

1231 W 4<sup>th</sup> St

Variance Application Supplemental Form responses

**1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:**

There are several factors that would result in practical difficulties under strict application of the requirements of the UDC. There is exposed bedrock at the rear of parcel 207 and a wooded area at the rear of parcel 205, the two locations on the lot with alley access. This makes them more difficult to build than building along 13<sup>th</sup> Ave W. Building along 13<sup>th</sup> Ave W then makes the most sense, but the west side of the house is located 3.9 feet from the property line. The avenue is located significantly further west than the property line, creating practical difficulty under strict application of the requirements of the UDC – we would have to build and maintain a much longer driveway to access the pavement due to where the City located the avenue.

Additionally, we are installing a solar array on the garage roof. If the variance is not approved, the output is reduced by 232 kWh annually compared to the location of the garage if approved (see attached email from All Energy Solar Project Manager). Average monthly electricity use for 1231 W 4<sup>th</sup> St is 260 kWh (per MN power monthly bills), so this is equivalent to almost one month of electricity usage for this home annually. Per Minnesota Statue Chapter 394 Section 394.27 Subdivision 7: “Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.”

**2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners’ predecessors-in-interest:**

The special circumstance or condition is that the house is located very close to the property line: the west wall of the house is 3.9 feet from the property line. The house was built in the late 1800s, so neither the current owners nor prior owners created these conditions. However, the City of Duluth located 13<sup>th</sup> Ave W at a significant distance from the property line. It is across the neighboring property instead of through the City’s own right-of-way, creating the conditions in which the avenue is approximately 15 feet from where we would like to locate the garage.

**3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:**

This property is different from others in the vicinity because of the significant distance from the property line to the paved surface of 13<sup>th</sup> Ave W (please see attached survey). The proximity of the house to the property line is peculiar to this property, and the distance from the property line to 13<sup>th</sup> Ave W is also peculiar to this property. There are no other structures on this block of 13<sup>th</sup> Ave W. The nearest structure is the garage of 1228 W 5<sup>th</sup> St, which is approximately 10 feet from the alley surface directly to the rear of parcel 205. Additionally, the City has vacated 13<sup>th</sup> Ave W to the north of our lot, and has vacated W 4<sup>th</sup> Street to the west of our lot (per St. Louis County Land Explorer), so this garage is being built at an intersection where the street and the

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avenue both terminate, and beyond which the City no longer maintains the right-of-way, keeping usage of this section of avenue to a minimum.

#### **4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:**

We request a variance to locate the garage 3.9 feet from the property line, aligning the west wall of the garage with the west wall of the main house. It is visually pleasing as well as reasonable to align a garage with a house. If the garage is located 15 feet from the property line as the code requires, it will be highly visible from 4<sup>th</sup> Street, protruding well beyond the east wall of the house (visual below of garage if variance is not approved). If it is located 3.9 feet from the property line, it will barely protrude beyond the bay window on the east wall and will not protrude beyond the decks on the house, reducing its visibility from the street significantly as well as aligning it with the house. It is reasonable to build a garage and reasonable from a design perspective to align structures on a lot in a visually pleasing manner.



#### **5. Please explain how that if the variance is granted it will not 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:**

Currently, there are three garages on the alley to the rear and three households, including ours, that regularly use this section of avenue. 1231 W 4<sup>th</sup> Street is located at the corner of 13<sup>th</sup> Ave W and W 4<sup>th</sup> St. The City has vacated W 4<sup>th</sup> Street to the west of 13<sup>th</sup> Avenue, per the legal description of 1320 W 5<sup>th</sup> Street. The City has vacated 13<sup>th</sup> Avenue to the north of Parcel 207, per the legal description of 1232 W 5<sup>th</sup> Street (St. Louis County Land Explorer). Because these

## 1231 W 4<sup>th</sup> St

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are now privately owned, the street will not extend and become significantly more traveled than its current use.

If the variance is granted, the garage will be 10-15 feet from the paved surface of 13<sup>th</sup> Ave W (the avenue runs diagonally across the lot to the west, so the distance varies), similar to the distance from the paved surface of other garages along the alley to the rear. The lot across the avenue is vacant. Approval of the variance does not impact travel nor visibility on 13<sup>th</sup> Ave W for the three households which regularly use this section of avenue. The garage, where we would like to locate it, will not increase congestion, danger of fire, imperil public safety, nor will it impair plowing, street sweeping, paving, or other municipal operations. Building a garage in this location will not change neighboring property values in the surrounding area, and will not impair health, safety, or public welfare. Denying this variance does not benefit anyone, and approving it does not harm anyone.

### **6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:**

The property line is 3.9 feet from the house, however the paved surface of 13<sup>th</sup> Ave W is much further away. Approving this variance leads to better alignment with the essential character of the neighborhood based on the locations of other nearby garages in relation to homes on the same lots as well as the paved surface. If the variance is approved, this garage will be more similar to the nearest garages than it will be if not approved: 1228 W 5<sup>th</sup> St, 1224 W 5<sup>th</sup> St, and 1206 W 5<sup>th</sup> St have garages that are within 10-15 feet of the paved alley surface. Approval of this variance would protect “the scale and character of existing residential neighborhoods and the community,” one of the stated general purposes of residential zone districts, by maintaining consistency with other structures. See below photo of survey stake and 13<sup>th</sup> Ave W (on the right side of the image).



**1231 W 4<sup>th</sup> St**

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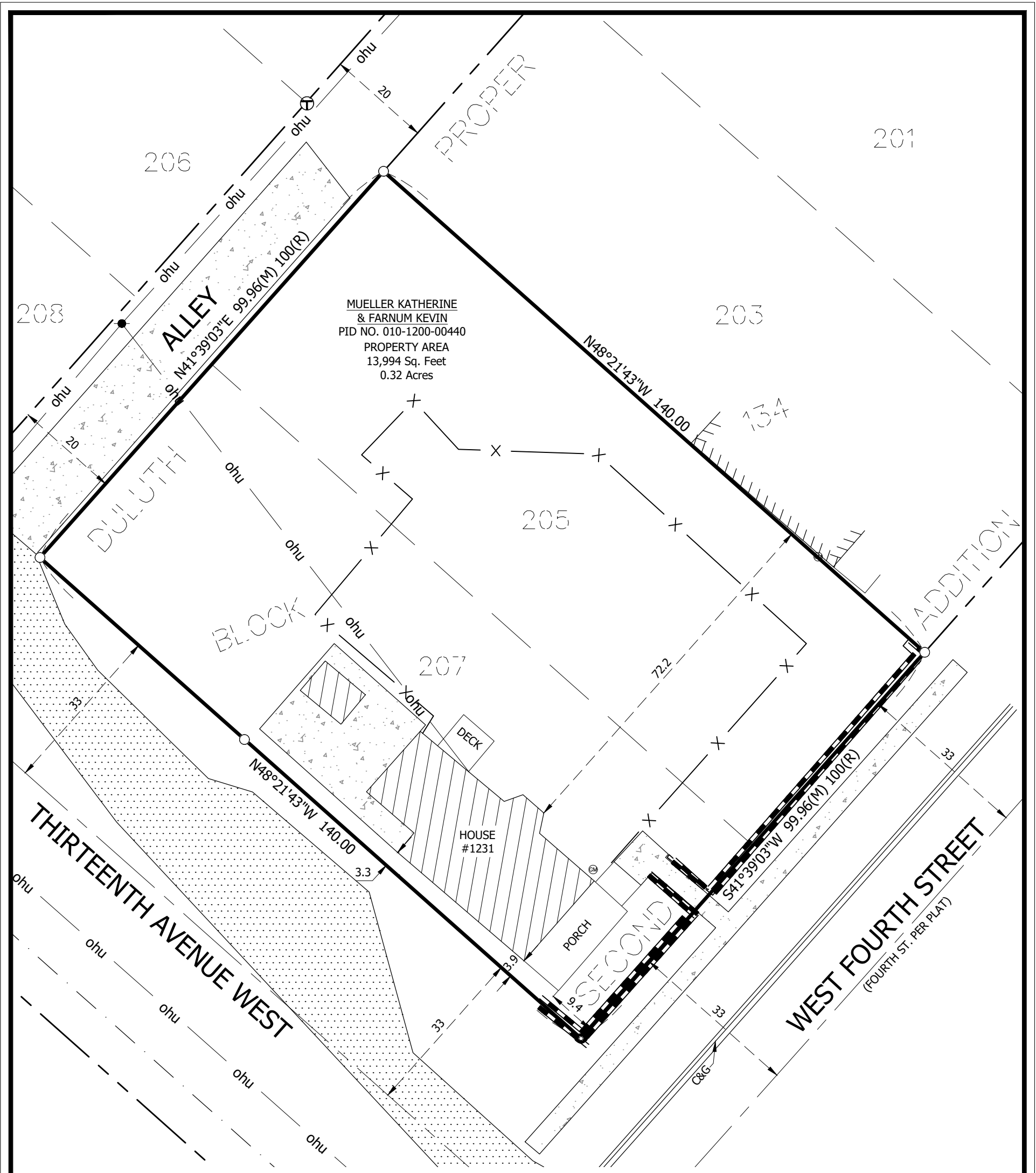
If the variance is not approved, this garage will alter the essential character of the neighborhood: it will not align with similar structures in the neighborhood, impairing the stated purpose of the residential zone districts. Please see images below to understand the significant aesthetic difference between the two locations.

Garage without variance



Garage with variance





MUELLER KATHERINE  
& FARNUM KEVIN  
PID NO. 010-1200-00440  
PROPERTY AREA  
13,994 Sq. Feet  
0.32 Acres

**LEGEND**

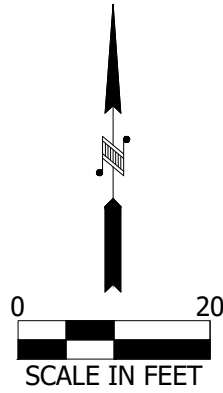
	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION		GAS METER
	BITUMINOUS SURFACE	(R)-RECORD DIMENSION		FOUND T-STAKE MONUMENT
	EXISTING BUILDINGS	C&G-CONCRETE CURB & GUTTER		FOUND SPIKE
	RETAINING WALL			SET CAPPED REBAR RLS. NO. 49505
	EXISTING BUILDING LINE			UTILITY POLE
	FENCE LINE			
	OVERHEAD UTILITIES			
	CENTER LINE			
	RIGHT OF WAY LINE			
	BOUNDARY LINE AS SURVEYED			
	EXISTING PLAT LINE			

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 352697

Lot 205 Block 134 DULUTH PROPER SECOND DIVISION  
Lot 207 Block 134 DULUTH PROPER SECOND DIVISION

**SURVEYOR'S NOTES**

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
4. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

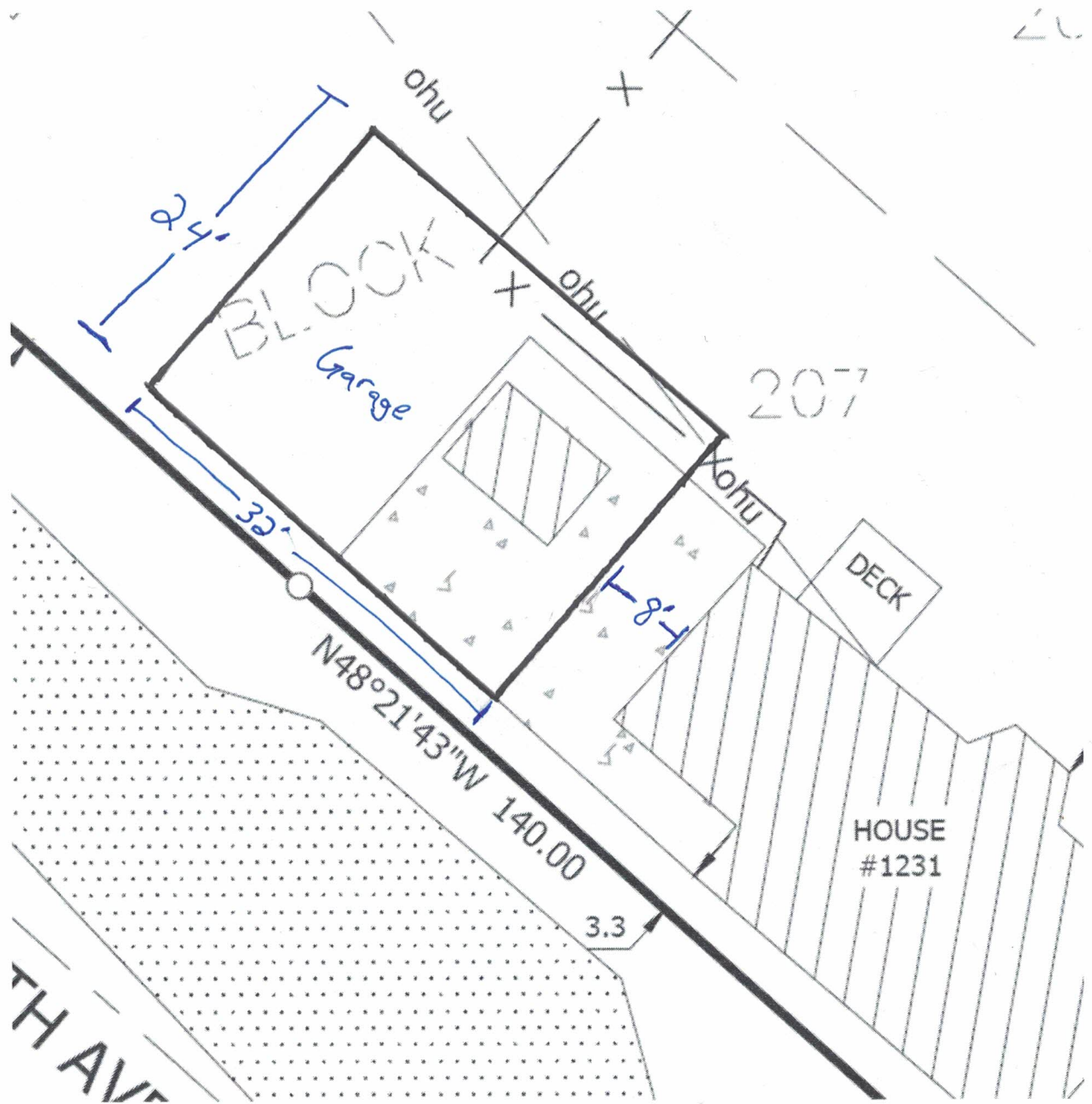
*David R. Evanson*  
David R. Evanson  
MN License #49505  
DATE:02-08-2024

**CERTIFICATE OF SURVEY**

CLIENT:KATHERINE MUELLER	REVISIONS:
ADDRESS:1231 WEST 4TH STREET DULUTH, MN 55806	
DATE:02-08-2024	JOB NO:24-030 SHEET 1 OF 1

**ALTA**  
LAND SURVEY COMPANY

PHONE: 218-727-5211  
LICENSED IN MN & WI  
WWW.ALTLANDSURVEYDULUTH.COM



BLOCK  
Garage

207

DECK

HOUSE  
#1231

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

24'

32'

8'

3.3

TH AVE

ohu

ohu

KoHu



Katherine Mueller &lt;[REDACTED]&gt;

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**Katherine Mueller Solar Project Production**

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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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[Making the Switch with All Energy Solar](#)

**Fwd: 1231 W 4 bedrock photos**

Katherine Mueller &lt;muellerkatherine1@gmail.com&gt;

Wed 4/24/2024 1:25 PM

To: Jason Mozol &lt;jmozol@DuluthMN.gov&gt;

 7 attachments (21 MB)

IMG\_3249.jpg; IMG\_3248.jpg; IMG\_3247.jpg; IMG\_3246.jpg; IMG\_3245.jpg; IMG\_3244.jpg; IMG\_3243.jpg;

Hi Jason, are these helpful? I thought it would photograph better, but essentially there is a ridge of bedrock along the rear of parcel 207. It has some turf over it, but I think the photos show how it bumps up and some of the protrusions.

If this doesn't work I can easily mark up the survey with the location, or get you something else next week, but am traveling tonight through Friday.

If this is helpful, Lonny Anderson from Heartwood is our contractor, and Heartwood is subbing the groundwork to Superior Construction. We looked at that area of the lot with both of them and they concluded that with the bedrock it didn't make sense to try to build there. Lonny Anderson from Heartwood will be at the planning commission meeting when this is reviewed.

Let me know what else you need. Thanks.

----- Forwarded message -----

From: **Katherine Mueller** <[muellerkatherine1@gmail.com](mailto:muellerkatherine1@gmail.com)>

Date: Wed, Apr 24, 2024 at 1:09 PM

Subject:

To: Katherine Mueller <[muellerkatherine1@gmail.com](mailto:muellerkatherine1@gmail.com)>

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Katherine Mueller

218-451-2192

[muellerkatherine1@gmail.com](mailto:muellerkatherine1@gmail.com)















