

**Town of Duluth  
Planning Commission  
Meeting Minutes  
Sundberg Variance Public Hearing  
July 9, 2015**

The meeting was called to order at 5:30 by Chair, Paul Voge.

Present: Paul Voge, Jo Thompson, John Schifsky, Wayne Dahlberg, Jerry Hauge, and Larry Zanko

Absent: Brigid Pajunen

Also present: Sue Lawson, Planning Director; Don Sitter, Town Board Supervisor and liaison to the Commission

Sue opened the hearing by reviewing the process for the hearing and introducing the request. Zach Sundberg's property is one parcel back from Bergquist Road and is accessed by right-of-way across the parcel fronting Bergquist. The property is in zone district FAM-3. Sue showed the dimensional requirements for FAM-3. All of the setbacks for the proposed structure are met except for the front yard setback. The required front yard setback is 75 ft. Zach is requesting a variance from this to 25 ft. He wants to be able to place the home so the closest corner of the garage is 25 ft from the west property line. The surrounding elevations limit the placement of the home on the parcel.

The first criteria for consideration for a variance is, is the proposal in harmony with the general purposes and intent of the Ordinance and consistent with the Comprehensive Plan? The application states:

The proposed structure is placed on the site to have minimal impact on surrounding low lands and to preserve natural ground water flow. The proposed structure only moves 50 ft closer to property line. The adjoining property is developed with a residential home and is on the opposite end of the property which makes the structure approximately 860 ft from the proposed structure.

Zach read from a letter he received from Muonios, the owners of the property adjacent to the front of his property.

We, David F and Pamela A Muonio, would not be opposed to the variance that Zach and Trina Sundberg would be requesting to be 25 ft from the property line. We are the neighbors that are to the west of their property. The garage and house would be closest to our property.

Paul asked about the easement across the Muonios' property.

Zach said that the easement is written into the legal description for the Muonios' parcel.

Sue read the next criteria for considering a variance: "Practical difficulties," as used in connection with the granting of a variance, means that a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; and b. the plight of the property owner is due to circumstances unique to the property not created by the property owner.

The response from the application:

Given the lot's elevations it limits practical placement of 75 ft from the property line. The structure would be moved 50 ft closer, to 25 ft from the line. This would not change land use or remove from the character of my property or the adjoining property.

The next criteria asks, is the proposed variance a use that is allowed under the Zoning Ordinance. Sue said that it is.

Larry said that when he looked at the elevation map, the building site is high ground that drops off quickly, so the placement of the house is constrained by the topography.

Wayne asked for clarification of why the variance is needed.

Zach said that it is the most practical place to build. He said that most of the rest of the parcel receives drainage from the property to the north.

Don asked how close the person on the adjacent property to the west could potentially build.

Sue said that that would be the rear yard set back for that property and that is 100 ft.

Don asked if the house could be shifted slightly to the south so as to not require as much of a variance. f

Zach said that there would not be room to shift because the septic area is also planned for that area.

Wayne asked what was preventing them from rotating the home to get a little more distance from the front property line.

Zach said that their builder placed the building to take best advantage of southern exposure. He said that he did not see his proposal as an issue, especially because the adjacent property owners did not object to the closer positioning. He said he is just trying to be practical.

John asked if the whole building area sloped.

Zach said that it did. If they were to set the building further back, they would have to fill the front yard. It would be a substantial amount of fill.

Wayne asked if a walk out basement is a part of the plan.

Zach said there was a walk out at the corner furthest to the east.

Wayne felt like the home could be rotated which would put the garage in a better position and still take advantage of southerly exposure.

#### Public Testimony

Alisha Stolp spoke. She said that the applicant is her brother and neighbor. She said that the home is very well thought out for Zach's family's lifestyle. They have a handicapped child and Zach's wife stays home to care for the child. They have thought it out thoroughly as far as practicality, sun light and being able to build quickly.

Travis Stolp spoke. He said that they own property one parcel away to the north. He said that Zach has considered the location carefully. To rotate the house would open a can of worms. If the closest neighbor doesn't have an issue with it, it shouldn't be a problem.

Sue said that when making a decision, you consider the future as well as the current situation. The lot size requirement for this zone district is 9 acres so it cannot be subdivided further. The rear yard set back for the parcel to the west is 100 ft.

Zach said that the variance would not affect any of the other parcels around them.

Jo asked Sue what the general intent of the Ordinance is regarding setbacks.

Sue said that road setbacks allow for privacy and also allow for expansion of the road. The other setbacks are to maintain privacy and sometimes for protection from fire. Setbacks get larger with larger parcel sizes to maintain the feeling of privacy in a less dense, more rural area.

Jerry Hauge moved to grant the variance because the request is in harmony with the general purposes and intent of the Ordinance; it is consistent with the Comprehensive Plan; there are practical difficulties with the topography of the property; the plight of the property owner is due to circumstances unique to the property and not created by the owner; it is a reasonable and permitted use; and the variance will not alter the essential character of the locality.

Larry Zanko seconded.

The motion passed. In favor: Paul Voge, Jo Thompson, Larry Zanko, Jerry Hauge, John Schifsky. Against: Wayne Dahlberg.

A short recess was taken while the Findings of Fact document was prepared.

The Findings of Fact document was approved.

The meeting adjourned at 6:15.