

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0192R

RESOLUTION GRANTING A WATER RESOURCE MANAGEMENT ORDINANCE VARIANCE TO PARK POINT PROPERTIES REDUCING THE MINIMUM LOT AREA NEEDED TO BUILD FOUR SINGLE FAMILY HOMES AND THREE DUPLEXES ON PROPERTY AT 16TH STREET BETWEEN MINNESOTA AVENUE AND SAINT LOUIS AVENUE.

BY COUNCILOR STAUBER:

RESOLVED, that the city council finds the following facts:

(a) Park Point Properties applied for a variance pursuant to Duluth City Code Section 51-30 seeking a reduction in the required minimum lot area needed to construct dwellings in a class two, general development shoreland district. City Code Section 51-29(e) requires a minimum of 10,000 square feet of lot area for each building and the applicant has petitioned for a reduction to 5,000 square feet of lot area for each single-family dwelling to be constructed and 6,000 square feet of lot area for each two-family dwelling to be constructed with the proposal to construct four single-family dwellings and three two-family dwellings on the subject site; and

(b) Pursuant to Duluth City Code 51-30 an applicant for a variance must demonstrate the existence of a hardship and that no variance shall be granted that compromises the general purposes or intent of Article III of Chapter 51 of the Duluth City Code and that no variance shall be approved that results in adverse consequences to the environment; and

(c) Planning department staff recommended to the city planning commission that the requested variance be denied because Chapter 51 of the Duluth City Code does not allow this type of variance and because the applicant has not demonstrated a hardship; and

(d) After conducting a public hearing, the city planning commission considered Park Point Properties' variance request at its March 9, 2010, regular meeting; and

(e) The city planning commission unanimously denied the variance request because Chapter 51 of the Duluth City Code does not allow this type of variance and because the applicant has not demonstrated a hardship; and

(f) Park Point Properties has filed an appeal of the city planning commission denial to the city council pursuant to Duluth City Code Section 51-10(d).

RESOLVED FURTHER, that the planning commission decision is reversed upon the following grounds:

- (a) The record demonstrates the existence of a hardship; and
- (b) The Duluth City Code allows for such a variance; and
- (c) The general purposes and intent of Chapter 51 will not be compromised by granting the requested variance; and
- (d) The record does not support the conclusion that the environment will be harmed by granting the petitioned for variance.

RESOLVED FURTHER, that Park Point Properties' application for variance is approved subject to the following conditions:

- (a) The applicant shall submit a final surveyed site plan to the land use supervisor demonstrating that the final plan is consistent with the variance application; and
- (b) No permit shall be issued until the land use supervisor approves the final site plan.

Approved as to form:

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Attorney

COUNCIL REQUEST      KD:tmf      4/9/2010

STATEMENT OF PURPOSE: This resolution reverses the action of the city planning commission. The city planning commission denied Park Point Properties' variance request at its March 9, 2010, meeting. This resolution also approves the requested variance and attaches reasonable conditions.

Date of application: February 10, 2010

Action deadline: June 10, 2010