



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

Room 160  
411 West First Street  
Duluth, Minnesota 55802



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## MEMORANDUM

DATE: July 21, 2025  
TO: Planning Commission  
FROM: Natalie Lavenstein, Planner I  
SUBJECT: Appeal of Land Use Supervisor Determination Regarding PLVAR-2502-0004

### Appeal Information

1. UDC Sec 50-37.1.O-1.a
  - a. Any person aggrieved by, or any department of the city affected by, any decision of any city official engaged in the administration or enforcement of the UDC may appeal that decision to the planning commission. The appeal must be filed within ten days after the decision by filing with the land use supervisor a written notice of appeal addressed to the commission and specifying the action being appealed and grounds of the appeal, and including the fee as established by the City's fee schedule.
2. UDC Sec 50-37.1.O-3.a
  - a. The planning commission shall consider the record of the application and any testimony presented at the hearing regarding the application of the UDC to the application and shall affirm, modify or reverse the decision appealed, and may make any orders, requirements, decisions or determinations that the land use supervisor could have made regarding the application.

**Land Use Supervisor Determination:** On June 3, 2025, the City's Land Use Supervisor determined that appellant's proposed garage location is not consistent with Duluth City Code (UDC Sec 50-21.3) because the proposed location is "between a street and any façade of a primary building facing that street." See Attachment 1 for the proposed location of the garage.

**Appellant's Request:** The Appellant requests the Land Use Supervisor's determination be reversed because it misinterprets the applicable provisions of the UDC.



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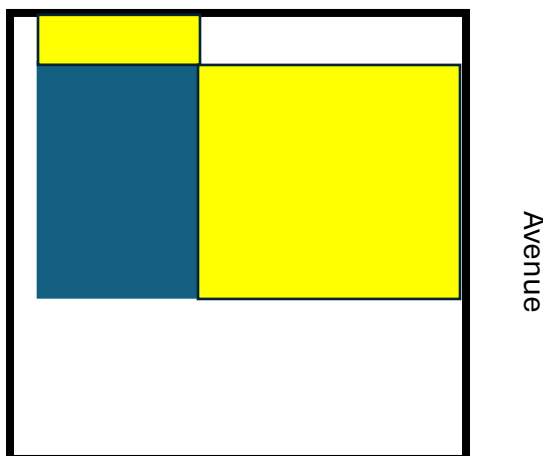
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**Note:** In the appeal request, dated June 12, 2025, and received by the Planning Commission on June 13, 2025, Appellant framed the “Action Being Appealed” as a denial of a variance to build an accessory structure. The Planning Commission is responsible for reviewing and deciding variance applications, and the Land Use Supervisor did not deny Appellant a variance. Appellant’s counsel has clarified that the Appellant is challenging the above-described Land Use Supervisor decision.

**Staff Finds:**

1. While the single word, façade, is not defined in the UDC, the word façade is mentioned 251 times throughout the UDC. In these instances, façade is generally referred to as either the outermost/innermost building material or a specific side of a building i.e. front, lake side, etc. This, however, is a moot point as UDC Sec 50-21.3 clearly states that an accessory structure may not be located between a street and *any* façade of a primary building facing that street.
2. The subject property is a corner lot. According to UDC Sec 50-41.12, a corner lot is defined as, “a lot abutting upon two or more streets at their intersection.”
3. Since the word *any* is used in UDC Sec 50-21.3, it is clear that the garage may not be located between the front façade and 7<sup>th</sup> St nor the corner side facade and 2<sup>nd</sup> Ave E. See graphic below for a visual explanation of areas between building facades and neighboring streets.

Street



 Area Between House Façade and Adjacent Street



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4. The Land Use Supervisor, Planning Staff, and Planning Commission have been consistent in its interpretation and application of UDC Sec 50-21.3. Regardless of Planning Commission's decisions on the three examples listed below, a variance was determined necessary as the proposed location for the accessory structures were between any façade of the primary building facing a street.
  - a. PLVAR-2502-0002 711 Martha St
    - i. Request: To construct a garage in the corner front yard area between the existing corner side facade and the street.
  - b. PL 24-063 4404 London Rd
    - i. Request: To construct a garage in the front yard area between the existing front facade and the street.
  - c. PLVAR-2408-0004 1225 W 1<sup>st</sup> St
    - i. Request: To construct a shed in the corner front yard area between the existing corner side facade and street.

**Conclusion:**

1. In conclusion, the Land Use Supervisor maintains that UDC Sec 50-21.3 does not allow the proposed garage at 126 E 7<sup>th</sup> St to be located between the corner side facade and 2<sup>nd</sup> Ave E.