

# TOWN OF DULUTH

Special Meeting of Town Board of Supervisors

Purpose: Variance Appeal Hearing

September 7, 2017

**Applicants:** Charles Bille and Carol Danielson-Bille

**Appellants:** John L. Shulz (John Bray, Maki & Overom), Rebecca Norine (John Bray, Maki & Overom), Jack Nelson and Dan Watkins

**Location:** Duluth Town Hall, 6092 Homestead Drive, Duluth, Minnesota

**Time:** 6:00 p.m.

**Town Board Members Present:** Dave Mount, Barbara Crow, Rolf Carlson, Travis Stolp, Corlis West (Scott Witty, Hanft Fride)

**Procedure:**

- Chairman Mount made introductory remarks and explained process
- Planning Director Sue Lawson explained findings and conclusions of Planning and Zoning Commission; listed statutory criteria for variances
- Town Attorney commented briefly on variance criteria
- Appellant's attorney presented grievances with Planning and Zoning Commission's findings and grant of variance
- Applicant responded in support of Planning and Zoning Commission's findings and grant of variance
- Members of the public provided comments in support and opposition of variance
- Board discussed facts and statutory criteria and asked questions of attendees

**Decision:** Upon Motion, made by Supervisor Stolp and seconded by Supervisor Carlson, the Town Board of Supervisors denied the appeal of the Planning and Zoning Commission's grant of the Bille Variance, thereby affirming the Planning and Zoning Commission's grant of the Variance Application, with the conditions approved by the Planning and Zoning Commission, for the reasons stated below.

**Basis for Decision:**

The motion passed by the Board of Supervisors was as follows: the Planning and Zoning Commission's decision to approve the Bille Variance Requests be affirmed based on the Planning and Zoning Commission's findings and conclusions that the Variance Requests are consistent with the Comprehensive Plan, in harmony with the general purposes and intent of the Zoning Ordinance, allow a reasonable use in a manner not permitted by the Ordinance, the plight of the landowner was due to the unique circumstances of the property not caused by the landowner, and the variance would not alter the essential character of the locality.

The reasons for rejecting the appeal of the Planning and Zoning Commission's decision are the following:

The variances are in harmony with the general purposes and intent of the ordinance because they allow a home similar in size and shape to those surrounding it. This encourages an appropriate use of the property and maintains rural residential nature area in a way that reasonably protects the natural resources of the area.

The variances are consistent with the Comprehensive Land Use Plan because it permits housing consistent and similar to the neighboring residences, maintains the rural residential nature of the locality and is consistent with sustainable development in the north shore corridor of the Town.

The applicant sought to use the property in a reasonable use not permitted by the Ordinance. A residential home on that parcel is reasonable use of the property, much like many of the neighboring properties. The home proposed can only be built with the requested variances.

The plight of the property owner is due to unique dimensions of the property, a non-conformity existing at the time the property was purchased by the applicant. For that reason, the plight of the landowner was not created by the landowner.

The variances will not alter the essential character of the locality as there are similarly-sized residences on small lots along the north shore corridor in the Town. The home proposed by the applicants will not substantially alter the view of the lake from the highway or the neighboring properties.

In reviewing the Planning and Zoning Commission's determination, the Board found the Commission properly applied the criteria in the Ordinance to the application and properly granted the requested variances with reasonable and appropriate conditions. The Board concluded that the Planning and Zoning Commission's findings of fact supported its decision. The Comprehensive Plan and Ordinance were discussed at length, and the Board believes the variances are consistent with same.



Dave Mount, Chairman of Town Board of Supervisors

Attested by:



Ann Cox  
Clerk, Town of Duluth