



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

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planning@duluthmn.gov

File Number	PLVAR-2501-0001	Contact	Chris Lee, clee@duluthmn.gov	
Type	Variance from build to zone coverage	Planning Commission Date	February 10, 2025	
Deadline for Action	Application Date	January 7, 2025	60 Days	March 8, 2025
	Date Extension Letter Mailed	January 17, 2025	120 Days	May 7, 2025
Location of Subject	Near 21 W 4 th St, PIN: 010-1000-00070			
Applicant	Michael Wojcik	Contact		
Agent	Kevin Ellingson	Contact		
Site Visit Date	January 22, 2025	Sign Notice Date	January 28, 2025	
Neighbor Letter Date	January 16, 2025	Number of Letters Sent	39	

Proposal

The applicant is seeking a variance from the minimum coverage of the front build-to-zone in a form district for a Main Street II style building. Specifically, the applicant is seeking to reduce the required 95% Front build-to-zone minimum coverage to 93%.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6	Vacant	Neighborhood Mixed Use
North	R-2	Residential	Traditional Neighborhood
South	F-6	Residential	Neighborhood Mixed Use
East	F-6	Residential	Neighborhood Mixed Use
West	F-6	Residential	Neighborhood Mixed Use

Summary of Code Requirements

Sec. 50-22.7 Building type summary, Main Street Building II

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 exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: 1) That the landowner is proposing to use the property in a reasonable manner, 2) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, 3) that granting the variance will not alter the essential character of the area, 4) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

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

Governing Principle #5: Promote reinvestment in neighborhoods: this project allows for residential infill development in the Hillside neighborhood.

Housing Policy #4: – Improve the quality of the city’s housing stock and neighborhoods

Future Land Use

Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

History

The property is currently vacant A structure that was previously located on the property was demolished in 2015.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking variance from 50-22.7 (build-to-zone coverage) to construct a new residential structure on the parcel. Currently, the parcel is vacant.
- 2) The adjacent parcel to the west has an existing residential structure that is between 1’3” and 1’ 9” from the applicant’s property line, with windows and utilities on the side that further encroach into the limited space between the applicant’s property and neighboring residence.
- 3) Due to the location of the adjacent structure, if the applicant was to meet the 95% coverage requirement, the two structures would be 2.5’ apart. The request to reduce from 95% to 93% provides an additional 6” of room to allow 3’ between buildings.
- 4) *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* The property is smaller than average at 25’ wide. This necessitates the need to reduce the coverage area to allow space for a building to meet construction codes.
- 5) *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* Applicant did not build the adjacent residence, which is located in unusually close proximity to applicant’s property line. Without a variance, the location of the neighboring residence would further restrict applicant’s ability to develop an already narrower-than-average lot
- 6) *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* The combination of a narrow parcel, existing adjacent structure, and steep terrain create a unique circumstance for building conforming structures on the property.
- 7) *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Applicant’s proposal for a proposed 2% reduction (95% to 93%) is minimal and will not adversely impact nearby property owners or the surrounding neighborhood considering a multifamily structure is a reasonable and permitted use.
- 8) *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 as the area is a relatively dense neighborhood. The proposed use will not unreasonably increase the congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 9) *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* A multi family dwelling is typical of this district and does not alter the essential character of the locality.
- 10) Variance criteria #7-9 do not apply to this application.
- 11) No public, agency, or City comments 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

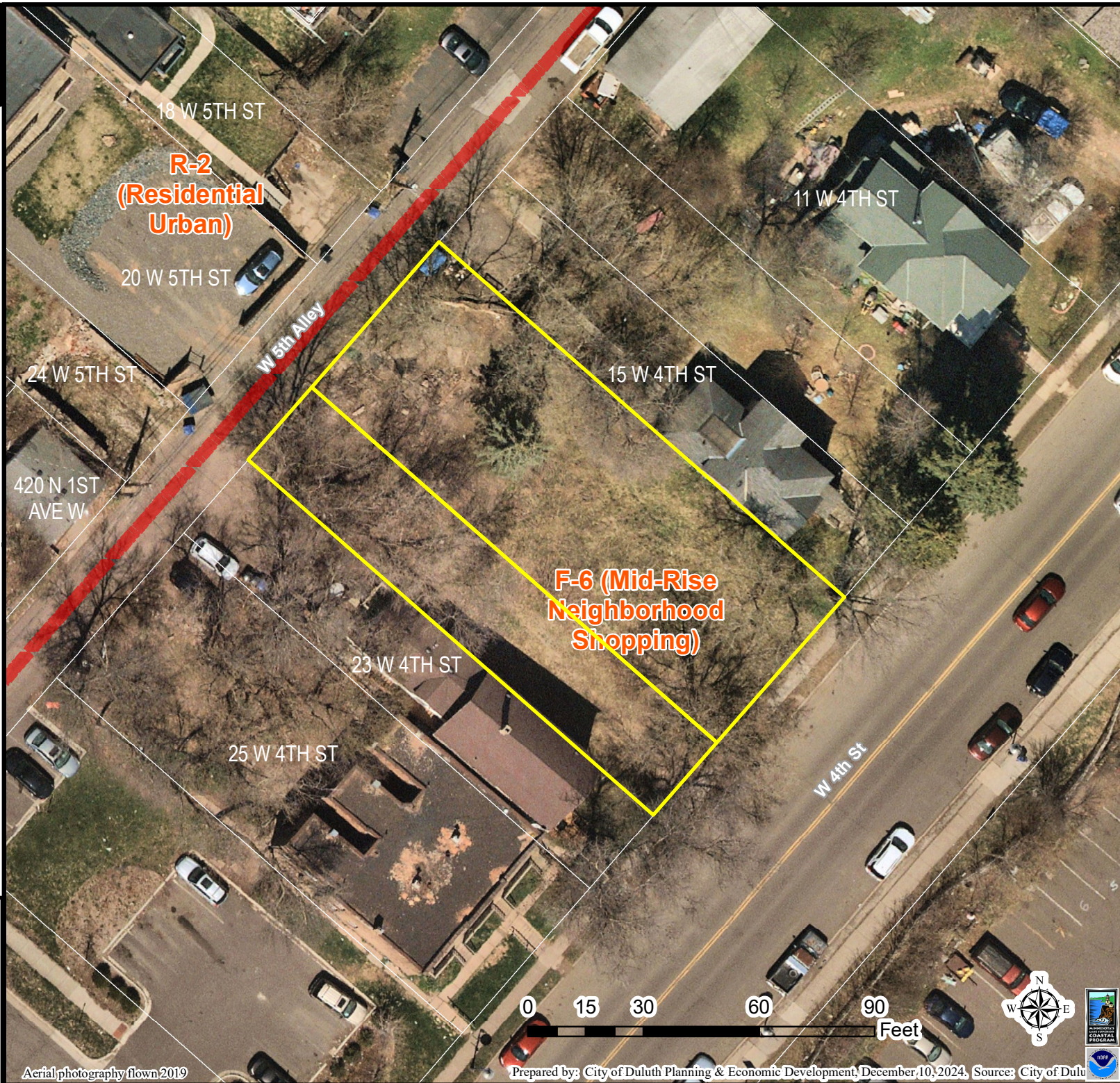
Staff recommends Planning Commission approve the variance with the following conditions:

- 1) The project be constructed according to the site plan submitted with this application.
- 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 action; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PLVAR-2501-0001

Variance
21 W 4th 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.



19 W 4TH STREET

VARIANCE REQUEST SUPPORTING MATERIALS // JANUARY 7, 2025

CLIENT

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ARCHITECT

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- 02 VARIANCE REQUEST SUMMARY
- 03 EXISTING SITE SURVEY
- 04 EXISTING SITE CONDITIONS
- 05 EXISTING SITE CONDITIONS





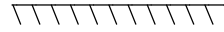







VARIANCE REQUEST SUMMARY

The project site is zoned F-6. The proposed building is designed in the Main Street Building II type as allowed by zoning code, which carries the requirement of 95% coverage of the front build-to zone (50-22.7). Given the parcel width of 25'-0", this would result in a maximum 1'-3" sideyard setback from the shared property line with 23 West 4th Street.

At 23 West 4th Street, there exists an apartment house that is located between 1'-3" and 1'-9" from the property line. The house has operable windows and electrical equipment on the facing facade. The location of this apartment house and the coverage requirement of the front build-to zone would result in as little as 2'-6" between the existing house and the proposed building at 19 West 4th Street.

The project is requesting a variance to provide relief from the 95% coverage requirement. The project seeks a variance to provide a minimum 3'-0" separation distance between the existing and proposed buildings. This would mean reducing the coverage of the front build-to zone from 95% to 93%, a difference of 6".

LEGEND

-  CONCRETE SURFACE
-  BITUMINOUS SURFACE
-  GRAVEL SURFACE
- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- toe TOE OF BANK OR GRADE BREAK
- top TOP OF BANK OR GRADE BREAK
-  RETAINING WALL
-  EXISTING BUILDING LINE
- E UNDERGROUND ELEC
- X FENCE LINE
- G UNDERGROUND GAS
- ohu OVERHEAD UTILITIES
- ss SANITARY SEWER
- w WATER MAIN
- CENTER LINE
- - - RIGHT OF WAY LINE
- - - SURVEY LINE
- - - BOUNDARY LINE AS SURVEYED
- - - EXISTING PLAT LINE
- - - CONCRETE CURB & GUTTER
-  UTILITY SERVICE
-  LIGHT POLE
-  DECIDUOUS TREE
-  BENCH MARK
-  SET SPIKE
-  SET CAPPED REBAR RLS. NO. 49505
-  UTILITY POLE

LEGAL DESCRIPTION PER DOCUMENT NO. 1449168

Lot 9 and the East 1/2 of Lot 11, West Fourth Street,
Duluth Proper, 1st Division, St. Louis County, Minnesota.

UNDERGROUND UTILITIES NOTES

1. UTILITIES SHOWN HEREON, HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS. THE SURVEYOR, ENGINEER AND ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT AS A RESULT.
2. UNDERGROUND UTILITIES SHOWN ON THE SURVEY ARE BASED IN PART ON MARKINGS PROVIDED BY GOPHER STATE ONE CALL TICKET NUMBER 242142454.
3. SOME UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED BY MAPS AND OR UTILITY SKETCHES PROVIDED BY UTILITY COMPANIES, CITY OR COUNTY GIS. LOCATIONS ARE APPROXIMATE.
4. UTILITIES SHOWN ON THIS SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
5. PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT A PRIVATE UTILITY LOCATOR FOR LOCATIONS.
6. FIELD VERIFY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.

DULUTH

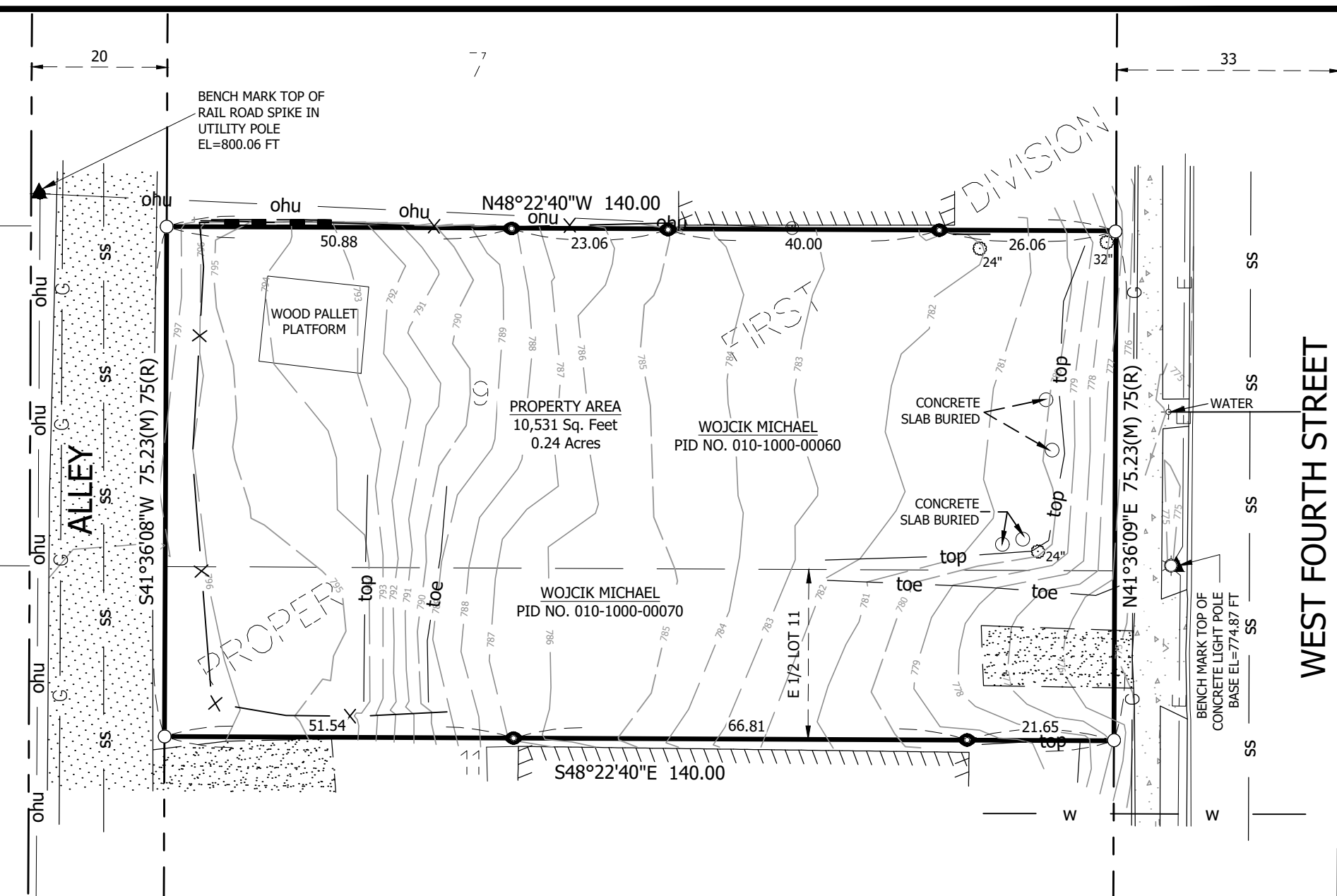
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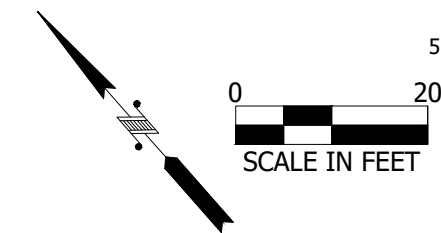
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- SURVEYOR'S NOTES**
1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY 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.
 2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
 3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
 4. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
 5. BENCHMARK SHOWN ON SURVEY.



CERTIFICATE OF SURVEY		
<p>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.</p> <p style="text-align: center;"><i>David R. Evanson</i> David R. Evanson MN License #49505</p> <p>DATE: 08-16-2024</p>	<p>CLIENT: MICHAEL WOJCIK</p> <p>ADDRESS: 19 W 4TH STREET DULUTH, MN 55806</p> <p>DATE: 08-16-2024</p>	

WEST FOURTH STREET

EXISTING SITE CONDITIONS



VIEW FROM THE REAR (ALLEY SIDE) OF THE SITE, FACING W 4TH STREET, WITH THE HARBOR IN THE DISTANCE



VIEW OF PROJECT SITE FROM ACROSS W 4TH STREET

EXISTING SITE CONDITIONS

The existing adjacent apartment house at 23 W 4th St is built approximately 1'-3" to 1'-9" from the property line with operable windows and electrical equipment on that facade.



APPROXIMATE
PARCEL BOUNDARY
FOR PROPOSED
DEVELOPMENT