



**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 15-099	<b>Contact</b>	Steven Robertson, 218 730 5295	
<b>Application Type</b>	Variance, Side Yard Setback	<b>Planning Commission Date</b>	July 14, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	June 24, 2015	<b>60 Days</b>	August 23, 2015
	<b>Date Extension Letter Mailed</b>	July 1, 2015	<b>120 Days</b>	October 22, 2015
<b>Location of Subject</b>	4048 Minnesota Avenue			
<b>Applicant</b>	Sara Jane Carlson	<b>Contact</b>	scarlson@mnpower.com	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	010-3580-00510			
<b>Site Visit Date</b>	July 1, 2015	<b>Sign Notice Date</b>	June 29, 2015	
<b>Neighbor Letter Date</b>	July 1, 2015	<b>Number of Letters Sent</b>	16	

**Proposal**

The applicant is proposing to construct a one-stall garage (12' x 19') attached to the existing home. The attached garage would be 2 feet from the property line, where the minimum setback for a principal structure or an attached garage is 6 feet from the side yard setback.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighbourhood
<b>North</b>	R-1	Undeveloped	Preservation
<b>South</b>	P-1	Undeveloped	Preservation
<b>East</b>	R-1	Residential	Traditional Neighbourhood
<b>West</b>	R-1	Residential	Traditional Neighbourhood

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

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.

II. 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.

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

- 1) The applicant is proposing to construct a one-stall garage (12' x 19') attached to the existing home. The attached garage would be 2 feet from the property line, where the minimum setback for a principal structure or an attached garage is 6 feet from the side yard setback.
- 2) The lot is approximately 40 feet wide by 103 feet long. According to St. Louis County records, the home was built in 1919 with a gross area of 708 sq. ft. It is on Lot 26 of Block 2 of Oatka Beach Addition to Duluth (recorded 1902).
- 3) The proposal, if granted, will not alter the essential character of the surrounding area. The proposed single family home allows the property to be used in a reasonable manner, and continued use of this property as a single-family home is consistent with the Comprehensive Land Use Plan. In addition, if the variance was granted, would not likely compromise the general purposes or intent of Section 50-18.1.D or result in adverse consequences to the environment.
- 4) While not established in the variance criteria of the UDC, in the past the Planning Commission has often granted variances for small one-stall detached garages on properties, based on the circumstances of the property, and the nature of the request. The applicant is proposing a very small, reasonably sized, one-stall garage and locating it in a manner that minimizes the variance request.
- 5) When the Planning Commission is reviewing a variance to front, rear, or side yard setbacks, the Planning Commission may require landscaping or buffering to reduce potential land use conflicts. With this application, staff are not recommending the Planning Commission requiring additional screening or buffering (such as shrubbery or fencing).
- 6) No comments were received concerning this proposed variance.
- 7) 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.

**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 12 feet by 19 feet attached garage addition subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to the Site and 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.

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

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**City Planning**  
 4048 Minnesota Ave  
 PL15-099 Variance

**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Wetlands (NRR)
- Floodplain Type**
- General Flood Plain
- Flood Way
- Flood Fringe
- 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.



Aerial photography from 2013

Prepared by: City of Duluth Planning Division, June 30, 2015. Source: City of Duluth.

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**City Planning**  
 4048 Minnesota Ave  
 PL 15-099 Variance



Aerial photography/floam 2013

Prepared by: City of Duluth Planning Division, June 30, 2015; Source: City of Duluth.

**Legend**

- Contours 1 Ft
- Index
- Intermediate
- Index
- Trout Stream (GPS)
- Other Stream (GPS)

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GIANNAKIDIS  
DIMITRIOS

GIANNAKIDIS  
DIMITRIOS

KE  
ROMUALD

KERPE  
ROMUALD E

CARLSON  
SARAJ

GIANNAKIDIS  
DIMITRIOS

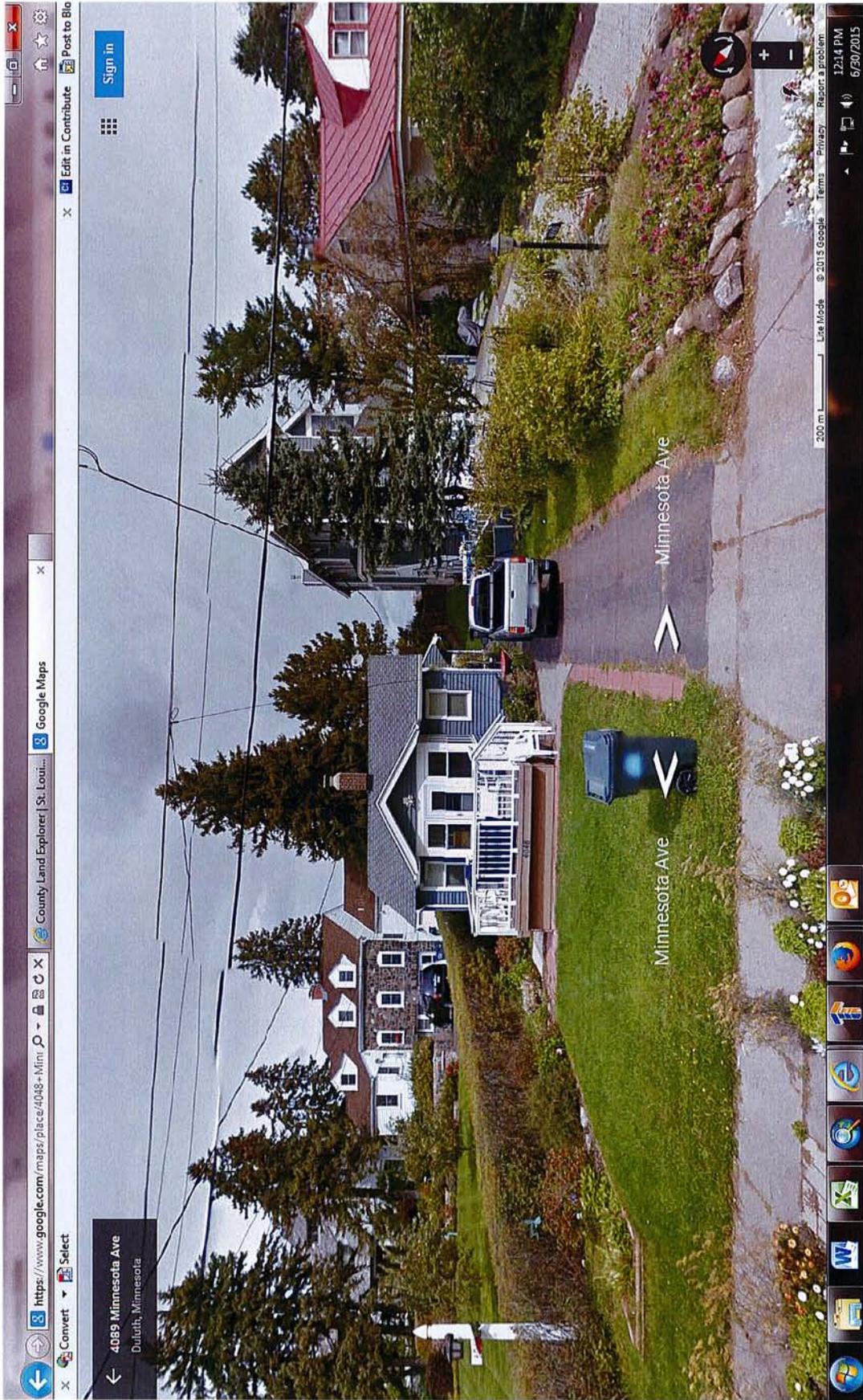
ROLLE  
SHARON M

Area Outside Setbacks for Principle Structure and Attached Garage:  
Front Yard Setback (25 feet)  
Side Yard Setback (6 Feet)  
Rear Yard Setback (25 Feet)

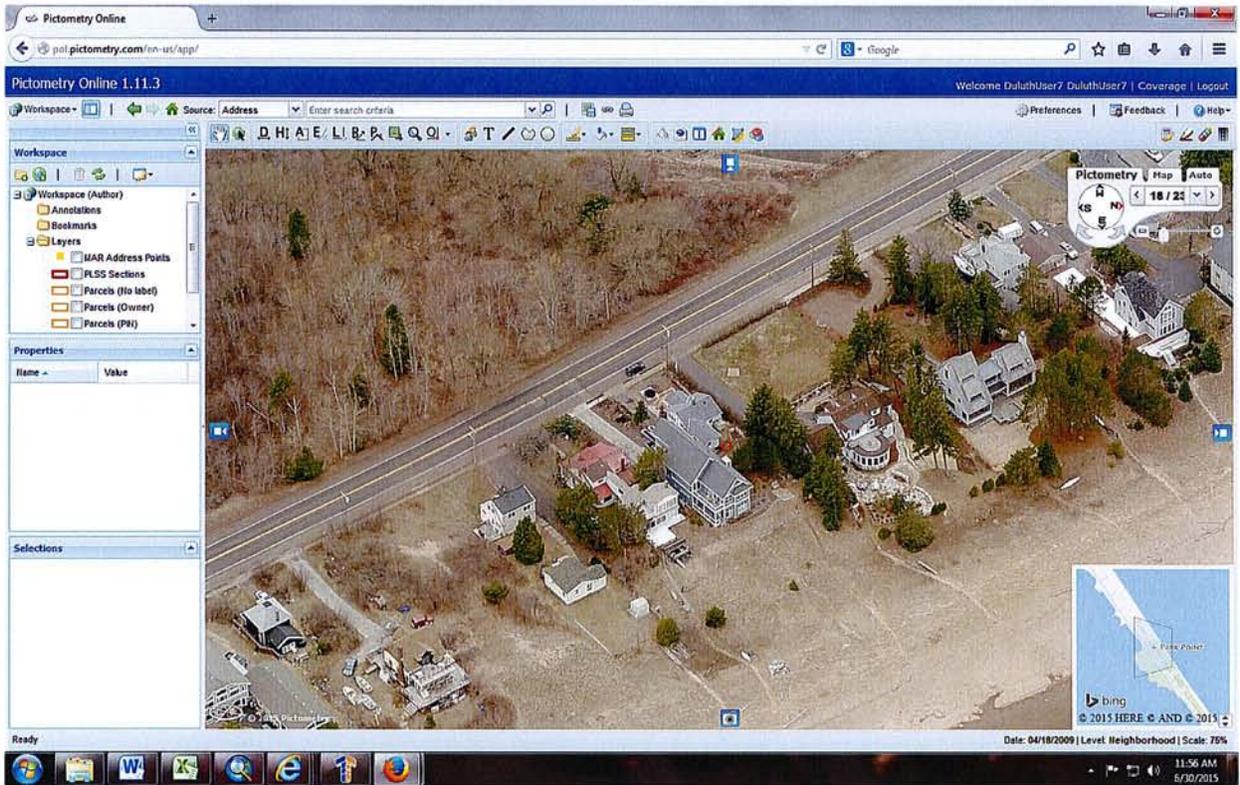
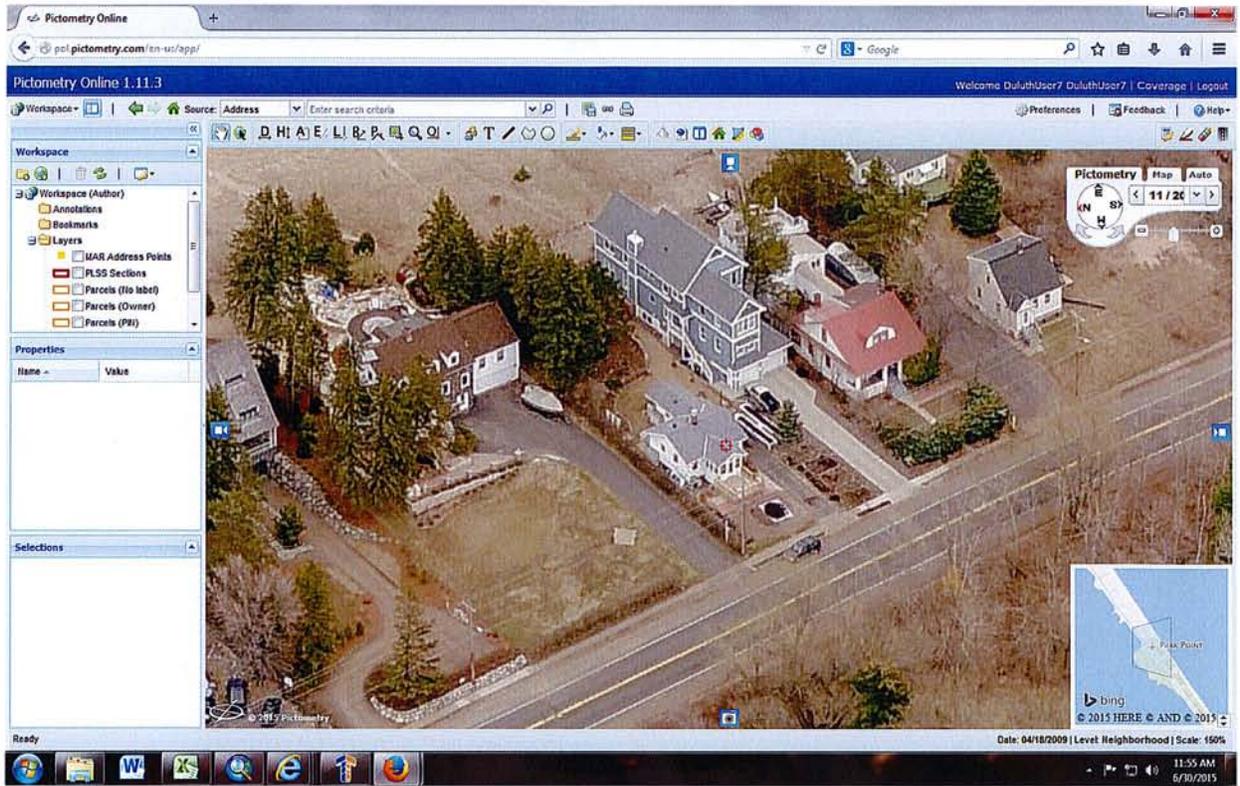
Minnesota Ave

CITY OF  
DULUTH

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D-6



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City of Duluth  
Planning and Construction Services

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218-730-5240 • Fax: 218-730-5901 • www.duluthmn.gov/onestop/

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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 - side yard 2 ft set back 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: \_\_\_\_\_

The single car garage project is necessary due to Northern Minnesota's harsh winter conditions. Strong east winds, sub zero temperatures make conditions dangerous. With a garage the property is improved and shelters the owner from undue harsh weather.

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: \_\_\_\_\_

There is only one logical place for a single car garage on the property which is narrow and requires it to be near the lot line.

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: \_\_\_\_\_

The residential neighborhood is single family homes with double and single car garages. The proposed single car garage maintains the current home style - see attached drawing. It blends graciously into the structure and maintains the character of the area.

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: The residential

UDC was established for traditional neighborhoods on moderately sized lots. The home was built ~ 1926 when it was not common for single car garages to be included in design considerations.

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 single car garage addition provides shelter from extreme elements for residential property. The home was built prior to homes needing garages.

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 single car garage is located next to a garden, lawn and driveway area so excellent light, air and safety will be maintained on 2ft side yard. Removal of an existing black top driveway behind the new garage will enhance the green space which the neighbor Dimitrio Giannakou

Does the relief allow any type of sign that is not allowed in the zone district where the property is supported? 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: \_\_\_\_\_

Subsection 8 applies - variance to reduce set back side yard where additional landscaping may be required. The new single car garage would be adjacent to an existing garden area for the side yard variance and a lawn area on the opposite side yard. Long black top area behind the garage area will be replaced with new lawn and garden area.

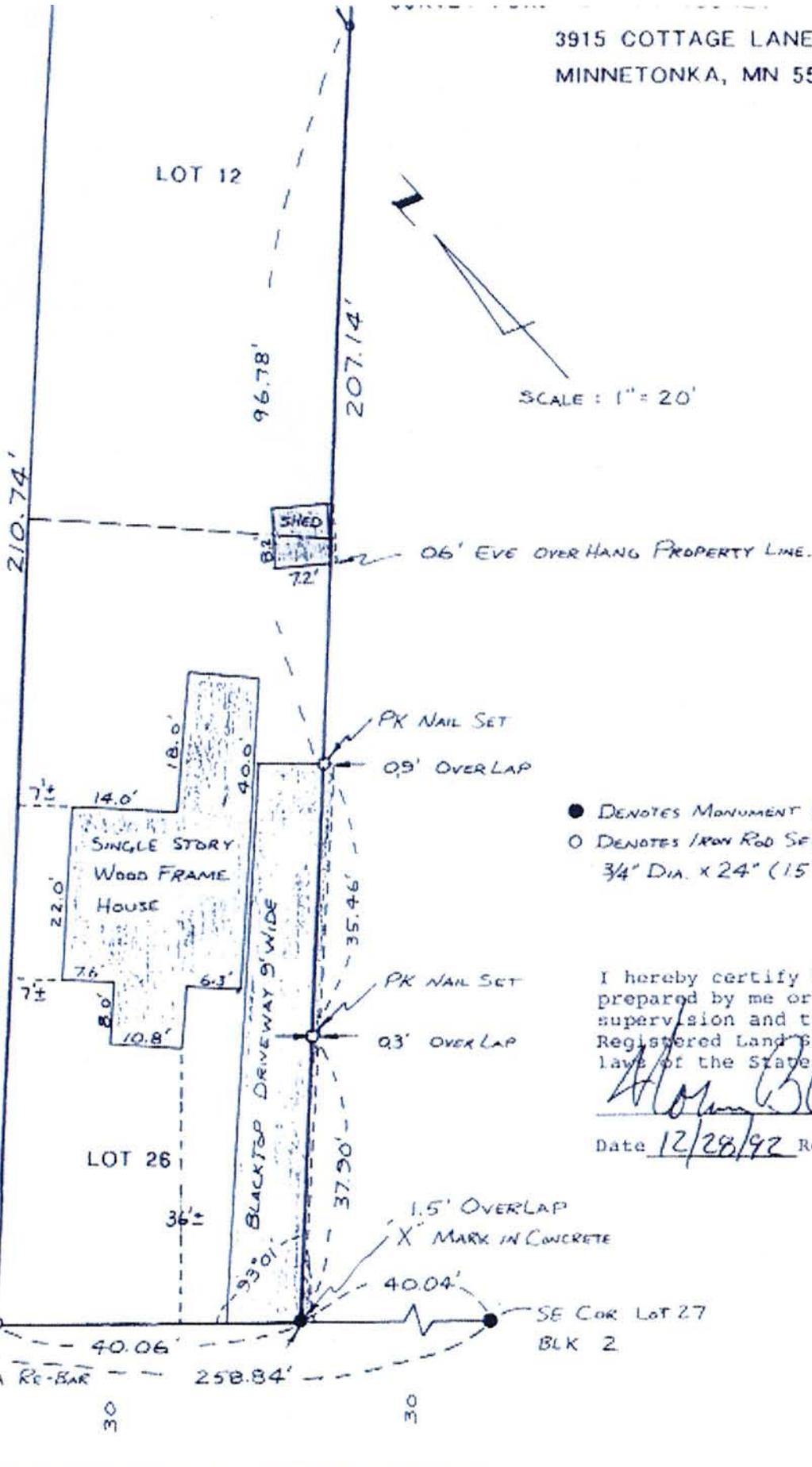
D-9

3915 COTTAGE LANE  
MINNETONKA, MN 55305

LOT 12



SCALE: 1" = 20'



- DENOTES MONUMENT FOUND
- DENOTES IRON ROD SET (YELLOW CAPPED)  
3/4" DIA. x 24" (15 LBS/FT)

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*Alvin Blain*

Date 12/28/92 Reg. No. 10725

1.5' OVERLAP  
X MARK IN CONCRETE

SE COR LOT 27  
BLK 2

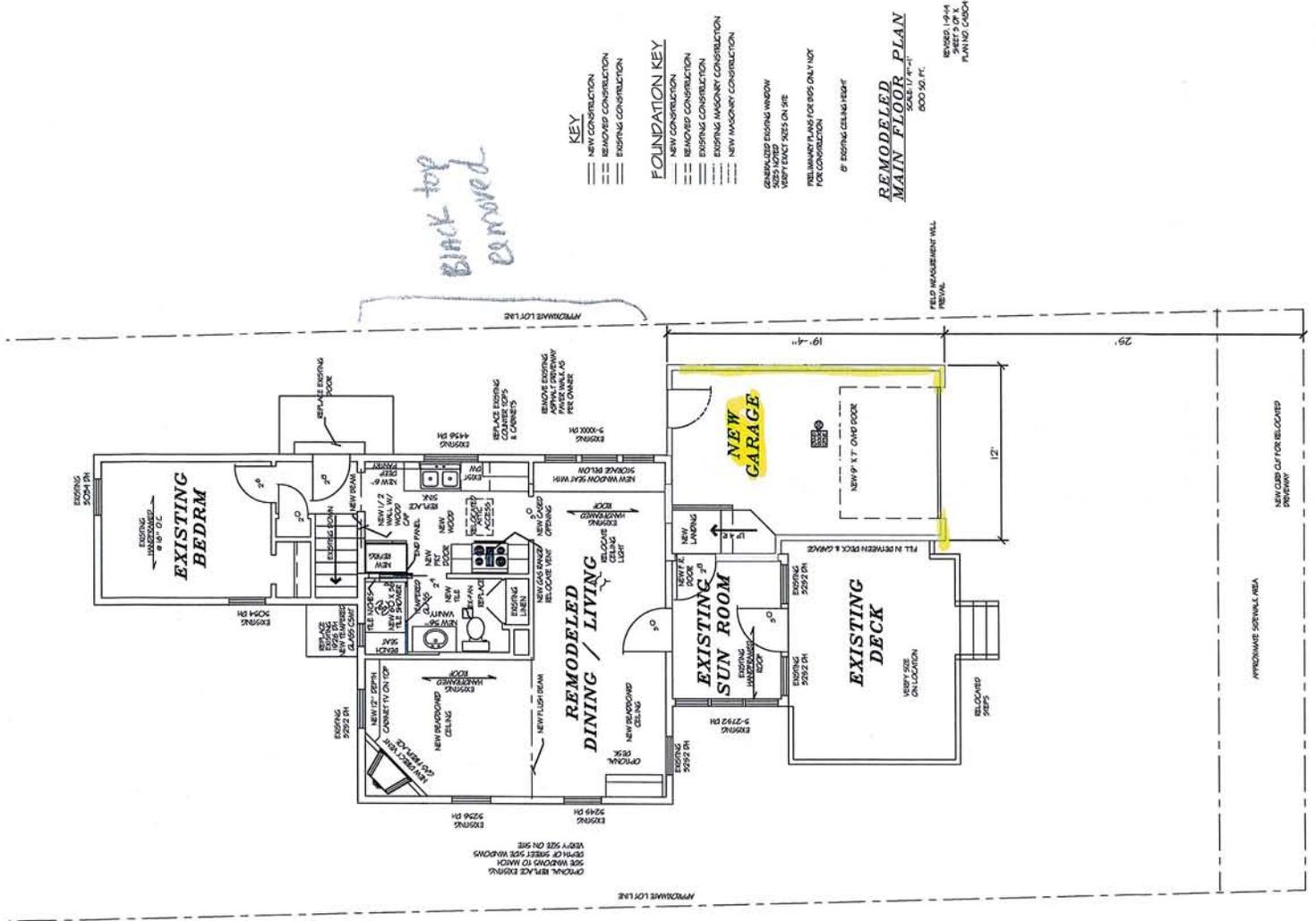
MINNESOTA AVE

**TWIN PORTS SURVEYING, INC.**  
Registered Land Surveyors in Minnesota and Wisconsin  
2231 Catlin Avenue, Suite 410 • Superior, Wisconsin 54880

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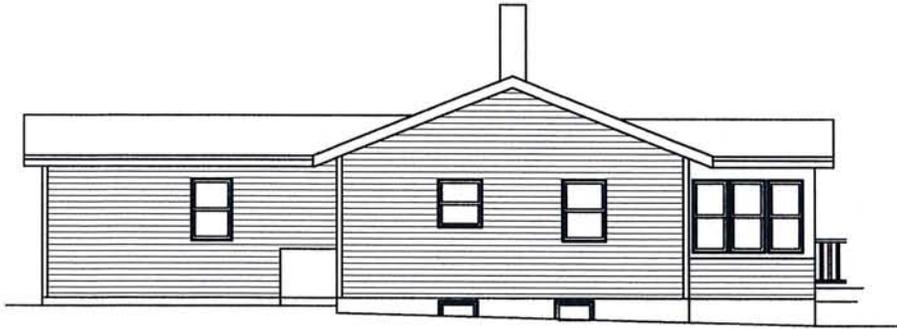
# Site plan Garage project

*Black top removed*



- KEY**
- NEW CONSTRUCTION
  - REMOVED CONSTRUCTION
  - ==== EXISTING CONSTRUCTION
- FOUNDATION KEY**
- NEW CONSTRUCTION
  - REMOVED CONSTRUCTION
  - ==== EXISTING CONSTRUCTION
  - ..... EXISTING MASONRY CONSTRUCTION
  - ..... NEW MASONRY CONSTRUCTION
- GENERALIZED EXISTING WINDOW  
VERIFIED EXACT SIZES ON SITE
- PRELIMINARY PLANS FOR ISSUES ONLY NOT FOR CONSTRUCTION
- # EXISTING CEILING HEIGHT
- REMODELED MAIN FLOOR PLAN**  
SCALE: 1/8" = 1'-0"  
000.00 S.F.
- REVISED 1/24/14  
SHEET 2 OF 3  
PLANNING CORP.

PLAN EXISTING WITHOUT GARAGE (NO CAR GARAGE)



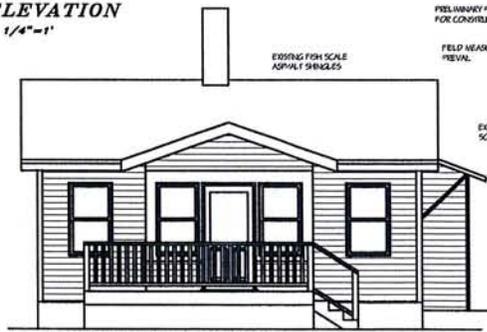
LEFT ELEVATION  
SCALE: 1/4"=1'



RIGHT ELEVATION  
SCALE: 1/4"=1'



BACK ELEVATION  
SCALE: 1/4"=1'



FRONT ELEVATION  
SCALE: 1/4"=1'

EXISTING FISH SCALE ASPHALT SHINGLES

PRELIMINARY PLANS FOR DEEDS ONLY NOT FOR CONSTRUCTION

FIELD MEASUREMENT WILL PREVAIL

EXISTING ALUM. SOFFIT & FASCIA

EXISTING 1 1/2" EXPOSED LVP SIDING

OWNER	CLARITY	DATE	1
PROJECT	11-18-15	SCALE	1/4"
DESIGNER	SARAH J. CARLSON	DATE	11-18-15
PROJECT	11-18-15	SCALE	1/4"
DATE	11-18-15	SCALE	1/4"

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