



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-2508-0011	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Variance from Shoreland Setbacks	Planning Commission Date		September 9, 2025
Deadline for Action	Application Date	August 12, 2025	60 Days	October 11, 2025
	Date Extension Letter Mailed	August 19, 2025	120 Days	December 10, 2025
Location of Subject		2223 W 22 nd St		
Applicant	Bruce and Deborah Allmon	Contact		
Agent	J&RS Build	Contact	Tony Sundberg	
Legal Description		010-0610-01890		
Site Visit Date		September 3, 2025	Sign Notice Date	
			August 26, 2025	
Neighbor Letter Date		August 19, 2025	Number of Letters Sent	
			33	

Proposal

The applicant proposes to construct a 6'x12' deck with stairs on the rear of the home on the property.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Open Space
North	R-1	Park	Open Space/Transportation and Utilities
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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.

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 #1- Reuse previously developed land- The project is proposed on property that is previously impacted by the surrounding residential development.

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 property is currently occupied by a single-family home built in 1953 and a detached garage built in 2000.

Review and Discussion Items:

Staff finds that:

- 1) The applicant proposes to construct an attached 6'x12' deck with stairs off the rear of the house within the shoreland structure setback from a tributary of Miller Creek.
- 2) The applicant is requesting to reduce the required shoreland structure setback from 150' to 119'. They also propose to reduce the required lowest floor elevation above the Ordinary High Water Level (OHWL) from 3' to 0'.
- 3) The subject property is located downhill, 5' in elevation below the tributary. Elevating the deck 3' above the OHWL of the tributary would be impractical.
- 4) Staff finds the applicant has demonstrated practical difficulty due to the entire rear of the existing home falling within the structure setback. Further, runoff from this site runs downhill, away from the tributary, into the City's storm sewer system prior to discharging into the tributary.
- 5) The applicant's practical difficulty was not created by the landowner but is due to the location of the existing home that was developed prior to the establishment of shoreland protection regulations.
- 6) The variance will not alter the essential character of the neighborhood and a deck is a reasonable use of the property where many homes have rear decks of similar scale.
- 7) The variance allowing a reduction of a setback will not impair an adequate supply of light and air to adjacent properties.
- 8) The proposal will not increase congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 9) *Standards for variances in shorelands (does not compromise intent of shoreland regulations and mitigates impacts).* The applicant has not submitted details to mitigate the impacts to shorelands. Staff recommends that approval of this variance be conditioned that a satisfactory mitigation plan is submitted to the Land Use Supervisor prior to approval of a building permit.
- 10) No comments from the public, agencies or other City departments was received.
- 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 must be constructed and limited to the plans submitted with the application, allowing a deck that extends no more than 8.5' from the rear wall of the home.
- 2) Prior to building permit approval, a satisfactory mitigation plan offsetting impacts to shorelands must be submitted to the Land Use Supervisor.
- 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.






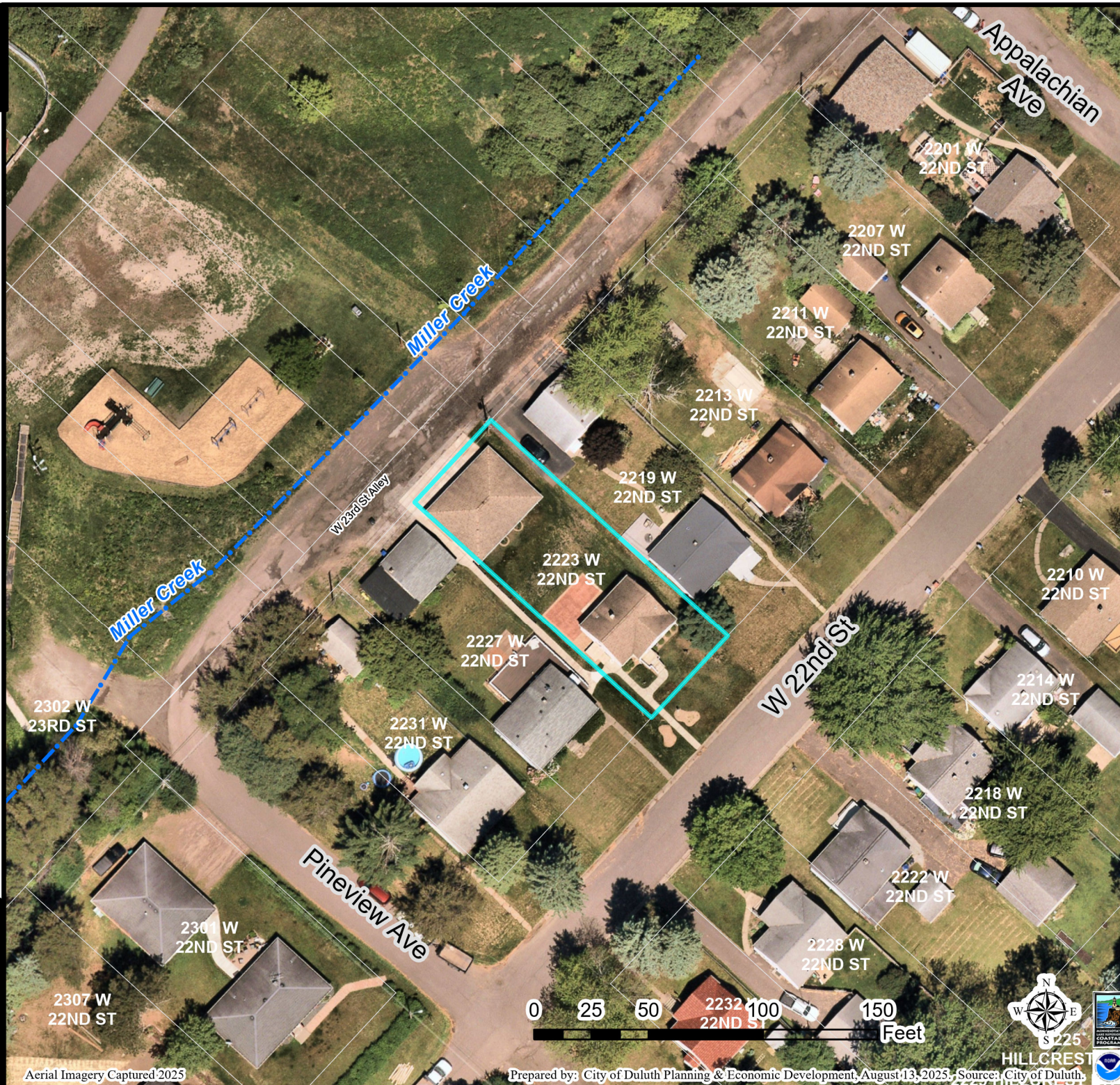
PLVAR-2508-0011

Variance to Shoreland Setback
2223 W 22nd St

Legend

Streams

-  Trout Stream
-  Non-trout Stream
-  County Parcel Data



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 2025

Prepared by: City of Duluth Planning & Economic Development, August 13, 2025. Source: City of Duluth.

STANDARD SHEET PRINT SIZE: 24 x 36. IF PRINTED IN OTHER/SMALLER SIZE, IMAGES AND FONT SIZES MAY DIFFER.



J&RS

CLIENT COMMENTS:

GENERAL NOTES:

- EXISTING HOME & STRUCTURE SHOWN IN GRAY.
- PROPERTY DIMENSIONS ROUNDED TO THE NEAREST FOOT.
- DIMENSIONS FROM PROPERTY LINES TO NEW & EXISTING STRUCTURES ROUNDED TO THE NEAREST FOOT.

1	ISSUED FOR CONSTRUCTION	STAT	05.29.25	
NO.	REVISION	DRWN	DATE	

SCALE:	1" = 10'-0"
DESIGNED BY:	DATE:
STAT	05.29.25
UPDATED & RE-ISSUED:	
(ORDER SAME REVISION)	
CHECKED BY:	
(IF APPLICABLE)	
CHECKED BY:	
(IF APPLICABLE)	

CLIENT:	ALLMON
PROJECT:	DECK ADDITION
LOCATION:	2223 WEST 22ND ST, DULUTH, MN. 55811
SHEET NAME:	SITE PLAN

REVISION
1
SHEET NO.
A-01

1 SITE PLAN
1" = 10'-0"

2223 WEST 22ND ST. DULUTH, MN. 55811

NOTE:

- NEW DECK AND STAIRS TO BE ADDED (OUTLINED IN BLUE).
- ALL OTHER EXISTING ITEMS & FEATURES TO REMAIN UNCHANGED.



STANDARD SHEET PRINT SIZE: 24 x 36. IF PRINTED IN OTHER/SMALLER SIZE, IMAGES AND FONT SIZES MAY DIFFER.



J&RS

CLIENT COMMENTS:

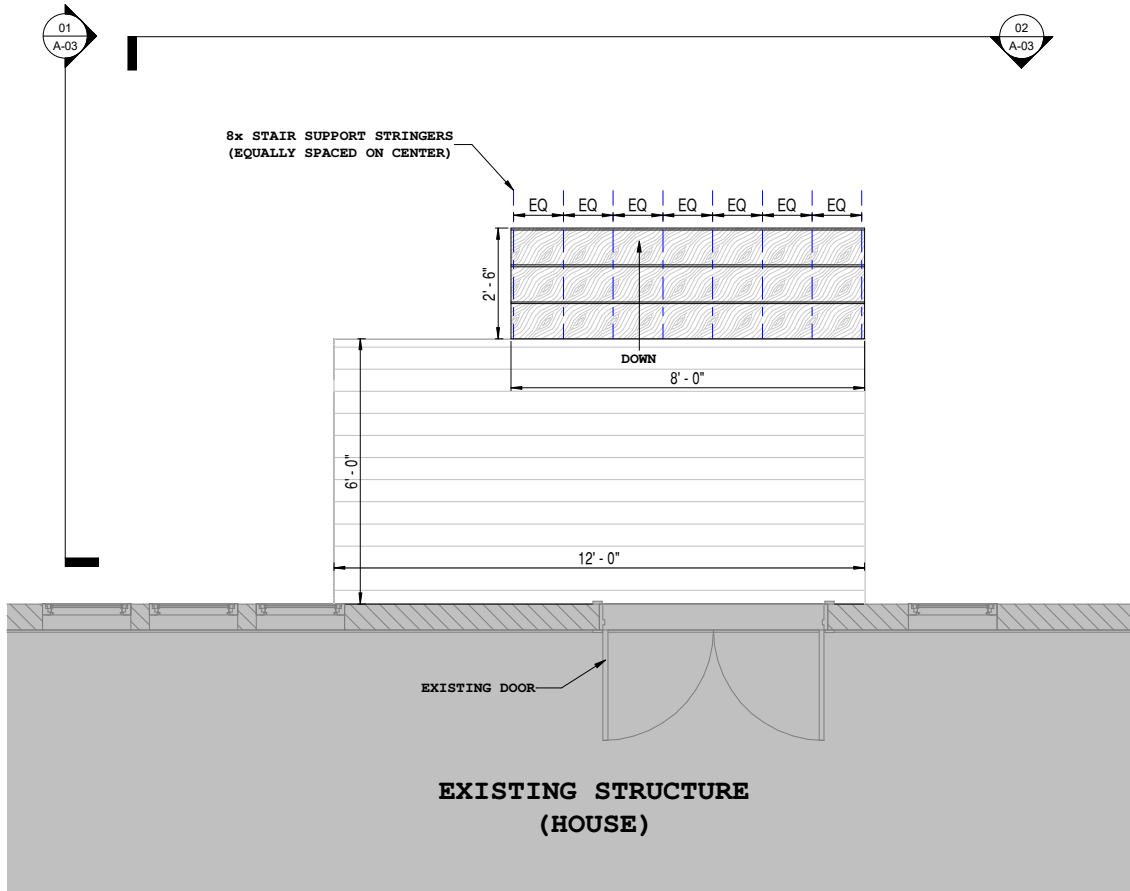
GENERAL NOTES:
1. EXISTING ITEMS & FEATURES SHOWN IN FILLED GRAY/HALFTONE.
2. RAILINGS HIDDEN FOR CLARITY.

1	ISSUED FOR CONSTRUCTION	STAT	05.29.25
NO.	REVISION	DRWN	DATE

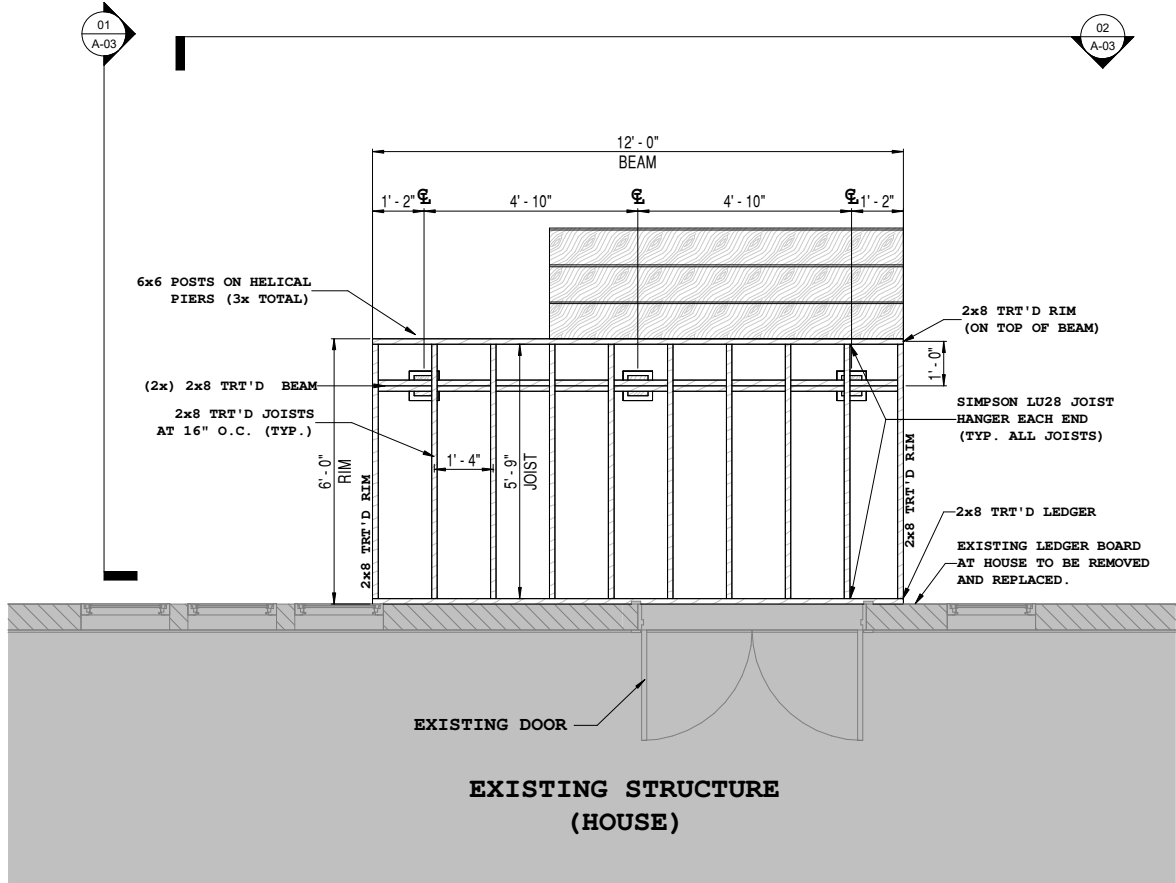
SCALE:	1/2" = 1'-0"
DESIGNED BY:	STAT
DATE:	05.29.25
UPDATED & RE-ISSUED:	
(ORDER SAME REVISION)	
CHECKED BY:	
(IF APPLICABLE)	
CHECKED BY:	
(IF APPLICABLE)	

CLIENT:	ALLMON
PROJECT:	DECK ADDITION
LOCATION:	2223 WEST 22ND ST, DULUTH, MN. 55811
SHEET NAME:	PLAN VIEWS

REVISION
1
SHEET NO.
A-02



1 PLAN VIEW - OVERALL
1/2" = 1'-0"



2 PLAN VIEW - RIMS, LEDGERS & JOISTS DETAILS
1/2" = 1'-0"