

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0372R

RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO GRANT A VARIANCE TO ISD #709 TO ALLOW FRONT YARD PARKING ON PROPERTY LOCATED AT 301 NORTH 40TH AVENUE EAST (ORDEAN SCHOOL).

CITY PROPOSAL:

RESOLVED, that the decision of the board of zoning appeals granting an application for a variance by ISD #709 to allow front yard parking is affirmed upon the following findings:

(a) The applicant has demonstrated that due to the need for parking, the amount of shoreland on the site, and the need to limit the amount of impervious surface in shoreland zones, a hardship exists which satisfies the requirements of Duluth Legislative Code Section 50-47(b);

(b) That special circumstances apply to the building and land in that the district needs to provide more parking than is currently required under city standards;

(c) That the variance is necessary to promote the safe use of the school site;

(d) That portions of the front yard are currently used for parking and no evidence has been produced that the variance, if regulated by appropriate conditions, will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase 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, comfort, morals or general welfare of the inhabitants of the city.

RESOLVED FURTHER, that a variance from the Zoning Code as requested by the ISD #709 is granted conditioned upon the following terms and conditions:

(a) The approval of a development agreement between the city and applicant that provides for the following conditions:

(1) That the applicant comply with all applicable statutes,

regulations and city codes;

(2) That landscaping/fencing plans which incorporate screening of the loading dock area to reduce the impact of such activity on the surrounding neighborhood be submitted to and approved by appropriate city staff.

Approved as to form:

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Attorney

CCREQ/BLDGINSF CH:ek 5/22/2009

STATEMENT OF PURPOSE: This resolution affirms the decision of the board of zoning appeals to grant a variance from the Zoning Code to allow parking in the front yard conditions for front yard parking.