



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 16-100		<b>Contact</b>	Jennifer Moses, jmoses@duluthmn.gov	
<b>Type</b>	Shoreland Variance		<b>Planning Commission Date</b>	September 13, 2016	
<b>Deadline for Action</b>	<b>Application Date</b>	August 12, 2016	<b>60 Days</b>	October 12, 2016	
	<b>Date Extension Letter Mailed</b>	August 26, 2016	<b>120 Days</b>	December 11, 2016	
<b>Location of Subject</b>	1807 Springvale Road				
<b>Applicant</b>	Jaron Larson		<b>Contact</b>	612-597-5499, Lars2986@gmail.com	
<b>Agent</b>	N/A		<b>Contact</b>	N/A	
<b>Legal Description</b>	PID 010-2880-00230				
<b>Site Visit Date</b>	September 2, 2016		<b>Sign Notice Date</b>	August 30, 2016	
<b>Neighbor Letter Date</b>	August 31, 2016		<b>Number of Letters Sent</b>	43	

**Proposal**

The applicant is seeking a shoreland variance to build a 26' x 26' garage that would be 110' from Miller Creek (in the Piedmont neighborhood) instead of the required 150'.

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

**Summary of Code Requirements**

Sec. 50-18.1 – Minimum Shoreland Area Standards: maintain a 150' setback from coldwater streams.  
 Sec. 50-37.9.C – General Variance Criteria (paraphrased): 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 the landowner is proposing to use the property in a reasonable manner, b) that the need for relief for 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. 50-37.9.L – Standards for Variance 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.

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

Principle #10 – Take Sustainable Actions.

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.

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.

**Review and Discussion Items**

Staff finds that:

1. Applicant is proposing to build a 26’ x 26’ two-car garage on the east side of the property. Garage would be built on the opposite side of the house from Miller Creek, thereby minimizing the variance required.
2. Nearly the entire parcel is located entirely within the shoreland setback; a structure could not be built without a variance. Because of this, the strict application of zoning requirements would result in practical difficulties.
3. Property has a house built in 1922. There is no garage currently on the property. In Duluth’s climate, lack of a garage to keep vehicles out of the snow is a practical difficulty.
4. Adding a garage to a single-family property is a reasonable use in the R-1 district.
5. Three adjacent properties on the northwest side of Springvale Road, as well as the three properties across the street, have two-car garages. Adding a similar two-car garage will not impact the essential character of the area. Note that garages on applicant’s side of the street tend to be slightly smaller (such as 22’x24’), while garages across the street are larger (such as 28’ x 40’).
6. Any variance from a shoreland standard requires mitigation. Applicant is proposing a system of swales around the proposed structure that will direct water to the most indirect route to the stream and contain water flow from a 100-year storm event.
7. No public, agency, or City comments have been received.
8. 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**

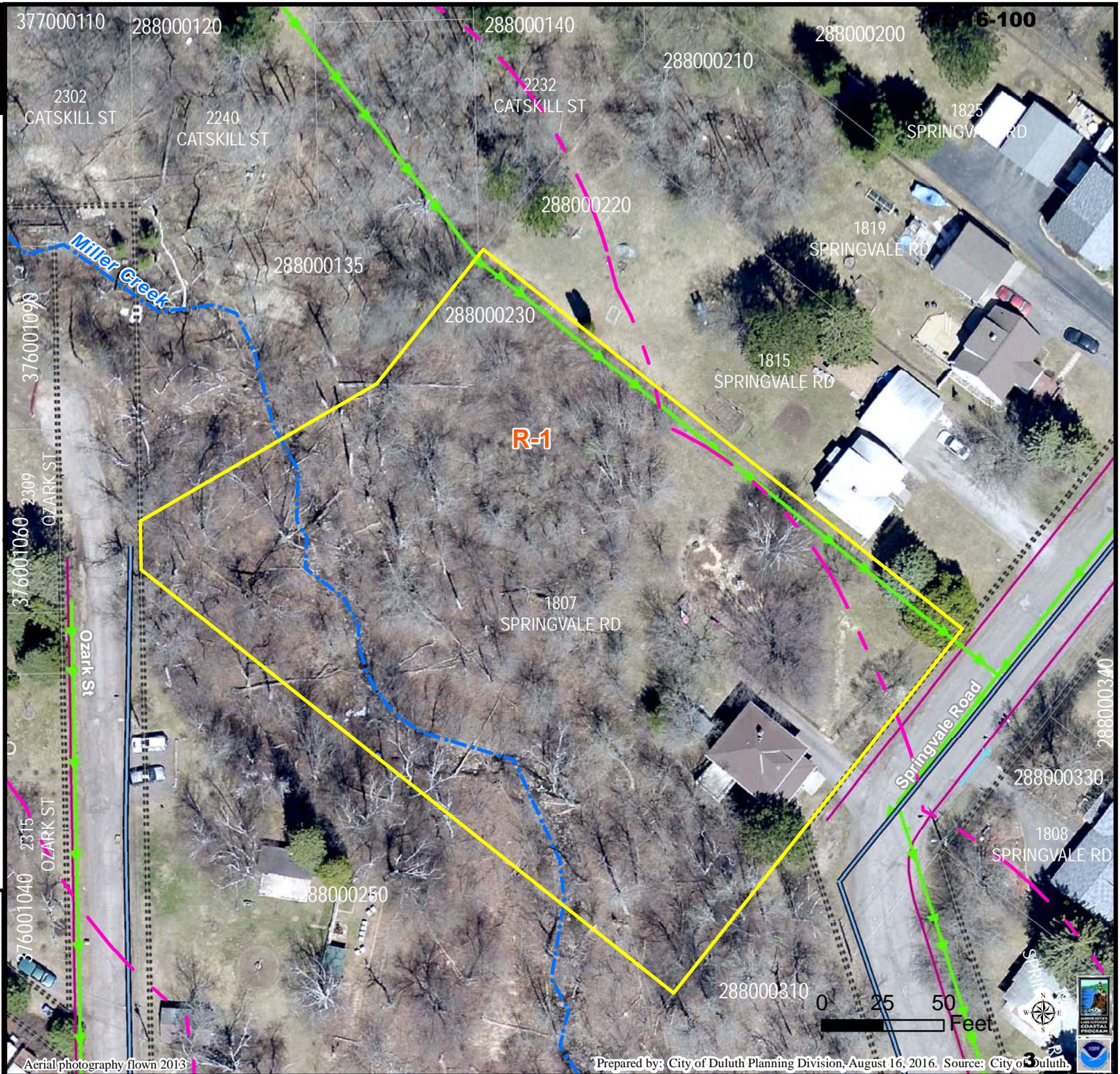
Based on the above findings, Staff recommends that Planning Commission approve the variance, subject to the following conditions:

1. The project be limited to, constructed, and maintained according to the site map and mitigation plan 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.

**Legend**

-  150' Buffer
-  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

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Aerial photography flown 2013

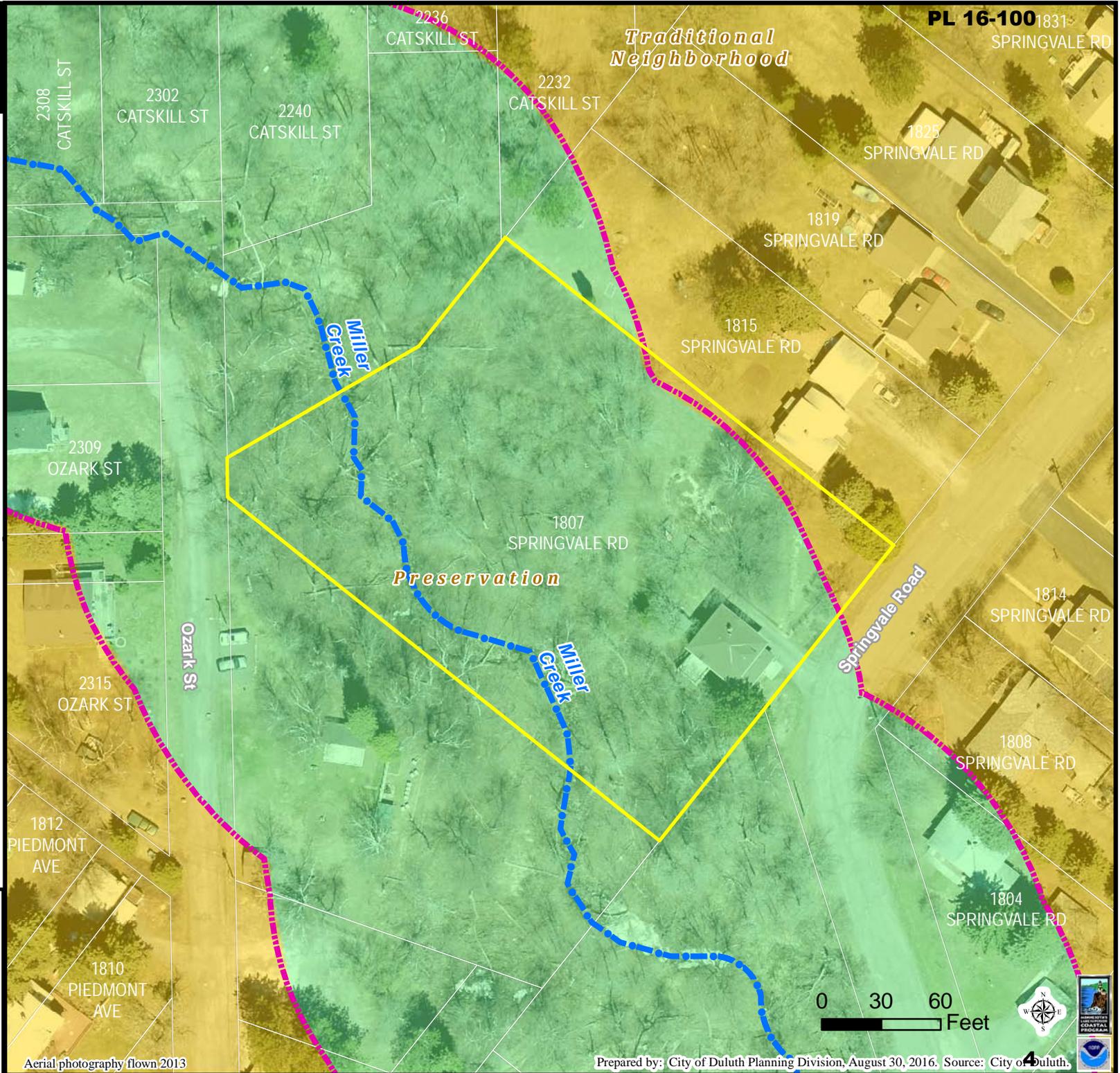


# City Planning

PL 16-100  
1807 Springvale Road

## Legend

- 150' Stream Setback
- Trout Stream (GPS)
- Other Stream (GPS)



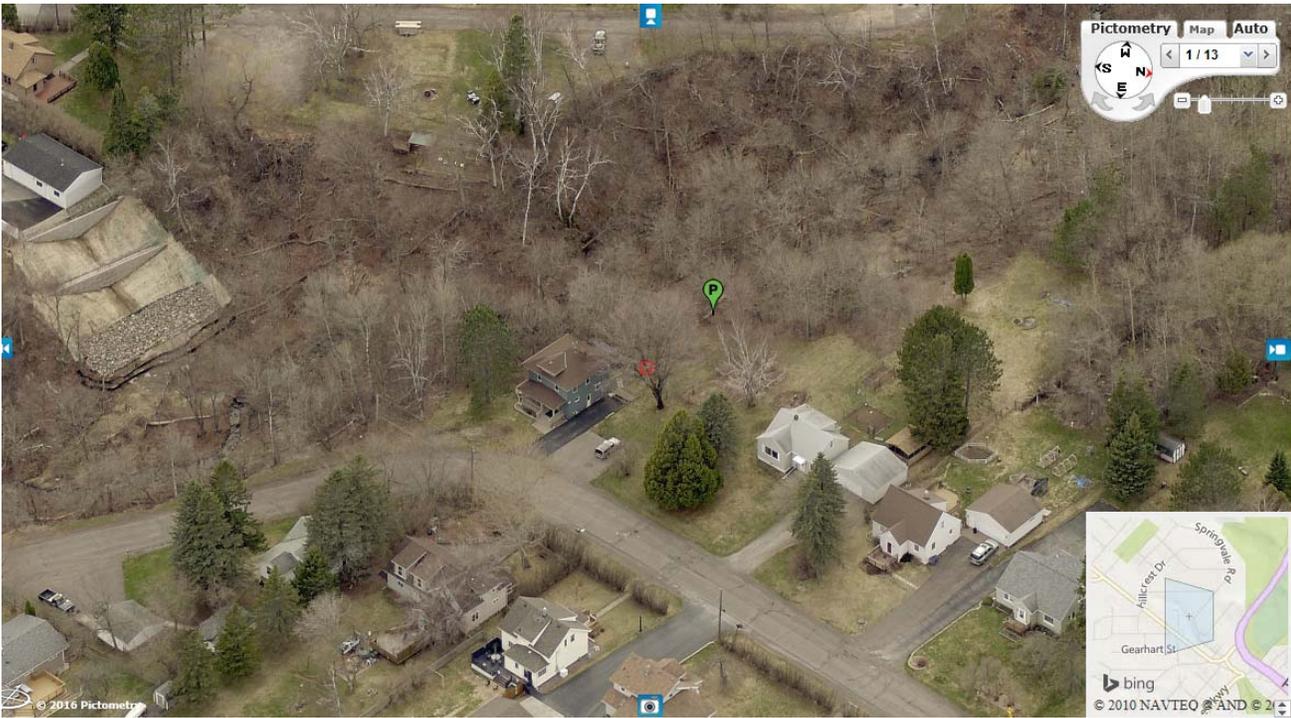
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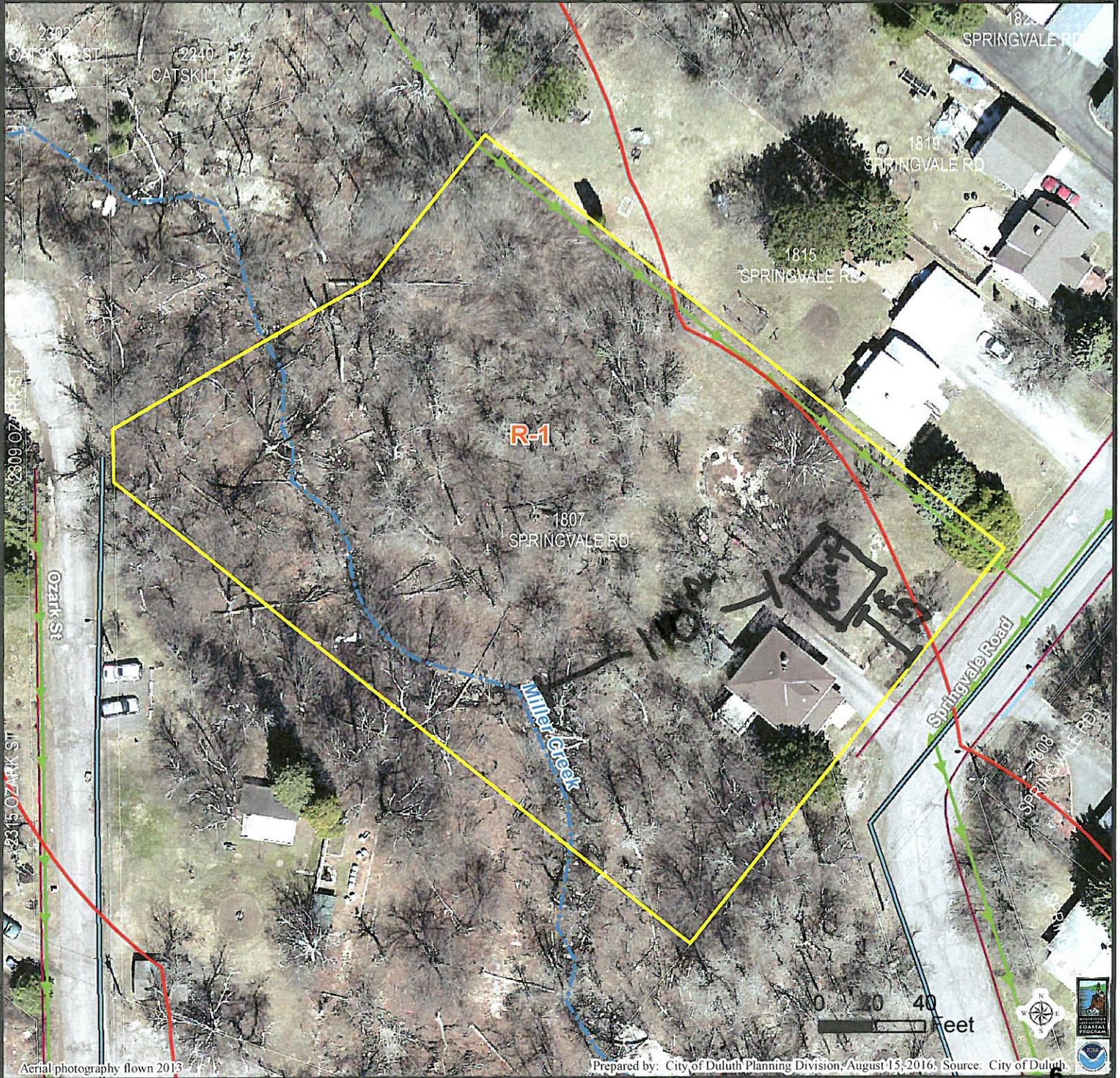
# 1807 Springvale Rd

## Site Photos



**Legend**

-  150' Stream Buffer
- DuluthStream\_cl**
- TROUT\_FLAG**
-  Trout Stream (GPS)
-  Other Stream (GPS)
- Zoning Boundaries**
-  Zoning Boundaries
- Water Distribution System**
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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. D3 - Coldwater Creek 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: Property is my personal residence, outside of a small 80 sq ft

shed I have no place to store my vehicles, tools or other household items.

All surrounding properties have two stall garages that are similar in size,

layout + appearance.

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:

A Coldwater Creek runs through the southwestern part of my lot. There is

no place on my lot that I could build a garage without the Requirement

of a variance. Closest proximity of the garage would be approximately 110 ft from  
the creek.

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:

All of the adjacent properties have similar two stall garages.

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: Proposed Request meets

developmental patterns, building scale + location requirements set forth in  
Section 50-14.5(A) of the UDC, which defines the purpose of a single  
family home in the R-2 District of Duluth.

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:

Natural condition of my lot does not allow me to build the desired structure

Without a variance, Coldwater creek is a natural element of the property. Lot  
was developed prior to establishment of set back regulations

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: Garage will allow for additional off street parking. Structure will  
not impair or reduce visibility of natural light to any adjacent properties.

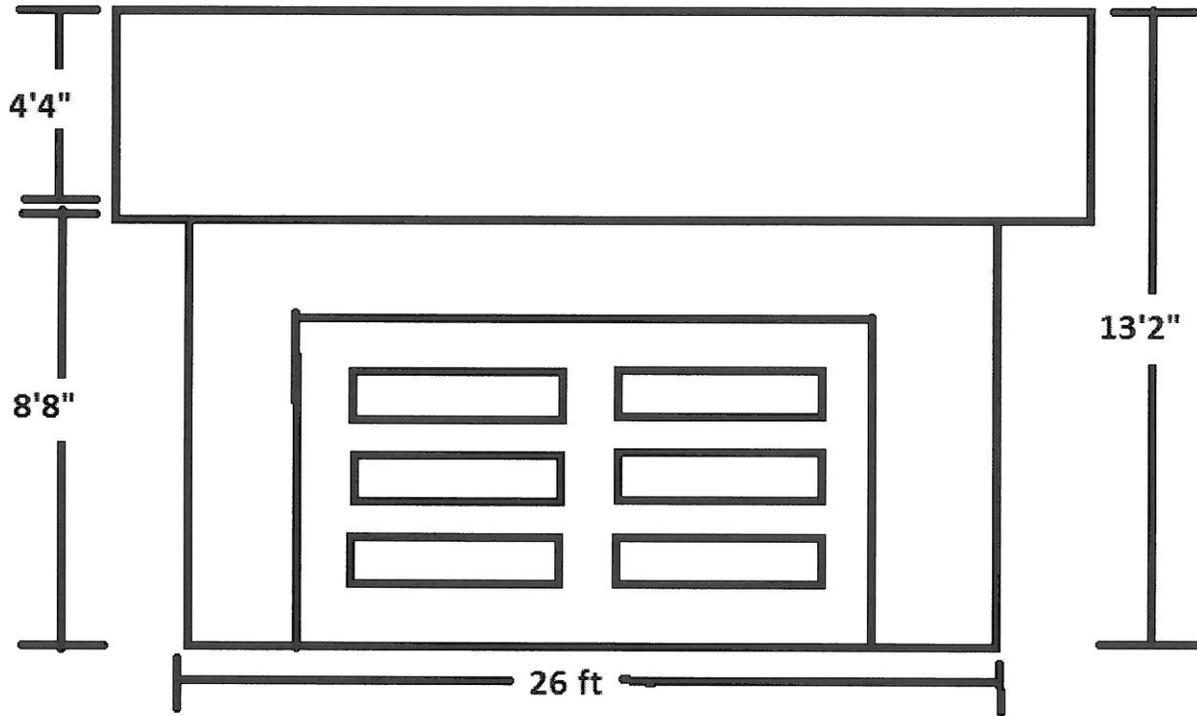
Additional harborage will be planted to cool water runoff flowing towards the creek.

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: Applicable to

section L. I will mitigate the impacts to the shoreland area by  
completing all tasks explained in the attached document labeled  
"Mitigants on Impacting Shoreland area"



**Neighboring Properties Garage/Storage Building Dimensions**

(see map for proximity around my property)

- 1815 Springvale Road
  - Two stall garage- 572 sqft (22 x 26)



- 1819 Springvale Road
  - Two stall garage- 576 sqft (24 x 24)



- 1822 Springvale Road
  - Two stall garage- 528 sqft (22 x 24)



- 1814 Springvale Road
  - Two stall garage- 528 sqft (22 x 24)
  - Three car garage- 1,008 sqft (28 x 36)



- 1808 Springvale road
  - Two car garage- 728 sqft (26 x 28)



- 1804 Springvale Road
  - Two car garage- 420 sqft (20 x 21)
  - Storage building- 336 sqft (14 x 24)



**Mitigants on Impacting Shoreland Area**

- Establish silt fence preventing any erosion into the cold water creek
- Ensure that no shoreline of the creek is disturbed.
- Construction site will not infringe closer than 100 ft from the cold water creek.
- Swales around the proposed structure will be created to control and dissipate runoff from structure.
  - Swales will be constructed along the north and western part of the garage, directing water to the most indirect route to the cold water creek (see attached)
  - A 100 year storm creates 348.5 CF of runoff based on the surface area of my garage (676 SF)
  - Swale will be large enough to contain 348.5 CF of runoff, equivalent to a 100 year storm for a 26 x 26 structure.
- A licensed contractor will be preparing and completing all ground prep work.

