



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



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planning@duluthmn.gov

File Number	PL 20-146	Contact	Chris Lee, clee@duluthmn.gov	
Type	Variance – rear yard structure setback	Planning Commission Date		October 13, 2020
Deadline for Action	Application Date	September 15, 2020	60 Days	November 14, 2020
	Date Extension Letter Mailed	September 18, 2020	120 Days	January 13, 2021
Location of Subject		4 Lakeside Court		
Applicant	Andrew Sternberg	Contact	Corey Solberg	
Agent		Contact		
Legal Description		See attached		
Site Visit Date		October 2, 2020	Sign Notice Date	September 28, 2020
Neighbor Letter Date		September 28, 2020	Number of Letters Sent	29

**Proposal**

A variance to the rear yard setback from the required 25 feet to a distance of 10 feet to allow for the construction of a second story deck. The proposed variance, if granted, would apply to the deck only.

**Recommended Action:** Approve variance with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

**Summary of Code Requirements**

Sec. 50-37.9. B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9. C – M...”

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 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 Principles and/or Policies and Current History (if applicable):**

Governing Principle #5 – Promote reinvestment in neighborhoods. The addition of a deck allows the owners to enjoy a greater variety of aspects of their home and property.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. The proposed deck would allow for continued investment in the property.

Zoning – Residential-Urban (R-1): The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

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 property currently contains a 2,000 square foot, 3-bedroom residential structure constructed in 1920.

#### **Review and Discussion Items**

Staff finds that:

- 1) The applicant is proposing to construct a deck addition to the existing home. The proposed deck would be attached to the home from the second floor. The proposed deck will be 14’6” x 16’6”. The current home is 24.45’ from the rear property line.
- 2) The structure, when built in 1920 as part of the Lakeside Court plat, was oriented with other homes to front on Lakeside Court. The variance area would have been the side yard at the time of platting. Modifications to the UDC definitions result in this lot constituting a corner lot, thus resulting in a need for a variance related to the rear yard. The applicant states that the practical difficulty is the platting of the property, including its platted shape and dimensions, and the existing location of the house.
- 3) The deck is proposed for the rear of the structure and not have an impact on neighborhood character.
- 4) The applicant is not proposing any screening.
- 5) The applicant is proposing to use the property in a reasonable manner through the addition of a deck to a single-family home.
- 6) The variance, if granted, would not impair adequate light and air to surrounding properties.
- 7) The variance, if granted, would not result in congestion on the surrounding streets, would not impair fire or emergency service access, and would not diminish established property values in the surrounding area.
- 8) The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property.
- 9) No comments from citizens, City staff, or any other entities were received during the drafting of this staff report.
- 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**

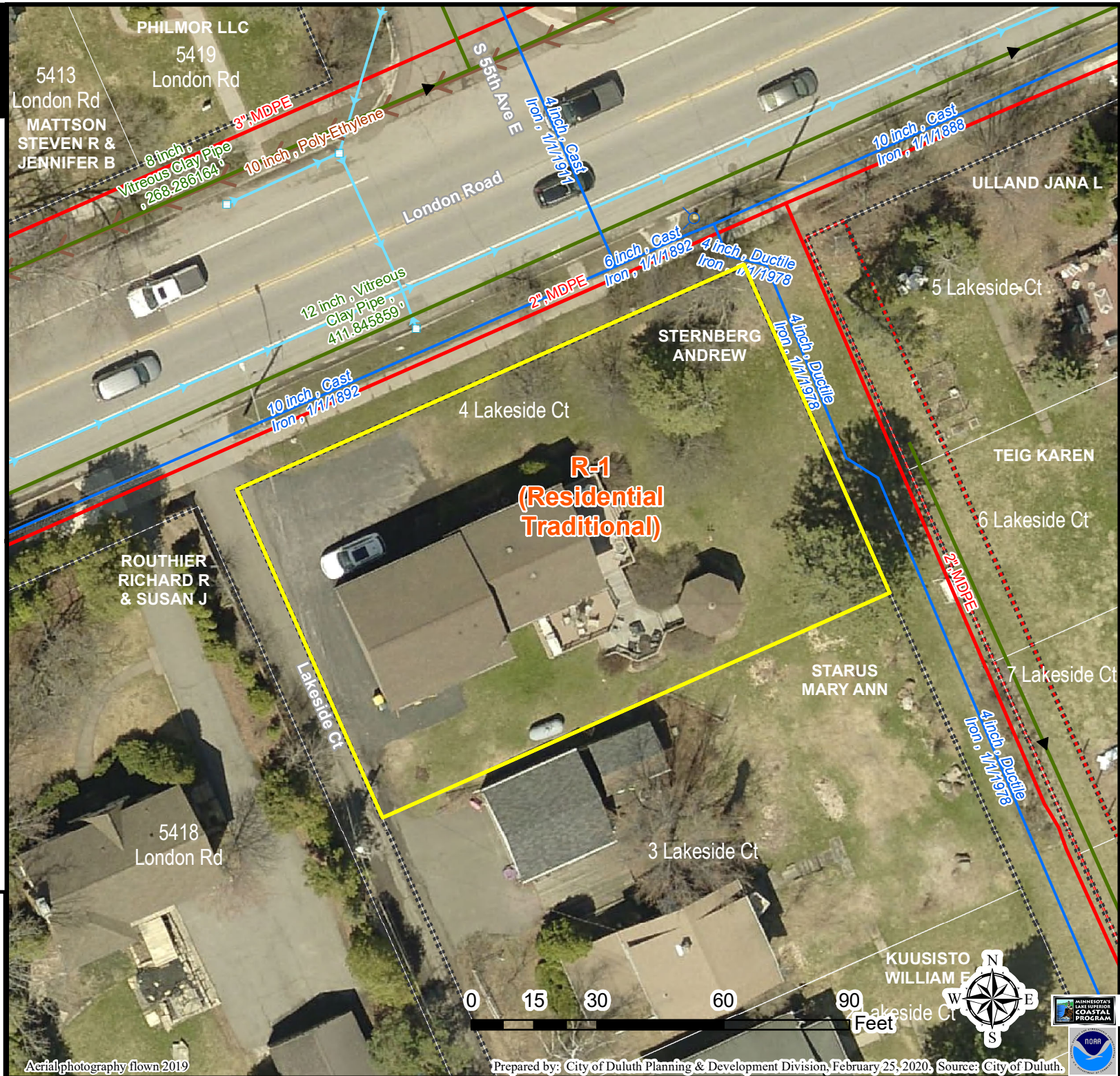
Based on the above findings, staff recommends that Planning Commission grant the Variance with the following conditions:

- 1) The project be limited to, constructed, and maintained according to the plans submitted with the date of 9/15/2020;
- 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.





# 4 Lakeside Court



## Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
  - CITY OF DULUTH
  - WLSSD; PRIVATE
  - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Road or Alley ROW
- Vacated ROW
- Easement Type
  - Utility Easement
  - Other Easement
  - Zoning Boundaries
  - Trout Stream (GPS)
  - Other Stream (GPS)

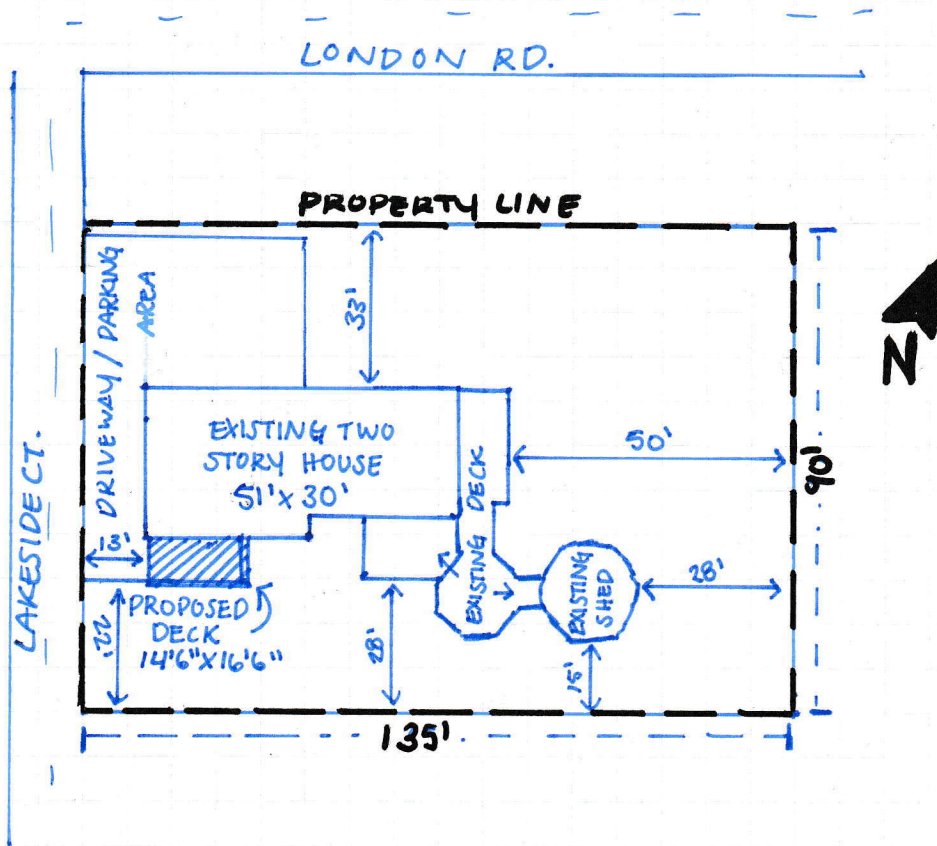
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 & Development Division, February 25, 2020, Source: City of Duluth.









**Construction Services & Inspections**

**Reviewed For Code Compliance**

MSBC 2020

*Tari Rayala* 05/12/2020

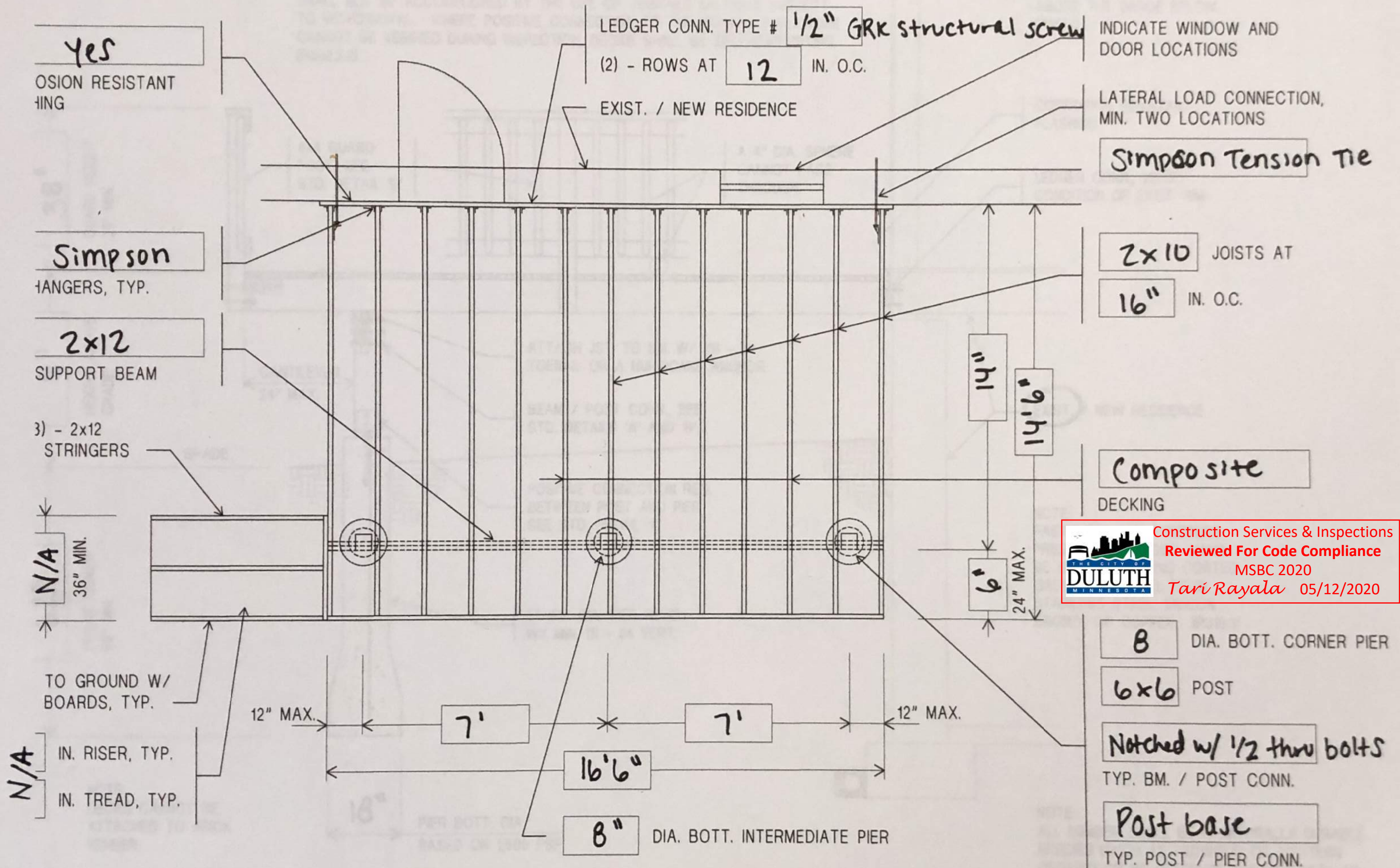
North Arrow Required

RESIDENTIAL SITE PLAN PAPER

Do Not Use Pencil

<p><b>Site Address:</b> <u>4 Lakeside Ct.</u> <u>Duluth, MN</u></p> <p><b>Owner's Name:</b> <u>Andrew Sternberg</u></p> <p><small>This Site Plan is an accurate and complete representation of the footprint(s) of all existing and proposed structure(s) and their location(s) on the subject property.</small></p> <p><b>Applicant's Signature:</b> _____</p>	<p><b>Plat / Parcel No.</b> _____</p> <p><b>Grid is 4 squares per</b></p> <p><b>Scale: 1" = <u>35</u> Feet</b></p> <p><b>Date:</b> <u>5/10/20</u></p>
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Doc 203-0718



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 MSBC 2020  
*Tari Rayala* 05/12/2020

UR DECK IS MORE  
 LEX, DRAW OUT A

DECK PLAN



Prop. Line

BACK PARKING

NEW DECK

total Lot  
feet w: 132'

ALLEY

20'

DRIVEWAY

HOUSE

N

North Arrow Required

RESIDENTIAL SITE PLAN PAPER

Do Not Use Pen

Address:

\_\_\_\_\_

\_\_\_\_\_

Owner's Name:

\_\_\_\_\_

Site Plan is an accurate and complete representation of the footprint(s) of existing and proposed structure(s) and their location(s) on the subject property.

Applicant's Signature:

\_\_\_\_\_

Plat / Parcel No.

\_\_\_\_\_

Grid is 4 squares per

Scale: 1" = \_\_\_\_\_ Feet

Date:

\_\_\_\_\_



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