



CITY OF DULUTH
 Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
 Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 15-026		Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance		Planning Commission Date	March 10, 2015	
Deadline for Action	Application Date	February 9, 2015	60 Days	April 10, 2015	
	Date Extension Letter Mailed	February 18, 2015	120 Days	June 9, 2015	
Location of Subject	2727 Minnesota Avenue				
Applicant	Steve King		Contact	218-348-4194, skingaf@gmail.com	
Agent	Joe Utyro		Contact	218-393-410, jutyroconstruction@gmail.com	
Legal Description	PID #010-3110-00910				
Site Visit Date			Sign Notice Date	February 24, 2015	
Neighbor Letter Date	February 25, 2015		Number of Letters Sent	33	

Proposal

Applicant would like to build a new house that would be 21' from the front property line instead of the required 25.'

	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	N/A	N/A	N/A

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

50-14.5 R-1 district: Front yard setback is 25 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. m-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. 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.

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

Staff finds that:

- 1.) In November 2014, a demolition permit was issued for the existing dwelling (built in 1899) and garage. In 1997, a variance was issued to build a garage 21' from the front property line, presumably due to the location of the existing house not allowing adequate space for a garage.
- 2.) After issuance of the variance in 1997, this became the only property on either side of the block to be built within the 25' front yard setback. Because other properties maintain the 25' setback, granting a variance may alter the essential character of the neighborhood. One house on a neighboring block is about 20' from the front property line.
- 3.) Applicant is proposing a single-family dwelling with attached garage. This is a reasonable use in the R-1 district and is consistent with the comprehensive plan.
- 4.) Lot is 40' wide and over 130' deep. This is a typical lot size for Park Point. Variance is not needed because of exceptional narrowness, shallowness, or shape of the property.
- 5.) With front and side yard setbacks, shoreland setbacks, and floodplain regulations, approximately 1,850 square feet remains as buildable area. If doubled to accommodate the possibility of a two-story structure, this results in 3,700 square feet. Staff believes this is a reasonable amount of space to accommodate a single-family house and attached garage, and that the variance is not necessary for the preservation and enjoyment of a substantial property right.
- 6.) No public, City, or agency comments have been received.
- 7.) 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 deny the variance, 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.
- 3.) Applicant has not demonstrated practical difficulty.

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

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City Planning

PL 15-026

2727 Minnesota Ave

Legend

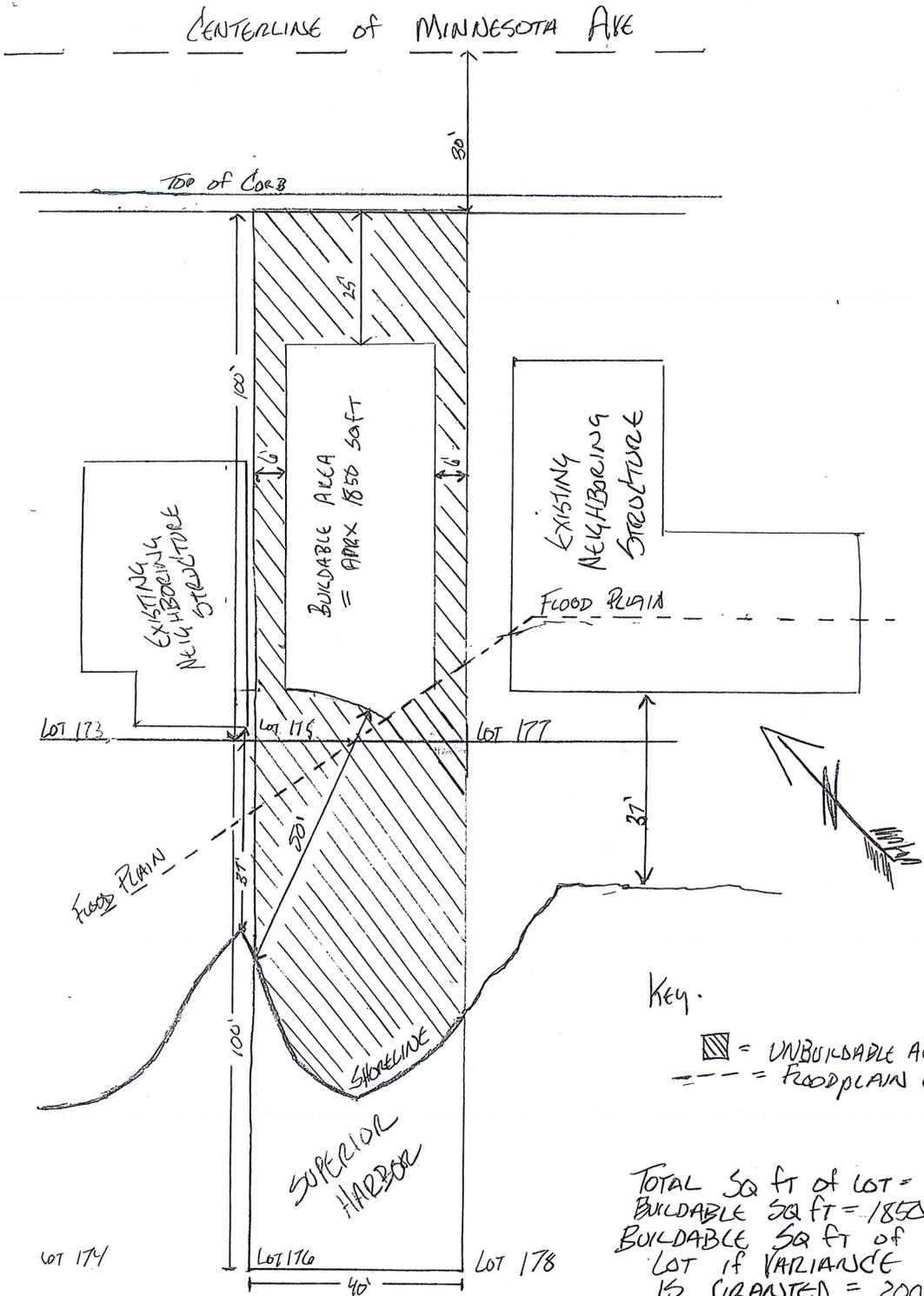
- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Water Distribution System**
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- 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



Aerial photography from 2013

Prepared by: City of Duluth Planning Division, February 17, 2015. Source: City of Duluth

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.



Key.
 [Hatched Box] = UNBUILDABLE AREA
 [Dashed Line] = FLOODPLAIN LINE

TOTAL SQ FT OF LOT = 8000
 BUILDABLE SQ FT = 1850 sq ft
 BUILDABLE SQ FT OF
 LOT IF VARIANCE
 IS GRANTED = 2000 sq ft
 (THIS IS A 7.5% INCREASE)

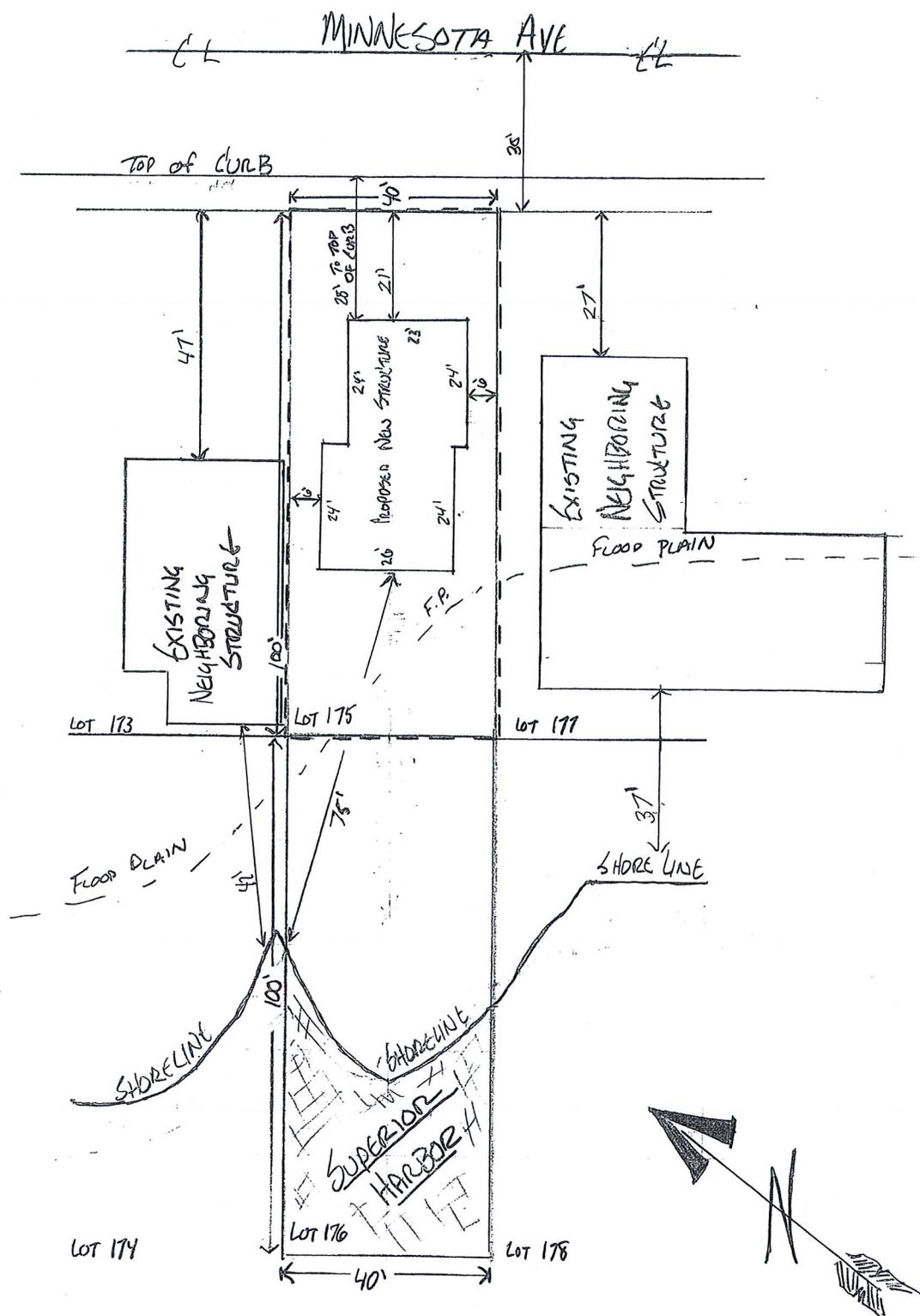
Parcel Code ~ 10-3110-00910
 LEGAL DESCRIPTION —

Lot 175 + 176
 LOWER DULUTH
 MINNESOTA AVE
 ST LOUIS COUNTY
 MINNESOTA

2 FEB 2015

RECEIVED FEB 09 2015

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Parcel Code - 10-3110-00910
 Legal Description -
 LOT 175 & 176
 LOWER DULUTH
 MINNESOTA AVE
 ST. LOUIS COUNTY
 MINNESOTA

SCALE = 1" = 20'

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2 FEB 2015

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2730
MINNESOTA
AVE

Minnesota Ave

2733
MINNESOTA
AVE

2727
MINNESOTA
AVE

2725
MINNESOTA
AVE

2723
MINNESOTA
AVE

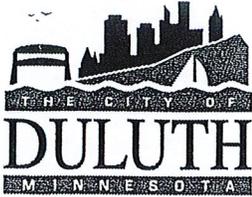
R-41

Buildable Area:
Approx 1900 sq ft.

2721
MINNESOTA
AVE

2721
MINNESOTA
AVE

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City of Duluth
Planning and Construction Services

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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 - 14.5 (FRONT YARD SETBACK IN AN R-1)

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:

TO CONSTRUCT A NEW SINGLE FAMILY DWELLING WITH ATTACHED GARAGE. THE ATTACHED GARAGE WILL ALLOW US TO MAXIMIZE THE USE OF THE SPACE.

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 LOT IS EXCEPTIONALLY NARROW, AND LIMITED IN DEPTH DUE TO THE FLOODPLAIN AND HIGH WATER SETBACK

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 VARIANCE WAS ISSUED PREVIOUSLY, IN 1997, SO REISSUING IT NOW WILL ESSENTIALLY RETURN THE PROPERTY TO THE STATE IT HAD BEEN IN FOR NEARLY 20 YEARS. ALSO, ATTACHED YOU WILL FIND A PICTURE OF A HOUSE RESEMBLING THE ONE WE PLAN TO BUILD. WE BELIEVE THAT THIS HOUSE SUITS AND COMPLIMENTS THE NEIGHBORHOOD.

Revised July 14, 2014

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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: 50-37.9 C(2)

LISTS "THE EXCEPTIONAL NARROWNESS, SHALLOWNESS OR SHAPE" OF THE PROPERTY AS CONSIDERATIONS, AND WE BELIEVE THIS LOT MEETS THOSE CRITERIA FOR CONSIDERATION.

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 LOT IS EXCEPTIONALLY NARROW, THE NEIGHBOR ON THE NORTH SIDE IS EXCEPTIONALLY CLOSE TO THIS LOT, AND WE HAVE LIMITED DEPTH BECAUSE OF THE FLOODPLAIN.

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 VARIANCE WILL ALLOW FOR A LARGER GARAGE, HELPING TO LIMIT PARKING CONGESTION, AND THE PROPOSED NEW HOME WILL INCREASE THE VALUE OF THE PROPERTY.

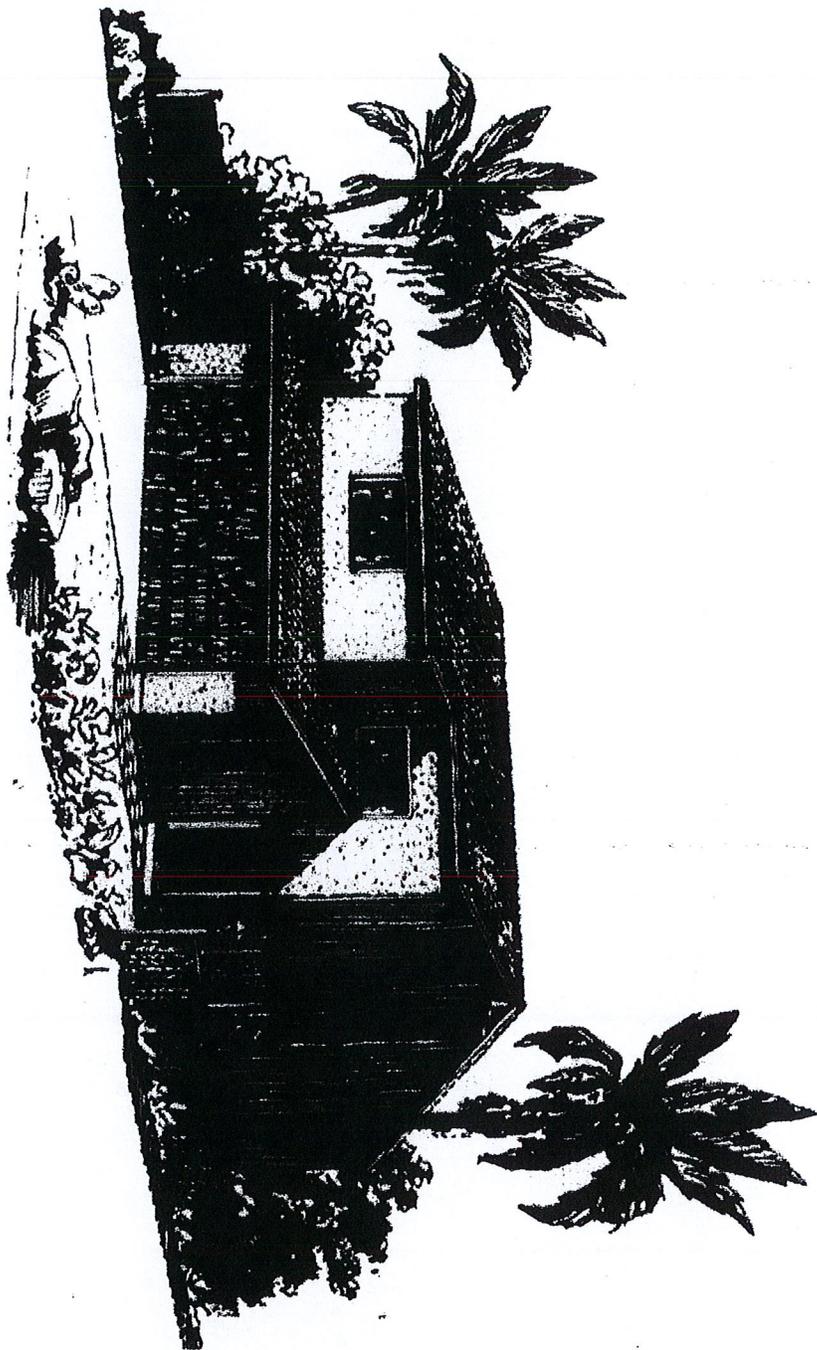
Does the relief allow any type of sign that is not allowed in the zone district where the property is located? Yes No

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: I BELIEVE THAT SUBSECTION M APPLIES, IN THAT OUR NEW STRUCTURE WILL HAVE THE SAME FOOTPRINT M' WITHIN THE STANDARD SETBACK AS THE BUILDING, THAT HAD BEEN THERE FOR NEARLY 20 YEARS.

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THIS IS AN EXAMPLE OF THE STYLE OF HOUSE WE
PLAN TO BUILD AT 2727 MINNESOTA AVE.
WE ARE LOOKING AT APPROXIMATELY A 4600 SQ FT
GARAGE AND AN 1800 SQ FT 2 STORY HOUSE.



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