



CITY OF DULUTH

Planning Division

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

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

STAFF REPORT

File Number	PL 15-187	Contact	Steven Robertson, 218-730-5295	
Application Type	Variance, Side Yard Setback	Planning Commission Date	January 12, 2016	
Deadline for Action	Application Date	December 15, 2015	60 Days	February 13, 2016
	Date Extension Letter Mailed	December 18, 2015	120 Days	April 13, 2016
Location of Subject	3427 Lake Avenue South			
Applicant	Lake Avenue South LLC	Contact	Bill Brownell and Pat Brownell Sterner	
Agent	Mike Medlin	Contact		
Legal Description	Lots 313 and 315 Lower Duluth Lake Avenue, and Northerly 25 fet of Lot 316 Lower Duluth			
Site Visit Date	January 4, 2016	Sign Notice Date	December 28, 2015	
Neighbor Letter Date	December 18, 2015	Number of Letters Sent	29	

Proposal

The applicant is proposing to add a 12.8' by 10' kitchen addition to an existing single family home within the R-1 side yard setback.

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

Summary of Code Requirements (reference section with a brief description):

Sec. 50-37.9.C. - General Variance Criteria. See attachment setting forth standards related to General Variance Criteria.

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

--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 and neighborhood extensions, and new traditional neighborhood areas

--Recent History: Building permit issued February 2010 to expand existing dormer to create new bathroom (9' by 5'5"). Variance (11-133, included with the this staff report) and building permit issued in December 2011 for 2 story addition (22' by 24', approximately 1,000 square feet).

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

--Proposal: The applicant is proposing to add a 12.8' by 10' kitchen addition to the ground floor of an existing single family home. There will also be a minor addition to the second floor, converting an existing office into a fifth bedroom.

--Issue/Item for Review: The proposed addition would be 2 feet from the side lot line; the minimum side yard setback is 6 feet.

1) The lot is approximately 80 feet wide by 100 feet long. According to St. Louis County records, the home was originally built in 1908. It is a two story home with a basement, and now contains approximately 2,330 square feet. There is also a 24 x 16 detached garage on the site, constructed in 1978.

2) In the Variance Application Supplemental Form (attached with staff report) the applicant states that "the house is a single family residence and had a single occupant for the past 40 years. This 1908 house needs to be upgraded in order to properly enjoy the use of its kitchen. The relief request for said variance is needed because when this house was built by the previous owners, all plumbing, sewer, and water was brought into the house in this area".

3A) Staff conclude that the property does not contain exceptional topographic conditions, does not contain wetlands or excessive or exposed bedrock, does not have steep slopes, and is not exceptionally narrow or shallow.

3B) Staff do not believe special circumstances exist on this property that warrant this variance.

3C) The relief requested by the applicant is not necessary for the preservation and enjoyment of the continuing property right. The variance granted in late 2011 allowed the property owner to almost double the size of the single family home, and through that variance the property owner has achieved a reasonable use and enjoyment of their property. Staff do not believe the variance application has explained why an additional variance is needed to preserve the enjoyment of the property. The application also does not address alternative site designs that would not require a variance. The supplemental information submitted on January 4 did state a difficulty with interior remodeling to address concerns with the current Kitchen ("the masonry fireplace is original to the house and is a central focal point, therefore making it impossible to relocate"). But staff believe that fact is not a sufficient reason to recommend approval of the variance.

3D) The relief, if granted, may impair an adequate supply of light and air to adjacent property owners.

3E) The relief, if granted, would not substantially impair the intent of this Chapter.

4) Note that per 50-37.1.L.1, the Land Use Supervisor may administratively approve a one foot reduction of the minimum side yard setback. If this variance were denied, the LUS could still administratively approve an one foot reduction, to a minimum of five feet.

5) At the time that this staff report was written, one comment was from an adjoining property owner expressing no concern/comment with the variance.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission deny the variance for the following reasons:

1) The application has not demonstrated that the requirements of the city's zoning code would result in practical difficulties to the property owner.

2) The application has not demonstrated that special circumstances or conditions exist on the property.

3) The application has not demonstrated that the relief is necessary for the continuing preservation and enjoyment of a substantial property right.

Note that 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 1 year.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



Legend

Zoning Boundaries

Zoning Boundaries

Future Land Use

Preservation

Recreation

Rural Residential

Low-density Neighborhood

Traditional Neighborhood

Urban Residential

Neighborhood Commercial

Neighborhood Mixed Use

General Mixed Use

Central Business Secondary

Central Business Primary

Auto Oriented Commercial

Large-scale Commercial

Business Park

Tourism/Entertainment District

Medical District

Institutional

Commercial Waterfront

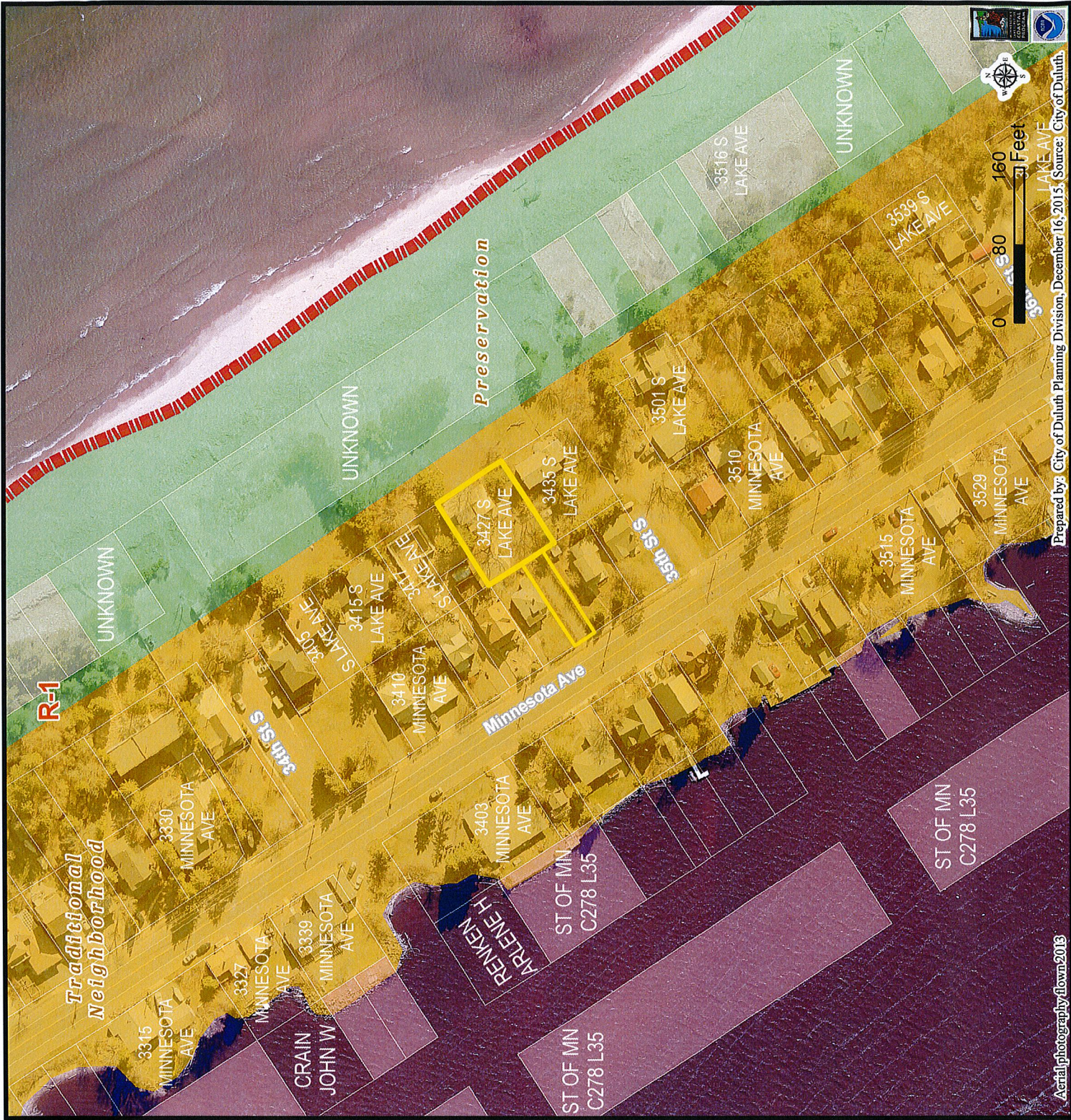
Industrial Waterfront

Light Industrial

General Industrial

Transportation and Utilities

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.





City Planning
PL 15-187
3427 Lake Ave S

Legend

Contours 1 Ft

Index_

Intermediate

Index

Wetlands (NRRI)

Right-of-Way Type

..... Road or Alley ROW



Vacated ROW

Easement Type

Utility Easement

Other Easement

Floodplain Type

General Flood Plain

Flood Way

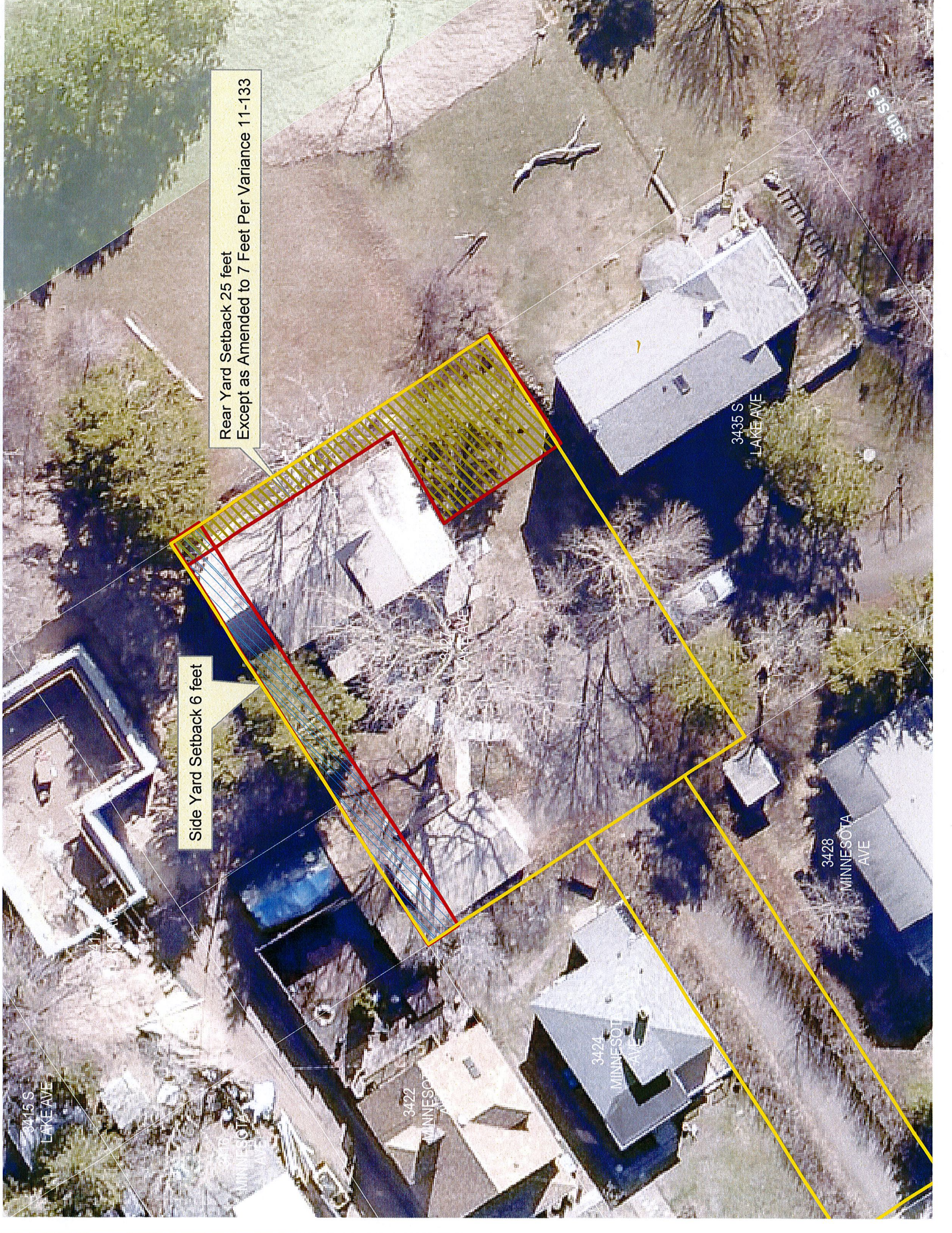
Flood Fringe

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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, December 16, 2013; Source: City of Duluth.



Rear Yard Setback 25 feet
Except as Amended to 7 Feet Per Variance 11-133

Side Yard Setback 6 feet

3415 S
LAKE AVE

3416
MINNESOTA AVE

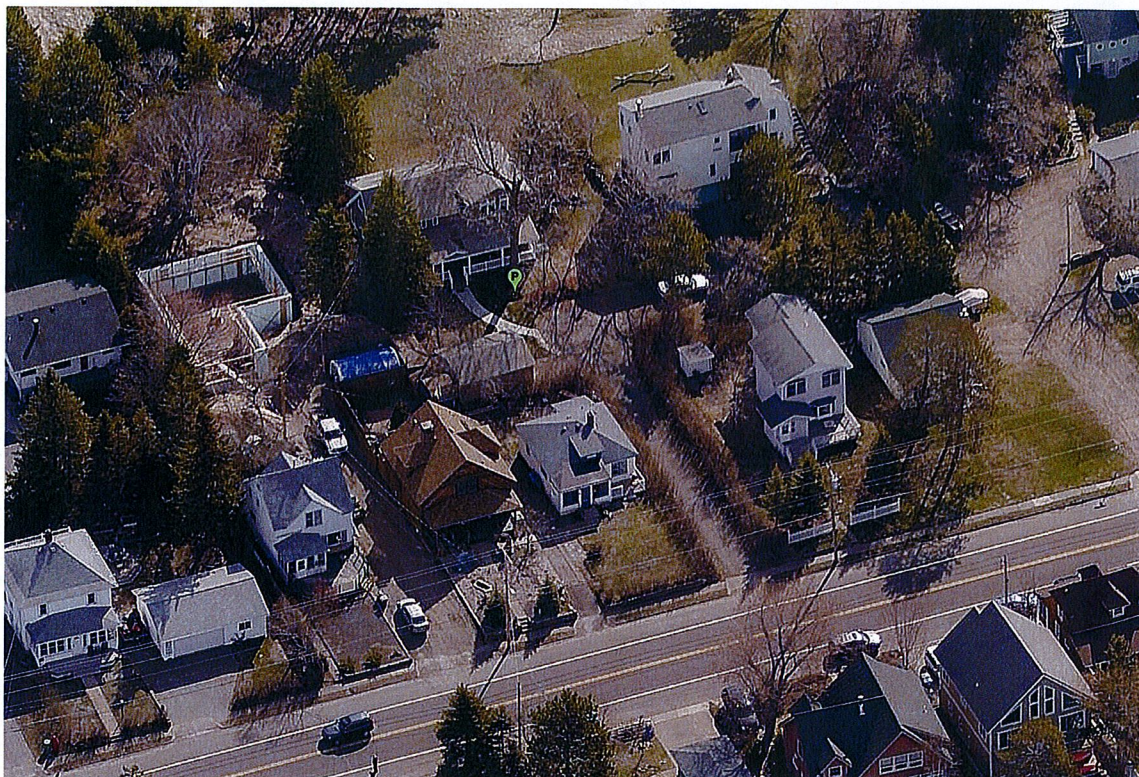
3422
MINNESOTA AVE

3424
MINNESOTA AVE

3428
MINNESOTA AVE

3435 S
LAKE AVE

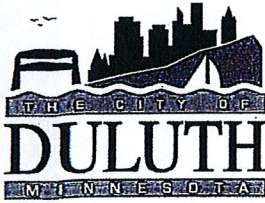
3436 S
LAKE AVE



2013



2007



City of Duluth
Planning and Construction Services

411 West First Street • Room 210 • Duluth, Minnesota • 55802-1194
218-730-5240 • Fax: 218-730-5901 • www.duluthmn.gov/onestop/

An Equal Opportunity Employer

Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and that is necessary for Planning Commission review.

List the UDC Section you are seeking relief from (example: "50-14.5 – front yard setback in an R-1"):

50-14.5-1 Minimum width of side yard 6'

Is the applicant proposing to use the property in a reasonable manner? ☒ Yes ☐ No

Please explain the applicant's use of the property, and how the relief requested is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant:

The house is used as a single family residence and had a single occupant for the past 40 years. This 1908 house needs to be upgraded in order to properly enjoy the use of its kitchen.

Is the need for relief due to circumstances unique to this property? Yes ☐ No ☐

Please explain how these circumstances are due to exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property:

The relief requested for said Variance is needed because when this house was built by the previous owners, all plumbing, sewer & water was brought into the house in this area.

Will granting this variance alter the essential character of the area? Yes ☐ No ☒

Explain how this property fits the character of the neighboring area, and how the special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity:

This was one of the first houses built in this area in 1908. This is the only house that was placed close to the property line. The granting of this Variance would not alter the character of the neighborhood.

Is this request consistent with the intent of the UDC and Comprehensive Plan? ☒ Yes ☐ No

Explain how the UDC and Comprehensive Plan support this request: We are zoned R-1
and single family homes are permitted in this
area.

Explain how the special circumstances or conditions that create the need for relief were NOT directly or indirectly created by the action or inaction of the property owner or applicant:

When this house was built in 1908 all utilities were
brought in one specific area of the house. This is the
only area where an improvement to the kitchen can be made.

Will the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city? Yes

☒ No

Please explain: There will be no negative impairment
to any of the issues discussed above.

Does the relief allow any type of sign that is not allowed in the zone district where the property is located? Yes ☒ No

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M? Yes ☒ No

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

Note: On the recommendation of City Engineering,
Two hundred & Twenty Five (225') of sewer was
upgraded in Oct. of 2015.

LEGAL DESCRIPTION PER TAX STATEMENT

Lots 313 and 315, LOWER DULUTH LAKE AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.
 And: The Northerly 25.00 feet of Lot 316, LOWER DULUTH MINNESOTA AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.

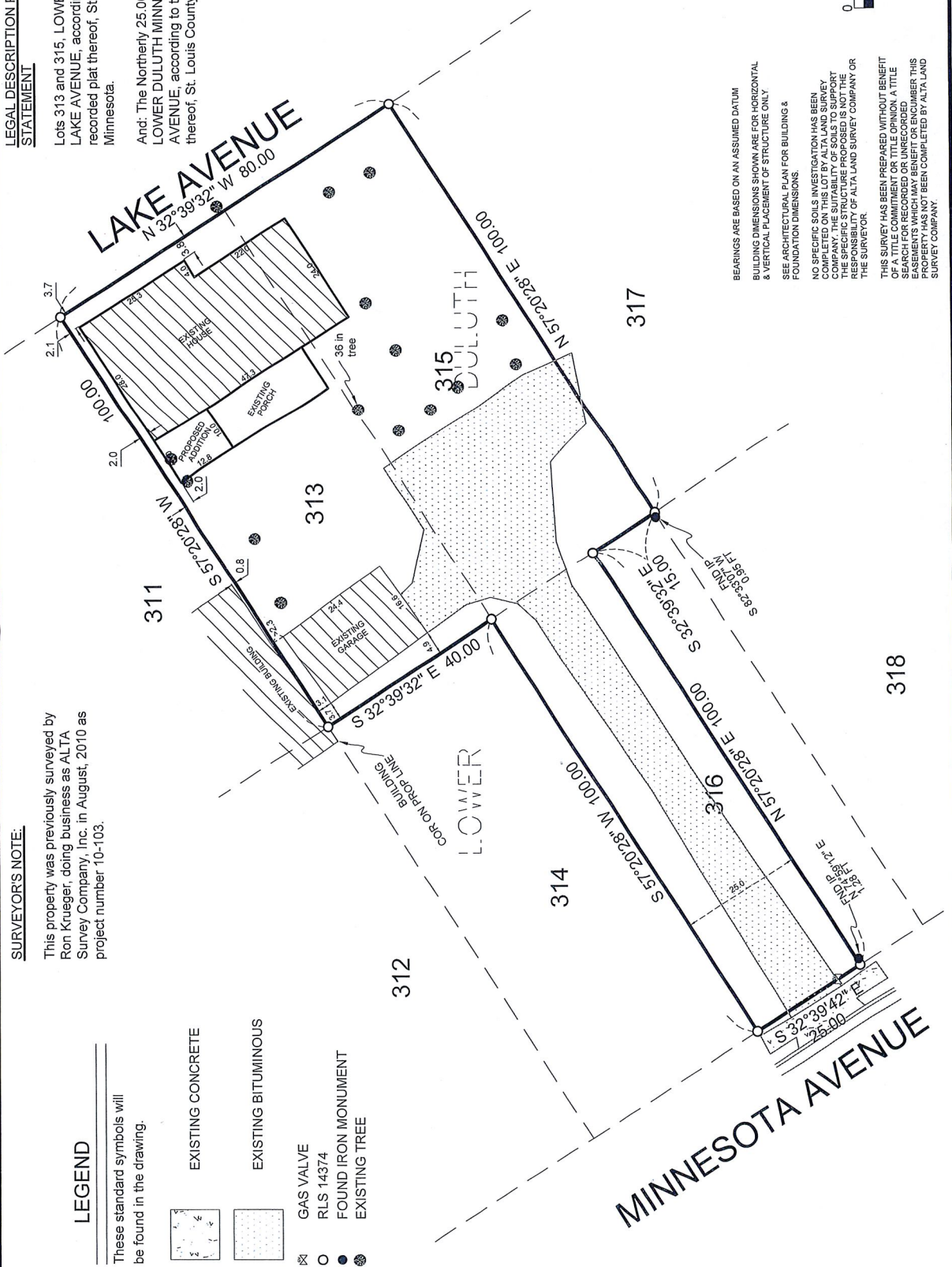
SURVEYOR'S NOTE:

This property was previously surveyed by Ron Krueger, doing business as ALTA Survey Company, Inc. in August, 2010 as project number 10-103.

LEGEND

These standard symbols will be found in the drawing.

- EXISTING CONCRETE
- EXISTING BITUMINOUS
- GAS VALVE
- RLS 14374
- FOUND IRON MONUMENT
- EXISTING TREE



BEARINGS ARE BASED ON AN ASSUMED DATUM
 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 FOR THIS PROPERTY. THE SURVEYOR'S RESPONSIBILITY IS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
 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.

Steven Robertson

From: HEATHER <hhiner@msn.com>
Sent: Monday, January 04, 2016 12:42 PM
To: Steven Robertson; Mike Medlin
Subject: Brownell kitchen expansion
Attachments: BROWNELL KITCHEN-A1.pdf; BROWNELL KITCHEN-A2.pdf; BROWNELL KITCHEN-A3.pdf; BROWNELL KITCHEN-existing exterior.pdf; BROWNELL KITCHEN-existing main.pdf; BROWNELL KITCHEN-existing upper.pdf

Steven,

Attached is the additional information you requested.

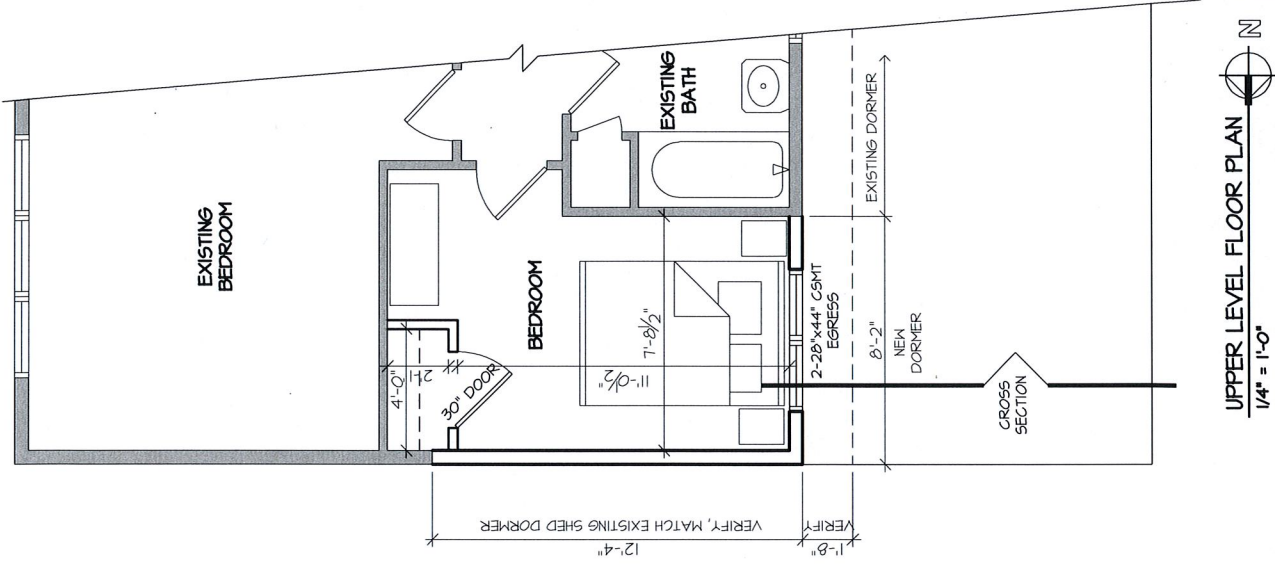
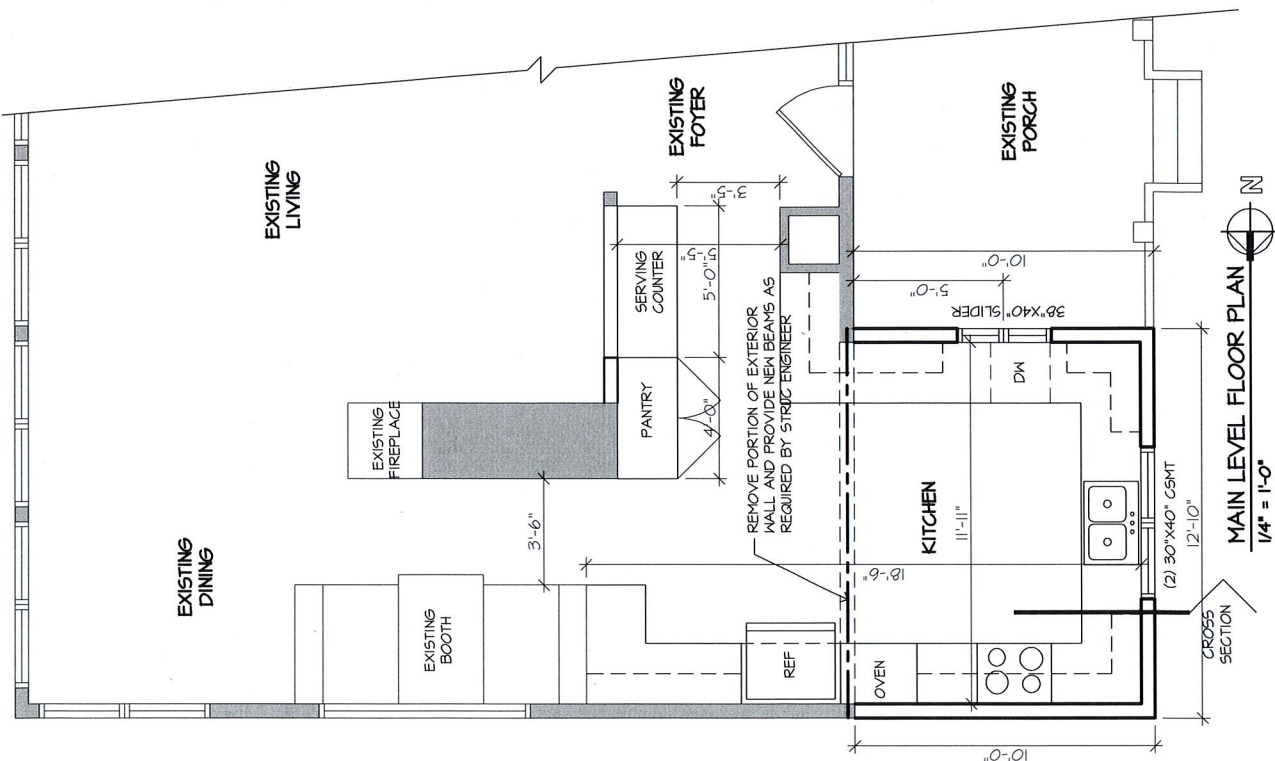
1. existing floor plans
2. existing exterior elevations
3. proposed floor plan layout (kitchen expansion) with proposed exterior elevations changes
4. I do not have an alternate layout because I believe this is the only realistic layout that will accommodate the needs of the homeowner. The existing kitchen 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.

Let me know if you have any other questions or need additional drawings or information.

Kind Regards,
Heather Hiner
Hiner Home Designs

cc: Mike Medlin





HOMEOWNER:
Pat Brownell
brownell@hilton.com

CONTRACTOR:
Mike Medlin
218-440-2275

A1 FLOOR PLANS
A2 EXTERIOR ELEVATIONS
A3 CROSS SECTIONS

GENERAL NOTES:

ALL EXISTING CONDITIONS AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR PRIOR TO CONSTRUCTION AND ORDERING OF MATERIALS. BUILDING MATERIALS, CONSTRUCTION METHODS, HEATING, VENTILATION, AND OTHER MECHANICAL SYSTEMS SHALL CONFORM TO OR EXCEED MIN. STATE RESIDENTIAL CODE 2015, WHICH ALSO INCLUDES THE ADOPTED AND AMENDED INTERNATIONAL RESIDENTIAL CODE.

ANY ENGINEERED LUMBER LAYOUTS, SIZES, SPECS AND CONNECTION DETAILS TO BE PROVIDED BY MANUFACTURER.

ELECTRICAL, PLUMBING, AND MECHANICAL SUB-CONTRACTORS TO PROVIDE LAYOUTS PER CODE - TO BE FINALIZED AND APPROVED BY HOMEOWNER AND CONTRACTOR.

EXTERIOR STUD HALLS TO BE 2x6 STUDS AND ARE DIMENSIONED TO THE FACE OF STUD.

INTERIOR HALLS TO BE 2x4 STUDS UNLESS NOTED OTHERWISE AND ARE DIMENSIONED TO THE FACE OF STUD.

FOUNDATION TO BE 12" 1CF (8" CONCRETE) WITH POURED CONCRETE FOOTINGS.

WINDOWS ARE DIMENSIONED TO THE CENTER LINE OF ROUGH OPENING. VERIFY ROUGH OPENINGS WITH WINDOW MANUFACTURER PRIOR TO FRAMING. INSTALL PER MANUFACTURER'S ROUGH OPENING AND SPECIFICATIONS.

WINDOW HEADS TO BE SET @ 6'-8" UNLESS NOTED OTHERWISE.

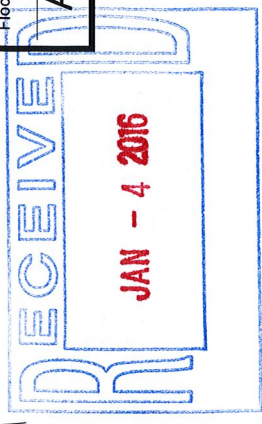
CORROSION RESISTANT FLASHING AT EXTERIOR WALL ENVELOPE, WINDOWS & DOORS, & LEDGER BOARDS IN ACCORDANCE WITH R103.2.

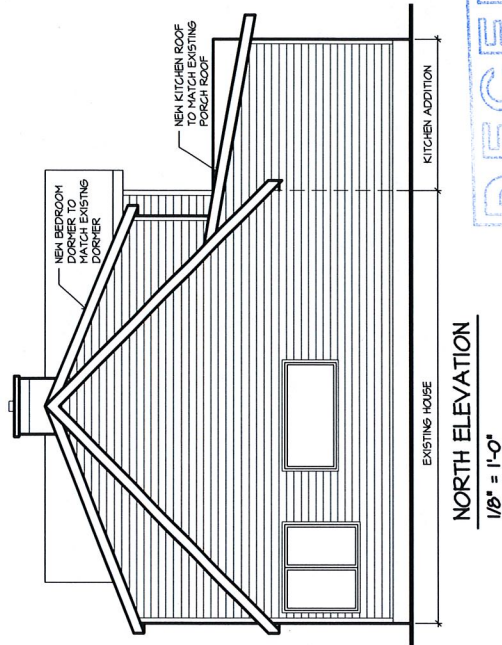
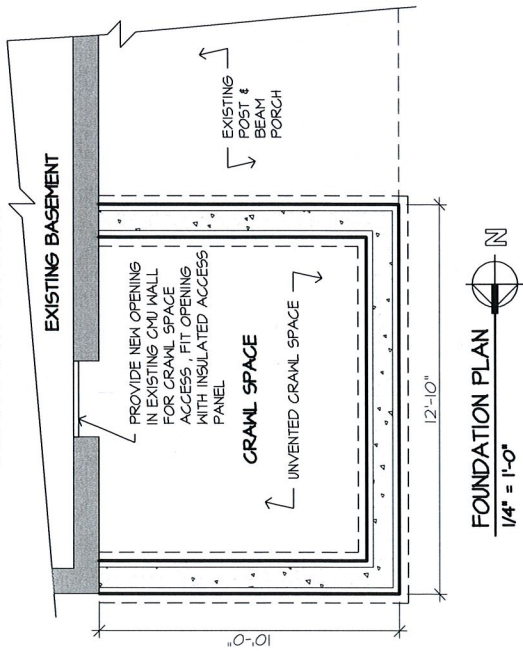


Brownell Kitchen
3427 Lake Avenue
Duluth, MN 55802

VERSIONS	DATE	DESCRIPTION
1	10/26/15	

Floor Plans
A1





RECEIVED
JAN - 4 2016

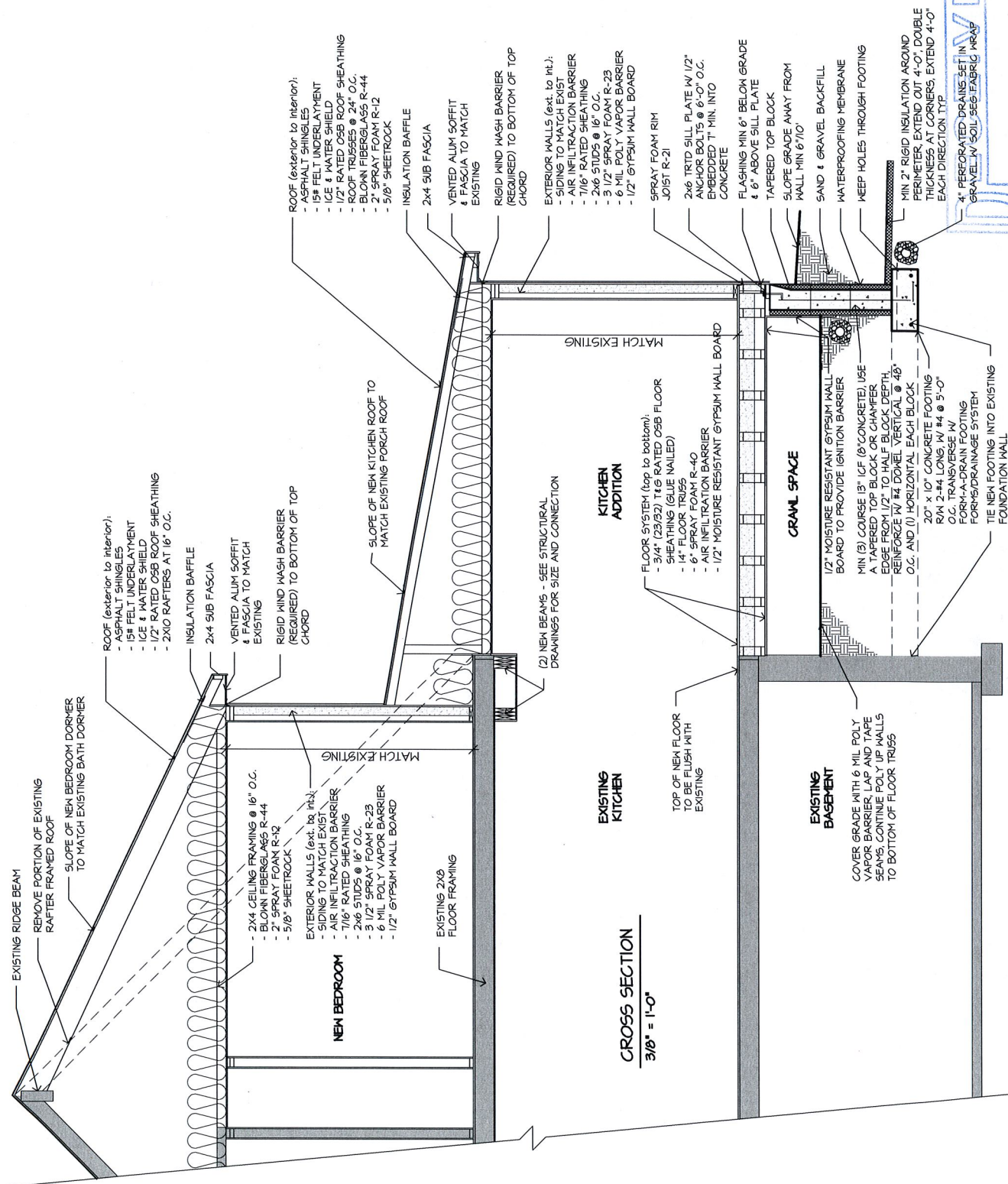
A2

**3427 Lake Avenue
Duluth, MN 55802**

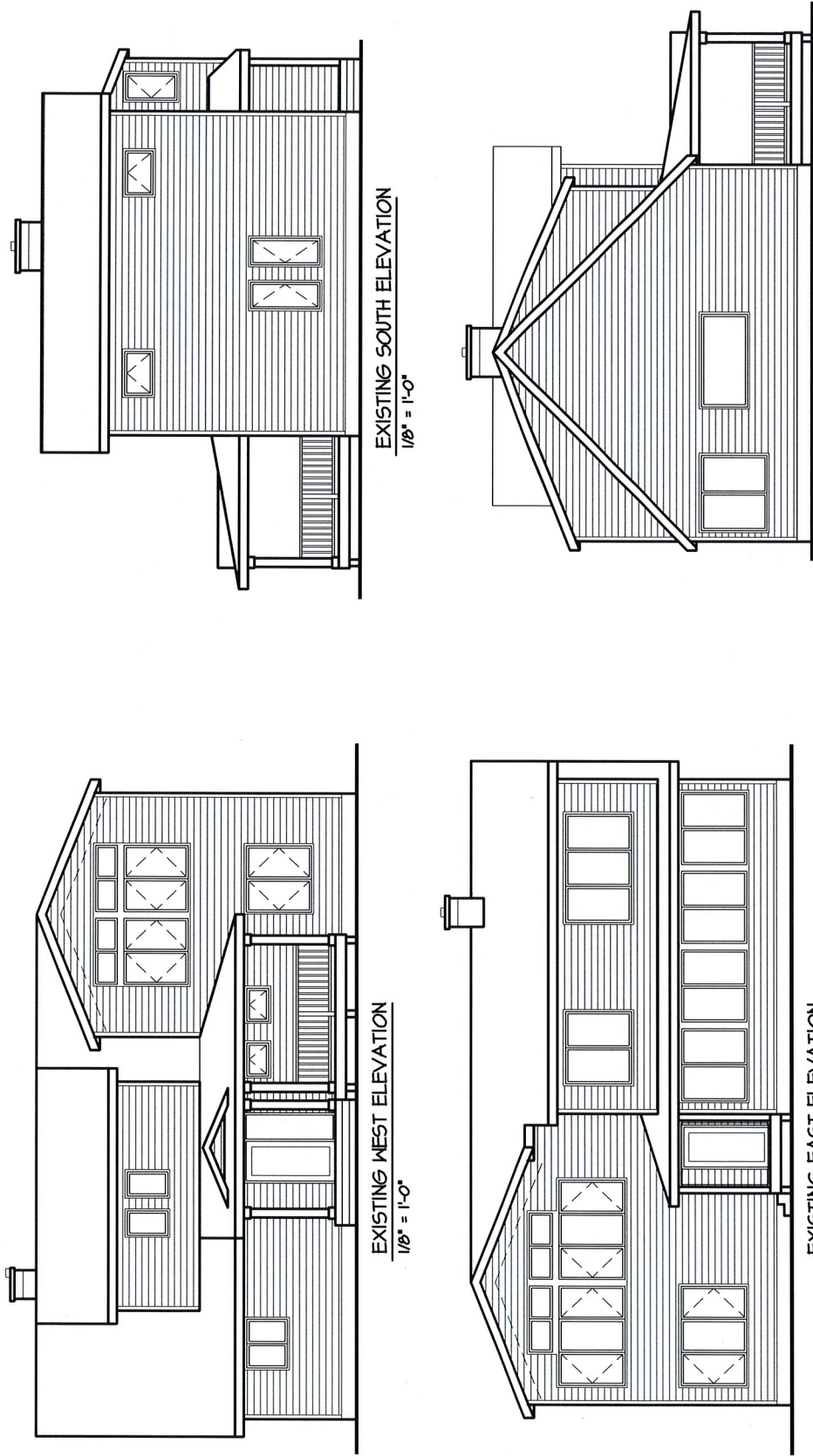
**INNER HOME
DESIGNS**
5532 Fish Lake Dam Road
Duluth, MN 55803
(218) 721-4396
(218) 391-7466
hinner@msn.com

The two components of the proposed project are:

1. Conduct a review of all construction contracts to ensure a full responsibility for the following:
 - a. Obtain all required building codes and standards.
 - b. Obtain all required building permits.
 - c. Obtain all required building information on construction.
 - d. Provide any necessary engineering work.
 - e. Obtain all required building codes and standards.
 - f. Obtain all required building permits.
 - g. Obtain all required building information on construction.
 - h. Obtain all required building codes and standards.
 - i. Obtain all required building permits.
 - j. Obtain all required building information on construction.
 - k. Obtain all required building codes and standards.
 - l. Obtain all required building permits.
 - m. Obtain all required building information on construction.
 - n. Obtain all required building codes and standards.
 - o. Obtain all required building permits.
 - p. Obtain all required building information on construction.
 - q. Obtain all required building codes and standards.
 - r. Obtain all required building permits.
 - s. Obtain all required building information on construction.
 - t. Obtain all required building codes and standards.
 - u. Obtain all required building permits.
 - v. Obtain all required building information on construction.
 - w. Obtain all required building codes and standards.
 - x. Obtain all required building permits.
 - y. Obtain all required building information on construction.
 - z. Obtain all required building codes and standards.
2. Obtain all required building permits.



JAN - 4 2016



JAN - 4 2016

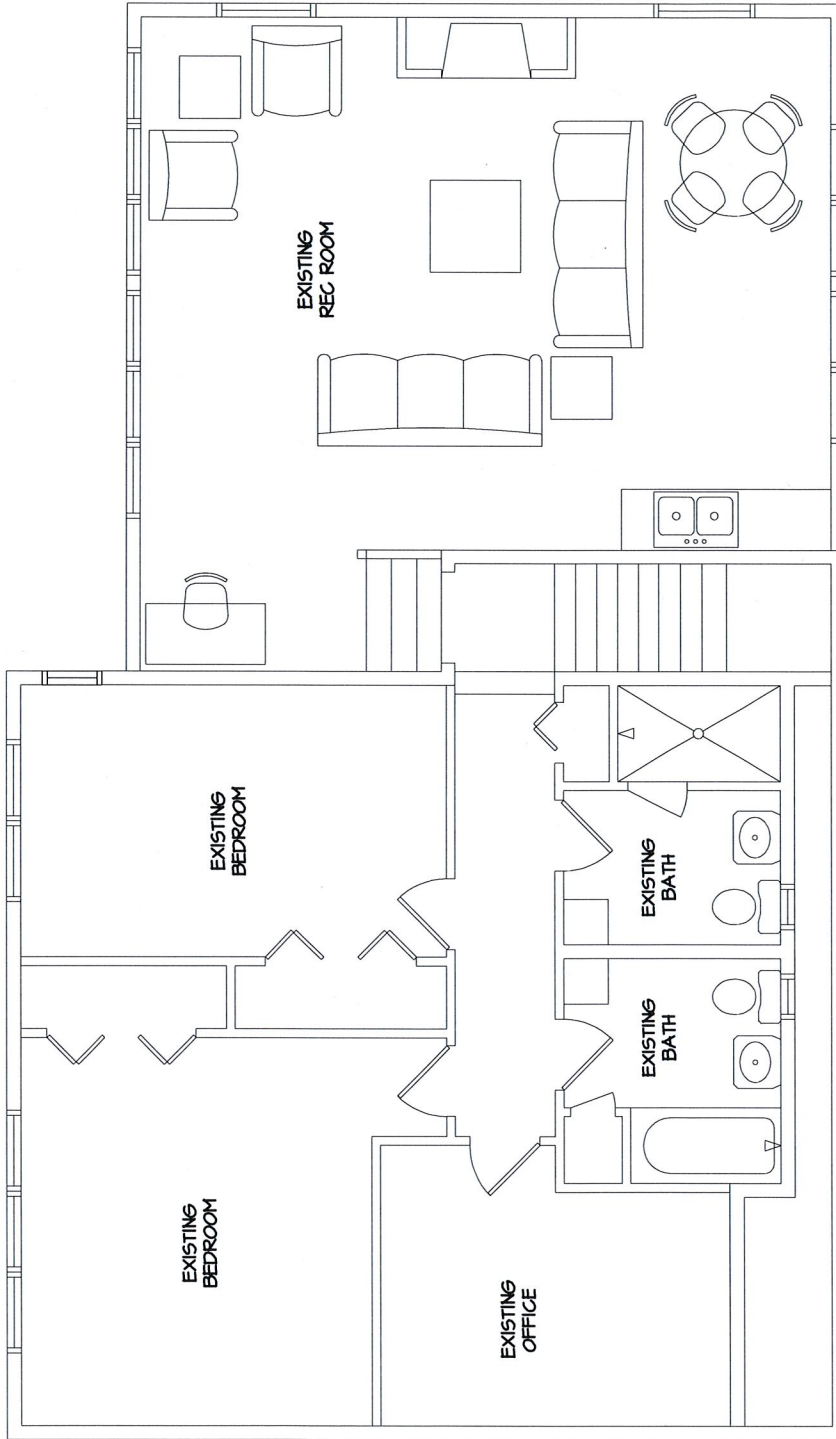


Brownell kitchen

**INNER HOME
DESIGNS**
32 Fish Lake Dam Road
Duluth, MN 55803
(216) 721-4396
(216) 391-7466
hinner@msn.com

RECEIVED
JAN - 4 2016

EXISTING UPPER LEVEL
1/4" = 1'-0"
N



Brownell Kitchen
3427 Lake Avenue
Duluth, MN 55802

INNEROME
DESIGNS

5532 Fish Lake Dam Road
Duluth, MN 55803
(218) 721-4396
(218) 391-7466
hinner@men.com

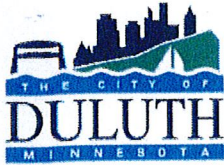
[illegible]

Language from UDC: 50-37.9 Variances

C. General variance criteria.

Unless different or inconsistent criteria or limitations are stated in subsections D through M below for the specific type of variance being requested, the planning commission shall approve an application for a variance, or approve it with conditions, if it finds that the proposed variance meets the following criteria. If there is a direct conflict between a provision or criteria in subsections D through M below and the general criteria in this subsection C, the provisions in subsections D through M shall govern:

1. Because of the exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property, the strict application of the requirements of this Chapter would result in peculiar and practical difficulties or exceptional or undue hardship to the property owner;
2. The special circumstances or conditions that create the need for relief were not directly or indirectly created by the action or inaction of the property owner or applicant;
3. The special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity;
4. The relief is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant;
5. The relief will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city;
6. The relief may be granted without substantially impairing the intent of this Chapter and the official zoning map;
7. The relief does not allow any type of sign that is not allowed in the zone district where the property is located, pursuant to Section 50-27;
8. The relief complies with any additional limitations or criteria applicable to that variance in subsections D through M below;



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	11-133	Contact	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Rear Yard Setback Variance	Planning Commission Date	12/13/2011	
Deadline for Action	Application Date	11/4/2011	60 Days	01/03/2012
	Date Extension Letter Mailed	11/10/2011	120 Days	03/3/2012
Location of Subject	3427 Lake Ave. S. (Park Point)			
Applicant	Patricia Sterner	Contact	patwheat@yahoo.com, 720-839-4238	
Agent	Michael Medlin, Medlin Construction	Contact	aerialbridge@charter.net, 218-940-2275	
Legal Description	Lots 313 and 315, Lower Duluth, Lake Ave. (010-3100-01610)			
Site Visit Date	11/28/2011	Sign Notice Date	11/28/2011	
Neighbor Letter Date	11/10/2011	Number of Letters Sent	39	

Proposal

A variance to reduce the rear yard setback from 25' to 7' to allow construction of a 22' x 24' addition to the south side of the house.
Please see attached the applicant's drawings and statements regarding the proposed variance's purpose and need.

	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	Beach	Preservation
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall . . . make a decision on the application based on the criteria in subsections 50-37.9.C through M below The planning commission may grant a different variance or different form of relief than that requested by the applicant if it determines that the alternative relief better meets the criteria in subsections C through M below."

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (paraphrased here):
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 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.

Sec. 50-38.3 states "a nonconforming building may continue to be used, and may be expanded provided the expansion does not increase or extend any nonconformity horizontally or vertically."

III I I

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

History:

1978 - Garage constructed
1908 - House constructed

Governing Principles:

Principle #5 - Strengthen neighborhoods, Principle #6 - Reinforce the place-specific, Principle #9 - Support private actions that contribute to the public realm.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

The following findings are made as they relate to UDC Sec. 50-37.9.C - "General Variance Criteria" and Sec. 50-37.9.H "Variances to Reduce Setbacks:"

- 1.) The applicant's property is 80' wide by 100' deep with a 20' wide strip of land connecting it to Minnesota Avenue. It is improved with a 1,323 s.f. home and detached single-car garage. The attached site drawing shows in red dashed lines the building setbacks for this lot. The property is a size typical for Park Point. It is not exceptionally narrow, though 100' is shallower than most lots in the city.
- 2.) A 1,323 s.f. home is rather small by contemporary standards so it's understandable that they would like to expand the home. Staff finds that the applicant is proposing to use the property in a reasonable manner by adding additional living space to a rather small home. However, there are alternatives for doing the expansion that wouldn't require a setback variances including locating it toward Minnesota Avenue (west) of its planned location. Doing so would present the problems outlined by the applicant, however, staff feels that these concerns don't rise to the level of being an exceptional practical difficulty or undue hardship. There is ample space to expand the home outside the setbacks 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.
- 3.) There are special circumstances beyond the applicant's control that created the need for a variance. With the August 2011 change to the UDC the applicant's property changed from being considered a double-frontage lot to a normal lot where a rear yard setback applies to the Lake Ave. side of the lot. Earlier in the summer the applicant prepared building plans according to the previous code using the contextual standards for the front yard setback from Lake Ave.
- 4.) Granting the variance will not alter the essential character of the area as the expanded building is similar in scale to other homes in the area. It will not result in reductions of light and air to the surrounding area as the addition will be 30' from the side property line. No additional traffic will be generated and threats to public safety will not increase. Property values in the area will not be diminished by the granting of the variance.
- 5.) 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.
- 6.) No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9.H.
- 7.) No letters were received concerning this proposed variance.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff finds that the standard for variance has been met and, therefore, recommends the Planning Commission approve the requested variance because the applicant developed building plans based on the previous UDC and wasn't aware of the pending changes that would significantly affect the siting of the building addition, a situation beyond the control of the applicant. Reworking the building plans to comply with the amended UDC would present an undue hardship to the applicant and neither the essential character of the area nor the purpose and intent of the UDC or Comprehensive Plan will be compromised by granting the variance.

III I 2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

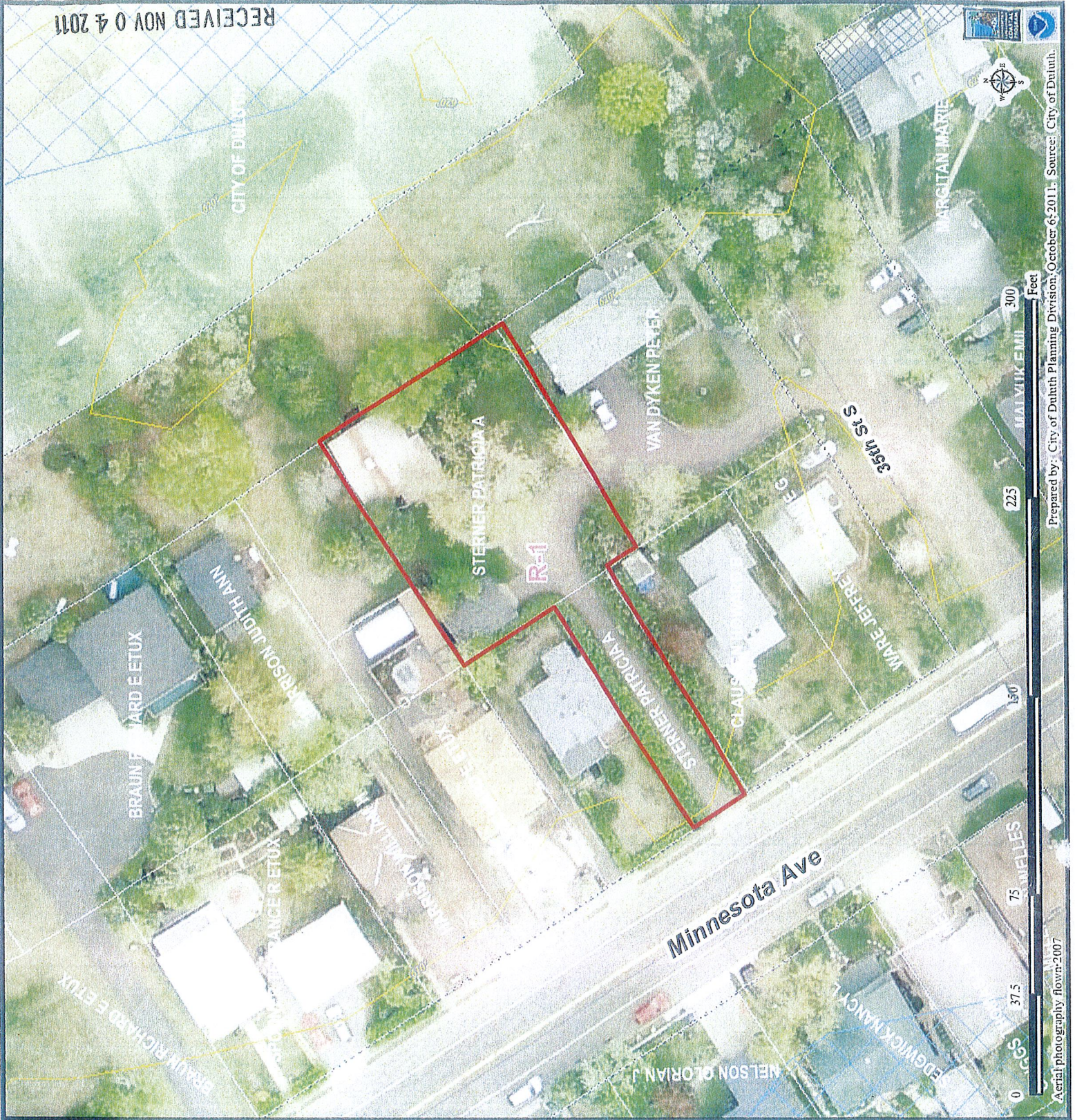
3427 S Lake Ave

III I 3

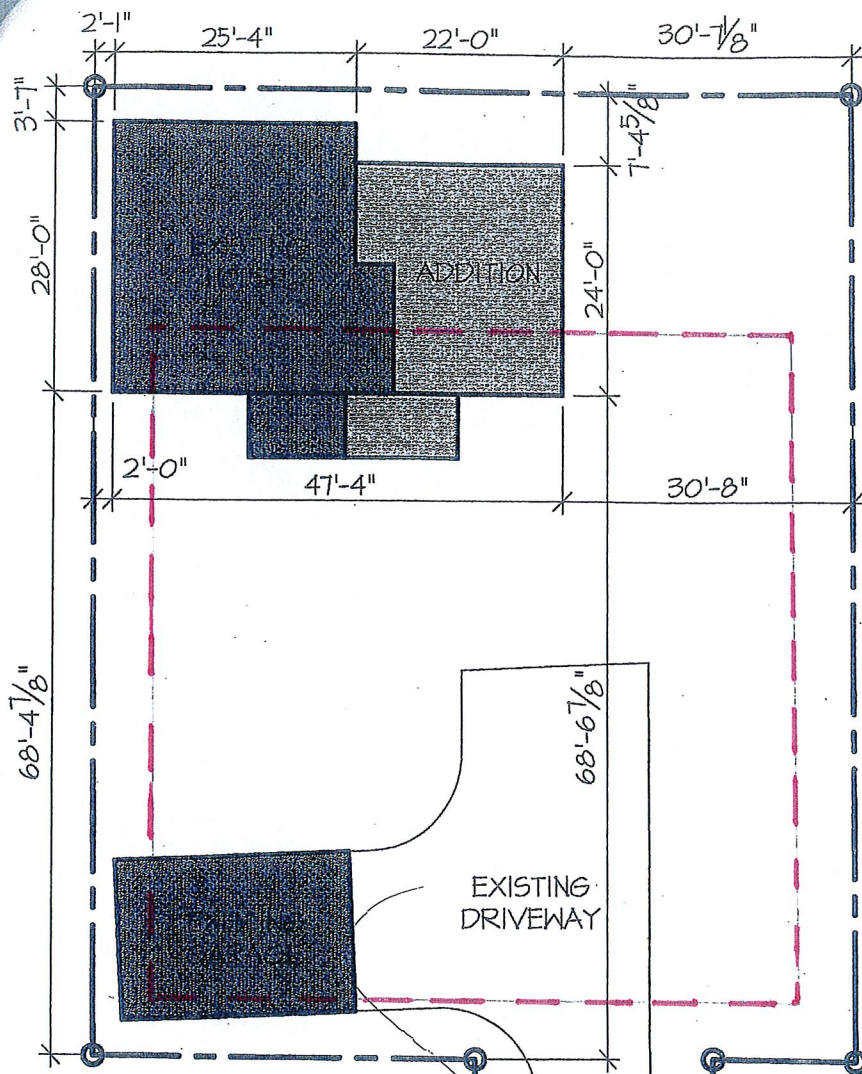
Legend

- Subject Property
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)
- 10' Contour (elev. change)
- Right-of-Way Type
 - Road or Alley ROW
 - Vacated ROW
- Easement Type
 - Utility Easement
 - Other Easement
- Zoning (Final)
- Floodplain Type
 - General Flood Plain
 - Flood Way
 - Flood Fringe
- Titleholder (5 class)
 - Public Owned Land
 - Tax Forfeited
- City
- School
- County
- State
- Federal

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.







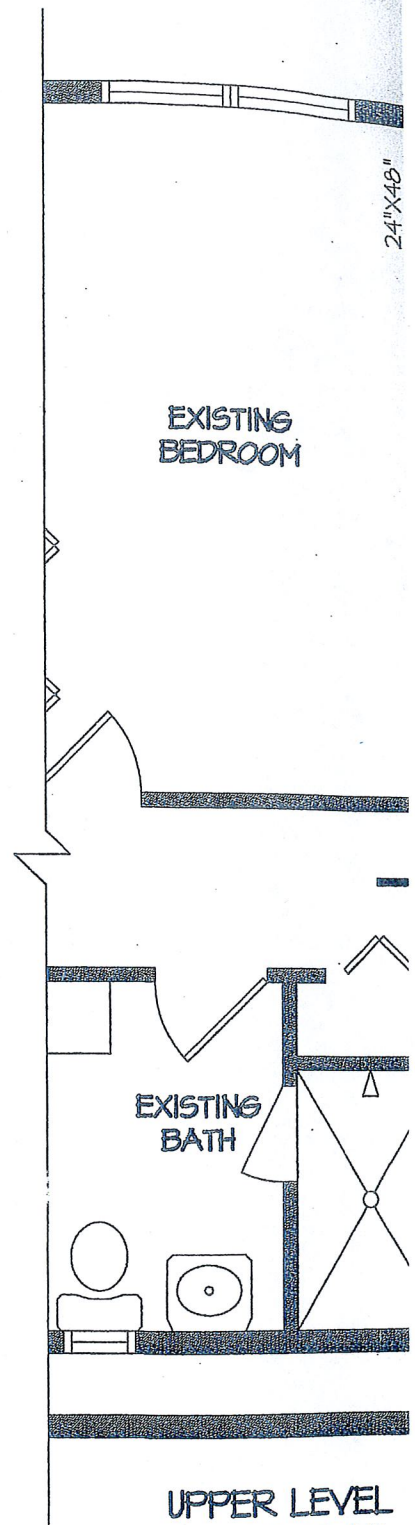
SITE PLAN

1" = 20'



North 1/2 of 98, all of lot 100,
Upper Duluth Minnesota Avenue

MINNESOTA AVENUE



UPPER LEVEL
FLOOR PLAN

1/4" = 1'-0"

III 15

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Planning Commission
City Hall
Duluth, MN 55802

11-4-11

Re: Zoning Variance Request

To whom it may concern:

On behalf of my client, Pat Sterner-Brownell, we request that you consider granting a variance to enable us to build a 22' x 24' addition to her existing house at 3427 S. Lake Avenue.

Under the new ruling concerning Double Frontage lots on Park Point, the setback requirement of 25' would cause a considerable hardship and make this addition unbuildable.

Under the existing plans for said project, compliance with the new 25' setback requirement would pose exceptional design difficulties as described below:

1. The current layout of stairs in the existing house, would not allow for access into the new addition.
2. The plumbing for the new addition bathroom would not line-up with that of the existing house.
3. The new setback would come in close proximity with the existing driveway.

To allow this project to proceed as per drawn, would have no negative impact on the existing neighbors.

1. The neighbor to the north would not be able to see said addition.
2. The neighbor to the south would be about 40 ft. away and there are only a couple of windows up high on this side of their house.
3. The set-back as designed is well within the average of the houses on each side.

III 16

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Based upon the above information, we request that the planning commission hereby grant our petition for said variance in this matter.

Respectively submitted,


W. Michael Medlin
DBA: Medlin Construction L.L.C.

III 17

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HOMEOWNER:
 Pat Brownell
 brownellhinton.com

CONTRACTOR:
 Yikes Medlin
 218-440-2275

- A1 MAIN LEVEL PLAN
- A2 UPPER LEVEL PLAN
- A3 FOUNDATION PLAN
- A4 CROSS SECTION

GENERAL NOTES:

EXISTING CONDITIONS AND DIMENSIONS TO BE VERIFIED ON SITE.

BUILDING MATERIALS, CONSTRUCTION METHODS, AND FINISHES SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL RESIDENTIAL CODE 2007, WHICH ALSO INCLUDES THE ADOPTED AND AMENDED 2006 IRC AND THE MI STATE RESIDENTIAL CODE, CHAPTER B22.

ANY ENGINEERED LUMBER LAYOUTS, SIZES, SPECS AND CONNECTION DETAILS TO BE PROVIDED BY MANUFACTURER.

ELECTRICAL, PLUMBING, AND MECHANICAL WORK SHALL BE IN ACCORDANCE WITH THE 2006 MI STATE RESIDENTIAL CODE TO BE FINALIZED AND APPROVED BY HOMEOWNER AND CONTRACTOR.

EXTERIOR STUD WALLS TO BE 2x6 STUDS AND ARE DIMENSIONED TO THE FACE OF STUD.

INTERIOR WALLS TO BE 2x4 STUDS UNLESS NOTED OTHERWISE AND ARE DIMENSIONED TO THE FACE OF STUD.

FOUNDATION TO BE 12" CFT WITH POURED CONCRETE FOOTING.

PIER AND POST DIMENSIONS TO CENTER OF PIER OR POST, UNLESS NOTED OTHERWISE.

WINDOWS ARE DIMENSIONED TO THE CENTER LINE OF ROUGH OPENING. VERIFY ROUGH OPENING DIMENSIONS WITH MANUFACTURERS TO FRAMING. INSTALL PER MANUFACTURERS ROUGH OPENING AND SPECIFICATIONS.

WINDOW HEADS TO BE SET @ 6'-8" UNLESS NOTED OTHERWISE.

HANDRAILS REQUIRED AT ALL STAIRWAYS IN ACCORDANCE WITH IRC R311.5.6. HEIGHT ABOVE STAIR NOSING TO BE 34"-39". HANDRAIL GRIP TO BE 1 1/2" DIA WITH 4 1/2" MAX HANDRAIL PROJECTION.

GUARDRAILS REQUIRED AT RAISED FLOOR SURFACES MORE THAN 30" IN ACCORDANCE WITH IRC R312. WITH A MIN. HEIGHT OF 36".

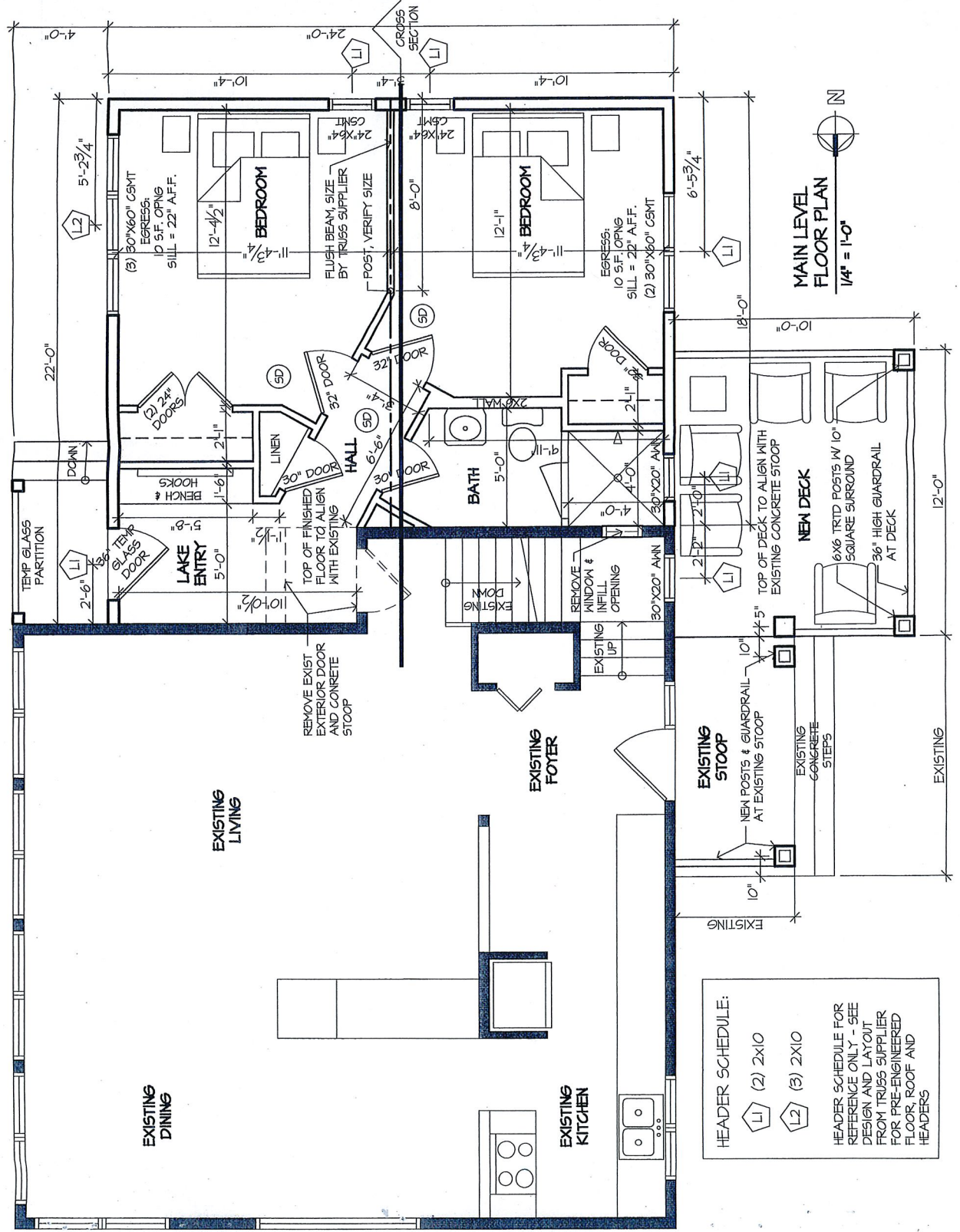
GUARDRAIL & HANDRAIL OPENINGS AND BALUSTER SPACING SHALL NOT EXCEED 3 7/8" IN ACCORDANCE WITH IRC R312.

FLASHING AT EXTERIOR WALL ENVELOPE, WINDOWS & DOORS, & LEDGER BOARDS IN ACCORDANCE WITH R703.9.

SMOKE DETECTORS IN ACCORDANCE WITH IRC R314. SBC 1504.035

CO2 DETECTORS REQUIRED WITHIN 10' OF SLEEPING AREAS PER CODE

RADON MITIGATION REQUIRED IN ACCORDANCE WITH A702.3.

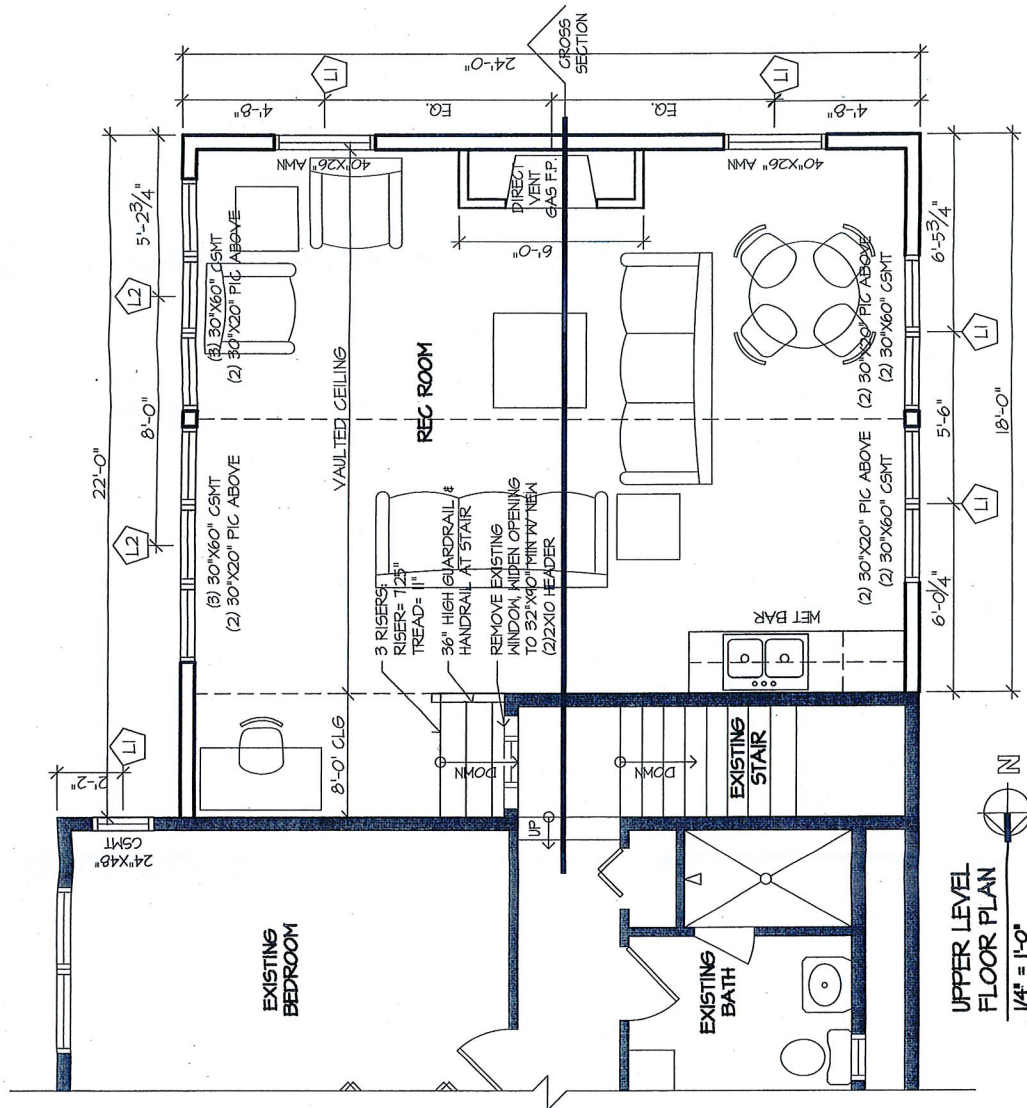
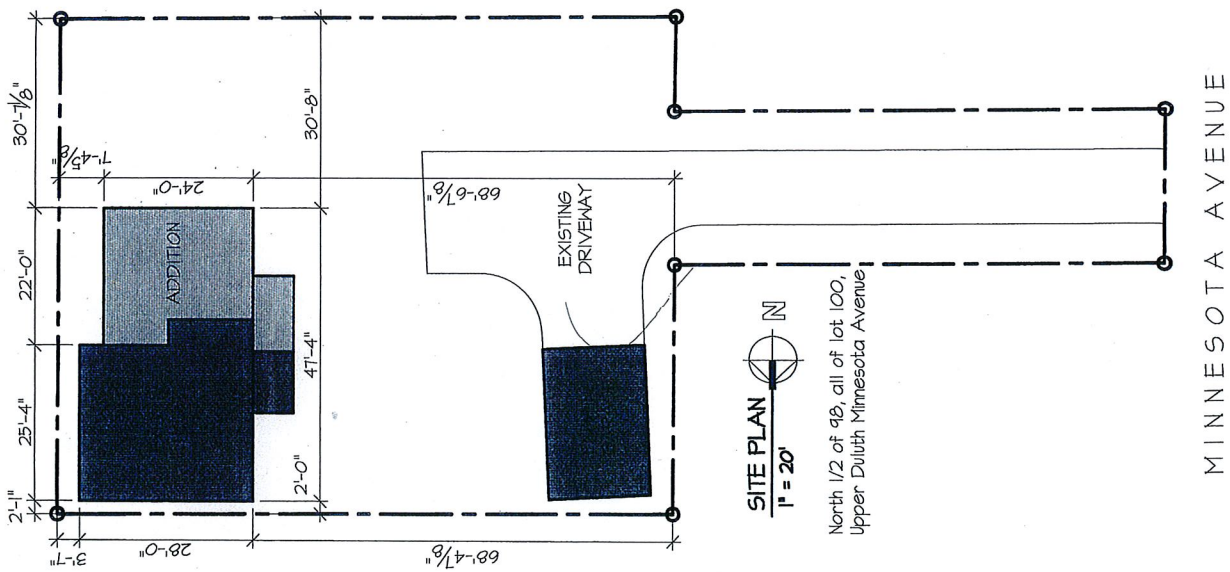


HEADER SCHEDULE:

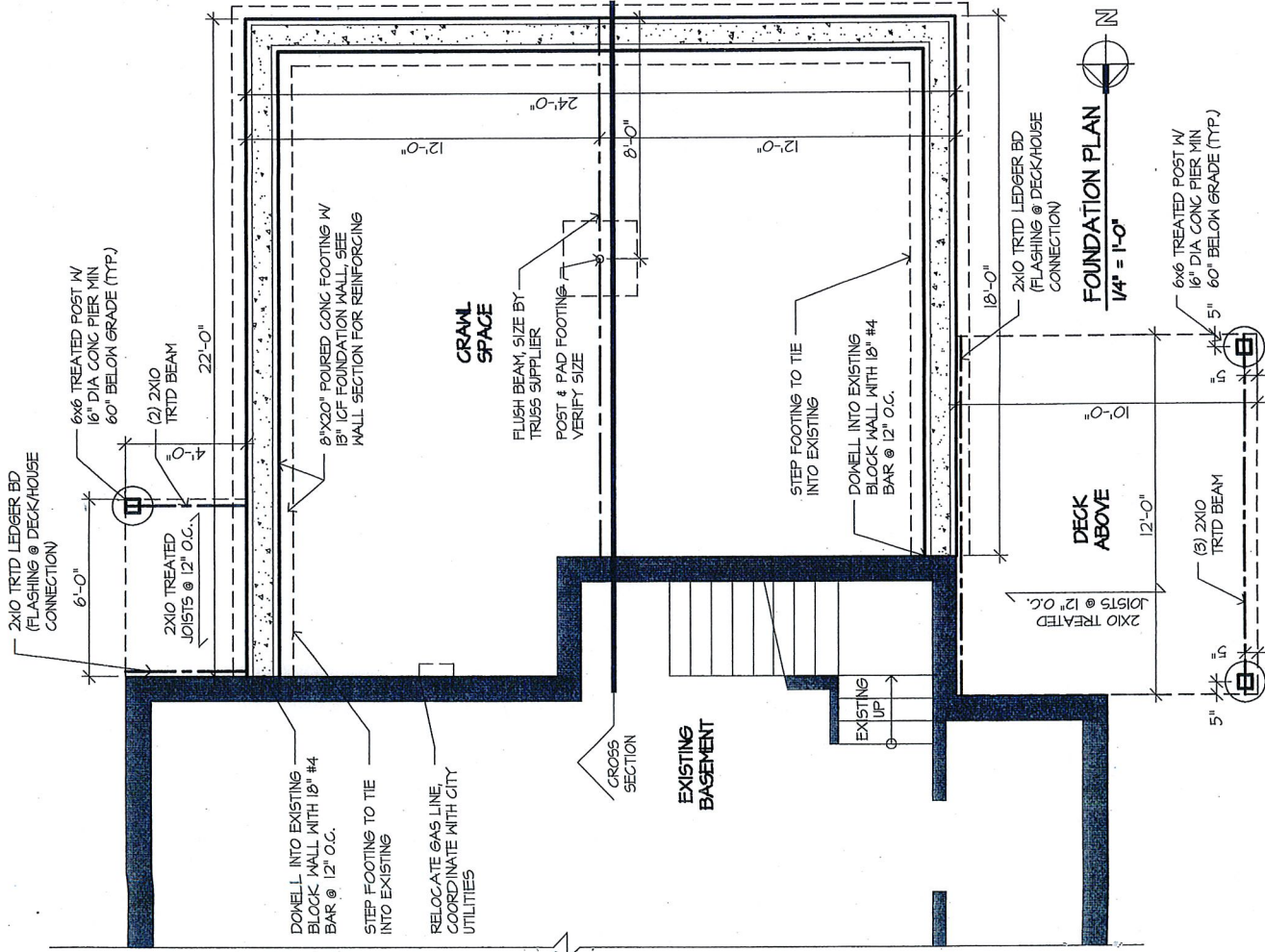
L1	(2) 2x10
L2	(3) 2x10

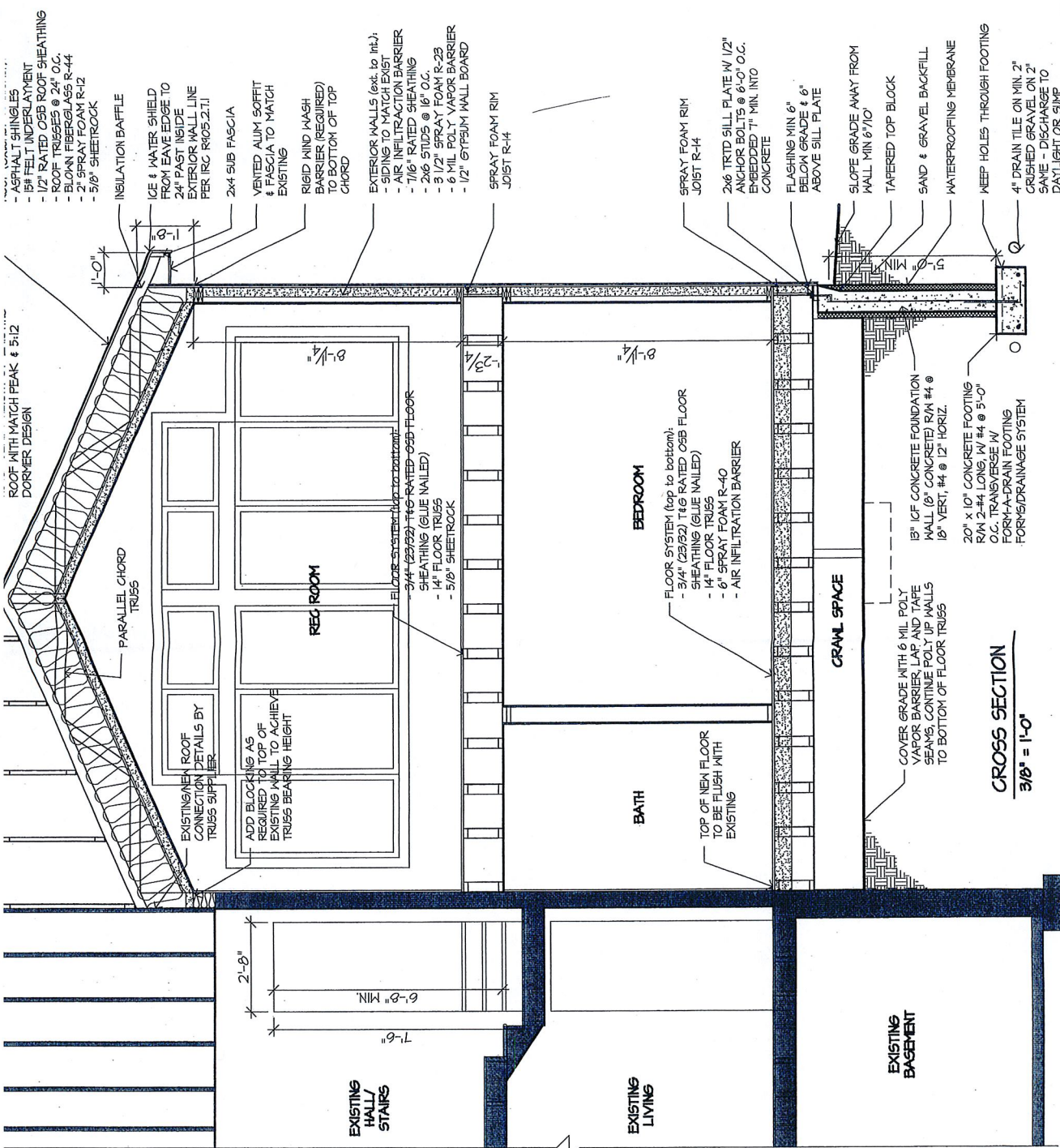
HEADER SCHEDULE FOR REFERENCE ONLY - SEE DESIGN AND LAYOUT FROM TRUSS SUPPLIER FOR PRE-ENGINEERED FLOOR, ROOF AND HEADERS

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INNER HOME DESIGNS
 5502 Elm Ave. Duluth, MN 55803
 (612) 721-4398
 innerhome.com

The homeowner(s) or licensed general contractor shall assume full responsibility for the following: 1) Completion of all drawings have been reviewed and approved by the homeowner(s) or licensed general contractor. These drawings are not to be used for any other project without the written consent of the designer. 2) The designer is not responsible for any discrepancies that result in error or omission from these drawings. These drawings are not to be used for any other project without the written consent of the designer. 3) The designer is not responsible for any discrepancies that result in error or omission from these drawings. These drawings are not to be used for any other project without the written consent of the designer. 4) The designer is not responsible for any discrepancies that result in error or omission from these drawings. These drawings are not to be used for any other project without the written consent of the designer. 5) The designer is not responsible for any discrepancies that result in error or omission from these drawings. These drawings are not to be used for any other project without the written consent of the designer.

Brownell cottage
 3427 Lake Avenue
 Duluth, MN 55802

Sheet number: 001
 10/24/11

Cross Section
 A4

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CERTIFICATE OF SURVEY

LEGEND

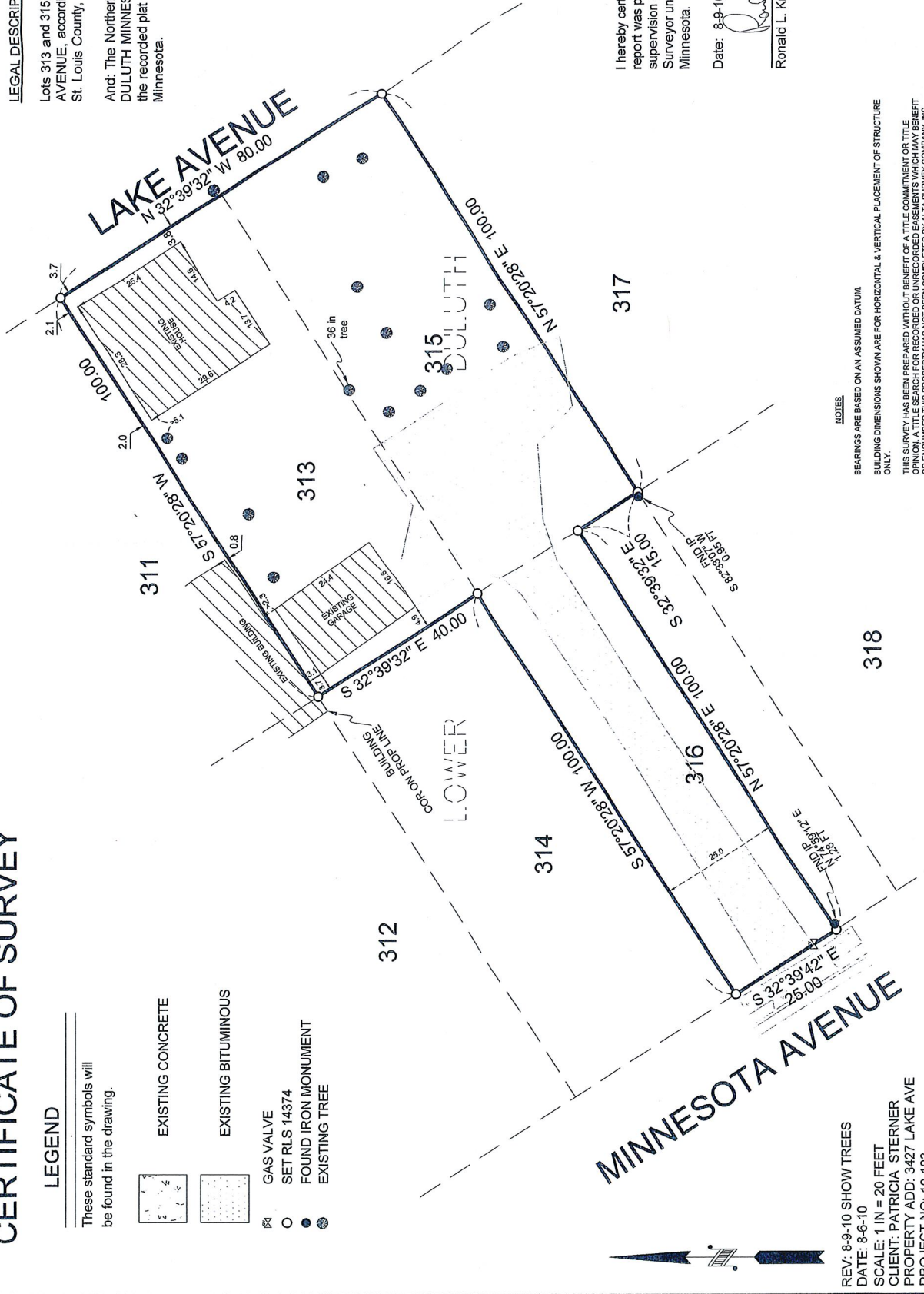
These standard symbols will be found in the drawing.

- | | |
|--|---------------------|
| | EXISTING CONCRETE |
| | EXISTING BITUMINOUS |
| | GAS VALVE |
| | SET RLS 14374 |
| | FOUND IRON MONUMENT |
| | EXISTING TREE |

LEGAL DESCRIPTION PER TAX STATEMENT

Lots 313 and 315, LOWER DULUTH LAKE AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.

And: The Northerly 25.00 feet of Lot 316, LOWER DULUTH MINNESOTA AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.



REV: 8-9-10 SHOW TREES
DATE: 8-6-10
SCALE: 1 IN = 20 FEET
CLIENT: PATRICIA STERNER
PROPERTY ADD: 3427 LAKE AVE
PROJECT NO: 10-103

NOTES
BEARINGS ARE BASED ON AN ASSUMED DATUM.
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 SURVEY COMPANY, INC.

I hereby certify that this plan, specification, 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.

Date: 8-9-10

Ronald L. Krueger

Ronald L. Krueger MN License No. 14374

ALTA
SURVEY COMPANY, INC.
Residential/Commercial Land Surveying-Land Development-Legal Descriptions
102 S. 21st Ave. W, Suite 4
Duluth, MN 55806
Phone: 218-727-3211 Fax: 218-727-3798

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