



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	PL17-021	Contact	Kate Van Daele	
Type	Interim Use Permit- Accessory Vacation Dwelling Unit	Planning Commission Date		March 14, 2017
Deadline for Action	Application Date	February 1, 2017	60 Days	April 2, 2017
	Date Extension Letter Mailed	February 14, 2017	120 Days	June 1, 2017
Location of Subject	9506 Congdon Blvd			
Applicant	Allan WInter	Contact		
Agent		Contact		
Legal Description				
Site Visit Date	February 26, 2017	Sign Notice Date	February 28, 2017	
Neighbor Letter Date	February 24, 2017	Number of Letters Sent	10	

Proposal

Applicant proposes to use their home as a vacation dwelling unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of two consecutive nights.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-2	Single Family Home	Rural Residential
North	RR-2	Single Family Home	Rural Residential
South	RR-2	Single Family Home	Rural Residential
East	RR-2	Single Family Home	Rural Residential
West	RR-2	Single Family Home	Rural Residential

Summary of Code Requirements

UDC Section 50-19.8. Permitted Land 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 50-37.10.1. 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 Section 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 Permit 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 #8 – Encourage mix of activities, uses and densities

Future Land Use – Traditional Neighborhood

Characterized by a grid or connected street pattern, houses orientated 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.

This site has been developed so that it is consistent with the future land use as described and the applicants are not proposing alterations to its use.

Review and Discussion Items

- 1) The applicant's property is located on 9506 Congdon Blvd. The dwelling unit has one bedroom, which would allow for a maximum of three people.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has the authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. Applicant has designated himself as the managing agent. The applicant resides in the upper unit at 9506 Congdon Blvd.
- 3) One parking space is required for this unit. The space is located in the unit's garage. Additional parking spaces are located in the driveway of the house.
- 4) The site plan submitted indicates that there is natural screening on the southwest and southeast side of the parcel. Due to the steep topography from the neighbor to the East, adding additional screening such as a fence around the deck would not provide any additional privacy for the applicant or the neighbor. The property has a large amount of native perennials that align the creek bed in addition to the lower part of the property. The property has ample amount of natural screening during the summer and fall months.
- 5) A time limit on this Interim Use Permit 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 that Interim Use Permit's shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant has completed and obtained all other required permits and inspections required in this application.
- 7) Applicant must comply with Vacation Dwelling Unit Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Pets, and Noise").
- 8) No comments from citizens or other City Departments were received regarding this zoning application.

Staff Recommendation

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

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permit for operation. The resolution cannot be affirmatively considered by the City Council until all required documentation is provided to City Staff.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit documents and provide evidence of compliance, which will be included in the resolution.
- 3) The applicant must disclose to all guests, in writing that quiet hours shall be observed between the hours of 10p.m. and 8a.m.



Legend

- Trout Stream (GPS)
- Other Stream (GPS)

Zoning Boundaries

- Zoning Boundaries

Water Distribution System

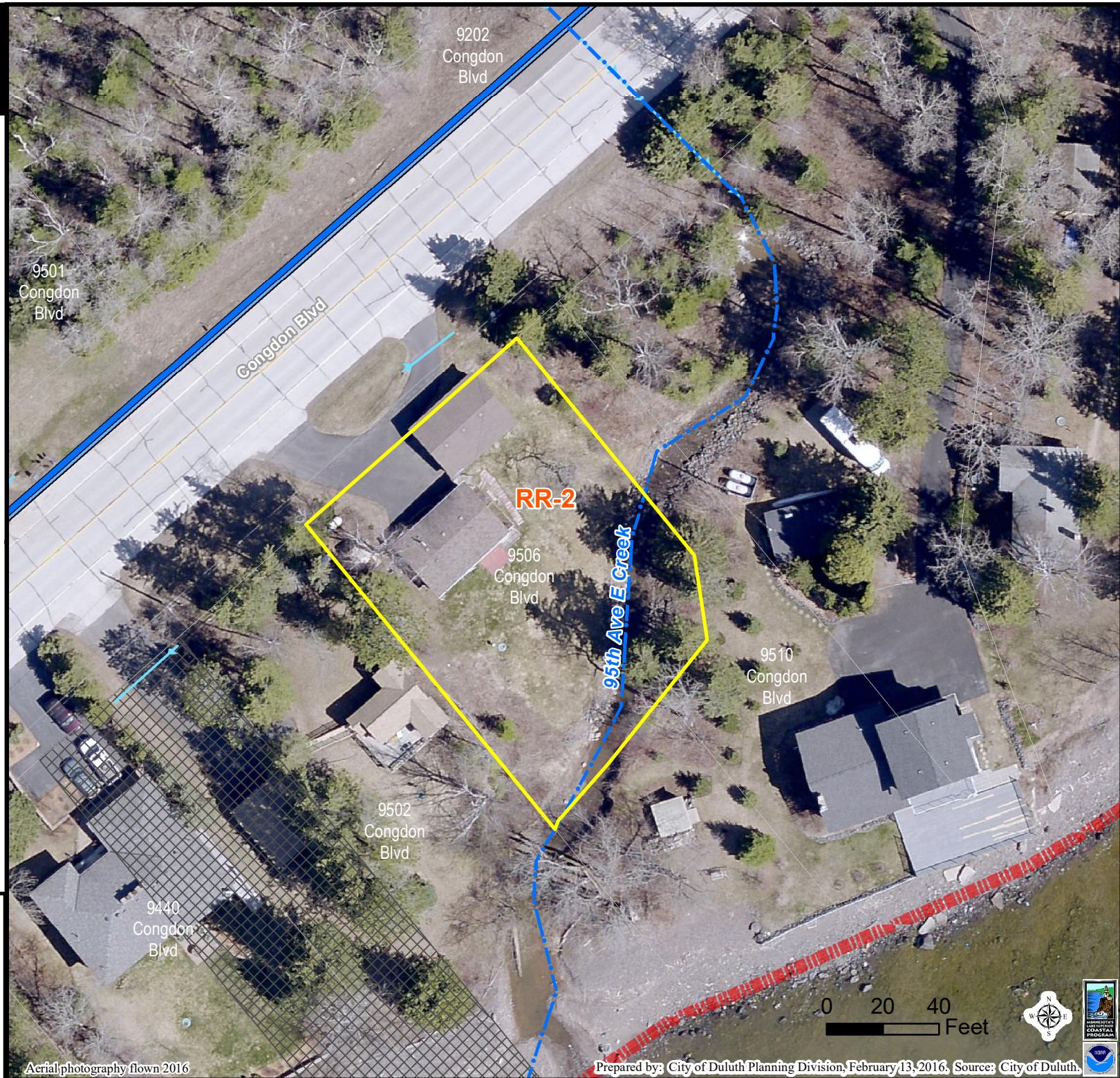
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor

Storm Sewer Collection System

- Storm Sewer Pipe
- Storm Sewer Catch Basin



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Legend

Contours 1 Ft

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— Intermediate

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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

PS 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

Wetlands (NRRI)

Vacated ROW



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Aerial photography flown 2016

Prepared by: City of Duluth Planning Division, March 8, 2017. Source: City of Duluth.



January 31, 2017

RECEIVED

City of Duluth

FER 01 2017

Planning Department

CONSTRUCTION SERVICES
AND INSPECTIONS

Accessory License Request

I am submitting my application for an Accessory Vacation Dwelling, and I'm looking forward to working with the city to accomplish this under the city's policy for this type of license. I am responding below to the 19 Permit Standards:

Accessory Standards (attached):

1. Only one permit per lot, yes, I agree.
2. The city shall not grant a variance for the dwelling, yes, I agree.
3. The unit shall not exceed 800 square feet, Yes, I agree, mine is 640'.
4. The unit has a rear entrance, yes I agree.
5. The minimum stay is 2 days, yes, I agree.
6. The number of persons, yes, I agree
7. Off-street parking, I have one bedroom and I will allocate 1 space in conformity to the standard.
8. Only one motorhome/camper, yes, I agree.
9. Getting all permits and licenses, yes, I agree.
10. UDC Application Manual and recordkeeping, yes, I agree.
11. Site Plan, Yes, I agree and am attaching it.
12. Interim Permit ownership changes and periods, yes, I agree.
13. Guest records, yes, I agree.
14. Managing Agent, yes, I agree and have named that person in the application.
15. Notice of managing agent to neighbors, yes, I agree.
16. Disclosure of rules and regulations to guests, yes, I agree.
17. Permit number posting on all advertisements etc., yes, I agree
18. The Fire Department Operational Permit, yes, I agree.
19. State and local Tax numbers, Hotel/Motel, yes, I agree.

Please let me know if you have any additional needs, I will provide it at the soonest possible timeframe. Thank you for all of your help!



Allan Winters

9506 Congdon Blvd, Duluth, MN 55804



14. State of Minnesota, legally described as
All of Lot 2 & Westerly 39.96' of Lot 3, Block 10, Lying North of centerline of Creek,
15. the centerline being apprx 135' Sth of NW Corner of Lot 2 & 92' Sth of NE Corner of Lot
2, & 72' Sth of the NE Corner of Described parcel. Bristol Beach 1st Div Duluth.
16.



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218-730-5580 – An Equal Opportunity Employer

Site Visit at 9506 Congdon Blvd (PL17-021)



Front of the home

Back of the home and Entrance to Unit



Deck in front of entrance and rear yard



Stairs leading to unit entrance





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Creek view from the side of the lot

