



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	PL17-041	Contact	Kate Van Daele, kvandaele@duluthmn.gov	
Type	Interim Use Permit- Vacation Dwelling Unit	Planning Commission Date		April 11, 2017
Deadline for Action	Application Date	March 7, 2017	60 Days	May 6, 2017
	Date Extension Letter Mailed	March 13, 2017	120 Days	July 5, 2017
Location of Subject		829 South Lake Ave		
Applicant	Nikki Olson & Tony Cuneo	Contact		
Agent	Nikki Olson	Contact		
Legal Description		LOT: 0204 BLOCK:000		
Site Visit Date		March 22, 2017	Sign Notice Date	March 28, 2017
Neighbor Letter Date		March 24, 2017	Number of Letters Sent	31

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 Residential	Traditional Residential
North	R-1	Single Family Residential	Traditional Residential
South	R-1	Single Family Residential	Traditional Residential
East	R-1	Single Family Residential	Traditional Residential
West	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 829 South Lake Street. 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 Nikki Olson, as the managing agent. The Mrs. Olson resides at 3525 East 2nd Street.
- 3) One parking space is required for this unit. The parking space being used is adjacent to the home. To meet UDC parking standards for an IUP, the parking space must be paved and have a legal driveway apron.
- 4) The site plan submitted indicates that there shows existing screening/buffering from other properties on the North and South sides of the home. The lot to the West of the property is vacant. There is a large tree in the Northwest corner of the lot that provides additional screening. 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) Applicants has obtained a Duluth Tourism Tax Permit, and State tax I.D. An inspection of the home by the State Health Inspector and Fire Marshall require the applicants to purchase a new furnace and a new window insert in the bedroom before granting a permit. The applicants have also submitted their hotel/motel license and are awaiting a response.
- 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) In coherence with UDC regulations, the applicant must pave their parking space in a 9' x 17' space, in addition to installing a driveway apron.
- 3) 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.
- 4) The applicant must disclose to all guests, in writing that quiet hours shall be observed between the hours of 10p.m. and 8a.m.
- 5) Trash burning is prohibited on the property.



City Planning

PL 17-041: IUP
829 S Lake Ave

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
 -  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
 -  Vacated ROW
- Easement Type**
 -  Utility Easement
 -  Other Easement



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.



CITY OF DULUTH

DEPARTMENT OF PLANNING & CONSTRUCTION SERVICES
Community Planning Division
411 West First Street – Room 208 - Duluth, Minnesota 55802-1197
218-730-5580 – An Equal Opportunity Employer

Site Visit at 829 South Lake Street (PL17-041)



Above: Front of the home

Below: Rear of the home





No Paved parking space

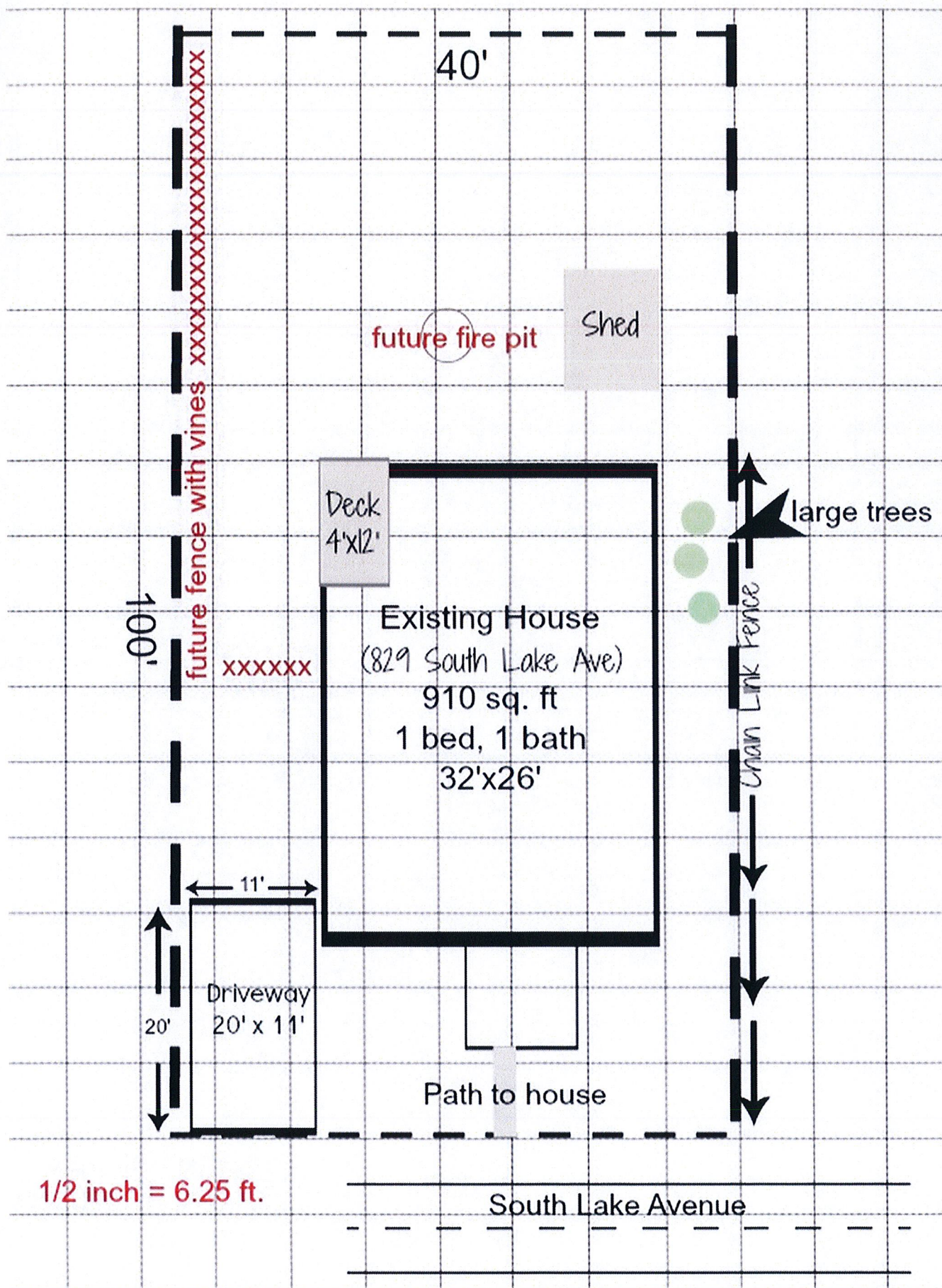


No driveway apron

Nikki Olson and Henry Eichman
Tony and Erin Cuneo
829 South Lake Avenue
Duluth, MN 55802

We are interested in providing a vacation rental home to provide lodging for couples, a small number of friends, or a tiny family.

1. Our vacation rental dwelling would allow no less than a 2 night minimum.
2. Our vacation dwelling unit is a one bedroom, one bathroom home. We are interested in providing a cozy space for no more than 3 people.
3. Our vacation dwelling provides one off street parking space. See site plan for location and properly dimensioned parking space.
4. We do not intend on advertising or permitting motorhomes or trailers in our advertisement for our vacation home rental.
5. The State Health Inspector and the Fire Marshall have been to the property to inspect the space. We are aware of the items that need to be completed in order to obtain permits. Including: a new furnace and new window insert in the bedroom.
 - a. State Tax ID# 8834300
 - b. Applied for a tourism tax permit with Ruthann Grace *Perm.# 1529*
 - c. Completed and mailed in application for Hotel/Motel License
6. We will provide all required documents in order to be issued a permit.
7. See attached site plan. We are planning on putting up a chain link fence with vines and also some privacy panels. However, we would like to use the space for a summer before committing to the placement of the privacy panels.
8. We are hoping to rent this home as a vacation rental for the entire term of the permit.
9. We will keep a guest book inside the home. We will also have a list of guests through the booking site we plan to use, airbnb.com.
10. I will be acting as the local contact, Nikki Olson. I live 4 miles from the property. In the event this changes, I will inform the city. 3525 East 2nd Street Duluth, MN 55804
11. I will hand out my contact information to all the neighbors within 100 feet of the property. I will also post expectations for our guests about respecting the neighbors.
12. I plan to post expectations inside our vacation rental unit, in addition, to in our advertising description. I am committed to making sure that our guests know the expectations before booking our rental.
13. We will post our permit number on all advertisements
14. We have already invited the Fire Marshall to the vacation home, during the inspection, and have a list of items that we plan on accomplishing once we take ownership.





City of Duluth

City Treasurer

411 West First Street • Room 105 • Duluth, Minnesota • 55802-1190
Telephone: 218-730-5350 • Fax: 218-730-5917 • www.duluthmn.gov

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COPY

Permit Number	
Date of Permit	
A. Filing Status	
B. Location Code	
C. Industry Code	

Treasurer's Office Use Only

APPLICATION FOR CITY OF DULUTH TOURISM TAX PERMIT

Please PRINT or TYPE

1. Reason for Applying: ☐ New Business ☐ Purchasing a Going Business ☐ Name or Entity Change ☐ Other (Specify)

Type of Permit(s) Applied for: ☐ Food and Beverage ☐ Lodging

2a. BUSINESS ORGANIZATION NAME BUSINESS NAME Park Point Bayside Cottage ADDRESS 829 S Lake Ave CITY, STATE, ZIP Duluth, MN 55802		3. BUSINESS CONTACT INFORMATION BUSINESS PHONE NUMBER CELL PHONE NUMBER 541-760-5517 E-MAIL ADDRESS NikkiLOlson@gmail.com WEBSITE ADDRESS / OTHER airbnb.com	4. DATE OF FIRST TAXABLE TRANSACTION IN DULUTH 6/2017 5. THE BUSINESS RECORDS ARE IN THE CARE OF (NAME AND ADDRESS) NAME Nikki Olson ADDRESS 3525 East 2nd Street CITY, STATE, ZIP Duluth, MN 55804
2b. BUSINESS LOCATION NAME (IF DIFFERENT FROM #2a) BUSINESS NAME ADDRESS CITY, STATE, ZIP		6. TYPE OF LEGAL ORGANIZATION <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Minnesota Corporation <input type="checkbox"/> Non-Minnesota Corporation (If foreign, give state where incorporated) _____ <input type="checkbox"/> Exempt Organization <input type="checkbox"/> Other _____	
2c. MAILING ADDRESS (IF DIFFERENT FROM #2a) MAIL TO Nikki Olson ADDRESS 3525 East 2nd Street CITY, STATE, ZIP Duluth, MN 55804		7. FEDERAL TAXPAYER IDENTIFICATION NUMBER: 472945871 <input checked="" type="checkbox"/> Individual (Social Security Number): _____ 8. PREVIOUS OWNER'S BUSINESS NAME AND PERMIT NUMBER, IF APPLICABLE: 9. WHAT IS YOUR MINNESOTA TAX IDENTIFICATION NUMBER? 8834300	

10. IS THE BUSINESS SEASONAL? ☐ YES - Opening Date _____ Closing Date _____ ☒ NO

11. WILL YOU BE MAKING TAXABLE SALES FROM MORE THAN ONE LOCATION IN DULUTH? ☒ YES - Give number of locations ² _____ ☐ NO

12. LIST OF OWNERS, PARTNERS OR PRINCIPAL OFFICERS AND HOME ADDRESS

FULL NAME	TITLE	STREET ADDRESS	CITY, STATE, ZIP	HOME PHONE	SOCIAL SECURITY#
Nikki Olson	Owner/ Manager	3525 E 2nd Street	Duluth, MN 55804	541-760-5517	472945871
Henry Eichman	Owner	3525 E 2nd Street	Duluth, MN 55804	541-760-0179	
Tony Cuneo	Owner	3019 East 1st Street	Duluth, MN 55804	218-310-2192	
Erin Cuneo	Owner	3019 East 1st Street	Duluth, MN 55804	218-260-7339	

I hereby certify that the above information is true and correct.

Signature: Nikki Olson Title: Manager Date: 3/6/17

REPORT ANY CHANGE IN THIS APPLICATION TO US PROMPTLY. NO APPLICATION FEE REQUIRED.

A separate application must be completed for each location making taxable sales.

Upon receipt of this completed application, an identification number will be issued to you and the necessary reporting information will be provided.

Any questions you have concerning this application may be answered by writing to the mailing address shown at the right, by telephoning (218) 730-5350 or by E-mailing treasury@duluthmn.gov.

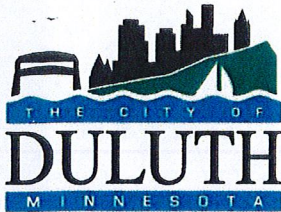
Submit via E-mail (button below)

or Mail this application to:

City of Duluth
Treasurer's Office
411 W 1st Street, Room 105
Duluth, MN 55802

YOU MAY SUBMIT ELECTRONICALLY IF YOUR VERSION OF ADOBE IS FULLY UP TO DATE. IF YOU HAVE PROBLEMS WITH DOING SO; PLEASE PRINT, SIGN, AND SUBMIT BY MAIL.

Permit #1529



City of Duluth
City Clerk's Office
411 West Frist Street
Duluth, Minnesota 55802-1189
Phone: (218) 730-5500
Fax: (218) 730-5923

COPY

For Office Use Only

DATE _____

License # _____

LICENSE APPLICATION

GOVERNMENT DATA PRACTICES ACT - CLASSIFICATION WARNING: The data you supply on this form will be used to process the license you are applying for. You are not legally required to provide this data, but we will not be able to process the license without it. Some of the data will be classified as public data if and when the license is granted. Private financial information including a tax identification number and social security number are classified as private data and will be available to governmental personnel and other governmental agencies whose access is necessary to perform their official duties.

<u>LICENSE</u>	<u>FEE</u>
HOTEL/MOTEL/B&B - FIRST 25 ROOMS	\$83.00
(CIRCLE ONE) <u>VACATION RENTAL</u> ACCESSORY HOME USE	
ADDITIONAL _____ ROOMS @ \$2.00 EACH	\$ _____
\$31.00 INTITAL INVESTIGATION FEE (ONE TIME ONLY)	\$ <u>31.00</u>
TOTAL	\$ <u>114.00</u>

LICENSEE NAME/ADDRESS/PHONE NO:

NIKKI OLSON
3525 E 2nd St.
Duluth, MN 55804

BUSINESS NAME/ADDRESS/PHONE NO:

Bayside Cottage
827 S Lk Ave
Duluth, MN 55802

MANAGER'S NAME/ADDRESS/PHONE NO:

NIKKI OLSON
3525 E 2nd St.
Duluth, MN 55804

OWNER OF BUSINESS PREMISES:

LICENSE PERIOD ENDING APRIL 30, _____

I HEREBY STATE THAT ALL INFORMATION HERE IS TRUE AND CORRECT AND THAT I SHALL COMPLY WITH ALL PROVISION OF THE ORDINANCES OF THE CITY OF DULUTH AND LAWS OF THE STATE OF MINNESOTA AND THEIR AMENDMENTS.

Nikki Olson

SIGNATURE OF APPLICANT

MAILING ADDRESS

3525 E 2nd St.
Duluth, MN 55804





Interim Use Permit for
829 Lake Avenue South
Vacation Rental

vacation rental that is only 140 feet from another at 817 Lake Avenue South along with several other permits in adjacent blocks of Lake Avenue South..

We the home owners along the 800 block of Lake Avenue South would like to see the city decline this application for a Interim Use Permit.

Name	Address	Phone #	Signature
Brian Grover	828 Lake Avenue S.	727-0596	Brian M. Grover
Mary Grover	828 Lake Avenue S.	727-0596	Mary Grover
Duane Johnson	830 Lake Avenue S.	727-3625	Duane Johnson
Larry Watczak	827 Lake Avenue S.	727-7623	
Lee Schwartz 16H	831 Lake Avenue S.		L Schwartz
Debbie Schwartz	831 Lake Avenue S.	590-6158	
John Cooper	819 Lake Avenue S.	727-3864	John Cooper
Pat Cooper	819 Lake Avenue S.	727-3864	Pat Cooper

Kate Van Daele

From: Brian & Mary Grover <grovers@solglint.com>
Sent: Monday, April 10, 2017 1:45 PM
To: Kate Van Daele
Subject: Interim Use Permit 829 South Lake Avenue

Please submit this petition from neighbors that are in opposition to this permit.

Kate Van Daele

From: Schwartz, Leigh H CIV USARMY CELRE (US) <Leigh.H.Schwartz@usace.army.mil>
Sent: Monday, April 10, 2017 11:37 AM
To: Kate Van Daele
Cc: parkpoint831@yahoo.com
Subject: Interim Use Permit @ 829 Lake Ave so.

Hello, My name is Leigh Schwartz and I am next door, south of 829 Lake Ave So. I am not for the Interim Use Permit for 829 Lake ave So. My concern's are late night activity, parking - there is no legal parking right now. Also how many per household, it is a only a one bedroom with a added on sun room. I think it will have a impact on my property value! We have a bed and breakfast in the east side of 8th all ready and a vacation dwelling on the west side on 8th already, we don't need any more, I have been a resident of Park Point at 831 lake ave so for more than 60 years and my parents were here for their live time. I know it's time for changes but it would be hopeful to have a nice neighbor instead of people coming and going. Also is there curfew for noise, and how about recreational fires, how about lawn care, pets, and the concern's if that dwelling meets any fire codes for safety.

Respectfully,
Leigh and Deborah Schwartz
831 Lake Ave So.
218 343 5737