

City of Duluth Planning Commission

**April 8th, 2025 – City Hall Council Chambers
Meeting Minutes**

Call to Order

President Gary Eckenberg called to order the meeting of the city of Duluth Planning Commission at 5:02 p.m. on Tuesday, April 8th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Jason Crawford, Brian Hammond, Gary Eckenberg, Danielle Rhodes, Dave Sarvela, and Andrea Wedul
Members Absent: none

Staff Present: Nick Anderson, Amanda Mangan, Chris Lee, Jason Mozol, Jenn Moses, Christian Huelsman, Ariana Dahlen, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Meeting – March 27th, 2025 –
MOTION/Second: Sarvela/Rhodes approved

VOTE: (7-0)

Public Comment on Items Not on Agenda

No comments.

PLIUP-2503-0016 Interim Use for an Outdoor Living Site at 1533 W Arrowhead Rd by
Vineyard Christian Fellowship, Duluth

Commissioners: President Eckenberg announced that item PLIUP-2503-0016 will be removed from tonight’s agenda and postponed until the May planning commission meeting.

Staff: Jenn Moses stated that the public notice sign on the subject property came down for several days due to the winter weather. Per the zoning code, since the sign was not up consistently for 2 weeks prior to the public hearing, the item is not able to move forward on this agenda. Staff recommend tabling item PLIUP-2503-0016 until the May meeting.

MOTION/Second: Wedul/Hammond motion to table this item until the May planning commission meeting

**VOTE: (6-1)
Rhodes opposed**

Consent Agenda

- PLIUP-2502-0008 Interim Use Permit for a Vacation Dwelling Unit at 325 S Lake Ave, Unit 1211 by Tucker and Katie Hanlon
- PLIUP-2502-0011 Interim Use Permit for a Vacation Dwelling Unit at 325 S Lake Ave, Unit 1214 by Skyline Real Estate, LLC
- PLIUP-2502-0012 Interim Use Permit for a Vacation Dwelling Unit at 325 S Lake Ave, Unit 1212 by Skyline Real Estate, LLC
- PLIUP-2502-0009 Interim Use Permit for a Vacation Dwelling Unit at 345 Canal Park, Unit 300A Dr by 345 Canal Park Dr LLC
- PLIUP-2502-0010 Interim Use Permit for a Vacation Dwelling Unit at 345 Canal Park, Unit 300B Dr by 345 Canal Park Dr LLC
- ~~PLIUP-2503-0013 Interim Use Permit for a Vacation Dwelling Unit at 1 Mesaba Pl by Lake View Land Co LLC~~
- PLIUP-2503-0014 Interim Use Permit for a Vacation Dwelling Unit at 1235 Minnesota Ave by Lake View Land Co LLC

Commissioners: Vice President Wedul asked staff if the applications for vacation dwelling units (VDU) on the consent agenda were related to the VDU cap increase passed by the city council this year.

Staff: Moses responded that the staff report for each application states if it's a renewal, a new permit under the cap, or if the property is in a form district. The cap is 110, which is also noted in the staff reports. Planning staff keeps track of the permits that will be expiring each year, so they know who to reach out to for renewals.

Commissioners: Commissioner Rhodes asked staff to clarify what the compliance issues were regarding the 1 Mesaba Pl application, as the staff report stated that the applicant was out of compliance but are now in compliance and eligible for a permit. She also asked if the application is for a new permit or a permit a renewal.

Staff: Attorney Anderson recommended that item PLIUP-2503-0013 be moved to the public hearing section if commissioners have additional clarifying questions.

Public: No speakers.

Motion/second: Rhodes/Crawford recommended approval as per staff recommendation. One amendment to the main motion was discussed as follows:

Amendment: Eckenberg/Wedul motion to remove item PLIUP-2503-0013 to be put under the Public Hearings section passed by unanimous consent.

MAIN MOTION Approved with one amendment.

VOTE: (7-0)

Public Hearings

PLIUP-2503-0013 Interim Use Permit for a Vacation Dwelling Unit at 1 Mesaba Pl by Lake View Land Co LLC

Commissioners: Rhodes asked staff to explain the previous compliance issue and to clarify if the property was on the eligibility list

Staff: Jason Mozol responded that the subject property was on the eligibility list, and the enforcement action was a separate matter. The applicant has been in compliance since the enforcement.

Public: No speakers.

MOTION/Second: Sarvela/Wedul approve as per staff recommendations with conditions:

- 1. The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.**
- 2. Screening meeting the standard of a dense urban screen must be installed prior to permit issuance.**
- 3. Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.**

VOTE: (7-0)

PLIUP-2502-0005 Interim Use Permit for a Vacation Dwelling Unit at 2817 Minnesota Ave by Angela Delf

Staff: Jason Mozol addressed the commissioners and presented a visual of the subject properties. The applicant was on the vacation dwelling unit eligibility list. The unit has 3 bedrooms, which allow for a maximum of 7 guests. Two off-street parking spaces will be provided—one on the property’s driveway and one in the property’s garage. Additionally, on-street parking permitted on Minnesota Avenue. The applicant has indicated a table and chairs in the rear yard as an outdoor amenity. The applicant has listed Heirloom Property Management to serve as the local contact.

The adjacent property to the north provided a letter waiving the screening requirement. The adjacent residential property to the south provided a letter waiving part of the rear yard screening requirement to maintain the lake view but is requesting partial screening. The rear of this property is within the shoreland setback of 50’ from Lake Superior, and structures are not allowed to be built within this setback without a variance. The applicant has been made aware of screening options including the vegetative options that do not require a variance.

Two public comments were received regarding concerns about parking and the density of VDUs in the area. There is no limit to the density or proximity of where VDUs are to one another, but there is a limit to the overall cap of how many VDUs can exist within a residential area. Staff recommends approval with conditions.

Commissioners: Eckenberg asked staff to clarify how the overall cap is applied to residential areas. He also asked how staff determines with applications go on consent the consent agenda rather than the public hearing section of the agenda.

Staff: Mozol responded that he was referring to the overall VDU cap for Duluth, which is 110. There is no limit to the number of VDUs permitted in each neighborhood, nor is there a limit for distance between VDUs.

An application can be placed under the public hearing section if there were any comments or other input received, as well as the complexity of the project. This application received two public comments received, so staff felt it was appropriate to be placed under public hearings.

Applicant: Angela Delf addressed the commissioners. She clarified that there are two parking stalls in the driveway, not one. Both letters she received from the neighbors expressed concerns about parking. She stated that parking is an issue on all of park point, but she feels that it’s unfair that she is being targeted because she lives across the street from a church. Delf said

that there have been no parking issues in the past, and she does not feel parking will be an issue with a VDU.

She also addressed the concern from her neighbor regarding the light pollution from a different VDU down the road. She does not feel it's fair to be penalized for someone else's property issues, and her home's lighting is different from the other VDU. Delf and her family live in another city full-time. The subject property sits empty when she and her family are not using it, and she would like it to be used when they are not in Duluth.

Public: Mary Jo Sodd, 2824 Minnesota Ave – Sodd is in opposition of the permit, and she stated that she is representing 7 other property owners in her community. She expressed concerns about the number of short-term and long-term rentals in her community. Sodd and others in the neighborhood did not anticipate the number of homes that would become rentals when purchasing their properties and urged the commission to deny the permit.

Commissioners: Commissioner Rhodes responded to the opposition comment to state that city council is the deciding body in terms of policy related to interim use permits for vacation dwelling units. The planning commission is upholding what the council has already decided.

Staff: Moses said that the ordinance for VDUs that was passed by the city council has been implemented into the zoning code. This ordinance describes how many VDUs are allowed in Duluth, as well as the criteria that staff consider when making a recommendation for approval or denial of an application. Those criteria include things like parking, screening, and the overall cap around the city.

Commissioners: Wedul asked staff if the commission would be voting on fully implemented screening for this property.

Staff: Mozol responded that the commission would be acting on the application in full. The screening has been waived by the property owner to the north and partially waived by the property owner to the south. Staff recommends approval of the permit with just the requirement for limited screening on the south side of the parcel.

Moses added that per the zoning code, that an applicant does not have to provide screening if they achieve the waiver from the adjacent neighbors, and many properties have done this in the past. There could be a situation where the neighbor could sell their property, and then the new property owner would be subject to the waiver that the previous owner put in place.

Commissioners: Rhodes asked if the waiver could be considered at the time of the permit renewal.

Staff: Moses responded that each renewal must meet all the criteria in place at the time of renewal. It's called a renewal, but it is also treated as a new application.

Motion/second: Crawford/Rhodes approve as per staff recommendation with the following conditions:

- 1. Prior to issuing the permit, applicant must provide evidence that the dense urban screening was installed. Alternatively, the applicant must provide evidence that the adjacent property owner to the south has waived the dense urban screening requirement.**
- 2. The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.**
- 3. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.**

**Vote: (6-1)
Wedul opposed**

PLVAR-2502-0002 Variance to Reduce Front Yard Setback and Accessory Structure Location at 711 Martha St by Tyler and Jensina Rosen

Staff: Jenn Moses addressed the commissioners and provided a visual of the subject property. The City previously condemned a blighted single-family home built in 1925 that was previously located on the property. In 2024, the condemned home was torn down leaving the foundation for future development. A concurrent use permit for a staircase and retaining wall in the right-of-way was approved via City Council ordinance in November 2024. A new home was constructed on the existing foundation and received a certificate of occupancy in January 2025. The applicant is seeking 2 variances for an 18' by 20' garage: one to reduce the front yard setback from 20 feet to 6 feet and one to construct the garage between the façade of the primary structure and the street.

The subject property is exceptionally shallow as the front of the lot runs along Martha St, the wider dimension of the lot. This is atypical for standard R-1 lots which have the front of the lot along the narrower dimension. The unusual lot configuration, in using the existing foundation and creating an entrance that fronted Martha Street, results in no remaining buildable area for a detached garage without a variance.

The existing primary structure was not built by the current owner. The primary structure is a nonconforming building that was legally reconstructed per UDC Sec. 50-38.3.A and the need for a variance is due to the location of the home built in 1925. The existing primary structure is located on the front property line and immediately adjacent to the alley; this is not a typical development pattern for residential properties in Duluth. There is almost no rear yard. The only buildable area for an accessory structure is between the façade of the primary structure and the street. The applicant's proposal to build a moderately sized 18' 20' garage to allow for year-round, off-street parking is a reasonable use. Staff recommends approval with conditions.

Commissioners: Commissioner Rhodes asked staff to clarify that both variances are for the garage, not any other structure on the property.

Staff: Moses confirmed that yes, both variance requests are for the garage.

Applicant: Tyler Rosen addressed the commissioners. He and his wife recently became the owners of 711 Martha St. They want to use the garage for storage, and they hope to make as few disruptions to the property as possible.

Public: No speakers.

Commissioners: no further discussion.

Motion/second: Hammond/Wedul approve as per staff recommendation with the following conditions:

- 1. The project be constructed according to the site plan submitted with this application.**
- 2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission action; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.**

Vote: (7-0)

Other Business

No other business.

Communications

Land Use Supervisor (LUS) Report – Jenn Moses addressed the commissioners. Kyle Deming has been working on organizing a public meeting for the Spirit Valley Core Investment Area project on April 16th. The meeting will be geared towards businesses and property owners. City council will appoint Kate Van Daele to the planning commission at their next meeting, and they are working on filling the other vacancy.

Heritage Preservation Commission Report – No report.

Adjournment

Meeting adjourned at 5:44 p.m.

Respectfully,

Signed by:

Jennifer L R Moses

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Jenn Moses, Manager
Planning & Economic Development