

# Town of Duluth

---

Special Meeting of Town Board Supervisors

Purpose: Variance Appeal Hearing

June 3, 2026, 6:30 p.m.

**Applicants:** Matthew and Tori Stupnik

**Appellants:** Matthew and Tori Stupnik

**Location:** Duluth Town Hall, 6092 Homestead Road, Duluth, Minnesota 55804

**Time:** 6:30 p.m.

**Town Board Members Present:** ArMand Nelson, Angela Wilson, Stacia Grayson, Saprina Matheny and Jim Ward.

**Community Members Present:** Liz Strohmayer, Beth Mullan, Andrew Aho, Justin Osadjan, Nathan Nesgoda

**Procedure:** The variance appeal hearing was called to order at 6:31 p.m. with the Pledge of Allegiance. Chairman Nelson made introductory remarks and explained the process on how tonight's hearing will proceed.

**Planning Director Review of Variance Request:** Planning Director Liz Strohmayer began by reviewing the communications agreement for the meeting. She reviewed the order of how the night would progress. Planning Director Strohmayer shares PowerPoint with information pertaining to the Stupnik request. In those slides she shares image of the lot in question. She reviews the three-variance request made by the Stupnik's. She also explained what each of the requests were.

Question: What are the total acers?

Answer: approximately 3.

Question How big is the driveway

Answer: 65'x18'

The request is as follows:

- A 45 ft variance from the required 110 ft from the road to place building 65 ft from North Shore Drive
- A 10 ft variance from the required 100 ft set back from Lake Superior to place the building 90 ft from Lake Superior
- A variance to build with in a bluff

Question: What is considered the bluff, what are they requesting?

Answer: To build completely within the bluff zone, the whole parcel is in the bluff zone. The road is really the top of the bluff.

Question Grayson: In the application there is only two listed variances in the application.

Answer Strohmayer: The application in the packet is what they submitted, often times upon review of the initial application, we (Beth and I) determine that there are other variances they may need that the property owner may not have known.

Question: When was the property purchased?

Answer: 2022

**Appellant Comments:** Matthew Stupnik had prepared a statement on behalf of him and his wife. We believe that our proposal fits the comprehensive plan. Our plan is similar to those in the neighborhood as this was a part of a platted subdivision from 1930's. From what I took from the concept, housing is the bedrock of the community and community pride.

So I think the Town Board will find a factual basis to approve our variance application. In regards to the various components, we are in harmony and intent of the official control. First, this is a legal platted lot of record subdivision. The Board has previously approved motions and permits in other cases. Saying Shoreline district, what has been developed for many years in a quite a dense fashion. And this home along with other approved and permitted properties are in sync with the lot sizes in that area. Thus, the Town Board has sufficient factual basis to find our variance application in harmony with the general purpose and intent of the ordinance. Is the property owner proposing a use of the property in a reasonable manner? Not permitted by the official control? So its permitted but the setbacks are the issue we are not trying to build commercial property. So, a residential home in a subdivision is similar to every other developed property in Greenwood Cliffs. It can only be built with the requested variances. The lot is substantially larger than 90% of the other parcels in that area. There should not be any argument in the Town on this issue and should find sufficient factual basis that we propose to use the property in a reasonable manner. Three, need for a variance due to circumstances unique to the property not created by prior landowners? The plight of the property is not due to the size of the property but the unique dimensions of the property and the setbacks existing at the time of purchase. The plight of the landowner was not created by us. That's the important issue. We hear that we should have known. The plight of the landowner doesn't matter. Any contention on this matter in contrary is consistent with case law. The Minnesota State Supreme Court has held, a property owner does not create his or her own plight by purchasing property with the knowledge of its non-conforming status. They held in case Myron vs the City of Plymouth case that actual or constructive knowledge of a zoning ordinance before purchase of land is not a barred to not grant the variance. Thus, the Town Board will find sufficient and factual basis that the plight is due to the circumstances unique to the property, not created by us. Will the issues of the variances maintain essential character of the locality? It will not alter the character. As there is similar size residences in smaller lots in Greenwood Cliffs. We are the third largest lot on Lake Superior in this area. A residential home on a platted parcel in a subdivision is a useable use of property. In addition on this specific point, the pervious district court is determined that the Town Boards finding of pervious case on this issue was reasonable. The Town Board has sufficient factual basis, like other experiences would not alter the essential character. In summary, I think you guys, ladies and gentlemen, will find that there's reasonable and factual basis with every one of these items. I also want to talk about non-conforming lots. The legal plated non-conforming lot of record has strong case law protections from the State of Minnesota. The key protections for this under Minnesota Municipal planning under 462.351, accept those otherwise provided by any non conformity including the lawful use of occupation of land or premises existing at the time of the adoption of additional control. Municipal zoning powers are subject to both constitutional and statutory limitations. Cities may only exercise their zoning authority in a manner that is reasonable and not arbitrary. When zoning regulation becomes too restrictive the cities have constitutional obligations. There is protection under Minnesota law protecting legal non-conforming lots of record platted before stricter rules. Zoning changes cannot retroactively eliminate lawful property uses. The Township cannot force unreasonable compliance of new setbacks compliance of existing lots of record. In this case the Townships updated rules effectively prevent reasonable use of our historic platted lot of record. 1922 the court recognize state statue for local ordinance may impose restriction or demands on the use of private property that aims to take. And yes, a nearly 100 year old platted residential subdivision of Greenwood Cliffs provides homeowners and landowners significant protection under Minnesota law against new and restrictive setbacks primarily through legal non-conformity rights of lots structure. The plated status and age strengthens the various arguments. And so, with that.

#### **Questions from the Board:**

Angela: So, you would agree that all of these ordinances that we are talking about were in affect at the time you purchased the property?

Matthew: We can agree that they were in affect at the time of purchase, but it doesn't make a difference.

Angela: You don't think so?

Matthew: The State Supreme Court doesn't think so.

Angela: I'm sorry, did you have an attorney you consulted with on this?

Matthew: Do you see an attorney here with us?

Saprina: So, I don't think sarcasm will be beneficial.

Matthew: I'm getting questions on what I should or should have not known. Again, this is about the plight of the landowner. That particular topic has been put to rest by the state supreme court. The property owner does not create their own plight by purchasing a property with the knowledge of its non-conforming status. So if there is a need for a variance request, which we knew, right? We knew we would have to get a variance request but clearly doesn't prevent us. The need for attorney, we have them but don't necessarily have them for this.

Angela: The reason I was asking you the questions about the timelines. Some of the things you were reading to us about non-conforming uses and existing regulations at the time of property transfers happens. Those things are extremely relevant to the question of whether or not there is a retroactive application. You mentioned a retroactive application I want to make sure we are all on the same page.

Tori: We did know that we would need to apply for a variances when we purchased.

Matthew: the continuation of rights transfer from owner to owner. They can give up the rights and there are five steps which you can lose those rights. But they were never lost.

Angela: When you say that your lot is substantially larger, are you including both lots, the three acres on the other side of the road?

Tori: The acre on the lake.

Matthew: The homeowner on Stoney Point, he owns a fairly large parcel. The neighbors on the across the street have a large lot in a trust and our neighbor Paul Folin are still undeveloped.

ArMand: Any more questions from Board members?

Liz: I'm here if you have questions as they relate to the ordinance.

ArMand: I have questions about the laws he (Mr. Stupnik) is speaking of.

Liz: We have a non-conforming clause that is similar to St. Louis County. I have found in most ordinances that they are relatively similar. Non-conforming lots of records have certain rights, but they also have to meet those parameters. In this particular case, their lot of record isn't because of size, their issue isn't about usage, it is about setbacks. If they were a non-conforming lot but met certain size requirements with percentages, they could build. In this particular case its about setbacks, specifically Lake Superior setbacks. Which may or may not be true on the similar lot if it was across the street and farther from the lake, the lake setback could be met.

Matthew: We would be continuing the line of setbacks. The Lake Superior setback, I went and measured. We are 127 feet from the water. GIS has us as a acre. Our Survey shows +/- .9 acres. One corner of the property would be too close. It was less than 10 foot. I would really have to get my feet wet in the water to get accurate measurements. We worked with the Planning and Zoning Board, come back with another plan with a smaller footprint. We could consider approving it. We put money into site plan and survey. Our property fits in the subdivision. We are not trying to reinvent the wheel. Every one said no and had no facts.

Tori: Global warming was brought up, poisoned fish was brought up.

Matthew: We want to build a house, on a parcel, that's in a subdivision, that goes back to the plight of the landowner and the rights of the property. We made the site smaller.

ArMand: What was the size of the original house request?

Tori: I believe that it was 120 feet and we went to 80.

ArMand: What was the original request?

Tori: It was 30' x 120', the original.

Matthew: We came back and reduced it. I talked with my neighbors. Chuck McCombers said that if anyone built I hope it you. Paul Folin said the same. Paul Folin and I are the last to build. I just recently discovered that there is a driveway approach. We have one across the road, and on the parcel in question, and Paul Folin has one too. I didn't even know this until the last time I was at the property and discovered that it was so overgrown that there was a driveway there. What we are asking for is not unreasonable. We feel that the factual basis behind this and there is a lot of emotions are getting in the way and people do not like change. When you go through the variances if you can really pinpoint one item that doesn't fit. It's a platted subdivision. It feels like overreach on the setbacks. We feel that this is a form of illegal taking a regulatory taking. It's not a sliver it's an acre of land.

ArMand: Any other questions?

Angela: Yes, In the original PowerPoint, the one that the Planning Commission saw, the drawing/site sketch.

Liz: The site sketch is in the packet.

Angela: What is the square footage of the house you are requesting?

Tori: 30' x 80'

Liz: It is all one structure with the garage attached.

Jim: Two stories?

Tori: Yes, but not the whole 30' x 80'.

Angela: The DNR's objection is the bluff and not the setback for the Lake?

Liz: The DNR primary objection was the bluff.

Angela: from my understanding, the lakeside parcel, is there any location on that parcel that is not within the bluff? Where they wouldn't need a variance?

Stacia: Could they move the structure 10 feet closer to the road so they do not have to ask for the 10 feet variance from the Lake?

Liz: You could make that stipulation but what would that 10 feet do? Yes you could alter that.

Jim: would you consider all the sites on that side of the road in the Bluff?

Liz: No not necessarily. Some are on a steep slope, some are in the bluff.

Tori: Its fairly flat.

Matthew: our neighbor Paul is higher than us. Where we want to build we would have to bring some fill in . We don't have exact plans yet.

Liz: I'm going to argue, not that I'm in favor or against. But when you say that it is fairly flat. I'm going to say its absolutely not. As you can see on this topographical map there is a slope towards the lake. The building site has a bit of a slope. But the definition of the bluff in our ordinances says that if you take a 50 foot section and if the slope is greater than 18% it is considered then a bluff. If its less then it is considered a steep slop.

Matthew: is that the whole parcel?

Liz: Where your building site is that where it was measured. When I spoke with the DNR they said it was the whole section and that North Shore Drive is the top of the bluff.

Saprina: The neighbor, Paul that you mentioned, does he have a structure on that property?

Matthew: No. He doesn't have a structure. He has reached out to me. People walk up to there.

Angela: The flags, are they the building site?

Tori: No that is from the property survey.

Angela: One of the things that was a concern from me is where you are currently accessing the property is full of wood chips. How long ago was it that you were asked to remove the chips?

Tori: I don't remember the dates. We were asked to move the RV out and we did that.

Angela: But the ditch itself? The chips in the ditch.

Tori: I don't know that we were asked to clear that out. We didn't know we couldn't put our chips there. We took down some dead balsam trees and had them chip them there.

Matthew: It was so we really could access the property. The culvert, ditch is pretty deep. If I would have known that driveway with the culvert was there I would have used that to access the property.

Liz: did you all get the letter I sent last year regarding this? Is that in your packet?

The letter was not provided a head of time. Liz share a copy of the letter on the screen.

Saprina: Here is little bit of my struggle. You didn't know that there was a culvert, existing site entry, but now we are going to pay attention to the rest of the land use stuff and follow that rules and then give us the variance. Ignorance isn't an excuse.

Tori: We did that before we applied. We didn't do that afterwards.

Matthew: Nobody complained.

Saprina: The Planning and Zoning Commission brought up the issue at the hearing and as of Sunday it was still there.

Matthew: How would I access the property?

Liz: May I interrupt? To provide some clarification.

Saprina: Yes.

Liz: This letter was sent last summer. This was prior to them submitting applications to build on that site. I had received a neighbor complaint which led me to the property. There were three issues. The setback for the camper and was asked to remove or relocate. The vegetation removal was unclear but when I walked the property some of it was not just dead spruce and balsam. Sop clearing vegetation because of the 25% rule.

Tori: I have a question about the 25% rule. Is dead balsam?

Liz: Dead and dying vegetation doesn't count. That is property maintenance, and that's okay. I didn't know you at the time. I just had an address from the county land explorer to send the letter. To stop doing it further until we had a discussion. Then the driveway site entry, wood chips are not a suitable alternative to replacing a culvert so I asked you to remove the wood

chips, replace the vegetation that was there and to get an approved site entry. I would have most likely given you a thirty day notice to fix the mentioned issues.

Matthew: So, I moved the camper. Actually, we didn't take out that many trees. The site entry/driveway, I applied with the county right away. Then we went through a year's worth of work with the commission. We got buried what we were dealing with here.

Liz: That process is fairly quick. Normally you apply, tell the county where you want the driveway and they work with you if they want it elsewhere.

Matthew: I submitted an online application with the County. I just want to build a house.

ArMand: Did the County give you a permit for the driveway?

Matthew: No. I don't even know where that is at. We just got caught up with this whole process. Just trying to get the house built.

ArMand: It's kind of hard to have a house plan if you don't have a driveway planned.

Matthew: It got lost in the process.

ArMand: If we give you a variance, and say go ahead and build then the County comes along and says, no you have to have a different location for your driveway. How do we move forward with that?

Tori: We would have to rework the whole thing.

Matthew: We have a driveway.

ArMand: You have a driveway, but that might not be what the permit says.

Matthew: Exactly, where we want to access the property.

Liz: Where is this driveway that you discovered?

Matthew: Right on the other side of the new driveway.

Liz: So it would access the proposed building site?

Matthew: Correct. It matches, there is a driveway across the street. I didn't know that. I just looked one day and there it was. Then I noticed Paul, the neighbor has one too.

Liz: I didn't see that when I did the site visit.

ArMand: So where is that driveway entrance in relation to where you want the driveway?

Matthew: Within ten feet.

Liz: So you would have to move your potential building location about 10 feet left of where it currently is requested to match the driveway up with the garage?

Matthew: We don't know we just found this out. After the previous year, I have to come in loaded for bear.

ArMand: I understand that. How do we give a variance to where you may have to shift the house.

Tori: Where we would have the driveway on the building site showed where we would want to put it.

ArMand: Where you want to put it but that doesn't necessarily mean we will give you the permit for the driveway there.

Matthew: Ideally the driveway goes in that location there. It's nice, it's flat.

Liz: They could ask the County to move that culvert to the proposed location.

Tori: It is a straight section, no hills or curves.

Jim: How much of the existing culvert is exposed?

Matthew: Barely.

Jim: I stopped and it looks like the whole thing needs to be ditched.

Liz: The letter I sent you, technically the property is still non-compliant because you haven't addressed all of the issue.

Tori: We need to remove the wood chips?

Liz: And the camper. You replaced one camper with another.

Tori: I didn't think we had to remove the other one because the first camper was an RV and this is a pop up that is stored? What would be allow on this acre of land at all?

Liz: You can have stairs to access the lake, patio, fire pits you can utilize that space. You can camp on that property.

Matthew: You can't. The setbacks.

Liz: If it is temporary. That's part of the problem. If its temporary or there all of the time. When I was there last summer you had the camper there all of the time.

Matthew: I think that's, like the kind of the point. We are having all of these no's. There is really not one fact base arguments. We are in a subdivision that fits all the other houses that are all in the bluffs. In the grand scheme of things the variances should be approved. That is what gets lost. People don't like change. There has always been trees. There are just emotional based things.

Stacia: All of these questions that seem to be frustrating you are really important for us to consider. When you purchased the property you didn't plan to build there because it was a non compliant property. You have done research since than and learned that there were variance request that went through for other properties in that area but not this property.

Matthew: We bought it

Stacia: With hope but you knew it wasn't able to as is without a variance request.

Matthew and Tori: Correct.

Stacia: These are very important questions we are asking. My job is to protect the lake. There is going to be run off. Even if you build a small structure, you're building an imperviable surface its going to happen. You will be disturbing the current property more than it is now. These are important questions. Even when we are asking about the camper and wood chips. These seem little. We want to make sure you are working with us when we are making requests. So it's a little hard for us. I get why you are frustrated.

Matthew: We have worked with you.

Tori: We feel like we bought the property so the County could have it for free.

Matthew: It's frustrating that it's not very welcoming. According to the comprehensive plan you want us to build but we go thought this and it feels that you do not want us to build in your community. I don't want to have to pull up legal cases and do all of this research.

Saprina: You have done this research and yet you have not got a driveway access permit, or taken care of the wood chips there were requested to be removed almost ten months ago. We asked you to fix an issue without consequence. We keep hearing, I don't know.

Matthew: That is a separate issue. If you want to fine me for having a mulched driveway, fine go ahead. When we talk about the five points of the variance request those are the items at hand.

Tori: We didn't mulch the driveway. We mulched the trees in place. If we move that it will be mud.

Matthew: We have to be able to access the property. It's our right to be able to access the property. The mulch isn't doing anything. If you wanted to fine us for having the mulch then do that. The variance request is a separate issue. I drive past McQuade Harbor, I see a 14'x80' trailer, I see a half built building are they fined? We are off topic. I have applied for a land use permit. This is essentially a government taking of our property. I feel like this is a giant game of got you.

Stacia: That is not what we are doing. I think people buy property for various reasons. You bought it with the intent to build. Someone else may have purchased it to camp on.

Tori: That would be a very expensive campsite.

Stacia: It would be. But people might do that. I don't think anyone tricked you and are saying you can't build there. You needed to request a variance for which you may or may not be granted.

Liz: Just wanted to remind that we still have public testimony to review.

Tori: I have a question, has everyone been to the site and walked it?

Board: Yes.

Liz: The erosion hazard zone is not defined by the Township it is defined by the ARDC who oversees the entire Shore line from Duluth to the border.

Saprina: What is the smallest square footage you would be willing to build?

Matthew: We are not changing the size anymore.

Tori: We already reduced our original request based on the feedback we received from the Commission.

Matthew: We want to live in the community. We picked this spot because my wife is a nurse and could work in either city. The legal nonconforming properties have legal protections under continuation. I didn't know when I first applied and I wish I had that to bring to the table. I have tried to work with you guys. I have gotten variance before. This is not an act of God. When you decide you need to have reasons that are legally sufficient. You must determine that the reasons are factual before you say no. I feel that there is a game that you are playing.

ArMand: Board member, any more questions?

**Review of Public Comment:**

Attached are the two public testimonies received from the original hearing from Paul Folin and MN DNR.

Matthew: I spoke with all of the neighbors they are in support. I had three or four comments in favor.

Liz: They should have sent a formal response.

Matthew: They told me. What reason would I have to lie?

**Board Questions and Deliberation:**

Angela: You could still build across the road? Everybody recognizes that you still have a parcel that you could build on it just not where you want to?

Tori: Would you want to build across the road when you own an acer on the lake? With a highway in between? With kids and pets?

Angela: That is not the question

Tori: The parcel is not a postage stamp.

Matthew: We have had this conversation round and round.

Angela: Sir, you have done most of the talking.

Liz: Public testimony is for others not the applicant.

Matthew and Tori: We are saying our peace.

Justin: You read our minutes? I feel that they were well documented.

Liz reviewed the process for making a decision.

ArMand: Are there any other questions from the board?

Board: No

Angela: Can we have a five minute break?

ArMand: we will recess for 5 minutes at 7:45 p.m.  
Meeting resumed at 7:50 p.m.

ArMand: Are we allowed to table the decision and reconvene within 60 days.

Liz: Yes.

Motion: Saprina moved to deny the variance. Angela seconded.

Motion Saprina Moved to split the question Angela second. All in favor.

Motion: Angela moved that in spite of denial, building a house is within general harmony with the general purpose and intent of the ordinance. As the applicant has pointed out, there are other residences on the shore that are similar use. Saprina seconded. Motion passed unanimously.

Motion: Angela moved that we find that the variance is not consistent within the comprehensive plan as it is within a bluff. Jim seconded

Amendment: Saprina doesn't maintain the balance of the neighborhood as the buildable footprint is out of proportion of the other homes within the neighborhood. Angela second.

Final Motion: Angela moved: that we find that the variance is not consistent within the comprehensive plan as to building within a bluff. Amended: This doesn't maintain the balance of the neighborhood, as the buildable footprint is out of proportion of the other homes within the neighborhood  
The motion carried unanimously.

Motion: Saprina moved to deny on the grounds of the proposed use of the property, Is a large footprint. It requires three separate variances. Angela seconded. The motion passed unanimously.

Motion: Angela moved that we find that the request for variance is based on practical difficulties that are based on circumstances unique to the property, not created by the property owner because one acer of the land is in a bluff area, the property owner did not create that land formation. Stacia second.

Amendment: Saprina Motioned to amend, referencing the points above. Angela seconded.

Final motion: Angela moved that we find that the request for variance is based on practical difficulties that are based on circumstances unique to the prop not created by the property owner because one acer of the land is in a bluff area, the property owner did not create that land formation amend: referencing the points above. Motion passed unanimously.

ArMand moved that if the variance is granted it will not alter the essential character of the locality. Because there are other locations that are within the bluff area and it doesn't impede the bluff area more than those locations. Angela seconded.  
Discussion: is the second largest in the area and will sit higher than the homes in the area because it is on the bluff. Motion was denied. Ayes: Jim and ArMand. Neys: Angela, Stacia, and Saprina.

Matthew: Is everyone's main reason is the size of the house?

Saprina: I would reconsider a potential size reduction but on the bluff/setback from lake and not knowing driveway location.

Matthew: was it the height?

Jim: Yes, the height is an issue.

Matthew: We are trying to get an idea of what the board would want.

Nathan: Not all Commission members were held back by the size.

Stacia: Question, once this variance would be granted anything approved will go with the property forever.

Matthew: One point is there is many non-conforming lots of records here. It doesn't meet the planning and zoning because not enough green space. We want to age in place. We wanted to make it ADA compliant. He would have liked if the Board would have recessed.

**Decision:** The Town Board has upheld the Planning Commission decision to deny the Variance Request for Matthew and Tori Stupnik. The Clerk's office will send notice to the DNR with the Board's Finding of Facts.

**Adjournment:** Saprina moved to adjourn 8:42 p.m. Angela seconded. The motion passed unanimously.

**Basis for Decision:**





Beth <bmullan.duluth@gmail.com>

**RE: Stupnik Variance Application for April 23**

1 message

**Speldrich, Bri (DNR)** <Brianna.Speldrich@state.mn.us>

Tue, Apr 21, 2026 at 4:27 PM

To: Beth <bmullan.duluth@gmail.com>

Cc: Liz Strohmayer <planningduluthtownship@gmail.com>, Laura Herzog <townofduluth@gmail.com>

Hi Beth,

I had a chance to look over the application. I am glad to see they have reduced the size of the structure (compared to the proposal submitted last fall) but disappointed they are proposing to build in this sensitive area rather than on the lot they own across the road (315-0060-00340).

I recommend the following conditions should the board decide to grant approval:

- Gutters be installed on the structure and that runoff be directed to a well vegetated area (native vegetation, rain garden, etc.) away from the bluff/lake
- A robust buffer a native trees/shrubs/vegetation be maintained (no cutting or mowing) between the structure and the lake for perpetuity
- Volumes of fill be provided and adequate engineering studies be conducted to certify the adequacy of the design and the stability of the bluff (e.g. geotechnical investigation, PE sign off on design, etc.)

Feel free to give me a call if you have questions or would like to discuss further.

Thanks!

**Bri Speldrich**

Area Hydrologist | Carlton County & Duluth Metro

Ecological and Water Resources

**Minnesota Department of Natural Resources**

525 Lake Ave S, Suite 415

Duluth, MN, 55802

Phone: 218-302-3246

Email: [brianna.speldrich@state.mn.us](mailto:brianna.speldrich@state.mn.us)

she/her/hers

[mndnr.gov](http://mndnr.gov)



**From:** Beth <bmullan.duluth@gmail.com>

**Sent:** Wednesday, April 8, 2026 2:21 PM

**To:** Speldrich, Bri (DNR) <Brianna.Speldrich@state.mn.us>

**Cc:** Liz Strohmayer <planningduluthtownship@gmail.com>; Laura Herzog <townofduluth@gmail.com>

**Subject:** Stupnik Variance Application for April 23

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

---

Hi Bri --

Here is Matt Stupnik's new variance application. There is a lot of detail in the site plans. We've had a lot of back and forth with him trying to get better info. I'll summarize that in a later email. In the meantime, he wants to move forward with an April 23 hearing date. We have determined, and let him know, that he will need 4 variances: 1) from the lake, 2) from the road, 3) to remove over 25% of the vegetation on a bluff or steep slope, and 4) to build within a bluff.

The closest distance from the home to the Lake is 90 feet according to Matthew and this seems about right as his first site plan for this round had the distance at 95 ft from the SW corner of the building. They measure the house as being 65 ft from the centerline of the road and the required setback is 110 ft. Matthew is hoping to provide information as to why he won't need the vegetation variance, but we're moving forward with it for now.

Liz asked for proof from a qualified professional that the proposed development design will be stable and sound by the hearing date, but we don't know that will happen.

Thank you again for your earlier guidance on the bluff. It was super helpful.

Beth

Beth Mullan

P&Z, Town of Duluth



Beth <bmullan.duluth@gmail.com>

---

**Paul Folin.....Property owner adjoining Stupnik's property on the north side.**

1 message

---

**Paul Folin** <p.folin@gmail.com>  
To: bmullan.duluth@gmail.com

Thu, Apr 23, 2026 at 12:15 PM

Hi Beth

For the Planning Commission.....I would like to express my support of the Stupnik's 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 ledgerrock 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.

Sincerely,  
Paul Folin