



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 15-108	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance	Planning Commission Date	August 11, 2015	
Deadline for Action	Application Date	July 13, 2015	60 Days	September 11, 2015
	Date Extension Letter Mailed	July 28, 2015	120 Days	November 10, 2015
Location of Subject	7240 W Skyline Parkway			
Applicant	James and Theresa Taraldsen	Contact	218-481-3020, jtaraldsen@barr.com	
Agent	N/A	Contact	N/A	
Legal Description	PID: 010-0220-03720			
Site Visit Date	July 31, 2015	Sign Notice Date	July 26, 2015	
Neighbor Letter Date	July 29, 2015	Number of Letters Sent	15	

Proposal

Applicant proposes to add a second garage to the property, which would be 28' x 24' and would be 25' from the property line instead of the 50' required by the Skyline Parkway Overlay District.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Low-density neighborhood
North	R-1	Undeveloped/residential	Low-density neighborhood
South	RR-2	Residential	Low-density n'hood/Preservation
East	R-1	Residential	Low-density neighborhood
West	R-1	Residential	Low-density n'hood/Preservation

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

50-18.4 - Skyline Parkway Overlay: Buildings and additions shall be located at least 50 feet from the right-of-way of Skyline Parkway.

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.

1-14-15

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

Governing Principle #6 - Reinforce the place-specific. This includes view corridors to the Lake or River which serve to provide location and context.

Future Land Use - Low density neighborhood: Single-family housing with urban services. Typified by curvilinear streets, houses with longer side parallel to street, and attached garages. Includes a range of house sizes and lot sizes.

UDC Section 50-18.4 - Purpose of Skyline Parkway Overlay District: to protect the unique character and visual qualities of Skyline Parkway as documented in the Skyline Parkway corridor management plan and the comprehensive land use plan while protecting the property rights of private property owners affected by these regulations. One key purpose is to protect views from Skyline Parkway toward Lake Superior, the St. Louis River, and the harbor, from a wide variety of vantage points along the Parkway and to encourage the construction of narrower buildings located farther from the Skyline Parkway rather than wider buildings located closer to the Parkway.

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

Staff finds that:

- 1.) Property currently contains a single-family house and an approximately 16' x 22' detached garage with attached 13' x 28' shed. Applicants would like to add a second detached 28' x 24' garage (Morton building) that located 25' from the front property line instead of the required 50' required in the Skyline Parkway Overlay district.
- 2.) Use of the property as a single-family house and garage is reasonable in the R-1 district; however, a second garage is not necessary in order to preserve a substantial property right.
- 3.) While the City does promote tree preservation in many areas, it allows for tree removal within the Skyline Parkway Overlay in order to enhance views, and prohibits planting of any tall vegetation within the 50' setback. Because of existing tall trees, views of the bay are currently limited; however, people on Skyline Parkway see glimpses of the water in the spaces between and under the trees, contributing to an overall sense of the viewshed in the Skyline Parkway corridor.
- 4.) The intent of the Overlay is to regulate building forms that will allow views if trees are removed or destroyed. By further decreasing potential views of the bay, this variance does not conform to the intent of the comprehensive plan or UDC.
- 5.) If applicant desires a second garage, one could be built within the remaining buildable area, perhaps requiring a retaining wall and/or removal of trees, neither of which constitutes a practical difficulty. The need for relief is not due to circumstances unique to this property; it is not due to exceptional narrowness, shallowness, or shape of the applicant's property, or because of exceptional topographic or other conditions.
- 6.) Approval of the variance would not likely alter the essential character of the area, as there is a mixed development pattern with various lot sizes and building placements on those lots.
- 7.) No public, agency, or City comments have been received.
- 8.) 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 to build a second garage for the following reasons:

- 1.) The variance is not consistent with the Comprehensive Land Use Plan and UDC.
- 2.) The variance is not due to circumstances unique to this property such as exceptional narrowness, shape, or topographic considerations.
- 3.) The variance is not necessary for preservation of a substantial property right.

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

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City Planning

PL 15-108

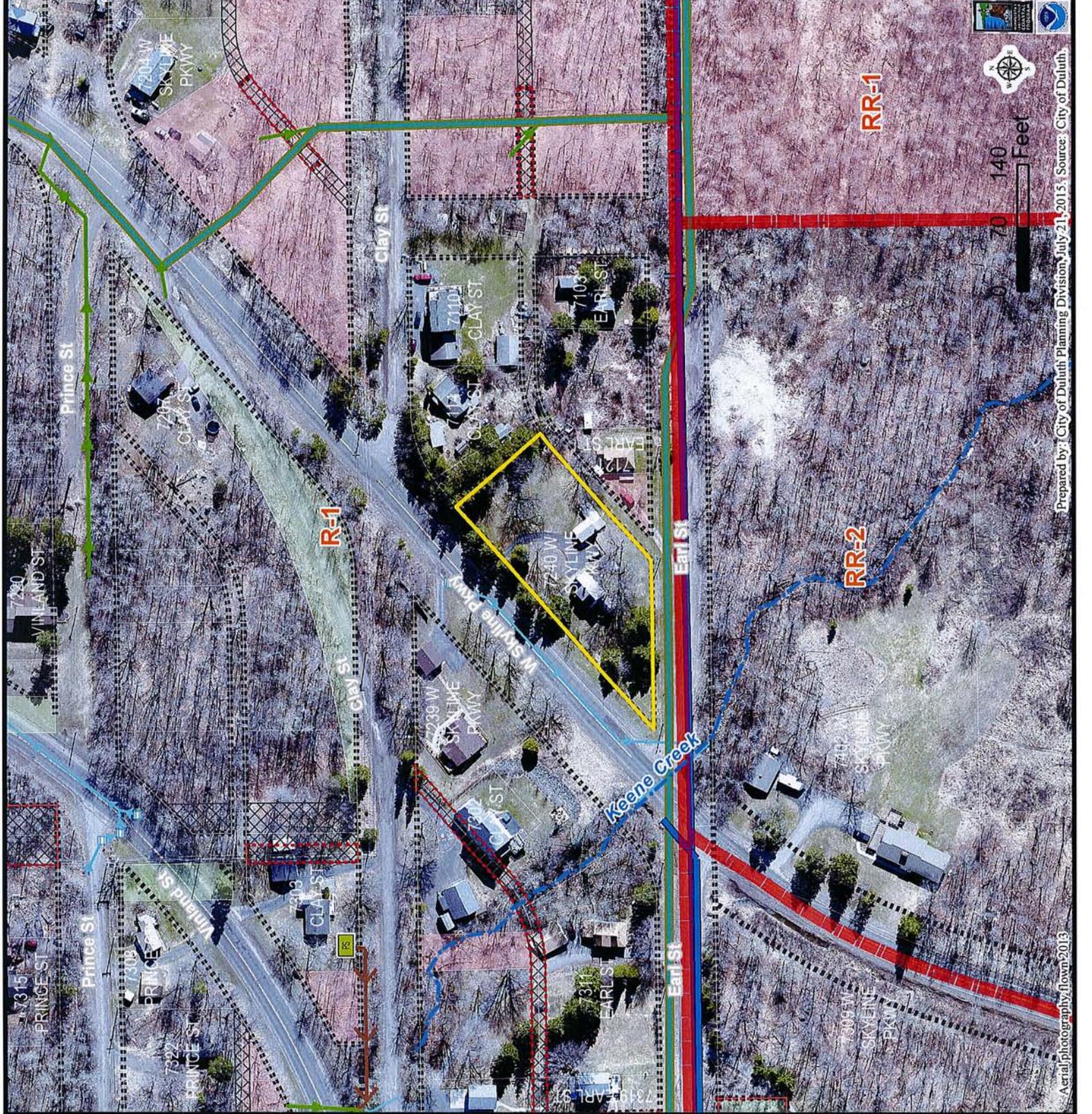
7240 Skyline Parkway

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

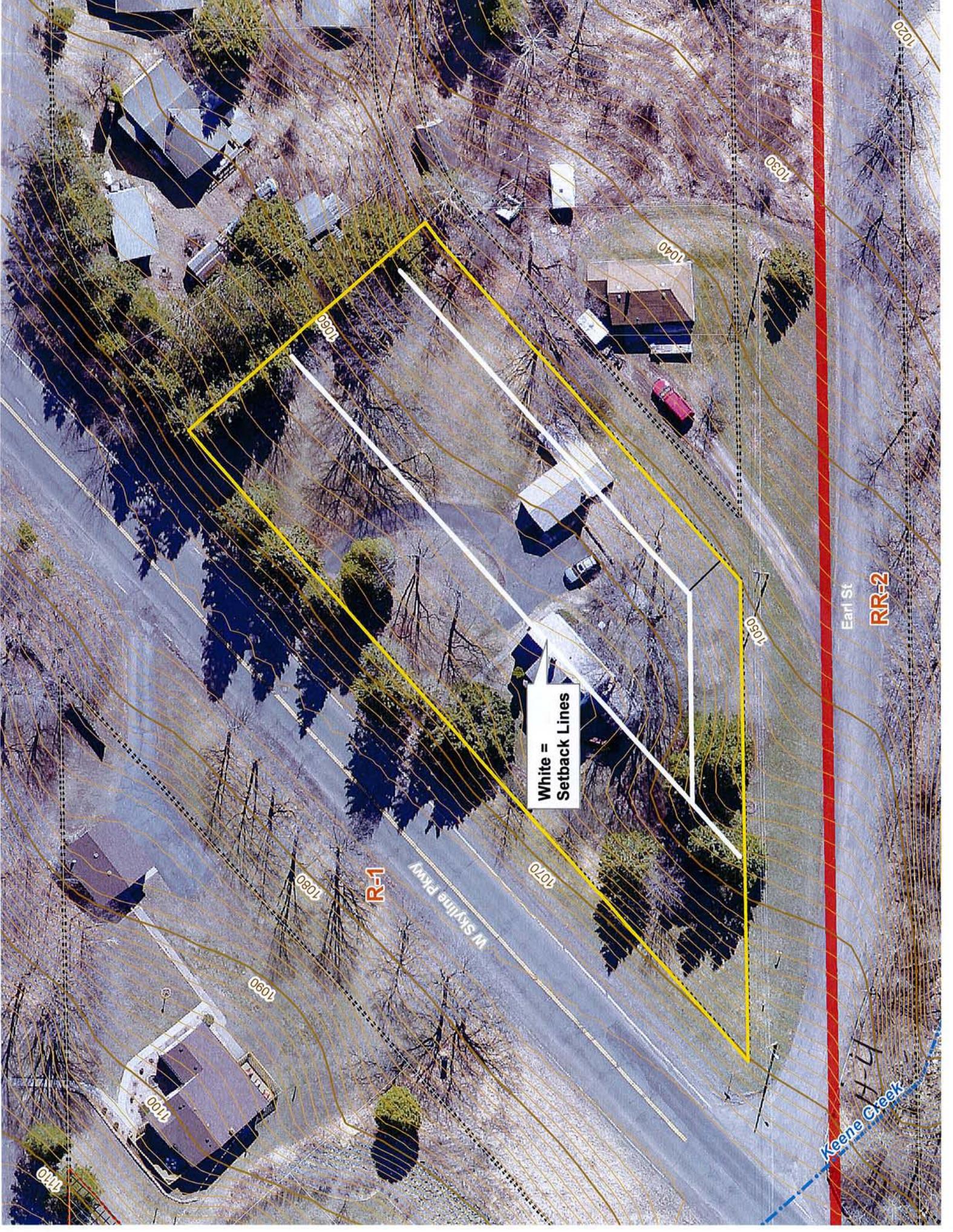
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.

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Aerial photography: Novem-2013

Prepared by: City of Duluth Planning Division, July 21, 2015. Source: City of Duluth



White =
Setback Lines

R-1

RR-2

Earl St

4-4
Keene Creek

W Skyline Pkwy

7240 W Skyline Parkway

Site Photos



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Site Plan

141' - 1 11/32"

Alley

Exist. shed portion
1/2 story down

Existing Garage

Exist.
Drive

Existing single family house

Addition

Grass bank

38' - 2 1/8"

36' - 11 1/4"

286' - 0"

Gravel shoulder

West Skyline Drive

Steven Jarch
6/25/15

DEPT OF BUILDING SAFETY
DATE: 6-30-15
REVIEWED
FOR CODE COMPLIANCE
BY: *Leah Crick*
CODE EDITION: 2015 M.B.C.

SITE COPY
TO BE KEPT ON SITE FOR ALL INSPECTIONS

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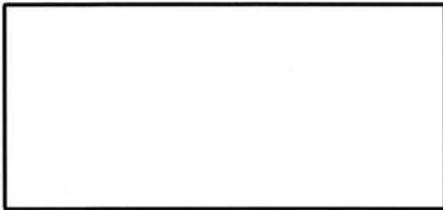
Morton Building
7.85x24
← from
corner of
property

Property Line
from 25'
←
Connects
from 65'

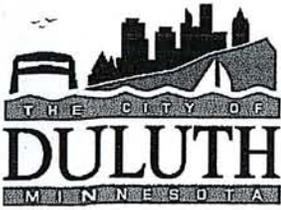


Duluth, Minnesota

Street View - Oct 2012



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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"):

50-37.9 Section H-Variances to reduce setbacks

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: We are trying to preserve several valuable trees located near the

proposed site; which would have to be removed if the variance is not granted.

See application cover sheet attachment for narrative, pictures, and more information. Thank you.

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 request for a variance relates to the extensive sloping/hilly nature of

the property in which there is only one somewhat level area to build. We

also have a rare black walnut tree we are try to preserve.

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 proposed building will not alter the view from any future development

or for any travelers along Skyline in that the building roof line will be considerably

lower than all the existing trees in the area. Furthermore, the area above the site
is undeveloped as there aren't any houses.

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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: Section 50-25.9 A

of the UDC recognizes the many benefits of trees and that the city seeks to maintain tree cover to protect water quality by reducing soil erosion which is important in the Keene Creek watershed.

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:

We are trying to preserve the trees planted by previous generations which remain important to us and prevent soil erosion which is important for the Keene Creek watershed.

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: _____

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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