The meeting was called to order at 7:01 by Vice Chair Jo Thompson.

Present: Jo Thompson, Wayne Dahlberg, John Schifsky, Jerry Hauge, Larry Zanko, and Dave Edbloom (arrived after start of meeting).

Absent: Liz Strohmayer

Also present: Sue Lawson, Planning Director and Rolf Carlson, Town Board liaison to the Commission.

Election of officers.

Jo nominated Dave Edbloom for the position of chair.

John said that because Dave was not yet present but was coming later, it would be best to postpone the election until he was present. Everyone agreed.

The agenda was approved with one change – move the approval of the minutes to before the public hearing.

**Approval of Minutes**

The March 23 minutes were approved with one spelling correction.

The April 27 minutes were approved without change.

**Public Hearing: Bille Variance, continued from April 27**

Sue began by reading the Town’s Communication Agreements.

She outlined the process for the hearing continuation. There will be two chances to comment during the hearing process: once during public testimony and then again before the Commission starts deliberation. At that time “all present will be asked if they have anything additional to add that has not been stated, addressed or commented on previously.”

Sue showed the vicinity map of the Billes’ property. It is located on the shore next to Dodges Log Lodges. It is in the SMU-6 zone district. She showed a table of the dimensional requirements for SMU-6, the dimensions for the proposed project and the amount of variance requested:

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Lot Coverage</th>
<th>Road Setback</th>
<th>Side Yard Setback</th>
<th>Setback from Unclassified Watercourse</th>
<th>Setback from Vegetation Line of Lake Superior</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMU-6</td>
<td>2 acres</td>
<td>200'</td>
<td>25%</td>
<td>110'</td>
<td>35'</td>
<td>50'</td>
<td>100'</td>
</tr>
<tr>
<td>Proposed Project</td>
<td>.31 acres</td>
<td>75'</td>
<td>18%</td>
<td>68.6'</td>
<td>12'</td>
<td>35'</td>
<td>87'</td>
</tr>
<tr>
<td>Variance Needed</td>
<td>1.69 acres</td>
<td>125'</td>
<td>None</td>
<td>41.4'</td>
<td>23'</td>
<td>15'</td>
<td>13'</td>
</tr>
</tbody>
</table>
She showed the site map with the proposed house in place, site sections, the floor plan for the house, elevations, and the preliminary stormwater management plan. The Duluth/North Shore Sanitary District communicated that there appeared to be no issues with connection to the sewer system.

Sue reviewed the criteria for approving a variance. “The Commission shall always act with due consideration to promoting 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.” (Article X Section 3.E.) Variances shall only be permitted when the request is in harmony with the general purposes and intent of the Ordinance. Are there practical difficulties in complying with the Zoning Ordinance? Is the plight of the property owner due to circumstances unique to the property not created by the property owner? The variance, if granted, will not alter the essential character of the locality.

Jake Stonesifer, attorney for the Billes, recapped the April 27 meeting for Commission members who were not present at that meeting. A motion was made to deny the variance and the motion failed. He said that the discussion at tonight’s meeting should focus on approving the variance. Some of concerns that were raised at the April meeting were alleviated. For the variance from the 35 ft side yard setback to 12 ft, the owner of the property on that side of the Billes’ property was present and stated that he did not have a problem with the building being 12 ft from the shared property line. Regarding the requested variance from the Lake Superior setback of 100 ft to 87 ft, Jake said that because the shoreline there is bedrock, it was agreed that that setback was not a concern. Good progress was made. Most of the points of the variances were well delved into. He said the Commission should build on the work from the April meeting toward a reasonable approval.

Jake said that regarding the practical difficulty standard, the Billes’ proposal is reasonable. Residential is the main use in SMU-6. He said that even Liz Strohmayer, who made the motion to deny the variances, said that building on the property is a reasonable request. If the Billes cannot build on the property, what can they use the property for? Nothing except a campsite. Given that most of the surrounding lots are similar in size and have cabins or homes with them, a home on the Billes’ lot is consistent with the essential character of the neighborhood. Billes’ lot is one of the few that doesn’t have a home or cabin on it. Jake pointed out that Wayne Dahlberg said that the small lots in Greenwood Cliffs are very similar to Greenwood Beach in terms of how it was originally subdivided back in the 1930s. The Billes’ house and lot would be no different from the others in the neighborhood.

Jake said that in the application the Billes had the height of the proposed structure at 25 ft but they have now lowered that to 22 ft which should alleviate some concerns regarding views.

Jake said that the number of variances requested was cited as an issue at the last meeting. He believes that the number of variances requested is not relevant. Several of the requested variances are minimal. He said that the Commission has granted similar number of variance requests before. He cited the Bieraugel property as an example. In that case, he said, there was the concern of erosion, and the Bieraugels were planning on selling the property once they received the variances. In this case, there is not an erosion concern and the Billes plan to live on their property.

He continued. The Billes’ prior variance requests under prior Town ordinances are not relevant now. Under the new criteria, the variances should be granted. It was argued at the last meeting that the Billes created their own hardship, but the Commission considered that and it doesn’t merit additional discussion. In addition, neighbors wanted the Commission to deny the variances because they wanted a vacant lot next to theirs or wanted a better view. The Billes should not have to sacrifice their rights for these reasons.

Jake said some comments from the public were not accurate. He asked that the Commission address questions to him and the Billes for accuracy.

*Planning Commission, Meeting Minutes, May 25, 2017*
He said that the Billes are only trying to exercise their right to put their property to a reasonable use. He asked that the Commission grant the variances at this hearing and not delay it any longer.

Public Comment

Beth read the written comments that were previously submitted. These are attached.

1) Chris and Joan Ayd
2) LaVonne Christensen
3) John Schulz, Rebecca Norine and John Nelson
4) Daniel Watkins
5) Barbara Burke

John Schulz spoke. He thanked the Commission for their work and for the transparency of the hearing process. He said that the Billes’ attorney began by encouraging the Commission to approve the variances, given that the motion to deny did not pass at the previous meeting. His impression was that the Commission needed to clear the motion on the floor before they could adjourn and so it was more a matter of convenience than will or direction. The Billes’ neighbor to the west was present at that meeting and said that he didn’t mind if the side yard setback was 12 ft instead of 35 ft, but that is not relevant because it’s the zoning law that needs to be considered. The proposed house is not consistent with the essential character of the neighborhood. The homes in the neighborhood range in size from 577 sq ft to 855 sq ft. The proposed home, at 1400 sq ft, is significantly different from other buildings in the area. Wayne Dahlberg talked about the small lots in the Greenwood Cliffs plat. But the zoning regulations were put in place to have guidelines for development, including areas like these. Jake also said that past variance request denials are irrelevant because of new law. The 2011 State statute change only made a difference in the law from undue hardship to practical difficulty. But zoning regulations still have to be considered. He said that he was here not because it would be personally inconvenient to have another house next door, but because it would be detrimental to the long term vision of the Township. The Billes’ application does not address the North Shore Management Plan and the NSMP should have precedence. The carrying capacity of the land has to do with concern for runoff coming onto their property. They discovered today that a new well would be located approx 50 ft from theirs and a well driller told them that it would affect their water flow and would likely cause some danger or harm to their aquifer. The area may need to be hydrofracked if flow were to decrease. Who would pay for this? The Billes plan to be there year around. There are other uses for the property: the Billes have used the property for access to Lake Superior, for camping, and for using their boat. In addition, natural habitat is a valid use for the property. When the Commission grants variances they are granted to property owners. The Commission has a chance to talk to the property owner and get a sense for them. Personality comes into play. Hardship is individual. The variance would run with the property. The Billes could flip the property with the variance and profit from it. He said that it is important to work to improve world we live in. Small steps are important. He asked that the Commission deny the variances because they are inappropriate and endanger Lake Superior.

John Bowen spoke. He said that John Schulz covered much of what he had planned to say. He said the Billes say that the variances are minor variances but the requested variance for the lot size is 84.5 % and the requested variance for the lot width is 62.5 %. What would be considered major if 85% is not considered major? He does not feel at all like this is in harmony with our Ordinance or the intent of it. The purpose of the Ordinance is to control land use and for the Commission to allow construction of a large new nonconforming building on a small nonconforming lot that requires variances on 6 of the 9 standards is not controlling the land use. These variances are not consistent with our Comprehensive Plan. As John Schulz stated, on page 18 of the Comprehensive Plan, under Shoreland District Strategies, Regulation 6 states, “Maintain restrictions on substandard lots as defined in current zoning ordinance.” Allowing an 85% variance from the required 2 acre lot size is not maintaining that.
John continued. He said that the law says that the plight of the property owner must be due to circumstances unique to the property and not created by the property owner. In 1991 the zoning requirements for that area were 2 acre lots, 200 ft lot widths, 100 ft shoreline and road setbacks. He believes the owner created his own plight because these zoning restrictions had been in place for years before he purchased the lot. There is more than adequate reason to deny the variances. If the Town grants variances when people buy such small properties, they might as well throw the Comprehensive Plan and Ordinance away. He and other Township residents put a lot of effort into these.

Public comment was closed.

Jake said that he addressed many of these issues in his initial talk. Most of the public comment was from people who had commented at the previous meeting. There was some talk about the Billes knowing that the lot was not buildable when they bought it, so they should not be able to build on it now. The whole point of variances is to have a reasonable use. The Billes have taken steps to protect Lake Superior with the stormwater management plan. The unnamed watercourse is there to keep water from draining onto the neighbor’s property. The North Shore Management Plan is certainly important but the Ordinance is the governing piece here. The Billes’ plight is not their fault. As Mr Dahlberg said at the previous meeting, these were small lots when the area was subdivided. The Billes did not create the lot size. Access to Lake Superior, camping or maintenance of natural habitat do not constitute reasonable use. If camping were considered a reasonable use then any property would have that as reasonable use and there would be no need for the Ordinance and variances.

As for precedence, Jake said that the Commission was free to make decisions on a case by case request. No precedence is established by a decision.

He said that the Billes are planning on retiring on their property. They are not planning on selling.

The floor was opened to any additional comments from the public that had not already been covered.

John Schulz said that the Comprehensive Plan in Section 3 allows for recreational camping vehicles on lots. So it is a legitimate use of property. As for the letters and comments, at least three of the letters were new and two of them had new content. It is clear that there is a feeling in the neighborhood that these variances are not a good idea. In addition, the watercourse between the two properties is not usually dry. It flows often, especially in the spring when there is a lot of water coming down. He feels that there is substantial danger to their property from water coming down from the Billes’ property.

Jack Nelson, property owner to the east with John Schulz, said that once the variance is granted, there is no guarantee on how the property will be used. No one really knows what will happen.

Carol Bille spoke. She said that there are no guarantees about anything. They are not interested in building and flipping. They do not want to harm their neighbors’ properties. They have plans for a retaining wall. She does not think their well will be on same side of the house as John Schulz’s well. She said that they are not the kind of people who would not take precautions to protect their neighbors. They are very cognizant of their neighbors’ concerns.

Jo thanked everyone for making comments; it takes time, thought and passion to do that.

Jo made a motion to deny all 6 variances because granting the variances would be too great a departure from the Ordinance and consequently would not be in harmony with the general purpose of the Ordinance as described on page one of the Ordinance. In addition, the variances are not consistent with many aspects of the Comprehensive Plan. The Comprehensive Plan emphasizes reduction of impervious surface and although this proposal does meet the requirement of less than 25% impervious surface, it is an extreme deviation from the intent of the current
Ordinance and zoning. The required lot size of 2 acres would leave, at 25% lot coverage, 1.5 acres of greenspace while the current proposal would leave less than .25 acres of greenspace. Nor does the remaining proposed greenspace meet the goals for developing land with respect to physical limitations. The Ordinance discourages development that increases density and an oversized house on that lot increases density. The proposal does not honor the preservation of a large front yard setback as set out by the Comprehensive Plan. The proposed inadequate front setback presents both a safety hazard and an aesthetic distraction. The Comprehensive Plan also speaks to provide that land use and development decisions are made with maximum input from the Township and in this case the majority of respondents were opposed to this request. The proposed use is not reasonable because the lot simply cannot accommodate the dimensional deviations as requested. This has already been demonstrated by consideration of fit to the Ordinance and Comprehensive Plan. Without these variances, the land will continue to have reasonable use for greenspace, recreation, aesthetic value and resale. In addition, the property does not have circumstances unique to the property. Most properties in this area are small and made up of two or more tax parcels. There are many shoreland lots that are transected by a road and result in small properties on the lake shore. Many of these lots are maintained and enjoyed for lake access and recreation and have not been considered for development. Not every lot is amenable to building.

John seconded.

Wayne showed the plat map of Greenwood Cliffs, the subdivision the Billes’ lot is in. It is dated 1930. He said that the highway did not split parcels. The subdivision was originally created with separate lots on either side of the highway. There are other areas along the shore where lots are divided by the highway, but this subdivision is not one of them. The Billes happened to own lots on either side of the highway, but they were never contiguous. He said that a similar situation of small lot sizes exists in other parts of the Township. The Planning Commission is currently looking at the zoning requirements for the areas of small lots in the Greenwood Beach plat. The goal is to make the zoning requirements fit the platting so that property owners do not have to keep coming to the Commission for variances. The fabric of the shore is what it is – small lots, some with cabins that some people have been able to improve on. It is not a simple situation.

Regarding the unclassified waterway for which one of the variances is needed, Wayne said that it was created by a Highway 61 culvert. He said that there is no stream above the culvert, it is just a collection point for ditching from the east and west along the highway. It was not created by nature but by man. He said that when you start looking at it closely, not that many of the requested variances are really relevant.

John Schifsky said he has been working with Wayne on the Greenwood Beach plat. Most of the variances that come to the Commission from that area are for properties with existing homes where the owner wants to build a garage, deck or addition. He cannot remember a variance where someone has come to build on unbuilt property. One of the reasons for this is that the land below the highway up to Stony Point is all Congdon trust land and cannot be built on.

Sue reminded the Commission that reasonable use of the property is no longer one of the criteria. Now the criteria is, “Is the proposed use reasonable?” This is a huge difference. Regarding the North Shore Management Plan, she said that the Township is part of the North Shore Management Board. The Township complies with the North Shore Management Plan and meets or is stricter than what the Plan requires.

Larry asked what the distance would be between the wells. Is there a minimum distance required between wells?

Jo said that they would have to apply for permit for a well from the MN State Department of Health.

Larry said that regarding impervious surface, he felt that 25% is 25% regardless of the lot size. The Billes’ proposal meets the requirement for impervious surface.
Wayne said that the Billes’ lot is a nonconforming lot of record. If it is a nonconforming lot of record and setback and lot coverage requirements can be met, it is considered buildable no matter the lot size or width. The 66% rule applies only to splitting two or more contiguous lots of record in a common ownership. To him, the variances for lot size and width “go away” and only the setback variances need to be considered. The watercourse setback is not an issue as far as he is concerned. That leaves the front yard setback, the shore setback and the side yard setback to the west. So in his mind, there are three variance requests that need to be looked at. For the shoreline, the requested variance is for 87 ft from 100 ft on sheer rock with little topsoil. It is not part of the Erosion Hazard Area of the shoreline. He feels that a variance from 100 ft to 87 ft is very reasonable. At the time the Billes purchased this lot, the side yard requirement was 20 ft. It would be possible to shift the structure such that it would comply with the original 20 ft setback, but he doesn’t think that would be a good move so consequently, he thinks the 12 ft side yard setback is reasonable too. Could they consider buying an additional few feet from their neighbor? Regarding the road setback, he said that there is screening. They could make this stronger to diminish the visual impact from the road.

John said that he was grateful to Jo for the reasoning for her motion to deny the variance requests. He said that he is uncomfortable with the 12 ft side yard setback. It’s fine for the current neighbor to say he doesn’t mind, but future owners may not be happy with a 12 ft setback. Regarding the character of the neighborhood, he said that he has walked that area for a number of years. The scale of the size of the buildings on the small lots is much smaller than the Billes’ proposed home which is about double the size of others in the area. Part of the criteria is to consider how the proposal fits with the existing neighborhood. He thinks the proposed home would be much larger than anything else in the neighborhood. He understands the Billes’ need for the size but is not sure it fits in the area. In addition, most of the public comment was against granting the variances.

Larry asked if the square footage of existing homes and cabins in the neighborhood was for just the principal structure, or do those numbers include garages.

John Schulz said that their cabin was 577 sq ft with no garage. The cabins at Dodges range from 483 sq ft to 850 sq ft and have no garages. The Ayd’s house is 950 sq ft not including the garage which is across the way.

Carol said that although she has not measured them, she feels strongly that while the cabins at Dodges may have a small footprint, the house there is way over 900 sq ft. They have had at least four people in support of granting the variances for their proposed home. She did not think that it was very honorable for others to solicit negative comments from neighbors. Also, two of the individuals commenting in opposition own one house. When considering only their immediate neighbors, there were two in support and two in opposition.

Sue said that in order to speak to all of the criteria, the Commission needed to include whether the variances would alter the essential character of the neighborhood.

Jo said that she did not address the character of the neighborhood because everyone has their own idea of what the character of a neighborhood is.

John Schifsky said that he only had his own sense of the relative sizes of homes in the area. He does not know how to be more specific and is reluctant to take others’ words for the numbers.

Dave asked what the footprint of the proposed home was, excluding the garage.

Jake said that it was 840 sq ft.

Wayne said that he believed that this lot is an integral part of what that segment of the shore is about in terms of small lot development, most of which happened before the Town had zoning. Over the years some cabins and
homes have been improved on or repaired. At some point in time, this lot had been built on. It may not be relevant because the structure burned but it is consistent with the fabric of the neighborhood.

Jo said that she felt that when looking at the general character of the neighborhood, most of the lots are lots of record and the majority of the structures on those lots are small, mostly cabins used on a part-time basis. To her, a two story house with a large footprint is not consistent. It is close to the road and is not buffered. It does not fit the character of the neighborhood.

Larry said that he looked at aerial photos from 2007 and what struck him was that from that vantage point, the character of the area is high density. He does not think that granting these variances would alter the essential character of the locality.

Jerry said that he agreed. The setbacks are an issue, but the parcels in this area are small and we are trying to apply rules to lots that were previously created.

Dave said that he does not have a problem with the proposed home fitting with the character of the neighborhood. There is a pole barn just up the road and a nice home will not impaire the character of the area.

Jo said that she addressed four of the criteria and that she stands by those. She does not feel comfortable saying that the proposed home would not be in character with the neighborhood and would like to withdraw her earlier statement that it does not meet the character of the neighborhood.

The motion was voted on and failed 4 to 2. Voting in favor: Jo Thompson and John Schifsky. Voting against: Wayne Dahlberg, Jerry Hauge, Larry Zanko and Dave Edblom.

Wayne Dahlberg made a motion that the variance requests be approved with the following conditions: 1) The green space on the highway side must be maintained and improved, and that it be put back in place after construction with visual reinforcement. 2) A turnaround must be a part of the driveway so that cars can enter the highway without backing onto it. 3) A more appropriate stormwater plan must be in place for stormwater retention, preferably using rain gardens, and it must be reviewed by the zoning administrator. 4) Because it is a nonconforming lot, the height of the building can be no more than 25 ft from the lowest grade to the ridge. The proposal is in harmony with the general intent of the Ordinance as it applies to this area. It is consistent with existing development. It is a reasonable use of the property. The circumstances are not unique to this property but are in harmony with difficulties that exist all along that portion of the shore. The lot size and width were not created by the property owner, but by 1930 subdivision.

Dave Edblom seconded.

Larry noted that it has been a voiced concern that granting these variances would be setting a precedent. Each variance request is unique and decided on its own merits and approval or denial of a variance does not establish a precedent. He said that this variance application has been the most complicated issue he has faced since he has been on the Planning Commission. Everyone here wants to do the right thing.

John Schulz asked how enforcement would work.

Sue said that enforcement is covered in Article X of the Ordinance. There are allowances for civil remedies, criminal remedies, and citations. The process would be that they would apply for a land use permit and she would make sure that the designated conditions are met. If they are not met, then enforcement is considered.

Jo asked about the driveway turnaround. Wouldn’t it increase impervious surface area to do that?
Wayne said that the current impervious surface of the proposal is 18%. The turnaround should be doable in 300 sq ft, so impervious surface should remain under 25%.

Jo said that the driveway goes right along the property line. She asked how you could put trees and screening in along there.

Wayne said that buffering could clearly not be put in along that part of the driveway. The stormwater plan protects the adjoining property. There is a storage structure with wood in it and an updated outhouse in the front yard of the adjoining property. Their living structure is totally offset from the Billes’ proposed structure. They could put in some landscaping to support the soils or some type of natural retaining wall along the driveway there. He said that it was important to follow the Ordinance regarding what vegetation can or cannot be removed.

John asked Wayne if he was comfortable with the 12 ft side yard setback. He did not address it in the conditions.

Wayne said that he was. It is one of the variances being requested.

Wayne said that the property owner across the highway is concerned that his view corridor might be taken away. By keeping the structure to the west, it will not be in his view.

The motion passed 4 to 2. Voting in favor: Wayne Dahlberg, Jerry Hauge, Larry Zanko and Dave Edbloom. Voting against: Jo Thompson and John Schifsky.

A brief recess was taken.

Mike Larson was present for to discuss a request from Abbot Apter for a conditional use for a short-term rental.

Sue said that the Township received a conditional use application for a short-term rental from Mr Apter. After reviewing the Ordinance, she determined that Mr Apter could not apply for a short-term rental for his property because the minimum lot size for a short-term rental is 2 acres and the minimum setbacks are 50 ft and his property does not meet these. But the language for these requirements was put in the Ordinance in Article VIII, Performance Standards. It should have been put in Article IX, Conditional Uses. In addition, a variance can be granted for a permitted use but not for a conditional use. She subsequently had a conversation with their attorney. He said that although short-term rentals are a conditional use, there is nothing in Article IX regarding STRs. Instead, the requirements for STRs are in Article VIII. At the beginning of this article it states “If a use requiring performance standards cannot meet the standards contained in this article, or the applicant does not wish to follow those standards, the use may then be reviewed as a conditional use or variance, and is subject to additional or alternative conditions, or denial, in accordance with the criteria found in this Ordinance.” Mr Apter’s attorney said that they should be able to apply for a conditional use for the STR as stated in this part of the Ordinance. Sue recommended that they appeal her decision to the Commission. She does not think their interpretation of the Ordinance is necessarily erroneous, but it seemed better that it be decided by the Commission.

John moved that the Commission support Mr Apter’s appeal of Sue’s decision and that the Commission hear the application for the short-term rental.

Larry seconded.

Jo asked if he would be seeking both a conditional use for a short-term rental and a variance from the required setback and 2 acre parcel size.

It was agreed that the variances would be necessary as well as the conditional use.
The motion passed unanimously.

John suggested that the area of impact extend at least from the Nokomos site on one end and the New Scenic Cafe on the other end and extend one quarter mile in from the lake along this area. The Commission agreed on this notification area.

Mike said that he would be representing Mr Apter. He said that he is from Lutsen and his company manages about 160 properties between Duluth and the Canadian border and are well-versed in the business. He is not a legal representative. They will have local people available as contacts.

The next order of business was in regards to the Beachway Motel. Sue said that the owners of the Beachway Motel want to replace units on the site.

Gus Gustofson was present representing Shirley Hildebrand and her family, owners of the Beachway Motel. He said that they would like to get permits to structurally update all of the buildings that are on the site except for the garage. There are four units. They are currently 12’3” x 14’3”. They would like to make them all 16’ x 24’. They would also like to enlarge the main building slightly and move it back a little. There is also a 1950s mobile home that they would like to remove and replace with a 28’ x 36’ building. All of the buildings will sit on insulated pads. There will be no excavation.

Sue said that the setbacks for SCO-8a are 20 ft unless they abut a zone other than commercial. The road setback is 110 ft. The lot is conforming. It is 242 ft wide and 1.9 acres. The impervious surface must be below 25% or can be up to 50% with a stormwater plan.

Gus said that the two easterly structures may not meet the 20 ft setback. He said that they could move them in. He said that the building replacing the mobile home would be an office, laundry and commons area. There are currently 6 cabins and that is all they want. The seventh structure is the mobile home. The driveway and parking area will remain the same.

Jo said that they would need land use permits for the new structures.

Sue said that the mobile home could be removed and replaced and moved in to meet the setback with a land use permit. She asked about replacing the 12’6” x 23’3” cabins with 16’ x 24’ cabins in the same place.

John asked if there are rules for space between buildings.

Sue said that if they wanted to increase the number of buildings, they might need a PUD. But they are tearing down existing structures and building slightly enlarged structures in the same place.

Jo said that in SMU-8 this is an allowed use. If they meet setbacks and impervious surface requirements, then no variance is needed.

Gus said that they are planning on having a stormwater management plan.

Sue asked if they would need a land use permit for each structure.

Wayne said that the proposal was for five different structures so he thought they would. He said that because of the lot configuration, he would like to see a site survey that shows the structures and the driveway.

Gus said that they plan to have the site surveyed. The Hildebrand family also own a lot to the north of this one that they are considering for a 10 unit senior resort.
Wayne said that the zoning there would allow them to do that.

John said that senior housing would be desirable housing for the Township.

Sue asked what the fees should be for the current project. They are rebuilding five cabins, one common area and rebuilding the motel. The Commission has agreed that they need a land use permit for each building. They will also need a land disturbance permit.

Wayne suggested that the permit for the primary structure be charged as normal, and the rest be charged as accessory structures. That was agreed upon.

Sue said that the fee for a land use permit for a commercial primary structure is $605 and commercial accessory structures are $220 each.

**Election of Officers**

Jo moved to nominate Dave for chair because he has previous experience on the Commission and on the Board. She said he did a good job on the Board.

Dave declined the nomination.

Wayne made a motion to nominate Jo for chair, saying that she has done a wonderful job as acting chair.

Jerry seconded.

The motion was approved unanimously.

Dave made a motion to nominate Wayne for vice chair; Jerry seconded.

The motion was approved unanimously.

**Director’s Report**

Sue said that there continue to be a lot of land use permit applications coming in.

She checked on the progress of the removal of the greenhouse at the pet cemetery. They have a dumpster and are in the process of dismantling the greenhouse.

Sue said that she also wrote a letter to the Billes extending the 60 day period.

**Concerns from the Audience**

None.

The findings and decision for the Bille variance hearing were completed and approved.

The meeting adjourned at 10:55.
Attachments to May 25, 2017 Planning Commission Meeting Minutes
1) May 15 letter from Chris and Joan Ayd
2) May 24 letter from Lavonne Christensen
3) Undated letter from John Schulz, Rebecca Norine and Jack Nelson
4) May 24 email from Daniel Watkins
5) May 25 email from Barbara Burke
May 15, 2017

To Whom It May Concern:

This letter is in reference to the Billie’s who are asking for several variances from the Township of Duluth to be able to build on their property between 5846 and 5848 North Shore Drive.

We have owned our property at 5860 North Shore Drive since 1999 and have enjoyed the quiet atmosphere of our small neighborhood.

We do not understand why the Billie’s keep pursuing the issue of building on their small property when they knew from the beginning that it was not a buildable lot.

If the township were to agree to this particular request we believe it would open up the idea that those who own any small piece of land up and down North Shore Drive in Duluth Township, that they, too, could build as well.

We reject the proposal of the Billie’s and do not wish to see something built on such a small lot. We would hope that the Township of Duluth Planning Commission would consider our opinion and not allow this to happen now or in the future.

The Planning Commission has rejected this in the past and we do not see why it should be granted now.

Thank you,
Chris and Joan Ayd
May 24th, 2017

To Duluth Township Planning and Zoning Commission:

Re: Variance Meeting on Thursday May 25th, 2017 (Chuck Bille variance)

Regarding: Duluth Township Ordinances:

1. Please see attached zoning regulations in regards to conforming lot size, that is posted on the Duluth Township web site.
2. Please see attached a map of the 5 Lots that Mr Bille owned before he chose to sell off a portion of his land, leaving his remaining lot in a ‘non-conforming’ status.
3. Please see the attached list of PID #’s of Individual people who own two lots in the Greenwood Cliffs Plat.
4. If the Township allows a person to sell land that creates non-conforming lots and allows a Variance for a home to be built on the lot, then in essence you are saying to all of these land owners – that they can sell and get variances to build in a non-conforming lot.
5. The question: What was the purpose of the Ordinance and zoning regulation on lot size?
6. As an aggressive real estate agent, I would be happy to notify all of the people on this list to let them know they have a right to sell their ‘extra’ lot for a little ‘extra’ cash. I can assure the new buyer that they can get a Variance to build.

Respectfully Submitted,

Lavonne Christensen

Odyssey Real Estate
### Duluth Township Zoning Ordinance - Article V: Land Use Zone Districts

**Table 5.1 Dimensional Requirements for Land Use Districts**

<table>
<thead>
<tr>
<th>Land Use District</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Minimum Road Setback</th>
<th>Minimum Lot Line Side Yard Setback</th>
<th>Minimum Lot Line Rear Yard Setback</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>FAM-1</td>
<td>35.0 Ac.</td>
<td>600'</td>
<td>2%</td>
<td>(3)</td>
<td>100'</td>
<td>100'</td>
<td>35'</td>
</tr>
<tr>
<td>FAM-2</td>
<td>17.0 Ac.</td>
<td>600'</td>
<td>2%</td>
<td>(3)</td>
<td>100'</td>
<td>100'</td>
<td>100'</td>
</tr>
<tr>
<td>FAM-3</td>
<td>9.0 Ac.</td>
<td>300'</td>
<td>5%</td>
<td>(3)</td>
<td>75'</td>
<td>75'</td>
<td>100'</td>
</tr>
<tr>
<td>MUNS-4</td>
<td>4.5 Ac.</td>
<td>300'</td>
<td>(2)</td>
<td>(3)</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
</tr>
<tr>
<td>SMU-6</td>
<td>2.0 Ac.</td>
<td>200'</td>
<td>(1)</td>
<td>(4)</td>
<td>35'</td>
<td>25'</td>
<td>45'</td>
</tr>
<tr>
<td>SMU-6A</td>
<td>(9)</td>
<td>200'</td>
<td>(1)</td>
<td>(4)</td>
<td>20'</td>
<td>20'</td>
<td>40'</td>
</tr>
<tr>
<td>SMU-8</td>
<td>1.0 Ac.</td>
<td>200'</td>
<td>(1)</td>
<td>(4)</td>
<td>20'</td>
<td>10'</td>
<td>45'</td>
</tr>
<tr>
<td>COM-3</td>
<td>0.5 Ac.</td>
<td>100'</td>
<td>(1)</td>
<td>(3)</td>
<td>(5)</td>
<td>(5)</td>
<td>(5)</td>
</tr>
<tr>
<td>SCO-8A</td>
<td>1.0 Ac.</td>
<td>200'</td>
<td>(1)</td>
<td>(4)</td>
<td>(5)</td>
<td>(5)</td>
<td>(5)</td>
</tr>
<tr>
<td>SCO-8B</td>
<td>1.0 Ac.</td>
<td>200'</td>
<td>(1)</td>
<td>(4)</td>
<td>(5)</td>
<td>(5)</td>
<td>(5)</td>
</tr>
<tr>
<td>LIU-3A</td>
<td>9.0 Ac.</td>
<td>600'</td>
<td>9%</td>
<td>(3)</td>
<td>100'</td>
<td>100'</td>
<td>100'</td>
</tr>
<tr>
<td>SLO</td>
<td>(6)</td>
<td>(8)</td>
<td>(8)</td>
<td>(8)</td>
<td>(8)</td>
<td>(8)</td>
<td>(8)</td>
</tr>
<tr>
<td>SENSO</td>
<td>(7)</td>
<td>(7)</td>
<td>(7)</td>
<td>(7)</td>
<td>(7)</td>
<td>(7)</td>
<td>(7)</td>
</tr>
</tbody>
</table>

**Notes for Table 5.1:**

1. Lot coverage by impervious surfaces shall not exceed twenty-five percent (25%). No variance shall be granted on impervious surface thresholds unless a Storm Water Management Plan is completed by a qualified, licensed engineer. However, in any case, lot coverage by impervious surface shall not exceed 50% of the total lot area. The minimum requirements of the Storm Water Management Plan are identified in Article III, Section 4, page 41.

2. Lot coverage is limited to seven percent (7%) if not in the Shore Land Overlay (SLO) or the Sensitive Area Overlay (SENSO) district. If this limit is exceeded, a Storm Water Management Plan shall be completed by a qualified, licensed engineer. In any case, the amount of impervious surfaces with a Storm Water Management Plan shall not exceed fourteen percent (14%). Minimum requirements of the Storm Water Management Plan are identified in Article III, Section 4, page 41.

3. Minimum setbacks from roads are as follows:
   - On local roads: 100' from centerline
   - On major collector roads: 150' from centerline
   - Larger setbacks are encouraged

4. Minimum setbacks from roads are as follows:
   - On local roads: 68' from centerline
   - On major collector roads: 85' from centerline
   - On major arterials: 110' from centerline
   - Larger setbacks are encouraged

5. All structures on commercially zoned property must be set back a minimum of twenty (20) feet unless they abut a district other than commercial, in which case they must be set back a minimum of fifty (50) feet from side lot lines and one-hundred (100) feet from rear lot lines.

6. Lot area is the size required by the District it overlays

7. Same as the underlying zone district

8. See Table 5.2

9. Residential uses require a minimum lot size of one (1) acre. Commercial uses require a minimum lot size of two (2) acres.
1226 Old North Shore Rd
5845 North Shore Dr
5844 North Shore Dr
5820 North Shore Dr
5856 North Shore Dr

Lots owned by Chuck Bille. He sold top lots in 2015.
### Payable 2017 Tax Summary

<table>
<thead>
<tr>
<th>Assessments</th>
<th>2017 Tax</th>
<th>Special</th>
<th>Current Tax Due:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Half Due</td>
<td>$436.00</td>
<td>$0.00</td>
<td>$226.72</td>
</tr>
<tr>
<td>2nd Half Due</td>
<td></td>
<td></td>
<td>$218.00</td>
</tr>
<tr>
<td>Delinquent Balance</td>
<td></td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td>Balance Due</td>
<td></td>
<td></td>
<td>$444.72</td>
</tr>
</tbody>
</table>

Please check balances with the Auditor’s Office before making your payment.

### Payable 2017 Tax Statement Data

<table>
<thead>
<tr>
<th>Class Code</th>
<th>Homestead Class Code</th>
<th>Estimated Land MV</th>
<th>Estimated Building MV</th>
<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>200 - Residential 2-3 units or Vacant Land</td>
<td>0 - Non Homestead</td>
<td>$31,600.00</td>
<td>$0.00</td>
<td>$31,600.00</td>
<td>$31,600.00</td>
<td>$0.00</td>
<td>$31,600.00</td>
</tr>
</tbody>
</table>

Grand Totals: $31,600.00

Data is current as of: May 24 2017 12:30AM
Pay your Property Taxes with a Credit Card
Please take note. The tax amount shown is the full year tax due. Review your property tax statement to see when tax payments are due for this parcel. Late payments require additional penalty payment.
Call (218) 726-2383 extension 2 in Duluth for actual amounts to pay or other information.

Payable 2017 Tax Statement Data

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<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>151 - Non-Comm</td>
<td>0 - Non-Homestead</td>
<td>$152,700.00</td>
<td>$20,700.00</td>
<td>$173,400.00</td>
<td>$152,700.00</td>
<td>$20,700.00</td>
<td>$173,400.00</td>
</tr>
<tr>
<td>Seasonal Residential Recreational</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$152,700.00</td>
<td>$20,700.00</td>
<td>$173,400.00</td>
<td>$152,700.00</td>
<td>$20,700.00</td>
<td>$173,400.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Payable 2017 Tax Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2017 Tax &amp; Special Assessments:</strong></td>
</tr>
<tr>
<td>1st Half Due: $0.00</td>
</tr>
<tr>
<td>2nd Half Due: $140.00</td>
</tr>
<tr>
<td>Delinquent Balance: $0.00</td>
</tr>
<tr>
<td><strong>2017 Total Tax &amp; Special:</strong> $280.00</td>
</tr>
</tbody>
</table>

Please check balances with the Auditor’s Office before making your payment.

Record Details

- **Parcel Number:** 316-0060-00640
- **Parcel Type:** RE
- **Taxpayer's Name:** GRANDIERI RICHARD G
- **Address:** 5871 NORTH SHORE DRIVE DULUTH MN 55804
- **Tax District (No. / Name):** TOWN OF DULUTH GREENWOOD
- **Plat Description:** CLIFFS TOWN OF DULUTH
- **Legal Description:** LOT: 0003 BLOCK: 004
- **Deeded Acres:** 0.00
- **Section/Township/Range:** 0 - 0.0 - 0
- **School District:** 381
- **Lake (No. / Name):** 0
- **Owner of Record:** GRANDIERI RICHARD G
- **In Tax Year (2017)**

Payable 2017 Tax Statement Data

<table>
<thead>
<tr>
<th>Class Code</th>
<th>Homestead Class Code</th>
<th>Estimated Land MV</th>
<th>Estimated Building MV</th>
<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 - Residential 1 unit</td>
<td>1 - Owner Homestead (may be partial)</td>
<td>$3,300.00</td>
<td>$19,500.00</td>
<td>$22,800.00</td>
<td>$3,300.00</td>
<td>$19,500.00</td>
<td>$22,800.00</td>
</tr>
</tbody>
</table>

**Grand Totals:** $3,300.00 | $19,500.00 | $22,800.00 | $3,300.00 | $19,500.00 | $22,800.00

Data is current as of: May 24 2017 12:30AM
Pay your Property Taxes with a Credit Card
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Payable 2017 Tax Summary

<table>
<thead>
<tr>
<th>2017 Tax &amp; Special Assessments:</th>
<th>Current Tax Due:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017 Tax: $1,917.00</td>
<td>1st Half Due: $0.00</td>
</tr>
<tr>
<td>Special: $975.00</td>
<td>2nd Half Due: $1,446.00</td>
</tr>
<tr>
<td>Assessments:</td>
<td>Delinquent Balance: $0.00</td>
</tr>
<tr>
<td>2017 Total Tax &amp; Special: $2,892.00</td>
<td>Balance Due: $1,446.00</td>
</tr>
</tbody>
</table>

Please check balances with the Auditor's Office before making your payment

Record Details

<table>
<thead>
<tr>
<th>Parcel Number: 315-0060-00650</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel Type: RE</td>
</tr>
<tr>
<td>Taxpayer's Name: GRANDIERI RICHARD G</td>
</tr>
<tr>
<td>Address: 5871 NORTH SHORE DRIVE DULUTH MN 55804</td>
</tr>
<tr>
<td>Tax District (No. / Name): TOWN OF DULUTH GREENWOOD CLIFFS TOWN OF DULUTH</td>
</tr>
<tr>
<td>Plat Description: LOT: 0004 BLOCK: 004</td>
</tr>
<tr>
<td>Legal Description: Deeded Acres: 0.00</td>
</tr>
<tr>
<td>Section/Township/Range: 0 - 0.0 - 0</td>
</tr>
<tr>
<td>School District: 381</td>
</tr>
<tr>
<td>Lake (No. / Name): 0</td>
</tr>
<tr>
<td>Owner of Record: GRANDIERI RICHARD G</td>
</tr>
<tr>
<td>In Tax Year (2017)</td>
</tr>
</tbody>
</table>

Payable 2017 Tax Statement Data

<table>
<thead>
<tr>
<th>Class Code</th>
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<th>Estimated Land MV</th>
<th>Estimated Building MV</th>
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<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 - Residential 1 unit</td>
<td>1 - Owner Homestead (may be partial)</td>
<td>$72,100.00</td>
<td>$139,300.00</td>
<td>$211,400.00</td>
<td>$68,588.00</td>
<td>$126,650.00</td>
<td>$195,238.00</td>
</tr>
<tr>
<td>Grand Totals</td>
<td></td>
<td>$72,100.00</td>
<td>$139,300.00</td>
<td>$211,400.00</td>
<td>$68,588.00</td>
<td>$126,650.00</td>
<td>$195,238.00</td>
</tr>
</tbody>
</table>

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Payable 2017 Tax Summary

<table>
<thead>
<tr>
<th>2017 Tax &amp; Special Assessments:</th>
<th>Current Tax Due:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017 Tax: $1,087.48</td>
<td>1st Half Due: $0.00</td>
</tr>
<tr>
<td>Special Assessments: $2,338.52</td>
<td>2nd Half Due: $1,713.00</td>
</tr>
<tr>
<td>2017 Total Tax &amp; Special: $3,426.00</td>
<td>Delinquent Balance: $0.00</td>
</tr>
<tr>
<td></td>
<td>Balance Due: $1,713.00</td>
</tr>
</tbody>
</table>

Please check balances with the Auditor's Office before making your payment.

Record Details

<table>
<thead>
<tr>
<th>Parcel Number: 315-0060-00370</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel Type: RE</td>
</tr>
<tr>
<td>Taxpayer's Name: NELSON LUKE E</td>
</tr>
<tr>
<td>Address: 5681 NORTH SHORE DR DULUTH MN 55804</td>
</tr>
<tr>
<td>Tax District (No. / Name): TOWN OF DULUTH GREENWOOD</td>
</tr>
<tr>
<td>Plat Description: CLIFFS TOWN OF DULUTH</td>
</tr>
<tr>
<td>Legal Description: LOT: 0010 BLOCK: 002 Lot: 0010 Block: 002 Deeded Acres: 0.00 Section/Township/Range: 0 - 0 - 0 School District: 361 Lake (No. / Name): 0 Owner of Record: NELSON LUKE E In Tax Year (2017) 5681 NORTH SHORE DR DULUTH MN 55804</td>
</tr>
</tbody>
</table>

Payable 2017 Tax Statement Data

<table>
<thead>
<tr>
<th>Class Code</th>
<th>Homestead Class Code</th>
<th>Estimated Land MV</th>
<th>Estimated Building MV</th>
<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 - Residential 1 unit 0 - Non Homestead</td>
<td>$69,800.00</td>
<td>$27,100.00</td>
<td>$96,900.00</td>
<td>$96,900.00</td>
<td>$27,100.00</td>
<td>$96,900.00</td>
<td></td>
</tr>
</tbody>
</table>

Grand Totals

$69,800.00 | $27,100.00 | $96,900.00 | $96,900.00 | $27,100.00 | $96,900.00 |

Data is current as of: May 24 2017 12:30AM

**Payable 2017 Tax Statement**

**Record Details**
- **Parcel Number:** 315-0060-00215
- **Parcel Type:** RE
- **Taxpayer's Name:** NELSON LURE E
- **Address:** 5881 NORTH SHORE DR
  DULUTH MN 55804

**Tax District (No. / Name):** TOWN OF DULUTH

**Plat Description:** GREENWOOD CLIFFS TOWN OF DULUTH

**Legal Description:** E 20 FT EX HWY RT OF
  Lot: 0021 Block: 001
  Deeded Acres: 0.00
  Section/Township/Range: 0 - 0.0 - 0
  School District: 381
  Lake (No. / Name): 16000100 SUPERIOR
  Owner of Record: NELSON LURE E
  In Tax Year (2017) 5881 NORTH SHORE DR
  DULUTH MN 55804

**Payable 2017 Tax Statement Data**

<table>
<thead>
<tr>
<th>Class Code</th>
<th>Homestead Class Code</th>
<th>Estimated Land MV</th>
<th>Estimated Building MV</th>
<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 - Residential 1 unit</td>
<td>8 - Non Homestead</td>
<td>$16,300.00</td>
<td>$0.00</td>
<td>$16,300.00</td>
<td>$16,300.00</td>
<td>$0.00</td>
<td>$16,300.00</td>
</tr>
</tbody>
</table>

**Total**

- **2017 Tax & Special Assessments:** $182.00
- **2017 Total Tax & Special:** $182.00

**Current Tax Due:**
- **1st Half Due:** $0.00
- **2nd Half Due:** $91.00
- **Balance Due:** $91.00

Please check balances with the Auditor's Office before making your payment.

**Data is current as of:** May 25 2017 12:35AM
Pay your Property Taxes with a Credit Card
Please take note: The tax amount shown is the full year tax due. Review your property tax statement to see when tax payments are due for this parcel. Late payments require additional penalty payment.
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Tax District (No./Name): TOWN OF DULUTH
Pitl Description: GREENWOOD CLIFFS TOWN OF DULUTH
Legal Description: W/LY 15 FT OF LOT 19 & LOT 20 EX HWY NW
Lot: 0000 Block: 001
Deeded Acres: 0.00
Section/Township/Range: 0 - 0.0 - 0
School District: 301
Lake (No./Name): 16000100 SUPERIOR
Owner of Record: ROLANDO THOMAS
In Tax Year (2017)

<table>
<thead>
<tr>
<th>Payable 2017 Tax Statement Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Code</td>
</tr>
<tr>
<td>---------------------------</td>
</tr>
<tr>
<td>201 - Residential</td>
</tr>
<tr>
<td>Grand Totals</td>
</tr>
</tbody>
</table>

Please check balances with the Auditor's Office before making your payment.

Data is current as of: May 25 2017 12:35AM
Payable 2017 Tax Statement Data

<table>
<thead>
<tr>
<th>Class Code</th>
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<th>Estimated Land MV</th>
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<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 - Residential 1 unit</td>
<td>0 - Non Homestead</td>
<td>$73,000.00</td>
<td>$2,000.00</td>
<td>$75,000.00</td>
<td>$73,000.00</td>
<td>$2,000.00</td>
<td>$75,000.00</td>
</tr>
<tr>
<td>Grand Total</td>
<td></td>
<td>$73,000.00</td>
<td>$2,000.00</td>
<td>$75,000.00</td>
<td>$73,000.00</td>
<td>$2,000.00</td>
<td>$75,000.00</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>2017 Tax &amp; Special Assessments:</th>
<th>Current Tax Due:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Half Due:</td>
<td>$0.00</td>
</tr>
<tr>
<td>2017 Tax:</td>
<td>$852.00</td>
</tr>
<tr>
<td>2nd Half Due:</td>
<td>$426.00</td>
</tr>
<tr>
<td>Special Assessments:</td>
<td>$0.00</td>
</tr>
<tr>
<td>Delinquent Balance:</td>
<td>$0.00</td>
</tr>
<tr>
<td>2017 Total Tax &amp; Special:</td>
<td>$852.00</td>
</tr>
<tr>
<td>Balance Due:</td>
<td>$426.00</td>
</tr>
</tbody>
</table>

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Record Details

Parcel Number: 315-0050-00210
Parcel Type: RE

Taxpayer's Name: ROLANDO THOMAS
Address: 8683 QUINWOOD LANE N
MAPLE GROVE MN 55369

Tax District (No. / Name): TOWN OF DULUTH
Plat Description: GREENWOOD CLIFFS TOWN OF DULUTH
Legal Description: LOT 21 EX ELY 20 FT & LOT 22 EX HWY RW
Lot: 0000 Block: 001
Deeded Acres: 0.00
Section/Township/Range: 6 - 60 - 0
School District: 381
Lake (No. / Name): 0
Owner of Record: ROLANDO THOMAS
In Tax Year (2017)

Data is current as of: May 25 2017 12:35AM
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<table>
<thead>
<tr>
<th>Reprint 2017 Tax Statement</th>
<th>Pay Taxes</th>
<th>View On Map</th>
</tr>
</thead>
</table>

### Payable 2017 Tax Summary

<table>
<thead>
<tr>
<th>2017 Tax &amp; Special Assessments:</th>
<th>Current Tax Due:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Half Due:</td>
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<tr>
<td>2nd Half Due:</td>
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<tr>
<td>Special Assessments:</td>
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Please check balances with the Auditor’s Office before making your payment.

### Payable 2017 Tax Statement Data

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<thead>
<tr>
<th>Class Code</th>
<th>Homestead Class Code</th>
<th>Estimated Land MV</th>
<th>Estimated Building MV</th>
<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>151 - Non-Comm Seasonal Residential Recreational</td>
<td>0 - Non Homestead</td>
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**Grand Totals**

<table>
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<th>Estimated Building MV</th>
<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
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</table>

**Data is current as of: May 25 2017 12:35AM**
Pay your Property Taxes with a Credit Card
Please take note: The tax amount shown is the full year tax due. Review your property tax statement to see when tax payments are due for this parcel. Late payments require additional penalty payment. Call (218) 726-2383 extension 2 in Duluth for actual amounts to pay or other information.

Reprint 2017 Tax Statement
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<table>
<thead>
<tr>
<th>2017 Tax &amp; Special Assessments:</th>
<th>Current Tax Due:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Half Due:</td>
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<tr>
<td>2nd Half Due:</td>
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<td>Balance Due:</td>
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</table>

Please check balances with the Auditor's Office before making your payment.

Record Details
Parcel Number: 315-0060-00150
Parcel Type: RE

Taxpayer's Name: FOLIN PAUL E
Address: 2998 PELICAN POINT CIRCLE
MOUND MN 55364

Tax District (No. / Name): TOWN OF DULUTH
Plat Description: GREENWOOD CLIFFS TOWN OF DULUTH
Legal Description: W1/2 Y 37 FT OF LOT 15 & ALL OF LOT 16
Lot: 0000 Block: 001
Deeded Acres: 0.00
Section/Township/Range: 0 - 0 - 0
School District: 381
Lake (No. / Name): 60000100 SUPERIOR
Owner of Record: FOLIN PAUL E
In Tax Year (2017)

Payable 2017 Tax Statement Data

<table>
<thead>
<tr>
<th>Class Code</th>
<th>Homestead Class Code</th>
<th>Estimated Land MV</th>
<th>Estimated Building MV</th>
<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
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<th>Total Taxable MV</th>
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<tbody>
<tr>
<td>151 - Non-Corn Seasonal Residential Recreational</td>
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</tbody>
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Grand Totals

150 Acres

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<table>
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<tr>
<td>2017 Tax &amp; Special Assessments:</td>
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<tr>
<td>2017 Tax: $38.00</td>
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<td>2017 Total Tax &amp; Special: $38.00</td>
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Please check balances with the Auditor's Office before making your payment.

Record Details
Parcel Number: 315-0060-00670
Parcel Type: RE
Ownership: BLAHUT CRAIG L & TAMIRA L
Address: 6998 75TH ST NW
MAPLE LAKE MN 55358

Payable 2017 Tax Statement Data

<table>
<thead>
<tr>
<th>Class Code</th>
<th>Homestead Class Code</th>
<th>Estimated Land MV</th>
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<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 - Residential</td>
<td>1 - Owner Homestead (may be partial)</td>
<td>$3,300.00</td>
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<td>$0.00</td>
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Grand Totals

$3,300.00 $0.00 $3,300.00 $3,300.00 $0.00 $3,300.00

Tax District (No. / Name): TOWN OF DULUTH
Plat Description: GREENWOOD CLIFFS TOWN OF DULUTH
Legal Description: LOT: 0006 BLOCK:004
Lot: 0006 Block: 004
Deeded Acres: 0.00
Section/Township/Range: 0 - 0.0 - 0
School District: 381
Lake (No. / Name): 0
Owner of Record: BLAHUT CRAIG L & BLAHUT TAMIRA L
In Tax Year (2017) 6998 75TH ST NW
MAPLE LAKE MN 55358

Data is current as of: May 25 2017 12:35AM

Return to Search Results
Pay your Property Taxes with a Credit Card
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<tbody>
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Please check balances with the Auditor's Office before making your payment.

Record Details
Parcel Number: 315-0060-00500
Parcel Type: RE
Taxpayer's Name: BLAHUT CRAIG L & TAMRA L
Address: 6668 75TH ST NW
MAPLE LAKE MN 55358

Tax District (No. / Name): TOWN OF DULUTH
Plat Description: GREENWOOD CLIFFS TOWN OF DULUTH
Legal Description: LOT: 0007 BLOCK:003
Lot: 0007 Block: 003
Deeded Acres: 0.00
Section/Township/Range: 0 - 0.0 - 0
School District: 361
Lake (No. / Name): 1600100 SUPERIOR
Owner of Record: BLAHUT CRAIG L & BLAHUT TAMRA L
In Tax Year (2017) 6668 75TH ST NW
MAPLE LAKE MN 55358

Payable 2017 Tax Statement Data

<table>
<thead>
<tr>
<th>Class Code</th>
<th>Homestead Class Code</th>
<th>Estimated Land MV</th>
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<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 - Residential 1 unit</td>
<td>1 - Owner Homestead (may be partial)</td>
<td>$147,700.00</td>
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<td>$143,807.00</td>
<td>$165,325.00</td>
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Grand Totals
$147,700.00 $169,800.00 $317,500.00 $143,807.00 $165,325.00 $309,132.00

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<tbody>
<tr>
<td>1st Half Due: $0.00</td>
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<tr>
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</tr>
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<tr>
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</table>

Please check balances with the Auditor's Office before making your payment.

Record Details
Parcel Number: 315-0060-00660
Parcel Type: RE

Taxpayer's Name: AMIDON MIKE
Address: 1966 BENSON AVE
ST PAUL, MN 55116

Tax District (No. / Name): TOWN OF DULUTH
Plat Description: GREENWOOD CLIFFS TOWN OF DULUTH
Legal Description: LOT: 6005 BLOCK:004
Lot: 0005 Block: 004
Deeded Acres: 0.00
Section/Township/Range: 0 - 0.0 - 0
School District: 381
Lake (No. / Name): 0
Owner of Record: AMIDON MICHAEL, P & AMIDON REBECCA & DETIEMERI CAROL M & DETIEMERI RICHAR J
In Tax Year (2017)

Payable 2017 Tax Statement Data

<table>
<thead>
<tr>
<th>Class Code</th>
<th>Homestead Class Code</th>
<th>Estimated Land MV</th>
<th>Estimated Building MV</th>
<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
<th>Taxable Building MV</th>
<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 - Residential 1 unit</td>
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<td>$3,400.00</td>
<td>$600.00</td>
<td>$4,000.00</td>
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<td>$600.00</td>
<td>$4,000.00</td>
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38 ACRES

Data is current as of: May 25 2017 12:35AM
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<td>2017 Tax:</td>
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<tr>
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<td>Special Assessments:</td>
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<td>Balance Due:</td>
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Please check balances with the Auditor's Office before making your payment.

Record Details
Parcel Number: 315-0060-00490
Taxpayer's Name: AMIDON MIKE
Address: 1666 BENSON AVE
ST PAUL MN 55116

Parcel Type: RE

Payable 2017 Tax Statement Data

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<th>Class Code</th>
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<th>Estimated Land MV</th>
<th>Estimated Building MV</th>
<th>Total Estimated MV</th>
<th>Taxable Land MV</th>
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<th>Total Taxable MV</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 - Residential 1 unit</td>
<td>0 - Non Homestead</td>
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Grand Totals: $137,000.00 $44,600.00 $182,500.00 $137,000.00 $44,600.00 $182,500.00

Tax District (No. / Name): TOWN OF DULUTH
Plat Description: GREENWOOD CLIFFS TOWN OF DULUTH
Legal Description: LOT: 0006 BLOCK: 003
Lot: 0006 Block: 003

Deeded Acres: 0.00
Section/Township/Range: 0 - 0.0 - 0
School District: 361
Lake (No. / Name): 16000100 SUPERIOR
Owner of Record: AMIDON MICHAEL P & AMIDON REBECCA & DETHMERS CAROL M & DETHMERS RICHAR J
In Tax Year (2017)

Data is current as of: May 25 2017 12:35AM
Planning and Zoning Commission Members:

We do not favor granting the variances proposed by the Bille’s in their variance proposal, not simply because it is a personal inconvenience, but rather we view it as detrimental to the long term vision of the township.

The variances are not in harmony with the general purpose and intent of the Duluth Township Zoning Ordinance or Comprehensive plan.

1. The Bille property is located in the Shoreland Overlay (SLO) District, as described in the Duluth Township Zoning Ordinance, the SLO district is “intended to protect the soils and water quality associated with ... unclassified established watercourses, and the lake Superior shoreline. Where the SLO standards conflict with the standards for the underlying zoning district, the more restrictive of the standards apply”. The Bille’s are requesting two variance (water setback and shoreline setback) that directly conflict with the purpose of the SLO District. The property falls under the jurisdiction of the Duluth Township and the North Shore Management plan, a plan conceived to protect the lake.

2. The Bille property is located in an SMU-6 district. As described in the Duluth Township Zoning Ordinance, “the intent of the SMU-6 District is to provide residential and mixed uses consistent with the recreational and natural abilities of Lake Superior, on a suburban scale lot size.” The Bille’s is a non-conforming lot of record and is clearly not suburban scale.

3. If this property was a conforming lot, we would have no problem with the Bille’s constructing a home on that property. However, the Bille’s proposal is so inconsistent with the zoning regulation that they are requesting SIX variances. The home would be squeezed into the property and be detrimental to its neighbors.

4. The property is not consistent with the Comprehensive Plan. The Comprehensive Plan specifically provides for a strategy of maintaining restrictions on substandard size lots as defined in current zoning (Duluth Township Comprehensive Plan 5.4 Regulation 6 Maintain Restrictions on substandard lots as defined in current zoning ordinance”)

5. The Comprehensive Plan touted how past planning and zoning has encouraged “the preservation of large front yard setbacks where space permits” – clearly not the case in this lot.

6. Both the Comprehensive Plan and the Zoning Ordinance promote the consistent enforcement of laws and ordinances. Does granting six variances for a non-conforming lot create an unwanted past practice that would be used for future variance requests? Will owners of land with two acres be able to divide the property into .5 acre lots because of the precedent established if this Variance Application is allowed?

7. The shoreline development surrounding the Bille’s property consist of seasonal cabins that have been grandfathered in. The sizes range from 577 square feet to 950 square feet. The Township has made a conscious decision to restrict this type of development in the future.

8. The Comprehensive Plan discourages development “that puts at risk the carrying capacity of land or watershed.” A 1400 square foot house on .3 acres puts at risk the carrying capacity of the land and watershed. In fact, without modifications to the plan presented in the Variance Application, the
watershed would endanger property to the east of the property with increased run off due to the elevation of the Bille property and non-mitigation of the drainage ditch to the east.

9. The Comprehensive Plan and the Zoning Ordinance were developed in conjunction with the North Shore Management Plan. It is notable that the North Shore Management Plan provides (1) new residential development along the shoreline should be designed in order to preserve natural features and minimize impacts (NSMP 6.1): and (2) Structures on the water should not negatively impact adjacent properties (NSMP 6.1). The Bille’s proposed development is inconstant with these two objectives. A 1400 square foot structure would take up close to 10% of the available space and its construction would ruin natural features with removal of trees and grass. Further, as noted above, neighbors risk increase run off according to the Variance Proposal presented (Exhibit B – Storm Water Management Plan) and property values would drop. (Per real estate estimates).

10. The North Shore Management Plan also establishes lot widths of 200 feet for shoreline lots (NSMP 6.3 Section 3.2.4 Lot Area and Width Standards. “All riparian lots must be a minimum of 200 feet in width”), something that should not be ignored.

Practical Difficulties. The plight of the property owner was created BY the property owner.

1. The plight of the Bille’s is not due to circumstances unique to the property and was created by the Bille’s as they purchased the property as a non-conforming lot

   “other witnesses at the December 14, 1992 hearing said that Mr. Bille had previously testified that he was aware of the denial of Watson’s request for a variance prior to purchasing the Watson’s property…It is the view of the Board that Mr. Bille either knew or at least should have known about the restrictions prior to the time he purchased the property. (Decision, Board of Adjustment Town of Duluth, January 1993)

2. The Bille’s knew they would need a variance to construct a home on the lot and yet sold the home that they owned adjacent to the property without first obtaining a variance.

3. Constructing a home on the property is not the only feasible use. The property provides access to Lake Superior. The Bille’s have utilized the property in the past without a home, by camping on it and sheltering their boat, and can continue to access Lake Superior from the property.

4. This is the fourth time a variance has been sought for this property and the Township has denied all requests.

We respectfully ask that the Bille Variance Application be denied.

John Schulz
Rebecca Norine
John (Jack) Nelson

JB & B North Shore Drive
GREETINGS TO THE DULUTH TOWNSHIP ZONING AND PLANNING COMMISSION:

I am writing to restate my view opposing the request by Mr. Chuck Bille for six variances to his property on North Shore Drive—a follow up to the discussion of the commission meeting that took place on April 27.

Speaking from my view as a private citizen and neighbor directly across the street the house proposed would directly block what is currently a lake view. When purchasing the home at 5849 North Shore Drive I was told the Bille lot was non-conforming and therefore not build-able. And that a variance had been turned down three times previous plus once on appeal. Its a bit puzzling why the commission and neighbors are even having to revisit this topic. I was told by the person requesting the variance that the new house would not block the view from the house across the street at 5849 North Shore Drive. It will most definitely block the entire view as the plan shows it takes up nearly the entire lot. It just feels wrong that a house is even being considered when it will require a shoe horn to squeeze it onto such a small space. I was also told by Mr. Bille when considering making the purchase of the house that his plan had changed he would not be retiring to the area....this is why he was selling the house at 5849. In a sense then, he has created more of a hardship by selling his house that had a lake view directly across the street from the vacant lot he owned that enabled the view and lake access. It's also my opinion my property will lose value as the lake view will no longer be a feature.

Speaking from more of a public view point one has to wonder what kind of precedence this will set for other property owners with lots in non-compliance. This is not a grand-fathered in situation and if this lot with .38 acres of the mandatory two acres and requiring six variances becomes build-able who knows how many others will look to build on a micro space.

I implore the board to please act logically and responsibly and with an eye to the future.
Best regards--Daniel Watkins

Daniel Watkins  
Managing Agent  
Dodges Log Lodges  
O: 218-525-4088  
C: 218-404-0537
To Whom It May Concern:

Re: Bille Request For Variances

My name is Barbara Burke and I reside at 5862 North Shore Drive with my husband, Bill Allen. I would like to provide input to the Planning Commission and Township Council regarding Mr. Bille's latest request for variances for his property on shore of Lake Superior.

Essentially, it appears to me that Mr. Bille is making the same arguments he has made before. He has stated that a prior structure existed on this structure but that it burned. He is not clear about the nature or size of the structure that burned down... i.e., was it a fishing shack like down on Stoney Point. It isn't logical that it was a house because the house for the property is across the street, which Mr. Bille owned but which he sold a year or so ago.

Regarding a rebuttal and/or request for the council to deny this and future variance requests to build a home on this property, I think the following arguments should be legitimately considered:

1. Grandfather Clause: There is no existing building on this property to be grand-fathered in, like there was at 5860, 5862 and 5864 North Shore Drive. Mr. Bille is not clear about the nature or size of the structure that burned down... i.e., was it a fishing shack like down on Stoney Point? Was it a shed or a patio for picnics? It isn't logical that any prior structure was a house because the house for the property is across the street.

2. Reasonableness: The number and extent of the variance requests far exceeds those granted in other cases, as demonstrated by the over-all percentages of the property which would be considered to be under variance.

3. Precedence: The Township Council has carefully reviewed and rejected two prior requests for variances for this same property by this same property owner. Nothing has changed. The Council cannot legitimately deny any future variance requests if they change their mind on this variance request.

4. Owner's Plight: The Applicant was well aware of the council's prior denials for this same variance request when he sold his home which was directly across the road from the small plot of land under discussion. Nothing has changed. He is just refusing to accept the Council's decision which is based on law.

5. Use: Natural habitat is a valid use for this property and it is the only ecologically sound use for this property.

Therefore, there are no grounds for the Council to accept this third request for a variance to build
on this small plot of land. The Council must, once again, deny this and any future requests to build on this land.

Thank you for consideration of these comments.

Barbara Burke

Barbara S. Burke
5862 North Shore Drive
Duluth, MN 55804
218/525-3939
218/269-5530 (cell)