



Staff Report for PLVAR-2603-0006

Application Information:

Application Type: Shoreland Variance
Location of Subject: 2929 Minnesota Ave
Legal Description: 010-3110-01116

Applicant: Kristine & Owen Kosloski
Applicant Contact: n/a
Agent: Arrowhead Design & Drafting
Agent Contact: Benjamin Potter

Staff Contact: Reina Owecke, rowecke@duluthmn.gov

Deadline for Action:

Application Date: March 31, 2026
Date Extension Letter Mailed: April 3, 2026
60 Days: May 30, 2026
120 Days: July 29, 2026

Site Visit Date: April 29, 2026
Sign Notice Date: April 28, 2026

Neighbor Letter Date: April 22, 2026
Number of Letters Sent: 18 Letters

Proposal:

The applicant is seeking a variance from shoreland setbacks from the required 50' to 26.6' for construction of a new single-family home with attached garage.

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	Residential	Traditional Neighborhood
West	n/a	Lake Superior Harbor	Lake Superior Harbor

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 #1 – Reuse previously developed lands – The construction of a new single-family home and infilling an otherwise underused lot will strengthen the neighborhood.

Principle #5 – Promote reinvestment in neighborhoods – The proposed redevelopment will fit and enhance the surrounding neighborhood’s character.

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 use areas.

History: The property is currently occupied by a single-family home built in 1918.

Review and Discussion Items:

Staff finds:

1. The applicant is seeking a shoreland variance from minimum shoreland standards to build a new single-family home with an attached garage. The plan includes the demolition of the existing principal structure.
2. The applicant requests to reduce the required structure setback and naturally vegetated buffer for General Development Waters from 50’ to 26.6’ to allow for the construction of the proposed single-family home with attached garage. This is further away from the shoreline than the existing home. The home will be entirely out of the shore impact zone, which extends 25’ from the Ordinary High Water Level (OHWL).
3. Variance Criteria #1 (exceptional narrowness, shallowness, or shape): The property is 100’ deep. The front yard setback of 20’ and the shoreland setback of 50’ leave only 30’ within which to build. With the narrowness of the lot, only 960 sq. ft. remains to incorporate a house and garage.
4. 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 house currently sits within the shore impact zone and was constructed in the early 1900s when current shoreland standards were not in effect. The combination of the narrow lot and fixed shoreline features are pre-existing and outside of the applicant’s control. The new structure will be further away from the shoreline than the existing.
5. Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings): The circumstances are especially unique to properties in the Park Point Neighborhood, specifically the lots located on the harbor side of the peninsula, where the shoreland setback impedes on buildable area. The physical characteristics, established before current development standards, are peculiar to this specific lot and directly affect the ability to meet required shoreland setbacks. As such, circumstances necessitating the variance do not generally apply to other land or buildings in the vicinity.
6. Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code): The proposed single-family home with attached garage is a reasonable and expected use within the R-1 zoning district, and along Minnesota

Ave. However, due to the property's narrow configuration, the required shoreland setback cannot be met while still accommodating a home of a functional size. The proposed redevelopment does not intensify the use of the property beyond what is typical for the neighborhood. Instead, it maintains the established residential character, while incorporating substantial shoreline restoration measures, including vegetated riprap, vegetated buffers, and a rain garden, all while remaining outside of the 25' shore impact zone.

7. Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values): The proposed redevelopment is not expected to impair access to light or air for neighboring properties, increase congestion, or negatively affect public safety or property values. Because the redevelopment maintains the existing residential character and includes ecological enhancements, it is not anticipated to diminish neighboring property values or create adverse impacts on public health, safety, or welfare.
8. Variance Criteria #6 (will not impair the intent of this Chapter or alter the essential character of the locality): The proposed redevelopment will not alter the essential character of the surrounding neighborhood or shoreline. The property is located within an established residential area, where that is the predominant use. Rebuilding a single-family home is consistent with surrounding development and will maintain the residential character of the area.
9. 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 mitigate the impacts of construction within the shoreland area by performing the following: (1) vegetated riprap with dormant cuttings of Dogwood or Elderberry to anchor the stone naturally, (2) a shrub and perennial buffer, (3) a "no mow" edge with deep-rooted species such as Little Bluestem and Prairie Cordgrass, (4) a rain garden covering a portion of the property along the southern boundary which will collect water run-off from the patio and second-story deck.
10. Variance criteria #7-9 do not apply to this application.
11. One agency comment was received from the Minnesota Department of Natural Resources (MnDNR), which identified concerns of initial encroachment on the Shore Impact Zone. The applicant responded with revised plans that moved the structure further towards Minnesota Ave, reduced the square footage of the rear yard patio, and implemented a wider and more extensive naturally vegetated buffer.
12. Staff find that the applicant has demonstrated practical difficulty due to the necessity of replacing the existing residence. Strict compliance with the shoreland setback would prevent reasonable use of the residential property.
13. 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 shall be constructed and limited to the plans submitted with the application, prohibiting new construction within 25 ft of the Ordinary High Water Level.
2. The applicant shall follow the shoreland mitigation plan included in their landscape design that includes a minimum 25-foot-wide buffer of native vegetation that shall be maintained in perpetuity.
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.

Map for PLVAR-2603-0006:

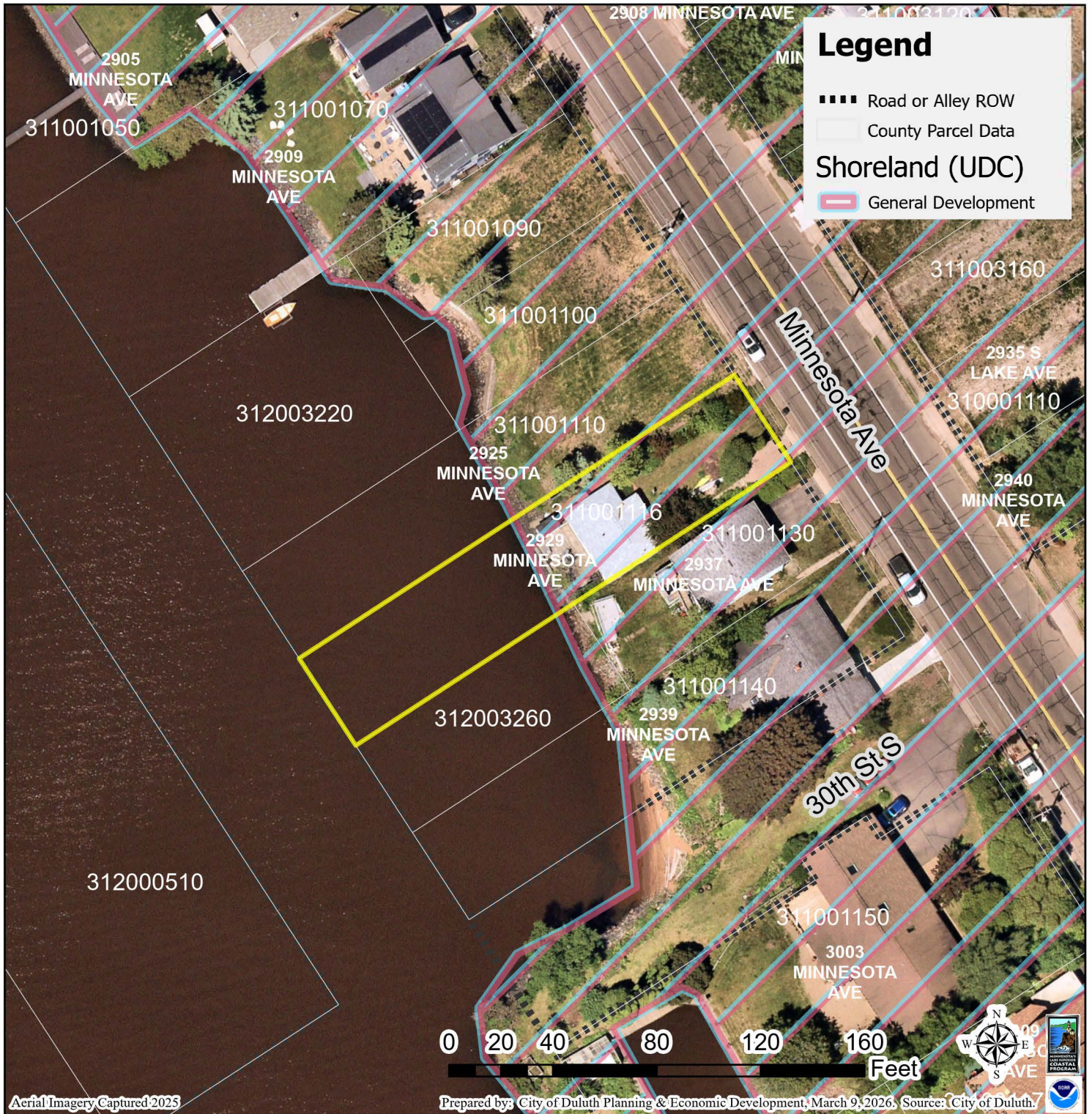



Figure 1.

Aerial imagery captured in 2025, showing Parcel #010-3110-01116 outlined on the west side of South Lake Avenue north of 30th Street, a property shown to exist within the General Development Shoreland Overlay Zone.

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.



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