

**Town of Duluth  
Planning Commission  
Approved Meeting Minutes  
September 25, 2014**

The meeting was called to order at 7:10 by Chair Paul Voge.

Present: Paul Voge, John Schifsky, Brigid Pajunen, Wayne Dahlberg, Jerry Hauge and Larry Zanko  
Absent: Jo Thompson

Also present: Don Sitter, Town Board liaison

Sue added Kathy Kunst/Lighthouse Restaurant to New Business on the agenda and the agenda was approved as amended.

There were no minutes from the August meeting because there was not a quorum. Notes from the discussion were taken.

The July 24 minutes were approved with some minor grammatical clarifications from John Schifsky.

**Possible Variance Request from Dave Pierson**

Dave Pierson introduced himself. He is looking to build a garage behind his parents' house, which he owns.

Sue provided an overview of the situation. In 2009, Dave applied for a variance for a 2300 sq ft addition to his house. The addition included a 3 car garage and living space. The variance was for a 20 ft setback instead of 35 ft and was approved. In the meantime, they ended up not being able to move forward with that construction. Instead, he would like a 1400 sq ft detached garage, placed behind his parents' house, which is on a narrow lot adjacent to the lot his house is on. He owns both properties. The required setback for the garage in this location would be 36 ft. Another option is to combine the lots, but this would not be economical because of taxes. So instead of attaching the garage to the house, as was in the original variance, he would like to have a smaller structure, detached. The question for the Commission is: Does this require a new variance or would it be covered under his existing variance?

Sue said she discussed the change with Tim Strom, the Town's attorney and Tim thought the Commission should look at the new plan and see if there is anything different occurring that would necessitate a new variance application and hearing.

Dave said that the reason he choose this location is that the garage would be easy to access and it requires a lesser amount of driveway. In this location, the garage would be 10 ft from the west line. He could move it some, but he still needs to be fairly close to the lot line. Alternatively, he could turn the garage 90 degrees and place it behind his house. This would require more driveway, but would decrease the needed variance. This location would be in the approximate footprint of the proposed structure for which he has a variance. However, he would like it to be in line with the house which is just 15 ft from the lot line and the variance is for 20 ft.

Brigid asked if the original variance request was for 15 ft.

Sue said that the original variance request was for 20 ft from the west property line. The required setback was 35 ft because it was attached to the house.

Brigid asked Dave why he asked for 20 ft at that time and not 15 ft.

Dave said that in order to incorporate the new roofline with the existing roofline, the addition had to be offset. It also allowed for a view of the lake. So 20 ft made sense.

Paul noted that the garage would be in the same basic footprint as the addition would have been.

Wayne said that he was involved with the original design, so he will refrain from the conversation. He did want to say, though, that the original zoning required a 20 ft setback for the primary structure and in 2005 that setback was changed to 35 ft.

Paul asked if the new garage would have extensive eaves.

Dave said that it would be a conventional roof.

Sue said that extension of the eaves into the setback is okay.

The feeling of the Commission was that if it were built with the 20 ft setback it could be done under the previous variance.

Brigid asked if there would have been concerns about a 15 ft setback at the original variance hearing.

Sue said that the adjoining property is Nokomis is not zoned commercial – it is a very long-term grandfathered property for commercial. It could become residential.

The Commission felt that if the setback was 15 ft, a new variance application and hearing would be required.

John made a motion that if the owner constructed the garage with the 20 ft setback allowed by the original variance, a new variance would not be required. Brigid seconded and the motion passed unanimously.

John made a motion that if the owner wished to construct the garage with anything less than a 20 ft setback from the west property line, a new variance would be required. Brigid seconded.

John said that his concern was for the property to the west.

Jerry said that the house is already at a 15 ft setback.

Paul felt that it was not an unreasonable request at all, but was a question of giving the neighbors a chance to voice any concerns.

The motion passed unanimously.

Sue said that a note would be added to the file and she would send Dave a letter saying that the Commission agreed that detaching, moving, and making the garage smaller was within the scope of the existing variance.

### **Lighthouse Property Inquiry**

Sue introduced Pat and Kathy Kunst who are exploring options to purchase the Lighthouse and Severt Grimm who said that he is a realtor for Port Cities Realty and has the Lighthouse listed for sale.

The Lighthouse is zoned SMU-8. The minimum lot width for SMU-8 is 200 ft. The Lighthouse lot is a nonconforming lot of 145 ft. It is 1.52 acres and the minimum lot size is 1 acre. It was used as a restaurant and has been for sale for 3 years. Sue said she met with Pat and Kathy the previous evening to discuss their plans for the property if they were to purchase it. They would like to split the building into a duplex for short-term vacation rental. Duplexes are allowed with performance standards in SMU-8. For a duplex, the lot must be at least 1.5 times the normally required lot size and at least 1.5 times the required width. Another option they discussed was a two unit motel. There is no definition for a motel in the Ordinance. The closest thing is Highway Commercial. Sue read the definition from the Ordinance:

Those uses, which by their nature customarily relate to, depend upon, or provide essential services to the highway traveling public, on arterial and major collectors, including, but not limited to, gasoline service and light automotive repair stations, drive-in food service facilities, motels, and truck stops, and which do not include operational activities that are or may be a nuisance to or are otherwise incompatible with the existing or intended development pattern of the area.

The definition the City of Duluth has for a motel is:

A building or series of buildings operated as a commercial establishment providing accommodations to the transient traveling public in habitable units for compensation, and including both short-stay and extended stay facilities, and that may offer customarily incidental services.

There is one motel in the Town on Scenic and McQuade that has existed for years. The definition for short-term rental from the Ordinance stipulates that it is for a single family dwelling.

Pat said that their plan would be to remodel the building into two living units. It would be rented, for instance, through VRBO.

Paul said it seemed to him more like a high-frequency rental.

John said that when he thinks of a motel, he does not think of something this small in size.

Brigid said that at a motel, there is someone who is there at night.

Kathy said that when she was looking at insurance, she was told they would have to insure the building as a motel for this use.

Brigid said that the property is already zoned commercial. Short-term rentals have sometimes been a problem in the Township, but it is possible that a motel in an area that is zoned commercial won't have the same potential for problems.

Kathy said that she read a lot of definitions for motels, but did not find much on minimum number of rooms. It makes more sense to her since it is a commercial property.

Severt said that he would have liked to have seen it rezoned to residential, but after looking at the Ordinance, realized that was not an option. As a realtor, he thinks it would be an asset to have it sold and bringing money into the area.

Paul asked about performance standards for commercial highway.

Sue said there are performance standards regarding parking.

Paul asked if they would be altering the structure.

Pat said that they would not change the exterior. They would be remodeling the interior.

Brigid moved that the Commission use the definition for motels that Sue provided, and accept this use as a highway commercial use. Jerry seconded.

Wayne said that the decision is whether this use is within the definition of highway commercial. He said that he feels that whether it is two rooms or more is not relevant.

The motion passed unanimously.

Severt asked if a variance would be needed for the 145 ft setback.

Sue said that a variance would not be necessary because the building already exists.

John asked if, when the definition of motel is added to the Ordinance, the Commission will need to determine setbacks.

Sue said no, the setbacks will be those that are already established for the zone district.

### **Building/Structure Update**

At the previous meeting Jo presented a new formula that calculated impervious surface coverage to be closer to coverage for similar parcel sizes in other zones. She was still working on the setback formula.

Because Jo was not here, the subject was tabled for next month.

### **Township Brochure Update**

Paul said that he looked through the revised brochure and it is informative, complete and looks good.

It was decided that some history before European settlement be added.

There was a discussion of the locally published book about the Township, Roots of the Past, and getting a copy for the Township.

Sue noted that on pages 6 and 7 of the brochure, there is a discussion about land ethic. This is from the original language in the brochure. She said it would be useful for the Commission to talk about this. Land ethic describes the relationship between land, individuals, and community. It means different things to different people. The challenge for the Commission is in balancing the individual's rights and the community's rights. How you think about the land and how you think land should be treated is your bias. Knowing your bias helps you to see and understand others' views and biases.

Sue continued. In general, we come from a very individualistic perspective. Life, liberty and the pursuit of happiness -- this is about the individual. The Commission's job includes thinking about the neighbors and balancing individual rights with community rights. What is the relationship of the community to the land?

It was decided that the following paragraph should be included in the brochure and best describes the philosophy developed in the Comprehensive Land Use Plan.

The land, the people, and all its systems are the fabric of our community. What each of us does affects the land, our neighbors and our community. Actions and use of land in our Township will be undertaken with respect for our relationships to the land, the systems, and our community.

Sue said that Don will present the finalized brochure to the Board.

It was decided that the tables in the brochure from the Ordinance would be taken out. There will be links for the Ordinance included in the brochure and the zoning map will stay in.

Sue suggested the following changes to the brochure:

On page 10 where DNSSD is discussed, include that ISTS (apparently they are called SSTs permits now) permits are obtained from St Louis County.

On page 11 put an exclamation point after “Do not burn your garbage.”

On page 12, add “if you have questions” after the Town Hall phone number.

Under property boundaries, insert the phrase “prospective builders should be encouraged to have the lot surveyed.”

On page 15 it should be “zoning: special circumstances.”

On page 17 under Roads and Driveways, add “For entry onto any Township road, a permit is required from the Township; for entry onto County roads, a permit is required from St Louis County.”

Don McTavish suggested deleting septic systems from impervious surfaces on page 8.

### **Stormwater Update**

Sue said that she, Jo and Val Brady were working on the stormwater requirements. The Town has one year from the date the application was approved. They plan to work on it this winter.

### **Trails Update**

Sue said that she has written James Gittemeir a couple of times. She will continue to work on contacting people.

### **Director’s Report**

Sue said that she received an email through Jo from the MPCA saying that there may be another MS4 requirement for recycling facilities. The Town’s is a collection point, not a facility, so it may not apply, but she will look into it.

Paul asked if there was any revenue from the recycling center.

Sue said that it is paid for through a grant from WLSSD. If there is a good market, they make money and it helps reduce the cost for WLSSD. The program is a benefit to the Town.

Sue said that there may be a conditional use application at the next meeting.

### **Concerns from the Audience**

None.

The meeting adjourned at 8:55.