



**CITY OF DULUTH**

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

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

**STAFF REPORT**

<b>File Number</b>	PL 13-102	<b>Contact</b>	Steven Robertson, 218-730-5295	
<b>Application Type</b>	Variance	<b>Planning Commission Date</b>	November 12, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	October 7, 2013	<b>60 Days</b>	December 6, 2013
	<b>Date Extension Letter Mailed</b>	October 18, 2013	<b>120 Days</b>	February 4, 2013
<b>Location of Subject</b>	1529 East 5th street			
<b>Applicant</b>	Scalzo Propperties, LLC	<b>Contact</b>	lscalzo@charter.net	
<b>Agent</b>	Lynne Scalzo	<b>Contact</b>	lscalzo@charter.net	
<b>Legal Description</b>	010-1480-08610			
<b>Site Visit Date</b>	October 29, 2013	<b>Sign Notice Date</b>	October 29, 2013	
<b>Neighbor Letter Date</b>	October 18, 2013	<b>Number of Letters Sent</b>	72	

**Proposal**

Applicant is seeking a variance from front yard parking requirements to allow for two off street parking spaces instead of the existing one.

	<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 (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 . . . .

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.

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

Traditional Neighborhood Future Land Use. 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.

Principle #8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

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

1) The applicant is seeking a variance and concurrent use permit to provide one additional off-street parking space for the tenants of their 4 unit apartment complex. The variance is required to exceed the requirements of front-yard parking of UDC section 50-24.6. The concurrent use permit is required because the applicant wishes to place the additional parking space in the public right of way, up to to the back of the existing sidewalk. If the variance is denied, then the applicant cannot proceed with their request for a concurrent use permit.

2) The apartment building was built in 1929, and purchased by the applicant in 2012. The lot is 95 feet wide and a 40 feet deep. Approximately 10 feet of the lot is used by neighboring property owners to access their garages. The front of the lot is considered to be East 5th Street; the right of way is 66 feet wide with curb and gutter, and sidewalks, on both sides.

3) The property has a current, legal, rental license. The property meets UDC parking requirements. Multi-family uses are required to provide 1 off-street parking space per unit (4 are required for this property). The number of parking spaces can be exceeded up to 150% of the requirement, or reduced to 70% of the requirement if within 1/4 mile of a bus route. The property owner could provide from 3 up to 6 parking spaces and still meet the UDC off-street requirement. The property, as it exists now, provides two parking spaces inside the structure, and one on the driveway.

4) The property owner has a legal rental license, and meets the minimum UDC requirements for parking.

5) The city has had restrictions on parking in front of structures in residential districts since 1958, with allowances for driveway parking designed primarily for access to a garage.

6) No City, citizen, or agency comments were received.

7) The requested variance is not necessary for the preservation and enjoyment of a substantial property right. The requested variance is for the convenience of the applicant. The applicant does not have a practical difficulty that would require a variance to enjoy the use of the property.

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

Based on the above findings, Staff finds that the requested variance does not meet the general variance criteria established in 50-37.9, the applicant does not meet the requirements for a zoning variance, and therefore staff recommends denial.

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



# City Planning

PL 13-102 and PL 13-131  
Variance/Concurrent Use of Streets  
1529 E 5th Street

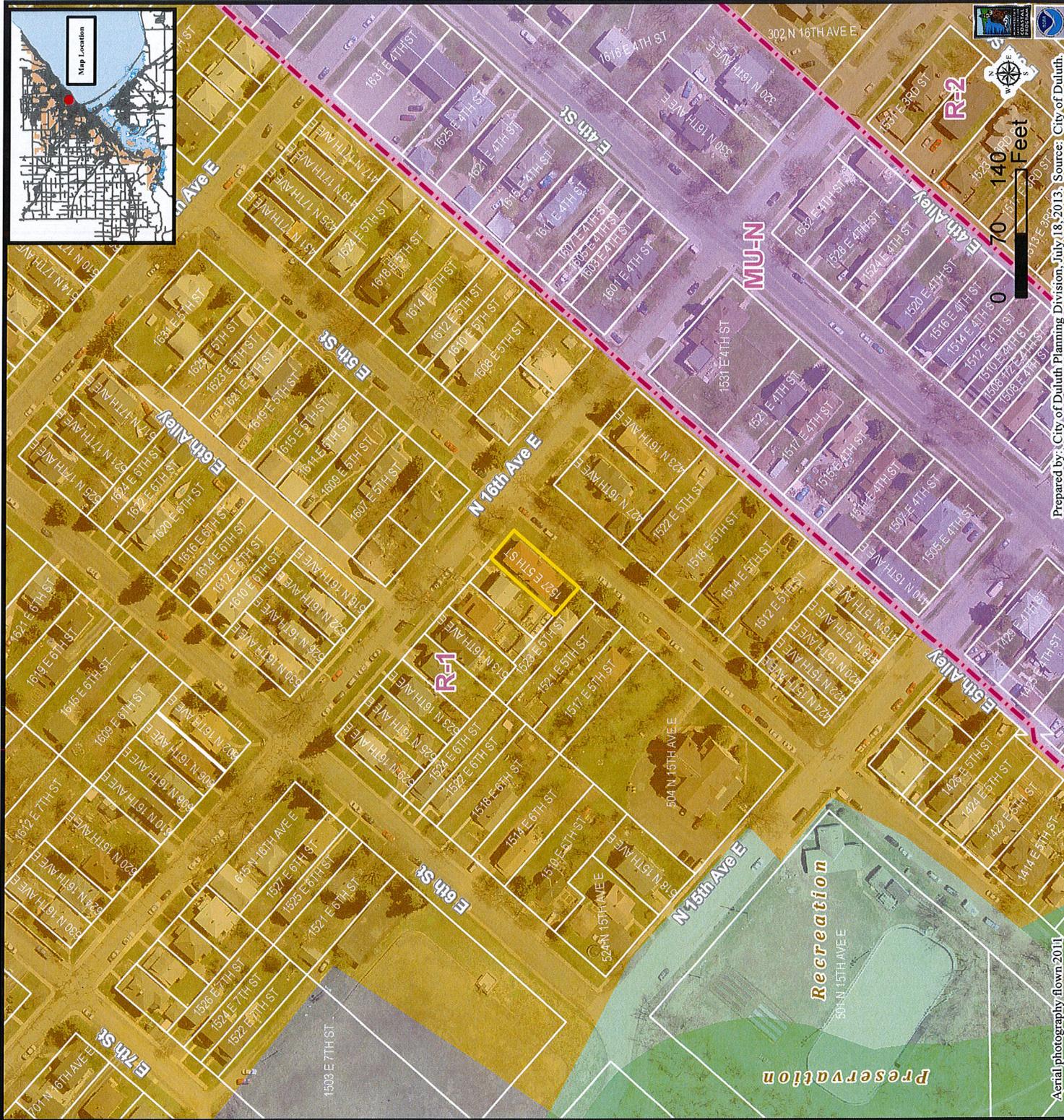
## Legend

- Zoning (Final)
- 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.

Aerial photography (flovorn 2011)

Prepared by: City of Duluth Planning Division, July 18, 2013. Source: City of Duluth.





# City Planning

PL 13-102 and PL 13-131  
Variance/Concurrent Use of Streets  
1529 E 5th Street

## Legend

### Contours 1 Ft

Index

Intermediate

Index

### Water Distribution System

30 - 60" Water Pipe

16 - 24" Water Pipe

4 - 6" Water Pipe

### Sanitary Sewer Collection System

Sanitary Sewer Collector

Sanitary Sewer Interceptor

Sanitary Sewer Forced Main

Storage Basin

Pump Station

### Gas Distribution Main

8" - 16" Gas Pipes

4" - 6" Gas Pipes

0" - 4" Gas Pipes

### Storm Sewer Collection System

Storm Sewer Pipe

Storm Sewer Catch Basin

Discharge\_Points

Vacated ROW

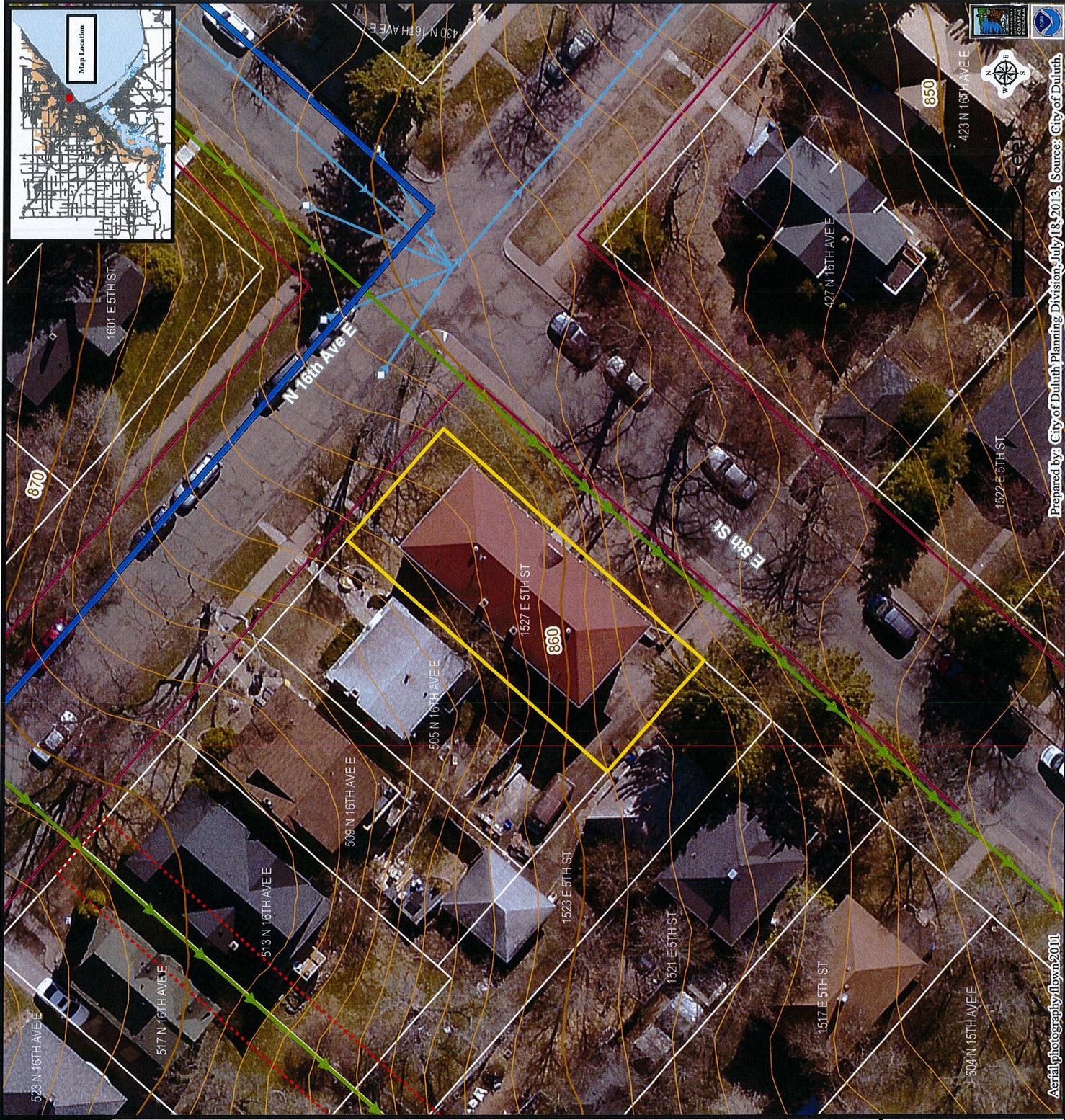
Easement Type

Utility Easement

Other Easement

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Aerial photography flyover 2011

Prepared by: City of Duluth Planning Division, July 18, 2013. Source: City of Duluth.



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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 Architect under the laws of the State of Minnesota.

WILLIAM B. SCALZO  
 DATE \_\_\_\_\_  
 LICENSE NO. 18130

CONTRACTORS

PROJECT  
**HIGHLAND PARK APARTMENTS**  
 1528 E 5TH ST  
 DULUTH MN. 55812

EXISTING SITE PLAN

REVISIONS

DATE JULY 5, 2013  
 DRAWN ZKS  
 CHECKED WBS  
 PROJECT 1217

0 1"  
 FULL SCALE

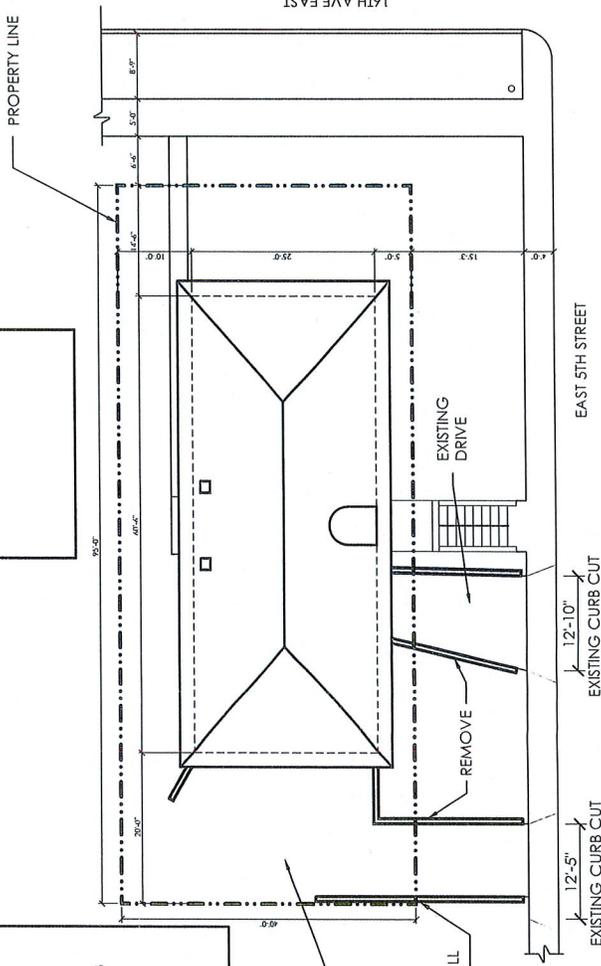
SHEET NO  
**EX1**



EXISTING HOUSE

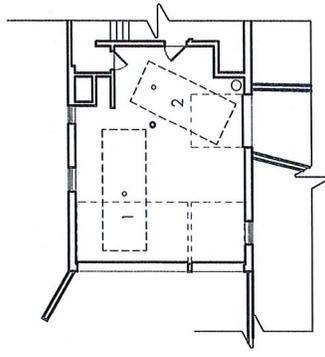
EXISTING HOUSE

PROPERTY LINE



**SITE PLAN**  
 1/16"=1'-0"

EX1



**EXISTING PLAN**  
 1/16"=1'-0"

EX1

7-7



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 professional engineer in the State of Minnesota.

WILLIAM B. SCALZO  
DATE  
LICENSE NO. 18130

CONTRACTORS

PROJECT  
**HIGHLAND PARK APARTMENTS**  
1528 E 5TH ST  
DULUTH MN, 55812

PROPOSED SITE PLAN

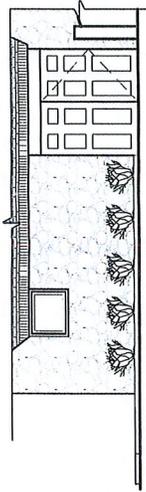
REVISIONS

DATE JULY 5, 2013  
DRAWN ZKS  
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0 1"  
FULL SCALE

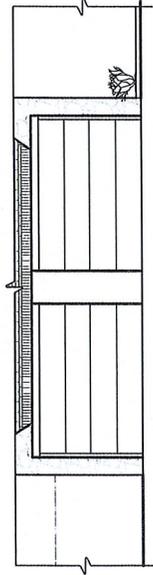
SHEET NO.

**P1**



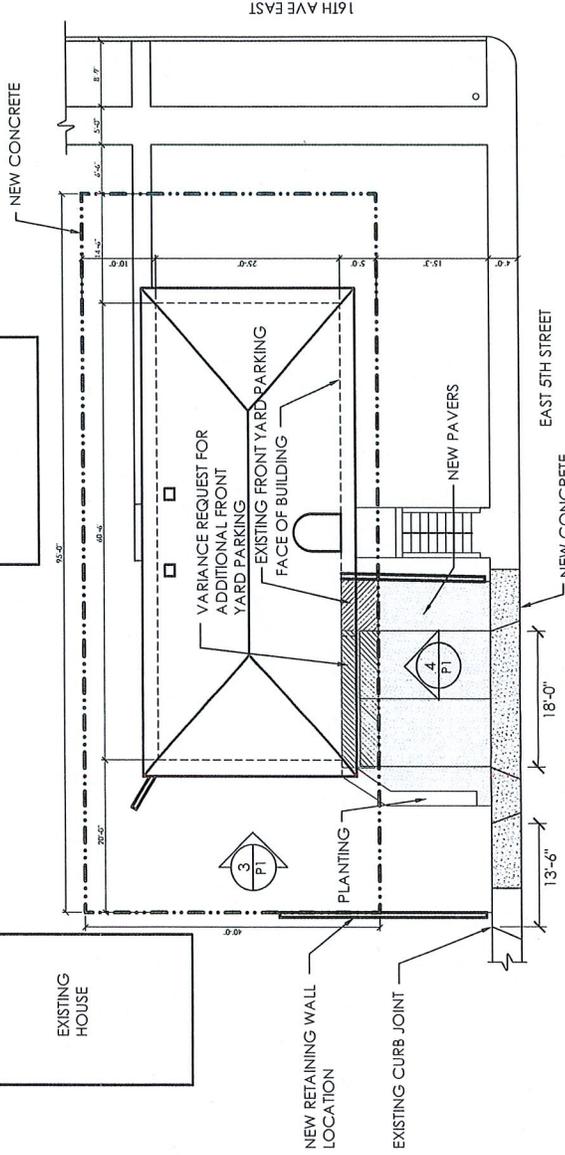
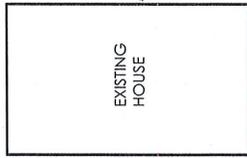
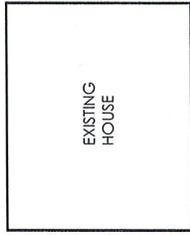
**PROPOSED ELEVATION**

4  
P1  
1/8"=1'-0"



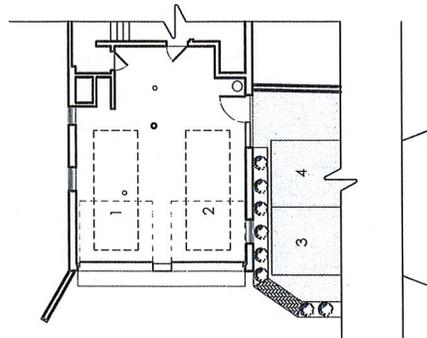
**PROPOSED ELEVATION**

3  
P1  
1/8"=1'-0"



**SITE PLAN**

1  
P1  
1/16"=1'-0"



**PROPOSED PLAN**

2  
P1  
1/16"=1'-0"

I-8

City of Duluth  
Variance Application Attachment

Street Address and Zoning of Property – 1529 East 5<sup>th</sup> Street  
Parcel ID Number 010-14808610

Evidence that the requested variance will not have a negative impact

The requested variance will free up two additional parking spots in the neighborhood in addition to providing each unit at 1529 E 5<sup>th</sup> Street an off street parking spot. The existing curb at the location of parking spot for variance is located between the properties' two driveways and is only thirteen feet which does not provide for a legal parking spot.

A statement of need establishing practical difficulty

This application seeks a variance for the property at 1529 East 5<sup>th</sup> Street; an existing 4 unit apartment building in an R-1 District. The building owner, Scalzo Properties, LLC., seeks to meet the Duluth City zone ordinance to provide one off street parking space for each of the 4 units.

Current conditions provide for two off street parking spaces by way of two separate driveways on 5<sup>th</sup> Street; one garage stall is located on the west elevation in which the driveway also provides an easement for access to the adjoining property owners at 1523 East 5<sup>th</sup> Street, 505 N. 16<sup>th</sup> Avenue East and 507 N. 16<sup>th</sup> Avenue East to access their properties. The second driveway located on the south elevation provides entrance to a second stall with mobility restrictions due to a structural column.

The proposal is to revise the west elevation to allow for two 10 foot garage door stalls; elimination of the garage stall on the south elevation and providing access for bikes and garbage/recycle receptacles and widen the existing driveway on the south elevation to allow for a two off street parking spaces instead of the existing one.

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RECEIVED JUL 05 2013



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10-1