



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	PL 17-023		Contact	Kyle Deming, 218-730-5329	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		March 14, 2017
Deadline for Action	Application Date		February 3, 2017	60 Days	April 4, 2017
	Date Extension Letter Mailed		February 24, 2017	120 Days	June 3, 2017
Location of Subject		110 22 nd St. S. (Park Point)			
Applicant	Steve & Heather Pitschka		Contact	2440 S. Lake Ave., Duluth, MN 55802	
Agent			Contact		
Legal Description		Wly 34.8’ of Lot 61 & all of Lot 63, except Ely 65.2’, Lower Duluth, Lake Ave. and E ½ of Lot 62 & 64, Lower Duluth, Minnesota Ave.			
Site Visit Date		February 27, 2017	Sign Notice Date		February 28, 2017
Neighbor Letter Date		February 24, 2017	Number of Letters Sent		19

Proposal

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

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

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:

Staff finds the following:

- 1) The applicant's property has 2 bedrooms on the main floor, which would allow for a maximum of 5 guests. The upstairs of the dwelling will not be available to guests and will be locked.
- 2) The applicant has obtained an Operational Permit from the Fire Department and the State Health Department has inspected the property, but the applicant will need to acquire the Lodging License before renting the property.
- 3) The applicant has provided evidence of being set up to pay the appropriate taxes to the State and City.
- 4) The applicant has paid for the required City license from the City Clerk to rent short term.
- 5) The applicant's site plan shows a 12' x 20' off-street parking space in the side yard near the front door which is required for a 2-bedroom vacation dwelling unit. To comply with parking rules the space will need to be paved.
- 6) The site plan also shows a deck on the rear of the house and staff recommends that screening be installed along the east property line to screen the deck from the neighbor's property.
- 7) The site plan shows the unpermitted encroachment of a garage into the 22nd St. S. right of way. Staff recommends that this encroachment be resolved before the interim use permit is effective.
- 8) The applicant will send the required letter to neighbors within 100' providing the contact info. for the property manager if Council approves the interim use permit.
- 9) 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.
- 10) One comment was received from a neighbor.

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 Land Use Supervisor has determined that the following conditions have been met:
 - a. The applicant has received all required licenses and permits for operation.
 - b. The applicant amends the site plan to show the parking surface as paved and required screening near the east property line.
 - c. The applicant shall resolve the garage encroachment.
 - d. The applicant shall send the required letter to neighbors with the property managers contact information.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance.
- 3) 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. in addition to other disclosures required by the Unified Development Chapter.



City Planning

PL 17-023: Vacation Dwelling Unit IUP
110 22nd St. S.

Legend

Contours 1 Ft

Index_

- Intermediate
- Index
- 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

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

Prepared by: City of Duluth Planning Division, Mar. 14, 2017; Source: City of Duluth.

OFFSTREET PARKING SITE PLAN 2/2/2017

Based on survey 7/12/2000
DRAWN BY: Steven Pitschka

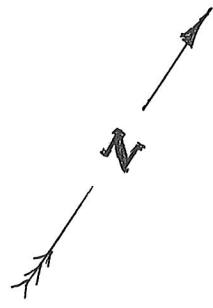
Steven Pitschka

Property Description

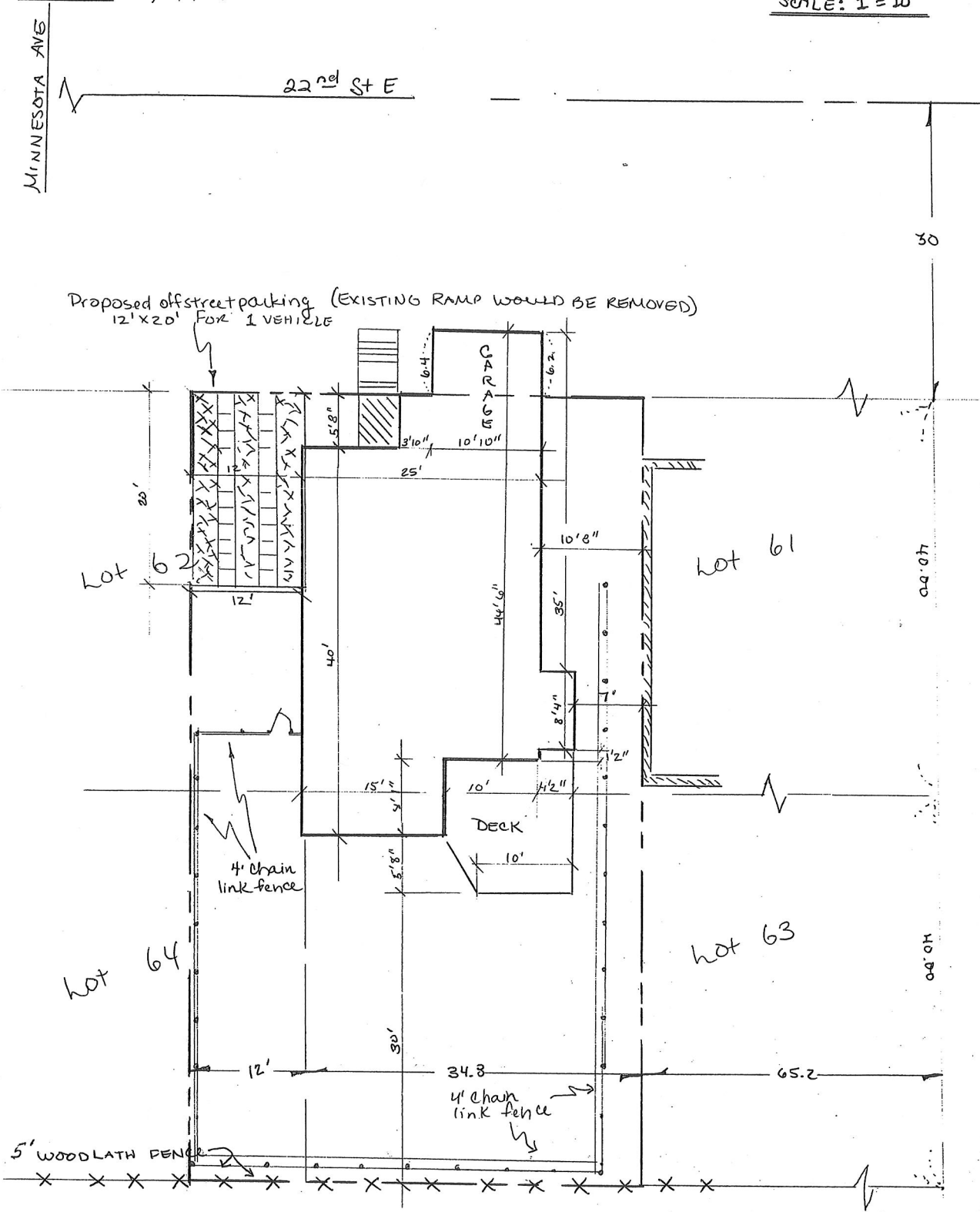
Easterly 12' of lots 62 & 64, Minnesota Ave, Lower Duluth
Westerly 34.8' of lots 61, 63, Except Easterly 65.2' Thereof,
Lake Avenue, Lower Duluth

ADDRESS: 110 South 22nd Street
Duluth, MN 55802

LOT AREA: 3,744 SF



SCALE: 1" = 10'





BEACH
←

110

110

110

Feb 27, 2017

Re: Interim use permit for 110 22nd Street South

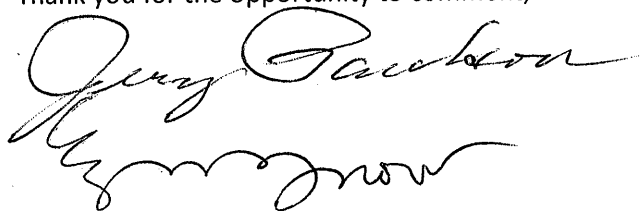
To Kyle Deming and those that may be concerned,

Heather and Steve Pitschka have owned and operated a vacation rental home next door to our home on Lake Avenue for a year or two. In our opinion their rental home has had no negative impact on our neighborhood.

We have had no complaints at that location and feel confident that if we were to have an issue it would be resolved appropriately.

The Pitschkas have made considerable improvements to each of their properties and, We believe your office should do everything you can to expedite the issuance of their new permit.

Thank you for the opportunity to comment,

Handwritten signatures of Jerry Paulson and Elizabeth Snow. The signature of Jerry Paulson is on top, and the signature of Elizabeth Snow is below it.

Jerry Paulson and Elizabeth Snow

1204 S. Lake Ave.

Duluth MN 55802

