



**Planning & Development Division**  
*Planning & Economic Development Department*

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<b>File Number</b>	PL 22-223	<b>Contact</b>	Kyle Deming	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>		January 10, 2023
<b>Deadline for Action</b>	<b>Application Date</b>	November 29, 2022	<b>60 Days</b>	January 28, 2023
	<b>Date Extension Letter Mailed</b>	December 20, 2022	<b>120 Days</b>	March 29, 2023
<b>Location of Subject</b>	9 E. Fourth St., Unit A (Central Hillside)			
<b>Applicant</b>	BJ's Land Co. DLH, LLC	<b>Contact</b>	Neal Jacobi	
<b>Agent</b>	Heirloom Property Management	<b>Contact</b>		
<b>Legal Description</b>	Living Unit 2 and an undivided interest in the Common Elements, CIC #81 Lake Superior View Condominiums (010-2785-0020)			
<b>Site Visit Date</b>	December 20, 2022	<b>Sign Notice Date</b>	December 29, 2022	
<b>Neighbor Letter Date</b>	December 20, 2022	<b>Number of Letters Sent</b>	35	

**Proposal**

Applicant proposes to convert an existing dwelling unit containing 2 bedrooms into a vacation dwelling unit for 4 guests with a fenced patio area and one off-street parking space.

**Recommended Action:** Approve with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-6	Residential	Neighborhood Mixed Use
<b>North</b>	R-2	Residential	Traditional Neighborhood
<b>South</b>	F-6	Community center/offices	Neighborhood Mixed Use
<b>East</b>	F-6	Residential	Neighborhood Mixed Use
<b>West</b>	F-6	Residential	Neighborhood Mixed Use

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the F-6 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission 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 ....; 2. The applicant agrees to sign a development agreement with the City; 3. Vacation dwelling units in Form Districts are not counted in the maximum number of permits that may be issued.

The minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units in Form Districts.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities. The project converts an existing condo dwelling to a vacation rentals near the downtown business district with a mix with the restaurants, shops, and offices.

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.

Neighborhood Mixed Use – A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

**History:**

1905 – Structure was built as a two-unit dwelling. Subject unit is the lower unit of an up-down duplex.

2006 – Property was combined with 11 E. Fourth St. (2 units), 13 E. Fourth St. (2 units) and a new building constructed to the west (8 units) to form Lake Superior View Condominiums (16 units total).

2017 – 11 E. Fourth St., Unit B, granted a vacation dwelling unit interim use permit (PL 17-073).

2021 – 11 E. Fourth St., Unit B, granted a vacation dwelling unit interim use permit (PL 21-175) to a new owner of the unit.

**Review and Discussion Items:**

Staff finds:

- 1) The structure containing the proposed vacation dwelling unit is the lower unit of an up-down duplex that was constructed in 1905.
- 2) The structure was combined in 2006 with three other adjacent structures containing a total of 16 dwelling units into a common interest community called Lake Superior View Condominiums. The Board of the condo's home owner's association has communicated support for the proposed vacation dwelling unit.
- 3) The unit has 2 bedrooms, which the applicant has decided to limit to 4 guests.
- 4) Two off-street parking spaces will be provided (see site plan) with one off the alley just to the west of the dwelling and one in the parking garage of the building to the west (5 E. Fourth St.). Guests will be given the garage access code to use during their stay.
- 5) The applicant has indicated there will not be a space for camper or trailer storage by VDU guests.
- 6) The site plan shows an outdoor patio area behind the building with a grill, tables and chairs screened by a fence.
- 7) 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. Heirloom Property Management located in Duluth has been listed as the property manager.
- 8) 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. This will be a condition of approval, with documentation to be provided before final permit issuance.
- 9) 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.
- 10) The permit will lapse if no rental activity takes place within 1 year of permit approval.
- 11) Applicant must comply with Vacation Dwelling Unit 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"). Applicant will do so via a welcome folder left on site as well as via email at time of booking guests.
- 12) Comment received from the owner of the other dwelling unit in the building (attached). Comment from the homeowner's association board (attached). No additional comments were received from citizens, City staff, or any other entity were received.

**Staff Recommendation:**

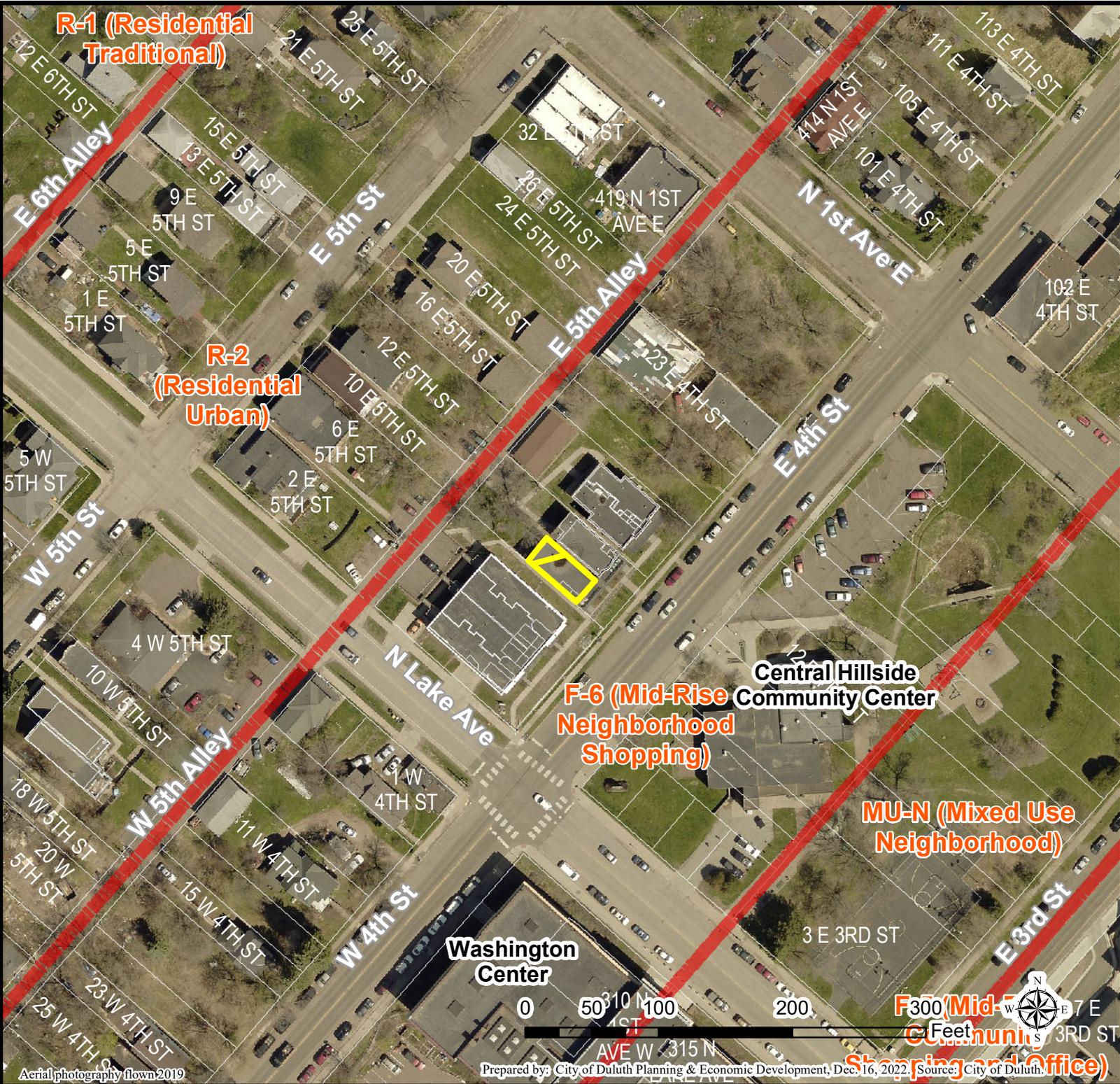
Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 1) The permit shall not be effective until evidence is given that contact information has been provided to all property owners within 100 feet.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 22-223  
 Vacation Dwelling Unit  
 Interim Use Permit  
 9 E. Fourth St., Unit A  
 by BJ's Land Co. DLH, LLC

Area Map



**Legend**  
 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.

Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, Dec. 16, 2022. Source: City of Duluth.



PL 22-223  
 Vacation Dwelling Unit  
 Interim Use Permit  
 9 E. Fourth St., Unit A  
 by BJ's Land Co. DLH, LLC

Future Land Use Map



**Legend**

- Open Space
- Traditional Neighborhood
- Urban Residential
- Central Business Secondary
- Neighborhood Mixed Use

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PL 22-223  
 Vacation Dwelling Unit  
 Interim Use Permit  
 9 E. Fourth St., Unit A  
 by BJ's Land Co. DLH, LLC

Site Map



**Legend**

**Bike\_Facil**

- Future Bike Facility
- Multi-Use - Paved
- Lots
- Parcels
- Zoning Boundaries

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Aerial photography flown 2019



Prepared by: City of Duluth Planning & Economic Development, Sept. 21, 2022. Source: City of Duluth.

## Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period?** 2 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. You may rent no more than four bedrooms.

**How many legal bedrooms are in the dwelling?**

2

**What will be your maximum occupancy?**

4

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

e. Form districts are not required to provide parking spaces.

**How many off-street parking spaces will your unit provide?** 1

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. **Will you allow motorhome or trailer parking? If so, where?** No

5. 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.

6. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

8. 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. **Please explain how and where you will**

keep your guest record (log book, excel spreadsheet, etc):

Management company - Log book

9. 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.

Please provide the name and contact information for your local contact:

Heirloom - 218-390-4317 - Vacation@rentwithheirloom.com

10. 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;

Please state where and how this information will be provided to your guests:

At Booking via email, prior to check in, and at the unit in guest book.

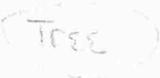
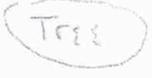
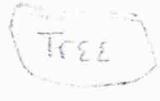
11. Permit holder must post their permit number on all print, poster or web advertisements. Do you agree to include the permit number on all advertisements? Yes

12. Prior to rental, 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; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.

Off street spot # 2

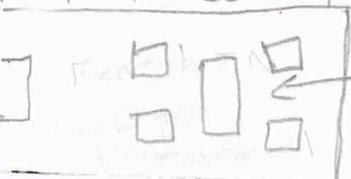
Alleyway

Car 9A



Fenced in patio unit A

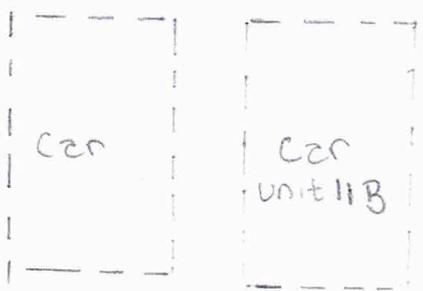
Grill



Chairs and table

9th E 4th St. Lower unit is 9A

Stairs/walkway



Parking Pad



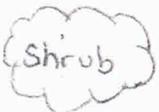
11th E 4th St. - upper unit is 11B

Off street spot # 1 underground located in building next door (5 E 4th St)

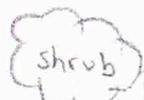
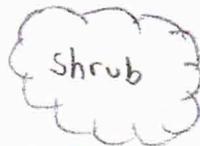
Deck upstairs unit B

Deck

Steps



Fence



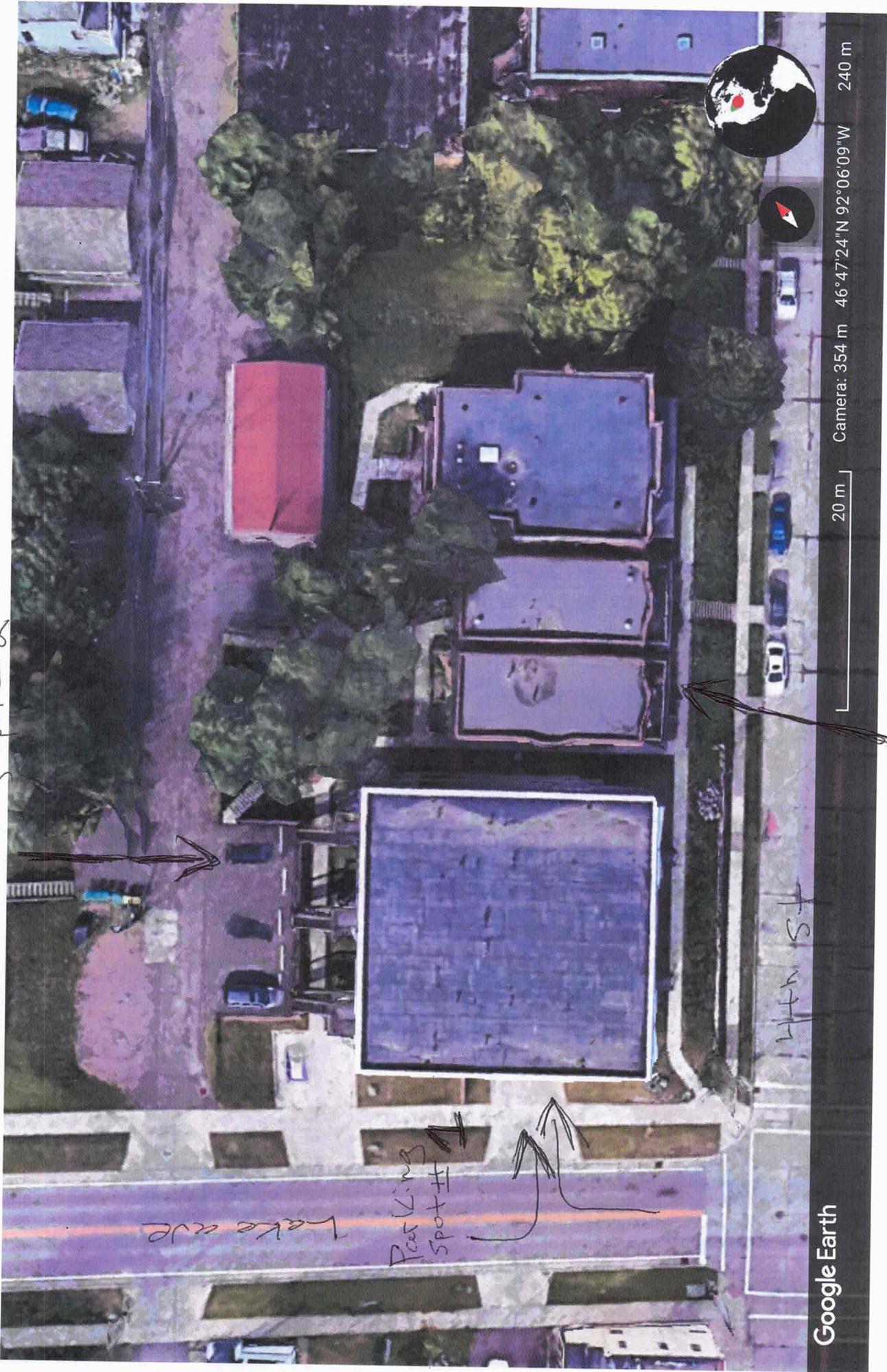
Steps

Side walk

E 4th St.

one underground parking spot in 4th E 4th St building. Entrances on N Lake Ave.

parking spot #2



Lake Ave

parking spot #1

4th St

9A E 4th St

Google Earth

20 m

Camera: 354 m 46°47'24"N 92°06'09"W 240 m

To: Lake Superior View Condo Association  
From: Owner of 9B E 4<sup>th</sup> St, Duluth MN 55805  
Re: Vacation Rental Allowance  
Date:12/16/2022

To Whom It May Concern:

The owner of 9B E 4<sup>th</sup> St, Duluth MN 55805 agrees to allow short-term vacation rentals in unit 9A E 4<sup>th</sup> St, Duluth MN 55805 as long as it meets all local, county, and state permits and regulations.

Regards,

 *Michelle DesRosier* 12/16/22

Michelle DesRosier, Owner  
9B E 4<sup>th</sup> St, Duluth MN 55805

To: BJS Land Co. DLH  
From: Lake Superior View Condo Association  
Re: Vacation Rental Allowance  
Date:12/16/2022

To Whom It May Concern:

The Lake Superior View Condo Association agrees to allow short-term vacation rentals in Unit 9A E 4<sup>th</sup> St, Duluth MN 55805 provided it meets all local, county, and state permits and regulations.

Regards,

 *Neal Jacobi* 12/16/22

Neal Jacobi, Lake Superior View Condo Association President

 *Tony Cuneo* 12/29/22

Tony Cuneo, Lake Superior View Condo Association Secretary and Treasurer