

**Town of Duluth  
Planning Commission  
Approved Meeting Minutes  
April 23, 2026**

The meeting was called to order at 6:30 pm by Chair Justin Osadjan.

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

Absent: No one.

Also attending: Liz Strohmayr, Planning Director; Angela Wilson, Town Board liaison to the Planning Commission; Beth Mullan, Secretary; and Laura Herzog, incoming secretary.

Agenda - Nate made a motion to approve the agenda as presented. Tony seconded the motion. It passed unanimously.

New Business - Matt and Tori Stupnik Variance Request

The Stupniks applied for the following three variances to build a home at 5888 North Shore Drive:

- 1) A 10 ft variance from Lake Superior to build 90 ft from the lake
- 2) A 45 ft variance from the road setback to build 65 ft from the road centerline
- 3) A variance to build within a bluff

This was the second variance application for the property. The first application was heard July 24, 2025. That hearing was continued to get more information and the Stupniks ended up withdrawing the requests at the continuance.

Liz reviewed the request, application, and variance criteria. The commission received all the materials from the application ahead of time. The application included a fourth variance for land disturbance but the applicants were able to reduce the land disturbance to 23%, so that variance was no longer needed. In order to approve the variances the Commission must find that all five of the variance criteria are met for each variance request. The Commission can also place conditions on the variance.

Matt said they intend to retire here and that they want to be part of the community. He stated they would be one of the further houses from the lake in that area and that the proposed house fits the general character of the area. He said they understand from the previous meetings and Commission feedback that the footprint size needed to be smaller and that they were fine making those updates. He said they didn't know what the feedback would be coming into the initial hearing request, and that he is familiar with how long the process may take. He said that their goal was to be good neighbors and be part of the community.

## **DISCUSSION**

Tony asked if they now planned on a retaining wall below the house instead of reworking the slope.

Matt said that some assumptions were made by the engineer on the original plan that showed reworking the slope below the house. Their intention has always been not to alter the slope.

Tony said the home is now situated essentially at the tip of the bluff. Will that area be flattened out?

Matt said they will scribe a second footer to the granite to reduce the area of the disturbance. He said it is pretty flat for the most part and, if anything, they would need to bring in fill. He said they will not change the bluff line going down to the lake. He also stated that there are a lot of dead trees that they will remove and clean up.

Tony asked if they planned to pin the house to the bedrock.

Matt said no, and that it will be slab on grade with footers. He said they have some general drawings and ideas so far.

Justin asked if they knew exactly where the top of the bluff is. He said he drove by the site earlier in the day and it seemed to him that the road is the top of the bluff.

Matt agreed. He said that he and Liz talked about it, and they both thought it to be the road.

Justin asked if the total length including the garage is now 80 feet, 37 feet shorter than the previous variance request.

Matt said that was correct. They were able to plan 37 feet shorter for overall length. Tori added that the southeast side would have sloped down too much on the previous plan.

Ken stated that he believed this property location to be an exempt area within the bluff, according to the Ordinance. He made the calculations and determined the slope was less than 18% over a distance of 50 ft.

Liz said that the DNR did confirm the request is within the bluff.

Nate asked if they would still need a variance if it was an exempt area, and Ken said they wouldn't.

Liz said that she believed, in conjunction with the DNR, that a variance was necessary. If the Commission believes that they don't need that variance, they can make that decision. They would need to establish a strong argument for it for the record in case of legal challenge.

Justin asked about the driveway. Have the woodchips been removed and a culvert installed?

Matt said he has submitted a permit to the county for a driveway.

Liz stated that per the letter of warning, the woodchips were supposed to be removed.

Justin said that he observed that the woodchips have not been removed. They did remove the 5<sup>th</sup> wheel camper as asked, but now there is a pop-up camper in its place, so they essentially replaced one camper with another.

Matt said that they are just camping on the land to use it sometimes. Tori added that she thought it was because it is considered a buildable site that they couldn't have the 5<sup>th</sup> wheel there.

Liz stated that RVs and campers are allowed, but a camper has to meet setbacks for a primary structure and that is why she asked that it be removed. She said if the camper is parked there to store it, that is allowed, but if it's being occupied, it has to meet setbacks.

Justin stated that his concern with the camper and the wood chips was that the authority of the Town is not really being respected. They are continuing to do the same thing despite having been told not to. Would they show a similar disregard for the rules when building their house?

Matt said that that was not their intention. The woodchips were an oversight and they did move the 5<sup>th</sup> wheel last year right away when asked. He stated that the pop-up camper is set back from the road and that they don't want to put it across the road on their upper parcel and have dogs and kids crossing back and forth. He also stated that he has applied for a lot of permits across the state and he does everything by the book. He said the woodchips in the ditch dated from when they were starting to go through the variance process and that they meant no disrespect.

Nate asked what the size and specifics of the house plans are.

Matt and Tori said it will be 55 feet by 30 feet with 2 stories, and 2 bedrooms on main level and possibly a bunk room upstairs for the kids, but they do not have a specific number of bedrooms as of right now.

Nate confirmed that it would be 3300 sq ft with the two stories , and Matt said yes.

Justin said his concern is that when they purchased this lot it was listed as an undevelopable site and they still decided to make the purchase. He said they have an option to build on the upper lot they own but he understands that that is not the most desirable option of the two lots. He said a couple of bigger houses have been built in that area and the Commission voted against the variances necessary for them. Both decisions were appealed and were overturned by the Town Board. He said that even with the reduced footprint he feels like they are squeezing a large home onto a small lot. He said he would be inclined to approve a smaller structure for that site but likely would not vote in favor of the variances for a house that is still this large. He thought that the older cabins towards Duluth with their smaller footprints are much more in harmony with the shore and that the larger houses negatively affect the character of the area.

Tony agreed that several houses along that stretch are just like what the Stupniks are planning. He asked if those existing houses' proximity to the lake have had any documented concerns or negative impact on the shoreline or lake. He said he doesn't think their plans are any different from the houses already there. However, if existing homes have had issues, then we wouldn't want to make the same error.

Liz said that a lot of the houses in that area are quite a bit older and are in areas of bedrock. The newer houses have not been there that long. She said the ARDC has identified this area as an erosion hazard area, but each parcel is considered individually as some have erosion issues and others don't. She said that historic aerial photos show that the Sputniks' site is not losing as much shoreline as other sites in the area. It has some bedrock, so will not see the kind of erosion that all clay sites do. They will be required to have a qualified engineer sign off on their project stating that it will be stable.

Tori said that their whole shoreline on that side is rock.

Nate asked if they are working with an engineer to figure out what they are dealing with in terms of bedrock and soils. At the previous hearing they had discussed getting core samples. He would like to see that information before deciding on the variances.

Andrew thought that was part of the reason the Commission was hesitant on the previous request. They wanted to see the plans reevaluated and more information on site conditions.

Matt said they don't know yet exactly what is underneath or how far the bedrock goes. They planned on doing that further along in the process.

Liz said if the Commission were to set conditions on the variances, those conditions would have to be met before she could approve a land use permit. That could include requiring that a qualified engineer sign off on the project.

Ken said he understood that they wouldn't want to spend a lot of money on an engineer until they felt it was likely the variances would be approved.

Matt said they planned to do those evaluations once they had the variances. They don't know what their exact plan will be until they see what's there. They have talked about doing a residential style steel building.

Kit said he also had concerns with the size of the structure. He appreciated that they reduced the size from the first request, but still thought it's too big. The DNR would also prefer a smaller structure and suggested other conditions. There are still details that are not addressed and a lot could change following the site evaluation. They may alter the plans after the engineering evaluation. We want to protect Lake Superior. He has concerns with the footprint and the setbacks. The average size house in St. Louis County is around 1500 sq ft.

Nate said in his experience it is 2000 sq ft.

Matt asked about the square footage of the two most recent builds in that area near them.

Liz reiterated that both those homes had been denied the necessary variances by the Commission at the time and those decisions were subsequently overturned on appeal.

Kit mentioned their site across the road, and the possibility of building on that parcel instead.

Matt said they never had plans to build their house on the site across the road. Their lower lot is a big lot compared to other lots in that area and they felt they should be able to build a house on a one acre lot.

Justin said that when the lot was sold it was known that it was non-compliant and that variances would be needed to build on it.

Matt said what they are proposing is similar to other homes in the area and they would fit right in the community. The home would have similar setbacks to everyone else in that area and would be further from the lake than anyone else. The erosion hazard and footprint size are both subjective. Their lot is not eroding. They aren't going to sell the upper parcel and that they plan to put money into it. He said they want the house to be ADA compliant. When they began these plans, they wanted to talk to the Commission and have these conversations.

Justin said that although the lot is .9 acres, with setbacks the usable space is very limited and he still feels the house is oversized for the lot.

Liz said the last two houses that went up in that area are roughly 2000 sq ft in footprint size.

Matt stated that those houses have two stories, so 4000 sq ft in total. He said that those lots are also a lot smaller than theirs. They knew about the need for variances coming into this. They have gotten variances before and it's always a risk, he understands that, but they saw the other homes under construction and thought that they could also try. He said that he appreciated that the Commission has a job to do. They will be good neighbors and be here for a long time. They plan to invest in the upper property, putting in a garage and maybe a mother-in-law apartment above it.

Kit said he still has concerns. He appreciates that they looked at the comprehensive plan. The CLUP also encourages the elimination of non-conforming lots. He said even if the lot is not actively eroding, any time you build a house, there is potential for contamination and runoff. He would want to see conditions addressing that if approved.

Tori said they would be improving the lot and would be getting rid of the dead trees. She said she plans to put in native vegetation. On other properties they own they have they have gotten grants to put in native vegetation.

Matt said many of the trees are dead, and that it's really bad. Their goal is to blend into the environment and provide screening for noise and views. They want to plant native vegetation, including white pines.

Ken said that some Commission members seemed to think a smaller house would be more acceptable. What size do they think would be appropriate? He had calculated that the buildable area was 2400 sq ft, but that doesn't mean you have to build a 2400 sq ft house. The Commission could set a condition stipulating a maximum size for the structure.

Nate said he didn't think it was reasonable to grant three variances for one build. He didn't do any research to determine what size home would fit.

Liz pointed out that no matter what size the building is, they will likely still need all three variances. It would be possible they could meet the lake setback by shaving 10 ft off the width of the structure. Their lot is not deep enough to build without the variances. Most of the homes in that area are closer than 90 ft to the lake.

Matt stated that if they took 10 ft off the width, the home would be narrower than a double wide trailer.

Nate said he thinks their plight is self-created. They have two lots and the one they want to build on is not a buildable lot. The three variances are a lot. We can't just look at history; we have to look at the future as well. Our storms are getting worse and there can be a lot of rain within a small amount of time. Things are changing.

Kit agreed.

Justin said that if they eliminated the garage, it would bring the footprint down to 55'x 30' which would be more in line with other homes in the area and better fit the site.

Matt said they would really like a garage, especially as they age. He said there are a lot of non-conforming lots in the area. Regarding the weather, he said that that is their risk and that many other houses along the lake face the same risk. He reiterated that their proposed home fits the area and that the comprehensive plan encourages housing. They are not proposing anything out of the ordinary. He said the U of M aerial photos show that there has been no change on this piece of land.

Nate said the risk is not just to them, but to the lake as well.

## **PUBLIC COMMENT**

There was no one in the audience for public input.

There was one written comment that had been received:

For the Planning Commission.....I would like to express my support of the Sputniks' proposal for a new dwelling. I have owned the property to the north since 1990, and can confirm the bluff line has not changed for these several decades. Also, the ledge rock in this area is tremendously helpful in mitigating erosion. The house looks to be modest in size and will fit in nicely on the north shore environment. I encourage the Planning Commission to grant the necessary variances and green light the Stupnik project.

End of Public Comment

Justin took a straw poll that showed the Commission was not currently likely to grant the variances. He said he would consider approval if they removed the garage and got the footprint down to 2000 sq ft or less.

Tori stated that that was what happened at their former variance request. Their current plan is based on Commission feedback from that meeting.

Ken said at that hearing, the Commission agreed on the 30' x 80' building area. He thought the building in the current plan would fit the area well.

Nate said that he did not agree to a 30' x 80' building area at that meeting. He felt that the proposed house did not align with the CLUP. He was concerned about the variance criterion that the plight of the property owner is not created by the property owner. They knew what they were buying.

Tori said she felt like they were being punished because they own the lot across the street.

Ken said the variance request applies only to the lower lot and it doesn't matter that they own the other lot.

Matt said he felt like the Commission had its mind made up before they even walked in. They had to buy both upper and lower parcels and he wants to develop both. He said he knew they would have to go through the variance process. The comprehensive plan is the key – it promotes rural housing. These lots were subdivided and established lots.

Liz said that one point everyone seems to get stuck on is comparing this situation to other lots. Every variance is unique and a variance does not establish precedence.

Tori said they understand that. Their parcel is much larger than most in that area. They were told they would likely get a variance.

Liz said they can amend their request and ask for a different size footprint and the Commission can vote based on that request, but a decision must be made tonight. The Commission could also add a condition limiting the size of the structure.

## **MOTION**

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

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

Ken moved that the proposal is in harmony with the general purposes and with the intent of the Ordinance as the Township Ordinance is largely focused on providing single family housing in this residential zone district. The home mirrors others in the neighborhood that have been established with similar setbacks for decades with no ill effects on the land.

Tony seconded the motion. 3 in favor, 4 opposed. The motion failed.

Ken moved that it is consistent with the comprehensive plan because it takes into account protection of the shoreland through a good stormwater management plan provided with the variance application. This stormwater plan will be required to be followed throughout construction and post construction for the life of the property.

Tony seconded the motion. 3 in favor, 4 opposed. The motion failed.

Ken moved that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance because it provides for a small footprint single family housing similar to other structures in the immediate area. Requirements added to prevent erosion on site have been provided and are acceptable to this board. As discussed throughout the year, this board recognizes that our zoning code needs work and many items contributing to the requirement of this variance would otherwise be permitted under less stringent county/DNR standards.

Tony seconded the motion. 2 in favor, 5 opposed. The motion failed.

Ken moved that the practical difficulties are due to circumstances unique to the property and not created by the property owner is due to the topography of this small lot is such that there is only 1 potential build area. Through prior meetings with this landowner the board dialed in what the build area could be and the property owner was able to provide a plan utilizing the feedback provided. The build area provided in this plan is located within the DNR definition for an exempt bluff area included in our ordinance on page 43. The site shows little to no sign of bluff erosion. The requested road setback is greater than the existing road setback of the neighboring property.

Tony seconded the motion. 3 in favor, 4 opposed. The motion failed.

Ken moved that the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. It does not alter the essential character because the proposed structure will not alter, but blend in perfectly with the surrounding properties. Through this stretch of North Shore Drive all the single-family homes and cottages have short driveways and smaller footprint structures due to the lot depths allowed between the road and Lake Superior.

Tony seconded the motion. 3 in favor, 4 opposed. The motion failed.

Justin stated that in not finding that the proposal meets all the criteria for a variance, the motion to approve the variances fails. The Stupniks have the option to appeal the decision to the Town Board.

Liz said they have 15 days to appeal.

Tori asked if they would then need to pay for all the permitting a third time and Liz said yes.

Liz said that we will send them a copy of the signed decision document and the meeting minutes once they are approved.

### Old Business

Nate asked where they left off with updating fines in the Ordinance for non-compliance.

Beth said she didn't think the Commission had decided on it yet.

Liz said the last she recalled is that Ken suggested raising the fines and she was going to look to see what other local government units did. She said she did not receive much feedback from the Town attorneys. We can add that to the agenda for the next meeting.

Beth said St Louis County will be enacting their new zoning ordinance on May 5<sup>th</sup>. The North Shore Management Board is in the process of approving their plan update as well. There could be things in both documents that affect us.

Liz said the relevant information will be sent to the Commission once those documents are approved.

Approve Minutes - March Planning and Zoning Commission Meeting.

Ken made a motion to approve the March meeting minutes as presented. It was seconded by Megan. The motion passed unanimously.

Directors Report -

Liz introduced Angela Wilson as the new liaison to Planning and Zoning. Liz said she was formerly on the Commission so she has great experience.

Concerns from the Audience - None.

Ken made a motion to adjourn. Kit seconded the motion. It passed unanimously. Meeting adjourned at 8:38 pm.