



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PLVAR-2410-0009	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Variance from front yard setback	Planning Commission Date		December 10, 2024
Deadline for Action	Application Date	October 18, 2024	60 Days	December 17, 2024
	Date Extension Letter Mailed	November 21, 2024	120 Days	February 15, 2025
Location of Subject	114 N 26 th Ave E			
Applicant	David Hyopponen	Contact		
Agent	Anne Hyoppenen	Contact		
Legal Description	010-2080-00950			
Site Visit Date	November 24, 2024	Sign Notice Date		November 26, 2024
Neighbor Letter Date	November 18, 2024	Number of Letters Sent		24

Proposal

The applicant proposes to construct a three-story addition with attached deck to the existing single family home.

Recommended Action: Staff recommends that Planning Commission approve the variance with conditions.

	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	Vacant	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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. 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.

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

Governing Principle #1 – Reuse previously developed lands.

The development associated with this project will include an addition to a home on an already developed parcel.

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 existing 2-bedroom, single family home was built in 1948 and includes a single car, tuck under garage.

Review and Discussion Items:

Staff finds that:

- 1) The applicant proposes to build a three story, 25’x16’ addition to the existing single family home. The lower level will be occupied by a 1-car, tuck under garage. A 10’x25’ deck will project from the second story.
- 2) The applicant is requesting to reduce the required front yard setback from 20’ to 4.7’. This will result in the front façade of the addition to be in line with that of the existing home.
- 3) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The existing structure on this property is legally, non-conforming because the parcel lines are very close to the existing structure, see attached survey. This layout of the existing property makes it challenging to build an addition to the structure without encroaching on at least one of the property line setbacks. Other challenges on the property that informed the proposed site selection include visible bedrock and steep grades.
- 4) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The parcel lines and location of the existing structure were not established by the existing property owner. The development of this parcel predates the existing zoning code.
- 5) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* Many other properties in this neighborhood are either on larger lots or the primary structure is more centrally positioned on the parcel. Both steep grades and exposed bedrock are present on this site and, while these characteristics are not uncommon in this area of the City, they contribute to the challenge of locating an addition.
- 6) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* The resulting home will be roughly ~1,800 sq ft with a two car garage. There are examples of many homes that are of similar size or larger in the surrounding neighborhood.
- 7) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values):* The proposed addition will be at least 30’ from all property lines other than the front and will not impair adjacent property owners’ access to light and air. The curb cut for access to this property will likely be widened to provide access to the second garage stall. Increased traffic and congestion is not anticipated with the larger curb cut because it will continue to serve a residential use that is of equal intensity to the current conditions. The property owners were cognizant of potential impacts to adjacent properties’ view of the lake and located the addition on the downhill side of the existing home to minimize those impacts.
- 8) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* A single-family home is an allowable use in the R-1 zone district and will be of similar scale to nearby homes.
- 9) No comments from the public, agencies, or other City departments were received.
- 10) 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 Planning Commission approve the permit subject to the following conditions:

- 1) The project be constructed and limited to the plans submitted with the application, allowing an addition to the existing single family home that is no less than 4.7' from the front property line.
- 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PLVAR-2410-0009
Variance
114 N 26th Ave E

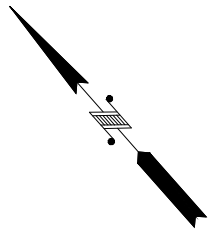


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 2019

Prepared by: City of Duluth Planning & Economic Development, October 15, 2024. Source: City of Duluth





LEGEND

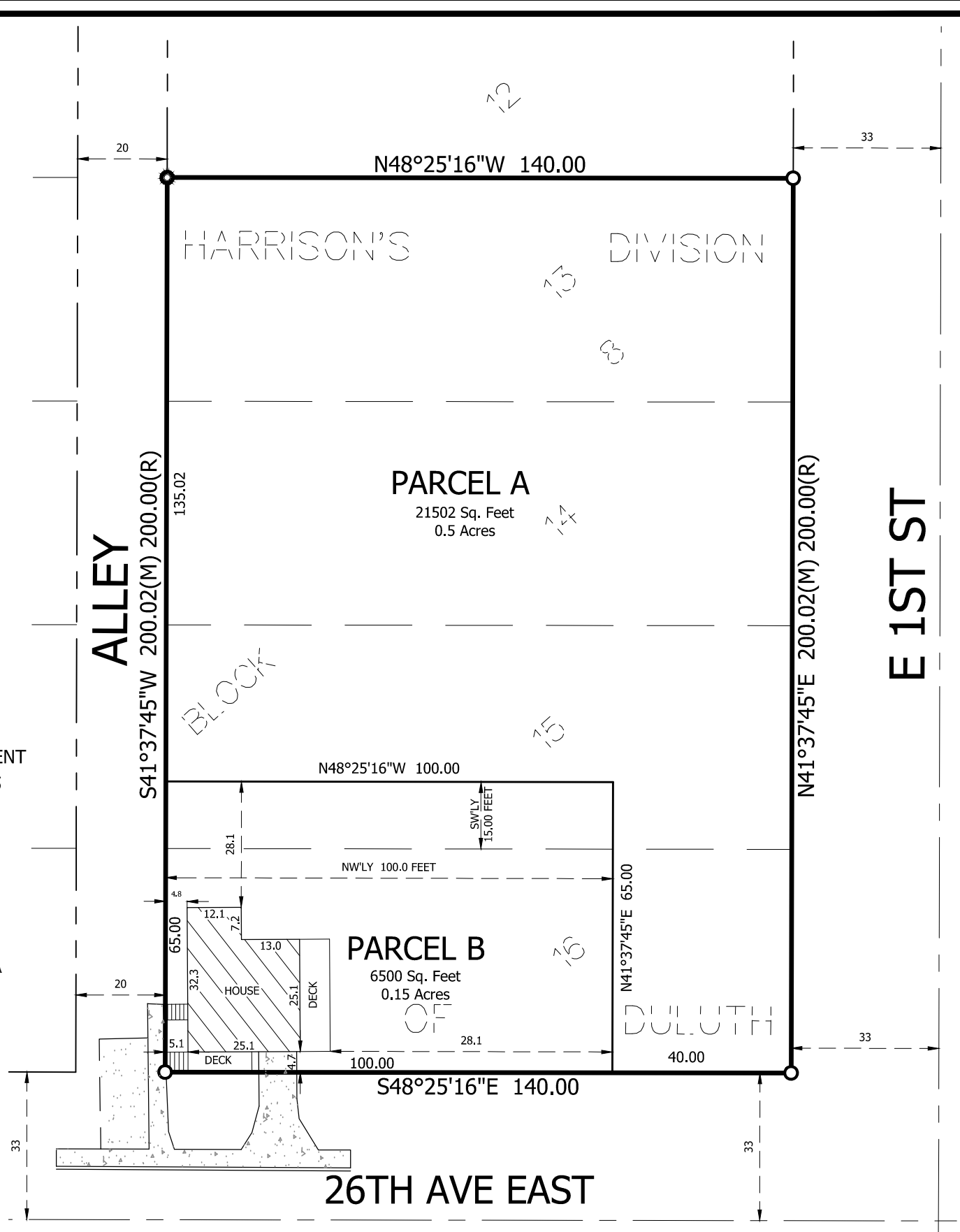


- FOUND 2" IRON PIPE MONUMENT
- SET CAPPED REBAR RLS 49505

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

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 LAND SURVEY COMPANY.



PARENT PARCEL PER DOC 1272705

Lots 13, 14 and 16, Block 8, HARRISON'S DIVISION OF DULUTH, St. Louis County, Minnesota. (Abstract property)

And: The Northerly 75 feet of Lot 15 in Block 8, in HARRISON'S DIVISION OF DULUTH, St. Louis County, Minnesota. (Torrens property, Certificate NO. 153002.0)

And: Lot 15 except the Northerly 75 feet thereof, Block 8, HARRISON'S DIVISION OF DULUTH, St. Louis County, Minnesota. (Torrens property, Certificate No. 190768.0)

LEGAL DESCRIPTION FOR PARCEL A

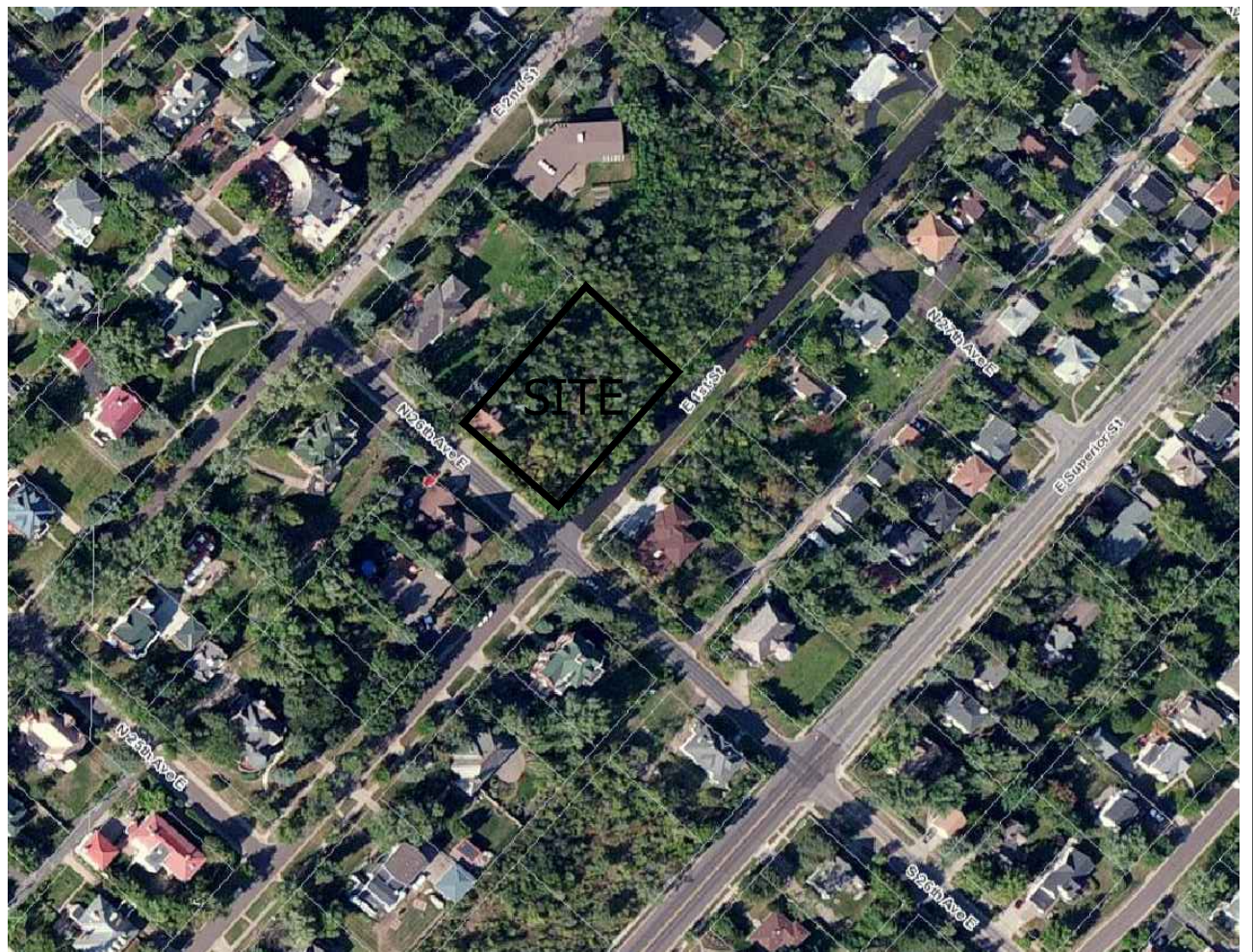
Lots 13, 14, 15 and 16, Block 8, HARRISON'S DIVISION OF DULUTH, St. Louis County, Minnesota. Except: The Southwesterly 15.00 feet of the Northwesterly 100.00 feet of said Lot 15 and Except the Northwesterly 100.00 feet of said Lot 16.

Said parcel contains 21502 sq. ft. or 0.5 acres.

LEGAL DESCRIPTION FOR PARCEL B

The Southwesterly 15.00 feet of the Northwesterly 100.00 feet of Lot 15 and the Northwesterly 100.00 feet of Lot 16, Block 8, HARRISON'S DIVISION OF DULUTH, St. Louis County, Minnesota.

Said parcel contains 6501 sq. ft. or 0.15 acres.



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. Evanson
David R. Evanson

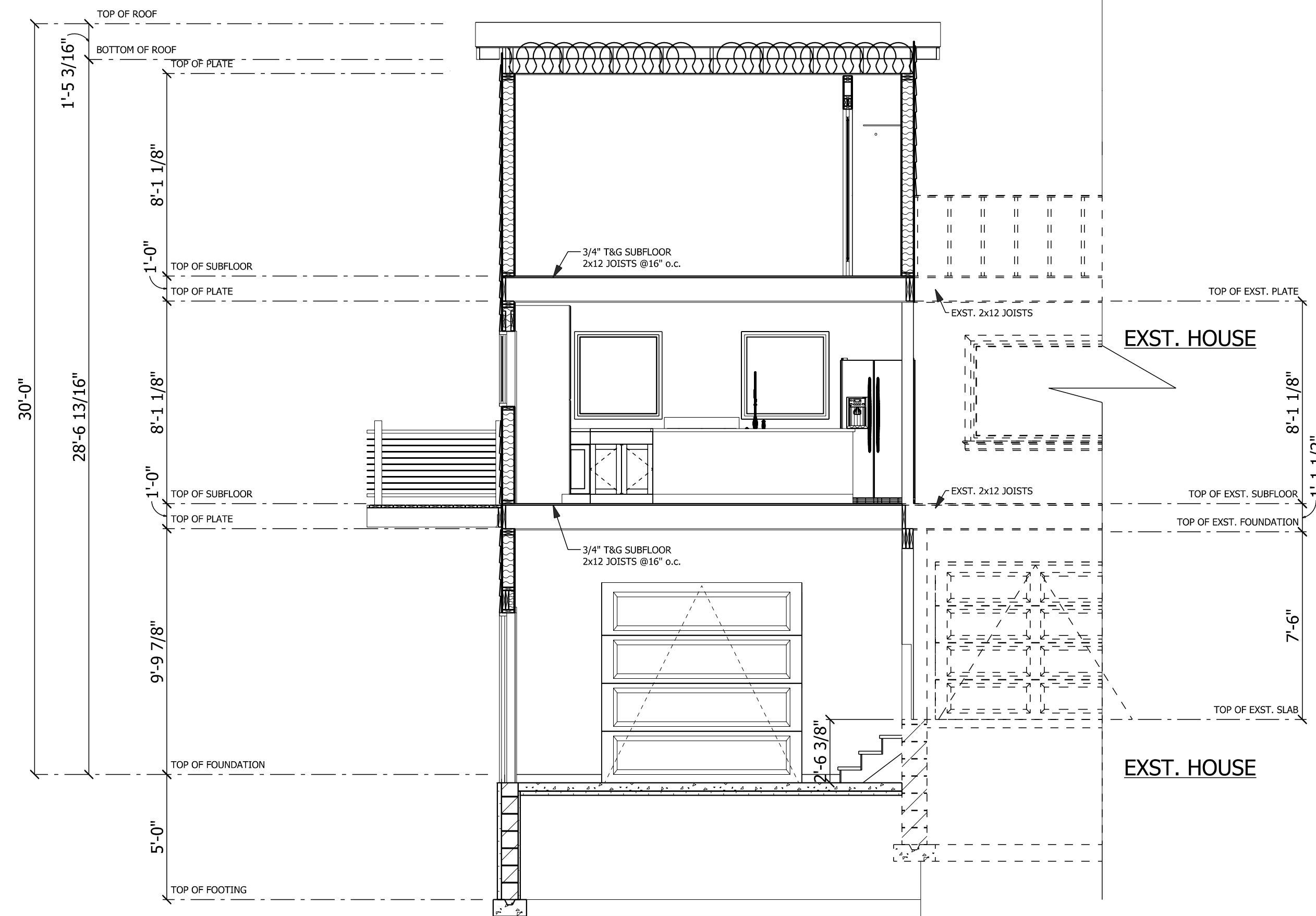
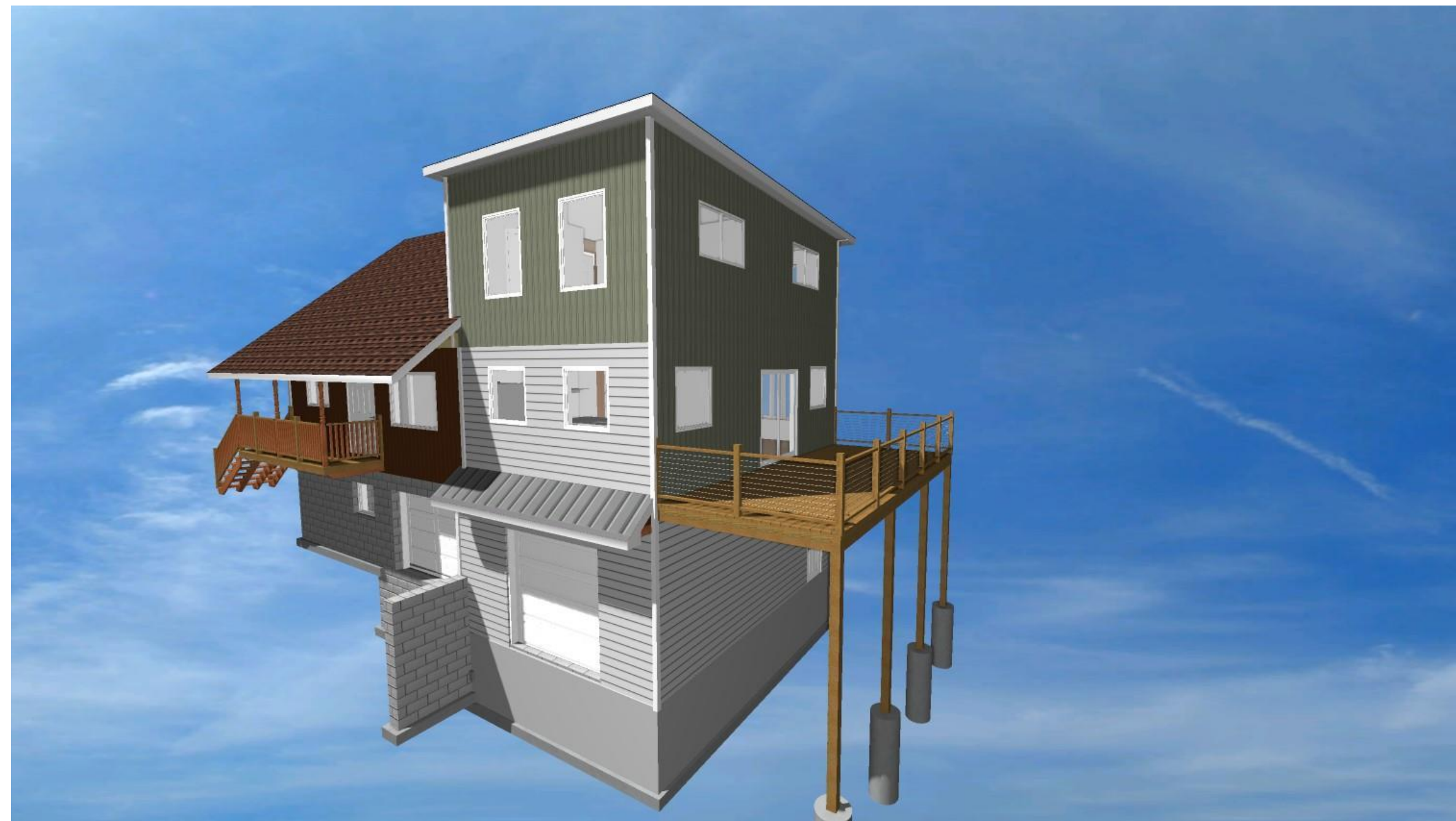
Date: 7-18-2016 MN Lic. No. 49505

MINOR SUBDIVISION

CLIENT: TIM MCSHANE	REVISIONS: XXX
DATE: 7-18-2016	
ADDRESS: 114 N 26TH AVE E	
JOB NUMBER: 16-199	



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.ALTLANDSURVEYDULUTH.COM



A CROSS SECTION
SCALE: 1/4" = 1'-0"



ARCTEK DESIGN LLC

4376 MIDWAY ROAD

HERMANTOWN

MINNESOTA

55811

PHONE: (715) 494-9668

ARCTEKDESIGN@OUTLOOK.COM

APPROVED:

CHECKED BY:

SCALE: 1/4" = 1'-0"

DRAWN BY: MSS

11/20/2024

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HYOPPONEN

114 N 26TH AVE E
Duluth
Minnesota
55812

PAGE:

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GENERAL CONSTRUCTION NOTES:

ROOF ASSEMBLY ITEMS:

- * MIN. 1" AIR FLOW PASSAGE TO BE MAINTAINED @ ALL ROOF EDGES FOR A MIN. OF 4'-0" FROM OUTSIDE OF EXTERIOR WALL. INSTALL CHUTES AS REQ'D.
- * (2) ROLLS ICE&WATER SHIELD @ ALL ROOF EDGES.
- * SOFFIT VENTILATION 1/150 OR REDUCED TO 1/300 PROVIDED 50%-80% OF VENTED AREA IS PROVIDED W/ VENTILATORS LOCATED IN THE UPPER PORTION OF THE SPACE BEING VENTED (min. of 36" above eave or cornice) W/ BALANCE OF THE REQ'D VENTILATORS IN THE EAVES OR CORNICE

WALL ASSEMBLY&STRUCTURE ITEMS:

- * ALL WINDOWS&DOORS TO BE CAULKED PER MNFRG. RECOMMENDATIONS.
- * INTERIOR VAPOR BARRIERS TO BE CONTINUOUS W/ LAPPED&TAPPED SEAMS. VAPOR BARRIER TO BE CAULKED TO FRAMING @ SUBFLOOR&INTERIOR PARTITION WALLS.
- * GASKETS REQ'D AT ALL RIM&PLATE LOCATIONS.
- * SURFACE DRAINAGE SHALL BE DIVERTED TO A STORM SEWER OR AN APPROVED COLLECTION POINT. PROPERTY SHALL BE GRADED AWAY FROM FOUNDATION WALL W/ MIN. GRADE FALL OF 6" WITHIN THE FIRST 10' FROM HOUSE.
- * ALL HEADER SIZES AS NOTED ON PLANS.
- * MINIMUM OF (2) 2x10 HDR'S W/ (1) TRIMMER AT EACH END
- * HEADERS GREATER THAN 6'-0" (2) TRIMMERS AT EACH END &(2) KING STUDS EACH SIDE

FOUNDATION ITEMS:

- * ALL CONC. FOUNDATION WALLS REINF. AS REQ'D PER CODE.
- * EXTERIOR FACE OF ALL POURED CONC. BSMNT. WALLS TO HAVE WATERPROOFING MEMBRANE/COATING APPLIED.
- * 1/2"dia. x 12" LONG ANCHOR BOLTS @ 6'o.c. AROUND PERIMETER SILL. ANCHOR BOLTS TO BE PLACED 12" FROM END OF PLATED OR SPLICES.
- * CONCRETE CONTRACTOR TO VERIFY ALL FOOTING SIZES AS REQ'D PER LOCATION & SOILS.
- * POLY UNDER ALL CONC. SLABS.
- * DRAIN TILE AS DESIGNED BY CONTRACTOR AND/OR REQ'D PER SOIL CONDITIONS.
- * ALL WOOD IN DIRECT CONTACT W/ CONC. TO BE DECAY RESISTANT OR PRESSURE TRTD.

ALL OF THE GENERAL CONSTRUCTION NOTE APPLICATIONS MENTIONED ABOVE ARE TO BE VERIFIED AND MAYBE ALTERED AS DECIDED BY THE GENERAL CONTRACTOR AND/OR SUB-CONTRACTORS BUILDING PRACTICES.

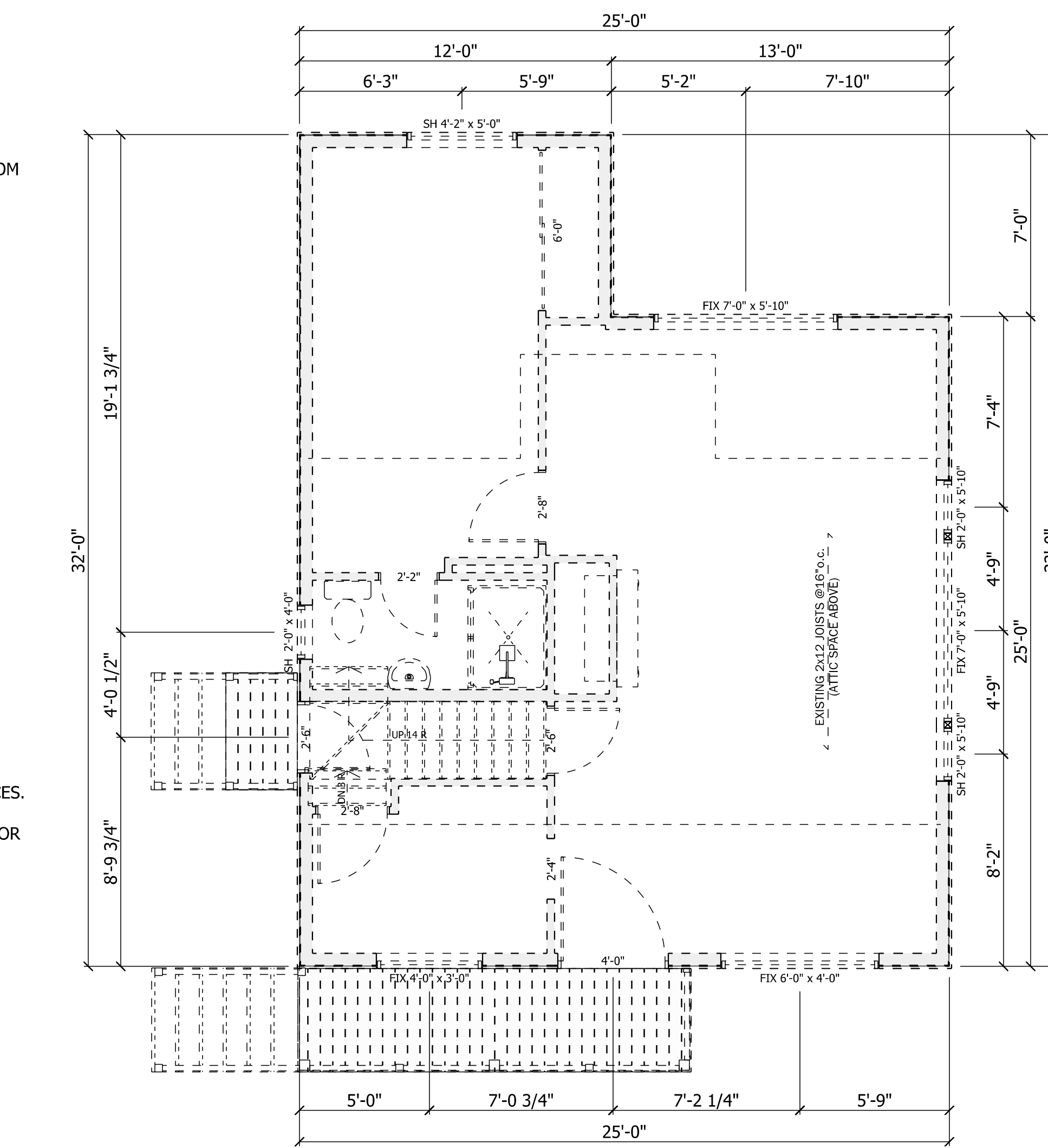
CERTAIN DIMENSIONS MAY VARY ACCORDING TO MATERIAL USED AND/OR THE CONTRACTOR'S BUILDING METHODS.

NOTES:

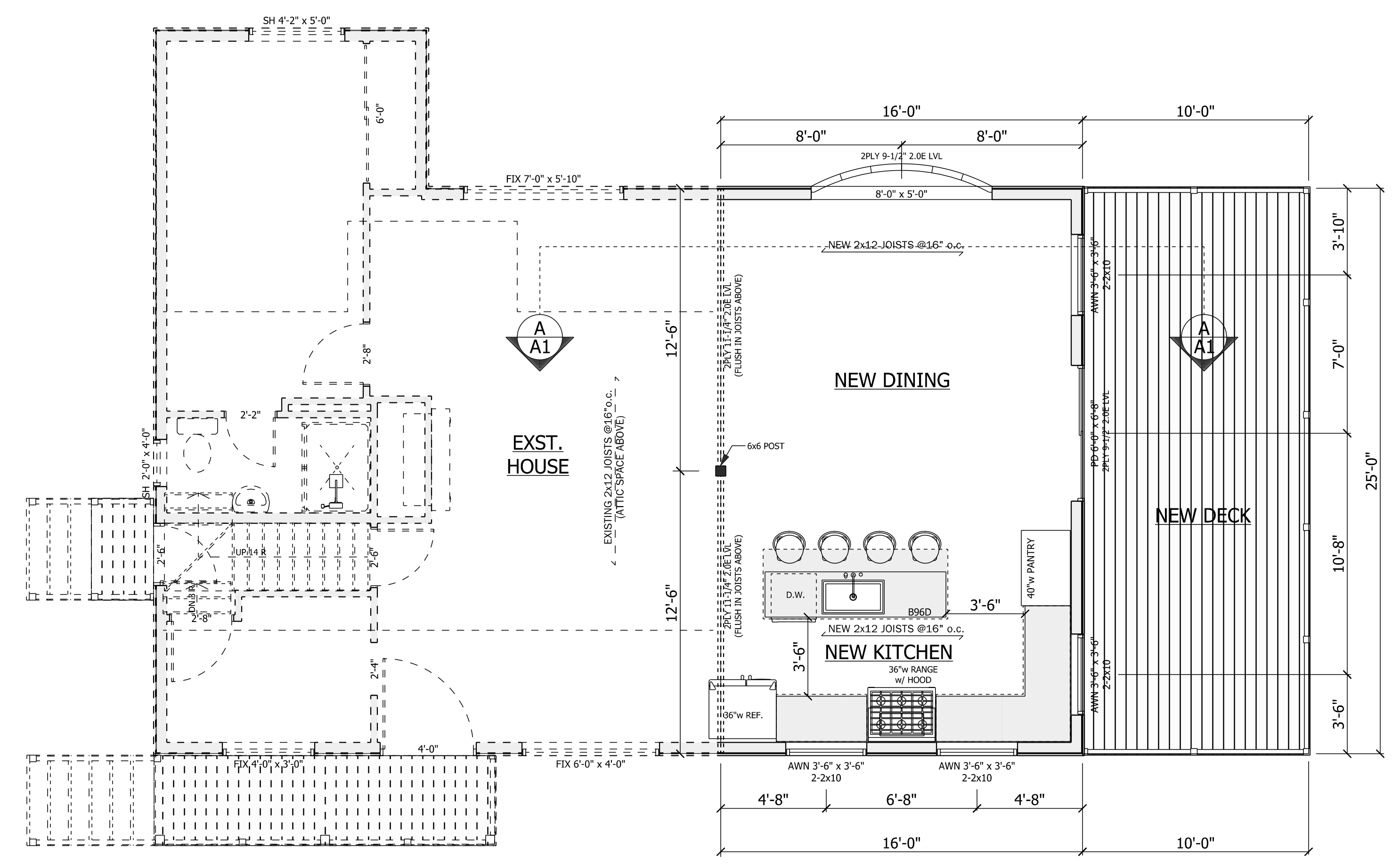
- FOUNDATION WALL DIMENSIONS FROM OUTSIDE OF BLOCK
- EXTERIOR WALL DIMENSIONS FROM OUTSIDE OF SHEATING
- INTERIOR WALL DIMENSIONS FROM CENTER OF STUD
- EXISTING SHOWN AS DASHED

DETAILS:

- EXST. FOUNDATION WALL HGT. = 7'-4"
- EXST. MAIN FLOOR PLATE HGT. = 8'-1 1/8"
- EXST. MAIN FLOOR SYSTEM = 2x12s @16" o.c.
- EXST. ATTIC KNEE WALL HGT. = 4'-10"
- EXST. SECOND FLOOR SYSTEM = 2x12s @16" o.c.
- NEW FOUNDATION WALL HGT. = 6'-0"
- NEW GARAGE WALL PLATE HGT. = 10'-1 7/8"
- NEW MAIN FLOOR PLATE HGT. = 8'-1 1/8"
- NEW MAIN FLOOR SYSTEM = 2x12s @16" o.c.
- NEW SECOND FLOOR PLATE HGT. = 8'-1 1/8"
- NEW SECOND FLOOR SYSTEM = 2x12s @16" o.c.
- NEW ROOF PITCH = 0.5/12



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



2 PROPOSED MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"



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