



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 22-145	Contact	John Kelley
Type	Variance from corner side yard setback	Planning Commission Date	September 13, 2022
Deadline for Action	Application Date	August 10, 2022	60 Days
	Date Extension Letter Mailed	September 3, 2021	120 Days
Location of Subject	431 East Skyline Parkway		
Applicant	Elliot Anderson	Contact	
Agent	Ed Oman Construction	Contact	
Legal Description	See Attached	Sign Notice Date	August 30, 2021
Site Visit Date	September 2, 2022	Number of Letters Sent	24

Proposal

The applicant is seeking a variance to construct a 8' x 8' deck/landing to the front entrance of the home at 431 East Skyline Parkway. The east side of the home is within the corner side yard setback of 15 feet as the lot is adjacent to the unimproved 5th Avenue East and fronts East Skyline Parkway. The house and existing stoop is 3.7 feet from the east property line and is considered a legal nonconforming building and stoop. The proposed 8 x 8 deck/landing will be constructed on the southeast front corner of the house replacing the existing 5.5' x 3.2' foot landing.

Staff Recommendation

Staff recommends that the Planning Commission adopt the findings of fact and approve the variance.

	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	P-1	Park	Open Space
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 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.

Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

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. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History

The home is 908 square feet containing 4 bedrooms built in 1942. This lot is 50 feet wide by 100 feet deep. There is an existing stoop at the front door located on the southeast corner of the home.

Review and Discussion Items:

- 1) The applicant is seeking a variance to the corner side yard setback to construct a new deck/landing. The existing landing with stairs is 5.4' x 9' and will be replaced with a 8' x 8' deck and stairs. The parcel is considered a corner lot as it is adjacent to the unimproved right of way for 5th Avenue East. The house and existing landing are 3.7 feet from the east property line and are within the 15-foot corner side yard setback. The proposed deck/landing will not encroach further into the setback area.
- 2) The applicant states that the variance is requested due to the existing conditions of the landing at the front door and the need to replace it. The applicant has stated that the landing is too short and creates a difficulty in opening the front door without having to back down one of the stairs leading up to it.
- 3) The applicant is proposing to use the property in a reasonable manner by constructing a deck/landing to the front entrance of to their home for access safety reasons. Additionally, the existing front yard area has an approximate 5-foot elevation gain from the driveway to the front door, which does present a challenge to access the front entrance of the home.
- 4) The applicant's practical difficulty was not created by the landowner but rather is due to the existing conditions present on the lot and topography of the site. The variance will not alter the essential character of the neighborhood as the proposed deck/landing will resemble similar alterations to other homes in the area.
- 5) No public, agency, or other City comments were received.
- 6) 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.

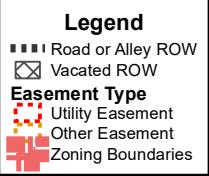
Staff Recommendation

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

- 1) The deck, be limited to, constructed, and maintained according to the site plan dated on September 2, 2022; and
- 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 administration approval shall constitute a variance from the provisions of Chapter 50.



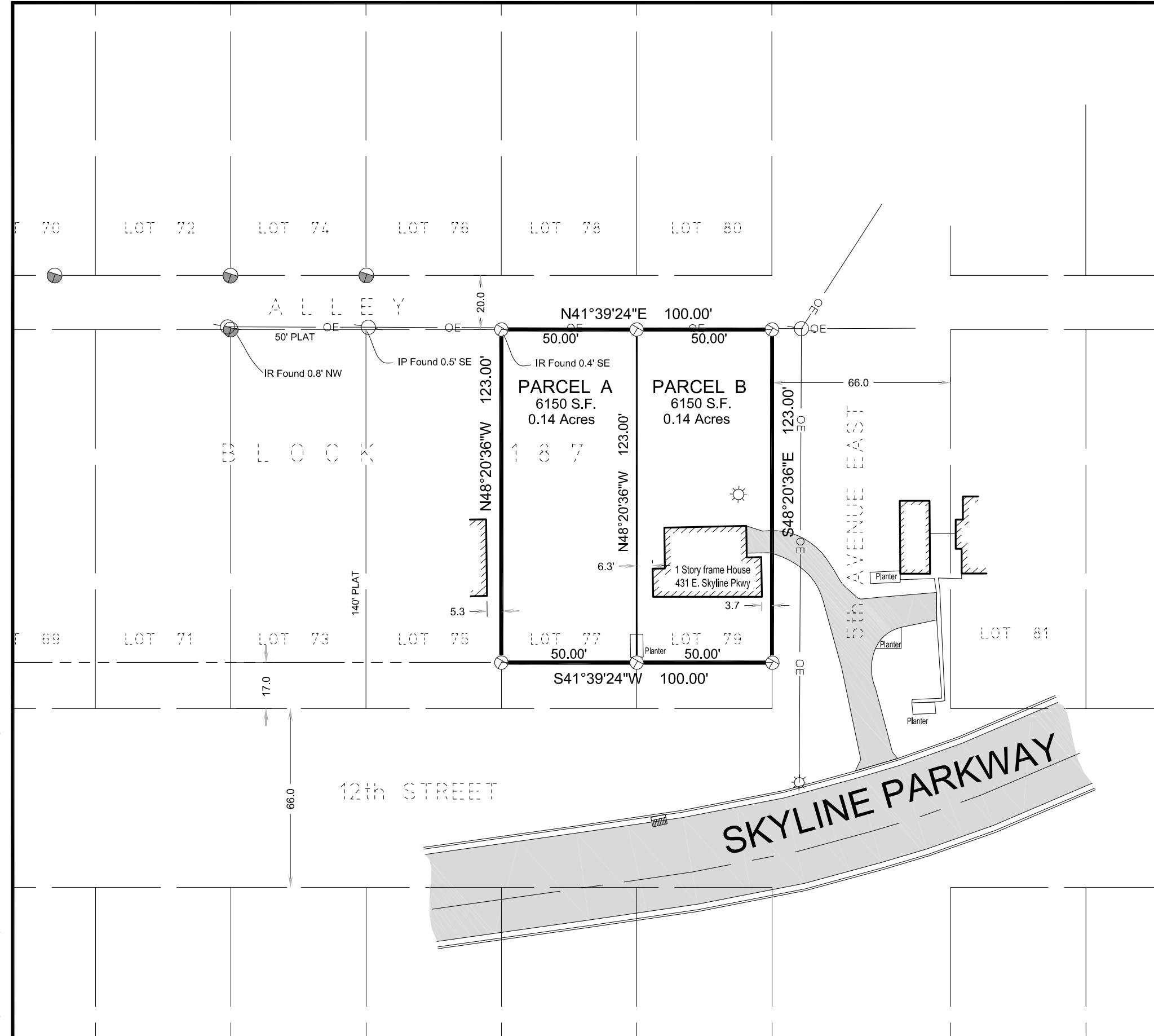
431 East Skyline Parkway



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 2016

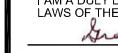




NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR TITLE OPINION.

DESIGNED
JL
CHECKED
JG

DRAWN
JK

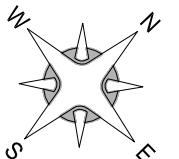
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

 Greg Stoever
 DATE 04/08/2019 LIC. NO. 21774



11 East Superior Street
Suite 420
Duluth, MN 55802
218.724.8578
tkda.com

BOUNDARY SURVEY
for: Mike Raschick
DULUTH MINNESOTA
CITY PROJECT NO. MSA NO.

PROJECT NO.
15513.353
RECORD NO. 1
SHEET NO. 1



SCALE IN FEET
1 inch = 40 feet
Bearings, Distances, and Coordinates are based on the SLCTM96 Coordinate System

Legend

- Property Boundary
- Platted Lot Line
- Right of Way
- Building
- Curb
- Power Pole/OH Electric/Light Pole
- Bituminous
- Concrete
- Found Iron survey Marker - Tee
- Set Iron Survey Marker - Tee

MN. Lic. No. 21774

Surveyors Notes:

Iron Rods and Pipes were rejected because of their position and lack of survey history.

Original Legal Description according to the St. Louis County MN Property Details Report:

Lots 77 and 79, block 187, except the South 17 feet for Boulevard, DULUTH PROPER THIRD DIVISION, St. Louis County, MN.

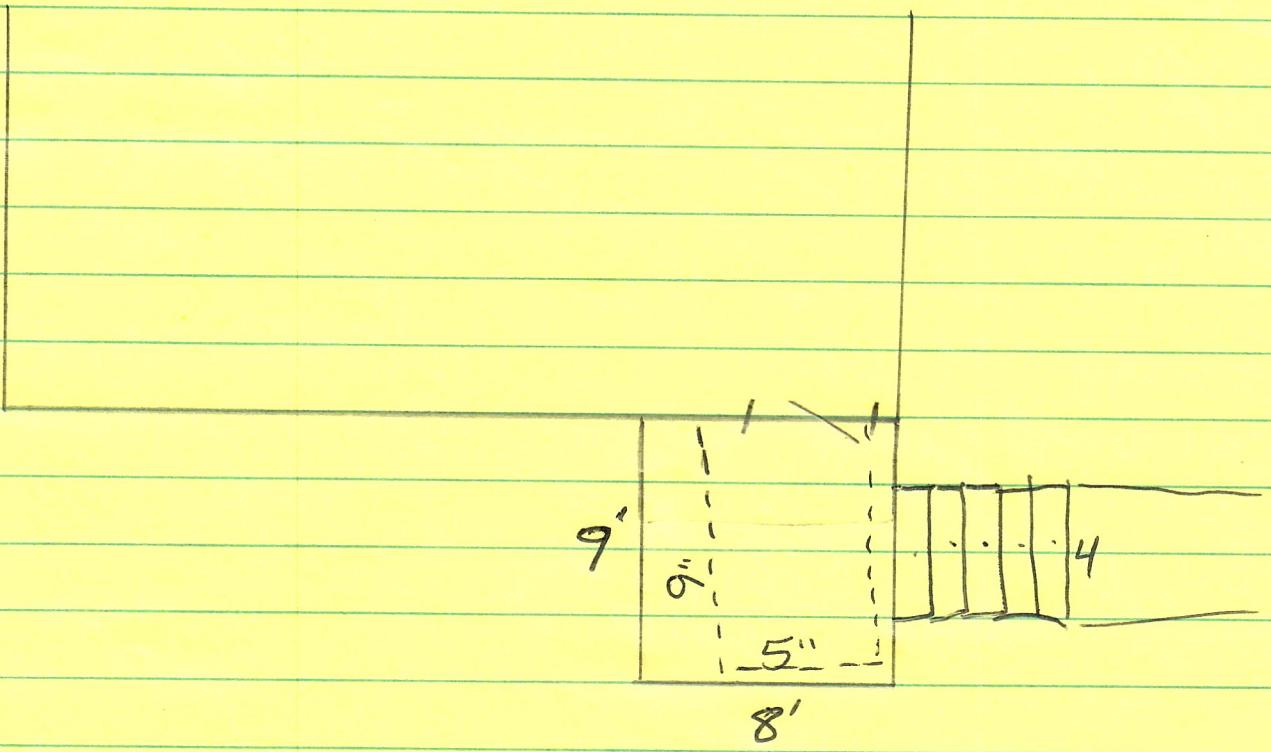
Proposed Legal Descriptions:

PARCEL A

Lot 77, Block 187, Except the South 17 feet for right-ofway, DULUTH PROPER THIRD DIVISION, according to the recorded plat thereof, St. Louis County, MN.

PARCEL B

Lot 79, Block 187, Except the South 17 feet for right-ofway, DULUTH PROPER THIRD DIVISION, according to the recorded plat thereof, St. Louis County, MN.



Old deck 5x9