



CITY OF DULUTH

Community Planning Division

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File Number	PL 19-028	Contact	Chris Lee, cleee@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	May 14, 2019	
Deadline for Action	Application Date	March 28, 2019	60 Days	May 27, 2019
	Date Extension Letter Mailed	April 24, 2019	120 Days	July 26, 2019
Location of Subject	124 North Hawthorne Road			
Applicant	Theresa Hanson	Contact	duluthhawthornemanor@gmail.com	
Agent		Contact		
Legal Description	See Attached, PID: 010-0690-00020			
Site Visit Date	May 1, 2019	Sign Notice Date	April 30, 2019	
Neighbor Letter Date	May 2, 2019	Number of Letters Sent		

Proposal

This is a renewal for permit PL 13-034. Applicant proposes to use the house with 7 bedrooms each for vacation rentals. Up to 14 people will be allowed to stay in each home. A 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	One-Family Dwelling	Traditional Neighborhood
North	R-1	Single Family Home	Traditional Neighborhood
South	R-1	Single Family Home	Traditional Neighborhood
East	R-1	Park	Traditional Neighborhood
West	R-1	Single Family Home	Traditional Neighborhood

Summary of Code Requirements:

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 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

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages
S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth

Future Land Use – Traditional Neighborhood

The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use.

Review and Discussion Items:

- 1) Applicant's property is located at 124 North Hawthorne Road. The proposed vacation dwelling units contain 7 bedrooms, which would allow for a maximum of 14 guests. This 3,200+ square foot traditional home was constructed in 1914 in an era of large families often with live-in servants. Two of the five bedrooms have additional rooms located adjacent to them, one 13' x 13' and the other 17' x 11', that the applicant has configured as two-bedroom suites. This results in the home comfortably accommodating 14 guests rather than the standard 11. Additionally, the home is sited on a 1.2 acre lot with more than the required off-street parking.
- 2) Permit holders 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 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 has listed Robby and Karley Frey to serve as the managing agents.
- 3) The site has room for 8 vehicles to be parked on the driveway and in the garage. There will not be any camper parking, but there will be space for a trailer for renters to utilize.
- 4) The site plan indicates no outdoor amenities on the property other than an attached deck.
- 5) A time limit on this Interim Use Permit ("IUP") 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 IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicants have obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, have a Tax ID number, a fire operational permit, and a Hotel/Motel License.
- 7) 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").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.

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 must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 3) 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.



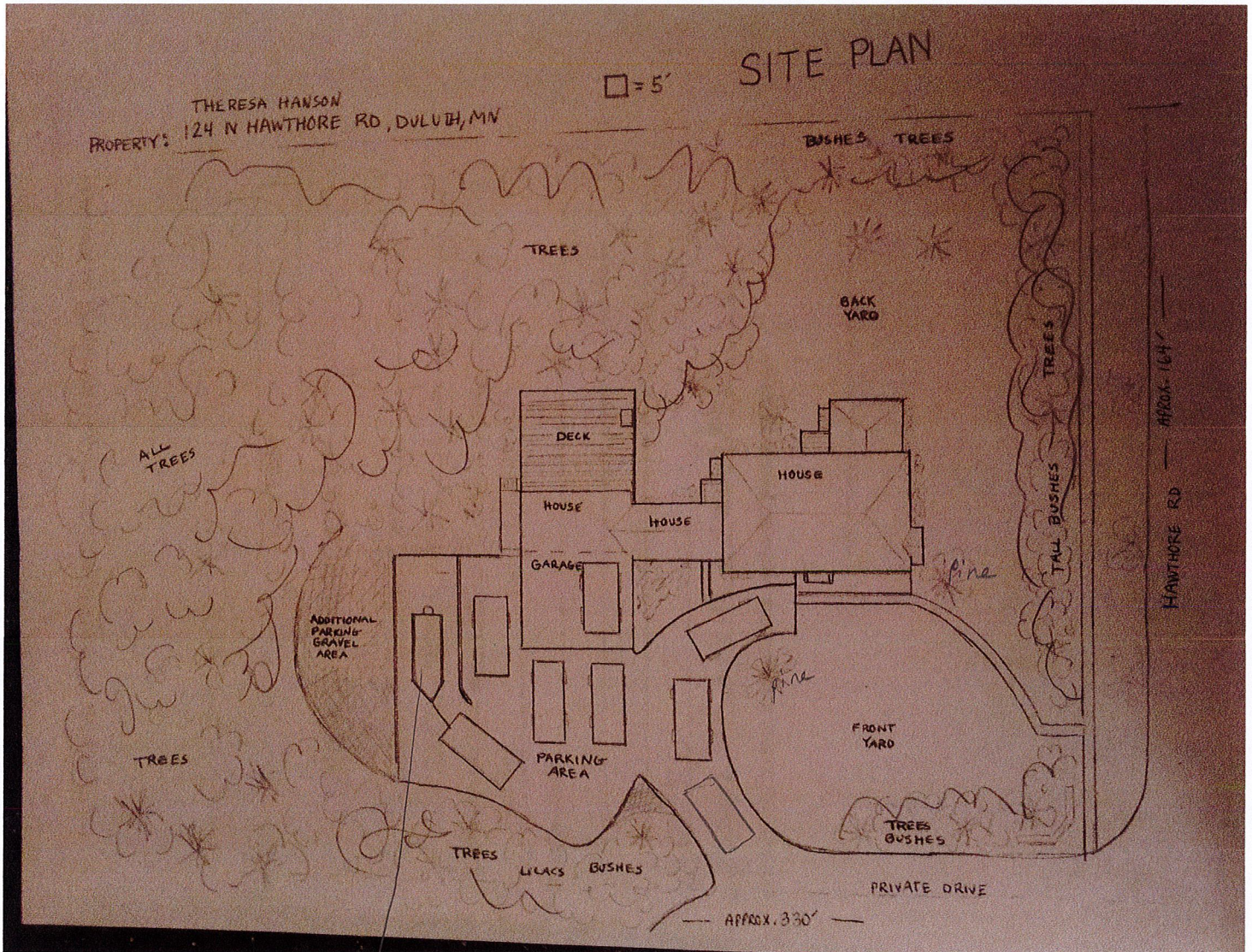
Legend

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 flown 2016





If there is a trailer - this is how I suggest parking.

lot is 164' x 330'

Pines, maple, cedar, birch, oak trees on lot.

* See original site plan on file - should be this same plan -