

**CITY OF DULUTH**

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	16-069	Contact	Kate Van Daele	
Type	Interim Use Permit, Vacation Rental	Planning Commission Date	July 14, 2016	
Deadline for Action	Application Date	06/14/2016	60 Days	08/13/2016
	Date Extension Letter Mailed	6/24/2016	120 Days	10/12/2016
Location of Subject	1002 Martha Street			
Applicant	Joseph and Susan Byers	Contact	703-953-7229, suzy.byers@gmail.com	
Agent	Jennifer Lott	Contact	218-340-1894, jenn.byers24@gmail.com	
Legal Description	010-2280-00370			
Site Visit Date	June 28, 2016	Sign Notice Date	June 28, 2016	
Neighbor Letter Date	June 24, 2016	Number of Letters Sent	33 letters	

Proposal

Applicants would like to use their four bedroom single family home as a vacation rental property. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of two nights.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

UDC Section 50-19.8. Permitted Use Table. A vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Section 50-37.10. B, Council shall make a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to meet.

UDC Sec. 50-37.10.E: Council shall only approve an IUP, or approve with conditions, if determined:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #5, Strengthen Neighborhoods
Governing Principle #8, Encourage mix of activities, uses and densities

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth’s older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Interim Use Permits are approved, approved with recommendations, or denied by the City Council by resolution after a public hearing is held by the Planning Commission. Interim Use Permits expire if the project or activity authorized by the permit has not begun within one year.

Review and Discussion Items

Staff finds that:

- 1) The applicant is applying for an Interim Use Permit for a vacation dwelling unit in an existing single family home. The minimum rental period will not be less than two nights.
- 2) The applicant owns a 40 x 100 lot on Martha Street. The house has four bedrooms and will adhere to having no more than nine guests. The garage attached to the home is a three-car garage which meets the parking requirement. In addition to the garage, there are an additional three parking spots along the applicant’s driveway to create a total of six parking spots.
- 3) The applicants live in Texas, and have allocated their agent Jennifer Byers as the managing agent. Ms. Byers resides in Superior, WI. Ms. Byers has provided contact information to property owners within 100 feet of their property.
- 4) The home has two immediate neighbors who are 80 and 100 feet apart from the applicant’s property line.. The applicant currently has a dense urban screen that is made up of dozens of trees and shrubs
- 5) The applicant obtained a Fire Operational Permit, along with their City of Duluth Tourism Permit. They have also obtained a state tax ID number which is 4117344. Upon approval of the Interim Use Permit, they will apply for a Hotel/Motel License, and Lodging License.
- 6) A time limit on this Interim Use Permit is needed to minimize the negative impacts to surrounding residential uses. Staff recommends that the City Council resolution of approval expire upon change in ownership of the property, or in six years, whichever occurs first.
- 7) The applicant must comply with the Vacation Rental Regulations (attached), including maintaining a guest record, posting permit numbers where advertising, and providing information to guests on City rules.
- 8) No public comments from neighbors were received in regards to this application.

Staff Recommendation

Staff recommends that this Interim Use Permit be approved with the following conditions:

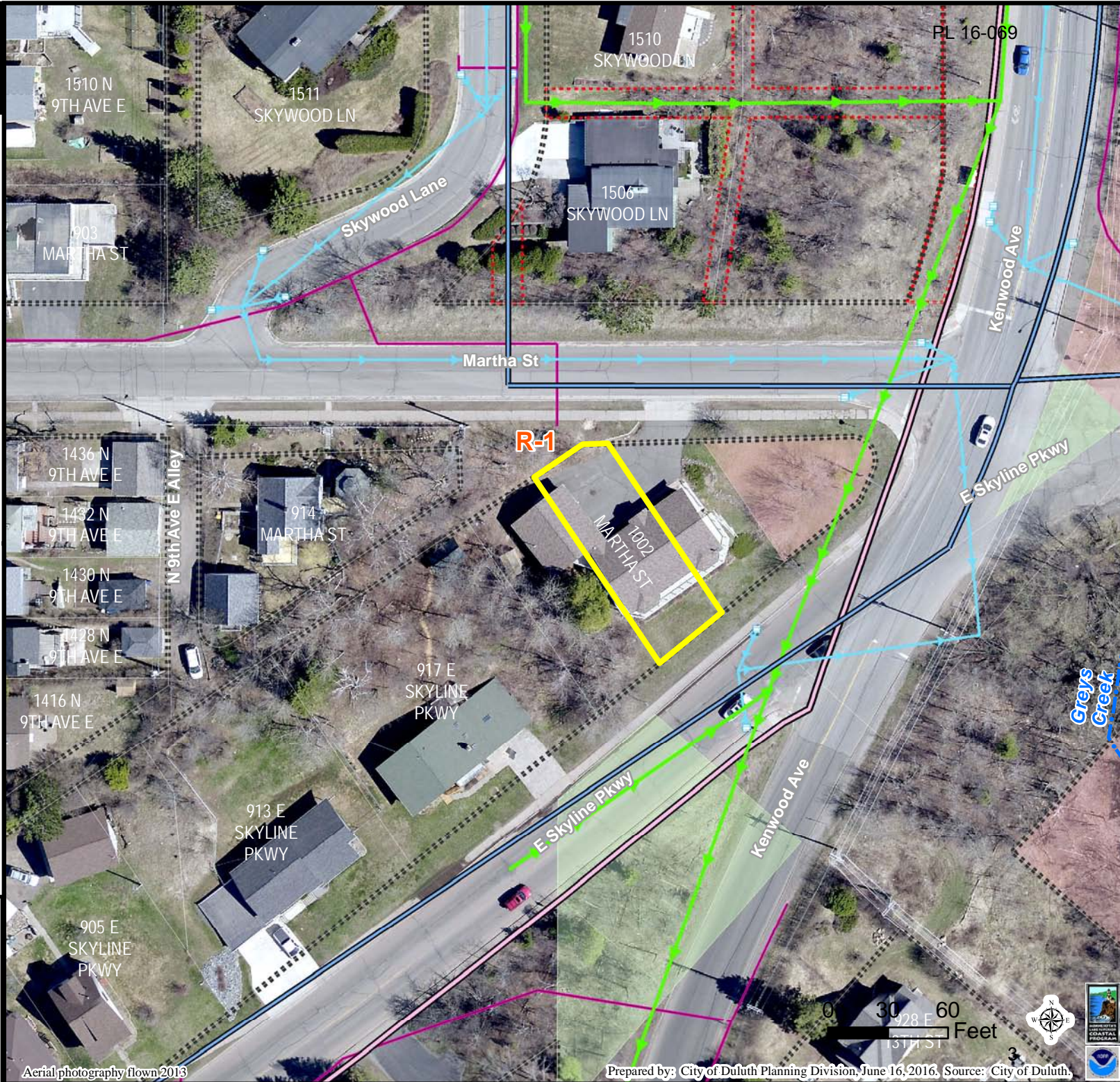
- 1.) The Interim Use Permit shall not be effective until the applicant has provided evidence of all required licenses and permits.
- 2.) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance, which will be included in the resolution (guest record book; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including ordinances on parking, parks, pets and noise, and posting permit number on advertisements).
- 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 consistent with the requirements of the UDC, Chapter 50.



Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Water Distribution System**
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main**
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes
- Storm Sewer Collection System**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Right-of-Way Type**
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement

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Martha Street Site Visit Pictures

PL 16-069

June 27, 2016



**Reasons for this request for a
Vacation Dwelling Unit Interim Use Permit
at 1002 Martha Street**

We wish to operate a commercial business renting this house to vacationers. The property's appearance will not change due to this new function.

This house is settled nicely on the corner of Martha Street and East Skyline Parkway. Please see Exhibit A.

The neighbor's house on the Southwest side of the property is approximately 80ft from the deck of the property to the neighbor's driveway and there are many trees that screen the house from the neighbors. Please see Exhibit B.

The neighbor's on the Northwest side of the property is approximately 100ft from the driveway of the property to the neighbor's house and there are many trees that screen the house from the neighbors. Please see Exhibit B.

The closest neighbor on the North side of the house is located across the street and on top of a tree covered hill. Please see Exhibit B.

There are no neighbors relatively close to the house on the South and Southeast side of the home. Please see Exhibit B.

We have a deck where we anticipate vacationers will spend some time enjoying the beautiful view of Lake Superior. We also will have a grill which will be used on the driveway only, there will be no fire pit. We anticipate the most noise to come from the deck and the driveway. Which, as shown by the above listed Exhibits, there is more than adequate dense urban screen to muffle the noise as to not disturb the neighbors.

Off street parking consists of a three-stall garage, and six available parking spaces in the driveway, which is well beyond the three parking spots needed as per the Vacation Rentals Regulations.

This house is ideal for a Vacation Dwelling Unit. There are only two immediate neighbors, both of which are screened by existing forestation, and there are plenty of off street parking. It has an amazing view of Lake Superior, and would be an invaluable tool to help promote tourism.

Picture of Front view of property



Picture of side view of property

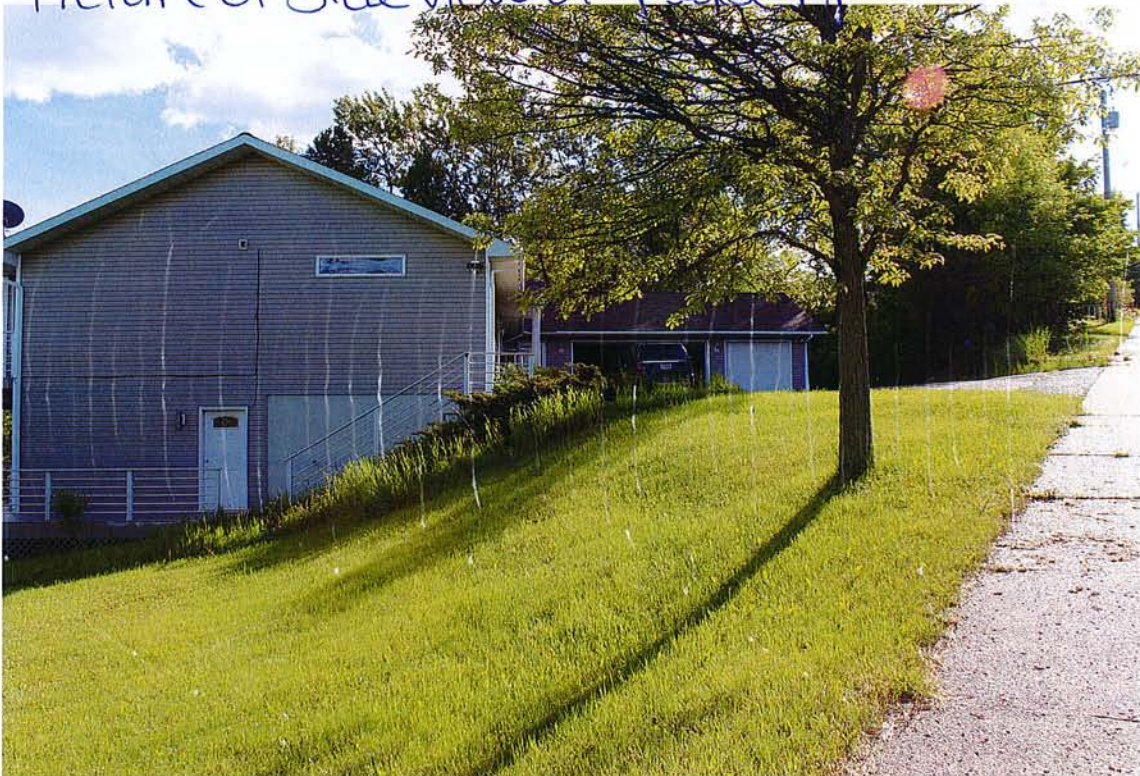


Exhibit A "Site Plan"

- * Parking - (OFF-STREET)
• Three-stall garage.
27ft x 29ft appx.
- Driveway
Highlighted area
40ft x 33ft. appx.
- * Dense urban screen
between neighboring
property outlined in
red. Please see Exhibit
A+B for additional pictures.
- * There is approximately
100ft between the driveway
where more noise will come from,
and the NW neighbor's home.
* There is approximately 80ft
between the deck and the driveway
of the neighbors house on the
SW side of the property.



Legend	
Elevation	1 Ft contour
	10 Ft contour
Right-of-Way Type	Road or Alley ROW
	Vacated ROW
	Utility Easement
	Other Easement
	Zoning Boundaries
	Trout Stream (GPS)
	Other Stream (GPS)

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Picture of urban screen between property and Northwest neighbor's home.



Picture of urban screen between property and Southwestern neighbor's home.



Picture of closest neighbor on the South side of property.



Picture of urban screen between property and closest neighbor's home on the North side.



Exhibit C

Bedroom #2



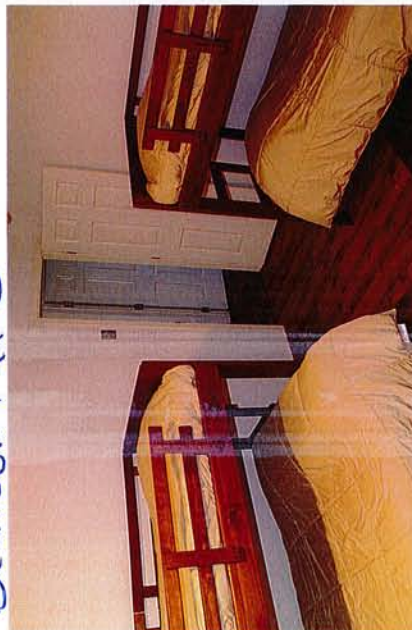
Bedroom #4
(Master bedroom)



Bedroom #1



Bedroom #3



Main level living room dining room



Downstairs living area



Downstairs living area

