



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 15-014	Contact	Jenn Reed Moses, jmoses@duluthmn.gov		
Application Type	Variance	Planning Commission Date	March 10, 2015		
Deadline for Action	Application Date	January 22, 2015	60 Days	March 23, 2015	
	Date Extension Letter Mailed	February 18, 2015	120 Days	May 22, 2015	
Location of Subject	900 Block of E Superior Street				
Applicant	Leif Erikson Restoration (Save our Ship)	Contact	218-727-4767, natkins926@earthlink.net		
Agent	Kane Tewes, Krech Ojard & Associates	Contact	218-727-3282, kane.tewes@krechojard.com		
Legal Description	PID 010-3830-01302				
Site Visit Date	N/A	Sign Notice Date	February 22, 2015		
Neighbor Letter Date	February 26, 2015	Number of Letters Sent	10		

Proposal

Applicant is requesting a variance from the front yard setback to build a 24' x 62' structure housing the Leif Erikson Ship. Structure would be 8' from the property line instead of the required 20'.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Park	Recreation
North	MU-I	Medical	Medical District
South	MU-N	Interstate	Recreation
East	F-4	Commercial	Central Business Secondary
West	MU-N	Park/Interstate	Recreation

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

50-15.2 MU-N district: Front yard setback is 20 ft.

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.

III. J.-1

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

Future Land Use - Recreation: Park and open space areas dedicated to active recreation, such as neighborhood parks, community centers, downhill ski areas, playgrounds, ball fields, water recreation, and associated facilities such as parking.

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

Staff finds that:

- 1.) Property is currently used as open space and park, located at the entry to Leif Erikson Park. Applicant is proposing a 24' x 62' structure that will permanently display the Leif Erikson Ship. This is a reasonable use in the MU-N district and is further supported by the Future Land Use designation of Recreation.
- 2.) The City of Duluth owns a wedge-shaped parcel that is 39' at its widest end. The combined front yard and rear yard setbacks in the MU-N district total 45 feet, rendering the lot unusable for any structure without a variance. Because of the small size of the City-owned parcel, an agreement has been signed with MnDOT to allow the structure to be placed partially on the adjoining parcels. The combined parcels range from 0' depth at the western end to 107' on the eastern end, with a depth at midpoint of 85'; however, a substantial portion of the MnDOT parcels are used for the Interstate 35 infrastructure, including the road surface and retaining wall. MnDOT is requiring that the proposed enclosure not be moved any closer to the retaining wall so as not to provide any significant surcharging to the wall. Staff finds that the irregular-shaped lot, required MU-N setbacks, and presence of the MnDOT retaining wall contribute to the practical difficulty of this property.
- 3.) Granting this variance will not alter the essential character of the area. The Northland Medical Building, located across Superior Street, is approximately 11' from the front property line, similar to the 8' proposed as part of this project. As part of Leif Erikson Park, the structure will serve as an appropriate gateway. The structure's walls consist almost entirely of glass, allowing continued lake views. It is located 38' from the eastern property line, allowing for sight lines at the intersection of London Road and 10th Avenue E.
- 4.) No public, agency, or City comments have been received.
- 5.) Per UDC Section 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 approve the variance to build a 24' x 62' structure for the Leif Erikson Ship, subject to the following conditions:

- 1.) The project be limited to, constructed, and maintained according to the Site Plan submitted with this application.
- 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; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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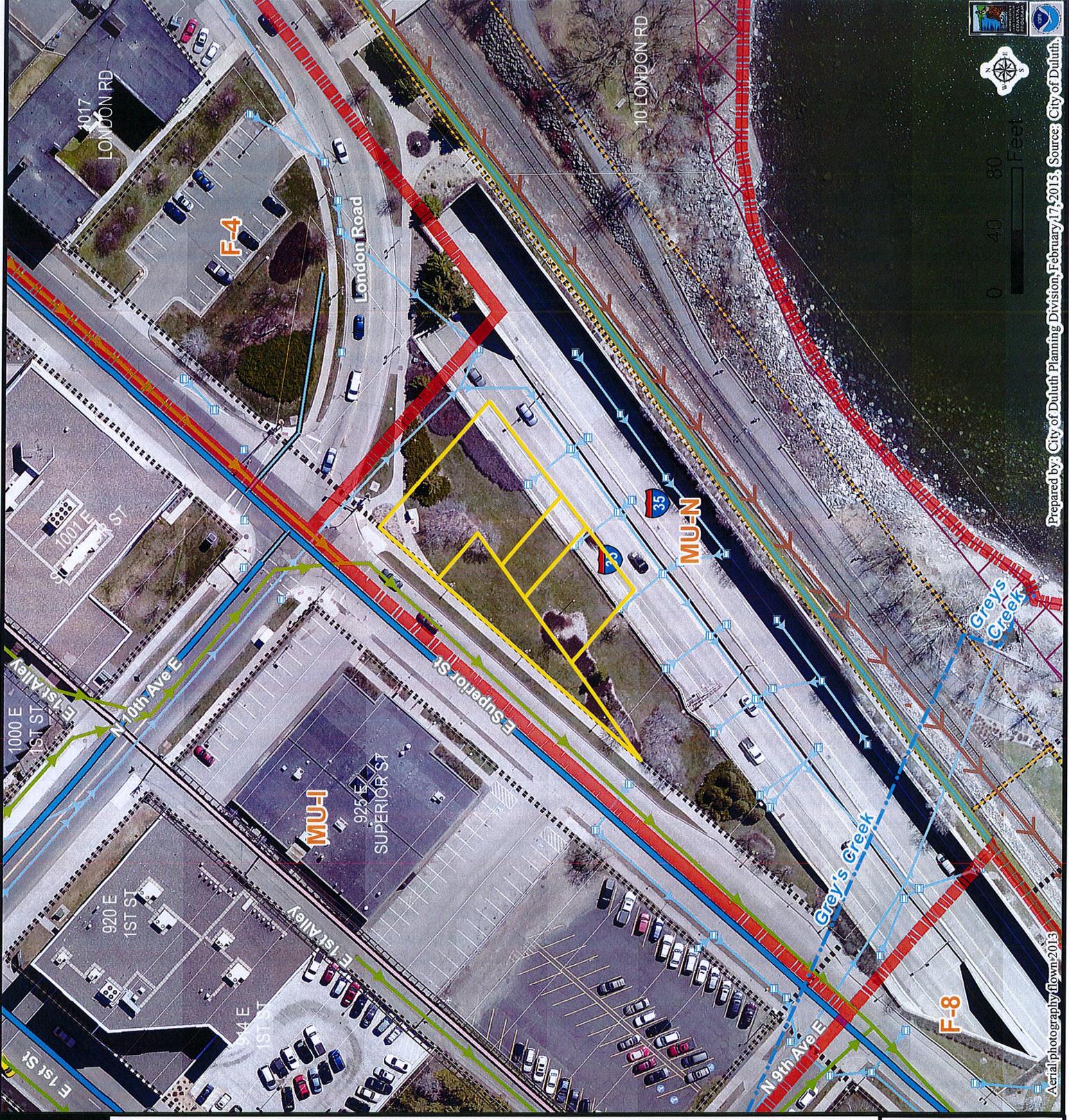
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning
 PL 15-014
 900 E Superior St

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- 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
- Right-of-Way Type**
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Floodplain Type**
- General Flood Plain
- Flood Way
- Flood Fringe



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.



FUTURE HOME OF THE LEIF ERIKSON VIKING SHIP | ENTRY WAY TO LEIF ERIKSON PARK & 10TH AVE EAST **KRECH OJARD**



Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and that is necessary for Planning Commission review.

List the UDC Section you are seeking relief from (example: "50-14.5 – front yard setback in an R-1"):

50-15.2 front yard and rear yard setbacks in a MU-N

Is the applicant proposing to use the property in a reasonable manner? Yes No

Please explain the applicant's use of the property, and how the relief requested is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant:

The use of the property will be for the permanent storage of the Leif Erikson Ship.

Is the need for relief due to circumstances unique to this property? Yes No

Please explain how these circumstances are due to exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property:

The building will have to be located within the front yard setback so that it does not add additional loading to the retaining wall along I-35. The building is also located to the west of the corner of E. Superior Street and London road to provide clear view of the corner by vehicles and is located away from an existing transformer.

Will granting this variance alter the essential character of the area? Yes No

Explain how this property fits the character of the neighboring area, and how the special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity:

This will be the first building the lake side of E. Superior Street in this area. There are no adjacent buildings to the enclosure. This building will serve as the entrance to Leif Erikson Park.

Is this request consistent with the intent of the UDC and Comprehensive Plan? Yes No

Explain how the UDC and Comprehensive Plan support this request: _____

This building will add to the pedestrian-orientated amenities of this MU-N zone. The _____ structure fit within the neighborhood-scale of the area, and will signal the entrance to the Leif Erikson park.

Explain how the special circumstances or conditions that create the need for relief were NOT directly or indirectly created by the action or inaction of the property owner or applicant:

The building had to be located in this area so that it would provide relief on a busy _____ intersection and not add any significant surcharging to the existing MNDOT retaining wall.

Will the variance 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? Yes No

Please explain: _____

The structure is not adjacent to any other buildings and is pulled back from the corner of E. Superior Street and London Road.

Does the relief allow any type of sign that is not allowed in the zone district where the property is located? Yes No

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M? Yes No

Discuss what subsections are applicable and how this request meets those: _____

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900 E Superior Street

Street View

