



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 16-123	Contact	Chris Lee, clee@duluthmn.gov	
Type	Variance from requirements in a F-6 Form District	Planning Commission Date	November 15 2016	
Deadline for Action	Application Date	October 4, 2016	60 Days	December 3, 2016
	Date Extension Letter Mailed	October 20, 2016	120 Days	February 2, 2016
Location of Subject	201 E 4 th Street			
Applicant	Ken and Mona Knutson	Contact		
Agent		Contact		
Legal Description	LOT: 0033 BLOCK:000 OF THE DULUTH PROPER 1ST DIVISION EAST 4TH STREET			
Site Visit Date	October 8, 2016	Sign Notice Date	November 1, 2016	
Neighbor Letter Date	October 31, 2016	Number of Letters Sent	54	

Proposal

The applicant is seeking a variance from the required build-to zone in a F-6 district. The code requires that a structure be built within 5'-20' of the street frontage and the applicant is proposing to build 14' from the side lot lines and 32' from the front lot lines. The Cottage Commercial I building on a corner lot is required to occupy the front corner of the lot and a build to zone on the front of the parcel.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6	Form District - 6	Neighborhood Mixed Use
North	R-2	Residential Urban	Traditional Neighborhood
South	F-6	Form District - 6	Neighborhood Mixed Use
East	F-6	Form District - 6	Neighborhood Mixed Use
West	F-6	Form District - 6	Neighborhood Mixed Use

Summary of Code Requirements

UDC Section 50-22.15. Building Siting for a Cottage Commercial I type building.

50-37.9. C.- General Variance Criteria (paraphrased): 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 hardship. The Planning Commission must find the following for a variance to be granted: a) Because of the exceptional narrowness, shallowness, shape, or exceptional topographic or other conditions related to the property, the strict application of the UDC requirements would result in practical difficulties to the property owner, b) The plight of the property owner is due to circumstances unique to the property, and not created by the property owner, c) The property owner proposes to use the property in a reasonable manner not permitted by this code; d) The relief may be granted without substantially impairing the intent of this Chapter, the official zoning map, and will not alter the essential character of the locality

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

Governing Principle #8 - Encourage mix of activities, uses, and densities

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.

The site is developed consistent with the future land use as described and the applicants are not proposing alterations to the use.

Review and Discussion Items

1. The applicant's property is located at 201 East 4th Street. Currently the lot is vacant and the applicant is proposing to construct a single family home on the parcel. The applicant's property is a corner lot that sits on a very steep hill. The flattest place to construct a home is on the north corner of the parcel. The practical difficulty expressed by the applicant for the variance is the topography of the parcel.
2. The circumstances on this property are not caused by the current applicant. Topography is the practical difficulty for the proposal.
3. Parcels to the east have homes that sit back from the street due to the topography. Property to the west sit closer to the street. Properties to the north and south are equally as varied and are built on level parts of their parcels regardless of closeness to streets. The UDC dictates that a structure in a F-6 form district need to occupy a front build to zone. Specifically, for this lot, a corner lot, a corner build to zone is also required. The applicant has expressed that constructing to the build to zones would create a house that would stand out from the houses that exist along the street as they are equally set back from the lot lines.
4. The applicant is proposing to use the property in a reasonable manner that is no different than the uses in the neighborhood. Single family homes are prevalent in the neighborhood, and the applicant's proposal to construct a new one is not out of character for the surrounding area.
5. The relief requested by the applicant is necessary for the preservation and enjoyment of their property right.
6. The relief, if granted, would not impair an adequate supply of light and air to adjacent property owners. The relief will not cause unwanted congestion with traffic or pedestrian flow through the area.
7. The relief, if granted will not alter the essential character of the neighborhood. The home will sit further back from the front yard lot line and be kept in line with houses that run east down the block. The design of the home also meets the standards for the Cottage Commercial I with transparency, street access, and roof shape.
8. No other citizen or City Department comments were received on this zoning application.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

1. The project be limited to, constructed, and maintained according to the site map 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.



City Planning

PL 16-128

Variance

Legend

4

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Aerial photography flown 2016

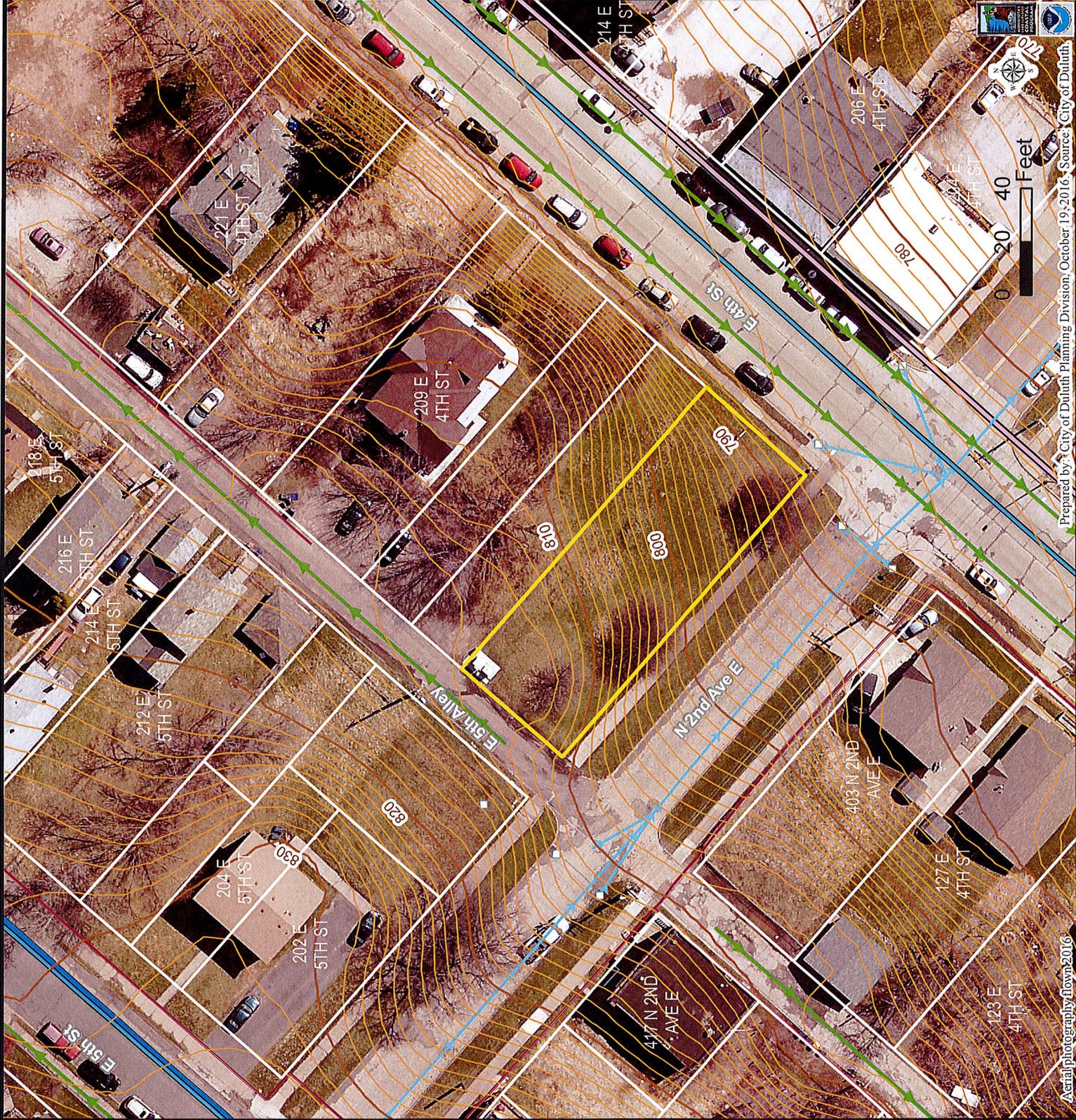
Prepared by: City of Duluth Planning Division, September 13, 2016. Source: City of Duluth

Legend

- Contours 1 Ft**
- Index**
- Intermediate
- Index
- Trout Stream (GPS)
- Other Stream (GPS)
- 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
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement

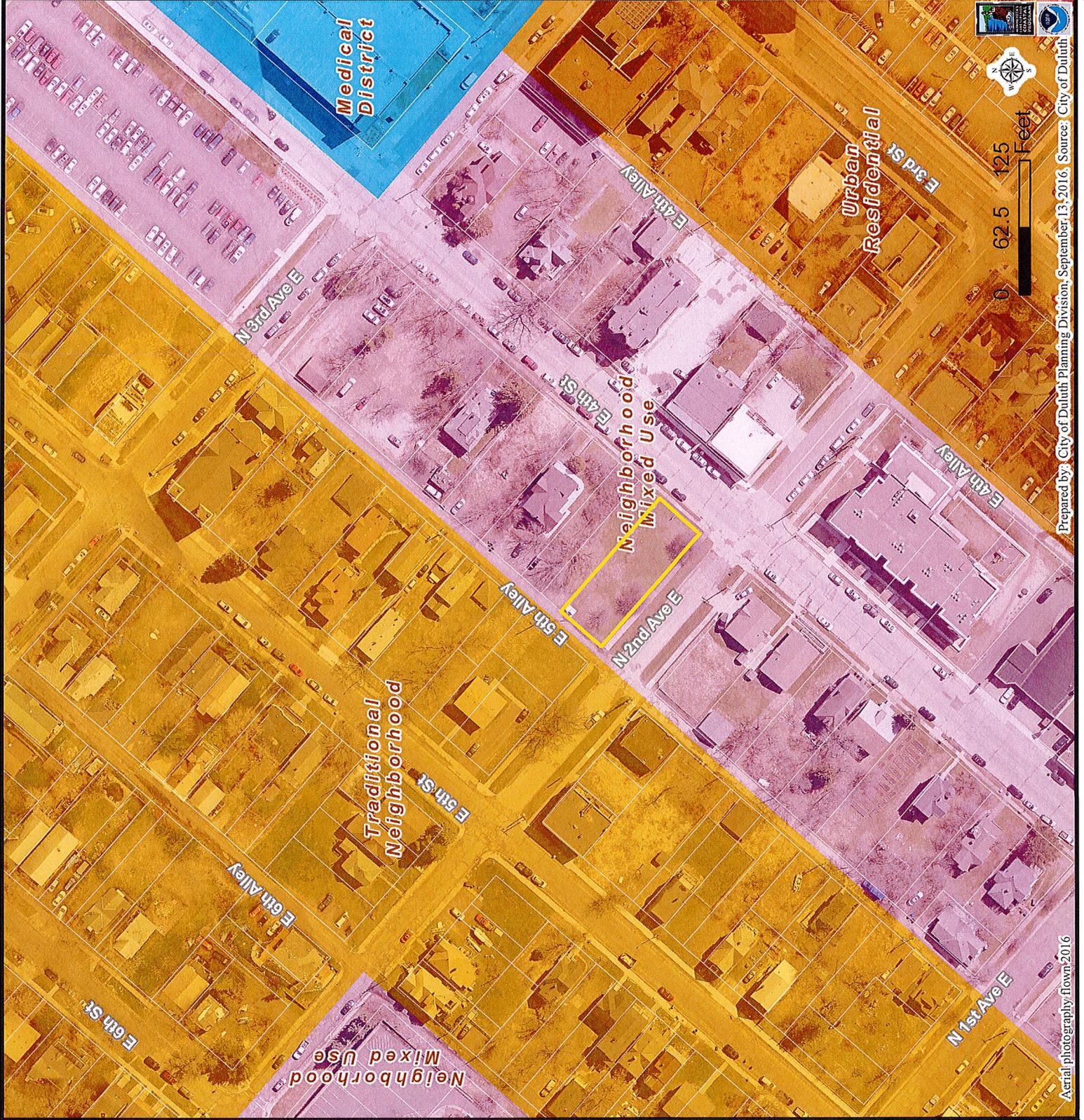
5

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Legend

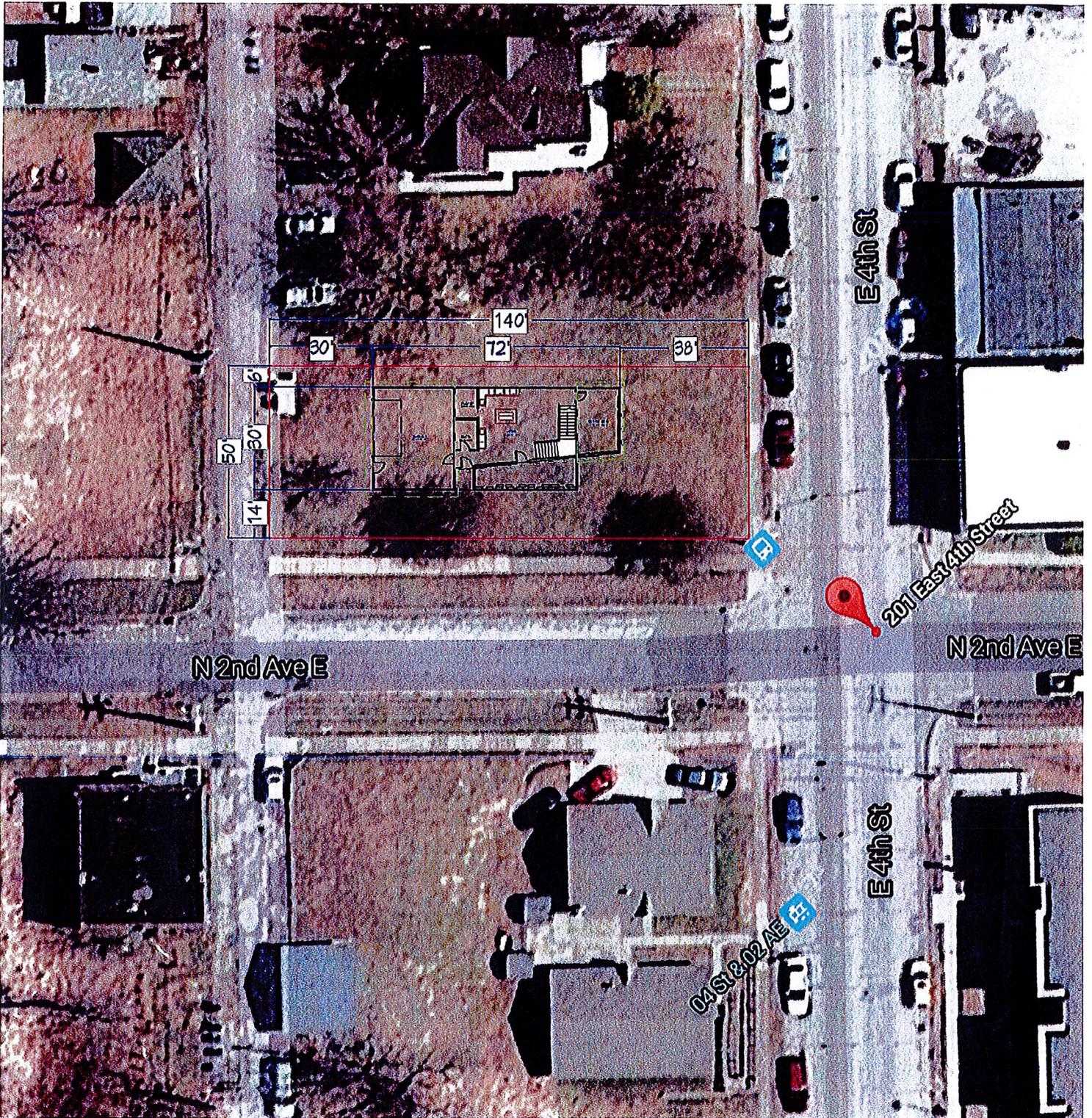
- Future Land Use
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

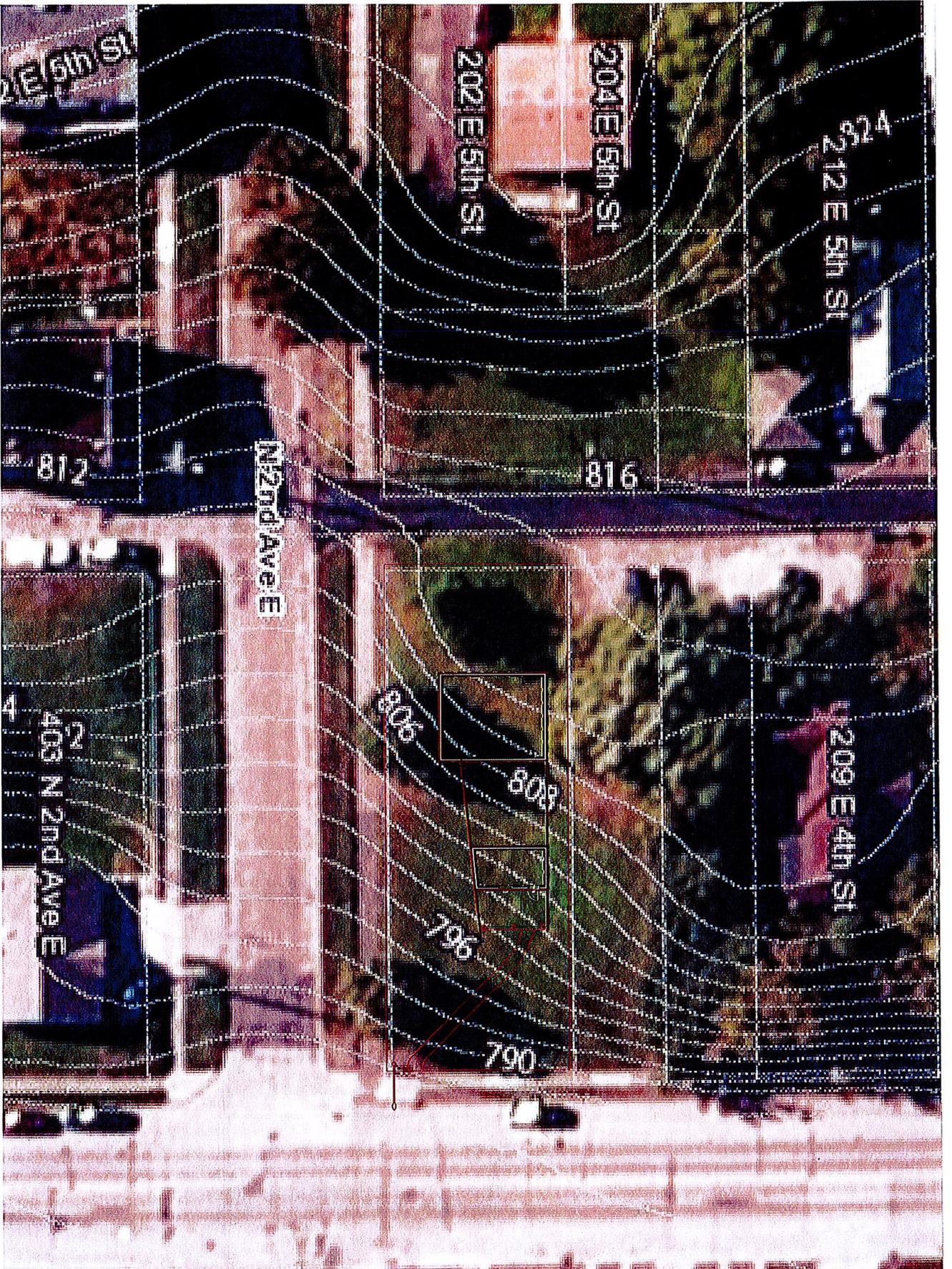


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NOTES:
 • 5' WIDE CRUSHED GRANULAR ROCK PATH FROM SIDEWALK TO PATIO



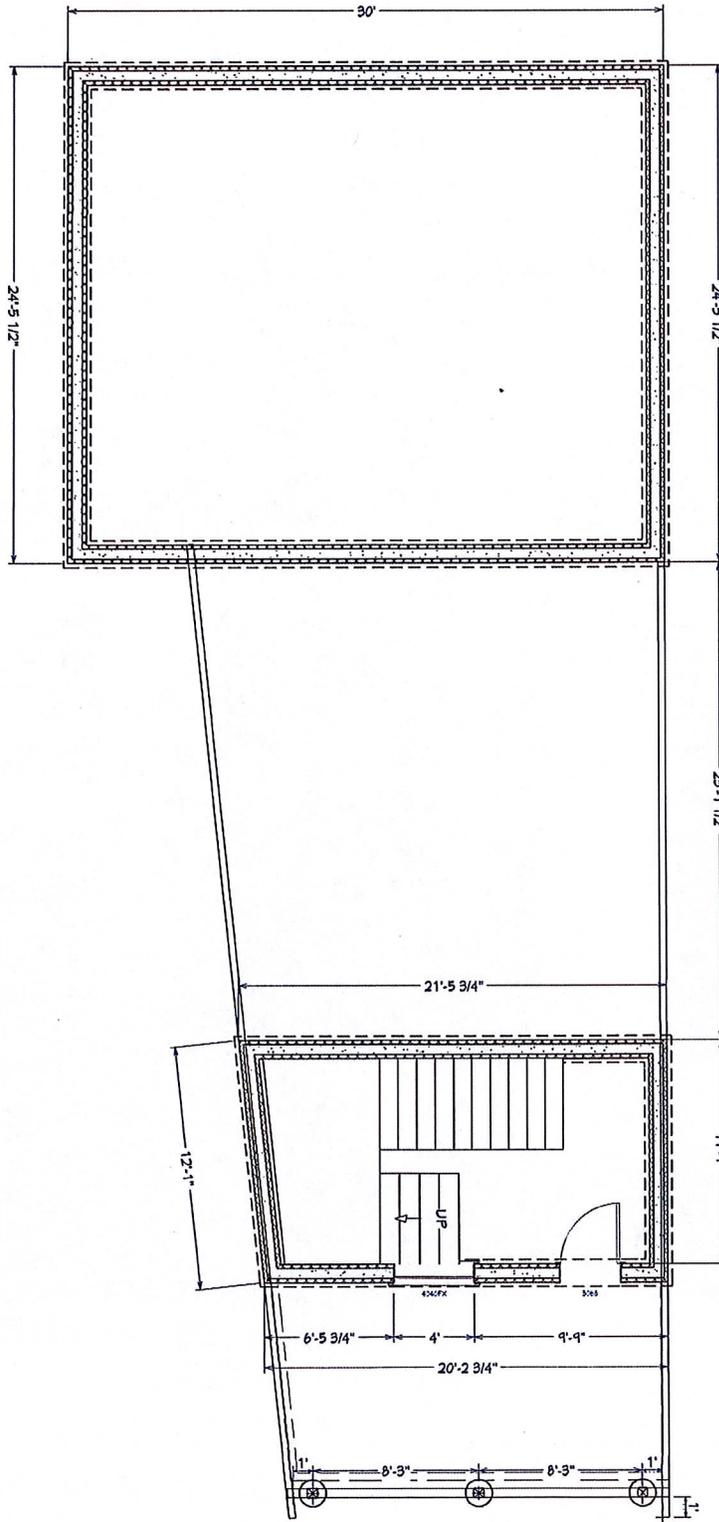
KCC IN NOT RESPONSIBLE
 FOR UNFORSEEN
 BUILDING ISSUES

SHEET TITLE:

DRAWN BY
 SAM LINDAHL

DATE:
 10/14/16

SCALE:
 1"=16'



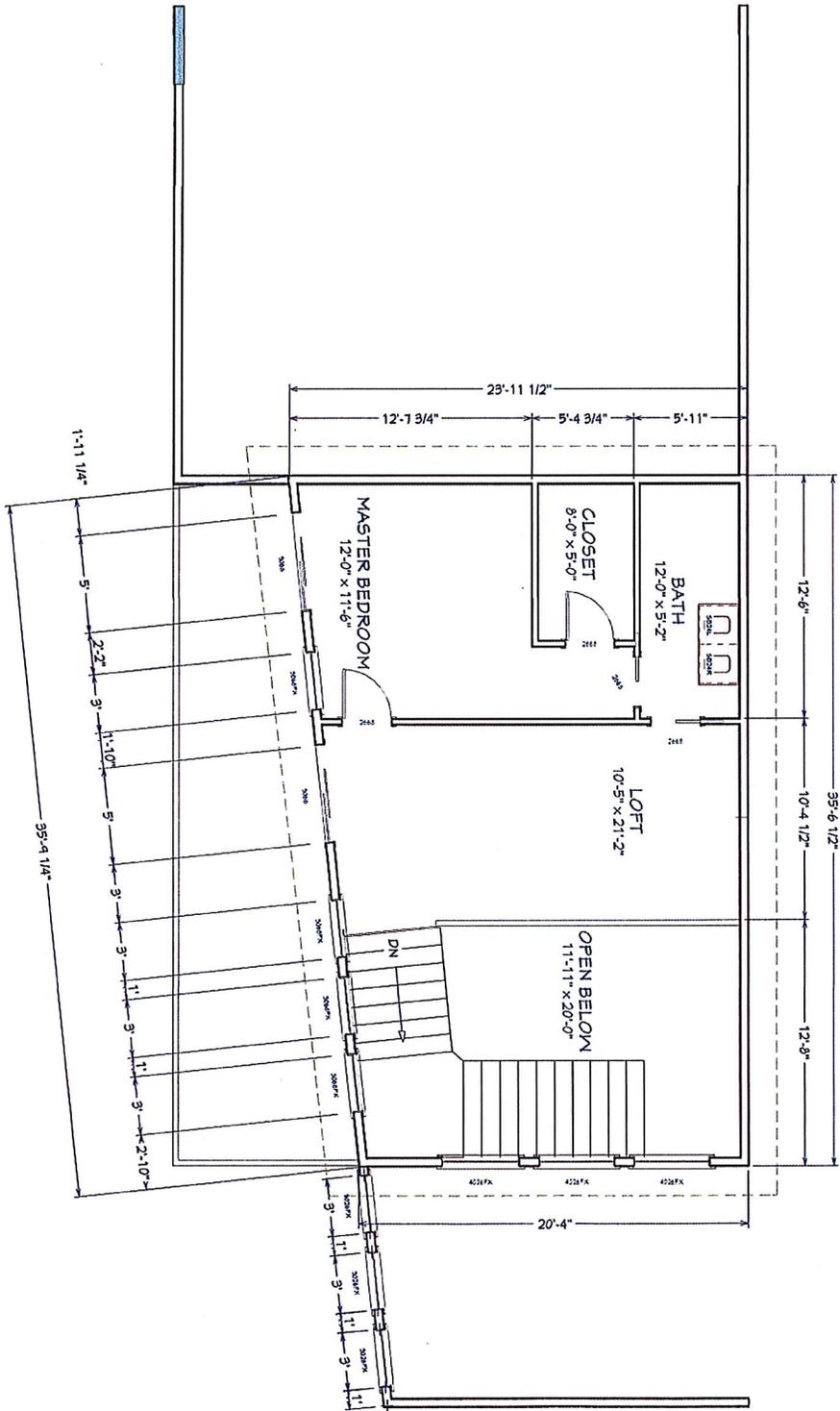
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10/14/16
SCALE:
1"=4'

DRAWN BY
SAM LINDAHL

SHEET TITLE:

KCC IN NOT RESPONSIBLE
FOR UNFORSEEN
BUILDING ISSUES





2nd Floor



KCC IN NOT RESPONSIBLE
FOR UNFORSEEN
BUILDING ISSUES

SHEET TITLE:

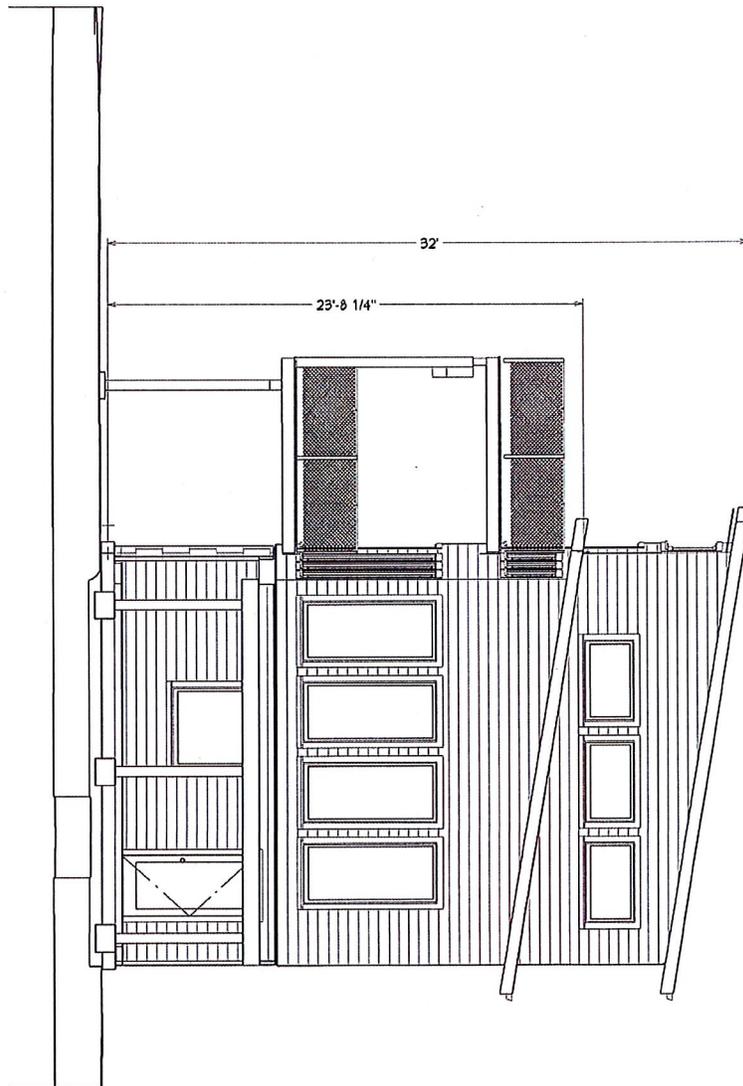
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SAM LINDAHL

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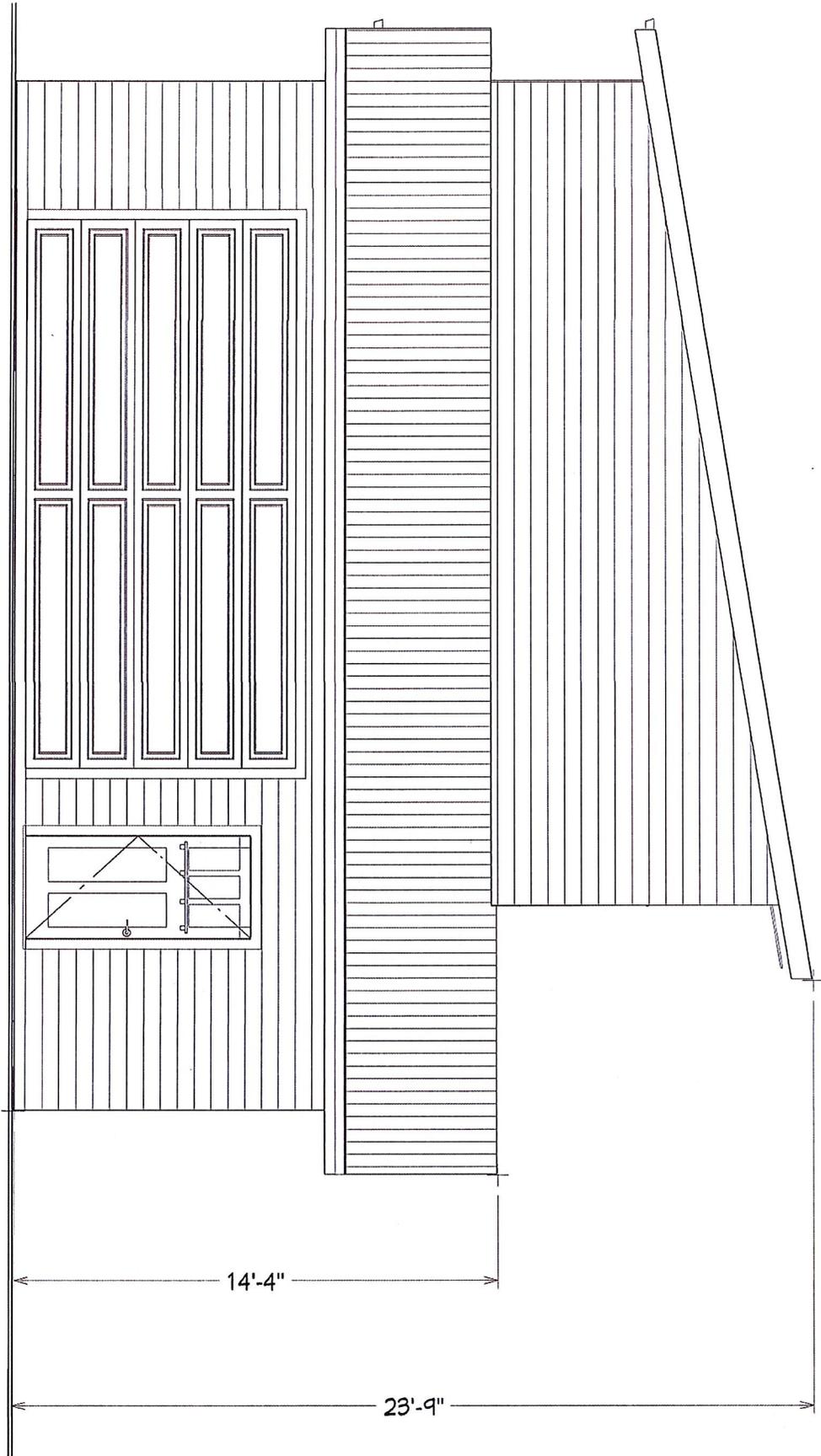
10/14/16

SCALE:

1"=4'



SCALE: $1''=4'$	DATE: 10/14/16	DRAWN BY SAM LINDAHL	SHEET TITLE:	KCC IN NOT RESPONSIBLE FOR UNFORSEEN BUILDING ISSUES	
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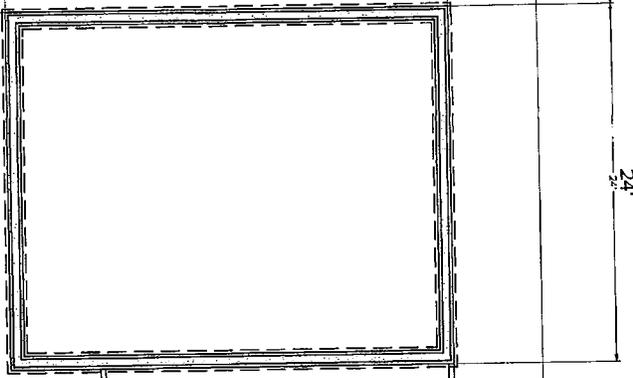
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SAM LINDAHL

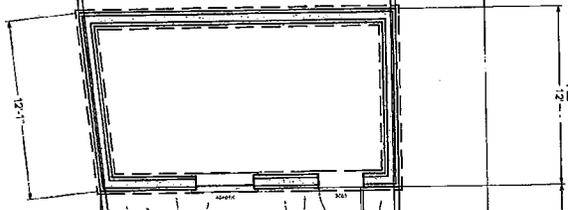
SHEET TITLE:

KCC IN NOT RESPONSIBLE
FOR UNFORSEEN
BUILDING ISSUES





24'



12'

21'-5 3/4"

power pad

power pad entry

fruit trees

edible landscape bed

shrub 3-5' wide
3-6' tall

brack/maple tree
mature ht est

mixed blueberry plants

edible landscape bed

shrub 3-5' wide
3-6' tall

landscape rock

shrub 3-5' wide
3-6' tall

landscape rock

shrub 3-5' wide
3-5' tall

existing street light

50'

48'-10 1/4"

2 6"-3" CRUSHED GRANULAR LIMESTONE SURFACE PATH
and 2 4" CRUSHED BLUESTONE MIX
contained with power landscape
trim / borders



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"):

Seeking relief from Front BTZ and Corner BTZ that are required for Cottage Commercial 1 in Chapter 50-22.15.

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 F-6 zoning criteria would force the siting of the house to be inconsistent with the existing historic homes location on their lots from 2nd Ave E to 3 Ave E on 4th Street. Homes were sited based on practicality/increased costs due to extreme topography drop, especially the last 40' from house fronts to 4th Street sidewalk. Our proposed residenti family house site placement would be consistent with maintaining the character of the block. This was originally based on practicality then and practicality and historic consistency now.

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:

My practical difficulty is related to the steep topography of the parcel. We plan to build a new construction single family home based on based on the Cottage Commercial 1 standards found in the UDC.

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:

Requested siting of house will actually help preserve the historic residential character to be consistent with existing locaion of houses of the neighborhood from 2nd Ave E. to 3rd Ave E. Our requested variance with the location of the house on lot with the same setbacks on 4th Street as existing historic homes, due to practicality, is peculiar to our intended siting of our proposed house and consistent with adjoining existing houses in this unique one block are/neighborhood.

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: _____

Our plan will help to strengthen the neighborhood which is one of the UDC governing principles.

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:

They were created by existing natural topography and existing placement of adjoining homes due to practicality.

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: Will be consistent with existing functional homes. Majority are over 100 years old.

Will help maintain or increase property values and be consistent with existing public welfare, health and safety for the inhabitants.

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: _____

