

**Town of Duluth
Planning Commission
Meeting Minutes
February 26, 2026**

The meeting was called to order at 6:31 pm by Chair Justin Osadjan.

In attendance: Justin Osadjan, Ken Peterson, Tony Mancuso, Andrew Aho, Kit Grayson, Megan Gumness.

Absent: Nate Nesgoda

Also attending: Liz Strohmayer, Planning Director; ArMand Nelson, Town Board liaison to the Planning Commission; Beth Mullan, Secretary; and Laura Herzog, incoming secretary.

An amendment was made to the agenda to add introductions with the addition of a new commission member.

Agenda- with the addition of introductions, Kit made a motion to accept the amended agenda. Tony seconded the motion. It passed unanimously.

Introductions were made, and Liz gave a brief overview of the variance public hearing process.

New Business- Rigney Variance Hearing

The Commission will consider the application of Donald and Elise Rigney for a variance in zone district RR-1 to rebuild, including exterior structural elements, part of an existing nonconforming garage at 6265 Ryan Road. Donald and Elsie were both present.

The Ordinance states in Article IV Section 3- Nonconforming Structures-

All Zone Districts: D. Repair and Maintenance Allowed. Normal repairs and maintenance necessary to keep nonconforming structures in sound condition, not including exterior structural alterations, shall be permitted.

Article V Section 3; Dimensional Standards-

The following dimensional requirements from table 5.1 shall apply to the listed land use district: Dimensional Requirements for Structures in all Land Use Districts states to see zoning map for minimum setback from road which reads Zone RR-1 Road Setback of 100 feet.

For the variance request to be approved the commission must find all 5 criteria to be true. Liz read the following aloud:

Variances shall only be permitted...

1. When they are in harmony with the general purposes and intent of the Ordinance.
2. When the variances are consistent with the comprehensive plan.
3. Practical difficulties - the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
4. Practical difficulties - The plight of the property owner is due to circumstances unique to the property not created by the property owner.
5. Practical difficulties - The variance, if granted, will not alter the essential character of the locality.

DISCUSSION

Rigney stated that they bought the house in 2023 and have not made any exterior updates. The back half of garage had insulation that they removed from rot and damage. He said they are looking to have a usable garage again. The slabs are in good shape. They would prefer to remove the back half, get rid of the lean-to, and complete the peak.

Tony asked how long the garage has been there. Rigney said it looked like it was part of the original homestead. At some point it was patched together with a garage kit.

Tony asked how many houses are located up the road near him. Rigney stated there are 3, one is a property across the road with just a garage, and the other two properties past them are homes near the dead end of the road.

Justin asked when the project would take place. Rigney said this summer and they would be working with a contractor.

Justin asked if they would stay with the single door. Rigney said he will make it a double garage door on the east end of the garage. He said they could also put one on the west for a pull through option, but the main door will be on the east end.

Justin asked about the water flow, and they said they will do a French drain to divert the water, and they will plant a rain garden.

PUBLIC TESTIMONY

Emilia Henderson spoke and said that she was there in support of the project. She said they have lived on their property for 11 years, and she takes walks up the dead-end road past the Rigney property. She said as soon as the Rigney's moved in she could tell they care about the property and have cleaned it up nicely. She said the garage is an unusable eyesore, and it seems like an effective way to do the project with the existing slab there, and it being on a hill as their property also is.

There was no email or mailed comments.

Tony and Justin both stated that the updates are straightforward resulting in a reduced footprint, and that it will be a significant improvement for the property.

MOTION

Ken moved to approve the variance as requested. Tony seconded the motion.

Ken moved to split the question to review the criteria individually. Kit seconded the motion. It passed unanimously.

Ken Peterson moved that the proposal is in harmony with the general purposes and intent of the Ordinance and consistent with the Comprehensive Plan because it is reusing the existing footprint of the existing structure and not changing anything other than updating and making it nice. Justin Osadjan seconded. The motion passed unanimously.

Justin Osadjan moved that the variance is consistent with the comprehensive plan because rebuilding the existing structure will disturb less land and will eliminate any further environmental damage. Ken Peterson seconded. The motion passed unanimously.

Tony Mancuso moved that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance because it is basically grandfathered in and the existing structure has been there for decades and does not increase impervious surface. Justin Osadjan seconded. The motion passed unanimously.

Justin Osadjan moved that the plight of the property owner is due to circumstances unique to the property not created by the property owner because it is on difficult terrain and considering the size of current lot. Andrew Aho seconded the motion. The motion passed unanimously.

Kit Grayson moved that the variance, if granted, will not alter the essential character of the locality because it is using the existing foundation and not adding extra height to the structure. Megan Gumness seconded. The motion passed unanimously.

With approval of the criteria, the Commission voted unanimously to approve the motion on the table to approve the variance as requested.

Old Business- Review of zones SC-1A and SC-1B matrix changes from “C” (Permitted with Conditional Use Permit) to “P” (Permitted)

The Commission discussed this possible change at the previous meeting in January. Liz said she wanted more thought and discussion behind the possible change because there is a lot of residential area around those zones, and it would be a significant change. Liz stated that as of now there is an opportunity for community and Commission input with the need for a Conditional Use Permit in these zones, but changing it to being permitted would take away that input. Her suggestion is to leave it as is.

Tony asked if there are other concerns other than neighborhood and Commission input. Liz said she thinks it is an appropriate area for commercial businesses, but said that in the last 9 years almost every year a new business request comes up, and she thinks having that initial input on the parameters of the business can be crucial to certain businesses and the surrounding neighborhood.

Liz stated the primary difference between SC-1A and SC-1B are road access. A portion of SC-1A has the Homestead Road, and SC-1B currently does not have any road access allowed.

Beth researched back to when they separated them into 2 different shoreland commercial zones, and she said it was mostly due to wanting one to be slightly less developed over the other. Likely the smaller zone being less developed.

Ken said he thinks that if it is in a commercial zone then a commercial business should be allowed without an additional permit. He said if someone were to ask a commercial business to be in a non-commercial zone then that should require input and an extra permitting process. He said commercial zones are meant just for that, commercial businesses.

Liz said that if a current commercial business were to sell then new owners could then make changes to that business without a permit if it were to be updated to being permitted without a CUP. She said that neighborhood is used to the community input and they would no longer have that option if it was changed to being permitted.

Liz said they could write a new section in the ordinance for these 2 zones if it were to be changed to an over-the-counter permit without community input.

Ken added that they could put a rider on the commercial section regarding lighting. He thinks lighting seems to be one of the main things regulated on a commercial use permit.

Liz said that environmental concerns, lighting, signs, and air quality seem to be the main concerns.

Ken stated that the residential properties in those zones are already between a freeway, operating railroad tracks, and a main road. He said he doesn't see all those concerns as a problem in that area. Whereas lighting could be a problem.

Justin said he thinks that no amount of screening could work if a larger business were to come in, and smaller mom and pop business are a better fit for our township.

Ken asked that with our current ordinance regulations if we could even fit a big box store type of business?

Liz said some with smaller footprints could possibly fit.

Andrew asked if they wouldn't just run into issues with road access and crossing the railroad tracks anyway.

Liz said the state and railroad would not allow any other access points unless it is extremely beneficial to the public.

Justin said he would be more comfortable having community input, being that it is a narrow stretch of land with very few developable lots that would have road access, and he thinks it is important that we have flexibility to add and adjust the measures of the types of businesses to integrate into that community.

Liz said that the process of applying for a Conditional Use Permit includes neighbor notification, a legal post in the paper, a public hearing, an application to be filled out in detail, and a fee. Details being type of business, how many employees, and hours of operation. She said without a Conditional Use Permit it would only be the amount and size of buildings while following the Performance Standards for commercial businesses and setbacks for that zone.

Kit said it is nice to have the checks and balances to align with the nearby residential area.

Andrew asked why the decision was initially made that a Conditional Use Permit was needed since it was already in a commercial zone.

Ken said he thinks that if we need a Conditional Use Permit for a commercial business in a commercial zone then we need to negate that area as being commercial. It would then just fall into SSUR-1, a residential zone with the same requirements for a commercial business. He said the matrix states we require a Conditional Use Permit for a commercial business in a residential zone and that makes sense, and if someone wants a residential dwelling in a commercial zone a Conditional Use Permit should be required for that, but we are asking that a commercial business ask for a permit to be in a commercial zone, and that doesn't make sense.

Liz said she thinks that it still needs to be compatible with the residential scale of that zone, and she doesn't know how to control whether it is compatible if we open it up to being permitted without a permit. She said we either change the zones to be congruent like Ken states, or we leave it as is to have room for checks and balances. She thinks it is about filtering it to match the current zone language in the ordinance.

Justin pointed out that the Commission seems somewhat divided and asked the best way to proceed as a group. He asked if the Commission wants to have a vote of some sort, or if further discussion is needed.

Tony said he would like language added as bullet points that state lighting regulations in commercial zones.

Ken asked if they could just make the update in the matrix to be "PS" (Performance Standards). He said if we require regulations on hours of operation and after-hours lighting then that would entertain more small businesses that fit within the residential community in those commercial zones.

Ken will review in the ordinance Article VIII: Performance Standards, Section 10 & 11. He will add in the needed criteria for Performance Standards for Commercial Use in Zones SC-1A and SC-1B to accommodate the regulations needed. He will keep in mind what the standards should be to have it match the residential area of those zones with building size, lighting, and hours of operation.

The Commission agreed to email Ken with their suggested bullet points. Ken will summarize it all and bring the proposal to the next meeting in March.

Approve Minutes- January Planning and Zoning Commission Meeting

Ken wanted clarification on the opposing public testimony from the resident on the Alseth Rd. He asked if the concern was also regarding the possible smoke.

Laura read aloud the public testimony email and clarified the concern was regarding dust, as stated in the minutes.

There was conversation around the location of the opposing view regarding distance away from the proposed variance property. The distance will be stricken from the minutes since inaccuracies were stated during the meeting.

Ken made a motion to approve the January meeting minutes with the updates adopted to the public testimony section of the opposing resident. It was seconded by Kit. The motion passed unanimously.

Directors Report-

Liz welcomed Megan Gumness as the new Commission member. She noted the annual meeting on March 10th at 8:15. She also stated that there could be a possible variance hearing in March.

Concerns from the Audience- None.

Tony made a motion to adjourn. Andrew seconded the motion. It passed unanimously. Meeting adjourned at 8:33pm.