

**Town of Duluth  
Planning Commission  
Meeting Minutes  
September 28, 2023**

The meeting was called to order at 6:30 pm by Chair Angela Wilson.

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

Absent: Tony Mancuso.

Also attending: Liz Strohmayer, Planning Director and ArMand Nelson, Town Board liaison to the Planning Commission.

The agenda was approved as presented.

**New Business**

None.

**Old Business.**

None

The August 24<sup>th</sup> minutes were approved as presented.

**Director's Report**

Liz said that the folks on Homestead Road near the old Clover Valley School site need a variance to build and want to build this fall. They would like to have the variance heard sooner than the regular October 26 Planning Commission meeting. They need a variance from the lot width from 300 to 260 ft and may need a 10 ft side yard setback variance depending on where they place the building. The lot is wider to the back of the lot, but the house will be located where it is only 260 ft. The Commission said they would consider an earlier hearing, but Beth said that to even to have it one week earlier than the regular meeting, it would have to be advertised on October 5<sup>th</sup> and she will be out of town until the 7<sup>th</sup> and not able to do the advertising. The Commission agreed to wait until the regular meeting to hear it.

Liz read the following language for expiration of IUPs from Article IX.8.F of the Ordinance.

Interim use permits which have been issued under the provisions of this Ordinance shall expire without further action by the Planning Commission. The permit holder may apply to the Planning Commission for an extension no later than sixty (60) days prior to the expiration of the permit. The approval of a request for extension will require a public hearing. Approval for an extension of the permit will be based on an evaluation of the interim use in terms of demonstrated compatibility with the neighborhood, any detrimental effects documented during the period of the interim use, and any increased costs to the Town as a result of the interim use.

These are the criteria the Commission has been using for deciding on an extension for an interim use. However, there are additional events listed in Section 8.D under which an interim use can be terminated, including the following.

If the Town's zoning regulations change and render the use non-conforming, the Town will consider not renewing or extending the permit.

Liz said that makes it within the Commission's purview to deny an extension if the Ordinance has changed such that the use is no longer conforming.

Angela said that could be helpful. She feels in general that it is fairer to let the applicant know that the Commission is considering not extending their interim use. But it is good to know that it can be denied per the Ordinance.

Liz said that Andrew Zurcher sent a sketch of a stormwater plan, but it was not produced by a professional, as required. He now says he is working with someone, but she hasn't seen anything yet.

Liz reported that Del Dais took one of the illegal structures down following the denial of his variance application and plans on coming up later this fall to remove the other one. She will meet him there to talk about the other issues. There's an addition to the house that was not permitted, so she will look at that. It was made clear to him that all the buildings had to be taken down.

Beth said that Nathan Hoffman had contacted her for a date for a public hearing for an extension of his interim use for his high-frequency short-term rental on Aho Road. He asked about November. The Commission said their preference would be to hear it at the regular October meeting, but that if he could only do it in November, they could meet on the 16<sup>th</sup>. Beth said that she would check with him to see if October would work.

**Concerns From the Audience.**

None.

The meeting adjourned at 6:51.