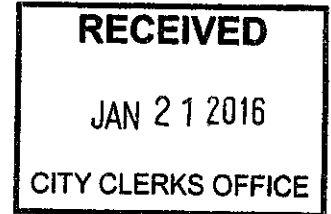


PATRICIA BROWNELL STERNER
3427 Lake Avenue South
Duluth, MN 55802



January 21, 2016

Duluth City Council
c/o Jeffrey J. Cox
City Clerk/Council Secretary
City Hall, Room 330
411 West First Street
Duluth, MN 55802

Dear Sirs and Madams:

We are submitting an appeal to the decision made on January 12, 2016 by the Duluth Planning Commission to deny our request for a variance on our property at 3427 Lake Avenue South.

We understand the denial was based on the following reasons:

1. Staff do not believe special circumstances exist on this property that warrant this variance.
2. The relief requested by the applicant is not necessary for the preservation and enjoyment of the continuing property right.
3. The relief, if granted, may impair an adequate supply of light and air to adjacent property owners.

Our Response:

We have been working with our contractor, Mike Medlin of Medlin Construction, and our architect, Heather Hiner throughout this process. Mr. Medlin contacted the Planning Department for a preliminary Variance meeting, and met with Steve Robertson (Senior Planner) and his assistant Jenn Reed Moses. When he explained what we -- his clients -- wanted to do and why, their response to was "Why do they need a bigger kitchen, they already have one. You have Heather (Hiner) show us why this can't be put in another area without the need for a variance."

We asked Heather to respond, and she explained why this addition has to be put in this area, as expanding the kitchen would otherwise involve compromising internal structural elements of the house. She sent additional information that was requested, including existing floor plans, existing exterior elevations, and the proposed floor plan layout (kitchen expansion) with proposed exterior elevations changes. She wrote the following to Mr. Robertson:

I do not have an alternate layout because I believe this is the only realistic layout that will accommodate the needs of the homeowner. The existing kitchen is a tight galley style kitchen with a large masonry fireplace that separates that area of the house from the existing

living/dining area. The masonry fireplace is original to the house and is a central focal point, therefore making it impossible to relocate. This limits the ability within the existing main floor to have anything more than a tight galley kitchen design, which is not in line with the use of the home. This home is a gathering spot for extended family and therefore needs the functionality of a modern, efficient kitchen layout.

When the house was first built in 1908, it was placed close to the property and the kitchen was placed in the northerly side of the house because the sewer, water and gas all came into the house in this area. Thus, this is the only practical area to expand the kitchen. We need to upgrade the outdated galley style kitchen to accommodate our large extended family because the small kitchen is not functional for the enjoyment of our home.

3427 Lake Avenue South was one of the first houses built in this area and the fact that the house was originally built close to the property lines was not an issue back then. This is why we hired Mr. Medlin and Ms. Hiner to make our project work not only for our family but also for the surrounding neighbors. We went to great lengths to sustain two large trees on the property in 2011 when the addition was built, spent much time ensuring our neighbors were informed about the project, and for this round asked them to write letters of support for our variance request – which they all did. None of them expressed any concern about a possible impairment of light or air to their properties, and view this addition as in keeping with the style of the house and the openness of the neighborhood.

We also learned that Mr. Medlin was told we should have asked for the variance at the time of the addition done in 2011, which was not possible because the funds were not available to do all the work at one time. Additionally, we know of a recent variance approved on November 20, 2015 for a kitchen expansion project (2223 S. Lake Ave: Geoffrey A. Wittrak; variance to construct a kitchen addition within the front yard setback. File Number: PL 15-163). The Planning Commission staff also recommended denial because it did not meet the “Practical Difficulty” test, yet the expansion was ultimately approved by the Planning Commission by a 5-2 vote. The denial of our request based on the same terms appears an arbitrary and capricious action by the Planning Commission.

We are concerned that the actions of the Planning Commission in denying reasonable requests for variances are creating hardship for homeowners in the City of Duluth. A recent conversation with another homeowner on Park Point revealed that denial of a variance request (to use an additional 6 feet of space to build a bedroom for a caregiver to assist the homeowners as they age) resulted in a doubling of their costs to make their home viable for ‘aging in place’. This seems an egregious way to treat seniors in the Duluth community in particular and homeowners in general.

We are therefore appealing to the City Council to overturn the Planning Commission's arbitrary denial of our variance request for our kitchen expansion in order that we and our family have proper enjoyment of our home at 3427 Lake Avenue South.

Sincerely,

Patricia Brownell Sterner

F. William Brownell