

**Town of Duluth
Planning Commission
Meeting Minutes
September 24, 2020**

The meeting was called to order at 6:30 pm by Jerry Hauge. The meeting was held at the Town Hall.

In attendance: Jerry Hauge, Larry Zanko, Angela Wilson, Pam West, and Blane Tetreault.

Absent: Liz Strohmayer and Dave Edblom.

Also attending: Sue Lawson, Planning Director and Mike Kahl, Town Board liaison to the Planning Commission.

The agenda was approved as presented

Dean Townley was in attendance to discuss the possibilities for post-use of a subordinate residence he would like to build on his property for his aging parents. It was his understanding that subordinate housing can only be used by family but he would like to figure out a way he could rent it out once family is no longer using it.

Sue showed where Dean's property is located on North Star Road. The map shows the trailer that they lived in while they built their house, but that has since been removed.

Sue said subordinate housing is covered in the Ordinance under Section 17 of the Article VIII, Performance Standards. Section 17.E says that an interim use for a subordinate residential dwelling "will be specific to the applicant's family only; it is not transferable." Sue noted that the Town does not define family. Section 17.E also states that "future use of the structure as a residence, including rental, is not permitted except as specifically allowed under other portions of this Ordinance."

Sue went through other options. A guest cottage is defined in the Ordinance, but is not listed in Table 5.3. There can be two homes on a parcel, but it must be possible to split the parcel such that both lots conform. The property is 5 acres and is in MUNS-4 which has a minimum lot size of 4.5 acres, so it would not be possible to split the parcel into two conforming lots. An addition to the home that included a living space could potentially be rented out for 30 days at a time without a permit, or it could be used as a bed and breakfast.

Dean said that he anticipated being very selective in choosing his renters; he wouldn't want a typical short-term rental. So, if he were to add living space directly to his house would it then be like a duplex that he could rent out?

Angela said that that would be how she would interpret it.

Larry asked if there would be a separate entrance.

Dean said that there would be. His parents want their own kitchen, etc. so that they can be independent for as long as possible.

Sue said that if it were considered a duplex, it would have to meet the performance standards for duplexes. She read the performance standards for a duplex. “Duplex dwellings shall be located on a lot that is at least one and one-half times the minimum lot area and at least one and one-half times the minimum lot width required for a single-family dwelling.” The lot would not meet these standards.

Larry said there is nothing in the Ordinance prohibiting renting out part of your home. An addition with a kitchen and separate entrance could be considered in that way.

Blane asked what would be considered attached.

Sue suggested it could be a wall in common or a passageway.

Angela said that she didn’t think it was necessary to require that it be a wall in common. It seemed to her that that would be an unnecessary hurdle for reasonable use of the property.

Dean said that he would want the addition to be aesthetically pleasing. It would need to flow with the house.

Angela said that if you simply wanted to add on to your house, that would be okay. It would not need to be called anything except a single-family addition.

Sue said that if Dean were to decide to use the space in the future as a bed and breakfast, it would require a conditional use permit and a public hearing. A rental of 30 days or longer would not require a permit.

Angela pointed out that the circumstance of a rental connected to his home would limit potential problems.

Larry asked if his septic was sufficient for adding a second living space to his home.

Dean said that he has a hugely oversized septic system. They put in a new tumbler system and have three or four 1000-gallon tanks plus a huge mound.

Jerry said that septic capacity is based on the number of bedrooms.

Dean said that they already have five bedrooms, their kids are moving out and they are repurposing those bedrooms. The existing bedrooms could accommodate his parents, but they want to be more independent.

The Commission agreed that if Dean put an addition onto his home, he could rent it out long-term.

The August 27 minutes were approved with minor grammatic and spelling corrections.

Director’s Report

Sue said that the folks at Creative Arcade were hoping to have the hearing for their proposed project at Nokomis at the October 22nd meeting.

Scott Graden is looking at purchasing two lots on North Shore Drive just down from the New Scenic Café. He wants to build one home on each lot and use them as short-term rentals. In addition to the conditional use permit for each STR, he would need a variance for each lot because neither lot meets the 2-acre minimum lot size for a short-term rental. Side yard setbacks may require a variance as well. In addition, he specified that he would need conditional use permits for both STRs, not interim use permits. Because the applications will be heard at the same time, Sue asked if charging him for one conditional use application fee would be reasonable. The Commission agreed that it was. The notification area was set for one-quarter mile.

Pam asked how many short-term rentals there were in the area already.

Sue said that there is nothing in the Ordinance regarding the density of short-term rentals.

Sue said that construction on the Grumdahls' windows and siding business down on McQuade and Old North Shore Roads has started. They needed to have a stormwater plan in place before beginning.

A driveway was put in off of Homestead Road right next to Homestead Drive that does not meet the requirement that a driveway, when feasible, must be 300 ft from the next driveway. Playing into the discussion is whether Homestead Drive is a driveway or a road. The County approved the access to Homestead Road. At the moment, the driveway looks like a field access.

Land Use Permit applications for houses continue to come in.

Mike reported that the Town was applying for CARES Act money to pay for some of the costs involved in holding elections during COVID-19. The Board is reassessing what the emergency generator is hooked up to. And a tree service will be limbing trees in some areas of the Township for plow access.

Sue said that she got a call from a resident regarding clearing on Stoney Point. She went down and looked at it and it appears that it was Coop Light and Power clearing under power lines. She advised the resident to call CLP.

Larry said that MNDOT put a freestanding communication tower up at the Molde Hill fire tower site. Pam said that they also substantially widened the road up to the site. The tower is not lit.

Concerns from the Audience.

None.

The meeting adjourned at 7:37.