



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PLVAR-2410-0008	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Variance from Shoreland Setbacks	Planning Commission Date		November 6, 2024
Deadline for Action	Application Date	October 16, 2024	60 Days	December 15, 2024
	Date Extension Letter Mailed	October 29, 2024	120 Days	February 13, 2025
Location of Subject	Perch Lake Trailhead			
Applicant	City of Duluth	Contact	Cliff Knettel	
Agent	SAS Associates	Contact	Luke Sydow	
Legal Description	010-2730-01110			
Site Visit Date	October 16, 2024	Sign Notice Date		October 23, 2024
Neighbor Letter Date	October 18, 2024	Number of Letters Sent		1

Proposal

The applicant proposes to upgrade the existing public trailhead to include a kayak launch, restroom facilities, a picnic shelter, and a paved parking lot.

Recommended Action: Staff recommends that Planning Commission approve the variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Trailhead	Open Space
North	R-1	Vacant land	Low-density Neighborhood
South	River	River	N/A
East	R-1	Slough	Open Space
West	R-1	Residential	Open Space

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. 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.

Sec. 50-37.9.L – Standards for variances in shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results 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):

Governing Principle #6 – Reinforce the place specific

Perch Lake and the St Louis River are unique natural features of Duluth. This project will support connection between residents and the distinct features of the City by providing an upgraded public water access.

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 Perch Lake Landing is a public trailhead that currently has a small gravel parking lot and a DNR fishing pier. Waabizheshikana, The Marten Trail, runs to the east from the trailhead along a decommissioned railroad grade. Planned expansions of the trail will run to the west from the trailhead. A multi-year habitat restoration project, led by the DNR, is concluding. This project has improved the wetland and open water areas of Perch Lake and improved connection between the lake and the St Louis River. The trailhead is a designated water access of the St Louis River State Water Trail.

Review and Discussion Items:

Staff finds that:

- 1) The applicant proposes to upgrade the existing public trailhead to include a kayak launch, restroom facilities, a picnic shelter, and a paved parking lot.
- 2) The applicant is requesting to reduce the required shoreland structure setback from 75' to 37' 2" for the restroom facility and 15' 2" for the picnic shelter. They also propose to reduce the impervious surface setback from 50' to 0'.
- 3) Staff finds the applicant has practical difficulty due to the project's necessity to be near the water and the lack of other available land on the site. This public facility is a reasonable use on the waterfront. It would be impractical to locate a kayak launch away from the water.
- 4) The applicant's practical difficulty was not created by the landowner but is due to the existing location of the trailhead and the need for these facilities to be on the waterfront.
- 5) The variance will not alter the essential character of the neighborhood where there is an existing trailhead and will support residents in accessing local waterways.
- 6) The variance allowing a reduction of a setback will not impair an adequate supply of light and air to adjacent properties.
- 7) The proposal will not increase congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 8) *Standards for variances in shorelands (does not compromise intent of shoreland regulations and mitigates impacts).* To mitigate shoreland impacts, the applicant proposes to protect a preservation area along the shoreline of the river. This area will be protected by temporary fencing during construction. They will plant trees around the edge of the parking lot and include other native plantings on the site. They will remove debris, such as concrete and rebar, that exists along the shoreline from previous land uses. It was noted by DNR staff that invasive species are present on the site. The applicant has proposed to remove them prior to construction.
- 9) This project is related to the larger Perch Lake restoration that has provided better connection between Perch Lake and the St Louis River, increased fish habitat, rehabbed wetlands, and resulted in an overall improvement in water quality in the area.
- 10) No comments from the public, or other City departments were received. Feedback was provided by the DNR regarding mitigation strategies.
- 11) 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 permit subject to the following conditions:

- 1) The project be constructed and limited to the plans submitted with the application, allowing a picnic shelter no less than 15' 2" and a restroom facility no less than 37' 2" from the Ordinary High Water Level of the St Louis River.
- 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PLVAR-2410-0008
 Variance for
 Shoreland Setback
 Parcel # 010-2730-01110



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.

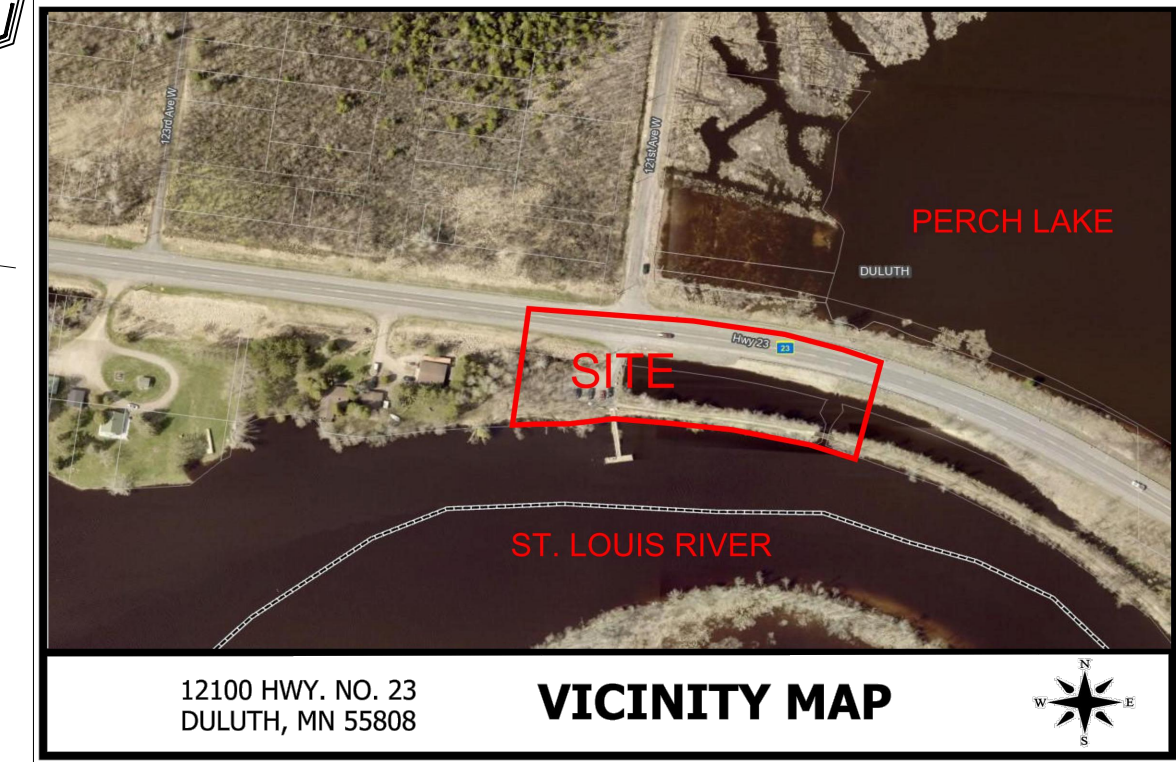
Aerial photography flown 2019





LEGEND

[Symbol]	CONCRETE SURFACE
[Symbol]	BITUMINOUS SURFACE
[Symbol]	GRAVEL SURFACE
[Symbol]	ROCK RIP RAP SURFACE
[Symbol]	LIGHT POLE
[Symbol]	LARGE LANDSCAPE BOULDER
[Symbol]	CULVERT
[Symbol]	R/W-RIGHT OF WAY
[Symbol]	C/L-CENTER LINE
[Symbol]	TREE/BRUSH LINE
[Symbol]	UNDERGROUND GAS
[Symbol]	GUARD RAIL
[Symbol]	OHU-OVERHEAD UTILITIES
[Symbol]	SS-SANITARY SEWER
[Symbol]	ST-STORM SEWER
[Symbol]	W-WATER MAIN
[Symbol]	DITCH/SWALE
[Symbol]	SHORELINE
[Symbol]	SECTION SUBDIVISION LINE
[Symbol]	CENTER LINE
[Symbol]	RIGHT OF WAY LINE
[Symbol]	BOUNDARY LINE AS SURVEYED
[Symbol]	EXISTING PLAT LINE
[Symbol]	TRACK CENTERLINE PER PLAT



- 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.
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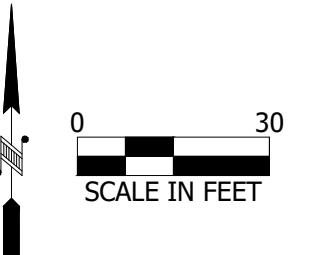
- UNDERGROUND UTILITIES NOTES**
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 - UNDERGROUND UTILITIES SHOWN ON THE SURVEY ARE BASED IN PART ON MARKINGS PROVIDED BY GOPHER STATE ONE CALL TICKET NUMBER 242894000.
 - SOME UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED BY MAPS AND OR UTILITY SKETCHES PROVIDED BY UTILITY COMPANIES, CITY OR COUNTY GIS. LOCATIONS ARE APPROXIMATE.
 - UTILITIES SHOWN ON THIS SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
 - PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT A PRIVATE UTILITY LOCATOR FOR LOCATIONS.
 - FIELD VERIFY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.

LEGAL DESCRIPTION AS SURVEYED

Lots 1, 2 and 3, Block 29, EAST FOND DU LAC, according to the recorded plat thereof, St. Louis County, Minnesota.

AND: That portion of the Lake Superior & Mississippi Rail Road Company right of way as dedicated and delineated on EAST FOND DU LAC, according to the recorded plat thereof, St. Louis County, Minnesota, lying Easterly of the East line of Lot 4, Block 29 said EAST FOND DU LAC.

all in Government Lot 1, Section 9, Township 48 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota.



BOUNDARY & TOPOGRAPHIC SURVEY

CLIENT: SAS ASSOCIATES
ADDRESS: 12100 HWY. NO. 23, DULUTH, MN 55808
DATE: 10-16-2024

REVISIONS:

David R. Enerson
David R. Enerson
MN License #49505

ALTA
LAND SURVEY COMPANY
PHONE: 218-727-2111
LICENSED IN MN & WI
WWW.ALTLANDSURVEYALTA.COM

JOB NO: 24-329 SHEET 1 OF 1