



PLANNING & ZONING COMMISSION

*Agenda*  
September 16, 2025  
7:00 PM

**1. ROLL CALL**

**2. APPROVAL OF AGENDA**

**3. APPROVAL OF MINUTES**

3A. August 19, 2025 regular meeting.

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

**5. PUBLIC HEARINGS**

5A. An application for a Special Use Permit by Kevin Tomlin for grading and filling in a Recreational Environment Shoreland Area for the purpose of constructing a 24 foot wide driveway and future accessory structure. The property is located at 5057 Anderson Road and is located in a R-3, Residential zoning district.

5B. An application by Nordski Construction-EDSA Storage for a Special Use Permit for the construction of a two-family home located at 3971 Haines Road. The property is located in an R-3 zoning district.

5C. An application by Nordski Construction-EDSA Storage for a Variance associated with the construction of a two-family home. The variance request is for a reduction to the side yard setback and a reduction to the minimum lot size. The property is located at 3971 Haines Road and is located in an R-3 zoning district.

5D. An application by Harmony Group, LLC for a rezoning of 17 parcels totaling 220.27 acres located in the SW quadrant of Morris Thomas Road and Midway Road and including parcels 395-0010-09135, 395-0010-09130, 395-0010-09131, 395-0010-09080, 395-0010-09095, 395-0010-09150, 395-0010-09090, 395-0010-09155, 395-0010-09161, 395-0010-09160, 395-0010-09300, 395-0010-09302, 395-0010-09140, 395-0010-09310, 395-0010-09320, 395-0010-09330, 395-0010-09340. The parcels are currently zoned S-1, Suburban with a proposed rezoning to BLM, Business and Light Manufacturing.

**6. CONTINUING BUSINESS**

6A. Discussion on City's ADU ordinance.

**7. NEW BUSINESS**

**8. COMMUNICATIONS**

**9. COMMISSION MEMBER REPORTS**

Joe Peterson  
Corey Kolquist  
Beth Wentzlaff  
Kevin Hagen  
Matthew Fournier  
John Stauber  
Amanda Radzak  
Ryan Johnson

**ADJOURN**



## PLANNING & ZONING COMMISSION

August 19, 2025 Meeting Summary

7:00 PM

### 1. ROLL CALL

Members Present: Joe Peterson; Corey Kolquist; Beth Wentzlaff; John Stauber; Matthew Fournier; and Kevin Hagen

Members Absent: Amanda Radzak and Ryan Johnson

Others Present: Eric Johnson, Community Development Director; Mr. and Mrs. Smith, 3761 Johnson Rd.; Tony Marino, 3760 Johnson Rd.; Mark Proulx, 4905 Wild Rose Tr.; and Russ Lindgren, 3663 Okerstrom Rd.

### 2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the August 19, 2025 agenda as presented. Seconded by John Stauber. Motion carried 5-0.

### 3. APPROVAL OF MINUTES

Motion made by Matthew Fournier to approve the July 15, 2025 minutes as presented. Seconded by Corey Kolquist. Motion carried 5-0.

### 4. PUBLIC DISCUSSION

None.

### 5. PUBLIC HEARING

5A. An application by Scott and Nena Johnson for a Subdivision to create a 270-foot-wide parcel of 3.10 acres and a 6.85-acre lot accessed by way of a flag lot of 58-foot width at 5380 W Arrowhead Road. The property is located in an R-3 zoning district.

Eric Johnson, Community Development Director presented and discussed the flag lot application of Scott and Nena Johnson for a Subdivision to create a 270-foot-wide parcel of 3.10 acres and a 6.85-acre lot accessed by way of a flag lot of 58-foot width at 5380 W Arrowhead Road with the Planning and Zoning Commission members.

The applicants propose to create a new flag lot along the west border of the existing property. The applicants are proposing a 58 foot 'pole/driveway' connection to W Arrowhead Road for a distance of 467 feet with the 'flag' portion of the lot being approximately 329' x 819'.

The applicants intend to sell parcel A with the existing home and outbuildings and market the newly created parcel B for sale. Any new home application will require coordination with Hermantown Public Works regarding driveway locations and utility connections

Motion made by Corey Kolquist to approve the application by Scott and Nena Johnson for a Subdivision to create a 270-foot-wide parcel of 3.10 acres and a 6.85-acre lot accessed by way of a flag lot of 58-foot width at 5380 W Arrowhead Road. Seconded by Kevin Hagen. Motion carried. 5-0.

5B. An application by Ronald Nylander for a Subdivision to create a 300-foot-wide parcel of 3.11 acres and a 2.82-acre lot accessed by way of a flag lot of 30-foot width at 4054 Lindahl Road. The property is located in an R-1 zoning district.

Eric spoke to the Commission about the details of the application by Ronald Nylander for a Subdivision to create a 300-foot-wide parcel of 3.11 acres and a 2.82-acre lot accessed by way of a flag lot of 30-foot width at 4054 Lindahl Road.

The applicant proposes to create a new flag lot along the north border of the existing property. The applicant is proposing a 30 foot 'pole/driveway' connection to Lindahl Road for a distance of 300 feet with the 'flag' portion of the lot being approximately 330' x 226'.

The applicant intends to reside in the existing home on parcel A and market the newly created parcel B for sale. Any new home application will require coordination with Hermantown Public Works regarding driveway locations.

Motion made by John Stauber to approve the application by Ronald Nylander for a Subdivision to create a 300-foot-wide parcel of 3.11 acres and a 2.82-acre lot accessed by way of a flag lot of 30-foot width at 4054 Lindahl Road. Seconded by Corey Kolquist. Motion carried. 5-0.

5C. An application by Hy-Tec Construction of Brainerd for a Commercial Industrial Development Permit for the construction of a 10,800 square foot Just for Kix Dance Studio with associated site and stormwater improvements. The property is located at 4894 W. Arrowhead Road and is located in a C, Commercial zoning district.

Eric introduced the application by applicant Hy-Tec Construction of Brainerd who has been discussing the development of this site with staff for the past few months. The applicant is proposing a 10,800 square foot Just for Kix Dance Studio with associated site and stormwater improvements.

Just For Kix Dance studio, which is a business that teaches competitive dance classes from their youth programs through high school ages.

The proposed development has 63 parking spaces for the proposed use with a shared access with the adjoining parcel to the east and take access from W Arrowhead Road. This is the same requirement that City staff has discussed with other potential users of these parcels. City staff has discussed parking needs with the applicant who is basing their parking on other facilities that they operate.

The proposed site plan shows a first phase of an 8,584 square foot building with the potential of a 2,220 square foot addition in the future. This addition would add another dance studio to the proposed building.

Motion made by Corey Kolquist to approve the application by Hy-Tec Construction of Brainerd for a Commercial Industrial Development Permit for the construction of a 10,800 square foot Just for Kix Dance Studio with associated site and stormwater improvements. The property is located at 4894 W Arrowhead Road. Seconded by Matthew Fournier. Motion carried. 5-0.

5D. An application by Cirrus Aircraft for a Commercial Industrial Development Permit for the renovation of a 22,000 square foot building (former Harley Davidson facility). The property is located at 4355 Stebner Road and is located in a C, Commercial zoning district.

Eric outlined application by Cirrus Aircraft for a Commercial Industrial Development Permit for the renovation of a 22,000 square foot building, the former Harley Davidson facility.

The applicant, Cirrus Aircraft, has purchased the former Harley-Davidson property with the proposal to renovate the existing building for an employee training and for parachute packing and assembling facility.

The proposed project will utilize the existing site layout and parking lot associated with the former Harley-Davidson building. The existing property has 106 parking spaces. The Applicant anticipates approximately 20-30 people will work in the building and will be arriving in the morning and departing in the afternoon. Staff training will be ongoing throughout the day with limited amount of staff coming and going throughout the day.

The site will maintain its existing shared access from Stebner Road with Lakes Cinema.

Motion made by Matthew Fournier to approve the application by Cirrus Aircraft for a Commercial Industrial Development Permit for the renovation of a 22,000 square foot building (former Harley Davidson facility). The property is located at 4355 Stebner Road. Seconded by Corey Kolquist. Motion carried. 5-0.

5E. An application for a Special Use Permit by the City of Hermantown for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing 3,000 feet of 10-foot-wide paved trail from the Carlson Road right of way at Johnson Road to Morris Thomas Road and 4,700 feet of trail through Keene Creek Park to the Stebner/Getchell Road intersection.

Eric outlined the City's request for a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone associated with Keene Creek in order to construct 7,700 linear feet of trail.

The City, as part of the Community Recreation Initiative, continues to build accessible trails throughout the City. This project is for segments 3 and 4 of the trail system located north and south of Keene Creek Park and will add approximately 7,700 linear feet of trail to the City's trail system.

The City has been working on the Munger Trail Spur project during the past number of years in order to identify and construct trail segments which will eventually connect the Hermantown School Campus/Essentia Wellness Center to the City's southern boundary and eventually to Proctor/Duluth and the Munger Trail. This work is for segments 3 and 4 which are located to the north and south of Keene Creek Park and will connect existing and future residential areas to Keene Creek Park and the wider trail system.

The following residents spoke about their concerns regarding this project. The main issues were, will the new development access to the trail, what about other development in the area, parking, trail dead-ending; since bids are already being submitted, when will the building process start; will Okerstrom Rd. be getting paved, will the bridge in the park be getting repaired?

Bart Smith, 3761 Johnson Rd.

Tony Marion, 3760 Johnson Rd.  
Russ Lindgren, 3663 Okerstrom Rd.

Motion made by Corey Kolquist to approve the application for a Special Use Permit by the City of Hermantown for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing 3,000 feet of 10-foot-wide paved trail from the Carlson Road right of way at Johnson Road to Morris Thomas Road and 4,700 feet of trail through Keene Creek Park to the Stebner/Getchell Road intersection. Seconded by John Stauber. Motion carried. 5-0.

**6. CONTINUING BUSINESS**

6A. A discussion on Accessory Dwelling Units (ADU) in the City

Eric continues to have discussions with Staff and based on prior conversations with the Commission members, an ordinance is in the development stage with the assistance of the City Attorney, in hopes that a final proposed ordinance can be brought forth at the September 16, 2025 Planning & Zoning meeting.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

None.

**9. COMMISSION MEMBER REPORTS**

Joe Peterson – None

Corey Kolquist – Can Flag lots be administered at a staff level. Will refer to City Council.

Beth Wentzlaff – None

Kevin Hagen – None

Matthew Fournier – None

John Stauber – None

Amanda Radzak – Absent

Ryan Johnson – Absent

**ADJOURN**

Motion made by John Stauber to adjourn the meeting. Seconded by Kevin Hagen. Meeting adjourned at 7:53 pm.

Officiated by:

Transcribed by:

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Joe Peterson, Chairman

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Mary Melde, Administrative Assistant

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**5A. 5057 Anderson Road – Special Use Permit - Filling and grading within a Recreational Environment Shoreland Overlay Zone**

**Applicant:** Kevin Tomlin  
**Case No.:** 2025-59 SUP  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Issue a special use permit for filling and grading within a Recreational Environment Shoreland Overlay for the construction of a driveway and future accessory structure

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**RECOMMENDED ACTION:**

Approve a Special Use Permit for filling and grading within a Recreational Environment Shoreland Overlay Zone.

**DESCRIPTION OF REQUEST:**

The applicant (Kevin Tomlin) desires to construct a 24 foot wide driveway and construct a future accessory structure on a property at 5057 Anderson Road. There is an existing home and accessory structure on the property with both of them being within the Recreational Environment Shoreland Area. The proposed driveway and future accessory structure will require filling and grading within an approximately 14,000 square feet area of disturbance.

**SITE INFORMATION:**

**Parcel Size:** 20 acres  
**Legal Access:** 5057 Anderson Road  
**Wetlands:** Yes, per the National Wetland Inventory  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Yes – Natural Environment Shoreland – Midway River  
**Comprehensive Plan:** Residential

**BACKGROUND**

The applicant owns a property with an existing home and detached accessory structure at 5057 Anderson Road. The applicant is proposing to construct a new 24 foot wide driveway along the eastern property line of the parcel and a future accessory structure. The proposed work is within the Recreational Environment Shoreland Area associated with Midway River and is expected to impact approximately 14,000 square feet of shoreland area.

## **Wetlands**

Per the National Wetland Inventory (NWI) there are wetlands located along the banks of the Midway River as well as portions of the property. A wetland assessment was performed in August with the determination being that the driveway and future accessory structure were located outside of the wetland boundary.

## **Shoreland Area**

The northern two-thirds of the property is located within a Recreational Environment Shoreland Area and is subject to the requirements of the City's Shoreland Ordinance as it pertains to grading a filling within a shoreland area. However, the majority of the driveway is outside of the Recreational Environment Shoreland Area

## **Special Use Permit**

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The proposed use is compatible with development within the vicinity which is characterized by low density residential and residential compatible uses.

- 2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;**

Conditions placed on the SUP to minimize the clearing and grading within the shoreland area meet the intent of the zoning ordinance to protect natural resources. The development of a primary structure/residence is an allowed use within the R-3, Residential zoning district.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is within an area marked for residential development on the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces and the proposed impervious surface is below maximum limits.

- 4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The proposed use is similar to uses of nearby properties in density and style.

- 5. Other criteria required to be considered under the provisions of this code for any special use permit.**

The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2.

### **Findings of Fact and Recommendations**

Staff recommends approval of the special use application to construct a driveway and future accessory structure in a Recreational Environment Shoreland Area, subject to the following:

1. The approval is for a Special Use Permit for filling and grading in a Recreational Environment Shoreland area for the purpose of constructing a new 24 foot wide driveway and future accessory structure on a property at 5057 Anderson Road. The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
2. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
  - a. The smallest amount of bare ground is exposed for as short a time as feasible;
  - b. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
  - c. Adequate methods to prevent erosion and trap sediment are employed;
  - d. Fill is stabilized to accepted engineering standards;
  - e. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
  - f. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
  - g. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
  - h. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
3. The applicant shall sign a consent form assenting to all conditions of this approval.
4. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

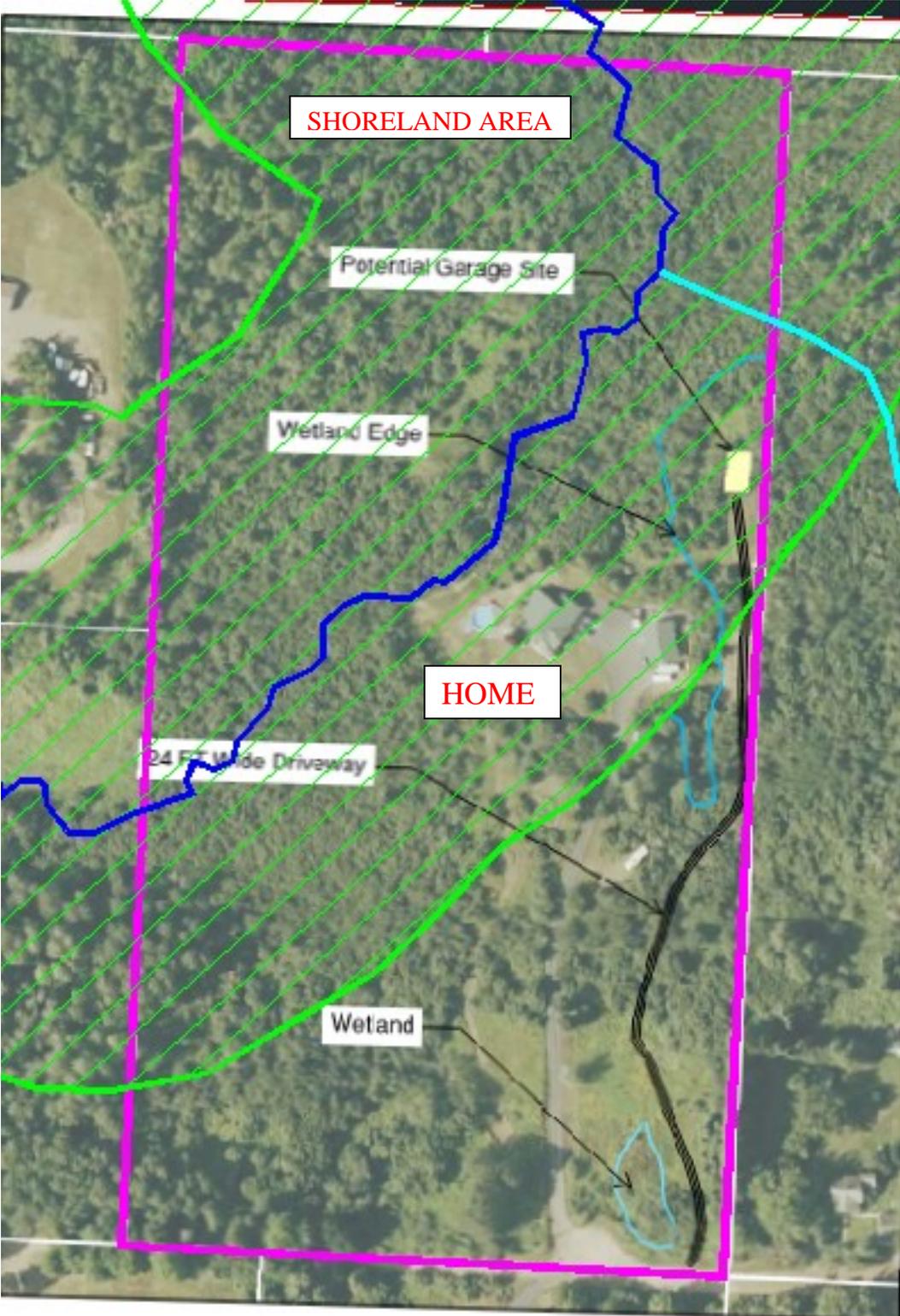
### **ATTACHMENTS**

- Location Map
- Proposed Site Plan
- Shoreland Overlay Map

**Location Map**



Shoreland Map





Potential Garage Site

Wetland Edge

24 FT Wide Driveway

Wetland



**5B. 3971 Haines Road – Special Use Permit - Construction of a two-family residential structure in a R-3, Residential Zoning District**

<b><u>Applicant:</u></b>	Nordski Construction/EDSA Storage
<b><u>Case No.:</u></b>	2025-60 SUP
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	Issue a special use permit for construction of a two-family residential structure in a R-3, Residential District

**RECOMMENDED ACTION:**

Approve a Special Use Permit for construction of a two-family residential structure in a R-3, Residential zoning district.

**DESCRIPTION OF REQUEST:**

Nordski Construction/EDSA Storage (Applicant) requests a special use permit to construct a two-family dwelling unit in an R-3 Residential zone.

**SITE INFORMATION:**

<b>Parcel Size:</b>	+/- 0.63 acres
<b>Legal Access:</b>	3971 Haines Road
<b>Wetlands:</b>	None per wetland delineation
<b>Existing Zoning:</b>	R-3, Residential
<b>Airport Overlay:</b>	N/A
<b>Shoreland Overlay:</b>	N/A
<b>Comprehensive Plan:</b>	Residential

**BACKGROUND**

The Applicant is seeking to construct a two-family home (twinhome) on the property. The overall property is approximately 5.0 acres in size with the Applicant proposing to subdivide the lot at a future date. The subdivision of the property would create a 0.63 acre parcel for the proposed two-family dwelling and would necessitate a variance for the lot size.

The City has been looking at the properties along Haines Road as well as been in discussions with two property owners, who own multiple parcels. The City believes there is the opportunity to assemble properties along Haines Road in order to have enough land to facilitate a residential development consisting of a mixture of housing types. Due to the nature of the deep, narrow lots along Haines Road, there appears to be the opportunity to utilize the rear portions of these properties for development, while maintaining the existing homes that abut Haines Road.

## ZONING ANALYSIS

Two-family dwellings are allowed by Special Use Permit (SUP) in the R-3 – Residential Zoning District. There are specific conditions which apply to two-family dwellings in addition to the standard regulations in the zoning district. The proposed project will require a variance from the minimum lot size and side yard setbacks dimensions associated with the construction of a two-family dwelling.

Table 1. Twin Home Requirements	Requirement	Provided
Minimum lot area	1.0 acre	+/-0.62 acres
Minimum lot width	150 feet	125 feet
Minimum depth of front yard	50 feet	50 feet minimum
Minimum side yard	40 feet	20 feet minimum
Minimum rear yard	40 feet	+/- 90 feet
Minimum distance from nearest condominiums, town homes, two-family dwellings	200 feet	Greater than 200 feet.
Minimum living area per unit	792 sq. ft.	+/- 1,680 sq. ft.

### Utilities

There are existing water and sanitary sewer services in the Haines Road right of way. The Applicant will be required to stub the new utilities to the new unit in order to provide service to the two-family home. The Applicant is required to obtain the necessary permits and pay any/all connection/availability fees for to the City for these utilities.

### Lot Size and Setbacks

The Applicant is proposing a lot size and side yard setback which is less than the minimums associated with a two-family structure in a R-3, Residential zoning district. The Applicant is required to obtain a variance from these minimum standards in order to construct to the lesser lot size and setbacks.

### Parcel Split

Any future lot subdivision of the parcel for the purpose of creating a second lot for the two-family structure will be accomplished by an administrative parcel split. Application fee and park dedication will be required at time of application.

Any future lot split for a flag lot will require review and approval by the Hermantown Planning and Zoning Commission.

### Wetlands

A wetland delineation was conducted at the property in 2023. The delineation did not identify any wetlands on the property.

### Special Use Permit

The Special Use Permit is for construction of a two-family residential structure in a R-3, Residential zoning district. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

- 2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;**

The proposed use will not interfere with the use and enjoyment of surrounding properties which consists of low density residential. The property and setbacks are of sufficient size to not interfere with neighboring properties.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is in an area marked for residential development in the Comprehensive Plan. A two-family home is consistent with the density and purpose of the R-3 – Residential zoning district.

- 4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The proposed use is similar to uses of nearby properties in density and style.

- 5. Other criteria required to be considered under the provisions of this code for any special use permit.**

The project will meet requirements for minimum distance from other two-family dwellings and minimum living area per unit. Refer to Table 1 for specifics of the zoning analysis.

### **Findings of Fact and Recommendations**

Staff recommends approval of the special use application to construct a two-family dwelling in a R-3, Residential zoned property, subject to the following:

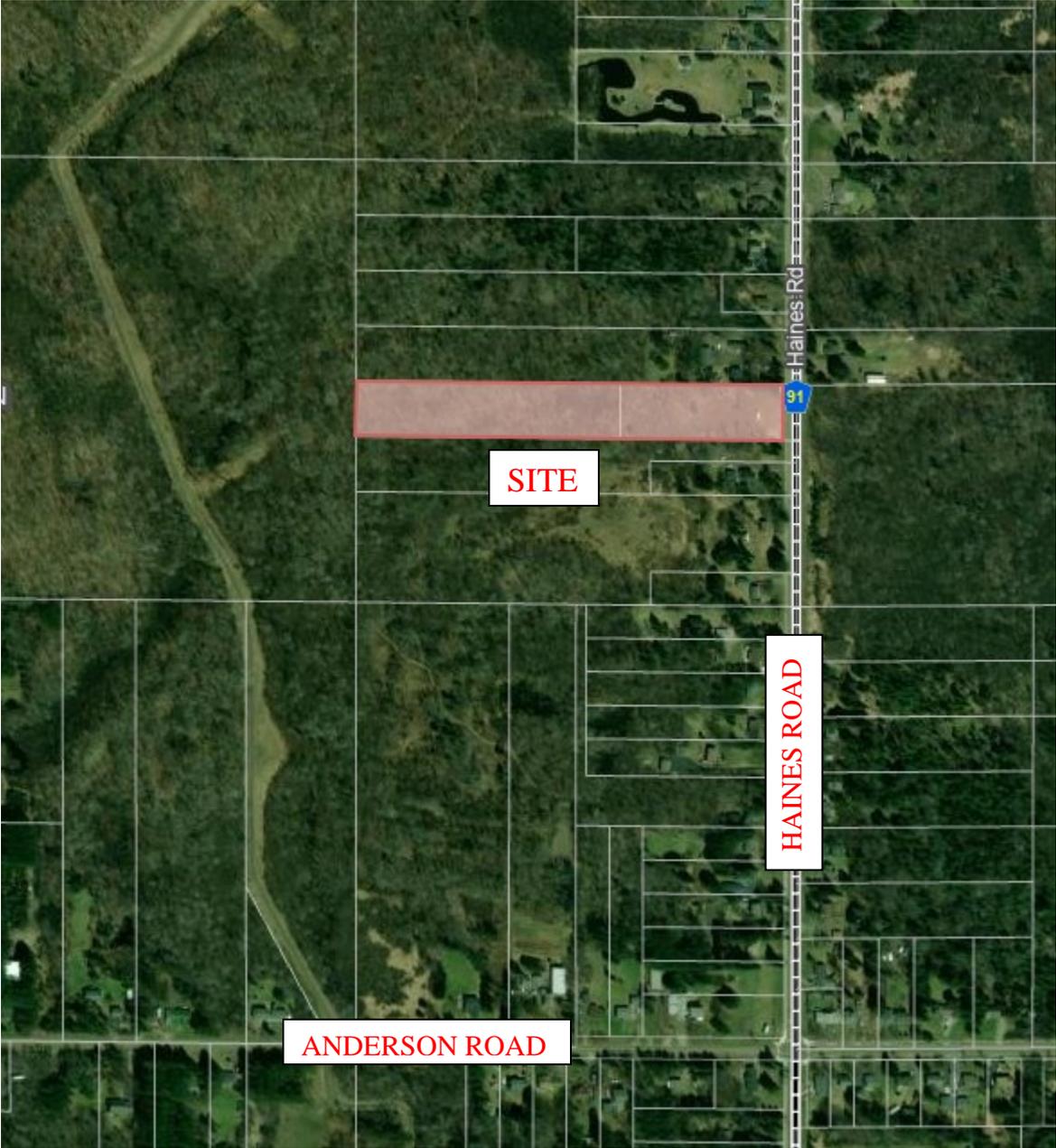
1. The applicant shall connect to public sewer and water services at their own cost and be responsible for any connection or availability fees.

2. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
3. 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.
4. Prior to issuance of a building permit, all necessary permits shall be obtained.
5. The Applicant will be required to obtain a variance from the minimum lot size and side yard setback associated with a two-family home under the R-3, Residential zoning district.
6. Any future lot subdivision of the parcel will be accomplished by an administrative parcel split, unless it is for a flag lot, which will require review and approval by the Hermantown Planning and Zoning Commission.
7. The approval is for a Special Use Permit for the purpose of constructing a two-family structure. The Community Development Director may approve minor variations as long as the variations do not result in any wetland impacts or setback infringements.
8. The applicant shall sign a consent form assenting to all conditions of this approval.
9. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

#### **ATTACHMENTS**

- Location Map
- Proposed Site Plan
- Proposed Survey
- Proposed Building Elevation
- Proposed Building Floor Plan

**Location Map**



3971 Haines Rd

lot a  
4.36 acres

lot c  
.33 acres

lot b  
.3 acres

house1

house1a

220 ft

40ft

65ft

60ft

townhome is roughly 80X60  
side lot is 20 on lot b  
side lot is 25 on side c  
front lot is roughly 70 ft  
rear lot is roughly 90 ft  
flag pole is 40 ft x 220 ft

driveway will be the width of the  
44ft slightly tapering down to the  
driveway length will be roughly 70

SEC. 24

MAMMENGA ROLLAND  
PID NO. 395-0010-06877

E 1/4 COR SEC. 24,  
TWP. 50N, RGE. 15W

NORTHWOODS PROPERTIES INC  
PID NO. 395-0010-06880

N00°13'21"W 164.86

S89°38'27"E 1317.24

1097.24

TWP. 50N

PARCEL A  
189,721 Sq. Feet  
4.36 Acres

EDSA STORAGE LLC  
PID NO. 395-0010-06870

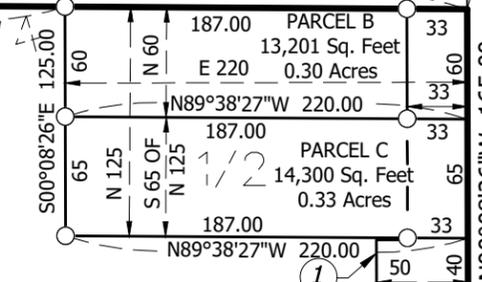
1267.01

N89°38'05"W 1317.01

STRUCK BARBARA R  
PID NO. 395-0010-06853

EDSA STORAGE LLC  
PID NO. 395-0010-06872

MARGARIT DANIEL KEVIN & KELLIE  
PID NO. 395-0010-06850



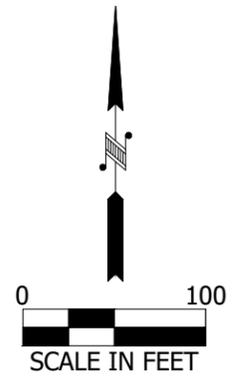
HAINES ROAD

N00°08'26\"/>

RGE. 15W  
SE COR SEC. 24,  
TWP. 50N, RGE. 15W

LEGEND

- SECTION SUBDIVISION LINE
- - - RIGHT OF WAY LINE
- ==== BOUNDARY LINE AS SURVEYED
- ==== PROPOSED PARCEL LINE
- ==== ADJACENT PARCEL LINE
- CAST IRON MON
- ⊙ FOUND IRON PIPE
- SET CAPPED REBAR RLS. NO. 49505
- # REFER TO SURVEYOR'S NOTES



SURVEYOR'S NOTES

- HIGHWAY EASEMENT PER DOCUMENT NO. 503297
- FOUND 1 INCH IRON PIPE N30°W AND 2.7 FEET FROM THE SOUTHWEST BOUNDARY CORNER, NO RECORD OF IRON PIPE FOUND.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

PARENT LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 360306

N1/2 OF N1/2 OF S1/2 OF NE1/4 OF SE1/4, Section 24 Township 50 North Range 15 West of the Fourth Principal Meridian

LEGAL DESCRIPTION OF PARCEL A

The North Half of the North Half of the South Half of the Northeast Quarter of the Southeast Quarter of Section 24, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota, EXCEPT the North 125 feet of the East 220 feet thereof. Said parcel contains 189,721 square feet or 4.36 acres.

LEGAL DESCRIPTION OF PARCEL B

The North 60 feet of the East 220 feet of the North Half of the North Half of the South Half of the Northeast Quarter of the Southeast Quarter of Section 24, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota. Said parcel contains 13,201 square feet or 0.30 acres.

LEGAL DESCRIPTION OF PARCEL C

The South 65 feet of the North 125 feet of the East 220 feet of the North Half of the North Half of the South Half of the Northeast Quarter of the Southeast Quarter of Section 24, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota. Said parcel contains 14,300 square feet or 0.33 acres.

I hereby certify that this survey, plan, 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.

*David R. Evanson*  
David R. Evanson  
MN License #49505  
DATE:08-20-2025

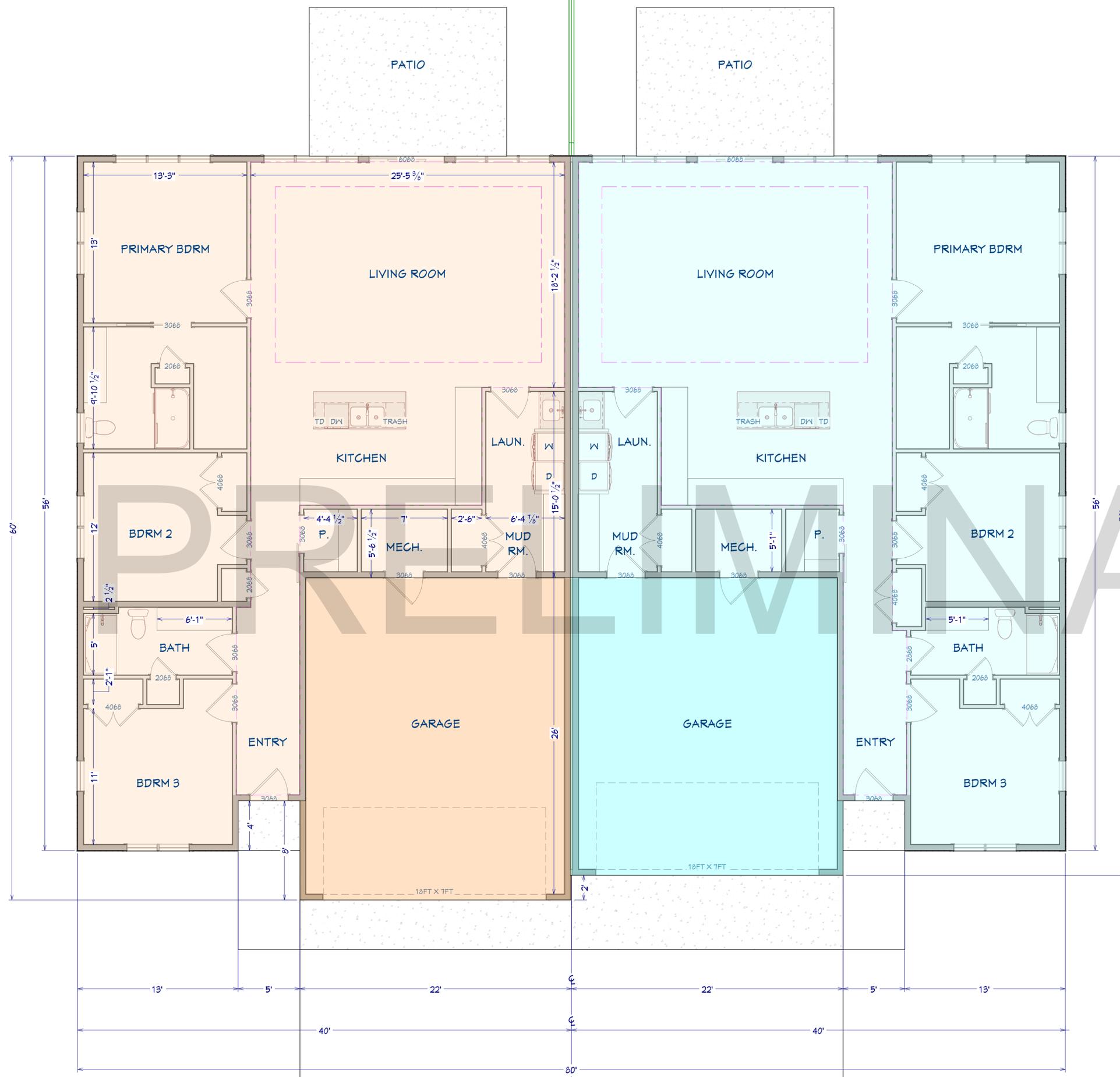
CERTIFICATE OF SURVEY

CLIENT:DENNIS ADAMSKI  
ADDRESS:3971 HAINES ROAD  
HERMANTOWN, MN 55811  
DATE:08-20-2025

REVISIONS:  
JOB NO:25-255  
SHEET 1 OF 1

ALTA  
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1ST FLOOR  
1/4 IN = 1 FT

**NORDSKI TOWNHOUSE**  
LEFT UNIT 1,747SF GARAGE 566SF  
RIGHT UNIT 1,747SF GARAGE 522SF



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**5C. 3971 Haines Road – Variance from lot size and side yard setback**

**Applicant:** Nordski Construction/EDSA Storage  
**Case No.:** 2025-60 VAR  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Request from exemption of the setback and minimum lot size requirements of Section 515.10 of the Hermantown Zoning Ordinance in a R-3, Residential zoning district

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**RECOMMENDED ACTION:**

Consideration of a variance request from exemption of the setbacks and minimum lot size requirements of Section 515.10 of the Hermantown Zoning Ordinance in a R-3, Residential zoning district

**DESCRIPTION OF REQUEST:**

Nordski Construction/EDSA Storage (Applicant) requests a variance for the side yard setbacks and minimum lot size associated with the construction of a two-family dwelling unit in an R-3 Residential zone.

**SITE INFORMATION:**

**Parcel Size:** +/- 0.63 acres  
**Legal Access:** 3971 Haines 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 a two-family home (twinhome) on the property. The overall property is approximately 5.0 acres in size with the Applicant proposing to subdivide the lot at a future date. The subdivision of the property would create a 0.63 acre parcel for the proposed two-family dwelling and would necessitate a variance for the lot size.

The City has been looking at the properties along Haines Road as well as been in discussions with two property owners, who own multiple parcels. The City believes there is the opportunity to assemble properties along Haines Road in order to have enough land to facilitate a residential development consisting of a mixture of housing types. Due to the nature of the deep, narrow lots along Haines Road,

there appears to be the opportunity to utilize the rear portions of these properties for development, while maintaining the existing homes that abut Haines Road.

**ZONING ANALYSIS**

Two-family dwellings are allowed by Special Use Permit (SUP) in the R-3 – Residential Zoning District. There are specific conditions which apply to two-family dwellings in addition to the standard regulations in the zoning district. The proposed project will require a variance from the minimum lot size and side yard setbacks dimensions associated with the construction of a two-family dwelling.

Table 1. Twin Home Requirements	Requirement	Provided
Minimum lot area	1.0 acre	+/-0.62 acres
Minimum lot width	150 feet	125 feet
Minimum depth of front yard	50 feet	50 feet minimum
Minimum side yard	40 feet	20 feet minimum
Minimum rear yard	40 feet	+/- 90 feet
Minimum distance from nearest condominiums, town homes, two-family dwellings	200 feet	Greater than 200 feet.
Minimum living area per unit	792 sq. ft.	+/- 1,680 sq. ft.

**Utilities**

There are existing water and sanitary sewer services in the Haines Road right of way. The Applicant will be required to stub the new utilities to the new unit in order to provide service to the two-family home. The Applicant is required to obtain the necessary permits and pay any/all connection/availability fees for to the City for these utilities.

**Lot Size and Setbacks**

The Applicant is proposing a lot size and side yard setback which is less than the minimums associated with a two-family structure in a R-3, Residential zoning district. The Applicant is required to obtain a variance from these minimum standards in order to construct to the lesser lot size and setbacks.

**Parcel Split**

Any future lot subdivision of the parcel for the purpose of creating a second lot for the two-family structure will be accomplished by an administrative parcel split. Application fee and park dedication will be required at time of application.

Any future lot split for a flag lot will require review and approval by the Hermantown Planning and Zoning Commission.

**Wetlands**

A wetland delineation was conducted at the property in 2023. The delineation did not identify any 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. In the case where there are other zoning related requests, the Planning and Zoning Commission hears and acts on variance requests.

A variance is requested from Section 515 – R-3, Residential of the Hermantown Zoning Regulations. Section 515.10 of the Hermantown Zoning Ordinance addresses minimum lot size and building setbacks in a R-3, Residential zoning district for a two- family structure.

Justification and Mitigation

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

(Mitigation) City staff believes there is the opportunity to assemble properties along Haines Road in order to have enough land to facilitate a residential development consisting of a mixture of housing types. Due to the nature of the deep, narrow lots along Haines Road, there appears to be the opportunity to utilize the rear portions of these properties for development, while maintaining the existing homes that abut Haines Road.

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 minimum lot size of one acre for 2 units is equal to the R-3 minimum lot size of ½ acre per unit.*

*The minimum lot width for two-family structures is 150 feet. The proposed plan is for a 125 foot lot, which is 17% smaller than the required for two-family homes, but is 25% larger than the required lot width for a single family home.*

*The minimum lot size for two-family structures is one acre. The proposed plan is for a 0.63 acre parcel, which is 37% smaller than the required for two-family homes, but is 26% larger than the required lot size for a single family home.*

*The side yard setbacks for two-family structures is 80 feet total (40 feet per side). The proposed plan is for a combined 45 feet total, which is 44% smaller than the required for two-family homes, but is 45% larger than the required setback for a single family home.*

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 uses allowed are commercial businesses, offices, townhomes, apartments, parks and institutions.’*
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.

*City staff believes there is the opportunity to assemble properties along Haines Road in order to have enough land to facilitate a residential development consisting of a mixture of housing types. There is adequate lot size to accommodate a two-family home on this parcel, however, it would block any future development opportunities of the western portion of the property.*

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

*There is adequate lot size to accommodate a two-family home on this parcel, however, it would block any future development opportunities of the western portion of the property.*

- 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. The following parcels are similar in nature:*

*4027, 4029 and 4031 Haines Road - triplex  
3675-3694 Patriot Drive – twinhomes and triplexes (PUD)*

### **Findings of Fact and Recommendations**

Staff recommends approval of the special use application to construct a two-family dwelling in a R-3, Residential zoned property, subject to the following:

1. The applicant shall connect to public sewer and water services at their own cost and be responsible for any connection or availability fees.
2. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
3. 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.
4. Prior to issuance of a building permit, all necessary permits shall be obtained.
5. Any future lot subdivision of the parcel will be accomplished by an administrative parcel split, unless it is for a flag lot, which will require review and approval by the Hermantown Planning and Zoning Commission.
6. Approval of a Special Use Permit for the construction of a two-family structure by the Hermantown City Council is required.
7. The applicant shall sign a consent form assenting to all conditions of this approval.
8. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

### **ATTACHMENTS**

- Location Map
- Proposed Site Plan

- Proposed Survey
- Proposed Building Elevation
- Proposed Building Floor Plan

**Location Map**



3971 Haines Rd

lot a  
4.36 acres

lot c  
.33 acres

lot b  
.3 acres

house1

house1a

220 ft

40ft

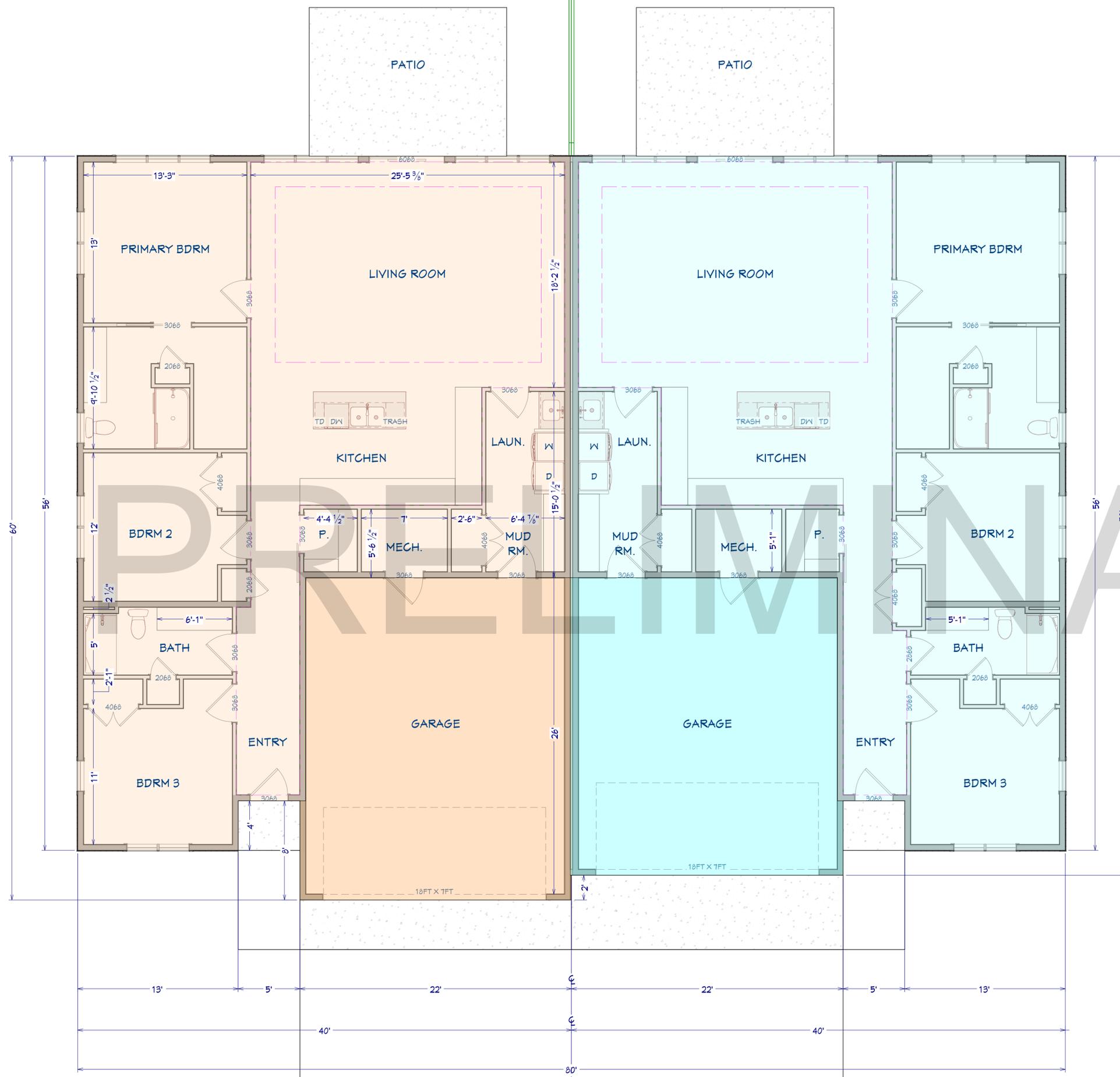
65ft

60ft

townhome is roughly 80X60  
side lot is 20 on lot b  
side lot is 25 on side c  
front lot is roughly 70 ft  
rear lot is roughly 90 ft  
flag pole is 40 ft x 220 ft

driveway will be the width of the  
44ft slightly tapering down to the  
driveway length will be roughly 70





1ST FLOOR  
1/4 IN = 1 FT

**NORDSKI TOWNHOUSE**  
LEFT UNIT 1,747SF GARAGE 566SF  
RIGHT UNIT 1,747SF GARAGE 522SF



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**5D. SW Quadrant – Zoning Map Amendment**

**Applicant:** Harmony Group, LLC

**Case No.:** 2025-56 ZM

**Staff Contact:** Eric Johnson, Community Development Director

**Request:** Rezone Parcels 395-0010-09135, 395-0010-09130, 395-0010-09131, 395-0010-09080, 395-0010-09095, 395-0010-09150, 395-0010-09090, 395-0010-09155, 395-0010-09161, 395-0010-09160, 395-0010-09300, 395-0010-09302, 395-0010-09140, 395-0010-09310, 395-0010-09320, 395-0010-09330, 395-0010-09340 from S-1, Suburban BLM, Business and Light Manufacturing

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**RECOMMENDED ACTION:**

Staff recommends that the Planning and Zoning Commission hold a public hearing regarding the rezoning of 17 parcels totaling 220.27-acres located in the SW quadrant of Morris Thomas Road and Midway Road and including parcels 395-0010-09135, 395-0010-09130, 395-0010-09131, 395-0010-09080, 395-0010-09095, 395-0010-09150, 395-0010-09090, 395-0010-09155, 395-0010-09161, 395-0010-09160, 395-0010-09300, 395-0010-09302, 395-0010-09140, 395-0010-09310, 395-0010-09320, 395-0010-09330, 395-0010-09340 from S-1, Suburban BLM, Business and Light Manufacturing.

**SITE DATA**

**Address:** 395-0010-09135, 395-0010-09130, 395-0010-09131, 395-0010-09080, 395-0010-09095, 395-0010-09150, 395-0010-09090, 395-0010-09155, 395-0010-09161, 395-0010-09160, 395-0010-09300, 395-0010-09302, 395-0010-09140, 395-0010-09310, 395-0010-09320, 395-0010-09330, 395-0010-09340

**Existing Comprehensive Plan:** Concept Area 4: Develop New Compatible Light Industrial with Adequate Public Facilities, Preserve Wetlands and Rural Uses

**Comprehensive Plan Update:** Business and Light Manufacturing

**Zoning:** S-1, Suburban

**Lot Size:** 220.27 acres total

**Wetlands:** Yes, per the National Wetland Inventory

**Shoreland Overlay:** Yes, Natural Environment Shoreland Area

**Airport Zoning:** No

**DESCRIPTION OF REQUEST:**

Harmony Group, LLC (Applicant) is requesting that 17 parcels of land totaling 220.27 acres be rezoned from S-1, Suburban to BLM, Business and Light Manufacturing. These parcels are within a quadrant of the City which has been identified in the City’s Comprehensive Plan Update for Business and Light Manufacturing

**BACKGROUND:**

The City of Hermantown updated its Comprehensive Plan in April 2025. As part of that work, the City expanded the BLM, Business and Light Manufacturing zoning district in the SW area of the City. The Comprehensive Plan Update, envisions this quadrant of the City with its access to County Road 13, MN State Highway 2 and rail be guided towards Business and Light Manufacturing.

In April 2025, the City rezoned 14 parcels either owned by Allete or Rendfield Land Company from S-1, Suburban to BLM, Business and Light Manufacturing. These 14 parcels primary use is utility based business and the rezoning aligns these parcels with the Comprehensive Plan Update. Although public utility services are a permitted use in the S-1, Suburban zoning district (existing Allete substation), the use does not align with the previous S-1, Suburban zoning. In order to align with the Comprehensive Plan Update, the City rezoned the 14 parcels to BLM, Business and Light Manufacturing which more accurately describes the nature of the parcels.

Harmony Group, LLC (Applicant) is requesting that 17 parcels of land totaling 220.27 acres be rezoned from S-1, Suburban to BLM, Business and Light Manufacturing. These parcels directly abut the previously rezoned 14 parcels as well as an existing 6 parcels located in the SW intersection of Morris Thomas Road and Midway Road, all of which are zoned BLM.

**Infrastructure**

The subject parcels are within the urban service area, which was expanded as part of the Comprehensive Plan Update. The WLSSD has modified their plans to reflect this.

**Wetlands**

A preliminary wetland delineation and desktop review has been conducted on these parcels with the existence of wetlands on multiple parcels. Additional wetland delineation work will be conducted on the parcels and will be coordinated with the Hermantown Technical Evaluation Panel on the delineation in order to finalize it in the fall of 2025.

**Zoning**

Dimensional standards would change as follows:

<b>Dimensional Standards</b>	<b>S-1</b>	<b>BLM</b>
<b>Height</b>	35 feet	80 feet
<b>Setbacks</b>		
<i>Front</i>	50 feet	20 feet
<i>Side (abutting residential)</i>	15 feet	50 feet
<i>Side</i>	15 feet	20 feet
<i>Rear</i>	50 feet	20 feet, 50 feet abutting residential

<b>Minimum lot area</b>	5 acres	None
<b>Minimum lot width</b>	300 feet	100 feet
<b>Maximum lot coverage</b>	30%	35% or 65% with approved landscape plan

**Comprehensive Plan**

The parcels are within Concept Area 4: Develop New Compatible Light Industrial with Adequate Public Facilities, Preserve Wetlands and Rural Uses. The Comprehensive Plan Update, which was adopted in April 2025, envisions this quadrant of the City with its access to County Road 13, MN State Highway 2 and rail be guided towards Business and Light Manufacturing.

**SUMMARY & JUSTIFICATION:**

The proposed rezoning meets the criteria of the Comprehensive Plan Update as well as the overall goals and policies of the Zoning Ordinance.

1. The parcels are within Concept Area 4: Develop New Compatible Light Industrial with Adequate Public Facilities, Preserve Wetlands and Rural Uses. The Comprehensive Plan Update, envisions this quadrant of the City with its access to County Road 13, MN State Highway 2 and rail be guided towards Business and Light Manufacturing.
2. The City’s availability of BLM zoned property is limited to infill lots on small acreage parcels. The rezoning of a large acreage area provides opportunities for business growth and expansion.
3. Guides the parcels for business and light manufacturing as they are large enough to accommodate large building footprints and employers.
4. Focuses the development opportunities for new business and light manufacturing in designated areas with strategic highway access to create desirable environments for attracting new businesses and increasing local job opportunities while limiting the impacts on denser residential areas.

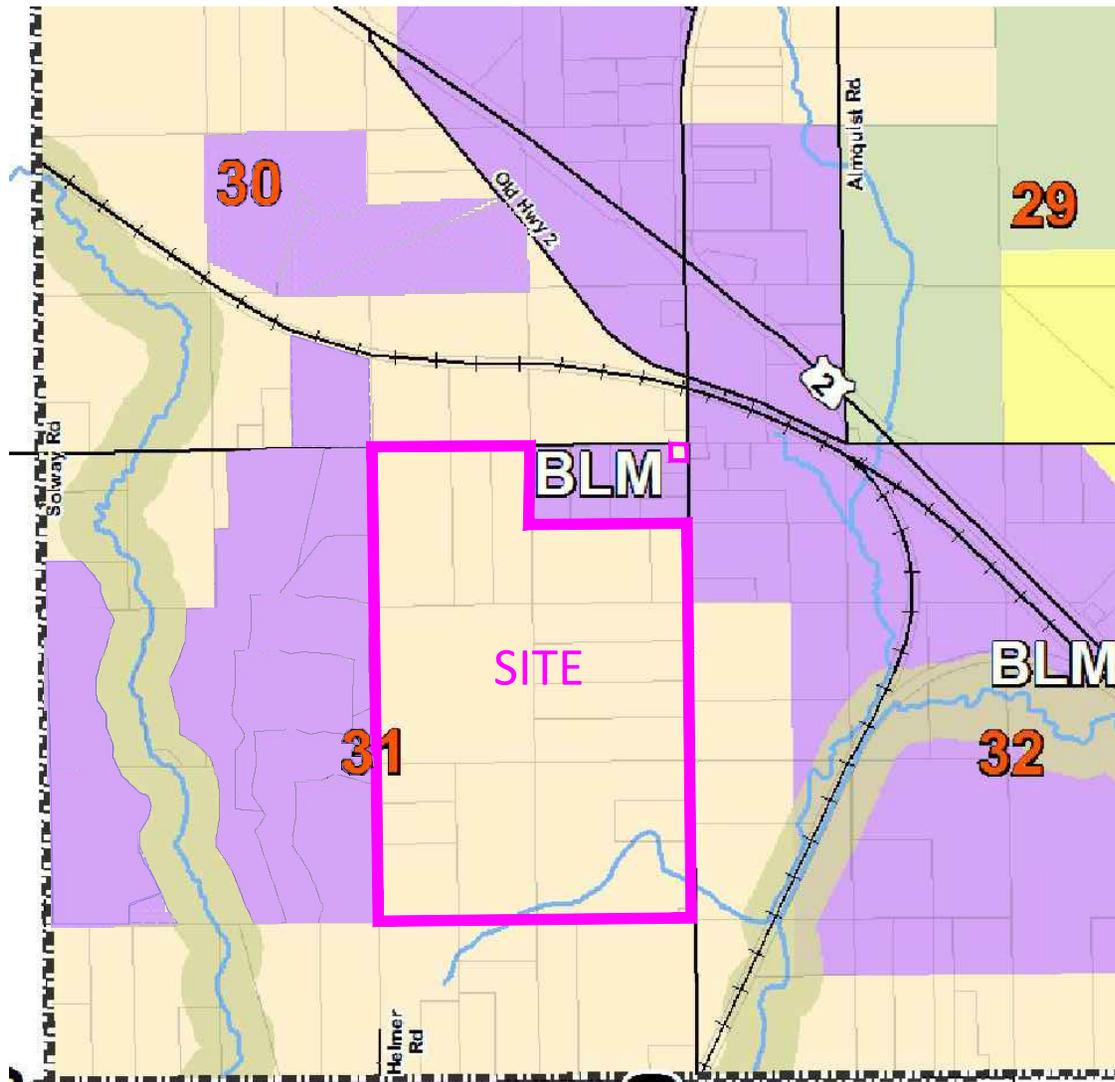
**ATTACHMENTS**

- Location Map
- Existing Zoning Map
- Proposed Zoning Map

**Location Map**



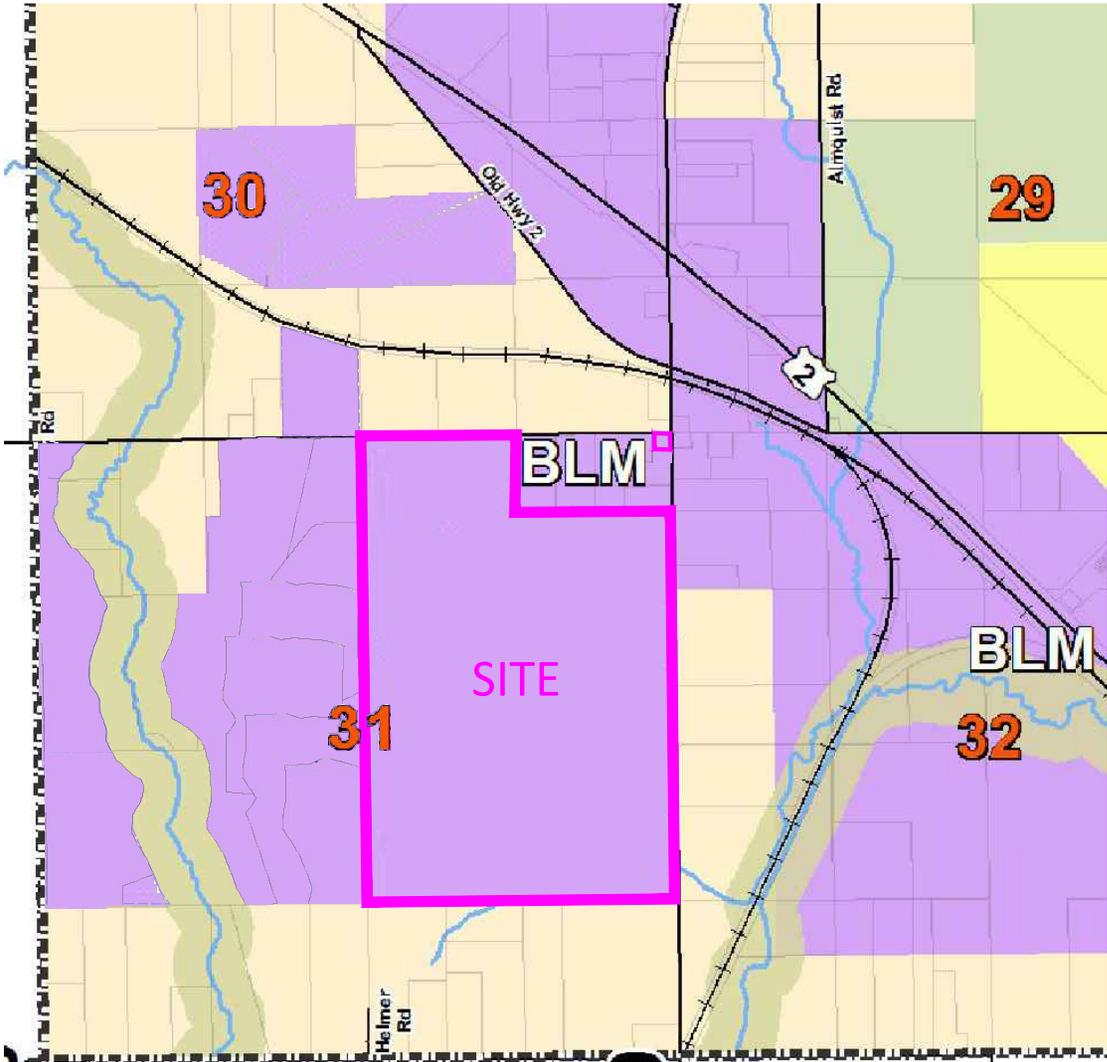
# EXISTING ZONING



## Hermantown Zoning Districts

- HM-Hermantown Marketplace
- BLM-Business/Light Manufacturing
- C-General Commercial
- C1-Office/Light Industrial
- C1A-Sexually Oriented Uses
- M2-Heavy Industrial
- O-Conservation/Open Space
- P-Public Facilities
- PUD-Planned Unit Development
- R1-Residential
- R3-Residential
- R3a-Multiple Family Dwellings
- S1-Rural/Suburban

# PROPOSED ZONING



## Hermantown Zoning Districts

- HM-Hermantown Marketplace
- BLM-Business/Light Manufacturing
- C-General Commercial
- C1-Office/Light Industrial
- C1A-Sexually Oriented Uses
- M2-Heavy Industrial
- O-Conservation/Open Space
- P-Public Facilities
- PUD-Planned Unit Development
- R1-Residential
- R3-Residential
- R3a-Multiple Family Dwellings
- S1-Rural/Suburban

**Ordinance No. 2025-\_\_\_**

The City Council of the City of Hermantown Does Ordain:

**AN ORDINANCE OF THE CITY OF HERMANTOWN,  
MINNESOTA, AMENDING CHAPTER 18 OF THE HERMANTOWN ZONING CODE BY  
ADDING A NEW SECTION 1830, ACCESSORY DWELLING UNITS**

**Section 1.** Purpose and Intent. The purpose of this Ordinance is to allow for and regulate the location, placement, design and use of accessory dwelling units in the City of Hermantown to broaden the range of its housing options.

**Section 2.** Amendment to Heading. The City of Hermantown Zoning Code is hereby amended by revising Chapter 18’s heading to read as shown:

“Chapter 18. Home Occupations and Accessory Dwelling Units.”

*New language is underlined.*

**Section 3.** Addition to Code. The City of Hermantown Zoning Code is hereby amended by adding a new Section 1830, Accessory Dwelling Units, to read as shown on Exhibit A attached hereto.

**Section 4.** Added to Zoning Code. The terms and provisions of this ordinance shall be amended in the appropriate place in the Hermantown Zoning Code, after adoption and becoming effective.

**Section 5.** Effective Date. The provisions of this Ordinance shall be effective after adoption immediately upon publication once in the official newspaper of the City of Hermantown and upon recording with the St. Louis County Recorder’s Office.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

## EXHIBIT A

### Section 1830 - Accessory Dwelling Units.

1830.1. **Purpose.** The purpose of this section is to allow for and regulate the location, placement, design, and use of Accessory Dwelling Units (ADU) that broadens the range of housing options in the City of Hermantown (“City”).

1830.2. **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1830.2.1. **Accessory Dwelling Unit.** A smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home.

1830.2.2. **Living Finished Space.** the area within a house which is suitable for human habitation including suitable finished basement areas but excluding garages, services areas and unfinished portions of the building.

Reasoning: We are really trying to define the *usable* or currently *finished* space of the house for the sake of sizing the ADU later on in the ordinance. But we are doing this by using terms that already have very specific Building Code definitions in a manner expressly contrary to how they are used in the Code.

- a) Under the Building Code space fit for habitation or *Habitable Space* and *Living Space* are two distinctly separate items that *can* occupy the same space, but have mutually exclusive definitions.
  - I.e bathrooms are very expressly defined as *not Habitable*, but they *are* expressly included in the definition of *Living Space*.
- b) Similarly, under the Building Code, unfinished basements *are* at a minimum *living space*, and possibly *habitable* depending on items such as ceiling height, minimum heat and ventilation etc.

1830.2.3. **Owner.** The person who holds fee title or is a bona fide purchaser under a contract for deed of the property.

1830.2.4. **Attached ADU.** An accessory dwelling unit which involves an addition to the principal structure of a lot to allow for the new secondary unit.

1830.2.5. **Internal ADU.** An accessory dwelling unit in which a portion of the existing principal structure is converted for use as a new secondary unit.

1830.2.6. **Detached ADU.** An accessory dwelling unit which is stand-alone from the principal structure, or which is incorporated into an existing stand-alone accessory structure.

1830.3. **General Regulations.** Accessory dwelling units shall not be created or used except in conformity with the following requirements:

1830.3.1. Accessory dwelling units shall only be allowed on lots in residential zoning districts that have a single-family home present.

1830.3.2. There shall be no more than one accessory dwelling unit allowed per lot.

1830.3.3. The owner must have permanent residence established at the property and reside in either the principal or accessory dwelling.

~~1830.3.4. Accessory dwelling units shall contain a separate kitchen and bathroom facilities.~~ provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Reasoning: To be used as a dwelling unit it must comply with the Building Code which has the more explicit requirements than just kitchens and bathrooms

1830.3.5. A minimum of one additional off-street parking space shall be provided for the accessory dwelling unit in addition to those required for the principal dwelling.

1830.3.6. Utility connections for the accessory dwelling unit shall be connected to City sanitary sewer and water services, or, if applicable, connected to the private well and industrial sewage treatment system serving the principal dwelling on the lot if said principal dwelling is not otherwise serviced by or required to be served by City sewer and water services and the same shall be in compliance with City Code.

1830.3.7. All other provisions of zoning code relating to single-family dwelling units shall be met, unless specifically amended by this code section.

1830.3.8. Accessory dwelling units shall have the same address as the principal structure. Prior to occupancy the owner shall notify the Hermantown Fire Department and register the ADU with their Community Connect program so that emergency responders are notified in the event of an emergency there are two distinct dwellings at the same address.

Reasoning: When an address like this is shared, emergency responders responding to hang-up calls where the caller is unable to talk or identify their location, will go to the front door of the primary residence and may clear off the scene stating no-contact completely unaware there is a secondary residence in the rear. Similarly, Fire may view the ADU as a utility shed or playhouse and not search it in the event of a fire or other evacuation event on the premise.

1830.3.9. **Administration and Establishment.**

1830.3.9.1. Establishment of an accessory dwelling unit shall require an administrative review by City Staff in addition to any required permits relating to construction.

1830.3.9.2. No accessory dwelling unit shall be created except in compliance with all applicable ~~building, housing, electrical, plumbing, heating~~ *The Minnesota State Building Code* and related codes of the City;

Reasoning: The *MN State Building Code* is the umbrella code that encompasses all of these requirements. (Building, plumbing electrical etc. are all sub-chapters) So rather than make express reference to a “heating code” which doesn’t exist and then omit reference to the *Energy Code* or *Mechanical and Fuel Gas codes* which do, it is simpler just to refer to the *MN State Building Code*.

1830.3.9.3. The accessory dwelling unit shall not be sold independently of the principal residential dwelling and may not be a separate tax parcel.

1830.4. **Attached and Internal ADUs.** Accessory dwelling units incorporated with the principal dwelling shall be subject to the following requirements.

1830.4.1. **Size; Height Restrictions.**

1830.4.1.1. The floor area of the accessory dwelling unit shall be no more than 50 percent of the home's gross living area, or 1,000 square feet, whichever is less. In the case of internal accessory dwelling units, the area being converted for use shall be included in this calculation of gross living area.

1830.4.1.2. The accessory dwelling unit shall have a minimum floor area of 350 square feet.

1830.4.1.3. The accessory dwelling unit shall be restricted to a maximum height of 35 feet.

1830.4.2. **Design Guidelines.**

1830.4.2.1. Exterior changes to the home shall not substantially alter the single-family character of the structure.

1830.4.2.2. The accessory dwelling unit must be a permanent structure affixed to a foundation.

1830.4.2.3. The accessory dwelling unit is subject to all setback restrictions of the principal structure.

1830.5. **Detached ADUs.** Stand-alone accessory dwelling units shall be subject to the following requirements.

1830.5.1. **Location Restrictions.**

1830.5.1.1. The accessory dwelling unit is subject to all of the setback restrictions as the principal structure.

1830.5.1.2. The accessory dwelling unit must be a permanent structure affixed to a foundation.

1830.5.2. **Size; Height Restrictions.**

1830.5.2.1. The floor area of the accessory dwelling unit shall be no more than 50 percent of the home's gross living area, or 1,000 square feet, whichever is less.

1830.5.2.2. The accessory dwelling unit shall have a minimum floor area of 350 square feet.

1830.5.2.3. Detached accessory dwelling units shall be restricted to a maximum height of 35 feet.

1830.5.3. **Design Guidelines.**

1830.5.3.1. The detached accessory dwelling unit shall be designed and use materials which complement and match the existing principal dwelling and are compatible with the surrounding neighborhood in terms of design, form, height, materials and landscaping.