



CITY OF DULUTH

Planning Division

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

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STAFF REPORT

File Number	PL 13-055	Contact	Steven Robertson
Application Type	Variance from Parking Requirements	Planning Commission Date	June 11, 2013
Deadline for Action	Application Date	April 3, 2013	60 Days June 2, 2013
	Date Extension Letter Mailed	April 19, 2013	120 Days July 1, 2013
Location of Subject	702 North 7th Ave East		
Applicant	Charles Sill and Linda Simmons	Contact	cdavsil@aol.com, 651 646 6977
Agent	N/A	Contact	N/A
Legal Description	SLY 45 FT of LOTS 1 and 2, Nortons Division of Duluth (Parcel ID #: 010-3490-01450)		
Site Visit Date	May 23, 2013	Sign Notice Date	May 28, 2013
Neighbor Letter Date	May 24, 2013	Number of Letters Sent	86

Proposal

Variance to the off-street parking requirement of the Duluth Vacation Rental regulations.

	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	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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

Sec 50-22.3.V Commercial Uses, Vacation Dwelling Unit. 3. Off street parking shall be provided at the following rate: (a) 1-2 bedroom unit, one space; (b) 3-4 bedroom unit, two spaces; (c) 5+ bedroom unit, three spaces;

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.

The applicant is also requesting an Interim Use Permit to operate a vacation dwelling business.

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

- 1) The applicant is requesting a variance from having to provide two off street parking spaces, as is required for businesses that operate a 3 bedroom vacation dwelling unit in a residential neighborhood.
- 2) The applicant states that most of their customers only have one vehicle, but sometimes two or sometimes none. The applicant adds that if they had to install a curb cut for driveway access for new parking, there would be the loss of one on-street parking space, diminishing the impact of additional off-street parking.
- 3) There is an approximate 6 feet elevation difference from the curb of East 7th Street to the rear of the applicants property. The elevation change does not meet the standard of "exceptional topographic or other conditions related to the property". Other properties in the vicinity have similar circumstances.
- 4) This area is zoned R-1, but is a denser development than is normally found in R-1 (it is similar in density to R-2). Because of the general high use of on-street parking in this neighborhood, staff have a concern with this property not providing off-street parking as per the Vacation Rental Home requirement. Even though a curb cut may displace one on-street parking space, providing two off-street parking spaces will off-set that loss.
- 5) The relief is not necessary for the preservation and enjoyment of a substantial property right, and the variance does serve as a convenience to the applicant.
- 6) If the variance were granted, it would 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. Also, if the variance were granted, it would not substantially impair the intent of this Chapter and the official zoning map;
- 7) No City, public, or agency comments were received.
- 8) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun.

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

Based on the above findings, Staff recommends denial of the variance request for the following reasons:

- 1) The need for a variance is not due to unique conditions of the property.
- 2) The relief is not necessary for the preservation and enjoyment of a substantial property right.

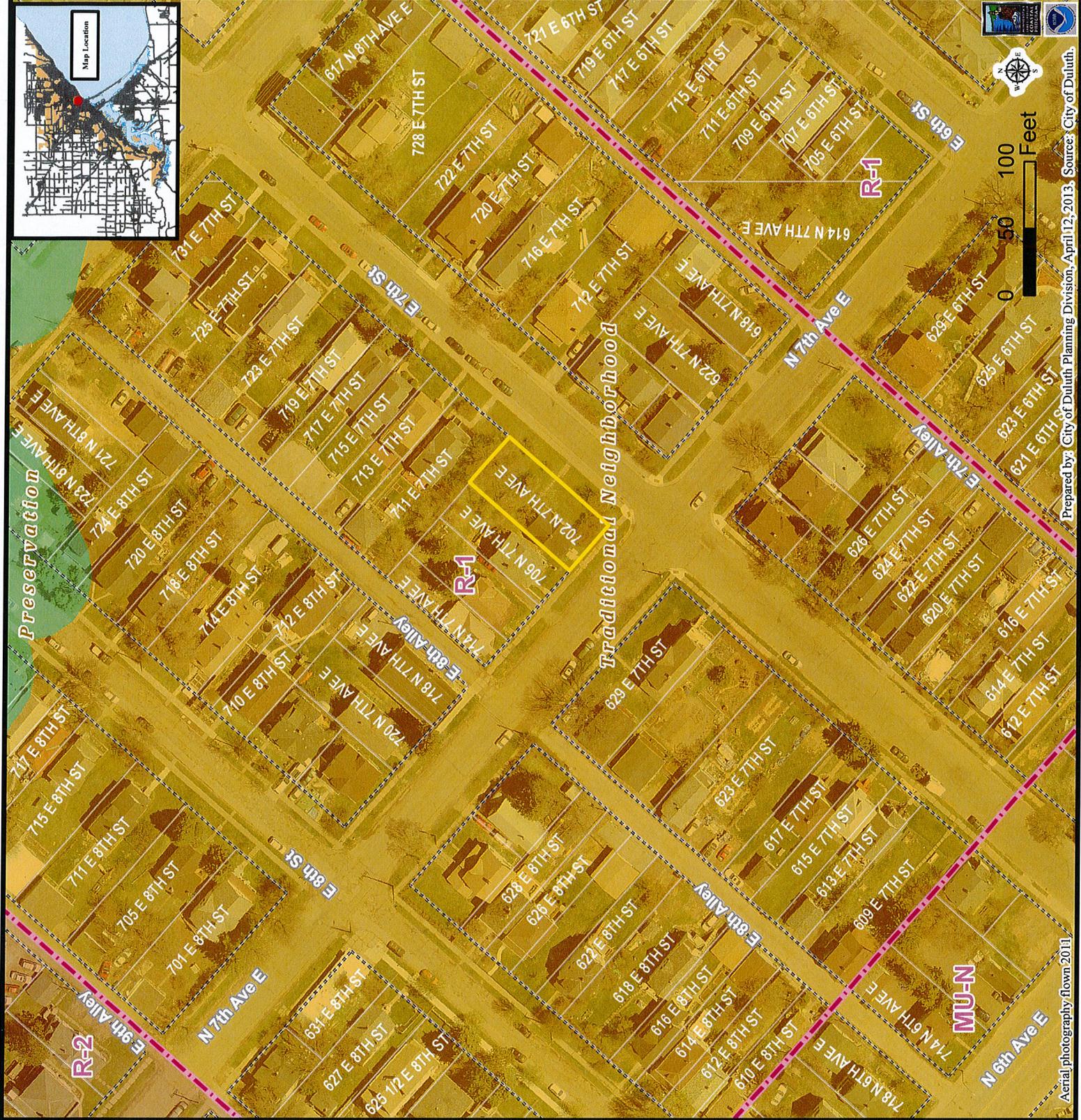
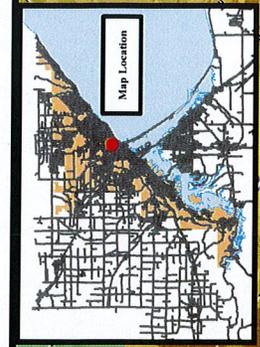
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Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

PL 13-055 and 13-056
Interim Use Permit
702 N 7th Avenue E



Legend

Right-of-Way Type
 - - - - - Road or Alley ROW

Easement Type
 - - - - - Utility Easement
 - - - - - Other Easement
 - - - - - 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.

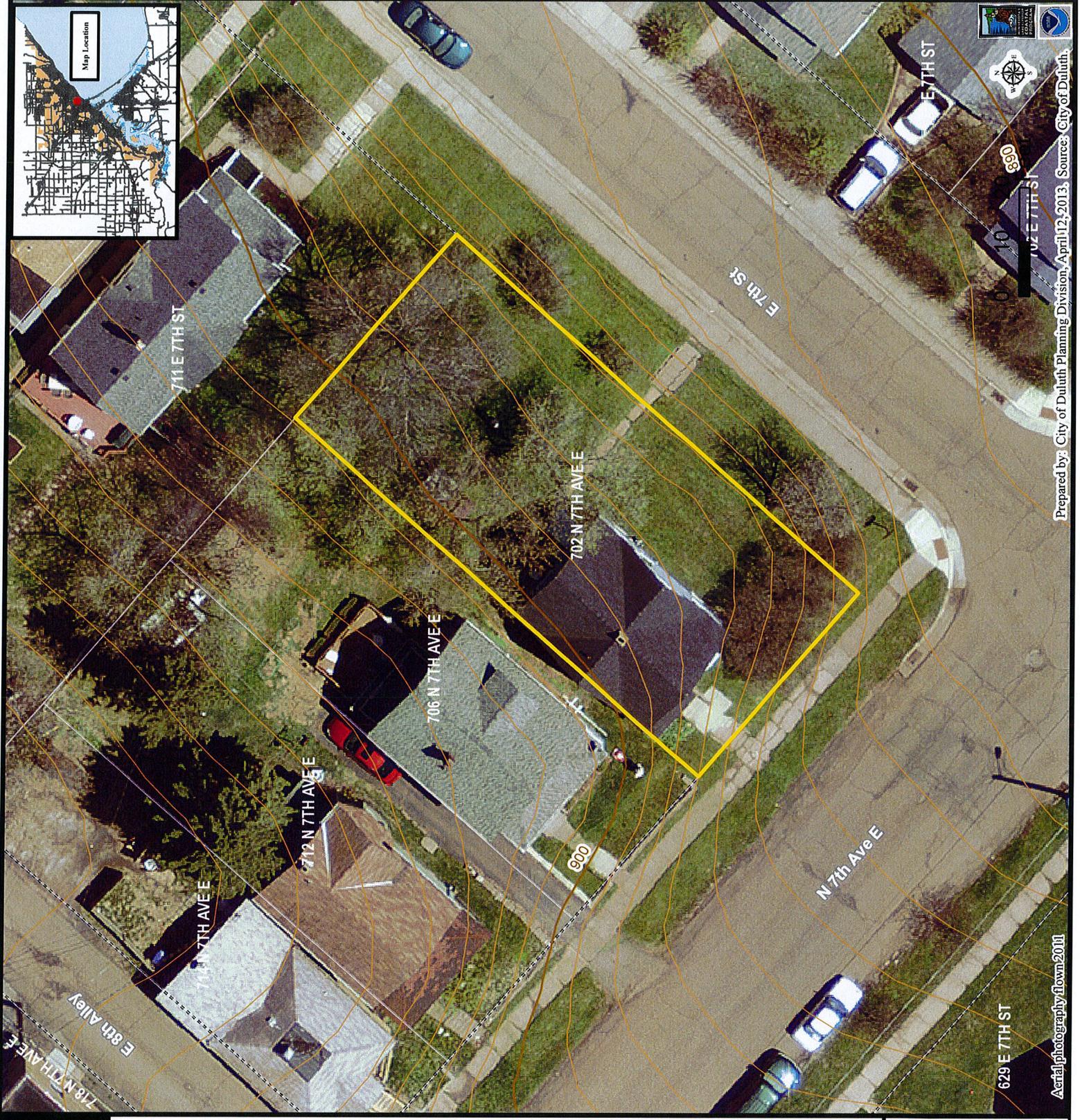
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Aerial photography flown 2011.

Prepared by: City of Duluth Planning Division, April 12, 2013. Source: City of Duluth.



City Planning
 PL 13-055 and 13-056
 Interim Use Permit
 702 N 7th Avenue E



Legend

Contours 1 Ft

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E-C



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Variance Request

For the off-street parking requirement of the Duluth Vacation Rental Regulations.

702 N. 7th Ave. E. Vacation Rental

Charles D. Sill & Linda M. Simmons

Evidence that the requested variance will not have a negative impact

1. We have operated the property as a vacation rental for the past 2 years, and have never had an issue with parking. We have never had a complaint from a neighbor or a guest about the availability of parking. We have a corner lot, so on-street parking is available on two sides.
2. As we have no alley access, installation of off-street parking would necessitate a curb cut for a driveway, resulting in the immediate and permanent loss of at least one on-street parking space.
3. We had guests in the house an average of 102 days per year during the 2 years we have operated the house as a vacation rental. Most of the time, our guests only had one vehicle, sometimes two, and sometimes none. Therefore the loss of the above-mentioned on street parking space would, in all likelihood, virtually negate any benefit from the addition of off-street parking.

Variance Request

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702 N. 7th Ave. E. Vacation Rental

Charles D. Sill & Linda M. Simmons

Statement of need establishing practical difficulty

1. The house has no alley access.
2. The yard has steep hillsides on the street sides. Installation of off-street parking would require a curb cut, plus extensive excavation of the hillside, or the result would be a driveway too steep for practical use.
3. Installation of off-street parking would require the removal of mature trees and shrubs, negatively impacting the visual beauty of the green space, the urban forest, and the usability of the yard (loss of shade). As trees store carbon, a case could be made that this would also, however slightly, increase global warming.
4. Installation of off-street parking would result in the loss of a significant portion of the usable area of the lawn, negatively impacting the recreational usability of the yard. Our yard is one of the house's most desirable features as a vacation rental property.
5. Installation of off-street parking may negatively impact our relations with our neighbors. We know for a fact that our next door neighbors do not want a parking area right next to their house. They also occasionally use our yard. We wish to maintain good relations with our neighbors.

ES

