

**Town of Duluth
Planning Commission
Meeting Minutes
June 24, 2021**

The meeting was called to order at 6:30 pm by Chair Liz Strohmayer.

In attendance: Liz Strohmayer, Dave Edblom, Pam West, Angela Wilson, Blane Tetreault, and Justin Osadjan.

Absent: Dave Meyer.

Also attending: Sue Lawson, Planning Director.

The agenda was approved as presented.

Kohlsaats Variance Hearing

Cheryl Fosdick, the architect for the Kohlsaats project, was present.

Sue introduced the hearing and described the process. The Kohlsaats are requesting variance to put an addition on their home at 5282 Greenwood Road. The existing house is 659 sq ft. The requested variances are: 1) the side yard setback from 20 ft to 9 ft, 2) the lot width from 200 ft to 90 ft and 3) the lot size from 1 acre to .4 acres. All other dimensional requirements are met.

Cheryl said that the Kohlsaats currently live in the cities. The existing house is actually a very small one-bedroom cabin. It needs extensive work. The addition would make it into a two-bedroom house with a larger bedroom. The kitchen will remain very small but will be relocated into the addition on the lake side. The current screen porch is falling down and is not insulated, so will be rebuilt. The gable of the existing structure drains to the front yard, which is below the street, so the front yard is always wet. The addition will change the drainage to the side. They are trying to keep it small.

Dave asked where the well was located.

Cheryl said that it is in the front yard. It is a good well. They are also on pressure septic.

Justin said that the lot slopes towards the lake and to the west. If the drainage is changed to the west, it could create a problem on the neighboring property.

Cheryl said that they will be putting on rain gutters and will probably use a rain barrel as they do now.

Sue read the criteria that must be met for a variance and the responses from the application.

Are the proposed variances in harmony with the general purposes and intent of the Ordinance and consistent with the Comprehensive Plan?

Applicant response: The existing small house (650 sf) is located too close to the side yard for zoning compliancy. The existing cabin is in need of maintenance and upgrade. The proposed addition of a bedroom to the existing one-bedroom home is reasonable for guest accommodation. The addition of a tub to the existing half bath on the main floor is reasonable for proper bathing. The kitchen and screen porch are in need of upgrade. The building exterior and roofing are in need of replacement and upgrade. Roof form will be changed without change of building height, to allow for better insulation package. While the proposed wall of the addition is 1' 8" farther from the side yard than the existing building, the foundation is set back 3' 5" farther from the side yard than the existing foundation, allowing the main floor to cantilever and impact of excavation at the side yard to be minimized.

A storage lean-to between the existing house and the side yard will be removed and replaced by a small, fully compliant entry addition. Existing deck area is approx. 102 sq ft. Proposed replacement deck area is 144 sf approximately. Existing deck structure is failed.

The proposed project remains a small cabin at a total occupied area of 1150 sf, well scaled to the site and the intended development of the Greenwood Beach town area.

A gravel pull-off exists for a car park and there is no garage. The proposal is in harmony with the Comprehensive Plan and the intent of the Ordinance.

The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance, the plight of the property owner is due to circumstances unique to the property not created by the property owner, and the proposed variances will not alter the essential character of the locality.

Applicant response: The Zoning Ordinance permits the proposed ongoing use of the property as a cabin. The original cabin was placed and built by a prior owner and is not the result of construction created by the current owner. The current non-compliant side yard setback is a result of conditions prior to the current ownership.

The size of the lot, at .405 acres was the size of the lot when purchased by the current owner. That it is non-compliant, at less than 1 acre, is the result of past circumstance not controlled by the current owner.

The proposed alterations to the property/building will result in a project of the same approximate scale, with no change in building height. A change in gable direction and reduction in gable slope will allow for more natural water runoff and reduce pooling of water between the cabin and the road at a higher elevation. A change of roof form will still result in a single gable form for the entire project, as it currently is, and will provide better opportunities for adequate insulation and better opportunities for daylight and transparency.

To comply with the Zoning Ordinance, significant demolition of the existing foundation would be required and the building would need to be moved or demolished. Since the existing building structure and foundation represent more than 50% of the proposed completed project the loss of existing resources to re-use and re-purpose would be unreasonable.

Is the proposed variance a use that is allowed under the Zoning Ordinance?

Applicant response: Yes.

Cheryl said that the scale of the project was important to them. The building will be more transparent and the scale of the outside space, screen porch, etc. will be the same as it is now.

Dave asked if they were going to build on the existing basement.

Cheryl said that yes, they inspected it for structural issues and it is okay. They are not going to increase the ceiling height.

There was no public testimony.

Angela moved that the variances be granted. The request is consistent with the CLUP and the spirit and intent of Ordinance because the use is not going to change. They are making it a safer building that will be more livable. The property owner proposes to use the property in a reasonable manner because they are not changing the use; it's a cabin now and will remain a cabin. The request is based on circumstances unique to the property that are not created by the property owner. The variance will not alter the essential character of the locality. The location is already built up and adding onto the existing structure will not change the character of the neighborhood. It will create a safer building that will probably reduce the demand for public services.

Liz seconded.

The motion to approve the variances as requested was approved unanimously.

The May 27 minutes were approved as presented.

Perrault Short-Term Rental Conditional Use Hearing

The applicant, Joe Perrault was present.

Sue explained the process and introduced the proposed request. Joe is requesting to use a portion of his home at 5668 North Shore Drive as a high-frequency short-term rental. The property is in SMU-6 and meets all of the dimensional requirements for a high-frequency short-term rental. She showed a site map and a sketch of the layout. The home has two living spaces and Joe plans to live in the smaller space and rent out the two-bedroom space on the lake side of the home. The living spaces have separate entries.

Joe said that he will not rent the unit when he is not there. He plans to use a professional booking company and will require that the primary renter be at least 25 years old.

Sue read the details as given in the application.

Hours of Operation: To be available 24/7, 365 day / year.

Employees/visitors to the site: One person cleaning following guest use, maximum of 4 guests.

Additional Traffic: Maximum of 2 vehicles per day per group, plus one cleaner's car.

Additional Parking: Existing 30' x 34' parking area.

Signage: None.

Outdoor Work Areas/Smoke: Intermittent smoke from recreational fire pit, when conditions allow. Local fire restrictions shall be adhered to.

Noise possibly heard on adjacent properties: Guests talking. 10 PM quiet time.

Proposed Structures: None. All structures exist already.

Outdoor Work Areas: None.

Wetlands: No wetlands are impacted. House already in place.

Wastewater: DNSSD.

Water Supply: Well.

Household Garbage: North Shore Sanitary residential garbage collection.

Signage: None.

Sue read the criteria for a conditional use and the applicant's responses from the application.

Is the proposed use consistent with the Comprehensive Plan and with the spirit and intent of the Ordinance?

Applicant response: I believe this proposed use is consistent with the Township's plan to provide for concentrated, locally based, commercial development for uses consistent with providing services for the local community and for the locally based tourism industry.

Is the proposed use compatible with the existing neighborhood?

Applicant response: I believe the proposed use is compatible with the existing neighborhood in that, being mainly residential, the proposed service: providing a comfortable base with dining and sleeping arrangements and with comfortable areas to relax and enjoy the scenery, is what many tourists want. I have spoken with my next-door neighbors who would be impacted the most by this proposal; and they have indicated their agreement with it. Again, I am proposing four guests maximum, typically affluent and respectful of our community. Also, I would monitor guest activities closely.

Will the proposed use impede the normal and orderly development and improvement in the surrounding area of uses?

Applicant response: I do not believe this proposal would impede the above.

Is the location and character of the proposed use considered to be consistent with a desirable pattern of development for the area?

Applicant response: I do not believe this proposal would negatively impact any such development.

Will the proposed use comply with the wetlands requirements?

Applicant response: Yes.

Is the total amount of impervious surfaces exceed that allowed in the zoning district?

Applicant response: No.

Are the topography, vegetation and soil conditions adequate to accommodate the proposed use?

Applicant response: Yes. There will be no abnormal activities that would affect the above. No portion of the property will be altered.

Will the proposed use impact public waters during or after construction or impact wetlands without appropriate mitigation measures?

Applicant response: There will be no construction.

Are there adequate utilities (water supply, wastewater treatment), access, drainage, stormwater retention, and supporting facilities?

Applicant response: there is a private well on-site. Hot water will be provided via two 50-gallon water heaters. Wastewater through DNSSD. There is existing access and drainage – no retention. No financial assurance is needed.

Will the proposed use create potential health and safety, environmental, lighting, noise, signing, or visual problems?

Applicant response: No safety problems; no change in environment, lighting, or noise. No visual modifications.

Is the location of the site appropriate with respect to existing or future access roads?

Applicant response: Yes.

Will the demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities increase?

Applicant response: No. Will not be increased by the proposed use. Proposed use does not differ from normal residential needs.

For the Community Participation Report, Joe said that he met with nearly everyone on the list. He was unable to speak to Dave Pearson because he was out of town, but he's a friend and he doesn't think he will have any issues. He said that Ann Meany had concerns regarding fires, parties and the possibility that guests might use her garbage can. He assured her that there would be no parties and that he has detailed fire safety rules that will be provided to renters and that he will actually build the fire in the fire pit. Ann decided to move her garbage cans further up on her driveway. Joe said he has two marked cans for garbage and recycling. The McDonalds had a chain across their driveway, so he did not visit them. He sent a postcard to a property owner who does not live in the area, but did not hear back. One neighbor suggested a 10 p.m. quiet time, which he agreed with. He will watch for smoke affecting the closest neighbors.

Joe said he will post house rules on the wall in the entry hallway. He has included instructions to not bother neighbors and to not call dogs over.

There was no public testimony.

Angela moved to hear the request as an interim use. Pam seconded. The motion was approved unanimously.

Dave asked if the long slope in the yard is the old mound system.

Joe said that it was. The total impervious surface on the site is 12.7%.

Blane moved to approve the interim use. Pam seconded.

Angela moved to amend the motion to make the interim use a period 18 months commencing July 1, 2021. Liz seconded.

Liz moved to split the motion to assess the criteria. Angela seconded.

Liz moved that the proposed use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance because light tourism in our area is encouraged by the CLUP, especially on the shore where people can enjoy the natural beauty of the area. In addition, the owner will be on site. Blane seconded. The motion was approved unanimously.

Blane moved that the use is compatible with the existing neighborhood because the owner will be limiting the number of overnight visitors to four, which is compatible with the neighborhood. Liz seconded. The motion was approved unanimously.

Liz moved that the use will not impede the normal development of the surrounding area because he is not developing anything on the property for the rental and because he is limiting the number of guests so there will be a reasonable flow of traffic that is consistent with the neighborhood. Blane seconded. The motion was approved unanimously.

Pam moved that the location and character of the proposed use is consistent with a desirable pattern of development for the area because this use will not change the neighborhood and will be consistent with what it is now. Angela seconded. The motion was approved unanimously.

Liz moved that Items 5, 6, 7, and 8: Compliance with wetlands requirements; meets impervious surface requirements; adequate topography, vegetation and soil conditions; and no impact to public waters during or after construction are all met or do not apply. Angela seconded. The motion was approved unanimously.

Angela moved that adequate utilities already exist because the structure is already in use and will not be expanded significantly by the interim use. Dave seconded. The motion was approved unanimously.

Blane moved that the use will not create safety or visual problems due to the restricted number of guests and that the home is already sized appropriately to the neighborhood. The owner has set specific rules related to the rental and will be on the site and that will help avoid issues. Liz seconded. She said that he will be on site which will help avoid problems. The motion was approved unanimously.

Angela moved that Items 11 and 12 will not be affected because the interim use will not increase demand on public services or access roads, and any additional use of public services will be mitigated by the owner being present and enforcing strict rules. Liz seconded. The motion was approved unanimously.

Liz moved not to limit the rental frequency since the owner will be on the property. Angela seconded. The motion passed unanimously.

Angela moved that all special requirements and conditions from Article IX Section 22 be adhered to. Liz seconded. The motion passed unanimously.

The overall motion that the interim use, for a period of 18 months, commencing on July 1, 2021, with no limit on the frequency of rental, was approved unanimously.

Sue provided an outline for the glamping discussion.

Justin asked why glamping should be considered any differently from regular camping. The regular concerns apply whether it is basic camping or fancy camping -- setbacks, sewage, etc.

Sue said that the way the Commission has it in the draft Ordinance, a campground is considered two or more sites. There is a detailed list of requirements for a campground.

Liz said that the difference between camping, glamping and using RVs as short-term rentals should be clearly delineated. She thought that glamping was similar in concept to short-term rentals. Glamping might be at the point STRs were 10 years ago – on the verge of becoming very common and very popular. It would be good to have some guidelines in place before that happens.

Sue read a possible definition for glamping: “A temporary use occurring in a temporary structure made of canvas or similar material which may or may not be on temporary platforms that offer outdoor camping experiences with amenities such as beds, cots, and heat. Electricity and plumbing are not permitted. No glamping unit shall be located, placed, used, or occupied for residential purposes.” Sue said the definition serves to differentiate glamping from STRs because STRs are defined as a single-family dwelling, not a bunkhouse or a cabin, etc.

Liz asked about campers. Sue said that they would not be allowed under this definition.

Pam asked about having a glamping site in addition to a STR on your property.

Sue said that a condition could address that. A suggested condition she came across is to allow only one glamping site per lot with a required minimum lot size of 9 acres.

It was agreed to add “No other STR facilities may be on property.”

Liz asked where glamping fits in in the Township. Would glamping be limited to one unit and more than one unit would be considered a camping park? There are a lot of glamping sites that consist of parked campers that are not moved. Should glamping be allowed at all?

Blane thought it was best to only allow canvas structures as glamping structures.

Angela said there was a place outside of Grand Marais that is similar to what Liz described. There is a set of non-moved campers on site but you can also bring your own camper. It seemed to have created a situation that lends itself to groups getting together for parties. When another similar campground was proposed for the area, the neighbors were against it, saying they didn't want another place like the first.

Liz noted that the Ordinance allows for campgrounds and STRs. Dave said that STRs are in a single-family home and are very different from a campground.

Sue listed some of the community values identified in the CLUP: peace and quiet, dark skies, belonging, aesthetic beauty, community life, balance between community needs and individual needs.

Justin said that partying is not inherent to glamping. Many of the values Sue named – nature, beauty, dark skies – may be reasons people want to glamp. The Township has an increasingly tourism-dependent economy. If the Commission decides against allowing glamping, are they denying Township residents an economic opportunity?

Sue said the folks who were asking that the Commission consider glamping wanted to have one or two sites. This discussion helps to clarify the concept for this particular decision, whether to allow glamping in MUNS-4 and under what conditions. She suggested allowing one site per nine-acre parcel or one site per owner, whichever is more restrictive. If someone were to want a glamp ground the Commission would have to consider that separately.

Justin suggested looking at it as a STR and expand what is considered a STR in the Ordinance. No matter where the guest is sleeping -- an RV, a tent or a single-family dwelling -- the same requirements apply. It is just overnight guests. It won't be long before someone comes to the Commission with a request to rent out a Scamp in their driveway.

Sue said that her original impression was that glamping was considered a fairly primitive campsite where people can enjoy nature. An RV or camper pulled onto a site is not primitive.

Pam said that glamping should be treated like a STR where there would be a hearing and a community participation report where the applicant has to get input from the neighbors. She would not be a fan of a rental RV in driveways. But it may be on the horizon and it may be necessary to figure out how or if to accommodate the use while controlling its impact.

Angela suggested another term besides glamping. Glamping is an umbrella term with different meanings for different people. It is essentially a camping site that is by itself. It is not a campground. She suggested calling it an isolated camping site for commercial use. From there decide whether it would be for tenting only or for RVs as well. There are many different types of RVs.

Sue suggested the following definition, based on what the Commission was considering. “Isolated Camping Site - A temporary, short-term rental use occurring in a temporary living space made of canvas or similar material which may or may not be on temporary platforms that offer outdoor camping experiences with amenities such as beds, cots, and heat. Plumbing is not permitted. No glamping unit shall be located, placed, used, or occupied for residential purposes.”

It was agreed to set the minimum lot size for an isolated camping site at 20 acres, limit the stay to 4 days, and require that all setbacks be double except for the road setback.

Liz suggested requiring a designated fire ring with the area around it cleared of combustible materials 5 ft in all directions.

Angela said that it makes sense to get the use into the new Ordinance. It was decided the use would be allowed in the shoreland overlays and in FL-1, FL-2, FFL-1, RR-1 and SSUR. The use would not be allowed in commercial and industrial areas.

Angela said to add the following language to the minimum lot size to clarify it: “If you have 40 acres you can have two 20-acre sites.”

Sue said that the property on Aho Road that is already approved for an interim use for a short-term rental is for sale and the potential buyer wants to apply for a new permit to use it as a STR. It may be heard in July.

The Commission agreed to use the same area of impact as was used for the original hearing.

The findings from the two hearings were drafted and approved.

The meeting adjourned at 9:40.