



**Regular Meeting of the Planning Commission**

Wednesday, August 18, 2021

7 pm Regular Meeting

101 14<sup>th</sup> Street, Cloquet, MN 55720

**AGENDA**

1. Call to Order
2. Roll Call
3. Additions/Changes to the Agenda
4. Minutes from the July 13, 2021, Planning Commission meeting
5. Zoning Case 21-04; Mark Roberts, Variance
6. Zoning Case 21-05; Jeremy Nygaard, Variance
7. Commissioner's Questions/Comments
8. Adjourn

**NEXT MEETING:**

**September 14<sup>th</sup> @ 7 pm**



**Regular Meeting of the Planning Commission**

Tuesday, July 13, 2021

7:00 p.m.

101 14<sup>th</sup> Street, Cloquet, MN 55720

**CALL TO ORDER**

Chairman Wilkinson called the meeting to order at 7:02 p.m.

**ROLL CALL**

**Attending:** Planning Commission members: Uriah Wilkinson, Terri Lyytinen, Philip Demers, John Sanders, Elizabeth Polling and Rob Zappia; City: Al Cottingham.

**Absent:** Mark Cline.

**Others Present:** Mark Roberts, Sheilia Port, Irene Mitchel, Stanley (Irene's brother)

**AGENDA ITEMS**

**Additions/Changes to the Agenda**

None.

**May 11, 2021 Meeting Minutes**

Chairman Wilkinson asked for any corrections or additions.

**Motion:** Commissioner Polling made a motion to approve the Planning Commission meeting minutes from May 11, 2021, Commissioner Lyytinen seconded. (Motion was approved 6-0).

**Zoning Case 21-04: Variance for Mark Roberts**

Chairman Wilkinson introduced Zoning Case 21-04, Variance for Mark Roberts located at 809 Adams Street and opened the public hearing. He asked Mr. Cottingham to provide an overview. Mr. Cottingham stated Mark Roberts was proposing a variance from the minimum side yard setback. Mr. Roberts is proposing to construct a detached garage and driveway with a 3-foot setback versus the Ordinance minimum of 5 feet. The Ordinance states driveways should be a minimum of 12 feet in width. This is a public hearing, and a legal notice was published in the Pine Knot on July 2, 2021, and property owners within 350 feet were sent notices of the hearing. He noted that Mr. Roberts was present along with some adjoining property owners.

Chairman Wilkinson asked if Mr. Roberts would like to add anything that Mr. Cottingham had not covered.



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7:00 p.m.

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Mr. Roberts stated that when he started planning for this garage the setback was 3 feet and has recently been changed to 5 feet. He is proposing a depth of 26 feet so he has room to work on his truck and the additional 2 feet would give him some added room. He didn't want to move the garage any further to the north because he wanted to keep room between the garage and patio.

The Commission discussed when the Ordinance was amended, and Mr. Cottingham stated he thought it was 5 or 6 years ago.

Commissioner Polling asked Mr. Roberts to explain why he needed the 26-foot depth again.

Mr. Roberts stated that with a full-size truck he needed some additional room around the front and back of the truck when he would be working on it.

Commissioner Sanders inquired if the property pins had been located.

Mr. Roberts stated they had and if you looked at the one photo the tape measure was strung between the two pins.

Chairman Wilkinson asked if anyone else would like to speak.

Irene Mitchel, 807 Adams Street stated her brother Stanley would address the Commission on her behalf. Stanley stated they were concerned with allowing the encroachment versus having the garage closer to his patio. They were concerned with runoff from both the garage and the driveway since they currently have a drainage problem in the backyard. They were concerned with snow drifting on their property with the structure that close. She had her property surveyed and the pins that Mr. Roberts is using are for her line and should he rely on her survey. They felt the garage should meet the setbacks. He has an existing garage that is useable. They also wondered about where he would put his snow.

Commissioner Demers inquired what type of overhang would be on the garage.

Mr. Roberts stated it would be a 1-foot overhang.

Commissioner Polling stated she had concerns with water runoff from both the garage and driveway.

Stanley stated the grade is lower between Irene's garage and the property line and she currently has some water issues, and this would increase it.

Mr. Roberts stated there is a low area behind the garage. He plans to install gutters and direct the runoff to the driveway which will drain towards the street and not the property line.



**Regular Meeting of the Planning Commission**

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Sheilia Port, 808 Sunnyside Drive stated she is concerned that the garage might be placed over her sewer line. She knows it goes out the back of her house and thought it went all the way to Adams Street. She wants to be sure there will be access to her line.

Mr. Roberts noted there is a manhole structure near the southwest corner of his house. The city had dye tested the line, but he is not sure where Ms. Port's line comes into the area, there are two lines in this manhole.

Commissioner Polling felt she needed more information on the drainage in the area and the sewer line.

There being no further discussion Chairman Wilkinson closed the public hearing and looked for a motion.

**Motion:**        **Commissioner Polling made a motion to table the request until the August 10<sup>th</sup> meeting for additional information on the drainage going to the property to the south and the private sewer line, Commissioner Zappia seconded. (Motion passed 6-0)**

Mr. Cottingham stated he would not notify the people at the meeting unless the meeting would need to be changed to a different date. He would also work with the utility department to try to find out information on the sewer lines in the area.

**Commissioner's Questions/Comment**

None/

**Next Meeting**

August 10, 2021

Meeting adjourned 7:42 p.m.

Respectfully submitted,

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Al Cottingham, City Planner/Zoning Administrator



**Community Development Department**

101 14<sup>th</sup> Street • Cloquet MN 55720  
Phone: 218-879-2507 • Fax: 218-879-6555

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: August 11, 2021

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**ITEM DESCRIPTION: ZONING CASE 21-04: VARIANCE FOR MARK ROBERTS,  
809 ADAMS STREET**

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**Background**

Mark Roberts has submitted a Variance application. The site is located at 809 Adams Street.

The Variance is to the minimum side yard setback of 5 feet in order to construct a 24' x 26' detached garage and a 12' driveway adjacent to his south property line. The garage and driveway are proposed to be 3 feet from the side (south) property line versus the Ordinance minimum of 5 feet. See attached site plan, note the scale is 1" = 20' and not 1" = 40' as shown.

The proposed location of the garage would leave approximately 18' between the house and proposed garage. While there is room to move the garage to the north it begins to make it a little difficult for access into and out of the garage. The Ordinance states that a driveway should be a minimum of 12' in width.

A public hearing will be held on Tuesday, July 13, 2021 to consider a variance to the minimum side yard setback of 5 feet in order to construct a detached garage and driveway with a 3' setback. A legal notice was published in the Pine Knot on July 2, 2021 and property owners within 350 feet were sent notices of the public hearing.

The Planning Commission tabled this request at the last meeting looking for information on the private sewer line from the home at 808 Sunnyside Drive and the drainage behind the garage at 807 Adams Street. The cities Public Works Department dye tested the sewer line and determined the private line enters the service line less than a foot north of the manhole structure that is located near the southwest corner of Mr. Roberts home. In discussion with the Public Works Department whether the garage is 3 feet or 5 feet from the property line it would be constructed over the private sewer line for 808 Sunnyside Drive. Staff has discussed this with the City Attorney and it is his opinion that since there is no easement for the line then we would have to issue the permit for the garage. It is estimated this line is between 7 and 9 feet in depth. Attached is a copy of the email coorespondence.



## Community Development Department

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Staff has not seen any specific information regarding the drainage behind 807 Adams Street. From what we have heard in the spring there is usually a large area of standing water behind the house and garage. The construction of this garage could add to this drainage if the runoff is not directed towards the front of the lot. As a condition of approval of a variance, gutters could be required on the garage with drainage directed towards the street.

### **Policy Objectives**

The Zoning Ordinance states Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variance establishes that there are practical difficulties in complying with the official control. No variance may be granted unless **all** of the following conditions exist:

1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

### **Financial Impacts**

The Variance fee is \$350. The applicant has paid this fee to cover the cost associated with the application process.

### **Advisory Committee Action Requested**

The Commission should review the Variance and consider any comments pertaining to it. A question to discuss would be the possibility of having the garage 24' in depth which would provide more room between the house and garage thus possibly allowing it to meet the required 5' setback. Following this review the Planning Commission can approve the request, deny the request or table the request for some additional information.

### **Staff Recommendation**

Staff would recommend approval of the Variance for the driveway but not for the garage unless there is rationale as to why the depth of the garage needs to be 26'.

### **Supporting Documents Attachments**

- Resolution No. 21-04
- Location Map
- Site Plan
- Petitioners Narrative
- City Attorney Email

**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 21-04**

**A RESOLUTION APPROVING A VARIANCE TO THE MINIMUM SIDE YARD  
SETBACK IN THE MRC – MIXED RESIDENTIAL/COMMERCIAL DISTRICT FOR  
MARK ROBERTS**

**WHEREAS**, Mark Roberts is proposing a Variance to the minimum side yard setback in the MRC – Mixed Residential/Commercial District for a garage and driveway; and

**WHEREAS**, the property of the proposed Variance is located at 809 Adams Street and is legally described as follows:

Commencing at the southeast corner of the Southwest Quarter of the Southwest Quarter then north 306 feet to the beginning then north 72 feet, then west 120 feet, then south 72 feet, then east 120 feet to the beginning, Section 11, Township 49, Range 17, Carlton County, Minnesota. And,

**WHEREAS**, the Planning Commission reviewed the staff report and approves the Variance.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA**, that the Planning Commission approves Zoning Case 21-04 for a Variance for Mark Roberts to allow a two-foot encroachment into the side yard setback of 5 feet for a driveway subject to the following condition:

1. Gutters will be installed on the south side of the garage directing the runoff towards the street.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_ NAY: \_\_\_\_ ABSENT: \_\_\_\_

MARK CLINE	_____	PHILIP DEMERS	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
JOHN SANDERS	_____	URIAH WILKINSON	_____
ROBERT ZAPPIA	_____		

Passed and adopted this 18<sup>th</sup> day of August 2021.

CITY OF CLOQUET

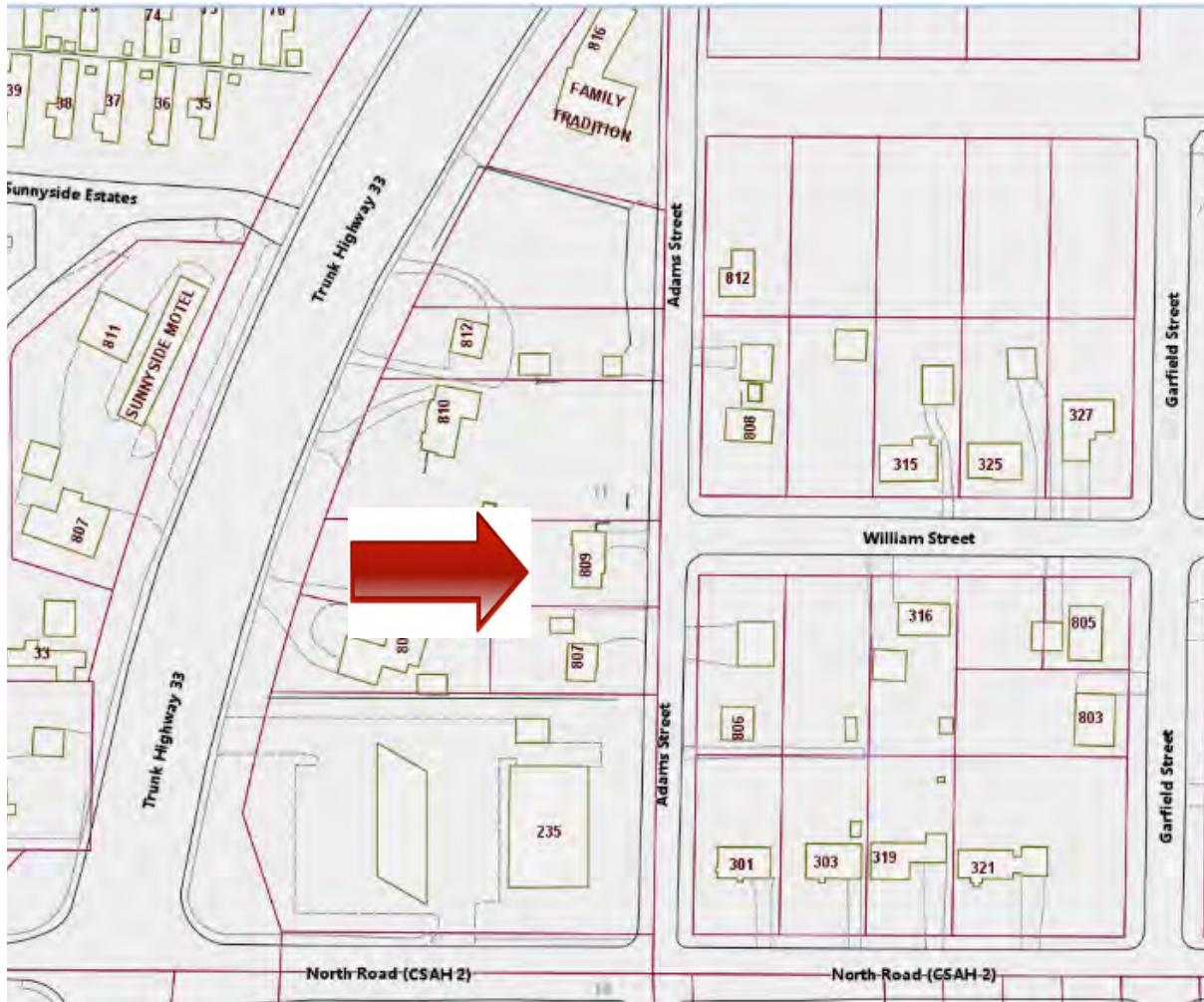
\_\_\_\_\_  
URIAH WILKINSON  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator



# LOCATION MAP

Mark Roberts



**NO SCALE**



COMMUNITY DEVELOPMENT DEPARTMENT

101 14<sup>th</sup> Street • Cloquet MN 55720

Phone: 218-879-2507 • Fax: 218-879-6555

[www.cloquetmn.gov](http://www.cloquetmn.gov)

**Zoning Application**

PROPERTY OWNER: Mark Roberts  
ADDRESS: 809 Adams Street  
CITY, STATE ZIP CODE: \_\_\_\_\_



STATEMENT

**APPLICATION TYPE:**

- CONDITIONAL USE \_\_\_\_\_
- COMP PLAN AMEND \_\_\_\_\_
- PRELIMINARY PLAT \_\_\_\_\_
- PLANNED UNIT DEV \_\_\_\_\_
- ZONING AMEND \_\_\_\_\_
- ADMIN ADJUSTMENT \_\_\_\_\_

- VARIANCE X
- REZONE \_\_\_\_\_
- FINAL PLAT \_\_\_\_\_
- SITE PLAN \_\_\_\_\_
- WETLAND CERT/MIT \_\_\_\_\_
- VACATION \_\_\_\_\_

DESCRIPTION OF PROPOSAL: I request a setback variance from the existing 5 foot required to a 3' Setback from the side yard for the purpose of building a Driveway and New Garage as shown on the attached Drawing

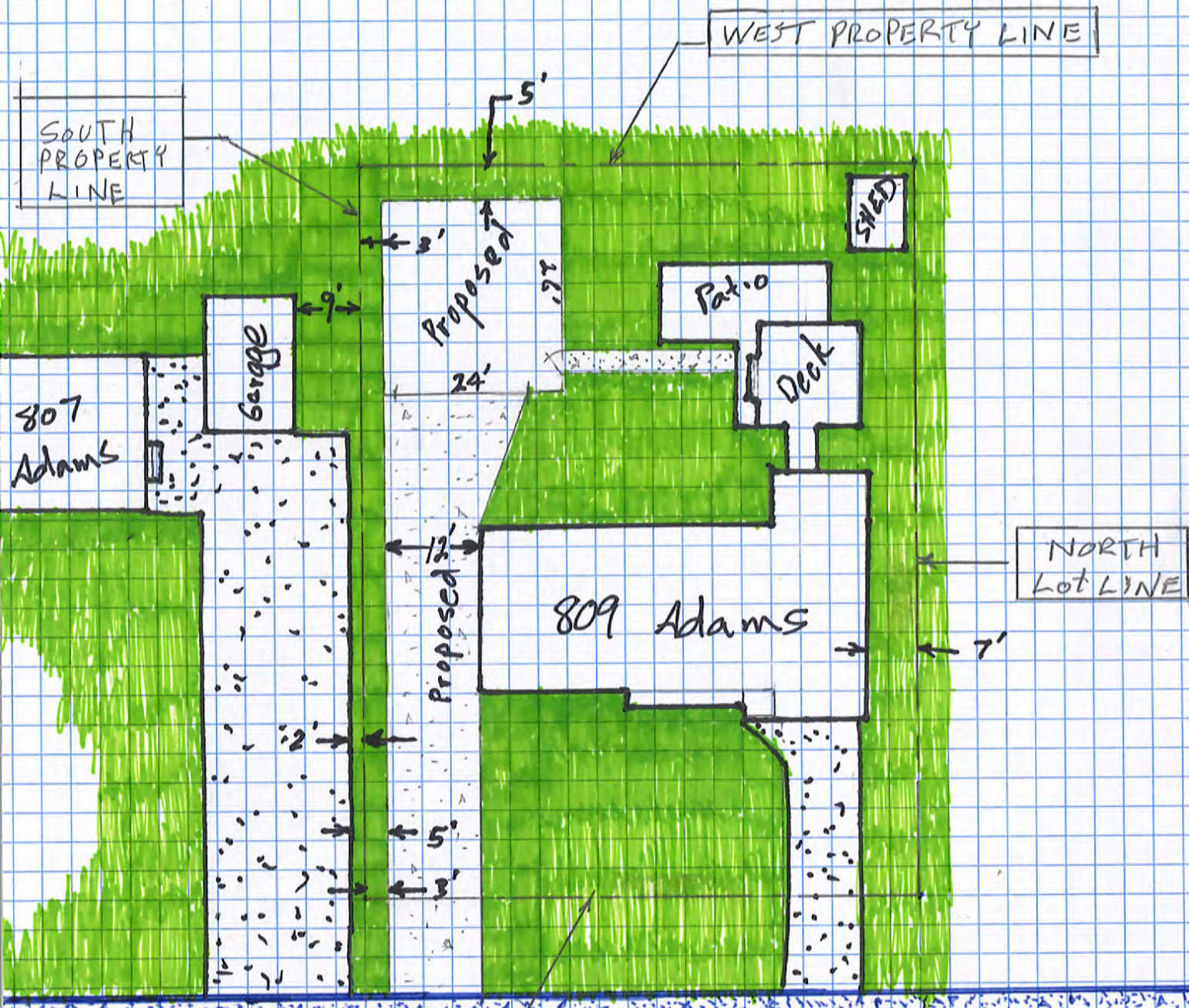
OWNER SIGNATURE: Mark Roberts DATE: \_\_\_\_\_

APPLICANT SIGNATURE: Mark Roberts DATE: \_\_\_\_\_

**OFFICE USE:**

FILING FEE: \$350  
DATE: 6-23-21  
CASE NUMBER: 21-04

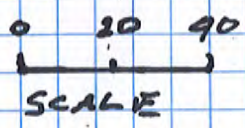




GARAGE & DRIVEWAY  
 PROPOSED SITE PLAN  
 809 Adams St.  
 CLOQUET, MN 55720  
 OWNER: MARK ROBERTS

EAST LOT LINE

ADAMS STREET





## Variance Request at 809 Adams Street Cloquet Minnesota

06/23/2021



To: Cloquet Planning Commission

Dear Commissioners,

I Mark Roberts, owner of the property at 809 Adams Street in the City of Cloquet would like to request a variance from the existing setback requirements within this zoning district for the following reasons.

- 1) I would like to construct a 24 x 26 detached garage in the SW corner of my back yard. The present attached garage on the north side of the house is too small to accommodate any vehicle larger than a compact car.
- 2) If allowed and once completed, I intend to remove the existing impervious material that is present and sod the area to minimize impervious surfaces on the lot.

- 3) I would request that I be allowed to use a 3-foot setback (presently 5-foot) from the south property line to allow a 12-foot-wide driveway surface. I believe that anything that is narrower will encroach on the south side of my house, making backing into the driveway difficult.
- 4) The three-foot setback request will allow for a 5-foot-wide boulevard between my proposed driveway and the neighbors driveway to the south, thereby providing reasonable space for snow removal.
- 5) The 3-foot setback for the proposed garage will allow for a reasonable maneuver area to enter and exit the garage door.
- 6) The attached site plan shows that the proposed project does not encroach on the neighbor's property or buildings.

Thank you for your consideration,



Mark Roberts

809 Adams Street

Cloquet, MN 55720

218-260-9369

## Al Cottingham

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**From:** William T. Helwig <bhelwig@fryberger.com>  
**Sent:** Monday, August 2, 2021 2:17 PM  
**To:** Al Cottingham  
**Cc:** Matt Munter  
**Subject:** RE: Private Sewer Line

Hi Al,

If there is no easement of record (or between the property owners) then the owner of the parcel has a right to a permit to build his garage. My concern would be that if the City allowed the sewer connection which crosses a neighboring parcel without an easement or agreement with both property owners, then the City could be open to liability for future access issues to the line. I would make sure that the neighbor receives notice of the permit, and is informed that City records show that his sewer line runs under that location and advise him to take action to correct it before the neighbor builds his garage or he will be responsible for future access issues to his sewer line once the garage is completed. If the garage is going to be built on a foundation they will probably end up tearing up the line wouldn't they? How deep is the line?

Thanks, Bill

**William T. Helwig**

**Rudy, Gassert, Yetka, Pritchett & Helwig,  
a Fryberger Law Firm Practice Group**  
813 Cloquet Avenue | Cloquet, MN 55720  
ph: 218-725-6867 | fx: 218-625-9267  
[bhelwig@fryberger.com](mailto:bhelwig@fryberger.com) | [www.fryberger.com](http://www.fryberger.com)

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**From:** Al Cottingham <ACottingham@cloquetmn.gov>  
**Sent:** Monday, August 02, 2021 1:22 PM  
**To:** William T. Helwig <bhelwig@fryberger.com>  
**Cc:** Matt Munter <MMunter@cloquetmn.gov>  
**Subject:** Private Sewer Line

Hi Bill,

We have a property owner who wants to construct a detached garage over the neighbors sewer line that runs through his property. There is no easement for the line that has been in existence for about 50 years. I do not believe that we can hole up the issuance of issuing the permit because of this. I am looking for your opinion.

Thank you.

Al Cottingham



**Community Development Department**

101 14<sup>th</sup> Street • Cloquet MN 55720  
Phone: 218-879-2507 • Fax: 218-879-6555

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: August 11, 2021

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**ITEM DESCRIPTION: ZONING CASE 21-05: VARIANCE FOR JEREMY NYGAARD, 1102 SPRING LAKE ROAD**

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**Background**

Jeremy Nygaard has submitted a Variance application. The site is located at 1102 Spring Lake Road.

The Variance is to the minimum front yard setback of 65 feet in order to construct a 28' x 40' detached garage. The garage is proposed to be approximately 18 feet from the front property line versus the Ordinance minimum of 65 feet. See attached site plan. The property is Zoned FR – Farm Residential.

The proposed location of the garage would leave approximately 19' between the house and proposed garage. There is an existing egress window on the south side of the home that he is trying to allow natural light into by keeping the garage in this location.

A public hearing will be held on Wednesday, August 18, 2021 to consider a variance to the minimum front yard setback of 65 feet in order to construct a detached garage. A legal notice was published in the Pine Knot on August 6, 2021 and property owners within 350 feet were sent notices of the public hearing.

**Policy Objectives**

The Zoning Ordinance states Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variance establishes that there are practical difficulties in complying with the official control. No variance may be granted unless **all** of the following conditions exist:





## Community Development Department

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Phone: 218-879-2507 • Fax: 218-879-6555

1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

### **Financial Impacts**

The Variance fee is \$350. The applicant has paid this fee to cover the cost associated with the application process.

### **Advisory Committee Action Requested**

The Commission should review the Variance and consider any comments pertaining to it. A question to discuss would be the possibility of moving the garage closer to the house which may have an impact on providing natural light to the egress window. If the corner of the garage was moved to within 10 feet of the house it would move it approximately 4 feet further from the front property line. Following this review the Planning Commission can approve the request, deny the request or table the request for some additional information.

If this property was Zoned R1 – Single-Family Residence, then the front yard setback would be 25 feet. However, the maximum size of the garage would be 1,000 square feet rather than the proposed 1,120 square feet.

### **Staff Recommendation**

Staff would recommend approval of a Variance following discussion as to the possibility of moving the garage north. The topography of the lot makes it very difficult to meet the required setback.

### **Supporting Documents Attachments**

- Resolution No. 21-05
- Location Map
- Site Plan
- Petitioners Narrative



**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 21-05**

**A RESOLUTION APPROVING A VARIANCE TO THE MINIMUM FRONT YARD SETBACK IN THE FR – FARM RESIDENTIAL DISTRICT FOR JEREMY NYGAARD**

**WHEREAS**, Jeremy Nygaard is proposing a Variance to the minimum front yard setback in the FR – Farm Residential District; and

**WHEREAS**, the property of the proposed Variance is located at 1102 Spring Lake Road and is legally described as follows:

Lot Two (2), Block F, County Auditor's Subdivision No. 31 according to recorded plat thereof on file and of record in said County and State except the following described parcel: commencing at northwest corner of Lot Two (2), Block F, County Auditor's Subdivision No. 31, thence east four hundred eighty (480) feet on the north line of said Lot Two (2), thence south seventy-five (75) feet parallel with east line of said Lot Two (2) 505 feet more or less to west line of Lot Two (2), thence in a northeasterly direction along east line of public street seventy-nine and one-tenth (79.1) feet more or less to point of beginning. Situated in Carlton County, Minnesota. And,

**WHEREAS**, the Planning Commission reviewed the staff report and approves the Variance.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA**, that the Planning Commission approves Zoning Case 21-05 for a Variance for Jeremy Nygaard to allow a 47-foot encroachment into the front yard setback of 65 feet.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_ NAY: \_\_\_\_ ABSENT: \_\_\_\_

MARK CLINE	_____	PHILIP DEMERS	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
JOHN SANDERS	_____	URIAH WILKINSON	_____
ROBERT ZAPPIA	_____		

Passed and adopted this 18<sup>th</sup> day of August 2021.

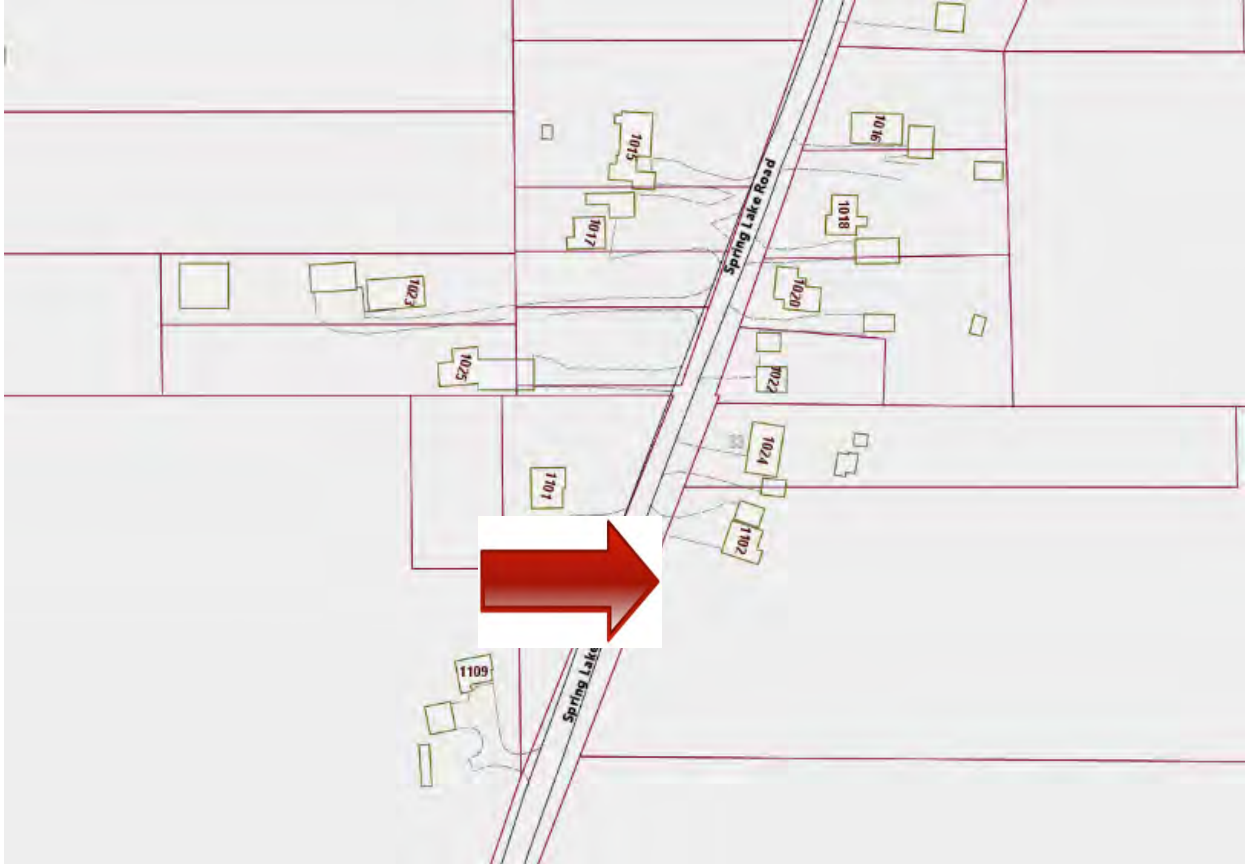
CITY OF CLOQUET

\_\_\_\_\_  
URIAH WILKINSON  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator

# LOCATION MAP

Jeremy Nygaard



**NO SCALE**

SOUTH PROPERTY LINE

Garage Proposed

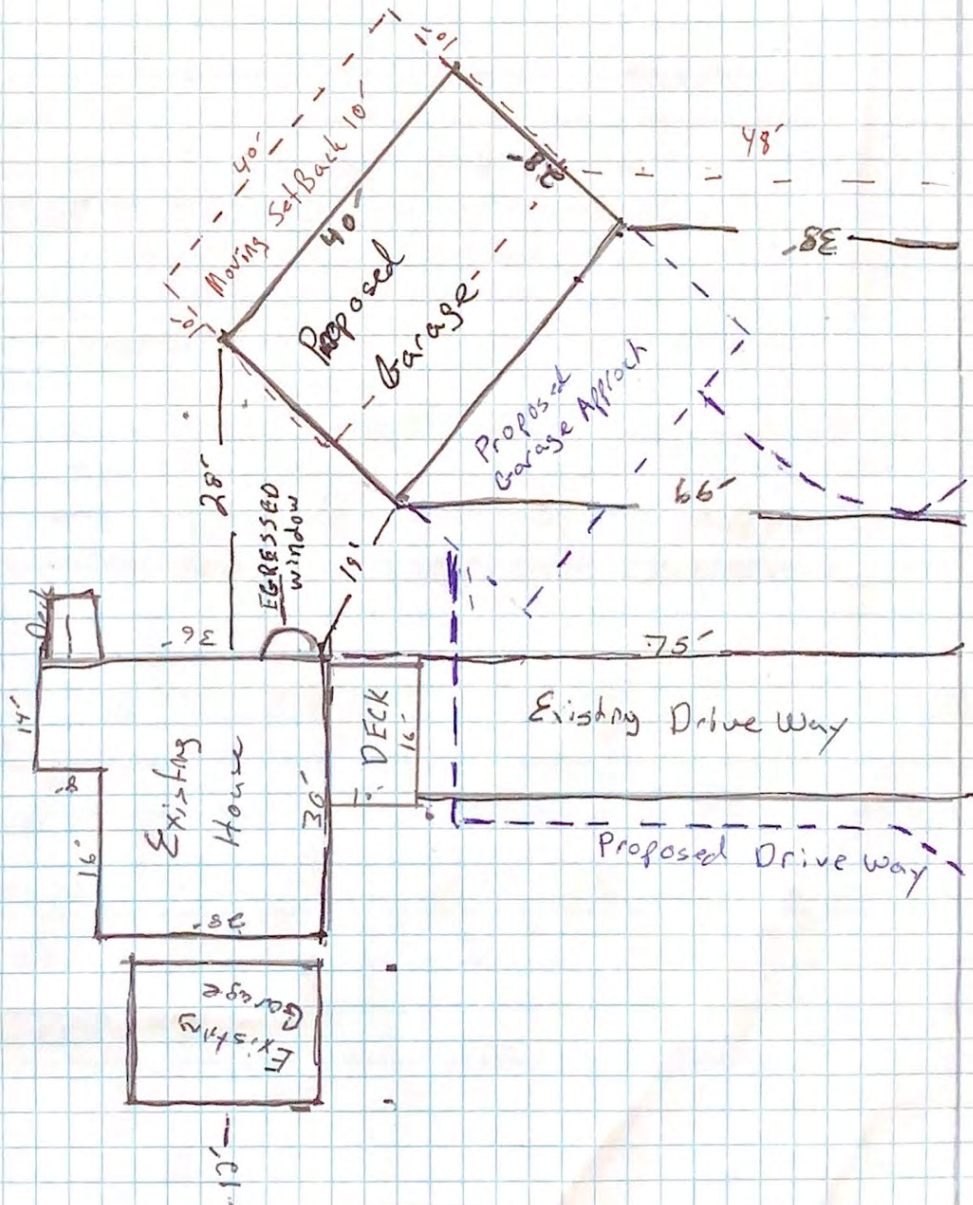
Site Plan

1102 Spring Lake Rd

Clignet, MN 55720

Owner - Jeremy Nygaard

1 in = 20 ft  
SCALE



SPRING LAKE RD.

NORTH PROPERTY LINE



Variance Request for 1102 Spring Lake Rd. Cloquet, Minnesota (7/18/21)

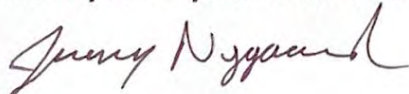
To: Cloquet Planning Commission

Dear Commissioners,

I Jeremy Nygaard, owner of the property at 1102 Spring Lake Rd. in the city of Cloquet would like to request a variance from the existing setback requirements for Zoning district F for the following reasons (please see attached drawn site plan).

1. The house currently sits atop a hill with steep drop that would require approx. 600 yards of fill and a costly retaining wall to move proposed garage back even 10 feet. Also, moving the proposed garage would result in losing 4-mature maple trees that are used for sap procurement.
2. Moving the proposed garage closer to the house would impede natural sunlight along with exit route for fire safety from egressed window.
3. The current garage on the north side of the property will be removed once proposed garage is completed.
4. Current set-back for zone F is 65-feet. The proposed garage I would request that it be 38 feet from the southwest corner.
5. The proposed garage and driveway would not impede oncoming traffic on Spring Lake Rd. and allows for turn arounds done in proposed driveway.

Thank you for your consideration on this matter,



Jeremy Nygaard

1102 Spring Lake Rd.

Cloquet, MN 55720

218-310-8385/ jnygaard78@yahoo.com