



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



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planning@duluthmn.gov

File Number	PL 20-024		Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Variance – rear yard structure setback		Planning Commission Date		March 10, 2020
Deadline for Action	Application Date		February 27, 2020	60 Days	April 27, 2020
	Date Extension Letter Mailed		March 2, 2020	120 Days	June 26, 2020
Location of Subject		1314 Commonwealth Ave. (Gary-New Duluth)			
Applicant	Larry Pulkrabek (landowner)		Contact		
Agent	Mike O’Hara (business owner)		Contact	Ryan Arola, Arola Architecture Studio, LLC	
Legal Description		Lot 7, Block 27, Gary First Division (Parcel ID 010-1800-06260)			
Site Visit Date		February 25, 2020	Sign Notice Date		February 25, 2020
Neighbor Letter Date		February 27, 2020	Number of Letters Sent		44

Proposal

A variance to construct a 388 square foot addition to the rear of the building extending out 20 feet to a point 10 feet from the alley. The space will be for additional kitchen space and to create enclosed stairways to the basement and upper floor apartment. The addition will encroach into the 25-foot rear yard setback by 15 feet.

Recommended Action: Approve variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Café with 2 nd floor apartment	Neighborhood Commercial
North	MU-N	Vacant lot	Neighborhood Commercial
South	MU-N	Commercial	Neighborhood Commercial
East	R-1	Single family dwelling	Traditional Neighborhood
West	MU-N	Commercial	Neighborhood Commercial

Summary of 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 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 Principles and/or Policies and Current History (if applicable):

Governing Principle #5 – Promote reinvestment in neighborhoods.

The owner is seeking the variance for additional space to expand their business, which will allow the applicant reinvestment opportunities into their neighborhood.

Future Land Use – Neighborhood Commercial – Small- to moderate-scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community-gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

History:

1916 – Construction of a two story building (about 3,000 sq. ft.) with street level commercial and upper level residential.

Review and Discussion Items

Staff finds that:

- 1) The applicant's building, a 24 foot by 68 foot, two-story building with a 1,452 sq. ft. café on street level and an apartment on the upper level, is located in the center of a 75 foot wide by 100 deep parcel of land having a parking lot shared with a neighboring business.
- 2) The property, and the entire block west of the alley, is zoned Mixed Use-Neighborhood (MU-N). That half block contains six commercial buildings each 25 feet wide located at the Commonwealth Ave. street line. East of the alley is Residential-Traditional (R-1) zoned property with three dwellings spread across the half block. The alley provides access to the rear of the buildings and parking lots and detached garages.
- 3) The site plan provided by the applicant shows a proposed expansion of the rear of the building consisting of 388 sq. ft. of additional kitchen space and enclosed stairways leading to the 2nd floor apartment and basement replacing existing stairways that are open to the elements. The kitchen and stairway and associated covered entries extend 20 feet from the rear wall of the current building to a point 10 feet from the alley, which is less than the required 25 foot rear-yard setback.
- 4) The applicant is proposing to use the property in a reasonable manner through reinvestment and expansion of the business with a 27% floor area expansion of the existing café's floor area.
- 5) The practical difficulty affecting this project is the depth of the lots being 100 feet rather than 140 feet deep which is the typical depth of Duluth lots. When a 25 foot rear-yard setback is imposed on these lots it produces a practical difficulty in being able to utilize the commercial lots in a normal fashion.
- 6) The applicant considered expanding in a way compliant with setbacks, but existing utility installations on the north side of the building would have required significant cost to relocate. Expanding to the south would have reduced the already limited parking available for this property.
- 7) Granting the variance will not alter the essential character of the area. Three of the other five existing commercial structures on this block extend as close or closer to the alley as the proposed building addition.
- 8) The variance, if granted, would not impair adequate light and air to surrounding properties as the building only occupies 24 feet of the 75 feet of lot width owned by the applicant. Additionally, the structure would be located 10 feet from the alley providing additional light and air circulation around the modest two-story building.
- 9) The variance, if granted, would not result in congestion on streets and alleys since no additional off-street parking is being created and Commonwealth Ave. has excess capacity for parking and vehicle travel.
- 10) The variance, if granted, would improve fire and personal safety at the property by improving the stair circulation from the basement and upper floor apartment. The location of the structure in the middle of the property reduces the risk of fire spreading to surrounding properties.
- 11) The variance, if granted, would not impair established property values in the surrounding area. The most likely impact would be to the residential property across the alley, but no impact is expected due to the modest size of the expansion and the 85 feet of distance the addition would be from the dwelling, an area consisting of dense tree cover and a detached garage as buffers. The project would likely enhance the surrounding business properties' values by resulting in a strengthened business and safer building access.
- 12) 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 Commercial.
- 13) No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9. H.
- 14) No comments from citizens, City staff, or any other entity were received regarding the application.
- 15) 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 grant the Variance with the following conditions:

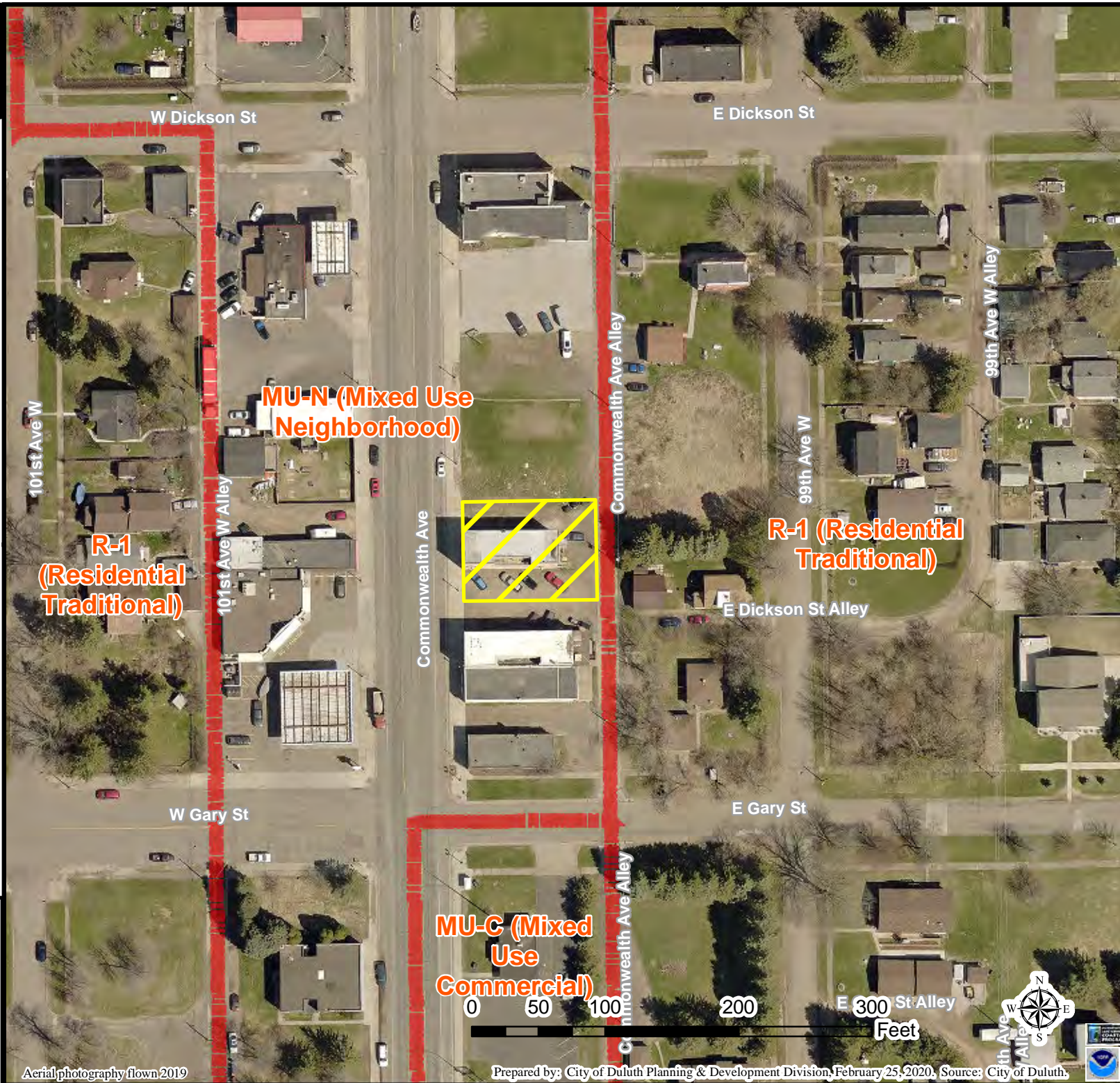
- 1) The project be limited to, constructed, and maintained according to the plans titled "Trophy Café Kitchen Addition" dated 10/2/2019, revised 2/25/2020;
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 20-024
Rear Yard Setback Variance
1314 Commonwealth Ave.

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.





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Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
 - CITY OF DULUTH
 - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Zoning Boundaries

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Aerial photography flown 2019

8 inch, Polyvinyl
Chloride
, 296,821,837'

Commonwealth Ave

12 inch, Cast
Iron, 11/1914

**MU-N (Mixed Use
Neighborhood)**

2" MDPE
Commonwealth Ave Alley

**R-1 (Residential
Traditional)**

1309 99th
Ave W

E Dickson St Alley

1305 99th
Ave W

0 15 30 60 90
Commonwealth Ave
Feet



Prepared by: City of Duluth Planning & Development Division, February 25, 2020, Source: City of Duluth.





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Legend

- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional

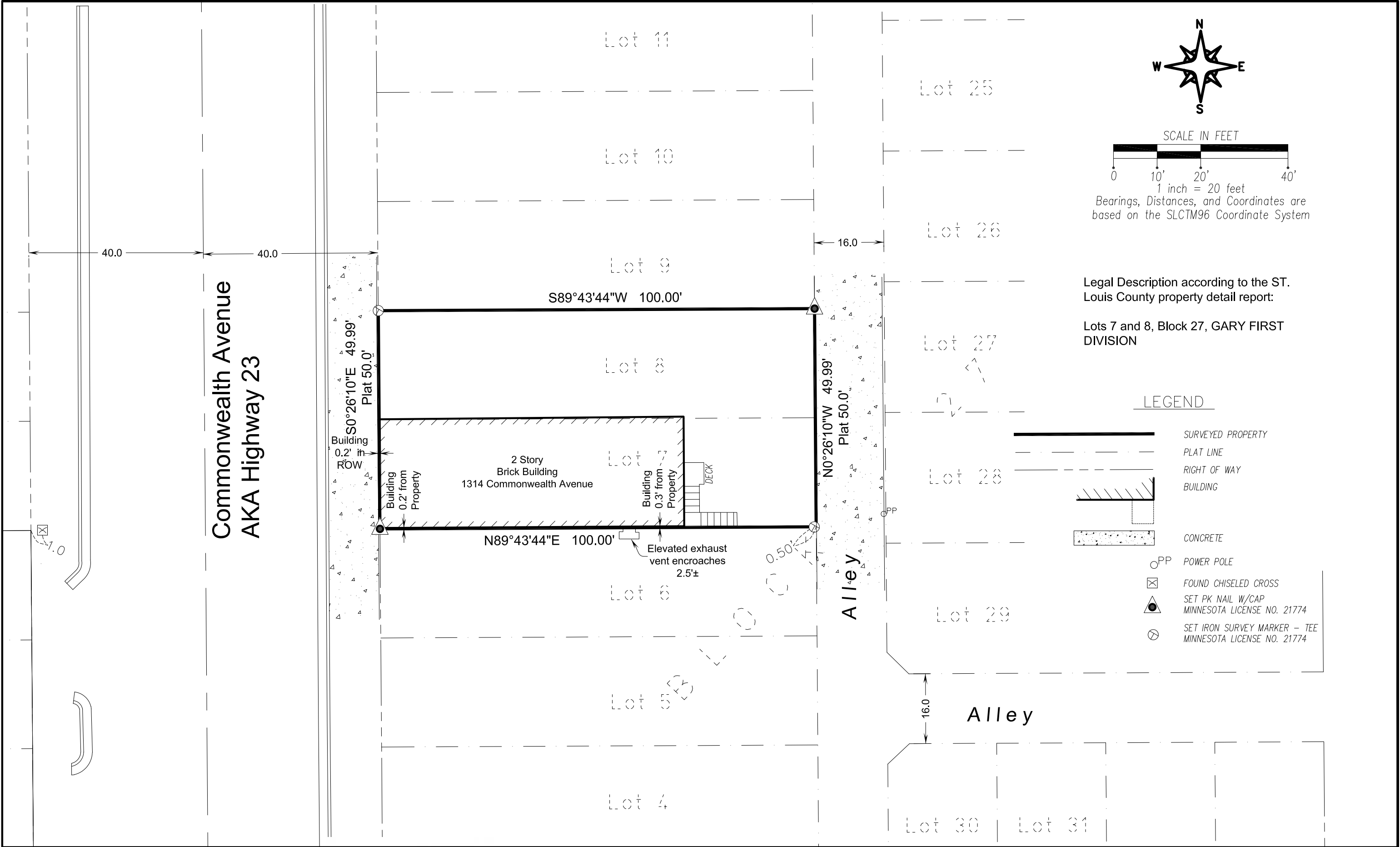
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Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.





18/01/17JKCERTIFICATION				DESIGNED JK DRAWN JK		I HEREBY CERTIFY THAT THIS PLAN 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 <i>Greg Stoewer</i> GREG STOEWER		11 East Superior Street Suite 420 Duluth, MN. 55802 218.724.8578 tkda.com		Boundary Survey for: Arola Architecture DULUTH MINNESOTA		CERTIFICATE OF SURVEY		PROJECT NO. 15513.372	
NO. DATE BY DESCRIPTION OF REVISIONS				CHECKED JG		DATE 10/23/2019 LIC. NO. 21774		CITY PROJECT NO.		MSA NO.		RECORD NO.		SHEET NO. 1	

