



CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL13-029	Contact	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Interim Use Permit	Planning Commission Date	March 26, 2013	
Deadline for Action	Application Date	February 08, 2013	60 Days	April 9, 2013
	Date Extension Letter Mailed	March 8, 2013	120 Days	June 8, 2013
Location of Subject	1535 Minnesota Avenue			
Applicant	Heather Pitschka	Contact	hpitschka@yahoo.com, 218-591-5667	
Agent	Same	Contact		
Legal Description	Lot 62, Upper Duluth, Lake Avenue Division (Parcel I.D. #010-4380-01530)			
Site Visit Date	February 27, 2013	Sign Notice Date	March 12, 2013	
Neighbor Letter Date	March 8, 2013	Number of Letters Sent	24	

Proposal

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

	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	Preservation
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 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.

G-1

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's property currently has a driveway leading to a two-car garage where the two required off-street parking spaces are located.
- 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.
- 6.) One letter (see attached) was received from a neighbor with concerns about a vacation rental 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 applicant must disclose to all guests, in writing, the location of the nearest legal access to the Lake Superior beach; and
- 2.) 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
- 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.

6-2

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



1535 Lake Ave. S. from 16th St. looking north



1535 Lake Ave. S. from end of 16th St. looking northwest

G-4



1535 Lake Ave. S. - garage - from 16th St. looking north east



1535 Lake Ave. S. looking north east

6-5

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 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.



Duluth GIS Mapping



0 10 20 Feet
1 inch = 20 feet

photo date: 2011
Printed: 2/8/2013



Parcel_TileholderA_VF

439000340
DUNLEAVY
PATRICK P

439000345
DUNLEAVY PATRICK P
1534 MINNESOTA AVE

438001550
MAKI BARBARA D
1531 S LAKE AVE

438001530
PITSCHKA STEVEN
1535 S LAKE AVE

439000330
DARTANYAN ALAN ETUX
1540 MINNESOTA AVE

438001515
KUSZLER DAVID B
1601 S LAKE AVE

439000320
GOHEN JANICE K
1602 MINNESOTA AVE

63

16th St S

8

grill

deck

2 parking spaces

fence

bushes

Upper
Duluth

Deck

bushes

Upper
Duluth

9-9

RECEIVED FEB 08 2013

RECEIVED MAR 13 2013

March 12, 2013

Re: The attached petition for an Interim Use Permit from Heather Pitschka for 1535 S Lake Ave.

To: The City of Duluth, Planning Division, Kyle Deming, Planner

My husband and I, Bryan Johnson and Barbara Maki, live next door to the above rental property. We object to the issuance of this permit for the following reasons:

1. Having a vacation rental next door reduces our property value. It makes our property difficult, if not impossible, to sell. After all, who would want to live so close to a summer rental with a continual parade of strangers checking in and out. Summers in particular are a nightmare.
2. Our house is so close to the above rental that renters sitting on the back deck keep us awake long into the night-weekdays and weekends.
3. When we bought this house 20 years ago, we moved into a neighborhood, not a commercial district.

Regards,

Barbara Maki
Bryan Johnson

Barbara Maki
Bryan Johnson
1531 Lake Ave S
Duluth, Mn 55802
218-726-1924