

**Town of Duluth  
Planning Commission  
Meeting Minutes  
August 23, 2018**

The meeting was called to order at 6:30 pm by Chair Jo Thompson.

Present: Jo Thompson, Jerry Hauge, Larry Zanko, Liz Strohmayer and Dave Edblom.

Absent: Wayne Dahlberg and John Schifsky.

Also present: Sue Lawson, Planning Director and Rolf Carlson, Town Board liaison to the Planning Commission.

The agenda was approved as presented.

**Public Hearing for Lillo Variance**

Sue introduced the variance request and the process for hearing the request. Ron Lillo is applying for two variances for his property on the inside corner of Shilhon Road as the road makes a 90 degree turn north towards Korkki Road. The first is for a variance from the required lot size for a non-conforming lot of record. The Ordinance requires that to build on a non-conforming lot of record, it must be at least 50% of the lot size required for the zone district. The property is in MUNS-4. The minimum lot size in MUNS-4 is 4.5 acres. 50% of this is 2.25 acres and Ron's lot is 2 acres. The second is for a variance to build a storage shed on the property. This variance is necessary under Article VIII Sect. 3 of the Ordinance because the lot is used for a camper and accessory structures are not allowed with this use.

Sue showed the vicinity map and the site sketch for the property. The property is in MUNS-4 and meets all of the dimensional requirements except for lot size. Ron is putting two campers together to equal one.

Jo asked if that structure was going to be considered a camper or a home.

Sue said that the application indicates it is a camper. If it were considered a primary structure, the owner would be limited to what he could do with the property in the future. If the variance for the lot size is granted, they could at some point opt to remove the camper and build a primary structure on the lot.

Dave asked what the maximum impervious surface is for the lot. Sue said it is 7% for MUNS-4 non-SENSO.

Jo noted that if the structure is considered a camper, a second camper or a guest camper cannot be brought onto the lot.

Sue then read the criteria for deciding a variance and Ron's responses to those criteria from his application.

**Variations shall only be permitted a. When they are in harmony with the general purposes and intent of the Ordinance, and b. When the variations are consistent with the comprehensive plan.**

*Applicant states:* a. I believe that a variance to allow me to use my two acres for recreation will be in harmony with the neighborhood and promote family interaction and be a healthy and safe use of our

Township. b. I believe using my two acres in this manner will stay within the Township's plan of keeping the neighborhood's integrity and increase the value of the property and be a plus to the community.

**"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. c. The variance, if granted, will not alter the essential character of the locality.**

*Applicant states:* Our practical difficulties are 1. I have only two acres and it's not 50% of 4.5 acres. 2. I can't have any structures, like a shed, on the property. As per the Planning Commission meeting on 6/28/18, I believe if we connect two campers together as one and build a 12 ft by 20 ft shed, we would still be using the property in a reasonable manner. We use the campers to stay in when we use the property for hunting, fishing and riding ATVs. One small camper is not big enough for five adults and a few children. We also need a shed to keep my riding lawnmower, ATVs, hunting stands and blinds in.

**Is the proposed variance a use that is allowed under the Zoning Ordinance?**

*Applicant states:* Yes

Ron said that he and his family have been enjoying the property for 18 years. He had nothing else to add to what he said in the application.

There was no one present to provide public comment and no comments had been received by mail or email.

Larry made a motion to approve the variances for the lot size and for construction of the storage structure. Jerry seconded.

Dave made a motion to split the motion and hear the criteria individually. Larry seconded.  
The motion passed unanimously.

Larry made a motion that the proposal is in harmony with the general purposes and intent of the Ordinance because the current use of the property is appropriate for the neighborhood and fits the definition of MUNS-4. The intended use of the property is consistent with the Township's neighborhood plan and improves the property. Dave seconded.  
The motion passed unanimously.

Larry made a motion that the proposal is consistent with the Comprehensive Plan because in the Community Vision it states that "The Town of Duluth is known as a well-managed rural community that is community oriented and in balance with its many natural amenities" The variance request honors that and is consistent with the CLUP. Jerry seconded.  
The motion passed unanimously.

Dave made a motion that the proposal uses the property in a reasonable manner not permitted by the Zoning Ordinance because the use the owner intends respects the Township and is a reasonable use. Larry seconded.  
The motion passed unanimously.

Jerry made a motion that the circumstances are unique to the property and are not created by the property owner because the lot is a 2-acre lot of record in a 4.5 acre district. Liz seconded.  
The motion passed unanimously.

Jerry made a motion that the variance will not alter the essential character of the locality because he is building a shed which will improve the locality by getting things inside instead of outside in the yard. Liz seconded.  
The motion passed unanimously.

Jo asked if there were conditions anyone thought should be added.

Sue said that if the camper is removed from the lot, the owner can still apply for a LUP for a primary structure. Setbacks and impervious surface requirements would still have to be met. The County requires room for a septic system plus room for a backup system. The impervious surface adds up. Would someone be able to do all that on this lot?

Dave said that an alternative septic system could be used. The lot is buildable. The variance goes with the land.

Jo asked Ron if they target shoot on the property.

Ron said yes, mostly archery, towards Ulland's land. They are in contact with the person who hunts there and know where his stands are.

No one had any conditions to add to the variance.

The main motion passed unanimously.

Ron asked if he needed a LUP for the shed. Sue said that he did.

Ron said that now that this is approved, the Commission has indicated he cannot have a guest camper on the lot. During hunting season his nephew brings up a fifth wheel camper just for the 3 weeks of the season. It is temporary. Is this allowed? The Commission said no. It is a camper and it doesn't matter how long it is there, only one camper is allowed on the lot.

### **Director's Report**

Sue noted that the new screen and projector were in place. Jerry got a last minute call from the company yesterday, saying they were on their way to the Town Hall to install the equipment and he was able to meet them. Everyone was pleased at how much easier it was to see what was on the screen now. The projector still needs to be wired.

There will be a Board meeting to review the Ordinance changes on Wednesday August 29 at 6:30. Sue said it would be helpful if Commission members could be there because the Board often has questions. She said that Ann has the meeting posted for both the Board and the Planning Commission.

There are no public hearings scheduled for September. Permits are running a little behind last year, but close.

The July 26 minutes were approved without change.

The Decision and Findings of Fact document for the Lillo variance was reviewed and approved.

The meeting adjourned at 7:53.