

From: Katherine Mueller <muellerkatherine1@gmail.com>

Sent: Monday, July 1, 2024 12:18 PM

To: Ryan Pervenanze <rpervenanze@DuluthMN.gov>; Chad Ronchetti <cronchetti@DuluthMN.gov>

Subject: Additional request for appeal hearing

Good afternoon,

I have several requests regarding the upcoming appeal hearing for PL24-021, variance for sideyard setback at 1231 W 4th St.

1. I request that Jason Mozol, the planner assigned to the case, be present at the appeal hearing and ideally present the City's case since his report is what the Planning Commission relied on to make their decision.
2. I request a clarification on the findings and conclusions in the action letter, which is attached with some highlighting for reference. The issues on which I would like clarification are:
 - o The yellow highlighted statements are not facts, but conclusions of law, so I believe they are in the wrong section of the letter.
 - o The pink highlighting is an unsupported statement that is neither a fact nor a conclusion.

Please let me know if you have any questions, and thank you.


Katherine Mueller

218-451-2192



Planning & Development Division
Planning & Economic Development Department

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ACTION OF THE CITY OF DULUTH PLANNING COMMISSION

Date: May 15, 2024

Subject Location: 1231 W 4th St

Applicant:

Katherine Mueller and Kevin Farnum
1231 W 4th St
Duluth, MN 55806

Sent via email to: muellerkatherine1@gmail.com

Planning Commission File Number: PL24-021

Proposal Requested:

The applicant is seeking a side yard variance to reduce the setback from the required 15' setback to 3.9' to construct a garage.

The above matter came for a public hearing before the City of Duluth Planning Commission on Tuesday, May 15, 2024, notice of said hearing having been given to all interested parties in accordance with Section 50-37.1 of the Duluth Legislative Code. The applicant's proposal was presented to the Commission with a report from Planning and Economic Development Staff including any comments received on the proposal. After all parties interested in the matter were given an opportunity to be heard, the Commission made the following findings and conclusions:

Findings of Fact:

Findings of Fact:

- 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 3.9' 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.
- 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 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 3.9' 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.

Conclusions:

1. The request is not due to exceptional narrowness, shallowness, or shape of the applicant's property.
2. Circumstances are not peculiar to this property as a number of properties in the vicinity have similar topography, solar access and grade.

Decision:

Based on the above findings, Planning Commission voted 5-2 to deny the variance request.

Decided at Duluth, Minnesota, on Tuesday May 15, 2024.

BY ORDER OF THE LAND USE SUPERVISOR

DocuSigned by:

Ryan Pervenanze

5/16/2024

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Ryan Pervenanze, Manager, Planning and Economic Development

NOTICE OF RIGHT TO APPEAL

Any person aggrieved by, or any department of the city affected by, any decision of the Commission may appeal the decision of the Commission to the Duluth City Council pursuant to Section 50-37.10(4) of the Duluth Legislative Code. The appeal must be filed with the city clerk within 10 days of the decision. The appeal should be addressed to the council and specify the grounds for the appeal. The fee for an appeal is \$475.00. The appeal fee must be tendered when the appeal is filed.