



CITY OF DULUTH
Planning Division

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

STAFF REPORT

File Number	PL 13-002	Contact	Steven Robertson, 218 730 5295	
Application Type	Variance from Front Yard Setbacks	Planning Commission Date	February 12, 2013	
Deadline for Action	Application Date	January 9, 2013	60 Days	March 10, 2013
	Date Extension Letter Mailed	January 17, 2013	120 Days	May 9, 2013
Location of Subject	101 to 127 West 4th Street			
Applicant	Hillside Apartements LLLP	Contact		
Agent	One Roof Housing	Contact	218 727 3646	
Legal Description	See Attached			
Site Visit Date	February 4, 2013	Sign Notice Date	January 25, 2013	
Neighbor Letter Date	January 17, 2013	Number of Letters Sent	69	

Proposal

Variance to construct new structure 4 feet from the front lot line, instead of 25 feet as required by MU-N.

Note that while this property is currently zoned F-6 (Mid-Rise Neighborhood Shopping), it was zoned MU-N when the developer received a demolition permit, and thus this project is allowed to proceed under the zoning that was in place when the project started.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6	Commercial/Residential	Urban Residential
North	R-2	Residential	Traditional Neighborhood
South	MU-N	Commercial	Urban Residential
East	F-6/MU-N	Residential	Urban Residential/Recreation
West	R-2	Religious Instituion/Commercial	Traditional Neighborhood

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

Sec. 50-14.5 - Mixed Use Neighborhood District. Minimum depth of front yard: the smaller of 25 feet, or the average of adjacent developed lots facing the same street

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.

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

Future Land Use - Urban Residential.

The property and much of the 4th Street Corridor was rezoned from MU-N to F-6 after a rezoning action taken last summer by the City (PL 12-087, heard at the June 12, 2012 Planning Commission hearing).

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

- 1) Applicant is proposing to construct a new structure 4 feet from the front lot line. The front of the lot was determined by the UDC definition of lot, front "...for corner lots, where no other method determines conclusively the front of a lot, the city engineer shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow". MU-N requires that the front yard setback be the smaller of 25 feet, or the average of adjacent developed lots facing the same street. This development spans nearly the entire block. There are 5 developed lots facing West 4th Street on this block, with an average setback of approximately 26 feet. For comparison's sake, F-6 zoning allows Main Street Building II (front yard build to zone of 0 to 5 feet), Cottage Commercial I (front yard build to zone of 5 to 20 feet), and Iconic Building (5 foot setback).
- 2) Several of the current structures are closer than the proposed development as are other structures in the immediate area. Generally speaking, form district zoning guides new developments to be built closer to the lot line than traditional zoning.
- 3) The proposed development will provide services that are in need in the community.
- 4) The State Historic Preservation Office (SHPO) in previous discussion with the applicant has requires a similar setback for the new building in order to keep with the historic character and form of the immediate neighborhood.
- 5) The site has an elevation change of approximately 15 to 20 feet over the 150 feet width of the development parcels. The topographic conditions can present a practical difficulty to redevelopment of this site. This condition, while found generally in the surrounding neighborhoods, is particularly pronounced in the immediate area.
- 6) The variance, if granted, will not impair an adequate supply of light and air to adjacent property's or unreasonably increase the congestion in public streets. The variance, if granted, will not substantially impair the intent of the UDC.
- 7) No comments were received from the public, or city or government agencies on this proposal.

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

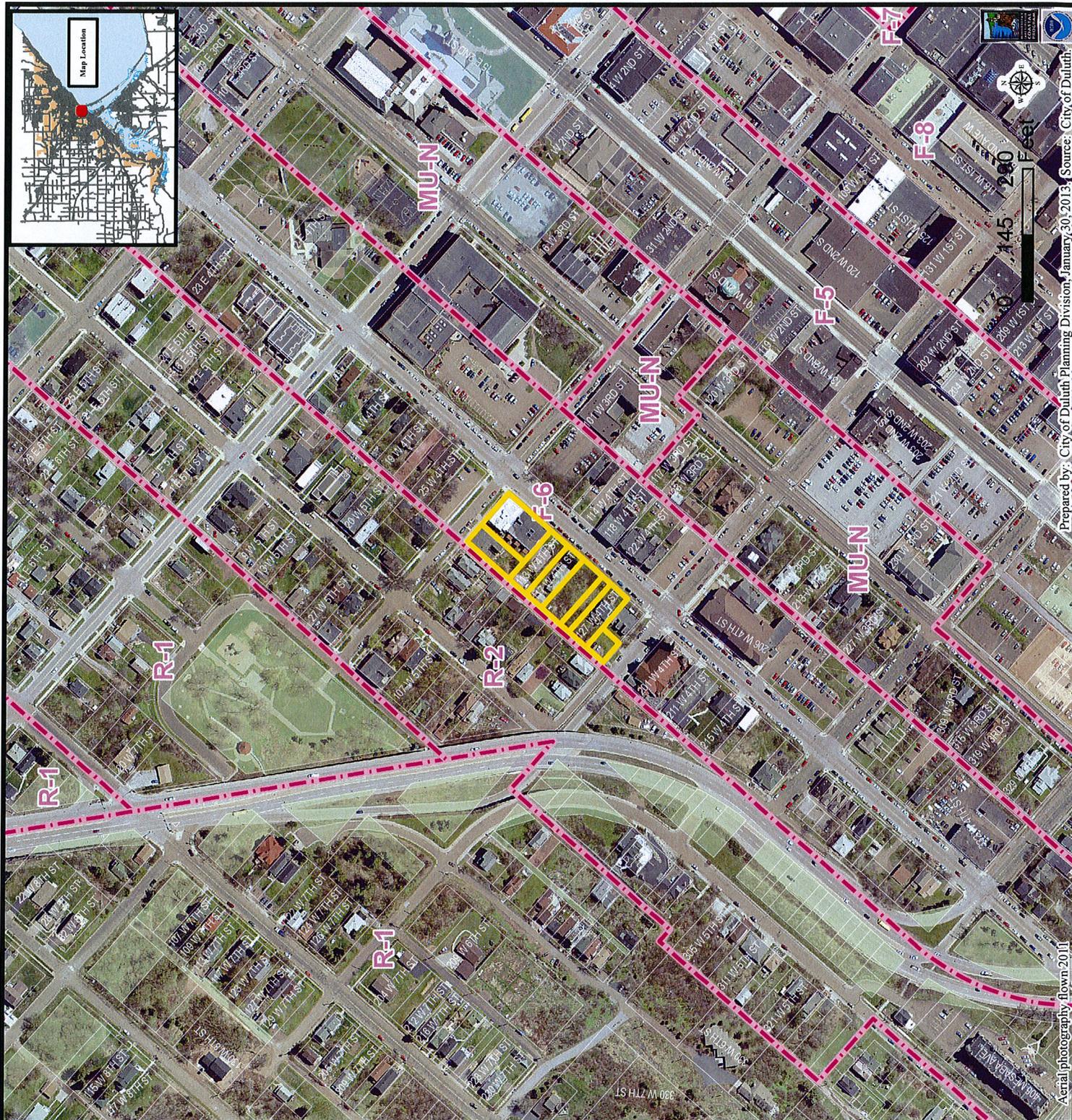
Based on the above findings, Staff recommends that Planning Commission approve the variance to reduce the front yard setback from 25 feet to 4 feet, subject to the following conditions:

- 1) No portion of the structure come closer than 4 feet from the 4th Street West lot line.
- 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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



City Planning
 Hillside Apartments LLC
 Parking and Front Yard Variance
 PL 13-001 and 13-002



Legend
 Zoning (Final)

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Aerial photography, flown 2011

Prepared by: City of Duluth Planning Division, January 30, 2013. Source: City of Duluth.



City Planning

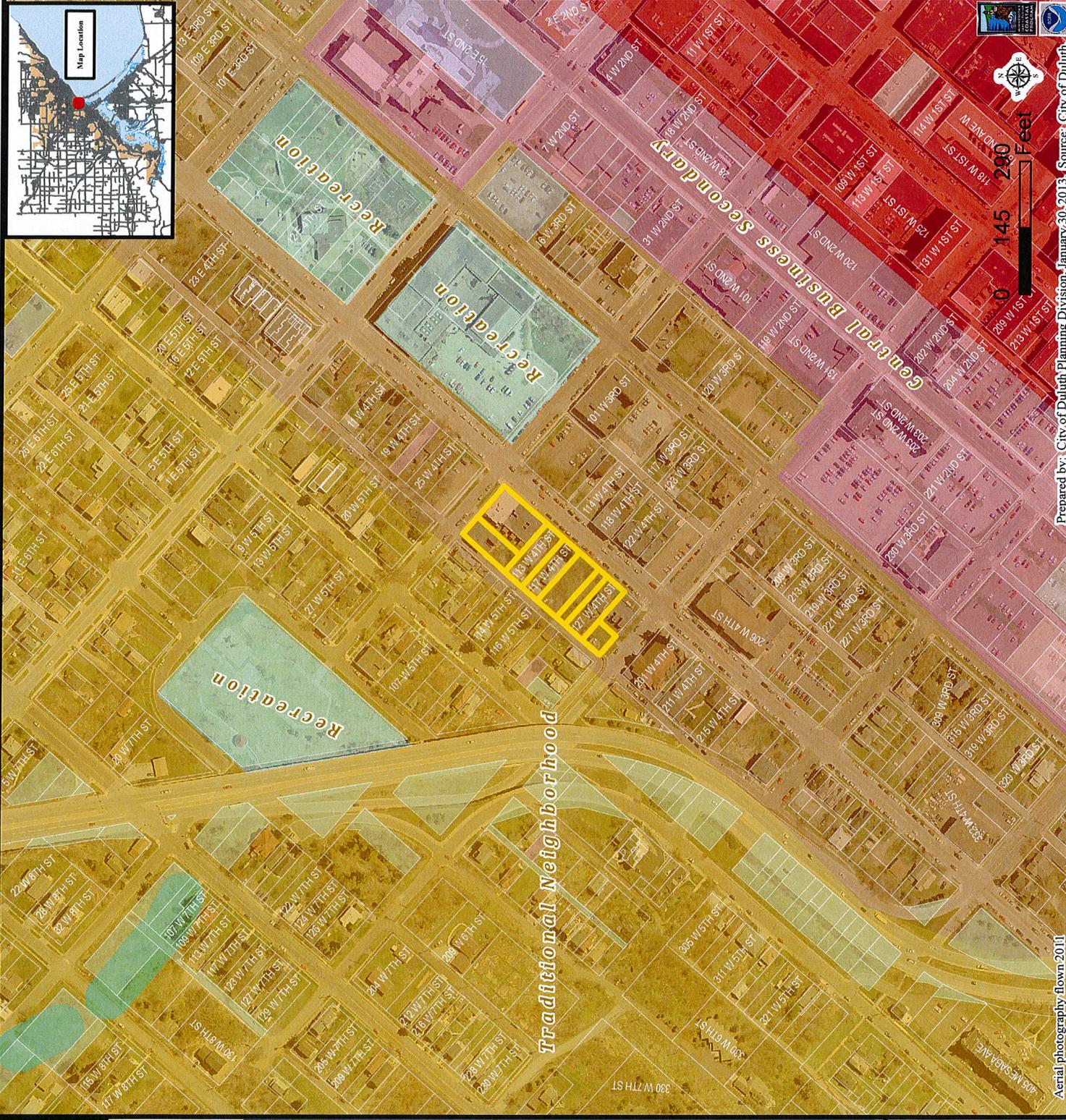
Hillside Apartments LLC
Parking and Front Yard Variance
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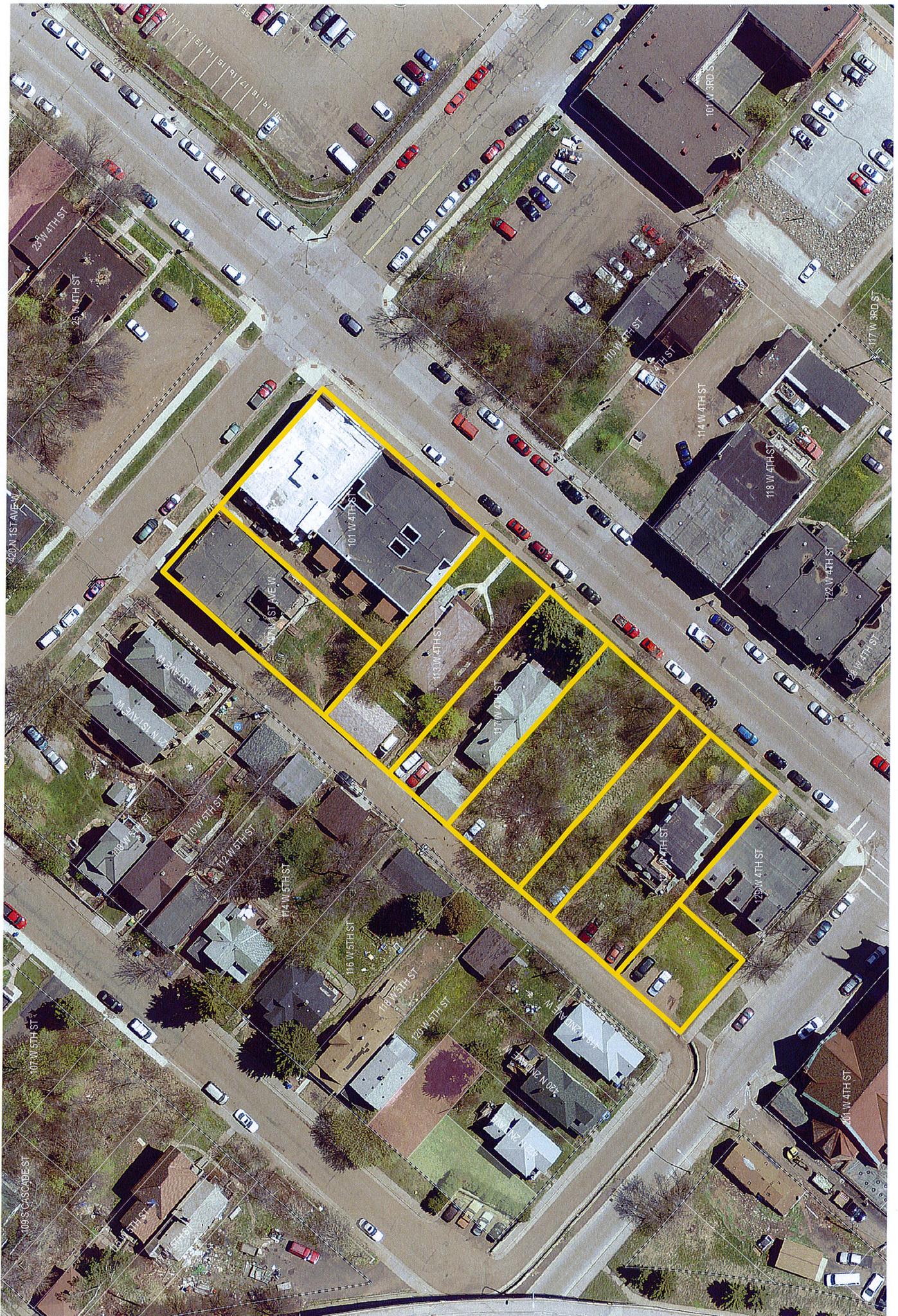
	Future Land Use
	Preservation
	Recreation
	Rural Residential
	Low-density Neighborhood
	Traditional Neighborhood
	Urban Residential
	Neighborhood Commercial
	Neighborhood Mixed Use
	General Mixed Use
	Central Business Secondary
	Central Business Primary
	Auto Oriented Commercial
	Large-scale Commercial
	Business Park
	Tourism/Entertainment District
	Medical District
	Institutional
	Commercial Waterfront
	Industrial Waterfront
	Light Industrial
	General Industrial
	Transportation and Utilities

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Variance: Reduce front yard setback along 4th Street from 25' to 4'

Briefly describe the reasons for this request:

1. We are requesting a reduction of the 4th street front yard setback from 25' to 4' (actual building setback will vary from 4' to 7') The requested setback is consistent with the existing character of the neighborhood and supports the goals of the adjacent F-6 zoning. The setback is necessary in order to develop the site so that both the new construction and the required parking can be constructed.
2. The property is being developed into supportive family housing. All existing structures on the site will be demolished and a new 64,000 sf structure will be constructed. The structure will contain 44 – 1, 2 & 3 bedroom apartments, 6 emergency shelter apartments and associated office and community space.

Evidence that the requested variance will not have a negative impact:

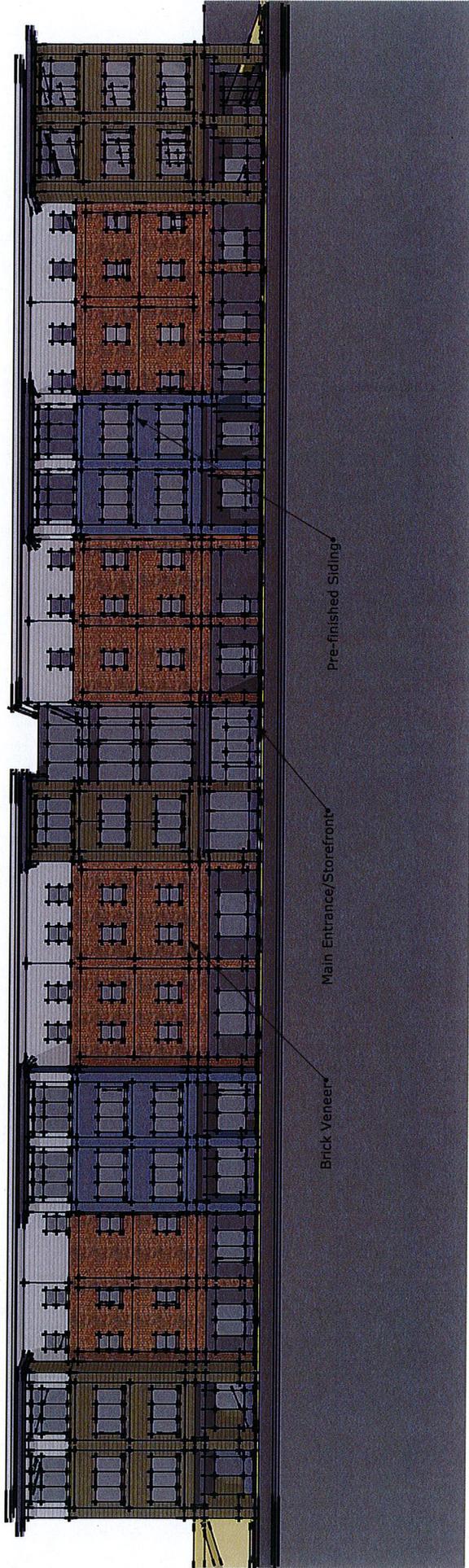
1. The adjacent 4th Street corridor zoning (F-6) requires occupation of the corner and building setbacks of 0' to 5'
2. Granting of this variance does not negatively impact the character of the neighborhood
3. Other buildings in the neighborhood (on 4th Street) have similar setbacks of less than 25'
 - a. Sacred Heart
 - b. Damiano Center
 - c. Washington Studios
4. Existing commercial buildings on the corner of 1st Ave W and 4th Street that will be demolished for the redevelopment are sited similarly.

Statement of need establishing practical difficulty:

1. Significant Site slope of over 20' from the alley down to 4th Street
2. Variance is required in order to construct both the building and on-street parking within the constraints of the steep site topography
3. Reduction is needed in order to provide reasonable amounts of play areas/green space in addition to on-site parking
4. The stated special circumstances and conditions that create the need for relief were not directly or indirectly created by the action or inaction of the applicant.

Overall, the general variance criteria in Section 50-37.9C are met. In addition to the statements above relating to topography and dimensions, absence of applicant creation and absence of neighborhood impact, it is also noted that:

- The special circumstances are peculiar to this property and immediately adjoining property.
- The relief is necessary for the preservation and enjoyment and expression of substantial property rights and not simply for convenience.
- The relief will not impair supply of light and air to adjacent property, or imperil public safety, or negatively impact property values, or impair the health, safety or public welfare of citizens of Duluth and, in fact, will enhance all of the foregoing.
- There is no impairment of the intent of the Chapter, the zoning map or the Comprehensive Plan.
- The relief does not allow any type of sign not allowed in the District.
- The relief complies with other criteria in the ordinance.
- the ordinance.

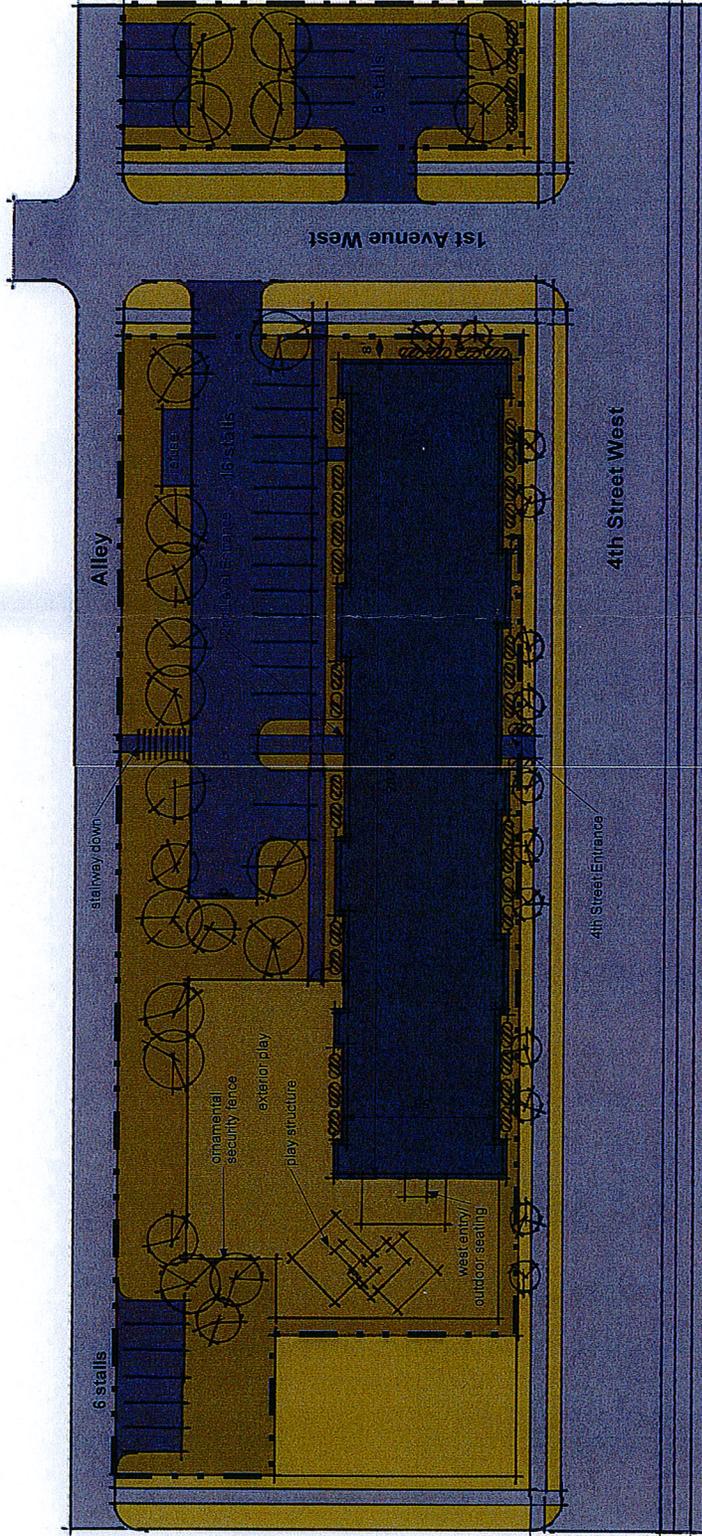


Hillside Apartments Exterior Concept

1 Roof Community Housing
Center City Housing Corp.
Churches United in Ministry

Jan. 22 2013

Wagner Zaun
ARCHITECTURE



Site Plan

RECEIVED JAN 09 2015

Setbacks	Parking
Front Yard (4th St.)	East Parking
Side Yard (east)	On-Site
Side Yard (west)	Total
Rear Yard	

4'	8 stalls (staff parking)
8'	22 stalls (tenant parking)
54'	30 stalls
75'	







