



Planning & Development Division
Planning & Economic Development Department

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 Duluth, Minnesota 55802



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File Number	PL 20-063	Contact	Chris Lee, clee@duluthmn.gov	
Type	Variance –front yard structure setback	Planning Commission Date		July 14, 2020
Deadline for Action	Application Date	May 27, 2020	60 Days	July 26, 2020
	Date Extension Letter Mailed	June 10, 2020	120 Days	September 24, 2020
Location of Subject		523 E. Skyline Parkway		
Applicant	Mark Merrill	Contact		
Agent	CF Design	Contact	Jake Kieper	
Legal Description		010-2270-04380		
Site Visit Date		July 6, 2020	Sign Notice Date	June 30, 2020
Neighbor Letter Date		July 1, 2020	Number of Letters Sent	40

Proposal

Applicant has requested a variance to construct a 24' x 24' attached garage to the south-facing façade of the existing house. The addition will be 16 feet from the front property line instead of the required 25 feet.

Recommended Action: Approve variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single family dwelling	Traditional Neighborhood
North	R-1	Single family dwelling	Traditional Neighborhood
South	R-1	Single family dwelling	Traditional Neighborhood
East	R-1	Single family dwelling	Traditional Neighborhood
West	R-1	Single family dwelling	Traditional Neighborhood

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. This variance would allow private improvements to a house in this neighborhood.

Housing Policy #4 – Improve the quality of the city's housing stock and neighborhoods.

Future Land Use – 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 is an 831 square foot single family home built in 1931 and contains 2 bedrooms and 1 bathroom. The existing garage was converting to living space before the current owners purchased the home.

Review and Discussion Items

Staff finds that:

- 1) The applicant's property is 77 feet by 103 feet in length with frontage along Skyline Parkway. The UDC requires a front yard setback of 25 feet. The applicant is proposing to encroach into the front yard by approximately 9 feet to construct a two-car 24' x 24' garage.
- 2) The applicant is proposing to use the property in a reasonable manner through reinvestment by constructing a reasonable addition to the home. It is the standard assumption that a garage is necessary in the climate of Duluth.
- 3) The applicant states that the intent of this variance is to construct the garage in a location that has an existing driveway, parking pad, and access to the interior of the house. This location is necessary to also reinforce the failing retaining wall. The applicant indicates that the practical difficulty of the topography and home design make an attached garage to the south side of the home unfeasible. The house sits between 29 feet and 34 feet from the front property line, so an attached garage of any size would require a variance from the front yard setback. The proposed addition will not impact the sight-lines from any street.
- 4) The proposed addition would be built similar to other homes along Skyline Parkway in which the topography or home placement requires attached garages to be built as either tuck-under structures or in front of homes. Granting this variance will not alter the essential character of the area.
- 5) This variance would not result in reductions of light and air to surrounding properties. The variance would not impact the visibility triangle for users of surrounding streets.
- 6) 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 Traditional Neighborhood.
- 7) No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9. H.
- 8) No comments from citizens, City staff, or any other entity were received for the proposed variance.
- 9) 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 24 x 24 attached garage, be limited to, constructed, and maintained according to the site plan submitted; and
- 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 20-063
Variance

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

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.

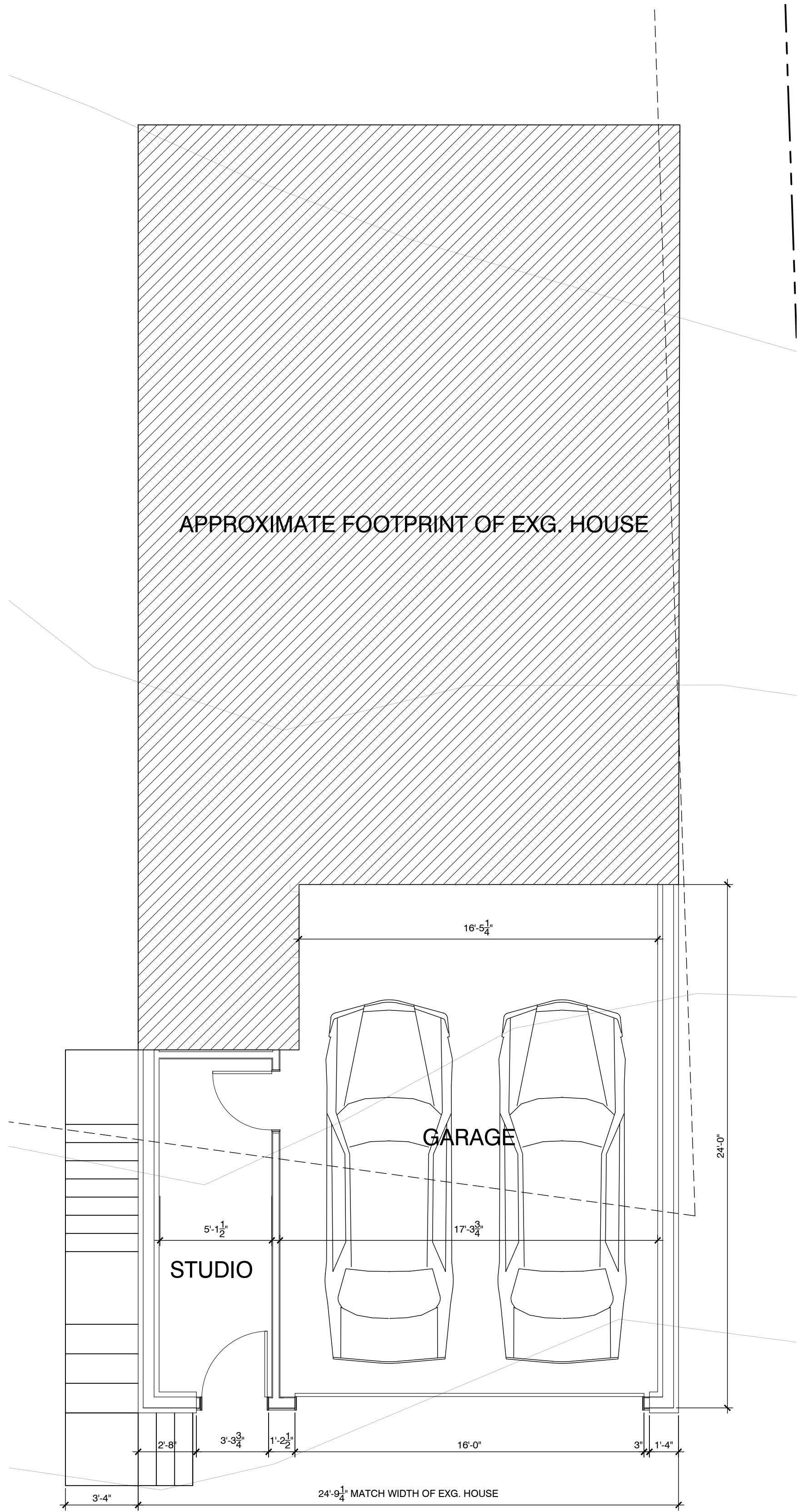


Aerial photography flown 2019

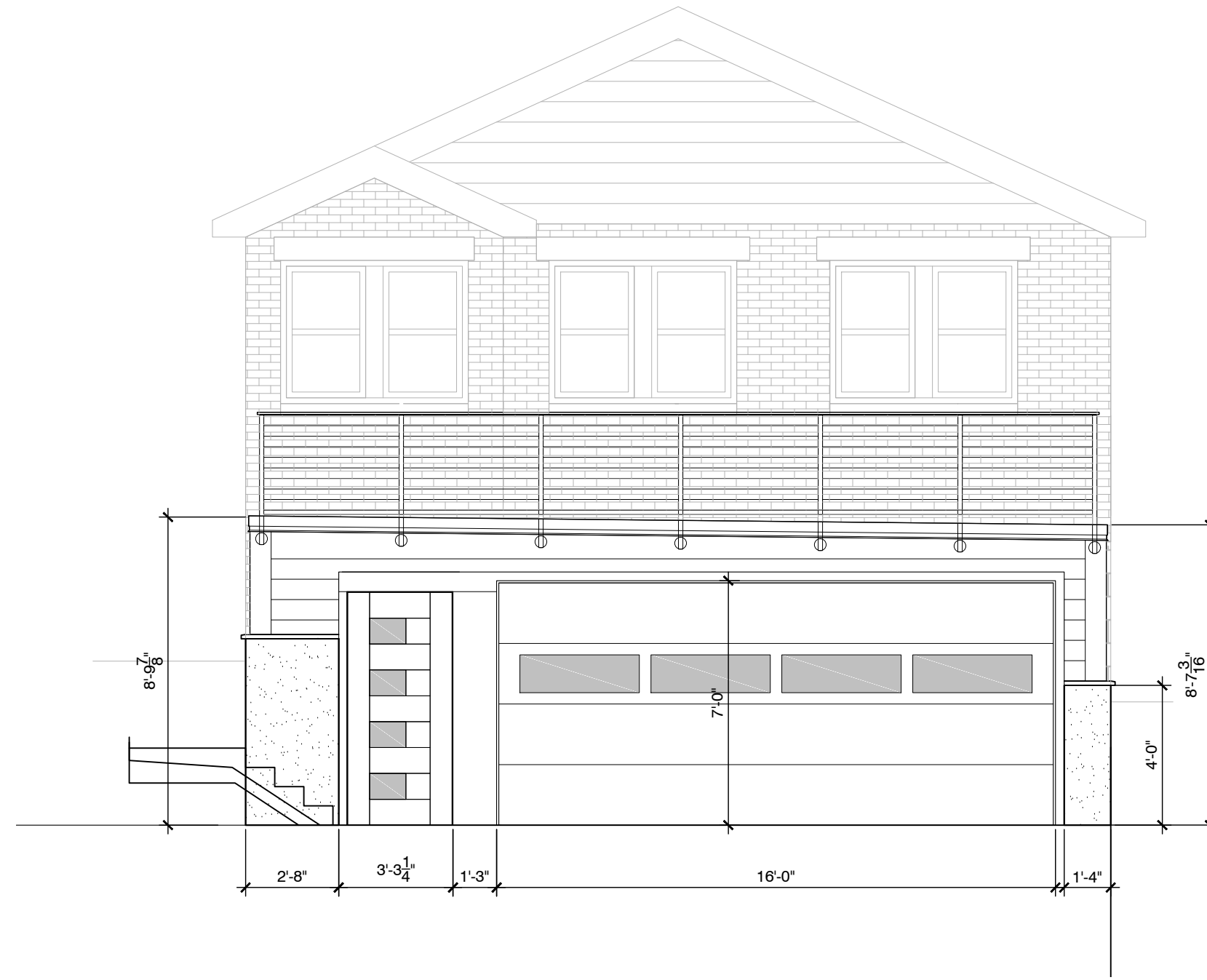
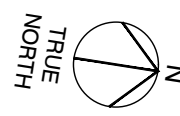
Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.



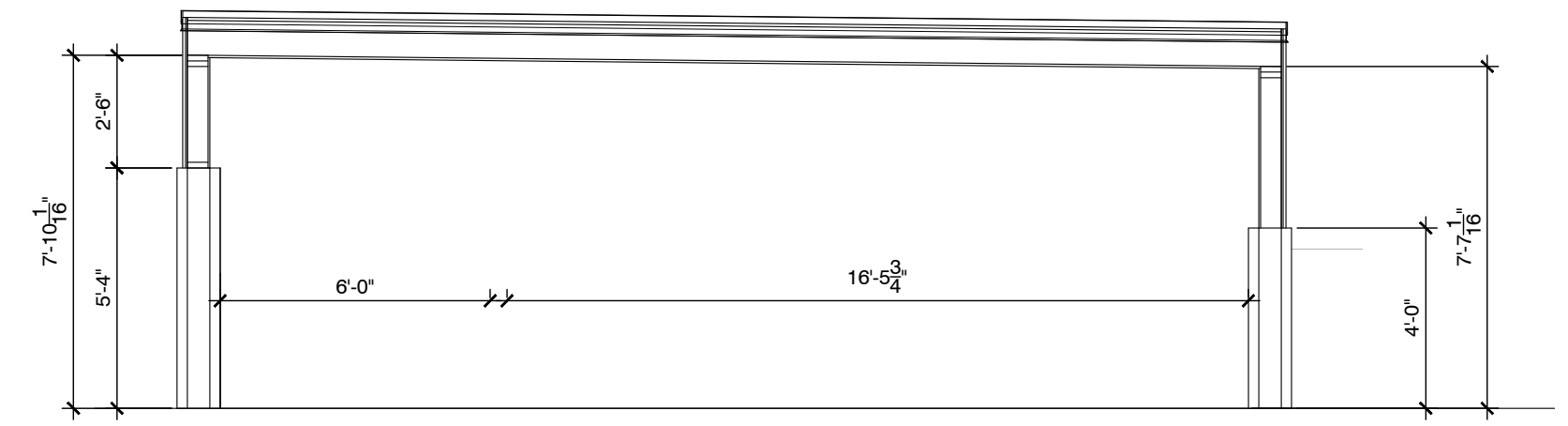




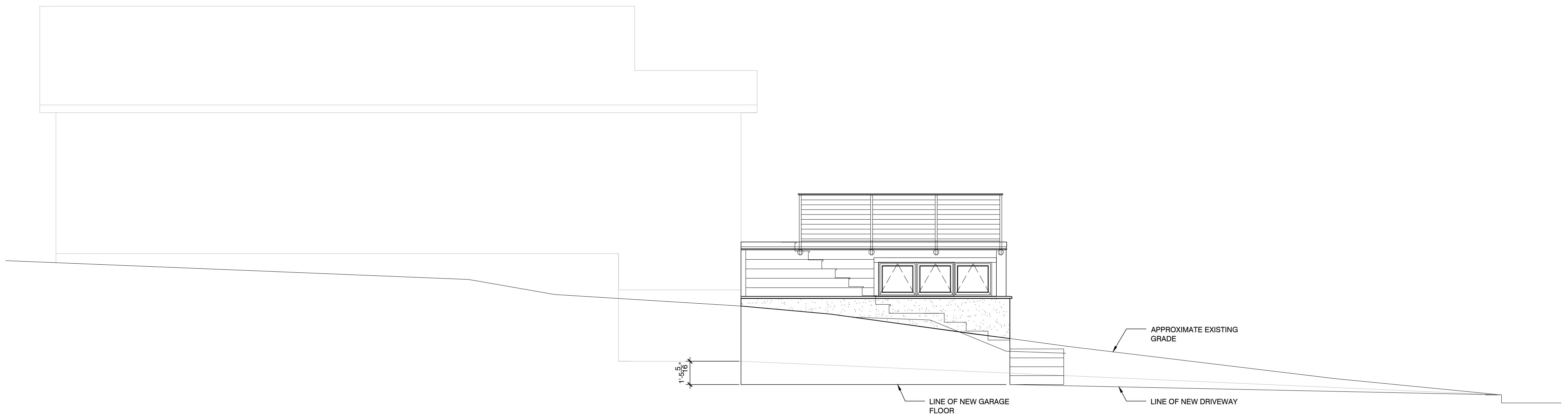
1 GARAGE FLOOR PLAN
SCALE: 1/4"=1'-0"



2 STREET ELEVATION
SCALE: 1/4"=1'-0"



4 BUILDING SECTION
SCALE: 1/4"=1'-0"



3 SIDE YARD ELEVATION
SCALE: 1/4"=1'-0"

