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July 14, 2025

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Planning Commission
Planner, Natalie Lavenstein
City of Duluth Planning & Development Division
411 West First Street
Duluth, MN 55802

Re: Appeal from Land Use Supervisor Determination File no. PLVAR-2502-0004

Dear Planning Commission:

We respectfully submit this appeal requesting reversal of the Land Use Supervisor's determination denying the Matsons' application to build a detached garage, as it rests on the misinterpretation and misapplication of the relevant provisions of the Unified Development Code (UDC), both in text and in a manner inconsistent with established zoning principles.

The Matsons' proposed garage at 126 E 7th St. Duluth, MN 55805, meets all applicable dimensional, height, and setback standards for accessory structures in the R-2 district. As we read it, nothing in the UDC prohibits the proposed construction or requires a variance under the circumstances presented.

The sole basis for the City's denial appears to be the application of Table 50-21-1, which states:

"No accessory structure may be located:
(a) between a street and any façade of a primary building facing that street."

However, the City's interpretation stretches the meaning of "façade" beyond what is supported by the text of the ordinance itself or the definition of the word itself. The UDC does not define the term "façade," as such dictionary definitions become instructive. Merriam-Webster defines "façade" as "the

front of a building,” and the Oxford English Dictionary similarly defines it as “the face or front of the building toward the street.”¹

This makes the “façade” of the Matsons’ home the portion of the house that *faces* 7th Street — its front. The garage, by contrast, would be constructed along the *side* of the house, maintaining the same parallel orientation to 7th Street as the house itself. As proposed, the garage would not be located between the front of the house and the street as prohibited by the code. Nor would it encroach into the front yard or interfere with the visual or functional relationship between the primary structure and the street. *See* attached plan.

But the City’s interpretation implies that any accessory structure located along the side of a home on a corner lot is automatically disqualified—even if it meets all other code requirements—because a street runs alongside it. This broad reading imposes burdens on corner-lot properties and risks rendering otherwise conforming structures nonconforming through arbitrary application.

This flaw is compounded when the City applies the same restrictive reading to lots consisting of multiple contiguous parcels. The fundamental issue with this interpretation is further illustrated by the Matsons’ specific lot configuration. They own two contiguous parcels (nos. 30 and 32) which make up their “lot” at 126 E. 7th St. *See* attached documents. Together the two parcels are being treated as a single lot pursuant to the UDC’s definition of “lot” as,

“a parcel of land, or a combination of contiguous parcels under single ownership...”

Parcel 32, the true corner parcel, is vacant. The Matsons’ residence is located entirely on Parcel 30, the interior parcel, and the garage as proposed would likewise be located solely on Parcel 30.

Nonetheless, the City’s interpretation applies corner-lot restrictions to the Matsons’ property because Parcel 32 abuts two intersecting streets. This approach imposes setback constraints on structures that are neither located on, nor oriented toward, the corner— despite the absence of any language in the code extending such restrictions based solely on lot configuration. Taken to its logical extreme, if a single owner held four contiguous parcels on a block, with a residence built entirely on the interior parcel (separated from the corner by multiple lots), the City’s interpretation would nevertheless impose corner-lot restrictions on the entire assemblage due to common ownership. Such a reading disregards parcel boundaries, defies conventional zoning principles, and imposes unwarranted burdens on property owners without textual support in the code.

Appended to this letter is the affidavit of Robert Fern, a licensed architect who has reviewed the relevant UDC provisions and supports the Matsons’ interpretation set forth above.

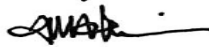
¹ <https://www.merriam-webster.com/dictionary/facade>
<https://www.oed.com/search/dictionary/?scope=Entries&q=facade>

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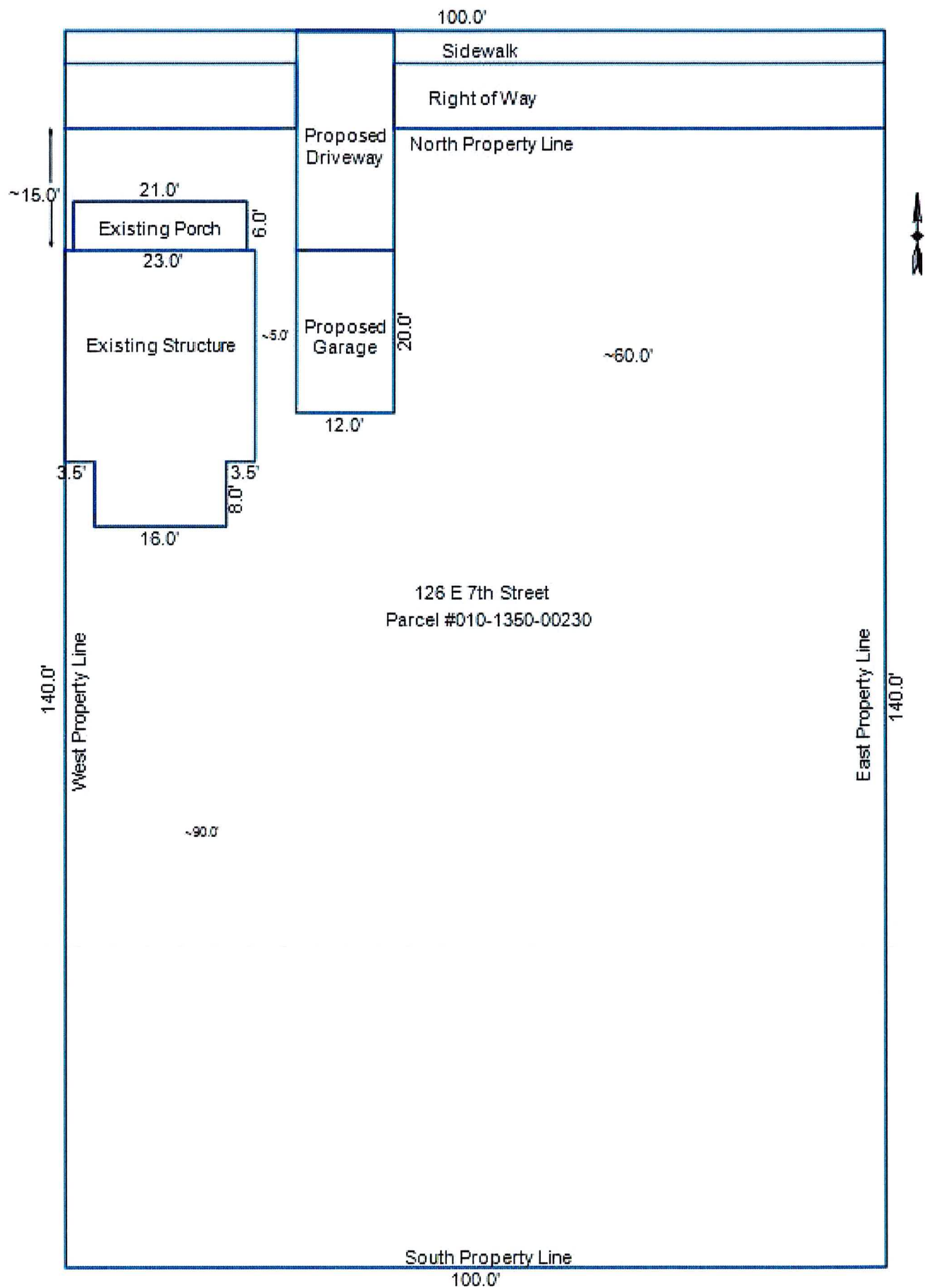
For the foregoing reasons, we submit that the Matsons' garage, as proposed, does not violate Section 50-21.3 or Table 50-21-1, and no variance is required for its construction. The administrative determination made by the Land Use Supervisor should be reversed accordingly.

Very truly yours,



Amalia B. Ellison

cc: Nick Anderson
Amanda Mangan
Pamela Matson



AFFIDAVIT

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

ROBERT W. FERN, states as follows:

1. I am a licensed architect and principal architect at an AIA accredited firm, RW Fern Associates, located in Duluth Minnesota, and make this affidavit based upon my personal and professional knowledge.
2. I regard zoning codes as a critical part of responsible development. They provide the necessary framework for coherence, function, and order.
3. Before any design work begins, I review the zoning code and building codes that apply to whatever I am working on. This is not an optional or occasional step—it is a foundational part for every project.
4. Because code research is such a crucial part of my job it is my professional responsibility to maintain a working knowledge of both the International Building Code and the local zoning ordinances to ensure compliance.
5. I was asked to consult by Pamela and Dennis Matson (“the Matsons”) regarding their proposed detached garage at 126 E 7th Street in Duluth, Minnesota. Specifically, they requested my professional opinion on the placement of the garage relative to applicable zoning requirements under the City of Duluth’s Unified Development Chapter (“UDC”).
6. In my professional opinion, the house’s north-facing façade is the only side that functionally and architecturally “faces” a street. The east wall of the home runs along the side of the property and does not function as a street-facing façade in any architectural or practical sense.


7. My reading of Table 50-21-1 is that it prohibits accessory structures, including detached garages, from being located between the street and the front façade of the principal structure. I believe the intent of this requirement was to prevent seeing only a garage (or other accessory structure) from the main street, not from all streets. This requirement is being interpreted into applying to sideyards (corner lot) configurations. This type of restriction reflects common residential planning practices, but is not what the Matson's are proposing here.
8. For consideration, the adjacent property to the West (120 E. 7th) has a standalone, detached garage similar to what the Matson's want to construct on their property. The precedent for detached garages facing 7th Street is established.
9. Using the City's interpretation, if the adjacent 120 E 7th property owner purchased Matson's property and removed the house, their property would then be considered a "corner lot" and suddenly non-conforming. By its own logic, the City's interpretation fails to identify when, if ever, a property would cease to be considered a corner lot.
10. If the City interprets any wall that runs alongside a street as "facing" that street—even if it is clearly a side wall—it runs the risk of creating inconsistent and impractical results. The same house could be treated differently under the zoning code based solely on whether neighboring parcels are combinedly into one lot, or divided and sold, or otherwise developed.
11. For example, the Matsons own two contiguous parcels, and if they were to sell the true corner parcel to a third party, the parcel on which their home currently sits and where they want to build the garage, would no longer be considered a corner lot under the UDC definition. This means their proposed garage location as it is now would be in compliance.

12. The City's current broad interpretation does not allow for reasonable and typical garage placement because compliance relates more to how parcels are divided than the lot orientation or structure design.

13. It places a disproportionate emphasis on property lines and not enough on how the structure relates to the streets it faces. Zoning rules are meant to guide the relationship between buildings and their surroundings—not to make parcel configuration the deciding factor.

FURTHER AFFIANT SAYETH NOT.

I declare under penalty of perjury that everything I have stated in this document is true and correct. I have signed this document on July 14, 2025, in St. Louis County, Minnesota.

By: 
Robert Fern, Principal
RW Fern Associates
Duluth, Minnesota



PROPERTY DETAILS REPORT

St. Louis County, Minnesota



Date of Report: 7/14/2025 3:43:46 PM

General Details							
Parcel ID:	010-1350-00230						
Document:	Torrens - 1082684.0						
Document Date:	08/30/2024						
Legal Description Details							
Plat Name:	DULUTH PROPER THIRD DIVISION						
Section	Township	Range	Lot	Block			
-	-	-	0030	081			
Description:	Lots 30 and 32, Block 81, INCLUDING Lots 30 and 32, EAST SEVENTH STREET, DULUTH PROPER FIRST DIVISION						
Taxpayer Details							
Taxpayer Name and Address:	MATSON PAMELA A & DENNIS A 6198 MCQUADE RD DULUTH MN 55804						
Owner Details							
Owner Name	MATSON DENNIS A						
Owner Name	MATSON PAMELA A						
Payable 2025 Tax Summary							
2025 - Net Tax				\$2,763.00			
2025 - Special Assessments				\$29.00			
2025 - Total Tax & Special Assessments				\$2,792.00			
Current Tax Due (as of 7/13/2025)							
Due May 15		Due October 15			Total Due		
2025 - 1st Half Tax	\$1,396.00	2025 - 2nd Half Tax	\$1,396.00		2025 - 1st Half Tax Due	\$0.00	
2025 - 1st Half Tax Paid	\$1,396.00	2025 - 2nd Half Tax Paid	\$0.00		2025 - 2nd Half Tax Due	\$1,396.00	
2025 - 1st Half Due	\$0.00	2025 - 2nd Half Due	\$1,396.00		2025 - Total Due	\$1,396.00	
Parcel Details							
Property Address:	126 E 7TH ST, DULUTH MN						
School District:	709						
Tax Increment District:	-						
Property/Homesteader:	-						
Assessment Details (2025 Payable 2026)							
Class Code (Legend)	Homestead Status	Land EMV	Bldg EMV	Total EMV	Def Land EMV	Def Bldg EMV	Net Tax Capacity
204	0 - Non Homestead	\$109,200	\$93,100	\$202,300	\$0	\$0	-
Total:		\$109,200	\$93,100	\$202,300	\$0	\$0	2023

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