



CITY OF DULUTH
Planning Division

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

STAFF REPORT

File Number	PL 15-063, Revised for June 9th PC Meeting		Contact	Steven Robertson, 218 730 5295	
Application Type	Interim Use Permit		Planning Commission Date	June 9, 2015	
Deadline for Action	Application Date	April 6, 2015	60 Days	June 5, 2015	
	Date Extension Letter Mailed	April 22, 2015	120 Days	August 4, 2015	
Location of Subject	127 Chester Parkway				
Applicant	Grobe Family Supplemental Needs Trust		Contact		
Agent	Beth Magomolla		Contact	bmagomolla@gmail.com	
Legal Description	010-3730-00670				
Site Visit Date	April 18, 2015		Sign Notice Date	April 29, 2015	
Neighbor Letter Date	April 24, 2015		Number of Letters Sent	56	

Proposal

The applicant would like to use her home as a vacation rental property. A vacation dwelling unit allows rentals for 3 to 21 days, with a minimum of 2 nights, with the exception of a minimum of 5 nights from June 15 to September 15 for properties zoned RR-1, RR-2, R-1, and R-P.

This item was tabled from the May 12, 2015, Planning Commission to provide additional information on off-street parking capacity.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Park	Preservation
East	R-1	Residential/Park	Traditional Neighborhood/Preservation
West	R-1	Residential	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.

H. B-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

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.

Note: Interim Use Permits are approved, approved with recommendations, or denied by the City Council by resolution after a public hearing is held by the Planning Commission. Interim Use Permits expire if the project or activity authorized by the permit is not begun within 1 year.

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

- 1) Applicant is applying for an Interim Use Permit. The minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 5 nights.
- 2) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Typically Planning Staff recommends that the City Council resolution states that approval shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 3) The applicant owns lot 37 of Block 2, Parkland Division of Duluth; the lot is irregularly shaped, 150 feet wide and approximately 130 feet deep (averaged). According to St. Louis County records the home was built in 1914 and has a main floor sq. ft. of 659, with a gross area of 1,127 sq. ft. There is also a 480 square foot detached garage, built in 1920.
- 4) The applicant will rent out 2 bedrooms, allowing a maximum of 5 guests at any one time (based on building and zoning code interpretations, this is a 2 bedroom home). The applicant will provide one existing off street parking space. Revised: after a follow up site visit, staff verified that there is room for two off-street parking spaces, fully outside the utility easement. The applicant is proposing one parking space, titled at 60 degrees, located 7.5 feet from the alley, outside the easement.
- 5) Interim Use Permit holders must keep a guest record for all guests. Permit holders must also 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 complaints. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary.
- 6) The applicant has not provided any plans showing additional buffering/screening. Based on the location (near unimproved right of way and park), staff do not believe additional screening is required to reduce land use conflicts. The property is accessed by Chester Parkway, which dead ends, and Belmont Road Alley, which is a narrow 10 foot platted alley with an additional 7.5 feet of utility easement to either side of the alley (for a total width of 25 feet). Additional traffic created by this vacation rental dwelling is not anticipated to be much different than a typical single family home.
- 7) Applicant has completed an inspection from the Minnesota Department of Health as part of the process for obtaining a Lodging License, and one with the City's fire prevention officer; a few correction items (egress window, fix guardrail, remove extension cords, fire extinguisher, etc. are required). She has applied for both a Hotel/Motel License and a Tourism Tax permit.
- 8) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

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

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation (City Fire Operation Permit, Dept of Health Lodging License, Minnesota Tax ID, and City Tourism Tax and Hotel/Motel/B&B License.
- 2) The applicant shall adhere to the terms and conditions listed in the interim use permit document and provide evidence of compliance, which will be included in the resolution to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls, and "quiet hours" between 10 pm and 8 am).
- 3) The applicant make corrections, call for a fire department re-inspection, and have the fire inspection approved prior to accepting reservations. In addition, the applicant improve the off-street parking spaces with a dust-free hard surface (concrete or bituminous) prior to accepting reservations. Due to the narrow width the of the alley and challenges with backing large vehicles out of the parking space, no RV or camper vehicle parking allowed.

B-2

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



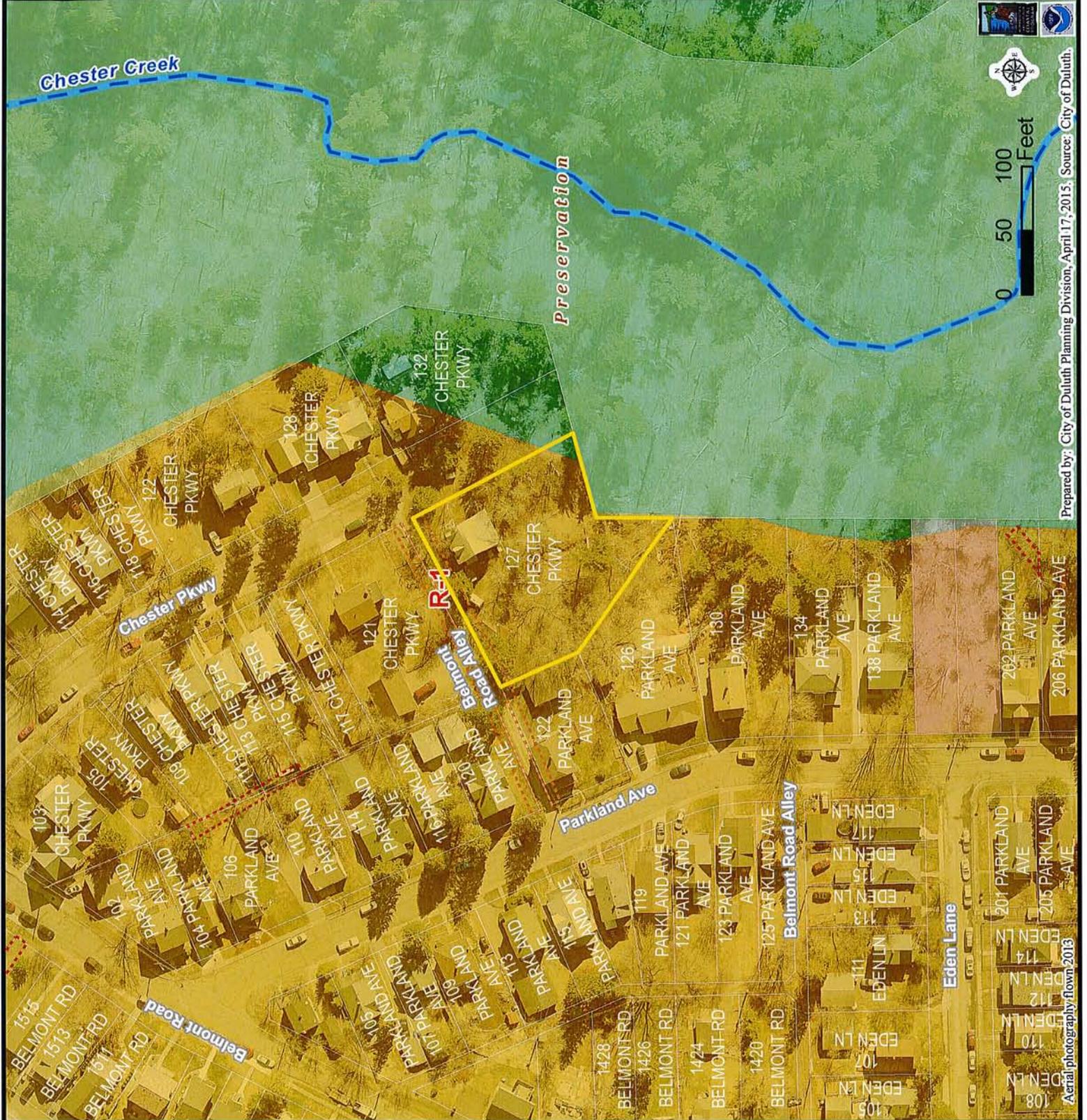
City Planning

PL15-063, 127 Chester Parkway

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- 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

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.



Aerial photography from 2013

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City Planning

PL15-063, 127 Chester Parkway



Legend

Contours 1 Ft

- Index
- Intermediate
- Trout Stream (GPS)
- Other Stream (GPS)
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement

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City of Duluth
Planning and Construction Services
41 W. First Street Room 210
Duluth, MN 55802

Beth Grobe Magomolla
1311 Woodland Ave
Duluth, MN 55803

Re: 127 Chester Parkway
Vacation Rental Application

To Whom It May Concern:

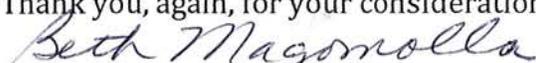
I want to thank you for all your efforts to help us in this application process. I am writing to share with you our ideas and our intentions in regard to the concerns expressed by some of our Chester Park neighbors at the Tues, May 12 public hearing. Adequate off-street parking is being addressed with Steven Robertson and this letter is our response to the concern that our Vacation Rental would bring a steady stream of strangers into the neighborhood. This concern would also negate renting the home, according to those in attendance. My family and I agree this is a very serious concern and have a proposal to make regarding this.

I'll start with a word picture. Lake Victoria in East Africa is large and beautiful with bountiful fish. But greed is raping this resource from the people. Huge ships fish off the shores and take Africa's precious fish resource to people with money all around the world.

Likewise, my parents' home at 127 Chester Parkway is, in our opinion, a city treasure. We could rent it to "strangers" at high prices or make it available to the neighborhood and Duluth for lesser rent. I've been told that we could get \$200/night. I'm thinking that we could charge \$100/night for a couple or family and \$150/night for 5 paying adults (only \$30 per person). I'm not sure how this will all work. Perhaps a neighborhood committee could be formed that would review applications. The committee members could earn housing credits and we could barter housing for maintenance services.

Priority could be given to people in the neighborhood, Duluth and their friends and relatives. For example, perhaps five moms want a weekend away while still being not far from home. Other people from Duluth could apply and this committee would make their recommendation and we would have the final say.

When our Vacation Rental application is approved, we can begin to research the feasibility of this proposal.

Thank you, again, for your consideration,

Beth Grobe Magomolla
bmagomolla@gmail.com
218-491-5340

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*Reasons for this Interim Permit request for a
Vacation Rental at 127 Chester Parkway*

"Lake View on Chester Creek"

We want a commercial business renting this house to vacationers. This new function will not change the property's appearance. Only 1 or 2 vehicles will be parked on the property and there will be only one sign on the house facing the ally stating:

Lake View on Chester Creek
127 Chester Parkway

The majority of noise will come from the SE porches facing Lake Superior and the sunken hillside terrace below.

The neighbors on the SW are 140 feet from the porches and the sound will be buffered by a garage and a few trees.

The neighbor to the East is 80 feet from the porches and buffered by a wooden fence and trees.

The neighbors to the NW are 100 feet from the porches and buffered by a large tree and hedge. I have spoken with them and they are very pleased to hear of our vacation rental plans. They are already planning to rent the house when they have visitors.

We plan to have lawn chairs, picnic table and fire pit (if allowed by the Fire Department) on the sunken hillside terrace.

B-6

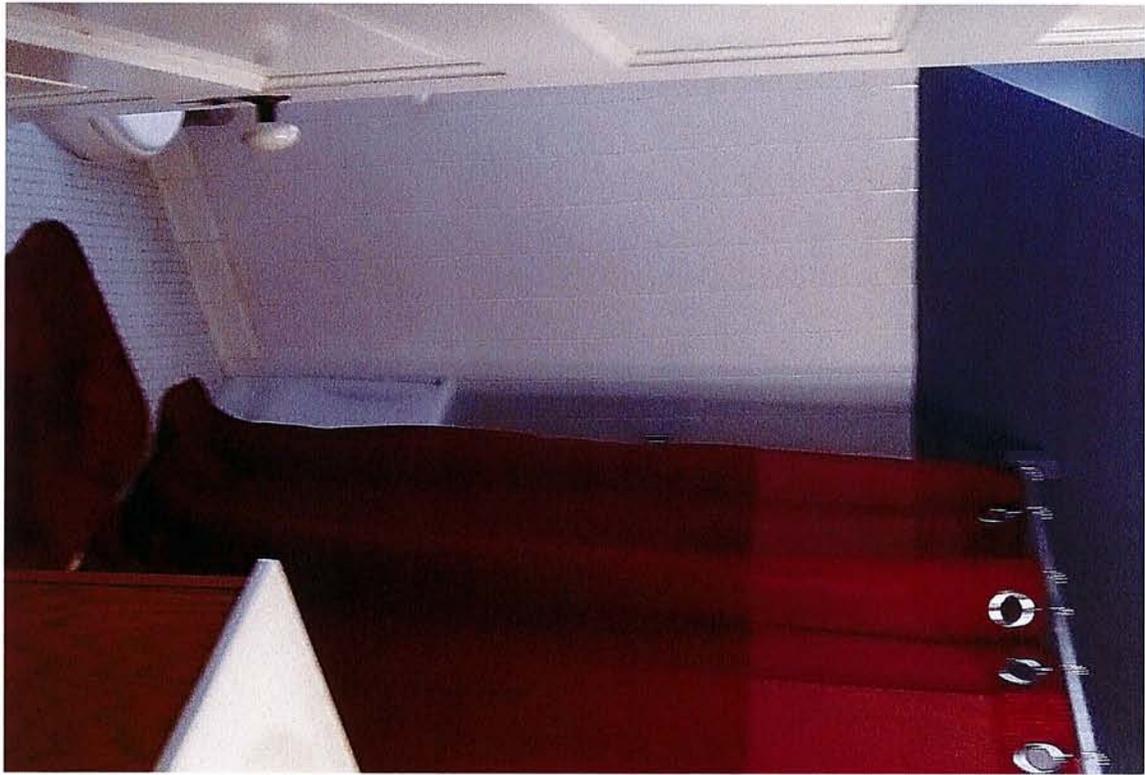
Pictures for VRBO From Open House
Shared at May PC Mtg



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B-8



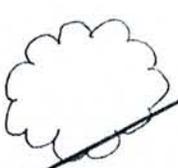
B-9



East

fence

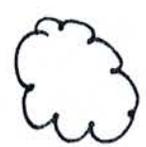
Chester Parkway



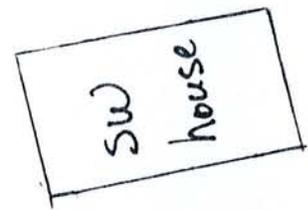
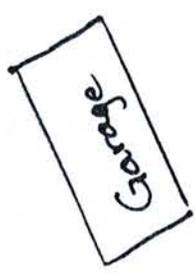
Fence Retaining

Sunken Hillside Terrace

NW use



Belmont Alley



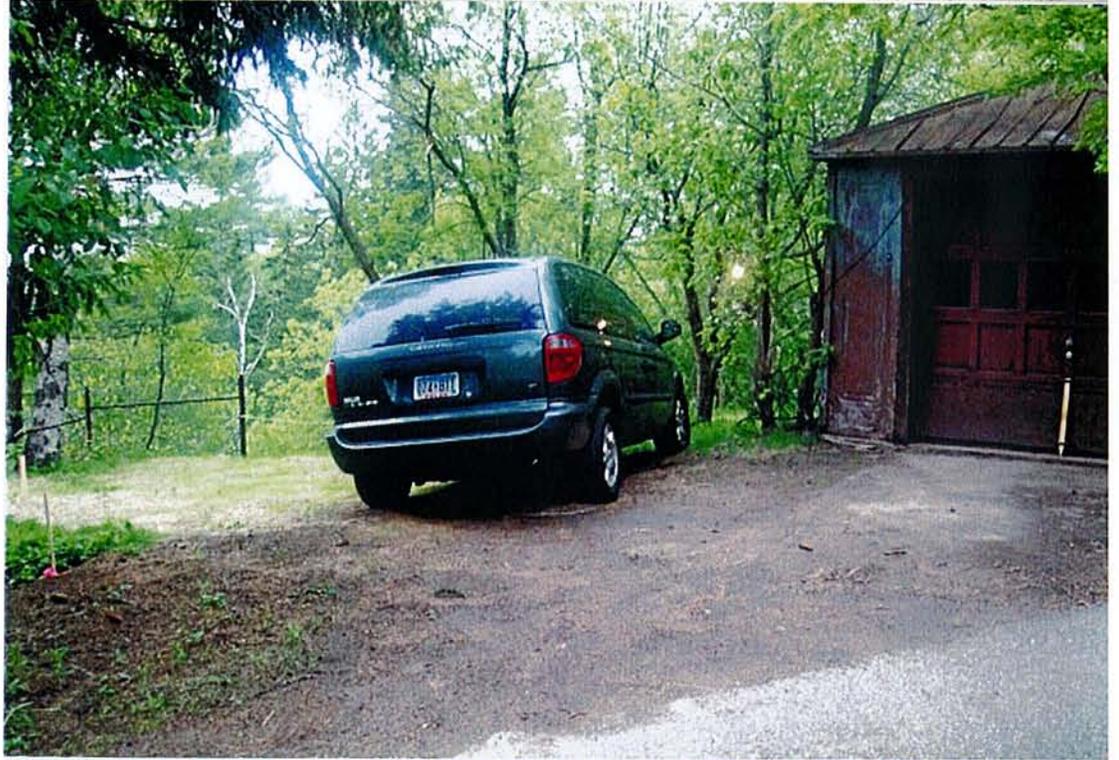
Revised
6/1/15

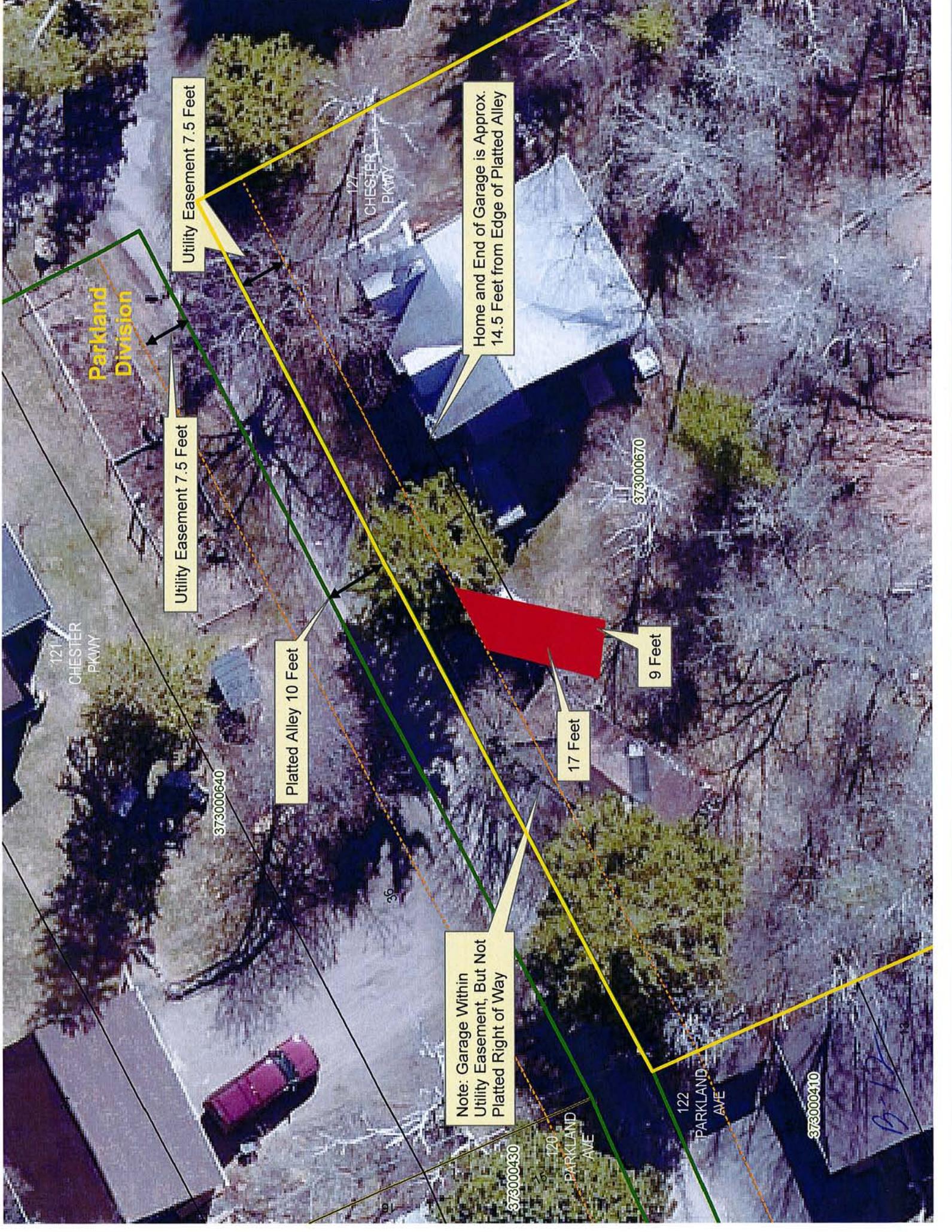
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Submitted
6/1/15

^

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Parkland Division

Utility Easement 7.5 Feet

Utility Easement 7.5 Feet

Platted Alley 10 Feet

Note: Garage Within Utility Easement, But Not Platted Right of Way

Home and End of Garage is Approx. 14.5 Feet from Edge of Platted Alley

17 Feet

9 Feet

121 CHESTER PKWY

127 CHESTER PKWY

120 PARKLAND AVE

122 PARKLAND AVE

373000640

373000670

373000430

373000410

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Images Showing Room For 2+
Parking Spaces Outside Easement



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City of Duluth
Planning Division

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Vacation Rentals Regulations

Vacation rental units are defined in the City of Duluth Legislative Code Chapter 50 (Unified Development Chapter) as Vacation Dwelling Units and Accessory Vacation Dwelling Units and are subject to the regulations described here. Please contact the City Planning Division at 218-730-5580 to learn about the process for obtaining a permit to operate a vacation rental and to schedule a pre-application meeting.

Vacation Dwelling Unit – a habitable unit in a dwelling providing sleeping, cooking, eating, living and sanitation facilities that are physically separated from other habitable units that may or may not be located in the same building for periods of occupancy from 3 to 21 days. This use does not include hotels, motels, or bed and breakfasts.

Accessory Vacation Dwelling Unit – an accessory dwelling unit as defined by this chapter that is used for periods of occupancy from 3 to 21 days.

Vacation Dwelling Units and Accessory Vacation Dwelling Units are allowed as an Interim Use in RR-1, RR-2, R-1, R-2, R-P, MU-N, and F-5 districts. All vacation rentals must obtain an Interim Use Permit.

Vacation Dwelling Unit Interim Use Permit Standards:

1. The minimum rental period shall be as follows:
 - a. For properties zoned RR-1, RR-2, R-1, and R-P the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 5 nights;
 - b. For properties zoned R-2, MU-N, and F-5 the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 3 nights.
2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.
3. Off-street parking shall be provided at the following rate:
 - a. 1-2 bedroom unit, 1 space
 - b. 3-4 bedroom unit, 2 spaces
 - c. 5+ bedroom unit, 3 spaces
4. 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.
5. The property owner must obtain 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.
6. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.
7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

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Accessory Vacation Dwelling Unit Interim Use Permit Standards:

An accessory vacation dwelling unit may be created within, or detached from, any one-family dwelling or vacation dwelling unit in those districts shown where allowed by Table 50-19.8, provided these standards are met:

1. Only one accessory vacation dwelling unit may be created per lot.
2. No variances shall be granted for an accessory vacation dwelling unit.
3. An accessory vacation dwelling unit shall contain no more than 800 square feet of floor area and shall be consistent in character and design with the primary dwelling.
4. If a separate outside entrance is necessary for an accessory vacation dwelling unit located within the primary building, that entrance must be located either on the rear or side of the building.
5. The minimum rental period shall be as follows:
 - a. For properties zoned RR-1, RR-2, R-1, and R-P the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 5 nights;
 - b. For properties zoned R-2, MU-N, and F-5 the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 3 nights.
6. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.
7. Off-street parking shall be provided at the following rate:
 - a. 1-2 bedroom unit, 1 space
 - b. 3-4 bedroom unit, 2 spaces
 - c. 5+ bedroom unit, 3 spaces
8. 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.
9. The property owner must obtain 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.
10. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.
11. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

In addition to the UDC Interim Use Permit requirements listed above, Vacation Dwelling Units and Accessory Vacation Dwelling Units must adhere to the following regulations:

1. 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.
2. 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.
3. 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.
4. 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;
5. 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.
 6. Permit holder must post their permit number on all print, poster or web advertisements;
 7. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Contact the Fire Prevention office at 218-730-4397 or 218-730-4399 for information.
 8. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax.

Minnesota State Building Code Requirements

The following summarizes applicable Minnesota State Building Code regulations for vacation rental units as defined in the Duluth Unified Development Chapter. Contact a Plans Examiner in the Construction Services Division at 218/730-5300 with questions about building code requirements.

One and Two Family Dwellings

Use of existing one and two family dwellings not more than three stories above grade plane in height with separate means of egress as vacation rentals is not a change of use for purposes of building code applicability.

Additions, alterations and repairs to one and two family dwellings not more than three stories above grade plane in height with separate means of egress must comply with the Minnesota State Residential Code.

The Minnesota Accessibility Code does not apply to one or two family dwellings. Owners of vacation rental properties should research federal regulations related to accessibility.

Three and More Dwelling Units

Conversion of apartments in buildings with three or more units to rentals of less than 30 days duration is a change of use from an R-2 occupancy (permanent) to an R-1 occupancy (transient.) A permit is required for a change of use and plans and a code summary prepared by a Minnesota licensed architect showing compliance with applicable provisions of the Minnesota State Building Code must be submitted for review with the permit application.

Required alterations will vary with each building. Owners should consult with a licensed architect for an evaluation of changes needed to comply with applicable building code provisions.



Selected City Ordinances on Parking, Parks, Pets & Noise

Thanks for choosing to visit our wonderful city. The summary of ordinances below was assembled to answer commonly asked questions related to vehicle parking, park use, pets and noise. We hope you enjoy all that Duluth has to offer and that you'll return again soon!

Vehicle Parking Rules:

Sec. 33-82. Prohibitions generally.

(c) No person shall, for the purpose of camping, lodging, or residing therein, leave or park a vehicle or motor vehicle on or within the limits of any highway or on any highway right-of-way, except where signs are erected designating the place as a camp site;

Sec. 33-85. Parking more than 24 consecutive hours prohibited.

No vehicle shall be left standing or parked more than 24 consecutive hours on any street or highway within the city.

Sec. 33-97.8. Alternate side parking.

Except where signs direct otherwise, all vehicles parked on streets in Duluth must observe the alternate side parking program to enable street cleaning, plowing, and other maintenance. All vehicles must be parked on the side of the street designated for parking for the week with house numbers that are either odd or even, see <http://www.duluthmn.gov/> for the designation of "odd" or "even" side parking for the week. The following week vehicles must be parked on the opposite side of the street. Every Sunday between the hours 4:00 p.m. and 8:00 p.m. shall be a changeover period and the provisions of this Section shall not be in force during such time.

Park Rules:

Sec. 35-9.3. Use of parks between certain hours prohibited without prior registration. Nearly all parks and beaches in Duluth are closed to public use after 10:00 p.m., including the beaches along Park Point.

Sec. 35-6. Vehicles, parking and recreational trails and paths.

(b) No person shall operate any motor vehicle or bicycle or ride a horse in any area of any park except on the roadway portion of streets, or highways, or parking areas in such park.

Many of the trails in Duluth are reserved for specific users year round or only during certain times of the year. This information is posted near trailheads to designate where bicycles, skis, and hikers are allowed. Direction of travel for trails may also be designated. Please observe these rules.

Additionally, winter use of ski trails within the City of Duluth requires that users have a DNR Ski Pass. See <http://www.dnr.state.mn.us/licenses/skipass/index.html> for more info. on obtaining this pass.

Sec. 35-7. Setting fires, prohibited.

(a) Except as provided in this Section, no person shall start or maintain any fire or hot coals in any park other than in designated park grills or privately owned grills suitable for the purpose for which they are used;

(c) The director of parks and recreation or the fire chief may ban all burning, including burning in grills, in parks at times of high fire danger.

It is a violation of this section to create a recreational fire on the beaches of Park Point.

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Sec. 35-8. Prohibited activities.

Within any public park, no person shall:

- (a) Discharge any firearm, air gun, crossbow, bow and arrow, slingshot or other missile firing device, provided that the director of parks may, by written permit, authorize archery exhibitions and contests
- (b) Do any hunting or trapping or in any other manner disturb or injure or attempt to disturb or injure any animal, including birds;
- (c) Urinate or defecate anywhere but in a proper toilet facility;
- (d) Throw, deposit or place or cause to be thrown, deposited or placed any papers, bottles, cans or any other garbage or waste at any place except into a trash container;
- (e) Tip over any trash container or otherwise cause the contents of a trash container to be deposited on the ground;
- (i) Possess any glass beverage container while outside of a motor vehicle;
- (j) Consume alcoholic beverages or possess opened or unopened alcoholic beverages.

Sec. 35-2. Animals running at large, animal control.

- (a) No dogs, cats or other domestic pets shall be allowed to run at large upon any park. Dogs, cats and other domestic pets shall be considered to be at large if they are not under control of the owner or other responsible person by means of a leash of suitable strength not exceeding six feet in length;
- (b) The director of parks and recreation may designate any park or area in a park as prohibited to pets or other animals. Any area so designated shall be clearly marked by signs indicating such prohibition. No person owning, controlling or caring for any animal shall allow such animal to enter any park area where such animal is prohibited.

Sec. 35-3. Fastening animals to fences, trees, etc., prohibited.

No person shall tie or fasten any animal to any fence, building, railing, tree, shrub or plant in or upon any park in the city.

Pet Rules:

Sec. 6-33. Animal noise.

- (a) No person shall harbor or keep any dog which, by loud and frequent or habitual barking, yelping or howling shall cause reasonable annoyance of another person or persons;

Sec. 6-36. Running at large prohibited.

No person shall suffer or permit any animal owned or controlled by that person to run at large within the city.

Sec. 6-38. Animal litter.

- (a) The owner of any animal or any person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner;
- (b) It is unlawful for any person owning, keeping or harboring an animal to cause said animal to be on property, public or private, not owned or possessed by such person without having in his/her immediate possession a device for the removal of feces and depository for the transfer of animal feces to a receptacle located on property owned or possessed by such person. A device may include a plastic or paper bag which is used to recover animal feces;
- (c) It is unlawful for any person in control of, causing or permitting any animal to be on any property, public or private, not owned or possessed by such person to fail to remove feces left by such animal to a proper receptacle located on the property owned or possessed by such person;
- (d) For the purposes of this Section, the term public property includes, without limitation, streets, sidewalks, boardwalks, trails, boulevards, playgrounds and parks;

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Noise Rules:

Sec. 34-5. Disturbing the neighborhood.

No person, within the city, shall keep a dwelling, gaming area, party room, or meeting area which attracts people to the neighborhood at times or in such a manner that their arrival or leaving or activities while in the neighborhood result in an unreasonable disturbance of the usual peace, quiet, comfort, or decency of the neighborhood.

Sec. 34-6. Disorderly conduct.

(a) No person shall commit or suffer to be committed in any apartment or other dwelling owned, occupied or controlled by him, any rioting, quarreling, fighting, reveling, shouting, loud music or electronically amplified noise, or disorderly conduct which disturbs or annoys another person in a neighboring apartment or other dwelling, or in a neighboring building, or lawfully in the vicinity of said neighboring dwelling or building;

(b) No person within any public or private place shall take part in or incite or encourage any brawling, shouting, dancing, or noise production, which unreasonably disturbs others lawfully in the vicinity.

Sec. 40-10. Definitions, User Charge for Excessive Consumption of Police Services.

Nuisance event. An event requiring special security assignment in order to protect the public peace, health, safety and welfare. A nuisance event includes, but is not limited to, the following:

- (e) Loud and boisterous conduct, noises and activities that disturb the peace;
- (f) Events between 11:00 p.m. and sunrise which disturb the peace and tranquility of the neighborhood;
- (g) Congregating in a tumultuous, noisy or rowdy crowd;
- (h) Fighting or use of obscene or inflammatory language;
- (i) Loud music constituting a nuisance or disturbing the peace;
- (j) Activities causing excessive pedestrian or vehicular traffic and parking problems and congestion.

B-20

May 11, 2014

City Zoning Board Members,

I am writing to express by deep reservations about approving turning the private residence at 127 Chester Parkway into a vacation rental. I live two houses up the hill from this house, at 117 Chester Parkway.

We are a quiet neighborhood of families and children. The caretaker contends that this will not be a party house, and will instead be a "place of retreat, relaxation, reunion, rejuvenation, and reflection." Really? This is a delusional, pie-in-the-sky dream, and she has absolutely no way of ensuring this. It is my observation that when people are on vacation, they often party. The caretaker seems to have this idealized vision that artists and writers will be renting it out. I hardly think artists and writers will be able to afford renting houses. My personal observation of landlords is that money is money. I don't think that there is going to be much discretion when deciding whether to allow groups to rent the house. I also don't think she is going to be able to enforce the occupancy rule. Often when people rent houses, they shove as many individuals into the house as possible.

I have no air conditioning and as such, sleep with my windows open all summer long. I also work at 7:00 AM. Getting woken up repeatedly (or even once) is not an option. The caretaker has also said that, if we have any problems, we should simply call her. So – I'm supposed to get woken up, find my phone, find her number, make a call, wait for her to arrive, wait for them to quiet down, then try to get back to sleep? And I'm not sure why she truly believes that one trip over will stop anything. If this gets turned into a rental and I hear anything, I am going to call the police as well as her.

Besides the noise, my other reservations focus on vehicles. I can tell when someone who doesn't live on the street is driving down it, because they bomb down it with no regard for safety. It is a very narrow and steep street. We have several infants and toddlers on the street and the speed of traffic is a major concern. In addition, there is very limited parking on this street. I do not want to have to be parking a block away because people who rent that house are taking up spaces. Yes – they have two spaces but with five (or more) people, these will likely not be enough.

DO NOT ALLOW THIS RESIDENCE TO BECOME A RENTAL UNIT. Doing so will drastically impair the quality of life for everyone. Again, we are a quiet neighborhood of families and children. THERE ARE NO POSITIVE IMPACTS THAT WILL RESULT FROM THIS.



Suzanne Sanders
117 Chester Parkway
(715)209-6795

B-21

We, the undersigned home-owning residents of the Parkland Division of Chester Park who live within 350 feet of 127 Chester Parkway, are opposed to the house at 127 Chester Parkway receiving a Permit to Allow a Vacation Rental Dwelling or any other permit to rent the property for any purpose.

Name (please print)

Address

Signature

<u>Luke Phernetton</u>	<u>128 Chester Pkwy</u>	<u>Luke Phernetton</u>
<u>JACOB ROMBERG</u>	<u>116 Chester Pkwy</u>	<u>Jacob Romberg</u>
<u>Michelle Phernetton</u>	<u>128 Chester Pkwy</u>	<u>Michelle Phernetton</u>
<u>Suzanne Sanders</u>	<u>117 Chester Pkwy</u>	<u>Suzanne Sanders</u>
<u>KATIE FRERKER</u>	<u>117 PARKLAND AVE</u>	<u>Katie Frerker</u>
<u>Dawn Moore</u>	<u>132</u>	<u>Dawn Moore</u>
<u>LEON D. ROHRBAUGH</u>	<u>121 CHESTER PARKWAY</u>	<u>Leon D. Rohrbach</u>
<u>Britt Rohrbach</u>	<u>121 Chester Pkwy</u>	<u>Britt Rohrbach</u>

EE-9

We, the undersigned home-owning residents of the Parkland Division of Chester Park who live within 350 feet of 127 Chester Parkway, are opposed to the house at 127 Chester Parkway receiving a Permit to Allow a Vacation Rental Dwelling or any other permit to rent the property for any purpose.

Name (please print)

Address

Signature

Susan Swanson 122 Chester Pkwy Susan Swanson

Roger D. Swanson 122 Chester Pkwy Roger D. Swanson

Robin E. McQuay 115 CHESTER PKWY R. E. McQuay

MATT & ERIN BECK 111 CHESTER PKWY M & E Beck

NICHOLAS SUNSOATH 112 CHESTER PKWY N. Sunsoath

Eric Christopherson 113 Chester Pkwy Eric Christopherson

Rosemary Mlynarczyk 113 Parkland ROSEMARY
MLYNARCZYK

Becky Hartley 109 Parkland Ave Becky Hartley

6-23

We, the undersigned home-owning residents of the Parkland Division of Chester Park who live within 350 feet of 127 Chester Parkway, are opposed to the house at 127 Chester Parkway receiving a Permit to Allow a Vacation Rental Dwelling or any other permit to rent the property for any purpose.

Name (please print)

Address

Signature

• Tom ESTABROOKS 116 PARKLAND AVE [Signature]

• Catherine L. Henderson 120 Parkland Ave [Signature]

• Tony Pierckins 118 Chester Pkwy [Signature]

[Signature] 115 Parkland Ave [Signature]

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B-24



● 127 Chester Parkway

● Owner-Occupied homes opposed to the permit

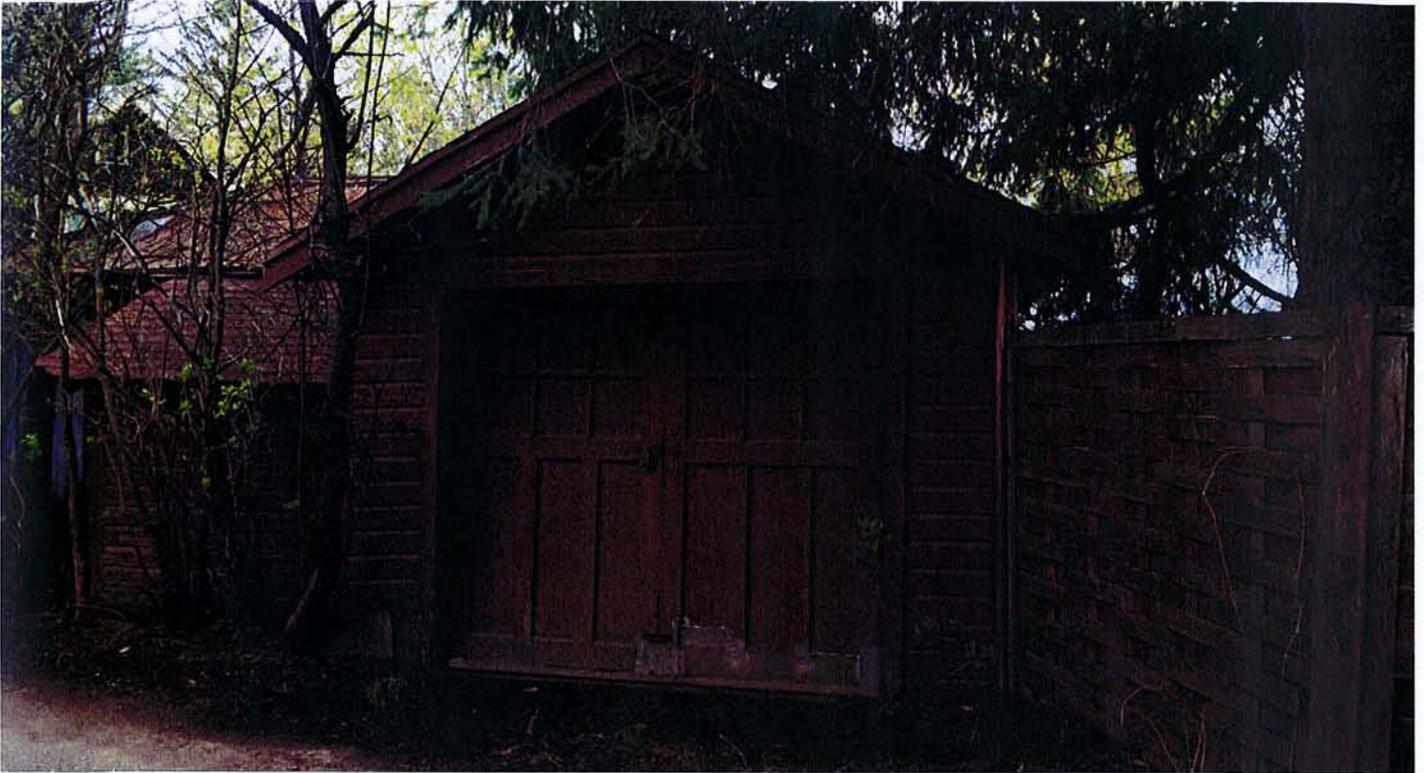
● College Rentals

● Unoccupied

B-25

Source: petition circulated 11 May 2015; none of the other home shown on map were approached by petitioners.

127 Chester Parkway



B-27

Deteriorating, ramshackle “garage” is stuffed full of trash; has become a haven for vermin

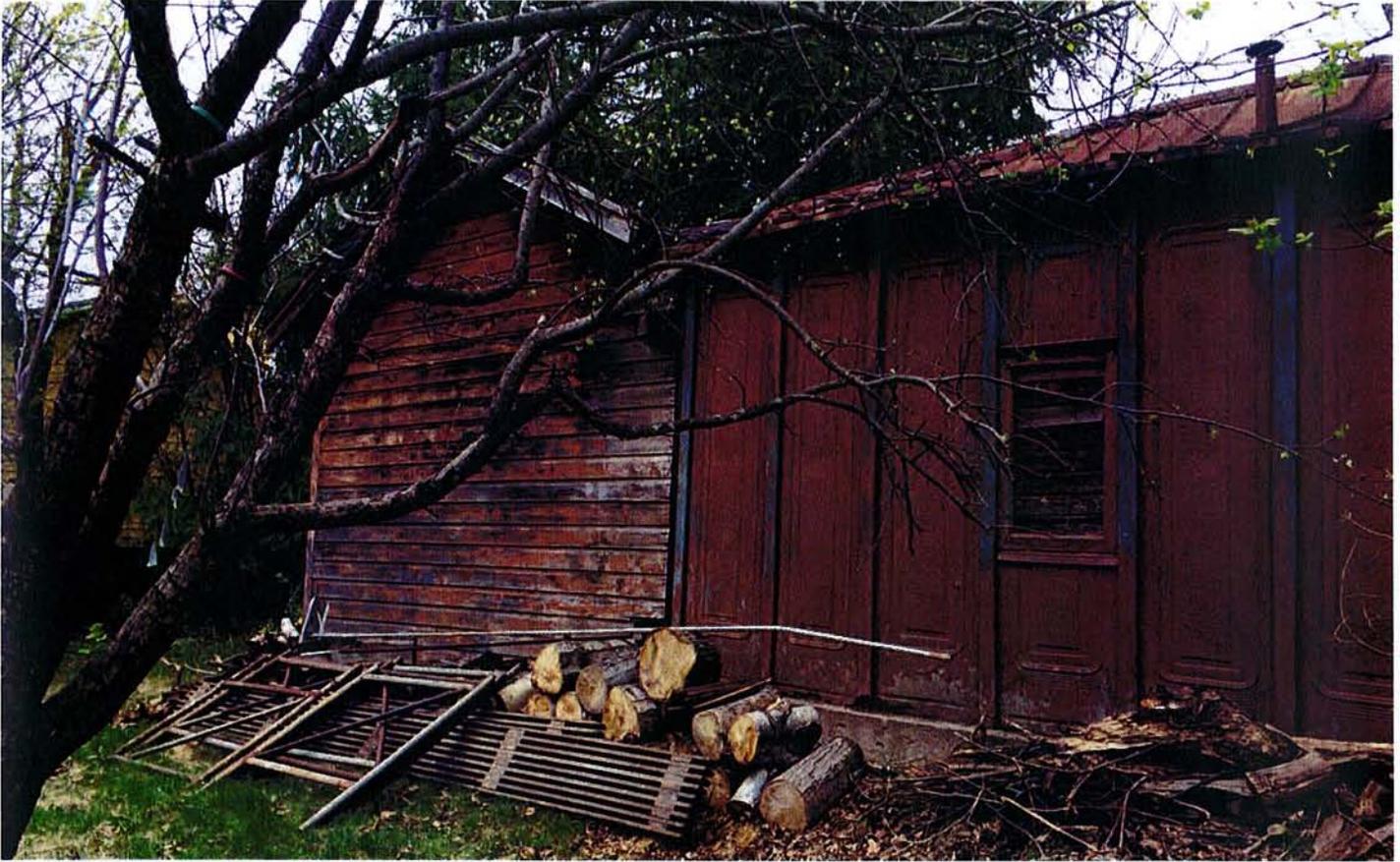
127 Chester Parkway



Deteriorating Fence Along Alley

B-28

127 Chester Parkway



B-29

Building materials/yard waste stored behind "garage."

127 Chester Parkway



B-30

Back stairs falling apart

127 Chester Parkway



B-31

Examples of a couple safety issues

127 Chester Parkway



More trash and belongings stored under back porch. Inside, one bedroom and entire basement (as well as entire “garage”) are stuffed full of items belonging to the homeowner’s family.

B-32

127 Chester Parkway



B-33

Makeshift repairs of basement windows

127 Chester Parkway



Outdoor lighting electrified by multiple extension cords pulled through dryer vent

B-34