



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL13-034	Contact	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Interim Use Permit	Planning Commission Date	March 26, 2013	
Deadline for Action	Application Date	February 11, 2013	60 Days	April 12, 2013
	Date Extension Letter Mailed	March 8, 2013	120 Days	June 11, 2013
Location of Subject	124 N. Hawthorne Rd. (Congdon)			
Applicant	Theresa Hanson	Contact	duluthhawthornemanor@gmail.com, 218-310-4721	
Agent	Same	Contact		
Legal Description	Lots 30 and 31, Congdon Park Division, 1st Rearrangement (Parcel I.D. #010-0690-00020)			
Site Visit Date	February 27, 2013	Sign Notice Date	March 10, 2013	
Neighbor Letter Date	March 11, 2013	Number of Letters Sent	29	

Proposal

Interim Use Permit for one vacation dwelling unit consisting of five bedrooms (including two 2-room suites).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	One-family dwelling	Traditional Neighborhood
North	R-1	Dwellings	Traditional Neighborhood
South	R-1	Dwellings	Traditional Neighborhood
East	R-1	Park	Traditional Neighborhood
West	R-1	Dwellings	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 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.

1-7

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 the applicant has made the required improvements except for the installation of 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 site has room for 6-8 parking spaces (including 1 in the garage), more than the required 3 off-street parking spaces;
- 3.) This 3,200+ square foot traditional home was constructed in 1914 in an era of large families often with live-in servants. Two of the five bedrooms have additional rooms located adjacent to them, one 13' x 13' and the other 17' x 11', that the applicant has configured as two-bedroom suites. This results in the home comfortably accommodating 14 guests rather than the standard 11. Additionally, the home is sited on a 1.2 acre lot with more than the required off-street parking. For all these reasons, staff recommends 14 guests be allowed;
- 4.) The applicant has a managing agent who lives within the required distance. Applicant has notified all owners within 100' with the agent's contact info.;
- 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;
- 2.) The permit be issued allowing 14 guests.
- 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.

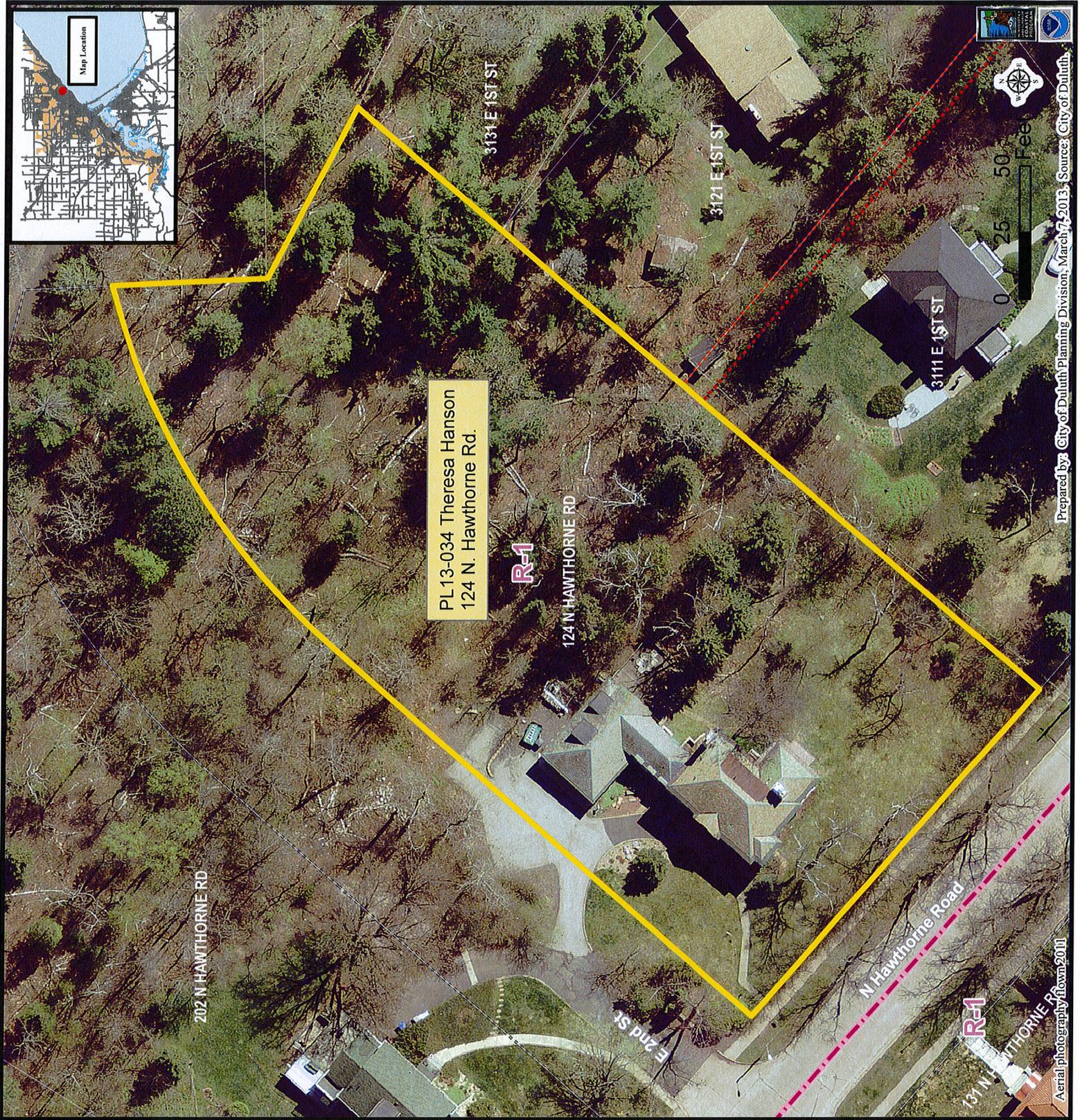
2-2

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



City Planning

PL13-034
Vacation Dwelling Unit
Interim Use Permit
124 N. Hawthorne Rd.
Theresa Hanson



PL13-034 Theresa Hanson
124 N. Hawthorne Rd.

Legend	
Right-of-Way Type	
.....	Road or Alley ROW
XXXX	Vacated ROW
Easement Type	
-----	Utility Easement
-----	Other Easement
-----	Zoning (Final)

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 Planning

PL13-034

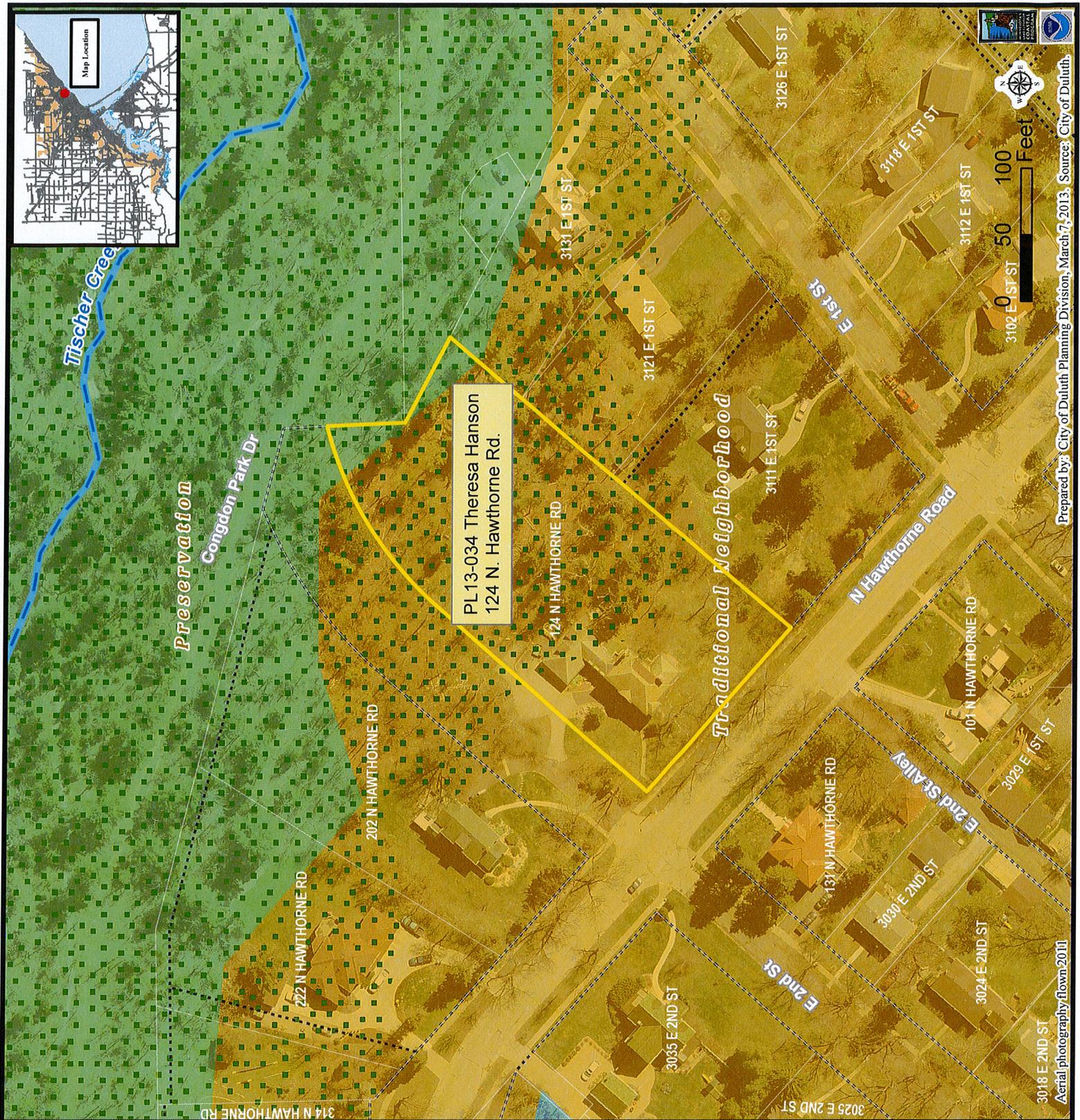
Vacation Dwelling Unit
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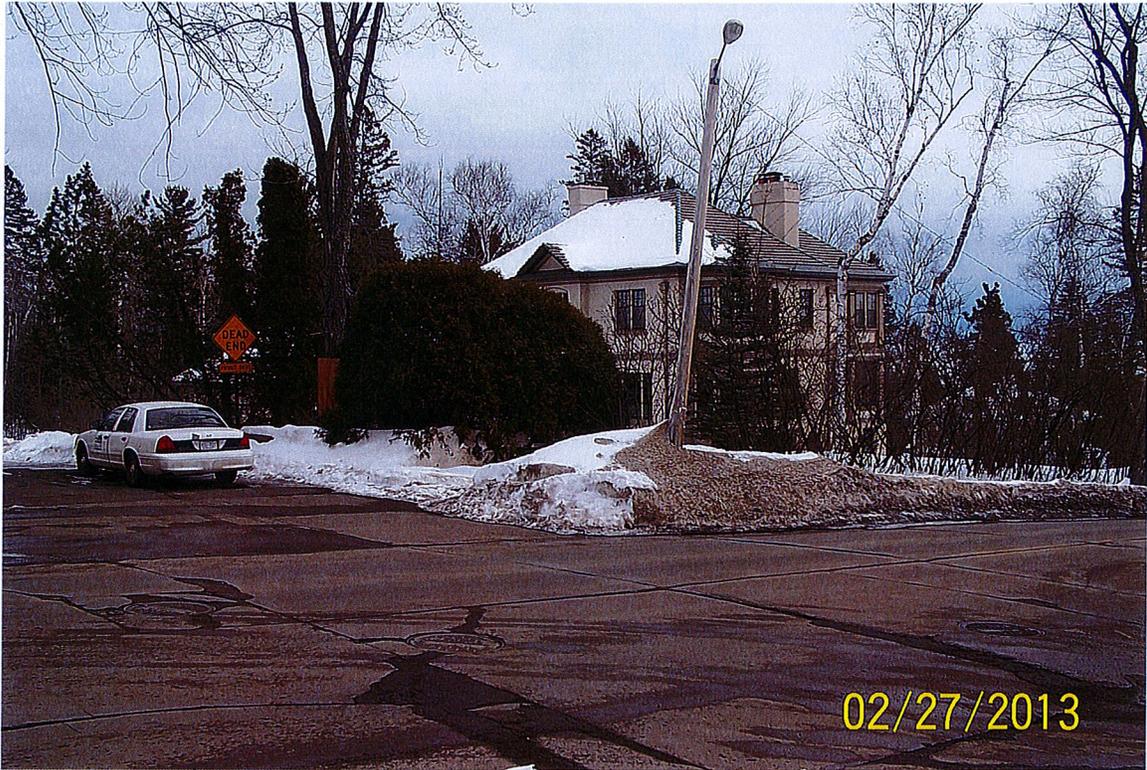
- Trout Stream (GPS)
- Other Stream (GPS)
- Right-of-Way Type**
 - Road or Alley ROW
- Future Land Use**
 - Preservation
 - Recreation
 - Rural Residential
 - Low-density Neighborhood
 - Traditional Neighborhood
 - Urban Residential
 - Neighborhood Commercial
 - Neighborhood Mixed Use
 - General Mixed Use
 - Central Business Secondary
 - Central Business Primary
 - Auto Oriented Commercial
 - Large-scale Commercial
 - Business Park
 - Tourism/Entertainment District
 - Medical District
 - Institutional
 - Commercial Waterfront
 - Industrial Waterfront
 - Light Industrial
 - General Industrial
 - Transportation and Utilities
 - Sensitive Lands Overlay

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E-4



Prepared by: City of Duluth Planning Division, March 7, 2013. Source: City of Duluth.
Aerial photography from 2011



124 N. Hawthorne Rd - from Hawthorne Rd. looking southeast



124 N. Hawthorne Rd. from 2nd St. looking south

G-5



124 N. Hawthorne Rd - from 2nd St. looking south east - parking



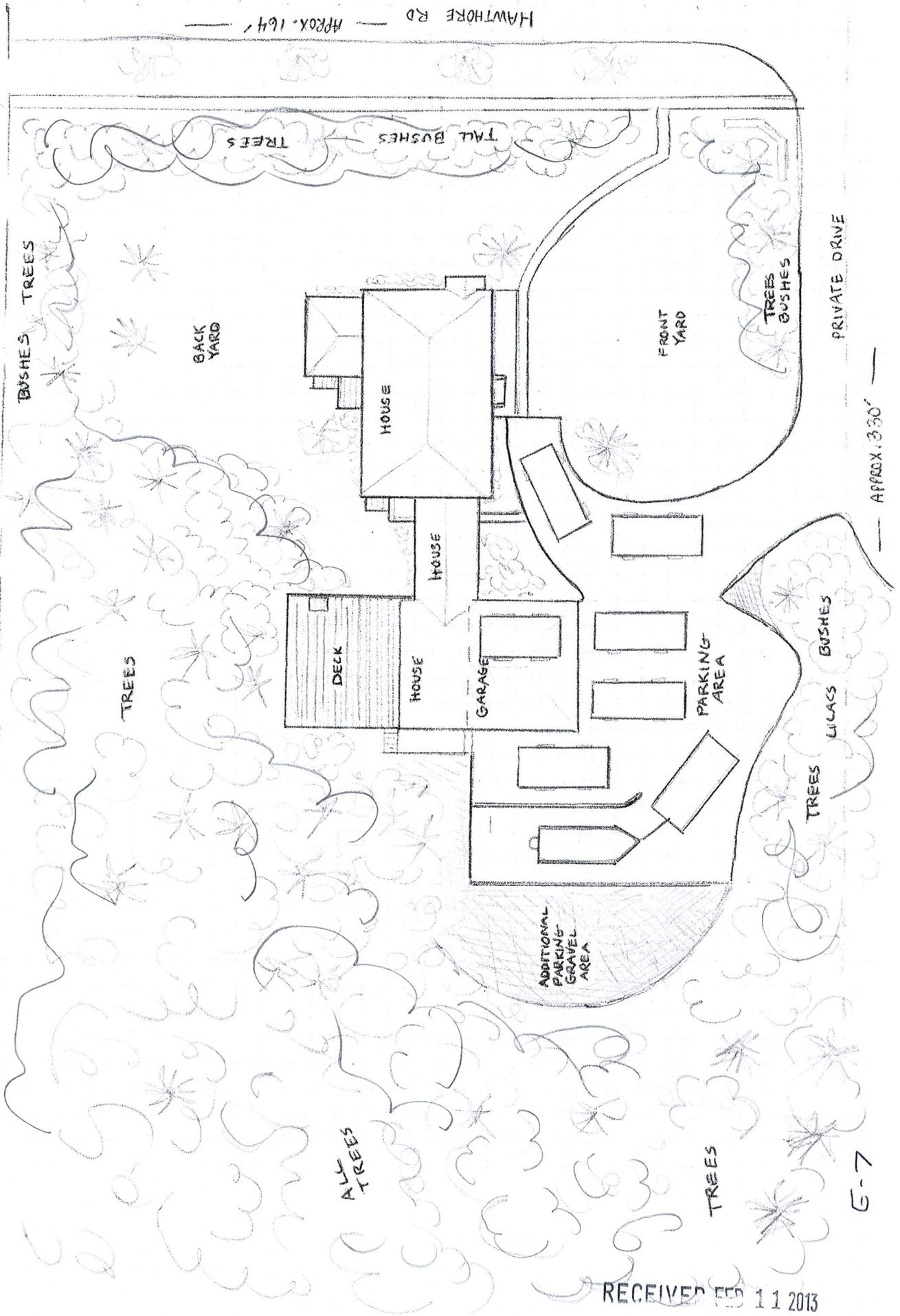
124 N. Hawthorne Rd - from Hawthorne Rd looking northeast - rear yard

E-6

SITE PLAN

□ = 5'

PROPERTY: THERESA HANSON
124 N HAWTHORE RD, DULUTH, MN



Theresa Hanson
Mailing Address:
1950 E Rose Creek Pkwy S.
Fargo ND, 58104
Phone: 218-310-4721

Vacation Dwelling Unit Interim Use Permit

RE: Vacation Dwelling Unit - Property address: 124 N Hawthorne Rd, Duluth MN 55812

Minnesota State Sale Tax ID - # 2709280
Hotel/Motel License – See Attached
Lodging License- Applied for – Inspection Jan 25th, 2013 Deb Kosiak – See Attached
Fire Inspection and Operational Permit – Inspection Jan 22nd – John Edwards –See Attached
Site Plan – See Attached
Pre-App Verification Form – See Attached

The attach information is provided in order to comply with the City of Duluth vacation rental ordinances. The information that I am required to provide to the guests in writing is outlined below. In addition, I speak directly to the renters and go over rules and expectations prior sending them a rental agreement.

LOCAL PROPERTY MANAGERS: Robert and Karley Frey Address: 1521 N 42nd Ave E, Duluth MN 55804. Phone: 701-866-3234. Their information is provided to guests and to homes within 100 feet of property. They overseeing the property, garbage, cleaning and inspecting the property after each guest, when needed they deal with service people and guests. In addition, my husband and I travel to the property frequently. In 2012, we traveled to the home at least 10 times. We also commission ongoing services from:

Lawn Care
David Fischer - 1209 East 6th St. Duluth, MN 55805.
Snow Removal
Pete Cagel - 5052 Maxwell Rd Duluth, MN 55804

OCCUPANCY: I use the language below in my rental agreement.
Any party falsely representing the number of people in the home or exceeding the number paid for may be subject to immediate eviction without refund. Over occupancy is considered a serious violation of this Rental Agreement. Home is not to be used as a "party house". There is also a limit to people at/on property. Property manager may verify. Receptions, weddings and gatherings of such whereas large groups come to the home are not allowed. Discuss intentions with owner/manager.

GUEST RECORD/VEHICLE LICENSE PLATE: As part of the rental agreement, I require guests to provide a list with the name of every guests and include their address, phone number and vehicle license plate number.

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6-8

Vacation Dwelling Unit Interim Use Permit

Cont....

Property address: 124 N Hawthorne Rd, Duluth MN

PARKING: There is off street parking to accommodate 6 -8 cars in the designated drive way/parking area and 1 additional car in the garage, (See attached Site Plan.) The language below is provided in both in the rental agreement and at the home to instruct renters regarding parking.

Renter agrees to park in the designated parking space. Driveway area can accommodate 6 vehicles, plus 1 car in garage. Private drive area at the top of driveway is shared with neighbor and should not be used for parking or blocked by renters. No Campers or RVs. No Tents. Limit of one trailer for transporting a recreational vehicles (boat or snow mobile etc.).

RULES AND REGULATIONS: The information below is some of the language provided in writing to guests both in the rental agreement, which is signed by the guests and at the home in a guest information binder.

USE: Rental shall be used so as to comply with state, county, and municipal laws and ordinances. Renter shall not use rental or permit it to be used for any disorderly or unlawful purpose or in any manner so as to interfere with other resident's quiet enjoyment of their residence. Any misuse described above shall result in immediate termination of Rental Agreement and no refund of any payments will be issued. Quiet hours, between 10:00 p.m. and 7:00 a.m. must be respected. No fireworks, or hunting allowed. No fires allowed in the yard. Alcohol consumption is allowed however excessive drinking and noise, kegs and drinking parties are not. Residential area.

SMOKING: This is a smoke-free facility. Smoking is not allowed, including inside the garage. Violations to this agreement will automatically forfeit your security deposit. . NO SMOKING.

GARBAGE: All garbage should be emptied and placed in the Waste Management containers/garbage can located in the garage. On Thursday morning (around 7:15am) the Hawthorne Manor caretaker will come over, enter through the garage overhead door, take the bin from the garage and roll the bin to the curb by main sidewalk by Hawthorne Rd for weekly garbage collection. (Do not set garbage can outside, it will attract raccoons, skunks and black bear).

FIREPLACES: Always keep fireplace doors and screens shut while in use. Do not attempt to clean out or dispose of ash. The Housekeeping staff will clean the ash out of the fireplaces. For safety always have an adult in charge of fire. Beware that the glass gets hot. No fires allowed in yard.

E-9

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