

**Town of Duluth
Planning Commission
Meeting Minutes
July 24, 2025**

The meeting was called to order at 18:32 by Chair Justin Osadjan.

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

Absent: Dave Meyer.

Also attending: Liz Strohmayr, Planning Director; ArMand Nelson, Town Board liaison to the Planning Commission; Beth Mullan, Secretary; and Laura Herzog, incoming secretary, Saprina Matheny; Town Board Supervisor, Jim Ward; Town Board Supervisor.

Nate made a motion to approve the agenda as presented, and it was seconded by Tony. The motion passed unanimously.

New Business- Public Hearing for Matthew Stupnik Variance.

The applicant is present at the meeting and has applied for a variance to build a home on North Shore Drive. The required setbacks for the zone district SUR-2 are 110 ft from the road, and 100 ft from Lake Superior. The requested variance is for 60 ft from the road, and 47 ft from Lake Superior to build the home 50 ft from the road, and 53 ft from Lake Superior.

Liz read the township communication agreements aloud.

Liz- I will go through your request and proposal on the power point I have put together. Then we will give everyone a chance to speak, and we will have the commission ask for further clarification if needed. Your requests are #1. To decrease setback to 60 ft from the road, and #2. To decrease setback to 47 ft from Lake Superior.

Matthew- Yes that's correct. When I measured with the St. Louis County Land Explorer it measures identical, but digitally it doesn't look right.

Liz- St. Louis County Land Explorer is used as an approximation. This is to give approximate ariel view. We use actual measurements on site.

Liz reads the following 5 criteria used in determining a variance approval or denial as stated in the Ordinance Article X; Section 3.

E. Criteria for Decisions. The Planning Commission shall always act with due consideration to promoting the public health, safety, and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.

1. Variances shall only be permitted

- a.** When they are in harmony with the general purposes and intent of the Ordinance, and
- b.** When the variances are consistent with the comprehensive plan.

- a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
- b. The plight of the property owner is due to circumstances unique to the property not created by the property owner; and
- c. The variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Matthew- I have gotten variances in the past. I understand that getting one approved is easier than two. Going further from the road it tapers off and flattens out. Which is why we decided to move forward with two variances.

Liz gave him a copy of the warning letter of the following violations: trailer on property not meeting setbacks, vegetation removal, and driveway site entry. Deadlines have not been reached yet, so he still has time to be in compliance with those requirements.

Commission questions-

Tony- Is that the lower parcel you would like to build on?

Matthew- Yes, we have 2 parcels, we would eventually like to put a shop building on the upper parcel so we can use both properties. The property value decreases to split them off and sell one.

Tony- Is your plan for this to be a retirement home?

Matthew- We would like it to be earlier depending on how long the process takes. I am from Ely, and I am developing a hotel in Ely. We always wanted to be here on Lake Superior. We want to be here close to Knife River and the marina. My future is back in the arrowhead region.

Tony- Is your intent to ever rent it out?

Matthew- No. Our intention is not to rent this out. I am developing a hotel in Ely to do that as my commercial venture. We need to do the site survey to see more detail of the land. I've seen caps on the surface that could be a large rock and boulders. We talked about a walkout one level so that we have a place to grow old. My wife has done all the architectural drawings for a very resilient steel structure. I have 3 daughters, and they would likely be there at times. My wife is a nurse and wants to work in the Duluth health care system.

Justin- We see there is currently a trailer on the property and some trees have been cut.

Matthew- We did not want to clear cut. I made sure I only went through and took out the dead trees. I took out maybe four to five live trees. It was a mess. I had someone come in with a skid steer and mulcher. We had a lot of piles of dead wood.

Justin- On this map it shows the proposed plan. Do you have definite plans yet?

Matthew- We have it drawn up, but we don't know what we will be allowed to do. If the township wants to see certain things, then we can change and update that to what the township wants.

Andrew- I saw the site and it is narrow with a quick drop. How are you planning to do the build?

Matthew- With steel anchors. The proposed building will be about 2,500 sq ft.

Justin- My hesitation is given the shape and size of the lot. I feel the dimensions seem big for that space.

Matt- Our proposal is 8% of the property. What you're seeing is the edge of the property as well. There is another 25 ft of granite and bluff line that hasn't changed a lot over the years. On the front side there is a little erosion, but mostly all overgrown. I would like to center it, but then it drops off too much. I debated back and forth. I understand I am requesting two variances. We can change the dimensions if needed. Our goal is to build and be part of the community and a place that my family wants to be.

Tony- Did you ever consider building on the other side of the road on your larger lot?

Matt- I didn't buy this to have lake property to build across the street. There is not an erosion problem. It seems like a reasonable request. I would like to put a shop across the road.

Ken- I think the house position from front to back is ok, but I'm a little concerned with the 20 ft side yard. If I were to say yes, I'd like to see the survey with the actual side boundary.

Matt- Yes, we will see that once surveyed. There was a stake set there, but placed with wiggle room, and not the final spot. If we shave the garage by a stall, then we could have another 15 ft from the property. Ideally, I'd like it in the middle of the property. If we went further down, then we couldn't see it from the road and it's not flat. That brings building difficulties. We could do a walk out, but we don't know what we will encounter on subsurface rock, that question needs to be answered before I state my final plan. At the very edge of the side is the tip of the ice burg and that's my anticipation of what the final will be.

Nate- when you purchased the property 3 years ago, you had to know it was non-conforming and not buildable. The realtors had all that information in there.

Matt- I was under the impression it was buildable, but the erosion was the problem. They said it would need a variance request to build. It's a nice property and our proposed plan fits into the neighborhood.

Liz- Most of the parcels in that stretch were parceled out in the 1920s and 1940s to be small cabins. Some are Congdon trust land. The parcels got created when there weren't any ordinances like now for what we want to protect them from.

Tony- Have we received any letters from nearby neighbors?

Laura- There was one email sent in approval of the variance request.

Nate- Did we get anything from the DNR?

Beth- We did not. We could postpone and get feedback from the DNR.

Tony- It seems like the owner needs to do more site investigation for more accurate information on what the exact measurements are.

Matt- my concern was a variance right away; I want to conform. The one variance request originally brought us so far down, so I revised some measurements.

Nate- Did you have historical photos of the shoreline?

Matt- Yes, it looks like it has maintained to that same curvature and has stayed that way for quite some time.

Liz- 2023 is the most recent we can get and compared to the 2013 picture there is not a significant change. It's ledge rock. It might be listed as an erosion hazard, but there are a few pockets where it isn't, and the erosion pattern is not running like the others do.

Public testimony-

Paul- I own property on the North and South side of the road. I bought it in 1990. At that time, the landowners of these parcels created those lots. Their intention in my opinion was to be built on. They loved the lake and property. I think they wanted other people to experience the same kind of love that they had and be able to share that opportunity with others in a small way. I would urge you to work with Matt and come up with a plan that you can accept, and Matt can make sense of.

Justin- When would you like to move?

Matt- As soon as we know our answer we will build. I am going to be here to work out of Ely. If we need to modify some things we will, we want to be good stewards of the community. There are a lot of layers. If it were approved, we would build right now. I own a steel ironworking company, and I want it to last for generations.

Andrew- I would like to wait for more information.

Ken- I'm uneasy doing it without a boundary survey. It may need to move front to back and it's hard to make a decision without knowing those details.

Ken makes a motion for a continuance on August 28th at 6:30pm for this variance application. With that we are requesting Liz to reach out to the DNR to get their opinion, as well as the landowner to provide a site survey, and time for the landowner to be in compliance with the letter of warning. Tony seconded the motion. The motion passed unanimously.

Liz- I have asked members of the town board to be here because this is a similar type of lot size variance we had in the past. It was denied and appealed, and the town board did approve it. I asked them specifically so they could see how you do this and what was discussed. In case there is an appeal, and it goes to them then they are aware of the current variance situation in detail.

Old Business- None.

Nate made a motion to approve the June meeting minutes, and it was seconded by Ken. The motion passed unanimously.

Directors Report-

Liz- I have an update from Mr. Zurcher. I have the final paperwork submitted by the lawyers. They have what they need for the litigation. It's a 3 to 6 month process before we get an update. It has been filed by now is my assumption. He is still renting it out and not complying. When I made a site visit for court photos there were renters currently there.

Justin- Is there anything that we can do other than warning letters?

Liz- We can send them cease and desist letters and ask for storm water to get involved. He submitted a proposal to the DNR, and they denied it for lack of info. He was denied a renewal for rental. His deadline lapsed and he continued to rent it out. I followed up 4 months after the commission said he could have a permit if he complied, but he did not apply for a permit and continued to rent it out. Within 3-6 months we will have a court date.

Kit- They can elevate the action if he is still out of compliance with the order he wrote them and then it is a historical issue.

Liz- he issued him letters, then fines after that.

Concerns from the Audience- None.

Ken would like to discuss at a later date if the Ordinance should state that we require a survey for certain situations, variances in particular.

A motion to adjourn the meeting was made by Tony, and it was second by Andrew. The motion passed unanimously.

The meeting was adjourned at 19:43.