH LAKE AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.

And: The Northerly 25.00 feet of Lot 316, LOWER DULUTH MINNESOTA AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 8-9-10

Ronald L. Krueger MN License No. 14374

REV: 8-9-10 SHOW TREES
DATE: 8-6-10
SCALE: 1 IN = 20 FEET
CLIENT: PATRICIA STERNER
PROPERTY ADD: 3427 LAKE AVE
PROJECT NO: 10-103

NOTES

BEARINGS ARE BASED ON AN ASSUMED DATUM.

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

ALTA
SURVEY COMPANY, INC.
Residential/Commercial Land Surveying-Land Developement-Legal Descriptions
102 S. 21st Ave. W, Suite 4
Duluth, MN 55806
Phone: 218-727-5211 Fax: 218-727-3798

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