



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	PL16-129	Contact	Kate Van Daele 730-5301	
Type	Variance, Front Yard Parking	Planning Commission Date	November 15, 2016	
Deadline for Action	Application Date	October 17, 2016	60 Days	December 16, 2016
	Date Extension Letter Mailed	October 21, 2016	120 Days	February 14, 2016
Location of Subject	3221 Minnesota Ave			
Applicant	SJK Real Estate	Contact		
Agent	Kent Peterson	Contact		
Legal Description	010-3110-01420			
Site Visit Date	November 2, 2016	Sign Notice Date	November 1, 2016	
Neighbor Letter Date	October 21, 2016	Number of Letters Sent	21	

Proposal

Applicant requests a variance to allow two off-street parking spaces in the front yard. If granted, applicant would apply for a multi-tenant rental license. Currently there is only have one off-street parking space on the lot.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential Traditional	R-1
North	R-1	Residential Traditional	R-1
South	R-1	Residential Traditional	R-1
East	R-1	Residential Traditional	R-1
West	R-1	Residential Traditional	R-1

Summary of Code Requirements

Sec. 50-37.9.G.1. Residential districts. (a) A variance may be granted to allow parking on a portion of a lot in an R zone where parking is not permitted by Section 50-24.6.B in the following two cases: (i) On any non-corner lot in an R district where the permitted parking area as shown in Table 50-24-3 is of insufficient size or configuration to allow for compliance with the off street parking requirements of this Chapter, and the applicant demonstrates hardship; (ii) On any corner lot in an R district where the R district parking area is of insufficient size or configuration to allow for compliance with the off street parking requirements of this Chapter, without a showing of hardship;

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 difficulties or hardship. The Planning Commission must find the following for a variance to be granted: a) Because of the exceptional narrowness, shallowness, shape, or exceptional topographic or other conditions related to the property, the strict application of the UDC requirements would result in practical difficulties to the property owner, b) The plight of the property owner is due to circumstances unique to the property, and not created by the property owner, c) The property owner proposes to use the property in a reasonable manner not permitted by this code; D) The relief may be granted without substantially impairing the intent of this Chapter, the official zoning map, and will not alter the essential character of the locality;

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Future Land Use: Traditional Neighborhood: Characterized by a grid or connected street pattern, houses orientated 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

Staff finds that:

- 1) The applicant is a real estate firm that owns the home. In their attempt to be granted a multi-tenant rental license, applicant is required to have two off-street parking spots (for a three-bedroom home) on the property. The property has one parking pad that is currently located in the right of way. Currently the home is being used without a rental license as a multi-tenant rental.
- 2) The lot is 40' wide x 100' deep. According to the St. Louis County records, the home was built in 1941 with a gross area of 1,235 square feet.
- 3) General Variance Standards:
 - 3A) Lot Characteristics: The property size is common in Park Point. The width of the home takes up the entire lot width, and when created no garage was built on the property. There is no ability to place off-street parking spaces elsewhere on the lot.
 - 3B) Special Circumstances: The special circumstances or conditions that exist on this property were not created by the applicant. The home has been sold several times over since the home was built. The fact that there is one parking space on the property makes this an incomplete sentence.
 - 3C) Property Right: The relief requested by the applicant is necessary for the preservation and enjoyment of the continuing property right. If denied, the applicant could not obtain a multi-tenant rental license.
 - 3D) Light & Air: The relief if granted, would not impair an adequate supply of light and air to adjacent property owners.
 - 3E) Intent of Requirement: If granted, the front yard parking would not substantially modify the appearance or visual harmony of the neighborhood. With no other location to put a second parking spot, it is a practical difficulty to prohibit its placement in the proposed location.
 - 3F) The property owner did not build the house. Because the home takes up the width of the property there is no alternative off-street parking alternative for the homeowner. With that said, the applicant has a unique situation which they did not create. There is no alternative location for the proposed parking space.
- 4) Staff has received three phone calls and nine letters, all in opposition to the proposed parking space. Copies of letters received are attached.

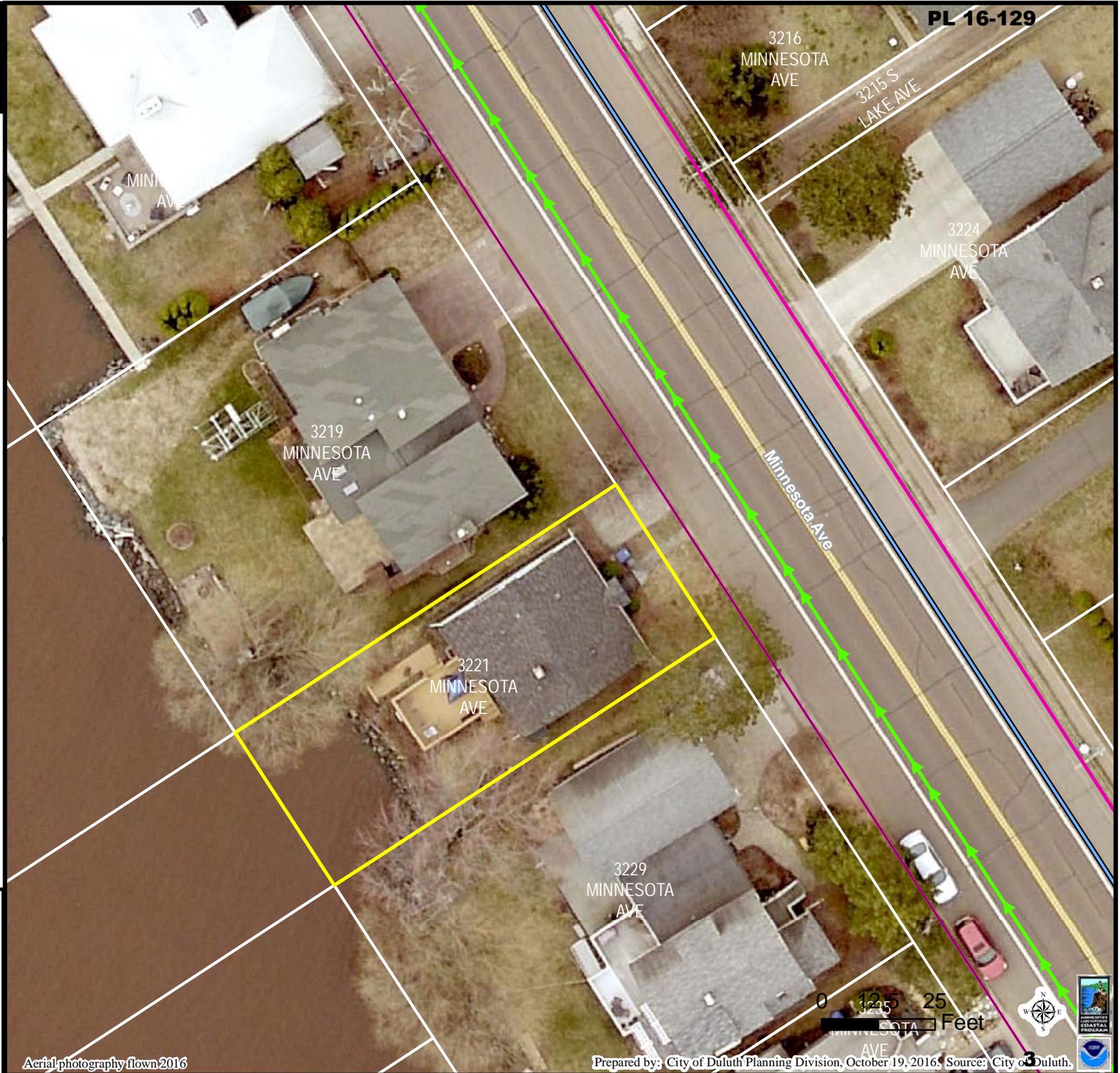
Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission approve this variance with the following conditions:

- 1) The applicant obtains a concurrent use permit for parking in the right of way, and
- 2) The applicant must obtain a rental license for renting out the home, and remain in good standing of that license.

Legend

-  Trout Stream (GPS)
-  Other Stream (GPS)
- Water Distribution System**
-  30 - 60" Water Pipe
-  16 - 24" Water Pipe
-  4 - 6" Water Pipe
- Sanitary Sewer Collection System**
-  Sanitary Sewer Collector
-  Sanitary Sewer Interceptor
-  Sanitary Sewer Forced Main
-  Storage Basin
-  Pump Station
- Gas Distribution Main**
-  8" - 16" Gas Pipes
-  4" - 6" Gas Pipes
-  0" - 4" Gas Pipes
- Storm Sewer Collection System**
-  Storm Sewer Pipe
-  Storm Sewer Catch Basin
-  Vacated ROW
- Easement Type**
-  Utility Easement
-  Other Easement



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Legend

-  Current Drive
-  Proposed Drive



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3221 Minnesota Ave Site Visit



Side view of the home



View of the home/lot from across the street.



View of proposed second parking spot would be located



Space from the pavers to the home is three feet.

Another view of the home





Recd.
10/17

PL 16-129

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Check One Box

- Accessory Home Share-\$25
- Appeal to Planning Commission - \$350
- Concurrent Use of Streets Permit - \$700
- District Plan Adoption or Amendment- \$1,000
- Environmental Review (EAW or EIS)- \$2,500
- Historic Construction/Demolition - \$50
- Resource Designation - \$75
- Interim Use Permit \$650
- Planning Review - \$800
- Sidewalk Use Permit
- New Permit- \$150
- Renewal Permit - \$75
- Special Use Permit, General - \$800
- Special Use Permit, Wireless Telecommunications*
- Modifying or Co-locating - \$2,500*
- New Facility or Tower - \$5,000*
- Escrow Deposit - \$8,500*
- Subdivision Plat Approval or Amendment:
- Concept Plan - \$250
- Preliminary Plat - \$1000
- Final Plat - \$750
- Minor Subdivision/RLS- \$400
- Plat Amendment or Boundary Line Adjustment - \$250
- Temporary Use Permit - \$150
- UDC Zoning Map (Rezoning) Amendment - \$800
- Vacation of Street or Utility Easement - \$700
- Variance - \$600
- Wetland, De Minimus, Delineation, or No Loss- \$150
- Replacement Plan - \$400
- Zoning Verification Letter-\$85

APPLICATION COVER SHEET

CONTACT INFORMATION:

Applicant/Owner SJK Real Estate
 Phone (218)393-1024 Email kentp321@gmail.com
 Address PO Box 3546
 City Duluth State MN Zip 55803
 Owner's Agent (if applicable) Kent Peterson
 Phone (218)393-1024 Email kentp321@gmail.com
 Address 2117 Lakeview Drive
 City Duluth State MN Zip 55803

APPLICATION INFORMATION:

Street Address and Zoning of Property 3221 Minnesota Ave.
 Parcel ID Number 010-3120-03560

Describe the Reasons for this Request (Attach Additional Pages if Necessary):

The property needs to have two off street parking spaces to comply with The City of Duluth Life Safety Division's requirements of multi tenant rental dwellings.

The undersigned hereby represents upon all of the penalties of law for the purpose of inducing the City of Duluth to take the action herein requested, that all statements herein and attached are true and that all work herein mentioned will be done in accordance with the Ordinances of the City of Duluth and the laws of the State of Minnesota. Undersigned also understands that all documents provided to the City may be considered public data, per Minnesota Government Data Practices Act.


 Signature of Applicant

10/14/16
 Date

Reminder: include application checklist and all supporting information, including pre-application verification (if applicable). Submit completed information to Room 210, One Stop Shop.

*Special Use Permit Checklist required to be submitted with this application coversheet and fee.

Legend

- Trout Stream (GPS)
- Other Stream (GPS)

Zoning Boundaries

- Zoning Boundaries

Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main

Storage Basin

- Storage Basin

Pump Station

- Pump Station

Gas Distribution Main

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

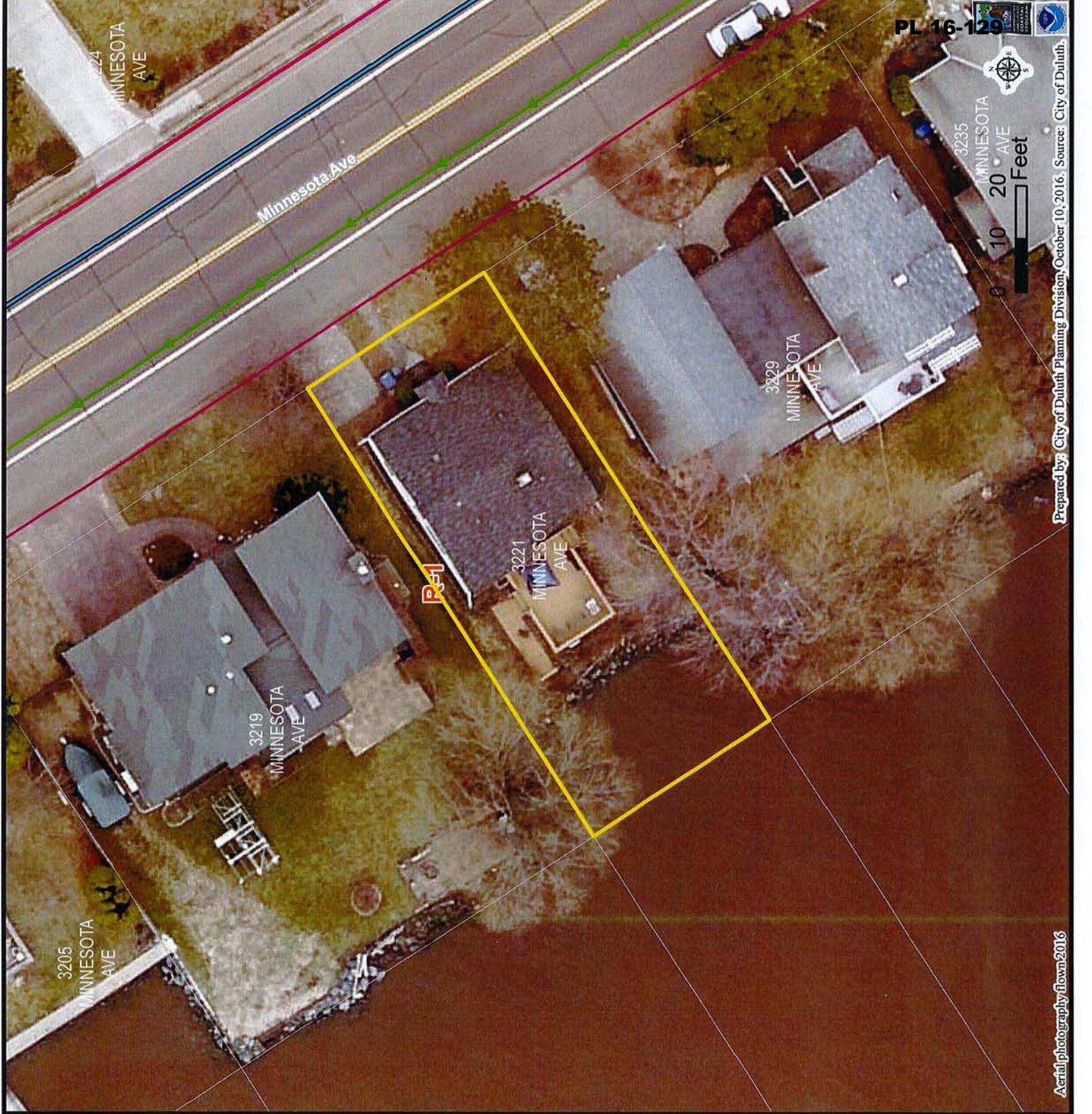
Storm Sewer Collection System

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement

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3224
MINNESOTA
AVE

Minnesota Ave

3235
MINNESOTA
AVE

3229
MINNESOTA
AVE

3221
MINNESOTA
AVE

R-1

3219
MINNESOTA
AVE

3205
MINNESOTA
AVE



City of Duluth
 Planning and Construction Services

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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"):

50-37.9 Variances from parking and loading regulations

Is the applicant proposing to use the property in a reasonable manner? 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: The property needs to have two off street

parking spaces to comply with The City of Duluth Life Safety Division's requirements of multi tenant rental dwellings.

The request is to widen the existing driveway to allow for two off street parking spaces.

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:

The property is exceptionally narrow not allowing for an additional parking space compliant with properties

Will granting this variance alter the essential character of the area? Yes No ^{in district} "R-1"

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:

The granting of this variance would not affect the aesthetics of the neighborhood and surrounding community.

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: The house takes up

most of the width of the parcel, not allowing for parking anywhere other than the front yard. There is currently a parking pad in the front yard. This could be widened and set one foot closer to the house to allow for two spaces and to not further impede on the right of way.

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:

The property is too narrow to allow for parking

spaces that would be in compliance with properties in district "R-1" under Table 50-24-3: Permitted Parking Areas.

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

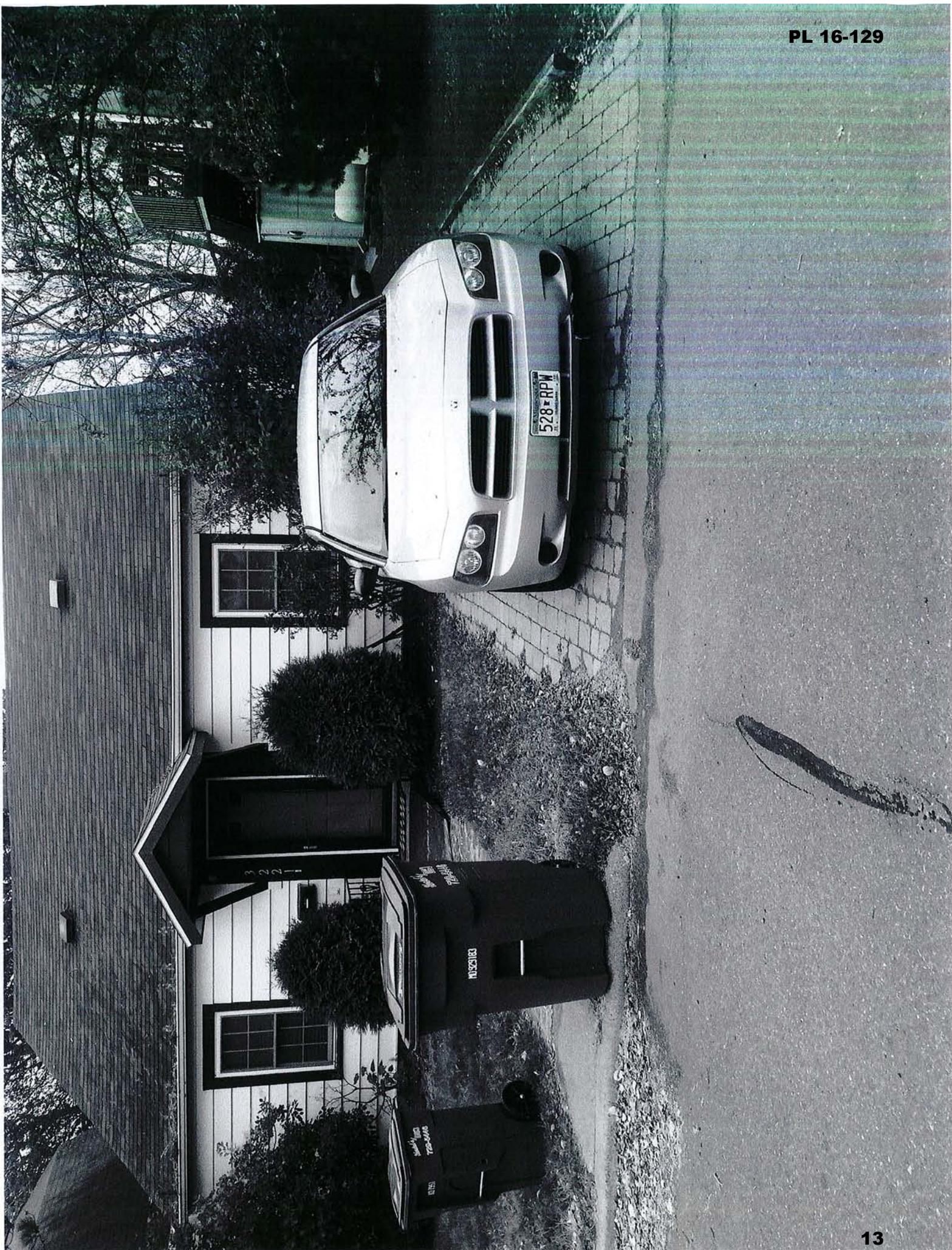
Please explain: _____

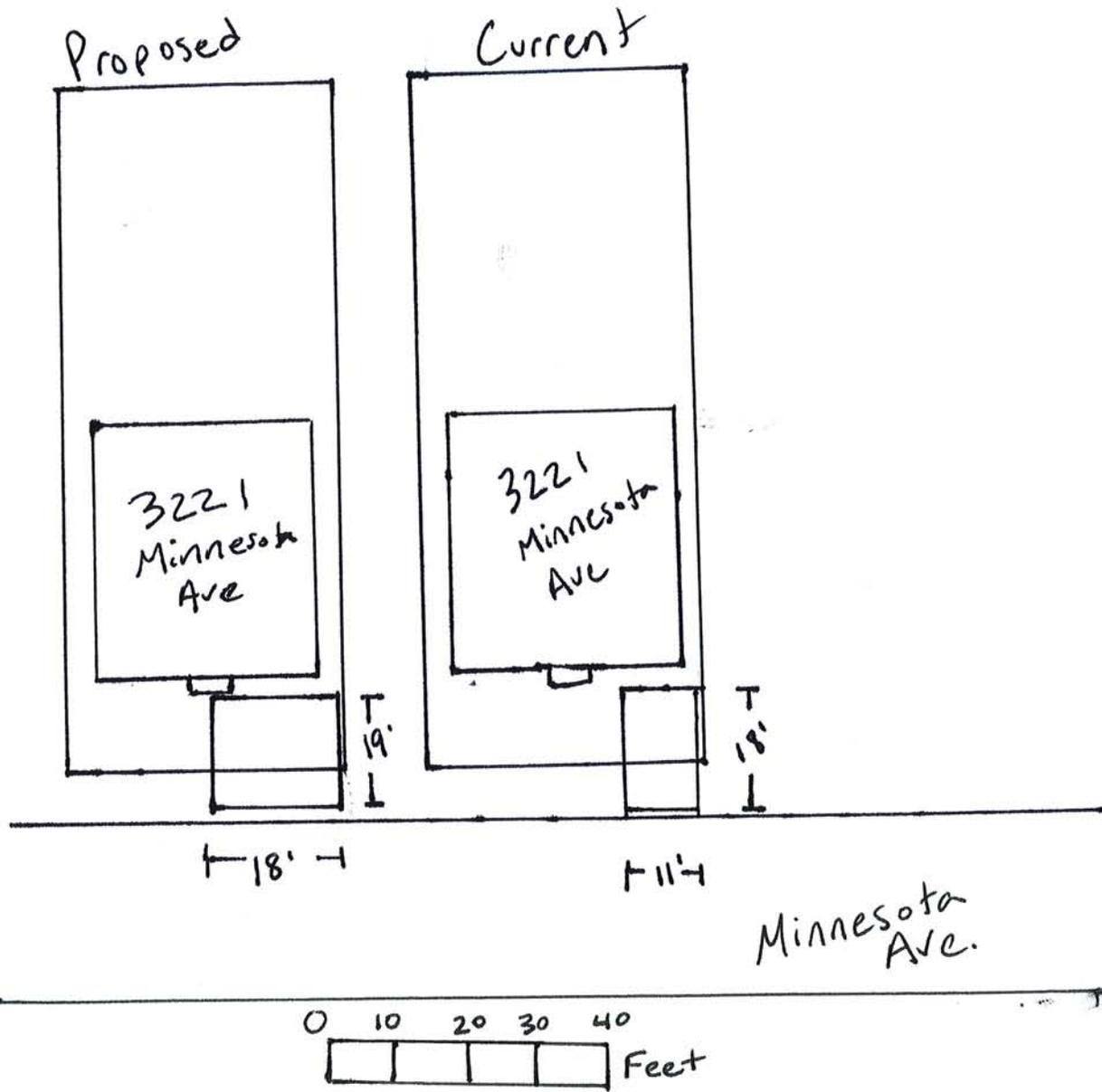
Does the relief allow any type of sign that is not allowed in the zone district where the property is located? Yes No

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

Discuss what subsections are applicable and how this request meets those: Subsection G.1.(a).(i)

The lot is of insufficient size to be in compliance with the requirement and the parcel cannot be reasonably modified to comply with permitted parking areas as shown in Table 50-24-3





Kate Van Daele

From: Leane Rutherford <lrutherf@d.umn.edu>
Sent: Saturday, November 05, 2016 6:57 PM
To: Kate Van Daele
Subject: Front Yard Parking Permit at 3221 Minnesota Ave (PL16-129)

Dear Neighbor,

We appreciate the opportunity to weigh in on this project. We have serious reservations about extending the parking pad at 3221 MN Ave. to accommodate two cars. The lot is only 40 feet wide and the house covers most of the lot as it is. The front yard is very narrow and shallow. There is a parking pad that covers almost a third of it presently. If it is widened, there will be very little grass and/or pervious surface. Consequently, the front yard, what there is of one, will be lacking aesthetically as well as preventing precipitation from soaking in. In addition, we think that allowing this parking pad variance would set a poor precedent in our beautiful neighborhood. Please convey our concerns to the Planning Commission. Thank you.

Sincerely,

LeAne and Bruce Rutherford
3205 Minnesota Avenue
Duluth, MN 55802
733-9082

Kate Van Daele

From: Dawn Buck <mrsparkpoint@gmail.com>
Sent: Saturday, November 05, 2016 7:44 AM
To: Kate Van Daele
Cc: Em Westerlund; Chad Nagorski
Subject: For Planning Commission re. PL16-129 3221 Minnesota Ave., parking variance sought
Attachments: ParkingVarianceRequest3221MNAvePL16-129.pdf

Hello,
 Would you let me know that you have received this notice and will share with the commissioners?
 A pdf is also attached.

Thank you!

Dawn Buck
mrsparkpoint@gmail.com
 3215 S Lake Ave.

November 4, 2016

Re. PL16-129
 Front Yard Parking Expansion Request at 3221 MN Ave.

To:
 Kate Van Daele, Planner I
 City of Duluth Planning Commission
 Cc Councilor Em Westerlund
 Cc Officer Chad Nagorski

Thank you for the notice on the request for more front yard parking via expansion of the existing parking pad at 3221 MN Ave. which is across the street and slightly south of my home. (Photo is attached.)

I am respectfully urging you to deny this request for increased front yard parking for this rental business.

I believe the single family license would not require additional parking. So I am wondering if the hardship, besides a financial one, might be explained? As I recall from many planning commission decisions in the past, a financial hardship is not a practical hardship. (Here is the [application link](#) for single family rental)

I feel that multiple cars parked in the front yard is unattractive and brings unnecessary visual blight to our neighborhood. Front yard parking has been a concern in other neighborhoods in Duluth. I recall these articles recently:

[DNT article on front yard parking](#)

[Reader article on parking in yards](#)

Additionally, I observed the occupants from 3221 MN Ave. continue to cut across my yard after many loud beach fires this past summer- despite my request to please stop. Loud parties were also common at that address. I am aware of one call to the police about these stressful situations. Increased tenant capacity might make these problems even worse.

A number of Park Pointers have expressed frustration about the process by which investors are able to maneuver through the "system" to get rules changed for them at the expense of the neighborhood.

Park Point is one of the most beautiful and oldest neighborhoods in Duluth. How can we preserve its integrity and beauty ?

I feel one way is to deny this request and future requests of this type.

Thank you for your consideration and for your service to our wonderful city.

Dawn Buck
3215 S Lake Ave.,

The white cottage in the center is 3221 MN Ave. The variance request sign is in the front yard.

PL16-129

Front yard parking permit sought



Kate Van Daele

From: Mary Vanderwerp <mvanderwerp@gmail.com>
Sent: Tuesday, November 01, 2016 9:22 PM
To: Kate Van Daele
Cc: Em Westerlund
Subject: Front Yard Parking Permit at 3221 Minnesota Ave.

To: Kate Van Daele, City Planner

November 1, 2016

City of Duluth Planning Commission Members

I am writing regarding the letter we received concerning a public hearing for a front yard parking permit at 3221 Minnesota Ave. (PL16-129)

I am an immediately adjacent neighbor to this property. I am very concerned about adding a second parking pad in the front yard of this very narrow lot. We have 2 large pine trees near the property line and I am concerned this could damage or kill our trees. I am also very concerned about the blight to the neighborhood this would cause. The current owner, an absentee landlord, has not been at all attentive to this property. There have been many loud parties at this house, some with police calls. The lawn has been mowed twice in 2 years and there are often cups and other garbage in front yard and the neighbor's yards.

Park Point is a unique and beautiful neighborhood in Duluth and hopefully it will remain as such. I am confident that zoning laws and regulations were put in place to protect our water and the integrity of our neighborhoods. I am disturbed by all the variances requested and granted to homeowners/builders who have not done their homework prior to purchasing a property to know what is permissible there. This home can be rented as it is, so this is not a hardship. The current owner could sell the house to someone who would use it as permitted or rent to fewer people. I don't believe the inability to make lots of money at the expense of your neighbors is a valid reason to throw out or ignore current zoning laws.

I respectfully request that you deny this variance request.

Sincerely,

Mary Vanderwerp

Kate Van Daele

From: jbrostro University of Minnesota <jbrostro@d.umn.edu>
Sent: Sunday, November 06, 2016 12:22 PM
To: Kate Van Daele
Cc: Em Westerlund
Subject: Front yard parking variance request at 3221 Minnesota Av (PL16-129)

Greetings. We are the owners of the house kitty-corner from the above address.

The present owner requesting this variance purchased the house at 3221 Minnesota Av fully aware of the property and its size limitations: Namely, the tiny footprint of the lot. The SJK Real Estate operation knew that off-street parking for more than one vehicle was not a possibility at this address as there is no option for a garage or carport for one reason: Again, the property is way too small.

There are no other hidden or practical difficulties related to the property that a person would not be aware of after a quick visual inspection of the land. .

The paving of front yards to allow vehicle parking is not an attractive look anywhere in the City and this is especially true for Park Point.

As an aside, it is our opinion and also that of the majority of the owners of the impacted, adjacent properties, that this house is entirely too small to be considered as a multi-tenant operation.

The house was purchased with knowledge of the above and, thus, the owner has suffered no surprising/unexpected hardship.

Given the preceding, it is apparent the request for a variance is without merit and should be denied. Feel free to contact us if you've additional questions. Thank you.

John & Stephanie Brostrom
3230 Minnesota Av

Kate Van Daele

From: Molly Harney <mharney@d.umn.edu>
Sent: Sunday, November 06, 2016 3:23 PM
To: Kate Van Daele; Em Westerlund
Subject: Letter of Concern: 3221 Minnesota Ave. (PL16-129)

November 6, 2016

To: Kate Van Daele, City Planner

City of Duluth Planning Commission Members

I am writing regarding the letter I received concerning a public hearing for a front yard parking permit at 3221 Minnesota Ave. (PL16-129)

I am a neighbor to this property. I am very concerned about adding a second parking spot in the front yard of the property.

I am very concerned about the impact the rental **has already had** on the quality of the neighborhood, and see this request as adding to the continued disrespect.

Over the past year the absentee landlord has been aware of issues and has not been attentive at all.

- There have been a number of loud parties at the house
- His tenants (and their guests) have woken me MANY time between 11pm-1am while skateboarding outside my house or wondering down the middle of the street talking and singing loudly (seemingly drunk)
- His tenants (and their guests) have trespassed on my property to hide from the police (reported by the trespasser)
- His tenant's guests have also trespassed on my property to look for items lost while running from the police (two incidents). The guest was rude and disrespectful (used vulgar language with me) when I confronted him about being in my yard.
- Neighbors have called the police on at least 3 occasions due to disruption to the neighborhood.
- The house impacts the quality of your neighborhood by the lack of care to the environment. The lawn is always long and uncared for and garbage cans are kept in the front yard.
- The tenants (and guests) were reported to have "moonied" rowers as they passed (yelling to get there attention first)

I have invested a great deal, and pay substantial taxes to live on Park Point and expect my living environment to be free from the disruption and disrespect that this land owner has permitted.

The variance in question is in place to preserve the integrity of neighborhoods in Duluth. Please support those of us who live peacefully and respectfully with each other.

The current zoning laws should be upheld and a landlord's request to adapt property so he can make money at the expense of people who live in the neighborhood should not be granted.

Please deny the request!

Sincerely,

Molly Harney

--

Molly A. Harney, Ph.D.
Associate Professor
137 EduE
University of Minnesota Duluth
Duluth, MN 55812
218-726-6778

Kate Van Daele

From: Dawn Buck <parkpointcc@gmail.com>
Sent: Monday, October 31, 2016 1:03 PM
To: Kate Van Daele
Subject: Re: variance request for front yard parking on Park Point 3221 MN Ave.

Hi Kate,

Thanks, yes I will write a more formal letter with my concerns/objections. Can I send it via email to you or right to the planning commission? I don't have the letter with me right now.

I did not mention this in my email but the occupants and/or their guests at 3221:

- continued to go across my yard at all hours of the night last summer despite my request, also watched them in neighbors yard after 2am loud party on beach
- made beach fires often at 32nd beach side, often loud and late
- had loud parties at the house, police call at least one time

My feeling is that increased tenant capacity at 3221 might equal more noise & trespass which translates to reduced community peace and diminished quality of life.

This is in addition to the visual detriment of the front yard taken up by cars. There is parking available on the street in front of the home now.

Not sure if my observations would be relevant to the increased parking variance request?

Would you be willing to advise on whether to include the observations from summertime?

Thank you!

Dawn

On Mon, Oct 31, 2016 at 8:41 AM, Kate Van Daele <kvandaele@duluthmn.gov> wrote:

Hi Dawn,

Thanks for your email.

Hopefully my answers will help a little bit. I will have my staff report done on the 7th.

You are correct in that the applicant is applying for a variance so that the home can have two parking spaces. He is doing this because of the rental license that he is applying for which is a license to have several people in the home as opposed to the single family occupancy which is would be for a couple.

The purposed pad would be flush to the home to get out of the right of way and extend close to the front step. Again this is just proposed. A recommendation hasn't yet been made by city staff.

I would suggest that you write a letter stating your concerns so that I can include that with my staff report to planning commission. Letters like that really help to paint a picture of the neighborhood and how the request fits or doesn't. If you want to submit a letter let me know. I would need it by next Monday.

Hope you had a great weekend!

Kate

From: Dawn Buck [mailto:parkpointcc@gmail.com]
Sent: Friday, October 28, 2016 3:29 PM
To: Kate Van Daele <kvandaele@DuluthMN.gov>
Subject: variance request for front yard parking on Park Point 3221 MN Ave.

Hello!

Thank you for the notice about this property and the request for more front yard parking via expansion of the existing parking pad.

I am concerned on several levels and have a few questions and I am hoping you might be willing to help me process the property owner's request.

How would the pad be extended, to which boundaries and how large?

Would you be willing to explain the practical difficulty here? I am wondering exactly what the hardship would be? Thanks for your insight on this.

This is a small home on the bay, perhaps not the best investment as a multi-tenant rental property?

I believe the single family license would not require additional parking. So what exactly is the hardship? As I recall, a financial hardship is not a practical hardship? Again, your insight appreciated.

Here is the [application link](#) for single family rental.

Isn't that one of the reasons why the rules exist? I feel that multiple cars parked in the front yard is unattractive, does not look nice with cars across the front yard. This has been a concern in other neighborhoods in Duluth near the colleges. I saw these articles recently:

[DNT article on front yard parking](#)

[Reader article on parking in yards](#)

My other concerns include SJK Real Estate seeking a VRBO license for this property once the parking is in place.

Two parking places would make this possible.

[Link to VRBO regulations.](#)

A high density of unlicensed & licensed vacation rentals on Park Point brings challenges to the neighborhood - my feeling.

My additional concern- if this is deemed a hardship, I feel it is a slippery slope for future decisions. Why do we have a code if decisions become "subjective?"

How might this decision (if granted) affect neighborhood/community planning moving forward?

I may have a few more questions, might give you a call.

Thank you very much for reading my rambling inquiry!

Best for a wonderful weekend!

Dawn Buck

Park Point resident

3215 S Lake Ave

--

Dawn Buck

Park Point Community Club President

Next meeting on Nov. 15, guests Andrew Slade & Chris Kleist

City of Duluth, MN Stormwater Coordinator

ckleist@duluthmn.gov, [website](#)

Art Fair 2017 June 24 & 25 next year

"The purpose of the Club is to work for the betterment of the Community and the welfare of its residents."

Kate Van Daele

From: Rick Ball <rball_51@yahoo.com>
Sent: Tuesday, November 01, 2016 5:48 PM
To: Kate Van Daele
Cc: Em Westerlund
Subject: 3221 Minnesota Ave. Front Yard Parking Variance Application (PL 16-129)

Dear Ms. Van Daele & Members of the Duluth Planning Commission:

Thank you for your letter regarding the front yard parking variance application of SJK Real Estate at 3221 Minnesota Ave. As the next door property owner (at 3229 Minnesota Ave.) I would respectfully urge you to disapprove the variance.

The request does not meet the test of "hardship" required for a variance in that the property can continue to be occupied, as it has been for many years, either as an owner-occupied unit or as a rental unit without a variance. The variance would allow for multi-tenant occupancy. The small house on this "postage-stamp lot" is not designed or suitable for multi-tenant occupancy. Paving another parking pad in the front yard would result not only in a blighting influence in the neighborhood diminishing property values, but would also result in unacceptable impervious coverage on the lot. It may also threaten the survival of two tall and stately pine trees on the property which would be a terrible loss of vegetation aesthetically. The lot is simply not large enough to accommodate a second off-street parking pad.

The absentee owner of this property has demonstrated a lack of concern for the neighborhood by allowing multi-tenant occupancy without a proper rental license, which has resulted in numerous police calls relating to "disturbing the peace" with loud parties late at night. Enabling this kind of use by granting a variance would have a very negative impact on the neighborhood.

Again, I would urge you to disapprove this variance request, and appreciate the opportunity to provide input for your consideration.

Sincerely,
Rick Ball
3229 Minnesota Ave.
218-525-5462

CC: City Councilor Em Westerlund

[Sent from Yahoo Mail for iPad](#)

Kate Van Daele

From: Scott Strum <sstrum6066@charter.net>
Sent: Monday, November 07, 2016 10:19 AM
To: Kate Van Daele
Subject: Front Yard Parking Permit 3221 Minnesota Ave. (PL16-129)

Duluth Planning Commission and Kate Van Daele,

I am writing regarding the request for a front yard parking variance at 3221 Minnesota Ave. I live at the residence directly across the street from the requesting property. I would not recommend the permit to be passed. The lot is very small and barely fits the current parking space which the previous owner had built. Aesthetically this would ruin the look of this property. This property has always been a single family residence. My wish for this property would be for a single family home and not a rental due to the many rentals and seasonal rentals that already exist in close proximity on 3100/3200 block of Minnesota Avenue.

I also am confused with the City of Duluth laws regarding parking on front lawns. I thought that tenants are going to be ticketed if they are parking in front lawns starting this fall. I would encourage the Planning and Zoning Commission to evaluate the property by driving to the property and evaluating how it would impact the neighborhood.

Sincerely,

Scott J. Strum
3224 Minnesota Ave.
sstrum6066@charter.net



This email has been checked for viruses by Avast antivirus software.

www.avast.com

November 4, 2016

Re. PL16-129
Front Yard Parking Expansion Request at 3221 MN Ave.

To:
Kate Van Daele, Planner I
City of Duluth Planning Commission
Cc Councilor Em Westerlund
Cc Officer Chad Nagorski

Thank you for the notice on the request for more front yard parking via expansion of the existing parking pad at 3221 MN Ave. which is across the street and slightly south of my home. (Photo is attached.)

I am respectfully urging you to deny this request for increased front yard parking for this rental business.

I believe the single family license would not require additional parking. So I am wondering if the hardship, besides a financial one, might be explained? As I recall from many planning commission decisions in the past, a financial hardship is not a practical hardship. (Here is the [application link](#) for single family rental)

I feel that multiple cars parked in the front yard is unattractive and brings unnecessary visual blight to our neighborhood. Front yard parking has been a concern in other neighborhoods in Duluth. I recall these articles recently:

[DNT article on front yard parking](#)

[Reader article on parking in yards](#)

Additionally, I observed the occupants from 3221 MN Ave. continue to cut across my yard after many loud beach fires this past summer- despite my request to please stop. Loud parties were also common at that address. I am aware of one call to the police about these stressful situations. Increased tenant capacity might make these problems even worse.

A number of Park Pointers have expressed frustration about the process by which investors are able to maneuver through the "system" to get rules changed for them at the expense of the neighborhood.

Park Point is one of the most beautiful and oldest neighborhoods in Duluth. How can we preserve its integrity and beauty ?

I feel one way is to deny this request and future requests of this type.

Thank you for your consideration and for your service to our wonderful city.
Dawn Buck
3215 S Lake Ave.

3221 Minnesota Ave.

PL16-129

Front yard parking permit sought

