

**Town of Duluth  
Planning Commission  
Meeting Minutes  
5/22/08**

**CALL TO ORDER**

Meeting was called to order at 7:00 p.m. by Vice Chair Michael Kahl.

**ROLL CALL**

Present: Bill Lannon, Yvonne Rutford, Michael Kahl, Seth Levanen, David Miller & Janet Green. Absent: Dave Chura

**REVIEW AGENDA**

St. Louis County Land department is getting approval to sell a piece of Land in Duluth Township; requiring a Conservation easement. Janet Green requested that this be added to new business. Yvonne made a motion to approve the agenda. Dave Miller seconded. Agenda approved.

**APPROVE MINUTES FROM APRIL MEETING**

Janet Green had technical corrections that she gave to Jeanne. The corrections will be made. Janet requested that the hand outs and letters that were received during the last meeting accompany the minutes from the 4.24.08 meeting. Dave Miller made a motion to approve the minutes with corrections. Janet seconded the motion. Minutes approved.

**ULANOWSKI PUBLIC HEARING**

Sue Lawson introduced Veronica Ulanowski. Sue reviewed the Variance Criteria from the Ordinance.

- Zone district is SMU 6 (This district is intended to provide residential and mixed uses consistent with the recreational and natural attributes of Lake Superior, on a suburban scale lot size.)
- Lot area is 2 acres.
- Structure setbacks
  - Side yard – 35'
  - Road – 110'
  - Lot Coverage – 25%

**Land Transfer Requirements.** The Town of Duluth requires that land transfers meet the following standards.

1. Conformity with Ordinance required. No lot shall be created that does not meet the requirements of the Ordinance, transfers to adjoining parcels of nonconforming parcels are allowed provided such a transfer does not adversely affect the conformity of the remaining lot as it relates to zoning and sanitary standards.

- Photos were shown of the applicant's property and surrounding property.
- Reviewed the map that was submitted with the variance request.

**REQUEST**

Ms. Ulanowski is requesting to split her current property into two parcels. She currently has 3.48 acres. When split one parcel would be 1.48 acres (this is where her home is) and the second would be 2 acres (which is the minimum lot size in this area). Ms. Ulanowski is claiming financial hardship as her reason for requesting this split.

Sue reviewed the Criteria for the Decision.

**STATEMENT BY MS. ULANOWSKI**

Ms. Ulanowski finds it very difficult to pay for her taxes every year. It takes 3 months of her income to pay for the property taxes. She would like to sell some land to be able to pay for future taxes. Taxes, insurance and gas are taking their toll. She is low income and this is difficult for her.

Dave Miller wanted to know if Ms. Ulanowski was going to be staying on the smaller (1.48 acre) property. She indicated that that was her intension.

Janet Green inquired as to the ownership of the property to the North of Ms. Ulanowski's. This property is owned by a Mr. Fischer.

Yvonne Rutford requested to see the land transfer requirements regarding Conformity from the Ordinance again. Sue reviewed this information again and pointed out that the information could also be found in the Ordinance on Page 40.

**PUBLIC TESTIMONY - None**

Seth motioned to close the Public Testimony. Yvonne seconded the motion. Motion passed.

**DISCUSSION**

Janet: Section 34 has some dotted lines. The bottom of section 34 appears to be smaller. Neighbor apparently had the land surveyed and this is the map Ms. Ulanowski has.

Bill wanted to know when the survey was conducted. No survey date given.

Janet wanted to know why the plot lines on Veronica’s map are different from the original? Unsure.

John Bowen, Duluth Township representative for the D/NSSD, stated that very few of the lot lines are based on the plat lines. They are platted lines rather than property lines.

No further questions or discussion.

Dave Miller made a Motion to approve the Variance request. Seth seconded the Motion. Motion was approved.

**RESULTS OF THE VOTE**

**In favor of the motion:**

Dave Miller  
Seth Levanen  
Michael Kahl  
Bill Lannon

**Opposed to the motion:**

Yvonne Rutford  
Janet Green

**MORE DISCUSSION**

Yvonne Rutford indicated that the Zoning Ordinance is clear about not creating non-conforming lots. Economic hardship is not a reason alone to create a non-conforming lot.

**PLANNING DIRECTOR REPORT**

- This is Jeanne’s last meeting. Sue and the Commission Thanked her for all of her help, they have appreciated it and wish her the best.
- John Kessler is on vacation and will return by May 30<sup>th</sup>.
- Eight Land Use permits have been received in the last 3 weeks. Total number of Land Use permits received so far this year is 19. There were a total of 28 Land Use Permits in 2007. We are ahead of that pace at this time.

**UPCOMING MEETINGS**

- May 28<sup>th</sup> Open house at North Shore Community School for a Community Wide meeting of the Site Team.
- June 2<sup>nd</sup>, 7:00-9:00 p.m. - Planning Commission meeting regarding Community Center/School.
- June 26<sup>th</sup> at 7:00 p.m. is the next Planning Commission meeting.

**CURRENT ISSUES**

- CUP request from Ms. Christine Schousboe. She is requesting a short term rental. Currently compiling Neighbor Notice information.
- Got the Grant from MN Coastal Program for technological equipment.
- Pine park road: Continuing with this issue; similar to a home owners association.
  - Permit request from John Roway for a new home. This is not a request for an actual home but just a request to get the ball rolling, per Mr. Roway. In regards to the Pine Park Road issue.
- Mr. & Mrs. Worden’s first CUP conditions must be met by May 31<sup>st</sup>, except for planting the barrier. This will have to be reviewed to make sure the conditions are being met.
- Odyssey Development had contacted Commission members individually. Our Attorney recommends not discussing anything individually. It is a violation of the open meeting law.
- Have received another Variance request and another CUP request.

- Homestead Road is scheduled to be repaved. The Contractor is looking for a place to put a hot batch unit; in a pit close by preferably. How do they go about getting a permit for this? Would be covered under a CUP. The Heglund's pit has a number for a permit. This issue will be coming up. Starting this in July. Whoever gets the bid will have to apply for a Conditional Use Permit (possibly). Homestead Road will not be widened at this time, just leveling out the dips and resurfacing. If the approved contractor uses the Heglund's pit a permit may not be needed. Otherwise there will be another Conditional Use Permit request.
- Sue updated the Land Use permit. It will be on available on the web site and at the Town Hall.

## **CHAIR REPORT – None**

## **NEW BUSINESS**

- Determine Area of Impact for second CUP Short Term Rental request by Ed & Shawn Worden; for second property. Last Worden CUP was ¼ mile. David Miller made a motion to increase the area of impact distance to ½ mile. Seth Levanen seconded the motion. Motion approved. ½ mile for area of impact.
- Tax Forfeit Land: St. Louis County asked the Legislature if they could sell Tax Forfeit Land. The land is located next to the old Clover Valley School. Trout Tributaries are included in this. No description of an easement is mentioned. Does anyone want to see what the easement entails? Sue stated that she looked at this property for the Sr. Housing project and it is full of wet lands. The Country has to get the Legislatures permission and then can put it up for Sale this Fall. It is a 10 Acre parcel.

Janet would like to have the County come in and talk with the Commission regarding the Sale, Price and Processes. Sue volunteered to contact the County and request this. Janet gave Sue her information regarding this issue.

## **OLD BUSINESS**

- Approve Findings of Fact for Stoney Point Cottages Subdivision Hearing. Janet made some corrections regarding the findings of fact. These corrections will be made.

Janet made a motion to accept the Findings of Fact with the amendments/corrections that were submitted. Yvonne seconded the motion and added an additional amendment. Approved.

- Greg Schendel called Sue Lawson earlier this week to request a time to discuss the Shore Land Stabilization plan further. Bob Ryan stated that he was not aware that contacting Commission members individually was illegal. He doesn't think that it is. Mr. Ryan also informed the Commission that Odyssey Development has requested an appeal. The date of the appeal is going to be set at the June 12<sup>th</sup> Town Board meeting. Odyssey needed to appeal within 30 days. They felt that they needed to protect their rights. The Board of Adjustment will hear the Appeal. The Board of Adjustment members are: Dave Miller, Jeff Cook and Paul Voge.

Bob Ryan requested a working meeting with the Planning Commission to discuss the Shore Land Stabilization further with the Commission. Would like to have this meeting before the Appeals meeting but not sure if that will work time wise.

Discussion ensued and it was agreed that the Planning Commission will meet with Odyssey Development on June 17<sup>th</sup>, 2008 at 7:00 p.m. location TBD. Sue will contact everyone regarding the location.

Sue has concerns regarding the Process. Reminded the Commission that they have already denied a Variance for this and a Variance doesn't relate to a lot of what they are asking for. Sue volunteered to be the "go between" for information/requests between the Commission and Odyssey Development for the June 17<sup>th</sup> meeting. The Commission members will send their requests to Sue and she will get them to Odyssey Development. She will also look into having the appeals hearing after the June 17<sup>th</sup> meeting if possible.

## **CONCERNS FROM THE AUDIENCE**

Don McTavish reminded everyone that if they would like anything to appear in the July Newsletter he will need the information by June 23<sup>rd</sup>. Would the Commission like to advertise the secretarial opening again? Yes.

## **CLOSE / ADJORNMENT**

Seth motioned to adjourn the meeting. Yvonne seconded the Motion. Meeting Adjourned at 8:30p.m.