



Legislation Text

File #: 24-0533R, **Version:** 1

RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO DENY A VARIANCE FROM A SIDE YARD SETBACK FOR GARAGE AT 1231 W 4TH STREET.

CITY PROPOSAL:

RESOLVED, that the city council finds and concludes as follows:

- (a) That on March 4, 2024 Katherine Mueller and Kevin Farnum submitted an application (PL24-021) for a variance request from side yard setbacks at 1231 W 4th Street, wWith final information constituting a complete application being submitted on April 16, 2024; and
- (b) A sufficient petition was filed with the city requesting the variance; and
- (c) Pursuant to Section 50-37.9 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider the same in a public hearing at a May 14, 2024 regular meeting; and
- (d) After considering public testimony and information from the applicant, documented in Attachment A, the planning commission, at the May 14, 2024 regular meeting, denied the variance request with a vote of 5 yeas, 2 nays and 0 abstentions to deny the variance; and
- (e) The planning commission's findings and conclusions in support of its denial are set out in the May 15, 2024 action letter, documented in Attachment B; and
- (f) That on May 24, 2024, the city received notice of appeal from Katherine Mueller, a copy of which is attached as Attachment C, requesting the city council reverse the planning commission's denial; and
- (g) That the city council heard the appeal at its July 15, 2024 meeting; and
- (h) That the city council finds that the application is a request for a variance to reduce the 15 feet side yard setback for location of a detached garage and placement of a solar energy system on the roof of said detached garage; and
- (i) That the city council finds bedrock presence on the property is so extensive resulting in practical difficulties to the applicant that placing a garage per applicant's request is the only reasonable location; and
- (j) That the city council finds that drainage issues on the site preclude location of the structure compliant with all applicable provisions of Chapter 50 of the city code; and
- (k) That the city council finds that applicant has demonstrated the difference of solar output of a solar energy system placed on the roof of a detached garage with a 3.9 feet side yard setback and a solar energy system placed on the roof of a garage with a 15 feet side yard setback would result in reduced solar output of 232 kWh annually; and
- (l) That city council finds that there is inadequate access to direct sunlight for solar energy systems resulting in practical difficulties to the applicant; and
- (m) That the circumstances justifying relief from the side yard setback requirement is unique to the property, were not caused by the applicant, are not solely for the applicant's convenience, and are not solely because of economic considerations; and
- (n) That the city council finds that granting the variance will not alter the essential character of the neighborhood; and
- (o) That the city council finds that neighboring properties access to adequate air and light will not be impacted.

FURTHER RESOLVED, that the decision of the planning commission to deny the variance from a side yard setback for a garage at 1231 W 4th Street is reversed.

FURTHER RESOLVED, that the application is hereby approved.

STATEMENT OF PURPOSE: This resolution reverses the denial by the planning commission of a variance to side yard setbacks for a garage at 1231 W 4th Street. Appellant Katherine Mueller filed an appeal on May 24, 2024.

The existing single-family home was built in 1896 and is located 3.3 feet from the side property line. The applicant is seeking a variance to reduce the 15' side yard setback to build a detached garage. The applicant is proposing to construct a 24'x32' garage set 3.9' off the side property line that fronts 13th Ave W.

Planning commission held a public hearing on May 14, 2024 on the request. At the May 14, 2024 regular meeting, the commission voted 5 yeas to 2 nays to deny the variance request.

Complete application received: April 16, 2024

City Council Appeal received: May 24, 2024

City Council action deadline under Minn. Stat. § 15.99: August 14, 2024