Planning & Economic Development Division
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Staff Report for PLVAR-2605-0012

Application Information:

Application Type: Variance from Shoreland Standards
Location of Subject: Merritt Cr Tributary below Haines Rd
Legal Description: 010-2700-00290

Applicant: City of Duluth, Parks
Applicant Contact: Jim Shoberg
Agent: AMI
Agent Contact: Andrew Nelson

Staff Contact: Jason Mozol, jmozol@duluthmn.gov

Deadline for Action:
Application Date: May 4, 2026
Date Extension Letter Mailed: May 26, 2026
60 Days: July 3, 2026
120 Days: September 1, 2026

Site Visit Date: June 3, 2026
Sign Notice Date: May 21, 2026

Neighbor Letter Date: May 26, 2026
Number of Letters Sent: 1

Proposal:

Applicant is requesting to reconstruct and expand trail crossing bridge over a tributary of Merritt Creek.

Recommended Action:

Staff recommends approval with conditions.

Zoning and Land Use:

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Park/Utility	Open Space
North	RR-1	Park	Open Space
South	RR-1	Park	Open Space
East	RR-1	Park/Utility	Open Space
West	RR-1	Park/Utility	Open Space

Summary of Code Requirements:

Sec. 50-18.1.D. Shoreland Standards: Structures must be setback 150’ from coldwater streams. Public trails less than 10 feet in width are exempt from shoreland setbacks.

Sec. 50-37.9.C . General Variance Criteria (paraphrased): Granting 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 #2 – Declare the necessity and secure the future of undeveloped places; #10 Take actions that enhance the environment, economic, and social well-being of the community – This application mitigates an existing source of sediment pollution and increases access to public park space.

Future Land Use: Open Space- High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

History: Flows in this tributary have increased in recent years. The existing rip-rap bridge abutments were too steep and have scoured and become undermined.

Review and Discussion Items:

Staff finds:

1. The applicant is requesting a variance from the 150-foot structure setback to allow for reconstruction of a longer bridge crossing.
2. *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* This property uniquely has a significant tributary of Merritt Creek passing through it. The location of the existing trail requires a creek crossing with a bridge structure.
3. *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* The flow in this tributary has increased in recent years and, as the sole creek crossing in the vicinity, more robust and durable bridge necessitates infrastructure is needed to support a safe and sustainable trail network. It is unlikely that trail-related activities are responsible for the increase in flows which are likely attributable to other natural processes or human activities occurring within the watershed.
4. *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* Few adjacent properties include significant creek obstacles, and the surrounding trail network is designed to minimize and avoid creek crossings.
5. *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Creek crossings are a necessary aspect of trail systems and are a reasonable use of park spaces.
6. *Variance Criteria #5 (willnot impair light/air, increase congestion, or impair public safety or property values).* This request will not impair access to light or air, will not impact traffic volumes or congestion in the area, and will increase access for first responders, positively impacting public safety.
7. *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality).* The bridge is a typical feature of trail systems and parks and does not alter the essential character of the area.
8. *Sec. 50-37.9.L. (Mitigation for shoreland impacts):* One of the primary sources of pollution in area streams is sediment from erosion. This project stabilizes a source area of sediment pollution. Impacted areas adjacent to the project area will be revegetated with native plantings.
9. No public, agency, or City comments were received.
10. Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit has not begun within one year.

Staff Recommendation:

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

1. The project must be constructed and limited to the plans submitted with the 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50

Map for PLVAR-2605-0012:

Figure 1.
Aerial imagery captured in 2025, showing the location of a proposed stream crossing along a tributary of Merritt Creek below a Haines Rd on a property shown to exist within the RR-1 (Rural Residential-1) zone district.

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.

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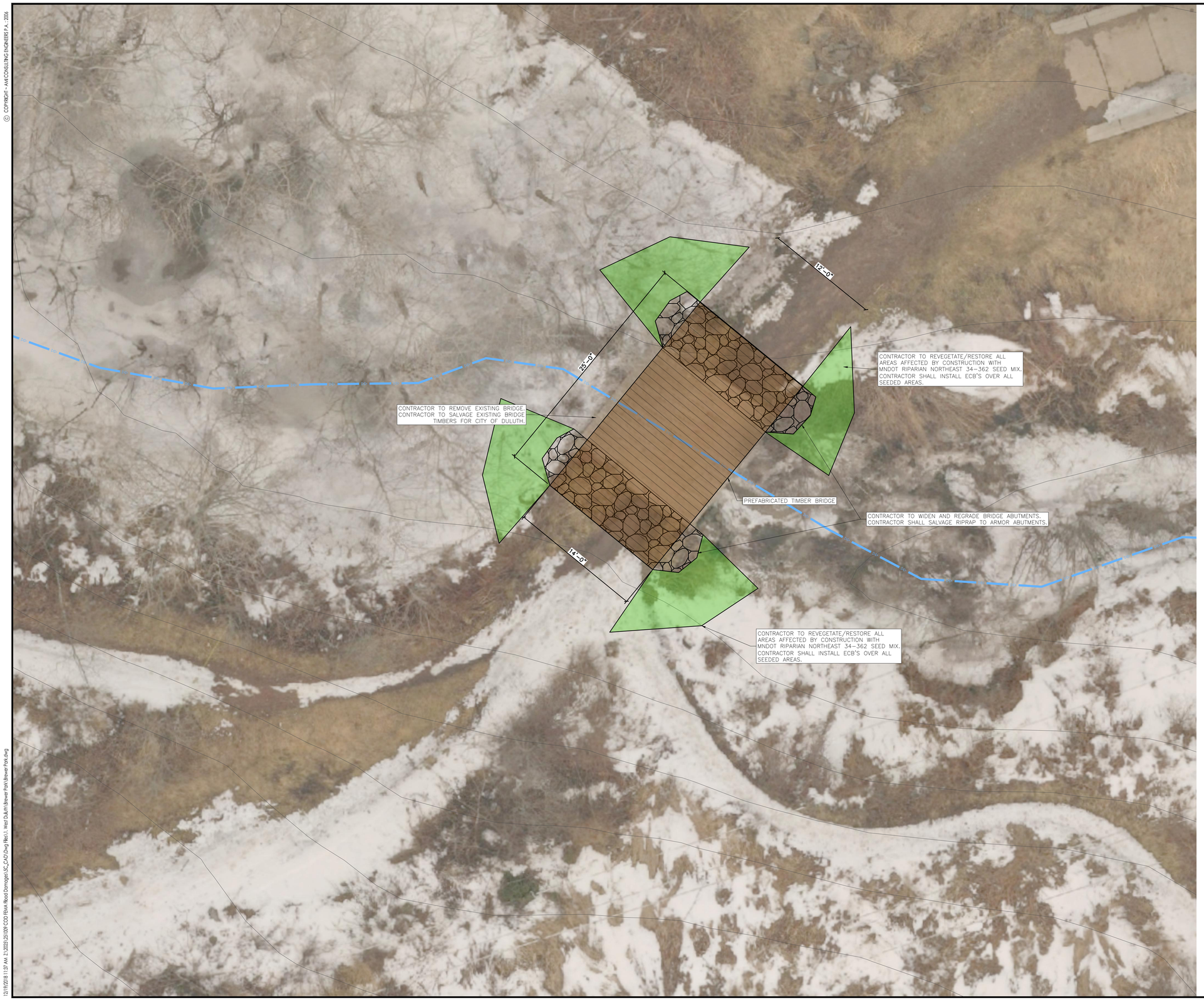

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SCALE IN FEET

GENERAL GRADING AND DRAINAGE NOTES:

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE BEFORE BEGINNING SITE GRADING ACTIVITIES.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING QUANTITIES OF CUT, FILL AND WASTE MATERIAL TO BE HANDLED, AND FOR THE AMOUNT OF GRADING TO BE DONE. ALL COSTS ASSOCIATED WITH IMPORTING SUITABLE MATERIAL AND EXPORTING UNSUITABLE/EXCESS/WASTE MATERIAL SHALL BE INCLUDED IN THE BID PRICE.
3. CONTRACTOR SHALL DISPOSE OF ANY EXCESS SOIL MATERIAL UNLESS OTHERWISE DIRECTED.
4. MAINTAIN TEMPORARY PROTECTION MEASURES DURING CONSTRUCTION ACTIVITIES. PROVIDE ADDITIONAL PROTECTION AS NECESSARY AS WORK PROGRESSES.
5. NO GRADED SLOPES SHALL EXCEED 3:1 (HORIZONTAL TO VERTICAL) UNLESS OTHERWISE NOTED.
6. UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING AND PROVIDE A SMOOTH FINISHED SURFACE WITH UNIFORM SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN OR BETWEEN SUCH POINTS AND EXISTING GRADES.
7. LIMIT THE DISTURBED AREA AS MUCH AS POSSIBLE AND CONDUCT GRADING OPERATIONS IN A MANNER TO MINIMIZE THE POTENTIAL FOR EROSION.

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TWIN CITIES - IRON RANGE

PRELIMINARY
NOT FOR CONSTRUCTION

DATE:	REV:	DESCRIPTION	REV. BY:

COD FLOOD DAMAGES
CITY OF DULUTH
BREWER HAINES SNOWMOBILE BRIDGE
DULUTH, MN

PROPOSED CONDITIONS

JOB No: 251009
DATE: 05/28/2026
DRAWN BY: ARN
DESIGNED BY: RRD

SHEET:
C1.0

12/1/2026 11:27 AM Z:\2025\251009 COD FEMA Flood Damages\SC_CAD\Dwg Files\1. West DulutH Brewer Park\Brewer Park.dwg