



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 19-093	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Interim Use Permit Renewal – Vacation Dwelling Unit	Planning Commission Date		August 13, 2019
Deadline for Action	Application Date	July 8, 2019	60 Days	September 6, 2019
	Date Extension Letter Mailed	August 6, 2019	120 Days	November 5, 2019
Location of Subject		1210 S. Lake Ave. (Park Point)		
Applicant	Steve and Heather Pitschka	Contact	hpitschka@yahoo.com	
Agent		Contact		
Legal Description		Lot 135, Upper Duluth, Lake Ave. Division (010-4380-00680)		
Site Visit Date	August 5, 2019	Sign Notice Date		July 30, 2019
Neighbor Letter Date	August 2, 2019	Number of Letters Sent		16

**Proposal**

This is a renewal for permit PL 13-031. Applicant proposes to continue to rent out the 2-bedroom house to groups in size up 5 people.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	One-Family Dwelling	Traditional Neighborhood
<b>North</b>	R-1	One-Family Dwelling	Traditional Neighborhood
<b>South</b>	R-1	Park	Open Space
<b>East</b>	R-1	Park	Open Space
<b>West</b>	R-1	Park	Open Space

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the 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 or 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 #5 - Strengthen neighborhoods

Governing Principle #8 - Encourage mix of activities, uses, and densities

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages  
**S9:** Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth

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:**

- 1) Applicant's property is located at 1210 S. Lake Ave. The proposed vacation dwelling units contains 2 bedrooms, which would allow for a maximum of 5 guests. This 788 square foot traditional home was constructed in 1921.
- 2) The applicant lives within the required distance and has notified the owners within 100 feet with their contact info.
- 3) The site has room for the required 1 of-street parking spaces in the garage and driveway. The applicant has indicated they will direct guests to park up to one motorhome or RV trailer on the street, which is allowed by the UDC, or in the 31-foot-long driveway.
- 4) 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.
- 5) Applicant has obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, Fire Department Operational Permit, have a Tax ID number, and a Hotel/Motel License.
- 6) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 7) No comments from citizens, City staff, or any other entity were received regarding the application.

**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 applicant has received all required licenses and permits for operation; and
- 2) 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. and the location of the nearest legal access to the Lake Superior beach; and
- 3) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance, which will be included in the resolution, and any modifications deemed necessary by the Land Use Supervisor, provided that no such administrative approval shall constitute a variance from Chapter 50.





1210 S. Lake Ave.  
Vacation Dwelling Unit  
Renewal  
Steve and Heather Pitschka



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.





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### Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional

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#### Legend

- 1 Ft contour
- 10 Ft contour
- Vacated ROW
- Easement Type**
  - Utility Easement
  - Other Easement
- Zoning Boundaries**
- Floodplain (UDC)**
  - General Flood Plain
  - Flood Way
  - Flood Fringe
- Trout Stream (GPS)
- Other Stream (GPS)

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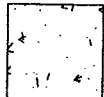
Aerial photography flown 2016

Prepared by: City of Duluth Planning and Development Division, August 2, 2019. Source: City of Duluth.

# CERTIFICATE OF SURVEY FOR: STEVEN PITTSCHKA

## LEGEND

These standard symbols will be found in the drawing.



CONCRETE

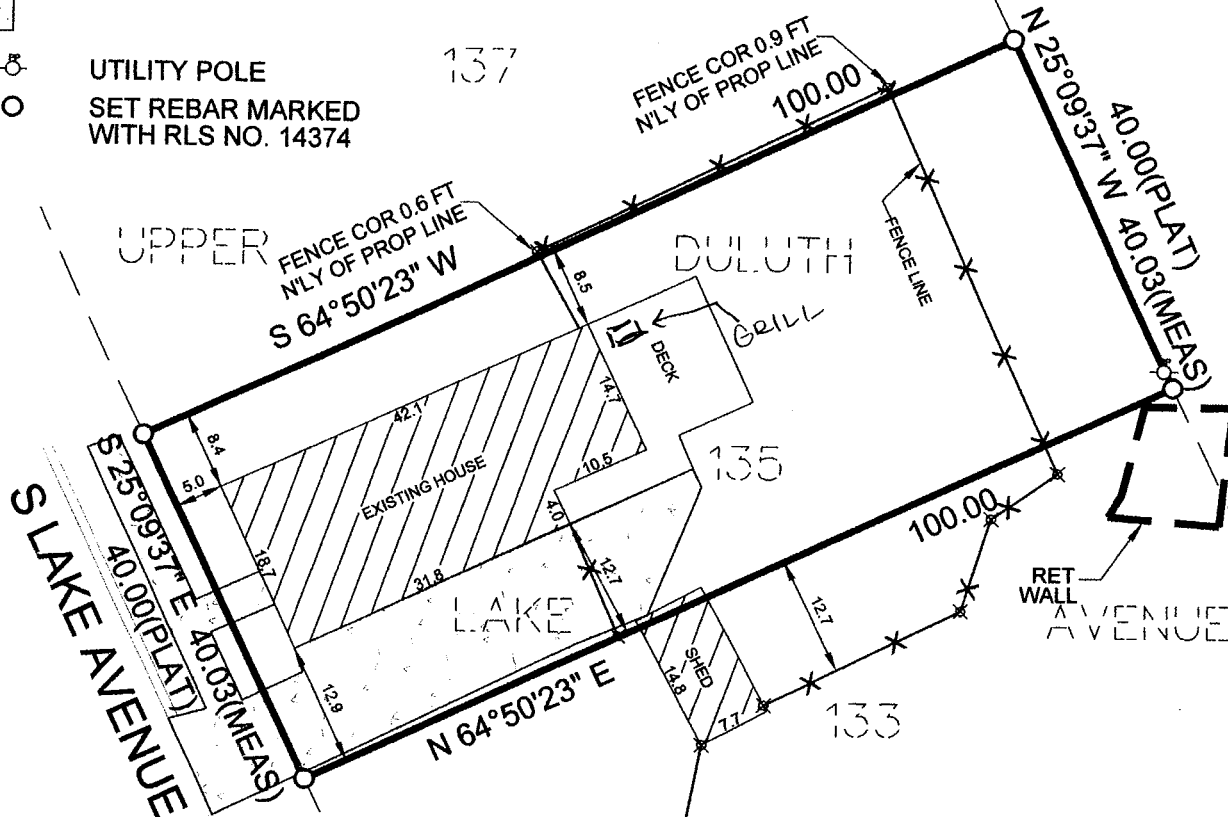


UTILITY POLE



SET REBAR MARKED WITH RLS NO. 14374

1210 S LAKE AVE  
DULUTH, MN 55802  
PARCEL: 010-4380-00680

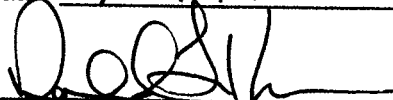


### LEGAL DESCRIPTION PER TAX STATEMENT

Lot 135, UPPER DULUTH LAKE AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 9-27-12

  
Ronald L. Krueger MN License No. 14374

### NOTES

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

## ALTA

**SURVEY COMPANY, INC.**  
Residential/Commercial Land Surveying-Land  
Development-Legal Descriptions  
P.O. BOX 161138 Duluth, MN 55806  
Phone: 218-727-5211 Fax: 218-727-3798

DATE: 9-27-12  
SCALE: 1 IN = 20 FEET  
PROP ADD: 1210 LAKE AVE S  
PROJECT NO: 12-179

