

CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS

Agenda
August 10, 2026
5:00 PM
Large Conference Room

1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

3A. May 12, 2026 regular meeting.

4. PUBLIC DISCUSSION – Public comment on any item not otherwise listed on the agenda.

5. PUBLIC HEARING

5A. An application by Christopher Dixon for a Variance associated with an addition to the existing residential structure. The variance request is for a 1.3 foot reduction to the 10 foot wide minimum side yard setback. The property is located at 4271 Lavaque Road and is located in a R-3, Residential zoning district

6. CONTINUING BUSINESS

7. NEW BUSINESS

8. COMMUNICATIONS

9. COMMISSION MEMBER REPORTS

Cyndy Reno –
Gerald Wallace –
Michael Boese –
James Nelson –
Chris Kibler –
Brian LeBlanc –

ADJOURN

CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS
May 12, 2026 Meeting Summary
5:00 PM

1. ROLL CALL

Members Present: Cyndy Reno; Michael Boese; and Chris Kibler;

Members Absent: Gerald Wallace; James Nelson & Brian LeBlanc

Others Present: Eric Johnson, Community Development Director; Daniel Miller 5400 Miller Trunk Hwy.; and Jeffry Miller, 5400 Miller Trunk Hwy.

2. APPROVAL OF AGENDA

Motion made by Cyndy Reno to approve the May 12, 2026 agenda as presented. Seconded by Chris Kibler. Motion carried 3-0.

3. APPROVAL OF MINUTES

Motion made by Cyndy Reno to approve the March 18, 2026 minutes as presented. Seconded by Chris Kibler. Motion carried 3-0.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

5A. An application by Dan and Jeff Miller for a Variance associated with the construction of a 16,200 square foot office/contractor shop. The variance request is for a 66,000 square foot gravel parking lot for storage of outdoor equipment and vehicles. The property is located at 5400 Miller Trunk Highway and is located in a C-1, Office/Light Industrial zoning district.

Eric Johnson, presented the application of Dan and Jeff Miller (“Applicants”). Applicants own multiple parcels associated with Sunbelt Rentals along Miller Trunk Highway. In April 2025, the Applicants received approval for a Conditional Interim Development Permit (CIDP) and Variance related to the construction of a 32,580-square-foot multi-tenant office/contractor shop building, along with associated parking and site improvements.

Since receiving approval, the Applicants have been in discussions with prospective tenants and are currently negotiating a lease with a truck and equipment sales, service, and repair business. Because the proposed tenant only requires approximately 16,200 square feet of building space, the Applicants are requesting a modification to the previously approved variance to increase the approved gravel surface area from 33,000 square feet to 66,000 square feet.

The expanded gravel area would accommodate the future Phase 2 portion of the development, including an additional 16,200 square feet of building area and approximately 16,000 square feet of associated drive and parking surfaces.

The project proposes to maintain the previously approved stormwater treatment and detention pond located in the southern portion of the property adjacent to the outdoor storage area. The revised building plan consists of a 2,250-square-foot office area and a 90-foot by 155-foot (13,950-square-foot) shop/service bay area.

The proposed outdoor storage area will total approximately 66,000 square feet and will utilize a gravel surface. The Applicants are requesting a variance to allow the expanded gravel surface due to the nature of the heavy vehicles and equipment operating within the area. The outdoor storage area will also be enclosed with fencing.

Motion made by Chris Kibler to approve the application of Dan and Jeff Miller for a Variance associated with the construction of a 16,200 square foot office/contractor shop. The variance request is for a 66,000 square foot gravel parking lot for storage of outdoor equipment and vehicles. The property is located at 5400 Miller Trunk Highway and is located in a C-1, Office/Light Industrial zoning district. Seconded by Cyndy Reno. Motion carried. 3-0.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Cyndy Reno – None
Michael Boese – None
Gerald Wallace – Absent
James Nelson – Absent
Chris Kibler – None
Brian LeBlanc – Absent

ADJOURN

Motion made by Cyndy Reno to adjourn the meeting. Seconded by Chris Kibler. Motion carried 3-0. Meeting adjourned at 5:11 pm.

Officiated by:

Transcribed by:

Michael Boese, Chair

Mary Melde, Administrative Assistant

5A. 4271 Lavaque Road – Variance from side yard setback

Applicant: Christopher Dixon

Case No.: 2026-37 VAR

Staff Contact: Eric Johnson, Community Development Director

Request: Request for a reduction of the side yard setback requirements of Section 515.04 of the Hermantown Zoning Ordinance in a R-3, Residential zoning district

RECOMMENDED ACTION:

Consideration of a variance request for a reduction of the side yard setback associated with Section 515.04 of the Hermantown Zoning Ordinance in a R-3, Residential zoning district

DESCRIPTION OF REQUEST:

Christopher Dixon (Applicant) requests a variance for the side yard setback associated with an addition to an existing residential structure in an R-3 Residential zone.

SITE INFORMATION:

Parcel Size: +/- 0.71 acres
Legal Access: 4271 Lavaque Road
Wetlands: None per wetland delineation
Existing Zoning: R-3, Residential
Airport Overlay: N/A
Shoreland Overlay: N/A
Comprehensive Plan: Residential

BACKGROUND

The Applicant is seeking to construct an addition to the existing residential structure on the property. The original property was approximately 4.7 acres in size and was subdivided in 2025 in order to create a flag lot of approximately 4 acres from the southern and western portion of the original parcel.

The proposed addition is 10' x 10' and is located on the south portion of the existing structure. Currently, there is an existing 18.7' side yard and with the proposed addition, would reduce the side yard setback to 8.7 feet, with the Applicant requesting a 1.3' variance from the required 10' side yard setback.

ZONING ANALYSIS

Single-family dwellings are permitted in the R-3 – Residential Zoning District. There are specific requirements regarding lot size, setbacks and lot coverage in the zoning district. The proposed project will require a variance from the minimum side yard setback dimensions associated with the construction of a 10' x 10' addition.

Table 1. R-3 Requirements	Requirement	Provided
Minimum lot area	0.5 acre	+/-0.71 acres
Minimum lot width	100 feet	120 feet
Minimum depth of front yard	50 feet	+/- 27 feet
Minimum side yard	10 feet	8.5 feet minimum
Minimum rear yard	40 feet	+/- 200 feet
Maximum lot coverage	35%	7.9%

Utilities

There are existing water and sanitary sewer services in the Lavaque Road right of way. The existing home is attached to City services.

Lot Size and Setbacks

The Applicant is proposing a side yard setback which is less than the minimums associated with a single-family structure in a R-3, Residential zoning district. The Applicant is required to obtain a variance from the minimum standards in order to construct an addition on the property.

Wetlands

A wetland delineation was conducted at the overall property in 2025. The delineation did not identify any wetlands on the subject property.

General Variance Requirements

Variance applications are considered by the Board of Appeals and can be appealed to the City Council by either an aggrieved applicant or by other citizens of the City who may be in opposition to the Board of Appeals action.

A variance is requested from Section 515.04 – R-3, Residential of the Hermantown Zoning Regulations. Section 515.04 of the Hermantown Zoning Ordinance addresses minimum lot size and building setbacks in a R-3, Residential zoning district for a single- family structure.

Justification and Mitigation

1. (Justification) The Hermantown zoning ordinance requires that single-family structures meet minimum lot size and setbacks.

(Mitigation) The proposed addition is adjacent to the driveway portion of the lot located to the south the proposed property.

Per Section 615 – Governing Criteria, Variances of the Hermantown Zoning Regulations variances may only be permitted when all of the following criteria are satisfied:

1. The variance is in harmony with the general purposes and intent of the Hermantown zoning code.
The purpose of the lot size and setback is to provide adequate buffers from adjacent single-family residential structures. The proposed addition is adjacent to the driveway portion of the lot located to the south the proposed property.

The minimum side yard setbacks for single-family structures is 10 feet total. The proposed plan is for a reduction of 1.3 feet, which is 13% smaller than the required for single-family homes.

2. The variance is consistent with the Comprehensive Plan.
The proposed use of the property is consistent with the Comprehensive Plan in that it 'Land guided for single-unit detached dwellings, two-unit dwellings and accessory dwelling units connected to urban services with a maximum density of four units per net acre (minimum lot size of ¼ acre).
3. There are practical difficulties in complying with the Hermantown zoning code.
 - a. Property owner proposes to use the property in a reasonable manner permitted by the Hermantown Zoning Code.
The proposed addition to a single-family dwelling is similar to other existing uses in the zoning district and vicinity.
 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
The creation of the flag lot to the south from the original parcel restricts the size of an addition to the structure in order to maintain the side yard setback. The property owner of the flag lot has given his concurrence to the proposed variance request of the reduction to the side yard setback however.
 - c. The variance, if granted will not alter the essential character of the locality.
The proposed use is similar in use (residential) and intensity to other existing uses in the zoning district.

Findings of Fact and Recommendations

Staff recommends approval of the variance application to reduce the side yard setback associated with a single-family dwelling in a R-3, Residential zoned property, subject to the following:

1. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the building addition relative to the side lot line.
2. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
3. Prior to issuance of a building permit, all necessary permits shall be obtained.
4. The applicant shall sign a consent form assenting to all conditions of this approval.

5. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

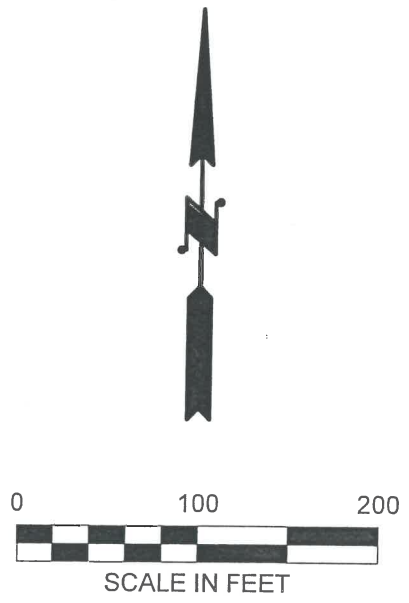
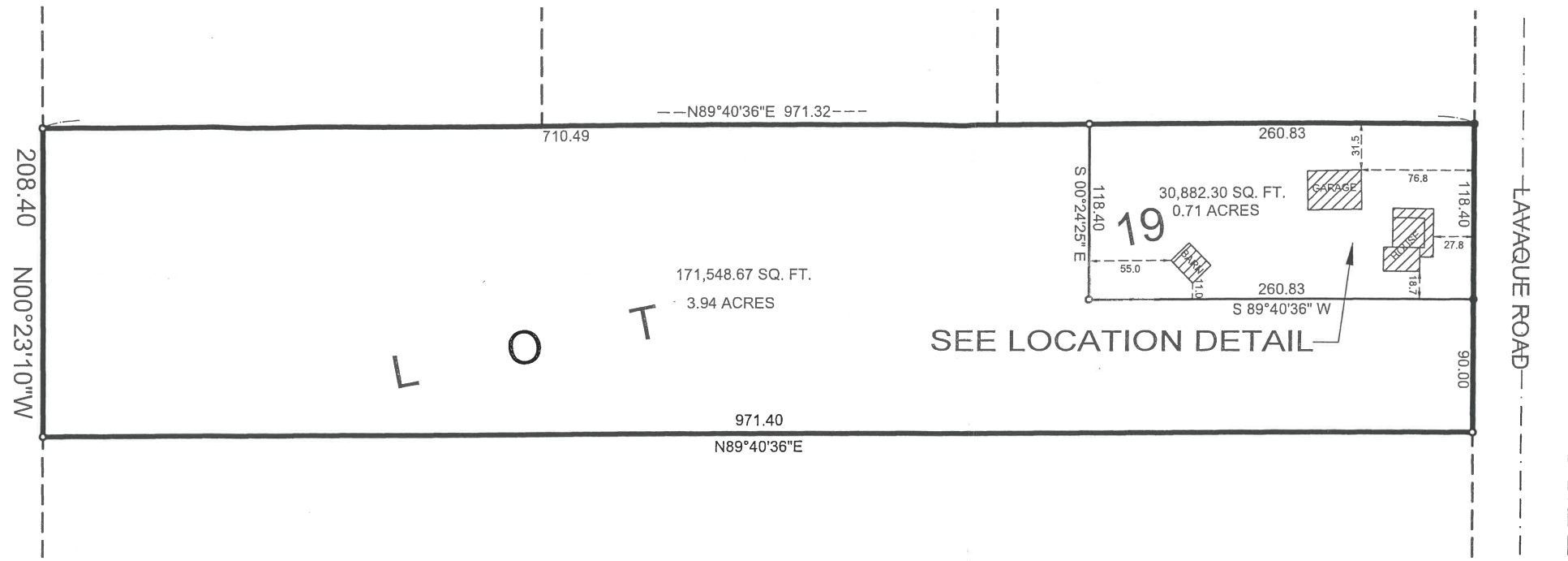
ATTACHMENTS

- Location Map
- Proposed Site Plan
- Adjacent Homeowner Letter

Location Map



**CERTIFICATE OF SURVEY
FOR: CHRIS & EILEEN DIXON**



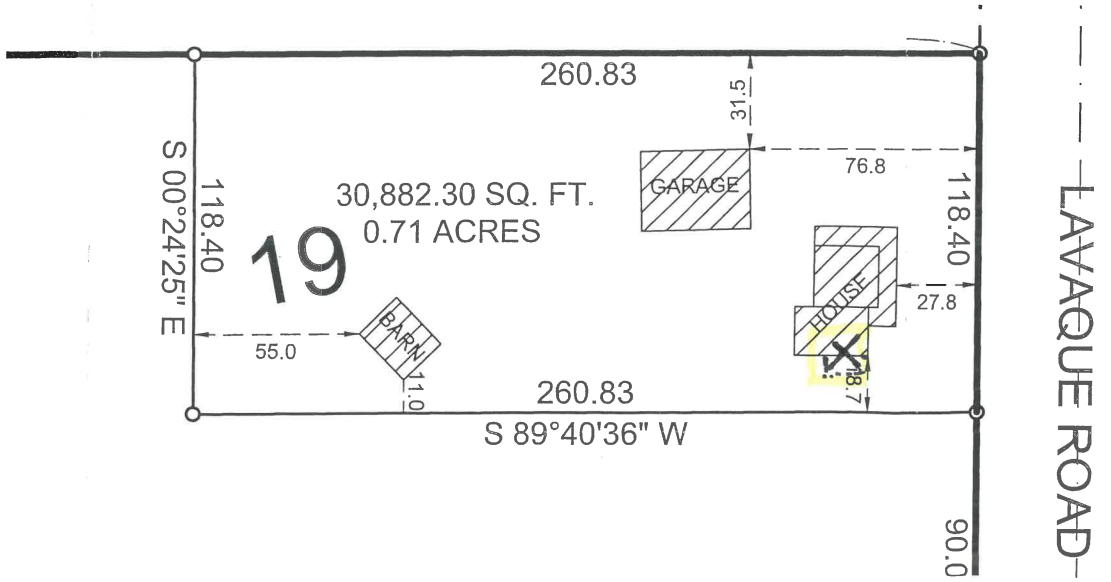
PROPOSED LEGAL DESCRIPTIONS

PARCEL A

The North 118.40 feet of the East 260.83 feet of Lot 19, Block 15, Duluth Homesteads Subdivision Plat.

PARCEL B

Lot 19, Block 15, Duluth Homesteads Subdivision Except the North 118.40 feet of the East 260.83 feet thereof.



LOCATION DETAIL

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 2-31-24

Ronald L. Krueger MN License No. 14374

DATE: 12/31/24
SCALE: 1 IN = 100 FEET
PROP ADD: 4271 LAVAQUE RD.
PROJECT NO: 24.52

RON KRUEGER
Registered Land Surveyor, LLC
7066 HIGHWAY 8
SAGINAW, MN 55779
Phone: 218-390-4030

Variance Application Consent for 4271 Lavaque Road. Bathroom Addition

Homeowner Applying for Variance:

Chris & Eileen Dixon

4271 Lavaque Road
Hermantown MN 55811

(612) 812 2866

Purpose:

Proposed bathroom addition 10'X10' facing affected property exceeds set back requirements by sixteen inches (1.3 feet) for a length of 10'.

1. Current setback- 18.7
2. With addition- 8.7'
3. Variance 1.3'
4. Length of variance 10'

Owner of the property which will be affected by the Variance:

Brandon Quest

2857 Piedmont Ave
Duluth MN 55811

(218) 730-3585

I am consenting to the following variance of my adjoining property at 4271 Lavaque Road Hermantown MN.

A north/ south setback of 8.7' for a length of 10' east/west line adjoin the driveway portion of my flag property.

Brandon Quest

