



**Planning & Development Division**  
Planning & Economic Development Department  
Room 160  
411 West First Street  
Duluth, Minnesota 55802

218-730-5580  
planning@duluthmn.gov

<b>File Number</b>	PL 19-095	<b>Contact</b>	Kyle Deming, kdeming@duluthmn.gov	
<b>Type</b>	Interim Use Permit Renewal – Vacation Dwelling Unit	<b>Planning Commission Date</b>		August 13, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	July 8, 2019	<b>60 Days</b>	September 6, 2019
	<b>Date Extension Letter Mailed</b>	August 6, 2019	<b>120 Days</b>	November 5, 2019
<b>Location of Subject</b>	1302 Minnesota Ave. (Park Point)			
<b>Applicant</b>	Steve and Heather Pitschka	<b>Contact</b>	hpitschka@yahoo.com	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Lot 119, Upper Duluth, Minnesota Ave. Division (010-4390-00650)			
<b>Site Visit Date</b>	August 5, 2019	<b>Sign Notice Date</b>	July 30, 2019	
<b>Neighbor Letter Date</b>	August 2, 2019	<b>Number of Letters Sent</b>	27	

**Proposal**

This is a renewal for permit PL 13-030. Applicant proposes to continue to rent out the 3-bedroom house to groups in size up to 7 people.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	One-Family Dwelling	Traditional Neighborhood
<b>North</b>	R-1	Park	Open Space
<b>South</b>	R-1	One-Family Dwelling	Traditional Neighborhood
<b>East</b>	R-1	One-Family Dwelling	Traditional Neighborhood
<b>West</b>	R-1	One-Family Dwelling	Traditional Neighborhood

**Summary of Code Requirements:**

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

UDC Sec. 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 . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

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 or 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

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

**S9:** Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth

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.

The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use.

#### **Review and Discussion Items:**

- 1) Applicant's property is located at 1302 Minnesota Ave. The proposed vacation dwelling units contains 3 bedrooms, which would allow for a maximum of 7 guests. This 1,716 square foot traditional home was constructed in 1957.
- 2) The applicant lives within the required distance and has notified the owners within 100 feet with their contact info.
- 3) The site has room for the required 2 of-street parking spaces in the garage at the rear of the property. Additionally, there is room to park on the applicant's half of 13<sup>th</sup> Street, which has been paved, though this space does not meet UDC qualifications for being located on the applicant's property. The applicant has indicated they will direct guests to park up to one motorhome or RV trailer on the street, which is allowed by the UDC.
- 4) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 5) Applicant has obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, have a Tax ID number, a fire operational permit, and a Hotel/Motel License.
- 6) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 7) No comments from citizens, City staff, or any other entity were received regarding the application.

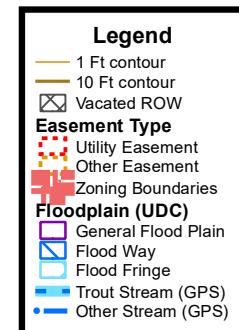
**Staff Recommendation:**

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation; and
- 2) The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m. and the location of the nearest legal access to the Lake Superior beach; and
- 3) 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, and any modifications deemed necessary by the Land Use Supervisor, provided that no such administrative approval shall constitute a variance from Chapter 50.



 1302 Minnesota Ave.  
Vacation Dwelling Unit  
Renewal  
Steve and Heather Pitschka

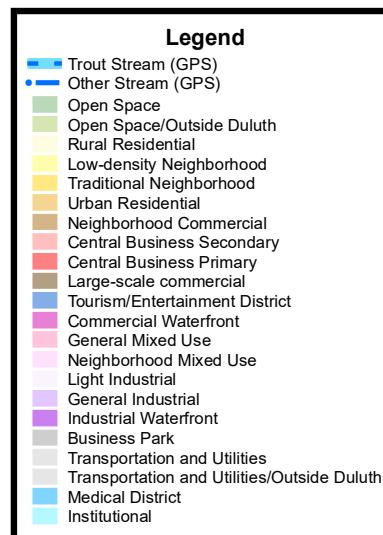


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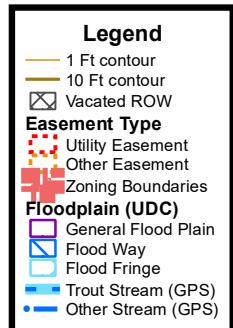
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Aerial photography flown 2016





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