



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL18-086	Contact	Adam Fulton, afulton@duluthmn.gov	
Type	Variance, Minimum Lot Frontage	Planning Commission Date		July 10, 2018
Deadline for Action	Application Date	June 22, 2018	60 Days	August 21, 2018
	Date Extension Letter Mailed	June 29, 2018	120 Days	October 20, 2018
Location of Subject		10013 W. Skyline Pkwy		
Applicant	Edward Barbo Jr. & Candace Barbo	Contact	4202 N. 100 th Ave. W., Duluth, MN 55810	
Agent	Greg Gilbert, Attorney	Contact	11 E. Superior St. Duluth, MN 55802	
Legal Description		SE1/4 OF SW1/4 EX NLY 660 FT OF WLY 330FT & EX PART E OF WLY 330 FT, T22N-R49W-Section15 (010-2746-00120)		
Site Visit Date	July 3, 2018	Sign Notice Date		June 26, 2018
Neighbor Letter Date	June 28, 2018	Number of Letters Sent		2

Proposal

Requested is a variance to reduce the required minimum lot frontage from 250 feet to 0 feet to construct a single family dwelling in the RR-1 zone district. The lot has no frontage on a City street.

This request mirrors a request by Applicant in 2017, and is made based on new information and determinations by the City related to site access.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Horse Barn and pasture	Open Space
North	RR-1	Vacant land/Forest	Open Space
South	RR-1	Magney-Snively Natural Area	Open Space
East	RR-1	Vacant land/Forest	Open Space
West	RR-1	Spirit Mountain Rec. Area	Open Space

Summary of Municipal Planning Act & City Code Requirements

50-7.1 Compliance Required. No land shall be used and no structure shall be erected . . . except in accordance with all provisions of this ordinance that apply in the zone district where the property is located and to the type of use, structure or development in question.

50-14.3. RR-1 District Dimensional Standards: Minimum lot frontage is 250 feet.

50-41.12. Definition of Lot frontage. Frontage shall be the dimension of the lot line at the street.

50-37.9.C.- General Variance Criteria (paraphrased): The Planning Commission must find the following for a variance to be granted: a) That they are 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 or a predecessor-in-interest, 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):
History:

1982 – The subject 5-acre parcel was created from a surrounding parcel. Approval of the subdivision was granted by St. Louis County without City of Duluth review for compliance with local rules and regulations.

1991 – Building permit granted for 36 foot by 45-foot pole building for horses with reference to the requirement for a future improved street to allow residential home construction and letter by Mr. Barbo acknowledging the street requirement.

2017 – The City of Duluth Planning Commission denies a variance request for elimination of minimum lot frontage on a public street.

Governing Principles: Principle #9 - Support private actions that contribute to the public realm, Principle #10 - Take sustainable actions

Future Land Use: Future Land Use – Open Space – “...Primarily public lands, but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.”

Review and Discussion Items

Staff finds that:

- 1) Applicant requests a variance to allow a reduction in minimum lot frontage requirement from 250 feet to 0 feet, for a reduction of 250 feet. If the variance is granted, Applicant intends to construct a single family home on the site.
- 2) The entire contents of PL 17-082, including the staff report, Action Letter, and all exhibits and other documentation, are herein incorporated by reference. The staff report for PL 17-082 is attached to this report for reference by Planning Commissioners.
- 3) The parcel is isolated and without public access. Site access is via easement across neighboring property (“Access Easement”). If the variance is granted, Applicant will access the site using the Access Easement, and the lot will remain as a de facto flag shaped lot with access via Access Easement rather than via land owned by Applicant in fee.
- 4) Applicant’s current request is made based on new information provided by the City, namely a memo dated January 3, 2018, from Danielle Erjavec, Property Services Specialist, to Cindy Voigt, City Engineer (“January 3 Memo”). The memo indicates that no public lands adjacent to Applicant’s lot could be used for a new public road, because such lands are part of the Magney-Snively Natural Area, part of the Duluth Natural Areas Program (“DNAP”). The memo is attached as an exhibit to the report.
- 5) The subject property is remote. No municipal utilities are planned to be provided in this area.
- 6) Applicant obtained a building permit in 1991 to erect a 30 foot by 45-foot horse pole barn. Access to the pole barn is via the Access Easement.
- 7) Applicant’s request is based on changed circumstances related to the subject property and the proximity to the Magney-Snively DNAP. In PL 17-082, Staff found that the circumstances related to the project were not unique to the site. Per the January 3 Memo, these circumstances have changed and it is now possible to determine that Applicant is correct in asserting that the property is unique in its proximity to the Magney-Snively DNAP and because of topography and natural bedrock conditions that make extension of Gogebic Street infeasible.
- 8) Extension of Gogebic Street, or dedication of public access to this site in any other method or form, would contradict a directive of the Imagine Duluth 2035 Comprehensive Plan, which calls for elimination of public streets in low density areas of the city because such streets cannot be maintained at a reasonable cost to the public. *Policy #2 – Reduce infrastructure costs through*

innovation and wholesale design change; Strategy 4: Evaluate streets in low density areas that could be replaced, reduced, removed, or made private to more effectively utilize maintenance budgets and long-term capital replacement funds. (See Imagine Duluth 2035, Ch. 10: Transportation, p.T-27)

- 9) Staff determined in PL 17-082 that the current use of the property is reasonable. This determination is continued in PL 18-086. Applicant asserts that the current use of property is not reasonable, and that a reasonable use of the subject property would include construction of one single family house. The RR-1 Zoning District allows for construction of one single family house on a lot as a permitted use subject to minimum lot size and other development performance standards of the UDC.
- 10) Granting the variance will not alter the essential character of this area of the city.
- 11) If the variance is granted, subject property will constitute a flag lot with access via the Access Easement. During the evaluation of PL 17-082, the Duluth Fire Department indicated that access via the Access Easement for public safety reasons would be acceptable.
- 12) The subject property could not be created today based on the adopted UDC standards for property subdivision.
- 13) Two letters in opposition to granting the variance were received by the City and are attached.
- 14) No comments or other correspondence were received from agencies of other city staff.

Staff Recommendation

Based on the findings of fact of PL 18-086, staff recommends approval of the Variance to eliminate minimum lot frontage requirements, subject to the following conditions:

- 1) The development of one single family house on the subject property shall be subject to all other requirements of the UDC. The front yard, for purposes of interpreting UDC requirements for building setbacks in the RR-1 Zoning District, is determined to be the subject property's east property line.
- 2) Prior to issuance of a building permit, the Access Easement driveway surface and design type shall be evaluated and modified or improved by Applicant as required by the City Engineer or Fire Marshal to maintain public safety to the subject property.
- 3) Prior to issuance of a building permit, the site shall be evaluated for presence of wetlands, and a wetland delineation completed, if required by the Land Use Supervisor.
- 4) Prior to issuance of a building permit, Applicant shall provide a current copy of property title, easement documentation, and any other agreements for maintenance of Access Easement, to the Community Planning office, to be incorporated into the file for PL 18-086.
- 5) 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 action by the Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL17-082	Contact	Kyle Deming, 218-730-5329	
Type	Variance, Minimum Lot Frontage	Planning Commission Date		July 11, 2017
Deadline for Action	Application Date	May 25, 2017	60 Days	July 24, 2017
	Date Extension Letter Mailed	May 25, 2017	120 Days	Sept. 22, 2017
Location of Subject	10013 W. Skyline Pkwy			
Applicant	Edward Barbo Jr. & Candace Barbo	Contact	4202 N. 100 th Ave. W., Duluth, MN 55810	
Agent	Greg Gilbert, Attorney	Contact	11 E. Superior St. Duluth, MN 55802	
Legal Description	SE1/4 OF SW1/4 EX NLY 660 FT OF WLY 330FT & EX PART E OF WLY 330 FT, T22N-R49W-Section15 (010-2746-00120)			
Site Visit Date	June 6, 2017	Sign Notice Date		May 30, 2017
Neighbor Letter Date	June 1, 2017	Number of Letters Sent		13

Proposal

Requested is a variance to reduce the required minimum lot frontage from 250 feet to 0 feet to construct a dwelling in the RR-1 zone district. The lot has no frontage on a City street. If the variance is approved the applicants will petition the City to convert an existing easement to an official Cartway, a 1,700-foot (0.32 mile) private road under MN Statute 435.37, Easement for Cartway.

Please see attached the applicant's drawings and statements regarding the proposed variance's purpose and need.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Horse Barn and pasture	Preservation
North	RR-1	Vacant land/Forest	Preservation
South	RR-1	Magney-Snively Natural Area	Preservation
East	RR-1	Vacant land/Forest	Preservation
West	RR-1	Spirit Mountain Rec. Area	Preservation

Summary of Municipal Planning Act & City Code Requirements

50-7.1 Compliance Required. No land shall be used and no structure shall be erected . . . except in accordance with all provisions of this ordinance that apply in the zone district where the property is located and to the type of use, structure or development in question

50-14.3. RR-1 District Dimensional Standards: Minimum lot frontage is 250 feet.

50-41.12. Definition of Lot frontage. Frontage shall be the dimension of the lot line at the street.

50-21.2.E Special Dimensional Standards. Street Improvements. Except as provided in Section 50-37.1.L, for lots without a principle structure:

1. The street shall be improved to the most current standards on file in the office of the city engineer and shall be designed for the road classification within the zone in which the property is located;
2. The street shall be improved across the entire frontage of the lot proposed to be developed and all other contiguous property owned by the owner of the subject lot;

3. Any street improvement that results in a dead-end street that is greater than 150 feet in length shall require construction of a turn-around for emergency and maintenance vehicles approved by the city fire marshal.

For lots developed with an existing legal principle structure, the street improvement requirements need not be met when the landowner proposes an expansion of the existing legally constructed structure or a replacement principle structure, if the landowner provides evidence of a perpetual easement to access the property from an improved street of a distance not greater than 150 feet, and such access shall be improved to meet Fire Code standards.

Minn. Stat. § 462.357, subd. 6(2) (Variances) – “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant . . . establishes that there are practical difficulties in complying with the zoning ordinance. ‘Practical difficulties,’ as used in connection with the granting of a variance, means that[:]

[1] the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

[2] the plight of the landowner is due to circumstances unique to the property not created by the landowner; and

[3] the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties.”

Accord 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 practical difficulties or hardship. The Planning Commission must find the following for a variance to be granted: a) That they are 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 or a predecessor-in-interest, 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):
History:**

1982 – The subject 5-acre parcel was created from a surrounding parcel. Approval of the subdivision was granted by St. Louis County without City of Duluth review for compliance with local rules and regulations.
1991 – Building permit (attached) granted for 36 foot by 45 foot pole building for horses with reference to the requirement for a future improved street to allow residential home construction and letter by Mr. Barbo acknowledging the street requirement.

Governing Principles: Principle #7 - Create and maintain connectivity, Principle #9 - Support private actions that contribute to the public realm, Principle #10 - Take sustainable actions, Principle #12 - Create efficiencies in delivery of public services.

Future Land Use: Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses; low intensity uses such as trails predominate, viewshed protection and access, water access for passive use (fishing, canoe/kayak with limited parking)

Review and Discussion Items

Staff finds that:

- 1) The applicant purchased the 5-acre parcel lacking street frontage after it was subdivided from a larger parcel.
- 2) Minimum lot frontage requirements are established to promote the orderly development of the city. Together, with other zoning tools, they direct development to places where streets can be extended as development occurs. These streets maintain the health, safety, and welfare of the community by limiting development to those areas where the government can efficiently and safely provide sanitation, public safety, and other services. Without street access, the City cannot safely provide public services to the proposed development site.
- 3) The subject property is one of the most remote areas of the city. It is bordered on the south by the Magney-Snively Natural Area and on the west by the Spirit Mountain Recreation Area. The property is at the end of a 1,700-foot (0.32 mile) private driveway connected to the end of 100th Ave. W. which is connected to Skyline Pkwy. From the property to Boundary Avenue is 2.6 miles. From November to April of each year, Skyline Parkway is closed 1/3 mile west of 100th Ave. W., further limiting access to the area. No municipal utilities are provided or planned to be provided in this area of the City.
- 4) The applicant currently has legal access to the property via easement. One easement, running 700 feet north and west of 100th Ave. W. is 20 feet wide with an approximately 14- to 18-foot-wide gravel surface with no ditches to control drainage. The second easement is 1,000 feet west of the first segment and is 40 feet wide with an approximately 22- to 24-foot-wide gravel surface with ditches. A map depicting the easements to the property is attached. If the applicant's request for a variance from minimum lot frontage requirements is granted, the applicant plans to petition the City Council for establishment of a cartway pursuant to Minn. Stat. §§ 435.37 and 164.07 in the location of the existing easements
- 5) The applicants obtained a building permit in 1991 to erect a 30 foot by 45 foot horse pole barn.
- 6) The 1991 building permit (copy attached) for the horse barn made clear that an improved street was required to allow a house to be constructed on the parcel. A letter from Mr. Barbo (attached) that was attached to the building permit acknowledged the need for a street prior to building a house.
- 7) The circumstances causing the need for the variance are not unique to the property nor beyond the landowner's control. The requirement to extend a public street for construction of a house as a principal use was created and understood at the time of the earlier subdivision creating the lot, and by the Applicant at the time he was granted a building permit for a pole barn. The circumstances resulting in this application were created when the parcel was severed by a predecessor-in-interest from a larger parcel that had frontage on Gogebic Street.
- 8) Applicant states in the variance application that *"the conditions that create a need for a variance are that the applicants' lot is surrounded by City of Duluth lots, private lots and rocky terrain so streets for purposes of complying with minimum lot frontage requirements cannot be constructed adjacent to the applicants' lot."* Respectfully, planning staff disagree. Future street improvements are possible, but the location and terrain make such improvements costly. Economic factors alone, however, do not constitute a practical difficulty.
- 9) The property has been put to a reasonable use (a horse barn), given the lack of street access. The applicant is proposing to use the property in a manner that is a permitted use in the RR-1 zone district, but is nevertheless inconsistent with orderly development principles supported by minimum lot frontage requirements in the code.
- 10) Granting the variance could result in additional landowners in the area requesting similar variances and cartway extensions. There are 40 acres of privately-owned RR-1-zoned land north of Gogebic Street and west of 100th Ave. W.
- 11) One email was received concerning this proposed variance and is attached.

Staff Recommendation

Based on the findings of fact and discussion above, staff recommends denial of the variance.

Staff concludes that the request is not in harmony with the purposes and intent of the zoning code that relate to the encouragement of planned and orderly development within the city, as reflected by the minimum lot frontage requirements on public rights of way in RR-1 zones. These requirements are to ensure safe and efficient provision of city services and limitation of development in areas lacking adequate current or future infrastructure to support increased public or private use. Similarly, staff concludes that the request is not consistent with the comprehensive plan (Preservation future land use), which calls for low-intensity private or public uses subject to sufficient use and design controls (such as, e.g., minimum lot frontage requirements).

Staff further concludes that the applicant has not established practical difficulty. While the applicant is proposing to use the property in a permitted and reasonable manner (i.e., single-family home in an RR-1 district on a five-acre parcel), staff concludes, however, that the plight of the landowner is not due to topographic or geographic conditions unique to the property, and that applicant's predecessors bear responsibility for the present need for the variance. Current or future street access or improvement is possible, but it is costly given the nature and location of the proposed use. Although this is admittedly a difficulty in developing the property, staff views the difficulty as more economic than practical in nature, which, standing alone, does not constitute practical difficulty.

Staff also notes that previous parcel subdivisions within the larger tract in question – away from readily available street frontage or access to city infrastructure – created the need for the variance presented here. Although the facts reflect that it was not the current applicant who created the challenges pertaining to street access, the facts further reflect that the lack of street frontage (and resulting limitations related to future development) have been historically contemplated and understood by the current applicant and predecessors-in-interest.

Ultimately, staff is not unsympathetic to applicant's request. It is unlikely that the proposed use would change the essential character of the locality (although the potential for increased residential development in this area of the city – without adequate street access or infrastructure – is concerning to staff). Nevertheless, staff concludes that the request is not in harmony with the general purposes or intent of either the City's zoning code or comprehensive plan, and for all the reasons previously stated, recommends denial.

If the Planning Commission decides, however, to grant the variance, staff recommends conditioning approval on the applicant petitioning for, and obtaining, approval of a cartway serving the property in accordance with all applicable State and local laws.

EXHIBIT A



CITY OF DULUTH

Department of Public Administration
Property & Facilities Management

INTRA-DEPARTMENTAL CORRESPONDENCE

TO: Cindy Voigt, City Engineer

FROM: Danielle Erjavec, Property Services Specialist

DATE: January 3, 2018

SUBJECT: Parcel Nos. 010-2746-00860 and 010-2746-00870

Purpose

The purpose of this memo is to provide ownership information for Parcel Nos. 010-2746-00860 and 010-2746-00870, which are legally described as:

The North Half of Northeast Quarter of Northwest Quarter (N ½ of NE ¼ of NW ¼), Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15)

(the "Property").

The Property has two separate parcel numbers because each parcel number represents an undivided one-half interest in the Property.

Ownership and Acquisition

A. The City acquired title to the Property through two deeds, which are further described as follows:

(1) Conveyance of Forfeited Lands from the State of Minnesota to the City of Duluth dated May 27, 1943, and filed for record with the St. Louis County Register of Deeds on May 29, 1943 in Book of Deeds 738, Page 625. This deed was for a one-half (1/2) interest in the Property and exclusively for "public park, boulevard and municipal forest purposes."

(2) Conveyance of Forfeited Lands from the State of Minnesota to the City of Duluth dated March 23, 1973, and filed for record with the St. Louis County Register of

Deeds on April 11, 1973 as Document No. 173858. This deed was for a one-half interest (1/2) in the Property and exclusively for "a buffer zone and for future development for park and recreational purposes in connection with the proposed 'Spirit Mountain' Ski and Recreation Area."

B. Minn. Stat. § 282.01, Subd. 1d(d) states that "property conveyed under a conditional use deed executed under this section by the commissioner of revenue, regardless of when the deed for the authorized public use was executed, is released from the use restriction and reverter . . . is nullified on the later of (1) January 1, 2015; (2) 30 years from the date the deed was acknowledged. . . ." Presumably, under this statute, the Property was released from the conditional use restrictions contained within the two deeds described above expired on January 1, 2015.

Zoning

The Property is zoned RR-1 (Rural Residential 1). Section 50-14.3(A) of the UDC describes the purpose of a RR-1 district as "to accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed."

Additional Considerations

The Property was included in the Magney-Snively Natural Area on December 1, 2003 under Resolution No. 03-0843. The Property was also designated as a part of the Magney-Snively Forest Preserve on March 12, 2012 under Resolution No. 12-0129. The departments of Community Planning and Parks should be consulted to determine if any potential uses of the Property are consistent with the management plans, if any, for these designations. Additionally, the City Attorney's office can advise on permitted or prohibited uses of the Property.

Further consultation finds that the Magney-Snively Natural Area is a part of the Duluth Natural Areas Program ("DNAP"). The DNAP is a protective covenant placed on carefully selected properties to preserve the integrity of native ecosystems with minimal to no disturbance. The Property contained in this memo is a part of the DNAP, and the Dept. of Parks and Recreation believes any encroachment upon a DNAP-protected area poses an unacceptable impact to the native communities that the DNAP was designated to protect. Therefore, Parks and Recreation Department opposes the granting of any public or private road, driveway, or related type of construction on the Property.



City Planning

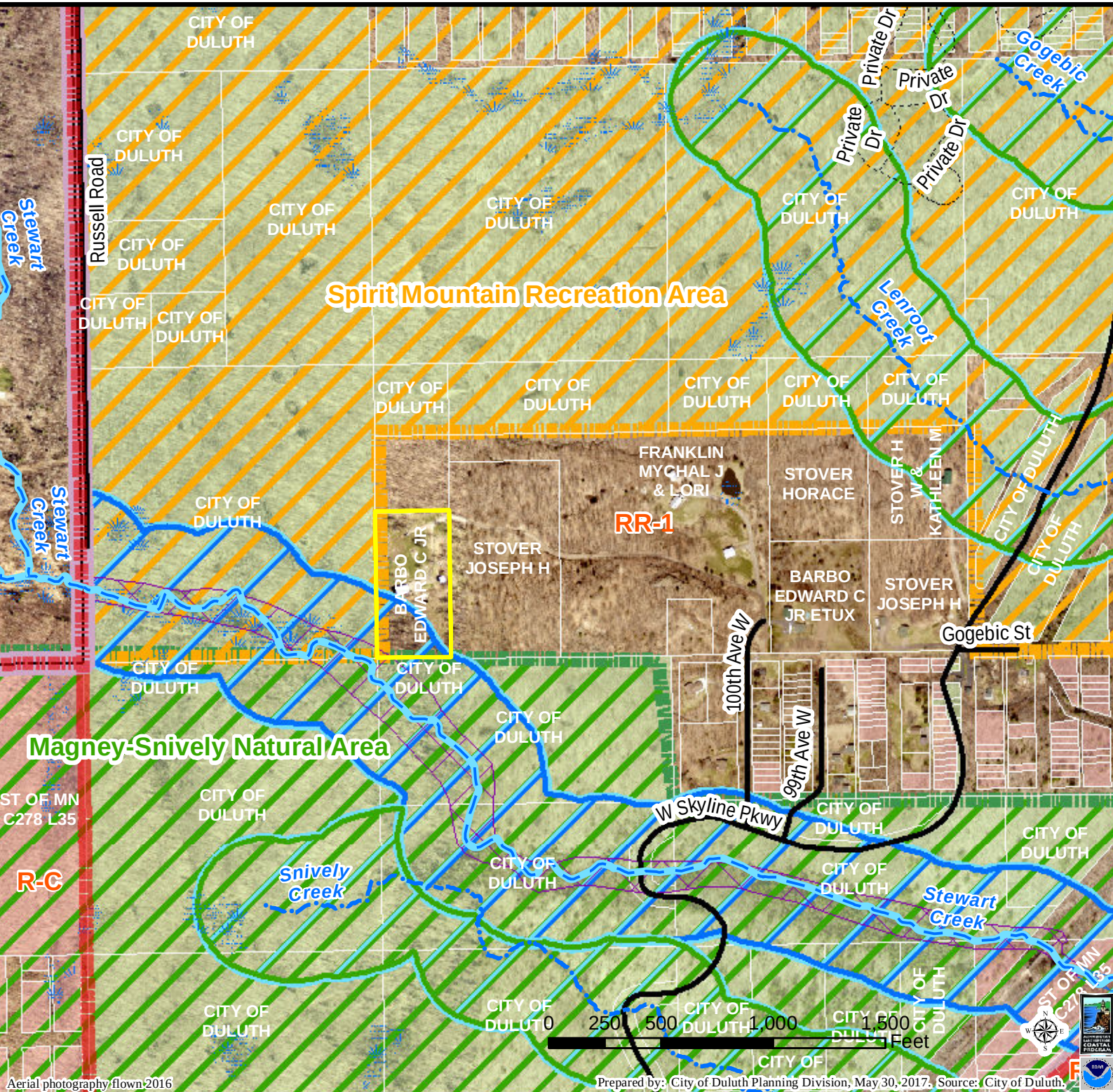
PL 17-082

10013 W. Skyline Pkwy.
Street Frontage Variance

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Spirit Mountain Rec. Area
- Magney-Snively Natural Area
- Zoning Boundaries
- Municipal Boundary
- Shoreland Overlay Zone**
 - Cold Water
 - Natural Environment
 - General Development
- Floodplain Type**
 - General Flood Plain
 - Flood Way
 - Flood Fringe
 - Wetlands (NRR1)

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 2016

Prepared by: City of Duluth Planning Division, May 30, 2017. Source: City of Duluth.



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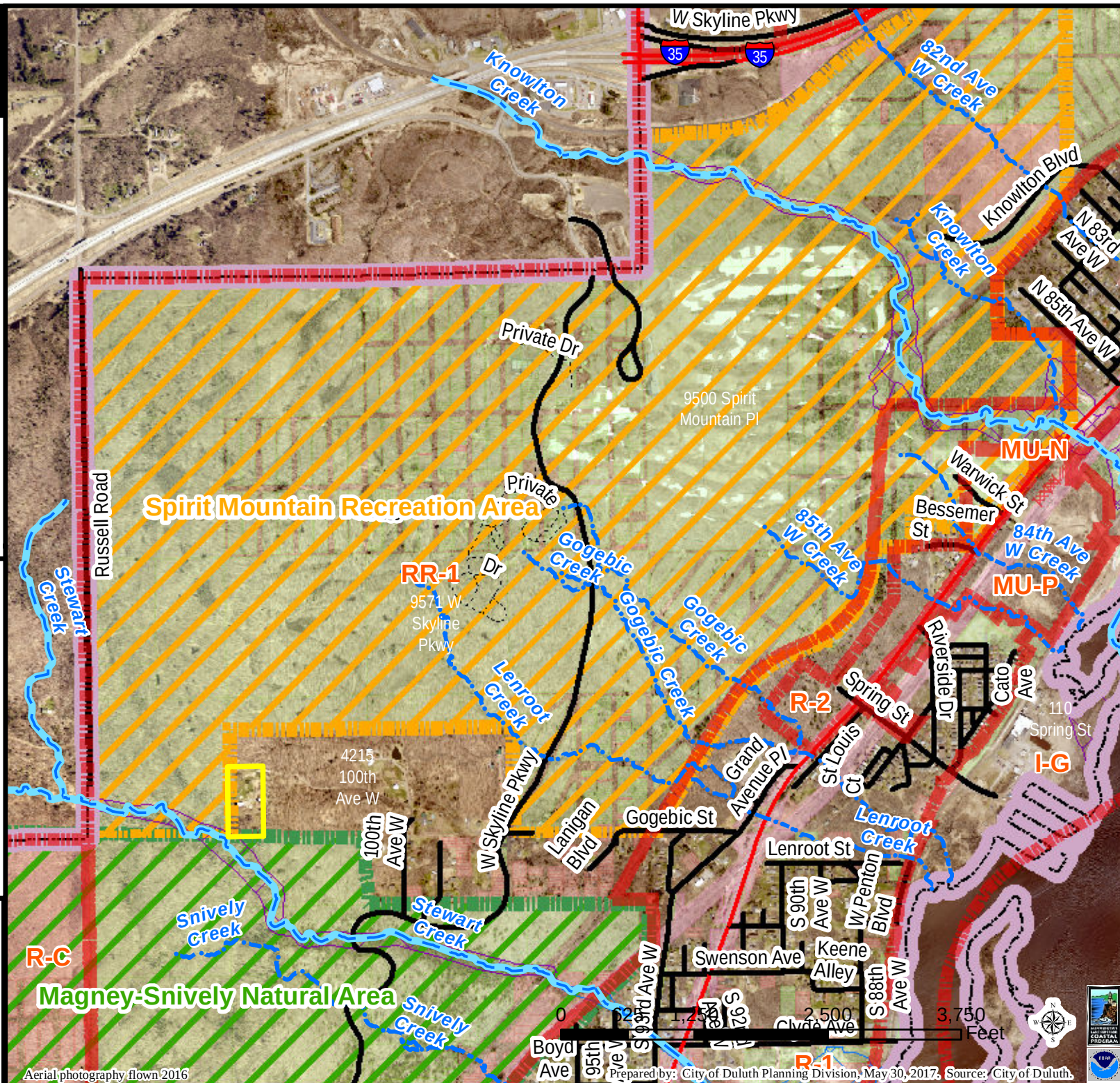
PL 17-082

10013 W. Skyline Pkwy.
Street Frontage Variance

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Spirit Mountain Rec. Area
- Magney-Snively Natural Area
- Zoning Boundaries
- Municipal Boundary
- Floodplain Type**
 - General Flood Plain
 - Flood Way
 - Flood Fringe

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Prepared by: City of Duluth Planning Division, May 30, 2017. Source: City of Duluth.



City Planning

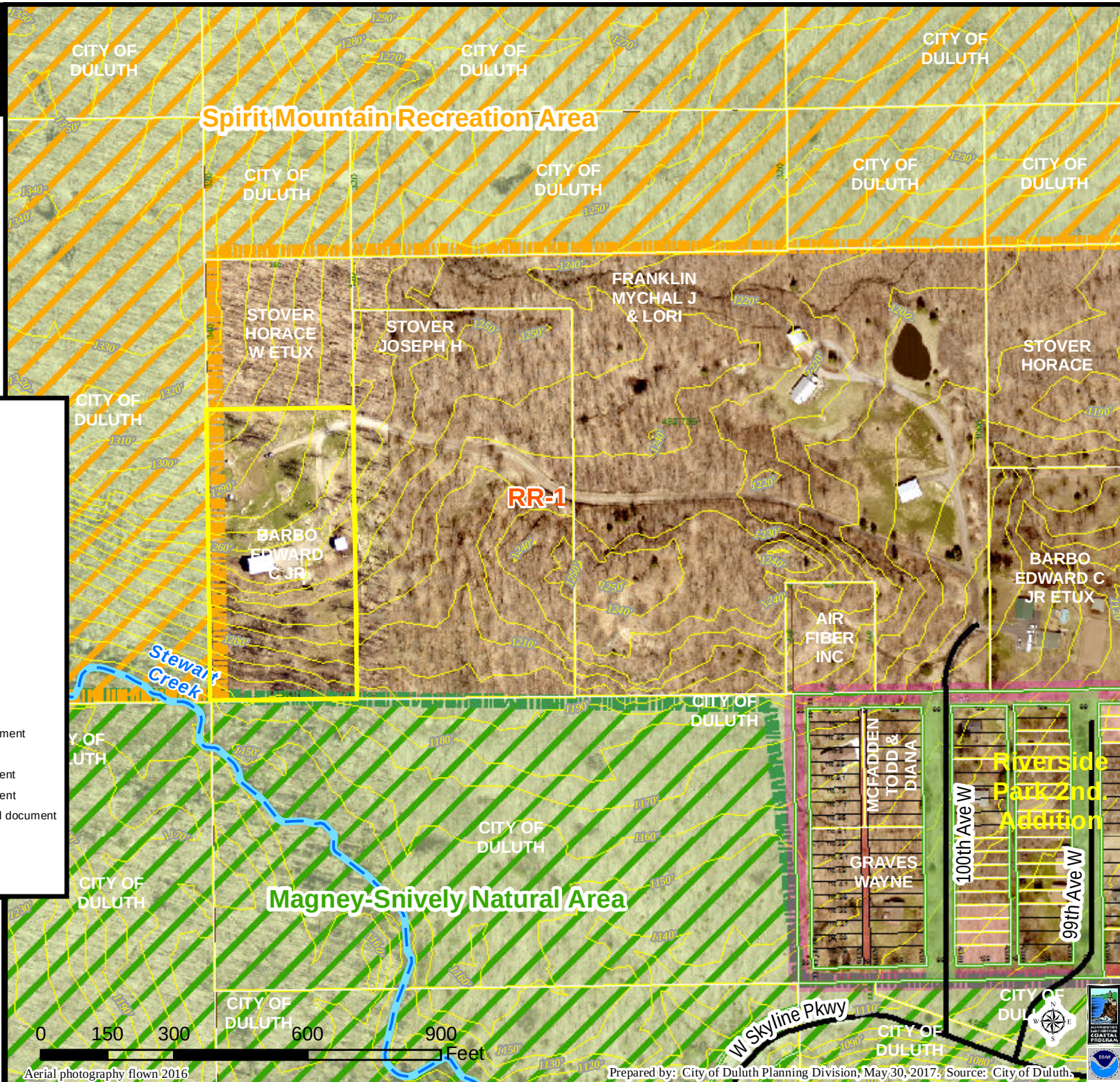
PL 17-082
10013 W. Skyline Pkwy.
Street Frontage Variance

Spirit Mountain Recreation Area

Legend

- 10' Contour (elev. change)
 - Trout Stream (GPS)
 - Other Stream (GPS)
 - Spirit Mountain Rec. Area
 - Magney-Snively Natural Area
 - Zoning Boundaries
 - Subdivision Boundaries
 - Blocks
 - Parcels
- ROW**
SUBTYPE, ROW_STATUS
- Utility, Active
 - Railroad, Active
 - Access, Active - currently in use
 - Access, Vacated - vacated via recorded document
 - Road, Active - currently in use
 - Utility, Vacated - vacated via recorded document
 - Road, Vacated - vacated via recorded document
 - Conservation, Vacated - vacated via recorded document
 - Conservation, Active - currently in use
 - Railroad, Inactive - Dedicated, but not built
 - Municipal Boundary

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City Planning

PL 17-082

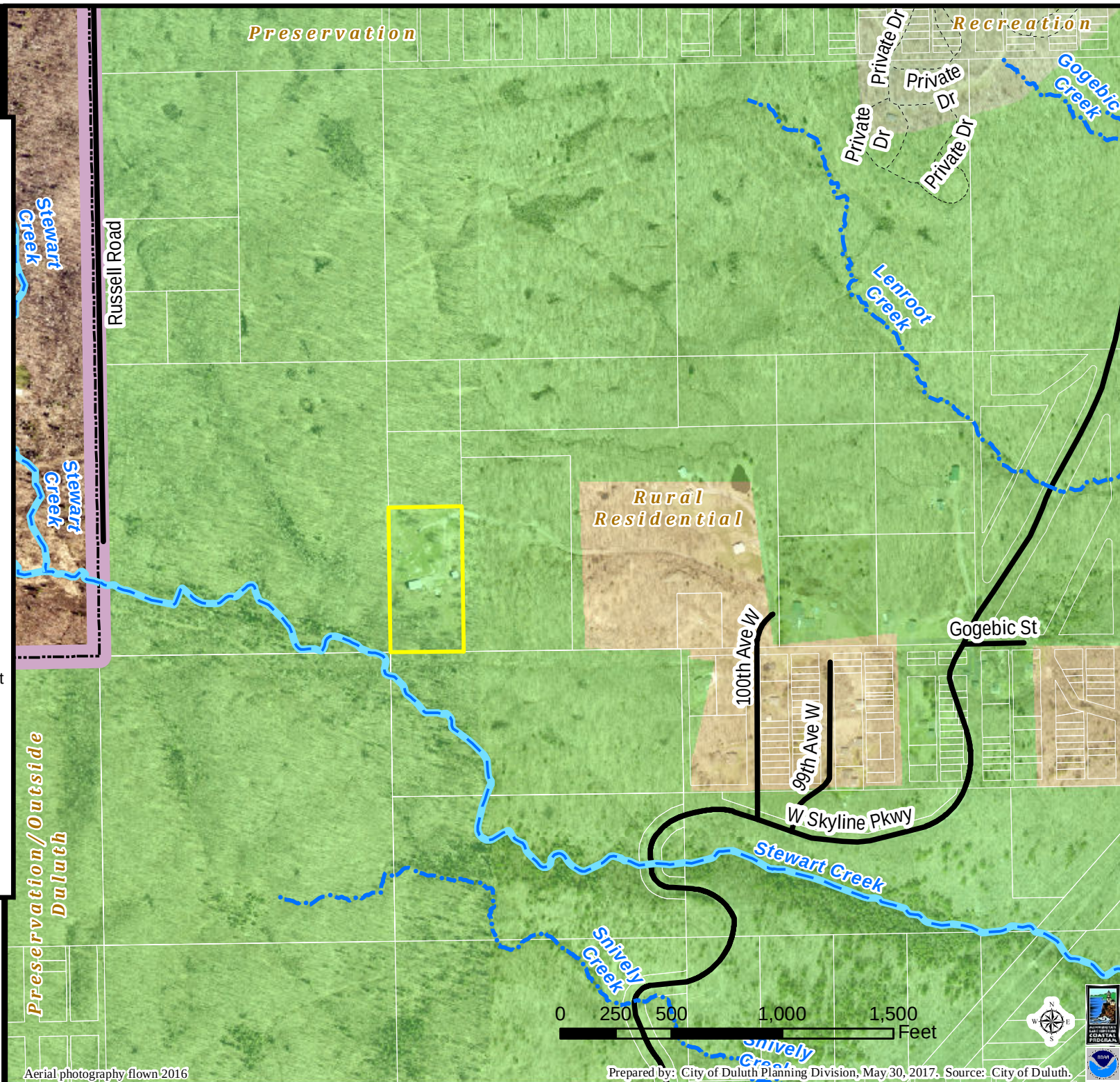
10013 W. Skyline Pkwy.
Street Frontage Variance

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Municipal Boundary
- Future Land Use**
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation & Utilities

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Aerial photography flown 2016



July 2nd, 2018

To whom it may concern,

This letter is in response to a variance request by Ed and Candy Barbo at 10013 W Skyline Parkway.

As a resident on N 100th Ave W, I do not support the City approving a variance to minimum lot frontage. The driveway to the property mentioned is physically off of N 100th Ave W, not W Skyline Parkway. N 100th Ave W is mostly a non-paved road that is frequently washed out during rainfall and spring snow melt. The City road crew does not/can not keep N 100th Ave W in good driving condition. It erodes too often! Allowing this variance will only increase traffic on multiple roads that are already in poor driving condition...N 100th Ave W and W Skyline Parkway.

Allowing this variance will also open the possibility for future expansion of at least 2 additional homes at this location. There are 3 total buildable sites in this area. These additional building sites will only compound and already concerning area of roadway!

We already face increased horse and vehicle traffic since there is horse boarding activity in this immediate area. Other concerns are increased horse feces running into Stewart creek (which is a designated Trout Stream) and the inability for Emergency Services to access property that only has a 20' easement.

This request has already been denied; please do not overturn previous rulings.

Thank you for your time and attention to this very sensitive issue.

Todd and Diana Mc Fadden

4129 N 100th Ave W

June 7, 2017 and again on July 1, 2018

To Whom it may concern,

I received a letter from the city stating that the owners of a home on our block intend to build a second home on their property and we are not in favor of it.

At the present time 100th Avenue West is a non-paved road that suffers from extreme erosion during rainfalls at times making it almost impassable. The City “fixes” it but it deteriorates as soon as it rains again.

Those who are indicating their intention to build already create an excessive amount of traffic on the road stemming from the large horse boarding business they currently operate on their property. In addition, traffic on the road from snowmobiles and 4wheelers frequently visiting their home uses the deteriorating passageway.

Unless the road is paved and ditches are made, we have great concerns that the additional usage by the large equipment needed to build the home along with the addition of more traffic by allowing an additional family to move into the existing home will create too much damage to N 100th Avenue West and make it unsafe and unusable.

We are also concerned that building in that location will create even more run off of debris, horse feces, and whatever else may flow down from that area into Stewart Creek and the roads and water areas below than the current barn and horses already does.

In addition, if this variance request is approved it will set a precedent for future requests and that the current 20’ easement does not allow for proper emergency services to the property.

Below you will find photos of the road just after it was “fixed” by the city from erosion after a rain. As you can see, it continues to erode, and this is minimal compared to what it was last week.

We do not want any contact from the Barabos at any time regarding this. Our neighbors and we have been harassed by them enough already over this or other matters.

Thank you

Wayne and Eve Graves

4109 N 100th Ave West



