CITY OF DULUTH
Community Planning Division

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

File Number	PL16-080		**Contact**	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit, Accessory Vacation Dwelling Unit		**Planning Commission Date**		August 9, 2016
Deadline for Action	**Application Date**	July 11, 2016	**60 Days**		September 9, 2016
	Date Extension Letter Mailed	July 21, 2016	**120 Days**		November 8, 2016
Location of Subject	130 Charlotte Place				
Applicant	Daniel Frank		**Contact**	218-340-7015	
Agent	Daniel Frank		**Contact**	dnfrank@d.u.umn.edu	
Legal Description	010-0320-00200				
Site Visit Date	August 1, 2016		**Sign Notice Date**		July 26, 2016
Neighbor Letter Date	July 28, 2016		**Number of Letters Sent**		52

Proposal
The applicant proposes to use an existing 480 square foot, 1 bedroom accessory dwelling unit as a vacation rental property. An Accessory vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

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

Summary of Code Requirements

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-2 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 meet.

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.

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

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

Future Land Use Map Designation – Preservation (P): Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

Findings:

1. The proposed vacation dwelling unit is in an established single family neighborhood and the use as an accessory vacation dwelling unit within a dwelling unit is consistent with the existing land use of the area. The applicants are not proposing alterations to the existing dwelling or site.

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.

Review and Discussion Items

1) Applicants are applying for an Interim Use Permit for an accessory vacation dwelling unit. The applicant is proposing to use the existing 480 square foot, one bedroom, accessory dwelling unit. The accessory vacation dwelling unit will occupy a portion of the lower level of the primary dwelling. The minimum rental period shall be not be less than two consecutive nights.

2) A time limit on this Interim Use is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

3) The accessory vacation dwelling unit has one bedroom, which would allow for a maximum of 3 people.

4) The property has street frontage along the Charlotte Place. A portion of the existing driveway will be used for the required single parking space. (See attached Exhibit A)

5) Permit holders must designate a managing agent or local contact who resides with 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. 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. Applicant will act as managing agent (as applicant lives in the primary dwelling unit).

6) The applicant has provided a site plan showing existing buffering/screening between adjacent properties. The rear yard area of the property has a combination of trees and shrubs for existing screening.

7) Applicant will need to complete 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 office. The Applicant will also need to apply for a City Hotel/Motel License.

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").

9) No public or agency comments were received.

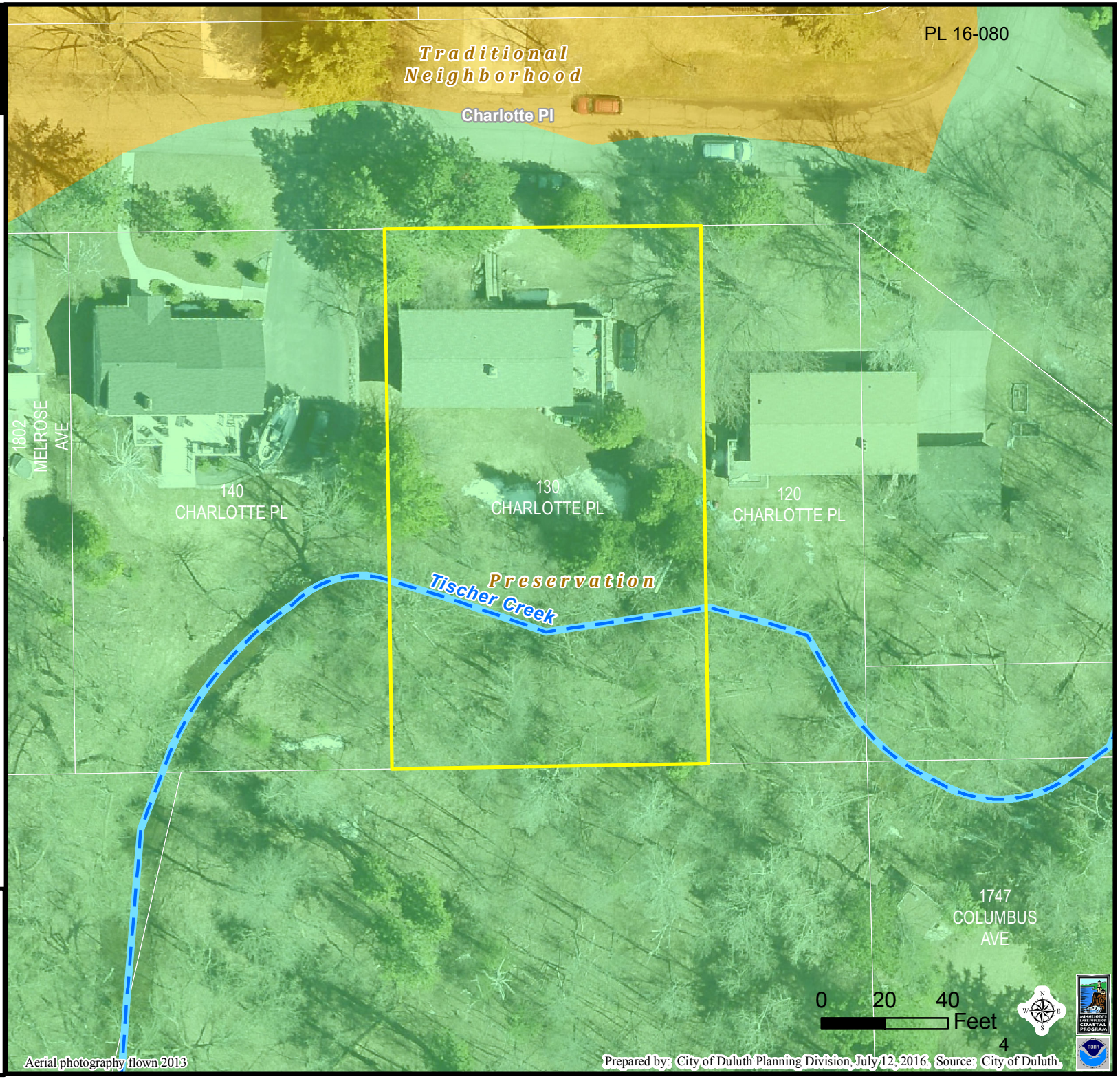
Staff Recommendation

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.
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.
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.

City Planning

PL 16-080
Interim Usre Permit-AVDU
130 Charlotte Place



Legend

Future Land Use - Plus

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.

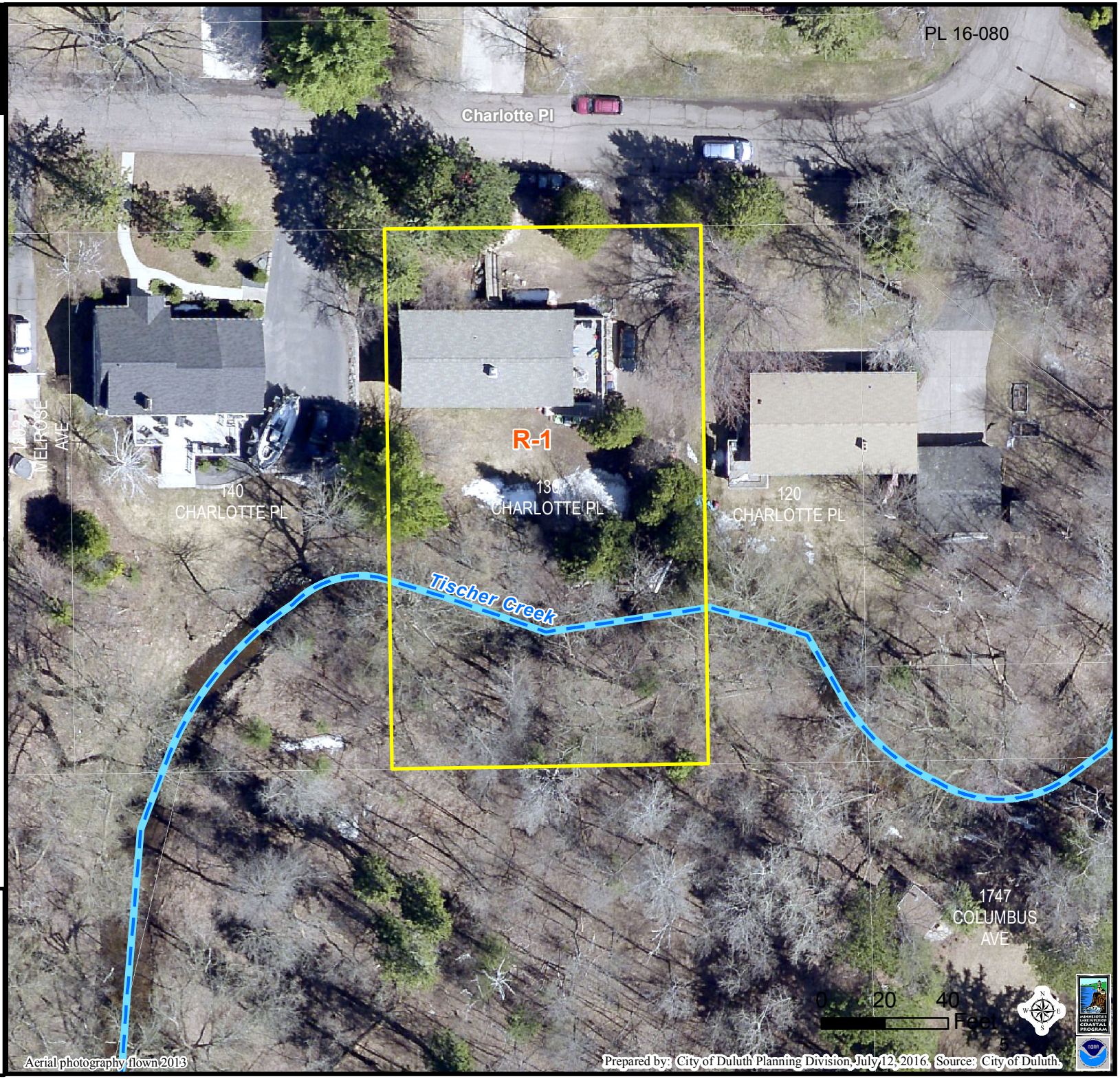
City Planning

PL 16-080
Interim Use Perim-AVDU
130 Charlotte Place

Legend

Zoning Boundaries

Zoning Boundaries



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.

To Whom It May Concern: July 11, 2016

Greetings. My name is Danny Frank, and I am writing to you to apply for an Accessory Vacation Dwelling Unit Interim Use Permit. My partner Angie and I have lived in Duluth for nearly 10 years. We have two boys, Max (age 8) and Lev (age 6). I teach Environmental and Outdoor Education at the University of Minnesota Duluth, and Angie is an independent contractor working as a teaching artist in Applied Theatre, with variety of local non-profit organizations. We chose Duluth because of its unique blend of outdoor recreation opportunities and urban amenities, such as restaurants, music, and theatre. Likewise, we believe the Duluth community is a nurturing and inspiring one in which we can raise a healthy, happy family. We also appreciate the City's creative approach to balancing the interests of local residents, business owners, students, and tourists.

Our family is fortunate enough to own a beautiful home on Tischer Creek in a centrally located neighborhood near UMD. In 2007, we converted a portion of our home to an accessory unit, and have offered it as a rental unit on a long-term basis ever since obtaining a Rental Property License (#0320-00200) in 2007. Recently, Angie and I decided we wanted to have more flexibility with our accessory dwelling unit. As our kids grow, it is helpful to have additional space to roam on occasion. Likewise, we have friends and family scattered across MN and the US, and it we enjoy having a comfortable space for them to stay when they visit. However, since we depend on rental income to make our mortgage payment, we need paying guests to occupy the space for a certain amount of time throughout the year. Additionally, we embrace the idea of hosting travelers so we can share our love and knowledge of Duluth and help ensure their visits here are enjoyable.

For these reasons, we are applying for an Accessory Vacation Dwelling Unit Interim Use Permit from the City of Duluth. We have addressed all specific permit requirements below, as found in the City of Duluth Vacation Rental Regulations:

1. Our lot will only include one accessory vacation dwelling unit.
2. No variances are being requested for this permit.
3. The accessory vacation dwelling unit is approximately 480 sq. ft. (See Appendix A.2) and is consistent in character and design with the primary dwelling unit (See Appendix A.4).
4. The accessory vacation dwelling unit occupies a portion of the lower level of the primary dwelling. Entrance to the accessory vacation dwelling unit is through a door on the rear of the building. (See Appendix A.2)
5. The minimum rental period for the accessory vacation dwelling unit will be 2 consecutive nights. This will be indicated in our Airbnb listing, upon approval of the Interim Use Permit.
6. The accessory vacation dwelling unit contains one bedroom, therefore the maximum occupancy of the unit will be four people (one person plus the number of bedrooms multiplied by two).
7. There is one off-street parking space designated for the accessory vacation dwelling unit. (See Appendix A.1)
8. There will be no motorhomes or trailers parked at the site.
9. We are in the process of obtaining all licenses and permits from the city of Duluth and State of Minnesota required for guest occupancy on the property for 2 to 29 days. These include Hotel/Motel License, Lodging License, and Fire Operational Permit, and Tax Identification Number. We presently maintain a City of Duluth Rental Property License (See Appendix B.1), as well permit for collecting City of Duluth Tourism Tax. (See Appendix B.2)

RECEIVED JUL 11 2016

10. We are providing required documents with this application and will adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record (See Appendix C.1) designating and disclosing a local contact (See Appendix C.2), property use rules (See Appendix C.3), taxation (See Appendix B.2), and interim use permit violation procedures.
11. Please see attached site plan (See Appendix A.1), drawn to scale, showing parking and driveways, backyard, which guests will be allowed to use, and a dense urban screen (See appendix A.3), which buffers these areas from adjoining properties.
12. We have read and understand the impact of property ownership change on the Accessory Vacation Dwelling Unit.
13. We will keep a guest record including the names, addresses, phone numbers, and vehicle (and trailer) license plate information for all guests (See Appendix C.1). This information will be reported to the City, upon request, within 48 hours.
14. We have designated a local contact (See Appendix C.2) who resides within 25 miles of the City and who has authority to act for us in responding 24-hours a day to any complaints from neighbors or the City. We will notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.
15. We will provide the name, address, and phone number for the managing agent or local contact (See Appendix C.2) to all property owners within 100' of the property boundary. We will notify neighboring properties within 10 days of a change in the local contact's contact information.
16. We will provide in writing all necessary information regarding rules and regulations to guests (See Appendix C.3). This document will be prominently displayed near the entrance to the unit.
17. Upon issuance of the Accessory Vacation Dwelling Unit Interim Use Permit, the permit number will be posted on all print, poster, or web advertisements regarding the unit.
18. We are in the process of scheduling an inspection to obtain an Operational Permit from the Fire Prevention office. We presently maintain a City of Duluth Rental Property License with inspection completed by the City of Duluth Fire Department – Life Safety Division (See Appendix B.1)
19. We are in the process of obtaining a State and local sales tax numbers for collection of all applicable taxes, including Hotel and Motel Use Sales Tax. We presently maintain an permit and account for collecting the City of Duluth Lodging Tourism Tax (See Appendix B.2).

We appreciate the City's consideration of our application for an Accessory Vacation Dwelling Unit Interim Use Permit. If you have any questions or need further information or clarification regarding this application, please feel free to contact me (Danny) at 218.340.7015 or dnfrank@d.umn.edu; or Angie at 218.349.0354 or angiebwfrank@gmail.com. We appreciate your time and consideration and we look forward to hearing from you soon.

Sincerely,

Danny Frank

enclosures

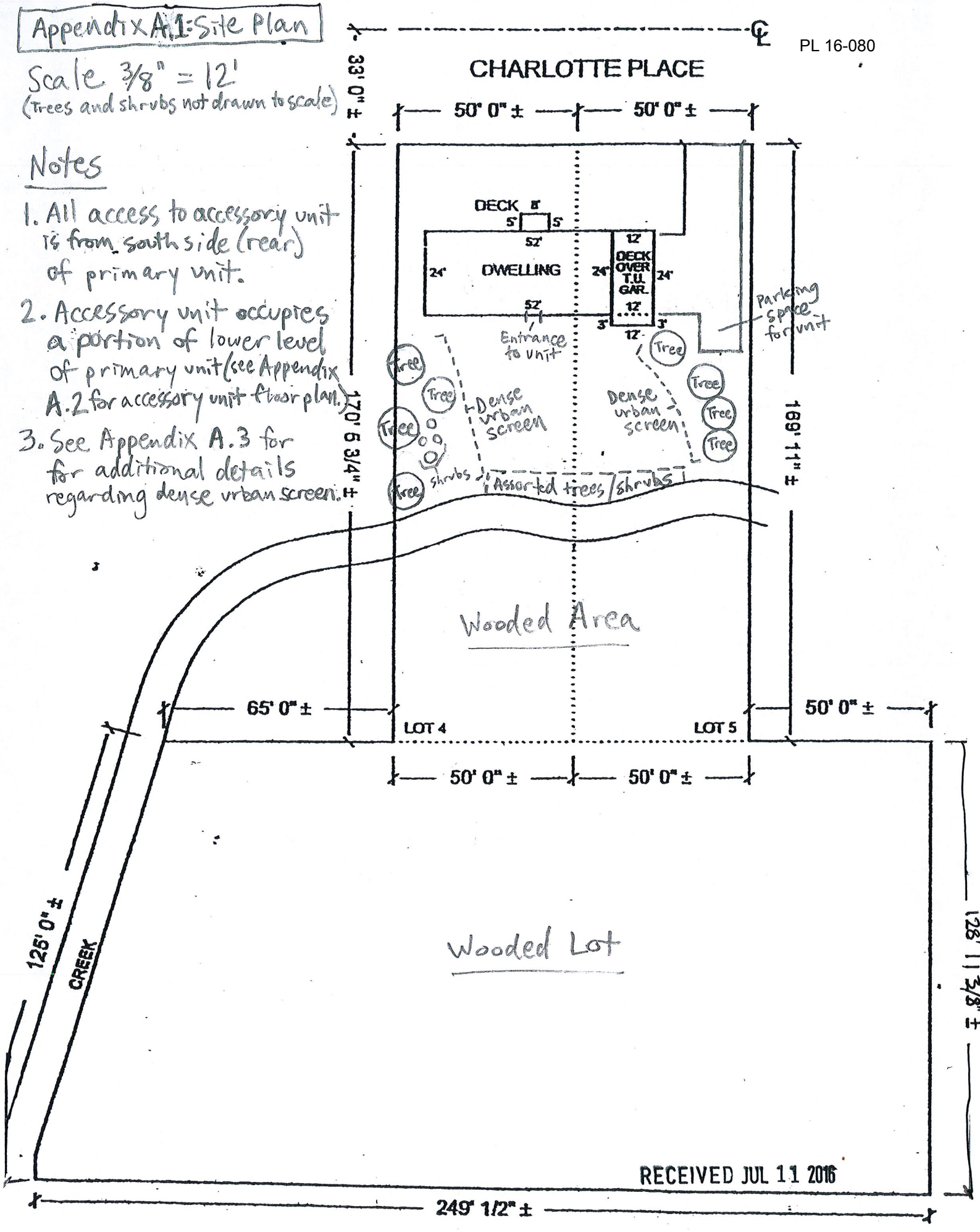
RECEIVED JUL 11 2016

Appendix A.1: Site Plan

Scale 3/8" = 12'
(Trees and shrubs not drawn to scale)

Notes

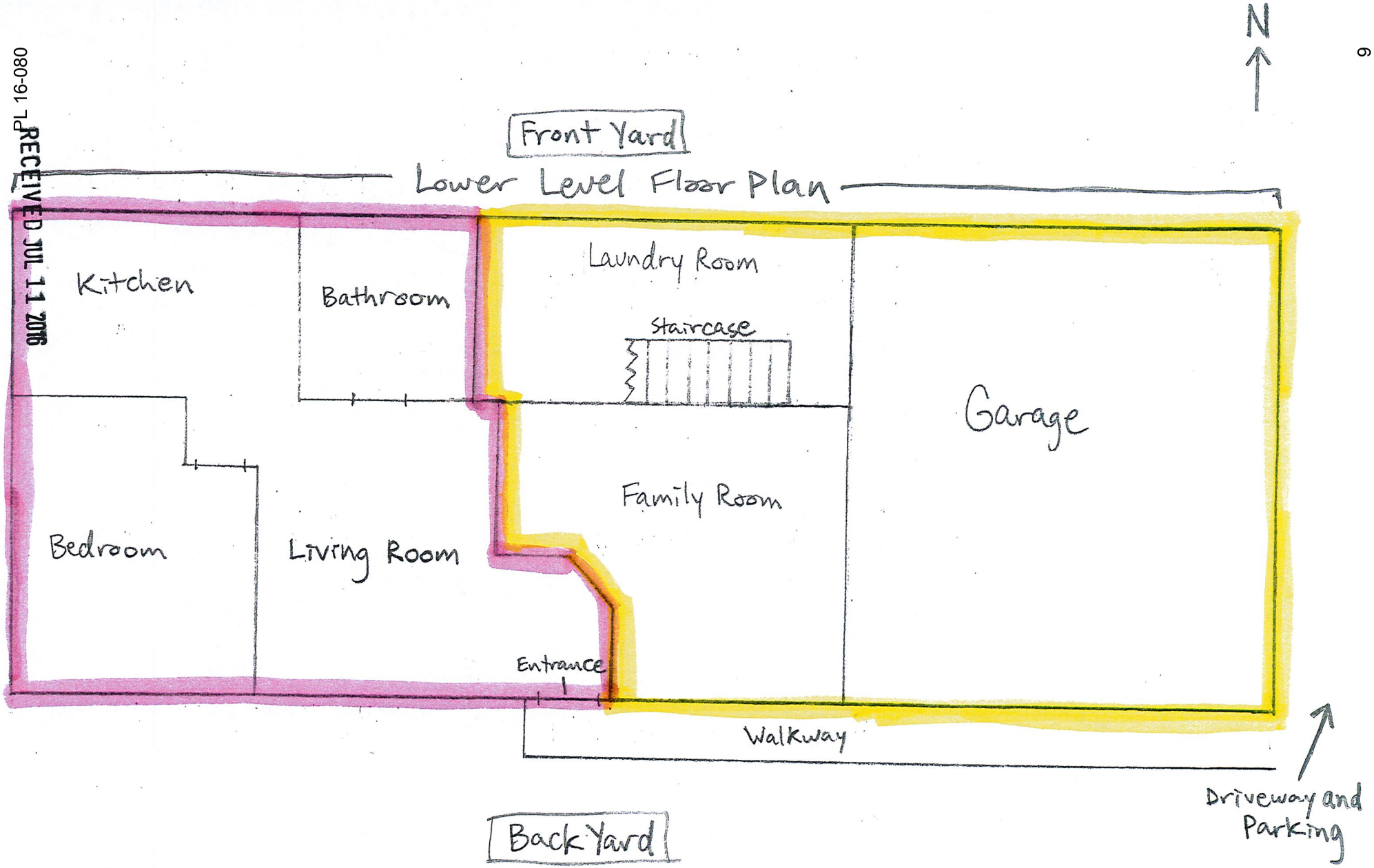
1. All access to accessory unit is from south side (rear) of primary unit.
2. Accessory unit occupies a portion of lower level of primary unit (see Appendix A.2 for accessory unit floor plan).
3. See Appendix A.3 for for additional details regarding dense urban screen.



130 Charlotte Place

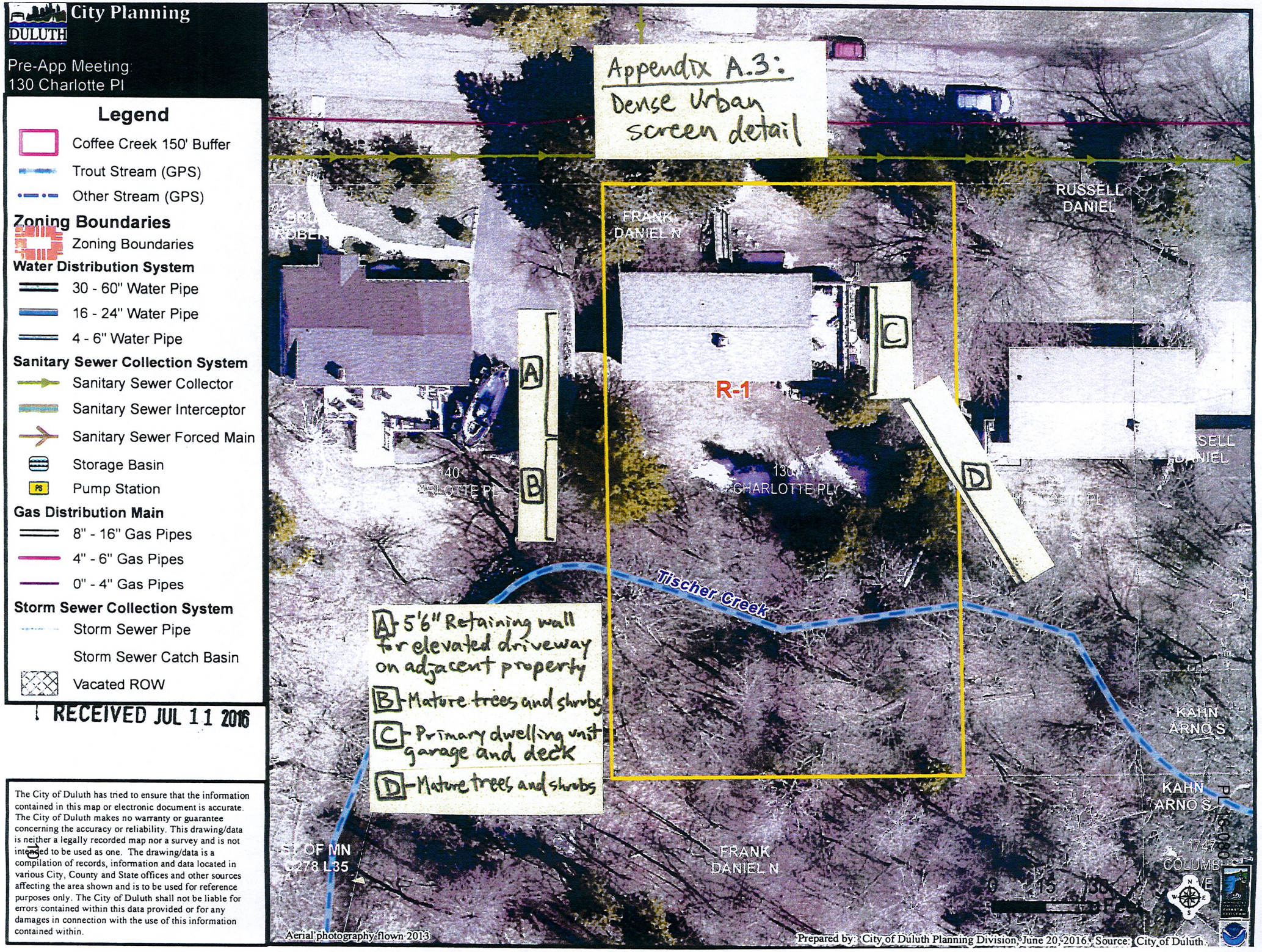
Appendix A.2: Accessory Dwelling Unit Floor Plan

RECEIVED JUL 11 2016
PL 16-080



- Accessory Dwelling Unit
- Primary Dwelling Unit

130 Charlotte Place


City Planning
DULUTH
Pre-App Meeting:
130 Charlotte Pl
Legend
Coffee Creek 150' Buffer
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
Vacated ROW
RECEIVED JUL 11 2016
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.
Appendix A.3:
Dense Urban
screen detail
FRANK DANIEL N
RUSSELL DANIEL
R-1
A
B
C
D
140 CHARLOTTE PL
130 CHARLOTTE PL
Tischer Creek
A- 5'6" Retaining wall for elevated driveway on adjacent property
B- Mature trees and shrubs
C- Primary dwelling unit garage and deck
D- Mature trees and shrubs
KAHN ARNO S
KAHN ARNO S
1747 COLUMBUS AVE
FRANK DANIEL N
0 15 30 Feet
Aerial photography flown 2013
Prepared by: City of Duluth Planning Division, June 20, 2016. Source: City of Duluth.

Appendix A.4: Consistent Character Example

Accessory unit occupies lower left half of bldg.

RECEIVED JUL 11 2016

PL 16-080

130 Charlotte Place