



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

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File Number	PL 17-045		Contact	Steven Robertson	
Type	Interim Use Permit – Vacation Dwelling Unit		Planning Commission Date		April 11, 2017
Deadline for Action	Application Date		March 8, 2017	60 Days	May 5, 2017
	Date Extension Letter Mailed		March 29, 2017	120 Days	July 4, 2017
Location of Subject		1115 South Lake Avenue			
Applicant	Steven Pitschka		Contact	Spitschk85@yahoo.com	
Agent			Contact		
Legal Description		Lots 152 and 154 Upper Duluth Lake Avenue			
Site Visit Date		March 18, 2017	Sign Notice Date		March 27, 2017
Neighbor Letter Date		March 29, 2017	Number of Letters Sent		32

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

1911 – Home initially constructed; current size is 892 gross square feet, with attached garage constructed in 1954 (390 square feet).

2017 – Current owner purchased the property.

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 (6 total rooms), which would allow for a maximum of 5 guests.
- 2) The applicant has had an inspection from the Fire Department (3/13, approved 3/30/17) and the State Health Department 3/10), but the applicant will need to acquire the Hotel/Motel 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 9' x 24' off-street parking space in the side yard near the front door which is required for a 2-bedroom vacation dwelling unit. The property also has a one-stall attached garage.
- 6) The site plan shows that the rear yard is surrounded by an existing 6-foot-tall fence. Applicant does not allow fires on the property, and does not have a pool or hot tub on site.
- 7) The applicant will send the required letter to neighbors within 100' providing the contact information for the property manager if Council approves the interim use permit. Applicant lives within approximately 15 blocks of this property.
- 8) 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.

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 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.
- 4) The applicant must disclose to all guests, in writing, the location of the nearest legal access to the Lake Superior beach
- 5) The applicant will inform guests that the burning of trash in outdoor fire pits is prohibited.



City Planning

1115 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

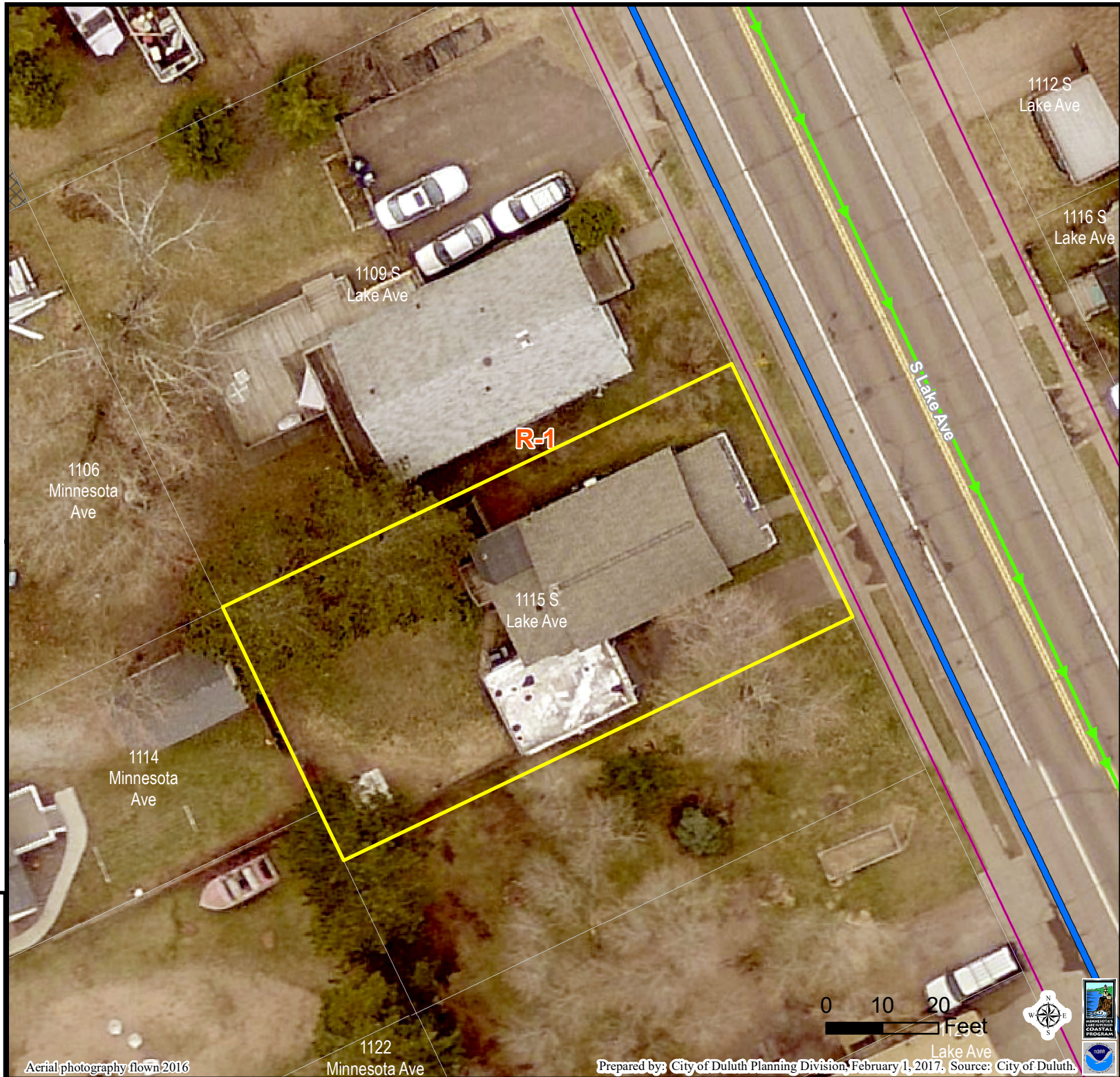
Gas Distribution Main

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

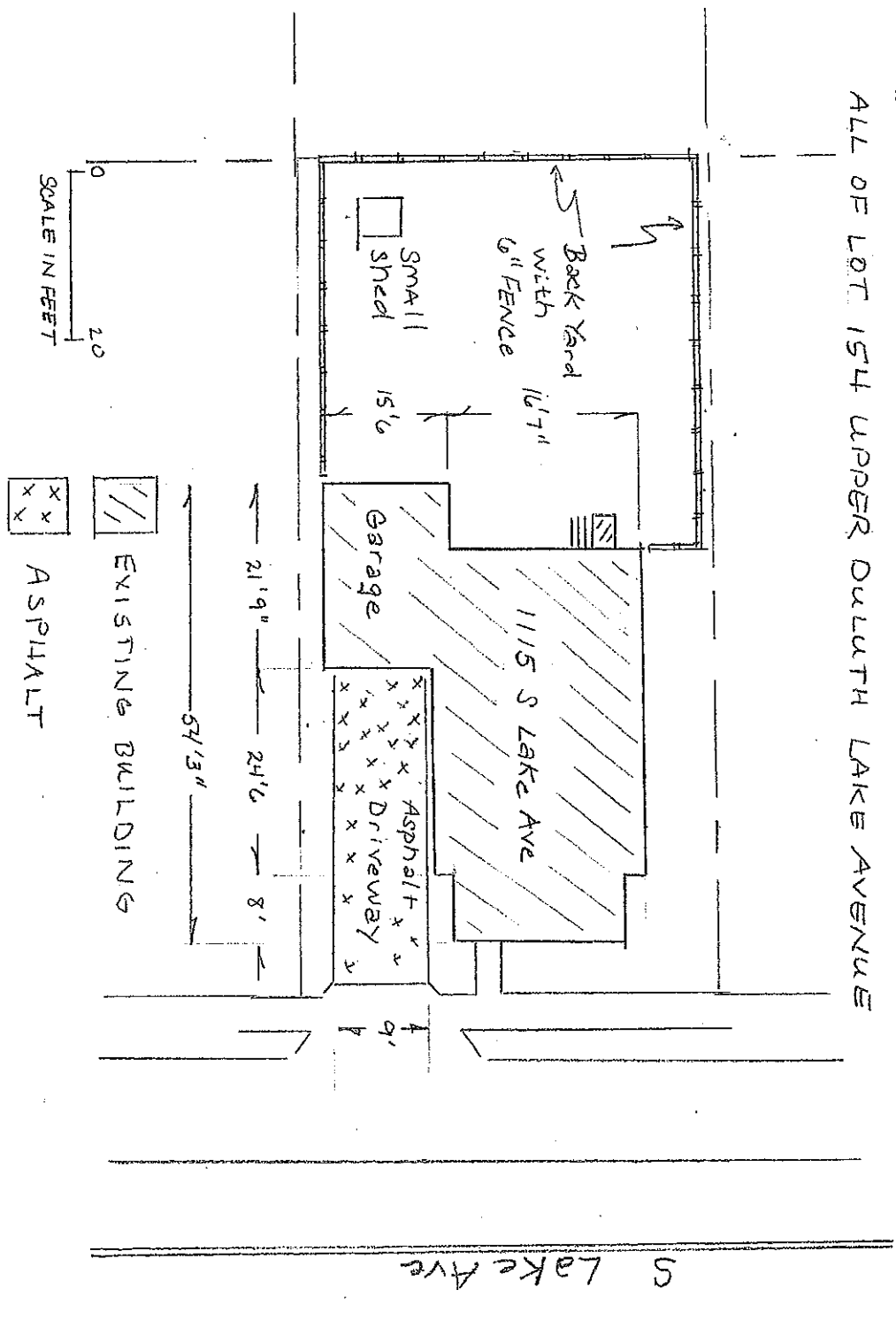
Storm Sewer Collection System

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Wetlands (NRRI)
- Vacated ROW

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PROJECT: INTERIM USE PERMIT FOR 1115 S LAKE AVE
 APPLICANTS: STEVEN & HEATHER PITTSCHKA
 LEGAL DESCRIPTION: NLY 10 FT. OF LOT 152 AND
 ALL OF LOT 154 UPPER DULUTH LAKE AVENUE



DATE: 03-07-2017 *Steven Pittschka*



