



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	PL17-093	Contact	Kate Van Daele	
Type	Interim Use Permit- Accessory Vacation Dwelling Unit	Planning Commission Date	July 11, 2017	
Deadline for Action	Application Date	June 8, 2017	60 Days	August 7, 2017
	Date Extension Letter Mailed	June 23, 2017	120 Days	October 6, 2017
Location of Subject	5802 London Road			
Applicant	Kirk & Marianne Bernadino	Contact		
Agent	Sophie Turk	Contact		
Legal Description	010-2830-00160			
Site Visit Date	June 22, 2017	Sign Notice Date	June 27, 2017	
Neighbor Letter Date	June 27, 2017	Number of Letters Sent	23	

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	R-1	Single Family Home	Traditional Neighborhood
North	R-1	Single Family Home	Traditional Neighborhood
South	R-1	Single Family Home	Traditional Neighborhood
East	R-1	Single Family Home	Traditional Neighborhood
West	R-1 (Preservation Overlay)	Single Family Home	Traditional Neighborhood

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 of improvements related to the use, and (d) the applicant agrees to all conditions imposed

4) B-1

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 was originally a pump house until Elizabeth Congdon bought it in 1930 and renovated it into a single family home. The home was then used as a parsonage for Duluth Symphony conductors for 30 years. Mrs. Congdon sold it in 1960 and it has been sold several times thereafter. The current owner bought the home in 2012.

Review and Discussion Items

- 1) The applicant's property is located on 5802 London Road. The dwelling unit has two bedrooms, which would allow for a maximum of five people. The home is 1,683 square feet and was built in 1937.
- 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. The agent of this property is Sophie Turk who resides at 2006 East 1st Street, Apartment 2.
- 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 home.
- 4) The site plan submitted indicates that there is natural screening throughout the property. Large trees and shrubs can be found on each side of the property that provide dense screening between the neighbors to the West. The applicant owns the home directly to the East of the property, which is also screened adequately. There is a playground on site which is also screened from the road and the neighbor by thick trees. The useable exterior space has been buffered from all adjoining properties in accordance with the UDC requirements.
- 5) A time limit on this Interim Use Permit is needed 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 other City Departments were received regarding this zoning application. One letter from a member of the public opposing the permit was received.

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.
- 4) Trash burning on the property is prohibited.

B-2

Legend

- Bike
- Multi-Use - Paved
- Mountain Biking and X-Country Skiing
- Climbing
- Trout Stream (GPS)
- Other Stream (GPS)
- 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



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2016

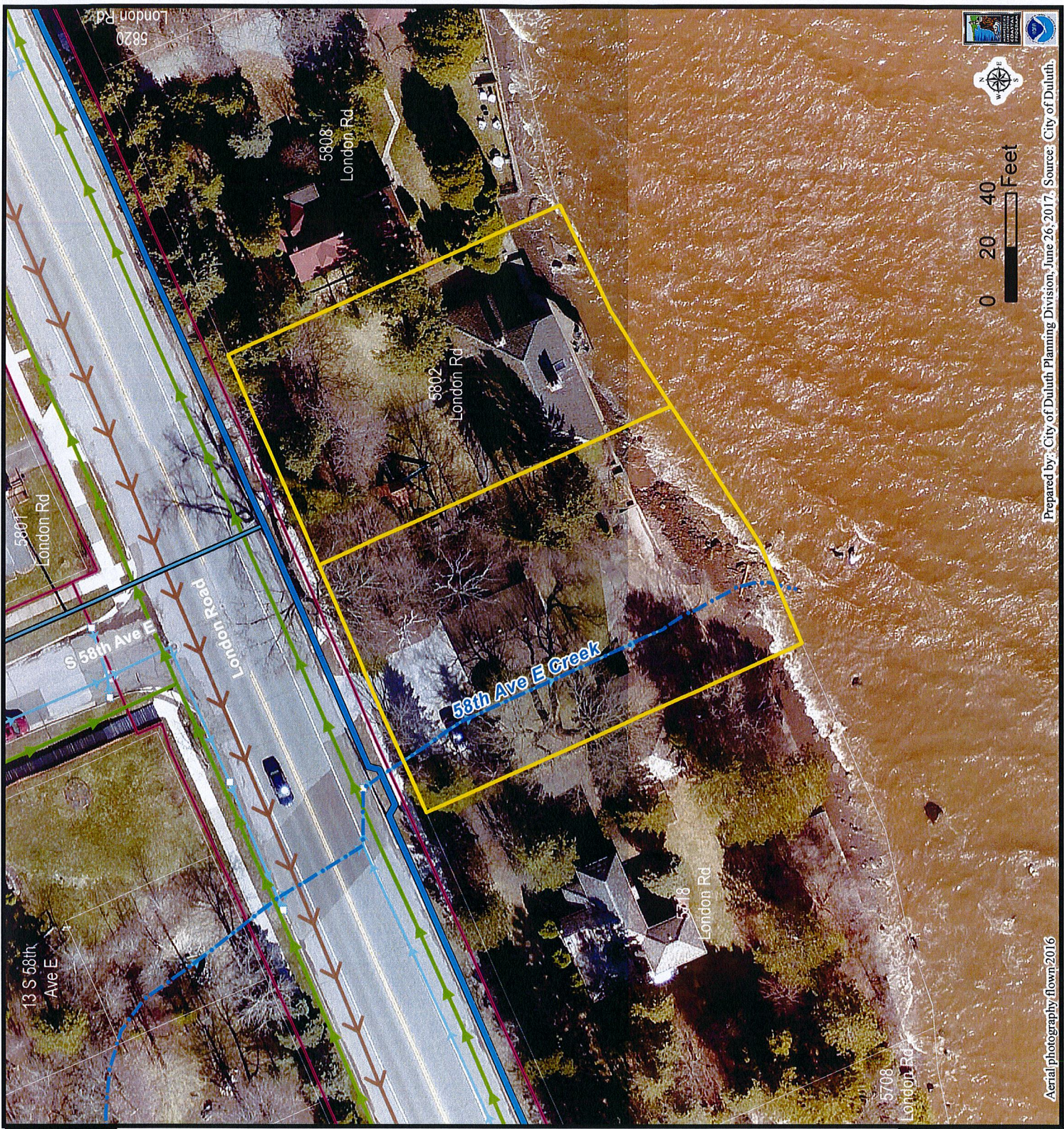
D-5



City Planning

5802 London Road

Legend	
	Bike
	Multi-Use - Paved
	Mountain Biking and X-Country Skiing
	Climbing
	Trout Stream (GPS)
	Other Stream (GPS)
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



0 20 40 Feet

Aerial photography, flown: 2016

Prepared by: City of Duluth Planning Division, June 26, 2017. Source: City of Duluth.

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey, and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

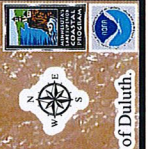
15-4

Legend

- Bike
- Multi-Use - Paved
- Mountain Biking and X-Country Skiing
- Climbing
- Trout Stream (GPS)
- Other Stream (GPS)
- 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
- Future Land Use**
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

B-E



City of Duluth
Department of Planning and Construction Services
411 West First Street – Room 208
Duluth, MN 55802
RE: Interim Use at 5802 London Road (PL 17-093)

July 3, 2017

To Whom It May Concern:

I recently received a letter notifying me of a zoning request for vacation property in my neighborhood. I will not be able to attend the public hearing on July 11, 2017, yet would like my thoughts to be considered on this matter.

I am concerned about the impact to the neighborhood and community that may be associated with a short-term rental, especially when the owners will not be present to supervise or monitor the situation. According to the information associated with the 5802 London Road property on the MLS, the Bernadino's will be relocating to the East coast and will not even be in the local area. This concerns me greatly!

5802 London Rd, Duluth, MN 55804

2 beds · 1 bath · 1,837 sqft

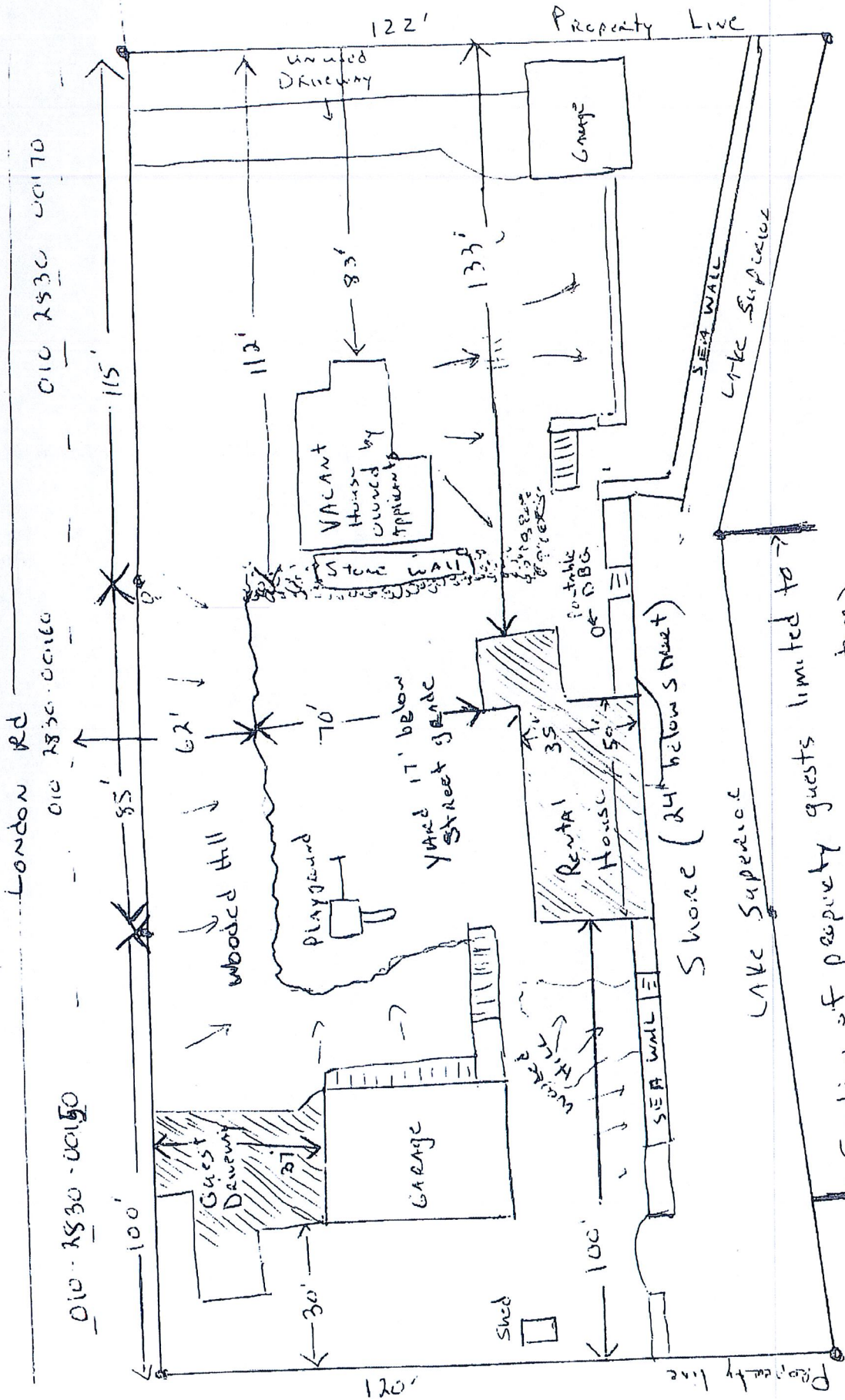
Special Opportunity! The pump house is one of Duluth's iconic and historical properties. This solid brick "mini mansion" is located as close to Lake Superior as you can get! Elizabeth Congdon owned the property for 30+ years. It has only changed hands a few times and every owner since has absolutely loved living so close to the lake! Just the 185' lot and concrete seawall is worth the price! Present owners had preliminary plans to expand the second floor of the home, to include three full bedrooms and three baths. There is a detached two car garage with a one bedroom guest cottage below, perfect for visiting friends and relatives. If you have grand plans, there is the option to purchase the adjoining property to the east, adding an additional 115' of shoreline on Lake Superior in the heart of the city of Duluth! The current owners are relocating to the east coast and are providing a very special opportunity to own an incredible piece of history and Lake Superior shoreline!

My home is in a single-family dwelling, long-term residential neighborhood and I would like to see it stay that way. I believe that short-term rentals would have a negative impact on my immediate neighborhood by driving up the total housing costs, increasing the length of time it takes to sell a home, while lowering offers. I am also concerned that a short-term renter may be unfamiliar with the environment and inadvertently alter or impact the neighborhood in a way that could be detrimental.

In my opinion, short-term rentals will cause problems for my community by affecting the housing stock / supply and threatening the affordability of existing housing. I feel strongly that the zoning at 5802 London Road should not change. The owners accepted the current zoning laws when they purchased the home. I do not feel they should be able to turn the property into a business that would impact the property of others living in the neighborhood. Thank you for your time and considering my request.

Lynn Salmela
110 South 58th Ave. East
Duluth, MN 55804
(218) 525-7636

B-6



Section of property guests limited to
 (No pool, hot tub, sauna etc other use)
 (no pictured facility)

Dear Members of the City Planning Commission,

Thank you for considering our application for an Interim Use Permit for Vacation Dwelling Unit at our 5802 London Road property. We wanted to introduce ourselves and tell you more about the property.

My husband, Kirk, moved to Duluth in 2005 and has been employed as a Gastroenterologist at Essentia Health since that time. Upon moving to Duluth, he became fascinated by a small, brick home perched right on the water at 5802 London Road. He later learned that the property was locally known as, "the old pumping station", or simply, "the pumphouse", as it was originally built in the 1880s to pump water to the neighboring community in lakeside. It only functioned as a pumphouse for about 10 years before an outbreak of diphtheria was blamed on the fact that the pumping station was located too close to town. It was then rented to a city employee for many years before Elisabeth Congdon purchased it in the 1930s and had it renovated into the single family home that it is today. Ms. Congdon used the home as a parsonage for the Duluth Symphony conductors for approximately 30 years. She sold it in the 1960s and it has been owned by a handful of families since that time.

Ever since purchasing the house in 2012, we have always felt that the home deserved to be shared with the community given its unique history and lakeside presence. As we are moving to Maine to be closer to Kirk's elderly father for the next several years, this opened up the opportunity to consider using it as a vacation rental. In addition to the pleasure of sharing the property, we also appreciate that it makes it easier to return to Duluth in the future as I will be working remotely from Maine as a Psychiatrist for the Twin Ports, VA. We look forward to sharing the special history of the house with our guests. In keeping with Ms. Congdon's charitable tradition and connection with the symphony, we also plan to donate week long stays to fundraisers for the DSSO and Glensheen.

We apologize that we are not able to be present for the July 11th meeting but know that our property manager, Sophie Turk, will be happy to answer any of your questions. Sophie lives in Duluth and has been our full-time nanny for the past 7 years. As such, she knows the property well and will be an excellent representative for any questions or concerns that need immediate attention.

Thanks again for your consideration. We look forward to hearing from you.

Best regards,

Marianne Bernadino