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**CITY OF DULUTH  
CITY CLERK'S OFFICE**

Planning Commission  
c/o Land Use Supervisor  
City of Duluth Planning & Development Division  
411 West First Street, Room 160  
Duluth, MN 55802

Re: Notice of Appeal from Land Use Supervisor Decision  
Applicant: Pamela and Dennis Matson  
Subject Property Address: 126 E 7th St. Duluth, MN 55805  
File no. PLVAR-2502-0004  
Our file no. 037230.000

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CHARLES H. ANDRESEN, OF COUNSEL  
\*ALSO ADMITTED IN WISCONSIN

## NOTICE OF APPEAL

Pursuant to Section 50-37.1.O of the Unified Development Chapter (UDC) of the Duluth City Code, I hereby submit this written notice of appeal of the Land Use Supervisor's decision dated June 3, 2025.

### 1. Action Being Appealed

This appeal challenges the Land Use Supervisor's decision to deny the Matson's application for a variance to build an accessory structure – a garage, on their property at 126 E 7th St. in an area zoned as R-2.

### 2. Grounds for Appeal

We believe this decision should be reversed because it misinterprets the applicable provisions of the UDC. Our position is that the proposed garage complies with all dimensional and setback requirements for accessory structures in R-2 districts, and nothing in the code prohibits its construction or requires a variance.

It is our position that the Matson's proposed garage does not necessitate a variance under the UDC. According to Table 50-21-1 in Section 50-21.3 of the code,

"No accessory structure may be located:

(a) between a street and any façade of a primary building facing that street."

The term "façade" refers to the front-facing exterior of the building. As the UDC itself does not define "façade" explicitly we turn to its dictionary definitions:

"The front of a building" (Merriam-Webster Dictionary)<sup>1</sup>

"The face or front of the building toward the street.." (Oxford English Dictionary)<sup>2</sup>

The Matson's are seeking to build their garage along the side of the primary building – a house in this case, making its proposed construction between the side of the house and the street, not façade of the house and the street.

The front of the house faces 7th Street, in other words, the façade of the house faces 7th Street. The proposed garage would be constructed in a way that both it and the house maintain a parallel orientation to 7th Street. As such, the garage would *not* be between the front of the house and the street, nor would it encroach into the front yard, or interfere with the visual or functional relationship between the house and the street. Its orientation and placement clearly adhere to the requirements of the ordinance— as a matter of law, not a matter of planner discretion.

A more detailed explanation and supporting materials will be submitted to the Planning Commission prior to the scheduled public hearing. Additionally, our presentation will include testimony from a licensed architect, who will further clarify the compliance of the proposed construction with all applicable zoning standards.

### 3. Filing Fee

A check in the amount of \$479.00 is enclosed, in accordance with the City of Duluth's adopted fee schedule for appeal submissions.

Respectfully submitted,



Amalia B Ellison

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<sup>1</sup> <https://www.merriam-webster.com/dictionary/facade>

<sup>2</sup> <https://www.oed.com/search/dictionary/?scope=Entries&q=facade>

