



**Planning & Development Division**  
*Planning & Economic Development Department*

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

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Open Space
<b>West</b>	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.

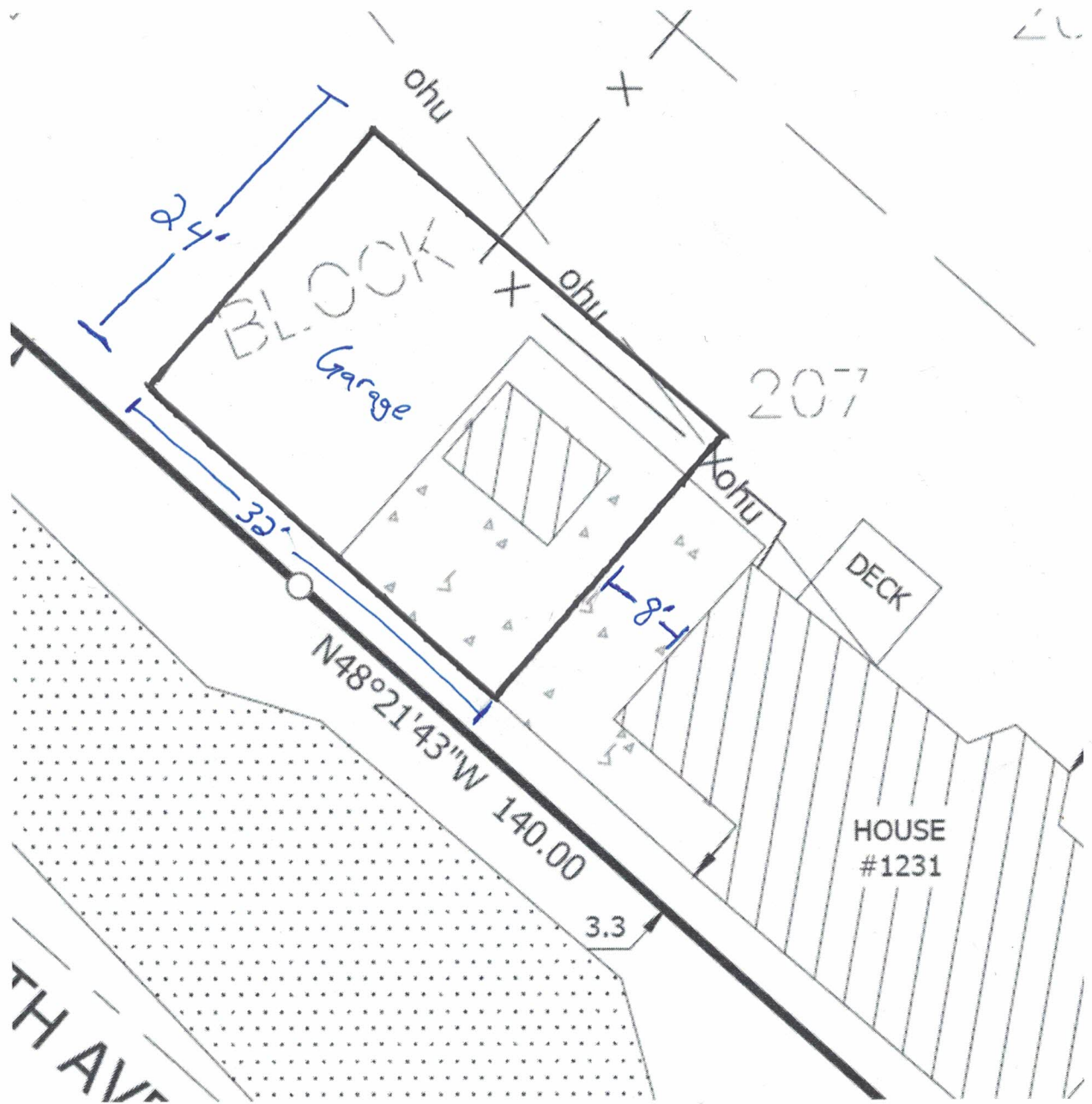
**Review and Discussion Items:**

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 13<sup>th</sup> 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°21'43"W 140.00

24'

32'

8'

3.3

TH AVE

ohu

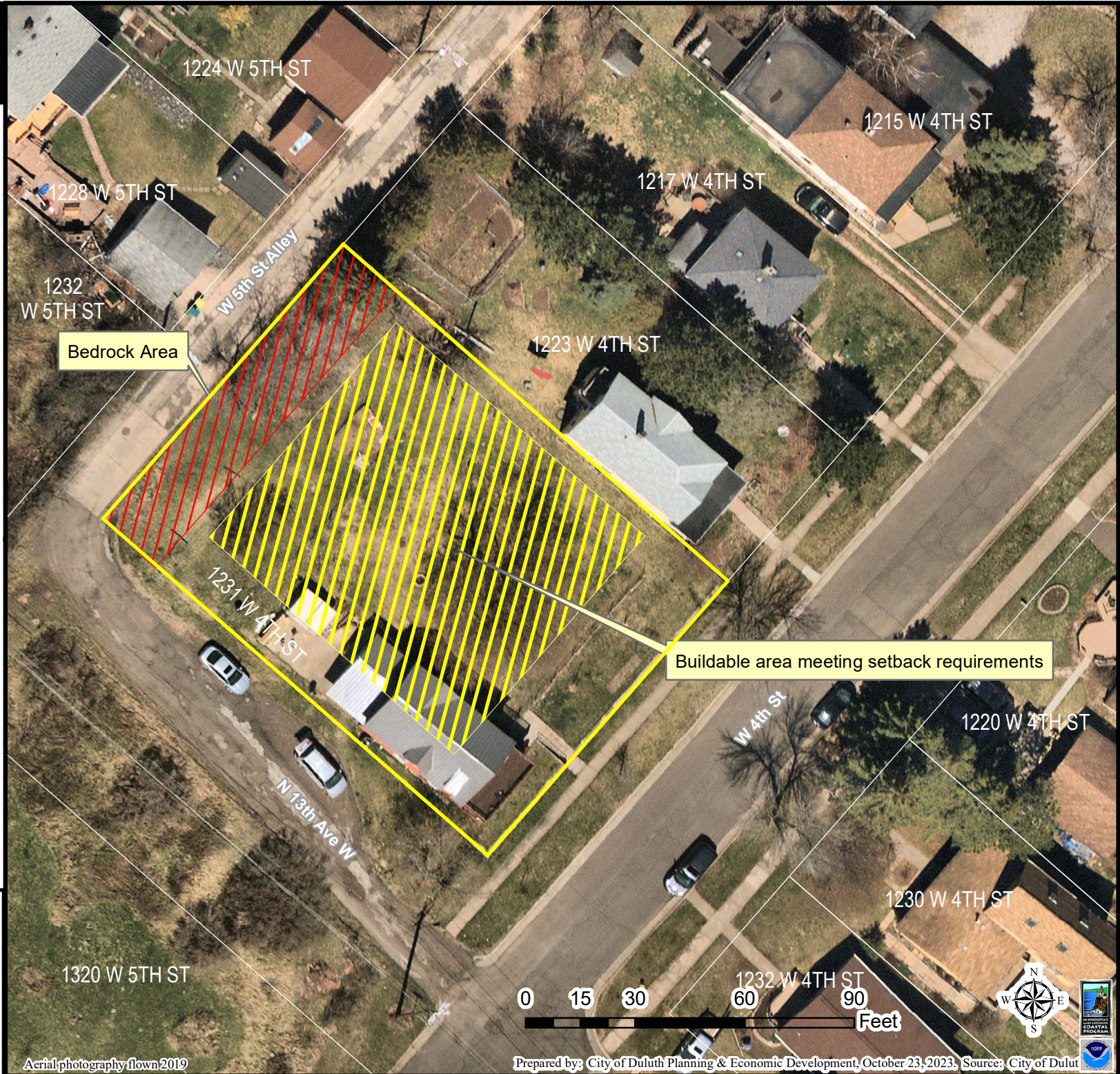
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KoHu





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 &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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