



**CITY OF DULUTH**  
Community Planning Division

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File Number	PL17-035	Contact	Kate Van Daele, <a href="mailto:kvandaele@duluthmn.gov">kvandaele@duluthmn.gov</a>	
Type	Interim Use Permit- Accessory Vacation Dwelling Unit	Planning Commission Date		April 11, 2017
Deadline for Action	Application Date	March 8, 2017	60 Days	May 2, 2017
	Date Extension Letter Mailed	March 13, 2017	120 Days	July 1, 2017
Location of Subject		2810 West Skyline Parkway		
Applicant	Mike Kokotovich	Contact		
Agent	Mike Kokotovich	Contact		
Legal Description		E 1/2 OF LOT 10 AND ALL OF LOTS 11 AND 12 BLOCK 8		
Site Visit Date		March 22, 2017	Sign Notice Date	March 28, 2017
Neighbor Letter Date		March 24, 2017	Number of Letters Sent	25

**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.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Single Family Residential	Traditional Residential
<b>North</b>	R-1	Single Family Residential	Traditional Residential
<b>South</b>	R-1	Single Family Residential	Traditional Residential
<b>East</b>	R-1	Single Family Residential	Traditional Residential
<b>West</b>	R-1	Single Family Residential	Traditional 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 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 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 2810 West Skyline Parkway. The dwelling unit has one bedroom, which would allow for a maximum of three people. The space of this unit is less than 800 square feet which meets the accessory dwelling unit standards.
- 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 agent as he lives in the unit upstairs.
- 3) One off-street parking space is required for this unit. The applicant will provide one off-street parking spot located in the southern part of his property, which is close to the rental unit entrance.
- 4) The site plan submitted indicates that there is limited screening on the property. The applicant plans on adding screening to the patio which serves as outdoor space in addition to the entrance for the rental unit. The proposed screening would provide privacy from neighbors. With these additions, the useable exterior space will be 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 is in the process of obtaining a fire operational permit, hotel/motel license and lodging license. Applicant has obtained his Duluth tourism tax permit #1536, and MN State I.D. 4977361.
- 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.
- 4) Screening as described in the applicant's letter and site plan dated March 3<sup>rd</sup>, 2016 will be installed before the space can be rented.
- 5) Applicant agrees that no trash burning will partake on the property.



## City Planning

Interim Use Permit  
2810 West Skyline PKWY

### Legend

#### 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

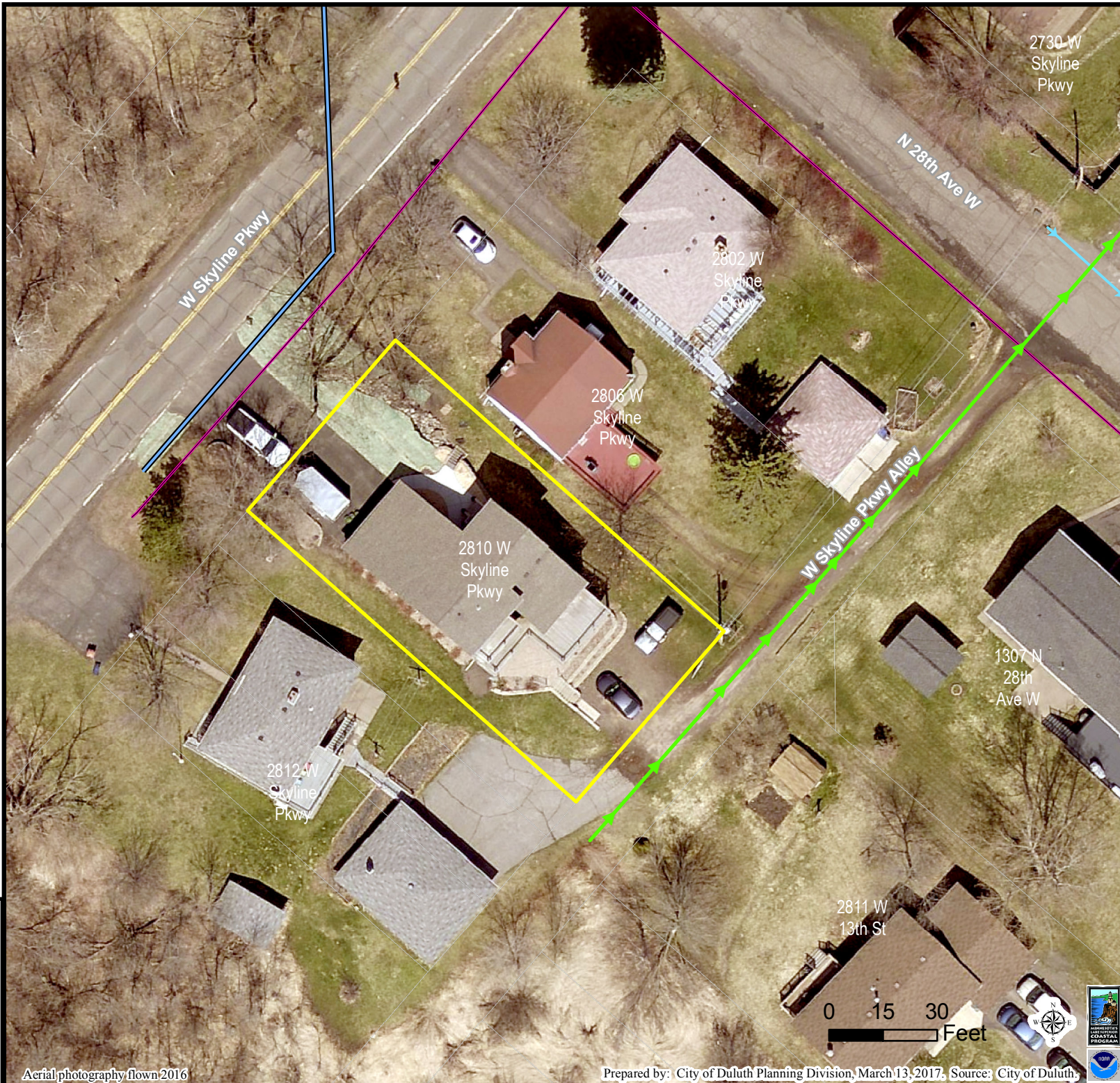


Wetlands (NRRI)



Vacated ROW

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, March 13, 2017. Source: City of Duluth.

## KOKOTOVICH – 2810 WEST SKYLINE PARKWAY ACCESSORY VACATION DWELLING UNIT

### COVER LETTER/REASON FOR APPLICATION

I am requesting a special use permit in order to convert a portion of my residence at 2810 West Skyline Parkway to an accessory vacation dwelling unit. I am very excited about this opportunity. My residence features an ideal set up for this arrangement. My living area is separated from the proposed unit by two locked doors giving both myself and the guests privacy. Also, the unit has its own laundry and kitchen which will be nice amenities for the guests. Guests also have private parking and a separate entrance in the rear of the building. In addition, they will be able to relax on the patio and take in a view of our beautiful harbor. I could not be more excited to set this unit up in order to share our beautiful city with tourists. I plan to leave a binder in the unit which shows much of what our beautiful city has to offer. I also plan to leave local products as welcome gifts – Duluth Coffee Company Coffee, Bent Paddle Beer, etc. Here is a picture of the unit (lowest level):



Also, I want to address an area which I know is of primary concern with these units – screening. The guests will have access to the rear patio north and south portion (see site plan). I have included two photos on the next page – one from the north patio looking at the neighbor and the second from the south patio looking at the other neighbor. My plan is to block these areas off from the house to the posts (and concrete to top of deck) using a privacy fence.



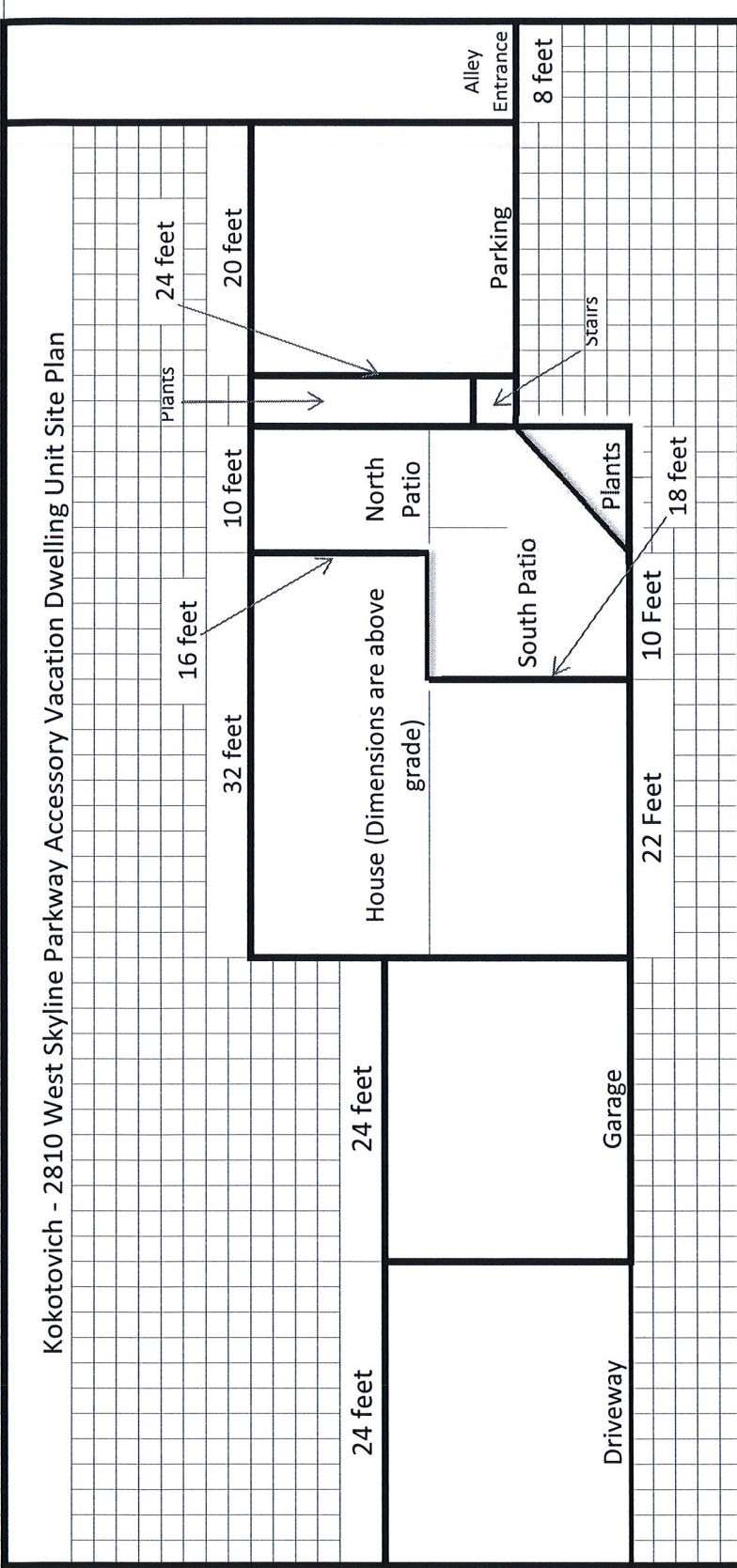
**KOKOTOVICH – 2810 WEST SKYLINE PARKWAY ACCESSORY VACATION DWELLING UNIT**

**NARRATIVE ADDRESSING ACCESSORY VACATION DWELLING UNIT INTERIM USE PERMIT STANDARDS:**

1. I only intend to create one accessory vacation dwelling unit on this lot.
2. I do not need any variances for this accessory vacation dwelling unit.
3. This accessory vacation dwelling unit does not contain more than 800 square feet of floor area and is consistent in character and design with the primary dwelling.
4. The entrance for the accessory vacation dwelling unit is located on the rear side of the building.
5. I will not rent the unit for less than two consecutive nights.
6. I have one bedroom in the unit. I will notify potential renter that the maximum number of people who may occupy is three. I will enforce this limit.
7. I will provide 2 off-street parking spaces for this 1 bedroom unit. Only one is required.
8. I will notify guests that only one motorhome and/or trailer may be parked at the site. I will enforce this policy.
9. I will obtain all required licenses and permits from the City of Duluth and State of Minnesota for guest occupancy on the property for 2 to 29 days.
10. I will provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact (this will be me), property use rules, taxation, and interim use permit violation procedures.
11. I have provided a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use. I have provided photos of my detailed plans to provide screening required to buffer these areas from adjoining properties.
12. I understand that this interim use permit shall expire upon a change in ownership of the property or in six years, whichever occurs first.
13. I will keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and will provide it to the City upon 48 hours' notice.
14. I will be the managing agent/local contact. I will be residing in the upper portion of the residence. I will respond 24 hours a day to any complaints from neighbors or the City. I will notify the Land Use Supervisor within 10 days of a change in my contact information.

15. I will provide my contact information to all property owners within 100' of the property boundary. I will notify neighboring properties within 10 days of a change in my contact information.
16. I will disclose all required rules and regulations in writing to my guests.
17. I will post my permit number on all print, poster or web advertisements.
18. Prior to rental, I will have the building inspected and an Operational Permit issued by the Fire Prevention office.
19. I will apply for and obtain State and local sales tax numbers, including Hotel and Motel Use Sales Tax.

# Kokotovich - 2810 West Skyline Parkway Accessory Vacation Dwelling Unit Site Plan



W e s t S k y l i n e P a r k w a y

6 6 f e e t

122 feet

1 square = 2 feet