

Planning & Development Division

Planning & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PLVAR-2510-0013				Christian Hu chuelsman@	elsman, Oduluthmn.gov
Туре	Variance	from Shoreland Setbacks	Planning Co	ommissi	on Date	November 12, 2025
Deadline	Applicat	ion Date	October 8, 2	2025	60 Days	December 7, 2025
for Action	Date Ext	ension Letter Mailed	October 30,	2025	120 Days	February 5, 2026
Location of Su	bject	800 Railroad St				
Applicant	Donald H	olm Construction	Contact Max Holm		olm	
Agent			Contact			
Legal Description		010-0200-01100				
Site Visit Date		October 29, 2025	Sign Notice	Date	(October 28, 2025
Neighbor Lette	er Date	October 22, 2025	Number of	Letters	Sent 3	}

Proposal

The applicant proposes to construct an exterior spa deck, attached to the interior pool area, 17.5 feet off the existing building. Because the building face is 25' from the seawall, this would be 12.5 feet from the Ordinary High Water Level (OHWL).

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-W	Hotel and Resort	Tourism/Entertainment District
North	MU-W	Hotel and Resort	Tourism/Entertainment District
South	-	Duluth Harbor Basin	-
East	MU-W	Slip 2	-
West	MU-W	Hotel and Resort	Tourism/Entertainment District

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 #4 – Emerging and growing economic sectors add economic, cultural, and social diversity, including commercial outdoor recreation. Encourage and foster locally owned and entrepreneurial ventures to enhance the economic base: The project is proposed on property that is currently contributing to entertainment and tourism sectors as the Pier B Resort Hotel.

Future Land Use – Tourism/Entertainment District: Characterized by retail, entertainment and lodging facilities, meeting facilities, waterfront-related uses, and open space uses. Medium densities and building heights. Design standards and design review.

History: The property is currently occupied by Pier B Resort Hotel, built between 2015 and 2017. This section of Pier B has previously been occupied by vacant land, a warehouse, and railroad spurs, serving as a dock for ships. All three sides of the seawall were updated at the time of hotel construction.

Review and Discussion Items:

Staff finds that:

- 1) The applicant proposes to construct an exterior spa deck, attached to the interior pool area, 12.5 feet off the existing, southern seawall abutting the Duluth Harbor Basin. The subject property area is currently 5' in elevation below the existing main floor grade. The exterior spa deck is designed at grade with the main floor area to conform to flood elevation.
- 2) Because this site is in the Harbor area shown in UDC Section 50-18.1, the setback from the OHWL is 25'. This area is also within the shore impact zone.
- 3) When Pier B was construction between 2015 and 2017, owners chose to put the building at the existing setback.
- 4) Staff finds the applicant has not demonstrated practical difficulty due to the exceptional narrowness or shallowness of the property. The property is reasonably sized for a hotel including other spaces to add an exterior spa deck. For example, while the applicants state the area is the least obtrusive location, the existing hot tub to the east already has access to the indoor pool area via key card and does not require a variance.
- 5) The plight of the property owner is created by the property owner with construction of the existing buildings. In siting the hotel at the setback line, the owner created fewer locations to place an outdoor hot tub or other outdoor structures such as decks.
- 6) The variance will not alter the essential character of the entertainment district, and an exterior spa deck is a reasonable use of the property where many tourism amenities have been constructed north of the seawall.
- 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
 - The applicant has submitted details to mitigate the impacts to shorelands from the addition of impervious Runoff from this site runs downhill away from the exterior spa deck, into drain tile and daylights, through the elevated wall to infiltrate to the planting area to the east and west. Staff recommend that any approval of this variance be conditioned such that a mitigation plan with native plantings in the rain gardens, designated to infiltrate water from the proposed deck, is submitted to the Land Use Supervisor prior to approval of a building permit.
- 10) The Minnesota Department of Natural Resources has noted limited vegetation on the lot, particularly in the shore impact zone, and the exterior spa deck will reduce it further. The DNR asked additional questions related to demonstration of practical difficulty. No other comments from the public, agencies or other City departments were 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 deny the permit based on the following factors:

- 1) The property is reasonably sized for a hotel including other spaces to add an exterior spa deck.
- 2) The plight of the property owner is created by construction of the existing buildings under the same ownership, resulting in fewer locations to place an outdoor structure oriented towards the Duluth Harbor Basin.
- 3) The construction of the existing structures created a nonconformity that may not be increased or extended horizontally or vertically, per UDC 50-38.3.
- 4) The applicant has not demonstrated practical difficulty based on the General Variance Criteria in UDC 50-37.9.C.



PLVAR-2510-0013

Industrial

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Legend

Zoning Boundaries

Road or Alley ROW Ē

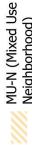
County Parcel Data

Variance Area

Zoning

UDC Zoning

MU-W (Mixed Use Waterfront)



8 0 The City of Duluth has tried to ensure that the information 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 contained in this map or electronic document is accurate. purposes only. The City of Duluth shall not be liable for various City, County and State offices and other sources compilation of records, information and data located in affecting the area shown and is to be used for reference I-G (Industrial General) Neighborhood)

errors contained within this data provided or for any damages in connection with the use of this information contained within.

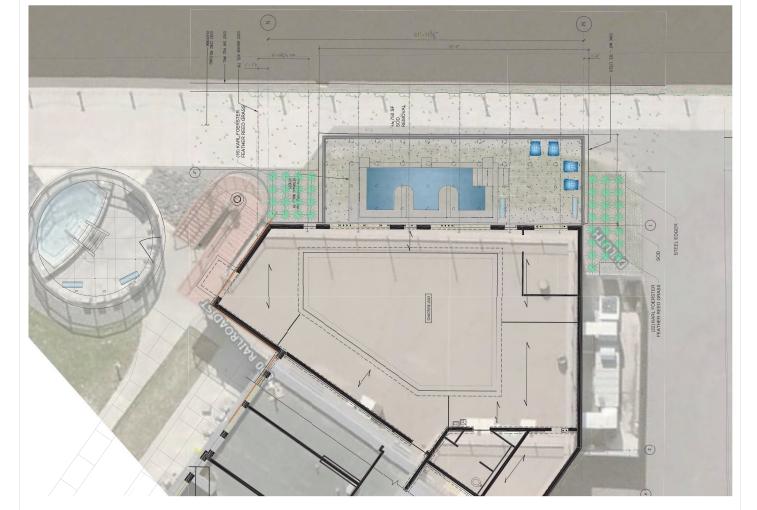
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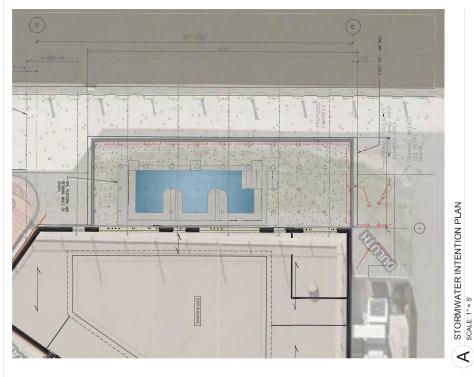


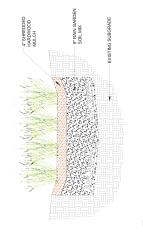




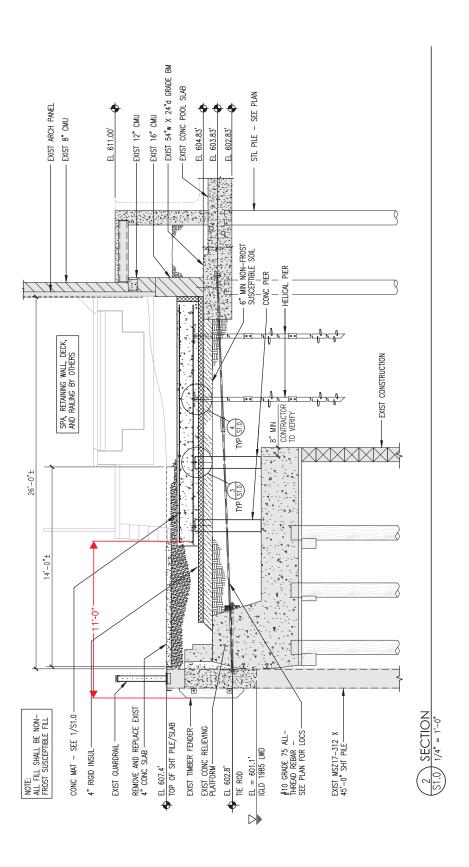
PIER B HOTEL







PLANTING AREA CROSS-SECTION SCALE: NOT TO SCALE





Craig A. Jouppi

Consulting Engineers P.A. 91 Main Street SUPERIOR, WI 7745-7118-318-3 anier@ingers.com TWIN CITIES - IRON RANGE	SERVICE OF

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STRUCTURAL SHEET INDEX	GENERAL STRUCTURAL NOTES, ABBREVATIONS	SPA / EXISTING BUILDING PLAN	CONCRETE MAT PLAN, SECTION AND DETAILS
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GENERAL STRUCTURAL NOTES

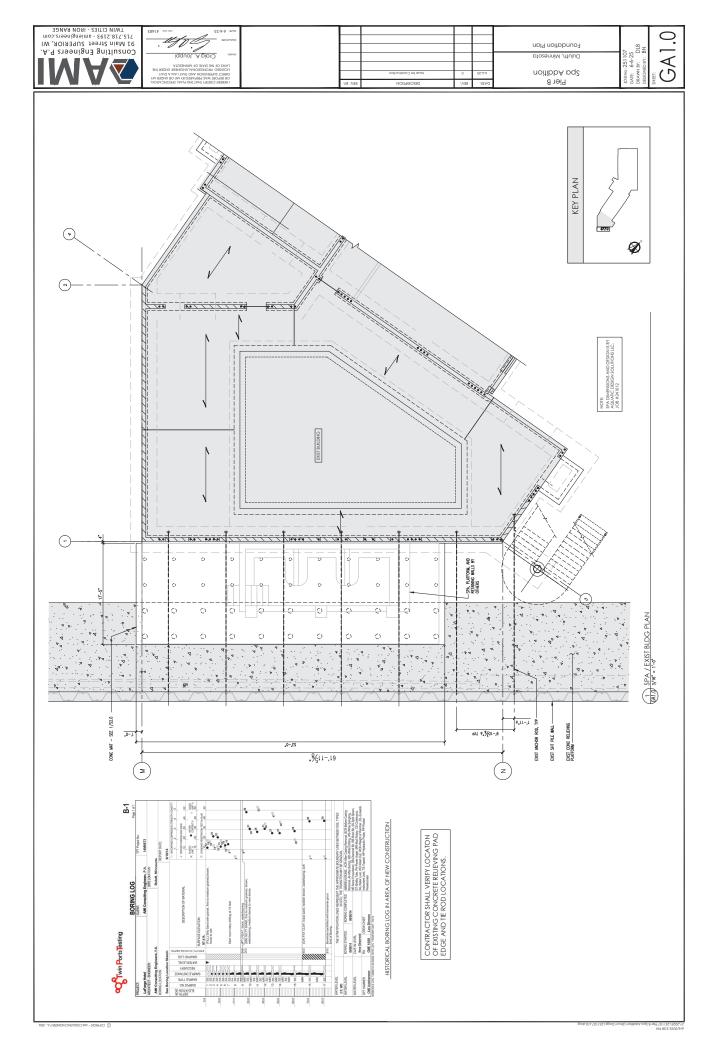
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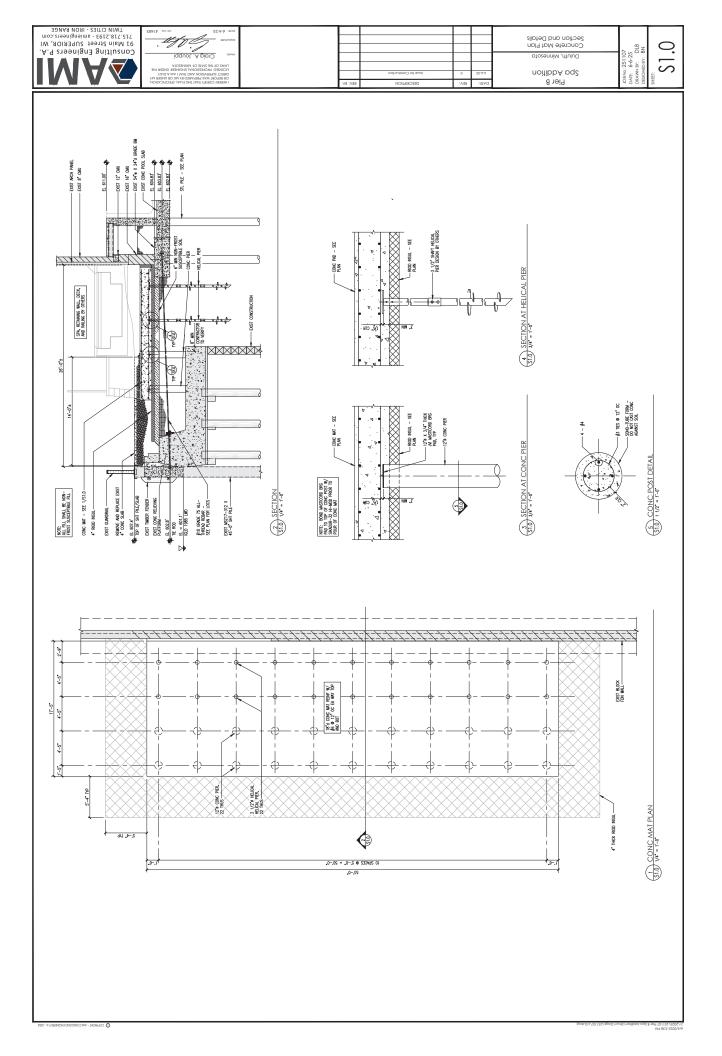
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Planning & Development Division

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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"):

UDC Section 50-18.1.D. Setback in a shoreland area

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 proposed Exterior Spa ideally needs to be attached to the interior pool area for both secure access for paying customers and access to the necessary mechanical equipment

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:

With the way that the building is laid out in its current footprint the logical option for the Proposed new exterior spa would need to be in the place we are proposing. For both secure access from the interior pool for customers and the access to necessary mechanical equipment needed to add this spa

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 piece of property is unique in the fact that it has water on 3 sides of the property as it was a former dock slip for ships, all 3 sides of the seawall have been updated at the time of the Hotel Construction

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:

The proposed spa deck would need to be installed in the proposed location due to the immediate access to the

already existing interior pool area along with necessary pool equipment. Other areas on the property are not suitable for this

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:

The proposed spa deck would not impair any light or air to any adjacent properties as this would be added onto an existing building with a finished height of less than 6' above grade. It also does not impair any streets, sidewalks, or right of ways

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:

The proposed spa deck will not impair the intent of the zoning code or map as we are adding onto an already commercially zoned Mixed Use Waterfront. This would not impair the view or the access to Lake superior

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. UDC Section 50-37.9 L. Shorelands. The proposed Spa deck would impede the required setback. The edge of the new Proposed spa deck would be approximately 15' off of the existing seawall

Letter of Authorization to Represent Property Owner for Land Use Application Date:

To whom it may concern, I, the undersigned, am the legal owner of the property located at,
(Property Address or Parcel ID) 800 Rail road St. Duluy, MN.
Hereby authorize, (Business or Organization), Downer Hoem Construction, AMI Examples
and any employees or agents acting on their behalf, to act as my authorized representative in all matters relating to the application for a, (Application type), Variance and or Building Permit.
This letter shall remain effective until the conclusion of the above referenced application unless revoked by the undersigned.
Property Owner(s) TAUL LASKOWSK, Fier B Exc. Board Member Owner
Owner Signature(s)
*All persons with ownership stake in the property must sign.
Phone Number 218-590-2417 Email Address Paule Ewin portspaper. com
Email Address Taule twin ports, paper. Com



RE: PIN for November 2025 Duluth Planning Commission Meeting (PLVAR-2510-0013)

From Speldrich, Bri (DNR) <Brianna.Speldrich@state.mn.us>

Date Fri 10/31/2025 10:45 AM

To Christian Huelsman <chuelsman@DuluthMN.gov>

Cc Jason Mozol <jmozol@DuluthMN.gov>

Hi Christian,

Have they justified why they need a new deck area? There already is a large elevated seating area on the 2^{nd} floor above the pool... Additionally, they could use key cards for secure access. I believe this is what is done with the hot tub.

Based on the information I have reviewed, it appears this is driven by a design preference and they do not meet practical difficulties. If they do not meet practical difficulties the variance should be denied regardless of the mitigation they have proposed.

Bri Speldrich

Area Hydrologist | Carlton County & Duluth Metro Ecological and Water Resources

Minnesota Department of Natural Resources

525 Lake Ave S, Suite 415 Duluth, MN, 55802

Phone: 218-302-3246

Email: <u>brianna.speldrich@state.mn.us</u>

she/her/hers mndnr.gov









From: Speldrich, Bri (DNR) < Brianna.Speldrich@state.mn.us>

Sent: Wednesday, October 22, 2025 9:58 AM

To: Christian Huelsman < chuelsman@DuluthMN.gov>

Cc: Jason Mozol < jmozol@DuluthMN.gov>

Subject: RE: Pending Items for November 2025 Duluth Planning Commission Meeting

Ok thank you.

While there is existing seawall, there is already very limited vegetation on this lot and this deck will reduce that. Have they proposed mitigation for adding additional impervious surface within the shore impact zone?

Also, have they justified why they need a new deck area? There already is a large elevated seating area on the 2nd floor above the pool... Additionally, they could use key cards for secure access. I believe this is what is done with the hot tub.

If it is easier to chat over the phone let me know and I can give you a call.

Thanks!

Bri Speldrich

Area Hydrologist | Carlton County & Duluth Metro

Ecological and Water Resources

Minnesota Department of Natural Resources

525 Lake Ave S, Suite 415

Duluth, MN, 55802

Phone: 218-302-3246

Email: brianna.speldrich@state.mn.us

From: Speldrich, Bri (DNR) < Brianna.Speldrich@state.mn.us>

Sent: Tuesday, October 21, 2025 3:49 PM

To: Christian Huelsman < chuelsman@DuluthMN.gov>

Cc: Jason Mozol < jmozol@DuluthMN.gov>

Subject: RE: Pending Items for November 2025 Duluth Planning Commission Meeting

Thanks Christian,

Did they provide a narrative that establishes practical difficulties, and have they proposed any mitigation for the variance?

Bri Speldrich

Area Hydrologist | Carlton County & Duluth Metro

Ecological and Water Resources

Minnesota Department of Natural Resources

525 Lake Ave S, Suite 415

Duluth, MN, 55802

Phone: 218-302-3246

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