



Staff Report for PLCUP-2603-0007

Application Information:

Application Type: Concurrent Use Permit

Location of Subject: 1712 W 3rd St

Legal Description: 010-1150-00260, 010-1150-00270

Applicant: Tall House LLC

Applicant Contact: Peter Fredman

Agent: n/a

Agent Contact: n/a

Staff Contact: Christian Huelsman,

chuelsman@duluthmn.gov

Deadline for Action:

Application Date: March 12, 2026

Date Extension Letter Mailed: April 8, 2026

60 Days: May 11, 2026

120 Days: July 10, 2026

Site Visit Date: April 29, 2026

Sign Notice Date: April 28, 2026

Neighbor Letter Date: n/a

Number of Letters Sent: n/a

Proposal:

The applicant is seeking a concurrent use permit for construction of a replacement deck and stairs to provide code compliant access to residential units.

Recommended Action:

Staff recommends approval with conditions.

Zoning and Land Use:

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

Summary of Code Requirements:

50-37.7.C – Concurrent use of streets permit criteria (summarized): The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

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

Principle #1 – Reuse previously developed lands – Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state.

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. Includes many of Duluth 's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: A three-story residence built in 1886. A wooden plank walk connects the primary entrance to W 3rd St. Stairs provide access to the residential units.

Review and Discussion Items:

Staff finds:

1. The applicant is seeking a concurrent use permit to replace and construct a deck and stairs to provide code compliant access to residential units. The proposed concurrent use consists of a 22 ft by 14.5 ft area (319 sq ft) between the bituminous curb along W 3rd St and the primary frontage.
2. The City has no record of a concurrent use permit for the existing deck and stairs, which predate the applicant's ownership.
3. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way, nor will it harm or inconvenience the health, safety and general welfare of the City. No public sidewalk facility currently spans the proposed concurrent use.
4. Concurrent use permits are approved by the City Council by ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are revocable agreements between the City and property owners.
5. The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the City and public may be included in any ordinance approving a concurrent use permit adopted by the City Council.
6. One comment was received from Engineering, asking whether a handrail is proposed to extend into the sidewalk. Design elements will be reviewed during the building permit review. No other City, agency, or public comments were received.
7. Per UDC Section 50-37.1.N, approved Concurrent Use Permits 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 recommend approval of the concurrent use permit with the following conditions:

1. The applicant shall construct and maintain the project as identified in the attached exhibits.
2. The applicant will provide annual proof of liability insurance and agree to indemnify the City against any occurrences in the right-of-way that are due to items cover under this permit.
3. The applicant will remove the obstructions at the applicant's expense if directed by the City with appropriate notice.
4. 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.
5. The approved permit shall lapse if the project or activity authorized by the permit is not begun within one year of the permit date. The building official may extend this period one time for a period of up to one year if the property owner presents a written request showing the reasons for the delay was outside the owner's control.

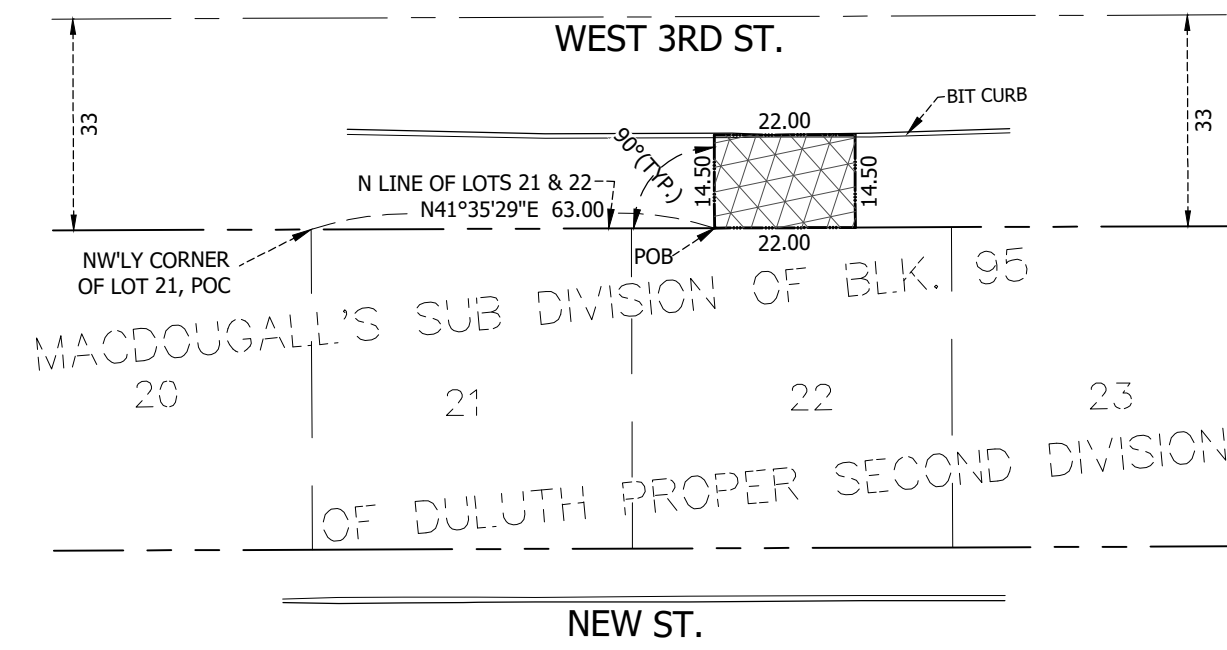
Map for PLCUP-2603-0007:



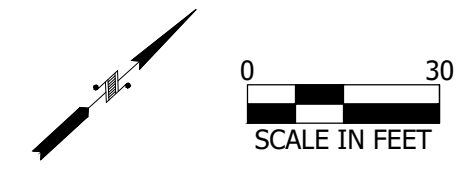
Figure 1.

Aerial imagery captured in 2025, showing Parcels #010-1150-00260 and #010-1150-00270 outlined along the south side of W 3rd St, across from N 17 1/2 Ave W.

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.



CONCURRENT USE DETAIL



LEGAL DESCRIPTION FOR CONCURRENT USE PERMIT
 All that part of West 3rd Street lying adjacent to Lots 21 and 22 as dedicated on the plat of MACDOUGALL'S SUB DIVISION OF BLOCK 95 OF DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:
 Commencing at the Northwesterly corner of said Lot 21; thence on an assumed bearing of North 41 degrees 35 minutes 29 seconds East, along the Northwesterly Line of said Lots 21 and 22 for a distance of 63.00 feet to the point of beginning of the parcel herein described; thence Northwesterly, deflecting 90 degrees to the left 14.50 feet; thence Northeastly, parallel with said Northwesterly line of Lots 21 and 22, deflecting 90 degrees to the right 22.00 feet; thence Southeastly, deflecting 90 degrees to the right 14.50 feet to said Northwesterly line of said Lot 22; thence Southwesterly along said Northwesterly line of Lots 21 and 22 for a distance of 22.00 feet to the point of beginning. Said parcel contains 319 Sq. Feet or 0.01 Acres

LEGAL DESCRIPTION PER DOCUMENT NO. 1408353
 Lot Twenty-one (21) and the Westerly Thirty Feet (Wly 30') of Lot Twenty-two (22), MACDOUGALL'S SUBDIVISION OF BLOCK 95 OF DULUTH PROPER SECOND DIVISION, St. Louis County Minnesota.
 AND
 The Easterly, Twenty Feet (Ely 20') of Lot Twenty-two (22), MACDOUGALL'S SUBDIVISION OF BLOCK 95 OF DULUTH PROPER SECOND DIVISION, St. Louis County Minnesota.

UNDERGROUND UTILITIES NOTES

- 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.
- UNDERGROUND UTILITIES SHOWN ON THE SURVEY ARE BASED IN PART ON MARKINGS PROVIDED BY GOPHER STATE ONE CALL TICKET NUMBER 260/50984.
- 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.
- UTILITIES SHOWN ON THIS SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
- PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT A PRIVATE UTILITY LOCATOR FOR LOCATIONS.
- FIELD VERIFY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.

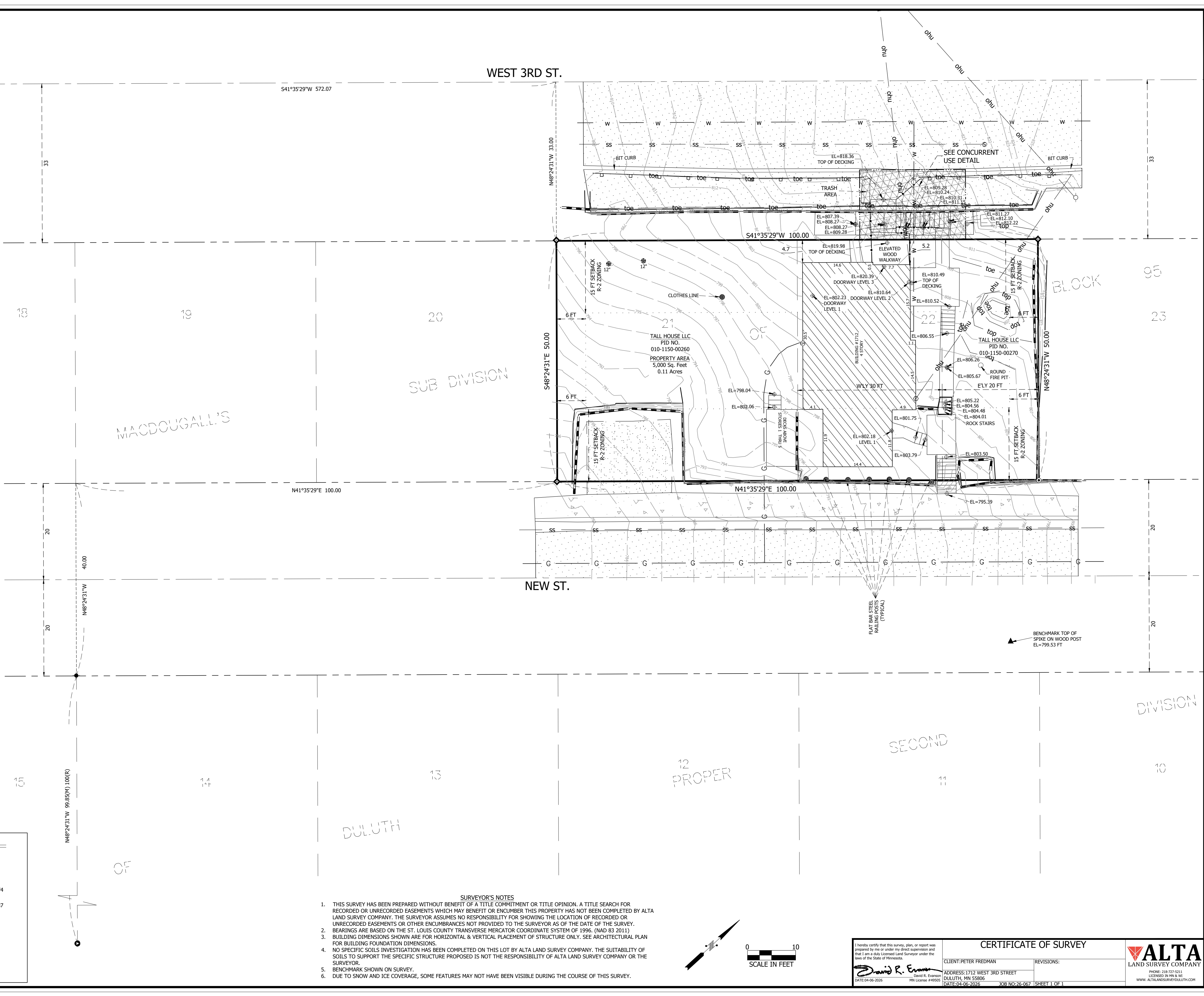
LEGEND	
	(M)-FIELD MEASURED DIMENSION
	(R)-RECORD DIMENSION
	Toe TOE OF BANK OR GRADE BREAK
	Top TOP OF BANK OR GRADE BREAK
	CONCRETE CURB & GUTTER
	RETAINING WALL
	HAND RAILING LINE
	ROAD GUARD RAIL LINE
	UNDERGROUND GAS
	OVERHEAD UTILITIES
	SANITARY SEWER
	UNDERGROUND WATER LINE
	SETBACK LINE
	CENTER LINE
	RIGHT OF WAY LINE
	SURVEY LINE
	BOUNDARY LINE AS SURVEYED
	EXISTING PLAT LINE
	ADJACENT PARCEL LINE
	CONCURRENT USE LINE
	⊗ GAS METER
	⊕ UTILITY SERVICE
	☼ CONIFEROUS TREE
	● POST/BOLLARD
	⊙ SPOT ELEVATION
	⦿ FOUND CAPPED REBAR RLS. NO. 14374
	● FOUND CAPPED REBAR
	⦿ FOUND CAPPED REBAR RLS. NO. 24587
	● FOUND MAG NAIL
	⊙ SET DRILL HOLE ON TOP RET WALL
	⦿ SET CAPPED REBAR RLS. NO. 49505
	⊙ ELEC. PANEL
	⊙ UTILITY POLE
	⊙ SANITARY MANHOLE
	⊙ POC-POINT OF COMMENCEMENT
	⊙ POB-POINT OF BEGINNING

SURVEYOR'S NOTES

- 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.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
- 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.
- BENCHMARK SHOWN ON SURVEY.
- DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.

WEST 3RD ST.

NEW ST.



<p>1. 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>David R. Egan David R. Egan License #49505 DATE: 04-06-2026</p>		<p>CERTIFICATE OF SURVEY</p> <p>CLIENT: PETER FREDMAN ADDRESS: 1712 WEST 3RD STREET DULUTH, MN 55806 DATE: 04-06-2026</p>	<p>REVISIONS:</p> <p>308 NO. 26-067 SHEET 1 OF 1</p>	<p>ALTA LAND SURVEY COMPANY PHONE: 218-727-5311 LICENSED BY MINN. REG. WWW.ALTLANDSURVEY.COM</p>
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Existing View from North



Existing View from NE



Existing View from NW



Existing View from SE



Existing View from SW



Existing View from South

General Notes

- All work shall conform to the Minnesota Residential Code and all other applicable codes and ordinances.
- Verify all rough-in dimensions and locations for equipment, fixtures etc. Provide all blocking, buck-outs, backing and jacks required for installation.
- All wood in contact with concrete to be pressure treated.
- All flashing to be galvanized, galvalume or factory finish to be approved by architect and owner.
- Contractor shall verify all existing conditions prior to initiating any portion of the work.
- Provide all protection, shoring and bracing as required by site conditions in order to maintain a safe job site and protect components to remain.
- Stair and guardrail openings to be less than 4".
- Tight line all affected drainage to approved drainage system.
- All framing to be properly caulked, sealed, gasketed or otherwise treated to minimize air infiltration prior to sheathing and finishing.
- All (new) smoke detectors to be hardwired to home's electrical system.

WOOD NOTES:

1. WOOD MEMBERS SHALL MEET THE FOLLOWING REQUIREMENTS:

A. DIMENSIONAL LUMBER: (2x4, 2x6)
 SHALL BE SPRUCE-PINE-FIR NO. 2 OR BETTER AND MEET THE FOLLOWING MINIMUM BASE DESIGN VALUES UNLESS NOTED OTHERWISE ON DRAWINGS.
 F_b = 750 psi IN BENDING
 F_v = 70 psi IN HORIZONTAL SHEAR
 F_{c_∥} = 975 psi IN COMPRESSION PARALLEL TO GRAIN
 F_{c_⊥} = 335 psi IN COMPRESSION PERPENDICULAR TO GRAIN
 E = 1,100,000 psi IN MODULOUS OF ELASTICITY

DIMENSIONAL LUMBER: (2x8, 2x10, 2x12)
 SHALL BE DOUGLAS FIR NO. 2 OR SOUTHERN PINE #2 AND MEET THE FOLLOWING MINIMUM BASE DESIGN VALUES UNLESS NOTED OTHERWISE ON DRAWINGS.
 F_b = 875 psi IN BENDING
 F_v = 90 psi IN HORIZONTAL SHEAR
 F_{c_∥} = 1300 psi IN COMPRESSION PARALLEL TO GRAIN
 F_{c_⊥} = 555 psi IN COMPRESSION PERPENDICULAR TO GRAIN
 E = 1,600,000 psi IN MODULOUS OF ELASTICITY

B. LAMINATED VENEER LUMBER- (LVL)
 SHALL MEET THE FOLLOWING MINIMUM REQUIREMENTS. THE MEMBERS SUPPLIER IS RESPONSIBLE FOR PROVIDING CONNECTION HARDWARE.
 F_b = 2800 psi IN BENDING
 F_v = 250 psi IN HORIZONTAL SHEAR
 F_{c_∥} = 550 psi IN COMPRESSION PARALLEL TO GRAIN
 E = 2,000,000 psi IN MODULOUS OF ELASTICITY

2. FASTEN MULTIPLE PLY BEAMS AND COLUMNS TOGETHER USING (2) ROWS OF 16d NAILS AT 12" O.C. (3 ROWS OF 16d AT 12" O.C. FOR 14" 16" L.V.L.)

3. ALL WOOD BEAMS AND LINTELS SHALL BE SUPPORTED BY BUILT-UP TRIPLE 2x6 WOOD COLUMNS UNLESS NOTED

4. ROOF SHEATHING SHALL BE 3/4" EXTERIOR PLYWOOD SHEATHING W/ 10d NAILS AT 4" O.C. @ BOUNDARY & 6" O.C. @ ALL OTHER EDGES & FRAMING MEMBERS. ARRANGE SHEATHING IN CASE 1.

5. WALL SHEATHING SHALL BE 1/2" (1/2") C-C (EXTERIOR) SHEATHING W/ 10d NAILS AT 4" O.C. @ BOUNDARY AND @ ALL OTHER EDGES & FRAMING MEMBERS. ARRANGE SHEATHING IN CASE 1.

Building Code Summary

Project Information

Project Name: 1712 West 3rd Street Change of Use
 Project Address: 1712 West 3rd Street, Duluth, MN 55806
 Submitted by: Jody Keppers, AIA

Narrative Description: Change of Use of two-unit IRC-2 building into three-unit R-2 building; reconstruction of entry deck

Applicable Building Codes: 2020 Minnesota Conservation Code for Existing Buildings
 2020 Minnesota Building Code
 2020 Minnesota Accessibility Code

Zoning Information
 Zoning District: R-2
 Setback (Required): (Front/Back/Sides) 15 ft / 10 ft / 15 ft
 Max Bldg Height: 50 ft

Building Information
 Number of Units: 3
 Code Path: MN Conservation Code - Change of Use
 Supplementary Code Path: MN Conservation Code - Alteration Level 2
 Accessibility Code Path:
 Special Inspection Requirement: No special inspection required
 Code Analysis: Nonseparated
 Construction Type: VB
 NFPA 13 Automatic Sprinkler System Throughout: No
 NFPA 13R Automatic Sprinkler System Throughout: No
 Fire Alarm Required: Dwelling Units Only per IBC 907.2.10.2
 Standpipe Required: No
 Building Areas/Occupant Loads: 3,544 sf Total, 200 sf/occupant = 18 occupants
Unit 301: 1,778 = 8.9 occs
 Level 2: 902 sf = 4.5 occs
 Level 1: 876 sf = 4.4 occs
Unit 201: 884 sf = 4.4 occs
 Level -1: 884 sf = 4.4 occs
Unit 101: 792 sf = 4 occs
 Level -2: 792 sf Including Sun Porch - 4 occs

Building Height & Stories
 Building Height (Actual): 31'-9"
 Building Height (Permitted per Table 504.3): 40'-0"
 Number of Stories Above Grade Plane (Actual): 2
 Number of Stories Above Grade Plane (Permitted Per Table 505.4): 2

Building Area
 Actual Building Area: 3,544 sq. ft.
 Allowable Area Factor per Table 506.2: 7,000 sf

Occupancy and Exiting
 Occupancy Use Group: R-2
 Occupant Loads: **Building Total:** 3544 sf / 200 sf/occ = 18 occupants
 Level 2 902/200=4.5 Level 1 876/200=4.4 Level -1 884/200=4.4 Level -2 792/200=4.0

Exit Width (inches, Actual/Required): **Building Total:** 102"/34" (18x0.2 = 3.6" based on occupancy)
 Level 2 34"/34" Level 1 34"/34" Level -1 34"/34" Level -2 34"/34"

Number of Exits (Actual/Required): **Building Total:** 3
 Level 2 1/1 Level 1 1/1 Level -1 1/1 Level -2 1/1

Exit Access Travel Distance (Actual/Allowed): 73.5/125 ft 71.5/125 ft 66/125 ft 47.5/125 ft
 Per IBC Table 1006.3.3(1)
 Minimum Corridor Width (Actual/Required): 36"/36"

Building Diagonal Distance Actual: 50 ft
 Exit Separation Distance (Req'd): 25 ft
 Exit Separation Distance (Actual): 34 ft

Fire Ratings Required
 Between Units: 1 Hour (Achieved through floor/ceiling assembly per IBC Table 721.1(3), Item 13-1.4)
 Exterior Walls: Not Required per IBC Table 602 (X>10 ft)

Plumbing
 Plumbing Required/Provided:

	Unit 301	Unit 201	Unit 101
Toilets	1/1	1/1	1/1
Lavs:	1/1	1/1	1/1
Tub/Shower:	1/1	1/1	1/1
Kitchen Sinks:	1/1	1/1	1/1
Washer/Dryer:	1/1	1/1	1/1

13. Double wood floor over wood joists spaced 16" on center. ^{m, n}		used, the lath nailing shall consist of two nails at each end and one nail at each intermediate bearing. Plaster mixed 1:2 by weight, gypsum-to-sand aggregate.							
	13-1.2	Cement or gypsum plaster on metal lath. Lath fastened with 1 1/2" by No. 11 gage by 7/16" head barbed shank roofing nails spaced 5" on center. Plaster mixed 1:2 for scratch coat and 1:3 for brown coat, by weight, cement to sand aggregate.							5/8
	13-1.3	Perlite or vermiculite gypsum plaster on metal lath secured to joists with 1 1/2" by No. 11 gage by 7/16" head barbed shank roofing nails spaced 5" on center.							5/8
	13-1.4	1/2" Type X gypsum wallboard ^c nailed to joists with 5d cooler ^d or wallboard ^d nails at 6" on center. End joints of wallboard centered on joists.							1/2

3 1 Hr Floor-Ceiling Construction

Site Plan
 SCALE: 1/16" = 1'-0"
 Parcels below are in the process of being consolidated into a single parcel.
 Parcel ID: 010-1150-00260
 Legal description: MacDougalls Subdivision Blk 95 Duluth Proper Item 13-1.4, Address: 1712 W 3rd St, Duluth, MN
 Parcel ID: 010-1150-00270
 Legal description: MacDougalls Subdivision Blk 95 Duluth Proper Block 095, E 20 ft of Lot 22



2 Aerial Photo

Sheet Index CDs
Site Plan and Schedules

A001	Cover Sheet and Site Plan
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Plans

A101	Level -2 Plans (Unit 101)
A102	Level -1 Plans (Unit 201)
A103	Level 1 Plans (Unit 301)
A104	Level 2 Plans (Unit 301)

Exterior Elevations

A201	Exterior Elevations
A202	Exterior Elevations

Structural Engineering:
 Mark R. Udd, P.E.
 Northland Consulting Engineers
 102 S. 21st Avenue West
 Duluth, MN 55806
 218-727-5995
 mark@nce-duluth.com

IF THE ADJACENT DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES

RE: PLCUP-2603-0007: Seeking Engineering Comments

From Cindy Voigt <cvoigt@DuluthMN.gov>
Date Sat 5/2/2026 3:08 PM
To Christian Huelsman <chuelsman@DuluthMN.gov>
Cc Peggy Billings <pbillings@DuluthMN.gov>

Ok, I see the survey, but it references the concurrent use drawing. All I want to know is there going to be railing extended into the sidewalk or not.

Cindy Voigt, P.E. (MN, ND & MI) | City Engineer | City of Duluth, MN | 411 W First Street, Room 240, Duluth, MN 55802 | cvoigt@duluthmn.gov | 218-730-5071

From: Christian Huelsman <chuelsman@DuluthMN.gov>
Sent: Friday, May 1, 2026 11:39 AM
To: Cindy Voigt <cvoigt@DuluthMN.gov>
Cc: Peggy Billings <pbillings@DuluthMN.gov>
Subject: PLCUP-2603-0007: Seeking Engineering Comments

Good morning,

I'm reaching out about a proposed Concurrent Use in front of 1712 W 3rd St. It is to replace a current deck and stairs connecting to the street with a new set. From my pre-app notes, it doesn't appear that Engineering was present at the meeting. I didn't receive any staff comments from Engineering from the Pending Items Notice either. If you can provide a response about whether Engineering supports the project, please let me know.

Thanks,

Christian Huelsman
Planner II | *Planning and Development Division*

City of Duluth – Planning and Economic Development
411 West First Street
Duluth, MN 55802
218-730-5011
chuelsman@duluthmn.gov

