



**Planning & Development Division**  
Planning & Economic Development Department  
Room 160  
411 West First Street  
Duluth, Minnesota 55802

218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 23-177	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Variance from front yard setback	<b>Planning Commission Date</b>	November 14, 2023	
<b>Deadline for Action</b>	<b>Application Date</b>	October 2, 2023	<b>60 Days</b>	December 1, 2023
	<b>Date Extension Letter Mailed</b>	October 13, 2023	<b>120 Days</b>	January 30, 2024
<b>Location of Subject</b>		1515 E 7 <sup>th</sup> St		
<b>Applicant</b>	Craig & Margaret Lilja	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached	<b>Sign Notice Date</b>	October 30, 2023	
<b>Site Visit Date</b>	November 1, 2023	<b>Number of Letters Sent</b>	39	

**Proposal**

The applicant is seeking a front yard variance to reduce the setback from the required 25' on the front to 19' to build a home addition.

**Staff Recommendation**

Staff recommends that the Planning Commission approve the variance.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Utilities	Transportation and Utilities
<b>East</b>	R-1	Right of Way	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

**Summary of Code Requirements**

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 exceptional practical difficulties or undue hardship. 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 #5: Promote reinvestment in neighborhoods: this project allows a homeowner to make property improvements to increase value in their home.

Housing Policy #4: – Improve the quality of the city's housing stock and neighborhoods

**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, neighborhood extensions, and new traditional neighborhood areas.

**History**

The house is 960 square foot single story constructed in 1958. The property currently functions as a single-family residence.

**Review and Discussion Items:**

Staff finds that:

- 1) The applicant is seeking a front yard variance to reduce the setback from the required 25' in the front to 19'. This variance is requested to construct a 16' x 22' addition to the front corner of the existing home.
- 2) The application states that the applicant's proposed addition may also require a side yard setback variance. However, subsequent research by City staff has shown that parcel 010-1480-10815 is City-owned property and does not constitute right of way. Thus, the applicant's side yard setback is 6' and no side yard variance is needed for this proposed addition.
- 3) The applicant states that the variance is requested due to the structure being located close the front property line that is created from the construction of E 7<sup>th</sup> St. The applicant is proposing to use the property in a reasonable manner by constructing a modest addition off of the front of home. This would be in character to similar homes in the area.
- 4) The applicant's practical difficulty was not created by the landowner but rather is due to the construction of E 7<sup>th</sup> St. that created a wide right of way.
- 5) The variance will not alter the essential character of the neighborhood. The construction addition will match similar homes in the immediate area.
- 6) The variance allowing an addition will not impair an adequate supply of light and air to adjacent properties. The proposal will not increase congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 7) One comment was received in support of the application. The Property & Facilities Management Department has requested that the property owner work with staff for driveway permissions in the event a future garage is constructed in the rear yard. This garage is shown on the site plan but is not part of the variance request. No other public, agency, or City comments were received.
- 8) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

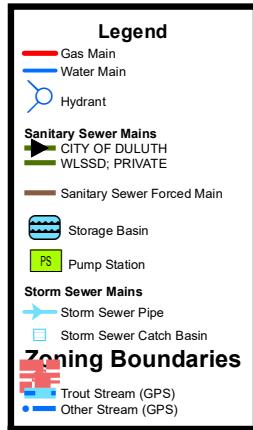
**Staff Recommendation**

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

- 1) The project be limited to a 16'x22' addition as shown on the site plan and accompanying drawings.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL23-177  
Variance to Setbacks  
1515 E 7th St



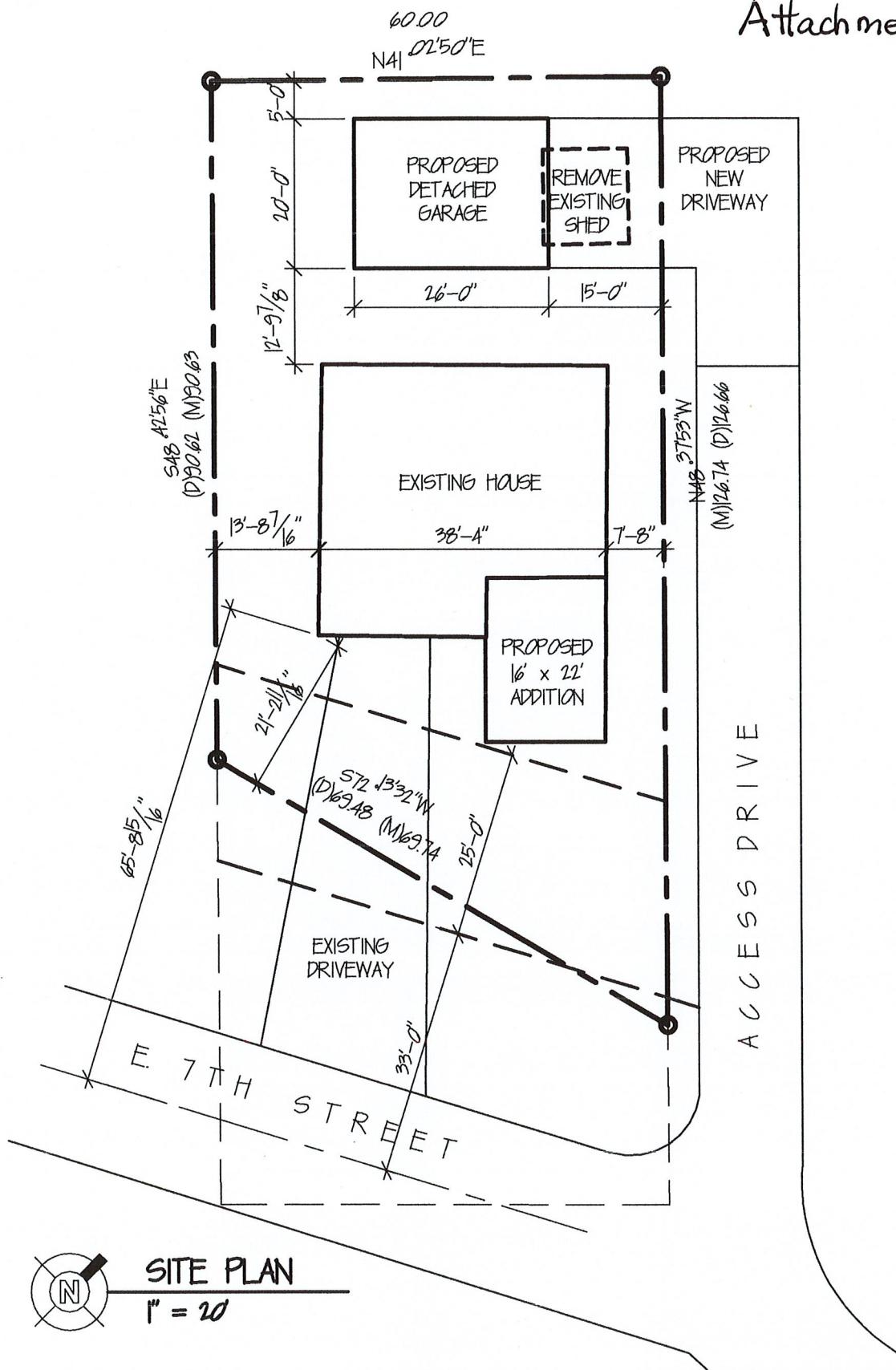
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.

0 10 20 40 Feet

Aerial photography flown 2019



## Attachment C



## SITE PLAN

$$l'' = 20$$



## Lilja residence

**1515 E 7th Street  
Duluth, MN**

## VARIANCE SITE PLAN



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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 will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

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

We are seeking relief and/or clarification of setback requirements as we plan an addition to our existing house in an R-1 district...as described in Section 50-14.5

**1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:**

See attached "Supporting Documentation..." narrative

**2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:**

See attached "Supporting Documentation..." narrative

**3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:**

See attached "Supporting Documentation..." narrative

**4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:**

The existing home is approximately 900 sq (footprint) and we would like to add space to make this our 'forever' home with modifications and additions to accommodate wheel chair space, add guest bedrooms, etc.

**5. Please explain how that if the variance is granted it will not 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:**

The existing stand-alone house was built in 1958 and there is significant space between the house and nearest neighbors. The house, as it exists and as we would like to modify, would have no effect on the supply of light or air to our neighbors.

**6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:**

We believe the appearance of the house when modified would not detract from the essential character of the neighborhood. In fact, we believe the house... with the assistance of our architect/designer, Heather Hiner... will enhance the character of the neighborhood.

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?

Yes  No

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

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**SUPPORTING DOCUMENTATION TO THE  
'APPLICATION COVER SHEET'  
APPLICATION INFORMATION REQUEST**

**Reason for this Request:**

We are requesting a variance to the front setback and a variance and affirmation that the side setback of the existing house can remain as the side setback for an addition, as described below:

**Request for Front Setback Variance**

We purchased the house on Lot 13, Block 111 of Endion Division (1515 East 7<sup>th</sup> Street) on June 7<sup>th</sup> this year with the intent of renting the home out until June of next year (see **Attachment A**, copy of City of Duluth Rental License # LS-1-8985) and then remodeling and adding on to the house; eventually moving in late fall next year. We had the lot surveyed on June 13<sup>th</sup> this year (see **Attachment B**, copy of 'Certificate of Survey') to assess the location of the home on the lot as it relates to City Ordinances setback requirements (see **Attachment C**, copy of Lilja residence VARIANCE SITE PLAN).

In reviewing the lot configuration, we were surprised at the location of the front property line. In the original 1897 plat, the lot is rectangular in shape (see **Attachment D**) and the streets are shown to be within 66' rights-of way. For some reason, at some point, the angle of the front property line was dramatically revised from a rectangular shape to its current configuration, possibly to accommodate a future street that would be necessary as the area was being developed (the original plat showed East 7<sup>th</sup> Street continuing northwest 2 ½ blocks (again, see **Attachment D**), which ultimately turned out to be impossible, considering the close proximity to Chester Creek...something the original survey must have not taken into consideration).

In Duluth's Unified Development Chapter of City Zoning Regulations, Article 6, Section 50-41, a "Lot, Front" is described as, "The area of a lot that abuts a public street...". Definitions of the word abut, generally include phrases such as "having a common border", "adjacent to", and "share a boundary". Our front lot line does not "abut" East 7<sup>th</sup> Street. If there is no record in City archives of the reason for the change in the front property line configuration OR if the reason is no longer valid or necessary, we respectfully request that a line parallel to and 33' from the centerline of East 7<sup>th</sup> Street (a common determiner of front property lines) be used to establish the 25' front setback.

Finally, the front setbacks of the neighboring homes to the southeast...Lot 11, 1521 East 7<sup>th</sup> St and Lot 10, 1525 East 7<sup>th</sup> Street...are approximately 10' and 20' from the front property line, respectively, (scaled dimensions). Knowing that the City of Duluth is cognizant of maintaining the continuity of the front setbacks in all neighborhoods, if we are allowed to use a line 33' from the centerline of East 7<sup>th</sup> Street to determine a 25' setback (as described above), our home would still be set back further than any of the homes in close proximity to our home.

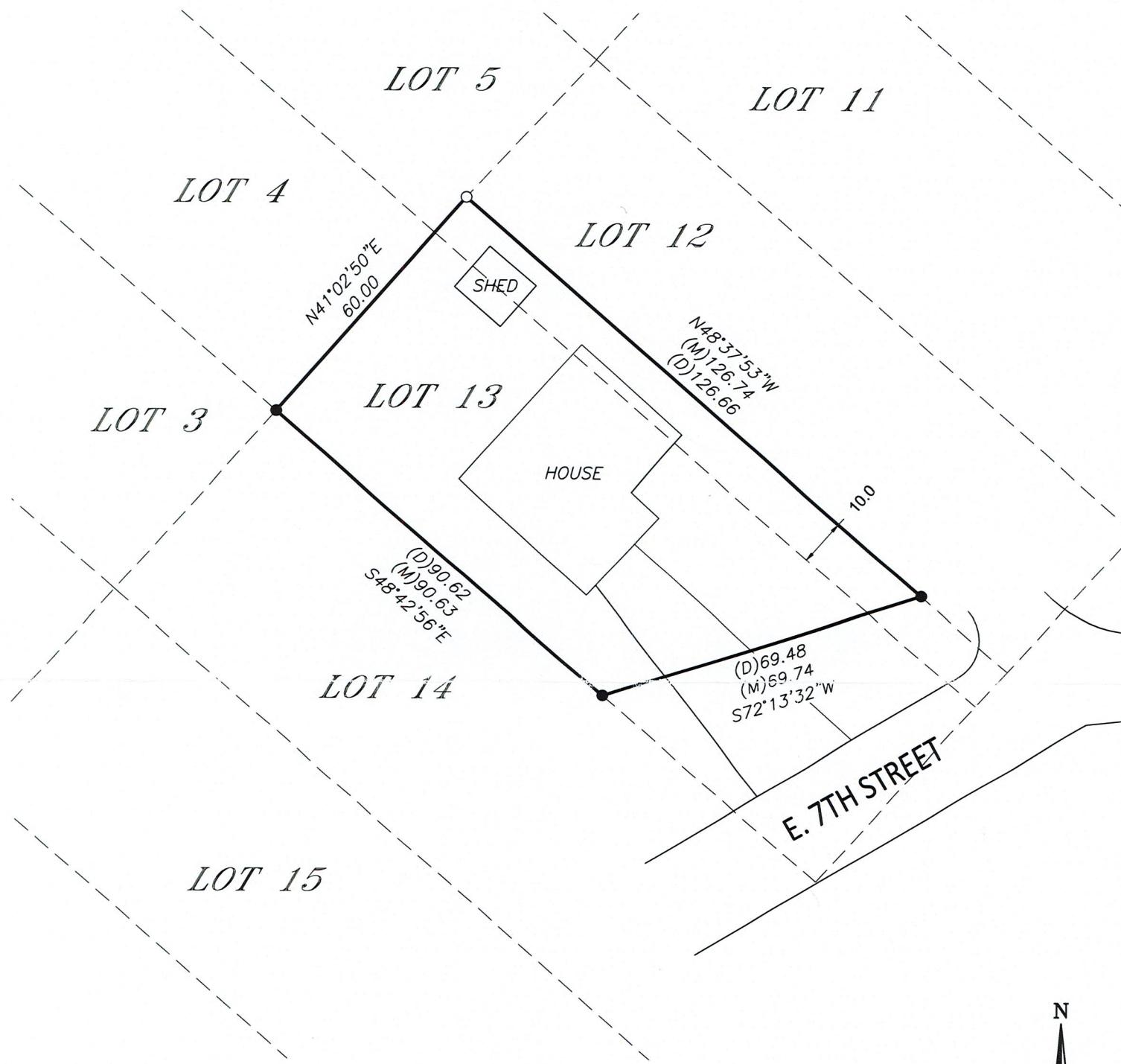
### **Request for Side Setback Variance**

The survey done on our lot shows that our home is 7'-8" from the property line on the southeast side of our property which is well beyond the City's 6' side setback from lot line requirement. There is an unplatted paved road adjacent to that property line. According to a conversation with City personnel, this road is not a dedicated right-of-way. Since the referenced road is not a dedicated right-of-way, it is not a street (per City definition in Duluth's Zoning Regulations, Article 6, Section 50-41) . In fact, the two homes which face the road have East 7<sup>th</sup> Street addresses (1521 and 1523), and the road essentially functions as a driveway to service the two homes.

In other conversations, it was mentioned that our lot may be considered a corner lot. Since the road is not a "street", by City definition our lot would not be considered a corner lot (per Article 6 as mentioned above) since a corner lot is defined as, "A lot abutting upon two or more streets at their intersection." We respectfully request that the City affirm that the existing 7'-8" setback be allowed to continue to define the foundation location for a possible addition to our home.

## CERTIFICATE OF SURVEY

PART OF LOTS 12 AND 13, BLOCK 111,  
ENDION DIVISION OF DULUTH,  
ST. LOUIS COUNTY, MINNESOTA



## LEGAL DESCRIPTION AS PROVIDED:

All that part of the W'ly 10' of Lot 12, Block 111, described as follows: Beginning at the NW corner of said Lot 12; thence S'ly along the W'ly line of said Lot 12, for a distance of 120.81' to a point, said point being 29.19' N'ly of the SW corner of said Lot 12; thence E'ly for a distance of 11.58' to a point, said point being 23.34' N'ly of the S'ly line of said Lot 12; thence N'ly and parallel with the W'ly line of said Lot 12, for a distance of 126.66' to a point on the N'ly line of said Lot 12; thence W'ly along the N'ly line of said Lot 12, for a distance of 10' to the NW corner of said Lot 12, said point being the point of beginning, and All that part of Lot 13, Block 111 described as follows: Beginning at the NE corner of said Lot 13, thence W'ly along the N'ly line of said Lot 13, for a distance of 50 feet to the NW corner of said Lot 13, thence S'ly along the W'ly line of said Lot 13, for a distance of 90.62' to a point, said point being 59.38 feet N'ly of the SW corner of said Lot 13, thence E'ly for a distance of 57.90' to a point on the E'ly line of said Lot 13, said point being 29.19' N'ly of the SE corner of said Lot 13, thence N'ly along the East line of said Lot 13, for a distance of 120.81 feet to the NE corner of said Lot 13, said point being the point of beginning, Endion Division of Duluth, in Book "A" of Plats, Page 120.



SCALE  
1" = 30'

30 0 30 60

BEARINGS ARE BASED ON NAD83(96)  
SLCTM96 COUNTY COORDINATE SYSTEM

- DENOTES FOUND IRON MONUMENT
- SET 1/2" IRON REBAR WITH RLS CAP STAMPED "STANG 52591"



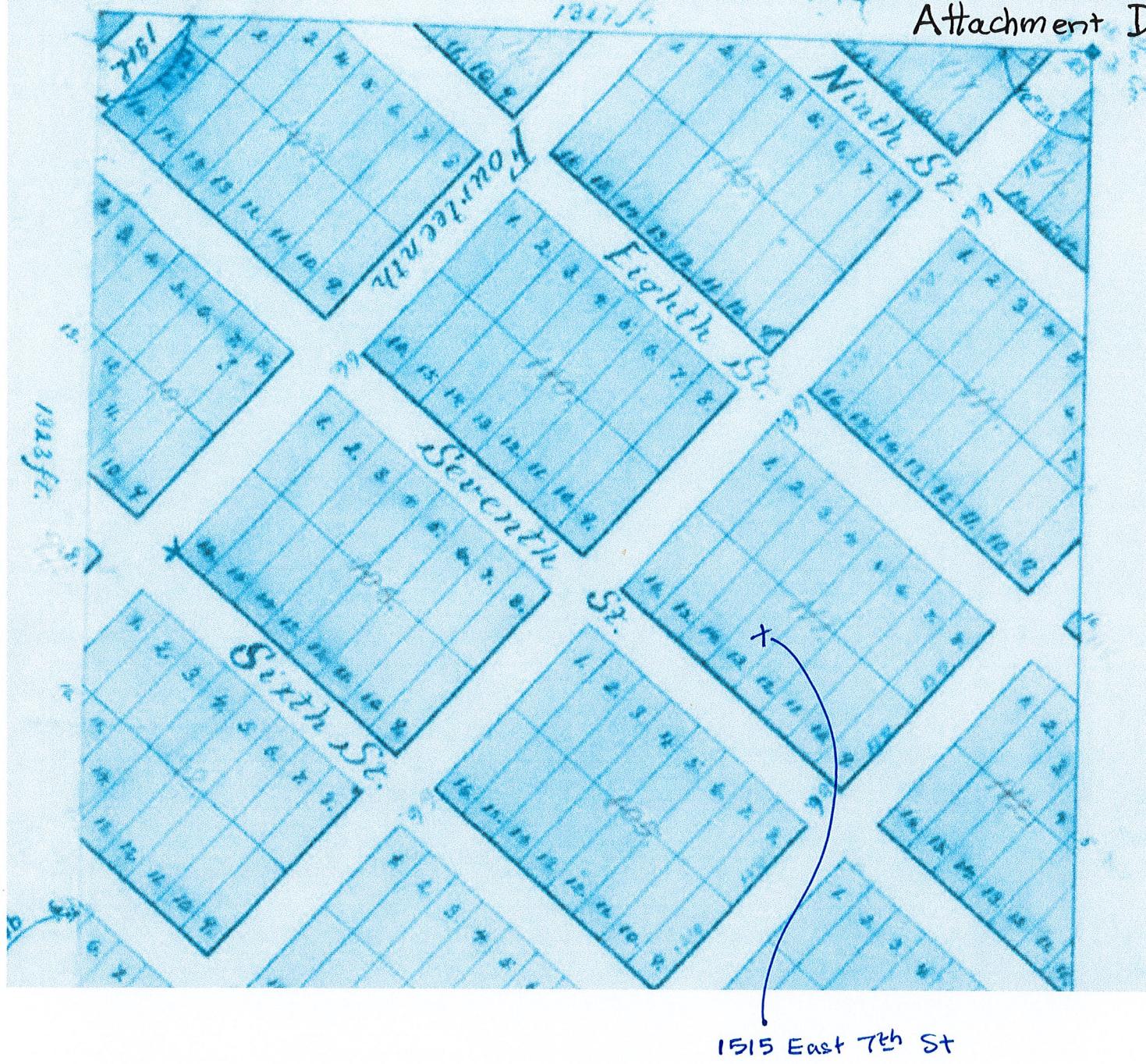
CRAIG LILJA  
PT. OF LOTS 12 & 13,  
ENDION DIV. TO DULUTH,  
ST. LOUIS COUNTY, MN

JOB#:			DRAWN BY:	TJB
FILENAME:			23310 CRAIG LILJA	
REV#	DESCRIPTION	DATE		

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*[Signature]*  
MICHAEL A. STANG (LIC. NO. 52591)

6/13/2023  
DATE:

1515 East 7<sup>th</sup> St

**From:** [Esther Derby](#)  
**To:** [planning](#); [Chris Lee](#)  
**Subject:** Variance for 1515 E 7th (PL 23-177)  
**Date:** Tuesday, October 31, 2023 10:53:30 AM

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Hello.

I received a letter regarding a requested variance for the property at 1515 E 7th Street.

I went by the property this morning and don't see any problem with granting the variance. I imagine it will make the property more inline with the size of other houses in the area and increase the value. Both seem like a good thing for the owners, the neighborhood and the city.

Is the meeting public? Is it typical to have neighbors attend the variance meeting?

Sincerely,

Esther Derby  
800 Chester Park Drive  
Duluth. MN

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Esther Derby  
[esther@estherderby.com](mailto:esther@estherderby.com)  
+1 612 239 1214  
[www.estherderby.com](http://www.estherderby.com)

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