

**Town of Duluth
Planning Commission
Meeting Minutes
July 25, 2019**

The meeting was called to order at 6:32 pm by Chair, Liz Strohmayr.

Present: Liz Strohmayr, Wayne Dahlberg, Jerry Hauge, Larry Zanko, Dave Edblom, Pam West and Angela Wilson.

Absent: No one.

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

The agenda was approved as presented.

Brown Variance Hearing

Sue explained the hearing process and introduced the variance request. Ray Sundberg was present, representing Craig Brown. Craig Brown is requesting a variance from the road setback of 100 ft to 80 ft for an addition to his garage at 1162 E Shilhon Rd. The existing garage is at 80 ft from the centerline of Shilhon Road. It met the required setback when it was built. The addition will be slightly smaller than the existing garage and will also be set back 80 ft. She showed maps of the vicinity and the site with the buildings and proposed addition.

Ray said that the visual impact of the garage addition would be low. Most neighbors won't even be aware of the change. In addition, it won't be used for anything disruptive. The owner only wants more room to continue his usual activities.

Sue read the criteria for deciding a variance and Craig Brown's responses to those criteria from the 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. The proposed structure addition is much smaller than the existing and does not encroach any further into the 100 ft setback from the centerline of Shilhon Rd. Access into the space will be optimal for its orientation with the house. Electrical connection will be from existing garage that it is planned to be attached to. The structure is not large, imposing and will not be readily visible from the roadway.

b. "Maintain the rural character of Duluth Township." Because this addition is screened from the road it will not diminish the rural character –it maintains the same character as what is already existing. "Develop land with respect for the physical limitation of natural resources so that a quality environment can be enhanced and preserved." The addition is planned in a manner whereby it is partially on existing impervious surface and well within the physical capability of the site.

"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: a. Space to be used primarily for waxing skis which is best done outside of the house such as in the garage due to breathing irritant potential. Also, plan to house small engine equipment for property maintenance, of which fumes from such are best kept in detached structure as proposed. The structure is not large, imposing and will not be readily visible from the roadway.
b. The Zoning Ordinance was changed in 2005 and road setbacks were increased.
c. The existing developed property is fairly wooded and screened well from the road. The proposed structure being smaller in area and height than the existing detached garage that it is planned to be attached to results in a lower impact of change. The total parcel of land relative to the impervious surface added is well within the total allowable.

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

Applicant states: Yes

Public Comment

There was no one present wishing to provide comment, nor had any comments been received by the Township prior to the hearing.

Angela moved that the Commission find that the variance request is in harmony with the general purpose and intent of the Ordinance and that the variance request is consistent with the Comprehensive Plan because it will not change the rural nature of the location or the residence or the use of the land. The circumstances are unique to the property and are not created by the property owner because the road setback was changed in the revision of the code so was neither the property owner's fault nor created by the owner. The property is proposed to be used in a reasonable manner because the use of the property and the structure will not change. It will continue to be used as personal storage and workshop space. The variance does not alter the essential character of the locality because it is consistent with the current use. Liz seconded.

Jerry said that item 1b from the addendum to the application supports the project as being in harmony with the Ordinance:

Because this addition is screened from the road it will not diminish the rural character – it maintains the same character as what is already existing.

The addition is planned in a manner whereby it is partially on existing impervious surface and well within the physical capability of the site.

Liz said that she thought the variance request met the general purpose and intent of the Ordinance. She agreed with Angela. She wanted to add that she appreciated that the design has minimal impact to the environment and the location, and maintains the rural character of the neighborhood.

Wayne said he went over to the site before the meeting. There is a driveway and pad where the proposed addition will be, so in his opinion, there will be no impact on the natural environment because it is already hard surface.

Larry said that it was well-screened from the road.

Wayne asked Ray what the percent increase of the size of the structure would be.

Ray said that the increase of the size of the garage would be 39%.

Wayne said that he asked because, if the applicant had only increased the garage size by 25% and did not increase the non-conformity, it would have been an over-the-counter permit. So, the difference between 25% and 39%, 14% is why he needed to apply for a variance.

Liz said that it seemed to her that it was a very common-sense request. She appreciated the design concept that keeps the road setback at 80 ft.

The motion passed unanimously.

The June 27 meeting minutes were approved as presented.

Director's Report

Sue said that the Comprehensive Land Use Community Steering Group (CSG) developed a draft vision for the Township at their July meeting.

Dave said that the process went well. Sue had compiled a draft vision based on the 2002 CLUP vision and the CSG's core values. The CSG looked at it and made a few changes before agreeing on it.

Sue said that Sheri Camper, a member of the CSG, facilitated bringing in a couple of students from North Shore Community School for the meeting to get their perspectives on what the Township should look like in the future. They said that they would like to live in the Township as adults. They would like to see safer bike trails on the bigger roads. They enjoy cross-country skiing and really value the public land in the Township. They thought that it was important to maintain safe drinking water in the Township.

At the August meeting Sue said that the CSG will finalize the draft vision that will be used in the Draft CLUP. In September they will start to look at goals and policies.

Mike said that the Knife River Recreational Council is in the process of purchasing a 10-acre parcel that is a part of a larger 80-acre parcel. They are hoping to get funding to help in purchasing the remaining 70 acres. They came to the Town Board meeting to ask if the Town might consider taking over the stewardship of that land. The Board is looking at what the Town would be responsible for if they were to do that. It would be a common use area with a continuation of the trail system. The area is in a pristine area along the Knife River. The Board has asked the group to provide a proposal for the next Town Board meeting, documenting their vision and how the whole process would work. The land is currently privately owned. The current asking price for the additional 70 acres is around \$500,000. The 10 acres the Council is purchasing is on the east side of the Knife River.

Don McTavish said that the group is seeking a grant to help purchase the 70-acre parcel and one of the requirements of the grant is that a governmental entity sponsor the effort, which is one of the reasons they are approaching the Town. He said that they are also approaching Lake County to consider taking on about 200 acres on the Lake County side.

Mike said that it's a good-sized group of participants and their engagement is very encouraging. There's a lot of thought going into it.

Sue showed a map of the trail plan that was recently developed for the Township. The trails are not necessarily hiking trails, but more an effort to create safer corridors, mostly along roads, to connect different areas of the Township for walkers, bicyclists, etc. There is a trail highlighted in the Trails Plan that connects to Knife River.

Liz asked if there has been any further consideration for hearing requests for short-term rentals only as interim uses, as opposed to the way the Commission currently does it, which is deciding whether to hear each request as a CU or IU on a case by case basis. Sue said that Lake County only hears short-term rentals as interim uses. The Commission could choose to go through the Ordinance change process to enact this if they wanted to.

Wayne asked if the Greenwood Beach area and the fact that many of the lots there that don't meet the lot size requirement, would be addressed in the revision of the CLUP. Sue said that it probably would be in a general way under goals and policies.

Concerns from the Audience

Don McTavish said that he is always impressed by how the Commission conducts itself. He said it is deliberative and connected and he wanted to thank the members for their work.

The findings and decision document for the Brown variance was reviewed and approved.

The meeting adjourned at 7:50.