

RECEIVED
Planning & Development Division
Planning & Economic Development Department

MAR 01 2024

Room 160
411 West First Street
Duluth, Minnesota 55802

218-730-5580
planning@duluthmn.gov

PL 24-021

CONSTRUCTION SERVICES
AND INSPECTIONS

2024 APPLICATION COVER SHEET

Check One Box

- Accessory Home Share - \$289.36
- Accessory Vacation Dwelling Unit, Limited - \$289.36
- Appeal to Planning Com. - \$475
- Concurrent Use of Streets - \$923
- District Plan - \$1,325
- EAW or EIS - \$3,308, plus any applicable professional fees
- Historic
 - Construction/Demolition - \$68
 - Resource Designation - \$120
- Interim Use Permit \$1,854
- Planning Review - \$1,237
- Sidewalk Use Permit
 - New Permit - \$135
 - Renewal Permit - \$81
- Special Use Permit, General - \$1,860
- Special Use Permit, Wireless Telecommunications*
 - Modifying or Co-locating - \$3,308
 - New Facility or Tower - \$6,622
 - Escrow Deposit - \$11,257
- Subdivision Plat Approval or Amendment:
 - Concept Plan - \$216
 - Preliminary Plat - \$1,318
 - Final Plat - \$993
 - Minor Subdivision - \$495
 - Plat Amendment or Boundary Line Adjustment - \$331
 - Registered Land Survey - \$993
- Temporary Use Permit - \$338
- UDC Zoning Map Amendment/Rezoning
 - General - \$1,057
 - MU-P or R-P \$2,986
- Vacation of Street or Utility Easement - \$971
- Variance - \$990
- Wetland,
 - De Minimus, Delineation, or No Loss - \$263
 - Exemption - \$306
 - Replacement Plan - \$986
- Zoning Verification Letter - \$111

CONTACT INFORMATION:

Applicant/Owner Katherine Mueller & Kevin Farnum
 Phone 517-420-0328 Email muellerkatherine1@gmail.com
 Address 1231 W. 4th St
 City Duluth State MIN Zip 55806
 Owner's Agent (if applicable) _____
 Phone _____ Email _____
 Address _____
 City _____ State _____ Zip _____

APPLICATION INFORMATION:

Street Address and Zoning of Property 1231 W. 4th St, R-1
 Parcel ID Number 205 and 207
 Reason for this Request (*Attach Additional Pages or Cover Letter if Necessary*)
We request a variance to locate a garage 8.9 feet from the property line instead of the 15-foot required setback.

The undersigned hereby represents upon all of the penalties of law for the purpose of inducing the City of Duluth to take the action herein requested, that all statements herein and attached are true and that all work herein mentioned will be done in accordance with the Ordinances of the City of Duluth and the laws of the State of Minnesota. Undersigned also understands that all documents provided to the City may be considered public data, per Minnesota Government Data Practices Act.

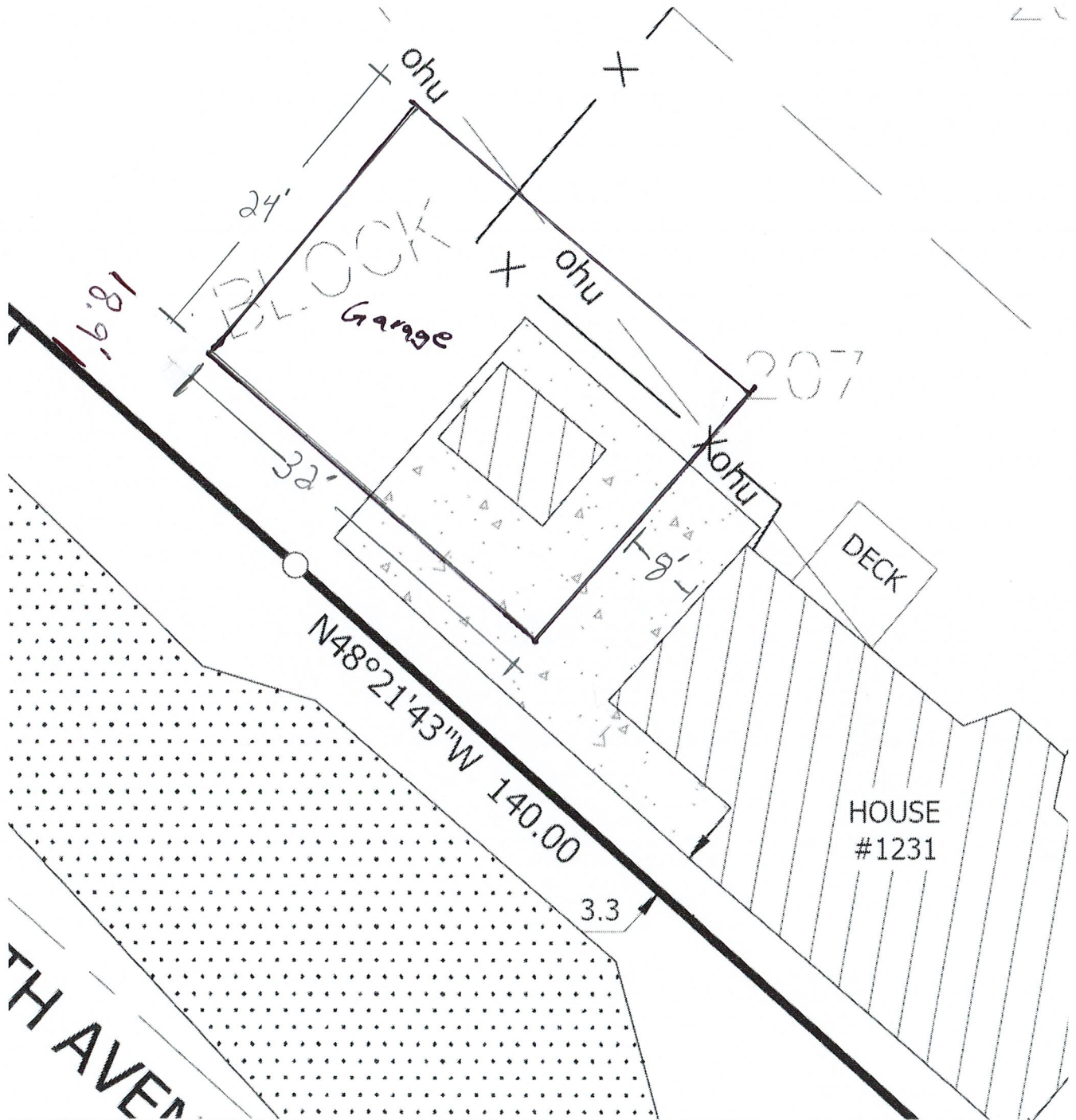
Katherine Mueller 3/4/2024
 Signature of Applicant Date

Reminder: include application checklist and all supporting information, including pre-application verification (if applicable). Submit completed information to Room 100, Construction Services and Inspections.

*Special Use Permit Checklist required to be submitted with this application coversheet.

1231 W. 4th St

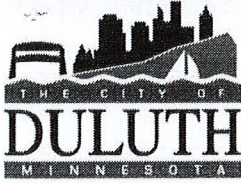
Proposed location of new garage



1231 W 4th St

Statement Regarding City permits

Katherine Mueller and Kevin Farnum, owners of 1231 W 4th St, affirm that, to our knowledge, the property has obtained all required City permits.



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Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

List the UDC Section you are seeking relief from (example: "50-14.5 – front yard setback in an R-1"):

50-14.5 - side yard setback in R-1

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:

see attached

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:

see attached

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:

see attached

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:

see attached

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:

see attached

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:

see attached

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)? Yes No

Discuss what subsections are applicable and how this request meets those: n/a per

City of Duluth staff

1231 W 4th St

Variance Application Supplemental Form responses

1. 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. Building along 13th Ave W then makes the most sense, but the west side of the house is located 3.9 feet from the property line, and setting the garage 15 feet back from the property line puts it well out of alignment with the west side of the house.

Further, the house is located at a low elevation on the property, creating drainage issues and water flowing through the basement during snow melt or rain, to the degree that the basement is not usable for anything other than utilities (the furnace and water heater are elevated on blocks to prevent damage). During wet seasons the entire house is damp, which is not healthy for occupants and has caused issues with rust and wood rot in structural components of the house. We intend to resolve this with grading and elevating the garage foundation to direct water away from the house. This necessitates that the garage be located to the rear of the house, not 6.1 feet further east as the zoning requires.

2. The special circumstance or condition is that the house is located very close to the property line: the west wall of the original part 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.
3. This property is different from others in the vicinity because of the significant distance from the property line to the paved surface of 13th Avenue (please see attached survey). The topography, including jutting bedrock and steepness of the hillside, is likely why the house and avenue are each located where they are, rather than with better alignment to the property lines. The proximity of the house to the property line is peculiar to this property, and the distance from the property line to 13th Ave W is also peculiar to this property. There are not other structures on this block of 13th Ave W. The nearest structure is the garage of 1228 W 5th St, which is approximately 10 feet from the alley surface directly to the rear of parcel 205.
4. We request a variance to locate the garage 8.9 feet from the property line, aligning the west wall of the garage with the west wall of the addition on the rear of the house. It is visually pleasing as well as reasonable to locate a garage in line with a house.
5. If the variance is granted, the garage will be approximately 15 feet from the paved surface of 13th Avenue W, further from the paved surface than 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 13th Ave for the three households, including ours, 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. It 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. The property line is 3.9 feet from the house however the paved surface of 13th 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 the paved driving surface. If the variance is approved, this garage will be more visually similar to the nearest garages than it will be if not approved: 1228 W 5th St, 1224 W 5th St, and 1206 W 5th 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 garages on the alley. If the variance is not approved, this garage will not align with similar structures in the neighborhood.