



Staff Report for PLVAR-2606-0019

Application Information:

Application Type: Variance from Accessory Structure Standards

Location of Subject: 3825 W 7th St

Legal Description: 010-0480-02880

Applicant: Gregory and Donna Kent

Applicant Contact:

Agent: Arrowhead Design and Drafting

Agent Contact: Ben Potter

Staff Contact: Jason Mozol, jmozol@duluthmn.gov

Deadline for Action:

Application Date: June 9, 2026

Date Extension Letter Mailed: June 26, 2026

60 Days: August 8, 2026

120 Days: October 7, 2026

Site Visit Date: May 29, 2026

Sign Notice Date: June 30, 2026

Neighbor Letter Date: June 23, 2026

Number of Letters Sent: 63

Proposal:

Applicant proposes to construct a new garage between the existing home and N 39th Ave W.

Recommended Action:

Staff recommends approval with conditions.

Zoning and Land Use:

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood/ Open Space
North	R-1	Residential	Traditional Neighborhood/ Open Space
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 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. 50-21.3 Accessory Structure Standards: No accessory structure may be located between a street and any façade of a primary building facing that street.

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

Governing Principle #2 Declare the necessity of undeveloped spaces #5 – Promote Reinvestment in neighborhoods –

This application allows a property owner to invest in their property, moves an accessory structure further from the Merritt Creek, and the mitigation will provide a better buffer along the creek.

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: The property is currently occupied by a single-family home built in 1910. Other structures on the property include two sheds and a gravel patio.

Review and Discussion Items:

Staff finds:

1. Applicant is requesting a variance from accessory structure standards to construct a garage between the existing home and N 39th Ave W.
2. *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* This parcel is located immediately adjacent to Merritt Creek. The entirety of the parcel is within the structure setback. Locating the garage in this location minimizes impacts to the creek.
3. *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* This property was platted in 1889 and developed in 1910; both dates are prior to the establishment of shoreland and accessory structure standards.
4. *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* Several properties in this neighborhood are similarly constrained by their location to the creek but the vast majority are not. This property is also a corner lot so two facades of the primary structure face the street. Corner lots are common but the combination of being located on a corner lot and near the creek is particularly unique.
5. *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Single-family homes often are accompanied by garages for parking or storage.
6. *Variance Criteria #5 (will not impair light/air, increase congestion, or impair public safety or property values):* This request will not impair access to light or air, will not substantially impact traffic volumes or congestion in the area, and will not negatively impact public safety. The garage will be placed 50 feet from the edge of N 39th Avenue W; between the setback and the slope behind the garage, it will not impact sightlines at the intersection.
7. *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* The property will remain aligned with the character of the neighborhood where there are several nearby properties with garages in side yards. 39th Ave W is developed as a single lane, gravel roadway similar to an alley. This creates a character where the subject property feels less like a prominent corner lot and more like a mid-block lot. The level of roadway development further minimizes the visual impacts to the neighborhood.
8. No public, agency, or City comments were received.
9. 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 Planning Review 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.



Planning & Development Division
Planning & Economic Development Department

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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"):

50-21.3

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:

THIS PROPERTY HAS THE MERRIT CREEK INSIDE OF ITS REAR LOT LINE. THE SHORELINE IMPACT ZONE PUSHED THE BUILD SITE TOWARDS THE FRONT LOT LINE. HOWEVER, THIS IS A CORNER LOT AND THUS THE GARAGE WILL BE IN FRONT OF THE HOME'S SIDE ELEVATION.

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:

THE UNIQUE CIRCUMSTANCES OF THIS PROPERTY ARE THE MERRIT CREEK IN THE REAR, AND A BEING A CORNER LOT. THE SHORELINE IMPACT ZONE AND THE SHORELINE SETBACK CAUSE THIS LOT TO BE ENTIRELY UNBUILDABLE. WE ALSO HAVE A VARIANCE APPLICATION FOR A SHORELINE SETBACK. HOWEVER, BY PUSHING THE PROPOSED GARAGE TO THE FRONT CORNER, WE CAN MOSTLY AVOID THE SHORELINE IMPACT ZONE, BUT NEED A VARIANCE DUE TO BEING A CORNER LOT.

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:

THE SPECIAL CIRCUMSTANCES OF THIS LOT IS THAT IT IS A CORNER LOT. ALSO THE PRIMARY STRUCTURE IS EXISTING. THE PRIMARY SPECIAL CONDITION IS THE MERRIT CREEK AND ITS SETBACKS MAKE THE ENTIRE LOT NON-CONFORMING.

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 USE OF THIS PROPERTY IS TO MAINTAIN THE EXISTING HOME AND SECONDARY STRUCTURES AS THEY ARE, ASIDE FROM ONE SHED THAT WILL BE REMOVED, AND BUILD A PROPOSED 2.5 CAR GARAGE. A PRIMARY HOME WITH A DETACHED GARAGE IS A VERY REASONABLE R-1 PLAN.

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:

GRANTING THIS VARIANCE WILL NOT IMPACT THE LIGHT NOR THE AIR TO ADJACENT PROPERTIES BECAUSE IT IS A TYPICAL GARAGE FOR AN EXISTING SINGLE FAMILY HOME. THIS WILL NOT INCREASE TRAFFIC. A GARAGE WILL REDUCE ON STREET PARKING BY VISITORS TO THIS HOME, THUS REDUCING CONGESTION IN THE PUBLIC STREET. THE IMPROVEMENT TO THIS PROPERTY WILL INCREASE HOME VALUES IN THE NEIGHBORHOOD.

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 R-1 ZONING CODE ALLOWS FOR SECONDARY STRUCTURES. THE EXISTING HOME FACES 7TH STREET. THE PROPOSED GARAGE WILL HAVE WINDOWS FACING 7TH STREET, TO CREATE A PLEASANT FACADE. A HOME WITH A DETACHED GARAGE AND A DRIVEWAY BETWEEN THEM WILL BE ATTRACTIVE, AND TYPICAL FOR R-1 NEIGHBORHOODS.

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)?

THIS APPLICATION DOES NOT NEED TO MEET ANY OF THE CRITERIA IN UDC SECTION 50-37.9, SUBSECTIONS D THROUGH M, E, F, H, I, K NOR M.

