



## Legislation Text

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**File #:** 19-0313R, **Version:** 1

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RESOLUTION REVERSING THE PLANNING COMMISSION'S DECISION TO APPROVE THE APPLICATION OF GREGG ANDERSON FOR A MINOR SUBDIVISION OF HIS PROPERTY LEGALLY DESCRIBED AS TRACT A OF REGISTERED LAND SURVEY NO. 93, ST. LOUIS COUNTY, MINNESOTA.

### CITY PROPOSAL:

RESOLVED, that the city council finds as follows:

- (a) Chapter 50 of the Duluth Legislative Code provides for the subdivision of land within the city of Duluth using a Minor Subdivision (Sec. 50-37.5.D) approved by the planning commission if the following criteria are met:

- a. The lots to be subdivided will have frontage on a public street; and
- b. Each of the lots will meet minimum zoning requirements of the district that it is in; and
- c. Any structures currently existing on the parcel to be subdivided must comply with the requirements of said Chapter 50 after the subdivision or, if the structures are currently nonconforming with the requirements of said Chapter 50, that the subdivision does not create any new nonconformity or increase the degree of nonconformity; and

(b) On January 15, 2019, Gregg Anderson submitted an application for a for a minor subdivision the divide a parcel of land in his ownership into two parcels;

(c) The planning commission considered the application at its March 12, 2019, regular meeting. Following the closing of the public hearing, the planning commission voted 8-1 to approve the minor subdivision request due to the facts that the proposal is consistent with the UDC and that there is no creation of non-conformities. Those facts are as follows;

(d) On March 21, 2019, the city received an appeal from Steve Filipovich requesting the city council reverse the planning commission's decision to approve the minor subdivision;

(e) The city council heard the appeal at its May 13, 2019 meeting;

FURTHER RESOLVED, that the decision of the planning commission to approve the application for a minor subdivision is reversed on the following grounds;

*[Note to Council: the council is required to articulate the grounds on which the variance is being granted.]*

STATEMENT OF PURPOSE: The resolution reverses the planning commission's decision to approve Gregg Anderson a minor subdivision at 2906 West 15<sup>th</sup> Street.

City Council Appeal Received: March 21, 2019

Complete minor subdivision Application Received: January 15, 2019

Action Deadline for minor subdivision Application: May 15, 2019