



**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>	PL 15-106	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Variance	<b>Planning Commission Date</b>	August 11, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	July 8, 2015	<b>60 Days</b>	September 6, 2015
	<b>Date Extension Letter Mailed</b>	July 28, 2015	<b>120 Days</b>	November 5, 2015
<b>Location of Subject</b>	1615 E Superior Street			
<b>Applicant</b>	Jeremy and Trish Paggen	<b>Contact</b>	320-224-9863, jeremypaggen@gmail.com	
<b>Agent</b>	N/A	<b>Contact</b>	N/A	
<b>Legal Description</b>	PID 010-1480-01460			
<b>Site Visit Date</b>	July 31, 2015	<b>Sign Notice Date</b>	July 28, 2015	
<b>Neighbor Letter Date</b>	July 29, 2015	<b>Number of Letters Sent</b>	43	

**Proposal**

Applicant proposes to use this property as a Bed and Breakfast, with a lot size of 0.26 acres, smaller than the 0.6 acres required by the UDC. Note that property is the A. Charles Weiss house, formerly used as a Bed and Breakfast.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Residential	Urban Residential
<b>North</b>	R-2	Residential	Urban Residential
<b>South</b>	R-2	Residential	Urban Residential
<b>East</b>	R-2	Residential	Urban Residential
<b>West</b>	R-2	Residential	Urban Residential

**Summary of Code Requirements (reference section with a brief description):**

50-20.3.F Bed and breakfast: Must be located on a lot with a minimum of 0.6 acre.

50-37.9.C. - General Variance Criteria (paraphrased here): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

II.G-1

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

Governing Principle #1 - Reuse previously developed lands: This includes adaptive reuse of existing building stock and historic resources, and residential structures suitable for rehabilitation.

Governing Principle #8 - Encourage mix of activities, uses and densities.

Future Land Use - Urban Residential: Greatest variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail.

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

Staff finds that:

1.) House was built in 1895 by A. Charles Weiss and is registered with the Duluth Preservation Alliance. According to applicant, house is over 6,000 sq. ft. with 5 bedrooms and 7 baths. It was previously used as a bed and breakfast for over 10 years, ending in 2004.

2.) A bed and breakfast is a reasonable use in the R-2 district. It will not alter the essential character of the neighborhood, which includes a variety of uses, such as apartment buildings, single-family homes, a residential care house, and another bed and breakfast.

3.) Given the large size of the existing house, its location in a R-2 district, and the amount of upkeep required in a 100+ year old house, use as a single-family house is unlikely. This presents a practical difficulty in reuse of this house, which is consistent with Governing Principle #1 of the Comprehensive Plan.

4.) The zoning regulation requiring 0.6 acres of lot size may have been intended to ensure adequate parking for bed and breakfasts, as well as reduced potential for negative impacts on surrounding neighbors. This site already contains sufficient parking for the bed and breakfast use and is currently used as a vacation rental. Given that the surrounding area contains other bed and breakfasts, apartments, and vacation rentals, and that this site was previously used as a bed and breakfast, the potential for negative impacts to surrounding properties is unlikely.

5.) No public, agency, or City comments have been received.

6.) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within 1 year.

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

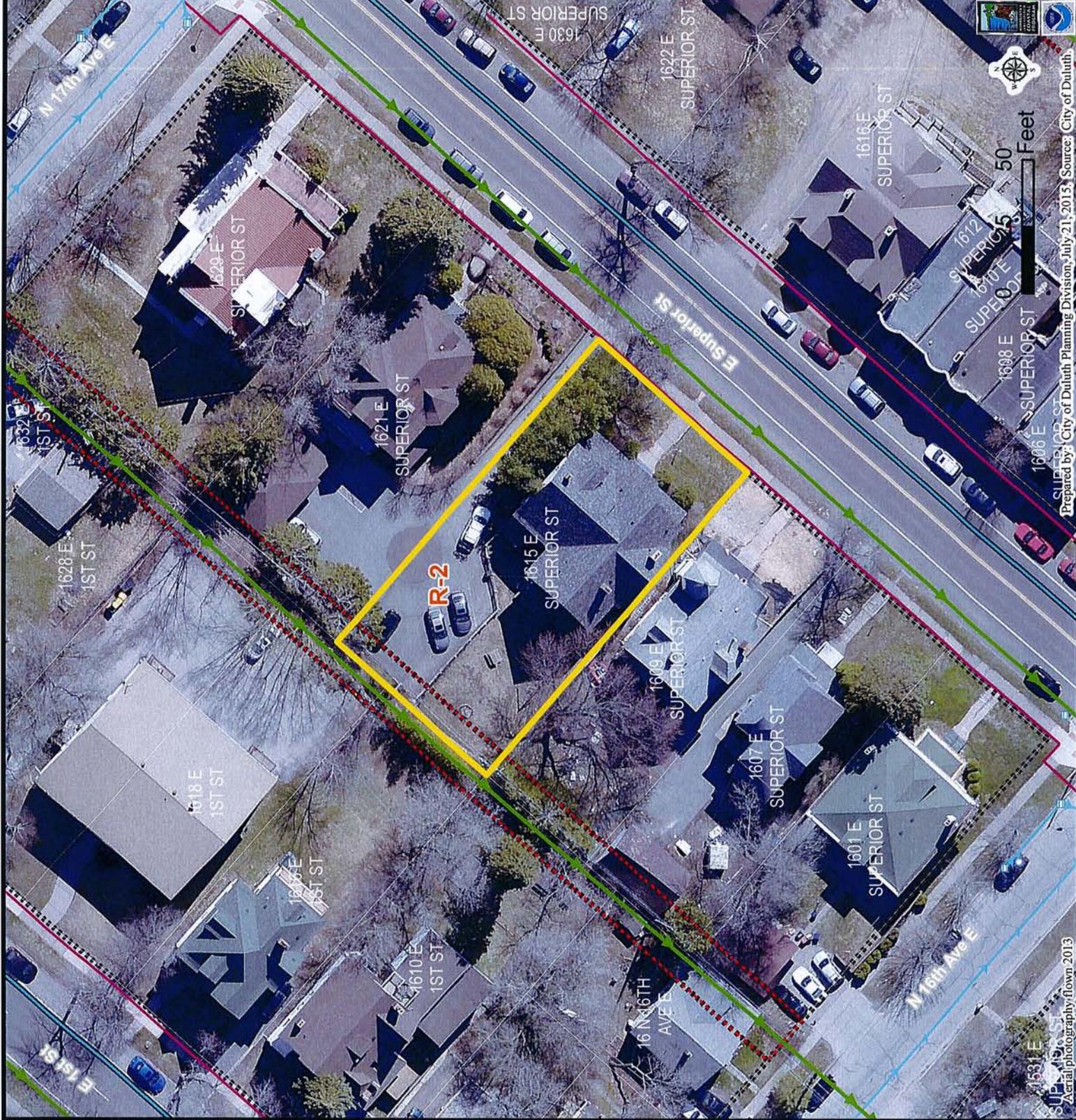
Based on the above findings, Staff recommends that Planning Commission approve the variance to allow a bed and breakfast, with no conditions.

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



**City Planning**  
 PL 15-106  
 1615 E Superior St



**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Water Distribution System**
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main**
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes
- Storm Sewer Collection System**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Right-of-Way Type**
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Shoreland Overlay Zone**
- Cold Water
- Natural Environment
- General Development

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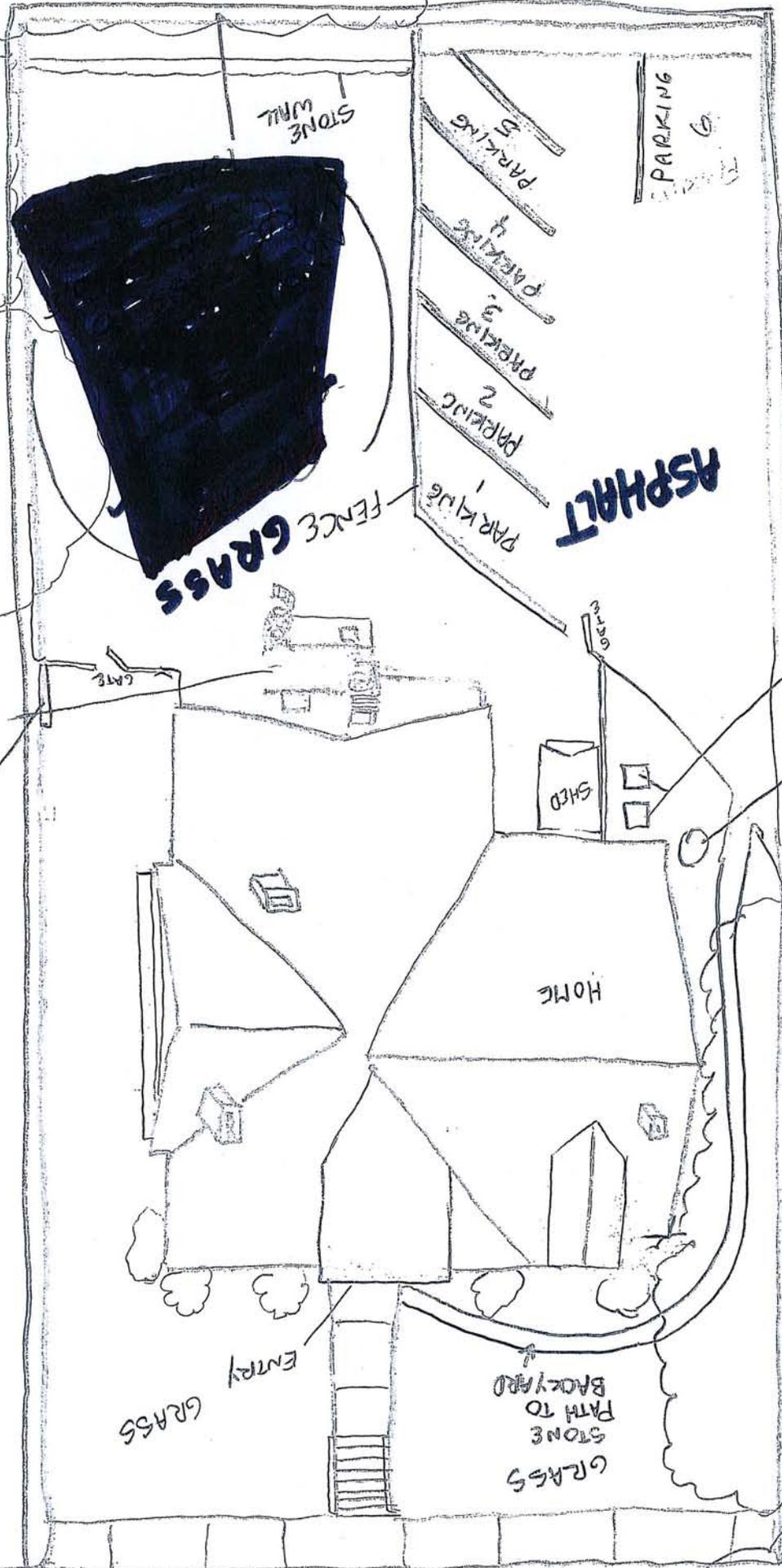
Prepared by: City of Duluth Planning Division, July 21, 2013. Source: City of Duluth.

Aerial photography: flown, 2013

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F-11

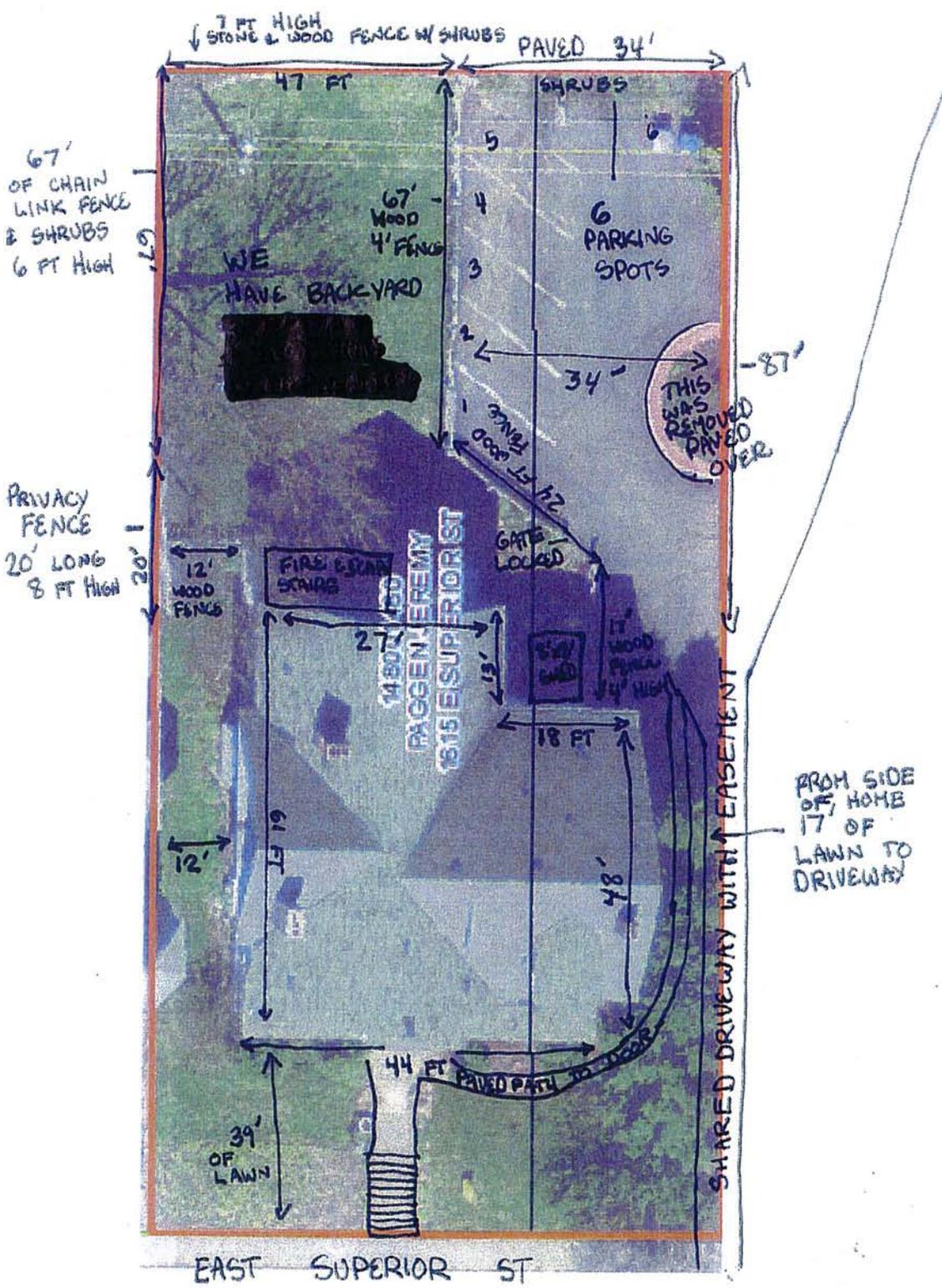
PRIVACY FENCES  
FIRE ESCAPES  
TO 2ND FLOOR  
TRUSS STAIRS



EAST SERRIOR STREET

RECEIVED FEB 05 2013

G-4



FELD  
 6-5

We are applying for a lot size variance per the directive of the city Planning Division.

We have included the Application Cover Sheet, the required fee, the Supplemental Variance Application and a site plan.

We are trying to re-qualify the home's previous use as an operating (accessory) Bed and Breakfast. It currently does not meet the minimum lot area outlined in the UDC;

Article 3 - Permitted Uses

50-20.5.B - Accessory Uses

4. Be located on a lot or tract containing a minimum of 0.6 acre

Our home was built in 1895 by Anton Charles Weiss and is a historical part of Duluth (please see attached). It was purchased in 1988 by Dave and Peg Lee, renovated to it's current state, and then opened as a Bed & Breakfast. The Duluth Bed & Breakfast Association was formed in the formal dining room of the home. In 2004 the Lee's sold the home after successfully running the B&B for over 10 years.

The home is currently a licensed Vacation Rental with the city of Duluth. There are no violations on the property and it has been inspected and approved as necessary by the city vacation rental license requirements.

The home has an even better potential as a B&B contributing to the cities tourism industry. Each of the 5 second level bedrooms has it's own bath. The property has off-street parking available for 6 cars in the rear of the property with a legal access easement from the street. This allows there to be no additional burden to the parking of East Superior Street. The property will be maintained by the on-site property owners. We are currently making repairs to the outside of the home preparing it for new paint.

The neighborhood has many mixed use properties (see attached site-map). In addition to another vacation rental, there is college housing, single family homes, multi-family homes, and another Bed & Breakfast all within the same city block.

Thank you for your consideration,

Trish & Jeremy Paggen

*A Charles Weiss Home*

320.249.7253 Trish

320.224.9863 Jeremy

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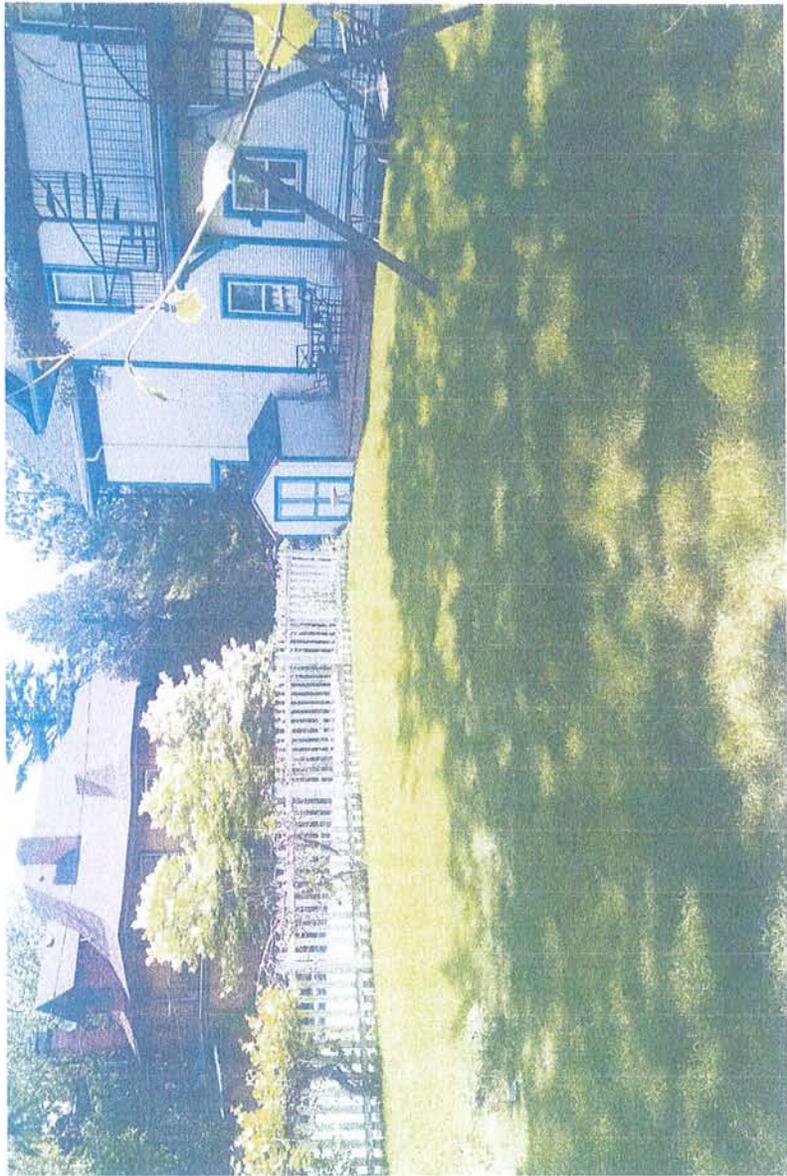


EXTERIOR OF HOME

6-7

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VARBO w/ 3 APTS NEXT DOOR

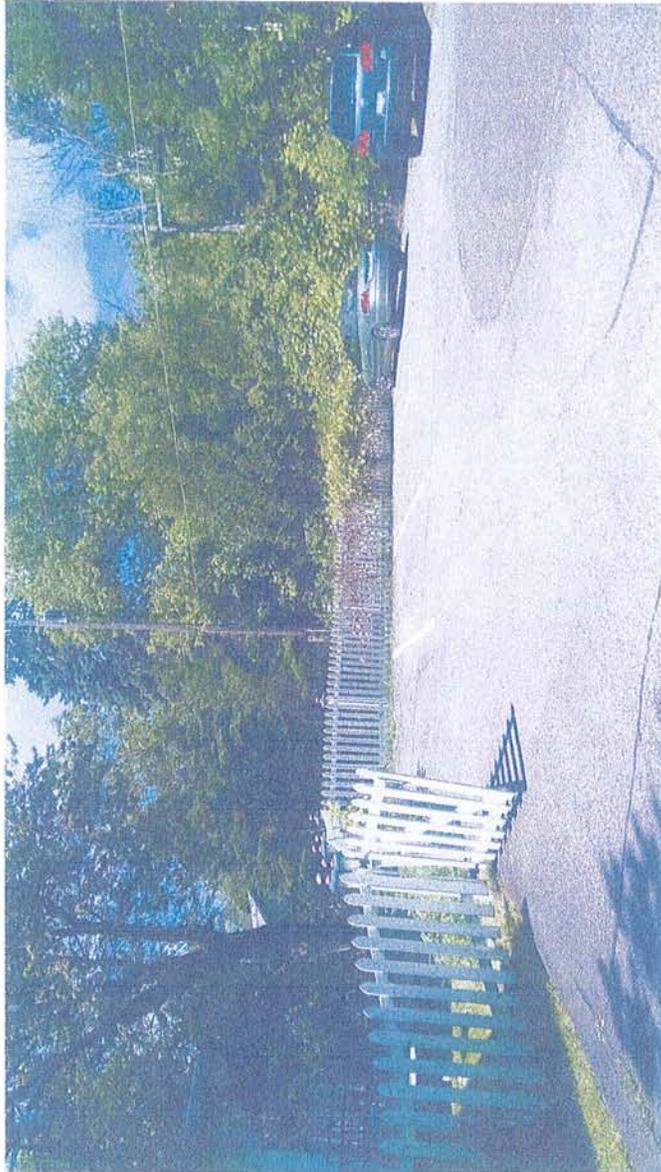


LARGE FENCED YARD

G-8

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PARKING LOT  
W / 6 SPOTS



6-9



Aerial photography (Nov 2013)

**Legend**

**Zoning Boundaries**  
 Zoning Boundaries  
 Subdivision Boundaries

**Water Distribution System**  
 30 - 60" Water Pipe  
 16 - 24" Water Pipe  
 4 - 6" Water Pipe

**Sanitary Sewer Collection System**  
 Sanitary Sewer Collector  
 Sanitary Sewer Interceptor  
 Sanitary Sewer Forced Main

**Storm Sewer Collection System**  
 Storm Sewer Pipe  
 Storm Sewer Catch Basin

**Gas Distribution Main**  
 8" - 16" Gas Pipes  
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**Other**  
 Storage Basin  
 Pump Station  
 Vacated ROW  
 Utility Easement  
 Other Easement

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