



Planning & Development Division
Planning & Economic Development Department

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Duluth, Minnesota 55802



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File Number	PL 23-026	Contact	John Kelley	
Type	Variance from corner side yard setback	Planning Commission Date	March 14, 2023	
Deadline for Action	Application Date	February 6, 2023	60 Days	April 7, 2023
	Date Extension Letter Mailed	February 22, 2023	120 Days	June 6, 2023
Location of Subject	Parcel 010-0290-00500 located between 7035 and 7101 East Superior Street			
Applicant	Charles Obije	Contact		
Agent	Gary Turpening	Contact		
Legal Description	See Attached	Sign Notice Date	February 28, 2023	
Site Visit Date	March 3, 2023	Number of Letters Sent	7	

Proposal

The applicant is seeking a corner side yard variance to reduce the setback from the required 25' setback to 15' to construct a new house and garage on a 60' x 300' lot in the RR-2, Rural Residential 2 zone district.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-2	Vacant land	Rural Residential
North	RR-2	Vacant land/ROW	Rural Residential
South	RR-2	Street	Rural Residential
East	RR-2	ROW/Residential	Rural Residential
West	RR-2	Residential	Rural Residential

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 or undue hardship. 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

Rural Residential: Areas of single family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

History

The lot was created prior to the RR-2 zoning. The lot is considered a legal nonconforming lot of record and can be built on.

Review and Discussion Items:

- 1) The applicant is seeking a variance to the corner side yard setback to construct a new single-family home and garage. The parcel is considered a corner lot as it is adjacent to the unimproved right of way for 71st Street East. The variance is for a reduction in the corner side yard setback from 25' to 15' along the east property line.
- 2) The applicant states that the variance is requested due to the 60' lot width; a 25' side yard setback requirement creates a practical difficulty in designing a structure for this lot. A setback of 15' is a reasonable setback for a lot of this size.
- 3) The property is considered a legal non-conforming lot in terms of lot area and lot frontage in the RR-2 (Rural Residential 2) zoning district. This area was platted prior to the existing setback standards, which were designed for the minimum lot size of 2 acres in the RR-2 district.
- 4) The applicant is proposing to use the property in a reasonable manner by constructing a single-family house and garage. The applicant is working with City Engineering on their driveway permit and the placement of the parking pad within the unimproved right of way for 71st Street East.
- 5) The applicant's practical difficulty was not created by the landowner but rather is due to the existing lot size and proximity to the unimproved right of way for 71st Street East. The variance will not alter the essential character of the neighborhood as there are homes on similar sized lots with reduced setbacks in proximity to the applicants.
- 6) The variance will not impair an adequate supply of light and air to adjacent properties as the area is rural in nature with forested area to the south and west and an unimproved right of way to the north and east. The proposed use of the property for a single-family home will not unreasonably increase the congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 7) No public, agency, or other City comments were 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 one-year.

Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission approve the variance with the following conditions:

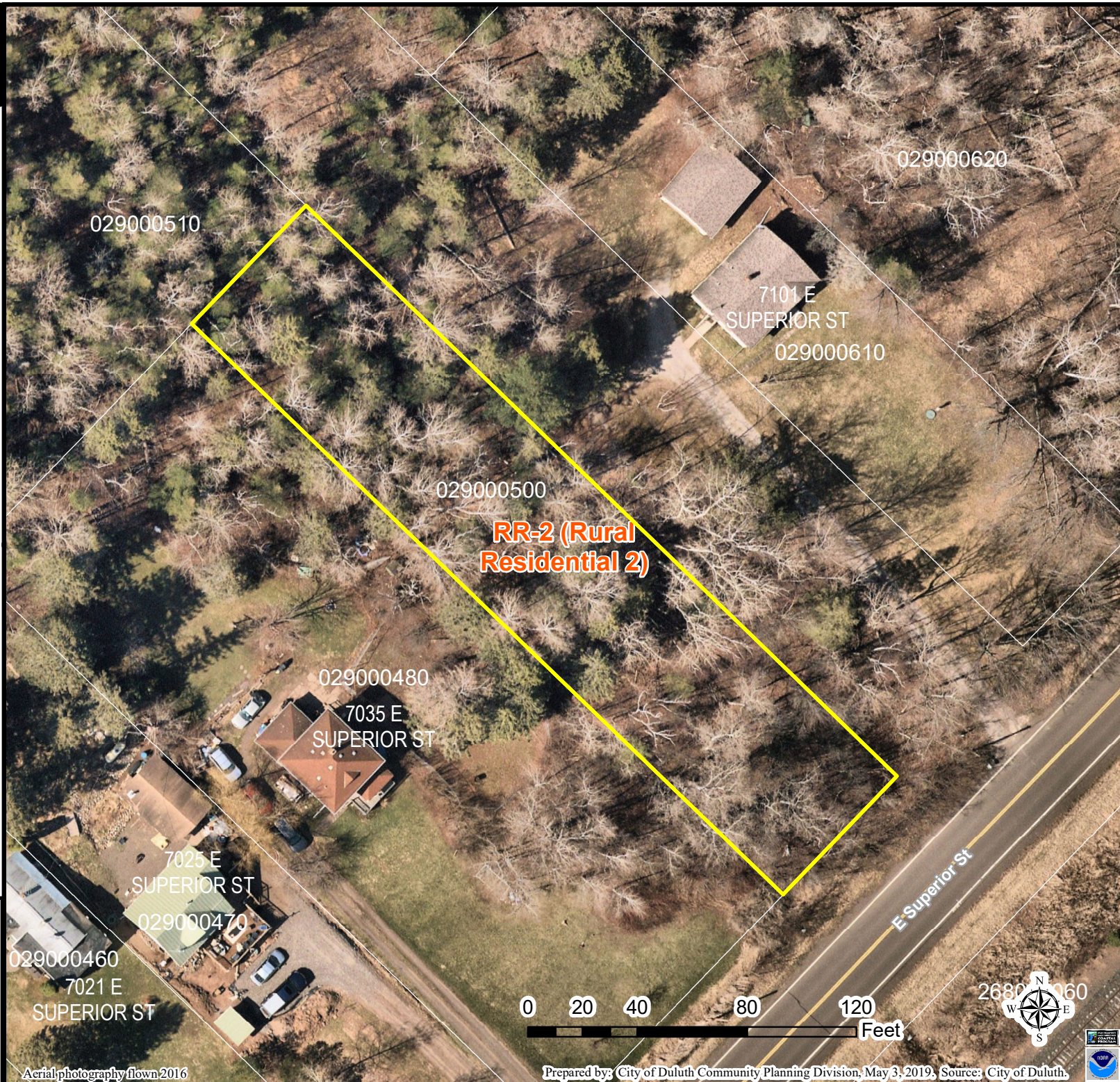
- 1) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

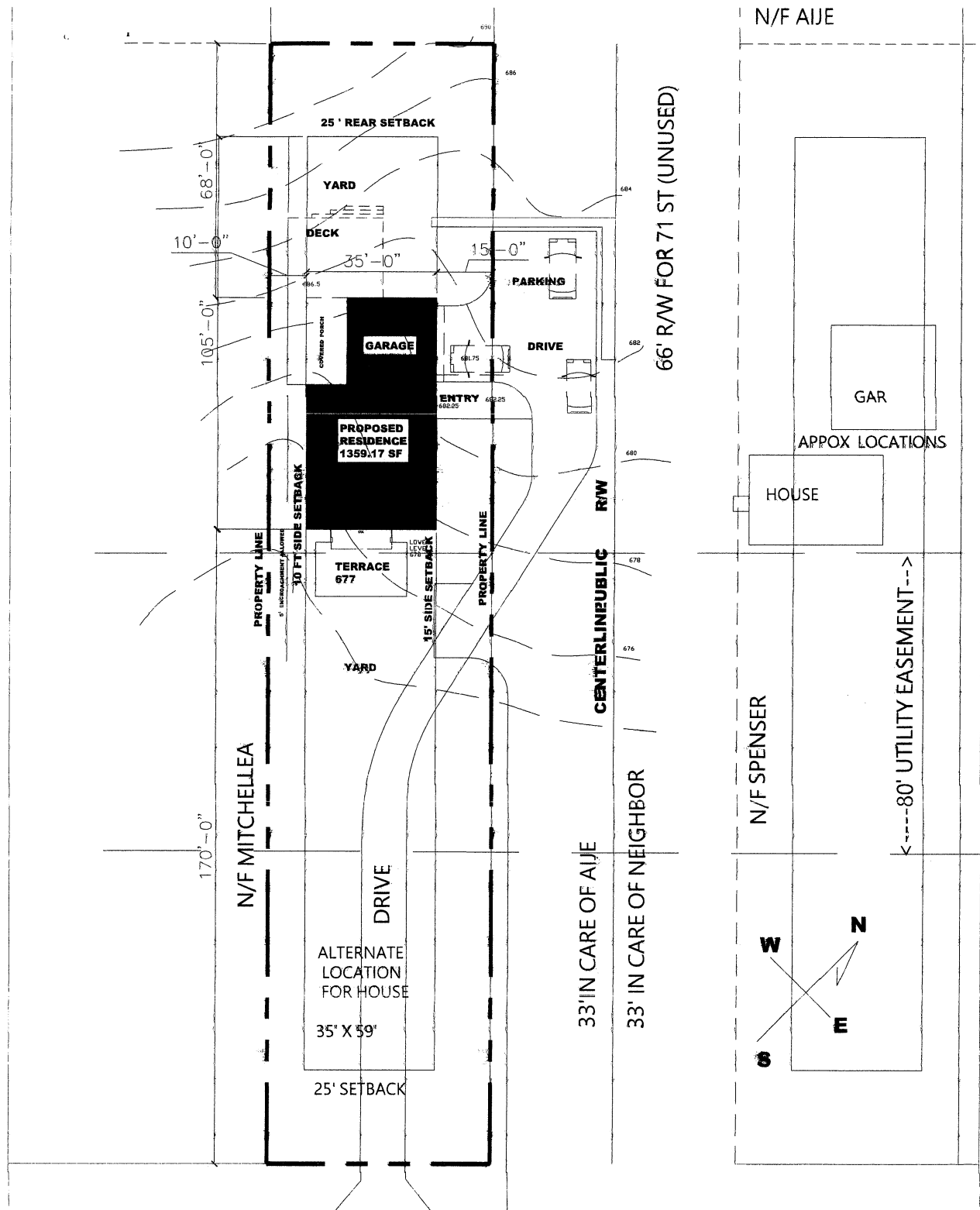


PL 23-026
Parcel 010-0290-00500
Site Map



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.





PROPOSED USE OF 7039 E SUPERIOR ST DULUTH MN
SHOWING PROPOSED HOUSE WITH 10' SIDE SETBACK
(VARIANCE)

GARY TURPENING ARCHITECT FEBRUARY 3, 2023

EAST SUPERIOR STREET

FROM SURVEY BY JOHN NELSON RLS

0 32
SCALE IN FEET

SITE PLAN