



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

Room 160  
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 Duluth, Minnesota 55802

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<b>File Number</b>	PL 20-020	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Variance	<b>Planning Commission Date</b>	April 14, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	February 20, 2020	<b>60 Days</b>	April 20, 2020
	<b>Date Extension Letter Mailed</b>	March 13, 2020	<b>120 Days</b>	June 21, 2020
<b>Location of Subject</b>	518 North 6 <sup>th</sup> Avenue East & 526 North 6 <sup>th</sup> Avenue East			
<b>Applicant</b>	Jayson Sundvall	<b>Contact</b>	N/A	
<b>Agent</b>	N/A	<b>Contact</b>	N/A	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	April 3, 2020	<b>Sign Notice Date</b>	March 31, 2020	
<b>Neighbor Letter Date</b>	March 31, 2020	<b>Number of Letters Sent</b>	64	

**Proposal**

The applicant is seeking to create legally separate lots for two existing houses, and as such is requesting variances from the following UDC standards:

- Lot area variance for 518 and 526 North 6<sup>th</sup> Avenue East less than 4,000 square feet
- Front yard setback variance for 518 and 526 North 6<sup>th</sup> Avenue East less than 25 feet
- Rear yard setback variance 518 and 526 North 6<sup>th</sup> Avenue East less than 25 feet
- Side yard setback variance for 518 North 6<sup>th</sup> Avenue East

These variances would apply to the two existing houses. No new construction is proposed.

**Recommended Action:**

Approve variances with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Single-family Residential	Neighborhood Mixed Use
<b>North</b>	MU-N	Single-family Residential	Neighborhood Mixed Use
<b>South</b>	MU-N	Commercial	Neighborhood Mixed Use
<b>East</b>	MU-N	Commercial	Neighborhood Mixed Use
<b>West</b>	MU-N	Multi-family Residential	Neighborhood Mixed Use

**Summary of Municipal Planning Act & City Code Requirements**

Sec. 50-37.9. B – Variance Procedures. “The Planning Commission shall...make a decision on the application based on the criteria in subsections 50-37.9. C – M...”

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):**

Governing Principle #5 –Promote reinvestment in neighborhoods

The variances are consistent with promoting reinvestment in neighborhoods by allowing existing single-family dwellings to continue, and through a subdivision allow for the creation of a second lot. The new lot has an existing dwelling unit on the property, which will provide additional housing for the City of Duluth.

**Future Land Use:**

Future Land Use – Neighborhood Mixed Use – A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-workspaces. May include limited commercial -only space oriented to neighborhood or specialty retail markets.

**History:**

526 North West 6<sup>th</sup> Avenue East (Parcel A) – The 1,280 square foot single-family dwelling was built in 1901.

518 North 6<sup>th</sup> Avenue East (Parcel B) – The 1,004 square foot single-family dwelling was built in 1904.

**Review and Discussion Items**

Staff finds that:

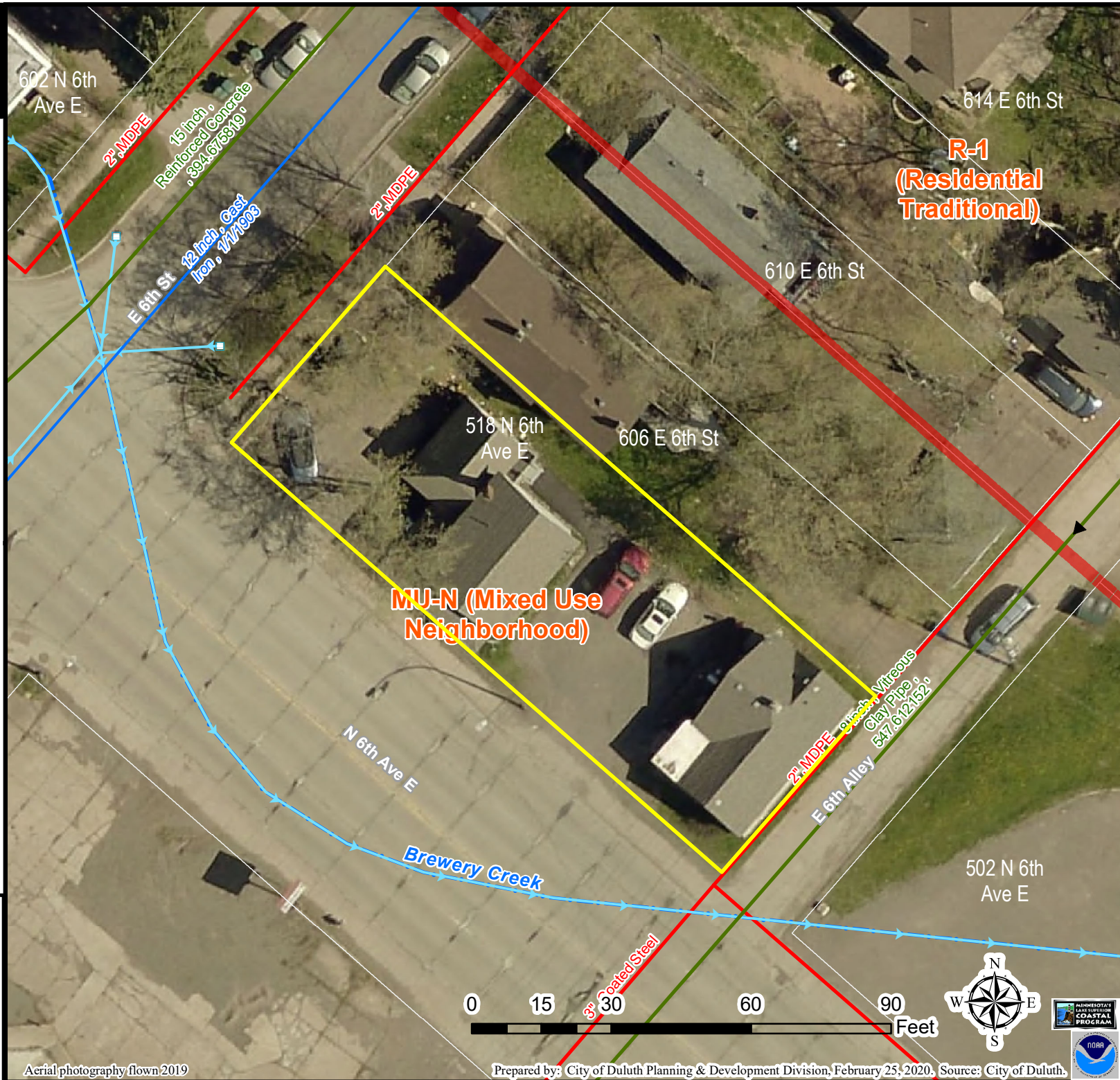
1. The applicant has submitted a companion application for a minor subdivision of the parent parcel into two separate lots each with single-family homes. Both homes are single-family and each has 3 bedrooms and 1 bathroom. The applicant is seeking a lot area variance for 526 North 6<sup>th</sup> Avenue East (Parcel A) and 518 North 6<sup>th</sup> Avenue East as both lots would be less than 4,000 square feet. The applicant is also seeking a variance from the front and rear yard setbacks for both Parcel A and Parcel B as both lots would be less than 25 feet in depth for front and 20 feet for the rear yard. A side yard setback variance is also necessary for Parcel B as the east side yard setback is less than 5 feet in the MU-N zone district.
2. The property and adjacent lots are a mix of 25-foot and 50-foot wide platted parcels.
3. Parcel A is seeking a lot area reduction from 4,000 sq. ft. to 3,685 sq. ft., a reduced front yard setback from the required 20 feet and a reduced rear yard setback from the required 25 feet.
4. Parcel B is seeking a lot area reduction from 4,000 sq. ft. to 3,333 sq. ft., a reduced front yard setback from the required 20 feet and a reduced rear yard setback from the required 25 feet, and reduction in side yard setback from 5 feet to less than 1-foot.
5. The applicant is proposing a reasonable use of the parcels for residential purposes in an R-1 zone district. The existing side by side houses appear as two individual lots with frontage on North 6<sup>th</sup> Avenue East. Relief is required from circumstances unique to the property with two houses on one parcel and was not created by the property owner.
6. The applicant has stated that by granting the minor subdivision and variances these actions will not change the current use of these homes. Additionally, the applicant has stated that the properties and dwelling units on them would remain the same and continue to be affordable single family homes.
7. Granting the variance will not alter the essential character of the area. The immediate area is zoned for mixed use to accommodate residential and commercial uses. This variance would not result in reductions of light and air to surrounding properties.
8. The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property as Neighborhood Mixed Use.

9. No other public, agency or City comments were received.
10. 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 Planning Commission approve the Variance, application PL 20-020, subject to the following conditions:

1. The project be limited to, and maintained according to the survey dated 02/26/2020 submitted with the application;
2. Variances are contingent upon approval of the minor subdivision application (PL 20-021).
3. 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

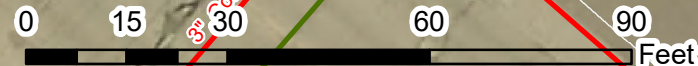


**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
  - CITY OF DULUTH
  - WLSDD; PRIVATE
  - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
  - Vacated ROW
- Easement Type
  - Utility Easement
  - Other Easement
  - Zoning Boundaries
- Shoreland (UDC)
  - Cold Water
  - Natural Environment
  - General Development
  - Trout Stream (GPS)
  - Other Stream (GPS)

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



PARENT LEGAL DESCRIPTION PER DOC. NO. 1366777

Lot 98, East Sixth Street, Duluth Proper, First Division, St. Louis County, Minnesota.

LEGAL DESCRIPTION FOR PARCEL A

Lot 98, East Sixth Street, DULUTH PROPER FIRST DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Except: the Southeasterly 66.50 feet thereof.

Said parcel contains 3,685 Sq. Feet or 0.08 Acres.

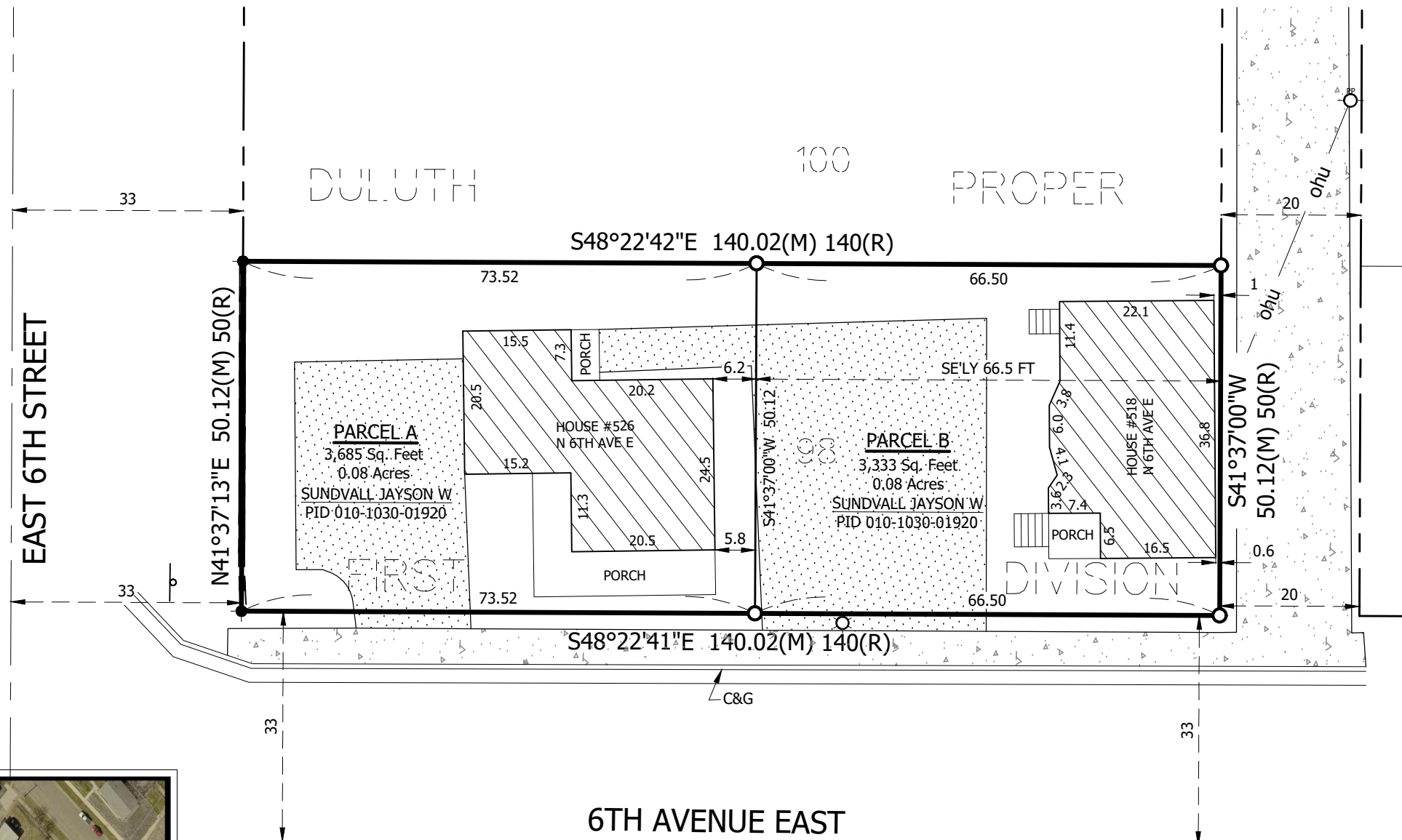
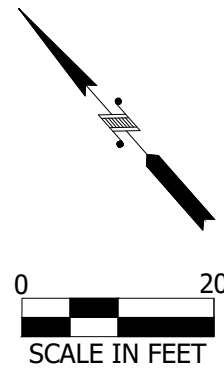
LEGAL DESCRIPTION FOR PARCEL B

The Southeasterly 66.50 feet of Lot 98, East Sixth Street, DULUTH PROPER FIRST DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 3,333 Sq. Feet or 0.08 Acres.

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. DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.



518 & 526 N 6TH AVE E,  
DULUTH, MN 55805

**VICINITY MAP**



**LEGEND**

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION (R)-RECORD DIMENSION		LIGHT POLE
	BITUMINOUS SURFACE	C&G-CONCRETE CURB & GUTTER		SIGN
	EXISTING BUILDINGS			SET MAG NAIL
				SET CAPPED REBAR
				RLS. NO. 49505

**CERTIFICATE OF SURVEY**

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 MN Lic. No. 49505	CLIENT: JAYSON SUNDVALL	REVISIONS:
	ADDRESS: 518-526 N 6TH AVE E, DULUTH, MN 55805 DATE: 02-26-2020	JOB NO: 20-026 SHEET 1 OF 1

