

**Town of Duluth
Planning Commission
Meeting Minutes
September 25, 2025**

The meeting was called to order at 18:30 by Chair Justin Osadjan.

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

Absent: ArMand Nelson, Board Member Liaison to Planning & Zoning; and Beth Mullan, Planning Secretary.

Also attending: Liz Strohmayer, Planning Director; and Laura Herzog, incoming Secretary.

Agenda- Nate made a motion to approve the agenda as presented, with the addition of RR-1 LUP acreage requirements to New Business. Also, for order of agenda, New Business will be discussed after Old Business. It was seconded by Tony. The motion passed unanimously.

New Business- Discussion to increase the current minimum lot size of 4.5 acres in zone RR-1 to preserve ruralness. A township member sent an email to Liz inquiring about the lot size requirements.

Liz states there is a process to increasing RR-1 minimum lot size up to 9 acres, it would be a zoning map amendment with required conditions; either a mistake was found as is to be corrected, there is a substantial change in community since the Comprehensive Land Use Plan, public need being evident for rezoning, or one or more who own 160 or more continuous acres. It can be discussed and a voted upon by the commission. Then they can give the Township Board their recommendation, and the Board would make the final decision. Liz has had dozens of comments within the past 2 years; some wanting larger lots, and some wanting smaller lots.

Justin stated he thought in the past the township took a vote from residents and determined 4.5 acres would be the lot requirement. Beth may have more background, so we could table that for the next meeting to get her feedback. He stated he would want special community outreach with a visioning group before a decision is made.

Tony- There could be environmental concerns with clay and wastewater issues that come into this equation.

Liz- The smaller lots may be hard to reach impervious surface requirements, especially in the SENSO area where it is even more restrictive.

Justin will ask about this in next month's meeting to fill in the history of how it came to be.

Liz will respond to the email in question to let them know that the commission is discussing it.

Old Business- Reconvene Public Hearing decision for Stupnik Variance. A 60-day stay was approved at the July hearing. By statute one stay is allowed.

The Township received feedback from the DNR and gave the Stupniks a copy of that letter. The Stupniks had a survey done and they gave a copy of that to the Township. All will be given a chance to speak and will follow the same format as the previous hearing. There are 2 requests: decreased setback from road, and decreased setback from Lake Superior. In addition to this the DNR pointed out the bluff and asked if property meets the definition of a bluff. Liz believes the majority of the property to be a bluff, and a 3rd variance which allows to build on a bluff would be needed. Approximate numbers are given on the variance request, and exact numbers will be needed for the commission to make a decision. The commission will make a decision tonight since this was moved as a continuance from July. The commission can only respond to what has been requested as of today.

Matthew stated he would like to change his request to ask for the minimum number of variances.

Liz stated there isn't any way around needing 3 variances to build on the lower parcel with the current request. The lot is wide enough, but not deep enough. There isn't enough land on one side or the other from the road and the lake. The Stupniks can decide to withdraw their variance request tonight, or the commission can decide to deny or approve it with the information they have. If the Stupniks withdraw their variance request tonight, they can ask for a variance again after adjusting the measurements with specific plans.

Matthew reads aloud the following 5 recommendations from the DNR letter:

They recommend the following information be requested from the applicant so that practical difficulties can be fully evaluated prior to approving any variances for this proposal:

- ❖ Structure size and placement alternatives/minimization
- ❖ Survey that includes structure footprint and layout
- ❖ Site development plan
 - o Grading details that include cut/fill estimates
 - o Existing and proposed site drainage
 - o Vegetation removal and restoration/landscaping details
- ❖ Sediment and erosion control plan
- ❖ Bluff management plan

Liz stated these are recommendations from the DNR that the Commission is not required to follow, but as a guide and feedback for the Commission's decision making to use if they chose. All fees will need to be paid again if this request is withdrawn and a new variance is requested since the work has already gone into the hearing. The commission will give feedback on what they need to make an informed decision on a future variance if one is requested.

Matt stated they need to go on site and see where the granite is. If they need to move their building plans regardless of where the granite is, they stated they would be remiss to not have more of a finalized plan. Hearing that and seeing what the DNR suggested, they will be getting plans from their architect.

The Stupniks officially chose to withdraw their variance request and request a new variance at a later date. They will take the feedback given by the Commission at tonight's meeting, along with the written feedback from the DNR.

Justin explained that if the Commission provides feedback, it doesn't guarantee approval if a new variance is requested. It will still need review on its own merits.

Matt explained that this is a complicated project and would like to hear some feedback. He offered to push the structure closer to the bluff and stay away from the road to satisfy that setback.

Liz explained that the top of the bluff is approximately the road. The Commission can speak to whether they would like to see it closer to the road, or closer to the lake.

Justin felt what was proposed was a large house on a small parcel, which may be an issue. From a livability point of view, the Stupniks may not want to be close to the road. Justin explained he is also hesitant to suggest moving it closer to the lake.

Matt explained that at first he thought he was meeting the setbacks based on their original plan, but Liz pointed out to him that it is a 110-foot setback from the road, not a 60-foot setback. He thought if they were further from the road and lower down then you wouldn't see it as much from the road.

Justin- To reduce the footprint on the plan, would it be possible to build a separate project across the road on your upper parcel?

Matt stated he would like to build a garage with living quarters across the road eventually for his parents and family.

Liz stated that would require an interim use permit.

Matt explained he would like to have their storage on the upper parcel. They can accommodate the attached garage on the lower parcel. They would like the primary structure to be ADA compliant, so they can age in place. Matt asked if they were to shrink the footprint, then could they do a 2nd story?

Ken believed they could go up to 35 feet in height.

Justin stated that if someone wants to build on the lake a smaller footprint is what he prefers to see.

Nate would like to see less buildings on the lake. With all the variances the Stupniks would need, and being that close to the water, it takes away from the ruralness and view of the lake.

Ken explained that The Commission needs to take the bluff into account. If there is a low slope area that is below 18% grade, it is excluded from the bluff. To build on this parcel he also wants to see a plan for stormwater. To meet the bluff standard the Stupniks would need to be 30 feet from the top of the bluff. Ken created a sketch that showed a 30x80 foot box to build in. It puts the proposed structure close to the road with a 65-foot setback. Ken felt that the main thing is staying away from the bluff and managing stormwater. He explained they could install gutters and underdeck gutters that go into subterranean, and they could drywall it, or daylight it past the embankment.

Matt stated that protecting the property is important to them. They would like a professional to look at it and take the feedback from the Commission.

Ken felt his suggestion above is the most reasonable that he could come up with for what the restrictions are, as long as they can put stipulations in place to protect the lake and the bluff. All parts, including any decks, would be within the building envelop that he created.

Tony stated that if there is going to be a setback compromise, he would like to see it closer to road, a stormwater plan, a vegetation plan, and an architectural drawing. He supported Ken's suggestions.

Matt would like to get the borings done to see what's under there as far as bedrock versus clay.

Dave asked if they were to request a variance again, and it gets denied, do they have a secondary spot to build?

Matt said they don't have a plan B yet. Their property across the road on the upper parcel is nice and graded, but a lot of the vegetation is dead. They haven't heard back from the county regarding the culvert for the lower parcel. The upper side is established with a driveway pad. They would eventually like to have a large storage garage with living quarters and a small twin cabin on the upper 2-acre parcel.

Ken believes there would still be a bluff issue with building on the upper side as well.

Liz explained when the Stupniks get to that point for the upper parcel they can start that process with her and she can talk to them about the size and setback requirements. They could go over a site sketch and label where they want all the buildings so she can let them know what permits would be required, and what is allowed based on their ideas.

Matthew said he would eventually like their kids to come here and take over the property, and in the meantime have their family be able to stay and enjoy the property. They stated they don't want to get part way into it and have issues. He will get more details and a clear picture of what they want to do.

There are no further questions from the Stupniks, or the Commission. This concludes the feedback portion of the meeting. The Stupniks will consider all feedback from the Commission and the DNR, and get further detailed plans figured out and submit another variance.

Approve Minutes for August Planning and Zoning Commission Meeting-

Laura had a question whether the commission decided on Performance Standards, or Conditional Use for some of the land uses in Table 5.3 Zone District Land Use Matrix.

All agreed it was decided correctly as is currently stated in the minutes, no change needed.

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

Directors Report-

Liz- The person planning to purchase property next to Tom's Logging Camp to relocate his business has drafted a purchase agreement and will make contingent on a variance request and a Conditional Use permit. He would rescind the Conditional Use request if he were not able to get the variance request granted.

Liz stated she is unaware if the Zurchers responded to being served legal papers yet. The Zurchers reached out to the DNR with questions regarding potential buyers since, according to the DNR, they are planning to sell the property. Liz is waiting to hear back from the lawyers about the potential sale before resolution.

Kit explained the issue would transfer to the new owner if a purchase agreement were to go through. The legal issues would be made aware during the sale and transferred to the new owner of the property.

Liz will give an update next month with any new information from the lawyers.

Liz- There may be another variance hearing in October. Someone on the Ryan Road wants to move their existing garage and build a new garage and would need variances from side and rear yard setbacks. The Commission should also come prepared to schedule a public meeting to make up for November and December meetings over the holidays. That meeting could also be a good time to discuss ordinance changes if no hearing takes place on that date.

Concerns from the Audience- None.

Tony made a motion to adjourn the meeting, and it was seconded by Dave. The motion passed unanimously.

The meeting adjourned at 19:55.