



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 15-148	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance	Planning Commission Date	October 13, 2015	
Deadline for Action	Application Date	September 8, 2015	60 Days	November 7, 2015
	Date Extension Letter Mailed	September 24, 2015	120 Days	January 6, 2016
Location of Subject	2421 London Road			
Applicant	Michael Tegethoff	Contact	605-310-0595, miketegethoff@gmail.com	
Agent	N/A	Contact	N/A	
Legal Description	Lot 11 Block 46 Harrison's Division and Lot 11 Block 30 Endion Division of Duluth			
Site Visit Date	July 29, 2015	Sign Notice Date	September 29, 2015	
Neighbor Letter Date	September 25, 2015	Number of Letters Sent	31	

Proposal

Applicant is requesting a variance to provide one parking space instead of the four parking spaces that would be required for the proposed medical clinic use.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N (Pendina)	Commercial (Pendina)	Neighborhood Mixed Use
North	R-1	Single-family residential	Traditional Neighborhood
South	MU-N	Hotel/waterpark, gas station	Central Business Secondary
East	R-1	Single-family residential	Neighborhood Mixed Use
West	R-1	Single-family residential	Neighborhood Mixed Use

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

50-24.2 - Required parking spaces. Medical or dental clinic: 4 spaces per 1,000 sq. ft. of gross floor area.

50-37.9.C - General variance criteria.

F. J. 1

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

Future Land Use - Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

City council recently passed an ordinance rezoning this property to MU-N.

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

Staff finds that:

- 1.) Property was previously used as a single-family house. Applicant is planning to use it for a mental health office, defined as a "medical or dental clinic" in the UDC. This is a reasonable use in the MU-N district.
- 2.) Property contains a single-car garage with a driveway. Driveway is long enough to fit multiple cars, but because it would be "stacked" parking without a drive aisle, it is classified as one parking space per the UDC.
- 3.) Property does not have exceptional narrowness, topographic, or other conditions that would result in practical difficulties in meeting UDC requirements. Proximity to residential properties does not result in practical difficulty for the property owner.
- 4.) The special circumstances are not peculiar to this property or immediately adjoining property; there are other properties in the area and within the city where commercial properties abut residential properties.
- 5.) Relief is not necessary for the preservation and enjoyment of a substantial property right, as applicant has the ability to place parking in the rear of the building.
- 6.) Granting the variance will not alter the essential character of the area, as adjacent properties also park in driveways with any additional cars parking on the street.
- 7.) One neighbor wrote in support of the variance. No other public, agency, or City comments have been received as part of this application; under the previous rezoning application, numerous concerns were heard about the potential for a parking lot in the rear yard.
- 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 due to circumstances unique to this property such as exceptional narrowness, shape, or topographic considerations.
- 2.) 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)

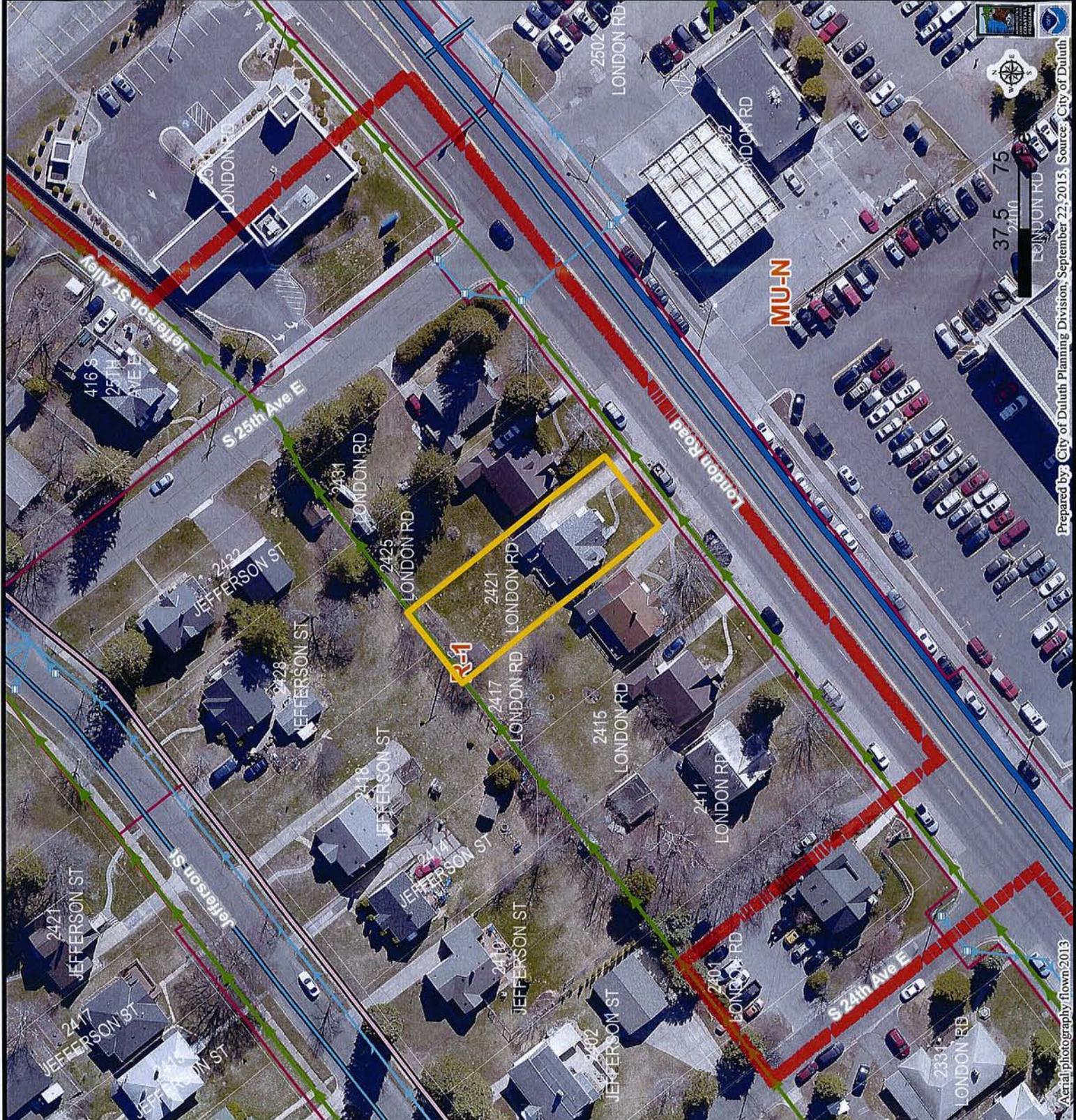
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City Planning
 PL 15-148
 2421 London Road

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



Aerial photography flown 2013

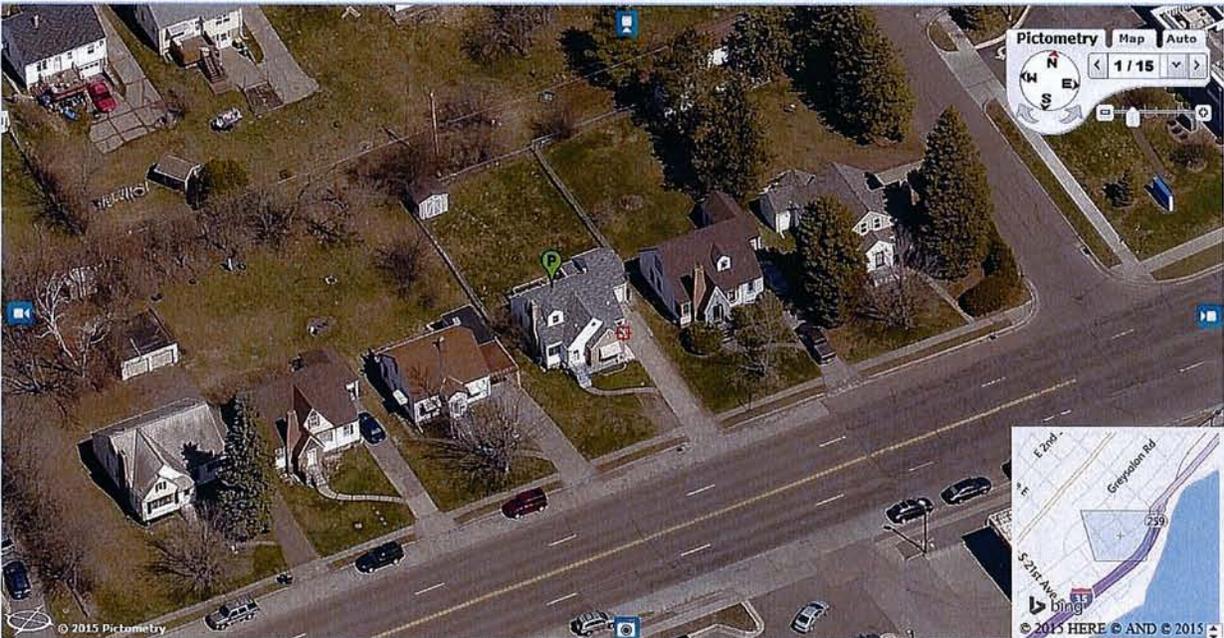
Prepared by: City of Duluth Planning Division, September 22, 2015. Source: City of Duluth

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.

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2421 London Road

Site Photos



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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"):

50-24 Minimum Parking Requirements

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: House/office to be used for a mental

healthy office. A four car parking lot is required.
A four car parking lot in the back yard disrupts
the adjoining neighbors sense of privacy. Adequate parking
is available on the street. Request parking on property from 4 cars to one.

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 required parking lot that would be in the back
yard would be in close proximity to other residential yards.

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:

Granting the variance will keep the properties back yard the
same as the other properties in the neighborhood.

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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 request supports emerging economic growth as a mental health clinic. A mixed use of building is a transition from commercial to residential zones.

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:

After purchasing property and applying to rezone from R1 to MU-N at request to preserve the privacy of the neighborhood we are applying for the variance.

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: Only two on street parking spots would be needed. Two spots would remain on properties driveway.

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

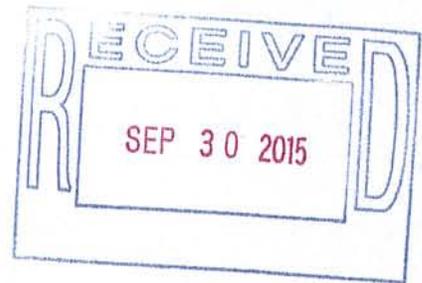
Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M? Yes No

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

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September 30, 2015

City of Duluth Planning Division
411 West First Street
Room 208
Duluth, MN 55802-1197



RE: Notice of Public Hearing for a Variance at 2421 London Road (PL-148)

Dear Planning Commission,

We are responding to the letter regarding the proposed variance at the 2421 London Road property. Since the City Council has approved the rezoning ordinance to MU-N for this property, we would also be in agreement to allow for only one parking space instead of the required four parking spaces. In addition to this variance, we would also require:

- No parking lot to be constructed in the back yard
- Opaque fencing to protect the privacy of affected neighbors
- Limit the property to normal weekday business hours

Thank you for your consideration.

Sincerely,

Two handwritten signatures in blue ink. The first signature is "Angel Sarkela-Saur" and the second is "Andrew Saur".

Andrew Saur & Angel Sarkela-Saur

2414 Jefferson St
Duluth, MN 55812

348-7955
390-8189

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