



Planning & Development Division
Planning & Economic Development Department

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 Duluth, Minnesota 55802



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File Number	PLVAR-2508-0010	Contact	Jason Mozol, jmozol@duluthmn.gov		
Type	Variance from Shoreland Setbacks	Planning Commission Date		September 9, 2025	
Deadline for Action	Application Date	August 5, 2025	60 Days	October 4, 2025	
	Date Extension Letter Mailed	August 18, 2025	120 Days	December 3, 2025	
Location of Subject		2732 Woodland Ave			
Applicant	Force 1 LLC	Contact	Brian Forcier		
Agent	Northland Consulting Engineers	Contact	David Bolf		
Legal Description		010-2710-00330			
Site Visit Date		July 29, 2025	Sign Notice Date		August 20, 2025
Neighbor Letter Date		August 19, 2025	Number of Letters Sent		45

Proposal

The applicant proposes to expand an existing driveway off Woodland Ave to connect to a multi-family development.

Recommended Action: Staff recommends that Planning Commission approve the variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	P-1	Driveway/Open Space	Open Space
North	P-1	Open Space	Open Space
South	P-1	Open Space	Open Space
East	R-P	Vacant Residential	Traditional Neighborhood/ Open Space
West	P-1	Open Space	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 practical difficulties.

Sec. 50-37.9.L – Standards for variances in shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results 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):

Governing Principle #1- Reuse previously developed land- The project is proposed on property that is previously impacted by residential development.

Governing Principle #2- Declare the necessity and secure the future of undeveloped places- The associated designation of common open space protects 2.88 acres of naturally vegetated property.

Future Land Use – Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

History: An existing gravel driveway crosses a City owned parcel via an easement to provide access to the neighboring parcel to the east.

Review and Discussion Items:

Staff finds that:

- 1) The applicant proposes to reconstruct the existing gravel driveway to provide access to a multi-family development. This driveway is within the 75' shoreland setback for impervious surfaces from a tributary of Tischer Creek.
- 2) The applicant is requesting to reduce the required cold-water shoreland impervious surface setback from 75' to 20.5'.
- 3) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* Access to the property from Woodland Ave is impeded by steep slopes. Connection via the existing driveway is the most gradual and least impactful route.
- 4) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The property was initially developed by another owner prior to the implementation of shoreland regulations.
- 5) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* This is the only property identified for residential use by the comprehensive plan that is directly adjacent to this tributary. Most of the properties in this neighborhood are not within the shoreland zone.
- 6) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* It is reasonable to utilize the existing driveway route for access to the property.
- 7) *Variance Criteria #5 (not impair light/air, increase congestion, or impair public safety or property values):* Locating the driveway in this location will not impair neighboring properties adequate access to light or air. St Louis County manages Woodland Ave and they previously stated they did not have traffic safety or roadway capacity concerns with this driveway location or development. Further, the developer coordinated with St Louis County during the recent reconstruction of Woodland Ave to ensure the road design will accommodate traffic from this site.
- 8) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* All residential properties in this neighborhood have driveways. Woodland Ave is a high volume roadway that is appropriate for access to this development. The proposed driveway location will not alter the essential character of the neighborhood.
- 9) *Standards for variances in shorelands (does not compromise intent of shoreland regulations and mitigates impacts):* Much of the tributary adjacent to this driveway is enclosed, running through a culvert below Woodland Ave and will not be directly impacted. Stormwater from the driveway will be treated on site prior to being discharged into the County's storm sewer system running along Woodland Ave. To mitigate remaining shoreland impacts, the applicant proposes to establish 2.88 acres of common open space within the development. Much of this is within the shoreland zone (see attached map).
- 10) Staff finds the applicant has demonstrated practical difficulty due to the unique location of the property to the tributary of Tischer Creek and the challenging access due to steep slopes along the rest of the Woodland Ave frontage.
- 11) No comments from the public, agencies or other City departments 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:

Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 1) The project must be constructed and limited to the plans submitted with the application, allowing a driveway that extends no closer than 20.52' from the tributary to Tischer Creek.
- 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.

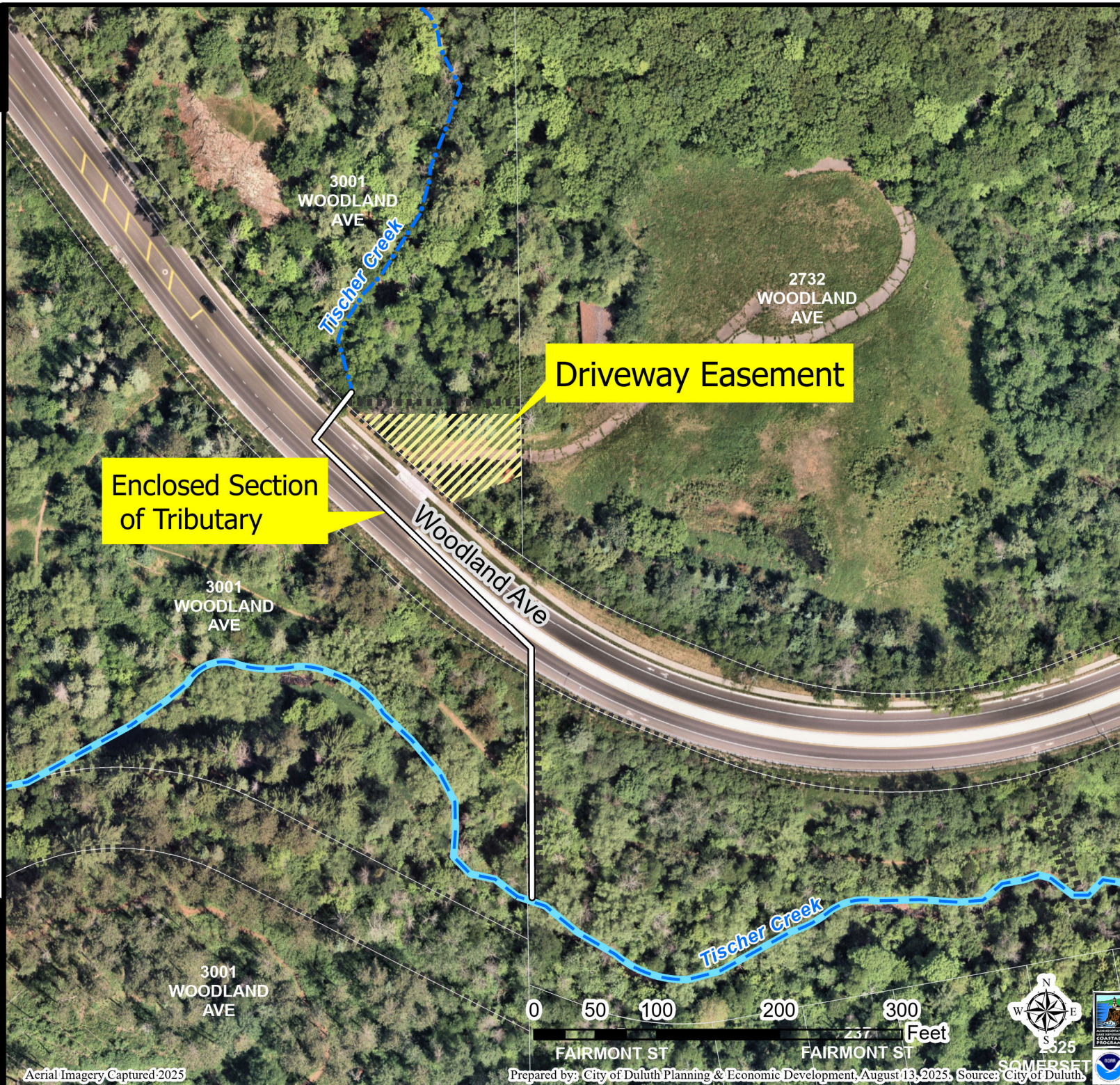


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Variance to Shoreland Setback
010-4680-01265

Legend

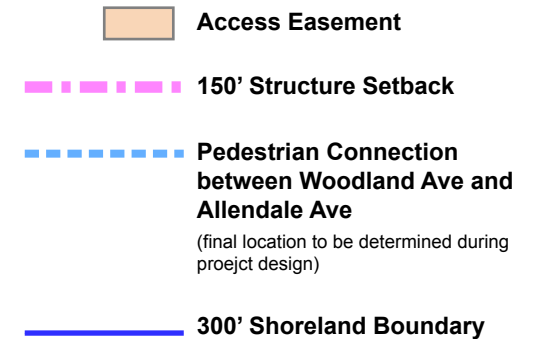
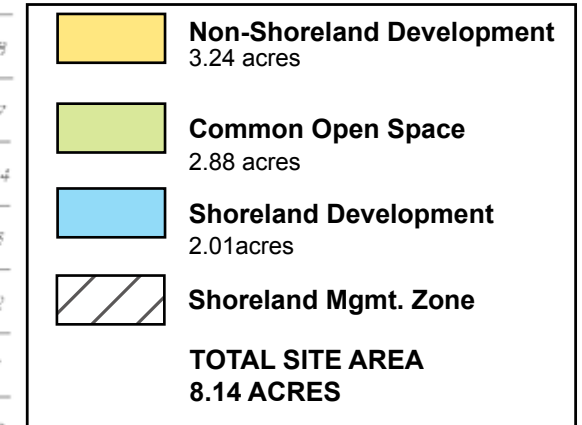
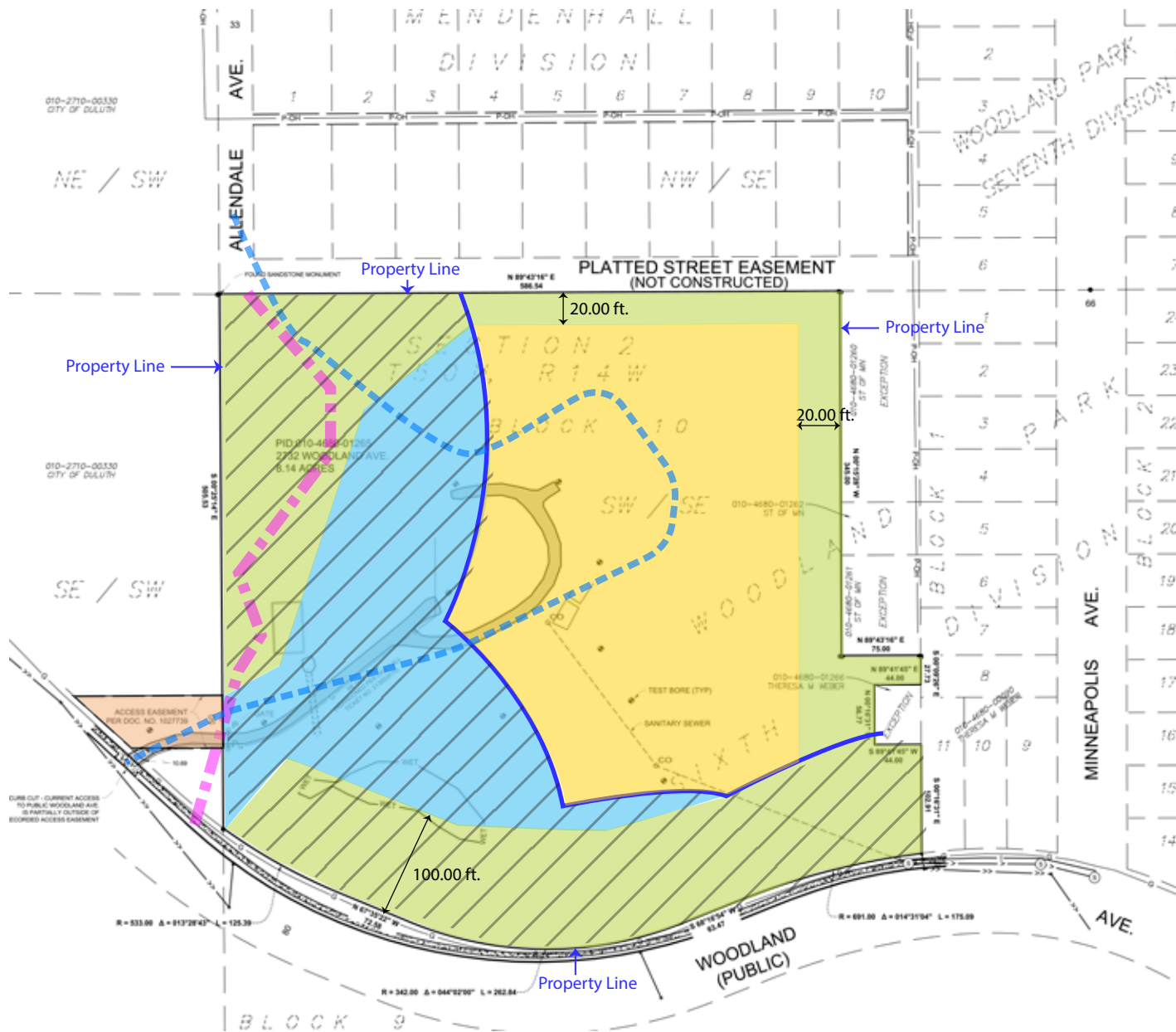
- County Parcel Data
- Road or Alley ROW



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 Imagery Captured 2025

Prepared by: City of Duluth Planning & Economic Development, August 13, 2025. Source: City of Duluth.



2732 Woodland Avenue

R-P Rezoning Concept Map

DEVELOPMENT DENSITY

Shoreland Area	Max. 24 Units
Non-Shoreland Area	Max. 75 Units minus units located in Shoreland

OPEN SPACE IN SHORELAND AREA

Shoreland Area	4.83 Acres
50% of Shoreland*	2.42 Acres
Common Open Space In Shoreland	2.42 Acres
Total Common Open Space	2.85 Acres

*Per state statute residential in shoreland with 50% of Shoreland in Common Open Space.

