

**Town of Duluth  
Planning Commission  
Meeting Minutes  
July 25, 2024**

The meeting was called to order at 6:39 pm by Justin Osadjan, acting as Chair.

In attendance: Justin Osadjan, Tony Mancuso, and Dave Meyer.

Absent: Angela Wilson, Pam West, and Nate Nesgoda.

Also attending: Liz Strohmayer, Planning Director, and Beth Mullan, Secretary.

The agenda was approved as presented.

**New Business**

Liz asked the Commission for input on a large pole building that would be the only structure on a parcel. An individual in the Township is proposing to place a 60 x 120 ft pole building on a 5 acre parcel that is adjacent to the parcel he lives on. She showed the location of the parcel on St Louis County Land Explorer. He intends to keep the two parcels separate. In that zone district, any accessory structure that is over 2000 sq ft is required to meet larger setbacks – in this case 180 ft. He wants to place the structure in the far corner of the lot, 60 ft from both lot lines, so it will be close to his home. He feels that he does not need a variance because the pole building will be the only structure on the property and would therefore be considered the principal structure and principal structures are not subject to increased setbacks.

Liz said that if the pole building were considered the principal structure, it would only have to be set back 50 ft from the side and rear yards. If it were considered an accessory structure, it would need to be set back 180 ft. A structure this size could not meet the 180 ft setbacks on this lot. The definitions for accessory structures and for primary structures both seem to fit. She talked to St Louis County and they said that they would definitely consider it an accessory structure, not a primary structure. They have the same definition for accessory structure that we do, except their definition also gives examples of accessory structures.

Liz said that she leans towards it being an accessory use, and hence an accessory structure. A typical pole building size is 40 by 50 ft. The Ordinance specifies that commercial buildings cannot be larger than 10,000 sq ft, but there is nothing about maximum sizes for residences or accessory structures. There are two structures in the Township that are over 10,000 sq ft – the Old Apostolic Lutheran Church and North Shore Community School.

Tony asked if they intended to use the structure in any commercial way. Liz said that she specifically asked him and he said no.

Justin questioned how it would affect someone building a house on the parcel at a later date.

Liz said she had thought about that, too. Someone could circumvent the stricter setbacks by building a structure like this as the primary structure, and then building a house. The house would then be considered the primary structure and the oversized pole building would become a nonconforming structure.

Liz also felt that large buildings placed close to neighboring properties did not fit the rural character the Township desires. Impervious surface area limits and setbacks are generally enough to limit building size. There are times that contiguous parcels are treated as one lot for the purpose of meeting dimensional requirements, but she could not find anything in the Ordinance to support that, so she doesn't think it would apply in this case.

Justin said he could not find anything in the Ordinance to support it being considered anything but a primary structure.

Dave said that he didn't think it was likely to be much of a problem. Most people can't afford a pole building that size. They are not going to just pop up everywhere. He didn't see a reason building size should be limited.

Justin said that he disagreed because the Township is a community and the community has indicated that preserving the rural nature of the area is a priority.

Dave said that it can't be considered an accessory structure because it's on a separate lot. Could the building site be located elsewhere on the lot to better meet setbacks?

Liz said that an accessory structure of that size cannot meet the required increased setbacks on a five acre lot. What might happen on that parcel in the future? It may not be possible to build a house with driveway, septic, etc, without additional variances.

Tony felt that something needed to be put in place to correct this loophole. Can land use permits be reviewed by the Commission? Liz said she would look at what other townships do. A variance could be required for principal structures over a certain square footage. There are currently no building size limitations in the Ordinance except for commercial structures.

### **Old Business**

Liz asked everyone to be on the lookout for someone who might be willing to serve on the Commission. There is currently one open seat.

Approval of the June 27 meeting minutes was postponed to the next meeting due to the lack of a quorum.

### **Director's Report**

Liz said that the Town is moving forward with remaining compliance issues, including initiating a lawsuit against Zurcher.

The Sieverts appealed the Planning Commission's decision to the Town Board and the Board overturned the Commission's decision. ArMand was not present for the appeal. Liz said that she and Nate both wrote letters to the Board to express their disappointment in the process the Board used and their decision to overturn the Commission's decision.

Beth suggested that the Commission return to citing the Comprehensive Land Use Plan in their motions to provide support for their decisions.

### **Concerns from the Audience**

Kathy asked if there is a definition section in the Ordinance. An accessory structure should be defined there. Without a solid definition, it is hard to enforce. She asked how once a building is designated as one thing, that designation can change. Liz said that you can change the principal use of a property as long as it's allowed by the Ordinance. Depending on circumstances, the primary structure can then become an accessory structure.

The meeting adjourned at 7:42.