



Staff Report for PLVAR-2604-0010

Application Information:

Application Type: Variance from Side Yard Setbacks

Location of Subject: 838 S Lake Ave

Legal Description: 010-4380-01020

Applicant: Jason Sarver

Applicant Contact: n/a

Agent: n/a

Agent Contact: n/a

Staff Contact: Christian Huelsman,

chuelsman@duluthmn.gov

Deadline for Action:

Application Date: April 7, 2026

Date Extension Letter Mailed: April 23, 2026

60 Days: June 6, 2026

120 Days: August 5, 2026

Site Visit Date: April 28, 2026

Sign Notice Date: April 29, 2026

Neighbor Letter Date: April 23, 2026

Number of Letters Sent: 36

Proposal:

The applicant is seeking a variance from side yard setbacks from the required 6' to 0.9' for roof replacement and a modified roof line.

Recommended Action:

Staff recommends approval with conditions.

Zoning and Land Use:

	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	Beach	Open Space
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements:

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. The Planning Commission must find the following for a variance to be granted:

1. That the landowner is proposing to use the property in a reasonable manner;
2. That the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner;
3. That granting the variance will not alter the essential character of the area;
4. That granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

50-37.9.H – Variances to reduce setbacks: When the application is for the reduction of a required front, rear or side yard setback, the commission may require the submission of a landscaping and buffering plan, and may require that all required landscaping or buffering, or landscaping and buffering of equal effectiveness, be installed within the reduced setback area. Decorative fencing and decorative wall structures may be proposed where more intense vegetated

landscaping will not provide adequate mitigation of impacts on adjacent properties. The commission shall only approve the variance if the landscaping and buffering will mitigate impacts on adjacent properties as effectively as those required by Sections 50-25 and 50-26.

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

Principle #5 – Promote reinvestment in neighborhoods – This subdivision will allow the applicant to build infill housing in the neighborhood.

Housing Policy #4, Strategy 2 – Improve the quality of the city’s housing stock and neighborhoods – Promote curb appeal of neighborhoods, with consideration of elements such as lighting, trees and boulevards, streets and sidewalks, and well-maintained structures.

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: A one-story residence (built in 1913) and a detached, nonconforming garage (built in 1944) currently stand on the site. It is believed that residence was constructed as a guest house for the neighboring property. The applicant has a pending building permit to replace the roof trusses, among other renovations.

Review and Discussion Items:

Staff finds:

1. The applicant is seeking a variance from minimum side yard setback standards to replace the current roof (with hand-built trusses) by modifying the roof line and installing attic trusses. The two-bedroom, one-family residence was built between 0.9 in and 1 in of the south property line.
2. The applicant requests to reduce the required structure setback in the R-1 district from 6’ to 0.9’ to allow for the replacement of the roof. No expansion of external walls is required, as only the roof line and pitch will be modified. The new roof will not encroach closer to the property line than the existing roof.
3. *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The subject property exhibits unique constraints due to the original siting of the residence, within 0.9 in of the property line. The existing residence was constructed more than a century ago, predating the current structural standards. Its location cannot be reasonably shifted to meet minimum side yard setbacks without undermining the entire residential structure and foundation.
4. *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The existing house and garage currently sit within the minimum side yard setback, constructed when current standards for side yard setbacks did not apply. The combination of the lot dimensions and the functional need for improvement of the residential use create conditions that are inherent to the site rather than the result of any action by the property owner or the City.
5. *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* The circumstances prompting this request are unique to the Park Point neighborhood, specifically the east side of South Lake Avenue, which is constrained by irregular property boundaries and building placement.
6. *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* The proposed project represents a reasonable use of the property that is consistent with its long-standing and historic function as a residential property. With the proposed plan, the applicant has worked to maintain the same distance to the south

property line. Given the site's physical constraints, the proposal constitutes an appropriate reinvestment on the property.

7. *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values).* The renovation of the residential property will occur entirely within the width of the current residence and will not introduce new structures and uses that would alter natural light, air, or views of Lake Superior. Because the renovation will only alter the roof pitch and roof line, no increase in congestion is anticipated. This reinvestment in a residential zone district is expected to maintain or improve the value of the property without adverse impacts on surrounding properties.
8. *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* The essential character of the area will not be altered since the use of the property is not changing.
9. No landscaping or buffering is recommended due to limited space in the side yard.
10. No City or agency comments were received.
11. Staff find the applicant has demonstrated practical difficulty due to the necessity for replacing the roof of the existing residence in its longstanding location with a new roof and modified roof line that maintain safe conditions, meets accessibility and code requirements, and continues to provide an active residential use on the property. Strict compliance with the minimum side yard setback would prevent reasonable use of the residential property.
12. 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 Planning Commission approve the variance with the following conditions:

1. The project must be constructed and limited to plans submitted with the application, allowing a reduced side yard setback of no less than 0.9 inches.
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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Staff Report Map for PLVAR-2603-0007:

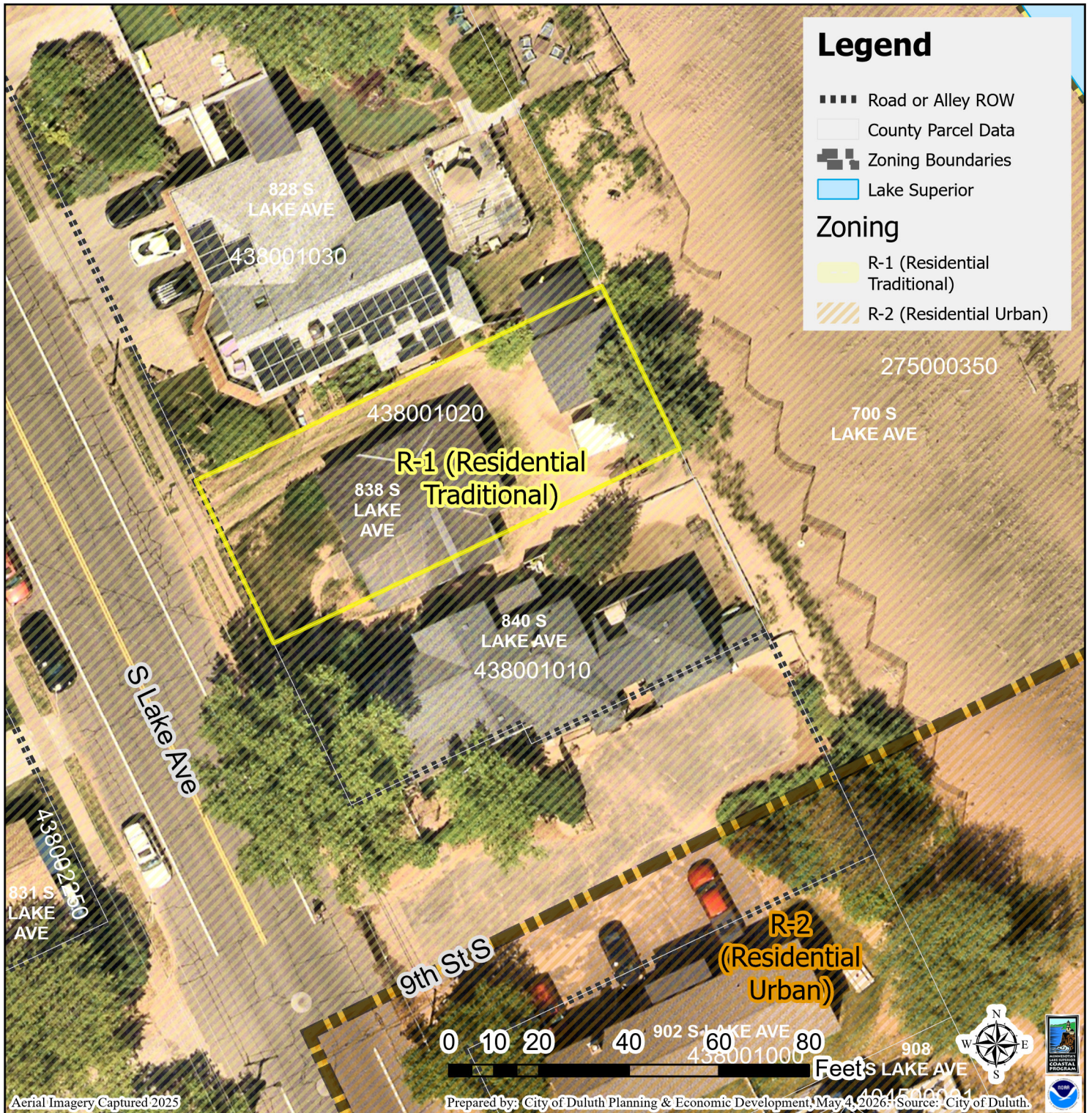
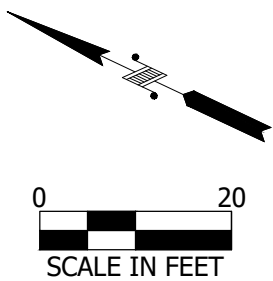
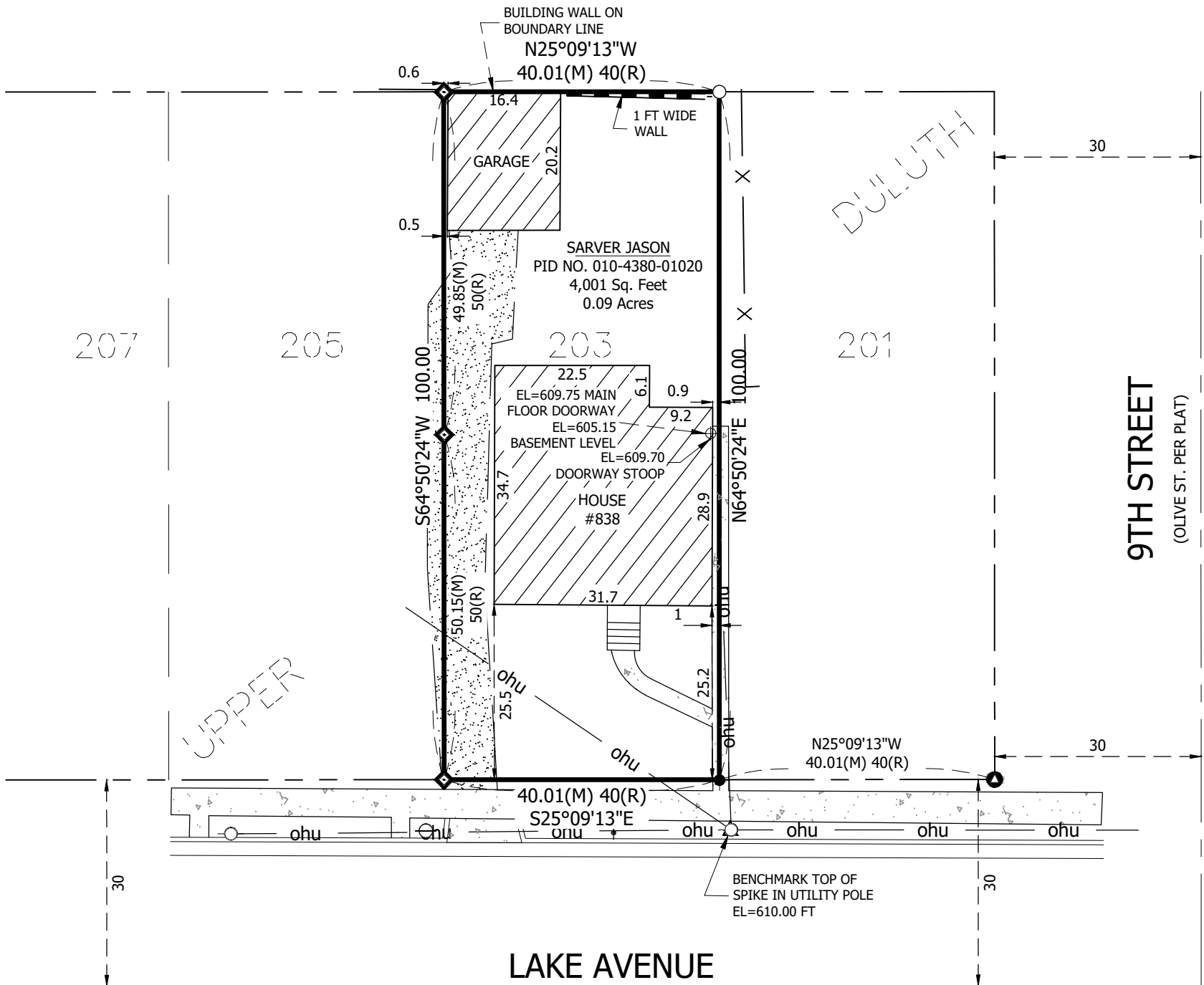


Figure 1.

Aerial imagery captured in 2025, showing Parcel #010-4380-01020 outlined along the east side of S Lake Ave within the R-1 district. near the intersection at S 9th 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.



LEGEND

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION	
	GRAVEL SURFACE	(R)-RECORD DIMENSION	
	EXISTING BUILDINGS		CONCRETE CURB & GUTTER
	SIGN		RETAINING WALL
	SPOT ELEVATION		FENCE LINE
	UTILITY POLE		OVERHEAD UTILITIES
	BENCH MARK		CENTER LINE
			RIGHT OF WAY LINE
			BOUNDARY LINE AS SURVEYED
			EXISTING PLAT LINE
			FOUND CAPPED REBAR RLS. NO. 15294
			FOUND CAPPED REBAR RLS. NO. 49505
			FOUND MAG NAIL
			SET CAPPED REBAR RLS. NO. 49505

SURVEYOR'S NOTES

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
- DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.

LEGAL DESCRIPTION PER DOCUMENT NO. 1524478
 Lot Two Hundred and Three (203), LAKE AVENUE, UPPER
 DULUTH, St. Louis County, Minnesota.

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.

David R. Evanson
 David R. Evanson
 MN License #49505

DATE:03-23-2026

CERTIFICATE OF SURVEY

CLIENT:JASON SARVER

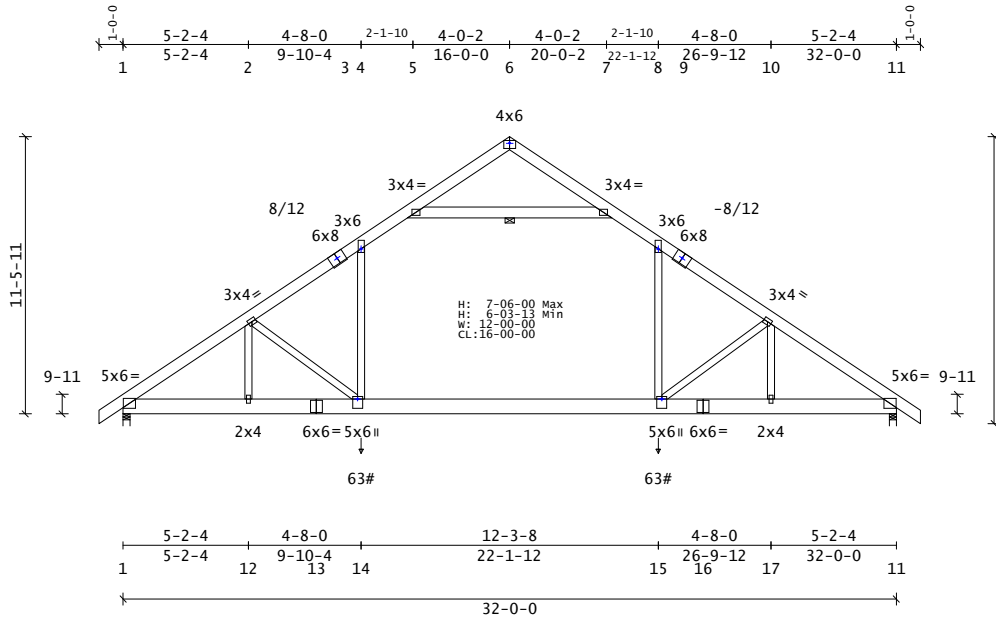
ADDRESS:838 S. LAKE AVENUE
 DULUTH, MN 55802

DATE:03-23-2026

REVISIONS:

JOB NO:26-064 SHEET 1 OF 1

ALTA
 LAND SURVEY COMPANY
 PHONE: 218-727-5211
 LICENSED IN MN & WI
 WWW. ALTALANDSURVEYDULUTH.COM



Truss Weight = 229.2 lb

Code/Design: IRC-2018/TPI-2014
 PSF Live Dead Dur Factors
 TC 42.0 7.0 Live Wind Snow
 BC 0.0 10.0 Lum 1.15 1.60 1.15
 Total 59.0 Plt 1.15 1.60 1.15
 Spacing: 2-00-00 o.c. Plies: 1
 Repetitive Member Increase: Yes
 Green Lumber: No Wet Service: No
 Fab Tolerance: 15% Creep (Kcr) = 2.0
 OH Soffit Load: 1.0 psf

-----Snow Load Specs-----
 ASCE7-16 Ground Snow(Pg) = 60.0 psf
 Risk Cat: II Terrain Cat: B
 Roof Exposure: Fully Exposed
 Thermal Condition: Cold
 Ventilated(1.1)
 Unobstructed Slippery Roof: No
 Low-Slope Minimums(Pfmin): No
 Unbalanced Snow Loads: Yes
 Rain Surcharge: No Ice Dam Chk: Yes

-----Wind Load Specs-----
 ASCE7-16 Wind Speed(V) = 115 mph
 Risk Cat: II Exposure Cat: B
 Bldg Dims: L = 0.0 ft B = 0.0 ft
 M.R.H(h) = 15.0ft Kzt = 1.0 Ke = 1.00
 Bldg Enclosure: Enclosed
 Wind DL(psf): TC = 4.2 BC = 6.0
 End Vertical Exposed: L = Yes R = Yes
 Wind Uplift Reporting: ASCE7 MWFRS
 C&C End Zone: 4-00-00

-----Additional Design Checks-----
 10 psf Non-Concurrent BCLL: Yes
 20 psf BC Limited Storage: Yes
 200 lb BC Accessible Ceiling: No
 300 lb TC Maintenance Load: No
 2000 lb TC Safe Load: No
 Unbalanced TCLL: Yes

Material Summary

TC	2x6	SPF	#2		
	2x6	SPF	2100/1.8	3-6	6-9
BC	2x8	SPF	#2		
	2x8	SP	2400/2.0	13-16	
Webs	2x4	SPF	Stud		
TB	2x6	SPF	#2		

Member Forces Summary

Max CSI in TC PANEL	2 - 3	0.86
Max CSI in BC PANEL	12 - 13	0.67
Max CSI in Web	2 - 14	0.53

..Mem..	Ten	Comp	.CSI.
TC OH- 1	57	0	0.06
1- 2	46	3077	0.33
2- 3	40	2943	0.86
3- 4	46	2780	0.52
4- 5	118	2179	0.60
5- 6	200	340	0.59
6- 7	200	340	0.59
7- 8	118	2179	0.60
8- 9	46	2780	0.52
9-10	40	2943	0.86
10-11	46	3077	0.33
11-OH	57	0	0.06
BC 1-12	2473	0	0.58
11-17	2473	0	0.58
12-13	2473	0	0.67
13-14	2473	0	0.39
14-15	2250	0	0.42
15-16	2473	0	0.39
16-17	2473	0	0.67
Web 2-12	190	327	0.10
2-14	177	765	0.53
4-14	986	0	0.48
5- 7	89	2370	0.48
8-15	986	0	0.48
10-15	177	765	0.53
10-17	190	327	0.10

Reaction Summary

-----Reaction Summary(Lbs)-----						
Jnt	--X-Loc-	React	-Up-	--Width-	-Reqd	-Mat PSI
1	01-12	2184	0	03-08	03-07	DFL 781
11	31-10-04	2184	0	03-08	03-07	DFL 781
Max Horiz = -156 / +156 at Joint 1						

Loads Summary

This truss has been designed for the effects of an unbalanced top chord live load occurring at [16-00-00] using a 1.00 Full and 0.00 Reduced load factor.
 Attic space centered at 16-00-00 is loaded with 40.0 psf Live & 1.0 psf Dead Floor, 5.0 psf Dead Wall, 5.0 psf Dead Ceiling loads, and meets deflection criteria L/360.

See Loadcase Report for load combinations and additional details.
 Dead loads have been slope adjusted for any pitch 8.00/12 or greater
 Loads based on maximum and minimum reactions from tie-in spans

Mbr	Max	Min	Location	Dir	Description
Web	63	37	9-10-04	Vert	SidewallDL
Web	63	37	22-01-12	Vert	SidewallDL

Notes

Plates designed for Cq at 0.85 and Rotational Tolerance of 10.0 degrees.
 Plates located at TC pitch breaks meet the prescriptive minimum size requirement to transfer unblocked diaphragm loads across those joints.
 Continuous Lateral Restraint (CLR) rows require diagonal bracing per D-WEBCLRBRACE. Alternatively, see D-WEBREINFORCE.
 Lumber and plating have been applied symmetrically.

Deflection Summary

TrussSpan	Limit	Actual(in)	Location
Vert LL	L/240	L/999(-0.38)	14-15
Vert DL	L/90	L/999(-0.18)	14-15
Vert CR	L/180	L/686(-0.55)	14-15
Horz LL	0.75in	(0.03)	@Jt11
Horz CR	1.25in	(0.05)	@Jt11
Ohng CR	2L/180	2L/999(-0.00)	1- 1
Ohng CR	2L/180	2L/999(-0.00)	11-11

Bracing Data Summary

-----Bracing Data-----
 Chords; continuous except where shown
 Attic tie beam (TB) & walls; bracing indicated or rigid sheathing.
 -----Purlins-----

oc	--From--	---To---	#Bays	
TB	4-03-00	11-09-04	20-02-12	2

 ----- Web Bracing ----- CLR -----
 Single: 5- 7
 Continuous Restraint Bracing Req'd
 See BCSI-B3 3.0

Plate offsets (X, Y):

(None unless indicated below)
 Jnt3(00-02,-00-03), Jnt4(0,01-03),
 Jnt6(0,-00-11), Jnt8(0,01-03),
 Jnt9(-00-02,-00-03), Jnt14(0,-01-10),
 Jnt15(0,-01-10)

Joint Stress Index (JSI):

Jnt1(0.85), Jnt2(0.76), Jnt3(0.94),
 Jnt4(0.59), Jnt5(0.93), Jnt6(0.33),
 Jnt7(0.93), Jnt8(0.59), Jnt9(0.94),
 Jnt10(0.76), Jnt11(0.85), Jnt12(0.52),
 Jnt13(0.91), Jnt14(0.77), Jnt15(0.77),
 Jnt16(0.91), Jnt17(0.52)

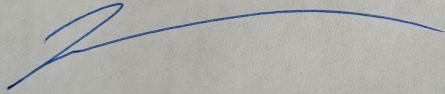


4/22/2026

It is my understanding that this house has obtained all permits for this house and is current.

It is my understanding that this house met all permits and has basically been unchanged since it was built 100yrs ago

We have applied for a new remodel permit currently with the city.

A handwritten signature in blue ink, consisting of a stylized initial 'J' followed by a long horizontal stroke that curves slightly upwards at the end.