



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-169	Contact	John Kelley	
Type	Variance from side yard setback	Planning Commission Date	November 14, 2023	
Deadline for Action	Application Date	September 14, 2023	60 Days	November 13, 2023
	Date Extension Letter Mailed	October 19, 2023	120 Days	January 12, 2024
Location of Subject	4225 Gladstone Street			
Applicant	Jennifer and Daniel Anderson	Contact		
Agent		Contact		
Legal Description	See Attached	Sign Notice Date	October 31, 2023	
Site Visit Date	November 3, 2023	Number of Letters Sent	56	

Proposal

The applicant is seeking a side yard variance to reduce the setback from the required 6' setback to 1.3' to construct a 5' wide side yard deck wrapping around to a 12' x 24' deck on the north side of the existing home.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance.

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

Summary of Code Requirements

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 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):

Governing Principle #5: Promote reinvestment in neighborhoods: this project allows a homeowner to make property improvements to increase value in their home.

Housing Policy #4: – Improve the quality of the city’s housing stock and neighborhoods

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, neighborhood extensions, and new traditional neighborhood areas.

History

The house is 1,180 square feet in size and was constructed in 1947. The property currently functions as a single-family residence.

Review and Discussion Items:

- 1) The applicant is seeking a side yard variance to reduce the setback from the required 6’ setback to 1.3’ to construct a 5’ wide side yard deck wrapping around to a 12’ x 24’ deck on the north side of the house. The home is 6.6’ from the east property line at the northeast corner of the home and 4.9’ feet from the southeast corner of the home with a side entrance.
- 2) The applicant stated that there was a deck and walkway of the exact same size in the same location as proposed but was removed in preparation for its replacement. The deck and walkway were existing nonconforming structures that could have been replaced within a year of its removal, however the applicant was not able to replace the deck due to time, cost and material constraints.
- 3) The applicant states that the house is not centered on the property and the southeast corner of the home is angled closer to the east side lot line with a side entrance to the home. The applicant states that the variance is requested due to the structure being “off center” on the lot and that the homes second entrance is located at the narrowest area between the east lot line and the structure.
- 4) The applicant is proposing to use the property in a reasonable manner by constructing a wraparound deck from the side door to the rear of the home.
- 5) The applicant’s practical difficulty was not created by the landowner but rather is due to the existing structures location on the property.
- 6) The variance will not alter the essential character of the neighborhood as there are homes with similar decks.
- 7) The variance will not impair an adequate supply of light and air to adjacent properties as the deck is open with an existing row of established cedar trees providing screening from the adjacent house to the east. The proposed deck will not increase congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 8) No public, agency, or other City comments were received.
- 9) 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 one-year.

Staff Recommendation

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

- 1) 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 administration approval shall constitute a variance from the provisions of Chapter 50.



PL 23-169
 Variance
 4225 Gladstone Street

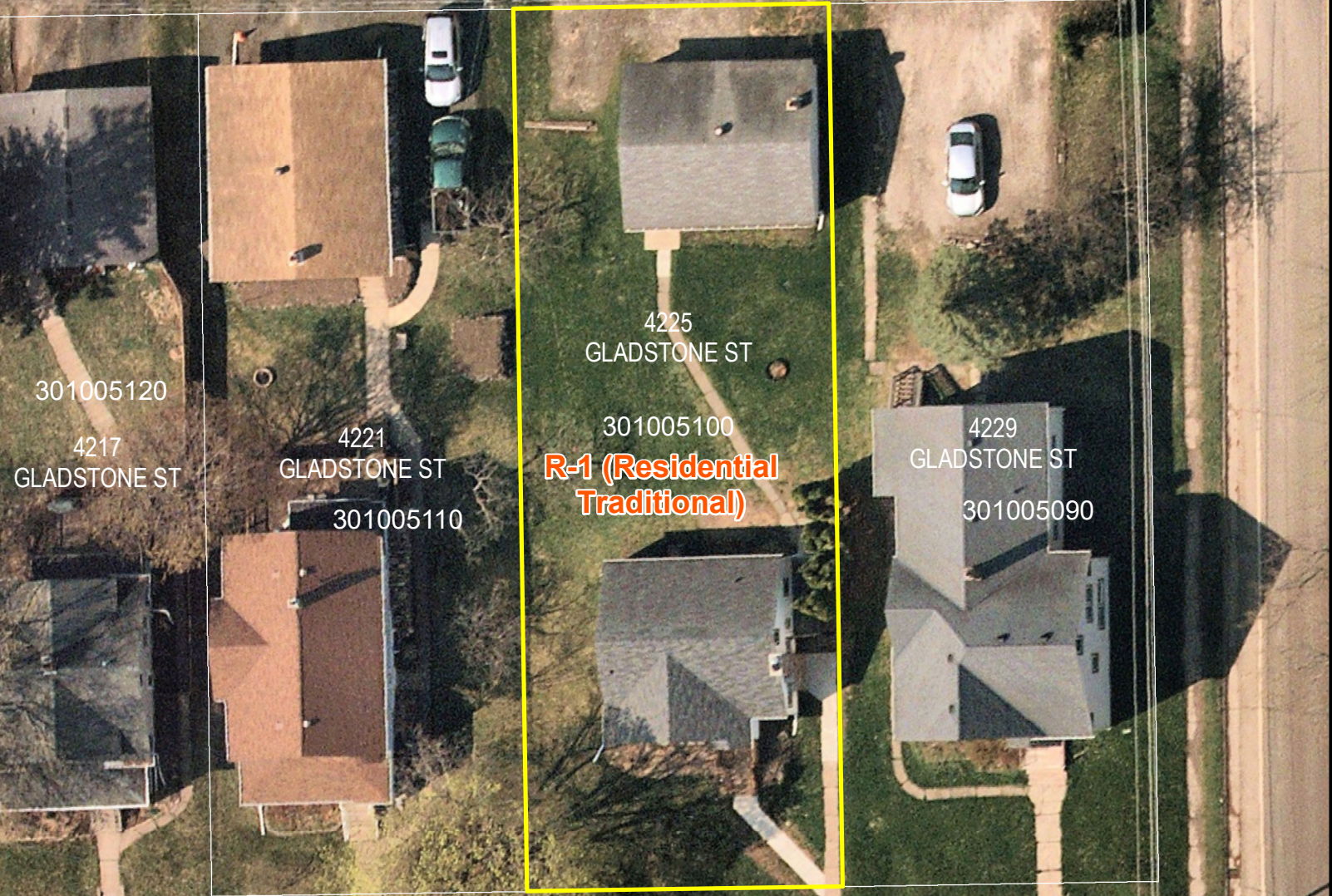
4220 COOKE ST

301005060 4222 COOKE ST

825 N 43RD AVE E

Cooke St Alley

Legend
 Zoning Boundaries

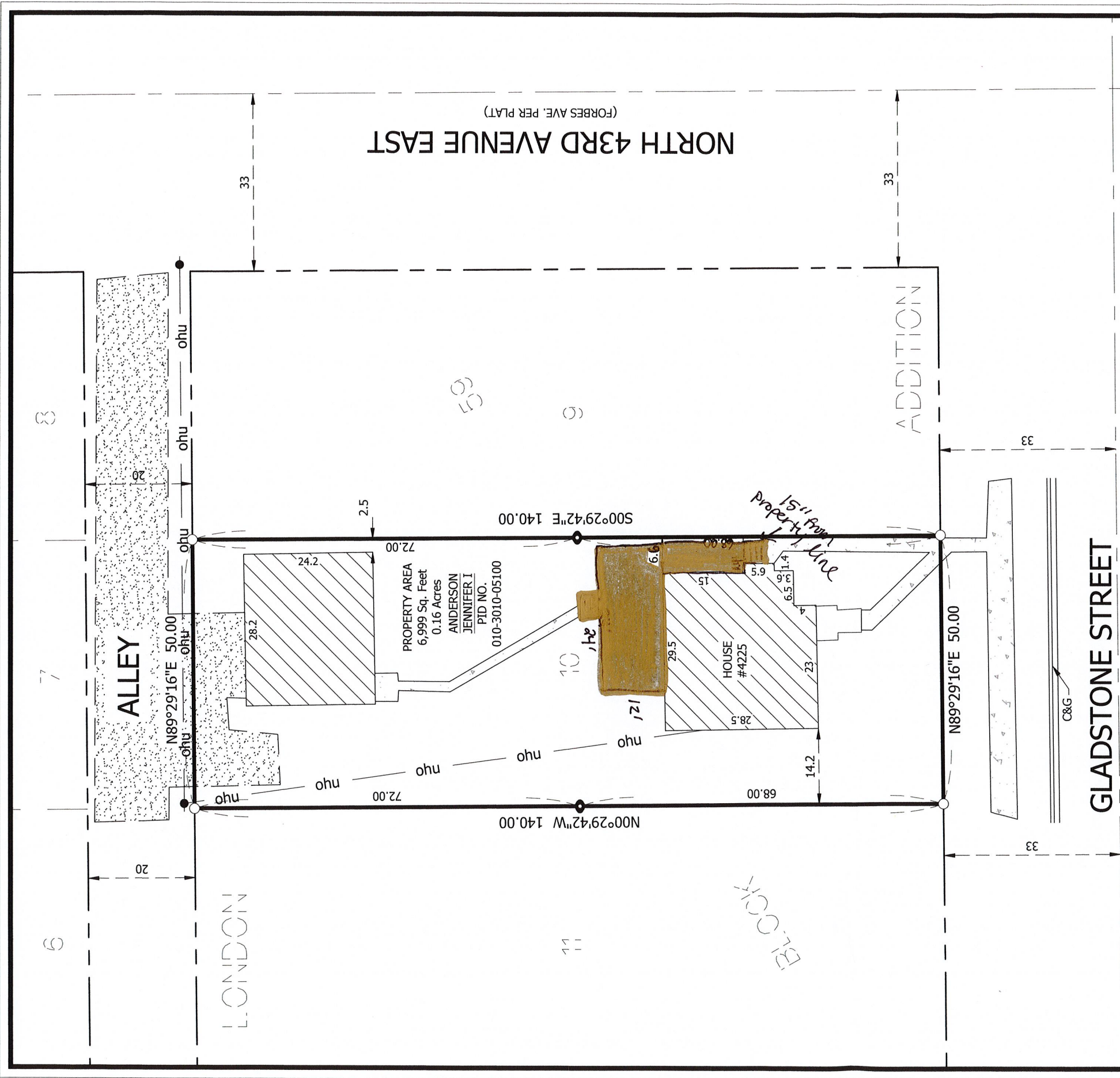


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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.





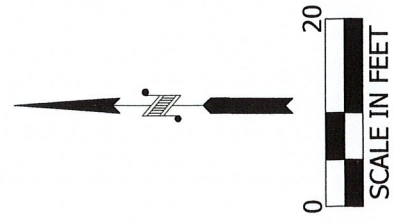
purpose deck & walk way to side entrance.

LEGEND

- CONCRETE SURFACE
- GRAVEL SURFACE
- EXISTING BUILDINGS
- C&G-CONCRETE CURB & GUTTER
- OHU
- OVERHEAD UTILITIES
- CENTER LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE
- SET SPIKE
- SET CAPPED REBAR RLS. NO. 49505
- UTILITY POLE

LEGAL DESCRIPTION PER DOCUMENT NO. 1314156

Lot Ten (10), Block Fifty-Nine (59), LONDON ADDITION TO DULUTH, St. Louis County, Minnesota.



SURVEYOR'S NOTES

- 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. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- 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.



CERTIFICATE OF SURVEY

CLIENT: JENNIFER ANDERSON		REVISIONS:
ADDRESS: 4225 GLADSTONE STREET		
DULUTH, MN 55804		
DATE: 06-13-2023	JOB NO: 23-155	SHEET 1 OF 1

I hereby certify that this survey, plan, 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.

David R. Evans
David R. Evans
MN License #49505