



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 24-021	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Variance from side yard setback	Planning Commission Date	May 14, 2024	
Deadline for Action	Application Date	April 16, 2024	60 Days	June 15, 2024
	Date Extension Letter Mailed	April 19, 2024	120 Days	August 14, 2024
Location of Subject	1231 W 4 th St			
Applicant	Katherine Mueller and Kevin Farnum	Contact		
Agent		Contact		
Legal Description	010-1200-00440	Sign Notice Date	April 30, 2024	
Site Visit Date	May 2, 2024	Number of Letters Sent	24	

Proposal

The applicant is requesting a variance to reduce the 15' side yard setback (50-14.5-1). The applicant is proposing to reduce the setback to 3.3'.

Staff Recommendation

Staff recommends that the Planning Commission deny the variance request.

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

Summary of Code Requirements

Sec. 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 exceptional practical difficulties. The Planning Commission must find the following for a variance to be granted: a) That the landowner is 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.

Comprehensive Plan 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, neighborhood extensions, and new traditional neighborhood areas.

History

The property contains a single-family home built in 1896.

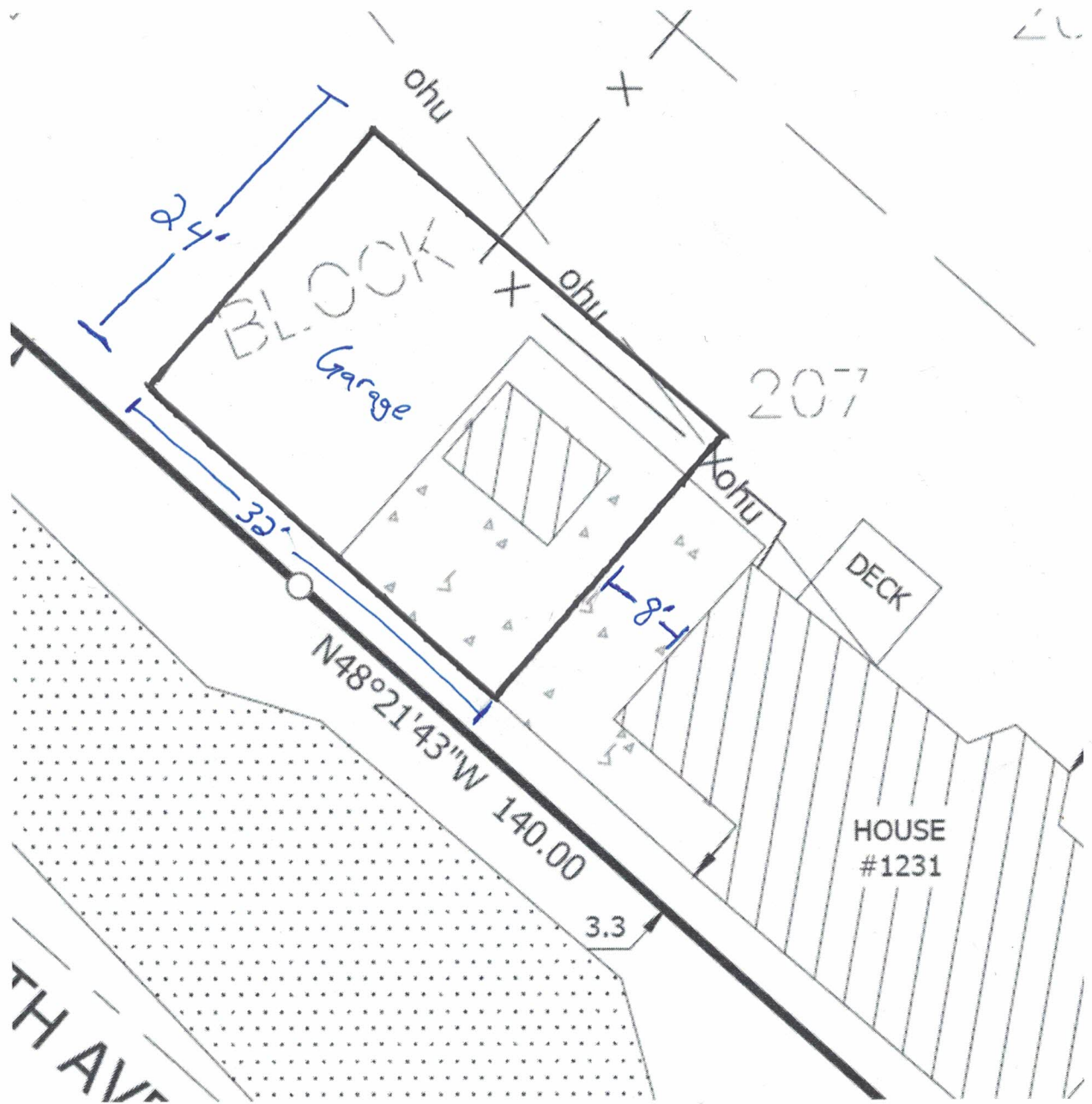
Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a variance to reduce the 15' side yard setback to build a detached garage.
- 2) The applicant is proposing to construct a 24'x32' garage set 3.3' off the side property line that fronts 13th Ave W.
- 3) Staff finds the applicant does not have practical difficulty due to the existing buildable area on the lot outlined in attachment A.
- 4) As required by Section 50-37.9-C, practical difficulty must be established 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 applicant demonstrated there is a band of bedrock along the rear portion of the parcel, attachment B, but does not impact the buildable area.
- 5) The applicant provided documentation that locating the garage in compliance with setbacks will reduce output of a planned solar array by 232 kWh annually. Minnesota statute allows for practical difficulty due to "inadequate access to direct sunlight for solar energy systems." Staff finds that compliant location of the structure does not constrain the building to an inadequate access to solar energy.
- 6) The variance will not alter the essential character of the neighborhood where there are a number of homes with detached garages.
- 7) The proposal will result in the garage located 3.3' from the property line and may result in parked vehicles extending out into the public right-of-way, increasing congestion in public streets.
- 8) The variance allowing a reduction of a setback will not impair an adequate supply of light and air to adjacent properties.
- 9) No public, City or agency comments were received regarding this project.

Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission deny the variance request.



BLOCK
Garage

207

DECK

HOUSE
#1231

$N48^{\circ}21'43''W$ 140.00

TH AVE

24'

32'

8'

3.3

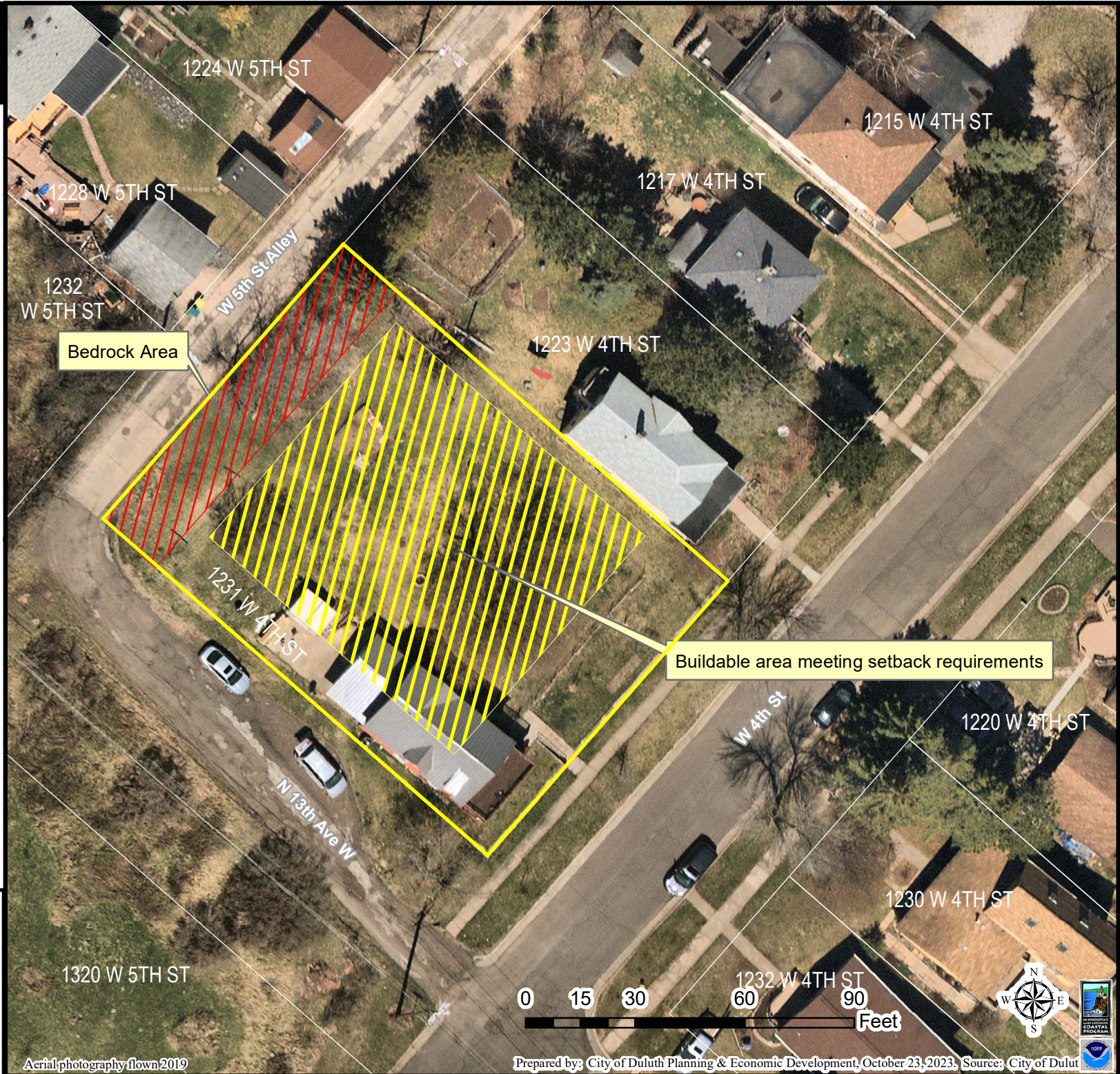
ohu

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Kohu



PL24-021- Attachemnt A
Side Yard Variance
1231 W 4th St

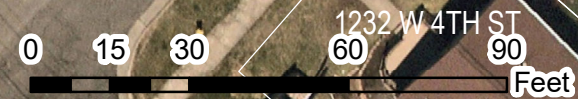


Bedrock Area

Buildable area meeting setback requirements

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 flown 2019



Prepared by: City of Duluth Planning & Economic Development, October 23, 2023; Source: City of Duluth

Attachment B



Garage without variance



Garage with variance





Katherine Mueller <[REDACTED]>

Katherine Mueller Solar Project Production

Molly Colombo <[REDACTED]>
To: Katherine Mueller <[REDACTED]>

Tue, Apr 16, 2024 at 12:13 PM

Hello Katherine,

From the designs that your designer prepared, there is a difference in production between the two proposed locations. If the variance is approved, the output of the system increases by 232 kWh annually compared to the location of the garage if the variance is not approved.

Please let me know if there is additional information that I can provide.

Thank you,
Molly

Molly Colombo (she/her)
Residential Project Manager

[REDACTED] [REDACTED]
Website: [AllEnergySolar.com](https://www.AllEnergySolar.com)



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