

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-0409R

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 611 WEST SKYLINE PARKWAY (CONNIE & LEE HOFFMAN).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Connie and Lee Hoffman an interim use permit to operate a vacation dwelling unit located at 611 West Skyline Parkway and as described by the following:

Lot 101 except South 17 feet for boulevard, Block 96, Duluth Proper Third Division (PID 010-1350-02900); and

(b) Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c) The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d) The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e) Pursuant to Section 50-20.3.V and Section 50-37.10 of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL 13-084); the commission gave due notice of public hearing and considered the application during a public hearing occurring on July 9, 2013; and

(f) The city planning commission, at their regular meeting on July 9, 2013, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below; and

FURTHER RESOLVED, that an interim use permit for the subject property, is

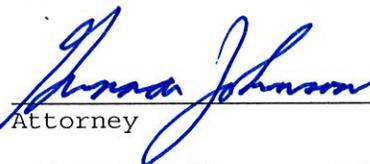
approved subject to the following conditions:

(a) The interim use permit shall not be effective until an operational permit has been granted by the Fire Department and a lodging license has been granted by the State of Minnesota; and

(b) The interim use permit shall not be effective after November 1, 2013 if the applicant has not reduced the parking in front of the home to one car width and returned the remainder to grass and other natural materials; and

(c) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications to the document that may be deemed necessary by the land use supervisor provided that no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Approved as to form:

  
\_\_\_\_\_  
Attorney

PC/PLNG KD:cs 8/1/2013

STATEMENT OF PURPOSE: This resolution grants to Connie and Lee Hoffman an interim use permit for a 4-bedroom vacation dwelling unit at 611 West Skyline Parkway. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

The applicant has submitted the required materials and agency approvals except for a Fire Operational Permit from the City and a Lodging License from the State. These agencies have made inspections of the site and the applicant will be making the required improvements. The City and State will reinspect and issue a Fire Operational Permit and Lodging License if the required improvements are sufficient. This resolution delays the effective date of the permit until the applicant has obtained the required Fire Operational Permit and Lodging License.

The applicant can provide the required parking behind the home where there is a garage and driveway connected to W. 8<sup>th</sup> St. The second condition of the resolution requires the applicant, by November 1, 2013, to return the area in front of the home to lawn except for an area for one car to park, which is the traditional arrangement of the site. This reduces the encroachment of private

uses into the Skyline Parkway right of way and better preserves the City's ability to add pedestrian and bicycle facilities to this important cultural, scenic, and recreational amenity. The existing parking area in front of the house covers the entire width of the property and is in violation of the front yard parking ordinance.

On July 9, 2013, the City Planning Commission held a public hearing on the proposal, heard testimony from citizens, and voted 6 yeas, 0 nays, and 0 abstentions, with 3 commissioners absent, to recommend that the City Council approve the interim use permit with conditions relating to parking.

Request filed: June 4, 2013  
Action deadline: October 2, 2013



City of Duluth  
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197  
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

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**INTERIM USE PERMIT  
FOR  
VACATION DWELLING UNIT**

**Permit Number:** PL13-084

**Issued Date:** August 12, 2013

**Permit Holder:**

Connie & Lee Hoffman  
104 Woodside Lane  
Mankato, MN 56001  
507-380-6658  
[Hoffman@chartermi.net](mailto:Hoffman@chartermi.net)

**Permit Location:**

611 W. Skyline Pkwy.  
Lot 101 except South 17 feet for boulevard,  
Block 96, Duluth Proper Third Division  
PID 010-1350-02900

**Permit Terms:**

1. The number of vacation dwelling units issued under this permit is 1.
2. The vacation dwelling unit consists of 4 bedrooms.
3. The total number of persons that may occupy the vacation dwelling unit is 9.
4. The number of off-street parking spaces provided for the vacation dwelling unit is 2.
5. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street.
6. The minimum rental period shall not be less than 5 nights during the period from June 15 to September 15. The minimum rental period shall not be less than 2 nights during the rest of the year.
7. The property owner must maintain all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 3 to 21 days.
8. The interim use permit shall expire upon change in ownership of the property or in six years from the "issue date" listed above, whichever occurs first.
9. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice.
10. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.
  - a. Managing agent: Terri/Krysta Kaas  
3648 Copley Rd.  
Hermantown, MN 55811  
218-428-6118
11. Permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.
12. Permit holder must disclose in writing to their guests the following rules and regulations:
  - a. The managing agent or local contact's name, address, and phone number;
  - b. The maximum number of guests allowed at the property;
  - c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;

- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
  - e. Applicable sections of City ordinances governing noise, parks, parking and pets;
13. If a permit holder is cited for any nuisance event as described in Chapter 40, Article III of the Duluth Legislative Code, the Land Use Supervisor may suspend the Interim Use Permit for 90 days. If the permit holder is cited for any nuisance event a second time, the Interim Use Permit shall be revoked.
  14. Permit holder must post the permit number on all print, poster or web advertisements;
  15. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Permit holder must maintain the property in conformance with this permit and be granted permit renewals as required by the Fire Department.
  16. Prior to rental, the building must be inspected and the appropriate lodging license issued by the State of Minnesota and such licensure must be maintained.
  17. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax. Permit holder must make required sales tax payments to State and local governments according to the terms established by each taxing authority.
  18. Permit holder must apply for and be granted a Hotel/Motel/B&B License from the City Clerk and must maintain licensure.
  19. Permit holder agrees 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 permit holder's expense upon change in ownership of the property or 6 years from the permit issue date, whichever occurs first, (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.

**Attachments:**

Site Plan

Permit Holder	Land Use Supervisor
Date	Date

**Please note:**

Interim Use Permits approved by the City Council shall lapse if the project or activity authorized is not begun within 1 year of the permit date. The building official may extend this period one time for a period of up to 1 year if the property owner presents a written request showing the reasons for the delay was outside the owner's control (UDC Sec. 50-37.1.N).



**CITY OF DULUTH**  
Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL13-084	<b>Contact</b>	Kyle Deming, kdeming@duluthmn.gov	
<b>Application Type</b>	Interim Use Permit	<b>Planning Commission Date</b>	July 9, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	June 4, 2013	<b>60 Days</b>	August 3, 2013
	<b>Date Extension Letter Mailed</b>	June 19, 2013	<b>120 Days</b>	October 2, 2013
<b>Location of Subject</b>	611 W. Skyline Pkwy			
<b>Applicant</b>	Connie & Lee Hoffman	<b>Contact</b>	hoffman@chartermi.net, 507-380-6658	
<b>Agent</b>	Same	<b>Contact</b>		
<b>Legal Description</b>	Lot 101, Block 96, Duluth Proper Third Division (010-1350-02900)			
<b>Site Visit Date</b>	June 28, 2013	<b>Sign Notice Date</b>	June 25, 2013	
<b>Neighbor Letter Date</b>	June 19, 2013	<b>Number of Letters Sent</b>	28	

**Proposal**

Interim Use Permit for one vacation dwelling unit consisting of four bedrooms.

	<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	One-family dwelling	Traditional Neighborhood
<b>East</b>	R-1	One-family dwelling	Traditional Neighborhood
<b>West</b>	R-1	One-family dwelling	Traditional Neighborhood

**Summary of Code Requirements (reference section with a brief description):**

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 met.  
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 Findings (Governing Principle and/or Policies) and Current History (if applicable):**

Governing Principle #8 - Encourage mix of activities, uses, and densities  
Governing Principle #5 - Strengthen neighborhoods

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.

- 4-8 units/acre
- Form standards and conservation development an option
- Mix of housing types (i.e. town homes and 4-plexes) at corners
- Limited commercial uses (i.e., 'corner store') serving neighborhood market

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

Staff finds that:

- 1.) The applicant has submitted the required materials and agency approvals except for a Fire Operational Permit from the City and a Lodging License from the State. These agencies have made inspections of the site, but have not yet issued their permits. Staff recommends that a condition of approval be that the applicant obtain the required Fire Operational Permit and Lodging License.
- 2.) The required 2 off-street parking spaces can be provided in one of two ways before November 1, 2013:
  - a. In front of the home in the right of way for Skyline Parkway is a paved area large enough to park 4 vehicles. If the required parking is to be provided in front of the house staff recommends that the paved area be reduced to 27 feet in width (three 9 foot wide parking spaces) and the required front yard parking Variance and Concurrent Use Permit be obtained. The reason for allowing three spaces is to accommodate an existing regular "long term" rental license the applicant already has. The reason for reducing the width of the parking spaces is to reduce the visual impact of parking in the yard area of this scenic byway.
  - b. The other way parking can be provided is to rejoin the applicant's parcel with the detached garage and driveway that were once together as a single developed parcel. Originally, this property had a detached 2-car garage and driveway behind it that was accessed by W. Eighth St. The garage was separated from the home when the applicant and the owner of the garage (who previously owned both parcels) were unable to reach agreement on a price for the garage parcel. The garage owner has been notified that they cannot retain the garage as an accessory structure without a principle structure (ie. a home) and the two are currently negotiating a possible purchase. If the applicant is able to acquire the garage parcel staff recommends that the required parking spaces be provided there and the applicant be required to return the parking in the Skyline Parkway right of way to the single car parking spot that has historically been in that location (see 2007 aerial photo map attached).
- 3.) The applicant has a managing agent that lives within the required distance from the site and they have provided the required notification to neighbors within 100'.
- 4.) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit at this location can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. The time limit will be up to six years from the effective date of the Council resolution approving the interim use permit.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, staff recommends the Commission recommend approval of the Interim Use Permit subject to the following conditions:

- 1.) The Interim Use Permit shall not be effective until the Fire Operational Permit has been granted by the City Fire Department and the Lodging License has been granted by the State Department of Health; and
- 2.) The Interim Use Permit shall not be effective after November 1, 2013 if the applicant has not provided the required parking either by purchasing the adjacent parcel and reducing the Skyline Parkway parking area to one car width OR by obtaining a front yard parking Variance and Concurrent Use Permit for the spaces in the Skyline Parkway right of way and that the width of the parking area be reduced to the minimum necessary to accommodate parking requirements; and
- 3.) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications deemed necessary by the Land Use Supervisor provided that no such administrative approval shall constitute a variance from Chapter 50.

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**



# City Planning

PL 13-084  
Interim Use Permit  
611 W Skyline Parkway

## Legend

### DuluthStream\_cl TROUT\_FLAG

- Trout Stream (GPS)
- Other Stream (GPS)

### 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
- Discharge\_Points

### Right-of-Way Type

- Road or Alley ROW
- Vacated ROW

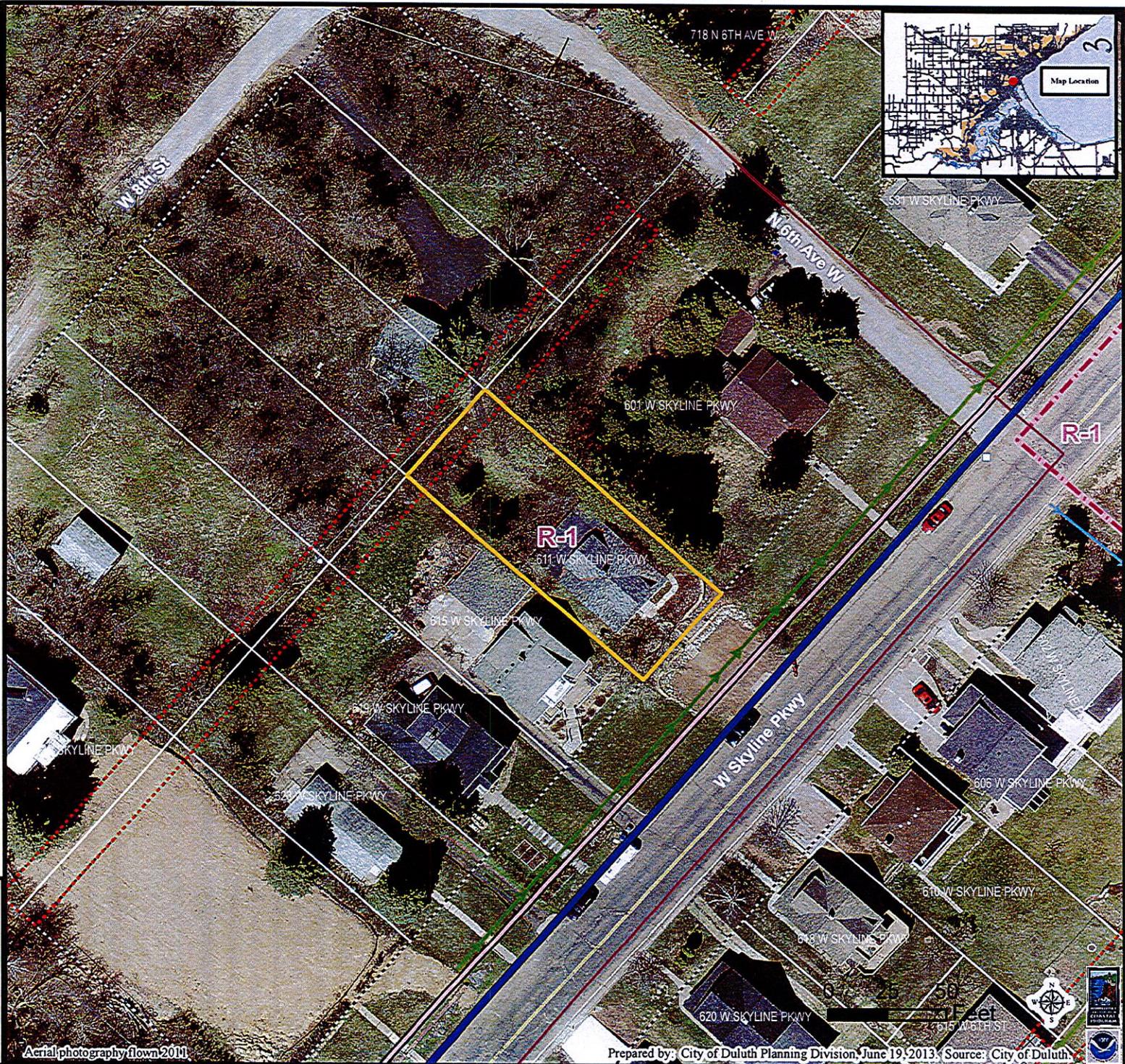
### Easement Type

- Utility Easement
- Other Easement
- Zoning (Final)

### Shoreland Overlay Zone

- Cold Water
- Natural Environment
- General Development

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Aerial photography flowm 2011

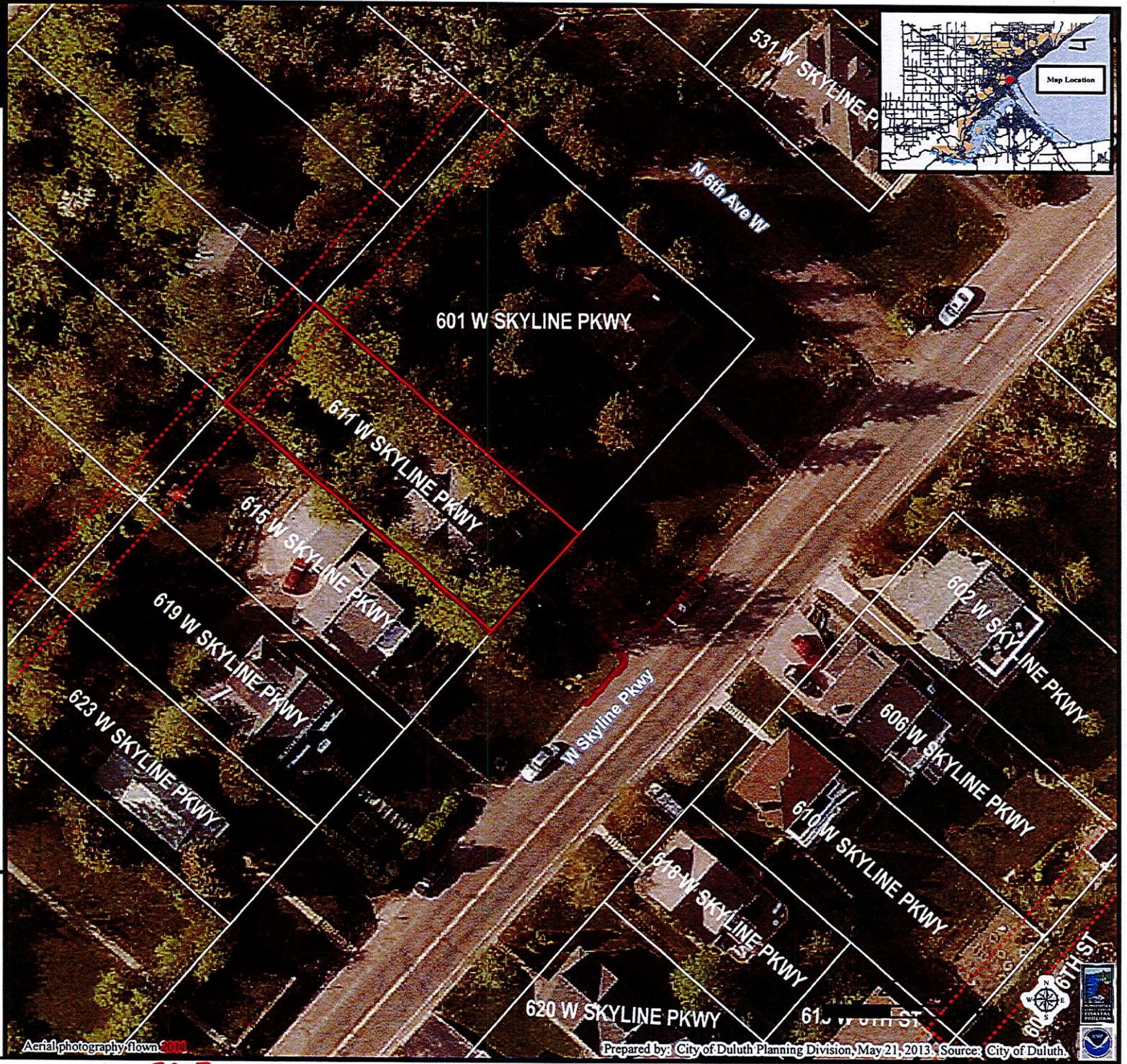
Prepared by: City of Duluth Planning Division, June 19, 2013, Source: City of Duluth





# City Planning

611 W Skyline Pkwy  
2007 Aerial Photo



## Legend

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Aerial photography flown 2008

2007

Prepared by: City of Duluth Planning Division, May 21, 2013. Source: City of Duluth.









611 West Skyline Parkway  
Duluth, MN

FROM THE APPLICANT

RECEIVED JUN 04 2013



**611 West Skyline Parkway – Front of Home**

*FROM THE APPLICANT*

RECEIVED JUN 04 2013 8



Street view facing south on Skyline Parkway



Street view facing south on Skyline Parkway

FROM THE APPLICANT

9  
RECEIVED JUN 04 2013



Back yard facing south. Note sound buffer of garage and trees



Back yard facing west. Note No back yard neighbor and trees for sound buffer

FROM THE APPLICANT



Back yard facing northwest. Note sound buffer of garage and trees



Back yard facing north. Note Trees for sound buffer, neighbor approx 70' away  
FROM THE APPLICANT