



## Legislation Text

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**File #:** 20-0510R, **Version:** 1

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RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO APPROVE APPLICATIONS FOR MINOR SUBDIVISION AND VARIANCES TO LOT AREA, FRONT, SIDE AND REAR YARD SETBACK REQUIREMENTS IN A MU-N ZONE DISTRICT AT 518 AND 526 NORTH 6TH AVENUE EAST.

### CITY PROPOSAL:

RESOLVED, that the city council of the city of Duluth hereby finds as follows:

- a) Jayson Sundvall (the "Applicant") is the owner of the property bearing St. Louis County Auditor plat and parcel number 010-1030-01920, which property is located at 518 and 526 North 6<sup>th</sup> Avenue East in Duluth, Minnesota legally described on Attachment 1 (the "Property") upon which Applicant has applied for a minor subdivision of the parcel and lot area, front, side and rear yard setback variances for existing dwelling units on the property, for the purposes of Chapter 50 of the Duluth city code (the "Code");
- (b) Said property consists of a single lot upon which there exists two principal dwelling units (single family houses) constructed in 1901 and 1904, which preceded the acquisition thereof by the Applicant and the effective date of this Code, thereby constituting a pre-existing non-conforming use under this Code;
- c) Pursuant to the Code the Property is zoned as Mixed Use-Neighborhood ("MU-N"), and as applied to the Property, the minimum lot area for a parcel is 4,000 square feet for a one-family dwelling on a parcel and requires a front yard setback of 20 feet, side yard setback of 5 feet and rear yard setback of 25 feet (see Code-Table 50-15.2-1);
- d) On February 20, 2020, Applicant submitted an application for a minor subdivision and variances to allow the two existing dwelling units (houses) to be located on separate legally-recognized parcels being created through the subdivision process as reflected in city planning commission files no. PL 20-020 and PL 20-021;
- e) Pursuant to section 50-37.5.D of the Code, in order for the Applicant to be eligible to receive a Minor Subdivision, the Applicant and the Property must meet or otherwise not violate the criteria set forth in Section 50-37.9 D of the Code;
- f) Pursuant to section 50-37.9 of the Code, in order for the Applicant to be eligible to receive a variance to allow the for reduced setbacks, the Applicant and the Property must meet or otherwise not violate the criteria set forth in Section 50-37.9 C-M of the Code;
- g) At its regularly-scheduled meeting on April 14, 2020, conducted virtually via WebEx pursuant to Minnesota Statutes Section 13D. 021, the planning commission held a duly-noticed public hearing on the application and at the conclusion thereof and in consideration of the file no. PL 20-020 and PL 20-021 and the testimony adduced at the public hearing, the planning commission approved the granting of the variances applied for as complying with the requirements of the Code and meeting the standards for variances as set forth therein.
- h) On April 24, 2020, the city clerk received an appeal from Mark A. Baker (see Attachment 2)

requesting the city council reverse the planning commission's decision to approve the minor subdivision and variances;

i) On June 22, 2020 at its regularly-scheduled meeting the Duluth city council considered the above appeal and, based on the entirety of the record before the planning commission and the city council, the city council finds as follows:

- a. The Applicant is seeking a minor subdivision to create subdivide one parcel into two separate parcels per Section 50-37.5.D, and lot area and setback variances from the requirements of the MU-N district per Table 50-15.3-1 of the Unified Development Chapter (UDC).
- b. The Applicant is proposing a reasonable use of the parcels for residential purposes in an R-1 zone district. The minor subdivision is consistent with promoting reinvestment in neighborhoods by allowing a large lot with two single-family dwellings to be subdivided and creating a second lot. The existing side by side houses appear as two individual lots with frontage on North 6th Avenue East. Relief is required from circumstances unique to the property with two houses on one parcel constructed prior to adoption of the Code.
- c. The approval of the minor subdivision will not create any new non-conformity or increase any existing nonconformity with the requirements of this code.
- d. The proposed use of a single-family dwelling unit in a detached single-family house on the Property is permissible in the applicable zoning district.
- e. Granting the variance will not alter the essential character of the area. The immediate area is zoned for mixed use to accommodate residential and commercial uses. This variance would not result in reductions of light and air to surrounding properties.

RESOLVED FURTHER that the appeal of the grant of the minor subdivision and variances to the Applicant by the planning commission, which is the subject of this appeal, is hereby denied and the grant of minor subdivision and variances by the planning commission are hereby affirmed.

STATEMENT OF PURPOSE: The resolution affirms the planning commission's decision to approve the applications by Jayson Sundvall for a minor subdivision and variances at 518 and 526 North 6<sup>th</sup> Avenue East. The existing houses were build in 1901 and 1904, preceding the existing and previous zoning codes. The approval of a minor subdivision and variance will allow the applicant to sell the properties individually, and for future property owners to more feasible obtain financing for acquisition and maintenance of the houses.

City Council Appeal Received: April 24, 2020

Complete Minor Subdivision Application Received: February 20, 2020

Complete Variance Application Received: February 20, 2020