



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

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

File Number	PL17-036	Contact	John Kelley, 218-730-5326	
Type	Variance, Rear Side Yard Setback	Planning Commission Date		April 11, 2017
Deadline for Action	Application Date	March 6, 2017	60 Days	May 5, 2017
	Date Extension Letter Mailed	March 20, 2017	120 Days	July 4, 2017
Location of Subject		3421 East 1 st Street		
Applicant	James Mohn and Heather Muster	Contact	3421 East 1 st Street	
Agent	CF Designs (Jeremy Jones)	Contact	230 East Superior Street	
Legal Description		010-1370-00800		
Site Visit Date		March 31, 2017	Sign Notice Date	
			March 28, 2017	
Neighbor Letter Date		March 27, 2017	Number of Letters Sent	
			32	

Proposal

A variance to construct a screen porch addition and deck to the rear yard of the house that will encroach 10.5 feet into the rear yard setback.

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

Summary of Code Requirements

50-14.5. R-1. District: Rear yard setback is 25 feet.

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 practical difficulties or 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.

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

1926 – A 4,547SF home constructed

1967 – A rear yard variance granted to previous owner to construct a two car attached garage and family room

2011 – Current owner purchased the property

Governing Principles:

Principle #5 - Strengthen neighborhoods

Future Land Use: Traditional Neighborhood: Characterized by grid or connected street pattern, houses orientated 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) The applicant's property is 200' wide by 150' deep and improved with a 5,200 SF home and two-car garage. The lot is approximately .7 acres and the dwelling is set back approximately 80 feet from the front property line, which reduces the rear yard area of the lot.
- 2) A rear yard setback variance was granted to the property in 1967 for the construction a garage and addition to the dwelling.
- 3) The applicant is proposing to use the property in a reasonable manner by adding a screen porch and deck to complement the existing family room.
- 4) The applicant states that the intent is to provide relief from the unprotected solar gain, and dampness of the rear yard area due to drainage issues. Additionally, the applicant is seeking to reorganize and optimize use of the existing backyard space.
- 5) Staff finds there are alternatives for constructing the screen porch and deck that wouldn't require a setback variance. The proposed screen porch and deck could be reconfigured and constructed to fit within the area west of the patio doors. This area would allow for a reasonably sized screen porch and deck to achieve the objectives of the applicant. Therefore, staff finds that there aren't practical difficulties or hardship involved in adhering to the normal setbacks for the property. 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.
- 6) Granting the variance will not alter the essential character of the area as the porch and deck would be reasonable use of the backyard area. It would not result in reductions of light and air to the surrounding area as the addition would be in the rear yard area of the property. No additional traffic would be generated and threats to public safety would not increase. Property values in the area would not be diminished by the granting of the variance.
- 7) 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.
- 8) No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9.H.
- 9) No letters were received concerning this proposed variance.

Staff Recommendation

Based on the above findings, staff finds that the standard for variance has not been met and, therefore, recommends the Planning Commission deny the requested variance because there aren't practical difficulties or hardship caused by adhering to the normal setbacks for the property. There is reasonable space to construct a screen porch and deck outside the setback 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.

Staff also finds that, should the Planning Commission find reason to grant the variance, neither the essential character of the area nor the purpose and intent of the UDC or Comprehensive Plan will be compromised by the variance. Additionally, if the Planning Commission decides to grant the variance, staff recommends that the variance be limited to the project shown on Sheet S2.0 prepared by cf design ltd dated 12/9/2015.



City Planning

PL 17-036: Variance
3421 East 1st Street

Legend

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

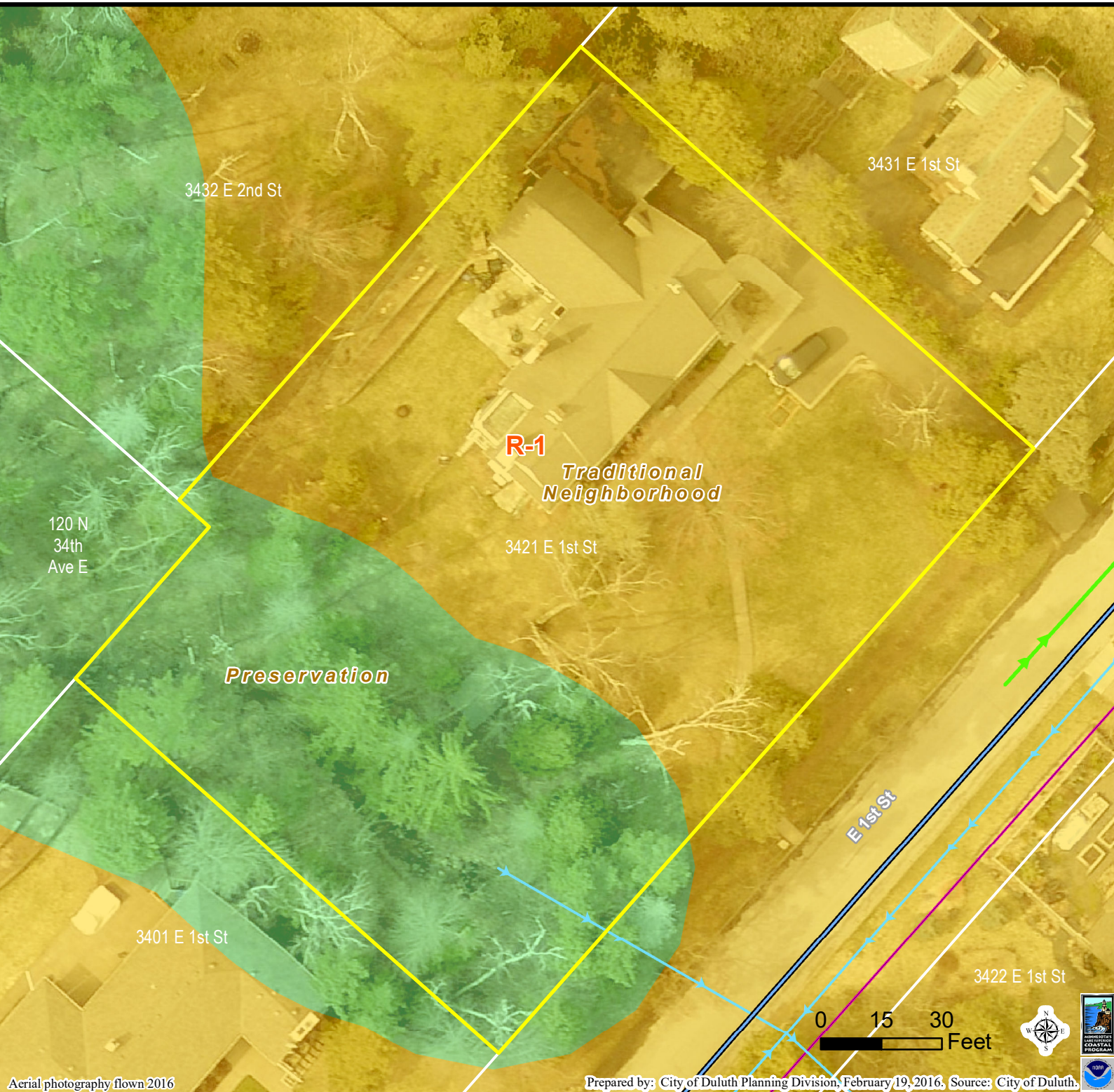
Vacated ROW

Easement Type

Utility Easement

Other Easement

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Aerial photography flown 2016



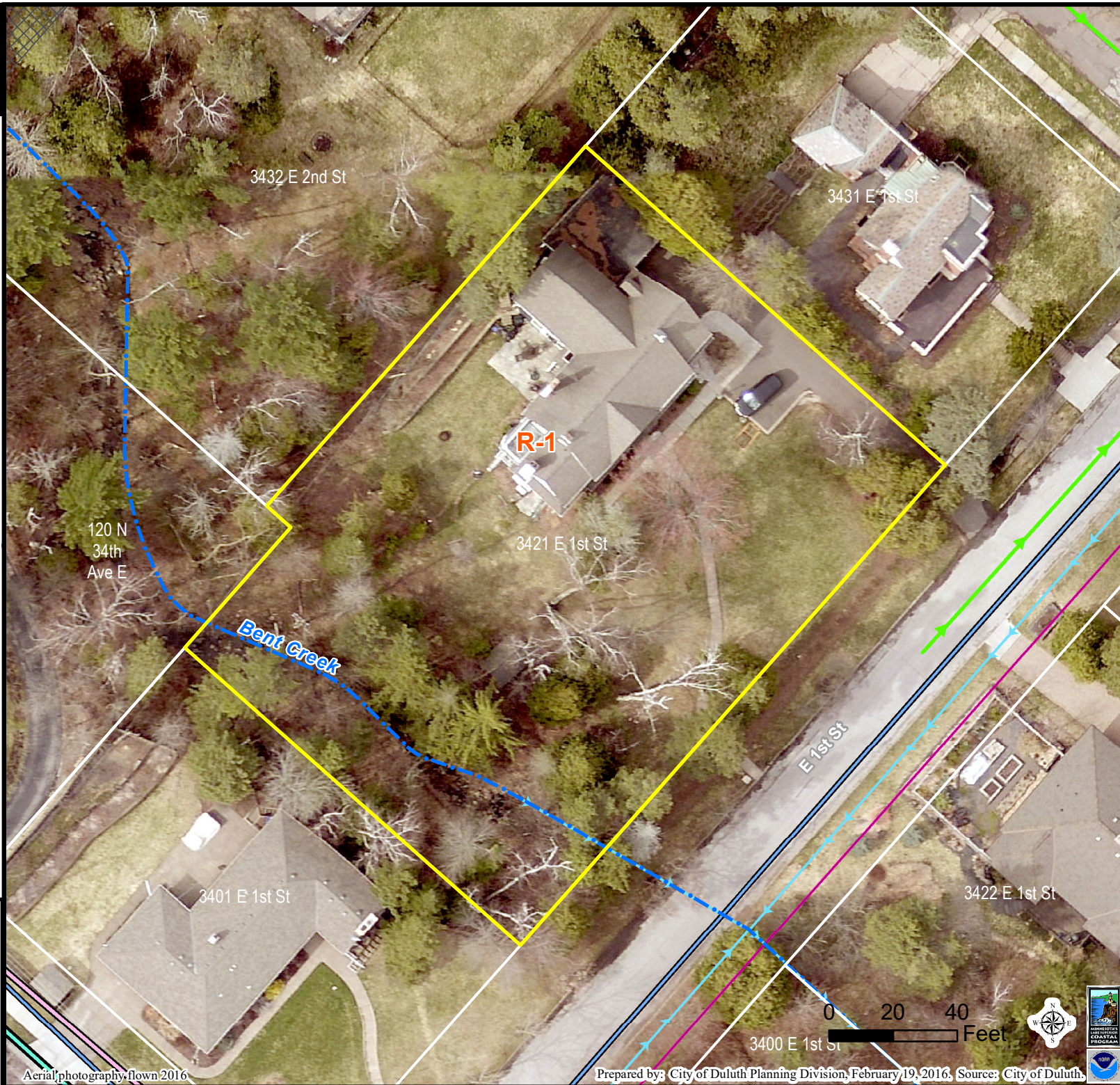
City Planning

PL 17-036: Variance
3421 East 1st Street

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- 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
 - Vacated ROW
- Easement Type**
 - Utility Easement
 - Other Easement

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Aerial photography flown 2016

Prepared by: City of Duluth Planning Division, February 19, 2016. Source: City of Duluth.

Variance Application Supplemental Form

2017.03.06 ; Variance for 3421 E. 1st St. Duluth, MN 55804

-List the UDC Section you are seeking relief from: 50-14.5 –rear yard setback in R-1

1. Please explain how the circumstances related to the variance request are due to exceptional narrowness, shallowness or shape of the property, or because of exceptional topographic or other conditions related to the property; and how the strict application of the requirements of the UDC would result in difficulties to the property owner:

-Because of the unusually deep initial siting of the original house in 1925, a variance to the rear yard setback was requested and granted for an addition to the home in 1967. This 1967 addition contains a family room and provides both visual and physical access to a narrow private back yard. Currently this backyard space is partially covered by a stone patio. Because of dampness in the area (due to drainage of the directly adjacent hillside) and unprotected solar gain in the afternoon the owners have limited their use of this space. To address the solar gain the owners have used patio umbrellas but are seeking a more permanent solution. The intent of this proposal is to provide a more permanent and optimized solution that will allow for substantial use of this space. The proposal achieves this by adding an 18'-6" wide x 8'-6" deep screen porch and low (less than 24" high) wrap around floating (not attached) deck. The dimensions of the screen porch are such that the entire family can use the space simultaneously while also providing shade for the windows in family room. Approximately 50 square feet of the proposed screen porch will be encroaching within the 25' rear yard setback. Other locations that fit within the 25' setback have been considered but unfortunately, due to the programmatic organization of the house, unique topography of the site, or other reasons listed below, do not make practical sense. For example, locating the screen porch to the front of the house or westerly end of the house would dramatically alter the appearance of an important historical home and only the westerly option would offer connection to the backyard. Locating the screen porch to the northerly side of the original home would further constrict an already narrow space, reduce views out of the family room, be limited by a large existing chimney, and require circulation through the original formal living room into a casual space.

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property and were NOT created by the property owner or the property owner's predecessors-in-interest:

-The special circumstances stemming from the initial siting of the home in 1925 is likely due to existing topography of the parcel at the time of build and desire to raise the house comfortably above the adjacent stream (Bent Creek, A.K.A. 34th Ave. East Creek). The parcel has approximately 18' of elevation rise above E. 1st Street (see attached topographic imagery) with the home sitting on what was likely the most suitable buildable area on the lot. The unusually deep set back of the house has the led to the issues discussed above.

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

-This property contains pre-existing living space encroaching within the standard rear yard setback and is set back ~30' further than the two adjacent homes on the same block.

4. Please explain how the application proposes to use the property in a reasonable manner, that is not permitted by this code:

-The proposal aims to take full advantage of the unique conditions of the private back yard while maintaining the current footprint of the existing back yard patio. It is essentially a reorganization and optimization of this existing space. Reorganized by the addition of the screen porch and optimized by the addition of the deck. The addition of the deck allows for single level circulation from the house to the deck and to the screen porch. Currently, one must descend three steps to reach the patio space from the existing first floor level. This aging in place strategy aims to create more use within this outdoor space by improving accessibility. The addition of the screen porch will also allow use during inclement weather, again, aiming to increase access of this private outdoor space. Each of these additional structures serve to optimize an already existing outdoor patio and does not increase the size of this currently hardscaped space.

5. Please explain how that if the variance is granted it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets or the property values within the surrounding areas, or in any other respect impair the health, safety or public welfare of the inhabitants of the city:

-Because of the topography of the area, this property is considerably lower than the adjacent property of 3432 E 2nd Street. This elevation change, along with the limited size and location of the addition, negates the potential of limiting sunlight to the northerly neighbor. Additionally, there are no reasons that this proposal would increase congestion in public streets, impair the health and safety of the public, or adversely affect property values.

6. Please explain how, if the variance is granted, it will not substantially impair the intent of this Chapter and the official zoning map, and will not alter the essential character of the neighborhood:

- Due to the location of the proposed addition, the area cannot be seen from the road. Of the two proposed additions (screen porch and deck), only the screen porch would be partially seen by the neighbor to the north (3432 E 2nd St.) as previously indicated. Furthermore, the design has relied upon the existing characteristics of the original home to inform the proposed design. This includes maintaining existing cladding and matching certain original trim details.

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsection D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)? **Yes** No

Discuss what subsections are applicable and how this request meets those:

H. Variance to Reduce Setbacks- landscaping and/or buffering are already in place (see attached image)

Brief written statement affirming that the property has obtained all required city permits (i.e. all the structures on the property have received building permits, where applicable)

- Both the original home and 1967 addition have received building permits to the best of my knowledge.

COVER |



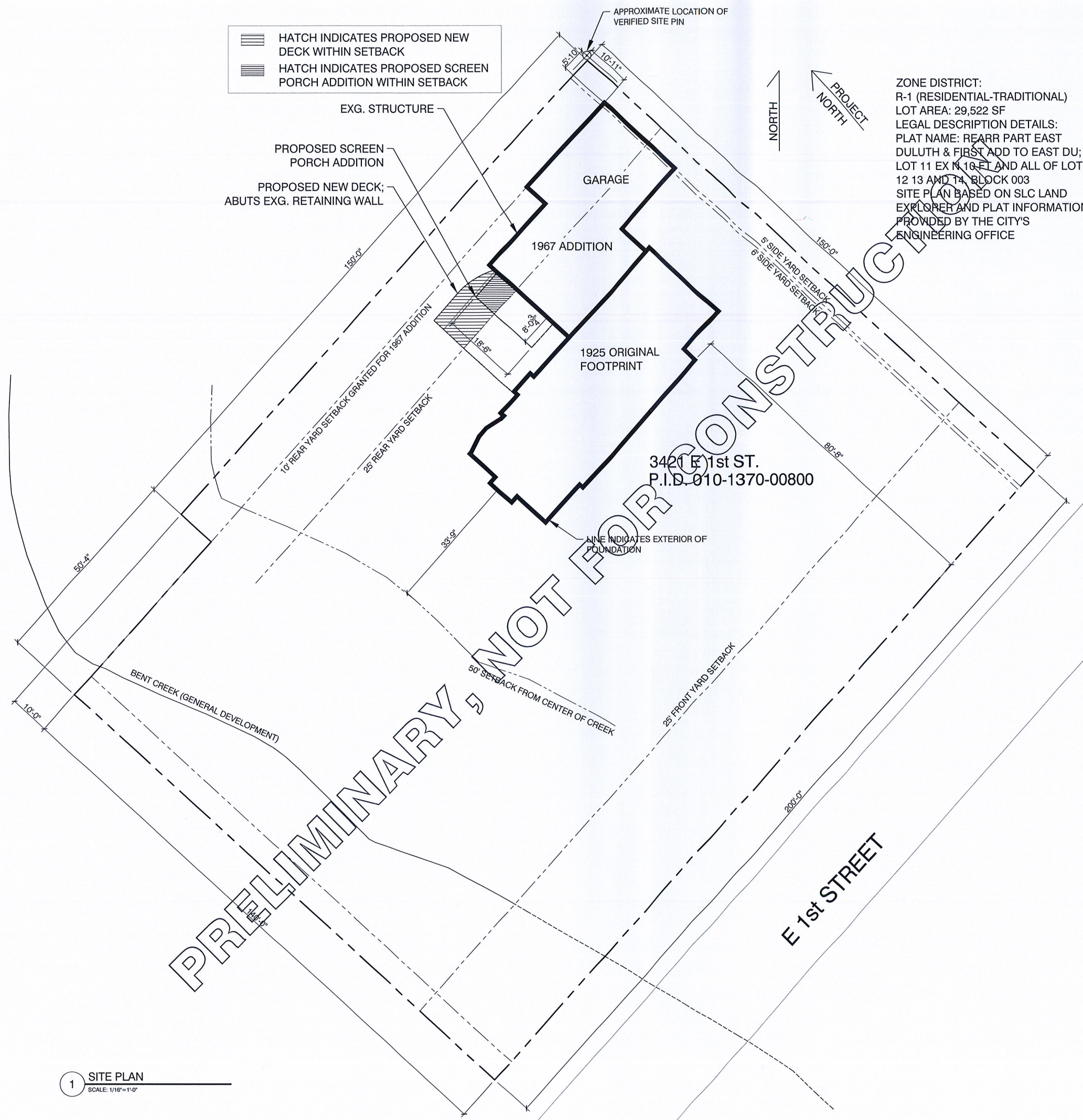
www.cfdesignltd.com

MUSTER MOHN RESIDENCE
0404 EAST FIRST STREET

3421 EAST FIRST STREET
DULUTH, MN 55804

INTERIOR RENOVATION

#	REVISION	DATE
(C) 2015	A2.0	
12.09.15		



1 SITE PLAN
SCALE: 1/16" = 1'-0"



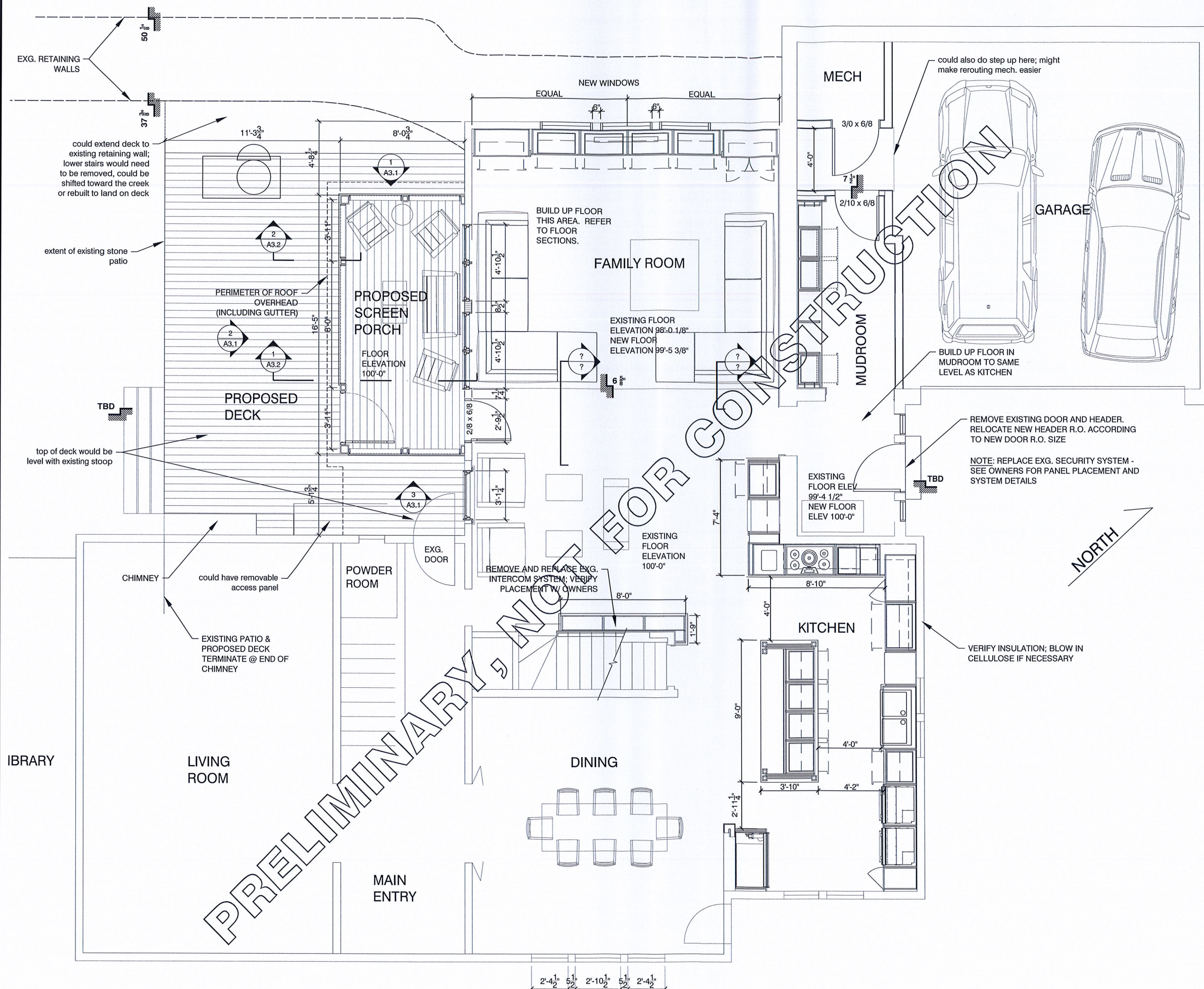
cf design ltd

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MUSTER MOHN RESIDENCE
3421 EAST FIRST STREET
DULUTH, MN

INTERIOR RENOVATION



1 PARTIAL FLOOR PLAN
SCALE: 1/4"=1'-0"

#	REVISION	DATE

(C) 2015
12.09.15

A2.1



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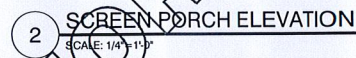
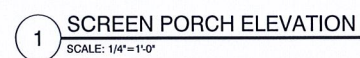
MUSTER MOHN RESIDENCE

EAST FIRST STREET

INTERIOR RENOVATION

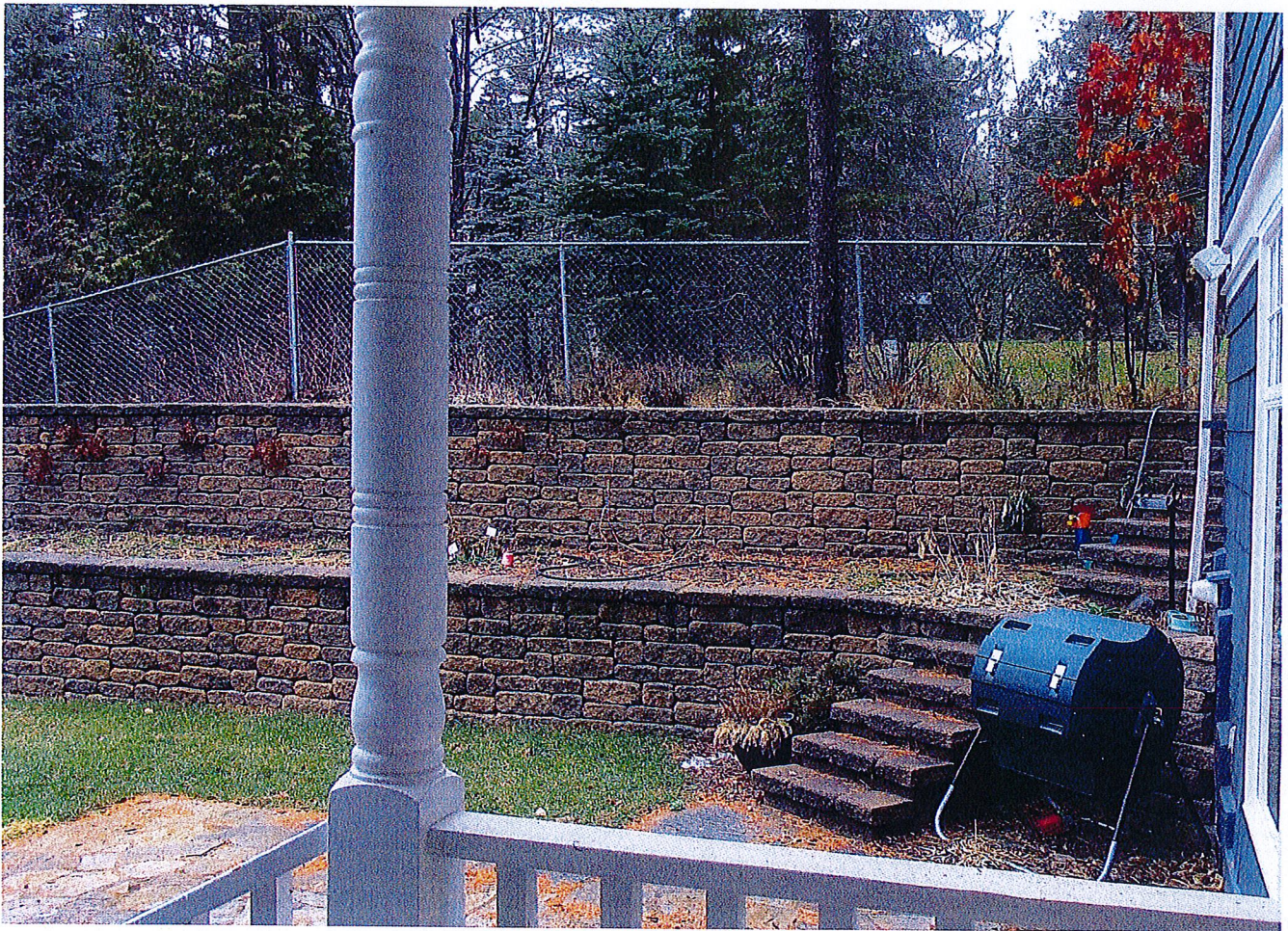
#	REVISION	DATE

(C) 2015 02.14.17	A3.0B
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Backyard view toward Family Room.



Retaining walls @ Family Run.



Stone Patio @ Family Rm.



Sliding Patio Door in Family room
+ original Backyard Entry

Outside corner of Family Rm. & Retention
walls



