

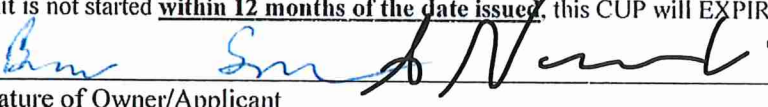

08-28-2023

**Planning Commission
Meeting**

Supplemental Packet

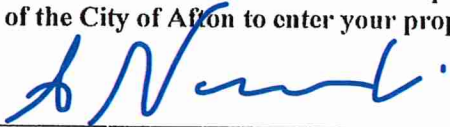
223-29

CITY OF AFTON
CONDITIONAL USE PERMIT APPLICATION
(Reference Code Section 12-78; also see Section 12-134 Use Table)

Owner	Address	City	State	Zip	Phone
Ben Spader Anthony Niedwiecki	1784 Dellridge Ct	Hastings	MN	55001	651-967-4144
Applicant (if different than owner)	Address	City	State	Zip	Phone
<hr/>					
Project Address					
15711 Upper 34th Street South		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
Residential	Single Family Home	555351350			
Description of Request					
Authorization to operate a short term rental at location.					
<hr/>					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City. If work authorized by this Conditional Use Permit is not started <u>within 12 months of the date issued</u> , this CUP will EXPIRE and be INVALID.					
					8/8/23
Signature of Owner/Applicant					Date
ben@spader.us		Azlawprof@me.com			
Email Address					
Make checks payable to City of Afton :					
FEES:		ESCROW DEPOSIT:			
CUP	\$450	CUP Escrow	\$1,000	TOTAL:	\$450.00
Amended CUP	\$450	Amend CUP Escrow	\$1,000	DATE PAID:	08/08/2023
City Engineer	_____	Engineer Escrow	_____	CHECK #:	1085
Other	_____	Other	_____	RECVD. BY:	
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

waived per Rem

**CITY OF AFTON
SHORT TERM RENTAL LICENSE APPLICATION**

Owner	Address	City	State	Zip	Phone
Ben Spader Anthony Niedwiecki	1784 Dellridge Ct	Hastings	MN	55033	651-967-4144
Applicant (if different than owner)	Address	City	State	Zip	Phone
Rental Property Address 15711 Upper 34th St West					
		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
Residential	Single Family Home	555351350			
Type of Short Term Rental Proposed (See attached Short Term Rental Ordinance for types of rentals) Type C					
Required Application Information (See attached Short Term Rental Ordinance for information required) Attach the required information.					
<p>By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton for review of the application. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request.</p>					
Ben Spader					
Signature of Owner/Applicant			Date		
Email Address: <u>ben@spader.us</u> <u>Azlawprof@me.com</u>					
Make checks payable to: City of Afton					
FEE:					
\$250.00		TOTAL: <u>\$250.00</u>			
		DATE PAID: <u>08/08/2023</u>			
		CHECK #: <u>1085</u>			
		RECV'D BY: <u>gw</u>			
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

August 22, 2023

To: Members of the Afton City Council and Planning Commission

From: Denis & Nancy Stoddard, 15606 Upper 34th Street South, Afton, Minnesota

Regarding: Applications for short-term rental license and conditional use permit for 15711 Upper 34th Street South in Afton, Minnesota

We are among the neighbors and Afton residents who will be adversely affected if a license and conditional use permit (CUP) are issued by the Afton City Council to permit the property and improvements located at 15711 Upper 34th Street South (referred to in this letter as the Property) to be rented on a short-term basis. Since 1971, we have lived on the hill above Pennington Avenue locally known as Mount Hope or Cemetery Hill. This letter is provided to members of the City Council and members of the Planning Commission to notify them of our objections to such a license and permit and the reasons for our objections.

The facts that underlie our objections are these:

Vehicle and pedestrian access to the Property is by way of a narrow, one-lane, substandard road. Above and west of Pennington Avenue, the road is known as Upper 34th Street South or Cemetery Road. Until 2016, the road provided access by means of an easement to the Property as well as to Mount Hope Cemetery and to three other houses on Mount Hope, including ours. In 2016, the City designated and posted the road below the cemetery as a "Minimum Maintenance Road," and that is its status today. During most of the 20th century, the road was a dirt cart trail, and the part above the Property remained in that state until 1971 when we built our house. The improvements to the Property, a single-family house and swimming-pool building, were built circa 1964. At some time after that the owners paved the lower portion of the road that leads to the Property in the manner of a narrow blacktop driveway. The paved portion extends only to and partly through the Property. Farther up the hill, beyond the Property, it remained a dirt cart trail until 1971, when we hired a contractor to grade and add lime rock to the cart trail to improve it as an access road to our house. It has remained a gravel (lime rock) road since then, including the period of City maintenance since 2016. The road is posted by the City, TRAVEL AT YOUR OWN RISK, because of its substandard condition and requirements of State statutes governing statutory minimum maintenance roads. The original easement underlying the road is only 30 or 33 feet wide, far less than the typical 66 foot right of way for a city street.

We are told that the Property size is two acres. It is zoned Rural Residential, according to the zoning map on the City's website. The minimum lot size for Rural Residential is five acres with a minimum buildable area of 2 1/2 acres. Therefore, the Property, at two acres, is not only less than half the size currently required for Rural Residential lots but also smaller than even the minimum buildable area for Rural Residential. Accordingly, we assume that the current use of the Property as a single-family residence is a permitted, but nonconforming, use.

We have not seen the applications for a license or CUP. We have obtained the following outline of the proposed terms of a license and CUP from the current owners of the Property and the City ordinance for short-term rentals by an absentee owner, but we have no assurance that the outline

is correct or complete or that the Planning Commission and City Council might be asked to consider different or additional details. It is unlikely that our objection would be withdrawn, however, based on a change in these details, if a license and CUP are still requested for an absentee owner to rent any of the improvements on the Property on a short-term basis.

Here, to the best of our knowledge, are the details regarding the applications for the license and CUP:

The applicant for the license is not the fee owner of the Property. We think the applicant is not an Afton resident. We are told that he has equitable ownership rights in the Property by reason of a purchase agreement that is contingent on his obtaining the requested license and CUP. We have not seen the license or CUP applications. We don't know whether the fee owner or the applicant for the license is required to apply for the CUP.

The license the applicant seeks would permit rental of the house, but not the pool house. The permitted rental period would be one to 30 days.

We do not know how many bedrooms are in the house but believe there are either three or four. Under the applicable ordinance, we understand that would permit rental to 8 or 10 unrelated people.

We believe the pool house contains one bedroom; tenants of the house would be permitted to use the pool, but not the bedroom in the pool house. We don't know whether the pool house could otherwise be used for social functions or gatherings.

On-street parking would be prohibited.

Parties would be prohibited. We don't know how parties would be defined or attendance by guests and invitees limited.

There would be quiet hours, but we don't know what hours are proposed.

Pursuant to the ordinance, a property manager would be required to live within 30 minutes of the Property.

The other conditions and restrictions contained in the applicable City ordinance would apply.

These are our concerns, objections, and comments:

1. The road is the equivalent of a long, narrow, one-way, dead-end driveway between Pennington Avenue and the Property. It is woefully inadequate to provide access to a commercial rental enterprise that could involve vehicles for 8 or 10 tenants plus the vehicles for their guests, invitees, deliveries, and suppliers, all traveling to and from the Property on the road and Pennington Avenue and competing for limited parking space on the Property. Because the road is narrow, we and our neighbors are accustomed to the inconvenience of meeting other cars on the road and having to stop and wait for the way to clear or backing up or down to permit others to pass. Those who live here share a consensus that the inconvenience is the price we gladly pay to live in a great neighborhood. But to dramatically increase the competition for very limited parking at the Property and the frequency of such encounters many times over would be

intolerable. Moreover, the paved portion of the road is already decayed, and the excessive wear and tear would exacerbate its condition and increase maintenance costs.

2. Increased traffic volume would be compounded by the fact that there is only one route to and from the Property. Traffic generated by the Property is doubled on Upper 34th Street and Pennington Avenue, because traffic to the Property automatically becomes traffic from the Property on those streets. In many, probably most, locations zoned Rural Residential, a commercial enterprise such as this would not be located on a long, narrow, one-lane, dead-end street. Instead, the additional traffic generated would be spread over alternative access and exit routes over well-maintained city streets, and fewer neighbors would be subjected to concentrated traffic.

3. Of particular concern is that access to our house and to the two other houses on the hill above the Property includes a narrow “bottleneck” where the asphalt-paved portion of the road transitions to lime rock at the Property. If the road is blocked at that point, or indeed at any critical point, vehicle ingress and egress to and from our houses becomes impossible. There is no second lane or shoulder to get past cars or trucks illegally parked or left unattended on the narrow, one-lane road. Trees, obstructions, and steep slopes on both sides prevent a vehicle from avoiding or bypassing such a blockage. Limited parking on the Property, coupled with the many tenants who would occupy the Property, would make it inevitable that tenants or guests or invitees of tenants would negligently or inadvertently park vehicles that block the road. Neither rules prohibiting on-street parking, nor the City’s power to impose sanctions retroactively for violations, are effective to prevent unlawful parking. Of paramount importance is that a blocked road is more than a nuisance for the families who live on Mount Hope. The result could be tragic if the barrier prevented or delayed the response to an emergency by a fire truck, an ambulance or a sheriff’s deputy, or if it prevented or delayed any of us with an emergent situation from driving through the Property.

4. Noise, light and other intrusions on privacy by the many tenants, guests, and invitees that short-term rentals of the Property would attract would negatively impact neighbors on Upper 34th Street, Afton Coulee Ridge Road, and Pennington Avenue due to their proximity to the Property. A conforming parcel zoned Rural Residential would include a minimum of five acres with a minimum buildable area of 2 1/2 acres. The large tract and buildable area would ordinarily result in larger buffer zones between neighboring properties than are possible with respect to the Property due to its small size and location. Short-term rentals of this nonconforming use on a two-acre, hillside parcel overlooking close neighbors would be intrusive and should not be permitted. It has been suggested that privacy fences, extra hedges or trees could be used to mitigate the impact on the privacy of neighbors. Although those suggestions are well intentioned, none of us should have to erect or accept such devices to maintain our privacy.

For these reasons, we conclude that the Property is well suited to its nonconforming use as a single-family home; it is not suitable for use as a short-term rental enterprise. The requested permit and a CUP should not be issued.

We will be away from Afton on August 28 and will be unable to attend the public hearing regarding this matter in person or by zoom. Please accept this letter in lieu of an appearance at the public hearing.

Respectfully submitted,

Denis & Nancy Stoddard