



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-2504-0007	Contact	Natalie Lavenstein, nlavenstein@duluthmn.gov	
Type	Variance from Shoreland Area Standards	Planning Commission Date		June 10, 2025
Deadline for Action	Application Date	May 19, 2025	60 Days	July 18, 2025
	Date Extension Letter Mailed	May 19, 2025	120 Days	September 16, 2025
Location of Subject	9426 Congdon Blvd			
Applicant	Amanda Flowers	Contact	NA	
Agent	NA	Contact	NA	
Legal Description	010-0300-00560			
Site Visit Date	May 28, 2025	Sign Notice Date	May 23, 2025	
Neighbor Letter Date	May 19, 2025	Number of Letters Sent	12	

Proposal

The applicant is requesting a variance to build a deck in the rear yard within the structure setback of Lake Superior. The deck would be 32.3' from the Ordinary High Water Level of Lake Superior instead of the required 50 ft.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-2	Residential	Rural Residential
North	RR-2	Residential	Open Space/Rural Residential
South	Lake Superior	Lake Superior	Lake Superior
East	RR-2	Residential	Rural Residential
West	RR-2	Residential	Rural Residential

Summary of Code Requirements:

Sec. 50-37.9.C –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. Sec.50-37.9.C Requires the Planning Commission to approve, or approve with conditions, variances that meet 9 separate criteria, each of which are addressed in the findings sections below.

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 #6 – Reinforce the place-specific: Public and private actions should reinforce cultural, physical, and economic features which have traditionally defined Duluth, its open space, and its neighborhoods. This includes commercial areas providing neighborhood goods and services, ravine parks and other natural features that define neighborhood edges, and view corridors to the lake or river which serve to provide location and context.

Future Land Use – Rural Residential: Areas of single -family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

History: The subject property is a single-family home built in 1955 with an attached garage. Planning Commission approved an interim use permit for a vacation dwelling unit on November 6, 2024. There is an existing retaining wall in the rear yard adjacent to Lake Superior. A building permit was issued in October of 2024 to repair the retaining wall.

Review and Discussion Items:

Staff finds that:

- 1) The applicant proposes to construct a 10' by 15' deck on the upper level of the home. The entire rear yard is within the structure setback of Lake Superior. The deck would be 32.3' from the Ordinary High Water Level of Lake Superior instead of the required 50 ft.
- 2) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The lot was created prior to modern zoning requirements and does not meet current dimensional standards for the RR-2 district. Since the entire rear of the house is within the structure setbacks from Lake Superior, any deck will require a variance.
- 3) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The existing home was built prior to shoreland setback regulations and by a different owner. The home was built on a hill, creating a situation on the rear of the house with a walk-out basement and main living areas elevated a story above the ground. Outdoor spaces to enjoy the view of the lake would only be accessible from the basement level without use of a deck.
- 4) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* The subject property is one of a few developed lots with this shallow depth along Lake Superior. Most developed lots along Lake Superior have much longer lots, allowing more buildable areas outside of the structure setback.
- 5) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Applicant's proposal to build a 10' by 15' deck to allow access to the outdoors and increase viewshed of Lake Superior is a reasonable use.
- 6) *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, increase congestion, or impair public safety or property values.
- 7) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* The deck will not alter the character of the neighborhood as there are several decks of similar size throughout the neighborhood.
- 8) One public comment was received in support of the proposed variance. No agency or City comments were received.
- 9) *Standards for variances in shorelands (does not compromise intent of shoreland regulations and mitigates impacts).* The deck does not add significant impervious surface and will have minimal impacts to water quality. As mitigation, the applicant proposes native plantings and no mowing as shown in the attached exhibit. This brings the property further into compliance with the goals of the shoreland ordinance, which aims to preserve naturally vegetative areas adjacent to shorelands.
- 10) Applicant has not listed economic considerations as part of the reason for this variance.
- 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 variance subject to the following conditions:

1. Applicant shall implement the mitigation plan, including establishment of naturally vegetative areas, and will put no additional impervious surfaces within the rear yard.
2. The project be constructed and maintained according to the site plan submitted with this application.
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 action; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PLVAR-2504-0007

Variance
9426 Congdon Blvd

Legend

- Zoning Boundaries
- Road or Alley ROW
- County Parcel Data

Zoning

UDC Zoning

- RR-2 (Rural Residential 2)

Variance Area



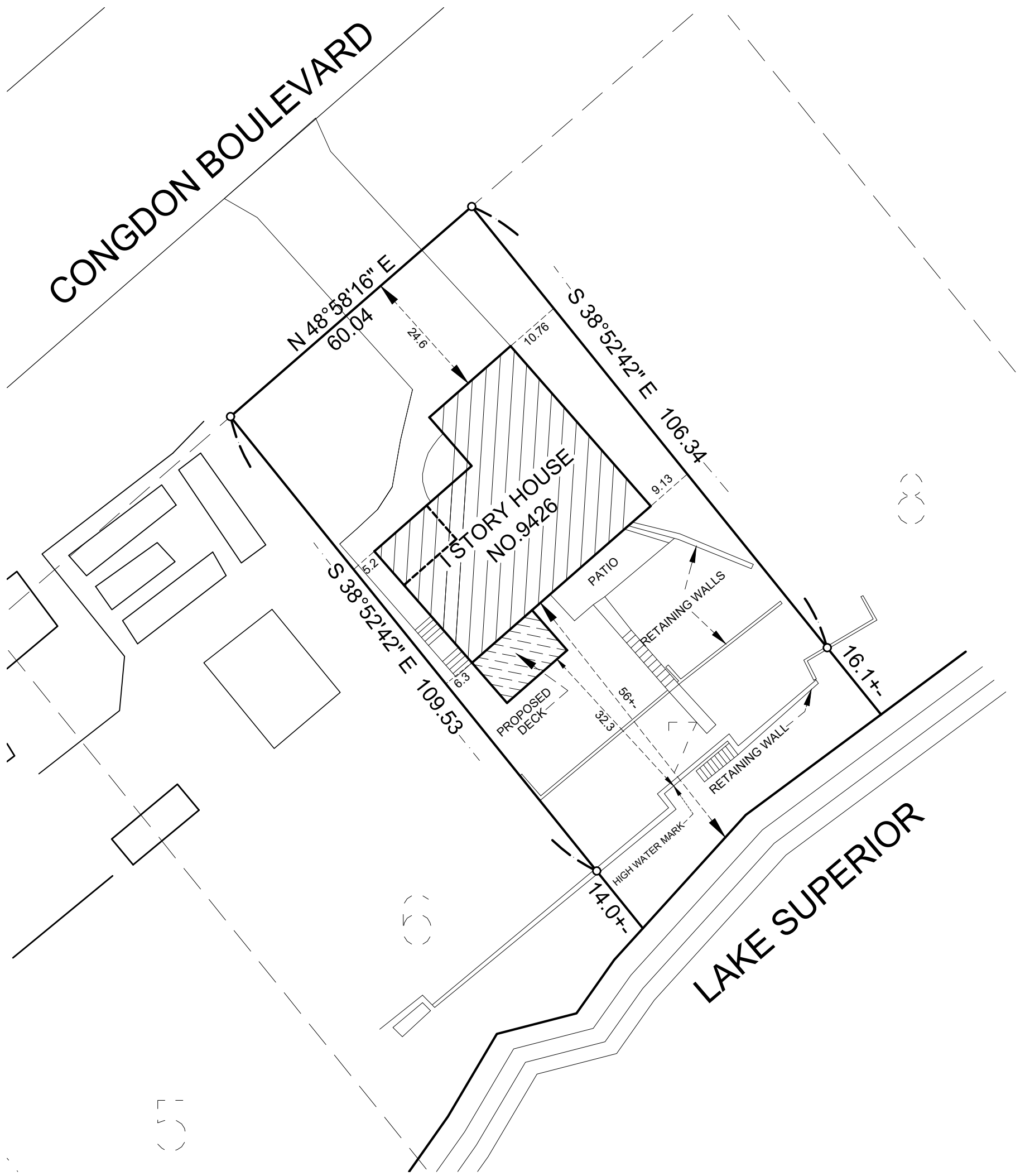
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 2019

Prepared by: City of Duluth Planning & Economic Development, March 6, 2025. Source: City of Duluth.



**CERTIFICATE OF SURVEY
FOR: AMANDA FLOWERS**



LEGAL DESCRIPTION

Lot 7, Block 5, Bristol Beach Division

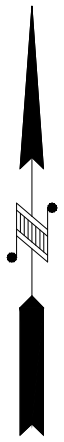
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Date: 5-14-25

Ronald L. Krueger

Ronald L. Krueger MN License No. 14374

RON KRUEGER
Land Surveyor
7066 HIGHWAY 8
SAGINAW, MN 55779
Phone: 218-390-4030



DATE: 5/14/22
SCALE: 1 IN = 20 FEET
PROP ADD: XXX
PROJECT NO: 25-007



ARCTEK DESIGN LLC
 462 STRAIT VIEW DR
 PORT ANGELES
 WASHINGTON
 98362
 PHONE: (715) 494-9668
 ARCTEKDESIGN@OUTLOOK.COM

APPROVED:

CHECKED BY:

SCALE: 1/4" = 1'-0"

DRAWN BY: MSS

4/21/2025

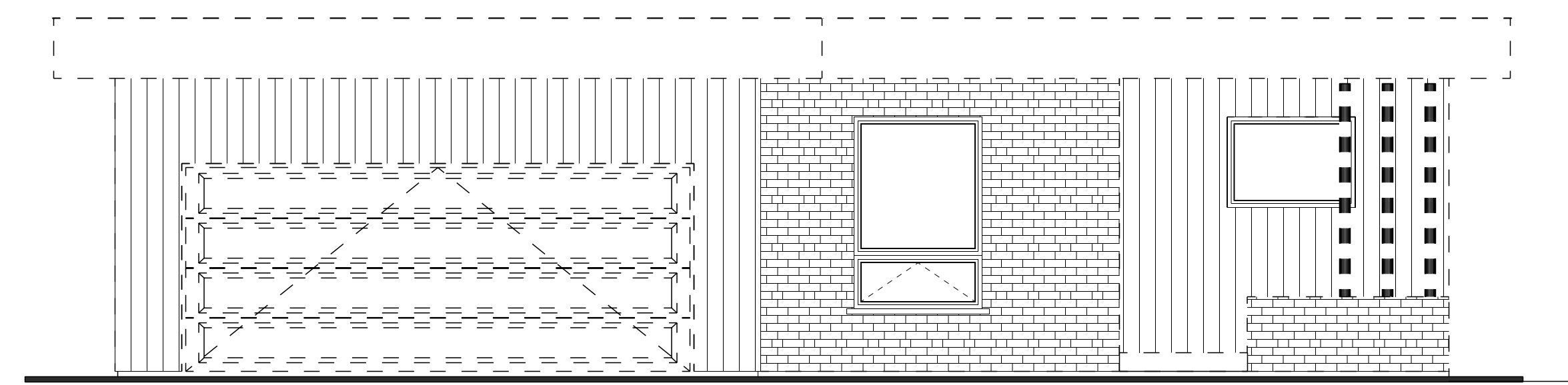
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FLOWERS

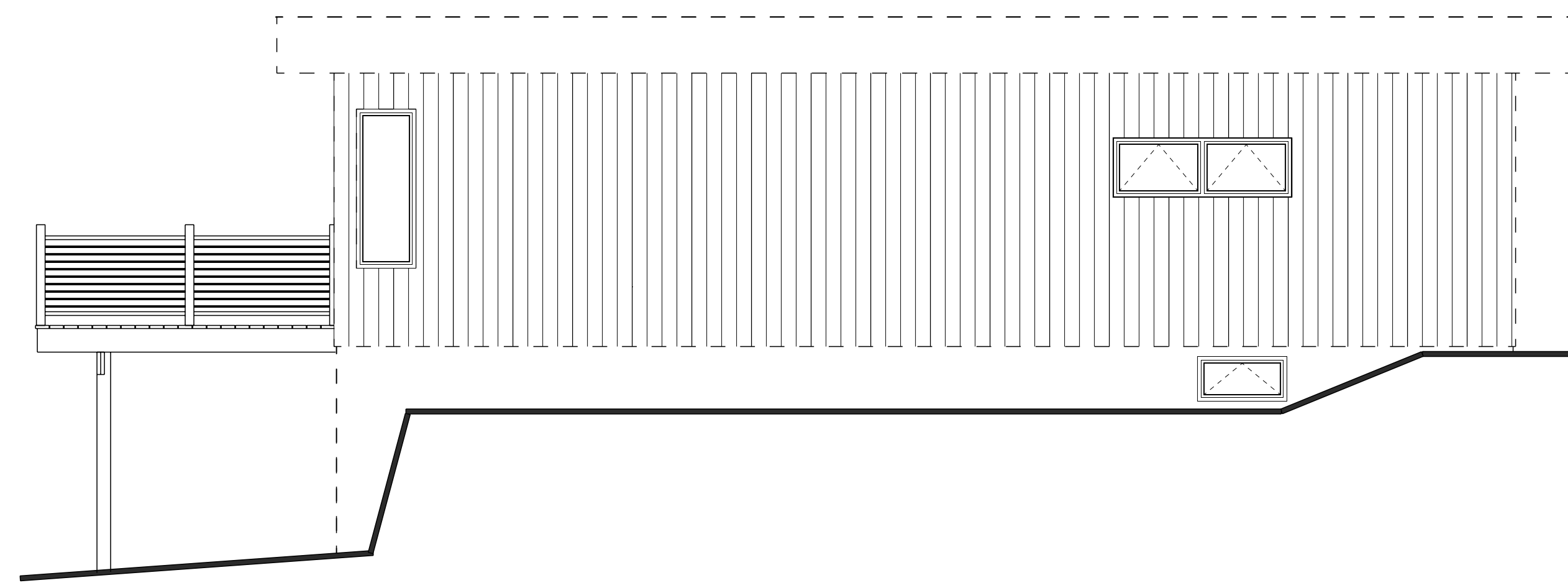
9426 CONGDON BLVD
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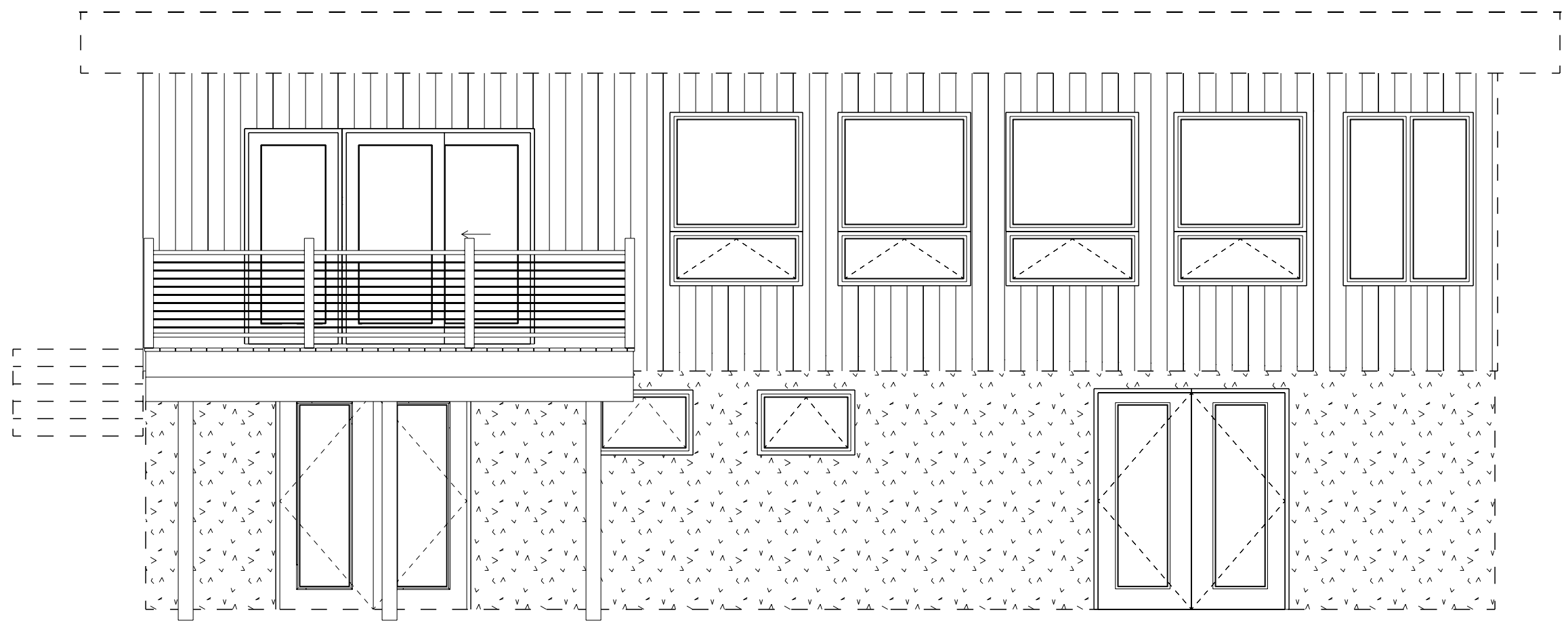
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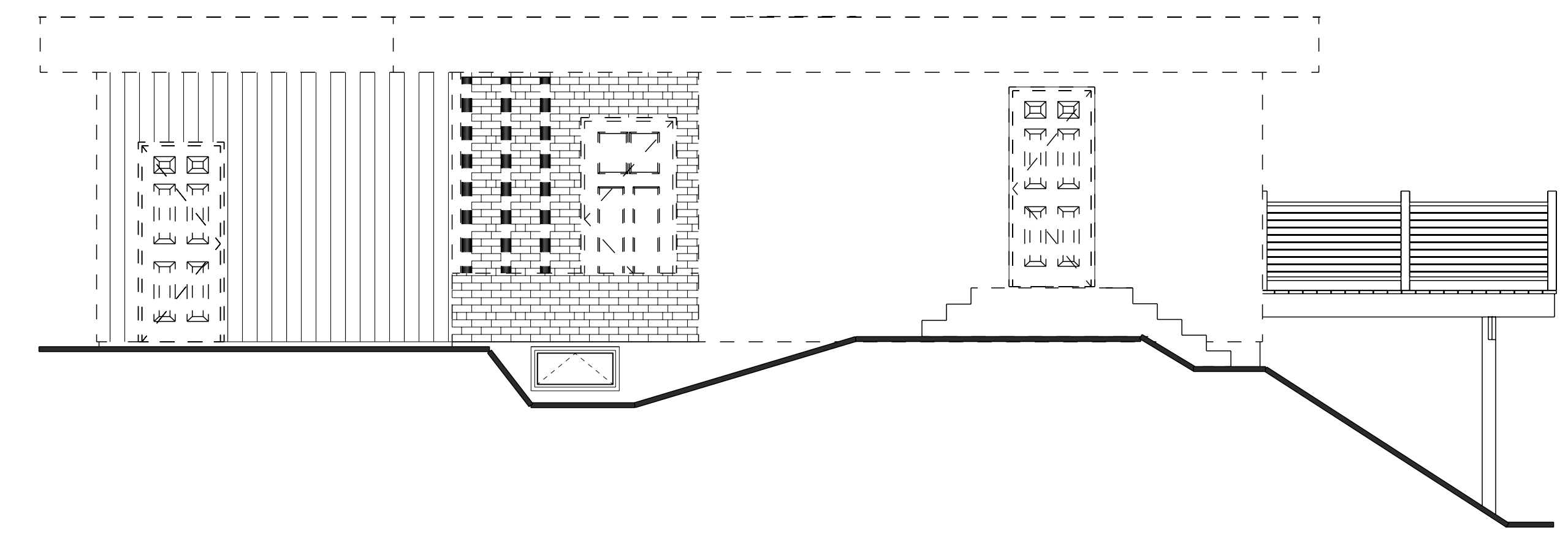
1 FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



2 LEFT ELEVATION
 SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
 SCALE: 1/4" = 1'-0"



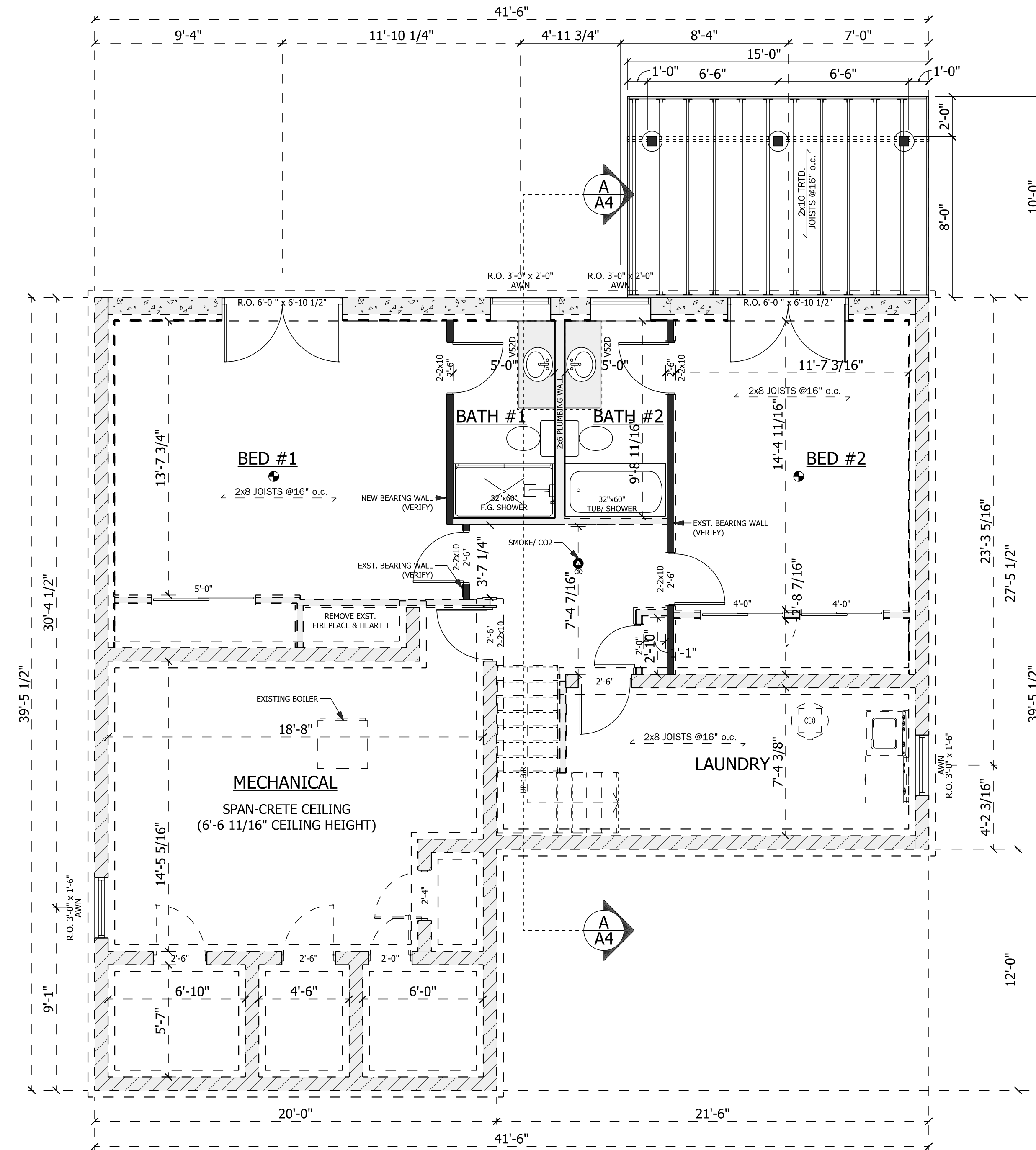
4 RIGHT ELEVATION
 SCALE: 1/4" = 1'-0"

NOTES:

- FOUNDATION WALL DIMENSIONS FROM OUTSIDE OF CONC.
- EXTERIOR WALL DIMENSIONS FROM OUTSIDE OF SHEATING/ BRICK
- INTERIOR WALL DIMENSIONS FROM WALL FINISH
- EXISTING SHOWN AS DASHED

DETAILS:

- BASEMENT WALL HGT. = 7'-4"
- MAIN FLOOR PLATE HGT. = 8'-4"
- GARAGE PLATE HGT. = 9'-2"
- MAIN FLOOR SYSTEM = 2x8 JOISTS @16" o.c.



1 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



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NOTES:

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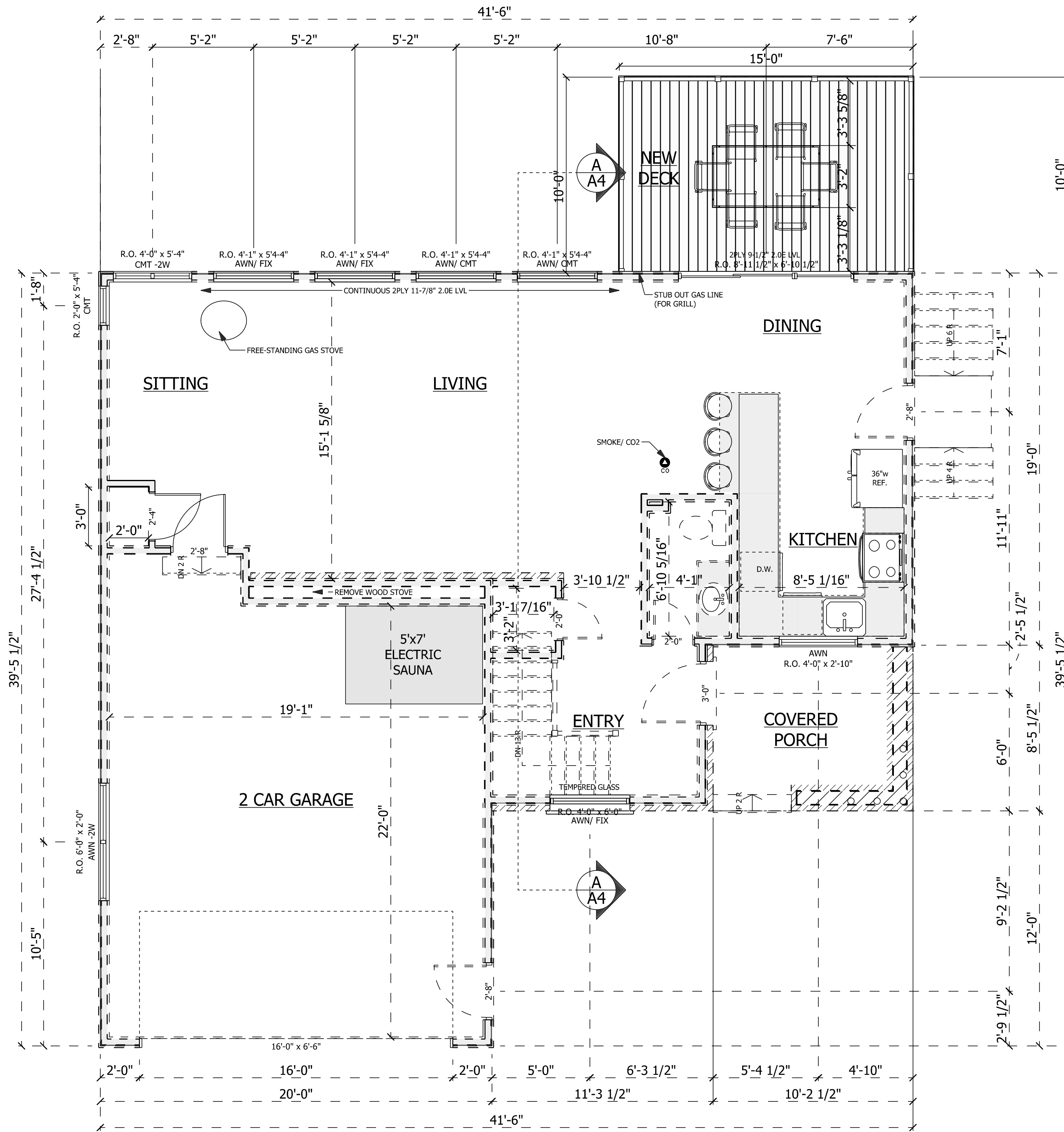
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1 MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"

NOTES:

- FOUNDATION WALL DIMENSIONS FROM OUTSIDE OF CONC.
- EXTERIOR WALL DIMENSIONS FROM OUTSIDE OF SHEATING/ BRICK
- INTERIOR WALL DIMENSIONS FROM WALL FINISH
- EXISTING SHOWN AS DASHED

DETAILS:

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- MAIN FLOOR PLATE HGT. = 8'-4"
- GARAGE PLATE HGT. = 9'-2"
- MAIN FLOOR SYSTEM = 2x8 JOISTS @16" o.c.

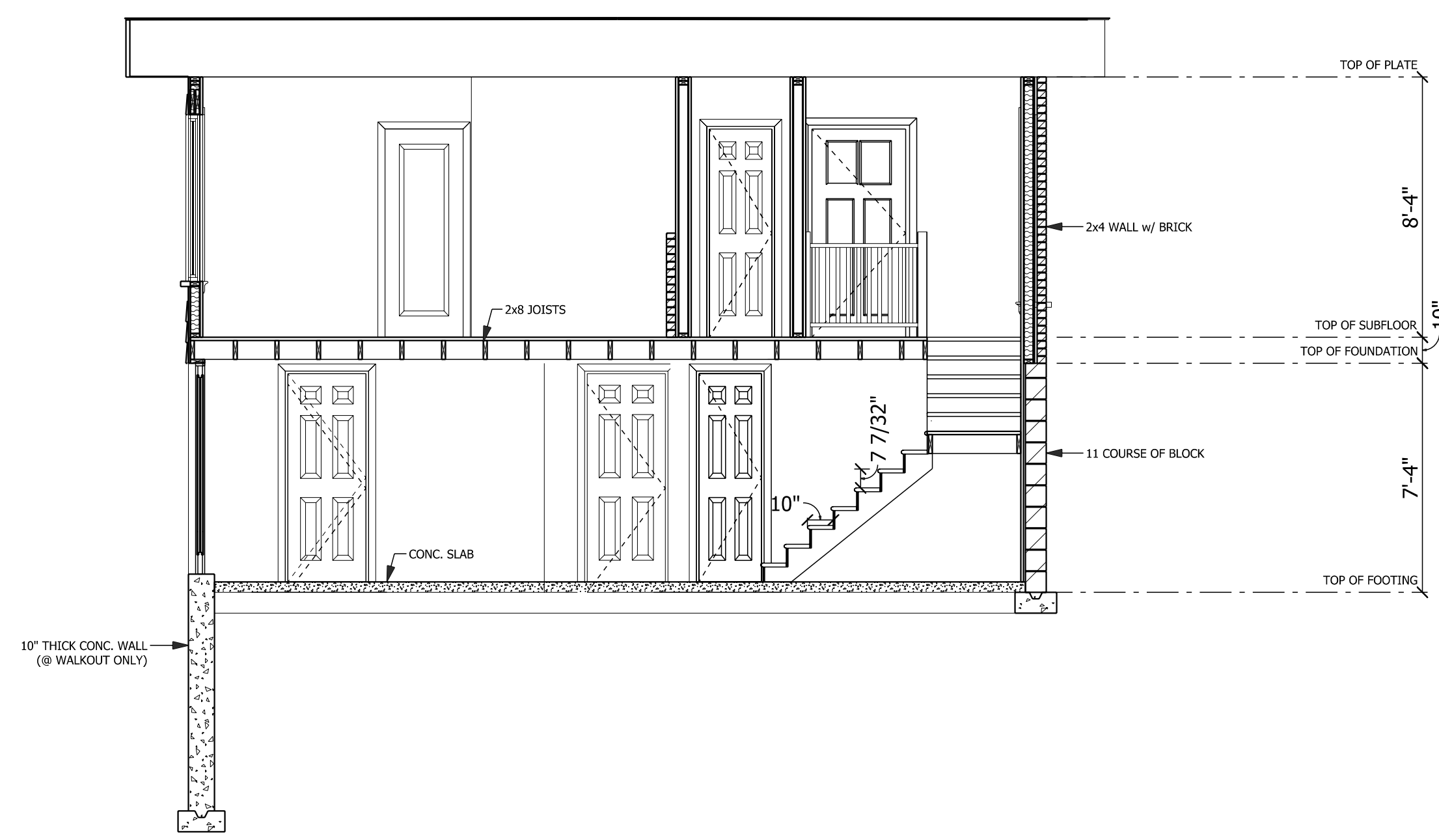


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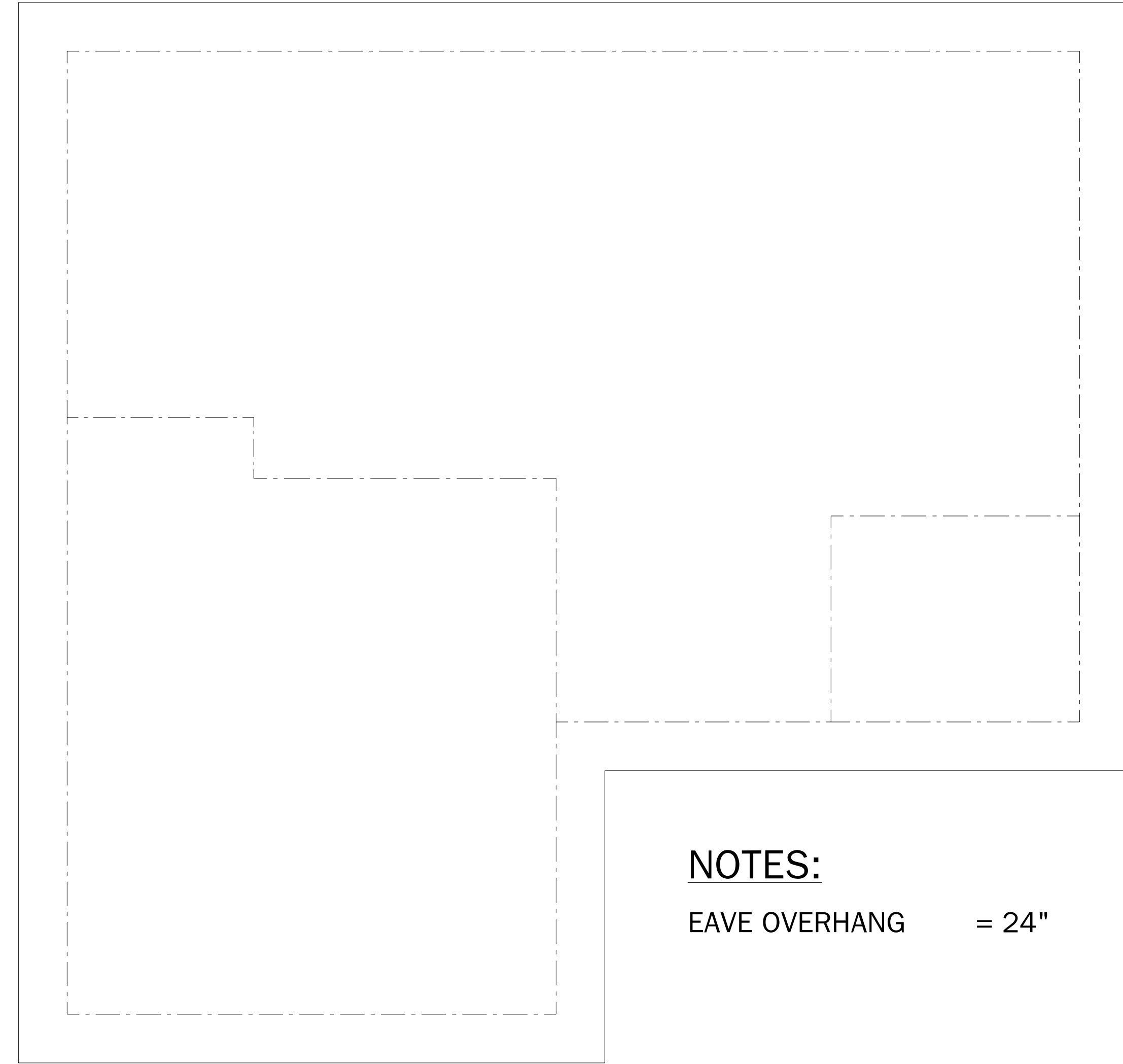
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APPROVED:

CHECKED BY:



A CROSS SECTION
 SCALE: 1/4" = 1'-0"



NOTES:
 EAVE OVERHANG = 24"

1 ROOF PLAN
 SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

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FLOWERS

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Prepared for: Amanda Flowers
9416 Congdon Blvd
Duluth, MN

Prepared by: Kurt Herke
MSP Fine Gardening
[651-202-0450](tel:651-202-0450)

Planting plan and guide for backyard/lake side of house.

(*after each plant is the quantity and size to be planted)

Under proposed deck (purple):

Crushed stone patio with fabric underlayment.

Slope center (blue):

Plant a matrix of sedge plugs with select other native perennials in place of a lawn. Requiring no mowing, this blends the lines between cultivated and wild, promotes biodiversity and attracts beneficial insects and pollinators. It would also keep open the view to the flowering meadow of the lower terrace and the lake beyond while stabilizing the hillside and maintaining a natural look.

Carex pensylvanica 'Pennsylvania sedge' (500 2" plugs)

Carex plantaginea 'Plantain-leaved sedge' (100 2" plugs)

Adiantum pedatum 'Maidenhair fern' (25 #1)

Heuchera richardsonii 'Prairie alumroot' (20 #1)

Asarum canadense 'Wild ginger' (50 2" plugs)

Slope sides (yellow and green):

Plant groupings of native viburnum and low junipers to blend in with the existing plantings on each neighboring property:

Viburnum trilobum 'Highbush cranberry' (10 #5)
Juniperus communis 'Blueberry delight' (6 #5)

Top of NE retaining wall (light blue):

Plant small grouping of dwarf spreading pine for year round interest:

Pinus mugo 'Mugo pine' (3 #10)

Lower terrace (red):

Create a Minnesota native plant community of pollinator friendly, low maintenance perennials including:

Asclepias tuberosa 'Butterfly weed' (30 #1)

Monarda fistulosa 'Wild bergamot' (20 #1)

Echinacea purpurea 'Purple coneflower' (40 #1)

Rudbeckia hirta 'Black eyed Susan' (40 #1)

Liatris aspera 'Rough blazing star' (30 #1)

If you have any questions about this project please feel free to contact me.

Thank you!

Kurt Herke

MSP Fine Gardening

[651-202-0450](tel:651-202-0450)





Planning & Development Division
Planning & Economic Development Department

Room 160 • 411 West First Street • Duluth, Minnesota 55802
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Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

List the UDC Section you are seeking relief from (example: "50-14.5 - front yard setback in an R-1"):

Shoreland setback constraints. Table 50-18.1.D-1: Minimum Shoreland Area Standards

Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

The existing house is in the shoreland setback.

Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

The existing house is in the shoreland setback. To add anything on the lakeside requires a variance.

Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

This property is unique as it is on Lake Superior. All of the neighboring homes have structures that also impede in the current shoreland setback requirements. The existing home was built in 1955 and the current shoreland setbacks were not existent at that time.

Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

There is not currently lakeside access from the main living level of the home. Adding a deck would allow easy accessibility to enjoy the outdoors and Lake Superior. This home is going to be utilized as a short-term interim use

vacation rental. From a business perspective this is an important amenity for the Duluth tourists that will be staying at my property.

Please explain how that if the variance is granted it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety or public welfare of the inhabitants of the city:

I live in one of the neighboring properties and am on the side of the proposed deck. It will not impact my property. The neighbor on the other side has a garage that is the same distance from the Lake that the proposed deck would be and does not impact any view from that property.

Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:

All neighboring properties have structures either closer to the lake or the same distance as the proposed deck would be. There is nothing that would change or alter the character of the neighborhood.

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?

Yes, shorelands. Table 50-18.1.D-1: Minimum Shoreland Area Standards

FW: public hearing for variance

From planning <planning@DuluthMN.gov>
Date Fri 5/23/2025 3:04 PM
To Natalie Lavenstein <nlavenstein@DuluthMN.gov>

Public comment

From: Joan Arbisi Little <[REDACTED]>
Sent: Friday, May 23, 2025 1:11 PM
To: planning <planning@DuluthMN.gov>
Cc: Clinton Little <[REDACTED]>
Subject: public hearing for variance

To the City of Duluth Planning and Development Division,

We live next door to the property at 9426 Congdon Blvd. and are fine with the variance application for a 10' x 15' deck.
We believe it will enhance the property.

Sincerely,
Joan and Clinton Little
9436 Congdon Blvd.
Duluth MN 55804

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