



**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>	PL13-030	<b>Contact</b>	Kyle Deming, kdeming@duluthmn.gov	
<b>Application Type</b>	Interim Use Permit	<b>Planning Commission Date</b>	March 26, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	February 08, 2013	<b>60 Days</b>	April 9, 2013
	<b>Date Extension Letter Mailed</b>	March 8, 2013	<b>120 Days</b>	June 8, 2013
<b>Location of Subject</b>	1302 Minnesota Avenue			
<b>Applicant</b>	Heather Pitschka	<b>Contact</b>	hpitschka@yahoo.com, 218-591-5667	
<b>Agent</b>	Same	<b>Contact</b>		
<b>Legal Description</b>	Lot 119, Upper Duluth, Minnesota Avenue Division (Parcel I.D. #010-4390-00650)			
<b>Site Visit Date</b>	February 27, 2013	<b>Sign Notice Date</b>	March 12, 2013	
<b>Neighbor Letter Date</b>	March 8, 2013	<b>Number of Letters Sent</b>	21	

**Proposal**

Interim Use Permit for one vacation dwelling unit consisting of three 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	Park	Recreation
<b>South</b>	R-1	Dwellings	Traditional Neighborhood
<b>East</b>	R-1	Dwelling	Traditional Neighborhood
<b>West</b>	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 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.
- 2.) The applicant currently has 2-3 parking spaces on the unimproved 13th St. right of way adjacent to their property. To qualify as off-street parking under the UDC the spaces must be located on the applicant's property. The applicant has space in the rear yard where they plan to construct the required parking, possibly in a garage. The applicant has requested, and staff recommends, that they be given until October 31, 2013 to construct the required off-street parking spaces and that they be allowed to use the existing spaces in the meantime;
- 3.) The applicant lives within the required distance and has notified all owners within 100' with their contact info.;
- 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.
- 5.) In previous vacation dwelling unit interim use permit reviews the Planning Commission has recommended conditions that the applicant notify their guests in writing where the nearest pedestrian access to the Lake Superior beach may be found as well as the requirement of quiet at the property between 10 p.m. and 8 a.m. and staff has forwarded these conditions below should the commission decide to recommend them at this location.

**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 be revoked on November 1, 2013 if the required off-street parking spaces have not been constructed on the applicant's property; and
- 2.) The applicant must disclose to all guests, in writing, the location of the nearest legal access to the Lake Superior beach; and
- 3.) The applicant must disclose to all guests, in writing, that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.; 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.

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

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# City Planning

PL13-030

Vacation Dwelling Unit  
Interim Use Permit  
1302 Minnesota Ave.  
Heather Pitschka



**Legend**

Right-of-Way Type  
 - - - - - Road or Alley ROW  
 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.

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Aerial photography: flown 2011

Prepared by: City of Duluth Planning Division, March 7, 2013. Source: City of Duluth.





# City Planning

PL13-030

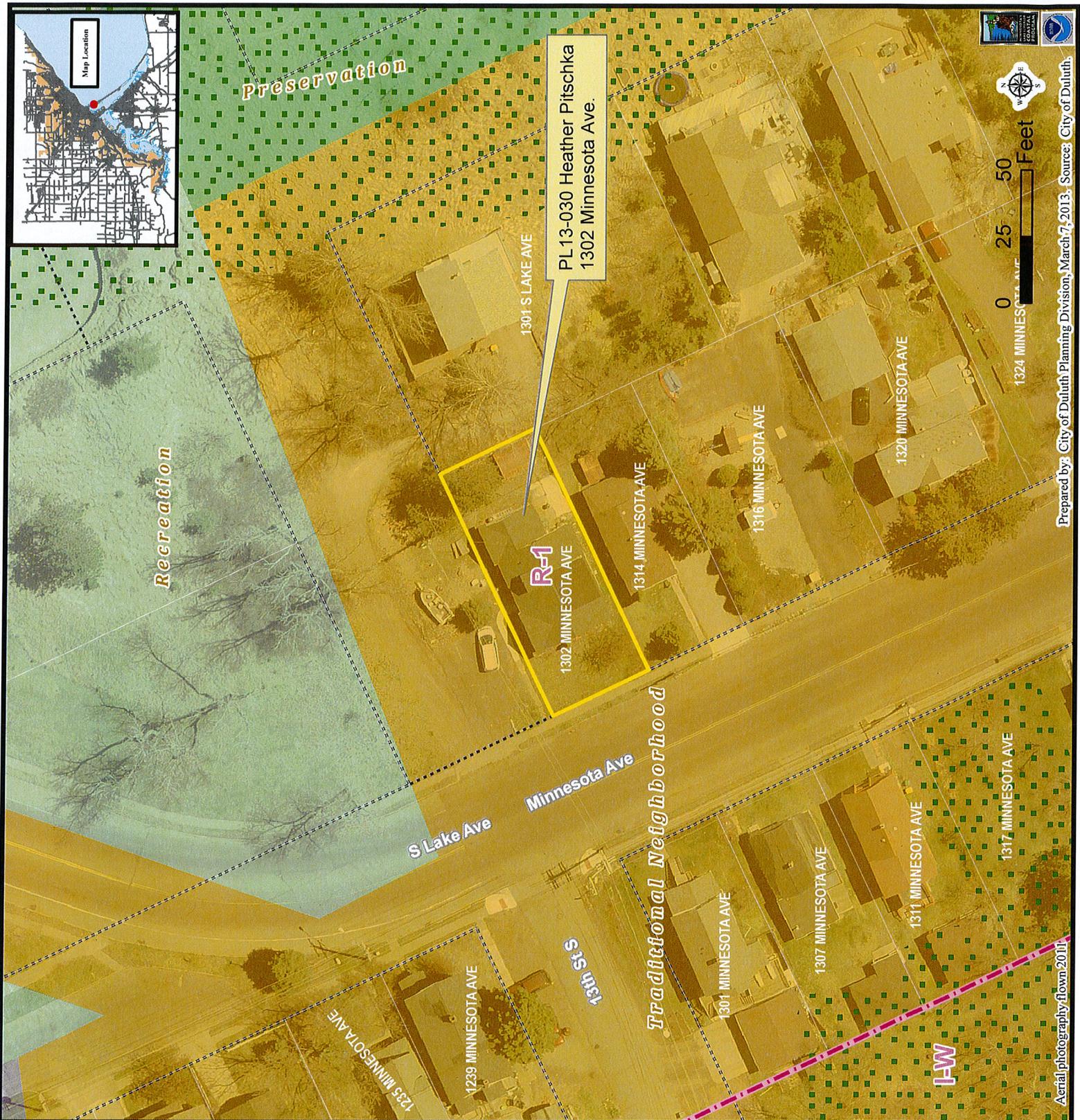
Vacation Dwelling Unit  
Interim Use Permit  
1302 Minnesota Ave.  
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## Legend

- Right-of-Way Type**
  - Road or Alley ROW
  - Zoning (Final)
- 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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1302 Minnesota Ave



1302 Minnesota Ave - from driveway



1302 Minnesota Ave - from Minnesota Ave - rear of bldg.

438001850  
USA

439000660  
USA  
121

Upper  
Duluth

Upper  
Duluth

2 parking  
spaces

golf

439000650  
PITSCHKA STEVEN M  
1302 MINNESOTA AVE

439000640  
SOLA STEVEN H  
1314 MINNESOTA AVE

438001820  
FIELD KATHERINE VANV  
1301 S LAKE AVE

439000620  
KING STEPHEN JOHN  
1316 MINNESOTA AVE

438001800  
KING STEPHEN JOHN

RECEIVED

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Duluth GIS Mapping



0 10 20 Feet  
1 inch = 20 feet

photo date: 2011

Printed: 2/8/2013

