



**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>	PLVAR-2502-0002	<b>Contact</b>	Natalie Lavenstein, nlavenstein@duluthmn.gov	
<b>Type</b>	Variance from front yard setback and accessory structure location	<b>Planning Commission Date</b>		April 8, 2025
<b>Deadline for Action</b>	<b>Application Date</b>	February 15, 2025	<b>60 Days</b>	April 16, 2025
	<b>Date Extension Letter Mailed</b>	March 13, 2025	<b>120 Days</b>	June 15, 2025
<b>Location of Subject</b>	711 Martha St			
<b>Applicant</b>	Jensina and Tyler Rosen	<b>Contact</b>	NA	
<b>Agent</b>	NA	<b>Contact</b>	NA	
<b>Legal Description</b>	010-2270-00910			
<b>Site Visit Date</b>	March 25, 2025	<b>Sign Notice Date</b>	March 24, 2025	
<b>Neighbor Letter Date</b>	March 18, 2025	<b>Number of Letters Sent</b>	68	

**Proposal**

The applicant is seeking a variance from the front yard setback and accessory structure between the house and street to construct a garage in the corner side yard. The entrance to the garage will be off 8<sup>th</sup> Avenue East.

**Recommended Action:** Staff recommends that Planning Commission approve the variances.

	<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	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	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.

Sec. 50-14.5 – Residential Traditional District Dimensional Standards (paraphrased): Minimum depth of front yard: the smaller of 20 ft. or average of adjacent developed lots facing the same street. Corner lot: width of front side yard for principal and accessory structures is 15 ft.

Sec. 50-21.3 – Exceptions and Encroachments (paraphrased): No accessory structure may be located: (a) between a street

and any façade of a primary building facing that street, or (b) closer than 10 ft. to any principal structure on an adjoining property, or (c) closer than 5 ft to any rear lot line, or (d) closer than 3 ft. to any side long line.

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

Governing Principle #1 – Reuse previously developed lands

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.

**History:** The City previously condemned a blighted single-family home built in 1925 that was previously located on the property. In 2024, the condemned home was torn down leaving the foundation for future development. A concurrent use permit for a staircase and retaining wall in the right-of-way was approved via City Council ordinance in November 2024. A new home was constructed on the existing foundation and received a certificate of occupancy in January 2025.

**Review and Discussion Items:**

Staff finds that:

- 1) The applicant is seeking 2 variances for an 18' by 20' garage: one to reduce the front yard setback from 20 feet to 6 feet and one to construct the garage between the façade of the primary structure and the street.
- 2) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The subject property is exceptionally shallow as the front of the lot runs along Martha St, the wider dimension of the lot. This is atypical for standard R-1 lots which have the front of the lot along the narrower dimension. The unusual lot configuration, in using the existing foundation and creating an entrance that fronted Martha Street, results in no remaining buildable area for a detached garage without a variance.
- 3) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The existing primary structure was not built by the current owner. The primary structure is a nonconforming building that was legally reconstructed per UDC Sec. 50-38.3.A and the need for a variance is due to the location of the home built in 1925.
- 4) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* The existing primary structure is located on the front property line and immediately adjacent to the alley; this is not a typical development pattern for residential properties in Duluth. There is almost no rear yard. The only buildable area for an accessory structure is between the façade of the primary structure and the street.
- 5) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Applicant's proposal to build a moderately sized 18' 20' garage to allow for year-round, off-street parking is a reasonable use.
- 6) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values).* The variance will not impair an adequate supply of light and air to adjacent properties as the garage will be no taller than 15' and the adjacent home is elevated several feet above the proposed garage.
- 7) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* The garage will not alter the character of the neighborhood as there are several detached garages of similar size throughout the neighborhood.
- 8) One public comment was received in support of the proposed variances. No agency, or City comments were received.
- 9) 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 according to the site plan submitted with this application.
- 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 action; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.





**PLVAR-2502-0002**

Variance  
711 Martha 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.




















Aerial Imagery Captured 2019

Prepared by: City of Duluth Planning & Economic Development, March 6, 2025. Source: City of Duluth.





**LEGEND**

-  CONCRETE SURFACE
-  BITUMINOUS SURFACE
-  EXISTING BUILDINGS
-  CONCURRENT USE AREA
-  ohu OVERHEAD UTILITIES
-  RETAINING WALL
-  CENTER LINE
-  RIGHT OF WAY LINE
-  EXISTING EASEMENT LINE
-  BOUNDARY LINE AS SURVEYED
-  EXISTING PLAT LINE
-  CONCURRENT USE LINE
-  CONCRETE CURB & GUTTER
-  FOUND CAPPED REBAR RLS. NO. 49505
-  SET CAPPED REBAR RLS. NO. 49505
-  ELEC METER
-  REFER TO SURVEYOR'S NOTES
- POC-POINT OF COMMENCEMENT
- POB-POINT OF BEGINNING

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 364975

Lot 40 Block 2 HOMEWOOD ADDITION TO DULUTH

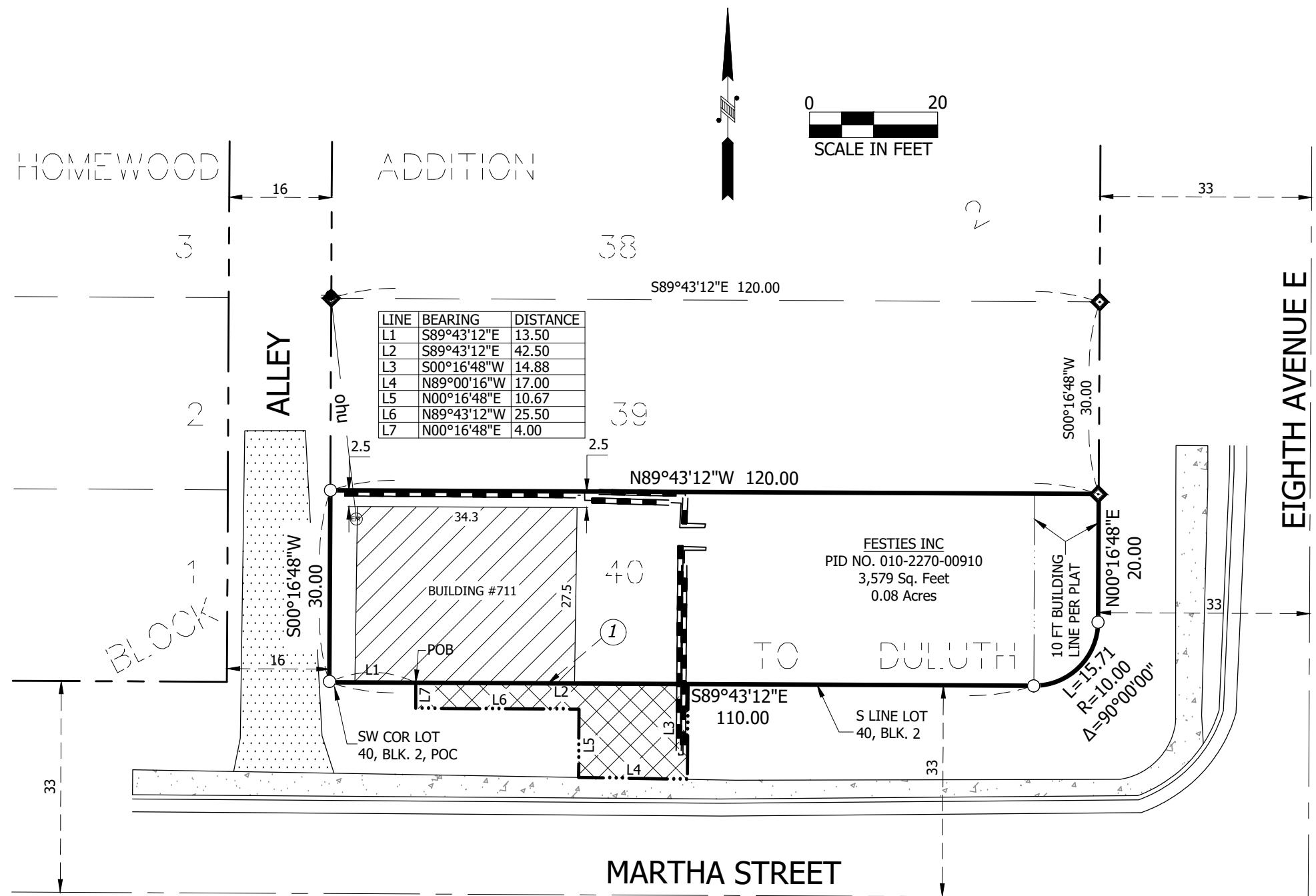
**SURVEYOR'S NOTES**

1. SOUTHERLY WALL OF BUILDING LIES ON OR NEAR THE SOUTHERLY LINE OF LOT 40, BLOCK 2.
2. 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.
3. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
4. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
5. 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.
6. DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.

**LEGAL DESCRIPTION OF CONCURRENT USE AREA**

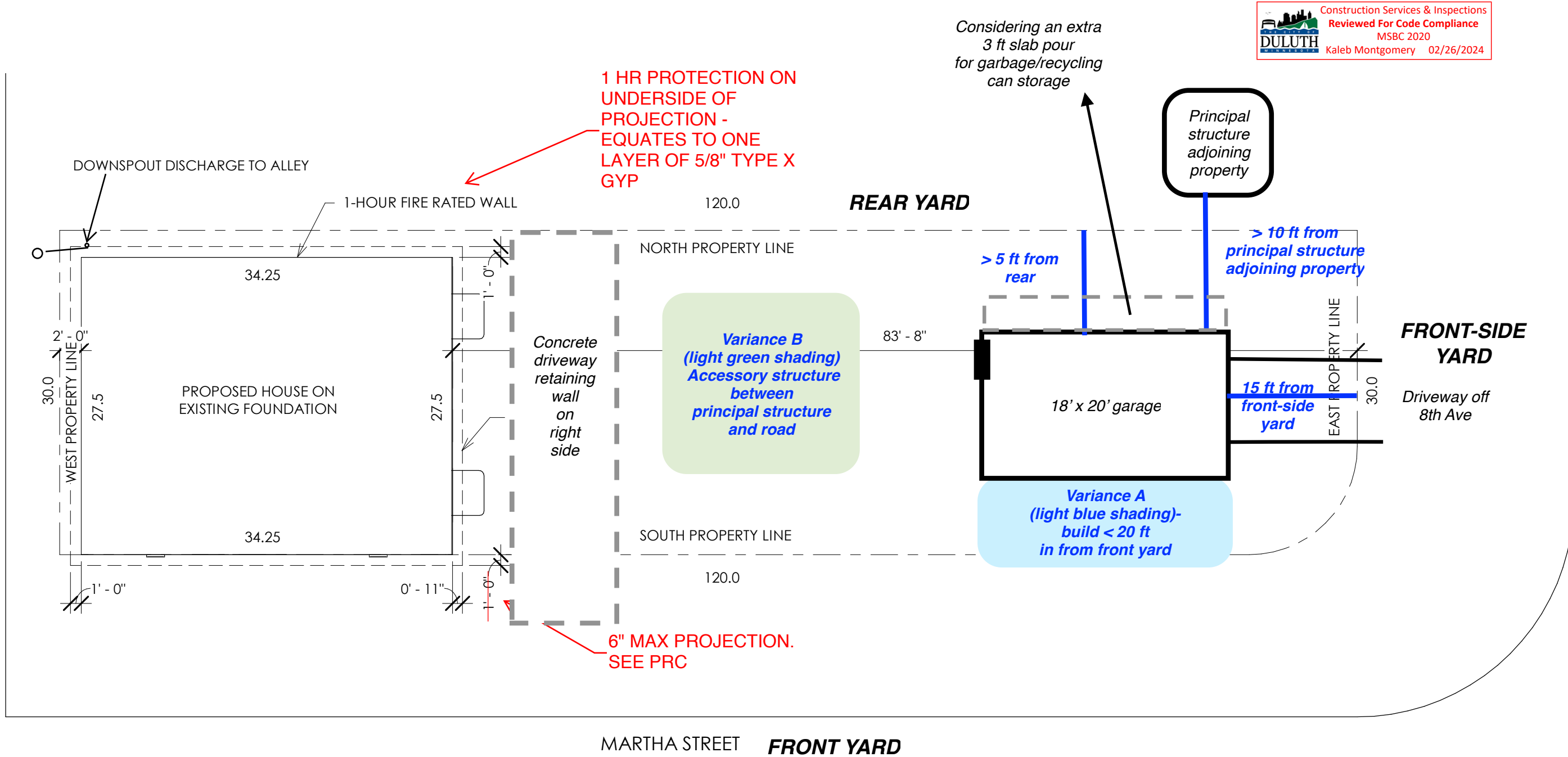
That part of Martha Street, as dedicated on HOMEWOOD ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the Southwest corner of Lot 40, Block 2, said HOMEWOOD ADDITION TO DULUTH; thence on an assumed bearing of South 89 degrees 43 minutes 12 seconds East, along the South line of said Lot 40 for a distance of 13.50 feet to the point of beginning of the parcel herein described; thence continue South 89 degrees 43 minutes 12 seconds East, along said South line 42.50 feet; thence South 00 degrees 16 minutes 48 seconds West 14.88 feet; thence North 89 degrees 00 minutes 16 seconds West 17.00 feet; thence North 00 degrees 16 minutes 48 seconds East 10.67 feet to a line parallel with and distant 4.00 feet South of the South line of said Lot 40; thence North 89 degrees 43 minutes 12 seconds West, along said parallel line 25.50 feet; thence North 00 degrees 16 minutes 48 seconds East 4.00 feet to the point of beginning. Said parcel contains 353 square feet.



**CERTIFICATE OF SURVEY**

<p>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.</p> <p><i>David R. Evanson</i></p> <p>David R. Evanson MN License #49505</p> <p>DATE: 01-26-2024</p>	<p>CLIENT: FESTIES INC C/O DAVE SUNDBERG ADDRESS: 711 MARTHA ST, DULUTH, MN 55805</p> <p>DATE: 01-26-2024</p>	<p>REVISIONS: 4-25-24 ADD CONCURRENT USE AREA/9-16-24 REVISE CONCURRENT USE AREA</p> <p>JOB NO: 24-020</p> <p>SHEET 1 OF 1</p>
	<p><b>ALTA</b> LAND SURVEY COMPANY</p> <p>PHONE: 218-727-5211 LICENSED IN MN &amp; WI WWW.ALTLANDSURVEYDULUTH.COM</p>	



Construction Services & Inspections  
**Reviewed For Code Compliance**  
 MSBC 2020  
 Kaleb Montgomery 02/26/2024

1 Site Plan  
 1" = 10'-0"

**DRAINAGE ACROSS PROPERTY LINES SHALL NOT EXCEED THAT WHICH EXISTED PRIOR TO GRADING.**

711 MARTHA ST. DULUTH, MN 55805	Site Plan		Project Number 02/21/2024	C1
	Date 02/21/2024			
DULUTH, MN 55805		Project number	02/21/2024	
		Date	SWK	
		Drawn by	Checker	
		Checked by		



**From:** planning <planning@DuluthMN.gov>

**Sent:** Monday, March 24, 2025 8:42 AM

**To:** Jason Mozol <jmozol@DuluthMN.gov>

**Subject:** FW: Notice of Public Hearing for a Variance at 711 Martha Street

Public comment

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**From:** Peggy Anderson <[REDACTED]>

**Sent:** Sunday, March 23, 2025 12:16 PM

**To:** planning <planning@DuluthMN.gov>

**Subject:** Notice of Public Hearing for a Variance at 711 Martha Street

I live at 1505 N. 8th Ave. E. and received a letter re the variance request at above address. I have no problem with it. The new home and, presuming a new garage, is a welcomed addition to the neighborhood after what we've all endured over the years, including mowing the lawn and other cleanups. So build, build, build!