



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLVAR-2502-0003	Contact	Jason Mozol, jmozol@duluthmn.gov		
Type	Variance from Shoreland Setbacks	Planning Commission Date		March 11, 2025	
Deadline for Action	Application Date	February 18, 2025	60 Days	April 18, 2025	
	Date Extension Letter Mailed	February 25, 2025	120 Days	June 17, 2025	
Location of Subject		Lakewalk			
Applicant	City of Duluth	Contact	Jim Shoberg		
Agent	LHB	Contact	Heidi Bringman		
Legal Description		See attached			
Site Visit Date		February 25, 2025	Sign Notice Date		February 25, 2025
Neighbor Letter Date		February 19, 2025	Number of Letters Sent		112

Proposal

The applicant proposes to widen the existing Lakewalk trail and conduct shoreline stabilization work.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G, F-8, MU-N, MU-B	Trail/Park	Open Space
North	I-G, F-8, MU-N, MU-B	Railroad/Commercial	Open Space/Transportation and Utilities
South	Lake	Lake	N/A
East	MU-B, MU-N	Trail/Residential	Open Space/Residential
West	I-G, F-9	Trail/Park	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. 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.

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 #4- Support economic growth sectors

Governing Principle #6 - Reinforce the place specific

Governing Principle #7 - Create and maintain connectivity

Governing Principle #10 - Take actions that enhance the environment, economic, and social well-being of the community

Governing Principle #13- Develop a healthy community

This project accomplishes several comprehensive plan goals by providing recreation space to residents, an attraction to tourists, connection to the waterfront, a safe transportation route for pedestrians, and will mitigate erosion into Lake Superior.

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: The Lakewalk was developed in the late 80's and early 90's to reconnect the City's residents with the waterfront. Numerous storms, most notably in 2012, have damaged the trail and eroded the shoreline.

Review and Discussion Items:

Staff finds that:

- 1) The applicant proposes to restabilize the shore, including construction of a retaining wall. They also propose to widen and repave the Lakewalk trail while moving the trail inland where possible to protect against future erosion.
- 2) The applicant is requesting to reduce the required shoreland structure setback from 50' to 0' for the retaining wall. They also propose to reduce the impervious surface setback from 50' to 20' or greater for 10,070 linear feet of trail.
- 3) Staff finds the applicant has demonstrated practical difficulty due to the project's necessity to be near the water, the inherent challenges due to wave action, soils and topography of the site, and the lack of other available property. This public facility is a reasonable use on the waterfront that provides numerous public benefits. It would be impractical to locate the trail elsewhere while still accomplishing the stated goal of connecting residents and visitors to the waterfront.
- 4) The applicant's practical difficulty was not created by the landowner but is due to the existing location of the trail and the need for these facilities to be on the waterfront.
- 5) The variance will not alter the essential character of the neighborhood where there is an existing trail that supports residents in accessing the waterfront.
- 6) The variance allowing a reduction of a setback will not impair an adequate supply of light and air to adjacent properties.
- 7) The proposal will not increase congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 8) *Standards for variances in shorelands (does not compromise intent of shoreland regulations and mitigates impacts).* To mitigate shoreland impacts, the applicant proposes to revegetate impacted areas with native plants and to create a vegetated buffer above the retaining wall that will allow for infiltration. The proposed trail alignment also retreats from the shore where practical, reducing impacts to the shoreland.
- 9) To further reduce shoreland impacts, staff recommends that the wall must be stained to blend in with the surrounding shoreline/ledgerock so that it is not an aesthetic intrusion.
- 10) No comments from the public, or other City departments were received. Feedback was provided by the DNR regarding mitigation strategies.
- 11) 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 be constructed and limited to the plans submitted with the application, allowing a retaining wall 0' and a paved trail no less than 20' from the Ordinary High Water Level of the Lake Superior.
- 2) The retaining wall must be stained to blend in with the surrounding shoreline/ledgerock.
- 3) 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.



PLVAC-2502-0003
Shoreland Variance for
Lakewalk Improvements
and Restoration
Segment A



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Aerial photography flown 2019

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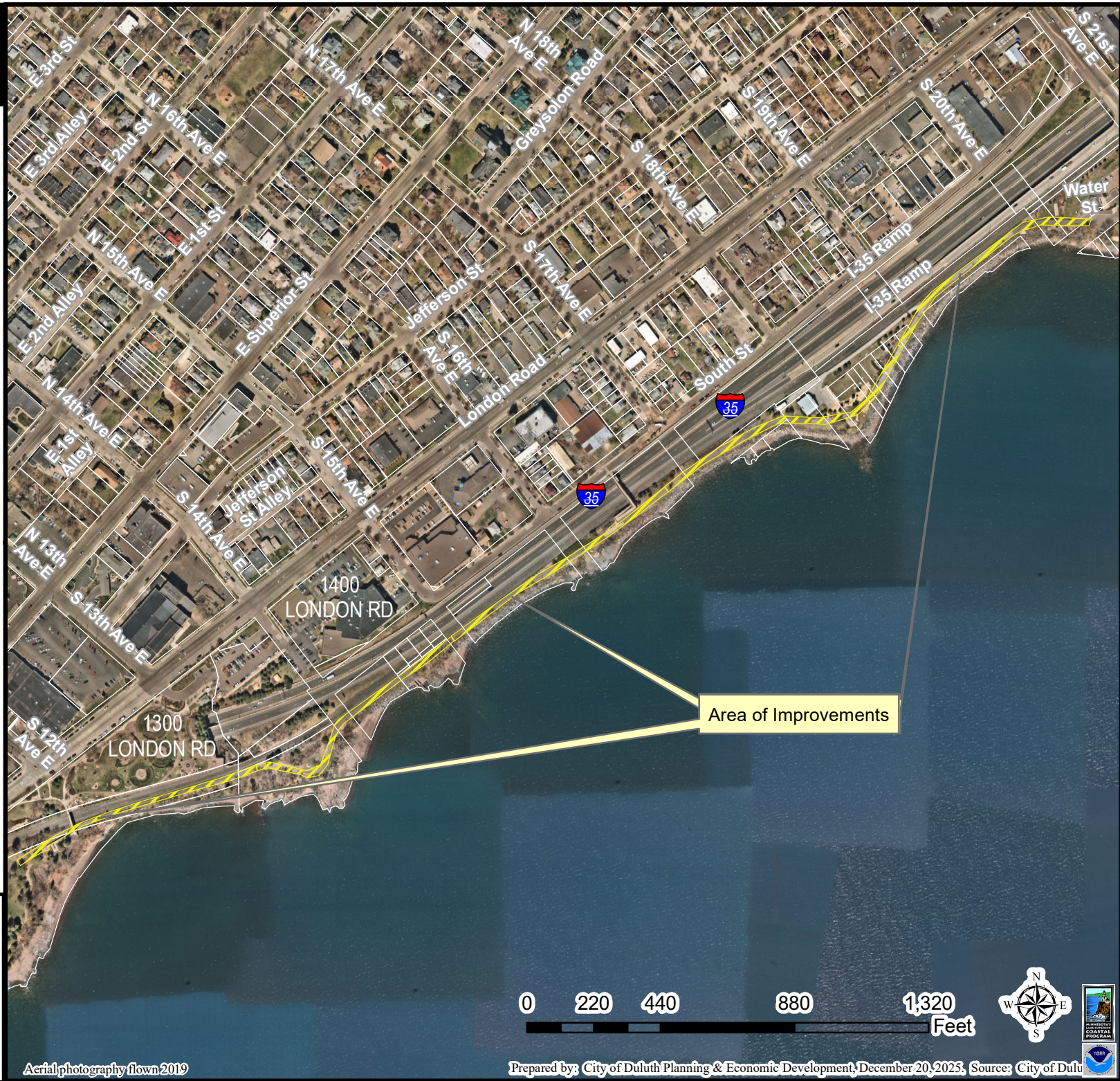
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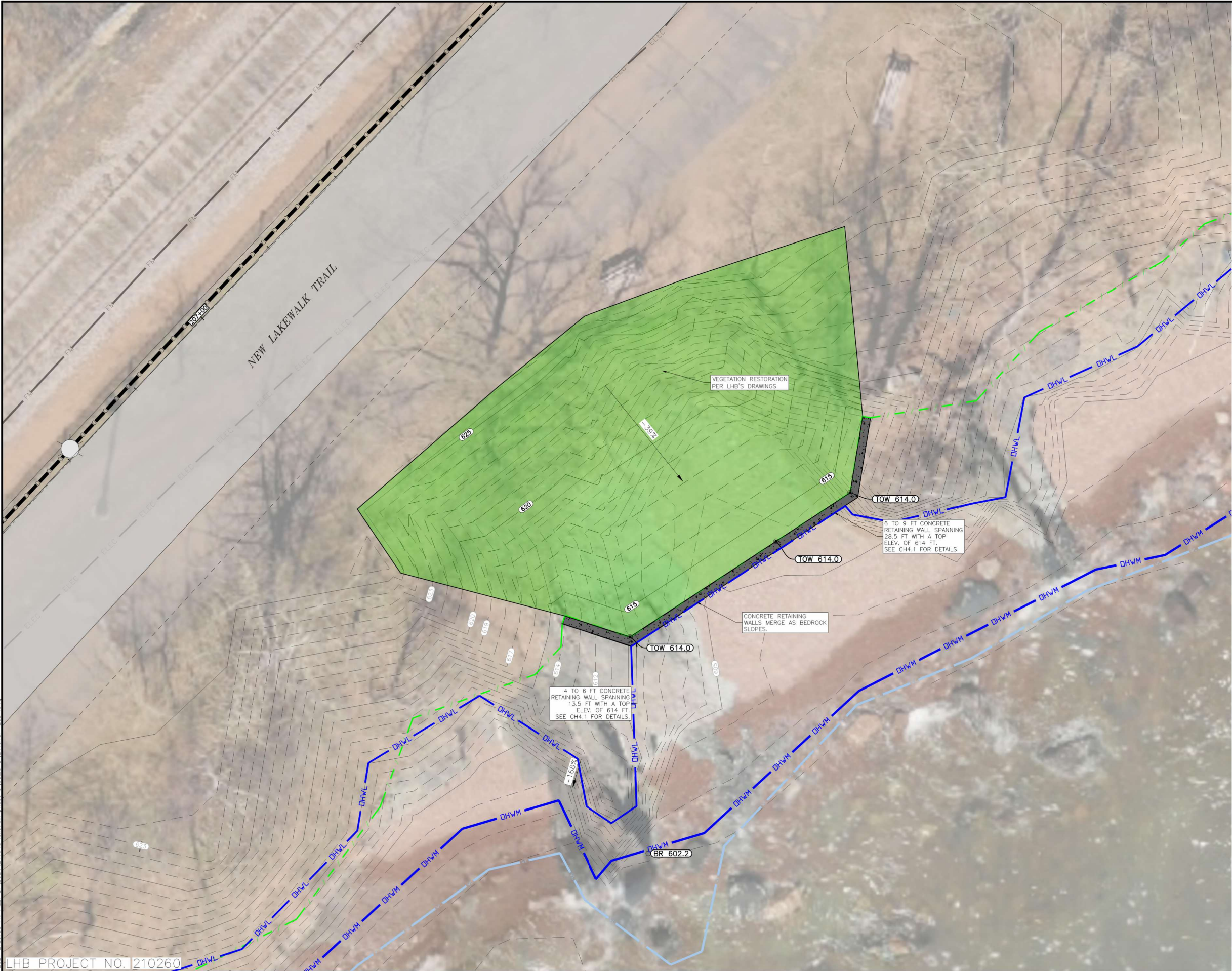
PLVAC-2502-0003
Shoreland Variance for
Lakewalk Improvements
and Restoration
Segment C



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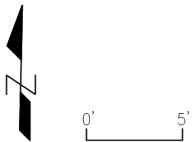


- SITE LEGEND:**
- 37% FLOW ARROW AND GRADE
 - 608 EXISTING MINOR CONTOUR
 - 605 EXISTING MAJOR CONTOUR
 - 608 PROPOSED MINOR CONTOUR
 - 605 PROPOSED MAJOR CONTOUR
 - OHWM USACE ORDINARY HIGH WATER MARK - 603.5 FT
 - OHWL MN DNR ORDINARY HIGH WATER LEVEL - 610.0 FT
 - LAKE WATERLINE
 - PROPOSED VEGETATION LINE
 - CONCRETE RETAINING WALL
 - VEGETATION REESTABLISHMENT
 - REQUIRED GREEN SPACE ALONG TRAIL

ESTIMATED QUANTITIES BREAKDOWN	
CONCRETE	23 CY
GENERAL FILL	215 CY

MN DNR MATERIAL ESTIMATES	
APPROXIMATE VOLUME OF MATERIAL TO BE EXCAVATED BELOW THE OHWL	0 CY
APPROXIMATE VOLUME OF MATERIAL TO BE PLACED BELOW THE OHWL	62 CY

USACE MATERIAL ESTIMATES	
APPROXIMATE AREA IN PLAN VIEW OF MATERIAL TO BE PLACED BELOW THE OHWM	0 SF
LENGTH OF SHORELINE WITH MATERIAL TO BE PLACED BELOW THE OHWM	0 LF
APPROXIMATE VOLUME OF MATERIAL TO BE PLACED BELOW THE OHWM	0 CY
APPROXIMATE VOLUME OF MATERIAL TO BE TEMPORARILY PLACED BELOW THE OHWM	0 CY



LHB PROJECT NO. 210260

I HEREBY CERTIFY that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

PRINTED NAME

SIGNATURE

XX-XX-XXXX
DATE

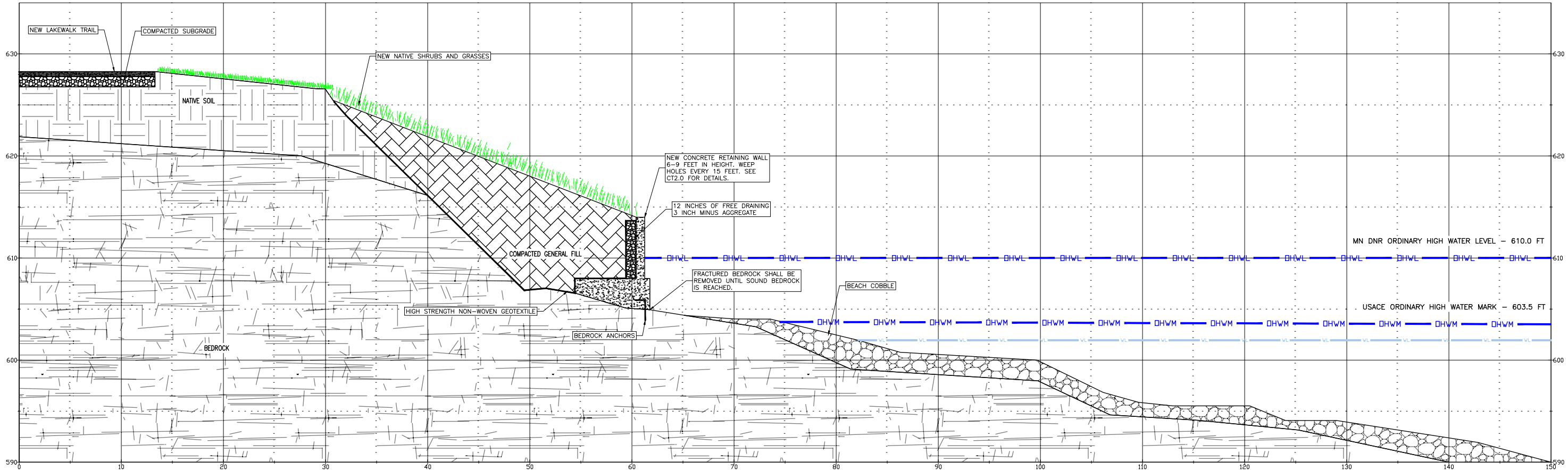
LIC. NO.

S.P. 118-090-029

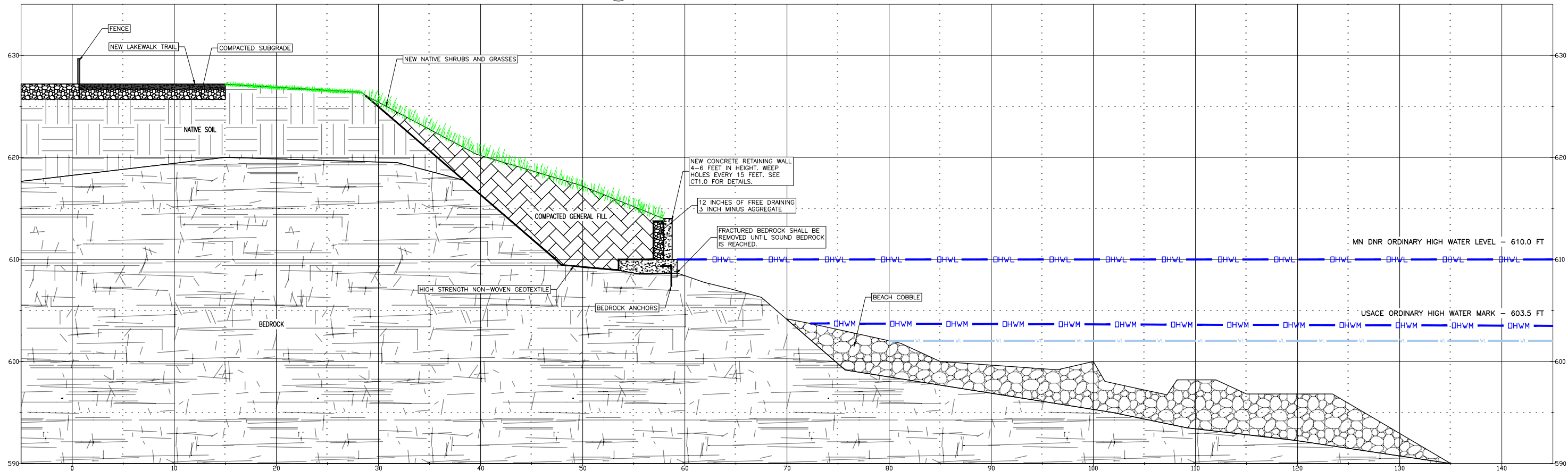
DULUTH LAKEWALK

SHORELINE REHABILITATION PLAN

SHEET NO. CH4.0 OF XX SHEETS



1
CH4.1
PROPOSED TYPICAL DETAILS
From STA 207+14 to STA 207+42



2
CH4.1
PROPOSED TYPICAL DETAILS
From STA 207+00 to STA 207+42

LHB PROJECT NO. 210260

I HEREBY CERTIFY that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

PRINTED NAME

SIGNATURE

XX-XX-XXXX
DATE

LIC. NO.

S.P. 118-090-029

DULUTH LAKEWALK

SHORELINE REHABILITATION CROSS-SECTION

SHEET NO. CH4.1 OF XX SHEETS