



CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL16-074		Contact	John Kelley, jkelley@duluthmn.gov	
Type	Variance, Vacation Dwelling Unit on-site parking standard		Planning Commission Date	September 13, 2016	
Deadline for Action	Application Date	June 15, 2016	60 Days	August 14, 2016	
	Date Extension Letter Mailed	June 27, 2016	120 Days	October 13, 2016	
Location of Subject	1235 Minnesota Avenue				
Applicant	Tom and Marianne Thiry		Contact	mthiry40@gmail.com	
Agent	Tom and Marianne Thiry		Contact	mthiry40@gmail.com	
Legal Description	010-4390-01940				
Site Visit Date	August 31, 2016		Sign Notice Date	August 30, 2016	
Neighbor Letter Date	August 29, 2016		Number of Letters Sent	20	

Proposal

The applicant is seeking a variance from the off-street parking requirement for a Vacation Dwelling Unit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood/Recreation
West	MU-W	US Coast Guard	Transportation & Utilities

Summary of Code Requirements

Sec. 50-20.3.U.3. Vacation Dwelling Unit. (b) Vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off-street parking spaces: 1. 1-2 bedroom unit, one space; 2. 3 bedroom unit, two spaces; 3. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

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 practical difficulty. 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 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 Principle and/or Policies and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities

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 and neighborhood extensions, and new traditional neighborhood areas.

Review and Discussion Items

- 1) The property is located at 1235 Minnesota Avenue and has street frontage along the "S Curve" (South Lake Avenue and Minnesota Avenue) on Park Point. The lot size is 40 feet wide by 100 feet deep.
- 2) The lot has two dwelling units, a principle dwelling unit and an accessory dwelling unit. The applicant has demonstrated reasonable use of the property for residential purposes.
- 3) The lot currently has no curb cut to allow for off street parking. A large pine tree is located within the right of way of Minnesota Avenue and a large silver maple tree is located on the northeast corner of the front lot line adjacent to Minnesota Avenue and the "S" curve. Both trees may have to be removed to accommodate an acceptable curb cut.
- 4) The applicant stated that the property has no alley or off street access and that preservation of the existing trees would protect the topographic area from erosion do to the high water table on Park Point. Additionally, the applicant has stated by granting the variance it will protect the character of the area for tourists and neighbors, and allow for a landscape road buffer to exist creating a barrier for road travel from mistakenly entering Minnesota Avenue verses continuing onto South Lake Avenue at the "S" curve.
- 5) The applicant has a contractual agreement with the property owner (Minnesota Power) located adjacent to the rear yard of their property to provide parking for two years, renewable for subsequent terms of two years, for themselves and their guests. (See attached license agreement).
- 6) The applicant has met with the City Engineering Department (see attached letter) to review the site for a curb cut off of Minnesota Avenue. The applicant had also met with Planning Staff to review the required parking location regulations. The applicant intended on providing a pad for two parking spaces in the northeast corner of the lot for the vacation rental unit. (See attached correspondence and drawings)
- 7) At the June 14, 2016 Planning Commission meeting, commissioners recommended to City Council approval of Interim Use Permits for a Vacation dwelling unit and an Accessory vacation dwelling unit with the condition that a variance be granted to eliminate the need for a curb cut to provide off-street parking.
- 8) At the July 11, 2016 City Council meeting councilors approved resolutions 16-0512R, Vacation Rental, and 16-0513R for an Accessory vacation rental with the condition that the applicant seek a variance for the elimination of a curb cut to provide off-street parking.
- 9) The lot frontage sufficiently provides an area to construct a curb cut and driveway and/or parking pad. Request for the variance is not due to exceptional narrowness, shallowness, or shape of the applicant's property.
- 10) If the variance was denied, it would not deprive the property owner of a substantial property right.
- 11) One email was submitted by a resident not in favor of allowing for a curb cut. No agency comments were received. (See attached email) The City Engineering Department responded to several inquiries from the applicant and staff regarding the location, construction and safety of a curb cut. (See attached correspondence)

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission deny the variance request from Sec. 50-20.3.U.3. (Vacation dwelling unit off-street parking), for the following reasons:

- 1) Request for variance is not due to exceptional narrowness, shallowness, or shape of the applicant's properties,
- 2) The relief is not necessary for the preservation and enjoyment of a substantial property right, and
- 3) Applicant has not demonstrated a practical difficulty

John Kelley

From: Nancy Olson <njolson@icloud.com>
Sent: Sunday, September 04, 2016 11:08 AM
To: John Kelley
Subject: 1235 Minnesota Avenue

Dear John Kelley:

In regards to the driveway cut and removal of a pine tree on the boulevard and very large maple tree at 1235 Minnesota Avenue, I OPPOSE such approval from the city planning commission. First and foremost of the extremely dangerous addition of a driveway on the "S-curve" of Park Point. This S-curve is a daily hazard to the local residents; with the approval of this driveway access to a vacation rental property, only creates a death trap for pedestrians as well as unknowing guests at the rental, and vehicular traffic. As winter makes that curve icy, with even a light glaze of snow, this is a dangerous transition from Lake Avenue to Minnesota Avenue. As resident for nearly 40 years at 1140 Minnesota Avenue, I have seen several accidents and near misses of cars negotiating this curve.

My second concern is removal of those trees is a ruining the esthetic value of the landscape, shade from summer heat at 1235 Minnesota Avenue. Trees are a visual asset to the entire community. Please don't create a stripped down Park Point for the sake of tourism. I value the sense of neighborhood and Local community.

Sincerely,
Nancy J. Olson
1140 Minnesota Avenue
Duluth, MN 55802
Cell: 218-260-7602
njolson@me.com

Sent from my iPad

John Kelley

From: Marianne Thiry <mthiry40@gmail.com>
Sent: Monday, August 15, 2016 8:40 AM
To: John Kelley
Cc: Em Westerlund; Keith Hamre
Subject: Fwd: August 12 Lake Superior Magazine excerpt

Hello,

I thought I would share this excerpt from a recent news article. It appears that the EPA endorses planting trees at Park Point to help filter storm water.

This is one of the arguments for PRACTICAL difficulty on our Parking variance application.

I have already sent the amended agreement from ALLETE to John and Keith; which extends each parking term to two years. This has been an approved timeframe for previous parking variances per staff.

I hope to hear from you today regarding my previous email. Specifically what deadlines are for submitting information to the planning commission and sign notice and verbiage for sign notice.

I also request information regarding the process at the hearing. How do people sign up to speak?

Thank you for reviewing this and sharing information.

Marianne Thiry

Needed funding coming in: Two announcements this week will mean federal aid for local towns. First, a federal disaster declaration was made for Northwestern Wisconsin to help with recovery from the deadly July floods that wiped out some roadways, damaged a local marina and resulted in three deaths. *The Duluth News Tribune* quoted FEMA saying that this declaration “makes federal funding available to state, tribal (and) local governments and certain private nonprofit organizations on a cost-sharing basis for emergency work and the repair or replacement of facilities.”

The Wisconsin National Guard just concluded its debris cleanup at Saxon Harbor, hit especially hard by the flooding. Local officials say the rebuilding could take up to four years, reports the *Ironwood Daily Globe*'s Richard Jenkins.

Second on the funding front, through the EPA's Great Lakes Restoration Initiative, Ashland, Wisconsin, will get \$175,000 and Duluth will get \$58,000 for storm-water runoff projects. Ashland plans to plant native vegetation to introduce infiltration swales (depressions to slow runoff) to help filter stormwater running into Lake Superior at Maslowski Beach. Duluth will add rain gardens and plant trees and other vegetation at Park Point.

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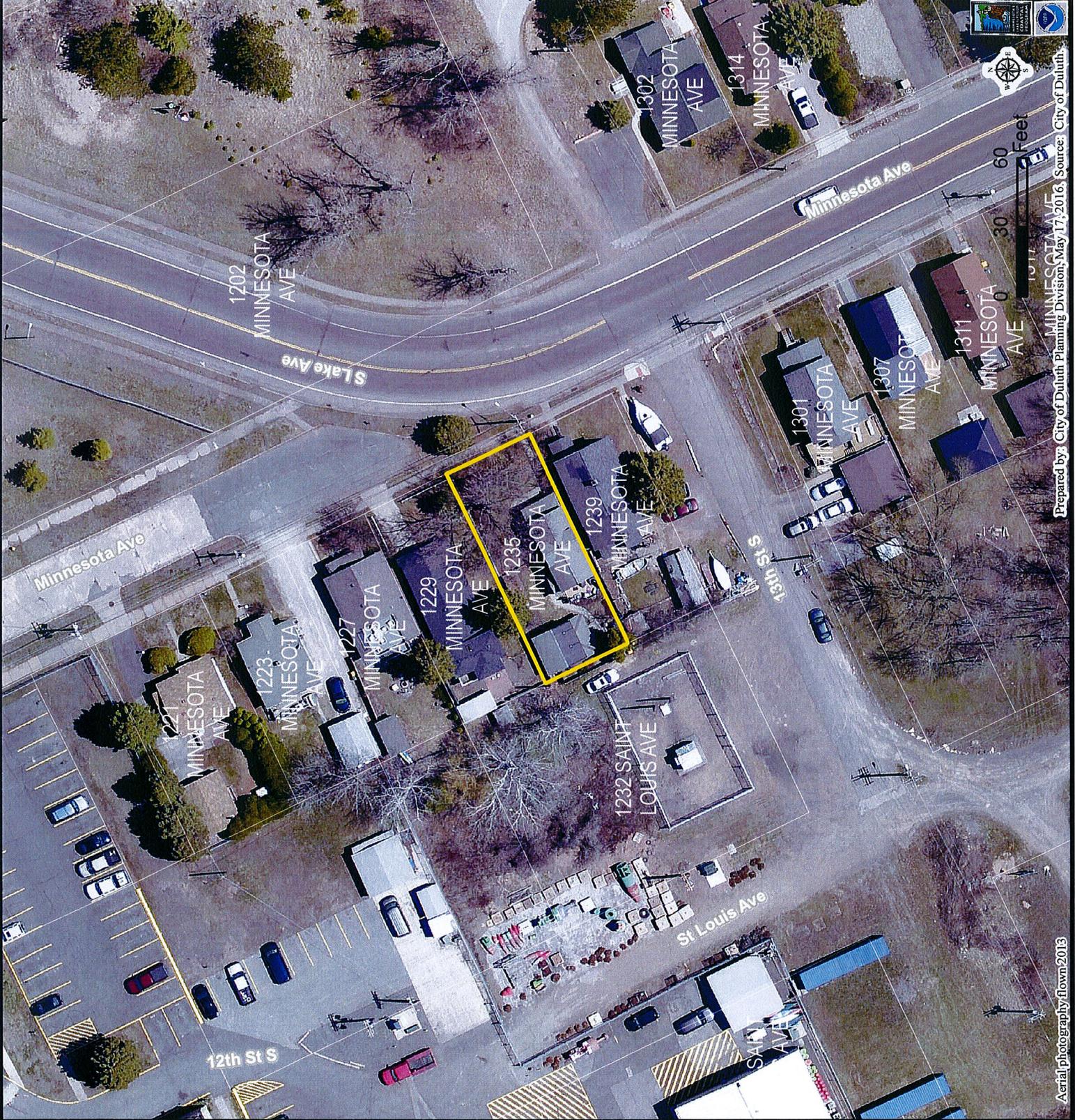
Sent from Gmail Mobile

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Sent from Gmail Mobile



City Planning
 PL 16-074
 Variance
 1235 Minnesota Ave



Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, May 17, 2016, Source: City of Duluth.

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.

1202
MINNESOTA AVE

S Lake Ave

1229
MINNESOTA
AVE

1235
MINNESOTA
AVE

1239
MINNESOTA
AVE

1232 SAINT
LOUIS AVE





City of Duluth
Planning and Construction Services

411 West First Street • Room 210 • Duluth, Minnesota • 55802-1194
218-730-5240 • Fax: 218-730-5901 • www.duluthmn.gov/onestop/

An Equal Opportunity Employer

Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and that is necessary for Planning Commission review.

List the UDC Section you are seeking relief from (example: "50-14.5 – front yard setback in an R-1"):

50-24.3 as listed on staff report File # PL 16-049 &

Is the applicant proposing to use the property in a reasonable manner?

PL 16-050
 Yes No

Please explain the applicant's use of the property, and how the relief requested is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant: We request that "on site (property) parking,"

for ~~the~~ vacation dwelling units be modified by this variance.

See contract and site plan submitted by, Allete MN power.

This variance will allow landscape & road buffer to exist
creating barrier for road travel from mistakenly entering MN

Is the need for relief due to circumstances unique to this property?

Yes No

Please explain how these circumstances are due to exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property:

Reference letter to City Planning Commission parking section. We have no alley or off street access.

Park Point is a high water table protecting the trees

Protects the topographic area from erosion.

Will granting this variance alter the essential character of the area?

Yes No

Explain how this property fits the character of the neighboring area, and how the special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity:

Granting the variance will actually PROTECT the character of the area. It protects tourist, neighbors north of MN are where it was dead ended before our property.

Is this request consistent with the intent of the UDC and Comprehensive Plan? Yes No

Explain how the UDC and Comprehensive Plan support this request: I am unsure
as I am not an expert. The planning commission
(June 4th) recommended approval of our interim
vacation dwelling units should we seek this variance

Explain how the special circumstances or conditions that create the need for relief were NOT directly or indirectly created by the action or inaction of the property owner or applicant:

We did not own the property @ the time of
the "S" curve design, which eliminated our property
from having off street access.

Will the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city? Yes

No

Please explain: Allowing the variance will improve
the established property value of area - or prevent
@ least congestion & public safety.

Does the relief allow any type of sign that is not allowed in the zone district where the property is located? Yes No

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M? Yes No I am unsure

Discuss what subsections are applicable and how this request meets those: _____

FIRST AMENDMENT TO LICENSE

This First Amendment to License made and effective as of the 9 day of August 2016, by and between **MINNESOTA POWER**, legally incorporated as ALLETE, Inc., a Minnesota corporation, as Licenser, and Marianne and Thomas Thiry, as Licensee.

Whereas, the parties have entered into a License dated June 15, 2016, (the "License"); and

Whereas, Licensee and Licenser are desirous of amending the term of the License.

Now, therefore, in consideration of the mutual covenants and agreements contained herein, it is hereby agreed that the License will be amended as follows:

6. The initial term of this license agreement shall expire on June 1, 2018. However, this license agreement will automatically renew for subsequent terms of two years each, provided that neither Licensee nor Licenser has terminated this license agreement as provided herein. Either Licensee or Licenser may terminate this license agreement at any time upon 30 days' written notice to the other party.

Except as expressly modified hereby, all other conditions and terms of the License shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands the day and year set forth below.

Licenser

MINNESOTA POWER

BY: Bradley W. Oachs
Brad Oachs
Chief Operating Officer

DATE: 8/5/16

Licensee

Marianne Thiry

BY: Marianne Thiry
Thomas Thiry

BY: Thomas Thiry
DATE: 8/5/16

**LICENSE AGREEMENT FOR
ENCROACHMENT
Park Point Substation (retired)**

MINNESOTA POWER, hereinafter Licensor, hereby grants to Marianne and Thomas Thiry, with principal address located at 1235 Minnesota Ave, Duluth, MN 55802, hereinafter Licensee, for good and valuable consideration received, authorization as further described below:

To use and maintain solely as parking spaces for Licensees and Licensees' guests, parts of the following described property (the "Licensed Property"):

Lots One hundred Twenty-one (121) and One hundred Twenty-three (123) St. Louis Avenue, Upper Duluth, according to the recorded plat.

To the benefit of the following described property ("Benefited Property"):

Lot One hundred Twenty-two (122) St. Louis Avenue, Upper Duluth, according to the recorded plat. (1235 Minnesota Ave.)

Subject to the following provisions:

1. Licensee's access and use shall be limited to Lots One hundred Twenty-one (121) and One hundred Twenty-three (123), St. Louis Avenue, Upper Duluth Plat as shown on Exhibit A.
2. Licensee shall hold Licensor harmless from any and all claims for injury or death to persons or damage to property caused by reason of the encroachment, access or use of the Licensed Property and Licensee releases Licensor from any damage that Licensor's activities may cause to Licensees' or Licensees' guests' personal property.
3. No permanent or temporary structures or improvements shall be made within the Licensed Property without the written approval of the Licensor. Licensee shall maintain any and all improvements made on the Licensed Property, including but not limited to access roads, trails or paths.
4. Should it be deemed necessary by Licensor at any time to move or remove Licensee's authorized improvements located within the Licensed Property, Licensee shall do so at their own expense.
5. This Agreement is not assignable by Licensee without the prior written consent of Licensor.

**LICENSE AGREEMENT FOR
ENCROACHMENT
Park Point Substation (retired)**

6. The initial term of this license agreement shall expire on June 1, 2017. However, this license agreement will automatically renew for subsequent terms of one year each, provided that neither Licensee nor Licensor has terminated this license agreement as provided herein. Either Licensee or Licensor may terminate this license agreement at any time upon 30 days' written notice to the other party.

DATE: 6/15/16

DATE: 6/14/16

MINNESOTA POWER

BY:

Bradley W. Oachs
Brad Oachs
Chief Operating Officer

Marianne Thiry

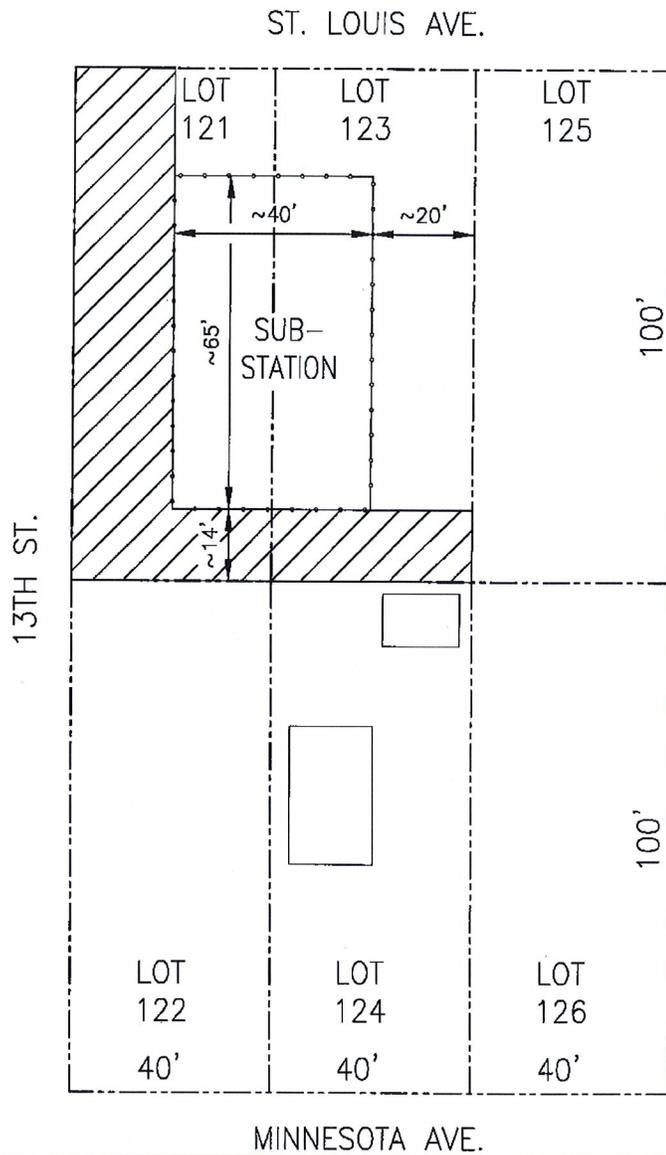
BY:

Thomas Thiry

BY:

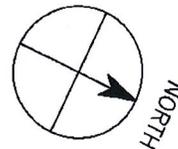
Marianne Thiry
Thomas Thiry

CADD DRAWING - FOR REPRODUCTION ONLY



SUBSTATION SITE
 LOCATED IN UPPER
 DULUTH IN GOVT.
 LOT 1, SEC.35
 T.50N. - R.14W.

LOTS SHOWN ARE
 40' x 100'



REFERENCE DWG:
 MN POWER MD+15846

ImageSite:

	DR.	CHK.	SUBSTATION (RETIRED) PARK POINT - DULUTH, MN LOCATION PLAN	SH. 1	REV. 0
	APPROVED			APPENDIX A	
	DATE	6/2/16			

John Kelley

From: Marianne Thiry <mthiry40@gmail.com>
Sent: Tuesday, May 17, 2016 3:22 PM
To: John Kelley
Subject: RE: 1235 MN AVE - vac rental parking req.



curve.pdf

I'm so sorry. I've been away from my email. Thought it was on the site map.
On May 17, 2016 8:12 AM, "John Kelley" <jkelly@duluthmn.gov> wrote:

Hello,

I did receive the letter and it has been included in your application. Please provide me your driveway/parking design as soon as possible.

Thanks,

John Kelley
Planner II

City of Duluth
Community Planning Division
411 W 1st Street, Room 208
Duluth, MN 55802
[218-730-5326](tel:218-730-5326)
www.duluthmn.gov
jkelly@duluthmn.gov

From: Marianne Thiry [<mailto:mthiry40@gmail.com>]
Sent: Monday, May 16, 2016 6:21 PM
To: Kyle Deming; Steven Robertson; John Kelley
Subject: 1235 MN AVE - vac rental parking req.



Dept of Engineering.parking

Hello,

Bill Bergstrom has reviewed the site drawings for proposed parking at 1235 MN Ave; he has sent a letter, see attached.

Can you please confirm that this letter is what you were seeking; and that you have included it in our vacation rental application(s) for the address listed?

We appreciate it!

Tom and Marianne Thiry

--

Sent from Gmail Mobile

John Kelley

From: Marianne Thiry <mthiry40@gmail.com>
Sent: Tuesday, May 17, 2016 3:25 PM
To: John Kelley
Subject: Fwd: Scanned document from HP ePrint user

In case you need more detail here are more attachments and conversation with Bill.

----- Forwarded message -----

From: "Marianne Thiry" <mthiry40@gmail.com>
Date: May 16, 2016 11:10 AM
Subject: Fwd: Scanned document from HP ePrint user
To: "Bill Bergstrom" <bbergstrom@duluthmn.gov>
Cc: "Darrel Johnson" <ldigger@diggerdarrel.com>



curve.pdf



filename-1.pdf



filename-1.pdf



filename-1.pdf

Hi Bill,

Here are the requested forms for the property at 1235 Minnesota Ave. I sought collaboration from Darrel on these drawings based on his previous discussions with the city. I have also included a preferred method to enter the property from MN Ave. It could save the evergreen tree and save a buffer for the S curve. I am asking that this method be reviewed by your dept.; as the city designed the streets without access to ONLY my property. If there are no legal reasons to coming off of MN Ave vs. Lake and MN convergence- it would appear safer to access from that side street.

Please call with any data that may be helpful or questions.

Thank you for your assistance!

Marianne Thiry
651-252-9633

----- Forwarded message -----

From: <eprintcenter@hp.com>
Date: Monday, May 16, 2016
Subject: Scanned document from HP ePrint user
To: mthiry40@gmail.com

This email and attachment are sent on behalf of mthiry40@gmail.com.

If you do not want to receive this email in future, you may contact mthiry40@gmail.com directly or you may consult your email application for spam or junk email filtering options.

Regards,
HP Team

--

Sent from Gmail Mobile

John Kelley

From: Marianne Thiry <mthiry40@gmail.com>
Sent: Friday, May 13, 2016 3:26 PM
To: Kyle Deming; Steven Robertson; John Kelley
Subject: Fwd: RE: FW: Send data from MFP11405935 05/13/2016 12:27
Attachments: DOC051316-05132016122703.pdf

Hi

I'm sending this thread to verify additional proof/ process in establishing engineering approval of parking. This is for the interim vacation rental applications at 1235 MN Ave.

Thanks and have a great weekend

Tom and Marianne Thiry

----- Forwarded message -----

From: "Marianne Thiry" <mthiry40@gmail.com>
Date: May 13, 2016 3:22 PM
Subject: RE: FW: Send data from MFP11405935 05/13/2016 12:27
To: "Bill Bergstrom" <bbergstrom@duluthmn.gov>
Cc:

Okay I forwarded this to the contractor. Hope to get it to you by Monday. I'd like the letter to go with the app which is due Tuesday.

Have a great weekend

Marianne Thiry

On May 13, 2016 1:56 PM, "Bill Bergstrom" <bbergstrom@duluthmn.gov> wrote:

Marianne,

Attached are two more things – the application for access driveway permit and an aerial photo of the area. Could you please fill out the top portion of the form, and sketch on the drawing where the driveway will go? Based on what you send back, I will modify the letter. This is typically what we need to issue the permit.

Bill Bergstrom

From: Marianne Thiry [<mailto:mthiry40@gmail.com>]
Sent: Friday, May 13, 2016 1:43 PM
To: Bill Bergstrom
Subject: Re: FW: Send data from MFP11405935 05/13/2016 12:27

Hi Bill,

Can you state that you have reviewed the design and that it meets the requirements? I know that the curb cut and apron will be 20x25 per city code; form and pour 3 sidewalk squares; and construct side x side parking spots minimum of 9x17 each.

If at a minimum can you state that you reviewed the design and that design was in compliance?

I appreciate your help -- especially on a Friday!

Marianne Thiry

On Fri, May 13, 2016 at 1:36 PM, Bill Bergstrom <bbergstrom@duluthmn.gov> wrote:

Marianne,

Attached is a letter that we discussed on the phone. Let me know if you have any questions or concerns on the letter.

Bill Bergstrom

Senior Engineering Specialist

City of Duluth

411 W 1st Street - Room 211

Duluth, MN 55802-1191

Office: 218-730-5078

Cell: 218-348-9105

Fax: 218-730-5907

-----Original Message-----

From: Bill Bergstrom

Sent: Friday, May 13, 2016 12:27 PM

To: Bill Bergstrom

Subject: Send data from MFP11405935 05/13/2016 12:27

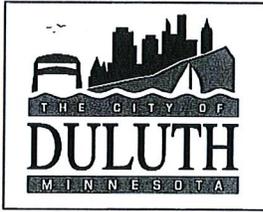
Scanned from MFP11405935

User Name: bbergstrom

Date:05/13/2016 12:27

Pages:1

Resolution:200x200 DPI



City of Duluth

DEPARTMENT OF PUBLIC WORKS/UTILITIES

Engineering Division

211 City Hall • Duluth MN 55802

(218) 730-5200 Fax: (218) 730-5907

May 13, 2016

Marianne Thiry
1235 Minnesota Ave
Duluth, MN 55802

To Whom It May Concern:

The existing property at 1235 Minnesota Ave presently does not have off street parking, and the owner has expressed interest in installing a driveway to the site. City Engineering Dept. personel have visited the site and reviewed maps, and concluded that we will allow a curb cut off of Minnesota Ave to serve the property. The curb cut must meet our specifications, and also the parking location must meet the planning department's regulations. You still need to make an official application, and your contractor needs to take out the appropriate permit. If you have any questions regarding this matter feel free to contact me.

Sincerely,

Bill Bergstrom
Senior Engineering Specialist

APPLICATION FOR ACCESS DRIVEWAY PERMIT

File # _____ Date _____ Bill Bergstrom
City of Duluth - Engineering Division
201 City Hall, 411 West 1st St., Duluth MN 55802
bbergstrom@duluthmn.gov

To be completed by Applicant (please print)

Owner/Applicant Tom and Marianne Thury

Property Address 1235 Minnesota Ave

Phone Number: (612) 968-5780 ^{cell} ~~(612) 968-5780~~; (651) 252-9633 ^{cell} ~~(651) 252-9633~~

Plot Name (if known) _____

Street Edge Type: D & B _____ Non-Drive All Drive _____ Misc _____

Is there an existing driveway? yes # lots of driveway requested: 15 feet

Contractor (if known) Darrel Johnson Excavating Inc.

The undersigned, hereby apply for permission to have an access driveway constructed at the above location. Said driveway to be constructed to conform with the regulations of the Duluth City Code Sec. 45-15 through 45-20 and to any special requirements and special provisions included in the permit (see paragraph). It is further understood that as the property owner or as a representative of the property owner, I must also apply for driveway access with county or state authorities having joint jurisdiction over said street or highway, when applicable.

Date _____ Applicant _____

ENGINEERING DIVISION ONLY

Is a culvert needed? _____ If yes, Culvert Type _____ Min. Dia. _____ inches

Min. Length _____ feet

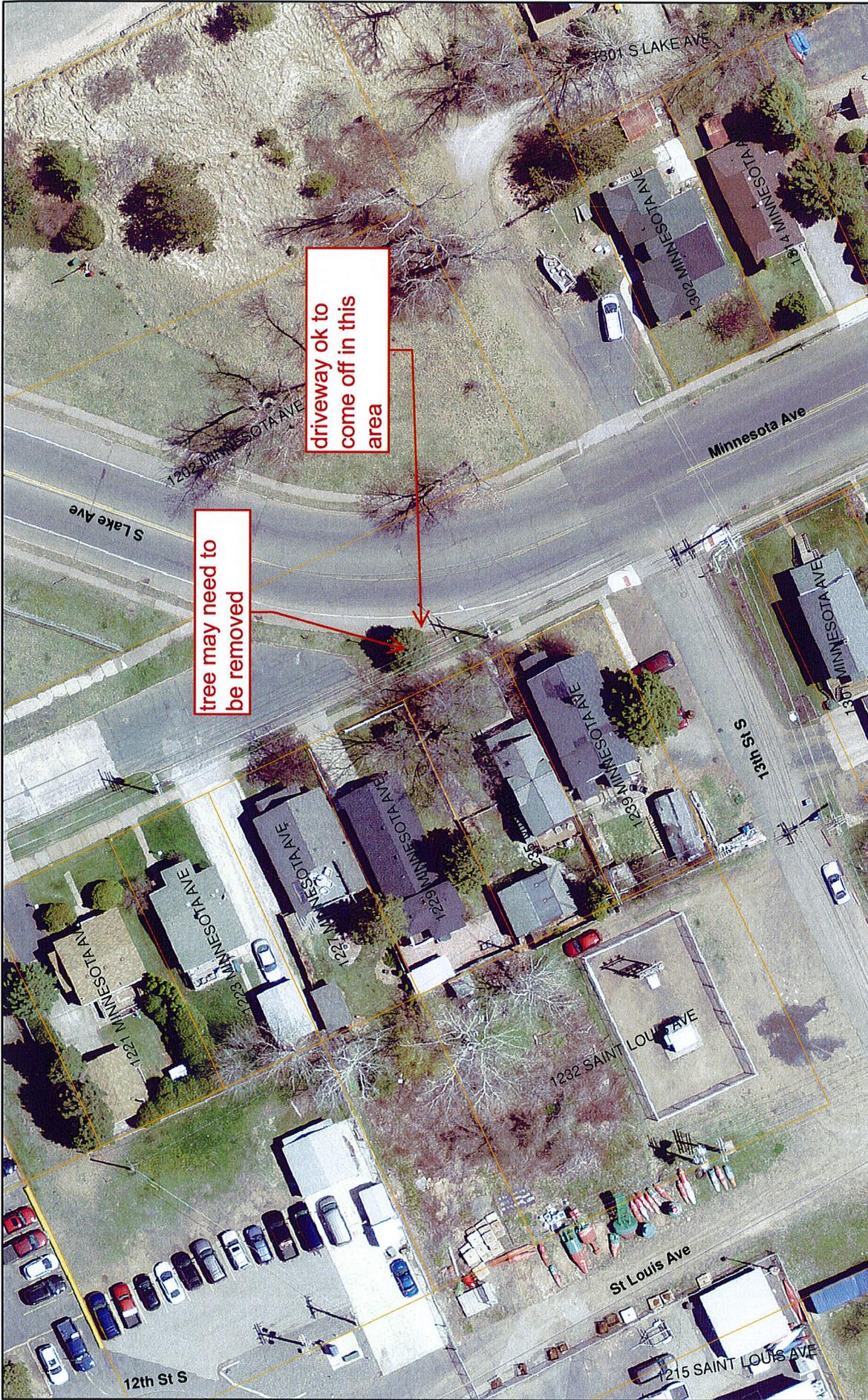
O.K. for construction with _____ without _____ subwork.

Date _____ Engineering Authorization _____

Permit Number _____ Date Issued _____



per contractor



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.

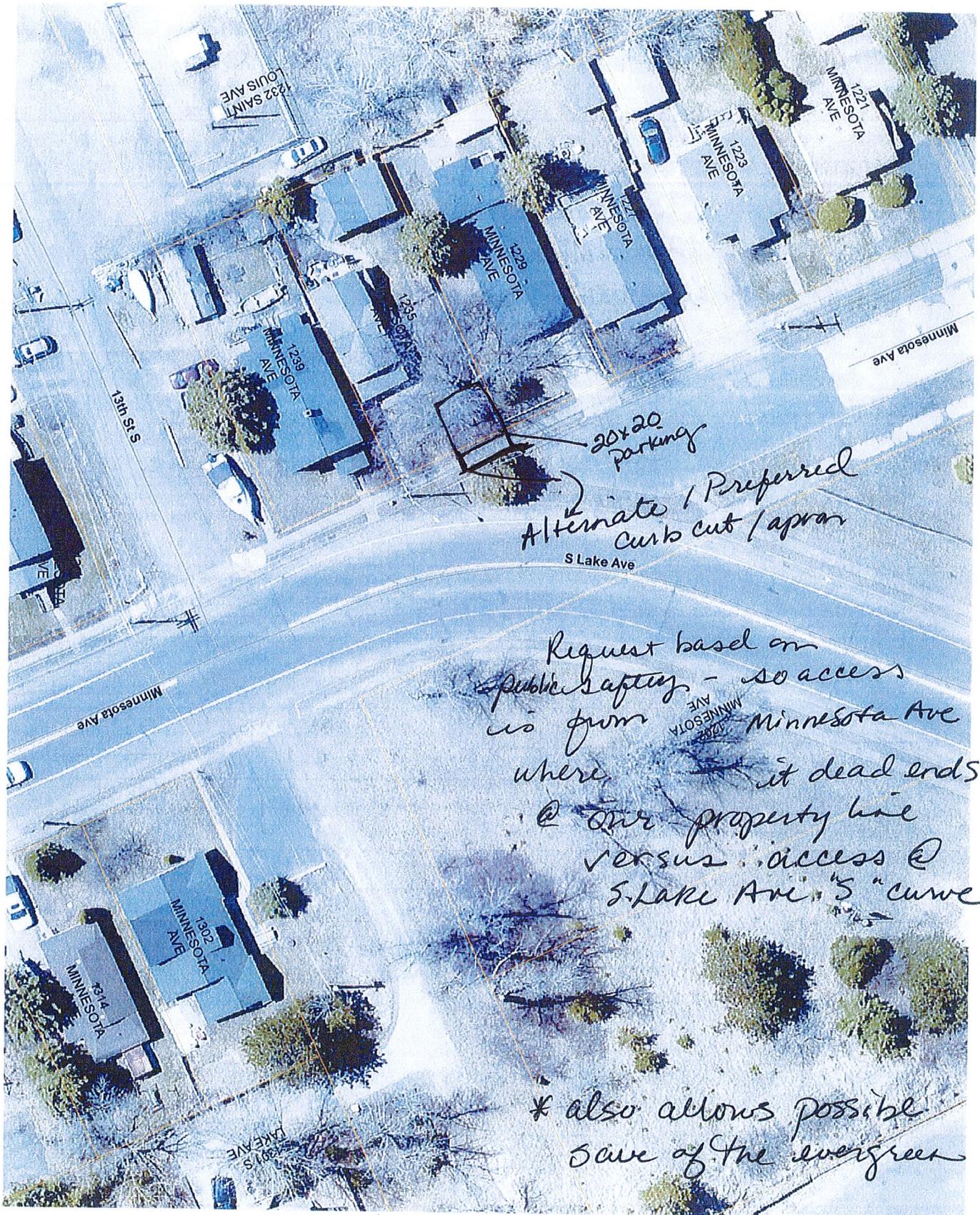
The City of Duluth requires that this map/data not be redistributed to any party in whole or in part, including any derivative works of products generated by combining the data with other data, unless authorized by the City of Duluth GIS office.

Date: 2/29/2016



1 inch = 50 feet

City of Duluth - Utilities Map



20x20 parking
Alternate / Preferred curb cut / apron
S Lake Ave

Request based on public safety - so access is from Minnesota Ave where it dead ends @ our property line versus access @ S Lake Ave's "S" curve

* also allows possible save of the evergreen

* less disturbance to landscape of neighborhood

which provides a visual buffer @ the "S" curve for non-locals unfamiliar w/ road

John Kelley

From: Cindy Voigt
Sent: Wednesday, August 24, 2016 10:08 AM
To: John Kelley
Cc: Keith Hamre
Subject: Intended curb cut for residential property at 1235 Minnesota Avenue

The City Engineering Division is responsible for analyzing and issuing permits for curb cuts to driveways on all City streets. Each driveway entrance is required to meet both design and placement standards for property to properly access the driving lanes on to City streets. As such, the placement of a new driveway at 1235 Minnesota Avenue (on the S-Curve) meets all city standards, and is not a safety concern.



City of Duluth

DEPARTMENT OF PUBLIC WORKS/UTILITIES
Engineering Division
211 City Hall • Duluth MN 55802
(218) 730-5200 Fax: (218) 730-5907

May 13, 2016

Marianne Thiry
1235 Minnesota Ave
Duluth, MN 55802

To Whom It May Concern:

The existing property at 1235 Minnesota Ave presently does not have off street parking, and the owner has expressed interest in installing a driveway to the site. City Engineering Dept. personel have visited the site and reviewed maps, and concluded that we will allow a curb cut off of Minnesota Ave to serve the property. The curb cut must meet our specifications, and also the parking location must meet the planning department's regulations. You still need to make an official application, and your contractor needs to take out the appropriate permit. If you have any questions regarding this matter feel free to contact me.

Sincerely,

Bill Bergstrom
Senior Engineering Specialist

John Kelley

From: Tom Pfeffer
Sent: Thursday, July 28, 2016 3:14 PM
To: John Kelley
Cc: Keith Hamre; Tom Johnson; Eric Shaffer
Subject: RE: PL 16-049
Attachments: 1235 MN AVE.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

John,

I looked at the 1235 Minnesota Ave site. I believe a properly constructed driveway will drain surface water without problem. It may require replacing some sidewalk on either side of the new driveway to blend it in adequately...which may provide an opportunity to reduce or eliminate a current standing water problem that is apparent by stained sidewalk. I would need some survey information to confirm existing surface elevations in order to better define the limits of the sidewalk work. I don't see any concerns with the road drainage in the gutters on Minnesota Ave. Also note that there are three catch basins very near this location that could also be utilized to assist with a surface drainage adjustments to accommodate the new driveway.

Thanks,
Tom

Tom Pfeffer, PE
City of Duluth / Engineering
218-730-5104 direct

From: John Kelley
Sent: Thursday, July 28, 2016 9:36 AM
To: Tom Pfeffer
Cc: Keith Hamre; Tom Johnson
Subject: FW: PL 16-049

Tom,
Please read the emails below. I have been processing an application for a vacation dwelling unit and am doing some follow up research on items related to the permit. The site is 1235 Minnesota Avenue. The owner has no curb cut and the frontage is on the "S" curve on Park Point. The applicant originally was given the green light by engineering to construct a curb cut. The applicant needs to establish onsite parking for the vacation dwelling unit. The applicant/owner has concerns, noted below, with a curb cut and issues related to current conditions. Would it be possible for you to meet me onsite with or without the applicant to look at their concerns?

Thanks,

John Kelley
Planner II

City of Duluth
Community Planning Division
411 W 1st Street, Room 208
Duluth, MN 55802

218-730-5326
www.duluthmn.gov
jkelly@duluthmn.gov

From: John Kelley
Sent: Tuesday, July 26, 2016 10:28 AM
To: Tom Johnson
Subject: FW: PL 16-049

Tom,
Will you be able to meet at the Thiry's property this week?

John Kelley
Planner II

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Community Planning Division
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Duluth, MN 55802
218-730-5326
www.duluthmn.gov
jkelly@duluthmn.gov

From: John Kelley
Sent: Friday, July 22, 2016 11:07 AM
To: Tom Johnson
Cc: Keith Hamre
Subject: RE: PL 16-049

Tom,
I wanted to bring you up to speed on this proposal. The Planning Commission recommended approval of the interim use permit contingent on the applicant getting a variance from the onsite parking requirements. With that said the PC felt that it was a safety issue and also the loss of large trees was not good. The applicant also has concerns with tree removal but also the ponding of water near the sidewalk and tree in the ROW. Keith and I met with the Thiry's and we have agreed to have another look at the curb cut and associated issues. I was wondering if we could meet onsite to take a closer look at the area. I can't meet today but early next week would be good. Let me know a good time that will work for you.

John Kelley
Planner II

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Community Planning Division
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Duluth, MN 55802
218-730-5326
www.duluthmn.gov
jkelly@duluthmn.gov

From: Tom Johnson
Sent: Tuesday, May 24, 2016 5:51 PM
To: John Kelley
Subject: RE: PL 16-049

John,
I had talked with Bill prior to my response. Tough corner with odd ROW, just want to make sure parking is on the lot and out of the ROW. Many utilities to cross as well. Thanks

Tom Johnson - Project Engineer
City of Duluth 218-730-5103
Mobile Device

From: John Kelley
Sent: 5/24/16, 2:37 PM
To: Tom Johnson
Subject: PL 16-049

Tom,
See attached letter regarding a driveway permit for 1235 Minnesota Ave.

John Kelley
Planner II

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jkelly@duluthmn.gov

