



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL13-056	Contact	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Interim Use Permit	Planning Commission Date	June 11, 2013	
Deadline for Action	Application Date	April 03, 2013	60 Days	June 1, 2013
	Date Extension Letter Mailed	April 19, 2013	120 Days	August 1, 2013
Location of Subject	702 N. 7th Ave. E. (East Hillside)			
Applicant	Charles Sill and Linda Simmons	Contact	cdavsil@aol.com, 651-646-6977	
Agent	Joanna Hopkins	Contact	jjhandssh@yahoo.com, 218-391-7106	
Legal Description	SLY 45 FT of LOTS 1 and 2, , Block 10, Nortons Division (Parcel I.D. #010-3490-01450)			
Site Visit Date	May 23, 2013	Sign Notice Date	May 28, 2013	
Neighbor Letter Date	May 24, 2013	Number of Letters Sent	86	

Proposal

Interim Use Permit for one vacation dwelling unit consisting of 3 bedrooms.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Dwelling	Traditional Neighborhood
North	R-1	Dwelling	Traditional Neighborhood
South	R-1	Dwelling	Traditional Neighborhood
East	R-1	Dwelling	Traditional Neighborhood
West	R-1	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.

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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 and found that, in addition to other less costly deficiencies, the applicant will be required to install egress windows that meet code. Due to the significant cost in making this improvement the applicant has asked, and staff recommends, that the required window replacement be made after the interim use permit is approved.
- 2.) The applicant's property is required to provide two off-street parking spaces. The applicant has applied for a variance from this requirement (PL 13-055) and staff recommends that approval of this interim use permit be contingent upon the granting of the variance or the provision of the required off-street parking spaces by November 1, 2013.
- 3.) The applicant's agent lives down the block from the subject property and the applicant has notified all owners within 100' with the agent's contact info.
- 4.) The neighborhood surrounding the subject property (within 300') is developed at a density of 12 dwelling units per acre (a typical R-1 neighborhood is 4-8 units per acre), consists of 49 one-family dwellings, 20 duplexes, 1 triplex, and 2 4+ unit buildings (a typical R-1 neighborhood is one- and two-family dwellings only), and consists of 39 lots less than 40' wide (a typical R-1 neighborhood has lots greater than 40' wide). Within a block of the subject property are two brick storefront buildings and a brick rowhouse. This property is situated in a neighborhood more characteristic of an R-2 neighborhood and, therefore, staff recommends that the property be regulated as an R-2 vacation dwelling unit with respect to the minimum rental period.
- 5.) 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.

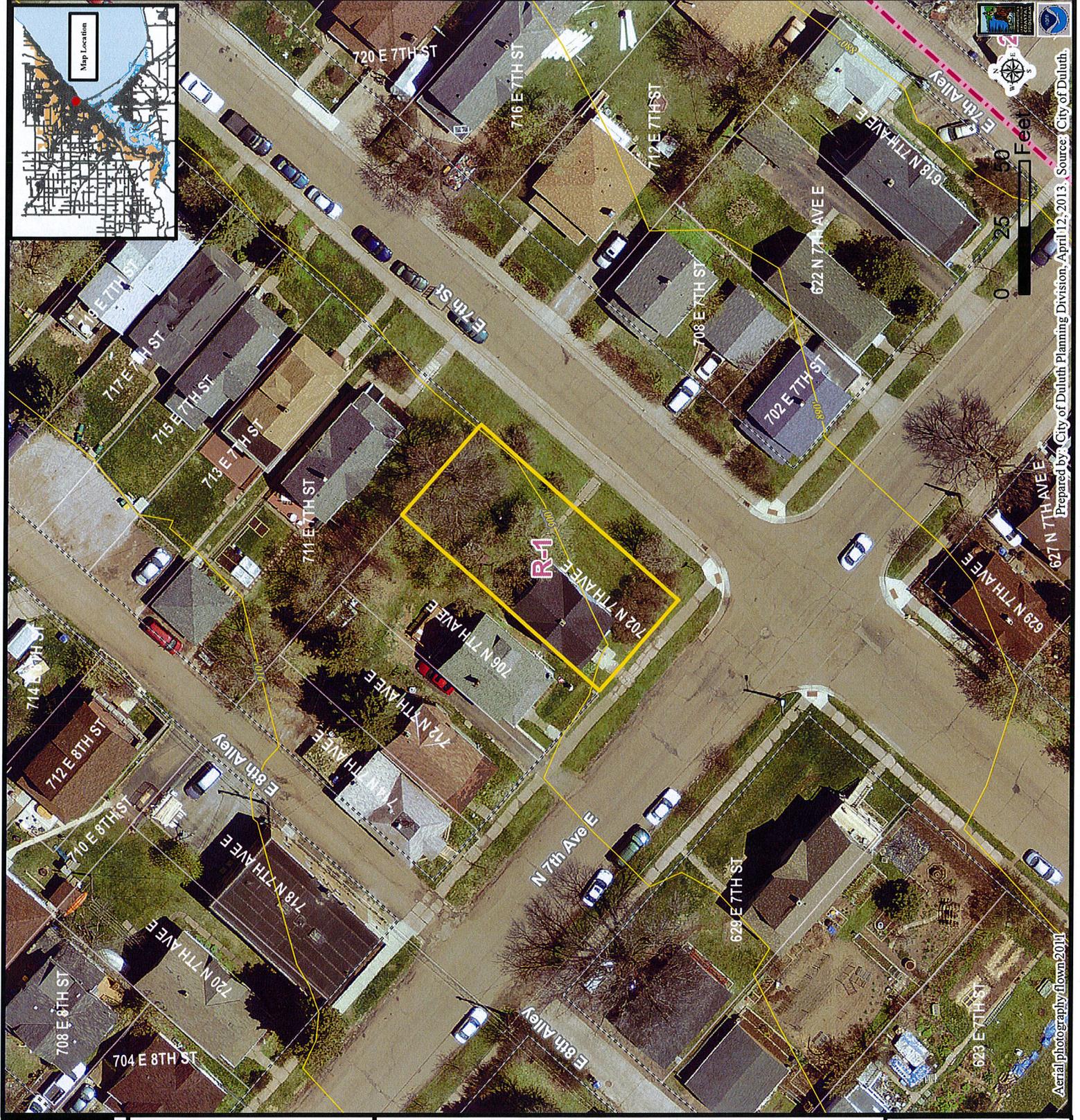
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

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.) Unless a variance from the following requirement is granted, the Interim Use Permit shall be revoked on November 1, 2013 if the required off-street parking spaces are not provided; and
- 3.) The property be regulated as an R-2 vacation dwelling unit with respect to the minimum rental period; and
- 4.) 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.

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



City Planning
 PL 13-055 and 13-056
 Interim Use Permit
 702 N 7th Avenue E

Legend

10' Contour (elev. change)

Right-of-Way Type

- Road or Alley ROW

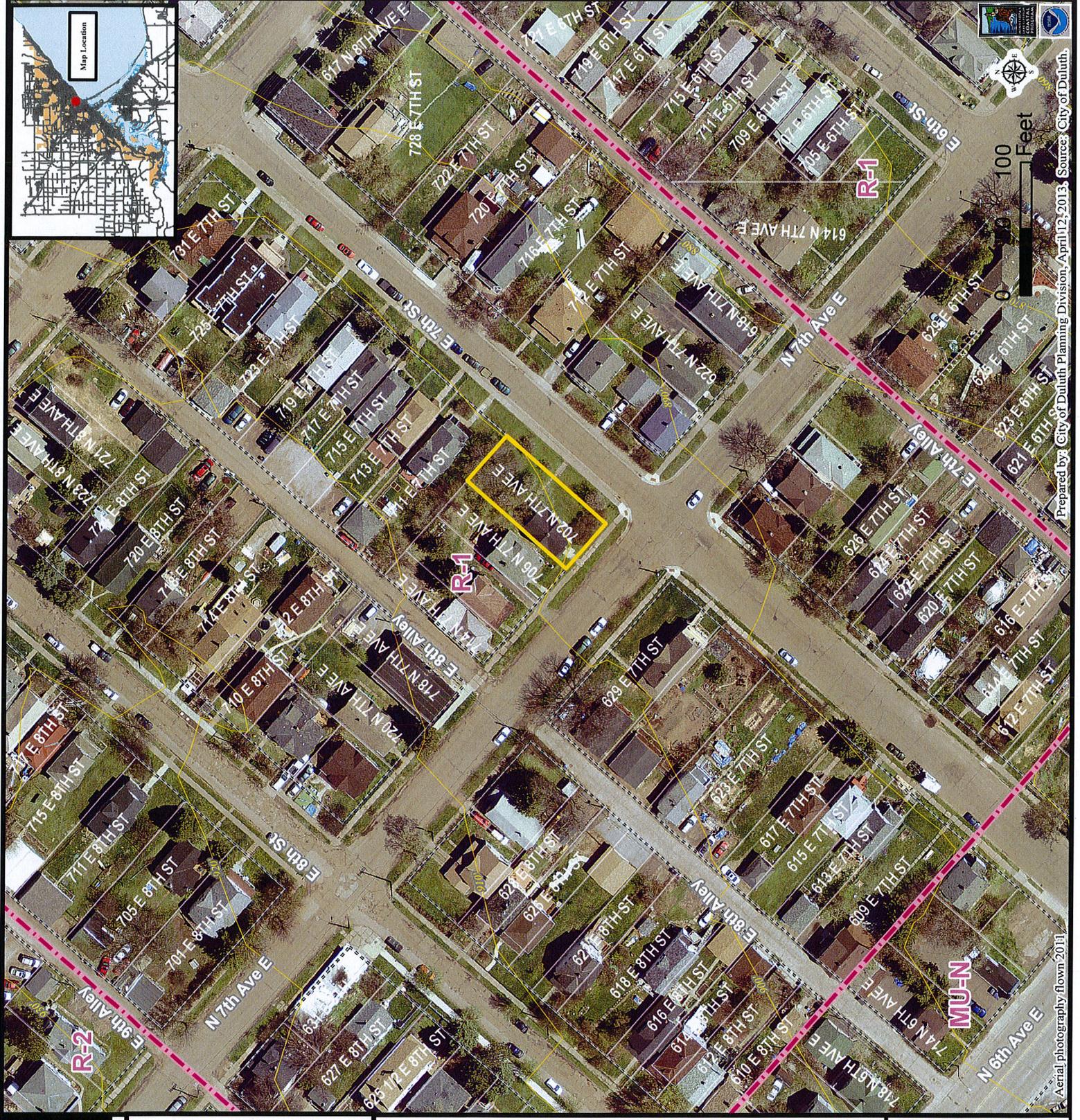
Easement Type

- Utility Easement
- Other Easement
- Zoning (Final)

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Aerial photography from 2011

Prepared by City of Duluth Planning Division, April 12, 2013. Source: City of Duluth.



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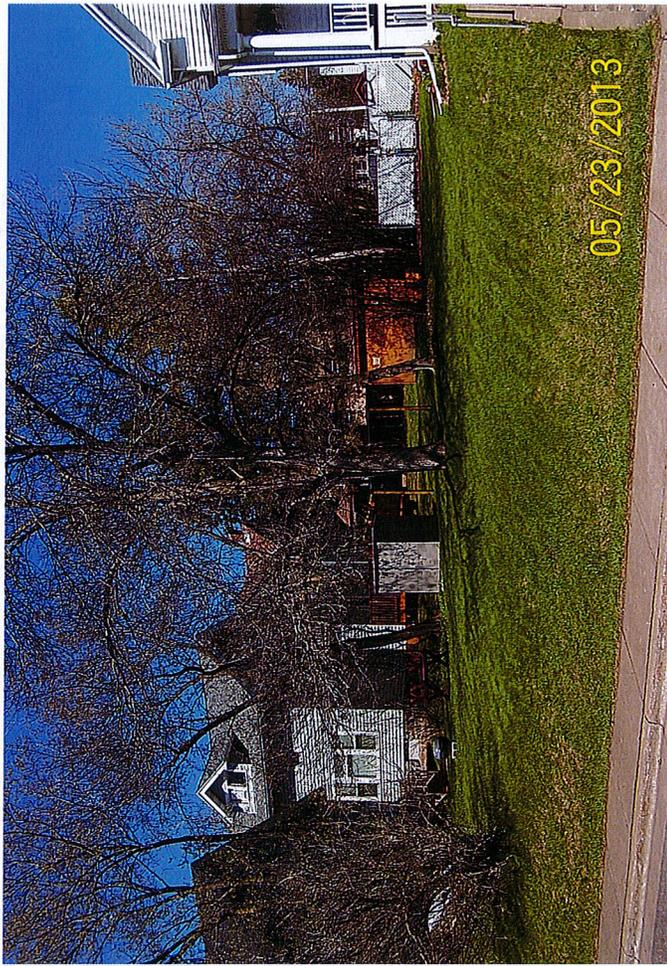
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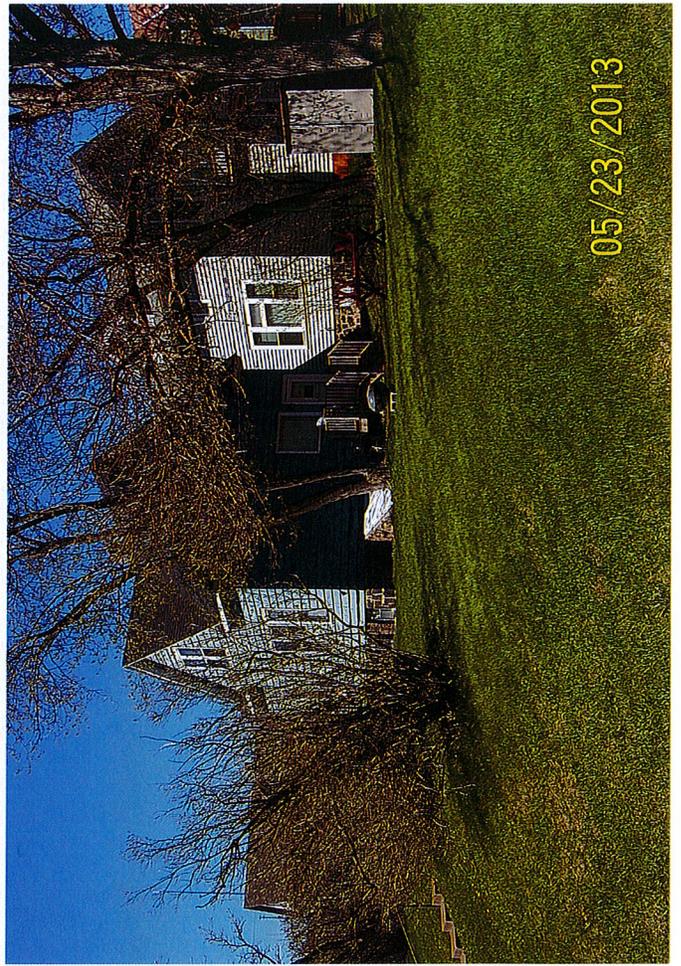
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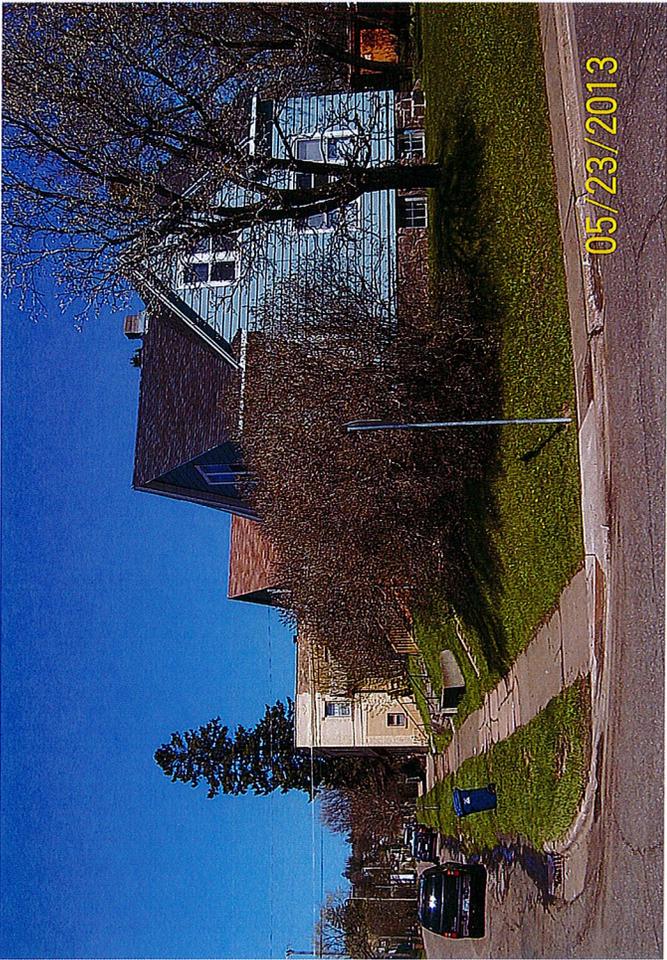
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702 N. 7th Ave. E. Vacation Rental Site Plan Charles D. Sill & Linda M. Simmons

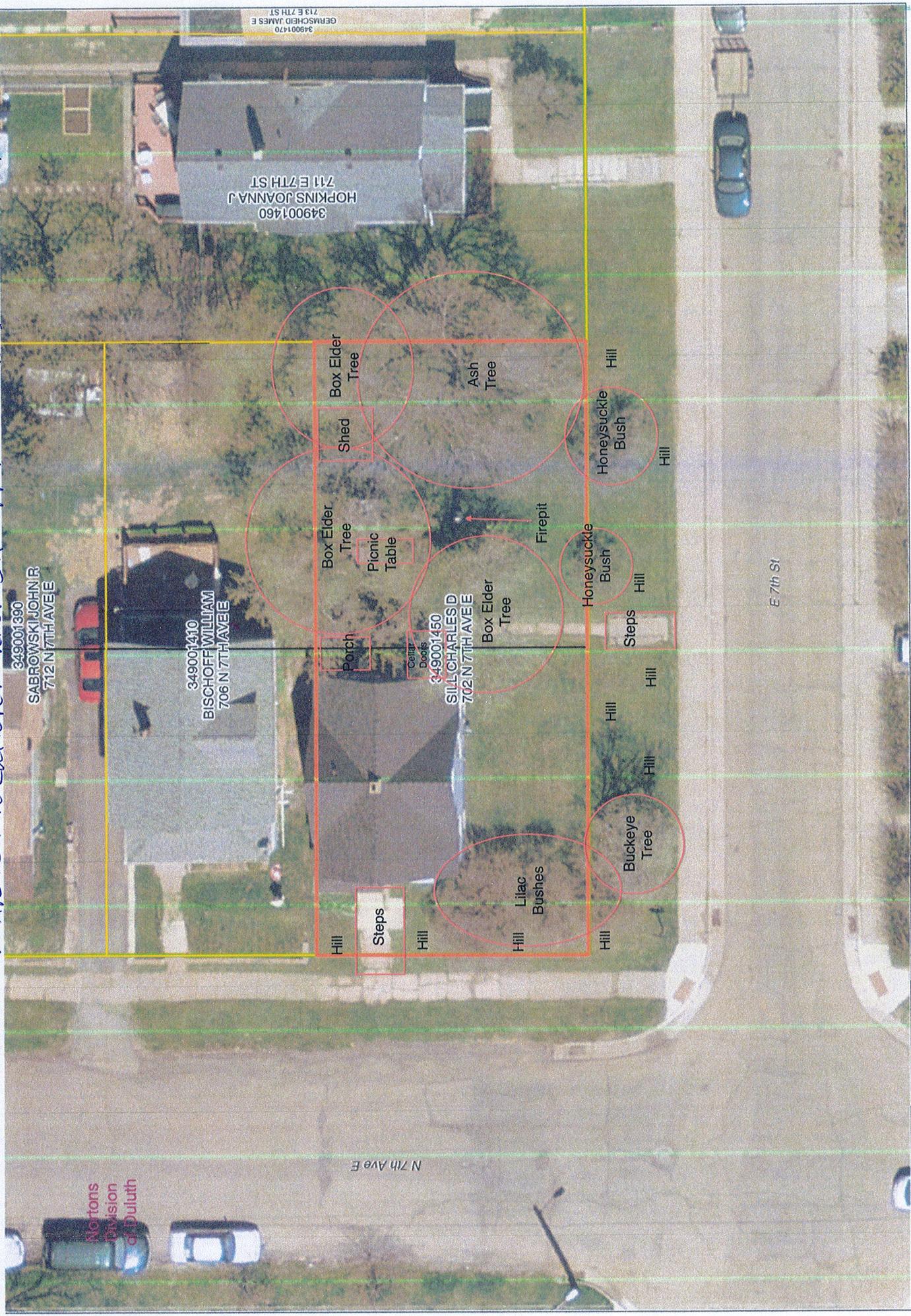
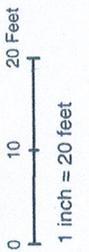


photo date: 2011
Printed: 2/6/2013



Duluth GIS Mapping



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