

City of Duluth Planning Commission

**January 14th, 2025 – City Hall Council Chambers
Meeting Minutes**

Call to Order

President Gary Eckenberg called to order the meeting of the city of Duluth Planning Commission at 5:00 p.m. on Tuesday, January 14th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Jason Crawford, Gary Eckenberg, Brian Hammond, Jason Holliday, Margie Nelson, Danielle Rhodes, and Dave Sarvela
Members Absent: Andrea Wedul

Staff Present: Nick Anderson, Amanda Mangan, Jason Mozol, Jenn Moses, Ben VanTassel, Ariana Dahlen, Natalie Lavenstein, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Meeting – December 10th, 2024 –
MOTION/Second: Holliday/Rhodes approved

VOTE: (8-0)

Public Comment on Items Not on Agenda

No comments.

Consent Agenda

PLIUP-2410-0014 Interim Use Permit for a Vacation Dwelling Unit at 325 S Lake Ave, Unit 1310 by Waterwheel Rentals LLC
PLIUP-2411-0020 Interim Use Permit for a Vacation Dwelling Unit at 107A E Superior St by Eric Faust
PLIUP-2410-0022 Interim Use Permit for a Vacation Dwelling Unit at 1730 E 2nd St by Predictable 2 LLC

Commissioners: Commissioner Crawford abstained from voting on the consent agenda because he works with the applicant of PLIUP-2410-0014.

Public: No speakers.

MOTION/Second: Nelson/Sarvela approve the consent agenda items as per staff recommendations.

VOTE: (7-0)
Crawford abstained

PLVAR-2411-0010 Variance to Reduce Lot Area at 631 E 3rd St by Top Dog Investments LLC

Staff: Jason Mozol addressed the commissioners. The public hearing items PLVAR-2411-0010, PLVAR-2412-0011, and PLSUB-2411-0006 are all by the same applicant and for the same project, so Mozol gave a description of all three at once as to better explain the project in its entirety.

There are three structures existing on the subject property. There is a duplex in the rear, a garage in the middle, and an eight-unit apartment building in the south. The duplex was built in 1881. The multi family structure was built in 1902 but was condemned in 2023 following damage from a fire. The current property owner proposes to subdivide the parcel 010-3830-10690 into two parcels to allow for restoration of the multi-family structure on the property. They intend to renovate and restore the building back to function as a multi-unit structure. The subdivision will make it so the the duplex and the multi-family structure will each be on their own parcel. The applicant was able to make sure the existing structures met all setback requirements with the proposed parcels, but they were not able to meet the lot area requirements, which is what triggered the first variance request. The subdivision application approval is conditional to the approval of the variance request to reduce the lot area.

The lot area requirement for the duplex is 5000 sq ft, but the proposed parcel created from the subdivision come out to be 1,754 sq ft. In reviewing this application, staff acknowledges that the buildings were established before the existing zoning code, and that there is not a way to complete this project that would be in compliance. This property is peculiar because it is occupied by two primary structures on a single lot. The resulting parcels will both be occupied by residential structures that are permitted in this zone district. This older neighborhood has a number of properties with similar density and non-conforming structures on lots that don't meet the minimum lot size requirements. The existing site layout has existed for over a hundred years and this variance will not alter that layout or change the impacts of the site from what they have been previously. This variance will support the restoration of an existing, blighted structure that is currently having negative impacts on the neighborhood.

For the other variance request, the applicant is requesting to reduce the required setbacks from 10' to 2.5' in the front yard, 10' to 3' in the side yard, and 10' to 1' in the corner side yard for the multi-family structure. The existing structure and the associated setbacks were established well prior to the adoption of the existing zoning code. Relocation of the existing structure would be impractical and there is not a location on the lot wide enough to accommodate this structure while leaving space for the required setbacks. This structure previously operated as a legal, non-conformity similar to many others in the area. A fire in 2023, and subsequent time as a vacant building, have necessitated the need for this structure to come into conformance with the zoning code. A multi-unit apartment building is allowed in this zone district. This older neighborhood has numerous properties with similar density and structures operating as legal, non-conformities that don't meet the setback requirements. The existing location of this structure has existed for over a hundred years and this variance will not alter that layout or change the impacts of the site from what they have been previously. This variance will support the restoration of condemned, blighted structure that is currently having negative impacts on the neighborhood. Staff recommends approval with conditions for all three applications.

Commissioners: Commissioner Hammond asked what the reasoning was for rehabbing this building rather than demolishing it and rebuilding a new structure that could be constructed to meet current setback requirements.

Staff: Mozol encouraged the commissioners to hear from the applicant regarding this question. From a staff standpoint, he reiterated that this variance supports the reuse of an existing building, which serves as an easier way to help bring housing into the neighborhood.

Applicant: Leah Holliday addressed the commissioners. She is the owner of the subject property. She said that it would take a significant amount of money to demolish and rebuild a structure on this site. Doing this would also pull away from the characteristics of Duluth, and she believes that we likely will not see any more buildings like this one being built. This multi-family structure was built by one of the top architects at the time back in the early 1900s, and she wants to preserve the look and history of the building. Holliday also stated that they are looking to provide affordable housing, but that wouldn't be realistic for them if they were to demolish and rebuild because of the project costs.

Commissioners: Commissioner Hammond also asked about other building code and ADA non-conformities in this building. He asked if by approving this variance request and agreeing to rehab the building, would that also mean that other non-conformities be locked in as well for another significant number of years.

Applicant: Holliday responded that they have been working with the building code to make sure that the building will be ADA compliant. The lower unit on the avenue will be ADA compliant, and there will be accessibility from the sidewalk as well as handicap parking spaces. She noted that these ADA features were non-existent in this building previously. Even if the variance is not approved, the current setback requirements would make it difficult to build anything else on this parcel with the proposed subdivision. The parcel would sit vacant, and 8 units of housing would be taken away from Duluth.

Commissioners: President Eckenberg asked the applicant if the garage is functional and could be used for parking.

Applicant: Holliday responded that the existing garage will be used for storage space for the rehab project materials. It could be used for a car, but that is not what they will be using it for. There will be a few parking spaces between the garage and 7th avenue, with some and on-street as well.

Public: No speakers.

Motion/second: Hammond/Adatte approve as per staff recommendation with the following conditions:

- 1. The project be constructed and limited to the plans submitted with the application, allowing a subdivision of parcel 010-3830-10690 where parcel A has a lot area of 1,754 sq ft.**
- 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.**

Vote: (8-0)

PLVAR-2412-0011 Variance to Reuse Nonconforming Structure 631 E 3rd St by Top Dog Investments LLC

Public: No speakers.

Motion/second: Nelson/Holliday approve as per staff recommendation with the following conditions:

- 1. The project be constructed and limited to the plans submitted with the application, allowing a multi-unit structure on the southern (downhill) portion of the existing parcel 010-3830-10690 that is 1' from the 7th Ave E right of way, 2.5' from the 3rd St right of way, and 3' from the property line shared with 010-3830-10670.**
- 2. This variance shall apply only to reuse of the existing building.**
- 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.**

Vote: (8-0)

PLSUB-2411-0006 Minor Subdivision at 631 E 3rd St by Top Dog Investments LLC

Public: No speakers.

Motion/second: Hammond/Rhodes approve as per staff recommendation with the following conditions:

- 1. This approval is conditional to approval of PLVAR-2411-0010 to allow parcel A to have a lot size less than the required minimum.**
- 2. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.**
- 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.**

Vote: (8-0)

Other Business

No other business.

Communications

Land Use Supervisor (LUS) Report – Jenn Moses addressed the commissioners and gave an update on the changes to the floodplain ordinance. There are new maps that will go into effect in March of this year, and staff has been working with FEMA and the DNR to adopt the flood map changes, and to understand what changes staff needs to make to the ordinance to incorporate all the new rules and regulations. The changes were originally going to be presented at tonight's meeting, but staff needed more time to work on it. Commissioners should plan on seeing it at February's meeting. The draft is about 90 pages, and a significant portion of it is definitions.

Next month is annual planning commission meeting. The meeting will be held at a different location and food will be provided. The details of this meeting are forthcoming. Moses also

mentioned that there was a very active and full Heritage Preservation Commission meeting held the day before tonight's meeting on Monday, January 13th.

Heritage Preservation Commission Report – Commissioner Adatte shared his report with the rest of the commissioners. He talked about a project happening at the Old City Hall. There was recently a restaurant there that has closed, and the owner of the Oliver Inn is looking to expand operations into that space.

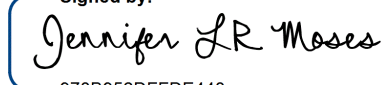
The HPC also discussed the electrical upgrades to interior of the Lakewood pump house, and the discussion focused heavily on preserving the exterior of the building while making the necessary changes and renovations to the interior. There was also a presentation on the Aerial Lift bridge. Adatte announced that the HPC will be collaborating with the Indigenous Commission regarding a historical marker on Bardon Peak.

Duluth Midway Joint Powers Zoning Board – No report.

Adjournment

Meeting adjourned at 5:23 p.m.

Respectfully,

Signed by:

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Jenn Moses, Manager
Planning & Economic Development