



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

[planning@duluthmn.gov](mailto:planning@duluthmn.gov)

<b>File Number</b>	PLVAR-2408-0004	<b>Contact</b>	Chris Lee, <a href="mailto:clee@duluthmn.gov">clee@duluthmn.gov</a>	
<b>Type</b>	Variance from front yard setback	<b>Planning Commission Date</b>	September 10, 2024	
<b>Deadline for Action</b>	<b>Application Date</b>	August 5, 2024	<b>60 Days</b>	October 4, 2024
	<b>Date Extension Letter Mailed</b>	August 18, 2024	<b>120 Days</b>	December 3, 2024
<b>Location of Subject</b>	1225 W 1st Street			
<b>Applicant</b>	Andrew Matson	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached	<b>Sign Notice Date</b>	August 27, 2024	
<b>Site Visit Date</b>	August 20, 2024	<b>Number of Letters Sent</b>	30	

**Proposal**

The applicant is seeking a variance from the front yard accessory structure setbacks to construct a 197 square foot shed in the corner front yard area between the existing home and the garage.

**Staff Recommendation**

Staff recommends that the Planning Commission approve the variance.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Residential	Traditional Neighborhood
<b>North</b>	R-2	Undeveloped	Traditional Neighborhood
<b>South</b>	R-2	Undeveloped	Traditional Neighborhood
<b>East</b>	R-2	Residential	Traditional Neighborhood
<b>West</b>	R-2	Undeveloped	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 for 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.

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

Governing Principle #5: Promote reinvestment in neighborhoods: this project allows a homeowner to make property improvements to increase value in their home.

Housing Policy #4: – Improve the quality of the city’s housing stock and neighborhoods

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 house is 1,096 square foot single story constructed in 1914. The property currently functions as a single-family residence.

**Review and Discussion Items:**

Staff finds that:

- 1) The applicant is seeking variance from 50-21.3 to construct a 197 square foot accessory structure between the façade of the existing home and the street.
- 2) Section 50-21.3 prohibits accessory structures between a street and any façade of a primary building facing that street.
- 3) There is a concrete pad present that the applicant had planned to use for construction of garage. The applicant indicated that after understanding the zoning regulations, including criteria for a variance, and evaluating potential garage locations within the buildable area, the project has been scaled down to the proposed shed.
- 4) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The property has significant steep grade going up the rear of the property from the back of the home. The front yard areas nearest the street present the flattest areas for building.
- 5) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The subject property is similar to other properties in Observation Hill including the size of the lot and the position of the home. The uniqueness of this property is with the steep rear yard combined with the corner yard that restricts building.
- 6) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* The combination of a steep rear yard and corner setback create a unique circumstance for building conforming structures on the property.
- 7) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Applicant’s proposal for a garden shed is a reasonable use for a residential property.
- 8) *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 area is a relatively dense neighborhood and the shed is small in scale. The proposed use will not unreasonably increase the congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 9) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* A garden shed is a common structure found on residential properties and would not alter the essential character.
- 10) Variance criteria #7-9 do not apply to this application.
- 11) No public, agency, or City comments were received.
- 12) 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**

Staff recommends Planning Commission approve the variance with 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-2408-0004  
 Variance to Setbacks  
 1225 W 1st St

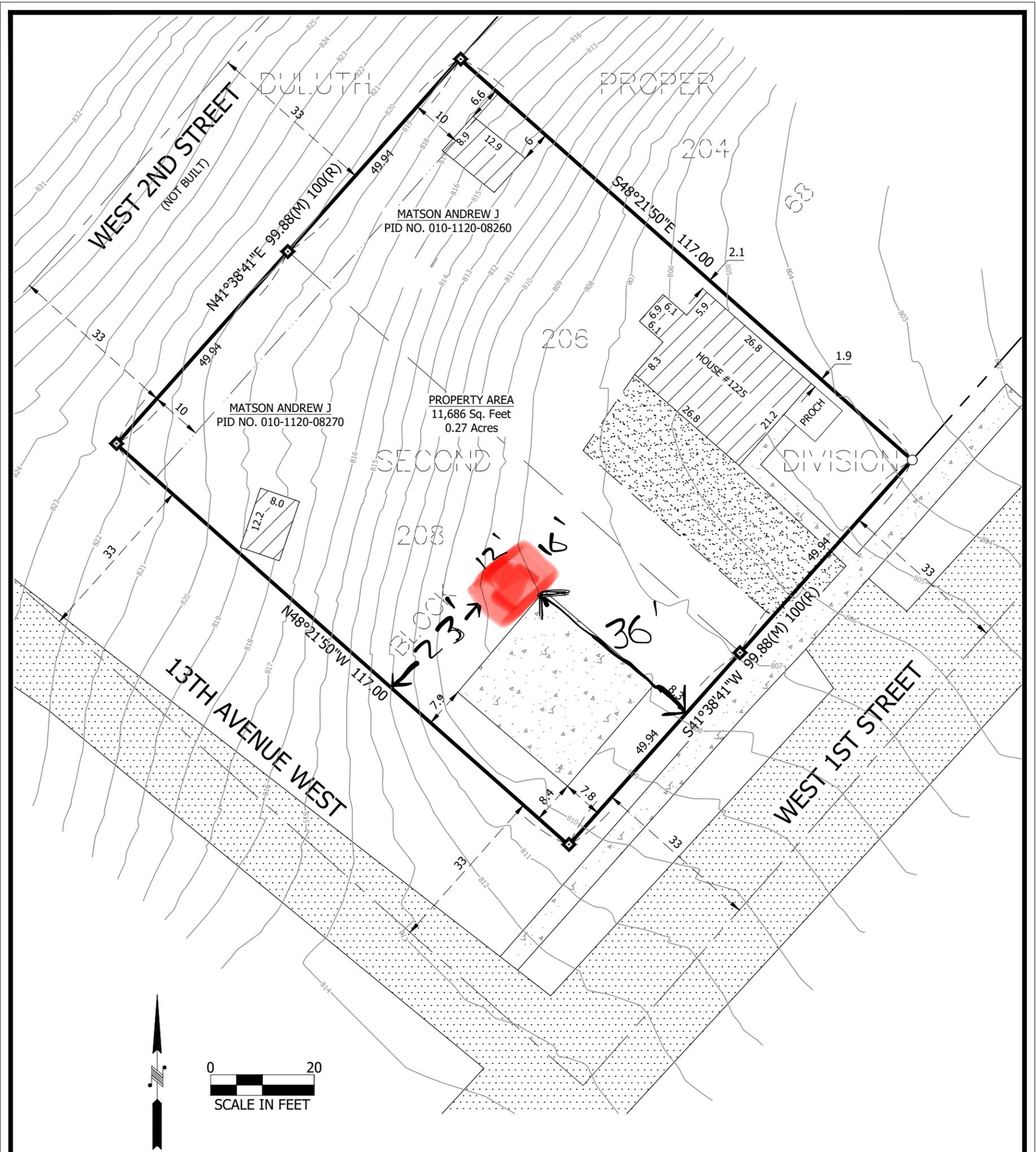
# Legend

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



Prepared by: City of Duluth Planning & Economic Development, August 12, 2024, Source: City of Duluth



**LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 338460**

Lot 206 Block 68 DULUTH PROPER SECOND DIVISION  
 Lot 208 Block 68 DULUTH PROPER SECOND DIVISION

**SURVEYOR'S NOTES**

1. CONTOURS SHOWN HEREON ARE BASED ON INFORMATION OBTAINED FROM THE MNTOPOLIDAR WEBSITE.
2. THE BOUNDARY LINES SHOWN HEREON ARE BASED ON FOUND MONUMENTATION AND A SURVEY COMPLETED BY RON KRUEGER RLS. NO. 14374 DATED 9-24-2012.
3. 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.
4. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
5. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.

**TV**

- CONCRETE SURFACE
- BITUMINOUS SURFACE
- GRAVEL SURFACE
- EXISTING BUILDINGS

**LEGEND**

- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- CENTER LINE
- - - RIGHT OF WAY LINE
- SURVEY LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE
- EXISTING EASEMENT LINE
- ◆ FOUND CAPPED REBAR RLS. NO. 14374
- SET CAPPED REBAR RLS. NO. 49505

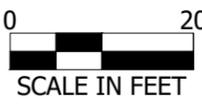
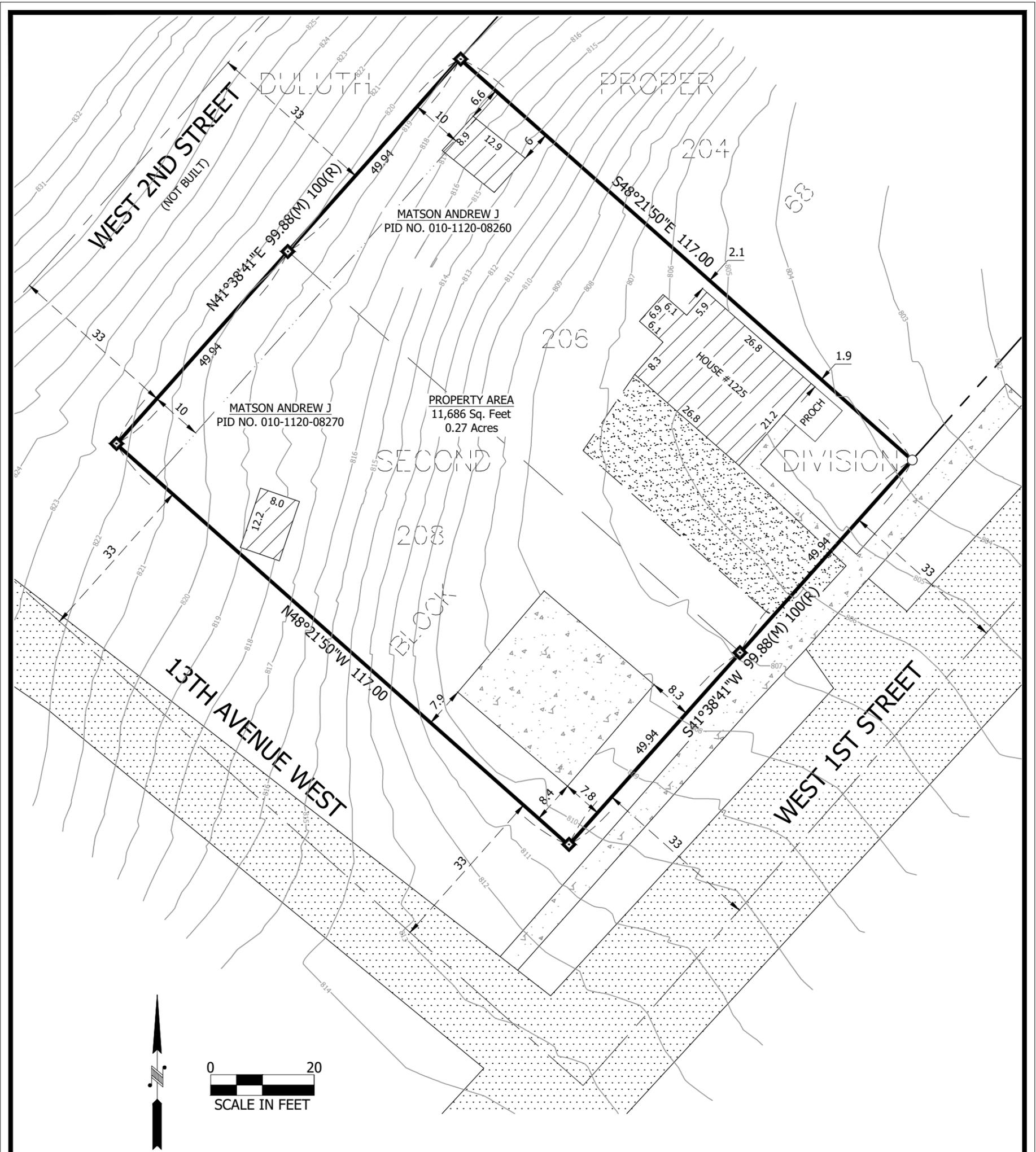
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
  
 David R. Evanson  
 MN License #49505  
 DATE: 11-10-2023

**CERTIFICATE OF SURVEY**

CLIENT: ANDREW MATSON  
 ADDRESS: 1225 W 1ST, DULUTH, MN 55806  
 DATE: 11-10-2023

REVISIONS:  
 JOB NO: 23-344  
 SHEET 1 OF 1

**ALTA**  
 LAND SURVEY COMPANY  
 PHONE: 218-727-5211  
 LICENSED IN MN & WI  
 WWW.ALTLANDSURVEYDULUTH.COM



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**LEGEND**

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION
	BITUMINOUS SURFACE	(R)-RECORD DIMENSION
	GRAVEL SURFACE	— — — — — CENTER LINE
	EXISTING BUILDINGS	— — — — — RIGHT OF WAY LINE
		— — — — — SURVEY LINE
		— — — — — BOUNDARY LINE AS SURVEYED
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		— — — — — EXISTING EASEMENT LINE
		◆ FOUND CAPPED REBAR RLS. NO. 14374
		○ SET CAPPED REBAR RLS. NO. 49505

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  
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