



**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 14-070	<b>Contact</b>	Steven Robertson, 218 730 5295	
<b>Application Type</b>	Variance, Corner Side & Variance, Rear Yard	<b>Planning Commission Date</b>	July 8, 2014	
<b>Deadline for Action</b>	<b>Application Date</b>	June 3, 2014	<b>60 Days</b>	August 2, 2014
	<b>Date Extension Letter Mailed</b>	June 30, 2014	<b>120 Days</b>	October 1, 2014
<b>Location of Subject</b>	4101 Gilliat Street			
<b>Applicant</b>	Wayne Lepak	<b>Contact</b>	218 525 6912	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Lot 16, Block 22, London Addition to Duluth			
<b>Site Visit Date</b>	N/A	<b>Sign Notice Date</b>	June 23, 2014	
<b>Neighbor Letter Date</b>	June 23, 2014	<b>Number of Letters Sent</b>	60	

**Proposal**

The applicant is requesting a variance for adding on to the existing detached garage. The proposed project is to add a 12 foot addition on to an existing detached garage that would be 10 feet from the property line where a 20 foot setback is required. The project would also exceed the size limit for detached accessory structures in the rear yard.

	<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):**

50-14.5 - Corner front side yard setback for a detached structure is 20 feet in R-1.  
 50-21.2.D - An accessory structure can not exceed 20 feet in height, and may not occupy more than 30% of the rear yard area. All accessory structures on a lot may not occupy more than 60% of the rear yard area.

50-37.9.C. - General Variance Criteria (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 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.

C-1

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

Future Land Use - Traditional Neighborhood: 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.

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

- 1) The applicant is requesting a variance for adding on to the existing detached garage. The proposed project is to add a 12 foot addition on to an existing detached garage that would be 10 feet from the property line where a 20 foot setback is required.
- 2) The lot is 50 feet wide and 140 feet deep. According to the County Assessor, the 885 square foot home was built in 1937, and the 1,000 square foot detached garage was built in 1987 (excluding the overhang). It is unknown when the overhang was built, but it shows up in aerial images in 2001. The right of way of North 41st Ave E is 66 feet.
- 3) In addition from the setback requirements, Section 50-21.2.D limits the size of any one accessory structure to no more than 30% of the rear yard, and all accessory structures combined not more than 60% of the rear yard. The rear yard is approximately 3,500 square feet. The current garage, including overhang, is about 1,275 square feet (36% of the rear yard). The proposed garage addition would result in the detached garage being 1,480 square feet (42% of the rear yard).
- 4) Corner lots have the normal front yard setback, and a larger than normal side yard setback (called a front side yard). This is to help maintain adequate access to light and air, keep sight lights open, and help to keep structures aligned consistently along both block faces.
- 5) The applicant has communicated the need for reasonable accommodations to reduce the impacts of his disability. By being allowed a larger garage, the applicant believes that it will allow him to more safely store his equipment and reduce his anxiety (vandalism, theft, etc).
- 6) A detached garage related to normal storage of vehicles and related residential equipment/accessories is a reasonable use of the property. Approximately one fourth of the detached garages on the block are as large as the applicant's garage, but most are smaller.
- 7) The proposal will not alter the essential character of the neighborhood.
- 8) There are not circumstances unique to this property or development limitations (slope, bedrock, wetlands, and narrow/odd shaped lot) related to this property that would justify the need for relief from normal zoning regulations. The only development limitation are the zoning regulations that apply to all other R-1 properties.
- 9) The applicant already has a large detached garage, and already has reasonable use of his property.
- 10) No public, agency, or City comments were received.
- 11) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within 1 year.

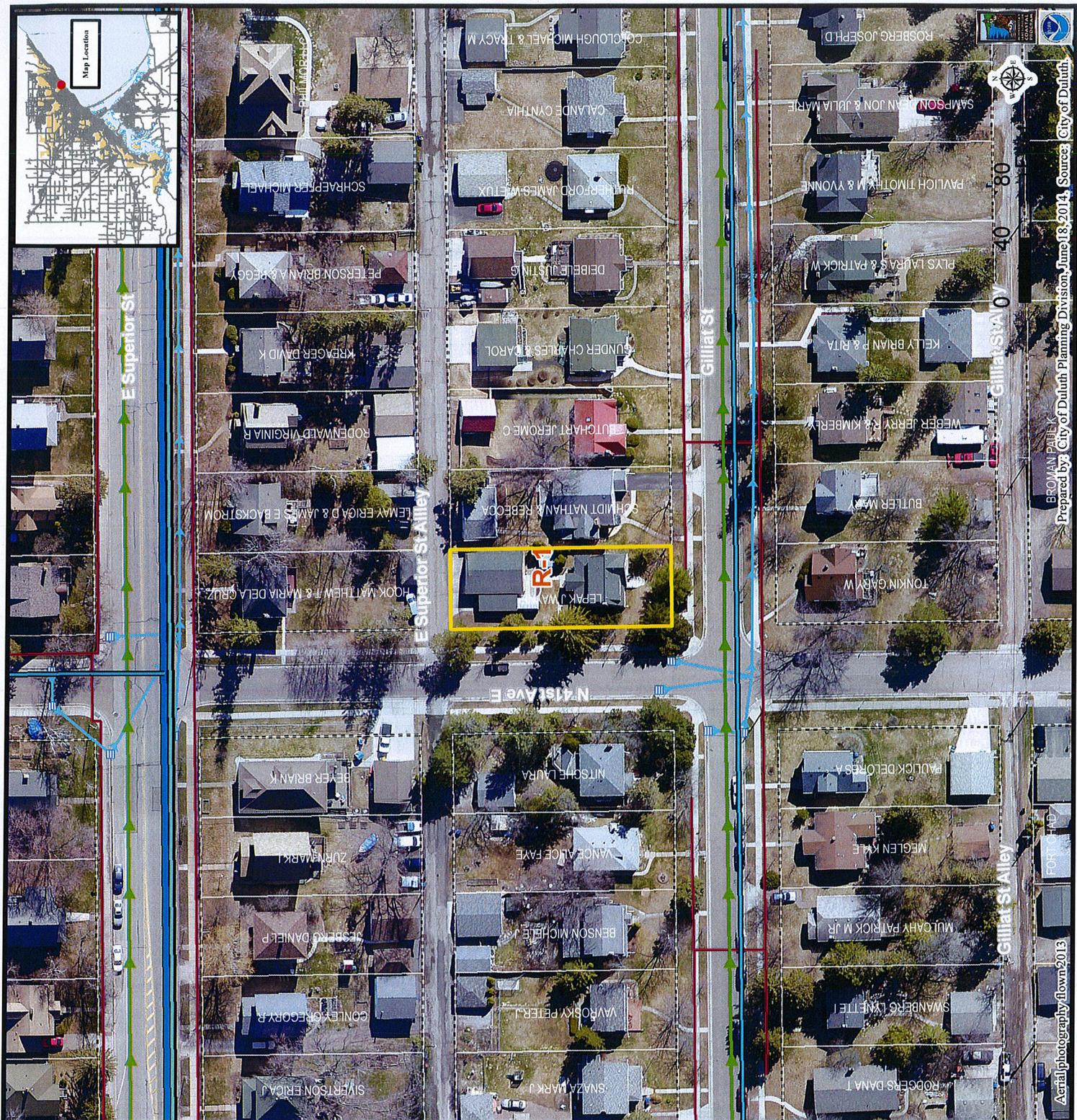
**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, Staff recommends that Planning Commission deny the variance requests from 50-14.5 (front side yard setback) and 50-21.2.D (limit on size in rear yards), for the following reasons:

- 1) Request for variance is not due to exceptional narrowness, shallowness, or shape of the applicant's properties,
- 2) The relief is not necessary for the preservation and enjoyment of a substantial property right, and
- 3) Applicant has not demonstrated a practical difficulty.

C-2

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



**Legend**

	Zoning Boundaries
<b>Stream Type</b>	
	Trout Stream (GPS)
	Other Stream (GPS)
<b>Water Distribution System</b>	
	30 - 60" Water Pipe
	16 - 24" Water Pipe
	4 - 6" Water Pipe
<b>Sanitary Sewer Collection System</b>	
	Sanitary Sewer Collector
	Sanitary Sewer Interceptor
	Sanitary Sewer Forced Main
	Storage Basin
	Pump Station
<b>Gas Distribution Main</b>	
	8 - 16" Gas Pipes
	4 - 6" Gas Pipes
	0 - 4" Gas Pipes
<b>Storm Sewer Collection System</b>	
	Storm Sewer Pipe
	Storm Sewer Catch Basin
	Discharge Points
<b>Right-of-Way Type</b>	
	Road or Alley ROW
	Vacated ROW
<b>Easement Type</b>	
	Utility Easement
	Other Easement
<b>Floodplain Type</b>	
	General Flood Plain
	Flood Way
	Flood Fringe

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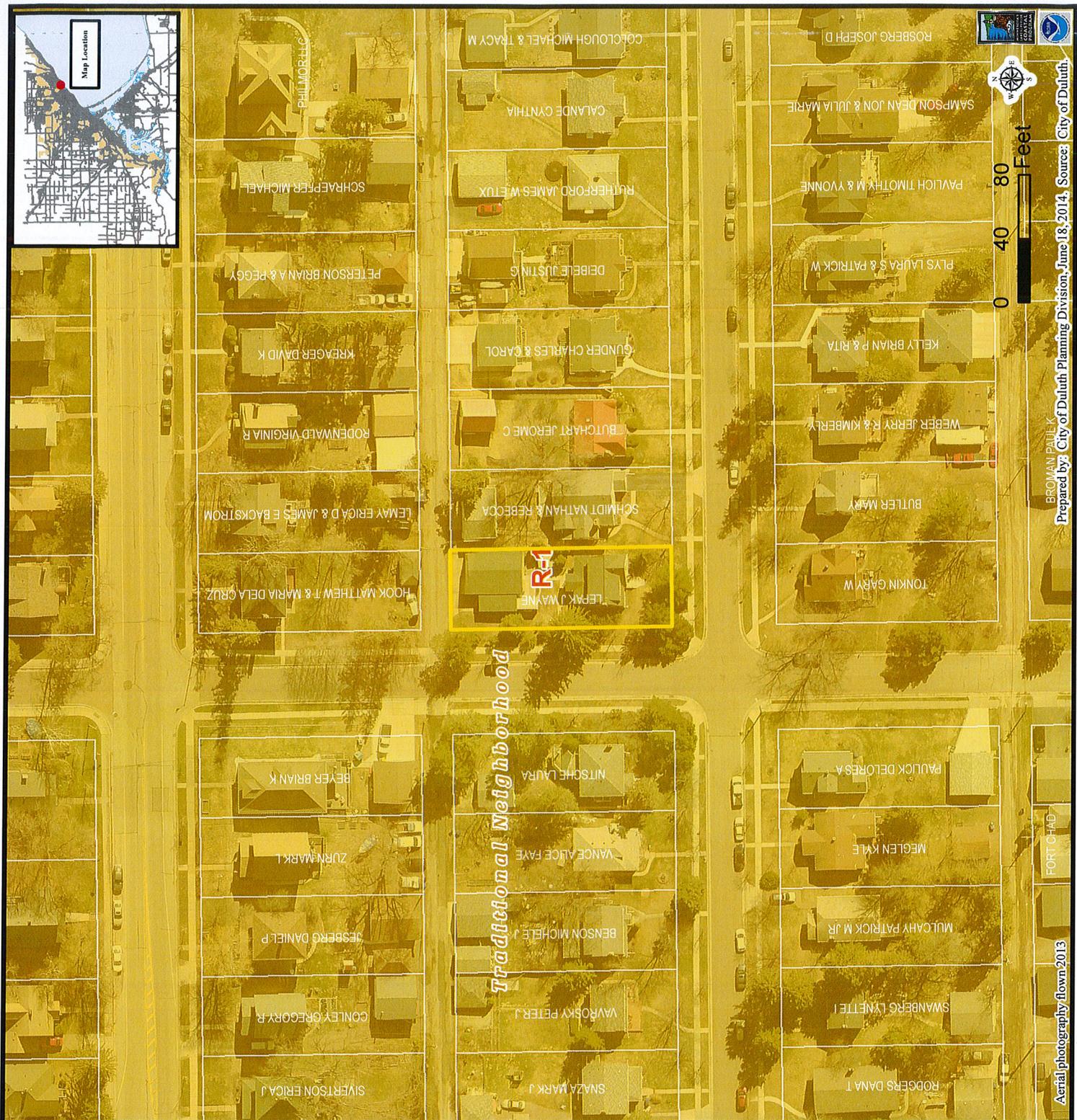


**City Planning**  
 PL 14-070  
 Variance  
 4101 Gilliat Street

**Legend**

-  Zoning Boundaries
-  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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Aerial photography flown 2013



**City Planning**  
 PL 14-070  
 Variance  
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Aporox 25 Feet Rear Yard Setback  
 (5 Feet for Accessory Structures)

Aporox 15 Feet Corner Front Side Yard  
 (20 Feet for Accessory Structures)

Aporox 25 Feet Front Yard Setback

**Legend**

**Contours 1 Ft**

**Index\_**  

**Intermediate** 

**Index** 

**Zoning Boundaries** 

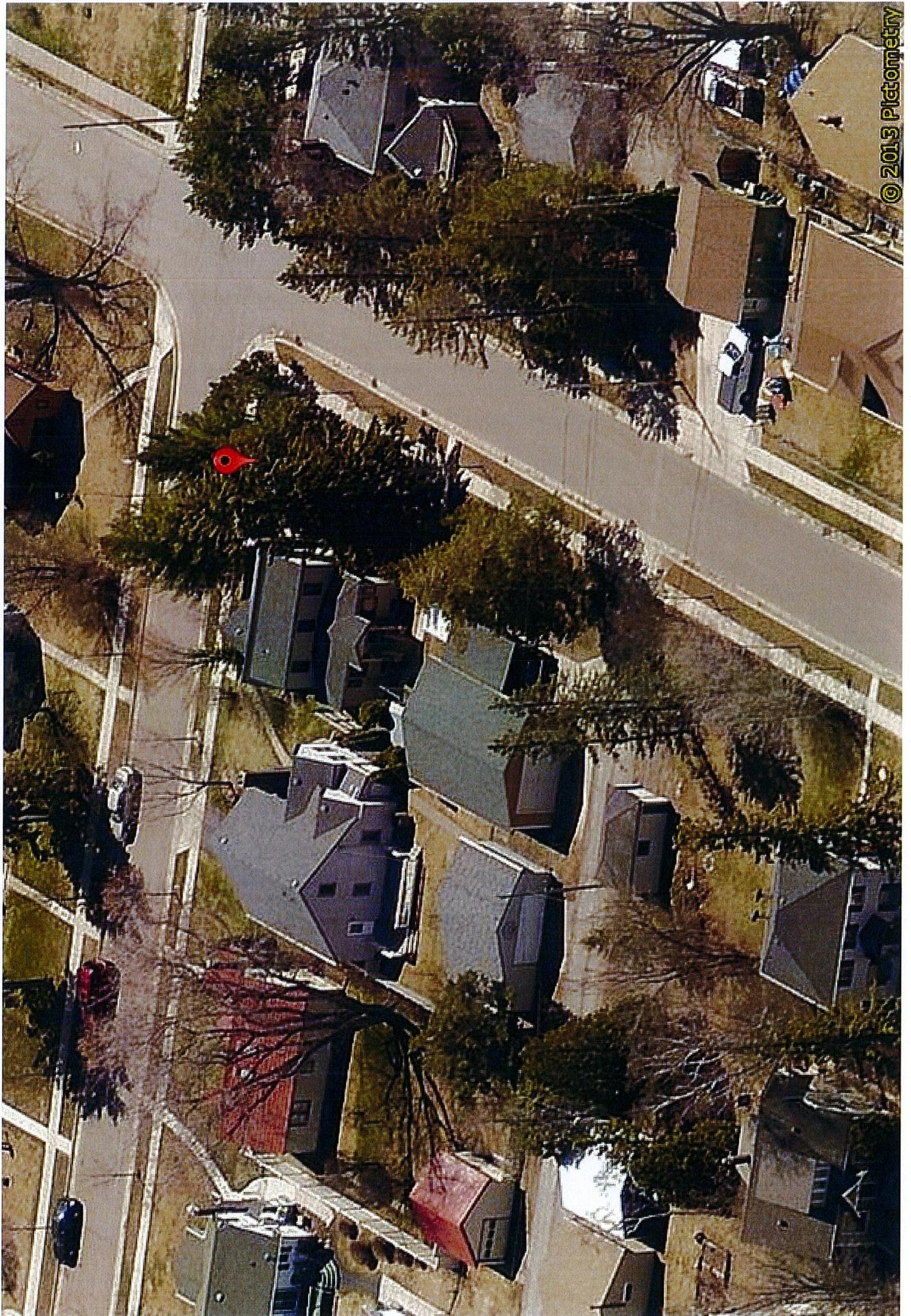
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Aerial photography, flown 2013

Prepared by: City of Duluth Planning Division, June 18, 2014. Source: City of Duluth,



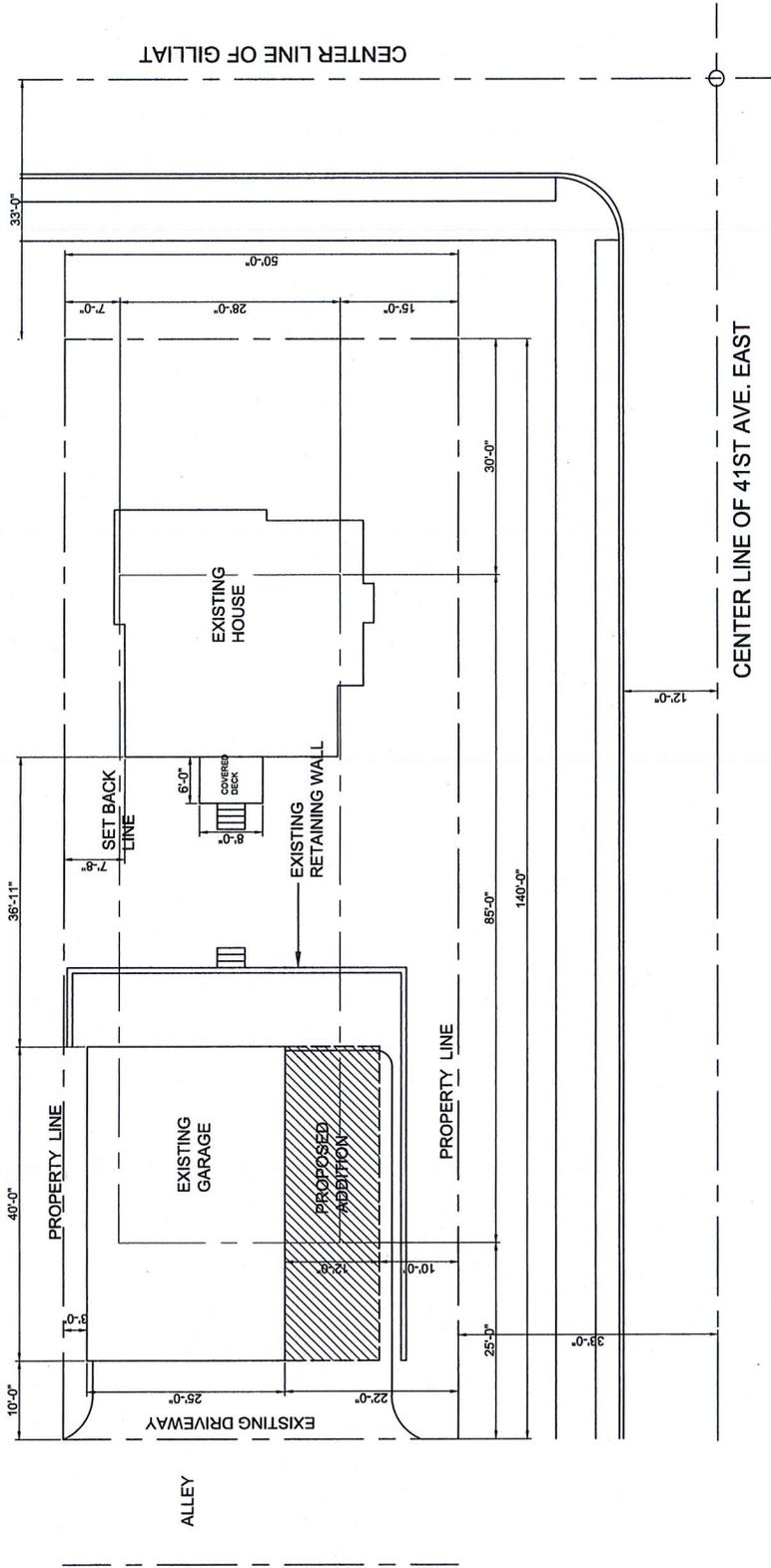


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C-6

# LEPAK HOME PROPOSED GARAGE ADDITION

4101 GILLIAT DULUTH, MN 55804



LEGAL DESCRIPTION  
 LOT 0016- BLOCK 0022  
 LONDON ADDITION  
 TO DULUTH

SITE PLAN  
 1/16" = 1'  
 PLAN TRUE  
 NORTH NORTH

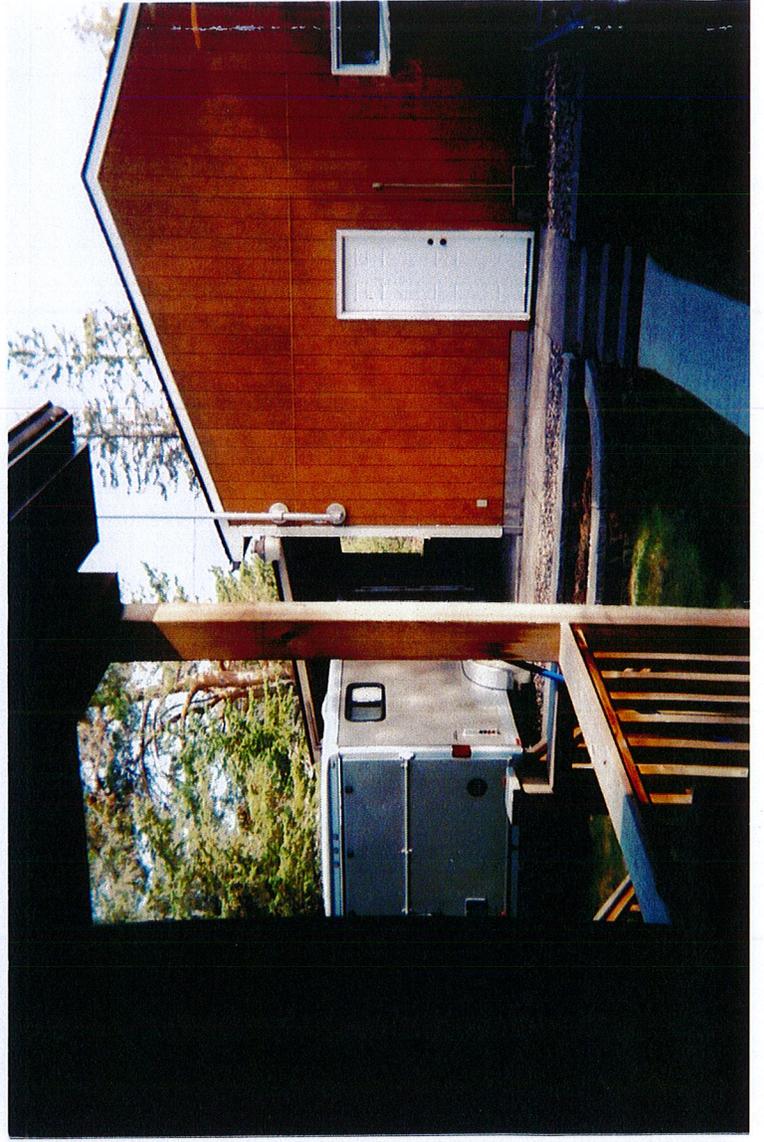
PROJECT DESCRIPTION: LEPAK SITE PLAN	DATE: 5/30/2014	SHEET: SITE
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C-7

1. I have a lot of valuable equipment which needs to be housed in a climate controlled space.
2. I need to expand to the side yard to make access to my equipment possible; a forward expansion is not practical as this would create a need for constant moving of equipment to gain access.
3. I was diagnosed with permanent neurological disability in 1971 stemming from my two year tour in Vietnam, which manifests itself in the form of anxiety.
4. Since the construction of the new high school and lake-walk, the foot traffic/loitering in my alley and avenue has increased immensely.
5. I need my valuables under lock and key to maintain a sense of security and calm.
6. This area is surrounded by trees and will not have any visual or negative impact on neighbors.
7. Closest neighbor to proposed addition is in full support of the side addition.

C-2





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