

**Town of Duluth  
Planning Commission  
Meeting Minutes  
April 22, 2021**

The meeting was called to order at 6:30 pm by acting Chair Pam West. The meeting was held primarily via video conference.

In attendance: Pam West, Angela Wilson, Blane Tetreault, Justin Osadjan and Dave Meyer.

Absent: Liz Strohmayr and Dave Edblom.

Also attending: Sue Lawson, Planning Director.

The agenda was approved as presented.

**DeSutter Conditional Use Hearing for Continuation of B&B**

Tom and Ginny DeSutter were not able to attend the hearing. Sue explained the process and introduced their request for a conditional use for a bed and breakfast in their home located at 5627 North Shore Dr in SMU-6. They currently have an interim use permit for the same use that was granted March 22, 2018 and expires in May of this year. The home and property meet all of the dimensional requirements for a bed and breakfast in SMU-6. Sue showed a vicinity map and a photo of the site.

Sue read the DeSutters' description of the proposed B&B from their application:

Mission Statement: Provide short-term rental lodging, with minimal impact on surrounding neighborhood, expanding the economic impact to the North Shore Community.

Living at 5627 North Shore Drive for more than 35 years, and raising our family here, has instilled an appreciation for the North Shore and our community of friends and neighbors. Our home has four bedrooms, three full baths and a completely finished basement. With plenty of space for the two of us, sharing that space seems a logical and practical way to enhance our retirement income, and share the beauty of the North Shore we have grown to love and appreciate.

The goal is the continuance of a short-term rental via Airbnb. Our fully furnished basement, including a separate bedroom, bathroom and living area, will serve as the rental space. Implementation of the BnB would require no construction, and no change to the footprint of our home. We are simply utilizing our completely finished walkout basement as the rental space. Our intent is to utilize the space as the BnB approximately 100 nights a year.

Our present 2.3 acres fall with the zoning guidelines established by the Duluth Township. Not only are we within the acreage requirement, but our 2.3 acres also provides for plenty of parking space. Potential clients at the BnB would most likely mean one additional vehicle parked on our secluded property. Our property, at 5627 North Shore Drive is actually bordered on three sides by a natural landscape barrier of primarily native pine. This natural barrier is seen as a factor in minimizing the impact of our BnB on our

neighborhood. Please see attached aerial photos of our property, the dimensions, and the borders, including the wooded areas.

The criteria for making a decision and the DeSutters' responses from their application to those criteria are as follows:

1. The proposed use is consistent with the Comprehensive Plan and within the spirit and intent of this Ordinance.  
*Applicant states:* Chapter Two of the Duluth Township Comprehensive Plan recognizes township issues and concerns including protecting natural resources, maintaining our rural character and balancing individual property rights with the needs of the community. Establishing our BnB will have minimal impact on the Township's natural resources. Indeed, potential guests could enjoy a walk on the shore, or spending time at the Bluebird Landing beach. This activity is viewed as minimally affecting the natural resources of the neighborhood. Given our naturally protected site, guests will have little impact on the character of the neighborhood.  
Chapter Three of the Plan, Section C, Economic Sector – “There is a large home/business occupation sector, which continues the community tradition of self-reliance and self-sufficiency.” The establishment of our BnB seems totally in line with the language above and with our personal goals and the traditions of the Township.  
Finally, in Chapter Four Section A 2021 Community Vision, paragraph 1 – “„Duluth Township has several hundred home-based occupations/businesses...” Currently Duluth Township is comprised of several home-based businesses, and the establishment of our BnB would be consistent with history and heritage of the Duluth Township.
2. The use is compatible with the existing neighborhood.  
*Applicant states:* Yes. The neighborhood consists of both single-family housing and short-term rentals. The Township currently contains several Airbnbs, some along the shore, others inland. There is also a short-term rental (Vacation Rental by Owner – VRBO) on Homestead Road between Scenic Highway 61 and the Expressway Hwy 61. The VRBO is located near our property.
3. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district.  
*Applicant states:* No. Since the existence of our Airbnb has such a small impact on the neighborhood, any potential development or improvement could indeed exist without interference. The continued existence of our Airbnb will not impede other potential development of the surrounding area; it may however enhance the potential for further development by positively affecting tourism.
4. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.  
*Applicant states:* Yes. The physical character of the property involved will not change, once the Airbnb launches. Since there already exists short-term rentals in the neighborhood, a consistent and desirable pattern of development appears to be realized.
5. The proposed use will comply with the wetlands requirements in Article III, Section 6 of this Ordinance.  
*Applicant states:* Yes, Since no wetlands exist on our property, our current wetland situation will be unchanged. Drainage and storm water runoff and erosion will be unchanged upon opening of the BnB.

6. The total amount of impervious surfaces will not exceed that allowed in the zoning district where the conditional/interim use would occur.

*Applicant states:* Our property at 5627 North Shore Dr is approximately 2% impervious surface, believed to be within the zoning guidelines.

7. The topography, vegetation and soil conditions are adequate to accommodate the proposed use.

*Applicant states:* The geography of our property, including topography, vegetation and soil condition are adequate for current habitation. The increase in number of people spending a night at our BnB is viewed as having little or no impact on the condition of our current topography, vegetation or soil condition.

8. The proposed use will not impact public waters during or after construction or impact wetlands without appropriate mitigation measures.

*Applicant states:* Since there is no construction involved with the launch and subsequent operation of the BnB, storm water issues do not exist.

9. Adequate utilities (water supply, wastewater treatment), access, drainage, stormwater retention, and supporting facilities have been provided or are being provided backed by appropriate financial assurance.

*Applicant states:* Our current water supply, our well, will serve as the primary water source for BnB guests. Bottled drinking water, primarily for coffee, will also be provided for our guests. Since we are connected to the North Shore Sanitary District sewer system, sewage generated by BnB guests will be processed through that system.

10. The proposed use will not create potential health and safety, environmental, lighting, noise, signing, or visual problems.

*Applicant states:* No. Health and safety issues have been addressed. In particular, an additional handrail was installed to the basement. Little or no impact to the environment or lighting is expected. Potential noise issues will be mitigated by the establishment of a 10 pm through 8 am quiet time. Additionally, since we will be occupying the BnB while guests are on premise, any potential issues will be resolved expeditiously. No signs or visual stimuli are currently planned for use at the BnB.

11. The location of the site is appropriate with respect to existing or future access roads.

*Applicant states:* Current access to our property is via a driveway from Scenic Hwy 61, and viewed as adequate for BnB guests. We know of no plan for future access roads, and any effect of a future access road.

12. The demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities, which would be affected by the proposed use, and the adequacy of existing services to meet the increased demand can be met.

*Applicant states:* The potential exists for a slight increase in some public services. Additional people spending time at our Airbnb may require additional police and fire protection. Our view is since we will occupy the premises while hosting guests, any incidents could be quickly resolved without outside assistance from police or fire. The BnB living quarters are equipped with both carbon monoxide and fire alarms as well as a fire extinguisher. Solid waste and recycling disposal is currently accomplished utilizing the services of North Shore Sanitary. We intend to continue that service after the launch of the BnB. Schools will be unaffected. The impact on public road maintenance will be minimal if any. We expect our guests would have travelled to the North Shore even without our existence. We are simply trying to serve visitors who already planned driving on the Scenic or the Expressway of Hwy 61. There

will be an increase in water consumption, both from our well and water purchased for consumption. The same is true for sewer system usage. An increased number of people staying at our residence will have an impact on the volume of sewer services. Over the years, we have often served as hosts to visiting family and friends. The increase in number of individuals staying at the house and utilizing the sewer system has never posed a volume issue for the sewer system. The same is true of our well. We expect both systems to continue to function effectively.

Sue summarized the activity since the BnB began in May of 2018. There have been no complaints regarding the use in this time. In talking with Tom prior to the hearing, his hope was that the use could be extended until property changes ownership.

#### Public Testimony

Beth read two letters of support into the record.

The first was from neighbor Ann Jackson.

I live next door to Tom and Mary (Ginny) DeSutter. I completely support their continuation of the bed and breakfast that they have been operating. There has been absolutely no disruption to the neighborhood despite having extra people next door. I hope that you will renew the DeSutter's Conditional Use Permit for their bed and breakfast.

The second was from neighbors Dave and Kathy Pierson.

I am an adjacent land owner and neighbor to Tom and Ginny. I would consent to the board's approval of extension of their conditional use permit to operate a bed and breakfast rental in part of their home, while they occupy the remainder of the home.

End of public testimony.

Pam said that she could not see any reason to not grant an interim use for the duration of their ownership of the property. Angela agreed. They have had the BnB for three years and there have not been any issues with it.

Pam made a motion to approve the interim use for a bed and breakfast until such time that there is a change of ownership of the property.

Angela seconded.

In response to a question from a Commission member, Sue said that conditional uses go with the property and the Commission has traditionally not granted these for short-term and similar vacation rentals because the success of each operation is dependent on the owner. Other requests for similar uses that have come before the Commission do not set a precedent. An interim use is not a prerequisite for a conditional use. The Commission looks at each proposal individually.

The motion passed unanimously.

It was agreed that the same conditions would apply as were originally set for the use. These are: 1) The owners will obtain any and all licenses, permits, or other governmental approvals required by any governmental agency, board, department, or other governmental entity with jurisdiction. 2) The owners will maintain a record of the rentals for the period of the interim use. 3) Parking will be entirely on-site.

Pam said that she would like to have a set of questions as guidelines to be reviewed for each conditional use the Commission considers for short-term rentals or similar uses. It would be more equitable and would remind the Commission of the common issues with these uses. She will put together a list for consideration.

The March 25<sup>th</sup> minutes were approved as presented.

It was agreed to meet via Zoom for the upcoming Zoning Ordinance Update meeting next Tuesday, April 27. The May Ordinance Update meeting and regular Commission meeting were tentatively set to be in person at the Town Hall barring any unforeseen developments.

Two new Commission members, Dave Meyer and Justin Osadjan, were starting this meeting. They were welcomed to the Commission and everyone introduced themselves. Dave has lived in the Township most of his life. Justin will have been in the Township five years come July.

#### Director's Report

Sue said that two or three Land Use Permits applications have been coming in each week. Originally there had been two additional hearings scheduled for tonight's meeting. One individual decided to move the location of his accessory structure instead of applying for a variance. The other, Dryco, was planning to add on to an accessory structure. It turned out that they would need a fairly large variance to do that, so they are looking at adding onto the primary structure instead, which would not require a variance. For the April meeting Sue expects a variance application for a remodel project for a house on Greenwood Road.

No concerns from the audience.

The meeting adjourned at 7:03.