



Staff Report for PLVAR-2601-0001

Application Information:

Application Type: Shoreland Variance

Location of Subject: 1226 E 2nd St

Legal Description: 010-0190-01550

Applicant: Susan Kildahl

Applicant Contact: n/a

Agent: RW Fern Associates

Agent Contact: Robert Fern

Staff Contact: Reina Owecke, rowecke@duluthmn.gov

Deadline for Action:

Application Date: January 21, 2026

Complete Application Received: April 27, 2026

Date Extension Letter Mailed: April 16, 2026

60 Days: March 22, 2026

120 Days: May 21, 2026

Site Visit Date: April 29, 2026

Sign Notice Date: April 28, 2026

Neighbor Letter Date: April 22, 2026

Number of Letters Sent: 43 Letters

Proposal:

The applicant is seeking a variance from shoreland setbacks from the required 150' to 64' for the reconstruction of and addition to the rear yard stairway enclosure.

Recommended Action:

Staff recommends that the Planning Commission approve the variance with conditions.

Zoning and Land Use:

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential	Open Space
North	R-2	Residential	Open Space
South	R-2	Residential	Urban Residential
East	MU-N	Commercial	Open Space
West	R-2	Residential	Urban Residential

Summary of Code Requirements:

UDC Section 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.

UDC Section 50-37.9.L – Standards for Variances in Shorelands: No variance shall be granted that compromises the general purpose or intent of Section 50-18.1.D or result in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

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

Principle #5 – Promote reinvestment in neighborhoods – The reconstruction of the stair enclosure creates a building code compliant and safe exit for tenants, allowing the building to continue to be used as needed housing.

Future Land Use:

Open Space – High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

History: The property is currently occupied by a six-unit apartment building, which was built in 1920.

Review and Discussion Items:

Staff finds:

1. The applicant is seeking a shoreland variance from minimum shoreland standards to rebuild an exterior stairway enclosure for proper tenant egress.
2. The applicant requests to reduce the required structure setback for Coldwater Rivers from 150' to 64'.
3. A building permit was issued on January 20, 2026 as the egress challenges on the site were enough to warrant the building permit prior to the required shoreland variance. The applicant had no other practical location to construct the required egress, and the stairway meets the minimum standards required by the MN State Building code.
4. Variance Criteria #1 (exceptional narrowness, shallowness, or shape): The subject property exhibits unique constraints due to the location of the Ordinary High Water Level. The entire property lies not only within the shoreland area but within the 150' setback. Strict application of the standard shoreland setback requirements would prevent reasonable use and required maintenance of the property.
5. Variance Criteria #2 (circumstances unique to the property, not created by the property owner): The circumstances necessitating the shoreland variance are unique to the property and were not created by the property owner. The existing multi-family apartment building currently sits within the shore impact zone, which is 75' from Chester Creek, and was constructed in 1920 when our current shoreland standards were not in effect. The structure was built on the flattest portion of the lot to avoid the adjacent steep bank.
6. Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings): The need for this variance was caused by a failing stairway. It could not be replaced in kind because it did not meet current code requirements. To the best of our knowledge, no nearby properties have required egresses that are failing within the shoreland setback.
7. Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code): The existing multi-family apartment building is a reasonable and expected use within the R-2 zoning district, where multi-family dwellings are allowed. The proposed exterior stairway reconstruction does not intensify the use of the property beyond what is already existing and what is typical for the neighborhood.

8. Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values): As the project involves replacement of a stairway, it will not impair access to light or air, increase congestion, or negatively affect public safety or property values.
9. Variance Criteria #6 (will not impair the intent of this Chapter or alter the essential character of the locality): The project maintains the existing residential character of the neighborhood. The proposed reconstruction will not alter the essential character of the surrounding neighborhood or shoreline.
10. Standards for variances in shorelands (does not compromise intent of shoreland regulations and mitigates impacts). The proposed shoreland variance will not result in adverse consequences because the applicant will immediately re-seed the area disturbed by construction. The applicant will submit a mitigation plan for approval from the Land Use Supervisor that addresses the additional stormwater runoff. Additionally, the adjacent wooded lot between the existing structure and Chester Creek provides a buffer to slow down and infiltrate runoff from the additional impervious surface.
11. Variance criteria #7-9 do not apply to this application.
12. No City, agency, or public comments were received.
13. Staff find that the applicant has demonstrated practical difficulty due to the necessity for replacing and expanding upon the exterior stairway enclosure. Strict compliance with the shoreland setback would prevent reasonable use of the existing multi-family apartment building and the ability to provide code compliant and required egress.
14. Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit has not begun within one year.

Staff Recommendation:

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

1. The project be constructed according to the building plans that were submitted with this application.
2. A shoreland mitigation plan meeting all applicable ordinance requirements and mitigating approximately 137 sqft of stormwater runoff shall be approved by the Land Use Supervisor prior to September 15th. Failure to enact will result in enforcement actions.
3. 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 action; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PLVAR-2601-0001

Variance of Shoreland Setbacks
1226 E 2nd St

Legend

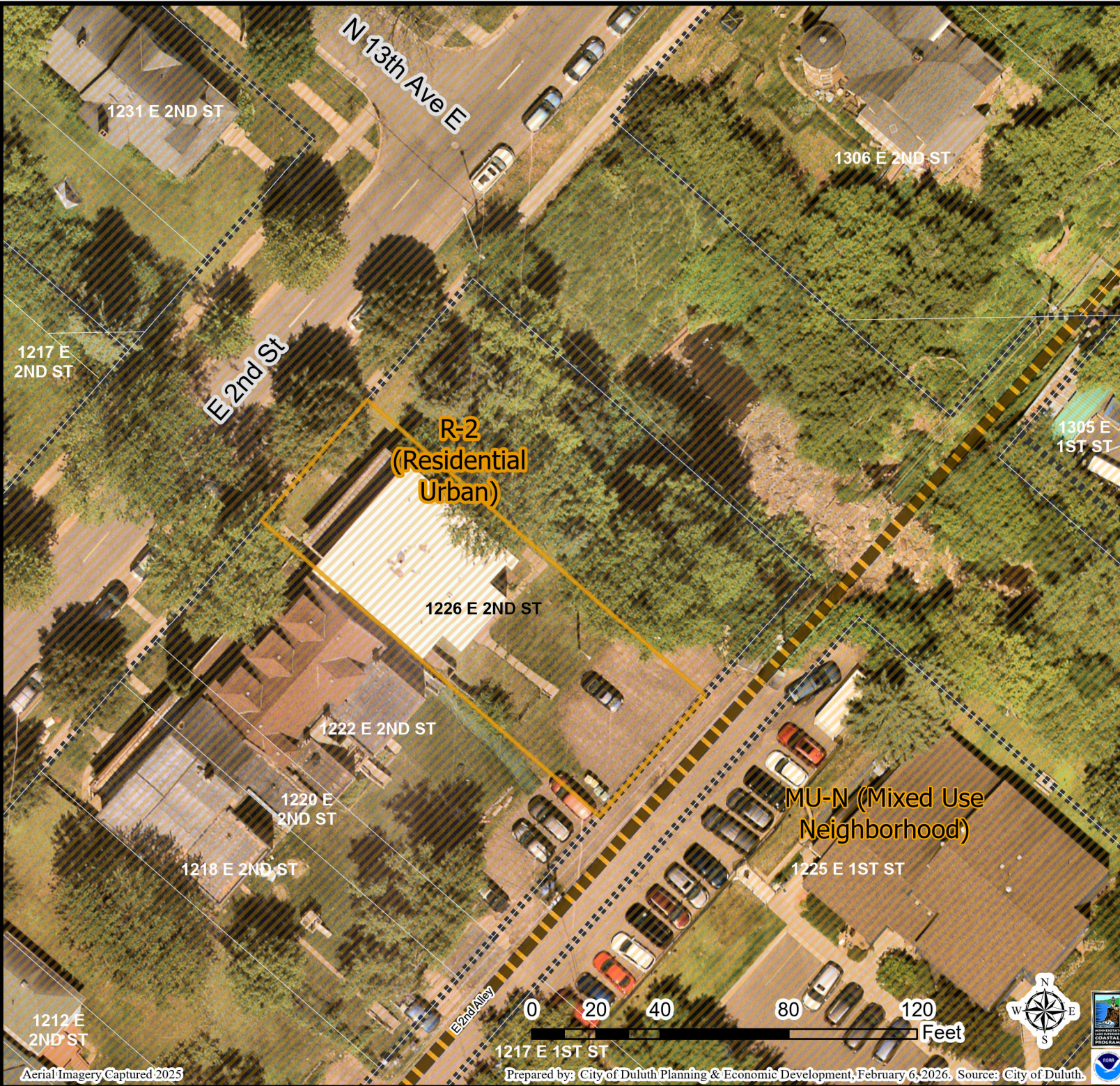
- County Parcel Data
- Zoning Boundaries
- Road or Alley ROW

Zoning

UDC Zoning

- R-2 (Residential Urban)
- MU-N (Mixed Use Neighborhood)


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.



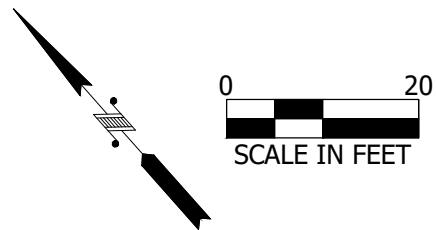
Aerial Imagery Captured 2025

Prepared by: City of Duluth Planning & Economic Development, February 6, 2026. Source: City of Duluth.





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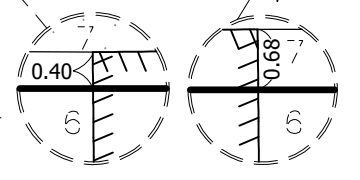
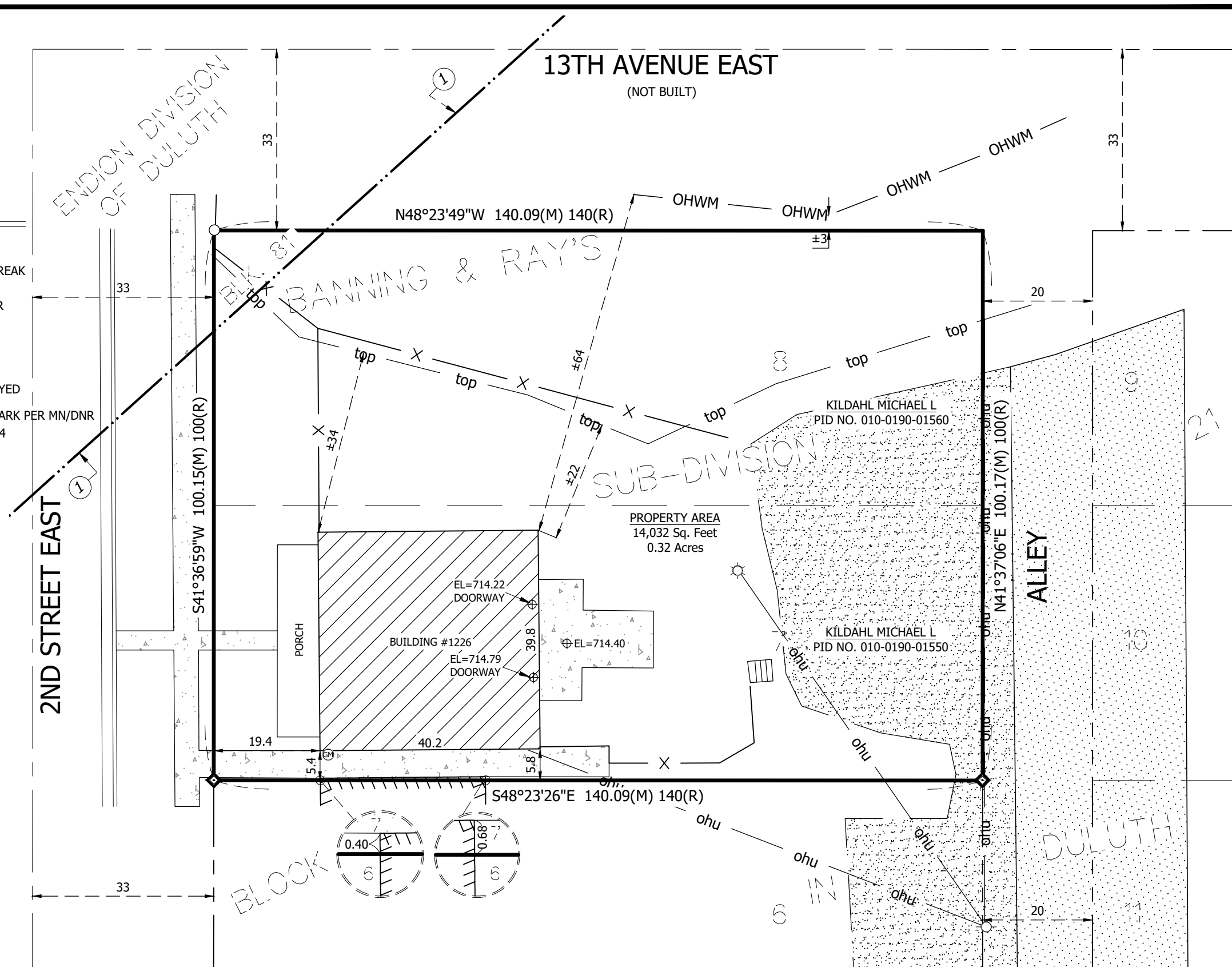
LEGEND

- | | | | | |
|--|-----------------------------------|------------------------------|-----|-------------------------------------|
| | CONCRETE SURFACE | (M)-FIELD MEASURED DIMENSION | top | TOP OF BANK OR GRADE BREAK |
| | BITUMINOUS SURFACE | (R)-RECORD DIMENSION | top | EXISTING BUILDING LINE |
| | GRAVEL SURFACE | | X | CONCRETE CURB & GUTTER |
| | EXISTING BUILDINGS | | ohu | FENCE LINE |
| | GAS METER | | --- | OVERHEAD UTILITIES |
| | LIGHT POLE | | --- | PLAT DIVISION LINE |
| | SPOT ELEVATION | | --- | CENTER LINE |
| | REFER TO SURVEYOR'S NOTES | | --- | RIGHT OF WAY LINE |
| | | | --- | BOUNDARY LINE AS SURVEYED |
| | | | --- | EXISTING PLAT LINE |
| | | | --- | ORDINARY HIGH WATER MARK PER MN/DNR |
| | FOUND CAPPED REBAR RLS. NO. 15294 | | | |
| | SET CAPPED REBAR RLS. NO. 49505 | | | |
| | UTILITY POLE | | | |

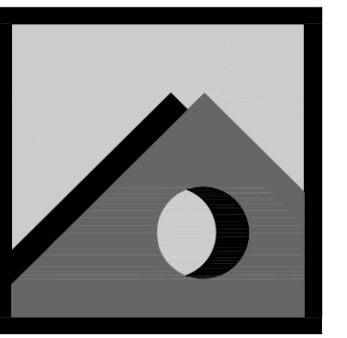
LEGAL DESCRIPTION PER DOCUMENT NO. 827860
 Lots Seven (7) and Eight (8), Block Twenty-one (21), BANNING & RAY'S
 SUB-DIVISION IN DULUTH, St. Louis County, Minnesota.
 AND
 All of Fractional Block Eighty-one (81), ENDION DIVISION OF DULUTH, St.
 Louis County, Minnesota.

SURVEYOR'S NOTES

- APPROXIMATE DIVISION LINE BETWEEN THE RECORDED PLAT OF BANNING & RAY'S SUB-DIVISION TO DULUTH AND ENDION DIVISION OF DULUTH.
- 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.
- DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.

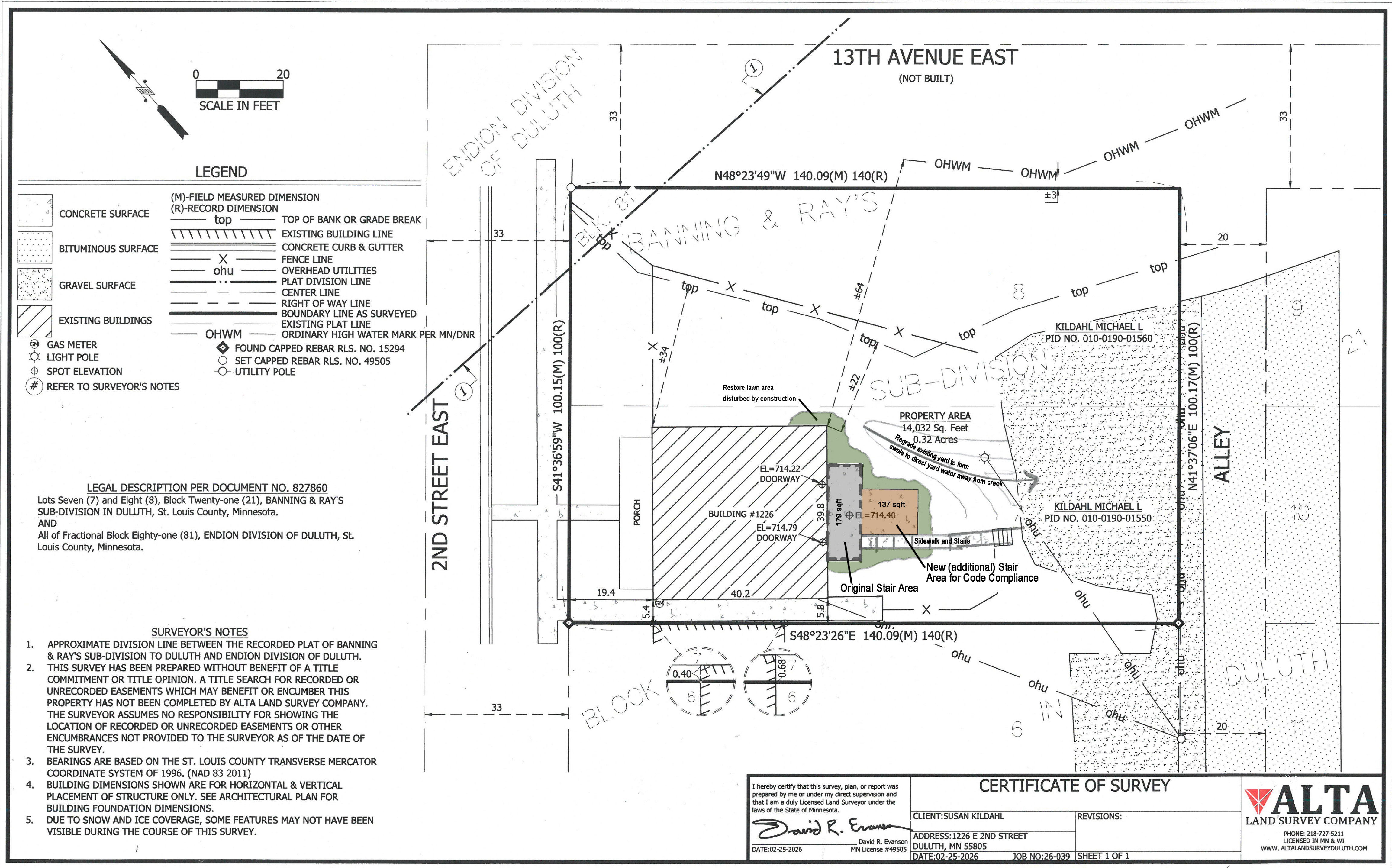


I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. David R. Evanson MN License #49505 DATE: 02-25-2026	CERTIFICATE OF SURVEY		 ALTA LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI WWW.ALTLANDSURVEYDULUTH.COM
	CLIENT: SUSAN KILDAHL ADDRESS: 1226 E 2ND STREET DULUTH, MN 55805 DATE: 02-25-2026	REVISIONS:	



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the Laws of the State of Minnesota.

[Signature]
Date: 4/27/28 Reg. No. 20068



RW Fern Associates Inc. Architects, 5517 Grand Ave, Duluth, Minnesota 55807 (218) 722-8271

Stair Enclosure and Deck
1226 East 2nd Street, Duluth MN

Site Mitigation Plan

Job No: 2662 Date: 4/27/28
 Drawn By: RWF Drawer:
 Sheet: **A1**
 of:

LINE IS TWO INCHES
 AT FULL SCALE (30X22 SHT)
 (IF NOT 2" - SCALE ACCORDINGLY)