



## CITY OF DULUTH

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL16-149	Contact	Kate Van Daele <a href="mailto:kvandaele@duluthmn.gov">kvandaele@duluthmn.gov</a>	
Type	Interim Use Permit	Planning Commission Date		February 14, 2017
Deadline for Action	Application Date	Dec 13, 2016	60 Days	February 11, 2017
	Date Extension Letter Mailed	Dec 19, 2016	120 Days	April 12, 2017
Location of Subject	2314 Hoover Street			
Applicant	Matt & Tara Anderson	Contact		
Agent	Applicant	Contact		
Legal Description	Lot 4 and E ½ Lot 5			
Site Visit Date	January 30, 2017	Sign Notice Date		January 31, 2017
Neighbor Letter Date	January 31, 2017	Number of Letters Sent		42

### Proposal

Applicant requests modification of a long-term rental to a vacation dwelling unit. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of two consecutive nights.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Single Family Residential	Traditional Residential
<b>North</b>	R-1	Single Family Residential	Traditional Residential
<b>South</b>	R-1	Single Family Residential	Traditional Residential
<b>East</b>	R-1	Single Family Residential	Traditional Residential
<b>West</b>	R-1	Single Family Residential	Traditional Residential

### Summary of Code Requirements

UDC Section 50-19.8. Permitted Land Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Section 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 50-37.10.1.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 Section 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 Permit 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 – Traditional Neighborhood

Characterized by a grid or connected street pattern, houses orientated with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

This site has been developed so that it is consistent with the future land use as described. The applicants are not proposing alterations to its use.

### **Review and Discussion Items**

Staff finds that:

- 1) The applicant's property is located at 2314 Hoover Street. The dwelling unit has two bedrooms which would allow for a maximum of five people that could stay at the property per rental night.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has the 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 serve in this capacity.
- 3) One parking space is required for this unit. The space is located in the applicant's single stall garage. One additional parking space is located on the driveway of the home.
- 4) Screening is provided on the north, east and south sides of the home. On the west side of the property there is a fence that is 76 feet in length. Upper and lower decks can be found on the south side of the home. The usable exterior space has been buffered from all adjoining properties in accordance to UDC requirements.
- 5) A time limit on this Interim Use Permit is needed 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 that Interim Use Permits shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant will need to complete an inspection from the Minnesota Department of Health as a 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 Hotel/Motel License and Tourism Tax Permit. The applicant already has a State Tax I.D. number.
- 7) 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, Pets, and Noise").
- 8) No comments from citizens or other City Departments were received regarding this zoning application.

### **Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission recommend approval of the proposed IUP, subject to the following conditions:

- 1) The Interim Use Permit shall not be effective until Applicant has received all required licenses and permit for operation. Any documentation required prior to City Council consideration shall be provided to City Staff.
- 2) Applicant shall adhere to all terms and conditions of the Interim Use Permit documents and provide evidence of compliance upon request.
- 3) The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10:00 p.m. and 8:00 a.m.





# City Planning

PL 16-149: IUP  
2314 Hoover 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

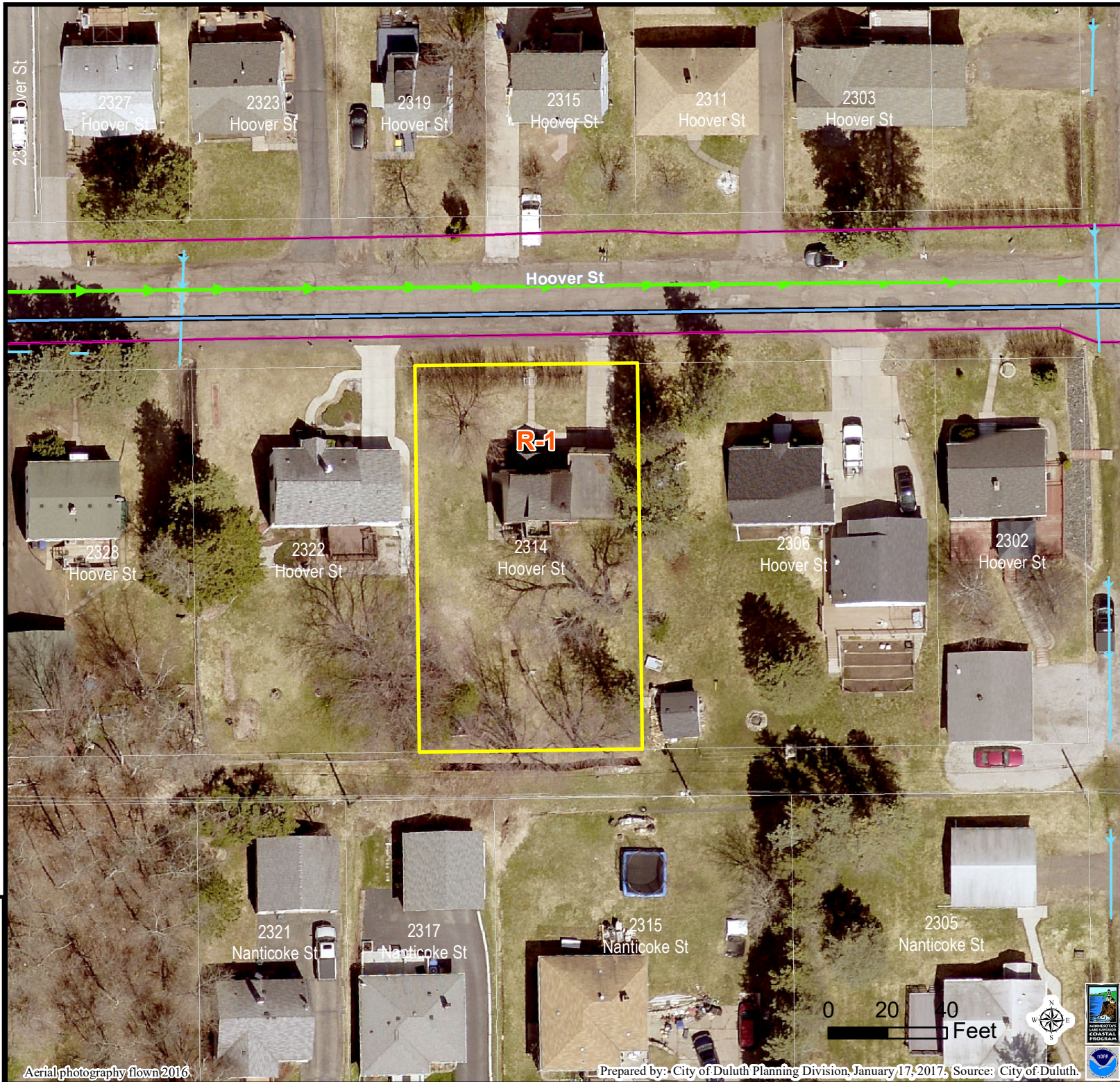
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Wetlands (NRR1)

## Shoreland (UDC)

### Shoreland Overlay Zone

- Cold Water
- Natural Environment
- General Development

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Aerial photography flown 2016

Prepared by: City of Duluth Planning Division, January 17, 2017; Source: City of Duluth.

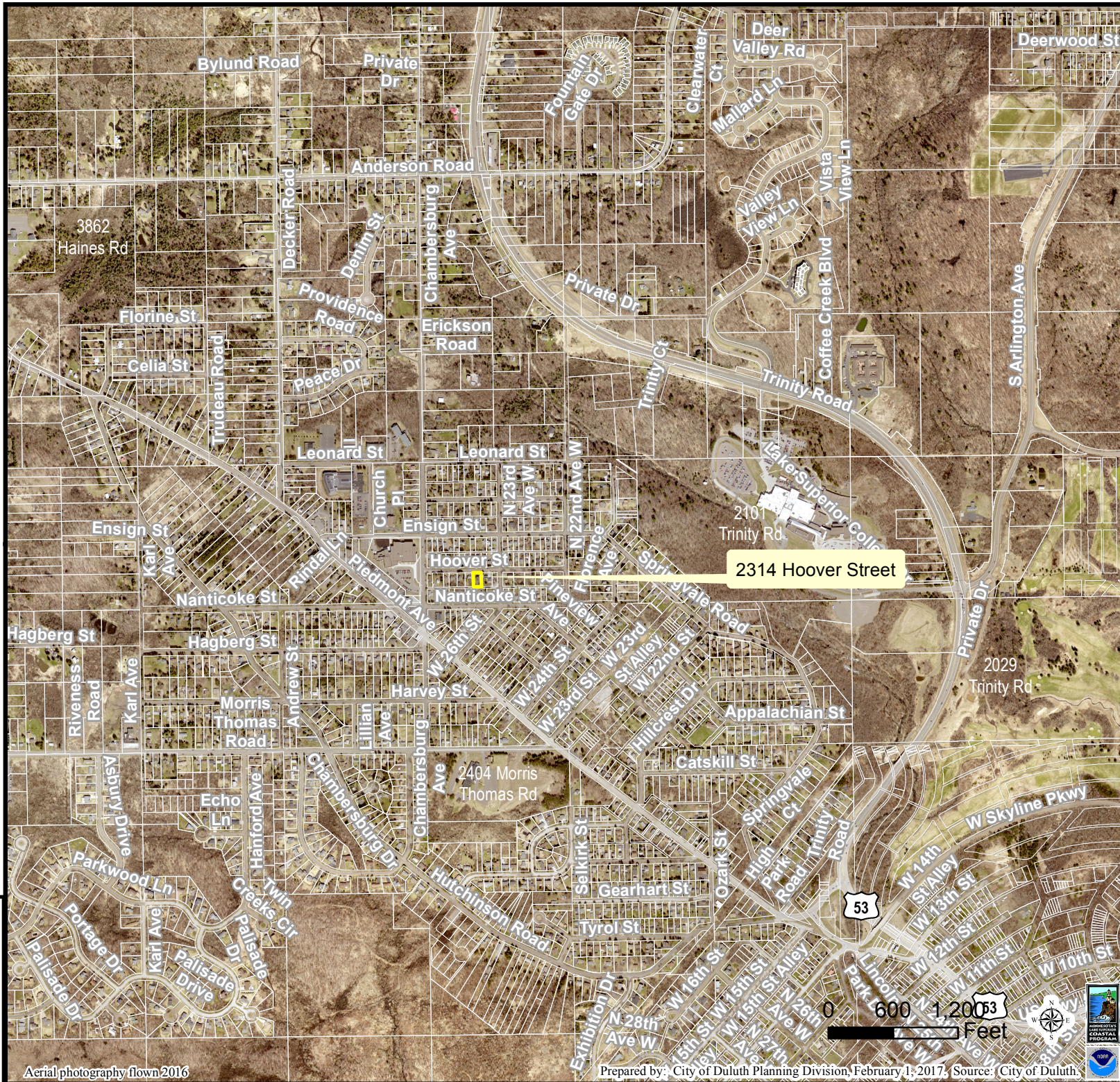




## City Planning

PL 16-149: Interim Use Permit  
2314 Hoover Street

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Matt and Tara Anderson  
2109 Allegheny St  
Duluth, MN 55811

City of Duluth  
Department of Planning and Construction Services  
Community Planning Division  
411 West First Street Room 208  
Duluth, MN 55802

Re: Vacation Rental Permit Application for 2314 Hoover St Duluth, MN 55811

Please see the attached application for a vacation rental license for the above referenced house. My wife originally purchased this house in 2002, and after we were married in 2012 we lived there for a short period of time before our family expanded. We have rented this house as a long-term rental with mediocre success. We have found that long term renters do not take care of the property as well as we would like them to. Recently, we converted the house to a fully furnished vacation rental, and have been renting it out on a month-to-month basis. We have found the guests, yard, and house are significantly cleaner, and better taken care of when it is rented out to vacation renters rather than long-term renters. My wife and I do all of the maintenance, cleaning, and yard work. We love the neighborhood (so much that we moved less than a mile away) and enjoy offering this great service to the visitors of Duluth. We are now pursuing a vacation rental license to offer this service to travelers who want to stay 29 days or less.

I have attended the pre-application meeting (see attached verification) and have read through the vacation rental regulations. Please find the enclosed application, fee payment and site plan for your review.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matt Anderson', with a long horizontal flourish extending to the right.

Matt Anderson

(612) 490-6472

Tax ID 480 9436



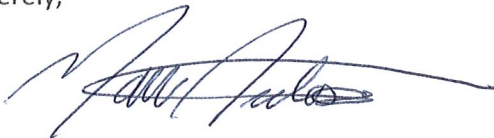
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Re: Standards Narrative

1. We will not rent it for less than 2 nights.
2. Maximum occupancy is 6.
3. We have 2 available off street parking spots (see attached sight plan).
4. Will write it into the lease agreements.
5. Will obtain all the necessary permits.
6. Required documents and additional requirements will be met.
7. We will provide a <sup>SAC</sup>sight plan.
8. Have read and understood.
9. Will keep records.
10. Managing agent: Matt Anderson 612-490-6472.
11. Letter to all neighboring properties within 100' will be sent.
12. This information will be found inside the house in a binder.
13. Will post permit numbers as required.
14. Will have it inspected (currently scheduled for 12-14-2016)
15. Tax number and licenses are in process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matt Anderson', with a stylized flourish at the end.

Matt Anderson

(612) 490-6472



Google Maps 2316 Hoover St



Image capture: Sep 2011 © 2017 Google

Duluth, Minnesota

Street View - Sep 2011





Google Maps 2314 Hoover St



Image capture: Sep 2011 © 2017 Google

Duluth, Minnesota

Street View - Sep 2011





Pre-App;  
2314 Hoover St

## Legend

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- 8" - 16" Gas Pipes
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- 0" - 4" Gas Pipes
- Storm Sewer Collection System**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement



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