



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

<b>File Number</b>	PLSUB-2407-0004		<b>Contact</b>	Chris Lee, cleee@duluthmn.gov	
<b>Type</b>	Minor Subdivision		<b>Planning Commission Date</b>	September 10, 2024	
<b>Deadline for Action</b>	<b>Application Date</b>	July 24, 2024	<b>60 Days</b>	September 21, 2024	
	<b>Date Extension Letter Mailed</b>	August 19, 2024	<b>120 Days</b>	November 20, 2024	
<b>Location of Subject</b>	4918 Peabody St.				
<b>Applicant</b>	Daniel Howe		<b>Contact</b>		
<b>Agent</b>			<b>Contact</b>		
<b>Legal Description</b>	See Attached				
<b>Site Visit Date</b>	August 26, 2024		<b>Sign Notice Date</b>	N/A	
<b>Neighbor Letter Date</b>	N/A		<b>Number of Letters Sent</b>	N/A	

**Proposal**

Applicant is requesting a Minor Subdivision to divide a parcel into 2 parcels in the Lakeside neighborhood.

**Recommended Action:** Staff recommends approval.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

**Summary of Code Requirements**

50-33.1 General: All subdivision plats and replats, and all registered land surveys, shall create lots, streets and walkways and open spaces consistent with the requirements of the zone district within which the land is located.

50-37.5, D 1. The planning commission shall approve the application if it determines that: (a) The lot or lots to be subdivided or combined have frontage on an improved public street; (b) Each proposed lot meets the minimum zoning requirements of the district that it is in; (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

50-14.5.A. R-1 minimum lot area: 4,000 square feet; minimum lot frontage: 40 feet.

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

Principle #5- Promote Reinvestment in Neighborhoods.

**Future Land Use: Traditional Neighborhood** – Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

**History:** The proposed parcel B contains a single-family home and garage that was built in 1992. The proposed parcel A is vacant and appears to not have any development history. The parcel is located in the Lakeside neighborhood. The underlying plat is “London Addition to Duluth.”

**Review and Discussion Items**

Staff finds that:

1. Applicant is requesting a Minor Subdivision to divide one parcel into two parcels. The land is owned by the applicant. Parcel B contains a single-family home and a garage. Parcel A of the minor subdivision is undeveloped.
2. The subdivision will create lots that meet the zoning requirements of the R-1 district. Dimensional standards for each lot meet minimum frontage and lot area requirements.
3. Both parcels have the required street frontage along Peabody Street.
4. Both parcels have access to utilities in the Peabody Street right-of-way.
5. The existing single-family home on Parcel B is an allowed use in the R-1 district. The structure is conforming with current standards for the R-1 zone and will continue to be conforming after this subdivision. A private easement is proposed for access across parcel A to the garage on parcel B.
6. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
7. No public, agency, or other City comments were received.
8. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
9. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

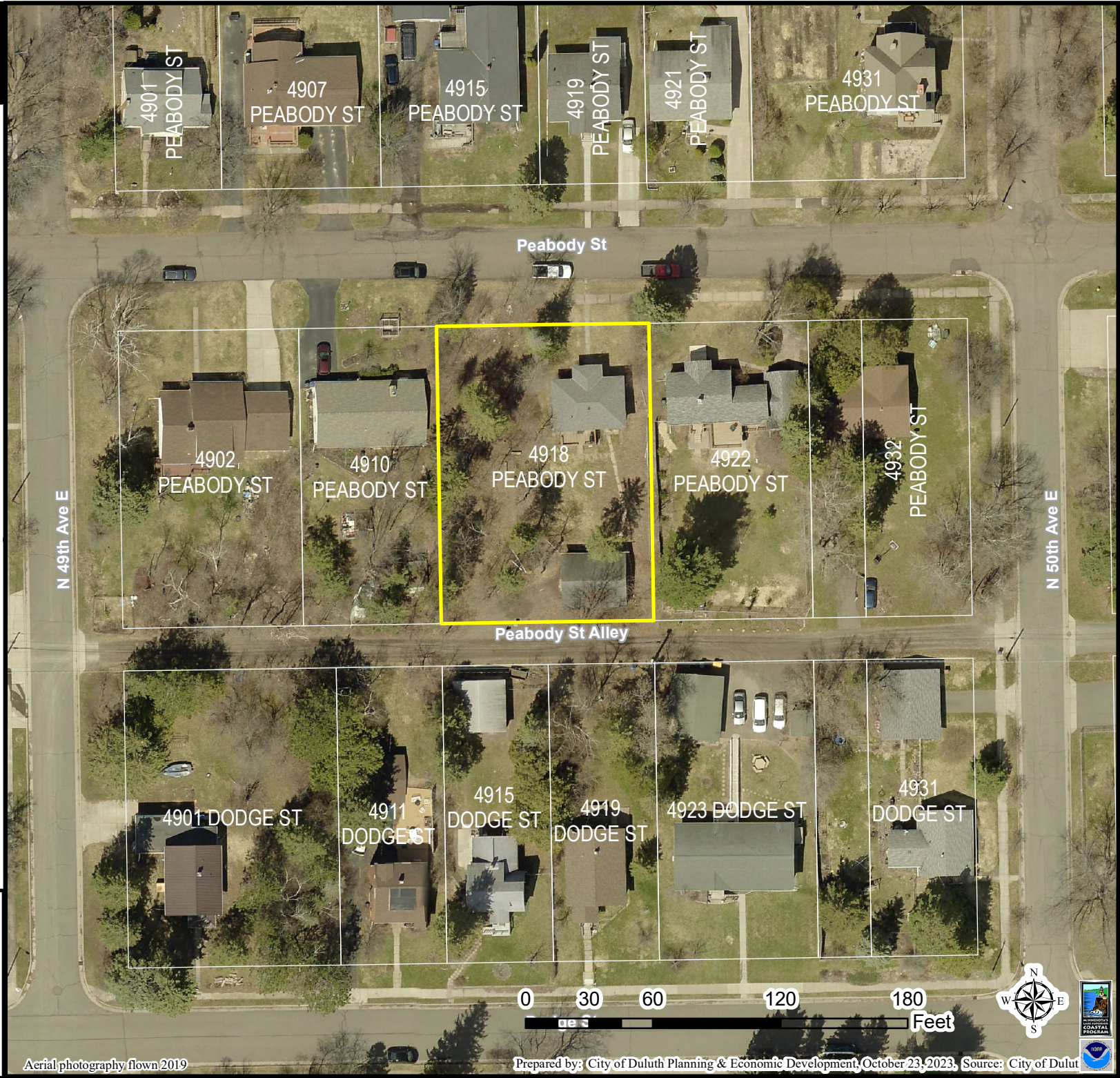
**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission approve the Minor Subdivision with the following conditions:

1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
2. Applicant will provide proof of private easement across parcel A. After recording this easement, applicant shall provide proof of easement to the City.
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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PLSUB-2407-0004  
 Minor Subdivision  
 4918 Peabody St



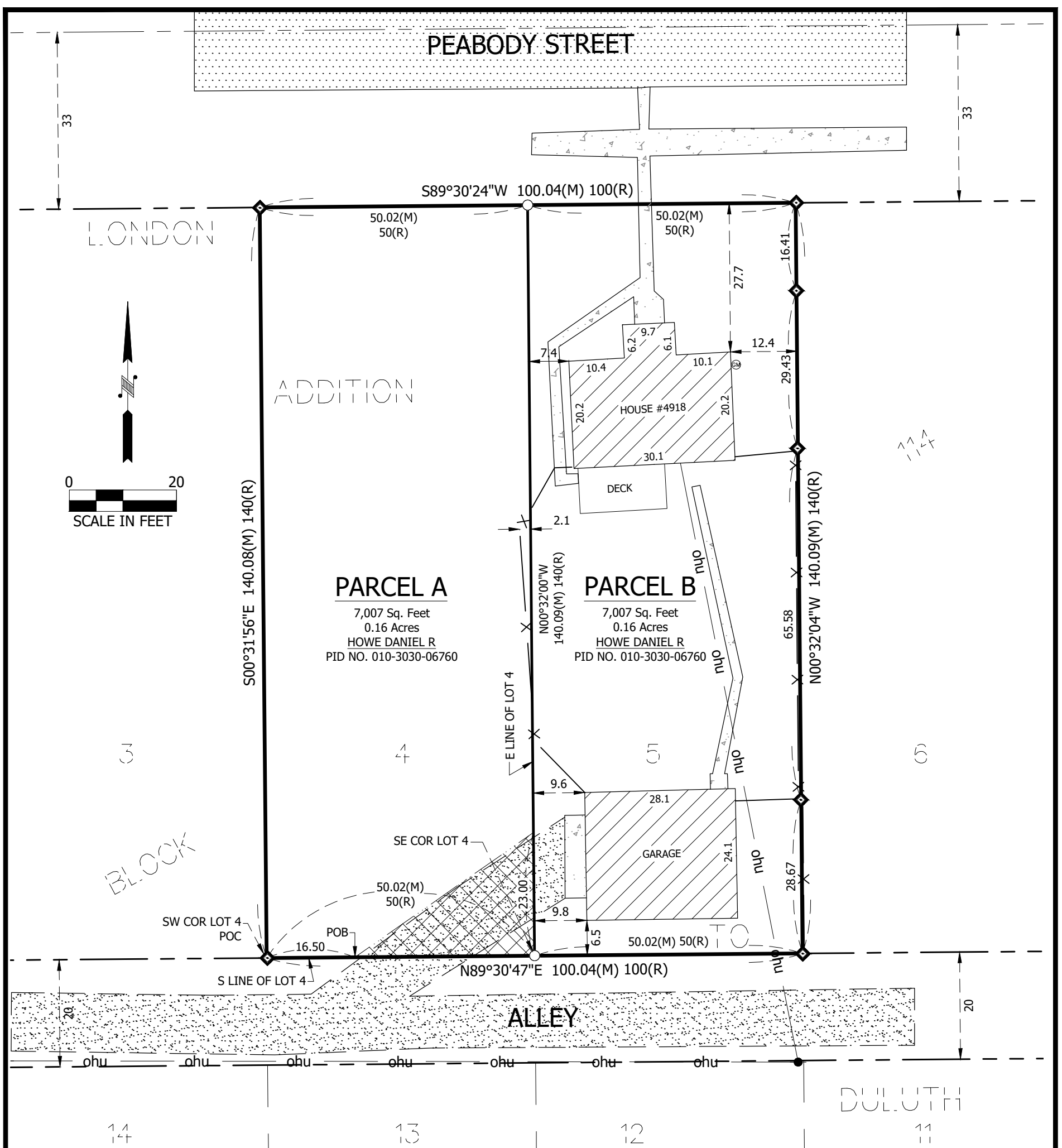
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 23, 2023; Source: City of Duluth



PEABODY STREET



PARCEL A

7,007 Sq. Feet  
0.16 Acres  
HOWE DANIEL R  
PID NO. 010-3030-06760

PARCEL B

7,007 Sq. Feet  
0.16 Acres  
HOWE DANIEL R  
PID NO. 010-3030-06760

SURVEYOR'S NOTES

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.

LEGEND

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION	
	BITUMINOUS SURFACE	(R)-RECORD DIMENSION	
	GRAVEL SURFACE		FENCE LINE
	EXISTING BUILDINGS		OVERHEAD UTILITIES
	PROPOSED EASEMENT		CENTER LINE
			RIGHT OF WAY LINE
			PROPOSED EASEMENT LINE
			BOUNDARY LINE AS SURVEYED
			EXISTING PLAT LINE
			PROPOSED PARCEL LINE
			CONCRETE CURB & GUTTER
			FOUND CAPPED REBAR RLS. NO. 49505
			SET CAPPED REBAR RLS. NO. 49505
			POC-POINT OF COMMENCEMENT
			POB-POINT OF BEGINNING

LEGAL DESCRIPTION FOR PARCEL A

Lot 4, Block 114, LONDON ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. Said parcel contains 7,007 Sq. Feet or 0.16 Acres.  
SUBJECT TO: An easement for driveway purposes lying over, under and across that part of Lot 4, Block 114, LONDON ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, lying Southeasterly of the following described line:  
Commencing at the Southwest corner of said Lot 4, Block 114; thence Easterly along the South line of said Lot 4 for a distance of 16.50 to the point of beginning of the line herein described; thence Northeasterly to a point on the East line of said Lot 4 which is a distance of 23.00 feet North of the Southeast corner of said Lot 4 and there terminating. Said driveway easement contains 386 Sq. Feet or 0.01 Acres.

LEGAL DESCRIPTION FOR PARCEL B

Lot 5, Block 114, LONDON ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. Said parcel contains 7,007 Sq. Feet or 0.16 Acres.  
TOGETHER WITH: An easement for driveway purposes lying over, under and across that part of Lot 4, Block 114, LONDON ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, lying Southeasterly of the following described line:  
Commencing at the Southwest corner of said Lot 4, Block 114; thence Easterly along the South line of said Lot 4 for a distance of 16.50 to the point of beginning of the line herein described; thence Northeasterly to a point on the East line of said Lot 4 which is a distance of 23.00 feet North of the Southeast corner of said Lot 4 and there terminating. Said driveway easement contains 386 Sq. Feet or 0.01 Acres.

PARENT LEGAL DESCRIPTION PER DOCUMENT NO. 1223564 LOTS FOUR (4) AND FIVE (5), BLOCK ONE HUNDRED FOURTEEN (114), LONDON ADDITION TO DULUTH

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.  
*David R. Evanson*  
David R. Evanson  
MN License #49505  
DATE:07-08-2024

CERTIFICATE OF SURVEY

CLIENT: DAN HOWE	REVISIONS:
ADDRESS: 4918 PEABODY STREET DULUTH, MN 55804	
DATE: 07-08-2024	JOB NO: 24-188 SHEET 1 OF 1

