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	15-067		**Contact**	Steven Robertson, 218-730-5295	
Application Type	Variance		**Planning Commission Date**	May 12, 2015	
Deadline for Action	**Application Date**	April 15, 2015	**60 Days**	June 14, 2015	
	Date Extension Letter Mailed	April 22, 2015	**120 Days**	August 12, 2015	
Location of Subject	506 West 5th Street				
Applicant	James Olson		**Contact**	james.olson@ISD709.org	
Agent			**Contact**		
Legal Description	010-1270-03760				
Site Visit Date	April 18, 2015		**Sign Notice Date**	April 27, 2015	
Neighbor Letter Date	April 24, 2015		**Number of Letters Sent**	33	

Proposal

The applicant would like to construct a 28 foot by 32 foot detached accessory structure in the front and corner side yard setbacks (3 stall garage); the garage will be 8 feet into the front yard (25 required) and 15 feet into the corner side yard (20 feet required).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-2	Residential	Traditional Neighborhood
East	R-2	Residential	Traditional Neighborhood
West	R-2	Residential	Traditional Neighborhood

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

Sec. 50-14.5 - Residential-Traditional District. For principle and accessory structures, 25 feet setback for font lot lines. For accessory detached structures, 20 feet for corner lots, and 5 feet for rear lot line.

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. 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.

IV. D-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.

History: At the November 13, 2013, Planning Commission meeting, the applicant received approval for variance PL 13-140 (to increase the height of a non-conforming structure in the front and side yard setbacks)

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

1) The applicant would like to construct a 28 foot by 32 foot detached accessory structure in the front and corner side yard setbacks (3 stall garage); the garage will be 8 feet into the front yard (25 required) and 15 feet into the corner side yard (20 feet required). This property is not serviced by an alley.

2) According to St. Louis County, the home classified as a duplex and was built in 1903, with 639 square feet on the main floor and a total of 1,494 square feet. The property is 50 feet wide and a 100 feet deep; it is the north 50 feet of lots 82 and 84 of block 47 of Duluth Proper Third Division. The front yard of the property is considered to be West 5th Street.

3) The proposed new garage will not impair supply of light or air to adjacent properties, or increase congestion on public streets, or diminish property values. It will not substantially alter the essential character of the surrounding area. It will not increase the existing density of housing units in the neighborhood.

4) Due to the orientation of the lot, half of the lot is in the front yard setback. Removing some of the potentially developable land required for the front yard setback, corner side yard setback, and rear yard setback, there is a "building envelope" remaining of approximately 25 feet by 77 feet in which to construct a new detached accessory structure. A portion of that envelope is occupied by the home, but there is still an area of about 20 feet by 45 feet remaining. The Land Use Supervisor can also grant, administratively, a 1 foot reduction in front, side, or rear yard setbacks for a new or modified structure (50-37.1.L). This buildable area indicates there are options for a 1, 2, or even 3 stall garage that could be constructed without a variance. Garage sizes vary greatly, but standard depth for a 1 or 2 stall garage is 20, 22, or 24 feet.

5) While there are elevations challenges to this site, the request for the variance is not due to exceptional elevation, narrowness, shallowness, or shape of the applicant's property. The requested relief is not necessary for the preservation of a substantial property right of the property owner.

6) No comments were received.

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) Applicant has not demonstrated practical difficulty.

3) The relief is not required for preservation of a substantial property right.

Variances are approved, approved with recommendations, or denied by the Planning Commission. Variances expire if the project or activity authorized by the permit is not begun within 1 year.

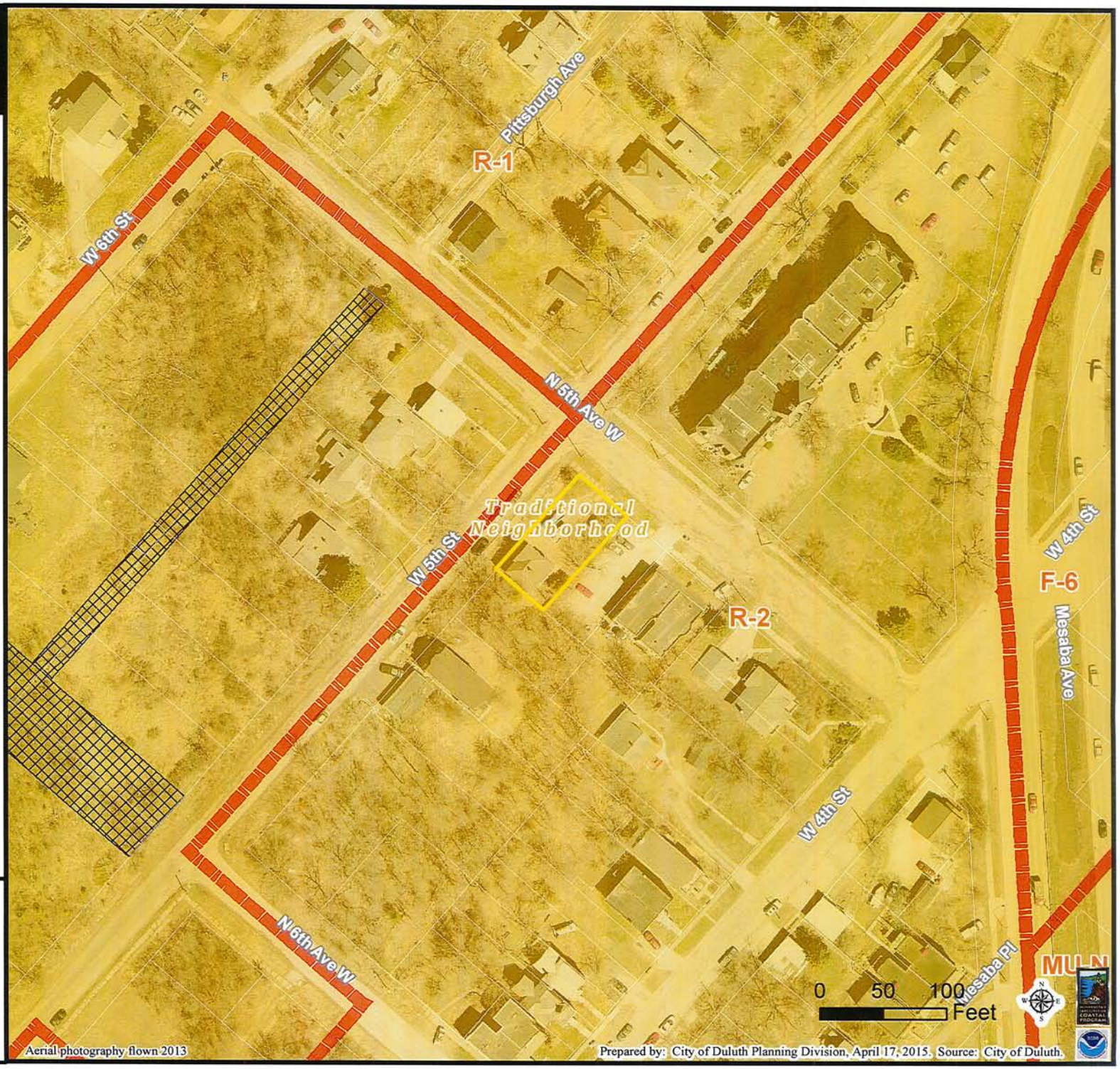
V-2

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

City Planning

DULUTH

PL15-067 506 West Fifth St



Legend

Trout Stream (GPS)

Other Stream (GPS)

Zoning Boundaries

Zoning Boundaries

Vacated ROW

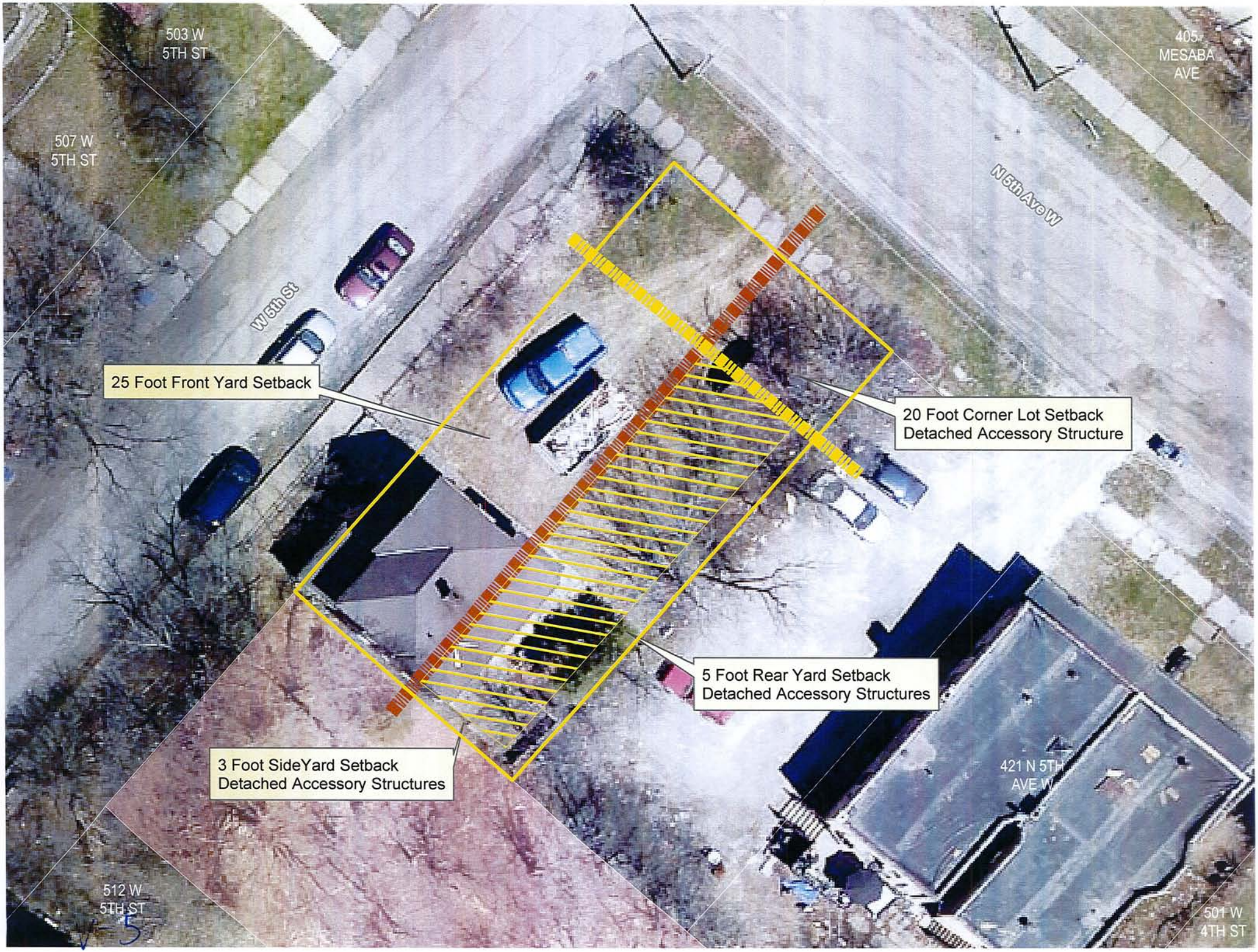
Future Land Use

- 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.

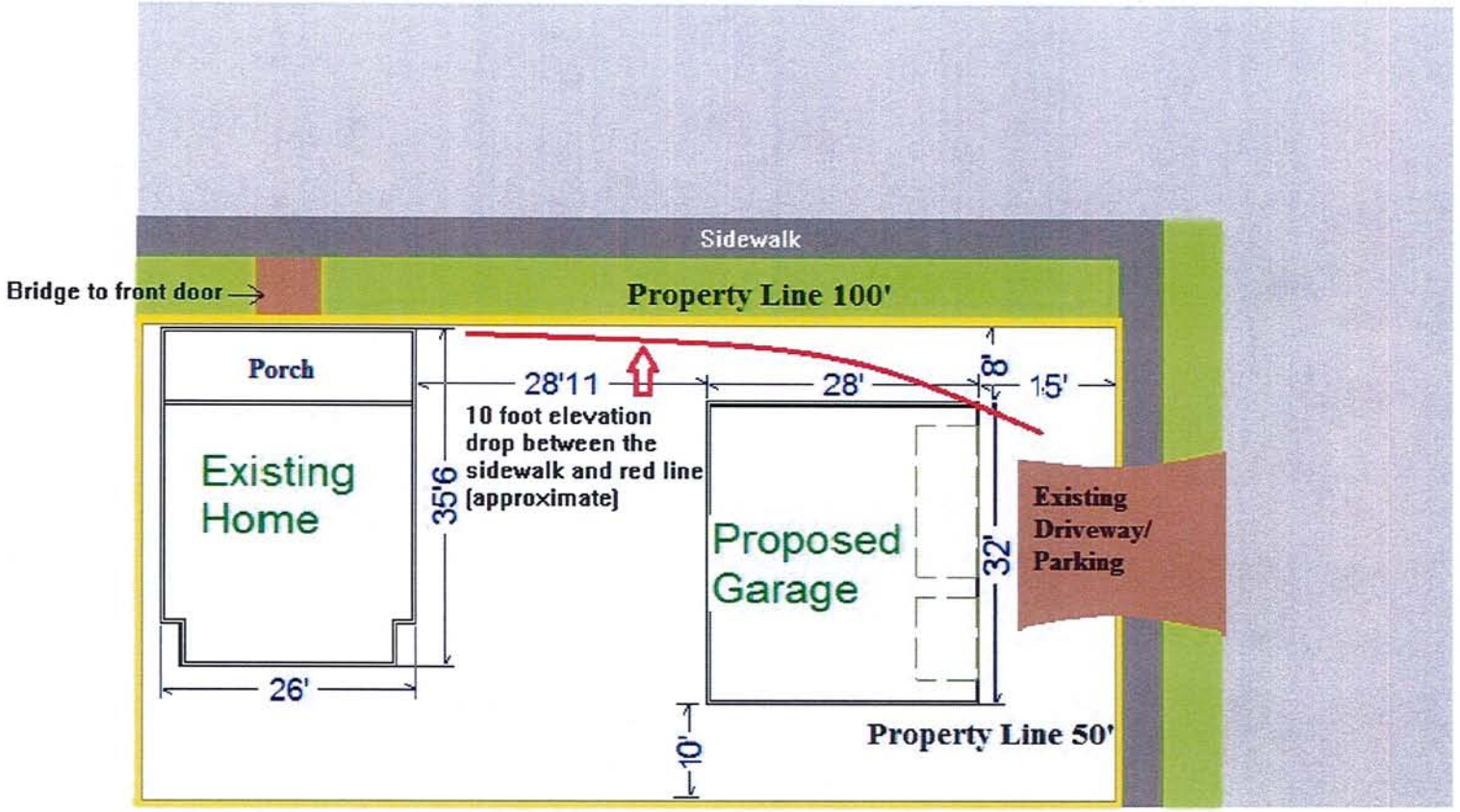
U-3

Approx Location of 28 by 32
Detached Accessory Structure
507 W
5TH ST
509 W
5TH ST
405
MESABA
AVE
N 5th Ave W
W 5th St
506 W
5TH ST
515 W
5TH ST
421 N 5TH
AVE W
512 W
5TH ST
920
910
900
890
880
870
860
850


503 W
5TH ST
405
MESABA
AVE
507 W
5TH ST
N 5th Ave W
W 5th St
25 Foot Front Yard Setback
20 Foot Corner Lot Setback
Detached Accessory Structure
5 Foot Rear Yard Setback
Detached Accessory Structures
3 Foot SideYard Setback
Detached Accessory Structures
421 N 5TH
AVE W
512 W
5TH ST
501 W
4TH ST

© 2013

CENTER LINE OF 5th STREET



CENTER LINE OF 5th AVE. WEST

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U-7

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"):

UDC 50-14.6 Front and side yard setback in an R-2

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:

Please see attached documentation.

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 narrowness of the lot and the fact that the house location is in a nontriditional spot result in little space to build a garage because of the zoning setbacks.

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:

Please see attached documentation

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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: _____

Please see attached documentation

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 small lot size and the direction the house faces are not conditions I created, but they impact my ability to build a garage.

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 garage will not impact the neighborhood in any negative way. It will ease congested street parking and be an asset.

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: Planning division staff advised that none are requested.

0-9

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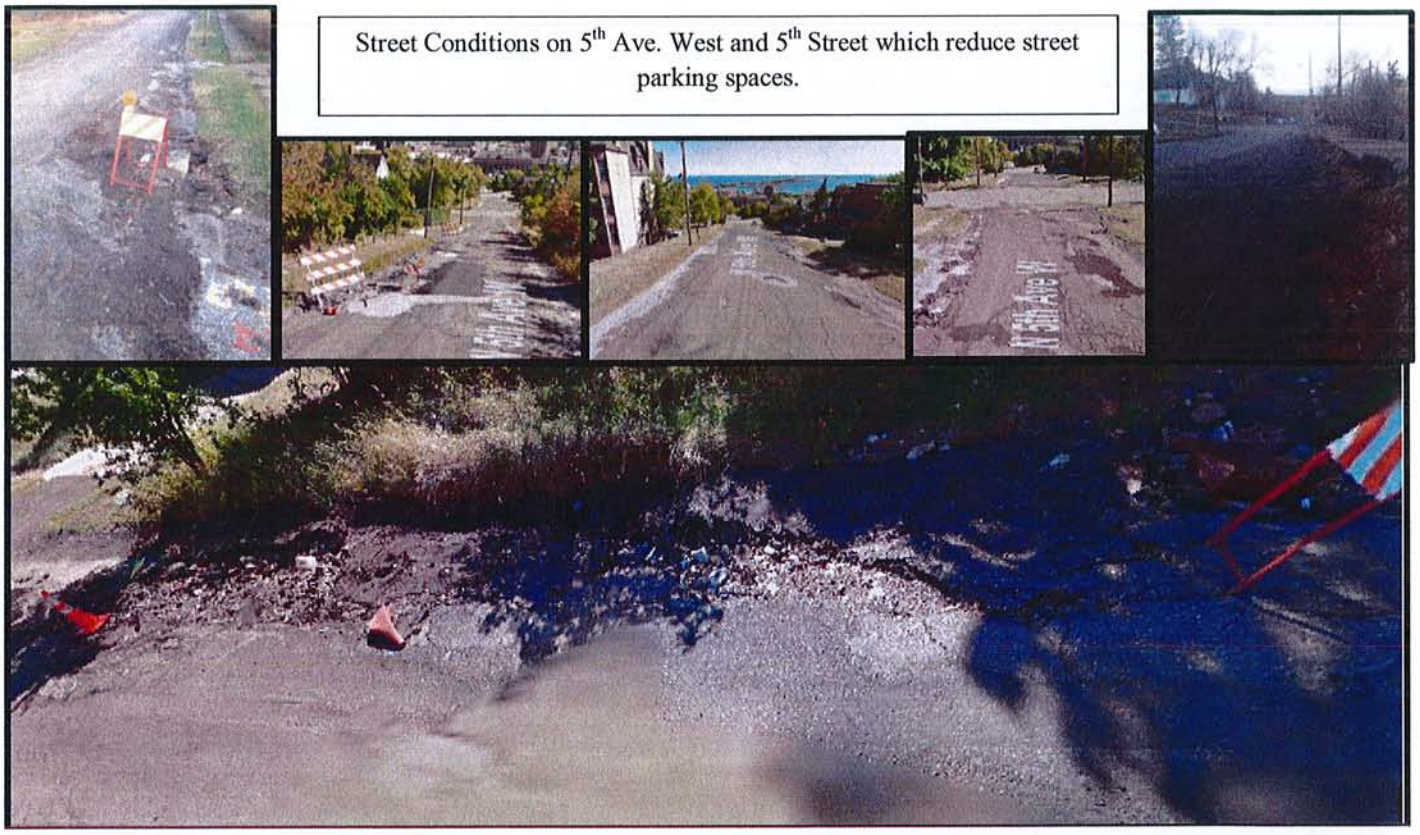
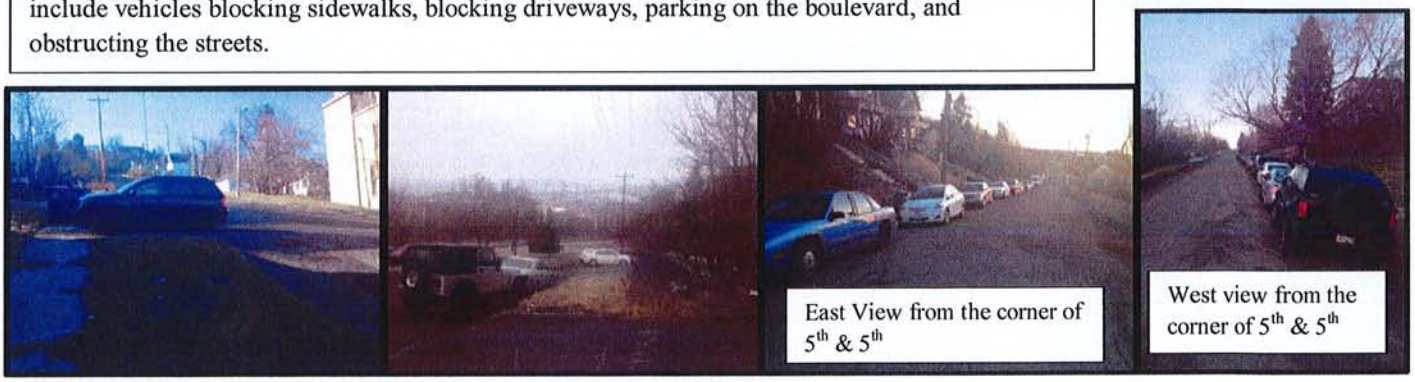
Is the applicant proposing to use the property in a reasonable manner?

Living on the steepest street in Duluth, 5th Avenue West, having a garage large enough to park our three vehicles is no only a personal asset, but an asset to the entire neighborhood. Street parking in R-2 neighborhoods is usually a challenge, but our home has adjacent dwellings on all four sides that have multiple renters. The largest of which is Munger Terrace. It has 45 units and only about 35 parking spaces. In addition to the large number of rentals, there are no alleys for off street parking between 4th and 5th streets or 5th and 6th streets. This leaves little parking for many vehicles on deteriorating street conditions. Allowing a variance to accommodate our vehicles lessons the street congestion for parking.



Street Conditions on 5th Ave. West and 5th Street which reduce street parking spaces.

These are some examples of parking on 5th Ave. West and 5th Street. Parking congestion problems include vehicles blocking sidewalks, blocking driveways, parking on the boulevard, and obstructing the streets.



East View from the corner of 5th & 5th

West view from the corner of 5th & 5th

I am requesting to build a garage large enough to accommodate our three vehicles. Two of which are average size sedans, but the third is my work truck which has a plow on it which I use both for clearing a path up 5th Avenue west (because the city plow does not clear the street prior the time we need to be to work in the morning) and for our rentals in Duluth and Superior. With the plow on, the truck (1999 Dodge Club Cab) is

0-10

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about 23 feet long. A garage 28 feet deep leaves 2 feet and 2 inches in front and behind the truck for walking around it.

This is request for both the front and corner setbacks. The front setback is basically due to my home being built (in 1904) sideways on the lot. This makes my lot 100 feet wide and only 50 feet deep. When we remodeled our home, a variance was approved because more than half of the lot is within the restricted areas due to zoning setbacks. Approving this variance would allow us to build our garage to mirror the face of our home. Allowing a variance for the corner setback would allow the garage to mirror the front of the neighbors building. This creates a more uniform façade down the street.

Will granting the variance alter the essential character of the area?

Over the last two years, we have spent hundreds of thousands of dollars taking a house that had been unoccupied for over a decade a condemned for over seven years and turning it into such and asset to the neighborhood that the Duluth News tribune did a full page story in it (article attached). We are not altering the character of our neighborhood, but we are trying to revive it. The garage we would like to build would have a similar width facing the street (32 feet) as the few existing garages in the area. There are three garages that are within one block of the corner of 5th Ave West and 5th Street. The average width of the three garages is 30 feet 1 inch with the largest being 38 feet (the other two are 28' 2" and 24' 1"). The garage will be finished to mirror the quality finishes of the home and it will not impede sight lines because, being on a hill, it is 7-10 feet below the street level (the variation is due to the slope of 5th street).

510 West 5th St.	516 N. 5th Ave. West	501 4th Ave. West

Is the request consistent with the intent of the UDC and Comprehensive plan?

Duluth's Comprehensive Plan supports development such as our garage in several ways. Specifically, the following governing principles of the plan support projects such as our garage.

Principle #1 – Reuse of previously developed lands. We have and will continue to invest in our property to bring it to a higher state. The reviving of our home and garage project are examples of this.
Principle #5 – Strengthen Neighborhoods & Principle #9 Support private actions that contribute to the public realm. By relieving street congestion, we provide more space for our neighbors. By investing in the neighborhood we increase the value of it.

Duluth's UDC also supports development such as our garage because our home serves as a transition from high to low density locations (50-14.6). One of the constraints of high density locations this is a lack of usable space. Providing a variance allows for more usable space, and thus provides more space for the neighborhood.

0-11

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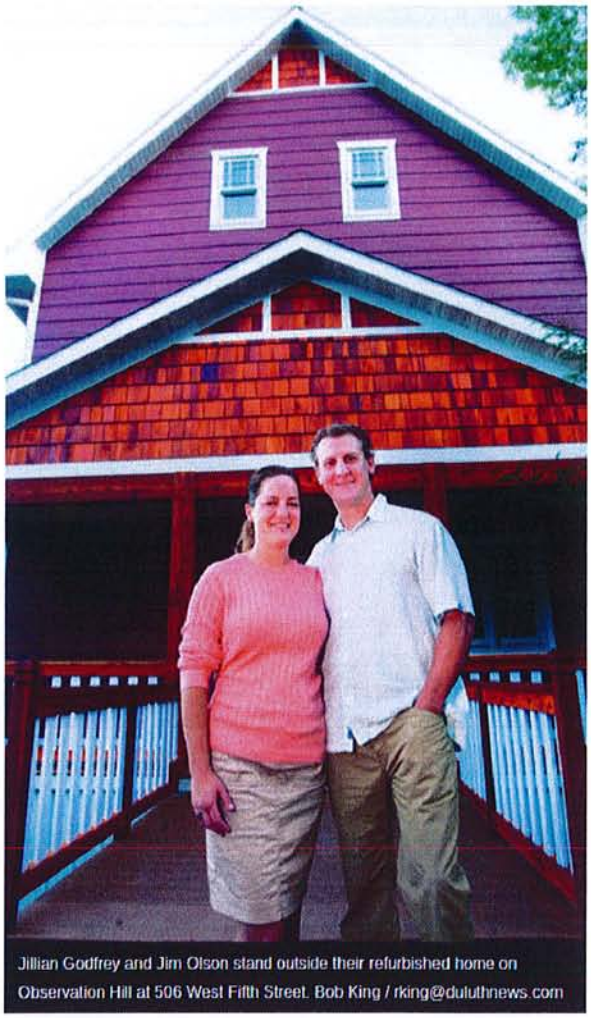
A VISION AND A VIEW: Couple turns old house into space of their own

By Mike Creger on Sep 6, 2014 at 12:00 a.m.

It takes some audacious vision to do what Jim Olson and Jillian Godfrey are doing to a home in Duluth's Observation Hill neighborhood.

Or maybe it's the view.

Olson sat last month in a lawn chair on a deck off on the third level of a home he has gutted and is now remodeling. It's an understatement to say the view of the harbor and up the shore of Lake Superior is stunning.



Jillian Godfrey and Jim Olson stand outside their refurbished home on Observation Hill at 506 West Fifth Street. Bob King / rking@duluthnews.com

"That's why we're here," Olson said.

The couple bought what will be their new home last spring for $34,000. It was a wreck and an eyesore on West Fifth Street, Olson said.

"I can make this into something," Olson recalls saying to Godfrey. "I think my wife thought I was crazy."

"But as soon as she saw the view, I wasn't crazy," he said.

Olson made a request when the couple moved to Lincoln Park. As long as he was making a sacrifice in moving from Superior, they would someday get a place with a view of his hometown. They were married earlier this year and knew it was time to settle into a place they could really call their own, Olson said.

"I think everyone dreams of taking something and making it new," he said.

After 16 months of restoration, the couple plans to move into the home sometime this month.

U-12

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'A better view'

Today, what Olson had in mind is coming to fruition, much to the delight of neighbors who had seen the condemned home, painted in a drab brown, languish without a resident for nine years.

"He's got a better view," said 93-year-old Warren High, who lives across the street. The view from his picture window was once deemed in a News Tribune survey as the fifth-best in the city. High said light-heartedly that he isn't crazy about the higher pitch Olson created in the roof, blocking a smidgen of his view, but to have the house fixed up is a delight.

Original front exterior of the home at 506 West Fifth Street. It was refurbished by Jim Olson and Jillian Godfrey. Photo by Jim Olson

High has lived in the neighborhood since the late 1940s. He once owned a whole block of houses on Fifth.

He said at one time, the old houses in the neighborhood were deemed past their prime, and plans were made for "urban renewal" by razing them and putting in apartments.

"I said 'no way,' " High said. He once had plans himself for his properties, creating much smaller condominiums. That plan never went through because of red tape at City Hall, he said.

And maybe that's for the best, High said. He likes the neighborhood feel of Observation Hill, saying there have been "no real problems" save for some unruly renters once in a while.

The Olson-Godfrey home is just one example of what can be done with the plethora of old houses in the city. "Duluth's housing stock is 80 to 100 years old," said Pete Dingels of Better World Builders, which helped Olson side his home. "A house is meant to last 100 years. Now, they need work. Duluth is full of them."

No one knows that better than Dingels and his partner in the remodeling business, Leon Rohrbaugh.

They started the business just before the Great Recession began in 2008. "In eight years, we've never run out of work," Rohrbaugh said.

The two were doing a brownstone interior remodel last month just a block from Olson's house.

U-13

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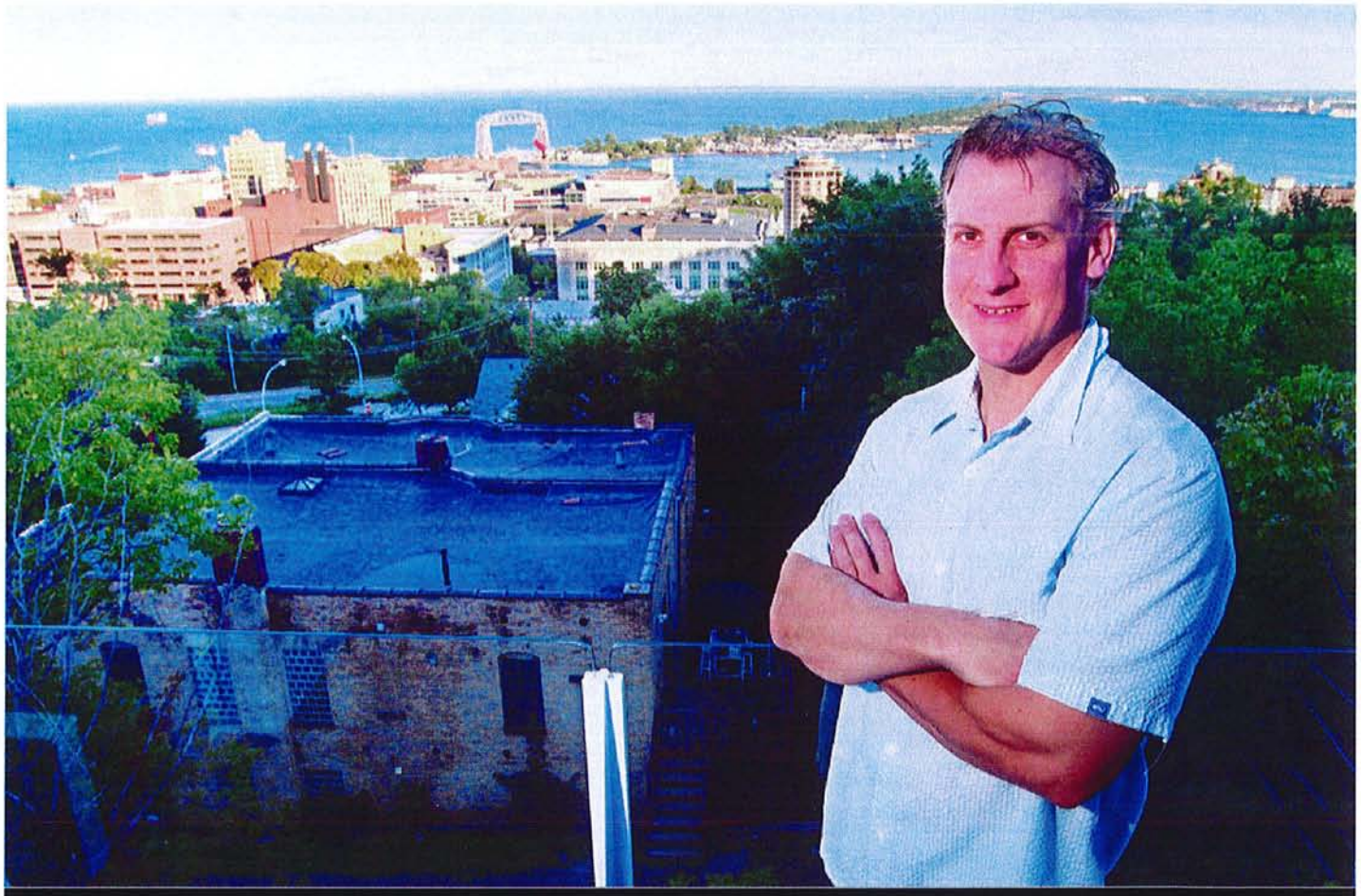
"The potential is big," Rohrbaugh said of buying a cheap fixer-upper and putting into it what you might pay for a starter home.



Views from Jim Olson and Jillian Godfrey's refurbished home offers views of the harbor and Lake Superior that are second to none. Bob King / rking@duluthnews.com

Unfit for habitation

That was Olson and Godfrey's plan. He said the couple planned about $100,000 in work on top of the $34,000 they paid for the home. Olson said it's difficult to know exactly how much they've put into it because they've done much of the work themselves.

They stumbled upon the property after looking at lots nearby. It had been for sale for nearly two years and was deemed unfit for human habitation. The lots were going for $100,000. Out of reach, he said.

Both Olson and Godfrey are teachers. Olson has spent the past decade helping his father during the summer with part-time construction work. Olson said he's always had a yen for architectural design.

The home is only 25-by-24 feet but now has three levels of living space and also a basement that could be finished. They filled 20-yard trash containers 13 times in getting the home down to bare

0-14

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bones, Olson said. All the windows were rearranged to take advantage of the views out the back of the home.

The new kitchen features granite countertops and modern refrigerator. Bob King / rking@duluthnews.com

He had help from designers and city engineers to determine the safety of the support changes for the home built in 1904.

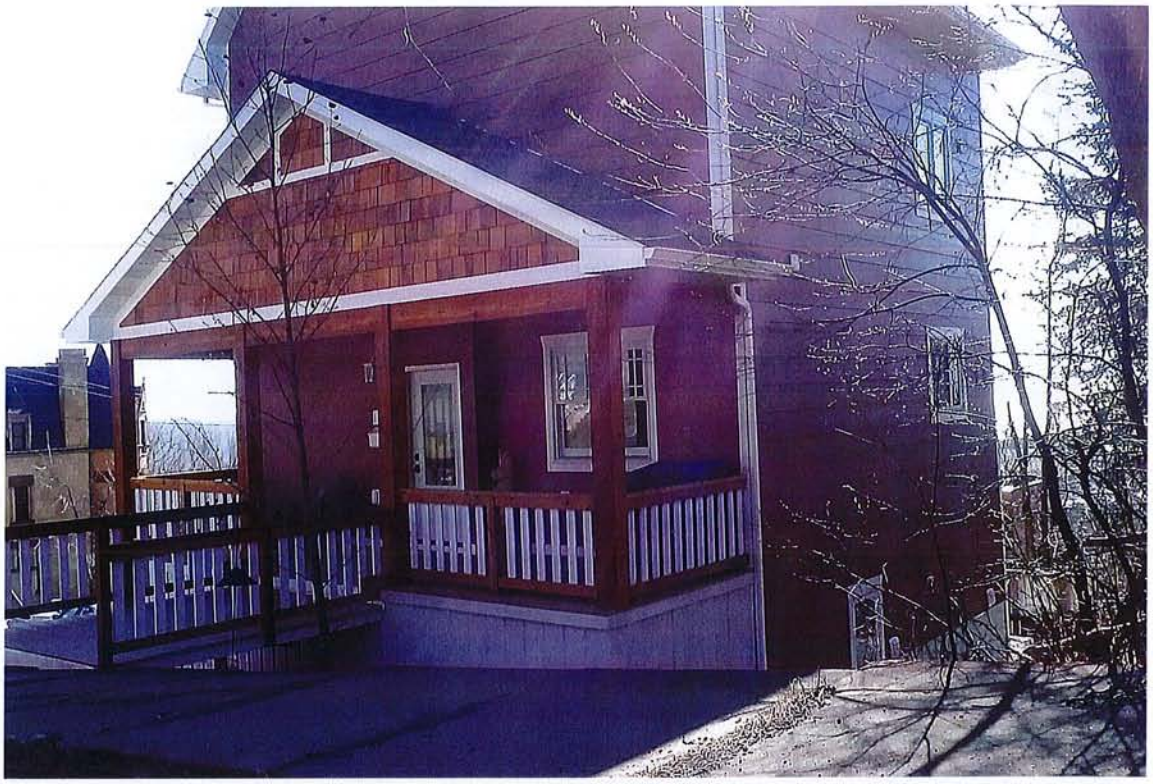
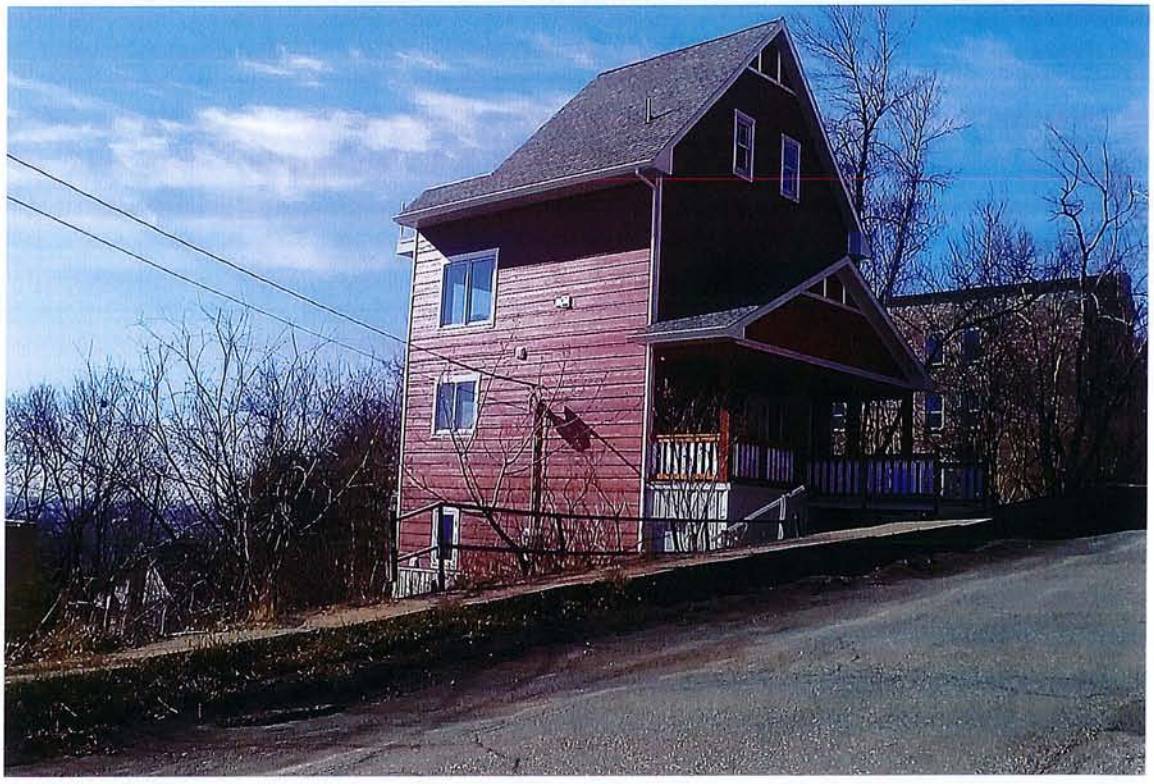
"Part of the desire was a small footprint," Olson said. It helped him keep things green, using insulation to keep the home cozy in summer and winter and using surrounding air to feed a heat pump system. A furnace would be too much, he said, because of the tightness of the home.

Green technology is something he and his uncle, Roger Olson of Superior, are interested in, Jim Olson said.

The uncle recalled thinking "What in the hell have you done?" when first looking at the home. "He's one of those rare people who have a vision," he said of his nephew. Both men said the project can serve as inspiration for others.

The old second floor kitchen in the home at 506 West Fifth Street. Photo by Jim Olson

"I think Duluth has a lot of gems," Jim Olson said. "You just have to look outside the cul-de-sac."

U-15

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