

CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS

Agenda
September 9, 2026
5:00 PM

1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

3A. August 10, 2026 regular meeting.

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

5. PUBLIC HEARING

5A. An application by Loren Johnston for a Variance associated with the minimum lot size for a parcel requiring private water and/or sewer. The variance request is for a 4,356 square foot. (0.1 acre) reduction to the 1 acre minimum lot size. The property is located at 508x Benson 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
August 10, 2026 Meeting Summary
5:00 PM

1. ROLL CALL

Members Present: Cyndy Reno; Michael Boese; Gerald Wallace; James Nelson; Chris Kibler; and Brian LeBlanc

Members Absent:

Others Present: Eric Johnson, Community Development Director; Chris Dixon; and Eileen Dixon.

2. APPROVAL OF AGENDA

Motion made by Cyndy Reno to approve the August 10, 2026 agenda as presented. Seconded by Gerald Wallace. Motion carried 4-0.

3. APPROVAL OF MINUTES

Motion made by Cyndy Reno to approve the May 12, 2026 minutes as presented. Seconded by Chris Kibler. Motion carried 4-0.

4. PUBLIC DISCUSSION

None.

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.

Eric Johnson, Community Development Director, discussed Christopher Dixon's application to construct a 10' x 10' addition to the south side of the existing residence. The original 4.7-acre property was subdivided in 2025, creating an approximately 4-acre flag lot.

The addition would reduce the existing 18.7' side yard setback to 8.7', requiring a 1.3' variance from the required 10' setback.

Eric described the lot subdivision process that previously occurred on the overall property. Questions from the Board included if the proposed addition could be reduced in size and how setbacks are measured.

The applicant stated that the addition is for an accessible bathroom along with a washer and dryer in the same room which would allow the applicant to 'age in place' in their home.

Motion made by Gerald Wallace to approve the application of 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. Seconded by Chris Kibler. Motion carried. 5.0.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Cyndy Reno – None

Michael Boese – None

Gerald Wallace – None

James Nelson – None

Chris Kibler – None

Brian LeBlanc – None

ADJOURN

Motion made by Gerald Wallace to adjourn the meeting. Seconded by James Nelson. Motion carried 5-0. Meeting adjourned at 5:18 pm.

Officiated by:

Transcribed by:

Michael Boese, Chair

Mary Melde, Administrative Assistant

5A. 508x Benson Road – Variance from minimum lot size

Applicant: Loren Johnston

Case No.: 2026-47 VAR

Staff Contact: Eric Johnson, Community Development Director

Request: Request for a reduction in lot size 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 the minimum lot size associated with properties without City utility services associated with Section 515.04 of the Hermantown Zoning Ordinance in a R-3, Residential zoning district

DESCRIPTION OF REQUEST:

Loren Johnston (Applicant) requests a variance for the minimum lot size associated with properties without City utility services in an R-3 Residential zone.

SITE INFORMATION:

Parcel Size: +/- 0.9 acres
Legal Access: 508x Benson Road
Wetlands: None per the National Wetland Inventory
Existing Zoning: R-3, Residential
Airport Overlay: N/A
Shoreland Overlay: N/A
Comprehensive Plan: Residential

BACKGROUND

The Applicant owns a 0.9 acre property (Lot 17, Bengus Acres) which is a legal lot of record and created as part of the Bengus Acres plat. He is in the process of selling the property and is looking to have a variance on record as the property is 0.1 acres smaller than the required 1.0 acres for properties lacking City utility services.

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 lot size associated with properties lacking public utility services.

Table 1. R-3 Requirements	Requirement	Provided
Minimum lot area	1.0 acre	+/-0.9 acres
Minimum lot width	100 feet	+/-133 feet
Minimum depth of front yard	50 feet	N/A
Minimum side yard	10 feet	N/A
Minimum rear yard	40 feet	N/A
Maximum lot coverage	35%	N/A

Utilities

There is a sanitary sewer main in the Lavaque Road right of way at Benson Road and the nearest watermain is at the Morris Thomas/Lavaque Road intersection. Both of the City utility mains are greater than 200 feet from the subject property and per City ordinance, the property owner is not required to extend or hook up to these utility mains.

Lot Size and Setbacks

The minimum lot size for properties lacking either or both City utilities (water and sanitary) is 1.0 acres. This is a legal lot of record which was platted as 0.9 acres in 1958 and is similar to other parcels along Benson Road.

Wetlands

The National Wetland Inventory does not indicate the presence of wetlands on the 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 of properties without City utility services in a R-3, Residential zoning district.

Justification and Mitigation

1. (Justification) The Hermantown zoning ordinance requires that properties lacking City utility services (sanitary sewer and water) be a minimum of 1.0 acres in size in a R-3, Residential zoning district.

(Mitigation) The Applicant has engaged a septic designer who has reviewed the property and provided concurrence that a mound septic system can be installed.

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 Applicant is proposing to sell the property. The future

owner will be required to submit Building and/or Zoning applications for future development of the property.

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 Applicant is proposing to sell the property. The future owner will be required to submit Building and/or Zoning applications for future development of the property.

b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

The property is a legal lot of record created as part of the Bengus Acres plat in 1958.

c. The variance, if granted will not alter the essential character of the locality.

The existing property has the same or similar dimensions as other properties located along Benson Road.

Findings of Fact and Recommendations

Staff recommends approval of the variance application to reduce the minimum lot size associated with properties lacking City utility services in a R-3, Residential zoned property, subject to the following:

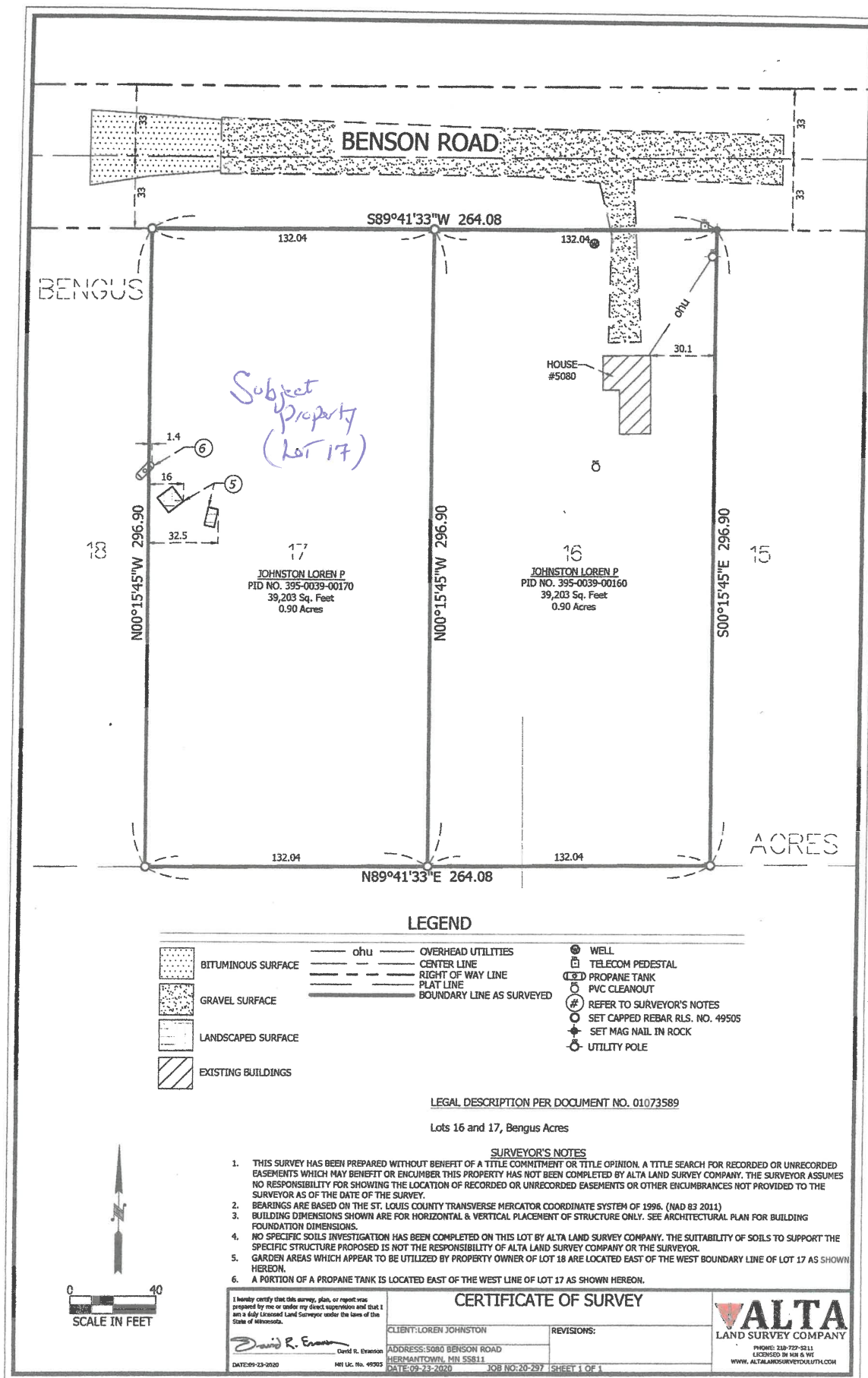
1. Prior to issuance of a building permit, the Applicant/owner shall submit an approved permit from St. Louis County for the installation of a mound septic system and well.
2. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until 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
- Property Survey
- Property owner/septic designer letter
- Potential septic location map

Location Map





August 20, 2026

To whom it may concern: Eric Johnson zoning administrator with City of Hermantown:

I, Loren Johnston, the owner of the vacant parcel of ground (.9 acre) located at 50XX Benson Road and identified at parcel# 395-0039-00170 including the legal description- Lot 17, Bengus Acres, City of Hermantown wanted to share the following notes:

This property was surveyed by Alta Land Survey Company to help determine that it is suitable for building a septic system for a 3 bedroom home with 2,300' square feet.

On June 18th, 2026, James Bologh, a soil scientist and a licensed septic building contractor along with Butch Seeley & I met at this vacant ground and it was determined at that time that this property has 2 buildable septic sites as noted on the attached survey with drawing.

Also, see attached statement from licensed septic building contractor Butch Seeley which explains that this parcel of property is suitable for building a 3 bedroom septic system based upon the soil report that Butch Seeley obtained from James Bologh.

Sincerely,

Owner,



Loren Johnston

2327 E. Flynn Rd.

Duluth, MN 55804

ph# 218 - 341 - 2126

lorenjohnston@gmail.com

8/18/26

TO WHOM IT MAY CONCERN:

With the soil report that we have obtained, we believe this site to be a buildable site for a 3 bedroom home. The septic mound would be 9' x 34' with 10" of sand if using the report we received.

** SEE ATTACHED SITE DRAWING (2 Prospective Septic Sites illustrated).*

Sincerely,

Butch Seeley Excavating *Lic# 916*

*5727 Annd Rd. OR/ 3021 E. Pioneer Rd.
Duluth, MN 55803 Duluth, MN 55804
Ph# 218-343-8282*

DANSON ROAD

132'

LOREN JOHNSTON

No 395-0039-00170

296'

ALL High Ground
Butch Seeley Ex

LIC # 916

Slope

FIRST MOOND SEPTIC
TANK

SECOND MOOND AREA
EXPANSION

Slope