



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

Room 160  
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Duluth, Minnesota 55802



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|                      |                              |                          |   |                   |
|----------------------|------------------------------|--------------------------|---|-------------------|
| File Number          | PLVAR-2411-0010              | Contact                  | Jason Mozol, <a href="mailto:jmozol@duluthmn.gov">jmozol@duluthmn.gov</a> |                   |
| Type                 | Variance from Lot Area       | Planning Commission Date |   | January 14, 2025  |
| Deadline for Action  | Application Date             | November 15, 2024        | 60 Days   | January 14, 2025  |
|                      | Date Extension Letter Mailed | December 20, 2024        | 120 Days  | March 15, 2025    |
| Location of Subject  |                              | 631 E 3 <sup>rd</sup> St |   |                   |
| Applicant            | Top Dog Investments LLC      | Contact                  | Leah Holliday   |                   |
| Agent                | Architectural Associates     | Contact                  | Ryan Mears  |                   |
| Legal Description    |                              | 010-3830-10690           |   |                   |
| Site Visit Date      |                              | Sign Notice Date         |   | December 31, 2024 |
| Neighbor Letter Date |                              | Number of Letters Sent   |   | 31                |

**Proposal**

The applicant proposes to divide the property to allow for restoration of the fire damaged multi-unit building on the property.

**Recommended Action:** Approve with conditions.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|--|
| <b>Subject</b> | MU-N                  | Residential              | Neighborhood Mixed Use                 |
| <b>North</b>   | F-6                   | Parking/Grocery Store    | Neighborhood Mixed Use                 |
| <b>South</b>   | MU-N                  | Residential              | Urban Residential                      |
| <b>East</b>    | MU-N                  | Parking Lot              | Neighborhood Mixed Use                 |
| <b>West</b>    | MU-N                  | Residential              | Neighborhood Mixed Use & 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.

50-15.2-1 MU-N minimum lot area: 4,000 square ft for a one family dwelling, 2,500 sq ft per family for a two-family dwelling, and 500 sq ft per unit in multi-family.

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

Principle #1- Reuse Previously Developed Land- This subdivision will allow the applicant to reuse an existing building previously damaged by fire.

**Future Land Use: Neighborhood Mixed Use** – A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

**History:** The proposed parcel A contains a duplex home that was built in 1881. The proposed parcel B contains a multi-family structure that was built in 1902. The parcel is in the Hillside neighborhood. The underlying plat is the “Portland Division of Duluth.” The multi-family building was condemned in 2023 following damage from a fire. The current property owner intends to renovate and restore the building back to function as a multi-unit structure.

**Review and Discussion Items:**

Staff finds:

1. The applicant proposes to subdivide the parcel 010-3830-10690 into two parcels to allow for restoration of the multi-family structure on the property.
2. The applicant is requesting to reduce the required lot area for the proposed parcel A from 5,000 sq ft to 1,754 sq ft.
3. *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The existing structures on this property were developed well prior to the adoption of the existing zoning code. In order to restore the existing multi-unit structure, it needs to exist on its own parcel, separate from the existing duplex. Due to the size of the parcel, there is not a way to divide the site that will result in both parcels meeting the required lot areas for their respective structures.
4. *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* This property and the structures on it were designed and constructed by previous owners prior to the adoption of the existing zoning code.
5. *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* This property is peculiar because it is occupied by two primary structures on a single lot.
6. *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* The resulting parcels will both be occupied by residential structures that are permitted in this zone district. This older neighborhood has a number of properties with similar density and non-conforming structures on lots that don’t meet the minimum lot size requirements.
7. *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values):* The existing site layout has existed for over a hundred years and this variance will not alter that layout or change the impacts of the site from what they have been previously. This variance will support the restoration of an existing, blighted structure that is currently having negative impacts on the neighborhood.
8. *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* A duplex is an allowable use in the MU-N zone district.
9. No comments from the public, agencies, or other City departments were received.
10. 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 Planning Review with the following conditions:

1. The project be constructed and limited to the plans submitted with the application, allowing a subdivision of parcel 010-3830-10690 where parcel A has a lot area of 1,754 sq ft.
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-2411-0010  
Variance  
631 E 3rd 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.

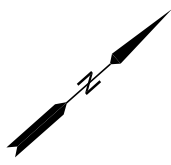
Aerial photography flown 2019

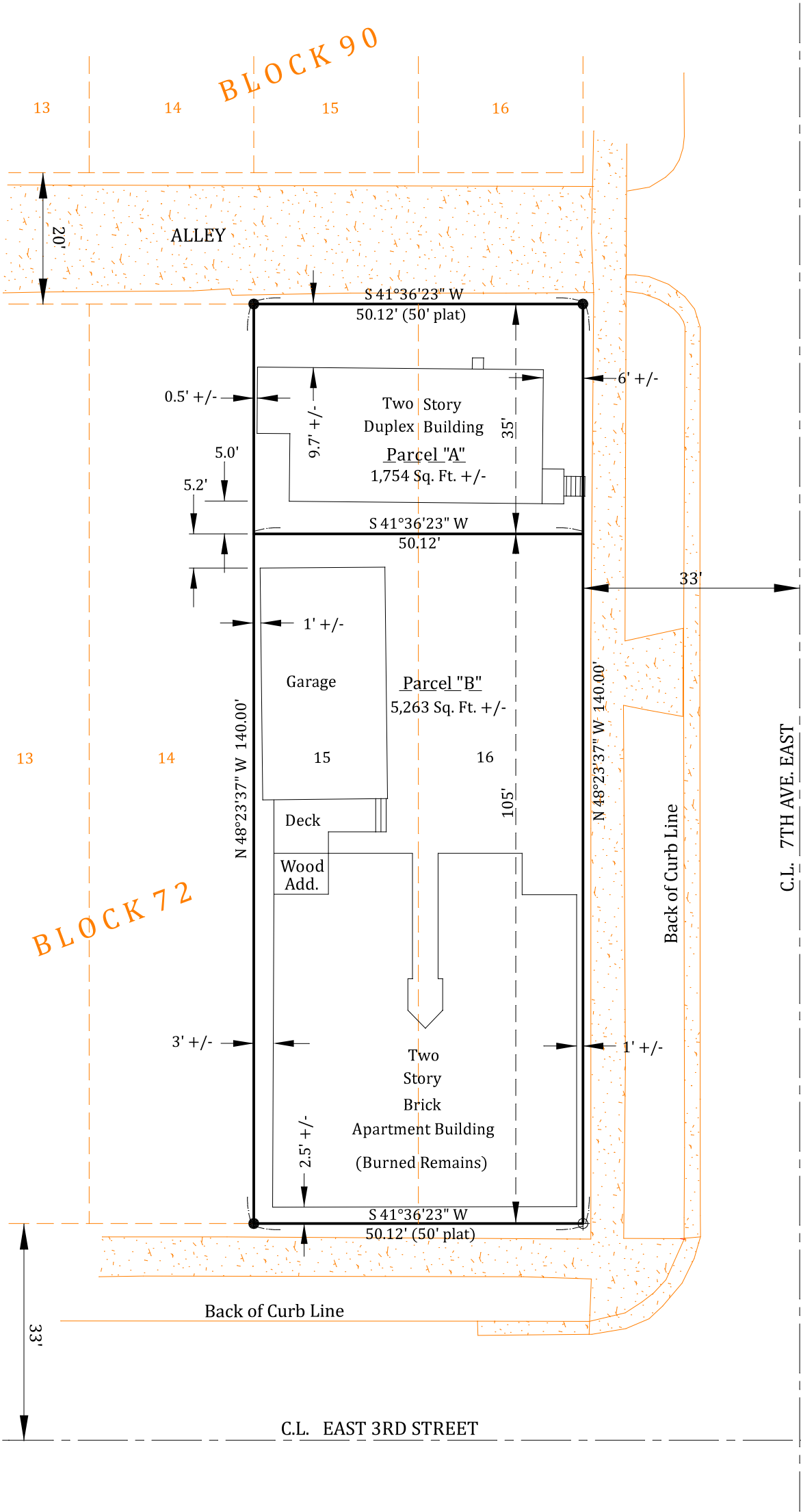
Prepared by: City of Duluth Planning & Economic Development, October 15, 2024; Source: City of Duluth



PROPOSED SUBDIVISION OF  
LOTS 15 AND 16, BLOCK 72  
PORTLAND DIVISION OF DULUTH  
CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

Parcel No.: 010 - 3830 - 10690  
631 East 3rd. Street


  
Bearings Referenced to  
St. Louis County Transverse  
Mercator 96 Coordinate System.

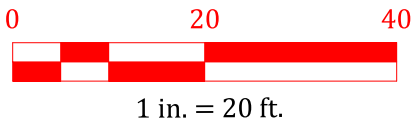


Proposed Parcel "A" Legal Description.  
The Northerly 35 feet of Lots 15 and 16, Block 72  
Portland Division of Duluth  
City of Duluth, St. Louis County Minnesota.

Proposed Parcel "B" Legal Description.  
The Southerly 105 feet of Lots 15 and 16, Block 72  
Portland Division of Duluth  
City of Duluth, St. Louis County Minnesota.

**LEGEND**

- Set 3/4 in. Dia. Rebar with Aluminum Cap inscribed "Nelson LS 49578"
- ⊕ Set 7 in. Spike - subsurface rock.
-  Concrete.



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.

SurveyScience Land Surveying, LLC  
Duluth, Minnesota  
(218) 428 - 4327

Survey for: Top Dog Investments, LLC

James T. Nelson

Date: Nov. 15th, 2024  
License Number: 49578