



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

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|-----------------------------|---|---------------------------------|------------------------------|-------------------|
| File Number | PL 24-063 | Contact | Chris Lee, clee@duluthmn.gov | |
| Type | Variance for Acc. Structure in Front Yard | Planning Commission Date | July 9, 2024 | |
| Deadline for Action | Application Date | May 7, 2024 | 60 Days | July 6, 2024 |
| | Date Extension Letter Mailed | May 14, 2024 | 120 Days | September 4, 2024 |
| Location of Subject | 4404 London Road | Legal Description | PIN: 010-2960-00080 | |
| Applicant | Paul Tonkin | Contact | | |
| Agent | | Contact | | |
| Site Visit Date | June 22, 2024 | Sign Notice Date | June 25, 2024 | |
| Neighbor Letter Date | June 13, 2024 | Number of Letters Sent | 27 | |

Proposal

The applicant is requesting a variance to construct a 24' x 31' detached garage in the front yard between the principle structure and the street.

Staff Recommendation

Staff recommends that the Planning Commission deny the variance.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|--------------------------|--|
| Subject | R-1 | Residential | Traditional Neighborhood |
| North | R-1 | Residential | Traditional Neighborhood |
| South | Lake | Lake Superior | Lake Superior |
| East | R-1 | Residential | Traditional Neighborhood |
| West | R-1 | 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 for 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

Open Space: 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 2,100 sq. ft. single family home built in 1948.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a variance to the requirements of Sec. 50-21.3 of the UDC that states no accessory structure may be located between a street and any façade of a primary building facing that street. The applicant would like to construct a 744 square foot accessory structure in the front yard area adjacent to London Road.
- 2) The applicant's property is a 1-acre parcel zoned R-1, Traditional Neighborhood. The parcel is 100' wide by approximately 430' deep. A single family home containing 2,100 square feet occupies the front portion of the parcel and is approximately 73' wide.
- 3) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The applicant states that the variance is requested due to the narrowness of the lot. The applicant states that due to the position of the home there is inadequate space on the sides to construct a driveway to build a garage on the rear yard. However, staff finds that additional parking can be placed on the site without a variance. The grades in the rear yard would not prevent building a garage. This lot size and shape is typical for lots in the area and significantly larger than the minimum lot size required in the R-1 zone district.
- 4) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The subject property is similar to many other residential properties in the area. The applicant states that the variance is requested due to the future removal of the on-street parking during and after the London Road Reconstruction Project; however, this is also an impact to homes throughout London Road. Therefore, the circumstances are not unique to this property.
- 5) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* The applicant states that due to the closeness of their home and the adjacent property, there is not a suitable way to create access to the rear yard without trespassing; however, there is at a minimum of 10' between the garage and property line. Moreover, the property contains a substantial area for parking vehicles.
- 6) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* While an accessory structure is a typical use on London Road, the property does already contain an existing attached 2 stall garage, and substantial parking space within the driveway, so the addition of the proposed accessory structure creates an amount of parking/storage space that is larger than typical for single-family homes. In addition, the existing garage could also be extended to accommodate additional vehicles, if sheltered parking is desired. This structure would be permitted by code on other areas of the property without a variance.
- 7) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values).* The variance will not impair an adequate supply of light and air to adjacent properties. nor impair public safety due to its distance from the roadway.
- 8) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* The essential character of the area is primarily homes on similar sized lots with accessory structures located adjacent to or behind the principle dwelling. An accessory structure in the front yard area would not be consistent with the essential character of the area nor with the intent of the Chapter, which aims to promote visibility of primary structures from the roadway and reduce visual impacts of accessory structures.

- 9) Variance criteria #7-8 do not apply to this application. Criteria #9 states that economic considerations alone shall not constitute a practical difficulty; thus, a variance cannot be granted for the sole reason that it is cheaper to build in a manner not required by code.
- 10) No public, agency, or other City comments were received.
- 11) 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 deny the variance for the following reasons:

1. There is space for additional parking without the need for a variance on a lot that is larger than the typical R-1 lot;
2. The circumstances are not unique to this property;
3. An accessory structure in the front yard area would not be consistent with the essential character of the area nor with the intent of the Chapter, which aims to promote visibility of primary structures from the roadway and reduce visual impacts of accessory structures.



PL24-063
 Variance to Front Setback
 4404 London Road

Legend
Zoning Boundaries




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

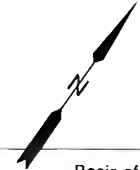
Prepared by: City of Duluth Planning & Economic Development, May 22, 2024 Source: City of Duluth.



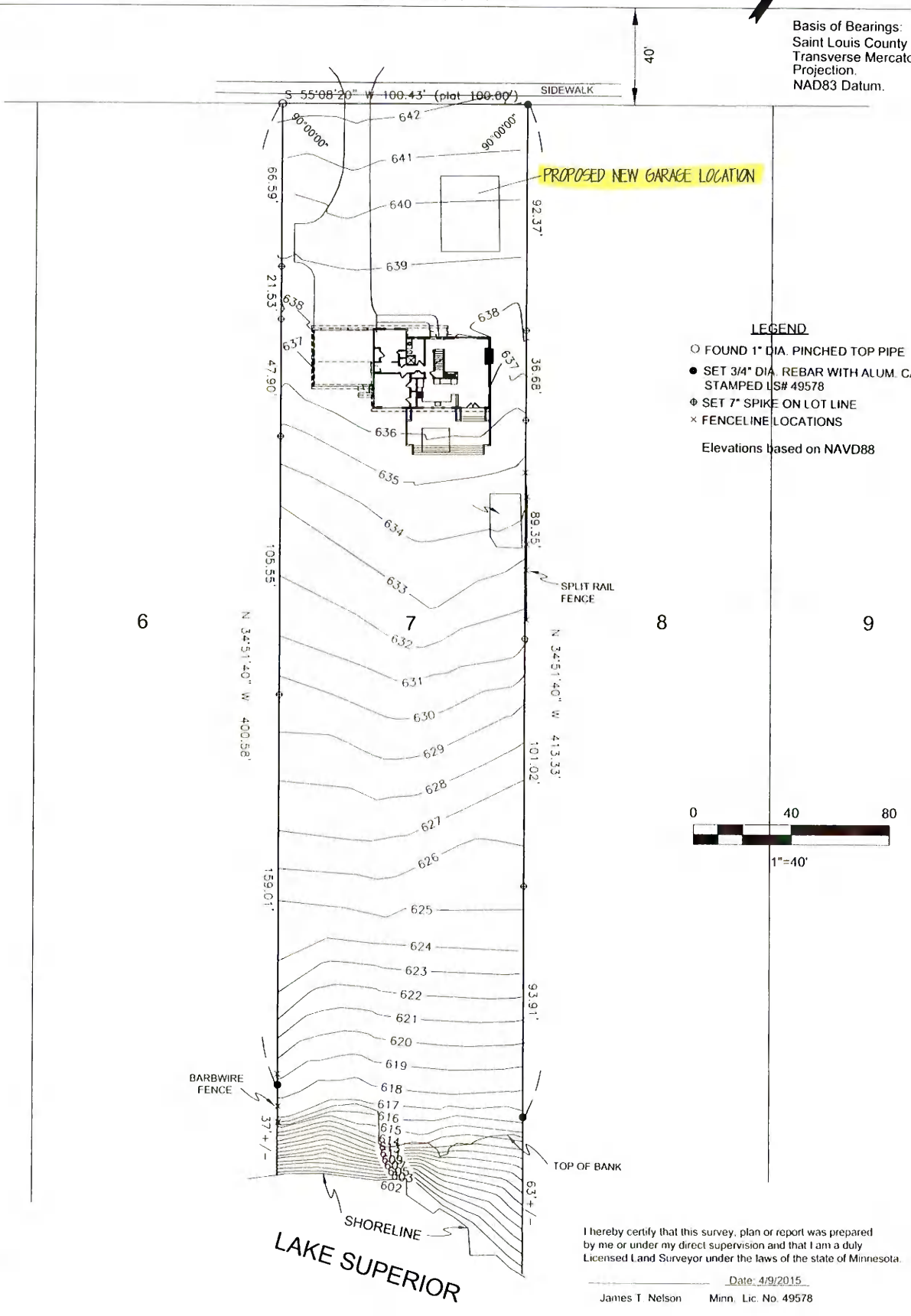
CERTIFICATE OF SURVEY

Survey for: Paul and Emily Tonkin
 Lot 7, Block A of LONDON ADDITION TO DULUTH

C.L. LONDON ROAD



Basis of Bearings:
 Saint Louis County
 Transverse Mercator 96
 Projection.
 NAD83 Datum.



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 and Surveyor under the laws of the state of Minnesota.

Date: 4/9/2015
 James T. Nelson Minn. Lic. No. 49578

Variance Application Supplemental Form

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:

The property at 4404 London Road is a long and narrow lot on the shores of Lake Superior. There is an inadequate space between the west side of our house/attached garage and the property line with our neighbor to the west. According to the City of Duluth website, the recommended width of a residential driveway is 16 feet. The minimum width is 12 feet. There is only 10 feet of available space between the west side of our dwelling and our property line. It is not possible to extend our driveway along the west side of our house/attached garage to a detached garage in our backyard.

The most unique factor about our property is that it is on the shores of Lake Superior within city limits. A detached garage in our backyard would be more problematic for our neighbors and their property value as a backyard garage would detract from their views of Lake Superior. It may also decrease the morning sunlight that currently hits the south side of their home.

There is also not adequate space on the west side of our home/attached garage to add a third garage stall.

In the winter, our neighbor to the west must push the snow from their driveway to the space between our homes. This allows for the best drainage of snow melt from their property. Pushing snow to the west side of their driveway resulted in flooding of their basement living quarters and foundation deterioration problems.

Thus, creating a driveway on the west side of our home is not possible for multiple reasons including the fact that the driveway would be blocked in the winter by our neighbors' snow pile. The detached garage would not be accessible in the winter months.

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 "London Road Project" that is scheduled to start in the summer of 2025 will eliminate the four spots of off-street parking that is located in front of our home. The "London Road Project" that was approved by the Duluth City Council and MnDOT will increase the flow of traffic in front of our home. It will become increasingly important to enter traffic on London Road with the vehicle facing forward as there will be fewer gaps in traffic once the stop lights on London Road are eliminated. Visitors and delivery vehicles currently back out of our driveway and enter London Road in reverse. This poses a safety issue and there have been several near misses to date. The current layout of our driveway and front yard makes turning a vehicle around very difficult. In the summer months, vehicles usually pull onto our front lawn to turn around. In the winter months, it is basically impossible to turn a vehicle around as mounds of snow on the edges of our driveway restrict the perimeter of the driveway.

The proposed detached garage with driveway extension will allow vehicles to turn around in our driveway and enter London Road in forward orientation. This should result in greater safety for delivery personnel, mail carriers, package carriers, visitors to our home and vehicles traveling eastbound on London Road.

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:

Our home located at 4404 London Road and our neighbor's home located immediately to the west at 4340 London Road were both constructed as close to the common property line as allowed by city code. There is approximately 15 feet of space between the two homes. Thus, extending our driveway to a detached garage in our backyard would require the driveway extension to traverse over our neighbor's property.

The "London Road Project" will eliminate the off-street parking in front of our home. The off-street parking in front of other homes on London Road has been spared.

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:

Our proposed construction project is reasonable as the construction of a detached garage positioned in the front yard of the home is common on London Road. There are several homes with detached garages located in the front yard that partially obstruct the façade of the primary home.

It is necessary to be granted a variance for the construction of our proposed detached garage as the current garage design would partially obstruct 13 feet of the façade of our primary home.

The proposed project was designed by a skilled architect, and the construction will be completed by Northern Trends which has a local and regional reputation for premium craftsmanship.

(Please see diagram on following page)



TONKIN
RESIDENCE

PROPERTIES WITH DETACHED GARAGES BETWEEN THE ROAD AND THE HOUSE

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:

The proposed detached garage will not impair adequate light supply to either our neighbor to the east or the west. The garage is proposed to be located on the northeast corner of our property. Thus, morning sunlight will not be adversely impacted. If the garage were located behind our home in our backyard, it is likely that the new garage would negatively impact morning sunlight to our neighbor to the west.

It is proposed that our new garage be detached from our home. Thus, there will be adequate air flow between the new garage and our home and onto neighboring properties. There might be an air flow issue to our neighbor to the east if the garage is attached to the home.

The proposed detached garage will help with traffic flow and safety as vehicles will be able to enter London Road facing forward from our property. Currently, cars often need to back onto London Road due to congestion on our driveway and an inadequate turn around space.

The proposed garage will not imperil public safety or impair property values. The garage will be fabricated with premium materials and constructed by a top contractor.

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 proposed detached garage will be constructed with premium materials and will match the style and character of our home. The appearance of our home (with the detached garage) is consistent with the essential character of our neighborhood and is consistent with our residential neighborhood zoning.

